

CURRENT PERIODICAL SERIES

PUBLICATION NO: 2575

TITLE: FEDERAL REGISTER

VOLUME: 40

ISSUES: 180-190
pages 42725-45156

DATE: September 16-30, 1975
Reel 17 of 23

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MICROFILMED – 1976

VOL 40

federal register

index

July-September 1975

Volume 40—Numbers 127-190

Pages 27637-45156

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

INDEX

XUM

This INDEX is a consolidation of contents entries appearing in the July–September issues of the FEDERAL REGISTER. It is published monthly, quarterly, and annually.

A GENERAL INDEX to the entire Code of Federal Regulations is available as of July 1 each year.

Numerical Finding Aids. CUMULATIVE LIST OF CFR SECTIONS AFFECTED is published monthly and is cumulated each month, keyed to the revision dates of the various CFR volumes. A CUMULATIVE LIST OF PARTS AFFECTED by entries in this INDEX appears at the end of this INDEX, together with a table of FEDERAL REGISTER pages and dates.

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TABLE OF CONTENTS

Subjects	iii
Agency entries	1
List of CFR Parts Affected	56
Federal Register Pages and Dates	64

INDEX

The following is a general subject guide designed to lead users to agencies which published material during the period covered by this INDEX.

SUBJECTS	AGENCIES IN THIS INDEX
Accidents	Federal Railroad Administration. Mining Enforcement and Safety Administration. National Transportation Safety Board.
Additives	Environmental Protection Agency. Food and Drug Administration.
Advertising	Alcohol, Tobacco and Firearms Bureau. Federal Highway Administration. Federal Trade Commission.
Aged	ACTION. Aging, Federal Council on the. Health, Education, and Welfare Department. Housing and Urban Development Department. Social Security Administration.
Air Pollution. *See* Pollution.	
Aircraft, Air Carriers, Airports	Census Bureau. Civil Aeronautics Board. Customs Service. Federal Aviation Administration. Federal Communications Commission. National Park Service. National Transportation Safety Board.
Alcohol	Alcohol, Drug Abuse, and Mental Health Administration. Alcohol, Tobacco and Firearms Bureau. Drug Abuse Prevention, Special Action Office for. National Highway Traffic Safety Administration. Public Health Service. Transportation Department.
Aliens	Immigration and Naturalization Service. Manpower Administration. State Department.
Animals	Agricultural Marketing Service. Agricultural Research Service. Animal and Plant Health Inspection Service. Commerce Department. Fish and Wildlife Service. Food and Drug Administration. National Oceanic and Atmospheric Administration. Presidential Executive Order. Public Health Service. Small Business Administration.
Armed Forces	Air Force Department. Arms Control and Disarmament Agency. Army Department. Civil Aeronautics Board. Defense Civil Preparedness Agency. Defense Communications Agency. Defense Department. Defense Intelligence Agency. Defense Manpower Commission. Defense Nuclear Agency. Defense Supply Agency. Domestic and International Business Administration. Federal Maritime Commission. Navy Department.

XUM

SUBJECTS	AGENCIES IN THIS INDEX
Banks, Banking	Administrative Conference of the United States. Comptroller of the Currency. Export-Import Bank. Farmers Home Administration. Federal Deposit Insurance Corporation. Federal Election Commission. Federal Home Loan Bank Board. Federal Reserve System. National Credit Union Administration.
Biological Products	Animal and Plant Health Inspection Service. Food and Drug Administration.
Birds	Agriculture Department. Animal and Plant Health Inspection Service. Fish and Wildlife Service.
Blind	Blind and Other Severely Handicapped, Committee for Purchase from. Social Security Administration.
Boats, Boating. *See* Vessels.	
Bridges	Coast Guard. Federal Highway Administration.
Broadcasting. *See* Communications.	
Children, Child Protection	Child Support Enforcement Office. Consumer Product Safety Commission. Education of Disadvantaged Children, National Advisory Council. Education Office. Federal Trade Commission. Food and Nutrition Service. Forest Service. Social and Rehabilitation Service. Social Security Administration. Wage and Hour Division.
Civil Rights	Administrative Conference of the United States. American Revolution Bicentennial Administration. Census Bureau. Civil Rights Commission. Defense Department. Education Office. Equal Employment Opportunity Commission. Farmers Home Administration. Federal Communications Commission. Federal Contract Compliance Office. Federal Reserve System. Health, Education, and Welfare Department. Justice Department. Treasury Department. Veterans Administration.
Coal	Federal Energy Administration. Geological Survey. Hearings and Appeals Office, Interior Department. Interim Compliance Panel (Coal Mine Health and Safety). Land Management Bureau.
Communications	Education Office. Federal Communications Commission. Federal Railroad Administration. Federal Trade Commission. Rural Electrification Administration.
Confidentiality	Alcohol, Drug Abuse, and Mental Health Administration. Census Bureau. Commodity Futures Trading Commission. Drug Abuse Prevention, Special Action Office. Federal Trade Commission. Law Enforcement Assistance Administration. Public Health Service.
Construction Industry	Employment Standards Administration. Federal Contract Compliance Office. Federal Highway Administration. Small Business Administration.

SUBJECTS	AGENCIES IN THIS INDEX
Consumers	Consumer Product Safety Commission. Farmers Home Administration. Federal Reserve System. Federal Trade Commission. National Highway Traffic Safety Administration.
Continental Shelf, Outer	Geological Survey. Interior Department. Land Management Bureau. National Oceanic and Atmospheric Administration.
Cosmetics	Food and Drug Administration.
Crime	Gambling, Commission on the Review of the National Policy Toward. Law Enforcement Assistance Administration. Parole Board.
Dairy Products	Agricultural Marketing Service. Agriculture Department. Animal and Plant Health Inspection Service. Commodity Credit Corporation. Customs Service. Food and Drug Administration. Food and Nutrition Service.
Disaster Assistance	Farmers Home Administration. Federal Disaster Assistance Administration. Federal Insurance Administration. Housing Management, Office of Assistant Secretary. Small Business Administration.
Diseases	Animal and Plant Health Inspection Service. Disease Control Center.
Drugs	Alcohol, Drug Abuse, and Mental Health Administration. Animal and Plant Health Inspection Service. Drug Abuse Prevention, Special Action Office for. Drug Enforcement Administration. Federal Trade Commission. Food and Drug Administration. Health, Education, and Welfare Department. Health Services Administration. Public Health Service. Social and Rehabilitation Service. Social Security Administration.
Education	Education of Disadvantaged Children, National Advisory Council. Education Office. Federal Contract Compliance Office. Federal Trade Commission. Food and Nutrition Service. General Services Administration. Health, Education, and Welfare Department. Health Resources Administration. Manpower Administration. Public Health Service. State Department. Veterans Administration. Wage and Hour Division.
Elections	Census Bureau. Federal Communications Commission. Federal Election Commission. Justice Department.
Endangered Species	Fish and Wildlife Service. National Oceanic and Atmospheric Administration.
Energy	*See also* Coal; Gas; Nuclear Materials; Oil. Energy Research and Development Administration. Federal Energy Administration. Federal Power Commission. Nuclear Regulatory Commission. Rural Electrification Administration.

INDEX

SUBJECTS	AGENCIES IN THIS INDEX
Energy Conservation	Commerce Department. Community Services Administration. Education Office. Environmental Protection Agency. Environmental Quality Council. General Services Administration. Interstate Commerce Commission. Transportation Department.
Explosives. *See* Hazardous Substances.	
Exports. *See* Imports and Exports.	
Federal Employees. *See* Government Employees.	
Fire Protection	Coast Guard. Consumer Product Safety Commission. Federal Register Office. Housing and Urban Development Department. National Highway Traffic Safety Administration.
Firearms and Ammunition	Alcohol, Tobacco and Firearms Bureau.
Fish, Fishing	Fish and Wildlife Service. Food and Drug Administration. National Oceanic and Atmospheric Administration. National Park Service.
Flood Assistance	Comptroller of the Currency. Engineers Corps. Federal Deposit Insurance Corporation. Federal Insurance Administration. National Credit Union Administration. Small Business Administration.
Foreign Aid	Agency for International Development. State Department.
Foreign Trade. *See* Imports and Exports.	
Forests	Forest Service.
Fruits and Juices	Agricultural Marketing Service. Food and Drug Administration.
Fuel. *See* Coal; Gas; Oil.	
Gas	Environmental Protection Agency. Federal Energy Administration. Federal Power Commission. Fish and Wildlife Service. Geological Survey. Land Management Bureau.
Geothermal Resources	Geological Survey.
Gold	General Services Administration. Treasury Department.
Government Employees	Civil Service Commission. General Services Administration. Labor Department.
Grains	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service. Commodity Credit Corporation. Interstate Commerce Commission.
Grazing Regulations	Forest Service. Indian Affairs Bureau. Land Management Bureau.
Guns. *See* Firearms and Ammunition.	
Handicapped	Blind and Other Severely Handicapped, Committee for Purchase from. Education Office. Employment Standards Administration. Health, Education, and Welfare Department. Housing and Urban Development Department. Social Security Administration.

SUBJECTS	AGENCIES IN THIS INDEX
Hazardous Substances	Coast Guard. Consumer Product Safety Commission. Environmental Protection Agency. Federal Aviation Administration. Federal Highway Administration. Federal Railroad Administration. Hazardous Materials Operations Office. Materials Transportation Bureau. Occupational Safety and Health Administration. Transportation Department.
Health	Animal and Plant Health Inspection Service. Coast Guard. Disease Control Center. Economic Development Administration. Education Office. Federal Aviation Administration. Federal Highway Administration. Federal Trade Commission. Food and Drug Administration. Health, Education, and Welfare Department. Health Resources Administration. Health Services Administration. Interim Compliance Panel (Coal Mine Health and Safety). Mining Enforcement and Safety Administration. National Institutes of Health. Occupational Safety and Health Administration. Public Health Service. Social and Rehabilitation Service. Social Security Administration. Veterans Administration.
Highways	Federal Highway Administration. National Highway Traffic Safety Administration.
Historic Preservation	American Battle Monuments Commission. Engineers Corps. General Services Administration. Historic Preservation Advisory Council. National Park Service.
Hospitals. *See* Health.	
Housing	Agency for International Development. Engineers Corps. Farmers Home Administration. Housing and Urban Development Department. Housing Management, Office of Assistant Secretary. Housing Production and Mortgage Credit, Office of Assistant Secretary. Transportation Department. Veterans Administration.
Hunting	Fish and Wildlife Service. National Park Service.
Imports and Exports	Agricultural Marketing Service. Agriculture Department. Animal and Plant Health Inspection Service. Census Bureau. Commerce Department. Customs Service. Domestic and International Business Administration. Drug Enforcement Administration. East-West Foreign Trade Board. Export-Import Bank of the United States. Federal Aviation Administration. Federal Energy Administration. Federal Maritime Commission. Fish and Wildlife Service. Foreign-Trade Zones Board. Interior Department. International Trade Commission. Presidential Proclamation. Public Health Service. Trade Negotiations, Office of Special Representative. Textile Agreements Implementation Committee. Treasury Department.

INDEX

SUBJECTS	AGENCIES IN THIS INDEX
Indians	Education Office. Health, Education, and Welfare Department. Hearings and Appeals Office, Interior Department. Indian Affairs Bureau. Manpower Administration. Public Health Service. Revenue Sharing Office.
Insurance	Federal Crop Insurance Corporation. Federal Deposit Insurance Corporation. Federal Highway Administration. Federal Home Loan Bank Board. Federal Insurance Administration. Fiscal Service. Housing Production and Mortgage Credit, Office of Assistant Secretary. Internal Revenue Service. Maritime Administration. National Credit Union Administration. Railroad Retirement Board. Securities and Exchange Commission. Small Business Administration. Social Security Administration.
Libraries	Education Office.
Meat and Products	Agriculture Department. Animal and Plant Health Inspection Service.
Medical Care. *See* Health.	
Minerals, Mining	Geological Survey. Hearings and Appeals Office, Interior Department. Interim Compliance Panel (Coal Mine Health and Safety). Land Management Bureau. Mines Bureau. Mining Enforcement and Safety Administration.
Motor Vehicles	Community Services Administration. Environmental Protection Agency. Federal Highway Administration. Fish and Wildlife Service. General Services Administration. Interior Department. Interstate Commerce Commission. Land Management Bureau. Materials Transportation Bureau. National Highway Traffic Safety Administration. National Park Service. Transportation Department. Urban Mass Transportation Administration. Veterans Administration.
Noise Pollution. *See* Pollution.	
Nondiscrimination. *See* Civil Rights.	
Nuclear Materials	Energy Research and Development Administration. Environmental Protection Agency. Food and Drug Administration. Materials Transportation Bureau. Nuclear Regulatory Commission.
Nuts	Agricultural Marketing Service. Commodity Credit Corporation.
Oil	Domestic and International Business Administration. Environmental Protection Agency. Federal Energy Administration. Fish and Wildlife Service. Geological Survey. Land Management Bureau. Materials Transportation Bureau. Small Business Administration.
Parks	National Park Service.

SUBJECTS	AGENCIES IN THIS INDEX
Pension Plans	Civil Service Commission. Employee Benefits Security Office. Internal Revenue Service. Labor-Management Services Administration. Pension Benefit Guaranty Corporation. Railroad Retirement Board. Veterans Administration.
Pesticides	Customs Service. Environmental Protection Agency.
Plants	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service. Animal and Plant Health Inspection Service. Commodity Credit Corporation. Fish and Wildlife Service. Foreign Agricultural Service.
Pollution	Administrative Conference of the United States. Coast Guard. Environmental Protection Agency. Environmental Quality Council. Federal Aviation Administration. Federal Highway Administration. Federal Maritime Commission. Federal Power Commission. Fish and Wildlife Service. Justice Department.
Privacy. *See specific agencies.*	
Procurement, Federal	General Services Administration.
Railroads	Federal Highway Administration. Federal Railroad Administration. Interstate Commerce Commission. National Transportation Safety Board. Presidential Executive Order. United States Railway Association.
Recreation	Community Services Administration. Economic Development Administration. Federal Communications Commission. Fish and Wildlife Service. Interior Department. National Park Service. Outdoor Recreation Bureau. Reclamation Bureau.
Safety	Coast Guard. Consumer Product Safety Commission. Disease Control Center. Engineers Corps. Federal Aviation Administration. Federal Highway Administration. Federal Railroad Administration. Federal Trade Commission. Food and Drug Administration. Hearings and Appeals Office, Interior Department. Housing Production and Mortgage Credit, Office of Assistant Secretary. Housing and Urban Development Department. Interim Compliance Panel (Coal Mine Health and Safety). Mining Enforcement and Safety Administration. National Highway Traffic Safety Administration. National Transportation Safety Board. Occupational Safety and Health Administration. Public Health Service.
Social Programs	ACTION. Community Planning and Development, Office of Assistant Secretary. Community Services Administration. Education Office. Food and Nutrition Service. Health, Education, and Welfare Department. Labor Department. Social and Rehabilitation Service. Social Security Administration.

INDEX

SUBJECTS	AGENCIES IN THIS INDEX
Surplus Property and Commodities	Commodity Credit Corporation. Commodity Futures Trading Commission. International Trade Commission. Social and Rehabilitation Service.
Telecommunications. *See* Communications.	
Textiles	Textile Agreements Implementation Committee.
Tobacco and Products	Agricultural Marketing Service. Agricultural Stabilization and Conservation Service. Commodity Credit Corporation.
Unemployment	Economic Development Administration. Labor Department. Manpower Administration. Railroad Retirement Board. Social and Rehabilitation Service.
Vegetables	Agricultural Marketing Service. Commodity Credit Corporation. Food and Drug Administration.
Vessels	Coast Guard. Customs Service. Engineers Corps. Federal Maritime Commission. Interstate Commerce Commission. Maritime Administration. National Oceanic and Atmospheric Administration. Panama Canal.
Veterans	Civil Service Commission. Farmers Home Administration. Veterans Administration.
Viruses, Vaccines. *See* Biological Products.	
Vocational Rehabilitation and Education	Economic Development Administration. Education Office. Veterans Administration.
Water Pollution. *See* Pollution.	
Water Quality	Delaware River Basin Commission. Environmental Protection Agency.
Water Resources	Engineers Corps. Interior Department. Water Resources Council.
Waterways	Coast Guard. Delaware River Basin Commission. Engineers Corps. International Boundary and Water Commission, United States and Mexico. Panama Canal. Saint Lawrence Seaway Development Corporation.
Welfare. *See* Social Programs.	

THE PRESIDENT

See also Executive Office of the President.

EXECUTIVE ORDERS Page

Animals, predatory; restriction of use of poison on Federal lands (EO 11870) 30611
Aviation war risk insurance, expansion; delegation of authority to Secretary of Transportation (EO 11875) 33961
Executive Schedule, placement of certain positions in Levels IV and V (EO 11872, 11877) 30619, 40797
Legal Services Corporation; agency support functions coordination; authority delegation to Office of Management and Budget (EO 11874) 31737
Olympic Sports, President's Commission on; membership increase (EO 11873) 30617
Presidential Clemency Board activities assigning responsibilities relating to (EO 11878) 42731
Railway labor disputes; creation of emergency board to investigate (EO 11876) 40501
SCORE and ACE programs; transfer to Small Business Administration (EO 11871) 30615, 30915
Water systems, public; purification; authority delegation to Secretary of Commerce (EO 11879) 43197

MEMORANDUMS

Ecuador; foreign military sales ineligibility provisions, waiver (June 30, 1975) 31201
Ethiopia; foreign military sales credits (June 26, 1975) 31199
Fiji; foreign military sales; defense articles and services (Aug. 5, 1975) 37205
Kenya and Ethiopia; F–5 aircraft, furnishing (June 30, 1975) 31205
Korea and Jordan; sophisticated weapons system, furnishing (June 30, 1975) 31203
National security information; classification by certain officials of Commerce Department (Aug. 17, 1975) 40139

PROCLAMATIONS

Meat imports from Canada; termination of certain restrictions (Proc. 4382) 33425
Special observances:
Captive Nations Week (Proc. 4381) 27637
Child Health Day (Proc. 4396) 44537
Citizenship Day and Constitution Week, 1975 (Proc. 4384) 39833
Columbus Day, 1975 (Proc. 4388) 42167
Employ the Handicapped Week, National, 1975 (Proc. 4394) 42849
Fire Prevention Week, 1975 (Proc. 4387) 42165
Hispanic Heritage Week, National, 1975 (Proc. 4385) 41989
Hunting and Fishing Day, National, 1975 (Proc. 4395) 43713
Leif Erikson Day, 1975 (Proc. 4392) 42727
Norwegian-American Day, 1975 (Proc. 4386) 41991
Pulaski, General, Memorial Day, 1975 (Proc. 4391) 42725
Saint Elizabeth Seton Day, National (Proc. 4390) 42315
School Lunch Week, National, 1975 (Proc. 4393) 42729
Veterans Day, 1975 (Proc. 4389) 42169
Women's Equality Day, 1975 (Proc. 4383) 39493

SPECIAL MESSAGE TO CONGRESS

Budget rescissions and deferrals 29000

EXECUTIVE AGENCIES

ACTION

Rules

Foster grandparent program; establishment 40805
Legal expenses, volunteer; payment 28799

Proposed Rules

Privacy Act, implementation 39434

Notices

Foster grandparent and senior companion programs; income eligibility levels; schedules 37248
Meetings:
Voluntary Service Advisory Council, National 33484, 42235
Privacy Act; systems of records 39087, 44530

ACTUARIES, JOINT BOARD FOR THE ENROLLMENT OF

Rules

Freedom of information and enrollment eligibility of actuaries 38147

Proposed Rules

Freedom of information and enrollment eligibility of actuaries 38171
Privacy Act; implementation 39404, 45113

Notices

Privacy Act; records systems 39227

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

See Federal Register Office.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Rules

Recommendations and statements; banking, nondiscrimination, etc 27925

Notices

Meetings:
Informal Action Committee 43944, 44601
Judicial Review Committee 31977
Rulemaking and Public Information Committee 30862, 36614

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rules Page

Advisory committee management 33205
Commodity transactions financed by AID; geographic codes, list of countries 34112
Training program participants, nonmilitary; per diem payments 31754

Proposed Rules

Privacy Act, implementation 39449

Notices

Authority delegations:
Director, Central and West African Regional Affairs Office; administration of regional foreign assistance programs 36392
Mission Director, Laos; cancellation 33247
Regional Directors, et al., administration of regional foreign assistance programs 36392
Housing guaranties; prescription of rate 41155
Housing guaranty program; information for investors:
Chile 31249, 40864
Paraguay 33842
Laotian Government, Royal; vesting of title to commodities 42035
Meetings:
Engineering, Architectural and Construction Industry Advisory Committee 28103
Voluntary Foreign Aid Advisory Committee 36151
Privacy Act; records sytems 39463

AGING, FEDERAL COUNCIL ON THE

Notices

Meetings:
Council on the Aging 36619, 42023
Economics of Aging Committee 28137

AGRICULTURAL MARKETING SERVICE

Rules

Almonds grown in Calif 43018, 43715
Apricots grown in Wash 30270, 32730
Avocados, imported 29812, 30794, 32824, 36300
Avocados grown in So. Fla 28048, 29068, 29812, 30793, 30794, 32306, 32823, 33963, 36299, 38145, 41993, 44305.
Celery grown in Fla 29534, 38196
Cherries grown in Mich, et al 27931, 28602, 31739
Cherries (sweet) grown in Wash 33028
Grain standards:
Barley 33427
File samples, retention of 28785
Inspection procedures, etc 32942, 34349
Grapefruit grown in Fla 44305
Grapefruit, imported 42529
Grapes (Tokay) grown in Calif 33964, 43480, 43715
Hops of domestic production 44121
Inspection and grading services, rules of practice on withdrawal of 36099
Lemons grown in Ariz. and Calif 28461, 29261, 30269, 31228, 32305, 33430, 34349, 36759, 39844, 41086, 42319, 43224, 44120, 44304

INDEX

AGRICULTURAL MARKETING SERVICE—Continued

Rules—Continued Page

Limes grown in Fla 28462, 29261, 30270, 31228

Milk marketing orders:
Central Arizona 27641, 30087, 31233
Chicago area 31229, 32113
Georgia region, et al 31941
Greater Kansas City 27648
Lake Mead region 39522
Louisville-Lexington-Evansville 43716
Nashville marketing area 36105
Ohio Valley 30087, 30794
Paducah area 37028
Southern Illinois and St. Louis-Ozarks areas 39845
Nectarines grown in Calif 28462, 31592
Olives grown in Calif 38145, 41994
Onions grown in Idaho and Oreg 32307, 33649
Onions, imported 32308
Oranges, grapefruit, tangerines, and tangelos grown in Fla 42317, 42318

Oranges (Valencia) grown in Ariz. and Calif 28460, 29061, 30091, 30928, 32109, 33195, 34113, 34581, 36570, 37028, 39522, 40505, 40815, 41735, 42177, 43018, 43480, 44119
Peaches grown in Colo 31592, 41994
Peaches grown in Wash 30621, 32730

Pears (Bartlett), grown in Oreg. and Wash 34350, 43480
Pears (Beurre D'Anjou, Buerre Bosc, etc.); grown in Oreg., Wash., and Calif 36299, 42851
Pears, Plums, and peaches grown in Calif 27930, 28001, 32110, 33196
Plant variety protection; limits of reciprocity 42851
Potatoes (Irish):
California and Oregon 32730, 36300
Colorado 33064, 34113, 34114
Idaho and Oregon 30271, 42530
Washington 32111, 42530
Prunes (dried) produced in Calif 42530
Prunes (fresh) grown in Oreg. and Wash 30929, 37028
Raisins produced from grapes grown in Calif 31739, 31740, 40141
Rice (rough), standards 33649
Tobacco inspection:
Fees and charges 44112
Flue-cured 30917, 31591
Maryland broadleaf 42527
Walnuts, imported 29262

Proposed Rules

Almonds grown in Calif 34605, 37223
Avocados grown in So. Fla 28090, 28614, 39882, 44334
Cherries grown in certain States 29553
Cherries (sweet), grown in Wash 29881
Egg research and promotion order:
Referenda; modification or exemption from orders 39982, 42888
Filberts grown in Oreg. and Wash 30277, 40836

Fruits and vegetables, processed; inspection and certification 33043
Grapefruit, imported 44334

Grapes (Tokay) grown in Calif 37044, 38164
Hops of domestic production 39525
Lemons grown in Ariz. and Calif 39882, 40528
Limes grown in Fla 28614, 39882

Milk marketing orders:
Chicago region 29296
Georgia area, et al 30119
Lake Mead area 36127
Louisville - Lexington - Evansville area 28465, 30662, 40843, 42023
Nashville, Tenn 32130, 32338
Paducah, area 28807, 32751, 33458
Southern Illinois and St. Louis-Ozarks areas 28618, 39525
Nectarines grown in Calif 28090
Olives grown in Calif 30275
Onions grown in Idaho and Oreg 28091, 30277
Onions, imported 28091
Orange juice; standards for grades 31607
Oranges and grapefruit grown in Tex 42886, 42887
Oranges, grapefruit, tangerines, and tangelos grown in Fla 44333
Oranges, tangelos, grapefruit, and tangerines, grown in Florida, grade standards 40522
Peaches grown in Colo 32338
Pears (Bartlett) grown in Oreg. and Wash 38164, 40170

Pears (Beurre D'Anjou, etc.) grown in Oreg., Wash., and Calif 31244, 37044, 42023
Pears, plums and peaches, grown in Calif 29087, 29881

Potatoes (Irish):
California and Oregon 29726, 32199
Colorado 30276, 30840, 30977, 40528
Idaho and Oregon 37045
Washington 29725, 29726, 33458
Prunes (dried) produced in Calif 33047, 38164
Prunes (fresh) grown in Wash. and Oreg 30662, 43036
Raisins produced from grapes grown in Calif 27691, 40842
Seed Act regulations; testing seed, certified seed, etc 40524
Tobacco, cigar-leaf 62, Fla. and Ga 28092, 28093
Tobacco inspection; fees and charges 29880
Tomatoes grown in Fla 42887

Notices

Grain standards; inspection points; Oklahoma 29739
Market News System; proposal to permit utilization of automated message switcher 36395
Meetings:
Raisin Advisory Board 30730, 42763
Shippers Advisory Committee
Organization, functions, and delegations of authority; Deputy Administrator, Program Operations 29559
Peanut Administrative Committee, 1975 crop year, expenses and rate of assessment 29102
Peanuts; 1975 crop; quality regulations 29739
Rice, grade standards; interpretive line sample 31249

AGRICULTURAL RESEARCH SERVICE

Notices

Meetings:
Arboretum Advisory Council, National 40869
Meat Animal Research Center Advisory Committee 41544
Poultry Improvement Plan, National, General Conference Committee 36601
Shippers Advisory Committee 36396
Organization and functions 39912

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules

Appeals, reconsideration and special handling requests 27641
Beekeepers; indemnity payment program 29067
Cotton; marketing quotas and acreage allotments 28601, 34349, 44303
Farm and allotment reconstitutions 44112
Freedom of information 34583
Tobacco (flue-cured), marketing quotas and acreage allotments 41513

Proposed Rules

Cotton; 1976 crop, marketing quotas and acreage allotments; joint with Commodity Credit Corporation 30283
Cotton, extra long staple; 1976 crop; marketing quotas and acreage allotments 30275
Cotton, upland; 1976 crop; marketing quotas and acreage allotments 30274
Farms and allotments; reconstitution 31609
Feed grain; allotment and set-aside programs 1976; inquiry 28093
Tobacco flue-cured; marketing quotas and acreage allotments 3722, 44157
Wheat Set-Aside Program, 1976; marketing quotas and acreage allotments; inquiry 28093

Notices

Meetings:
Tobacco Advisory Committee, National 34012

AGRICULTURE DEPARTMENT

Page

See also Agricultural Marketing Service.
Agricultural Research Service.
Agricultural Stabilization and Conservation Service.
Animal and Plant Health Inspection Service.
Commodity Credit Corporation.
Cooperative State Research Service.
Farm Credit Administration.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Food and Nutrition Service.
Forest Service.
Packers and Sotckyards Administration.
Rural Electrification Administration.
Soil Conservation Service.

Rules

Authority delegations by Secretary and General Officers:
Assistant Secretaries and General Counsel; order of succession 36570
Assistant Secretary for Administration, and Director, Office of Personnel; violations of merit system 31941
Assistant Secretary for International Affairs and Commodity Programs, et al 41993
Assistant Secretary for Marketing and Consumer Services and Administrator, Agricultural Marketing Service 39844
Under Secretary, Assistant Secretaries, and Director of Agricultural Economics; defense responsibilities, collection of data, etc 33023, 41085, 44111
Committee management; guidelines and procedures 42171
Contract Appeals Board; organization and functions 32109
Import quotas and fees; Canadian cheese; licensing 29261
Meat import restrictions, Australia and New Zealand products 31227
Privacy Act; implementation 39519, 44480, 45103

Proposed Rules

Freedom of information; fee schedule 44157
Privacy Act; implementation 32756, 40849
Relocation assistance and real properties acquisition 36134

Notices

Committees; establishment, etc.:
Condor Advisory Committee 30730
Poultry Health Advisory Committee 30856
Toiyabe National Forest Grazing Advisory Board 44856
Defense emergency responsibilities 33057
Labeling with combinations of standardized names prohibited 30994
Meat import limitations; third quarterly estimate 29559
Meetings:
Agricultural Research Policy Advisory Committee 43749
Flue-Cured Tobacco Advisory Committee 34012, 42039
General Conference Committee of the National Poultry Improvement Plan 36601
Shippers Advisory Committee 36396
Privacy Act; systems of records 38897, 43467

AIR FORCE DEPARTMENT

Proposed Rules

Privacy Act; implementation 37533

Notices

Discharge Review Boards, Regional; hearings, geographic accessibility to applicants, etc 42223
Meetings:
Historical Program Advisory Committee 40557
Scientific Advisory Board 29558, 31249, 31641, 32847, 33056, 36151, 36394, 42762, 44855

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices

Committees; establishment, etc.:
Annual reports filing 29113, 42589
Clinical Projects Research Review Committee, et al.; renewals 31651
Drug Abuse Demonstration Review Council, et al 34623
Confidentiality, authorization; drug research, effect and use; employees of Socio-Environmental Studies Laboratory et al 41829
Meetings:
Advisory Committees; September, 1975 34014
Alcohol Abuse and Alcoholism, Advisory Council, National 38179
Mental Health Advisory Council, National 33482
Minority Advisory Committee 40191

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Rules

Liquor dealers; interest on unpaid tax, rate increase 30113

Proposed Rules

Distilled spirits; metric fill standards 29866, 30971
Liquor dealers; special tax return procedures 31957
Wine labeling and advertising; bottles per shipping case 32129
Wines, domestic and imported; definitions, appellation of origin and viticultural area 30117, 33982

Notices

Authority delegation; Regional Directors; disclosure of trade name information 43235
Firearms; granting of relief 28646, 31640, 34009, 42222
Meeting; Distilled Spirits Plant Supervision, Advisory Committee on 27956

AMERICAN BATTLE MONUMENTS COMMISSION

Proposed Rules

Page

Privacy Act, implementation 39379

Notices

Privacy Act; records systems 39217

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Rules

Licensing program, official commemorative; description, policy 32741
Nondiscrimination in employment 29535
Symbol for American Revolution Bicentennial, logo 29539

Notices

Committee establishment; Bicentennial Ethnic and Racial Advisory Committee 28115
Meetings:
American Revolution Bicentennial Advisory Council 28115, 30521
Racial, Ethnic and Native American Participation in Bicentennial Advisory Committee 30862

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Animal breeds:
Charolais cattle; recognition of breeds and books of record 32114
Maine-Anjou cattle 36106
Animal exports, additional ports:
Chicago, Ill 40506
Portland, Oreg 40506
Animal and poultry import restrictions:
Animals from Canada, ports of entry; Dunseith, N. Dak. and Raymond, Mont 36106
Commercial birds, addition to list of ports of entry; San Diego, Calif 44306
Discontinuance of inspection and quarantine at certain Canadian border ports in Maine and Vt 31740
Rinderpest, foot-and-mouth disease, milk and milk products; import restrictions 44123
Theatrical poultry 33649
Animal welfare:
Horse protection in horse shows 36553
Information, availability, freedom of information 43223
Livestock and poultry disease control:
Indemnity payments for animals destroyed by scrapie 40505, 42739
Swine destroyed because of hog cholera; payment of expenses 30098
Livestock and poultry quarantine:
Brucellosis 32732, 41516
Exotic Newcastle disease and psittacosis or ornithosis in poultry 31925
Hog cholera and other communicable swine diseases 29701, 32113, 37207
Scabies in cattle 42179
Screwworms 27642
Texas (splenetic) fever in cattle 31593

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—Continued

Rules—Continued Page

Meat and poultry inspection mandatory:
Connecticut, special provisions 39647, 43916
Dressed poultry 42337
Labeling restrictions received for certain meat food products containing pork 42852
New York, special provisions 29549
Tennessee, special provisions 39846
Overtime services relating to imports and exports:
Animals, commuted travel time allowances 27643, 30621, 43717
Plants, commuted travel time allowances 30621, 41513, 43479, 44822
Plant quarantine, domestic:
Fire ant imported 33026
Viruses, serums, toxins, and analogous products:
Diluents 41995
Editorial changes 41088
Live rabies vaccine 31593
Tetanus antitoxin 41996
Wart vaccine in cattle as prophylactic 30802

Proposed Rules

Animal and poultry import restrictions:
Poultry and eggs, extension of time 37225
Quarantine facilities for poultry, birds, egg hatching 28807, 29728
Meat and poultry inspection, mandatory:
Hams and pork shoulders; labeling standards 41139
Undenatured poultry; transportation 31616
Virus, serums, toxins, etc.:
Anthrax spore vaccine; purity testing, extension of time 41139
Definitions, redefined 32753
Distemper vaccine, mink, and measles vaccine for dogs 32754
Packaging and labeling, production requirements, bulk exports, etc 28621
Salmonella Typhimurium and Pasteurellu Multocida bacterin; potency tests extension of time 32754
Tetanus antitoxin 30126
Viral vaccines, retesting 36572

Notices

Environmental statements; availability, etc.:
Boll Weevil; eradication trial program 32860
Fleming Animal Import Center, Fla 28111, 41159
Soil samples; list of approved laboratories 31967

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Rules Page

Policy statements; written comments regarding proposed decrees; procedures 34114

Notices

Competitive impact statements and consent judgments, U.S. versus listed companies:
American Technical Industries, Inc 29900
Chicago-New York News Syndicate, Inc., et al 31882
Cleveland Trust Co 40864
Copper Development Association, Inc. et al 28818, 42906
Crocker, H.S., Co., Inc. et al 43236
Manufacturers Aircraft Association et al 30848
Orange County Travel Agents Association 32144
Wachovia Corp. et al 33477

ARMS CONTROL AND DISARMAMENT AGENCY

Proposed Rules

Conduct standards; redesignation 39663
Freedom of information; fee schedule 36381
Organization and functions; redesignation 39663
Privacy Act, implementation 39663

Notices

Meeting; General Advisory Committee on Arms Control and Disarmament 29115
Privacy Act, records systems 39665

ARMY DEPARTMENT

See also Engineers Corps.

Rules

Relocation assistance, uniform, and real property acquisition policies 27936

Proposed Rules

Privacy Act, implementation 37547
Relocation assistance, uniform, and real property acquisition; replacement housing payment computations for displaced homeowners 32837

Notices

Committee establishment, etc.; Command and General Staff College Advisory Committee 32144
Environmental statements:
Military, Housing Construction, Ft. Belvoir, Va 44340
Mississippi Army Ammunition Plant 43236
White Sands Missile Range, White Sands, N. Mex 36151
Meetings:
Armed Forces Epidemiological Board 41826
Armed Forces Institute of Pathology's Scientific Advisory Board 43932
Ballistic Research Laboratories Scientific Advisory Committee 44340
Junior Science and Humanities Symposia Advisory Committee 42378
Military History Research Collection Advisory Committee 38172
Scientific Advisory Group 31965
Scientific Advisory Panel 38172
Shoreline Erosion Advisory Panel 33844
Privacy Act; records systems 41970

ARTS AND THE HUMANITIES, NATIONAL FOUNDATION ON THE

Proposed Rules

Privacy Act; implementation 40052, 42457

Notices

Committees; establishment, renewals, etc.:
Science, Technology and Human Values Advisory Committee 27985
Guidelines for grants:
Music; jazz, folk, ethnic 37101
Opera program 37104
Meetings:
Architecture and Environmental Arts Panel 27985
Artists-in-Schools Advisory Panel 41566
Arts National Council 29116
Bicentennial Committee of National Council on Arts 41567
College Teachers Summer Seminars Panel 33287
Dance Advisory Panel 27985, 42798
Education Panel Advisory Committee 37101
Federal Graphics Evaluation Advisory Panel 30538, 42798
Fellowships Panel Advisory Committee 29570, 29937, 32177, 33735, 41856
Humanities Advisory Committee National Council 31043
Museum Advisory Panel 43562
Music Advisory Panel (Choral) 39562
Music Advisory Panel (Composer/Librettist) 39562
National Council on Arts 41567
Planning Office Panel Advisory Committee 39563
Public Media Advisory Panel 27738, 39562
Public Media Advisory Panel, Bicentennial 36809
Public Programs Panel 33735
Research Panel 33735, 33736, 41567
Science, Technology and Human Values Advisory Committee 42799
Special Projects Advisory Panel 42798
Theatre Advisory Panel 44362
Visual Arts Advisory Panel 36810
Privacy Act; systems of records 40054

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Proposed Rules

Privacy Act; implementation 42444

Notices

Privacy Act; systems of records 34023, 44759
Procurement list, 1975; additions and deletions 28513, 29332, 31254, 31255, 33484, 33485, 34450, 36794, 41551, 42391, 43269, 44348

BONNEVILLE POWER ADMINISTRATION

Notices Page

Authority delegations:
Staff Assistant-Negotiated Contracts et al; materials, equipment, and other contracts 44590
Environmental statements:
FY 1977 draft meetings 33057
Pacific Northwest Power Supply System 31641
Meeting; Bonneville Regional Advisory Council 44590

CENSUS BUREAU

Rules

Foreign trade statistics; exemptions, aircraft parts and supplies; shipment for use of aircraft of U.S. registry 32116

Proposed Rules

Population schedules; furnishing personal census data 42209

Notices

Canned foods; survey of distributers' stocks 43527
Meetings:
Agriculture Advisory Committee on Statistics 43045
American Economic Association Advisory Committee 32861
American Statistical Association Advisory Committee 34433
Black Population for 1980 Census Advisory Committee on 41159
Population Statistics, Advisory Committee on 41544
Privacy and Confidentiality Advisory Committee 34434
Spanish Origin Population for 1980 Census Advisory Committee 36397
Voting Rights Act determinations; language minority groups 41827, 43044, 43746, 44857

CENTER FOR DISEASE CONTROL

See Disease Control Center.

CENTRAL INTELLIGENCE AGENCY

Proposed Rules

Privacy Act, implementation 39774

Notices

Privacy Act, records systems 39778, 41170

CHILD SUPPORT ENFORCEMENT OFFICE

See also Social and Rehabilitation Service.

Rules

Child support enforcement program:
Effective date postponed 31767
State plan requirements; correction 29723

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

See Environmental Quality, Citizens' Advisory Committee On.

CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN

See Women, Citizens' Advisory Council on the Status of.

CIVIL AERONAUTICS BOARD

Rules Page

Accounts and reports for certificated air carriers, uniform system:
Editorial changes, due dates of schedules 42855
Seating configuration standards, schedule available seat-miles 30497
Agreements, filing; environmental data, compliance with National Environmental Policy Act 37183
Air freight forwarders, international air freight forwarders, and cooperative shippers associations; consolidation of regulations 28079, 30634
Air freight forwarders, international; classification and exemption; repeal of CFR Part 28087
Air taxi operators; classification and exemption 42855
Authority delegation; Director, Bureau of Operating Rights; one-stop-inclusive tour and special event charters 40816, 44128
Certificates of public convenience and necessity applications; environmental data, compliance with National Environmental Policy Act 37182
Charters:
Inclusive tour; deletion of post-tour reports 43719
One-stop-inclusive tour; adoption of part 34089, 36764, 41093
Study group by direct air carriers and study group charterers; deletion of postcharter reports, etc 43719
Travel group, surety bond and depository agreement; technical amendment 42741
Trips and special services; performance of one-stop-inclusive tour; charter flights 34088
Embargoes on property; definitions 43885
Employment suitability; disqualification and dismissal 28074
Environmental Policy Act, National, implementation; and environmental impact statements 37184, 43211
Foreign air carriers:
Charter trips, performance of one-stop-inclusive tour charter flights 34088
Charters, civil aircraft; information reporting 43920
Charters, civil aircraft, reporting data; CFR correction 33435
Charters; civil reporting data; small aircraft from Canada 28078
Permit applications; Canadian charter service operators 28077
Permit applications; environmental data, compliance with National Environmental Policy Act 37182
Permits authorizing charter transportation only; performance of one-stop-inclusive tour charter flights 34088
Military transportation; exemption of air carriers; reasonable level of compensation, etc 28078, 28450
Organization and functions; fees and charges for special services; one stop inclusive tour charters 34105
Policy statements:
Canadian transborder operations in small aircraft, foreign air carrier permits issuance 28087
Environment, quality of human, compliance with National Environmental Policy Act, deletion of CFR Subpart 37184
Practice and procedure, economic proceedings; environmental data, compliance with National Environmental Policy Act 37183
Privacy Act, implementation 45103, 45106
Supplemental air transportation; performance of one-stop-inclusive charters 34088
Tariffs of air carriers and foreign air carriers, construction, publication, etc.; environmental data, compliance with National Environmental Policy Act 37182

Proposed Rules

Accounts and reports for certificated air carriers, uniform system; charter transportation; information reporting 43920
Air fares and restrictions by carriers; dissemination of statements on availability; inquiry, etc 28489, 30128
Mail transportation, etc.; automation of flight schedules information; termination of proceeding 43743
Policy statements; domestic load-factor standards; inquiry 37048
Privacy Act; implementation 30283

Notices

Committee establishment, etc.; Procedural Reforms Advisory Committee 31252
Meeting; Procedural Reforms Advisory Committee 32774
Privacy Act; record systems 33181, 40782, 45107
Hearings, etc.:
Aero Lineas Flecha Austral Limitada 36418
Aeroamerica, Inc., et al 28846, 36792, 42773
Aeronaves De Mexico, S.A 42770
Aeroperu 28846, 30150, 32372, 36614
Airlift International, Inc 34022
Airline Operational Control Society 40572
Alaska Airlines, Inc 38185
Allegheny Airlines, Inc 28511, 28847, 30307, 36171, 43756
Aloha Airlines, Inc 32862, 42235
American Airlines, Inc., et al 27712, 28660
American-Pan American route exchange agreement 28659, 28660
Andrews International, Inc., et al 37076, 39922
Animals, live, acceptance and carriage 36793
Aviacion Y Comercio, S. A 27713, 29562, 41832

INDEX

CIVIL AERONAUTICS BOARD—Continued

Notices—Continued Page

Hearings, etc.—Continued
Baggage allowance tariff rules 32775
Balair AG 40873
Baltimore-Norfolk service case 30150
Behring International, Inc 28116
Boston-Atlanta nonstop service case, et al 28512, 30150
Braniff Airways, Inc. et al 37077, 42913
California-Alberta route proceeding 39922, 41832
Caribbean International Airways Ltd 34626, 42913
Ceskoslovenske Aerolinie 34446
Chicago-New Orleans nonstop route 27713, 32372, 34626
Chicago-Montreal route proceeding 41551
Cleveland-Toronto route 44860
Continental Air Lines, Inc., et al 27713, 29116
Dan-Air Services, Ltd 42594
Delta Air Lines, Inc 34447
Detroit-Boston nonstop route proceeding 37077
Domestic load-factor standards 42594
Eastern Air Lines, Inc. et al 32372, 32864, 40873
Fare investigations; domestic common 30521
Fare investigations; domestic night coach 40193, 42771
Finnair (Oy and Kar Air Oy) 40873
Frontier Airlines, Inc 29117, 29327, 30151
Flying Tiger Line Inc 44347
Harlingen service case 32775
Hawaiian Airlines, Inc 30307
Hicks & Lawrence Ltd 43541
Hilo, Hawaii, Service case 28660, 33699
Hughes Airwest Corp 36615, 40572, 41170, 43944, 44860
Internatonal de Aviacion, S.A 37078, 39922
International Air Transport Association 29117, 29331, 29332, 30151, 30734, 30735, 31023, 31829, 32124, 32373, 32775, 32778, 33067, 33464, 33698, 33699, 34448, 34449, 36171, 36173, 36793, 37077, 41832, 42043, 42771, 43050, 44201
Iran Air 44860
Kodiak-Western Alaska renewal proceeding 28661
Korean Air Lines Co., Ltd 30307
Kuehne & Nagel d/b/a Kuehne & Nagel Air Freight, Inc 43945
Lansa, S. de R. L 34183
Local service class subsidy rate 30304, 31026, 34023
Lufttransport - Unternehmen GmbH and Co. KG 40573, 41170
Mail rates; priority and nonpriority domestic service 28117, 28848, 31254, 43757
Maryland Department of Transportation 30307
Mays, Howard J 38186
McDonnell Douglas Corp 42044, 42773
Midwest-Atlantic competitive service case 32155, 32862, 42044
Metropolitan Airport Authority 41170
National Airlines, Inc 29332
Nigeria Airways, Ltd 29117, 29562, 32155, 38187
Overseas National Airways, Inc., et al 31830, 42390
Pakistan International Airlines Corp 28848, 29752, 33699
Pan American World Airways, Inc., et al 29118, 30152, 31252, 31253, 33067, 40784
Peoria, Ill., service investigation 34183
Piedmont Aviation, Inc 37078
Pittsburgh-Atlanta-Jamaica case 32775
Precision Holdings Ltd 43541
Reservations overbooking practices; investigation 30150
Rock Island County, Ill., Metropolitan Airport Authority 36174
SFO Helicopter Airlines, Inc 32862
Saturn Airways, Inc 28116
Servicio Aereo de Honduras, S.A 31977, 34023
Shreveport-Dallas nonstop proceeding 32776, 33283
Societa Aerea Mediterranea-Sam S.p.a 27714, 29119, 31977
South Pacific service case 28848, 37078, 37080
Southern Airways, Inc 34183
Spantax, S.A 27714, 29562, 41832
Sullivan County, N.Y. service 28118
Texas International Airlines, Inc 29319, 30154, 31026, 31977, 32778, 39922, 40573
Tourist Enterprises Corp et al 29332, 31254, 33700, 42044
Transportes Aereos Benianos, S.A 32777
Transportes Aereos Nacionales, S.A., et al 31977, 42044
United Air Lines, Inc 34184, 44861
Western Air Lines, Inc. et al 29331, 33700, 37248
World Airways, Inc 28661, 32778
Worldways Airlines, Ltd 42773

CIVIL RIGHTS COMMISSION

Proposed Rules
Privacy Act, implementation 40783

Notices
Meetings, State advisory committees:
Arizona 32865
Arkansas 32865, 43051
Colorado 30309, 32865, 33852, 42194
Connecticut 34449
Delaware 28848, 34449
District of Columbia 44601
Illinois 34449, 40784, 44601
Indiana 42390
Iowa 36793
Maine 34449
Maryland 30309, 32865, 34449, 34450, 41833, 42390, 42914, 44862
Massachusetts 33852, 42390
Michigan 30309, 36793, 42914
Missouri 44601
Nebraska 40784
New Hampshire 40784, 43541, 43758
New Jersey 29919, 29920, 34450, 42390
New Mexico 30309
New York 36793, 42390
Ohio 34450, 40784, 41833
Oklahoma 32865, 36794, 42391, 42914
Pennsylvania 28848, 33852, 42914
Rhode Island 43758
Utah 33852
Vermont 34450, 44602
Virginia 42914
West Virginia 28848, 33852, 43051
Privacy Act; records systems 40786

CIVIL SERVICE COMMISSION

Rules
Adverse actions by agencies:
Editorial change 36298
Nondiscrimination, age policy 42734
Adverse actions by Commission; editorial amendment 36298
Appeals to Commission; nondiscrimination, age policy 42734
Excepted service:
ACTION 27639, 38139
Administrative Office of U.S. Courts 41755
Agriculture Department 32727, 42527, 44111
Arms Control and Disarmament Agency 28445
Army Department 41993
Commerce Department 28047, 29811, 31591, 38139
Commodity Futures Trading Commission 28047, 29067, 30086, 30269, 33963
Consumer Product Safety Commission 29812
Defense Department 28445, 29067, 32823, 34583, 38139, 41755, 42527, 43211
Equal Employment Opportunity Commission 29067, 30086, 33963
Executive Office of President 39835
Export-Import Bank 31925, 34583, 38139
Federal Energy Administration 27640, 42734
Federal Maritime Commission 30086
General Services Administration 28806, 31591
Health, Education, and Welfare Department 27929, 38139, 42527, 42733, 43211
Housing and Urban Development 29812, 37027
International Trade Commission 32727, 36759, 37027
Justice Department 27929, 32823, 42527, 42733
Labor Department 28445, 32727, 38139
Occupational Safety and Health Review Commission 39835
Regional Commissions 29067, 32727
Renegotiation Board 29067
State Department 28445, 32109
Temporary boards and commissions 28047, 30086, 41755
Transportation Department 42734
Treasury Department 33963, 38139, 42527
Veterans Administration 42527
Freedom of information 38140
General schedule classification; editorial amendment 36298
Grievance system, agency; editorial amendment 36298
Pay administration:
City income or employment taxes, voluntary withholding 31207
Fair Labor Standards Act; exemptions 27640
Political activity of State or local officers or employees; candidates for elective office 42733
Privacy Act, implementation 45094
Qualification requirements; nondiscrimination, age policy 42734
Retirement; agency-filed disability applications; Administrative Law Judges 37027
Training; nondiscrimination, age policy 42734
Veterans readjustment appointments:
Employees, term selection 44539
Vietnam era, eligibility 28445, 44111

Proposed Rules
Investigations; pledges of confidentiality 37051

Notices
Committees, Presidential Advisory Committee; availability of report on White House Fellowships 42391
Health and welfare agencies, voluntary; manual on fund-raising within Federal service 28119
Intergovernmental Personnel Act; National program; State grant allocations 36175
Meetings; Federal Employees Pay Council 29920, 31254, 34023, 37080, 37081, 42391, 43759, 44602
Noncareer executive assignments:
Agriculture Department 27714, 29119, 36175
Army Department 34627, 42773
Commerce Department 27962, 37080, 38187, 42773
Commodity Futures Trading Commission 43541
Community Services Administration 27962
Defense Department 27714, 32778
Drug Abuse Prevention Special Action Office 32778
Export-Import Bank 31977, 34627
Federal Energy Administration 27715, 38187
General Services Administration 29120
Health, Education, and Welfare Department 27714, 36175, 41833
Housing and Urban Development Department 31254, 34627
Interior Department 29119, 29120, 38187, 43541
Justice Department 27714, 27715, 29120, 32778, 36175, 43541
Labor Department 34627, 38187
Management and Budget Office 27715, 29120
National Labor Relations Board 37081
Navy Department 34627, 36175
Small Business Administration 32778
Transportation Department 27715, 43542
Treasury Department 43542
Privacy Act; records systems 39239

COAST GUARD

Rules
Anchorage grounds; Los Angeles and Long Beach Harbors, Calif 30640
Boating safety; boats and associated equipment; safe loading and power standards 33973, 43856
Bulk grain cargoes; intact stability requirements for ships carrying 36342, 39506, 42195
Dangerous cargoes:
Ammonium nitrate and other nitrates, etc 37211, 41795
Lime, unslaked; bulk transportation 34340
Drawbridge operations:
Connecticut 31938
Florida 32328, 43213
Maryland 33449
Mississippi 32329, 41524
South Carolina 33450
Virginia 43213
Washington 42189
Great Lakes pilotage; operating requirements and certificates of authorization 41526
Investigations, proceedings, etc.:
Per diem, mileage, and subsistence payments for witnesses 36342
Testimony of witnesses in litigation between private parties; deleted 31604
Licensing and certificating of Merchant Marine personnel; apprentice mate 33974
Marine engineering:
Systems and components 40163, 42746
Marine inspection zones and captain of port areas; Seventeenth Coast Guard District 28451
Merchant Marine officers and seamen, licensing; operator of uninspected towing vessels 30965
Pollution; vessel design and operations; prohibited oil spaces 42189
Security zones:
Connecticut 30961
Maine 33034
Massachusetts 37036
New York 30641, 31652, 37037
Pennsylvania 27939
Texas 33972
Virginia 32831

Proposed Rules
Boating safety; boats and associated equipment; single outboard motors 43226
Civil penalty procedures 42210
Dangerous cargoes:
Hazardous materials, exemption procedures; joint agreement with Materials Transportation Bureau 32758
Vessels carrying metal borings, shavings, etc.; carbon dioxide fire extinguishing system, deletion of requirement 32341
Drawbridge operations:
Alabama 32837
Florida 33828
Washington 41537
Fire hydrants and hose; lined fire hose requirements 43739
Inspection of vessels; Convention for Safety of Life at Sea, 1960 42751
Lifesaving equipment; inflatable liferafts, specifications 32339
Load lines; assignment and surveys; fee schedule 34407
Occupational safety and health standards, marine; inquiry 33681
Tank vessels; air compressors; cargo handling room bilges 33996

Notices
Citizenship oath filing:
Brown & Williamson Tobacco Corp 43266
Schlumberger Technology Corp 32862
Vita Food Products, Inc 43266
Environmental statement; Seneca County, N.Y.; LORAN-C transmitting station 30733
Equipment, construction, and materials; approval and terminations 30730, 30731, 32370, 36415, 36417, 43752
Marine sanitation devices; certification 31130
Meetings:
Boating Safety Advisory Council, National 36418
Coast Guard Academy Advisory Committee 41168
Offshore Operations Industry Advisory Committee, National 33851
Research Advisory Committee 43755
Towing Industry Advisory Committee 36792
Navigation area, Mississippi River in area of Port of New Orleans; mooring barges 29114
Security zone termination; Governors Island, N.Y. 31652

COMMERCE DEPARTMENT

See also Census Bureau.
Domestic and International Business Administration.
Economic Development Administration.
Foreign Trade Zones Board.
Maritime Administration.
National Bureau of Standards.
National Oceanic and Atmospheric Administration.
National Technical Information Service.
Patent and Trademark Office.
Social and Economic Statistics Administration.
Travel Service.

Rules
Appliances and equipment, household; voluntary labeling to effect energy conservation program; procedures 33966

Proposed Rules
Organization and functions; Regional Action Planning Commissions 36135
Privacy Act, implementation 32960

Notices
Appliance efficiency, household; voluntary labeling for energy conservation:
Air conditioners, room; extension of time 31649
Clothes dryers, electric 28832, 29749, 31649
Clothes dryers, gas 28839, 31649
Clothes washers 29103, 31649
Dishwashers 29106, 31649
Freezers; extension of time 31649
Ranges, electric 28835, 31649

COMMERCE DEPARTMENT—Continued

Notices—Continued Page

Appliance efficiency, household; voluntary labeling for energy conservation—Continued
Ranges, gas 29109, 29749, 31649
Refrigerators and combination refrigerator-freezers 31649, 32415, 33266, 37063
Television receivers, color 28650, 31649
Television receivers, monochrome 28653, 31649
Water heaters, electric 31649, 34172, 36162
Water heaters, gas 29112, 31649, 34172, 36162
Committees; establishment, renewals, etc.:
Coastal Zone Management Committee 31973
Electronic Instrumentation Technical Advisory Committee 43530
Fire Prevention and Control Site Selection Board, National Academy for 27711
Marine mammal species and population stocks, status; report implementing Marine Mammal Protection Act 30678
Meetings:
Economic Advisory Board 43941
Oceans and Atmosphere, National Committee on 34172
Technical Advisory Board 33850, 43941
Organization and functions:
Administrative Services and Procurement, Office 31649
Assistant Secretary for Domestic and International Business 36604, 42765
Assistant Secretary for Economic Affairs 42765
Assistant Secretary for Economic Development 36604
Assistant Secretary for Science and Technology 36604
Census Bureau 42765
Communications Office 36608
Domestic and International Business Administration 31651, 36604, 42765
Economic Analysis Bureau 42766
Maritime Administration 31824
National Bureau of Standards 36604
National Oceanic and Atmospheric Administration 36608, 42764
Social and Economic Statistics Administration 31651, 42766
Privacy Act; records systems 32970
Watches and watch movements; allocation of quotas; Virgin Islands 30519

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

See Textile Agreements Implementation Committee.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

See Blind and Other Severely Handicapped, Committee for Purchase from.

COMMODITY CREDIT CORPORATION

Rules Page

Freight bills; setoff; withholding, and stop payments, conditions under which action will not be taken 29069
Loan and purchase programs:
Barley; support rates for shipment 44121
Corn 31946, 44122
Cotton 30092, 30795, 44306
Honey 30798, 32732, 41087
Naval stores; 1975 gum loan program 29813
Oats; deletion of uniform grain storage agreement rates 43225
Peanuts 28787, 34584, 41087
Rice 30466, 43225
Rye; loan purchase rates, Wash. and W. Va 44122
Sorghum 31949, 36301, 39523
Tobacco 28603, 28788, 30794
Wheat 31952, 36301, 36302

Proposed Rules

Loan and purchase programs:
Cotton, 1976 crop 30283
Grains, etc.; feed grain and wheat 28094
Milk; price support program 42364
Tobacco (burley); price support 41530
Tobacco (flue cured); correction 27691
Tung nuts support program, 1975 crop 43919

Notices

Cotton; 1974 crop loan; acquisition 29102
Meeting; Advisory Board 42227
Monthly sales list:
FY ending June 30, 1975 34621
FY ending June 30, 1976 ..... 30510, 44172

COMMODITY FUTURES TRADING COMMISSION

Rules

Commodity Exchange Act regulations:
Contract market rules; enforcement 30107
Contract market rules; filing of copies, emergency circumstances; interim rule 29085
Registration of foreign associated persons; adoption of short form 30106
Privacy Act; implementation 41056
Reports by Futures Commission merchants, foreign brokers and foreign traders; large-trader reporting requirements 29795, 41117

Proposed Rules

Arbitration or other dispute settlement procedures; inquiry 34152
Commodity Exchange Act regulations; definitions:
Commodity pool operator; persons not within definition 29091
Commodity trading advisor; persons not within definition 29090
Freedom of information 34146
Margin accounts and contracts and leverage accounts and contracts; temporary rules 36382
Privacy Act; implementation 32839

Notices Page

Aggregation of accounts, controlled or discretionary; inquiry 44864
Arbitrage, international; definition; inquiry 34628
Committee establishment, Advisory Committees Program 32856
Commodity Exchange Act; interpretations:
Arbitration procedures for settlement of customers' claims and grievances; inquiry 29121
Disciplinary action information; confidentiality 30155
Registration of futures commission merchants, associated persons, etc.; standards for denial 28125
Unregistered associated persons; no-action position 30155
Contract markets, designation as; certain boards of trade 33854
Futures commission merchants and traders:
Confidentiality of information 41551
Hedging, bona fide definition; inquiry 34627
Privacy Act; records systems 39713

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY

Rules

Community development block grants:
Application submission deadline extension 30640
Funds reallocated 42347
Comprehensive planning assistance 36856

Notices

Authority delegations. *See main heading* Housing and Urban Development Department.

COMMUNITY SERVICES ADMINISTRATION

Rules

Community Action Program:
Energy conservation program, emergency 31602, 32124, 44327
Financial management, grantee; non-Federal share criteria 27665, 27667
Funding, grants; correction 44327
Funding; standards for evaluating effectiveness of administered programs 28794
Personnel management, grantee; travel allowance; automobile, privately owned, mileage 29292
Personnel management; grantee; travel allowance; per diem rates 30461
Poverty, income guidelines 28793
Summer Youth Recreation Programs; interim regulations 27661
Economic development programs; composition and selection of Community Development Corporation Boards of Directors 44818

Proposed Rules

Privacy Act; implementation 38165

Notices

Privacy Act; records system 41062

COMPTROLLER OF THE CURRENCY

Rules Page

Flood hazard areas, special; loans in; lending prohibition, delay; conforming to Emergency Housing Act of 1975 36107
Office description, procedures, and public information forms and instructions; current list 30930
Security Exchange Act disclosure rules 30038, 32735

Proposed Rules

Capital structures, National banks; evaluation of debt issues; inquiry 29724
Fiduciary power of National banks and collective investment funds; registration of transfer agents 40859

Notices

Authority delegation; First Deputy Comptroller et al.; order of succession 30725, 36579
Committees, establishment, etc.; Banking Policies and Practices for Tenth Bank Region, Regional Advisory Committee 36579
Insured banks, joint call for report on condition 28851

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Advisory Committee management 43886
Conduct standards; employee membership and participation in voluntary standards organization; corrections 27934, 29815
Flammable Fabrics Act, National Advisory Committee; revocation of CFR Part 43886
Flammable fabrics, children's sleepwear; sizes 0–6x and 7–14; labeling requirements 27932
Substantial product hazard; policy and procedures 30936, 32830, 42004

Proposed Rules

Flammable Fabrics Act, mattresses; exemption for physician prescribed 32845
Information disclosure; Commission employee testimony in private litigation, policies and procedure 29092 32346, 38901
Privacy Act, implementation 42025, 43231, 43743
Swimming pool slides; safety standards 42562

Notices

Aerosol spray products; petitions 31026
Architectural glass; standards publication; extension of time 30862
Bookmatches, standards publication; extension of time 28126
Chemical formulations for specified consumer products; order for questionaire submission 36617
Flammable Fabrics Act, enforcement proceeding; Barrett Carpet Mills, Inc. et al 40875
Fluorocarbon-containing products, certain; Natural Resources Defense Council petition, denial 36419
Glass containers for malt beverages; petition denial 32157
Meetings:
Flammable Fabrics Act, National Advisory Committee for 44188
Poison Prevention Packaging, Technical Advisory Committee 29920
Product Safety Advisory Council 34629
Playground equipment, public; acceptance of offer to develop requirements 33703
Power lawn equipment; standards publication; extension of time 30863
Privacy Act; records systems 45124
Space heaters; partial denial of petition 41172
Spray guns, airless paint; enforcement proceeding, Spray Tech Corp.; prehearing conference 42235
Swimming pool slides; standards publication; extension of time 36794
Vinyl chloride, self-pressurized household substances containing; environmental assessment, etc 41170

COOPERATIVE STATE RESEARCH SERVICE

Notices

Meeting; Cooperative Forestry Research Advisory Committee 34433
Organization, functions and availability of information 30854

COST ACCOUNTING STANDARDS BOARD

Rules

Cost accounting standards:
Acquisition costs of material; effective date 32823
Definitions; accrued benefit cost method, etc 43873
Pension cost, composition and measurement 43873
Disclosure statements; filing by contractors, etc 32747, 33819

Proposed Rules

Cost accounting standards; business unit general administrative expense; allocation to final cost objectives 41801

COUNCIL ON ENVIRONMENTAL QUALITY

See Environmental Quality Council.

CUSTOMS SERVICE

Rules

Administrative rulings; issuance to importers, etc 31928
Air commerce; reporting and landing requirements for private aircraft arriving from areas South of U.S 33203
Articles conditionally free, subject to reduced rate, etc.:
Aircraft supplies for Iran 31752
Aircraft supplies for Morocco 31753
Exhibition, articles exported for; certificates of registration 44319
Forms 6417 and 6417-a, abolishment 36116
Gifts from Virgin Islands, Guam, American Samoa 31753
U.S. components, articles fabricated with, and assembled abroad 43021
Carriers, cartmen, and lightermen; transporting own bonded merchandise 41084
Consumption, appraisement, and informal entries; merchandise not having declared value 44542
Customhouse brokers; application fee for license in additional districts 31753
Fines, penalties, and forfeitures:
Petitions for relief 43488
Voluntary disclosure of violations of Customs laws 43894
Foreign-trade zones; abolishment of forms 6417 and 6417-a 36116
Liquidated damages; coffee imports and exports; discontinuance of certificate requirements 43026
Liquidation of duties; administrative rulings 31928
Merchandise, classification and appraisement; administrative ruling procedures 31928
Merchandise, entry of:
Dairy products from European community 44128
Forms 5417 and 6417-a, abolishment 36116
Merchandise; general order, unclaimed and abandoned; disposition after expiration of bond 28790
Merchandise, special classes; importations:
Cheeses; affidavits accompanying entry 36766
Pesticides and devices 32321
Organization and functions; Investigations Office, foreign and field office realignment 27934
Personal declarations and exemptions; public international organizations entitled to free entry privileges; list 41084
Ports of entry; Lubbock, Tex.; establishment, correction 27934
Protests; administrative ruling procedures 31928
Trademarks, trade names, and copyrights; increase in customs fees 28790
Vessels in foreign and domestic trade:
Administrative ruling procedures 31928
British Virgin Islands, yachts; exemption 32742
El Salvador, tonnage taxes and light money 44542
U.S. ports, entry; tonnage taxes and light money; exemption 34586

Proposed Rules

Antidumping and petitions by American manufacturers, producers, and wholesalers 30825, 43226
Articles conditionally free, subject to reduced rate, etc.; use of containers admitted as instruments of international traffic in local U.S. traffic 32751
Financial and accounting procedure; payment of bills and accounts; receipts 28807
Merchandise, special classes; importation; electronic products 41118
Organization and functions; field organization; Region I 37043

INDEX

CUSTOMS SERVICE—Continued

Proposed Rules—Continued Page

Vessels in foreign and domestic trade; forms used with entry and clearance ---- 33038

Notices

Authority delegations:
- Assistant Commissioner, Office of Administration, et al; contracting officer designation -- 32361
- Chief, Facilities Service Branch et al; contracting officer designation ---- 32361
- Deputy Commissioner et al; customs manual instructions -- 43235
- Regional Commissioners; contracting officers designation -- 32361

Boats, pleasure; dutiable value of; change in determination ---- 44339

Countervailing duty petitions:
- Asparagus (processed) from Mexico ---- 28106
- Cast iron soil and pipe fittings from India ---- 28103
- Caster oil products from Brazil -- 42222
- Cheese from Finland ---- 34423
- Cheese from Sweden ---- 34423
- Cheese from Switzerland ---- 28104
- Float glass from Belgium ---- 28104
- Float glass from European community; extension of time --- 34423
- Float glass from Italy ---- 28105
- Footwear from Korea ---- 28105
- Footwear from Taiwan ---- 28105
- Screws from Italy ---- 42760
- Steel plate, carbon and high strength, from Mexico ---- 28103
- Textile products from India --- 28104
- Tile, glazed ceramic wall, from Philippines ---- 37239

Country of origin marking:
- Goods produced in German Democratic Republic and East Berlin ---- 30509
- Hose couplings, unmachined castings for ---- 32765
- Semiconductor devices ---- 31816
- Toy tool sets, imported, within cases ---- 31816

Customhouse broker license cancellation; Clarke C. Walker --- 40190

Customhouse cartman's license, Port of New York; Tempo Trucking & Transfer Corp.; revocation ---- 30293

Foreign currencies; certification of rates ---- 29557, 30846, 34423, 36151, 38199, 39907, 42581, 42582

Instruments of international traffic; spools and cores for transporting nylon or rayon, or ply and steel cord ---- 37239

Reimbursable services; excess cost of preclearance operations ---- 34423

Tariff classification of cab chassis; inquiry ---- 40190

Trade name recordation; application, Wembly Industries, Inc --- 29557, 42378

DEFENSE CIVIL PREPAREDNESS AGENCY

Rules

Construction, federally assisted; award of contracts; editorial changes ---- 30114

Contracts, federally assisted, labor standards; trainees and apprentices ---- 42736

Contribution for DCPA equipment:
- Federal funds, advance ---- 36328
- State procurement; editorial changes ---- 30114

Contributions for DCPA personnel and administrative expenses; State and local procurement; editorial changes ---- 30114

Proposed Rules

Privacy Act, implementation ---- 37498, 42444

DEFENSE COMMUNICATIONS AGENCY

Proposed Rules

Privacy Act, implementation --- 37502

Notices

Meeting:
- Scientific Advisory Group --- 39536

DEFENSE DEPARTMENT

See also Air Force Department.
Army Department.
Defense Civil Preparedness Agency.
Defense Communications Agency.
Defense Intelligence Agency.
Defense Nuclear Agency.
Defense Supply Agency.
Engineers Corps.
National Security Agency.
Navy Department.

Rules

Contractors receiving negotiated contract awards, $10 million or more ---- 44135

Housing, off-base; equal opportunity ---- 42186

Proposed Rules

Freedom of information; quarterly index, issuance ---- 32847

Privacy Act, implementation ---- 37498, 37504, 37516, 37522, 37582, 37590, 37600.

Notices

Committee establishment, etc.; High Energy Laser Review Group ---- 40190

Meetings:
- Electron Devices Advisory Group ---- 30848, 31965, 34424, 37240, 42379, 44341
- High Energy Laser Review Group --- 28647, 28818, 32766, 40190
- Natural Resources Advisory Committee ---- 36394
- Science Board, task forces, etc-- 27693, 29094, 30293, 31821, 32765, 33056, 37060, 38172, 41156, 41543, 43932, 44588
- Scientific Advisory Group ---- 34010
- Wage Committee -- 29307, 33845, 42906
- Women in the Services Advisory Committee ---- 39907

Privacy Act; records systems ---- 35150, 39677, 39711, 40087, 40089, 40092, 41970, 43001, 43042

DEFENSE INTELLIGENCE AGENCY

Rules Page

Privacy Act; implementation ---- 44469

Proposed Rules

Privacy Act, implementation --- 37509, 44516

Notices

Meetings; Scientific Advisory Committee - 32362, 32847, 41155, 43042

DEFENSE MANPOWER COMMISSION

Proposed Rules

Privacy Act, implementation ---- 39197

Notices

Meetings ---- 28513, 29336, 31257, 32157, 40875, 42035

Privacy Act; records systems ---- 39198

DEFENSE NUCLEAR AGENCY

Proposed Rules

Privacy Act, implementation --- 37525

Notices

Meeting; Scientific Advisory Group ---- 36176

DEFENSE SUPPLY AGENCY

Proposed Rules

Privacy Act, implementation ---- 37525, 45113

Notices

Cancellation of contracts and debarment; hearings:
- Hale Fire Pump Co ---- 43946
- Lone Star Steel Co ---- 43946

DELAWARE RIVER BASIN COMMISSION

Notices

Comprehensive Plan, sewage treatment plant projects; hearings ---- 29122, 34629, 43056

DISEASE CONTROL CENTER

Notices

Committees, establishment, etc.:
- Annual report filing ---- 42766
- Tuberculosis Control and Venereal Disease Control Advisory Committees ---- 31973

Gas detector tube units; applications for certification ---- 33850

Meetings:
- Coal Mine Health Research Advisory Committee ---- 44174
- Immunization Practices Advisory Committee ---- 42043
- Safety and Occupational Health Study Section ---- 36403
- Tuberculosis Control Advisory Committee ---- 31973
- Venereal Disease Control Advisory Committee ---- 34018

Occupational health and safety standards for certain chemical substances:
- Chemical agents as carcinogens, etc.; inquiry, extension of time ---- 42043
- Safety procedures, inquiry ---- 39538

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Rules

Defense Priorities System, basic rules ---- 43489

Export licensing: Page
- Nuclear non-proliferation treaty provisions ---- 31209
- Petroleum and petroleum products; continuation of short supply controls ---- 40507
- Shipstores, bunkering, Cuban trade ---- 40507
- Technical data, revision of general license GTDR ---- 36311

Proposed Rules

Defense Priorities System, basic rules ---- 33996

Notices

Adjustment assistance; certification of eligibility to apply for; petitions:
- Federal Spinning Corp ---- 30675
- Green Ball Bearing Co ---- 28501
- Herr Manufacturing Co., Inc --- 43937
- Indian Head Shoe Co ---- 36782
- Kirstein Leather Co ---- 29102

Export monitoring reports, nitrogenous fertilizer:
- March ---- 27709
- April ---- 29904

Export privileges, actions affecting:
- Eyett, Mervyn E. and Overseas Holidays & Aircraft Hire (Pty.), Ltd ---- 33265
- Hilmar Kristensen and Dansk Impulsfysik A/S ---- 36398
- Information Magnetics, Inc. et al ---- 30297, 42587
- Lorenz, Peter and Hans Jorgen Filter ---- 29311
- Pese, Gustav Dieter ---- 29311
- Pirani, Badru ---- 41544
- Robinson, Lincoln E ---- 29312

Meetings:
- Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee ---- 43527
- Computer Systems Technical Advisory Committee ---- 33503, 33695, 34171, 36782, 42041
- East-West Trade Advisory Committee ---- 34622
- Electronic Instrumentation Technical Advisory Committee ---- 33847
- Exporters' Textile Advisory Committee ---- 28650
- Importers' Textile Advisory Committee ---- 41828
- Lead and zinc consumption and production ---- 42910
- Management-Labor Textile Advisory Committee ---- 41828
- Multilateral Trade Negotiations, Industry Sector Advisory Committee for ---- 37243
- National Industrial Energy Conservation Council ---- 33848
- Numerically Controlled Machine Tool Technical Advisory Committee ---- 27711, 40567, 40568, 42040, 42041, 42042
- Semiconductor Manufacturing and Test Equipment Technical Advisory Committee ---- 42910
- Semiconductor Technical Advisory Committee ---- 30518, 42042
- Telecommunications Equipment Technical Advisory Committee ---- 42911

Organization and functions: Page
- Deputy Assistant Secretary for International Economic Policy and Research ---- 36603
- Directorate of Administrative Management ---- 44345
- Industrial Mobilization Office -- 42228
- International Commerce Bureau ---- 41160

Scientific articles; duty-free entry:
- Agriculture Department ---- 30514, 31020
- Arizona State University ---- 33060
- Army Construction Engineering Research Laboratory ---- 36784
- Army Institute of Dental Research, et al ---- 34434, 36784
- Auburn University, et al ---- 40564, 42764
- Aura, Inc ---- 40585
- Baylor College of Medicine ---- 36397
- Case Western Reserve University ---- 43936
- College of Medicine and Dentistry of NNJ ---- 28828
- Colorado State University ---- 40565
- Columbia University ---- 41546
- Commerce Department ---- 42583
- Cornell University, et al ---- 40565
- David Lipscomb College ---- 44594
- Desert Research Institute ---- 28824
- Duke University Medical Center ---- 28829
- Energy Research and Development Administration, et al -- 28829, 39915
- Field Museum of Natural History ---- 33060
- Florida State University, et al- 43937
- Fred Hutchinson Cancer Research Center ---- 32395
- Frederick Cancer Research Center, et al ---- 44595
- Geological Survey ---- 28826, 30514
- George Washington University- 40566
- Gerontology Research Center-- 36399
- Grossmont District Hospital--- 31020
- Hahnemann Medical College and Hospital, et al ---- 43259
- Harvard Medical School ---- 43937
- Health, Education, and Welfare Department ---- 31021
- IIT Research Institute ---- 28824
- Indiana University ---- 40514, 34437, 36398
- Iowa State University of Science and Technology ---- 41546
- Labor Department ---- 36397
- Louisiana State University Medical School ---- 28829
- Massachusetts General Hospital ---- 43938
- Mayo Foundation, et al ---- 34440
- Maryland State Department of Health & Mental Hygiene, et al ---- 42229
- Memphis V.A. Hospital ---- 34440
- Methodist Hospitals, et al ---- 32149, 42584
- Mississippi State University, et al ---- 28824
- Mt. Sinai Medical Center ---- 42584
- National Bureau of Standards- 36399
- National Institutes of Health, et al ---- 43260
- National Radio Astronomy Observatory ---- 28826, 34437, 36399
- Naval Regional Medical Center- 42585
- New York State Department of Health, et al ---- 34437
- North Carolina State University ---- 29102
- Northwestern University ---- 40567, 43261, 43528
- Ohio State University ---- 30515
- Philadelphia College of Osteopathic Medicine ---- 42585
- Queens College, et al ---- 43528
- St. Paul Hospital, et al ---- 41546
- San Diego State University ---- 33694
- Sinai Hospital of Detroit ---- 43938
- State University College at Brockport ---- 30515
- State University College at Potsdam ---- 30516
- State University of New York, et al ---- 30516, 31018, 43529
- Students International Meditation Society ---- 43529
- Tampa General Hospital, et al-- 42585
- Texas A & M University, et al-- 31021
- Texas Southern University, et al ---- 36782
- Triton College, et al ---- 33694
- U.S. Army Institute of Dental Research et al ---- 36784
- University of Alaska, et al ---- 28830
- University of California, et al-- 28826, 30517, 32150, 33061, 36400, 36784, 40567, 42586, 44593
- University of Chicago ---- 30517, 36785
- University of Cincinnati ---- 36785
- University of Illinois, et al ---- 36785, 36786, 41548
- University of Kentucky ---- 42586
- University of Miami, et al ---- 36400, 43261
- University of Michigan ---- 36400
- University of New Mexico ---- 28827
- University of Oregon, et al ---- 28831, 28832, 43939
- University of Pennsylvania ---- 32151, 42587
- University of Rochester ---- 30517, 42587, 43530
- University of Rhode Island ---- 33848
- University of Southern California ---- 30518
- University of Tennessee ---- 36401
- University of Washington, et al- 33061
- University of Wisconsin, et al-- 36786
- University of Wisconsin, Madison ---- 28828, 41548
- University of Wisconsin Center for Health Sciences ---- 36401
- Virginia Commonwealth University, et al ---- 41549
- Wayne State University ---- 41549

DRUG ABUSE PREVENTION, SPECIAL ACTION OFFICE FOR

Rules

Confidentiality of alcohol and drug abuse patient records:
- CFR Part revocation ---- 27821

DRUG ENFORCEMENT ADMINISTRATION

Rules

Schedules of controlled substances:
- Exempt chemical preparations- 36767
- Mecloqualone and thiophene analog of phencyclidine; placement in Schedule I ---- 29611

INDEX

DRUG ENFORCEMENT ADMINISTRATION—Continued

Proposed Rules Page

Schedule of controlled substances; poppy straw, importation; reports from manufacturers ---------- 30117, 42866

Notices

Applications, etc.: controlled substances:
Abbott Laboratories et al ---------- 36580, 37060
Arenol Chemical Corp. et al ---------- 40190
Coastal Pharmaceuticals, Inc ---------- 28498
Cord Laboratories, Inc., et al ---------- 40867
Endo Laboratories, Inc. et al ---------- 42055
Fher Corporation Ltd ---------- 44588
Mallinckrodt, Inc ---------- 30725, 36580
Penick, S.B., & Co ---------- 30725, 36153
Regis Chemical Co ---------- 30726
Vitarine Co., Inc ---------- 27694
Western Fher Laboratories et al ---------- 33250
Zenith Laboratories ---------- 37060
Marihuana; scheduling; petition denial; NORML et al ---------- 44164, 44856
Registrations, actions affecting:
Baker, Dale W. t/a Northridge Drug Store et al ---------- 44589
Ellzey, Howard W.; hearing ---------- 40190
York Pharmacy, Inc ---------- 42035
Schedules of controlled substances:
Difenoxin ---------- 36152
2,5 Dimethoxyamphetamine ---------- 38173
Importers, registration of; policy statement ---------- 43745
Methylphenidate ---------- 36152
Quotas, aggregate production, 1976; Schedule II ---------- 37240
Quotas, final aggregate production, 1975 ---------- 36512
Thebaine ---------- 43745

EAST-WEST FOREIGN TRADE BOARD

Rules

Chapter added ---------- 29534
Technology exports; reporting requirements ---------- 29534

ECONOMIC DEVELOPMENT ADMINISTRATION

Rules

Adjustment assistance for firms and communities:
Application procedure, etc ---------- 44308
Interim regulations ---------- 29265
Job opportunities program; grant and loan:
Eligible projects ---------- 29704
Project selection procedures ---------- 43483
Public works and development; grant and loan program:
Hospitals, nursing homes; tourism and recreation; and vocational or skill training facilities ---------- 29070
Property management ---------- 32733

Notices

Meeting; Regional Economic Development, National Public Advisory Committee ---------- 29315

ECONOMIC OPPORTUNITY, NATIONAL ADVISORY COUNCIL ON

Notices

Meeting ---------- 26809

ECONOMIC OPPORTUNITY OFFICE Page

See Community Services Administration.

EDUCATION OF DISADVANTAGED CHILDREN, NATIONAL ADVISORY COUNCIL ON THE

Notices

Meetings:
Early Childhood Education Committee ---------- 27984, 43773
National Advisory Council ---------- 27737, 28137, 32879, 36625, 39562, 43773

EDUCATION OFFICE

Rules

Adult education programs, State; correction ---------- 34114
Equalization plans, assistance programs to States ---------- 32329
Freedom of information; fee schedule ---------- 41795
Higher education and vocational students, low-interest loans:
Emergency insured student loans; special allowances ---------- 30820
Guaranteed student loan program; special allowances ---------- 34115
Strengthening developing institutions; correction ---------- 40518

Proposed Rules

Basic educational opportunity program; expected family contribution, 1976–77 academic year ---------- 34331
College work-study program; annual review of private need analysis systems ---------- 32540
Foreign language, modern; training and area studies ---------- 31617
Gifted and talented children and youth program ---------- 30662
Metric education program; use of measurement system ---------- 41670
Migratory children, educationally deprived; grants to States ---------- 28622
National defense student loan program; annual review of private need analysis systems ---------- 32540
Supplemental educational opportunity grant program; annual review of private need analysis systems ---------- 32540
Vocational education, State programs ---------- 33047
Women's Educational Equity Act, implementation; program grants and contracts ---------- 33802

Notices

Applications and proposals, closing dates:
College library resources program ---------- 40192
College work study ---------- 43263
Cooperative education program ---------- 30297
Educational Broadcasting Facilities Program ---------- 44858
Environmental education program ---------- 39918
Ethnic heritage studies program ---------- 44176
Follow-through grants, contracts ---------- 39918
Fulbright - Hays training grants ---------- 42388
Gifted and talented program ---------- 44177
Handicapped, research and demonstration ---------- 31974
Handicapped children, early education ---------- 34021
Handicapped education, training grants ---------- 40568
Health and nutrition program ---------- 39919
National direct student loan program ---------- 42363
Special projects grants ---------- 34021
Supplemental educational opportunity grants program ---------- 42363
Teacher Corps projects ---------- 30298
Committees, establishment, etc.:
Annual reports, 1975; Advisory Councils and Committees ---------- 42363
Education Professions Development, National Advisory Council, availability of report ---------- 44858
Indian Education Advisory Council, National; membership nominations, etc ---------- 34441
Comparability of services; determinations, FY 1976 ---------- 42912
Low income families, schools having high concentration of children from; Calif. and Tenn.; teacher service loan cancelation ---------- 29222
Meetings:
Accreditation and Institutional Eligibility Advisory Committee ---------- 30149, 32773, 36608
Adult Education National Advisory Council ---------- 40871
Bilingual Children, Advisory Committee on Education of ---------- 29319
Career Education National Advisory Council ---------- 28113, 36414
Community Education Advisory Council ---------- 36414, 41830
Developing Institutions Advisory Council ---------- 42388
Education Professions Development National Advisory Council ---------- 33696
Equality of Educational Opportunity, National Advisory Council ---------- 36609
Ethnic Heritage Studies National Advisory Council ---------- 43942
Extension and Continuing Education National Advisory Council ---------- 39539, 42043
Financial Aid to Students Advisory Council ---------- 43048
Handicapped, National Advisory Committee on ---------- 43751
Indian Education National Advisory Council ---------- 28842, 29560, 39918, 44177
Vocational Education National Advisory Council ---------- 31651, 32152, 34624, 39539, 43942, 44345, 44346
Women's Educational Programs Advisory Council ---------- 39539
National Defense Student Loan Program; low income families, schools having high concentration of children from; list; Calif. and Tenn.; teacher service loan cancelation ---------- 29222
Organization and functions:
Occupational and Adult Education Bureau ---------- 36414
Title I audit appeal; California ---------- 39919, 39920
Vocational education grants; exemplary program priorities, FY 1976 ---------- 30297

EMPLOYEE BENEFITS SECURITY OFFICE

Rules Page

Employee Retirement Income Security Act:
Coverage; reporting and disclosure requirements ---------- 34526
Employee pension benefits plans; minimum standards ---------- 41654
Fiduciary responsibility; calculation of value of employer securities ---------- 43726
Fiduciary responsibility; interpretative bulletins ---------- 31598, 31638, 34587

Proposed Rules

Employee Retirement Income Security Act; definitions, coverage, etc ---------- 31638, 33561, 33563

Notices

Employee benefit plans, prohibitions on transactions; exemption proceedings, etc ---------- 33564
Meeting; Employee Welfare and Pension Benefit Plans, Advisory Council ---------- 40218
Pension and welfare plans; annual information returns/reports ---------- 45134

EMPLOYMENT STANDARDS ADMINISTRATION

Proposed Rules

Affirmative action obligations contractors and subcontractors; Rehabilitation Act of 1973; handicapped workers ---------- 39887

Notices

Index to general wage determination decisions and modifications ---------- 28368, 32674, 41382
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedes decisions ---------- 28304, 29436, 30382, 31430, 32550, 33570, 34538, 36891, 40002, 41348, 42482, 43412, 44432

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules

Foreign atomic energy programs; unclassified activities ---------- 44826
Lithium isotope separation; access to restricted data, permits ---------- 43481, 44826
Organization and functions; advisory committees ---------- 30803
Procurement:
Contract clauses and cost principles and procedures; interim regulation ---------- 31766, 32746
Proposals, submission, evaluation and selection ---------- 28068
Restricted data or National security information; procedures for determining eligibility for access ---------- 36302
Trespassing on Administration property; redesignation ---------- 28789

Proposed Rules

Privacy Act; implementation ---------- 38025, 38030

Notices Page

Committees, establishment, etc.:
Demonstration projects as commercialization incentive; task force on ---------- 44866
Field and Laboratory Utilization Study Group ---------- 32884
Energy Research, Development and Demonstration, National Plan for; meeting ---------- 43565
Environmental statements:
Light water breeder reactor program ---------- 34453, 42394
Liquid metal fast breeder reactor program ---------- 29127
Nuclear testing program, underground; Nevada test site ---------- 42594
Tokamak fusion test reactor facilities, N.J ---------- 36797
U.S. nuclear power export activities ---------- 32779, 42394
Uranium enrichment capacity program, expansion ---------- 27715
Meetings:
Field and Laboratory Utilization Study Group ---------- 32885, 40876, 42774, 44602
High Energy Physics Advisory Panel ---------- 42915
Senior Reviewers Committee ---------- 43273
Technical Advisory Committee, General ---------- 28513
Patent application; grants of exclusive license:
Hercules, Inc ---------- 36619
Hewlett-Packard Co ---------- 42044
Privacy Act; records systems ---------- 38031
Source evaluation and selection handbook; interim ---------- 42393
Trespassing on administration property:
Rocky Flats plant site ---------- 38187
Security Communication System; Burlington plant ---------- 30311

ENGINEERS CORPS

Rules

Dam and lake projects, design criteria; correction ---------- 36774
Flood preparation; natural disaster procedures; emergency employment of Army and other resources ---------- 39978
Navigable or ocean waters; permits for activities ---------- 31320
Navigation regulations; Ohio and Mississippi rivers above Cairo, Ill. and their tributaries ---------- 32121
Relocation assistance, uniform, and real property acquisition policies ---------- 27936
Water resources programs:
Framework and river basin study ---------- 31718
Planning assistance to States ---------- 42652
Project deauthorization review program ---------- 42564

Proposed Rules

Administrative procedures; shipping safety fairways and anchorage areas, Gulf of Mexico ---------- 29524, 43918
Cultural resources; identification and administration; policies and procedures ---------- 41636
Navigation regulations; Cooper River and tributaries, Charleston, S.C ---------- 30118

Notices Page

Fuel carrying pipeline right-of-way application; Public Service Co. of Colorado ---------- 43932
Meeting; Great Lakes-St. Lawrence Seaway Winter Navigation Board ---------- 32367

ENGRAVING AND PRINTING BUREAU

Notices

Authority delegation; Deputy Director et al, order of succession ---------- 34010

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air pollution control, new motor vehicles and engines:
Certification and test procedures; technical amendments ---------- 33973
Emission standards, national, for hazardous air pollution; delegation of authority, California ---------- 42195
Recall regulations; decal requirements ---------- 28066
Air pollution; standards of performance for new stationary sources:
California; delegation of authority ---------- 42194
Phosphate fertilizer industry ---------- 33152
Steel industry, electric arc furnaces ---------- 43850
Air quality implementation plans:
Alabama ---------- 39503
California ---------- 29712, 33034
Ferroalloy production facilities; prevention of air quality deterioration ---------- 42011
Georgia ---------- 42351
Idaho ---------- 33215
Iowa ---------- 33452, 43214
Kansas ---------- 30961, 42190, 43215
Kentucky ---------- 29540, 40158, 42357
Massachusetts ---------- 33973, 39863
Mississippi ---------- 42354
Montana ---------- 43216
National ambient air quality standards; maintenance ---------- 40160, 41942
Nebraska ---------- 41778
New Jersey ---------- 30962
New York ---------- 42542
North Carolina ---------- 41779
Oregon ---------- 33215
Parking supply and related facilities; suspension ---------- 28064, 29713
Pennsylvania ---------- 41787
Photochemical oxidants, harmful and emergency action level ---------- 36330
Puerto Rico ---------- 32329, 39863, 42191
Tennessee ---------- 36335
Virgin Islands ---------- 42012
Virginia ---------- 33450
Wyoming; correction ---------- 33034
Fuels and fuel additives; unleaded gasoline:
Administrative procedures for challenging liability and civil penalty assessment ---------- 39962
Distributors, carriers, transporting; controls; correction ---------- 29292
General availability; correction ---------- 38156
Information and reports, requests ---------- 36635

INDEX

ENVIRONMENTAL PROTECTION AGENCY—Continued

Rules—Continued Page

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
4-Aminopyridine ---- 31602
Carbofuran ---- 29714
Carboxin ---- 33659
Chlorothalonil ---- 29714
2-[4-Chloro-6-(ethylamino)-s-triazin-2-yl amino]-2-methylpropionitrile ---- 32746
Daminozide ---- 42357
2,4-Dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate ---- 29715
Ethoprop; correction ---- 29547
N-(1-Ethylpropyl)-3,4-dimethyl 1-2,6-Dinitrobenzenamine ---- 29850
Hexakis (2-Methyl-2-Phenylpropyl) Distannoxane ---- 33035
Inert ingredients, certain ---- 28065, 40161
Naled ---- 43727
Oxadiazon ---- 33453
Paraquat ---- 31237, 43727
Pine Oil ---- 31236
Polymer, cross-linked nylon-type encapsulating ---- 43727
Profluralin ---- 31236
Propargite ---- 32746
Tetraethyl pyrophosphate ---- 34340
2-(Thiocyanomethylthio) benzole ---- 33453
Trifluralin ---- 28065
Zinc phosphide ---- 31237
Pesticide registration; enforcement of Federal Insecticide, Fungicide, and Rodenticide Act ---- 28242, 32329, 33976, 36571, 41788, 42746
Water pollution; effluent guidelines for certain point source categories; manufacturing, processing, etc.:
Electroplating: extension of time ---- 29075
Fertilizer; urea subcategory ---- 36337
Grain mills, corn wet subcategory ---- 37038
Ink ---- 31726
Inorganic chemicals; extension of time ---- 29850
Oil and gas extraction; offshore segment ---- 42543
Paint ---- 31724
Paving and roofing materials (tars and asphalt) ---- 31190
Sugar; beet ---- 36337
Water pollution control:
Discharge of dredged or fill material, activities permits; agreements with Engineers Corps ---- 41292
Discharge elimination system, National ---- 29848
Ocean dumping; transportation of material; permits ---- 30114

Proposed Rules

Air pollution; standards of performance for new stationary sources; fossil fuel-fired steam generators; opacity provisions ---- 42028
Air quality implementation plans:
Alabama ---- 30982, 40854
Arizona ---- 36577, 42368, 42896
California ---- 30982
Colorado ---- 43923
District of Columbia ---- 40855
Florida ---- 34408, 40855, 42369
Georgia ---- 28815
Idaho ---- 36385, 40172, 40856, 42757
Iowa ---- 30287
Kansas ---- 30288
Massachusetts ---- 44847
Michigan ---- 28098
Montana ---- 28097
Nevada ---- 34408, 42896
New York ---- 32346
Pennsylvania ---- 32761
Puerto Rico ---- 42211
State plans, preparation, adoption, and submission ---- 28629
Utah ---- 43231
Vermont ---- 42895
Washington ---- 32347
Wisconsin ---- 44848
Information; trade secrets and confidential business information; supplement and corrections ---- 28814
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc:
Carbofuran ---- 43924
Inert ingredients ---- 30289, 41538
Methomyl ---- 42757
Polymer, cross-linked nylon-type; encapsulating ---- 32348
Pesticide programs; enforcement of Federal Insecticide, Fungicide, and Rodenticide Act:
State issuance of experimental use permits ---- 40545, 44162
State registration to meet special local needs ---- 40538, 44162
Privacy Act; implementation ---- 40792
Radiation protection standards for nuclear power operations; extension of time ---- 34417
Waste, solid; treatment, management, etc.:
Grants, areawide planning agencies and state agencies ---- 41644
Grants, procurement of personal and professional services for construction of treatment works; meeting ---- 43231
Policies and procedures; designation of areas and regional planning agencies ---- 41649
Source separation for materials recovery; guidelines ---- 42986
Storage and collection ---- 29404
Water pollution; effluent guidelines for certain point source categories, manufacturing and processing, etc.:
Electroplating; extension of time ---- 29076
Fertilizer (phosphate) ---- 33052
Grain mills, corn wet subcategory ---- 37052
Ink ---- 31730
Inorganic chemicals; extension of time ---- 29892
Iron and steel ---- 36708
Oil and gas extraction, offshore segments ---- 42572
Organic chemicals ---- 34409
Paint ---- 31729
Paving and roofing materials ---- 31196
Poultry; extension of time ---- 28633
Pulp, paper, and paperboard ---- 41300
Water pollution control:
Analysis of pollutants; test procedures; extension of time ---- 32136
Secondary treatment information; domestic wastewater disinfection ---- 34522
State continuing planning processes; policies and procedures ---- 29882, 32133
State water quality management basin plans; preparation ---- 29887, 32133
Water quality standards, implementing Safe Drinking Water Act:
Grants, State public water system; supervision programs ---- 33224, 40538
Primary standards, National ---- 33228, 40538
Radioactivity; contaminant levels ---- 34324
Water quality standards; State plans:
New Jersey, New York, and Puerto Rico; withdrawn ---- 30983
Ohio; withdrawn ---- 33470

Notices

Air pollution control, new motor vehicles and engines:
California; waiver of Federal preemption ---- 30311
Fuel economy labeling program, voluntary data, 1975 models ---- 37250
Light duty vehicles; suspension of 1977 hydrocarbon and carbon monoxide emission standards ---- 27964
Air pollution; standards of performance for stationary sources:
Asphalt opacity provisions; response to comment ---- 41834
California; authority delegations ---- 42236, 42237, 42238
Generators, steam; fossil fuel-fired ---- 42045
Sulfuric acid plants ---- 39927
Air quality standards:
Ambient air monitoring reference and equivalent methods; designations, sulfur dioxide ---- 34024
Clear Air Act, administration; nonexempt Federal contracts, grants and loans; list of ineligible violating facilities ---- 33284
Energy related authority; progress and impact report; Energy Supply and Environmental Coordination Act, implementation ---- 33489
Air quality standards; ambient monitor applications:
Lear Siegler ---- 28662
Meloy Laboratories, Inc ---- 32157
Authority delegation; judicial officers ---- 31655
Committees; establishments, renewals, etc.:
Environmental Health Advisory Committee ---- 29562
Pesticide Policy Advisory Committee ---- 43947
Water Programs Advisory Committees, State-Federal ---- 28131
Environmental statements; availability of agency comments ---- 31977, 34630, 43052

Page

Food additive tolerance petitions:
Everpure, Inc ---- 43273
Invitation for public participation in rulemaking proceedings ---- 36422
Merck & Co., Inc., et al ---- 32377
Mobay Chemical Corp. et al ---- 33854, 36793

Fuels and fuel additives, unleaded gasoline; guidelines for assessment of civil penalties under Clean Air Act ---- 39973
Meetings:
Air Pollution Control Techniques Advisory Committee, National ---- 34454
Air Pollution Manpower Development Advisory Committee, National ---- 27717
Drinking Water Advisory Council, National ---- 28849, 40876
Effluents Standards and Water Quality Information Advisory Committee ---- 31654, 40574, 42240
Ionizing Radiation, Interagency Committee on Federal Guidance for Occupational Exposures to ---- 38187
Science Advisory Board ---- 27964, 31034, 36422
State-Federal FIFRA Implementation Advisory Committee ---- 31656, 33706, 40876, 44351
Noise emissions standards; aircraft noise abatement regulations, submission to FAA ---- 40876
Pesticide applicator certification; State plans:
Georgia ---- 33488
Iowa ---- 28131, 42774
Pesticide chemicals etc.; petitions:
Amchem Products, Inc., et al ---- 31259
American Cyanamid Co. et al ---- 41177, 43273
Chevron Chemical Co ---- 29920, 40574, 41833
E. I. du Pont de Nemours & Co ---- 32377
FMC Corp ---- 29563
Fike Chemical Co ---- 43947
Invitation for public participation in rulemaking proceedings ---- 36422
Mobay Chemical Corp ---- 41834
Monsanto Agricultural Products Co ---- 43542
PPG Industries Inc ---- 44186
Rohm & Haas Co ---- 41835
Rutgers University ---- 30863
Sandoz, Inc ---- 33487
Sandoz-Wander, Inc ---- 29755
Stauffer Chemical Co ---- 32780
Uniroyal Chemical ---- 30314
University of Arkansas ---- 44186
Upjohn Co ---- 41836
Pesticide enforcement policy statements; use of registered pesticides:
Unnamed target pests control in structural pest control ---- 41175
Use at less than label dosage rates ---- 42914
Pesticide programs; registering pesticides in U.S., guidelines; economic impact, analysis, etc ---- 36798
Pesticide registration:
Applications ---- 27716, 27963, 28129, 28513, 29124, 29563, 29752, 29753, 29922, 30315, 31031, 31258, 31259, 31652, 32157, 32159, 32160, 32866, 32867, 32868, 33283, 33704, 34454, 34632, 36618, 39893, 40197, 40573, 41177, 41836, 42396, 42594.
Enstar 5E Insect Growth Regulator ---- 43760
Heptachlor and chlordane; intent to cancel ---- 27963, 28850, 29755, 30522, 31655, 33503, 34455, 34456
Kill-Balm Rat and Mouse Poison, et al; intent to cancel ---- 32377
Red Star poisoned Grain for Ground Squirrels and Mice; intent to cancel ---- 36798
Sodium cyanide use in M-44 devices for predator control; hearing, etc ---- 29755, 31261, 31657, 32377, 33069, 34455, 44726
Strychnine Alkaloid ---- 42395
Strychnine Powder ---- 42394
Pesticides, specific exemptions and experimental use permits:
Agriculture Department; cis-7, 8-epoxy-2-methyl-octadectane for gypsy moths ---- 29920
Agriculture Department; emergency use of carbaryl for West Indian sugarcane root borer ---- 34186, 34187
Air Products & Chemicals, Inc., ethylene on sugar beets ---- 32780
Chevron Chemical Co.; diquat on potatoes ---- 42395
Chevron Chemical Co.; paraquat dichloride on dry beans ---- 42395
Engineers Corps; diquat for Asiatic duckweed ---- 34633
Engineers Corps; silvex for alligatorweed, 2,4-D for water hyacinth ---- 29123
Fisons Corp; 2-ethoxy-2,3-dihydro 3,3 dimethyl-5 benzofuranyl on seed production grasses ---- 42395
Hercules, Inc.; dialifor for pecans ---- 29124
Herculite Protective Fabrics Corp., chlorpyrifos on cockroaches and waterbugs ---- 40193
Idaho State Department of Agriculture; tetraethyl pyrophosphate on twospotted spider mite ---- 43759
Interior Department; 2,4-dichlorophenoxyacetic acid for Eurasian watermilfoil ---- 34187
Interior Department; sodium cyanide on coyotes ---- 31261, 31656, 44865
Massachusetts Department of Public Health; DDT on rabid bats ---- 43758
Michigan State University; ethephon on cherries ---- 32780
Minnesota Department of Agriculture; malathion on wild rice worm ---- 40194
Minnesota Department of Natural Resources; piscicide with rotenone, etc. on lake and marshland ---- 44866
Mobil Chemical Co.; ethoprop on sugarcane to nematodes and wineworms ---- 40194
Monsanto Co.; glyphosine on corn, etc ---- 44866
Monsanto Co.; glyphosine on sugarcane ---- 40193
New Jersey Department of Environmental Protection; DDT on rabid bats ---- 43759
North Dakota State University; carbaryl on rangeland to control grasshoppers ---- 40194
North Dakota State University; carbaryl on sunflowers ---- 31655
North Dakota State University; toxaphene for Army cutworms and sunflower beetles ---- 29921
Phostoxin Sales, Inc.; aluminum phosphide on stored grain ---- 40194
Rhodia, Inc.; phosalone for carrots ---- 34633
Rohm & Haas Co.; 2,4-dichlorophenyl p-nitrophenyl ether on wheat ---- 43753
Sandoz, Inc.; copper on algae ---- 34187
South Dakota State University; toxaphene for cutworms ---- 30316
South Dakota State University; toxaphene on sunflower crop to control grasshopper ---- 40195
Tennessee Valley Authority; 2,4-D for Eurasian watermilfoil ---- 29124
Texas A&M University; sodium cyanide for predator control ---- 30156
Texas Parks and Wildlife Department; 2,4-D herbicide to control water hyacinths and alligatorweed ---- 40196
Texas State Department of Health; strychnine for rabid skunk control ---- 44187
Thompson-Hayward Chemical Co.; 1-(4-chlorophenyl)-3-(2,6-difluorobenzyol)-urea on mosquitoes in temporary flooded area ---- 40574, 43543
Union Carbide Corp., carbaryl on cotton ---- 40194
University of California; microbial insecticide bacillus thuringiensis on almonds ---- 31031
University of Minnesota; toxaphene for Army cutworms and sunflower beetles ---- 29921
Utah State Department of Agriculture; parathion on false wireworms ---- 42775
Washington State Department of Agriculture; tetraethyl pyrophosphate for control of twospotted spider mites ---- 40196
Wyoming Department of Agriculture; strychnine in rabid skunk control ---- 42397
Privacy Act; systems of records ---- 43194
Waste, solid; treatment, management, etc.:
Construction grants; consulting engineering agreements; interim guidelines ---- 33067
Hazardous; inquiry; hearings ---- 42993
Planning, areawide; areas and agency designations ---- 32779

INDEX

ENVIRONMENTAL PROTECTION AGENCY—Continued

Notices—Continued Page

Water pollution control:
- Effluent guidelines, point source categories; oil and gas extraction ... 42596
- Federal Water Pollution Control Act, administration; nonexempt Federal contracts, grants, and loans; list of ineligible violating facilities ... 33284
- Oils, non-petroleum; discharge; prevention ... 28849
- Underground injection control, State requiring programs under Safe Drinking Water Act; future determinations ... 31034
- Wastewater disinfection, domestic; secondary treatment ... 34524

Water pollution control; discharge of pollutants:
- California ... 44350
- Florida ... 29562
- Michigan ... 36797
- Minnesota ... 41833
- Nevada ... 28514
- New Hampshire ... 36797
- New York ... 37251
- North Dakota ... 28663
- South Carolina ... 28130
- Texas ... 36421
- Vermont ... 42240
- Wisconsin ... 37252

ENVIRONMENTAL QUALITY, CITIZENS' ADVISORY COMMITTEE ON

Notices

Meeting ... 39921

ENVIRONMENTAL QUALITY COUNCIL

Notices

Energy research, Federal, and developing technologies, conservation and environmental aspects; hearings ... 30735, 39926

Environmental statements; availability ... 28127, 29333, 30309, 31255, 32373, 33485, 34450, 36794, 39923, 41172, 42391, 43270, 44351

Privacy Act; record systems ... 43001

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Rules

Privacy Act, implementation ... 45108

Proposed Rules

Privacy Act, implementation ... 39377

Notices

Information reports; extension of filing deadlines:
- Apprenticeship ... 44865
- Elementary-secondary staff ... 44865
- Higher education staff ... 44865
- State and local government ... 44865
- State and local government local union ... 44865

Privacy Act; record systems ... 39219, 45111

EXECUTIVE OFFICE OF THE PRESIDENT Page

See *Central Intelligence Agency.*
Drug Abuse Prevention, Special Action Office for.
Environmental Quality Council.
Management and Budget Office.
Presidential Clemency Board.
Telecommunications Policy Office.
Trade Negotiations Office, Special Representative for.
Wage and Price Stability Council.

EXPORT-IMPORT BANK

Rules

Conduct standards; employee report of securities transactions ... 28449

Proposed Rules

Privacy Act, implementation ... 39428

Notices

Privacy Act; records systems ... 39201

FARM CREDIT ADMINISTRATION

Rules

Personnel administration; farm credit institutions; conflict of interest ... 33030

Privacy Act; implementation ... 40454

Proposed Rules

Funding and fiscal affairs; investment, surplus funds management policy ... 33832

Privacy Act; implementation ... 33831

Notices

Privacy Act; records systems ... 41731

FARMERS HOME ADMINISTRATION

Rules

Applications, receiving and processing; Vietnam era veterans' preference ... 42178

Association, community facility loans:
- Procurement, bidding, and contract awards ... 29263
- Security design determination ... 30930

Business and industrial loans; veterans' preference; Vietnam era ... 42179

Development work, planning and performing; minimum property standards ... 32309

Emergency livestock line of credit guarantees; implementing Emergency Livestock Credit Act of 1974 ... 30622

Emergency loans:
- Policies, procedures, and authorizations ... 42320
- Processing; deletion of CFR Subpart ... 42320
- Special, policies and authorizations, deletion of CFR Subpart ... 42320

Farmer programs; loans:
- Subsidy rates, claims and payments ... 27931
- Veterans' preference; Vietnam era ... 42179

Rural housing loans and grants:
- Definitions ... 42178
- Eligibility requirements ... 42736
- Moderate-income families; maximum adjusted income ... 28463
- Nondiscrimination ... 29263

Truth in lending, disclosure statements, and notice of right to rescind; Real Estate Settlement Procedures Act ... 33197

Proposed Rules

Business and industrial loans, guaranteed; consolidation of procedures ... 34368

Rural housing loans:
- Conditional commitment program ... 34404
- Definitions ... 28094
- Funding priorities during shortages; State, local, or nonprofit agencies or organizations ... 33222
- Policies, procedure and authorizations ... 29300

Notices

Disaster areas:
- Colorado ... 28823
- Georgia ... 28824
- Idaho ... 32367
- Maryland ... 33693
- Michigan ... 43526
- Mississippi ... 28823
- Missouri ... 33693
- Montana ... 33263, 38175
- Nebraska ... 29311
- New Mexico ... 28823
- North Dakota ... 44344
- Oklahoma ... 33693, 38175, 43258
- South Carolina ... 44344
- South Dakota ... 33693, 42763
- Texas ... 28823, 33263, 42764

Rural rental housing loan program and HUD housing assistance payments program, joint information bulletin ... 30512

FEDERAL AVIATION ADMINISTRATION

Rules

Airport traffic areas, special; Valparaiso, Fla. terminal area ... 37031

Airworthiness directives:
- AiResearch ... 28605, 41090, 42740
- Balloon Works, Hot Air Balloons ... 33653
- Balloons, hot air; Raven models ... 42180
- Beech ... 29272, 30463, 30807, 32314, 34333, 38146, 39855, 41519, 42854, 44310
- Bell ... 36559, 36560, 41091
- Bellanca ... 29704, 33007, 43484
- Blanik ... 33007
- Boeing ... 37207, 42339, 42739, 43019, 44807
- British Aircraft Corp ... 30932, 31594, 31595, 31748, 31749, 42315, 32316
- Caproni Vizzola Construzioni Aeronautiche S.p.A ... 33319
- Cessna ... 30932, 33432, 34333, 36107, 41519
- DeHavilland ... 33007, 36310
- Detroit Diesel Allison ... 33432
- Dowty Rotol ... 29315, 31750
- Fairchild Hiller ... 28075
- Flug-und Fahrezeugwerke ... 31750, 32738
- Gates Learjet ... 30464
- General Dynamics ... 27643
- General Electric Co ... 42740
- Grumman ... 28075, 29814, 41519

Handley Page ... 32315
Hartzell ... 33433
Hawker Siddeley Aviation Ltd ... 32316, 32827
Hughes ... 29270, 36762, 42740
Israel Aircraft Industries, Ltd ... 31750
Lockheed ... 27644, 28604, 32316, 32827, 33198, 33654, 34585, 36762, 41519
Lycoming ... 29549
McDonnell Douglas ... 29269, 29270, 31595, 32317, 32318, 33433, 36762, 37030
Messerschmitt-Bolkow-Blohm ... 31208, 32739, 33008
Mitsubishi ... 30464, 31751
Patten/Pan Avion ... 32827
Pilatus Aircraft Ltd ... 31596, 31752, 32739
Piper ... 31208, 31596, 43484
Pratt & Whitney ... 41092
Rockwell International ... 29272, 30933, 37208, 41091
Rolls Royce ... 30808, 31596
SIAI Marchetti ... 32318, 32827, 33008, 33009
Scheibe Bergfalke ... 33008
Schleicher, Alexander ... 32738
Sikorsky ... 32828, 33434
Slingsby Sailplanes ... 32318, 32740
Socata ... 32828
Societe Nationale Industrielle Aerospatiale ... 31597, 32740, 32828, 33009, 33010
Szybowcowy Zaklad Doswiadiczalny ... 31752
Taylorcraft ... 36108

Certification; flight crew members other than pilots; flight engineer requirements ... 32829

Certification and operations:
- Crewmember interphone systems; turbojet-powered airplanes, large ... 42185
- Document retention; supplemental air carriers, etc.; load manifest disposition, etc ... 44541
- Ground proximity warning equipment; glide slope deviation alerting system ... 42183

Certification procedures for products and parts; approval of import aircraft engines, propellers, materials, etc ... 28603

Control areas ... 44127

Control zones ... 28076, 28790, 29272, 29273, 29550, 29551, 30099, 30464, 31597, 32320, 33010, 33435, 33655, 33965, 34606, 42340, 42341, 43485, 43718, 44807, 44808

Foreign air carriers; security program requirement ... 29273

IFR altitudes ... 30099, 42181, 43885

Jet routes ... 27644, 28077, 31597, 34087, 43487, 43885, 44310

Navigation facilities, non-Federal; interim standard microwave landing system; installation, etc ... 36109, 41093, 43719

Operating and flight rules, general; airports with control towers, taxi clearance ... 29704

Reporting points ... 34087, 36311, 43487, 43885, 44310

Restricted area ... 29552, 30633, 31209, 33655, 34334, 37030, 38146, 39495, 41092, 43718

Standard instrument approach procedures ... 28606, 29070, 30106, 30934, 32320, 33199, 34335, 36763, 39496, 41092, 42342, 43020, 44127

Technical standards order authorization, ground proximity warning equipment; glide slope deviation alerting system ... 42183

Terminal control area ... 31927, 36311

Transition areas ... 28076, 28077, 29272, 29273, 29550, 29551, 29728, 30099, 30465, 30633, 30808, 30933, 31597, 31927, 32319, 32320, 32740, 32741, 32742, 33199, 33435, 33654, 33655, 33819, 33965, 34087, 34333, 34334, 34605, 34606, 36106, 36560, 36763, 39495, 39855, 41520, 41998, 42341, 42342, 42741, 43019, 43020, 43485, 43486, 43487, 43717, 43718, 44127, 44540, 44808, 4809

VOR Federal airways ... 34087, 34607, 34608, 42180, 42342, 42471, 43885, 44126, 44310, 44808

Proposed Rules

Airport development actions affecting environment; processing procedures ... 36516, 44842

Airworthiness directives:
- Beech ... 41537, 44570
- Bell ... 28096, 39896, 43919
- Boeing ... 29301, 42023, 44335, 44841
- British Aircraft Corp ... 33049, 33050, 33051
- Britten Norman Ltd ... 31624, 33051
- Hawker Siddeley Aviation, Ltd ... 32342, 32837, 33682
- Martin ... 41143
- Pilatus Aircraft Ltd. et al ... 30980, 32342, 32343, 32838
- Pratt & Whitney ... 30126
- Rolls-Royce ... 31624
- Societe Nationale Industrielle Aerospatiale ... 31806, 33050
- Transport category airplanes, various manufacturers ... 34139
- Turbomeca ... 33050

Airworthiness review program; aircraft, engine, propeller ... 29410

Certification and operations; ground proximity warning equipment; glide slope deviation alerting system ... 30839

Control areas ... 31245

Control zones ... 28629, 30493, 31959, 32346, 34140, 39898, 42366, 44576, 44842

Exhaust emissions, smoke, EPA standards; FAA participation in testing ... 42754, 43919

Hazardous materials, transportation; exemption procedures; joint agreement with Materials Transportation Bureau ... 32758

Jet routes ... 28096, 28097, 28628, 31245, 36381, 42756, 43036, 43513, 44335

Medical standards and certificates, airmen; contact lenses, visual acuity requirements ... 42024

Operating and flight rules, general:
- Noise abatement and control standards; EPA-submitted ... 44184, 44256, 44842
- Overwater operations; radio equipment ... 29089

Reporting points ... 31245, 34606

Restricted areas ... 29554, 30494

Technical standards order authorization, aircraft; ground proximity warning equipment; glide slope deviation alerting system ... 30939

Transition areas ... 28628, 29302, 30127, 30494, 30670, 30840, 30981, 31247, 31806, 31958, 31959, 32343, 32344, 32345, 32346, 32839, 33461, 33462, 33997, 33998, 34140, 34141, 36144, 36380, 36381, 36575, 36777, 37045, 37226, 39897, 39898, 42025, 42364, 42366, 44576, 44841, 44842

VOR Federal airways ... 29554, 30495, 31245, 32758, 32839, 33223, 33224, 34606, 36144, 36777, 37045, 39529, 42025, 42365

Notices

Airport traffic control towers; commissioning:
- Florence, S.C ... 34626
- Marion, Ill ... 32774

Committee renewal, Microwave Landing System Advisory Committee ... 42770

Meetings:
- Aviation, Citizens Advisory Committee ... 34755
- Terminal Instrument Procedures Working Group for Navigation System Accuracy ... 31652, 41169, 42593

Noise abatement and control:
- Airport policy; inquiry and hearings ... 28844, 41169, 43266
- EPA standards; hearing ... 44184

Occupational safety or health standards for aircraft crewmembers; guidance information ... 29114

Organization and functions; flight service station relocation, Portland, Ore ... 28115

Pollution, high altitude, program planning; meeting ... 37247

War risk insurance, aviation, program study ... 42234

FEDERAL COMMUNICATIONS COMMISSION

Rules

Antenna structures; high intensity lighting ... 30263, 33662

Aviation services:
- Air traffic control radar; interference elimination ... 33219
- Airport lights, radio control from aircraft ... 33667

Cable television:
- Channel capacity, minimum; access channels ... 30656
- Cross-ownership, prohibited, divestiture requirements ... 44551
- Financial report, annual ... 33664
- Late-night programming ... 39509
- Network program exclusivity nonduplication protection ... 30650
- Program origination; development of cable-casting services; inquiry ... 28304
- Record maintenance and public inspection of files; correction ... 28457
- Sports broadcasts; program carriage ... 30641
- Subscription cablecasting; per-program or per-channel charge ... 34341
- Syndicated program exclusivity protection ... 44547

INDEX

FEDERAL COMMUNICATIONS COMMISSION—Continued

Rules—Continued Page

Citizens radio service:
Class D stations; operating rules for 33667
Experimental broadcast services:
FM broadcast translator stations; polarization of transmitting antennas 29862
FM and UHF translator stations; slide and voice announcement 31604, 40810
Records of TV and FM translators and FM booster stations 28610
FM broadcast stations:
Florida 33662, 37040
Idaho 36775
Illinois 36774
Louisiana 33218, 42882
Maine 43506
Michigan 43507
Missouri et al 28457, 34341
New York 33665, 36344
Oregon 43028
Texas 28098, 29547
Freedom of information 34115, 39506
Frequency allocations and radio treaty matters:
Certificated equipment; identification requirements 32746, 40810
Editorial changes 31226
Emergency broadcast system; attention signal equipment 34116
Local government and manufacturers radio services; telemetry and remote control operations 33455
UHF–TV translator stations 34598
Industrial radio services:
Hydrological and meteorological data transmission, frequency availability 32747
Local government and manufacturers radio services; telemetry and remote control operations 33455, 40169
Maritime services, land and shipboard:
Coast station, class II, public; availability of assignment at Guam 30820
Editorial amendments 44142
Microwave radio service, private operational-fixed, establishment; effective date deferral 36345
Organization and functions:
Chief, Common Carrier Bureau 34340
Chief Engineer 33217
Field office locations; address changes 28454
Practice and procedure:
Commercial radio operator licenses; fee schedule 33218
Emergency broadcast system; attention signal equipment 34116
FM and noncommercial educational processing FM broadcast applications 28803
FM, TV, and standard broadcast processing applications 28454
Plan and Policy Office Chief et al.; listing as decision making personnel in Commission proceedings; correction 44327
Radio broadcast service; fee schedules 42882
Privacy Act, implementation 44512
Public safety radio services:
Local government and manufacturers radio services; telemetry and remote control operations 33455
Radio broadcast services:
See also FM broadcast stations.
AM station assignment standards 29850, 31227
Emergency broadcast system; attention signal equipment 34116
Field strength, curves and measurements 27671
Frequency regulation, remote control operation, etc.; correction 27939
Television broadcast signal, video, vertical blanking interval; editorial changes 33457
Radio frequency devices; emergency broadcast system; attention signal equipment 34116

Proposed Rules

Amateur radio service; operator classes, privileges and requirements; extension of time 39532
Cable television:
Channel capacity and access channel requirements; extension of time 34155
Definition; classes of systems; inquiry 34155
Duplicative and excessive over regulation; inquiry 34608
Franchise fees; technical amendment 34613
Leap frogging provision; selection of television signals for carriage; extensions of time 28634, 34613
Multiple and cross-ownership 30291, 34614, 40172, 42028, 44849
Network program exclusivity protection, inquiry 34395, 43925
Relay service application, authorization form (CARS) 30986, 42028
Relay services; television translator relay stations; use of FM microwave, inquiry 30985, 36389
Signal strength contours; extension of time 34155
Specialty stations and specialty format programming; definitions 31807, 43038
Syndicated program exclusivity protection obligation; exemption of smaller systems and conglomerates 28816
Communication common carriers:
International record carriers scope of operation in U.S.; authorization of new gateway cities; inquiry 33685
Records, preservation 28816
Telephone network; registration of equipment connected interstate and foreign message toll telephones services (MTS) and wide area telephone service (WATS); extension of time 29302
Domestic public radio services:
Application processing, procedures, etc., extension of time 28816
Offshort radio telecommunications service; establishment; extension of time 31248
Experimental broacast service:
Television translator relay stations; use of FM microwave, inquiry 30985, 36389
Television translator stations; power limitations 37054
FM broadcast stations; table of assignments:
Arizona 33243
Arkansas and Missouri 30985, 34614
Florida 28634, 29303
Georgia 30985
Idaho 39529
Minnesota 34391
Mississippi 32762
Montana 30290
New Hampshire 34393
Oklahoma 39530
Oregon 33686
Pennsylvania 34394
Vermont 34393
Wyoming 36383
Frequency allocation and radio treaty matters:
Government earth stations for earth-to-space transmissions for tracking, telemetry and telecommand 42897, 43924
Local government and manufacturers radio services; telemetry and remote control operations 33471, 34155, 42028, 42577, 43037
Local government radio services; transmission of information to traveling public; extension of time 36778
Offshore radio telecommunications service; establishment, extension of time 31248
Industrial radio services:
Local government and manufacturers radio services; telemetry and remote control operations 33471, 34155, 34613, 42028, 42577
Radiolocation service transmitters; type acceptance requirement 31809
Land transportation radio services; radiolocation service transmitters type acceptance requirement 31809
Practice and procedure:
Corporate ownership, reporting and disclosure by broadcast licensees; extensions of time 32763, 42577, 43514
Noncommercial education broadcasting licenses; policies, forms, and license renewals 34382, 43038
Radio broadcast services; fee schedule 33242
Telephone companies and telegraph carriers ownership; annual report forms; extensions of time 33239, 33685
Privacy Act implementation 33239
Public safety radio services:
Local government and manufacturers radio services; telemetry and remote control operations 33471, 34155, 42577

Page

Local government radio services; transmission of information to traveling public; extension of time 36778
Police emergency communications channel, nationwide 34161
Radiolocation service; transmitters; type acceptance requirements 31809
Radio broadcast services:
Audience ratings, distortion; prohibition; extension of time 37054
Billing practices, fraudulent; prohibition; extension of time 37054
Contest practices; extension of time 37054
Multiple and cross-ownership 30291 31632, 31807, 34614, 40172, 44849
Nondiscrimination; broadcast licensees, inquiry 31625, 33243, 42578
Program logs; AM, FM and TV stations 44577
Promotional announcements; logging inquiry 43514
UHF television "taboo" table, re-evaluation; extension of time 40172
Safety and special radio services:
Station transmissions systems, automatic identification; extension of time 37055
Television broadcast stations; table of assignments:
Arkansas 42369, 43038
Puerto Rico 34396

Notices

Authority delegations, Board of Commissioners; establishment 32783
Automatic frequency assignment model, computer program report; availability 36422
Broadcast stations:
Annual license fees; stations sold since previous payment 31036
Automatic transmission systems; extension of time 29923
Cable television:
Annual fee, suspension pending judicial review 34189
Certificates of compliance; applications and petitions; service on broadcast stations 29336
Certificates of compliance and franchising; remainder to applicants 30742
Commission decisions, important to system operators and franchising, reminders 33285
License fee filing date; memorandum to owners and operators 31657
Sports events broadcasts, importation of distant signal; draft inquiry 27965
Canadian standard broadcast stations; list 30735, 31261, 34634, 39545
Canadian television channel allocations within 250 miles of U.S. border; table 31034, 33176
Committee, recognition; Southern California Marine Radio Council 43547
Communications common carriers:
Domestic public radio services applications accepted for filing 28516, 29566, 30737, 31262, 32780, 33284, 34459, 36802, 40574, 41178, 43057, 43545, 44352
Tariffs, competitive filings 28135
Doppler radar; special frequency band requirements 28137
Election Campaign Act, Federal; interpretations to broadcast licensees 28664
Emergency broadcast system; National-level interconnecting closed circuit test 33286
FM and TV broadcast applications ready and available for processing 34634, 36805, 40200, 41182, 44539, 44602
Land mobile paging stations, use of television channels; optimum frequency spacing and sharing; termination of proceeding 31266, 34641
Meetings:
Aeronautics Radio Technical Commission 29758, 29759, 33723, 37082, 44606
Domestic Land Mobile Radio Advisory Committee 1979 WARC 28135
Fixed Satellite Advisory Committee 42915
Industry Advisory Committee 42596
Marine Services Radio Technical Commission 27967, 31830, 40198, 44876
PBX Technical Standards Subcommittee 36805, 41179, 42050
Private Land Mobile Advisory Committee 34189, 36425, 42916, 43546
Ship Radar Special Committee 27718
Technical Standards Subcommittee 33286
Mexican broadcast station notification list 43761
Policy statement; objectionably loud commercials 34188
Privacy Act; records systems 40068
Program log analysis; 1976 composite week dates for AM and FM and commercial television licensees 28136
Public interest mailing list 34461, 34641
Radio common carriers and wireline telephone companies, interconnection; meetings 32781, 34194, 41182, 43947
Reports and new Index-Digests; issuance 43947
Ship station licensees; frequency authorization 42051
Sponsorship identification rules; applicability 41936
Standard broadcast applications; ready and available for processing 29924, 44354
Television broadcast stations, table of assignments VHF stations, inquiry petition 42775
Television renewal applications; contours, field intensity charts, etc; extension of time 41182
World Administrative Radio Conference 30317, 36425, 39551, 44606
Hearings, etc:
American Telephone & Telegraph Co. et al 29336, 32782
Bouldin Corp. et al 31034
Boyd, Crosby, N., et al 34461
Braverman Broadcasting Co. Inc 28663
CBS Inc. (WCAU–TV) et al 44351
CPI Microwave, Inc. et al 36423
Catamount Broadcasters, Inc. et al 43543
Coffey County Community TV, Co 28850
Country-Politan Broadcasting, Inc. et al 29337
Gilbert Broadcasting Co. et al 44867
Gross, Jack O. et al 44611
Gross Telecasting, Inc 42399, 43059
Henderson Broadcasting Co., Inc., et al 30317
ITT World Communications Inc., et al 33717
International Record Carriers 28132, 28665, 30743, 37081
KOKA Broadcasting Co., et al 29923
Klein, Alexander S., Jr. et al 36805
Mesabi Communications, Inc. et al 30743
Mid-Florida Television Corp., et al 27965
New Mexico Broadcasting Co., Inc. et al 30313
Norjud Broadcasting, Inc 32782
Norman Broadcasting Co., et al 41179
Peabody Telephone Answering Service et al 33721
Perdido Broadcasting Co. et al 28136
Post-Newsweek Stations, Florida, Inc. et al 31264, 34639, 39546, 42401
Radio Cicero, Inc 43600
Rollins Cable Vue, Inc d/b/a Rollins Cablevision 31657
Rust Communications Group, Inc 32783
Sault Ste. Marie Broadcasting Co. et al 39547
Sharp, Harold James et al 27717, 42400
Sherwood Broadcasting, Inc., et al 40199
Smith, Ray et al 31035
Southwest Pennsylvania Cable TV, Inc 44872
Stereo Broadcasters, Inc 44355
Superior Communications Co., Inc 28515
Thompson Flying Service et al 28851
Totten, John Harold, Sr. et al 30744
Town & Country Radio, Inc. et al 34189
UA-Columbia Cable Television, Inc., et al 34191
WWLE, Inc. et al 44873
Walton Broadcasting Inc 33723
Watkins Glen Master Television Antenna Corp. et al 43948
Western Tele-Communications, Inc 42405
White Mountain Broadcasting Co., Inc 30744
Zenith Radio Corp. et al 39549

INDEX

FEDERAL CONTRACT COMPLIANCE OFFICE

Rules

Page

State and local requirements for federally assisted construction contracts:
Atlanta plan; extension 28609
Washington plan; extension 30963

Proposed Rules

State and local requirements for federally assisted construction contracts:
New York City 28472, 28530, 33680
Philadelphia 28477, 33680
Washington, D.C. 41149

Notices

Nonconstruction contracts, Federal; institutions of higher education, nondiscrimination and affirmative action; hearing 30166, 37129

State and local requirements for federally assisted construction:
Baltimore, Md. hearing 41206
Los Angeles, extension 28529
New York, extension 28530
Philadelphia plan, extension 28530

FEDERAL CROP INSURANCE CORPORATION

Rules

Crop insurance, designated counties in certain States:
Cotton 44539
Grain sorghum 44540
Grapes 44540
Peaches; 1976 and after 44823
Sugar beets; all States except Calif 44822
Sugarcane; Louisiana 44540

Notices

Crop applications; extension of closing dates:
Sugar beets, Calif 42227
Sugarcane; Louisiana 40869
Wheat, winter, N. Dak 43044

FEDERAL DEPOSIT INSURANCE CORPORATION

Rules

Flood hazards, special; loans in areas with 27931, 43482
Forms, instructions and reports; State nonmember banks 36559
Interest on deposits; preauthorized payments or transfers from savings deposits 33198
Practice and procedure; examination of insured banks and affiliates 28048

Proposed Rules

Interest on deposits
Individual retirement accounts; inquiry 28099
Subordinated debt obligations 28100
Privacy Act, implementation 39426
Transfer agents; registration 40856
Unsafe and unsound banking practices, insider transactions; recordkeeping requirements 40548, 41530

Notices

Insured banks, joint call for report on condition 28851
Privacy Act; records systems 39079

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Rules

Page

Disaster Relief Act; standards and procedures; correction 28609

Notices

Disaster areas:
Florida 39542
Illinois 32773
Louisiana 39920
Minnesota 29751, 31022, 31652, 36167, 41550
Montana 28504, 29752, 32774
New Jersey 31975, 43265
North Dakota 30305, 31652
Ohio 43048, 43943
Oklahoma 29916
Puerto Rico 44600
Tennessee 27962
West Virginia 43265
Wisconsin 43539

FEDERAL ELECTION COMMISSION

Rules

Complaint procedure; interim guidelines 28578
Conventions, public financing for; disbursement procedures; interim guidelines 40671
Debts and obligations; interim reporting guidelines 32950
New Hampshire Senate election interim guidelines 40668
Presidential primary matching funds; interim guidelines 33817, 41933
Tennessee special election; interim guidelines 43660

Proposed Rules

Accounts, office and franking; excess campaign contributions; treatment of 32951, 36869, 37226, 41932
Campaign funds, Federal, disclosure:
Campaign depositories 44698
Candidate status and designations 44698
Convention financing, reports 44698
Definitions and scope 44698
Political committees, organization of 44698
Political committee, registration of 44698
Reports by political committees and candidates to Commission 44698
Reports and statements, formal requirements 44698
Statements, filing copies, with state officers 44698
Document filing 33169, 43517
Federal Election Campaign Act:
Implementation; extension of time 28579
Reporting requirements, forms; inquiry 30581
Privacy Act, implementation 36872

Notices

Advisory opinion requests 28044, 28944, 30258, 31878, 31984, 36530, 36534, 40675, 43166, 43664, 44041
Advisory opinions:
Banks, corporations, and labor unions, contributions to defray constituent service expenses 34084
Campaign contributions from partnership 40673
Campaign debts, pre-1975 31316

Page

Campaign debts from 1972, continuous reporting 42838
Constituent services of members of Congress, contributions and expenditures relating to 40673
Democratic Party telethon 29792
Dual candidates, funding limitations and separate committees 42839
Funds, internal transfer, by candidates or committees 40674
Honorariums and related benefits for members of Congress 36746
Incorporation of political committee 42303
Michigan Democratic Party 36092
National political party conventions 29792
National Republican Congressional Committee 36092
Principal campaign committee, reporting schedule, etc 36242
Royalties, payment of, by campaign committee to candidate 44040
Travel expenses from corporations, legality of receipt by Presidential candidate 36746
Unopposed primary candidates, contribution and expenditure limits 36242
New Hampshire Senate election:
Inquiry 40202
Reporting, ten day pre-election 40202
Policy statement; pre-1975 campaign debts 32952
Privacy Act; systems of records 36875
Records, public availability and inspection; fee schedules 28580
Report, quarterly, October 10, interim guidelines 44708

FEDERAL ENERGY ADMINISTRATION

Rules

Administrative procedures and sanctions:
Consent orders 36760
Oil Import Appeals Board, abolishment 36554, 39495
Oil imports, vacating and reserving of Part 36554
Profit margin repurification 32734
Remedies 40141
Allocation and price rules, general:
Definition; crude oil 40818
Stripper well lease exemption, extension 31925
Coal, allocation procedures under Energy Supply and Environmental Coordination Act 28420
Mandatory petroleum allocation regulations:
Old oil; price ceilings, phaseout 30030, 31741
Old oil allocation program; adjustments to crude oil costs under entitlements 28446
Old oil buy/sell program 39847
Propane and butane imports; industrial use 40821
Mandatory petroleum price regulations:
Definitions, crude oil 40818
Domestic crude petroleum; retroactive invoicing 28447
Landed costs; remedies 40142
Natural gas liquids, exemption 40824
Natural gas liquids and products 39850
Non-product costs, increased 39849

Page

Old oil; price ceilings, phaseout 30030, 31741
Propane and butane imports; industrial use 40821
Oil imports regulations:
Fee payments, license; reduction 40143
Fee payments, supplemental; deferral pending Congressional action 36302, 42578, 44308
Fee payments, supplemental; reduction, unfinished oils and finished products 44306
Oil Import Appeals Board, abolishment 36554, 39495
Presidential Proclamations, conforming amendments 39854
Records of oral communications with persons outside FEA 42338
Rulings:
Early payment percentage discounts 40831
Non-product cost increases incurred by resellers, et al.; prices charged to reflect 40833
Non-product costs of resellers, et al.; carryforward of amount, prices charged, etc 40834
Oil refiners' increased product cost, allocation; export sales transactions 30037
Property; definition, computing production control levels 40832
Storage tanks, rentals, new and higher cost 40827
Stripper well lease exemption, calculation; average daily production 40828
Petroleum wholesale purchaser-resellers, qualifications of certain consignees 30037
Storage costs 40826
Transportation costs where transportation is provided by firm concerned 40826

Proposed Rules

Administrative procedures and sanctions:
Air passenger transportation services; access to refined petroleum products 28446
Oil Import Appeals Board, abolishment 28481, 31036
Oil imports, vacating and reserving of Part 28481, 31036
Mandatory petroleum allocation regulations:
Air passenger transportation services; access to refined petroleum products filing procedures airtaxi commercial operators 28446
Crude oil, buy/sell list 32136, 33832, 34162
Propane and butane imports; industrial use 30671
State set-side program, termination 30500, 33724
Mandatory petroleum price regulations:
California heavy crude oil, gravity price differential adjustments; hearing 28637
Crude oil, allocated, pricing 28448
Crude oil, buy/sell list 32136, 33832, 34162

Page

Definitions; Research octane number (RON) 32348
Landed costs; disallowance remedies 36389
Old oil decontrol program; price ceilings, phaseout; Congressional disapproval 34161
Refiners' profit margin limitations; hearing 28634, 30674
Oil import regulations:
Mandatory oil import program, facilitation 33474
Presidential Proclamation No. 4377; conforming amendments 28487
Privacy Act; implementation 42448

Notices

Committees, establishment, etc.:
Consumer Affairs/Special Impact Advisory Committee; charter amendments 34642
Food Industry Advisory Committee 34642
Transportation Advisory Committee 40202
Emergency Petroleum Allocation Act; reports 40877
Environmental statement, Electric Power Facility Construction Incentive Act of 1975 34025
Mandatory oil import program; evaluation; inquiry, extension of time 36619, 41184
Mandatory petroleum allocation regulations; State set-aside program 33724
Mandatory petroleum price regulations; imported crude oil, landed costs:
Establishment, May, 1974 to Sept., 1974 39934
Representative and maximum prices; October, 1974 to May, 1975 39934
Meetings:
Consumer Affairs/Special Impact Advisory Committee 31985, 40577
Electric Utilities Advisory Committee 29127
Environmental Advisory Committee 29338, 42596
Food Industry Advisory Committee 42240
LP-Gas Advisory Committee 40877, 42596
Natural Gas Transmission and Distribution Advisory Committee 37276
Retail Dealers Advisory Committee 30523
Transportation Advisory Committee 42779
Wholesale Petroleum Advisory Committee 33286, 36807
Motor vehicle goals beyond 1980, Interagency task force; Energy Research Council, hearing 28666, 30522, 39934
National utility residual fuel oil allocation, supplier percentage; various months:
August 30788
September 36750

Page

Natural gas:
Form availability, intrastate suppliers to direct end-use customers; delivery curtailment and alternate fuel requirements 29339
Underground storage fields, report; availability of forms 44876
Synthetic, facility; allocation of feedstock; petition for assignment of base period volume and supplier 39933
Oil import supplemental fees, July and August; collection 43959
Old oil allocation program, 1975; entitlement notices:
May 30745, 32373
June 36096
July 39935, 43943
August, intent to publish 39935
Old oil allocation program; small refiners, applications for exceptions filed by; proposed evaluation standards 33480
Old oil entitlement; hearing, application for exemption; New England Petroleum Corp 30744
Petroleum company financial report questionnaire; form 43612, 44188
Powerplant energy sources; prohibition of burning 28430, 34194
Power plant productivity conference, meetings 31984, 34469, 43547
Privacy Act; records systems 39321
Refiners buy-sell list; crude oil allocation 39932
Report, product pricing; availability of form 36806

FEDERAL HIGHWAY ADMINISTRATION

Rules

Engineering and traffic operations:
Construction and maintenance; corrections 36319
Contract provisions, required; Federal-aid, construction; EPA requirements 42867
Railroad companies, reimbursements for construction work; billings 29712, 31211
Speed limit enforcement; certification 41774
Speed limit, national; enforcement of vehicle weight and size limitations 42186
Equal employment opportunity on Federal and Federal aid highway construction contracts 28053
Motor carrier safety regulations:
Drivers' hours of service; substitution of form MCS–63A 44555
Drivers' hours of service; Hawaii, daily log; exemption 32335
Drivers' qualifications; Hawaii, exemptions 32335
Driving of motor vehicles; railroad grade crossings, stopping requirement 44555
Forfeiture claims, collection and compromise delegation of authority, Associate Administrator of Safety et al 40810
General; locations for filing accident reports and notifications; changes of addresses 44555
Migrant workers, transportation of 44557

FEDERAL HIGHWAY ADMINISTRATION—Continued

Rules—Continued Page

Motor carrier safety regulations—Continued
- Mobile structure trailers; lamps and reflectors 36125
- Seats, seat belt assemblies, etc.; Hawaii, exemption 32335
- Sleeper berth exits; dimensional requirements; interpretations 29723
- Sleeper berths, dual occupancy 31769
- Tires; overloading and underinflation 29292, 44555

Noise emission standards, interim; interstate motor carriers 42432

Payment procedures:
- Fiscal procedures and reports, State; highway safety funds, transfer 29817
- Railroad companies, reimbursements for construction work; billings 29712, 31211

Planning:
- Federal-aid highway systems, primary, secondary, and urban; realignment 42344
- Metropolitan planning funds; transportation 38150
- Safety funds, highway; public road mileage for apportionment 44322
- Transportation Improvement Program 42979
- Urban transportation planning 42976

Right-of-way and environment:
- Acquisition function 33445
- Highway beautification; outdoor advertising control 42842
- Reimbursement provisions 41523
- Relocation assistance; contract procedures; effective date 30818
- Right-of-way general; real property acquisition report; editorial changes 29073

Proposed Rules

Bridge tolls and escrow revenue increase, notice; inquiry 30981

Motor carrier safety regulations:
- Brake tubing, coiled nylon 37045
- Hazardous material; drivers transporting in intrastate commerce; exemptions 31806
- Hazardous materials; occupational safety and health statutory enforcement and applicability 29729
- Semitrailer and full trailer rear sidemarker lamps, location 31959
- Tire chains; exemption, inquiry 36777

Notices

Bridge tolls:
- Delaware River Port Authority 29918
- New York and New Jersey Port Authority; informal conference 32152

Highway safety; program approval policy; joint with NHTSA 38185

Safety sanctions proceedings, motorcycle helmets, initiation against various States; agreement with NHTSA:
- California 32153
- Illinois 32153
- Utah 32154

FEDERAL HOME LOAN BANK BOARD

Rules Page

Federal home loan bank system:
- Flood disaster protection, insurance; members of banks 41996
- Members of banks; liquid assets; correction 41755
- Members of banks; liquidity 33029
- Policy statements; liquidating dividends in mergers 29702

Federal Savings and Loan Insurance Corporation:
- Account insurance, settlement; deletions 33030
- Definitions, scheduled items 29069
- Flood disaster protection, insurance; operations 41996
- Mortgage-backed bonds, issuance; collateralized borrowings; operations 29703
- Recordkeeping, examinations and audits; appraisals; operations 29703

Federal savings and loan system:
- Charter and by-laws; communications among members 42853
- Cooperative housing projects; operations 44125
- Definitions; cooperative housing projects 44125
- Flood disaster protection, insurance; operations 41996
- Loans exceeding 90 percent in value; operations 41756
- Merger, dissolution, reorganization, and conversion 36310
- Operations; communications among members 42853
- Operations; service corporations 36309
- Rulings; deposit assurance of direct-deposit social security payments 32313

Privacy Act, implementation 39371

Savings and loan holding companies:
- Affiliates, transactions with 34585

Proposed Rules

District of Columbia savings and loan associations and branch offices:
- Deletion of Subchapter 33055
- Operations; investments and other transactions; withdrawn 33055

Federal Savings and Loan Insurance Corporation:
- Checking accounts; operations 42371
- Conflict of interest; operations 43832
- Definitions; checking accounts 42371
- Definitions; conflict of interest 43832
- Insurance settlement; checking accounts 42371
- Merger, consolidation, or purchase of bulk assets; operations 27954, 28643
- Mortgage insurance loans; operations 42898
- Pension, retirement, and deferred compensation plans and contracts; operations 34614
- Policy statements; checking accounts 42371
- Policy statements; exclusive leases 29093
- Receivers for insured institutions other than Federal Savings and Loan Associations; checking accounts 42371
- Rulings, account insurance: Part rescinded 34614

Federal savings and loan system:
- Communications among members; operations 28638
- Conflict of interest; operations 43832
- District of Columbia Associations; inclusion within Federal Association 33054
- Insurance agencies; usurpation of corporate opportunity 28641
- Merger, dissolution, reorganization, and conversion; procedure, effective date 27953, 28640
- Operations; satellite offices 34162

Privacy Act, implementation 29729

Savings and loan holding companies; affiliates, transactions with 34615

Notices

Meeting:
- Federal Savings and Loan Advisory Council 27718, 43273

Privacy Act; records systems 39057, 44524

Applications, etc.:
- Franklin Financial Corp 32783
- General Ohio Savings & Loan Corp 32784
- New Mexico Financial Corp., et al 40877
- Richter/Robb & Co 32781
- Western & Southern Life Insurance Co 34197

FEDERAL INSURANCE ADMINISTRATION

Rules

Federal Crime Insurance Program:
- Description of programs and offer to agents; names and addresses of servicing companies 44130
- Purchase of insurance and adjustment of claims; States eligible for sale of insurance 44130

National Flood Insurance Programs; areas eligible for sale of insurance 28061, 29818, 29820, 29821, 29822, 30110, 30111, 30941, 30943, 30944, 31211, 31213, 31214, 31215, 33010, 33447, 34600, 36319, 36320, 38151, 38153, 39860, 39861, 41509, 42009, 42672, 43219, 43720

National Flood Insurance Program; flood elevation determinations:
- Arizona 34122
- Kansas 41108, 42349
- Kentucky 41109
- Missouri 34123, 34124, 41110, 41111
- New Jersey 34125, 41111, 41112, 41113, 41114
- New York 34125, 34126
- Pennsylvania 34126, 41115

National Flood Insurance Program; flood elevation determinations; consultations with local officials:
- Louisiana 34122, 42348, 42349
- Massachusetts 39499
- Texas 29824, 43027
- Virginia 29825

National Flood Insurance Programs; special hazard areas 27651, 29823, 29824, 31217, 31220, 33669, 33674, 33821, 36321, 36561, 41510, 42553, 42874, 43220, 43722

National Flood Insurance Programs; special hazards map corrections 33210, 33211, 33212, 33213, 36117, 36118, 37208, 37209, 39500, 39501, 39502, 39503, 41115, 41116, 42557, 42743

Proposed Rules

National Flood Insurance Programs; flood elevation determinations:
- Missouri 33223
- Virginia 37225

Notices

National Flood Insurance Programs; communities with special hazard area, subject to prohibition of Federal assistance; list 30540, 33267, 41676

National Flood Insurance Program; flood elevation determinations:
- Alaska 42766
- Indiana 31022
- Massachusetts 42768
- Missouri 42767
- Pennsylvania 42768
- South Dakota 33283
- Wisconsin 42769

National Insurance Development Program; hearings, Missouri FAIR plan 41550

FEDERAL LABOR RELATIONS COUNCIL

Rules

Policies and regulations, criteria for determining compelling need 43880

Review functions 43880

FEDERAL MANAGEMENT POLICY OFFICE

Rules

Energy conservation; humidity controls 32329

Relocation assistance and real property acquisition, annual report 30263

Proposed Rules

Financial management; coordinated determination of indirect costs applicable to Federal grants and contracts 28495

FEDERAL MARITIME COMMISSION

Rules

Contract systems, dual rate, in foreign commerce; currency adjustment surcharges 28452

Foreign trade of United States, unfavorable conditions to shipping 28801, 33976

Policy statement; interpretation; ICC joint rate, international through route tariffs declared invalid 43720

Practice and procedure; small claims ceiling limit; informal adjudication 27671

Privacy Act, implementation 40036

Proposed Rules

Environmental effect of FMC action; extensions of time 28489, 30674

Freight tariff filings; U.S. foreign commerce common carriers by water submission of revenue and cost circumstances 33688, 34417, 36778

Practice and procedure; expedition of formal proceedings 43925

Privacy Act; implementation 30128

Notices

Applications for waiver of statutory requirements; etc.; Ables, Rovert J., et al 42779

Authority delegations; Managing Director, et al 31986

Complaints filed:
- Abbott Laboratories v. Venezuelan Line 31267
- CSC International, Inc. v. Royal Netherlands Steamship Co., et al 36809, 39551, 40205
- Interconex, Inc. v. Sea-Land Service, Inc., et al 28852
- Robinson Lumber Company, Inc. v. Delta Steamship Lines, Inc. 27719
- United States Lines, Inc. v. Matson Navigation Co 29760

Environmental statements:
- Consolidated Express, Inc., et al 29339
- International Paper Co 29339
- Massachusetts Port Authority et al 42241
- New York, Port of 32162

Freight forwarder licenses:
- Alverez Shipping Co., Inc 42779
- Blanco, Harry H. & Co., Inc. d/b/a Mid-Pacific Freight Forwarders 33492
- Coleman, John E., & Co 36808
- D.A.S. International Forwarding Co 41552
- Dorsey Express, Inc 28519
- International Kam, et al 31831
- McNutt, Edward R. 36808
- Murray, James F., et al 34470
- Shaffer, Kenneth, et al 30748
- Vernon Forwarding Co., Inc 31267, 41552
- West Coast International, et al 41184
- World Wide Film Transport 41552

Household goods, non-vessel operating common carriers increases; investigation and suspension 36176

Military cargo, minimum rate floor; establishment criteria; investigation 31267

Military sealift procurement system; RFP–1000, second cycle uniform capacity utilization factor 43550

Oil pollution; certificates of financial responsibility 31270, 32868, 32870, 33490, 33491, 37082, 41838, 41839, 43547, 43548

Privacy Act, records systems 36287

Agreements filed:
- Alabama State Docks Department et al 32784
- Alaska Barge & Transport, Inc., et al 41552
- Anchorage, City of, et al 32871, 43273
- Associated North Atlantic Freight Conferences 30156
- Astoria, Port of, et al 34026, 40204
- Atlantic Container Line et al 31658, 34025
- Atlantic & Gulf-Indonesia Conference et al 27718, 30864, 31985, 40203
- Atlantic Gulf Service AB Combi Line, et al 27968, 41837
- Boston Shipping Association, Inc. 31830
- Canadian American discussion agreement 41838
- Canadian-American working arrangement 32161, 41184
- Castle & Cooke Terminals, Ltd., et al 27718
- Commodore Ro/Ro Service et al 34643
- Compagnie Maritime Belge (Lloyd Royal) S.A. et al 37252, 43549
- Companhia de Navegacao Lloyd Brasileiro et al 28518
- Compania Transatlantica Espanola S.A. et al 27719
- Continental North Atlantic Westbound Freight Conference 28667, 41184
- Continental-South Atlantic Freight Conference 27968
- Continental/U.S. Gulf Freight Association 34643
- Delta Steamship Lines, Inc. et al 33070
- Empresa Lineas Maritimas Argentinas et al 34643
- Far Eastern Shipping Co., Inc., et al 29339
- Farrell Lines, Inc., et al 40577, 44613
- Flota Mercante Grancolombiana, S.A. et al 31830
- Greater Baton Rouge Port Commission et al 36425
- Harrison, Thos. & Jas., Ltd. et al 31831
- Hawaii, State of, et al 43951
- Hellenic Lines, Ltd., et al 30864
- Hong Kong & Taiwan to certain U.S. ports 28852
- Iberian/U.S. North Atlantic Westbound Freight Conference 27969, 39551
- Indonesian discussion agreement 40203
- Japan-East Coast U.S.A. containership service agreement 34025
- Japan Line, Ltd. et al 36808, 37083
- Los Angeles, city of, et al 40203
- Los Angeles Harbor Department et al 34469
- Maher Terminals, Inc., et al 29924, 42240, 42779
- Malaysia-Pacific rate agreement 41185
- Malaysian / Straits discussion agreement 40204
- Maritime Service Corp 44188

FEDERAL MARITIME COMMISSION—Con.

Notices—Continued Page

Agreements filed—Continued
Maryland Port Administration et al ---- 34470, 39552
Mediterranean-U.S. Great Lakes Westbound Freight Conference ---- 29759
Nedlloyd-America Service et al ---- 43549
New York City et al ---- 29759, 33492
New York and New Jersey, Port Authority, et al ---- 42779, 43774, 43767, 43951
New York Terminal Conference, et al ---- 41838
North Atlantic Continental Freight Conference ---- 28667, 41185
North Atlantic French Atlantic Freight Conference ---- 27969, 39552, 41185
North Atlantic Mediterranean Freight Conference ---- 39552
North Atlantic United Kingdom Freight Conference ---- 34025, 41186
North Atlantic Westbound Freight Association ---- 41186
Oakland, Calif., City of, et al ---- 36807
Pacific-Indonesia Conference ---- 40578
Pacific Straits Conference ---- 30326, 40578
Pacific Westbound Conference ---- 40204, 42406
Palm Beach District, Port of et al ---- 41186
Pan Islamic Steamship Co., Inc., et al ---- 34470
Philippines North American Conference ---- 34471
Portland, Me., Port of ---- 32162
Pacific Coast Europe rate agreement ---- 28519
Puerto Rico Maritime Shipping Authority ---- 31985
Puget Sound Tug & Barge Co ---- 29759
Refrigerated Express Lines (A/ASIA) Pty. Inc. et al ---- 28667
Robin Line et al ---- 42241
San Francisco Port Commission, et al ---- 43951
Schuldt Atlantic Line GMBH & Co. et al ---- 32378
Seatrain International S.A., et al ---- 41187
Seattle, Port of, et al ---- 30864, 32784, 33871, 37252, 43767
Sidarma-Costa joint service agreement ---- 32161
South Atlantic-North Europe ---- 27719, 27720, 27969
Stockard Shipping et al ---- 28852
Tampa Port Authority et al ---- 43767
Trans-Pacific Freight Conference (Hong Kong) et al ---- 27720, 28668
Trans-Pacific Freight Conference of Japan/Korea et al ---- 42241
U.S. West Coast/Japan Trade et al ---- 27719
United Kingdom/U.S.A. Gulf Westbound ---- 36177
United States Lines, Inc. et al ---- 36807
Warren, Robert A. Co., et al ---- 44876
West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference ---- 36807

FEDERAL MEDIATION AND CONCILIATION SERVICE

Proposed Rules Page
Privacy Act, implementation ---- 39035

Notices
Privacy Act; records systems ---- 39037

FEDERAL PAY ADVISORY COMMITTEE

Notices
Meeting ---- 28505
Privacy Act; records system ---- 41730

FEDERAL POWER COMMISSION

Rules
Conduct standards ---- 29275
Electric utilities:
Statements and reports (schedules); reporting of projected generation and fuel planning; forms ---- 37032, 43488
Natural gas companies:
Certificates of public convenience and necessity and abandonment; applications; small producers, exemptions ---- 41769
Rate schedules and tariffs; notice requirements for filing proposed rate increases ---- 43889
Statements and reports (schedules); alternate fuel demands, form No. 69 ---- 27645
Statements and reports (schedules); annual report of proved domestic gas reserves; form ---- 37034
Underground gas storage report ---- 43892
Organization; operation; information and requests, etc.:
Alternate fuel demands, form No. 69 ---- 27645
Reporting of projected generation and fuel planning; forms ---- 37032, 43488
Underground gas storage report ---- 43892
Policy and interpretations:
Natural gas, liquefied; inclusion of emergency sales under exemption provision ---- 42005
Pipeline transportation agreements; certification ---- 41760
Practice and procedure:
Information requests; extension of time ---- 42005
Privacy Act; implementation ---- 44288

Proposed Rules
Electric utilities:
Accounts, uniform system; operating expenses, etc ---- 33999
Air pollution standards, questionnaire on, and energy monthly power statement; hearing ---- 29305
Rate increase; filing provisions ---- 42029
Rate schedules; adjustment provisions; extension of time ---- 32763
Statements and reports (schedules); operating expenses, etc ---- 33999
Natural gas companies:
Accounts, uniform system; exploration, development and production; extensions of time ---- 37056, 41539, 44582, 44850
Accounts, uniform system; operating expenses, etc ---- 33999
Certificates of public convenience and necessity and abandonment orders, applications, National rates for jurisdictional sales ---- 32140, 33998, 37056
Certificates of public convenience and necessity and abandonment; applications; small producers; reduction in rates charged ---- 41539
Rate schedules and tariffs exploration, development, and production; extensions of time ---- 37056, 41539, 44582, 44850
Rate schedules and tariffs; National rates for jurisdictional sales ---- 32140, 33998, 37056
Statements and reports (schedules); exploration, development, and production; extensions of time ---- 37056, 41539, 44582, 44850
Statements and reports (schedules); forms, annual report filings by pipeline companies; supply reserves ---- 31634
Statements and reports (schedules) operating expenses, etc ---- 33999
Policy and interpretations:
Electric utilities, hydroelectric project licenses ---- 29304, 32173
Natural gas; National rates for jurisdictional sales ---- 32140, 33998, 37056
Privacy Act, implementation ---- 36546

Notices
Accounts, uniform system; applications for rehearing granted ---- 37093, 42059
Committees, establishment, etc.:
Gas Survey Technical Committees, National ---- 43956, 44891, 44892, 44893
Electric utilities, certain project licenses; expiration ---- 44195
Environmental statements:
Alabama Power Co ---- 34471
Arkansas Louisiana Gas So ---- 42059
Cities Service Gas Co ---- 33493
Columbia Gas Transmission Corp ---- 39937
Connecticut River Basin ---- 33294, 36623
Detroit Edison Co. et al ---- 42607
Eascogas LNG, Inc. et al ---- 29341, 29359
El Paso Eastern Co., et al ---- 32166
El Paso Natural Gas Co ---- 34200
Escondido Mutual Water Co., et al ---- 34643
Exxon Pipeline Co. of Calif ---- 31283
Georgia Power Co ---- 42051
Panhandle Eastern Pipeline Co ---- 32170
Southern Natural Gas Co ---- 33493
Trunkline Gas Co ---- 42607
Trunkline LNG Co. et al ---- 31995
United Gas Pipe Line Co ---- 42060
Lands withdrawn in power site classification; order vacating ---- 44192
Meetings:
Gas Survey Executive Advisory Committee, National ---- 43556
Impact of Inadequate Electric Power Supply, Technical Advisory Committee ---- 29131

Page
Natural gas companies:
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend ---- 27732, 27970, 28859, 28865, 30865, 30866, 30867, 32378, 34475, 34476, 37254, 39941, 43275, 43276, 44380
Exploration, development and production; advance payments program ---- 32787, 37089, 37252, 43093
Form, report of alternate fuel demand of direct end use customers of interstate pipeline companies due to natural gas curtailment; making consistent with FEA form ---- 29934, 33860
Fuel demands, alternate; curtailment of deliveries by interstate pipeline companies, impact on direct end-use customers ---- 37084
Jurisdictional sales of; rates ---- 29340, 30537, 32872, 33860, 37095, 42242
Rate change filings, various companies ---- 29931, 31835
Reservoirs in Federal domain, investigation ---- 42780, 44614
"Small producer" certificates; applications ---- 27723, 29923, 37095, 37255, 44361, 44878
Privacy Act; records systems ---- 39353, 41984, 45118

Hearings, etc.:
Aikins & Owens et al ---- 37256
Alabama Power Co., et al ---- 28852, 29763, 30748, 31037, 32379, 33855, 34471, 40581, 42780
Alabama-Tennessee Natural Gas Co. et al ---- 29761, 32873, 40581, 41187
Alaska Department of Highways ---- 42602
Algonquin Gas Transmission Co. et al ---- 27721, 28853, 29925, 33855, 37256, 41187, 41849, 42051, 43951
Amerada Hess Corp ---- 28669, 31987, 32380
American Electric Power Service Corp ---- 30748, 32873, 44878
American Petrofina Co. of Texas ---- 43768
Amoco Production Co ---- 28669, 31987, 34069, 39940
Anadarko Production Co ---- 28669
Apexco, Inc., et al ---- 31831
Appalachian Power Co ---- 30156, 30157, 31271, 33855, 39935, 41553, 43060, 44188, 44620
Argentati, Ello ---- 40210
Arizona Public Service Co ---- 29342, 33294, 39553, 39936, 40579, 43552, 44613, 44877
Arkansas Louisiana Gas Co. et al ---- 29342, 31037, 32785, 33294, 33725, 37085, 41188, 42596, 44614
Arkansas-Missouri Power Co ---- 29925, 31037, 31988, 37085, 43060
Arkansas Oklahoma Gas Corp ---- 32380
Arkansas Power & Light Co ---- 33294, 43060, 44189
Arkla Exploration Co ---- 44878
Atlantic Richfield Co. et al ---- 31272, 31832, 33294, 41841
Aztec Oil & Gas Co ---- 43063
Baca Gas Gathering System, Inc ---- 44879
Bangor Hydro-Electric Co ---- 29669, 31038, 32873, 42597
Barton, Alan R ---- 33294
Bayou Land & Mineral Co., Inc et al ---- 43552
Belco Petroleum Corp ---- 34069
Biglane Operating Co ---- 41560, 44879
Black Hills Power & Light Co ---- 44189
Blandin Paper Co. et al ---- 29763, 31272
Blanks, William C ---- 41188
Borgmann, Earl A ---- 33295
Boston Edison Co ---- 33295, 41553 41561, 42051, 43064, 43768, 43952
Calaveras County Water District ---- 42052
Cambridge Electric Co ---- 37085
Cambridge Electric Light Co ---- 44879
Carlson, George A. et al ---- 43552
Carolina Power & Light Co ---- 31038, 33856, 37086
Cascade Natural Gas Corp ---- 30157
Central Hudson Gas & Electric Corp. et al ---- 34472, 42597, 42780
Central Illinois Public Service Co ---- 29761, 32785, 33856, 34472, 39553
Central Telephone & Utilities Corp ---- 31832, 42598, 43065
Central Vermont Public Service Corp ---- 39936, 44880
Champlin Petroleum Co ---- 31988
Chattanooga Gas Co ---- 42784, 44880
Chevron Oil Co ---- 40581
Cincinnati Gas & Electric Co ---- 42781
Cities Service Gas Co ---- 30749, 31276, 31659, 31832, 31833, 33296, 33725, 34070, 37086, 37257, 39937, 40205, 42602, 44880
Cities Service Oil Co. et al ---- 27721
Clajon Gas Co ---- 31038
Cleveland Electric Illuminating Co. et al ---- 31833, 33856
Clinton Oil Co. et al ---- 43065
Colorado Interstate Gas Co. et al ---- 27721, 27970, 28669, 29926, 31039, 32874, 34070, 37257, 39937, 40205, 42784, 42786, 43065, 43066, 44881
Colorado-Ute Electric Association et al ---- 30526
Columbia Gas Transmission Corp. et al ---- 27722, 29342, 29354, 29926, 30523, 30749, 30750, 31659, 31833, 32380, 32785, 37086, 37257, 40205, 40581, 41188, 41842, 42053, 42598, 42786, 43066, 43952, 44614
Columbia Gulf Transmission Co. et al ---- 29763, 33726, 33727, 40524, 40582, 41842
Columbia and Willamette River Basins ---- 31989
Columbus & Southern Ohio Electric Co ---- 30750, 32162, 34472, 44881
Commercial Pipeline Co., Inc ---- 29763
Commonwealth Edison Co ---- 30526, 30527, 34071, 36425, 41189
Community Public Service Co ---- 42599
Connecticut Light & Power Co ---- 29926, 29927, 31659, 33727, 33856, 33857, 34071, 39937
Connecticut River Basin ---- 31273
Consolidated Edison Co. of New York, Inc., et al ---- 29343, 43067
Consolidated Gas Supply Corp ---- 29761, 29763, 30157, 31274, 31659, 32381, 32874, 33727, 34472, 40205, 40582, 43067
Consumers Power Co ---- 29761, 29927, 34197, 39553, 41852, 44615
Continental Oil Co ---- 31274, 32173, 32174, 32381, 33727, 37086
Cotton Petroleum Corp ---- 31660
Crab Run Gas Co. et al ---- 32874
Damson Oil Corp ---- 42603
Dayton Power & Light Co ---- 32382, 36623, 42788
Delmarva Power & Light Co ---- 29927
Delta Drilling Co ---- 44881
Detroit Edison Co. et al ---- 27722, 29128, 32163, 33296, 40583
Dickhoner, William H ---- 33734, 43956
Distrigas Corp ---- 42788
Distrigas of Massachusetts Corp. et al ---- 31834, 36623
Dorchester Gas Producing Co ---- 28853, 34473, 43067
Duke Power Co ---- 27722, 28853, 31660, 31989, 33296, 34200, 37087, 37258, 43068
Eascogas LNG, Inc., et al ---- 44189
East Tennessee Natural Gas Co ---- 29927, 31039, 37087, 42603, 43768
Eastern Shore Natural Gas Co ---- 33857, 43068, 43069, 44882
El Paso Alaska Co. et al ---- 40208
El Paso Natural Gas Co ---- 27973, 28523, 29130, 29344, 29928, 29929, 30751, 32382, 33728, 37089, 39553, 39938, 40209, 40583, 41842, 42059, 42599, 44189
Electric Energy, Inc ---- 33297
Excelsior Oil Corp ---- 34473, 44882
Exchange Oil & Gas Corp ---- 32382, 32383
Exxon Corp ---- 41189
Federal Trade Commission, access to data ---- 29354, 29355, 33733
Flathead Reservation, Mont., Confederated Salish and Kootenai Tribes ---- 31834, 41189
Florida Gas Exploration Co. et al ---- 41842
Florida Gas Transmission Co ---- 27722, 28853, 29355, 30527, 30752, 33729, 36620, 37258, 41553, 44190
Florida Power Co ---- 44616
Florida Power & Light Co ---- 29355, 36809, 37258, 39938, 43069, 44190
Frankfort, Ky., Electric & Water Plant Board et al ---- 32786, 39554
Frost, Demova K., et al ---- 27722
Gas Service Co. et al ---- 44616
General American Oil Co. of Texas, et al ---- 32792
Georgia Power Co ---- 29762, 30527, 34474, 36620, 37258, 43069, 43554
Getty Oil Co. et al ---- 28854, 29345, 30752, 33729, 42789, 43069, 43072, 43769, 44882
Grand River Dam Authority ---- 32786
Granite State Gas Transmission, Inc ---- 42789
Great Lakes Gas Transmission Co. ---- 30752, 31275, 33730, 42604
Green Mountain Power Co ---- 29130, 33730, 43075
Green Wolf Oil Co. et al ---- 41558
Gulf Oil Corp, et al ---- 37258, 41558
Gulf Power Co ---- 30527

FEDERAL POWER COMMISSION—Con.

Notices—Continued Page

Hearings, etc.—Continued
Gulf States Utilities Co... 28670, 36620
Hampshire Gas Co... 37259
Hartford Electric Light Co... 33858, 34071, 34198, 34474
Hawaii Drilling, Inc... 31990
Hewit & Dougherty... 30527
Highland Resources, Inc... 28525
Hillin Production Co... 43952
Holyoke Water Power Co. et al... 31989, 32787, 34188, 40584, 41843
Honeoye Storage Corp... 28854
Hoyt, Leon L., Jr., et al... 27723
Huber, J.M., Corp... 42789
Huffington, Roy M., Inc... 31660, 41557
Hurley Petroleum Corp... 31276
Idaho Power Co... 37090
Illinois Power Co... 29762, 34474, 36623, 37091, 44190
Independent Oil & Gas Association of West Virginia... 33297
Indiana & Michigan Electric Co... 27731, 29929, 31276, 34071, 36426, 37091, 44191
Indiana & Michigan Power Co... 30752
Inland Gas Co... 40584
Inter-City Minnesota Pipeline Ltd., Inc... 29762, 32787, 33297, 43952
Interior Department, for Bonneville Power Administration... 40205
Interior Department, for Southeastern Power Administration... 28672, 29127, 30158, 31041, 37095
Interstate Power Co... 32383, 40585, 43075
Iowa-Illinois Gas & Electric Co... 41562
Iowa Power & Light Co... 43952
Iowa Public Service Co... 44884
Iowa Southern Utilities Co... 42789
Jersey Central Power & Light Co... 29930, 33297
Johnsey, Walter F... 31661
Kadiak Fisheries Co... 30752
Kaiser, Herman Geo... 31989
Kansas City Power & Light Co... 31662, 37091, 40579, 42790
Kansas Gas & Electric Co... 30753, 33298, 34073
Kansas-Nebraska Natural Gas Co., Inc... 31662, 32383, 42790
Kansas Power & Light Co... 27723, 34644, 41854, 42790
Kentucky Utilities Co... 30753, 37259, 42599, 43556
Kentucky-West Virginia Gas Co... 33731
Kerr-McGee Corp. et al... 29346
Kilroy Properties Inc... 37091
Ladd Petroleum Corp... 41559
Laurie, Thayer H. et al... 34076
Lawrenceburg Gas Transmission Corp... 28670, 29930, 30753, 33858
Lockhart Power Co... 37259, 44616
Lone Star Gas Co... 31990
Lone Star Producing Co... 44884
Louisiana-Nevada Transit Co... 34477, 37260, 41189
Lyons Gas Co. Inc... 33298
Maine Public Service Co... 44885
Marathon Oil Co et al... 27724, 27975, 30757, 32166, 32172, 34477, 42599
McCarthy, Donald W... 33728
McCulloch Interstate Gas Corp... 41190
McCulloch Oil Corp... 32384
McDowell County Consumers Council, Inc. et al... 32793, 37092
McKenzie, Harold C., Jr... 33299
Michigan Consolidated Gas Co... 43076, 43953
Michigan Power Co... 43953
Michigan Wisconsin Pipe Line Co. et al... 27724, 28525, 29346, 29762, 30528, 31278, 32787, 33299, 33731, 34073, 34478, 36623, 41843, 42600, 43076, 43077, 44193, 44885
Mid-Continent Area Power Pool Agreement... 40585
Mid-Louisiana Gas Co... 27980, 32384, 33299, 37092, 39554, 43953
Midwestern Gas Transmission Co... 32788
Miller, James H., Jr... 31039, 41560
Milstar Manufacturing Corp... 39938
Minnesota Power & Light Co... 27724, 27980, 31278, 33858, 34478, 39554, 41843, 41844, 44193
Mishawaka, Ind., City of... 37093
Mississippi Power & Light Co... 28526, 33859, 40579, 42600
Mississippi River Transmision Corp... 28854, 29764, 31039, 32384, 33300, 33859, 33860, 41190, 41844
Missouri Power & Light Co... 28526, 29930, 30529
Missouri Utilities Co... 32874, 37260
Mobil Oil Corp. et al... 30758, 31990, 42790
Monongahela Power Co. et al... 31662, 42604
Montana Power Co... 32169
Montaup Electric Co... 34478, 34481, 41553
Mountain Fuel Supply Co. et al... 44616, 44886
Nantahala Power & Light Co... 30754, 36621
National Fuel Gas Supply Corp... 27725, 29765, 32169, 40585
Natural Gas Pipeline Co. of America... 27725, 27980, 28519, 28860, 29346, 29347, 30529, 30530, 31663, 31992, 33860, 33861, 34074, 34479, 37093, 41554, 42053, 42054, 42600, 42791, 43077, 44617, 44887
Nevada Irrigation District... 37261
Nevada Power Co... 30157, 32385, 33732, 36621, 41554
New England Power Co... 29348, 32875, 34074, 37262, 41554, 42604, 44888
New England Power Pool Agreement... 33732, 43077
New England Power Service Co... 43556
New Orleans Public Service Inc... 30531
New York State Electric & Gas Corp... 36621
New York State Power Authority... 33303
Niagara Mohawk Power Corp... 31834, 32169, 40585, 42054
North Penn Gas Co... 29766, 31663, 42600, 43769
Northeast Blanco Development Corp., et al... 43078
Northern American Royalties, Inc., et al... 31039
Northern Illinois Gas Co... 29765, 43954
Northern Indiana Public Service Co... 34198, 36426
Northern Natural Gas Co et al... 27725, 27726, 27980, 27981, 28520, 29130, 29349, 29765, 30531, 31040, 31281, 31665, 33300, 33301, 33732, 33861, 34479, 36621, 36623, 37093, 37094, 39554, 39556, 40586, 40587, 41560, 41844, 43078, 43769
Northern States Power Co... 31284, 31665, 33732, 42604, 42792, 43769, 44888
Northwest Alaska Co... 39556
Northwest Pipeline Corp. et al... 28526, 28672, 30532, 30754, 32170, 32788, 34198, 39939, 41560, 41845, 41846, 42055, 42060, 42792
Norwood, Mass., town of... 29131
Ohio Edison Co... 28854, 29930, 33862, 43079
Ohio Electric Co... 31665, 39556, 43954
Ohio Power Co. et al... 32170, 41190, 41560, 41847, 43556
Oklahoma Gas & Electric Co... 41190, 41848
Oklahoma Natural Gas Co... 33301
Oklahoma Natural Gas Gathering Corp... 30754
Orange & Rockland Utilities Inc. et al... 30532, 31040
Otter Tail Power Co... 29130, 31282, 41560
Pacific Gas & Electric Co... 27726, 28526, 29131, 30532, 30533, 37269, 39940, 41848, 43079, 44889
Pacific Gas Transmission Co... 32876, 41191
Pacific Power & Light Co... 29356, 30533, 34075, 41191, 41848, 42056
Pan American Petroleum Corp., et al... 32789
Panhandle Eastern Pipe Line Co. et al... 28671, 28862, 29349, 29350, 31665, 33301, 33733, 37263, 39557, 42601, 42605, 42792, 43079
Pennsylvania Power & Light Co. ... 31666, 43557
Pennzoil Producing Co. et al... 36622, 41848
Philadelphia Electric Co... 29131, 32171, 33863, 34199
Phillips Petroleum Co. et al... 39558, 42793, 43080
Phoenix, Ariz., city of, et al... 30749, 37094
Pioneer Production Corp... 31040
Portland General Electric Co... 33302, 43557
Public Service Co. of Colorado... 27726, 32171, 39940
Public Service Co. of Indiana, Inc ... 43769
44193, 44194, 44618, 44889
Public Service Co. of New Hampshire ... 29930, 41192, 44194
Public Service Co. of New Mexico ... 28854, 28855, 33304, 41849
Public Service Co. of Oklahoma ... 29930, 41557
Public Utility District No. 1 of Chelan County, Wash... 30157
Public Utility District No. 1 of Snohomish County, Wash. et al ... 37263
Puget Sound Power & Light Co... 34479, 39558, 44194, 44620
R & G Drilling Co. et al... 40210
Ramsay, Dwight S... 40587
Raton Natural Gas Co... 29766, 41192, 42793
Regis Gas Systems, Inc... 32877
Rhonda Operating Co ... 33304, 40587
Roberts, Jr., A. F... 42058
Robinson Brothers Drilling Co... 41192, 43954
Rochester Gas & Electric Corp... 41192
Rogers, Clifton F... 40580
Sacramento Municipal Utility District ... 29357
St. Regis Paper Co... 34479
San Salvador Development Co., Inc., et al... 31992
Seattle, City of... 32785
Shell Oil Co... 31992, 32171, 36622, 37094
Sierra Pacific Power Co... 31835, 32790, 33863, 41193, 41563, 41849
Skelly Oil Co... 44618
Sohio Petroleum Co. et al... 30534
South Carolina Electric & Gas Co ... 29766, 30158, 31993, 41193, 43557
South Georgia Natural Gas Co... 43080
South Texas Natural Gas Gathering Co. ... 31282, 33306, 42605, 43954
Southern California Edison Co... 31993, 41193, 42793, 43770
Southern Indiana Gas & Electric Co... 40580
Southern Louisiana area... 43952
Southern Natural Gas Co. et al... 27726, 27727, 28527, 29931, 30534, 30754, 32877, 33733, 37096, 41193, 41850, 42602, 43080, 43558, 44619
Southern Services, Inc... 41850
Southwest Gas Corp... 28528, 33863, 42605, 43771
Stalder, Ted R... 28855
Stephens, Autry Co., et al... 42058
Stingray Pipeline Co... 33864
Stone, J. G... 32791
Sun Oil Co... 29358, 30866, 32878, 34199, 40211, 41560, 43955
Superior Oil Co., et al... 33305, 42242, 43276
Superior Water, Light, & Power Co ... 32385, 33307, 39559, 40587, 44689
Tampa Electric Co... 27981, 32385, 37264
Tenneco LNG Inc... 33307, 41560
Tenneco Oil Co. et al... 27981, 31994, 41560
Tennessee Gas Pipeline Co. et al. ... 28856, 29351, 29358, 30759, 31282, 31666, 31667, 33308, 33864, 34075, 34479, 37264, 43081, 43955, 44619
Texaco Inc... 43955
Texas Eastern Transmission Corp. et al... 27727, 28671, 28856, 29351, 29766, 30756, 30757, 31283, 34075, 34479, 41557, 41850, 42916, 43955, 44619
Texas Gas Pipeline Corp... 30757, 31667, 44195
Texas Gas Transmission Corp... 27727, 27982, 28672, 30757, 32171, 33308, 34199, 36622, 42794
Toledo Edison Co... 34480, 34481, 41193, 43081
Transco Gas Supply Co... 31835
Transcontinental Gas Pipe Line Corp. ... 27982, 28856, 28863, 31041, 31668, 31995, 32172, 33309, 34480, 37096, 37097, 40587, 40588, 41194, 41851, 42056, 42795, 43081, 43082, 44890
Transwestern Pipeline Co... 27982, 32385, 37266, 39940, 44195
Trident Corp... 42605
Trunkline Gas Co... 27983, 29351, 29931, 31995, 33308, 37266, 40211, 41852, 42796, 44620, 44890
Union Electric Co... 27727, 28521, 30535, 31041, 34480, 40580
Union Oil Co. of California, et al ... 37099
United Gas Pipeline Co. et al... 27728, 28521, 28857, 29131, 29352, 30534, 31233, 33309, 33733, 40212, 40588, 41194, 41852, 42057, 42602, 43083, 43086, 44890
Upper Peninsula Power Co... 30535, 44195
Utah Gas Service Co... 39560
Utah Power & Light Co... 33734, 40213, 40580, 42606
Valley Gas Transmission Corp... 28853
Valley Gas Transmission, Inc., et al... 27730
Vermont Electric Power Co., Inc. ... 30158, 31041, 31668, 43771
Virginia Electric & Power Co... 27731, 28521, 29933, 30535, 31669, 34481, 40589, 41195, 41560, 42607, 43771, 44890
Washington Water Power Co... 29767, 37100
Western Gas Interstate Co... 43955
Western Massachusetts Electric Co ... 42607
Western Transmission Corp... 34199
Williams, J. M., et al... 29931
Wisconsin Gas Co. et al... 28521, 31669, 37100
Wisconsin Michigan Power Co... 28672, 29359
Wisconsin Power & Light Co... 30757, 39940, 42607
Wisconsin Public Service Corp... 31669
Wisconsin River Power Co... 33734
Yadkin, Inc... 28858
Yankee Atomic Electric Power Co. et al... 27731, 44195
Yeager, B. John... 32792

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notices
Annual report; availability... 44620
Meetings ... 30158, 34078, 42060

FEDERAL RAILROAD ADMINISTRATION

Rules
Accidents/incidents; reports, classification and investigations; definitions ... 29548
Safety appliance standards; box and other house cars; end platforms and handholds... 34347

Proposed Rules
Acquisition and modernization, loan assistance; applications... 39893
Employee protection, safety during inspection, repair, or servicing... 30495
Radio standards and procedures... 33682, 36575

Notices
Hazardous materials, transportation standards; emergency order for class A explosives; revocation ... 28659
Meeting; Railroad Operating Rules Advisory Committee... 33698, 43756

Petitions for exemptions, etc.:
Ashley, Drew & Northern Railway Co... 33064
Birmingham Southern Railroad Co ... 42895
Boston & Maine Corp... 30733
Chehalis Western Railroad Co... 30734
East Erie Commercial Railroad Co ... 27962
Meridian & Bigbee Railroad Co ... 33065
National Railroad Passenger Corp. (Amtrak)... 37045
Norfolk & Western Railway Co. ... 43755
Oregon & Northwestern Railroad Co... 33065
Portland Traction Co... 37247
Texas, Oklahoma & Eastern Railroad Co... 30734
Trailer Train Co... 33066
Union Railroad Co... 42895
Wyandotte Southern Railroad Co ... 27962
Track safety standards, State participation, FY 1976... 30861, 30862

FEDERAL REGISTER OFFICE

Rules
CFR checklist; 1975 issuances... 27639, 32305, 40141
Federal Register; distribution to Committees of Congress... 36295
Services to public; Federal Register publications, subscriptions and availability; daily issue cost increase, etc... 36295

Notices
Directory of Federal regional structure; agency maps and table ... 45006
Fire codes, National; standards... 43235
Freedom of information index requirements; guide to agency material January-June 1975... 28867
Privacy Act publications; table of pages and dates... 42308

FEDERAL RESERVE SYSTEM

Rules
Authority delegations:
Committee on Federal Reserve Bank Activities... 31207
Director, Saver and Consumer Affairs Office... 32737
Bank holding companies:
Foreign corporations, computation of amount invested in... 43199
Nonbanking activities... 36309
Banks, foreign activities:
Corporations engaged in foreign banking and financing... 43199
Loans to executive officers of national and State banks... 40506
Credit extensions by Federal Reserve banks; rate changes... 30807

FEDERAL RESERVE SYSTEM—Continued

Rules—Continued Page

Interest on deposits:
- Savings, withdrawals from; third party payments ... 32736

Securities credit transactions:
- OTC margin stock list ... 44829
- Same-day substitution; limitation ... 43481

Truth-in-lending:
- Advertising credit terms, credit cards, etc ... 30085
- Credit accounts, open-end ... 30086, 43199
- Fair credit billing ... 43200

Proposed Rules

Banks, State; banking practices ... 40857

Credit by banks and persons other than banks, brokers or dealers; purchasing or carrying margin stock ... 36578

Credit by brokers and dealers ... 36390, 36578

Discrimination prohibited on basis of sex or marital status; consumer credit protection ... 42030

Interest on deposits:
- Individual retirement accounts ... 28644
- Subordinated notes ... 29732

Privacy Act; implementation ... 39830

Reserves of member banks; deposits; subordinated notes ... 29732

Truth in lending:
- Consumer credit transactions; closing costs disclosure ... 43516
- Fair credit billing ... 30986, 32350

Notices

Accounts and deposits of member banks; order requiring preparation of report ... 30162

Federal Open Market Committee:
- Domestic policy directives ... 27983, 29434, 33865, 41564
- Foreign currency operations ... 41856

Insured banks; joint call for report of condition ... 28851

Applications, etc.:

Alabama Bancorp ... 28872, 34482
Alfalfa County Bancshares, Inc ... 36426
Allied Bancshares, Inc ... 30326
Ameribanc, Inc ... 33865, 40213
American Bancshares, Inc ... 28672
American Security Corp ... 31284
Ames National Corp ... 28875
Baldwin, D. H., Co ... 40213
Bancorporation of Montana ... 41563
Bank of New York Co., Inc ... 43277
BankInvestors, Inc ... 44197
Banks of Iowa, Inc ... 31284, 43095
Barnett Banks of Florida, Inc. and Chase Manhattan Corp ... 30869, 44620, 44624
Barnett Winston Co ... 30872
Benson Bancshares, Inc ... 38188
Boulevard Bancshares Inc ... 34482
Butte State Co ... 30158
CU Bank Shares, Inc ... 37270
Central Bancorporation, Inc ... 32794
Central Bancshares of the South, Inc ... 30159
Central Banking System, Inc ... 33071
Central National Corp ... 36427
Central Wisconsin Bankshares ... 33706
Chase County Corp ... 30868, 44620, 44629
Chemical Financial Corp ... 34482
Chemical New York Corp ... 28673
Citizens Bancorp ... 31284, 43095
Citizens Bancorporation ... 30160
Citizens Bancshares, Inc ... 30868
Citizens State Bancorp, Inc ... 28872
Clevetrust Corp ... 33071
Commercial State Agency, Inc ... 30868, 40590
Community Insurance Agency, Inc ... 38188
Community State Agency, Inc ... 31284
Cross Timbers Bancshares, Inc ... 28675
Dominion Bankshares Corp ... 42796
Downs Bancshares, Inc ... 30326
Exchange National Bank of Chicago ... 43558
Federated Capital Corp ... 32795
First Banc Group, Inc ... 31284, 33072, 43095
First Banc Group of Ohio, Inc ... 43277
First Buffalo Holding Co ... 39942
First City Bancorporation of Texas, Inc ... 38189
First Community Bancorporation ... 28872, 37270
First Financial Corp ... 42796
First Glenview Bancorp, Inc ... 30537
First International Bancshares, Inc ... 33493
First Manistique Corp ... 28675, 36624
First of McAlester Corp ... 27983
First Michigan Bank Corp ... 30160
First National Charter Corp ... 31285
First National Cincinnati Corp ... 31285, 43558
First Security Corp ... 30160, 30161, 33865
First Security Corp. of Kentucky ... 33866
First State Banking Corp ... 44629
First Tennessee National Corp ... 32174
First Union, Inc ... 36427
First-Wichita Bancshares, Inc ... 28675, 34644
FOB, Corp ... 31285
Forest Park National Corp ... 28873
Gallatin Bancshares, Inc ... 40590
Glencoe Capital Corp ... 40877
Hansen Bancorporation ... 36427
Hanston Insurance Agency, Inc ... 39942
Hill-Dodge Ltd ... 39943
Industrial Bancshares, Inc ... 43558
International Brotherhood of Bollermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers ... 28675
Kansas State Bancshares, Inc ... 31286
Klein Bancorp., Inc ... 28873
Landmands Corp ... 28874
Manufacturers National Corp ... 31286
Marine Midland Banks, Inc ... 43096
Mellon National Corp ... 33072, 39943
Menahga Bancshares, Inc ... 30869
Mercantile Bancorporation, Inc ... 28676, 37270
Michigan National Corp ... 41563
Midland Bancorp, Inc ... 40214
Midwest Bancshares, Inc ... 33071
Mountain Banks, Ltd ... 33074
National City Corp ... 31287, 33494, 44629
National Detroit Corp ... 29659, 33494, 33495
North Florida Bancshares, Inc ... 31287
Northern Michigan Corp ... 36428, 44630
Northwest Bancorporation ... 32795, 40878
OC Capital Corp ... 37271
Old Kent Financial Corp ... 36625
One Corp ... 29935, 44197
Osborne Investments, Inc ... 33866
Padgett Agency, Inc ... 27983
Pan American Bancshares, Inc ... 30876, 44630
Patagonia Corp ... 30537, 33071
Peoples Bancshares, Inc ... 28676, 42242
Popular Bancshares Corp ... 38189
Republic of Texas Corp ... 44634
SWB Corp ... 43096
Scribner Bancshares, Inc ... 33075
Sooner Bancshares, Inc ... 28676
Southeast Banking Corp ... 34645
Southeastern Bancshares, Inc ... 31287
Southern Bancorp, Inc ... 28875
Southern Bancorporation of Alabama ... 29935, 37271
Southern Illinois Bancorporation, Inc ... 32795
Springview Bancorp ... 42243
Stanley Bancshares, Inc ... 43096
State Street Boston Financial Corp ... 32175
Stockton Bancorp, Inc ... 40214
Texarkana National Bancshares, Inc ... 32796, 42797
Texas Commerce Bancshares, Inc ... 30162, 30327, 33495, 37271
U.S. Bancshares, Inc ... 40214
Union Trust Co. of Wildwood, N.J ... 27984
United Jersey Banks ... 43277
Utah Bancorp ... 27984
Valley View Bancshares, Inc ... 43559
Valparaiso Enterprises, Inc ... 44197
Winner Bancshares, Inc ... 33075
Winters National Corp ... 31288
Woodfield Investment Corp ... 43278
Worcester Bancorp, Inc ... 38190

FEDERAL SERVICE IMPASSES PANEL

Proposed Rules

Labor-management relations; Federal service; procedures ... 31636

FEDERAL SUPPLY SERVICE

Rules

Procurement ... 37038

FEDERAL TRADE COMMISSION

Rules

Automobiles, new; fuel economy advertising guide ... 42003

Law book industry; guides ... 33436, 36116

Privacy Act, implementation ... 40780

Procedures and practice rules:
- Adjudicative proceedings, etc ... 33966
- Rulemaking procedures ... 33966

Prohibited trade practices:
- A & R Agency, et al ... 33656, 36311
- Allora, Ltd., et al ... 40143
- Alpert Corp. et al ... 40144
- Amerada Hess Corp ... 41071
- Ash Grove Cement Co ... 33657
- Associated Dry Goods Corp., et al ... 30471, 32116, 41071
- Atlantic Industries, Inc., et al.; correction ... 27932
- Austral Oil Company, Inc ... 42742
- Beatrice Foods Co ... 33657
- Beneficial Corp et al ... 40153
- Borg-Warner Corp ... 44311
- CTC Collections, Inc., et al ... 33658
- Carlile-Agee & Associates, Inc., et al ... 40145

Page

Carter Hawley Hale Stores, Inc., et al ... 30472, 31211
Central Carpet Corp., Inc., et al ... 30473
Commerce Drug Co., Inc., et al ... 41756
Commercial Service Co., Inc., et al ... 44312
Corning Glass Works ... 33201
Credit Data Northwest, et al ... 41072
Crown Trading Co., Inc., et al ... 33200
Cubco, Inc., et al.; correction ... 34110
Diamond Shamrock Corp ... 41757
Dixilyn Corp ... 42742
El Paso Natural Gas Co ... 41074
Epshtein Trading Corp., et al ... 44316
Free Enterprise Uranium-Radon Mine, et al ... 44315
General American Oil Co. of Texas ... 41757
Gimbel Brothers, Inc., et al ... 30474
Golden Key Homes Bldg. Corp., et al ... 40145
Greystone Corp ... 40508
Guehrie Construction Co. et al ... 40146
Hallcraft Homes, Inc., et al ... 40147
Heftler Realty Sales, Inc., et al ... 42201
House of Schiller, Inc., et al ... 44317
Interstate Investors Corp., et al ... 30475
Kaiser Steel Corp ... 44810
Kerr-McGee Corp ... 41075
Levine, Huntley & Schmidt, Inc ... 42202
Library Marketing Services, Inc., et al ... 30475, 31211
Litton Industries, Inc ... 44811
Lumberjack Meats, Inc., et al ... 40154
Maralco Enterprises, Inc., et al ... 41075
Mark Enterprises, Inc., et al ... 30809
Marshall Cavendish Corp ... 40153
McCrory Corp., et al ... 30477
Medema Homes, Inc., et al ... 40147
Melmar Industries, Inc., et al ... 44313
Milton Bradley Co ... 30478
Moore Realty Co. et al ... 40148
Morton-Norwich Products, Inc., et al ... 40149
National Dynamics Corp., et al ... 30810
New You, Inc., et al ... 28050
Newmont Mining Corp ... 41078
Oklahoma Natural Gas Co ... 41078
Paige, C. D., Co., Inc., et al ... 30479
Pauley Petroleum, Inc ... 41758
Perl-Mack Enterprises, Co., et al ... 40149
Ridgewood Realty, Inc., et al ... 40150
Sanford Industries, Inc., et al ... 30811
Saxony Pools, Inc., et al ... 41758
Serr of Washington, D.C., Inc., et al ... 41079
Sew Rite ... 30808
Slyman, James and Slyman Real Estate Co ... 42202
Spiegel, Inc ... 44317
Standard Oil Co ... 41080, 43487, 44811
State Credit Association, Inc., et al ... 44318
Transcontinental Pipe Line Corp ... 41081, 43719
Tysons Corner Regional Shopping Center, et al ... 36560
Walden Realty Co. et al ... 40151
Witkin Homes, Inc., et al ... 40151
World Wide Systems, Inc., et al ... 41081
Xerox Corp ... 42203
Zodiac Construction, Ltd., et al ... 40152

Proposed Rules Page

Air conditioners, room; labeling and advertising ... 39532, 42757
Cellular plastic products; combustion characteristics disclosure ... 30842, 32764
Credit practices ... 29892, 36145
Drugs, prescription, retail price disclosure; extension of time ... 36145, 44850
Endorsements and testimonials; guides concerning use; extension of time ... 30988
Food advertising ... 29892, 36145
Funeral industry practices ... 39901, 42212, 42371
Health spas ... 34615, 37226
Hearing aid industry ... 36145
Mobile home sales and service ... 36145
Privacy Act implementation ... 34162, 38171
Protein supplements; advertising and labeling ... 41144
Schools, proprietary vocational and home study; advertising, disclosure, cooling off and refund requirements; extension of time ... 36146, 44583
Television advertising; children's premiums ... 28489, 33832
Warranties:
- Disclosure of terms and conditions ... 29892, 37226
- Dispute settlement procedures ... 29895, 37226
- Pre-sale availability of terms ... 29894, 30674, 37226

Notices

Corporate patterns survey; economic reports; authorization ... 34026
Privacy Act; systems of records ... 39041
Reporting program, line-of-business; resolution requiring annual reports from corporations ... 42243

FINE ARTS COMMISSION

Rules

Freedom of information ... 40802

Proposed Rules

Freedom of information ... 30841

Notices

Meetings ... 28125, 39922, 44185

FISCAL SERVICE

Rules

Bonds, issuance:
- Depositary, 2-percent ... 29847
- REA series, 2-percent ... 29846, 30640

Certificates of indebtedness, 5-percent, REA series; payment of interest ... 29846

Proposed Rules

U.S. securities; general regulations ... 30485, 31233

Notices

Public Debt Commissioner; succession of officials ... 28817
Surety companies, annual list ... 29246
Surety companies acceptable on Federal bonds:
- Alaska Pacific Assurance Co ... 43042
- American Southern Insurance Co ... 43042
- Argonaut Insurance Co ... 27693
- Parliament Insurance Co ... 27957
- Summit Insurance Co. of New York ... 44339

FISH AND WILDLIFE SERVICE

Rules Page

Endangered and threatened species; fish, wildlife, and plants:
- Alligator, American ... 44412
- Fauna list ... 44149
- Grizzly bear ... 31734, 33978, 37042
- Trout species ... 29863

Fishing:
- Aleutian Islands National Wildlife Refuge, Alaska, et al ... 33221
- Arrowwood National Wildlife Refuge, N. Dak ... 44822
- Browns Park National Wildlife Refuge, Colo ... 30823
- Cape Newenham National Wildlife Refuge, Alaska ... 34121, 36567
- Crescent Lake National Wildlife Refuge, Nebr ... 31773
- Lacreek National Wildlife Refuge, S. Dak ... 29084
- Long Lake National Wildlife Refuge, N. Dak ... 44155
- Monte Vista National Wildlife Refuge, Colo ... 29084
- Ouray National Wildlife Refuge, Utah ... 30823
- Russell, Charles M., National Wildlife Range, Mont ... 30463
- Upper Mississippi River Wildlife and Fish Refuge, Ill., et al ... 30967

Hunting:
- Agassiz National Wildlife Refuge, Minn ... 39519, 43733
- Alamosa National Wildlife Refuge, Colo ... 39511, 39512
- Aleutian Islands National Wildlife Refuge, Alaska, et al ... 33220, 33221, 34119
- Arrowwood National Wildlife Refuge, N. Dak ... 39519, 44821
- Audubon National Wildlife Refuge, N. Dak ... 37042
- Bear River Migratory Bird Refuge, Utah ... 42017, 43733
- Benton Lake National Wildlife Refuge, Mont ... 42883
- Bitter Lake National Wildlife Refuge, N. Mex., et al ... 29084, 36568, 44155
- Bombay Hook National Wildlife Refuge, Del ... 43029, 43032, 43218, 43915, 44151, 44154
- Brigantine National Wildlife Refuge, N.J ... 43030
- Browns Park National Wildlife Refuge, Colo ... 30822, 41105
- Cabeza Prieta National Wildlife Refuge, Ariz., et al ... 42018, 43732
- Cape Newenham National Wildlife Refuge, Alaska ... 34119, 36567
- Chautauqua National Wildlife Refuge, Ill ... 42198
- Cibola National Wildlife Refuge, Ariz. and Calif. et al ... 34348, 39512, 42196, 42747
- Clear Lake Wildlife Refuge, Calif ... 30115
- Conboy National Wildlife Refuge, Wash., et al ... 32126, 42199
- Crab Orchard National Wildlife Refuge, Ill ... 32124, 39513, 40811, 44151
- Deer Flat National Wildlife Refuge, Idaho, et al ... 30116, 32125, 43914
- De Soto National Wildlife Refuge, Iowa and Nebr ... 31939, 42200, 42201

INDEX

FISH AND WILDLIFE SERVICE—Continued

Rules—Continued Page

Hunting—Continued
- Des Lacs National Wildlife Refuge, N. Dak 44568
- Erie National Wildlife Refuge, Pa 44328, 44822
- Eufaula National Wildlife Refuge, Ala., et al 39868, 43218
- Fallon National Wildlife Refuge, et al, Nev 30115
- Fish Springs National Wildlife Refuge, Utah 38162
- Flint Hills National Wildlife Refuge, Kans 34119, 34120, 34121, 41106
- Grays Lake National Wildlife Refuge, Idaho 44568
- Great Swamp National Wildlife Refuge, N.J 44154
- Havasu National Wildlife Refuge, Ariz., and Calif 41106
- Iroquois National Wildlife Refuge, N.Y. 43218, 43316, 44152, 44154
- Kirwin National Wildlife Refuge, Kans 30970, 34120, 40811, 44153
- Kofa Game Range, Ariz 43030
- Kootenai National Wildlife Refuge, et al., Idaho 30115
- Lacreek National Wildlife Refuge, S. Dak 41108
- Long Lake National Wildlife Refuge, N. Dak 44822
- Lostwood National Wildlife Refuge, N. Dak 38162, 44568
- Mark Twain National Wildlife Refuge, Ill. and Iowa 41107, 42198
- Medicine Lake National Wildlife Refuge, Mont 30823
- Mingo National Wildlife Refuge, Mo. 34120
- Missisquoi National Wildlife Refuge, Vt 43218, 44152, 44154
- Monte Vista National Wildlife Refuge, Colo 39513, 39514
- Montezuma National Wildlife Refuge, N.Y 44152, 44153, 44155
- Muscatatuck National Wildlife Refuge, Ind 44569
- National Bison Range Refuge, et al., Mont 40519
- National Elk Refuge, Wyo 43032
- Necedah National Wildlife Refuge, Wis 32127
- Nunivak National Wildlife Refuge, Alaska 32128
- Ouray National Wildlife Refuge, Utah 30823, 41108
- Pathfinder National Wildlife Refuge, Wyo 36346, 41106
- Prime Hook National Wildlife Refuge, Del 43030, 43032, 43219, 44153
- Quivira National Wildlife Refuge, Kans 29548, 29549
- Ravalli National Wildlife Refuge, Mont 34120, 34121
- Red Rock Lakes National Wildlife Refuge, Mont 33221
- Rice Lake National Wildlife Refuge, Minn 34348
- Russell, Charles M., National Wildlife Range, Mont 30463
- Salt Plains National Wildlife Refuge, Okla.; correction 43732
- Salton Sea National Wildlife Refuge, Calif., et al 32124, 42197, 44155
- Salyer, J. Clark, National Wildlife Refuge, N. Dak 39869, 40520, 42199
- Sand Lake National Wildlife Refuge, S. Dak 42017
- Santee National Wildlife Refuge, S.C. 34348
- Seedskadee National Wildlife Refuge, Wyo 32128, 36120, 41108
- Seney National Wildlife Refuge, Mich 34599, 39519
- Sevilleta National Wildlife Refuge, N. Mex 39518, 42748
- Sherburn National Wildlife Refuge, Minn 40519, 40520, 42198
- Shiawassee National Wildlife Refuge, Mich 42018, 43032
- Slade National Wildlife Refuge, N. Dak 44822
- Swan Lake National Wildlife Refuge, Mo 42747
- Tamarac National Wildlife Refuge, Minn 41107, 43030
- Tewaukon National Wildlife Refuge, N. Dak 40520
- UL Bend-Bowdoin National Wildlife Refuges, Mont 29864
- Upper Mississippi River Wildlife and Fish Refuge, Ill., et al 30966
- Upper Souris National Wildlife Refuge, N. Dak 43032
- Valentine National Wildlife Refuge, Nebr 31940
- Waubay National Wildlife Refuge, S. Dak 33978
- Wheeler National Wildlife Refuge, Ala., et al 30967, 39514

Migratory bird hunting:
- Canadian geese 33016
- Cranes 42015
- Importation limits 36345
- Puerto Rico and Virginia Islands 30268, 36121, 37215, 41096
- Rails, woodcock, and common snipe, etc 44710
- Species identification requirement; exemption 34599
- Various States, waterfowl, etc 41096

Migratory bird permits; waterfowl, captive-reared; marking regulations 28459

Public access, use, and recreation:
- Agassiz National Wildlife Refuge, Minn 42017, 44568
- Bosque Del Apache National Wildlife Refuge, N. Mex 41105
- Dungeness National Wildlife Refuge, Wash 42195
- Russell, Charles M., National Wildlife Range, Mont 30462
- Upper Mississippi River Wild Life and Fish Refuge, Ill., et al 30966, 42748

Proposed Rules

Endangered and threatened species; fish, wildlife, and plants:
- Alligator, American 28712, 40521
- Crane, Mississippi sandhill; critical habitat 40521
- Fauna and flora, list of; additions 44329

Hunting:
- Izembek National Wildlife Range, Alaska 36377
- Sevilleta National Wildlife Refuge, N. Mex 31795, 36377

Migratory bird hunting:
- Canadian geese 27943
- Cranes 36572
- Importation limits 29880
- Species identification requirement 27943, 29725
- Various States, waterfowl, etc 34361

Notices

Coyote damage control; cattle, sheep, and goats; report on emergency use of M–44 devices 30139, 42038, 43240

Endangered species; status review for proposed listing:
- Plants, U.S. 27824

Endangered species permits; applications 28108, 28109, 28647, 29096, 29097, 30140, 30141, 30143, 30144, 30145, 30726, 30727, 31641, 31642, 31643, 31644, 31646, 32363, 32364, 32366, 32766, 32849, 33255, 33256, 33257, 33258, 33259, 33260, 33261, 34011, 34170, 37241, 39907, 39908, 39910, 41157, 42225, 42380, 42381, 42382, 43520, 43521, 43747, 43933, 43934, 44342

Environmental statements; availability, etc.:
- National Fish and Wildlife Laboratory 31821

Marine mammal applications:
- Campbell, Howard W., et al 32366
- Costa, Daniel P 43935
- Jackson Zoological Park 28110
- Loughlin, Thomas R 28110
- Louisville Zoological Garden 41158
- Ray, Dr. G. Carleton 29903
- Sea World, Inc 42384

Marine mammals; status report for 1975 36582

Marine mammals; waiver of moratorium; walrus 30140

Meetings:
- Waterfowl Advisory Committee 29096

Oil and gas exploration and development; territorial and inland navigable waters and wetlands; proposed guidelines 30020

Pipeline applications:
- Mid Louisiana Gas Co., La 31821
- Texico, La 30854

FOOD AND DRUG ADMINISTRATION

Rules

Administrative practices and procedures, enforcement, authority delegations, etc 29817, 31234, 31605, 31754, 32750, 33063, 40520

Animal drugs, feeds, and related products:
- Applications; sponsors, name changes 29535, 37036, 43488
- Bambermycins-monensin and bambermycins - monensin-roxarsone 39857
- Bambermycins premix 32831, 39858
- Benzathine penicillin G 30639
- *n*-Butyl chloride capsules 39858
- Clopidol-zinc bacitracin 31934
- Cloxacillin 28792
- Daminozide 42343
- N′ - (2,4 - dimethylphenyl - N-[[(2,4 - dimethylphenyl)imino]methyl] - N-methylmethanimidamide 41773

- *O*-ethyl *S*,*S*-diphenyl phosphorodithioate 41773
- Hexakis (2-Methyl-2 - Phenylpropyl) Distannoxane 33033, 33820
- Lenperone hydrochloride injection 36319
- Lenperone tablets 36319
- Levamisole hydrochloride and piperazine dihydrochloride 32831
- Medroxyprogesterone acetate 41085
- Oxytocin injection 28792
- Paraquat 31236
- Poloxalene 39857, 42866
- Potassium hetacillin for intramammary infusion 30941
- Procaine penicillin G 30639, 42007
- Robenidine hydrochloride, bacitracin methylene disalicylate 33444
- Robenidine hydrochloride, zinc bacitracin 39859
- Ronnel 34112
- Roxarsone 31933
- Sponsors of approved applications; correction 28791
- Sulfadimethoxine injection 34111, 42007
- Sulfadimethoxine tablets and boluses 43488
- Sulfonamide-containing products; extension of time to submit data 43213
- Tetracycline tablets 39858
- Thiabendazole 29706
- Tylosin 27651, 31235, 31934, 33443, 34111

Biological products:
- Hepatitis B surface antigen; test for safety 29706, 33821
- Radioactive drugs 31298, 31311, 43488

Color additives:
- D & C Green No. 6 for surgical sutures 44542
- F. D. & C. Red No. 3, et al 44812
- Powdered silk 29817

Color certification:
- F. D. & C. yellow No. 5, et al 44813

Corn, canned; identity standards 30940

Cosmetic products; warning statements, packaging labels 28451, 31606

Dietary foods; identity standards and labeling requirements; stay of effective date 34586

Food additives:
- Acrylonitrile / butadiene / styrene/methyl methacrylate copolymer 40799
- Acrylonitrile / butadiene / styrene copolymer 40799
- Bambermycins-monensin and bambermycins - monensin-roxarsone 39857
- Medroxyprogesterone acetate 41085
- Menadione dimethylpyrimidinol bisulfite 30108
- Methyl esters of fatty acids 30639
- Nylon resins 29073
- Styrene block polymers 29534

Fruits and fruit juices, canned; identity standards 28791

Human drugs:
- Antibiotic drugs, certification and fees 28052
- Cephradine; correction 33204
- Containers; blood and blood components collection 33971
- Erythromycin-neomycin sulfate ointment; confirmation of effective date 41773
- Good manufacturing practice, reorganization and recodification 28610
- Griseofulvin (ultramicrosize) tablets 41522
- Methadone maintenance of pregnant addicts 34110
- Radioactive drugs and biological products; reassignment of responsibility 31311
- Radioactive drugs and biologics; termination of exemptions 31298, 43488, 44543

Jellies, preserves, fruit butters; identity standards 39855, 42866

Packaging and labeling; food, drugs, cosmetics, and devices 28582

Pesticide tolerances in food:
- Daminozide 42343
- Paraquat 43720

Radiological health; laser products; performance standards 32252, 40800

Sanitation, interstate conveyance; railroad waste discharge control 30108

Sweeteners, nutritive; lactose; food identity standards 33820

Proposed Rules

Administrative practices and procedures, enforcement, authority delegations, etc 40682, 44570

Animal drugs, feeds, and related products:
- Medicated feeds; manufacturing practice 33554
- Methoprene 39896
- Vegetable oil byproducts, industrial grade; prohibited substances 41797

Biological products:
- Cryoprecipitated antihemophilic factor (human); standards 41799

Contact lenses; marketing 44844

Cosmetic products; zirconium in aerosol drugs and cosmetics; extension of time 36574

Diagnostic X-ray systems; performance standards; correction 28095

Dietary foods; identity standards and labeling requirements; extension of time 29089

Dressings for food; identity standards revision 30978

Food additives:
- Polyvinyl chloride resin, prior-sanctioned; proposal withdrawn 40529
- Vegetable oil byproducts, industrial grade; prohibited as food or feed for animals 41797

Vinyl chloride polymers 40529

Frozen desserts and dairy products; exemption from label requirements 30978

Human drugs:
- Antibiotic drugs; certification; facsimile transmission service 33680
- Bioavailability and bioequivalence requirements 30493, 34407
- Contact lenses; marketing 44844
- Hypoglycemic drugs, oral; labeling 28587, 33459, 43513
- Information requirements in abbreviated new drug applications; extension of time 34406
- Intrauterine contraceptive devices; labeling 27796
- Marketing conditions for prescription drugs 34406, 43531
- New drug applications; procedures for filing over protest 44335

Privacy Act, implementation 39388

Radiological health:
- Electronic products; performance standards 44846
- X-ray procedures, diagnostic; guideline for gonad shielding use 42749
- X-ray systems, diagnostic; performance standards; extension of time 33828

Shellfish safety program; correction 29554

Notices

Administrative practices and procedures, enforcement, authority delegations, etc.; stay of regulations 32750, 33063

Animal drugs:
- Depinar Vet; withdrawal of approval 34181
- Drugs no longer marketed; withdrawal of approval 34180, 38179
- Franklin Phenothiazine Drench Compound Powder 29113
- Intramammary infusion products for treating mastitis 39540
- Phenothiazine drench; withdrawal of approval 37245
- Phenothiazine drench with lead arsenate; withdrawal of approval 33483
- Phenothiazine drench powder; withdrawal of approval 30859
- Repromix; withdrawal of approval 41160
- Triverm capsules 30859
- Ultra-life super beef Y–Z "A"; withdrawal of approval 44600

Biological products and radioactive drugs, interim enforcement policy 31314

Cardiovascular Devices Review, Panel; panel report availability 41829

Committees, advisory:
- Filing of annual reports 40870
- Request for nomination of members 34623

FOOD AND DRUG ADMINISTRATION—Con.

Notices—Continued Page

Committees, panels: establishment, renewals, etc.:
- Allergenic Extracts Review Panel 34018
- Anti-infective Agents Advisory Committee 34018
- Antiperspirant Drug Product Review Panel 28503
- Blood and Blood Derivatives Review Panel 34018
- Contraceptive and Other Vaginal Drug Products Panel 29915
- Dermatology Advisory Committee 29913
- External Drug Product, Miscellaneous, Review Panel 28503
- Internal Drug Product, Miscellaneous, Review Panel 28503
- Medical Device Classification Panels; nonvoting representative, nominations request 34624
- Oral Cavity Drug Product Review Panel 28503
- Public advisory committees; nominations request 44599
- Radiation Bio-Effects and Epidemiology Advisory Committee; termination 40870
- Radioactive Pharmaceuticals Advisory Committee 37245
- Skin Test Antigens Review Panel 34018
- Surgical Drugs Advisory Committee 34018
- Vitamin, Mineral and Hematinic Drug Product Review Panel 28656

Dental X-ray film, performance standard; meeting 27959

Dietary food, special; labeling, composition, etc.; hearing 44857

Food additives:
- *See also* GRAS status, GRAS or prior-sanctioned ingredients; information available 39916
- Polychlorinated biphenyls in paper food-packaging material; prehearing conference 28842
- Safety of ingredients; hearing 39917

Food additives; petitions filed or withdrawn:
- Ashland Chemical Co 28656
- Buckman Laboratories, Inc 27960
- Dow Chemical Co 42912
- Exxon Corp 34823
- General Mills Chemicals, Inc 28502
- Hall, C. P., Co 28502
- Kemira Oy 30520
- Monsanto Co 40568
- Nalco Chemical Co 40568
- Rohm & Haas Co 29560, 34624
- SCM Corp 27960
- Sandoz Colors & Chemicals, Inc 38184
- Warf Institute, Inc 42231

Food processing and storage facilities inspection; memorandum of understanding with Maryland Environmental Health Administration 28503

GRAS status, petitions:
- Aplin and Barrett Ltd 42912
- BNB Trading Co., Inc 29913
- Pfizer, Inc.; correction 31014
- Quad Corp 43264

Human drugs:
- Ammonia intoxication treatment, drug products, certain; used for 33697
- Diethylstilbestrol and related congeners 32773
- Direct sky blue injection; withdrawal of approval 33850
- In vitro diagnostic products; requests for data on products for use in antirubella antibody tests 43045
- Mephentermine sulfate for oral use; withdrawal of approval 42590
- Monobenzone topical lotion; withdrawal of approval 42590
- Over-the-counter drug products; safety and effectiveness review 38179
- Penicillinase; withdrawal of approval 44599
- Proteolytic enzymes, oral; withdrawal of approval; hearing 30995, 37071
- Protokylol with pentobarbital tablets; withdrawal of approval 42590
- Radioactive drugs and biological products; interim enforcement policy 31314

Medical devices; good manufacturing practice 33482

Meetings:
- Advisory committees, panels, etc 28502, 30300, 30860, 36403, 36788, 39540, 43264, 43533, 44597, 44600
- Cough, Cold, Allergy, Bronchodilator and Antiasthmatic Drug Product Review Panel; change of location 28503
- Dental X-ray film, performance standard 27959
- General and Plastic Surgery Devices Review Panel 29560
- Radionuclides, short-lived; for medical use 44599
- Sedative, Tranquilizer, and Sleep Aid Drugs Review Panel 41830
- Vitamin, Mineral, and Hematinic Drug Products Review Panel; rescheduled 44600

Milk, pasteurized, ordinance and interstate milk shippers, program; Federal-State programs; extension of time 40192

Orange juice, frozen concentrated; identity standard deviation; temporary permit for market testing 33063

Privacy Act; systems of records 39073

Propellants; flourocarbons; food, drugs and cosmetics containing; request for information 29914

Quality assurance for drugs, biologics, chemicals, and reagents; interagency agreements with FDA:
- Health Services Administration 28656
- Veterans Administration 36787

Radiation hazards; suggested State regulations for control; availability 29749

Radionuclides, short-lived; for medical use; production and distribution; workshop 44599

X-ray systems, diagnostic; performance standards; approval of variance 34181

FOOD AND NUTRITION SERVICE

Rules

Food distribution:
- Donation for U.S. and territories, etc.; eligibility of household members with supplemental security income payments 31941
- Regional Office establishment 42735

Food stamp program:
- Application opportunities for persons applying for Federal assistance 43017
- Coupon acceptance; extension of time period 28786
- Economic unit; definition 43479
- Regional Office establishment 42736
- State agency and eligible household participation 29531, 29701, 36759, 43017
- State plans, submission to Governor 33195

School lunch program, National:
- Breakfast and nonfood assistance programs and State administrative expenses 30922
- Lunch, breakfast and nonfood assistance, and special food service programs for children; alternative labeling requirements 37027, 40505
- Regional Office establishment 42735
- Standardization and decentralization 30917, 31941
- Women, infants, and children; program extension and deletion of partial medical evaluation 27930

Proposed Rules

Food distribution:
- Federally-donated foods; processing by commercial facilities 43738

Notices

Food stamp program; income standards and coupon issuance 43404

Nutrition programs for elderly; donated foods; level of assistance 30147

School breakfast and lunch programs:
- National average minimum value for donated foods for FY 1976 29903
- National average payments for period July 1 to December 31, 1975 29903

Special milk program for children; rate of reimbursement for FY 1976 29904

FOREIGN AGRICULTURAL SERVICE

Notices

Potatoes, white or Irish; 1975 production estimate 42039

FOREIGN CLAIMS SETTLEMENT COMMISSION

Proposed Rules Page

Privacy Act, implementation 39381

Notices

Privacy Act; systems of records 39023, 44757

FOREIGN-TRADE ZONES BOARD

Notices

Foreign-trade zones administration 34622

FOREST SERVICE

Rules

Grazing advisory boards; organization and functions 31222

Notices

Environmental statements; availability, etc.:
- Apache - Sitgreaves National Forests, aquatic weed control 41159
- Appalachicola National Forest, Fla 30147, 31973
- Arapaho National Forest, timber management plan 28648
- Bighorn National Forest 32771
- Bitterroot National Forest 28112, 38175
- Boise and Challis National Forests, Bear Valley Planning Unit, Idaho 37062
- Boise National Forest, Idaho City Planning Unit 37243
- Boise National Forest, Landmark Planning Unit 32148
- Boise National Forest, Middle Fork Boise River Planning Unit 28111
- Boise National Forest, Shafer Butte Planning Unit 40191, 43749
- Boise and Payette National Forests 40564
- Caddo National Grassland Unit Plan, Tex 44593
- Cherokee National Forest, Upper Hiwassee Unit Plan, Tenn. 29747
- Clarkdale-Williams Highway Proposal, Ariz 34013
- Colville National Forest, East Deer Creek Planning Unit 44172
- Colville, Okanogan, and Wenatchee National Forests, Wash 30855
- Custer National Forest, Little Missouri River National Grasslands 36602
- Daniel Boone National Forest, Beaver Creek Unit 32148
- Deerlodge National Forest, Basin Planning Unit 30148
- Delta National Forest 36601
- Deschutes, Fremont, Ochoco and Winema National Forest, Oreg 29559
- DeSoto National Forest, Tchoutacabouffa Unit Plan 27709
- Dixie National Forest 39537
- Emerald Creek Planning Unit, Idaho; land use plan 30855
- Forest and rangeland renewable Resource Program—1977 to 2020 36396
- Freshwater Bay Timber Sale; extension of time 39537
- George Washington National Forest, Piney River Unit Plan 30148
- Gunnison National Forest, timber management plan revision 38177
- Horse Creek Administrative-Research Project 39914, 42764
- Humboldt National Forest, Ruby Mountains-East Humboldt Planning Unit 30994
- Kisatchie National Forest, North Evangeline Unit Plan 39915
- Kootenai National Forest, Fortine Ranger District 36602
- Kootenai National Forest, West Kootenai Planning Unit 44173
- Lassen National Forest, timber management 28112
- Lolo National Forest, Petty Mountain Planning Unit 32148
- Lone Peak Wilderness Study report 31250
- Lyndon B. Johnson National Grassland Unit Plan, Tex 44856
- Manti-LaSal National Forest, Monticello Planning Unit 38176
- Medicine Bow National Forest, timber management 42764
- Modoc National Forest 27957
- Mt. Hood National Forest, Oreg 29559
- Mt. Hood, Rogue River and Willamette National Forests, Oreg 30994
- Nezperce National Forest, Kelly-Bullion Unit Plan 29904
- Nezperce National Forest, Rainy Day Planning Unit 44344
- North Carolina National Forests, Nantahala Unit Plan 38175
- Olympic, Mt. Baker-Snoqualmie and Gifford Pinchot National Forests 33057
- Osceola National Forest, Fla 30148, 31973
- Ozark National Forest, Ozone Unit Plan, Ark 27708, 30856
- St. Joe Wild and Scenic River 38176
- Sam Houston National Forest, Conroe Unit 37242
- Shasta-Trinity National Forest 34621
- Shoshone National Forest; timber management plan revised 29746
- Smith Creek Planning Unit, Idaho 30995
- Swift Trial Forest Highway 34, Ariz 44593
- Talladega National Forest; timber management plan 29747
- Targhee National Forest, Idaho 43258
- Uinta and Wasatch National Forests, Lone Peak Wilderness Study Area 33264
- Vegetation control by mechanical, chemical, and fire treatment; proposed; Ariz. and N.M. 33264
- Vegetation management with herbicides; Oreg. and Wash 43935
- West Chichagof-Yakobi Island land use study 29904, 42039
- Williamette National Forest 29747
- Forest and rangeland renewable resource planning act draft assessment and program; hearing 31648

Meetings:
- Bighorn National Forest Grazing Advisory Board 44172
- California Advisory Committee 33264
- Carrizo Grazing Advisory Board 43748
- Cascade Head Scenic-Research Area Advisory Council 30148, 42384
- Challis National Forest Livestock Advisory Board 29746
- Cibola National Forest Grazing Advisory Board 34012
- Condor Advisory Committee 43044
- Coronado National Forest Grazing Advisory Board Committee 44856
- Deschutes National Forest Advisory Committee 28500
- Gila National Forest Grazing Advisory Board 33057
- Grand Mesa National Forest Grazing Advisory Board 39914
- Gunnison Valley Forest Grazing Advisory Board 27708, 44172
- Humboldt National Livestock Advisory Board 33693
- Lincoln National Forest Grazing Advisory Board 30994
- Manti Division Grazing Advisory Board 34171
- Miguel District Grazing Advisory Board 27708
- Modoc National Forest Grazing Board 39537
- National Forest Advisory Boards 44173
- Nebraska National Forest Livestock Advisory Board 44173
- North End District Grazing Advisory Board 34013
- Norwood District Advisory Board 29746, 44173
- Okanogan National Forest Grazing Advisory Board 42227
- Oregon Dunes National Recreation Area Advisory Council 30856, 43259
- Ottawa National Forest Multiple Use Advisory Committee 43935
- Pacific Northwest Forestry Research Advisory Committee 43935
- Paonia Area Advisory Board 30148, 34171
- Paonia Area Forest Grazing Advisory Board 44173
- Rio Grande National Forest Grazing Advisory Board 38176, 44173
- Rock Creek Advisory Committee 28501, 33693, 36602, 43044
- Routt National Forest Grazing Advisory Board 36782
- San Isabel National Forest Grazing Advisory Board 43749
- Spearfish District Grazing Advisory Board 44856
- Timpas Unit Grazing Advisory Board 37243
- Tonto National Forest Grazing Advisory Board 42227
- White Mountain National Forest Advisory Committee 34171

INDEX

GAMBLING, COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD

Rules — Page
Privacy Act; implementation — 42306

Proposed Rules
Privacy Act; implementation — 33178

Notices
Hearings:
Illinois — 41172
Nevada — 31026, 33703
Privacy Act; systems of records — 33179, 42307

GENERAL ACCOUNTING OFFICE

Rules
Claims for erroneous payment of pay and allowances; standards for waiver — 36099
Information collection; clearance of proposals by independent Federal regulatory agencies — 36295
Transportation; claims against U.S — 27929

Notices
Contracts under Federal grants; complaints — 42406
Regulatory reports review; proposals, approvals, etc. — 27970, 28528, 28677, 29132, 30182, 30327, 31670, 32385, 32678, 32879, 34200, 34483, 36428, 37100, 37101, 37272, 38191, 39560, 39561, 39943, 39944, 40590, 40878, 41165, 42060, 42407, 43560, 44348

GENERAL SERVICES ADMINISTRATION

See also Federal Management Policy Office.
Federal Register Office.
Federal Supply Service.
National Archives and Records Service.

Rules
Conduct standards of GSA employees involved in systems of records — 39505
Procurement:
Federal — 27653, 28067, 30440, 36939, 43728, 44136, 44137, 44502
Property management:
Federal — 27655, 29722, 29818, 31023, 31224, 33035, 33216, 33454, 37939, 39866, 41093, 42358, 42361

Proposed Rules
Privacy Act; implementation — 39440
Property management, Federal — 32761

Notices
Audiovisual productions; use of government personnel — 36852
Audit function transfer from GAO — 33867
Authority delegations:
Attorney General of U.S — 30760
Defense Department Secretary — 28677, 28678, 31288, 32175, 34201, 40214, 40215, 42246, 44893, 44894
EPA Administrator — 28677
Federal Management Policy Office — 29935
Transportation Department Secretary — 42245
Energy conservation performance report; availability — 29935
Environmental impact statements; preparation procedures — 27733
Federal building, U.S. International Trade Commission Building, redesignation — 32879, 33706
Government Procurement Commission recommendations:
Executive branch position — 28677, 32796, 34200

Meetings:
Architectural and Engineering Services Regional Public Advisory Panel — 29340, 30760, 31670, 32175, 32796, 33286, 39944, 40215, 43760, 44361
Archives and Records Centers Protection, Advisory Committee for — 42407
Cash Management Advisory Committee — 29132
Health Resources National Advisory Committee — 39561
Motion picture processing — 36852
Privacy Act; systems of records — 39137, 43860, 44529

Procurement:
Federal data system — 42245
Portable space heaters and portable electric fans; ordering criteria — 30162
Property management regulations, temporary:
ADP schedule contracts — 28528
Motor vehicle procurement — 42245
Motor vehicle reporting requirements; use of form — 40215
Travel; increased mileage allowances for use of privately owned automobiles — 28529, 29340, 39944

GEOGRAPHIC NAMES BOARD

Notices
Foreign and domestic geographic names; availability of information — 42235

GEOLOGICAL SURVEY

Proposed Rules
Coal mining operating regulations; protection of public and Indian lands — 41122
Outer Continental Shelf; oil, gas, and sulfur operations:
Drilling and development programs — 42559, 43036
Geological and geophysical exploration — 30119

Notices
Aerial and space photographic materials; fee schedule — 36781
Coal land classification:
Wyoming — 44169
Geothermal resource areas, operations, etc.:
California — 29100, 36599, 36600
Central and Western Regions — 34427
Idaho — 29738, 41826
Montana — 30729
Nevada — 30729, 44343
Oregon — 32147, 43748
Washington — 28111, 30729
Oil and gas operations; disposal of produced water — 34425
Outer Continental Shelf; oil and gas development:
California — 28498
Gulf of Mexico — 43521
Power sites; modifications, cancellations, etc.:
San Juan River Basin, Utah — 30146

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Rules
Organization and functions:
Attorneys-in-fact; list, additions and deletions — 43027, 44323

HAZARDOUS MATERIALS OPERATIONS OFFICE

Notices
Shippers and carriers of hazardous materials; prohibitions and penalties — 33066
Special permits issued — 38184, 42594

HAZARDOUS MATERIALS REGULATIONS BOARD

For successor agency see Materials Transportation Bureau.

Rules
Flammable, combustible, and pyrophoric liquids; definitions; CFR correction — 27939

Notices
Special permits issued — 28115

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Aging, Federal Council on the.
Alcohol, Drug Abuse and Mental Health Administration.
Child Support Enforcement Office.
Disease Control Center.
Education Office.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
National Institute of Education.
National Institutes of Health.
Public Health Service.
Saint Elizabeths Hospital.
Social and Rehabilitation Service.
Social Security Administration.

Rules
Claims collection; authority delegation by Department Claims Officer — 40162
Drugs; maximum allowable cost — 32234, 36342
Grant appeals process; charter revision; procedural rules — 33936
Human subjects, protection of; fetuses, pregnant women, in vitro fertilization — 33526, 40163
Nondiscrimination on basis of sex:
Education programs and activities; corrections — 39506
Health-related training programs — 28572
Procurement — 29715, 29719

Proposed Rules — Page
Privacy Act; implementation — 34129, 41140
Procurement, Indian Self-Determination Act — 42674

Notices
Committees; establishment, renewals, etc.:
Education Statistics Advisory Committee — 34182
Contract awards:
Applied Management Sciences; health care for elderly and long-term disabled — 40569
Georgetown University — 29319
Krause, Ellen Elizabeth; administrative and legislative uses of term "poverty" — 31015
Mathematica Incorporated; technical and editorial support for study on relative measure of poverty — 31015
Messer Associates, Inc.; rehabilitation cost systems and models, identification — 33482
Urban Institute; "Transfer income model maintenance and development" — 34179
Health care rates; notice to State Governors — 28113
Health insurance for aged and disabled:
Periodic interim payments — 40192
Health maintenance organizations; medically underserved areas and population groups; designation — 40315
Health service areas; designation — 40306
Human subjects, protection of; viable fetus criteria — 33552
License, exclusive patent:
Kolobow, Theodor — 41168
Leininger, Robert I. et al — 29751
Meetings:
Biomedical Research Panel, President's — 42233
Health Insurance Benefits Advisory Council — 34179
Human Subjects, protection of; Biomedical and Behavioral Research National Commission — 28657, 34021, 44184
Mental Retardation Committee, President's — 33697, 42389
New Drug Regulation Review Panel — 28113, 32773, 36414, 42913
Olympic Sports, President's Commission on — 36612
Physical Fitness and Sports, President's Council on — 42912
Population Affairs Secretary's Advisory Committee — 40571
Professional Standards National Review Council — 36609
Native American programs; interim evaluation standards — 27961
Nondiscrimination:
Employment; government contractors and subcontractors and in federally assisted construction; complaints — 34180
Equal employment noncompliance; Federal assistance, proposed ineligibility; Industrial Air Conditioning and Refrigeration Corp — 36162
Higher education institutions; affirmative action programs — 37064
Organization, functions, and authority delegations:
Administration Office — 34443, 42233
Administrator, Health Resources Administration — 42232
Alcohol, Drug Abuse, and Mental Health Administration — 36163
Assistant Regional Director for Human Development — 36609
Assistant Secretary for Health — 34442
Assistant Secretary for Human Development Office — 36610
Assistant Secretary for Planning and Evaluation — 34442
Commissioner of Social Security — 42233
Developmental Disabilities Office — 36610
Director, Indian Health Service — 42591
Education Office — 30300, 43942
Facilities Engineering and Property Management Office — 34443
Human and Child Development Offices — 28657
National Institute of Education — 37071
Regional Director's Office, Region I, Boston — 44177
Regional Director's Office, Region IV, Atlanta, Ga — 41161
Regional Director's Office, Region VI, Dallas, Tex — 40570
Regional Director's Office, Region X, Seattle, Wash — 41162
Rehabilitation Services Administration — 36611
Social and Rehabilitation Service, Community Services Administration — 34444
Social Security Administration — 36612, 42233
Privacy Act; systems of records — 38391, 40491, 43700, 44600
Runaway behavior, incidence and nature; program results — 41168

HEALTH RESOURCES ADMINISTRATION

Notices
Committee reports, annual — 34018, 43048
Hospital and nursing home services; payments to States — 39542
Meetings:
Advisory Committees — 33483, 41550
Cooperative Health Statistics Advisory Committee — 43048
Health Services Research Study Section; amended — 41550
Vital and Health Statistics Committee — 34442
Nursing student loans; list of hospitals with substantial shortage of nurses — 29632

HEALTH SERVICES ADMINISTRATION

Notices
Committee reports, annual — 34019, 43047
Health maintenance organizations; application for Federal financial assistance — 29916
Meetings:
Emergency Medical Services Interagency Committee — 29916
Maternal and Child Health Research Grants Review Committee — 40870
Migrant Health National Advisory Committee — 42912
Professional Standards Review Organization; designation:
Arkansas — 29317
California — 29317
Professional Standards Review Organizations; poll of physicians:
California — 28113, 36246, 36247, 42232
Connecticut — 36247, 36248
District of Columbia — 36248
Florida, Area XII — 32152
Idaho — 29318
Illinois — 36248
Iowa — 30520
Maine — 36249
Maryland — 29318, 36249, 36250
Massachusetts — 36250
Michigan — 36251
Missouri — 36251
New Hampshire — 36252
New Jersey — 36252
New York — 36252, 36253, 36254, 36255
Ohio — 36255, 36256
Oregon — 36255
Pennsylvania — 29319, 36256, 36257
Rhode Island — 36257
South Carolina — 36258
Washington — 36258
West Virginia — 36258
Wisconsin — 36259
Quality assurance for drugs, biologies, chemicals and reagents; memorandum of understanding with FDA — 28657

HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT

Proposed Rules
Alaska Natives; disenrollment — 42020

Notices
Applications, etc.:
Alabama By-Products Corp — 27695, 36153, 36154
Bethlehem Mines Corp — 36155
CF&I Steel Corp — 27696
Crescent Hills Coal Co., Inc — 40868
D & R Coal Co., Inc — 27696
Dan Branch Mining Co., Inc — 36155
Eastern Associated Coal Corp — 42908
Florence Mining Co — 42909
Halfway Coal Co., Inc., et al — 27697
Jones, Dean, Coal Co., Inc — 42908
Mountaineer Coal Co — 28498, 36156
National Coal Mining Co — 36157
P & H Equipment Co., Inc — 28499
Peabody Coal Co — 36157
Pittsburgh Coal Co — 36157
Pocahontas Fuel Co — 27697
Republic Steel Corp — 42909
Rushton Mining Co — 44591
Sahara Coal Co., Inc — 40869
Southern Ohio Coal Co — 28499, 29100
Valley Camp Coal Co — 36159
Westmoreland Coal Co — 36159

HISTORIC PRESERVATION ADVISORY COUNCIL

Notices
Historic properties preservation; comments to Army Secretary; availability — 43756
Meetings — 30520, 30862

INDEX

HOUSING MANAGEMENT, OFFICE OF ASSISTANT SECRETARY

Rules Page

Disaster relief; temporary housing pre-termination procedure; establishment 33209
Multifamily housing projects:
Rent increases; notice to tenants and consideration of comments 29073
Rental assistance payments 31873

Proposed Rules

Resident manager qualifications for multifamily housing projects 42560

Notices

Authority delegations. *See main heading* Housing and Urban Development Department.

HOUSING PRODUCTION AND MORTGAGE CREDIT, OFFICE OF ASSISTANT SECRETARY

Rules

Authority delegations:
Director, Publicly Financed Housing Division, et al 39859
Minimum property standards 38151
Mobile homes; construction and safety standards 40261, 42007
Mortgage and loan insurance programs:
Leasehold estates; determining value or replacement cost 36773
Multifamily housing, existing 43898
Rental assistance payments 31872

Proposed Rules

Mortgage and loan insurance programs:
Application fee; existing and proposed construction 33681

Notices

Meetings:
Mobile Home National Advisory Council 29561
Mortgage payment plans, variable; request for proposals; experimental financing program 34625

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Community Planning and Development, Office of Assistant Secretary.
Federal Disaster Assistance Administration.
Federal Insurance Administration.
Housing Management, Office of Assistant Secretary.
Housing Production and Mortgage Credit, Office of Assistant Secretary.
Interstate Land Sales Registration Office.

Rules

Claims:
Collection by Government 28599
Settlement; revocation of obsolete CFR Part 28599
Community development block grants:
Environmental review procedures 29992
New communities; application date deadline 41509
Fair market rents and contract rent automatic annual adjustment factors 28451, 31935, 40513
Lease and grievance procedures and requirements 33402, 33406
Housing assistance payments; construction loans for elderly and handicapped 36536
Low income housing:
Admission and rent income ratios, interim rules 33445, 44323
Mortgagee Review Board; establishment 43026
Privacy Act; implementation 39729
Real estate settlement procedures; disclosures by seller:
RESPA legal opinion #1 30480, 31211
RESPA legal opinion #2 44129
Relocation payments and assistance and real property acquisition; corrections 36768, 36772

Proposed Rules

Fair market rents; housing assistance payments programs 30000
Low income housing:
Indian housing 43372
Public Housing Agency projects; project management 44159
Relocation payments and assistance and real property acquisition 36142

Notices

Authority delegations:
Acting Administrator, New Communities Administration 43770
Acting Area Director, Baltimore Area office 28843
Acting Area Director, Kansas City Area office, et al 29918, 31975
Acting Area Director, New York Area office 30150
Acting Area Director, Philadelphia Area office 28843
Acting Area Director, Pittsburgh Area office 28843
Acting Area Director, Richmond Area office 28843
Acting Area Director, St. Louis Area office 31976
Acting Area Director, Washington Area office 28844
Acting Deputy Regional Administrator, Region III 29918
Acting Insuring Director, Topeka Insuring office, et al 31975
Administrator of Federal Disaster Assistance Administration 27711
Assistant Regional Administrator for Equal Opportunity, Region III 30150
Assistant Secretary and Deputy Assistant Secretary for Community Planning and Development 37074
Assistant Secretary and Deputy Assistant Secretary for Housing Management 39920
Assistant Secretary and Deputy Assistant Secretary for Housing Production and Mortgage Credit 39920
Assistant Secretary for Housing Management 27712
Assistant Secretary, Policy Development and Research and Community Planning and Development 30306
Associate General Counsel for Equal Opportunity and Administration 28115
Deputy Area Director, et al., Region II, Newark 42234
Deputy Area Director, et al., Philadelphia 38851
Deputy Regional Administrator, et al., Region IV, Atlanta 42234
Director, Emergency Preparedness Staff 27712
Director, Office of Housing Programs, et al 39920
Directors and Deputy Directors, Insuring Offices, Honolulu and Anchorage 39921
Federal Insurance Administrator 37075
Regional Administrator, Region IX, San Francisco 38184
Regional Administrator, Region X, Seattle 33851
Regional Administrators, et al 28659, 37074, 39921
Regional Counsels 28115
Secretary of Commerce 42759
Housing construction loans; elderly and handicapped; fund reservations requests 43943
Plumbing fixtures, plastic; fire hazard requirements proposed 43539
Privacy Act; systems of records 39738, 43751, 45119
Real estate settlement procedures, inquiry 32370

IMMIGRATION AND NATURALIZATION SERVICE

Rules

Board of Immigration Appeals; organization 37207
Immigration regulations:
Admission and deportation of aliens, etc 30468
Documentary requirements; immigrants; waivers 34106
Documentary requirements; nonimmigrants; waivers 33431
Nonimmigrant classes; students; full course of study and off-campus employment 32312
Surety bonds for importation of alien laborers 42852
Nationality regulations:
Citizenship certificates 42532
Residence and nationality forms 30870
Organization and delegations 30467
Privacy Act; implementation 44431

Proposed Rules

Immigration regulations:
Alien deportability; bond redetermination before special inquiry officer 39524
Parole of aliens into United States; termination 28614
Privacy Act; implementation 39423

INDIAN AFFAIRS BUREAU

Rules Page

Business practices and credit operations, etc. on Navajo, Hopi and Zuni Reservations 39835
Enrollment:
Warm Springs Indians 36324
Hopi-Navajo joint use area:
Grazing 28039
Law and order 28026
Housing improvement program; redesignation 44543
Irrigation projects, operation and maintenance charges:
Flathead, Mont 33214
Procurement; contracting officer positions 33454

Proposed Rules

Electric power systems, operation and maintenance charges:
Flathead Project, Mont 39871
San Carlos, Ariz 42884
Enrollment:
Alaska Natives; disenrollment 42020
Indian self-determination and education assistance 40982
Irrigation projects, operation and maintenance charges:
Fort Apache, Ariz 34605
San Carlos, Ariz 36376
San Xavier, Ariz 43513
Procurement 41025

Notices

Authority delegations:
Area Directors and Project Officer; redelegation 34620
Superintendents, et al 33845
Environmental statements; availability, etc.:
Medera Water Pollution Abatement Project, Calif 28106
Federal supervision over property, termination; Pinoleville Rancheria, Calif. and individual member; correction 43239
Judgment funds; plan for use and distribution:
Jicarilla Apache Tribe 33846
Ottawa Tribe, Oklahoma 32145
Yakima Tribes of Yakima Reservation 41826
Zia, Jemez and Santa Ana Pueblos 32847
Law and order determinations:
Puyallup Tribe of Washington 43932
Record office designation; restricted and trust lands of Menominee Tribe, Wis 32146

INTER-AMERICAN FOUNDATION

Proposed Rules

Privacy Act; inplementation 36264

Notices

Privacy Act; systems of records 36284

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Applications, etc.:
B & S Coal Co., Inc 32175, 41195
Buchanan County Coal Corp 32175
Buchanan & Sons Coal Co., Inc 32175
Eddie Coal Co., Inc 32176
Hobbs Bros. Coal Co., Inc 32176
Indian Head Mining Co. et al 41195, 44361
Lane Hollow Coal Co., et al 33076
Little Rock Coal Co 32176
Mary E Coal Co., Inc 32176

INTERIOR DEPARTMENT

See also Bonneville Power Administration.
Fish and Wildlife Service.
Geological Survey.
Hearings and Appeals Office.
Indian Affairs Bureau.
Land Management Bureau.
Mines Bureau.
Mining Enforcement and Safety Administration.
National Park Service.
Outdoor Recreation Bureau.
Reclamation Bureau.

Rules

Alaska Native Claims Board; hearings and appeals procedures 33172
Employee conduct standards 28288
Privacy Act; implementation 44504
Procurement 29722, 33216, 37209, 39863, 40517, 42746
Property management 30483, 33216, 40517, 42746
Recreation fees:
Hunting blinds rentals 44817

Proposed Rules

Privacy Act; implementation 37216
Recreation fees:
Hunting blinds rentals 34368

Notices

Colorado River reservoirs, coordinated long-range operation; review of criteria 28499
Contracts, Government; debarment, cancellation, and termination; Bes-Pak and Co., Inc 43043
Environmental statements; availability, etc.:
Alaska Natural Gas Transportation System 31647, 34432
Bombay Hook Wilderness Area, Del 37242
Bonneville Power Administration 30510
Bruneau National Wild and Scenic River, Idaho 43524
Buffalo National River, Ark 41543
Central Arizona Project, Granite Reef Aqueduct Transmission System, Ariz 33254
Desert Wilderness Area, proposed 41158
Dinosaur National Monument, Utah and Colo 32148
Havasu Wilderness Area 28500
Hawaii Volcanoes National Park 28499, 41543
Hot Springs-Bell 500-kV Line 43524
Imperial National Wildlife Refuge 27957
J. N. "Ding" Darling Wilderness area, Fla 33255
Kiaprowits Power Project, Utah 31965
Lewis and Clark National Historical Trail, proposed 41158
Lower Monumental-Ashe 500-kV Line, et al 43525
Lower St. Croix National Scenic Riverway, Minn. and Wis 43240
Mall, Washington, D.C.; proposed rehabilitation 42223
Missisquoi National Wildlife, Refuge, Vt 31017
Oregon Pipe Cactus National Monument, Ariz 41543
Pecos National Monument, N. Mex 41543
Rocky Mountain National Park, Colo 41544
Semidi Wilderness Area, Alaska 37242
White River Wilderness Area, Ark 33847
Zion National Park, Utah 36160
Financial interests statements:
Baal, Alvin F., III 37061
Collins, Harley L 33253
Cooper, Winston M 43526
Garlinghouse, Lester E 37061
Guthrie, Bill M 33253
Hale, Kenneth M 44592
Heim, Paul R 44592
Henne, William P 33253
Hulsey, Bill C 33253
Jones, Andrew P 33253
Kent, Maurice H 43526
Love, Carlos 33254
Loveless, Thurman D 37061
Marchetti, Robert J 33254
McMahon, John A 33254
Shepperd, S. Riggs 33254
Treffinger, Fred M 33254
Whitmire, Charles N 33254
Winfree, Robert W 33254
Meetings:
Energy Conservation Committee 30296
National Petroleum Council 30296
Oil Shale Environmental Advisory Panel 33057
Water Research and Education Advisory Committee 34012
National Wild and Scenic Rivers System; Maumee River, Indiana and Ohio; exclusion 33254
Off-road vehicle use area designations:
Twin Buttes Reservoir, San Angelo, Tex 29903
Outer Continental Shelf:
Coral reef protection 42039
Geological and geophysical exploration 40563
Oil and gas leasing potential; nationwide 44344
Privacy Act; systems of records 41432, 43467, 44517, 44521
Watches and watch movements; allocation of quotas; Virgin Islands 30510
Water resources; use and management policy 36174

INTERNAL REVENUE SERVICE

Rules

Employment taxes:
Moving expense payments 42349
Procedure and administration 30946
Wages and employment 30956, 32831
Estate and gift taxes:
Estates of decedents dying after August 16, 1974; CFR correction 36325
Remainder interests valuation in real property 34337
Excise taxes:
Private foundations; administration 29842

INTERNAL REVENUE SERVICE—Con.

Rules—Continued Page

Income taxes:
Accumulated earnings credit, minimum, increase in 42743
Bonds and other evidence of indebtedness 27936
Domestic International Sales Corporations; intercompany pricing 29826, 33972
Employee retirement plans; retroactive changes 44544
Fines, penalties; deductions 29290
Letters, memorandums, etc., and gains and losses from involuntary conversion; treatment 29839
Remainder interests valuation in real property 34337
Retirement plans, certain; qualification determination 29535
Self-employment income; fees received by certain officers of State and political subdivisions 30945
Procedural rules; employees' plans and trusts; determination letters 32322
Procedure and administration; information disclosure to Labor Department and Pension Benefit Guaranty Corporation 30959

Proposed Rules

Employment taxes:
Depositing requirements; hearing 43226
Estate and gift taxes:
Annuity interests created by community property laws; exclusion from gross estate 36375
Interest rate determination 36366
Excise taxes:
Employee benefit plans; fiduciary definition 33560, 34129
Employee benefit plans; prohibitions on transactions, fiduciary; hearing 33561
Income taxes:
Domestic International Sales Corporation requirements; correction 29296
Domestic International Sales Corporations; intercompany pricing policies 29871
Election; income from certain aircraft and vessels as income from sources within U.S. 30971
Exempt cemetery companies and crematoria 28613
Fringe benefits 41118
Industrial development bonds 36371
Interest rates; increase 31238, 36366
Low-income housing, disposition; 5% credit; correction 27943
Lump sum distributions; public hearing 28101
Multiemployer plan and plan administrator; definitions 43034, 43735
Reinsurance transactions; life insurance companies 34128
Residence, new personal; credit for purchase 29874
Retirement plans; qualification determination 29553
Retirement plans; qualification requirements; hearings 34352

Notices

Authority delegations:
Deputy Commissioner, et al 33247, 33248
Director, Personnel Division 28817
District Directors of Internal Revenue 29307, 33248
District Directors of key districts; Cincinnati et al 28817
Service Center Directors 30993
Employee benefit plans, prohibitions on transactions; exemption proceedings, hearings, etc. 33564, 43785

Meetings:
Commissioner's Advisory Group 40864
Professional Conduct Rules, Chief Counsel's Advisory Committee 30725
Small Business Advisory Committee 40864
Pension and welfare plans; annual information returns/reports 45134

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Rules

Employee conduct standards 32116

Proposed Rules

Freedom of information 44336

Notices

Environmental statements; availability, etc.:
Rio Grande Canalization Project, N. Mex. and Texas 39561

INTERNATIONAL BROADCASTING BOARD

Proposed Rules

Privacy Act; implementation 40047

Notices

Privacy Act; systems of records 40048

INTERNATIONAL TRADE COMMISSION

Rules

Freedom of information; fee schedule 31211

Proposed Rules

Import injury or market disruption; relief investigation; procedures 34005
Privacy Act; implementation 40050
Unfair import trade practices; investigation procedures 40173

Notices

Import investigations:
Amplifiers, lock-in, and parts from United Kingdom 28876
Asparagus 31836
Automobiles, passenger, from various countries 34027
Automobiles, passenger; from various countries; finding of no dumping 42608
Automotive agreement, U.S./Canadian 32176, 41565
Bolts, nuts and screws; iron or steel 33706
Doxycycline 34645
Eye testing instruments incorporating refractive principles 33286
Flatware, stainless steel 43500
Footwear 43561
Gloves 44634
Lead metal, primary, from Australia and Canada 31042
Monolithic catalytic converters 30879, 39944
Optic devices and instruments, glass fiber 38191
Record players, straight line tracking systems 31042
Shrimp 41856
Slide fasteners and parts 40873
Steel; stainless, alloy tool, and silicon electrical 33706
Tobacco, wrapper 27737, 31043
Tools, certain non-powered hand; from Japan 42607, 43956
Vinyl clad fence fabric from Canada 32796
International commodity agreements; investigation 27737, 31995
Privacy Act; systems of records 41981

INTERSTATE COMMERCE COMMISSION

Rules

Accounts, uniform system:
Motor property carriers 44958
Transportation, all modes; treasury stock, affiliates, etc 44558
Boxcars:
Charges, incentive per diem, 1968 33220
Substitution of stockcars 30267
Car service orders:
Atchison, Topeka & Santa Fe Railway Co., et al 27939, 29294
Baltimore & Ohio Railroad Co 31938, 40518
Burlington Northern, Inc 32337
Central Iowa Railway Co 32337
Chicago, Milwaukee, St. Paul & Pacific Railroad Co 27940, 33977
Chicago, Rock Island & Pacific Railroad Co 27940, 29863, 30267, 31939, 40518
Colorado & Southern Railway Co 27940
Kansas City Southern Railway Co 38162, 40519
Lehigh Valley Railroad Co 44148
Missouri-Kansas-Texas Railroad Co 43914
Missouri Pacific Railroad Co 30268
Northwestern Oklahoma Railroad Co 27940
Penn Central Transportation Co 31939, 33037, 36346
Reading Co 44148
Union Pacific Railroad Co 27941
Credit extension to shippers; rail and motor carriers 41528
Energy conservation measures, operations of rail and motor carriers; fuel related rate increases 39866
Hopper cars, return of 31773
Motor carriers:
Control or consolidation; gross operating revenues and revenue deductions 42343
Household goods; quarterly reporting forms; elimination 34119
Practice rules, contested applications; requirements for withdrawal or dismissal 37215

Page

Tariffs and schedules, passenger and freight:
Alpha code carrier and agent designations 36346, 40518
Joint rates over international-domestic routes 32832, 34348
Public notification of proposed rate increases; correction 27941

Proposed Rules

Accounts, uniform system:
Motor property carriers 33244
Railroad companies 42899
Boxcars; charges, incentive per diem; gondolas 44851
Environmental policy guidelines 37233, 44854
Freedom of information; fees, etc 36149
Grain and grain products; settlement of loss and damage claims 42221
Motor carriers:
Commercial zones and terminal areas; redefinition 33840
Household goods; shipments lost or destroyed; collection of freight charges; extension of time 30889, 41864
Passengers; adequacy of facilities, service and equipment 30134, 30844
Practice rules:
Environmental policy guidelines 37233, 44854
Freight rate increases based on revenue need 41153
Review of rules 42578
Privacy Act; implementation 43689
Reports, railroad employees; wage statistics 36779
Tariffs and schedules, passenger and freight:
Joint rates and through routes 32350
Motor carriers; charges for residential and redelivered shipments; investigation 42033, 43038
Wage statistics reports, railroad employees 36779

Notices

Abandonment of railroad services:
Alameda Belt Line 33310
Allegheny & Western Railway Co., et al 44908
Arkansas Western Railway Co 31845
Atchison, Topeka & Santa Fe Railway Co 29942
Burlington Northern, Inc 28690, 28881, 32196, 33310
Cadillac & Lake City Railway 29942
Chesapeake & Ohio Railway Co 27990, 33310
Chicago, Milwaukee, St. Paul & Pacific Railway Co 34498
Chicago & North Western Transportation Co 30339, 30771, 31845, 32196, 32451, 34498, 41208
Claremont & Concord Railway Company, Inc 31846
Denver & Rio Grande Western Railroad Co 42809
East Tennessee & Western North Carolina Railroad Co 32197
Georgia Northern Railway Co 28885
Illinois Central Gulf Railroad Co 33310, 34499
Louisville & Nashville Railroad Co 32197, 42924, 42925, 43132, 43788
Minneapolis, Anoka, & Cuyuna Range Railroad Co 32211
Missouri Pacific Railroad Co 32211, 32453, 41229, 43566
St. Louis-San Francisco Railway Co 29951, 30771
Seaboard Coast Line Railroad Co 34499
Soo Line Railroad Co 41229
Southern Railway Co 30340, 32211
Texas & Pacific Railway Co 33310
Union Pacific Railroad Co. et al 42930, 43134
Accounts Bureau; publications revision; inquiry 42924
Applications for operating authority filed after January 20, 1975 42261
Bankrupt Northeast railroads, Final System Plan for restructuring; submission by U.S. Railway Association; inquiry 30169, 37278
Boxcars; charges, incentive per diem, 1968; petitions 42090, 42413
Brokers of property and passengers, regulation of; investigation 43566
Car service exemptions, mandatory 27746, 28014, 29578, 30167, 30169, 30340, 31674, 32451, 32452, 32453, 32800, 33095, 33096, 33503, 36636, 36637, 36638, 40599, 42254, 42255, 43132, 43133, 43312, 43313, 43788, 44645, 44909
Claims, loss and damage:
Location codes for quarterly report 27747, 39578
Settlement policies; grain and grain products 28886, 33503
Coal shipments, unit-train shipments; hopper cars leased to BASF Wyandotte Corp 34240
Energy crisis; emergency transportation legislation 27747
Environmental statements:
Oregon-Washington Railroad & Navigation Co.; construction and operation near Hedges, Benton County, Wash 28891
Financial interests; statement of changes; Raymond R. Manion 32212
Fourth section applications for relief 28531, 28885, 29578, 29772, 29944, 30353, 32197, 32452, 33086, 33759, 33877, 34652, 36185, 36434, 37150, 37279, 40244, 41864, 42283, 42413, 42809, 43313, 43565, 44646
Hearing assignments 27746, 27990, 28172, 28531, 28690, 28880, 29139, 29366, 29578, 29772, 29942, 30167, 30361, 30554, 30768, 30889, 31055, 31291, 31674, 31863, 32001, 32196, 32451, 32799, 32885, 33085, 33086, 33310, 33502, 33759, 33877, 34032, 34223, 34497, 34651, 36185, 36433, 36636, 36819, 37150, 37278, 38200, 39578, 39950, 40243, 40616, 40890, 41208, 41576, 41864, 42082, 42083, 42254, 42412, 42413, 42618, 42809, 42924, 43130, 43312, 43565, 43787, 43962, 44214, 44390, 44646, 44908
Intermediaries, list; canons of conduct 42619
Motor carrier, broker, water carrier, and freight forwarder applications 28143, 29175, 31059, 32183, 32212, 33336, 34207, 36639, 39597, 40890, 42255, 43103, 44214
Motor carriers:
Alternate route deviation notices 27990, 27991, 28887, 29944, 30897, 32010, 33090, 34033, 36434, 38222, 40904, 42083, 42925, 43966
Applications and certain other proceedings 27992, 28888, 29945, 30183, 30891, 32001, 33087, 34034, 34054, 36435, 40905, 42083, 42926, 43967
Intrastate applications 27998, 28881, 29943, 30889, 32008, 33086, 36441, 38228, 40912, 42088, 43963
Irregular route property carriers; gateway eliminations 27750, 27999, 28160, 28690, 28892, 29142, 29579, 29772, 30170, 30341, 30554, 30771, 30898, 30900, 31671, 31674, 31847, 32011, 32197, 32800, 32886, 33097, 33312, 33764, 33883, 34034, 34224, 34653, 36185, 36442, 36651, 37130, 37282, 38202, 39582, 40221, 40600, 40915, 41209, 41576, 41864, 42067, 42261, 42810, 42930, 43117, 43290, 43567, 43789, 43974, 44231, 44370, 44647, 44915
Lease and interchange of vehicles 31055, 32008, 32212, 44646
Temporary authority applications 27748, 28009, 28012, 28013, 28014, 28702, 28707, 28891, 29140, 29366, 29593, 29786, 30354, 30357, 30568, 30768, 31055, 31058, 31292, 31689, 31846, 31860, 32195, 32454, 32456, 32900, 33091, 33311, 33759, 33878, 33880, 34034, 34065, 34675, 36203, 36638, 36819, 36821, 37151, 37279, 39578, 39580, 40240, 40241, 40936, 41594, 42284, 42830, 42833, 43313, 43788, 43971, 44909, 44911
Transfer proceedings 27747, 28014, 28172, 28531, 28532, 28702, 28890, 29366, 29367, 29788, 29951, 30168, 30566, 30768, 30896, 30897, 31055, 31291, 31292, 31693, 31860, 32008, 32453, 32800, 32900, 33311, 33503, 33759, 34033, 34223, 34499, 34679, 36203, 36441, 36638, 36819, 37151, 38227, 39951, 40240, 40616, 40938, 41229, 41595, 42087, 42090, 42283, 42619, 42829, 42929, 43133, 43313, 43319, 43787, 43970, 44214, 44646, 44909
Petitions filing:
Bud's Moving & Storage, Inc 34497
Builders Transport, Inc 28143
Gopher Smelting & Refinery Co 43789
National Association of Motor Bus Owners; enlargement of smoking sections 34652
Wisconsin-Michigan Coaches, Inc 29139
Pipelines; tentative valuations 29139
Practice rules; new evidence in rebuttal statements 42810
Privacy Act; systems of records 43693

INDEX

INTERSTATE COMMERCE COMMISSION—Continued

Notices—Continued Page

Rate bureaus; uniform system of accounts; inquiry 36206
Rates and charges, freight; railroads:
Georgia 38201
Idaho 28886, 38201
New Mexico 36441
Rates and charges, freight; railroads, procedures for increases 40244
Rerouting of traffic:
Association of American Railroads et al 41230
Baltimore & Ohio Railroad Co 30168
Burlington Northern Inc 30168
Central Railroad Co. of New Jersey 43131
Chesapeake & Ohio Railway Co 33096
New York, Susquehanna & Western Railroad Co 32453
Penn Central Transportation Co 30340, 32453
Reading Co 33097, 43133
Rock Island & Fort Worth & Denver Railroad Co 30340

INTERSTATE LAND SALES REGISTRATION OFFICE

Notices

Land developers; investigatory hearings, orders of suspension, etc.:
American Capital Land Corp 41830, 43943
Apple Blossom Lake Estates, et al 33064
Berryessa Highlands 31825
Bonanza Ranchos Subdivision 40571
Bryce Mountain 29916
California City 37245
Canaveral Properties 31825
Candlewood Lakes 42592
Cascade Mountain Resort 31023
Cedar Estates 28843
Chimney Ranch 34445
Cochiti Lakes 37245
Colorado City 37246
Enterprise Heights Timber Ridge 37246
Goose Creek Addition 29917
Great Harbor Cay 39543
Groveland Highlands 31826, 41830
Hiwan Subdivision 42592
Horizon City Subdivision 41831
Indian Acres of Thornburg, Va 43048
Jacksonville South, Unit One 42592
Joshua Groves 34446
Lake Hannibal Estates 39543
Lake Timberline 31826
Million Dollar Lakes 32774
Moss Brae Falls Tract 37247
Mount Mitchell Lands 29917
Northmoor Acres 31826
Olympic Heights 30305
Outdoor Resorts at Orlando 42593
Padre Island Corpus Christi 41831
Paradise Acres 41831
Paradise Hills 30730
Paradise Lakes and Highlands Park Estates 41832
Perry Park, Colo., etc 42389
Port Mardi Gras 30305
Prescott Valley 43265
Prosser Lakeview Estates 29917
Quail Mountain Trails 31827
Rinco Resorts of Costa Rica 39544
River Road City 31250
Salishan 33064
Screamer Mountain and OMNI 2000, Ga 34625
Swan Point 32774
Terre du Lac 29752
Thunder Bay Village, Mich 42389
Trinity Lake Forest 31251

JUSTICE DEPARTMENT

See Antitrust Division.
Drug Enforcement Administration.
Immigration and Naturalization Service.
Law Enforcement Assistance Administration.
Parole Board.

Rules

Organization, functions and authority delegations:
Assistant Attorney General, Antitrust Division 36118
Criminal Division, Deputy Assistant Attorneys General; freedom of information, denial of requests 36564
Deputy Attorney General 33214
First Deputy Assistant Attorney General, et al 44326
Office of Policy and Planning, et al 42745

Proposed Rules

District of Columbia correctional institutions; furlough programs 30977
Privacy Act:
Implementation 39404
Systems of records; exemption 39408

Notices

Correctional Center, Federal Metropolitan; establishment and designation 42035
Freedom of information; indexes; maintenance and availability, etc. 33248
Meetings:
False Identification, Federal Advisory Committee 43518
Pollutant discharge, consent judgment in action to enjoin; U.S. Steel Corp 36780
Privacy Act; systems of records 39703, 43871
Voting rights; language minorities 43746

LABOR DEPARTMENT

See Employee Benefits Security Office.
Employment Standards Administration.
Federal Contract Compliance Office.
Labor-Management Services Administration.
Labor Statistics Bureau.
Manpower Administration.
Occupational Safety and Health Administration.
Wage and Hour Division.

Rules

Comprehensive Employment and Training Act, migrant and seasonal farmworkers 28980
Construction, federally financed and assisted, labor standards; trainees and apprentices 30480
Work incentive programs for recipients of aid to families with dependent children 43170

Proposed Rules

Apprenticeship programs; registration standards; extension of time 33052
Comprehensive Employment and Training Act, special manpower target groups, Youth Programs, etc. 33920
Job Corps program; establishment, funding, operation, and management of centers 30584
Labor-management relations in Federal service 36576
Privacy Act; implementation 40039

Notices

Adjustment assistance:
Absocold, Inc 44208
Airco Electronics 28689, 40218
Alliance Manufacturing Co 41571
Allis Chalmers Corp 33712, 33713
Ambac Industries, Inc 42617
Amerada Hess Oil 40886
American Girl Fashions, Inc 29573
Amos Abbott Co 33084
Anaconda Co 29573, 40887
Armco Steel Corp 42921
Armor Elevator Co 28142, 44907
Avon Sole Co 42806
Barringer Knitting Mills, Inc 44638
Barry Knitting Mills, Inc 46638
Bekaert Steel Wire Corp 40887
Bendix Corp 31053, 41571, 42806
Bergman Knitting Mills, Inc 44638
Billig Shoe Co 44211
Borg-Warner Corp 30333, 41572
Brown Shoe Co 29574, 33876, 43285
Carlisle Tire and Rubber Co 33084
Cherry Knitting Mills, Inc 44638
Chrysler Corp 33292, 34491
Clarostat Virginia, Inc 40887
Clayton Shoe Co 31053, 43786
Clover Knitting Mills, Inc 44639
Consolidated Cigar Corp 32389, 44643
Continental Forwarding Co 41572
Control Data Corp 28530, 40219
Crescent Knitting Mills, Inc 44639
Davidson Rubber Co 30765, 43285
Devon Apparel, Inc 44639
Dorsey Trailers, Inc 41207
Dunbar Shoe Pattern Co 30765, 44907
Eletro-Motive Corp 30334, 42617
Emerson Radio and Phonograph Corp 36632
Emerson Television and Radio Co 39946
Federal Mogul Corp 36633
Fisher Footwear, Inc 33714
Florsheim Shoe Co 28142, 29574, 30765, 36633, 44209
Freeman-Toor Corp 33085
GTE Sylvania, Inc 30766, 43286, 44212
Garland Corp 29575, 41573
General Coat Manufacturing Co 36634
General Electric Co 29575, 29576, 33714, 36634, 41573, 42065

General Motors Corp 29577, 32390, 33714, 34492, 44644
Girard Manufacturing Co 36634, 42806
Globe-Union, Inc 30765, 42618, 42921, 42922, 42923
Hamilton Shoe Co 30766, 43286
Harley-Davidson, Inc 30334, 42065
Harrington & Richardson, Inc 42808
Harrisburg Manufacturing Co 44367
Houdaille Industries, Inc 36818
International Shoe Co 29577, 32390, 34491, 43287
Ion Capacitor Corp 30334, 42066
Jackson International Shoe Factory 30767
Jayson Shoe Manufacturing Co., Inc 40888
Johansen Brothers Shoe Co 40888
Joslyn Manufacturing and Supply Co 43786
Kay-Townes Antenna Co 40889
Keystone Carbon Co 33715
Latrobe Steel Co 43287
Lebow Brothers, Inc 44209
Leda Shoes, Inc 44368
London Knitting Mills, Inc 44640
M. B. Associates 32391, 43288
M & M Knitting Mills, Inc 44640
Manhattan Shirt Co 31053
Martin Marietta Aerospace 30334, 41574
Mavest, Inc 29577
Michigan Plating & Stamping Co 44212
Mid-American Dairymen, Inc 28531, 40220
Midland Ross Corp 34492
Midwest Handbag Co 37276
Miller, Richard, Enterprises, Inc 37277
Mode Knitting Mills, Inc 44640
Murata Manufacturing Co 40889
Na-Lor Manufacturing Co 44640
Northland Shoe Corp 31054
Oneida, Ltd 37277
O'Neill, L.J., Shoe Co., et al 32391, 44367
Packard Electric Division of GM Corp 42066
Pan American World Airways, Inc 44368
Penn Vulcan Heel Co., Inc 36635
Pennsylvania Shoe Co 31842
Progressive Service Co 30767, 44209
Randy's Manufacturing Co., Inc 37277
Richline Knitting Mills, Inc 44645
Rockmore Co, Inc 30767, 43288
Rockwell International Corp 36634
Rogers Flies and Lurers 44210
Rohr Industries, Inc 31844
Rosia Shoe Corp 30335
SKF Industries, Inc 29578, 30336, 31843, 41863, 42067, 44641, 44644
St. Mary's Carbon Co 44210
Scott & Williams, Inc 42808
Servco Heel Factory 42618
Sheller Globe Corp 28690, 40221
Singer Co 30335, 32391, 41574
Somerset Knitting Mills, Inc 44641
Soowal Knitting Mills, Inc 44642
Springfield Wire of Indiana, Inc 33715
Stackpole Carbon Co 33716, 44211
Sterling Electronics 33715
Stillwater Associates 44211
Surrey Knitting Mills, Inc 44642
Tricnit Industries, Inc 32392, 44642
V–M Corp 30336, 41574
Wagner Electric Corp 43289
Warwick Electronic, Inc 30336, 36635, 41575
Western Supplies Co 32392, 44368
Westinghouse Corp 34493
Westminster Co 28143, 38200
Wexler Knitting Mills 44643
Weyenberg Shoe Manufacturing Co 43289
Wilshire Knitting Mills, Inc 44643
Wilson Sporting Goods Co 28531, 39947, 44211
Wurlitzer Co 31673
Employee Welfare and Pension Benefit Plans Advisory Council; establishment 40218
Privacy Act; systems of records 41739

LABOR-MANAGEMENT SERVICES ADMINISTRATION

See also Employee Benefits Security Office.

Notices

Employee benefit plans, prohibitions on transactions; exemption proceedings, hearings, etc. 33564, 43785

LABOR STATISTICS BUREAU

Notices

Meetings:
Business Research Advisory Council 41571

LAND MANAGEMENT BUREAU

Rules

Alaska Native Claims Appeal Board; appeals procedures 13308
Outer Continental Shelf; leasing 43489
Public land orders:
Alabama 40811
Alaska 27659, 27930, 40814, 42551
Arizona 42362, 44817
Arkansas 27659
California 34596, 40814, 41095, 42362, 42551, 43028
Colorado 27658, 39536, 40162, 40815, 42551
Florida 44817
Georgia 41794, 43489
Idaho 27659, 29292, 30115, 41095, 41096, 42551, 43028, 44141
Mississippi 40811
Montana 42195
Nevada 27659
New Mexico 40162, 40815, 42552, 42553
Oregon 44817
Washington 40811
Wyoming 40814, 42553, 43217, 43732

Proposed Rules

Minerals management:
Acquisition and exchanges requirements; King Range National Conservation Area, Calif. 43735
Environment and safety; coal mining operating regulations 41122

Notices Page

Applications, etc.:
Alaska 28820, 28821, 28822
Colorado 29802, 30353, 41156
Idaho 36581
Montana 33253
New Mexico 27694, 28107, 28108, 28823, 29095, 30509, 30510, 30853, 31015, 31016, 31966, 32146, 33846, 34620, 34621, 37240, 40867, 41157, 42223, 42224, 42582, 42763, 43747
Wyoming 29095, 30853, 30854, 31016, 31017, 31249, 32147, 33057, 34169, 34170, 39536, 40557, 41157, 42225, 42763, 43043, 43933, 44169
Authority delegations:
Area Managers 27695
Chief, Cadastral Survey Division 33253
Chief, Management Services Division, et al 38173
Classification of lands:
Idaho; reclassification for disposal 31967
Environmental statements; availability, etc.:
Coal Leasing Programmatic, Federal 43239
Kalparowits Power Project Development, Utah 36153, 44591
Outer Continental Shelf; oil and gas leasing 29308, 34425, 36394, 38174
Sigurd to Cedar City Transmission Line, Utah 32348
Grazing district boundaries:
Utah 32147, 42582
Horse and burro management, wild free-roaming; Pryor Mountain Wild Horse Range 42907
Meetings:
Alaska State Multiple Use Advisory Board 32766
Arizona Multiple Use Advisory Board 43042
Boise District Advisory Board 41156
Burley District Multiple Use Advisory Board 43746
California State Advisory Board 36581
Coeur d'Alene District Multiple Use Advisory Board 42582
Coos Bay District Advisory Board 43746
Idaho Falls District Advisory Board 43043
Idaho State Multiple Use Advisory Board 43932
National Advisory Board 34010
Prineville District Multiple Use Advisory Board 43519
Roseburg District Multiple Use Advisory Board 41826
Santa Fe National Forest Grazing Livestock Advisory Board 29902
Utah State Advisory Board 43043
Vale District Multiple Use Advisory Board 43043
Wild Free-Roaming Horses and Burros National Advisory Board 33479
Wyoming State Multiple Use Advisory Board 34010
Motor vehicles, off-road; area designations:
Montana 42036
Oregon 39536

INDEX

LAND MANAGEMENT BUREAU—Con.

Notices—Continued Page

Oil and gas leasing; Outer Continental Shelf ---- 29558, 36780, 42379, 42907, 43519
Opening of public lands:
Alaska ---- 44168
California ---- 29094, 30139
Idaho ---- 36581
Montana ---- 29902, 43240
Primitive area designations:
Chemise Mountain, Calif ---- 44341
Patute, Ariz ---- 44168
Survey plat filings:
Nevada ---- 28107
Wisconsin ---- 32362
Withdrawal and reservation of lands, proposed, etc.:
Alaska ---- 32353
Arizona ---- 31015
Arkansas ---- 30726
California ---- 29737, 30139
Colorado ---- 29738, 31016, 42906
Idaho ---- 29738, 44590, 44591
Minnesota ---- 29095
Montana ---- 32848
Nevada ---- 42225
New Mexico ---- 27694
Utah ---- 42907
Washington ---- 29902
Wisconsin ---- 44341

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Proposed Rules

Privacy; confidentiality of identifiable research and statistical information ---- 44034

Notices

Meetings:
Criminal Justice Standards and Goals National Advisory Committee ---- 29308, 31641, 32362, 32847, 33758, 34425, 36581, 42562, 42906
Juvenile Justice and Delinquency Prevention National Advisory Committee ---- 34010
Law Enforcement/Private Security Relationship Study Committee ---- 29094
Private Security Advisory Council ---- 44589

LEGAL SERVICES CORPORATION

Rules

Restrictions; picketing, boycotts, strikes, illegal activities ---- 42362

Proposed Rules

Freedom of information ---- 42374

Notices

By-laws, temporary; establishment ---- 33751
Meetings:
Administration Committee ---- 31043, 39951
Appropriations and Audit Committee ---- 39951, 44213
Board of Directors ---- 29132, 31990, 39951, 44213
By-laws and Regulations Committee ---- 32182, 36428, 39952, 44213
Presidential Search Committee ---- 32182, 36428, 40244, 42613, 44369
Restrictions; picketing, boycotts, strikes, etc., proposed temporary regulations ---- 33293

MANAGEMENT AND BUDGET OFFICE

Rules

Freedom of information ---- 32727

Proposed Rules

Privacy Act; implementation ---- 34165

Notices

Budget rescission and deferrals for FY 1975 ---- 30026, 42710
Budget rescission and deferrals for FY 1976 ---- 29000, 32042, 33950, 42697, 44742
Clearance of reports; list of requests ---- 27739, 27988, 28529, 29134, 29359, 29571, 29768, 29769, 29939, 30165, 30540, 30761, 30887, 31290, 31671, 31841, 31998, 32386, 32387, 32880, 32881, 33496, 33497, 33872, 34486, 34487, 38628, 38630, 37275, 38196, 39565, 39945, 40594, 40883, 41859, 42250, 42614, 42916, 42917, 43100, 43278, 43564, 43780, 43961, 44202, 44635, 44898
Committee extensions:
Balance of Payments Statistics Presentation Advisory Committee ---- 36812
GNP Data Improvement Advisory Committee ---- 36812
Meetings:
Apprenticeship, Federal Committee ---- 29138
Business Advisory Council on Federal Reports ---- 39564
GNP Data Improvement Advisory Committee ---- 32182, 43279
Paperwork Commission, Federal ---- 30761, 32798, 34204, 39564, 43009, 44202
Privacy Act:
Responsibilities and guidelines ---- 28948, 28949, 29360
Systems of records ---- 40492

MANPOWER ADMINISTRATION

Rules

Comprehensive Employment and Training Act. *See under main heading* Labor Department.
Employment offices, public; wage rates for temporary foreign agricultural labor ---- 34336

Proposed Rules

Unemployment assistance; State tax credit reduction ---- 43744

Notices

Comprehensive Employment and Training Act:
Funding of high school equivalency and college assistant migrant programs ---- 29572
Employment transfer and business competition determinations; financial assistance applications ---- 28142, 29138, 30333, 31290, 32389, 33712, 34206, 37128, 39577, 42412, 43284, 44367
Indian manpower programs; FY 1976 allocations ---- 33709
Indian youth programs; 1975 summer allocations ---- 33707
Migrant and other seasonally employed farmworker programs; FY 1976 ---- 31291, 36814

MANPOWER POLICY, NATIONAL COMMISSION FOR

Notices

Meeting ---- 38192

MARINE MAMMAL COMMISSION

Proposed Rules

Privacy Act; implementation ---- 41066

Notices

Privacy Act; systems of records ---- 41068

MARITIME ADMINISTRATION

Rules

Subsidized vessels and operators:
Conservative dividend policy ---- 32832
Operating-differential subsidies for bulk cargo vessels; worldwide services ---- 43490
Vessels carrying agricultural commodities from U.S. to U.S.S.R. ---- 36119

Notices

Applications, etc.:
Amerada Hess Corp ---- 34172, 37243
American President Lines, Ltd ---- 34014
Avondale Shipyards, Inc. et al ---- 29316
Cove Tankers Corp ---- 31021, 31823
First National Bank of Minneapolis ---- 32861
Lykes Bros. Steamship Co., Inc ---- 28502
Mathiasen's Tanker Industries, Inc ---- 34441
Pacific Far East Line, Inc ---- 28832, 43750
Prudential Lines, Inc ---- 38178, 39915
United States Lines, Inc ---- 37244, 40191
Waterman Steamship Corp ---- 29315
Bid invitations:
SS United States ---- 33696
Cuba, vessels arriving in; free world and Polish ---- 44595
Environmental statements; availability, etc.:
Tanker construction program ---- 37063
Gantry cranes for containership reconstruction; foreign cost computation ---- 43940
Meetings:
U.S. Merchant Marine Academy Advisory Board ---- 36161
Tanker construction program; standard specifications ---- 31250
Time charters for coastwise operation, approval of ---- 28832, 44857
U.S. Flag Merchant Vessel Locator Filing System; establishment ---- 33480
War risk insurance values; interim binders as of January 1, 1975 ---- 30675

MATERIALS TRANSPORTATION BUREAU

See also Hazardous Materials Operations Office.
Pipeline Safety Operations Office.
For prior documents see Hazardous Materials Regulations Board.

Rules Page

Establishment and rulemaking procedures ---- 31767
Hazardous materials:
Corrosive to alminuim; postponement of effective date ---- 41527
Shipments by motor carriers; extension of effective date ---- 44821
Shippers and shipping container specifications; correction ---- 44327
Shippers and shipping by motor carriers; anhydrous ammonia in cargo tanks ---- 44820
Incorporation by reference ---- 37214
Organization and functions ---- 30821, 31767

Propcsed Rules

Hazard information systems; evaluation criteria for various systems; extension of time ---- 44336
Hazardous materials:
Exemption procedures; hearings, etc ---- 32758, 37247
Repairs to vehicles in closed buildings; withdrawal ---- 44842
Incorporation by reference ---- 40171

Notices

Hazardous materials regulations exemptions; interim procedures 31976

MINES BUREAU

Notices

Environmental statements; availability, etc.:
Surface subsidence control in mining regions ---- 30294
Lead and zinc consumption and production; meetings ---- 42910
Mineralogical services; policy statement ---- 29308
Minerals data; availability of statistical information ---- 42036, 43747

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Rules

Safety standards, mandatory; coal mines; refuse pile and impounding structure construction ---- 41775, 44813

Proposed Rules

Metal and nonmetal mine health and safety standards ---- 44272

Notices

Accident investigation, Caryville, Tenn., hearing ---- 29101

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

See Oceans and Atmosphere, National Advisory Committee on.

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

See Economic Opportunity, National Advisory Council on.

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

See Education of Disadvantaged Children, National Advisory Council on the.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Rules Page

Inventions and Contributions Board; organization and functions ---- 30465
Privacy Act; implementation ---- 43668

Proposed Rules

Privacy Act; implementation ---- 38073

Notices

Aerospace contractors; direct awards of $10 million or more, list ---- 41566
Closed meeting activities; public availability of reports ---- 30163
Committees; establishment, renewals, etc.:
Applications Steering Committee, ad hoc Advisory Subcommittee for Evaluation of Applications Explorer Missions ---- 43561
Applications Steering Committee, Ocean Dynamics Advisory Subcommittee ---- 43561
Atmospheric Sciences Advisory Committee ---- 28137
Research and Technology Advisory Council Ad Hoc Panel ---- 27738, 43561
Space Science Steering Committee ---- 27984, 39564
Environmental statements; availability, etc.:
Infrared telescope; Mauna Kea, Hawaii ---- 30163
Meetings:
Aerodynamics and Configurations Research and Technology Advisory Council Committee ---- 36428
Aircraft Fuel Conservation Technology Advisory Board ---- 34646
Atmospheric Sciences Advisory Committee ---- 30327, 31671, 31836
Historical Advisory Committee ---- 37273
Life Sciences Committee ---- 44894
Materials and Structures Research and Technology Advisory Council Committee ---- 36430
Research and Technology Advisory Council ---- 34068, 41856, 42797, 43561, 43773, 43774
Space Program Advisory Council ---- 28137, 34069, 41566
Space Science Steering Committee ---- 36429, 42613, 43957, 44894
Stratospheric Research Advisory Committee ---- 31836, 43957
Privacy Act; systems of records ---- 38083, 43668

NATIONAL ARCHIVES AND RECORDS SERVICE

See also Federal Register Office.

Rules

Archives records:
Availability and loan requirements ---- 28610
Reproduction services; fees ---- 42881

Proposed Rules

Property management; reproduction services; fees ---- 33243

NATIONAL BUREAU OF STANDARDS

Rules Page

Traffic and conduct on NBS grounds; redesignation ---- 32830

Notices

Encryption Algorithm for computer data protection; Federal information processing standards, proposed ---- 32395
Meetings:
Building Technology Center Advisory Committee ---- 37244
Federal Information Processing Standards Coordinating and Advisory Committee ---- 32152, 43940
Federal Information Processing Standards Task Groups ---- 29749, 29907, 34622, 34623
Radiation Measurements National Conference; cancelled ---- 34172
Voluntary product standards:
Book cover fabrics; withdrawal ---- 41828
Milk, instant nonfat dry; package quantities ---- 41828

NATIONAL CREDIT UNION ADMINISTRATION

Rules

Credit union organization and operation:
Accounting services; purchase and sale of software ---- 32114
Checks and money orders, fees for cashing ---- 41090
Compensation of officials ---- 30261
Flood insurance ---- 29264, 41998
Investments and deposits ---- 41997

Proposed Rules

Credit union organization and operations:
Checks and money orders, fees for cashing ---- 30291
Privacy Act; implementation ---- 33410

Notices

Meetings:
National Credit Union Board ---- 40878
Privacy Act; systems of records ---- 33414

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Consumer information regulations; tire quality grading standards, uniform ---- 28071, 28074
Highway safety, State uniform standards; driver licensing; Virginia; temporary waiver ---- 30639
Motor vehicle safety standards:
Brake hoses ---- 32336, 38159
Brake systems, air ---- 31771, 38160
Brake system, hydraulic ---- 42872
Control location, identification, illumination ---- 31770
Exterior protection ---- 34347
Fuel system integrity ---- 33036, 37042
Interior materials, flammability ---- 42746
Occupant crash protection ---- 33977
Rearview mirrors ---- 33825
Seat belt assemblies, light trucks and mpv's ---- 28805
Steering control system ---- 33977

INDEX

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION—Continued

Rules—Continued Page

Motor vehicle safety standards—Continued
- Temporary exemption termination, procedure 42015
- Tires, new pneumatic, and rims for passenger cars 28457
- Window systems, power-operated 31772
- Windshield defrosting and defogging systems 32336

Petition procedures for rulemaking, defect, and noncompliance 42013, 42015

Speed limit, national maximum enforcement 41774

Proposed Rules

Anthropomorphic test dummy; specifications 33462

Cost information reporting by motor vehicle manufacturers 42365, 42895

Defect and noncompliance reports 43227

Exemption for inconsequential defect or noncompliance; petitioning by manufacturers 37047

Motor vehicle safety standards:
- Bicycle carriers, exterior mounted 40537
- Brake systems, air 28097
- Electrical system integrity; inquiry 40853
- Interior materials, flammability; test procedures 42756
- Rearview mirrors 33828
- School bus; redefinition 40854

Standards enforcement and defects investigation 44842

Notices

Brake systems, air; standards; meeting 43049

Breath alcohol measuring devices:
- Calibrating units; performance standards 36167
- Qualified products list; additions 33484

Committees, National Highway Safety Advisory Committee orientation sessions 40871

Defects, initial determinations; hearings, etc.:
- Firestone Tire & Rubber Co.; steel belt tires; meeting 27712
- GMC 2500 Series truck; vacuum brake hose failure 31829
- Jeep, AMC; carburetor fuel leakage; defect proceedings petition denied 36613

Highway safety program; approval policy for States FY 1976; agreement with FHwA, revision 38185

Meetings:
- Air brake systems standards 43049
- Firestone Tire & Rubber Co.; steel belt tires 27712
- National Highway Safety Advisory Committee 28846, 44346
- National Motor Vehicle Safety Advisory Council 31976, 36418
- Youth Highway Safety Advisory Committee 40872

Motor vehicle safety standards; temporary exemption petitions: Page
- Ateliers d'Etudes de Construction Automobiles S.a.r.l.; control location, identification and illumination, etc 37076
- Automobili Lamborghini; exterior protection 44859
- Benlee Industrial Salvage Co. Inc 31828
- Electric Fuel Propulsion Corp.; hydraulic brake systems, etc 37075
- Fruehauf Corp 28846
- Harnischfeger Corp 31829
- Intermeccanica Automobili; terminated 34022
- Kochring Co 41169
- Lotus Cars, Ltd.; exterior protection 44600
- Motor Coach Industries, Inc 28504, 40193
- Orcon Industries Inc 29115
- Rite-Way Inc. of Indiana; air brake systems 44859
- Sebring-Vanguard Inc 29115
- TVR Engineering Ltd.; exterior protection 44859
- Travel Batcher Corp.; air brake systems 32372
- Volkeswagen of America, et al.; warning lamps, etc.; denied 33851

Safety sanctions proceedings, motorcycle helmets, initiation against various States:
- California 32153, 40871
- Illinois 32153, 40871, 41170
- Utah 32154, 40571

NATIONAL INSTITUTE OF EDUCATION

Notices

Meetings:
- Educational Research National Council 37071

NATIONAL INSTITUTES OF HEALTH

Notices

Committees; establishment, renewals, etc.:
- Arteriosclerosis and Hypertension Advisory Committee, et al 30304
- Heart and Lung Research Review Committee 34020
- Pulmonary Specialized Centers of Research ad hoc Review Committee 37071

Grants Peer Review Study Team; establishment 40870

Meetings:
- Aging National Advisory Council 44175
- Aging Review Committee 36791
- Allergy and Immunology Research Committee 32368
- Allergy and Immunology Study Group et al 30304
- Animal Resources Advisory Committee 34019
- Arteriosclerosis and Hypertension Research Centers Advisory Committee 32368, 36790
- Arthritis and Related Musculoskeletal Diseases National Commission 34020, 42591, 43941
- Artificial Kidney-Chronic Uremia Advisory Committee 32368
- Automation in the Medical Laboratory Sciences Review Committee 32363
- Behavioral Sciences Research Contract Review Committee 36411
- Biomedical Library Review Committee 42385
- Biomedical Mass Spectrometry workshop 31974
- Blood Diseases and Resources Advisory Committee 32368
- Breast Cancer Task Force Committees 42386
- Cancer Cause and Prevention Division 42386
- Cancer Control Intervention Programs Review Committee; cancellation 27960
- Cancer Control and Rehabilitation Advisory Committee 42386
- Cancer Control and Rehabilitation Division 34019, 42386
- Cancer Control and Rehabilitation Division; long term effects of irradiation to head and neck in infancy and childhood; workshop 32370
- Cancer Control and Rehabilitation Interagency Coordinating Committee 29316
- Cancer Institute, national advisory committees 29316, 36411, 36412, 43285, 43750, 43942
- Cancer Institute, National Board of Scientific Counselors 42385
- Cancer National Advisory Board 42387, 44175
- Cancer Panel, President's 29317, 32369
- Child Health and Human Development National Advisory Council 44174
- Clinical Applications and Prevention Advisory Committee 32369, 34021
- Clinical Investigation Branch, Cooperative Group Chairmen 34019
- Clinical Trials Review Committee 36791
- Communicative Disorders Review Committee 32369
- Contraceptive Development Contract Review Committee 36411
- Contraceptive Evaluation Research Contract Review Committee 34019
- Coordinate Toxicology and Related Programs Committee 31014
- Dental Caries Program Advisory Committee 42591
- Diabetes National Commission 29751, 36413, 42387, 42591
- Drug Development Committee et al 42384
- Endocrinology Study Section 29316
- Extracorporeal Treatment of Blood Workshop Group 30305
- Eye National Advisory Council, Vision Research Program Planning Subcommittee 42383
- General Clinical Research Centers Committee 32369
- General Research Support Program Advisory Committee 36791
- Heart and Lung Institute National Board of Scientific Counselors 42387

Page
- Heart and Lung National Advisory Council 32369
- Heart and Lung Research Review Committee A 42386
- Lipid Metabolism Advisory Committee 34020
- Mammalian Cell Lines Committee 42387
- Maternal and Child Health Research Committee 36791
- Medicinal Chemistry B Study section 31974
- Mental Retardation Research Committee 34020
- Minority Access to Research Careers Review Committee 36792
- Modality Committee and Clinical Trials Committee, combine 42384
- Molecular Basis of Heparin Action Workshop 42592
- Neurological and Communicative Disorders and Stroke 42385, 44174
- Neurological Disorders Program Project Review Committee 31974, 31975
- Population Research Committee 36792
- Primate Research Centers Advisory Committee 42388
- Pulmonary Diseases Advisory Committee 42388
- Pulmonary Specialized Centers of Research ad hoc Review Committee 44176
- Recombinant DNA Molecule Program Advisory Committee 27961
- Research Resources National Advisory Council 44175
- Retinoids and Cancer Prevention 44176
- Thrombosis Specialized Centers of Research Review Committee 32370
- Transplantation and Immunology Committee 29750
- Tropical Medicine and Parasitology Study Section 29317
- Virus Cancer Program Scientific Review Committee, cancellation 43942
- Virus Cancer Program Tenth Annual Joint Working Conference 44176
- Vision Research Program Committee 34020

NATIONAL LABOR RELATIONS BOARD

Proposed Rules

Privacy Act; implementation 39763

Notices

Privacy Act; systems of records 39765

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Financial aid to fisheries:
- Fees 31940
- King crab in Alaska 43508
- Lobsters in Gulf of Maine 43733
- Salmon in Wash., Oreg., and Calif 43734
- Freedom of information 41998
- Tuna, Atlantic bluefin 33978, 43916

Proposed Rules Page

Marine mammals:
- Cape fur seal skins; waiver of moratorium on importation 28469, 43040
- Incidental taking permits; hearing 41531, 42210

Notices

Endangered species permits; applications 36161

Fisheries, groundfish; season closure 27959

Fishing vessel transfers to foreign companies; applications:
- Citicorp Leasing, Inc., bareboat charter 28650
- Horst Ehmke, sale to 36604

Key Largo Coral Reef Sanctuary; hearings 39538

Marine mammal permit applications, etc.:
- American Tunaboat Association 43941
- Browneli, Robert L 30519, 42230
- Central Maine Power Co 33848
- Central Park Zoo, N.Y 38178
- Dohl, Thomas P 33850
- Fouke Co 33849
- Kooyman, Gerald L 30519
- Gulf Exhibition Corp 36161
- Lincoln Park Zoological Gardens 27958
- Mystic Marinelife Aquarium 42230
- Naval Undersea Center 42230
- Northwest Fisheries Center 27958, 31649, 38179
- Ocean World, Inc 30519
- Ray, G. Carlton et al 31824
- Sea World, Inc 33849
- University of Florida 33850
- Utica Zoological Society 42231
- Van Donwen's Seals 42231
- Whittow, G. Causey 27959
- Winn, Dr. Howard E 31648
- Wuersig, Bernd G 43530
- Zapol, Warren M 36161

Marine Mammal Protection Act; report on administration 28502

Meetings:
- Coastal Zone Management Advisory Committee 33481
- Marine Fisheries Advisory Committee 32415
- Marine Petroleum and Minerals Advisory Committee 31022, 41829
- National Fishery Education Center 43941
- Sea Grant Advisory Panel 43262

Outer Continental Shelf; marine seismic reflection data, availability 33481

Threatened species; sea turtles; green, loggerhead Pacific ridley; hearing 36401

Tuna fisheries, Atlantic; closure of bluefin season 42384

Tuna, yellowfin; restrictions on importation; hearing 38178, 38179, 42229

NATIONAL PARK SERVICE

Rules

Camping requirements; Mount Rainier National Park, Wash 31938

Proposed Rules

Fishing; Mount Rainier National Park, Wash 33222

Gliders, powerless flying devices; prohibition except in designated areas 36378

Historic Places National Register; expansion, etc 39875

Off-road vehicle use; Gateway National Recreation Area 42364

Parking and crossing permits; Blue Ridge Parkway, N.C. and Va 41133

Signs; pictured symbol 28088

Notices

Authority delegations:
- Administrative Assistant, Great Sand Dunes National Monument 30294
- Administrative Assistant, Western Pennsylvania Group 30295
- Administrative Officer, et al., Acadia National Park, Me 29308
- Administrative Officer, et al., Coulee Dam National Recreation Area 29309
- Administrative Officer, et al., Cumberland Island National Seashore 30294
- Administrative Officer, et al., Curecanti National Recreation Area 30294
- Administrative Officer, et al., Everglades National Park, Fla 29309
- Administrative Officer, et al., Independence National Historical Park 29309
- Administrative Officer, Lake Meredith Recreation Area 30294
- Administrative Officer, et al., Zion National Park 30295
- Administrative Services Assistant, Guilford Courthouse National Military Park 30294
- Administrative Services Assistant, Kennesaw Mountain National Battlefield Park 29309
- Assistant Superintendent, et al., Great Smoky Mountains National Park 30295
- Assistant Superintendent, et al., Natchez Trace Parkway, Miss 29309
- Chief, Division of Contracting and Property Management, et al 32147
- Chiefs, Interagency Archeological Services, Denver, San Francisco and Atlanta 28111
- Manager, Denver Service Center 39537
- Procurement Clerk et al., Hawaii Volcanoes National Park 29310
- Regional Directors 28111
- Superintendents, et al.; Mid-Atlantic Region 30295
- Superintendents, et al.; Midwest Region 30295
- Superintendents, et al.; Southwest Region 30296

Camping fee increase:
- Blue Ridge Parkway 36781
- Great Smoky Mountains National Park 30854

Concession permits, etc.:
- Bighorn Canyon National Recreation Area; to Red Cliff Marina 37241

INDEX

NATIONAL PARK SERVICE—Continued
Notices—Continued Page
Concession permits, etc.—Continued
Colonial National Historical Park; to Swan Tavern Antiques 29310
Fire Island National Seashore; to Watch Hill Concessions, Inc 29310
Grand Canyon National Park; to Village Sports Den 44856
Environmental statements; availability, etc.:
Cape Hatteras National Seashore, N.C 34621
Knife River Indian Villages National Historic Site, N. Dak 31822
Historic Places National Register 27698, 32850, 40184
Master plan workshops, etc.:
Apostle Islands National Lakeshore 37242
Fire Island National Seashore 30294
Fort Vancouver National Historic Site, Wash 37061
Guadalupe Mountains National Park, Pine Spring Canyon, Texas 44171
Lake Mead National Recreation Area, Nev 33480
Mount McKinley development concept plan 31647
Sequoia and Kings Canyon National Park, Calif 27698
Zion National Park 36395
Meetings:
Cape Cod National Seashore Advisory Commission 36395
Chesapeake and Ohio Canal National Historical Park Commission 36600
Gateway National Recreation Area Advisory Commission 36600, 41826
Golden Gate National Recreation Area Advisory Commission 30296, 39911
Great Sand Dunes National Monument 44592
Historic American Buildings Survey Advisory Board 34431
Historic American Engineering Record Advisory Committee 44343
Independence National Historical Park Advisory Commission 30147
Indiana Dunes National Lakeshore Advisory Commission 37241
Midwest Regional Advisory Committee 44171
National Capital Memorials Advisory Committee 44170
National Parks, Historic Sites, Buildings and Monuments Advisory Board 42583
National Survey of Historic Sites and Buildings Consulting Committee 33758
Ozark National Scenic Riverways Advisory Commission 44171
Rocky Mountain Regional Advisory Committee 33480
Shadow Mountain National Recreation Area 29739
Sleeping Bear Dunes National Lakeshore Advisory Commission 44171
Southeast Regional Advisory Committee 42583
Southwest Regional Advisory Committee 29101
Western Regional Advisory Committee 30147
Whiskeytown Unit, Whiskeytown / Shasta / Trinity National Recreation Area Master Plan 29310
Natural Landmarks National Registry; additions 39911
Planning process directive 40557
Wilderness study; Grand Canyon National Park; workshops 36601

NATIONAL SCIENCE FOUNDATION
Rules
Inventions, disposition of rights 34598
Privacy Act; implementation 44510
Proposed Rules
Privacy Act; implementation 31811
Notices
Meetings:
Astronomy Advisory Panel 36627, 42247
Atmospheric Sciences Advisory Panel 42246
Chemistry Advisory Panel 44634
Developmental Biology Advisory Panel 44362
Earth Sciences Advisory Panel 27983
Electric Utility Financial Problems and Potential Solutions Workshop 42246
Ethical and Human Value Implications of Science and Technology Advisory Committee 42916
International Decade of Ocean Exploration Proposal Review Panel 30538
Metabolic Biology Advisory Panel 42614
Neurobiology Advisory Panel 43960
Oceanography Advisory Panel 43961
Regulatory Biology Advisory Panel 44635
Research Advisory Committees 41196, 42247
Science Education Projects Advisory Panel 31996
Science Programs Ad Hoc Advisory Group 28877, 33497, 34649
Undergraduate science foundation conferences 43961
Weather Modification Advisory Panel 41858
Workshop; increasing efficiency and effectiveness in electrical power generation 32796
National Science Board, membership nominations 30327
Privacy Act; systems of records 38129, 43097, 44758

NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE
Rules
Privacy Act; implementation 44294
Proposed Rules
Privacy Act; implementation 37579

NATIONAL SECURITY COUNCIL
Proposed Rules Page
Privacy Act; implementation 40794
Notices
Privacy Act; systems of records 41035

NATIONAL TECHNICAL INFORMATION SERVICE
Notices
Annual indexes; pricing policy 32415
Inventions, government owned; availability for licensing 29907, 29908, 29909, 29910, 29911, 29912, 30858, 36401, 36402
Paper copy, pricing policy for 39533

NATIONAL TRANSPORTATION SAFETY BOARD
Rules
Organization, functions and delegations of authority 30232, 30661
Privacy Act; implementation 40134
Transfer and redesignation of regulations 30106
Proposed Rules
Privacy Act; implementation 30130, 30988
Notices
Privacy Act; systems of records 33821, 40137, 41196, 44301, 44529
Safety recommendations and accident reports; availability, responses, etc 28139, 29132, 30163, 31043, 31671, 32177, 33287, 34202, 36628, 39563, 40879, 42247, 43097, 44198

NAVY DEPARTMENT
Rules
Freedom of information; indexing, public inspection, etc 36335
Navigational light waivers; ship nomenclature revisions 31601, 33034
Proposed Rules
Midway Islands Code; administrative, criminal, and civil provisions 34352
Privacy Act; implementation 37563
Notices
Environmental policies; Marine Corps Guidance; availability 34169
Meetings:
CNO Executive Panel Advisory Committee 28646, 29558, 36530
Marine Corps History, Commandant's Advisory Committee 30293
Naval Research Advisory Committee 43745
Navy Graduate Education Program Select Study Committee 34169

NUCLEAR REGULATORY COMMISSION
Rules
Environmental protection, licensing and regulatory policy and procedures for 31593
Nuclear material, special; measurement control program; control and accounting 33651
Organization and functions:
Reorganization amendments to Chapter; correction 44124
Privacy Act; implementation 44483

Page
Production and utilization facilities; licensing of; nuclear power plants; cost-benefit analysis requirements 40816
Radiation protection; definitions, telephone listing changes 42557
Proposed Rules
Financial assistance to participants in Commission proceedings 37056
Nuclear material, special; limits on unaccounted volume 30133
Privacy Act:
Exemptions 44516
Implementation 33833
Production and utilization facilities; licensing of; terminology change for "as low as practical" limits 33029, 33838
Radiation; standards for protection; terminology change for "as low as practical" limits 33029, 33838
Radioactive material, packaging requirements:
ERDA petition to amend 43517
Notices
Environmental statements; availability, etc.:
Fuel, spent light water power reactor; handling and storage 42801
Financial assistance to intervenors study; availability 32797
International Atomic Energy Agency Draft Codes of Practice; availability 31289
Light water breeder reactor, safety analysis report 34202
Meetings:
Reactor Safeguards' Advisory Committee 27738, 27986, 29570, 29767, 29937, 29938, 30164, 30329, 31047, 31289, 31839, 31840, 32797, 32880, 33076, 33080, 33288, 33871, 34028, 34031, 36432, 37108, 38192, 41857, 42061, 42409, 42799, 42803, 43779, 43957, 43959, 44894
Water Reactor Safety Research Information, Third 43090
Nuclear energy center site survey; workshops 43778
Nuclear power plant regulation; memorandum of understanding with Engineers Corps 37110
Privacy Act; systems of records 38997, 40492, 44532, 44535
Regulatory guides; issuance and availability 27987, 28510, 28681, 30540, 30886, 31997, 33077, 33871, 34029, 36626, 40593, 42799, 43777, 43960, 44199, 44896, 44897
Security agency study; inquiry 42062
Applications, etc.:
Alabama Power Co 30880, 38193
Allied-General Nuclear Services, et al 28506, 33736, 34204, 36430, 37107
Alternative Energy Coalition of Massachusetts 36431
Arizona Public Service Co 44199, 44895
Arkansas Power & Light Co 31996, 43774, 44201
Boston Edison Co. et al 28678, 30880, 33078, 38193
Brunswick Steam Electric Plant Unit 2 41567
Bush, Spencer 34483, 36625
Carolina Power & Light Co 28509, 29937, 31671, 32178, 34646, 37274, 41568, 42248, 44362
Cincinnati Gas & Electric Co., et al 33736, 43959
Cleveland Electric Illuminating Co. et al 40879, 44895
Colorado State University 36810
Commonwealth Edison Co., et al 27985, 27986, 29768, 30539, 30760, 30880, 30881, 34203, 37107, 38194, 40591, 41197, 41568, 43775, 43776
Connecticut Light & Power Co., et al 33737, 36810, 42248, 42249, 44199
Connecticut Yankee Atomic Power Co 27739, 43777
Consolidated Edison Co. of New York, Inc 29133, 30882, 31044, 33498, 42800, 44362, 44895
Consumers Power Co 33078, 34030, 37273, 40215, 42407, 42800
Dairyland Power Cooperative 28678, 36625
Delmarva Power & Light Co., et al 33737, 34203
Detroit Edison Co., Inc., et al 34028, 44893
Dresden Nuclear Power Station Unit 3 41568
Duke Power Co 30883, 33737, 34028, 34204, 37108, 40591, 41569
Duquesne Light Co. et al 43097
Florida Power & Light Co 29570, 30328, 36625, 36810, 42249
General Atomic Co 29133, 33078, 34647, 36626
General Electric Co 28138, 32386
Georgia Power Co. et al 30760, 31045, 31289, 33078, 33738, 37273, 41569, 44199
Gladstone Laboratories, Inc 43775
Gulf States Utilities Co 42408, 44895
Hendrie, Joseph M 28138
Houston Lighting & Power Co. et al 34647, 36431
Idaho State University 41198
Indiana & Michigan Electric Co. et al 31044
Industrial Reactor Laboratories, Inc., et al 31997, 44363
Ion Track Instruments, Inc 27986
Iowa Electric & Power Co. et al 28679, 31045, 33738, 34485, 37274
KF Industries, Inc 33078
Kansas Gas & Electric Co., et al 28509, 30883, 42249
Lawroski, Stephen 34483, 36625
Long Island Lighting Co. et al 30761, 33738, 42063
Los Angeles Water & Power Department, et al 31811, 32879, 36177
Maine Yankee Atomic Power Co 28138
Maine Yankee Atomic Power Station 28139
Massachusetts Institute of Technology 33079
Memphis State University 40591
Metropolitan Edison Co., et al 29768, 44896
Natural Resources Defense Council, Inc 29939
Nebraska Public Power District 30883, 31837, 33739, 42099
New England Power Co 28510, 29571, 30538
Niagara Mohawk Power Corp 37109, 43562
Northeast Nuclear Energy Co. et al 32178, 36431, 38195, 40592, 40879, 40880, 42408
Northern States Power Co., et al 29938, 30884, 31044, 40592, 43777, 44199, 44363
Nuclear Fuel Service, Inc 44200
Offshore Power Systems 30539, 32178
Omaha Public Power District 28877, 33079, 34485, 36811, 44896
Pacific Gas & Electric Co 41858, 43098, 43563
Philadelphia Electric Co. et al 28139, 28681, 30328, 31046, 32179, 33050, 34647, 38195, 42800
Power Authority of the State of New York 33289, 44201
Project Management Corp. et al 30885
Public Interest Research Group, et al 43778
Public Service Co. of New Hampshire, et al 34029
Public Service Co. of Oklahoma, Inc 28507, 34029
Public Service Electric & Gas Co., et al 28681, 29133, 30539, 32181, 33290
Puerto Rico Water Resources Authority 39945
Rochester Gas & Electric Corp 30865, 43098
Rockwell International Corp 30539
Sacramento Municipal Utility District 37110
Southern California Edison Co., et al 30885, 43775
Stratton, William R 34483, 36625
Tennessee Valley Authority 30164, 30165, 30887, 31045, 31671, 34648, 36627, 36811, 41858
Toledo Edison Co., et al 33080, 39945, 42250, 42800, 44897
Union Electric Co 36431, 36432, 36627
University of California, Santa Barbara 28510
Vermont Yankee Nuclear Power Corp 28682, 30885, 32180, 33739, 36811, 40881, 41570, 44364
Virginia Electric & Power Co. 31837, 34203, 34484, 38196, 41858, 42801, 42803, 43098, 43776, 44202
Washington Public Power Supply System 33740, 33872, 43776
Westinghouse Electric Corp 32797, 40593
Wisconsin Electric Power Co. et al 29133, 30886, 33290, 34203, 38196, 39945
Yankee Atomic Electric Co 31289, 31837, 33290

INDEX

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules Page

Health and safety standards:
Industrial slings; correction 31598
State plans for enforcement of standards:
Alaska 40157
California 40155
Connecticut 44130
Hawaii 28792
Iowa 36565, 40156, 40157
Michigan State poster 44131
New York; withdrawal 27655
South Carolina 44132
Tennessee 36566
Washington 44133
Wisconsin 33972

Proposed Rules

Health and safety standards:
Coke oven emissions exposure 32268, 40849, 41797
Construction; ground-fault circuit protection; revocation; hearing 40170
Ketones; 2-butane, 2-pentanone, cyclohexanone, hexone, methly n-amyl ketone, ethyl-butyl ketone 37233, 39895
Work in confined spaces 40980, 41530
State plans for development and enforcement of standards; procedures 27946
State plans for enforcement of standards:
Arizona 28472
California 33995
Connecticut 44157
Nevada 44158
New Mexico 36575
South Carolina 39895
Tennessee 41148
Testing laboratories accreditation; extension of time 27691

Notices

Applications, etc.:
Hormel, George A., & Co 27745
Interpace Corp 29771
Stone Container Corp 34490
Meetings:
Agriculture Standards Advisory Committee 31673
Construction Safety and Health Advisory Committee 31053, 39946
Occupational Safety and Health Federal Advisory Council 28687, 31291
Standards Advisory Committees recommendations; availability:
Coke oven emissions 29572
Hazardous materials labeling 29572
State plans for enforcement of standards:
Alaska 33291, 43101
Guam 28880
Iowa 27746
Maryland 31052, 41576
North Carolina 40598
Oregon 36817, 36818, 43102
Washington 33500, 34491
Toxic materials; standards completion project; technical standards draft 28688

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Proposed Rules Page

Privacy Act; implementation 40057

Notices

Privacy Act; systems of records 40060

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE ON

Notices

Meetings 28877, 34172, 34201, 38192, 43278

OUTDOOR RECREATION BUREAU

Notices

Environmental statements; availability, etc.:
Missouri National Wild and Scenic River 32848
Oregon Trail, Oreg., National Historic Trail System; proposed 33847

OVERSEAS PRIVATE INVESTMENT CORPORATION

Proposed Rules

Privacy Act; implementation 36878

Notices

Privacy Act; system of records 36880

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Posting and depositing of stockyards:
Appling Stockmans Feeder Pig Sale, Baxley, Ga. et al 39537
Davis Ranch Horse Sale, Ft. Morgan, Colo., et al 34433
Moores' Livestock Auction, Norco, Ga., et al 34433
Rates and charges:
Granite City Livestock Sales, St. Cloud, Minn 36160, 42384
Mills Auction Market, Ocala, Fla 29747, 33694
Robertsdale Livestock Auction, Inc., Robertsdale, Ala 30856, 36782

PANAMA CANAL

Rules

Employment and compensation; Personnel Policy Coordinating Board, implementation of Privacy Act 42996
Postal Service:
Mail box keys; fees 30818
Privacy Act, implementation 44498

Proposed Rules

Privacy Act; implementation 40485
Vessels, measurement 32140, 34619

PAROLE BOARD

Rules

Prisoners, youth offenders and juvenile delinquents; parole, release, etc 41328

Proposed Rules

Application procedures; certificates of exemptions under certain Acts:
Employee Retirement Income Security Act of 1974 30491
Labor-Management Reporting and Disclosure Act of 1959 30489

PATENT AND TRADEMARK OFFICE

Rules Page

Fees for patent issue; late payment 44813

Proposed Rules

Fees, administrative 36573

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Rules

Bylaws 41524
Privacy Act; implementation 44754

Proposed Rules

Privacy Act; implementation 39671, 41530

Notices

Privacy Act; systems of records 39674, 44757

PENSION BENEFIT GUARANTY CORPORATION

Rules

Annual report 42377
Freedom of information:
Public reference room; new location 43213
Guaranteed benefits 43509
Pension plan; intent to terminate 42533
Premiums; rates and payments 42876, 43512

Proposed Rules

Annual report 33839
Pension plan; intent to terminate 29555
Premiums, rates and payments 33838
Privacy Act; implementation 37057

Notices

Privacy Act; systems of records 40498

PIPELINE SAFETY OPERATIONS OFFICE

Proposed Rules

Pipeline transportation of liquids; offshore facilities 43740

Notices

Petition for waiver; pipeline; Buckeye Pipe Line Co 43049

POSTAL RATE COMMISSION

Rules

Organization and functions:
Planning and Operations Office; establishment 43033
Vice chairman; election 28792
Privacy Act; implementation 38154

Proposed Rules

Privacy Act; implementation 31813

Notices

Box rental rate; complaint, filing of 30761
Mail classification schedule; conference 32882
Postal rate and fee changes, 1975 44044, 44899
Privacy Act; systems of records 33186
Visits to Postal facilities 37276

POSTAL SERVICE

Rules

Authority delegations:
Judicial Officer 36119
Postal Service Manual:
Addresses, second class mail, indemnity claims 31766
Domestic mail service, nonmailable matter, etc 31602

Page

Nonprofit organizations; special bulk third-class rates; prepayment and postage due 37209
Solicitations by mail in guise of bills, invoices, or statements of account 42541

Proposed Rules

Conduct standards of employees; Privacy Act, systems of records 39805
International mail; registration, insurance, etc.; fee increase 43232, 43930
Money orders, disbursement postal 36146
Postal Service Manual:
Domestic special mail services; money orders and other nonpostal services; fee increases 43233
Privacy Act:
Conduct standards of employees involved in systems of records 39805
Implementation 30988, 37227
Records and information management 34168

Notices

Postal rates and fees:
Domestic; effective date 42460
International; proposed changes 44203
Privacy Act; system of records 39805

PRESIDENTIAL CLEMENCY BOARD

Rules

Administrative procedures; substantive standards 30793

Notices

Meetings 28683, 30540, 33498

PRESIDENT'S ADVISORY COMMITTEE ON REFUGEES

Notices

Meetings 29769, 41859, 43564

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Notices

Privacy Act; systems of records 39225

PRISONS BUREAU

Notices

Meetings:
Corrections Advisory Board National Institute 42762

PRIVACY PROTECTION STUDY COMMISSION

Notices

Meeting 40216
Privacy Act; systems of records 45122

PUBLIC HEALTH SERVICE

See also Alcohol, Drug Abuse, and Mental Health Administration.
Disease Control Center.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
National Institutes of Health.

Rules

Cancer education program, clinical 44540
Confidentiality of alcohol and drug abuse patient records 27802
Drugs; maximum allowable cost 34513

Page

Foreign quarantine; nonhuman primates importation restrictions 33659
Grants:
Health research facilities construction; special health career opportunity 44814
Health maintenance organizations; qualifications 33520, 41095
Medical care; seamen and other persons; correction 36774
National Health Service Corps; critical manpower shortage areas 34078
Occupational safety and health, grants for educational programs 29076

Proposed Rules

Grants:
Health services research centers 42890
Indian health; grants for development, construction and operation of facilities and services 34292, 42658
Occupational safety and health:
Investigations; places of employment; extension of time 31248

Notices

Authority delegations:
Assistant Secretary for Health, et al 29319, 29751
Loans; health professions and nursing students:
Repayment; low-income levels 33266

PUERTO RICO AD HOC ADVISORY GROUP

Notices

Meeting 29919

RAILROAD RETIREMENT BOARD

Rules

Appeals, procedures and forms 41084

Proposed Rules

Privacy Act; procedures and forms 36262

Notices

Privacy Act; systems of records 36268
Railroad retirement supplemental annuity program; determination of quarterly rate of excise tax 40216
Unemployment benefits extension 40216

RECLAMATION BUREAU

Rules

Recreation management procedures; Lake Berryessa, Napa County, Calif 27658

Notices

Environmental statements; availability, etc.:
Central Valley Project, Auburn-Folsom South Unit, Calif 32362
Four Corners Powerplant and Navajo Mine, N. Mex 31017, 31822, 36395
Rio Grande and Middle Rio Grand Projects, N. Mex 40189, 42380
Sugar Pine Dam, Calif.; proposed reservoir and conduit 31017
Power rates adjustments:
Public participation; final procedures 34431
Tentative increases for wholesale commercial hydroelectric power 40867

RENEGOTIATION BOARD

Proposed Rules Page

Privacy Act; implementation 42997

Notices

Contractors or subcontractors for transportation by water carriers; extension of time for filing financial statements 36178
Privacy Act; systems of records 43000

REVENUE SHARING OFFICE

Notices

Entitlement data:
Allocation date 29094
Estimates 28106, 29736
Illinois townships; expenditures, revenue sharing funds 29736
State audit agreements 36393
State Human Relations Commission agreements 36393

RURAL ELECTRIFICATION ADMINISTRATION

Rules

Freedom of information 31956

Proposed Rules

Accounting system requirements for telephone borrowers 37225
Loans for electric distribution 30125
Mortgage dividends; restrictions 38165
Rural telephone program:
Equity policy; loans 29088
Polyvinyl chloride raw material, flexible and semirigid; specifications 44570
Radio paging service; preloan procedures and requirements 29087
Station installations; standards 31244
Telephone cables, filled; specifications 44334

Notices

Environmental statements; availability, etc.:
Arizona Electric Power Cooperative, Inc 44173
Brazos Electric Power Cooperative, Inc 42040
Cajun Electric Power Cooperative, Inc., La 28561
Central Electric Power Cooperative, Inc 42227
Colorado-Ute Electric Association, Inc 32772
Southern Maryland Electric Cooperative, Inc 30657
Sunflower Electric Cooperative, Inc 37243
Tri-State Generation and Transmission Association, Inc 29559
Loan guarantees proposed:
Arizona Electric Power Cooperative, Inc 44857
Coosa Valley Telephone Co 33480
Elmore-Coosa Telephone Co., Inc 36782
Gulf Telephone Co., Foley, Ala 31973
Quaker State Telephone Co 40564
Tri-State Generation & Transmission Association, Inc 30149
Telephone loan guarantees; major telephone loans 41544

INDEX

SAINT ELIZABETHS HOSPITAL

Proposed Rules Page

Conduct and traffic regulations... 33459

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Notices

Meetings:
Advisory Board... 32387

SECURITIES AND EXCHANGE COMMISSION

Rules

Financial statements:
Subsidiary companies... 33032
Investment Advisors Act:
Exemption from certain disclosure requirements... 38158
Exemption from registering as broker-dealers... 38156
Life insurance, variable; rescission of exemptive rules... 27644
Privacy Act compliance; social security number disclosure; optional... 44128
Investment Company Act:
Alaska Native Claims Settlement Act corporations exemptions... 41749, 42862
Life insurance, variable; rescission of exemptive rules... 27644
Registration exemptions... 33970
Organization and functions:
Self-regulatory organization; rule changes, forms, etc... 40509
Practice rules:
Adjudications not required to be determined after notice and opportunity for hearing... 42186
Privacy Act:
Exemptions... 44072
Implementation... 44068
Social security number disclosure; optional... 44128
Securities Act:
Sale of securities; limitations... 44541
Securities Exchange Act:
Broker-dealer, registration as; form... 30634, 30636
Broker-dealer maintenance of arrest and indictment records of associated persons... 40512
Forms... 40509, 40858, 41521
Net capital, uniform rule; for brokers and dealers... 39795, 41520
Registration of transfer agents... 40858
Self-regulatory organizations; rule changes, forms, etc... 40509, 42343

Proposed Rules

Financial statements:
Development stage companies... 33690
Replacement cost data disclosure... 40550
Investment Company Act:
Alaska Native Claims Settlement Act corporations; exemptions... 41818
Contractual plan, reserve requirements... 42757
Sales load variations during periodic open seasons... 40555
Oil and gas reserve disclosure; extension of time... 30992
Privacy Act:
Exemptions... 34417
Implementation... 34418

Securities Act: Page
Broker-dealer, registration as; form... 36765
Development stage companies, accounting and reporting requirements... 33690
Money market fund yield quotation standardization... 29306, 34422
Offering sheet filing; notification of State securities administrators... 30844
Oil and gas reserve disclosure; extension of time... 30992
Projections of future economic performance; extension of time... 29899
Sale and resale of securities; forms for periodic report disclosure... 44584
Sales load variations during periodic open seasons... 40555
Securities Exchange Act:
Broker-dealer, registration as; form... 36765
Brokers, registered; communications to beneficial owners... 42219
Corporate ownership disclosure; forms... 42212
Development stage companies, accounting and reporting requirements... 33690
Money market fund yield quotation standardization... 29306, 34422
Municipal securities brokers and dealers, registration... 37228
Net capital requirements... 33747, 34422, 43743
Off-board trading by exchange members... 41808, 42905
Oil and gas reserve disclosure; extension of time... 30992
Projections of future economic performance; extension of time... 29899
Sale and resale of securities; forms for periodic report disclosure... 44584

Notices

Confirmation of transactions under unfixed commissions... 42252
Delinquent registrants; correspondence placed in public files... 30761
Filings, Securities Act of 1933, exemptions; Los Angeles region... 27938
Investment Company Act, sales load rule, maximum; inquiry... 36813
Meetings:
Cental Market System Implementation, Advisory Committee... 36178
SEC Report Coordinating Group... 41861, 43100
Municipal Securities Rulemaking Board; appointment of members... 42411
Net capital requirements, inquiry... 33082
Privacy Act; systems of records... 39253
Report coordinating group; first annual report... 27989
Securities Exchange Act:
Depository interface between National Clearing Corp. and TAD Depository Corp., inquiry... 36179
Foreign securities, exemptions; list of issuers... 42063

Securities exchanges; rules limiting ability to effect transactions; inquiry... 30332
Stock exchange plans:
American Stock Exchange... 32882
Chicago Board Option Exchange, Inc... 29572, 43563, 44903, 44905
Intermountain Stock Exchange... 42804
Midwest Stock Exchange, Inc.; schedule of charges... 44902
New York Stock Exchange, Inc... 30762, 32882, 40883, 44906
PBW Stock Exchange, Inc... 44637
Pacific Stock Exchange Inc... 40596
Hearings, etc.:
Alabama Power Co... 37112
Allied General, Inc... 36178
Amana Society... 33873
American Electric Power Co., Inc... 33081
American Solar Energy Corp... 42803
American Stock Exchange, Inc... 29769, 43782
American Union Investment Fund, Inc... 33873
American Variable Annuity Life Assurance Co., et al... 39565, 39567
BBI, Inc... 29135, 30330, 31998, 33741, 34488, 39563, 41860, 3279, 44646
Ben Franklin Income Securities, Inc... 31998
Berkshire Growth Fund, Inc... 39569
Bernhard, Arnold, & Co., Inc. et al... 37113
Boston Stock Exchange et al... 27740, 36182, 38199
Brother International Corp... 39569
CENCO Hospital & Convalescent Homes Corp... 28140
CENCO Inc... 28140
C.I. Direct Placement Fund, Inc... 42409
Campbell, Douglas, Jr., et al... 41199
Canadian Javelin, Ltd... 28141, 29360, 30888, 32387, 34067, 36630, 40595, 42409, 43281
Capital Investors Growth Fund, Inc... 42409
Cardinal Tax-Exempt Bond Fund, First Series, et al... 31048
Channing Income Fund, Inc. et al... 28683
Chemex Corp... 29136
Chill Can Industries, Inc... 37114
Cincinnati Stock Exchange... 29939
Cleveland Securities Corp... 39569
Colonial Equities, Inc., et al... 39570
Conglomerate Fund of America, Inc... 44364
Connecticut General Life Insurance Co. et al... 31050
Connecticut Light & Power Co... 34488
Connecticut Mutual Life Insurance Co. et al... 44905
Connecticut Yankee Atomic Power Co... 38198
Consolidated Natural Gas Co. et al... 28141, 38197
Continental Dynamics, Ltd... 33081
Continental Vending Machine Corp... 28141, 29770, 31048, 33287, 34205, 36630, 41198
Crown Western Investments, Inc... 33741
Davidge Capital Fund, Inc... 44204

Page
Delaware Fund, Inc., et al... 33742
Delmarva Power & Light Co. et al... 33741, 34488, 42410
DuPont, E. I. De Nemours & Co... 32388
Eastern Utilities Associates, et al... 37115
Edie Special Growth Fund, Inc., et al... 33743
Equitable Variable Life Insurance Co... 37116
Equity Funding Corp. of America... 27739, 29136, 30761, 32388, 33745, 37120, 39571, 41860, 43279, 44636
Equity Progress Fund, Inc... 44205
Everest Fund, Inc., et al... 27742
First Mortgage Investors... 42615
Gateway Fund, Inc... 29940
General Crude Oil Co... 31999
General Public Utilities Corp... 33081
Georgia Power Co... 42917
Granite State Electric Co., et al... 37120
Gulf Power Co... 41200
Hamilton Funds, Inc., et al... 42615, 43279
Hartford Electric Light Co... 41200
Hedge Fund of America, Inc... 44204
Indiana & Michigan Electric Co... 37121, 42616
Industries International Inc... 27740, 29136, 30762, 32388, 33745, 37122, 39572, 41860, 43280, 44636
Investment Capital Corp... 42411
Investors Syndicate of America, Inc., et al... 42918
Iota Industries, Inc... 36180
Jersey Central Power & Light Co., et al... 33746
John Hancock Investors, Inc., et al... 36178
Kellering, Victor, Inc... 42919
Kikiktagruk Inupiat Corp... 30763
Liberty Fund, Inc., et al... 41201
Louisiana Power & Light Co... 33746, 44205
Luthern Brotherhood Fund, Inc., et al... 39572, 44206
Main Line Fleets, Inc... 36179
Massachusetts Electric Co... 28879, 36630
Massachusetts Mutual Life Insurance Co... 43281
Mattel, Inc... 31672
Medequip Corp... 39573
Merrill Lynch, Pierce, Fenner & Smith, Inc... 29136
Metropolitan Edison Co... 40216
Middle South Utilities, Inc., et al... 31842, 41202
Midwest Stock Exchange, Inc... 36180, 38197, 38198, 39573, 41860, 43780, 43781, 43782
Mineral Exploration Co... 43260
Mississippi Power Co... 33747, 44636
Mississippi Power & Light Co... 31999
Monongahela Power Co., et al... 33745
Montgomery, A. P., & Co., Inc., et al... 30330
Multiple Maturity Tax-Exempt Bond Trust, First Series, et al... 29360
Mutual Benefit Growth Fund... 41203
National Association of Securities Dealers, Inc. et al... 32000, 37122, 43284
National Fuel Gas Co. et al... 27743
National Municipal Trust... 37123
National Telephone Co., Inc... 28685
New England Power Co... 27740, 33498
No-Load Selected Funds, Inc... 42250
Northeast Utilities et al... 29362, 36181, 41203, 43282
Ohio Electric Co... 27741
Ohio Power Co... 28878, 42919, 44364
One Hundred Fund, Inc., et al... 41204
Owens-Illinois, Inc... 30330
PBW Stock Exchange, Inc... 36182, 38199, 44205, 44637
Pacific Air Transport International, Inc... 29940
Pacific Standard Fund, Inc... 32883
Pennsylvania Electric Co... 29940, 42616
Pennsylvania Insured Municipal Bond Trust... 39574
Pennsylvania Power Co... 41860
Pindestock Associates, Inc., et al... 42251
Pine Tree Corp... 34205
Potomac Edison Co... 34489
Puerto Rican Investors Fund, Inc... 30763
Richards Aircraft Supply Co., Inc... 28685
Royal Properties Inc... 28686, 30330, 31048, 33499, 34489, 38199, 41861, 42617, 44637
Sagittarius Fund, Inc... 41861
San Juan Diary, Inc... 43100
Schick Investment Co... 31672
Schuster Fund, Inc., et al... 41205
Sentry Line Insurance Co., et al... 33083
Shasta Fund, Inc... 43783
Southeastern Capital Corp... 40595
Southwestern Electric Power Co... 29363, 33875
Standard and Poor's... 33874
Strong, Richard S... 28686
Systematic Tax, Inc... 37124, 39573, 41571, 43280
TMC Mortgage Investors... 39573
TR–3 Chemical Corp... 33875
Talley Industries, Inc... 29770
Tri-South Mortgage Investors... 43783
USM International Finance Corp... 44365
Uppster Corp... 29941
Urban Improvement Fund Ltd... 37124
Valhi, Inc... 36813, 40886
Vantage Ten-Ninety Fund, Inc... 31049
Wellington Fund, Inc., et al... 29364
Westgate California Corp... 27742, 29136, 30762, 32389, 33748, 37126, 39573, 41862, 43280, 44637

SELECTIVE SERVICE SYSTEM

Rules

Privacy Act; implementation... 44495

Proposed Rules

Privacy Act; implementation... 36887

Notices

Privacy Act; systems of records... 33188, 41345
Registrants Processing Manual: Forms, current; check list and index, etc... 42919

SMALL BUSINESS ADMINISTRATION

Rules Page

Business loans:
Fee policies... 30261
Reconsiderations of declined applications... 37029
Disaster loans:
Federal flood insurance... 33431
Interest rates; physical, economic injury, and product loans... 42180
Livestock... 30807
Flood insurance requirements; financial assistance; correction... 37029
Small business size standards:
Construction contractors; special trades; correction... 28693
Definitions stated in terms of dollars... 32824, 36310

Proposed Rules

Privacy Act; implementation... 40003
Small business size standards:
Construction contractors; special trades... 36148
Government timber sales... 32142
Petroleum refiners; hearing rescheduled... 29399
Small business definition; government procurements for fluid milk... 30292

Notices

Applications, etc.:
APCO Capital Corp... 43101
Affiliated Investment Fund, Ltd... 29941
Alaska-Pacific Capital Corp... 36183
American Indian Investment Opportunities, Inc... 28686
Arizona First Small Business Co... 28687
Business Capital Corp... 27989
CAPCO Securities, Inc... 40597
Capital Investors Corp... 31842
Capital Limited V.H.J., Inc... 33499
Cardon Capital Corp... 44206
Certified Grocers Investment Corp... 43784
Commercial Investment Resources, Inc... 42804
Constructa Investment Inc... 30332
Cottman Capital Corp... 42253
Credito Investment Co., Inc... 42253
Devonshire Capital Corp... 42805
Doan Resources Corp... 36184
Endeavour Capital Corp... 37276
Finest Capital Corp... 30888
Fong Venture Capital Corp... 41862
H & T Capital Corp... 32162
Hamilton Capital Fund, Inc... 29137
First of Orange County Corp... 32182
Forum Equity Corp... 32182
Pacific Venture Capital, Ltd... 29941
Paulucci Venture Capital Corp... 30888
Permian Basin Capital Corp... 32799
Tax/Investments Concepts, Inc... 44207
Telacu Investment Co., Inc... 30889
Van Rietschoten Capital Corp... 29365
Authority delegations:
Associate Administrator for Operations et al... 41862
Field office... 40217

INDEX

SMALL BUSINESS ADMINISTRATION—Continued

Notices—Continued Page

Disaster areas:
California 36183
Connecticut 32798
Florida 41206
Illinois 33291
Iowa 32799
Kansas 28687
Louisiana 33291, 41206
Maryland 31842, 32799
Minnesota 29941, 32182, 33499
Mississippi 39576
Missouri 28687
Montana 29365, 31052
Nevada 31842
New Jersey 32799
New York 43101
North Dakota 31053, 32799, 43101
Ohio 33291, 44207
Oklahoma 30888
Pennsylvania 36184
Texas 29138
West Virginia 44208
Wisconsin 27989, 44208
Guaranteed loans; maximum interest rates 27744
License surrender; Sutter Hill Capital Corp 42412
Meetings, advisory councils:
Anchorage District 29941
Atlanta District 29137, 30333, 39575
Baltimore District 44667
Casper District 42804
Charlotte District 36183
Clarksburg District 41206
Columbus District 44207
Denver District 44207
Fargo District 33748
Jackson District 39575
Jacksonville District, et al 33500
Kansas City District 36184
Los Angeles District 36184
Louisville District 42806
Lubbock District 44207
Madison District 33500
Marshall District 39576
Nashville District 41206
National SBIC Advisory Council 30888
New York District 41862
Oklahoma City District 43564
Philadelphia District 36184
Phoenix District 33500
Portland District 44207
Providence District 37276
Richmond District 39576
Salt Lake City District 42919
San Antonio District 39576
San Diego District 44207
Seattle District 42806
Syracuse District 41862
Privacy Act; systems of records 39105, 42112

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

See also Census Bureau.

Rules
Chapter deleted 44809

Notices
Standard statistical establishment list; multi-establishment companies 31018

SOCIAL AND REHABILITATION SERVICE

See also Child Support Enforcement Office.

Rules Page

Child support enforcement program; postponement of effective date 31766
Financial assistance programs:
AFDC; certification and receipt 33035
Need and amount of assistance 30963
Quality control 32954
Medical assistance programs:
Drugs; maximum allowable cost 34516
Renal disease treatment, end-stage; payments to certified facilities 28793
Skilled nursing facility care; definition 43901
Utilization review; effective date deferral 28070, 33036
Utilization review, intention to propose rule 42006
Utilization review; remote facility variances 30818
Public assistance programs:
Families and children; paternity and support; revoked; postponement of effective date 31767
Food stamps or surplus commodities eligibility; effective date deferral 33217
Grants to States; reconsideration of disallowances of Federal financial participation 34596, 44326
Quality control 32954
Social security numbers for applicants and recipients 27659
United States citizens returning from foreign countries; time limit for aid 43218
Work incentive programs for recipients of aid to families with dependent children 43182

Proposed Rules
Financial assistance programs:
Eligibility; unemployed fathers, definition 33461, 41143
Prior month budgeting, monthly reporting and income averaging 36141
Medical assistance programs:
Home health services 36702, 42560
Penalty for failure to provide screening, diagnosis and treatment 36378
Public assistance programs:
Federal financial participation; claims deferral 34138
Penalty for failure to provide screening, diagnosis and treatment 36378
Prior month budgeting, monthly reporting and income averaging 36141

Notices
Public Assistance Administration Handbook; modifications 33697
Social services expenditures; Federal allotment to States 43264
Social services programs for individuals and families; expiration of waivers 34445
Work incentive program; social and supportive services:
Funds distribution 32861
Interim funding limits 32861, 34444

SOCIAL SECURITY ADMINISTRATION

Rules
Freedom of information; disclosure of official records and information; policies 27643
Health insurance for aged and disabled:
Capital expenditures; nonallowable cost 32742
Drugs; maximum allowable cost 34512
Exclusion from Medicare coverage of certain items and services 36311
Health maintenance organizations; qualifying conditions 28016, 29706
Medicare; periodic interim payments 29815
Outpatient physical therapy and speech pathology services 44320
Payment for services of physicians and costs to hospitals and medical schools, and for volunteer services 33439
Posthospital extended care 43895
State coverage agreements under supplementary medical insurance benefits 43211
Utilization review; effective date deferral 28052, 33033
Utilization review; intention to propose rule 42006
Utilization review; remote facility variances 30817
Old age, survivors, and disability insurance:
Child's insurance benefits 29072
Deductions; reductions; nonpayments of benefits 30812
Disability or blindness, determinations of 31773
Farm rental income received by landowner or tenant; exclusion 29071
Listing of impairments 30262
Retirement test monthly exempt amount and contribution and benefit base 42863
Widow's and widower's benefit increase 31774
Research grants and contracts:
Health care rate grants 42865, 44812
Supplemental security income for aged, blind, and disabled:
Attorney fees, administrative review 34335
Determinations of disability or blindness 31778

Proposed Rules
Health insurance for aged and disabled:
Clinics, rehabilitation agencies, and public health agencies; conditions for participation; correction 40537
Health maintenance organizations; cost basis; reimbursement 31795, 40171

Page

Health maintenance organizations; risk basis; reimbursement 31802
Information disclosure of post-hospital services and erroneous certifications by physicians 28810, 30493, 33828
Renal diseases, end-stage services, coverage of suppliers of 27782
Surveys, accreditation; validation 40850
Old-age, survivors, and disability insurance:
Benefits payment 28095
Retirement test monthly exempt amount and contribution and benefit base; correction 29301
Supplemental security income for aged, blind, and disabled:
Benefits payment 28095
Resident; definition 33222

Notices
Meetings:
Supplemental Security Income Study Group 29916, 33267, 39920, 41550
Supplemental security income; proposed language changes, availability 29561

SOIL CONSERVATION SERVICE

Notices
Environmental statements on watershed projects; availability, etc.:
Altamont Multipurpose Reservoir Resource Conservation & Development Measure, Kans. 42040
Banning Park, Del 33264
Bay Creek, Ill 32772
Bear Swamp, N.C 30858
Big Muddy Creek, Ky 36602
Blackwater River, South Fork, Mo 43526
Bogota, Tenn 31249
Browning, Mont 36603
Buckhorn-Mesa, Ariz 42227
Cedar Run, Va 30149
Chippewa and Long Prairie Headwaters Fish and Wildlife Development, Minn 42228
Choccolocco Creek, Ala 31822
Clear Creek, Nebr 37062
Comal River, Tex 27957
Deer Creek, Miss 43749
Duralde-Des Cannes, La 38177
Eagle Lake measure, Cal 33265
East Fork Above Lavon (Trinity), Tex 34013
East Franklin, La 29311
Farm Brook, Conn 43749
Florence County, Wis 37062
Gonzales Slough Measure, Calif.; negative declaration 36160
Jacobs Creek, Pa 34013
Kemper County Lake, Miss 33265
Lakes Okabena and Ocheda, Minn. 27957
Line Creek, Ala., et al 28649
Little Luckiamute River, Oreg. 30857
Little Lynches Creek, S.C 40869
Little Nestucca Drainage District, Ore 40870
Lost River, Ind 43936
Lyons Creek, Kans 43044, 43750
Mill Creek, Ill 31823
Mission Hill, S. Dak 38177
Nibbs Creek, Va 40564
North and South Mill Creek Subwatershed Project, W. Va 43936
Northwest Laterals, Tex 31823
Oak Middle Creek Tributaries, Nebr 33265
Okmulgee Creek, Okla 44593
Patterson Creek Subwatershed Project, W. Va 34014
Pott-Sem-Turkey, Okla 44345
Presque Isle-Blake Street Flood Prevention R.C. & D. Measure, Maine 32772
Rabon Creek, S.C 32772
Red Deer Creek, Tex 28112
Rock Creek, Nebr 36603
Rock Creek, Oreg 42228
South Tyger River, S.C 43527
Turkey Creek, Kans 29560
Upper Bushy Creek, Ala 31823
Upper Lake Fork Creek, Tex 27958
Upper Leaf River, Miss 36603
Upper Skuna River, Miss 38177
West Fork Mayfield Creek, Ky. 27958
Equipment grant eligibility determination:
Fredonia National Resource Conservation District, Ariz. 29311
Meetings:
Public Advisory Committee on Soil and Water Conservation 30514
Watershed planning authorization:
Seneca Creek Watershed, Md. 28501

STATE DEPARTMENT

See also Agency for International Development.

Rules
Advisory Committee management 28606
Fees for services, CFR corrections:
Foreign service 36116
United States, services in 39859
Visas:
Immigrant; aliens ineligible 42532
Nonimmigrants not required to present visas and passports 33444, 36116

Proposed Rules
Foreign Service Board; procedures 30824
Freedom of information; fee schedule 36366
International traffic in arms; contingent fees 37043
Privacy Act 40456

Notices
Authority delegations:
Coordinator for Humanitarian Affairs, et al 27956
Deputy Coordinator, Refugee and Migration Affairs 40557
Deputy Director General, Foreign Service 28646, 30293
Foreign Assistance and Mutual Security Acts, functions, administrative expenses 33740
Committees; establishment, etc.:
Human Settlements (Habitat) Advisory Committee, U.S. Participation in U.N. Conference on 29307
Status of advisory committees; reports on closed sessions, etc 27956, 29307
Foreign assistance:
Countries allowing ships and aircraft to transport goods to or from Cuba 42222
Ecuador and Peru 30846
Jordan 27956
Panama 37239
Meetings:
Fine Arts Committee 44587
Human Settlements (Habitat), U.N. Conference on; Advisory Committee for U.S. Participation in 2990, 43518
Inter-American Tropical Tuna Commission, U.S. Advisory Committee 40557
International Book and Library Programs, Government Advisory Committee 33842, 34009, 44855
International Conference on Air Law; Warsaw Convention 33056
International Educational and Cultural Affairs, U.S. Advisory Commission 28498, 36579
International Intellectual Property Advisory Committee 44855
International North Pacific Fisheries Commission Advisory Committee 33842
International Radio Consultative Committee, U.S. National Committee 30993, 33247, 36579, 40557, 42580, 44163
International Telegraph and Telephone Consultative Committee 30293, 30846
Law of Sea Advisory Committee 36392, 44855
Northwest Atlantic Fisheries Advisory Committee 30846
Ocean Affairs Advisory Committee 27693
Private International Law Advisory Committee 36780
Shipping Coordinating Committee 30993, 33247, 33477, 33842, 36393, 37239, 42580, 43518, 44339
Transnational Enterprises Advisory Committee 42035
Passports, U.S.; restrictions on travel:
Cambodia 43931
Cuba 43931
North Korea 43931
North Vietnam 43931
South Vietnam 43931
Privacy Act; systems of records 40460
Security and Cooperation in Europe Conference; availability of Final Act 44855

TELECOMMUNICATIONS POLICY OFFICE

Notices
Meetings:
Electromagnetic Radiation Management Advisory Council 33116, 36433
Frequency Management Advisory Council 43962
Privacy Act; systems of records 42311

INDEX

TENNESSEE VALLEY AUTHORITY

Proposed Rules Page
Privacy Act; implementation ... 39374

Notices
Environmental statements; availability, etc.:
Roane, Tennessee ... 32884
Privacy Act; systems of records ... 38885, 45123
Public records index ... 30165

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices
Cotton textiles:
Brazil, Republic of ... 43051
China, Republic of ... 34185
Columbia ... 28122
Haiti ... 44185
India ... 29121
Korea, Republic of ... 28123, 43269, 43342, 44862
Macau ... 29120
Malaysia ... 30521
Mexico ... 36016, 37031
Portugal ... 34186
Man-made textiles:
China, Republic of ... 34185
Colombia ... 28122
El Salvador ... 33702
Haiti ... 43267
Korea, Republic of ... 28123, 28124, 37249, 39922, 43042, 43269, 43542, 44345, 44862
Macau ... 29120
Malaysia ... 30521
Thailand ... 33653, 44863
Wool textiles:
Colombia ... 28122
Korea, Republic of ... 28123, 43269, 43542, 44862
Macau ... 29120
Malaysia ... 30521

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Rules
Freedom of information ... 30934
Unfair trade practices, procedures for complaints ... 39497

Proposed Rules
Privacy Act; implementation ... 39384

Notices
Privacy Act; systems of records ... 39215
Trade agreement between U.S. and Socialist Republic of Romania ... 34651
Trade Policy Staff Committee; hearings ... 34649
Unfair trade practices, petitions:
Canada ... 33749
European Community ... 44635
European Economic Community ... 34649
Guatemala ... 29134, 33748, 42061

TRANSPORTATION DEPARTMENT

See also Coast Guard.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration.
Hazardous Material Operations Office.
Materials Transportation Bureau.
National Highway Traffic Safety Administration.
Pipeline Safety Operations Office.
Urban Mass Transportation Administration.

Rules Page
Organization and functions ... 30821, 43901
Authority delegation to Assistant Secretary for Environment, Safety and Consumer Affairs ... 33976
Authority delegation to Chief Counsel, Coast Guard ... 31605
Materials Transportation Bureau; establishment ... 30821
Relocation assistance and land acquisition for Federal and federally assisted programs ... 41040

Proposed Rules
Privacy Act:
Implementation ... 34142
Maintenance of and access to records pertaining to individuals ... 43037
Standard time zone boundaries:
Iron County, Mich.; relocation to eastern zone ... 44344

Notices
Fuel economy improvement program; commercial vehicle long-range goals ... 40872
Privacy Act; systems of records ... 38803, 40490, 40491, 44075
Tunneling research and development program; meeting ... 42913

TRAVEL SERVICE

Rules
International expositions; U.S. recognition and participation ... 34107

Notices
Meetings:
Regional Travel Executives Council ... 31022

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau.
Comptroller of the Currency.
Customs Service.
Engraving and Printing Bureau.
Fiscal Service.
Internal Revenue Service.
Revenue Sharing Office.

Rules
Domestic Gold and Silver Operations Office; disestablishment ... 32121
Freedom of information ... 29290

Proposed Rules
Fiscal assistance to State and local governments; nondiscrimination in programs funded with entitlement funds ... 30974
Privacy Act; implementation ... 37602

Notices
Antidumping:
Acrylic sheet from Japan ... 30509
Automobiles from Belgium ... 33755
Automobiles from Canada ... 33755
Automobiles from France ... 33756
Automobiles from Italy ... 33756
Automobiles from Japan ... 33756
Automobiles from Sweden ... 33757
Automobiles from United Kingdom ... 33757
Automobiles from West Germany ... 33758
Ball bearings, radial; from Japan ... 43745
Batteries, rechargeable sealed nickle-cadium from Japan ... 39993
Birch 3 ply doorskins from Japan ... 42373
Ceramic brick and tile, from Canada ... 30347
Glass, tempered sheet; from Japan ... 42373
Knitting machinery for ladies' seamless hosiery from Italy ... 34424
Potassium chloride from France ... 34620
Pumps, water circulating; from Sweden ... 44349
Rubber, butadiene acrylonitrile from Japan ... 44587
Ski bindings and part from Austria, Switzerland, and West Germany ... 30847
Tools, non-powered hand, from Japan ... 41155
Vinyl clad fence fabric from Canada ... 31820, 31821
Authority delegations:
Assistant General Counsels ... 28557
Deputy Secretary of Treasury ... 44588
Director, Office of Administrative Progrms, et al ... 34424
Bonds, Treasury:
1995–2000 ... 31819, 33056
Estate tax convention; United States and West Germany; hearing ... 31640
Federal Law Enforcement Training Center, name change ... 36589
Income tax treaty; United States and Tunisia; discussions ... 42769
Meetings:
Debt management advisory committees ... 42378, 44163
President's Labor-Management Committee ... 40130
Notes, Treasury:
Series B–1982 ... 31818, 32347
Series E–1979 ... 27693
Series F–1978 ... 31817, 32765
Series F–1979 ... 33843, 39536
Series G–1978 ... 42761
Series K–1977 ... 29736, 30847
Series L–1977 ... 33844 36394
Series M–1977 ... 42760, 43513
Privacy Act; systems of records ... 37640, 41056

UNITED STATES INFORMATION AGENCY

Proposed Rules
Privacy Act; implementation ... 39430

Notices
Meetings:
Information Advisory Commission ... 28687, 31052, 41571
Privacy Act; systems of records ... 39335, 41988

UNITED STATES RAILWAY ASSOCIATION

Proposed Rules
Privacy Act; implementation ... 39803

Notices Page
Abandonment and discontinuance of service:
Central Railroad Co. of New Jersey ... 39576
Erie Lackawanna Railway Co ... 40598
Reading Co ... 36631
Loan applications:
Consolidated Rail Corp ... 36632

URBAN MASS TRANSPORTATION ADMINISTRATION

Rules
Planning assistance and standards ... 42976, 42979, 42984

Proposed Rules
Charter bus operations; extension of time ... 29729
School bus operations; extension of time ... 29729

Notices
Major urban mass transportation investments; proposed policy ... 32546

VETERANS ADMINISTRATION

Rules
Adjudication; pensions, compensation, dependency, etc.:
Automobiles and adaptive equipment; financial assistance to purchase ... 37037
Claims for benefits, evidence required ... 36328
Parents' dependency and institutional awards ... 36329
Reduction and discontinuance of awards ... 36330
Authority delegations:
Chief Benefits Director ... 31755
Disabilities rating schedule ... 42535
Loan guaranty:
Interest rate change ... 42190
Liberalization of program; sex discrimination prohibition ... 34587
Privacy Act; implementation ... 33944
Procurement ... 40803, 43217
Vocational rehabilitation and education:
Liberalization of benefits ... 31755, 42878
Satisfactory progress, conduct and enrollment ... 33823

Proposed Rules
Adjudication; pensions, compensation, dependency, etc.:
Claims submitted with evidence ... 42578
Clothing allowance rate increase ... 41540
Marriage dates of widows and widowers ... 37059
Disabilities rating schedule ... 30502
Fiduciary activities ... 31960
Nondiscrimination in Federally-assisted programs ... 37059

Notices
Benefits; female veterans, payment of dependency allowance for spouse ... 27744
Committees, boards; establishment, renewals, etc.:
Actuarial Advisory Committee ... 41862
Merit Review Boards in designated medical specialties ... 41863
Wage committee; availability of annual report ... 41206
Condominium loans ... 43785
Drugs, biologics, chemicals, and reagents; quality assurance for interagency agreement between FDA and VA ... 36787
Loan guaranty program subdivision processing; environmental quality ... 37126
Meetings:
Career Development Committee ... 43284
Cemeteries and Memorials Advisory Committee ... 34490
Education and Rehabilitation Administrator's Advisory Committee ... 44208
Education and Training Review Central Office Panel ... 34490
Educational Allowances Station Committee ... 28141, 29770, 32799, 33291, 34067, 36184, 39577
Geriatric Research and Clinical Centers Advisory Committee ... 39576
Medical Research Service Merit Review Boards ... 41863
Veterans Administration Wage Committee ... 33876, 44208
Privacy Act; systems of records ... 38095, 44298

WAGE AND HOUR DIVISION

Rules
Child labor; minors between 14 and 16 years ... 40800, 44130
Wage orders:
Puerto Rico; agriculture industry; correction ... 28064
Puerto Rico; electrical, instrument, etc ... 36565
Puerto Rico; metal, machinery, etc ... 36564

Proposed Rules
American Samoa, industries in ... 44159
Child labor; minors between 14 and 16 years; extension of time ... 28814
Wage orders:
Puerto Rico; gloves and mittens, handkerchief, scarf industries, etc ... 40537

Notices
Learners; certificates authorizing employment at special minimum wages ... 30337, 32884
Students, full-time; certificates authorizing employment at subminimum wages ... 30337, 32392, 32393, 32884, 33500, 34068, 34493, 34495, 39948, 44369

WAGE AND PRICE STABILITY COUNCIL

Proposed Rules
Privacy Act; implementation ... 39013

Notices
Aluminum price increase; hearing ... 29335
Privacy Act; systems of records ... 39016
Seattle area plumbers, wage increase; hearing ... 29336

WATER RESOURCES COUNCIL

Rules
Employee conduct standards ... 32818

Proposed Rules
Privacy Act; implementation ... 39438

Notices
Planning water and related land resources:
Base line projections change ... 28879
Discount rate, change ... 32000
Privacy Act; systems of records ... 39231, 40886

WOMEN, CITIZENS' ADVISORY COUNCIL ON THE STATUS OF

Notices
Meeting ... 37249

INDEX

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published during July, August and September.

1 CFR

Ch. I 32305
3 36295
7 36295
305 27925
310 27925
410 42306

PROPOSED RULES:

410 33177
415 40047
420 39197

2 CFR

102 30793

3 CFR

PROCLAMATIONS:

4335 (Revoked in part by Proc. 4382) 33425
4369 (Effective date) 34651
4381 27637
4382 33425
4383 39493
4384 39833
4385 41989
4386 41991
4387 42165
4388 42167
4389 42169
4390 42315
4391 42725
4392 42727
4393 42731
4394 42849
4395 43713
4396 44537

EXECUTIVE ORDERS:

July 2, 1910 (See PLO 5512) 40162
1959 (Revoked in part by PLO 5515) 40811
2909 (Revoked by PLO 5510) 27939
5277 (Revoked by PLO 5507) 27659
5481 (Revoked by PLO 5507) 27659
7594 (Revoked in part by PLO 5515) 40811
7595 (Revoked in part by PLO 5515) 40811
10480 (See EO 11879) 43197
11643 (Amended by EO 11870) 30611
11803 (Amended by EO 11878) 42731
11861 (Amended by EO 11872 and 11877) 30619, 40797
11864 (Superseded by EO 11877) 40797
11868 (Amended by EO 11873) 30617
11870 30611
11871 ..... 30615, 30915
11872 30619
11873 30617
11874 31737
11875 33961
11876 40501
11877 40797
11878 42731
11879 43197

MEMORANDUMS:

Memorandum of January 2, 1973 (Amended by Memorandum of August 5, 1975) 37205
Memorandum of April 26, 1973 (Amended by Memorandum of August 5, 1975) 37205
Memorandum of December 13, 1973 (Amended by Memorandum of August 5, 1975) 37205

3 CFR—Continued

MEMORANDUMS—Continued

Memorandum of October 29, 1974 (Amended by Memorandum of August 5, 1975) 37205
Memorandum of May 20, 1975 (Amended by Memorandum of August 5, 1975) 37205
Memorandum of June 26, 1975 31199
Memorandums of June 30, 1975 ..... 31201, 31203, 31205
Memorandum of August 5, 1975 37205
Memorandum of August 17, 1975 40139

4 CFR

10 36295
54 27929
91 36099
92 36099
351 ..... 32747, 33819
400 43873
403 ..... 32747, 33819
411 32823
412 43873

PROPOSED RULES:

410 41801

5 CFR

151 42733
213 ..... 27639, 27640, 27929, 28047, 28445, 28806, 29067, 29811, 29812, 30086, 30269, 31591, 31925, 32109, 3727, 32823, 33963, 34583, 36759, 37027, 38139, 39835, 41755, 41993, 42527, 42733, 42734, 43211, 44111
293 45094
294 38140
297 45094
307 ..... 28445, 44111
316 44539
338 42734
410 42734
511 36298
550 31207
551 27640
731 28047
752 ..... 36298, 42734
754 36298
771 36298
772 42734
831 37027
1303 32727
2411 43880
2413 43880

PROPOSED RULES:

736 37051
1302 34165
2470 31636
2471 31636

6 CFR

PROPOSED RULES:

703 39239

7 CFR

1 ..... 39519, 44480, 45103
2 ..... 31941, 33023, 36570, 39844, 41085, 41993, 44111
6 29261
16 31227
24 32109
25 42171

7 CFR—Continued

25A 42171
26 ..... 28785, 32942, 33427, 34349
29 ..... 30917, 31591, 42527, 44112
50 360099
68 33649
180 42851
210 ..... 30917, 31941, 37027, 42735
220 ..... 30922, 37027, 42735
225 ..... 37027, 42735
246 ..... 27930, 42735
250 ..... 31941, 42735
270 ..... 42736, 43017, 43479
271 ..... 28786, 29531, 29701, 33195, 36759, 43017
272 28786
275 29531
301 33026
354 ..... 30621, 41513, 43479, 44822
370 43223
401 ..... 44539, 44540, 44822
403 44823
411 44540
719 44112
722 ..... 28601, 34349, 44303
725 41513
760 29067
780 27641
798 34583
905 ..... 42317, 42318
908 ..... 28460, 29068, 30091, 30928, 32109, 33195, 34113, 34584, 36570, 37028, 39522, 40505, 40815, 41755, 42171, 43018, 43480, 44119
910 ..... 28461, 29261, 30269, 31228, 32305, 33430, 34349, 36759, 39844, 41086, 42319, 43224, 44120, 44304
911 ..... 28462, 29262, 30270, 31228
913 44305
915 ..... 28048, 29068, 29812, 30793, 32306, 32823, 33963, 36299, 38145, 41993, 44305
916 ..... 28462, 31592
917 ..... 27930, 28601, 32110, 33196
919 ..... 31592, 41994
921 ..... 30621, 32730
922 ..... 30270, 32730
923 33028
924 ..... 30929, 37028
926 ..... 33964, 43480, 43715
927 ..... 36299, 42851
930 ..... 27931, 28602, 31739
931 ..... 34350, 43480
932 ..... 38145, 41994
944 ..... 29812, 30794, 32824, 36300, 42529
945 ..... 30271, 42530
946 42530
947 ..... 32730, 36300
948 ..... 33964, 34113, 34114
958 ..... 32307, 33649
967 ..... 29534, 33196
980 ..... 32111, 32308
981 ..... 43018, 43715
989 ..... 31739, 40141
991 44121
993 42530
999 29262
1007 31942
1030 ..... 31229, 31942, 32113
1032 ..... 39845, 31942
1033 ..... 30087, 30794
1040 31943
1046 ..... 31943, 43716
1049 31943

7 CFR—Continued

1050 31943
1060 31943
1061 31943
1062 ..... 31943, 39845
1063 31943
1064 ..... 27641, 31943
1065 31943
1068 31943
1069 31944
1070 31944
1071 31944
1073 31944
1076 31944
1078 31944
1079 31944
1090 31944
1094 31944
1096 31944
1097 31944
1098 ..... 31944, 36105
1099 ..... 31945, 37028
1102 31945
1104 31945
1106 31945
1108 31945
1120 31945
1126 31945
1131 ..... 27642, 30087, 31233, 31945
1132 31945
1138 31945
1139 ..... 31945, 39522
1408 29069
1421 ..... 30466, 30794, 31946, 31949, 31952, 36301, 36302, 39523, 41087, 43225, 44121, 44122
1427 ..... 30092, 30795, 44306
1434 ..... 30798, 32732, 41087
1438 29813
1446 ..... 28787, 34584
1464 ..... 28603, 28788, 41530
1701 31956
1801 42178
1804 32309
1808 33197
1822 ..... 28463, 29263, 42178, 42736
1823 ..... 29263, 30930
1832 42320
1842 42179
1843 ..... 27931, 42179
1845 30622

PROPOSED RULES:

1 ..... 32756, 40849, 44157
21 36134
29 29880
51 40522
52 ..... 31607, 33043
201 40524
250 43738
719 31609
722 ..... 30274, 30275
725 ..... 37224, 44157
728 28093
755 28093
905 44333
906 ..... 42886, 42887
910 ..... 39882, 40528
911 ..... 28614, 39882, 39885
915 ..... 28090, 28614, 39882, 39886, 44334
916 28090
917 ..... 29087, 29881
919 32338
923 29881
924 ..... 30662, 43036
926 ..... 37044, 38164
927 ..... 31244, 37044, 42023
930 29553

7 CFR—Continued

PROPOSED RULES—Continued

931 ..... 38164, 40170
932 30275
944 44334
945 37045
946 ..... 29725, 32111, 33458
947 ..... 29726, 32129
948 ..... 30276, 30840, 30977, 40528
958 ..... 28091, 30277
966 42887
980 ..... 28091, 29725
981 ..... 34605, 37223
982 ..... 30277, 40836
989 ..... 27691, 40842
991 39525
993 ..... 30047, 38164
1007 30119
1030 ..... 29296, 30119
1032 ..... 28618, 30119, 39525
1040 30119
1046 ..... 28465, 30119, 30662, 40843, 42023
1049 30119
1050 30119
1060 30119
1061 30119
1062 ..... 28618, 30119, 39525
1063 30119
1064 30119
1065 30119
1068 30119
1069 30119
1070 30119
1071 30119
1073 30119
1076 30119
1078 30119
1079 30119
1090 30119
1094 30119
1096 30119
1097 30119
1098 ..... 30119, 32130, 32338
1099 ..... 28807, 30119, 32751, 33458
1102 30119
1104 30119
1106 30119
1108 30119
1120 30119
1126 30119
1131 30119
1132 30119
1138 30119
1139 ..... 30119, 36127
1201 ..... 28092, 28093
1250 42888
1251 33982
1421 ..... 28094, 43919
1427 30283
1430 42364
1464 27691
1701 ..... 29087, 29088, 30125, 31244, 37255, 38165, 44334, 44570
1822 ..... 28094, 29300, 33222, 34404
1842 34368

8 CFR

3 37207
100 30467
103 ..... 30468, 42852, 44481
211 34106
212 ..... 30470, 33431
214 32312
242 30470
243 30470
299 30470
316a 30470
341 42532
499 30470

8 CFR—Continued

PROPOSED RULES:

103 39423
212 28614
242 39524

9 CFR

11 36553
54 ..... 40505, 42739
56 30098
72 31593
73 42179
76 ..... 29701, 32113, 37207
78 ..... 32732, 41516
82 31925
83 27642
91 40506
92 ..... 31740, 33649, 36106, 44306
94 44123
97 ..... 27643, 43717
112 ..... 30802, 31593, 41994
113 ..... 30802, 41088, 41994
151 ..... 32114, 38106
317 42852
331 ..... 39846, 39847, 43916
381 ..... 29549, 39846, 39847, 42337, 43916

PROPOSED RULES:

92 ..... 28807, 29728, 37225
101 ..... 28621, 32753
112 28621
113 ..... 28621, 30126, 32753, 32754, 36572, 41139
114 28621
317 41139
319 41139
381 31616

10 CFR

2 44124
9 44483
10 44125
20 ..... 33029, 42532
25 44125
37 42558
50 ..... 33029, 40816
51 31593
70 33651
73 42558
95 44125
125 44826
204 42338
205 ..... 28446, 32734, 36555, 36760, 39495, 40141
206 36558
210 ..... 31925, 40818
211 ..... 28446, 30030, 31741, 39847, 40821
212 ..... 28447, 28448, 30030, 31741, 39849, 39850, 40142, 40818, 40821, 40824
213 ..... 36302, 36558, 39495, 39854, 40143, 44306, 44308

Rulings 1975–7 30037
1975–8 30037
1975–9 40826
1975–10 40826
1975–11 40827
1975–12 40828
1975–13 40831
1975–14 40833
1975–15 40832
1975–16 40834

303 28420
309 28420
707 30803
710 36302
725 43481

INDEX

10 CFR—Continued

810—44826
860—28789

PROPOSED RULES:

2—37056
9—33833, 44516
20—33838
50—33838
70—30133
71—43517
205—28481
206—28481, 42448
211—30500, 30671, 32136, 33832, 34162
212—28634, 28637, 30671, 30674, 32136, 32348, 33832, 34161, 34162, 36389
213—28481, 28497, 33474, 42578
708—38025, 38030

11 CFR

Ch. I—32950, 33417, 40668, 43660
Ch. II—28578

PROPOSED RULES:

Ch. II—28579, 30582
1—36872
100—44698
101—44698
102—44698
103—44698
104—44698
105—44698
106—33169, 43517
109—44698
110—44698
111—44698
113—32951, 36269, 37226, 41932

12 CFR

4—30930
11—30038, 32735
22—36107
201—30807
207—43482, 44829
211—43199
213—40506
215—40506, 43199
217—32736
220—43482, 44829
221—43482, 44829
224—44829
225—36309
226—30985, 43199, 43200
265—32907, 32737, 43717
304—36559
308—28048
329—33198
339—27931, 43482
400—28449
505a—39371
523—33029, 41755, 41996
531—29702
541—44125
544—42853
545—36309, 41756, 42853, 44125
546—36310
555—32313
561—29069
563—29703, 41997
564—33030
584—29703, 34585
603—40454
612—33030
701—30261, 32114, 41090
703—41997
760—29264, 41998

12 CFR—Continued

PROPOSED RULES:

9—40589
14—29724, 31958
202—42030
204—29732
207—36578
208—40857
217—28644, 29732
220—36390, 36578
221—36578
226—30986, 32350, 43516
261a—39831
310—39426
329—28099, 28100
337—40548, 41530
341—40856
405—39428
505a—29729
541—33054
544—28638
545—28638, 33054, 34162, 43832
546—27953, 28640, 33054
555—28641
561—42371, 43832
563—27954, 28463, 34614, 42371, 42898
564—42371
569a—42371
570—34614
571—29093
581—33055
582—33055
582a—33055
582b—33055
584—34615
603—33831
615—33832
701—30291
720—33410

13 CFR

116—37029
120—30261
121—28603, 32824, 38310
122—37029
123—30807, 33431, 33474, 42180
305—29070, 32738
313—29704, 43483
315—29265, 44308

PROPOSED RULES:

102—40063
121—29899, 30292, 32142, 36148
500—36135
510—36135
520—36135
530—36135
540—36135
550—36135
560—36135
580—36135

14 CFR

21—28603
37—42183
39—27643, 27644, 28075, 28604, 28605, 29269–29272, 29549, 29704, 29814, 29815, 30463, 30464, 30807, 30808, 30932, 30933, 31208, 31594–31597, 31746–31752, 32314–32318, 32738–32740, 32827–32829, 33007–33010, 33198, 33432, 33653, 33654, 33819, 34333, 34585, 36107, 36108, 36310, 36559–36560, 36762, 37030, 37207, 37208, 38146, 39855, 41090–41092, 41519, 42180, 42339, 42739, 42741, 42854, 43019, 43484, 44310, 44807

14 CFR—Continued

63—32829
71—28076, 28077, 28790, 29272, 29273, 29550, 29551, 30099, 30464, 30465, 30633, 30808, 30933, 31597, 31927, 32318, 32319, 32740–32742, 33010, 33199, 33435, 33654, 33655, 33819, 33965, 34087, 34333, 34334, 36108, 36311, 36560, 36763, 37030, 39495, 39855, 41520, 41998, 42180, 42340–42342, 42740, 42741, 43019, 43020, 43485–43487, 43717, 43718, 43885, 44126, 44127, 44310, 44540, 44807–44809
73—29552, 30633, 31209, 33655, 34334, 37030, 38146, 39495, 41092, 43718
75—27644, 28077, 31597, 43885, 44130
91—29704
93—37031
95—30099, 42181, 43885
97—28606, 29070, 30106, 30934, 32320, 33199, 34335, 36763, 39496, 41092, 42342, 43020, 44127
121—42183, 42185, 44541
129—29273
171—36109, 41093, 43719
201—37182
207—34088
208—34088
211—28077, 37182
212—34088
214—34088
217—28078, 33435
221—37182
228—43885
241—42855
261—37183
288—28078, 28450
296—28079, 30634
297—28087
298—42855
CH. III—30106
302—37183
310a—45103
312—37184, 43211
372a—42741
373—43719
378—43719
378a—34089, 36764, 41093
379—36311
385—40816, 44128, 45106
389—34105
399—28087, 37184
1202—34107
1209—30465
1212—43668

PROPOSED RULES:

Ch. I—42754, 43919
1—29410
21—29410
23—29410
25—29410
27—29410
29—29410
31—29410
33—29410
35—29410
37—30839
39—28096, 29301, 30126, 30980, 31624, 31806, 32342, 32343, 32837, 32838, 38049–33052, 33682, 34139, 39896, 41143, 41537, 42023, 43919, 44335, 44570, 44841
43—29410
45—29410

14 CFR—Continued

PROPOSED RULES—Continued

67—42024
71—28628, 29302, 29554, 29728, 30127, 30128, 30493–30495, 30670, 30840, 30981, 31245, 31247, 31806, 31958, 31959, 32343–32346, 32758, 32839, 33223, 33224, 33461, 33997, 33998, 34140, 34141, 34605–34608, 36144, 36380–36381, 36575, 36777, 37045, 37226, 39529, 39897, 39898, 42025, 42364–42366, 44576, 44841–44842
73—29554, 30494
75—28096, 28097, 28628, 31245, 34606, 36381, 42756, 43036, 43513, 44335
91—28628, 29089, 29410, 44256, 44842
93—28629
103—32758
121—29410, 30839
152—36516, 44842
217—43920
221—28489, 30128
231—43743
241—30497, 43920
310a—30283
385—30283
399—37048
1212—38073

15 CFR

9—33966
30—32116
265—32830
373—31209
377—29705, 40507
378—31209
903—41998
1160—44809
1300—29534
2001—39497
2002—34107, 39497
2003—39498
2004—30934
2006—39498

PROPOSED RULES:

4b—32960
80—42209
2005—39384

16 CFR

1—33966
3—33969
4—33970, 38171, 40780
13—27932, 28050, 30471–30479, 30808, 30811, 31211, 32116, 33200, 33201, 33656–33658, 34110, 36311, 36560, 40143–40154, 40508, 41071–41081, 41756–41758, 42201–42203, 42742, 43487, 43719, 44311–44318, 44810, 44811
256—33436, 36116
259—42003
302—27932
1018—43886
1031—27934, 29815
1116—30936, 32830, 42004
1609—43886
1014—42025, 43231, 43743
1016—29092, 32346, 39901
1207—42562, 44577

16 CFR—Continued

PROPOSED RULES:

4—34162
255—30988
257—28489, 33832
302—32845
437—29892, 36145
438—36146, 44582
439—30842, 32764
440—36145
441—36145
441—36145
443—34615, 37226
444—29892, 36145
445—39532, 42757
447—36145, 44850
453—39901, 42212, 42371
454—41144
701—29892, 37226
702—29894, 30674, 37226
703—29896, 37226

17 CFR

1—29085, 30106, 30107
17—29795, 41117
18—29795, 41117
146—41056
200—40512, 44068, 44072
201—42186
210—33032
230—44541
240—29795, 30634–30636, 40512, 41520, 42343
241—30992
249—30636, 36765, 40512, 41521
270—27644, 33970, 41759, 42862
275—27644, 38156, 38158, 44128

PROPOSED RULES:

1—29090, 29091
30—36382
145—34146
146—32839
200—34152, 34417, 34418
210—33690, 40550
230—29306, 29899, 30844, 34422, 40555, 44584
231—30992, 42212
239—29899, 30992, 33690, 42212, 44584
240—29306, 29899, 33690, 34422, 37228, 40858, 41808, 42212, 42219, 42905, 43743
241—42212
249—29899, 30992, 33690, 37228, 40858, 42212, 44584
259—42212
270—40555, 41818, 42757

18 CFR

1—42005
2—41760, 42005
3—27645, 29275, 37032, 43488, 43892
3b—44288
141—37032, 43488
154—43889, 44582
157—41769
201—44582
260—27645, 37034, 43892, 44582
706—32818

PROPOSED RULES:

2—29304, 32140, 33998, 37056
3b—36546
35—32763, 42029
101—33999
125—29089
141—29305, 33999

18 CFR—Continued

PROPOSED RULES—Continued

154—32140, 33998, 37056, 41539, 44850
157—32140, 33998, 37056, 41539
201—33999, 37056, 41539, 44582, 44850
204—33999
260—31634, 33999, 37056, 41539, 44850
301—39374
701—39438
901—44336

19 CFR

1—27934
4—31928, 32742, 34586, 44542
6—33203
10—31752, 36116, 43021, 44319
12—32321, 36766
111—31753
112—41084
127—28790
133—28790
141—36116, 44128
143—44542
146—36116
148—41084
152—31928
159—31928
171—43488, 43894
172—43026
174—31928
177—31929
201—31211

PROPOSED RULES:

1—37043
4—33038
12—41118
24—28807
153—30825, 43226
175—30825, 43226
201—40050, 40173
206—34005
207—34005
210—40173

20 CFR

200—41084
260—41084
401—27648
404—29071, 29072, 30262, 30812, 31774, 31778, 42863
405—28016, 28052, 29708, 29815, 30817, 32742, 33033, 33439, 34512, 36311, 43006, 43211, 43895, 44320
416—31778, 34335
422—27648
450—42865, 44812
602—34336
901—38147
902—38147

PROPOSED RULES:

200—36262
401—28810, 30493, 33828
404—28095, 29301
405—27782, 28810, 30493, 31795, 33828, 40171, 40537, 40850
416—28095, 33222
601—43744
741—39887
901—38171
902—38171
903—39387, 45113, 45111

INDEX

21 CFR

Ch. I ... 31298, 31605, 32750, 40520, 43488
1 ... 28582
2 ... 29817, 31334, 31754, 32750
3 ... 33971
5 ... 31754
8 ... 29417, 44542, 44812
9 ... 44813
26 ... 33820
27 ... 28791
29 ... 39855, 42866
51 ... 30940
80 ... 34586
121 ... 29073, 29534, 30108, 30439, 31933, 39857, 40799, 41085, 42866
123 ... 42343, 43720
125 ... 34586
201 ... 31307
229 ... 28610
310 ... 31307, 31308, 31312, 33971, 34110, 44543
312 ... 33971
314 ... 31312, 31313, 33972
361 ... 31308
431 ... 28052, 41522
436 ... 33204, 41522
449 ... 41523
452 ... 41773
510 ... 27651, 28791, 29535, 31225, 31934, 33443, 34111, 37036, 39858, 42007, 43213, 43488
520 ... 32831, 36319, 39857, 39858, 43488
522 ... 28792, 34111, 36319, 42007
540 ... 30939, 30941, 42007
546 ... 39858
556 ... 28792, 41085
558 ... 27651, 31236, 31933, 31934, 32831, 33443, 34111, 34112, 39857, 39858, 39589
561 ... 29706, 31236, 33033, 33820, 41773, 42343
600 ... 31313
601 ... 31313
610 ... 29706, 31313, 33821
640 ... 29711, 33821
660 ... 33821
701 ... 28451, 31606
1010 ... 32252, 40800
1040 ... 32252, 40800
1250 ... 30108
1304 ... 42866
1308 ... 28611, 36767
1401 ... 27821

PROPOSED RULES:

1 ... 39978, 40682, 44570
2 ... 40682, 44570
4 ... 39388
5 ... 40682, 44570
6 ... 40682, 44570
7 ... 39388
8 ... 40682, 44570
10 ... 40682, 44570
11 ... 40682, 44570
25 ... 30978
80 ... 29089, 40682, 44570
90 ... 40682, 44570
100 ... 40682, 44570
102 ... 40682, 44570
121 ... 40529, 40682, 41797, 44570
202 ... 40682, 44570
210 ... 33554
225 ... 33554

21 CFR—Continued

PROPOSED RULES—Continued

310 ... 27796, 28587, 33459, 34406, 36574, 40682, 43513, 43531, 44570, 44844
312 ... 40682, 44570
314 ... 30493, 34406, 34407, 40682, 44435, 44570
320 ... 30493, 34407
328 ... 40682, 44570
330 ... 40682, 44570
429 ... 40682, 44570
430 ... 40682, 44570
431 ... 33680, 40682, 44570
433 ... 40682
511 ... 40682, 44570
514 ... 40682, 44570
561 ... 39896
601 ... 40682, 44570
640 ... 41799
700 ... 36574
701 ... 40682, 44570
950 ... 29554
951 ... 29554
952 ... 29554
1000 ... 42749
1003 ... 40682, 44570
1004 ... 40682, 44570
1010 ... 44846
1020 ... 28095, 33828
1210 ... 40682, 44570
1304 ... 30117

22 CFR

8 ... 28606
21 ... 39859
23 ... 36116
41 ... 33444, 36116
42 ... 42532
201 ... 34112
205 ... 31754
214 ... 33205
1100 ... 32116

PROPOSED RULES:

6 ... 36366
6a ... 40456
15 ... 30824
123 ... 37043
124 ... 37043
125 ... 37043
127 ... 37043
215 ... 39449
230 ... 28053
505 ... 39430
601 ... 39663
602 ... 36381
603 ... 39663
606 ... 39663
707 ... 36878
1003 ... 36264

23 CFR

140 ... 29712, 31211
160 ... 29817
450 ... 38150, 42976, 42979
460 ... 44322
470 ... 42344
633 ... 42867
635 ... 33619
646 ... 29712, 31211
658 ... 41774, 42186
710 ... 29073, 41523
712 ... 33445
740 ... 30818
750 ... 42842
1204 ... 30639

24 CFR

16 ... 39729
17 ... 28597
25 ... 43026
42 ... 36768, 36772
58 ... 29991
82 ... 30480, 31211, 44129
200 ... 38151, 39859
205 ... 36773
207 ... 36773, 43898
213 ... 36773
220 ... 36773, 43898
221 ... 36773
227 ... 36773, 43898
231 ... 36773, 43898
232 ... 36773
234 ... 36774, 43893
235 ... 36774
236 ... 31872
242 ... 36774
244 ... 36774
280 ... 40261, 42007
300 ... 43027, 44323
401 ... 29073
426 ... 31873
470 ... 33209, 42344
570 ... 30640, 41509, 42347
600 ... 36856
860 ... 33445, 44323
866 ... 33402, 33406
885 ... 36356
888 ... 28451, 3000, 31935, 40513
1914 ... 28061, 29818, 29820–29822, 30110, 30111, 30941, 30943, 30944, 31211–31215, 33010, 33447, 34600, 36319, 36320, 38151, 38153, 39860, 39861, 41509, 42009, 42872, 43219, 43720
1915 ... 27651, 29823, 29824, 31217, 31220, 33669, 33674, 33821, 36321, 36561, 41510, 42553, 42874, 43220, 43722
1916 ... 29824, 29825, 34122, 39499, 42348, 42349, 43027
1917 ... 34122–34126, 41108, 41115, 42349
1920 ... 33210–33213, 36117, 36118, 37208, 37209, 39500–39503, 41115, 41116, 42557, 42743
1930 ... 44130
1931 ... 44130

PROPOSED RULES:

42 ... 36142
203 ... 33681
406 ... 42560
805 ... 43372
865 ... 44159
1917 ... 33223, 37225
2205 ... 28609

25 CFR

12 ... 28026
153 ... 28039
221 ... 33214
252 ... 39835
261 ... 44543
431 ... 36324

PROPOSED RULES:

33 ... 40982
43h ... 42020
221 ... 34065, 36376, 43513
232 ... 39871
233 ... 42884
401 ... 40982
402 ... 40982
403 ... 40982

25 CFR—Continued

PROPOSED RULES—Continued

404 ... 40982
405 ... 40982
406 ... 40982
407 ... 40982

26 CFR

1 ... 27936, 29290, 29826, 29839, 30945, 33972, 34337, 42743
11 ... 29535, 44544
20 ... 34337, 36325
25 ... 34337
31 ... 30946, 30956, 32831, 42349
53 ... 29842
301 ... 30946
420 ... 30959
601 ... 32322

PROPOSED RULES:

1 ... 27943, 28101, 28613, 29296, 29553, 29871, 29874, 30971, 31238, 34128, 34352, 36366, 41118, 43034, 43735
11 ... 28101
12 ... 30971
20 ... 36366
25 ... 36366
31 ... 43226
54 ... 33580, 33561, 34129
301 ... 29874, 34352, 36366

27 CFR

194 ... 30113

PROPOSED RULES:

4 ... 30117, 32129, 33982
5 ... 29866, 30971
194 ... 31957

28 CFR

0 ... 33214, 36118, 36564, 42745, 44326
2 ... 41328
16 ... 33214
50 ... 34114

PROPOSED RULES:

4 ... 30489
4a ... 30491
16 ... 39404, 39408
22 ... 44034

29 CFR

5 ... 30480
5a ... 30480
56 ... 43170
57 ... 43170
58 ... 43170
94 ... 28980
97 ... 28980
570 ... 40800, 44130
604 ... 36564
606 ... 36565
727 ... 28064
1611 ... 45108
1910 ... 31598
1952 ... 27655, 28472, 28792, 33972, 36565, 36566, 40155–40157, 44157, 44158
2550 ... 43726
2510 ... 34526
2520 ... 34526
2530 ... 41654
2555 ... 31598, 31755, 34587
2602 ... 42876, 43512
2603 ... 43213
2605 ... 43509
2606 ... 42877

29 CFR—Continued

PROPOSED RULES:

29 ... 33052
70a ... 40039
94 ... 30584
97 ... 33920
97a ... 30584
102 ... 39763
202 ... 36576
570 ... 28814
603 ... 40537
608 ... 40537
609 ... 40537
687 ... 40537
1410 ... 39035
1611 ... 39377
1902 ... 27946
1907 ... 27691
1910 ... 30980, 32268, 37233, 39895, 40170, 40849, 41530, 41797
1915 ... 30980, 41530
1916 ... 30980, 41530
1917 ... 30980, 41530
1918 ... 30980, 41530
1926 ... 30980, 40170, 41530
1952 ... 33995, 36575, 39895, 41148
2400 ... 40057
2510 ... 31638, 33561, 33563
2520 ... 31638
2602 ... 33838
2604 ... 29555, 42533
2606 ... 33839
2607 ... 37057

30 CFR

77 ... 41755, 44813

PROPOSED RULES:

55 ... 44272
56 ... 44272
57 ... 44272
211 ... 41122
216 ... 41122
250 ... 30199, 42559, 43036
251 ... 30119

31 CFR

1 ... 29290
81 ... 32121
93 ... 32121
345 ... 29846
347 ... 29846, 30640
348 ... 29847

PROPOSED RULES:

1 ... 37602
51 ... 30974
306 ... 30485, 31238

32 CFR

166 ... 44135
197 ... 42186
292a ... 44480
299a ... 44294
641 ... 27936
701 ... 36325
706 ... 31601, 33034
1608 ... 44495
1712 ... 28599
1801 ... 30114, 36328
1807 ... 30114
1808 ... 42736
1812 ... 30114

PROPOSED RULES:

286a ... 37582
286b ... 37590
286c ... 37582
286d ... 37498
286e ... 37600
287a ... 37502
290a ... 37504

32 CFR—Continued

PROPOSED RULES—Continued

291a ... 37522
292a ... 37509, 44516
295c ... 37522
298a ... 37516
299a ... 37579
505 ... 37547
641 ... 32837
701 ... 37568
762 ... 34352
806b ... 37533
1286 ... 37525, 45113
1481 ... 42997
1608 ... 36887
1814 ... 37498, 42444
1901 ... 39775
2102 ... 40792

32A CFR

Ch. VI ... 43489

PROPOSED RULES:

Chapter VI ... 33996

33 CFR

3 ... 28451
110 ... 30640
117 ... 31938, 32328, 32329, 33449, 33450, 41524, 42189, 43213
127 ... 27939, 30641, 30961, 32831, 33034, 33972, 37036, 37037
155 ... 42189
183 ... 33973, 43856
203 ... 39978
207 ... 32121
209 ... 31320
220 ... 36774
252 ... 31718
265 ... 42652
266 ... 42654

PROPOSED RULES:

1 ... 42210
117 ... 32837, 33828, 41537
183 ... 43226
207 ... 30118
209 ... 39524, 43918
305 ... 41636

34 CFR

232 ... 32329
233 ... 30263

PROPOSED RULES:

Ch. II ... 28495

35 CFR

10 ... 44498
67 ... 30818
253 ... 42996

PROPOSED RULES:

10 ... 40485
135 ... 32140, 34619

36 CFR

7 ... 31938
231 ... 31222
601 ... 29536
605 ... 29539
606 ... 32744
901 ... 41524
903 ... 44754

PROPOSED RULES:

2 ... 28068, 36378
7 ... 33222, 41138, 42364
60 ... 39875
407 ... 39379
903 ... 39671, 41530
1000 ... 30641, 40802

INDEX

37 CFR

1 ... 44813

PROPOSED RULES:

1 ... 36573
2 ... 36573

38 CFR

1 ... 33944
2 ... 31755
3 ... 36328–36330, 37037
4 ... 42535
21 ... 31755, 33823, 42878
36 ... 34587, 42190

PROPOSED RULES:

3 ... 37059, 41540, 42578
13 ... 31960
18 ... 37059

39 CFR

111 ... 31602, 33766, 37209, 42541
224 ... 36119
3002 ... 28792, 43033
3003 ... 38154

PROPOSED RULES:

42 ... 43232, 43930
43 ... 43232, 43930
44 ... 43232, 43930
45 ... 43232, 43930
47 ... 43232, 43930
111 ... 43233
261 ... 34167
262 ... 30988
263 ... 34167
264 ... 34167
266 ... 30988, 37227
267 ... 30988
268 ... 39805
447 ... 39805
762 ... 36146
783 ... 36146
764 ... 36146
3003 ... 31813

40 CFR

51 ... 36330
52 ... 28064, 29540, 29712, 29713, 30961, 30962, 32329, 33034, 33315, 33450–33452, 33973, 36335, 36503, 39863, 40158–40160, 40854–40856, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42542, 43214–43211
60 ... 33152, 42194, 43850
61 ... 42195
80 ... 29292, 29335, 38156, 39962
85 ... 28066, 33973
86 ... 33973
125 ... 29848
162 ... 28242, 32329, 33974, 34571, 41788, 41788, 42746
180 ... 28065, 29547, 29714, 29915, 29850, 31236, 31237, 31602, 33746, 33035, 33453, 33659, 34340, 40161, 42357, 43727
229 ... 30114
230 ... 41292
406 ... 37038
409 ... 36337
413 ... 29075, 29076
415 ... 29850
418 ... 36337
435 ... 42543
443 ... 31190
446 ... 31724
447 ... 31726

40 CFR—Continued

PROPOSED RULES: Page

2 ... 28814
16 ... 40792
35 ... 33224, 41644, 43231
51 ... 28629
52 ... 28097, 28098, 28815, 30287, 30288, 30982, 32346, 32347, 32761, 34408, 36385, 36577, 40172, 40854–40856, 42211, 42368, 42369, 42757, 42885–42896, 43231, 43923, 44847, 44848
60 ... 42028
79 ... 28814
60 ... 28814
61 ... 28814
120 ... 30983, 33470
125 ... 28814
126 ... 41649
130 ... 29882, 32130
131 ... 29887, 32130
133 ... 34522
136 ... 32136
141 ... 34324
142 ... 33228, 40538
162 ... 40538, 44162
167 ... 28814
172 ... 40545, 44162
180 ... 28814, 30289, 32348, 41538, 42757, 43924
190 ... 34417
243 ... 29404
246 ... 42086
406 ... 37052
414 ... 34409
415 ... 29892
418 ... 33052
420 ... 36708
430 ... 41298
432 ... 28633
435 ... 42572
443 ... 31196
446 ... 31729
447 ... 31730

41 CFR

1–1 ... 30440, 36339, 44136, 44137, 44502
1–2 ... 44138
1–3 ... 27655, 44138
1–4 ... 30440, 36340, 44139, 44504
1–6 ... 44140
1–7 ... 36340, 44140, 44504
1–8 ... 44140
1–9 ... 28067
1–11 ... 44140
1–12 ... 44140
1–14 ... 44141
1–16 ... 30440, 36341, 44137, 44141
1–18 ... 44141
1–30 ... 43728, 44141
3–1 ... 29715
3–3 ... 29715
3–16 ... 29719
5A–1 ... 37038
5A–2 ... 37038
5A–73 ... 37039
5A–76 ... 37039
8–1 ... 43217
8–2 ... 40803
8–3 ... 40803
9–4 ... 28068
9–7 ... 31766, 32746
9–15 ... 31766, 32746
14–1 ... 33216
14–3 ... 39863, 40517, 42746
14–4 ... 33216
14–7 ... 29722
14–55 ... 37209

41 CFR—Continued

14H–1 ... 33454
51 ... 42444
60–5 ... 30963
60–8 ... 28609
60–12 ... 28477, 33680
60–14 ... 28472, 33680
101–11 ... 27655, 29722
101–25 ... 29818
101–26 ... 31223, 33035, 41093
101–32 ... 32761, 33454, 37039
101–35 ... 31224, 39866, 42356
101–38 ... 42356
101–42 ... 31224
101–43 ... 42361
101–44 ... 42361
101–45 ... 33216
105–61 ... 28610
105–735 ... 39505
114–38 ... 30483
114–42 ... 33217, 40517
114–43 ... 33217
114–45 ... 33217
114–47 ... 33217
114–52 ... 30483
114–60 ... 42746

PROPOSED RULES:

3–4 ... 42673
14H–70 ... 41025
60–5 ... 41149
105–61 ... 33243, 42881
105–64 ... 39440

42 CFR

2 ... 27802
23 ... 34078
32 ... 36774
50 ... 34513
52d ... 44545
57 ... 44814
71 ... 33659
86 ... 29076
110 ... 33520, 41095

PROPOSED RULES:

36 ... 34292, 42658
67 ... 42890
85a ... 31248
306 ... 33459

43 CFR

2 ... 44505
4 ... 33172
18 ... 44817
20 ... 28288
430 ... 27658
2650 ... 33174

PUBLIC LAND ORDERS:

1063 (Revoked by PLO 5507) ... 27659
2249 (Revoked in part by PLO 5515) ... 40811
3836 (Amended by PLO 5506) ... 27659
4148 (Revoked in part by PLO 5515) ... 40811
3304 ... 43489
4507 ... 34596
4643 (Revoked in part by PLO 5511) ... 40162
4889 (Revoked in part by PLO 5515) ... 40811
5150 (Revoked in part by PLO 5506) ... 27659
5180 (Revoked in part by PLO 5509) ... 27659
(Amended by PLO 5519) ... 40814
5191 (Amended by PLO 5519) ... 40814
5490 (Amended by PLO 5542) ... 44817
5497 (Corrected by PLO 5508) ... 27659
5499 ... 29292, 30115

43 CFR—Continued

PUBLIC LAND ORDERS—Continued

5504 ... 27658
5506 ... 27659
5507 ... 27659
5508 ... 27659
5509 ... 27659
5510 ... 27939
5511 ... 40162
5512 ... 40162
5513 ... 40162
5514 ... 40811
5515 ... 40811
5516 ... 40814
5517 ... 40814
5518 ... 40814
5519 ... 40814
5520 ... 40815
5521 ... 40815
5522 ... 41096
5523 ... 41095, 43028
5524 ... 41095
5525 ... 41794, 43489
5526 ... 42195
5527 ... 42362
5528 ... 42362
5529 ... 42551
5530 ... 42551
5531 ... 42553, 43732
5532 ... 42551
5533 ... 42551
5534 ... 42552
5535 ... 42551
5536 ... 42553
5537 ... 43028
5538 ... 43217
5539 ... 44141
5540 ... 44814
5541 ... 44817
5542 ... 44817

PROPOSED RULES:

2 ... 37210
4 ... 42020
18 ... 34368
23 ... 41122
2110 ... 43735
2130 ... 43735
2270 ... 43735
3040 ... 41122
3820 ... 43735

45 CFR

16 ... 33936
19 ... 32284, 36342
30 ... 40162
46 ... 33526, 40163
83 ... 28572
86 ... 39506
146 ... 41795
156 ... 32329
166 ... 34114
169 ... 40518
177 ... 34115
201 ... 34596, 44326
205 ... 32954, 33217
206 ... 32954
212 ... 43218
220 ... 31767, 43182
224 ... 43182
232 ... 31767
233 ... 30963, 31767, 32954, 43182
234 ... 31767
235 ... 31767, 33035
249 ... 28793, 43901
250 ... 28070, 30818, 33036, 34516, 42013
301 ... 29723, 31767

45 CFR—Continued

302 ... 31767
303 ... 31767
304 ... 31767
613 ... 44510
650 ... 34598
1060 ... 28793
1061 ... 27661, 31602, 32124, 44327
1067 ... 28794, 44327
1068 ... 27665, 27667
1069 ... 29292, 30461
1076 ... 44818
1208 ... 40805
1220 ... 28799
1600 ... 42362

PROPOSED RULES:

5b ... 34129, 41140
102 ... 33047
116d ... 28622
144 ... 32540
148 ... 31617
160a ... 41670
160b ... 30662
160f ... 33802
175 ... 32540
176 ... 32540
190 ... 34330
201 ... 34138
205 ... 36378
206 ... 36141
233 ... 33461, 36141, 41143
249 ... 36378, 36702, 42560
504 ... 39381
613 ... 31811
706 ... 40783
1006 ... 38165
1115 ... 40052, 42457
1224 ... 39434
1602 ... 42374

46 CFR

Ch. I ... 42195, 42746
4 ... 31604, 36342, 39506
5 ... 31604, 36342, 39506
10 ... 30965, 33974
12 ... 33974
31 ... 36342
32 ... 40163
35 ... 40163
50 ... 40163
52 ... 40163
53 ... 40163
54 ... 40163
56 ... 40164
58 ... 40168
63 ... 40169
74 ... 36343
93 ... 36343
144 ... 36344
146 ... 34340, 37211
252 ... 43490
283 ... 32832
294 ... 36119
502 ... 27671
503 ... 40036
506 ... 28801, 33976
530 ... 43720
538 ... 28452

PROPOSED RULES:

Ch. I ... 33681
32 ... 33996, 42751
33 ... 32339
34 ... 43739
35 ... 33996, 42751
42 ... 34407
75 ... 32339

46 CFR—Continued

PROPOSED RULES—Continued

76 ... 43739
77 ... 42751
78 ... 32339, 42751
94 ... 32339
95 ... 43739
96 ... 42751
97 ... 32339, 42751
105 ... 43739
146 ... 32341, 32758
167 ... 32339, 42751, 43739
176 ... 32339
181 ... 43739
184 ... 42751
185 ... 42751
192 ... 32339
193 ... 43739
195 ... 42751
196 ... 42751
502 ... 43925
503 ... 30128
536 ... 33688, 34417, 36778
547 ... 28489, 30674

47 CFR

0 ... 28454, 33217, 34115, 34340, 39506, 44512,
1 ... 28454, 28803, 33218, 34117, 39506, 42882, 44327
2 ... 31226, 32746, 33455, 34117, 34598, 40810
15 ... 34117
17 ... 30263, 33662
73 ... 27671, 27939, 28457, 28803, 29547, 29850, 30985, 31227, 33218, 33457, 33662, 33665, 34118, 34341, 36774, 36775, 37040, 42882, 43028, 43506
74 ... 28610, 29962, 31604, 40810
76 ... 28457, 28804, 30641, 30649, 30656, 33664, 34341, 39509, 44547, 44551
81 ... 30820, 44142
83 ... 30820, 44142
87 ... 33219, 33667
89 ... 33454
91 ... 32747, 33454, 40169
94 ... 36345
95 ... 33667

PROPOSED RULES:

0 ... 33239
1 ... 33239, 33242, 33685, 34362
2 ... 31248, 33471, 34115, 34613, 36778, 42028, 42577, 42897, 43037, 43924
21 ... 28816, 31248
43 ... 28816
61 ... 33685
68 ... 29302
73 ... 28634, 29303, 30290, 30291, 30985, 31625, 31632, 31807, 32762, 32763, 33243, 33686, 34391, 34393, 34394, 34396, 34614, 36388, 36389, 37054, 39529, 39530, 40172, 42028, 42369, 42577, 42578, 43038, 43514, 44577, 44849
74 ... 30985, 37054
76 ... 28634, 28816, 30291, 30986, 31807, 34115, 34395, 34608, 34613, 43925, 44849
78 ... 30985
81 ... 37055
83 ... 37055
87 ... 37055

INDEX

47 CFR—Continued
PROPOSED RULES—Continued
89 ... 31809, 33471, 34155, 34161, 34613, 36778, 42577
91 ... 31810, 33471, 34155, 34613, 37055, 42028, 42577
93 ... 37055, 31811
97 ... 39532

49 CFR
Ch. I ... 31767
1 ... 30821, 31604, 33976, 43901
25 ... 41038
102 ... 31768
170 ... 31768
171 ... 37214, 41527
172 ... 27939, 41527
173 ... 27939, 33036, 41527, 44327, 44820
174 ... 27939, 41527
175 ... 41527
177 ... 27939, 41527, 44820, 44821, 44820
178 ... 41527, 44327
225 ... 29548
231 ... 34347
256 ... 29080
325 ... 42432
385 ... 40810
390 ... 44555
391 ... 32335
392 ... 31769, 44555
393 ... 29292, 29723, 32336, 36125, 44555
395 ... 31769, 32336, 44555
398 ... 44557
Ch. V ... 41796, 42013
552 ... 42013
553 ... 42015
555 ... 42015
571 ... 28457, 28805, 31770–31772, 32336, 33036, 33825, 33977, 34347, 37042, 38159, 38160, 42746, 42871
575 ... 28071, 28074
613 ... 42984
Ch. VIII ... 30232, 30661
802 ... 40134
Ch. X ... 34348
1033 ... 27939–27941, 29294, 29865, 30267, 30268, 31773, 31938, 31939, 32337, 33037, 33977, 36346, 38161, 40518, 40519, 43914, 44148
1036 ... 33220
1056 ... 34119
1100 ... 37215
1102 ... 27941, 39868
1104 ... 39868
1134 ... 42343
1201 ... 44559
1202 ... 44560

49 CFR—Continued
1203 ... 44561
1204 ... 44562
1205 ... 44563
1206 ... 44563
1207 ... 44564, 44958
1208 ... 44565
1209 ... 44566
1210 ... 44567
1300 ... 32832, 36351
1303 ... 36353
1304 ... 36355
1305 ... 32834
1306 ... 36356, 40518
1307 ... 32834, 36357, 42033
1308 ... 32836, 36361
1309 ... 36363
1320 ... 41528
1322 ... 41528
PROPOSED RULES:
10 ... 34142, 43037
71 ... 44844
102 ... 41537
107 ... 32758, 41537
170 ... 32758, 41537, 44336
171 ... 40171, 41537, 44336
172 ... 41537, 44336
173 ... 41537, 44336
174 ... 41537, 44336
175 ... 41537, 44336
176 ... 41537, 44336
177 ... 41537, 44336, 44842
178 ... 41537, 44336
179 ... 41537, 44336
180 ... 41537, 44336
181 ... 41537, 44336
182 ... 41537, 44336
183 ... 41537, 44336
184 ... 41537, 44336
185 ... 41537, 44336
186 ... 41537, 44336
187 ... 41537, 44336
188 ... 41537, 44336
189 ... 41537, 44336
195 ... 43740
220 ... 33682, 36575
221 ... 30495
230 ... 37046
257 ... 39898
310 ... 30981
390 ... 29729
391 ... 31806
393 ... 31959, 36777, 37045
554 ... 44842
556 ... 37047
571 ... 28097, 33828, 40537, 40853, 40854, 42756
572 ... 33462
573 ... 43227
583 ... 42366, 42895
604 ... 29729

49 CFR—Continued
PROPOSED RULES—Continued
605 ... 29729
802 ... 30130, 30988
932 ... 39803
1001 ... 36149
1002 ... 36149
1036 ... 44851
1037 ... 42221
1048 ... 33840
1049 ... 33840
1063 ... 30134, 30844
1100 ... 42578, 44854
1106 ... 41153
1107 ... 43689
1108 ... 37233, 44854
1201 ... 42899
1207 ... 33244
1245 ... 36779
1246 ... 36779
1300 ... 32350
1305 ... 32350
1307 ... 32350, 43038
1309 ... 32350

50 CFR
17 ... 29863, 31734, 33978, 37045, 44149, 44412
20 ... 30268, 33016, 34599, 36121, 36345, 37215, 41096, 42015, 44709
21 ... 28459
28 ... 30462, 30966, 30967, 30970, 41105, 42017, 42195, 42748, 44568
32 ... 29084, 29548, 29549, 29684, 30115, 30116, 30463, 30822, 30823, 30966, 31939, 31940, 32124–32128, 33220, 33221, 33978, 34119–34121, 34348, 34599, 36120, 36346, 36567, 36568, 37042, 38162, 39511–39519, 39869, 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42210, 42747, 42748, 42883, 43029–43032, 43218, 43219, 43732, 43733, 43914–43916, 44151–44155, 44328, 44568, 44569, 44821, 44822
33 ... 29084, 30463, 30823, 30967, 31773, 33221, 34121, 34122, 36567, 44155, 44822
251 ... 43508, 43733, 43734
258 ... 31940
285 ... 33978, 43916
PROPOSED RULES:
17 ... 28712, 40521, 44329
20 ... 27943, 29725, 29880, 34361, 36572
32 ... 31795, 36377
216 ... 28469, 41531, 43040
501 ... 41066

Pages	Date
27637–27924	July 1
27925–28045	2
28046–28443	3
28445–28599	7
28601–28783	8
28785–29065	9
29067–29259	10
29261–29530	11
29531–29700	14
29701–29794	15
29795–30036	16
30037–30259	17
30261–30459	18
30461–30609	21
30611–30792	22
30793–30914	23
30915–31197	24
31199–31590	25
31591–31736	28
31737–31924	29
31925–32107	30
32109–32303	31
32305–32725	Aug. 1
32727–32822	4
32823–33006	5
33007–33193	6
33195–33423	7
33425–33647	8
33649–33817	11
33819–33959	12
33961–34085	13
34087–34331	14
34333–34582	15
34583–36098	18
36099–36293	19
36295–36552	20
36553–36758	21
36759–37025	22
37027–37203	25
37205–38138	26
38139–39491	27
39493–39832	28
39833–40137	29
40139–40500	Sept. 2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41938	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18
43197–43477	19
43479–43711	22
43713–43871	23
43872–44109	24
44111–44301	25
44303–44535	26
44537–44806	29
44807–45156	30

INDEX

INDEX

INDEX

INDEX

federal regulations

code of

Cumulative List of CFR Sections Affected

SEPTEMBER 1975

SAVE THIS ISSUE for Annual Cumulation of Titles 42–50*

CONTAINING:

TITLES 1–16
Changes January 2, 1975 through September 30, 1975

TITLES 17–27
Changes April 1, 1975 through September 30, 1975

TITLES 28–41
Changes July 1, 1975 through September 30, 1975

TITLES 42–50
*Changes October 1, 1974 through September 30, 1975

PARALLEL TABLE OF U.S.C.–C.F.R.

CODE

XUM

CUMULATIVE LIST OF CFR SECTIONS AFFECTED

The CUMULATIVE LIST OF CFR SECTIONS AFFECTED is designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register. It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for Title 41, in which proposed rules follow each chapter.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1–16—as of Jan. 1
17–27—as of April 1
28–41—as of July 1
42–50—as of Oct. 1

To bring these regulations up to date, consult this CUMULATIVE LIST OF CFR SECTIONS AFFECTED for any changes, additions, or deletions published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing at the front of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

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PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

A table is included after Title 50 which contains references to the U.S. Code sections cited as authority for CFR regulations added or revised during the calendar year.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly, quarterly, and annually for the calendar year. A separate volume, the GENERAL INDEX to the entire Code of Federal Regulations, is revised as of July 1 each year.

INQUIRIES AND SUGGESTIONS

This publication was prepared under the editorial direction of Rose Steinman, with Uriel Schoenbach and Carol Blanchard as Chief Editors. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

(CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1975)

TITLE 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

	Page
3.4 (b) (3) and (7) revised	36295
7.1 Revised	36295

Chapter III—Administrative Conference of the United States

301 Added	10441
302 Added	10442
304 Added	10442
305.75–1 Added	27925
305.75–2 Added	27926
305.75–3 Added	27926
305.75–4 Added	27928
310.4 Added	27928

Chapter IV—Miscellaneous Agencies (Privacy regulations)

Chapter added	42306
410 Added	42306

Title 1—*Proposed Rules:*

5	26046
302	2709
410	33178
415	40047
420	39197

TITLE 2—CLEMENCY

Chapter I—Presidential Clemency Board

101 Revised	12764
101.2 Revised	25199
101.8 (b) and (d) revised	25199
101.9 (a) revised	25199
102 Revised	12766
102.3 Revised	30793
102.4 Revised	30793

Chapter II—Selective Service System

200.9 Added	7233

Title 2—*Proposed Rules:*

200	2592

TITLE 3—THE PRESIDENT

Proclamations

	Page
758 (May 27, 1907) See PLO 5493	14315
2290 See PLO 5475	6341
2799 Revoked by Proc. 4360	14567
2937 Revoked by Proc. 4360	14567
2938 Revoked by Proc. 4360	14567
2942 Revoked by Proc. 4360	14567
2972 Revoked by Proc. 4360	14567
3279 Amended by Proc. 4341	3965
Amended by Proc. 4355	10437
Amended by Proc. 4370	19421
Amended by Proc. 4377	23429
3314 Revoked by Proc. 4360	14567
3443 Amended by Proc. 4346	5127
4101 Revoked by Proc. 4360	14567
4210 See Proc. 4341	3965
4262 See EO 11832	2415
4276 Superseded by Proc. 4357	13293
4313 Amended by Proc. 4345	4893
Amended by Proc. 4353	8931, 10433
See EO 11878	42731
4319 Amended by PLO 5495	16667
4335 Revoked in part by Proc. 4382	33425
4339	749
4340	3553
4341	3965
See Proc. 4377	23429
See Title 10 Part 213	36302
4342	4115
4343	4245
4344	4891
4345	4893
Amended by Proc. 4353	8931, 10433
4346	5127
Amended by Proc. 4359	14565
4347	5129
4348	5131
4349	5739
4350	5741
4351	7617
4352	8163
4353	8931, 10433
4354	10435
4355	10437
4356	12985
4357	13293
4358	14051
4359	14565
4360	14567
4361	15063
4362	15861
4363	15863
4364	16293
4365	16641
4366	16643
4367	16829
4368	17977
4369	18389
Effective date added	34651
4370	19421
See Proc. 4377	23429
4371	19419
4372	20255

CODE

XUM

Title 3, Proclamations—Continued

	Page
4373	20257
4374	20791
4375	22529
4376	23427
4377	23429
4378	23431
4379	25429
4380	26667
4381	27637
4382	33425
4383	39493
4384	39833
4385	41989
4386	41991
4387	42165
4388	42167
4389	42169
4390	42315
4391	42725
4392	42727
4393	42729
4394	42849
4395	43713
4396	44537

Executive Orders

	Page
August 31, 1869 Revoked in part by PLO 5483	6342
October 19, 1875 Revoked in part by PLO 5483	6342
July 2, 1910 Revoked in part by PLO 5475	6341
Revoked in part by PLO 5512	40162
June 6, 1914 Revoked in part by PLO 5478	6341
July 22, 1915 Amended by PLO 5470	5754
December 27, 1919 Revoked in part by PLO 5475	6341
December 9, 1920 Revoked in part by PLO 5491	11727
May 26, 1931 Amended by PLO 5470	5754
1623 Revoked in part by PLO 5479	6341
1959 Revoked in part by PLO 5515	40811
2909 Revoked by PLO 5510	27939
5277 Revoked by PLO 5507	27659
5481 Revoked by PLO 5507	27659
5843 Amended by PLO 5470	5754
6073 Revoked in part by EO 11825	1003
6260 Revoked by EO 11825	1003
6359 Revoked in part by EO 11825	1003
6556 Revoked by EO 11825	1003
6560 Revoked by EO 11825	1003
6583 Revoked in part by PLO 5536	42553
6844 Revoked in part by PLO 5480	6342
7522 See PLO 5497	18997
8649 Revoked in part by PLO 5515	40811
8038 Amended by PLO 5493	14315, 25593
Amended by PLO 5502	25593
8039 Amended by PLO 5492	14054
8649 Revoked in part by PLO 5534	42552
8780 Revoked in part by PLO 5534	42552
8892 See PLO 5493	14315
10289 Revoked in part by EO 11825	1003
10480 See EO 11879	43197
10896 Revoked by EO 11825	1003
10905 Revoked by EO 11825	1003
10973 Amended by EO 11841	8933
11037 Revoked by EO 11825	1003
11075 Revoked by EO 11846	14291
11106 Revoked by EO 11846	14291
11113 Revoked by EO 11846	14291
11126 (Council continued by EO 11827)	1217
11145 (Committee continued by EO 11827)	1217
11183 (Commission continued by EO 11827)	1217
11287 (Committee continued by EO 11827)	1217
11342 (Committee continued by EO 11827)	1217
11415 (Committee continued by EO 11827)	1217
11466 Superseded by EO 11867	26253
11472 (Committee continued by EO 11827)	1217
11476 Amended by EO 11835	4247
11491 Amended by EO 11838	5743, 7391
11562 (Council continued by EO 11827)	1217
11583 (Council continued by EO 11827)	1217
11616 See EO 11838	5743, 7391
11625 (Council continued by EO 11827)	1217
11636 See EO 11838	5743, 7391
11643 Amended by EO 11870	30611
11652 Amended by EO 11862	25197
See Memorandum of August 17, 1975	40139

	Page
11667 (Committee continued by EO 11827)	1217
11753 (Council continued by EO 11827)	1217
11756 See EO 11824	751
11758 Amended by EO 11867	26253
11768 Amended by EO 11831	2413
Amended by EO 11843	12639
Superseded by EO 11861	22532
11776 (Committee continued by EO 11827)	1217
11784 Superseded by EO 11867	26253
11789 Revoked by EO 11846	14291
11803 Amended by EO 11837	4895
Amended by EO 11842	8935
Amended by EO 11857	20261
Amended by EO 11878	42731
11804 See EO 11878	42731
11807 (Council continued by EO 11827)	1217
11808 Revoked in part by EO 11846	14291
Amended by EO 11865	25663
11809 See EO 11849	14887
11814 Amended by EO 11855	19423
11824	751
11825	1003
11826	1004
11827	1217
11828	1219
Amended by EO 11848	14885
11829	1497
Amended by EO 11853	17537
11830	2411
11831	2413
11832	2415
11833	2673
Revoked by EO 11863	25431
11834	2971
11835	4247
11836	4255
11837	4895
Amended by EO 11842	8935
See EO 11857	20261
11838	5743, 7391
11839	7351
11840	7353
11841	8933
11842	8935
See EO 11857	20261
11843	12639
11844	13295
11845	13299
11846	14291
11847	14568
11848	14885
11849	14887
11850	16187
11851	16645
11852	17239
11853	17537
11854	18391
11855	19423
11856	20259
11857	20261
11858	20263
11859	20265
11860	22121
11861	22531
Amended by EO 11864	25579
Amended by EO 11872	30619
Amended by EO 11877	40797
11862	25197
11863	25431
11864	25579
Superseded by 11877	40797
11865	25663
11866	26015
11867	26253
11868	26255
Amended by EO 11873	30617
11869	26979
11870	30611
11871	30615
Corrected	30915
11872	30619
11873	30617
11874	31737
11875	33961
11876	40501
11877	40797
11878	42731
11879	43197

Memorandums

	Page
January 2, 1973 Amended by Memorandum of May 20, 1975	24889
Amended by Memorandum of August 5, 1975	37205
April 26, 1973 Amended by Memorandum of May 20, 1975	24889
Amended by Memorandum of August 5, 1975	37205
December 13, 1973 Amended by Memorandum of May 20, 1975	24889
Amended by Memorandum of August 5, 1975	37205
October 29, 1974 Superseded by Memorandum of December 31, 1974	4257
Amended by Memorandum of May 20, 1975	24889
Amended by Memorandum of August 5, 1975	37205

CODE

XUM

Title 3, Memorandums—Continued

Page

December 30, 1974 ---- 1221
December 31, 1974 ---- 4257
January 10, 1975 ---- 4258
January 29, 1975 ---- 4631
March 24, 1975 ---- 15377
March 31, 1975 ---- 18393
April 24, 1975 (Pres. Det. No. 75–15) ---- 20605
April 24, 1975 (Pres. Det. No. 75–16) ---- 20607
April 25, 1975 ---- 20609
May 9, 1975 ---- 21927
May 9, 1975 (Pres. Det. No. 75–18) ---- 23433
May 20, 1975 (Pres. Det. No. 75–20) ---- 24887
May 20, 1975 (Pres. Det. No. 75–21) ---- 24889
Amended by Memorandum of August 5, 1975 ---- 37205
May 22, 1975 ---- 24891
June 26, 1975 ---- 31199
June 30, 1975 (Pres. Det. No. 75–25) ---- 31201
June 30, 1975 (Pres. Det. No. 75–26) ---- 31203
June 30, 1975 (Pres. Det. No. 75–27) ---- 31205
August 5, 1975 ---- 37205
August 17, 1975 ---- 40139

Other Presidential Documents

International trade negotiations, notice of ---- 2659

Chapter I—Executive Office of the President

Chapter redesignated from Chapter V ---- 24993
101 Added ---- 8061

Chapter V—Executive Office of the President

Chapter redesignated as Chapter I ---- 24993

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

10.1 (b) amended; (c) removed ---- 36297
10.3 (b)(3) revised ---- 36297
10.5 (d) revised ---- 36297
10.6 (c)(6) and (7) amended; (c)(8) added ---- 36297
10.9 Heading and (c) revised ---- 36297
10.10 (c)(9), (e) and (f) added; (c)(6)(i) revised; (c)(6), (7), and (8) amended; (d) corrected ---- 36298
10.12 (a) revised ---- 36298
20 Revised ---- 17979
54.6a Revised ---- 27929
91.1 Revised ---- 36099
91.2 (a) and (b) revised ---- 36099
91.3 (b) revised ---- 36099
91.4 (b) amended ---- 36099
91.5 (a) revised; (d) removed ---- 36099
92.1 Amended ---- 36099
92.2 Amended ---- 36099
92.3 Heading and introduction amended; (d) revised ---- 36099
92.4 Amended ---- 36099
92.7 Amended ---- 36099
92.8 Amended ---- 36099

Chapter III—Cost Accounting Standards Board

303.5 Revised ---- 4445, 18541
Corrected ---- 5135
303.6 Corrected ---- 5135
303.9 Revised ---- 4445, 18541
351.40 (a) removed; (e) and (f) added ---- 32749
Technical correction ---- 33819
351.41 Removed ---- 32749
351.50 (a) and (c) revised; (d) added ---- 32749
351.120 (d) revised; (e) added ---- 32749
400.1 (a) amended ---- 4259, 19429, 43873
403.70 Revised ---- 32750
(a) corrected ---- 33819
408.80 (a) revised (effective date added) ---- 14737, 15865
409 Added ---- 4264
409.50 (i) and (j)(1) corrected ---- 8321
409.60 (f) corrected ---- 8321
409.80 (a) revised (effective date added) ---- 15865
411 Added ---- 19428
411.80 (a) revised ---- 32823
412 Added ---- 43878

Title 4—*Proposed Rules:*

10 ---- 16686
351 ---- 14942
410 ---- 41801
412 ---- 19486

Page

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

Page

6.8 Added by EO 11839 ---- 7351
9.11 Added by EO 11839 ---- 7351
Amended by EO 11856 ---- 20259
151.101 Revised ---- 4267, 42733
151.111 Revised ---- 4267, 42733
151.121 Revised ---- 4267, 42733
151.122 Revised ---- 4267, 42733
151.123 Removed ---- 4267, 42733
180.107 (a)(1) revised ---- 12251
213.3102 (r) revised ---- 23835
(gg) added ---- 26991
213.3105 (b)(9) revised ---- 33963
213.3107 (g)(2) and (5) revised ---- 41993
213.3110 (c)(2) added ---- 3405
213.3113 (d)(1) revised ---- 7081
(e)(6) added ---- 44111
213.3114 (b)(4) added ---- 7434
(h)(10) and (11) revised ---- 28047
213.3130 (c) revised ---- 2173, 2452
213.3137 (b) removed ---- 21929
(c) added ---- 28806
213.3172 Removed ---- 7433
213.3182 (a)(1) removed; (a)(29) added ---- 8061
213.3194 (d)(4) added ---- 12251
213.3199 (r) added ---- 2436
(s) added ---- 28047
(n)(1) revised ---- 30086
(r)(1) revised ---- 41755
213.3203 Removed ---- 18751
213.3206 (a)(5) added ---- 41755
213.3209 (a) removed ---- 17243
213.3214 (c)(1) revised ---- 3405
213.3272 Added ---- 7433
(b) added ---- 24353
(a) revised ---- 24893
(c) added ---- 41755
213.3273 Added ---- 18751
213.3303 (k) removed ---- 18751
(b)(1) revised ---- 23988
(d)(2) added ---- 24893
(a)(8) revised; (a)(15), (c), (d), (e), (f)(2), and (j) removed ---- 26669
(f)(2) revised ---- 39835
213.3304 (a)(18) removed ---- 18752
(w) removed ---- 19429
(a)(15), (c)(1), (1), and (x) removed ---- 26669
(h)(3) added ---- 32109
(d) added ---- 28445
213.3305 (a)(57) and (58) added ---- 1499
(a)(59) added ---- 3285
(a)(39) revised ---- 5747
(a)(60) added ---- 7433
(a)(61) added ---- 8061
(a)(16) and (38) revised ---- 8937
(a)(7) added ---- 12767
(a)(5), (23), (29), and (44) removed ---- 17243
(a)(21) added ---- 24993
(a)(51) amended; (a)(62) added ---- 26017
(a)(9) and (13) revised; (a)(11), (15), (24), (33), (43), (56), (c)(4), and (f)(3) removed ---- 26669
(a)(34) added ---- 38139
(a)(63) added ---- 42527
213.3306 (a)(14) added ---- 1681
(a)(17) added ---- 5747
(a)(18) added ---- 5747
(a)(19) added ---- 8937
(a)(20) added ---- 13195
(a)(21) added ---- 14053
(a)(22) added; (a)(42) removed ---- 15379
(a)(15) removed ---- 17539
(a)(2) revised ---- 23988, 26669
(a)(6) and (b)(1) revised; (a)(4), (13), (33), (39), (41), (46), (55), and (e)(3) removed ---- 26669
(a)(67) added ---- 28445
(a)(34) added ---- 29067
(a)(13) added ---- 32823
(a)(36) added ---- 34583
(a)(38) added ---- 38139
(a)(68) added ---- 42527
(a)(69) added ---- 43211
213.3308 (a)(9) revised ---- 1681
213.3310 (s)(1) revised ---- 7434
(x) added ---- 11859
(s)(3) revised ---- 13195
(a)(4) revised ---- 18751
(x)(1) revised ---- 21929
(l)(1) revised ---- 23718
(a)(1) and (5) and (r)(5) revised; (a)(6) and (9), (b)(7), (e)(1), (f), (k), (p), (s)(2), (8) and (10), (u)(2) and (v) removed ---- 26669
(a)(1) revised; (a)(10) added ---- 27930
(d)(1) removed ---- 32823
(v) added ---- 42527
(f)(1) revised ---- 42733

Title 5, Chapter I—Continued

Page

213.3312 (a)(5) revised 1681
(a)(16) added; (a)(18) revised 4415
(a)(2) revised 5747
(a)(43) added 6475
(a)(23), (31), and (42), (h)(5), (k)(4) and (m)(4) removed 26670
213.3313 (h)(4) revised 2575
(a)(9) revised; (e)(3) added 15379
(a)(28) added 18751
(b)(4) revised 22533
(k)(1) removed 23271
(c)(6) revised 23987
(a)(25), (26) and (36) removed; (c)(7), (m)(3) and (q) revised 26670
(c)(8) added 32727
(a)(13) added 42527
213.3314 (a)(26) revised; (m)(15) removed 4633
(a)(11) revised 8061
(a)(10) revised 11859
(q)(1) amended; (q)(12) added 12767
(q)(9) revised 17243
(m)(20) added 18541
(h)(10) and (11) and (m)(18) revised 22533
(a)(9) revised 23987
(a)(32) and (33) added 26669
(a)(3), (17), (22) and (m)(10) revised; (a)(12), (16), (27), (30), (h), (I)(1), and (q)(11) removed 26670
(u) added 29811
(u)(2) added 31591
(u)(1) revised; (u)(3) added 38139
213.3315 (a)(1) revised 23988, 24517
(a)(21) amended; (a)(38) and (39) added 26017
(a)(1) revised; (a)(23), (25) and (32) removed 26670
(a)(40) and (41) added 26672
(f)(2) revised 28445
(a)(29) revised; (a)(42) added 32727
(j) added 38139
213.3316 (r)(7) added 11859
(m)(1) revised 23718
(c)(2) added 24893
(i) heading and (i)(2) revised 25433
(a)(6) and (11), and (o)(3) revised; (a)(3), (5), (14), (22), (33), (c)(1) and (8), (f)(3), (h)(7) and (8), (k)(1) and (5), (l)(3), (m)(3), (n)(9) and (13), and (o)(6) removed 26670

Page

(n)(15) and (16) added; (o)(5) removed 27929
(g)(3) added 38139
(f)(13) added 42527
(a)(20) added 42734
(a)(34) and (35) added 43211
213.3317 (b) removed 26670
213.3318 (a)(1) revised 11859
(d) revised 24893
(a)(4) and (b)(3) revised; (a)(10), (d)(2) and (f) removed 26670
213.3326 Removed 26670
213.3327 (a)(10) amended 2173, 2452
(b)(2) removed 2173, 2452
(a)(6), (8), and (10) revised 17243
(a)(1) revised; (a)(8) added 42527
213.3328 (i), (j) and (k) removed 26670
213.3329 (f) revised 23988
(e) revised; (i) removed 26670
213.3330 (d) revised; (h) added 14053
213.3332 (p) revised 17539
(l) added 19429
(c) revised 23718
(o) revised 23988
(e) revised; (k) and (v) removed 26671
213.3334 (b) and (c) revised 23988
213.3337 (a)(6) and (b)(2) revised; (f)(3) and (g) removed 26671
(h)(3) revised 28806
(a)(18) added 31591
213.3339 (f) added 10655
(f) revised 11859, 15379, 36759
(g) added 17539
(a) revised 23718
(d) removed; (h) added 23719
(i) added 26017
(j) and (k) added 32727
(l) added 37027
213.3340 (d) and (e) removed 26671
213.3341 (f) added 21929
(a) and (b) revised 23718
(h) removed 26671
213.3342 (h) revised 4415
(d) revised 5493, 17243
(n) added 15379
(l) revised 24893
(e) removed 26671
(o) added 31925
(p), (q), and (r) added 34583
(k) removed; (l) revised 38139
213.3343 (a) removed; (b), (c), (d), and (e) revised 19799
213.3344 (d) removed 26671
(a) revised 39835

Page

213.3345 (a) revised 17539
213.3346 (b) removed 26671
213.3348 (k) and (l) removed 26671
213.3354 (d) revised 11859
213.3355 (c) revised 26671, 29067
213.3357 (c) added 18571
213.3359 (o) revised 7434
(r) added 11859
(s) added 12767
(m) removed; (o) added 17243
(a) revised; (e), (f), (h), (i), and (n) removed 26671
(r) revised 27639
(c) removed; (q) revised 38139
213.3360 (a) revised 7434, 26671
(d) added 29812
213.3364 (g) and (h) removed 28445
213.3367 (b) revised 22533
(a) and (b) revised 26671, 30086

Page

213.3373 Added 18751
(c)(3) revised 24517
(a)(1) removed; (f)(1) revised 25433
213.3376 (a) revised 26671
213.3377 (h) added 7434
(a) revised; (e) removed 26671
(e) revised 29067
(a) revised 30086
(i) added 33963
213.3379 Added 18751
(d) added 23717
(e) and (f) added 23989
(g) added 26017
(g) revised 28047
(h) added 29067
(i) correctly designated 30086
(j) added 30269
(k) added 33963
213.3382 (c), (d), and (f) removed 26671
213.3384 (a)(58) added 3405
(b)(10) revoked; (b)(15) added 3405
(b)(11) removed; (b)(16) added 11705
(b)(3) and (12) revised 13301
(a)(31) revised 17539
(a)(19) and (26) revised; (a)(42), (48), (50), (52), (b)(3), (13), (f)(1), (2), (5), (g)(2), and (i)(3) removed 26671
(j)(3) added 29812
(a)(12) revised 37027
213.3386 Revised 26671
(c) revised 29067
(a) revised 32727

Page

213.3388 (e)(2) added 1681
(d)(3) added 6475
(a)(1) removed; (a)(3) added 8937
(j)(2) added 11705
(e)(2) revised 16189
(d)(2) amended; (d)(4) added 21929
(e) removed 26671
(c)(2) added (reinstated) 27640
(k) added 42734
213.3394 (a)(17) revised 11860
(d)(2) added; (b)(1) revised 13195
(a)(2) revised 15379
(a)(22) and (30) revised; (a)(46) added 23718
(a)(7), (11), (13), (41), and (43) revised 23988
(a)(15), (19), (39), (40), and (e)(8) removed 26671
(a)(8) added 42734
213.3399 (b)(6) added 4415
(a) removed 26671
293.101—293.114 (Subpart A) Added 45094
294 Revised 38140
294.101—294.110 (Subpart A) Revised 8061
294.105 (a) amended 2436
297 Added 45094
300.102 Revised 15379
300.103 Revised 15380
300.104 Revised 15380
302 Authority citation revised 23835
302.101—302.104 (Subpart A) Heading revised 23835
302.103 Revised 23835
302.104 Revised 23835
302.105 Added 23835
302.202 Revised 15380
302.301—302.304 (Subpart C) Heading revised 23835
302.303 (b)(3) added; (c) revised 23835
307 Heading and authority citation revised 28445
307.101 (c) revised 28445
(d) removed 44111
307.102 (b) revised 28445
307.105 Revised 28445
315.806 (a) and (b)(1) revised 15380
316.302 (c) revised 44539
330.201 (e) revised 23836
330.301 (c) revised 23836
330.701 Revised 23836
338.601 Revised 42734
351.701 (c) added 23836
352.310 (a)(1) revised 1223
353 Revised 23836
410.302 (c) revised 42734

58-120 O - 75 - 2

CODE

XUM

Title 5, Chapter I—Continued

Page

511.201 (b) amended 27223
511.611 Revised 36298
531.404 (c) revised 23838
531.509 Revised 23839
534.202 (b) amended 27223
550.361 Revised 31207
550.704 (d) revised 23838
550 Appendix A amended 7434
551 Added 27640
731.201 Revised 28047
731.202 Added 28047
731.301 Amended 28048
731.302 Amended 28048
731.303 Amended 28048
731.304 Amended 28048
731.401 Amended 28048
735.207 Revised 7435
752.104 (c) added 42734
752.202 (f) corrected 12251
(f)(3) revised 36298
752.304 (b)(2) revised 42734
754.105 Revised 36298
771 Heading revised 36298
772.301 (a) amended 23839
772.306 (a) introductory text revised 42734
831.1201 Revised 37027
831.1204 Heading and (b) revised; (c) added 27439
831.1205 Revised 27439
870.401 (a) and (b) revised 5747
890.103 (d) removed 25433
890.105 Revised 25433

Page

890.204 Added 14570
1001.735–205a Added 5347
1001.735–401 Revised 14571

Chapter III—Office of Management and Budget

1303 Added 7346
Revised 32728

Chapter XIV—Federal Labor Relations Council and Federal Service Impasses Panel

2401 Revised 8165
2401.2 (a) corrected 10951
2411 Revised 43880
2413 Added 43884

Title 5—*Proposed Rules:*

293 22842
294 3313
297 22842
302 7465

Page

330 7465
353 7465
531 7465
550 7465
736 37051
890 4444
1302 3477, 34165
2401 2214
2411 21488
2413 21488
2470 31636
2471 31636

TITLE 6—ECONOMIC STABILIZATION

602 Adoption, and continuation in effect, of Chapters I, V, and VI 3572

Chapter VII—Council on Wage and Price Stability

Chapter established 7233
701 Added 7233
702 Added 7234

Title 6—*Proposed Rules:*

703 39013

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

1.1—1.16 (Subpart A) Revised 7341
1.110—1.121 (Subpart G) Added 39519
Appendix A added 44480
1.123 Revised 45103
2.5 Revised 36570
2.15—2.28 (Subpart C) Heading revised 12798
2.15 Heading revised 12798
(c)(2) revised 33023
(b) removed 41085
2.17 (h) added 33023
(a)(3)(ix), (xxiv), (xxvii), and (xxix) revised; (a)(3)(xxx) added 39844
(a)(5) added 44111
2.19 (a)(24) and (25) added 2991
(c)(12) removed; (i) added 33023
2.21 (a)(32) added 3285
(d)(23) added 2420
(d) (11), (12), (19), and (21) revised 12798
(a)(3), (5), (10), (14), (21), (23), (28), (29), and (30) revised; (a)(11) removed 18752

Page

(a)(10) removed; (f) added 33024
(d)(10) revised 41993
(a)(18) revised; (a)(19) removed; (d)(24) and (25) added 44111
2.22 (a)(5) removed 18752
2.23 (e) added 33024
2.25 (f)(1)(xi) removed 2419
(f)(1)(xiv) added 3285
(h)(1) revised 5135
(e)(9)(xxv) revised 31941
(j) added 33024
(b)(14) revised; (b)(15) amended 41085
2.27 (f) added 33024
(b)(12) added 41086
(b)(11) and (c)(7) added 44111
2.31 (o) revised 33024
2.32 (d) revised 33024
2.33 (h) added 2419
2.37 Added 12798
2.45 Removed 41086
2.46 (a)(1) amended; (a)(7) revised 33024
2.49 Added 3572
2.50 (a)(3)(xxx) added 33024
(a)(3)(ix), (xxiv), (xxvii), (xxix), and (xxx) revised 39844
(a)(6) added 44111
2.51 (a)(30) added 33024
2.53 (a)(6) added 33024
2.57 (a)(23) revised; (a)(24), (25) and (26) added 2991
(a)(27) added 33024
2.58 (a)(8) added 33024
2.59 (a)(11) revised 33024
2.60 (a)(20) added 33025
2.62 (a)(8) added 33025
2.65 (a)(32) added 3285
(a)(3), (5), (10), (14), (21), (23), (28), (29), and (30) revised; (a)(11) removed 18752
(a)(10) revised 33025
(a)(18) revised; (a)(19) removed 44111
2.68 (a)(23) added 2420
(a) (11), (12), (19), and (21) revised 12798
(a)(24) added 33025
(a)(1) revised 41993
(a)(25) and (26) added 44111
2.70 (a)(1) revised; (b)(2) added 17829
(a)(14) added 33025
2.72 (a) revised 17829, 33025
2.74 Added 6313

Page

2.75 (a)(1)(viii) added 33025
(a)(15) and (16) added 41086
2.76 (a)(2) removed 4415
2.78 (a)(9)(xxv) revised 31941
(a)(14) added 33025
2.79 (a)(1)(i) revised; (a)(5) added 4415
(a)(1)(ii) revised 2419
(a)(1)(xi) removed 2419
(a)(1)(xiv) added 3285
(a)(6) added 33025
2.80 (a)(8) added 2419
(a)(9) added 5135
2.81 (a)(5) added 41086
2.86 (a)(10) added 33025
(a)(11) added 41086
(a)(10) added 44111
2.87 (a)(7) added 33025, 44112
6.16 Revised 2791, 16069
6.32 Revised 29261
6 Appendix 1 amended 2791, 16069
16 Added 31227
20 Revised 23839
20.6 (e) revised 11345
24.2 Amended 32109
24.6 Revised 32109
24.10 (d) revised 32109
25 Added 42171
25A Added 42176

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

26.1 (b)(40) added 32944
26.6 (a) introductory text revised; (1) added 32944
26.9 Heading revised; (e) added 32944
26.10 (c) revised 32944
26.11 (a)(2) and (b) revised 32944
26.13 (a) and (c) revised 32944
26.14 (b), (c), (d), and (e) revised; (f) removed 32945
(b)(4) corrected 34349
26.15 Revised 32945
26.30 (a) and (c) revised 32946
26.55 (b)(2) implemented; eff. 8–8–75 28785
26.57 Implemented; eff. 8–8–75; (f) revised 28785
26.61 (a) and (f) revised 32946
26.85 (b) revised 32946
26.87 (b), (c), (d), and (e) revised 32946
26.97 (a)(16) added 32947
26.100 (d) revised; (j) added 32947

Title 7, Chapter I—Continued

	Page
26.101 Heading, (a) and (c) revised	32947
(c)(2) corrected	34349
26.110 (d)(1) and (3) revised	32948
26.114 (a) revised	32948
26.201—26.211 Revised (eff. 11–1–76)	33428
29.122 Revised	44112
29.123 Revised	44112
29.9221 Revised	42528
29.9233 Revised	42528
29.9252 Revised	44112
29.9261 Revised	42528
29.9401 (c), (d), and (e) added	31592
29.9404 (a) revised	24174
(a)(3) revised	30917
29.9406 (b) revised; (d) added	24174
29.9407 Added	31592
50 Revised	36100
51.1860 (d) added	2791
51.2150—51.2161 (Subpart) Added	15381
52.631—52.642 (Subpart) Revised	15891
52.634 (c)(1) corrected	25799
52.636 (a)(2) and table corrected	19429
52.637 (a)(9) corrected	18753
Table IV corrected	25799
52.638 (a) corrected	25799
52.639 (a)(1)(ii) corrected	25799
52.1251—52.1264 (Subpart) Revised	15897
52.2321—52.2332 (Subpart) Revised	15900
52.6321—52.6332 Added	13195
53.29 (c) amended	25581
53.102 Revised	11538
53.104 Revised	11541
53.105 Revised	11543
53.203 Revised	11543
53.204 Revised	11544
53.205 Revised	11545
53.206 Revised	11545
55.11 Added	20055
55.140 Revised	20055
55.300 Revised	20055
55.310 (a) and Fig. 1 revised	20055
55.330 (a) and (c) revised	20055
56.1 Amended	20055
56.6 Revised	20055
56.35 Revised	20055
56.36 (a) (1) and (2), (b) (1) and (2), and Fig. 1 revised	20055
56.38 Revised	20056
56.43 (e) removed	20056
56.64 (c) revised	20056
56.76 (e) revised	20056
56.230 Revised	20056
56.231 Table I revised	20056
59.5 Amended	20057
59.16 Removed	20057
59.17 Added	20057
59.28 (a)(1) revised	20057
59.45 (b) revised	20057
59.100 Introductory text and (c) and (f) revised; (i) removed	20057
59.105 (a) revised	20057
59.124 Revised	20058
59.160 (d) and (e) revised	20058
59.410 Revised	20058
59.411 (a), (b), and (c)(1) revised; (e) redesignated as (f); new (e) added	20058
59.412 (a) and Fig. 1 revised	20058
59.417 (a) and (c) revised	20059
59.430 (b) revised	20059
59.500 (h) revised	20059
59.504 (c) revised	20059
59.510 (d)(2) revised	20059
59.515 (a) revised	20059
59.522 (o) and (aa)(3) revised	20059
59.522 (o) corrected	20941
59.690 Revised	20059
59.720 (a)(4) revised	20059
59.800 Revised	20060
59.801 Added	20060
59.930 (c) amended	20060
59.940 Revised	20060
68 Interpretation	33649
68.201—68.213 (Subpart C) Revised	10472
68.202 Revised	10472
(c)(2) and (3) corrected	21467
68.210 Table corrected	12987
68.406 Footnote 4 corrected	21467
70.90 Revised	20060
70.91 (b)(1) and Fig. 1 revised	20060
70.356 Introductory text and (d) revised; (j) added	20060
102.19 Revised	19011
102.27 Revised	19011
102.44 Revised	19011
102.57 Revised	5347
102.61 (c) revised	5347
102.67 (g) revised	19011
106.55 Revised	6475, 11860
106.59 (e) added	6475
180.5 (a)(3) added	42851
180.18 (a) revised	1027
180.19 Revised	1027

Chapter II—Food and Nutrition Service, Department of Agriculture

	Page
210.2 (n–2) added	30918
210.4a (b)(4) and (5) amended; (b)(6) and (7), and (f) added	30918
210.5 Revised	30918
210.7 (a) revised	30918
210.8 (b), (d)(1) and (3) and (e)(13) and (14) revised; (e) introductory text and (10) amended; (e)(16) and (17) added	30919
210.10 (a)(2) revised	30919
210.13 (a)(b–1), and (e) amended; (b) revised; (d) removed	30919
210.14 (a), (e), (g)(1) and (2), and (i) revised; (a–1), (a–3), and (g)(3) and (4) amended; (b) and (f) removed	30919
(a)(4) corrected	31941
210.15 Revised	30920
210.15a (b) and (c–1) amended; (c) revised; (d) removed	30920
210.16 (a) and (d) revised; (b) removed	30920
210.17 Heading and text revised	30920
210.19 (a) amended	30920
210.19a Added	30920
210.20 (a) revised; (f) added	42735
210 Appendix A amended	37027
215 Appendix revised	3573
215.16 (a) revised; (f) added	42735
220.1 Amended	30923
220.2 (c) revised; (o–1) redesignated (o–2); (b), (c–1), (k–1), (o), (o–1) and (o–3) added	30923
220.4 (d) amended	30923
220.5 Revised	30923
220.6 Revised	30923
220.7 (b), (d)(3), and (e)(6), (12) and (13) revised; (e) introductory text amended; (e)(14) and (15) added	30923
220.8 (a)(3) and (b)(1) revised; (e) amended	30923
220.9 Revised	30923
220.11 (b) and (c) revised; (e) amended; (d) removed	30924
220.16 (a) revised; (c) amended; (c)(4) added	30924
220.18 Revised	30924
220.19 Revised	1499
220.21 (d) added	30924
220.22 Removed	1499
220.24 (a) removed; (e) and (i) amended; (b–1) and (j) added; (b), (f), and (g) revised	30924
220.25 (a) revised; (b) removed	30925
220.26 Heading and text revised	30925
220.26a Added; eff. 7–1–77	30925
220.26b Added	30926
220.28 (a) amended	30928
220.29 (a) revised; (f) added	42735
220 Appendix revised	3405
Appendix C revised	17148
Appendix A amended	37027
225 Effective date statement corrected	40505
225.10 (f) added	20612
225.23 (a) revised; (f) added	42735
225 Appendix revised	3406
Appendix A amended	37027
246.2 (p)(1)(iii) and (v) corrected	3573
246.3 (b) corrected	3573
246.4 (b) corrected	3573
246.12 (b) corrected	3573
246.13 (a)(1)(i) and (2)(i) corrected	3573
246.14 (g) corrected	3573
246.15 (c) removed	27930
246.16 (a) corrected	3573
(c)(1) revised; (c)(6) added	42735
250 Authority citation revised	3757
250.1 (b)(6) revised, (15) amended, and (16) and (17) added	3757
250.4 (b) revised	3758
250.6 (e)(5) amended	31941
250.8 (b)(3) revised	3758
250.11 Amended	42736
Subchapter C (Parts 270—274) Republished	1882
270 Republished	1882
270.2 (nn) removed	16069
(a) amended	43017
(jj) amended	43479
270.5 (b)(1) revised; (b)(6) added	42736
271 Republished	1884
Amended	5747, 5748, 5749, 5750, 5751
271.1 (k) revised	16069
(h) revised	29532
271.3 (e) added	2205
271.4 (a)(5) removed; (a)(6) through (a)(8) redesignated as (a)(5) through (a)(7)	29532

Title 7, Chapter II—Continued

Page

271.6 (d) introductory text and (3) revised ... 16321
(d)(2) revised ... 29701
(i) added ... 36759
271.7 (b), (c), (d), and (e) redesignated as (c), (d), (e), and (f); (b) added ... 16321
271.8 (f) added ... 33195
271.9 (a) and (d) revised ... 8937
(a) revised ... 28786
271.10 (a) and (c)(1)(i) revised ... 43017
272 Republished ... 1894
272.2 (d) revised; (e) amended ... 8938
(d) and (e) revised ... 28786
272.4 (d) added ... 28787
272.5 (a) revised ... 28787
272.7 (d) redesignated as (e); new (d) added ... 28787
273 Republished ... 1897
274 Republished ... 1899
275.10 Revised ... 29532
295 Revised ... 23719

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

301.45–2c Revised ... 16070
301.48–2a Revised ... 1223
301.52–2a Amended ... 11705
301.72—301.72–10 Removed ... 21693
301.72–2a Revised ... 8764
Corrected ... 12469
Removed ... 21693
301.80–2a Revised ... 19430
Corrected ... 21023
301.81–2a Amended ... 33026
331.3 (Subpart) Removed ... 16072
331.4 (Subpart) Removed ... 17539
354.2 Revised ... 4898
Table amended ... 12646, 19633, 19828, 30621, 41513, 43479
Table corrected ... 44822
370 Revised ... 43223

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

401 Appendix amended ... 7893
401.101 Appendix amended ... 1701, 1703, 15905, 44539, 44540
401.103 (a) table amended ... 23435
401.125 Amended ... 8771, 23435
401.126 Amended ... 8770
401.130 Amended ... 8771
401.135 Revised ... 25434
401.140 Revised ... 44823
401.149 Revised ... 22823
403 Revised ... 44824
406.6 Amended ... 23435, 23436
410.1 Appendix amended ... 15905
411.1 Appendix amended ... 44540
412 Revised ... 24993
412.2 Corrected ... 26257
412.4 Corrected ... 26257

Chapter V—Agricultural Research Service, Department of Agriculture

510 Revised ... 24893

Chapter VI—Soil Conservation Service, Department of Agriculture

612 Added ... 12067
613.4 Added ... 17149
Subchapter C (Parts 620—624) Established ... 12469
620 Added ... 12472
621 Added ... 12473
621.44 Corrected ... 20941
622 Added ... 12475
622.15 (f)(1)(i) corrected ... 20941
622.31 Corrected ... 20941
623 Added ... 12480
624 Added ... 12480
650 Appendix I revised ... 10952

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

Subchapter B (Parts 711–731) Heading corrected ... 7619
719 Revised ... 44112
722.404 (f)(1)(i), (3), (8), and (9) revised ... 28601
722.406 (h)(3) and (4) amended ... 28601
722.408 (a)(2) removed; (a)(3), (4) and (5) redesignated as (2), (3), and (4) ... 28601
722.416 (a) amended ... 28601
722.418 Amended ... 28601
722.421 (h) removed; (i) redesignated as (h) ... 28601
722.467 Revised ... 2992
(b)(2) corrected ... 6761
722.564 Heading and text revised ... 1704

Page

722.701 (e), (f), and (g) revised ... 34349
722.703 (b) revised ... 34349
722.704 (f) added ... 34349
722.709 (a) amended; (c) removed ... 34349
722.720 Heading and text revised ... 34349
722.802 (d) through (j) redesignated as (e) through (k); new (d) added ... 44303
722.804 (b) revised ... 44303
722.805 (b)(2) revised ... 44303
722.808 Heading and text revised ... 44303
722.809 (e) removed; (f) through (k) redesignated as (e) through (j); (a) and new (f) amended; (b) and new (j) revised ... 44303
722.813 Revised ... 44304
724.6—724.17 (Subpart) Revised ... 5137
724.12 Revised ... 5137
(c), (f), and (g) corrected ... 7619
(d) and (e) amended; (f) and (g) revised ... 25200
724.15 Revised ... 5137
(d) and (e) amended; (f) and (g) revised ... 25200
724.17 Revised ... 5137
(d) and (e) amended; (f) and (g) revised ... 25200
724.26 Revised ... 14737
724.27 Revised ... 14737
724.36 Undesignated center heading and section revised ... 25200
725.50—725.115 (Subpart) Heading revised ... 41514
725.51 (e–1) and (z–1) added ... 41514
725.72 (a), (c), (d), and (l) revised; (q) removed ... 41514
725.73 Revised ... 41515
725.75 (a) and (d) revised ... 41515
725.86 Removed ... 41515
725.87 (a)(1) and (d) revised; (g) removed ... 41515
725.89 (c) amended ... 41515
725.92 (b) revised ... 41515
725.94 (c) and (d) revised ... 41515
725.98 (f), (g) and (l) revised ... 41515
725.113 (b) revised ... 41516
725.114 Heading and text revised ... 41516
725.115 (b)(1) amended ... 41516
726.11 Revised ... 4633
(a) corrected ... 6475
726.68 (b)(1) revised; (y) added ... 24994
728.4b Added ... 16831
729.105 Revised ... 4276
729.106 Revised ... 14053
730.62 (b)(3) revised ... 20061
730.69 (b)(1) and (g) revised; (b)(5) added ... 20061
730.72 (a) amended ... 20061
730.80 (b)(1) and (g) revised; (b)(4) added ... 20061
730.1501—730.1503 Revised ... 1027
730.1504 Revised ... 1028
731.2 Amended ... 14602, 22534
760.105 (d) revised ... 29067
780.11 (a) revised ... 27641
798 Revised ... 34583

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

873.32 (d) revised; (r) added ... 16072
873.36 Added ... 16072
874.35 (a) revised ... 1028
877 Revised ... 6761

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

900.500—900.504 (Subpart) Revised ... 20267
905.555 (b)(7) and (8), and (c) revised ... 2792
(b) (5), (7), and (8) and (c) amended ... 12647
(b)(9) revised ... 25799
905.556 (b)(3) amended ... 11345
(b) (1) and (3) revised ... 20062, 21467
905.557 (b)(1) revised ... 12647
905.558 (b)(1) revised ... 12647
905.559 (b)(7) and (8), and (c) revised ... 2792
(b)(13) revised ... 11346
(b) (5), (7), (8), (15), and (17) amended; (c) revised ... 12647
(b)(11) revised ... 20062, 21467
(b)(13) revised ... 21467
(b)(9) revised ... 24174, 25799
905.560 Added ... 42318
905.561 Added ... 42319
905.562 Added ... 42319
905.563 Added ... 42317
906.120 (b) corrected ... 3286
907.212 Added ... 3285
908.214 Added ... 16321
908.787 Added ... 8772

(CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1975)

Title 7, Chapter IX—Continued

		Page
908.788	(a) revised	21024
908.791	(a) revised	21930
909.340	Removed	20611
910.213	Added	44120
910.310	Added	42320
910.311	Added	44121
911.214	Added	25665
911.336	(a)(3) revised	2793
911.337	Revised	24995
915.214	Added	25801
915.305	(a)(1)(viii), (ix), and (x) revised	32306
915.316	(a)(2) amended	2677
915.317	Added	24007
	(a)(2) table amended	26502, 28048, 29069, 29812, 30794, 32823, 33963, 36299, 38145, 41994, 44306
916.213	(a) revised	1500
916.214	Added	31592
916.341	(a) and (b) revised	20064
916.348	Added	21694
	(a)(1) and introductory texts of (a)(2), (3), (4), (5), and (6) revised	28463
916.349	Added	26502
917.121	Added	4012
917.212	Revised	4117
917.213	Added	33196
917.419	(a) (4) and (5) revised	20065
917.436	Added	19634
	(b) introductory text amended	25436
917.437	Added	21695
	(a) introductory text and (b) revised; (c) added	27930
917.438	Added	22535
	(a) and introductory texts of (b) and (c) revised	28602
917.439	Added	32111
918.213	Added	25436
918.317	Added	19828
919.214	Revised	41994
919.316	Added	31593
921.214	Revised	32730
921.312	Added	30622
922.215	Added	32730
922.315	Added	30271
923.215	Added	33028
923.314	Added	27463
924.215	Added	37028
924.313	Added	30929
926.214	(a) amended	8064
926.215	Added	43480
926.312	Revised	33964
	(a) amended	43715
927.105	Revised	42851
927.122	(a) revised	42851
927.125	(b)(3) and (4) removed; (b)(5) and (6) redesignated as (b)(3) and (4)	42852
927.314	Added	36300
928.204	Added	4276
930.104	(c) and (d) revised	27931
930.158	Revised	27931
930.205	Added	31739
930.502	Added	28602
931.310	(b) introductory text revised	43481
932.109	(a) introductory text revised	38146
932.153a	Added	41994
944.15	Added	24008
	(a)(2) revised	29812, 30794
	(a)(4) revised	32824, 36300
944.111	(a) (1), (2), and (3) revised	11346, 14891, 20065
	(a) (1) and (2) revised	21468
944.112	Added	42529
944.204	(a)(3) revised	2793
945.228	Added	42530
945.334	Added	30272
946.103	Added	12988
946.104	Revised	12988
946.228	Added	42530
946.330	Added	32111
947.228	Added	36301
947.333	Removed	32731
947.334	Added	32731
948.273	Added	34114
948.274	Added	34114
948.373	Added	33965
951	Removed	26672
953.212	Added	24354
953.315	Added	23720
958.219	Revised	33649
958.320	Added	32307
959.110	Added	16212
959.111	Added	16212
959.215	Added	3406
966.312	(a)(3)(iii) added	10953
967.211	Added	29534
967.311	Added	33197
971.214	Added	1028
980.114	Added	32308
980.113	Revised	8064
981.71	Suspended	4416
981.72	Suspended in part	4416
981.225	Added	43715
981.324	Removed	43018
981.325	Added	43018
981.441	(d) (5) and (7) suspended	6475
	(b), (c), (f)(3) and (g) revised; (d) (5), (6) and (7) removed	25437

(CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1975)

		Page
981.450	Revised	25438
981.467	(b) revised	25438
981.471	Removed	4416
981.472	(b) revised	25438
981.473	(a), (b), (c), (e) and (f) amended	25438
981.482	Removed	3006
982.224	Revised	8167
982.319	(b) revised	8773
984.437	Revised	12482
984.445	Added	22267
984.450	Revised	22267
984.451	Revised	22267
984.454	Removed	22267
984.456	Revised	22267
984.458	Added	22267
984.460	Removed	22267
984.461	Removed	22267
984.462	Revised	22267
984.464	(b) amended	22267
984.471	Revised	22267
984.472	Revised	22267
984.473	Revised	22267
984.474	Revised	22267
984.476	Revised	22268
984.480	Revised	22268
989.110	Revised	31739
	Corrected	40141
989.201—989.230 (Subpart)	Heading revised	31740
989.211	Added	31740
989.212	Added	31740
989.230	Revised	4417
989.401	(a)(1) and (b) revised	4277
	(c) revised	31740
991.213	Added	14738
991.310	Revised	44121
993.210	(Subpart) Amended	4013
	Redesignated as 993.211 and revised	42531
993.211	(Subpart) Added; redesignated from 993.210 and revised	42531
993.325	Revised	22824
993.400	Added	42531
993.402	Added	42531
999.100	(a)(6), (c)(4) and (d) revised; (b)(1) amended	29263

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

		Page
1001—1099	Certain sections suspended in part Feb.–March 1975	4013
1001	Amended	4636, 6314
	CFR correction	19829
1002	Amended	4637, 6314
	CFR correction	19829
1004	Amended	4636, 6314, 18753
	CFR correction	19829
1006	Amended	4637, 6314
1007	Amended	4637, 6314
1007.15	(a) revised	31942
1007.52	CFR correction	21469
1011	Amended	4637, 6314
1011.44	(c) removed; (d) amended	19634
1011.51	CFR correction	21469
1012	Amended	4637, 6315
1013	Amended	4637, 6315
1015	Amended	4637, 4638, 6315
	CFR correction	19829
1030	Amended	4638, 6315
1030.7	(b)(4) introductory text and (b)(7)(iii) revised	31233, 32113
1030.13	(e)(1) revised	31233, 32113
1030.15	(a) revised	31942
1032	Amended	4638, 6315
1032.15	(a) revised	31942
1032.52	(b) revised	39846
1033	Amended	4638, 6315
	Revised	27464
	Technical correction	30086
1033.7	Corrected	30087
1033.15	(a)(3) corrected	30087
	(b) revised	30794
1033.16	(b) corrected	30087
1033.27	(k) corrected	30087
1033.41	(a)(1) and (2), (b)(1) and (c)(1) and (3) corrected	30087
1033.46	(a)(6)(i) and (9) corrected	30087
1033.51	Introductory text corrected	30087
1033.52	Removed (corrected)	30087
1033.57	(a)(2)(i) corrected	30087
1033.71	(b) corrected	30087
1033.73	Heading and text corrected	30087
1036	Amended	4638, 6315
	CFR correction	19829
1040	Amended	4638, 6316
	CFR corrections	19829
1040.15	(a) revised	31943
1044	Amended	4638, 6316
1046	Amended	4638, 4639, 6316
1046.7	(b) and (c) revised	43716
1046.12	(b)(2) and (3) revised; (b)(4) added	43716
1046.13	(c) revised	43716
1046.15	(a) revised	31943

58-120 O - 75 - 3

Title 7, Chapter X—Continued

Page
1046.44 (a)(7)(v) and (vi) revised; (a)(7)(vii) added 43716
1046.60 (d) revised 43716
1046.73 (a) and (f) revised 43717
1049 Amended 4639, 6316
1049.15 (a) revised 31943
1050 Amended 4639, 6316
1050.15 (a) revised 31943
1060 Amended 4639, 6316
1060.13 (c)(3) suspended, and (c)(1) and (2) suspended in part for July and August 1975 27474
1060.15 (a) revised 31943
1061 Amended 4639, 6316
1061.15 (a) revised 31943
1062 Amended 4639, 6317
1062.15 (a) revised 31943
1062.52 (f) revised 39846
1063 Amended 4639, 6317
1063.15 (a) revised 31943
1064 Amended 4639, 6317, 27641
1064.15 (a) revised 31943
1065 Amended 4640, 6317
1065.15 (a) revised 31943
1068 Amended 4640, 6317
1068.15 (a) revised 31943
1069 Amended 4640, 6317
1069.15 (a) revised 31943
1070 Amended 4640, 6317
1070.15 (a) revised 31944
1071 Amended 4640, 6318
1071.15 (a) revised 31944
1073 Amended 4640, 6318
1073.15 (a) revised 31944
1075 Amended 4640, 4641, 6318
1076 Amended 4641, 6318
1076.15 (a) revised 31944
1078 Amended 4641, 6318
1078.15 (a) revised 31944
1079 Amended 4641, 6318
1079.15 (a) revised 31944
1090 Amended 4641, 6319
1090.15 (a) revised 31944
1094 Amended 4641, 6319
1094.15 (a) revised 31944
1096 Amended 4641, 6319
1096.15 (a) revised 31944
1097 Amended 4641, 4642, 6319
1097.15 (a) revised 31944
1098 Amended 4642, 6319
1098.7 (c) and (d)(4) amended 36105
1098.12 (b) (2) and (3) revised; (b)(4) added 36105
1098.13 (b) revised 36105
1098.15 (a) revised 31944
1098.44 (a)(7)(v) and (vi) revised; (a)(7)(vii) added 36105
1098.60 (d) revised 36106
1098.71 (a) revised 36106
1098.73 (a) revised 36106
1099 Amended 4642, 6319
1099.13 (c)(4) revised 37029
1099.15 (a) revised 31945
1099.52 (a) amended 37029
1099.75 (a) revised 37029
1101—1139 Certain sections suspended in part Feb.–March 1975 4013, 6319
1101 Amended 4642, 6320
CFR correction, reinstating text 17540
1102 Amended 4642, 6320
1102.15 (a) revised 31945
1104 Amended 4642, 6320
1104.15 (a) revised 31945
1106 Amended 4642, 6320
1106.15 (a) revised 31945
1108 Amended 4642, 6320
1108.15 (a) revised 31945
1120 Amended 4643, 6320
1120.15 (a) revised 31945
1121 Amended 4643, 6320
Removed; superseded by Part 1126 23438
1124 Amended 4643, 6320
1125 Amended 4643, 6320
1126 Amended 4643, 6321
Revised; supersedes Parts 1121, 1127, 1128, 1129, and 1130 23438
1126.15 (a) revised 31945
1127 Amended 4643, 6321
Removed; superseded by Part 1126 23438
1128 Amended 4643, 6321
Removed; superseded by Part 1126 23438
1129 Amended 4644, 6321
Removed; superseded by Part 1126 23438
1130 Amended 4644, 6321
Removed; superseded by Part 1126 23438
1131 Amended 4644, 6321
1131.7 (a), (b) and (c) revised 30091, 31234
1131.9 (c) revised 30091, 31234
1131.12 (a) revised 30091, 31234
1131.13 Suspended in part July 1975 27642
1131.15 (a) revised 31945
1132 Amended 4644, 6322
1132.15 (a) revised 31945
1133 Amended 4644, 6322

Page
1134 Amended 4644, 6322
1136 Amended 4644, 6322
1137 Amended 4645, 6322
1137.10 (a) suspended in part for June through August 1975 27474
1138 Amended 4645, 6322
1138.15 (a) revised 31945
1139 Amended 4645, 6322
1139.5 (a) revised 31945
1139.12 (b) (3) and (4) revised; (b)(5) added 39523
1139.13 (d)(2) revised; (d)(5) added 39523
1139.44 (a)(7)(vii) revised 39523
1139.50 (a) revised 3215
1139.71 (a) and (b)(1) revised 39523
1139.73 (a) and (b) introductory text revised 39523

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

1207.403 (a) revised 11861, 17743
1207.404 Added 26503
1207.512 (b) and (c) amended 7893
1250 Added 13198
1250.8 (d)(2) corrected 15065

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

1408.11 (c) removed; (d) through (g) redesignated as (c) through (f) 29069
1421.54 (d) revised 44121
1421.58 (b) and (c)(2)(i) revised 44122
1421.72—1421.75 Revised 12799
1421.94 (d) revised 44122
1421.111—1421.113 (Subpart) Revised 31946
1421.235—1421.237 (Subpart) Revised 31949
1421.237 Revised 31949
(b)(2) corrected 36301, 39523
1421.250 (d) revised 43225
1421.270—1421.273 Revised 12802
1421.291—1421.295 (Subpart) Revised 41087
1421.303 Revised 22536
1421.308 Revised 1029
1421.325—1421.328 (Subpart) Revised 30466
1421.328 (a) and (c) revised 43225
1421.350—1421.353 (Subpart) Revised 23284
1421.353 (a) table corrected 24717
Amended 44122
1421.420—1421.425 (Subpart) Revised 30794
1421.469 (b) and (c) revised 36301
1421.485—1421.488 (Subpart) Revised 31952
1421.488 Revised 31952
(a) corrected 36302
1423.1 (b), (c), and (d) introductory text revised 26503
1423.6 (c)(1) revised 26503
1427 Revised 30092
1427.100—1427.105 (Subpart) Revised 30795
1427.102 Table corrected 44306
1427.163 (a) and (b) revised 21469
1427.165 (b) and (e) revised 21470
1427.172 Revised 21470
1427.174 Heading and text revised 21470
1427.178 (c) revised 21470
1427.1901—1427.1904 (Subpart) Revised 16647
1430.282 Revised 3286
(b)(1) and (b)(2) revised 16649
1434.1—1434.24 (Subpart) Revised 30798
1434.16 (a)(2) amended 32732
1434.40—1434.43 (Subpart) Revised 41087
1438 Revised 29813
1446.8—1446.13 Revised 28787
1446.10 Revised 28787, 34584
1446.11 Revised 28787, 34584
1446.12 Revised 28787
(a)(1) revised 34584
1464.2 (e)(2)(iii) through (vi) revised 24175
(c) revised 28789
1464.7 (a)(1) and (3) revised 28789
1464.8 (c) revised 28789
1464.16 Revised 28603
1472.1405 (c) added 16213
1472.1421 (c) added 16213
1472.1446 Text redesignated as (a); (b) added 16213
1474.4 Revised 1705
1488 Revised 16322
Supplement I revised 16327
Supplement II revised 16329
Supplement III revised 16332
1488 Supplement III corrected 19439

Chapter XV—Foreign Agricultural Service, Department of Agriculture

1520 Revised 27008

(CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1975)

Title 7—Continued

Chapter XVII—Rural Electrification Administration, Department of Agriculture

Page

1701 Revised ---- 16074
Appendix A amended ---- 13302, 31956

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1801.2 (i) added ---- 26257
1801.3 (h) added ---- 26257
1801.5 Revised ---- 10953
(a) revised ---- 42178
1803.3 (d) and (f) introductory text revised ---- 16333
1803.4 (a), (b)(2), (e) and (f) revised ---- 16334
1804.1—1804.5 (Subpart A) Appendix C added ---- 32309
1804.2 (d) revised ---- 32309
1804.3 (d)(1) and (2) and (f)(1)(ii)(a) revised ---- 32309
1806.2 (b)(6) added; (g)(4) revised ---- 2420
(b)(2)(iv) added ---- 10953
1806.4 (a)(5) revised ---- 10953
1807.1 (j) added ---- 26257
1808 Revised ---- 26258
1808.2 (a), (b), (d), (e), and (f) revised ---- 33197
1813 Revised ---- 21696
1813.4 (c) added ---- 11707
1813.7 (c)(2)(iv)(C) corrected ---- 27475
1813.9 (d) corrected ---- 27475
1813.10 (b)(6) and (7) removed; new (b)(6) through (10) redesignated from (b)(8) through (12) ---- 27475
1815 Revised ---- 14296
1822.1—1822.18 (Subpart A) Exhibit D revised ---- 28463
1822.3 (c)(3)(ii) and (c)(4)(ii) amended; (d) revised ---- 42178
1822.4 (c) revised ---- 42736
1822.21—1822.32 (Subpart B) Revised ---- 1229
1822.23 Added ---- 29263
1822.81—1822.98 (Subpart D) Revised ---- 4278
Exhibit J amended ---- 21024
1822.266 (c) revised ---- 6951
1822.401—1822.408 (Subpart M) Removed ---- 5531
1823.2 (a)(2) revised ---- 24517
1823.3 (b) revised ---- 24517
1823.6 (b)(4) revised; (c)(3) added ---- 6951
(a)(3), (4), (5), and (6) redesignated as (a)(4), (5), (6), and (7); new (a)(7) amended; new (a)(3) added ---- 30930
(b)(1)(iii) and (iv) redesignated as (b)(1)(iv) and (v); new (b)(1)(iii) added ---- 30930
1823.29 (c)(8) revised ---- 29264
1823.472 (d)(3) and (e)(1) revised ---- 27475
(e)(2)(ii) and (iii) redesignated as (e)(2)(iii) and (iv); new (e)(2)(ii) added ---- 27475
1832.1—1832.43 (Subpart A) Revised ---- 42321
1832.81—1832.92 (Subpart E) Removed ---- 42338
1832.87 (g) revised; (i) removed ---- 4118
1842.14 (b) revised ---- 22824
(e) revised ---- 27476
1842.23 (e) added ---- 22536
1842.31 (d)(5)(ii) revised; (d)(5)(iii) redesignated as(iv); new (d)(5)(iii) added ---- 42179
1842.61 Revised ---- 21700
1842.62 Added ---- 21700
1843.3 (h) revised ---- 6952, 27931
(5)(iii) redesignated as (iv);
1843.41 (a)(2) revised; (a)(3) redesignated as (4); new (a)(3) added ---- 42179
1845 Revised ---- 30623
1861.82 (f)(4) revised ---- 13202
1861.85 (c)(1) through (5) redesignated as (c)(3)(i) through (v); new (c)(1), (2), and (3) added ---- 13202
(c)(3) revised ---- 23286
1861.86 (a)(1) revised ---- 13203
1861.87 (b) redesignated as (c); (a) redesignated as (b) and revised; new (a) added ---- 13203
1861.93 (a)(2) and (3) revised ---- 13203
1867 Revised ---- 13203
1872.1—1872.27 (Subpart A) Revised ---- 15066
1890b Removed ---- 5752
1890d Removed ---- 5753
1890e Removed ---- 5753, 6639
1890j Removed ---- 6197
1890k Removed ---- 6197
1890l Removed ---- 5753
1890n Removed ---- 5532

(CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1975)

Chapter XXVI—Office of Investigation, Department of Agriculture

2620 Revised ---- 17831

Chapter XXVII—Office of Audit, Department of Agriculture

2710 Revised ---- 14891

Title 7—*Proposed Rules:*

Page

1 ---- 3604, 32756, 40849, 44157
20 ---- 1711
21 ---- 36134
25 ---- 8824
25A ---- 8824
26 ---- 2208, 3217
29 ---- 10190, 15390, 22551, 26528, 29880
51 ---- 24013, 40522
52 ---- 3217, 8207, 12092, 19830, 31607, 33043
55 ---- 1706, 2694
56 ---- 1706, 2694
58 ---- 6608
59 ---- 1706, 2694, 8356
68 ---- 3007, 4315, 18001
70 ---- 1706, 2694
102 ---- 11728
180 ---- 18790
201 ---- 40524
210 ---- 3452, 10192
220 ---- 2697, 11719
250 ---- 43738
270 ---- 7455, 26042
271 ---- 7455, 10481, 12806, 20284
275 ---- 12806
401 ---- 14777, 22270
719 ---- 31609
722 ---- 30274, 30275
724 ---- 16671
725 ---- 37224, 44157
726 ---- 20095
728 ---- 7099, 28093
729 ---- 6211
760 ---- 18450
775 ---- 28093
905 ---- 44333
906 ---- 42886, 42887
908 ---- 11587, 13512, 16335, 17848
910 ---- 39882, 40528
911 ---- 11876, 13311, 19479, 21033, 28614, 39882
915 ---- 11876, 13311, 21033, 21980, 28090, 28614, 39882, 44334
916 ---- 1515, 11729, 22269, 24018, 28090
917 ---- 1516, 11729, 13512, 21483, 24908, 25478, 29087, 29881
918 ---- 22141
919 ---- 32338
921 ---- 26529, 26682
922 ---- 25679, 27242
923 ---- 23763, 29881
924 ---- 27485, 30662, 43036
926 ---- 4315, 37044, 38164
927 ---- 31244, 37044, 42023
928 ---- 787
929 ---- 24527
930 ---- 21483, 29553
931 ---- 38164, 40170
932 ---- 30275
944 ---- 21735, 44334
945 ---- 27242, 37045
946 ---- 6505, 29725, 33458
947 ---- 29727, 32129
948 ---- 30276, 30840, 30977, 40528
951 ---- 17151
953 ---- 19479
958 ---- 28091, 30277
959 ---- 10996
966 ---- 42887
967 ---- 25828, 26276
980 ---- 2819, 27242, 28091, 29725
981 ---- 2589, 22141, 34605, 37223
982 ---- 4151, 5163, 16852, 30277, 40836
984 ---- 8357, 18449
989 ---- 787, 788, 26276, 27485, 27691, 40842
991 ---- 8566, 39525
993 ---- 18562, 33047, 38164
999 ---- 24363
1001 ---- 2589, 5373
1002 ---- 2589, 5373, 14702, 15390
1004 ---- 2589, 5373, 14702, 15390
1006 ---- 2589, 5373
1007 ---- 2589, 5373, 25828, 30119
1011 ---- 2589, 5373, 18946, 20095
1012 ---- 2589, 5373
1013 ---- 2589, 5373
1015 ---- 2589, 5373
1030 ---- 2589, 5373, 20133, 25828, 29296, 30119
1032 ---- 2589, 5163, 5373, 25828, 28618, 30119, 39525
1033 ---- 2589, 5373, 14769, 17029, 20095, 24193
1036 ---- 2589, 5373
1040 ---- 2589, 5373, 25828, 30119
1044 ---- 2589, 5373
1046 ---- 2589, 5373, 25828, 28465, 30119, 30662, 40843, 42023
1049 ---- 2589, 5373, 25828, 30119
1050 ---- 2589, 5373, 25828, 30119
1060 ---- 2589, 5373, 24738, 25828, 30119
1061 ---- 2589, 5373, 25828, 30119
1062 ---- 2589, 5163, 5373, 25828, 28618, 30119, 39525
1063 ---- 2589, 5373, 25828, 30119
1064 ---- 2589, 5373, 24019, 25828, 30119
1065 ---- 2589, 5373, 25828, 30119
1068 ---- 2589, 5373, 25828, 30119
1069 ---- 2589, 5373, 25828, 30119
1070 ---- 2589, 5373, 25828, 30119
1071 ---- 2589, 5373, 25828, 30119
1073 ---- 2589, 5373, 25828, 30119
1075 ---- 2589, 5373, 30119
1076 ---- 2589, 5373, 25828, 30119
1078 ---- 2589, 5373, 25828, 30119

Title 7—Proposed Rules—Continued

Page

1079 ---------- 2589, 5373, 25828, 30119
1090 - 2589, 5373, 19846, 20095, 25828, 30119
1094 - 2589, 5373, 11878, 12660, 25828, 30119
1096 ------- 2589, 5373, 11879, 25828, 30119
1097 ---------- 2589, 5373, 25828, 30119
1098 ---------- 2589, 5373, 22548, 25828, 30119, 32130, 32338
1099 ---------- 2589, 5373, 13220, 25680, 25828, 28807, 30119, 32751, 33458
1101 ---------- 2589, 5373, 20095
1102 ---------- 2589, 5373, 25828, 30119
1104 ---------- 2589, 5373, 25828, 30119
1106 ---------- 2589, 5373, 25828, 30119
1108 ---------- 2589, 5373, 25828, 30119
1120 ---------- 2589, 5373, 25828, 30119
1121 ---------- 7, 2589, 5373, 5784, 20004
1124 ---------- 2589, 5373
1125 ---------- 2589, 5373
1126 ---------- 7, 2589, 5373, 5784, 20004, 25828, 30119
1127 ---------- 7, 2589, 5373, 5784, 20004
1128 ---------- 7, 2589, 5373, 5784, 20004
1129 ---------- 7, 2587, 5373, 5784, 20004
1130 ---------- 7, 2589, 5373, 5784, 20004
1131 -- 2589, 5373, 7943, 25682, 25828, 30119
1132 ---------- 2589, 5373, 25828, 30119
1133 ---------- 2589, 5373
1134 ---------- 2589, 5373
1136 ---------- 2589, 5373
1137 ---------- 2589, 5373, 24908
1138 ---------- 2589, 5373, 25828, 30119
1139 ---------- 2589, 2695, 3218, 5373, 21034, 23474, 25828, 30119, 36127
1201 ---------- 28092, 28093
1207 ---------- 2697, 7099, 14326, 23084
1250 ---------- 42888
1251 ---------- 13513, 15906, 33982
1408 ---------- 19830
1421 ---------- 4019, 15390, 28094, 43919
1427 ---------- 3601
1430 ---------- 42364
1434 ---------- 2726, 3310
1446 ---------- 4019
1464 ----- 10192, 12670, 25217, 27691, 41530
1472 ---------- 30283
1701 ---------- 10192, 11357, 13220, 13221, 17264, 17591, 23763, 23874, 24738, 25218, 29087, 29088, 30125, 31244, 37225, 38165, 44334, 44570
1817 ---------- 8213
1822 ---------- 28094, 29300, 33222, 34404
1823 ---------- 7454, 14776, 20284
1831 ---------- 24204
1842 ---------- 13201, 15405, 34368
1844 ---------- 4919
1867 ---------- 5538
1871 ---------- 5539
1872 ---------- 1253

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Page

1.1 (j) and (k) revised; (m) added ---------- 23271
3.1 (a) revised ---------- 37207
100.2 Revised ---------- 30467
100.4 (d) amended ---------- 3407
(d) corrected ---------- 4904
(c)(2) amended ---------- 17743
103.1 Revised ---------- 30468
103.4 Revised ---------- 30469
103.6 (d)(2) revised ---------- 42852
103.7 (b)(1) amended; (c)(2) redesignated as (c)(3); new (c)(2) added ---------- 7236
(b)(1) amended; (b)(2) revised ---------- 7238
(d) redesignated from § 103.10 (b)(4) ---------- 7238
103.8 Heading and introductory text revised ---------- 7236
103.9 Heading revised ---------- 7237
103.10 Heading and text revised- 7237
(b)(4) redesignated as 103.7(d)- 7238
(b)(2) revised ---------- 17743
103.20—103.36 Added ---------- 44481
108.2 Amended ---------- 3408
204.2 (e)(1) revised ---------- 6765
211.1 (b)(3) amended ---------- 21700
(b)(1) revised ---------- 34106
211.6 Added ---------- 34106
212.1 (f) and (i) amended ------ 30470
(b) revised ---------- 33431
212.4 (d) and (h) amended ----- 30470
214.1 (a) amended ---------- 2794

Page

214.2 (b) revised ---------- 2794
(f)(1a) added; (f)(6) amended ---------- 32312
214.3 (g) amended ---------- 23213
214.4 (a) revised ---------- 32313
235 Technical correction ------- 5347
235.10 Revised ---------- 3210A
238.4 Amended ---------- 3408, 17744
242.2 (e) revised ---------- 3408, 30470
242.14 (e) revised ---------- 20816
243.8 Amended ---------- 30470
292.1 Revised ---------- 23271
292.2 Revised ---------- 23272
299.1 Amended ---- 3210B, 3408, 30470
316a.2 Amended ---------- 17744, 30470
341.1 (b) suspended until 4-1-76- 42532
499.1 Amended ---------- 30470

Title 8—*Proposed Rules:* Page

103 ---------- 2817, 16215, 39423
211 ---------- 14090
212 ---------- 28614
214 ---------- 6211, 15092
242 ---------- 12514, 39524

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

11.1 (t)(1)(iv) amended ------- 36554
11.2 (b), (c), and (d) revised--- 36553
11.3 Removed ---------- 36554
50 Added ---------- 27009
51 Revised ---------- 27013
54.1 (d) revised; (e) redesignated as (g); new (e) and (f) added ---------- 40505
54.3 (a) revised ---------- 40506
54.7 Heading, (a) and (b) revised; (c) added ---------- 40506
(a) corrected ---------- 42739
54.8 (a) and (b) revised ------- 40506
56.1 (f) revised ---------- 30099
56.4 Amended ---------- 30099
56.7 (a) revised; (c) removed; (d) redesignated as (c) ------ 30099
72.5 (i) and (k) revised ------- 16650
(l), (j), and (k) removed ------ 31593
72.13 (b)(1), (c), and footnote 2 amended ---------- 12768
73.1a (a) revised ---------- 757, 3574
(c) and (d) removed ---------- 757
(b) removed ---------- 6766
Authority citation corrected--- 8322
(a) revised ---------- 8938
(a) removed ---------- 20612
73.10 (c) amended ---------- 12768
(a)(4) added ---------- 42179
74.24 (c) amended ---------- 12768
76.2 (e) revised ---------- 29701
(g) amended ---------- 32113
(e) removed ---------- 37207
78 Revised ---------- 17816
78.13 Revised ---------- 2173, 2452, 6640, 8773, 8774
78.20 (b) corrected ---------- 23721
Revised ---------- 32732, 41517
78.21 Revised ---------- 32733, 41517
78.22 Revised ---------- 32734, 41518
79.2 Removed ---------- 18405

Page

82.3 (a) revised ---------- 11861
(a)(1)(ii) revised ---------- 12768
(a)(1)(i) removed ---------- 17244
(a)(1) removed ---------- 18541, 31925
(a) introductory text amended; (a)(1) added ---------- 27014
83.1 (l) revised ---------- 27643
83.2 Introductory text revised; (e) removed ---------- 27643
83.6 Introductory text revised--- 27643
91.3 (a)(1)(i) and (ii) and (2)(ii) revised ---------- 2691
(a)(1)(i) revised ---------- 10444, 20941
(a)(2)(i) revised ---------- 20941
(a)(1)(i) and (2)(i) revised--- 40506
92.1 (j)(2)(i) and (ii) revised; (j)(2)(iii), (iv), (v) and (t) added ---------- 33650
92.2 (f) revised; (g) and (h) added ---------- 33650
92.3 (b) revised ---------- 31741, 36106
(f) revised ---------- 33650
92.4 Heading revised; (b) amended ---------- 33650
92.5 Heading revised; (c) amended ---------- 33650
92.8 (b) amended ---------- 33650, 44306
92.11 (e) amended ---------- 33650
92.21 (c) added ---------- 7081
92.23 Revised ---------- 7081
94.1 (a)(2) amended ---------- 4904
94.2 Heading and text revised--- 44123
94.6 (a)(2) amended ---------- 14571
94.11 Amended ---------- 4904
94.16 Added ---------- 44123
97.2 Amended ---------- 757, 7620, 11346, 20066, 27643, 43717
112.7 (i) added ---------- 14084
(d)(1) and (6), and (f)(2) and (4) revised ---------- 20066
(i) revised; (j) added ---------- 30803
(d)(4) revised ---------- 31593
(f)(i) revised ---------- 41995
112.9 Introductory text revised-- 14085
113 Technical corrections-- 2691, 2692
113.2 Introductory text and (a) revised ---------- 758
113.3 (a) introductory text and (3), and (b)(8) revised ------ 758
(b)(9) revised ---------- 20066
113.9 Added ---------- 14084
113.26 Introductory text revised- 7587
(b)(1) and (2) revised ---------- 14084
113.51 (d) introductory text and (e) revised ---------- 758
113.52 (e) revised ---------- 20066
113.65 (b)(1) revised ---------- 758

Title 9, Chapter I—Continued

Page

113.67 Heading and introductory text revised 20066
113.85 (d) revised 47995
113.86 Heading revised 20067
113.89 Added 17003
Heading revised 20067
Heading corrected; (c)(4) introductory text revised 23989
113.90 Added 17003
Heading revised 20067
113.92 (c)(2) revised 758
Heading, introductory text, and (c)(2) revised 20067
113.95 (c) introductory text and (1) revised 759
113.96 Introductory text and (c)(3)(iii) revised 759
Introductory text revised 41088
113.97 Introductory text, (c)(1)(vi), (2), (3)(iii), (4)(iv), and (5)(iii) revised 759
Introductory text and (c)(1)(vi) revised 41088
113.99 (c)(2) and (4) revised 41996
113.101 Heading and introductory text revised 759
Heading corrected; introductory text revised 23989
113.102 Heading, introductory text and (c)(3) revised 759
Heading corrected; (c)(4) revised 23989
113.103 Heading and introductory text revised 759
113.104 (d)(3) and (5) revised 759
Heading, introductory text, (d)(3), and (d)(4) introductory text revised; (e) amended 20067
(d)(4) corrected 20941
Heading and (d)(4)(i), (ii), (iii), (iv), (v), and (5) corrected 23989
113.105 Added 17003
113.106 Added 17004
113.120 (d) revised 23989
113.121 Introductory text revised 759
113.123 Heading, introductory text, and (b) introductory text, (2), and (3) revised 759
113.125 Heading revised 41088
113.126 Revised 14084
Heading corrected; introductory text revised 23989
(d)(2) revised 30803
113.127 (b) revised 14084
113.128 Heading revised 41088
113.129 (b)(1) revised 20067
Heading revised 41088
113.139 (d)(2) revised 41088
113.140 Heading corrected; introductory text revised 23989
(d)(2) revised 41088
113.141 (d)(2) revised 41089
113.142 (d)(3) revised 41089
113.143 (c)(1)(i) revised 20067
Heading corrected; (b)(5) revised 23989
(c)(3)(v) revised 41089
113.144 (d)(3) revised 41089
113.145 (d) corrected 6476
(c)(6) revised; (d) amended 20067
Heading corrected; (c)(6) revised 23989
(d)(3) revised 41089
113.146 (d) corrected 8774
(d) introductory text revised 20067
(d)(3) revised 41089
113.147 (d)(3) and (4) amended 20067
113.160 (b), (c)(1) and (2)(i) and (ii), (d), and (e) introductory text and (e)(1)(i) revised; (e)(3) added 18405
(d)(3) and (e) introductory text revised 41089
113.161 (a), (c)(2), (d)(1) and (2), and (e) introductory text revised; (d)(1)(i) and (ii), and (e)(3) added 18406
(d)(2) revised 41089
113.162 Introductory text, (b), (c), (d) introductory text, (d)(1), (d)(3) introductory text, and (d)(3)(iii) revised 18406
(d)(3) introductory text and (iii) revised 41089
113.163 (b) introductory text, (d), (e) introductory text, and (e)(3) revised 18407
(d)(3) revised 41089
113.164 (b), (c)(3), (d), and (e) introductory text, (2)(iii), and (3)(i) and (ii) revised; (e)(3)(iii) and (iv) removed 18407
(d)(2)(iv) corrected 23721
(b), (d)(3), and (e)(1), (2)(iii) and (3)(i) revised 41090
113.165 (d) revised 18408
113.201 (e) revised 760
113.202 (a) and (d) revised 760
113.251 (a) introductory text and (d)(2) revised 760
(d)(6) revised 41996

Page

113.252 (c)(2) revised 760
Heading, introductory text, and (c)(1) revised 20067
Heading corrected 20941
Heading corrected; (c)(2) revised 23989
113.255 (c)(3)(iii) revised 760
114.13 (b) and (c) revised; (d), (e), and (f) added 14085
140.11 (a)(4) amended 7082
151.9 (b)(1) amended 6766, 24176
(b)(5) added 32114
(b)(6) added 36106

Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Products Inspection), Department of Agriculture

304 Effective date corrected 11346
304.1 Revised 2575
305 Effective date corrected 11346
305.1 (c) revised 2576
308.5 Revised 25439
309.5 Heading and text revised 27225
309.16 (a), (b)(1), (2), and (5), and (c)(1) amended 6323
310.15 Removed 27225
311.3 (c) amended 27225
311.4 Removed 27225
317 Effective date corrected 11346
317.2 (g)(1) revised 2576
(b) amended 11347
(f)(1)(v) amended 42852
317.8 (b)(33) added 18542
319.280 (Subpart L) Heading revised 18542
319.281 Added 18542
331.2 Table amended 23453, 25202, 39846
331.6 Table amended 4645, 4646, 23454, 23455, 25203, 43916
381.1 (b)(14) and (15) removed; (b)(44) amended 42338
381.53 Revised 25439
381.65 (d), (e), (f), (g) and (h)(2) removed; (n) amended 42338
381.66 (a), (e), (f)(1), (2) and (3) amended 42338
381.76 (a) amended; (b) removed 42338
381.84 Added 14297
381.97 Removed 42338
381.116 (a) amended 11347
381.190 (a) amended 42338
381.195 (b) amended 42338
381.197 (a) revised; (b) amended; (c) removed 42338
381.221 Table amended 23453, 25202, 29549, 39846, 39847
381.224 Table amended 4645, 4646, 23454, 23455, 25203, 43916

Chapter IV—Agricultural Research Service, Department of Agriculture

445.3 (c) revised 1500
445.10 Heading and introductory text revised; (d) amended; (e), (f), (g), and (h) added 1500
445.12 (b) revised 1501
445.14 (a)(4) and (8) and (b) revised 1501
445.22 (d) revised 1501
445.23 Heading, introductory text of (b)(2) and (3), (b)(3)(vii), (4), (c)(1)(i) and (ii), and (d)(1)(ii) revised; (a) removed 1501
445.24 Added 1502
445.32 (c) revised 1502
445.33 Heading (b)(3)(vii) and (4), and (c)(1)(i) and (ii) revised; d) and (e) added 1502
445.34 Added 1503
445.42 (c) added 1503
445.43 Heading, (b)(3)(vii), and (c)(2) revised; (b)(3)(vii) and d) removed; (f) added 1503
445.44 Added 1503
445.53 Heading, (a), (b)(3)(vii), and (c) revised 1503
445.54 Added 1504
447.6 Added 1504

Page

447.26 Heading, (a) introductory text, and (b)(1) revised 1504
447.43 (a) and (d)(2)(iii) revised 1505

Title 9—*Proposed Rules:*

11 6978, 7944, 12514
50 5784
51 5787
54 25829
92 19480, 28807, 29728, 37225
101 28621, 32753
112 788, 11880, 22841, 24203, 28621
113 788, 4017, 11587, 11880, 24203, 24203, 25598, 25599, 28621, 30126, 32753, 32754, 36572, 41139
114 788, 28621
303 4438, 15906, 21982, 25230
317 10191, 41139
319 41139
331 22269
381 4438, 10191, 15906, 21982, 22269, 25230, 31616

TITLE 10—ENERGY

Chapter I—Nuclear Regulatory Commission

NRC and Energy Research and Development Administration (Chapter III, below) are the successor agencies to Atomic Energy Commission.

Page

Chapter heading revised; Parts 0–170 retained as amended--- 8774
0 Nomenclature changes------- 8774
0.735–3 (c) through (h) revised_ 8775
(d)(2) and (g) corrected------ 20268
0.735–4 (a) through (d) revised; (i) removed---------- 8775
0.735–5 (a) revised---------- 8775
0.735–21 (b) (1) through (5) amended ---------- 8775
0.735–22 (b) revised---------- 8775
0.735–23 (d) and (e)(1) revised_ 8775
0.735–26 (c) and (d) amended-- 8775
0.735–27 Amended ---------- 8775
0.735–28 (a) footnote, (e)(9) and (f) amended; (b)(2), (e)(10) and (h) revised-------- 8775
0.735–29 Heading and (a) introductory text revised; (a)(1) removed; (a)(2) redesignated (a)(1) and new (a)(2) added ---------- 8776
0.735–40 (b) revised; (d) amended ---------- 8776
0.735–49 (a) amended---------- 8776
0 Annex B amended---------- 8776

Page

1 Removed ---------- 8776
1.127 Added ---------- 1230
2 Authority citation revised----- 8776
Nomenclature changes----- 8776, 8777
2.1 Revised ---------- 8776
2.4 Introductory text, (d), (i) and (j) revised; (e) amended; (f) and (l) removed; (o) and (r) added---------- 8777
2.104 (c) revised---------- 2973
2.110 Added ---------- 2976
2.111 Added ---------- 8777
2.300—2.310 (Subpart C) Removed ---------- 8777
2.400—2.407 (Subpart D) added_ 2976
2.600—2.607 (Subpart F) Removed ---------- 8777
2.720 (h)(2)(i), (ii) and (iii) revised ---------- 2973
2.744 (d) and (g) revised; (e) removed ---------- 2973

Page

2.752 (a) footnote amended----- 8777
2.760a Revised ---------- 2974
2.780 Amended ---------- 2974
(e) amended---------- 8776
2.785 (b) redesignated as (b)(1); (b)(2) added---------- 2974
(a), (c) and (d) revised------- 8777
2.790 Nomenclature changes---- 7894
(a) (1) and (8) revised; (d) amended ---------- 7894
2.905 (a), (e), and (h) revised-- 44124
2.914 Removed ---------- 44125
2 Appendix A amended----- 2974, 8777
3 Removed ---------- 8777
4 Authority citation revised----- 8777
Nomenclature changes-------- 8778
4.1 Revised ---------- 8778
4.3 (i) revised---------- 8778
4.4 Revised ---------- 8778
4.23 Removed ---------- 8778
4.25 Removed ---------- 8778
4.45 Amended ---------- 8778
4.51 (e) and (f) amended------ 8778
4.64 Amended ---------- 8778
4.75 (a) amended---------- 8778
4.81 Revised ---------- 8778
4.93 Revised ---------- 8778
Appendix A amended---------- 8778
6 Removed ---------- 8778
7 Revised ---------- 8778
9 Nomenclature changes------- 7894
Authority citation revised------ 44484
9.1 Nomenclature changes------ 7894
Revised ---------- 44484
9.1a Added ---------- 44485
9.2 (a) and (c) amended; (d) revised; (e) redesignated as (f); new (e) and (g) added-- 7894
Revised ---------- 44485
9.3—9.16 (Subpart A) Heading revised ---------- 44485
9.3 Removed ---------- 7894
Added ---------- 44485
9.3a Added ---------- 44485
9.5 (a) (1) and (7) revised; (b) and (c) redesignated as (c) and (d); new (b) added----- 7894
9.7 Revised ---------- 7894
9.8—9.10 Revised ---------- 7895
9.11—9.16 Added ---------- 7895
9.50—9.95 (Subpart B) Added--- 44485
Appendix A amended---------- 7897
Appendix A nomenclature changes ---------- 7894
10 Authority citation revised---- 8781

Page

Nomenclature changes----- 8781, 8782
Redesignated as Part 710 (Chapter III)---------- 8795
10.1 Amended ---------- 44125
10.2 (b) revised---------- 44125
10.5 (b) through (e) revised---- 8781
(a) amended---------- 44125
10.10 (c) amended---------- 8782
10.11 (a)(3) and (b)(3) and (4) revised ---------- 8782
10.28 (a) amended---------- 8782
10.34 (b) and (c) amended----- 8782
10.38 Removed ---------- 8782
11 Removed ---------- 8782
12 Removed ---------- 8782
14 Nomenclature changes------- 8782
14.1 (b) revised---------- 8782
14.2 (b) revised---------- 8782
14.6 Revised ---------- 8782
14.8 Revised ---------- 8782
14.9 Amended ---------- 8782
19 Authority citation revised---- 8782
19.1 Revised ---------- 8783
19.2 Revised ---------- 8783
19.3 (b) amended---------- 8783
19.5 Revised ---------- 8783
19.11 (c) revised---------- 8783
19.13 Amended ---------- 8783
19.16 Amended ---------- 8783
19.17 Amended ---------- 8783
19.30 Amended ---------- 8783
19.32 Added ---------- 8783
20 Authority citation amended-- 8783
Nomenclature changes--------- 8783
20.1 (a) revised, (c) amended--- 8783
20.2 Revised ---------- 8783
20.3 (a)(11) revised; (a)(18) added ---------- 8783
(a)(4) revised---------- 42558
20.7 Revised ---------- 8783
20.207 Revised ---------- 26679
20.407 (a), (b) and (b) footnote amended ---------- 8783
20.408 Amended ---------- 8783
20.601 Revised ---------- 8784
20 Appendix D nomenclature changes ---------- 8784
Appendix D revised---------- 42558
25 Removed ---------- 44125
30 Authority citation revised---- 8784
Nomenclature changes----- 8784, 8785
30.1 Revised ---------- 8784
30.4 (a–1) added; (c) and (k) revised ---------- 8784
30.6 Amended ---------- 8784
30.11 (a) footnote 2 removed; (b) revised---------- 8784
30.12 Revised ---------- 8784

Page

30.32 (a) revised---------- 8785
30.35 Removed ---------- 8785
30.41 (b) (1) and (5) amended; (b)(2) revised---------- 8785
30.55 (b) amended; footnote removed ---------- 8785
30.62 Heading revised; text amended ---------- 8785
30.63 Revised ---------- 8785
31 Nomenclature changes------- 8785
31.5 (b) and (c)(3), (5), (7), and (8) amended-------- 8785, 14085
31.8 (a), (b), and (c) amended; footnote added---------- 8785
31.10 (a) and (b) amended----- 8785
31.11 (b) and (c) amended; (d)(2) footnote added---------- 8785
32 Nomenclature changes---- 8785, 8786
32.51 (a)(3)(iii) footnote added_ 8785
32.54 (a) footnote revised------ 8785
32.58 Footnote added---------- 8786
32.70 (c) footnote added-------- 8786
32.71 (d) footnote added-------- 8786
33.12 Amended ---------- 8786
34.3 Amended ---------- 8786
34.25 (d) amended---------- 8786
34.31 (a)(2) amended---------- 8786
35 Nomenclature changes------- 8786
35.14 (b) (1), (2), (3), and (5), (d)(4), and (f)(1) amended; (b)(2)(iii) and (3)(iii) revised ---------- 8786
35.31 Amended ---------- 8786
35.100 (a)(3), (4), and (13), (b)(21) and (c)(3)(viii) revised; (c)(3)(ix) added---------- 3210B
(b)(23) redesignated as (b)(24) and new (b)(23) added------ 3210B
(d)(1) and (f)(7) amended; (f)(8) added---------- 26680
36 Nomenclature changes------- 8786
36.2 Revised ---------- 8786
36.11 Amended ---------- 8786
37 Removed ---------- 42558
40 Authority citation revised---- 8786
Nomenclature changes----- 8786, 8787
40.1 (b) revised---------- 8786
40.4 (a–1) added; (e) and (m) revised ---------- 8787
40.5 Amended ---------- 8787
40.11 Revised ---------- 8787
40.14 (a) footnote removed; (b) revised ---------- 8787
40.31 (a) amended---------- 8787
40.47 Removed ---------- 8787
40.64 (a), (b), and (c) amended; footnote removed---------- 8787
40.81 Revised ---------- 8787

Title 10, Chapter I—Continued

	Page
50 Authority citation revised	8788
Nomenclature changes	8788, 8789, 8790
50.1 Revised	8788
50.2 (l) revised; (w) added	8788
50.4 Revised	8788
50.11 Revised	8788
50.12 (a) footnote removed; (b) revised	8789
50.30 (a) revised	8789
50.34a (a) amended	19442
50.36a (a)(2) amended	8789
(b) amended	19442
50.42 Footnote amended	8789
50.46 (a)(2)(ii) through (vi) and (3) revised	8789
50.54 (i–1) and (q) amended	8789
50.57 (d) removed	8790
50.60 Removed	8790
50.101 Amended	8790
50.102 Revised	8790
50.103 (a)(2) revised	8790
50.110 Revised	8790
50 Appendix B amended	3210D
Appendices N and O added	2977
Appendix I added	19442
Appendix I amended	40818
51 Nomenclature changes	8790
51.20 (g) added	1008
(g)(3) and (g) table corrected	2978
(e) Table S–3 amended	31594
(g) Table S–4 amended	31594
51.23 (a) revised	1009
55 Authority citation amended	8790
Nomenclature changes	8790
55.1 Amended	8790
55.2 Revised	8790
55.4 (e) amended	8790
55.5 Revised	8790
55.10 (a) introductory text, (5) and (6) amended	8790
55.12 (a) amended	8790
55.20 Amended	8790
55.22 (a) amended	8790
55.25 Amended	8790
55.31 (e) amended	8790
55.50 Revised	8790
55.60 (b) and note amended	8791
55.61 Removed	8791
60 Removed	8791
70 Authority citation revised	8791
Nomenclature changes	8791, 8792
70.1 (b) revised	8791
70.4 (a–1) added; (h) revised; (p) removed	8791
70.5 Amended	8791
70.11 Revised	8791, 14085
Corrected	16047
70.14 (a) footnote removed; (b) revised	8791, 14086
70.19 (a), (b) and (c)(3) amended; (c)(2) footnote added	8792
70.21 (a) amended	8791
70.32 (a)(7) revised	8792
(c) revised	33651
70.38 Removed	8792
70.39 (b) footnote added	8792
70.42 (b) (1) and (2) amended	8792
70.52 Amended	8792
70.53 (b) amended	8792
70.57 Added	33652
70.58 (f) revised	33653
70.71 Revised	8792
71 Authority citation amended	8792
71.1 (a) amended	8792
71.5 (b) amended	8792
71.12 Amended	8792
71.13 Revised	8792
71.16 Amended	8792
71.42 (c) amended	8792
71.61 Amended	8792
71.64 Revised	8792
73 Authority citation amended	8792
Nomenclature changes	8792
73.2 (q) added	8792
73.4 Revised	8792
73.36 (c)(2) and (e) amended	8793
73.80 Revised	8793
73 Appendix A amended	8793
Appendix A revised	42558
80 Removed	8793
81 Authority citation amended	8793
Nomenclature changes	8793
81.1 Revised	8793
81.3 Revised	8793
81.13 (b) amended	8793
81.52 Revised	8793
81.61—81.83 Sections and undesignated center headings removed	8793
83 Removed	8793
95 Removed	44125
100 Authority citation amended	8793
100.2 (a) amended	8793
100.11 (b)(2) and note amended	8793
(a)(3) revised	26527
110 Removed	8793
115 Removed	8793
130 Removed	8793
140 Authority citation amended	8793
Nomenclature changes	8793
140.3 (g) revised	8793
140.5 Revised	8794

	Page
140.11 (a)(4) amended	7082
140.82 (b) revised; (b) footnote removed	8794
140.84 (b)(1) amended	8794
140.91 Appendix A amended	7082
140.92 Appendix B amended	7082
140.93 Appendix C amended	7082
140.94 Appendix D amended	7082
140.95 Appendix E amended	7082
150 Authority citation amended	8794
Nomenclature changes	8794
150.4 Revised	8794
160 Authority citation amended	8794
160.1 Amended	8794
160.2 Revised	8794
161 Removed	8794
170 Heading revised; authority citation amended	8794
170.1 Amended	8794
170.3 (g)(3) revised	8794
170.5 Revised	8794
170.12 Amended	8794
Chapter II—Federal Energy Administration	
202.1—202.10 (Subpart A) Revised	11707
204.1 Amended	42339
204.3 (a) amended	42339
204.4 Removed	42339
204.5 (a) revised and redesignated as (a)(1); (a)(2) added	42339
205.1 Revised	36555
205.2 Amended	36555, 36761
205.12 (a)(9) added	36555
205.13 (a)(5) revised	28446
(a)(13) added	36555
205.29 Added	4771, 6767
205.39 (a) revised	4771, 6767
205.50—205.58 (Subpart D) Appendix added	36556
205.50 (a) revised	36555
205.54 (e) added	36555
205.55 (a)(1) and (b)(2) revised	36555
205.70 Revised	36557
205.100 Revised	36557
205.101 Revised	36557
205.106 (a)(1) revised	36557
205.172 (a) revised	36557
205.190—205.195 (Subpart O) Heading revised	26680
205.190 (a) revised	26680, 36557
205.194 Revised	26680
205.195 Revised	26681, 40142
205.196 Added	26681
205.197 Added	36761
205.204 Added	36557
205.240—205.243 (Subpart S) Added	32735
205.240 Correctly designated as 205.250	39495
205.241 Correctly designated as 205.251	39495
205.242 Correctly designated as 205.252 and amended	39495
205.243 Correctly designated as 205.253 and amended	39495
205.245 Correctly designated as 205.255	39495
205.250—205.255 (Subpart T) Added	36557, 39495
205.250 Correctly designated	39495
205.251 Correctly designated	39495
205.252 Correctly designated	39495
205.253 Correctly designated	39495
205.255 Correctly designated	39495
206 Removed	36558
206.33 (c) revised	4773
206.46 Heading revised	4773
207 Added	18409
210.21 Amended	2795
210.32 Revised	22124, 31927
Effective date amended	24517
(b) amended	40820
211.10 (g) (2), (3), (5) and (8) revised	10166
(g)(8) revised	18544
(b)(1) and (g)(1) and (8) revised	40822
211.12 (g) revised	40822
211.26 (e) added	2693, 5139
211.51 Amended	18544, 28446
211.61—211.71 (Subpart C) Appendix amended	6199, 10445, 20942, 23895
211.62 Amended	4015, 10445, 14738, 30036, 31747
211.65 (d), (e) and (f) revised	39848
211.66 (j)(2) redesignated as (j)(3); new (j)(2) added	4015
(i) revised; (j) and (k) removed	10455
211.67 (b) and (i) interpretation	2560
(i) (5) and (6) added	6768
(a)(3) removed; (i)(4) and (l) revised	10445
(l)(1)(ii) revised	13303
(d)(3) added	14738
(l)(1)(i) revised	28447
(d)(3) revised	39849
211.83 (c)(3) revised	10167
211.86 (d) amended; (g) revised	40823
211.87 (f) added	10167

Title 10, Chapter II—Continued

	Page
211.96 (e) revised	40823
211.97 (e) added	10167
211.106 (b)(3)(ii) revised	10167
211.223 Amended	24176
211.225 Revised	40823
212.1 (a) revised	2795
212.31 Amended	2796, 10445, 40830
212.54 Revised	40820
212.66 (b) revised; (c) and (d) added	39854
212.72 Amended	28448, 30036, 31747
212.74 Revised	28448, 30036, 31748
212.83 (c)(1)(iii)(C) revised; (b) amended; (c) and (e) revised	6200, 10445
(c)(1)(iii)(A) revised	39854
(c)(2)(iii) amended	40820
212.84 (d)(3) revised	40143
212.87 (b)(1) revised; (c)(1) redesignated as (c)(1)(i); (c)(1)(ii) added	10449
(b)(1), (c)(2), (3), (4)(ii), (iii) and (iv) revised	39950
212.91 Revised	10449
212.93 (b)(1)(i), (c), and (g) revised; (e) amended	10449
(f) revised	40823
212.94 (c) revised	10449
(b) revised	28449
212.129 Heading and (b) revised	6324
212.131 (a)(2) amended; (d) added	28448
(a) and (b) revised	30036, 31748
212.141 Redesignated as 212.161	6200
212.142—212.145 Redesignated as 212.162—212.165	6200
212.146 Redesignated as 212.166	6200
212.147—212.150 Redesignated as 212.167—212.170	6200
212.151—212.170 (Subpart K) Class exception issued	40824
212.161 Redesignated from 212.141; new 212.161(b)(2)(ii) revised	6200
212.162—212.165 Redesignated from 212.142—212.145	6200
212.164 (d) added	39853
212.166 Redesignated from 212.146; new 212.166(a) revised	6200
212.167—212.170 Redesignated from 212.147—212.150	6200
212.167 (b) revised; (d) and (e) redesignated as (e) and (f); new (d) added	39854
212.168 Revised	39854
213 Interpretation	36302, 42578
Payment time extended	42578, 44308
213.5 (a) amended	4773
(a) revised	18766
213.7 (c) and (d) added	4773
213.9 (a) and (b) amended	4776
(a), (b), and (f) revised	18766
213.10 (b) amended	4776
213.11 (f)(1) and (2) amended	4776
(l)(4) and (5) added	4773
213.12 (a) and (b) amended	4776
(f)(1) amended	4774
(a), (b), and (e) revised	18767
213.13 (b) amended	4776
(a), (b), and (e) revised	18767
213.14 Removed	4774
213.15 (a) and (b) amended	4776
(d) revised	18767, 21930
213.16 (a) amended	4776
(a) revised	18767
213.20 (a)(1) and (2) amended	4776
(a)(2) revised	18767
213.21 (a)(1) and (2) and (b)(1) and (2) amended	4776
(a)(2) and (b)(2) revised	18767
213.22 (b)(1) and (c) revised	4774
213.23 (a) and (b) amended; (e) added	4774
213.25 Revised	4774, 36558
213.26 (b)(3), (4), (5), (7), and (8) amended; (c) revised	4774
Revised	36558
Technical correction	39495
213.27 (h)(1) amended; (s), (t), and (u) added	4774
(j) revised	24719
(j) comment time extended	26681
(s) revised	36559
213.28 (k) removed; (m)(3) amended; (l), (m), and (n) redesignated as (k), (l) and (m)	4774
Revised	18768
Amended	36559
213.29 (a)(1) amended	4776
(e)(3) amended	4774
213.30 (a)(1) amended	4776
(g)(2) amended	4774
213.32 (a), (b), (c), and (d) amended	4776
(d) revised	18769
213.33 (d)(1) amended	4776
(j)(3) revised; (k) added	4774
Amended	36559
213.34 (e) amended	4776
(b) and (e) revised	18769
Amended	36559

	Page
213.35 Revised	4774
(e)(2) amended; (d)(1) and (4) revised; (a)(9) and (f) added	16048
(a)(9)(i) revised	18770
(d)(1) and (4) revised	19800
(a)(9)(i), (d)(1), (3) and (4), and (e)(4) revised	24719
(a)(9)(i), (d)(1), (3) and (4), and (e)(4) comment time extended	26881
(e)(3)(ii) revised	36559
(e)(2)(i) revised	39855
(e)(2)(i) and (f)(2)(iii) revised; (a)(10) added	40143
(d)(1)(i)(1) and (2) revised; (d)(1)(i)(3) added	44308
213.36 (c)(1) amended	4776
(a), (c), and (d) revised	18769
213.37 (c) amended	4776
(a) and (c) revised	18769
213.38 (c) amended	4776
(c) revised	18769
215 Revised	16295
303 Added	20465
303.1 (a) revised	28422
303.2 Amended	28422
303.4 (a) amended	28422
303.5 Corrected	28422
303.9 (d)(1) and (e) amended	28422
303.10 (a) amended	28422
303.11 Revised	28422
303.12 (a)(1) revised	28422
303.50—303.61 (Subpart D) Added	28422
303.80 Amended	28426
303.88 (b)(1) revised	28426
303.100 Revised	28426
303.101 Revised	28426
303.180 Revised	28426
303.190 Revised	28426
303.202 (a), (b), and (c)(1) revised	28426
305 Added	20486
307 Added	20489
309 Added	28426
661 Added	10954

FEA RULINGS:

	Page
1975–1	6768
1975–2	10655
1975–3	17980
1975–4	19635
1975–5	19800
1975–6	23272
1975–7	30037
1975–8	30037
1975–9	40826
1975–10	40826
1975–11	40827
1975–12	40828
1975–13	40831
1975–14	40833
1975–15	40832
1975–16	40834

Chapter III—Energy Research and Development Administration

For regulations of the Nuclear Regulatory Commission, see Chapter I, above

	Page
Chapter established	7320, 8795
700—870 Reissued (and redesignated) by ERDA from Parts 0—8 and 10—170 of Chapter I	8795
707 Revised	30803
709 Added	7320
710 Revised	36302
725 Appendix A amended	43481
Appendix A corrected	44826
810 Added	44826
860 Recodified and revised	28789

Title 10—*Proposed Rules:*

	Page
2	4158, 8832, 20110, 37056
9	2714, 33833, 44516
19	799
20	799, 23478, 33029, 33838
21	8832, 20110
31	8832, 20110
35	8832, 20110
40	2210, 8832, 20110
50	33838
70	27260, 30133
71	23768, 43517
73	15098, 23768
170	3010
202	6684
205	6371, 14605, 17600, 17859, 20956, 24541, 24919, 28481
206	28481, 42448
207	2212
208	26279
210	10195, 11363, 18004
211	3467, 6371, 6372, 8228, 14605, 16089, 17600, 18182, 19660, 22146, 24365, 24919, 27259, 30500, 30671, 32136, 33832, 34162
212	3467, 8109, 12287, 13522, 13524, 15401, 18004, 18467, 19219, 19659, 20654, 23320, 24742, 27058, 27059, 28634, 28837, 30671, 30674, 32136, 32348, 33832, 34161, 34162, 36389
213	12287, 13524, 14086, 14948, 28481, 28487, 33474
215	6787

Title 10—*Proposed Rules*—Continued

Page
303 ---- 5452, 25220, 26702
305 ---- 5452
307 ---- 5452
309 ---- 25220, 26702
708 ---- 38025, 38030

TITLE 11—FEDERAL ELECTIONS

Chapter I—Comptroller General

Subchapter A (Parts 1–6) Removed ---- 23832
Subchapter B (Parts 11–21 Removed) ---- 23832
Supplement B Removed ---- 23832

Chapter I—Federal Election Commission

Chapter established; redesignated from Chapter II ---- 32950
Interim guidelines transferred from Chapter II ---- 32950
Interim guidelines added ---- 32950, 33817, 40668, 40671, 43660

Chapter II—Federal Election Commission

Chapter II Interim guidelines added ---- 23832, 25440, 26991, 28578
Chapter II Redesignated as Chapter I ---- 32950
Interim guidelines transferred to Chapter I ---- 32950

Title 11—*Proposed Rules:*
Ch. I ---- 42303
1 ---- 36872
100 ---- 44698
102 ---- 44698
103 ---- 44698
104 ---- 44698
105 ---- 44698
106 ---- 33169, 43517
109 ---- 44698
110 ---- 44698
111 ---- 44698
113 ---- 32951, 36869, 37226, 41932
Ch. II ---- 23833, 28579, 30581

TITLE 12—BANKS AND BANKING

Chapter I—Comptroller of the Currency, Department of the Treasury

4.13 (a) revised ---- 30930
4.16 Revised ---- 7337
4.17 Revised ---- 7337
4.17a Added ---- 7338
7.7491 Revised ---- 21703

Page
9.18 (c)(2) revised and redesignated as (c)(2)(i); (c)(2)(ii) added ---- 18771
(c)(2)(ii) corrected ---- 20612
11 Revised ---- 30039
Authority citation amended ---- 32735
11.1 Amended ---- 32735
11.2 (j)(2)(i) and (z) amended ---- 32735
11.3 (c)(6)(i) and (c)(8) amended ---- 32735
11.4 (a)(4)(i), (d)(5), (n), and (q)(2) amended ---- 23735
11.5 (c)(9), (f)(1) and (2), (g)(2)(i) and (ii), (i)(3)(ii) and (4) amended ---- 32735
(l) and (l)(7)(i) and (m)(1) amended ---- 32736
11.7 (c)(9)(viii) and (10)(iv)(B) amended ---- 32736
11.41 Amended ---- 32736
11.42 Amended ---- 32736
11.43 Amended ---- 32736
11.46 Amended ---- 32736
11.47 Amended ---- 32736
11.61 Amended ---- 32736
11.62 Amended ---- 32736
11.71 Amended ---- 32736
11.102 (b), (d), (e), and (f) amended ---- 32736
22.3 Revised ---- 12068
Amended ---- 36107
23 Effective date ---- 7897
23.1 (a) revised ---- 7897, 17135
23.2 (b), (e)(2), and (h)(2) revised ---- 6201
(a), (b), and (h)(2) revised ---- 17135
(e) and (f) redesignated as (f) and (e) and revised ---- 17135
(k) redesignated as (l); new (k) added ---- 17135

Page
23.3 Revised ---- 6201, 17136
Amended ---- 7897
23.4 Removed; new § 23.4 redesignated from 23.5 ---- 17136
23.5 Redesignated as 23.4; new § 23.5 redesignated from 23.6 ---- 17136
23.6 Redesignated as 23.5 ---- 17136

Chapter II—Federal Reserve System

201.51 Revised ---- 4904, 6769, 12988, 23842
201.52 Revised ---- 4904, 6769, 12988, 23842
(b) revised ---- 27476, 30807
201.53 Revised ---- 4904, 6769, 12988, 23843
204.5 (a)(1)(iii) and (2)(iii) revised ---- 3973
(c) revised ---- 17136

Page
207.5 (f) revised ---- 19636, 43482
Stock list issued ---- 44829
208.8 (e)(5) added ---- 21931
211.111 Added ---- 43199
213.3 (b)(6) and (7) revised; (b)(8) added ---- 40507
213.7 Revised ---- 17136
213.105 Added ---- 18412
215.103 (a) and (c) revised ---- 40507
217.1 (e)(3) revised ---- 17832
217.3 (f) amended ---- 24895
217.4 (d) suspended until 4–18–75 ---- 12251
(d) amended ---- 24894
217.5 (c) introductory text and (2) and (3) revised; (c)(1)(vii) added ---- 32737
217.152 Added ---- 16831
220.8 (g)(3) revised ---- 19636
(g) revised ---- 43482
(h) and (i) stock list issued ---- 44829
221.4 (f) revised ---- 19636, 43482
(d) and (e) stock list issued ---- 44829
224 Stock list issued ---- 44829
225.4 (a) technical correction ---- 13304
225.123 (g) revised ---- 11710
(a) through (g) redesignated as (a), (b), (c), (d), and (e) ---- 13477
225.129 Amended ---- 36309
225.133 Added ---- 43199
226.1 (b)(1) and (c) revised ---- 30085
226.1 (a)(1) revised; (a)(2) amended ---- 43201
226.2 Certain paragraphs redesignated (See conversion table) ---- 43201
226.3 (e) added ---- 30085
Footnotes 1 and 1a redesignated as 1a and 1b; new footnote 1 added ---- 43202
226.4 (i) added ---- 43202
226.6 (b) revised; (k) added ---- 43202
226.7 (a)(1) and (b)(9) revised ---- 30086
(f) added ---- 43200
(a)(9), (b)(1)(x) and (b)(2) added ---- 43204
(b) introductory text redesignated as (b)(1) and (b)(1) through (9) redesignated as (b)(1)(i) through (ix); redesignated (b)(1)(i), (ii), (iii), (v), and (ix) revised ---- 43204
(c)(1) and (2) revised; (c)(3) redesignated as (c)(4); new (c)(3) added ---- 43204
(d) and (e) redesignated as (e) and (f); new (d), (g), (h), and (i) added; redesignated (e) revised ---- 43204

Page
226.8 (n) and (o)(6) revised; (q) added ---- 43207
226.9 (g)(5) and (h) added ---- 30086
226.10 (f) added ---- 30085
226.11 (a)(2) and (3) revised ---- 43207
226.12 (a) and (b) revised ---- 43207
226.13 (i) added ---- 30086
(a)(1) through (4), and (a)(6) and (7) redesignated as 226.2 (a), (c), (l), (m), (r), and (ii) (See conversion table) ---- 43201, 43207
(a)(5) removed; (b) through (i) redesignated as (a) through (h) and revised; new (i) through (l) added ---- 43207
226.14 Added ---- 43209
226.102 Added ---- 21471
226.703 Revised ---- 1681
250.143 Added ---- 12252
261.3 (b) and (d) revised; (f) added ---- 7620
261.4 (d) revised; (e), (f) and (g) added ---- 7621
261.6 (a) (1) and (4) revised; (d) removed ---- 7621
265.1 (b) added ---- 13477
265.1a Revised ---- 1506
(a)(1) through (5) amended; (a)(6) through (11) added ---- 31207
265.2 (a) redesignated as (a)(1); (a)(2)—(12) added ---- 1506
(a)(13) added ---- 25581
(d)(5) and (6) and (f)(33) added ---- 31208
(h)(4), (5), and (6) added ---- 32738
(b)(6) added ---- 43717
270.4 (d) revised ---- 10661
271.4 (c) revised; (d), (e), and (f) added ---- 7897
271.5 (a) revised ---- 13204
271.6 Amended ---- 7898
(a) revised ---- 7898
272.3 (d) and (e) revised ---- 10661

Chapter III—Federal Deposit Insurance Corporation

304.2 Amended ---- 36559
304.3 (p) revised ---- 36559
308.42—308.49 (Subpart E) Added ---- 28049
309.1 (a) (3) and (4), (b), and (c)(1) introductory text and (i) revised; (e) amended ---- 11548
Corrected ---- 13204
(c)(1)(iv) and (vi) revised ---- 17004
329.1 (e)(2) revised ---- 17137

58-120 O - 75 - 5

(CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1975)

Title 12, Chapter III—Continued

Page

329.4 (e) (1) and (2) suspended until 4-18-75 ... 11711
(d) amended ... 23274
329.5 (c) (1) introductory text, (c) (1) (vi) and (2) revised ... 33198
329.7 (b) (1) revised ... 17137
339.2 Revised ... 25440
Corrected; footnote 3 added ... 27932
Amended ... 43483

Chapter IV—Export-Import Bank of the United States

400.735-60—400.735-67 (Subpart F) Added ... 28449
404 Revised ... 7238

Chapter V—Federal Home Loan Bank Board

500.3 Revised ... 12989
500.19 Revised ... 12989
500.31 (a) (1) and (3) amended ... 12989
500.32 (b) (9) revised ... 12989
505 Revised ... 8066
505a Added ... 39371
522.20 (a) revised ... 5532
522.26 Removed ... 5532
523.10 (g) and (h) amended; (i) added ... 8324
(a) and (g) (6) revised ... 17245
(g) (4) revised ... 23069, 26672
(g) (4) (iii) revised ... 41756
523.11 (a) revised ... 8323, 19193, 33029
523.29 (a) and (c) revised ... 21025, 41997
524.1 Removed ... 3973
524.7 Revised ... 27476
524.13 Revised ... 27476
524.14 Added ... 17245
525.7 Added ... 17245
525.19 Revised ... 27476
525.36 Revised ... 27477
526.6 (i) added ... 17246
526.7 Revised ... 18771
526.9 Added ... 17246
527.3 (b) (1) revised ... 27477
528.6 Heading, (b) (3), (c) (3), and (d) (3) revised ... 27477
531.10 Added ... 29702
532 Added ... 17246
541.2 Revised ... 20944
541.3 Revised ... 20944
541.4 Revised ... 20944
541.8-1 Revised ... 20944
541.10-4 Added ... 44126
541.12 (c) added ... 16865
543.1 Revised ... 4118
544.6 Introductory text amended; (g) text removed; (g) note added ... 20944, 42853
544.8 (e) added ... 17984
(f) added ... 25667
545.1 (a) and (d) revised ... 20944
545.1-1 (h) added ... 3974
545.1-4 (f) (4) revised ... 18772
545.1-5 (j) revised ... 27225
545.2 (b) revised ... 20944
545.3-1 (c) (3) and (6) revised ... 18772
545.4-1 (a) (2) revised ... 17004
545.4-2 (g) (1) and (k) revised ... 27478
545.6-1 (a) (5) (i) revised ... 4417
(a) (2) and (c) revised ... 15866
(a) (5) (ii) revised ... 25581
(a) (5) (iv) revised ... 41756
(b) (1) revised ... 44126
545.6-7 (b) revised ... 25667, 44126
545.6-11 Revised ... 20942
545.6-26 Added ... 25667
545.8 (c) added ... 25668
545.8-4 (a) and (c) revised ... 21025, 41997
545.9-1 (a) (4) (iii) revised ... 8795
(a) (4) (xi), (xii), and (xiii) revised ... 11711
(b) (3) (i) (a), (b) and (c), and (c) (2) revised; (b) (3) (i) (e) and (c) (4) added ... 15383
(a) (4) (i) (c) and (d), and (b) (3) (i) (d) revised; (a) (4) (i) (e) and (k) (7) added ... 17005
(k) (5) revised ... 25668
(a) (4) amended; (a) (4) (xii) and (xiii) redesignated as (xiii) and (xiv) and revised; new (a) (4) (xii) added ... 36309
545.11-1 Added ... 17246
545.14 (1) added ... 25670
545.14-4 (c) (2) revised ... 11548
545.16 (g) revised ... 25669
545.18 Revised ... 25668
545.23 Revised ... 20944
545.24 Revised ... 17984
545.24a Added ... 25668
545.25-1 (a) revised ... 20945
545.28 Added ... 42853
546.5 Added ... 36310
552 Added ... 20945
555.8 (e) removed ... 3974
555.18 Added ... 32313
556.5 (a) (7) (ii) (a) (1) and (2), and (iii) revised ... 12483
556.7 Added ... 17247
561.2 Revised ... 17984
561.3 Revised ... 17984

(CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1975)

Page

561.15 (i) redesignated as (l); new (i), (j), and (k) added ... 29070
561.24a Added ... 17984
563.3-1 (d) (4) revised ... 18773
563.3-2 (d) (3) revised ... 18773
563.3-3 (h) revised ... 27226
563.8 Revised ... 17984
563.8-1 (d) introductory text added ... 12483
563.8-2 Added ... 17984
(b) introductory text revised ... 29703
563.9 (f) revised ... 14738
(a) and (c) revised ... 21025
563.9-1 (b) (2) (iii) added ... 14739
563.9-3 (c) revised ... 18411
563.9-6 (a) and (c) revised ... 41997
563.11 (b) revised ... 14739
563.13 (b) (1) revised; (b) (4) added ... 17985
(b) (2) revised ... 25669
563.17-1 (c) (3) revised ... 29703
563.18-1 (a) (1), (b) (1) and (d) (1) revised ... 25670
563.31 (a) revised ... 17985
563.38 (a) revised ... 22825
563b.1 (a) and (c) (1) revised ... 19802
563b.2 (a) (14), (16), and (30) revised; (32), (33), and (34) redesignated as (31), (32), and (33); (34) removed ... 19802
563b.3 (b) and (e) amended; (c), and (d), and (i) (3) revised ... 19802
563b.4 (a) (3) amended; (a) (1) and (2), and (b) (1) revised ... 19804
563b.5 (a) introductory text and (2), and (e) (1) revised; (g) amended ... 19804
563b.6 Heading and (a) revised; (e) removed ... 19804
563b.7 Amended ... 19804
563b.8 Amended ... 19805
563b Form PA amended; retitled Form AC ... 19807
Form PS amended ... 19808
Form OC amended ... 19808
Form FA removed ... 19808
564.11 Removed ... 33030
564.12 Removed ... 33030
564 Appendix corrected ... 4646
Appendix amended ... 10449
571.10 Added ... 17247
584.2-1 (b) (10) added ... 11712
(b) (1) (iii) and (iv) revised; (b) (1) (v) added ... 17005
584.3 (a) (6) redesignated as (a) (7); new (a) (6) added ... 29704
(a) (6) removed ... 34585
588 Added ... 17247

Chapter VI—Farm Credit Administration

602.250—602.265 (Subpart B) Revised ... 7339
602.250 Revised ... 7339
(a) (8) added ... 14572
602.265 (d) (1) and (d) (2) corrected ... 10450
603 Added ... 40454
611.1020 Revised ... 17744
611.1055 Added ... 17744
611.1150 Added ... 17744
612.2060 (a) revised ... 33030
612.2150 Revised ... 33030
612.2160 Revised ... 33030
612.2170 Revised ... 33032
612.2230 Revised ... 33032
612.2240 Revised ... 33032
612.2250 Revised ... 33032
612.2260 Revised ... 33032
612.2270 Revised ... 33032
613.3040 Revised ... 17744
614.4180 (a) and (b) revised ... 17745
614.4230 (a) revised ... 17745
614.4250 Revised ... 17745
614.4370—614.4430 (Subpart L) Removed ... 17745
614.4510 (d) (1) revised ... 17745
615.5120 (a) revised ... 17745
615.5500 Revised ... 17746
615.5510 Removed ... 17746
616.6030 Revised ... 17746

Chapter VII—National Credit Union Administration

701.12 Revised ... 8938
701.19 Revised ... 25582
701.21 (g) revised ... 30261
701.23 (d) revised ... 41090
701.27-1 Revised ... 32115
701.27-2 Revised ... 32115
701.31 (b) amended ... 26017
701.32 Added ... 23455
701.33 Added ... 30261
702.3 Revised ... 8069
703.1 Revised ... 41997
706 Revised ... 25583
707 Revised ... 25584
708 Revised ... 10168
720 Added ... 8538
Technical correction ... 10450
721.4 Added ... 25582

Title 12, Chapter VII—Continued

Page

745.2—745.9 Amended 3287
745.2 (d)(1) amended 25582
745.9 Redesignated as 745.9–1 25582
745.9–1 Redesignated from 745.9 25582
745.9–2 Added 25582
745.10 Redesignated as 745.11; new 745.10 added 23456
745.11 Redesignated as 745.12; new 745.11 redesignated from 745.10 23456
745.12 Redesignated as 745.13; new 745.12 redesignated from 745.11 23456
745.13 Redesignated from 745.12 23456
760.0 Amended 29264
760.1 (c) added 29264
760.2 (a), (b) and (c) redesignated as (b), (c), and (a); new (a) and (b) revised; new (c) and (d) amended 29264
(a) revised 41998

Chapter VIII—Federal Financing Bank

811 Added 5532

Title 12—*Proposed Rules:*

7 ..... 2836, 14767, 23874
9 ..... 4151, 40859
11 10602
14 ..... 29724, 31958
202 ..... 18183, 20827, 42031
204 ..... 25031, 29732
206 ..... 10322, 11739, 15909, 25031
207 36578
208 40857
213 13524
217 ..... 16684, 16685, 25031, 28644, 29732
220 ..... 23768, 36390, 36578
221 36578
225 5794
226 ..... 1717, 19489, 23896, 26571, 30986, 32350, 43516
228 ..... 19495, 25603
261 3474
261a 39830
271 4022
309 2715
310 39426
329 ..... 2212, 16219, 24918, 28099, 28100
335 ..... 10376, 14947
337 ..... 40548, 41530
341 40856
404 2449

Page

405 39428
505 2715
505a 29729
523 1277
524 1277
525 1277
526 ..... 1277, 17860
531 11363
532 1277
541 ..... 6870, 7681, 12113, 15096, 33054
544 ..... 3011, 12113, 12121, 23895, 28638
545 ..... 1076, 1278, 3011, 4661, 6870, 7681, 12113, 12121, 15096, 23321, 23896, 25030, 28638, 33054, 34162, 43832
546 ..... 27953, 28640, 33054
552 12113
555 ..... 25030, 28641
556 ..... 1278, 17272, 18005
561 ..... 1076, 3011, 42371, 43832
563 ..... 1076, 3011, 18005, 27954, 28643, 34614, 42371, 42898, 43832
563b 4398
564 ..... 24755, 42371
569a 42371
570 34614
571 ..... 1279, 29093, 42371
581 33055
582 33055
582a 33055
582b 33055
584 ..... 16090, 17044, 34615
588 1279
602 2590
603 33831
611 6980
612 25474
613 6980
614 6980
615 ..... 6980, 33832
616 6980
701 ..... 4321, 8967, 15404, 24205, 24755, 30291
703 27260
706 12124
707 12125
720 ..... 2591, 33410
721 15404
745 ..... 8967, 15404

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

101.3–1 (e)(2) amended 2419
102 Technical correction 8541
102.3 (k) and (l) added 7898
102.4 (f) added 7898
102.5 (a) and (e) revised 7899
102.6 Revised 7899
104.1 Removed; new 104.1 added 5139
107.3 Revised 1231
107.301 (e)(2) revised 1231
107.504 (b)(3) revised 1231
107.601 (a) and (b) revised 1231
107.1001 (a) revised 24354

Page

114 Technical correction 10661
114.100 (b) revised 6640
116.3 Revised 26259
Technical correction 37029
120.1 (c) revised; (d) added 7622
120.2 (b)(3) revised 1682
120.3 (b)(3) revised; (b) (5) and (6) added; (c) removed 7622
(b)(2) revised 30262
120.4 Added 7623
120.5 Added 7624
120.6 Added 7625
120.7 Added 7625
121.3–8 (a)(1) revised 17138, 23843, 28603
(a), (e), and (f)(3) revised 32824
(e) corrected 36310
121.3–9 (a)(3) revised 32825
121.3–10 (k) added 8325
(i) revised 20951
(a), (c) through (f), (g)(1)(ii), (j) and (k) revised 32825
121.3–11 Revised 4119, 32826
121.3–14 Revised 4119
121 Schedules C and D revised 32826
122.2 (f)(2) amended 7626
122.15–1 Added 37029
122.15–2 Added 37029
122.15–3 Added 37030
123 Revised 3210D
123.1 (c)(3) and (4) added 30807
123.2 (a)(5)(i) and (ii) revised 30807
123.5 (c)(1) revised 42180
123.7 Revised 33432
123.9 (b)(7) added 30807

Chapter III—Economic Development Administration, Department of Commerce

301.34 (b) revised 1029
301.35 Removed 1029
301.42 (b)(4) revised 1029
(a) and (b)(1) revised 1029, 8325
301.50—301.60 (Subpart D) Revised 12769
302.9 Revised 18544
303.10 (h) removed 6640
304.9 (e) added 2796
305.42 Introductory text revised 29070
305.44 (b) introductory text revised 29070
305.45 (b) introductory text revised 29070
305.59 Redesignated as 305.60; new 305.59 added 12483
Revised 25801
(h) added 32738

Page

305.60 Redesignated from 305.59 12483
306.18 (h) corrected 19443
307.54 (b)(2) removed; (b)(3) redesignated as (b)(2) 25441
308.23 (b) removed; (c) redesignated as (b) 8325
309.7 (a) revised 6476
309.9 (a) revised 13204
311.47 (b) amended 13205
311.60 Revised 22536
313 Added 22537
313.5 (c) revised 43483
313.6 Introductory text revised 43483
313.7 Revised 43483
313.8 Revised 43484
313.9 Added 43484
313.20—313.28 (Subpart B) Added 25671
313.24 (a) revised 29704
314 Added 6770
(a) corrected 12484
315 Added 29265
315.3 (a) revised 44309
315.20 Revised 44309
315.21 Revised 44309
315.25 (a) revised 44309
315.34 Revised 44309
315.61 (c) revised 44309

Chapter IV—Emergency Loan Guarantee Board

402.2 Amended 6201
402.4 (c) revised 6201
402.6 (b) revised 6201

Chapter V—Regional Action Planning Commissions

570.8 (b) revised; (c) redesignated as (d); new (c) added 8326

Title 13—*Proposed Rules:*

102 ..... 3014, 40063
107 ..... 11740, 14606
117 25032
120 15098
121 ..... 10486, 12125, 20110, 24210, 25831, 29899, 30292, 32142, 36149
122 19021
123 19022
402 6212
500 36135
510 36135
520 36135
530 36135
540 36135
550 36135
560 36135
580 36135

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

Page

1.1 Introductory text revised ---- 11714
21 Special FAA Reg. 26 amended ---- 2576, 28604
Special FAA Reg. 29 added ---- 2420
21.17 (a) amended ---- 1033
21.25 (a) amended ---- 1033
21.93 (b) revised ---- 1033
21.101 (a) amended ---- 1033
21.115 Heading and (a) revised ---- 1033
21.183 (e) revised ---- 1033
21.185 (d) added ---- 1034
21.251 (b)(4)(iii) and (iv) amended ---- 2576
21.257 Revised ---- 1034
21.271 (a) amended ---- 2577
21.325 (a)(1) and (2) amended ---- 2577
21.339 (a) and (b) amended ---- 2577
21.451 (d) added ---- 1034
23.335 (c)(1) amended ---- 2577
23 Appendix A amended ---- 2577
25.1459 (a)(1) revised ---- 2577
29 Special FAA Reg. 29 added ---- 2420
36 Technical correction ---- 2174, 2452
36.1 Revised ---- 1034
36.7 Added ---- 1034
(b)(3) corrected ---- 2797
(a)(2)(ii) amended ---- 6347
36.101—36.103 (Subpart B) Heading revised ---- 1034
36.501 (Subpart F) Added ---- 1034
36.1501—36.1581 (Subpart G) Revised ---- 1035
36 Appendix F added ---- 1035
Appendix F amended ---- 6347
Appendix C amended ---- 1035
37.201 Added ---- 19637
Heading, (a), (b), and (g) revised; (d)(i) amended; (h) added ---- 42184
39 Technical correction ---- 2797
39.13 ---- 1, 2, 1036, 1037, 1232, 1682, 2978, 2979, 3287, 3288, 3408, 3574, 3575, 3759, 4119, 4647, 5348, 5755, 5756, 6202, 6347, 6640, 6641, 6770, 6771, 6772, 7626, 7627, 7899, 7900, 8070, 8168, 8326, 8541–8544, 8795, 8796, 8939, 10450, 10661, 10662, 10951, 11549, 11550, 11861, 11862, 12068, 12252, 12484, 12771–12773, 12996, 13203, 13477, 14055, 14056, 14297, 14298, 14739, 14740, 14892, 14893, 15085, 15086, 15384, 15385, 15866, 16189, 16190, 16191, 16297, 16298, 16299, 16832, 17006, 17138, 17139, 17248, 17548, 17832–17835, 18163, 18413, 18545, 19193, 19194, 19444, 19808, 20068, 20268, 20816, 20817, 20951, 21026, 21471, 21704, 22125, 22126, 22249, 22538, 22539, 22825, 22826, 23070, 23456, 23722, 23723, 23843, 23990, 24176, 24177, 24178, 24179, 24355, 24996, 25203, 25584, 25672, 25673, 26018, 26503, 27227, 27439, 27644, 28075, 28604, 28605, 29270, 29271, 29272, 29549, 29704, 29814, 29815, 30463, 30464, 30808, 30932, 30933, 31208, 31209, 31594–31597, 31748–31752, 32314–32318, 32738–31740, 32827–32829, 33007–33010, 33199–33432, 33434, 33653, 33654, 33819, 34333, 34585, 36107, 36108, 36310, 36559, 36560, 36762, 36763, 37030, 37208, 38146, 39855, 41091, 41092, 41519, 42180, 42340, 42739, 42740, 42741, 42854, 43019, 43484, 44310, 44807
63.35 (c) and (d) revised ---- 32830
63.37 (b)(4), (5), and (6) redesignated as (b)(5), (6), and (7); new (b)(4) added ---- 32830
71 Republished ---- 299
71.9 (b) revised ---- 27015
71.103 ---- 17007
71.105 ---- 17007, 17549, 25411, 43885
71.107 ---- 17007
71.109 ---- 17007, 25441, 42741
71.121 ---- 16651, 18414, 20269, 25673
71.123 ---- 1038, 3760, 4121, 4298, 4300, 4409, 4906, 6203, 7082, 8327, 8796, 14299, 16651, 17549, 17550, 17837, 18549, 19809, 19444, 23457, 24181, 25204, 25441, 26020, 26504, 32319, 34087, 42180, 42342, 43885, 44310, 44126, 44808
71.125 ---- 17007, 23724, 25441, 34088, 43885
71.151 ---- 1038, 4299, 6203, 8070, 17550, 18978, 23457, 23458, 25204, 33655, 37030, 39495
71.163 ---- 16651, 26020, 36108, 43487, 44127

Page

71.171 ---- 1038, 1508, 2421, 3210K, 3575, 3760, 4297, 4298, 4905, 5348, 5493, 6772, 7435, 8327, 10170, 12252, 13478, 14740, 14741, 17140, 17248, 17836, 17986, 18164, 18978, 20068, 20069, 20269, 20952, 21472, 22126, 22127, 22249, 22250, 23274, 23724, 23990, 24179, 24721, 24996, 25204, 28076, 28790, 29272, 29273, 29550, 29551, 30099, 30465, 31597, 32320, 33010, 33435, 33655, 33966, 42340, 42341, 43485, 43718, 44807, 44808
71.181 ---- 1038, 1508, 1682, 1683, 2422, 2577, 3210K, 3289, 3409, 3575, 3761, 4120, 4121, 4298, 4905, 5140, 5348, 5349, 5493, 5494, 5756, 6203, 6347, 6641, 7436, 7627, 7900, 7901, 8327, 8545, 8797, 10171, 10172, 10173, 10662, 10663, 10951, 11550, 11551, 11712, 11861, 11862, 12253, 12485, 12649, 12774, 12997, 13478, 14298, 14299, 14741, 15086, 15385, 15867, 16300, 16651, 16832, 17006, 17007, 17140, 17248, 17249, 17836, 17837, 17986, 18164, 18549, 18978, 19809, 20069, 20612, 21931, 22127, 22250, 22539, 23724, 23990, 24179, 24180, 24181, 24355, 24356, 24518, 24720, 24721, 24895, 24997, 25585, 25673, 26019, 26020, 26021, 26022, 26504, 26673, 27440, 28076, 28077, 29272, 29273, 29551, 30099, 30465, 30633, 30808, 30933, 31927, 32319, 32320, 32741, 32742, 33199, 33435, 33654, 33655, 33819, 33820, 33966, 34087, 34333, 34334, 36108, 36109, 36560, 36763, 39495, 39855, 41520, 41998, 42341, 42342, 42741, 43019, 43020, 43485, 43486, 43487, 43718, 44127, 44540, 44808, 44809
71.203 ---- 34087, 44311
71.207 ---- 26020
71.209 ---- 43487
71.211 ---- 8327, 17008, 17549, 34088, 43885
71.213 ---- 17008, 34088, 43885
71.215 ---- 36311
71.401 ---- 4120, 10170, 12253, 16050, 18414, 20269, 24180, 31927, 36311
73 Republished ---- 652
73.15 (a)(2) removed ---- 27015
73.19 (c) removed ---- 27015
73.22 ---- 43719
73.24 ---- 23458
73.25 ---- 25442, 29552, 34334
73.26 ---- 25204
73.29 ---- 37030
73.30 ---- 1038, 7082, 26260, 27227, 39495
73.32 ---- 18978
73.48 ---- 34334
73.51 ---- 4299, 30634, 38146
Effective date corrected ---- 41092
73.53 ---- 6203, 8070, 10663, 17550
73.55 ---- 8940
73.60 ---- 7082
73.61 ---- 25204
73.63 ---- 23457, 23458, 30633
73.64 ---- 26260, 31209, 38146
Effective date corrected ---- 41092
73.67 ---- 33655
73.69 ---- 17550
73.71 ---- 27440
75 Republished ---- 704
75.100 ---- 17008, 23724, 25204, 25441, 25442, 26020, 26023, 27015, 27644, 28077, 31598, 34088, 43487, 43885, 44311
75.400 ---- 25204, 28077
91 Special FAA Reg. 29 added ---- 2420
Technical correction ---- 12253
91.24 (b)(2) revised ---- 16652
(c) revised ---- 27016
91.75 (a) amended ---- 10451
91.87 (h) revised ---- 29705
91.90 (b)(1)(i) revised; (b)(2)(iii) amended ---- 16652
91.116 (f) amended ---- 10451
93.81 Revised ---- 37031
93.83 Revised ---- 37032
93.113 Amended ---- 26261
95 ---- 2577, 2578, 3576, 8072, 12485, 22239, 30100, 42181, 43885
97.21—97.35 ---- 1232, 3577, 3578, 3761, 4647, 5494, 6642, 7628, 8545, 8546, 10452, 11713, 12649, 13479, 14893, 16300, 17141, 18164, 18165, 18978, 18979, 20069, 20070, 21027, 22827, 23844, 24182, 24997, 26022, 26023, 27016, 28606, 29071, 30106, 30934, 32320, 33199, 34335, 36763, 39496, 39497, 41093, 42342, 43020, 44127, 44128
103.1 (c)(4) revised; (c)(7) and (d) added ---- 17142
103.3 (a) revised, (d) added ---- 5141
(e) added ---- 17142
(d)(3) effective date extended; 1-1-76 ---- 26673
103.4 Added ---- 5141
103.7 (b)(6) revised ---- 17142
103.23 (c) and (d) added ---- 5141
(c) effective date extended: 1-1-76 ---- 26673

(CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1975)

Title 14, Chapter I—Continued

Page

103.25 Revised ---- 5141
121.288 Time extended ---- 7436
121.319 (a)(1) removed; (b)(5) (ii) and (iv) revised ---- 42186
121.360 Revised ---- 19638
Heading, (a) and (b) revised; (f) and (g) added ---- 42185
121.538 (c)(2) and (3) amended; (c)(4) added ---- 17552
(c)(2), (3), and (4) effective date postponed ---- 25802
121.538a Added ---- 10173
121.575 (b) revised ---- 17552
(b) effective date postponed ---- 25802
121.584 Added ---- 17552
Effective date postponed ---- 25802
121.585 Revised ---- 17552
Effective date postponed ---- 25802
121.697 (c) and (d) revised; (e) added ---- 44541
121 Appendix A amended ---- 1039
129.25 Added ---- 29274
129.27 Added ---- 29274
135.2 (a) amended; (d) revised ---- 21705
139.1 (b) (4) and (5) added ---- 11714
171.13 (b) amended ---- 36110
171.33 (b) amended ---- 36110
171.53 (b) amended ---- 36110
171.117 (b) amended ---- 36110
171.163 (b) amended ---- 36110
171.213 (b) amended ---- 36110
171.251—171.275 (Subpart I) Added ---- 36110
171.265 (b) and (g) corrected ---- 41093
(j) corrected ---- 43719

Chapter II—Civil Aeronautics Board

201.4 (d) added ---- 37182
207.11 (b)(9) and (c)(7) added ---- 34088
208.6 (b)(8) and (c)(7) added ---- 34088
211.1 Revised ---- 28077
211.2 Revised ---- 28078
211.4 Revised ---- 28078
211.5 (e) added ---- 37182
212.8 (a)(9) and (b)(7) added ---- 34088
214.7 (a)(6) and (b)(6) added ---- 34088
216.4 (a) revised ---- 23844
217.1 Amended ---- 28078
217.2 Revised ---- 28078
217.6 (a) revised ---- 28078
(b)(1) through (9) added (reinstated) ---- 33435
221.165 (b)(2) revised ---- 37182
222.2 Revised ---- 25585

Page

223 Recodified to include the provisions of Parts 223, 224, and 233 as Subparts A, B, and C, respectively, and revised ---- 18415
Corrected ---- 18979
223.9 Redesignated from § 399.34 and revised ---- 18419
224 Removed; provisions recodified as Subpart B of Part 223 ---- 18415
227 Removed ---- 24998
228.1 Revised ---- 43886
228.4 (h) revised ---- 2797
228 Appendix note amended ---- 26023
233 Removed; provisions recodified as Subpart C of Part 223 ---- 18419
239.1 Amended ---- 1040
239.6 (j) revised ---- 1040
239.7 (c), (d), (e), and (f) revised ---- 1040
240.1 (a) and (c) revised ---- 27017
240.2 Revised ---- 27017
241 Sec. 22(a) table amended ---- 16652, 42855
Sec. 23 amended ---- 16654
Sec. 24 amended ---- 16654
250 Technical correction ---- 6347
250.2 Revised ---- 4410
261.9 Added ---- 37183
287.3a Revised; time extended ---- 19639
288.7 (a) and (d) amended ---- 1040, 5757, 10174, 14894
(a) and (d) revised ---- 3583
(a) corrected ---- 8073, 10663, 24518
Special temporary regulation ---- 5758
Technical correction ---- 6642
(b) table revised ---- 18774, 28078
(a) and (d) amended ---- 19639, 23845
Technical correction ---- 20612
(a)(2) and (d)(2) amended ---- 28450
288.8 Revised ---- 3584
288.10 (b) revised ---- 3584
(b) table corrected ---- 5141
296 Revised ---- 28080
296.83 (a)(4) corrected ---- 30634
297 Removed ---- 28087
298 Revised ---- 42855
302.4 (a) revised ---- 37184
302.1101 Revised ---- 10968
302.1109 (a) and (b) revised; (c) added ---- 10968
310.5 Revised ---- 7241
310.7 Revised ---- 10663
310.9 Revised ---- 10663
310.10 Added ---- 10664
310a Added ---- 45104
311.43 (b) through (h) revised ---- 10664
312 Added ---- 37190
312.20 Appendix A corrected ---- 43211

(CHANGES JANUARY 2 THROUGH SEPTEMBER 30, 1975)

Page

372a.5 Removed ---- 13205
372a.25 (a) revised ---- 1233
(b)(2)(vii) revised ---- 42742
373.20 (Subpart C) Subpart and Section headings and text revised ---- 43719
373 Appendix B removed ---- 43719
375.40 (a) revised ---- 23070
377 Revised ---- 24998
378.20 (Subpart C) Subpart and Section headings and text revised ---- 43719
378 Appendix B removed ---- 43719
378a Added ---- 34100
378a.30 (j) corrected ---- 41093
378a.31 (c) revised ---- 36764
378a.102 Amended ---- 41093
378a Appendix A added ---- 36765
385 Technical correction ---- 44128
385.12 (d) added ---- 7241
(e) added ---- 45106
385.13 (ff) corrected ---- 4300
(v) introductory text, (v)(2), (cc) and (ff) revised; (ii) added ---- 40816
(v) corrected ---- 44128
385.22 (e) revised ---- 27018
385.24 Added ---- 45106
385.25 Added ---- 45106
389.11 (a) revised ---- 7242
389.14 Revised ---- 7242
389.22 (b) revised ---- 19810, 20613
(c) revised ---- 20613
389.23 (b) revised ---- 20613
389.25 (h) and (j) revised; (m) added ---- 34106
399.2 Introductory text amended ---- 6643
399.14 Revised ---- 28087
399.16 (b) revised ---- 3409
399.31 Revised ---- 6643
399.32 Revised ---- 6643
399.33 Revised ---- 6643
399.34 Removed; provisions revised and redesignated as § 223.9 ---- 18419
399.84 Added ---- 4907
399.110 (Subpart J) Removed ---- 37184

Chapter III—National Transportation Safety Board

Chapter removed; redesignated as 49 CFR Chapter VIII and revised ---- 30106
400 Revised ---- 14572
Removed; redesignated as 49 Part 800 and revised ---- 30232
401 Appendix A added ---- 7250

Page

Revised ---- 14574
Removed; redesignated as 49 Part 801 and revised ---- 30232
405 Removed; redesignated as 49 Part 805 and revised ---- 30239
421 Removed; redesignated as 49 Part 821 and revised ---- 30243
425 Revised ---- 14578
Removed; redesignated as 49 Part 825 and revised ---- 30248
430 Removed; redesignated as 49 Part 830 and revised ---- 30249
431 Removed; redesignated as 49 Part 831 and revised ---- 30250
435 Removed; redesignated as 49 Part 835 and revised ---- 30253
440 Removed; redesignated as 49 Part 845 and revised ---- 30254

Chapter V—National Aeronautics and Space Administration

1206 Revised ---- 7244
1209.400—1209.405 (Subpart 4) Revised ---- 30465
1212 Added ---- 43668

Title 14—*Proposed Rules:*

Ch. I ---- 20289, 42754, 43919
1 ---- 21866, 22110, 24664, 26043, 29410
11 ---- 23897
21 ---- 1061, 2823, 4152, 10802, 22271, 24664, 29410
23 ---- 10802, 21866, 22110, 22554, 23048, 23474, 24664, 24802, 29410
25 ---- 6506, 10802, 15093, 21485, 21866, 22110, 22554, 23048, 23474, 23764, 24664, 24802, 29410
27 ---- 10802, 12518, 21866, 22110, 22554, 23048, 23474, 24664, 24802, 29410
29 ---- 10802, 12518, 21866, 22110, 22554, 23048, 23474, 24664, 24802, 29410
31 ---- 10802, 29410
33 ---- 10802, 21866, 29410
35 ---- 10802, 21866, 29410
36 ---- 1061, 2823, 4152, 14093
37 ---- 11002, 30839
39 ---- 1711, 3312, 3784, 6509, 6675, 7677, 8217, 8568, 11003, 11596, 12809, 16854, 17852, 18552, 20289, 22271, 22554, 23764, 24363, 24364, 24914, 25027, 25479, 26541, 26542, 28096, 29301, 30126, 30980, 31624, 31806, 32342, 32343, 32837, 32838, 33049–33052, 33682, 34139, 39896, 41143, 41537, 42023, 43919, 44335, 44570, 44841
43 ---- 8685, 22110, 29410
45 ---- 5542, 29410

58-140 O - 75 - 6

Title 14—*Proposed Rules*—Continued

Page

49 ---------- 2245
61 ---------- 8685
63 ---------- 8685
65 ---------- 8685
67 ---------- 42024
71 ---------- 1059, 1060, 1061, 1518, 2445, 2824, 2825, 3220, 3312, 3313, 3611, 3784, 3785, 4152, 4153, 4319, 4444, 4937, 5167, 5373, 5542, 5543, 5793, 6369, 6509, 6510, 7464, 7677, 7678, 7944, 8108, 8217, 8359, 8360, 8831, 8958, 10193, 10194, 10692, 11003, 11597, 11893, 12110, 12518, 12677, 12678, 12810, 12811, 13001, 13519, 14334, 14760, 14781, 15094, 15399, 15400, 15907, 16088, 16089, 16217, 16345, 16346, 16854, 17264, 17265, 17596, 17853, 18001, 17176, 19019, 19020, 19484, 19485, 19834, 20107, 20290, 20291, 20292, 20293, 20640, 20825, 20955, 20956, 21484, 21485, 21740, 22272, 22556, 22557, 23084, 23310, 23474, 23475, 23765, 23766, 24019, 24204, 24364, 24365, 24914, 25027, 25028, 25218, 25480, 25601, 25687, 26043, 26044, 26045, 26277, 26542, 26543, 26684, 26685, 26686, 27042, 27244, 28628, 29302, 29554, 29728, 30127, 30128, 30493, 30494, 30495, 30670, 30840, 30981, 31245, 31247, 31806, 31958, 31959, 32343, 32344, 32345, 32346, 32758, 32839, 33223, 33224, 33461, 33462, 33997, 33998, 34140, 34141, 34605–34608, 36144, 36380, 36381, 36575, 36777, 37045, 37226, 39529, 39897, 39898, 42025, 42210, 42364, 42365, 42366, 44576, 44841, 44842
73 ---------- 1518, 3220, 6979, 11597, 12110, 15907, 20825, 25688, 26277, 29554, 30494, 42210
75 ---------- 14781, 19834, 21986,, 22553, 23475, 24914, 28096, 28097, 28628, 31245, 34606, 36381, 42756, 43036, 43513, 44335
91 ---------- 1072, 8218, 8685, 10802, 14093, 14334, 22110, 22554, 23048, 23474, 24664, 26043, 28628, 29089, 29410, 44256, 44842
93 ---------- 20826, 21740, 25028, 25219, 28629
101 ---------- 8685
103 ---------- 5168, 32758
105 ---------- 8685
121 ---------- 6506, 8222, 8685, 8830, 10802, 11004, 11736, 11737, 17156, 21485, 23048, 24664, 24802, 29410, 30839
123 ---------- 8685
127 ---------- 8685, 10802, 23048
129 ---------- 8222, 8685
133 ---------- 8685, 10802
135 ---------- 6370, 8685, 10802, 16347, 22110
137 ---------- 8685, 8831
141 ---------- 8685

Page

143 ---------- 8685
145 ---------- 8685
147 ---------- 8685
148 ---------- 8685
152 ---------- 36516, 44842
Ch. II ---------- 11601
207 ---------- 5371, 17039, 18003
208 ---------- 5371, 17039, 18003
212 ---------- 5371, 17039, 18003
214 ---------- 5371, 17039, 18003
217 ---------- 17039, 18003, 43920
221 ---------- 11602, 13002, 17596, 24740, 28489, 30128
231 ---------- 43743
234 ---------- 18450
241 ---------- 17039, 18003, 30497, 43920
249 ---------- 17039, 18003
310 ---------- 2826
310a ---------- 30283
369 ---------- 18003
372 ---------- 6512
372a ---------- 17039
373 ---------- 6512
378 ---------- 6512, 17039
378a ---------- 17039, 18003
385 ---------- 2826, 30283
389 ---------- 2826, 17039, 18003
399 ---------- 37048
401 ---------- 2446
1206 ---------- 2716
1212 ---------- 38073

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

4 Revised ---------- 11553
4.4 (d) revised; Appendix B amended ---------- 24721
4 Appendix A amended ---------- 14056
9.2 (b) revised ---------- 33966
9.3 Amended ---------- 33966

Chapter I—Bureau of the Census, Department of Commerce

30.55 (1) added ---------- 32116
50.10 Revised ---------- 6324
60 Revised ---------- 19810

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter F established ---------- 32830
265 Added to Subchapter F; transferred from Subchapter E ---------- 32830

Chapter III—Domestic and International Business Administration, Department of Commerce

Page

301 Redesignated from Part 701 ---------- 12253
Authority citation revised ---------- 12254
Numbering changes ---------- 12254
301.1 (a) revised ---------- 12254
301.2 (a) revised ---------- 12254
301.3 Revised ---------- 12254
302.2 (f) revised ---------- 17837
302 Appendix B added ---------- 17837
350 Added (Recodified from subparts A and B of Part 500) ---------- 14921
355 Added ---------- 14926
370 Supplement No. 1 amended ---------- 21931
370.10 (f)(2) and (3)(i) revised ---------- 23990
370.12 Added ---------- 23991
371.9 Amended ---------- 21931
(b)(2) removed; (b)(4) amended ---------- 40508
371.10 Amended ---------- 21931
371.22 (e) revised ---------- 23991
372 Revised ---------- 27227
372.12 (c) revised ---------- 23991
373.3 (d)(3)(ii)(e) removed; (d)(3)(ii)(g), (h)(1) and (k) revised ---------- 8199
(a)(2) amended ---------- 21931
373.4 (b) amended ---------- 31209
373 Supplement No. 1 amended ---------- 31209
374 Revised ---------- 23991
374.3 (d)(1)(i)(*b*) amended ---------- 21931
376.3 Removed ---------- 4907
376.5 (b) and (c) revised ---------- 27237
376.9 Amended ---------- 21931
376.11 Added ---------- 8199
376.12 Note revised ---------- 8199
376 Supplement No. 3 amended ---------- 27238
377 Time extended ---------- 40507
377.4 Removed ---------- 1041
377.6 (c), (d)(2), and (e)(2) amended ---------- 2174, 2452
(d)(3) and (e)(4) added ---------- 2174, 2452
377 Supplement No. 1 removed ---------- 1041
Supplement No. 2 revised ---------- 2175, 15867, 29705
378.5 Added ---------- 31210
378 Supplement No. 2 added ---------- 31210
378 Supplement No. 3 added ---------- 31210
379.3 (c)(3) footnote revised ---------- 23994
379.4 (e)(1)(iii)(*n*) added ---------- 36311
379.5 (f) added ---------- 23994
379.8 (c)(1) revised ---------- 23994
385.1 (a) amended ---------- 21932
385.4 (d) removed ---------- 21932
(a) revised ---------- 23994

Page

386.6 (d)(2)(i)(*b*) and (3) amended ---------- 21932
386.8 (b)(1)(iii)(*b*) revised ---------- 23994
390.5 Added ---------- 21932
399.1 Amended ---------- 1041

Chapter V—Office of Trade Adjustment Assistance, Department of Commerce

Chapter removed ---------- 14931
500 Removed (provisions recodified under Part 350) ---------- 14930

Chapter VII—Office of Import Programs, Department of Commerce

Chapter removed ---------- 12254
701 Redesignated as Part 301 ---------- 12254

Chapter VIII—Bureau of Economic Analysis, Department of Commerce

803.1 (b) revised ---------- 21705
803.2 (a)(2) amended ---------- 21705
803.4 (a)(1) and (b)(1) revised ---------- 21705
803.5 (g) revised ---------- 21706
804 Added ---------- 5004

Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce

903 Revised ---------- 41999
920.40 Revised ---------- 16833
920.45 Revised ---------- 16833
920.46 Revised ---------- 16834
920.47 Revised ---------- 16834
920.48 Revised ---------- 16834
920.49 Revised ---------- 16834
923 Redesignated as 926 ---------- 4648
923 Added ---------- 1684
Prior 923 redesignated as 926 ---------- 4648
924 Interim regulations added ---------- 5349
Revised ---------- 21706
925 Interim regulations added ---------- 8546
Time extended ---------- 19194
926 Redesignated from prior Part 923 ---------- 4648
Revised ---------- 11863
927 Added ---------- 23275
928 Added ---------- 23275

Chapter XI—Social and Economic Statistics Administration, Department of Commerce

Chapter XI Removed ---------- 44809
1160 Added ---------- 20070
Removed ---------- 44809

Title 15—Continued

Chapter XII—United States Travel Service, Department of Commerce

Page

1202 Added 34107

Chapter XIII—East-West Foreign Trade Board

Chapter established 29534
1300 Added 29534

Chapter XX—Office of the Special Representative for Trade Negotiations

2001 Revised 18419
2001.3 (a)(13) revised 39497
2002 Revised 18420
2002.1 (b)(4) redesignated as (b)(5); new (b)(4) added 39497
2002.2 (b)(5) removed 39497
2002.3 Redesignated as 2002.4 and amended; new 2002.3 added 39497
2002.4 Added; provisions transferred from 2002.3 39497
2003 Revised 18421
2003.1 (b) removed; (c) redesignated as new (b) 39498
2003.2 (e) revised 39498
2003.3 Removed 39498
2003.4 (a) amended 39498
2004 Added 30934
2006 Added 39498

Title 15—*Proposed Rules:*

4 2821
4b 32960
7 20092
9 7099
80 42209
500 12276
510 12276
803 14603
1202 23875
2005 39384

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

1.4 (b) revised 15233
1.7—1.10 Added (together with new 1.11—1.16, to form new Subpart B) 15232
1.7—1.16 (Subpart B) Added 15232
Revised 33966

Page

1.11—1.16 (former Subpart B) Redesignated as 1.21—1.26 (Subpart C) 15232
1.12 Added 33967
1.14 Added 33968
1.17 Added 33968
1.18—1.20 Added 33969
1.21—1.26 (Subpart C) Added 15232
1.21 (former Subpart C) Redesignated as 1.91 (Subpart J) 15232
1.22 Redesignated from 1.12 and revised 15232
1.24 Redesignated from 1.14 and revised 15233
1.61 Revised 15233
1.81—1.85 (Subpart I) Technical correction 17008
1.81 (a) and (b) revised 15233
1.82 Revised 15233
1.83 (a) and (b) revised; (c) and (d) added 15233
1.84 (a) and (b) revised; (c) added 15234
1.85 Revised 15234
1.86 Added 15234
1.91 (Subpart J) Redesignated from 1.21 (Subpart C) 15233
2.1 Revised 760
2.7 Revised 760
(c) added 21708
2.11 Revised 761
(c) added 21708
2.12 Revised 761
(c) added 21708
2.14 (c) revised 761
(a) revised 15235
2.31—2.35 Revised 15235
3.2 Revised 33969
3.13 Revised 33969
3.21 (c) revised 15234
(a)(5) revised 33970
3.25 Added 15236
3.61 (c) revised 761
(f) revised 15234
4.1 (b)(4) revised 15235
4.2 (a) revised 761, 15235
(c) and (d)(1) revised 15235
4.4 (a)(1) and (b) revised; (a)(2) removed; (a)(3) redesignated as (a)(2) 21708
(c)(3) revised 22827
4.8 (b) and (c) revised 7251

Page

4.9 (a) and (b)(1) and (4) revised; (c)(1) through (7) redesignated as (b)(17) through (23); (c) removed; (d) and (e) redesignated as (c) and (d) 7628
(b)(10), (12), and (14) revised 15236
(b)(5) revised 33970

Page

4.10 (a) introductory text, (1), (4), and (5) revised 7629
(a)(1) revised 23278
4.11 Revised 7629
(b) revised 23278
4.13 Added 40780
13 Heading revised 761
14.11 Added 23845
113.533—13.533-70 (Subpart) Added 761
142.6-1—142.6-3 Revised 11714
255 Added 22128
256 Added 33436
256.4 Note corrected 36116
256.5 (b) corrected 36116
256.11 (e) corrected 36116
259 Added 42004
302.19 Heading revised; (d) redesignated as (g); new (b)(8), (d), (e), and (f) added 16660
(b)(8) introductory text revised; (b)(8)(i) and (ii) redesignated as (b)(8)(iii) and (iv); new (b)(8)(i) and (ii) added 27933
302.21 Added 14589
(b)(4) revised; (b)(7) amended 27933
304 Added 5496

Chapter II—Consumer Product Safety Commission

1018 Added 43886
1031 Added 26025
Technical correction 29815
1031.5 (i) corrected 27934
1116 Added 30937
Effective date postponed 42005
1116.2 (b)(4) corrected 32830
1116.8 (c), (f), and (g) corrected 32830
1116.9 (a)(2)(i) corrected 32830
1500.50—1500.53 Added 1483
Authority citation corrected 6210
1500.50 Added 1483

Page

(b) corrected 16191
1500.51 Added 1483
(g)(1) corrected 6210
(b), (c), (d), (e), (f), and (g) corrected 16192
(f)(1)(ii) corrected 17746
1500.52 Added 1483
(a) and (f)(3) corrected 6210
(b), (d), (e), and (f) corrected 16192
1500.53 Added 1483
(b), (c), (d), (e), and (f) corrected 16192
1609 Removed 43889
1700.5 Added 4650

Title 16—*Proposed Rules:*

1 ..... 15237, 20109
3 ..... 15239, 20110, 21047, 22146, 25032
4 ..... 2450, 15245, 20110, 21047, 22146, 25032, 34162, 38171
19, 20, 28, 31, 33, 37 21047
49, 53, 65, 72, 76, 84 21047
85, 87, 97, 99, 108–110 21047
119–122, 124–127 21047
129, 133, 134, 137, 139 21047
140, 143, 147–149 21047
155, 163, 164, 166–168 21047
171–173, 179, 180, 183 21047
188–190, 193, 211–213 21047
218–220, 225 21047
255 ..... 22146, 30988
257 ..... 28489, 33832
302 ..... 3279, 32845
437 ..... 6375, 6688, 23086, 23897, 29892, 36145
438 ..... 2450, 21048, 23091, 36146, 44582
439 ..... 2451, 30842, 32764
440 ..... 26646, 36145
441 ..... 23334, 36145
443 ..... 34615, 37226
444 ..... 16347, 25607, 29892, 36145
445 ..... 39532, 42757
447 ..... 24031, 24755, 36145, 44650
453 ..... 39901, 42212, 42371
454 41144
502 26283
701 ..... 29692, 37226
702 ..... 29894, 30674, 37226
703 ..... 29895, 37226
Ch. II 3276
1014 ..... 42025, 43231, 43743
1016 ..... 29092, 32346, 39901
1207 ..... 42562, 44577
1500 ..... 1488, 1491, 1493, 2211, 2212, 4320, 12678, 17157, 20293, 25480
1509 20293
1512 ..... 1493, 2211, 2212, 25480
1607 12111
1700 2827

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Futures Trading Commission

Page

Chapter heading revised 17406
1 Technical correction 18776, 23278
1.3 (aa) added 20616
1.10a Added 17407
1.10b Added 20616
Revised 30107
1.10c Added 20616
1.10d Added 20616
1.11 Amended 20616
Revised 30107
1.14 Heading revised; (a) amended; (b) redesignated as (c); (a)(3), (4), and (5) and new (b) added 20616
1.41 Revised 29085
1.52 Added 17408
1.53 Added 30108
15.02 Revised 23995
15.03 Revised 23995
17.04 Added 29795
Removed 41117
17.05 Added 29795
Removed 41117
18.03 Revised 23995
18.07 Added 29795
Revised 41117
30 Added 26505
146 Added 41058
150.1 (c) revised 15087
150.2 (c) revised 15087
150.3 (c) revised 15087
150.4 (c) revised 15087
150.5 (c) revised 15087
150.10 (c) revised 15087
150.11 (c) revised 15087

Chapter II—Securities and Exchange Commission

200 Authority citation corrected 17008
200.30–1 (d)(4) revised 22129
200.30–3 (a)(12) added 26506
(a)(3)(i) revised; (a)(3)(ii) removed; new (a)(3)(ii) redesignated from (a)(3)(iii) 27441
(a)(13) added 40512
200.30–4 (a)(2) revised; (a)(3) and (4) added 14748
200.30–5 (b)(1) revised; (b)(2) amended 27441
200.30–11 (a)(1)(i) revised; (a)(1)(ii) removed; new (a)(1)(ii) and (iii) redesignated from (a)(1)(iii) and (iv) 27441
(b)(1) revised; (b)(2) amended 27441
200.30–12 Added 16052
200.301—200.311 (Subpart H) Added 44068
200.312 Added 44073
201.1 Revised 42186
201.27 Revised 42186
210.4–02 (e) revised 33033
211 Interpretative releases 27441
230.134 (a)(3)(iii) revised 27443
230.144 (e)(1)(i) revised 44541
230.146 (c) introductory text, (c)(3), (e)(1)(ii)(b), (e)(3) note, (f)(1), (3), and (4), (g)(1) and (g)(2) note revised 21710
231 Interpretative releases 21712, 27441
Technical correction 24896
240.3b–3 Added 25444
240.9b–1 Removed 40512
240.10a–1 Added 25444
240.10a–2 Added 25445
240.15Aj–2 Removed 40512
240.15Aj–3 Removed 40512
240.15b3–1 (a) revised 30636, 30638
(a) effective date postponed 30637
240.15b8–1 (a)(2) introductory text, (2)(iii), and (4) revised 30638
(a)(3) revised 30636, 30638
(a)(3) effective date postponed 30637
240.15b9–1 (c) revised 30639
240.15b10–11 Added 21718
240.15c3–1 Revised 29799
(b)(2) redesignated as (b)(3); new (b)(2) added 41521
(c)(2)(xi) removed; (c)(2)(xii) and (xiii) redesignated as (c)(2)(xi) and (xii) 41521
240.15c3–1a Revised 29806
240.15c3–1b Revised 29807
240.15c3–1c Revised 29808
240.15c3–1d Revised 29808
240.17a–3 (a)(12)(i)(h) added 40513
240.17a–8 Removed 40512
240.17a–20 Added 20074
240.19b–4 Added 40512
Corrected 42343
241 Interpretative releases 27441
249.19a Added 40512
249.19b Added 40512

Page

249.501 Form BD amended 30637
Effective date postponed 30637
Amended 36765, 41521
249.502 Amended 22828
Heading revised 30636
Effective date postponed 30637
249.504i Added 22828
249.636 Added 20075
249.819a Added 40512
249.819b Added 40512
250.26 Revised 22129
Technical correction 26026
250.50 Amended (suspension ended) 17251
251 Interpretative releases 27441
257 Text (except Appendix) removed; correction 26026
Appendix heading amended 26026
270 Technical correction 42862
270.0–1 (e) introductory text and (e)(2) revised 33971
270.3c–4 Removed 27645
270.6c–2 Revised 41760
270.22d–3 Added 33970
271 Interpretative releases 17986, 21717, 27441
Technical correction 24896
275.202–1 Removed 27645
275.203–1 Form ADV new instruction 44128
275.206(3)–1 Added 19468
Revised 38159
275.206(3)–1(T) Removed 38159
Revised 38157
275.206A–1(T) Added (temporary rule) 18425
1 ..... 18187, 19020, 29090, 29091
30 36382
145 34146
148 32839
150 15907
200 ..... 34152, 34417, 34418
210 ..... 20308, 25605, 33690, 40550
211 25605
230 ..... 20316, 27492, 29306, 29899, 30844, 34422, 40555, 44584
231 ..... 25230, 30992, 42212
239 ..... 20308, 20316, 23770, 25230, 29899, 30992, 33690, 42212, 44584
240 ..... 16090, 20316, 21498, 25494, 27492, 29899, 29306, 33690, 34422, 37228, 40858, 41808, 42212, 42219, 42905, 43743
241 ..... 25230, 30992, 42212
249 ..... 20308, 20316, 25230, 29899, 30992, 33690, 37228, 40858, 42212, 44584
259 42212
270 ..... 18007, 20315, 27493, 40555, 41818, 42757
271 ..... 18467, 20110, 24756
275 ..... 14782, 18007, 18797, 24756

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

1.13 (d) effective date confirmed 25003
1.36 (f)(1) revised 17553
(d) removed; (f)(3) revised 42005
2.68 Interpretation 42006
2.79 Added 41767
3.108 Revised 16301
3.142 (a)(42) revised; (a)(48) removed 37033
Technical correction 43488
3.170 (a)(27) added; correction 20270
(a)(28) added 27647
(a) revised 43894
3.201—3.211 (Subpart C) Redesignated from 3.735–1—3.735–11 (Subpart C) and revised 29275
3.221—3.232 (Subpart D) Redesignated from 3.735–21—3.735–32 (Subpart D) and revised 29280
3.241—3.246 (Subpart E) Added 29286
3.735–1—3.735–11 (Subpart C) Redesignated as 3.201—3.211 (Subpart C) and revised 29275
3.735–21—3.735–32 (Subpart D) Redesignated as 3.221—3.232 (Subpart D) and revised 29280
3b Added 44288
101 General Instruction 18 added 26983
Acct. 190 amended 26984
Accts. 281—283 Introductory text revised 26984
Acct. 281 amended 26983, 26984
Acct. 282 amended 26983, 26984
Acct. 283 revised 26984
104 General Instruction 16 added 26985
Acct. 190 amended 26985
Accts. 281—283 Introductory text revised 26986
Acct. 281 amended 26985, 26986
Acct. 282 amended 26985, 26986
Acct. 283 revised 26986

(CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1975)

Title 18, Chapter I—Continued

Page

141.300 Revised ---- 37033
Technical correction ---- 43488
141.301 Removed ---- 37033
Technical correction ---- 43488
154.38 (d)(4)(v) and (d)(5)(ii) (e) revised ---- 43891
154.63 (c)(4) revised ---- 43892
157.40 (c), (e), and (f) revised; (i) added ---- 41772
201 General Instruction 18 added ---- 26987
General Instruction 18 added ---- 26987
Acct. 166 amended ---- 26508
Acct. 190 amended ---- 26987
Accts, 281—283 Introductory text revised ---- 26984
Acct. 281 amended ---- 26987, 26988
Acct. 282 amended ---- 26987, 26988
Acct. 283 revised ---- 26988
204 General Instruction 16 added ---- 26989
Acct. 190 amended ---- 26989
Accts. 281—283 Introductory text revised ---- 26984
Acct. 281 amended ---- 26989
Acct. 282 amended ---- 26989, 26990
Acct. 283 revised ---- 26990
206.11 Revised ---- 43894
260.13 Effective date postponed ---- 17554
Effective date added ---- 37034
260.15 Added ---- 27647

Chapter II—Tennessee Valley Authority

301.2 Added ---- 14749

Chapter III—Delaware River Basin Commission

401.71—401.89 (Subpart F) Correctly designated as 401.91—401.109 (Subpart G) ---- 17987
401.81—401.87 (Subpart F) Effective status confirmed ---- 17987
401.91—401.109 (Subpart G) Correctly designated from 401.71—401.89 (Subpart F) and amended ---- 17987
401.91—401.94 (Subpart G) Correctly redesignated as 401.111—401.114 (Subpart H) ---- 17987
401.111—401.114 (Subpart H) Correctly redesignated from 401.91—401.94 (Subpart G) ---- 17987

Chapter VI—Water Resources Council

706 Added ---- 32818

Title 18—*Proposed Rules*:

Page

Ch. 1 ---- 15402
1 ---- 20827
2 ---- 16220, 22006, 22557, 24542, 25691, 26568, 29304, 32140, 33998, 37056
3 ---- 18796, 20108, 21492, 26569
3b ---- 36546
35 ---- 14606, 23768, 26702, 32763, 42029
101 ---- 14606, 23322, 27492, 33999
104 ---- 14606, 23322, 27492, 33999
141 ---- 15402, 16684, 20108, 23322, 27492, 29305, 33999
154 ---- 14606, 18467, 19661, 22006, 24031, 24542, 25691, 26568, 32140, 33998, 37058, 41537, 44582, 44850
157 ---- 22006, 24542, 25691, 26568, 32140, 33998, 37056, 41539
161 ---- 20827
201 ---- 14606, 23322, 27492, 33999, 37056, 41539, 44582, 44850
204 ---- 14606, 23322, 27492, 33999
260 ---- 16684, 18796, 21492, 23322, 26569, 27492, 31634, 33999, 37056, 41539, 44582, 44850
301 ---- 39374
701 ---- 39438
901 ---- 44336

TITLE 19—CUSTOMS DUTIES

Chapter I—United States Customs Service, Department of the Treasury

1.2 (c) table amended ---- 19194, 24356, 26026, 26027
Technical correction ---- 27934
1.5 Revised ---- 27934
4.20 (c) table amended ---- 21027
4.21 (b)(14) removed ---- 21027
(b)(17) added ---- 34586
4.22 Amended ---- 44542
4.61 (b)(11) revised; footnote removed ---- 24518
4.65a Added ---- 24518
4.80a (d) revised ---- 31928
4.93 (b) (1) and (2) amended ---- 21028
(b)(1) amended ---- 23846
4.94 (b) amended ---- 32742
6.1 (a) revised ---- 15387
6.2 (d)(1) and (3)(ii) amended ---- 15387
(a) amended; (b) revised ---- 33203

(CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1975)

Page

6.14 Added ---- 33204
6.25 Added ---- 15387
10 Authority citation revised ---- 43021
10.2 Removed ---- 43021
10.11—10.24 Heading and text added ---- 43021
10.53 (b) amended ---- 36116
10.59 (f) amended ---- 31752, 31753
10.66 (a)(3) and (c) revised ---- 44319
10.151—10.153 Undesignated center heading revised ---- 31753
10.152 Heading revised; text amended ---- 31753
10.153 (b), (d)(2) and (3), and (f) revised ---- 31753
12.1 (b) revised ---- 32321
12.2 Removed ---- 32321
12.3 Revised ---- 32321
12.6 Added ---- 36767
12.110—12.117 Added ---- 32321
22.20a Amended ---- 14749
24.14 (a) and (b) amended ---- 24519
111.19 (b) revised ---- 31754
112.11 (a)(4)(iii) revised ---- 41084
113.26 (a) amended ---- 14750
123.4 (b) revised ---- 19813
127.4 Added ---- 28790
127.14 (a) revised ---- 28790
133.3 (b) revised ---- 28790
133.5 (d) revised ---- 28791
133.6 (b) revised ---- 28791
133.7 (a)(3) revised ---- 28791
133.13 (b) revised ---- 28791
133.33 (b) revised ---- 28791
133.35 (b)(2) revised ---- 28791
133.36 (b) revised ---- 28791
133.37 (a)(3) revised ---- 28791
141.61 (c) removed ---- 36116
141.89 Amended ---- 44129
143.21 (i) added ---- 44542
143.23 Introductory text revised ---- 19813
145.32 Revised ---- 31753
146.21 (c)(2) revised ---- 36116
148.87 (b) amended ---- 41084
151.11 Amended ---- 27444
151.46 Revised ---- 27022
151.64 Revised ---- 23458
151.71 (b) revised ---- 23458
151.72 (b) revised ---- 23458
152.14 Removed ---- 31928
152.15 Removed ---- 31928
152.16 Amended ---- 31928
153.43 Amended ---- 14591, 20617
159.47 (f) table amended ---- 21719, 21720
159.56 Removed ---- 31928
162.2 Amended ---- 21932
171.1 (a)(1) revised ---- 43894
171.12 (b) amended ---- 43488
172.22 (a) amended ---- 43026
174.24 (b) and (c) amended; (d) added ---- 31928
177 Added ---- 31929

Chapter II—United States International Trade Commission

201.20 (a) revised ---- 31211

Title 19—*Proposed Rules*:

1 ---- 37043
4 ---- 19830, 24527, 33038
10 ---- 32751
12 ---- 25595, 41118
24 ---- 28807
112 ---- 15389
113 ---- 15389
133 ---- 17151
141 ---- 17151, 23374
153 ---- 30825, 43226
175 ---- 30825, 43226
201 ---- 23478, 40050, 40173
206 ---- 34005
207 ---- 34005
210 ---- 40173

TITLE 20—EMPLOYEES' BENEFITS

Chapter I—Office of Workers' Compensation Programs, Department of Labor

10.100 (b) corrected ---- 14750
10.123 Corrected ---- 14750

Chapter II—Railroad Retirement Board

200.1 (a) revised ---- 41084
260.1 Revised ---- 41085
260.2 (a), (b) and (d) revised ---- 41085
395.4 Revised ---- 26673
395.5 (b) (2) and (3) revised ---- 26673
395.6 (b) (2), (3), and (c)(4) revised ---- 26674
395.7 (a)(2) and (b)(2) revised ---- 26674

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

401.1 Revised ---- 27649
401.3 Introductory text, (u), and (v) revised; (o) and (t) removed ---- 27649
401.4 (f) revised ---- 27650
404.305 Revised ---- 31774
404.305a Added ---- 31774
404.313 (a)(3) revised ---- 31775

58-120 O - 75 - 7

(CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1975)

Title 20, Chapter III—Continued

Page

404.328 (a) revised 31775
404.329 (a)(4) and (6), and (c)(4) revised 31775
404.330 (a) and (b) revised 31775
404.331 (a)(3) through (7), and (c)(1) revised 31776
404.332 (a)(3) and (5), and (b)(2) revised 31776
404.333 Revised 31776
404.335 (a)(6) revised 31777
404.336 (a)(9) and (d)(9) revised 31777
404.350 (a) revised 31777
404.351 (a) and (c) revised 31777
404.352 Revised 31778
404.353 (d) revised 31778
404.366—404.373 Revised 24357
404.401—404.467 (Subpart E) Heading revised 30813
404.401 Revised 30813
404.402 Revised 30813
404.403 (a) revised 30814
404.405 (j) through (p) added 30814
404.409 Revised 30815
404.410—404.413 Added 30815
404.429 (c) introductory text and (c)(1) revised 42863
404.430 Revised 42864
404.1015 (a) revised 23286
404.1015a Added 23286
404.1016 (a) revised 23288
404.1026 (e) added 23288
404.1049 Added 42864
404.1053 (c)(5) revised; (c)(6) amended 29071
404.1068 (b) and (c) revised 42864
404.1101 (e) added 29072
404.1501—404.1539 (Subpart P) Appendix amended 30263
404.1506 (d) added 30263
404.1534 (b), (c), and (d) revised 31781
405.102 Revised 24357
405.103 Revised 24358
405.104 Revised 24358
405.105 Added 24359
405.106 Added 24359
405.116 (g) revised 17747
405.120 (a)(1) amended; (d) revised 23289
405.126 Revised 43896
405.127 Revised 43897
405.128 Revised 43898
405.128a Added 43898
405.201—405.252 (Subpart B) Appendix added 17747

Page

405.205 Revised 18165
405.210 Revised 18166
405.213 Text designated as (a); (b) added 18166
405.214 (d) added 18166
405.217 (b) introductory text and (c)(1) revised; (g) through (i) added 43211
405.221 (e) added 18166
405.222 (c) revised 43212
405.223 (e) added 18166
(c) revised 43212
405.230 (a)(2) and (5) revised 44321
405.231 (g) and (h) revised 17747
(l) revised; (m) added 44321
405.232 (e) revised; (j) added 44321
405.236 (b) revised 44321
405.239 Revised 44322
405.250 (b)(3) revised 44322
405.250a Added 44322
405.310 (m) and (n) added 24360
405.315a Added 36314
405.315b Added 36315
405.402 (c) introductory text revised 32743
(c)(9) added 33440
405.415 (k) added 32743
405.419 (e) added 32743
405.429 (b)(3) added 32743
405.430 (a), (c)(1), (d) (1) and (2), and heading of (e)(1) revised 22540
405.433 Added 34513
405.435 Added 32743
405.454 (j) added 29816
405.460 (e) revised 32744
405.465 Added 33440
405.466 Added 33443
405.502 (a) revised 25447
405.504 (a) revised 25447
405.521 (d) redesignated as (d)(1); (d)(2) and (3) added 33443
405.614 (a)(4) and (c) revised; (a)(5) added 36315
405.902 (b) introductory text and (b) (1) and (2) revised; example 4 added 18166
405.1021 (i)(3) removed; (j) added 24324
405.1022 (b) revised 26656
405.1035 Effective date postponed 14591
(e)(6)(ii) amended 14592
(e) and (f) effective date postponed 28052, 33033, 42006
405.1121 Introductory text and (f) revised 24325

(CHANGES APRIL 1 THROUGH SEPTEMBER 30, 1975)

Page

405.1137 Effective date postponed 14591
(d)(2) amended 14592
405.1221 (i) added 24325
405.1501—405.1595 (Subpart O) Heading revised 36315
405.1501 Heading, (a) and (b) revised; (f) added 36315
405.1502 (e) added 36316
405.1503 Revised 36316
405.1504 Revised 36316
405.1505 Introductory text revised; (k) added 36316
405.1519 Revised 36316
405.1530 Revised 36316
405.1531 Revised 36316
405.1532 Revised 36316
405.1534 Revised 36316
405.1536 Revised 36317
405.1537 Revised 36317
405.1542 (a) revised 36317
405.1543 Revised 36317
405.1545 Revised 36317
405.1550 Revised 36317
405.1551 Revised 36317
405.1552 Revised 36318
405.1553 (a) and (c) revised 36318
405.1554 Revised 36318
405.1563 Revised 36318
405.1567 Revised 36318
405.1569 Revised 36318
405.1572 Revised 36318
405.1590 Revised 36318
405.1634 Revised 44322
405.1890 Added 32744
405.1901 (b) revised 24326
405.1913 Added 30818
405.2001—405.2012 (Subpart T) Added 28018
405.2001 Added 28018
(b)(4) and (5)(i) and (ii) corrected 29706
405.2005 (a)(3)(i) corrected 29706
416.901—416.939 (Subpart I) Added 31781
Appendix added 31786
416.1475—416.1487 Added 23846
416.1510 (d) revised; (e) added 34335
422.401 Revised 27650
422.402 Revised 27650
422.426 (a) revised 27650
422.430 (b)(19) revised 27650
422.433 Added 27650
422.434 Added 27651
422.435 Added 27651
450 Added 42865
450.103 Corrected 44812

Chapter V—Manpower Administration, Department of Labor

Page

602.10b (a)(1) revised 34337
614.19 Interpretation 20270
616.6 (e) interpretation 20270

Chapter VIII—Joint Board for the Enrollment of Actuaries

Chapter established 18776
900 Added 18776
901 Added 38147
902 Added 38149

Title 20—*Proposed Rules:*

200 36262
401 17849, 28810, 30493, 33828
404 26532, 28095, 29301
405 14934, 16673, 17151, 23878, 23974, 24529, 24530, 25938, 26535, 26540, 27782, 28810, 30493, 31795, 31802, 33828, 40171, 40537, 40850
416 19831, 21986, 28095, 33222
422 17849
601 43744
602 27050
650 19481
741 39887
901 20326, 38171
902 20326, 38171
903 39387, 45113

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter A (Certain Sections in Parts 1, 2, 5, 6, 8) Effective date stayed 31606
1 Technical correction 16192
Comment time extended 26027
1.1a Revised* 22984
1.3 Revised 28585
1.8d (f) revised* 22984
(c)(4) added 26265
1.9 (c) (2) and (3) revised 23996
2 Revised 22984
Comment time extended 26027
Stay of regulations 32750, 33063
Restored to prior status 40520
2.23 (b) effective date stayed 31235
2.116 Corrected 31754
2.159 (e) corrected 31754
2.160 (g) corrected 31754
2.312 (a) corrected 31754
2.330 (b)(2)(ii) effective date stayed 31235

*Restored to prior status September 3, 1975 (40 FR 40520)

Title 21, Chapter I—Continued

	Page
2.335 (c)(1) corrected	31754
2.340 (c)(20) revised	29817
3.80 Removed	33971
3.82 Removed	26266
5 Added*	23028
Comment time extended	26027
Contents list corrected	31754
5.115 Corrected	31754
6.1 (a)(3) added	16662
6.4 (a)(2) amended*	23035
Comment time extended	26027
8 Comment time extended	26027
8.12 Revised*	23035
8.13 Removed*	23035
8.14 Removed*	23035
8.18 Revised*	23035
8.19 Revised*	23035
8.20 Removed*	23035
8.21 Removed*	23035
8.27 (b) amended*	23035
8.28 (b) revised*	23035
8.33 (a) amended*	23035
8.501 Time extended	15088
(b) table amended	18167
(g) amended	15088, 29817
Introductory text revised; (a) and (b) tables amended	44812
8.510 (d), (e) and (h)(1) amended; (i) added	44813
8.4070 (c) revised	18167
(c)(2) removed	44543
8.7201 Effective date confirmed	15087
9.40 Revised	44813
9.62 Revised	44813
9.80 Revised	44813
9.81 Revised	44813
9.103 Revised	44813
9.104 Revised	18167
9.105 Removed	44813
9.159 Removed	44813
9.174 Removed	44813
9.184 Removed	44813
Subchapter B (Certain Sections in Parts 10, 11, 80, 90, 100, 102, 121) Effective date stayed	31606
10 Comment time extended	26027
10.2 Revised*	23035
10.5 Revised	21722
(l) added*	23035
11 Technical correction	23725
11.1 (e) revised*	23035
Comment time extended	26027
11.2 Amended	21934
11.7 Effective date amended	21934
18.550 Effective date amended	18549
18.555 Effective date amended	18549
18.560 Effective date amended	18549
18.565 Effective date amended	18549
18.570 Effective date stayed	18549
18.575 Effective date amended	18549
19.525 Effective date confirmed	22250
19.530 Effective date confirmed	22250
25.2 (e) effective date 6-30-75	18426
26.5 Added	33820
27.1 Effective date confirmed	28791
27.2 Effective date confirmed	28791
27.10 Effective date confirmed	28791
27.15 Effective date confirmed	28791
27.20 Effective date confirmed	28791
27.25 Effective date confirmed	28791
27.30 Effective date confirmed	28791
27.35 Effective date confirmed	28791
27.40 Effective date confirmed	28791
27.45 Effective date confirmed	28791
27.46 Effective date confirmed	28791
27.47 Effective date confirmed	28791
27.70 Effective date confirmed	28791
29.1 Revised	39856
Effective date corrected	42866
30 Effective date confirmed	21724
30.3 (c) amended	21724
31.1 Revised	26267
37.10 (c)(3), (4), and (5) added; (e)(2) and (3) revised	22541
37.12 Revised	22541
(b)(2) corrected	26267
51.20 (c)(11) and (d)(1), (2) and (3) revised	30940
51.21 (a)(2), (b)(3), and (c)(3) revised; (a)(1), (b), and (c) amended	30940
51.32 Revised	30941
80.1 (b)(4) revised*	23035
Comment time extended	26027
Effective date stayed	34586
90.2 (a) revised*	23036
Comment time extended	26027
100.2 Revised*	23036
Comment time extended	26027
102.2 Revised*	23036
Comment time extended	26027
102.5 Effective date stayed	26267
102.11 Effective date stayed	26267
121 Comment time extended	26027
121.40 (c)(1) introductory text revised*	23036
121.41 (b)(1) revised*	23036
121.55 Revised*	23036
121.56—121.71 Removed*	23036
121.72 (b) revised*	23036
121.73 Removed*	23036
121.74 Revised*	23036
121.210 (c) table amended	22131

*Restored to prior status September 3, 1975 (40 FR 40520)

	Page
121.262 (c) table amended	22131, 39857
Effective date stayed	26674
(e) removed	31934
121.276 Removed	41085
121.286 Introductory text and (b) revised	30108
121.295 (b) revised	39857
(b) corrected	42866
121.1266 Added	30639
121.2502 (a)(8) added; (b) table amended	29073
121.2505 (c) amended	14905
121.2511 (b) amended	14905, 23396
121.2514 (b)(3)(viii)(b) amended	23997, 26269
(b)(3)(xxxi) amended	25205
121.2520 (c)(5) amended	21934, 23997, 26268
121.2526 (b)(2) table amended	22251
(b)(2) amended	23997
(a)(5) amended	25205
121.2550 (b)(5) amended	23997
121.2553 (a)(3) amended	26268
121.2622 (a)(3) added; (b) amended	29535
121.2627 Introductory text and (b) amended; (c)(1) and (d)(2) revised	40799
121.2630 Added	14906
121.2631 Added	25811
121.2632 Added	26269
121.2633 Added	40800
121.4000 (c) introductory text revised*	23036
123.25 Added; correctly designated	26027
123.35 Added; correctly designated	26027
123.100 Amended	26675
123.151 Added	18168
123.284 Added	22132
123.301 Added	20793
123.331 Added	43720
123.370 Amended	17142
123.400 Amended	14592
123.410 Revised	42343
125.1—125.3 Effective date stayed	34586
128c Added	24170
201.129 Added	31307
Effective date corrected to 7-26-76	43488
202.1 (j)(5) added*	23036
Comment time extended	26027
(j)(5) effective date stayed	31606
210.3 Corrected	26508
229.25 (a) corrected; (b) added	28610
310 Comment time extended	26027
310.3 (n) added	31307
Effective date corrected to 7-26-76	43488
310.4 Revised	31312
310.200 (b) revised*	23036
310.303 (b) revised*	23037
310.503 (d) revised; (f), (g) and (h) added	31307
Effective date corrected to 7-26-76	43488
(f)(4) and (h) corrected	44543
310.505 (d)(3)(iii) revised; (k)(1) and (2) amended	34110
312 Technical correction	18993
312.1 Amended	31308
(g) revised	31312, 33971
Effective date corrected to 7-26-76	43488
312.9 (c)(2) revised*	23038
Comment time extended	26027
312.20 (Subpart C) Added	16056
313.1 (c)(1) and (4), (d), and (g) revised*	23037
Comment time extended	26027
314 Comment time extended	26027
314.1 (a) revised	33972
314.110 (a)(7) revised	31313
314.200 Revised*	23038
(e)(3) corrected	31754
314.201 Added*	23040
314.202—314.206 Removed*	23040
314.220—314.222 Removed*	23040
314.230—314.232 Removed*	23040
314.235 Revised*	23040
328.30 (a) revised*	23040
Comment time extended	26027
330.10 (a)(11) revised*	23040
Comment time extended	26027
331 Effective date amended	22543
332 Effective date amended	22543
361 Added	31308
Effective date corrected to 7-26-76	43488
361.1 (d) introductory text corrected	44543
369 Technical correction	16192
429.50 Revised*	23041
Comment time extended	26027
430.5 (a)(55) and (b)(55) added	26270
430.6 (b)(58) added	26270
430.20 Revised*	23041
Comment time extended	26027
(b)(4) corrected	31754
431.50 Amended	28052

*Restored to prior status September 3, 1975 (40 FR 40520)

Title 21, Chapter I—Continued

	Page
431.52 Revised*	23042
Comment time extended	26027
431.53 (b)(1) amended	15088, 26270, 41522
(h) revised	28052
433 Comment time extended	26027
433.2 (c) and (d) revised*	23042
433.12 (b)(4) revised; (b)(5) added*	23043
433.13 (b) revised*	23043
433.14 (b) revised*	23043
433.15 (b) revised*	23043
433.16 (b) revised*	23044
436.33 (b) amended	26270
(b) table corrected	33204
436.105 (a) and (b) amended	26270
(a) and (b) tables corrected	33205
436.213 (c) table revised	22251
(c) table amended	23725
436.309 (b)(6)(i) and (ii) amended	22251
436.312 Added	15088
436.317 Added	41522
440.36a (b)(3) revised	15089
440.236 (b)(3) revised	15089
442.29a (b)(7) revised	23725
442.40 Added	26270
442.140a Added	26272
442.140b Added	26272
444.442 Added	22252
444.442g Added	22252
444.642a Effective date of removal confirmed	14906
448.13 (b)(5) revised	15088
448.13a (b)(6) revised	15088
(b)(6) corrected	19194
448.30 Added	22253
449.120d Added	41523
449.610a (b)(1) revised	15089
449.610c (b)(1) revised	15089
452.510b Effective date confirmed	41773
510.450 (d) amended; time extended	43213
510.600 (c)(1) and (2) amended	18993, 20271, 23070, 25448, 27651, 29535, 31235, 31934, 33444, 34111, 34112, 37036, 39858, 42007, 43488
(c)(2) corrected	22543, 34111
Corrected	28791
511.1 (b) amended; (c)(1) and (4), and (d)(2) revised*	23044
Comment time extended	26027
(b), (c), and (d) effective date stayed	31606
514 Comment time extended	26027
(Certain Sections) Effective date stayed	31606
514.201 Revised*	23044
514.202—514.206 Removed*	23044
514.210 Revised*	23044
514.220—514.222 Removed*	23044
514.230—514.232 Removed*	23044
514.235 Revised*	23044
520.260 (b)(2) and (3)(ii)(a) revised	39858
520.540b Revised	26273
520.1235 Added	36319
520.1242c Added	32831
520.1720a (f) removed; (g)(1) and (2) revised	18994
(a)(1) revised	25812
520.1840 (c)(2) revised; (d)(3) added	39857
520.2220b (b)(1) revised; (e)(3) added	43488
520.2380e Added	23071
522.775 Added	17838
522.1235 Added	36319
522.1680 (b) revised	18994, 28792
522.1720 (b)(4) added	18994
(b)(1) revised	23847
522.1883 Added	18549
522.2220 (b)(2) revised	34112
(a)(3)(iii)(d) revised	42007
522.2424 Revised	25812
540.207a (c)(4) revised	24360
540.255c Heading and (c)(2) revised	30639
540.829 (a)(1) and (3)(i)(b) amended; (b)(3) removed	30941
540.874a (c)(2) revised	42007
546.180b (c) revised	39858
555.110a (a)(1) and (c) revised	26273
556.165 Added	28792
556.370 Removed	41085
558.95 (e) revised	22132, 32831
(e)(1)(vi) and (vii) added	39758
(e) corrected	39859
558.175 (e)(1)(iv) added	31935
558.355 (f)(1)(vi) and (vii) added	39858
558.464 Added	39857
558.515 (f)(1)(vii) added	33444
(f)(1)(vi) added	39859
558.525 (f)(5)(ii) amended	24722
558.526 Added	34112
558.530 Added	31934
558.625 (b)(16) revised	18168
(b)(36) added	20270
(b)(33) and (35) added	20271
(b)(10) revised	20617
(b)(31) added	23071

*Restored to prior status September 3, 1975 (40 FR 40520)

	Page
(b)(5) revised	25812
(b)(34) added	27651
(b)(39) added	31236
(b)(37) and (38) added	31934
(b)(41) added	33444
(b)(40) added	34111
561.91 Added	21028
561.195 Added	41773
561.231 Added	41774
561.235 Added; correctly designated	26027
561.255 Added	33034
Technical correction	33820
561.280 Revised	22132
561.281 Added	20793
561.282 Added	23071
Revised	26028
561.289 Added	31236
561.360 Revised	42344
561.380 Amended	29706
600.3 (ee) added	31313
601 Comment time extended	26027
(Certain Sections) Effective date stayed	31606
601.2 Text designated as (a); (b) added	31313
601.4 Revised*	23044
601.5 Revised*	23045
601.6 (c) removed; remaining text redesignated as 601.12; new 601.6 added*	23044
601.7—601.9 Added*	23045
601.12 Added; redesignated from 601.6*	23044
601.40—601.44 Removed*	23045
610.2 Text designated as (a); (b) added	31313
610.13 (a)(2) revised	29710
610.40 Revised	29710
610.41 Revised	29710
610.53 Amended	29711
610.61 (s) revised	29711
630.65 (a)(6) revised	25813
640 Effective date corrected	33821
640.2 (f) revised	29711
640.7 (b) revised	29711
640.26 (h) revised	29711
640.51 (c)(7) revised	29711
640.67 Revised	29711
640.69 (e)(9) and (f)(1) revised	29711
660.1—660.5 (Subpart A) Heading revised	29711
660.1 Revised	29711
660.2 (e) and (f) revised	29711
660.3 Revised	29711
660.4 Revised	29711
660.5 Revised	29712
701 Technical correction	16192, 23998, 28451
701.3 (o)(3) corrected	18426
(b) and (e) revised*	23045
Effective date amended	23460
Technical correction	25585
Comment time extended	26027
(b) and (e) effective date stayed	31606
701.100 (Subpart D) Added	24450
(e)(6) corrected	26675
(a) through (j) effective date stayed	31606
740 Technical corrections	16192
Effective date amended	23460
1002.10 Effective date extended	26053
1002.61 Effective date extended	26053
1003 Comment time extended	26027
1003.11 (a) amended*	23045
(a) effective date stayed	31606
1003.31 (d) added*	23045
(d) effective date stayed	31606
1004.6 Amended*	23045
Comment time extended	26027
Effective date stayed	31606
1010.1 Revised	32257
1010.2 (a), (c), and (d) revised	32257
1010.3 Revised	32257
1010.13 Revised	32257
1010.20 Revised	32257
1030.10 (c)(4) revised; (c)(5) and (6) added	14752
Effective date corrected	16663
1040 Added	32257
1040.10 (g) corrected	40800
1210 Comment time extended	26027
(Certain Sections) Effective date stayed	31606
1210.30—1210.33 (Subpart D) Heading revised*	23046
1210.30 Revised*	23046
1210.31 Revised; new provisions redesignated from 1210.63*	23046
1210.32—1210.33 Removed*	23046
1210.40—1210.44 (Subpart E) Removed*	23046
1210.50—1210.62 (Subparts F and G) Removed*	23046
1210.63 Redesignated as 1210.31*	23046
1220.40 (a) revised	26508
1240.62 Revised	22545
1250.51 (b) and (d) revised; (e) and (f) added	30110

*Restored to prior status September 3, 1975 (40 FR 40520)

Title 21—Continued

Chapter II—Drug Enforcement Administration, Department of Justice

Page

1301.90 Added 17143
1301.91 Added 17143
1301.92 Added 17143
1301.93 Added 17143
1304.42 (a) through (g) revised.. 42866
1308.11 (d)(12) revised..... 18426
(b) amended..... 19813
(d) revised..... 28611
1308.14 (b) revised 24001
Technical amendment..... 26676
1308.24 (i) table amended..... 20076, 20077, 27023, 36767
(a) and (j)(1) revised..... 22072

Chapter III—Special Action Office for Drug Abuse Prevention

1401 Removed; provisions incorporated into new 42 CFR Part 2 27821
1402 Added 23064
1403 Added 23066

Title 21—*Proposed Rules:*

1 .. 15392, 24909, 26682, 30978, 40682, 44570
2 ..... 40682, 44570
3 ..... 15392, 24909
4 39388
5 ..... 40682, 44570
6 ..... 40682, 44570
7 39388
8 ..... 40682, 44570
10 ..... 40682, 44570
11 ..... 40682, 44570
25 30978
26 21736
27 ..... 16085, 26276
80 ..... 23244, 29089, 40682, 44570
90 ..... 40682, 44570
100 ..... 40682, 44570
102 ..... 40682, 44570
121 ..... 26683, 40529, 40682, 41797, 44570
125 ..... 23244, 29089
130 ..... 22841, 26142
202 ..... 40682, 44570
210 33554
225 33554
310 ..... 24328, 26142, 27796, 28587, 33459, 34406, 36574, 40682, 43513, 43531, 44570, 44844
312 ..... 40682, 44570
314 ..... 26156, 26157, 26164, 30493, 34406, 34407, 40682, 44335, 44570
320 ..... 26157, 26164, 30493, 34407
328 ..... 40682, 44570
330 ..... 40682, 44570
331 22553
334 18001
336 18001
336 18001
337 18001
429 ..... 40682, 44570
430 ..... 40682, 44570
431 ..... 33680, 40682, 44570
433 ..... 40682, 44570
511 ..... 40682, 44570
514 ..... 40682, 44570
561 39896
601 ..... 40682, 44570
610 18176
630 17151
640 41799
700 ..... 24328, 25218, 36574
701 ..... 40682, 44570
950 ..... 25916, 29554
951 ..... 25916, 29554
952 ..... 25916, 29554
1000 42749
1003 ..... 40682, 44570
1004 ..... 40682, 44570
1010 44846
1020 ..... 24528, 24909, 25830, 26277, 28095, 33828
1030 ..... 23877, 27038
1040 25830
1210 ..... 40682, 44570
1301 16082
1304 30117
1308 ..... 16082, 23306, 24216, 26676
1401 20542

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

8 Added 28606
21.1 Table amended..... 39859
22.1 (a) CFR correction..... 36116
41.6 (b) revised..... 33444
Technical correction..... 36116
42.91 (a)(15) revised..... 42532

Chapter II—Agency for International Development, Department of State

201.11 (b)(4) amended..... 34113
205 Heading and text revised... 31754
214 Revised 33205

Chapter XI—International Boundary and Water Commission, United States and Mexico, United States Section

Chapter established..... 32116
1100 Added 32116

Title 22—*Proposed Rules:*

Page

6 36366
6a 40456
8 16060
16 36824
123 37043
124 37043
125 37043
127 37043
215 39449
505 39430
601 39863
602 36381
603 39863
606 39663
707 36878
1003 36264

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

1.25 Removed (provisions recodified in Part 646)..... 16057
1.29 Removed 24519
140.900—140.922 (Subpart I) Added 16057
Appendix A amended..... 29712
140.922 Technical correction..... 31211
140.922 (a), (b) and (c) redesignated as (b), (c) and (d); new (a) added..... 29712
160.201—160.204 (Subpart B) Added 29817
230 Added 28053
420.203 (a)(4) revised..... 17554
420.205 (a) and (b) amended... 17554
420.206 (a) revised..... 17554
450 Added 38151
450.100—450.122 (Subpart A) Added 42977
450.300—450.320 (Subpart C) Added 42982
460 Added 44322
470 Revised 42344
630.702 Corrected 17554
633.101—633.107 (Subpart A) Appendix A revised..... 42867
633.101 Revised 42867
633.104 Amended 42867
633.105 Revised 42867
633.107 Revised 42867
635.103 Amended 14906
635.104 (a) amended..... 14906
635.107 (e) amended..... 14906
(h) corrected..... 36319
635.110 (c) amended..... 14906
635.115 (e)(2) amended..... 14906
635.124 (a)(1) amended..... 14906
635.202 Amended 14906
635.205 (a)(1) amended..... 14906
(b) amended..... 14906, 14907
635.301—635.309 (Subpart C) Revised 17251
635.307 (b)(3) revised..... 25585
635.309 (b) corrected..... 36319
646.200—646.220 (Subpart B) Added 16059
646.216 (e)(2)(ii) revised..... 29712
646.220 (b)(2) corrected.. 29712, 31211
655.701—655.707 (Subpart G) Added 20078
658 Revised 24520
658.7 Added 41775
658.17 Added 42186
662 Added 14907
710.206 (b) amended..... 29073
710.304 (b)(5) added..... 41524
712.204 (c) revised..... 33445
740.9 (d) redesignated as (e); new (d) added..... 25585
(d) and (e) effective date revised 30818
750.151—750.155 (Subpart B) Heading revised..... 21934
750.151 (a)(2) amended..... 21934
750.152 Revised 21934
750.153 (m) amended..... 21934
(t) added..... 21935
750.155 Amended 21934
750.701—750.713 (Subpart G) Added 42844
820 Added 16301

Chapter II—Highway Safety Program Standards, Department of Transportation

1204.4 Partial temporary waiver of Std. No. 5..... 30639

Title 23—*Proposed Rules:*

658 24532

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

Page

16 Added ---- 39729
17.20 (b) revised ---- 28599
17.23 Revised ---- 28599
17.24 Heading and text amended ---- 28599
17.26 Revised ---- 28599
17.27 Amended ---- 28599
17.28 Amended ---- 28599
17.30 Amended ---- 28599
17.31 Amended ---- 28599
17.33 Amended ---- 28599
25 Added ---- 43026
42.5 Corrected ---- 36772
42.20 (s) corrected ---- 36772
42.55 (d)(3) and (e)(3) corrected; (f)(3) and (4) and (g)(2) amended; (i) revised ---- 36772
42.70 (b) amended ---- 36772
42.85 (b)(3) amended; (e)(2) corrected ---- 36772
42.135 (h) corrected ---- 36773
42.220—42.290 (Subpart F) CFR correction ---- 36768
42.300—42.365 (Subpart G) CFR correction ---- 36770
58 Revised ---- 29992
58.5 (a) amended ---- 22253
58.30 (a)(6) and (b) amended ---- 22253
58.31 (b)(1) amended ---- 22253
82 Added ---- 22449
Forms corrected ---- 23977
82.4 (b) amended ---- 26509
82 Appendix A added ---- 30480
Appendix A corrected ---- 31211
Appendix D added ---- 44129

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

100 Revised ---- 20079
105.1 (a) revised ---- 20079
105.2 (h) revised ---- 20079
105 Appendix amended ---- 20079
106.1 Revised ---- 20079
106.2 (c) revised ---- 20079
110.1 Revised ---- 20079
110.5 (g) and (h) revised ---- 20079
110.25 (a) amended ---- 20079
115.1 (a) revised ---- 20079
115.3 (e) revised ---- 20079

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

Page

200 Effective date corrected ---- 22828
200.58 Revised ---- 39859
200.112 (b) and (c) revised; (d) removed ---- 39860
200.115 (a)(2) revised ---- 39860
200.116 (b) revised ---- 39860
200.118 (c) revised ---- 39860
200.123—200.126 Removed ---- 39860
200.128 Revised ---- 39860
200.129 Revised ---- 39860
200.210 Revised ---- 17750
200.600—200.640 (Subpart M) Appendix amended ---- 20080
200.605 Revised ---- 20080
200.610 Revised ---- 20080
200.620 (a) and (b) revised ---- 20080
200.640 Revised ---- 20080
200.933 Amended ---- 38151
203.20 (a) revised ---- 21472
203.74 (a) revised ---- 21472
203.340 (a) introductory text, (1) and (3) and (b) introductory text (1)(i) and (ii) revised ---- 24182
205.50 Revised ---- 21472
205.57 Revised ---- 36773
207.1 (a) and (b)(1) amended ---- 22828
207.4 (e) revised ---- 36773
207.7 (a) revised ---- 21472
207.9 Amended ---- 43899
207.32a (g) revised ---- 23864
Revised ---- 43899
213.2 (a) and (b)(1) amended ---- 22829
213.7 (f) amended ---- 36773
213.10 (a) revised ---- 21472
213.511 (a) revised ---- 21473
215.20 (a)(1), (2), and (3) revised ---- 21935
220.509 Heading and text revised ---- 36773
220.576 (a) revised ---- 21473
221.502 (c) amended ---- 22829
221.509 (a)(1) amended ---- 22829
221.510 (b) revised ---- 20080
221.514 (d) revised ---- 36773
221.518 (a) revised ---- 21473
227.20 Revised ---- 36773
231.3 (d) revised ---- 36773
232.5 Amended ---- 22829
232.29 (a) revised ---- 21473
232.33 Revised ---- 36774

Page

232.50 (a)(1) amended ---- 22829
232.560 (a) revised ---- 21473
234.29 (a) revised ---- 21473
234.540 Revised ---- 36774
235.535 (b) revised ---- 36774
235.540 Revised ---- 21473
236.5 (c) amended ---- 22829
236.15 Revised ---- 21473
236.701—236.760 (Subpart D) Added ---- 31872
241.75 Revised ---- 21473
242.29 (b) revised ---- 36774
242.33 Revised ---- 21473
244.10 (a) and (b)(1) amended ---- 22829
244.37 Revised ---- 36774
244.45 (a) revised ---- 21473
275 Appendix tables revised ---- 24818
280 Added ---- 40268
280.305 (c)(4) maps corrected ---- 42007

Chapter III—Government National Mortgage Association, Department of Housing and Urban Development

300.11 (c) amended ---- 14753
(c) and (d) amended ---- 43027
(c) corrected ---- 44323

Chapter IV—Office of Assistant Secretary for Housing Management, Department of Housing and Urban Development

401.1—401.6 (Subpart A) Revised ---- 29074
403.5—403.6 (Subpart B) Revised ---- 20081
426 Added ---- 31874
Subchapter N added ---- 33209
470 Added ---- 33209

Chapter V—Office of Assistant Secretary for Community Planning and Housing, Department of Housing and Urban Development

570 Revised ---- 24693
570.300 (a) revised ---- 15090, 16663
(a) corrected ---- 17987
570.400 (c)(3)(ii) amended ---- 23864
(c)(3)(i) revised ---- 30640
(c)(3)(iii)(A) revised ---- 41509
570.402 (f) removed ---- 42348
570.409 Added ---- 42348

Chapter VI—Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

Page

600 Revised ---- 36856

Chapter VIII—Low-Income Public Housing, Department of Housing and Urban Development

800—804 Recodified from Parts 1270, 1272, 1274, 1276, and 1279 ---- 15580
811 Added ---- 22829
860 Added ---- 33446
860.401—860.409 (Subpart D) Added ---- 44324
866 Added ---- 33402
866.1—866.6 (Subpart A) Added ---- 33403
866.50—866.59 (Subpart B) Added ---- 33406
880 Added; provisions redesignated from Part 1273 and revised ---- 15580, 18684
Appendix II page nos. corrected ---- 19469
881 Added; redesignated from Part 1277 ---- 15580
Revised ---- 18904
882 Added; redesignated from Part 1275 and revised ---- 15580, 19613
883 Added; redesignated from Part 1278 ---- 15580, 16936
885 Added ---- 36538
888 Recodified from Part 1280 ---- 15580
Schedule B added ---- 15581
Schedule B amended ---- 26509
Schedule A amended ---- 27479, 31936, 40514
Schedule A corrected ---- 28451
888.102 Revised ---- 15580
889 Added ---- 15542
890 Added ---- 17009
1270—1279 Recodified as Parts 800—804 and 880–883 (see conversion table) ---- 15580
1273 Removed; provisions revised and redesignated as Part 880 ---- 18682
1280 Recodified as Part 888 ---- 15580

Chapter IX—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

1700.30 (e) and (f) added ---- 14753

Title 24—Continued

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

Page

1909.1 Amended ---- 23865
1914.4 Table amended ---- 14600, 14601, 16835–16841, 17751, 17752, 17753, 17838, 17839, 17988, 18776, 18777, 18994, 20617–20624, 20794, 20795, 23726–23731, 23866–23873, 23977, 23978, 25003, 25465, 25586, 25589, 25590, 26992, 26995, 27000, 27215, 27481, 28062, 29819, 29820, 29821, 29822, 30111, 30112, 30942, 30943, 30944, 31212—31216, 33011, 33448, 34600, 36319, 36320, 38152, 38153, 39861, 39862, 41509, 42009, 42873, 43219, 43721
1915.3 Table amended ---- 14754, 16192, 16193, 16303, 16304, 16842, 17017, 17989, 18550, 19641, 19642, 20271, 20272, 20273, 20799, 20803, 20808, 23460–23465, 23980, 23982, 24183, 24722, 25206, 25207, 25468, 25471, 27001, 27004, 27005, 27006, 27007, 27216, 27217, 27652, 29823, 29824, 31217, 31220, 33670, 33674, 33821, 36321, 36562, 41511, 42554, 42874, 43221, 43722
1915.6 Added ---- 17016
Table amended ---- 20798
1916 Interpretation ---- 23278, 23279, 24521, 29824, 29825, 34122, 39499, 42348, 42349, 43027
1917 Notice of final determination ---- 42349
1917.10 Table amended ---- 34123, 34124, 34125, 35126, 34127, 41108–41115
1920 Added ---- 23865
Letters of map amendment issued ---- 33210, 33211, 33212, 33213, 36117, 36118, 37208, 37209, 39500, 39501, 39502, 39503, 41115, 41116, 42557, 42743
1930.6 Revised ---- 44130
1931.1 (b) revised ---- 44130

Chapter XIII—Federal Disaster Assistance Administration, Department of Housing and Urban Development

2205 Added ---- 23253
2205.7 (g) corrected ---- 28609
2205.48 (c)(1)(C)(1) and (2) redesignated (ii) and (iii); (d) amended; (h)(A) redesignated (2) ---- 28609
2205.51 Corrected ---- 28609
2205.54 (h)(A), (A)(1), (B), (C), and (D) redesignated (h)(2), (2)(i), (ii), (iii), and (iv); (a)(3)(ii) and (v) and (h) corrected ---- 28609
2205.73 Corrected ---- 28609
2205.78 (a) corrected ---- 28609
2205.79 (c)(2) corrected ---- 28609

Title 24—*Proposed Rules:*

35 ---- 26974
42 ---- 36142
203 ---- 33681
406 ---- 42560
805 ---- 43372
865 ---- 44159
867 ---- 24738
888 ---- 30000
895 ---- 21040
1400 ---- 26930
1909 ---- 25478
1910 ---- 25478
1911 ---- 25478
1914 ---- 25478
1915 ---- 25478
1917 ---- 16345, 16674, 16675, 16676, 18562, 19832, 19833, 20106, 25478, 33223, 37225
1925 ---- 23878

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

1.3 Amended ---- 20625
2.1 (c) amended ---- 20625
2.3 Revised ---- 20626
2.10—2.14 (Subpart B) Removed; new §§ 2.10—2.20 (Subpart B) added, incorporating provisions from former Subparts B, C, and D ---- 20626
2.10—2.20 (Subpart B) Added; incorporates provisions of former Subparts B, C, and D ---- 20626
2.21—2.37 (Subparts C and D) Removed; provisions incorporated into §§ 2.10—2.20 (revised Subpart B) ---- 20626
12 Added ---- 28026
41.3 (t) added ---- 17022
(u) added ---- 27444
43k Added ---- 14592
43k.5 (a) revised ---- 19012
43k.15 Amended ---- 19012

Page

43*l* Added ---- 36324
88.3 (c) and (e) revised ---- 24184
93.7 Corrected ---- 20952
153 Added ---- 28039
221.24 Revised ---- 33214
221.26 Revised ---- 33214
221.28 Revised ---- 33214
221.63 Revised ---- 26676
252 Added ---- 39837
256.3 (b) revised ---- 24184
261 Added; redesignated from Part 300 ---- 44543
261.1 Amended ---- 44543
261.2 Amended ---- 44543
261.4 (b)(2) and (d)(2) and(4) amended ---- 44543
261.5 (a)(4) and (b) amended ---- 44544
261.7 (a) amended ---- 44544
261.9 Amended ---- 44544
261.10 Amended ---- 44544
Subchapter X established ---- 19195
300 Added ---- 19195
Redesignated as Part 261 ---- 44543

Title 25—*Proposed Rules:*

33 ---- 40982
41 ---- 22141
43h ---- 42020
43*l* ---- 26039
221 ---- 17029, 27035, 34605, 36376, 43513
232 ---- 39871
233 ---- 42884
252 ---- 18798
253 ---- 18798
401 ---- 40982
402 ---- 40982
403 ---- 40982
404 ---- 40982
405 ---- 40982
406 ---- 40982
407 ---- 40982

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

1.72–4 (b)(2) revised ---- 16663
1.72–15 (a) and (d) revised; (f) amended; (i) added ---- 16664
1.101–2 (a)(2) revised ---- 16666
1.103–8 (f)(2)(ii)(*a*) amended; (*d*) revised; (*e*) and (*f*) removed ---- 26028
1.105–4 (a)(2)(i) and (3)(i) revised ---- 16666
1.105–6 Added ---- 16666
1.162–21 (b)(1)(ii) and (2) revised ---- 29290
1.170A–12 Added ---- 34337
1.243 Amended ---- 42744
1.243–5 (d)(2) revised ---- 42745
1.250 Added ---- 26029
1.250–1 Added ---- 26029
1.281—1.281–4 Undesignated heading and sections added ---- 23732
1.341 Amended ---- 29839
1.341–6 (b)(2)(iv) revised ---- 29840
1.535 Amended ---- 42744
1.535–3 (b)(2) and (3), and (c) revised ---- 42744
1.642(c)–0 Added ---- 23739
1.642(c)–1—1.642(c)–4 Revised ---- 23739
1.642(c)–1 (a)(1) and (3) corrected ---- 24361
1.642(c)–2 (b)(3)(ii) and (4)(iii), and (c)(1) corrected ---- 24361
1.642(c)–3 (b)(1) and (c) corrected ---- 24361
1.642(c)–4 Corrected ---- 24362
1.642(c)–5 (a)(5)(vi) revised; (d) removed ---- 23742
1.643(a)–3 (c) revised ---- 23742
1.643(a)–7 Revised ---- 23742
1.673(a)–1 (a)(2) revised ---- 23742
1.673(b) Amended ---- 23743
1.673(b)–1 Heading revised; (d) added ---- 23743
1.817–2 (b)(1)(i)(c) revised ---- 29840
1.994 Added ---- 29827
1.994–1 Added ---- 29827
1.994–2 Added ---- 29836
(a) and (e) corrected ---- 33972
1.1221 Amended ---- 29840
1.1221–1 (c) revised ---- 29840
1.1231 Amended ---- 29841
1.1231–1 Amended ---- 29841
1.1232–1 (c)(3) revised ---- 27936
1.1232–3A (f)(1) revised ---- 27936
1.1402(c)–2 (a)(2) and (b) revised ---- 30945
1.1551 Amended ---- 42745
1.1551–1 (a) amended ---- 42745
9.1 Added ---- 25472
10.2 Added ---- 17554
(c)(1)(ii)(A)(2) corrected ---- 25590
11.401(b)–1 Added ---- 44544
11.410–1 Added ---- 27217
11.411(a)(10)(B)–1 Added ---- 17556
11.7476–1 Added ---- 24002
(b)(1) amended ---- 24521
11.7476–2 Added ---- 24003
11.7476–3 Added ---- 29535
17.1 Added ---- 26028
20.2031–11 Removed ---- 34340
20.2039–2 (b) CFR correction ---- 36325
25.2512–10 Removed ---- 34340
31.3101 Revised ---- 30947

Title 26, Chapter I—Continued

	Page
31.3101–2 Revised	30947
31.3111 Revised	30947
31.3111–2 (a) and (b) revised	30948
31.3121(a)–1 (a), (b), and (j) introductory text revised	30948
31.3121(a)(1) Revised	30948
31.3121(a)(1)–1 (a)(1), (a)(3) introductory text, and (b)(1) revised	30948
31.3121(a)(9) Amended	30957
31.3121(a)(9)–1 (a) revised	30957
(a)(1) corrected	32831
31.3121(a)(11) Revised	42350
31.3121(a)(11)–1 Added	42350
31.3121(a)(12) Revised	30949
31.3121(a)(13) Added	30949
31.3121(a)(13)–1 Added	30949
31.3121(a)(14) Added	30950
31.3121(a)(14)–1 Heading added	30950
Text added	30957
31.3121(a)(15) Added	30950
31.3121(a)(15)–1 Heading added	30950
Text added	30957
31.3121(b)(3) Amended	30950
31.3121(b)(3)–1 (a) and (b) revised	30950
31.3121(b)(6) Amended	30957
31.3121(b)(6)–1 (c)(4)(ii) revised	30957
31.3121(b)(7) Amended	30957
31.3121(b)(7)–1 (e) added	30958
31.3121(b)(10) Heading revised; text amended	30958
31.3121(b)(10)–1 (b) revised	30958
31.3121(b)(10)–2 Heading, (a), (b), and (c) revised	30958
31.3122 Revised	30951
31.3125 Revised	30951
31.3306(b)–1 (a)(1) and (b) revised; (j) introductory text amended	42350
31.3306(b)(8) Amended	42350
31.3306(b)(9) Added	42350
31.3306(b)(9)–1 Added	42351
31.3306(b)(10) Added	30951
31.3306(b)(10)–1 Added	30951
31.3402(a)–2 (a) revised	17840
31.6011(a)–1 (a)(3)(ii) amended	17144
31.6011(a)–4 (b) revised	17144
31.6011(a)–5 (b) heading and (b)(2) revised	17144
31.6011(a)–9 Added	17145
31.6051 (a) and note revised; (e) added	30952
31.6051–1 (a)(3), (b)(1) introductory text, (c) (2) and (3), and (d)(1) and (2)(i) revised	17145
(a)(1)(i)(f) amended; (b)(3) removed	17145
(f) redesignated as (g); new (f) added	17145
31.6051–2 Added	17145
31.6053–2 (b) and (c) revised	17145
31.6071(a)–1 (a)(3)(i) heading and (a)(3)(ii) revised	17146
31.6081(a)–1 (a)(3) revised	17146
31.6413(c) Amended	30953
31.6413(c)–1 (a)(1)(i), (2), (5), (6) revised; (c) added	30954
53.6001—53.7101–1 (Subpart J) Added	29843
Subchapter E (Parts 170–299) Recodified as Subchapter M of Title 27	16835
170—299 Removed; provisions recodified as 27 CFR Parts 170–299	16835
301.6051 Amended	30955
(g) redesignated as (h); new (g) added	30952
301.6104–1 (d), (e) (1) and (3), and (f) amended	15090
301.6104–2 (b) revised; (c) (1) and (4) amended	15090
301.6413 Amended	30955
301.7622–1 Revised	23743
420.6103(g)–3 Added	30959
601.201 (o) revised	32323

Title 26—*Proposed Rules:*

1.0—1.169	14767, 17576, 18798, 22548, 25679, 28101, 29874, 36366, 36371, 41118
1.170—1.300	20633
1.401—1.500	17576, 18798, 22548, 28101, 31238, 43034, 43735
1.501—1.600	25476, 28613, 36366
1.641—1.850	18798, 28101, 34128
1.851—1.1200	14767, 17576, 26040, 27483, 27484, 29296, 29871, 30971
1.1201—end	17576, 17588, 18798, 24011, 24527, 26040, 27943, 28101, 29553, 29874, 34352, 36366
11	18798, 28101
12	30971
20	36366, 36375
25	36366
31	17028, 21965, 27240, 43226
49	25478
54	33560, 33561, 34129
301	29165, 24011, 24527, 25478, 29874, 34352, 36366
601	25478

TITLE 27—ALCOHOL, TOBACCO PRODUCTS, AND FIREARMS

Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury

Subchapter M (Parts 170—299) established; recodified from Subchapter E of Title 26	16835
170—299 Added; recodified from 26 CFR Parts 170–299	16835
178.11 Amended	19201
178.126a Added	19202
194.110 Revised	30113
240.17 Removed	20627
240.19 Revised	20627
240.41 Removed	20627
240.542 Revised	20627
240.543 Revised	20627

Title 27—*Proposed Rules:*

4	30117, 32129, 33982
5	29866, 30971
178	21961, 25026
181	21961, 25026
194	31957
245	27240

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

Page

0.1 Amended ---- 42745
0.6 Added ---- 42745
0.7 Amended ---- 42746
0.17 Removed ---- 42746
0.18 Amended ---- 33214
0.25 Amended ---- 42746
0.27 Amended ---- 42746
0.40—0.43 (Subpart H) Revised ---- 36118
0.50—0.52 (Subpart J) Appendix added ---- 44326
0.55—0.64 (Subpart K) Appendix added ---- 36564
0.85 Introductory text revised ---- 42746
2 Revised ---- 41331
16.7 (b) through (f) redesignated as (c) through (g); new (b) added; (c), (f), and (g) amended ---- 33214
16.8 (b) amended ---- 33214
50.13 Added ---- 34114

Title 28—*Proposed Rules:*

0 ---- 30977
4 ---- 30489
4a ---- 30491
16 ---- 39404, 39408
22 ---- 44034

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

5.1 (b) amended ---- 30481
5.2 (c) revised; (d) amended ---- 30481
5.5 (a)(3)(ii) amended; (a)(4) revised ---- 30481
5.6 (a) (2) and (3), (b) (1) and (2), (c) (1), (2), and (3), and (d) revised ---- 30481
5.11 (b) revised ---- 30482
5.15 Added ---- 30483
5.16 Added ---- 30483
5.17 Added ---- 30483
5a Removed ---- 30483
56 Revised; effective 3-16-76 ---- 43170
57 Removed ---- 43170
58 Removed ---- 43170
94.3 Amended ---- 28981
97.201—97.292 (Subpart C) Revised ---- 28982

Chapter V—Wage and Hour Division, Department of Labor

Page

570.35a Revised ---- 40801
(a), (b)(2), (b)(4)(i), and (c)(3) corrected ---- 44130
604.1 Revised ---- 36564
604.2 Revised ---- 36565
606.1 Revised ---- 36565
606.2 Revised ---- 36565
727.2a Removed ---- 28064
727.3 Corrected ---- 28064

Chapter XIV—Equal Employment Opportunity Commission

1611 Added ---- 45108

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

1910.184 (e)(9)(i) corrected ---- 31598
1952.104 Added ---- 44133
1952.122 Revised ---- 44134
1952.163 Revised ---- 36566
1952.164 Added ---- 40157
Existing text redesignated as (a); (b) added ---- 40157
1952.173 (h) revised ---- 40156
1952.174 (d) through (h) revised ---- 40156
1952.180—1952.183 (Subpart L) Removed ---- 27655
1952.224 Added ---- 36567
1952.242 Revised ---- 40158
1952.264 (c) added ---- 44132
1952.302 Revised ---- 44131
1952.313 (c) and (d) revised ---- 28792
1952.330—1952.333 (Subpart AA) Removed ---- 33972

Chapter XXV—Office of Employee Benefits Security, Department of Labor

Subchapter B established ---- 34531
2510 Added ---- 34531
Subchapter C established ---- 34533, 41654
2520 Added ---- 34533
2530 Added ---- 41661
2550.407c-3 Added ---- 43726
2555 Added ---- 31598
Interpretative releases ---- 31755, 34587

Chapter XXVI—Pension Benefit Guaranty Corporation

Page

2602 Revised ---- 42876
Effective date corrected ---- 43512
2603.28 Revised ---- 43213
2604 Added ---- 42534
2605 Added ---- 43510
2606 Added ---- 42878

Title 29—*Proposed Rules:*

29 ---- 33052
70a ---- 40039
94 ---- 30584
97 ---- 33920
97a ---- 30584
102 ---- 39763
202 ---- 36576
570 ---- 28814
603 ---- 40537
608 ---- 40537
609 ---- 40537
687 ---- 40537
697 ---- 44159
1410 ---- 39035
1611 ---- 39377
1902 ---- 27946
1907 ---- 27691
1910 ---- 30980, 32268, 37233, 39895, 40170, 40849, 41530, 41797
1915 ---- 30980, 41530
1916 ---- 30980, 41530
1917 ---- 30980, 41530
1918 ---- 30980, 41530
1926 ---- 30980, 40170, 41530
1952 ---- 28472, 33995, 36575, 39895, 41148, 44157, 44158
2400 ---- 40057
2510 ---- 31638, 33561, 33563
2520 ---- 31638
2602 ---- 33838
2604 ---- 29555
2606 ---- 33839
2607 ---- 37057

TITLE 30—MINERAL RESOURCES

Chapter I—Mining Enforcement and Safety Administration, Department of the Interior

77 Technical correction ---- 44813
77.215 (h), (i), and (j) added ---- 41776
77.215-1—77.215-4 Added ---- 41776
77.216 Revised ---- 41776
77.216-1—77.216-5 Added ---- 41777
77.217 Added ---- 41778

Title 30—*Proposed Rules:*

55 ---- 44272
56 ---- 44272
57 ---- 44272
211 ---- 41122
216 ---- 41122
250 ---- 30119, 42559, 43036
251 ---- 30119

TITLE 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

Page

1 Appendices C, D, and K revised; Appendix G amended ---- 29290

Chapter I—Monetary Offices, Department of the Treasury

81 Nomenclature change ---- 32121
93 Nomenclature change ---- 32121

Chapter II—Fiscal Service, Department of the Treasury

345.1 (b) revised ---- 29846
345.2 Revised ---- 29846
345.5 Redesignated as 345.6; new 345.5 added ---- 29846
345.6 Redesignated from 345.5 ---- 29846
347 Added ---- 29846
Technical correction ---- 30640
348 Added ---- 29847

Title 31—*Proposed Rules:*

1 ---- 37602
51 ---- 30974
306 ---- 30485, 31238

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

166.11 (d) added ---- 44135
197 Added ---- 42187
292a Added ---- 44489
299a Added ---- 44294

Chapter V—Department of the Army

641.33 Revised ---- 27937
641.82 Revised ---- 27937
641.83 Revised ---- 27937
641.104 Introductory text revised ---- 27937
641.105 Revised ---- 27937
641.109 Revised ---- 27938
641.132 Introductory text of (a), (a)(5), and (b) revised ---- 27938

Chapter VI—Department of the Navy

701.51—701.59 (Subpart E) Added ---- 36325
706.2 Table one revised ---- 31601
Amended ---- 33034

Title 32—Continued

Chapter XVI—Selective Service System

Page

1608 Revised 44496

Chapter XVII—Office of Emergency Preparedness

1712 Removed 28599

Chapter XVIII—Defense Civil Preparedness Agency

1801.9 (a) amended 30114
1807.9 (b) amended 30114
1808.1 Amended 42736
1808.3 (a) revised 42736
1808.4 Revised 42736
1808.5 Revised 42738
1808.6 (a)(2) revised 42738
1808.7 Revised 42738
1810.7 Revised 36328
1812.13 Amended 30114

Title 32—*Proposed Rules:*

286a 37582
286b 37590
286c 37582
286d 37498
286e 37600
287a 37502
290a 37504
291a 37525
292a 37509, 44516
295c 37522
298a 37516
299a 37579
505 37547
641 32837
701 37568
762 34352
806b 37533
1286 ..... 37525, 45113
1481 42997
1608 36887
1814 ..... 37498, 42444
1901 39774
2102 40794

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Domestic and International Business Administration, Department of Commerce

DPS Reg. 1 Amended 43489

Title 32A—*Proposed Rules:*

Ch. VI 33996

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

Page

3.85–10 Revised 28451
3.85–15 Revised 28451
3.85–55 Removed 28451
3.85–60 Removed 28451
3.85–65 Removed 28451
110.214 (a)(2) removed; (a)(1)(ii) and (3)(i) revised 30641
117.115 (c)(1) revised 31938
117.245 (h)(28) revised 32328
(i)(20–b) added 41524
(f)(28b) removed; (i)(2–c) added 43213
117.290 Revised 33449
117.360 Removed 33450
117.434 Revised 32328
117.485 Revised 32329
117.784 (d)(1) revised 42189
127.101 Added 33034
127.102 Added 37036
127.305 (a)(3) added 30961
127.321 Added 27939
127.322 Added 30641, 31652
Removed 31652
127.333 Added 37037
127.503 Added 32831
127.801 Added 33972
155.470 Revised 42190
183.3 Revised 43856
183.25 (b)(1) revised 43856
183.33 (a) revised 33973
(b)(1) revised 43857
183.35 (b)(1) revised 43857
183.37 (b)(1) revised 43857
183.53 (a) revised 43857

Chapter II Corps of Engineers, Department of the Army

203 Added 39978
207.300 Revised 32121
209.120 Revised 31322
220.1 (d) corrected 36774
252 Added 31718
265 Added 42652
266 Added 42654

Title 33—*Proposed Rules:*

1 42210
117 ..... 32837, 33828, 41537
183 43226
207 30118
209 ..... 39524, 43918
305 41636

TITLE 34—GOVERNMENT MANAGEMENT

Chapter II—Office of Federal Management Policy, General Services Administration

Page

232 Appendix C amended 32329
233 Appendix A amended 30263

Title 34—*Proposed Rules:*

Ch. II 28495

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

10 Added 44498
67.358 (b), (c) and (g) revised 30818
253.4 (d) added 42996

Title 35—*Proposed Rules:*

10 40485
135 ..... 32140, 34619

TITLE 36—PARKS, FORESTS, AND PUBLIC PROPERTY

Chapter I—National Park Service, Department of the Interior

7.5 (d) added 31938

Chapter II—Forest Service, Department of Agriculture

231.10 Revised 31222

Chapter VI—American Revolution Bicentennial Administration

601 Heading revised 29536
Text redesignated as 601.1—601.12 (Subpart A) 29536
601.1—601.12 (Subpart A) Redesignated from Part 601 29536
601.13—601.19 (Subpart B) Added 29536
605 Added 29539
606 Added 32745

Chapter IX—Pennsylvania Avenue Development Corporation

Chapter added 41524
901 Added 41524
903 Revised 44754

Chapter X—Commission of Fine Arts

Chapter added 40802
1000 Added 40802

Title 36—*Proposed Rules:* Page

2 ..... 28088, 36378
7 ..... 33222, 41138, 42364
60 39875
407 39379
903 ..... 39671, 41530
1000 30841

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

1.155 Revised 44813
1.316 (b) revised 44814
1.317 Revised 44814

Title 37—*Proposed Rules:*

1 36573
2 36573

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

1.576—1.584 Heading and text added 33944
2.97 Added 31755
3.200 Revised 36329
3.250 (a)(1) revised 36329
3.302 (a) introductory text, (a)(2), (b) introductory text, and (b)(2) and (4) revised; (c) added 36329
3.454 (a) revised 36329
3.500 (b)(1), (e), (g)(1), (n)(1) and (4), and (p) revised 36330
3.808 Introductory texts of Section and of (b)(1) and (e) revised 37037
(a), (c), (d), and (e)(1) and (3) revised; (b)(3) removed 37037
3.810 (a)(2) revised 37038
3.850 (a) revised 36329
3.852 (a)(2) and (3) and (b) introductory text and (2) revised 36329
4.3 Revised 42535
4.16 Revised 42535
4.17 Revised 42536
4.17a Revised 42536
4.18 Revised 42536
4.27 Revised 42536
4.71a Amended 42536
4.75 Revised 42537
4.81 Removed 42537
4.84 Revised 42537
4.84a Amended 42537
4.87 Revised 42537
4.87a Revised 42538

Title 38, Chapter I—Continued

Page

4.97 Amended ---- 42539
4.104 Amended ---- 42539
4.114 Amended ---- 42540
4.115a Amended ---- 42540
4.117 Amended ---- 42540
4.118 Amended ---- 42540
4.119 Amended ---- 42540
4.124a Amended ---- 42540
4.132 Amended ---- 42541
4 Appendix A amended ---- 42541
21.42 Footnote 5 revised ---- 42878
21.43 (b) and (c) revised ---- 42878
21.132 (j)(1) revised ---- 31756
21.133 Revised ---- 31756
21.134 Introductory text revised ---- 31756
21.135 Revised ---- 31756
21.136 Revised ---- 31756
21.137 (c) revised ---- 31756
21.138 (b) and (c)(2) and (3) revised ---- 31756
21.145 (a), (b)(1) and (2), and (d) revised ---- 31756
21.222 (b) revised ---- 42879
21.225 Heading, introductory text, (a) and (b) revised ---- 42879
21.274 (b) revised ---- 31757
21.278 Revised ---- 31757
21.700 Revised ---- 31757
21.701 Revised ---- 31757
21.705 Revised ---- 31757
21.711 (a) revised ---- 31757
21.715 (a) revised ---- 31757
21.1021 (b), (d), and (e) revised ---- 31758
21.1022 Revised ---- 31758
21.1040 (a), (e)(2), and introductory texts of (b) and (e) revised ---- 31758
21.1041 (a)(1) and (2), and (d) revised ---- 31758
21.1045 (a)(2) and (b)(2) revised ---- 31758
21.3022 Revised ---- 42879
21.3023 (a) introductory text, (a)(2) and (d) revised ---- 42879
21.3024 Text and cross reference revised ---- 42879
21.3040 (a)(2) revised ---- 42879
21.3041 (d) introductory text and (d)(7) revised ---- 42879
21.3046 (c) revised ---- 31759
21.3300 (c) revised ---- 31759
21.3301 (a)(2) revised ---- 31759
21.3330 (b)(1) revised ---- 31759
21.3333 (a) and (b) revised ---- 31759
21.4001 (a), (d), and (e) revised; (f) added ---- 31759

Page

21.4005 (a)(1) and (2) revised ---- 31759
21.4009 (a), (c), (d), (f) through (i) and cross reference revised 42879
21.4135 (e), (o), (p)(1), (s) and (v)(2) revised ---- 33824
21.4136 (a), (b), and (c) revised ---- 31760
21.4137 (a), (b), and (g)(2) and (3)(iii) revised ---- 31760
21.4138 (b) and (c) revised ---- 31761
21.4139 (a) and (b)(1) revised ---- 31761
21.4145 (a), (b)(1) and (2), and (d) revised ---- 31761
21.4153 (c)(3) revised ---- 31761
(c)(4) removed; (d)(3) revised ---- 42880
21.4200 (e) and (f) added ---- 31762
21.4202 (c)(1) revised ---- 31762
(c)(2) revised ---- 42880
21.4203 (b)(3) revised ---- 31762
(c) and (d)(2) revised ---- 33824
21.4205 (c)(1) and (4) revised ---- 31762
21.4206 Introductory text, (a) and (b) revised ---- 31762
21.4208 (a) revised ---- 31762
21.4230 (c) revised ---- 31762
21.4233 Introductory text and (d) revised ---- 31762
21.4236 (c) and (d) revised ---- 31763
21.4251 (g) revised ---- 31763
21.4252 (b) introductory text, (b)(4), (e), (f) (1) and (2), (g), and (h) revised ---- 31763
21.4253 (a)(1), (b), (d), (e) and (f) revised ---- 33825
21.4256 Revised ---- 42880
21.4264 Heading, (a)(2), (b) introductory text and (b)(3) revised ---- 31763
21.4270 (a) footnote 8 added ---- 31763
21.4275 (c)(1) revised ---- 42880
21.4276 (a), (b)(2), (d) and (e)(5) revised ---- 42881
21.4277 Revised ---- 33825
21.4278 (a) revised ---- 42881
21.4500—21.4506 (Subpart F) Added ---- 31764
36.4203 Revised ---- 34588
36.4212 (a)(2) and (3) revised ---- 42190
36.4301 (a), (b), (i), (j), (n), (r), (aa), (dd), (ff), (hh), and (ii) revised ---- 34589
(c), (d), (k), (l), (m), and (y) removed ---- 34589
36.4302 (a), (b), (c), (g), and (h) revised ---- 34589
36.4306 (a) introductory text and (c) revised ---- 34589
36.4307 (a) and (b) revised ---- 34590
36.4308 (e) removed ---- 34590

Page

36.4309 (a) revised ---- 34590
36.4311 (a) revised ---- 42190
36.4312 (a), (c), and (d) revised ---- 34590
36.4313 (c) and (e) revised ---- 34591
36.4320 (h)(7) and (10) revised ---- 34591
36.4321 (c) revised ---- 34591
36.4329 Revised ---- 34591
36.4330 (a) revised ---- 34591
36.4331 (a), (b), (c), (d), (e), (g), and (i) revised ---- 34591
36.4335 Introductory text and (a) revised ---- 34592
36.4336 (a) introductory text, (a)(3), and (b) revised ---- 34592
36.4337 Removed ---- 34593
36.4338 (a) revised ---- 34593
36.4339 Revised ---- 34593
36.4340 (a) revised ---- 34593
36.4341 Revised ---- 34593
36.4342 (b) and (c) revised ---- 34593
36.4343 (a) and (b) revised ---- 34593
36.4344 Removed ---- 34593
36.4346 Removed ---- 34593
36.4348 Removed ---- 34593
36.4349 Removed ---- 34593
36.4351—36.4353 Revised ---- 34593
36.4354 Removed ---- 34594
36.4355 (a) and (b) revised ---- 34594
36.4358 Heading, introductory text, (c) and (d) revised; (b) removed; (f) added ---- 34594
36.4361 (a), (b), (d), and (e) revised ---- 34594
36.4362 Revised ---- 34595
36.4363 (a), (c), and (d) revised ---- 34595
36.4364 (c)(1), (2), and (4), (d) introductory text, and (e) revised ---- 34595
36.4365 Section and preceding center heading removed ---- 34595
36.4390—36.4393 Undesignated center heading revised ---- 34595
36.4390 Revised ---- 34595
36.4391 Introductory texts of (b) and (c) revised ---- 34595
36.4392 Amended ---- 34596
36.4393 (a), (b), (f), (g), and (h) revised ---- 34596
36.4503 (a) revised ---- 42190

Title 38—*Proposed Rules:*

3 ---- 37059, 41540, 42578
4 ---- 30502
13 ---- 31960
18 ---- 37059

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

Page

Chapter I: new rates established ---- 42460
111.3 Amended ---- 31602, 31766, 37209
PSM amendment described ---- 42542
224.1 (c)(5)(ii)(C) revised ---- 36119

Chapter III—Postal Rate Commission

3002.2 (b) amended ---- 28793
3002.4 Revised ---- 43033
3002.7 Removed; new 3002.7 redesignated from 3002.9 ---- 43033
3002.8 Removed; new 3002.8 redesignated from 3002.10 ---- 43033
3002.9—3002.12 redesignated as 3002.7—3002.10 ----
3003 Added ---- 38154

Title 39—*Proposed Rules:*

42 ---- 43232, 43930
43 ---- 43232, 43930
44 ---- 43232, 43930
45 ---- 43232, 43930
47 ---- 43232, 43930
111 ---- 43233
261 ---- 34167
262 ---- 30988
263 ---- 34167
264 ---- 34167
266 ---- 30988, 37227
267 ---- 30988
268 ---- 39805
447 ---- 39805
762 ---- 36146
763 ---- 36146
764 ---- 36146
3003 ---- 31813

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

51.16 (a) amended ---- 36333
51 Appendix L amended ---- 36333
52.21 (d)(1) introductory text amended; (d)(1)(xix) added; (d)(2)(i) corrected; (d)(5) clarified ---- 42012
52.22 (b)(16) revised ---- 28065
(a) amended ---- 40160
52.50 (c)(2) revised ---- 39505
52.111 Suspended indefinitely ---- 29714
52.120 (c) revised ---- 41948
52.139 Suspended indefinitely ---- 29714
52.143 Added ---- 41948
52.181 Added ---- 41948

Title 40, Chapter I—Continued

		Page
52.220	(c)(8) revised	29713
	(c)(1) amended	41948
52.240	(f)(1) table amended	29713
52.251	Suspended indefinitely	29714
52.254	(i)(5)(i) corrected	33034
52.267	Added	41948
52.269	Redesignated as 52.270	42012
52.270	Added; redesignated	42012
52.431	Added	41949
52.493	Suspended indefinitely	29714
52.497	Added	41949
52.520	(c) amended	41949
52.529	Added	41949
52.570	(c)(4) amended	41949, 42351
52.576	(a) table amended	42352
52.580	Revised	41949
52.590	(c)(2) amended	29541
52.670	(c)(2) revised	33215
52.825	(c) table amended	33453, 43214
52.876	(c)(1) and (2) tables amended	30962
	(c)(2) revised	42190
	(c)(1) table amended	43216
52.883	Added	41950
52.920	(c)(2) amended	41950
52.927	(c) added	29541
	(b) added	40160
	Technical correction	42357
52.929	Added	41950
52.985	Redesignated as 52.986	42012
52.986	Added; redesignated	42012
52.1103	Suspended indefinitely	29714
52.1115	Added	41950
52.1135	(m) amended	39863
52.1157	(a)(3)(ii) and (4)(ii) corrected	33973
52.1161	Redesignated as 52.1165	42012
52.1165	Added; redesignated	42012
52.1270	(c)(2) amended	42354
52.1274	(a) table amended	42355
52.1320	(c)(1) amended	41950
52.1338	Added	41950
52.1370	(d) added	43217
52.1383	Added	43217
52.1420	(c) amended	41779
52.1425	Removed	41779
52.1428	Removed	41779
52.1431	Table amended	41779
52.1432	Removed	41779
52.1483	Added	41950
52.1577	(e) added	30962
52.1588	Suspended indefinitely	29714
52.1602	Added	41951
52.1670	(c)(3) revised	41951, 42543
52.1680	Removed	42543
52.1688	Added	41951
52.1770	(c) amended	41780
52.1774	(a) table amended	41780
52.1883	(b) revised	41952
52.1970	(c)(2) and (3) revised	33216
52.1975	(c)(3), (4), and (5) removed; (c)(6) revised	33216
52.2020	(c)(2) revised	41788
52.2040	Suspended indefinitely	29714
52.2056	Added	41952
52.2224	(c)(2) added	36335
52.2232	Added	41953
52.2420	(c)(2) amended	41953
52.2435	(g) added	33450
52.2443	Suspended indefinitely	29714
52.2449	Added	41953
52.2520	(c)(2) added	41953
52.2526	Added	41953
52.2627	(a) table corrected	33034
52.2720	(c) revised	39862, 42194
52.2724	Corrected to read: 52.2730	32329
52.2729	Added	42194
52.2730	Correctly designated	32329
52.2770	(c)(3) added	42013
52.2775	(a) through (d) removed; (e) through (i) added	42013
60.4	(b) amended	42194
60.200—60.244	(Subpart T) Added	33154
60.210—60.214	(Subpart U) Added	33155
60.220—60.224	(Subpart V) Added	33155
60.230—60.234	(Subpart W) Added	33156
60.240—60.244	(Subpart X) Added	33156
60.270—60.275	(Subpart AA) Added	43853
60	Appendix A amended	33157
61.04	(b) amended	42195
80.7	Added	36336
80.21	Existing text designated as (a); (b) added	29292
80.301—80.332	(Subpart D) Added	39965
80	Appendix C heading amended	38156
85.075-10	(b) revised	33973
85.275-10	(b) revised	33973
85.774-10	(b) revised	33973
85.1803	(c) revised	28067
86.177-6	(a)(2) revised	33974
86.777-6	(b) revised	33974
125.12	(h)(1) revised	29849
125.24	Revised	29849
125.28	Added	29850

		Page
162	Technical correction	33974
162.1—162.23	(Subpart A) Revised	28268
162.10	(h)(1) corrected	32329
	(h)(1)(iv) amended	36571
162.11	(a)(3) corrected	32329
	(c)(1)(iii)(C) amended; (c)(1)(iii)(D) added	42746
162.41—162.47	Added	41788
162.100—162.125	Removed	28267
180.205	Amended	31237, 43727
180.207	Amended	28065
180.215	Amended	43727
180.246	Amended	42357
180.254	Amended	29714
180.259	Amended	32746
180.262	Corrected	29547
180.275	Amended	29715
180.284	Revised	31237
180.288	Revised	33453
180.301	Amended	33659
180.307	Revised	32746
180.312	Revised	31602
180.341	Revised	29715
180.346	Amended	33453
180.347	Revised	34340
180.348	Amended	31237
180.361	Added	29850
180.362	Added	33035
180.1001	(c), (d), and (e) tables amended	28066, 40161
180.1028	Revised	43728
180.1035	Added	31236
229	Added	30114
230	Added	41293
406.15	Comments requested	37038
406.16	Comments requested	37038
409.13	(a) introductory text revised	36337
413	Comment time extended	29075, 29076
415.230—415.242	(Subparts W and X) Comment time extended	29850
415.270—415.312	(Subparts AA, AB, AC, AD, and AE) Comment time extended	29850
415.330—415.362	(Subparts AG, AH, AI, and AJ) Comment time extended	29850
415.380—415.382	(Subpart AL) Comment time extended	29850
415.400—415.452	(Subparts AN, AO, AP, AQ, AR, and AS) Comment time extended	29850
415.470—415.472	(Subpart AU) Comment time extended	29850
415.490—415.512	(Subparts AW, AX, and AY) Comment time extended	29850
415.530—415.532	(Subpart BA) Comment time extended	29850
415.550—415.552	(Subpart BC) Comment time extended	29850
415.580—415.582	(Subpart BF) Comment time extended	29850
415.600—415.602	(Subpart BH) Comment time extended	29850
415.630—415.632	(Subpart BK) Comment time extended	29850
418.32	(a) and (b) revised	36338
418.33	Suspended indefinitely	36399
418.35	(a) and (b) revised	36339
435	Added	42549
443	Added	31191
446	Added	31725
447	Added	31727

Title 40—*Proposed Rules:*

	Page
2	28814
16	40792
35	33224, 41644, 43231
51	28629
52	28097, 28098, 28815, 30287, 30288, 30982, 32346, 32347, 32761, 34408, 36385, 36577, 40172, 40854, 40855, 40856, 42211, 42368, 42369, 42757, 42895, 42896, 43231, 43923, 44847, 44848
60	28814, 42028
61	28814
79	28814
120	30983, 33470
125	28814
126	41649
130	29882, 32133
131	29887, 32133
133	34522
136	32136
141	34324
142	33228, 40538
162	40538, 44162
167	28814
172	40545, 44162
180	28814, 30289, 32348, 41538, 42757, 43924
190	34417
243	29404
246	42986
406	37052
414	34409
415	29892
418	33052
420	36708
430	41300
432	28633
435	42572
443	31196
446	31729
447	31730

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

	Page
1–1.305–2 (b) revised	44137
1–1.327—1–1.327–5 (Subpart 1–1.3) Added	44502
1–1.507–3 (b) revised	44137
1–1.701–1 (b)(1) and (2), (f), and (g)(3) revised	44136
1–1.710–2 Revised	44137
1–1.710–3 (a) introductory text revised	44137
1–1.802–2 Introductory text revised	44137
1–1.805–2 Revised	44137
1–1.805–3 (a) introductory text revised; (a)(3) amended	44138
1–1.1002–2 Added	44138
1–1.1003–3 (c) revised	30440
1–1.1003–7 (b)(9) revised	30440
1–1.1310–2 (a) introductory text revised	44138
1–1.1603–1 Revised	44138
1–1.2300—1–1.2302–5 (Subpart 1–1.23) Added	36339
1–2.201 (a)(29) and (30) removed	44138
1–3.101 (a) revised	44138
1–3.203 Revised	44138
1–3.410–2 Redesignated as 1–3.410–3; new 1–3.410–2 added	27655
1–3.410–3 Added; redesignated from 1–3.410–2	27655
1–3.600 Revised	44138
1–3.602 (d) revised	44138
1–3.603–1 (a) and (d) revised	44138
1–3.604–1 Revised	44139
1–3.604–4 (a)(6) added	44139
1–3.604–5 (a) revised	44139
1–3.605–2 (a)(3)(i) revised; (b)(3) and (4) added	44139
1–3.606–5 (f) revised; (i) added	44139
1–3.805–1 Introductory text and (a)(1) revised	44139
1–3.814–2 (c) revised	44139
1–4.404 (b) revised	44139
1–4.405 Revised	44139
1–4.410–2 (d) revised	44140
1–4.410–3 (c) and (d) revised	44140
1–4.410–5 (a)(17) added (b)(3) added	36340 44504
1–4.411–1 (a)(2) revised	44140
1–4.1004–1 (b) revised	30440
1–4.1004–2 Revised	30440
1–4.1004–4 (a) revised	30440
1–6.805 (a)(2) revised; (a)(3) removed	44140
1–7.102–19 Revised	44140
1–7.102–23 Added	36341
1–7.103–3 Amended	44140
1–7.103–29 Added	44504
1–7.202–33 Added	36341
1–7.203–24 Added	44504
1–7.302–34 Added	36341
1–7.303–65 Added	44504
1–7.402–37 Added	36341
1–7.403–60 Added	44504
1–7.601–5 Added	36341
1–7.602–7 Revised	44140
1–7.703–1 Revised	44140
1–7.703–3 Revised	44140
1–7.703–7 Revised	44140
1–7.703–9 Revised	44140
1–7.703–12 Revised	44140
1–7.703–23 Added	36341
1–7.703–24 Added	44504
1–8.700–2 (a)(1) revised	44140
1–9.107–5 (g) and (h)(1)(iii) corrected	28068
1–9.109–3 Corrected	28068
1–11.401–1 (a)(4) revised	44140
1–12.803–10 (b) removed	44140
1–12.1102–2 Amended	44140
1–14.106 Heading revised	44141
1–16.101 (a) and (c) revised	36341
1–16.201–2 Revised	44141
1–16.201–3 Revised	44141
1–16.401 (c) and (h) revised (c) revised	36341 44137
1–16.601 (b) revised	36341
1–16.701 (b) revised (c)(3) removed	36342 44137
1–16.803 Heading and text revised	30440
1–16.804–3 (c)(1) and (e) revised	44141
1–16.901–251 Removed	30441
1–16.901–254 Added	30442
1–16.901–255 Added	30449
1–18.302 Revised	44141
1–30.104 Revised	43728
1–30.201 Amended	43728
1–30.202 Existing text designated as (a); (b) added	43728
1–30.209 (e) revised	43729
1–30.403 (a) and (b) revised; (d) added	43729
1–30.404 (b)(1) revised	43729
1–30.408 (a) revised	43729
1–30.408–1 Added	43729
1–30.410–1 Amended	43729
1–30.411 (c) revised	43730
1–30.413 (b) amended	43730

	Page
1–30.414–2 Amended	43730
1–30.419 Revised	44141
1–30.500–1 Revised	43730
1–30.502 Revised	43730
1–30.503 Heading and (a) revised	43730
1–30.503–1 Revised	43730
1–30.504–1 (a)(1)(i) and (b)(2) revised	43730
1–30.504–2 Revised	43731
1–30.504–3 Revised	43731
1–30.504–4 (b) amended; (c) added	43731
1–30.505 (c) added	43731
1–30.506 Revised	43731
1–30.508 Revised	43731
1–30.510–1 Heading revised; text amended	43731
1–30.511–2 Revised	43732
1–30.511–3 Heading and text revised	43732
1–30.515 (a) revised	43732
1–30.517 (a) revised	43732
1–30.524–4 Amended	43732
1–30.527 Amended	43732

Chapter 3—Department of Health, Education, and Welfare

	Page
3–1.404–2 (b) and (c) revised	29715
3–3.103–50 (b)(2) revised	29721
3–3.600 Added	29715
3–3.601 Added	29716
3–3.602 Revised	29716
3–3.603–2 Added	29716
3–3.603–50 Added	29716
3–3.604 Heading added	29718
3–3.604–3 Added	29718
3–3.605–1 (d) and (e) added	29718
3–3.605–2 Revised	29718
3–3.606–4 Revised	29719
3–3.606–5 (a) revised; (e) and (g) added	29719
3–3.802–1 Added	29720
3–3.802–2 Added	29721
3–3.802–50 (b)(1) and (2) revised; (d)(1) and (2) amended	29719
3–3.5106—3–3.5110 Redesignated as 3–3.5107—3–3.5111	29722
3–3.5106 Redesignated as 3–3.5107; new 3–3.5106 added	29722
3–16.5000 (b)(1) amended	29719
3–16.5001 (i)(4) revised	29722
Chapter 3—Proposed Rules:	
3–4	42674

Chapter 5A—Federal Supply Service, General Services Administration

	Page
5A–1.206 Revised	37038
5A–1.250 Added	37038
5A–2.407–8 Revised	37038
5A–2.407–85 Revised	37039
5A–73.110–2 Revised	37039
5A–76.317 Revised	37039

Chapter 8—Veterans Administration

	Page
8–1.403–53 (b) revised	43217
8–1.403–55 (a) revised	43217
8–1.405 Added	43217
8–2.102 Introductory text revised	40803
8–3.101 (a) introductory text revised	40803
8–3.200 (b) revised	40803
8–3.203 Revised	40803
8–3.204 Revised	40803
8–3.207 Revised	40804
8–3.209 (a)(1) and (b)(2) and (3) revised	40804
8–3.210 (d) revised	40805
8–3.215 Introductory text, (c) and (d) revised	40805

Chapter 9—Energy Research and Development Administration

	Page
9–4.5700—9–4.5707 (Subpart 9–4.57) Added	28068
9–7.5006–10 (d)(17) revised; (d)(18) added; (e)(20) removed	31766
(d)(17) and (18), and (e)(20) effective date corrected	32746
9–15.205–3 Added	31766
Effective date corrected	32746
9–15.205–35 (d) and (e) revised; (h) added	31766
(d), (e), and (h) effective date corrected	32746

Chapter 14—Department of the Interior

	Page
14–1.701–50 Revised	33216
14–3.150—14–3.151–1 (Subpart 14–3.1) Added	39863
14–3.305–51 (o) through (t) added	40517
14–3.1203—14–3.1211 (Subpart 14–3.12) Added	40517
Heading corrected	42746
14–4.5101–3 (f) corrected	33216
14–7.602–50(1) Removed	29722
14–55.000 Revised	37210
14–55.101 (b)(7) revised	37210

Page

14–55.104 Introductory text of (a) and (a)(9) revised; (a)(10) added 37210
14–55.200—14–55.204 (Subpart 14–55.2) Added 37210

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

14H–1.451–2 Revised 33454

Chapter 14H—*Proposed Rules:*

14H–70 41025

Chapter 51—Committee for Purchase From the Blind and Other Severely Handicapped

Chapter 51—*Proposed Rules:*

51–8 42444

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

60–5 Time extended 30963
60–8 Time extended 28609

Chapter 60—*Proposed Rules:*

60–5 41149
60–12 ..... 28477, 33680
60–14 ..... 28472, 33680

Chapter 101—Federal Property Management Regulations

101–11.800—101–11.808 (Subpart 101–11.8) Revised 27656
101–11.806–8 Added; correction 29722
101–11.4920 (Subpart 101–11.49) Revised 27658
101–25.100 Added 29818
101–26.000 Revised 41093
101–26.100–1 Revised 41093
101–26.102–3 Introductory text revised 41093
101–26.104 Heading, (b) and (c) revised 41093
101–26.105 Revised 41094
101–26.106 Revised 41094
101–26.201 Introductory text revised 41094
101–26.203–1 (a) and (b)(1), (2) and (3) revised 41095
101–26.203–2 (a)(1) and (2) and (b) revised 41095
101–26.205–2 Revised 41095
101–26.206 Revised 41095
101–26.401 (c) added 31223
(c) effective date corrected 33035
101–26.403–2 (a)(1) and (b)(1) revised; (b)(3) added 31223
101–26.4902–457 Form amended 31224
101–26.4904–416 Heading and form amended 31224
101–32.1304–17 Added 37039
101–32.1304–18 Added 37040
101–32.4801 Revised 33454
101–32.4802 Revised 33454
101–35.103 (d) revised 42358
101–35.202 (a)(11) added 31224
101–35.203 (a)(3) added 31224
Introductory text revised 39866
(g) note added 42358
101–35.204–2 Introductory text revised 39866
101–38.001–1 Revised 42358
101–38.001–2 Introductory text revised 42358
101–38.001–9 Revised 42358
101–38.001–10 Revised 42358
101–38.001–13 Revised 42358
101–38.001–14 Revised 42358
101–38.100–1 Revised 42358
101–38.100–2 Revised 42358
101–38.101–1—101–38.101–5 Removed 42358
101–38.102–1 Revised 42358
101–38.201–1 Revised 42358
101–38.201–2 Revised 42358
101–38.202 Revised 42358
101–38.301—101–38.305–4 (Subpart 101–38.3) Heading revised 42359
101–38.301 Revised 42359
101–38.302 Revised 42359
101–38.303–1 Revised 42359
101–38.303–2 (a), (b), and (c)(2) and (4) revised 42359
101–38.304–1 Revised 42359
101–38.305–4 Revised 42359
101–38.402 Revised 42359
101–38.403 Introductory text and (a) revised 42359
101–38.602 (a), (b), (f), (h), (k) and (l) revised 42360
101–38.603 (a)(3) revised 42360
101–38.605 Revised 42360
101–38.607 Revised 42360
101–38.701 (d) revised 42360
101–38.800—101–38.802 (Subpart 101–38.8) Added 42360
101–38.1101 Revised 42360
101–38.1104 Revised 42360
101–38.4900 (b) revised 42360
101–38.4903 Revised 42361

Page

101–42.300—101–42.303–2 (Subpart 101–42.3) Revised 31225
101–42.4901 Revised 31226
101–42.4902 Revised 31226
101–43.302 (a) revised 42361
101–43.308 Revised 42361
101–43.315–5 (a) introductory text, (2) and (3) and (b) revised 42361
101–43.402–6 (a), (b) and (c) revised 42361
101–44.103 Revised 42361
101–44.104–3 Revised 42362
101–45.309–9 Revised 33216

Chapter 101—*Proposed Rules:*

101–32 32761

Chapter 105—General Services Administration

105–61.101–1 (f) added 28610
105–61.5201 (c)(3) removed 42881
105–61.5205 (b) and (d) revised 42881
105–61.5206 Revised 42881
105–61.5208 Revised 42882
105–735.222 Added ..... † 39505

Chapter 105—*Proposed Rules:*

105–61 33243
105–64 39440

Chapter 114—Department of the Interior

Page

114–38.607 Revised 30483
114–42.203 Revised 33217
114–42.301—114–42.303–2 (Subpart 114–42.3) Revised 40517
114–43.000 Revised 33217
114–45.000 Revised 33217
114–47.000 Revised 33217
114–52.103 Revised 30483
114–52.206 (a)(2) revised 30483
114–52.207 Redesignated as 114–52.208; new 114–52.207 added 30484
114–52.208 Redesignated as 114–52.209; new 114–52.208 redesignated from 114–52.207 30484
114–52.209 Redesignated as 114–52.210 and revised; new 114–52.209 redesignated from 114–52.208 30484
114–52.210 Redesignated from 114–52.209 and revised 30484
114–52.402 Revised 30484
114–60.501 (a), (b), and (c) revised; (d) removed 42746

Title 41—*Proposed Rules:*

In this title only see under specific chapters.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Page

2 Added; includes provisions of former 21 CFR Part 1401 † 27802
23 Added † 34079
32 Revised † 25816
32.87 Corrected † 36774
37.3 (a) amended † 3294
(a) effective date corrected † 8076
50.501—50.504 (Subpart E) Added † 34514
51a.401—51a.417 (Subpart D) Added † 12760
51a.501—51a.516 (Subpart E) Added † 24436
52c Added † 27457
52d Added † 44545
57.1801—57.1812 (Subpart S) Added † 44814
57.1901—57.1912 (Subpart T) Added † 12791
Effective date corrected † 17252
57.1908 Added † 12791
(d) corrected † 14762
57.1909 Added † 12791
(c)(2) corrected † 14762
59.203 (b) revised † 17991
59a.1—59a.9 (Subpart A) Removed † 12507
66 Added † 19314
66.113 (b) corrected † 20953
66.116 (b)(2) corrected † 20953
71.154 Revised † 33660
71.155 Revised † 33661
71.181—71.189 (Subpart J-3) Added † 33661
72 Redesignated in part as Title 21 Parts 1240, 1250; see redesignation table † 5620
86 Added † 29077
110 Added 37311
Contents list corrected † 41095
110.102 (a)(9) and (10) removed; (b)(9) and (10) amended † 41095
110.201 Amended † 41095
110.203 (e) and (k) amended † 41095
110.301—110.305 (Subpart C) Heading amended † 41095
110.601—110.605 (Subpart F) Added † 33520

Title 42—*Proposed Rules:*

2 † 20522
4 † 42020
23 † 1204
32 † 7460
36 † 34292, 42658
50 † 3218
51 † 21628
51a † 10318, 13288
51c † 21628
52b † 12092
52c 45042
† 4152
52d † 12999
52e † 19014
53 † 10686
57 † 11733, 14932, 18790, 19017, 19482
59 † 2823
66 † 3074
67 † 42890
71 † 11887
72 35438
† 8
82 † 17029
85a † 26530, 31248
101 † 19762
110 43044
† 6602
203 † 13288
306 † 33459

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

2 Revised † 7305
Existing Appendix redesignated as Appendix B and revised † 7305
Appendix A added † 7450
2.11 (b) corrected † 10670
(b) amended † 11727
2.13 (c)(7)(i) technical correction † 14315
2.45—2.79 (Subpart D) Added † 44504
4.1 (2) revised † 20819
(5) redesignated as (6); new (5) added † 33172
4.113 Revised † 5528
4.115 Revised † 5528
4.116 Revised † 5528
4.200—4.317 (Subpart D) Heading and authority citation revised † 20819
4.200 Revised † 20819
4.202 Amended † 20820
4.203—4.207 Undesignated center heading added † 20820
4.350—4.369 Undesignated center heading, section headings, and texts added † 20820
4.900—4.913 (Subpart J) Added † 33172
10 Removed † 20822
18.9 (c) amended † 44817

Note: Symbol (†) refers to 1975 page numbers

Page

18.13 (d) corrected 36114
20 Appendix revised 42682
Revised † 28288
20.735-3 (a) (1) and (3) revised 42681
20.735-11 (e) revised 42681
20.735-15 (b) revised 42682
20.735-17 (b) revised 42682
20.735-41 (c) (1) and (2) revised 42682
20.735-49 (b) revised 42682
26 Revised † 22260

Chapter I—Bureau of Reclamation, Department of the Interior

430 Added † 27658

Chapter II—Bureau of Land Management, Department of the Interior

1780 Heading added † 3295
1784.0-1—1784.4 (Subpart 1784) Added † 3295
1784.5—1784.7 Added to Subpart 1784 † 25453
2650.0-7 (d) revised † 33174
2650.3-2 (a) revised † 33174
2650.8 Revised † 33175
2651.2 (a)(4) amended; (a)(5) revised † 33175
2802.1-2 Revised † 17842
2802.2—2802.2-2 Revised † 17843
2802.2-4 Added † 17844
2802.4—2802.4-2 Revised † 17844
2821.6 Revised 39440
2822.1-2 (b) revised 39440
2822.2 Revised 39440
2822.2-1 39440
2822.2-2 Revised 39440
2920.2 Revised † 23473
2920.3 (a)(1) revised † 23473
2920.4 (a) revised † 23473
2920.7 Added † 23473
3107.2-1 (b) revised † 12507
3304.1 Amended † 43489
4114 Heading revised † 25454
4114.3-1—4114.3-4 Removed † 25454
4114.4-3 (c) removed † 25454
4115.2-1 (k)(1)(ii) revised; (k)(1)(iv) amended † 2812
(a), (b) and (c) revised; (e)(1), (8) (ii) and (11) amended † 25454
4115.2-2 (a)(2) and (b)(3) amended † 25454
4115.2-5 (a)(3) amended † 25454

Public Land Orders

Page

78 Revoked in part by PLO 5534 † 42552
290 Revoked by PLO 5461 44757
349 Revoked in part by PLO 5534 † 42552
386 Revoked in part by PLO 5451 42688
Revoked in part by PLO 5461 44757
709 Revoked in part by PLO 5534 † 42552
715 Revoked in part by PLO 5448 41364
765 Revoked in part by PLO 5458 43550
851 Revoked in part by PLO 5534 † 42552
916 Revoked in part by PLO 5461 44757
975 Revoked in part by PLO 5461 44757
1063 Revoked by PLO 5507 † 27659
1074 Revoked in part by PLO 5503 † 25593
1087 Revoked in part by PLO 5456 43549
1114 Revoked by PLO 5461 44757
1139 Revoked in part by PLO 5458 43550
1444 Revoked in part by 5458 43550
1571 Revoked in part by PLO 5455 43549
1744 Revoked in part by PLO 5468 † 5753
1771 Revoked in part by PLO 5457 43549
1851 Revoked in part by PLO 5455 43549
2249 Revoked in part by PLO 5515 † 40811
2257 Revoked by PLO 5461 44757
2425 Revoked in part by PLO 5461 44757
2843 Revoked by PLO 5449 41530
2951 See PLO 5498 † 18996, 23472
3221 Amended by PLO 5441 39440
3836 Amended by PLO 5506 † 27659
4148 Revoked in part by PLO 5515 † 40811
4507 Corrected † 34596
4643 Revoked in part by PLO 5511 † 40162
4834 See PLO 5440 39556
4889 Revoked in part by PLO 5515 † 40811

Note: Symbol (†) refers to 1975 page numbers

Title 43, Public Land Orders—Cont.

Page
5150 Revoked in part by PLO 5460 ---- 44661
Revoked in part by PLO 5509 ---- † 27659
5169 Amended by PLO 5439 ---- 38646
5170 Amended by PLO 5450 ---- 42364
5172 See PLO 5442 ---- 39722
5174 Amended by PLO 5501 ---- † 25013
5175 Amended by 5438 ---- 38646
Amended by PLO 5452 ---- 43222
5176 Amended by PLO 5454 ---- 43548
5177 Amended by PLO 5459 ---- 44758
5179 Amended by PLO 5459 ---- 44758
5180 Amended by PLO 5450 ---- 42354
Amended by PLO 5459 ---- 44758
Revoked in part by PLO 5509 ---- † 27659
Amended by PLO 5519 ---- † 40814
5181 Amended by PLO 5452 ---- 43222
5191 See PLO 5442 ---- 39722
Amended by PLO 5519 ---- † 40814
5392 See PLO 5442 ---- 39722
5418 See PLO 5461 ---- 44757
5427 Amended by PLO 5531 ---- † 42553
Corrected ---- † 43732
5428 See PLO 5442 ---- 39722
5434 ---- 36346
5435 ---- 35797
5436 ---- 35797
5437 ---- 36346
5438 ---- 38646
5439 ---- 38646
5440 ---- 39556
5441 ---- 39440
5442 ---- 39722
5443 ---- 39722
5444 ---- 39879
5445 ---- 40952
5446 ---- 40952
5447 ---- 40952
5448 ---- 41364
5449 ---- 41530
5450 ---- 42364
5451 ---- 42688
5452 ---- 43222
5453 ---- 43391
5454 ---- 43548
5455 ---- 43549
5456 ---- 43549
5457 ---- 43549
5458 ---- 43550
5459 ---- 44758
5460 ---- 44661
5461 ---- 44757
5462 ---- † 1017
5463 ---- † 5365
5464 ---- † 5753
5465 ---- † 6208
5466 ---- † 5753
5467 ---- † 5753
Page
5468 ---- † 5753
5469 ---- † 5754
5470 ---- † 5754
5471 ---- † 5754
5472 ---- † 6208
5473 ---- † 6207
5474 ---- † 6340
5475 ---- † 6341
5476 ---- † 6208
5477 ---- † 6207
5478 ---- † 6341
5479 ---- † 6341
5480 ---- † 6342
5481 ---- † 6342
5482 ---- † 6342
5483 ---- † 6342
5484 ---- † 6342
5485 ---- † 6343
5486 ---- † 6343
5487 ---- † 6503
5488 ---- † 6503
5489 ---- † 7450
5490 ---- † 7450
Amended by PLO 5542 ---- † 44817
5491 ---- † 11727
5492 ---- † 14054
5493 ---- † 14315
Amended by PLO 5502 ---- † 25593
5494 ---- † 16066
5495 ---- † 16667
5496 ---- † 16208
5497 ---- † 18997
Corrected by PLO 5508 ---- † 27659
5498 ---- † 18996
Amended by PLO 5500 ---- † 23472
5499 ---- † 20084
Corrected ---- † 22833, 29292, 30115
5500 ---- † 23472
5501 ---- † 25013
5502 ---- † 25593
5503 ---- † 25593
5504 ---- † 27658
5505 ---- † 27458
5506 ---- † 27659
5507 ---- † 27659
5508 ---- † 27659
5509 ---- † 27659
5510 ---- † 27939
5511 ---- † 40162
5512 ---- † 40162
5513 ---- † 40162
5514 ---- † 40811
5515 ---- † 40811
5516 ---- † 40814
5517 ---- † 40814
5518 ---- † 40814
5519 ---- † 40814
5520 ---- † 40815
5521 ---- † 40815

Note: Symbol (†) refers to 1975 page numbers

Page
5522 ---- † 41096
5523 ---- † 41095
Corrected ---- † 43028
5524 ---- † 41095
5525 ---- † 41794
Corrected ---- † 43489
5526 ---- † 42195
5527 ---- † 42362
5528 ---- † 42362
5529 ---- † 42551
5530 ---- † 42551
5531 ---- † 42553
5532 ---- † 42551
5533 ---- † 42551
5534 ---- † 42552
5535 ---- † 42551
5536 ---- † 42553
5537 ---- † 43028
5538 ---- † 43217
5539 ---- † 44141
5540 ---- † 44817
5541 ---- † 44817
5542 ---- † 44817

Title 43—*Proposed Rules:*

2 ---- † 5783, 37216
4 ---- 40781
---- † 13308, 14603
18 ---- † 34368
23 ---- † 41122
1780 ---- 35800, 45016
2110 ---- † 43735
2130 ---- † 43735
2270 ---- † 43735
2650 ---- † 13308, 14603
2800 ---- 35601
2920 ---- † 2818
3040 ---- † 41122
3100 ---- 36348
3300 ---- † 7673, 20090
3500 ---- 43229
---- † 2590
3520 ---- 43229
---- † 2590
3820 ---- † 43735
4110 ---- 45016
---- † 7453
4120 ---- † 7453
4130 ---- † 7453
5400 ---- † 24362
5420 ---- † 24362
5450 ---- † 24362

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

5.2 Revised ---- † 26512
5.3 Revised ---- † 26512
Page
5.4 Revised ---- † 26512
5.11 Revised ---- † 26512
5.31 (a), (b), and (c) amended ---- † 26512
5.32 (b) and (c) introductory text revised ---- † 26512
5.34 Revised ---- † 26512
5.51 Revised ---- † 26512
5.53 Revised ---- † 26513
5.60 Revised ---- † 18998
5.61 Revised ---- † 18998
5.70 Revised ---- † 26513
5.71 (c) revised ---- † 18998
(a) revised ---- † 26513
5.72 (b) and (e) revised ---- † 18998
(a) revised ---- † 26513
5.73 Revised ---- † 26513
5.74 Revised ---- † 26513
5.81 Revised ---- † 26513
5.82 Revised ---- † 26513
5.85 Revised ---- † 26513
5 Appendix amended ---- † 18998
16 Revised ---- † 33936
19 Added ---- † 32302
19.3 Corrected ---- † 36342
30.3 Revised ---- † 40162
46 Revised ---- † 11854
Technical correction ---- † 40163
46.1—46.22 Removed; redesignated as 46.101—46.122 (Subpart A) ---- † 33528
46.101—46.122 (Subpart A) Added; redesignated from 46.1—46.22 ---- † 33528
46.102 (b)(2) and (3) amended; (b)(4) removed ---- † 33528
(c) redesignated as (e); new (c) and (d) added ---- † 33528
46.201—46.211 (Subpart B) Added ---- † 33528
46.301 (Subpart C) Added ---- † 33530
60 Removed; republished and redesignated as Part 153 ---- † 11243
63 Added ---- † 23295
Effective date added ---- † 24003
75 Added ---- † 1243
80 Appendix A corrected ---- † 18173
83 Revised ---- † 28573
86 Added ---- † 24137
86.3 (d) corrected ---- † 39506
86.15 (b) and (c) corrected ---- † 39506
86.17 (a) corrected ---- † 39506
86.37 (a) corrected ---- † 39506
86.41 (a) corrected ---- † 39506
86.55 (c) corrected ---- † 39506

Note: Symbol (†) refers to 1975 page numbers

Chapter I—Office of Education, Department of Health, Education, and Welfare

Page

100.1 Designated as Subpart A; Subpart heading added; eff. 10-24-75 † 41795
100.5—100.7 (Subpart B) Added; eff. 10-24-75 † 41795
100a.10 (a)(33) added † 21955
101 Heading revised; eff. 10-24-75 † 41795
101.1—101.4 (Subpart A) Heading removed; eff. 10-24-75 † 41795
101.10—101.13 (Subpart B) Removed; eff. 10-24-75 † 41795
102 Revised † 8076
103 Appendix C added † 4309
Appendix B revised † 8556
Appendix A revised † 14315
103.1 Revised † 18787
103.3 Amended † 18787
103.41-103.46 (Subpart E) Added † 18787
103 Appendix D added † 18788
112 Revised † 16013
113 Revised † 16015
114 Revised † 16019
115 Revised † 16032
121 Revised † 7411
121.100—121.135 (Subpart B) Redesignated as Part 121a † 7411
Removed † 19000
121a Added (redesignated) † 7411, 19000
121a.81 Added † 27459
121b Added † 7413
121c Added † 7414
121d Added † 7416
121e Added † 7419
121f Added † 7419
121g Added † 7422
121h Added † 7422
121i Added † 7424
121j Added † 7428
123.01 (b) revised † 26516
123.02 Revised † 26516
123.12 (a)(1) and (d) revised; (h) added † 26517
123.12-1 Added † 26518
123.13 (b)(11) and (c) added † 26518
123.14 (a) and (b) revised; (c), (d), and (e) added † 26519
123.15 (a) revised † 26520
123.16 (a) and (c) revised † 26521
126 Added † 8177
Appendix added † 23299
127 Added 41851
130 Revised 41711

Page

130.4 (b)(1)(ii) and (iii) amended; (b)(1)(iv) added † 25013
130.16 (a)(2) amended † 25013
130.17 (c) and (d) amended; (e) added † 25013
130.18a Added † 25013
130 Appendix A amended † 25013
131 Revised 40495
141 Revised † 1018
142 Revised † 6343
144.4a Added 37384
144.14 Added † 22135
144.15 Added † 22136
151.30-151.34 (Subpart C) Added † 14762
151.40—151.43 (Subpart D) Added † 20085
151.50—151.55 (Subpart E) Added † 18552
153 Added; republished and redesignated from Part 60 † 11243
154.6 Revised † 14918
155.7 Revised † 14918
156 Added † 32333
158 Revised † 17713
166 Revised † 17950
166.4 (b) amended † 34115
166.6 Amended † 34115
166.12 (e) amended † 34115
166.22 (a)(1) and (2) amended † 34115
166.52 (d)(4) amended † 34115
166 Appendix C added † 22230
169 Revised † 23858
169.28 (a) corrected † 40518
173 Revised † 12081
175.14a Added 37385
175.17 Added † 22137
175.18 Added † 22137
176 Revised 37385
176.1 Amended 37987
176.4 (b) amended 37987
176.13 Revised † 22138
176.14 Revised † 22139
176.16 (c) amended 37987
176.20 (e)(3) amended 37987
176.21 (a) amended 37987
177.1 (e) and (g) revised; (i) and (r) added † 7593
177.4 (c)(3)(xxi) revised 36967
(c)(3)(xxii) added † 2813
(c)(3)(xxiii) added † 18556
(c)(3)(xxiv) added † 30820
177.6 (b) revised † 34115
177.12 (a)(1)(vi) revised † 34115
177.46 (c) and (d) revised; (c-1) added † 7594
177.50 Removed † 7595

Note: Symbol (†) refers to 1975 page numbers

Page

177.61—177.66 (Subpart F) Added † 7595
177.71—177.78 (Subpart G) Added † 7597
180 Revised † 25208
182 Added † 20274
183 Appendix (Guidelines) amended † 21957
183.1 (a) and (b) amended † 12990
183.2 Amended † 12990
184 Added † 21955
185.02 (c) added; (k) and (n) revised † 25173
185.11 (b)(3), (c)(1) and (2), and (d)(1) and (2)(ii) revised; (b)(6) and (c)(4) added † 25173
185.13 (k) introductory text and authority and (l)(2) and (n) revised † 25173
185.14 (a) revised † 25174
185.21 Revised † 25174
185.24 (a) revised † 25174
185.31 (a) authority and (a)(1) and (b) authority and (b)(1) revised; (c) removed † 25175
185.32 (c) removed † 25175
185.33 Revised † 25175
185.34 (c) revised † 25175

Page

185.36 Removed † 25175
185.37 (b)(1) revised † 25175
185.41—185.45 (Subpart E) Heading revised † 25175
185.41 (c)(3) and (d) revised † 25175
185.44 (d)(3) and (g) revised † 25176
185.45 (a)(6), (b), (c)(1), and (a) and (c) authority citations revised † 25176
185.46 Added † 25176
185.51 Revised † 25176
185.53 (c)(2) revised † 25177
185.54 (a) and (c) revised † 25177
185.55 (a)(2)(iv) and (b)(2)(iii) revised † 25177
185.56 Revised † 25177
185.61 (a) and (d)(1) revised † 25177
185.62 Introductory text and (a), (d), (e), (g), (h), (i), (j) and (k) revised † 25178
185.63 (b)(4), (6), and (7) revised † 25178
185.64 (a), (b)(1)(i), and (b)(3)(iv) revised; (c)(3) removed † 25178
185.65 (b)(3) revised † 25178
185.71—185.77 (Subpart H) Revised † 25178

Page

185.83 Heading, (a) heading and introductory text revised † 25181
185.84 (b) revised † 25181
185.91—185.94-4 (Subpart J) Revised † 25181
185.95 (a) removed; (b) authority and (b)(1) revised † 25186
189 Revised † 23301
190.1—190.5 (Subpart A) Added 39413
190.11—190.16 (Subpart B) Added 39415
190.16 Added 39415
Revised † 15249
190.31—190.39 (Subpart C) Revised † 15249
190.41—190.48 (Subpart D) Revised † 15251
190.51 (Subpart E) Added 39416
190.61—190.66 (Subpart F) Added 39416
190.71—190.86 (Subpart G) Added 41800
192.2 Amended † 17844
192.3 (e) and (f) added † 17844
(e) revised † 27459
192.4 (a) amended; (b) added † 17845
192.5 (b)(3) and (4) amended; (b)(5) through (9) added † 17845
192.9 Revised † 17845

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

201.1 (h) corrected 36114
201.14 Added † 34597
Effective date corrected; (d)(12) and (13), and (e) revised † 44326
205.25 Effective date postponed to 7-1-76 † 33217
205.40 Revised 37195
Revised † 32957
205.41 Revised 37195
Revised † 32957
205.50 (a) revised; (b) redesignated as (d); (b) and (c) added † 27154
Effective date postponed † 31766
205.102 CFR correction † 4000
206.10 (a)(1)(iv) and (a)(9) revised; (a)(1)(v) added † 27660
(a)(9) and (b) revised † 32958
212.4 (d) revised † 43218
213.21 Revised 40850
220 Effective date 45238

Note: Symbol (†) refers to 1975 page numbers

(CHANGES OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975)

Title 45, Chapter II—Continued

Page

220.35 Removed ---------- † 43182
220.36 Removed ---------- † 43182
220.48 Removed ---------- † 27030
Effectived date postponed ---------- † 31767
220.61 (f) (1) amended ---------- 38380
(f) (1) (i) revised ---------- 40157
221 Effective date ---------- 45238
222 Effective date ---------- 45238
224 Added; eff. 3-16-76 ---------- † 43182
226 Effective date ---------- 45238
228 Added ---------- † 27354
232 Added ---------- † 27154
Effective date postponed ---------- † 31766
233.10 (b) (3) revised; (b) (5) added ---------- † 32958
233.11 Removed ---------- † 43182
233.20 (a) (3) revised ---------- † 12507, 30965
(a) (3) (v) and (vi) revised; (b) (4) removed ---------- † 27156
Effective date postponed ---------- † 31766
233.70 (a) (2) and (3), and (b) (1) revised ---------- † 25819
233.90 (b) (4) revised ---------- † 27156
Effective date postponed ---------- † 31766
233.140 Removed ---------- 38902
Added (reinstated) ---------- † 2435
234.60 (a) (1) revised; (a) (13) added ---------- † 27156
Effective date postponed ---------- † 31766
235.40 Added ---------- † 33035
235.70 Revised ---------- † 27156
Effective date postponed ---------- † 31766
237.60 Removed ---------- † 16667
248.3 (b) (5) and (c) (2) (i) and (ii) amended ---------- 36590
248.21 (a) (3) (ii) (A) and (B) amended ---------- 36590
248.70 (a) (2) and (3) and (c) (1) revised ---------- † 25819
249.10 (b) (6) revised ---------- 37637
(b) (4) (i) (B) revised; (b) (15) (vi) added ---------- 40019
(b) (1) and (14) (i) (A) revised ---------- 41611
(b) (1) and (14) effective date stayed ---------- † 14597
(c) (3) removed; (c) (4) added ---------- † 28793
(b) introductory text revised; (b) (4) (i) (A) and (B) redesignated as (b) (4) (i) (B) and (C); new (b) (4) (i) (A) added; eff. 11-24-75 ---------- 43901
249.33 (a) (1) amended ---------- 41611
(a) (1) (i) effective date stayed ---------- † 14597
(a) (7) removed ---------- † 28793
249.40 (a) (2) and (b) revised ---------- 36590

Page

(a) (2) (ii) table corrected ---------- 39267
249.82 Revised ---------- † 20517
250.18 Added ---------- 41611
Effective date stayed ---------- † 14597
(a) (1) (iii) revised ---------- † 30819
250.19 Added ---------- 41612
Effective date stayed ---------- † 14597
(a) amended ---------- † 14597
(a) (1) (viii) effective date postponed ---------- † 28071, 33033, 33036
(c) added ---------- † 30819
(a) (1) (viii) effective date postponed ---------- † 42006
250.20 Amended; (a) (3) added ---------- 35778
Revised ---------- 41617
Effective date stayed ---------- † 14597
250.23 Amended ---------- 41618
(a) (1) (ii) revised; (b) (2) removed; (b) (1) redesignated as (b); (c) added ---------- 41618
Effective date stayed ---------- † 14597
250.24 (a) (1) (ii) revised ---------- 41618
(a) (1) (ii) effective date stayed ---------- † 14597
250.25 Added ---------- † 27221
250.30 (b) and (d) revised ---------- 43632
(b) (3) (iii) revised ---------- † 14598
(b) (3) (iii) corrected ---------- † 15388
(b) (2) revised ---------- † 34519
250.120 (d) amended ---------- 36590

Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Department of Health, Education, and Welfare

Chapter added ---------- † 27156
301 Added ---------- † 27157
Effective date postponed ---------- † 31767
301.1 (h) corrected ---------- † 29723
302 Added ---------- † 27159
Effective date postponed ---------- † 31767
303 Added ---------- † 27164
Effective date postponed ---------- † 31767
304 Added ---------- † 27166
Effective date postponed ---------- † 31767

Chapter IV—Social and Rehabilitation Service (Rehabilitation, Programs), Department of Health, Education, and Welfare

401 Revised ---------- 42473
402 Added ---------- 42492
403—408 Removed ---------- 42504
409 Revised ---------- 42504

Note: Symbol (†) refers to 1975 page numbers

(CHANGES OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975)

Chapter V—Foreign Claims Settlement Commission of the United States

Page

503 Revised ---------- † 10178
531.1 (h) added ---------- 40249
531.2 (h) revised ---------- 40249

Chapter VI—National Science Foundation

612 Added ---------- † 12793
613 Added ---------- † 44510
650 Added ---------- 41982
650.8 (c) (6) redesignated as (7); new (c) (6) added ---------- † 34598
650.9 (c) (2) and (3) redesignated as (c) (3) and (4); new (c) (2) added; new (c) (4) amended ---------- † 34598

Chapter VII—Commission on Civil Rights

704.1 Revised ---------- † 22833

Chapter VIII—Civil Service Commission

801 Appendix A amended ---------- 37056, 40157

Chapter X—Community Services Administration

Chapter heading, technical correction ---------- 32124
1005 Removed; new (interim) Part 1005 added ---------- † 7929
1060.2-1—1060.2-3 (Subpart) Heading and text revised ---------- † 14317
(Subpart) Revised ---------- † 28793
1060.2-4 Added ---------- † 28793
1060.5-1—1060.5-3 (Subpart) Added ---------- † 3213
1061.20-1—1061.20-11 (Subpart) Added ---------- † 27661
1061.30-1—1061.30-10 Added; correctly designated ---------- † 31603, 44327
1067.4-1—1067.4-3 (Subpart) Added ---------- † 27031
1067.4-1—1067.4-7 (Subpart) Revised ---------- † 28794
1067.5-1—1067.5-3 Corrected ---------- † 44327
1068.10-1—1068.10-9 (Subpart) Added ---------- † 27665
1068.20-1—1068.20-7 (Subpart) Added ---------- † 27667
1069.3-4 (a) (2) revised ---------- † 29292
1069.4-1—1069.4-5 (Subpart) Revised ---------- † 30461

Page

1069.4-6 Removed (in Subpart revision) ---------- † 30461
1069.4-7 Removed (in Subpart revision) ---------- † 30461
1069.7-1—1069.7-3 (Subpart) Added ---------- 39722
1076.10-1—1076.10-5 Added; eff. 10-30-75 ---------- † 44818

Chapter XI—National Foundation on the Arts and the Humanities

1100.3 Text removed ---------- † 8821
1100.3-1 Added ---------- † 8822
1100.3-2 Added ---------- † 8822
1100.3-3 Added ---------- † 8822
1100.3-4 Added ---------- † 8822
1100.3-5 Added ---------- † 8822
1100.4 Heading added ---------- † 8823
1100.4-2 Added ---------- † 8823

Chapter XII—ACTION

1201.735-501 (b) revised ---------- † 17023
1208 Added ---------- † 40806
1213 Added ---------- † 10670
1215 Added ---------- † 18558
1216 Added ---------- † 16209
1217 Added ---------- 44203
1218 Added ---------- 43725
1219 Added ---------- 42915
1220 Added ---------- † 28800

Chapter XIII—Office of Human Development, Department of Health, Education, and Welfare

1303 Added ---------- † 25015
1304 Added ---------- † 27562
1340 Added ---------- 43937

Chapter XIV—National Institute of Education, Department of Health, Education, and Welfare

Subchapter A established ---------- 38999
1400 Added ---------- 38999
1403 Added ---------- 39000
1405 Added ---------- 39001
1407 Added ---------- 39004
1409 Added ---------- 39005
1410 Added ---------- 39005
1412 Added ---------- 39006
1414 Added ---------- 39007
1415 Added ---------- 39008
1417 Added ---------- 39010
1419 Added ---------- 39011
1420 Added ---------- 39012
1422 Added ---------- 39013
1424 Added ---------- 39014
1460 Added ---------- † 25454

Note: Symbol (†) refers to 1975 page numbers

Title 45—Continued

Chapter XV—Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare

Page

1501 Revised ..... † 12266

Chapter XVI—Legal Services Corporation

Chapter added ..... † 42362
1600 Added; eff. 10-14-75 ..... † 42362

Chapter XVII—National Commission On Libraries and Information Science

Chapter established 39879
1700 Added 39879
1701 Added 39879
1701.2 (b)(1) and (7) revised; (c) added ..... † 7652
1701.3 Heading, (a) and (b) revised; (d) and (e) removed ..... † 7652
1701.4 Revised ..... † 7653
1701.5 Revised ..... † 7653
1701.6 Added ..... † 7653
1701.7 Added ..... † 7653

Title 45—*Proposed Rules:*

5 ..... † 4439
5b ..... † 34129, 41140
11 ..... † 3712
19 40302
..... † 2707
46 37993
63 ..... † 1516
75 36861
81 ..... † 24148
99 ..... † 1208, 2208
100a 45297
..... † 3607
100b ..... † 19204
100c ..... † 11686
100d ..... † 20285
102 ..... † 19204, 33047
103 ..... 36592, 38666
..... † 8, 8955
115 ..... † 19114
116 ..... † 11472
116a ..... † 11472
116d ..... † 28622
117 ..... † 19204
118 45019
121 ..... † 19204
121a ..... † 17849, 23084
123 ..... † 11591
126 ..... † 11885
130 ..... † 12671, 19204
134 ..... † 11686
134a ..... † 11686
134b ..... † 11686

Page

141 ..... † 19204
144 ..... † 7100, 8108, 32540
148 ..... † 31617
151 44774
154 41536
155 41536
156 ..... † 16086
160 ..... † 27035
160a ..... † 41670
160b ..... † 30662
160c ..... † 17394
160f ..... † 33802
160g ..... † 27486
166 ..... † 3382, 19204
169 40506
173 ..... † 19204
175 ..... † 7100, 8108, 32540
176 ..... † 7100, 8108, 10686, 32540
177 37154
..... † 13282, 20824
180 ..... † 12244
182 ..... † 3007
183 41260
184 45297
185 ..... † 14166
189 ..... † 1053
190 ..... † 23970, 34331
192 43729
201 ..... † 25599, 34138
204 ..... † 16672
205 ..... † 5541, 11735, 12674, 19207, 21737, 36378
206 37505
..... † 21737, 36141
213 ..... † 26684
220 ..... † 6505
224 38104
228 ..... † 16802
232 ..... † 19207
233 ..... † 21737, 33461, 36141, 41143
234 ..... † 19207
235 ..... † 19207
249 ..... 40959, 42919
..... † 6368, 8956, 13142, 20954, 36378, 36702, 42560
250 41480
..... † 2707, 11735, 13142, 15093
301 ..... † 20096
302 ..... † 20096, 20101
303 ..... † 20101
304 ..... † 20286
401 ..... † 12107
402 ..... † 12107
503 ..... † 3786
504 ..... † 39381
612 ..... † 3313
613 ..... † 31811
650 ..... † 12819
702 ..... † 19656
704 ..... † 4154, 17267
706 ..... † 40783
1006 ..... † 38165
1100 ..... † 3014
1115 ..... † 40052, 42457
1208 37205

Note: Symbol (†) refers to 1975 page numbers

Page

1212 ..... † 23311
1213 44457
1215 ..... † 3462
1220 37779
1221 ..... † 18002
1222 ..... † 16676
1224 ..... † 39434
1304 ..... † 4758
1351 ..... † 17824
1460 ..... † 12671
1501 41748
1602 ..... † 42374

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

4.11-10 (b) (1), (2) and (4) amended ..... † 36342
4.13-1—4.13-40 (Subpart 4.13) Heading revised ..... † 13501
4.13-1 Revised ..... † 13501
4.15-1 (Subpart 4.15) Removed ..... † 31604
5.02-1 Revised 39723, 41365
5.17-5 (a), (b) and (d) amended ..... † 36342
5.20-165 (b) table corrected 39723
5.30-1 (g) revised 39723
5.50-1 (Subpart 5.50) Revised ..... † 13501
5.60-1 (Subpart 5.60) Removed ..... † 31604
10.05-33 (a)(7) amended; (a)(8) added ..... † 33976
10.16-21 (d) revised; (e) and (f) amended; (g) removed ..... † 30965
10.16-71 Removed ..... † 30965
10.30-5 (f)(10) revised ..... † 23758
12.25-40 Added ..... † 33976
14.15-1 (Subpart 14.15) Revised ..... † 13501
30.25-5 Table amended ..... † 21958
31.10-33 Added ..... † 36343
32.45-1 (i) removed; (f)(4-a) added ..... † 17754
32.50-5 Heading revised; (a) removed ..... † 40163
Effective date corrected ..... † 42746
33.50-1 Amended ..... † 24901
34.15-10 (h) revised ..... † 6208
35.20-40 Added ..... † 2689
35.25-10 (a) amended ..... † 40163
Effective date corrected ..... † 42746
40.15-1 (Subpart 40.15) Added ..... † 17025
50.10-30 Table amended 40158
50.25-30 Heading and (a) amended ..... † 40163
Effective date corrected ..... † 42746
52.01-1 (a) table amended ..... † 40163
Effective date corrected ..... † 42746

Page

52.01-90 (d) and (e) amended ..... † 40163
Effective date corrected ..... † 42746
52.01-100 Heading revised ..... † 40163
Effective date corrected ..... † 42746
52.01-110 (h) added ..... † 40163
Effective date corrected ..... † 42746
52.05-45 (b) amended ..... † 40163
Effective date corrected ..... † 42746
52.10-15 Heading amended ..... † 40163
Effective date corrected ..... † 42746
52.20-17 Added ..... † 40163
Effective date corrected ..... † 42746
53.10-3 (a) amended ..... † 40163
Effective date corrected ..... † 42746
54.01-1 (a) amended ..... † 40163
Effective date corrected ..... † 42746
54.05-5 (a) amended ..... † 40163
Effective date corrected ..... † 42746
54.05-10 (a) and (d) amended ..... † 40164
Effective date corrected ..... † 42746
54.05-17 (a)(1), (2), and (3) revised ..... † 40164
Effective date corrected ..... † 42746
54.05-20 Revised ..... † 40164
Effective date corrected ..... † 42746
54.05-25 Removed ..... † 40164
Effective date corrected ..... † 42746
54.10-17 Amended ..... † 40164
Effective date corrected ..... † 42746
54.20-10 (a) amended ..... † 40164
Effective date corrected ..... † 42746
54.25-15 (b) amended ..... † 40164
Effective date corrected ..... † 42746
56.01-3 Added ..... † 40164
Effective date corrected ..... † 42746
56.01-5 (a) table amended ..... † 40164
Effective date corrected ..... † 42746
56.04-2 Table amended ..... † 40164
Effective date corrected ..... † 42746
56.07-10 (c) and (e) amended ..... † 40164
Effective date corrected ..... † 42746
56.20-1 (d) added ..... † 40164
Effective date corrected ..... † 42746
56.30-10 (b)(3) amended ..... † 40164
Effective date corrected ..... † 42746
56.30-20 (c) table heading revised; footnote added ..... † 40164
Effective date corrected ..... † 42746
56.50-15 (e) revised ..... † 40165
Effective date corrected ..... † 42746
56.50-40 (a)(1) amended ..... † 40165
Effective date corrected ..... † 42746
56.50-60 (f) amended; (g) added ..... † 40165
Effective date corrected ..... † 42746
56.50-97 (a) revised ..... † 40165
Effective date corrected ..... † 42746

Note: Symbol (†) refers to 1975 page numbers

Title 46, Chapter I—Continued Page

56.50–105 (b)(3) amended; table heading revised ---† 40165
Effective date corrected ---† 42746
56.60–1 (a) and (b) tables amended ---† 40165
Effective date corrected ---† 42746
56.60–2 (a) amended ---† 40165
Effective date corrected ---† 42746
56.60–3 Added ---† 40165
Effective date corrected ---† 42746
56.60–5 (c) and (e) removed ---† 40165
Effective date corrected ---† 42746
56.60–10 (a) amended ---† 40165
Effective date corrected ---† 42746
56.60–15 (a)(1) amended ---† 40165
Effective date corrected ---† 42746
56.60–25 (e) amended ---† 40165
Effective date corrected ---† 42746
56.70–3 Added ---† 40165
Effective date corrected ---† 42746
56.70–5 (a) revised ---† 40165
Effective date corrected ---† 42746
56.70–10 (a)(1)(iii) and (b) amended; (a)(3) revised ---† 40165
Effective date corrected ---† 42746
56.70–15 (b)(1), (5), and (6), (e)(2), and (f) revised ---† 40165
(b)(2) and (4) and (g)(2), (3), and (4) amended; (g)(7) and table added ---† 40165
Effective date corrected ---† 42746
56.80–15 (e) amended; (g) added ---† 40166
Effective date corrected ---† 42746
56.85–10 (a), (b), and table revised; (d) removed ---† 40166
Effective date corrected ---† 42746
56.85–15 (a), (d), and (i) amended; (j)(3) revised; (f), (g), (h), and (j)(1) and (2) removed ---† 40167
Effective date corrected ---† 42746
56.97–1 Revised ---† 40167
Effective date corrected ---† 42746
56.97–25 Revised ---† 40167
Effective date corrected ---† 42746
56.97–30 Revised ---† 40167
Effective date corrected ---† 42746
56.97–35 Revised ---† 40168
Effective date corrected ---† 42746
56.97–38 Added ---† 40168
Effective date corrected ---† 42746
56.97–40 (c) amended ---† 40168
Effective date corrected ---† 42746
57 Authority citation revised ---† 27461
57.01–1 Amended ---† 27460
57.02–1 (a) amended; (b) revised ---† 27460

Page
57.02–3 (a) revised ---† 27460
57.02–4 Revised ---† 27460
57.03–1 Revised ---† 27461
57.04–1 Revised ---† 27461
57.05–3 Figure amended ---† 27461
57.06–1 (c) amended ---† 27461
57.06–4 (h) amended ---† 27461
58.01–15 Amended ---† 40168
Effective date corrected ---† 42746
58.30–1 (a)(14) added; (b) revised ---† 40168
Effective date corrected ---† 42746
58.30–5 (a) amended ---† 40168
Effective date corrected ---† 42746
58.30–15 (d) amended ---† 40168
Effective date corrected ---† 42746
58.30–40 Revised ---† 40168
Effective date corrected ---† 42746
58.30–50 Added ---† 40168, 40169
Effective date corrected ---† 42746
58.50 Heading revised ---† 40169
Effective date corrected ---† 42746
58.50–1 (a) revised ---† 40169
Effective date corrected ---† 42746
63.01–5 (f) added ---† 40169
Effective date corrected ---† 42746
63.15–30 Revised ---† 40169
Effective date corrected ---† 42746
73.35–20 (c)(2) amended ---35798
74.10–12 Added ---† 36343
75.20–15 (b) and (gg) amended ---35798
75.30–15 (a) amended ---35798
76.15–10 (h) revised ---† 6209
77.05–1 (b) amended ---35798
78.21–1 (Subpart 78.21) Added ---† 2689
78.47–40 Cross reference amended ---35798
93.17 Table corrected ---† 36344
93.20–01—93.20–20 (Subpart 93.-20) Added ---† 36343
93.20–20 Table corrected ---† 39506
95.15–10 (h) revised ---† 6209
97.19–1 (Subpart 97.19) Added ---† 2689
111.85–10 (c)(5)(i) removed; (c)(6) added ---† 17754
144 (Subchapter M) Removed ---† 36344
146 Authority citation corrected ---† 41795
146.04–5 Table amended ---40294
Table amended ---† 37211
146.22–200 Table E amended ---† 37211, 37214
146.23–100 Table F amended ---40294
Table F amended ---† 37214
146.24–23 Added ---† 37214
146.24–24 Added ---† 37214
146.24–100 Table G amended ---† 25676
146.27–29 Added ---† 34340
146.27–100 Amended ---† 34340

Note: Symbol (†) refers to 1975 page numbers

Page
146.29–100 Amended ---† 25676
147A.11 (a)(5) corrected ---37771
151.01–10 (b) table amended ---† 21958
151.01–25 (c) amended ---† 17026
151.05 (Subpart) Table amended ---† 17026, 21958
151.05–1 (p) amended ---† 21958
151.50–34 Heading revised; (g) through (k) added ---† 17026
151.50–60 Removed ---† 21958
160.062–2 (c) amended ---† 4422
160.062–4 (c), (d) (2), (3), and (4), and (e) amended; (f) revised ---† 4422
160.062–6 (b) revised ---† 4422
160.062–7 Added ---† 4422
160.062–8 Added ---† 4422
160.064–1—160.064–9 (Subpart 160.064) Heading revised ---36967
160.064–2 (a), (b), (c) amended; (d) added ---36967
160.064–3 (a), (b), and (e) amended; (d) revised ---36967
160.064–4 (a) amended ---36967
160.064–6 (a) amended ---36967
160.064–7 (a) amended ---36967
160.064–8 (a) amended ---36967
181.20–15 (d) revised ---† 6209
193.15–10 (h) ---† 6209
196.19–1 (Subpart 196.19) Added ---† 2689

Chapter II—Maritime Administration, Department of Commerce

221.4 (c) and (d) revised ---† 2435
252 Added ---† 43490
281 Heading revised ---† 7431
281.1 Introductory text and (f) revised ---† 7431
283.3 (b)(1)(v) and (vi) and (b)(2)(ii) amended; (b)(2)(iii) redesignated as (b)(2)(iv); new (b)(2)(iii) added; (c)(1) and (2)(i) revised ---† 25214
Technical correction ---† 32832
283.6 (b)(i), (ii), (iii), and (iv) redesignated as (b)(1), (2), (3), and (4); (b)(1) revised ---† 25214
294.3 (c)(5) revised ---† 36120
294.7 (b)(3)(i), (4)(i) and (iii), and (5)(i) revised ---† 20087
294.9 (c) added ---† 22547
294.10 (b)(1) revised; (b)(2)(i) and (ii) amended; (b)(7)(iii) added ---† 20087
294.11 (3) added ---† 36120
294.12 (b)(13) revised ---† 36120
294.13 (e) amended ---† 20087
294.14 (b)(1) amended; (b)(2)(v) added; (d) revised ---† 20088

Page
308.6 Time extended ---† 7097
308.106 Time extended ---† 7097
308.206 Time extended ---† 7097
308.305 Time extended ---† 7097
310.3 (c)(1) amended ---† 19643
310.6 (a)(4) removed; (a)(5) and (6) redesignated as (a)(4) and (5) ---† 6655
310.10 (a) removed; (b) and (c) redesignated as (a) and (b) ---† 6655
310.58 (c) amended ---44204
380.30—380.35 (Subpart D) Removed ---† 14599

Chapter III—Coast Guard, Department of Transportation

401.110 (a)(11) added; eff. 10–8–75 ---† 41526
401.330 (a) revised; eff. 10–8–75 ---† 41527
401.335 Added; eff. 10–8–75 ---† 41527
401.340 (a) revised; eff. 10–8–75 ---† 41527
401.700—401.720 (Subpart G) Added; eff. 10–8–75 ---† 41527
402.320 (a)(1), (2), and (5) amended; (a)(4) removed; eff. 10–8–75 ---41527

Chapter IV—Federal Maritime Commission

500.735–32 (b) amended; (d) revised ---37392
500.735–37 Amended ---41365
502.301 Revised ---† 27671
503.1 Removed; new § 503.1 added ---† 2983, 7311
Revised ---† 8098
503.22 Amended ---† 2984, 7311, 8098

Page
503.31 Removed; new § 503.31 added ---† 2984, 7311
Revised ---† 8098
503.32 Amended ---† 2984, 7311, 8098
503.33 Amended ---† 2984, 7311, 8098
503.34 Removed; new § 503.34 added ---† 2984, 7311
Revised ---† 8098
503.35 (a) and (g) revised ---† 2984, 7311, 8099
503.36 Added ---† 2985, 7311, 8099
503.41—503.43 (Subpart E) Revised ---† 2985, 7311, 8099
503.60—503.69 (Subpart G) Added ---† 40036
506 Revised ---38648
Effective date corrected ---41365
Revised ---† 28802
Authority citation corrected ---† 33976

Note: Symbol (†) refers to 1975 page numbers

(CHANGES OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975)

Title 46, Chapter IV—Continued

Page

512 Heading revised; existing text redesignated as Subpart A ---------- † 25821
512.2 Amended ---------- † 25821
512.20—512.25 (Subpart B) Added ---------- † 25821
528.1 Amended ---------- † 14599
530.9 Added ---------- † 43720
531.5 (j) added ---------- † 24727
531.25 Removed ---------- † 5529
533.1 Amended ---------- † 14599
536.4 (b)(9) interpretation ---------- † 24728
538.4 Added ---------- † 28453
538.10 Amended ---------- † 28454
550 Added ---------- † 18446

Title 46—*Proposed Rules:*

Ch. I ---------- † 33681
10 ---------- † 3610, 10692
12 ---------- † 3610, 10692, 16676
20 ---------- † 23764
30 ---------- † 2707, 17592
31 ---------- † 17145
32 ---------- † 14935, 16676, 17592, 19651, 33996, 42751
33 ---------- † 32339
34 ---------- † 17592, 43739
35 ---------- † 33996, 42751
42 ---------- 35820
---------- † 34407
50 ---------- † 14935, 16676, 19651
52 ---------- † 14935, 16676, 19651
53 ---------- † 14935, 16676, 19651
54 ---------- † 14935, 16676, 19651
56 ---------- † 14935, 16676, 19651
57 ---------- 38667
58 ---------- † 14935, 16676, 19651
61 ---------- † 23764
63 ---------- † 14935, 16676, 19651
74 ---------- 17154
75 ---------- † 32339
76 ---------- † 43739
77 ---------- † 42751
78 ---------- † 32339, 42751
93 ---------- 17154
94 ---------- † 32339
95 ---------- † 43739
96 ---------- † 42751
97 ---------- † 32339
105 ---------- † 43739
Subch. M ---------- † 17154
146 ---------- † 4318, 4319, 24532, 25686, 32341, 32758
151 ---------- 39046
---------- † 2707
167 ---------- † 3311, 32339, 42751, 43739
176 ---------- † 32339
181 ---------- † 43739
184 ---------- † 42751
185 ---------- † 42751
192 ---------- † 32339
193 ---------- † 25026, 43739

Page

195 ---------- † 42751
196 ---------- † 42751
281 ---------- 40031
283 ---------- 43634
---------- † 2445
298 ---------- † 22552
401 ---------- 39047
502 ---------- † 12294, 15097, 43925
503 ---------- † 30128
536 ---------- † 33688, 34417, 36778
538 ---------- † 1280
547 ---------- † 13005, 20957, 24367, 28489, 30674
550 ---------- † 15401
1046 ---------- 43559

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

0.5 (b)(4)(ii) revised ---------- † 17253
0.21 (h) revised ---------- † 7914
0.35 Revised ---------- † 33217
0.36 Revised ---------- † 33218
0.41 (o) removed ---------- † 17253
0.42 Revised ---------- † 6656
0.44 Revised ---------- † 6656
0.46 Revised ---------- † 6656
0.47 Heading, introductory text and (a) revised; (h) added ---------- † 6656
(f) removed ---------- † 17253
0.91 Introductory text revised; (e) and (g) revised; (h) added ---------- † 7451
0.93 Revised ---------- † 12641, 14764
0.111 Revised ---------- † 17253
0.121 (a) amended ---------- 36346
(a) table corrected ---------- 37487
(a) and (c) amended; (b) removed ---------- † 17253
Heading revised; (a) table amended ---------- † 28454
0.186 (b) (1) and (8) revised ---------- † 17253
0.211 (d) revised ---------- † 6473
0.214 Removed ---------- † 7451
0.215 Revised ---------- † 7451
0.231 (e) removed ---------- † 17254
0.282 (a)(4) revised ---------- † 17254
0.288 Added ---------- † 7914
(d) corrected ---------- † 10180
(d) revised ---------- † 12796
(q) amended ---------- † 17738
(u) added ---------- † 26521
0.289 Removed ---------- † 7915
0.291 Revised ---------- † 7451
Introductory text and (d) revised ---------- † 34341

Note: Symbol (†) refers to 1975 page numbers

(CHANGES OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975)

Page

0.292 Removed; new 0.292 redesignated from 0.293 ---------- † 7452
0.293 Redesignated as 0.292 ---------- † 7452
0.294–0.298 Removed ---------- † 7452
0.302 (c) and (d) added ---------- † 7452
0.303 (g) revised ---------- † 7452
0.307 Revised ---------- † 7452
0.311 Revised ---------- † 17254
0.314 (s) and (t) added ---------- 41257
Heading, introductory text, (c), (h), (i), (k), (q), and (r) revised; (u) added ---------- † 17254
0.315 Removed ---------- † 17254
0.316 Removed ---------- † 17254
0.317 Revised ---------- † 17254
0.331 Revised ---------- † 4423
0.332 Revised ---------- † 4423
0.337 Amended ---------- † 4423
0.347 Revised ---------- 37061
0.357 Added ---------- 37061
0.367 Added ---------- 37061
0.377 Added ---------- 37061
Amended ---------- † 4423
0.385 Removed ---------- † 17254
0.386 Removed ---------- † 17254
0.387 (b) revised ---------- † 17254
0.401 (c) revised ---------- † 17254
0.421 Revised ---------- † 17254
0.431 Revised ---------- † 17254
0.432 Revised ---------- † 17254
0.433 Revised ---------- † 17255
0.445 (g) revised ---------- † 17255
0.451 Revised ---------- † 7313
0.455 (e)(1) revised ---------- † 17255
(a)(3) added ---------- † 34116
0.456 Removed ---------- † 7313
0.457 (a) introductory text amended; (g) revised ---------- † 7313
(b)(3) added ---------- † 17255
(d)(1)(ii) revised ---------- † 34116, 39507
0.459 Revised ---------- † 7313
0.460 Added ---------- † 7314
0.461 Revised ---------- † 7314, 39507
0.465 (b) amended ---------- † 6656
(a) revised ---------- † 18395
0.466 Revised ---------- † 7316
0.483 (b) revised ---------- 39556
0.485 (c) and (d) amended ---------- † 2986
(c) revised ---------- † 17255
0.487 Revised ---------- † 17255
0.491 Revised ---------- † 17255
0.504 Revised ---------- † 17255
0.551–0.561 (Subpart E) Added ---------- † 44512
1 Amended ---------- † 8558
Form 303 amended ---------- † 24003
1.46 Revised ---------- 43301
1.49 Revised ---------- † 19198
1.61 (a) revised ---------- † 17255
1.80 (f) amended ---------- 41257

Page

1.83 (a)(1)(ii) revised ---------- † 5365
1.89 (a) amended ---------- 41257
1.227 (b) note removed ---------- † 28456
1.301 (a)(3) removed ---------- † 39509
1.311 (b)(3) revised ---------- † 39509
1.325 (b) revised ---------- † 39509
1.401 (d) added ---------- 44022
1.405 (d) added ---------- 44022
1.415 (e) added ---------- 43301
1.420 Added ---------- 44022
1.522 (a) revised ---------- † 28456
1.526 Heading revised ---------- 38651
1.533 (a)(7) removed; (a)(8), (9) and (10) redesignated as (a)(7), (8) and (9) ---------- † 15884
1.536 (b)(6) removed; (b)(7), (8) and (9) redesignated as (b)(6), (7) and (8) ---------- † 15884
1.547 (a) revised ---------- † 17255
1.549 Revised ---------- † 17255, 25676
1.571 (j)(2) and (3) revised ---------- † 28456
1.572 (b) and (c) revised ---------- † 28456
1.573 Note 1 amended ---------- 45263
Note 1 amended ---------- † 28803
(b) revised; (d) and (e) added ---------- † 28457
1.580 (i) revised ---------- † 28457
1.591 (b) note 1 removed; new note 1 redesignated from note 2 ---------- † 28457
1.613 (c)(2) and (d) revised ---------- † 15884
1.911 (f) removed ---------- † 5365
1.922 Table amended ---------- † 5366
1.927 Revised ---------- † 17255
1.928 Introductory text revised ---------- † 17256
1.932 Revised ---------- † 20924
1.958 (b)(1) revised ---------- † 5366
1.1101—1.1120 (Subpart G) Revised ---------- † 3851, 16396, 17146
1.1102 (e)(2) through (5), note 1, and (f)(2) added ---------- † 8187
(e)(2) revised ---------- † 33218
1.1111 Note I revised ---------- † 8188
(a)(1) revised; eff. 10–22–75 ---------- † 42882
1.1113 (i) and footnote 14 revised ---------- † 8188
(c) footnote added ---------- † 24005
1.1115 (c)(9) revised ---------- † 8188
1.1120 (a)(2) revised ---------- † 8188
(a)(4), (b)(4), and footnotes 11 and 12 added ---------- † 34117
1.1205 Revised ---------- † 21958
1.1209 Revised ---------- † 21958
Introductory text and (d) corrected ---------- † 44327
1.1301 — 1.1319 (Subpart I) Added ---------- 43843
2 Technical correction ---------- † 17130

Note: Symbol (†) refers to 1975 page numbers

58-120 O - 75 - 4

(CHANGES OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975)

Title 47, Chapter I—Continued Page

2.1 Amended ---------- 35664
Corrected ---------- 40158
2.103 (a)(1) revised----------† 17256
2.106 Footnote amended-- 38904, 40586
----------† 14469
Amended ---------- 40953, 40954, 42691
Amended ----------† 2813, 2814, 6777, 12991, 14469, 20924, 24729
Footnote added---------- 44984
Time extended----------† 6209
Footnote US–216 revised----------† 20822
Footnote US–216 corrected---† 26677
Footnotes NG–112 and US–220 added ----------† 24736
Footnote 2 corrected----------† 26991
Footnote NG–65 removed-----† 31226
Table amended----------† 33455
Footnote NG–63 revised------† 34599
2.201 (e)(6) added---------- 35664
2.202 (e) and (g) amended----- 35664
2.302 Table revised----------† 12991
2.815 Added ----------† 1246
Effective date----------† 3596
(b) corrected----------† 6474
2.983 (d)(12) added---------- 35664
(h) added----------† 34117
2.989 (h) redesignated as (i); new (h) added---------- 35664
2.1003 (b) note amended------† 34117
2.1045 Clarification ----------† 32747
5.4 Revised ----------† 5366
5.108 Added ----------† 2814
(a) corrected ----------† 6474
5.109 Added ----------† 2814
Corrected ----------† 6474
5.203 Footnote added----------† 2815
13.3 (a) revised; (c) added----† 5366
13.4 (c) revised----------† 5366
13.5 (a) revised----------† 5366
13.11 (b) revised----------† 5366
13.71 (b) revised----------† 3857, 8188
15.1 Revised ----------† 10674
15.2 Revised ----------† 10674
15.4 (e) added----------† 10675
15.25 Added ----------† 10675
15.31—15.49 (Subpart B) Heading and text revised--------† 10675
15.38 (d) added----------† 34117
15.44 (f) added----------† 34117
15.45 (e) amended----------† 34118
15.66 Removed ----------† 10676
15.68 (d)(3) waived----------† 15882
15.69 Revised ----------† 10676
15.70 Revised ----------† 10676
15.71 Revised ----------† 10676
15.76 Added ----------† 10676
15.77—15.79 Added ----------† 10677
15.101—15.143 (Subpart D) Added; heading revised-----† 10677
15.111 Table corrected--† 13219, 15091
Revised ----------† 10677, 21030
15.131 Corrected ----------† 13219
Amended ----------† 14054
Amended (time extended)----† 24525
15.132 Amended ----------† 14054
(d) revised----------† 24525
15.135 Amended ----------† 14054
Amended (time extended)----† 24525
15.136 Amended ----------† 14054
Amended (time extended)----† 24525
15.143 Amended ----------† 14054
Amended (time extended)----† 24525
15.151—15.194 (Subpart E) Added; old Subpart E (15.201—15.276) removed---† 10679
15.163 Amended ----------† 14054
Amended (time extended)----† 24525
15.178 (b) corrected----------† 13219
15.184 Added ----------† 10679
(c) table corrected-----† 13219, 15091
15.193 Amended ----------† 14054
Amended (time extended)----† 24525
15.201—15.276 (Subpart E) Removed; new 15.151—15.194 (Subpart E) added---------† 10679
15.302 Added ----------† 10682
15.305 Note removed----------† 10682
15.309 Amended ----------† 10682
15.312 Added ----------† 10682
15.313 Removed ----------† 10682
15.314 Added ----------† 10682
15.315 Removed ----------† 10682
15.318 Added ----------† 10682
15.332 Added ----------† 10682
15.343 Removed ----------† 10682
15.345 Revised ----------† 10682
15.347 Revised ----------† 10682
Amended ----------† 14054
Amended (time extended)----† 24525
15.371 Removed ----------† 10682
15.373 Removed ----------† 10682
15.402 Added ----------† 10682
15.411 (a) revised----------† 10682
15.413 Revised ----------† 10682
15.419 Amended ----------† 10682
17.23 Revised ----------† 30265
17.39—17.42 Added ----------† 30265
Undesignated center heading and note added----------† 30265
17.42 (d)(3) corrected--------† 33662
17.48 (a) revised----------† 30267
17.51 Heading and text revised-† 30267
17.53 Table revised----------† 30267
17.56 Revised ----------† 30267

Note: Symbol (†) refers to 1975 page numbers

(CHANGES OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975)

18.13 Table amended----------† 14469
18.141 (a) footnote 2 removed-† 14469
18.144 (b)(1) introductory text revised ----------† 14469
21.1 Amended ---------- 35665
21.14 (a) amended----------† 26677
(a) corrected----------† 24005
21.100 (c) amended, (d) revised- 35665
(d) corrected---------- 40158
21.101 Amended ----------† 4915
21.106 (a) revised---------- 35665
(a)(2) revised----------† 4915
21.122 Added ---------- 35666
31.2–20 (d) revised---------- 42916
33.31 (d) revised---------- 42916
34.1–1 (c) revised---------- 42916
35.1–1 (d) revised---------- 42917
38.547 Corrected to read 83.547-† 21474
73.14 (c) revised----------† 29861
73.35 Revised ----------† 6468
(c) revised----------† 24733
73.37 (e) amended; notes 5 through 8 revised; note 9 added ----------† 29861
(e) introductory text, (e)(1)(iii) and (2)(iii) revised; (e)(1)(ii) and (2)(ii) amended; Note 10 added--† 31227
73.39 (c) and (d)(1)(vii) revised ---------- 38651
73.41 Revised ----------† 29862
73.45 (f) removed----------† 25459
73.51 (f)(2)(ii) revised--------† 29862
(f)(2)(ii) revised----------† 31227
73.56 Revised ---------- 38654
73.63 Revised ----------† 15884
73.64 Revised ----------† 15884
73.65 Revised ----------† 25459
73.66–73.69 Undesignated center heading removed---------- 38654
73.67 (a) (5), (6), and (7) added ----------† 11353
(a)(3) revised----------† 25459
73.69 (c)(1), (2), (3), (4), and (5) redesignated as (d) (1), (2), (3), (4), and (5); new (c) added ----------† 15884
(d) added; Notes 2 and 3 revised ----------† 25459
(d) corrected; (e) added-----† 27939
73.70 Added ---------- 38654
73.92 (b) revised---------- 38655
73.93 (a) revised---------- 38655
(c), (d) and introductory text of (e) and (f) revised----- 38651
(d), (e)(3) and Note 1 revised-† 25459
73.99 (a)(1) and (b)(1) revised; (c)(2) note added---------- 41718
73.112 (a)(4)(i) revised-------† 15884
73.113 (a)(1)(v) added; (c) revised ----------† 25459
73.114 (a)(1)(vii) added------- 38655
Correctly designated---------- 40020
(a)(1)(vi) revised----------† 11353
(a)(1)(iii), b) and (c) revised-† 25459
73.119 Revised ----------† 18400
73.122 Revised ----------† 6210
Corrected ----------† 6977
73.202 (b) table amended------ 36013, 36014, 37988, 40295, 40958, 44027, 44028, 44662, 44663, 45264
(b) table amended----------† 4147, 4148, 4427, 4916, 4917, 6474, 10181, 10470, 11354, 12087, 15882, 15883, 15886, 15887, 15888, 15889, 15890, 16668, 17027, 17260, 17261, 18402, 18403, 19199, 19644, 21030, 21732, 21741, 21742, 24735, 26523, 27462, 29548, 33219, 33663, 33666, 34341, 36345, 36775, 36776, 37042, 42883, 43028
(b) effective date added------† 28457
(b) table amended; eff. 10–24–75 ----------† 43029
(b) table amended; eff. 10–22–75 ----------† 43507, 43508
73.207 (a) note amended------- 45263
73.240 Revised ----------† 6469
(c) revised ----------† 24733
73.253 (a) revised---------- 38655
73.255 Revised ----------† 15885
73.256 Revised ----------† 15885
73.264 (b) revised---------- 38655
73.265 (a) revised---------- 38655
(c) and introductory text of (d) and (e) revised---------- 38651
(d) introductory text revised-† 25460
(d) introductory text corrected ----------† 27939
73.266 Removed ----------† 11583
73.270 Revised ----------† 25460
73.275 (a) (5), (6), and (7) added ----------† 11353
(a)(3) revised----------† 25460
73.276 Redesignated as 73.277; new 73.276 added---------- 38655
73.277 Redesignated from 73.276- 38655
73.283 (a)(2) added; (c) revised ----------† 25460
73.284 (a) (4) through (7) redesignated as (a) (5) through (8); new (a)(4) added------ 38658
(a)(6) through (8) redesignated as (a)(7) through (9); (a)(5)(i) through (iv) redesignated as (a)(6)(i) through (iv); new (a)(5) added ----------† 11353
(b) and (c) revised ----------† 25460

Note: Symbol (†) refers to 1975 page numbers

Title 47, Chapter I—Continued

	Page
73.289 Revised	† 18400
73.292 Revised	† 6210
Corrected	† 6977
73.293 (b) revised	† 11583
73.295 (d) revised	38652
73.310 (c) revised	† 11583
73.313 (f), (g), (h), (i), and (j) added	† 27678
73.314 Added; correctly designated	† 27682, 28803
73.316 (k) removed; (l) and (m) redesignated as (k) and (l)	† 25460
73.318 Removed	† 11583
73.333 Amended	† 27679
73.504 (g) note amended	45263
73.507 (b), (c), and (d) added	45263
Amended	† 29548
73.553 (a) revised	38656
73.555 Revised	† 15885
73.556 Revised	† 15885
73.564 (b) revised	38656
73.565 (a) revised	38656
(c) and introductory text of (d) and (e) revised	38652
(e) corrected	40020
(d), (e) and (f) revised	† 25460
(d) and (e) introductory text corrected	† 27939
73.566 Removed	† 11583
73.570 Revised	† 25460
73.573 (a) (5), (6), and (7) added	† 11354
(a)(3) revised	† 25460
73.574 Added	38656
73.583 (a)(2) added; (c) revised	† 25460
73.584 (a)(4) through (7) redesignated as (a)(5) through (8); new (a)(4) added	38657
(a)(6) through (8) redesignated as (a) (7) through (9); (a)(5)(i) through (iv) redesignated as (a)(6) (i) through (iv); new (a)(5) added	† 11354
(b) and (c) revised	† 25460
73.593 (b) revised	† 11583
73.595 (c), (d), and (g) revised	38652
73.596 (b) revised	38652
73.603 (c) revised	† 24729
73.606 (b) table amended	37488, 42365
(b) table amended	† 23863
(b) table corrected	† 24525
73.633 Redesignated from 73.678	38657
73.636 Revised	† 6470
(c) revised	† 24733
73.637 Revised	† 15885
73.638 Revised	† 15886
73.643 Revised	† 15571
73.654 Revised	† 18400
73.656 Revised	† 6210
Corrected	† 6977
73.658 (k) revised	† 4010, 22839
(k) interpretation	† 12088
73.660 (b) revised	38657
73.661 Revised	38657
73.662 Revised	† 25461
73.671 (a)(2) added; (c) revised	† 25461
73.672 (a)(3) through (8) redesignated as (a)(4) through (9); new (a)(3) added	38657
(a)(6) through (9) redesignated as (a)(7) through (10); (a)(5)(i) through (iv) redesignated as (a)(6) (i) through (iv); (a)(4) redesignated as (a)(5); new (a)(4) added	† 11354
(b) revised	† 25461
73.676 (f) (1), (5) and note amended; (g) note removed	40957
(g) revised	42366
(a) (3) through (8) redesignated as (a) (5) through (10); (a)(2) revised; new (a) (3) and (4) added	† 11354
(h) revised	† 25461
(h) note removed	† 33457
73.678 Redesignated as 73.633; new 73.678 added	38657
73.682 (a)(21) revised	40956
73.684 (h), (i), (j), (k) and (l) added	† 27683
73.685 (j) removed	† 25461
73.686 Heading and text revised	† 27683
73.691 (a) revised	38658
73.699 Amended	40957
Amended	† 27685
Corrected	45261
73.789 Revised	† 18400
73.906 Revised	43302
(a) corrected	44454
(a) correctly revised	† 1700
Revised	† 34118
73.940—73.943 Subheading and text added	† 34118
73.1210 Added	† 17259
73.1211 Added	† 6210
73.1212 Added	† 18400
73.1213 Added	† 25461

Note: Symbol (†) refers to 1975 page numbers

	Page
74.22 Revised	† 25461
74.167 Revised	† 25461
74.267 Revised	† 25461
74.367 Revised	† 25461
74.436 (a)(3) revised; (a)(6) added	40586
74.466 Revised	† 25461
74.566 Revised	† 25461
74.666 Revised	† 25461
74.731 (f) revised	† 31605
(f) corrected	† 40810
74.733 (j) note added	† 25022
74.751 (b) (4) through (7) and (c) revised; (b)(8) removed	38652
74.763 (c) revised	38653
74.765 (b) revised	† 24901
74.767 Revised	† 25461
74.781 (c) revised	† 24901, 28610
74.967 Revised	† 25461
74.1231 (f) revised	† 31605
74.1235 (a)(1), (2), and (4) revised	† 29862
74.1250 (i) revised	† 29863
74.1263 (c) revised	38653
74.1265 (b) revised	† 24901
74.1267 Revised	† 25461
74.1281 (c) revised	† 24901, 28610
76.5 (dd) removed	† 2690
76.8 Added	† 12797
76.13 (a)(4), (b)(4), and (c)(3) revised	44204
76.27 Amended	† 17738
76.31 (a)(5) revised	44665
(a)(2) revised	44989
76.51—76.65 (Subpart D) Appendixes A and B added	† 30649
76.51 (b)(64) amended	37988
76.55 (a)(3) amended	† 17738
76.57 (c) revised; eff. 10–2–75	† 39511
76.59 (d)(3) revised; eff. 10–2–75	† 39511
76.61 (e)(3) revised; eff. 10–2–75	† 39511
76.67 Added	† 30649
76.91—76.159 (Subpart F) Heading revised	† 17738
76.91 Removed	† 17738
76.92 Added	† 17738
76.93 Removed	† 17739
76.94 Added	† 17739
(b) introductory text revised	† 30656
76.95 Revised	† 17739
(d) revised	† 30656
76.97 Revised	† 17739
76.99 Amended	† 17740
76.161 Added; eff. 10–30–75	† 44551
76.201 Removed	43310
76.213 (a) revised; (c) and (d) added	† 6210
76.217 Removed	43310
76.221 Heading and text revised	† 18401
76.225 Revised	† 15572
Heading and (a)(3) revised	† 34346
76.251 (a)(7) revised	43310
(a)(4) and (7) amended	† 28805
(c) revised	† 30661
76.253 Added	43310
(a), (b) introductory text, and (d) revised	† 28805
76.305 (a)(7) and (c) revised	43310
(c) corrected	44454
(c) corrected	† 28457
(a)(2) and (3), and (b) and (c) revised; (a)(8) added	† 25024
(a)(7) and (c) revised	† 30656
76.405 Revised	† 33665
76.501 (a)(2) divestiture date suspended	† 27462
(b) revised; eff. 10–30–75	† 44554
76.605 (a) (3) and (8) revised	† 2690
(a)(4) amended	† 2690
(a)(4) corrected	† 3296
78.18 (a) revised	36014, 36487
(c) revised	36487
78.101 (c) added	36014
Amended	36590
78.105 (c) added	36014
(c) footnote corrected	36590
81.2 (a) amended	† 44142
81.9 (a) amended	† 44142
81.20 Added	† 5366
81.21 (b) revised	† 44142
81.23 Revised	† 5366
81.24 (h) added	† 2988
81.32 (d) amended	† 44142
81.35 (b) removed	† 20924
81.42 (a)(1) and (b)(2) revised	† 20924
81.103 (a), (b), and (c) amended	† 44142
81.104 (b) and (c) revised; (d) and (e) added	37488
81.110 (b) revised	† 44142
81.131 (b), (c), (d), and (g) amended	† 44142
81.132 (a)(3) amended	37061
(a) amended	† 44142
81.133 (d) revised	† 20924
(a) amended; (c)(3) revised	† 44142
81.134 (d) amended; (e) revised	† 44142
81.136 (d) revised	† 44142
81.137 (c) revised	† 20924
(d) amended	† 44142
81.141 Removed	† 20924
81.142 (d) and (j) revised; footnote removed	† 44142

Note: Symbol (†) refers to 1975 page numbers

Title 47, Chapter I—Continued

		Page
81.182	Amended	† 44142
81.184	Amended	† 44142
81.187	(a) amended	† 44143
81.191	(d)(3) amended	† 44143
81.209	Amended	† 44143
81.212	(b) and (c) amended	† 44143
81.303	(a) revised	† 2435
81.304	(a) table amended; (b)(9) added	44984
	(a) amended; (b)(27) revised	† 2987
	(a) and (d)(1), (3), and (5) revised; (d)(2), (4), and (6) removed	† 44143
	(b)(7), (14), (18), (28), (47), (48), (49), and (60) removed; (b)(11), (12), (13), and (23) revised	† 44143
	(b) table revised	† 44144
81.306	(c) amended	† 2987
	(b) table amended	† 30820
81.308	Table 2 footnote revised	† 44144
81.356	(b)(13) revised	† 44144
81.368	(a)(2) revised	37488
81.605	Removed	† 20924
81.607	Revised	† 20924
81.708	(b)(20) revised	40588
	(b)(20)(iv) corrected	41173
	(a) and (b)(7), (10), (12), and (14) revised; (b)(1) through (6), (9), (31), and (32) removed	† 44144
81.710	Table 2 amended; footnote removed	† 44145
81.711	Amended	† 44145
81.804	Revised	† 44145
83.2	(a) through (d), and (t) amended	† 44145
83.3	(f)(2)(ii) and (iii) amended	† 44145
83.20	Added	† 5366
83.23	Revised	† 5366
83.105	(c) amended	† 44145
83.106	(b)(5) amended	† 44145
83.110	(b) revised	† 44145
83.131	(b) and (c) amended	† 44145
83.133	(a) amended	† 44145
83.134	(d) revised; (e) removed	† 44145
83.136	(c) revised	† 44145
83.137	(d) and (h) revised; footnote removed	† 44145
83.139	(c) amended; (d) and (e) revised	† 44146
83.140	(c) revised	† 44146
83.157	Heading and (a) revised	† 19647
	(a) temporary waiver until 9–3–75	† 25456
83.206	Revised	† 19647
83.221	Amended	† 44146
83.231	Amended	† 44146
83.325	Amended	† 44146
83.328	(b) and (c) amended; (d) revised	† 44146
83.351	(a) amended; (b)(6) and (34) added	42692
	(a) table amended; (b)(6) added	44985
	(a) amended; (b)(15) revised	† 2987
	(a) and (b)(6) and (34) time extended	† 6209
	(a) and (b)(14) and (66) revised; (b)(9)–(12), (16)–(22), (27)–(28), (31)–(33), (64)–(65) and (73) removed; (c)(3)(i) amended	† 44146
83.354	(c) amended	† 2987
	(b) table amended	† 30821
	(b) table revised	† 44147
83.359	Revised	42692
83.368	(a) and (c) revised	† 19647
83.372	Table 2 amended	† 44147
83.444	(c) amended	† 44148
83.446	(a)(4) amended	† 44148
83.453	(b)(1) removed	† 44148
83.484	(d)(2) revised	38658
83.486	Revised	† 44148
83.536—83.548	(Subpart U) Revised	† 19647, 21031
83.538	Removed	† 21031
83.547	Revised	† 19647
	Corrected	† 21474
83.549	Removed	† 21031
83.550	Heading added	† 21031
83.554	(a) introductory text, (1)(i) and (ii), (2)(i)(a) and (5)(i) revised	† 19645
	(a) technical amendment (Annex)	† 21877, 23281
83.713	(e) revised	† 4427
	(b) revised	† 44148
83.721	Amended	† 44148
87.3	Revised	† 5367
87.5	Amended	† 8951
87.20	Added	† 5367
87.31	(g) added	† 2988
	(d) removed	† 20924
87.65	(a) (3) through (8) amended	† 8951
87.67	(b)(2) revised	† 20924
87.77	(d)(6) revised	† 20924
87.79	(a), (b), and (c) amended	† 8951
87.81	Removed	† 20924
87.115	(a) revised; (j) added	† 25462
87.183	(m) removed	† 8951
	(h) revised	† 33667
87.201	(b) amended; (e) and (f) redesignated as (f) and (g); new (e) added	40954
	(c) revised	† 33667
87.235	Amended	† 8951
87.271	(c) added	40954
87.293	(b), (c) and (d) revised	† 25215
87.297	(a) amended; footnote added	44985
87.303	Introductory text revised	† 25215
87.403	(b) revised	† 21733
87.463	Amended	† 8951
	(b), (c), and (d) removed	† 20924
87.465	Revised	† 20924
87.503	Revised	† 25462
87.513	Revised	† 19649
87.521	(d) revised	† 33220
89	Technical correction	† 17130
89.9	Revised	† 5367
89.55	(b) amended	† 8951
89.56	Added	† 5367
89.59	(a) introductory text revised; (h) removed	† 20924
89.60	(a) revised	† 8951
89.63	(k) added	† 2988
89.75	(a) revised	† 20924
89.101	(b) redesignated as (b)(1); (b)(2) added	44985
	(h) table and (i)(5) revised; (i)(7), (8), and (19), and (j) and (k) removed	† 20925
89.103	(a) table amended	† 8951, 14469
	(a) table revised	† 20925
89.105	(e) revised	† 14469
89.107	(b)(2) amended	† 8951
	(e) added	† 20925
89.111	(a) amended	† 8951
	(b) table amended	† 14469
	(b) table revised	† 20925
89.117	(c) added	† 20925
89.120	(c)(3)(i) revised	44029
89.121	Amended	† 8951
	Removed	† 20925
89.123	(b) and (e) amended; (i) and (j) added	44206
	(b) amended	† 5159
89.126	Added	† 21734
	(b), (c), and (l) revised	† 27462
89.161	Text redesignated as (a); (b) added	44985
89.257	(c) removed	† 21734
89.259	(f) table amended; (g)(13) through (17) added	† 33455
89.307	(e) removed	† 21734
89.357	(d) removed	† 21734
89.459	(d) amended; (e)(18) added	† 26521
89.519	(d) revised	38904
89.523	(d) revised	38904
	Corrected	40851
89.525	(e) table amended; (f)(2), (5), (14), and (19) revised; (f)(4) removed; (f)(22) added	38904
	(e) table amended; (f)(15) removed; (f)(16) revised	45265
	(e) corrected	† 10470
	(e) table amended	† 20822
89.602	Amended	† 14470
89.604	(b) and (c) revised; (d) removed	† 14470
89.651	Revised	† 14470
89.653	Revised	† 14470
89.654	Removed	† 14470
89.655	Revised	† 14470
89.656	Revised	† 14470
89.657	Revised	† 14471
89.701	Revised	† 14471
89.702	(a) and (c) revised	† 14471
89.703	(h) revised	† 14471
89.704	(a)(5) revised	† 14471
89.751	(b) revised; (e), (f), and (g) redesignated as (f), (g), and (h); (e) added	† 14471
89.801	(b) table amended; (e) revised	† 14471
89.802	(b) table revised	† 14472
89.803	(b) revised; (d) removed; (e) redesignated as (d); (f) redesignated as (e) and revised	† 14472
89.805—89.808	Added	† 14472
91.4	Revised	† 5367
91.8	(k) amended	† 8951
91.50	Added	† 5367
91.54	(b) amended	† 8951
91.56	(a) introductory text revised; (h) removed	† 20925
91.57	(a) revised	† 8951
91.58	(d) added	44206
	(l) added	† 2988
91.64	(a) revised	† 20925
91.101	Text redesignated as (a); (b) added	44985
91.102	(a) table amended	† 14472
	(a) table revised	† 20925
91.103	(c) revised	† 14473
91.104	(b)(2) amended	† 8952
	(e) added	† 20925
91.106	(a) amended	† 8952
	(b) table and footnote amended	† 14473

Note: Symbol (†) refers to 1975 page numbers

Note: Symbol (†) refers to 1975 page numbers

Title 47, Chapter I—Continued

91.106—Continued Page
(b) table revised † 20926
91.111 (a) amended † 8952
Removed † 20926
91.114 (b), (f), and (h) amended; (j) added 44206
(j) corrected † 1021
(b), (j), and (l) amended † 5159
91.120 (c)(3)(i) revised 44030
91.151 (a)(1) footnote added 44985
91.252 (c) amended † 8952
91.254 (a) table amended; (b)(13) through (16) removed † 20926
(a) table amended; (b)(5) removed † 32747
(a) table amended; (b)(20) and (23) revised † 33456
91.255 (c) removed † 20926
91.301 (d) added † 24736
91.302 (e) added 40764
91.304 (a) table amended; (b)(38), (39), and (40) added 40764
(a) table amended; (b)(17) through (20) removed † 20926
(a) table amended; (b)(41), (42), (43), and (44) added † 24736
(a) table amended; (b)(3) removed † 32747
(a) table amended; (b)(21) and (25) revised † 33456
(a) corrected † 40810
91.305 (c) removed † 20926
91.354 (a) table amended; (b)(17) through (20) removed † 20926
(a) table amended; (b)(3) removed † 32747
(a) table amended; (b)(24) and (26) revised † 33456
91.355 (c) removed † 20926
91.404 (a) table amended; (b)(8) through (11) removed † 20926
91.405 (c) removed † 20926
91.454 (a) table amended; (b)(6) through (9) removed † 20926
91.455 (c) removed † 20926
91.504 (a) table revised; (b)(15) through (18) removed † 20926
(a) table amended; (b)(5) removed † 32747
(a) table amended; (b)(23) and (25) revised † 33456
91.552 (e) removed 20926
91.554 (a) table amended; (b)(18), (19), (22) and (23) removed † 20926
(a) table amended; (b)(5) removed † 32747
(a) table amended; (b)(29) revised † 33456
91.556 (b) removed † 20927
91.730 (a) table amended; (b)(9) through (12) removed † 20927
(a) table amended; (b)(23), (24) and (25) added † 33456
(b)(26) and (27) added † 40169
91.731 Removed † 20927
91.751 (a) revised 45267
91.754 (a) table amended; (b)(11) revised; (b)(19) added 45267
(a) table amended; (b)(6) through (9) removed † 20927
91.755 Removed † 20927
93.5 Revised † 5367
93.50 Added † 5367
93.54 (b) amended † 8952
93.56 (a) introductory text revised; (h) removed † 20927
93.57 (a) revised † 8952
93.58 (1) added † 2988
93.64 (a) revised † 20927
93.101 (a) redesignated as (a)(1); (a)(2) added 44985
93.102 (a) table amended † 14473
(a) table revised † 20927
93.103 (c) revised † 14473
93.104 (e) added † 20927
93.106 (a) amended † 8952
(b) table and footnote amended † 14473
(b) table revised † 20927
93.111 Amended † 8952
Removed † 20927
93.112 (a) table and (b)(5) revised; (b)(15), (16), and (20), and (c) and (d) removed † 20927
93.114 (a)(8) and (j) added; (b), (c), and (f) amended 44207
(a)(8) redesignated (a)(9); (b) amended † 5159
93.120 (c)(3)(i) revised 44030
93.151 (a)(1) footnote added 44985
94 Added † 20928
Effective date deferred † 36345
94.25 (g) and (h) corrected † 26677
94.31 (e) corrected † 26677
94.61 (b) table corrected † 26677
94.65 (h) heading revised † 26677
94.71 (b) footnote 2 corrected † 26677
94.75 (b) table corrected † 26677
94.161 (b) amended † 26677
95.3 (c) amended † 1246
(c) effective date † 3596
95.7 Revised † 5367
95.13 (a) revised; (b) removed 40295

Note: Symbol (†) refers to 1975 page numbers

Page
95.14 Added † 5367
95.19 (b)(6) added † 2988
95.37 (f) added † 2988
(c) introductory text and (3) revised † 33668
95.41 (d)(1) revised; (d)(2) removed; (d)(3) redesignated as (d)(2); new (d)(3) added † 33668
95.44 Added † 1246
Effective date amended † 3596
95.81 Added † 33669
95.83 Heading and (a) revised † 33669
95.85 (b)(1) and (2) revised † 33669
95.91 (b) and (c) redesignated as (d) and (e); new (b) and (c) added † 33669
95.95 (c) revised † 33669
95.119 (d) revised † 33669
97.3 (i) amended † 17756
(n) revised † 26525
97.9 Revised † 5367
97.37 Revised † 5367
97.40 (c) revised † 17756
97.41 (i) added † 2988
(a) and (g) revised; (f) added † 17756
97.42 Added † 5368
97.51 (b) introductory text revised † 12991
(a)(4) revised † 17756
97.61 (a) amended; (b)(13) added 44985
97.79 (b) revised † 26525
97.88 (c) revised † 26526
97.89 (c) removed † 24737
97.95 Heading and (a)(1) revised † 17756
97.107 (a) footnote added 44985
97.110 (a) revised; (c) added † 26526
97.111 (a) and (b) revised; (g) added † 26526
97.301—97.313 (Subpart G) Heading revised † 5368
97.301 (a) revised † 5368
97.401—97.409 (Subpart H) Removed † 5368
97 Appendix 1 amended † 2986
Appendix 1 revised † 17256
99.11 (h) added † 2989

Title 47—*Proposed Rules:*

0 † 4155, 33239
1 37507, 38394, 39585 † 12678, 16968, 22092, 25689, 26543, 26557, 32763, 33239, 33242, 33685, 34382
2 42380 † 7678, 8230, 11612, 12678, 24754, 25601, 26702, 31248, 33471, 34155, 34813, 36778, 42028, 42577, 42897, 43037, 43924
15 36493, 45299 † 24742
21 40590 † 800, 12678, 12816, 24021, 28816, 31248
31 43230 † 8230, 24743
33 † 24743
42 † 6676, 13004
43 † 12816, 24021, 28816
61 † 12816, 33685
63 39049
68 † 23879, 27491, 29302
73 35687, 36032, 36116, 36494, 37071, 37510, 37998, 38395, 38668, 39049, 40170, 40171, 40863, 40865, 41752, 41995, 42920, 42922, 44254, 44462, 45048 † 801, 1714, 1716, 2449, 2710, 2712, 2713, 2828, 4447, 4448, 4939–4942, 5794, 6513, 7945, 7946, 8230–8232, 8571, 8963—8965, 10486, 10999, 11603, 11610, 11611, 13004, 13319, 14943, 14944, 14945, 14946, 14947, 15907, 15908, 16680, 16682, 17042, 17269, 17270, 17598, 18452, 18461, 18462, 18463, 18464, 18466, 19218, 20107, 20651, 21741, 21742, 22002, 22003, 22005, 22273, 22847, 23475, 23477, 23767, 23768, 24031, 24540, 24748, 24751, 24752, 24753, 26046, 26047, 26551, 26560, 26561, 26692, 26695, 26698, 28098, 28634, 29303, 30290, 30291, 30985, 31625, 31632, 31807, 32762, 33243, 33686, 34391, 34393, 34394, 34396, 34614, 36388, 36389, 37054, 39529, 39530, 40172, 42028, 42369, 42577, 42578, 43038, 43514, 44577, 44849
74 42922 † 10999, 30985, 37054
76 36117, 39050, 42922, 43850, 45300 † 3223, 4451, 5371, 8967, 11000, 11612, 12113, 14101, 15574, 16683, 16684, 17270, 20108, 20653, 23316, 23318, 27051, 27250, 27257, 28634, 28816, 30291, 30986, 31807, 34155, 34395, 34808, 34613, 43925, 44849
78 † 30985
81 † 4942, 7678, 8233, 18465, 19838, 22848, 37055
83 39054, 42380 † 7468, 7678, 8233, 18465, 19838, 22848, 26702, 37055
87 37399 † 4453, 7678, 11001, 17271, 22848, 26561, 37055

Note: Symbol (†) refers to 1975 page numbers

Title 47—*Proposed Rules*—Continued

	Page
89	43230
	† 7678, 23319, 25601, 27491, 31809, 33471, 34155, 42577
91	† 7678, 8230, 11612, 22848, 24754, 31809, 33471, 34155, 34613, 37055, 42028, 42577
93	† 7678, 8230, 11612, 22848, 31809, 37055
95	† 7678, 8230, 11612, 22848, 37055
97	39055
	† 11612, 26048, 39532
260	† 12817

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

		Page
1	Appendix A amended	39043
	Revised	† 43901
1.3	(b) and (c) revised	† 30821
1.4	(g) revised	39723
	(i) revised	† 30821
1.23	(f) revised	† 30821
1.24	(e) revised	† 30821
1.27	Revised	43404
1.44	(o) added	† 20088
	(a)(5) removed; (a)(6) redesignated as (a)(5)	† 30821
1.46	(p) revised	39441
	(s) added	† 3597
	(t) added	† 20089
	(b) and (t) revised; (n) removed; (u) and (v) added	† 30821
1.47	(c) CFR correction	35366
	(a) revised; (k), (l), and (m) added	† 30821
1.48	(b)(14) revised; (r) and (s) added	† 6659
	(b)(25)—(30) redesignated as (b)(26)—(31); new (b)(25) added	† 14764
	(b)(32)—(37) redesignated as (b)(35)—(40); new (b)(32) and (33) added	† 14764
	(c) (1) and (15), and (n) revised; (t) added	† 14764
	(b) (25) and (32) revised	† 17992
	(d) revised; (u) and (v) added	† 30822
1.49	(b) and (l) revised; (r) added	† 3412
	(f) revised; (t) and (u) added	† 30822
1.50	(h) added	35666
	(a), (f)(2) and (3) revised; (i) and (j) added	† 6659
	(g) revised	† 14765
1.51	(f) revised; (h) added	† 3412
	(b) revised	† 14765
	(i) added	† 17992
1.52	(b)(3) revised	† 30822
1.53	(k) removed	39724
1.56	Removed	39724
1.57	(l) revised	39724
1.58	Introductory text amended; (d)(3) added	38103
	(h) added	39724
	(d)(4) added	† 20089
	(d), (e) and (g) removed	† 30822
	(f) and (h) redesignated as (d) and (e); new (f) added	† 33976
1.60	(b)(1), and (c) (2) and (4) revised; (b)(8) added	39724
	(l) revised	† 3412
1.61	Revised	39724
1.64	Removed	39725
	Added	† 30822
1	Appendix A amended	† 30822, 31605
7	Revised	† 7915
7.5	(f) added	† 13307
7.63	(b) and (c) corrected	† 10471
7.81	(a) corrected	† 10471
7	Appendices A–E revised; F amended	† 20276
21	Appendix C amended	† 14318
25	Revised	† 41041

Chapter I—Materials Transportation Bureau, Department of Transportation

		Page
	Chapter heading revised	† 31767
	Subchapter A redesignated as Subchapter C; new Subchapter A heading added	† 31767
102	Added	† 31768
	Subchapter B redesignated as Subchapter D and heading revised; new Subchapter B heading added	† 31767
	Subchapter C established; redesignated from Subchapter A	† 31767
	Note added	† 31768
170.1—170.11	Removed	† 31768
170.21—170.35	Removed	† 31768
171	Effective date: 7–1–76	† 41527
171.1	Revised	42366
171.7	(c) (20), (21), and (22), (d)(5)(iii), (14), (15), and (16) added; (d)(4) revised	45240
	(d)(1) revised	† 18788, 37214
171.11	Heading revised; (b) and (c) added	43311
172	Effective date: 7–1–76	† 41527

		Page
172.4	Effective date	37488
	Effective date postponed	† 22263, 25024
	(a) CFR correction; effective date 1–1–76	† 27939
172.5	(a) table amended	37062
	Effective date	37488
	Effective date postponed	† 22263, 25024
	(a) CFR correction; effective date 1–1–76	† 27939
173	Interpretation	† 33036, 33066
	Effective date: 7–1–76	† 41527
173.1	(a) amended	42366
173.5	Heading revised; (b) and (c) added	43311
173.6	Removed	43311
173.23	(c) removed	45240
173.33	(l) added	41742
	(l)(4) revised; (l)(5) added	41744
	(e)(1) revised; (e)(10) through (15) added	† 24902
	(e)(10) amended; note removed	† 44820
173.69	(a) note revised	45240
173.115—173.149	(Subpart C) Heading revised	† 22264
173.115	Effective date postponed	37488
	Revised	† 22264
	Effective date confirmed	† 25024
	(a) and (c) CFR correction; effective date 1–1–76	† 27939
173.118	Effective date postponed	37488
	(a) and (b) revised; (c) and (d) redesignated as (d) and (e); new (c) added	† 22264
	Effective date confirmed	† 25024
	Heading, (a)(3), (b), (c), and (d) CFR correction; effective date 1–1–76	† 27939
173.119	Effective date postponed	37488
	Effective date postponed	† 22263, 25024
	(b) and (l) CFR correction; effective date 1–1–76	† 27939
173.202	(b) added	45240
173.206	(a)(10) revised; (a)(12) added	45240
173.226	Introductory note added	45240
173.264	Heading and introductory text revised	37062
173.283	Added	37062
173.306	(c)(4) and (6) revised; (c)(6) note added	44989
173.315	(i)(13) revised; (i)(14) removed	41744
	(a)(1) Note revised	† 24903
	(a)(1) table amended; note 14 revised; (l) added	† 44820
173.389	(o), (p), and (q) added	45240
173.391	(b)(3) and (c) introductory text, (2) and (4) revised	45241
173.392	(a) and (b) revised; (c)(9) and (d)(7) added	45241
173.393	Technical correction	45240
	Heading and introductory texts of (d), (e), and (j) and entire texts of (g), (j)(3), and (l) revised; (o) added	45241
173.394	(a) and (b)(1) and (2) revised; (c)(4) and (b)(5) and (6) added	45241
	(a)(1) corrected	† 2435
173.395	(a) introductory text and (1) through (4) revised; (a)(5) through (8) removed; (b)(4) added	45242
	(a)(1) corrected	† 2435
173.396	(b)(1) and (c)(1) and (2)(ii) revised; (b)(6), (7), and (8), (c)(5), and (f)(1) and (2) added	45242
	(f)(2) corrected	† 2435
	(c)(1) and tables of (b)(6) through (b)(8), and (c)(2)(ii) amended; (f)(2) revised	† 44327
173.397	Revised	45243
173.398	(a)(4) notes 1 and 2 added	45244
	(a)(4) corrected	† 2435
173.399	(a)(3)(ii) revised; (a)(3)(iii) removed	45244
173.401	Effective date amended	37488
	(f) added	45244
	Effective date postponed	† 22263, 25024
	(a)(2) CFR correction; effective date 1–1–76	† 27939
173.404	(a) revised	45244
173.416	(d) added	45244
173.427	(a)(3) revised	† 24903
174	Effective date: 7–1–76	† 41527
174.525	(b) (1), (3), (4), (6), (11) through (14), and (c)(1) and (3) revised	41366
174.541	Effective date amended	37488
	Effective date postponed	† 22263, 25024
	(a)(2) and (3) CFR correction; effective date 1–1–76	† 27939
174.584	Effective date amended	37489
	(i) added	45244
	Effective date postponed	† 22263, 25024
	(a) CFR correction; effective date 1–1–76	† 27939

CODE
XUM

Title 49, Chapter I—Continued

Page

174.586 (h)(1) revised; (h)(2) amended ... 45244
174.589 Emergency order ... 38230
175 Effective date: 7-1-76 ... † 41527
175.652a (c) revised ... 45244
175.655 (j)(1) revised; (j)(2) amended ... 45244
177 Effective date: 7-1-76 ... † 41527
177.814 Added ... 41742
177.815 (g) removed ... 41742
177.817 (a) introductory text revised ... 45245
(a)(1) revised; (a)(2) redesignated as (a)(3); new (a)(2) added ... † 24903
(a)(1) and (2) amended ... † 44821
177.823 Effective date amended ... 37488
Effective date postponed ... † 22263, 25024
(a)(1) CFR correction; effective date 1-1-75 ... † 27939
177.824 (d) revised ... 41742
(f) introductory text, (f)(1)(ii) and (iii), and (f)(2) revised ... † 24904
177.834 (i) and (1) revised ... 41743
(a) revised ... 45245
(l) (39 FR 41743) effective date delayed until Oct. 1, 1975 ... † 12269
177.835 (e)(1) removed ... 41743
177.837 (e) added ... 41743
177.839 (d) added ... 41743
177.841 (d) added ... 41743
177.842 (a) and (b) revised ... 45245
177.854 (a) amended; (f)(1) and (2) and (g) revised ... 41743
(g) (39 FR 41743) effective date postponed until Oct. 1, 1975 ... † 12269
(g) effective date postponed to 7-1-76 ... † 44821
177.856 (d) amended ... 41743
177.859 (b) amended ... 41743
178 Effective date: 7-1-76 ... † 41527
178.34—178.34-4 Revised ... 45245
178.34-4 Revised ... 45245
Corrected ... † 2435
(a)(2)(ii) table amended ... † 44327
178.81-7 Table amended ... 44990
178.83-7 Table amended ... 44990
178.84-7 Table amended ... 44990
178.87-7 Table amended ... 44990
178.88-6 Table amended ... 44990
178.90-6 Table amended ... 44990
178.91-7 Table amended ... 44990
178.97-5 Table amended ... 44990
178.98-5 Table amended ... 44990
178.99-5 Table amended ... 44990

Page

178.103 Revised ... 45246
178.103-1 Revised ... 45246
178.103-2 (b) added ... 45246
178.103-3 (a), (b), (c)(1) and (2)(i), (ii), (iii) and (3), and (d) revised ... 45246
(c)(1) corrected ... † 2435
(c)(3) amended ... † 44327
178.103-4 Revised ... 45246
178.103-5 (a) revised ... 45246
178.104-3 (a), (b), and (c) revised; (e) added ... 45246
(a) and (b) amended ... † 44327
178.107-6 Table amended ... 44990
178.108-6 Table amended ... 44990
178.109-6 Table amended ... 44990
178.120—178.120-5 Added ... 45247
178.121—178.121-4 Added ... 45250
178.121-1 Added ... 45250
(c) corrected ... † 2435
178.194—178.194-7 Added ... 45252
178.194-7 Added ... 45252
Corrected ... † 2435
178.195—178.195-5 Added ... 45253
178.195-6 Correctly added ... † 2435
178.250 Removed ... 45253
178.337 Heading revised ... † 24904
178.337-1 (c)(2) revised ... 41744
(f) amended ... † 24904
178.337-2 (b) revised ... 41744
178.337-8 (b) revised ... 41744
178.337-10 (c) revised ... 41744
178.337-18 (a)(1) added ... † 24904
Subchapter D added; redesignated from Subchapter B, with heading revised ... † 31767
192.59 (a)(1) and (b)(1) revised; (c) added ... † 10472
192.65 Introductory text and (a) amended ... † 6346
192.225 (a) revised ... † 10182
192.227 (a)(2) revised ... † 10182
(a)(2)(i) revised ... † 27222
192.229 (c) revised ... † 10182
(c)(1) revised ... † 27223
192.241 (c) revised ... † 10182, 27223
192.625 (g)(1) amended ... 45254
(a) and (b) revised ... † 20282
192.705 (a) and (b) revised; (c) removed ... † 20283
192.706 Added ... † 20283
192.707 Revised ... † 13505
192 Appendix A amended ... † 6346, 10182, 10472
Appendix A corrected ... † 8188
Appendix B amended ... † 10472
195.222 Revised ... † 10182
(a) revised ... † 27223
195.228 Revised ... † 10182, 27223

Note: Symbol (†) refers to 1975 page numbers

Chapter II—Federal Railroad Administration, Department of Transportation

Page

211 Revised ... 41745
213.233 (b) revised ... † 8558
215.3 (c) revised ... 42367
215.5 (f) added ... 42367
215.7 Revised ... † 17574
215.9 (a) revised ... † 17574
215.99 (a) chart and (c) revised ... † 17574
215 Appendix D added ... † 8952
217 Added ... 41176
217.3 Revised ... † 2690
225 Revised ... 43224
Interpretation ... 5368
225.5 (a) revised ... † 29548
231.1 Heading revised ... † 34347
231.24 Footnote revised ... † 34347
231.27 Heading, (b)(3), and (j) revised ... † 34347
235.13 (c) revised ... 41747
235.20 (b) revised ... 41747
236.0 (c)(6) and (7) revised ... 41747
255 Added ... † 4234
256 Added ... † 29080

Chapter III—Federal Highway Administration, Department of Transportation

310 Authority citation revised ... † 14919
310.1 Revised ... † 14919
310.2 Revised ... † 14919
310.3 Revised ... † 14919
310.4 Revised ... † 14920
325 Added; eff. 10-15-75 ... † 42437
Subchapter B Appendix A amended ... † 29723
385.2 Revised ... † 40810
385.3 Amended ... † 40810
385.4 (a)(1) and (b)(3) amended ... † 40810
385.5 Amended ... † 40810
385.6 (a)(6) and (b) amended ... † 40810
390.17 Added ... † 10684
390.40 Table amended ... † 44555
391.62 Revised ... † 10684
391.69 Added ... † 32336
392.10 (a)(3)(xi), (4) and (5) revised ... † 44555
392.22 (b)(2)(vii) added ... † 10685
392.69 Added ... † 31770
393.17 Revised ... † 36126
393.75 (f) added ... † 29294
(f) revised ... † 44557
393.93 (b)(1) revised; (d) added ... † 32336

Page

393.94 (a) revised; (d) added ... † 32336
393.95 Introductory text revised ... † 10685
394.3 (b) revised ... † 10685
395.6 Removed ... † 31770
395.8 (t)(2) revised ... † 10685
(t)(5) added ... † 32336
395.13 Amended ... 44555
396.7 Amended ... † 10685
398.1—398.8 Amended ... † 44557
398.8 (a) and (d)(2) revised ... † 44557

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

Chapter V Cross reference to Title 23, § 658.7 ... † 41774, 41796
552 Added; eff. 10-13-75 ... † 42014
553 Authority citation revised ... † 21031
553.11 Revised; eff. 10-13-75 ... † 42015
553.13 Revised; eff. 10-13-75 ... † 42015
553.31 Removed; eff. 10-13-75 ... † 42015
553.33 Removed; eff. 10-13-75 ... † 42015
555.7 (d) revised; (f) added ... 37988
555.8 (a) and (b) amended; (e) added ... 37989
(c) and introductory text of (d) revised; (f) added ... † 42015
555.10 (b) revised ... † 18789
570.55 (c) and (c)(1) amended ... † 5160
570.57 (a)(1) and Table 1 revised; Table 2 added ... † 5160
571.3 Amended ... † 8953
571.101 Std. No. 101 amended; eff. 7-29-75 ... † 31770
571.103 Std. No. 103 amended; eff. 9-1-75 ... † 12992, 32336
571.105 Std. No. 105 amended; eff. 6-9-75 ... † 24526, 25215
571.105-75 Std. No. 105-75 amended; eff. 9-1-75 ... † 11585, 18411
Std. No. 105-75 amended; eff. 1-1-76 ... † 24526
Amended; eff. 9-17-75 ... † 42872
571.106-74 Std. No. 106-74 amended; eff. 3-1-75 ... 39725
Amended; eff. 3-17-75 ... † 12089
Amended; eff. 3-1-76 ... † 32336
Amended; eff. 8-31-76 ... † 38159
571.108 Std. No. 108 amended; eff. 4-21-75 ... † 17574
Amended; eff. 6-18-75 ... † 25677
571.109 Std. No. 109 Appendix A amended; eff. 11-21-74 ... 37489
Authority citation corrected ... 42367

Note: Symbol (†) refers to 1975 page numbers

Title 49, Chapter V—Continued

Page

Appendix A amended; eff. 2-24-75 †3597
Appendix A corrected †3296
Amended †5529
Heading corrected †14765
Appendix A amended; eff. 8-6-75 †28458
571.109a Amended †11356
571.110 Std. No. 110 Appendix A amended; eff. 11-21-74 37489
Appendix A amended; eff. 2-24-75 †3597
Correction †5159
Amended †5530
Effective date corrected †13219
571.110 Appendix A amended; eff. 8-6-75 †28458
571.111 Revised †33826
571.116 Std. No. 116 amended; eff. 3-25-75 †13219
Amended; eff. 5-16-75 †21474
571.117 Std. No. 117 corrected 36016
Technical correction 42367
Technical correction †4
Amended; eff. 5-12-75 39884
571.118 Std. No. 118 amended; eff. 7-29-75 †31773
571.119 Std. No. 119 amended †5530
Effective date amended †8189
571.121 Std. No. 121 amended; eff. 3-1-75 39882
Amended; eff. 1-1-75 †1247
Amended; eff. 9-1-76 †2989
Amended; eff. 3-1-75 †8953
Amended; eff. 3-21-75 †12798
Corrected †18789
Amended; eff. 6-16-75 †21032
Amended; eff. 9-1-76 †31772
Amended; eff. 8-27-75 †38161
571.122 Std. No. 122 amended; eff. 12-10-74 43075
571.125 Std. No. 125 corrected †4
571.203 Std. No. 203 amended; eff. 5-27-75 †17992
Petition denied †33977
571.208 Std. No. 208 amended; eff. 10-29-74 38380
Amended; eff. 2-25-75 42693
Technical correction †14319
Amended; eff. 7-9-75 †28806
Amended; eff. 8-13-75 †33977
571.215 Std. No. 215 amended; eff. 5-13-75 †20823
Interpretation †34347
571.219 Std. No. 219 added †25462
571.301 Std. No. 301 amended; eff. 9-1-75 40860
Amended; eff. 9-1-75 †33036
Corrected †37042
571.301-75 Authority citation revised †21031
571.302 Std. No. 302 amended; eff. 10-1-75 †14319
Amended; eff. 9-16-75 †42747
573 Authority citation revised †21031
573.5 (b) removed 43076
574 Authority citation revised †21031
574.7 (a) amended 38658
575.7 Revised †11727
575.104 Added †23077
(e)(1)(v), (f)(2)(i)(B), figure 2, and Appendices A, B, and C revised †28071
Effective date confirmed †28075
576 Interpretation †3296
Authority citation revised †21031
577 Authority citation revised †21031
577.4 Introductory text amended; (b)(1) revised †25464
582 Added †4918
590 Added †24905

Chapter VI—Urban Mass Transportation Administration, Department of Transportation

613.100 (Subpart A) Added; eff. 10-17-75 †42984
613.200—613.202 (Subpart B) Added; eff. 10-17-75 †42984

Chapter VIII—National Transportation Safety Board

Chapter established; redesignated and revised from 14 CFR Chapter III †30233
Chapter heading, technical correction †30661
800 Added; redesignated from 14 Part 400 and revised †30232
801 Added; redesignated from 14 Part 401 and revised †30232
802 Added †40134
803 Added †30238
805 Added; redesignated from 14 Part 405 and revised †30239
821 Added; redesignated from 14 Part 421 and revised †30243
825 Added; redesignated from 14 Part 425 and revised †30248
830 Added; redesignated from 14 Part 430 and revised †30249
831 Added; redesignated from 14 Part 431 and revised †30250

Note: Symbol (†) refers to 1975 page numbers

Page

835 Added; redesignated from 14 Part 435 and revised †30253
845 Added; redesignated from 14 Part 440 and revised †30254

Chapter IX—United States Railway Association

901 Added †8100
921.1 (a)(1) revised †23759
921.101—921.113 (Subpart B) Added †23759
921.301 (a) amended; (c) revised †23762
931 Added †8559

Chapter X—Interstate Commerce Commission

1001.4 Revised †3215
1003.1 Amended 35366, 35367
1003.4 Amended 35366, 35367
1032.1171 (g) revised †19477
1033.994 (d) revised 44011
1033.995 (f) revised 44011
1033.1022 (d) revised 44011
1033.1043 (g) revised †4658, 4918, 31773
1033.1083 (e) revised 35574
(e) revised †5162, 23873
1033.1084 (e) revised †5162, 31939
1033.1102 (e) revised 41853
(e) revised †24005
1033.1106 (e) revised †5162, 31939
1033.1108 (e) revised 40499
Removed 44208
1033.1112 (d) revised 43632
Removed †7922
1033.1119 Revised 35666
(e) revised 41985
1033.1123 (e) revised †8561, 27941
1033.1124 Revised 36557, 40500
Suspended 44392
1033.1125 (e) revised 44208
(e) revised †24006
1033.1126 (e) revised †8561, 40518
1033.1129 (e) revised 43633
†8823, 27940
1033.1131 (e) revised 41853
†8823, 40518
1033.1134 Removed †10685
1033.1138 (f) revised †14766, 27940
1033.1139 (e) revised 44010
(d) revised 43633
(e) revised †27939
1033.1148 (d) revised 44010
(d) revised †27034
1033.1149 Removed †2691
1033.1151 (e) revised †2691
1033.1154 (e) revised 44208
(e) revised †24006
1033.1156 (f) revised 35574
(f) revised †2990, 29863
1033.1158 (e) revised †5161, 24005
1033.1159 (e) revised 38381
†18403
1033.1163 (e) revised 41854
(e) revised †24005
1033.1170 Removed †7922
1033.1171 (g) revised 38382
1033.1173 Removed 42917
1033.1176 (e) revised †8823, 38162
1033.1179 Removed †12089
1033.1180 (e) revised †8562
1033.1182 (e) revised 37393
(e) revised †2991, 30267
1033.1184 (e) revised 38381
(e) revised †19200, 32337
1033.1186 Added 38659
(g) revised †24526
1033.1188 (e) revised †2990, 30267
1033.1189 (e) revised †5161
1033.1190 (e) revised †2991
Removed †4313
1033.1193 Added 37393
Revised 37638
Revised †5369
1033.1196 (d) revised 38381
1033.1197 Added 35798
Technical correction 37062
(d) revised †2991, 29295
1033.1198 (e) revised †14765
1033.1199 Added 36114
1033.1200 Added 38103
(d) revised †2990, 30268
1033.1201 Added 40501
Suspended 44392
1033.1202 Added 40765
(d) revised †14318, 43914
1033.1203 Added 42367
Revised †3767
(e) revised †14766, 31939
Removed †36346
1033.1204 Added 44010
(e) revised †27940
1033.1205 Added †1700
1033.1206 Added †2587
(e) revised †32337
1033.1207 Added †3598
Corrected †4310
Revised †12992, 13506
(a) revised †25215
1033.1208 Added †4312
Revised †12994, 13508
(h) revised †19478
(a) revised †25216

Note: Symbol (†) refers to 1975 page numbers

(CHANGES OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975)

Title 49, Chapter X—Continued

Page

1033.1209 Added † 4011
1033.1210 Added † 5161
Revised † 7452
(h) revised † 19478
1033.1211 Added † 14765
1033.1212 Added † 19827
(d) revised † 27941
1033.1213 Added † 21959
1033.1214 Added † 24526
Revised † 25024
1033.1215 Added † 24906
1033.1216 Added † 33037
1033.1217 Added † 33977
1033.1218 Added † 40519
1033.1219 Added † 44148
1033.1220 Added † 44148
1033.1584 (e) revised 38381
1034.994 (g) revised † 12090
1036.3 Revised † 16846
1036.4 Revised † 16846
1036.5 Amended † 33220
1042.3 (a) amended † 24906
1042.4 (c)(9)(i) and (11) amended † 24906
1047.10 Amended 35367
1048.8 Revised 40020
1056.3 (d) revised † 34119
1056.6 (a)(2) revised † 34119
1056.7 (b) interpretation 43076
1064 Revised † 1249
Effective date amended † 7097
1100.15 Revised † 3769
1100.16 Revised † 3769
1100.55–1100.67 Undesignated center heading revised 40296
1100.57—1100.67 Revised 40296
1100.102 Amended 40296
1100.247 (a)(2) and (c)(2) amended; (b)(1) revised 43726
(f) revised † 37215
1102 Revised † 26032
Corrected † 27941
Special permission issued † 39866
1104 Revised † 26033
Special permission issued † 39866
1105 Added † 26035
1115.4 Amended 35367
1115.5 Amended 35367
1115.6 Amended 35367
1115.25 Amended 35367
1121.4 (b) added 39441
1121.21 (d) revised † 21959
1124.2 (d) revised † 17148
1124.23 Revised 41985
1124.26 Revised 41985
1124.27 Removed † 27463
1125 Revised † 1631
1125.1 (c) amended † 14189
1125.3 (c)(4) corrected † 3216
(c)(4) revised † 14189
(c)(6) amended † 14190
1125.4 (b) corrected † 3216
(c) amended † 14190
1125.5 (j)(1) corrected † 3216
(j)(2) amended; (j) (3) and (4) revised; (l) and (m) added † 14190
1125.8 (d) corrected † 3216
1126 Added † 16066
1134.3 Introductory text revised † 42343
1134.4 (a) revised † 42343
1201 Amended † 4150, 15388, 44559
1202 Amended † 44560
1203 Amended † 44561
1204 Amended † 44562
1205 Amended † 44563
1206 Amended † 44563
1207 Republished 38502
Amended † 44564
Amended; eff. 1–1–76 † 44958
1208 Revised † 2500
Amended † 44565
1209 Amended † 44566
1210 Amended † 44567
1241.12 Revised † 6660
1241.13 Revised † 6660
1241.21 Revised † 6660
1241.71 Revised † 6660
1249 Form QFR revised † 18561, 21960
1249.1 Revised 37489
1249.2 Revised 37490
1249.3 Revised † 6660
1249.4 Revised 37490
1249.5 Revised † 6660
1249.6 Revised † 6660
1250.10 Revised † 6660
1250.20 Revised † 6661
1250.30 Revised † 6661
1251.1 Revised † 6661
1251.2 Revised † 6661
1300.0 (a)(1) revised † 32832
1300.3 (b) revised † 36351
1300.9 (i)(6) revised † 36351
1300.14 (g) revised † 36351
1300.30 Amended † 6504
Revised † 7654
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1300.31 Added † 36351
1300.67 Revised † 32833
1303.3 (a) revised † 36353
1303.8 (g)(5) revised † 36353
1303.11 (c) revised † 36353

Note: Symbol (†) refers to 1975 page numbers

(CHANGES OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975)

Page

1303.34 (j)(1) and (2) revised; (j)(5) and (6) and (k) added † 26035
1303.36 Amended † 6504
Revised † 7655
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1303.37 Added † 36353
1304.3 (b) revised † 36354
1304.14 (h) revised † 36355
1304.42 Amended † 6504
Revised † 7655
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1304.43 Added † 36355
1305.0 Revised † 32834
1306.2 (a) revised † 36356
1306.6 (e) (1) and (2) revised; (e) (5) and (6) and (f) added † 26036
1306.17 Amended † 6504
Revised † 7656
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
(d)(2) corrected † 40518
1306.18 Added † 36356
(d)(2) corrected † 40518
1307.5 (b) and (d) revised † 36357
1307.10 Revised † 36357
1307.11 (b) revised † 36358
1307.12 Revised † 36358
1307.14 Amended † 6504
Revised † 7657
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1307.15 Added † 36358
1307.22 Revised † 32834
1307.26 (a)(1) revised † 36359
1307.43 (e) and (g) revised † 36359
1307.44 (c) revised † 36359
(c) corrected † 40518
1307.48 Amended † 6504
Revised † 7657
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1307.49 Added † 32834
(b)(5) corrected † 34348
1307.50 Added † 36360
1307.90 (f) revised † 13219
1308.0 (b) and (c) revised † 32836
1308.1 (a)(4) revised † 36361
1308.3 (a) and (b) revised † 36361
1308.12 Amended † 6504
Revised † 7658
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1308.13 Added † 36361
(d) corrected † 40518
1308.101 (a)(4) revised † 36362
1308.103 (a) and (b) revised † 36362
1308.109 Amended † 6504
Revised † 7659
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1308.110 Added † 36362
1309.3 Revised † 36363
1309.5 Amended † 6504
Revised † 7659
(d) corrected † 11356
(a), (b) and (f) amended; (g) removed; (h) redesignated as (g) † 25678
1320.1 Revised; eff. 35 days after date of service † 41528
1320.2 Removed; eff. 35 days after date of service 41528
1320.3 Removed; eff. 35 days after date of service 41528
1320.4 Removed; eff. 35 days after date of service 41528
1320.8 Removed; eff. 35 days after date of service 41528
1320.9 Removed; eff. 35 days after date of service 41528
1320.14 Removed; eff. 35 days after date of service 41528
1320.15 Revised; eff. 35 days after date of service † 41528
1320.16 Revised; eff. 35 days after date of service † 41529
1322.1 Revised; eff. 35 days after date of service † 41529

Title 49—*Proposed Rules:*

7 † 3456
10 † 34142, 43037
71 † 44844
102 † 41537
107 † 32758, 41537
170 † 26688, 32758, 41537, 44336
171 43638
† 22842, 26688, 40171, 41537
172 36596, 37204, 37506, 43091
† 26687, 26688, 41537
173 36596, 37204, 37506
† 17853, 26688, 41537
174 36596, 37204, 37506
† 26688, 41537
175 † 26688, 41537
176 † 26688, 41537

Note: Symbol (†) refers to 1975 page numbers

(CHANGES OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975)

Title 49—*Proposed Rules*—Continued

Page
177 ---------- 36596, 37204, 37506, 44812
---------- † 21485, 26688, 41537
178 ---------- 36596, 37204, 37506
---------- † 13316, 26688, 41537
179 ---------- † 11362, 17853, 17855, 18563, 22273, 26688, 41537
180 ---------- † 26688, 41537
181 ---------- † 26688, 41537
182 ---------- † 26688, 41537
183 ---------- † 26688, 41537
184 ---------- † 26688, 41537
185 ---------- † 26688, 41537
186 ---------- † 26688, 41537
187 ---------- † 26688, 41537
188 ---------- † 26688, 41537
189 ---------- † 26688, 41537, 44336
192 ---------- 39048, 39049, 39475
---------- † 13317, 27244, 27245
195 ---------- † 27245, 43740
Ch. II---† 17265, 19209, 23085, 23310, 24365
212 ---------- † 27042
213 ---------- † 1076
215 ---------- 37067
---------- † 42895
216 ---------- † 14336, 25688
217 ---------- † 14338
220 ---------- † 33682, 36575
221 ---------- † 30495
231 ---------- † 14339, 17853
256 ---------- † 8958
257 ---------- † 39898
310 ---------- 30981
325 ---------- † 8658
390 ---------- † 29729
391 ---------- †6510, 31806
393 ---------- 36863
---------- † 23084, 31959, 36777, 37045
395 ---------- 41540
---------- † 2208, 4319
552 ---------- † 21486, 23311
553 ---------- † 25480, 26045
554 ---------- † 44842
556 ---------- † 37047
566 ---------- † 12519
567 ---------- † 12519
568 ---------- † 12519
571 ---------- 35676, 36973, 38391, 40168, 40305, 41751, 42377, 43639
---------- † 10, 4153, 4938, 8569, 8570, 8962, 10483, 11004, 11598, 11738, 12519, 13002, 13316, 14340, 16217, 16854, 17036, 17266, 17855, 18469, 18795, 19210, 19485, 20641, 23086, 23897, 24204, 24915, 28097, 33828, 40537, 40853, 40854, 42756
572 ---------- † 33462
573 ---------- 36866
---------- † 43227
575 ---------- † 1273, 17039
577 ---------- 41182
---------- † 19651
581 ---------- † 10, 4938, 11598, 12287
582 ---------- 38912
583 ---------- † 42365, 42895
Ch. VI---------- † 2534
604 ---------- † 25304, 29729
605 ---------- † 25309, 29729
609 ---------- † 8314, 10697
613 ---------- 39660, 39665, 44457
802 ---------- † 30130, 30988
931 ---------- 41185
932 ---------- † 39803
Ch. X---------- † 18797
1001 ---------- † 1718, 36149
1002 ---------- † 36149
1007 ---------- † 43689
1036 ---------- † 44851
1037 ---------- † 42221
1048 ---------- † 33840
1049 ---------- † 33840
1054 ---------- 41862
1056 ---------- † 17044, 26704, 27060
1057 ---------- † 6981
1062 ---------- 41863, 43410
1063 ---------- † 30134, 30844
1090 ---------- † 3787
1100 ---------- † 4943, 42578
1102 ---------- † 5374
1104 ---------- † 5374
1106 ---------- † 25603, 41153
1108 ---------- † 37233, 44854
1124 ---------- † 801
1201 ---------- 41867, 45048
---------- † 17272, 22557, 23130, 27494, 42899
1202 ---------- 45048
---------- † 17272, 22557, 23130, 27494
1203 ---------- 45048
---------- † 17272, 23130, 27494
1204 ---------- 43854, 45048
---------- † 17272, 23130, 27494
1205 ---------- 45048
---------- † 17272, 23130, 27494
1206 ---------- 45048
---------- † 17272, 22557, 23130, 27494
1207 ---------- 45048
---------- † 17272, 22557, 23130, 27494, 33244
1208 ---------- 45048
---------- † 17272, 27494
1209 ---------- 45048
---------- † 17272, 22557, 23130, 27494
1210 ---------- 45048
---------- † 17272, 22557, 23130, 27494
1240 ---------- † 22557
1241 ---------- † 15402, 22466, 23480, 23130
1245 ---------- † 36779
1246 ---------- † 36779
1249 ---------- † 15402, 22466, 22557, 23480, 25493, 25763
1250 ---------- † 15402, 22466, 23480, 25763
1251 ---------- † 15402, 22466, 23480, 25763
1260 ---------- 43854
1261 ---------- 43854
1300 ---------- † 32350
1305 ---------- † 32350
1307 ----† 18797, 19020, 32350, 42033, 43038
1309 ---------- † 32350

Note: Symbol (†) refers to 1975 page numbers

(CHANGES OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975)

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

Page
2.2 Revised ---------- † 11874
10.21 Revised ---------- † 17575
10.22 Revised ---------- † 17575
15.23 (d) revised---------- 37056
17 Heading revised---------- 44991
Revised ---------- † 44415
17.11 (i) eff. in part 10–28–75--† 44415
17.12 Amended; eff. 10–28–75--† 44151
17.31—17.32 (Subpart D) Added- 44991
17.32 Added ---------- 44991
Amended ---------- † 29864, 31736
Effective date corrected------ † 37042
(b)(1)(i) and (d)(4)(i) revised; eff. 10–28–75------- † 44151
18.60–18.75 (Subpart G) Added-† 6661
20 Amended ---------- † 30268, 41100
20.43 Revised ---------- † 34599
20.61 Revised ---------- † 36346
20.101 Revised ---------- † 36121
20.102 Revised ---------- † 36122
Table corrected---------- † 37215
20.103 Revised ---------- † 36122
(e) table corrected---------- † 37215
20.104 Revised ---------- † 36124, 44711
20.105 (e) amended---------- 40958
(d) revised---------- † 33023
Revised ---------- † 36124
(b) footnote revised---------- † 41096
(a), (c), and (e) through (k) revised ---------- † 44712
20.106 (g) added---------- † 42017
Revised ---------- † 44722
20.107 Revised ---------- † 44723
21.13 Revised ---------- † 28459
21.14 Revised ---------- † 28459
21.25 Revised ---------- † 28460
21.26 Removed ---------- † 28460
28.7 ---------- 38659
28.25 Amended ---------- † 30462
28.28 Amended ---------- 36482, 41531, 41532, 43293, 43726, 44209
Amended ---------- † 762, 763, 1701, 3297, 4011, 4917, 5530, 11356, 11585, 12090, 12508, 18173, 18174, 18175, 20283, 21032, 24907, 25025, 26036, 30966, 41105, 42017, 42748
Amended; eff. 1–1–76---------- † 42195
Technical correction---------- † 17261
Corrected ---------- † 44568
32.11 Amended ---------- 35574, 35799
Amended ------- † 34348, 36568, 39518
32.12 Amended ---------- 36015, 36016, 36483, 36485, 36386, 39441, 40850
Amended ---------- † 29548, 29865, 30115, 30463, 30966, 32125, 32126, 32127, 33220, 33221, 34119, 34120, 34121, 36120, 36568, 38162, 39511, 39512, 39513, 39519, 39869, 40519, 40811, 41105, 41106, 41108, 42017, 42018, 42196, 42198, 42200, 42747, 42748, 42883, 43029, 43030, 43031, 43218, 43916, 44155, 44328, 44568
Amended; eff. 10–11–75------ † 42197, 42199, 43914
Amended; eff. 11–15–75------- † 44152
Amended; eff. 12–31–75--† 44152, 44153
Amended; eff. 1–30–76-------- † 44152
Amended; eff. 1–31–76---† 44151, 44153
32.21 Amended --------† 34348, 36568
32.22 Amended ---------- 36115, 37771, 37772, 39441
Amended ---------- † 14920, 29549, 29865, 30115, 30116, 30463, 30822, 30823, 30966, 30967, 32125, 32126, 32127, 33221, 34119, 34121, 36120, 36569, 38162, 39512, 39513, 39514, 40519, 40811, 41106, 41107, 41108, 42196, 42200, 43030, 43218, 43219, 43733, 44569, 44821, 44822
Amended; eff. 10–11–75------ † 42197, 42199, 43915
Amended; eff. 12–21–75------- † 44153
Amended; eff. 1–11–76-------- † 44153
32.31 Amended---† 32128, 34348, 36568
32.32 Amended ---------- 35365, 36115, 36486, 36487, 37196, 39441, 40765, 40766
Amended ---------- † 19827, 25464, 29084, 29865, 30115, 30116, 30463, 30822, 30823, 30967, 30970, 31939, 31940, 32124, 32127, 32128, 33221, 33978, 34119, 34120, 34121, 34348, 34599, 36346, 36570, 37042, 39514, 39519, 39869, 40520, 41107, 42018, 42199, 42201, 43031, 43032, 43033, 43733, 44328, 44568, 44821
Amended; eff. 10–11–75------ † 42197, 44154, 44822
Amended; eff. 10–25–75-------- † 44154
Amended; eff. 11–7–75------- † 43901, 43915, 44155
Amended; eff. 11–17–75------- † 44155
33.4 Amended ---------- † 36568
33.5 Amended ---------- 37196, 39442, 39884, 40158, 40588, 40850, 41257–41259, 41367, 41531, 41532, 41533, 43078, 43293, 43846, 43847, 44210

Note: Symbol (†) refers to 1975 page numbers

(CHANGES OCTOBER 1, 1974 THROUGH SEPTEMBER 30, 1975)

Title 50—Chapter I—Continued

33.5—Continued Page
Amended † 764, 1701, 2815, 3297, 3599, 4011, 4405, 5531, 6663, 7660, 8350, 8954, 11586, 11727, 11875, 12091, 12659, 14053, 14766, 14920, 16210, 16320, 17992, 18175, 19009, 20822, 29084, 30463, 30823, 30967, 31773, 33221, 34122, 44156, 44822
82 Added † 23281
91 Added † 25826

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

216 Interpretation † 17845
216.24 (d) (2) (iv) (E) (*1*) (vi), and (vii) amended † 765
(d) (1) (v), (2) (iii), (3) (v), (4) (v), and (5) (v) amended † 11586
216.70—216.90 (Subpart G) Added † 10183
217 Revised 41370
218 Revised 41371
219 Revised 41373
220 Revised 41373
221 Revised 41375
222 Revised 41375
240 Revised † 21475
245.10 (d) and (e) added 40503
251.22 Added † 43734
251.23 Added † 43734
251.24 Added † 43508
258.5 Revised † 31940
260.70 (b) (1), (2), and (3), and (d) (2) revised 39442
260.71 Revised 39443
280 Revised † 8101
280.1 (e) and (g) corrected † 16210
280.6 (b) corrected † 1621(
280.7 (a) (1) corrected † 16210
280.9 (b) corrected † 16210
Subchapter H Heading revised † 33978
285 Added † 33979
285.11 Interpretation † 43916

Chapter IV—Anadromous Fisheries (Department of the Interior—Department of Commerce)

Heading revised 37197
401 Revised † 26678

Title 50—*Proposed Rules:*

16 † 7935
17 † 5, 4320, 14767, 17590, 17757, 17847, 21974, 21977, 25217, 25597, 28712, 40521, 44329
18 † 6664, 23307
20 † 17263, 20090, 21980, 24527, 27943, 29725, 29880, 34361, 36572
21 37199, 37773; † 2444
25 † 12270
26 † 12270
27 † 12270
28 43728, 44763; † 4428, 12270
32 37064; † 19651, 23474, 25217, 27242, 31795, 36377
33 43313
81 † 18447
82 37394
91 † 19013
216 † 2820, 4660, 10193, 28469, 41531, 42210, 43040
219 † 2820, 4930
225 † 8566
227 † 14777, 21982, 26043
245 36489
246 † 22143
251 37396; † 14778, 14779, 16216
278 † 11729
280 44235
401 † 6786
501 † 41066

Note: Symbol (†) refers to 1975 page numbers

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

(Additions to CFR Finding Aids Volume, Table I; January—September 1975)

This table lists the sections of the U.S. Code which were added to the CFR Finding Aids Volume, Table I as a result of new citations of authority carried in the *Federal Register* from January through September 1975. Recent legislation not yet assigned within the U.S. Code is carried by public law number at the end of the list.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, users should consult the Cumulative List of CFR Sections Affected, above.

5 U.S.C.:	CFR
500	29 Part 580
503	29 Part 580
522a	32 Part 292a; 36 Part 903
551–559	28 Part 4a; 29 Part 580
552	1 Parts 301, 302, 304; 5 Part 1303; 6 Parts 701–702; 7 Parts 2620, 2710; 10 Parts 2, 709; 15 Parts 1160, 2004; 16 Parts 1, 2, 3, 4, 14; 18 Part 401; 22 Part 706; 24 Part 16; 29 Parts 2300, 2603; 32 Parts 297–299, 299a, 404–405, 701, 2200; 36 Parts 603, 1000; 39 Part 265; 45 Parts 100, 612, 1215; 49 Part 801
552a	7 Part 1; 10 Parts 9, 293, 297; 12 Parts 505a, 603; 14 Part 310a; 17 Parts 146, 200; 29 Part 1611; 32 Part 299a; 35 Part 10; 43 Part 2; 45 Part 613
553	15 Parts 924, 1160; 39 Part 3002; 46 Part 506; 49 Parts 1042, 1102, 1105
559	49 Part 1042
571—576	1 Parts 301, 302, 304
3301	5 Part 2413
5520	31 Part 215
7301	5 Part 2413
8145	20 Part 10
8149	20 Part 10
8151	5 Parts 302, 353, 531
App	29 Parts 579, 580
App. I	7 Part 25; 10 Part 707
App. II	7 Part 612

7 U.S.C.:	CFR
2	17 Part 30
4a	17 Part 146
6c	17 Part 30
6k	17 Part 1
15a	17 Part 30
61	17 Parts 15, 18
87a	7 Part 26
135	40 Part 30
135b note	7 Part 760
136o	19 Part 12

7 U.S.C.—Continued	CFR
136 et seq	40 Part 162
423	7 Part 1421
425	7 Part 1421
601—674	7 Parts 953, 958, 1139
612c	7 Part 250
612c note	7 Part 250
714b	7 Part 1421
714c	7 Part 1421
1031–1056	7 Parts 55, 56, 70
1362	7 Part 726
1428	7 Part 1421
1431	7 Part 250
1431 note	7 Part 250
1431b	7 Part 250
1446a–1	7 Part 250
1621 et seq	7 Parts 56, 59, 70
1854	7 Part 16; 19 Part 12
1859	7 Part 250
1932	29 Part 75
1989	7 Parts 2, 1813
2011–2026	7 Parts 270, 271
2026	7 Part 271

8 U.S.C.:	CFR
1184	20 Part 602

10 U.S.C.:	CFR
125	32 Part 296
133	32 Part 197
2202	32 Part 737
2301—2314	32 Part 737

12 U.S.C.:	CFR
171b	24 Part 232
171w	24 Part 232
1425a	12 Part 532
1430	12 Part 532
1431	12 Part 532
1432	12 Part 532
1437	12 Parts 505a, 532
1464	12 Parts 505a, 563
1715b	24 Parts 403, 426
1715z–1	24 Part 426
1725	12 Parts 505a, 552, 563, 588
1726	12 Parts 552, 563, 584

12 U.S.C.—Continued

	CFR
1730	12 Part 552
1766	12 Parts 720, 745
1789	12 Parts 701, 706, 707, 720, 721, 745
2288	12 Part 811
2289	12 Part 811
2290	12 Part 811
2601	24 Part 82

14 U.S.C.:

84	33 Part 118
85	33 Part 118
91	33 Part 127
92	33 Part 118
633	33 Part 118; 46 Parts 4, 5

15 U.S.C.:

41 et seq	16 Part 4
41–58	16 Parts 255, 256, 259
49	16 Part 2
57a	16 Parts 1, 3, 4
401–411 notes	21 Part 2
713c	7 Part 250
714b	7 Part 24
714g	7 Part 24
714h	7 Part 24
1191–1204	16 Part 1031
1204	16 Part 1018
1211–14	16 Part 1031
1261–74	16 Part 1031
1392	49 Parts 552, 571, 573, 575
1392 note	49 Part 571.301–75
1397	49 Parts 574, 577
1401	49 Part 577
1402	49 Part 577
1407	49 Part 577
1408	49 Part 577
1410a	49 Parts 552, 553
1411	49 Parts 576, 577
1412	49 Parts 552, 577
1413	49 Part 577
1415	49 Part 577
1418	49 Parts 573, 574
1421	49 Part 575
1423	49 Part 575
1451 et seq	21 Parts 2, 6
1471–76	16 Part 1031
1475	16 Part 1018
1901	49 Part 590
1941	49 Part 582
2051–81	16 Part 1031
2064	16 Part 1116
2077	16 Part 1018
2101 et seq	16 Part 304

16 U.S.C.:

195	36 Part 7
403h–3	36 Part 7
551	7 Part 24
703–711	50 Part 20
757a—757f	50 Part 401
797	33 Part 209
1001 et seq	7 Parts 620, 622
1006	7 Part 621
1006a	7 Part 623
1009	7 Parts 620, 621
1361–1407	50 Part 82

18 U.S.C.:

201—209	29 Part 2100
641	14 Part 401; 49 Part 801
798	32 Part 299a
834	49 Part 102
923	27 Part 178
1655	49 Parts 173, 178
2071	14 Part 401; 49 Part 801

19 U.S.C.:

66	19 Parts 151, 159, 177
1202	15 Part 301; 19 Parts 151, 174, 177
1303	19 Parts 12, 159
1321	19 Parts 10, 145
1322	19 Part 4
1484	19 Parts 123, 143
1498	19 Parts 143, 145
1502	19 Part 10
1592	19 Part 171
1624	19 Parts 151, 159
1872	15 Parts 2001, 2002, 2003
2101 et seq	15 CFR Parts 350, 355
2171	15 Part 2004
2320	29 Parts 90, 91
2341—2374	13 Part 315
2441	15 Part 1300

20 U.S.C.:

241aa	45 Part 16
246	45 Part 156
331a—332b	45 Part 16
331a	45 Part 151
636	45 Part 112
646	45 Part 114
801	45 Part 166
841—847a	45 Part 126
861	45 Part 16
880b–1	45 Part 166
880b–9	45 Part 123
887c	45 Part 16
900	45 Parts 16, 100a, 184
900a—900a–5	45 Part 184
1005a	45 Part 16
1051—1056	45 Part 169
1070b–1	45 Part 176
1070b–2	45 Part 176
1070d–1	45 Parts 16, 154, 155
1070e–1	45 Part 189
1087a–1087c	45 Part 182

20 U.S.C.—Continued

	CFR
1087a	45 Part 16
1087dd	45 Part 144
1119a	45 Part 16
1171	45 Part 16
1201–1211a	45 Part 168
1206	45 Part 16
1211a	45 Part 16
1212	45 Part 166
1221c	45 Part 151
1221e	45 Part 1460
1224	45 Part 112
1231	45 Part 166
1231a	45 Part 166
1231b–2	45 Part 166
1231d	45 Parts 115, 121a
1232	45 Parts 103, 151, 166
1232c	45 Parts 114, 166
1232f	45 Part 166
1248	45 Part 103
1393	45 Part 103
1411—1414	45 Part 121a
1421	21 Part 121b
1422	21 Part 121c
1423	21 Part 121d
1424	21 Part 121e
1431	21 Part 121f
1432	21 Part 121f
1433	21 Part 121g
1434	21 Part 121f
1441—1444	21 Part 121h
1451	21 Part 121i
1452	21 Part 121i
1453	21 Part 121i
1461	21 Part 121j
1532	45 Part 183
1681—1683	45 Part 166
1681	45 Part 86
1682	45 Part 86

21 U.S.C.:

41 et seq	21 Part 2
43	21 Part 1220
50	21 Part 1220
111—114a–1	9 Parts 50, 51
112	9 Part 83
120	9 Part 50
121	9 Part 50
125	9 Part 50
134b	9 Part 50
141 et seq	21 Part 2
321	21 Part 701
321 et seq	21 Parts 2, 6, 312, 740
342	21 Parts 128c, 128d
348	21 Parts 123, 128c, 128d, 561
355	21 Parts 361, 600, 601, 610
357	21 Parts 312, 436, 444, 448

21 U.S.C.—Continued

	CFR
360b	21 Parts 1, 149j, 510, 520, 522, 540, 548, 555, 558
361	21 Part 740
362	21 Parts 701, 740
371	21 Parts 128c, 128d, 300, 310, 312, 314, 361, 600, 601, 610, 701, 740
454	9 Part 381
463	9 Part 381
467f	21 Part 2
612	9 Part 91
613	9 Part 91
614	9 Part 91
618	9 Part 91
621	9 Parts 308, 317, 319
679	21 Part 2
821 et seq	21 Part 2
871	21 Part 1301
1031 et seq	21 Part 2
1120	21 Parts 1402, 1403
1131	21 Parts 1402, 1403
1132	21 Parts 1402, 1403
1177	45 Part 16

22 U.S.C.:

1922	7 Part 250
2381	22 Part 214
2396	22 Part 205
2658	22 Part 8
2801 et seq	15 Part 1202

23 U.S.C.:

104	23 Parts 450, 655
105	23 Parts 450, 655
127	23 Part 658
134	23 Part 450
135	23 Part 450
136	23 Part 751
140	23 Part 230
141	23 Part 658
154	23 Part 658
219	23 Part 662
307	23 Part 655
315	23 Parts 230, 450, 460, 751
402	23 Parts 460, 1214

25 U.S.C.:

	CFR
2	25 Parts 12, 153, 252, 431; 43 Part 4
9	25 Parts 12, 153, 252, 431; 43 Part 4
13	25 Part 300; 41 Parts 14H–3, 14H–30
1498	25 Part 93

26 U.S.C.:

46	26 Part 9
401	26 Part 11
410	26 Part 11; 29 Part 2530
411	29 Part 2530
413	29 Part 2530

CODE

26 U.S.C.—Continued	CFR
414	29 Part 2530
463	26 Part 10
3402	26 Part 31
5042	27 Part 240
6621	27 Part 194
7476	26 Part 11
7805	26 Parts 53, 420
28 U.S.C.:	
534	28 Part 20
29 U.S.C.:	
203	29 Parts 579, 580
207	29 Part 694
211	29 Parts 579, 580
212	29 Parts 579, 580
213	29 Part 552
214	29 Part 529
216	29 Parts 579, 580
653	41 Part 50–204
655	29 Part 1928; 41 Part 50–204
656	29 Part 1908
657	29 Parts 1952, 1955; 41 Part 50–204; 42 Part 86
661	29 Parts 2100, 2300
667	29 Parts 1952, 1955; 41 Part 50–204
670	29 Part 1908; 42 Part 86
762	45 Part 16
763	45 Part 16
771	45 Part 16
772	45 Part 16
774	45 Part 16
1021–2	29 Part 2520
1024	29 Part 2520
1024–5	29 Part 2520
1029–31	29 Part 2520
1030	29 Part 2520
1031	29 Part 2510
1051–1054	29 Part 2530
1060	29 Part 2530
1112	29 Part 2555
1135	29 Parts 2510, 2520, 2530, 2555
1241–2	20 Parts 900, 901, 902
1302	29 Parts 2602, 2605, 2606
1306	29 Part 2602
1307	29 Part 2602
1322	29 Part 2605
1365	29 Part 2606
30 U.S.C.:	
957	30 Parts 77, 506
31 U.S.C.:	
483	19 Part 111; 46 Part 506
483a	14 Part 401; 49 Part 801
738a	31 Part 346
752	31 Parts 346, 347, 348
754b	31 Parts 346, 347, 348

33 U.S.C.:	CFR
535	49 Part 310
701a–1	7 Part 623
701b–1	7 Parts 620, 624
701c	33 Part 220
701n	33 Part 203
1224	33 Part 160
1251	40 Parts 435, 443
1251 et seq	40 Parts 15, 30, 125
1311	40 Parts 435, 443
1313	40 Part 120
1314	40 Parts 435, 443
1316	40 Parts 435, 443
1317	40 Parts 435, 443
1321	33 Part 155
1322	33 Part 159
1411–21	40 Part 229
1520	49 Part 102
38 U.S.C.:	
2014	5 Part 307
2021 et seq	5 Part 353
3010	38 Part 3
39 U.S.C.:	
401	39 Parts 265, 777, 912
5007	14 Part 223
40 U.S.C.:	
442	7 Part 1813
484	7 Part 24
486	41 Parts 1–15, 5A–1, 5A–2, 15–7, 15–12, 114–28; 45 Part 19
871 et seq	36 Part 903
875	36 Part 901
42 U.S.C.:	
2	42 Part 32
201 et seq	21 Part 2
216	21 Parts 1240, 1250; 42 Parts 23, 51a, 52c, 66
241	42 Part 52c
242a	21 Part 310
254b	42 Part 23
257a	21 Parts 2, 310
262	21 Parts 6, 310, 312, 314, 361, 600, 601, 610
263	21 Part 6
263b–263n	21 Part 6
263f	21 Part 1040
264	21 Parts 1240, 1250
286a	45 Part 52d
289*l*–1	42 Part 66
295f–4	42 Part 57
295f–6	45 Part 16
300c–11	42 Part 51a
300d–1	45 Part 16
300d–2	45 Part 16
300d–3	45 Part 16
300d–4	45 Part 16

42 U.S.C.—Continued	CFR
300e–2	45 Part 16
300e–3	45 Part 16
300j–1	40 Part 30
300j–2	40 Part 30
300j–3	40 Part 30
300m–5	20 Part 450
405	20 Part 405
426	20 Part 405
430	20 Part 404
553	10 Part 2
630–644	29 Part 56
703	45 Part 16
704	45 Part 16
711	45 Part 16
712	45 Part 16
906	45 Part 16
1302	20 Part 416; 29 Parts 56, 404; 45 Parts 301—304
1310	45 Part 63
1320c–6	20 Part 405
1383	20 Part 416
1395b–1	45 Part 16
1395f	20 Part 405; 45 Part 19
1395f note	45 Part 16
1395g	20 Part 405
1395i	20 Part 405
1395i–2	20 Parts 404, 405
1395n	20 Part 405
1395u	20 Part 405
1395x	20 Part 405; 45 Part 19
1395x note	20 Part 405
1395hh	20 Parts 404, 405
1395mm	20 Part 405
1396	45 Parts 19, 250
1396a	45 Part 19
1408	24 Parts 860, 866
1410	24 Part 860
1437	24 Part 889, 890
1437 note	24 Part 866
1437a	24 Part 811
1437c	24 Parts 866, 880, 882, 883, 889, 1275
1437d	24 Part 866
1437f	24 Parts 800, 801, 802, 803, 804, 880, 881, 882, 883, 888, 1275
1437g	24 Part 890
1437i	24 Part 811
1480	7 Part 1813
1755	7 Part 250
1758	7 Part 250
1761	7 Part 250
1763	7 Part 250
1777	7 Part 250
1857 et seq	40 Part 55
1857c	40 Parts 52, 60
1857c–5	40 Part 52
1857c–6	40 Part 60

42 U.S.C.—Continued	CFR
1857c–9	40 Part 60
1857f–1	40 Part 86
1857f–5	40 Part 86
1857f–5a	40 Parts 85, 86
1857f–6	40 Parts 85, 86
1857f–6c	40 Part 80
1857g	40 Parts 53, 80, 86
1962	33 Part 252
1962d–1	18 Part 706
2000d	45 Part 166
2000d–1 et seq	10 Part 4
2000e	29 Part 1601
2011	10 Part 4
2071	10 Part 70
2073	10 Parts 19, 70
2077	10 Part 810
2092	10 Part 40
2093	10 Parts 19, 40
2094	10 Part 40
2095	10 Part 40
2111	10 Parts 19, 30
2112	10 Part 30
2133	10 Parts 19, 50
2134	10 Parts 19, 50
2201	10 Parts 2, 19, 30, 40, 50, 70, 707, 810, 860
2232	10 Parts 30, 40, 50, 70
2233	10 Parts 30, 40, 50, 70
2234	10 Parts 30, 40, 50
2236	10 Parts 2, 50
2273	10 Parts 30, 40, 50, 70, 810
2278a	10 Part 860
2458	14 Part 1209
2619	45 Part 16
2754	45 Part 175
2825	45 Part 16
2928h	45 Parts 1303, 1304
2929 et seq	45 Part 158
2942	7 Part 1813; 45 Parts 63, 1005, 1076
2996e	45 Part 1600
2996g	45 Part 1600
2996j	45 Part 1600
3017	45 Part 16
3028	45 Part 16
3033	45 Part 16
3034	45 Part 16
3035	45 Part 16
3036	45 Part 16
3042	45 Part 16
3045f	7 Part 250
3211	13 Parts 313, 315
3535	24 Parts 16, 20, 58, 100, 200, 205, 207, 213, 220, 221, 227, 231, 232, 234, 235, 242, 244, 280, 403, 470, 580, 800, 801, 803, 804, 860, 866, 880, 881, 882, 883 885, 888, 890, 1275

CODE
XUM

42 U.S.C.—Continued	CFR
3701 et seq	28 Part 20
4001—4128	24 Parts 1914, 1915, 1916, 1917, 1920
4011	24 Part 1920
4105	12 Parts 523, 545, 563
4106	12 Parts 523, 545, 563
4321 et seq	14 Parts 201, 211, 221, 261, 302, 312, 399; 40 Part 6
4321—4347	23 Part 751
4332	10 Part 50; 41 Part 51–6
4402	45 Part 112
4601—4655	23 Part 751
4633	49 Part 25
4801	45 Part 16
4917	49 Part 325
5301	24 Part 860
5814	10 Part 860
5815	10 Part 860
5841	10 Parts 9, 10, 20, 50, 80, 100, 150, 160, 170
5842	10 Parts 20, 30, 40, 50, 51, 55, 70, 71, 73, 100, 140
5846	10 Parts 2, 20, 30, 40, 50, 55, 70, 71, 73
5891	10 Parts 4, 19
43 U.S.C.:	
1601	43 Parts 4, 2650
45 U.S.C.:	CFR
431	49 Parts 215, 225
438	49 Part 215
701 et seq	49 Part 255
46 U.S.C.:	
86—86i	19 Part 4
88—88i	19 Part 4
114	46 Part 283
170	49 Part 102
224	46 Part 12
224a	46 Part 12
228	46 Part 12
390	45 Part 16; 46 Part 57
406	46 Part 57
409	46 Part 57
520p	46 Part 57
817	46 Part 550
820	46 Part 506
841	46 Parts 506, 550
1160	46 Part 550
47 U.S.C.:	
152	47 Parts 0, 73
153	47 Part 0
155	47 Parts 73, 74
164	47 Part 73
301	47 Part 0
305	47 Part 73
307	47 Part 0
308	47 Part 0
309	47 Part 0
315	47 Part 76
316	47 Part 73
317	47 Part 76
503	47 Part 91
48 U.S.C.:	
1406i	19 Part 6
49 U.S.C.:	
1	49 Part 1126
6	49 Part 1105
13	49 Part 1105
15	49 Parts 1033, 1102, 1105
305	49 Part 1105
306	49 Part 1042
310a	49 Part 1305
316	49 Parts 1104, 1105
317	49 Part 1105
1301	14 Part 378a
1302	14 Parts 201, 211, 261, 302
1354	14 Parts 39, 71
1356	14 Part 129
1371	14 Part 378a
1372	14 Parts 302, 378a
1374	14 Parts 201, 211, 261, 302
1375	14 Part 223
1377	14 Part 378a
1382	14 Parts 261, 302
1386	14 Parts 287, 378a
1421 et seq	49 Part 821
1421—1431	49 Parts 171, 173, 178
1423	14 Part 121
1424	14 Part 121
1431	49 Part 171
1438	14 Part 97
1441	49 Part 835
1441 et seq	49 Parts 830, 831
1472	14 Parts 121, 171; 49 Part 102
1481	14 Parts 312, 378a
1482	14 Parts 201, 211
1502	14 Part 378a
1509	9 Part 91
1602	23 Part 450; 49 Part 613
1603	23 Part 450; 49 Part 613
1604	23 Part 450; 49 Part 613
1651 et seq	49 Part 255
1653	49 Part 256
1655	14 Parts 39, 71, 73, 75, 129, 171; 23 Part 450; 46 Parts 4, 5, 93; 49 Parts 171, 173, 177, 178, 398
1657	49 Part 553
1672	49 Part 102
1804	49 Part 102

49 U.S.C.—Continued	CFR
1901	14 Parts 400, 401
1901 et seq	49 Parts 800, 801, 821, 830, 831, 835
1902	49 Part 803
1903	14 Part 425; 49 Parts 825, 845
1924	14 Part 37
50 U.S.C.:	
App. 2168	4 Parts 409, 411, 412
App. 2251—2297	32 Part 1807
Public Laws:	
78–534	7 Part 623
84–99	33 Part 203
87–794	10 Part 213
89–750	45 Part 166
91–604	40 Part 53
92–210	6 Part 602
92–340	33 Part 401
92–500	40 Part 230
92–583	15 Parts 927, 928
93–28	6 Part 602
93–86	7 Part 20
93–87	23 Part 820
93–113	45 Parts 1208, 1213, 1216, 1220
93–159	10 Parts 205, 210, 211, 212, 661
93–179	36 Parts 601, 604, 605, 606
93–197	25 Part 43k
93–203	29 Parts 94, 95, 96, 97, 98, 99
93–236	49 Parts 901, 921, 931, 1126
93–251	33 Parts 265, 266
93–259	5 Part 551
93–275	10 Parts 205, 207, 210, 211, 212, 213, 303, 305, 307, 309, 661
Public Laws:	CFR
93–319	10 Parts 207, 303, 305, 307, 309
93–357	7 Part 1845
93–380	45 Parts 86, 184
93–383	24 Part 570
93–406	28 Part 4a; 29 Parts 2601, 2603, 2604
93–438	7 Part 1250; 10 Parts 71, 73, 710; 41 Parts 9–7, 9–15, 9–54, 109–1
93–463	17 Part 1
93–479	15 Part 804
93–495	12 Parts 541, 544, 545, 552
93–502	18 Part 401; 22 Part 706; 32 Parts 287, 297—299, 701, 2101; 49 Part 901
93–511	10 Parts 205, 210, 211, 212
93–526	41 Part 105–63
93–567	13 Part 313; 20 Part 619; 29 Parts 94, 95, 96, 97, 98, 99
93–568	45 Part 86
93–572	20 Part 618
93–579	39 Part 3003
93–594	15 Part 302
93–618	15 Part 2006
93–633	14 Part 103
93–637	16 Part 1
93–643	23 Part 820
93–644	45 Part 158
94–16	17 Part 1
94–20	7 Part 225
94–70	50 Part 285

CODE

1974	
Issue pages	Issue date
35315–35558	Oct. 1
35559–35646	2
35647–35778	3
35779–35998	4
35999–36105	7
36107–36312	8
36313–36463	9
36465–36560	10
36561–36846	11
36847–36950	15
36951–37049	16
37051–37179	17
37181–37354	18
37355–37472	21
37473–37628	22
37629–37759	23
37761–37961	24
37963–38083	25
38085–38216	29
38217–38362	30
38363–38623	31
38625–38885	Nov. 1
38887–39015	4
39017–39256	5
39257–39424	6
39425–39541	7
39543–39714	8
39715–39862	11
39863–40001	12
40003–40154	13
40155–40246	14
40247–40489	15
40491–40566	18
40567–40737	19
40739–40846	20
40847–40934	21
40935–41164	22
41165–41238	25
41239–41348	26
41349–41495	27
41497–41703	29
41705–41821	Dec. 2
41823–41962	3
41963–42334	4
42335–42669	5
42671–42898	6
42899–43054	9
43055–43194	10
43195–43274	11
43275–43387	12
43389–43528	13
43529–43609	16
43611–43706	17
43707–43809	18
43811–43992	19
43993–44191	20
44193–44387	23
44389–44657	24
44659–44708	26

1974	
Issue pages	Issue date
44709–44934	Dec. 27
44935–45205	30
45207–45422	31

1975	
1–747	Jan. 2
749–1002	3
1003–1216	6
1217–1495	7
1497–1679	8
1681–2172	9
2173–2409	10
2411–2573	13
2575–2671	14
2673–2790	15
2791–2969	16
2971–3210	17
3210A–3283	20
3285–3404	21
3405–3552	22
3553–3755	23
3756–3964	24
3965–4113	27
4115–4243	28
4245–4404	29
4405–4630	30
4631–4889	31
4891–5125	Feb. 3
5127–5345	4
5347–5492	5
5493–5737	6
5739–6196	7
6197–6312	10
6313–6447	11
6449–6637	12
6639–6759	13
6761–6949	14
6951–7080	18
7081–7390	19
7391–7615	20
7617–7891	21
7893–8060	24
8061–8161	25
8163–8319	26
8321–8535	27
8537–8762	28
8764–8929	Mar. 3
8931–10163	4
10165–10432	5
10433–10654	6
10655–10950	7
10951–11344	10
11345–11534	11
11535–11704	12
11705–11858	13
11859–12066	14
12067–12250	17
12251–12468	18
12469–12638	19
12639–12762	20

1975	
Issue pages	Issue date
12763–12984	Mar. 21
12985–13194	24
13195–13292	25
13293–13476	26
13477–14049	27
14051–14290	28
14291–14564	31
14565–14735	Apr. 1
14737–14883	2
14885–15062	3
15063–15376	4
15377–15858	7
15861–16046	8
16047–16186	9
16187–16291	10
16293–16640	11
16641–16827	14
16829–17002	15
17003–17134	16
17135–17238	17
17239–17535	18
17537–17742	21
17743–17827	22
17829–17976	23
17977–18161	24
18163–18388	25
18389–18539	28
18541–18750	29
18751–18975	30
18977–19192	May 1
19193–19417	2
19419–19631	5
19633–19798	6
19799–20052	7
20053–20253	8
20255–20604	9
20605–20790	12
20791–20940	13
20941–21021	14
21023–21464	15
21465–21692	16
21693–21926	19
21927–22119	20
22121–22248	21
22249–22528	22
22529–22821	23
22823–23068	27
23069–23270	28
23271–23425	29
23427–23716	30
23717–23834	June 2
23835–23976	3
23977–24172	4
24173–24351	5
24353–24516	6
24517–24716	9
24717–24886	10

1975	
Issue pages	Issue date
24887–24992	June 11
24993–25196	12
25197–25427	13
25429–25578	16
25579–25661	17
25663–25798	18
25799–26014	19
26015–26251	20
26253–26500	23
26501–26666	24
26667–26978	25
26979–27213	26
27215–27438	27
27439–27635	30
27637–27924	July 1
27925–28045	2
28046–28443	3
28445–28599	7
28601–28783	8
28785–29065	9
29067–29259	10
29261–29530	11
29531–29700	14
29701–29794	15
29795–30036	16
30037–30259	17
30261–30459	18
30461–30609	21
30611–30792	22
30793–30914	23
30915–31197	24
31199–31590	25
31591–31736	28
31737–31924	29
31925–32107	30
32109–32303	31
32305–32725	Aug. 1
32727–32822	4
32823–33006	5
33007–33193	6
33195–33423	7
33425–33647	8
33649–33817	11
33819–33959	12
33961–34085	13
34087–34331	14
34333–34582	15
34583–36098	18
36099–36293	19
36295–36552	20
36553–36758	21
36759–37025	22
37027–37203	25
37205–38138	26
38139–39491	27
39493–39832	28
39833–40137	29

1975

issue pages	issue date
40139–40500	Sept. 2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16

1975

issue pages	issue date
42849–43016	Sept. 17
43017–43196	18
43197–43477	19
43479–43711	22
43713–43871	23
43873–44109	24
44111–44301	25
44303–44535	26
44537–44806	29
44807–45156	30

U. S. GOVERNMENT PRINTING OFFICE : 1975 O - 58-120

CODE

XUM

EXIT

Vol.40—No.180
9–16–75
PAGES
42725–42847

federal register

TUESDAY, SEPTEMBER 16, 1975

highlights

PRESIDENTIAL CLEMENCY BOARD
Executive order terminating board and transferring certain functions to Attorney General 42731

NATIONAL SCHOOL LUNCH WEEK
Presidential proclamation 42729

LEIF ERIKSON DAY
Presidential proclamation 42727

GENERAL PULASKI'S MEMORIAL DAY
Presidential proclamation 42725

CONTRACTUAL PLANS
SEC proposes revised reserve requirements for investment companies issuing periodic payment certificates; comments by 10–15–75 42757

AIRCRAFT EMISSIONS
DOT/FAA proposes requiring compliance with EPA exhaust emission standards; comments by 11–3–75 42754

INCOME TAX
Treasury/IRS increases minimum accumulated earnings credit 42743

VHF TELEVISION
FCC clarifies petition for adding new stations in top markets to table of assignments while maintaining maximum diversity of ownership, control, and programming 42775

LABOR STANDARDS
DOD/DCPA eliminates mandatory use of apprentices and trainees under Federally assisted contracts; effective 8–20–75 42736

RURAL HOUSING LOANS
USDA/FmHA broadens eligibility requirements to include aliens admitted under indefinite parole; effective 9–16–75, comments by 10–16–75 42736

CONTINUED INSIDE

PART II:

FEDERAL ELECTIONS
FEC publishes advisory opinions (2 documents); comments by 9–26–75 ..... 42837, 42839

PART III:

HIGHWAY BEAUTIFICATION
DOT/FHA establishes policies and requirements for controlling outdoor advertising adjacent to interstate and primary systems; effective 9–9–75 42841

180

V 40 180 SEP 16 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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X-RAYS

HEW/FDA proposes guidelines for specific area gonad shielding of patients during examinations; comments by 11–17–75 42749

PESTICIDES

EPA issues permit for experimental use of parathion on false wireworms on winter wheat in Utah 42775
EPA approves Iowa plan for certification of commercial and private applicators 42774
EPA proposes tolerance level for insecticide methomyl in or on pomegranates; comments by 10–16–75 42757

COUNTERVAILING DUTIES

Treasury/CS investigates importation of certain screws from Italy 42760

VESSEL INSPECTION

DOT/CG proposes safety and navigational equipment requirements and specifies conditions for operation under automatic pilot control; comments by 10–31–75 42751

NONDISCRIMINATION

CSC sets policy regarding age requirements in Federal employment; effective 8–26–75 42734

MOTOR VEHICLE SAFETY STANDARDS

DOT/NHTSA revokes current surrogate testing procedures for flammability of small components; effective 9–16–75 42746
DOT/NHTSA proposes new surrogate testing procedures for flammability of small components not easily tested under current procedures; comments by 11–17–75 42756

TRAVEL GROUP CHARTERS

CAB revises requirements for security arrangements for protection of advance payments; effective 9–11–75 42741

ENVIRONMENTAL IMPACT

NRC announces intent to issue statement concerning handling and storage of spent light water power reactor fuel 42801

INCOME TAX TREATY

Treasury announces discussions between United States and Tunisia 42760

LIVE ANIMALS

CAB sets standards for acceptance and transport by IATA member carriers 42771

POLITICAL ACTIVITY

CSC revises regulations concerning state or local officers and employees; effective 1–1–75 42733

SECURITIES

Treasury announces auction of Series M–1977 and G–1978 notes (2 documents) 42760, 42761

MEETINGS—

DOD/Air: Scientific Advisory Board, 10–2–75 42762
ERDA: Field and Laboratory Utilization Study Group, 9–25–75 42774
FEA: Transportation Advisory Committee, 10–8–75 42779
NASA: Research and Technology Advisory Panel on Space Vehicles, 10–8 and 10–9–75 42797
National Foundation on the Arts and the Humanities:
Dance Advisory Panel, 10–3, 10–4, and 10–5–75 42798
Federal Graphics Evaluation Advisory Panel, 10–1–75 42798
Science, Technology and Human Values Advisory Committee, 10–8–75 42799
Special Projects Advisory Panel, 10–3, 10–4, and 10–5–75 42798
NRC: Advisory Committee on Reactor Safeguards (2 documents), 10–1 and 10–4–75 ..... 42799, 42803
SBA: District Advisory Councils:
Casper, 10–3–75 42804
Louisville, 10–23 and 10–24–75 42806
Seattle, 10–24–75 42806
USDA/AMS: Raisin Advisory Board, 10–3–75 42763
Justice/Prisons: National Institute of Corrections Advisory Board, 10–6 and 10–7–75 42762

contents

THE PRESIDENT

Proclamations

General Pulaski's Memorial Day 42725
Leif Erikson Day 42727
National School Lunch Week 42729

Executive Orders

Clemency Board, Presidential; termination of board and transfer of certain functions to Attorney General 42731

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Notices

Meetings:
Raisin Advisory Board 42763

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Food and Nutrition Service; Forest Service.

AIR FORCE DEPARTMENT

Notices

Meetings:
USAF Scientific Advisory Board 42762

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Animals destroyed because of Scrapie; correction 42739

CENTER FOR DISEASE CONTROL

Notices

Filing of annual reports by committees; availability 42766

CIVIL AERONAUTICS BOARD

Rules

Travel group charters:
Surety bond and depository agreement 42741

Notices

Hearings, etc.:
Aeroamerica, Inc. et al 42773
Aeronaves de Mexico, S.A. 42770
Domestic night coach fare investigation 42771
International Air Transport Association 42771
McDonnell Douglas Corp 42773
Worldways Airlines, Ltd 42773

V 40 180 SEP 1675 XUM

CONTENTS

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Federal Energy Administration 42734
Health, Education, and Welfare Department 42733
Justice Department 42733
Transportation Department 42734
Non-discrimination in Federal employment; age policy 42734
Political activity of State or local officers or employees; candidates for elective office 42733
Notices
Noncareer executive assignments:
Army Department 42773
Commerce Department 42773

COAST GUARD
Rules
Marine engineering systems and components; correction 42746
Vessel inspection; Convention for Safety of Life at Sea, 1960 42751

COMMERCE DEPARTMENT
See also Domestic and International Business Administration.
Notices
Delegation of authority:
Assistant Secretary for Domestic and International Business 42765
Assistant Secretary for Economic Affairs 42765
Bureau of the Census 42765
Bureau of Economic Analysis 42765
National Oceanic and Atmospheric Administration 42764

CUSTOMS SERVICE
Notices
Countervailing duty petitions:
Screws from Italy 42760

DEFENSE CIVIL PREPAREDNESS AGENCY
Rules
Federally assisted contracts; labor standards; trainees and apprentices 42736

DEFENSE DEPARTMENT
See Air Force Department; Defense Civil Preparedness Agency.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Scientific articles; duty-free entry:
Auburn University, et al.; correction 42764

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Meetings:
Study Group on Field and Laboratory Utilization 42774

ENVIRONMENTAL PROTECTION AGENCY
Rules
Pesticide registration; enforcement of Federal Insecticide, Fungicide, and Rodenticide Act; correction 42746
Proposed Rules
Air quality implementation plans; extension of comment period 42757
Pesticide chemicals in or on raw agricultural commodities tolerances and exemptions:
Methomyl 42757
Notices
Pesticide applicator certification; Iowa state plan 42774
Pesticides, specific exemptions and experimental use permits:
Utah State Department of Agriculture 42775

FARMERS HOME ADMINISTRATION
Rules
Rural housing loans and grants:
Eligibility requirements 42736
Notices
Designation of emergency areas:
South Dakota 42763
Texas 42764

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
AiResearch, model series engines, certain 42740
Boeing 42739
General Electric Co 42741
Hughes 42740
Federal airway, blue 42740
Transition area 42741
Proposed Rules
Area high routes 42756
Exhaust emissions; compliance with EPA standards 42754
Notices
Renewal of committees:
Microwave Landing System Advisory Committee 42770

FEDERAL COMMUNICATIONS COMMISSION
Notices
Table of assignments, diversity of ownership, control and programming; petition to amend rules 42775

FEDERAL ELECTION COMMISSION
Notices
Advisory opinion:
Continuous reporting of campaign debts from 1972 42638
Funding limitations and separate committees for dual candidates 42639

FEDERAL ENERGY ADMINISTRATION
Notices
Meeting:
Transportation Advisory Committee 42779

FEDERAL HIGHWAY ADMINISTRATION
Rules
Right-of-way and environment:
Highway beautification; outdoor advertising control 42841

FEDERAL INSURANCE ADMINISTRATION
Rules
National flood insurance program; map correction:
Kansas (2 documents) 42743
Notices
National flood insurance program; flood elevation determinations:
Bethal, Alaska 42766
Borough of West Reading, Pa. 42768
Fairhaven, Mass 42768
Ladue, Mo 42767
Readstown, Wis 42769

FEDERAL MARITIME COMMISSION
Notices
Agreements filed etc.:
Port Authority of New York and New Jersey 42779
Maher Terminals, Inc., et al.; correction 42779
Application for waiver of statutory requirements:
Ables, Robert J 42779
Freight forwarder licenses:
Alverez Shipping Co., Inc 42779

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Alabama Power Co. (2 documents) 42780
Central Hudson Gas and Electric Corp 42780
Certain producers and pipeline respondents 42780
Chattanooga Gas Co 42784
Cincinnati Gas and Electric Co. 42781
Colorado Interstate Gas Co. (2 documents) 42784, 42786
Columbia Gas Transmission Corp 42786
Dayton Power and Light Co. 42788
Distrigas Corp 42788
Getty Oil Co 42789
Granite State Gas Transmission, Inc 42789
Iowa Southern Utilities Co. 42789
J.M. Huber Corp 42789
Kansas City Power and Light Co 42790
Kansas-Nebraska Natural Gas Company, Inc 42790
Kansas Power and Light Co. 42790
Mobil Oil Corp 42790
Natural Gas Pipeline Company of America 42791
Northern States Power Co. 42792
Northwest Pipeline Corp 42792
Panhandle Eastern Pipe Line Co 42792
Phillips Petroleum Co 42793
Raton Natural Gas Co 42793
Southern California Edison Co. 42793
Texas Gas Transmission Corp. 42794
Trunkline Gas Co 42796
Transcontinental Gas Pipeline Corp 42795

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
Dominion Bankshares Corp. 42796
First Financial Corp 42796
Texarkana National Bancshares, Inc 42797

CONTENTS

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Austral Oil Company, Inc. 42742
Dixilyn Corp 42742
Proposed Rules
Trade regulation rule:
Labeling and advertising of room air conditioners; correction 42757

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Cibola National Wildlife Refuge, Ariz. and Calif. 42747
Swan Lake National Wildlife Refuge, Mo. 42747
Sevilleta National Wildlife Refuge, N. Mex. 42748
Public access, use and recreation:
Upper Mississippi River Wildlife and Fish Refuge in certain states 42748

FOOD AND DRUG ADMINISTRATION
Proposed Rules
Radiological health:
Guideline for use on patients during medical diagnostic x-ray procedures 42749

FOOD AND NUTRITION SERVICE
Rules
School lunch, breakfast, and food stamp programs; establishment of new Regional Office in Waltham, Mass. to serve six New England states 42735

FOREST SERVICE
Notices
Environmental statements; availability:
Horse Creek Administrative-Research Project 42764
Timber Management Plan Revisions for the Medicine Bow National Forest 42764

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration.
Notices
Delegation of authority:
Acting Administrator, New Communities Administration 42770
Secretary of Commerce 42769

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau.
Rules
Personal property management:
Property classification 42746
Procurement by negotiation:
Determination and findings-cost accounting standards; correction 42746

INTERNAL REVENUE SERVICE
Rules
Income tax:
Increase in minimum accumulated earnings credit 42743

INTERSTATE COMMERCE COMMISSION
Notices
Abandonment of service:
Denver and Rio Grande Western Railroad Co. 42809
General rules of practice:
Introduction of new evidence in rebuttal statements 42810
Fourth section application for relief 42809
Hearing assignments 42809
Motor carriers:
Irregular route property carriers; gateway elimination 42810
Temporary authority applications (2 documents) 42830
Transfer proceedings 42829

JUSTICE DEPARTMENT
See also Prisons Bureau.
Rules
Organization; structure and relationships within the department; alteration 42745

LABOR DEPARTMENT
Notices
Adjustment assistance:
Avon Sole Co. 42806
Bendix Corp 42806
Girard Manufacturing Co. 42807
Harrington and Richardson, Inc 42808
Scott and Williams, Inc 42808

LAND MANAGEMENT BUREAU
Notices
Applications, etc.:
New Mexico (2 documents) 42763
Wyoming (2 documents) 42763

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Meeting:
Research and Technology Advisory Council on Space Vehicles 42797

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
Notices
Meeting:
Dance Advisory Panel 42798
Federal Graphics Evaluation Advisory Panel 42798
Science, Technology and Human Values Advisory Committee 42799
Special Projects Advisory Panel 42798

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Rules
Motor vehicle safety standards, Federal:
Interior materials; flammability of 42746
Proposed Rules
Motor vehicle safety standards, Federal: Interior materials, flammability of; test procedures 42756

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Consolidated Edison Company of New York 42800
Consumers Power Co. 42800
Philadelphia Electric Co. 42800
Toledo Edison Co., et al. 42800
Virginia Electric and Power Co. (2 documents) 42801, 42803
Meetings:
Advisory Committee on Reactor Safeguards 42799
Advisory Committee on Reactor Safeguards Subcommittee on Inspection and Enforcement Activities 42803
Environmental statement:
Handling and storage of spent light water power reactor fuel 42801
Regulatory guides; issuance and availability, correction 42799

PRISONS BUREAU
Notices
Meeting:
National Institute of Corrections Advisory Board 42762

SECURITIES AND EXCHANGE COMMISSION
Proposed Rules
Contractual Plan; reserve requirements 42757
Notices
Hearings, etc.:
American Solar Energy Corp. 42803
Intermountain Stock Exchange 42804

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
Commercial Investment Resources, Inc. 42804
Devonshire Capital Corp. 42805
Meetings:
Casper District Advisory Council 42804
Louisville District Advisory Council 42806
Seattle District Advisory Council 42806

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See also Customs Service; Internal Revenue Service.
Notices
Income tax treaty; United States and Tunisia 42760
Treasury notes:
Series G-1978 42761
Series M-1977 42760

V40I180 SEP1675 XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR
11803 (Amended by EO 11878) ... 42731
PROCLAMATIONS:
4391 ... 42725
4392 ... 42727
4393 ... 42729
EXECUTIVE ORDERS
11878 ... 42731

5 CFR
151 ... 42733
213 (4 documents) ... 42733–42734
338 ... 42734
410 ... 42734
752 ... 42734
772 ... 42734

7 CFR
210 ... 42735
215 ... 42735
220 ... 42735
225 ... 42735
246 ... 42735
250 ... 42735
270 ... 42736
1822 ... 42736

9 CFR
54 ... 42739

14 CFR
39 (4 documents) ... 42739, 42741
71 (2 documents) ... 42740, 42741
372a ... 42741

14 CFR—Continued
PROPOSED RULES:
75 ... 42756
Ch. I ... 42754

16 CFR
13 (2 documents) ... 42742
PROPOSED RULES:
445 ... 42757

17 CFR
PROPOSED RULES:
270 ... 42757

21 CFR
PROPOSED RULES:
1000 ... 42749

23 CFR
750 ... 42842

24 CFR
1920 (2 documents) ... 42743

26 CFR
1 ... 42743

28 CFR
0 ... 42745

32 CFR
1808 ... 42736

40 CFR
162 ... 42746
PROPOSED RULES:
52 ... 42757
180 ... 42757

41 CFR
14–3 ... 42746
114–60 ... 42746

46 CFR
Ch. I ... 42746
PROPOSED RULES:
32 ... 42751
35 ... 42751
77 ... 42751
78 ... 42751
96 ... 42751
167 ... 42751
184 ... 42751
185 ... 42751
195 ... 42751
196 ... 42751

49 CFR
571 ... 42746
PROPOSED RULES:
571 ... 42756

50 CFR
28 ... 42748
32 (3 documents) ... 42747, 42748

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR
410 ... 42306

3 CFR
PROCLAMATIONS:
4385 ... 41989
4386 ... 41991
4387 ... 42165
4388 ... 42167
4389 ... 42169
4390 ... 42315
4391 ... 42725
4392 ... 42727
4393 ... 42729
EXECUTIVE ORDERS:
April 18, 1908 (Revoked in part by PLO 5528) ... 42362
July 2, 1910 (Revoked in part by PLO 5512) ... 40162
(Revoked in part by PLO 5517) ... 40814
1959 (Revoked in part by PLO 5515) ... 40811
7594 (Revoked in part by PLO 5515) ... 40811
7595 (Revoked in part by PLO 5515) ... 40811
11803 (Amended by EO 11878) ... 42731
11861 (Amended by EO 11877) ... 40797
11864 (Superseded by EO 11877) ... 40797
11876 ... 40501
11877 ... 40797
11878 ... 42731
MEMORANDUMS:
Memorandum of August 17, 1975 ... 40139

4 CFR
PROPOSED RULES:
410 ... 41801

5 CFR
151 ... 42733
213 ... 41755, 41993, 42427, 42733–42734
338 ... 42734
410 ... 42734
752 ... 42734
772 ... 42734

7 CFR
2 ... 41085, 41993
25 ... 42171
25A ... 42171
29 ... 42527
210 ... 42735
215 ... 42735
220 ... 42735
225 ... 42735
246 ... 42735
250 ... 42735
270 ... 42736
354 ... 41513
725 ... 41513
905 ... 42317, 42318
908 ... 40505, 40815, 41855, 42171
910 ... 41086, 42319
915 ... 41993
919 ... 41994
932 ... 41994
944 ... 42529
945 ... 42530
946 ... 42530
989 ... 40141
993 ... 42530
1421 ... 41087
1434 ... 41087

7 CFR—Continued
1801 ... 42178
1822 ... 42178, 42736
1832 ... 42320
1842 ... 42179
1843 ... 42179
PROPOSED RULES:
1 ... 40849
51 ... 40522
201 ... 40524
910 ... 40528
927 ... 42023
931 ... 40170
948 ... 40528
982 ... 40836
989 ... 40842
1046 ... 40843, 42023
1430 ... 42364
1464 ... 41530

8 CFR
341 ... 42532

9 CFR
54 ... 40505, 42739
73 ... 42179
78 ... 41516
91 ... 40506
112 ... 41994
113 ... 41088, 41994
381 ... 42337
PROPOSED RULES:
113 ... 41139
317 ... 41139
319 ... 41139

10 CFR
20 ... 42557
37 ... 42558
50 ... 40816
73 ... 42558
204 ... 42338
206 ... 40141
210 ... 40818
211 ... 40821
212 ... 40142, 40818, 40821, 40824
213 ... 40143
RULINGS:
1975–9 ... 40826
1975–10 ... 40826
1975–11 ... 40827
1975–12 ... 40828
1975–13 ... 40831
1975–14 ... 40833
1975–15 ... 40832
1975–16 ... 40834
PROPOSED RULES:
206 ... 42448
213 ... 42578

11 CFR
Ch. I ... 40668
PROPOSED RULES:
113 ... 41932

12 CFR
213 ... 40506
215 ... 40506
523 ... 41755, 41996
545 ... 41756
563 ... 41997
603 ... 40454

12 CFR—Continued
701 ... 41090
703 ... 41997
760 ... 41998
PROPOSED RULES:
9 ... 40859
202 ... 42030
208 ... 40857
337 ... 40548, 41530
341 ... 40856
561 ... 42371
563 ... 42371
564 ... 42371
569a ... 42371
571 ... 42371

13 CFR
123 ... 42180

14 CFR
37 ... 42183
39 ... 41090–41092, 41519, 42180, 42339, 42739, 42741
71 ... 41520, 41998, 42180, 42340–42342, 42740, 42741
73 ... 41092
95 ... 42181
97 ... 41092, 42342
121 ... 42183, 42185
171 ... 41093
372a ... 42741
378a ... 41093
PROPOSED RULES:
Ch. I ... 42754
39 ... 41143, 41537, 42023
67 ... 42024
71 ... 42025, 42364–42366
75 ... 42756
385 ... 40816

15 CFR
371 ... 40807
377 ... 40807
903 ... 41698
PROPOSED RULES:
80 ... 42209

16 CFR
4 ... 40780
13 ... 40143–40154, 40508, 41071–41081, 41756–41758, 42201–42203, 42742
259 ... 42003
1116 ... 42004
PROPOSED RULES:
445 ... 42757
453 ... 42212, 42371
454 ... 41144
1014 ... 42025
1207 ... 42562

17 CFR
17 ... 41117
18 ... 41117
146 ... 41056
200 ... 40512
201 ... 42186
240 ... 40512, 41520, 42343
249 ... 40512, 41521
270 ... 41759

V 40 I 180 SEP 16 75 XUM

17 CFR—Continued
PROPOSED RULES:
210 ... 40550
230 ... 40555
231 ... 42212
239 ... 42212
240 ... 40558, 41808, 42212, 42219
241 ... 42212
249 ... 40858
259 ... 42212
270 ... 40555, 41818, 42757

18 CFR
1 ... 42005
2 ... 41760, 42005
157 ... 41769
PROPOSED RULES:
35 ... 42029
154 ... 41539
157 ... 41539
201 ... 41539
260 ... 41539

19 CFR
112 ... 41084
148 ... 41084
PROPOSED RULES:
12 ... 41118
201 ... 40173
210 ... 40173

20 CFR
200 ... 41084
260 ... 41084
405 ... 42006
PROPOSED RULES:
405 ... 40171, 40527, 40850

21 CFR
Ch. I ... 40520
121 ... 40799, 41085
123 ... 42343
431 ... 41522
436 ... 41522
449 ... 41523
452 ... 41773
510 ... 42007
522 ... 42007
540 ... 42007
556 ... 41085
561 ... 41773, 42343
1010 ... 40800
1040 ... 40800
PROPOSED RULES:
1 ... 40682
2 ... 40682
5 ... 40682
6 ... 40682
8 ... 40682
10 ... 40682
11 ... 40682
80 ... 40682
90 ... 40682
100 ... 40682
102 ... 40682
121 ... 40529, 40682, 41797
202 ... 40682
310 ... 40682
312 ... 40682
314 ... 40682
328 ... 40682
330 ... 40682
429 ... 40682
430 ... 40682
431 ... 40682

21 CFR—Continued
PROPOSED RULES—Continued
433 ... 40682
511 ... 40682
514 ... 40682
601 ... 40682
640 ... 41793
701 ... 40682
1000 ... 42749
1003 ... 40682
1004 ... 40682
1210 ... 40682

22 CFR
42 ... 42532
PROPOSED RULES:
6a ... 40456

23 CFR
470 ... 42344
658 ... 41774, 42186
710 ... 41523
750 ... 42842

24 CFR
280 ... 42061, 42007
570 ... 41509, 42347
888 ... 40513
1914 ... 41509, 42009
1915 ... 41510, 42553
1916 ... 42348, 42349
1917 ... 41108–41115, 42349
1920 ... 41115, 41116, 42557, 42743
PROPOSED RULES:
406 ... 42560

25 CFR
PROPOSED RULES:
33 ... 40982
43h ... 42020
401 ... 40982
402 ... 40982
403 ... 40982
404 ... 40982
405 ... 40982
406 ... 42560
407 ... 40982

26 CFR
1 ... 42743
31 ... 42349
PROPOSED RULES:
1 ... 41118

28 CFR
0 ... 42745
2 ... 41328

29 CFR
570 ... 40800
1952 ... 40155–40157
2530 ... 41654
2604 ... 42533
PROPOSED RULES:
603 ... 40537
608 ... 40537
609 ... 40537
687 ... 40537
1910 ... 40170, 40849, 41530, 41797
1915 ... 41530
1916 ... 41530
1917 ... 41530
1918 ... 41530
1926 ... 40170, 41530
1952 ... 41148

30 CFR
77 ... 41775
PROPOSED RULES:
211 ... 41122
216 ... 41122
250 ... 42559

32 CFR
197 ... 42186
1808 ... 42736
PROPOSED RULES:
1814 ... 42444
2102 ... 40792

33 CFR
117 ... 41524, 42189
155 ... 42189
265 ... 42652
266 ... 42654
PROPOSED RULES:
1 ... 42210
117 ... 41537
305 ... 41636

35 CFR
PROPOSED RULES:
10 ... 40485

36 CFR
901 ... 41524
1000 ... 40802
PROPOSED RULES:
7 ... 41138, 42364
903 ... 41530

38 CFR
4 ... 42535
36 ... 42190
PROPOSED RULES:
3 ... 41540, 42578

39 CFR
111 ... 42541

40 CFR
52 ... 40158–40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42542
60 ... 42194
61 ... 42195
162 ... 41788, 42746
180 ... 40161, 42357
230 ... 41292
435 ... 42543
PROPOSED RULES:
16 ... 40792
35 ... 41644
52 ... 40172, 40854–40856, 42211, 42368, 42369, 42757
60 ... 42028
126 ... 41649
142 ... 40538
162 ... 40538
172 ... 40545
180 ... 41538, 42757
430 ... 41298
435 ... 42572

41 CFR
8–2 ... 40803
8–3 ... 40803
14–3 ... 40517, 42746

41 CFR—Continued
101–26 ... 41093
101–35 ... 42358
101–38 ... 42358
101–43 ... 42361
101–44 ... 42361
114–42 ... 40517
114–60 ... 42746
PROPOSED RULES:
3–4 ... 42673
14H–70 ... 41025
51–8 ... 42444
60–5 ... 41149

42 CFR
110 ... 41095
PROPOSED RULES:
36 ... 42658

43 CFR
PUBLIC LAND ORDERS:
2249 (Revoked in part by PLO 5515) ... 40811
4089 (Revoked in part by PLO 5515) ... 40811
4148 (Revoked in part by PLO 5515) ... 40811
4643 (Revoked in part by PLO 5511) ... 40162
4889 (Revoked in part by PLO 5515) ... 40811
5175 (Amended by PLO 5519) ... 40814
5180 (Amended by PLO 5519) ... 40814
5191 (Amended by PLO 5519) ... 40814
5394 (Amended by PLO 5519) ... 40814
5418 (See PLO 5519) ... 40814
5438 (Amended by PLO 5519) ... 40814
5511 ... 40162
5512 ... 40162
5513 ... 40162
5514 ... 40811
5515 ... 40811
5516 ... 40814
5517 ... 40814
5518 ... 40814
5519 ... 40814
5520 ... 40815
5521 ... 40815
5522 ... 41096
5523 ... 41095
5524 ... 41095
5525 ... 41794
5526 ... 42195
5527 ... 42362
5528 ... 42362
5529 ... 42551
5530 ... 42551
5531 ... 42553
5532 ... 42551
5533 ... 42551
5534 ... 42552

43 CFR—Continued
5535 ... 42551
5536 ... 42553
PROPOSED RULES:
4 ... 42020
23 ... 41122
3040 ... 41122

45 CFR
30 ... 40162
46 ... 40163
100 ... 41795
101 ... 41795
169 ... 40518
250 ... 42013
1208 ... 40805
1600 ... 42362
PROPOSED RULES:
56 ... 41140
160a ... 41670
233 ... 41143
249 ... 42560
706 ... 40783
1115 ... 42457
1602 ... 42374

46 CFR
Ch. I ... 42195, 42746
32 ... 40163
35 ... 40163
50 ... 40163
52 ... 40163
53 ... 40163
54 ... 40163
56 ... 40164
58 ... 40168
63 ... 40169
146 ... 41795
410 ... 41526
402 ... 41526
PROPOSED RULES:
32 ... 42751
35 ... 42751
77 ... 42751
78 ... 42751
96 ... 42751
167 ... 42751
184 ... 42751
185 ... 42751
195 ... 42751
196 ... 42751

47 CFR
2 ... 40810
74 ... 40810
91 ... 40169
PROPOSED RULES:
2 ... 42028, 42577
73 ... 40172, 42028, 42369, 42577, 42578
89 ... 42577
91 ... 42028, 42577

49 CFR
25 ... 41040
171 ... 41527
172 ... 41527
173 ... 41527
174 ... 41527
175 ... 41527
177 ... 41527
178 ... 41527
325 ... 42432
385 ... 40810
Ch. V ... 41796, 42013
552 ... 42013
553 ... 42015
555 ... 42015
571 ... 42746
1033 ... 40518, 40519
1037 ... 42221
1134 ... 42343
1306 ... 40518
1320 ... 41528
1322 ... 41528
PROPOSED RULES:
102 ... 41537
107 ... 41537
170 ... 41537
171 ... 40171, 40853, 40854, 41537
172 ... 41537
173 ... 41537
174 ... 41537
175 ... 41537
176 ... 41537
177 ... 41537
178 ... 41537
179 ... 41537
180 ... 41537
181 ... 41537
182 ... 41537
183 ... 41537
184 ... 41537
185 ... 41537
186 ... 41537
187 ... 41537
188 ... 41537
189 ... 41537
571 ... 40537, 40853, 42756
583 ... 42366
1037 ... 42221
1106 ... 42578
1106 ... 41153, 40854
1307 ... 42033

50 CFR
20 ... 41096, 42015
28 ... 41105, 42017, 42195, 42748
32 ... 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748
PROPOSED RULES:
17 ... 40521
216 ... 41531, 42210
501 ... 41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16

V 40 180 SEP 1675 XUM

presidential documents

Title 3—The President

PROCLAMATION 4391

General Pulaski's Memorial Day, 1975

By the President of the United States of America

A Proclamation

One hundred and ninety-six years ago, Casimir Pulaski, a Polish patriot in exile, gave his life in the struggle for American independence.

General Pulaski came to the United States in 1777, when barely 30 years of age, to join George Washington's Revolutionary Army. He served with great distinction at Brandywine and was promoted by the Continental Congress to the rank of Brigadier General. He commanded a cavalry division and later organized an independent corps of cavalry and light infantry which won acclaim as Pulaski's Legion. In October, 1779, during the Battle of Savannah, he was mortally wounded while leading his cavalry unit in a daring charge.

It is appropriate to commemorate General Pulaski's heroic sacrifice in the cause of freedom.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Saturday, October 11, 1975, as General Pulaski's Memorial Day, and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to observe the day with appropriate ceremonies in honor of the memory of General Pulaski and his dedication to the defense of liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two-hundredth.

Gerald R. Ford

[FR Doc.75-24811 Filed 9-15-75;10:58 am]

V 40 180 SEP 16 75 XUM

PROCLAMATION 4392

Leif Erikson Day, 1975

By the President of the United States of America

A Proclamation

The United States has been fortunate in the two hundred years of its independence to welcome friendly visitors from all over the earth. Many of those newcomers came to stay and to help make our land the free and prosperous nation that it is today. Many others visited our shores in earlier centuries, among them the daring Norse explorer, Leif Erikson, and, his intrepid crew.

The spirit of adventure and search for new horizons which brought Leif Erikson to this continent has led succeeding generations of Americans to the greatest of accomplishments. In honoring this great Norwegian, we honor all those who came to our land and enriched the history of the United States.

In a joint resolution approved September 2, 1964 (78 Stat. 849, 36 U.S.C. 169c), the Congress authorized the President to proclaim October 9 in each year as Leif Erikson Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Thursday, October 9, 1975, as Leif Erikson Day, and I call upon appropriate Government officials to display the flag of the United States on Government buildings that day.

I also call upon the people of the United States to hold appropriate ceremonies in honor of the memory of Leif Erikson on that day, and to take this opportunity to renew their knowledge of the early history of our continent.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-24812 Filed 9-15-75;10:59 am]

V 40 180 SEP 16 75 XUM

PROCLAMATION 4393

National School Lunch Week, 1975

By the President of the United States of America

A Proclamation

The success of the National School Lunch Program—now in its 29th year—reaffirms those qualities which we, as a people, have exhibited for the past 200 years.

Our awareness, our concern, our willingness to work together for a common good have preserved and enriched this Nation. Today, these same qualities are ensuring the health and well-being of our country's children and youth.

The National School Lunch Program is a product of the awareness and cooperation of parents, teachers and civic groups. It is also an outstanding example of cooperation between people at Federal, State and local levels.

Recognizing the importance of their activities and the good which this program does our Nation, Congress, by a joint resolution of October 9, 1962 (76 Stat. 779, 36 U.S.C. 168), designated the week beginning the second Sunday in October each year as National School Lunch Week. The President has been requested to annually issue a proclamation calling for observance of that week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby urge the people of the United States to observe the week of October 12, 1975, as National School Lunch Week and to give special attention to activities which will focus on good nutrition for our young people.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-24813 Filed 9-15-75;11:00 am]

V 40 180 SEP 1675 XUM

Executive Order 11878 • September 10, 1975

Assigning Responsibilities Relating to Activities of the Presidential Clemency Board

By virtue of the authority vested in me by the Constitution of the United States of America, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. Section 9 of Executive Order No. 11803 of September 16, 1974, as amended, is amended to read:

"The Board shall submit its final recommendations to the President not later than September 15, 1975, at which time it shall cease to exist."

SEC. 2. Any applications for Executive clemency, as to which the Presidential Clemency Board (established by Executive Order No. 11803) has not taken final action shall be transferred, together with the files related thereto, to the Attorney General.

SEC. 3. The Attorney General, with respect to the applications and related files transferred to him by Section 2 of this Order, shall take all actions appropriate or necessary to complete the clemency process and shall expeditiously report to the President his findings and recommendations as to whether Executive clemency should be granted or denied in any case. In performing his responsibilities under this Order, the Attorney General shall apply the relevant criteria and comply with the appropriate and applicable instructions and procedures established by Executive Order No. 11803 of September 16, 1974, as amended, Proclamation No. 4313 of September 16, 1974, as amended, Executive Order No. 11804 of September 16, 1974, and, to the extent that he deems appropriate, the regulations of the Presidential Clemency Board and the Selective Service System issued pursuant to the foregoing Executive orders.

SEC. 4. The Director of the Office of Management and Budget is hereby designated and empowered to take such action as he deems necessary to ensure the orderly and prompt termination of the activities of the Presidential Clemency Board and the assignment of responsibilities directed by this Order.

SEC. 5. Departments and agencies in the Executive branch shall, to the extent permitted by law, cooperate with and assist the Attorney General, the Director of the Selective Service and the Director of the Office of Management and Budget in the performance of their responsibilities under this Order.

SEC. 6. The responsibilities assigned under this Order are to be completed no later than March 31, 1976, at which time the Attorney General shall submit his final recommendations to the President.

Gerald R. Ford

THE WHITE HOUSE,
September 10, 1975.

[FR Doc.75-24810 Filed 9-15-75;10:57 am]

V 40 180 SEP 16 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 151—POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

Candidate for Elective Office

On January 29, 1975, a document was published in the FEDERAL REGISTER (40 FR 4267) proposing to amend and revise §§ 151.101 through 151.122 and delete § 151.123 of Part 151. The purposes of the proposed revision were to delete as prohibited activities those activities which were previously included within the terms "political management" and "political campaigns" and to interpret the phrase "be a candidate for elective office." All comments with respect to the proposed revision, which uniformly suggested exclusion of political party office from the definition of "Elective office", were given due consideration.

As a result of comments received, from Members of Congress with respect to the Congressional intent and also from union officials and political party representatives, the following changes in the revised rules are made:

1. The definition of "Elective office" which appears at § 151.101(i) is rewritten to exclude political party office.

2. Candidacy for political party office is added as a permissible activity at § 151.111.

3. Candidacy for political party office is deleted as a prohibited activity in § 151.121(c).

4. Candidacy for various political party offices is added at § 151.122(f) as an exception to the general prohibition against candidacy for elective office.

Accordingly Part 151 of Title 5 CFR is amended by revising §§ 151.101 through 151.122 and deleting § 151.123 as set forth below.

Effective date. This regulation shall become effective for all activity taking place on or after January 1, 1975.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

GENERAL PROVISIONS

Sec.
151.101 Definitions.

PERMISSIBLE ACTIVITIES

151.111 Permissible Activities.

PROHIBITED ACTIVITIES

151.121 Use of official authority; coercion; candidacy; prohibitions.
151.122 Candidacy; exceptions.

AUTHORITY: The provisions of this Part 151 are issued under 5 U.S.C. 1302, 1501–1508, as amended.

GENERAL PROVISIONS

§ 151.101 Definitions.

In this part:

(a) "State" means a State or territory or possession of the United States;

(b) "State or local agency" means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(c) "Federal agency" means an executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

(d) "State or local officer or employee" means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency but does not include—

(1) An individual who exercises no functions in connection with that activity;

(2) An individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

(e) "Political party" means a National political party, a State political party, and an affiliated organization;

(f) "Election" includes a primary, special, and general election.

(g) "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(h) "Partisan" when used as an adjective refers to a political party.

(i) "Elective office" means any office which is voted upon at an election as defined at § 151.101(f), above, but does not include political party office.

§ 151.111 Permissible activities.

(a) All State or local officers or employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this part. A State or local officer or employee may participate in all political activity not specifically restricted by law and this part, including candidacy for office in a nonpartisan election, and candidacy for political party office.

§ 151.121 Use of official authority; coercion; candidacy; prohibitions.

A State or local officer or employee may not—

(a) Use his official authority of influence for the purpose of interfering with or affecting the result of an election or a nomination for office; or

(b) Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose.

(c) Be a candidate for elective public office in a partisan election.

§ 151.122 Candidacy; exceptions.

Sections 151.121(c) does not apply to—

(a) The Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(b) The Mayor of a city;

(c) A duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil service system;

(d) An individual holding elective office; or

(e) Activity in connection with a nonpartisan election; or

(f) Candidacy for a position of officer of a political party convention member of a National, State or local committee of a political party, or any similar position.

[FR Doc.75-24501 Filed 9-15-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Confidential Assistant (Private Secretary) to the Assistant Attorney General is reestablished under Schedule C.

Effective on September 16, 1975, § 213.3310(f)(1) is amended as set out below:

§ 213.3310 Department of Justice.

* * * * * *

(f) *Criminal Division.* (1) One Confidential Assistant (Private Secretary) to the Assistant Attorney General.

* * * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-24594 Filed 9-15-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Receptionist (Typing) is excepted under Schedule C.

Effective on September 16, 1975, § 213.3316(a)(20) is added as set out below:

V 40 180 SEP 1675 XUM

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(20) One Receptionist (Typing) to the Secretary.

• • • • •

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-24593 Filed 9-15-75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Executive Assistant to the Assistant Administrator for Policy and Analysis is excepted under Schedule C.

Effective on September 16, 1975, § 213.3388(k) is added as set out below:

§ 213.3388 Federal Energy Administration.

• • • • •

(k) *Office of the Assistant Administrator for Policy and Analysis.* (1) One Executive Assistant to the Assistant Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp, p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-24592 Filed 9-15-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Director, Materials Transportation Bureau, is exeepted under Schedule C.

Effective on September 16, 1975, § 213.3394(a)(8) is added as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(8) Director, Materials Transportation Bureau.

• • • • •

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-24595 Filed 9-15-75;8:45 am]

FEDERAL EMPLOYMENT

Age Discrimination

Parts 338, 410, 752, and 772, are amended to reflect the policy of nondiscrimination in Federal employment as required by the Age Discrimination in Employment Act of 1967 as amended by Pub. L. 93–259. Specifically, (1) Part 338 is amended to conform with section 3307 of 5 U.S.C. regarding maximum-age requirements in certain occupations and to implement age discrimination provisions in Pub. L. 93–259. (2) Part 410 is revised by adding "age" as one of the factors which may not be used in the selection and assignment of trainees. (3) Part 752 is revised to add discrimination on account of "age" as one of the factors which an agency may not use as a basis for taking an adverse action against an employee, and to add "age" as one of the matters the Commission will review on an appeal of a suspension of an employee. (4) Part 772 is revised to add "age" as one of the reasons on which allegations of discrimination may be based by employees in connection with an appeal to the Commission of an agency's action.

PART 338—QUALIFICATION REQUIREMENTS (GENERAL)

(1) Section 338.601 is amended as set out below.

§ 338.601 Prohibition of maximum-age requirements.

A maximum-age requirement may not be applied in either competitive or noncompetitive examinations for positions in the competitive service except as provided by:

(a) Section 3307 of title 5, United States Code; or

(b) Pub. L. 93–259 which authorizes the Commission to establish a maximum-age requirement after determining that age is an occupational qualification necessary to the performance of the duties of the position.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218)

PART 410—TRAINING

(2) Section 410.302(c) is amended as set out below.

§ 410.302 Selection and assignment of trainees.

• • • • •

(c) The head of an agency shall prescribe such procedures as are necessary to assure that the selection of employees for training is made without regard to race, color, religion, sex, national origin, age, or other factors unrelated to the need for training.

(5 U.S.C. 4118; E.O. 11348, 3 CFR 1967 Comp., p. 275)

PART 752—ADVERSE ACTIONS BY AGENCIES

(3) Section 752.104(c) was inadvertently omitted when § 752.1104 was revised because of the Revision of the Appeals System, FR Doc. 74–20774, September 9, 1974 page 32541. This section and § 752.304(b)(2) are amended as set out below.

§ 752.104 General standards.

• • • • •

(c) An agency may not take an adverse action against an employee covered by this part that is based on discrimination because of race, color, religion, sex, national origin, or age, or for physical handicap with respect to any position the duties of which may be efficiently performed by a person with the physical handicap.

• • • • •

§ 752.304 Appeal rights to the Commission.

• • • • •

(b) *Scope of review.* • • •

(2) When an employee alleges that a suspension was taken as a result of discrimination on grounds of race, color, religion, sex, or national origin, or because of age: *Provided,* That the employee was at least 40 years of age but less than 65 years of age, the Commission refers the allegation of discrimination to the agency for investigation of that issue and a report thereon to the Commission.

(5 U.S.C. 1302, 3301, 3302, 7701; E.O. 10577, 3 CFR, 1954–58 Comp., p. 218; E.O. 11491, 3 CFR, 1966–1970 Comp., p. 861)

PART 772—APPEALS TO THE COMMISSION

(4) The first paragraph of § 772.306(a) is amended as set out below.

§ 772.306 Allegations of discrimination.

(a) Except as provided in paragraph (e) of this section, when an employee makes a timely allegation in writing in connection with an appeal under this subpart that the agency's action was based in whole or in part on discrimination because of race, color, religion, sex, or national origin, or because of age: *Provided,* That at the time of the action the employee was at least 40 years of age but less than 65 years of age, the Appeals Authority shall determine whether the appellant has been informed by the agency of his right to proceed under this subpart or under Part 713 of this chapter and of the scope of the review provided in each procedure. If the appellant has not been informed of the separate rights of appeal, the Appeals Authority shall refer the matter to the agency so the agency may explain the alternate rights of appeal to the appellant as provided in § 713.236 of Part 713 of this chapter and afford him the opportunity, if appropriate, to elect which avenue of appeal he wishes to pursue.

• • • • •

(5 U.S.C. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218; E.O. 11491, 3 CFR, 1966–70 Comp., p. 803)

Effective date: August 26, 1975.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Director to the Commissioners.

[FR Doc.75-24590 Filed 9-15-75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SCHOOL LUNCH PROGRAM AND FOOD STAMP PROGRAM

On July 2, 1975, the Department approved the establishment of a new FNS Regional Office in Waltham, Massachusetts to serve the six New England States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, beginning September 1, 1975.

This region, designated the "New England Region", conforms to the boundary of Region I established by the Federal Regional Councils. Currently this region as well as Federal Regions II and III are served by the Northeast FNS Regional Office (to be redesignated the "Mid-Atlantic FNS Regional Office" effective September 1) located in Princeton, New Jersey.

In addition to reducing the unusual heavy workload of the Princeton Office (which handles about 30 percent of the national FNS workload activities) the new regional office will enable both offices to more effectively serve the States in their respective regions through greater concentrated effort and cooperation, provide proportionately more technical assistance and be more responsive to specific regional, State and local problems.

The purpose of the amendments, herein, to the regulations governing the National School Lunch Program (7 CFR Part 210), the Special Milk Program for Children (7 CFR Part 215), the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses (7 CFR Part 220), the Special Food Service Program for Children (7 CFR Part 225), the Special Supplemental Food Program for Women, Infants and Children (7 CFR Part 246), the Donation of Foods for Use in United States, Its Territories and Possessions and Areas Under Its Jurisdiction (7 CFR Part 250), and the Food Stamp Program (7 CFR Part 270), is to (1) reflect the new administrative boundaries of the two affected FNS Regional Offices, and (2) to provide the name and address of the new FNS Regional Office.

Since the amendments are technical in nature and are nonsubstantive with respect to program requirements or benefits to the States, local entities and individuals, it is impracticable, unnecessary and not in the public interest to follow the proposed rulemaking and public participation procedure. Accordingly, the above-cited regulations are amended as follows:

[Amdt. 20]

SUBCHAPTER A—NATIONAL SCHOOL LUNCH PROGRAM

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.20, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 210.20 Program information.

• • • • • •

(a) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

• • • • • •

(f) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services)

[Amdt. 14]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

2. In § 215.16, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 215.16 Program information.

• • • • • •

(a) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

• • • • • •

(f) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services)

[Amdt. 24]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

3. In § 220.29, paragraph (a) is revised and a new paragraph (f) is added to read as follows:

§ 220.29 Program information.

• • • • • •

(a) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

• • • • • •

(f) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services)

[Amdt. 2]

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

5. In § 246.16(c), subparagraph (1) is revised and a new subparagraph (6) is added to read as follows:

§ 246.16 Miscellaneous.

• • • • • •

(c) • • •

(1) Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: U.S. Department of Agriculture, FNS, Mid-Atlantic Region, 729 Alexander Road, Princeton, New Jersey 08540.

• • • • • •

(6) Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: U.S. Department of Agriculture, FNS, New England Region, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

• • • • • •

(Catalog of Federal Domestic Assistance Program No. 10.557, National Archives Reference Services)

[Amdt. 30]

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

PART 250—DONATION OF FOOD FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

6. In § 250.11, the paragraph pertaining to the Northeast Region is revised and a new paragraph following the para-

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graph pertaining to the Western Region is added to read as follows:

§ 250.11 Where to obtain information.

• • • • •

Mid-Atlantic Region, Food and Nutrition Service, USDA, 729 Alexander Road, Princeton, New Jersey 08540, for the following States: Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia.

• • • • •

New England Region, Food and Nutrition Service, USDA, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154, for the following States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Services)

[Amdt. 69]

SUBCHAPTER C—FOOD STAMP PROGRAM

PART 270—GENERAL INFORMATION AND DEFINITIONS

7. In § 270.5(b), subparagraph (1) is revised and a new subparagraph (6) is added to read as follows:

§ 270.5 Miscellaneous provisions.

• • • • •

(b) • • •

(1) For project areas in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 729 Alexander Road, Princeton, New Jersey 08540.

• • • • •

(6) For project areas in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, Waltham Federal Center, Building 138, 424 Trapelo Road, Waltham, Massachusetts 02154.

• • • • •

(Catalog of Federal Domestic Assistance Program No. 10.551, National Archives Reference Services)

Effective date. These amendments shall become effective on September 1, 1975.

Dated: September 10, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-24575 Filed 9-15-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

ELIGIBILITY REQUIREMENTS; REVISION

Section 1822.4(c) of Subpart A of Part 1822 of Title 7, Code of Federal Regulations (39 FR 44993) is revised to broaden eligibility requirements for section 502 Rural Housing loans to include persons admitted to the United States under indefinite parole.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is being published without prior notice of proposed rulemaking because such notice would delay the provision of needed housing to those Indochinese refugees admitted to the United States on indefinite parole and would be contrary to the public interest.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data, or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before October 16, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this section as revised will remain effective until it is further amended.

As revised, § 1822.4(c) reads as follows:

§ 1822.4 Eligibility requirements.

• • • • •

(c) Be a natural person (individual) who is a citizen of the United States or resides in the United States after being legally admitted for permanent residence or on indefinite parole. Applicants other than United States citizens must provide information and verify that they are legally in the country as permanent residents or on indefinite parole. The County Supervisor must further authenticate such information through the Immigration and Naturalization Service.

• • • • •

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR, 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date. This revision shall become effective on September 16, 1975.

Dated: September 10, 1975.

Inflation impact statement. (It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.)

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-24573 Filed 9-15-75;8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY, DEPARTMENT OF DEFENSE

PART 1808—LABOR STANDARDS FOR FEDERALLY ASSISTED CONSTRUCTION CONTRACTS

Trainees and Apprentices

On July 21, 1975 (following notice, extended time for comments, and analysis thereof), the Department of Labor published in the FEDERAL REGISTER (40 FR 30480) amendments to 29 CFR Part 5, and a revocation of 29 CFR Part 5a, which pertains to trainees and apprentices. The principal effect is to eliminate the mandatory use of apprentices and trainees, but to permit their use under an approved plan. Included were amendments to § 5.5 "Contract provisions and related matters," and § 5.6 "Enforcement." Inasmuch as any Federally assisted construction contract which is not exempt must contain the clauses as prescribed by the Department of Labor, it is necessary to amend 32 CFR Part 1808. In addition § 1808.7 "Certification of compliance" is being amended to include the requirement prescribed in 29 CFR 5.6(a)(1) for receipt by DCPA of a certification of compliance prior to making any advance or payment after construction has begun. To date DCPA has met its responsibility in this regard through its procedural requirements. Inasmuch as the amendments are necessary in order that Part 1808 will conform to the requirements of 29 CFR Part 5, it is hereby found that notice and public comment, including advance consultation with heads of State and local governments, are unnecessary.

Part 1808 of Title 32 of the Code of Federal Regulations is amended as follows:

§ 1808.1 [Amended]

1. Section 1808.1 is amended to substitute "29 CFR Part 5" in place of "29 CFR Parts 5 and 5a," wherever appearing.

2. Paragraph (a) of § 1808.3 is revised to read as follows:

§ 1808.3 Contract award requirements.

(a) The requirement that the State include, verbatim, in each contract involving construction work in excess of $2,000 and cause to be included, verbatim, in each subcontract thereunder, the provisions prescribed in § 1808.4 and cause to be attached the applicable wage determination decision of the Secretary of Labor.

• • • • •

3. Section 1808.4 is revised to read as follows:

§ 1808.4 Contract provisions.

Each contract involving construction work in excess of $2,000 and all subcontracts thereunder shall include as a part thereof the following labor standards provisions, in completed form, verbatim:

(a) *Minimum wages.* (1) All mechanics and laborers employed by the contractor or subcontractor in the performance of construction work hereunder will be paid unconditionally and not less than once a week and without subsequent deduction or rebate on any account, except such payroll deductions as are permitted by the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor, the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part

hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv). Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particularly weekly period, are deemed to be constructively made or incurred during such weekly period.

(2) The contracting officer of the (write in the name of the State or political subdivision) shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the State through the Defense Civil Preparedness Agency to the Secretary of Labor. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics, including apprentices and trainees, to be used, the question accompanied by the recommendation of the contracting officer of the (write in the name of the State or political subdivision) shall be referred by the State through the Defense Civil Preparedness Agency to the Secretary of Labor for final determination.

(3) The contracting officer of the (write in the name of the State or political subdivision) shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question accompanied by the recommendation of the contracting officer of the (write in the name of the State or political subdivision) shall be referred by the State through the Defense Civil Preparedness Agency to the Secretary of Labor for determination.

(4) If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided however*, The Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(b) *Overtime requirements.* (As used in this clause, the terms "laborers" and "mechanics" include watchmen and guards.) No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic to be employed on such work in excess of 8 hours in any calendar day or in excess of 40 hours in any workweek unless such laborer or mechanic receives compensation at a rate of not less than 1½ times his basic rate of pay for all hours worked in excess of 8 hours in any such calendar day or in excess of 40 hours in any such workweek, as the case may be.

(c) *Violations; liability for unpaid wages; liquidated damages.* In the event of any violation of Paragraph (a) or (b) of this section the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, in the event of any violation of paragraph (b) of this section, such contractor and subcontractor shall be liable to the United States (in the case of work under contract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic (including watchmen and guards) employed in violation of paragraph (b) of this section, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by paragraph (b) of this section.

(d) *Withholding for liquidated damages and unpaid wages.* The (write in the name of the State or political subdivision) may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in paragraph (c) of this section. In the event of failure to pay any laborer or mechanic, including apprentices and trainees, employed by the contractor or subcontractor in the performance of construction work hereunder, all or part of the wages required by the contract, the (write in the name of the State or political subdivision) may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance or guarantee of funds until such violations have ceased.

(e) *Payrolls and basic records.* (1) Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of 3 years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5a(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

(2) The contractor will submit weekly a copy of all payrolls to the (write in the name of the State or political subdivision) accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "weekly Statement of Compliance" which is required under this contract and the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under 29 CFR 5.5(a)(1)(iv) shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the (write in the name of the State and the political subdivision, if any); the Defense Civil Preparedness Agency; and the Department of Labor; and will permit such representatives to interview employees during working hours on the job. Contractors employing apprentices or trainees under approved programs shall include a notation on the first weekly certified payrolls submitted to the contracting State (or political subdivision, as applicable) that their employment is pursuant to an approved program and shall identify the program.

(f) *Apprentices and trainees*—(1) *Apprentices.* Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his first 90 days of proba-

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tionary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in paragraph (f) (2) of this section or is not registered or otherwise employed as stated above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the contracting officer or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the registration of his program and apprentices as well as the appropriate ratios and wage rates (expressed in percentages of the journeyman hourly rates), for the area of construction prior to using any apprentices on the contract work. The wage rate paid apprentices shall be not less than the appropriate percentage of the journeyman's rate contained in the applicable wage determination.

(2) *Trainees.* Except as provided in 29 CFR 5.15, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification, by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. The ratio of trainees to journeymen shall not be greater than permitted under the plan approved by the Bureau of Apprenticeship and Training. Every trainee must be paid at not less than the rate specified in the approved program for his level of progress. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Bureau of Apprenticeship and Training shall be paid not less than the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish the contracting officer or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the certification of his program, the registration of the trainees, and the ratios and wage rates prescribed in that program. In the event the Bureau of Apprenticeship and Training withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(3) *Equal employment opportunity.* The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

(g) *Compliance with Copeland Regulations (29 CFR Part 3).* The contractor shall comply with the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

(h) *Ineligible bidders.* The contractor herein certifies as a condition of the contract that he is not listed on the Comptroller General's list of ineligible bidders published pursuant to regulations issued by the Secretary of Labor (29 CFR Part 5) and the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.). This certification shall constitute a warranty, the falsity of which will render void this contract or subcontract, as the case may be.

(i) *Subcontracts.* The contractor will insert in any subcontracts in paragraphs (a) through (h) and (j) of this section and such other clauses as the Defense Civil Preparedness Agency may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

(j) *Contract termination; debarment.* A breach of any of paragraphs (a) through (i) of this section may be grounds for termination of the contract, and for debarment as provided in 29 CFR 5.6.

4. Section 1808.5 is revised to read as follows:

§ 1808.5 Examination of payrolls.

(a) In cases where the contract involves construction work in excess of $2,000, a certified copy of all payrolls and statements required to be submitted under the contract provisions prescribed in § 1808.4, shall be checked by the State (or political subdivision, as applicable) against the applicable wage determination decision of the Secretary of Labor to verify labor standards compliance and to ascertain the following:

(1) That the rates paid to various classifications of employees are in conformity with the applicable wage determination decision.

(2) That each classification shown in the payrolls is a classification for which a rate was predetermined in the applicable wage determination decision.

(3) That there are included in the payrolls those classifications of workers who would logically perform the work performed during the weeks in question.

(4) That there is no disproportionate employment of laborers, helpers, apprentices or trainees.

(b) Unless transferred to the Defense Civil Preparedness Agency, the payrolls and statements shall be preserved by the State (or political subdivision, as applicable) for a period of three years from the date of completion of the contract and shall be produced at the request of the Secretary of Labor at any time during the three-year period.

5. Paragraph (a) (2) of § 1808.6 is revised to read as follows:

§ 1808.6 Compliance.

(a) * * *

(2) Examining evidence of registration and certification with respect to apprenticeship and training plans to determine the correctness of classifications and any disproportionate employment of laborers, helpers, apprentices or trainees.

* * * * * *

6. Section 1808.7 is revised to read as follows:

§ 1808.7 Certification of compliance.

(a) After the beginning of construction (under a contract involving construction in excess of $2,000), no payment or advance to the contracting State (or where applicable, to the contracting political subdivision) shall be approved by the Defense Civil Preparedness Agency unless and until it has received a certification by the contractor that his contract and those of his subcontractors contain the provisions prescribed in § 1808.4 and that he and his contractors have complied therewith, or that there is a substantial dispute with respect to the required provisions.

(b) Before making final payment on any contract involving construction work in excess of $2,000, the State (or political subdivision, as applicable) shall submit to the Defense Civil Preparedness Agency the following certification, verbatim, in completed form:

CERTIFICATE OF LABOR STANDARDS COMPLIANCE

Knowing that my statements will be relied upon by the Defense Civil Preparedness Agency, in its payment to the State under an approved project application for a Federal financial contribution under section 201(1) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281) I do hereby certify as follows:

1. That I am the Contracting Officer of _____ (write in the name of the political subdivision and/or State, as applicable), applicant under Defense Civil Preparedness Agency, Project Application No. _____.

2. That in my official capacity I have personally, or through authorized employee(s) of the above named applicant for purposes of this certification, completed the following: (i) Examinations of all contracts involving construction work in excess of $2,000 on the civil defense project covered by the aforementioned project application, and all subcontracts thereunder; (ii) examinations of all payrolls and statements required to be submitted under such contracts and comparison with the applicable wage determination decision of the Secretary of Labor as required by § 1808.5 of Chapter XVIII, Title 32 of the Code of Federal Regulations; and (iii) investigations of all indications of alleged labor standards violations including, without limitation, at least one "on the site" labor standards check, and other investigations as required by § 1808.6 of Chapter XVIII, Title 32 of the Code of Federal Regulations.

3. That, based upon the aforementioned examinations and investigations, I have determined that: (i) the labor standards provisions have been included and the applicable wage determination decision has been attached, all as a part of the conditions of each contract involving construction work in excess of $2,000 and all subcontracts thereunder as required by § 1808.4 of Chapter XVIII, Title 32 of the Code of Federal Regulations; and (ii) the contractor and all subcontractors were in compliance, or have come into compliance, with the labor standards provisions, wage determination decision and Copeland Regulations (29 CFR Part 3) except _____ (List names of all contractors not in compliance or if no exceptions, state "none") and $_____ restitution is due to the employees of the listed contractor and/or subcontractors (set forth the amount or "none," in accordance with the facts).

_____ (LS)

(Name of Contracting Officer)

(Name of State or political subdivision)

(Dated)

(50 U.S.C. App. 2251–2297; E.O. 10952, 26 FR 6577; DoD Dir. 5105.43, 37 FR 18686)

(Catalog of Federal Domestic Assistance Programs; No. 12.305, Civil Defense—Emergency Operating Centers; No. 12.315, Civil Defense—Personnel and Administrative Expenses; No. 12.321, Civil Defense—State and Local Supporting Systems Equipment)

Effective date. This amendment is effective August 20, 1975.

JOHN E. DAVIS,
Director,
Defense Civil Preparedness Agency.

AUGUST 29, 1975.

[FR Doc.75-24568 Filed 9-15-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE

Payment of Indemnities

Correction

In FR Doc. 75-23305, appearing at page 40505 in the issue of Wednesday, September 3, 1975, in the first column of page 40506, in § 54.7, under paragraph (a), the third line should read as follows: "stroyed under this part only after obtain—"

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-12-AD, Amdt. 39-2369]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and replacement, as necessary, of worm and worm gears in the trailing edge flap drive power unit on Boeing 737 series airplanes certificated in all categories, was published in 40 FR 23769.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment noted that the service experience of the unmodified units did not indicate a need for more stringent inspections than for modified units. However, the service history indicates different problems for the modified units as compared with the unmodified units. On the unmodified assemblies, alloying elements separate from the worm gear, and the worm wears excessively, while on the modified assemblies, excessive wear has occurred to the worm gear. Further, the unmodified units are known to fail earlier in service life than those which have been modified. Therefore, the FAA believes that separate inspection intervals are necessary and has so specified in the AD. Another comment was that repetitive inspections should be based on individual airlines' experience with their maintenance and lubrication program. The FAA agrees. The AD provides for this in paragraph G by allowing greater inspection intervals for operators who can prove that their experience is unique.

Another comment was that equivalent inspection methods and adjustment of repetitive inspection intervals should be delegated to FAA principal maintenance inspectors. The FAA does not agree. The analysis of inspection methods and inspection intervals is an engineering responsibility. Decisions regarding them must be made by the FAA aircraft engineering disciplines and cannot be turned over to the maintenance inspectors. Another comment requested that the initial inspection time in paragraph A be changed from 500 to 750 landings. The FAA concurs, and the change has been made.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Model 737 series airplanes, Line Nos. 1 through 299 inclusive, certificated in all categories. Compliance required as indicated unless already accomplished.

To prevent unwanted trailing edge flap retraction and leading edge flap extension, accomplish the following:

A. Airplane Line Nos. 1 through 270 with flap power unit assemblies not modified in accordance with Boeing Service Bulletin 737-27-1041, Revision 4, Part II, or later FAA approved revisions, within the next 750 landings, unless accomplished within the last 250 landings, and at times thereafter not to exceed 1,000 landings, inspect the flap power unit in accordance with paragraph C.

B. Airplane Line Nos. 270 through 299, or those earlier aircraft with flap power unit assemblies modified per Boeing Service Bulletin 737-27-1041, Revision 4, Part II, or later FAA approved revisions, within the next 750 landings, unless inspected within the last 750 landings, inspect in accordance with paragraph D.

C. Inspect the worm teeth in the flap power unit for wear in accordance with Boeing Service Bulletin 737-27-1041, Revision 4, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Flap power unit assemblies with worm teeth worn beyond the limits prescribed in the service bulletin, must be modified prior to further flight in accordance with Boeing Service Bulletin 737-27-1041, Revision 4, Part II, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repetitive inspections for modified units are to be made in accordance with paragraph E.

D. 1. Inspect the worm gear for wear in accordance with either inspection procedure in Boeing Service Bulletin 737-27-1076, Revision I, Part III, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Repetitive inspections are to be accomplished at intervals specified in either Method I or Method II of paragraph B, Part III, of the service bulletin, but not to exceed 5,000 landings for Method I or 3,000 landings for Method II.

2. Flap power unit assemblies with worm gears worn beyond the limits specified in the service bulletin are to be replaced with new parts prior to further flight.

E. Flap power units repaired in accordance with paragraph C or D2 must be inspected during 1400–1600 landings after new parts are installed, in accordance with paragraph D1 above, and thereafter comply with paragraph D.

F. When terminating action for this directive has been developed, this directive will be amended accordingly.

G. Upon request by an operator, through an appropriate FAA maintenance inspector, subject to approval by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, the repetitive inspection period herein may be adjusted for that operator if the request contains adequate substantiating data to justify the increase.

H. For the purposes of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings on the flap power unit worm gear may be determined by actual count or by dividing each airplane's hours time in service since the flap power drive unit was installed, by the operator's fleet average time from takeoff to landing for the airplane type.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, PO Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective October 27, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., September 8, 1975.

J. H. TANNER,
Acting Director,
Northwest Region.

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-24515 Filed 9-15-75;8:45 am]

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[Airworthiness Docket No. 74-WE-52-AD; Amdt. 39-2367]

PART 39—AIRWORTHINESS DIRECTIVES

Certain AiResearch Model TPE331-1, -2, -3, -5, and -6 Series Engines

Amendment 39-2054 (39 FR 44439), AD 74-26-11, as amended by Amendments 39-2092 (40 FR 6771), 39-2214 (40 FR 22126) and 39-2254 (40 FR 28605) requires inspection and modification to the oil supply system for the high speed pinion gear bearing assembly. This action is required because of several failures that have occurred in the oil supply tube which can result in failure of the high speed pinion gear bearings.

After issuing Amendment 39-2254, the agency determined that the manufacturer had omitted several specific engine serial numbers from the list of affected engines. Therefore, the AD is being further amended to include these engines.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulation, Amendment 39-2054, (39 FR 44439), AD 74-26-11 as amended by Amendments 39-2092 (40 FR 6771), 39-2214 (40 FR 22126), and 39-2254 (40 FR 28605) is further amended by amending paragraph (2), in pertinent part, at lines 6 and 7, to read:

(2) • • • TPE331-5-251C S/N 22058 through 22119; TPE331-5-215K S/N 06443, 06455 through 06456; • • •

This amendment becomes effective September 22, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on September 5, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.75-24515 Filed 9-15-75;8:45 am]

[Airworthiness Docket No. 75-WE-47-AD, Amdt. 39-2368]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes 269 Series Helicopters

There have been numerous instances of corrosion and one fracture of the fiberglass tail rotor blades on Hughes Model 269 series helicopters. In addition, heat treatment documentation is questionable for certain serial number blades. Although no fracture of these blades has been reported verification of the blade hardness is necessary to establish that the proper heat treatment has been performed. Fracture of a tail rotor blade will result in hazardous degradation of control of the helicopter. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require inspection, repair and replacement of these tail rotor blades on Hughes Model 269 series helicopters. The manufacturer has developed FAA-approved procedures in a service bulletin.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HUGHES HELICOPTERS. Applies to Hughes Model 269A, 269A-1, 269B, 269C helicopters certificated in all categories, including military TH-55A equipped with fiberglass tail rotor blades P/N 269A6124, 269A6124-9, 269A6035, 269A6035-9, 269A6035-17, 269A6035-19, 269A6035-M, 269ASK15, and 269-6100.

Compliance required as indicated.

To detect possible corrosion, cracks, improper heat treatment, or other defects, inspect by visual, X-ray, or other specified means, the affected tail rotor blades and replace or rework in accordance with the instructions specified in Hughes Service Information Notice (SIN) No. N-130, dated August 28, 1975, or later FAA-approved revisions, as follows:

A. For blades with 500 or more hours time in service on the effective date of this AD, perform the visual and X-ray inspection, corrosion removal, casting procedure, metal treatment procedure, corrosion protection procedure, and fiberglass inspection—repair/spar exterior inspection procedure, set forth at Parts I through VIII of the Hughes SIN, referenced above, within the next 100 hours additional time in service or within six calendar months from the effective date of the AD, whichever, occurs first, unless already accomplished.

B. For blades with less than 500 hours time in service on the effective date of this AD, perform the visual and X-ray inspections, corrosion removal, casting procedures, metal treatment procedure, corrosion protection procedure, and fiberglass inspection—repair/spar exterior inspection procedure, set forth at Parts I through VIII of the Hughes SIN, referenced above, prior to accumulating 600 hours total time in service or within six calendar months from the effective date of this AD, whichever occurs first, unless already accomplished.

C. For blades, P/N 269A6035-17 and 269A6035-19, with serial numbers listed at Part XI—Table 1, of the Hughes SIN, referenced above, perform the Rockwell hardness test in accordance with Part XI of the Hughes SIN within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

D. After the effective date of this AD, perform the inspections and procedures described in Parts I through VIII of the Hughes SIN, referenced above, prior to the installation of spare blades or rotors on the aircraft.

E. After the effective date of this AD, for spare blades or rotors with blade P/N 269A6035-17 and 269A6035-19, with serial numbers listed at Part XI—Table 1 of the Hughes SIN, referenced above, perform the Rockwell hardness test in accordance with Part XI of the Hughes SIN prior to installation on the aircraft.

F. After the effective date of this AD, for all blades, perform the visual and X-ray inspections described at Part X of the Hughes SIN, referenced above, at intervals not to exceed 12 calendar months from the last inspection.

G. After the effective date of this AD, repair or rework eligible blades as specified in the Hughes SIN, referenced above, as necessary, prior to further flight. Reinstall blades in accordance with Part IX of the Hughes SIN. Blades that exceed limits specified in the Hughes SIN and are therefore not repairable, must be marked in a conspicuous manner or destroyed so as to prevent inadvertent return to service.

H. Paragraphs A, B, and D, above, do not have to be accomplished on blades marked with a green dot or white dot per the Prefsec, Hughes SIN. After the effective date of this AD, perform the visual and X-ray inspections for corrosion described at Part X of the Hughes SIN, referenced above, within twelve months after putting the blades into service, and at intervals not to exceed twelve months thereafter.

I. Equivalent inspections and rework may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

J. Aircraft may be flown to a base for performance of the inspections and repairs or rework required by Paragraphs A, B, and C, above, of this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective September 22, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on September 5, 1975.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.75-24514 Filed 9-15-75;8:45 am]

[Docket No. 75-NE-35; Amdt. 39-2365]

PART 39—AIRWORTHINESS DIRECTIVE

General Electric Company Aircraft Engines

There have been failures of accessory drive horizontal drive shafts on General Electric Model CJ610 and Model CF700 engines due to excessive spline wear caused by misalignment between the transfer and accessory gearboxes. These failures have caused inflight engine shutdowns. Engines affected are those which have had the gearbox alignment adjusted using alignment tool P/N 2C5525 which was introduced into service on January 1, 1973. Since this condition is likely to exist in other engines of the same models, an airworthiness directive is being issued to require the inspection of the horizontal drive shaft for proper alignment and spline wear.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL ELECTRIC COMPANY. Applies to General Electric Company Models CJ610-9 turbojet and CF700-2C, CF700-2D, and CF700-2D-2 turbofan engines which had the gearbox and accessory drive horizontal drive shaft P/N 37C301961P102 aligned with alignment tool P/N 2C5525 within the last 500 hours time in service as of the effective date of this AD.

Compliance required within the next 100 hours time in service after the effective date of this AD, unless previously accomplished.

To prevent possible accessory drive horizontal drive shaft failure, leading to complete loss of engine power, inspect the horizontal drive shaft for alignment and spline wear, in accordance with General Electric Service Bulletin No. (CJ610) A72-117 or (CF700) A72-130 or later FAA approved revision or an equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, New England Region, Federal Aviation Administration. Remove worn horizontal drive shafts and mating female splined components and replace with serviceable parts in accordance with General Electric Alert Service Bulletin No. (CJ610) A72-117 or (CF700) A72-130 or later FAA approved revision.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of Chief, Engineering and Manufacturing Branch, FAA New England Region, may adjust the compliance time specified in the AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

General Electric Company Service Bulletins identified in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these Service Bulletins from General Electric Company may receive copies upon request to General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01910. These documents may also be examined at the New England Region, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA headquarters, 800 Independence Avenue S.W., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at the New England Regional office in Burlington, Massachusetts.

This amendment becomes effective September 26, 1975.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on September 4, 1975.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.75-24649 Filed 9-15-75;8:45 am]

[Airspace Docket No. 75-SO-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Blue Federal Airway

On July 21, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 30495) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke B-19.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received. However, the Metropolitan Dade County, Florida, Aviation Department commented that the Perrine NDB is significant to Dade County Aviation because the only instrument approach procedure to New Tamiami Airport is based on this NDB. Therefore, they indicated that their concurrence to the revocation of B-19 was predicated on continued operation of the Perrine NDB. The Perrine NDB will continue to operate as an instrument approach aid for the New Tamiami Airport but at a relocated site near the airport.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.109 (40 FR 306) B-19 is revoked.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, (49 U.S.C. 1348(a), 1510), Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655 (c))

Issued in Washington, D.C., on September 9, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-24516 Filed 9-15-75;8:45 am]

[Airspace Docket No. 75-WE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On August 1, 1975 a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 32346) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Firebaugh Airport, Firebaugh, California.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., October 30, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on September 8, 1975.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.181 (40 FR 441) the following transition area is added:

FIREBAUGH, CALIFORNIA

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Firebaugh Airport (latitude 36°51'36" N., longitude 120°27'49" W.) and within 3 miles each side of the Los Banos VORTAC 060° radial, extending from the 3-mile-radius area to 15 miles NE of the VORTAC.

[FR Doc.75-24517 Filed 9-15-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Regulation SPR-87, Amdt. 11]

PART 372a—TRAVEL GROUP CHARTERS

Technical Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 11, 1975.

By SPR-61,[1] the Board adopted the Travel Group Charter (TGC) rule, which includes provisions requiring the TGC organizer to make security arrangements for the protection of participants' advance payments. These provisions, which were patterned after the security provisions applicable to operators of Inclusive Tour Charters (ITC's), give the TGC organizers the option of making arrangements for either a surety bond only (§ 372a.25(a)) or a surety bond combined with an escrow under a depository agreement with a bank (§ 372a.25(b)). When the surety-escrow arrangement is used, § 372a.25(b) permits the TGC organizer to be paid his service charge out of the escrowed funds only after the TGC has been fully performed, *i.e.*, after the return flight of the round-trip charter has been completed. This limitation on the pay-out of escrowed funds to the TGC organizer makes no distinction between TGC's which include a "land package" and those which do not.

By its petition filed on May 28, 1975, the Council on International Educational Exchange (CIEE) has requested that § 372a.25(b) be amended so as to provide that, where a TGC covers air transportation only—as distinguished from a TGC which includes a "land package"—the escrow bank would be allowed to pay the TGC organizer the balance of the escrow account two days after the departure of the originating flight, without awaiting performance of the return flight. CIEE notes that with respect to TGC's for air transportation only, the organizer's obligations are completed in full upon payment of the charter price to the direct carriers performing the outbound and returning flights, since there are no other services for which the TGC participants have paid. CIEE argues that, in such cases, there is no regulatory purpose to be served by withholding the TGC organizer's earned service charges during a pe-

[1] Dated September 27, 1972, 37 F.R. 20808, October 4, 1972, Docket 27889.

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riod when he no longer has any remaining obligations to the TGC participants.

No answers to the petition have been filed.

Upon consideration, we are persuaded that CIEE's point is well taken and that we should grant its petition. We have therefore determined to adopt the amendment requested by CIEE.

Since the within amendment to § 372a.25(b)(2)(vii) is of a technical nature and relieves TGC organizers from an unnecessary burden with respect to TGC's which cover only air transportation, the Board finds that notice and public procedure hereon are unnecessary and would not be in the public interest, and that the amendment may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 372a of its Special Regulations (14 CFR Part 372a), effective September 11, 1975, as follows:

Amend § 372a.25 to read as follows:

§ 372a.25 Surety bond and depository agreement.

* * * * *

(b) In lieu of furnishing a surety bond * * *

(2) A copy of an agreement * * *

(vii) Except as provided in subdivisions (ii), (iii), and (vi) of this subparagraph, the bank shall not pay out any funds from the account prior to two banking days after completion of each charter, when the balance in the account shall be paid to the charter organizer, upon certification of the completion date by the direct air carrier performing the return flight: *Provided, however,* That if the charter involves air transportation only and the bank has paid the direct air carrier(s) the charter price for the originating and returning flights and has paid all refunds due to participants, as provided in subdivisions (ii) and (iii), respectively, of this subparagraph, then the Bank may pay the balance in the account to the charter organizer upon certification by the direct air carrier performing the originating flight that such flight has in fact departed.

(Section 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, as amended, 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

Adopted: September 11, 1975.

Effective: September 11, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-24604 Filed 9-15-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2691]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Austral Oil Company, Inc.

Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 733; 49 Stat. 717; 15 U.S.C. 19)

In the Matter of Austral Oil Company, Inc., a corporation.

Consent order requiring a Houston, Texas, energy company, among other things to cease permitting any individual to serve on its board of directors if such individual is or would be at the same time a director of Dixilyn Corporation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. It is ordered, That Austral Oil Company, Inc. (Austral), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of Dixilyn Corporation.

II. It is further ordered, That Austral shall, within thirty (30) days after service of this order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Austral controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than $1,000,000 from the exploration, production and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

III. It is further ordered, That for a period ending five (5) years after service of this order, Austral shall, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of the Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

IV. It is further ordered, That for a period ending five (5) years after service of this order, Austral shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of Austral by virtue of its business and location of operation in the exploration, production or sale of crude petroleum or natural gas. If compliance with Paragraphs I and IV requires any member of Austral's Board of Directors to resign or to be removed from the Board of Directors of either Austral or such other corporation, Austral shall be allowed a reasonable period of time within which to take any legal or other steps which are necessary to secure compliance with this order.

V. It is further ordered, That Austral notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

VI. It is further ordered, That respondent Austral shall, within thirty (30) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, and shall within sixty (60) days submit copies of those lists provided by all current directors of Austral pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-24630 Filed 9-15-75;8:45 am]

[Docket C-2690]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Dixilyn Corporation

Subpart—Interlocking directorates unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

[1] Copies of the Complaint, Decision and Order, filed with the original document.

In the Matter of Dixilyn Corporation, a corporation.

Consent order requiring a Houston, Texas, energy company, among other things to cease permitting any individual to serve on its board of directors if such individual is or would be at the same time a director of Autstral Oil Company, Inc.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. It is ordered, That Dixilyn Corporation (Dixilyn), its successors and assigns, do forthwith cease and desist from permitting any individual to serve on its Board of Directors if such individual is or would be at the same time a director of Austral Oil Company.

II. It is further ordered, That Dixilyn shall, within thirty (30) days after service of this order, and annually for a period ending five (5) years thereafter, request from each member of its Board of Directors a written statement which discloses the name, business, and location of operations of each other corporation of which such member is also a director, exclusive of any corporation in which Dixilyn controls, directly or indirectly through subsidiaries, more than 50 percent of the voting stock; exclusive of any corporation which derives annual gross revenues of less than $1,000,000 from the exploration, production and sale of natural gas and crude petroleum; and exclusive of any corporation not engaged in "commerce" as defined in Section 1 of the Clayton Act as amended or Section 4 of the Federal Trade Commission Act.

III. It is further ordered, That for a period ending five (5) years after service of this order, Dixilyn shall, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, request from each person who is being considered as a member of the Board of Directors, but has not been a member of the Board of Directors during the previous year, a written statement which discloses the information described in Paragraph II.

IV. It is further ordered, That for a period ending five (5) years after service of this order, Dixilyn shall not permit on its Board of Directors any person who fails to submit a written statement pursuant to Paragraphs II and III, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs II and III when said statement reveals or when a reasonably diligent investigation would reveal to respondent that such other corporation is a competitor of Dixilyn by virtue of its business and location of operation in the exploration, production or sale of crude petroleum or natural gas. If compliance with Paragraphs I and IV requires any member of Dixilyn's Board of Directors to resign or to be removed from the Board of Directors of either Dixilyn or such other corporation, Dixilyn shall be allowed a reasonable time within which to take any legal or other steps which are necessary to secure compliance with this order.

V. It is further ordered, That Dixilyn notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of this order, such changes to include, but not be limited to, dissolution, assignment or sale resulting in the emergence of a successor corporation.

VI. It is further ordered, That respondent Dixilyn shall, within thirty (30) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, and shall within sixty (60) days submit copies of those lists provided by all current directors of Dixilyn pursuant to Paragraphs II and III designating all other corporations of which they are directors.

The Decision and Order was issued by the Commission July 17, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-24631 Filed 9-15-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Overland Park, Kansas

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Overland Park, Kansas, as an eligible community and included Map No. H 200174 03, which indicates that several lots in the subdivision called Oak Park in Overland Park, Kansas, as recorded in Plat Book 36, Page 10, in the Office of the Register of Deeds of Johnson County, Kansas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 200174 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-24624 Filed 9-15-75;8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Overland Park, Kansas

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Overland Park, Kansas, as an eligible community and included Map No. H 200174 07, which indicates that Lot 26, Block 10, Sylvan Grove, Overland Park, Kansas, as recorded in Book 2?, Page 38, in the office of the Register of Deeds of Johnson County, Kansas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 200174 07 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-24625 Filed 9-15-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX [INCOME TAX REGULATIONS]

[T.D. 7376]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Increase in Minimum Accumulated Earnings Credit

This document amends the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations (other

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than the regulations under section 1561 (a)) to section 304 of the Tax Reduction Act of 1975 (89 Stat. 45). Section 304(a) of the Act amends section 535(c) (2) and (3) of the Internal Revenue Code of 1954 by increasing the minimum accumulated earnings credit from $100,000 to $150,000. Section 304(b) of the Act amends sections 243(b), 1551(a) and 1561(a) of the Code to conform these provisions to the increase in the minimum accumulated earnings credit. The amendments apply to taxable years beginning after December 31, 1974.

Because the amendments to the regulations adopted by this Treasury decision are clerical in nature and no taxpayer will be adversely affected by such amendments, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. § 553(b), or subject to the effective date limitation of 5 U.S.C. § 553(d).

In order to conform the Income Tax Regulations under sections 535(c) (2) and (3), 243(b), and 1551(a) of the Code to section 304 of the Tax Reduction Act of 1975 (89 Stat. 45), such regulations are hereby amended, effective for taxable years beginning after December 31, 1974, as follows.

PARAGRAPH 1. Section 1.535 is amended by revising paragraphs (2) and (3) of subsection (c) to read as follows:

§ 1.535 Statutory provisions; accumulated taxable income.

Sec. 535. *Accumulated taxable income.* * * *

(c) *Accumulated earnings credit.* * * *

(2) *Minimum credit.* The credit allowable under paragraph (1) shall in no case be less than the amount by which $150,000 exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year.

(3) *Holding and investment companies.* In the case of a corporation which is a mere holding or investment company, the accumulated earnings credit is the amount (if any) by which $150,000 exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year.

* * * * * *

[Sec. 535 as amended by sec. 31, Technical Amendments Act 1958 (72 Stat. 1631); sec. 205, Small Business Tax Revision Act 1958 (72 Stat. 1680); sec. 9(d)(2), Rev. Act 1962 (76 Stat. 1001); secs. 401(b)(2)(C) and 512(f)(5), Tax Reform Act 1969 (83 Stat. 602, 641); sec. 304, Tax Reduction Act 1975 (89 Stat. 45)]

PAR. 2. Section 1.535–3 is amended by revising subparagraphs (2) and (3) of paragraph (b) and by revising paragraph (c) to read as follows:

§ 1.535–3 Accumulated earnings credit.

* * * * *

(b) *Corporation which is not a mere holding or investment company.* * * *

(2) *Minimum credit.* Section 535(c)(2) provides for the allowance of a minimum accumulated earnings credit in the case of a corporation which is not a mere holding or investment company. Except as otherwise provided in section 243(b)(3) and § 1.243–5 (relating to effect of 100-percent dividends received deduction under section 243(b)) and sections 1561, 1562, and 1564 (relating to limitations on certain tax benefits in the case of certain controlled corporations), in the case of such a corporation, this minimum credit shall in no case be less than the amount by which $150,000 ($100,000 in the case of taxable years beginning before January 1, 1975) exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year. See paragraph (d) of this section for the effect of dividends paid after the close of the taxable year in determining accumulated earnings and profits at the close of the preceding taxable year. In determining the amount of the minimum credit allowable under section 535(c)(2), the needs of the business are not taken into consideration. If the taxpayer has accumulated earnings and profits at the close of the preceding taxable year equal to or in excess of $150,000 ($100,000 in the case of taxable years beginning before January 1, 1975), the credit, if any, is determined without regard to section 535(c)(2). It is not intended that the provision for the minimum credit shall in any way create an inference that an accumulation in excess of $150,000 ($100,000 in the case of taxable years beginning before January 1, 1975) is unreasonable. The reasonable needs of the business may require the accumulation of more or less than $150,000 ($100,000 in the case of taxable years beginning before January 1, 1975), depending upon the circumstances in the case, but such needs shall not be taken into consideration to any extent in cases where the minimum accumulated earnings credit is applicable. For a discussion of the reasonable needs of the business, see section 537 and §§ 1.537–1, 1.537–2, and 1.537–3.

(3) *Illustrations of accumulated earnings credit.* The computation of the accumulated earnings credit provided by section 535(c) may be illustrated by the following examples:

Example (1). The X Corporation, which is not a mere holding or investment company, has accumulated earnings and profits in the amount of $125,000 as of December 31, 1974. Thus, the minimum credit provided by section 535(c)(2) exceeds the accumulated earnings and profits of X by $25,000. It has earnings and profits for the taxable year ended December 31, 1975, in the amount of $100,000 and has a dividends paid deduction under section 561 in the amount of $30,000 so that the earnings and profits for the taxable year which are retained in the business amount to $70,000. Assume that it has been determined that the earnings and profits for the taxable year which may be retained for the reasonable needs of the business amount to $55,000 and that a deduction has been allowed under section 535(b)(6) in the amount of $5,000. Since the amount by which $150,000 exceeds that accumulated earnings and profits at the close of the preceding taxable year is less than $50,000 ($55,000 – $5,000), the minimum credit provided by section 535(c)(2) will not apply and the accumulated earnings credit must be computed under section 535(c)(1) on the basis of the reasonable needs of the business. In this case, the accumulated earnings credit for the taxable year ended December 31, 1975, will be $50,000 computed as follows:

Earnings and profits of the taxable year determined to be retained for the reasonable needs of the business	$55,000
Less: The deduction for long-term capital gains (less applicable tax) allowed under sec. 535(b)(6)	5,000
Accumulated earnings credit allowable under sec. 535(c)(1)	50,000

Example (2). The Z Corporation which is not a mere holding or investment company, has accumulated earnings and profits in the amount of $45,000 as of December 31, 1974; it has earnings and profits for the taxable year ended December 31, 1975, in the amount of $115,000 and has a dividends paid deduction under section 561 in the amount of $10,000, so that the earnings and profits for the taxable year which are retained amount to $105,000. Assume that it has been determined that the accumulated earnings and profits of the taxable year which may be retained for the reasonable needs of the business amount to $20,000 and that no deduction is allowable for long-term capital gains under section 535(b)(6). The accumulated earnings credit allowable under section 535(c)(1) on the basis of the reasonable needs of the business is determined to be only $20,000. However, since the amount by which $150,000 exceeds the accumulated earnings and profits at the close of the preceding taxable year is more than $20,000, the minimum accumulated earnings credit provided by section 535(c)(2) is applicable. The allowable credit will be the amount by which $150,000 exceeds the accumulated earnings and profits at the close of the preceding taxable year (*i.e.*, $105,000, $150,000 less $45,000 of accumulated earnings and profits at the close of the preceding taxable year).

(c) *Holding and investment companies.* Section 535(c)(3) provides that, in the case of a mere holding or investment company, the accumulated earnings credit shall be the amount, if any, by which $150,000 ($100,000 in the case of taxable years beginning before January 1, 1975) exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year. Thus, if such a corporation has accumulated earnings equal to or in excess of $150,000 ($100,000 in the case of taxable years beginning before January 1, 1975) at the close of its preceding taxable year, no accumulated earnings credit is allowable in computing the accumulated taxable income. See paragraph (c) of § 1.533–1 for a definition of a holding or investment company. For the accumulated earnings credit of a mere holding or investment company which is a member of an affiliated group which has elected the 100-percent dividends received deduction under section 243(b), see section 243(b)(3) and § 1.243–5. For the accumulated earnings credit of a mere holding or investment company which is a component member of a controlled group of corporations (as defined in section 1563), see section 1564.

* * * * *

PAR. 3. Section 1.243 is amended by revising paragraph (3)(C)(i) of subsection (b) to read as follows:

§ 1.243 Statutory provisions; dividends received by corporations.

Sec. 243. *Dividends received by corporations.* * * *

(b) *Qualifying dividends.* * * *

(3) *Effect of election.* * * *

(C) The members of such affiliated group shall be limited to one—

(1) $150,000 minimum accumulated earnings credit under section 535(c) (2) or (3),

* * * * * *

[Sec. 243 as amended by sec. 57(b), Technical Amendments Act 1958 (72 Stat. 1645); secs. 3(a) and 10(g), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 998, 1009); sec. 214(a), Rev. Act 1964 (78 Stat. 52); sec. 304, Tax Reduction Act 1975 (89 Stat. 45)]

PAR. Section 1.234–5 is amended by revising subparagraph (2) of paragraph (d) to read as follows:

§ 1.243–5 Effect of election.

* * * * *

(d) *Other restrictions and limitations.* * * *

(2) *Accumulated earnings credit*—(i) *General.* Except as provided in subdivision (ii) of this subparagraph, in determining the minimum accumulated earnings credit under section 535(c)(2) (or the accumulated earnings credit of a mere holding or investment company under section 535(c)(3)) for each corporation which is a member of the affiliated group on each day of its matching taxable year, in lieu of the $150,000 amount ($100,000 amount in the case of taxable years beginning before January 1, 1975) mentioned in such sections there shall be substituted an amount equal to (*a*) $150,000 ($100,000 in the case of taxable years beginning before January 1, 1975), divided by (*b*) the number of such members.

(ii) *Allocation of excess.* If, with respect to one or more members, the amount determined under subdivision (i) of this subparagraph exceeds the sum of (*a*) such member's accumulated earnings and profits as of the close of the preceding taxable year, plus (*b*) such member's earnings and profits for the taxable year which are retained (within the meaning of section 535(c)(1)), then any such excess shall be subtracted from the amount determined under subdivision (i) of this subparagraph and shall be divided equally among those remaining members of the affiliated group that do not have such an excess (until no such excess remains to be divided among those remaining members that have not had such an excess). The excess so divided among such remaining members shall be added to the amount determined under subdivision (i) with respect to such members.

(iii) *Apportionment plan not allowed.* An affiliated group may not adopt an apportionment plan, as provided in paragraph (f) of this section, with respect to the amounts computed under the provisions of this subparagraph.

(iv) *Example.* The provisions of this subparagraph may be illustrated by the following example:

Example. An affiliated group is composed of four member corporations, W, X, Y, and Z. The sum of the accumulated earnings and profits (as of the close of the preceding taxable year ending December 31, 1975) plus the earnings and profits for the taxable year ending December 31, 1975 which are retained is $16,000, $78,000, $27,500, and $300,000 in the case of W, X, Y, and Z, respectively. The amounts determined under this subparagraph for W, X, Y, and Z are $15,000, $48,750, $37,500 and $48,750, respectively, computed as follows:

	Component members			
	W	X	Y	Z
Earnings and profits	$15,000	$75,000	$27,500	$300,000
Amount computed under subpar. (1)	37,500	37,500	37,500	37,500
Excess	22,500	0	0	0
Allocation of excess		7,500	7,500	7,500
New excess			7,500	
Reallocation of new excess		3,750		3,750
Amount to be used for purposes of sec. 535(c)(2) and (3)	15,000	48,750	37,500	48,750

* * * * * *

PAR. 5. Section 1.1551 is amended by revising the flush material following subsection (a)(3) to read as follows:

§ 1.1551 Statutory provisions; disallowance of surtax exemption and accumulated earnings credit.

Sec. 1551. *Disallowance of surtax exemption and accumulated earnings credit*—(a) *In general.* * * *

(3) * * * and the transferee corporation was created for the purpose of acquiring such property or was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor or transferors are in control of such transferee corporation during any part of the taxable year of such transferee corporation, then for such taxable year of such transferee corporation the Secretary or his delegate may [(except as may be otherwise determined under subsection (d))] [sic] disallow the surtax exemption (as defined in section 11(d), or the $150,000 accumulated earnings credit provided in paragraph (2) and (3) of section 535(c), unless such transferee corporation shall establish by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of such transfer.

* * * * * *

[Sec. 1551 as amended by sec. 205(a), Small Business Tax Revision Act 1958 (72 Stat. 1660); sec. 285(b), Rev. Act 1964 (78 Stat. 125); sec. 304, Tax Reduction Act 1975 (89 Stat. 45)]

PAR. 6. Section 1.1551–1 is amended by revising the flush material following paragraph (a)(3) to read as follows:

§ 1.1551–1 Disallowance of surtax exemption and accumulated earnings credit.

(a) *In general.* * * *

(3) * * * and the transferee was created for the purpose of acquiring such property or was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor or transferors are in control of the transferee during any part of the taxable year of the transferee, then for such taxable year of the transferee the Secretary or his delegate may disallow the surtax exemption defined in section 11(d) or the accumulated earnings credit of $150,000 ($100,000 in the case of taxable years beginning before January 1, 1975) provided in paragraph (2) or (3) of section 535(c), unless the transferee establishes by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of the transfer.

* * * * * *

(This Treasury decision is issued under the authority contained in Sec. 7805 Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: September 10, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.75–24643 Filed 9–15–75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 623–75]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Miscellaneous Amendments Altering Organizational Structure and Relationships Within the Department of Justice

This order alters the name of the Office of Justice Policy and Planning, and moves it from the Office of the Deputy Attorney General to the Office of the Attorney General. It also alters certain organizational relationships within the Department of Justice, to place under the immediate direction of the Attorney General the following components which have hitherto been supervised by him through the Deputy Attorney General: the Office of Public Information, the Office of Legal Counsel, the Office of Legislative Affairs, and the Federal Bureau of Investigation. These changes are designed to simplify the management and operation of the Department.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

§ 0.1 [Amended]

1. Section 0.1 of Subpart A is amended by substituting "Office of Policy and Planning" for "Office of Justice Policy and Planning."

2. A new § 0.6 of Subpart B is added immediately after § 0.5, to read as follows:

§ 0.6 Office of Policy and Planning.

The Office of Policy and Planning is headed by a Director of Policy and Plan-

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ning. Under the general supervision and direction of the Attorney General, the Director of Policy and Planning shall:

(a) Provide an overview of problems in the criminal justice system.

(b) Initiate, implement and evaluate proposals—

(1) To improve the effectiveness and the fairness of crime control and criminal justice administration; and

(2) To promote consistency and coordination in the handling of accused and convicted offenders by law enforcement, court, and correctional agencies in the Federal and District of Columbia systems.

(c) Undertake such other projects relating to policy development as may specifically be assigned by the Attorney General.

§ 0.7 [Amended]

3. In § 0.7 of Subpart B, the phrase "Under the general supervision of the Attorney General and the direction of the Deputy Attorney General" is revised to read "Under the general supervision and direction of the Attorney General."

§ 0.17 [Deleted]

4. Section 0.17 of Subpart C is revoked.

§§ 0.25 and 0.27 [Amended]

5. In § 0.25 of Subpart E and section 0.27 of Subpart E-1, the phrase "Subject to the general supervision of the Attorney General and the direction of the Deputy Attorney General" is revised to read "Subject to the general supervision and direction of the Attorney General."

§ 0.38 [Amended]

6. In § 0.85 of Subpart P, the phrase "Subject to the general supervision of the Attorney General, and under the direction of the Deputy Attorney General" is revised to read "Subject to the general supervision and direction of the Attorney General."

Dated: September 9, 1975.

EDWARD H. LEVI,
Attorney General.

[FR Doc.75-24577 Filed 9-15-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 431-6; OPP—30002A]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Registration, Reregistration and Classification Procedures; Correction

In FR Doc. 75-17018 appearing on page 28242 in the issue for Thursday, July 3, 1975, the following changes should be made.

The third paragraph in the third column on page 28283 should read as follows:

"(C) Results in a maximum calculated concentration following direct applications."

tion to a 6-inch layer of water less than 1/10 the acute LC50 for aquatic organisms representative of the organisms likely to be exposed as measured in test animals as specified in the Registration Guide-

On that same page and in that same column, there should be a paragraph "D" after "C" and before "(2) *Classification criteria for previously registered products.*" Paragraph "D" should read as follows:

"(D) The pesticide causes, under conditions of label use, or widespread and commonly recognized practice of use, only minor or no discernible adverse effects on the physiology, growth, population levels, or reproduction rates of nontarget organisms, resulting from exposure to the product ingredients, their metabolites, or degradation products, whether due to direct application or otherwise resulting from application, such as through volatilization, drift, leaching or lateral movement in soil."

Dated: September 9, 1975.

VICTOR J. KIMM,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-24510 Filed 9-15-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14-3—PROCUREMENT BY NEGOTIATION

Determinations and Findings—Cost Accounting Standards

Correction

In FR Doc. 75-23216, appearing on page 40517, of the issue of Wednesday, September 3, 1975, the subpart heading in the second column on page 40517 should be changed to read as follows:

"Subpart 14-3.12—Cost Accounting Standards"

CHAPTER 114—DEPARTMENT OF THE INTERIOR

[IPMR Release No. 75-3]

PART 114-60—PERSONAL PROPERTY MANAGEMENT

Subpart 114-60.5—Classification of Property

CRITERIA

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), § 114-60.501 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective on September 16, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 9, 1975.

Section 114-60.501 is revised by deleting paragraphs (a) through (d) and substituting new paragraphs (a) through (c) to read as follows:

§ 114-60.501 Classification criteria.

(a) As a general rule, any single item of property having an original cost value of more than $300 when new should be capitalized. Classification of substantially similar items should be consistent, however. In cases where a portion of the total inventory of similar items is acquired at more than $300 and a portion at less than $300, all items should either be classified as capitalized or noncapitalized.

(b) Property may also be classified as capitalized for accountability control purposes even though the original cost value is under the guideline figure. Sensitive items requiring such control include small electronic calculators, tape recorders, radios, photographic and projection equipment, typewriters and other office machines, firearms, survey instruments, binoculars, power tools, or other equipment which because of its general use characteristics and ease of transport is particularly susceptible to misappropriation or theft.

(c) All office furniture may be exempted from classification as capitalized equipment at the discretion of the bureau or office head, provided that suitable custodial controls are otherwise in effect to properly safeguard the Government-owned property.

[FR Doc.75-24571 Filed 9-15-75;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—TANK VESSELS

SUBCHAPTER F—MARINE ENGINEERING

[CGD 73-254]

MARINE ENGINEERING SYSTEMS AND COMPONENTS

Miscellaneous Amendments; Correction

In FR Doc. 75-23028, appearing at page 40163 in the FEDERAL REGISTER of September 2, 1975, change the effective date from September 29, 1975 to October 2, 1975.

Dated: September 10, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.75-24584 Filed 9-15-75;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 3-3; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Flammability of Interior Materials; Response to Petition for Reconsideration

On March 31, 1975, the National Highway Traffic Safety Administration (NHTSA) issued a notice modifying the test procedures and specimen preparation requirements of Motor Vehicle Safety Standard No. 302, 49 CFR 571.302, *Flammability of interior materials* (40 FR 14318). Petitions for reconsideration of the rule were received from American Motors Corporation, General Motors Corporation, White Motor Corporation, Chrysler Corporation, Volkswagen of America, Inc., Toyota Motor Sales, U.S.A., Inc., Ford Motor Company, and the Motor Vehicle Manufacturers Association of the United States, Inc.

The NHTSA notice established a process of surrogate testing for components which were too small to test without difficulty using the procedures previously prescribed by Standard No. 302. The objections raised to this new process by the petitioners were that (a) the surrogate testing procedure is an entirely new departure, and the public should have been afforded an opportunity for comment, (b) the results of surrogate testing will in certain cases differ from the results of testing the actual component, (c) the creation of a surrogate testing sample of certain materials, such as elastic cord, is impossible, and (d) the dimensions of the surrogate sample are inappropriate.

It should be fully understood that small components which would otherwise be included within the purview of Standard No. 302 are not excluded by virtue of their size. Further, the NHTSA intends to utilize a surrogate testing procedure, among other testing procedures, in the case of small components as the first step in determining whether a safety defect exists pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act. Since the testing of small components is a more difficult process, the NHTSA concluded in amending Standard No. 302 to include the surrogate testing process that the new requirement was less stringent than that currently required by the standard. Further, by amending the standard the industry could also be fully apprised of one of the methods the NHTSA intended to use to determine whether a section 152 defect existed.

Nonetheless, it appears from the petitions for reconsideration which were received that a number of manufacturers feel that they should be allowed an opportunity for comment. The NHTSA concludes their request is reasonable and the rule, as it relates to surrogate testing, is hereby revoked and is reissued as a notice of proposed rulemaking in this issue of the FEDERAL REGISTER.

A number of the petitioners questioned the need for including any small components within the ambit of Standard No. 302, citing the notice of proposed rulemaking (38 FR 12934, May 17, 1973) which stated that certain small components designed to absorb energy are not fire hazards. Therefore, the petitioners believe the NHTSA has reversed its previous position.

This understanding is correct. As the NHTSA said in the preamble to the proposed amendment to Standard No. 302, issued concurrently with the amendment to the Standard (March 31, 1975, 40 FR 14340):

On May 11, 1973, the NHTSA issued a notice (38 FR 12934) which proposed, inter alia, amending paragraph S4.1 of Standard No. 302 to enumerate the interior components of vehicle occupant compartment which fell within the ambit of the standard.

* * * * *

Comments to the notice, however, have made clear that the enumeration of components, even with the proposed amendment, will continue to confuse manufacturers required to meet the standard.

* * * * *

While some materials exposed to the occupant compartment air space are not fire hazards, the burden of ascertaining that fact should properly lie with the manufacturer.

Several petitions also questioned what safety benefits would come from applying the standard to small components. As petitioner American Motors pointed out, the purpose of Standard No. 302 is to provide sufficient time for the occupants of a vehicle to exit in case of an interior fire. Thus, even small components which are highly flammable would hasten the spreading of fires in motor vehicles, resulting in a serious hazard.

Testing procedures. Petitioners pointed out that while the preamble provides that the surface of the specimen closest to the occupant compartment air space face downward on test frame, this is not made entirely clear in the body of the standard itself. The standard is amended to clarify this matter. Likewise, a definition of the term "occupant compartment air space" is added, although this term was used in the notice of proposed rulemaking without raising a problem for those commenting.

Extension of effective date of amendment. Several petitioners asked for an extension of the effective date. As the surrogate testing procedures have been revoked and reissued as a proposed rule, the NHTSA concludes that an extension of the effective date is not necessary.

Redesignation of Docket 3-3; Notice 7. Through a clerical error, two notices were issued with the heading, "Docket 3-3; Notice 7" (July 11, 1973, 38 FR 18564; March 31, 1975, 40 FR 14318). The notice appearing at 38 FR 18564 is hereby redesignated "Notice 7a" and that appearing at 49 FR 14318 is redesignated "Notice 7b."

In consideration of the foregoing, Motor Vehicle Safety Standard No. 302, 49 CFR 571.302, is amended as follows:

1. A new definition of "occupant compartment air space" is added to S3A., Definitions, in the appropriate alphabetical sequence:

§ 571.302 [Amended]

"Occupant compartment air space" means the space within the occupant compartment that normally contains refreshable air.

2. S4.1.1 is deleted and reserved.

3. In § 5.2.2, the last sentence is amended so that the paragraph reads:

§ 5.2.2 The specimen is produced by cutting the material in the direction that provides the most adverse test results. The specimen is oriented so that the surface closest to the occupant compartment air space faces downward on the test frame.

Effective date: September 16, 1975.

Because this amendment relieves a restriction, it is found for good cause shown that an immediate effective date is in the public interest.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on September 10, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-24644 Filed 9-11-75;4:34 pm]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Cibola National Wildlife Refuge, Ariz. and Calif. and Havasu National Wildlife Refuge; Correction

In FR Doc. 75-22801, appearing on page 39513 in the issue for Thursday, August 28, 1975, the hunting season for doves in California should read as follows:

California—mourning and white-winged doves, from September 1 through September 30, 1975, inclusive, and from November 22 through December 7, 1975, inclusive.

In FR Doc. 75-22801, appearing on page 39513 of the issue for Thursday, August 28, 1975, the hunting season for doves in Arizona should read as follows:

Arizona—mourning and white-winged doves, from September 1 through September 21, 1975, inclusive; mourning doves only, from December 7, 1975 through January 4, 1976, inclusive.

ROBERT F. STEPHENS,
Acting Regional Director, Albuquerque, New Mexico.

SEPTEMBER 9, 1975.

[FR Doc.75-24569 Filed 9-15-75;8:45 am]

PART 32—HUNTING

Swan Lake National Wildlife Refuge, Missouri

The following special regulations are issued and effective on September 16, 1975. Time limitations preclude issuance of a public notice of proposed rulemaking.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting for geese only is permitted only on designated areas comprising 2,500 acres within Swan Lake National Wildlife Refuge, Missouri. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following.

V 40 180 SEP 1675 XUM

(1) Each hunter must obtain a State permit issued at the checking station prior to hunting, hunt only from his lottery-assigned blind, fire no more than ten (10) shells, and include not more than one (1) Canada goose on his daily bag.

(2) Hunting will be in accordance with State regulations.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

ALFRED O. MANKE,
Refuge Manager, Swan Lake National Wildlife Refuge, Sumner, Missouri 64681.

AUGUST 25, 1975.

[FR Doc.75-24570 Filed 9-15-75;8:45 am]

PART 32—HUNTING

Sevilleta National Wildlife Refuge, New Mexico

On August 20, 1975, there was published in the FEDERAL REGISTER (40 FR 36377) a notice of proposed special regulations for hunting of migratory game birds on Sevilleta National Wildlife Refuge.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Interested parties were given an opportunity to submit written comments, suggestions or objections regarding the proposed special regulations. Because of the limited time available to implement the proposed rulemaking, if adopted, the United States Fish and Wildlife Service found that "good cause" existed to require a shortening of the comment period to 5 days. Accordingly, comments received by the 25th of August were considered by the Service. No unfavorable comments were received and the amendment is adopted as set forth below with minor editorial changes.

Additionally, the United States Fish and Wildlife Service has determined that a finding of "good cause" is warranted within the terms of 5 U.S.C. 553(d)(3) to expedite the implementation of this rulemaking because final Federal migratory bird hunting regulations were not published until September 5, 1975, and the teal season begins September 20, 1975. These special regulations will therefore become effective on September 20, 1975.

F. V. SCHMIDT,
Acting Director, U.S. Fish and Wildlife Service.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW MEXICO

SEVILLETA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Sevilleta National Wildlife Refuge, New Mexico, is permitted as follows: The Special Teal Season from September 20 through September 28 inclusive, ducks and coots from October 28 through January 18, 1976, and geese from December 27 through January 11, 1976, inclusive; but only on the areas designated by signs as open to hunting. These open areas, comprising 1,992 acres, are delineated on maps available at headquarters of the Bosque del Apache National Wildlife Refuge, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

(1) Hunting during the general waterfowl season will be permitted only on Tuesday, Thursday and Sunday until 1 p.m.

(2) Hunting during the special teal season will be on each day of the season.

(3) No camping will be permitted.

(4) Vehicle entry and parking will be restricted to areas as posted and designated on hunt map.

(5) There will be no entry to the hunt area earlier than two hours before sunrise.

(6) All hunters must be out of the hunt area and off the refuge by two hours after shooting hours.

(7) The use of dogs in the hunt area is allowed for the purpose of waterfowl hunting only. Dogs not to exceed two per hunter.

(8) Hunters and dogs may not enter closed areas to retrieve birds.

(9) Fires of any type are prohibited.

(10) The construction of temporary blinds is permitted. Pits and permanent blinds are prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 18, 1976.

[FR Doc.75-24578 Filed 9-15-75;8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Illinois, Iowa, Minnesota and Wisconsin Upper Mississippi River Wild Life and Fish Refuge; Correction

In FR appearing on page 30966, Vol. 40, No. 143 of the issue for Thursday, July 24, 1975, under Sec. 28.28, Paragraph (8) should read as follows:

(8) The placement on the refuge of boathouses, boat docks, boat slips, storage boxes or sheds, stairways, wells, septic systems, sewer systems of any type, and all other kinds and types of construction is prohibited without written authorization of the refuge manager or his authorized representative. All structures, including boathouses, docks, piers and floats authorized by permit to be moored, anchored, or secured along the shoreline and on the waters of the Mississippi River within the Upper Mississippi River Wild Life and Fish Refuge must use flotation methods and devices of a type constructed of polyurethane, high-impact polyethylene fiberglass material, or other inert materials to provide flotation. The use of any iron or steel container not fabricated originally for flotation purposes, including barrels, tanks and other containers originally constructed for the purpose of containing fluids, powders or similar products is prohibited unless filled with polyurethane. Flotation devices must be completely converted to conform to these requirements by June 30, 1976. The provisions of this special regulation supplement the regulations which govern public access use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective until June 30, 1976.

Dated: September 9, 1975.

WAYNE E. GUESWEL,
Refuge Manager.

[FR Doc.75-24636 Filed 9-15-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1000]

[Docket No. 75N-0148]

SPECIFIC AREA GONAD SHIELDING

Guideline for Use on Patients During Medical Diagnostic X-ray Procedures

The Commissioner of Food and Drugs is proposing a guideline for specific area gonad shielding for patients undergoing x-ray examination. Interested persons have until November 17, 1975 to submit comments.

The Food and Drug Administration (FDA), Department of Health, Education, and Welfare, under the authority of the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 82 Stat. 1173 et seq., (42 U.S.C. 263b et seq.)) conducts and supports research, training, and operational activities to minimize the exposure of the public to unnecessary electronic product radiation. In carrying out the purposes of the act, the Commissioner is authorized to make recommendations that he considers appropriate relating to control of electronic product radiation (section 356(b) of the act.) Accordingly, it is hereby proposed to amend Chapter I of Title 21 of the Code of Federal Regulations by adding a new Subpart C, "Guidelines and Recommendations," to Part 1000 (21 CFR Part 1000), and prescribe an advisory guideline for health practitioners concerning the use of specific area gonad shielding on patients during medical diagnostic x-ray procedures in a new § 1000.50 (21 CFR 10050) of the subpart. Subpart C of Part 1000 would contain all future voluntary guidelines issued by the Commissioner concerning the control of electronic product radiation. Such guidelines would be implemented through educational programs and cooperative activities with professional organizations and State radiation control agencies. Recommendations regarding the shielding of other radiation-sensitive tissues and organs of patients, such as the thyroid, bone marrow, and developing fetus, during medical diagnostic x-ray procedures, are also under study by the FDA and would be proposed for inclusion in this subpart when sufficient scientific and technical information are available.

Shielding of the gonads during a diagnostic x-ray procedure is accomplished by interposing lead or lead-impregnated material between the x-ray source and the germinal tissues of the patient to reduce the x-ray dose to those tissues. A thickness of material equivalent to 0.25 millimeter of lead is sufficient to reduce the transmitted intensity of a 100 kVp (kilovolts peak) primary x-ray beam by approximately 90 percent. For a 150 kVp x-ray beam, a thickness of material equivalent to 0.5 millimeter of lead is sufficient to achieve this reduction.

Gonad shielding is desirable because studies indicate that exposure to ionizing radiation causes mutations in germinal tissue, which may adversely affect future generations. A significant portion of the gonad dose to the population incurred during medical x-ray examinations could be eliminated by the use of shielding, without adversely affecting medical radiological diagnoses. Exposure of the gonads is not necessary, unless the use of shielding would interfere with the visualization of adjacent anatomical structures of interest, or the gonads themselves must be visualized.

Two general types of gonad shields are currently available: Wide area and specific area shields.

Wide area shields, such as lead aprons, cover an extended area of the body, and are frequently used to protect patients from scattered and other secondary sources of x-rays, such as tube housing leakage. They are also used by fluoroscopists, technicians, and other persons who may be exposed to secondary radiation during x-ray examinations. However, they are not generally useful for patients when the gonads lie within or in close proximity to the primary x-ray field because wide area shielding frequentl yinterferes with the objectives of the examination.

Specific area shields cover an area slightly larger than the region of the gonads. This permits their use on patients during many procedures in which the gonads lie within, or are in close proximity to the x-ray field, such as examinations of the abdominal, upper femoral and pelvic regions, without interfering with the objectives of the examination. Among the diagnostic x-ray procedures currently in use, the largest gonad doses are incurred by patients during such examinations. Therefore, the magnitude of the gonad dose reduction that can be achieved by a facility solely by wide area shielding of patients is considerably smaller than that attainable by a program that also incorporates the appropriate use of specific area shielding.

Specific area shielding is commercially available in three basic forms: Shadow shielding; flat, contact shielding; and shaped, contact shielding.

Shadow shielding consists of a piece of radiopaque material held in the primary x-ray beam, usually near the x-ray tube, so as to cast a shadow over the patient's gonads. Proper positioning requires a clearly visible and accurately aligned beam-defining light. Because it does not touch the patient, shadow shielding offers advantages when sterile fields are required or when the patient is incapacitated. Although the acquisition cost is higher than for other types of shielding, a single device may be used indefinitely.

Flat, contact shielding usually consists of a small, flat piece of lead-impregnated material that is placed on or taped to the patient so as to cover the gonads but not obscure the area of diagnostic interest. This type of shielding can be inexpensively fabricated from old lead aprons or film blockers, or may be obtained commercially. It is most effective in anteroposterior (AP) examinations of the abdominal region when the patient is recumbent; however, because it is difficult to secure, it is not well suited to projections other than AP, or to situations in which the patient is not recumbent.

Shaped, contact shielding can be used only for male patients. It consists of a lead-impregnated, cup-shaped shield that is enclosed in a disposable plastic bag and inserted into a pouch sewn into a carrier garment, such as briefs or an athletic supporter. This type of shielding is now commercially available with suitable carrier garments for children and adults. Because of its contoured design and method of attachment, it is appropriate for AP or lateral projections, and is effective in reducing some radiation scattered from adjacent parts of the body. Also, patients may be repositioned for different views without repositioning the shield. Acquisition cost is low; however, there is a continuing cost for laundering or replacing carrier garments. Satisfactory programs can be designed around any one or a combination of the types of specific area gonad shields discussed above.

A number of medical, professional, and radiological health organizations have previously published recommendations favoring use of gonad shielding. Twenty-three State radiation control agencies have issued related regulations or recommendations. In spite of this, gonad shielding is not consistently employed during most of the medical radiological procedures where it is appropriate. This may be because it has not been consistently or effectively taught in training programs for x-ray technologists and medical practitioners, and the public has

V40I180 SEP 1675 XUM

not been adequately informed of its benefits. Also, the enforcement of regulations governing the use of gonad shielding is difficult. Due to the inherent variability in diagnostic x-ray procedures, it is not possible to compile a complete regulatory list of examinations for which shielding should always be used, and in which its use will not interfere with clinical objectives. Because effective specific area gonad shields are now available which are easy to use and which minimize the chances of interference with the objectives of a variety of examinations, it is anticipated that a renewed voluntary effort using more effective educational materials will increase the clinical use of this highly desirable radiation protection technique.

The proposed guideline has been reviewed by the Medical Radiation Advisory Committee, a committee established pursuant to section 222 of the Public Health Service Act (42 U.S.C. 217a). This committee advises the Commissioner on formulation of policy and development of coordinated national programs relating to optimal application of ionizing radiation for medical purposes. In addition, medical and professional organizations, radiological health groups, government agencies, and other interested parties were invited to submit written comments regarding the proposed guideline during its development. The comments received generally supported the principles set forth in the guideline. Some changes were suggested, and they have been incorporated wherever possible. One medical organization has implicitly endorsed the concept of specific area shielding by distributing informational material and sample shields to its members.

The guideline proposed by the Commissioner concerning the use of specific area gonad shielding would consist of three criteria of general applicability that should be used by health practitioners as a basis for decisions concerning the need for such shielding in individual cases. Practical guidance concerning the implementation of these criteria would also be provided. Adherence to the guideline at the clinical level would require that instructions and procedures that can be easily followed by x-ray personnel with minimal disruption of radiological services be established by each facility. The criteria and guidance proposed, and the rationale for these are as follows:

1. Proposed § 1000.50(a) recommends that specific area gonad shielding be used if the gonads of the patient will lie within the primary x-ray field, or in close proximity (about 5 centimeters), despite proper beam limitation.

This recommendation is based upon studies conducted by FDA that indicate that specific area gonad shielding yields testicular dose reductions ranging from approximately 85 percent when the testes lie within the x-ray field, to approximately 50 percent when they lie within the immediate proximity of the field. Possible ovarian dose reductions under similar circumstances were found to range from 45 to 30 percent. These potential ovarian dose reductions are smaller than comparable testicular dose reductions because the ovaries lie approximately at the mid-plane of the abdomen, and a greater portion of ovarian dose comes from x-rays scattered from adjacent tissues.

The criterion proposed in § 1000.50(a) does not urge the use of specific area gonad shielding when the gonads are more than 5 centimeters from the edge of the primary x-ray field because FDA studies have indicated that in such cases gonad doses are small. For example, in a properly collimated postero-anterior chest examination the testicular exposure is typically less than 0.03 milliroentgens. As a result, it has been concluded that the use of specific area shielding for such examinations cannot be defended on the basis of cost-effectiveness. The criterion proposed in § 1000.50(a) would not preclude the use of shielding when the gonads are more than 5 centimeters from the edge of the primary x-ray field. However, health practitioners who choose to do so should not neglect the use of specific area shielding when the gonads lie within, or are in close proximity to the primary x-ray field.

Proposed § 1000.50(a) (1) and (2) provide practical guidance concerning the types of examinations for which specific area testicular shielding should be considered. For reasons discussed in item 2. below of this preamble, it is not presently feasible to present such practical guidance for the use of specific area ovarian shielding.

Proposed § 1000.50(a)(1) recommends that, in the absence of extenuating circumstances, such as those stated in § 1000.50 (b) and (c), specific area testicular shielding should always be used for those examinations in which the testes usually are in the primary x-ray field. This category includes examinations of the pelvis, hip, upper femur and other examinations where the testes usually are not excluded from the x-ray field by collimation alone, using conventional techniques. In these examinations, the general application of specific area testicular shielding will result in substantial dose reductions.

Proposed § 1000.50(a)(2) addresses those examinations in which the testes may be within the primary x-ray field, or within 5 centimeters of its edge, depending upon several variables that affect the distance between the edge of the x-ray field and the testes. These variables, which are unique to facilities, x-ray machines, patients, and examination techniques, include the beam and image receptor size used, the location of the image receptor relative to the testes, the alignment of the beam and image receptor, and the distance between the testes and adjacent bony landmarks. The cumulative effect of these variables is such that whether the testes will be within or in close proximity to the primary x-ray field cannot be predicted without individual analysis of the circumstances involved in the performance of each examination. Consequently, the dose reductions to be derived from the use of specific area testicular shielding during such examinations are highly dependent upon the above examination variables. Some examples of this category are abdominal, lumbar spine and lumbosacral spine examinations, intravenous pyelograms, and abdominal scout films for barium enemas and upper GI series. Proposed § 1000.50(a)(2) recommends that each facility evaluate its procedures, techniques, and equipment, and compile a list of such examinations for which specific area testicular shielding should be routinely considered. As a basis for judgment, it would be recommended that specific area testicular shielding be considered for those examinations of male patients in which the public symphysis can be visualized on the film.

Proposed § 1000.50(a)(3) emphasizes that gonad shielding should never be used as a substitute for careful positioning, the use of correct technique factors and film processing, or proper beam limitation (confinement of the x-ray field to the area of diagnostic interest). This substitution could result in unnecessary doses to other sensitive tissues, and could adversely affect the quality of the radiograph.

2. Section 1000.50(b) recommends that specific area gonad shielding be used only if the clinical objectives of the examination will not be compromised.

This recommendation is based on the premise that patients receive health benefits from those necessary diagnostic x-ray examinations for which shielding cannot be used that override the associated genetic risks to the population. Therefore, if specific area shielding would probably or definitely interfere with diagnosis, its use is not justified. The decision to use such shielding on any particular patient for a diagnostic procedure should be based on the professional judgment of a practitioner of the healing arts operating within the framework of the guideline provisions.

Proposed § 1000.50(b)(1) recommends that specific area testicular shielding be considered for use during the majority of abdominal region examinations of male patients. The anatomical location of the testes is such that covering them with a properly positioned specific area shield usually does not obscure needed clinical information; therefore, the use of specific area shielding for males can be easily implemented without modification of existing radiological procedures. It has been found that such shielding usually does not obscure needed clinical information during abdominal area examinations, except in a few cases such as retrograde urethrograms, voiding cystourethrograms, oblique views of the hip, visualization of the rectum and occasionally the pubic symphysis.

Proposed § 1000.50(b)(2) advises that effectively shielding the ovaries from the primary x-ray field is frequently impractical at present because their exact location is difficult to estimate, and the shielding may obscure radiological visualization of adjacent structures, due to the proximity to the spine, ureters, and small and large bowel. Since reducing both ovarian and testicular doses are important, specific area gonad shields should ideally be provided during appropriate procedures for patients of either sex. It may be possible for a practitioner to use specific area ovarian shielding during selected views in some examinations, but these techniques are not well established. Although the guideline proposed herein is applicable to specific area shielding of both male and female patients, there is no practical guidance presently available on implementing the proposed criteria for females. It is anticipated that comments submitted in response to this proposed guideline may provide additional technical and clinical information concerning the appropriate use of specific area ovarian shielding.

3. Proposed § 1000.50(c) recommends that specific area gonad shielding be used if the patient has a reasonable reproductive potential.

This recommendation is made because the purpose of gonad shielding is to prevent adverse effects on future generations. Therefore, § 1000.50(c)(1) states that patients, who for some reason cannot or are not likely to have children in the future, need not be considered as candidates for shielding. To avoid the necessity of obtaining additional information from each patient, a radiological facility could comply with the intent of § 1000.50(c) by choosing the simplified procedure of employing specific area shielding for all patients under a chosen age. Census information regarding the expected number of future children versus the age of a potential parent is provided in the table in § 1000.50(c)(2). Using this data, a facility could exercise its own judgment in establishing an age limitation above which specific area shielding would not be routinely applied. However, facilities employing an age limit should recognize that some persons below that specified age who are sterile, or who do not intend to reproduce, may object to being shielded, and some over that age may object to not being shielded. A facility employing an age limit should be prepared to alter its procedures for patients whose objections may interfere with their medical care.

Pertinent background data and information on the guideline proposed herein, including an environmental impact assessment report, are on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 356, 82 Stat. 1175 (42 U.S.C. 263d)) and under the authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 1000 of Subchapter J of Chapter I of Title 21 of the Code of Federal Regulations by establishing Subpart C consisting at this time of § 1000.50, to read as follows:

Subpart C—Guidelines and Recommendations

§ 1000.50 Guideline for the use of specific area gonad shielding on patients during medical diagnostic x-ray procedures.

Specific area gonad shielding covers an area slightly larger than the region of the gonads. It may therefore be used to protect the germinal tissue of patients from radiation exposure that may cause genetic mutations during many medical x-ray procedures in which the gonads lie within, or are in close proximity to the x-ray field, without interfering with the objectives of the examination. Such shielding should be provided when the following conditions exist:

(a) The gonads will lie within the primary x-ray field, or within close proximity (about 5 centimeters), despite proper beam limitation. Except as provided in paragraph (b) or (c) of this section:

(1) Specific area testicular shielding should always be used during those examinations in which the testes usually are in the primary x-ray field, such as examinations of the pelvis, hip, and upper femur; and

(2) Specific area testicular shielding may also be warranted during other examinations of the abdominal region in which the testes may lie within, or in close proximity to the primary x-ray field, depending upon the size of the patient and the examination techniques and equipment employed. Some examples of these are: Abdominal, lumbar spine and lumbosacral spine examinations, intravenous pyelograms, and abdominal scout film for barium enemas and upper GI series. Each x-ray facility should evaluate its procedures, techniques, and equipment and compile a list of such examinations for which specific area testicular shielding should be routinely considered for use. As a basis for judgment, specific area testicular shielding should be considered for all examinations of male patients in which the pubic symphysis will be visualized on the film; and

(3) Specific area gonad shielding should never be used as a substitute for careful patient positioning, the use of correct technique factors and film processing, or proper beam limitation (confinement of the x-ray field to the area of diagnostic interest), because this could result in unnecessary doses to other sensitive tissues, and could adversely affect the quality of the radiograph.

(b) The clinical objectives of the examination will not be compromised.

(1) Specific area testicular shielding usually does not obscure needed information except in afew cases such as oblique views of the hip, retrograde urethrograms and voiding cystourethrograms, visualization of the rectum, and, occasionally, the pubic symphysis. Consequently, specific area testicular shielding should be considered for use in the majority of x-ray examinations of male patients in which the testes will lie within the primary beam or within 5 centimeters of its edge.

(2) The use of specific area ovarian shielding is frequently impractical at present because the exact location of the ovaries is difficult to estimate, and the shield may obscure visualization of portions of adjacent structures such as the spine, ureters, and small and large bowel. However, it may be possible for practitioners to use specific area ovarian shielding during selected views in some examinations.

(c) The patient has a reasonable reproductive potential.

(1) Specific area shielding need not be used on patients who cannot, or are not likely to have children in the future.

(2) The following table of statistical data regarding the average number of children expected by potential parents in various age categories during their remaining lifetimes is provided for x-ray facilities that wish to use it as a basis for judging reproductive potential.

Expected number of future children versus age of potential parent [1]

Age	Male parent	Female parent
Fetus	2.6	2.6
0 to 4	2.6	2.5
5 to 9	2.7	2.5
10 to 14	2.7	2.6
15 to 19	2.7	2.6
20 to 24	2.6	2.2
25 to 29	2.0	1.4
30 to 34	1.1	.6
35 to 39	.5	.2
40 to 44	.2	.04
45 to 49	.07	0
50 to 54	.03	0
55 to 64	.01	0
Over 65	0	0

[1] Derived from data published by the National Center for Health Statistics, "Final Natality Statistics 1970," HRA 74-1120, vol. 22, No. 12, Mar. 20, 1974.

Interested persons may, on or before November 17, 1975 submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments shall be filed in quintuplicate (except that individuals may submit single copies), and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: September 9, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-24534 Filed 9-15-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 32, 35, 77, 78, 96, 167, 184, 185, 195, 196]

[CGD 75-074]

VESSEL INSPECTION REGULATIONS

Proposed Rulemaking

The purpose of these amendments to the vessel inspection regulations is to publish within the Code of Federal Regulations amendments to the Convention for Safety of Life at Sea, 1960.

The assembly of the Intergovernmental Maritime Consultative Organization (IMCO) at its fourth extraordinary session held in London, November 1968, adopted three amendments to the International Convention for the Safety of Life at Sea, 1960. These amendments were an outgrowth of a study by IMCO

V 40 180 SEP 1675 XUM

of the disastrous TORREY CANYON foundering on 18 March 1967. The amendments will require vessels of 1,600 gross tons and over in ocean and coastwise service to be fitted with a radar, radio direction finding apparatus, gyro compass, and echo sounding device. Conditions of vessel operation while under the control of an automatic pilot are also specified. In addition to the specific navigational equipment requirements for vessels of 1,600 gross tons and over, all ships subject to the International Convention for the Safety of Life at Sea, 1960, must carry adequate and up-to-date charts, sailing directions, lists of lights, notices to mariners, tide tables and other nautical publications necessary for the intended voyage.

The United States Delegation to IMCO consulted with the American maritime industry, interested agencies of the Executive Branch of the United States Government and other interested parties concerning the 1968 amendments in preparation for all stages of IMCO consideration. The Coast Guard is not aware of any objections to any of the amendments as they were adopted by the assembly. The impact on United States merchant vessels will not be great because nearly all of our vessels of the tonnage indicated have the required equipment on board at the present time.

Eight additional amendments to the International Convention for the Safety of Life at Sea, 1960, were adopted in London, October 1969. Of the eight amendments, only two have any impact on United States vessels. The first requires that the two firemen's outfits that are presently carried be stored conveniently for use in widely separated accessible locations. The second requires that the International Code of Signals be carried on board vessels which must be provided with radiotelegraph or radiotelephone installations.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Coast Guard (G-CMC), 400 Seventh Street, SW., Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 75–074) and give reasons for any recommendations. Comments received before October 31, 1975, will be available in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW. Washington, D.C. The proposal may be held at a time and place set in a later changed in light of comments received. No hearing is contemplated but may be noticed in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, of the Code of Federal Regulations as follows:

PART 32—SPECIAL EQUIPMENT MACHINERY AND HULL REQUIREMENTS

§ 32.15–10 [Amended]

1. Section 32.15–10 is amended by deleting the words "mechanical or" in the first sentence.

2. By adding a new sentence to § 32.15–20(a) to read as follows:

§ 32.15–20 Radiotelegraph and Radiotelephone—T/ALL.

(a) • • • All vessels engaged on an international voyage which are required to carry a radiotelegraph or radiotelephone in accordance with Chapter IV of the Safety of Life at Sea Convention, 1960 must carry the International Code of Signals.

3. By adding a new § 32.15–30 to read as follows:

§ 32.15–30 Radar—T/OC.

All tankships of 1,600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements, as well as the details of the installations, must comply with the regulations of the Federal Communications Commission. Facilities for plotting radar readings must be provided on the bridge.

4. By adding a new § 32.15–35 to read as follows:

§ 32.15–35 Magnetic and Gyro Compass T/OC.

(a) All tankships in ocean or coastwise service must be fitted with a magnetic compass.

(b) All tankships of 1,600 gross tons and over in ocean or coastwise service must be fitted with a gyro compass in addition to the magnetic compass.

PART 35—OPERATIONS

5. By revising § 35.20–1(d) to read as follows:

§ 35.20–1 Notice to Mariners, Aids to Navigation—T/OCLB.

• • • • • •

(d) All vessels must carry adequate and up-to-date—
(1) Charts,
(2) Sailing directions,
(3) Coast pilots,
(4) Light list,
(5) Notices to mariners,
(6) Tide tables,
(7) Current tables, and
(8) All other nautical publications necessary for the intended voyage.

• • • • • •

6. By adding § 35.20–45 to read as follows:

§ 35.20–45 Use of Auto Pilot T/ALL.

(a) When the automatic pilot is used in—
(1) Areas of high traffic density,
(2) Conditions of restricted visibility, and
(3) All other hazardous navigational situations, the master shall ensure that—
(i) It is possible to establish immediately human control of a ship's steering,
(ii) A qualified helmsman is ready at all times to take over steering control, and
(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the officer of the watch.

7. By revising the first sentence of § 35.30–20 to read as follows:

§ 35.30–20 Emergency Equipment—TB/ALL.

(a) Two emergency outfits that are stored conveniently for use in widely separated accessible locations are required for the following: • • •

• • • • •

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

8. By adding a new Subpart 77.09 to read as follows:

Subpart 77.09—Radar

§ 77.09–1 When required.

(a) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements, as well as the details of the installations, must comply with the regulations of the Federal Communications Commission. Facilities for plotting radar readings must be provided on the bridge.

9. By adding a new Subpart 77.11 to read as follows:

Subpart 77.11—Magnetic and Gyro Compass

§ 77.11–1 When required.

(a) All vessels in ocean, coastwise or Great Lakes service must be fitted with a magnetic compass.

(b) All vessels 1,600 gross tons and over in ocean or coastwise service must be fitted with a gyro compass, in addition to the magnetic compass.

10. By adding a new paragraph (b) to § 77.13–1 to read as follows:

Subpart 77.13—Radiotelegraph and Radiotelephone

§ 77.13–1 Required by Federal Communications Commission.

• • • • • •

(b) All vessels engaged on an international voyage which are required to carry a radiotelegraph or radiotelephone installation in accordance with Chapter IV of the Safety of Life at Sea Convention, 1960 must carry the International Code of Signals.

§ 77.27–1 [Amended]

11. Section 77.27–1 is amended by deleting the words "mechanical or" from the first sentence.

PART 78—OPERATIONS

12. By revising § 78.05–5 to read as follows:

§ 78.05–5 Charts and Nautical Publications.

(a) All vessels except barges, ferry boats and vessels operating exclusively on rivers, must carry adequate and up-to-date—
(1) Charts,
(2) Sailing directions,
(3) Coast pilots,
(4) Light list,
(5) Notices to mariners,
(6) Tide tables,
(7) Current tables, and
(8) All other nautical publications necessary for the intended voyage.

13. By adding a new Subpart 78.19 to read as follows:

Subpart 78.19—Auto Pilot

§ 78.19–1 Use of Auto Pilot.

(a) When the automatic pilot is used in—
(1) Areas of high traffic density,
(2) Conditions of restricted visibility, and
(3) All other hazardous navigational situations, the master shall ensure that—
(i) It is possible to establish immediately human control of a ship's steering,
(ii) A qualified helmsman is ready at all times to take over steering control, and
(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the officer of the watch.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

14. By adding a new paragraph (b) to § 96.13–1 to read as follows:

Subpart 96.13—Radiotelegraph and Radiotelephone

§ 96.13–1 Required by Federal Communications Commission.

• • • • • •

(b) All vessels engaged on an international voyage which are required to carry a radiotelegraph or radiotelephone installation in accordance with Chapter IV of the Safety of Life at Sea Convention, 1960 must carry the International Code of Signals.

15. By adding a new Subpart 96.17 to read as follows:

Subpart 96.17—Magnetic and Gyro Compass

§ 96.17–1 When required.

(a) All vessels in ocean or coastwise service must be fitted with a magnetic compass.

(b) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a gyro compass in addition to the magnetic compass.

16. By adding a new Subpart 96.25 to read as follows:

Subpart 96.25—Radar

§ 96.25–1 When required.

(a) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements, as well as the details of the installations, must comply with the regulations of the Federal Communications Commission. Facilities for plotting radar readings must be provided on the bridge.

§ 96.27–1 [Amended]

17. Section 96.27–1 is amended by deleting the words "mechanical or" in the first sentence of paragraph (a).

18. By revising paragraph (a) of § 96.35–15 to read as follows:

§ 96.35–15 Stowage.

(a) The fireman's outfits and personal equipment must be stored convenient for use in widely separated accessible locations.

PART 97—OPERATIONS

19. By revising § 97.05–5(a) to read as follows:

§ 97.05–5 Charts and Nautical Publications.

(a) All vessels except barges, vessels operating exclusively on rivers, and motorboats other than those certified for ocean or coastwise routes, must carry adequate and up-to-date—
(1) Charts,
(2) Sailing directions,
(3) Coast pilots,
(4) Light list,
(5) Notices to mariners,
(6) Tide tables,
(7) Current tables, and
(8) All other nautical publications necessary for the intended voyage.

20. By adding a new Subpart 97.16 to read as follows:

Subpart 97.16—Auto Pilot

§ 97.16–1 Use of Auto Pilot.

(a) When the automatic pilot is used in—
(1) Areas of high traffic density,
(2) Conditions of restricted visibility, and
(3) All other hazardous navigational situations, the master shall ensure that—
(i) It is possible to establish immediately human control of a ship's steering,
(ii) A qualified helmsman is ready at all times to take over steering control, and
(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the officer of the watch.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

§ 167.40–20 [Amended]

21. Section 167.40–20 is amended by deleting the words "mechanical or" from the first and second sentences.

22. By adding a new § 167.40–40 to to read as follows:

§ 167.40–40 Radar.

(a) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements, as well as the details of the installations, must comply with the regulations under the jurisdiction of the Federal Communications Commission. Facilities for plotting radar readings must be provided on the bridge.

23. By adding a new § 167.40–45 to read as follows:

§ 167.40–45 Magnetic and Gyro Compass.

(a) All vessels in ocean or coastwise service must be fitted with a magnetic compass.

(b) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a gyro compass in addition to the magnetic compass.

24. By adding a new § 167.65–35 to read as follows:

§ 167.65–35 Use of Auto Pilot.

(a) When the automatic pilot is used in—
(1) Areas of high traffic density,
(2) Conditions of restricted visibility, and
(3) All other hazardous navigational situations, the master shall ensure that—
(i) It is possible to establish immediately human control of a ship's steering,
(ii) A qualified helmsman is ready at all times to take over steering control, and
(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the officer of the watch.

25. By revising § 167.65–45(d) to read as follows:

§ 167.65–45 Charts and Nautical Publications.

• • • • • •

(d) All nautical school ships must carry adequate and up-to-date—
(1) Charts,
(2) Sailing directions,
(3) Coast pilots,
(4) Light list,
(5) Notices to mariners,
(6) Tide tables, and
(7) All other nautical publications necesary for the intended voyage.

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

26. By adding a new paragraph (c) to § 184.25–1 to read as follows:

Subpart 184.25—Radio

§ 184.25–1 Requirements of the Federal Communications Commission.

• • • • • •

(c) All vessels engaged on an international voyage which are required to carry a radiotelegraph or radiotelephone installation in accordance with Chapter IV of the Safety of Life at Sea Convention 1960, must carry the International Code of Signals.

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PART 185—OPERATIONS

27. By adding a new § 185.20–30 to read as follows:

Subpart 185.20–30—Miscellaneous Operating Requirements

§ 185.20–30 Use of Auto Pilot.

(a) When the automatic pilot is used in—

(1) Areas of high traffic density,

(2) Conditions of restricted visibility, and

(3) All other hazardous navigational situations, the operator shall ensure that—

(i) It is possible to establish immediately human control of a ship's steering,

(ii) That a qualified helmsman is ready at all times to take over steering control, and

(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the operator.

28. By adding a new § 185.20–35 to read as follows:

§ 185.20–35 Charts and Nautical Publications.

(a) All vessels engaged in an international voyage must carry adequate and up-to-date—

(1) Charts,
(2) Sailing directions,
(3) Coast pilots,
(4) Light list,
(5) Notices to mariners,
(6) Tide tables,
(7) Current tables, and
(8) All other nautical publications necessary for the intended voyage.

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

29. By adding a new paragraph (b) to § 195.13–1 to read as follows:

Subpart 195.13—Radiotelegraph and Radiotelephone

§ 195.13–1 Required by Federal Communications Commission.

• • • • •

(b) All vessels engaged on an international voyage which are required to carry a radiotelegraph or radiotelephone installation in accordance with Chapter IV of the Safety of Life at Sea Convention, 1960 must carry the International Code of Signals.

30. By adding a new Subpart 195.17 to read as follows:

Subpart 195.17—Radar

§ 195.17 When required.

(a) All vessels of 1,600 gross tons and over in ocean or coastwise service must be fitted with a radar. Details of the application of these requirements, as well as the details of the installations, must comply with the regulations under the jurisdiction of the Federal Communications Commission. Facilities for plotting radar readings must be provided on the bridge.

31. By adding a new Subpart 195.19 to read as follows:

Subpart 195.19—Magnetic and Gyro Compass

§ 195.19–1 When required.

(a) All vessels in ocean or coastwise service must be fitted with a magnetic compass.

(b) All vessels of 1,600 gross tons and over in ocean or coastwise service fitted with a gyro compass in addition to the magnetic compass.

§ 195.21–1 [Amended]

32. Section 195.27–1 is amended by deleting the words "mechanical or" in the first sentence.

33. By adding a new sentence to § 195.35–10(b) to read as follows:

§ 195.35–10 Firemen's Outfit.

• • • • • •

(b) • • • The firemen's outfits and personal equipment must be stored convenient for use in widely separated accessible locations.

PART 196—OPERATIONS

34. By revising § 196.05–5 to read as follows:

§ 196.05–5 Charts and Nautical Publications.

All vessels except barges, ferry boats, and vessels operating exclusively on rivers must carry adequate and up-to-date—

(a) Charts,
(b) Sailing directions,
(c) Coast pilots,
(d) List of lights,
(e) Notices to mariners,
(f) Tide tables,
(g) Current tables, and
(h) All other nautical publications necessary for the intended voyage.

35. By adding a new Subpart 196.16 to read as follows:

Subpart 196.16—Auto Pilot

§ 196.16–1 Use of Auto Pilot.

(a) When the automatic pilot is used in—

(1) Areas of high traffic density,

(2) Conditions of restricted visibility, and

(3) All other hazardous navigational situations, the master shall ensure that—

(i) It is possible to establish immediately human control of a ship's steering,

(ii) That a qualified helmsman is ready at all times to take over steering control, and

(iii) The change over from automatic to manual steering and vice versa is made by or under the supervision of the officer of the watch.

(46 U.S.C. 375, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)).

Dated: September 9, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-24585 Filed 9-15-75;8:45 am]

Federal Aviation Administration

[14 CFR Ch. I]

[Docket No. 14978; Notice No. 75-45]

EPA EXHAUST EMISSIONS (SMOKE) STANDARDS AND FAA PARTICIPATION IN ALL EMISSION TESTING

Proposed Compliance

The Federal Aviation Administration is considering amending Special Federal Aviation Regulation (SFAR) 27 to require compliance with Environmental Protection Agency (EPA) standards for exhaust emissions of smoke that are effective beginning January 1, 1976. These standards, as currently prescribed in 40 CFR Part 87, apply to aircraft turbofan or turbojet engines that are designed for subsonic airplanes and that have a rated power of 29,000 pounds thrust or greater. Foreign as well as U.S. registered civil airplanes would be affected. A provision concerning FAA participation in all testing under the SFAR is also proposed.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. However, to reflect the division of regulatory responsibility between EPA (in section 231 of the Clean Air Act, as amended, 42 U.S.C. 1857 f–9) and the Secretary of Transportation (in section 232 of that Act, 42 U.S.C. 1857 f–10), comments are not solicited herein concerning the substance or the effective date of the already final requirements of EPA Part 87 that are incorporated herein. Since those comments would involve EPA's regulatory authority, they would have to be submitted to EPA (although FAA would appreciate information copies of such comments).

Comments that do not involve either the substance or the compliance date of the provisions of EPA Part 87 that are incorporated in this Notice should identify the FAA regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. Comments received on or before November 3, 1975, will be considered by the FAA Administrator before taking action on the proposed rules. The proposals contained in this notice (other than the incorporated provisions of EPA Part 87) may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On December 26, 1973, the FAA issued Special Federal Aviation Regulation (SFAR) 27, published in the FEDERAL REGISTER (38 FR 35437) on December 28, 1973. The purpose of SFAR 27 is to ensure compliance with aircraft and aircraft engine emission standards and test procedures issued by the Environmental Protection Agency (EPA). The EPA standards and procedures are contained in EPA Part 87 (40 CFR Part 87), issued on July 6, 1973, and published in the FEDERAL REGISTER (38 FR 19088) on July 17, 1973. The SFAR, as originally issued, contained only those standards and procedures in EPA Part 87 that were effective beginning February 1, 1974. On December 23, 1974, the FAA issued an amendment to SFAR 27 (Amdt. SFAR 27–1, published in the FEDERAL REGISTER on December 30, 1974 at 39 FR 45008) containing the fuel venting emission standards in EPA Part 87 that were effective beginning January 1, 1975.

The FAA now proposes to add to that SFAR those provisions of EPA Part 87 that apply beginning January 1, 1976. These are limited to the provisions of that Part that regulate the exhaust emissions of smoke from new and in-use aircraft gas turbine engines of Class T2 that have a rated power of 29,000 pounds thrust or greater. Class T2 engines are turbofan or turbojet aircraft engines (except for engines of the JT3D and JT8D Model families and engines for propulsion of supersonic aircraft) of rated power of 8,000 pounds thrust or greater. The rules proposed herein would prevent the issuance of type certificates, supplemental or amended type certificates, airworthiness approval tags, and standard airworthiness certificates unless the January 1, 1976 standards are complied with, and would prohibit the operation, in the United States, of airplanes powered by noncomplying engines, on and after that date. Since the proposed amendment, for the first time, would add exhaust emissions requiremeents for engines that may not yet be type certificated, § 15 of the SFAR would be amended to contain engine type certification provisions, in addition to airplane type certification provisions, incorporating the January 1, 1976 EPA standards.

Consistent with the addition of the January 1, 1976, standards to SFAR 27, the continuing compliance requirement of section 14(c) of that SFAR would be amended to provide (as it does for the February 1, 1974 standards) that continued compliance with the newly added exhaust emission standards is shown if the engine is maintained in accordance with applicable maintenance requirements. As stated in the preamble to SFAR 27 (38 FR 35437; December 28, 1973), an engine for which applicable maintenance requirements are complied with will be accepted as being in continued compliance under section 14(c) until a multipoint smoke sampling rake suitable for routine testing is readily available and the FAA has issued regulations for testing random samples of engines at normal overhaul periods.

Finally, to ensure full FAA access to, and supervision of, testing conducted under SFAR 27, it is proposed to add, as a new § 14(d), a requirement that each applicant must allow the Administrator to make, or witness, any test necessary to determine compliance with any provision of the SFAR.

(Sec. 232 of the Clean Air Act, as amended December 31, 1970, Pub. L. 91–604 (42 U.S.C. 1857f–10), as delegated (36 FR 8733); 40 CFR Part 87 (38 FR 19088); sec. 307(c), 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421 and 1423; section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

In consideration of the foregoing, Special Federal Aviation Regulation (SFAR) 27 would be amended as follows:

1. Section 14 would be amended as follows:

a. The section heading would be amended to read *"Compliance."*

b. Paragraph (c) would be amended by adding the following sentence at the end thereof: "Continued compliance with the exhaust emissions requirements of this SFAR that apply beginning on January 1, 1976 is shown, for engines for which the type design has been shown to meet those requirements, if the engine is maintained in accordance with applicable maintenance requirements."

c. A new paragraph (d) would be added to read as follows:

Sec. 14. Compliance.

• • • • • •

d. Each applicant must allow the Administrator to make, or witness, any test necessary to determine compliance with the applicable provisions of this SFAR.

2. Section 15 would be amended to read as follows:

Sec. 15 Type certificates. (a) Notwithstanding Part 21 of the Federal Aviation Regulations and irrespective of the date of application, no type certificate is issued, on and after the dates specified in paragraphs (a) through (d) of this section, for the airplanes specified therein, unless—

(1) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974.

(2) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(3) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(4) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

(b) Notwithstanding Part 21 of the Federal Aviation Regulations and irrespective of the date of application, no type certificate is issued, on and after the date specified in paragraph (a)(4) of this section, for an engine specified therein, unless the engine complies with that paragraph.

3. Section 17 would be amended to read as follows:

Sec. 17 Supplemental or amended type certificates. Notwithstanding Part 21 of the Federal Aviation Regulations and irrespective of date of application, no supplemental or amended type certificate is issued, on and after the dates specified in paragraphs (a) through (d) of this section, for the airplanes specified therein, unless—

(a) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(b) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(c) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(d) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

4. Section 19 would be amended to read as follows:

Sec. 19 Airworthiness approval tags.
Notwithstanding Part 21 of the Federal Aviation Regulations, no airworthiness approval tag (FAA Form 8130–3) is issued on and after—

(a) February 1, 1974, for an engine of Class T4, unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974; and

(b) January 1, 1976, for an engine of Class T2 that has a rated power of 29,000 pounds thrust or greater, unless the engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

5. Section 21 would be amended to read as follows:

Sec. 21 Standard airworthiness certificates.
Notwithstanding Part 21 of the Federal Aviation Regulations and irrespective of the date of application, no standard airworthiness certificate is issued, on and after the dates specified in paragraphs (a) through (d) of this section, for the airplanes specified therein, unless—

(a) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(b) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(c) For airplanes powered by engines of Class T1 or Class P2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(d) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

6. Section 25 would be amended to read as follows:

Sec. 25 Operation.
On and after the dates specified in paragraphs (a) through (d) of this section, no person may, within the United States, operate an airplane specified in those paragraphs unless—

(a) For airplanes powered by engines of Class T2, Class T3, Class T4, or Class T5, the airframe or the engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

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(b) For airplanes powered by engines of Class T4, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning February 1, 1974;

(c) For airplanes powered by engines of Class T1 or Class T2, the airframe or engine complies with the fuel venting emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1975; and

(d) For airplanes powered by engines of Class T2 that have a rated power of 29,000 pounds thrust or greater, each engine complies with the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply beginning January 1, 1976.

Issued in Washington, D.C., on September 12, 1975.

CHARLES R. FOSTER,
Director of Environmental Quality.

[FR Doc.75-24768 Filed 9-15-75;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 75-RM-30]

EXTENSION OF AREA HIGH ROUTES

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would:

1. Redesignate J-906R to extend from waypoint (WP) Ogden via WP FOOLS, WP ADAPT, WP MESIC, WP Hector to Los Angeles, Calif.

2. Extend J-92[illegible]R from WP MILLE to the United States/Canadian border. (WP KRUMS to be established.)

3. Relocate WP MESIC so as to terminate J-801R/J-804R at its INT with J-906R.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before October 1, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Additionally, the proposed amendment would establish the KRUMS WP at Lat. 49°00'00" N., Long. 109°14'25" W., using Lewistown, Mont., VORTAC as the reference facility. The MESIC WP would be relocated to the present INT of J-906R with J-801R/J-804R, at Lat. 35°44'20" N., Long. 115°32'01" W., using Boulder City, Nev., VORTAC as the reference facility. The Los Angeles, Calif., WP would be established at Lat. 33°55'59" N., Long. 118°25'52" W., using Palmdale, Calif., VORTAC as the reference facility. The reference facility for the Hector WP would be changed to use the Palmdale VORTAC.

This action would extend and join two RNAV routes to permit continuous routing from Los Angeles, Calif., to the United States/Canadian border. This would reduce pilot/controller communication workload. Relocation of MESIC is necessary to provide an additional waypoint on J-906R.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 9, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-24650 Filed 9-15-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 3-3; Notice 10]

FLAMMABILITY OF INTERIOR MATERIALS

Test Procedures

This notice proposes a surrogate testing procedure to test the flammability of components not easily tested under the procedures currently contained in Standard No. 302 (49 CFR 571.302).

On March 31, 1975, the National Highway Traffic Safety Administration (NHTSA) issued a notice which established a surrogate testing procedure to be used in testing the flammability characteristics of small components. A number of petitions for reconsideration were received. The surrogate testing procedure is being withdrawn and this notice of proposed rulemaking issued in its stead.

The question of how best to test components of motor vehicles which are too small to test easily by the Standard 302 procedures is a difficult one. Ascertaining the actual burn rate of a small component is a complex and expensive process, although not impossible. However, the NHTSA has concluded that the exclusion of a component from flammability requirements merely because of its size is not in the interest of safety. Also of importance in the NHTSA consideration of the problem was the matter of motor vehicle defects pursuant to section 152 of the National Traffic and Motor Vehicle Safety Act, and the ability of a manufacturer to guard against their occurrence. Clearly, the use of a highly flammable material in a motor vehicle could be one of the considerations in determining a defect pursuant to section 152 whether or not the material could be tested without difficulty pursuant to Standard No. 302.

To alleviate this problem, the NHTSA first considered the issuance of a list of prohibited materials. It was determined, however, that such a process would be cumbersome, subject to constant amendment, and contrary to the basic requirement of providing an objective performance standard. Consequently, the alternative of surrogate testing was decided upon. While the flammability characteristics of a surrogate sample would sometimes differ from the actual component, it was felt that the flammability of the surrogate would rarely, if ever, exceed the flammability of the component itself, and would therefore give a fair approximation of the flammability of the component.

Persons petitioning to reconsider the previous notice raised several questions concerning the surrogate test procedure itself, particularly that relating to what they believed was an arbitrary sample size. Prior to amendment, Standard No. 302 called for a specimen 4 inches wide by 14 inches long, whenever possible. The maximum available length or width was to be used if a specimen of this size was not possible.

The specimen length of 6 inches contained in the amendment was based on the Standard No. 302 requirement for a burn rate of not more than 4 inches per minute. While it is possible to determine the burn rate of a specimen shorter than 6 inches, it is difficult, and it was found that surrogate testing would be more appropriate in such cases.

The petitioners also raised a question relating to the thickness of the surrogate sample. The amended rule calls for the surrogate sample to be as thick as the component itself, up to ½ inch. Certain components may be contoured or tapered, however. In these instances, the sample should be the maximum thickness of the component up to ½ inch.

In the case of components which are a composite, the rule is the same as for a larger sample. Thus, the surrogate sample of an elastic cord with a length of less than 6 inches would be a sample of the rubber material forming the core bonded to the braided sheath, if the sheath adheres to the core at every point of contact. If it does not, surrogate samples of the case and the sheath would be tested separately.

In light of the above, it is proposed that Motor Vehicle Safety Standard No. 302, 49 CFR 571.302, be amended by the amendment of S4.1.1 to read as follows.

§ 571.302 Standard No. 302 Flammability of Interior Materials.

* * * * *

S4.1.1 If a test sample at least 6 inches long cannot be produced from a component because of its size, a test sample or samples with composition identical to that of the component material(s) shall be produced in the shape of a rectangle 4 inches wide, 14 inches long, and as thick as the component, up to ½ inch, and shall be used for testing pursuant to S5. If the component is contoured or tapered, the thickness of the surrogate sample should be the maximum thickness of the component up to ½ inch.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 17, 1975.

Proposed effective date: 180 days after publication of the rule.

(Secs. 103, 119, Pub. L., 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 10, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-24645 Filed 9-11-75;4:34 pm]

FEDERAL TRADE COMMISSION

[16 CFR Part 445]

LABELING AND ADVERTISING OF ROOM AIR CONDITIONERS

Proposed Trade Regulation Rule

Correction

In FR Doc. 75-22689 appearing at page 39533 in the issue of Thursday, August 28, 1975, in the first column, sixth paragraph, the third line now reading, "4, 6.1 and 6.5" should read "4, 5, 6.1 and 6.5".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 432-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Extension of Comment Period

This notice opens again, until September 16, 1975, the public record comment period relating to the April 10, 1975 (40 FR 16218) proposed disapproval of Regulation S, "Control of Sulfur Oxides Emissions" of the "Rules and Regulations for the Control of Air Pollution in Idaho." The comment period was reopened to September 8, 1975 as announced in the FEDERAL REGISTER on September 4 (40 FR 40856) at the request of the Bunker Hill Company. During the reopened comment period comments were received from only the Bunker Hill Company. However, a request was received from the Idaho Environmental Council to extend the comment period to September 16, 1975 because the Council was not able to prepare comments in the short time period allotted during the reopening. The Council wishes to comment in rebuttal to the Bunker Hill proposal to meet ambient standards by using tall stacks, and its submission should be so limited.

EPA has determined that this request is reasonable and is therefore extending the reopening of the comment period to September 16, 1975. As this matter has been pending before this Agency since at least the public hearing of January 22, 1975, a period of some eight months, no further extension of time beyond September 16 is contemplated by the Hearing Officer. Comments should be addressed to the Regional Administrator, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: K. Higley. Comments received will be available for public inspection at the EPA Regional Office and EPA headquarters at the Freedom of Information Center, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 and at the Kellogg Public Library, 16 West Market Avenue, Kellogg, Idaho.

This notice is issued under the authority of section 110 of the Clean Air Act, as amended. (42 U.S.C. 1857c-5).

Dated: September 11, 1975.

EDWARD F. TUERK,
Assistant Administrator for Air and Waste Management.

[FR Doc.75-24666 Filed 9-15-75;8:45 am]

[40 CFR Part 180]

[FRL 432-6; PP6E1661/P8]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for Pesticide Methomyl

Mr. John C. Hillis, Chief, Agricultural Chemicals and Feed, California Department of Food and Agriculture, 1220 N. St., Sacramento CA 95814, submitted a pesticide petition (PP6E1661) to the Environmental Protection Agency (EPA). This petition proposed the establishment of a tolerance of 0.2 part per million (ppm) for residues of the insecticide methomyl in or on pomegranates.

The data submitted in the petition and and other relevant material have been evaluated, and it is concluded that the tolerance established by amending § 180.253 will protect the public health. The proposed tolerance is adequate to cover residues in or on pomegranates, and there is no reasonable expectation of residues in eggs, meat, or milk and § 180.6(a)(3) is applicable.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before October 16, 1975, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposal to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 423, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in reviewing them. The comments must be received on or before October 16, 1975 and should bear a notation indicating the subject (PP6E1661/P8). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to p.m. Monday through Friday.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

Dated: September 11, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

It is proposed that § 180.253, Subpart C, Part 180, be amended by revising the paragraph beginning "0.2 parts per million * * *" to include pomegranates as follows:

§ 180.253 Methomyl; tolerances for residues.

* * * * *

0.2 parts per million (negligible residue) in or on the commodity groups cucurbits, fruiting vegetables, leafy vegetables (except broccoli, brussels sprouts, cabbage, cauliflower, celery, endive (escarole), lettuce, spinach), root crop vegetables, and pomegranates, sorghum grain, and soybeans.

* * * * *

[FR Doc.75-24773 Filed 9-15-75;9:26 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-8913; File No. S7-582]

CONTRACTUAL PLAN

Proposed Amendments to Rule Prescribing Reserve Requirements

Section 27(d) (15 U.S.C. 80a-27(d)) of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) ("Act") empowers the Securities and Exchange Commission to make rules and regulations specifying the reserve requirements applicable to underwriters and depositors

V 40 I 180 SEP 16 75 XUM

for registered investment companies issuing periodic payment plan certificates as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligation to refund sales charges.

Notice is hereby given that pursuant to this authority, the Securities and Exchange Commission has under consideration the amendment of Rule 27d–1 (17 CFR 270.27d–1) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) ("Act"). The amendment would revise paragraphs "c" and "d" of that rule which govern the reserve requirements for front-end load periodic payment plan certificates subject to section 27(d) of the Act.[1] These requirements are designed to insure that sponsors of such plans will be able to carry out their obligations to refund charges pursuant to sections 27(d) and 27(f) (15 U.S.C. 80a–27(f)) of the Act.[2]

The Commission adopted Rule 27d–1 in Investment Company Act Release No. 6600 (July 2, 1971), published in the FEDERAL REGISTER on July 15, 1971 (36 FR 13134). At that time, the Commission stated that it intended to review the reserve requirements in light of actual experience as soon as sufficient data becomes available.

Paragraph "c" of Rule 27d–1 requires that for all periodic payment plan certificates governed by section 27(d) the depositor or principal underwriter must deposit into a segregated trust account 45 percent of that portion of the sales load which is in excess of 15 percent of the payment. For 50 percent front-end load contractual plans these deposits generally apply to the first 13 monthly payments. Under the proposed amendment, the required deposits of 45 percent of the excess sales load would apply only to the first 6 monthly payments.

Paragraph "d" of Rule 27d–1 sets a minimum balance which must be maintained in the segregated trust account equal to 35 percent of the total refundable sales load on the payments made on those certificates. Under the proposed amendment this minimum balance would be reduced to 15 percent of the total refundable sales load.

The amendment would reduce the reserve requirements under Rule 27d–1 by approximately 50 percent. The reserve requirement for "spread load" periodic payment plans governed by section 27(h) (15 U.S.C. 80a–27(h)) would not be affected by this amendment.

[1] Under section 27(d), periodic payment plan certificates typically issued with a 50 percent "front-end load," must provide that the certificate holder may surrender his certificate at any time prior to the expiration of eighteen months after issuance of the certificate and receive in payment thereof, in cash, the value of his account plus an amount from the underwriter for, or depositor of, the issuer equal to that part of the excess paid for sales loading which exceeds 15 percent of the gross payments made by the certificate holder ("18 month surrender right").

[2] Under section 27(f), a certificate holder, within 60 days after the issuance to him of his periodic payment plan certificate, must be given a written notice of his right to withdraw from the plan within 45 days of the date of mailing the notice. Any certificate holder who exercises his right of withdrawal is entitled to receive a refund of the amount equal to the value of his account plus an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested, i.e., a complete refund of all charges (the "45 day refund").

[3] A summary of the data on the sales, persistency and refund experience of front-end load contractual plans as reported on Form N–27D–2 is attached as Appendix A below.

EXPERIENCE UNDER SECTION 27(d) OF THE ACT

DATA AVAILABLE

Rule 27d–3 (17 CFR 270.27d–3) of the Act requires that issuers of periodic payment plan certificates subject to the surrender right of section 27(d) file data on their persistency and refund experience on Form N–27D–2. This form, which must be filed quarterly, lists the number of certificates outstanding at the end of the quarter and the number of refunds pursuant to sections 27(d) and 27(f) during the quarter. This data is classified according to the quarter in which the certificates were sold and the number of monthly payments made. Data on the 18 month "full cycle" experience for 32,500 front-end load certificates sold during the first two years after section 27(d) became effective, beginning in the third quarter of 1971 has been filed on Forms N–27D–2 and forms the statistical basis for the revisions proposed herein.[3]

EXPERIENCE OF THE SEGREGATED TRUST ACCOUNTS

Based on the aggregate 18 month "full cycle" experience reported on Form N–27D–2 for plans sold during the first two years after Rule 27d–1 became effective, and assuming a periodic payment plan with a sales load of 50 percent on the first 13 monthly payments, it appears that under Rule 27d–1 approximately $3.50 was deposited in the segregated trust account for every $1 refunded under both the 18 month and 45 day refund provisions.

Based upon this same experience but assuming the proposed reduction in the reserve requirements, approximately $1.80 would have been deposited in the segregated trust account for every $1 refunded under both the 18 month and 45 day refund provisions. This provides a margin of safety of about 1.8 to 1 which the Commission believes to be necessary because of fluctuations in the refund experience among different sponsors and over time.

COMMISSION ACTION

It is proposed to amend 17 CFR Chapter II by revising paragraphs (c) and (d) of § 270.27d–1 to read as follows:

§ 270.27d–1 Reserve requirements for principal underwriters and depositors to carry out the obligations to refund charges required by section 27(d) and section 27(f) of the Act.

* * * * * *

(c) For every periodic payment plan certificate governed by section 27(d), the depositor or prinoipal underwriter shall deposit into the segregated trust account not less than 45 percent of the excess sales load on each of the first six monthly payments or their equivalent.

(d) For all periodic payment plan certificates governed by section 27(d) which have not been surrendered in accordance with their terms, and for which the depositor or principal underwriter may be liable for the refund of any sales load, the depositor or principal underwriter shall maintain in the segregated trust account an amount equal to not less than 15 percent of the total refundable sales load on the payments made on those certificates. The depositor or principal underwriter shall also maintain in the segregated trust account such additional amounts as the Commission by order may require for the depositor or principal underwriter to carry out refund obligations pursuant to sections 27(d) and 27(f) of the Act.

* * * * * *

Attached to this Release as Appendix B below is a schedule of amounts proposed to be deposited and maintained in a segregated trust account on a $100 per month periodic payment plan subject to the 18 month refund requirement of section 27(d) under the proposed amendment to Rule 27d–1.

Interested persons are requested to submit their views and comments on the proposal in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, no later than October 15, 1975. All material should be designated File No. S7–582.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 29, 1975.

APPENDIX A

SUMMARY OF SALES, PERSISTENCY AND REFUND EXPERIENCE FOR FRONT-END LOAD CONTRACTUAL PLANS AS REPORTED ON FORM N–27D–2

Sales of front-end load plans. The number of front-end load plans sold has declined steadily since 1971, due to both a decline in the number of sponsors offering such plans and a decline in the number of plans sold per sponsor. In the third quarter of 1971, the first quarter for which Rule 27d–1 was effective, a total of approximately 8,000 plans sold were reported on Form N–27D–2 by 15 plan sponsors. By the fourth quarter of 1974, six plan sponsors were reporting new sales and they reported a total of approximately 600 plans sold.[1] Of the nine plan sponsors no longer reporting new sales, one has obtained an insurance company undertaking pursuant to Rule 27d–2 (17 CFR 270.27d–2) under the Act, four are selling spread load plans and four are are no longer making new sales.

Not only have the number of sponsors of front-end load plans declined, but there has also been a decline in the number of plans sold by the six sponsors currently reporting new sales. Their sales declined from 4,400 plans for the third quarter of 1971 to 600 for the fourth quarter of 1974.

Persistency and refund experience. Table I below summarizes the industry wide persistency and refund experience reported by issuers of periodic payment plan certificates on Form N–27D–2. The table shows the percentage of planholders requesting a 45 day refund, the percentage taking advantage of the 18 month surrender right, and the number of plans outstanding at the end of 18 months after issue, classified by the number of monthly payments made.

[1] One of these six plan sponsors has since discontinued new plan sales.

TABLE I—PERSISTENCY AND REFUND EXPERIENCE FOR FRONT-END LOAD CONTRACTUAL PLANS

[As a percentage of plans originally sold]

45-d withdrawals	7.7
18-mo surrenders	12.9
Outstanding, 1–5 payments made	8.3
Outstanding, 6–13 payments made	7.6
Outstanding, 14–18 payments made	8.4
Outstanding, fully paid up	55.1
Total	100

As the Table indicates, 20.6 percent of the planholders took advantage of one or the other refund provisions. The portion of planholders taking advantage of the 18 month surrender right has been fairly stable, in the neighborhood of 12 percent to 14 percent, both among different sponsors and over time. There has been greater variation in the portion of planholders requesting a 45 day refund, generally in the range of 4 percent to 12 percent.

Out of the approximately 32,500 front-end load plans sold subject to Rule 27d–1, more than half (55 percent) were fully paid up at the end of 18 months. However, at the end of 18 months, 15.9 percent of the original planholders had made 13 or less monthly payments but had not taken advantage of the 18 month refund privilege. Out of these, 8.3 of the original planholders had made 5 or less payments at the end of the 18 month period and, nevertheless, did not take advantage of the refund privilege.

Data was also filed on the number of payments made by planholders who requested 18 month and 45 day refunds. Table II, below, gives a breakdown of these planholders by number of payments made.

TABLE II.—*Breakdown of 18-mo surrenders and 45 d refunds by number of payments made*

[In percent]

	18 mo surrenders (12.9 pct of total plans sold)	45 d refunds (7.7 pct of total plans sold)
1 to 5 payments made	42.4	83.9
6 to 13 payments made	38.7	12.1
More than 14 payments made	18.9	4.0
Total	100.0	100.0

The table indicates that of those planholders exercising the 18 month surrender right, 18.9 per cent had made 14 or more payments. Also, of those planholders requesting a 45 day refund, 16.1 per cent had made 6 or more payments.

APPENDIX B.—*Schedule of amounts to be deposited and maintained in the segregated trust account on a $100 per month periodic payment plan subject to the 18-mo. refund requirement of sec. 27(d) under the proposed amendment to rule 27d–1*

Number of minimum monthly payments	Total sales load [1]	Refundable sales load [2]	Total deposits [3]	Maintain [4]
1	$50	$35	$15.75	$5.25
2	100	70	31.50	10.50
3	150	105	47.25	15.75
4	200	140	63.00	21.00
5	250	175	78.75	26.25
6	300	210	94.50	31.50
7	350	245	94.50	36.75
8	400	280	94.50	42.00
9	450	315	94.50	47.25
10	500	350	94.50	52.50
11	550	385	94.50	57.75
12	600	420	94.50	63.00
13	650	455	94.50	68.25
14	654	444	94.50	66.60
15	638	428	94.50	64.95
16	662	422	94.50	63.30
17	666	411	94.50	61.65
18	670	400	94.50	60.00
19	674	389	94.50	58.35

[1] Total sales load deducted, assuming 50 pct sales load on first 13 minimum monthly payments and 4 pct thereafter.
[2] Amount of sales load to be returned upon surrender.
[3] Total of payments into the segregated trust account, equal to 45 pct of excess sales load on first 6 minimum monthly payments.
[4] Minimum amount to be maintained in the segregated trust account, equal to 15 pct of refundable sales load.

NOTE: If more than 19 payments are made during the 18-mo period, the total deposits will remain at $94.50 and the minimum amount to be maintained will equal 15 pct of refundable sales load.

[FR Doc.75–24495 Filed 9–15–75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

CERTAIN SCREWS FROM ITALY

Receipt of Countervailing Duty Petition and Initiation of Investigation

A petition in satisfactory form was received on August 11, 1975, alleging that payments or bestowals conferred by the Government of Italy upon the manufacture, production, or exportation of iron or steel cap screws, ¼" in diameter and over, constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (herein referred to as the Countervailing Duty Law).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the Countervailing Duty Law within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant. A final decision must be issued within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than February 11, 1976, as to whether the alleged payments or bestowals conferred by the Government of Italy upon the manufacture, production, or exportation of iron or steel cap screws, ¼" in diameter and over, constitute the payment or bestowal of a bounty or grant within the meaning of the Countervailing Duty Law. A final determination will be issued no later than August 11, 1976.

This notice is published pursuant to section 303(a)(3) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)).

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 11, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-24564 Filed 9-15-75;8:45 am]

Office of the Secretary

UNITED STATES AND REPUBLIC OF TUNISIA

Announcement of Hold Discussions on an Income Tax Treaty

The Treasury Department today announced that representatives of the United States and the Republic of Tunisia held preliminary discussions in Washington September 2 through September 4 to consider entering into an income tax treaty. Representatives of the two countries plan to meet in Tunis in the Spring of 1976 to begin formal discussions of a proposed bilateral income tax treaty.

At present there is no income tax convention between the two countries.

The proposed treaty is intended to prevent double taxation and to facilitate trade and investment between the two countries. It will be concerned with the tax treatment of income of individuals and companies from business, investment, and personal services, and the procedures for administering the provisions of the treaty.

The "model" income tax treaty developed by the Organization for Economic Cooperation and Development will be taken into account along with recent U.S. treaties with other countries, such as the treaty with Norway, which entered into force in 1972 and the treaties with Trinidad and Tobago and Japan, which entered into force in 1971 and 1972, respectively.

Persons wishing to make comments and suggestions about the discussion to be held with representatives of Tunisia should submit their views in writing to Charles M. Walker, Assistant Secretary of the Treasury, U.S. Treasury Department, Washington, D.C. 20220.

Dated: September 10, 1975.

DAVID S. FOSTER,
Acting International Tax Counsel.

[FR Doc.75-24563 Filed 9-15-75;8:45 am]

[Dept. Cir.; Pub. Debt Series—No. 28-75]

TREASURY NOTES OF SERIES M–1977

Dated and Bearing Interest from September 30, 1975, Due September 30, 1977

SEPTEMBER 11, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $3,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series M–1977. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, September 16, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 8¾ percent Treasury Notes of Series G–1975, maturing September 30, 1975, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated September 30, 1975, and will bear interest from that date, payable semiannually on March 31 and September 30, 1976, and March 31 and September 30, 1977. They will mature September 30, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Tuesday, September 16, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowers thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or 8¾ percent Treasury Notes of Series G–1975 which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of 1 percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $3,000,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before September 30, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, 8¾ percent Treasury Notes of Series G–1975 (interest coupons dated September 30, 1975, should be detached), in other funds immediately available to the Treasury by September 30, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Thursday, September 25, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Tuesday, September 23, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED NOTES

1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. When the new notes are to be registered in names and forms different from those in the inscriptions or assignments of the notes presented the assignment should be to "The Secretary of the Treasury for Treasury Notes of Series M–1977 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series M–1977 to be delivered to _____." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

[FR Doc.75-24693 Filed 9-12-75;12:20 pm]

[Dept. Cir. Pub. Debt Series—No. 29-75]

TREASURY NOTES OF SERIES G–1978

Dated and Bearing Interest From October 7, 1975, Due February 28, 1978

SEPTEMBER 11, 1975.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series G–1978. The interest rate for the notes will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving Time, Wednesday, September 24, 1975, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes will be dated October 7, 1975, and will bear interest from that date, payable on a semiannual basis on February 29 and August 31, 1976, and thereafter on February 28 and August 31 in each year until the principal amount becomes payable. They will mature February 28, 1978, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

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4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving Time, Wednesday, September 24, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.000 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $2 billion of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before October 7, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by October 7, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Thursday, October 2, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Tuesday, September 30, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

[FR Doc.75-24694 Filed 9-12-75;12:20 pm]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

SEPTEMBER 9, 1975.

The USAF Scientific Advisory Board Aerospace Vehicles Panel Committee on Gas Turbine Technology will hold a meeting on October 2, 1975, from 8:30 a.m. to 5 p.m. at NASA Lewis Research Center, Cleveland, Ohio.

The Committee will meet during the morning session to review NASA's exploratory and advanced development research programs for gas turbine engines. The afternoon session will be devoted to an Executive meeting.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and therefore the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.75-24629 Filed 9-15-75;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Prisons

NATIONAL INSTITUTE OF CORRECTIONS ADVISORY BOARD

Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Monday and Tuesday, October 6 and 7, 1975, starting in the evening of October 6, in the HOLC Building, 320 First Street, N.W., Room 500, Washington, D.C., 20534.

The board will discuss Sub-Committee Reports, Status Reports, Target Areas for Funding and Staffing and Budget.

Signed at Washington, D.C., this 11th day of September 1975.

SHERMAN R. DAY,
Director.

[FR Doc.75-24737 Filed 9-15-75;12:15 pm]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 26499]

NEW MEXICO

Application

SEPTEMBER 9, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for one 4-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 11 W.
Sec. 6, lot 2 and SW¼NE¼;
Sec. 7, lots 3 and 4.
T. 31 N., R. 12 W.
Sec. 12, lot 9;
Sec. 26, S½NE¼.

This pipeline will convey natural gas across .631 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico, 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-24632 Filed 9-15-75;8:45 am]

[NM 26531]

NEW MEXICO

Application

SEPTEMBER 9, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for one six-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 S., R. 25 E.,
Sec. 12, SE¼NW¼ and E½SW¼;
Sec. 13, W½NE¼ and NE¼NW¼.

This pipeline will convey natural gas across 1.2 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-24633 Filed 9-15-75;8:45 am]

[Wyoming 29432]

WYOMING

Application

SEPTEMBER 9, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 114 W.,
sec. 2.

The pipeline will convey natural gas from the Tip Top #73X-26 well to the applicant's existing pipeline all in sec. 2, T. 28 N., R. 114 W., in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, New Mexico, 87107.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-24634 Filed 9-15-75;8:45 am]

[Wyoming 52431]

WYOMING

Application

SEPTEMBER 9, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation, has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 114 W.,
Sec. 27;
Sec. 28;
Sec. 32;
Sec. 33.

The pipeline will convey natural gas from the Fogarty Creek #1-32 well in sec. 32 on the applicant's existing pipeline in sec. 27, all in T. 28 N., R. 114 W., in Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-24635 Filed 9-15-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RAISIN ADVISORY BOARD

Meeting

Under the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 1:30 p.m., October 3, 1975, in Apollo Rooms I and II of the Sheraton Inn, Freeway 99 and Clinton Avenue, Fresno, California.

The purpose of the meeting is to: Review marketing policy matters for the 1975-76 crop year; discuss incentive proposals on export shipments; consider California's 1975 raisin production; consider the need for volume regulation during the 1975-76 crop year; review payment rates to handlers for services on reserve tonnage raisins; and review processing shrinkage for the 1975-76 reserve raisins. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat., 31, as amended; 7 U.S.C. 601-674).

The names of Board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness Street, Fresno, California, 93720; telephone 209-268-5666.

Dated: September 11, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-24651 Filed 9-15-75;8:45 am]

Farmers Home Administration

[Notice of Designation Number A262]

SOUTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Hanson County, South Dakota, as a result of a natural disaster consisting of drought June 1, 1974, through May 31, 1975; an early frost September 4, 1974; and a blizzard January 10 and 11, 1975, accompanied by highwinds, snow, and a chill factor of minus 60 degrees.

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Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Richard Ender that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 20, 1975, for physical losses and May 21, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of September 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–24571 Filed 9–15–75;8:45 am]

[Notice of Designation Number A251]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Cameron County, Texas, as a result of a natural disaster consisting of drought May 1, 1974, to May 1, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 20, 1975, for physical losses and May 21, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of September 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–24570 Filed 9–15–75;8:45 am]

Forest Service

MEDICINE BOW NATIONAL FOREST TIMBER MANAGEMENT PLAN REVISIONS

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan Revisions for the Medicine Bow National Forest. The Forest Service report number is USDA–FS–R2–FES (Adm) FY–75–06.

The environmental statement concerns a proposal to revise the Timber Management Plan for the Medicine Bow National Forest in southeastern Wyoming. Such plans are required to regulate the flow of timber products from National Forest lands.

The draft environmental statement was transmitted to CEQ on December 31, 1974.

This final environmental statement was transmitted to CEQ on September 9, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Medicine Bow National Forest, 605 Skyline Drive, Laramie, Wyoming 82070.
USDA, Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Denver, Colorado 80225.

A limited number of single copies are available upon request to W. J. Lucas, Regional Forester, USDA Forest Service, 11177 West 8th Avenue, PO. Box 25127, Denver, Colorado 80225.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

CLAYTON B. PIERCE,
Director, Multiple Use and Environmental Quality Coordination.

SEPTEMBER 9, 1975.

[FR Doc.75–24567 Filed 9–15–75;8:45 am]

HORSE CREEK ADMINISTRATIVE-RESEARCH PROJECT

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Horse Creek Administrative-Research Project, Report Number USDA–FS–DES (Adm) R1–76–5.

The environmental statement concerns environmental impacts resulting from the study nature of the project including those on the pristine character of the roadless portion of the Meadow Creek drainage as developed through land use planning procedures of the Northern Region. Nezperce National Forest, Idaho County, Idaho.

The draft environmental statement was transmitted to CEQ on August 22, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.
USDA Forest Service, Selway Ranger District, Kooskia, ID 83539.

A limited number of single copies are available upon request to Forest Supervisor, Don Biddison, 319 East Main, Grangeville, ID 83530.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Don Biddison, Forest Supervisor, 319 E. Main, Grangeville, Idaho, 83530. Comments must be received by October 22, 1975 in order to be considered in the preparation of the final environmental statement.

DON BIDDISON,
Forest Supervisor, Nezperce National Forest, Northern Region.

AUGUST 22, 1975.

[FR Doc.75–24652 Filed 9–15–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

AUBURN UNIVERSITY, ET AL.

Applications for Duty-Free Entry of Scientific Articles

Correction

In FR Doc. 75–23252, appearing at page 40564 in the issue of Wednesday, September 3, 1975, in the first column of page 40565, the second full paragraph, in Docket number: 76–00090–01–77095, in the fourth line after the word "Article:", the figure which now reads "PS—10" should read "PS—18".

[Organization Order 25–5A; Amdt. 2]

ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Delegation of Authority

This order, effective August 12, 1975, further amends the material appearing at 39 FR 27486 of July 29, 1974; and 40 FR 36608 of August 21, 1975.

Department Organization Order 25–5A, dated July 9, 1974, is hereby further amended as shown below. The purpose of this amendment is to delegate the Secretary's authority under the Atlantic Tunas Convention Act of 1975 to the Administrator of NOAA.

Section 3. Delegation of authority. A new subparagraph .02bb. is added to read as follows:

"bb. The functions assigned to the Secretary of Commerce by the Atlantic Tunas Convention Act of 1975, P.L. 94–70."

ROGERS MORTON,
Secretary of Commerce.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75–24618 Filed 9–15–75;8:45 am]

Office of the Secretary

[Org. Order 10–3; Amdt. 4]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Organization, Function, and Delegation of Authority

This order, effective June 30, 1975, further amends the material appearing at 39 FR 27484 of July 29, 1974; 40 FR 8977 of March 4, 1975; 40 FR 12534 of March 19, 1975; and 40 FR 36604 of August 21, 1975.

Department Organization Order 10–3, dated July 5, 1974, is hereby further amended as shown below.

The purposes of this amendment are to:

a. Delegate authority to the Assistant Secretary under the Trade Act of 1974 to certify and decertify firms and communities as eligible to apply for adjustment assistance and to conduct certain studies and information functions under Section 264 in response to actions by the International Trade Commission.

b. Delete existing authority concerning adjustment assistance to firms under the Trade Expansion Act of 1962.

1. *Section 4. Delegation of authority.* Subparagraph .01q. is revised to read as follows:

"q. Chapters 3 and 4 of Title II of the Trade Act of 1974 (P. L. 93–618, 88 Stat. 1978, 19 U.S.C. 2101 et seq.) as they pertain to the certification of eligibility of firms and communities to apply or be considered for adjustment assistance, the termination of such certification, and the studies, information activities, and assistance in preparation of petitions required under Section 264 of the Act in response to investigations and affirmative findings of the International Trade Commission, except that reports to be submitted to the President shall be issued by the Secretary."

2. *Section 5. Functions.* Delete the phrase "trade adjustment assistance" from the seventh line of subparagraph c. and insert in lieu thereof "adjustment assistance certification."

Effective: June 30, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75–24614 Filed 9–15–75;8:45 am]

[Organization Order 10–2]

ASSISTANT SECRETARY FOR ECONOMIC AFFAIRS

Organization, Function, and Delegation of Authority

This order, effective August 4, 1975, supersedes the material appearing at 40 FR 3626 dated January 23, 1975.

Section 1. Purpose.

.01 This order prescribes the scope of authority and functions of the Assistant Secretary for Economic Affairs.

.02 This revision reflects the abolishment of the Social and Economic Statistics Administration and the establishment of the Bureau of the Census and the Bureau of Economic Analysis as primary operating units of the Department, reporting to the Assistant Secretary for Economic Affairs.

Section 2. Administrative designation. The position of Assistant Secretary of Commerce heretofore designated as the Assistant Secretary for Economic Affairs shall continue to be so designated. The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

Section 3. Authority and functions.

.01 The Assistant Secretary for Economic Affairs shall serve as the principal economic adviser to the Secretary and as the Chief Economist of the Department. He shall serve as adviser to other Commerce officials with respect to economic matters and the economic impact of environmental matters, review relevant policy positions and recommendations, and serve as the Department's liaison with the Council of Economic Advisers and with other high-level economic officials of the Government.

.02 The Assistant Secretary shall also exercise policy direction and general supervision over the Bureau of the Census and the Bureau of Economic Analysis.

Section 4. Office of the Assistant Secretary for Economic Affairs.

In carrying out the functions in section 3. above, the Assistant Secretary shall be assisted by:

a. The *Deputy Assistant Secretary for Economic Affairs*, who shall be the principal assistant to the Assistant Secretary and shall assume the latter's full duties during his absence; and

b. The *Environmental Economics Staff*, which shall analyze the micro/macro economic impact of proposed or existing environmental laws, regulations and related actions on U.S. industry and business, including economic aspects of Environmental Impact Statements. The Staff shall perform this function on a Department-wide basis and provide economic analysis support to the Office of Environmental Affairs under the Assistant Secretary for Science and Technology, the Office of General Counsel, and other components of the Department.

Effective: August 4, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75–24615 Filed 9–15–75;8:45 am]

[Organization Order 35–2A]

BUREAU OF THE CENSUS

Organization, Function, and Delegation of Authority

This order, effective August 4, 1975, supersedes the material appearing at 37 FR 3461 of February 16, 1972; 38 FR 9451 of April 16, 1973; 40 FR 8981 of March 4, 1975; 39 FR 26768 of July 23, 1974; 39 FR 38405 of October 31, 1974; and 40 FR 31651 of July 28, 1975.

Section 1. Purpose.

This order delegates authority to the Director of the Census and prescribes the functions of the Bureau of the Census.

Section 2. Status and line of authority.

.01 The Bureau of the Census, established by the Act of March 6, 1902 (32 Stat. 51), is restored as a primary operating unit of the Department of Commerce.

.02 The Director of the Census (the "Director"), who is appointed by the President, by and with the advice and consent of the Senate, is the head of the Bureau. The Director shall report and be responsible to the Assistant Secretary for Economic Affairs.

.03 The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the former's absence.

Section 3. Delegation of authority.

.01 Pursuant to the authority vested in the Secretary of Commerce by law, including Reorganization Plan No. 5 of 1950 and 15 U.S.C. 1516, the Director is hereby delegated authority to perform the functions vested in the Secretary of Commerce under:

a. Title 13, United States Code;

b. Section 1516 of Title 15, United States Code, which relates to gathering and distributing statistical information, as applicable to the functions assigned therein; and

c. Section 8 of Executive Order 10999, which directs the Secretary to provide, as required for emergency planning purposes, for the collection and reporting of census information on the status of human and economic resources, including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and government.

.02 The Director of the Census may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Director may delegate his authority to any employee of the Bureau subject to such conditions in the exercise of such authority as he may prescribe.

Section 4. Functions.

The Bureau of the Census shall perform the following functions:

a. In cooperation with business and industry, Government, and other public or private organizations conduct censuses and surveys and otherwise collect, process and analyze statistical data relating to the social and economic activities and characteristics of the population and enterprises of the United States or other areas prescribed by law, and publish and disseminate the resulting statistics for use by business, Government agencies and the public;

b. Conduct special statistical studies on domestic and foreign trade, business services, industry, transportation, construction, agriculture, population and housing, and on Federal, State and local governments; and, based thereon, issue reports, special tabulations and monographs;

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c. Conduct statistical and other research and development activities directed toward improving quality and lowering costs of censuses and surveys; and achieving more effective censuses and surveys; and

d. Develop and maintain a statistical directory of establishments engaged in economic activity in the United States for use by and for Federal agencies for statistical purposes, taking care to preserve the confidentiality of information obtained for the Bureau from other Federal agencies, as may be deemed appropriate or as may be required by law.

Section 5. Savings provision.

All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, and other action issued, undertaken or entered into by or for the Social and Economic Statistics Administration shall remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

Section 6. Transitional provisions.

The Assistant Secretary for Administration shall establish the effective date of the necessary transfers of funds and positions and/or personnel from the Social and Economic Statistics Administration and, in cooperation with the Assistant Secretary for Economic Affairs, determine the amount of funds, positions, and personnel to be transferred.

Effective: August 4, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-24616 Filed 9-15-75;8:45 am]

[Organization Order 35-1A]

BUREAU OF ECONOMIC ANALYSIS

Organization, Function, and Delegation of Authority

This order, effective August 4, 1975, supersedes the material appearing at 37 FR 3461 of February 16, 1972; 38 FR 9451 of April 6, 1973; 40 FR 8981 of March 4, 1975; 39 FR 26768 of July 23, 1974; 39 FR 38405 of October 31, 1974; and 40 FR 31631 of July 28, 1975.

Section 1. Purpose.

This order delegates authority to the Director of the Bureau of Economic Analysis and prescribes the functions of the Bureau of Economic Analysis.

Section 2. Status and line of authority.

.01 The Bureau of Economic Analysis is hereby established as a primary operating unit of the Department of Commerce.

.02 The Bureau of Economic Analysis shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Economic Affairs. The Director shall be assisted by a Deputy Director who shall perform the functions of the Director during the former's absence.

Section 3. Delegation of authority.

.01 Pursuant to the authority vested in the Secretary of Commerce by law, including Reorganization Plan No. 5 of 1950 and 15 U.S.C. 1516, the Director is hereby delegated authority to perform the following functions vested in the Secretary of Commerce under:

a. Section 1516 of Title 15, United States Code, which relates to gathering and distributing statistical information, as applicable to the functions assigned herein;

b. Chapter 5 of Title 15, United States Code, which relates to the authorities and functions of the former Bureau of Foreign and Domestic Commerce, as applicable to the functions assigned herein;

c. Executive Order 10033 of February 8, 1949, which relates to the provision of statistical information to inter-governmental organizations, as applicable to the functions assigned herein; and

d. The Foreign Investment Study Act of 1974 (Public Law 93-479, 88 Stat. 1450), which provides for a comprehensive, overall study of foreign direct investments in the United States. The functions thereunder shall be carried out in close coordination with the Assistant Secretary for Domestic and International Business (Department Organization Order 10-3, paragraph 4.01w.), including thereunder to the extent feasible the division or assignment of responsibilities. Any regulations established to carry out functions under the Act and reports to be submitted to the Congress are to be issued by the Secretary.

.02 The Director, Bureau of Economic Analysis, may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Director may delegate his authority to any employee of the Bureau subject to the conditions in the exercise of such authority that he may prescribe.

Section 4. Functions.

The Bureau of Economic Analysis shall perform the following functions:

a. Maintain and improve the economic accounts of the United States including the national income and product, wealth, input-output, balance of payments, and regional accounts;

b. Maintain and improve econometric and other research techniques for analyzing the economic situation and short- and long-term outlook;

c. Conduct selected surveys to obtain information necessary to maintain and improve the accounts and to analyze the economic situation and outlook;

d. Develop and maintain a system of leading, lagging, and coincident business cycle indicators;

e. Analyze the economic situation and outlook, publish reports thereon, and brief Federal officials and public and private groups on the present and projected state of the economy;

f. Provide special analyses to officials of the Government, as may be requested, on the economic impact of alternative economic policies;

g. Conduct demographic and economic studies of foreign countries; and

h. Serve as the central economic research organization of the Department on the functioning of the economy, and collaborate with other primary operating units and private and public research organizations which require or can contribute to its research.

Section 5. Savings provision.

All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, and other action issued, undertaken or entered into by or for the Social and Economic Statistics Administration shall remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

Section 6. Transitional provisions.

The Assistant Secretary for Administration shall establish the effective date of the necessary transfers of funds and positions and/or personnel from the Social and Economic Statistics Administration and, in cooperation with the Assistant Secretary for Economic Affairs, determine the amount of funds, positions, and personnel to be transferred.

Effective: August 4, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.75-24617 Filed 9-15-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

FILING OF ANNUAL REPORTS

Availability

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Reports for the following Center for Disease Control Committees have been filed with the Library of Congress:

Coal Mine Health Research Advisory Committee
Safety and Occupational Health Study Section
Immunization Practices Advisory Committee
Medical Laboratory Services Advisory Committee
Tuberculosis Control Advisory Committee
Venereal Disease Control Advisory Committee

Copies are available to the public for inspection at the Library of Congress on weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, DHEW North Building, Room 1436, 330 Independence Avenue SW., Washington, D.C. 20201, telephone 202-245-6791.

Dated: September 8, 1975.

WILLIAM C. WATSON, JR.,
Assistant Director, Center for Disease Control.

[FR Doc.75-24770 Filed 9-15-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. FI-561]

CITY OF BETHEL, ALASKA

Final Flood Elevation

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Bethel under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Bethel, Alaska.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Kuskokwim River	Browns Slough	32	(1)	[1] 4,150
	Intersection Main St. and 1st Ave.	32	50	[1] 5,000
Browns Slough	Prospect Rd.	32	1,350	1,850

[1] To study boundary.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-24619 Filed 9-15-75;8:45 am]

[Docket No. FI-565]

CITY OF LADUE, MO.

Final Flood Elevation

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the City of Ladue under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 9345 Clayton Road, Ladue.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

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Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream: Left	Right
Country club drainage	North corporate limits	624	50	50
	Dielman Rd	575	200	175
	McKnight Rd	517	175	150
Black Creek	North corporate limits	527	130	75
	Pointer Lane	504	125	75
	East corporate limits	489	(1)	260
Deer Creek	West corporate limits	517	340	180
	Clayton Rd	506	400	200
	Log Cabin Lane	485	375	160
	Litzsinger Rd	475	180	460
	East corporate limits	471	675	400
Twomile Creek	West corporate limits	507	280	100
	Bridle Creek Lane extended	496	80	130
	Trent Dr	481	150	90
Sebago Drainage	Kenmont Rd	508	80	75
	DeaPeres Ave	488	200	70

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-24621 Filed 9-15-75;8:45 am]

[Docket No. FI-554]

FAIRHAVEN, MASS.

Final Flood Elevation

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10), hereby gives notice of his final determinations of flood elevations for the Town of Fairhaven under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in floodprone areas. In order to continue participation in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, Center Street, Fairhaven.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from Shoreline to 100-yr flood boundary
Priests Cove	Egypt Lane	13	[1] 850
	Highland St	13	100
Little Bay	Weeden St	13	2,520
Naskatucket Bay	Grandview Ave	13	800
Buzzard's Bay	Fisherman Rd	13	800
	Littleneck Rd	13	810
	Causeway Rd	13	1,290

[1] To dike.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-24620 Filed 9-15-75;8:45 am]

[Docket No. FI-563]

BOROUGH OF WEST READING, PA.

Final Flood Elevation

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (1917.10)), hereby gives notice of his final determinations of flood elevations for the Borough of West Reading under 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, 500 Chestnut Street, West Reading, Pennsylvania.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream: Left	Right
Schuylkill River	West Buttonwood St	215	(1)	340
	Franklin St	213	(1)	735
	Spruce St	212	(1)	460
Wyomissing Creek	7th Ave	217	100	(1) 40
	Parkview Rd	242	125	

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-24622 Filed 9-15-75;8:45 am]

[Docket No. FI-562]

VILLAGE OF READSTOWN, WIS.

Final Flood Elevation

The Federal Insurance Administrator, in accordance with Section 110 of the Food Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128; and 24 CFR Part 1917 § 1917.10)), hereby gives notice of his final determinations of flood elevations for the Village of Readstown under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Village must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Municipal Building, Readstown.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from bank of stream to 100-yr flood boundary facing downstream: Left	Right
Kickapoo River (without LaFarge Dam).	North corporate limits	748	365	175
	Charles St	742	375	75
	Kickapoo St	741	600	190
	South corporate limits	736	1,600	635
Kickapoo River (with LaFarge Dam).	North corporate limits	742	290	240
	Charles St	740	360	65
	Kickapoo St	736	850	140
	South corporate limits	736	1,640	610
Reads Creek	West corporate limits	766	765	170
	Route 61 to 131	745	360	200

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: September 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-24623 Filed 9-15-75;8:45 am]

Office of the Secretary

[Docket No. D-75-372]

SECRETARY OF COMMERCE

Delegation of Authority

Pursuant to the authority vested in me to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance pursuant to Section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (E.O. 11795, 39 F.R. 25939, dated July 11, 1974), I hereby delegate to the Secretary of Commerce, subject to the general policy guidance and coordination of the Administrator of the Federal Disaster Assistance Administration certain of the authority, functions and powers granted by Section 202 of the Disaster Relief Act of 1974 (hereinafter, "the Act," 88 Stat. 143, 42 U.S.C. 5121 Note) with respect to disaster warnings for a hurricane, tornado, storm, flood, high water, wind driven water, tidal wave, tsunami, snowstorm, drought, or other meteorological catastrophe, to wit:

1. The authority contained in Section 202(b) of the Act (with the exception of the authority to direct appropriate Federal agencies to provide technical assistance) to provide technical assistance to State and local governments to ensure that timely and effective disaster warning is provided;

2. The authority contained in Section 202(c) of the Act to utilize or to arrange for the use, where practicable, by Federal, State, and local agencies the facilities of any Federal communications system (other than the civil defense communications system established and maintained pursuant to Section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c))) for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters;

3. The authority contained in Section 202(d) of the Act to enter into agreements with the officers or agents of any private or commercial communications systems who volunteer the use of their systems on a reimbursable (upon approval by the FDAA Administrator when Disaster Relief Act funds are involved) or nonreimbursable basis for the purpose of providing warning to governmental authorities and the civilian population endangered by disasters; and

4. The authority to issue such rules and regulations as may be necessary and appropriate to effectuate this delegation.

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AUTHORITY: Disaster Relief Act of 1974, 42 U.S.C. 5121 Note; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Executive Order 11795, signed July 11, 1974, 39 F.R. 25939.

Effective Date: This delegation shall take effect on September 16, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

I consent:
ROGERS C. B. MORTON,
Secretary of Commerce.

[FR Doc.75-24579 Filed 9-15-75;8:45 am]

[Docket No. D-75-371]

ASSISTANT ADMINISTRATOR, NEW COMMUNITIES ADMINISTRATION FIRST ASSISTANT TO THE GENERAL MANAGER, NEW COMMUNITY DEVELOPMENT CORPORATION

Designation as Acting Administrator, New Communities Administration; First Assistant to the General Manager, New Community Development Corporation

Section A. *Designation.* Melvin Margolies, Assistant Administrator, New Communities Administration, is designated to serve as Acting Administrator, New Communities Administration during an absence or vacancy in the Office of the Administrator. He is also designated first assistant to the General Manager of the New Community Development Corporation and is authorized to exercise the authority of the General Manager during an absence or vacancy in the latter position with all the powers, duties, and responsibilities of the General Manager.

Section B. *Supersedure.* The designation dated July 25, 1974 (39 FR 25968) for the Acting General Manager, Community Development Corporation, and Acting Administrator, New Communities Administration is hereby revoked.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); 5 U.S.C. 3349)

Section C. *Effective date.* This designation is effective July 15, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-24580 Filed 9-15-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

MICROWAVE LANDING SYSTEM ADVISORY COMMITTEE

Renewal

Notice is hereby given that the Microwave Landing System Advisory Committee is being renewed. The Systems Research and Development Service is the sponsor of the Committee which consists of a group of 20 experts on the design and use of microwave landing systems. The Committee reviews the development efforts which are underway and advises the Director, Systems Research and Development Service, regarding the feasibility of such activities; keeps informed of the operational needs of the users; recommends Government and industry studies, tests, and simulations to verify the system capability for satisfying the operational needs of the users; and provides advice and ideas on, or methods to achieve solutions to, technical problems and concept choices.

The Secretary of Transportation has determined that the formation and use of the Microwave Landing System Advisory Committee are necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Meetings of the Committee will be open to the public.

Issued in Washington, D.C., on September 9, 1975.

DAVID J. SHEFTEL,
Director, Systems Research and Development Service.

[FR Doc.75-24518 Filed 9-15-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28297; Order 75-9-30]

AERONAVES DE MEXICO, S.A.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of August 1975.

By tariff revisions filed July 29, 1975 for effect September 13, 1975, Aeronaves de Mexico, S.A. (Aeromexico) proposes to reduce all passenger fares between Miami, Philadelphia and New York, on the one hand, and various Mexican cities, on the other hand, to the level of the corresponding fares between the United States and Mexico City.[1]

Pan American World Airways, Inc. (Pan American) has filed a complaint requesting suspension and investigation of the fares on the grounds of reasonableness and unjust discrimination. Pan American asserts that the Board has, historically, disapproved of commonfaring in both domestic and international markets, citing Docket 21866-9, "Domestic Passenger-Fare Investigation (Phase 9)" Order 74-3-82, March 18, 1974. It is contended that, since the mileages from Miami to these cities exceed that to Mexico City by at least 15 percent in all markets and by one-third in the case of Puerto Vallarta, the proposed fares cannot be justified on a mileage basis; and that the last IATA agreement, to which Aeromexico was a party, provided for add-ons over Mexico City for construction of through fares to beyond points. The economic impact on Pan American will allegedly be particularly severe since Aeromexico requires its full local fare on prorates for carriage within Mexico, and it will receive less than its Miami-Mexico City fare from passengers moving beyond to ultimate destination.[2]

Upon full consideration of the tariff filing, Pan American's complaint, and all other relevant factors, the Board finds that the proposed fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the fares should be suspended pending investigation.

Although there are circumstances which may warrant common-rating the Board does not favor such an approach as a general rate-making principle, particularly where there is such a wide variance in mileage, as is the case here, where the differences range up to 1,382 miles on around-trip basis. The result of Aeromexico's proposal would be a significant reduction in carrier yields in major U.S.-Mexico markets which would appear inconsistent with the fact that the IATA carriers, including Aeromexico, saw fit to propose a six percent general increase in U.S.-Mexico fares at the most recent IATA Western Hemisphere Traffic Conference, and to agree on specific add-ons over Mexico City for fares to the beyond points involved. Aeromexico has provide no justification other than a copy of instructions from the Mexican government which state that the purpose is "to increase tourism." We recognize Mexico's legitimate interest in promoting tourist travel. However, this objective should not be accomplished at the expense of the air carriers, either U.S. or foreign. Moreover, as Pan American points out, Aeromexico requires its full local fare on prorates of joint transportation from Mexico City to beyond destinations and, thus, the adverse financial impact on U.S. carriers would be particularly severe. For these reasons, the Board concludes that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, 801 and 1002(i) thereof.

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions on the tariff pages in the Appendix hereto[3] and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

[1] The Mexican points are Cozumel, Cancun, Merida, Oaxaca, Acapulco, Zihuatanejo, Guadalajara, Manzanillo, and Puerto Vallarta. The fares were filed by Air Tariffs Corp., Agent, in Tariff C.A.B. No. 54, on 7th Revised Pages 85 and 86, 8th Revised Pages 87 and 88, 9th Revised Page 89, and 6th Revised Pages 98 and 99.

[2] By late-filed complaints dated August 18 and 19, 1975, respectively, Eastern Air Lines, Inc. and American Airlines, Inc. also request suspension and investigation of the fares for the same reasons presented by Pan American.

[3] Filed as part of the original document.

2. Pending hearing and decision by the Board, the fares and provisions of the tariff pages specified in paragraph 1 above are suspended and their use deferred to and including September 12, 1976 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[4] and shall become effective September 13, 1975;

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated;

5. Copies of this order be served upon Aeronaves de Mexico, S.A. and Pan American World Airways, Inc., which are hereby made parties to this investigation; and

6. Except to the extent granted herein, the complaints of Pan American World Airways, Inc., Eastern Air Lines, Inc., and American Airlines, Inc., in Dockets 28142, 28189, and 28190, respectively, be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-24601 Filed 9-15-75;8:45 am]

[Docket No. 26510]

DOMESTIC NIGHT COACH FARE INVESTIGATION

Postponement of Hearing

Notice is hereby given that, upon request of the Bureau of Economics, the hearing in the above-entitled proceeding, previously assigned to be held on September 29, 1975 (40 FR 40193, September 2, 1975), is postponed to October 8, 1975, at 10:00 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., September 10, 1975.

[SEAL] GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.75-24598 Filed 9-15-75;8:45 am]

[Docket No. 25280; Agreement C.A.B. 23757 (CB-7) and 24475 (R-2 and R-3); Order 75-9-27]

IATA LIVE ANIMALS REGULATIONS

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of September 1975.

By Order 74-11-15, November 1, 1974, the Board approved, inter alia, IATA Resolution 511a establishing and making binding on member carriers certain standards for the acceptance and transport of live animals as set forth in the IATA Live Animals Regulations (4th Edition).[1] However, the Board noted that the Live Animals Regulations manual itself referred to in that Resolution had not been concurrently filed with the Board. Consequently, the Board's approval of Resolution 511a did not extend to the Live Animals Regulations manual, and action on the Regulations was deferred pending the filing thereof with the Board.

A copy of the Fourth Edition of the IATA Live Animals Regulations (Regulations) was then submitted to the Board for approval. By Order 75-1-51, January 14, 1975, the Board called for comments on the proposed Regulations.

Comments have been received from two shipper groups, i.e., The Pet Industry Parties (PIP), and the American Association of Zoological Parks and Aquariums and Zoological Action Committee (ZooAct).

PIP essentially requests that the IATA Regulations be approved, subject to conditions which would (1) establish such Regulations as having the status of a governing rules tariff by an appropriate cross-reference thereto in rate tariffs; (2) clarify various ambiguous and nebulous words and terms throughout the Regulations; (3) delete provisions purporting to establish liability (or lack thereof), as they are improper in such a document; (4) delete various Container Notes and/or general requirements since they are archaic and unrealistic; and (5) establish machinery for an on-going, permanent liaison between the IATA Live Animals Board and shippers.

ZooAct's comments are in substantial accord with PIP, and, in addition, specifically oppose the packaging provisions in Container Note 21 concerning large marine animals, as well as Trans World Airlines, Inc.'s (TWA) prohibition against carriage of snakes.[2]

Seaboard World Airlines, Inc. (Seaboard) (a nonmember of IATA) has filed a protest against its being listed as a participating carrier in the Regulations. Delta Air Lines, Inc. (Delta) has filed a comment in support of the concept of mandatory, uniform practices concerning live animals.

TWA has responded to the comments of PIP and ZooAct, stating that (1) the IATA Live Animal Board is eminently qualified; (2) the IATA Regulations represent much time, effort, and expertise on the part of the carriers; (3) any conflicts between the Regulations and current tariff provisions should obviously be resolved in favor of the tariff rules; (4) the current procedures whereby the public can correspond with the Live Animal Board fully accommodate the needs of shippers; (5) the carriers need to state that they are not responsible for preexisting animal health problems; (6) the packaging specifications are not rigid, and any container made of any material is satisfactory provided it complies with the IATA principles of design; and (7) with respect to its own exceptions in the IATA Regulations, TWA defends them on the grounds that (a) a general rule is necessary to permit the carrier to refuse live traffic for a particular flight because of adverse weather conditions to safeguard the health of the animal(s), and (b) its prohibition against live snakes is necessary to harmonize with its currently effective domestic restriction,[3] and because the IATA packaging for such traffic is inadequate.

Upon consideration of the foregoing comments as well as a review of the Regulations in question, the Board will again defer action pending receipt of further comments on the following issues.

As a threshold issue, we start with the premise that a *single* document containing all the usual tariff material[4] as to the acceptance, nonacceptance, packaging, documentation, etc., concerning live animal traffic, plus relevant nontariff material concerning shipper preparations prior to tender, suggested guidelines for carrier employee care and handling, etc., is a highly desirable publication. Absent such consolidation of tariff and nontariff material in a single document, and were we to require the filing of only the tariff matter contained therein, the carriers would very likely continue the IATA Regulations as they now exist (as an IATA agreement binding on all participants), and extract therefrom and file as separate carrier tariffs only the true tariff matter. Thus duplication and perhaps conflicts could exist and shippers would be denied the advantages of a single reference. A variety of local and interline tariff provisions could result as the carriers separately decide which portions, if any, of the IATA Regulations warranted publication in their tariffs. For these reasons, the Board believes the entire IATA Regulations document should be filed as a tariff, thus establishing its authority as a governing rules tariff in conjunction with rate tariffs. This would require cancellation of all existing tariff rules dealing with live animals (other than general provisions concerning lia-

[4] This order was submitted to the President on August 29, 1975.

[1] Previous versions of Resolution 511a constituted recommended practices and guidelines only.

[2] TWA's International Cargo Rules Tariff C.A.B. No. 3 prohibits the carriage of snakes and poisonous reptiles (*e.g.*, Gila monsters), whereas TWA's exception to the IATA Regulations prohibits only snakes. In addition, other international cargo rules tariffs in which TWA participates as an interline carrier do not mirror the online prohibition against snakes, *e.g.*, Air Tariffs Corporation Tariff C.A.B. No. 48.

[3] The suspension of TWA's similar domestic rule pursuant to Order 74-1-79 expired with July 13, 1974.

[4] In this regard, we note that the Board, in its decision in the Investigation of Premium Rates for Live Animals and Birds (Docket 21474, Order 73-6-103), ordered the carriers to file as a tariff all the rules, regulations, and practices they intend to impose for the transportation of live animals, including all the practices presently being published in extra-tariff material. The consent of those tariffs with respect to domestic transportation is presently in issue in Docket 26310, Investigation of Rules and Practices Relating To The Acceptance and Carriage of Live Animals in Domestic Air Freight Transportation.

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bility and rates).[2] In our view, the unique problem inherent in the air transportation of live animals will be best served by the essentially uniform governing document described herein.[3]

On consideration of these matters, we tentatively find and conclude that the IATA Live Animals Regulations must be filed with the Board as a tariff pursuant to the requirements of section 403(a) of the Federal Aviation Act. With the IATA resolution making compliance with the Regulations mandatory, it follows that the Regulations cover "classifications, rules, regulations, practices and services" in connection with air transportation which, pursuant to section 403(a) and sec. 221.38 of the Board's Economic Regulations, must be filed as tariffs.

The Board is very sympathetic with the shipper's view[4] on public liaison with the IATA Live Animals Board. The present shipper liaison with IATA through member-carriers only, and by correspondence only,[5] is patently inadequate and inequitable. We do not feel, however, that future liaison should be achieved only by mutual, face-to-face discussion, although more of such exchange would surely be helpful. Rather, what seems to be needed is (1) a direct shipper contact with IATA; (2) a prompt IATA acknowledgement thereof; (3) a publicly announced scheduling of all proposals for consideration by the IATA Board; (4) an opportunity and sufficient time for shippers or any other interested person to submit relevant comments and/or arrange for appearances in person before the IATA Board; (5) prompt disposition of the matter by said Board; (6) notice thereof to all interested persons; and (7) filing each amendment with the C.A.B. for approval prior to implementation in the tariff.[6]

We recognize that some of the material in the Regulations is not tariff material but rather constitutes useful information and "good advice" on animal carriage. This information essentially complements and supplements the binding rules which must be filed as tariffs. The best procedure for accommodating all interests in these circumstances is, in our view, the filing of the complete Regulations as a tariff with such cleanup in both content and format as may be warranted to more clearly distinguish matter in the Regulations which constitutes part of the contract of carriage, binding on both carrier and shipper, and which hence must be filed in tariffs, on the one hand, and informational matter, on the other hand. This distinction can be worked out by printing in differing type, different color of pages, etc. In any event the effort must be made so that the public is aware of those provisions with which it must comply or risk refusal of its traffic.

There are also certain specific provisions in the IATA Regulations and related agreements which on their face appear to be of questionable validity. These matters are set forth in detail in the Appendix A hereto and may warrant revision prior to the acceptance of the Regulations as a tariff. The carriers and all other interested persons are invited to file comments on these provisions.

Accordingly, it is ordered, that:

1. All carriers party to the IATA Live Animals Regulations and all interested persons are directed to show cause:

(a) Why the Board's earlier approval of Resolution 511a should not be withdrawn until the Live Animals Regulations are filed with and accepted by the Board as a tariff;

(b) Why Resolution 511b should not be disapproved in the absence of public (shipper, consignee, or other interested person) input and participation relating to amendment of the Live Animals Regulations by the IATA Live Animals Board;

(c) Why the Board's earlier approval of Resolution 607, insofar as it relates to standard labels for live animal shipments, should not be withdrawn in view of the fact that certain standard labels are at variance with those contained in the Live Animals Regulations;

(d) Why all current tariff rules of the IATA and non-IATA carriers participating in the Live Animals Regulations (except liability and rate provisions) should not be canceled when the Live Animals Regulations are filed in tariff form;

(e) Why the Live Animals Regulations should not reflect the participation of all IATA member carriers for all local and interline traffic from and to the U.S.;

(f) Why all non-IATA carriers serving the U.S., and which elect to participate in the IATA Live Animals Regulations for interline traffic from and to the U.S., should not be required to adopt the IATA Regulations for local traffic from and to the U.S.;

2. All interested persons shall, within thirty days from the date of service of this order, file comments in support of or in opposition to the findings and conclusions as set forth herein (including Appendix A hereto);

3. Any answers or replies to the foregoing comments and/or objections shall be filed within 45 days from the date of service of this order; and

4. Copies of this order will be served upon the International Air Transport Association, the Pet Industry Parties, the American Association of Zoological Parks and Aquariums, the Zoological Action Committee, and the following U.S. certificated scheduled direct air carriers which are not members of IATA:

Airlift International, Inc.,
Alaska Airlines, Inc.,
Aloha Airlines, Inc.,
Frontier Airlines, Inc.,
Hawaiian Airlines, Inc.,
Hughes Air Corp.,
Northwest Airlines, Inc.,
Ozark Air Lines, Inc.,
Piedmont Aviation, Inc.
Seaboard World Airlines, Inc.,
Southern Airways, Inc.,
Texas International Airlines, Inc.,
Western Air Lines, Inc.,
Wien Air Alaska, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

FURTHER TENTATIVE FINDINGS AND CONCLUSIONS OF THE C.A.B. ON THE IATA LIVE ANIMALS REGULATIONS AND RELATED IATA AGREEMENTS

1. *Participating Carriers.* When the IATA Live Animals Regulations are filed as a tariff, Seaboard and certain other nonmembers of IATA would be party thereto for only interline traffic exchanged with IATA carriers.[1] Seaboard and such other carriers would therefore still be free to maintain their own separate tariff provisions on live animal traffic transported solely over their own lines or interchanged with other non-IATA carriers. These separate tariffs would likely differ from the IATA Regulations, at the least in implementing changes which were otherwise acceptable to the non-IATA carriers. Hence such carriers would continually hold out differing requirements depending upon the character of the routing. This result is undesirable.

The Board is of the view that the matter of non-IATA-member-carrier voluntary participation in the IATA Interline Cargo Agreement, and the resulting mandatory participation of such carriers in the IATA Live Animals Regulations for interline traffic only is the root cause of this problem. In lieu thereof, the Board therefore suggests that such participation in the regulations also be on a voluntary basis, provided that such election shall include application to local international traffic as well.

2. *Clarification of words and phrases.* The IATA Regulations often use the word "shall" which is mandatory in the tariff sense, and thus constitutes a part of the contract of carriage, as is the word "must." The word "should" is obviously not binding, nor is the word "may"; hence such terms are unacceptable if the text is intended to be part of the contract of carriage. In addition, phrases such as "Wire mesh is used • • •" are not as commanding as "Wire mesh shall be used • • •"

The Board is of the view that the language of the Regulations must be specific and mandatory if the provision is to be an element of the contract of carriage. See also § 221.38(e) of the Board's Economic Regulations. Conversely, where the provisions are not intended as mandatory upon shipper or carrier, but rather as educational and helpful suggestions prior to shipping, care in transit, etc., they should be clearly marked as such.

3. *Archaic packaging.* The Zoo parties cite only the packaging for large aquatic mammals as archaic, whereas PIP expresses a general view of this nature, but with no specific criticisms.

The Board believes that the Zoo parties should promptly submit to IATA their views on appropriate packaging, and that IATA should give them prompt consideration. Similarly, PIP should provide IATA with specific proposals.

4. *Standard labels for live animals.* IATA Resolution 607 prescribes certain standard shipping labels, including several pertaining to live animal shipments. The proposed Live Animals Regulations also includes certain labels for live animal shipments. Thus a duplication—and to some degree conflict—exists.

Accordingly, the Board considers a withdrawal of its earlier approval of Resolution 607, insofar as it relates to standard labels or live animal shipments, as required in view of the fact that the standard labels are at variance with those contained in the Live Animals Regulations.

5. *Provisions on liability and rates.* Carrier liability provisions are embodied in the IATA Conditions of Carriage for Cargo (IATA Resolutions 600b and 600j), and are currently pending Board review and action (Agreement C.A.B. 24475, R-4 and R-5). We do not believe the Live Animal Board should concern itself with such matters as paragraph (16) of the Regulations quoted below.[2]

Similarly, Paragraph 13(b) of the regulations has a clear and adverse effect upon the applicable rate and charges, again a matter beyond the proper purview of the Live Animals Board.[3]

The Board believes that live animal shipment liability rules should be contained in the general carrier liability rules provisions, not in the Regulations, and that, therefore, the referenced provisions should be canceled.

6. *Carriage of pets in passenger cabins as unaccompanied baggage.* Although the Regulations are generally oriented to freight transportation only, section X thereof covers pets carried in the passenger cabin.

The Board notes that present international passenger rules tariffs typically contain extensive provisions on acceptance of pets as cabin or checked baggage. Thus, if the Regulations become a governing tariff, duplication and conflict *vis-a-vis* present passenger rules tariffs will result.

The Board believes that the carriers should remove the provisions in section X concerning the carriage of pets in passenger cabins (as accompanied baggage),[4] unless they are also willing to establish the IATA Regulations as a *governing tariff* for live animals moving as passenger baggage, in conjunction with the cancellation of all existing provisions thereon in their passenger rules tariffs.

7. *Other carrier and governmental exceptions.* The Board sees little reason for any exception to the general provisions of the Regulations, such as described in the body of this Order, at least until such time as they may be more fully documented and supported. In the interim, it behooves the carriers, the IATA Live Animals Board, and interested shippers to carefully, thoroughly, and promptly review all exceptions with an eye to cancellation, or alternatively, adoption as a new industry standard. In the latter case, of course, any such industry adoption of a more restrictive exception provision would require substantial justification.

[FR Doc.75-24602 Filed 9-15-75;8:45 am]

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[2] Present cargo rules tariffs governing international live animal traffic contain numerous provisions which are at variance with the proposed IATA Live Animals Regulations. For example, TWA's International Cargo Rules Tariff prohibits live snakes and poisonous reptiles, whereas Exception TW-01 in the IATA Regulations prohibits only snakes. Thus a poisonous reptile such as a Gila monster is excluded under TWA's tariff, but not under the IATA Regulations.

[3] Inconsistent IATA resolutions, such as resolution 607 on labeling standards, should also be deleted or corrected (see Appendix A, Par. 4).

[4] As used here, shipper is intended to encompass actual shippers of live animal traffic as well as those persons interested in such traffic from the humane view, container and packaging experts, and similar representatives of such secondary levels of interest.

[5] While TWA states that shippers may contact the IATA Live Animals Board directly, there is no such clear invitation appearing in the Regulations, nor are the names, affiliations, and addresses of the Board members shown.

[6] Shippers would, of course, with respect to proposed amendments disapproved by the IATA Board, have the right to protest to the C.A.B. that the basic regulations, without the amendments, are adverse to the public interest.

[1] Seaboard, like many other nonmembers of IATA (including 13 other certificated U.S. scheduled airlines) are bound by the IATA Live Animals Regulations, *on interline traffic only*, because of their election to participate in the IATA Interline Cargo Traffic Agreement (IATA Resolution 850K, Article III (1)).

[2] E.g., IATA Regulations, Paragraph 16, Page 18:
"(16) *Carriers Liability*
Claims for death, illness or injury to live animal shipments resulting from condition, age, or general health of animals at time of acceptance shall be directed to the shipper. Acceptance of live animal shipments by an air carrier shall not be considered *prima facie* evidence that the air carrier has determined that the condition, age, and general health of the animals concerned are compatible with all conditions of air travel."

[3] Paragraph 13(b), *supra*.
"(b) Live animals should not be entered on the same Air Waybill as other commodities."

[4] Only Container Note 3 (Primates), Note 6 (small, fourfooted, wild animals, but including guinea pigs, hamsters, and rabbits), Note 7 (cats and dogs), and Note 13 (small and medium aquatic animals, reptiles, and the like) are cross-referenced to section X on pets, and thus eligible under section X of the Regulation for carriage as pets in the cabins.

Dated at Washington, D.C., September 10, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-24600 Filed 9-15-75;8:45 am]

[Docket No. 26943]

AEROAMERICA, INC., GAC CORPORATION, AND MODERN AIR TRANSPORT, INC.

Postponement of Hearing Regarding Acquisition Agreement

Upon request of the joint applicants, submitted on September 12, 1975, the hearing in this proceeding now scheduled for September 16, 1975 (40 FR 36792, August 22, 1975), is hereby postponed until further notice.

Dated at Washington, D.C., September 12, 1975.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.75-24720 Filed 9-15-75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE ARMY

Title Change in Noncareer Executive Assignment

By notice of October 28, 1971, F.R. Doc. 71-15659, the Civil Service Commission authorized the Department of the Army to make a change in title for the position of Deputy for Reserve Affairs, Office, Assistant Secretary of the Army (M&RA), Office, Secretary of the Army, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Deputy Assistant Secretary of the Army (Reserve Affairs), Office, Assistant Secretary of the Army (M&RA), Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-24597 Filed 9-15-75;8:45 am]

DEPARTMENT OF COMMERCE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary for Field Programs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-24596 Filed 9-15-75;8:45 am]

McDONNELL DOUGLAS CORP.

Postponement of Meeting

Notice is hereby given that the presentation by McDonnell Douglas Corporation regarding a study made on a new forecast of air traffic through 1985 and scheduled to be held on September 19, 1975, at 2:30 p.m. (40 FR 42044, September 10, 1975), is hereby postponed. Further notice will be given when the meeting is rescheduled.

Dated at Washington, D.C., September 11, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-24599 Filed 9-15-75;8:45 am]

[Docket 28195]

WORLDWAYS AIRLINES, LTD. CHARTER PERMIT APPLICATION (CANADA)

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 3, 1975, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Dee C. Blythe.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 23, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

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ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

STUDY GROUP ON FIELD AND LABORATORY UTILIZATION

Meeting

SEPTEMBER 10, 1975.

In accordance with the purposes of Public Law 93-438, the Study Group on Field and Laboratory Utilization will hold a meeting on September 25, 1975, in the El Dorado Room, Coronado Club, Kirtland Air Force Base—East, on South Wyoming Boulevard, Albuquerque, New Mexico. The purpose of this meeting will be to develop information for consideration by the Study Group in its review of the role of the field operations and their relationships to ERDA contractors, and other management and organization matters.

The following constitutes that portion of the Study Group's agenda for the above meeting which will be open to the public:

Thursday, September 25, 1975, 8:30 a.m.–12:00 noon and 1:00–2:00 p.m. The Study Group will hear presentations by representatives of the Albuquerque Operations staff and will hold discussions with these groups pertinent to the programs, responsibilities, management techniques, and resources of the Albuquerque Operations Office. The afternoon open session will be held to hear statements presented to the Study Group by the general public (see (b) below).

In connection with the above agenda item, the Study Group will hold a closed session, not open to the public, from 2:00 p.m. to approximately 5:00 p.m., to consider matters relating to the Study of Field and Laboratory Utilization. This session will involve an exchange of opinions and discussion of preliminary views and recommendations of Study Group members and internal deliberations for the purpose of formulating recommendations to the Administrator of ERDA.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that the above-noted closed session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed session will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views to avoid undue interference with Agency or Study Group operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Study Group is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session until later in the day, September 25, 1975.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than October 10, 1975, to Ms. Antionette Joseph, Office of the Assistant Administrator for Laboratory and Field Coordination, Energy Research and Development Administration, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a), above, may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Study Group. To the extent that the time available for the meeting permits, the Study Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Study Group, between the hour of 1:00 p.m. and 2:00 p.m. on September 25, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Study Group who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 22, 1975, to the Office of the Assistant Administrator for Laboratory and Field Coordination (telephone 202–376–4048) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Study Group and its consultants.

(f) Seating for the public will be available on a first-come first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the minutes of the open portion of the meeting will be available for inspection at the Energy Research and Development Administration Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545. Copies of the minutes may be reproduced in the Public Document Room upon payment of all charges required by law.

Additional meetings will be held in Washington, D.C., during October. Notices of these meetings will be published in the FEDERAL REGISTER.

HARRY L. PEEBLES,
Deputy Advisory Committee, Management Officer.

[FR Doc.75-24533 Filed 9-15-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 431-4; OPP-42003A]

IOWA

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification programs. Any State certification program under this section shall be maintained in accordance with the State plan approved under this section.

On July 3, 1975, notice was published in the FEDERAL REGISTER (40 FR 28131) of the intent of the Regional Administrator, EPA Region VII, to approve, on a contingency basis, the Iowa Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Iowa Plan). Contingency approval was requested by the State of Iowa pending promulgation of implementing regulations. Complete copies of the Iowa plan were made available for public inspection at the Iowa Department of Agriculture, Des Moines, Iowa; EPA Region VII office, Kansas City, Mo.; and the Office of Pesticide Programs, EPA, Washington, D.C.

Comments were received from one pest control company, an individual pest control operator and a national industry association.

The pest control representatives objected to the plan's provisions for recertification, which provided that "each certified pesticide applicator shall be reexamined to update his certification every third year."

It should be noted that 40 CFR 171.8 (a)(2) specified that a State certification plan should include "provisions to ensure that certified applicators continue to meet the requirements of changing technology and to assume a continuing level of competency and ability to use pesticides safely and properly." The preamble to the proposed regulations (40 FR 2528) and final regulations (40 FR 11698) suggested various optional approaches which could be used to achieve those provisions. These options included scheduled training courses, conferences, workshops, special examinations, and reexaminations, as methods a State might use to ensure that applicators are provided a continuing opportunity to learn and remain up-to-date in their profession. It is EPA's position that while some provision is required as part of a State certification plan, the actual means and methods to achieve these goals should be left to the State. This is part of the Agency's policy of providing States with as much flexibility as possible. Iowa has chosen to institute periodic reexamination of certified applicators. Section 206.5 of the Iowa Pesticide Law mandates that the secretary of agriculture adopt, by rule, the requirements for the examination, reexamination and certification of pesticide applicators. In addition, Iowa also plans to offer short courses each year for those who desire additional training. Both the Environmental Protection Agency and the Iowa Department of Agriculture feel that the Iowa Plan's approach for achieving these objectives is reasonable and proper, and within the parameters of meeting changing technology and of ensuring a continuing level of competency. Therefore, no changes are necessary.

The pest control company representative also objected to retesting of commercial applicators who currently hold licenses. The Iowa plan indicated that the former pesticide applicator licensing program did not require reexamination. Some of Iowa's currently licensed pesticide applicators have not taken a written examination since 1964.

The last paragraph of the Iowa plan further explains the objectives of the certification program:

> It is the plan in Iowa that the implementation and monitoring of a pesticide applicator certification program be a continuing process. Taking our present licensing and testing programs and applying to it the minimum federal standards, we will be bringing more individual commercial applicators and private applicators into the certification program and by requiring recertification of all applicators every third year we will have a continuing opportunity to train applicators in the use of pesticides and to test their level of competency.

The national industry association commented that the certification standards should be based upon use and handling criteria instead of also requiring knowledge about pest control problems and that by so pursuing this approach EPA was failing to adhere to the intent of Congress. They also wrote that "applicators do not need to be able to recognize pests, the damage caused by them, or know their biological cycles in order to safely and effectively apply a pesticide." It is the Agency's interpretation that Congress wanted to address the problems of misuse and overuse of pesticides through the certification process. To achieve the requirements of section 4 of the amended FIFRA, the Agency promulgated Federal certification standards (39 FR 36446) which required the determination of competency in the use and handling of pesticides. This included the demonstration of the principles and practices of practical knowledge of pest control and safe use of pesticides. If an applicator did not know the pest to be controlled or the damage caused, he would be unable to determine the proper pesticide to use for the control of the pest. The requirement (40 CFR 171.4 (b)(1)) that "testing shall be based on examples of problems and situations appropriate to the particular category or subcategory of the applicator's certification * * *", we believe, is based on Congressional mandate "to establish restrictions which are suited to the degree of the hazard and adverse environmental effects that could be caused by the misuse of the pesticide."

The same industry association also commented that the regulations pertaining to commercial applicators were unnecessarily complex, specifically citing the categorization scheme promulgated by EPA. The Agency's position is that contrary to making commercial applicator certification unduly complex, categorization has several advantages for the States, EPA, and the commercial applicators. For instance, it would be unrealistic to require a commercial applicator to meet specific standards for areas in which he has no expertise and makes no applications. Only by having specific categories can the applicator concentrate on areas which concern him. Another factor to consider is that many commercial applicators will be operating in more than one State; this will require certification in each State or the development of reciprocal agreements among the various States. This can be most easily accomplished if there is some commonality in the State commercial categories. Further, if a State determines that a major category does not suit its needs, it does not have to adopt such category (40 CFR 171.3(c)) in its State plan. Since the different pest control activities have different types and levels of pest problems and situations, the position of the Agency is that the commercial applicator categories and subcategories which were established in the certification standards (40 CFR 171.3(b)) are reasonable and proper.

The industry association also referred to the intent of Congress not to impose certification fees. EPA as administrator of FIFRA, as amended, has no intention of imposing a certification fee structure; however, it should be noted that there is no prohibition in FIFRA, as amended, against a State imposing such a fee. Some States will be doing this, in fact section 206.5 of the Pesticides Act of Iowa sets forth the maximum limits for certification fees: ten dollars for the commercial applicator and five dollars for the private applicator.

It has been determined that the Iowa Plan will satisfy the requirements of section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171, if the regulations described in the Plan, which are necessary for its implementation, are promulgated by the Iowa Department of Agriculture. Accordingly the Iowa Plan is approved contingent upon promulgation of implementing regulations in accordance with and as prescribed in the State Plan.

This contingency approval shall expire nine (9) months from its effective date, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Iowa Plan as a result thereof.

Effective date. Pursuant to section 4(d) of the Administrative Procedures Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the nine months contingency approval granted herein to the Iowa Plan shall be effective immediately. Neither the Iowa Plan itself nor this Agency's contingency approval of the Plan create any direct or immediate obligations on pesticide applicators or other persons in the State of Iowa. Delays in starting the work necessary to implement the plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: August 28, 1975.

JEROME H. SVORE,
Regional Administrator, Region VII.

[FR Doc.75-24511 Filed 9-15-75;8:45 am]

[FRL 431-5; OPP-50034]

UTAH STATE DEPARTMENT OF AGRICULTURE

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Utah State Department of Agriculture, Salt Lake City, Utah 84114. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 35976-EUP-1) allows the use of 6,000 pounds of parathion on false wireworms in winter wheat. A total of 1,000 acres is involved; the program is authorized only in the State of Utah. The experimental use permit is effective from August 15, 1975, to August 15, 1976. A permanent tolerance has been established for residues of the active ingredient in or on wheat.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 10, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-24512 Filed 9-15-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-979; Docket No. 20418, RM-2346]

TELEVISION TABLE OF ASSIGNMENTS

Addition of New VHF Stations

In the matter of petition for rule making to amend television table of assign-

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ments to add new VHF Stations in the top 100 markets and to insure that the new stations maximize diversity of ownership, control and programming. Order of clarification 40 FR 17321, April 18, 1975.

1. On April 15, 1975 the Commission released a notice of inquiry and memorandum opinion and order (FCC 75–374) instituting the above-captioned proceeding in response to a petition filed on March 26, 1974 by the Office of Communication of the United Church of Christ (UCC). Within the context of its petition UCC suggested addition to the Television Table of Assignments (§ 73.606(b)) of as many new VHF channels as would be technologically practical proposing for consideration the 62 channels which the Office of Telecommunications Policy (OTP) maintained, in its October 1973 technical analysis of VHF television entitled "Broadcasting Frequency Assignment Criteria", could be inserted into the 100 major markets of the continental United States.

2. In May 1974 the Director of OTP forwarded to the FCC Chairman a report dated March 1974 entitled "Further evaluation of Additional VHF-TV Channels that could be assigned in the top 100 markets.

3. On May 20, 1975 Counsel for the Clay Broadcasting Corporation (Clay), licensee of Television Station WWAY–TV, Wilmington, North Carolina, requested that the Commission immediately issue a statement clarifying what markets would in fact constitute the top 100 markets for the purpose of this proceeding.

4. Counsel for Clay advises that the top 100 major markets selected by OTP for its October 1973 report were from the American Research Bureau (ARB) net weekly circulation rankings as they appeared in the 1972–1973 edition of the "Television Factbook". Counsel for Clay cites two sections of FCC rules under which Prime time households ranking is used in lieu of net weekly circulation figures which are no longer prepared by the ARB. The first cite is § 76.51 which lists the first 100 major markets derived largely from the ARB 1970 prime time households ranking (36 FCC 2d 171). The second cite is § 73.658(k), to which a NOTE is appended relating to the use of ARB's prime time households ranking in the top 50 U.S. Television markets. Clay submits that it would be most appropriate for the Commission, in this proceeding, to continue the use of a unified approach as to what constitutes the basis for the top 100 markets, i.e., ARB's prime time households rankings.

5. On June 13, 1975, The Association of Maximum Service Telecasters, Inc. (MST) provided a Statement in Support of Clay's Petition For Immediate Clarification. MST agrees with Clay and supports the desirability of using ARB's prime time household rankings, and urges that a fixed list of the top 100 markets according to this criterion be established by the Commission so that the identities of the markets under consideration will not change during the pendency of this proceeding.

6. The Commission agrees with Clay that it would be most appropriate in this proceeding to use a unified approach as to what constitutes the basis for determination of the top 100 markets. The Commission further agrees with MST that the identities of the markets under consideration should not change during the pendency of this proceeding.

7. For the reasons set forth above, the Commission will adopt the 1974 ARB Television Market Audience Rankings by Prime Time Households[1] for this proceeding as they are set forth in the attached list. A comparison between the ARB net weekly circulation data in the 1972–73 TV Factbook and the current ARB Television market audienee ranking by prime time households, reveals that the ranking of every market, except seven of the top eleven, is altered up or down. In addition, seven markets disappear from the rankings, being replaced by seven new markets. It is to be noted that the attached 1974 listing of prime time households by rank contain 102 entries, three of which are tied for the hundredth market. Honolulu is listed but is not considered in these proceedings.

8. Authority for the issuance of this Order is contained in 4(i), 303(d), and 307(b) of the Communications Act of 1934, as amended. Since this Order is only for the purpose of clarifying the terms of reference of an ongoing inquiry, the notice and effective date provisions of the Administrative Procedure Act—5 USC 553—do not apply.

9. *Accordingly, it is ordered,* That the above-referenced requests of Clay Broadcasting Corporation and Maximum Service Telecasters are granted, and the notice of inquiry and memorandum opinion and order (FCC 75–374) released April 15, 1975, in this proceeding, is modified to the extent indicated above.

Adopted: August 28, 1975.

Released: September 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[1] From the ARB publication "Television Market Analysis".

1974
TELEVISION MARKET AUDIENCE RANKINGS

MARKET	PRIME TIME HHLDS (000)	RNK
NEW YORK	4,318	1
LOS ANGELES	2,282	2
CHICAGO	1,776	3
PHILADELPHIA (WILDWOOD)	1,568	4
DETROIT	1,065	5
BOSTON (MANCHESTER + WORCESTER)	1,044	6
SAN FRANCISCO	936	7
CLEVELAND (AKRON + CANTON)	898	8
WASHINGTON, DC (HAGRSTWN + FREDCKSBG)	817	9
PITTSBURGH	729	10
10 MARKET AVG	1,534	
CUMULATIVE TOTAL	15,342	
DALLAS-FT. WORTH	681	11
ST. LOUIS	624	12
HOUSTON	534	13
MINNEAPOLIS-ST. PAUL	533	14
BALTIMORE	497	15
MIAMI (FT. LAUDERDALE)	497	15
ATLANTA	495	17
INDIANAPOLIS	487	18
SEATTLE-TACOMA	454	19
HARTFORD-NEW HAVEN	435	20
10 MARKET AVG	524	
CUMULATIVE TOTAL	20,579	
TAMPA-ST. PETERSBURG (SARASOTA)	430	21
KANSAS CITY	422	22
MILWAUKEE	407	23
CINCINNATI	405	24
SACRAMENTO-STOCKTON (MODESTO)	376	25
BUFFALO	371	26
PORTLAND, OR (SALEM)	365	27
DENVER	356	28
NASHVILLE (BOWLING GREEN)	339	29
COLUMBUS, OH	331	30
0 MARKET AVG	380	
CUMULATIVE TOTAL	24,363	

MARKET	PRIME TIME HHLDS (000)	RNK
NEW ORLEANS	326	31
PROVIDENCE	320	32
MEMPHIS	317	33
ALBANY-SCHENECTADY-TROY	308	34
OKLAHOMA CITY	276	35
CHARLOTTE (HICKORY)	276	35
GREENVLLE-SPRTNBRG-ASHEVLE (ANDERSON)	277	37
PHOENIX (FLAGSTAFF)	274	38
LOUISVILLE	273	39
CHARLESTON-HUNTINGTON	265	40
10 MARKET AVG	291	
CUMULATIVE TOTAL	27,291	
GRAND RAPIDS-KALAMAZOO (BATTLE CREEK)	263	41
DAYTON	261	42
SAN DIEGO	249	43
NORFOLK-PORTSMTH-NEWPORT NEWS-HAMPTN	248	44
WILKES BARRE-SCRANTON	247	45
BIRMINGHAM	243	46
ORLANDO-DAYTONA BEACH	239	47
SALT LAKE CITY	237	48
SAN ANTONIO	236	49
GREENSBORO-WINSTON SALEM-HIGH POINT	235	50
10 MARKET AVG	246	
CUMULATIVE TOTAL	29,749	
* SYRACUSE	233	51
HARRISBURG-YORK-LANCASTER-LEBANON	230	52
TOLEDO	227	53
TULSA	226	54
WICHITA-HUTCHINSON	219	55
OMAHA	217	56
LITTLE ROCK	216	57
SHREVEPORT-TEXARKANA	213	58
RICHMOND (CHARLOTTESVILLE)	213	58
FLINT-SAGINAW-BAY CITY	212	60
10 MARKET AVG	220	
CUMULATIVE TOTAL	31,949	

* THIS MARKET HAS BEEN COMBINED WITH ELMIRA FOR THE 1974-1975 BROADCAST YEAR. THE COMBINED MARKET WILL BE REPORTED BY ARBITRON AS SYRACUSE-ELMIRA.

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1974
TELEVISION MARKET AUDIENCE RANKINGS

MARKET	PRIME TIME HHLDS (000)	RNK
ROCHESTER, MN	197	61
GREEN BAY	197	61
DES MOINES (FT. DODGE)	193	63
RALEIGH-DURHAM	187	64
MOBILE-PENSACOLA	187	64
DAVENPORT-ROCK IS-MOLINE / QUAD CITY	183	66
JACKSONVILLE	179	67
PADUCAH-CAPE GIRARDEAU-HARRISBURG	177	68
KNOXVILLE	177	68
ROANOKE-LYNCHBURG	173	70
10 MARKET AVG	185	
CUMULATIVE TOTAL	33,799	
JOHNSTOWN-ALTOONA	173	70
CEDAR RAPIDS WATERLOO (DUBUQUE)	173	70
SPRINGFIELD-DECATUR-CHAMPAIGN	170	73
PORTLAND-POLAND SPRING	157	74
CHATTANOOGA	155	75
SOUTH BEND-ELKHART	152	76
SPOKANE	152	76
FRESNO (TULARE)	144	78
HONOLULU	144	78
ALBUQUERQUE	143	80
10 MARKET AVG	156	
CUMULATIVE TOTAL	35,362	
YOUNGSTOWN	140	81
JACKSON, MS	135	82
PEORIA	132	83
GREENVILLE-NEW BERN-WASHINGTON	127	84
FT. WAYNE	126	85
SPRINGFIELD, MO	124	86
BATON ROUGE	123	87
EVANSVILLE	122	88
LINCOLN-HASTINGS-KEARNEY	121	89
SIOUX FALLS-MITCHELL	120	90
10 MARKET AVG	127	
CUMULATIVE TOTAL	36,032	
BRISTOL-KINGSPORT-JOHNSON CY (HAZARD)	120	98
HUNTSVILLE-DECATUR-FLORENCE	116	92
WHEELING-STEUBENVILLE	114	93
SPRINGFIELD, MA	112	94
COLUMBUS, GA	110	95
LANSING	110	95
MADISON	109	97
TUCSON	108	98
ROCKFORD	106	99
DULUTH-SUPERIOR	105	100
10 MARKET AVG	111	
CUMULATIVE TOTAL	37,742	
COLUMBIA, SC	105	100
FARGO	105	100

[FR Doc.75-24449 Filed 9-15-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

TRANSPORTATION ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Transportation Advisory Committee will meet Wednesday, October 8, 1975 at 10:00 a.m., Conference Room B, Departmental Auditorium, Constitution Avenue between 12th & 14th Street NW., Washington, D.C.

The Committee was established to advise the Administrator, FEA, with respect to general transportation aspects of interests and problems related to the policy and implementation of programs to meet the continuing energy crisis.

The agenda for the meeting is as follows:

1. Introductions.
2. Background on FEA and its Role in Transportation.
3. Organization of the Committee.
a. Adoption of Committee Guidelines.
b. Committee Organization.
c. Officers.
d. Future Agendas.
4. Transportation Programs in FEA.
5. Presentation: The Role of Energy Conservation Discussion of FY '76 Energy Conservation Program).
6. Discussion of Ridesharing and Vanpooling.
7. Any current developments of special urgency.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration.

Issued at Washington, D.C., on September 12, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.75-24769 Filed 9-12-75;4:36 am]

FEDERAL MARITIME COMMISSION

MAHER TERMINALS, INC. ET AL.

Agreement Filed

Correction

In FR Doc. 75-24072, appearing at page 42240 of the issue of Thursday, September 11, 1975, the comment date of "October 1, 1975" in the second paragraph, should be changed to read "September 22, 1975".

[Independent Ocean Freight Forwarder License No. 1554]

ALVAREZ SHIPPING CO., INC.

Notice of Reinstatement of License

By Federal Maritime Commission Order dated April 21, 1975, Alvarez Shipping Co., Inc., Independent Ocean Freight Forwarder License No. 1554 was revoked effective April 8, 1975, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was published on April 28, 1975 in 40 FR 18500.

On August 25, 1975, an appropriate surety bond was filed on behalf of Alvarez Shipping Co., Inc., and compliance pursuant to Section 44, Shipping Act, 1916, and Section 510.9, of General Order 4 has therefore been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(a) (dated 9/15/73), Independent Ocean Freight Forwarder License No. 1554 shall be reissued to Alvarez Shipping Co., Inc., effective August 25, 1975. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon Alvarez Shipping Co., Inc.

ROBERT S. HOPE,
Managing Director.

[FR Doc.75-24648 Filed 9-15-75;8:45 am]

PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND MOLLER STEAMSHIP CO., INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 6, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Port Authority of New York and New Jersey and Moller Steamship Company, Inc. Notice of agreement filed by: Albert B. Dearden, Deputy Chief, Leases & Operating Agreements Division, Port Authority of N.Y. & N.J., One World Trade Center, New York, New York 10048.

Agreement No. T-3155, between Port Authority of New York and New Jersey (Port) and Moller Steamship Company, Inc., (Moller), provides for the 25-year lease of a marine terminal located at Port Newark. As compensation, Moller shall pay to Port an annual sum of $582,411.00 plus a percentage of the cost of special construction performed pursuant to the agreement.

By Order of the Federal Maritime Commission.

Dated: September 10, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-24646 Filed 9-15-75;8:45 am]

WAIVER OF STATUTORY REQUIREMENTS

Application Filed

Notice is hereby given that the following application has been filed with the Commission for approval pursuant to Section 35 of the Shipping Act, 1916, as amended (46 U.S.C. 833a, 80 Stat. 1358, Pub. L. 89—Application 778).

Interested parties may inspect and obtain a copy of the application at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 11413; or may inspect a copy of the application at the Field Offices, New York, New York; New Orleans, Louisiana; San Francisco, California; and San Juan, Puerto Rico. Comments on such applications, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 6, 1975. Any person desiring a hearing on the proposed application shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or that the approval of this application would substantially impair effective regulation by the Federal Maritime Commission shall be accompanied by a statement describing the discrimination or the impairment of effective regulation with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the application (as indicated hereinafter) and the statement should indicate that this has been done.

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Notice of Application filed by:

Robert J. Ables, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006.
John Guandolo, Macdonald & McInery, 1000 16th Street NW., Washington, D.C. 20036.

An application for an exemption, under Section 35 of the U.S. Shipping Act, 1916, from all requirements of that Act has been filed on behalf of Incan Superior Ltd. This application covers the Incan Superior Ltd. operation between Thunder Bay, Ontario, Canada and Superior, Wisconsin.

By order of the Federal Maritime Commission.

Dated: September 11, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-24647 Filed 9-15-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-60]

ALABAMA POWER CO.

Tariff Filing

SEPTEMBER 8, 1975.

Take notice that on August 18, 1975, Alabama Power Company (Alabama) tendered for filing in this docket a revised tariff sheet [1] and related executed service agreement applicable to service provided by Alabama to the City of Opelika, Alabama. In its filing, Alabama states as follows:

The Company will serve the electrical requirements of the delivery points Nos. 1, 2 and 4 of The City of Opelika, pursuant to such tariff as amended by the Company's filing with this Commission on June 17, 1974, submitting Revision No. 1—Rate Schedule MUN-1 to the Commission for approval. The City of Opelika's delivery points Nos. 1, 2 and 4 were previously served under FPC Rate Schedule No. 123; however, pursuant to a provision in such rate schedule, the Company has been charging the rates contained in Revision No. 1—Rate Schedule MUN-1 since September 12, 1974, in accordance with an order of the Commission dated September 12, 1974, in FPC Docket E-8851. The Nos. 1, 2 and 4 delivery points of The City of Opelika will be served pursuant to FPC Electric Tariff, Original Volume No. 1, of Alabama Power Company and under Revision No. 1 Rate Schedule MUN-1 incorporated in such tariff as allowed to become effective by this Commission, subject to refund, in its order in FPC Docket No. E-8851, issued September 12, 1974.

A copy of the above filing was sent by Alabama to the City of Opelika.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before September 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Alabama's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24536 Filed 9-15-75;8:45 am]

[1] Tenth Revised Sheet No. 35 of original Volume No. 1 of Alabama's FPC Electric Tariff.

[Docket No. ER76-65]

ALABAMA POWER CO.

Tariff Filing

SEPTEMBER 8, 1975.

Take notice that on August 11, 1975, Alabama Power Company (Alabama) tendered for filing in this docket a revised tariff sheet [1] and related service agreement applicable to service by Alabama to Clarke-Washington EMC at the latter's Clairborne delivery-point. Alabama states it proposes to commence service at the Clairborne delivery point on or about August 15, 1975. Alabama further states as follows:

The Company will serve the electrical requirements of Clairborne delivery point of the Clarke-Washington Electric Membership Corporation, pursuant to such tariff as amended by the Company's filing with this Commission on June 17, 1974 submitting Revision No. 1—Rate Schedule REA-1 to the Commission for approval. The Clairborne delivery point will be served pursuant to FPC Electric Tariff, Original Volume No. 1, of Alabama Power Company and under Revision No. 1 Rate Schedule REA-1 incorporated in such tariff as allowed to become effective by this Commission, subject to refund, in its order in FPC Docket No. E-8851, issued September 12, 1974.

A copy of this filing was sent by Alabama to Clarke-Washington EMC.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before September 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Alabama's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24537 Filed 9-15-75;8:45 am]

[1] Ninth Revised Sheet No. 37 to original Volume No. 1 of Alabama's FPC Electric Tariff.

[Docket No. ER76-79]

CENTRAL HUDSON GAS AND ELECTRIC CORP.

Filing of Rate Schedule

SEPTEMBER 9, 1975.

Take notice that Central Hudson Gas and Electric Corporation (Central Hudson), on August 20, 1975, tendered for filing, as a rate schedule, a transmission agreement between Central Hudson and Orange and Rockland Utilities, Inc. (Orange & Rockland).

Central Hudson states that the service to be provided by Central Hudson is the transmission of power and energy between (a) Central Hudson's transmission connection with the 345 Kv. Leeds Substation of Niagara Mohawk Power Corporation and (b) Central Hudson's transmission connection with Orange and Rockland at the 115 Kv. Sugarloaf Substation.

Central Hudson states that transmission capacity to be made available to Orange & Rockland will be that scheduled as unsupported firm power for Orange & Rockland by the Power Authority of the State of New York (PASNY) in accordance with contracts in effect between PASNY and Orange & Rockland.

Central Hudson states that copies of the subject filing were served upon:

Orange and Rockland Utilities, Inc.
75 West Route 59
Spring Valley, New York 10977

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with paragraphs 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24557 Filed 9-15-75;8:45 am]

[Docket No. RI75-112]

CERTAIN PRODUCER AND PIPELINE RESPONDENTS

Order Requiring Report

SEPTEMBER 8, 1975.

On February 20, 1975, we issued an order in Docket No. RI75-112 instituting an investigation of Status of Nonproducing Dedicated Reserves in the Federal Domain in the Gulf of Mexico. One of our relevant areas of inquiry in this proceeding is whether nondevelopment has occurred as a result of failure of producers to meet or pipelines to enforce contractual or certificate obligations. In order to properly evaluate any delivery obligations under certificates or gas sales contracts, we will require each pipeline respondent listed in Appendix A hereof to provide, under oath, the information requested in Appendix B attached hereto in the manner prescribed. This information will be incorporated into the record in Docket No. RI75-112 for appropriate use by the Commission.

Certain obligations attach to both producers and pipelines when the Commission issues a certificate for the delivery and receipt of natural gas. Once the producer files for a certificate, and having received either a temporary or permanent certificate, commences delivery thereunder, this Commission's jurisdiction attaches to that sale until such time as abandonment authorization is granted by the Commission. Upon commencement of deliveries, the Commission has authority to investigate negligence of a producer in rendering full service under the certificated contract, or to investigate a deliberate attempt to slow production in order to obtain a more favorable price. Additionally, the Commission may examine in depth whether the pipelines are diligently pursuing their contractual remedies against producers to compel maximum deliveries. However, the enforcement authority of the Commission to compel delivery of the certificated volumes is subject to the sales contract conditions unless the Commission has expressly conditioned its certification so as to modify certain of the contractual conditions. The condition precedent to such authority is that some service must have commenced under a certificate. Nevertheless, the Supreme Court has held that "the Commission [has] control over the conditions under which gas may be initially dedicated to interstate use." And, ". . . once so dedicated there can be no withdrawal of that supply from continued interstate movement without Commission approval." *Atlantic Refining Co. v. Public Service Commission*, 360 U.S. 378, 387-389 (1960). The former statement is a recognition of the Commission's authority to condition the grant of a certificate, and the latter is a recognition of the Commission's view that all of the contract terms as initially set forth in the certificate application are encompassed within the certificated obligations accepted by the producer once delivery commences thereunder. The latter view was recently restated by the Commission in Opinion No. 733, *Mitchell Energy Corporation*, Docket No. CI75-296, June 11, 1975, and in Opinion No. 737, *El Paso Natural Gas Company, et al.*, Docket No. CP75-209, *et al.*, July 11, 1975, wherein we held that the service undertaken by a producer at the time of certification "is like an ancient covenant running with the land" which even binds a certificated assignee to all of the contractual and certificated obligations of the assignor.[1]

Section 10 of the Natural Gas Act (15 U.S.C. § 717i (1970)) requires every natural gas company to file such special reports, under oath, as the Commission may by order direct. Pursuant to this statutory authorization, we direct and require the pipeline respondents listed in Appendix A to complete and submit by September 19, 1975, the report required herein. The report must be submitted under oath by the corporate officer most directly responsible for, and knowledgeable about the information to be submitted in the report. We remind each of the respondents that Section 10(b) of the Natural Gas Act (15 U.S.C. § 717i(b) (1970)) provides that:

[i]t shall be unlawful for any natural gas company willfully to hinder, delay, or obstruct the making, filing, or keeping of any information, document, report, memorandum, record, or account required to be made, filed, or kept under this act or any rule, regulation, or order thereunder.

This provision, along with all other sections of the Natural Gas Act, the Commission's Rules and Regulations promulgated thereunder, and relevant statutes of the United States Code, will be vigorously enforced.

The Commission finds:

It is necessary and proper to obtain the information required by this order for incorporation in the proceeding in Docket No. RI75-112.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act, particularly Section 10 thereof, the pipeline companies listed in Appendix A hereof shall file, under oath, a report providing the information requested as set forth in Appendix B hereto.

(B) The report required to be filed pursuant to Paragraph (A) above shall be filed with the Secretary (an original and 4 copies) on or before September 19, 1975.

(C) The Secretary shall place one copy of the report in the official Commission files associated with this proceeding and an additional copy in the Commission's Office of Public Information for use by any interested person.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Judicial review of Opinion No. 733 is presently before the U.S. Court of Appeals for the Fifth Circuit as *Mitchell Energy Corporation* v. *F.P.C.*, No. 75-1118; and Opinion No. 737 is before the same Court as *Southland Royalty Co., et al.*, v. *F.P.C.*, No. 75-2851. Exxon Corporation filed on July 14, 1975 for injunction against the Commission and the Commissioners in the U.S. District Court for D.C. on Opinion No. 737 in Civil Action No. 75-1118, but withdrew its suit after a hearing before that Court. Circuit Judge Coleman of the Fifth Circuit issued an interim stay order against Opinion No. 737 on July 14, 1975, but vacated the stay that day and substituted in lieu thereof, a consent protective order.

APPENDIX A

PIPELINE COMPANY RESPONDENTS, FEDERAL DOMAIN—GULF OF MEXICO

Columbia Gas Transmission Corporation
Consolidated Gas Supply Corporation
Michigan—Wisconsin Pipe Line Company
Natural Gas Pipeline Company of America
Sea Robin Pipeline Company
Southern Natural Gas Company
Tennessee Gas Pipeline Company
Texas Eastern Transmission Corporation
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation
Trunkline Gas Company
United Gas Pipe Line Company

APPENDIX B

A. With the exception of emergency and limited-term pregranted abandonment purchases, provide the Average Daily Purchases by month from January 1968 to date, for each field in the Federal Domain of the Gulf of Mexico which has dedicated non-producing reservoirs and reserves and from which you purchase gas. Identify the field by block number(s) and OCS lease number(s), and identify within each field each operator and each producer with a working interest ownership, and each rate schedule and certificate docket number under which the purchases were made. If such information has been tabulated graphically, copies of such graphs shall also be furnished, properly identified as to field, location, and producer rate schedules involved.

B. For each producer in the fields in A. above, list by field and total for each rate schedule:

1. Date of contract(s).

2. (a) Original and remaining recoverable reserves dedicated to you as of December 31 of each year beginning with 1967 and continuing through and including 1974.

(b) Original and renegotiated recoverable reserves for the same period and the basis for the renegotiated recoverable reserves.

3. (a) Average daily volumes purchased for the years 1968 through 1974.

Projected average daily volumes for the years 1968 through 1975 based on the Form 16 or similar data.

4. Daily Contract Quantity, Minimum Daily Contract Quantity and Maximum Daily Contract Quantity effective during the years 1968 through 1975. If any of the above has been revised during those years, give the figures before and after such revision and the period of time each was effective and the method used to calculate such obligations.

5. The ratio of original recoverable gas reserves to deliverability.

[FR Doc.75-24562 Filed 9-15-75;8:45 am]

[Docket Nos. E-8885, E-8546]

CINCINNATI GAS & ELECTRIC CO.

Order Approving Settlement Agreement Subject To Conditions

SEPTEMBER 5, 1975.

On May 29, 1975, the Cincinnati Gas & Electric Company (CG&E) filed with the Federal Power Commission a motion for approval of a settlement agreement which would terminate all proceedings in Docket Nos. E-8885 and E-8546. Notice of the filing of a proposed settlement agreement was issued June 10, 1975, with comments due on or before June 27, 1975. The Commission Staff (Staff) filed comments which favored the settlement agreement.

V 40 180 SEP 16 75 XUM

This proceeding involves two consolidated dockets. On December 5, 1973, the Village of Georgetown, Ohio (Georgetown) filed a complaint in Docket No. E–8546. Georgetown's filing alleged that CG&E received excessive profits from its sales to Georgetown. Georgetown indicated that Union Light, Heat and Power Company, a CG&E affiliate operating in Kentucky, purchases power from CG&E at lower rates than Georgetown for service at comparable voltages.

Georgetown noted also that the "discounted rates" under which service was provided were not on file with the Commission; that the rates charged to Georgetown were changed in violation of the Federal Power Act; and that the rates subjected Georgetown to undue discrimination by an unreasonable difference in rates between it and Union. Pursuant to the Commission's Notice of Filing of Complaint, CG&E timely filed its answer. On May 23, 1974, the Commission ordered that an investigation and hearing be instituted concerning the issues raised in Georgetown's complaint, pursuant to Section 206 of the Federal Power Act.

On July 2, 1974, CG&E filed a proposed electric tariff, Original Volume No. 1 (initiating Docket No. E–8885) to cancel and supersede rate schedules then on file with the Commission for wholesale electric service to the Villages of Bethel, Blanchester, Georgetown, Hamersville, and Ripley, Ohio and to the West Harrison Gas and Electric. The proposed tariff would increase CG&E's overall annual revenue approximately $104,139. The proposed effective date was September 1, 1974.

On August 30, 1974, the Commission issued its order in Docket No. E–8885 and E–8546: Accepting CG&E's proposed tariff for filing and suspending its effective date to September 2, 1974, subject to refund; setting hearing dates, consolidating the investigation instituted by its order of May 23, 1974, for hearing; and permitting intervention by Georgetown.

The order also noted that Company's General Terms and Conditions filed along with the general rate increase includes language which restricts resales by the customers of power and energy furnished by CG&E, and that such provision may be unduly restrictive, anticompetitive and contrary to public interest. The provision reads as follows:

> The power and energy so to be purchased, furnished and supplied hereunder shall be received and used by the customer in the operations of its electric system and shall be reserved for the ultimate use and benefits of the customers served by said electric distribution system of the customer.

CG&E did not refile under the settlement agreement a new set of General Terms and Conditions excluding the above restrictive language. Therefore, as a condition to our approval of the settlement we shall require CG&E to file within 30 days revised General Terms and Conditions excluding the above restrictive language.

The parties and Staff have had a conference to discuss the issues in these consolidated cases and have agreed to a settlement.

A summary of the settlement provisions in Docket Nos. E–8885 and E–8546 is as follows:

(1) The settlement rate for Georgetown will be Georgetown's rate prior to the filing in E–8885 plus a fuel adjustment charge.

(2) CG&E agrees to file a rate schedule which will be applicable to both Georgetown and the Union Light, Heat and Power Company (Union). CG&E further agrees that such rate shall have a single energy step and a single demand step. In consideration for placing it on the same rate schedule as Union, Georgetown agrees to withdraw its complaint in Docket No. E–8546.

(3) The settlement cost of service is shown in Appendix A below.

(4) The settlement capitalization and rate of return are shown in Appendix B below.

(5) CG&E agrees to refund all amounts collected in excess of the settlement rates.

We note that the fuel clause proposed in the settlement agreement generally conforms to Order No. 517, except that system rather than wholesale losses are used. As we noted in our Opinion No. 720,[1] our regulations prior to the issuance of Order No. 517 did not speak to this point, and it would therefore be unfair to order refunds for a period during which our position was not clear. In Opinion No. 720–A, we required the subject company to file a clause reflecting wholesale losses only, effective prospectively. Accordingly, since CG&E's rate filing at issue in this proceeding was made prior to the issuance of Order No. 517, we shall require CG&E to file within 30 days of the issuance of this order a revised fuel clause which provides for wholesale rather than system losses to become effective prospectively from the date of this order.

[1] Public Service Company of New Hampshire, Docket No. E–7742, Opinion No. 720, issued February 12, 1975.

Our review of this settlement agreement indicates that, as conditioned, the proposed settlement agreement adequately resolves the issues raised by the filing, is in the public interest, and should therefore be approved by the Commission.

The Commission finds. Approval of the settlement agreement filed with us by the Cincinnati Gas & Electric Company, as conditioned herein, is reasonable and appropriate in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders. (A) The settlement agreement filed by the Cincinnati Gas and Electric Company, as conditioned herein, is incorporated herein by reference, approved and made effective as of September 2, 1974.

(B) Within 30 days of the date of issuance of this order, CG&E shall file revised General Terms and Conditions excluding the language restricting resale of power.

(C) Within 30 days of the date of issuance of this order, CG&E shall submit compliance rate schedule filings in the form attached to the settlement agreement, except that Fuel Adjustment Rider F is to be revised to provide for wholesale rather than system losses. Such revised fuel clause shall become effective as of the date of issuance of this order.

(D) Within 30 days of the date of issuance of this order, CG&E shall refund to its customers all revenues collected over and above the rate incorporated in the settlement agreement, including 7 percent per annum thereon.

(E) CG&E shall report to the Commission the payment of refunds including 7 percent percent per annum thereon. Proceedings in Docket Nos. E–8546 and E–8885 shall be terminated upon receipt of such report.

(F) The order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against CG&E or any person or party, except as provided in the settlement agreement.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—*The Cincinnati Gas and Electric Co., electric department cost of service, Year 1973*

[In dollars]

Line No.		4 villages—Bethel, Blanchester, Hamersville, and Ripley	The West Harrison Gas anp Electric Co.
1	Electric service revenue	787,656	71,006
2	Other electric revenue	3,807	365
3	Total electric revenue	791,463	71,371
4	Operating expenses:		
5	Operation and maintenance expenses:		
6	Production expenses	298,507	28,544
7	Transmission expenses	11,074	1,014
8	Distribution expenses	12,107	1,263
9	Customers accounts expenses	1,200	300
10	Administrative and general expenses	20,450	2,009
11	Total operation and maintenance expenses	343,338	33,160
12	Depreciation	87,504	8,343
13	Taxes—other than income:		
14	Payroll taxes	3,141	309
15	Property taxes	52,195	4,985
16	Excise tax	30,296	0
17	Total taxes—other than income	85,632	5,294
18	Adjustments to expenses to reflect donations	840	80
19	Total operating expenses before Federal income taxes	517,314	46,877
20	Net operating revenue before Federal income taxes	274,149	24,494
21	Federal income taxes	86,959	7,495
22	Net operating revenue	187,190	16,999

The Cincinnati Gas and Electric Co., electric department rate base, Year 1973

[In dollars]

Line No.		4 villages—Bethel, Blanchester, Hamersville, and Ripley	The West Harrison Gas and Electric Co.
1	Electrical Plant in service:		
2	Production Plant	1,790,525	168,883
3	Transmission Plant	546,047	51,503
4	Distribution Plant	293,669	27,508
5	General Plant	56,672	5,567
6	Total electric plant in service	2,686,913	253,461
7	Accumulated provision for depreciation	721,518	68,805
8	Total net electric plant	1,935,395	184,656
9	Add:		
10	Land held for future use	5,194	490
11	Net common plant for electric	38,506	3,782
12	Deduct:		
13	Accumulated deferred income taxes	15,372	1,466
14	Total net electric plant before working capital	1,963,723	187,462
15	Working capital:		
16	Prepayments	1,846	176
17	Material and supplies—		
18	Fuel	64,701	6,103
19	Other	24,971	2,384
20	Working cash allowance	40,464	3,912
21	Federal income tax offset to working cash allowance	(6,344)	(522)
22	Total working capital	125,638	12,053
23	Total rate base	2,089,361	199,515

APPENDIX B.—*The Cincinnati Gas and Electric Co. capital structure*[1] *and settlement rate of return*

Line No.	Class of capital	Amount (In thousands of dollars)	Capital ratios (percent)	Cost or allowance (percent),	Weighted return (percent)
1	Long-term debt	547,038	49.42	7.12	3.52
2	Preferred stock	155,000	14.00	7.65	1.07
3	Deferred taxes (281)	9,945	.90		
4	Common equity	395,000	35.68	12.25	4.37
5					8.96
6	Recommended return on total capital	1,106,983	100.00		

[1] Pro-forma through the year 1975.

[FR Doc.75–24403 Filed 9–15–75;8:45 am]

V 40 180 SEP 16 75 XUM

[Docket No. CP73-329]

CHATTANOOGA GAS CO.

Amendment to Application

SEPTEMBER 8, 1975.

Take notice that on August 15, 1975, Chattanooga Gas Company, a Division of Jupiter Industries, Inc. (Applicant), 811 Broad Street, Chattanooga, Tennessee 37402, filed in Docket No. CP73-329 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act by which amendment Applicant requests authorization to operate liquefied natural gas (LNG) facility to provide a natural gas liquefaction service for East Tennessee Natural Gas Company (East Tennessee), all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Applicant requests that the Commission certificate the liquefaction of up to 439,500 Mcf of natural gas by Applicant for East Tennessee at Applicant's LNG facilities. Applicant states that East Tennessee has been delayed in the completion and operation of its own LNG plant and that the proposed service would allow East Tennessee to convert summer gas availability to winter service by means of liquefaction.

Applicant would take volumes of gas from East Tennessee in excess of Applicant's curtailment period quantity entitlement and would deliver to East Tennessee's trucks on the loading platform of Petitioner's LNG facility such excess volumes, less fuel used for liquefaction, as liquid volumes.

Applicant states that pursuant to the terms of a letter agreement dated August 14, 1975, Applicant and East Tennessee have agreed that Applicant would render liquefaction service to East Tennessee. The stated delivery point of natural gas to be liquefied is the existing delivery point between East Tennessee and Applicant on East Tennessee's pipeline, the Chattanooga East measuring station. Applicant would take volumes in excess of its authorized maximum daily volume entitlement to provide gas for the liquefaction and would further take additional gas as fuel for the process of liquefaction.

The agreement would stay in effect from the time of the first delivery of gas to Applicant to such a time that Applicant has delivered the maximum liquid quantity to East Tennessee Gas delivered to Applicant would be billed to Applicant by East Tennessee according to the terms of the base contract. In any month that a delivery of LNG is made to East Tennessee, Applicant would be credited for the liquefaction service as a part of the billing. It is stated that the credit would be the sum of the product of the liquid quantity delivered that month multiplied by the liquefaction service rate, which Applicant proposes to be 75.0 cents per Mcf at 19.73 psia, plus the product of the liquid quantity in the first part multiplied by 1.2736 multiplied by the commodity rate provided for in the base contract.

It is stated that no cost of service studies were prepared in connection with said rate and that the rate does not provide for the recovery of the cost of gas supply since the gas for liquefaction would be provided by East Tennessee. Further, it is stated the rate does not provide for recovery of fully allocated costs of the storage tank.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 23, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24538 Filed 9-15-75;8:45 am]

[Docket No. RP74-77]

COLORADO INTERSTATE GAS CO.

Order Approving Settlement Agreement

SEPTEMBER 5, 1975.

On May 12, 1975 Colorado Interstate Gas Company (CIG) tendered for filing a Stipulation and Agreement which reflects a settlement of all issues in the above referenced proceeding. Simultaneously CIG filed a motion to terminate these proceedings. On May 29, 1975 the Presiding Administrative Law Judge certified the record which contained both CIG's and Commission Staff's (Staff) direct cases. Notice of the proposed settlement was issued May 20, 1975 with comments due on or before June 2, 1975. No comments have been filed.

This proceeding involves a rate filing made by CIG on March 29, 1974, to provide for increase on annual revenues of $10,280,084 based on calendar year 1973 costs and operations, as adjusted by order issued May 1, 1974 we suspended the proposed tariff sheets and deferred their use until October 1, 1974. A prehearing conference was held on December 17, 1974, at which time both Staff's and CIG's direct cases were entered into the record. Subsequent settlement discussions among Staff, CIG, CIG's customers and other interested parties resulted in the submittal of the instant proposal.

The settlement agreement provides for a jurisdictional cost of service of $132,454,293 which is $6,512,983 less than the annual revenues that would be achieved from the increased rates placed in effect by CIG on October 1, 1974, and the settlement jurisdictional sales volumes of 379,388,836 Mcf. A comparison of the settlement cost of service with the other costs of service introduced into the record in this proceeding is included as Appendix I below.

The settlement cost of service includes an overall rate of return of 9.26 percent which will enable CIG to earn an 11.75 percent return on its equity investment. Attached as Appendix II below is a summary of the capitalization ratios and the debt and return allowances included in the settlement.

Other pertinent provisions of the settlement are as follows:

(1) For the period from October 1 through December 31, 1974, the rates shown on Appendix III below shall be the effective rates.

(2) Effective January 1, 1975, the rates shown on Appendix IV below shall be the appropriate rates. These Appendix IV below rates include 0.7 cent per Mcf to protect CIG against reduced liquid credit revenues that may result from the Federal Energy Administration's jurisdiction over extracted product prices. CIG is obligated to refund any excess revenues and has the right to recover any revenue deficiency associated with the sale of extracted products for the period, January 1 through September 30, 1975. In addition, CIG has agreed to share with jurisdictional customers any monetary consideration in excess of $500,000 which it may receive in suits against Mapco, Inc. involving the price of extracted products.

(3) Article IV provides that advance payments to Amoco Production, McCulloch Gas Processing Corporation, Beta Exploration, Inc., Fuel Resources Development Co. and Gas Processing Enterprises, Inc. are reflected in the settlement rate base subject to certain conditions to conform each to the present Commission policy regarding advance payments.

(4) Article V provides for the following depreciation rates for the separate functions as follows:

(a) Gathering and Products Extraction—6.68 percent; (b) transmission—3.35 percent; Underground Storage—4.07 percent; and (c) Franchises and Consents—4.15 percent. CIG agreed to use the same depreciation rates in its recently filed rate increase in Docket No. RP75-86 which amounts to at least a one year moratorium on changes in depreciation rates.

(5) The settlement rates reflect commodity charges which include all jurisdictional production function costs and 75 percent of the fixed storage and transmission function costs. The straight-line rates reflect this same approach and the jurisdictional field sale rates are based upon the weighted average unit production function cost.

(6) The settlement agreement is not intended to change existing obligations under prior settlement agreements.

The advance payments to Amoco Production, Beta Exploration, Inc. and Fuel Resources Development Co. are included in the settlement rate base subject to the condition that any outstanding balance

not recovered within five years of the date of each agreement shall be eliminated from CIG's rate base. The condition attached to the McCulloch-Harold B. Erlich advance payment requires CIG to credit its cost of service with all interest payments received under the agreement. CIG is obligated to reduce its rates and refund to its customers the carrying charges attributable to any portion of the $1,462,000 advance to Gas Producing Enterprises, Inc. not actually expended on the initial five-well program provided for by the agreement.

CIG initially proposed an overall rate of return of 9.75 percent which would provide a 13.88 percent return on equity capital amounting to 35.89 percent of the projected capitalization as of September 30, 1974. The embedded debt cost was projected at 7.66 percent. Staff recommended an overall rate of return of 8.86 percent with a return on equity of 12.0 percent and an embedded debt cost of 6.95 percent. Staff eliminated $16.7 million of interim financing and reflected gains on reacquired debt totalling $137,199. The settlement rate of return of 9.26 percent will provide an 11.75 percent return on equity, amounting to 41.85 percent of total capitalization, and a 7.82 percent allowance for embedded debt cost. A comparison of the proposed rates of return are as follows:

	Company			Staff			Settlement		
	Capitalization Ratios (percent)	Capital cost	Weighted cost (percent)	Capitalization Ratios (percent)	Capital cost	Weighted cost (percent)	Capitalization Ratios (percent)	Capital cost	Weighted cost (percent)
Long term debt	46.50	$7.66	3.56	43.24	$6.95	3.01	40.12	$7.82	3.84
Preferred stock	17.61	6.86	1.21	18.68	6.86	1.28	9.03	5.53	.50
Common equity	35.89	13.88	4.98	38.08	12.00	4.57	41.85	11.75	4.92
Total	100.00		9.75	100.00		8.86	100.00		9.2

Colorado Interstate Gas Company is a division of Colorado Interstate Corporation (Interstate) which, in turn, is an affiliate of Coastal States Gas Corporation (Costal States). All of the common stock of Interstate is held by Coastal States. Interstate's pipeline bonds are rated as Class A while its debentures are rated Class Baa. Both Staff and the Company used the capital structure and capital costs of Interstate in determining the return allowance for CIG.

Staff and the Company emphasized the importance of inflation and the rising cost of debt money. Exhibit No. 23, page 11, shows by months the Average of Yields on "A" Rated Public Utility Bonds from 1959 to Date as reported by Moody's Bond Survey. Staff Witness Culbert's testimony summarized the data by observing that while the yield on "A" rated bonds averaged less than 5.0 percent in 1965 by 1970 the yields had reached over 8.0 percent and although they declined somewhat in 1971 and 1972, they increased in 1973 and had averaged about 9.3 percent for the first 10 months of 1974. Exhibit No. 2 shows that the cost of First Mortage Pipe Line Bonds for Interstate had closely paralled this experience. Staff took the position that rising debt cost results in lower interest coverage and greater financial risk. Page 13 of Exhibit No. 23 was cited to illustrate investor reaction by showing that as risk has increased the P/E ratios of stocks have declined, with regulated utilities experiencing the largest decline.

Page 4 of Exhibit No. 22 shows that the Major Class A and B Pipelines, as defined in the Statistics of Interstate Natural Gas Pipeline Companies published annually by this Commission, have increased their common equity ratios since 1969 and that Colorado Interstate Corporation's common equity ratios have also increased since 1969 while the ratios for electric utilities have remained relatively constant. This increase in common equity ratios tends to reduce the risk associated with higher debt costs.

Both the Company and Staff provided studies showing returns on equity earned by various industries and groupings of companies within industries. Exhibit No. 23 shows that the 500 largest industrial corporations earned an average of 12.4 percent in 1973. Exhibit No. 22 shows that an average return of 13.8 percent was earned in 1973 by those industries reported in Business Week, with utilities earning an average of 11.9 percent. This exhibit also indicated that Colorado Interstate Corporation earned an average of 12.3 percent on equity for the period, 1965 through 1973, as compared with 13.7 percent for Major Class A and B Pipelines, 12.0 percent for Standard & Poor's 425 Industrials, 12.5 percent for Moody's 125 Industrials, 11.8 percent for Class A and B Electrics, and 12.2 percent for Nine Selected Gas Transmission Companies.

While CIG was not in curtailment during the test period covered by this proceeding we take note that Form 16 reports filed with this Commission project curtailments of 6.70 percent for the 1975-76 winter season. We take further note that CIG purchases roughly 12.0 percent of its annual supply from Northwest Pipeline Corporation which purchases a major part of its supply from Canadian sources. Northwest has projected a curtailment level of 15.0 percent for the winter of 1975-76. We are satisfied that the record supports the settlement rate of return including the 11.75 percent return on equity.

Our review of this settlement agreement as well as the entire record in this proceeding indicates that the proposed settlement agreement adequately resolves the issues raised by the filing, is in the public interest, and should therefore be approved and made effective as hereinafter ordered.

The Commission finds. Approval of the settlement agreement filed in this proceeding is reasonable and appropriate in the public interest in carrying out the provisions of the Natural Gas Act.

The Commission orders. (A) The settlement agreement filed in this proceeding is incorporated herein by reference, approved, and made effective as provided by the provisions of the settlement agreement.

(B) Within forty-five days of the issuance of this order CIG shall file revised tariff sheets which conform to the settlement agreement.

(C) Within thirty days after filing the revised tariff sheets, CIG shall refund to its jurisdictional customers all revenues collected in excess of the settlement rates.

(D) This order is without prejudice to any findings or orders which have been made or which hereafter will be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against CIG or any person or party, except as provided in the settlement agreement.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

V 40 180 SEP 16 75 XUM

APPENDIX I.—*Colorado Interstate Gas Co., Docket No. RP74–77*

[Comparison of costs]

Line No.	Description (a)	Per CIG (b)	Per staff (c)	Per settlement (d)
1	Operating expenses	$128,045,451	$126,410,133	$128,577,133
2	Depreciation and amortization	12,985,097	12,658,267	13,223,329
3	Taxes:			
4	Federal income	11,366,930	8,431,268	9,558,950
5	State income	703,412	598,503	667,215
6	Other	3,720,597	3,602,530	3,579,915
7	Donations	51,044	51,044	51,044
8	Return (9.75%, 8.[illegible]%, 9.26%)	21,560,584	17,837,967	18,784,482
9	Total	178,423,115	169,570,712	174,542,008
10	Revenue credits:			
11	Extracted products	(8,518,275)	(11,580,071)	(11,580,071)
12	Other	(4,352,245)	(5,035,509)	(5,035,509)
13	Total revenue credits	(12,870,520)	(16,615,580)	(16,615,580)
14	System cost of service	165,552,595	152,964,132	157,926,488
15	Jurisdictional cost of service	138,967,276	128,157,913	132,454,293

NOTE: Rates reflect a 0.7¢ increase based on Section 6.2 of the Stipulation and Agreement. The rates do not include cumulative PGA adjustments which became effective on or before January 1, 1975.

APPENDIX II

[In percent]

	Capitalization	Cost Allowance	Weighted Cost
Long-term debt	49.12	7.82	3.84
Preferred stock	9.03	5.53	0.50
Common equity	41.85	11.75	4.92
Total	100.00		9.26

APPENDIX III

COLORADO INTERSTATE GAS COMPANY

(Docket No. RP74-77, Settlement Rates at October 1, 1974)

Rate schedule:	Base tariff rate (note)
G–1:	
Demand	$1.11
Commodity	37.04
P–1 and H–1:	
Demand	.67
Commodity	37.04
PS–1:	
Demand	.96
Capacity	1.16
Commodity	36.15
SG–1	46.16
S–1	41.60
F–1 and F–2	28.14
EX–1	40.69

NOTE: Rates do not include the PGA adjustment which became effective October 1, 1974.

APPENDIX IV

COLORADO INTERSTATE GAS COMPANY

(Docket No. RP74-77, Adjusted Settlement Rates at January 1, 1975)

Rate schedule:	Base tariff rate (note)
G–1:	
Demand	$1.11
Commodity	37.74
P–1 and H–1:	
Demand	.67
Commodity	37.74
PS–1:	
Demand	.96
Capacity	1.16
Commodity	36.85
SG–1	46.86
S–1	42.30
F–1 and F–2	28.84
EX–1	41.39

[FR Doc.75-24402 Filed 9-15-75;8:45 am]

[Docket No. CP76-64]

COLORADO INTERSTATE GAS CO.

Application

SEPTEMBER 8, 1975.

Take notice that on August 26, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76–64 an application pursuant to Section 7(c) of the Natural Gas Act, as implemented by Section 157.7(c) of the Regulations thereunder (157.7(c)), for a certificate of public convenience and necessity authorizing the miscellaneous rearrangements of various gas sales and transportation facilities during the calendar year 1976 and operation of said facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of the proposed rearrangement and operation is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which will not result in any material change in service.

The total cost of the proposed facilities would not exceed $300,000, and the cost of any single project would not exceed $150,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24539 Filed 9-15-75;8:45 am]

[Docket No. RP75-47-6]

COLUMBIA GAS TRANSMISSION CORP.

Order Providing for Hearing, Establishing Procedures and Permitting Interventions

SEPTEMBER 8, 1975.

On June 19, 1975, as supplemented July 10, 1975 and July 17, 1975, The Standard Oil Company (Ohio), an Ohio corporation (Sohio), filed a petition, pursuant to Section 1.7(b) of the Commission's Rules of Practice and Procedure and Section 2.78(a)(ii) of the Commission's Statements of General Policy and Interpretations, for extraordinary relief, exempting it to the extent requested for a one-year period commencing November 1, 1975, from whatever curtailment plan is currently in effect at that time on the Columbia Gas Transmission Corporation (Columbia Transmission) system. Specifically, Sohio requests the Commission to issue an order directing Columbia Transmission to deliver to Columbia Gas of Ohio, Inc. (Columbia Ohio) 50,070 Mcf of natural gas per average calendar day and 54,960 Mcf of natural gas per average operating day for redelivery to Sohio's industrial complex at Lima, Ohio, where these volumes of natural gas will be utilized primarily for the manufacture of fertilizer to be used in the 1975–76 agricultural season.

On July 16, 1975, the Ohio Public Utilities Commission (Ohio PUC) filed a notice of intervention, stating that while it seeks intervention in order to protect its interests and those of all within its jurisdiction affected by ths proceeding, it neither supports nor opposes Sohio's request at this time, and accordingly requests a change in the caption of this proceeding. On July 18, 1975, Columbia Ohio filed a petition of joinder with Sohio's request for the purpose of conferring upon Sohio the necessary standing before this Commission and in accordance with an Ohio PUC request. In these circumstances we believe that the caption of this proceeding should be modified to reflect this joinder by Columbia Ohio.

Sohio's sole supplier of natural gas is Columbia Ohio under an asserted firm contract providing for the daily delivery of 93,000 Mcf of natural gas and a maximum day delivery of 103,000 Mcf. The Lima complex includes a refinery, which has converted entirely to alternate fuels except for feedstock, safety, and emergency use; a small ammonia plant referred to as the Number 1 ammonia unit that has been offered for sale because of the unavailability of natural gas supplies; an industrial chemicals plant; a nitrogen plant; and the Number 2 ammonia unit.

In support of its petition for extraordinary relief Sohio claims that the natural gas requirements of its complex at Lima are primarily for the manufacture of ammonia, with relatively small quantities used for safety, processed, and environmental control. According to Sohio, a major portion of this ammonia is marketed directly, mainly to the agricultural markets. Most of the remaining ammonia is upgraded to urea, nitric acid, ammonium nitrate and nitrogen fertilizer solutions, and the balance is used as feedstock for the industrial chemicals plant. Sohio avers that its minimum requirements for natural gas, which are net requirements after maximum use of alternate fuels, consist of the following end uses:

Lima natural gas requirements by end use

	Average calendar day ($M ft^3/d$)	Average operating day ($M ft^3/d$)
No. 2 ammonia unit:		
Feedstock	20,420	32,330
Gas turbine process fuel	4,160	4,580
Reformer process fuel	11,700	12,860
Safety, process, environmental control:		
Refinery	3,600	3,960
Nitrogen plant	200	220
Industrial chemicals plant	990	1,010
Total	50,070	54,960

Columbia, Ohio has advised Sohio to expect a minimum curtailment level of 60 percent for the five-month winter period beginning November 1, 1975. On that basis Sohio would receive deliveries of 27,068 Mcf of natural gas per day for its claimed minimum average requirements of 50,070 Mcf per day at the Lima complex with a resulting loss in ammonia production exceeding 96,000 tons over the winter period. It asserts that there is no existing alternate fuel capacity for the end uses enumerated in the tabulation above. Columbus Ohio claims that it has no flexibility within its system to afford relief to Sohio because pursuant to its State curtailment plan, all its industrial and commercial customers that used 1,000 Mcf or more in one month since the November, 1969 billing month will be curtailed 60 percent and 40 percent, respectively, during the coming winter.

Sohio alleges that ammonia is now in critically short supply, a condition anticipated to continue at least another four years. According to Sohio, the major use of ammonia is in the preparation of fertilizers or direct application as a fertilizer, whereas a smaller amount is consumed in industrial operations. The ammonia produced in the Lima complex is used for both industrial and agricultural purposes with an estimated 62 percent of total production in 1975 planned for agricultural use.

Pursuant to Notice published in the FEDERAL REGISTER, petitions for and notices of intervention were due on or before July 17, 1975. As previously mentioned, the Ohio PUC filed a timely notice of intervention, and Columbia Ohio filed a petition of joinder with Sohio's request. Timely petitions for leave to intervene were filed jointly by Columbia Gas of Kentucky, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of New York, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of Virginia, Inc., and Columbia Gas of West Virginia, Inc. (Columbia Kentucky *et al.*); Columbia Gas Transmission Corporation (Columbia Transmission); Elizabethtown Gas Company (Elizabethtown); General Motors Corporation (General Motors); Orange and Rockland Utilities, Inc. and Washington Gas Light Company. Untimely petitions for leave to intervene were filed by Chas. Taylor Sons Company, Commonwealth Natural Gas Corporation (together with motion for leave to file out of time), National Fuel Gas Supply Corporation, The Cincinnati Gas & Electric Company and The Union Light, Heat and Power Company (joint), The Dayton Power and Light Company, and Union Carbide Corporation. A formal hearing is requested by four of the petitioners; namely, Columbia Kentucky *et al.*, Columbia Transmission, Elizabethtown, and General Motors. Additionally, Elizabethtown requests that certain conditions be attached to any grant of extraordinary relief.

In view of the factual and legal issues raised by the contentions set forth above, we conclude that an evidentiary hearing should be held upon the request by Sohio for extraordinary relief to which its distributor, Columbia Ohio, filed a joinder. Accordingly, we shall establish hearing procedures to determine whether a grant of the instant request for extraordinary relief is in the public interest.

Under the Commission's Rules of Practice and Procedure, and General Policy and Interpretations, particularly Sections 1.7(b) and 2.78, 18 CFR 1.7(b) and 2.78, Columbia Ohio's petition of joinder shall be construed as a petition for the requested relief on behalf of its customer Sohio. Additionally, Sohio's Petition for Extraordinary Relief shall be construed as a petition to intervene pursuant to Section 1.8(b)(2), 18 CFR 1.8(b)(2), of the Commission's Rules of Practice and Procedure.

We are of the view that Sohio should present evidence intended to show that all of its industrial processes that can use an alternate fuel have been converted and that a fertilizer shortage does in fact exist. Additionally, Columbia Ohio should furnish testimony pertaining to what, if any, flexibility exists on its system to provide the relief requested herein.

The Commission finds:

(1) Sufficient good cause exists, and it is in the public interest to set for an expeditious, formal evidentiary hearing Sohio's request for extraordinary relief for a one-year period commencing November 1, 1975, from the curtailment plan in effect at the time on the Columbia Transmission system.

(2) Participation in this proceeding by Columbia Ohio is required by the public interest.

(3) The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders:

(A) Petitioner Columbia Ohio is hereby required to participate in this proceeding as a necessary party in interest, subject to the rules and regulations of this Commission.

(B) Sohio and the above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of this Commission: *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene; and, *Provided, further,* that the admission of such parties as intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) Columbia Ohio and Sohio should present *inter alia* evidence which is relevant and material to the following issues:

(1) The technical feasibility of conversion of Sohio's processes for which natural gas is here sought to use fuel oil instead of process gas, and the time and economic cost of bringing such converted process facilities on line operationally.

(2) Sohio should present evidence on the use of its end products; where and for what agricultural purposes ammonia produced at the Lima complex is used, how much is exported; and how and where the non-agricultural ammonia is used.

(3) The degree of severity of the ammonia and fertilizer shortages, and particularly the current supply and demand projections for such products by both industry and government. This evidence should include, but should not be limited to, current projections for the Spring, 1976 planting season.

(4) The current and projected future ability of Sohio to obtain alternate sources of natural gas of either an interstate or intrastate nature.

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(5) The technical feasibility of construction, or lease of storage facilities, negotiation of exchange agreements, or production or purchase of LNG or SNG.

(6) Sohio should present further evidence of its sales of anhydrous ammonia fertilizer for the past five years, its projected sales over the next two years, its current inventory of fertilizer, and its projected output from all its sources to meet its projected requirements.

(D) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on October 22, 1975, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NW., Washington, D.C. 20426, concerning whether the requested extraordinary relief should be granted to Sohio as well as the issues relating thereto set forth in the recital above.

(E) On or before September 25, 1975, Columbia Ohio, Sohio and any supporting party shall file with the Commission and serve all parties, including Commission Staff, their testimony and exhibits in support of their positions, including the issues set forth in the recital above.

(F) On or before October 9, 1975, any parties, including the Commission staff, may file answering testimony and exhibits in response to the evidence filed by Columbia Ohio, Sohio and any supporting party.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24540 Filed 9-15-75;8:45 am]

[Docket No. E-9216]

DAYTON POWER AND LIGHT CO.

Further Extension of Procedural Dates

SEPTEMBER 8, 1975.

On September 3, 1975, the cities of Celina, St. Marys and Tipp City, Ohio, and the villages of Arcanum, Eldorado, Jackson Center, Lakeview, Mendon, Minster, New Bremen, Versailles and Yellow Springs, Ohio, filed a motion to extend the procedural dates fixed by order issued February 19, 1975, as most recently modified by notice issued July 28, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, September 26, 1975.

Service of Company Rebuttal, October 10, 1975.

Hearing, October 21, 1975 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24541 Filed 9-15-75;8:45 am]

[Docket Nos. CP73-132, et al.]

DISTRIGAS CORP.

Order Granting Severance of Proceedings

SEPTEMBER 8, 1975.

On July 11, 1975, Distrigas of Massachusetts Corporation (DOMAC) filed a motion requesting severance of certain of the above-docketed proceedings. DOMAC specifically requests that Docket Nos. CP73-135 and CP74-137, which allegedly pertain solely to Distrigas' Everett, Massachusetts LNG operations, be separated from those in Docket Nos. CP73-148 and CP74-122, which relate to the Staten Island LNG operations. In support of its motion, Distrigas states that numerous changes which have occurred in the status of the proceeding since the various applications were filed have obviated whatever reasons once existed for consolidating the Staten Island and Everett proceedings.

Initially, Distrigas points out that the long-term import application filed in Docket No. CP73-132 has been withdrawn, together with a companion sales application, due to the cancellation of the underlying LNG supply contract. Because of this, Distrigas is now negotiating for the transfer of its entire Staten Island facilities and operations to Public Service Electric and Gas Company. Thus, Distrigas' stated intention is now "to conduct operations through importation to the Everett terminal, only" (Motion p. 3).

In addition, Distrigas notes that the separate proceedings in CP70-196 are now concerned solely with the Everett operations, since the tanker Descartes will not be used to serve Staten Island.

From the foregoing, Distrigas maintains that the operations of its several affiliated companies can now be clearly divided into two groups, one relating to Staten Island, the other addressed to Everett. Included in the former are Docket Nos. CP73-148 and CP74-122, while the latter are encompassed by Docket Nos. CP73-135 and CP74-137. Distrigas concludes that its operations now involve two separate, unrelated projects, and considering them together is no longer necessary or feasible.

Responses to Distrigas' motion were filed July 23, 1975 by the City of New York (New York), and on August 5, 1975 by Intervenor Congressman John Murphy. New York states that it does not oppose the motion for severance. New York's answer also reiterates its position on the use of cryogenic trucks to ship LNG, a subject which is not a matter for consideration in the instant petition, and should be pursued at the hearing level. Finally, New York requests that the Secretary's request dated June 9, 1975 for certain information be expanded to include sales proposed in Docket No. CP76-9. Since any requests pertaining to the latter, separate docket must properly be raised in such proceeding, New York's request here is denied without prejudice to renewing the request in the proper forum.

Congressman Murphy's response includes a concurrent request for extension of time to file such response, and such extension is hereby granted. Congressman Murphy conditionally supports Distrigas' request for severance. However, Congressman Murphy notes that Distrigas, application is CP73-135 includes anticipated LNG barge shipments to Brooklyn Union's terminal in New York, and that Distrigas' statement that it no longer proposes such shipments is merely a statement of intention, and not legally binding. Congressman Murphy therefore states that he supports the requested severance only on the condition that Distrigas be legally bound not to transport LNG to New York by barge.

After reviewing all the above-described pleadings, the Commission believes that the requested severance will best serve the expeditious resolution of the various Distrigas proceedings. As Distrigas has noted, the historical reasons for which we initially consolidated these proceedings no longer exist, since the withdrawal of the CP73-132 importation request. The issues unique to one of the terminals should not now be allowed to possibly delay consideration of the other proceeding. Consolidation is appropriate only when common issues of fact and law are presented, and this is no longer the situation with Distrigas.

The issue raised by Congressman Murphy in the form of a requested condition, while a legitimate concern, need not be imposed at this time. We grant the instant Distrigas request based primarily on Distrigas' assurances that it "no longer proposes to bring the Descartes into Staten Island, nor does it have any present plans to use the barge Massachusetts to transport LNG from Everett to customers in the New York area". (Motion, p. 5). Should the situation change in the future, an appropriate motion to reconsider the present relief may be entertained by us. Furthermore, nothing in our present action prevents proper litigation of the issue of LNG shipments, should Distrigas revive its request for shipments to New York. In any event, the issue of the destination of LNG shipments from the Everett terminal is a matter for resolution within the formal hearings, and should not and cannot now cause us to deny the petitioners request. For the foregoing reasons, *the Commission finds:*

(1) The public interest requires that the request for severance of proceedings should be granted.

(2) The request of Congressman Murphy that such relief be conditioned on a provision that Distrigas be prohibited from transporting LNG by barge to Brooklyn Union is inappropriate.

(3) New York's request that the Secretary's data request of June 9, 1975 in Docket No. CP73-135 be expanded to include sales proposed in Docket No. CP76-9 should be denied.

The Commission orders:

(A) The motion filed July 11, 1975 by Distrigas of Massachusetts Corporation, requesting that Docket Nos. CP73-148 and CP74-122, relating to Staten Island, be severed from Docket Nos. CP73-135 and CP74-137, relating to Everett, is granted.

(B) The City of New York's request that the information request from the Secretary dated June 9, 1975 be expanded to include the proposal in Docket No. CP76-9, is denied without prejudice.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24542 Filed 9-15-75;8:45 am]

[Docket Nos. C 175-319, et al.]

GETTY OIL CO., ET AL.

Amended Notice of Procedural Dates

SEPTEMBER 8, 1975.

Getty Oil Company, Atlantic Richfield Company, Continental Oil Company, Cities Service Oil Company, Michigan Wisconsin Pipe Line Company, Marathon Oil Company, Louisiana Land Offshore, Exploration Company, Inc., Texas Eastern Exploration Company, Texaco, Inc., Tenneco Oil Company, Tenneco Exploration, Ltd.; Docket No. CI75-319, CI75-411, CI75-493, CI75-558, CP69-249, CP70-163 and CP73-65, CI75-641, CI75-642, CI75-648, CI75-680, CI75-746 and CI75-747, CI75-748.

Notice is hereby given that the "Notice of Extension of Procedural Dates" issued on September 4, 1975, under the caption of "Marathon Oil Company," Docket Number CI75-641, is amended to include the following proceedings:

Getty Oil Company—CI75-319.
Atlantic Richfield Company—CI75-411.
Continental Oil Company—CI75-493.
Cities Service Oil Company—CI75-558.
Michigan Wisconsin Pipeline Company—CP69-249, CP70-153,and CP73-65.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24543 Filed 9-15-75;8:45 am]

[Docket No. RP75-107]

GRANITE STATE GAS TRANSMISSION INC.

Extension of Procedural Dates

SEPTEMBER 8, 1975.

On September 3, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 18, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, November 4, 1975.

Service of Intervenor Testimony, November 18, 1975.

Service of Company Rebuttal, December 2, 1975.

Hearing, December 16, 1975 (10:00 a.m. EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24544 Filed 9-15-75;8:45 am]

[Docket No. ER76-88]

IOWA SOUTHERN UTILITIES CO.

Filing of Interconnection and Interchange Agreement

SEPTEMBER 8, 1975.

Take notice that Iowa Southern Utilities Company (Iowa Southern) on August 25, 1975, tendered for filing an Interconnection and Interchange Agreement between it and Iowa Electric Light and Power Company. This Agreement supersedes an earlier interchange agreement between these two parties designated as F.P.C. Rate Schedule No. 16, dated August 7, 1961.

Iowa Southern states that the Agreement reflects the changes in the companies' systems since the execution of the August 7, 1961 agreement and continues to allow the companies to plan, coordinate and operate their interconnected facilities for the interchange of electric power and energy. Iowa Southern has requested an effective date of May 1, 1975, for this Agreement.

Copies of the filing were served on the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and Section 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24545 Filed 9-15-75;8:45 am]

[Docket No. RI75-133]

J. M. HUBER CORP.

Order Approving Petition for Special Relief

SEPTEMBER 8, 1975.

On April 21, 1975, J. M. Huber Corporation (Huber) filed a petition for special relief pursuant to Section 2.76 (18 CFR 2.76) of the Commission's General Policy and Interpretations with respect to a sale of natural gas to Cities Service Gas Company (Cities) from Huber's Church No. 2 well, Hugoton Field, Morton County, Kansas (Hugoton-Anadarko Area) under Huber's FPC Gas Rate Schedule No. 8.

Pursuant to a base contract dated June 23, 1950, as amended, Huber is currently selling the gas to Cities at a rate of 13.5 cents per Mcf. On March 10, 1975, Cities and Huber further amended such contract to provide for a price of 50 cents per Mcf at 14.65 psia to enable Huber to repair and maintain water lift equipment on the well.

Huber indicated that if the economic relief requested is granted, it will be able to continue production from the Church No. 2 well, but that abandonment is imminent if repair and maintenance of water removal equipment is not performed immediately. Huber states that production is no longer profitable at the current rate. Based on data submitted by Huber, the Commission's staff estimates that with the proposed work, 38,460 Mcf of gas and no liquids could be produced from the well over the next four years.

Our staff has undertaken a careful review of the data submitted by Huber in support of its petition and in response to Staff inquiries, including a field audit; and, based on the reserves to be recovered and the costs to be incurred, has concluded that the proposed rate of 50 cents per Mcf is supported by the evidence.[1] After due consideration of the record in this proceeding, including the analysis by the staff, and the information supplied in support of the petition by Huber, we conclude that the petition should be granted.

A notice of the filing of the petition was issued on May 6, 1975, and appeared in the FEDERAL REGISTER on May 12, 1975, at 40 FR 20680. Cities filed a petition to intervene in support of Huber's petition.

The Commission orders:

(A) The petition for special relief filed by Huber on April 21, 1975, in Docket No. RI75-133 is hereby granted.

(B) Huber is authorized to charge and collect from Cities a total rate of 50 cents per Mcf at 14.65 psia, for gas from the Church No. 2 well effective upon the date of completion of the remedial work to the satisfaction of the purchaser. This acceptance is contingent upon Huber's filing:

1. A notification signed by Cities that the proposed remedial work on the subject well has been successfully completed and,

2. An appropriate rate change filing pursuant to Section 154.94(f) of the Commission's Regulations.

(C) The amendment executed on March 10, 1975, by Huber and Cities to the base contract of June 23, 1950, is accepted for filing as Supplement No. 20 to Huber's FPC Gas Rate Schedule No. 8.

(D) The petition to intervene of Cities

[1] Huber's petition does not include consideration of income tax obligations, if any, incurred by Huber as a result of the Tax Reduction Act of 1975.

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is granted as necessary and proper in the public interest.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24546 Filed 9-15-75;8:45 am]

[Docket No. ER76-89]

KANSAS CITY POWER & LIGHT CO.

Tariff Change

SEPTEMBER 8, 1975.

Take notice that on August 25, 1975, Kansas City Power & Light Company (KCP&L) tendered for filing proposed changes in the Reserve Equalization and Standby Service Charges included in the General Participation Agreement.

KCP&L states that the following are participants under the General Participation Agreement with the following FPC Rate Schedule Numbers:

Kansas City Power & Light Company, Rate Schedule FPC No. 32.

Missouri Public Service Company, Rate Schedule FPC No. 4.

The Empire District Electric Company, Rate Schedule FPC No. 73.

Kansas Gas and Electric Company, Rate Schedule FPC No. 94.

The Kansas Power and Light Company, Rate Schedule FPC No. 7.

Central Telephone & Utilities Corporation, Rate Schedule FPC No. 53.

Central Kansas Power Company, Inc., Rate Schedule FPC No. 2.

KCP&L states that the purpose of the filing is to adjust the charges which were originally established at the inception of the Agreement in 1962, for the changes in costs which have since occurred.

KCP&L requests an effective date of July 1, 1975, for the proposed changes.

KCP&L states that the other participants under the General Participation Agreement filed certificates of concurrence to the proposed changes with KCP&L's submittal.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24547 Filed 9-15-75;8:45 am]

[Docket No. RP76-8]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 8, 1975.

Take notice that Kansas-Nebraska Natural Gas Company, Inc., on August 29, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $9,890,611 based on the 12 month period ending April 30, 1975, as adjusted.

Kansas-Nebraska states that the jurisdictional rates filed herewith are designed to enable Kansas-Nebraska to recover increases in its jurisdictional cost of service resulting from: (1) additional facilities required to connect new sources of supply and to maintain deliverability from existing sources of supply; (2) gas exploration and development including advance payments; (3) increased operating costs due to higher costs of labor, materials and supplies; (4) new underground storage facilities; (5) increased revenues needed to provide a return of 10.35% on its utility investment; (6) increased depreciation rate on transmission facilities; and (7) increased income, payroll and property taxes.

In addition to the changes to reflect the increased rates Kansas-Nebraska proposes various changes in its existing tariff; and, therefore, has filed a Third Revised Volume No. 1 to replace the Second Revised Volume No. 1. The changes in the revised tariff consist of: (1) change in the jurisdictional zone boundaries; (2) consolidation on one tariff sheet the rates charged for service to each rate zone; (3) change in determination of contract demand and winter period demand; (4) revisions in the General Terms and Conditions concerning definitions, measurement, restrictions on new or additional service and extension policy.

Copies of the filing were served upon the Company's jurisdictional customers and interested public bodies. In addition, the tariff provision concerning restrictions on new or additional service was served upon the industrial and alfalfa dehydration customers served directly by the Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24548 Filed 9-15-75;8:45 am]

[Docket No. ER76-39]

KANSAS POWER AND LIGHT CO.

Extension of Time

SEPTEMBER 9, 1975.

On September 4, 1975, the Kansas Power and Light Company filed a motion to extend the time within which to file responses to the "Motion to Reject, Protest and Petition to Intervene" filed in the above-designated proceeding by Kansas Wholesale Municipal Customers on August 20, 1975.

Notice is hereby given that the time to file responses to the above-indicated motion in this proceeding is extended to and including September 19, 1975 for all parties.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24558 Filed 9-15-75;8:45 am]

[Docket No. RI76-7]

MOBIL OIL CORP.

Order Granting Special Relief and Permitting Intervention

SEPTEMBER 8, 1975.

On July 14, 1975, Mobil Oil Corporation (Mobil) field in Docket No. RI76-7 a petition for special relief pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76) with respect to a sale of natural gas to Cities Service Gas Company (Cities) from the Pickrell-Forsythe "B-1" Gas Unit located in the Medicine Lodge North Field, Barber County, Kansas.

Mobil owns a 50% working interest in the Pickrell-Forsythe "B-1" Gas Unit. Mobil is currently collecting a rate of 15 cents per Mcf for the sale to Cities pursuant to a gas sales contract dated November 10, 1958 and designated as Mobil's FPC Rate Schedule No. 183. In order to increase production to an economic level and to preclude premature abandonment, Mobil states that it was necessary to install water pumping equipment on the well unit, and that a gas compressor unit will be installed in the near future. In consideration of Mobil's cost of the reworking operations, Cities agreed to an amendment to their gas sales contract on October 17, 1974. The amendment provides for an increase in rate to 34.5 cents per Mcf.[1]

Notice of Mobil's petition for special relief was issued on July 23, 1975, and

[1] The rate sought by Mobil does not take into account any effect on Mobil's tax liability resulting from the repeal of the percentage depletion allowance by the Tax Reduction Act of 1975.

appeared in the FEDERAL REGISTER on July 30, 1975, at 40 FR 31990. Cities filed a timely petition to intervene in support of the petition.

The Commission's Staff has conducted a detailed analysis of the data submitted by Mobil. Based thereon Staff has estimated that as of January 1, 1975, recoverable reserves of 149,700 Mcf remain to be produced over a period of five years, and Staff has determined that the proposed rate is cost justified. Upon consideration of the record in this proceeding, including the Staff analysis of the data submitted, we concur.

The Commission finds:

(1) The petition for special relief filed by Mobil should be granted.

(2) Good cause exists to allow Cities to intervene in this proceeding.

The Commission orders:

(A) The petition for special relief of Mobil is hereby granted.

(B) Mobil is authorized to collect 34.5 cents per Mcf at 14.65 psia for all gas produced from the Pickrell-Forsythe "B-1" Gas Unit effective on the date the new compressor is installed and made operative, subject to the following conditions: 1) Mobil must file, in Docket No. RI76-7, a statement signed by Cities, setting forth the date that the compressor was made operative, and 2) said statement is to be filed within 30 days of the date the compressor is installed and made operative.

(C) Mobil must file the appropriate rate change filings in accordance with Section 154.94 of the Commission's Regulations under the Natural Gas Act (18 CFR § 154.94) accompanied by a copy of the contract amendment dated October 17, 1974 between Mobil and Cities.

(D) Cities is permitted to intervene in this proceeding for special relief subject to the Rules and Regulations of the Commission; *Provided, however*, that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition for leave to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings, and that the intervenor agrees to accept the record as it now stands.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24549 Filed 9-15-75;8:45 am]

[Docket No. RP73-63]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Denying Request To Amend Authorization Order and Granting Interventions

SEPTEMBER 9, 1975.

By order issued August 3, 1973,[1] the Commission approved a settlement proposal in this proceeding which contained, *inter alia*, a provision which authorized Natural Gas Pipeline Company of America (Natural), for a period of twelve years, to price natural gas produced from leases acquired by Natural prior to October 7, 1969, at the applicable area rate. It further authorized Natural to establish a "revolving exploration and development fund" comprised of funds generated by the difference between the area rate and the cost of service. By order issued August 2, 1974, the Commission amended its previous order by authorizing Natural to transfer all revenues derived from the repricing of gas from Natural's existing gas producing properties to NAPECO, Inc., a wholly owned subsidiary company, which would conduct the exploration and development program and sell any gas found to Natural for use by Natural's customers.

On January 24, 1975, Natural filed a petition to amend the authorization for its revolving exploration and development fund. Natural's petition seeks authorization to enlarge the exploration and development fund with the revenues generated by Natural's sales to Phillips Petroleum Company of liquid hydrocarbons extracted from natural gas production in two facilities operated by Natural in the West Panhandle Field. The revenues generated from these sales are presently treated as a credit against Natural's jurisdictional cost of service. Natural therefore requests the Commission

(a) to permit it to enlarge the revolving exploration and development fund to include all revenues attributable to the sale by Natural to Phillips Petroleum Company of liquid hydrocarbon products under a contract dated September 1, 1966, until such time as the proposed SNG sale pending in Docket No. CP74-81 is approved and such SNG sale commences; [2]

(b) to permit Natural to discontinue reducing its jurisdictional costs of service by the amount of revenues generated from the liquids sale to Phillips Petroleum Company; and

(c) to permit Natural to file revised tariff sheets in its FPC Tariff to reflect removal of the credit against its currently effective and future jurisdictional cost of service attributable to the sale of liquids to Phillips Petroleum Company.

Natural's filing was noticed on February 5, 1975, with all comments, protests and petitions to intervene due on or before February 21, 1975. Northwest Pipeline Corporation and Mississippi River Transmission Corporation filed timely petitions to intervene.

Natural states that it estimates that for 1975, the liquid revenues which would be added to the fund would be 1.936 million dollars. Natural further estimates that the fund would be increased by 10.2 million dollars through 1985 based on the rate of $4.61/Bbl authorized by the Federal Energy Administration at the time the application to amend authorization was made.

Natural further states that, based on the cost of service filed in Docket No. RP74-96, the liquid revenues, which now operate as a credit against its jurisdictional cost of service, represent approximately .3% of the cost of service and if the credit were eliminated its jurisdictional rates would increase approximately .19¢ per Mcf.

Upon review and analysis of Natural's petition to amend its revolving exploration and development fund authorization we are compelled to deny such request. The grant of Natural's request would result in an increased jurisdictional cost of service with an attendant increase in rates without any guarantee that the jurisdictional ratepayer will be the recipient of an increased gas supply. We note further that in the instant application Natural has not revised its reserve dedication goal as set out in our order of August 2, 1974 [3] despite the estimated increase in the fund through 1985 of 10.2 million dollars. We are further of the opinion that it is unnecessary to grant Natural's request in light of (1) the Commission's prior orders permitting inclusion of advance payments in Natural's rate base; [4] (2) the level of return on common equity which the Commission allows pipelines, such as Natural, which is designed to compensate the pipelines, *inter alia*, for risks associated with pipelines' capital requirements for development of supplemental and alternate resources of gas supply; [5] and (3) the Commission's pending consideration of a rate design proposal for flowing gas produced

[1] *Natural Gas Pipeline Company of America*, Docket No. RP73-63, Order Adopting Settlement Proposal, Authorizing Sale of Gas at Applicable Area Rates, Authorizing Amendment of Purchase Gas Adjustment Clause, and Terminating Proceedings.

[2] By order issued February 21, 1975, the Commission denied approval of this requested SNG sale.

[3] In our order of August 2, 1975 wherein we granted a request to amend the authorization, based on information from Natural, we conditioned the authorization as follows:

"...

(2) the volume of 200,000,000 Mcf of natural gas reserves shall be established as the target volume to be discovered or acquired and dedicated to Natural's system as a result of the exploration program. If at the end of the 12 year period Natural has been unable to add the aforementioned target volume of reserves to its system, Natural shall make a full accounting of its activities for said 12 year period, and any funds not spent for exploration and development activities as of that time shall be refunded to Natural's customers; provided however, that at the end of five years from date of issuance of the requested authorization Natural shall report to the Commission its efforts toward dedication of 200,000,000 Mcf in new reserves; and if a bona fide effort toward achieving such target volume has not been made, the Commission may require refunds to Natural's customers of any amounts not expended on bona fide exploration and development activities or take any other action that it deems necessary to protect the public interest.

[4] *Natural Gas Pipeline Company of America*, Docket No. RP73-110, order issued September 4, 1974.

[5] *See Northern Natural Gas Company*, Docket No. G-19040, order issued April 14, 1975.

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from wells commenced prior to January 1, 1973.[6] Because of the lack of protections to the ratepayer, whose rates will increase, and our conclusion that the above measures taken by and considered by the Commission provide sufficient incentive for Natural in its exploration and development activities, we are of the opinion that it is not in the public interest to grant Natural's petition to amend its authorization of its revolving exploration and development fund.

The Commission finds:

(1) Natural's January 24, 1975 petition to amend its exploration and development fund authorization to permit it to include therein revenues attributable to sales of liquid hydrocarbons to Phillips Petroleum Company and to correspondingly cease crediting its jurisdictional cost of service by the amount of this revenue should be denied.

(2) Good cause exists to grant the petitions to intervene filed on behalf of Northwest Pipeline Corporation and Mississippi River Transmission Corporation.

The Commission orders:

(A) Natural's January 24, 1975 petition to amend its exploration and development fund authorization to permit it to include therein revenues attributable to sales of liquid hydrocarbons to Phillips Petroleum Company and to correspondingly cease crediting its jurisdictional cost of service by the amount of this revenue is hereby denied.

(B) The petitions to intervene filed on behalf of Northwest Pipeline Corporation and Mississippi River Transmission Corporation are hereby granted.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24559 Filed 9-15-75;8:45 am]

[Docket No. E-9039]

NORTHERN STATES POWER CO.

Extension of Procedural Dates

SEPTEMBER 8, 1975.

On August 29, 1975, Northern States Power Company filed a motion to extend the procedural dates fixed by order issued August 1, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company, Testimony, October 16, 1975.

Service of Staff, Testimony, November 14, 1975.

Service of Intervenor, Evidence, November 28, 1975.

Service of Company, Rebuttal, December 11, 1975.

Hearing, January 2, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24550 Filed 9-15-75;8:45 am]

[Docket No. CP76-58]

NORTHWEST PIPELINE CORP.

Notice of Application

SEPTEMBER 8, 1975.

Take notice that on August 20, 1975, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-58 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas on a best efforts basis with Pacific Gas Transmission Company (PGT) from November 1, 1975, through September 30, 1976, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to exchange natural gas with PGT commencing upon the receipt of all regulatory authorizations necessary, or on November 1, 1975, whichever date is later, and continuing through September 30, 1976. Applicant states that the terms and conditions of the proposed arrangement are set forth in an emergency exchange agreement among itself, PGT and Pacific Gas and Electric Company (PG&E) dated August 1, 1975, which provides that Applicant would receive up to 150,000 Mcf of natural gas per day and up to a total of 1,200,000 Mcf of gas from November 1, 1975, until April 31, 1976, from PGT at existing interconnections with PGT at Stanfield, Oregon, and Spokane, Washington. Applicant states that the gas would be delivered to it if and to the extent that PG&E, a customer of PGT, determines that it can temporarily postpone receipts of such gas from PGT at the Oregon-California border. The gas delivered to Applicant would be in addition to those volumes which PGT is currently obligated to deliver to Applicant. Applicant would redeliver gas at Stanfield from May 1, 1976, through September 30, 1976, to the extent it has gas available and to the extent PGT and PG&T can accept deliveries.

Applicant would pay $1.68 to PGT on a monthly basis for each Mcf of gas delivered to Applicant, and such amounts would be credited to PG&E by PGT for the additional burden placed upon PG&E's system. Applicant would further pay to PGT an amount equal to the then existing border price of gas charged to PGT by Algerta and Southern Gas Company Limited if Applicant is unable to redeliver the volumes of gas delivered to it, multiplied by the volumes in Mcf of gas remaining to be delivered by Applicant, plus a sum based on PGT's cost of service for the month of September 1976 to transport such volumes from the International Boundary to the Oregon-California border.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24551 Filed 9-15-75;8:45 am]

[Docket No. CP76-63]

PANHANDLE EASTERN PIPE LINE CO.

Application

SEPTEMBER 8, 1975.

Take notice that on August 26, 1975, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-63 an application pursuant to Section 7 of the Natural Gas Act, as implemented by Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment for a twelve month period commencing on the date of issuance of such authorization and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

The total cost of the proposed facilities would not exceed $1,500,000, and no single project would exceed $375,000, which cost Applicant states would be borne from funds on hand.

[6] Nationwide Rulemaking to Establish Just and Reasonable Rates For Natural Gas Produced From Wells Commenced Before January 1, 1973, Docket No. R-478, Notice of Proposed Rulemaking issued May 23, 1973; Notice Issuing Staff Rate Recommendation and Prescribing Procedures, issued September 12, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24552 Filed 9-15-75;8:45 am]

[Docket No. CI75-110, CI75-145]

PHILLIPS PETROLEUM CO.

Modification of Hearing Date

SEPTEMBER 9, 1975.

On August 22, 1975, Michigan Wisconsin Pipe Line Company filed a motion to extend the procedural dates fixed by order issued August 19, 1975, in the above-designated proceeding. On August 26, 1975 and on August 29, 1975, Phillips Petroleum Company and Tennessee Gas Pipeline, a division of Tenneco, Inc. filed responses to the above motion.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed to October 14, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24560 Filed 9-15-75;8:45 am]

[Docket No. RP73-92; PGA76-2A]

RATON NATURAL GAS CO.

Change in Rates

SEPTEMBER 8, 1975.

Take notice that Raton Natural Gas Company (Raton) on September 4, 1975, tendered for filing, proposed changes in its FPC Gas Tariff, Volume No. 1, consisting of Second Substitute Eighth Revised Sheet No. 3a. The change in rates is for Jurisdictional Gas Service.

Raton states that the instant notice of change in rates is occasioned solely by, and will compensate Raton only for, increases in the cost of gas purchased from Colorado Interstate Gas Company (CIG). Raton states that the annual revenue increase by reason of the tracking of CIG's increased rate amounts to $8,850.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24553 Filed 9-15-75;8:45 am]

[Docket No. E-8570]

SOUTHERN CALIFORNIA EDISON CO.

Order Granting Appeal from Ruling of Presiding Administrative Law Judge

SEPTEMBER 8, 1975.

The Staff of this Commission on August 8, 1975, has filed an appeal to the Commission from a ruling by Presiding Administrative Law Judge Walter T. Southworth in the above-entitled proceeding. Southern California Edison Company (Edison) on August 22, 1975, filed a response to the Staff, and the Cities of Anaheim, Riverside, Banning, Colton, and Azusa, California (Cities) on August 26, 1975 (as amended) filed a response in support of the Staff's appeal.

By order of June 17, 1975, the Commission referred to the Administrative Law Judge a motion by the Cities asking, among other things, that we sever from the other issues in this wholesale rate proceeding the issues as to the justness and reasonableness of Edison's fuel adjustment clause, order additional evidentiary hearings and order Edison to provide additional data. The Commission noted that Cities had alleged that various events had occurred since the hearings in December 1974, including the issuance of an audit by the California Public Utilities Commission (CPUC) making additional hearings necessary. The California audit covered a so-called Walnut Grove Oil Trust Agreement between Edison and two banks to finance fuel inventory.

In response, we authorized the Judge to reopen the record insofar as it pertained to Edison's fuel adjustment clause and to hold additional hearings on the justness and reasonableness of that provision if he found such action appropriate and in the public interest. We added that if the additional hearings and briefings were likely to delay the initial decision significantly, he was authorized to sever the fuel adjustment issues.

In a ruling of June 26, 1975, the Judge found that further inquiry was necessary only with respect to the Trust Agreement since Edison has included or proposes to include trust expenses in fuel costs. The Judge therefore reopened the record for the sole purpose of receiving evidence on the proper application of the costs of the trust and provided for a hearing.

The Staff responded that the Commission's Division of Audits, Office of Accounting and Finance had undertaken a special audit of Edison, among other companies, on the propriety of items included in Account 151, Fuel Stock, and the information being obtained is substantially different from anything previously provided either by Edison or Cities. The Staff asked that the June 26, 1975, ruling be revised to expand the scope of the hearing so as to include all issues relating to the costs to be properly included in Account 151 and requested a complete breakdown of all charges made to that account.

On July 21, 1975, the Judge ruled that the Staff's proposal appeared to conflict or duplicate the Staff audit. He said the normal procedure would be for the auditors to discuss their findings with responsible officials of the company and attempt to eliminate differences. He added that it would be premature to commence a hearing any earlier.

The Staff in its appeal says that the FPC audit, as well as an audit of the CPUC have revealed information as to specific discrepancies that have raised serious doubts as to the propriety of all costs being flowed through by Edison to its wholesale customers under its fuel adjustment clause. The Staff submits that sufficient extraordinary circumstances exist to expand the scope of this proceeding to include all evidence relevant and material to a determination of the costs to be properly included in Edison's Account 151, and to require Edison to break out and support all entries made to Account 151 since May 2, 1974. In any case the Staff requests that the Commission expand the scope of this proceeding to allow submission into the record of the Staff's audit and testimony from all parties concerning the fuel cost issues raised thereon. The Staff further requests that should either or both of its alternatives be granted, the fuel clause issue be severed from the remaining issues in this proceeding to allow an expeditious decision on such issues.

In its answer to the Staff Edison contends that there are no extraordinary circumstances which justify the appeal of the Judge's Ruling, that the special audits are related to rulemaking and that there is no reason for the Commission to follow a procedure here that is any different than it contemplates in connection with special audits of other utilities,

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that the Staff and parties had ample opportunity to inquire into accounting procedures before and at the hearing, that the Staff is now making a general accounting review of Edison's practices and procedures relating to fuel expense and that at some point in time the record must be closed.

In their response Cities asserts that the information in the Staff audit certainly pertains to the fairness and reasonableness of Edison's fuel clause, and they ask that the Staff's appeal be granted.

Because of the Staff audit that might be highly relevant and useful in reaching a determination on Edison's fuel costs there are, in our opinion, extraordinary circumstances to permit an appeal within the meaning of Section 1.28 of the Commission's Rules of Practice and Procedure.

We are reluctant, however, to reopen the record here since a substantial amount of time has passed since it was closed, but, we think that we would be failing to carry out our functions under the Federal Power Act if we refused to consider the Staff audit in these proceedings. We therefore direct the Hearing Judge to reopen the record to admit the Staff audit and provide opportunity for the filing of evidence on the issues raised. By this we do not mean to open up a full investigation here of Edison's financial practices, but mean to confine this reopening to the issues raised by the Staff audit. The Hearing Judge should set a schedule for the receipt of additional evidence and cross-examination. If he is of the opinion that severance of the fuel clause issues would expedite the issuance of his initial decision on the remaining issues he is authorized to do so.

The Commission finds:

It is necessary and appropriate in the administration of the Federal Power Act that the record be reopened in the above-entitled proceedings under the conditions of this order.

The Commission orders:

(A) In addition to the reopening ordered by the Administrative Law Judge in his Ruling of June 26, 1975, the record is reopened in these proceedings to permit the presentation in evidence of the Staff special audit by the Division of Audits, Office of Accounting and Finance, relating to fuel adjustment costs and to permit testimony and cross-examination on the issues raised by the Staff audit.

(B) The Administrative Law Judge shall prescribe a time schedule for the filing of evidence and cross-examination.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24559 Filed 9-15-75;8:45 am]

[Docket Nos. CP75-275, et al.]

TEXAS GAS TRANSMISSION CORP., ET AL.

Order Granting Temporary Authorization, Consolidating Proceedings, Setting Hearing Date, Establishing Procedures, and Permitting Interventions

SEPTEMBER 8, 1975.

Texas Gas Transmission Corporation, Tennessee Gas Pipeline Company, Transcontinental Gas Pipe Line Corporation, Energy Development Corporation; Docket Nos. CP75-275, CP75-276, CP75-337, CS73-296.

Texas Gas Transmission Corporation (Texas Gas) in Docket No. CP75-275, Tennessee Gas Pipeline Company (Tennessee) in Docket No. CP75-276, and Transcontinental Gas Pipe Line Corporation (Transco) in Docket No. CP75-337 seek authority to transport, on a best efforts basis, up to 15,000 Mcf of natural gas per day for Public Service Electric and Gas Company of New Jersey (Public Service), an existing resale customer of Tennessee and Transco, and Public Service's wholly-owned producing subsidiary, Energy Development Corporation (EDC).

Texas Gas filed its application on March 21, 1975, proposing to receive and to transport for EDC up to 15,000 Mcf per day by displacement, from the North Parcperdue Field[1] to an existing interconnection with Tennessee at the tailgate of Shell Oil Company's Chalkley Gasoline Plant, Cameron Parish, Louisiana. Tennessee's application was filed on March 21, 1975, which proposes to transport the North Parcperdue gas for Public Service from the Chalkley Gasoline Plant to an existing point of delivery to Transco in Bergen County, New Jersey. Transco's application filed on May 13, 1975, proposes to transport the gas from the point of receipt in Bergen County and deliver it to Public Service at existing delivery points on Transco's Riverdale, New Jersey lateral.

No additional facilities will be required by any of the Applicants as the proposed service will be on an interruptible or best efforts basis.

The gas to be transported by Applicants will be sold to Public Service by its producing affiliate, EDC, pursuant to a contract dated February 22, 1974, as amended February 28, 1975, at a rate of 51 cents per Mcf. EDC has, by letter agreement dated February 28, 1975, agreed to provide for sale to Tennessee at the same rate, certain volumes of gas to be used for system fuel and use requirements associated with Tennessee.

For transportation services, the following rates are proposed:

(a) by Texas Gas to EDC, 2.05 cents per Mcf transported;

(b) by Tennessee to Public Service, 38.28 cents per Mcf transported and delivered; and

(c) by Transco to Public Service, 2.8 cents per Mcf transported.

The transportation service is proposed for a term ending November 1, 1988, and year-to-year thereafter. No estimates of revenues and costs have been submitted by Applicants on the grounds that such amounts would be relatively negligible compared to overall system operation, especially in view of the interruptible nature of the transportation. In the hearing hereinafter ordered to convene, Applicants should present evidence on all of the public convenience and necessity issues involved in these proposals, including, end use consumption of the gas, the amelioration, if any, on curtailment to the other customers on Applicants' systems, propriety of the proposed transportation rates.

EDC will sell the gas pursuant to a conditioned temporary small producer certificate issued by letter order of June 13, 1974, in Docket No. CS73-296.[2] By order issued May 15, 1975, in Docket No. CS75-239, we denied the application of Crab Run Gas Company, a wholly-owned subsidiary of Washington Gas Light Company, for a small producer certificate, since the grant of a small producer certificate to an affiliate of a distribution company would preclude any Commission scrutiny of the rates. In the hearing hereinafter convened, EDC should present evidence to show that the public convenience and necessity requires the issuance of a small producer certificate to it for the subject sale to Public Service.

The proceedings involved in Docket Nos. CP75-275, CP75-276, CP75-337 and CS73-296 contain common questions of law and fact, which warrant the consolidation of these proceedings for the purposes of hearing and decision. Applicants have alleged an emergency need for the services proposed and have requested temporary authority to render such services. We believe that such authority should be granted as hereinafter conditioned pending determination of the issues in the consolidated proceeding.

Timely notices of intervention and petitions to intervene were filed by the Board of Public Utility Commissioners of the State of New Jersey, the State of Louisiana, Public Service, EDC, Brooklyn Union Gas Company, Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation, Tennessee Gas Pipe Line Company, and Westinghouse Electric Corp.

All of the above Petitioners have shown sufficient interest in these proceedings and, therefore, their intervention may be in the public interest and should be granted.

The Commission orders:

(A) The proceedings in Docket Nos. CP75-275, CP75-276, CP75-337, and CS 73-296 are hereby consolidated for purposes of hearing and decision.

(B) Pursuant to the authority of the Natural Gas Act, particularly Section 7 and 15 thereof, the Commission Rules of Practice and Procedure, and the Regulations Under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing October 21, 1975, at 10 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should issue for the services proposed by Applicants in Docket Nos. CP 75-275, CP75-276, and CP75-337, and whether EDC should be permitted to sell its gas reserves to Public Service pursuant to a small producer authorization.

(C) On or before September 29, 1975, Applicants, Public Service, EDC, and all persons in support of the issuance of a certificate for the proposed services, including a small producer certificate to EDC, shall file their prepared testimony and exhibits comprising their cases-in-chief upon all parties to this consolidated proceeding, the Office of Administrative Law Judges, and Commission Staff.

(D) The Presiding Administrative Law Judge designated by the Chief Administrative Law Judge for that purpose [see, Delegation of Authority, 18 CFR § 3.5(d)] shall preside at the hearings and shall prescribe such further procedures as may be warranted in consideration of the matters involved in this consolidated proceeding.

(E) Based upon the allegations presented in their requests for temporary authority to render the proposed services, we find that an emergency exists and we hereby issue a temporary certificate to Texas Gas, Tennessee, and Transco in this consolidated proceeding pursuant to Section 7 of the Natural Gas Act to render the services proposed in the applications conditioned as follows:

(1) the gas to be transported shall not be used as bolier fuel for electric power generation or to offset curtailment of gas for bolier fuel use and Public Service shall so certify adherence to this condition by statement of a responsible officer duly attested and filed with the Commission prior to commencement of service under this temporary authorization.

(2) EDC is hereby requested to sell to either Texas Gas, Tennessee, or Transco at the national rate any gas owned or controlled by EDC in the North Parcperdue Field, which is not already committed to the interstate market and is surplus to the requirements of this project.

(3) the proposed transportation rates are effective subject to refund pending final Commission approval.

(4) Applicants shall comply with Part 154 and Section 157.20 of the Regulations.

(5) Applicants acceptance or rejection of the temporary certificates herein issued shall be filed within 15 days of the date hereof and, if accepted, shall be effective upon the date of receipt of the acceptance by the Secretary.

(6) the issuance of temporary certificates herein is without prejudice to such final disposition of the applications for certificates as the record may require.

(F) The above-named Petitioners are hereby permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting the asserted rights and interests as specifically set forth in the petitions for leave to intervene; *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24555 Filed 9-15-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Granting Staff Motion for Summary Disposition

SEPTEMBER 9, 1975.

Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on March 14, 1975, a proposed increase in annual revenues from jurisdictional sales. The Commission on April 30, 1975, accepted this for filing and suspended the new rates for five months, to become effective on October 1, 1975. At issue now is Staff's July 18, 1975, motion for summary disposition of interest payments to a producer which are a part of the proposed rate increase. Transco responded in opposition to this motion on August 1, 1975. Then on August 8, 1975, Staff requested leave to respond to Transco's answer.

Transco's $39,500,000 proposed jurisdictional rate increase includes $1,140,160 covering the amortized portion of "carrying charges under an advance payment agreement with the Louisiana Land and Exploration Company" (LLOXY). This component results from an October 1, 1974, contract between Transco and LLOXY in which Transco agreed to make interest cost advances to LLOXY in return for gas purchase contracts for all gas produced and sold from the working interests procured with Transco's financial assistance.

Staff's motion to summarily excise these interest cost advances from Transco's filing is premised upon several recent Commission orders rejecting this same rate item.[3] Staff notes that the Commission therein rejected such interest reimbursements to producers for they do not satisfy the advance payment regulations in that, while the advance payment programs are intended to assist in capital formation so as to stimulate exploration and development of gas for the interstate market, the instant interest cost advances go to producers who have already been able to acquire E&D capital.

Transco opposes summary disposition by arguing that, since the Commission accepted and suspended its entire filing, it has a right to a hearing under Section 4(e) before the rate increase can be reduced. Transco also asserts that, even if the Commission were to disallow the interest cost advances after a hearing, increased actual costs in other areas of the filing could possibly offset this disallowance. It assails summary disposition as being "piecemeal," and it moreover contends that these interest reimbursements are valid business costs which should be recoverable.

We find that Staff's motion for summary disposition of the interest cost advance portion of Transco's proposed rate increase should be granted. Initially, the Commission has unequivocally determined that its advance payment regulations[4] do not encompass interest reimbursements to producers.[5] The purpose of the advance payment programs has been to assist the producers in capital formation in order to stimulate exploration, development and production for the interstate market and not to have jurisdictional rate payers pay interest through pipeline rates on capital which the producer is demonstrably able to acquire. Moreover, the agreement establishing these interest reimbursements in this case is analogous to those previously rejected by the Commission, and the agreement demonstrates that LLOXY has been able to attract capital associated with its exploration and development projects to some extent without the assistance of advance payments; therefore, the $1,140,160 of interest cost advances were not made pursuant to the Commission's advance payment regulations. Furthermore, as a matter of form properly incurred advance payments are treated as a rate base com-

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[1] The subject gas will be obtained from EDC's production in the North Parcperdue Field, Lafayette and Vermilion Parishes, Louisiana.

[2] By order issued June 13, 1974, in Docket No. CP74-150, Transco was authorized to transport gas for Public Service, which was purchased by Public Service from EDC in Texas.

[1] *United Gas Pipe Line Company*, Docket No. RP75-109, rejection order issued July 7, 1975; *Michigan Wisconsin Pipe Line Company*, Docket No. RP75-96, rejection order issued May 19, 1975, rehearing denied July 11, 1975; *Northern Natural Gas Company*, Docket No. RP75-87, order issued May 16, 1975, rehearing denied July 11, 1975; *Natural Gas Pipeline Company of America*, Docket No. RP75-90, order issued May 16, 1975, rehearing denied July 11, 1975; and *Southern Natural Gas Company*, Docket No. RP75-84, rejection order issued May 15, 1975, rehearing denied July 11, 1975.

[2] Order Nos. 410, 410-A, 441, 465 and 499.

[3] *Supra* note 1.

V40I180 SEP1675 XUM

ponent while Transco has included its amortized interest cost advances as an expense item.

Concerning Transco's argument that this summary disposition would breach its right to a hearing, we can summarily dismiss a rate filing or a portion thereof after the initial suspension order but before hearing if, through its direct evidence the rate applicant has not made a *prima facie* case, as would occur if as a matter of law or policy the applicant could not possibly justify its position at a formal hearing.[4] The Commission need not proceed to full hearing on an issue such as interest cost advances, which has already been dispositively treated in a manner fatal to the applicant's position as a matter of law or regulatory policy. In fact the Commission has recently excised other rate items in this fashion.[5]

In the instant docket there is no question of fact to be determined by the Commission vis-a-vis interest cost advances: The Commission could in no way, based upon Transco's evidence and accepting that evidence as true, make a finding that the interest cost advances are just and reasonable.

Finally, while refunds would normally be ordered following summary disposition of a rate increase component, refunds need not be ordered in this proceeding for Transco's proposed rates remain suspended until October 1, 1975.

The Commission further finds:

Good cause has been shown to grant Staff's motion for summary disposition of that portion of Transco's jurisdictional rate filing covering the amortized portion of interest cost advances made to a producer: Such interest cost advances do not comply with our advance payment regulations.

The Commission orders:

(A) Staff's motion for summary disposition is granted, and accordingly the interest cost advance portion of Transco's March 14, 1975, rate filing is severed from this docket and dismissed.

(B) Before October 1, 1975, Transco shall file revised tariff sheets reflecting reduced rates consistent with our findings herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24561 Filed 9-15-75;8:45 am]

[4] *Cf., Pennsylvania Gas and Water Company* v. *F.P.C.*, 463 F2d 1242, 1251–1252 (D.C. Cir. 1972); *Citizens for Allegan County, Inc.* v. *F.P.C.*, 414 F 2d 1125, 1129 (D.C. Cir. 1969); and *Cities of Lexington, etc., Kentucky* v. *F.P.C.*, 295 F 2d 109–21 (4th Cir. 1961).

[5] *E.g., Mississippi River Transmission Corporation*, Docket No. RP75-20, rehearing denied August 1, 1975; *New England Power Company*, Docket Nos. E-9136 and E-9140, issued August 5, 1975; *Central Vermont Public Service Corporation*, Docket No. E-9040, issued August 5, 1975; and *Georgia Power Company*, Docket No. E-9091, issued August 5, 1975.

[Docket No. RP74-89]

TRUNKLINE GAS CO.

Order Instituting Evidentiary Proceeding and Consolidating Proceedings

SEPTEMBER 8, 1975.

By order issued July 9, 1975, we directed that the Commission Staff report to the Commission whether or not the advance payment tracker filed by Trunkline Gas Company to be effective on April 1, 1975, is reasonable and in accordance with the settlement which was approved by that order.

On August 14, 1975, the Commission Staff reported that, in its view, the advance payments sought to be tracked are not reasonable and that they are contrary to the standards set forth within Commission Order No. 499[1] wherein we stated

> we shall not consider amounts advanced to be "reasonable and appropriate" for inclusion in rate base where such amounts are in excess of costs for exploration, development and production incurred by the producer within a reasonable time from the date such amounts advanced are included in the pipeline's rate base. 50 FPC at 2115.

The Commission Staff recommended that we institute an evidentiary proceeding to determine the reasonableness of the subject advance payment tracker so that refunds may be ordered if required and recommended further that such proceeding be consolidated with that proceeding established by Commission order issued August 22, 1975, at *Trunkline Gas Company*, Docket No. RP74-89 (AP76-1).

Article IV(f) of the settlement approved by our order of July 9, 1975, provides that the advance payment tracker shall be subject to refund obligations as if the increase had been suspended, "if and to the extent that the Commission initiates a proceeding as to the reasonableness of those advance payments within sixty days following its order approving this Agreement to Rates." (Settlement at 8).

Upon review of Trunkline's advance payment tracker filing, and in view of the report and recommendation of the Commission Staff in this proceedings, we shall order that these proceedings be made the subject of an evidentiary proceeding to determine the reasonableness of the subject advance payment tracker and that these proceedings be consolidated with and subject to the procedural schedule established for those proceedings initiated by our order of August 22, 1975, at Docket No. RP74-89 (AP76-1).

The Commission finds:

(1) Good cause exists to establish an evidentiary proceeding to examine into the reasonableness of the subject advance payment tracker.

(2) Good cause exists to consolidate the proceedings ordered herein with those established by order issued August 22, 1975, at *Trunkline Gas Company*, Docket No. RP74-89 (AP76-1).

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations, a public hearing concerning the lawfulness and reasonableness of the increased rates proposed herein shall be held.

(B) The proceedings instituted herein and those established by order issued August 22, 1975, at *Trunkline Gas Company*, Docket No. RP74-89 (AP76-1) are hereby consolidated for hearing and decision without modification of the procedural schedule established at that docket.

(C) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24556 Filed 9-15-75;8:45 am]

[1] Commission Order No. 499, *Accounting and Rate Treatment of Advances Included in Account No. 166, Advances For Gas Exploration, Development and Production*, 50 FPC at 211 (1973).

FEDERAL RESERVE SYSTEM

DOMINION BANKSHARES CORPORATION

Acquisition of Bank

Dominion Bankshares Corporation, Roanoke, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Dominion National Bank of Fredericksburg, Fredericksburg, Virginia, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 6, 1975.

Board of Governors of the Federal Reserve System, September 4, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-24606 Filed 9-15-75;8:45 am]

FIRST FINANCIAL CORPORATION

Acquisition of Bank

First Financial Corporation, Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The First American Bank of Pensacola, Pensacola, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 7, 1975.

Board of Governors of the Federal Reserve System, September 5, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-24607 Filed 9-15-75;8:45 am]

TEXARKANA NATIONAL BANCSHARES, INC.

Order Approving Formation of a Bank Holding Company

Texarkana National Bancshares, Inc., Texarkana, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of the formation of a bank holding company by the acquisition of 100 percent, less directors' qualifying shares, of the successors by merger to the Texarkana National Bank ("Bank") and Twin City Bank ("City Bank"), both of Texarkana, Texas. The banks into which Bank and City Bank are to be merged have no significance except as means to facilitate the acquisition of the voting shares of Bank and Twin City Bank. Accordingly, the proposed acquisition of the successor organizations is treated herein as the proposed acquisition of the shares of Bank and City Bank.

Notice of the application, affording opportunity for interested persons to submit comments and issues, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors, has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank and City Bank. Bank, with deposits of $85.5 million, representing .2 percent of total commercial bank deposits in the State of Texas, and City Bank, with deposits of $4.5 million, or about .01 percent of statewide commercial bank deposits, are respectively the 49th and 1060th largest banking organizations in the State.[1] Upon consummation of the proposed transaction, Applicant will control approximately .21 percent of the total commercial bank deposits in the State.

[1] All deposit data are as of December 31, 1974.

Bank and City Bank are located in the Texarkana banking market.[2] Bank is the second largest bank in the Texarkana banking market and holds approximately 29.7 percent of total commercial bank deposits in that market. City Bank is the smallest of the 11 banks in that banking market and holds about 1.6 percent of market deposits. Upon consummation of the proposed transaction, Applicant would be the second largest banking organization in the market with approximately 31.3 percent of market deposits. Because Bank and City Bank are now under common control, with Bank's directors and officers and interests closely related to Bank holding 86.5 percent of the shares of City Bank, and because the proposed transaction in practical effect represents a reorganization of ownership of Bank and City Bank from individuals to a corporation essentially owned by the same individuals, consummation of the proposed transaction would neither eliminate existing competition nor increase deposit concentration in the market or on a statewide basis. The improbability that control will be eliminated also effectively forecloses the likelihood of development of competition between Bank and City Bank. Also, due to the small absolute and relative size of City Bank in the market, as well as its relatively recent origin, this transaction should produce a minimal impact upon ease of entry into the market. Thus, consummation of the subject proposal would not have any significant adverse effects on existing or potential competition in any relevant area. Competitive considerations are therefore consistent with approval of the acquisition.

The financial and managerial resources and future prospects of Applicant are primarily dependent upon the financial resources of Bank and City Bank. The financial and managerial resources of Bank and City Bank are considered generally satisfactory, and the projected earnings of Bank and City Bank, in light of past earnings and anticipated growth, would appear to provide Applicant with the necessary financial strength and flexibility to maintain adequate capital positions for Bank and City Bank. The future prospects of Bank and City Bank, and therefore Applicant as well, appear favorable. Thus, the considerations relating to the banking factors are consistent with approval of the application. Although consummation of the proposal would effect no immediate changes in the services offered by Bank and City Bank, the considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the judgment of the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board, that the acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Federal Reserve Bank of Dallas, acting pursuant to delegated authority, effective September 3, 1975.

[SEAL] ROBERT H. BOYKIN, *Secretary.*

[FR Doc.75-24608 Filed 9-15-75;8:45 am]

[2] The Texarkana banking market is approximated by the Texarkana SMSA, which is located some 184 miles northeast of Dallas and is comprised of Bowie County, Texas, and Little River and Miller Counties, Arkansas.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-63)]

RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON SPACE VEHICLES

Meeting

The NASA Research and Technology Advisory Council, Panel on Space Vehicles will meet on October 8–9, 1975, at the Kennedy Space Center, Florida. The meeting will be held in the 4th Floor Conference Room of the Headquarters Building. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 60 persons. All visitors must report to gate #1 of Cape Canaveral Air Force Station for badging.

The NASA Research and Technology Advisory Council, Panel on Space Vehicles serves in an advisory capacity only. The current Chairman is Mr. R. James Gunkel. There are fourteen members. The following list sets forth the approved agenda and schedule for the October 8–9, 1975, meeting of the Panel on Space Vehicles. For further information, please contact Mr. William C. Hayes, Jr., Executive Secretary, Area Code 202, 755–8504, or Mr. James Rowe, Area Code 305, 867–2215.

OCTOBER 8, 1975

Time	*Topic*
8:30 a.m.	Report of the chairman (purpose: To summarize action taken at the May 1975 meeting of the Research and Technology Advisory Council.)
9:30 a.m.	Report of the executive secretary (purpose: To brief the panel on recent or proposed changes, if any, in NASA policy or organization that could affect the space vehicles panel functions.)

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Time	Topic
10:00 a.m.	Report on long duration exposure facility (LDEF) (purpose: To inform the panel on space vehicles of the results and recommendations of the ad hoc meeting held for the express purpose of reviewing and evaluating the proposed LDEF experiments.
1:15 p.m.	Report on "Outlook for Space" technologies (purpose: To inform members of the panel on space vehicles of the progress to date in the evaluation of new space technology needs and trends for future space programs as surfaced by NASA's "Outlook for Space" study.)
3:30 p.m.	Report on Office of Aeronautics and Space Technology (OAST) workshop (purpose: To inform the panel on the rationale, implementation and overall results of the OAST space technology workshop held during August 1975.)
OCTOBER 9, 1975	
8:30 a.m.	Report on Spacelab program (purpose): To inform members of the panel on the development progress achieved to date on the NASA Spacelab project.)
10:30 a.m.	Report on shuttle technology experiments (purpose: To inform the panel on some of the potential technology areas where research data generated by using an instrumented space shuttle would be applicable to both aircraft and spacecraft technology.
1:15 p.m.	Selection of topics to be reported to the Research and Technology Advisory Council (purpose: To recapitulate previous issues and formulate topics to be forwarded by the panel chairman to the Research and Technology Advisory Council.)
4:30 p.m.	Adjournment

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs National Aeronautics and Space Administration.

SEPTEMBER 10, 1975.

[FR Doc.75-24513 Filed 9-15-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANCE ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will be held on October 3-5, 1975 at the Snowbird Conference Center, Salt Lake City, Utah. On October 3, the meeting will be held from 9:00 a.m.-5:00 p.m. in the Snowbird Conference Center room; on October 4, the meeting will be held from 9:00 a.m.-5:00 p.m. in the Peruvian Room, Plaza Level; on October 5, the meeting will be held from 10:00 a.m.-5:30 p.m. in the Steakpit West Room.

A portion of this meeting will be open to the public on October 3 from 9:00 a.m.-12:00 p.m. on a space available basis. Accommodations are limited. During the open session, there will be an Introduction & Orientation for new panel members and a General Discussion.

The remaining sessions of this meeting on October 3, from 1:30 p.m.-5:00 p.m.; October 4 and 5 all day, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-24581 Filed 9-15-75;8:45 am]

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on October 1, 1975 from 10:00 a.m.-3:00 p.m. in the 11th floor graphics conference room (1127) of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on October 1 from 10:00 a.m.-12:00 p.m. on a space available basis. Accommodations are limited. The purpose of this meeting is for the evaluation of the general graphics from the National Endowment for the Arts. Discussion will include work quality, standards, and improvements relating to graphic design work created by the agency's graphic design personnel.

The remaining session of this meeting from 1:00 p.m.-3:00 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on Federal graphics under the National Foundation on the Arts and the Humanities Act of 1965, as amended in accordance with the President's Directives of May 16, 1972, August 23, 1974, and June 26, 1975 on Improvement of Federal Graphics. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provision of the Freedom of Information Act (5 U.S.C. 552(b)(5)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506 or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-24582 Filed 9-15-75;8:45 am]

SPECIAL PROJECTS ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Special Projects Advisory Panel to the National Council on the Arts will be held on October 3-5, 1975 from 9:00 a.m.-5:00 p.m. both days at the Peruvian Room, Plaza Level, Snowbird Conference Center, Salt Lake City, Utah.

A portion of this meeting will be open to the public on October 3 from 2:00 p.m.-4:45 p.m. on a space available basis. Accommodations are limited. During the open session there will be discussion on the following policy issues: 1) Eligibility criteria for Arts Center/Festival category; 2) United funds; 3) Sub-granting; 4) Individual artists.

The remaining sessions of this meeting on October 3 from 9:00 a.m.-12:30 p.m.; October 4 and 5 from 9:00 a.m.-5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-24583 Filed 9-15-75;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

ADVISORY COMMITTEE ON SCIENCE, TECHNOLOGY AND HUMAN VALUES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Advisory Committee on Science, Technology and Human Values will be held on October 8, 1975, at the times and places indicated below. The agenda for the meeting will include:

Endowment (NEH) opening session. 9:30 a.m. Room 314. 806 15th Street NW., Washington, D.C.

Review of activities and plans, NEH Program of Science, Technology and Human Values.

Collaborative session with National Science Foundation (NSF) Advisory Committee on Ethical and Human Values Implications of Science and Technology. 11:00 a.m. Room 540. 1800 G Street NW., Washington, D.C.

Summary of previous jointly funded NSF-NEH projects—Research design, bibliography, higher education programs analysis, public understanding.

Review of pending projects for joint funding—Research design project, philosophical ethics institute for science and engineering faculty.

Discussion of areas for future stimulation of projects for joint support, including—bibliography, international communication, public understanding.

The meeting will be open to the public on a space-available basis. Additional information may be obtained from the Advisory Committee Management Officer, Mr. John Jordan, 806 15th Street NW., Washington, D.C. 20506 (telephone 202-382-2031). Individuals planning to attend are requested to notify Mr. Jordan no later than October 1, 1975, but such notification is not a requirement for attendance.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.75-24653 Filed 9-15-75;8:45 am]

NATIONAL REGULATORY COMMISSION

REGULATORY GUIDE

Issuance and Availability

Correction

In FR Doc. 75-23269 appearing on page 40593 in the issue of Wednesday, September 3, 1975, in the first line of the second paragraph the reference to "Regulatory Guide 533" should read "Regulatory Guide 553".

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on Emergency Core Cooling Systems (ECCS) will hold a meeting on October 4, 1975 at 1717 H Street, N.W., Washington, D.C. 20555. The purpose of this meeting is to discuss the effects of upper head injection (UHI) on the Westinghouse Electric Corporation's analytical models formulated to meet current ECCS criteria.

The agenda for the subject meeting shall be as follows:

Saturday, October 4, 1975, 8:00 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports submitted by the Applicant and the NRC Staff, regarding matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by representatives of the Westinghouse Electric Corporation and the NRC Staff, and will discuss with these groups analytical models formulated to meet current ECCS criteria.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of UHI System design and analytical models.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice and opinions while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing a readily reproducible copy thereof, postmarked no later than September 27, 1975, to Mr. Paul T. Burnett, Office of the Executive Secretary, ACRS, NRC, Washington, D.C. 20555 or by filing at the ACRS Office a readily reproducible copy two working days prior to the meeting. Written statements should be limited to safety related areas which are within the purview of the Committee. Background information concerning items to be considered at this meeting can be found in related documents on file and available for public inspection at the NRC Public Document Room, 1717 H St., NW., Washington, D.C. 20555. Comments which fail to meet the time limitations noted above will be considered to the extent practicable.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 22, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1394, Attention: Mr. Paul T. Burnett) between 8:15 a.m. and 5:00 p.m., Eastern Daylight Time.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(d) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

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The Executive Secretary of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Employee for the meeting, Mr. Paul T. Burnett of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 10, 1975 at the NRC Public Document Room, 1717 H St., N.W., Wash., D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Wash., D.C. 20555 after January 5, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: September 10, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 75-24594 Filed 9-15-75;8:45 am]

[Docket Nos. 50-3; 50-247; 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK (INDIAN POINT, UNIT NO. 1) (INDIAN POINT, UNIT NO. 2), (INDIAN POINT, UNIT NO. 3)

Notice and Order for Pre-Hearing Conference

Notice is hereby given that, pursuant to the "Notice of a Public Hearing on Seismic Issues, and Order in Connection Therewith" dated August 5, 1975, published on August 8, 1975 (40 Fed. Reg. 33498), a prehearing conference will be held on Thursday, September 25, 1975, commencing at 10:00 a.m., local time, in the Nuclear Regulatory Commission Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Md. 20014.

The said notice and order admitted the New York State Atomic Energy Council (Council) and the Citizens Committee for Protection of the Environment (CCPE) as parties to this proceeding, as well as Consolidated Edison Company of New York, Inc., and the Nuclear Regulatory Commission staff. The notice and order also permitted other parties in the *Indian Point 3* operating license proceeding to participate in this seismic proceeding upon notification to this Board by August 29, 1975. It further provided that other persons could seek to intervene in the seismic proceeding if they did so by August 29, 1975. We have received no such notifications or petitions to intervene. The parties to the seismic proceeding accordingly will be limited to those admitted by the August 5, 1975 notice and order.

The prehearing conference will deal with the following matters:

1. Identification and framing of key issues.

2. Need for discovery, and time required if discovery is to be sought.

3. Schedules for further actions in the proceeding.

4. Such other matters as may aid in the orderly and expeditious conduct of the hearing.

The attorneys for the respective parties are hereby directed to confer in advance of the prehearing conference to develop a joint statement of the issues. If a statement cannot be developed jointly, then each party shall submit a separate statement of issues. The joint statement, or individual statements as the case may be, shall be filed and transmitted so as to reach this Board *no later than* September 22, 1975.

Members of the public are invited to attend this prehearing conference, as well as the evidentiary hearing to be held later at a date and place to be fixed by the Board. Limited appearance statements will not be received at the prehearing conference but will be accepted at the said evidentiary hearing.

It is so Ordered.

Dated: September 9, 1975.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-24525 Filed 9-15-75;8:45 am]

[Construction Permit Nos. 61 and 62 (Show Cause)]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Order

SEPTEMBER 9, 1975.

The Appeal Board will hear oral argument on the applicant's motion to reconsider Part II of the Board's July 30, 1975 decision in this case, ALAB-283, at 10:00 a.m. Friday, October 3, 1975 in the Commission's Public Hearing Room, 5th floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland.

Counsel will be allowed 45 minutes each for argument and should be fully familiar with *Power Reactor Co.* v *Electricians*, 367 U.S. 396 (1961), *In re Power Reactor Development Company*, 1 AEC 65 (1958) and 1 AEC 128 (1959), and with Section 50.54(f) of the Commission's regulations, 10 C.F.R. § 50.54(f) (1975).

It is so Ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-24526 Filed 9-15-75;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 11 and 9 to Facility Operating Licenses Nos. DPR-44 and DPR-56 issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station Units 2 and 3, located in York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendments define new temperature limits for the suppression pool water to provide additional assurance of maintaining primary containment integrity.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on 40 FR 31046. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) the application for amendment dated March 31, 1975, (2) Amendments Nos. 11 and 9 to Licenses Nos. DPR-44 and DPR-56, with Changes Nos. 12 and 9, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania, 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 8th day of September, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-24527 Filed 9-15-75;8:45 am]

TOLEDO EDISON CO., ET AL.

[Docket Nos. 50-346A, 50-500A, 50-501A, 50-440A, 50-441A]

Prehearing Conference No. 5

In the matter of, The Toledo Edison Company and The Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station, Units 1, 2 and 3) The Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2),

Pursuant to the Board's Ruling of August 21, 1975 in which a schedule of events prior to the commencement of hearing in the above dockets is set forth, a prehearing conference is hereby scheduled for Thursday, September 18, 1975 at 10:00 a.m. at the Postal Rates Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. for the following purposes:

(1) Consideration of motions or arguments to curtail or eliminate issues;

(2) Oral argument upon request relating to Applicants' Motion for Summary Judgment against AMP-O;

(3) Other schedule details relating to the commencement of hearings on or about October 30, 1975.

Any of the parties desiring to place other matters on the agenda for prehearing conference No. 5 should make a request to the Board with information copies to other parties no later than Tuesday, September 16, 1975.

It is so ordered.

Dated at Bethesda, Maryland this 9th day of September 1975.

ATOMIC SAFETY AND LICENSING BOARD,
DOUGLAS V. RIGLER,
Chairman.

[FR Doc.75-24528 Filed 9-15-75;8:45 am]

[Docket Nos. 50-434 and 50-435]

SURRY POWER STATION UNITS 3 AND 4

Negative Declaration Regarding Proposed Changes to Construction Permits Nos. CPPR-124 AND CPPR-125

The Nuclear Regulatory Commission (the Commission) has considered the issuance of amendments to Construction Permits Nos. CPPR-124 and CPPR-125. These changes would authorize the Virginia Electric and Power Company (VEPCO) (the permittee) to construct the Surry Power Station Units 3 and 4 (located in Surry County, Virginia) with changes in the limiting conditions for protection of the environment during construction by eliminating the requirement for use of steel sheet piling to form cofferdams and allowing sloping sides for the excavations.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes in paragraph 3E(3) of the Construction Permits Nos. CPPR-124 and CPPR-125, as described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Surry Units 3 and 4 published in May 1974. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

Dated at Rockville, Maryland, this 18th day of August 1975.

For the Nuclear Regulatory Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Division of Reactor Licensing.

[FR Doc.75-24530 Filed 9-15-75;8:45 am]

SPENT FUEL STORAGE

Intent To Prepare Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel

From the early days of the nuclear power industry in this country, electric utilities planning to construct and operate light water nuclear power reactors contemplated that the used or spent fuel discharged from the reactors would be chemically reprocessed to recover the remaining quantities of fissile and fertile materials (uranium and plutonium), and that the materials so recovered would be recycled back into fresh reactor fuel. It was contemplated by the nuclear industry that spent fuel would be discharged periodically from operating reactors, stored in onsite fuel storage pools for a period of time to permit decay of radioactive materials contained within the fuel and to cool, and periodically shipped offsite for reprocessing. Typically, space was provided in onsite storage pools for about one and one-third nuclear reactor cores. Assuming a four-year reactor fuel reload cycle, such onsite storage pools were planned to hold an average of one year's discharge with sufficient remaining capacity to hold a complete core should unloading of all of the fuel from the reactor be necessary or desirable because of operational difficulties. Under normal operating conditions, an average of five years' discharge could be accommodated before the pools were filled.

Persons planning to conduct commercial reprocessing of spent reactor fuels provided sufficient storage capacity for the spent fuels at their facilities to allow some operational flexibility. Typically, space has been provided or planned for several spent fuel core reloads. Three commercial reprocessing plants have been planned for operation in the United States. The only such plant that has actually operated, Nuclear Fuel Services (NFS) plant at West Valley, New York, was shut down in 1972 for extensive alterations and expansion. There is a pending proceeding before the Nuclear Regulatory Commission (Commission) on NFS's application for a permit to construct these alterations and expansion (docket no. 50-201). The second plant, General Electric Company's Midwest Fuel Recovery Plant at Morris, Illinois, has never operated and is in a decommissioned condition. The third plant, Allied General Nuclear Services' (AGNS) proposed plant in Barnwell, South Carolina, is under construction and is the subject of pending proceedings before the Commission regarding the continuation, modification or suspension of the construction permit from an environmental protection standpoint, and the possible issuance of an operating license (docket no. 50-332), as well as a related matter (docket no. 70-1729).

On May 8, 1975, the Nuclear Regulatory Commission published a notice in the FEDERAL REGISTER setting forth its provisional views that, subject to consideration of comments, (1) a cost-benefit analysis of alternative safeguards programs should be prepared and set forth in draft and final environmental impact statements before a Commission decision is reached on wide-scale use of mixed oxide (recycle plutonium) fuels in light water nuclear power reactors, (2) there should be no additional licenses granted for use of mixed oxide fuel in light water nuclear power reactors except for experimental purposes, (3) with respect to light water nuclear power reactor fuel cycle activities which depend for their justification on wide-scale use of mixed oxide fuel in light water nuclear power reactors, there should be no additional licenses granted which would foreclose future safeguards options or result in unnecessary "grandfathering" and (4) the granting of licenses would not be precluded for fuel cycle activities for experimental and/or technical feasibility purposes.

In light of the status of the three planned commercial reprocessing plants in the United States, as outlined above, the earliest that spent fuel reprocessing could begin on a commercial basis, if authorized, would be late 1976. This assumes that the pending licensing proceedings are completed and licenses issued by this date. However, the spent fuel pools at a number of reactors may soon be filled, and still other reactors will have their pools filled before the end of 1978. Accordingly, even if limited reprocessing should begin in late 1976, there would still be a shortage in spent fuel storage capacity.

The existing pools at the GE and NFS reprocessing plants have some remaining marginal licensed storage capacity which may be able to accommodate the fuel discharges from some reactors; any increases planned at these plants may not be sufficient for industry in the future. Consequently, there is the possibility of a future shortage in licensed spent fuel capacity regardless of the outcome of the proceedings on the May 8th notice.

The Commission has not promulgated any regulation which specifies a given size for on-site reactor spent fuel pools; however, proposals by reactor licensees to significantly change the manner of spent fuel storage or spent fuel pool size would be subject to licensing review by the Commission. In the event that a particular on-site spent fuel pool should become filled, and no alternative form of spent fuel storage could be found,

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the reactor would be eventually forced to shut down and "store" the last spent reactor fuel in the reactor pressure vessel. While no serious adverse consequences to the public health and safety, the common defense and security, or the environment would likely result, the reactor shutdown would, of course, remove the plant from service, and this in turn could adversely affect the electric utility's ability to meet electrical energy needs, or force the utility to operate other plants that are less economical to operate or which have greater environmental impact, and thereby adversely affect the public interest.

There appear to be a number of possible alternatives for increasing spent fuel storage capacity including, among other things, increasing the storage capacity at present reactor sites, and construction of independent spent fuel storage facilities. The shortage of spent fuel storage capacity will occur at individual reactors, and the Commission could adequately address the issues involved on a case-by-case basis within the context of individual licensing reviews. Indeed, the Commission has not, to date, found it necessary, in the discharge of its licensing and related regulatory functions, to develop any overall program of action to deal with the problem. The Commission does, however, have the discretion to deal with issues of this type on a generic basis through the exercise of its rulemaking authority and/or the issuance of a "generic" environmental impact statement. Rulemaking proceedings and/or the issuance of a generic environmental impact statement might, as appropriate, serve as the context for the promulgation of more definitive criteria regarding size and design of spent fuel pools and/or the licensing of independent spent fuel storage facilities, and for consideration of possible revision of the fuel cycle environmental impacts set forth in 10 CFR § 51.20(e) in light of additional spent fuel storage and attendant transportation. Also, the possible implications of increased spent fuel storage on the options available for intermediate and long-term storage of nuclear waste materials could profitably be examined within this context.

One group of interested organizations (Natural Resources Defense Council, Sierra Club, and Businessmen for the Public Interest) has requested the Commission to prepare a generic environmental impact statement on the handling and storage of spent reactor fuel and related matters (letter to L. V. Gossick from Anthony Z. Roisman, dated May 20, 1975, copy on file at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.)

While the Commission believes, as earlier indicated, that the matter of spent fuel storage capacity can adequately be addressed on a case-by-case basis within the context of individual licensing reviews, it also believes that, from the standpoint of longer range policy, this matter can profitably be examined in a broader context. It views the preparation of a generic environmental impact statement as a suitable vehicle for such an examination. Notice is hereby given that a generic environmental impact statement on the handling and storage of spent light water power reactor fuels will be prepared by the Commission. The statement will focus on the time period between now and the mid 1980's and will address:

(1) The magnitude of the possible shortage of spent fuel storage capacity;

(2) The alternatives for dealing with the problem, including, but not necessarily limited to:

(a) Permitting the expansion of spent fuel storage capacity at power reactors;

(b) Permitting the expansion of spent fuel storage capacity at reprocessing plants;

(c) Licensing of independent spent fuel storage facilities;

(d) Storage of spent fuel from one or more reactors at the storage pools of other reactors;

(e) Ordering that generation of spent fuel (reactor operation) be stopped or restricted;

(3) A cost-benefit analysis of the alternatives listed in (2), along with any other reasonably feasible alternatives, including:

(a) Impacts on public health and safety and the common defense and security;

(b) Environmental, social, and economic costs and benefits;

(c) Commitments of resources;

(d) Implications regarding options available for the intermediate and long-term storage of nuclear waste materials;

(e) Relationship between local short-term uses of the environment and long-term productivity;

(4) The impacts of possible additional transportation of spent fuel that may be required should one or more of the alternatives be adopted;

(5) More definitive standards and criteria to govern the licensing of one or more of the alternatives for dealing with the problem; and

(6) Possible amendments to 10 CFR § 51.20(e).

If appropriate, rulemaking proceedings on items (5) and (6) listed above, or on other issues related to the handling and storage of spent reactor fuel, will be initiated on or about that time of issuance of the draft generic environmental impact statement.

The Commission has also given careful consideration to the question whether licensing actions intended to ameliorate a possible shortage of spent fuel storage capacity, including such actions as the issuance of operating license amendments to permit increases in the storage capacity of reactor spent fuel pools or reprocessing plant spent fuel storage pools, or the licensing of independent spent fuel storage facilities, should be deferred pending completion of the generic environmental impact statement. Such a deferral was requested in the letter on behalf of Natural Resources Defense Council, Sierra Club, and Businessmen for the Public Interest noted above. In considering this matter, the Commission had two basic objectives in mind: on the one hand, the generic impact statement should not serve as a justification for a fait accompli; on the other hand, the public interest considerations associated with such a deferral should be carefully weighed. The Commission has concluded that there should be no such general deferral, and that these related licensing actions may continue during the period required for preparation of the generic statement, subject to certain conditions. In reaching this conclusion, the Commission has considered the following specific factors:

(1) It is likely that each individual licensing action of this type would have a utility that is independent of the utility of other licensing actions of this type;

(2) It is not likely that the taking of any particular licensing action of this type during the time frame under consideration would constitute a commitment of resources that would tend to significantly foreclose the alternatives available with respect to any other individual licensing action of this type;

(3) It is likely that any environmental impacts associated with any individual licensing action of this type would be such that they could adequately be addressed within the context of the individual license application without overlooking any cumulative environmental impacts;

(4) It is likely that any technical issues that may arise in the course of a review of an individual license application can be resolved within that context; and

(5) A deferral or severe restriction on licensing actions of this type would result in substantial harm to the public interest. As indicated, such a restriction or deferral could result in reactor shutdowns as existing spent fuel pools become filled. It now appears that the spent fuel pools of as many as ten reactors could be filled by mid-1978. These ten reactors represent a total of about 6 million kilowatts of electrical energy generating capacity. The removal of these reactors from service could reduce the utilities' service margins to a point where reliable service would be in jeopardy, or force the utilities to rely more heavily on less economical or more polluting forms of generation that would impose economic penalties on consumers and increase environmental impacts.

The Commission expects that any licensing action intended to ameliorate a possible shortage of spent fuel storage capacity during this interim period would be accompanied by an environmental impact statement (10 CFR § 51.5(a)) or impact appraisal (10 CFR § 51.5(c)) tailored to the facts of the case. Since the Commission's general conclusions with respect to the five factors, as set forth above, may not fit the factual circumstances of particular licensing actions, the five factors will be applied, weighed and balanced within the context of these statements or appraisals in reaching licensing determinations.

Dated at Washington, D.C. this 10th day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-24531 Filed 9-15-75;8:45 am]

[Docket Nos. 50-434 and 50-435]

VIRGINIA ELECTRIC AND POWER CO.

Issuance of Amendment to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Construction Permit Nos. CPPR-124 and PPPR-125 issued to the Virginia Electric and Power Company (the applicant) for the construction of the Surry Power Station, Units 3 and 4 (the facility), located on the applicant's site in Surry County, Virginia.

The Construction Permits are amended by deleting paragraph 3E(3) which states: "3E(3) Steel sheet piling will be driven to form cofferdams for the containment excavations. The excavation spoil placed onsite wil be graded for storage use during construction."

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration. The Commission has determined that this amendment is not a major Federal action significantly affecting the quality of the human environment.

For further details with respect to this action, see (1) the application for amendment dated February 14, 1975, (2) Amendment No. 1 to Construction Permit Nos. CPPR-124 and CPPR-125, and (3) the Office of Nuclear Reactor Regulation's related evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 8th day of September, 1975.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Division of Reactor Licensing.

[FR Doc.75-24529 Filed 9-15-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON INSPECTION AND ENFORCEMENT ACTIVITIES

Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.) the ACRS Subcommittee on Inspection and Enforcement Activities will hold a meeting on October 1, 1975 at 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to discuss third-party inspection and the roles of inspection and examination organizations in relation to nuclear safety.

The agenda for the subject meeting will be as follows:

Wednesday, October 1, 1975, 8:00 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent knowledge of inspection and examination practices and organizations, regarding the matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

8:30 a.m. until the conclusion of business: The Subcommittee will meet in open session to hold discussions with invited participants and members of the NRC Staff on topics pertinent to examination and inspection of safety related systems of nuclear power plants. At the conclusion of the open session, the Subcommittee will meet in closed session with members of the NRC Staff to discuss internal NRC policy and Staff recommendations on the subjects discussed in the open sessions. Possible changes in Staff positions on the distribution of responsibilities for inspection and examination of nuclear systems as well as the necessary qualifications of personnel and organizations performing those tasks will also be considered.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed session to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individuals' advice and opinions, while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing a readily reproducible copy thereof, postmarked no later than September 24, 1975 to Mr. Paul T. Burnett, Office of the Executive Secretary, ACRS, NRC, Wash., D.C. 20555, or by filing at the ACRS Office a readily reproducible copy two working days prior to the meeting. Written statements should be limited to safety related areas which are within the purview of the Committee. Comments which fail to meet the time limitations noted above will be considered to the extent practicable.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on September 30, 1975 to the Office of the Executive Secretary of the Committee (telephone 202/634-1394, Attention: Mr. Paul T. Burnett) between 8:15 a.m. and 5:00 p.m., Eastern Daylight Time.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 8, 1975 at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555 after January 5, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: September 12, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-24709 Filed 9-15-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-4062]

AMERICAN SOLAR ENERGY CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

SEPTEMBER 9, 1975.

I

American Solar Energy Corporation (the "Issuer") 2960 Westwood Street,

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#20, Las Vegas, Nevada 89102 was incorporated under the laws of Nevada on February 5, 1974. The Issuer's Articles of Incorporation authorized the issuance of 25,000 shares of common and 2,500 shares of preferred stock. The firm's offices are located at 2960 Westwood Street, Unit No. 20, Las Vegas, Nevada 89102.

On May 16, 1974, the Issuer filed a Regulation A Notification and Offering Circular covering 25,000 shares of $1.00 par value common stock, offered at $2.00 per share, and 2,500 shares of $20.00 par value 8% preferred stock, offered at $20.00 per share for an aggregate offering price of $100,000. The Notification was later amended to provide for a reduction of the number of common shares to be offered to 22,500, thereby lowering the aggregate offering price to $91,000. The filing was made for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of Section 3(b) thereof, and Regulation A thereunder. No underwriter was designated in the original Notification and the sale of the stock was to be conducted by the Issuer's president, Alexander R. Tarsey.

II

The Commission, on the basis of information provided by its staff, has reason to believe that:

A. The Notification and Offering Circular of the Issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that on June 12, 1975, the Issuer filed a voluntary petition in bankruptcy with the United States District Court for the District of Nevada;

2. The failure to disclose its actual financial condition;

3. The failure to disclose that Alexander R. Tarsey is an affiliate of the Issuer in that he is a controlling person owning over 10% of each class of stock outstanding; and

4. The failure to disclose that the number of common and preferred shares offered under the Notification, when added to those amounts already outstanding, would exceed the amounts which the Issuer is authorized to issue by its Articles of Incorporation.

B. The issuer failed to cooperate with the Commission in that the Issuer and its principle officer have resisted numerous attempts by the Commission and its staff to assist the Issuer in complying with the requirements of Regulation A in that, *inter alia*, the Issuer has failed or refused to reply to a January 31, 1975 comment letter and four telephone requests from the Commission's staff with respect to the amending of the Notification and Offering Circular or to its withdrawal.

C. The offering, if permitted to occur, would be made in violation of Section 17 of the Securities Act of 1933, as amended.

III

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended.

IT IS ORDERED, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the Issuer under Regulation A be, and it is hereby, temporarily suspended.

IT IS FURTHER ORDERED, pursuant to Rule 7 of the Commission's Rules of Practice, that the Issuer file an answer to the allegations contained in the order within thirty (30) days of the entry thereof.

NOTICE IS HEREBY GIVEN that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty (30) days after the entry of this order; that within twenty (20) days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-24628 Filed 9-15-75;8:45 am]

[Release No. 34-11647; File No. SR-ISE-75-1]

SELF-REGULATORY ORGANIZATIONS

Proposed Rule Change by the Intermountain Stock Exchange

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 87s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on July 21, 1975, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Article VI, Rule 10 of the Exchange.

The session of the Exchange shall be open from [9:00 a.m.] *11 a.m.* to 12:00 noon on business days. (Deletions are in brackets, additions are italic.)

The basis and purpose of the foregoing proposed rule change is as follows:

This action was taken as a result of the low level of trading volume the Exchange has been experiencing recently. The rule change is to create a shorter, more efficient trading session, thereby bringing about better member representation on the floor and consequently better markets for the public.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted before September 19, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

SEPTEMBER 12, 1975.

[FR Doc.75-24768 Filed 9-15-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

CASPER DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Casper District Advisory Council will hold a public meeting at 10:00 a.m. (M.D.S.T.) Friday, October 3, 1975, at the University of Wyoming Campus in Laramie to discuss such business as may be presented by member ad te taffsnoiluh be presented by members and the staff of the Small Business Administration.

For further information write or call Jerry S. King, Federal Building, Room 4001, 100 East B Street, Casper, Wyoming 82601, telephone number (307) 265-3269.

Dated: September 5, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-24638 Filed 9-15-75;8:45 am]

[License Application No. 04/04-5120]

COMMERCIAL INVESTMENT RESOURCES, INC.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Commercial Investment Resources, Inc.—(applicant), with the Small Business Administration (SBA), pursuant to 13 C.F.R. 107.102 (1975).

The officers, directors and stockholder of the applicant are as follows:

Neal L. Andrews, Jr., 4329 Corinth Drive, Mountain Brook, Alabama 35213, President, Director.

Lester Nuby, Jr., 786 Twin Branch Road, Birmingham, Alabama 35226, Vice President, Secretary, Director.

William F. Poer, 804 Wingate Circle, Birmingham, Alabama 35209, Treasurer, Director.

Pasquale Food Company, Inc., 19 West Oxmoor Road, Birmingham, Alabama 35209, 100% Stockholder.

The applicant, a Delaware corporation, with its principal place of business located at 19 West Oxmoor Road, Birmingham, Alabama 35209, will begin operations with $500,000 of paid-in capital and paid-in surplus, derived from the sale of 500 shares of common stock. The applicant will conduct its operations principally in the State of Alabama, and in such other areas within the United States of America and its territories and possessions. The applicant's parent, Pasquale Food Company, Inc., was established in 1960 and has extensive experience in franchising Italian style fast-food restaurants.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Rules and Regulations.

Any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Birmingham, Alabama.

Dated: September 8, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.75-24641 Filed 9-15-75;8:45 am]

[Proposed License No. 01/01-0278]

DEVONSHIRE CAPITAL CORP.

Application for a License as a Small Business Investment Company

Notice is hereby given that an application for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended, (Act) (15 U.S.C. 661 et seq.), has been filed by Devonshire Capital Corporation (the Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1975) (Regulations).

The Applicant will be incorporated under the laws of The Commonwealth of Massachusetts. Its authorized capitalization will be 12,500 shares of common stock (no par value), of which 2,500 shares will be issued and fully paid at a price of $500 per share, so that the Applicant will commence operations with an initial private capital of $1,250,000.

The 2,500 shares of common stock to be issued will be owned by Advent II, a Massachusetts limited partnership, Advent (Bermuda) Company II, a Bermuda limited partnership, and the Trustees of Boston University, a non-profit Corporation.

The officers, directors, and stockholders of the Applicant will be as follows:

Name	Title	Percentage of stock owned
C. Kevin Landry, 111 Devonshire St., Boston, Mass. 02109.	President and director.	0
William P. Egan, 111 Devonshire St., Boston, Mass. 02109.	Treasurer, clerk, and director.	0
Grant M. Wilson, 111 Devonshire St., Boston, Mass. 02109.	Director	0
Advent II, 111 Devonshire St., Boston, Mass. 02109.		32.4
Advent (Bermuda) Co. II, c/o Richard Thacher, Bank of Bermuda, Hamilton, Bermuda.		7.6
Trustees of Boston University, 881 Commonwealth Ave., Boston, Mass. 92215.		60

Advent II is a Massachusetts limited partnership. It has 26 limited partners comprised of individuals, business corporations, non-profit corporations, and trusts. TA Associates, the sole general partner of Advent II, is a Massachusetts limited partnership located at 111 Devonshire Street, Boston, Massachusetts 02109. The general partners of TA Associates are individuals who are the general partners of Tucker, Anthony, and R. L. Day (a securities dealer, located at 120 Broadway, New York, New York 10005). Tucker, Anthony and R. L. Day is a limited partner and has approximately a 68 percent interest in TA Associates. The partners and employees of Tucker, Anthony and R. L. Day have a general partnership, named "87 State Street," located at 87 State Street, Boston, Massachusetts, and they are limited partners of Advent II.

TA Associates has a 1.63 percent limited partnership interest in Advent (Bermuda) Company II.

The Trustees of Boston University is a non-profit Corporation and, as such, has no beneficial security holders.

The stocks of the proposed licensee to be owned beneficially by the Trustees of Boston University will be held of record by B.U.N.P., a nominee partnership which acts as the holder of record of securities owned by the Trustees of Boston University. The partners of B.U.N.P. are trustees or employees of the Boston University, and neither the partnership nor such partners has any beneficial interest in securities held by the partnership.

The investment of the Trustees of Boston University in the Applicant will be less than five percent of total assets.

Mr. C. Kevin Landry, proposed president and director of the Applicant, and Mr. Grant M. Wilson, proposed director of the Applicant, are both partners in TA Associates and of Tucker, Anthony and R. L. Day. Mr. William P. Egan, proposed treasurer, clerk and director of the Applicant, is a vice president of TA Associates.

TA Associates will be the investment adviser to the Applicant pursuant to a written contract subject to SBA approval under Section 107.809 of the Regulations and will receive compensation for the services provided. TA Associates receives management fees from Advent II and Advent (Bermuda) Company II.

Massachusetts Capital Corporation (a small business investment company) rents office space from TA Associates at 111 Devonshire Street, Boston, Massachusets 02109. David Harkins, an employee of TA Associates, is the financial adviser of Massachusetts Capital Corporation. It is proposed that the Applicant also rent office space from TA Associates at the same address, and that, subject to SBA approval, it employ as its investment adviser TA Associates, a firm affiliated with David Harkins through the employer-employee relationship.

The Applicant's principal place of business will be at 111 Devonshire Street, Boston, Massachusetts 02109 (the address of its investment adviser), and it will conduct its operations primarily in the New England States. It intends to emphasize equity type investments in small concerns, and will look to growth of its portfolio for a major portion of its return.

The Applicant intends to render management consulting services to small business concerns.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA rules and regulations.

Notice is further given that any person may, within 15 days after the date of this publication, submit written comments on the application to the Deputy Associate Administrator for Investment,

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Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

The Applicant shall cause a similar notice to be published in a newspaper of general circulation in Boston, Massachusetts.

Dated: September 11, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-24609 Filed 9-15-75;8:45 am]

LOUISVILLE DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Louisville District Advisory Council will hold a public meeting on October 23, 1975 from 1:00 p.m. (E.D.T.) until 5:00 p.m. (E.D.T.) and October 24, 1975 from 9:00 a.m. (E.D.T.) until 12:00 Noon (E.D.T.) at the Ramada Inn, 9700 Bluegrass Pkwy., I-64 and Hurstbourne Ln., Louisville, Kentucky 40299, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information write R. B. Blankenship, Rm. 188, Federal Office Building, 600 Federal Place, Louisville, Kentucky 40202 or call (502) 582-5978.

Dated: September 5, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-24610 Filed 9-15-75;8:45 am]

SEATTLE DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Seattle District Advisory Council will hold a public meeting at 9:00 a.m. (P.D.T.) Friday, October 24, 1975, at the Dexter Horton Branch, Seattle First National Bank, Board Room, 710 2nd Avenue, Seattle, Washington 98104, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information write Robert P. Caldwell, 5th Floor, Dexter Horton Building, 710 Second Avenue, Seattle, Washington, 98104 or call (206) 442-7791.

Dated: September 5, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-24611 Filed 9-15-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-136]

AVON SOLE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 4, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the ???? on behalf of the workers and former workers of Avon Sole Company, Avon, Massachusetts (TA-W-136).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with rubber soles and heels for boots and shoes produced by Avon Sole Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the Federal Register.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-24609 Filed 9-15-75;8:45 am]

[TA-W-87]

BENDIX CORP., DENVER, COLO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-87: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 17, 1975 in response to a worker petition received on July 16, 1975 which was filed by the Guidance Systems Division employees on behalf of workers formerly involved with the Skylab project at the Guidance Systems Division of The Bendix Corporation, Denver, Colorado.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 31053) on July 24, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Bendix Corporation, NASA, the European Space Agency (ESA), the U.S. Senate Aeronautics and Space Sciences Committee and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessary more important than any other cause.

Significant Total or Partial Separations. A significant number or proportion of the workers at the Guidance Systems Division in Denver became totally or partially separated in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at the Guidance Systems Division declined substantially in 1974.

Increased Imports Contributed Importantly. Spacelab is part of a joint project between NASA and ESA with no connection to the Skylab project previously established by NASA. Therefore the development of Spacelab by ESA cannot be considered to have contributed importantly to the separations at the Guidance Systems Division of Bendix Corporation.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the Skylab project at the Guidance Systems Division was due to the completion of the Bendix Corporation's commitments under its Skylab contract.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with space systems worked on by the Guidance Systems Division of the Bendix Corporation in Denver under the Skylab program did not contribute importantly to the total or partial separation of workers of that plant. Signed at Washington, D.C. this 10th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-24612 Filed 9-15-75;8:45 am]

[TA-W-111]

GIRARD MANUFACTURING CO., GIRARD, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-111: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on August 12, 1975 in response to a worker petition received on July 11, 1975 which was filed on behalf of workers formerly engaged in research and development for toy trains at the Girard, Pennsylvania plant of Marx Toys, a division of the Quaker Oats Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 36634) on August 21, 1975. No public hearing was requested and none was held. The information upon which the determination was made was obtained principally from officials of Marx Toys, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. A significant number or proportion of the workers at the Girard Manufacturing Company became totally or partially separated in 1975. Total employment in the first six months of 1975 decreased 7.5 percent from the same period in 1974. R and D employees separated represented less than 2 percent of the work force engaged in employment related to the production of toy trains and other toys at the Girard plant.

Sales or Production, or Both, Have Decreased Absolutely. Shipments from the Girard plant declined 10 percent in the first eight months of 1975 compared to the same period in 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Girard plant have increased in recent years. Retail establishments offering toy trains for sale reported that imports represented about 80 percent of the available stock. Such imports have taken an increasing share of the domestic market for toy trains.

Evidence developed in the Department's investigation indicates that while imports of toy trains have increased, the separation of the R and D personnel at the Girard plant was totally unrelated to any consideration relative to imports. The separation of the R and D workers resulted from a corporate reorganization and review of the plant's product mix. Company plans to transfer production of toy trains from the Girard plant to Hong Kong, contemplated at the time the petition was filed, have been rescinded.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with toy trains produced at the Girard plant did not contribute importantly to the total or partial separations of the R and D personnel.

Signed at Washington, D.C. this 10th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation, Bureau of International Labor Affairs.

[FR Doc.75-24613 Filed 9-15-75;8:45 am]

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[TA-W-135]

HARRINGTON AND RICHARDSON, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 4, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio, and Machine Workers on behalf of the workers and former workers of Harrington and Richardson, Incorporated, Gardner, Massachusetts (TA-W-135). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with firearms produced by Harrington and Richardson, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the Federal Register.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-24610 Filed 9-15-75;8:45 am]

[TA-W-134]

SCOTT AND WILLIAMS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 4, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Scott and Williams, Inc., Lakeport, New Hampshire (TA-W-134). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with circular knitting machines produced by Scott and Williams, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the Federal Register.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-24611 Filed 9-15-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 855]

ASSIGNMENT OF HEARINGS

SEPTEMBER 11, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 30844 Sub 532 Kroblin Refrigerated Xpress, Inc., MC 35268 Sub 373, Interstate Motor Freight System, MC 53965 Sub 107, Graves Truck Line, Inc., MC 110563 Sub 151, Coldway Food Express, Inc., MC 114284 Sub 65, Fox Symthe Transportation Co., Inc., MC 114273 Sub 231, Crst, Inc.,

MC 117815 Sub 239, Pulley Freight Lines, Inc., MC 118142 Sub 77, M. Breunger & Co., Inc., MC 118178 Sub 22, Bill Meeker, MC 119741 Sub 51, Green Field Transport Company, Inc., MC 123044 Sub 6, The Luper Transportation Company, MC 123872 Sub 40, W & L Motor Lines, Inc., MC 127042 Sub 153, Hagen, Inc., MC 134755 Sub 49, Charter Express, Inc., MC 134755 Sub 50, Charter Express, Inc., MC 134755 Sub 52, Charter Express, Inc., MC 136786 Sub 73, Robco Transportation, Inc., MC 136786 Sub 65, Robco Transportation, Inc., and MC 127304 Sub 12, Clear Water Truck Company, Inc., now assigned November 3, 1975, will be held at the Internal Revenue Service Building, Rooms 116 & 120, 1412 South Main Street, Wichita, Kansas.

MC 140669, Oeonta Bus Lines Incorporated, now assigned October 29, 1975 at Albany, New York, will be held in Room 434, U.S. Post Office & Courthouse.

MC 99569 Sub 4, Stott & Davis Motor Express, Inc., now assigned November 3, 1975 at Syracuse, New York, will be held in the O'Donnell Building, Room 111, 301 Erie Boulevard West.

MC-F 12333, Ehrlich-Newmark Trucking Co., Inc.—Purch. Port.—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC-F 12334, Tredways Express, Inc.—Purch. Port.—Empire Carriers Corporation, MC-F 12345, Hempstead Delivery Co., Inc.—Purch. Port.—Empire Carriers Corporation, and MC 34975 Sub 9, Tredways Express, Inc., now assigned October 6, 1975 at New York, New York, will be held in Room A-238, U.S. Court of Claims, 26 Federal Plaza.

MC 76036 Sub 6, Canadian Freightways Eastern Limited, now being assigned November 11, 1975, (4 Days) at Lansing, Michigan, in a hearing room to be later designated.

MC 61592 Sub 324, Jenkins Truck Line, Inc., now assigned September 16, 1975, is canceled and application dismissed.

MC 111545 Sub 212, Home Transportation Company, Inc., now assigned September 25, 1975 at Miami, Florida, is cancelled and application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24655 Filed 9-15-75;8:45 am]

[AB 8 (Sub-No. 2)]

DENVER AND RIO GRANDE WESTERN RAILROAD CO.

Abandonment Between Montrose and Ridgway, Montrose and Ouray Counties, Colo.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Montrose and Ouray Counties, Colo., on or before September 25, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 3d day of September 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 8 (Sub-No. 2)]

DENVER AND RIO GRANDE WESTERN RAILROAD CO.

ABANDONMENT BETWEEN MONTROSE AND RIDGWAY, MONTROSE AND OURAY COUNTIES, COLORADO

The Interstate Commerce Commission hereby gives notice that by order dated September 5, 1975, it has been determined that the proposed abandonment of the 24.92 mile line of the Denver and Rio Grande Western Railroad Company between Ridgway and Montrose, all in Ouray and Montrose Counties, Colo., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no development plans are dependent on the continuation of this segment of railroad, the subsequent increase of approximately two or three heavy motor vehicles a day is not anticipated to cause significant problems for U.S. 550, no historic sites would be affected, and the pollution, fuel consumption, safety, and ecological impacts would be minor. Furthermore, abandonment would be consistent with the proposed Dallas Creek Project to the extent that rail relocation expenses would be avoided for the Bureau of Reclamation, U.S. Department of the Interior.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 10, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24660 Filed 9-15-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 11, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before October 2, 1975.

FSA No. 43044—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 86), for itself and interested rail carriers. Rates on general commodities, between ports in the Caribbean, and rail carriers' terminals at Houston, Texas and/or New Orleans, Louisiana.

Grounds for relief—Water competition.

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Tariff—Sea-Land Service, Inc., tariff No. 249, I.C.C. No. 97, F.M.C. No. 122. Rates are published to become effective on October 13, 1975.

By the Commission

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-24687 Filed 9-15-75;8:45 am]

GENERAL RULES OF PRACTICE

Introduction of New Evidence in Rebuttal Statements Filed Under Modified Procedure

A question has recently been raised as to whether an applicant should be permitted to introduce new evidence in its rebuttal statements relative to service deficiencies of a protestant occurring after the filing of applicant's initial verified statement under the modified procedure. We are of the opinion that, regardless of when they might have occurred, the submission of new facts in modified procedure rebuttal statements cannot be allowed.

Rule 51 of the Commission's general rules of practice (49 CFR 1100.51), requires that an applicant, in its initial presentation under the modified procedure, shall serve upon the other parties a statement of the evidence upon which it relies. Rule 51 further provides that after an applicant serves its statement in rebuttal to the statements in opposition of protestants, no further reply may be made by any party except by permission of the Commission. Thus, in ordinary circumstances, this has the effect of denying a protestant an opportunity to respond to any new evidence that is introduced in a rebuttal statement. The term rebuttal generally is considered to mean refuting or proving false something that has been asserted earlier. Thus the true sense of rebuttal would be lost if evidence of new service failures is allowed to be introduced after the initial statement has been filed by an applicant. Fairness would seem to require that either the evidence not be admitted or that protestants be given an opportunity to respond to it. The present rules effectively deny the latter in most instances. A further consideration is that orders setting application proceedings for handling under the modified procedure provide that protestants have 30 days within which to file their replies to an applicant's initial verified statement, and that applicants have another 20 days within which to file their rebuttal. Even without extensions of the due dates for such pleadings, an applicant could gather (or contrive) evidence of service deficiencies that occur after the filing of its initial statement for a period of nearly 50 days. Rule 51, however, would require a protestant to obtain permission to respond, even in the case where a protestant is in a position to prove that a shipper supporting the application has made unreasonable service demands, purposely or not, during the intervening period.

If service offered the public by a protesting motor carrier is that which was provided by it at the time of the filing of the new application, and a protestant is precluded from making a point of its efforts to improve service after the application is filed, it follows that justice would require that an applicant not be permitted to show how a protestant's service may have deteriorated after the filing date. To do otherwise would result in clearly uneven treatment being accorded applicants and protestants.

A final consideration is that the Commission is concerned with a large and growing caseload. Case processing time would be increased if applicants were allowed to introduce new evidence in rebuttal statements and the Commission then had to consider protestant's requests under Rule 51 for leave to respond, or motions to strike such new evidence as may be introduced.

Accordingly, it will be our policy in the future to reject new evidence submitted by an applicant in its rebuttal statements under the modified procedure relative to alleged service deficiencies of a protestant regardless of when such alleged service deficiencies may have occurred.

The above policy will be effective as of the date of service hereof, and notice will be given the public by publication of this document in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-24662 Filed 9-15-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 11, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 4868 (Sub-No. E6), filed April 16, 1974. Applicant: GREVER TRUCKING CO., INC., Tulsa, Okla. 74103. Applicant's representative: I. E. Chenoweth, 1300 Mid-Continent Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in the discovery, production, and distribution of natural gas, petroleum products, including the stringing and picking up of pipe and materials (except those used on main and trunk pipelines), between points in Arkansas lying on and south of a line extending from the Arkansas-Oklahoma State line on U.S. Highway 70 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line and points in Louisiana and points in Mississippi on and south of U.S. Highway 80 extending from the Arkansas-Mississippi State line to the Alabama-Mississippi State line on the one hand and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 6801 (Sub-No. E3), (Correction), filed May 25, 1975, published in the FEDERAL REGISTER August 12, 1975. Applicant: G. H. HARNUM, INC., 867 Woburn St., Wilmington, Mass. 01887. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* (except in sections and except when travelling on their own or removable undercarriages), restricted to the transportation of commodities which require the use of special equipment; (3) from points in Rhode Island to points in Delaware, Maryland, Ohio, Virginia, West Virginia, the District of Columbia, those in New York on, west, and north of a line beginning at the New York-Pennsylvania State line at Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 50, thence along New York Highway 50 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 32, thence along New York Highway 32 to junction U.S. Highway 4, thence along U.S. Highway 4 to the New York-Vermont State line and those in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line at U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Acton, Mass. The purpose of this partial correction is to correct a highway description in (3) above. The remainder of this letter-notice remains as previously published.

No. MC 8973 (Sub-No. E1), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., P.O. Box 93, Ridgefield, N.J. 07657. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk); (1) from points in Essex County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Virginia, District of Columbia, Ohio, and Delaware, those in Connecticut north and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 12 to junction U.S. Highway 44, thence along U.S. Highway 44 to the Connecticut-Rhode Island State line, those in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 143, thence along Pennsylvania Highway 143 to junction Pennsylavnia Highway. 73, thence along Pennsylvania Highway 73 to junction Interstate Highway 276, thence along Interstate Highway 276 to junction Pennsylvania Highway 263, thence along Pennsylvania Highway 263 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-New Jersey State line, and those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 34 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 46, thence along New York Highway 46 to junction unnumbered highway at Munnsville, thence along unnumbered highway to junction New York Highway 12B, thence along New York Highway 12B to junction New York Highway 8, thence along New York Highway 8 to junction unnumbered highway at Thurman, thence along unnumbered highway to junction New York Highway 418, thence along New York Highway 418 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New York Highway 22, thence along New York Highway 22 to the New York-Vermont State line; and from Newark, East Orange, Irvington, Belleville, and Port Newark (Essex County), N.J., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E11), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, household goods as defined by the Commission, Class A and B explosives, commodities in bulk, and those requiring special equipment); (1) from points in Union County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Virginia, District of Columbia, Ohio, Delaware, those in Connecticut north of Connecticut Highway 123, those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to Kingston, thence along New York Highway 308 to junction New York Highway 199, thence along New York Highway 199 to junction Taconic State Parkway, thence along Taconic State Parkway to junction New York Highway 55, thence along New York Highway 55 to junction New York Highway 22, thence along New York Highway 22 to the Putnam-Dutchess County line, thence along the Putnam-Dutchess County line to the New York-Connecticut State line, those in Pennsylvania on, south, and west of a line beginning at the New York-Pennsylvania State line and extending along unnumbered highway to junction Pennsylvania Highway 371, thence along Pennsylvania Highway 371 to junction Pennsylvania Highway 247, thence along Pennsylvania Highway 247 to junction Pennsylvania Highway 171, thence along Pennsylvania Highway 171 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to junction unnumbered highway near Bear Creek, to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 143, thence along Pennsylvania Highway 143 to junction Pennsylvania Highway 863, thence along Pennsylvania Highway 863 to junction Pennsylvania Highway 737, thence along Pennsylvania Highway 737 to junction Pennsylvania Highway 73, thence along Pennsylvania Highway 73 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to the New Jersey-Pennsylvania State line; and (2) from Scotch Plains, Berkeley Heights, Cranford, Clark, Linden, Rahway, Plainfield, Summit, Westfield, and New Providence, Mountainside, Garwood, and Fanwood Beronghs (Union County), N.J., to points in Connecticut; (3) from Clark, Cranford, Union, Hillside, Elizabeth, Linden, Rahway, Westfield, and Mountainside, Garwood, Kenilworth, Roselle, Boronglas (Union County), N.J., to points in Pennsylvania; and (4) from Hillside, Clark, Linden, Rahway, and Elizabeth (Union County), N.J., to points in New York. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E17), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment, and supplies* (except in bulk); (1) from points in Somerset County, N.J., to points in Connecticut, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Virginia, and Ohio; (2) from Green Brook and Somerset, and Watchung, North Plainfield, Bound Brook, and South Bound Brook Boroughs (Somerset County), N.J., to points in Delaware; (3) from points in Somerset County, N.J., to points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 249 to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to junction Pennsylvania Highway 349, thence along Pennsylvania Highway 349 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 866, thence along Pennsylvania Highway 866 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 26 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line, those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 414, thence along New York Highway 414 to the Schuyler-Chemung County line, thence along the Schuyler-Chemung State line to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 414, thence along New York Highway 414 to junction unnumbered highway near Romulus, thence along unnumbered highway to Cayuga Lake, thence beginning at Aurora and extend-

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ing along New York Highway 90 to junction unnumbered highway near Levanna, thence along unnumbered highway to junction New York Highway 34, thence along New York Highway 34 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 92, thence along New York Highway 92 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 51, thence along New York Highway 5[illegible] to junction unnumbered highway at Exeter, thence along unnumbered highway to junction New York Highway [illegible]8, thence along New York Highway 20 to junction New York Highway 23, thence along New York Highway 23 to junction New York Highway 82, thence along New York Highway 82 to junction unnumbered highway at Andramdale, thence along unnumbered highway to junction New York Highway [illegible]99, thence along New York Highway [illegible]99 to the New York-Massachusetts State line, those in Maryland on and west of a line beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 11 to junction Maryland Highway 65, thence along Maryland Highway 65 to the Maryland-West Virginia State line, those in Maryland on and south of a line beginning at the Potomasc River and extending along Maryland Highway 225 to junction Maryland Highway 6, thence along Maryland Highway 6 to junction Maryland Highway 235, thence along Maryland Highway 235 to the Chesapeake Bay and those in Maryland on and south of a line beginning at the Chesapeake Bay and extending along Maryland Highway 3[illegible] to junction U.S. Highway 13, thence along U.S. Highway 13 to junction Maryland Highway 366, thence along Maryland Highway 366 to the Atlantic Ocean; (5) from New Brunswick, N.J., to points in Pennsylvania.

(4) From those points in Somerset County, N.J., on, south, and east of a line beginning at the Somerset-Middlesex County line and extending along Cedar Grove Road to junction Amwell Road, thence along Amwell Road to junction South Middlebush Road, thence along South Middlebush Road to junction Suydam Road, thence along Suydam Road to the Millstone River, thence along the Millstone River to junction New Jersey Highway 533, thence along New Jersey Highway 533 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction Orchard Road, thence along Orchard Road to junction Burnt Hill Road, thence along Burnt Hill Road to junction Skillman Road, thence along Skillman Road to junction Camp Meeting Avenue, thence along Camp Meeting Avenue to Hollow Road, thence along Hollow Road to junction Wertsville Road, thence along Wertsville Road to the Somerset-Mercer County line, thence along the Somerset-Mercer County line to points in New York; (5) from points in Somerset County, N.J., to those points in Maryland on and west of a line beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 11 to junction Maryland Highway 65, thence along Maryland Highway 65 to the West Virginia-Maryland State line, those on and south of a line beginning at the Potomac River, and extending along Maryland Highway 225 to junction Maryland Highway 6, thence along Maryland Highway 6 to junction Maryland Highway 235, thence along Maryland Highway 235 to the Chesapeake Bay, and those on and south of a line beginning at Nanticoke River and extending along Maryland Highway 363 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction Maryland Highway 366, thence along Maryland Highway 366 to the Atlantic Ocean; (6) from Somerset and Bound Brook and South Bound Brook Boroughs, N.J., and those points in New Jersey on and east of a line beginning at the Somerset-Morris County line and extending along New Jersey Highway 527 to junction King George Road, thence along King George Road to the Middlesex-Somerset County line to points in Maryland; and (7) from points in Somerset County, N.J. (except Stroutsburg and Blowenburg), to the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E33), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tomele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment and supplies* (except commodities in bulk); (1) from points in Bergen County, N.J., to points in Maryland, Virginia, Ohio, Delaware, and the District of Columbia, those in New Hampshire on, north, and east of a line beginning at the New Hampshire-Vermont State line and extending along unnumbered highway to junction U.S. Highway 4, thence along U.S. Highway 4 to junction U.S. Highway 3, thence along U.S. Highway 3 to the Atlantic Ocean, those in Vermont on, east, and north of a line beginning at the United States-Canada International Boundary line and extending along unnumbered highway to junction U.S. Highway 5, thence along U.S. Highway 5 to junction Vermont Highway 16, thence along Vermont Highway 16 to junction Vermont Highway 5A, thence along Vermont Highway 5A to junction Vermont Highway 105, thence along Vermont Highway 105 to the Vermont-New Hampshire State line, those in Pennsylvania on, south, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to junction unnumbered highway near Bodines, thence along unnumbered highway to junction Pennsylvania Highway 864, thence along Pennsylvania Highway 864 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 662, thence along Pennsylvania Highway 662 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 663, thence along Pennsylvania Highway 663 to junction Pennsylvania Highway 313, thence along Pennsylvania Highway 313 to junction unnumbered highway near Dublin, thence along unnumbered highway to the Pennsylvania-New Jersey State line, and those in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 414, thence along New York Highway 414 to junction unnumbered highway near Clyde, thence along unnumbered highway to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 104, thence along New York Highway 104 to Lake Ontario; (2) from Fairdown, East Patterson, Wallington, Wood-Ridge, Rutherford, North Arlington, Saddle Brook, Lyndhurst, and Garfield (Bergen County), N.J., to points in New Hampshire; (3) from Lyndhurst, Rutherford, and North Arlington (Bergen County), N.J., to points in Vermont; and (4) from North Arlington (Bergen County), N.J., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E41), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building materials as are gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products and insulating materials* (except commodities in bulk), from points in Essex, Hudson, Union, Somerset, and Bergen Counties, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Carteret or Edgewater, N.J.

No. MC 8973 (Sub-No. E47), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, household goods as defined by the Commission, Class A and B explosives, commodities in bulk, and those requiring special equipment); (1) from points in Bronx County, N.Y., to points in Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, those points in Vermont on and north of a line beginning at Lake Champlain and extending along Interstate Highway 89 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Vermont-New Hampshire State line, those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 22, thence along New York Highway 22 to the New York-Vermont State line, those in New Hampshire on and north of a line beginning at the Vermont-New York State line and extending along New Hampshire Highway 112 to junction New Hampshire Highway 118, thence along New Hampshire Highway 118 to junction New Hampshire Highway 175, thence along New Hampshire Highway 175 to junction unnumbered highway near Campton to junction New Hampshire Highway 113, thence along New Hampshire Highway 113 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to junction New Hampshire Highway 16, thence along New Hampshire Highway 16 to junction New Hampshire Highway 110, thence along New Hampshire Highway 110 to the New Hampshire-Maine State line, and those in Maine on and north of Maine Highway 25. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E64), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment, and supplies* (except those of unusual value, household goods as defined by the Commission, Class A and B explosives, commodities in bulk, and those requiring special equipment); (1) from points in Kings County, N.Y., to points in Maine, New Hampshire, Vermont, Pennsylvania, Ohio, Delaware, Maryland, Virginia, and the District of Columbia; (2) from points in Kings County, N.Y., to those points in Massachusetts, north and east of a line beginning at the Massachusetts-New York State line and extending along Interstate Highway 90 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 8, thence along Massachusetts Highway 8 to junction Massachusetts Highway 143, thence along Massachusetts Highway 143 to junction unnumbered highway near Williamsburg, thence along unnumbered highway to junction unnumbered highway at Bradstreet, thence along unnumbered highway to junction Massachusetts Highway 116, thence along Massachusetts Highway 116 to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to junction Massachusetts Highway 32, thence along Massachusetts Highway 32 to junction Massachusetts Highway 122, thence along Massachusetts Highway 122 to junction Massachusetts Highway 122A, thence along Massachusetts Highway 122A to junction Massachusetts Highway 146, thence along Massachusetts Highway 146 to junction Massachusetts Highway 122, thence along Massachusetts Highway 122 to the Massachusetts-Rhode Island State line; and

(3) From those points in Kings County, N.Y., on, south, and east of 65th Street and Ocean Parkway, to points in Massachusetts and Rhode Island; and (4) from points in Kings County, N.Y., to that part of New York on, west, and north of a line beginning at the Pennsylvania-New York State line and extending along unnumbered highway to Youngsville, thence along unnumbered highway to Youngsville, thence along New York Highway 52 to junction unnumbered highway at White Sulphur Springs, thence along unnumbered highway to junction unnumbered highway near Livingstone Manor, thence along unnumbered highway to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 214, thence along New York Highway 214 to junction New York Highway 23A, thence along New York Highway 23A to junction New York Highway 296, thence along New York Highway 296 to junction New York Highway 23, thence along New York Highway 23 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction Interstate Highway 90, thence along Interstate Highway 90 to the New York-Massachusetts State line; and (5) from Fort Hamilton and Coney Island, N.Y., to points in New York. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 15897 (Sub-No. E22), filed June 2, 1974. Applicant: O. K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280, Nat'l Foundation Life Center, 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Catron, Grant, Otero, and Sierra Counties, N. Mex., on the one hand, and, on the other, points in Missouri on, north, and east of a line beginning at the Iowa-Missouri State line and extending along Missouri Highway 5 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and points in Lamar County, Tex.

No. MC 29886 (Sub-No. E62), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER April 16, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' equipment*, the transportation of which because of size or weight require the use of special equipment; (7) between points in Wisconsin, on the one hand, and, on the other, points in Ohio (those points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to junction Business Interstate Highway 96 to junction U.S. Highway 127 to the Michigan-Ohio State line) *; and *contractors' equipment*, between points in New Jersey, on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine (New York) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the gateways above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E81), (Correction), filed May 29, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* which because of size or weight require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts*, and *supplies* moving in connection therewith; (a) between those points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 522 to junction Pennsylvania Highway 15, thence along Pennsylvania Highway 15 to junction Pennsylvania Highway 220, thence along Pennsylvania Highway 220 to the Pennsylvania-New York State line, on the one hand, and, on the other, those points in Connecticut (except those west of a line beginning at the Long Island Sound and extending along Connecticut Highway 69 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Connecticut Highway 63, thence along Con-

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necticut Highway 63 to the Massachusetts-Connecticut State line). * * * The purpose of this filing is to eliminate the gateway of Massachusetts. The purpose of this partial correction is to correct the territorial description in (a) above. The remainder of this letter-notice remains as previously published.

No. MC 29886 (Sub-No. E86), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER May 29, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, which are contractors' equipment, *self-propelled tractors*, each weighing 15,000 pounds or more, and *tractors*, which, because of size or weight, require special handling or special equipment, from those points in New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 21, thence along New York Highway 21 to the New York-Pennsylvania State line, to points in the United States (except Michigan, Wisconsin, Iowa, Missouri, Arkansas, Mississippi, Illinois, Indiana, Kentucky, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and Vermont), and to those in Massachusetts on and east of Interstate Highway 91. The purpose of this filing is to eliminate the gateway of Batavia, N.Y. The purpose of this correction is to correct the commodity description.

No. MC 29886 (Sub-No. E108), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 12, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled street sweepers*, which because of size or weight require the use of special equipment or special handling, and *self-propelled street sweepers*, each weighing 15,000 pounds or more; (1) from points in Iowa to the District of Columbia; (2) from those points in Iowa on and north of Interstate Highway 80 to points in Georgia and those in Tennessee in and east of Macon, Smith, DeKalb, Warren, Sequatchie, and Hamilton Counties. The purpose of this filing is to eliminate the gateways of those points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, thence along Business Route Interstate Highway 96 to Lansing, thence on and west of a line extending along U.S. Highway 127 to Jackson, thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line, and South Bend, Ind. The purpose of this partial correction is to correct the commodity description and to correct the destination territories in (2) above. The remainder of this letter-notice remains as previously published.

No. MC 51146 (Sub-No. E3), (Correction), filed April 29, 1974, published in the FEDERAL REGISTER April 9, 1975. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (6) *Metal containers* and *metal container ends*, and, when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Marion, Ohio, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri (except points east of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 54 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 17, thence along Missouri Highway 17 to the Missouri-Arkansas State line), Arkansas (except points east of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line), and the Upper Peninsula of Michigan (except those points east of a line beginning at Lake Superior at Marquette, Mich., and extending along U.S. Highway 41 to junction Michigan Highway 35, thence along Michigan Highway 35 to the Michigan-Wisconsin State line). Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origin named above (Chicago, Ill.)*.

(10) *Metal containers and metal container ends*, and when transported at the same time and in the same vehicle with metal containers and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Green Bay, Wis., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, and Texas (except points north of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 70 to junction Texas Highway 283, thence along Texas Highway 283 to the Texas-Oklahoma State line. Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above (Madisonville, Ky.)*; (11) *Metal containers* and *metal container ends*, and when transported at the same time and in the same vehicle with metal containers, and metal container ends, *accessories* used in connection with the distribution of metal containers and metal container ends, from Rockford, Ill., to points in North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi. Restriction: The operations authorized herein are restricted to traffic originating at plant and warehouse sites of the National Can Corporation at the origins named above. (Madisonville, Ky.)*; (32) *Metal containers, container ends*, and when transported at the same time and in the same vehicle with metal containers, *materials* and *supplies* used in the distribution of metal containers, from the facilities of R.J.R. Foods, Inc., at Plymouth, Ind., to points in Connecticut, Massachusetts, Rhode Island, New York (except those points west of a line beginning at Ogdensburg, N.Y., and extending along New York Highway 12 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line), New Jersey (except points south of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 78 to junction Interstate Highway 278, thence along Interstate Highway 278 to the New Jersey-New York State line), and North Carolina (except points west of Interstate Highway 95). Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the above-named facilities. (Chicago, Ill.)*.

(41) *Canned goods*, from Klondike, Ind., to points in Pennsylvania and West Virginia (except points west of a line beginning at the Ohio River at Sisterville, Va., and extending along West Virginia Highway 18 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line) (Hoopeston, Ill.)*; (42) *Canned vegetables*, from Klondike, Ind., to points in Michigan (except points south and west of a line beginning at Traverse City, Mich., and extending along Michigan Highway 37 to junction Michigan Highway 115, thence along Michigan Highway 115 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Huron at Tawas City, Mich.) (Hoopeston, Ill.)*; (45) *Canned goods*, from Milford, Ill., to points in North Dakota, Montana, Idaho, Washington, Oregon, South Dakota (except points south and east of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line), Wyoming (except points south of U.S. Highway 26), Utah (except points east of a line beginning at the Wyoming-Utah State line and extending along Interstate Highway 80 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Utah-Arizona State line), Nevada (except points south of Interstate Highway 15), and California (except points south and east of a line beginning at the Nevada-California State line and extending along Interstate Highway 15 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Mexico International Boundary line) (Fowler, Ind., and Green Bay, Wis.)*; and (49) *Canned*

vinegar, from Manitowoc, Wis., to points in Alabama, Kentucky, Missouri (except points north of U.S. Highway 36), Indiana (except points north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line), and Ohio (except points north and west of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 81 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S.Highway 30 to junction Ohio Highway 3, thence along Ohio Highway 3 to Lake Erie at Cleveland, Ohio) (Milford, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to: in (6) above, to correct the commodity description; in (10) and (11) above, to correct the commodity description; in (32) above, to correct the destination territory; in (41) above, to correct the territorial description; in (42) above, to correct the commodity description; and in (45) above, to correct the exception; and in (49) above, to correct the destination territory. The remainder of this letter-notice remains as previously published.

No. MC 83539 (Sub-No. E199), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 30, 1975. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Wiley C. Willingham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) *Machinery, equipment, materials*, and *supplies* used in, or in connection with construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (3) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies* and *pipe*, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and the injection or removal of commodities into or from holes or wells; between San Jose, Calif., on the one hand, and, on the other, Ada, Altus, Alva, Ardmore, Bartlesville, Boise City, Chickasha, Clinton, Enid, Guymon, Hugo, Lawton, McAlester, Muskogee, Oklahoma City, Ponca City, Seminole, Stillwater, Tulsa, and Woodward, Okla. The purpose of this filing is to eliminate the gateway of points in Wyoming. The purpose of this correction is to clarify the origin territories.

No. MC 83539 (Sub-No. E203), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 30, 1975. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Wiley C. Willingham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) *Machinery, equipment, materials*, and *supplies* used in, or in connection with construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (3) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies* and *pipe*, incidental to, used in, or in connection with the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and the injection or removal of commodities into or from holes or wells, between Bishop, Fairfield, Lodi, Manteca, Oakland, San Francisco, San Jose, San Mateo, Santa Cruz, Stockton, Tracy, and Vallejo, Calif., on the one hand, and, on the other, Raton, N. Mex. The purpose of this filing is to eliminate the gateway of points in Wyoming. The purpose of this correction is to correct the territorial areas above.

No. MC 83539 (Sub-No. E217), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 31, 1975. Applicant: C. & H. TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Wiley C. Willingham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) *Machinery, equipment, materials*, and *supplies* used in, or in connection with construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (3) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with, the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, the completion of holes or wells drilled, the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and the injection or removal of commodities into or from holes or wells; between San Luis Obispo, Calif., on the one hand, and, on the other, Andalusia, Anniston, Birmingham, Decatur, Dothan, Eufaula, Florence, Gadsden, Huntsville, Montgomery, Selma, Troy, and Tuscaloosa, Ala. The purpose of this filing is to eliminate the gateways of points in Wyoming and Oklahoma. The purpose of this correction is to correct a typographical error.

No. MC 94842 (Sub-No. E1), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER August 12, 1975. Applicant: ROBERT CROCKET, INC., 102 Crescent Ave., Chelsea, Mass. 02150. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which, because of size or weight require the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies*, when their transportation is incidental to the transportation of commodities, which by reason of size or weight, require special equipment; (3) between points in Maine, New Hampshire, and Grand Isle, Franklin, Orleans, Essex, Chittendon, Lamoille, Caledonia, Washington, and Orange Counties, Vt., on the one hand, and, on the other, points in New York on, south, and west of a line beginning at the Massachusetts-New York State line extending along Interstate Highway 90 to junction New York Highway 31, thence along New York Highway 31 to Lake Ontario; (5) between points in Connecticut on and east of U.S. Highway 5, on the one hand, and, on the other, points in Pennsylvania on, south, and west of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line; (6) between points in Rhode Island, on the one hand, and, on the other, points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 81 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Fitchburg, Mass. The purpose of this partial correction is to correct the highway descripitons above. The remainder of this letter-notice remains as previously published.

No. MC 102567 (Sub-No. E5), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such*

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petroleum products as are liquid chemicals (petrochemicals), in bulk, in tank vehicles, from those points in Arkansas and Louisiana within 150 miles of Henderson, Tex., which are south and east of a line beginning at Strong, Ark., and extending along U.S. Highway 82 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction Louisiana Highway 147, thence along Louisiana Highway 147 to junction U.S. Highway 167, thence along U.S. Highway 167 to Alexandria, La., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of the plant site of the Dow Chemicals U.S.A. in Columbia County, Ark. The purpose of this correction is to correct the territorial description.

No. MC 102567 (Sub-No. E10) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such petroleum products as are liquid chemicals* (petrochemicals), in bulk, in tank vehicles, from those points in Arkansas and Louisiana, within 150 miles of Henderson, Tex., which are south and east of a line beginning at Strong, Ark., and extending along U.S. Highway 82 to junction U.S. Highway 71 to Alexandria, La., to those points in Oklahoma north of a line beginning at the Texas-Oklahoma State line and extending along Interstate Highway 35 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction Oklahoma Highway 12, thence along Oklahoma Highway 12 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of the plant site of Dow Chemicals U.S.A. in Columbia County, Ark. The purpose of this correction is to correct the territorial description.

No. MC 102567 (Sub-No. E30), filed June 3, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo E. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gas), as defined in Appendix XIII and the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicle, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., and which are east of a line beginning at Mena, Ark., and extending along U.S. Highway 71 to Alexandria, La., to those points in Texas south of a line beginning at the Gulf of Mexico and extending along Texas Highway 44 to junction U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of the Shreveport, Bossier City, and Cotton Valley, La., and points within five miles of Cotton Valley. The purpose of this correction is to correct the territorial description.

No. MC 102567 (Sub-No. E31), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER May 22, 1975. Applicant: MCNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Jo A. Shaw, Houston First Saving Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gas), as defined in Appendix XIII and the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from those points in Texas, Arkansas, and Louisiana within 150 miles of Henderson, Tex., which are east of a line beginning at Mena, Ark., and extending along U.S. Highway 71 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Louisiana Alternate Highway 2, thence along Louisiana Alternate Highway 2 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to Calion, Ark., to those points in Texas south of and more than 150 miles from Henderson, Tex., which are east of U.S. Highway 77. The purpose of this filing is to eliminate the gateways of Shreveport, Bossier City, and Cotton Valley, La., and points within 5 miles of Cotton Valley. The purpose of this correction is to correct the highway descriptions.

No. MC 107064 (Sub-No. E53), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles; (a) from points in Eddy County, N. Mex., and those parts of Chaves and Lea Counties, N. Mex., on and south of a line beginning at the Lincoln-Chaves County line, thence along U.S. Highway 380 to the Texas-New Mexico State line, to points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 277 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line; and (b) from points in San Juan, McKinley, Sandoval, Valencia, and Bernalillo Counties, N. Mex., to points in that part of Texas on, south, and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, thence along Texas Highway 24 to Denton, thence along Interstate Highway 35W to Fort Worth, thence along U.S. Highway 80 to Monahans, thence along Texas Highway 18 to Fort Stockton, thence along U.S. Highway 385 to junction Texas Ranch Road 2627, thence along Texas Ranch Road 2627 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Ector County, Tex.

No. MC 107064 (Sub-No. E82), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers* (except petroleum products and potash), from points in Gaines, Dawson, Borden, Andrews, Martin, Howard, Loving, Winkler, Ector, Midland, Glasscock, Upton, Crane, Ward, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, Dallam, Sherman, Hansford, Hartley, Moore, Hutchinson, Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, and Garza Counties, Tex., to points in Georgia. The purpose of this filing is to eliminate the gateway of Dimmit, Tex.

No. MC 107064 (Sub-No. E86), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients*, in bulk, in tank vehicles (except petroleum products, potash and liquid sulphur), from points in El Paso, Hudspeth, Culbertson, Reeves, Pecos, Terrell, Jeff Davis, Presidio, Brewster, Loving, Winkler, Ector, Midland, Glasscock, Ward, Crane, Upton, Reagan, Parmer, Castro, Bailey, Lamb, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Andrews, Martin, and Howard Counties, Tex., to points in Missouri. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E89), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products, potash, and liquid sulphur), in bulk, in tank vehicles, from points in Lamb, Hale, Floyd, Motley, Lubbock, Crosby, Dickens, Lynn, Garza, Kent, Dawson, Borden, Scurry, Martin, Howard Mitchell, Nolan, Midland, Glasscock, Sterling, Coke, Reagan, Irion, Tom Green, Crockett, Schleicher, Sutton, Val Verde, Kinney, and Maverick Counties, Tex., to points in Colorado. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex.

No. MC 107064 (Sub-No. E90), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products, potash, and liquid sulphur), in bulk, in tank vehicles, from points in Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Schleicher, Sutton, Maverick, Kinney, Val Verde, Terrell, Pecos, Reeves, Culbertson, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Wyoming. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of the Occidental Chemical Company of Tex., at Hale County, Tex.

No. MC 107064 (Sub-No. E91), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* and *fertilizer ingredients* (except petroleum products, potash, and liquid sulphur), from points in Parmer, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Schleicher, Sutton, Maverick, Kinney, Val Verde, Terrell, Pecos, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of the Occidental Chemical Co., of Texas, at Hale County, Tex.

No. MC 107064 (Sub-No. E108), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, El Paso, Hudspeth, Gilbertson, Reeves, Loving, Winkler, Ecktor, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Pecos, Crockett, Terrell, Presidio, Brewster, and Val Verde Counties, Tex., to points in Illinois. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E109), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Dallam, Sherman, Hartley, Moore, Oldham, Potter, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Schleicher, Sutton, Maverick, Kinney, Val Verde, Terrell, Pecos, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E110), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 76221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid fertilizer solutions*, in bulk, in tank vehicles, from points in Oldham, Potter, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Schleicher, Sutton, Maverick, Kinney, Val Verde, Terrell, Pecos, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Indiana. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E111), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan Pecos, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E112), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Ward, Crane, Upton, Reagan, Irion, Tom Green, Schleicher, Sutton, Crockett, Val Verde, Terrell, Pecos, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, Brewster, Kinney, and Maverick Counties, Tex., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E114), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* and *liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Dallam, Hartley, Moore, Oldham, Poter, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Terrell, Pecos, Reeves, Culbertson, Hudspeth, El Paso, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E132), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petro-chemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Yoakum, Perry, Lynn, Gaines, Dawson, Andrews, Martin, El Paso, Hudspeth, Culbertson, Jeff Davis, Reeves, Loving, Wheeler, Ector, Midland, Ward, Crane, and Presidio Counties, Tex., to points in Arkansas. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of the Occidental Chemical Co., of Texor, in Hale County, Tex.

No. MC 107064 (Sub-No. E134), filed May 21, 1974. Applicant: STEERE TANK

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LINES, INC., P.O. Box 2298, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petro-chemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in Parmer, Castro, Swisher, Bailey, Lamb, Hale, Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Barra, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Loving, Winkler, Ector, Midland, Ward, Crane, Upton, El Paso, Hudspeth, Culbertson, Reeves, Pecos, Jeff Davis, Presidio, and Brewster Counties, Tex., to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Occidental Chemical Co., of Texor, at Hale County, Tex.

No. MC 107064 (Sub-No. E135), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2298, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petro-chemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in that part of Texas on, south, and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 70 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Occidental Chemical Co., in Hale County, Tex.

No. MC 107515 (Sub-No. E281) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER November 19, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meat* and *meat products*, from Gatesville, N.C., to points in Alabama, Georgia, Florida, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateway of Goldsboro, N.C. The purpose of this correction is to correct the origin point.

No. MC 108341 (Sub-No. E3), filed May 13, 1974. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counties (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric controllers and instruments*, requiring special equipment or special handling by reason of size or weight, and *parts* and *attachments* thereof, when moving in connection therewith; (1) from those points in North Carolina east of North Carolina Highway 87 and on and north of U.S. Highway 70 to points in Colbert, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, and Morgan Counties, Ala.; (2) between points in North Carolina in and east of Madison, Buncombe, and Henderson Counties, to points in Arizona; (3) from those points in North Carolina on and east of U.S. Highway 52 to points in Arkansas; (4) from those points in North Carolina on and east of U.S. Highway 25 and west of North Carolina Highway 226 to those points in Colorado on and west of a line beginning at the Colorado-Nebraska State line and extending along Interstate Highway 80 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Colorado Highway 159, thence along Colorado Highway 159 to the Colorado-New Mexico State line; (5) from those points in North Carolina on and east of North Carolina Highway 226 to points in Colorado; (6) from those points in North Carolina on and east of U.S. Highway 321 and west of U.S. Highway 52, to those points in Illinois on and north of U.S. Highway 136; (7) from those points in North Carolina on and east of U.S. Highway 52 to points in Illinois; (8) from those points in North Carolina on and east of U.S. Highway 52 to points in Indiana; (9) from those points in North Carolina east of U.S. Highway 321 and west of U.S. Highway 52 to those points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line.

(10) From those points in North Carolina on and east of U.S. Highway 321 to points in Iowa; (11) from those points in North Carolina on and east of U.S. Highway 321, to points in Kansas; (12) from those points in North Carolina on and east of North Carolina Highway 87 to points in Kentucky; (13) from those points in North Carolina east of U.S. Highway 52 and west of North Carolina Highway 87, those points in Kentucky west and north of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 65 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line; (14) from those points in North Carolina on and east of U.S. Highway 52 and on and north of U.S. Highway 70, to points in Louisiana; (15) from points in North Carolina (except those east of North Carolina Highway 56) to points in Maine; (16) from those points in North Carolina on and east of North Carolina Highway 226 to points in Michigan; (17) from those points in North Carolina on and east of U.S. Highway 441 and west of North Carolina Highway 226, to those points in Minnesota on and west of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 53 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line; (18) from those points in North Carolina on and east of North Carolina Highway 226 to points in Minnesota; (19) from those points in North Carolina on and east of U.S. Highway 501 and on and north of U.S. Highway 70, to points in Mississippi; (20) from those points in North Carolina on and east of U.S. Highway 21 and west of U.S. Highway 52, to those points in that part of Missouri on, north, and west of U.S. Highway 54; (21) from those points in North Carolina on and east of U.S. Highway 52, to points in Missouri; (22) from those points in that part of North Carolina east of U.S. Highway 441 and west of North Carolina Highway 226, to those points in Nebraska on and west of U.S. Highway 183.

(23) From those points in North Carolina east of North Carolina Highway 226, to points in Nebraska; (24) from points in North Carolina (except those east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 401 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to the Atlantic Ocean), to points in New Hampshire; (25) from those points in North Carolina on and east of U.S. Highway 25 and west of North Carolina Highway 226, to points in that part of New Mexico in and west of Rio Arriba, Sandoval, Valencia, Socorro, Sierra, and Dona Ana Counties; (26) from those points in North Carolina on and east of North Carolina Highway 226 to points in New Mexico; (27) from points in North Carolina to points in North Dakota; (28) from those points in North Carolina east of U.S. Highway 441 and west of North Carolina Highway 226 to those points in Ohio on and east of a line beginning at Lake Erie and extending along Ohio Highway 14 to junction Ohio Highway 45, thence along Ohio Highway 45 to the Ohio-Pennsylvania State line; (29) from those points in North Carolina east of North Carolina Highway 226 north of Interstate Highway 40, and west of U.S. Highway 21, to those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line; (30) from those points in North Carolina east of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 226 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-Virginia State line, and west of Hertford, Bertie, Martin, and Beaufort Counties, to points in Ohio (except points in Hamilton, Clermont, and Brown Counties).

(31) From those points in North Carolina on and east of U.S. Highway 52 and west of Hertford, Bernie, Martin, and Bedford Counties, to points in Ohio; (32) from those points in North Carolina in

and east of Hertford, Bertie, Martin, and Beaufort Counties, to points in Ohio (except those east of a line beginning at Lake Erie and extending along Ohio Highway 21 to junction Ohio Highway 800, thence along Ohio Highway 800 to the Ohio-West Virginia State line); (33) from those points in North Carolina on and east of U.S. Highway 321 (except those in Lincoln, Gaston, Cabarrus, Mecklenburg, Stanley, Union, and Anson Counties, to points in Oklahoma; (34) from points in Lincolnton, Gaston, Cabarrus, Mecklenburg, Stanley, Union, and Anson Counties, N.C., to those points in Oklahoma on and west of U.S. Highway 75; (35) from those points in North Carolina east of North Carolina Highway 87 and west of North Carolina Highway 58 to those points in Pennsylvania on and west of U.S. Highway 220; (36) from those points in North Carolina on and west of North Carolina Highway 87, to those points in Pennsylvania west of the Susquehanna River; (37) from those points in North Carolina in and east of Madison, Buncombe, and Henderson Counties to points in South Dakota; (38) from those points in that part of North Carolina in and east of Northampton, Bertie, Martin, and Beaufort Counties, to points in Tennessee; (39) from those points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 87 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction North Carolina Highway 50, thence along North Carolina Highway 50 to the Atlantic Ocean to those points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 127 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Georgia State line.

(40) from those points in North Carolina on and east of North Carolina Highway 87 to those points in Tennessee in and west of Pickett, Fentress, Cumberland, Van Buren, Warren, Coffee, and Franklin Counties; (41) from those points in North Carolina on and east of U.S. Highway 321 and west of U.S. Highway 52, to those points in Texas on and west of Interstate Highway 35; (42) from those points in that part of North Carolina on and east of U.S. Highway 52 to points in Texas; (43) from points in North Carolina (except those east of North Carolina Highway 58) to points in Vermont; (44) from those points in North Carolina in and west of Northampton, Bertie, Martin, and Beaufort Counties, and on and east of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 86 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line to points in West Virginia; (45) from those points in North Carolina east of Northampton, Bertie, Martin, and Beaufort Counties to West Virginia west of Tyler, Dodridge, Lewis, Upshur, Randolph, and Pendleton Counties; (46) from those points in North Carolina on and east of U.S. Highway 21, and west of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 86 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line to those points in West Virginia in and east of Jackson, Roane, Clay, Nicholas, and Greenbrier Counties; (47) from those points in North Carolina on and west of U.S. Highway 21 to those points in West Virginia in and east of Tyler, Dodge, Lewis, Webster, and Pocahontas Counties; (48) from those points in North Carolina on and east of North Carolina Highway 226 to points in Wisconsin.

(49) From points in North Carolina to points in Wyoming; (50) from those points in Virginia in and east of Craig, Montgomery, Floyd, and Patrick Counties, to points in Alabama; (51) from those points in that part of Virginia on and east of U.S. Highway 21 to points in Arkansas; (52) from those points in Virginia on and east of U.S. Highway 23 to points in Arizona; (53) from those points in Virginia in and east of Dickenson, Russell, and Washington Counties, to points in Colorado; (54) from points in Virginia (except those west of U.S. Highway 21 and those in and north of Shenandoah, Warren, Fauquier, and Prince William Counties), to points in Illinois; (55) from those points in Virginia east of U.S. Highway 21, and in and west of Giles, Montgomery, Floyd, and Patrick Counties, to those points in Indiana on and north of U.S. Highway 40; (56) from those points in Virginia north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, and south of Shenandoah, Warren, Fauquier, and Prince Williams Counties, to those points in Indiana on and south of U.S. Highway 30; (57) from points in Virginia (except those in and west of Giles, Montgomery, Floyd, and Patrick Counties, and north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay), to points in Indiana; (58) from points in Virginia (except those west of Virginia Highway 16 and north of Shenandoah, Warren, Fauquier, and Prince Williams Counties) to points in Iowa; (59) from those points in Virginia in and east of Buchanan, Russell, and Washington Counties, and west of U.S. Highway 21 to those points in Kansas on and west of U.S. Highway 183.

(60) From those points in Virginia on and east of U.S. Highway 21 to points in Kansas; (61) from points in Virginia (except those in and west of Giles, Montgomery, Floyd, and Patrick Counties, and in and north of Shenandoah, Warren, Fauquier, and Prince Williams Counties) to points in Kentucky; (62) from those points in Virginia on and east of U.S. Highway 21, to points in Louisiana; (63) from those points in Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 340, thence along U.S. Highway 340 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 29, thence along U.S Highway 29 to junction Virginia Highway 56, thence along Virginia Highway 56 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line, to points in Maine; (64) from points in Tazewell, Russell, Washington, Smythe, Grayson, and Bland Counties, Va., to those points in Michigan on and north of Michigan Highway 55; (65) from those points in Virginia north of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 250 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, and south of Shenandoah, Warren, Fauquier, and Prince Williams Counties, to points in the Upper Peninsula of Michigan; (66) from those points in Virginia east of Bland, Smyth, and Grayson Counties, and on and south of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 250 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, to points in Michigan; (67) from those points in Virginia in and east of Buchanan, Russell, and Washington Counties, to points in Minnesota; (68) from those points in Virginia on and east of Virginia Highway 16 to points in Mississippi; (69) from those points in Virginia in and east of Giles, Pulaski, and Carroll Counties, to points in Missouri; (70) from those points in Virginia in and east of Dickenson, Russell, and Washington Counties, to points in Nebraska.

(71) From those points in Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Virginia-North Carolina State line, to points in Vermont; (72) from those points in Virginia in and east of Dickson, Russell, and Washington Counties, to points in New Mexico; (73) from points in Virginia to points in North Dakota; (74) from points in Henry, Franklin, Roanoke, Bedford, Campbell, Pittsyl-

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vania, Halifax, Charlotte, Prince Edwards, Nottoway, Lunenburg, and Mecklenburg Counties, Va., to points in Ohio; (75) from those points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 1 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, to those points in Ohio on, south, and west of a line beginning at Lake Erie, and extending along Ohio Highway 19 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 60, thence along Ohio Highway 60 to the Ohio-West Virginia State line; (76) from those points in Virginia in and east of Buchanan, Russell, and Washington Counties, and west of U.S. Highway 21 to points in Cimarron, Tex., and Beaver Counties, Okla.

(77) From those points in Virginia on and east of U.S. Highway 21, to points in Oklahoma; (78) from those points in Virginia bounded by a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 23 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to the point of beginning, to those points in Pennsylvania west of the Susquehanna River; (79) from those points in Virginia in and east of Dickson, Russell, and Washington Counties, to points in South Dakota; (80) from those points in that part of Virginia in and east of Craig, Roanoke, Franklin, and Henry Counties, to points in Tennessee; (81) from those points in Virginia in and east of Buchanan, Russell, and Washington Counties, and west of U.S. Highway 21, to those points in Texas on and west of U.S. Highway 83; (82) from those points in Virginia on and east of U.S. Highway 21, to points in Texas; (83) from those points in Virginia on and west of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Virginia Highway 47, thence along Virginia Highway 47 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Virginia-North Carolina State line, to points in Vermont; (84) from points in Franklin, Halifax, Henry, Mecklenburg, Pittsylvania, and Roanoke Counties, Va., to points in West Virginia; (85) from points in Campbell and Bedford Counties, Va., to those points in West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Virginia State line.

(86) From those points in Virginia east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 260 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, to those points in West Virginia on and west of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 35 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line; (87) from points in Buchanan, Russell, Washington, Tazewell, Smith, and Grayson Counties, Va., and those in Virginia in and north of Shenandoah, Warren, Fauquier, and Prince Williams Counties, to those points in Wisconsin on and north of Wisconsin Highway 29; (88) from those points in Virginia east of Tazewell, Smith, and Grayson Counties, and south of Shenandoah, Warren, Fauquier, and Prince Williams Counties, to points in Wisconsin; (89) from those points in Virginia on and east of U.S. Highway 23 to points in Wyoming; (90) from points in South Carolina (except those in Pickens, Oconee, Anderson, Abbeville, Greenwood, McCormick, Edgefield, Aiken, Barnwell, Allendale, Hampton, Jasper, and Beaufort Counties), to points in Arizona; (91) from points in Marion, Dillon, Darlington, Chesterfield, and Marlboro Counties, S.C., to points in Benton, Washington, Crawford, Sebastian, Scott, Polk, Sevier, Carroll, Boone, Madison, and Franklin Counties, Ark.; (92) from points in Horry County, S.C., to points in Mississippi County, Ark., and those points in Arkansas on, west, and north of a line beginning at the Arkansas-Louisiana State line and extending along Arkansas Highway 29 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction Arkansas Highway 5, thence along Arkansas Highway 5 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction Arkansas Highway 56, thence along Arkansas Highway 56 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to the Arkansas-Missouri State line.

(93) From those points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along Interstate Highway 26 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to points in Colorado; (94) from those points in South Carolina east of Oconee, Pickens, Anderson, and Abbeville Counties, and west of a line beginning at the South Carolina-North Carolina State line and extending along Interstate Highway 26 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to points in Colorado (except those in, south, and east of Cheyenne, Lincoln, Crowley, Olero, and Las Animas Counties); (95) from points in Marlboro, Darlington, Dillon, Florence, Marion, and Horry Counties, S.C., to points in Illinois; (96) from those points in South Carolina on and east of U.S. Highway 21, to those points in Illinois on and north of U.S. Highway 136; (97) from points in Marlboro, Darlington, Marion, Florence, Georgetown, and Horry County, S.C., to points in Indiana; (98) from those points in South Carolina on and east of U.S. Highway 321, to those points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line; (99) from those points in South Carolina on and east of U.S. Highway 301 to points in Iowa; (100) from those points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 221, thence along U.S. Highway 221 to the South Carolina-Georgia State line, and west of U.S. Highway 321, to those points in Iowa north and west of a line beginning at the Iowa-Wisconsin State line and extending along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line.

(101) From points in Chesterfield, Marlboro, Darlington, Dillon, Lee, Marion, Sumter, Florence, Horry, Williams, and Georgetown Counties, S.C., to points in Kansas; (102) from those points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 21 to junction Interstate Highway 26, thence along Interstate Highway 26 to the Atlantic Ocean, to those points in Kansas on and north of U.S. Highway 56; (103) from points in Chesterfield, Darlington, Marlboro, Dillon, and Marion Counties, S.C., to those points in Kentucky on and north of Interstate Highway 64; (104) from points in Horry County, S.C., to those points in Kentucky on, west, and north of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 31E to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line; (105) from points in South Carolina to points in Maine; (106) from those points in South Carolina on and east of U.S. Highway 321 to points in Michigan; (107) from those points in South Carolina west of U.S. Highway 321 and east of U.S. Highway 221, to those points in Michigan north of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction Michigan Highway 37, thence along

Michigan Highway 37 to junction Michigan Highway 50, thence along Michigan Highway 50 to junction U.S. Highway 223, thence along U.S. Highway 223 to the Michigan-Ohio State line; (108) from points in South Carolina (except those on Oconee and Pickens Counties), to points in Minnesota; (109) from points in Chesterfield, Marlboro, Darlington, Dillon, Florence, Marion, Horry, and Georgetown Counties, S.C., to points in Missouri; (110) from those points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along South Carolina Highway 49 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to points in Nebraska.

(111) from those points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along South Carolina Highway 49 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to those points in Nebraska on, west, and north of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Iowa State line; (112) from points in South Carolina to points in New Hampshire; (113) from points in Chesterfield, Marlboro, Darlington, Dillon, Marion, Florence, Williamsburg, and Georgetown Counties, S.C., to points in New Mexico; (114) from those points in South Carolina on, north, and east of Interstate Highway 26, to those points in New Mexico on, north, and west of U.S. Highway 54; (115) from points in South Carolina to North Dakota; (116) from those points in that part of South Carolina east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 601 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction Interstate Highway 95, thence along Interstate Highway 95 to the South Carolina-Georgia State line, to points in Ohio; (117) from those points in South Carolina on and east of U.S. Highway 321, and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 601 to junction U.S. Highway 521, thence along U.S. Highway 521 to junction Interstate Highway 95, thence along Interstate Highway 95 to the South Carolina-Georgia State line, to those points in Ohio on and north of U.S. Highway 35.

(118) From points in that part of South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 221 to the South Carolina-Georgia State line and west of U.S. Highway 321, to points in that part of Ohio north and east of a line beginning at Lake Erie and extending along U.S. Highway 250 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line; (119) from points in Chesterfield, Marlboro, Darlington, Dillion, Florence, Marion, Horry, and Georgetown Counties S.C., to points in Oklahoma; (120) from points in South Carolina to points in that part of Pennsylvania east of the Susquehanna River; (121) from points in South Carolina to points in South Dakota; (122) from points in Marlboro, Darlington, Dillon, Marion, and Horry Counties, S.C. to points in that part of Texas on and west of Interstate Highways 35 and 35E; (123) from points in South Carolina to points in Vermont; (124) from points in that part of South Carolina on and east of U.S. Highway 321 to points in West Virginia (except those in Mingo, Raleigh, Summer, Monroe, Wyoming, and McDowell Counties, W. Va.); (125) from points in that part of South Carolina west of U.S. Highway 321 to points in that part of West Virginia on an east of a line beginning at the West Virginia-Ohio State line and extending along West Virginia Highway 14 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line; (126) from points in that part of South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along South Carolina Highway 49 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to points in Wisconsin:

(127) From points in South Carolina west of a line beginning at the South Carolina-North Carolina State line and extending along South Carolina Highway 49 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 25, thence along U.S. Highway 25 to the South Carolina-Georgia State line, to points in Wisconsin on and west of a line beginning at Lake Superior and along Wisconsin Highway 13 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 178, thence along Wisconsin Highway 178 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin Highway 37, thence along Wisconsin Highway 37 to the Wisconsin-Minnesota State line; (128) from points in South Carolina to points in Wyoming; (129) from points in Chatham County, Ga., to points in Colorado; (130) from points in Georgia on and east of U.S. Highway 1 to points in that part of Colorado, on and north of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 6 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 87, thence along U.S. Highway 87 to the Colorado-Wyoming State line; (131) from points in Chatham County, Ga., to points in Illinois on and north of Interstate Highway 74; (132) from points in Chatham County Ga., to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 136 to junction US. Highway 52, thence along U.S. Highway 52 to the Indiana-Ohio State line.

(133) From points in McIntosh, Glynn, and Camden Counties, Ga., to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 38, thence along Ohio Highway 38 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Indiana-Ohio State line; (134) from points in that part of Georgia on and east of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-Florida State line to points in that part of Indiana on and north of U.S. Highway 30; (135) from points in Chatham County, Ga., to points in Iowa; (136) from points in Richmond and Glynn Counties, Ga., to points in Iowa on and west of U.S. Highway 71; (137) from points in Georgia on and east of U.S. Highway 1 to points in Michigan; (138) from points in Georgia to points in Maine; (139) from points in that part of Georgia on and east of U.S. Highway 1, to points in Minnesota; (140) from points in Chatham County, Ga., to points in Nebraska; (141) from points in that part of Georgia on and east of a line beginning at the Georgia-South Carolina State line and extending along U.S.

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Highway 25 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-Florida State line, to points in that part of Nebraska on and north of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 30 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Iowa State line. (142) from points in Georgia to points in New Hampshire; (143) from points in that part of Georgia on, south, and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 19 to junction Georgia Highway 36, thence along Georgia Highway 36 to junction Georgia Highway 81, thence along Georgia Highway 81 to junction Georgia Highway 20, thence along Georgia Highway 20 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line, to points in North Dakota.

(144) From points in Hall, Banks, Franklin, Dougherty, Baker, Miller, Mitchell, Grady, Decatur, and Seminole Counties, Ga., to points in North Dakota, (except those east of North Dakota Highway 32 and south of U.S. Highway 2); (145) from points in Chatham, McIntosh, Glynn, and Camden Counties, Ga., to points in Ohio (except those south of U.S. Highway 36 and west of U.S. Highway 68); (146) from points in that part of Georgia on and east of a line beginning at the Georgia-Florida State line and extending along Georgia Highway 31 to junction Georgia Highway 125, thence along Georgia Highway 125 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction Georgia Highway 78, thence along Georgia Highway 78 to junction U.S. Highway 221, thence along U.S. Highway 221 to the Georgia-South Carolina State line, to points in that part of Ohio on, north, and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Ohio-West Virginia State line; (147) from points in Georgia to points in that part of Pennsylvania west of the Susquehanna River; (148) from points in that part of Georgia on and east of U.S. Highway 1, to points in South Dakota; (149) from points in Georgia to points in Vermont; (150) from points in Georgia to points in that part of West Virginia in and east of Tyler, Doddridge, Lewis, Upshur, Webster, and Greenbrier Counties; (151) from points in that part of Georgia on and south of a line beginning at the Georgia-Florida State line and extending along Georgia Highway 91 to junction Georgia Highway 45, thence along Georgia Highway 45 to junction Georgia Highway 118, thence along Georgia Highway 118 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 221, thence along U.S. Highway 221 to the Georgia-South Carolina State line, to points in that part of West Virginia on and north of U.S. Highway 60.

(152) From points in that part of Georgia on and east of U.S. Highway 1, to points in Wisconsin; (153) from points in Georgia on and east of U.S. Highway 1, to points in Wyoming; (154) from points in that part of Florida on and east of a line beginning at the Gulf of Mexico and extending along Interstate Highway 75 to junction Florida Highway 200, thence along Florida Highway 200 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Florida Highway 20, thence along Florida Highway 20 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Florida-Georgia State line to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 30 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line; (155) from points in Florida to points in Maine; (156) from points in that part of Florida east of the Suwannee River to points in Michigan; (157) from points in that part of Florida in and east of Columbia, Gilchrist, and Levy Counties, Fla, to points in Minnesota; (158) from points in Florida to points in New Hampshire; (159) from points in that part of Florida in and east of Jefferson County, to points in North Dakota; (160) from points in that part of Florida in and east of Columbia, Gilchrist, and Levy Counties, and to points in that part of Ohio on and north of U.S. Highway 35; (161) from points in Florida to points in Pennsylvania (162) from points in that part of Florida in and east of Columbia, Gilchrist, and Levy Counties, to points in South Dakota; (163) from points in Florida to points in Vermont.

(164) From points in that part of Florida west of Jefferson County, to points in that part of West Virginia on and east of Interstate Highway 77; (165) from points in that part of Florida in and east of Jefferson County, to points in West Virginia; (166) from points in that part of Florida east of a line beginning at the Gulf of Mexico and extending along Florida Highway 40 to junction Florida Highway 121, thence along Florida Highway 121 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Florida-Georgia State line to points in Wisconsin; and (167) from points in that part of Florida in and east of Columbia, Gilchrist, and Levy Counties, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Roanoke County, Va.

No. MC 108676 (Sub-No. E2), filed July 16, 1975. Applicant: A. J. METLER HAULING AND RIGGING, 117 Chicamauga Ave. NE., Knoxville, Tenn. 37917. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A) *Steel culvert pipe*, from Jeffersonville, Ind., to points in North Carolina and South Carolina, points in that part of Tennessee, south and east of a line beginning at the Virginia-Tennessee State line, thence along U.S. Highway 11W to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Tennessee Highway 60, thence along Tennessee Highway 60 to the Tennessee-Georgia State line, points in that part of Virginia south and east of a line beginning at the Maryland-Virginia State line, thence along U.S. Highway 11 to the Virginia-Tennessee State line, points in that part of Georgia south of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 411 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Georgia Highway 225, thence along Georgia Highway 225 to junction Georgia Highway 53, thence along Georgia Highway 53 to the Georgia-Alabama State line, and points in that part of Alabama south and east of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 278 to junction Alabama Highway 74, thence along Alabama Highway 74 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Alabama-Mississippi State line.

(B) *Steel sheet* and *guard rails*, from Girard, Ohio, to points in Georgia and Alabama, and points in that part of Tennessee east and south of a line beginning at the Tennessee-Arkansas State line, thence along Interstate Highway 40 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction Tennessee Highway 100, thence along Tennessee Highway 100 to junction Tennessee Highway 96, thence along Tennessee Highway 96 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 11E, thence along U.S. Highway 11E to junction Tennessee Highway 70, thence along Tennessee Highway 70 to the Tennessee-North Carolina State line, points in that part of Kentucky on and south of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 92, thence along Kentucky Highway 92 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Tennessee State line, points in that part of North Carolina on and west of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 25 to the North Carolina-South Carolina State line; points in that part of South Carolina south and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 221 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 109637 (Sub-No. E27), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII, in bulk, in tank vehicles, from the Petroleum Products Terminal of the LaGloria Oil & Gas Company near Seymour, Ind., to points in West Virginia (except Kanawha County, W.Va., and except petroleum chemicals to Fairmount, Follansbee, and Morgantown, W.Va.). The purpose of this filing is to eliminate the gateway of Warren County, Ohio.

No. MC 109637 (Sub-No. E28), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* as described in Appendix XIII (except those of which are also named in Appendix XV), in bulk, in tank vehicles, from Madison, Evansville, Indianapolis, and Troy, Ind., the Terminal Site of the Texas Eastern Transmission Corp., at or near Princeton, Bigson County, Ind., and The Petroleum Products Terminal of the LaGloria Oil & Gas Co., near Seymour, Ind., to points in Virginia. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 109637 (Sub-No. E29), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII, in bulk, in tank vehicles (except anhydrous ammonia), from Pascagoula, Miss., to points in Indiana south of U.S. Highway 40. The purpose of this filing is to eliminate the gateways of Louisville, Ky., Madison, Ind., and The Pipeline Terminal site of the Texas Eastern Transmission Corp., at or near New Lebanon, Warren County, Ohio.

No. MC 109637 (Sub-No. E33), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Covington, Ky., and East Liverpool, Ohio, to points in Arkansas, Kansas, Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Madison, Ind., and Calvert City, Ky.

No. MC 109637 (Sub-No. E35), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles (except benzol, toluol, and xylol), from Indianapolis, Ind., to points in Arkansas, Florida, Louisiana, and Texas. The purpose of this filing is to eliminate the gateways of Jefferson County, Ky., Troy, Ind., and Calvert City, Ky.

No. MC 109637 (Sub-No. E36), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Madison, Ind., to points in Alabama, Arkansas, Georgia, and Mississippi. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

No. MC 109637 (Sub-No. E79), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue, fly ash, plastic granules,* and *resin powder*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Georgia, Mississippi, South Carolina, and points in North Carolina east of U.S. Highway 301. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

No. MC 109637 (Sub-No. E83), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry mixed fertilizer* and *superphosphate*, in bulk, in tank vehicles, from New Albany, Ind., to points in Alabama, Georgia, Mississippi, South Carolina, and points in North Carolina east of U.S. Highway 301. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

No. MC 115841 (Sub-No. E5), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh edible meats* and *edible dairy products*, in vehicles equipped with mechanical refrigeration; (a) from points in the Lower Peninsula of Michigan on and east of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to (and including) Lake Huron, to points in California on and south of Interstate Highway 10 and points in Louisiana; (b) from points in the Lower Peninsula of Michigan on and west of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to points in Louisiana on and east of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 165 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Louisiana-Texas State line, and to points in San Diego County, Calif. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-E13), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED, INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fresh or frozen edible meats, and cooked or cured edible meats*, in vehicles equipped with mechanical refrigeration, (A) from Brundige, Ala., to points in Maine, New Hampshire, and Vermont. (Nashville, Tenn.)* (B) from points in Alabama on and north of U.S. Highway 80 (except Cullman) to points in Maine, New Hampshire, and Vermont. (Birmingham, Ala. and Nashville, Tenn.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-No. E36), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible meats, cheese, and cheese products*, (except liquid commodities, in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite facilities of Dak Foods, Inc., at East Brunswick, N.J., (A) to points in Alabama, Arkansas, Louisiana, Mississippi, and points in Tennessee on and west of a line beginning at the Tennessee-Georgia State line and extending along Tennessee Highway 68 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line (Pittsburgh, Pa.)*, (B) to points in California (Pittsburgh, Pa., and Birmingham, Ala.)*; (2) *Candy* (except liquid commodities, in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite facilities of Henry Heide, Inc., at New Brunswick, N.J., (A) to points in Alabama, Arkansas, Louisiana, Mississippi, and to points

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in Tennessee on and west of a line beginning at the Tennessee-Georgia State line and extending along Tennessee Highway 68 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State Line (Pittsburgh, Pa.)*, (B) to points in California (Pittsburgh, Pa., and Birmingham, Ala.)*; and (3) *frozen foods*, (except bananas and liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite facilities of the Quaker Oats Co., at New Brunswick, N.J., (A) to Alabama, Arkansas, Louisiana, Mississippi, and points in Tennessee on and west of a line beginning at the Tennessee-Georgia State line and extending along Tennessee Highway 68 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Kentucky State line (Pittsburgh, Pa.)*, and (B) to points in California (Pittsburgh, Pa., and Birmingham, Ala.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-E53), filed May 22, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: E. Stephen Heisley, Ames, Hill, and Ames, P.C., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats, meat products, and meat byproducts*, as defined by the Commission, in vehicles equipped with mechanical refrigeration, from Bristol, Va., to points in Connecticut, Illinois, Indiana, Kentucky, Michigan, Ohio, and Rhode Island. The purpose of this filing is to eliminate the gateway of Tennessee.

No. MC 115841 (Sub-No. E89) (correction), filed December 30, 1974, published in the FEDERAL REGISTER July 28, 1975. Applicant: COLONIAL FAST FREIGHT, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials and supplies* (except in bulk) used in the operations of a foundry, which are materials and supplies used in the agriculture, water treatment, food processing, and institutional supply industries, and which are also iron and steel articles, sand hoppers, conveyors, dust collectors, and meter boxes; (2) from points in that part of Texas on and west of U.S. Highway 75 to that portion in Alabama located on the Warrior-Tombigbee-Alabama River System on and north of U.S. Highway 80; (3) from points in Louisiana to points in that portion of Alabama located on the Warrior-Tombigbee-Alabama River System in Calhoun, Etowah, and St. Clair Counties, Ala. The purpose of this filing is to eliminate the gateways of Holt and Anniston, Ala. The purpose of this partial correction is to clarify (2) and (3) above. The remainder of this letter remains as previously published.

No. MC 115841 (Sub-E171), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fresh bananas* in vehicles equipped with mechanical refrigeration, from Gulfport, Mississippi, (A) to points in North Carolina and points in South Carolina (except points in Chesterfield and Marlboro Counties) (Birmingham, or Brundige, Ala.)* (B) to Atlanta, Georgia (Birmingham or Brundige, Ala.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-E318), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fresh bananas*, in vehicles equipped with mechanical refrigeration, from Mobile, Ala., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., and Atlanta, Georgia.

No. MC 115841 (Sub-E319), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fresh bananas*, in vehicles equipped with mechanical refrigeration, from Mobile, Alabama to points in Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, and Connecticut. The purpose of this filing is to eliminate the gateway of Birmingham, Alabama, Atlanta, Georgia and Chattanooga, Tennessee.

No. MC 115841 (Sub-E375), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORPORATED, P.O. Box 10327, Birmingham, Ala. 53201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *fresh bananas*, in vehicles equipped with mechanical refrigeration, from Gulfport, Miss., to points in Ohio, New Jersey, Pennsylvania, New York, Rhode Island, Massachusetts, Connecticut, and points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75, to junction U.S. Highway 129, to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Birmingham, or Brundige, Ala., Atlanta, Ga., and Chattanooga, Tennessee.

No. MC 115841 (Sub-No. E382), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from West Richfield, Ohio, to (A) points in Alabama, Georgia, Louisiana, and Mississippi (Lexington, Ky.)*, and (B) points in Texas on and south of Interstate Highway 20 (Montgomery, Ala)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117344 (Sub-E1), (Correction), filed May 17, 1974. Published in the FEDERAL REGISTER August 5, 1975. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the Report in Description Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, (1) from Cincinnati, Ohio to those points in Indiana which are 150 miles or more from Cincinnati, Ohio; (2) from Cincinnati, Ohio to those points in Kentucky which are 100 miles or more from Cincinnati, Ohio; (3) from Norwood, Ohio to those points in Kentucky which are 100 miles or more from Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of Warren County, Ohio. The purpose of this correction is to clarify the territorial description.

No. MC 117344 (Sub-E78), (Correction), filed May 21, 1974. Published in the FEDERAL REGISTER June 23, 1975. Applicant: THE MAXWELL COMPANY, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from Boone, Campbell, and Kenton Counties, Kentucky, those in Indiana within 50 miles of Cincinnati Ohio, which are on and south of U.S. Highway 50, and those in Kentucky within 100 miles of Cincinnati, Ohio, which are on and north of a line beginning at the Ohio-Kentucky State line and extending along Interstate Highway 71 to junction U.S. Highway 60, thence along U.S. Highway 60 to a point within 100 miles of Cincinnati, Ohio, to those points in Ohio within 150 miles of Cincinnati, Ohio; (2) from those points in Indiana within 50 miles of Cincinnati, Ohio, north of U.S. Highway 50 and on and south of U.S. Highway 52, to those points in Ohio within 150 miles of Cincinnati, Ohio, on and east of Interstate Highway 75; and (3) from those points in Kentucky within 100 miles of Cincinnati, Ohio, south of a line beginning at the Ohio-Kentucky State line and extending along Interstate Highway 71 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-Tennessee State line, and on and west of U.S. Highway 25, to those points in Ohio within 150 miles of Cincinnati, Ohio, on, north, and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 50 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 22, thence along U.S. Highway 22 to a point 150 miles from Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio. The purpose of this correction is to clarify the territorial description.

No. MC 117344 (Sub-E125), filed June 18, 1975. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *vegetable oils* (except tallow), in bulk, in tank vehicles, from points in Dearborn, Ohio, and Switzerland Counties, Ind., to points in Iowa, and *refined vegetable oils*, in bulk, in tank vehicles, from points in Dearborn, Ohio, and Switzerland Counties, Ind., to points in Missouri. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 118831 (Sub-E39), filed May 30, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank vehicles, from those points in North Carolina on and east of U.S. Highway 25 (except Charlotte), to those points in Florida on and south of a line beginning at the Gulf of Mexico and extending along Florida Highway 72 to junction Florida Highway 70, to junction Florida Highway 710, to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of those plants in South Carolina within the Charlotte, North Carolina Commercial Zone.

No. MC 119176 (Sub-No. E1), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Nevada, on the one hand, and, on the other, points in Louisiana (Houston, Tex.)*, Tennessee, Missouri, Mississippi, Oklahoma (Amarillo, Tex.)*, Georgia, Arkansas, Florida, Alabama (points in Texas)*, Kentucky, Illinois, Indiana, Ohio (points in Texas and Tulsa, Okla.)*, and those points in Kansas on and east of U.S. Highway 81 (points in Texas and Oklahoma)*, and the Lower Peninsula of Michigan (points in Texas and Tulsa, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E2), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Colorado, and those in Kansas on and west of U.S. Highway 81 (points in Illinois and Bartlesville, Okla)*, and points in Oklahoma (points in Illinois and Tulsa, Okla)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E3), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Georgia, on the one hand, and, on the other, points in Kansas, Missouri, Oklahoma, Nebraska (points in Arkansas)*, and Colorado (points in Arkansas and Oklahoma)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E4), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Georgia, on the one hand, and, on the other, points in Kansas, Missouri, Oklahoma, Nebraska (points in Arkansas)*, Colorado (points in Arkansas and Oklahoma)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E5), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Florida, on the one hand, and, on the other, points in Colorado (points in Arkansas and Oklahoma)*, Oklahoma, Missouri, Kansas (points in Arkansas)*, Nebraska (points in Arkansas and Bartlesville, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E6), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the

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stringing and picking up thereof, except in connection with main pipelines, between points in Kentucky, on the one hand, and, on the other, points in Oklahoma (Tulsa, Okla.)*, and those in Kansas on and west of U.S. Highway 81 (Bartlesville, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E7), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Alabama on and south of Interstate Highway 20, on the one hand, and, on the other, points in New Mexico (Houston, Tex.)*, Oklahoma (West Memphis and El Dorado, Ark.)*, Colorado (El Dorado, Ark., and Bartlesville, Okla.), and those in Nebraska (El Dorado, Ark., and Bartlesville, Okla.)*, and Kansas (El Dorado, and West Memphis, Ark.)*, on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E8), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Mississippi, on the one hand, and, on the other, points in Oklahoma, Missouri, Kansas (points in Arkansas)*, Nebraska (Bartlesville, Okla.)*, Colorado (points in Arkansas and Oklahoma)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E9), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Nebraska, on the one hand, and, on the other points in Arkansas. The purpose of this filing is to eliminate the gateway of Bartlesville, Okla.

No. MC 119176 (Sub-No. E10), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Indiana, on the one hand, and, on the other, points in Colorado (Bartlesville, Okla.)*, and Oklahoma (Tulsa, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E11), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Nebraska, on the one hand, and, on the other points in Arkansas. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 119176 (Sub-No. E13), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Tennessee, on the one hand, and, on the other, points in Nebraska (points in Oklahoma)*, and Colorado (Boise City, Okla.). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E14), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Kentucky, on the one hand, and, on the other, points in Oklahoma, Kentucky (Tulsa, Okla.)*, and those points in Kansas on and west of U.S. Highway 81 (Bartlesville, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E12), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines, between points in Nebraska, on the one hand, and, on the other points in Arkansas. The purpose of this filing is to eliminate the gateway of Bartlesville, Okla.

No. MC 119176 (Sub-No. E15), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Ohio, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 119176 (Sub-No. E16), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama, on the one hand, and, on the other, points in New Mexico (Houston, Tex.)*, Missouri, Oklahoma, Kansas (points in Arkansas)*, Colorado, and Nebraska (points in Arkansas and Bartlesville, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119176 (Sub-No. E18), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, restricted to such earth drilling machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and such earth drilling machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main pipelines between points in Florida, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 119176 (Sub-No. E19), filed June 4, 1974. Applicant: SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, Okla. 74107. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Florida, on the one hand, and, on the other, points in Colorado (points in Arkansas and Oklahoma)*, Oklahoma, Missouri, Kansas (points in Arkansas)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119641 (Sub-E10), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural implements* from Sioux City, Iowa to points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 10 to junction Indiana Highway 19, thence along Illinois Highway 19 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Indiana-Ohio State line, points in Michigan north and each of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23, to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 115, thence along Michigan Highway 115 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Champaign and Vermillion Counties, Illinois.

No. MC 119641 (Sub-E11), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., Route 1, Box 335, Moline, Illinois 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* from Waterloo, Iowa to points in Indiana on and south of a line beginning at the Indiana-Illinois State line and extending along Indiana Highway 24 to junction Indiana Highway 224, thence along Indiana Highway 224 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Champaign and Vermillion Counties, Illinois.

No. MC 119777 (Sub-No. E15), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which, because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee, or both (except machinery, materials, supplies, and equipment incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used

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in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repair, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum); (a) from Allegheny, Westmoreland, Washington, Beaver, and Venango Counties, Pa., to points in Illinois on, south, and west of a line beginning at the Illinois-Wisconsin State line on U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line.

(b) From Washington, Allegheny, and Westmoreland Counties, Pa., and points in Beaver County, Pa., on and south of Pennsylvania Highway 68 to points in Illinois; (c) from Venango, Westmoreland, Beaver, Washington, and Allegheny Counties, Pa., to points in Indiana on, south, and west of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 114 to Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 28, thence along Indiana Highway 28 to the terminus at Union City, Ind.; and (d) from points in Westmoreland County, Pa., and points in Washington and Allegheny Counties, Pa., on and south of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 22 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to the Allegheny-Butler County line, to points in Indiana on, south, and west of a line beginning at the Michigan-Indiana State line extending along Indiana Highway 39 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 28, thence along Indiana Highway 28 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of that part of Illinois and Indiana on and south of U.S. Highway 40.

No. MC 119777 (Sub-No. E28), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such pulpboard and fibreboard and accessories* used in the installation thereof, which are embraces within building board, wall board, and insulation board, (A) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; (B) (1) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to Littlefield, Teec Nos Pas, and Topock, Ariz., (2) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in California on and north of a line beginning at Santa Monica, Calif., thence along Interstate Highway 10 to junction California Highway 11, thence along California Highway 11 to junction U.S. Highway 66, thence along U.S. Highway 66 to the California-Arizona State line, (3) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Colorado on, north and west of a line beginning at the Colorado-Kansas State line on U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line, (4) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Maine on and east of a line beginning at Fort Kent, Me., thence along Maine Highway 161 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 2, thence along U.S. Highway 2 to the United States-Canadian Border.

(5) From the plantsite of the Flintkote Company, at or near Meridian, Miss., to Pittsburg and Berlin, N.H., (6) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to LaPlate and Farmington, N. Mex., and (7) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Vermont on and west of a line beginning at Burlington, Vt., thence along Interstate Highway 89 to the United States-Canadian Border; (2) *such pulpboard and fibreboard and accessories* used in the installation thereof, which are embraces within flakeboard, wallboard, insulation board, and paneling, (A) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, (B) (1) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Iowa on, north, and west of a line beginning at the Iowa-Minnesota State line on U.S. Highway 52, thence along U.S. Highway 52 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 137, thence along Iowa Highway 137 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, (2) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Minnesota on, north, and west of a line beginning at the Iowa-Minnesota State line on U.S. Highway 218, thence along U.S. Highway 218 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 14, thence along U.S. Highway 14 to the terminus at Wiona, Minn., (3) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Missouri on and west of U.S. Highway 65, and

(4) From the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Texas on, north, and west of a line beginning at Laredo, Tex., thence along U.S. Highway 81 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 67, thence along U.S. Highway 67 to a terminus at Texarkana, Tex.; (3) *pulpboard* and fibreboard, (A) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Connecticut, Massachusetts, Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Dakota, Oregon, Rhode Island, South Dakota, Vermont, Washington, and Wyoming, (B) (1) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to Littlefield, Ariz., (2) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in California on and north of a line beginning at the California-Nevada State line on U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction California Highway 37, thence along California Highway 37 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction California Highway 128, thence along California Highway 128 to junction California Highway 1, thence along California Highway 1 to a termius at Albion, Calif., (3) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Colorado on and north of a line beginning at the Colorado-Kansas State line on U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, (4) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Kansas on and north of a line beginning at the Kansas-Colorado State line on U.S. Highway 36, thence along U.S. Highway 36 to junction Kansas Highway 15W, thence along Kansas Highway 15W to the Kansas-Nebraska State line, (5) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to Friendsville and Cumberland, Md.,

(6) From the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Missouri on and east of a line beginning at the Missouri-Iowa State line on Missouri Highway 81, thence along Missouri Highway 81 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line, (7) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Nebraska on, north, and west of a line beginning at the Nebraska-Kansas State line on Nebraska Highway 14, thence along Nebraska Highway 14 to junction Nebraska Highway 22, thence along Nebraska Highway 22 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 275, thence along U.S. Highway 275 to the Nebraska-Iowa State line, (8) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Nevada on and north of a line beginning at the California-Nevada State line on U.S. Highway 6, thence along U.S. Highway 6 to junction Nevada Highway 73, thence along Nevada Highway 73 to the Nevada-Utah State line, and (9) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Utah on, north, and west of a line beginning at the Utah-Colorado State line on U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 4, thence along Utah Highway 4 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 56, thence along Utah Highway 56 to the Nevada-Utah State line; (4) *such pulpboard and fibreboard and accessories* used in the installation thereof, which are embraces within cellulose building board, (A) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in Connecticut, Massachusetts, New Hampshire, and Vermont, and (B) from the plantsite of the Flintkote Company, at or near Meridian, Miss., to points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line on North Carolina Highway 168, thence along North Carolina Highway 168 to junction North Carolina Highway 34, thence along North Carolina Highway 34 to junction U.S. Highway 158, thence along U.S. Highway 158 to a terminus at Port Harbor, N.C. The purpose of this filing is to eliminate the gateways of (1) Wright City, Mo., (2) the plantsite of the Permaneer Co., in Calhoun County, Ark., (3) Henderson, Ky., and (4) Waverly, Va.

No. MC 119777 (Sub-E32), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard* (except commodities, which because of size and weight require the use of special equipment), (A) from the plantsite of the Hudson Pulp and Paper Company, at Palatka, Florida to Chicago, Ill., and points in Illinois within the Chicago commercial zone, Indianapolis, Indiana, and points in Indiana within the Chicago commercial zone, and points in Minnesota; (B) from the plantsite of the Hudson Pulp and Paper Company, at Palatka, Florida to Cherry Hill and Erie, Pennsylvania; (2) *Paper and paper products*, which because of their size or weight require the use of special equipment. (A) from the plantsite of the Hudson Pulp and Paper Company, at Palatka, Florida to points in Illinois and Indiana. (B) (1) from the plantsite of the Hudson Pulp and Paper Company, at Palatka, Florida to points in Pennsylvania on and north of a line commencing at the Ohio-Pennsylvania State line on U.S. Highway 62, thence northeast on U.S. Highway 62 to junction Pennsylvania Highway 59, thence east on Pennsylvania Highway 59 to junction U.S. Highway 219, thence north on U.S. Highway 219 to the New York-Pennsylvania State line. (B) (2) from the plantsite of the Hudson Pulp and Paper Company, at Palatka, Florida to points in Tennessee on and north of a line commencing at Memphis, Tennessee, thence northeast on U.S. Highway 51 to junction Tennessee Highway 54, thence east on Tennessee Highway 54 to junction U.S. Highway 70, thence northeast on U.S. Highway 70 to junction U.S. Highway 31 west, thence north on U.S. Highway 31 west to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateways of (1) Hancock County, Kentucky; (2) (A) Kentucky; and (2) (B) that part of Kentucky on and west of a line beginning at Louisville, Kentucky and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, and thence along U.S. Highway 31E to the Kentucky-Tennessee State line.

No. MC 119777 (Sub-E33), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, fiberboard faced or finished*, with decorative or protective *materials* and *accessories* and *supplies* used in the installation thereof, when moving in the same vehicle therewith: (A) from Jacksonville, Texas to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, and West Virginia; (B) (1) from Jacksonville, Texas to points in Iowa on, north, and east of a line commencing at the Iowa-Nebraska State line on U.S. Highway 20, thence east on U.S. Highway 20 to junction U.S. Highway 69, thence south on U.S. Highway 69 to junction U.S. Highway 6, thence west on U.S. Highway 6 to junction U.S. Highway 169, thence south on U.S. Highway 169 to the Iowa-Missouri State line; and (B) (2) from Jacksonville, Texas to points in Nebraska on and north of a line commencing at the Nebraska-Wyoming State line on U.S. Highway 20, thence east on U.S. Highway 20 to junction Nebraska State Highway 12, thence east on Nebraska Highway 12 to junction U.S. Highway 20, thence east on U.S. Highway 20 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of Saline or Pulaski County, Arkansas.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-24654 Filed 9-15-75;8:45 am]

[Notice 76]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 16, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 6, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75931. By order of September 10, 1975, the Motor Carrier Board on reconsideration approved the transfer to Hy-Low Trucking, Inc., P.O. Box 262, Heidrick, Ky. 40949, of the portion of operating rights in Certificate No. MC 106759 issued January 7, 1959, to Kenneth Spangler, doing business as Kenneth Spangler Moving and Storage, 2102 Cumberland Avenue, Middlesboro, Ky. 40965, authorizing the transportation of coal, livestock, lumber, scrap iron, and concrete cinder blocks, between points in Bell County, Ky., on the one hand, and, on the other, points in Campbell, Union, Claiborne, Hamblen, Knox, Hancock, and Grainger Counties, Tenn., and Lee County, Va.

No. MC-FC-76044. By order of September 11, 1975, the Motor Carrier Board approved the transfer to Pacific East Air Freight Transfer, Inc., Cherry Hill, N.J., of the operating rights in Certificate No. MC 128383 (Sub-No. 48) issued June 20, 1975, to Pinto Trucking Service, Inc., Sharon Hill, Pa., authorizing the transportation of general commodities, except commodities in bulk, Class A and B explosives, and motor vehicles requiring special equipment, between the Kansas

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City International Airport, Kansas City, Mo., Fairfax Airport at or near Kansas City, Kans., Kansas City Municipal Airport at or near Kansas City, Mo., Pulliam Airport at or near Flagstaff, Ariz., Sky Harbor International Airport at or near Phoenix, Ariz., International Airport at or near Tucson, Ariz., Yuma International Airport at or near Yuma, Ariz., Albuquerque International Airport at or near Albuquerque, N. Mex., McCarran International Airport at or near Las Vegas, Nev., Reno International Airport at or near Reno, Nev., San Francisco International Airport at or near San Francisco, Calif., Los Angeles International Airport at or near Los Angeles, Calif., and the Oakland International Airport at or near Oakland, Calif., restricted to the transportation of shipments having a prior or subsequent movement by air. Gerrald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760, attorney for applicants.

No. MC-FC-76056. By order of September 10, 1975 the Motor Carrier Board approved the transfer to Kingman Transfer Company, Inc., 3404 North Bank Street, Kingman, Arizona 86401, of Certificate No. MC 97502 Sub-No. 1, issued December 31, 1956, to E. R. Zumwalt, d/b/a Kingman Transfer Company, 3404 North Bank Street, Kingman, Arizona 86401 authorizing the transportation of general commodities between Kingman, Ariz., and points within 25 miles of Kingman.

No. MC-FC-76057. By order of September 10, 1975, the Motor Carrier Board approved the transfer to Joseph A. Borkowski, d/b/a Borkowski Trucking Co., 50 South Fourth Street, Pittsburgh, Pa. 15219 of Certificate of Registration No. MC 97625 Sub-No. 2 issued February 12, 1965, to Joseph M. Borkowski, 50 South Fourth Street, Pittsburgh, Pa. 15219, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificates of Public Convenience granted in Docket Nos. 73711, as amended, Amendment A, and 73711, Folder No. 2, all dated prior to October 15, 1962, issued by the Pennsylvania Public Utility Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24658 Filed 9-15-75;8:45 am]

[Notice 103]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 10, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56640 (Sub-No. 36TA) (Correction), filed August 12, 1975, published in the FEDERAL REGISTER issue of September 4, 1975, and republished as corrected this issue. Applicant: DELTA LINES, INC., 333 Hegenberger Road, P.O. Box 2081, Oakland, Calif. 94604. Applicant's representative: 620 B1 McLaughlin & Woods, 620 Blue Cross Bldg., 1100 S.W. Market St., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), from Redding, Calif., to Medford, Oreg., and return, via Interstate Highway 5, serving no intermediate points, for 180 days. Applicant intends to tack this authority with its existing regular-route operations under certificates No. MC 56640 and other subs, and to interline with other carriers at Medford, Oreg., and Los Angeles, Sacramento, Oakland and Redding, Calif. Supporting shippers: There are approximately 205 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 91402. The purpose of this republication is to correct the tacking authority.

No. MC 61955 (Sub-No. 23TA), filed August 28, 1975. Applicant: CENTROPOLIS TRANSFER CO., INC., 701 North Sterling, Sugar Creek, Mo. 64054. Applicant's representative: Donald R. Sudarth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, from Kansas City, Mo., to Ottawa, Kans., for 180 days. Supporting shipper: Cannady Supply Company, 412 West Wilson, Ottawa, Kans. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 71459 (Sub-No. 54TA), filed August 28, 1975. Applicant: O.N.C. FREIGHT SYSTEMS, P.O. Box 386, Elwood, Kans. 66204. Applicant's representative: C. J. Boddington, 260 Sheridan Ave., Suite 200, Palo Alto, Calif. 94306. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Salt Lake City, Utah and Junction U.S. Highway 160 and Colorado Highway 145; serving the intermediate points of Loma, Fruita, Grand Junction, Delta, Olathe, and Montrose, Colo.; the off-route points of Gunnison, Colo.; and serving the junction of U.S. Highway 160 and Colorado Highway 145 for purposes of joinder only; from Salt Lake City over Alternate U.S. Highway to 59 junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 550, thence over U.S. Highway 550 to junction Colorado Highway 62, thence over Colorado Highway 62 to junction Colorado Highway 145, thence over Colorado Highway 145 to junction U.S. Highway 160, and return over the same route. Applicant is authorized to tack the requested authority herein to its existing authority in MC 71459, and to interline with other carriers at Grand Junction, Colo., and Salt Lake City, Utah. Applicant is authorized to serve the Commerce Zones of all points authorized herein, for 180 days. Supporting shippers: There are approximately 113 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commision, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 97127 (Sub-No. 9TA) (Partial correction), filed August 25, 1975, published in the FEDERAL REGISTER issue of September 8, 1975, and republished as corrected this issue. Applicant: BATESVILLE TRUCK LINE, INC., P.O. Box E, Batesville, Ark. 72501. Applicant's representative: Henry U. Snavely, 410 Pine St., Vienna, Va. 22180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require the use of special equipment and Classes A and B explosives). The purpose of this republication is to correct the docket number which was previously published in error, the rest of the publication will remain the same.

No. MC 107002 (Sub-No. 474TA), filed September 2, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate solution*, in bulk, in tank vehicles, from the plantsite of Hooker Chemical near Columbus, Miss., to Hawseville, Ky., for 180 days. Supporting shipper: Hooker Chemical Corporation, P.O. Box 8, Niagara Falls, N.Y. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 107012 (Sub-No. 226TA), filed August 29, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, from Des Moines, Iowa, to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington and Wyoming, for 180 days. Supporting shipper: Francisco Cabinet Corp., 1525 Illinois Ave., Des Moines, Iowa 50314. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 107403 (Sub-No. 948TA), filed September 3, 1975. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water reducing admixtures*, in bulk, in tank vehicles, from North Judson, Ind., to Kent, Lima, Warren, Dayton, Cleveland, Cincinnati, and Akron, Ohio; Detroit, Pontiac, and Grand Rapids, Mich.; Cookeville, Tenn.; Peoria, Mapleton, DeKalb, Sycamore, Aurora, Elmhurst, Bartlett, Naperville, Sandwich, Joliet, Addison, Chicago, Plainfield, Waukegan, Ill.; Hartsville, S.C.; Wheeling and Princeton, W. Va.; Charlotte, Cowans Ford, Pisgah Forest, Wilmington, and Henderson, N.C.; St. Louis, Mo.; and Atlanta, Powder Springs, and Mingee, Ga., for 180 days. Supporting shipper: Castle Chemical Corporation, 2 Porete Ave., North Arlington, N.J. 07032. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111310 (Sub-No. 13TA), filed August 28, 1975. Applicant: BEER TRANSIT, INC., P.O. Box 338, Hartland, Wis. 53029. Applicant's representative: Wayne W. Wilson, 329 W. Wilson St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising equipment, premiums, materials and supplies* when shipped therewith, from Cold Spring, Minn., to points in Wisconsin, Illinois, and Indiana; (2) *Used empty malt beverage containers*, from points in Wisconsin, Illinois, and Indiana, to Cold Spring, Minn., for 180 days. Supporting shipper: Cold Spring Brewing Company, 219 North Red River Ave., Cold Spring, Minn. 56320. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 114211 (Sub-No. 251TA), filed August 29, 1975. Applicant: WARREN TRANSPORT, INC., 324 Manhard St., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 2440 East Commercial Blvd., Ft. Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, or used by, agricultural machinery, industrial equipment, and lawn leisure products dealers (except commodities in bulk), from the facilities of International Harvester Company at St. Paul, Minn., to points in Minnesota, North Dakota, South Dakota (except those on and east of U.S. Highway 83), the Upper Peninsula of Michigan, Wisconsin, and Wyoming, restricted to traffic originating at St. Paul, Minn., for 180 days. Supporting shipper: International Harvester Company, 401 North Michigan, Chicago, Ill. 60611. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 116474 (Sub-No. 34TA), filed September 2, 1975. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, Oreg. 97477. Applicant's representative: Earle V. White, 2400 W.W. Fourth Ave., Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles, piling, lumber, laminated beams and arches*, delivered with truck-mounted, self-unloading equipment, for the account of Niedermeyer-Martin Co., from the plantsite of Pacific Wood Treating Corp., at or near Ridgefield, Wash., to points in Nevada and points in California in and north of the Counties of Monterey, Kings, Tulare, and Inyo, under continuing contract with Niedermeyer-Martin Co., for 180 days. Supporting shipper: Niedermeyer-Martin Co., 1727 N.E. 11th Ave., Portland, Oreg. 97212. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 117823 (Sub-No. 48TA), filed September 2, 1975. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South 900 West, Salt Lake City, Utah 84104. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A. at Tracy, Calif., to points in Idaho, Wyoming and Utah, restricted to traffic originating at the above-named origin and destined to the above-named destination states, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 119917 (Sub-No. 38TA), filed August 29, 1975. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive, SE., Atlanta, Ga. 30316. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from St. Petersburg, Fla., to Conyers, Ga., for 180 days. Supporting shipper: Golden State Foods Corp., 1525 Old Covington Highway NE., Conyers, Ga. 30207. Send protests to: William L. Scroggs, District Supervisor, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 123048 (Sub-No. 327TA) (Correction), filed August 19, 1975, published in the FEDERAL REGISTER issue of September 2, 1975, and republished as corrected this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 W. Doty St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and brick pavers*, from points in North Carolina and South Carolina, to points in Michigan, for 180 days. Supporting shipper: Lincoln Brick Company, 1420 Lake Drive SE., Grand Rapids, Mich. 49506. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203. The purpose of this republication is to correct the commodity description which was previously published in error.

No. MC 123048 (Sub-No. 328TA), filed August 29, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 W. Doty St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements;* (2) *attachments for (1) above;* and (3) *parts for (1) and (2) above*, from Yazoo City, Miss., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Dynamics

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Corporation of America, Portable Elevator Division, 920 East Grove St., Bloomington, Ill. 61701. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 661TA), filed August 27, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink and varnish*, in bulk, in tank vehicles, from New Albany, Ind., to Chicago, Marion and Salem, Ill.; Louisville, Ky.; Corinth, Miss.; New York, N.Y.; Cincinnati, Cleveland, Dayton, and Springfield, Ohio; Gallatin and Memphis, Tenn., and Dallas, Tex., for 180 days. Supporting shipper: Flint Ink Corporation, 2511 Glendale Ave., Detroit, Mich. 48239. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 125952 (Sub-No. 23TA), filed August 29, 1975. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango St. SW., Tacoma, Wash. 98499. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A. at Tracy, Calif., to points in Oregon and Washington; restricted to traffic originating at the above-named origin and destined to the above-named destination states, under a continuing contract with Heinz U.S.A., Division of H. J. Heinz Company, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 127539 (Sub-No. 45TA), filed August 29, 1975. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave., East, Tacoma, Wash. 98424. Applicant's representative: Christian V. Graf, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A., at Tracy, Calif., to points in Montana, Oregon and Washington, restricted to traffic originating at the above-named origin and destined to the above-named destination states for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 135797 (Sub-No. 41TA), filed September 3, 1975. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods or foodstuffs* (except in bulk or frozen), when moving as straight shipments or as mixed shipments with commodities otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from Harlingen, Tex., to points in Alabama, Arkansas, California, Colorado, the District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, and Utah, for 180 days. Supporting shipper: Pittman & Davis, Inc., 801 North Express, P.O. Box 2227, Harlingen, Tex. 78550. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136315 (Sub-No. 6TA), filed August 29, 1975. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, Miss. 39350. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard and composition boxes*, from the plantsite of Kroehler Manufacturing Company, at or near Meridian, Miss., to points in Arkansas, Alabama, Georgia, Indiana, Kentucky, Louisiana, North Carolina, South Carolina, Virginia, and Tennessee, for 180 days. Supporting shipper: Kroehler Manufacturing Company, P.O. Box 4176, West Station, Meridian, Miss. 39301. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 136310 (Sub-No. 2TA), filed September 2, 1975. Applicant: R. WALKER TRUCKING, INC., 1409 East 19th, The Delles, Oreg. 97058. Applicant's representative: Douglas A. Wilson, 303 East D St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic expanded foam, cellular, nested trays and cartons*, from Yakima, Wash., and Fresno, Calif., to points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Colorado, New Mexico, Kansas, and Maryland, for 180 days. Supporting shipper: Western Foam Pak, Inc., 5370 E. Home Ave., Fresno, Calif. 93727. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136386 (Sub-No. 17TA), filed August 27, 1975. Applicant: GO LINES, INC., 8023 E. Slauson Ave., Suite 6, Montebello, Calif. 90640. Applicant's representative: Timothy G. Abbott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from the plantsite and/or storage facilities utilized by the supporting shipper in Morrow County, Oreg., to *Longshot, Nev.; (2) from *Longshot, Nev., to points in (a) Texas and Louisiana, and (b) Nevada, California, Arizona, and New Mexico.

NOTE.—Applicant intends to tack paragraphs (1) and (2) for purpoes of providing a storage in-transit privilege: transloading of cargo in-transit, or stored in-transit; commingling and/or reloading of shipments in-transit storage with through direct shipments; pool trailers shipped across state lines in peddle type, multiple delivery service as well as direct through trailer service.

*Longshot, Nev., is located in Lyon County, Nev., on Nevada state highway 1C. Nevada state highway 1C is known as the Weeks Cut-Off. It is approximately four miles west or south of Silver Springs, it runs between U.S. highway 50 and U.S. highway 95 (Alternate). Nevada State highway 1C is in a remote location and is approximately four miles long. Longshot is in the approximate center thereof, or halfway between highway 50 and 95 (Alternate). The name Longshot has been assigned this location by its developer in order to simply identify the afore described location as a point of reference, for 180 days. Supporting shippers: Gourmet Food Products, Inc., Boardman, Oreg. 97818. Gourmet Food Products, Inc., Metoulis, Oreg. 97742. Freeport in Transit Storage Co., Inc., 105 N. Sierra St., Suite 207, Reno, Nev. 89502. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 136897 (Sub-No. 12TA), filed August 29, 1975. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fencing materials, and accessories and attachments therefor, and items, materials, and supplies* (except in bulk), used in the manufacture and installation thereof, between points in Arizona, California, Utah, Colorado, New Mexico, Texas, Kansas, Missouri, Nevada, and Orville, Wash., under a continuing contract with American Fence Co., for 180 days. Supporting shipper: American Fence Co., 2525 North 27th Ave., Phoenix, Ariz. 85009. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 138018 (Sub-No. 25TA), filed August 28, 1975. Applicant: REFRIGERATED FOODS, INC., 1420 33rd St., P.O. Box 1016, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses, and commodities* defined in Section 203(b)(6) of the Act, as amended, from Alamosa, Colo., and points in Denver, Jefferson and Morgan Counties, Colo., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, for 180 days. Supporting shipper: Sigman Meat Company, 6000 W. 54th Ave., Arvada, Colo. 80002. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 138274 (Sub-No. 21TA), filed September 2, 1975. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Christian V. Graff, 407 North Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A. at Tracy, Calif., to points in Idaho, Montana, Wyoming, and Utah, restricted to traffic originating at the above-named origin and destined to the above-named destination states, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, Pa. 15230. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 138956 (Sub-No. 3TA), filed August 28, 1975. Applicant: ERGON TRUCKING, INC., 202 East Pearl St., Jackson, Miss. 39201. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Brewton, Ala., to points in Santa Rosa County, Fla., for 180 days. Supporting shipper: The Louisiana Land and Exploration Company, P.O. Box 60350, New Orleans, La. 70160. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, 145 East Amite Bldg., Room 212, Jackson, Miss. 39201.

No. MC 139495 (Sub-No. 87TA), filed September 2, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and chemicals*, in vehicles equipped with mechanical refrigeration, from the facilities of Miles Laboratories, Inc., located at or near Elkhart, Ind., to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, and Washington, for 180 days. Supporting shipper: Miles Laboratories, Inc., 1127 Myrtle St., Elkhart, Ind. 46514. Send protests to: M. E. Taylor, District Supervisor, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140968 (Sub-No. 1TA), filed September 3, 1975. Applicant: VALLEY TRANSPORT, INC., Drayton, N. Dak. 58225. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp pellets*, fom the plantsite of American Crystal Sugar Company, at or near Drayton, N. Dak., to Duluth, Minn., and its commercial zone restricted to transportation services to be performed under a continuing contract or contracts with American Crystal Sugar Company, Moorhead, Minn., for 180 days. Supporting shipper: American Crystal Sugar Company, 101 North Third St., Moorhead, Minn. 56560. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 141264 (Sub-No. 1TA), filed August 29, 1975. Applicant: GATEWAY TRUCKING CO., INC., 2983 Strickland St., Jacksonville, Fla. 32205. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers and trailers (except in bulk, automobiles and heavy hauling), between points in Jacksonville and its commercial zone, (except Yulee and Fernandina Beach), for 180 days. Supporting shipper: McGiffin & Company, Inc., 1510 Talleyrand Ave., Jacksonville, Fla. 32206. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141266 (Sub-No. 1TA), filed August 27, 1975. Applicant: WILLIAM T. AMERSON, doing business as BILL AMERSON TRUCKING, Route 1, Box 305, Georgetown, S.C. 29602. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products and supplies*, between the plantsites of Oneita Knitting Mills, at or near Andrews, S.C., on the one hand, and, on the other, the plantsites of Oneita Knitting Mills at or near Salt Lake City, Utah, under a continuing contract with Oneita Knitting Mills, for 180 days. Supporting shipper: Oneita Knitting Mills, P.O. Drawer 24, Andrews, S.C. 29510. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-24658 Filed 9-15-75;8:45 am]

[Notice 104]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 11, 1975.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5227 (Sub-No. 19TA), filed August 26, 1975. Applicant: ECONOMY MOVERS, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, and equipment, materials and supplies* used in the erection of metal buildings, from the plantsite of Behlen Manufacturing Company, at or near Columbus, Nebr., to points in Alaska, for 180 days. Supporting shipper: Behlen Manufacturing Company, James E. Weldon, Traffic Manager, Box 569, Columbus, Nebr. 68601. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 72069 (Sub-No. 6TA), filed September 4, 1975. Applicant: BLUE HEN LINES, INC., Box 565, Milford, Del. 19963. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in

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bulk, in dump vehicles, from Hopewell, Va., to points in Kent and Sussex Counties, Del., for 180 days. Supporting shippers: Robert A. Fisher, Jr., Vice President, Milford Fertilizer Co., Inc., P.O. Box 243, Milford, Del. 19963. Charles Wright, Secretary, Valliant Fertilizer Company, 431 N. Poplar St., Laurel, Del. 19956. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 119789 (Sub-No. 263TA), filed September 2, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Surface coated paper; (2) sensitized blueprint or reproduction paper*, in vehicles equipped with mechanical refrigeration, from Medford, Oreg., to Compton, Calif.; Chicago, Elk Grove Village and Wooddale, Ill.; Denver, Colo.; Secaucus, N.J.; Atlanta, Ga.; Grand Prairie, Tex.; Memphis, Tenn.; and St. Paul, Minn., for 180 days. Supporting shipper: Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, Minn. 55101. Send protests to: Holland, District Supervisor, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 119789 (Sub-No. 264TA), filed September 3, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulators, electric wire or wiring, pottery or pottery and iron combines, and parts*, from Sandersville, Ga., to points in Idaho, Iowa, Missouri, Montana, Nebraska, North Dakota and South Dakota, for 180 days. Supporting shipper: Interpace Corporation, Lapp Insulator Division, P.O. Box 776, Sandersville, Ga. 31082. Send protests to: Holland, District Supervisor, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 123407 (Sub-No. 262TA), filed August 28, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from San Leandro, Calif., to points in Oregon and Washington, for 180 days. Supporting shipper: Lloyd A. Fry Roofing Company, 5818 Archer Road, Summit, Ill. 60501. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 123407 (Sub-No. 263TA), filed September 2, 1975. Applicant: SAWYER TRANSPORTAT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mulch*, in bags, and *equipment, materials, and supplies* used in the application thereof, from the facilities of Therma-Coustics Manufacturing, Inc., at or near Colton, Calif., to points in North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, Ohio, Pennsylvania, New York, New Jersey, Massachusetts, and New Orleans, La., for 180 days. Supporting shipper: Therma-Coustics Manufacturing, Inc., P.O. Box 190, Colton, Calif. 92324. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 124320 (Sub-No. 23TA), filed August 29, 1975. Applicant: C. B. JOHNSON, INC., P.O. Box Drawer S, Cortez, Colo. 81321. Applicant's representative: David E. Driggers, 1600 Lincoln Center, 1600 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, from El Paso, Tex., to Uravan, Colo., for 180 days. Supporting shipper: Asarco Incorporated, 405 Montgomery St., Suite 609, San Francisco, Calif. Send protests to: H. C. Ruoff, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 136464 (Sub-No. 11TA), filed September 3, 1975. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3961, Gastonia, N.C. 28050. Applicant's representative: Eric Meierhoefer, 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hosiery;* and (2) *materials and supplies* as are used in the manufacture and sale of hosiery when moving in mixed loads with hosiery; (1) between the plantsites and warehouse facilities utilized by Adams-Millis Corporation located at or near Kernersville, and High Point, N.C., on the one hand, and, on the other, Edmond, Okla.; (2) from the plantsites and warehouse facilities utilized by Adams-Millis Corporation, located at or near Edmond, Okla., to Los Angeles, Calif., and points in its commercial zone, restricted to transportation services performed under a continuing contract or contracts with Adams-Millis Corporation, for 180 days. Supporting shipper: Adams-Millis Corporation, P.O. Box 1151, High Point, N.C. 27261. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 138465 (Sub-No. 5TA), filed September 3, 1975. Applicant: PHIL TOWNSEND, JR., Route 1, Box 19, Live Oak, Fla. 32060. Applicant's representative: Ronald D. Peterson, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone* (high calcium and dolomite), from points in Levy, Morion and Suwannee Counties, Fla., to points in Georgia on and south of U.S. Highway 280, for 180 days. Supporting shipper: Dixie Lime & Stone Co., P.O. Box 910, Ocala, Fla. 32670. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 139404 (Sub-No. 3TA), filed August 28, 1975. Applicant: WILLIAM G. BROWN, 207 North Third St., Bardstown, Ky. 40004. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden barrels*, set-up, (1) from Memphis, Tenn., to Lawrenceburg and Meadow Lawn, Ky., and points within three miles of Meadow Lawn, Ky., and (2) from Lynchburg, Tenn., and commercial zone thereof, to Louisville, Ky., for 180 days. Supporting shipper: National Distillers Products Company, Wayne S. Franklin, Director of Traffic, 850 Dixie Highway, Louisville, Ky. 40210. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 140484 (Sub-No. 8TA), filed September 2, 1975. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison St., P.O. Box 69, Fort Myers, Fla. 33901. Applicant's representative: Clayton Geer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horticultural plants and cuttings and materials and supplies* used in the growing, shipping or marketing of horticultural commodities, in vehicles equipped with mechanical temperature controlled devices, between points in Illinois on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, Mississippi, Ohio, North Carolina, South Carolina, Tennessee, Arkansas, Virginia, West Virginia, Florida, Indiana, Louisiana, Texas, New Mexico, Arizona, California, Pennsylvania, and Michigan, for 180 days. Supporting shippers: George J. Ball, Inc., P.O. Box 335, West Chicago, Ill. Florists Products, Inc., 780 W. Oakton St., Des Plaines, Ill. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

No. MC 140677 (Sub-No. 6TA), filed September 2, 1975). Applicant: JOHN T. BREWER, JOHN R. BREWER AND LEWIS L. BREWER, doing business as BREWER TRUCKING, 1603 East Tallent, Rapid City, S. Dak. 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Prefabricated houses, unassembled*, from Rothschild, Wis., to points in South Dakota, for 180 days. Supporting shipper: Family Homes, Inc., Box 2192, Rapid City, S. Dak. 57701. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 141274TA, filed August 25, 1975. Applicant: C. C. ANKENEY, INC., P.O. Box 1034, Whittier, Calif. 90609. Applicant's representative: Kenneth Sadler (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *High pressure rubber hose and related articles*, from Trenton, N.J., to points in California, Colorado, Louisiana, Missouri, Texas and Utah; (2) *Plastic, scrap, pellets, flakes, powders*, from Beaumont, Tex., to points in California, Ohio, New York and New Jersey, under continuing contract with Goodall Rubber Company, and Elray, Incorporated, for 180 days. Supporting shipper: Goodall Rubber Company, P.O. Box 631, Whitehead Road, Trenton, N.J. 08604. Elray Incorporated, 905 Euclid Ave., No. 103, Fullerton, Calif. 92632. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141275TA, filed August 26, 1975. Applicant: WARREN G. DIAZ, SR., doing business as DIAZ TRUCKING COMPANY, 4835 Rosemont Place, New Orleans, La. 70126. Applicant's representative: Byron M. Unkauf, 1120 Hibernia Bank Bldg., New Orleans, La. 70112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in the commercial zone of New Orleans, La., for 180 days. Supporting shipper: Sea-Land Service, Inc., Edward C. Keller, Terminal Mgr., 2700 France, New Orleans, La. 70186. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 141276TA, filed September 2, 1975. Applicant: DONALD P. AVERILL, doing business as AVERILL & SON HAULING, P.O. Box 191, Tillamook, Oreg. 97141. Applicant's representative: Donald G. Averill (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chips, hog fuel and sawdust*, from Hearin Mfg., Latimer Road, Highway 30, Tillamook, Oreg., to Longview Fiber, Highway 433, Longview, Wash., for 180 days. Supporting shipper: Hearin Manufacturing, P.O. Box 2366, Eugene, Oreg. 97402. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 141277TA, filed August 29, 1975. Applicant: TOTAL TRANSPORT, INC., 308 Whitney Bldg., New Orleans, La. 70130. Applicant's representative: Julius E. Barr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, loaded and unloaded, also *general commodities*, between points and places within New Orleans Commercial Zone as defined in New Orleans Commercial Zone, 1973, 117 ICC 816, including New Orleans, for 180 days. Supporting shipper: McCandless, Inc., Noel Lacassin, Vice President, 135 St. Charles Ave., Room 906, New Orleans, La. 70130. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T–9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 141278TA, filed August 28, 1975. Applicant: CHARLES W. SIRCY CORPORATION, 434 Atlas Drive, Nashville, Tenn. 37211. Applicant's representative: Robert L. Baker, Suite 618, Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packing house products*, between Nashville and Clarksville, Tenn., and Kinston, N.C., on the one hand, and, on the other, points in Louisiana, Virginia, Pennsylvania, Ohio, Michigan, Maryland, North Carolina, Massachusetts, Missouri, Iowa, and New York, under a continuing contract with Frosty Morn Meats, Inc., for 180 days. Supporting shipper: Frosty Morn Meats, Inc., Clarksville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422, U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 141279TA, filed August 29, 1975. Applicant: SOUTHERN ILLINOIS TRANSPORTATION CORPORATION, 101 West Vienna St., Anna, Ill. 62906. Applicant's representative: John Womick, 609 East College, Carbondale, Ill. 62901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles, posts, woodpilings, crossing panels and other similar wood products, with or without treatment with preservatives*, between Carbondale, Jonesboro, and Galesburg, Ill., on the one hand, and, on the other points in Kentucky, Indiana, Wisconsin, Missouri, Michigan, and Iowa, for 180 days. Supporting shipper: X. P. Laskaris, Plant Manager, Koppers Company, Inc., Carbondale, Ill. 62901. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 141280TA, filed August 29, 1975. Applicant: ALAMOGORDO MOVING & STORAGE, INC., 300 Highway 70 West, P.O. Box 275, Alamogordo, N. Mex. 88310. Applicant's representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in the Counties of Eddie, Dona Ana, Sierra, Socorro, Lincoln, Chaves, and Otero, N. Mex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19032 South Vermont Ave., Torrance, Calif. 90502. Towne International Forwarding, Inc., P.O. Box 17449, San Antonio, Tex. 78217. Furniture Forwarding, Inc., P.O. Box 50800, Indianapolis, Ind. 46250. Send protests to: John H. Kirkemo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 141281TA, filed September 2, 1975. Applicant: MINNESOTA LINES, INC., Route 2, Highway 13 North, Albert Lea, Minn. 56007. Applicant's representative: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural and industrial insecticides, herbicides, pesticides and chemicals and empty containers* for the commodities described in (2) below (except commodities in bulk, in tank vehicles), from the facilities of Imperial, Inc., at or near Albert Lea, Minn., to points in Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Montana, Nebraska, South Dakota, Tennessee, Wisconsin, and Wyoming; and (2) *Materials and supplies* used in the packaging, processing, formulating, production, blending and storage of the commodities described in (1) above and points in Georgia, Michigan, Nevada, New Jersey, New York, Ohio, and Pennsylvania, to the facilities of Imperial, Inc., at or near Albert Lea, Minn. Restriction: Restricted to a transportation service to be performed under a continuing contract or contracts with Imperial, Inc., for 180 days. Supporting shipper: Imperial, Inc., P.O. Box 423, Shenandoah, Iowa 51601. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141282TA, filed September 3, 1975. Applicant: U-CART TRANSPORTATION, INC., P.O. Box 1633, Vancouver, Wash. 98663. Applicant's representative: Philip G. Skofstad, 3076 East Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete mixing plants, parts, accessories, attachments, tools, devices and apparatus* used in the manufacture and installation and erection thereof, and *concrete additive* (except in bulk and tank trucks), between Vancouver, Wash., on the one hand, and, on the other, all points in the Continental United States, under a continuing contract with U-Cart Concrete Systems, Inc., P.O. Box 1833, Vancouver, Wash. 98663. Send protests

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to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 141287 TA, filed August 29, 1975. Applicant: ADAPTO, INC., 680 North Lithfield Road, Goodyear, Ariz. 85338. Applicant's representative: George S. Livermore, The Quadrangle, Suite 100, Phoenix, Ariz. 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic actuation systems* for Maverick Missiles, from Kalamazoo, Mich., to Tucson, Ariz., under a continuing contract with National Water Lift Co., for 180 days. Supporting shipper: National Water Lift Co., A Division of Pneumo Corp., 2220 Plamer Ave., Kalamazoo, Mich. 49001. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24659 Filed 9-15-75;8:45 am]

federal register

TUESDAY, SEPTEMBER 16, 1975



PART II:

FEDERAL ELECTION COMMISSION

CONTINUOUS REPORTING OF CAMPAIGN DEBTS FROM 1972

FUNDING LIMITATIONS AND SEPARATE COMMITTEES FOR DUAL CANDIDATES

Advisory Opinions

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FEDERAL ELECTION COMMISSION

[Notice 1975-43]

CONTINUOUS REPORTING OF CAMPAIGN DEBTS FROM 1972

Advisory Opinion

The Federal Election Commission announces the publication today of Advisory Opinion 1975-18. The Commission's opinion is in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that this advisory opinion should be regarded as an interim ruling which is subject to modification by future Commission regulations of general applicability. In the event that a holding in an opinion is altered by the Commission's regulations, the person to whom the opinions were issued will be notified.

ADVISORY OPINION 1975-18

CONTINUOUS REPORTING OF CAMPAIGN DEBTS FROM 1972

This advisory opinion is rendered under 2 U.S.C. 437f in response to requests for advisory opinions submitted by James R. Sneider for the Illinois Muskie Campaign and Frank W. Wurzlow, Jr., for the Senator Ellender Campaign Committee, which were published together as AOR 1975-16 in the July 29, 1975 FEDERAL REGISTER (40 FR 31878). Interested parties were given an opportunity to submit written comments relating to the requests.

The requests generally ask the Commission, under the Federal Election Campaign Act of 1971, as amended (the Act), whether a political committee with outstanding debts from a past campaign may discontinue reporting to the Commission because it has ceased to receive contributions and make expenditures. Specifically, the following requests were made:

(a) James R. Sneider, attorney for the Muskie Illinois Campaign, states that there has been no activity in the Muskie Illinois Committee since 1973. He further states that the political committee has disbanded, that since 1973 the Committee has not received any contributions nor made any expenditures in an aggregate amount totaling more than $1,000 and that the Committee does not expect to make any such expenditures nor receive any contributions. The Committee continues to owe $56,432.75 from its 1972 campaign effort, and it has no funds to extinguish this debt nor does it contemplate the receipt of any contributions in the future. Mr. Sneider asks whether the Committee is still obligated to file reports, and if so, for how many years must reports be filed with the Commission in these circumstances; and

(b) Frank W. Wurzlow, Jr., treasurer for the Senator Ellender Campaign Committee states that the Committee was generally inactive during the immediate past reporting period and is now nonexistent except for a lawsuit pending against the Committee. The lawsuit involves an outstanding claim by Innovative Data Systems of Louisiana for $43,194.68 which is disputed by the Committee. Mr. Wurzlow states that this probably will be a long-drawn-out lawsuit and asks whether the Committee may discontinue reporting until the pending lawsuit is terminated. On the termination of the suit, Mr. Wurzlow states that the Committee will file a final report.

It generally is provided in 2 U.S.C. 434 (b)(12) that the treasurer of a political committee shall file with the Commission a report which shall disclose "the amount and nature of debts and obligations owed by or to the Committee, in such form as the Commission may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the Commission may require until such debts and obligations are extinguished, together with a statement as to the circumstances and conditions under which any such debt or obligation is extinguished and the consideration therefore." Thus, debts and obligations which remain outstanding after an election shall be continuously reported in the manner and at the frequency that the Commission may prescribe.

It is provided in 2 U.S.C. 433(d) that a political committee which disbands or determines that it no longer will receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall notify the Commission. However, this subsection neither expressly nor impliedly provides that on such notification the Commission automatically will permit a political committee to cease reporting. More specifically, neither the express language of the subsection nor the applicable legislative history indicates that Congress intended when enacting this provision to allow a political committee, which has an outstanding campaign debt, the power to decide for itself whether to discontinue reporting either indefinitely or permanently. To allow a political committee such power would be an invitation to commit fraud; since once the committee decided on its own to cease reporting, it would have the opportunity to privately convert some of its creditors to contributors by declining to pay certain debts, even though direct contributions from such creditors might violate Title 18, United States Code. Thus the only reasonable interpretation of this subsection is that it allows a political committee to notify the Commission whenever it desires to disband or indefinitely cease reporting, but reserves to the Commission the discretionary authority to provide for such a termination or discontinuation of reporting. Application of this view may be seen in 2 U.S.C. 436(b) in which it is provided that the Commission may by rule of general applicability, which is published in the FEDERAL REGISTER not less than 30 days before its effective date, relieve: (1) Any category of candidates from the obligation to comply personally with the reporting requirements; and (2) any category of political committees from the reporting requirements if the committees primarily support persons seeking State or local office, and "do not operate in more than on State or do not operate on a statewide basis."

The Commission's power to relieve a political committee from an obligation to continuously report debts and obligations because of special circumstances, is found in 2 U.S.C. 436(c) which provides that "[t]he Commission shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported." It is further provided in 2 U.S.C. 434(b)(12) that outstanding debts shall be reported until extinguished at such periods as may be prescribed by the Commission, thereby allowing the Commission the discretion to develop flexible reporting periods for debts. The Commission thus has been granted by Congress the power to develop regulations to govern reporting by political committees, and also the corresponding power to propose regulations pursuant to 2 U.S.C. 438(c) which will relieve for a definite or indefinite period and sound policy reasons, certain categories of political committees from the obligation to report. However, inasmuch as the Commission only has the power to relieve a category of political committees from the obligation to report through a regulation of general applicability, such relief cannot be afforded a single political committee or even a category of political committees through an advisory opinion since it would be neither generally applicable nor subject to review by the Senate or House of Representatives.

Accordingly, it is the opinion of the Commission that:

(a) A political committee which is indebted from its 1972 campaign effort, has no funds to extinguish the debt, and does not contemplate receiving any contributions in the future, is generally required to file quarterly and yearly reports with the Commission until issuance of regulations of general applicability which would relieve the committee of its reporting obligations;

(b) A political committee which is inactive except for a pending lawsuit is generally required to file quarterly and yearly reports with the Commission until such time as regulations of general applicability have been issued which would relieve the committee of its reporting obligations.

However, if either political committee receives contributions of less than $1,000 or makes expenditures of less than $1,000 in a calendar quarter as provided in 2 U.S.C. 434(a)(1)(C), then the political committee is not required to file a detailed report for that quarter and need only file such explanation for its failure to file as may be prescribed by the Commission.

This advisory opinion is issued only on an interim basis pending promulgation by the Commission of rules and regulations of general applicability.

This advisory opinion is to be construed as limited to the facts of the request and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

Dated: September 10, 1975.

THOMAS B. CURTIS,
Chairman, for the Federal Election Commission.

[FR Doc.75-24509 Filed 9-15-75;8:45 am]

[Notice 1975-44]

FUNDING LIMITATIONS AND SEPARATE COMMITTEES FOR DUAL CANDIDATES

Advisory Opinion

The Federal Election Commission announces the publication today of Advisory Opinion 1975-11. The Commission's opinion is in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that this advisory opinion should be regarded as an interim ruling which is subject to modification by future Commission regulations of general applicability. In the event that a holding in an opinion is altered by the Commission's regulations, the person to whom the opinion is issued will be notified.

ADVISORY OPINION 1975-11

FUNDING LIMITATIONS AND SEPARATE COMMITTEES FOR DUAL CANDIDATES

This advisory opinion is rendered under 2 U.S.C. 437f in response to requests submitted by Senator Lloyd Bentsen and Congressman Alan Steelman and published as AOR 1975-11 in the July 9, 1975, FEDERAL REGISTER (40 FR 26660). Interested parties were given an opportunity to submit written comments pertaining to the requests.

A. *Requests of Senator Bentsen by Counsel: Contribution and spending limits applicable to candidate for two Federal offices.* Senator Bentsen expects to simultaneously seek nomination for election to the Presidency and the Office of United States Senator. His specific questions are as follows:

(a) May a candidate seeking nomination for election to the Presidency and the Office of Senator at the same time take advantage of two expenditure limits, so that he may spend the amount designated by 18 U.S.C. 608(c)(1)(C) on behalf of his senatorial primary campaign and twice that amount with respect to his presidential primary campaign in the State in which he seeks the Office of Senator pursuant to 18 U.S.C. 608(1)(A)?

(b) Do the personal and immediate family expenditure limits of 18 U.S.C. 608(a)(10) apply separately to an individual's simultaneous candidacy for nomination or election to the Presidency and for nomination to the Office of Senator, so that the individual may spend $35,000 with respect to his senatorial race and other $50,000 with respect to his presidential race?

(c) Do the contribution limits in 18 U.S.C. 608(b)(1) and (2) apply separately in the case of simultaneous candidacy, so that, for example, an individual may contribute $1,000 to the candidate with respect to his Senate primary election and another $1,000 with respect to his candidacy in the State's presidential primary?

1. The relevant expenditure limitations in 18 U.S.C. 608(c) are as follows:

(1) No candidate shall make expenditures in excess of—

(A) Ten million dollars, in the case of a candidate for nomination for election to the Office of President of the United States, except that the aggregate of expenditures under this subparagraph in any one State shall not exceed twice the expenditure limitation applicable in such State to a candidate for nomination for election to the office of senator * * *;

* * * * *

(C) In the case of campaign for nomination for election by a candidate for the office of Senator * * *,

(i) Eight cents multiplied by the voting age population of the State * * *;

On the basis of the facts asserted by Senator Bentsen, the Commission concludes that this statute must be construed so as to prohibit a candidate who is simultaneously seeking nomination for election to the Presidency and the office of Senator from making, in the State in which he seeks election as Senator, expenditures in an amount which exceed the amount applicable to his senatorial campaign. This conclusion should not be construed as applying to dual candidates for federal offices other than the Presidency; in this part of the Opinion the Commission addresses an entirely distinct situation which in the Commission's view requires a separate ruling. (See Part B of the Opinion.)

On its face, the portions of 18 U.S.C. 608(c) previously enumerated merely set forth expenditure limitations applicable to candidates seeking nomination for the office of President or Senator; there is no indication as to how the statute is to be applied in the case of a proposed dual candidacy such as that of Senator Bentsen. However, despite the lack of specific statutory direction, it is clear that the ruling of Commission, supra, is the only interpretation which effectively harmonizes the statute with applicable principles of constitutional law.

A uniform application of the senatorial nomination expenditure limit to Senator Bentsen and his rivals avoids the unfair advantages which Senator Bentsen would undoubtedly gain by being able to spend more money statewide than opposing candidates who seek only one office. These expenditures, which could run as much as three times greater than Senator Bentsen's senatorial rivals (as well as one half more than opposing presidential candidates), would obviously give him a significant publicity advantage over his opposition. If the law is read to require that such an advantage be conferred or permitted, it runs afoul of the constitutional right of Senator Bentsen's rivals to communicate with the affected constituency on a basis substantially equivalent to that enjoyed by the Senator. In short, the law thus read would so discriminate against these rivals' power to communicate as to deny them the equal protection of the laws, as that concept is embodied in the Due Process Clause of the Fifth Amendment to the United States Constitution. Cf. *Bolling* v. *Sharpe*, 347 U.S. 497 (1954); *Bullock* v. *Washington*, 468 F. 2d 1096, 1104-05 (D.C. Cir. 1972). The Commission finds no rational basis, much less a compelling one, for so limiting a challenger's ability to compete for the electorate's attention. Nor may it be argued that the discriminatory effect which the Commission here perceives can be avoided if Senator Bentsen's rivals for the Senate seat adopt the expedient course of simply declaring themselves to be presidential candidates as well; this would only serve to make a sham of the spending limitations of the Federal Election Campaign Act Amendments of 1974, and would be sure to encourage a multitude of frivolous or spurious candidacies. These obviously unacceptable effects are avoided by the Commission's ruling today. The ruling also preserves the basic spirit of the Federal Election Campaign laws, which seek to foreclose the possibility that one federal candidate will hold an insurmountable financial advantage over another.

It may be argued that the effect of the Commission's ruling is to deny equal protection to Senator Bentsen himself. However, at worst, this is only true with regard to Senator Bentsen's presidential primary spending in Texas; it is certainly not true with regard to any other presidential primary or, for that matter, with regard to the total expenditure limitation on the Senator as a prospective presidential nominee. Moreover, within Texas, the reduced presidential primary expenditure limitations applicable to Senator Bentsen are compensated for by the fact that he is already the Senator from Texas and thus, within Texas, begins with a significant exposure advantage over his rivals. Furthermore, the financial resources which, because of this ruling, may not be used in Texas, are not thereby wasted; they may clearly be applied in other jurisdictions, and may there provide a de facto expenditure advantage over rival presidential candidates. Finally, whatever disadvantages Senator Bentsen may suffer from the Commission's ruling are outweighed by the higher constitutional purpose the ruling serves with regard to

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his senatorial rivals. See, analogously, *American Party of Texas* v. *White*, 415 U.S. 767 (1974).

Because the express provisions of the Federal Election Campaign Act Amendment of 1974 did not clearly foreordain the foregoing conclusion regarding the applicable expenditure limitations, it is the Commission's view that the limitation set forth above should be applied only prospectively.

Therefore, potential dual candidates for the Presidency and the Senate, if they have already declared their presidential candidacy or are deemed to be a presidential candidate under the candidate definition of 18 U.S.C. 591(b), may, for purposes of the 1976 elections alone, hereafter spend the full amount allowed for a senatorial candidate in the relevant state.

2. The Commission's conclusions stated in Section 1 of Part A of this opinion also apply with respect to the candidate's personal fund expenditure limitations in 18 U.S.C. 608(a). That section states that:

> No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaigns during any calendar year for nomination for election, or for election, to Federal office in excess of, in the aggregate—
>
> (A) $50,000, in the case of a candidate for the office of President or Vice President of the United States;
>
> (B) $35,000, in the case of a candidate for the office of Senator or for the office of Representative from a State which is entitled to only one Representative; or
>
> (C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner, in any other State.

The Commission is concerned that candidates for one federal office may frivolously seek another federal office at the same time solely to expend more personal funds. Therefore, the Commission concludes that in the state where an individual simultaneously seeks nomination for election to the Presidency and the office of Senator he or she may spend from personal funds, including those of the "immediate family," no more than $35,000 in connection with both campaigns. Such personal expenditures may be allocated as the candidate sees fit. However, to the extent that any portion of the $35,000 is spent for the presidential campaign within that state, the portion so spent must be deducted from the $50,000 which a candidate may permissibly expend from his personal funds, or those of his immediate family, in the country as a whole.

3. With respect to how contribution limitations under 18 U.S.C. 608(b) apply to persons and potential committees who contribute to a candidate simultaneously seeking nomination for both the offices of President and Senator, the Commission concludes that contributions may be made to the same extent as would be permissible if two individuals rather than one, were seeking the described offices. The Commission is of the view that the concern for equal protection of the law expressed supra in section 1, with regard to expenditure limitations, has minimal relevance with regard to limitations on contributions. Moreover, the Commission emphasizes that such a dual federal candidate must establish and maintain two entirely separate campaign organizations. Contributions made with respect to one campaign may not be expended with respect to the other campaign, unless the contribution is actually returned to the contributor and he or she thereafter contributes to the other campaign. Transfers between the separate campaign committee structures are not permissible. In no event, of course, may a contributuor give more than $1,000 (or $5,000 in the case of a committee qualified under 18 U.S.C. 608(b)(2)) with respect to each election held in connection with each candidacy.

B. *Request of Congressman Alan Steelman: Creation of separate campaign committees for Congressional and Statewide Office.* Congressman Steelman requested an opinion as to whether a Congressman contemplating running for the office of Senator may form a new campaign committee to accumulate and spend campaign funds for that purpose. The Congressman specifically inquired whether, for example, such a committee may be formed to raise $25,000 to pay for a Statewide poll and for travel around the State over a period of six months to sound out party leaders and to "test the political waters."

The Commission concludes that in the case of a candidate who is seeking the office of Congressman and Senator from the same state the candidate may spend funds up to the expenditure limitation applicable to a senatorial campaign in that state, subject to the further restrictions set forth hereinafter. While the Commission is necessarily sensitive to the equal protection implications of its conclusion, it is of the view that the Constitution permits, within the framework of a complex statute designed to advance a major public interest, a good faith regulatory effort to accommodate competing constitutional considerations to the maximum extent feasible, even though certain limited inequalities inevitably remain despite that effort. This is precisely the Commission's effort in this instance. See, e.g., *San Antonio Independent School District* v. *Rodriquez*, 411 U.S. 1 (1973).

In the case of dual candidates for Congress or Senator, it is clear that a ruling restricting the candidate to the lower of the two applicable spending limitations would affect the candidate's entire campaign for the other office. Such a limitation would have a total, irreversible impact on the candidate's senatorial campaign. The discrimination he would suffer is utterly different from the potential problem in the case of a dual candidate who is running for the Presidency. As already noted in Part A of this Opinion, whatever diminution of equal protection (if any) which a dual Presidential candidate may suffer in his home state is more than counterbalanced by the fact that in all other states the candidate would enjoy at least the same spending power as his rivals. The same simply cannot be said with regard to the Senate candidate restricted to House campaign limits; such limits effectively nullify his or her Senate race.

It also should be noted that a Congressman who is running for Senator would not, in the typical situation, have the same advantage of prior exposure vis-a-vis his rivals as has a favorite son presidential candidate such as Senator Bentsen. Indeed, at least some of Congressman Steelman's potential senatorial rivals might initially be better known than the Congressman himself. This would only serve to exacerbate the invidious effect of a lower spending limitation on Congressman Steelman.

It may be argued that the Commission's ruling herein has the reverse effect of its ruling on Senator Bentsen's request—namely, that it discriminates against Congressman Steelman's rivals in his Congressional race. However, the Commission minimizes, if it does not obviate this difficulty by setting out the following requirements. Each such dual candidate must establish and maintain completely separate campaign committee structures for the senatorial and Congressional races. The Congressional campaign structure may make expenditures only with respect to the Congressional district. Such expenditures may not exceed the applicable House limits for that district, and at the same time each dollar expended in the district will count toward the state-wide senatorial limit. Expenditures within the district by the candidate's senatorial campaign structure will be counted toward the House expenditure limit for that district.

Transfers between the two separate campaign committee structures are impermissible. Contributions made with respect to a campaign may be expended with respect to the other campaign only if the contribution is actually returned to the contributor and he or she thereafter contributes to the other campaign And, of course, in no event may a contributor give more than $1,000 or $5,000 in the case of a committee qualified under 18 U.S.C. 608(b)(2) with respect to each election held in connection with each candidacy.

This advisory opinion is to be construed as limited to the facts of the request and should not be relied on as having any precedential significance except as it relates to those facts at the time of its issuance.

Dated: September 10, 1975.

THOMAS B. CURTIS,
Chairman, for the
Federal Election Commission.

[FR Doc.75-24508 Filed 9-15-75;8:45 am]

federal register

TUESDAY, SEPTEMBER 16, 1975

PART III:

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

■

HIGHWAY BEAUTIFICATION, OUTDOOR ADVERTISING CONTROL

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Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 750—HIGHWAY BEAUTIFICATION

Outdoor Advertising Control

● **Purpose: This document publishes regulations of the Federal Highway Administration (FHWA) prescribing policies and requirements relating to the effective control of outdoor advertising in areas adjacent to Interstate and Federal-aid highways. The regulations will appear as Subpart G of this part.** ●

A notice of proposed rulemaking was issued by the Administrator of the Federal Highway Administration and published in the FEDERAL REGISTER on October 10, 1974, at 39 FR 36490. A correction of this notice of proposed rulemaking was published on December 13, 1974, at 39 FR 43409. Finally, an Amended Notice of proposed rulemaking was published on March 11, 1975, at 40 FR 11361. This amendment was necessitated by changes made in 23 U.S.C. 131 under the Federal-Aid Highway Amendments of 1974, Pub. L. 93-643, January 4, 1975. A substantial number of comments were received on these three notices from the outdoor advertising industry, environmental groups, and other interested parties. In addition, comments were received from the Advisory Commission on Intergovernmental Relations (ACIR) and State members of the American Association of State Highway and Transportation Officials (AASHTO) pursuant to the clearance process required by Office of Management and Budget Circular A-85.

The proposed regulations have been modified as a result of some of the comments received, as a result of additional consultation with the States, and after further consideration of the regulations within the FHWA.

The following is a section-by-section analysis of comments received and modifications resulting from the notices of proposed rulemaking:

§ 750.703 DEFINITIONS

Two comments suggested the addition of a definition of an "abandoned" sign. The suggestion was not adopted because the regulations now provide that each State shall develop criteria defining this term.

A definition of "unzoned commercial or industrial area" has been included as a result of comment.

The definition of "State law" has been revised to omit reference to political subdivision ordinances or regulations pursuant to a comment that the original definition was too broad.

The definition of "lease" has been revised to indicate that it must be a valid contract under State law. This was done pursuant to comment that such an addition would accommodate differences in State law.

The definition of "illegal sign" has been revised to include those which are illegal under local law or ordinance as a result of comment received.

The definition of a double-faced, back-to-back, or "V" type sign has been deleted as a definition. The subject is now addressed in § 750.706, Sign Control in Zoned and Unzoned Commercial and Industrial Areas.

The definition of "visible" has been revised by substituting the word "readable" for "legible." The definition of "legible" has been omitted.

Two comments took exception to the definition of "urban areas." This is defined in 23 U.S.C. 101(a), and was a quote. The regulations now refer the reader to the law.

§ 750.704 STATUTORY REQUIREMENTS

Two comments took exception to the use of the term "visible" in § 750.704(a) relative to those signs within 660 feet of the right-of-way. One stated that "visible" seemed entirely too far-reaching and that something more in accord with their State law should be used. The suggestion was not adopted because 23 U.S.C. 131 uses the term "visible."

One comment objected to directional signs as being discriminatory against certain tourist-oriented businesses, and also stated that the National Standards regulating such signs should be established in this regulation rather than at a later date. These standards were issued in January, 1969, pursuant to policies and provisions expressed in 23 U.S.C. 131, and are currently found in Subpart B, Part 750, Chapter I, 23 CFR.

§ 750.705 EFFECTIVE CONTROL

A comment recommended the inclusion of just compensation requirements in § 750.705. The recommendation was accepted, and § 750.705(e) was revised accordingly.

Section 750.705(g) has been revised. The suggested criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way has been moved to a nonregulatory part of this regulation. One additional item concerning use of data from an independent audit agency was added pursuant to a comment.

A recommendation was made to include the following statement in § 750.705(g):

"If the sign was erected prior to construction of the controlled highway, and is adjacent to another highway, it should not be considered as having been erected with the purpose of its message being read from the main-traveled way (of the controlled highway)."

If adopted, this provision would have the effect of creating a class of exempt signs not subject to control or removal simply because they predated the construction of a highway. We believe this is contrary to the intent of 23 U.S.C. 131. Construction of a new Interstate or primary highway may have the effect of creating new nonconforming signs in the same manner as the system reclassification of a highway from secondary to primary.

Section 750.705(i), which concerns the State enforcement procedures relative to illegally erected or maintained signs has been revised by the deletion of certain detailed requirements. However, the basic requirement of prompt discovery and removal has not been changed.

New § 750.705(j) concerning FHWA approval of State operating procedures has been added.

§ 750.706 SIGN CONTROL IN ZONED AND UNZONED COMMERCIAL AND INDUSTRIAL AREAS

Section 750.706(c)(2) would allow local zoning authorities to establish less restrictive regulations than those contained in the State-Federal agreement unless State law prohibits this. Several comments were received which took exception to the provision for less restrictive regulations. This provision was not revised because 23 U.S.C. 131(d) allows bona fide State, county, or local zoning authorities to make a determination of "customary use," which determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographic jurisdiction of such authority. Thus, "customary use" in a particular community may be less restrictive than the agreement criteria and would have to be accepted.

Section 750.706(c)(5) has been revised to make clear that where local controls have been certified within commercial and industrial zones, pursuant to 23 U.S.C. 131(d), the State remains responsible for the control of those areas within the local jurisdiction which are outside of the commercial and industrial zones. This was done pursuant to a comment that the previous language was too broad.

§ 750.707 NONCONFORMING SIGNS

One comment recommended the deletion of this entire section, and revising it to make three distinctions: (1) Nonconforming signs; (2) pre-existing signs; and (3) abandoned signs. This suggestion was not adopted. Pre-existing signs are those covered under a so-called "grandfather clause" in certain State-Federal agreements. Although not required to be removed, they are subject to the same rules as non-conforming signs and should not be singled out for special treatment. Abandonment is only one category in a large number of events which would terminate the right to maintain and continue a nonconforming sign.

One comment strongly objected to the concept that lack of copy should be the clue used by the States to presume a sign is abandoned unless the owner can prove such is not the case. The comment recommended the following be used in determining abandonment:

1. Is the sign owner in compliance with governmental license or permit requirements?
2. Is the sign owner continuing efforts to secure a user for the space?
3. Is the sign owner in default of his current agreement with the site owner?

While it is agreed that the three tests may be used as evidence of abandonment,

these regulations relate not only to abandonment but to voluntary discontinuance of a nonconforming use as well. It is well established in land use law that if a nonconforming use is discontinued or abandoned, it may not again be resumed. Further, a discontinuance of a nonconforming use acts as a bar to resumption of such use even though there may be no evidence of intended abandonment.

There has been some controversy as to when and under what circumstances a sign should be treated as abandoned or discontinued. Thus, these regulations provide that each State shall develop criteria to define abandonment and discontinuance, and that such criteria may provide that a sign with obsolete advertising matter or without advertising matter, each for a designated period of time, may constitute abandonment or discontinuance.

Another comment stated that it is severely damaging to sign owners to treat pre-existing signs in legal areas, which subsequently became controlled, as if they were nonconforming signs subject to easy forfeiture for a mere lack of copy, and to provide that such forfeiture deprives the sign owners of the right thereafter to operate such signs and receive compensation. Further, with regard to true nonconforming signs, regulations which provide for a forfeiture of the right to operate as a nonconforming use (and of the right to compensation) on the grounds of a mere lack of copy would be illegal because Congress itself provided to the contrary.

The foregoing assumes that Federal law guarantees compensation upon the removal of every sign that predated the Federal or State law whether or not the sign was lawfully in existence under State law at the time the State acts to remove it. Such is not the case. There is no vested right to future just compensation based on conditions once but no longer existing at the time of acquisition. The conditions which establish a right to payment of just compensation must be in existence at the time of acquisition. Thus, signs which become illegal are no longer required to be acquired under the law of eminent domain. A sign does not lose its nonconforming status by "mere lack of copy" because customary maintenance and change of message is permitted, and does not terminate nonconforming rights. Rather, the lack of copy must endure for a period of time which constitutes a cessation of the nonconforming use or an abandonment of the nonconforming use.

Several comments were made to the effect that § 750.707(d)(2) should be revised because owners of small signs should have the same right to compensation as the owners of larger signs with substantial value. "Substantial value" should have no bearing. This was not intended, and the regulation has been revised to require that there must be existing property rights in the sign without regard to value.

Comments were made with regard to § 750.707(d)(6) that the exceptions allowed should also include acts of God as they too constitute events beyond the sign owner's control. No change has been made. The exceptions made for vandalism and other criminal or tortious acts were due solely to the fact that the Highway Beautification Act of 1965, Pub. L. 89-295, October 22, 1965, created an impetus for unauthorized persons to deliberately chop down or vandalize signs as a part of the environmental movement. Such a practice is not condoned. However, nonconforming uses are terminated by natural attrition in the normal course of events. Thus, a nonconforming sign destroyed or substantially damaged by an act of God is terminated because it would need to be rebuilt or a new sign would have to be erected in its place. New signs, or substantially new signs, must be located in conforming areas. To allow new signs to be erected in a nonconforming area only to be later acquired by the State would unduly burden the taxpayers with an unwarranted cost.

A comment stated that while the provisions of § 750.707(d) closely follow zoning law as it relates to nonconforming uses, and although it might be agreed that zoning law should be applied to nonconforming uses which are allowed to remain indefinitely in commercial or industrial areas, the equity or legality of applying such rules to nonconforming signs scheduled for acquisition is open to serious question. It was urgently requested that the regulations differentiate between nonconforming signs to be acquired, and nonconforming signs allowed to remain under a "grandfather clause." Further, it was suggested that § 750.707(d) be changed to permit alteration or enlargement of a nonconforming sign to be acquired, as well as its rebuilding or reerection if damaged or destroyed by forces not under the owner's control.

The foregoing recommendations were not accepted. All nonconforming signs must be treated alike under police power rules. 23 U.S.C. 131 calls for the States to exercise their police power in controlling signs, with compensation provided for those signs which will not be allowed to remain, on the premise that the police power should not be applied retroactively to deprive an owner of his nonconforming use. The owner has a vested right, and forced removal in such cases constitutes a taking requiring compensation. Thus, if Federal funds are not made available in connection with this program, nonconforming signs in prohibited areas would be allowed to remain in the same manner as "grandfathered" signs. See 23 U.S.C. 131(m). Federal law does not provide compensation prospectively so as to cover new sign improvements made in the future, nor does it render once existing sign sites forever compensable and exempt from control.

A comment suggested that the regulation be revised to permit enlarging a nonconforming sign if it does not exceed State law or regulation limits. This suggestion was not adopted. State size limits apply only to conforming signs. A nonconforming sign must remain substantially the same as it was on the effective date of State law or regulation, or its nonconforming status is terminated.

A comment stated that the section concerning destruction of a nonconforming sign was ambiguous, and should be clarified. The regulation has been revised to require each State to develop criteria concerning destruction, and that such criteria may provide that a sign damaged in excess of a certain percentage of its replacement cost may be considered destroyed.

Several comments recommended that former § 750.707(d)(7)(i) be revised so that where new content is not put on a structure within an established period of time, such a structure would not be allowed to remain standing indefinitely. The regulation has been revised, and provides that each State shall establish a time period, after expiration of which, such signs are to be considered abandoned or voluntarily discontinued, and subject to removal.

Section 750.707(d)(6)(ii) has been revised pursuant to comment to make it clear that the rule is based on customary State enforcement practice and not industry practice. The actual time limit to be imposed is left to the States' discretion with a condition if it exceeds one year.

§ 750.708 ACCEPTANCE OF STATE ZONING

One comment recommended revision of § 750.708(b), because it could be interpreted as requiring constant review of all zoning actions whether they pertain to outdoor advertising control or not. The recommendation was accepted.

A comment recommended deletion of § 750.708(d) because it is covered by § 750.708(b). This recommendation was not accepted. Section 750.708(b) requires that zoning actions must be taken in accordance with basic legislative authority, and that certain actions are not recognized as zoning for outdoor advertising control purposes. However, § 750.708(d) makes the point that zones, such as agricultural or residential, which permit limited commercial or industrial activities incidental to the primary land use, are not considered commercial or industrial zones for outdoor advertising control purposes.

Another comment recommended deletion of § 750.708(d) as being contrary to 23 U.S.C. 131. This recommendation was not accepted. The law provides signs may be allowed in commercial and industrial zones. Sections 750.708 (b) and (d) are essential to assure the recognition of only bona fide commercial and industrial zones, rather than rural or residential zoning classifications or attempts to circumvent the intent of Congress.

§ 750.709 ON-PROPERTY OR ON-PREMISE ADVERTISING

One comment recommended the deletion of this section in its entirety, and amending § 750.705 by adding a new paragraph as follows:

"Assure that signs erected under § 750.704(a)(3) are in fact legitimate on-property signs and not outside the scope of 23 U.S.C. 131."

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The foregoing recommendations were not accepted. The primary purposes of this section are to provide for general uniformity of implementation in the several States and to curb attempts to circumvent the intent of the law.

A comment suggested revision of this section to clarify the point that on-property signs are subject to regulation only if they are located along Interstate highways in those States which have entered into an agreement under the Federal-Aid Highway Act of 1958, adding section 131, Title 23, U.S.C., Pub. L. 85–767, August 27, 1958, as amended, and often referred to as the 1958 Bonus Program. The regulation has been revised in accordance with this suggestion.

In addition to the regulations issued today, the Federal Highway Administration has provided its field personnel nonregulatory guidelines designed to aid them in administering the Subpart G, Part 750, and in advising the States on the outdoor advertising control program.

The first part of these guidelines deals with States which have adopted controls along the Interstate System pursuant to the 1958 Bonus Program. The present law, while permitting no further expansion of the program to other States, preserves the Bonus payments to those States which had adopted such controls before June 30, 1965. The guidelines explain the relationship between the present law and the 1958 Bonus Program.

Bonus payments are provided in accordance with an agreement between the State and the United States Secretary of Transportation (or his predecessor, the Secretary of Commerce). The Highway Beautification Act of 1965 (the 1965 Act), as amended, and the regulations issued pursuant to it have substantially changed control requirements. These new requirements supersede the requirement of the Bonus Agreements where the new requirements are stricter. In order to continue to receive bonus payments, however, a "Bonus State" must continue to enforce its Bonus Agreement. The most important aspects of the dual control requirements are:

(1) The Bonus Program applies only to the Interstate System.

(2) Bonus Agreements exempted areas adjacent to an Interstate Highway where any part of the right-of-way for the highway was acquired before July 1, 1956. Such areas are often called "Cotton Areas." Cotton areas are no longer exempted and must be effectively controlled.

(3) The Bonus Agreements also exempted areas adjacent to an Interstate Highway traversing a commercial or industrial zone located within the boundaries of incorporated municipalities as such boundaries existed on September 21, 1959, provided such areas are subject to the control or regulation of the municipality, or other commercial or industrial areas where the land use was clearly established by State law as commercial or industrial on September 21, 1959. Such areas are called "Kerr Areas." Under the 1965 Act, signs are permitted in zoned and unzoned commercial or industrial areas subject to a size, lighting and spacing agreement between the State and the Secretary. The Bonus Agreement is controlling with respect to the number and size of commercial or industrial zones or areas recognized, but signs in such zones or areas are subject to provisions of the size, lighting, and spacing agreements made pursuant to the 1965 Act.

(4) The 1958 Bonus Agreement National Standards permitted four classes of signs in protected areas. See Subpart A, Part 750, Chapter I, 23 CFR. These are affected as follows:

(a) *Class 1*—Directional and official signs were subject to regulation, but were not, in fact, regulated under the 1958 National Standards. Signs of this category are subject to National Standards under the 1965 Act (Subpart B, Part 750, Chapter I, 23 CFR) and therefore these provisions are controlling.

(b) *Class 2*—On-premise (on-property) signs are exempt from control under the 1965 Beautification Act, but are subject to control under the 1958 Bonus Agreement National Standards. However, the 1958 National Standards exclude such signs from control if they are located in Cotton or Kerr areas.

(c) *Class 3*—Signs within 12 air-miles of the advertised activity are not permitted unless they are located in commercial or industrial areas or qualify as official or directional signs permitted under 23 U.S.C. 131(c) because the 1965 Act does not permit such a category.

(d) *Class 4*—Signs in the specific interest of the traveling public are not permitted unless they are located in commercial or industrial areas or qualify as official or directional signs permitted under 23 U.S.C. 131(c) because the 1965 Act does not permit such a category.

(5) On-premise signs located more than 50 feet from the advertised activity are subject to control in bonus States in accordance with Subpart A, Part 750, Chapter I, 23 CFR.

The second part of the guidelines deals with the destruction of trees and shrubs in the right-of-way in order to increase or enhance the visibility of outdoor advertising signs. It also deals with instances of the erection or maintenance of signs adjacent to Interstate highways and freeways by unlawful access.

The State highway department is urged to take all legal and administrative action at its disposal to abate these practices, including action to recover damages to landscaping, sodding, fences, and other appurtenances to the highway. Additionally, it is recommended that the States consider the following administrative remedies:

(1) Revocation of permits for any signs so involved;

(2) Denial of permits for signs which can only be erected or maintained as a practical matter from the highway right-of-way or which could not be seen from the highway due to existing landscaping on the right-of-way;

(3) Certification on permits or licenses to the effect that the sign owner will not engage in these practices;

(4) Performance bonds in permit or licensing procedures to guarantee compliance; and

(5) A specific prohibition in State outdoor advertising control regulations.

The third part of the guidelines suggests the type of factors the States might consider in developing the criteria for determining when a sign is erected with the purpose of its message being read from the main-traveled way of an Interstate or primary highway. Such criteria are required by § 750.705(g). These factors are:

(a) Traffic counts, sign angle and size, message content, physical obstructions, and similar factors;

(b) Distance from the controlled highway in relation to the size of the sign;

(c) Exposure time (for example, would signs permitting glance views of a few seconds on highways with speed limits of 55 miles per hour be deemed readable?) and,

(d) The sales value of the sign attributable to advertising circulation on the controlled highway under the criteria of an independent circulation audit agency where such is available.

The fourth, and last, part of the guidelines suggests measuring techniques which the States may wish to adopt.

The regulations here published will become effective on the 9th day of September, 1975.

Issued on: September 9, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Chapter I of Title 23 is amended by adding Part 750, Subpart G as follows:

Subpart G—Outdoor Advertising Control

Sec.
750.701 Purpose.
750.702 Applicability.
750.703 Definitions.
750.704 Statutory Requirements.
750.705 Effective Control.
750.706 Sign Control in Zoned and Unzoned Commercial and Industrial Areas.
750.707 Nonconforming Signs.
750.708 Acceptance of State Zoning.
750.709 On-Property or On-Premise Advertising.
750.710 Landmark Signs.
750.711 Structures Which Have Never Displayed Advertising Material.
750.712 Reclassification of Signs.
750.713 Bonus Provisions.

AUTHORITY: 23 U.S.C. 131 and 315; 49 CFR 1.48.

Subpart G—Outdoor Advertising Control

§ 750.701 Purpose.

This subpart prescribes the Federal Highway Administration (FHWA) policies and requirements relating to the effective control of outdoor advertising under 23 U.S.C. 131. The purpose of these policies and requirements is to assure that there is effective State control of outdoor advertising in areas adjacent to Interstate and Federal-aid primary highways. Nothing in this subpart shall be construed to prevent a State from establishing more stringent

outdoor advertising control requirements along Interstate and Primary Systems than provided herein.

§ 750.702 Applicability.

The provisions of this subpart are applicable to all areas adjacent to the Federal-aid Interstate and Primary Systems, including toll sections thereof, except that within urban areas, these provisions apply only within 660 feet of the nearest edge of the right-of-way. These provisions apply regardless of whether Federal funds participated in the costs of such highways. The provisions of this subpart do not apply to the Federal-Aid Secondary or Urban Highway System.

§ 750.703 Definitions.

The terms as used in this subpart are defined as follows:

(a) Commercial and industrial zones are those districts established by the zoning authorities as being most appropriate for commerce, industry, or trade, regardless of how labeled. They are commonly categorized as commercial, industrial, business, manufacturing, highway service or highway business (when these latter are intended for highway-oriented business), retail, trade, warehouse, and similar classifications.

(b) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(c) Federal-aid Primary Highway means any highway on the system designated pursuant to 23 U.S.C. 103(b).

(d) Interstate Highway means any highway on the system defined in and designated, pursuant to 23 U.S.C. 103(e).

(e) Illegal sign means one which was erected or maintained in violation of State law or local law or ordinance.

(f) Lease means an agreement, license, permit, or easement, oral or in writing, by which possession or use of land or interests therein is given for a specified purpose, and which is a valid contract under the laws of a State.

(g) Maintain means to allow to exist.

(h) Main-traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(i) Sign, display or device, hereinafter referred to as "sign," means an outdoor advertising sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the Interstate or Primary Systems, whether the same be permanent or portable installation.

(j) State law means a State constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a State.

(k) Unzoned area means an area where there is no zoning in effect. It does not include areas which have a rural zoning classification or land uses established by zoning variances or special exceptions.

(l) Unzoned commercial or industrial areas are unzoned areas actually used for commercial or industrial purposes as defined in the agreements made between the Secretary, U.S. Department of Transportation (Secretary), and each State pursuant to 23 U.S.C. 131(d).

(m) Urban area is as defined in 23 U.S.C. 101(a).

(n) Visible means capable of being seen, whether or not readable, without visual aid by a person of normal visual acuity.

§ 750.704 Statutory Requirements.

(a) 23 U.S.C. 131 provides that signs adjacent to the Interstate and Federal-aid Primary Systems which are visible from the main-traveled way and within 660 feet of the nearest edge of the right-of-way, and those additional signs beyond 660 feet outside of urban areas which are visible from the main-traveled way and erected with the purpose of their message being read from such main-traveled way, shall be limited to the following:

(1) Directional and official signs and notice which shall conform to national standards promulgated by the Secretary in Subpart B, Part 750, Chapter I, 23 CFR, National Standards for Directional and Official Signs;

(2) Signs advertising the sale or lease of property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are zoned industrial or commercial under the authority of State law;

(5) Signs within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are unzoned commercial or industrial areas, which areas are determined by agreement between the State and the Secretary; and

(6) Signs lawfully in existence on October 22, 1965, which are determined to be landmark signs.

(b) 23 U.S.C. 131(d) provides that signs in § 750.704(a) (4) and (5) must comply with size, lighting, and spacing requirements, to be determined by agreement between the State and the Secretary.

(c) 23 U.S.C. 131 does not permit signs to be located within zoned or unzoned commercial or industrial areas beyond 660 feet of the right-of-way adjacent to the Interstate or Federal-aid Primary System, outside of urban areas.

(d) 23 U.S.C. 131 provides that signs not permitted under § 750.704 of this regulation must be removed by the State.

§ 750.705 Effective Control.

In order to provide effective control of outdoor advertising, the State must:

(a) Prohibit the erection of new signs other than those which fall under § 750.704(a) (1) through (6);

(b) Assure that signs erected under § 750.704(a) (4) and (5) comply, at a minimum, with size, lighting, and spacing criteria contained in the agreement between the Secretary and the State;

(c) Assure that signs erected under § 1750.704(a)(1) comply with the national standards contained in Subpart B, Part 750, Chapter I, 23 CFR;

(d) Remove illegal signs expeditiously;

(e) Remove nonconforming signs with just compensation within the time period set by 23 U.S.C. 131 (Subpart D, Part 750, Chapter I, 23 CFR, sets forth policies for the acquisition and compensation for such signs);

(f) Assure that signs erected under § 750.704(a)(6) comply with § 750.710, Landmark Signs, if landmark signs are allowed;

(g) Establish criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way of an Interstate or primary highway, except where State law makes such criteria unnecessary. Where a sign is erected with the purpose of its message being read from two or more highways, one or more of which is a controlled highway, the more stringent of applicable control requirements will apply;

(h) Develop laws, regulations, and procedures to accomplish the requirements of this subpart;

(i) Establish enforcement procedures sufficient to discover illegally erected or maintained signs shortly after such occurrence and cause their prompt removal; and

(j) Submit regulations and enforcement procedures to FHWA for approval.

§ 750.706 Sign Control in Zoned and Unzoned Commercial and Industrial Areas.

The following requirements apply to signs located in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way adjacent to the Interstate and Federal-aid primary highways.

(a) The State by law or regulation shall, in conformity with its agreement with the Secretary, set criteria for size, lighting, and spacing of outdoor advertising signs located in commercial or industrial zoned or unzoned areas, as defined in the agreement, adjacent to Interstate and Federal-aid primary highways. If the agreement between the Secretary and the State includes a grandfather clause, the criteria for size, lighting, and spacing will govern only those signs erected subsequent to the date specified in the agreement. The States may adopt more restrictive criteria than are presently contained in agreements with the Secretary.

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(b) Agreement criteria which permit multiple sign structures to be considered as one sign for spacing purposes must limit multiple sign structures to signs which are physically contiguous, or connected by the same structure or crossbracing, or located not more than 15 feet apart at their nearest point in the case of back-to-back or "V" type signs.

(c) Where the agreement and State law permits control by local zoning authorities, these controls may govern in lieu of the size, lighting, and spacing controls set forth in the agreement, subject to the following:

(1) The local zoning authority's controls must include the regulation of size, of lighting, and of spacing of outdoor advertising signs, in all commercial and industrial zones.

(2) The regulations established by local zoning authority may be either more restrictive or less restrictive than the criteria contained in the agreement, unless State law or regulations require equivalent or more restrictive local controls.

(3) If the zoning authority has been delegated extraterritorial jurisdiction under State law, and exercises control of outdoor advertising in commercial and industrial areas within this extraterritorial jurisdiction, control by the zoning authority may be accepted in lieu of agreement controls in such areas.

(4) The State shall notify the FHWA in writing of those zoning jurisdictions wherein local control applies. It will not be necessary to furnish a copy of the zoning ordinance. The State shall periodically assure itself that the size, lighting, and spacing control provisions of zoning ordinances accepted under this section are actually being enforced by the local authorities.

(5) Nothing contained herein shall relieve the State of the responsibility of limiting signs within controlled areas to commercial and industrial zones.

§ 750.707 Nonconforming Signs.

(a) *General.* The provisions of § 750.707 apply to nonconforming signs which must be removed under State laws and regulations implementing 23 U.S.C. 131. These provisions also apply to nonconforming signs located in commercial and industrial areas within 660 feet of the nearest edge of the right-of-way which come under the so-called grandfather clause contained in State-Federal agreements. These provisions do not apply to conforming signs regardless of when or where they are erected.

(b) *Nonconforming Signs.* A nonconforming sign is a sign which was lawfully erected but does not comply with the provisions of State law or State regulations passed at a later date or later fails to comply with State law or State regulations due to changed conditions. Changed conditions include, for example, signs lawfully in existence in commercial areas which at a later date become noncommercial, or signs lawfully erected on a secondary highway later classified as a primary highway.

(c) *Grandfather Clause.* At the option of the State, the agreement may contain a grandfather clause under which criteria relative to size, lighting, and spacing of signs in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way apply only to new signs to be erected after the date specified in the agreement. Any sign lawfully in existence in a commercial or industrial area on such date may remain even though it may not comply with the size, lighting, or spacing criteria. This clause only allows an individual sign at its particular location for the duration of its normal life subject to customary maintenance. Preexisting signs covered by a grandfather clause, which do not comply with the agreement criteria have the status of nonconforming signs.

(d) *Maintenance and Continuance.* In order to maintain and continue a nonconforming sign, the following conditions apply:

(1) The sign must have been actually in existence at the time the applicable State law or regulations became effective as distinguished from a contemplated use such as a lease or agreement with the property owner. There are two exceptions to actual existence as follows:

(i) Where a permit or similar specific State governmental action was granted for the construction of a sign prior to the effective date of the State law or regulations and the sign owner acted in good faith and expended sums in reliance thereon. This exception shall not apply in instances where large numbers of permits were applied for and issued to a single sign owner, obviously in anticipation of the passage of a State control law.

(ii) Where the State outdoor advertising control law or the Federal-State agreement provides that signs in commercial and industrial areas may be erected within six (6) months after the effective date of the law or agreement provided a lease dated prior to such effective date was filed with the State and recorded within thirty (30) days following such effective date.

(2) There must be existing property rights in the sign affected by the State law or regulations. For example, paper signs nailed to trees, abandoned signs and the like are not protected.

(3) The sign may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. A nonconforming sign removed as a result of a right-of-way taking or for any other reason may be relocated to a conforming area but cannot be reestablished at a new location as a nonconforming use.

(4) The sign must have been lawful on the effective date of the State law or regulations, and must continue to be lawfully maintained.

(5) The sign must remain substantially the same as it was on the effective date of the State law or regulations. Reasonable repair and maintenance of the sign, including a change of advertising message, is not a change which would terminate nonconforming rights. Each State shall develop its own criteria to determine when customary maintenance ceases and a substantial change has occurred which would terminate nonconforming rights.

(6) The sign may continue as long as it is not destroyed, abandoned, or discontinued. If permitted by State law and reerected in kind, exception may be made for signs destroyed due to vandalism and other criminal or tortious acts.

(i) Each State shall develop criteria to define destruction, abandonment and discontinuance. These criteria may provide that a sign which for a designated period of time has obsolete advertising matter or is without advertising matter or is in need of substantial repair may constitute abandonment or discontinuance. Similarly, a sign damaged in excess of a certain percentage of its replacement cost may be considered destroyed.

(ii) Where an existing nonconforming sign ceases to display advertising matter, a reasonable period of time to replace advertising content must be established by each State. Where new content is not put on a structure within the established period, the use of the structure as a nonconforming outdoor advertising sign is terminated and shall constitute an abandonment or discontinuance. Where a State establishes a period of more than one (1) year as a reasonable period for change of message, it shall justify that period as a customary enforcement practice within the State. This established period may be waived for an involuntary discontinuance such as the closing of a highway for repair in front of the sign.

(e) *Just Compensation.* The States are required to pay just compensation for the removal of nonconforming lawfully existing signs in accordance with the terms of 23 U.S.C. 131 and the provisions of Subpart D, Part 750, Chapter I, 23 CFR. The conditions which establish a right to maintain a nonconforming sign and therefore the right to compensation must pertain at the time it is acquired or removed.

§ 750.708 Acceptance of State Zoning.

(a) 23 U.S.C. 131(d) provides that signs "may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas . . . which are zoned industrial or commercial under authority of State law." Section 131(d) further provides, "The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act."

(b) State and local zoning actions must be taken pursuant to the State's zoning enabling statute or constitutional authority and in accordance therewith. Action which is not a part of comprehensive zoning and is created primarily to permit outdoor advertising structures, is not recognized as zoning for outdoor advertising control purposes.

(c) Where a unit of government has not zoned in accordance with statutory authority or is not authorized to zone, the definition of an unzoned commercial or industrial area in the State-Federal agreement will apply within that political subdivision or area.

(d) A zone in which limited commercial or industrial activities are permitted as an incident to other primary land uses is not considered to be a commercial or industrial zone for outdoor advertising control purposes.

§ 750.709 On-Property or On-Premise Advertising.

(a) A sign which consists solely of the name of the establishment or which identifies the establishment's principal or accessory products or services offered on the property is an on-property sign.

(b) When a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or if it brings rental income to the property owner, it shall be considered the business of outdoor advertising and not an on-property sign.

(c) A sale or lease sign which also advertises any product or service not conducted upon and unrelated to the business or selling or leasing the land on which the sign is located is not an on-property sign.

(d) Signs are exempt from control under 23 U.S.C. 131 if they solely advertise the sale or lease of property on which they are located or advertise activities conducted on the property on which they are located. These signs are subject to regulation (Subpart A, Part 750, Chapter I, 23 CFR) in those States which have executed a bonus agreement, 23 U.S.C. 131(j). State laws or regulations shall contain criteria for determining exemptions. These criteria may include:

(1) A property test for determining whether a sign is located on the same property as the activity or property advertised; and

(2) A purpose test for determining whether a sign has as its sole purpose the identification of the activity located on the property or its products or services, or the sale or lease of the property on which the sign is located.

(3) The criteria must be sufficiently specific to curb attempts to improperly qualify outdoor advertising as "on-property" signs, such as signs on narrow strips of land contiguous to the advertised activity when the purpose is clearly to circumvent 23 U.S.C. 131.

§ 750.710 Landmark Signs.

(a) 23 U.S.C. 131(c) permits the existence of signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which is consistent with the purpose of 23 U.S.C. 131.

(b) States electing to permit landmark signs under 23 U.S.C. 131(c) shall submit a one-time list to the Federal Highway Administration for approval. The list should identify each sign as being in the original 1966 inventory. In the event a sign was omitted in the 1966 inventory, the State may submit other evidence to support a determination that the sign was in existence on October 22, 1965.

(c) Reasonable maintenance, repair, and restoration of a landmark sign is permitted. Substantial change in size, lighting, or message content will terminate its exempt status.

§ 750.711 Structures Which Have Never Displayed Advertising Material.

Structures, including poles, which have never displayed advertising or informative content are subject to control or removal when advertising content visible from the main-traveled way is added or affixed. When this is done, an "outdoor advertising sign" has then been erected which must comply with the State law in effect on that date.

§ 750.712 Reclassification of Signs.

Any sign lawfully erected after the effective date of a State outdoor advertising control law which is reclassified from legal-conforming to nonconforming and subject to removal under revised State statutes or regulations and policy pursuant to this regulation is eligible for Federal participation in just compensation payments and other eligible costs.

§ 750.713 Bonus Provisions.

23 U.S.C. 131(j) specifically provides that any State which had entered into a bonus agreement before June 30, 1965, will be entitled to remain eligible to receive bonus payments provided it continues to carry out its bonus agreement. Bonus States are not exempt from the other provisions of 23 U.S.C. 131. If a State elects to comply with both programs, it must extend controls to the Primary System, and continue to carry out its bonus agreement along the Interstate System except where 23 U.S.C. 131, as amended, imposes more stringent requirements.

[FR Doc.75-24523 Filed 9-15-75;8:45 am]

V 40 I 180 SEP 16 75 XUM

V40 180 SEP 1675 XUM

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AREA CODE 202

523·5022

V40#180 SEP1675 XUM

181

Vol.40—No.181
9–17–75
PAGES
42849–43016

federal register

WEDNESDAY, SEPTEMBER 17, 1975

highlights

NATIONAL EMPLOY THE HANDICAPPED WEEK
Presidential proclamation..... 42849

POPPY STRAW
Justice/DEA grants authority to import; effective 9–17–75..... 42866

HEALTH SERVICES
HEW/PHS proposal on grants for research centers; comments by 10–17–75..... 42890

HEALTH CARE
HEW/SSA amends regulations of financial support of State cost regulation experiments; effective 9–17–75..... 42865

AIR TAXI OPERATORS
CAB issues regulations on classification and exemption; effective 9–10–75..... 42855

HYDRAULIC BRAKE SYSTEMS
DoT/NHTSA responds to petitions on brake fluid level indicator requirement; effective 9–17–75..... 42872

CONTINUED INSIDE

PART II:

URBAN TRANSPORTATION PLANNING AND TRANSPORTATION IMPROVEMENT PROGRAM
DoT/FHWA/UMTA adopt joint regulations (4 documents); effective 10–17–75..... 42975

PART III:

SOLID WASTE MANAGEMENT
EPA proposes guidelines for source separation for materials recovery; comments by 10–17–75..... 42985

PART IV:

HAZARDOUS WASTE MANAGEMENT
EPA announces public meetings..... 42991

PART V:

PRIVACY ACT OF 1974
The following agencies issue documents relating to implementation of the Act:
Panama Canal Co..... 42996
Renegotiation Board (2 documents)..... 42997
Defense Department..... 43001
Council on Environmental Quality..... 43001

V 40 181
SEP 17 75
XUM

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE
HEW/SSA publishes regulations on retiree allowable earnings exemption and contribution and benefit base for years after 1974; effective 9–17–75 42863

EGG RESEARCH AND PROMOTION ORDER
USDA/AMS issues proposal on procedure for referenda and rules of practice for modification of or exemption from provisions; comments by 10–2–75 42888

FEDERAL SAVINGS AND LOAN SYSTEM
FHLBB adopts amendment on communications among members; effective 10–31–75 42853

ALIENS
Justice/INS regulations for employer's bond for importation of certain laborers; effective 10–17–75 42852

PLANT VARIETY PROTECTION
USDA/AMS establishes limits of reciprocity for certificates issued to applicants from South Africa; effective 10–17–75 42851

VETERANS EDUCATION
VA clarifies and liberalizes certain provisions; effective 9–10–75 42878

SAVINGS AND LOAN ASSOCIATIONS
FHLBB issues proposal on private mortgage insurance; comments by 10–20–75 42898

HIGHWAY CONSTRUCTION CONTRACTS
DoT/FHWA amendment on Federal-aid participation; effective 9–29–75 42867

PREMIUMS
Labor/Pension Benefit Guaranty Corporation issues regulation on declaration and payment; effective 9–17–75 42876

MEETINGS—
NSF: Advisory Committee on Ethical and Human Value Implications of Science and Technology, 10–8–75 42916
SBA: Salt Lake City District Advisory Council, 10–10–75 42919
Commerce/DIBA: Lead and zinc consumption and production informal meetings, 9–25–75 jointly with Interior/Mines Bureau 42910
Semiconductor Manufacturing and Test Equipment Technical Advisory Committee, 10–21–75 42910
Telecommunications Equipment Technical Advisory Committee, 10–30–75 42911
FCC: Private Land Mobile Advisory Committee Set, 10–10–75 42916
Fixed Satellite Advisory Committee, 10–3–75 42914
CRC: Colorado State Advisory Committee, 10–18–75 42914
Maryland State Advisory Committee, 10–9–75 42914
Michigan State Advisory Committee, 10–7–75 42914
Oklahoma State Advisory Committee, 10–10 and 10–11–75 42914
Pennsylvania State Advisory Committee, 10–8–75 .. 42914
Virginia State Advisory Committee, 10–22–75 42914
HEW: President's Council on Physical Fitness and Sports, 11–13 and 11–14–75 42912
HSA: National Migrant Health Advisory Committee, 10–1 through 10–3–75 42912
Review Panel on New Drug Regulation, 10–13–75 .. 42913
DOT: Tunneling Research and Development Program, 10–9 and 10–10–75 42913
Defense: Department of Defense Wage Committee, 10–7 through 10–28–75 42906
Justice/LEAA: National Advisory Committee on Criminal Justice Standards and Goals, 10–1–75 42906
ERDA: High Energy Physics Advisory Panel, 9–22 and 9–23–75 42915

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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contents

THE PRESIDENT

Proclamations
National Employ the Handicapped Week 42849

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Rules
Pears (Beurre D'Anjou, Buerre Bosc, Winter Nelis, Doyenne du Comice, Buerre Easter, and Buerre Clairgeau) grown in Oreg., Wash., and Calif. 42851
Plant variety protection; limits of reciprocity 42851
Proposed Rules
Egg research and promotion order; modification of or exemption from provisions of orders 42888
Oranges and grapefruit grown in the Lower Rio Grande Valley, Tex. (2 documents) 42886
Tomatoes grown in Fla. 42887

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Labeling, marking devices, and containers; restrictions relieved for certain meat food products 42852

ANTITRUST DIVISION, JUSTICE DEPARTMENT
Notices
Competitive impact statements and proposed judgments; U.S. versus listed companies:
Copper Development Association, Inc. et al. 42906

CIVIL AERONAUTICS BOARD
Rules
Accounts and reports for certificated air carriers, uniform system; due dates of schedules 42855
Air taxi operators; classification and exemption 42855
Notices
Hearings, etc.:
Braniff Airways Inc. and Frontier Airlines Inc. 42913
Caribbean International Airways Ltd. (2 documents) 42913

CIVIL RIGHTS COMMISSION
Notices
State advisory committee meetings:
Colorado 42914
Maryland 42914
Michigan 42914
Oklahoma 42914
Pennsylvania 42914
Virginia 42914

COMMERCE DEPARTMENT
See Domestic and International Business Administration.

DEFENSE DEPARTMENT
Notices
Privacy Act of 1974; systems of records 43001
Meetings:
Defense Wage Committee 42906

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Meetings:
International Lead and Zinc Study Group 42910
Semiconductor Manufacturing and Test Equipment Technical Advisory Committee 42910
Telecommunications Equipment Technical Advisory Committee 42911

DRUG ENFORCEMENT ADMINISTRATION
Rules
Poppy straw; authority to import 42866

EDUCATION OFFICE
Notices
Comparability of services; determinations 42912

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Meetings:
High Energy Physics Advisory Panel 42915

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Air quality implementation plans:
Arizona 42896
Nevada 42896
Vermont 42895
Solid waste management; source separation for materials recovery 42986
Notices
Registered pesticides; use at less than label dosage rates 42914
Meetings:
Hazardous waste management 42991

ENVIRONMENTAL QUALITY COUNCIL
Notices
Privacy Act of 1974; systems of records 43001

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Beech 42854

FEDERAL COMMUNICATIONS COMMISSION
Rules
Fees schedule 42882
FM Broadcast stations:
Louisiana 42882
Proposed Rules
Frequency allocations:
Government earth stations, Va., Wash., and Hawaii 42897
Notices
Meetings:
Fixed Satellite Advisory Committee 42915
Private Land Mobile Advisory Committee 42916

FEDERAL HIGHWAY ADMINISTRATION
Rules
Engineering and traffic operations:
Federal-Aid construction contracts (other than Appalachian contracts) 42867
Federal-aid construction contracts 42867
Planning assistance and standards:
Transportation Improvement Program 42984
Urban transportation planning 42976, 42979

FEDERAL HOME LOAN BANK BOARD
Rules
Operations; communications among members 42853
Proposed Rules
Federal Savings and Loan Insurance of loans 42898

FEDERAL INSURANCE ADMINISTRATION
Rules
National Flood Insurance Program:
Areas eligible for sale of insurance 42872
Special hazard areas 42874

FEDERAL POWER COMMISSION
Notices
Hearings etc.:
Texas Eastern Transmission Corp 42916

FEDERAL RAILROAD ADMINISTRATION
Proposed Rules
Freight car standards, petition for waiver:
Birmingham Southern Railroad Co 42895
Union Railroad Co. 42895

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Benton Lake National Wildlife Refuge, Mont. 42883

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds, and related products:
Poloxalene; correction 42866
Fruit butters, jellies, preserves; identity standards; correction 42866
Notices
Food additives; petitions filed or withdrawn:
Aplin and Barrett Ltd. 42912
Dow Chemical Co. 42912

V40|181 SEP 1775 XUM

CONTENTS

GENERAL SERVICES ADMINISTRATION
Rules
Reproduction services; fees 42881

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration; Health Services Administration; Public Health Service; Social Security Administration.
Notices
Meetings:
President's Council on Physical Fitness and Sports 42912
Review Panel on New Drug Regulation 42913

HEALTH SERVICES ADMINISTRATION
Notices
Meetings:
Migrant Health, National Advisory Committee 42912

HEARINGS AND APPEALS OFFICE
Notices
Applications, etc.:
Dean Jones Coal Co. Inc 42908
Eastern Associated Coal Corp 42908
Florence Mining Co 42909
Republic Steel Corp 42909

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Insurance Administration.

IMMIGRATION AND NATURALIZATION SERVICE
Rules
Alien laborers; bond for importation 42852

INDIAN AFFAIRS BUREAU
Proposed Rules
Operation and maintenance charges, irrigation projects:
San Carlos, Ariz 42884

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Hearings and Appeals Office; Indian Affairs Bureau; Land Management Bureau; Mines Bureau.

INTERSTATE COMMERCE COMMISSION
Proposed Rules
Uniform system of accounts for railroad companies 42899
Notices
Abandonment of service:
Louisville and Nashville Railroad Co. (2 documents) 42924
Union Pacific Railroad Co 42930
Bureau of Accounts; revision of publications 42924
Hearing assignments (2 documents) 42924
Motor carriers:
Alternate route deviation notices (2 documents) 42925
Applications and certain other proceedings 42926
Irregular route property carriers; elimination of gateways 42930
Transfer proceedings 42929

JUSTICE DEPARTMENT
See Antitrust Division; Drug Enforcement Administration; Immigration and Naturalization Service.

LABOR DEPARTMENT
See also Pension Benefit Guaranty Corporation.
Notices
Adjustment assistance:
Armco Steel Corp 42921
Globe Union Inc., Centralab Division (3 documents) 42921

LAND MANAGEMENT BUREAU
Notices
Oil and gas leasing; Outer Continental Shelf 42907
Pryor Mountain Wild Horse Range, Wyo. and Mont.; additions 42907
Withdrawal and reservation of lands, proposed, etc:
Colorado 42906
Utah 42907

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Notices
Meetings:
National Advisory Committee on Criminal Justice Standards and Goals 42906

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests (2 documents) 42916, 42917

MINES BUREAU
Notices
Meetings:
Lead and zinc consumption and production; cross reference 42908

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Rules
Hydraulic brake systems; fluid level indicator 42872
Proposed Rules
Cost information reporting; correction 42895

NATIONAL SCIENCE FOUNDATION
Notices
Meetings:
Advisory Committee on Ethical and Human Value Implications of Science and Technology 42916

PANAMA CANAL
Rules
Privacy Act of 1974 42996

PENSION BENEFIT GUARANTY CORPORATION
Rules
Premium rate; declaration and payment 42876
Annual report 42877

PUBLIC HEALTH SERVICE
Proposed Rules
Grants for Health Services Research Centers 42890

RENEGOTIATION BOARD
Proposed Rules
Privacy Act of 1974 42997
Notices
Privacy Act of 1974; systems of records 42997

SECURITIES AND EXCHANGE COMMISSION
Rules
ANCSA Corporations; correction 42862
Proposed Rules
Exchange off-board trading rules; amendment or abrogation; correction 42905
Notices
Hearings, etc.:
Georgia Power Co 42917
Investors Syndicate of America, Inc. and Investors Diversified Services, Inc 42918
Ohio Power Co 42919
Victor Kellering Inc 42919

SELECTIVE SERVICE SYSTEM
Notices
Registrants Processing Manual 42919

SMALL BUSINESS ADMINISTRATION
Notices
Meetings:
Salt Lake City District Advisory Council 42919

SOCIAL SECURITY ADMINISTRATION
Rules
Grants for health care rate regulation 42865
Old age, survivors, and disability insurance:
Contribution and benefit base for years after 1974 42863

TRANSPORTATION DEPARTMENT
See also Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; National Highway Traffic Safety Administration; Urban Mass Transportation Administration.
Notices
Meetings:
Tunneling Research and Development Program 42913

URBAN MASS TRANSPORTATION ADMINISTRATION
Rules
Urban transportation; planning and improvement (2 documents) 42984

VETERANS ADMINISTRATION
Rules
Education; clarification and liberalization of provisions 42878

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR
PROCLAMATIONS:
4394 42849

7 CFR
180 42851
927 42851
PROPOSED RULES:
906 (2 documents) 42886, 42887
966 42887
1250 42888

8 CFR
103 42852

9 CFR
317 42852

12 CFR
544 42853
545 42853
PROPOSED RULES:
563 42898

14 CFR
39 42854
241 42855
298 42855

17 CFR
270 42862
PROPOSED RULES:
240 42905

20 CFR
404 42863
450 42865

21 CFR
29 42866
121 42866
1304 42866

23 CFR
450 (2 documents) 42976, 42979
633 42867

24 CFR
1914 42872
1915 42874

25 CFR
PROPOSED RULES:
233 42884

29 CFR
2602 42876
2606 42877

32 CFR
PROPOSED RULES:
1481 42997

35 CFR
253 42996

38 CFR
21 42878

40 CFR
PROPOSED RULES:
52 (2 documents) 42885-42896
246 42986

41 CFR
105-61 42881

42 CFR
PROPOSED RULES:
67 42890

47 CFR
1 42882
73 42882
PROPOSED RULES:
2 42897

49 CFR
571 42872
613 (2 documents) 42984
PROPOSED RULES:
215 (2 documents) 42895
583 42895
1201 42899

50 CFR
32 42883

V 40 181 SEP 1775 XUM

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR
410 ... 42306

3 CFR
PROCLAMATIONS:
4313 (See EO 11878) ... 42731
4385 ... 41989
4386 ... 41991
4387 ... 42165
4388 ... 42167
4389 ... 42169
4390 ... 42315
4391 ... 42725
4392 ... 42727
4393 ... 42729
4394 ... 42849
EXECUTIVE ORDERS:
April 18, 1908 (Revoked in part by PLO 5528) ... 42362
July 2, 1910 (Revoked in part by PLO 5512) ... 40162
(Revoked in part by PLO 5517) ... 40814
1959 (Revoked in part by PLO 5515) ... 40811
6583 (Revoked in part by PLO 5536) ... 42553
7594 (Revoked in part by PLO 5515) ... 40811
7595 (Revoked in part by PLO 5515) ... 40811
8649 (Revoked in part by PLO 5534) ... 42552
8780 (Revoked in part by PLO 5534) ... 42552
11803 (Amended by EO 11878) ... 42731
11804 (See EO 11878) ... 42731
11861 (Amended by EO 11877) ... 40797
11864 (Superseded by EO 11877) ... 40797
11876 ... 40501
11877 ... 40797
11878 ... 42731
MEMORANDUMS:
Memorandum of August 17, 1975 ... 40139

4 CFR
PROPOSED RULES:
410 ... 41801

5 CFR
151 ... 42733
213 ... 41755, 41993, 42427, 42733–42734
338 ... 42734
410 ... 42734
752 ... 42734
772 ... 42734

7 CFR
2 ... 41085, 41993
25 ... 42171
25A ... 42171
29 ... 42527
180 ... 42851
210 ... 42735
215 ... 42735
220 ... 42735
225 ... 42735
246 ... 42735
250 ... 42735
270 ... 42736
354 ... 41513
725 ... 41513
905 ... 42317, 42318
7 CFR—Continued
908 ... 40505, 40815, 41855, 42171
910 ... 41086, 42319
915 ... 41993
919 ... 41994
927 ... 42851
932 ... 41994
944 ... 42529
945 ... 42530
946 ... 42530
989 ... 40141
993 ... 42530
1421 ... 41087
1434 ... 41087
1801 ... 42178
1822 ... 42178, 42736
1832 ... 42320
1842 ... 42179
1843 ... 42179
PROPOSED RULES:
1 ... 40849
51 ... 40522
201 ... 40524
906 ... 42886, 42887
910 ... 40528
927 ... 42023
931 ... 40170
948 ... 40528
966 ... 42887
982 ... 40836
989 ... 40842
1046 ... 40843, 42023
1250 ... 42888
1430 ... 42364
1464 ... 41530

8 CFR
103 ... 42852
341 ... 42532

9 CFR
54 ... 40505, 42739
73 ... 42179
78 ... 41516
91 ... 40506
112 ... 41994
113 ... 41088, 41994
317 ... 42852
381 ... 42337
PROPOSED RULES:
113 ... 41139
317 ... 41139
319 ... 41139

10 CFR
20 ... 42557
37 ... 42558
50 ... 40816
73 ... 42558
204 ... 42338
205 ... 40141
210 ... 40818
211 ... 40821
212 ... 40142, 40818, 40821, 40824
213 ... 40143
RULINGS:
1975–9 ... 40826
1975–10 ... 40826
1975–11 ... 40827
1975–12 ... 40828
1975–13 ... 40831
1975–14 ... 40833
10 CFR—Continued
1975–15 ... 40832
1975–16 ... 40834
PROPOSED RULES:
206 ... 42448
213 ... 42578

11 CFR
Ch. I ... 40668
PROPOSED RULES:
113 ... 41932

12 CFR
213 ... 40506
215 ... 40506
523 ... 41755, 41996
544 ... 42853
545 ... 41756, 42853
563 ... 41997
603 ... 40454
701 ... 41090
703 ... 41997
760 ... 41998
PROPOSED RULES:
9 ... 40859
202 ... 42030
208 ... 40857
337 ... 40548, 41530
341 ... 40856
561 ... 42371
563 ... 42371, 42898
564 ... 42371
569a ... 42371
571 ... 42371

13 CFR
123 ... 42180

14 CFR
37 ... 42183
39 ... 41090–41092, 41519, 42180, 42339, 42739, 42741, 42854
71 ... 41520, 41998, 42180, 42340–42342, 42740, 42741
73 ... 41092
95 ... 42181
97 ... 41092, 42342
121 ... 42183, 42185
171 ... 41093
241 ... 42855
298 ... 42855
372a ... 42741
378a ... 41093
PROPOSED RULES:
Ch. I ... 42754
39 ... 41143, 41537, 42023
67 ... 42024
71 ... 42025, 42364–42366
75 ... 42756
385 ... 40816

15 CFR
371 ... 40507
377 ... 40507
903 ... 41998
PROPOSED RULES:
80 ... 42209

16 CFR
4 ... 40780
13 ... 40143–40154, 40508, 41071–41081, 41756–41758, 42201–42203, 42742
259 ... 42003
1116 ... 42004
PROPOSED RULES:
445 ... 42757
453 ... 42212, 42371
454 ... 41144
1014 ... 42025
1207 ... 42562

17 CFR
17 ... 41117
18 ... 41117
146 ... 41056
200 ... 40512
201 ... 42186
240 ... 40512, 41520, 42343
249 ... 40512, 41521
270 ... 41759, 42862
PROPOSED RULES:
210 ... 40550
230 ... 40555
231 ... 42212
239 ... 42212
240 ... 40858, 41808, 42212, 42219, 42905
241 ... 42212
249 ... 40858
259 ... 42212
270 ... 40555, 41818, 42757

18 CFR
1 ... 42005
2 ... 41760, 42005
157 ... 41769
PROPOSED RULES:
35 ... 42029
154 ... 41539
157 ... 41539
201 ... 41539
260 ... 41539

19 CFR
112 ... 41084
148 ... 41084
PROPOSED RULES:
12 ... 41118
201 ... 40173
210 ... 40173

20 CFR
200 ... 41084
260 ... 41084
404 ... 42863
405 ... 42006
450 ... 42865
PROPOSED RULES:
405 ... 40171, 40537, 40850

21 CFR
Ch. I ... 40520
29 ... 42866
121 ... 40799, 41085, 42866
123 ... 42343
431 ... 41522
436 ... 41522
449 ... 41523
452 ... 41773
510 ... 42007
522 ... 42007
540 ... 42007
21 CFR—Continued
556 ... 41085
561 ... 41773, 42343
1010 ... 40800
1040 ... 40800
1304 ... 42866
PROPOSED RULES:
1 ... 40682
2 ... 40682
5 ... 40682
6 ... 40682
8 ... 40682
10 ... 40682
11 ... 40682
80 ... 40682
90 ... 40682
100 ... 40682
102 ... 40682
121 ... 40529, 40682, 41797
202 ... 40682
310 ... 40682
312 ... 40682
314 ... 40682
328 ... 40682
330 ... 40682
429 ... 40682
430 ... 40682
431 ... 40682
433 ... 40682
511 ... 40682
514 ... 40682
601 ... 40682
640 ... 41799
701 ... 40682
1000 ... 42749
1003 ... 40682
1004 ... 40682
1210 ... 40682

22 CFR
42 ... 42532
PROPOSED RULES:
6a ... 40456

23 CFR
450 ... 42976, 42979
470 ... 42344
633 ... 42867
658 ... 41774, 42186
710 ... 41523
750 ... 42842

24 CFR
280 ... 42061, 42007
570 ... 41509, 42347
888 ... 40513
1914 ... 41509, 42009, 42872
1915 ... 41510, 42553, 42874
1916 ... 42348, 42349
1917 ... 41108–41115, 42349
1920 ... 41115, 41116, 42557, 42743
PROPOSED RULES:
406 ... 42560

25 CFR
PROPOSED RULES:
33 ... 40982
43h ... 42020
233 ... 42884
401 ... 40982
402 ... 40982
403 ... 40982
404 ... 40982
405 ... 40982
406 ... 42560
407 ... 40982

26 CFR
1 ... 42743
31 ... 42349
PROPOSED RULES:
1 ... 41118

28 CFR
0 ... 42745
2 ... 41328

29 CFR
570 ... 40800
1952 ... 40155–40157
2530 ... 41654
2602 ... 42876
2604 ... 42533
2606 ... 42877
PROPOSED RULES:
603 ... 40537
608 ... 40537
609 ... 40537
687 ... 40537
1910 ... 40170, 40849, 41530, 41797
1915 ... 41530
1916 ... 41530
1917 ... 41530
1918 ... 41530
1926 ... 40170, 41530
1952 ... 41148

30 CFR
77 ... 41775
PROPOSED RULES:
211 ... 41122
216 ... 41122
250 ... 42559

32 CFR
197 ... 42186
1808 ... 42736
PROPOSED RULES:
1481 ... 42997
1814 ... 42444
2102 ... 40792

33 CFR
117 ... 41524, 42189
155 ... 42189
265 ... 42652
266 ... 42654
PROPOSED RULES:
1 ... 42210
117 ... 41537
305 ... 41636

35 CFR
253 ... 42996
PROPOSED RULES:
10 ... 40485

36 CFR
901 ... 41524
1000 ... 40802
PROPOSED RULES:
7 ... 41138, 42364
903 ... 41530

38 CFR
4 ... 42535
21 ... 42878
36 ... 42190
PROPOSED RULES:
3 ... 41540, 42578

V 40 181 SEP 17 75 XUM

39 CFR
111 ... 42541

40 CFR
52 ... 40158–40160, 41777, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42541, 42895–42896
60 ... 42194
61 ... 42195
162 ... 41788, 42748
180 ... 40161, 42357
230 ... 41292
435 ... 42543

PROPOSED RULES:
16 ... 40792
35 ... 41644
52 ... 40172, 40854–40856, 42211, 42368, 42369, 42757
60 ... 42028
126 ... 41649
142 ... 40538
162 ... 40538
172 ... 40545
180 ... 41538, 42757
246 ... 42986
430 ... 41298
435 ... 42572

41 CFR
8–2 ... 40803
8–3 ... 40803
14–3 ... 40517, 42746
101–26 ... 41093
101–35 ... 42358
101–38 ... 42358
101–43 ... 42361
101–44 ... 42361
105–61 ... 42881
114–42 ... 40517
114–60 ... 42746

PROPOSED RULES:
3–4 ... 42673
14H–70 ... 41025
51–8 ... 42444
60–5 ... 41149

42 CFR
110 ... 41095

PROPOSED RULES:
36 ... 42658
67 ... 42890

43 CFR
PUBLIC LAND ORDERS:
2249 (Revoked in part by PLO 5515) ... 40811
4089 (Revoked in part by PLO 5515) ... 40811
4148 (Revoked in part by PLO 5515) ... 40811
4643 (Revoked in part by PLO 5511) ... 40162
4889 (Revoked in part by PLO 5515) ... 40811
5175 (Amended by PLO 5519) ... 40814
5180 (Amended by PLO 5519) ... 40814
5191 (Amended by PLO 5519) ... 40814
5394 (Amended by PLO 5519) ... 40814
5418 (See PLO 5519) ... 40814
5438 (Amended by PLO 5519) ... 40814
5511 ... 40162
5512 ... 40162
5513 ... 40162
5514 ... 40811

43 CFR—Continued
5515 ... 40811
5516 ... 40814
5517 ... 40814
5518 ... 40814
5519 ... 40814
5520 ... 40815
5521 ... 40815
5522 ... 41096
5523 ... 41095
5524 ... 41095
5525 ... 41794
5526 ... 42195
5527 ... 42362
5528 ... 42362
5529 ... 42551
5530 ... 42551
5531 ... 42553
5532 ... 42551
5533 ... 42551
5534 ... 42552
5535 ... 42551
5536 ... 42553

PROPOSED RULES:
4 ... 42020
23 ... 41122
3040 ... 41122

45 CFR
30 ... 40162
46 ... 40163
100 ... 41795
101 ... 41795
169 ... 40518
250 ... 42013
1208 ... 40805
1600 ... 42362

PROPOSED RULES:
56 ... 41140
160a ... 41670
233 ... 41143
249 ... 42560
706 ... 40783
1115 ... 42457
1602 ... 42374

46 CFR
Ch. I ... 42195, 42746
32 ... 40163
35 ... 40163
50 ... 40163
52 ... 40163
53 ... 40163
54 ... 40163
56 ... 40164
58 ... 40163
63 ... 40169
146 ... 41795
410 ... 41526
402 ... 41526

PROPOSED RULES:
32 ... 42751
35 ... 42751
77 ... 42751
78 ... 42751
96 ... 42751
167 ... 42751
184 ... 42751
185 ... 42751
195 ... 42751
196 ... 42751

47 CFR
1 ... 42882
2 ... 40810
73 ... 42882

47 CFR—Continued
74 ... 40810
91 ... 40169

PROPOSED RULES:
2 ... 42028, 42577, 42897
73 ... 40172, 42028, 42369, 42577, 42578
89 ... 42577
91 ... 42028, 42577

49 CFR
25 ... 41040
171 ... 41527
172 ... 41527
173 ... 41527
174 ... 41527
175 ... 41527
177 ... 41527
178 ... 41527
325 ... 42432
385 ... 40810
Ch. V ... 41796, 42013
552 ... 42013
553 ... 42015
555 ... 42015
571 ... 42746, 42897
613 ... 42984
1033 ... 40518, 40519
1134 ... 42343
1306 ... 40518
1320 ... 41528
1322 ... 41528

PROPOSED RULES:
102 ... 41537
107 ... 41537
170 ... 41537
171 ... 40171, 40853, 40854, 41537
172 ... 41537
173 ... 41537
174 ... 41537
175 ... 41537
176 ... 41537
177 ... 41537
178 ... 41537
179 ... 41537
180 ... 41537
181 ... 41537
182 ... 41537
183 ... 41537
184 ... 41537
185 ... 41537
186 ... 41537
187 ... 41537
188 ... 41537
189 ... 41537
215 ... 42895
571 ... 40537, 40853, 42756
583 ... 42366, 42895
1037 ... 42221
1106 ... 42578
1106 ... 41153, 40854
1201 ... 42899
1307 ... 42033

50 CFR
20 ... 41096, 42015
28 ... 41105, 42017, 42195, 42748
32 ... 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748, 42883

PROPOSED RULES:
17 ... 40521
216 ... 41531, 42210
501 ... 41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17

V 40 181 SEP 1775 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

HEW—Social and Rehabilitation Service Assistance Programs; coverage and conditions of eligibility in financial assistance programs..... 25819; 6–19–75

Next Week's Deadlines for Comments On Proposed Rules

ACTION
Privacy Act of 1974; proposed regulation and implementation; comments by 9–26–75 ..... 39434; 8–27–75

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
Certain types of pears grown in Oregon, Washington, and California; expenses, rate of assessment, and carryover of unexpended funds; comments by 9–26–75..... 42023; 9–10–75
Irish potatoes grown in Colorado-Area No. 2; comments by 9–22–75. 40528; 9–3–75
Agricultural Stabilization and Conservation Service—
Flue-cured tobacco; determinations on marketing quotas for the 1976–77 marketing year; comments by 9–25–75 ..... 37224; 8–26–75
Animal and Plant Health Inspection Service—
Foreign poultry; restrictions on importation and standards for quarantine of hatching and brooding facilities; extension of time for submission of comments; comments by 9–23–75..... 37225; 8–26–75
Viral vaccines; retesting and animal potency testing; comments by 9–22–75 ..... 36572; 8–21–75
Rural Electrification Administration—
Rural telephone program; REA accounting requirements; comments by 9–25–75..... 37225; 8–26–75
Rural telephone program; distribution of dividends; provisions; comments 9–26–76 ..... 39379; 8–27–75

AMERICAN BATTLE MONUMENTS COMMISSION
Privacy Act of 1974; comments by 9–26–75 ..... 39379; 8–27–75

ARMS CONTROL AND DISARMAMENT AGENCY
Privacy Act regulations; comments by 9–22–75 ..... 39663; 8–28–75

CIVIL SERVICE COMMISSION
Investigations; pledges of confidence; comments by 9–24–75..... 37051; 8–25–75

COMMISSION ON CIVIL RIGHTS
Requirements of the Privacy Act of 1974; comments by 9–26–75. 40783; 9–27–75

COMMUNITY SERVICES ADMINISTRATION
Privacy Act regulations; comments by 9–26–75 ..... 38165; 8–27–75

COUNCIL ON WAGE AND PRICE STABILITY
Rules implementing the Privacy Act of 1974; comments by 9–22–75. 39013; 8–27–75

DEFENSE DEPARTMENT
Air Force Department—
Privacy Act of 1974; comments by 9–25–75 ..... 37533; 8–26–75
Army Department—
Personal privacy and rights of individuals regarding their personal records; comments by 9–27–75. 37547; 8–26–75
Defense Communications Agency—
Personal privacy and rights of individuals regarding their personal records; comments by 9–25–75. 37502; 8–26–75
Defense Contract Audit Agency—
Privacy Act of 1974; comments by 9–25–75 ..... 37504; 8–26–75
Defense Intelligence Agency—
Privacy Act of 1974; comments by 9–27–75 ..... 37509; 8–26–75
Defense Mapping Agency—
Personal privacy and rights of individuals regarding their personal records; comments by 9–25–75. 37522; 8–26–75
Navy Department—
Personal privacy and rights of individuals regarding their personal records and privacy act exemptions; comments by 9–24–75. 37568; 8–26–75
Office of the Secretary—
Personal privacy and rights of individuals regarding their personal records; comments by 9–25–75 and 9–27–75 (2 documents). 37582; 8–26–75

ENVIRONMENTAL PROTECTION AGENCY
Arizona air quality plan; process source control and new source review; comments by 9–22–75.. 36577; 8–21–75
Iron and steel manufacturing; effluent guidelines and standards for the forming and finishing segment; comments by 9–22–75..... 36708; 8–21–75

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Privacy Act of 1974; comments by 9–26–75 ..... 39377; 8–27–75

FARM CREDIT ADMINISTRATION
Privacy Act of 1974; proposed systems of records; comments by 9–26–75. 41731; 9–8–75

FEDERAL COMMUNICATIONS COMMISSION
Cable television systems; network program exclusivity; comments by 9–22–75; reply comments by 10–7–75. 34395; 8–15–75
Franchise standards; technical amendment; comments by 9–22–75. 34613; 8–18–75
Telemetry and remote control operations; comments by 9–23–75. 34155; 8–14–75
Multiple ownership of broadcast stations; comments by 9–26–75 and reply comments by 10–13–75. 34614; 8–18–75
Transmitters in industrial radiolocation service; modification of type acceptance requirements; reply comments by 9–24–75 ..... 31809; 7–29–75

FEDERAL DEPOSIT INSURANCE CORPORATION
Privacy Act of 1974; comments by 9–26–75 ..... 39426; 8–27–75

FEDERAL MEDIATION AND CONCILIATION SERVICE
Privacy Act of 1974; implementation procedures; comments by 9–26–75. 39035; 8–27–75

FEDERAL POWER COMMISSION
The Privacy Act of 1974; comments by 9–22–75 ..... 36546; 8–20–75

FEDERAL RESERVE SYSTEM
Consumer credit protection act; equal credit opportunity Act; supplemental notice of proposed rulemaking; comments by 9–26–75.. 42030; 9–10–75

FEDERAL TRADE COMMISSION
Cellular plastics products; disclosure of combustion characteristics in marketing and certification; comments by 9–22–75 ..... 30842; 7–23–75
Change in closing date to propose issues of fact in proposed trade regulation rule; comments by 9–24–75.. 36145; 8–19–75
Privacy Act; comments by 9–27–75. 34162; 8–14–75; 38171; 8–27–75

GENERAL SERVICES ADMINISTRATION
Privacy Act of 1974; implementation; comments by 9–26–75..... 39440; 8–27–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Education Office—
Women's educational equity program; grant award; comments by 9–25–75 ..... 33802; 8–11–75
Food and Drug Administration—
Dressings for food; revision of standards; comments by 9–22–75. 30978; 7–24–75
Frozen desserts and dairy products; proposed amendment to exemption from label requirements; comments by 9–22–75 ..... 30978; 7–24–75
Privacy Act of 1974; implementation; comments by 9–26–75 ..... 39388; 8–27–75
Social and Rehabilitation Service—
Medicaid; home health services; comments by 9–22–75..... 36702; 8–21–75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Relocation payments and assistance and real property acquisitions; comments by 9–22–75..... 36142; 8–19–75
Comprehensive planning assistance; general applicability; comments by 9–26–75..... 36856; 8–22–75

INTER-AMERICAN FOUNDATION
Privacy Act implementation; comments by 8–25–75..... 36264; 8–19–75

INTERNATIONAL TRADE COMMISSION
Safeguarding individual privacy; comment by 9–22–75....40050; 8–29–75

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES
Enrollment of Actuaries; access to records; procedures and requirements; comments by 9–26–75..... 38171; 8–27–75
Privacy Act of 1974; exemption of certain systems; comments by 9–26–75. 39387; 8–27–75

JUSTICE DEPARTMENT
Immigration and Naturalization Service—
Bond redetermination before special inquiry officer; comments by 9–22–75..... 39524; 8–28–75

LABOR DEPARTMENT
Occupational Safety and Health Administration—
New Mexico; modifications to State plan; comments by 9–22–75. 36575; 8–21–75
Toxic substances; Ketones; receipt of new evidence; comments by 9–25–75..... 37233; 8–26–75
Office of the Assistant Secretary for Labor-Management Relations—
Labor-management relations in the Federal service, consolidation of existing units; comments by 9–22–75 .....36576; 8–21–75
Office of the Secretary—
Privacy Act of 1974; systems of records; comments by 9–28–75. 41739; 9–8–75

MARINE MAMMAL COMMISSION
Privacy Act; implementation; comments by 9–27–75..... 41066; 9–4–75

NUCLEAR REGULATORY COMMISSION
Privacy Act of 1974; systems of records; proposed routine uses; comments by 9–26–75..... 38997; 8–27–75

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
Privacy Act regulations; comments by 9–26–75..... 40057; 8–29–75

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS
Privacy Act of 1974; comments by 9–22–75..... 39384; 8–27–75

OVERSEAS PRIVATE INVESTMENT CORPORATION
Access to and safeguarding of personal information in records of the corporation; comments by 9–22–75.... 36878; 8–22–75

POSTAL SERVICE
Privacy Act regulations; comments by 9–22–75..... 39805; 8–28–75

RAILROAD RETIREMENT BOARD
Privacy Act procedures and forms; comments by 9–26–75.. 36263; 8–19–75

SECURITIES AND EXCHANGE COMMISSION
Amendment or abrogation of exchange off-board trading rules; comments by 9–26–75..... 41808; 9–9–75

SELECTIVE SERVICE SYSTEM
Public information; proposed information; comments by 9–22–75. 36887; 8–22–75

SMALL BUSINESS ADMINISTRATION
Privacy Act of 1974; notice of systems of records; comments by 9–26–75. 42113; 9–10–75
Privacy Act of 1974; notice of systems of records; comments by 9–27–75. 42132; 9–10–75

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE
Unfair trade practices; public views on, and procedures for complaints; comments by 9–28–75.. 39467; 8–28–75

STATE DEPARTMENT
Agency for International Development—
Privacy Act of 1974; implementation; comments by 9–26–75..... 39449; 8–27–75

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
Alteration of transition area; Lake Providence, La.; comments by 9–26–75 ..... 37226; 8–26–75
Designation of transition area; Jonesboro, La.; comments by 9–25–75. 37226; 8–26–75
Transition area, Dillon, S.C.; comments by 9–24–75..... 37045; 8–25–75
Transition areas, Franklin and El Campo, Tex. (2 documents); comments by 9–22–75..... 36575; 8–21–75
Transition area; proposed alteration; comments by 9–22–75..... 36777; 8–22–75
VOR Federal airway V–111; proposed extension; comments by 9–22–75. 36777; 8–22–75
Federal Railroad Administration—
Radio standards and procedures; comments by 9–24–75..... 33683; 8–11–75
National Highway Traffic Safety Administration—
Motor vehicle safety standards; rearview mirrors; comments by 9–26–75..... 33830; 8–12–75
Office of the Secretary—
Maintenance of and access to records pertaining to individuals; comments by 9–27–75..... 34142; 8–14–75

TREASURY DEPARTMENT
Customs Service—
Changes in field organizations; comments by 9–24–75..... 37044; 8–25–75
Internal Revenue Service—
Determination of interest rate; comments by 9–22–75..... 36366; 8–20–75
Industrial development bonds; comments by 9–22–75..... 36371; 8–20–75
Regulations relating to exclusion from the gross estate of certain annuity interests created by community property laws; comments by 9–22–75 ..... 36375; 8–20–75

VETERANS ADMINISTRATION
Benefits; marriage dates of widows and widowers; comments by 9–24–75. 37059; 8–25–75
Nondiscrimination in Federally assisted programs; comments by 9–24–75. 37–59; 8–25–75

WATER RESOURCES COUNCIL
Privacy Act of 1974; implementation; comments by 9–26–75..... 39438; 8–27–75

Next Week's Meetings

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
Flue-cured Tobacco Advisory Committee; to be held in Raleigh, North Carolina on 9–25–75..... 42039; 9–10–75
Cooperative State Research Service—
Cooperative Forestry Research Advisory Committee; to be held in Washington, D.C. (open), 9–28–75. 34432; 8–15–75

CIVIL RIGHTS COMMISSION
Delaware State Advisory Committee; to be held in Wilmington, Del. (open), 9–26–75..... 34449; 8–15–75
Utah State Advisory Committee; to be held in Ogden, Utah (open with restrictions), 9–22–75..... 33852; 8–12–75

CIVIL SERVICE COMMISSION
Federal Employees Pay Council; to be held in Wash., D.C. (closed), 9–24–75. 37081; 8–25–75

V 40 181 SEP 17 75 XUM

COMMERCE DEPARTMENT
Census Bureau—
Census Advisory Committee on Privacy and Confidentiality; to be held in Suitland, Md (open), 9–22–75. 34434; 8–15–75
Census Advisory Committee on the Spanish Origin Poputation for the 1980 Census; to be held in Suitland, Maryland (open), 9–25, 9–26–75. 36397; 8–20–75
Domestic and International Business Administration—
Advisory Committee on East-West Trade; to be held in Washington, D.C. (open with restrictions), 9–24–75..... 34622; 8–18–75
National Oceanic and Atmospheric Administration—
Marine Petroleum and Minerals Advisory Committee meeting; to be held in Washington, D.C. (open), 9–22–23–75..... 31022; 7–24–75

CONSUMER PRODUCT SAFETY COMMISSION
Product Safety Advisory Council; to be held in Washington, D.C. (open with restrictions), 9–3–75..... 34629; 8–18–75

DEFENSE DEPARTMENT
Defense Manpower Commission; to be held at Washington, D.C. on 9–26–75. 42035; 42035
Department of the Army—
Armed Forces Epidemiological Board; to be held in Washington, D.C. (open with restrictions), 9–26–75. 41826; 9–9–75
Office of the Secretary—
Defense Intelligence Agency Scientific Advisory Committee; to be held at Naval Intelligence Support Center, Suitland, Md. (closed), 9–27–75. 41155; 9–5–75
Defense Intelligence Agency Scientific Advisory Committee; to be held at Pomponio Plaza, Rosslyn, Va. (closed), 9–26–75..... 41155; 9–5–75
Defense Science Board Task Force on "Electronic Test Equipment"; to be held at National Center Building No. 1, Room 2W67, 2511 Jefferson Davis Highway, Arlington, Va. (open), 9–23 and 9–24–75. 41156; 9–5–75
Defense Science Board Task Force on Identification Friend, Foe or Neutral; to be held in Arlington, Virginia (closed), 9–23–75..... 33056; 8–6–75
Wage Committee; to be held in Washington, D.C. (closed), 9–23–75. 33845; 8–12–75

ENVIRONMENTAL PROTECTION AGENCY
Effluent Standards and Water Quality Information Advisory Committee; to be held in Washington, D.C. (open), 9–25 and 9–26–75..... 40574; 9–3–75
Science Advisory Board National Air Quality Criteria Advisory Committee; to be held in Arlington, Virginia (open), 9–25–75..... 36422; 8–20–75

FEDERAL COMMUNICATIONS COMMISSION
Radio Technical Commission for Aeronautics; to be held in Wash., D.C. (open), 9–24 and 9–25–75..... 37082; 8–25–75

GENERAL SERVICES ADMINISTRATION
Advisory Committee for Protection of Archives and Records Centers; to be held in Washington, D.C. (open) 9–25 and 9–26–75..... 42407; 9–12–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Federal Council on the Aging; to be held in Washington, D.C. on 9–26–75. 42043; 9–10–75
Alcohol, Drug Abuse, and Mental Health Administration—
Alcohol Research Review Committee, to be held in Bethesda, Md. (partially open), 9–24 thru 9–26–75. 34016; 8–13–75
Alcohol Training Review Committee, to be held in Rockville, Md. (partially open), 9–25 thru 9–27–75. 34017; 8–13–75
Clinical Projects Research Review Committee, to be held in Washington, D.C. (partially open), 9–25 thru 9–27–75..... 34017; 8–13–75
Drug Abuse Research Review Committee, to be held in Rockville, Md. (partially open), 9–24 thru 9–26–75..... 34017; 8–13–75
Experimental Psychology Research Review Committee, to be held in Washington, D.C. (partially open), 9–25 thru 9–27–75..... 34017; 8–13–75
Mental Health Small Grant Committee, to be held in Washington, D.C. (partially open), 9–25 thru 9–27–75. 34017; 8–13–75
National Advisory Council on Alcohol Abuse and Alcoholism; to be held in Rockville, Md. (open with restrictions), 9–22 and 9–23–75. 38179; 8–27–75
Social Problems Research Review Committee, to be held in Washington, D.C. (partially open), 9–25 and 9–26–75..... 34017; 8–13–75
Education Office—
National Advisory Council on Extension and Continuing Education, to be held in New York, N.Y. (open), 9–23, 9–24, and 9–25–75. 39539; 8–28–75
Food and Drug Administration—
Panel on Review of Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Drug Products; to be held in Washington, D.C. (open with restrictions), 9–24, 9–25–75..... 36408; 8–20–75
Health Resources Administration—
Health Care Technology Study Section; to be held at Rockville, Md. (open in part), 9–22 and 9–23–75. 33483; 8–8–75
National Committee on Vital and Health Statistics; to be held in Washington, D.C. (open), 9–24 thru 9–26–75..... 34442; 8–15–75
National Institutes of Health—
Lipid Metabolism Advisory Committee, to be held in Bethesda, Md. (open with restrictions), 9–25–75. 34020; 9–25–75
Mental Retardation Research Committee, to be held in Bethesda, Md. (open with restrictions), 9–25 and 9–26–75..... 34020; 8–13–75
National Cancer Institute; to be held in Bethesda, Maryland (open with restrictions), 9–24, 9–25–75. 36413; 8–20–75
National Cancer Institute; Cancer Clinical Investigation Review Committee to be held in Bethesda, Maryland (open with restrictions), 9–22–24–75..... 36412; 8–20–75
Office of the Secretary—
National Professional Standards Review Council; to be held in Washington, D.C. (open), 9–22 and 9–23–75..... 36609; 8–21–75
National Professional Standards Review Council Technical Subcommittee; to be held in Washington, D.C. (open), 9–22–75.. 36609; 8–21–75
Social Security Administration—
Supplemental Security Income Study Group; to be held in Baltimore, Maryland (open), 9–25–75. 41550; 9–8–75

INTERIOR DEPARTMENT
Land Management Bureau—
California State Advisory Board; to be held in Susanville and Alturas, Calif. (open), 9–22 through 9–24–75..... 36581; 8–21–75
National Park Service—
North Atlantic Regional Advisory Committee; to be held at Gateway National Recreation Area, New York and New Jersey on 9–26 and 9–27–75..... 42038; 9–10–75
Zion National Park; to be held in Utah (open), 9–22, 9–23, 9–24, 9–26–75..... 36395; 8–20–75

MANAGEMENT AND BUDGET OFFICE
Advisory Committee on GNP Data Improvement; to be held at Washington, D.C. (open), 9–25–75..... 32182; 7–31–75
Business Advisory Council on Federal Reports to be held in Washington, D.C. (open), 9–25–75..... 39564; 8–28–75

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Historical Advisory Committee; to be held in Washington, D.C. (open with restrictions), 9–26–75..... 37273; 8–26–75

NATIONAL ENDOWMENT FOR THE ARTS AND HUMANITIES
Education Panel Advisory Committee; to be held in Washington, D.C. (closed), 9–24–75..... 37101; 8–25–75
Research Panel; to be held in Washington, D.C. (closed), 9–22–75.. 33735; 8–11–75

NATIONAL SCIENCE FOUNDATION
Ad Hoc Task group 10 of the Advisory Committee for Research; to be held at National Science Foundation, 1800 G Street NW, Washington, D.C. (open), Rooms 543 and 540, 9–24 and 9–25–75 respectively..... 41196; 9–5–75
Advisory Committee for Research; to be held at National Science Foundation, 1800 G Street NW, Washington, D.C. (open), 9–25 and 9–26–75.... 41196; 9–5–75
Advisory Panel for Weather Modification; to be held in Estes Park, Colo. (closed), 9–25 and 9–26–75.. 41858; 9–9–75

NUCLEAR REGULATORY COMMISSION
Advisory Committee on Reactor Safeguards Subcommittee on the Sterling Power Project Nuclear Unit No. 1; to be held in Sterling, N.Y. (closed), 9–24–75 ..... 41857; 9–9–75
Advisory Committee on Reactor Safeguards; to be held in Emporia, Kansas on 9–26–75..... 42061; 9–10–75

PRESIDENTS' ADVISORY COMMITTEE ON REFUGEES
To be held in Washington, D.C. (open), 9–24–75 ..... 41859; 9–9–75

SECURITIES AND EXCHANGE COMMISSION
Jacksonville District Advisory Council and Miami District Advisory Council; to be held at Marco Island, Fla., 9–26–75 ..... 33500; 8–8–75

SMALL BUSINESS ADMINISTRATION
Charlotte District Advisory Council; to be held at Charlotte, N.C. (open), 9–26–75 .....
Kansas City District Advisory Council; to be held at Kansas City, Mo. (open), 9–24–75 .....
Marshall District Advisory Council, to be held in Texarkana, Ark.-Tex. (open), 9–24–75 ..... 39576; 8–28–75

STATE DEPARTMENT
Advisory Commission on International Educational and Cultural Affairs; to be held in Washington, D.C. (open), 9–24–75 ..... 36579; 8–21–75
Study Group 2 of the U.S. National Committee for the International Radio Consultative Committee (CCIR); to be held in Washington, D.C. (open), 9–24–75 ..... 40557; 9–3–75
Office of the Secretary—
Law of the Sea Advisory Committee; to be held in Washington, D.C. (closed), 9–24–75..... 36392; 8–20–75

TRANSPORTATION DEPARTMENT
Coast Guard—
National Boating Safety Advisory Council Flotation Subcommittee; to be held in Chicago, Illinois (open), 9–22–75 ..... 36418; 8–20–75

VETERANS ADMINISTRATION
Infectious Diseases Merit Review Board; to be held in Washington, D.C. (open with restrictions), 9–24–75.... 41862; 9–9–75
Veterans Administration Wage Committee; to be held in Washington, D.C. (closed), 9–25–75.. 25525; 6–16–75

Next Week's Public Hearings

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING
To be held at Everett Dirksen Conference Room, U.S. Federal Building and Courthouse, 219 South Dearborn Street, Chicago, Ill. (open), 9–23 through 9–25–75..... 41172; 9–5–75

FEDERAL COUNCIL ON THE AGING
National Policy Concerns for Older Women; to be held in Washington, D.C., 9–28–75..... 36619; 8–21–75

FEDERAL TRADE COMMISSION
Warranties; disclosure of terms, presale disclosure, and dispute settlement (3 documents); held in Chicago, Ill. on 9–22–75..... 29892, 29894, 29895; 7–16–75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Office of Interstate Land Sales Registration—
Padre Island Corpus Christi; to be held in Washington, D.C., 9–24–75. 41831; 9–9–75

INTERIOR DEPARTMENT
Reclamation Bureau—
Alaska natural gas transportation system, draft environmental impact statement; hearings to be held in various cities; 9–25 through 10–3–75 ..... 34432; 8–15–75

TRANSPORTATION DEPARTMENT
Federal Aviation Administration; to be held at Village Motor Inn, 100 Madison, Missoula, Mont. (open), 9–22–75 ..... 41169; 9–5–75

VETERANS ADMINISTRATION
New England Aeronautical Institute enrollees; eligibility for benefits; to be held at Manchester, N.H. on 9–22–75 ..... 36185; 8–19–75

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

VOL 181 SEP 1775 XUM

presidential documents

Title 3—The President

PROCLAMATION 4394

National Employ the Handicapped Week, 1975

By the President of the United States of America

A Proclamation

America offers a promise that all its people who are willing and qualified to work shall have an equal opportunity to do so. Elimination of many discriminatory barriers has moved us closer toward the fulfillment of that promise. For our handicapped citizens, however, much more needs to be done.

The barriers facing the handicapped are not so much their own disabilities, but the attitudes of the non-handicapped toward their disabilities.

Those of us who are not handicapped think of what we could not do if we lost an arm or a leg, lost our sight or our voice, or were disabled in some other way. We often forget that the handicapped are thinking of what they can do.

We must learn to think like them—positively! We must look not at what they cannot do, but at what they can do. We must look beyond the disability to the positive ability.

The disabled can perform a wide range of jobs with skill and efficiency. They do not need special jobs. They need the opportunity to compete, to prove that they can perform.

The Congress has recognized our special responsibility to the handicapped and, by a joint resolution approved August 11, 1945, as amended (36 U.S.C. 155), has asked the President to issue a suitable proclamation.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 5, 1975, as National Employ the Handicapped Week.

I call upon the Governors of the States, mayors and other public officials, and leaders of industry, labor, education, religious, veteran, farm, scientific, professional and other groups to join with the handicapped themselves in making the American people aware of the value and fairness of employing handicapped men and women.

Also, I call upon all employers to review and broaden their policies toward the employment of the handicapped.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-24953 Filed 9-16-75;9:58 am]

V 40 181 SEP 1775 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 180—PLANT VARIETY PROTECTION ACT REGULATIONS AND RULES OF PRACTICE

Limits of Reciprocity

Statement of considerations. Section 43 of the Plant Variety Protection Act (7 U.S.C. 2403), and § 180.5(a) of the regulations and rules of practice (7 CFR 180.5(a)) under the act, provide that protection under the act, may by regulation, be limited to nationals of the United States, except where this limitation would violate a treaty and except that nationals of a foreign state in which they are domiciled shall be entitled to so much of the protection here afforded as is afforded by said foreign state to nationals of the United States for the same genus and species.

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, there was published in the FEDERAL REGISTER (75 FR 11318) on April 30, 1975, a notice of proposed rule making with respect to proposed amendments of the regulations and rules of practice (7 CFR 180) relating to § 180.5 to establish the limits of reciprocity for applicants from the Republic of South Africa applying for plant variety protection certificates in the United Sttaes.

Interested persons were given an opportunity to submit written comments regarding the proposal.

Over 1,700 copies of the proposal were distributed to interested trade and Government persons, groups and organizations and a press release was sent to leading trade magazines.

Written comments were received from one trade organization and two seed firms. All favored adoption of the proposal.

It is concluded that the amendment of section 180.5 as proposed on April 30, 1975, is in the public interest and accordingly this section is hereby amended by adding a new paragraph (a)(3) as follows:

(Sec. 6, Stat. 1542 (7 U.S.C. 2326) 40 FR 75-11318)

§ 180.5 General requirements.

(a) • • •

(3) A certificate of plant variety protection issued to a national of the Republic of South Africa shall (i) expire in 15 years or less, pursuant to sections 42 (b) and 83(b) of the Plant Variety Protection Act, from the date of issue of the certificate in the United States (ii) be applicable only for seed-reproduced species considered of economic importance and protectable in the Republic of South Africa (a list of such species may be obtained by writing to the Plant Variety Protection Office, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782 or to the Division of Seed Control, Hamilton Street, Private Bag 179, Pretoria, South Africa 0001) and (iii) not include a specification that the variety is to be sold by variety name only as a class of certified seed.

• • • • • •

These amendments shall become effective on October 17, 1975.

Dated: September 12, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-24749 Filed 9-16-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Control Committee Rules and Regulations

This document amends the Subpart—Control Committee Rules and Regulations (7 CFR 927.100 et seq.) currently in effect pursuant to the applicable provisions of the amended marketing agreement and Marketing Order No. 927 (7 CFR Part 927), as amended, hereinafter referred to collectively as the "order." Said amendment (1) updates the address of the Control Committee, (2) adds Yuba City, California, as a warehouse location to which pears may be shipped without prior inspection for storage while in transit to their ultimate market, and (3) deletes certain reporting requirements that duplicate the reporting requirements of the order. More specifically, the latter change deletes the requirement that winter pear handlers file, with the committee, semimonthly reports of railroad car and truck license numbers for the vehicles in which pears have been shipped. Also deleted is the requirement that such reports contain the inspection certificate numbers inasmuch as order provisions require handlers to file copies of such certificates with the Control Committee promptly after shipments are made.

The order regulates the handling of fresh Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment was unanimously proposed by the Control Committee which was established pursuant to the order to administer the terms and provisions thereof.

Notice was published in the August 25, 1975, issue of the FEDERAL REGISTER (40 FR 37044) that the Department was giving consideration of the aforesaid proposal to amend the Control Committee Rules and Regulations. The notice invited interested persons to submit written data, views, or arguments on the proposal not later than September 9, 1975. No such material was submitted.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Control Committee, and other available information, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with the provisions of the order and will tend to effectuate the declared policy of the act. Therefore, said rules and regulations are hereby amended as follows:

1. The Control Committee address specified in § 927.105 is amended to read as follows (the full text of the section is included for purposes of clarity):

§ 927.105 Communications.

Unless otherwise prescribed in this subpart, or in the marketing agreement and order, or required by the Control Committee, all reports, applications, submittals, requests, inspection certificates, and communications in connection with the marketing agreement and order shall be forwarded to:

Winter Pear Control Committee
601 Woodlark Building
Portland, Oregon 97205

2. The provisions of § 927.122(a) preceding the proviso therein are revised to read as follows:

§ 927.122 Shipments to designated storages.

(a) Pears may be shipped without prior inspection and certification to any public warehouse in Yakima, Zillah, Wenatchee, or Grandview in the State of Washington; in Portland, Klamath Falls, or Medford in the State of Oregon; or in Tulelake or Yuba City in the

V 40 I 181 SEP 17 75 XUM

State of California, for storage therein in transit: • • •

• • • • • •

3. Subparagraphs (3) and (4) of § 927.125(b) are hereby deleted and subparagraphs (5) and (6) are redesignated as (3) and (4) so that the paragraph reads as follows:

§ 927.125 Reports.

• • • • • •

(b) Each handler shall furnish to the Control Committee as of the first day and the fifteenth day, respectively, of each calendar month a report containing the following information on Form 1 "Handler's Statement of Pear Shipments":

(1) The number of standard western pear boxes (two half boxes shall be counted as one box) of each variety of pears shipped by that handler during the preceding half month;

(2) The date of each shipment;

(3) The ultimate destination, by city and State; and

(4) The name and address of such handler. In addition, the handler shall indicate, for each lot of pears shipped in accordance with the provisions of § 927.122, the storage lot number, and the name and address of the storage warehouse.

• • • • • •

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 553) in that the amendment relieves restrictions on handlers by providing an additional in-transit storage point for uninspected pears and by revoking certain reporting requirements. Therefore, to be of maximum benefit this amendment should be made effective as soon as possible.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 12, 1975, to become effective September 12, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-24744 Filed 9-16-75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Bond for Importation of Alien Laborers

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER of December 11, 1974 (39 FR 43221) pursuant to the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there was set forth the proposed amendment of 8 CFR 103.6(d)(2) pertaining to the amount of liability as liquidated damages for each alien involved when an employer fails to comply with the conditions of a bond required to be posted in conjunction with the importation of certain alien laborers.

It was proposed to raise the amount of liability as liquidated damages for each alien involved from $75 to $350. A number of representations were received in response to the proposed rule of December 11, 1974 and have been duly considered. As a result of the representations, a further detailed study of the matter was made and it was determined that the overwhelming number of alien abscondees who are returned after being apprehended by the Service are apprehended in and returned from the Southeast region of the United States. The cost of transportation for this large group is considerably less than the cost of transportation for the return of abscondees who are apprehended in more distant parts of the United States. Accordingly, it has been concluded that the estimated actual damages which the Government suffers if an employer fails to prevent an alien laborer from absconding more nearly approximates $200 rather than $350. In addition to a nonsubstantive editorial change, § 103.6(d)(2) is, therefore, being amended to provide for the employer's liability in the amount of $200 as liquidated damages for each alien involved.

Current § 103.6(d)(2) provides that a bond shall not be posted for less than $500 nor for more than $12,000 irrespective of the number of alien workers involved. With the increase of liquidated damages from $75 to $200 for each alien worker involved, the current $500 minimum amount of bond set forth in that section is unrealistic. Accordingly, § 103.6(d)(2) is further amended to provide that a bond shall not be posted for less than $1,000 instead of the present $500.

In the light of the foregoing, the proposed rule, as amended and as set forth below, is hereby adopted.

In Part 103, § 103.6(d)(2) is amended in the following respects: The first sentence is amended by deleting the word "British" from the words "British West Indies"; the second sentence is amended by changing "$500" to read "$1,000"; and the third sentence is amended by changing "$75" to read "$200". As amended, § 103.6(d)(2) reads as follows:

§ 103.6 Surety bonds.

• • • • • •

(d) • • •

(2) *Blanket bonds for importation of workers classified as nonimmigrants under section 101(a)(15)(H).* The following schedule shall be employed by district directors when requiring employers or their agents or representatives to post bond as a condition to importing alien laborers into the United States from the West Indies, the British Virgin Islands, or from Canada:

	Each
Less than 500 workers	$15
500 to 1,000 workers	10
1,000 or more workers	5

A bond shall not be posted for less than $1,000 or for more than $12,000 irrespective of the number of workers involved. Failure to comply with conditions of the bond will result in the employer's liability in the amount of $200 as liquidated damages for each alien involved.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above prescribed rules are to update the minimum amount of bond posted by an employer as a condition to the importation of certain alien laborers into the United States and to update the amount of an employer's liability as liquidated damages for each alien involved when an employer fails to prevent an alien laborer from absconding.

Effective date: The amendments contained in this order shall become effective October 17, 1975.

Dated: September 11, 1975.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.75-24686 Filed 9-16-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Labeling Restrictions Relieved for Certain Meat Food Products

● **Purpose: The purpose of this docket is to relieve until July 1, 1976, certain labeling restrictions in the federal meat inspection regulations applicable to meat food products which contain two or more meat ingredients, one of which is pork.** ●

Section 317.2(f)(1) of the federal meat inspection regulations (9 CFR 317.2(f)(1)) provides that labels of meat food products shall show in the list of ingredients the common or usual names of the ingredients arranged in the descending order of predominance, except as otherwise provided.

Section 317.2(f)(1)(v) of the regulations (9 CFR 317.2(f)(1)(v)) provides that when the two meat ingredients comprise at least 70 percent of the meat and meat byproduct ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat byproducts used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials, provided that the word "and," in lieu of a comma, is shown between the declaration of such meat ingredients in the statement of ingredients. This regulation is designed to permit formulation responses to variable supply conditions without expensive and time consuming changes having to be made with respect to labeling.

Information available to the Department indicates that the sharp drop in the swine population this year will result in the lowest pork production since 1965. During the first half of 1975, the volume of hog slaughter declined nearly 10 percent from the previous 6-month period, and fell more than 11 percent below the volume of hog slaughter in the first half of 1974. Based on the June 1 market hog inventory, pork production in the second half of 1975 is expected to fall 20 percent short of last year's level during the corresponding period. Moreover, sharply higher hog prices have not encouraged producers to significantly expand production for early 1976. Farrowing intentions for the fall pig crop, which will supply first half 1976 slaughter hogs, are down 22 percent below the 1974 fall pig crop, indicating continued tight supplies and strong market prices during that period.

In view of these circumstances, it is expected that meat processors who have heretofore prepared meat food products containing at least 30 percent pork and used labeling as provided in § 317.2(f)(1)(v) will find it necessary to reduce the amount of pork in the products below the 30 percent level and therefore could not use their existing stocks of labels which have ingredients statements as permitted by that section. It is estimated that it would require at least 6 to 10 months to obtain new approved labels and during this period the flow of such products to consumers would be interrupted. Also discarding the earlier approved labels would result in economic losses that eventually would be passed on to consumers. In order to avoid the need for new label materials in view of the anticipated shortage of pork supplies, the Administrator has determined that the regulation should be amended to allow the use of labels permitted by § 317.2(f)(1)(v) for products containing not less than 10 percent of pork until July 1, 1976, when it is expected that the pork shortage will be alleviated.

Accordingly, § 317.2(f)(1)(v) is amended by deleting the period and adding the following proviso, at the end thereof:

§ 317.2 Labels: definition; required features.

• • • • • •

(f)(1)(v) • • •; and *provided further*, that until July 1, 1976, the term "30 percent" referred to in this paragraph shall be "10 percent" with respect to pork.

• • • • • •

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

In view of the circumstances described in the Statement of Considerations, it does not appear that public participation in rulemaking on this amendment would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective September 17, 1975.

Done at Washington, D.C., on: September 12, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-24020 Filed 9-16-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

PART 544—CHARTER AND BYLAWS

PART 545—OPERATIONS

Communications Among Members

SEPTEMBER 10, 1975.

Summary. The following summary of the amendment adopted by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the amendment.

I. *Present Situation.* Federal mutual associations are authorized to adopt an *optional* bylaw governing communications among members of the association.

II. *Amended Regulation.* A. Provides for a *mandatory* procedure for communications among association members applicable to all Federal mutual associations.

B. Prohibits any such association from releasing its membership list without the prior written approval of the Federal Home Loan Bank Board or a Principal Supervisory Agent thereof.

III. *Reason for Change.* To establish a means of communication among association members, which is fair, orderly, uniform, and effective, and obviates any need for member access to the association's membership list for proxy solicitation purposes or otherwise.

The Federal Home Loan Bank Board, by Resolution No. 75-589, dated June 30, 1975, proposed an amendment to Parts 544 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 544 and 545) for the purposes stated in the preamble to said proposal and summarized above. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on July 8, 1975 (40 F.R. 28638–28640) with an invitation for interested persons to submit written comments by August 18, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said Part 544 by revoking § 544.6(g) thereof and amends said Part 545 by adding a new § 545.28 thereto, with several changes from the proposal, to read as set forth below, effective October 31, 1975.

As proposed, the new § 545.28 would have been unclear whether requests to communicate furnished thereunder to a Federal association could be other than written. As adopted hereby, the new § 545.28(d) makes clear that such requests must be written.

As proposed, the definition of "improper communication" in the new § 545.28(e) would have been in part ambiguous. As adopted, § 545.82(e)(2) has been changed from the proposal to make clear that as used in this section the term "improper communication" includes a communication which relates to a personal claim or a personal grievance against the association, its management or any other party, or is solicitous of personal gain or business advantage by or on behalf of any party. (The proposed § 545.28(e)(2) could have been construed as referring only to claims and grievances for which enforcement or redress was sought and contained no reference to solicitations for personal gain or business advantage.) As adopted, § 545.28(e)(3) has been changed from the proposal to make clear that as used in this section the term "improper communication" includes a communication which relates to any matter, including a general economic, political, racial, religious, social or similar cause, that is not significantly related to the business of the association or is not within the control of the association. (The proposed § 545.28(e)(3) could have been construed as referring only to communications consisting of a recommendation, request or mandate that action be taken with respect to such a matter.)

§ 544.6 [Amended]

1. 12 CFR 544.6 is amended by revoking paragraph (g), and replacing it with the following note:

(g) [Revoked eff. 10–31–75].

2. A new § 545.28 is added to 12 CFR Part 545 as follows:

§ 545.28 Communication between association members of a Federal mutual association.

(a) *Release or disclosure of membership lists prohibited.* (1) Federal mutual associations shall not release or otherwise disclose in any manner, directly or indirectly, their membership lists to any person except with the prior written approval of the Board: *Provided*, that nothing in this section shall be construed to deny access to such membership lists to officers of an association or to others employed by them in the usual course of conducting the association's business and affairs.

(2) As used in this section, the term "membership list" means any books or records or other documents of the association containing: (i) a list of the members of the association; (ii) their addresses; (iii) their savings account or loan balances or records; or (iv) any data from which such information could be reasonably constructed.

(3) In connection with requests under paragraph (a)(1) of this section for release of membership lists, the Board hereby delegates to the Principal Supervisory Agent, as defined in § 545.14(a)(3), of the district in which the home

V 40 181 SEP 1775 XUM

office of each such association is located the authority to approve or disapprove said requests and, in connection with approvals, the authority to specify the terms and conditions of said approvals.

(b) *Right of inspection of member's own records.* Each member of a Federal mutual association shall have the right to inspect the books and records of the association which pertain solely to such member's own savings or borrowing account or accounts.

(c) *Right of communication with other members.* Each member of a Federal mutual association shall have the right to communicate with other members of such association, by the means and procedures set forth in paragraph (d) of this section, with respect to any matter related to the business or affairs of the association, except for "improper" communications, as defined in paragraph (e) of this section. The association may not defeat such right by redemption of a savings member's savings account in the association.

(d) *Member communications procedures* (1) *Annual or special meetings.* Any member of a Federal mutual association desiring to communicate with other members in connection with an annual meeting shall, not less than 30 days prior to the date of said annual meeting and not less than 10 days prior to the date of a special meeting, furnish the association with a written request to communicate containing the following information: (i) such member's full name and address; (ii) the nature and extent of such member's interest in the association at the time the information is furnished; (iii) a copy of the proposed communication; and (iv) the date of the annual or special meeting of the members of the association at which he desires to present the matter for consideration. Within 10 days of receipt of such request in the case of an annual meeting and within 3 days of receipt of such request in the case of a special meeting, the association shall notify the member either of the number of the association's members and of the estimated amount of the association's reasonable costs and expenses of mailing the proposed communication to its members, or of its determination not to mail the proposed communication because said communication is "improper", as defined in paragraph (e) of this section. After receipt of such amount and sufficient copies of the member's communication, the association shall mail the same to all its members by a class of mail specified by the requesting member within 7 days of receipt of such amount and such copies in the case of an annual meeting and at the earliest practicable date prior to the meeting in the case of a special meeting (or, in either case, such later date as said member may specify).

(2) *Other communication.* Any member of a Federal mutual association who desires to communicate with other members other than in connection with an annual or special meeting shall furnish the association with a written request to communicate containing the following information: (i) such member's full name and address; (ii) the nature and extent of such member's interest in the association at the time the information is furnished; and (iii) a copy of the proposed communication. Within 14 days of receipt of such request, the association shall notify the member either of the number of the association's members and of the estimated amount of the association's reasonable costs and expenses of mailing the proposed communication to its members, or of its determination not to mail the proposed communication because said communication is "improper," as defined in paragraph (e) of this section. After receipt of such amount and sufficient copies of the proposed communication, the association shall mail the same to all its members by a class of mail specified by the requesting member within 7 days of receipt of such amount and such copies (or such later date as said member may specify).

(e) *"Improper communication" defined.* As used in this section, an "improper communication" is one which contains material which: (1) at the time and in the light of the circumstances under which it is made (i) is false or misleading with respect to any material fact, or (ii) omits to state any material fact necessary in order to make the statements therein not false or misleading, or necessary to correct any statement in any earlier communication on the same subject matter which has become false or misleading; (2) relates to a personal claim or a personal grievance against the association, its management or any other party, or is solicitous of personal gain or business advantage by or on behalf of any party; (3) relates to any matter, including a general economic, political, racial, religious, social or similar cause, that is not significantly related to the business of the association or is not within the control of the association, in that it is not within the power of the association to effectuate; or (4) directly or indirectly, and without expressed factual foundation, (i) impugns character, integrity or personal reputation, or (ii) make charges concerning improper, illegal or immoral conduct, or (iii) makes statements impugning the stability and soundness of the association.

(f) *Refusal to mail proposed communication.* (1) A Federal mutual association which refuses to comply with a member's request to communicate with other members under paragraph (d) (1) of this section shall, within 10 days of receipt of said request in the case of an annual meeting or 3 days in the case of a special meeting, return the material to the requesting member together with a written statement of the specific reasons for such refusal, and simultaneously shall provide the Board's Supervisory Agent in the district in which the association's main office is located with 2 copies each of the materials presented by the requesting member, the association's written statement of the reasons for its refusal to comply with the member's request, and any other relevant material.

(2) A Federal mutual association which refuses to comply with a member's request to communicate with other members under paragraph (d) (2) of this section shall, within 14 days of receipt of said request, return the material to the requesting member together with a written statement of the specific reasons for such refusal, and simultaneously shall provide the Board's Supervisory Agent in the district in which the association's main office is located with 2 copies each of the materials presented by the requesting member, the association's written statement of the reasons for its refusal to comply with the member's request, and any other relevant material.

(Sec. 5, 48 Stat., 132, as amended; 12 U.S.C. § 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-24711 Filed 9-16-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-23-AD; Amdt. 39-2870]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 35, 35R, A35 and B35 Airplanes

There has been one reported incident involving a fatigue crack in the stabilizer attach fitting on a high time Beech Model 35 airplane. If permitted to progress such a crack could result in failure of the fitting which in turn could lead to loss of the stabilizer. The manufacturer has determined that due to the age (25+ years) and unknown service history of these castings, the onset of fatigue and/or corrosion induced cracks cannot be predicted. Since the condition described herein is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive (AD) is being issued, applicable to Beech Models 35, 35R, A35, and B35 airplanes, requiring repetitive and dye penetrant inspections of the stabilizer attach fitting for cracks and the replacement thereof, if cracked, along with attaching hardware.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 35, 35R, A35 and B35 (Serial Numbers D-1 through D-2680) airplanes having 1,000 or more hours' time in service.

Compliance: Required as indicated, unless already accomplished.

To prevent possible stabilizer loss or failure, in order to detect cracks in the stabilizer attach fitting (P/N 35-405130), within 50 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 1,000 hours' time in service, accomplish the following in accordance with Beechcraft Service Instruction 0729-130:

(A) Remove stabilizer attach bolts, plates and other components necessary to provide access to the stabilizer attach fitting and then remove said fitting.

(B) Inspect the stabilizer attach fitting by visual and dye penetrant methods in accordance with the procedures specified in FAA Advisory Circular (AC) 43.13-1A.

(C) If as a result of any inspection required herein, a stabilizer attach fitting is found cracked, prior to further flight, replace it with a new or airworthy P/N 35-405130 stabilizer attach fitting and continue the 1,000-hour repetitive inspections required herein.

(D) If a crack is found as a result of any inspection required herein, provide the FAA with written notification thereof utilizing Malfunction and Defect Report, (FAA Form 8330-2) stating the location and length of any crack discovered and the total operating time of the airplane or part at the time of discovery. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.)

(E) Aircraft may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

This amendment becomes effective Septmeber 23, 1975.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on September 9, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.75-24682 Filed 9-16-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation ER-930; Amdt. 18]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Editorial Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 12, 1975.

By ER-773, October 20, 1972, the Board amended Section 22(a) of Part 241 by prescribing a list of due dates for the filing of the various Form 41 schedules. By inadvertence schedules numbered "T-2" and "T-3" were included among the schedules due on September 30, whereas these quarterly schedules are actually due on October 30, and the amendment herein makes the necessary correction.

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR § 385.19 and shall become effective on October 7, 1975. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 through 385.54).

Accordingly, the Civil Aeronautics Board hereby amends Section 22 of Part 241 (14 CFR Part 241), by revising the list of due dates which is set forth in paragraph (a) to read as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due date[1]	*Schedule No.*
Sept. 30	B-1, P-1(a), T-1, T-7.
Oct. 30	B-1, P-1(a), T-1, T-2, T-3, T-7, T-41.

[1] Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

[SEAL] JAMES C. SCHULTZ,
General Counsel.

[FR Doc.75-24724 Filed 9-16-75;8:45 am]

[Regulation ER-929, Revision and Reissuance of Part 298]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Revision and Reissuance

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 10, 1975.

The Board has determined to revise and to reissue without substantive change Part 298 of the Economic Regulations for the purpose of composing the part into a more logical arrangement, clarifying certain of its provisions, and eliminating others which are obsolete or unnecessary.

There is attached as an appendix a cross-reference table showing the relationship between former sections of Part 298 and the new sections as they appear in the revised Part 298.

Since the revisions to Part 298 being made herein are nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary and that the revised Part may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby revises and reissues Part 298 (14 CFR 298), as set forth below, effective September 10, 1975.

By the Civil Aeronautics Board.[1]

Effective: September 10, 1975.

Adopted: September 10, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

CROSS-REFERENCE TABLE
PART 298

Former section:	*New section*
298.1	298.1
298.2	298.2
298.3	298.3
298.4	298.4
298.5	deleted
298.6	298.64
298.7	298.64
298.11(a), (c)-(i)	298.11(a), (c)-(i)
298.11(b)	298.11(b), 298.70
298.12	298.12
298.13	298.13
298.14	298.14
298.21(a)	298.31
298.21(b)	298.33
298.21(c)	298.34
298.21(d)	298.33
298.21(e)	298.33(d)
298.21(f)(1)	298.35
298.21(f)(2)	deleted
298.21(g)	298.37
298.22(a)	298.31
298.22(b)	298.32(a)
298.22(c)	298.32(b)
298.23	298.36
298.41(a)-(c)	298.41(a)-(c)
298.41(e)	298.41(d)
298.42	298.42
298.43	298.43
298.44	298.44
298.45	298.45
298.50	298.21
298.51	298.22
298.52	298.23
298.60	298.61
298.61	298.60
298.63	298.61(b)
298.64	298.61(c)-(f)
298.65	298.61(g)
298.66	298.62
298.67	298.63
298.70	298.70
298.80	298.80

Title 14 Part 298 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General

Sec.
298.1 Applicability of part.
298.2 Definitions.
298.3 Classification.
298.4 Requests for statement of authority.

Subpart B—Exemptions

298.11 Exemption authority.
298.12 Effect of exemption on antitrust laws.
298.13 Duration of exemption.
298.14 Approval of certain interlocking relationships.

Subpart C—Registration and Reregistration for Exemption

298.21 Filing for registration by air taxi operators.
298.22 Processing by the Board.
298.23 Notification to the Board of change in operations.

Subpart D—Limitations and Conditions on Exemption and Operations

298.31 Scope of service and equipment authorized.
298.32 Requirements relating to interests in large aircraft or their operation.

V 40 181 SEP 17 75 XUM

Sec.
298.33 Prohibition and limitations concerning regular service in markets served or authorized to be served by certificated helicopter carriers, and limitation on use of helicopter, STOL or VTOL aircraft.
298.34 Limitations on air taxi service in Alaska.
298.35 Limitations on carriage of mail.
298.36 Limitation on use of business name.
298.37 Prohibition of services not covered by insurance.

Subpart E—Liability Insurance Requirements

298.41 Basic requirements.
298.42 Minimum limits of liability.
298.43 Terms and conditions of insurance coverage.
298.44 Authorized exclusions of liability.
298.45 Cancellation, withdrawal, modification, expiration, or replacement of insurance coverage.

Subpart F—Requirements for Filing of Flight Schedules and Reports

298.60 Filing of flight schedules by commuter air carriers.
298.61 Reporting of scheduled operations by commuter air carriers.
298.62 Public disclosure of schedule T–1 data.
298.63 Reporting of revenue operations by air taxi operators, including commuter air carriers.
298.64 Requests for extensions of time within which to file reports or for waivers from reporting requirements.

Subpart G—Waiver of Liability Limits Under the Warsaw Convention

298.70 Waiver of liability limitations.

Subpart H—Violations

298.80 Enforcement.

AUTHORITY: Secs. 204(a), 416(a) of the Federal Aviation Act as amended, 72 Stat. 743, 771; 49 U.S.C. 1324(a), 1386(a).

Subpart A—General

§ 298.1 Applicability of part.

This part establishes a classification of air carriers known as "air taxi operators," provides certain exemptions to them from some of the economic regulatory provisions of Title IV of the Federal Aviation Act and specifies procedures by which such air carriers may obtain authority to conduct operations, and establishes rules applicable to their operations in air transportation in all States, Territories and possessions of the United States.[1]

[1] Section 401(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1371(a), prohibits any person from engaging in "air transportation" except to the extent that such person is authorized to do so by the Civil Aeronautics Board or other Federal statute.

Air transportation is defined in the Act (see section 101(10) and (21), 49 U.S.C. 1301) to include the carriage by aircraft of persons or property as a common carrier for compensation or hire. This includes carriage by aircraft as a common carrier between places in the same State (a) through airspace outside that State over other States or the District of Columbia or the open sea or foreign territory) or (b) where such carriage is part of the movement of the passengers or property carried, in interstate, overseas or foreign air commerce. However, operations wholly within the geographic limits of a single State are not considered "air transportation" if in those operations the carrier transports no more than a *de minimis* volume of passengers or property moving as part of a continuous journey to or from a point outside the State. For a further discussion of what constitutes air transportation see the preamble to ER–574, 34 F.R. 7124.

Air transportation also is defined to include "the carriage of mail by aircraft." Section 5402 of the Postal Reorganization Act, 39 U.S.C. 5402, authorizes the carriage of mail by air taxi operators in some circumstances under contract with the Postal Service.

This Part does not provide exemption from the safety regulatory provisions of the Act which are administered by the Department of Transportation through the Federal Aviation Administration, and air taxi operators in the conduct of their operations must observe all applicable safety standards and requirements.

§ 298.2 Definitions.

As used in this part:

(a) "Act" means the Federal Aviation Act of 1958, as amended.

(b) "Air taxi operator" means an air carrier coming within the classification of "air taxi operators" established by § 298.3.

(c) "Air Transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft as defined by the Act.

(d) "Aircraft hours" means the airborne hours of aircraft computed from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

(e) "Aircraft miles" means the miles (computed in airport-to-airport distances) for each flight stage actually completed, whether or not performed in accordance with the scheduled pattern.

(f) "Commuter air carrier" means an air taxi operator which (1) performs at least five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week and places between which such flights are performed, or (2) transports mail by air pursuant to contract with the United States Postal Service.

(g) "Departure" means takeoff from an airport.

(h) "Flight stage" means the operation of an aircraft from takeoff to landing.

(i) "Large aircraft" means any aircraft having a maximum passenger capacity of more than 30 seats or a maximum payload capacity of more than 7,500 pounds; except that in connection with operations conducted within the State of Alaska or Hawaii, large aircraft shall mean an aircraft whose maximum certificated takeoff weight is more than 12,500 pounds: *Provided, however,* That, for the purposes of this part, large aircraft shall include all models of the Convair 240, 340 and 440; Martin 202 and 404; F–27 and FH–227; and Hawker Siddeley 748; and shall also include any other aircraft with a maximum zero fuel weight in excess of 35,000 pounds.

(j) "Maximum certificated takeoff weight" means the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate.[2]

(k) "Maximum passenger capacity" means the maximum number of passenger seats for which an aircraft is configured.

(l) "Maximum payload capacity" means the maximum certificated takeoff weight of an aircraft, less the empty weight,[3] less all justifiable aircraft equipment, and less the operating load (consisting of minimum fuel load, oil, flight crew, steward's supplies, etc.). For purposes of this part, the allowance for the weight of the crew, oil, and fuel is as follows: (a) Crew—200 pounds per crew member required under FAA regulations, (b) oil—350 pounds, (c) fuel—the minimum weight of fuel required under FAA regulations for a flight between domestic points 200 miles apart,[4] *Provided, however,* That in the case of aircraft for which a maximum zero fuel weight is prescribed by the FAA,[5] maximum payload capacity means the maximum zero fuel weight, less the empty weight, less all justifiable aircraft equipment, and less the operating load (consisting of minimum flight crew, steward's supplies, etc., but not including disposable fuel or oil).

(m) "Mile" means a statute mile, i.e., 5,280 feet.

(n) "Passengers carried" means passengers on board each flight stage.

(o) "Point" when used in connection with any territory or possession of the United States, or the States of Alaska and Hawaii, means any airport or place where aircraft may be landed or taken off, including the area within a 25-mile radius of such airport or place; when used in connection with the continental United States, except Alaska, it shall have the same meaning except be limited to the area within a 3-mile radius of such airport or place: *Provided,* That for the purposes of this part, West 30th Street Heliport and Pan Am Building Heliport, both located in New York City, shall be regarded as separate points.

(p) "Revenue passenger-mile" means one revenue passenger transported one mile. Revenue passenger-miles are computed by summation of the products of the revenue aircraft-miles flown on each flight stage multiplied by the number of revenue passengers carried on that flight stage.

(q) "Revenue seat-miles available" means the total of the products of aircraft-miles and number of seats available for revenue use on each flight stage, representing the total passenger-carrying capacity offered.

(r) "Revenue ton-mile" means one ton of revenue traffic transported one mile. Revenue ton-miles are computed by summation of the products of the revenue aircraft-miles flown on each flight stage multiplied by the number of revenue tons carried on that stage. (A standard weight of 200 pounds per passenger may be used in the computation.)

(s) "Revenue ton-miles available" means the aggregate of the products of the aircraft-miles flown on each flight stage multiplied by the capacity in tons available for use on that stage.

(t) "Ton" means a short ton, i.e., 2,000 pounds.

[2] This weight may be found in the airplane operating record or in the airplane flight manual which is incorporated by regulation into the airworthiness certificate.

[3] Empty weight is defined in section 03 of Part 241 as follows: "the weight of the airframe, engines, propellers, and fixed equipment. Empty weight excludes the weight of the crew and payload, but includes the weight of all fixed ballast, unusable fuel supply, undrainable oil, total quantity of engine coolant, and total quantity of hydraulic fluid."

[4] Assumes VFR weather conditions and flights not involving extended overwater operations.

[5] The maximum zero fuel weight is the maximum permissible weight of an airplane with no disposable fuel or oil. The zero fuel weight figure may be found in the FAA's type certificate data sheets, and/or in FAA-approved flight manuals.

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated as "air taxi operators," which directly engage in the air transportation of persons or property or mail or in any combination of such transportation and which:

(1) Do not, directly or indirectly, utilize large aircraft in air transportation;

(2) Do not hold a certificate of public convenience and necessity or economic authority issued by the Board other than that provided by this part;

(3) Have registered with the Board initially, and reregistered thereafter in accordance with subpart C of this part;

(4) Have and maintain in effect liability insurance coverage in compliance with the requirements set forth in Subpart E of this part and have and maintain a current certificate of insurance evidencing such coverage on file with the Board; and

(5) Have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900 and a tariff embodying the provisions of the counterpart, if required by Subpart G of this part.

(b) A person which does not observe the conditions set forth in paragraph (a) of this section shall not be an air taxi operator within the meaning of this part with respect to any operations conducted while such conditions are not being observed, and during such periods is not entitled to any of the exemptions set forth in this part.

§ 298.4 Requests for statement of authority.

In any instance where an air taxi operator is required by a foreign government to produce evidence of its authority to engage in foreign air transportation under the laws of the United States, the Secretary of the Board will, upon request, furnish the carrier with a written statement, outlining its general operating privileges under this part for presentation to the proper authorities of the foreign government.

Subpart B—Exemptions

§ 298.11 Exemption authority.

Air taxi operators are exempt from the following provisions of Title IV of the Act:

(a) Subsection 401(a);

(b) Section 403; except that the requirements of that section shall apply to: (1) Tariffs for through rates, fares, and charges filed jointly by air taxi operators with air carriers or with foreign air carriers subject to the tariff-filing requirements of section 403 of the Act; and (2) Tariffs required to be filed by air taxi operators which embody the provisions of the counterpart to CAB Agreement 18900 as specified in Subpart G of this part;

(c) Subsection 404(a), except the requirements that air taxi operators shall provide safe service, equipment, and facilities in connection with air transportation; shall observe and enforce just and reasonable joint rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices as provided in tariffs filed jointly by air taxi operators with certificated air carriers or with foreign air carriers and shall establish just, reasonable, and equitable divisions of such joint rates, fares, and charges as between air carriers participating therein which shall not unduly prefer or prejudice any of such participating air carriers;

(d) Subsection 404(b), except that the requirements of that subsection shall apply to through service provided pursuant to tariffs filed jointly by air taxi operators with air carriers or with foreign air carriers;

(e) Subsection 405(b);

(f) Subsections 407(b), (c), and (d);

(g) Subsection 408(a); except that no exemption is granted hereby for any air taxi operator to enter into any of the transactions or relationships prohibited by subsection 408(a) with any person who operates large aircraft for compensation or hire, or who engages in air transportation from which the air taxi operator is excluded by the limitations imposed by this part;

NOTE: The above exemption is applicable to air taxi operations only. It does not relieve other persons subject to section 408(a) from the obligations of that section with respect to any relationships they may have with respect to air taxi operators. For additional exemptions from section 408(a) applicable to air taxi operators, see Part 299 of the Board's Economic Regulations.

(h) Subsection 409(a); except that no exemption is granted hereby for any air taxi operator to enter into any of the relationships prohibited by subsection 409(a) with any person who operates large aircraft for compensation or hire, or who engages in air transportation from which the air taxi operator is excluded by the limitations imposed by this part; and

(i) Subsection 412(a): *Provided,* That air taxi operators shall not be relieved from filing with the Board a true copy, or, if oral, a true and complete memorandum of every contract or agreement (whether enforceable by provisions of liquidated damages, penalties, bonds, or otherwise) affecting air transportation, between any air taxi operator and any person (excluding air carriers) who operates large aircraft for compensation or hire.

§ 298.12 Effect of exemption on antitrust laws.

The exemption granted in § 298.11 from sections 408(a), 409(a) and 412(a) of the Act, shall not constitute an order under such sections, within the meaning of section 414 of the Act, and shall not confer any immunity or relief from operation of the "antitrust laws," or any other statute (except the Federal Aviation Act of 1958, as amended) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 298.13 Duration of exemption.

The exemption from any provision of title IV of the Act provided by § 298.11 shall continue in effect only until such time as the Board shall find that enforcement of such provision would be in the public interest or would no longer be a burden on air taxi operators: *Provided,* That upon such a finding as to any air taxi operator or class of air taxi operators, such exemption shall to that extent terminate with respect to such operator or class of operators.

§ 298.14 Approval of certain interlocking relationships.

To the extent that any officer or director of an air taxi operator would be in violation of any of the provisions of section 409(a) (3) and (6) by participating in interlocking relationships covered by the exemption granted in § 298.11(h), such participation is hereby approved by the Board, subject, however, to the provisions of § 298.12.

Subpart C—Registration and Reregistration for Exemption

§ 298.21 Filing for registration by air taxi operators.

(a) Every air taxi operator (whether or not he is also a commuter air carrier as defined in this part) who plans to commence operations under this part shall register with the Board not later than 30 days prior to the commencement of such operations, unless, upon a showing of good cause satisfactory to the Director of the Bureau of Operating Rights, registration within a lesser period of time is allowed.

(b) Every air taxi operator (whether or not he is also a commuter air carrier as defined in this part) shall reregister with the Board on or before July 1, 1975, and every 2 years thereafter, commencing on or before July 1, 1977.

(c) Registration and reregistration shall be accomplished by filing with the Board's Bureau of Operating Rights:

(1) CAB Form 298–A, "Registration, Reregistration and Amendments under Part 298 of the Economic Regulations of the Civil Aeronautics Board" executed in

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duplicate.* This form shall be certified by a responsible official and shall include the following information:

(i) the name of the carrier and its mailing address;

(ii) the carrier's principal place of business, if different from its mailing address, and its area code and telephone number;

(iii) the carrier's FAA certificate number, if any, and the address and telephone number of the carrier's local FAA office;

(iv) whether the carrier proposes to perform (or, for reregistration, whether the carrier is currently performing) scheduled passenger or cargo, on-demand passenger or cargo, and/or mail service;

(v) a list of the aircraft which the carrier proposes to operate (or, for reregistration, the aircraft which the carrier is currently operating) in air taxi operations, and the aircraft type, FAA registration number and passenger capacity of each such aircraft;

(vi) for initial registration, the proposed date of commencement of air taxi operations;

(vii) for reregistration, whether the carrier has carried passengers in air transportation between any point in the United States and any point outside thereof during the past 12 months;

(2) A certificate of insurance which is currently effective (or in case of initial registration, is to become effective), as defined in § 298.41(b);

(3) A $15 registration or reregistration fee, as the case may be. This shall be in the form of a check, draft, or postal money order, payable to the Civil Aeronautics Board.

§ 298.22 Processing by the Board.

After examination of an operator's filing under § 298.21 dates will be stamped by the Board on the Form 298–A submitted by the carrier indicating the effective date of the registration and the due date of the next registration. The Board will then return to the carrier the duplicate copy of Form 298–A which will serve to confirm that the carrier has registered or reregistered with the Board in compliance with § 298.21.

NOTE: The effective date of an initial registration shall not be earlier than the effective date of the insurance policy or policies named in the certificate of insurance filed by the carrier.

§ 298.23 Notification to the Board of change in operations.

Each air taxi operator (whether or not he has on file with the Board a currently effective registration under § 298.21) shall notify the Board's Bureau of Operating Rights, Washington, D.C. 20428, on CAB Form 298–A, of any change in his name or address, or of any change in his type of operations (passenger, cargo, mail, scheduled, etc.) or of his temporary or permanent cessation of operations. Such notification shall be mailed, or otherwise delivered, so as to be received by the Board no later than 30 days after the reported event has occurred.

*CAB Form 298–A is filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

Subpart D—Limitations and Conditions on Exemptions and Operations

§ 298.31 Scope of service and equipment authorized.

Nothing in this part shall be construed as authorizing the operation of large aircraft in air transportation, and the exemption provided by this part to air taxi operators which register and reregister with the Board extends only to the direct operation in air transportation in accordance with the limitations and conditions of this part of aircraft having a maximum passenger capacity of 30 seats or less and a maximum payload capacity of 7,500 pounds or less, except that with respect to operations conducted within Alaska or Hawaii such exemption extends only to such operation of aircraft having a maximum takeoff weight of 12,500 pounds or less.

§ 298.32 Requirements relating to interests in large aircraft or their operation.

(a) *Reporting of interest in large aircraft.* Every air taxi operator shall report to the Board any proprietary interest, direct or indirect, in any large aircraft or any enterprise operating large aircraft. Such reports shall be filed in duplicate within 5 days of acquisition of such interests and shall be addressed to the Civil Aeronautics Board, Washington, D.C. 20428, Attention of the Bureau of Operating Rights.

(b) *Reporting of operations with large aircraft.* Every air taxi operator which operates or intends to operate large aircraft for compensation or hire shall file with the Board a description of the method or proposed method of operations and state why such operations are believed not to constitute air transportation. Such reports shall state, among other pertinent matters, whether State lines or the boundaries of the United States will be crossed; the ultimate origin and destination (not only the places between which carriage is provided) of the persons or property carried; and the persons with whom contracts for transportation have been made or are expected to be made. In case operations not falling within the description on file with the Board are to be undertaken, a report containing the same data shall be filed within 3 days after the particulars of such operations have been decided upon. Such reports shall be filed in duplicate and shall be addressed to the Civil Aeronautics Board, Washington, D.C. 20428, Attention of the Bureau of Operating Rights.

§ 298.33 Prohibition and limitations concerning regular service in markets served or authorized to be served by certificated helicopter carriers, and limitation on use of helicopter, STOL or VTOL aircraft.

(a) Where scheduled helicopter, STOL, VTOL or community center and interairport service is provided by the holder of a certificate of public convenience and necessity authorizing scheduled helicopter service or community center and interairport service in accordance with such certificate or an exemption order of the Board, an air taxi operator shall not, except as provided in paragraphs (b) and (d) of this section, (1) provide air transportation of persons or property, or hold out to the public expressly or by course of conduct that it provides such transportation, regularly or with a reasonable degree of regularity between any points where scheduled helicopter or community center and interairport passenger service is provided by the certificated helicopter carrier, or (2) provide or offer to provide air transportation of persons or property with helicopter, STOL or VTOL aircraft between any points where the certificated helicopter carrier provides scheduled helicopter, STOL or VTOL passenger service.

(b) Subject to the provisions of paragraph (d) and except as provided in paragraph (c), paragraph (a) of this section shall not apply to an air taxi operator with respect to pairs of points it has served continuously and without interruption (except for involuntary interruption of service for reasons such as those specified in § 205.8 of this chapter) on a regularly scheduled basis with a minimum of five round trips per week since at least 30 days immediately prior to the inauguration or resumption of service between points by the certificated helicopter carrier.

(c) Paragraph (b) of this section shall not apply where service by the holder of a certificate of public convenience and necessity has been suspended during such 30-day period for involuntary postponement of inauguration or involuntary interruption of service under the provisions of § 205.8 of this chapter or where the Board authorizes a certificated carrier to suspend or postpone inauguration of service in an order providing that the suspension or postponement shall not operate to authorize air taxi operators inaugurating service during such suspension or postponement to continue service after the certificated carrier resumes or inaugurates service.

(d) An air taxi operator which intends to inaugurate service not precluded by paragraph (a) of this section on a regularly scheduled basis with a minimum of five round trips per week between points authorized to be served by a certificated helicopted carrier shall file a notice with the Director, Bureau of Operating Rights, as to the time such service is to be inaugurated not later than 1 day prior to inauguration. The notice shall contain a certification that it has been served on the certificated carrier authorized to provide service between the points. The air taxi operator shall publish flight schedules for the service specifying the times, days of the week and places between which such flights are performed and within 30 days after commencing operations shall file such schedules pursuant to § 298.60.

§ 298.34 Limitations on air taxi service in Alaska.

(a) An air taxi operator shall not provide or offer to provide air transportation between points both of which are in the State of Alaska, or one of which is in Alaska and the other in Canada, unless the air taxi operator also holds authority from the State of Alaska to operate aircraft of a maximum takeoff weight not over 12,500 pounds as a common carrier in intrastate commerce, or has applied to the Board for, and received, special exemption authority (see Subpart D of Part 302 of the procedural regulations); and

(b) An air taxi operator shall not provide air transportation or hold out expressly or by course of conduct that it provides such transportation, regularly or with a reasonable degree of regularity between points both of which are in the State of Alaska, or one of which is in Alaska and the other in Canada, where a certificated air carrier schedules two or more single-plane round trips per week, including flag stops.

§ 298.35 Limitations on carriage of mail.

An air taxi operator is not authorized to carry mail except pursuant to contract with the Postal Service entered into pursuant to sections 5402(b) or 5402(c) of the Postal Reorganization Act (39 U.S.C. 5402): *Provided, however,* That within the 48 contiguous States, Alaska and Hawaii—

(a) An air taxi operator who was authorized, on April 2, 1973, to carry mail at a final mail rate then in effect, shall continue to have authority under this part to carry mail, but only at such final mail rate; and

(b) An air taxi operator who was authorized, on April 2, 1973, to carry mail at a temporary mail rate approved by the Board pending determination of a final mail rate in a proceeding which was then pending, shall continue to have authority under this part to carry mail, but only at such temporary mail rate or other temporary mail rate as may be approved from time to time by the Board until completion of such pending proceeding, and, thereafter, only at such final mail rate as shall have been fixed by order of the Board in such proceeding.

§ 298.36 Limitation on use of business name.

(a) An air taxi operator in holding out to the public and in performing its services in air transportation shall do so only in the name or names in which its air carrier operating certificate is issued pursuant to section 604 of the Act by the Federal Aviation Administration: *Provided,* That the Board may require an air taxi operator to change such name or names where they appear contrary to the public interest.

(b) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(c) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Act or orders, rules or regulations issued thereunder.

§ 298.37 Prohibition of services not covered by insurance.

An air taxi operator shall not operate in air transportation or provide or offer to provide air transportation unless there is in effect liability insurance which covers such transportation and which is evidenced by a current certificate of insurance on file with the Board as required by Subpart E.

Subpart E—Liability Insurance Requirements

§ 298.41 Basic requirements.

(a) Each air taxi operator engaging in air transportation shall maintain in effect liability insurance coverage which complies with the requirements of this subpart and which is evidenced by a currently effective policy of insurance, with an attached standard endorsement, available for inspection by the Board and the public at its principal place of business. Evidence of such insurance coverage, in the form of a certificate of insurance, shall be maintained on file at the Board at all times.

(b) A certificate of insurance is one or more certificates evidencing issuance by one or more insurers of one or more currently effective policies of aircraft liability insurance in compliance with this subpart and properly endorsed, which alone or in combination provide the minimum coverage prescribed in § 298.42: *Provided,* That, where a certificate of insurance accompanies a filing for initial registration as an air taxi operator in accordance with § 298.21, the insurance policy or policies named in such certificate shall become effective no later than the proposed date of commencement of air taxi operations as shown in the carrier's registration form. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance. The certificate of insurance shall also state whether the policy of insurance provides coverage for liability for bodily injury to, or death of, aircraft passengers. In addition, the certificate of insurance shall list the types or classes of aircraft, or the specific aircraft by Federal Aviation Administration (FAA) registration number, with respect to which the policy of insurance applies and shall set forth the area or areas of operation as found in the operations specifications issued by the FAA in conjunction with the applicable ATCO certificate: *Provided, however,* That if one or more of the 48 contiguous States or the District of Columbia is listed in such operations specifications, then all 48 contiguous States and the District of Columbia must be included in the coverage of insurance. Each certificate of insurance, and each endorsement limiting the permitted exclusions, shall be signed in ink by an authorized officer or agent of the insurer and shall be on forms prescribed and furnished by the Board.†

(c) The insurance coverage and certificate required by this subpart shall be obtained from one or more (1) reputable and financially responsible insurance companies or associations which are licensed to issue aircraft liability policies in any State in the United States or in the District of Columbia, or (2) surplus line insurers named on a current list of approved surplus line insurers promulgated by the insurance regulatory authority of any State in the United States or in the District of Columbia: *Provided,* That if any such surplus line insurer provides more than ten percent (10 percent) of the liability insurance coverage of an air taxi operator required by this subpart, it shall maintain, in a bank or other financial institution organized or operating under the laws of the United States or a State thereof or the District of Columbia, a trust fund of at least three hundred thousand dollars ($300,000) for the benefit of its policyholders.

(d) Endorsements that add previously unlisted aircraft, or aircraft types or classes, to coverage or that delete such listed aircraft, or types or classes, from coverage shall be filed with the Board not more than thirty (30) days after the effective date of such endorsement: *Provided, however,* That aircraft shall not be listed in the carrier's operations specifications with the Federal Aviation Administration and shall not be operated unless liability insurance coverage has attached.

§ 298.42 Minimum limits of liability.

(a) The minimum limits of liability coverage maintained by an air taxi operator who carries passengers in air transportation shall be:

(1) *Liability for bodily injury to or death of aircraft passengers.* A limit for any one passenger of at least seventy-five thousand dollars ($75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars ($75,000) by seventy-five percent (75 percent) of the total number of passenger seats installed in the aircraft.

(2) *Liability for bodily injury to or death of persons (excluding passengers).* A limit of at least seventy-five thousand dollars ($75,000) for any one person in any one occurrence, and a limit of at least three hundred thousand dollars ($300,000) for each occurrence.

(3) *Liability for loss of or damage to property.* A limit of at least one hundred thousand dollars ($100,000) for each occurrence.

†CAB Forms 257 (rev. 10–70) and 262 (rev. 6–70) are filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

V 40 181 SEP 17 75 XUM

(b) The minimum limits of liability coverage maintained by an air taxi operator who restricts his operations in air transportation to the carriage of mail or property, or both, shall be those specified in paragraphs (1) (2) and (3) of this section.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, an air taxi operator may be insured for a single limit of liability for each occurrence. In that event, coverage must be equal to or greater than the combined required minimums for bodily injury, property damage, and/or passenger liability for the type of use to which such aircraft is put, as the case may be.*

(d) In the case of a single limit of liability, aircraft may be insured by a combination of primary and excess policies. Such policies must have combined coverage equal to or greater than the required minimums for bodily injury to nonpassengers, property damage, and/or passenger liability for the type of use to which the aircraft is put, as the case may be.

§ 298.43 Terms and conditions of insurance coverage.

Liability insurance coverage required by this part shall meet the following minimum requirements:

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured air taxi operator, within the specified limits of liability, of all sums which the insured carrier shall become legally obligated to pay as damages for bodily injury to or death of persons, or for loss or damage to property of others (except as exclusion of coverage is permitted by § 298.44) resulting from the insured operator's negligent operation, maintenance or use of aircraft in "air transportation," as that term is defined by the Federal Aviation Act of 1958.

(b) The liability of the insurer shall apply to all operations by the insured operator in "air transportation," as that term is defined by the Federal Aviation Act of 1958. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured operator, of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Administration or the Civil Aeronautics Board or any other State or Federal law or regulation. No special waiver or exemption issued by the Federal Aviation Administration or the Civil Aeronautics Board shall affect the insurance afforded by the policy.

(c) The liability of the insurer shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each occurrence. Any payment made under the policy because of any one occurrence shall not reduce the liability of the insurer for payment of other damages resulting from any other occurrence.

(d) Within the limits of liability hereinprescribed, the insurer shall not be relieved from liability by any condition, warranty, or exclusion in the policy or any endorsement thereon, or violation thereof by the insured air taxi operator, other than by the exclusions set forth in § 298.44 or such other exclusions as may be individually approved by the Board.

(e) The policy of insurance shall state that, pursuant to any statute of any State, Territory, or District of the United States which makes provision therefor, the insurer designates the Superintendent, Commissioner, or Director of Insurance or other officer specified for that purpose in the statute (or his successor or successors in office) as the insurer's attorney upon whom may be served process in any action arising out of the policy of insurance.

(f) With respect to certificates of insurance which list aircraft by FAA registration number, the policy of insurance shall state that, while an aircraft owned by the named insured and declared in the policy is withdrawn from normal use because of its breakdown, repair, servicing, loss or destruction, such insurance as is afforded by the policy with respect to such aircraft shall apply also with respect to another aircraft of similar type, horsepower, and seating capacity, whether or not owned by the insured, while temporarily used as the substitute for such aircraft.

§ 298.44 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:

(a) Any loss against which the named insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be in excess of the limits provided by such other valid and collectible insurance up to the limits certified in a certificate of insurance, but in no event exceeding the limits of liability expressed elsewhere in this policy;

(b) Liability assumed by the named insured under any contract or agreement, unless such liability would have attached to the insured even in the absence of such contract or agreement: *Provided, however*, That this exclusion shall not apply to the named insured's waiver of liability limitations under the Warsaw Convention by signing a counterpart to the agreement of carriers (Agreement CAB 18900), as approved by Board Order E-23680, May 13, 1966, agreeing to a minimum liability for injury or death of passengers of $75,000 per passenger, or any amendment or amendments to such agreement which may be approved by the Board and to which the named insured becomes a party;

(c) Bodily injury, sickness, disease, mental anguish, or death of any employee of the named insured while engaged in the duties of his employment, or any obligation for which the named insured or any company as his insurer may be held liable under any workmen's compensation or occupational disease law;

(d) Loss of or damage to property owned, rented, occupied, or used by, or in the care, custody, or control of the named insured, or carried in or on any aircraft with respect to which the insurance afforded by this policy applies;

(e) Personal injuries or death, or damage to or destruction of property, caused directly or indirectly by hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or soverign power, *de jure* or *de facto*, or military, naval, or air forces, or by an agent of such government, power, authority, or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radioactive materials; insurrection, rebellion, revolution, civil war, or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority;

(f) Any loss arising from operations within any geographic areas other than the following:

(1) Between any points in the "area of operation" as described in the operations specifications issued by the FAA in conjunction with its issuance of the applicable ATCO certificate to each air taxi operator: *Provided, however*, That if one or more of the 48 contiguous States or the District of Columbia is listed in such area of operation, all 48 contiguous States and the District of Columbia must be included within the coverage of insurance under this subpart; and

(2) Within any other geographic area for which coverage is specified in the policy of insurance:

(3) *Provided, further*, That a loss caused by mere misadventure in flying over or landing in any geographic area not specified in subparagraphs (1) or (2) of this paragraph shall not be excluded.

(g) Any loss arising from operations by the named insured to or from installations of the Distant Early Warning System (DEW line) or the Ballistic Missile Early Warning System (BMEWS);

(h) Any loss arising from operation of an aircraft (1) without a copilot, if one is required under the policy of insurance or (2) by a pilot (or pilot and copilot) not named in or meeting the qualification, experience, and currency requirements provided in the policy of insurance;

(i) Any loss arising from the ownership, maintenance, or use of any aircraft of a type or class not specified for coverage in the policy, or any aircraft not declared to the Insurer in accordance with the terms and conditions of the policy, other than substitute aircraft as provided in § 298.43(f);

(j) Any loss arising from operations other than the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail by aircraft, in interstate, overseas, or foreign air transportation;

(k) Any loss arising from operations with aircraft for which an airworthiness certificate has not been issued, has been surrendered, or has been suspended or revoked by the Administrator of the Federal Aviation Administration, or has expired by its terms;

(l) Any loss arising from operations with aircraft which, at takeoff, have not had inspections, maintenance, preventive maintenance, and alterations performed when required by the Federal Aviation Regulations, or which have not had such inspections, maintenance, preventive maintenance, and alterations performed by persons authorized by the Federal Aviation Regulations.

§ 298.45 Cancellation, withdrawal, modification, expiration, or replacement of insurance coverage.

(a) Each policy of insurance shall specify that, unless replaced as provided in paragraph (b) of this section, it may not be canceled, withdrawn or modified to reduce the limits of liability, by the insurer, until after 10 days' written notice by the insurer to the Board's Bureau of Operating Rights, Washington, D.C. 20428, which 10-day notice period shall commence to run from the date such notice is actually received by the Board. Each policy shall further provide that, in the event of cancellation of the policy by the insured, the insurer shall, within 10 days after receipt of such notice of cancellation, notify the Board's Bureau of Operating Rights, Washington, D.C. 20428, of this action by the insured. In addition, each policy shall provide that the insurer will notify the Board, 10 days before the expiration date of the policy, unless the policy has been renewed.

(b) Policies of aircraft liability insurance, and certificates of insurance accepted by the Board under this part, may be replaced by other policies of insurance and certificates of insurance conforming to this subpart. The liability of the retiring insurer shall be considered terminated as of the effective date of the replacement policy of aircraft liability insurance and certificate of insurance.

Subpart F—Requirements for Filing of Flight Schedules and Reports

§ 298.60 Filing of flight schedules by commuter air carriers.

Each commuter air carrier shall file with the Director, Office of Facilities and Operations, Civil Aeronautics Board, Washington, D.C. 20428, to be received within thirty (30) days after commencing operations, a copy of its most recent published flight schedules, along with a statement of rates and fares charged for transportation on scheduled flights. Thereafter, if any modifications in such schedules or statement of rates or fares is made, a copy of such modification shall be filed, to be received by the Board not later than ten (10) days after the modification becomes effective.

§ 298.61 Reporting of scheduled operations by commuter air carriers.

(a) Each "commuter air carrier" shall file CAB Form 298–C, entitled "Report of Scheduled Operations of Commuter Air Carriers" in accordance with the provisions of this part and in the manner set forth in said form which is made a part hereof.*

(b) Three copies of each schedule in the CAB Form 298–C report and the certificate of the officer in charge of the carrier's accounts executed in triplicate (the cover sheet of Form 298–C) shall be filed with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428 in accordance with the following list so as to be received on or before the due date specified in that list.

Schedule No.	Schedule title	Filing frequency	Due dates
	Certification	Quarterly	May 10, Aug. 10, Nov. 10, Feb. 10.
A–1	Report of aircraft operated.	do	Do.
T–1	Report of on-line origin and destination of traffic.	do	Do.
T–2	Report of flights operated.	do	Do.

Due dates falling on a Saturday, Sunday, or national holiday will become effective on the first following working day.

(c) The information included in each schedule shall cover only flights performed pursuant to published schedules or contracts with the U.S. Postal Service for transportation of mail.

(d) Schedule A–1 shall describe the aircraft used in scheduled service or mail service by the carrier.

(1) Column (1) shall set forth the aircraft registration number of each aircraft.

(2) Column (2) shall set forth the type and model of each aircraft listed in Column (1).

(3) Column (3) shall set forth the capacity in passenger seats of each aircraft. Crew seats should not be counted.

(4) Column (4) shall set forth the carrier's best estimate in pounds as to total capacity available for cargo in both cargo and passenger compartments of each aircraft under normal operating conditions over the carrier's system. Estimates should take into consideration both limitations on lift capacity of aircraft and limitations imposed by the space available for cargo and average density per cubic feet of cargo carried. If passenger aircraft are also employed in all-cargo configuration, give the cargo capacity with all seats in place and with all seats removed.

(5) Columns (5), (6), and (7) shall set forth, respectively, aircraft-hours flown, aircraft-miles flown and aircraft-departures performed during the reporting quarter.

(6) Columns (8), (9), (10), and (11) shall set forth, respectively, revenue passenger-miles, revenue seat-miles available, revenue ton-miles and revenue ton-miles available for the reporting quarter.

(e) Schedule T–1 shall set forth the traffic carried, in each direction, between the points served by the carrier's operation.

(1) *Definitions:* On-line origin is the point of initial boarding of traffic on the reporting carrier's operation. On-line destination is the point of final deplanement of traffic in the reporting carrier's operation.

(2) Columns (1) and (2) shall reflect the points of on-line origin and on-line destination, respectively, or traffic which was carried during the reporting period.

(3) Columns (3), (4), and (5) shall reflect the total number of revenue passengers, pounds of cargo, and pounds of mail, respectively, carried from the point of on-line origin to the point of on-line destination shown in Columns (1) and (2).

(f) Schedule T–2 shall set forth all routings for scheduled and mail flights performed by the reporting carrier, with the number of flights performed and the aircraft type(s) used on each routing.

(1) Column (1) shall set forth the origin point of each routing.

(2) Column (2) shall set forth the intermediate points on each routing whose origin is listed in Column (1). When there are two or more intermediate points on a routing they should be listed from top to bottom in the order in which the stops are performed.

(3) Column (3) shall set forth the destination point of the routing.

(4) Column (4) shall set forth the total number of flights performed in the reporting quarter over the routing indicated in Columns (1)–(3). In instances where more than one type of aircraft is operated between a pair of points, a subtotal shall indicate the total number of flights by all types of aircraft between each pair of points.

(5) Column (5) shall set forth the type of aircraft used on the routing.

(g) The information requested in Schedules A–1, T–1, or T–2 of CAB Form 298–C may be submitted on any comparable form prepared on automatic data processing equipment: *Provided, however*, That such substitute form has been approved by the Director, Bureau of Accounts and Statistics, Washington, D.C. 20428. Data in any approved format shall be submitted in triplicate and shall contain the same columnar headings arranged in the same sequence as the schedules called for in CAB Form 298–C.

§ 298.62 Public disclosure of schedule T–1 data.

Data reported on schedule T–1 of CAB Form 298–C shall not be disclosed, prior to 12 months following the close of the

*For example: the minimum single limit of liability acceptable for an aircraft in passenger service with 16 passenger seats would be computed on the basis of limits set forth in paragraph (a) as follows: 16×.75 equals 12; 12×$75,000 equals $900,000; plus $300,000 (nonpassenger liability per occurrence), plus $100,000 (property damage per occurrence) equals $1,300,000. The latter is the amount in which a single-limit liability policy may be written.

*CAB Form 298–C is filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

V 40 I 181 SEP 17 75 XUM

calendar year to which the data relate, except as follows:

(a) To parties to any proceeding before the Board to the extent that such data are relevant and material to the issues in the proceeding upon a determination to this effect by the hearing examiner assigned to the case or by the Board. Any data to which access is granted pursuant to this section may be introduced into evidence, subject to the normal rules of admissibility of evidence.

(b) To agencies and other components of the U.S. Government. The Board will make other disclosure of the subject data, upon its own motion or upon application of any interested person, when the Board finds the public interest so requires. The Board may, from time to time, publish summary information compiled from the traffic data in a form which would not identify individual carrier data.

§ 298.63 Reporting of revenue operations by air taxi operators, including commuter air carriers.

(a) Each air taxi operator (including commuter air carriers) shall file CAB Form 298–D entitled "Report of All Revenue Operations (Excluding Rotary-Wing and All-Cargo Operations) Performed by Air Taxi Operators, Including Commuter Air Carriers," in accordance with the provisions of this Part and in the manner set forth in said form which is made a part hereof."

(b) CAB Form 298–D shall be prepared for the period January 1 through December 31 of each year. Three copies of the form, with the certificate executed in triplicate by the officer in charge of the carrier's accounts, shall be filed with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428 so as to be received on or before February 10 following the year for which it is prepared. If February 10 falls on a Saturday, Sunday, or national holiday, the due date will become effective on the first following working day.

(c) Items 1 through 4 under Part I of CAB Form 298–D shall set forth, in total, respectively, the number of passengers carried, aircraft-hours flown, aircraft-miles flown and number of aircraft-departures performed in all revenue domestic operations, whether scheduled or non-scheduled.

(d) Items 1 through 4 under Part II of CAB Form 298–D shall set forth, respectively, the number of passengers carried, aircraft-hours flown, aircraft-miles flown and number of aircraft-departures performed in revenue operations in each market of international operations (e.g., United States-Bahamas, United States-Canada, United States-Mexico), the name of each such market shall be inserted over columns (a) through (c), and the total for each item shall be set forth in column (d).

[11] CAB Form 298–D is filed as part of the original document and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

§ 298.64 Requests for extensions of time within which to file reports or for waivers from reporting requirements.

(a) If circumstances prevent the filing of a report on CAB Forms 298–C or 298–D on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the air carrier of the action taken, such a request must be delivered to the Board's Bureau of Accounts and Statistics in writing at least three (3) days in advance of the due date, setting forth good and sufficient reason to justify the granting of the extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not in writing and received by the Board's Bureau of Accounts and Statistics at least three (3) days before the prescribed due date. If the request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

(b) A waiver from any reporting requirement contained in CAB Forms 298–C or 298–D may be made by the Civil Aeronautics Board upon its own initiative or upon the submission of a written request therefor to the Board's Bureau of Accounts and Statistics from any air taxi operator or commuter air carrier, or group of air taxi operators or commuter air carriers: *Provided*, That such a waiver is in the public interest and each request for waiver expressly demonstrates that: Existing peculiarities warrant a departure from the prescribed reporting; a specifically defined alternative procedure or technique will result in a substantially equivalent or more accurate portrayal of the prescribed reporting; and the application of such alternative procedure will maintain or improve uniformity in reporting as between air taxi operators or commuter air carriers.

Subpart G—Waiver of Liability Limits Under the Warsaw Convention

§ 298.70 Waiver of liability limitations.

Every air taxi operator which:

(a) Is a "commuter air carrier" as defined in Subpart A of this part;

(b) Is a party to an interline agreement with a certificated air carrier or a foreign air carrier whereby the air taxi operator is authorized to ticket its passengers over the system of the air carrier of foreign air carrier and/or the latter is authorized to ticket its passengers over the system of the air taxi operator; or

(c) Is engaged in the carriage of passengers in air transportation between any point in the United States and any point outside thereof, shall file with the Board's Docket Section in the form provided by CAB Form 263 [12] a signed counterpart to Agreement CAB 18900, an agreement relating to liability limitations of the Warsaw Convention and Hague Protocol approved by Board Order E–23680 dated May 13, 1966 and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the air taxi operator becomes a party. Such air taxi operator shall also file with the Board's Tariff Section in accordance with the provisions of Part 221 of this chapter and in the form provided by CAB Form 298–B, a tariff embodying the provisions of the counterpart and the requirements of Part 221 shall be applicable to its operations pursuant to the tariff except to the extent that such requirements are inconsistent with the requirements of this Part.[13]

Subpart H—Violations

§ 298.80 Enforcement.

In case of any violation of the provisions of the Act, or this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance therewith; or to civil penalties pursuant to the provisions of section 901(a) of the Act; or, in the case of a willful violation, to criminal penalties pursuant to the provisions of section 902(a) of the Act; or other lawful sanctions including revocation of operating authority.

(Secs. 204(a), 416(a) of the Federal Aviation Act as amended, 72 Stat. 743, 771; 49 U.S.C. 1324(a), 1386(a).)

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[FR Doc.75–24603 Filed 9–16–75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–8902]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Temporary Rule for ANCSA Corporations

Correction

In FR Doc. 75–23847 appearing at page 41759 in the issue for Tuesday, September 9, 1975 on page 41760 in the first column, the eleventh line of the first complete paragraph should read "terms or substance of the rule have".

[12] CAB Forms 263 and 298–B are filed as part of the original documents and can be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

[13] Particular attention is directed to § 221.175 "Special notice of limited liability for death or injury under the Warsaw Convention."

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Retirement Test Monthly Exempt Amount and Contribution and Benefit Base for Years After 1974

On June 24, 1975, there was published in the FEDERAL REGISTER (40 FR 26532), a Notice of Proposed Rule Making and proposed amendments to Subparts E and K of Regulations No. 4. The proposed amendments reflected and implemented sections 203(f)(8) and 230 of the Social Security Act (42 U.S.C. 403(f)(8) and 430), as amended by section 3 (j) and (k) of Pub. L. 93–233, enacted December 31, 1973. The law requires the Secretary to determine and promulgate the retirement test monthly exempt amount and the contribution and benefit base whenever he increases benefits based on an increase in the cost-of-living, unless a law is enacted increasing the exempt amount or providing a general benefit increase.

The contribution and benefit base is the maximum annual amount of earnings on which an employee or a self-employed person must pay social security tax contributions. It is also the maximum annual amount which may be credited toward benefits payable under the social security program.

The retirement test monthly exempt amount is the amount that a beneficiary under title II of the Social Security Act who is subject to the retirement test may earn in any month without part of his benefit for the month being deducted because of excess earnings. The corresponding annual exempt amount, equal to 12 times the monthly amount, is the maximum amount a beneficiary may earn in a year and still receive all of his benefits for the year.

The law also specifies a formula which automatically produces a mathematical result based upon reported statistics.

Section 203(f)(8) of the Act provides that the retirement test monthly exempt amount for a given year shall be the larger of: (1) Such exempt amount in effect for months in the taxable year in which the new exempt amount is determined; or (2) such retirement test exempt amount multiplied by the ratio of (a) the average amount, per employee, of the taxable wages of all employees reported under the program for the first calendar quarter of the calendar year in which the new exempt amount is determined to (b) the average amount of such wages reported for the first calendar quarter of the most recent calendar year in which an increase in the exempt amount was enacted or a determination resulting in such an increase was made. The section further provides that if the amount so determined is not a multiple of $10, it shall be rounded to the next higher multiple of $10 where the amount so determined is a multiple of $5 but not of $10, and rounded to the nearest multiple of $10 in any other case.

Similarly, section 230 of the Act provides that the contribution and benefit base for a given year shall be the larger of: (1) The contribution and benefit base of the calendar year in which the new contribution and benefit base is determined; or (2) such contribution and benefit base multiplied by the ratio of (a) the average amount, per employee, of the taxable wages of all employees reported under the program for the first calendar quarter of the calendar year in which such new contribution and benefit base is determined to (b) the average amount of such wages reported for the first calendar quarter of the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination resulting in such an increase was made. The section further provides that if the amount so determined is not a multiple of $300, it shall be rounded to the next higher multiple of $300 where the amount so determined is a multiple of $150 but not of $300 and rounded to the nearest multiple of $300 in any other case.

The data used to make the necessary computations of such average taxable wages are derived from reports submitted to the Social Security Administration of taxable wages paid to employees by their employers. Each quarter, taxable wages are posted to the record of earnings of each individual employee for whom wages were reported. As the wages are posted to such records of earnings, the data are tabulated on a 100-percent basis to obtain the total amount of reported taxable wages and the total number of employees for whom such wages were reported.

Because of the requirement in the law that the retirement test monthly exempt amount and contribution and benefit base be promulgated on or before November 1, the tabulated data on taxable wages reported for the first calendar quarter of that year are necessarily limited to those wages that are reported and posted to such records of earnings by the end of the quarterly updating operations completed in September of that year. In order that the required ratio referred to above be based on data reflecting comparable reporting and posting periods, the amendments provide that the tabulated data on taxable wages reported for the first calendar quarter of the prior year are limited to those wages that were reported and posted to such records by the end of the quarterly updating operations completed in September of the prior year.

For example, about 70.6 million employees had taxable wages reported for the first calendar quarter of 1973 that were posted to such records of earnings by the end of September 1973, and the average amount of their taxable wages was $1,895.04 per employee. The corresponding number of employees and average amount of taxable wages for the first calendar quarter of 1974 were 71.1 million and $2,007.69, respectively. The ratio of average taxable wages reported for the first quarter of 1974 to average taxable wages reported for the first quarter of 1973 is therefore 1.059445. Multiplying the 1974 retirement test monthly exempt amount of $200 by the ratio of 1.059445 produces the amount of $211.89, which is rounded to $210. Accordingly, the retirement test exempt amount for taxable years ending in calendar year 1975 is $210 on a monthly basis, or $2,520 on an annual basis. Multiplying the 1974 contribution and benefit base of $13,200 by the ratio of 1.059445 produces the amount of $13,984.67, which is rounded to $14,100. Accordingly, the contribution and benefit base for remuneration paid in, and taxable years beginning in, calendar year 1975 is $14,100.

Interested parties were given 30 days in which to submit data, views, and arguments. No comments were received. Accordingly, the amendments are hereby adopted as proposed, except for editorial changes for clarification, and are set forth below.

Effective date. These regulations shall be effective September 17, 1975.

(Secs. 203(f)(8), 205(a), 215(i), 230, and 1102 of the Social Security Act; 86 Stat. 1341, as amended, 53 Stat. 1368, as amended, 86 Stat. 412, as amended, 86 Stat. 416, as amended, and 49 Stat. 647, as amended; 42 U.S.C. 403(f)(8), 405(a), 415(i), 430, and 1302.)

(Catalog of Federal Domestic Assistance Program Nos. 13.803–4, Social Security Retirement and Survivors Insurance.)

Dated: August 15, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 11, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations, as amended, is further amended as follows:

1. Paragraph (c) introduction and (c)(1) of § 404.429 are revised to read as follows:

§ 404.429 Earnings; defined.

* * * * * * *

(c) *Wages defined.* Wages include the gross amount of an individual's wages rather than the net amount paid after deductions by the employer for items such as taxes and insurance. For purposes of this section, an individual's wages are determined under the provisions of Subpart K of this part, except that, notwithstanding the provisions of Subpart K, wages also includes:

(1) Remuneration of over $14,100 in the calendar year 1975, or over $13,200 in the calendar year 1974, or over $10,800 in the calendar year 1973, or over $9,000 in the calendar year 1972, or over $7,800 in a calendar year 1968 through 1971, or over $6,600 in calendar years 1966 and 1967, or over $4,800 in a calendar year 1959 through 1965, or over $4,200 in a calendar year 1955 through 1958, or over

V40 I181 SEP 1775 XUM

$3,600 in a calendar year 1951 through 1954; and

* * * * *

2. Section 404.430 is revised to read as follows:

§ 404.430 Excess earnings; defined for taxable years ending after December 1972.

(a) *Method of determining excess earnings for years ending after December 1972.* For taxable years ending after December 1972, an individual's excess earnings for a taxable year are 50 percent of his earnings (as described in § 404.429) for such year in excess of the product obtained by multiplying the applicable monthly exempt amount by the number of months in such year in which earnings exceeded the following applicable monthly exempt amount:

(1) $175 for taxable years ending after December 1972 and before January 1974;

(2) $200 for taxable years beginning after December 1973 and before January 1975; and

(3) the exempt amount for taxable years ending after December 1974, as determined in accordance with paragraph (c) of this section. However, earnings in and after the month an individual attains age 72 will not be used to figure excess earnings for retirement test purposes. For the employed individual, his wages for months prior to the month of attainment of age 72 are used to figure his excess earnings for retirement test purposes. For the self-employed individual, the pro rata share of the net earnings or net loss for the taxable year for the period prior to the month of attainment of age 72 is used to figure his excess earnings. If the beneficiary was not engaged in self-employment prior to the month of attainment of age 72, any subsequent earnings or losses from self-employment in the taxable year will not be used to figure his excess earnings. Where the excess amount figured in accordance with the provisions of this section is not a multiple of $1 it is reduced to the next lower dollar.

Example 1. The self-employed beneficiary attained age 72 in July 1975. His net earnings for 1975, his taxable year, were $6,000. The pro rata share of such net earnings for the period prior to July is $3,000. His excess earnings for 1975 for retirement test purposes are $240. This is computed by subtracting $2,520 ($210 \times 12$) from $3,000 and dividing the result by 2.

Example 2. The beneficiary attained age 72 in July 1975. His wages for the period prior to July were $3,000. From August through December 1975 he engaged in self-employment and derived net earnings in the amount of $2,000. His net earnings from self-employment are not used to figure his excess earnings. Only his wages for the period prior to July 1975 ($3,000) are used to figure his excess earnings. As in example 1, his excess earnings are $240.

Example 3. The facts are the same as in example 2 except that the beneficiary had a net loss in the amount of $500 from self-employment activity in which he engaged throughout 1975. The pro rata share of such net loss for the period prior to July is $250. His earnings for the taxable year for figuring excess earnings are $2,750. This is computed by subtracting the $250 loss from the $3,000 in wages. The excess earnings are $115 (($2,750 - $2,520) ÷ 2).

(b) *Definition.* The retirement test monthly exempt amount is the amount which a title II beneficiary may earn in any month without part of his monthly benefit being deducted because of excess earnings (see paragraph (a) of this section and §§ 404.431–404.433).

(c) *Method of determining monthly exempt amount for taxable years ending after December 1974.* (1) For purposes of paragraph (a)(3) of this section, the applicable monthly exempt amount effective, is the larger of:

(i) The exempt ends in the calendar year after the calendar year in which an automatic cost-of-living increase in old-age, survivors, and disability benefits is effective, is the larger of: (I) The exempt amount in effect for months in the taxable year in which the exempt amount determination is being made; or

(ii) the amount determined by: (A) Multiplying monthly exempt amount effective during the taxable year in which the exempt amount determination is being made by the ratio of:

(*1*) The average amount, per employee, of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of the calendar year in which the exempt amount determination is made, to

(*2*) The average amount, per employee, of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of the most recent calendar year in which an increase in the exempt amount was enacted or a determination resulting in such an increase was made, and (B) rounding the result of such multiplication: (*1*) to the next higher multiple of $10 where such result is a multiple of $5 but not of $10, or (*2*) to the nearest multiple of $10 in any other case.

(2) For purposes of paragraph (c)(1) of this section, "reported for the first calendar quarter" means reported for such first calendar quarter and posted to the earnings records by the Secretary on or before the last day of the Social Security Administration's quarterly updating operations in September of that same year. Earnings items received or posted thereafter are not counted even though they pertain to the first quarter.

3. Section 404.1049 is added, reading as follows:

§ 404.1049 Contribution and benefit base after 1974.

(a) *Method of determining contribution and benefit base (maximum creditable remuneration) after 1974.* The contribution and benefit base as determined after 1974 pursuant to section 230 of the Act with respect to remuneration paid after (and taxable years beginning after) any calendar year after 1974 for which an automatic cost-of-living increase in old-age, survivors, and disability insurance benefits is effective, is the larger of:

(1) The contribution and benefit base in effect for the calendar year in which the determination of the contribution and benefit base is being made; or

(2) The amount determined by: (i) multiplying the contribution and benefit base which is in effect for the calendar year in which the determination of contribution and benefit base is being made by the ratio of:

(A) The average amount, per employee, of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of such calendar year, to

(B) The average amount, per employee, of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination resulting in such an increase was made, and (ii) rounding the result of such multiplication: (A) to the next higher multiple of $300 where such result is a multiple of $150 but not of $300, or (B) to the nearest multiple of $300 in any other case.

(b) *Meaning of term "reported for the first calendar quarter".* For purposes of paragraph (a)(2) of this section, "reported for the first calendar quarter" means reported for such first calendar quarter and posted to earnings records by the Secretary on or before the last day of the Social Security Administration's quarterly updating operations in September of that same year. Earnings items received or posted thereafter are not counted even though they pertain to the first quarter.

4. Section 404.1068(b) and (c) are revised to read as follows:

§ 404.1068 Self-employment income.

* * * * *

(b) *Maximum self-employment income.* (1) The maximum self-employment income of an individual for any taxable year (whether a period of 12 month or less) is: (i) the excess of—

(A) For taxable years ending before 1955, $3,600,

(B) For taxable years ending after 1954 and before 1959, $4,200,

(C) For taxable years ending after 1958 and before 1966, $4,800,

(D) For taxable years ending after 1965 and before 1968, $6,600,

(E) For taxable years ending after 1967 and before 1972, $7,800,

(F) For taxable years ending in 1972, $9,000,

(G) For taxable years beginning in 1973 and for taxable years ending in 1973, $10,800,

(H) For taxable years beginning in 1974, $13,200,

(I) For taxable years beginning after 1974, an amount equal to the contribution and benefit base as determined under section 230 of the Act which is effective for such year,

(ii) over the amount of any wages (as defined in section 209 of the Act) paid to such individual in such taxable year. (2) For example, if during the taxable year ending in 1968 no such wages are paid and the individual has $8,000 of net earnings from self-employment, he has $7,800 of self-employment income for such taxable year. If, in addition to having $8,000 of net earnings from self-employment, such individual is paid $1,000 of such wages, he has only $6,800 of self-employment income for the taxable year.

(3) For the purpose of the limitation described in paragraph (b)(1) of this section, the term "wages" includes such remuneration paid to an employee for services covered by:

(i) An agreement entered into pursuant to section 218 of the Act, which section provides for extension of the Federal old-age, survivors, and disability insurance system to State and local government employees under voluntary agreements between the States and the Secretary of Health, Education, and Welfare; or

(ii) An agreement entered into pursuant to the provisions of section 3121 (1) of the Internal Revenue Code of 1954, relating to coverage of citizens of the United States who are employees of foreign subsidiaries of domestic corporations, as would be wages under section 209 of the Act if such services constituted employment under section 210(a) of the Act. For an explanation of the term "wages," see §§ 404.1026 and 404.1027.

(c) *Minimum net earnings from self-employment.* Self-employment income does not include the net earnings from self-employment of an individual when the amount of such earnings for the taxable year is less than $400. Thus, an individual having only $300 of net earnings from self-employment for the taxable year would not have any self-employment income. However, an individual having net earnings from self-employment of $400 or more for the taxable year may have less than $400 of self-employment income. This could occur in a case in which the amount of the individual's net earnings from self-employment is $400 or more for a taxable year and the amount of such net earnings from self-employment plus the amount of the wages paid to the individual during that taxable year exceed an amount equal to the contribution and benefit base as determined under section 230 of the Act for taxable years beginning after 1974 ($3,600 for taxable years ending before 1955, $4,200 for taxable years ending after 1954 and before 1959, $4,800 for taxable years ending after 1958 and before 1966, or $6,600 for taxable years ending after 1965 and before 1968, $7,800 for taxable years ending after 1967 and before 1972, $9,000 for taxable years ending in 1972, $10,800 for taxable years beginning in 1973 and for taxable years ending in 1973, $13,200 for taxable years beginning in 1974). For example, if an individual has net earning from self-employment of $1,000 for 1974 and also is paid wages of $12,900 during that taxable year, his self-employment income for that taxable year is $300.

* * * * *

[FR Doc.75-24690 Filed 9-16-75;8:45 am]

[Regulation No. 50]

PART 450—RESEARCH GRANTS AND CONTRACTS

Grants for Health Care Rate Regulation

Section 1526 of the Public Health Service Act, as amended by section 3 of Pub. L. 93–641, the National Health Planning and Resources Development Act of 1974, authorizes the Secretary to support State agencies for the purpose of demonstrating the effectiveness of health care rate regulation. Congress provided that these State agencies be given financial assistance for the performance of this function. Section 1526 authorizes the Secretary to make grants under this section to as many as six State agencies.

The following regulations implement section 1526(a) by prescribing the initial requirements for eligibility to apply for a section 1526 grant and the manner in which such initial eligibility must be established.

An initial requirement for eligibility to apply for these grants under section 1526 is that the applicant be a State that is regulating health care rates as of July 4, 1975, or has indicated on or before that date that it intends to regulate such rates. Within the next few months, regulations will be published to further implement section 1526(a) and to implement sections 1526 (b)–(e), which will prescribe the method by which grants will be awarded pursuant to section 1526.

In June 1975, letters were sent to the Governors of the 50 States and the Commonwealth of Puerto Rico, and to the Mayor of the District of Columbia. The text of these letters asked each such individual to indicate by July 4, 1975, whether his jurisdiction (State, Commonwealth of Puerto Rico, or District of Columbia) was regulating health care rates or intended to regulate such rates. On July 3, 1975, the letter was published in the FEDERAL REGISTER (40 FR 28113). Since the jurisdictions have received actual notice as well as notice by publication in the FEDERAL REGISTER, and since these regulations are procedural in nature, good cause exists to make them effective upon publication.

These regulations are issued under the authority contained in section 1526(a) of the Public Health Service Act, as amended; 88 Stat. 2249; 43 U.S.C., 300m–5.

Effective date. The regulations shall be effective September 17, 1975.

Dated: September 11, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto a new Part 450 to read as follows:

Subpart A—Grants for Health Care Rate Regulation

Secs.

450.101 Scope of subpart.
450.103 Definitions and use of terms.
450.105 Establishing eligibility to file application.

AUTHORITY: Section 1526(a) of the Public Health Service Act, as amended; 88 Stat. 2249; 42 U.S.C., 300m–5.

§ 450.101 Scope of subpart.

(a) Section 1526 of the Public Health Service Act, as amended by section 3 of Pub. L. 93–641, the National Health Planning and Resources Development Act of 1974, provides the Department of Health, Education, and Welfare with the authority to provide grants to State agencies for the purpose of demonstrating the effectiveness of health care rate regulation. Section 1526 provides:

GRANTS FOR RATE REGULATION

"Sec. 1526. (a) For the purpose of demonstrating the effectiveness of State Agencies regulating rates for the provision of health care, the Secretary may make to a State Agency designated, under an agreement entered under section 1521(b)(3), for a State which (in accordance with regulations prescribed by the Secretary) has indicated an intent to regulate (not later than six months after the date of the enactment of this title) rates for the provision of health care within the State. Not more than six State Agencies may receive grants under this subsection.

(b)(1) A State Agency which receives a grant under subsection (a) shall—

(A) provide the Secretary satisfactory evidence that the State Agency has under State law the authority to carry out rate regulation functions in accordance with this section and provide the Secretary a current budget for the performance of such functions by it;

(B) set forth in such detail as the Secretary may prescribe the qualifications for personnel having responsibility in the performance of such functions, and shall have a professional staff for rate regulation, which staff shall be headed by a Director;

(C) provide for such methods of administration as found by the Secretary to be necessary for the proper and efficient administration of such functions;

(D) perform its functions in accordance with procedures established and published by it, which procedures shall conform to the requirements of section 1532;

(E) comply with the requirements prescribed by paragraphs (6) through (12) of section 1522(b) with respect to the functions prescribed by subsection (a);

(F) provide for the establishment of a procedure under which the State Agency will obtain the recommendation of the appropriate health systems agency prior to conducting a review of the rates charged or proposed to be charged for services; and

(G) meet such other requirements as the Secretary may prescribe.

(2) In prescribing requirements under paragraph (1) of this subsection, the Secretary shall consider the manner in which a State Agency shall perform its functions under a grant under subsection (a), including whether the State Agency should—

(A) permit those engaged in the delivery of health services to retain savings accruing to them from effective management and cost control,

V 40 N 181 SEP 17 75 XUM

(B) create incentives at each point in the delivery of health services for utilization of the most economical modes of services feasible,

(C) document the need for and cost implications of each new service for which a determination of reimbursement rates is sought, and

(D) employ for each type or class of person engaged in the delivery of health services—

(i) a unit for determining the reimbursement rates, and

(ii) a base for determining rates of change in the reimbursement rates,

which unit and base are satisfactory to the Secretary.

(c) Grants under subsection (a) shall be made on such terms and conditions as the Secretary may prescribe, except that (1) such a grant shall be available for obligation only during the one-year period beginning on the date such grant was made, and (2) no State Agency may receive more than three grants under subsection (a).

(d) Each State Agency which receives a grant under subsection (a) shall report to the Secretary (in such form and manner as he shall prescribe) on the effectiveness of the rate regulation program assisted by such grant. The Secretary shall report annually to the Congress on the effectiveness of the programs assisted by the grants authorized by subsection (a).

(e) There are authorized to be appropriated to make payments under grants under subsection (a), $4,000,000 for the fiscal year ending June 30, 1975, $5,000,000 for the fiscal year ending June 30, 1976, and $6,000,000 for the fiscal year ending June 30, 1977.

(b) Grants will be made to those State Agencies which meet the requirements set forth in section 1526 and regulations implementing that section.

(c) Subsection (a) of section 1526 prescribes the method by which a State must establish its eligibility to file an application for grants under Section 1526.

§ 405.103 Definitions and use of terms.

(a) "Act" refers to the Public Health Service Act, as amended by section 3 of Pub. L. 93–641.

(b) "Secretary" means the Secretary of the Department of Health, Education, and Welfare or his designee.

(c) "State," unless otherwise indicated, includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) "State Agency" means a State agency designated under an agreement entered into under section 1521(b)(3) of the Public Health Service Act, as amended.

(e) "Grant" shall mean an award of funds pursuant to Subpart A of Regulations No. 50 based upon an application approved thereunder for the purpose of carrying out activities approved under that subpart.

§ 450.105 Establishing eligibility to file application.

(a) The Secretary shall, by notice forwarded to the chief administrative official of each State, invite each State to indicate that it intends to regulate health care rates. All States (as defined in § 450.103(c)) shall be eligible to make this indication. Any State wishing to become eligible to file an application for funding under Section 1526 shall respond to that notice in a writing dispatched to the Secretary or his designee no later than July 4, 1975. If the State responds by letter, any letter postmarked on or before July 4, 1975, will be considered as meeting the requirements of this section.

(b) States which are regulating rates as of July 4, 1975, but which do not respond to the Secretary's letter, will be considered to have indicated intent to regulate rates for purposes of Section 1526(a).

(c) In order to be eligible to file an application for a grant under Section 1526, a State must be regulating rates as of July 4, 1975, or have indicated by July 4, 1975, an intent to regulate rates.

[FR Doc.75–24691 Filed 9–16–75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75P–0210]

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Fruit Butter Revised Standard

Correction

In FR Doc. 75–22988 appearing at page 39855 in the issue for August 29, 1975, on page 39855 in the third column, in the last two lines of the first full paragraph and on page 39856, in the third column, the fourth line of the last paragraph, the date now reading "September 29, 1975" should be changed to read "September 30, 1975."

FOOD AND FOOD PRODUCTS AND ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

Poloxalene

Correction

In FR Doc. 75–22992 appearing at page 39857, in the issue for Friday, August 29, 1975 in the first column in § 121.295(b) the word "as" in fifth line should be changed to read "at".

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1304—RECORDS AND REPORTS OF REGISTRANTS

Poppy Straw; Authority To Import; Reporting Requirements

The Acting Administrator of the Drug Enforcement Administration issued a notice on July 9, 1975 (40 F.R. 30117–18, July 17, 1975) which declared that supplies of raw materials for the production of narcotic drugs are inadequate and has resulted in an emergency sufficient to justify the importation of poppy straw into the United States for the production of narcotic drugs. Additionally, the notice proposed to amend § 1304.42 of Title 21 of the Code of Federal Regultaions in order to subject poppy straw to the reporting requirements provided thereby.

The notice invited all interested persons to submit comments and objections, if any, to the above proposal. Such comments and objections were to have been submitted no later than August 21, 1975. None have been received.

Therefore, under the authority vested in the Attorney General by §§ 301, 501 (b), and 1002 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821, 871(b) and 952, respectively) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607–75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein, and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator of the Drug Enforcement Administration hereby orders that § 1304.42 of Title 21 of the Code of Federal Regulations be amended by revising paragraphs (a) through (g) as follows:

§ 1304.42 Reports from manufacturers importing poppy straw or concentrate of poppy straw.

(a) Every manufacturer importing poppy straw or concentrate of poppy straw shall submit in addition to Form 333, Form DEA 247(c) accounting for the importation and for all manufacturing operations performed between importation and the production in bulk of finished marketable products, standardized in accordance with the U.S. Pharmacopeia, National Formulary, or other recognized medical standards. Subsequent manufacture from such products, including bottling or packaging operations, shall be accounted for in the returns on DEA Form 333 (§ 1304.38) and its supplements. DEA Form 247(c) shall be submitted quarterly to the Regulatory Investigations Section, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537, on or before the 15th day of the month immediately following the period for which it is submitted.

(b) The report of manufacture from poppy straw or concentrate of poppy straw shall consist of summaries with supporting detail sheets accounting for original manufacture from poppy straw to concentrate, and from concentrate of poppy straw, production from morphine for further manufacture and also accounting for all stocks of poppy straw, concentrate of poppy straw, morphine for further manufacture and other crude alkaloids.

(c) The detail sheets (DEA 247(c)) supporting the summary of manufacture from poppy straw or concentrate of poppy straw shall show separately the amount of poppy straw or concentrate imported, the poppy straw used for production of concentrate, the concentrate used for extraction of alkaloids, subsequent manufacture from those alkaloids and the inventory of poppy straw and concentrate of poppy straw at the close of the reporting period.

(d) Upon importation of poppy straw or concentrate of poppy straw, samples will be selected and assays made by the importing manufacturer in a manner and according to a method previously approved by DEA. Where final assay data is not determined at the time of rendering report, the report shall be made on the basis of the best data available, subject to adjustment, and the necessary adjusting entries shall be made on the next report.

(e) Upon withdrawal of poppy straw or concentrate of poppy straw from Customs custody, the importing manufacturer shall assign to each lot or container an identification number by which the poppy straw or concentrate will be associated with the lot assay and identified in reports.

(f) Where factory procedure is such that partial withdrawals of poppy straw or concentrate are made from individual containers, there shall be attached to each container a stock record card on which shall be kept a complete record of all withdrawals therefrom.

(g) Concentrate of poppy straw and derivatives produced for exclusive use in further manufacturing purposes shall be reported produced when they come into existence in that form in which they are to be so used. Alkaloids or derivatives produced exclusively for distribution shall be reported as produced when manufacture has actually been completed and the finished marketable product ready for packaging and distribution. Such products shall be regarded as ready for packaging and distribution as soon as all processing other than mere packaging has been completed. Products manufactured partly for distribution and partly for use in further manufacture will be reported produced as soon as manufacture is complete and they are ready either for use in further manufacture or for packaging for distribution.

* * * * * *

The Acting Administrator, in his notice issued on July 9, 1975, stated that inadequate supplies of concentrate of poppy straw created an emergency situation with respect to domestic narcotics manufacture, and required immediate measures. The immediate measure invoked by the Acting Administrator in that notice was to declare that such emergency justified authorizing the importation of poppy straw, and that it should be subjected to the same reporting requirements as presently exist for concentrate of poppy straw.

This immediate measure of authorizing the importation of poppy straw requires prompt implementation of the present order imposing reporting requirements on that controlled substance. Therefore, the Acting Administrator hereby finds that the above constitutes good cause for ordering that the present order amending 21 CFR 1304.42 be effective on September 17, 1975.

Dated: September 11, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75–24751 Filed 9–16–75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 633—REQUIRED CONTRACT PROVISIONS

Federal-Aid Construction Contracts (Other Than Appalachian Contracts)

The purpose of this document is to amend the Federal-aid to highways rules regarding required contract provisions to reflect new requirements of the U.S. Environmental Protection Agency pursuant to the Clean Air Act and the Federal Water Pollution Control Act and to bring certain citations up to date.

The regulations, originally published in the FEDERAL REGISTER on Monday, June 10, 1974, (39 FR 20371–20376), are hereby amended to incorporate the requirements of the U.S. Environmental Protection Agency (40 CFR, Part 15) with respect to the Clean Air Act and the Federal Water Pollution Control Act, and to change certain citations.

1. *Table of sections.* The title of § 633.107 is changed to read as follows:

Sec. 633.107 Implementation of the Clean Air Act and the Federal Water Pollution Control Act.

2. § 633.101 is revised to read as follows:

§ 633.101 Purpose.

The purpose of the regulation in this subpart is to prescribe, for Federal-aid construction contracts, required contract provisions covering employment, record of materials and supplies, subletting or assigning the contract, safety, false statements concerning highway projects, termination of contract, and implementation of the Clean Air Act and the Federal Water Pollution Control Act, and to prescribe Federal-aid proposal notices relative to nonsegregated facilities and implementation of the Clean Air Act and the Federal Water Pollution Control Act.

3. The first and second sentences of § 633.104 are revised to read as follows:

§ 633.104 Subletting or Assigning the Contract.

The subcontracting limitations set forth in 23 CFR 635.113(b) are included in Appendix A. Exceptions to such limitations to permit a great percentage of work to be subcontracted may be authorized as provided in 23 CFR 635.113(d). * * *

4. § 633.105 is revised to read as follows:

§ 633.105 Notices to Prospective Federal-Aid Construction Contractors (Appendix B).

The State Highway Department shall include the notices concerning "Certification of Nonsegregated Facilities" and "Implementation of Clean Air Act and Federal Water Pollution Control Act", set forth in Appendix B, in all future bidding proposals for Federal-aid highway construction projects.

5. § 633.107 is revised to read as follows:

§ 633.107 Implementation of the Clean Air Act and Federal Water Pollution Control Act.

Pursuant to regulations of the United States Environmental Protection Agency (40 CFR Part 15) implementing requirements with respect to the Clean Air Act and Federal Water Pollution Control Act are included in Appendix A.

6. Appendix A to subpart A of 23 CFR Part 633 is revised to read as follows:

APPENDIX A—REQUIRED CONTRACT PROVISIONS, FEDERAL-AID CONSTRUCTION CONTRACTS (EXCLUSIVE OF CERTIFICATION ACCEPTANCE AND APPALACHIAN CONTRACTS)

	Page
I. Application	1
II. Equal Opportunity	1
III. Nonsegregated Facilities	2
IV. Payment of Predetermined Minimum Wages	2
V. Statements and Payrolls	3
VI. Record of Materials, Supplies and Labor	3
VII. Subletting or Assigning the Contract	4
VIII. Safety; Accident Prevention	4
IX. False Statements Concerning Highway Projects	5
X. Implementation of Clean Air Act and Federal Water Pollution Control Act	5

I. APPLICATION

1. These contact provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work or by subcontract.

2. The contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Contract Provisions and also a clause requiring his subcontractors to include these Required Contract Provisions in any lower tier subcontracts which they may enter into, together with a clause requiring the inclusion of these provisions in any further subcontracts that may in turn be made. The Required Contract Provisions shall in no instance be incorporated by reference.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be grounds for termination of the contract.

4. A breach of the following clauses may also be grounds for debarment as provided in 29 CFR 5.6(b):

Section 1, paragraph 2;
Section IV, paragraphs 1, 2, 3, 5 and 7;
Section V, paragraphs 1, 5a, 5b, and 5d.

II. EQUAL OPPORTUNITY

1. Selection of Labor: During the performance of this contract, the contractor

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shall not discriminate against labor from any other State, possession or territory of the United States.

2. *Employment Practices:* During the performance of this contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contract will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the State highway department setting forth the provisions of this nondiscrimination clause.

b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the State highway department advising the said labor union or workers' representative of the contractors commitments under this section II–2 and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations (41 CFR, Part 60) and relevant orders of the Secretary of Labor.

e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Federal Highway Administration and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

f. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or Federally-assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

g. The contractor will include the provisions of this Section II–2 in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however*, that in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the Federal Highway Administration, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

3. *Selection of Subcontractors, Procurement of Materials, and Leasing of Equipment:* During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

a. Compliance With Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

b. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by secton 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

c. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex or national origin.

d. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State highway department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the State highway department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

e. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State highway department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

(1) withholding of payments to the contractor under the contract until the contractor complies, and/or

(2) cancellation, termination or suspension of the contract, in whole or in part.

f. Incorporation of Provisions: The contractor shall include the provision of this paragraph 3 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however*, that, in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State highway department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

III. NONSEGREGATED FACILITIES

(Applicable to Federal-aid construction contracts and related subcontracts exceeding $10,000 which are not exempt from the Equal Opportunity clause.)

By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement, as appropriate, the bidder, Federal-aid construction contractor, subcontractor, or material supplier, as appropriate, certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He agrees that (except where he has obtained identical certifications from proposed subcontractors and material suppliers for specific time periods), he will obtain identical certification from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

IV. PAYMENT OF PREDETERMINED MINIMUM WAGES

1. General

All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR, Part 3)), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of Section IV, paragraph 8b, hereof. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

2. *Classification:* a. The State highway department contracting officer shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the State highway department contracting officer to the Secretary of Labor.

b. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics, including apprentices and trainees, to be used, the question accompanied by the recommendation of the State highway department contracting officer shall be referred to the Secretary for final determination.

3. *Payment of Fringe Benefits:* a. The State highway department contracting officer shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for determination.

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b. If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided, however*, the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

4. Payment of Excess Wages: While the wage rates shown are the minimum rates required by the contract to be paid during its life, this is not a representation that labor can be obtained at these rates. No increase in the contract price shall be allowed or authorized on account of the payment of wage rates in excess of those listed herein.

5. Apprentices and Trainees (Programs of Department of Labor): a. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau, or if a person is employed in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in 29 CFR 5.2(c)(2) or is not registered or otherwise employed as stated above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the State highway agency or to a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the registration of his program and apprentices as well as the appropriate ratios and wage rates (expressed in percentages of the journeyman hourly rates), for the area of construction prior to using any apprentices on the contract work. The wage rate paid apprentices shall be not less than the appropriate percentage of the journeyman's rate contained in the applicable wage determination.

b. Trainees, except as provided in 29 CFR 5.15, will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification, by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. The ratio of trainees to journeymen shall not be greater than permitted under the plan approved by the Bureau of Apprenticeship and Training. Every trainee must be paid at not less than the rate specified in the approved program for his level of progress. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Bureau of Apprenticeship and Training shall be paid not less than the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish the State highway agency or a representative of the Wage-Hour Division of the U.S. Department of Labor written evidence of the certification of his program, the registration of the trainees, and the ratios and wage rates prescribed in that program. In the event the Bureau of Apprenticeship and Training withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. The utilization of apprentices, trainees and journeymen shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

6. Apprentices and Trainees (Programs of Department of Transportation): Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal employment opportunity in connection with Federal-aid highway construction programs are not subject to the requirements of Section IV, paragraph 5 above. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs.

7. *Overtime Requirements:* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen or guards (including apprentices and trainees described in paragraphs 5 and 6 above) shall require or permit any laborer, mechanic, watchman or guard in any workweek in which he is employed on such work, to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer, mechanic, watchman or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, as the case may be.

8. Violations: liability for unpaid wages; liquidated damages: In the event of any violation of the clause set forth in paragraph 7, the contractor and any subcontractor responsible therefore shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman or guard employed in violation of the clause set forth in paragraph 7, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 7.

9. *Withholding for unpaid wages:* The State highway department contracting officer may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers, mechanics (including apprentices and trainees) watchmen, or guards employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer, mechanic, (including apprentices and trainees) watchman or guard employed or working on the site of the work, all or part of the wages required by the contract, the State highway department contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

10. *Withholding for liquidated damages:* The State highway department contracting officer may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for liquidated damages as provided in the clause set forth in paragraph 8.

V. STATEMENTS AND PAYROLLS

1. *Compliance with Copeland Regulation (29 CFR, Part 3):* The contractor shall comply with the Copeland Regulations (29 CFR, Part 3) of the Secretary of Labor which are herein incorporated by reference.

2. *Weekly statement:* Each contractor or subcontractor shall furnish each week a statement to the State highway department resident engineer with respect to the wages paid each of its employees, (including apprentices and trainees described in Section IV, paragraphs 5 and 6, and watchmen and guards) engaged on work covered by the Copeland Regulations during the preceding weekly payroll period. The statement shall be executed by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages. Contractors and subcontractors must use the certification set forth on U.S. Department

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of Labor Form WH-348, or the same certification appearing on the reverse of Optional U.S. Department of Labor Form WH-347, or on any form with identical wording.

3. *Final labor summary:* The contractor and each subcontractor shall furnish, upon the completion of the contract, a summary of all employment, indicating, for the completed project, the total hours worked and the total amount earned. This data shall be submitted to the State highway department resident engineer on Form PR-47 together with the data required in Section VI, hereof, relative to materials and supplies. The provisions of this paragraph are not applicable to contracts for secondary highways or contracts financed solely with funds provided by the Highway Beautification Act of 1965, as amended.

4. *Final certificate:* Upon completion of the contract, the contractor shall submit to the State highway department contracting officer, for transmission to the Federal Highway Administration with the voucher for final payment for any work performed under the contract, a certificate concerning wages and classifications for laborers, mechanics, watchmen and guards employed on the project, in the following form:

* * * * *

The undersigned, contractor on

(Project No.)

hereby certifies that all laborers, mechanics, apprentices, trainees, watchmen and guards employed by him or by any subcontractor performing work under the contract on the project have been paid wages at rates not less than those required by the contract provisions, and that the work performed by each such laborer, mechanic, apprentice or trainee conformed to the classification set forth in the contract or trainee program provisions applicable to the wage rate paid.

Signature and title

* * * * *

5. *Payrolls and payroll records:* a. Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers, mechanics, apprentices, trainees, watchmen and guards working at the site of the work.

b. The payroll records shall contain the name, social security number and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor, pursuant to Section IV, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual costs incurred in providing such benefits.

c. The payrolls shall contain the following information:

(1) The employee's full name, address and social security number. (The employee's full name and social security number need only appear on the first payroll on which his name appears. The employee's address need only be shown on the first submitted payroll on which the employee's name appears, unless a change of address necessitates a submittal to reflect the new address.)

(2) The employee's classification.

(3) Entries indicating the employee's basic hourly wage rate and, where applicable, the overtime hourly wage rate. The payroll should indicate separately the amounts of employee and employer contributions to fringe benefit funds and/or programs. Any fringe benefits paid to the employee in cash must be indicated. There is no prescribed or mandatory form for showing the above information on payrolls.

(4) The employee's daily and weekly hours worked in each classification, including actual overtime hours worked (not adjusted).

(5) The itemized deductions made and

(6) The net wages paid.

d. The contractor will submit weekly a copy of all payrolls to the State highway department resident engineer. The copy shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. Submission of a weekly statement which is required under this contract by Section V, paragraph 2, and the Copeland Regulations of the Secretary of Labor (29 CFR, Part 3) and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor pursuant to Section IV, paragraph 3b, shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the State highway department, the Federal Highway Administration and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

e. The wages of labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by negotiable check, on a solvent bank, which may be cashed readily by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payment, the contractor shall make all necessary arrangements for them to be cashed and shall give information regarding such arrangements.

f. No fee of any kind shall be asked or accepted by the contractor or any of his agents from any person as a condition of employment on the project.

g. No laborers shall be charged for any tools used in performing their respective duties except for reasonably avoidable loss or damage thereto.

h. Every employee on the work covered by this contract shall be permitted to lodge, board and trade where and with whom he elects and neither the contractor nor his agents, nor his employees shall, directly or indirectly, require as a condition of employment that an employee shall lodge, board or trade at a particular place or with a particular person.

i. No charge shall be made for any transportation furnished by the contractor, or his agents, to any person employed on the work.

J. No individual shall be employed as a laborer or mechanic on this contract except on a wage basis, but this shall not be construed to prohibit the rental of teams, trucks, or other equipment from individuals.

VI. RECORD OF MATERIALS, SUPPLIES AND LABOR

1. The provisions in this section are applicable to all contracts except contracts for secondary highways and contracts financed solely with funds provided by the Highway Beautification Act of 1965, as amended.

2. The contractor shall maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form PR-47 and in the units shown. Upon completion of the contract, this record, together with the final labor summary required in Section V, paragraph 3, hereof, shall be transmitted to the State highway department resident engineer for the project on Form PR-47 in accordance with instructions attached thereto, which will be furnished for this purpose upon request. The quantities for the listed items shall be reported separately for roadway and for structures over 20 feet long as measured along the centerline of the roadway.

3. The contractor shall become familiar with the list of specific materials and supplies contained in Form PR-47 prior to the commencement of work under this contract. Any additional materials information required will be solicited through revisions of Form PR-47 with attendant explanations.

4. Where subcontractors are involved the contractor shall submit either a single report covering work both by himself and all his subcontractors, or he may submit separate reports for himself and for each of his subcontractors.

VII. SUBLETTING OR ASSIGNING THE CONTRACT

1. The contractor shall perform with his own organization contract work amounting to not less than 50 percent of the original total contract price, except that any items designated by the State as "Specialty Items" may be performed by subcontract and the amount of any such "Specialty Items" so performed may be deducted from the original total contract price before computing the amount of work required to be performed by the contractor with his own organization.

a. "His own organization" shall be construed to include only workmen employed and paid directly by the prime contractor and equipment owner or rented by him, with or without operators.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, craftsmanship or equipment not ordinarily available in contracting organizations qualified to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. In addition to the 50 percent requirement set forth in paragraph 1 above, the contractor shall furnish (a) a competent superintendent or foreman who is employed by him, who has full authority to direct performance of the work in accordance with the contract requirements, and who is in charge of all construction operations (regardless of who performs the work), and (b) such other of his own organizational capability and responsibility (supervision, management, and engineering services) as the State highway department contracting officer determines is necessary to assure the performance of the contract.

3. The contract amount upon which the 50 percent requirement set forth in paragraph 1 is computed includes the cost of materials and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

4. Any Items that have been selected as "Specialty Items" for the contract are listed as such in the Special Provisions, bid schedule, or elsewhere in the contract documents.

5. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the State highway department contracting officer, or his authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Request for permission to sublet, assign, or otherwise dispose of any portion of the contract shall be in writing and accompanied by (a) a showing that the organization which will perform the work is particularly experienced and equipped for such work, and (b) an assurance by the contractor that the labor standards provisions set forth in this contract shall apply to labor performed on all work encompassed by the request.

VIII. SAFETY; ACCIDENT PREVENTION

In the performance of this contract, the contractor shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions, on his own responsibility, or as the State highway department contracting officer may determine, reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

It is a condition of this contract, and shall be made a condition of each subcontract entered into pursuant to this contract, that the contractor and any subcontractor shall not require any laborer or mechanic employed in performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards (Title 29, Code of Federal Regulations, Part 1926, formerly Part 1518, as revised from time to time), promulgated by the United States Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96).

IX. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project in one or more places where it is readily available to all personnel concerned with the project:

* * * * *

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

Title 18, United States Code, Section 1020, reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

"Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

"Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-Aid Road Act approved July 1, 1916 (39 Stat. 355), as amended and supplemented;

"Shall be fined not more than $10,000 or imprisoned not more than five years, or both."

X. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT (APPLICABLE TO CONTRACTS AND SUBCONTRACTS WHICH EXCEED $100,000)

1. The contractor stipulates that any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 C.F.R., Part 15), is not listed, on the date of contract award, on the U.S. Environmental Protection Agency, (EPA) List of Violating Facilities Pursuant to 40 C.F.R. 15.20.

2. The contractor agrees to comply with all the requirements of section 114 of the Clean Air Act and section 308 of the Federal Water Pollution Control Act and all regulations and guidelines listed thereunder.

3. The contractor shall promptly notify the State highway department of the receipt of any communication from the Director, Office of Federal Activities,, EPA, indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

4. The contractor agrees to include or cause to be included the requirements of subparagraphs 1 through 4 of this paragraph X in every nonexempt subcontract, and further agrees to take such action as the Government may direct as a means of enforcing such requirements.

7. Appendix B to subpart A of 23 C.F.R. part 633 is revised to read as follows:

APPENDIX B—FEDERAL-AID PROPOSAL NOTICES, NOTICES TO PROSPECTIVE FEDERAL-AID CONSTRUCTION CONTRACTORS

1. CERTIFICATION OF NONSEGREGATED FACILITIES.

a. A certification of Nonsegregated Facilities, as required by the May 9, 1967, Order of the Secretary of Labor (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities (is included in the proposal and must be submitted prior to the award of a Federal-aid highway construction contract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause).

b. Bidders are cautioned as follows: By signing this bid, the bidder will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" in this proposal. This certification provides that the bidder does not maintain or provide for his employees facilities which are segregated on a basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that the bidder will not maintain such segregated facilities.

c. Bidders receiving Federal-aid highway construction contract awards exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause, will be required to provide for the forwarding of the following notice to prospective subcontractors for construction contracts and material suppliers where the subcontracts or material supply agreements exceed $10,000 and are not exempt from the provisions of the Equal Opportunity clause.

2. NOTICE TO PROSPECTIVE SUBCONTRACTORS AND MATERIAL SUPPLIERS OF REQUIREMENT FOR CERTIFICATION OF NONSEGREGATED FACILITIES

a. A Certification of Nonsegregated Facilities as required by the May 9, 1967, Order of the Secretary of Labor (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, which is included in the proposal, or attached hereto, must be submitted by each subcontractor and material supplier prior to the award of the subcontract or consummation of a material supply agreement is such subcontract or agreement exceeds $10,000 and is not exempt from the provisions of the Equal Opportunity clause.

b. Subcontractors and material suppliers are cautioned as follows: By signing the subcontract or entering into a material supply agreement, the subcontractor or material supplier will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" in the subcontract or material supply agreement. This certification provides that the subcontractor or material supplier does not maintain or provide for his employees facilities which are segregated on the basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that the subcontractor or material supplier will not maintain such segregated facilities.

c. Subcontractors or material suppliers receiving subcontract awards or material supply agreements exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of this notice to prospective subcontractors for construction contracts and materials suppliers where the subcontracts or material supply agreements exceed $10,000 and are not exempt from the provisions of the Equal Opportunity clause.

3. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

By signing this bid, the bidder will be deemed to have stipulated as follows:

a. That any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR, Part 15), is not listed on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.

b. That the State highway department shall be promptly notified prior to contract award of the receipt by the bidder of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the contract is under

V 40 181 SEP 1775 XUM

consideration to be listed on the EPA List of Violating Facilities.

Effective date. The amendments will take effect on September 29, 1975.

Issued on: September 9, 1975.

L. P. LAMM,
Acting Federal Highway Administrator.

[FR Doc.75-24735; Filed 9-16-75;8:45 a.m.]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70-27; Notice 16]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Hydraulic Brake Systems

This notice responds to three petitions for reconsideration of recent amendments of Standard No. 105–75, *Hydraulic brake systems*, 49 CFR 571.105–75 (40 FR 11584, March 12, 1975) (Notice 13). The petitions requested clarification of new language that specifies minimum control force application values (S5.1.4.3(a)(2) and S5.1.5.2(a)(2)) and objected to the NHTSA decision to defer for 1 year the requirement for a brake fluid level indicator in passenger cars.

Wagner Electric Corporation requested clarification of the description of minimum permissible control force application value, which reads, "A minimum of 10 pounds or 40 percent (whichever is greater) less than the average control force for the baseline check (but in no case less than 5 pounds)." Starting with a baseline value, the manufacturer must utilize the lower of two values which result when different amounts are subtracted from the baseline value. Because there is some ambiguity in the language used to describe these calculations, the NHTSA hereby revises the language to improve its clarity. The new wording in no way modifies the meaning of S5.1.4.3(a)(2) and S5.1.5.2(a)(2).

Ford Motor Company, Wagner, and Mercedes-Benz requested reconsideration of the decision to defer for 1 year the requirement of S5.3.1(b) that specifies a brake fluid level indicator. Ford and Wagner requested that the indicator be permanently deleted from the requirements in view of expense and reliability problems, claiming that its function is adequately served by the pressure differential warning that is also required by the standard.

The fluid level indicator detects and signals a loss of fluid from the system, whether the loss is swift or gradual. In the event of such a dangerous condition, the vehicle operator is warned early that braking function will be lost in the future. Unlike the pressure differential indicator, the fluid level indicator warns the operator before one subsystem is effectively depleted of all fluid, and permits a repair to be undertaken before braking is lost. The indicator would also signal leakage at a wheel cyclinder which could contaminate brake linings and create a side-to-side imbalance in braking.

At the same time, the petitions raise questions about the reliability, availability, and cost of these devices that cannot be answered without further data. The NHTSA is in the process of gathering these data, and for this reason is unable to respond to these two petitions within the 120-day period established for actions on petitions for reconsideration. The NHTSA anticipates publication of its response no later than October 31, 1975.

Mercedes-Benz argued that the 1-year deferral of the brake fluid level indicator discriminated against those manufacturers who presently provide such a device to meet the present Standard No. 105 (49 CFR 571.105). As interpreted, Standard No. 105 specifies a pressure differential indicator (used by most manufacturers) or a fluid level indicator (used by Mercedes) to signal a complete hydraulic-type failure of a partial system. Mercedes asked that the new standard be modified to continue this manufacturer option until both systems are required, reasoning that either system provides an equal safety benefit.

As noted in the earlier discussion, a review of the benefits found in one warning indicator that are not found in the other demonstrates that there are separate and significant benefits in each warning. The new hydraulic brake standard specifies both warnings for this reason. The fluid level indicator was deferred only because of unresolved reliability and availability issues. The pressure differential indicator is a proven and available device which can be incorporated in vehicles at reasonable cost. While the NHTSA does not wish to encourage removal of Mercedes' fluid level indicator, it has decided that all passenger cars should be equipped with the pressure differential indicator. For these reasons, Mercedes' petition is denied.

In an area unrelated to the rulemaking which underlies this response to petitions for reconsideration, Toyota Motor Sales, Inc., has requested confirmation that S5.3.2 of the standard requires a check of the brake system indicator lamp function only when the transmission shift lever is in the "P" (park) or "N" (neutral) position (in the case of vehicles with automatic transmission). The literal wording of S5.3.2 requires a check of lamp function without regard to the position of the transmission shift lever, whenever the ignition switch is turned to the "on" position when the engine is not running, or when the ignition switch is in a position between "on" and "start" that is designated by the manufacturer as a check position. In the case of vehicles with an automatic transmission, however, this wording does not reflect the NHTSA's intent with respect to the check function. To properly reflect this intent, the language of S5.3.2 is hereby modified in accordance with Toyota's request. This is an interpretative ruling, adding no additional burden on any person, concerning which the NHTSA finds that notice and opportunity for comment are unnecessary, under provisions of the Administrative Procedures Act (5 U.S.C. § 553(b)(3)(A)).

In a separate area, the date of September 1, 1975, appearing in S7.4.2.1 of the standard is changed to January 1, 1976, to conform to the standard's new effective date.

In consideration of the foregoing, Standard No. 105–75 (49 CFR 571.105–75) is amended as follows:

1. The paragraphs numbered "(2)" in S5.1.4.3(a) and S5.1.5.2(a) are amended to read:

(2) A minimum of—

(a) The average control force for the baseline check minus 10 pounds, or

(b) The average control force for the baseline check times 0.60,

whichever is lower (but in no case lower than 5 pounds).

(2) A new sentence is added at the end of S5.3.2 to read:

However, in vehicles equipped with an automatic transmission, the activation as a check of lamp function is not required when the transmission shift lever is in a forward or reverse drive position.

3. Section S7.4.2.1 is amended by replacing the date 'September 1, 1975" with the date "January 1, 1976".

Effective date: September 17, 1975. Because this amendment relieves a restriction and imposes no additional burden on any person, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119 Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); Delegation of authority at 49 CFR 1.51).

Issued on September 11, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-24771 Filed 9-15-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI–689]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● **Purpose: The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).** ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alaska	Nome	Nome, city of	Sept. 11, 1975, emergency	June 28, 1974		
Colorado	Jefferson	Morrison, town of	do	Sept. 13, 1974		
New York	Schuyler	Catharine, town of	do	May 31, 1974		
Do	Chenango	New Berlin, village of	do	do		
Do	Otsego	Richfield Springs, village of	do	Nov. 15, 1974		
Do	Schoharie	Schoharie, village of	do	May 31, 1974		
Do	Hamilton	Speculator, village of	do	Dec. 6, 1974		
Do	Cayuga	Venice, town of	do			
Pennsylvania	Washington	South Franklin, township of	do	Jan. 3, 1975		
Do	Erie	Lake City, borough of	do	Jan. 17, 1975		
Do	Bradford	West Burlington, township of	do	Aug. 2, 1974		
Texas	Nolan	Sweetwater, city of	do	Oct. 18, 1974		
Utah	Wasatch	Midway, city of	do	June 28, 1974		
Vermont	Essex	Guildhall, town of	do	Aug. 16, 1974		
California	Los Angeles	Irwindale, city of	Sept. 12, 1975, emergency	June 28, 1974		
Do	Lassen	Susanville, city of	do	Feb. 1, 1974		
Florida	Suwannee	Branford, town of	do	Jan. 9, 1974		
Illinois	Will	Channahon, village of	do	Mar. 29, 1974		
Iowa	Shelby	Unincorporated areas	do			
Michigan	Calhoun	Albion, township of	do			
Minnesota	Washington	Marine-on-St. Croix, village of	do	Mar. 15, 1975		
Missouri	Clay	Glenaire, village of	do	June 14, 1974		
Montana	Lincoln	Eureka, town of	do	Aug. 22, 1975		
New York	Jefferson	Alexandria, town of	do	May 31, 1974		
Do	Delaware	Hamden, town of	do	June 28, 1974		
Do	Westchester	Lewisboro, town of	do	Nov. 1, 1974		
Do	Greene	Lexington, town of	do	Aug. 23, 1974		
Do	Broome	Lisle, village of	do	Aug. 9, 1974		
Do	Westchester	North Tarrytown, village of	do	Dec. 13, 1974		
Do	Dutchess	Rhinebeck, town of	do	Oct. 15, 1974		
Do	Schoharie	Richmondville, town of	do	Nov. 29, 1974		
Do	Cortland	Truxton, town of	do	Apr. 5, 1974		
Do	Lewis	Turin, town of	do	June 7, 1974		
Ohio	Clark	Enon, village of	do			
Do	Medina	Gloria Glens Park, village of	do	Mar. 15, 1974		
Do	Tuscarawas	Midvale, village of	do	Feb. 21, 1975		
Pennsylvania	Perry	Northeast Madison, township of	do			
Do	Berks	Perry, township of	do	Sept. 13, 1974		
Do	Lycoming	Salladasburg, borough of	do	Aug. 9, 1974		
Tennessee	Hawkins	Rogersville, town of	do	Feb. 15, 1974		
Texas	Ochiltree and Lipscomb.	Booker, city of	do	May 24, 1974		
Wisconsin	Milwaukee	St. Francis, city of	do	June 7, 1974 Apr. 4, 1975		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: September 4, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-24626 Filed 9-16-75;8:45 am]

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[Docket No. FI 690]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

● **Purpose: The purpose of this notice is the identification of communities with areas of special flood/ or mudslide/ or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.** ●

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the National Flood Insurance Program.

Effective July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved lending institution prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling used as the primary residence of the owner.

The effective date of identification shall be October 17, 1975, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. Effective July 1, 1975, the six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Talladega	Sylacauga, city of	H 010199A 01 through H 010199A 06	Director, Alabama Development Office, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Commissioner, Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Box 310, Sylacauga, Ala. 35150	Nov. 22, 1974.
Arkansas	Union	Calion, city of	H 050266A 01	Director, Division of Soil and Water Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Commissioner, Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	City of Calion, c/o Spencer and Spencer Law Offices, 305 North Washington Ave., El Dorado, Ark. 71730.	Apr. 12, 1974. Sept. 19, 1975.
California	Orange	Irvine, city of	H 060222A 01 through H 060222A 15	Director, Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. Commissioner, California Insurance Department, 1007 Market St., San Francisco, Calif. 94103. and Commissioner, California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	City Manager, Irvine Town Center, 4201 Campus Drive, Irvine, Calif. 92664.	June 21, 1974. Sept. 19, 1975.
Do	do	Placentia, city of	H 060229A 01 through H 060229A 03	do	City Engineer, city of Placentia, 401 East Chapman Ave., Placentia, Calif. 92670.	June 14, 1974.
Georgia	Fayette	Peach Tree City, city of.	H 130075B 01 through H 130075B 09	Commissioner, Department of Natural Resources, Office of Planning & Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Commissioner, Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, Box 2371, Peach Tree City, Ga. 30269.	May 31, 1974. July 11, 1975.
Do	Grady	Cairo, city of	H 130097A 01 through H 130097A 05	do	Mayor, Box 29, Cairo, Ga. 31728	June 28, 1974.
Idaho	Washington	Midvale, city of	H 160123A 01	Director, Department of Water Administration, State House-Annex 2, Boise, Idaho 83707. Commissioner, Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, Midvale, Idaho 83645.	Sept. 13, 1974. Sept. 19, 1975.
Illinois	Bureau	Spring Valley, city of.	H 170015A 01 through H 170015A 02	Coordinator, Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Director, Illinois Insurance Department, 555 West Jefferson St., Springfield, Ill. 62702.	Mayor, 215 North Greenwood, Spring Valley, Ill. 61362.	Feb. 22, 1974. Sept. 19, 1975.
Do	Hardin	Rosiclare, city of	H 170276A 01 through H 170276A 02	do	Mayor, Rosiclare, Ill. 62982	Dec. 17, 1973. Sept. 19, 1975.
Do	Livingston	Fairbury, city of	H 170424A 01	do	Mayor, City Hall, Fairbury, Ill. 61739.	May 24, 1974.
Do	Fulton	Lewistown, city of.	H 170782A 01	do	Mayor, 119 S. Adams, Lewistown, Ill. 61542.	June 14, 1974. Sept. 19, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Indiana	Wabash	North Manchester, city of.	H 180269 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Commissioner, Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Board of Trustees President, 101 East Main St., City Hall, North Manchester, Ind. 46962.	Dec. 28, 1973. Sept. 19, 1975.
Iowa	Black Hawk	Waterloo, city of	H 190025A 01 through H 190025A 21	Director, Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Commissioner, Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	City Administrator, 715 Mulberry St., Waterloo, Iowa 50605.	June 28, 1974. Sept. 19, 1975.
Do	Polk	Urbandale, city of.	H 190230A 01 through H 190230A 06	do	City Engineer, 9401 Hickman Rd., Urbandale, Iowa 50322.	May 24, 1974. Sept. 19, 1975.
Do	Story	Gilbert, city of	H 190256A 01	do	Clerk Assistant, Box 29, Gilbert, Iowa 50105.	June 7, 1974. Sept. 19, 1975.
Kansas	McPherson	Marquette, city of.	H 200216A 01	Chief Engineer, Division of Water Resources, State Department of Agriculture, State Office Bldg., Topeka, Kans. 66612. Commissioner, Kansas Insurance Department, 1st floor, State house, Topeka, Kans. 66612.	Chairman, City Council, City Hall, Marquette, Kans. 67464.	Dec. 17, 1973.
Montana	Valley	Glasgow, city of	H 300081A 01	Administrator, Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Commissioner, Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	President, City Council, City Hall, Glasgow, Mont. 59230.	Jan. 9, 1974.
New York	Broome	Johnson City, village of.	H 360047A 01 through H 360047A 03	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. Superintendent, New York State Insurance Department, Two World Trade Center, New York, N.Y. 10047.	Mayor, Village Hall, Johnson City, N.Y. 13790.	Apr. 12, 1974. Sept. 19, 1975.
Do	Cattaraugus	Otto, town of	H 360090A 01 through H 360090A 03	do	Town Supervisor, Box 46, Otto, N.Y. 14766.	May 31, 1974. Sept. 19, 1975.
Do	Orange	Walden, village of.	H 360635 01 through H 360635 04	do	Mayor, Village Hall, Walden, N.Y. 12586.	Mar. 8, 1974. Sept. 19, 1975.
Do	Sullivan	Fremont, town of.	H 360821A 01 through H 360821A 07	do	Town Supervisor, town of Fremont, Hankins, N.Y. 12741.	May 31, 1974. Sept. 19, 1975.
Do	Westchester	New Castle, town of.	H 360921A 01 through H 360921A 08	do	Town Supervisor, town of New Castle, Town Hall, 200 South Greeley Ave., Chappaqua, N.Y. 10514.	June 28, 1974. Sept. 19, 1975.
Do	Yates	Middlesex, town of.	H 360960A 01 through H 360960A 08	do	Town Supervisor, North Vine Valley Rd., town of Middlesex, Rushville, N.Y. 14544.	June 28, 1974. Sept. 19, 1975.
Do	Erie	Akron, village of	H 361553A 01	do	Mayor, Village Hall, Akron, N.Y. 14001.	May 31, 1974. Sept. 19, 1975.
North Dakota	Nelson	Michigan, city of	H 380076A 01	Engineer-Secretary, State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. Commissioner, North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	City of Michigan, Engineer-Secretary, North Dakota State Water Commission, 900 East Blvd., Bismarck, N. Dak. 58501.	Jan. 10, 1975. Sept. 19, 1975.
Oregon	Yamhill	McMinnville, city of.	H 410255B 01 through H 410255B 04	Director, Executive Department, State of Oregon, Salem, Oreg. 97310. Commissioner, Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	City Attorney, City Hall, McMinnville, Oreg. 97128.	Feb. 15, 1974. Dec. 20, 1974. Sept. 19, 1975.
Pennsylvania	Northampton and Lehigh.	Bethlehem, city of.	H 420718A 01 through H 420718A 06	Secretary, Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Commissioner, Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, City Hall, Bethlehem, Pa. 18018.	June 15, 1973. Sept. 19, 1975.
South Carolina	Lexington	Batesburg, town of.	H 450130A 01 through H 450130A 02	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. Commissioner, South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Batesburg, S.C. 29006	June 28, 1974. Sept. 19, 1975.
Texas	Bell	Harker Heights, city of.	H 480029A 01 through H 480029A 02	Executive Director, Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Commissioner, Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, 120 Harley Dr., Harker Heights, Tex. 76541.	June 24, 1974. Sept. 19, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
De.....	Kent.....	Morgans Point, city of.	H 480305A 01	...do.....	Mayor, P.O. Box 839, Morgans Point, Tex. (no zip).	June 28, 1974. Sept. 19, 1975.
Virginia.....	Independent City.	Richmond, city of.	H 510129A 01 through H 510129A 19	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Commissioner, Virginia Insurance Department, 700 Blanton Bldg., Box 1157, Richmond, Va. 23209.	City Manager, 900 East Broad St., Richmond, Va. 23219.	Dec. 6, 1974. Sept. 19, 1975.
Washington.....	King.....	Auburn, city of...	H 530073A 01 through H 530073A 08	Director, Department of Ecology, Olympia, Wash. 98501. Commissioner, Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	City Director, 20 A St. NW., Auburn, Wash. 98002.	May 24, 1974. Sept. 19, 1975.
West Virginia...	Wood.....	Parkersburg, city of.	H 540214A 01 through H 540214A 04	Director, Office of Federal-State Relations, Division of Planning & Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Commissioner, West Virginia Insurance Commission, 1800 Washington St., Bldg. No. 3, Room 643, Charleston, W. Va. 25305.	Mayor, Box 1348, Parkersburg, W. Va. 26101.	June 14, 1974. Sept. 19, 1975.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 26, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: August 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-24627 Filed 9-16-75;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2602—DECLARATION AND PAYMENT OF PREMIUMS

Revision

On August 12, 1975, the Pension Benefit Guaranty Corporation (hereinafter "the PBGC") published in the FEDERAL REGISTER (40 FR 33838) a notice of proposed rulemaking. In this notice, the PBGC proposed to revise Part 2602, Chapter XXVI, of Title 29, Code of Federal Regulations, to impose the premiums to be paid for basic benefits guaranteed under section 4022(a) of the Employee Retirement Income Security Act of 1974, for plan years beginning on or after September 2, 1975, and to prescribe a new premium payment declaration form (Form PBGC–1 [1] (Revised August 1975)). Interested persons were given an opportunity to submit written comments on the proposal. The PBGC has given due consideration to the comments received and has adopted the proposal with modifications as set forth below.

The rate schedule proposed, *viz.*, one dollar for each participant in a single employer plan and fifty cents for each participant in a multiemployer plan, has been adopted without change. The term "participant" as used in this regulation means the individual defined as such under the terms of the plan. The term "participant" generally includes: all active participants currently employed and those who are on furlough, layoff or leave of absence who accrue or retain credited service; terminated employees with vested rights to deferred benefits; retirees who are receiving or who are eligible to receive benefit payments; and deceased participants whose survivors are receiving benefit payments. In addition, an individual for whom a plan has purchased an annuity or insurance policy is to be counted if he remains a participant in the plan, and if he retains that status.

Most commentators suggested that the PBGC simplify the premium payment and declaration form; it has been revised extensively. In order to simplify the basic form which will be used by most plan administrators, the PBGC has deleted from Form PBGC–1 (Rev. Aug. 1975) those schedules relating to revisions to premium estimates previously made, and has adopted a separate, optional form (Form PBGC–1R) to be used only for revising previously made premium estimates or making changes in plan identifying information. Form PBGC–1R may be filed at any time prior to the filing of a plan's premium reconciliation. In addition, the short form reconciliation proposed to be restricted only to plans with 50 or fewer participants will be available for use by any size plan. Finally, in response to comments received, the filing requirements have been clarified and the terminology in the forms has been standardized and conformed, to the extent feasible, with existing forms of the Department of Labor and the Internal Revenue Service.

The regulation adopting the forms has been revised to indicate that the due date for filing premium estimates for newly established plans is 30 days after the later of the plan's effective date or the date the plan documents are signed. Thus, for example, the premium due date for plans established in June with a plan year and effective date beginning the prior January will be 30 days after the date in June on which the plan documents were signed. In addition, the regulation specifically provides that, upon a timely request and a demonstration of the existence of good cause, the PBGC may waive the assessment of late payment charges.

Copies of Form PBGC–1 (Rev. Aug. 1975) and Form PBGC–1R, as adopted, have been filed with the Office of the Federal Register and additional copies are available upon request from the PBGC.

Because under the terms of this part, the premium declaration form and premium payments may be required to be submitted as early as October 2, 1975, the PBGC finds that there is a need to provide immediate guidance to the public with respect to the requirements for filing the premium declaration form and the payment of premiums. Accordingly, the PBGC has determined that good cause exists for making these regulations effective less than 30 days after publication.

In consideration of the foregoing, Part 2602, Chapter XXVI of Title 29, Code of Federal Regulations, is revised as set forth below, effective October 17, 1975.

Sec.
2602.1 Purpose and scope.
2602.2 Definitions.
2602.3 Filing requirement.
2602.4 Coverage for guaranteed basic benefits.
2602.5 Premium rate.
2602.6 Forms.
2602.7 Interest charges.
2602.8 Late payment charges.
2602.9 Waivers.
2602.10 Mailing address.

AUTHORITY: Sections 4002, 4006, 4007; 88 Stat. 1004, 1010, 1013; 29 U.S.C. 1302, 1306, 1307.

§ 2602.1 Purpose and scope.

(a) The purpose of this part is to impose the premiums applicable to plan years beginning on or after September 2, 1975.

(b) This part applies to all covered plans, as provided by § 4021 of the Act.

§ 2602.2 Definitions.

As used in this part:

"Act" means the Employee Retirement Income Security Act of 1974.

"Participant" means the individual defined as such under the terms of the plan.

"PBGC" means the Pension Benefit Guaranty Corporation.

"Plan Year" means the calendar, policy or fiscal year on which the records of the plan are kept.

§ 2602.3 Filing requirement.

(a) Within 30 days after the beginning of any plan year beginning on or after September 2, 1975, the plan administrator of each covered plan shall file in accordance with the instructions contained therein:

(1) The premium declaration form prescribed by this part, as well as any estimated premium payments due for any plan year beginning on or after September 2, 1975; and,

(2) Any premium payments necessary, or request for refunds due, as a result of reconciling the estimated premium payments paid, with the actual premium payment due, for any plan year beginning before and in progress on September 2, 1974.

(b) A premium declaration revision, revising a previous estimate of premium payments, may be filed on the form prescribed by this part at any time prior to the filing of the reconciliation of the estimated premium with the actual premium due.

(c) Notwithstanding the provisions of paragraph (a) of this section, the date prescribed for payment of premiums for plans not previously covered by section 4021 of the Act is 30 days after the later of the date the plan documents are signed or the date of the plan's effectiveness.

§ 2602.4 Coverage for guaranteed basic benefits.

(a) The failure by a plan administrator to pay the premiums due under this part will not result in that plan's loss of coverage for basic benefits guaranteed under section 4022(a) of the Act.

(b) The payment of the premiums imposed by this part will not result in coverage for basic benefits guaranteed under section 4022(a) of the Act for plans not covered under section 4021 of the Act.

§ 2602.5 Premium rate.

For plan years beginning on or after September 2, 1975, the premium rate for basic benefits guaranteed under section 4022(a) of the Act shall be as follows:

(a) Plans which are not multiemployer plans shall pay a premium of one dollar for each individual who is a participant in such plan at any time during the plan year;

(b) Multiemployer plans shall pay a premium of fifty cents for each individual who is a participant in such plan at any time during the plan year.

[1] Filed as part of the original document.

§ 2602.6 Forms.

(a) The form prescribed by this part for the declaration and payment of premiums is Form PBGC–1 (Rev. Aug. 1975).

(b) The form prescribed by this part for the revision of a previous estimate of premium payments is Form PBGC–1R.

§ 2602.7 Interest charges.

If any premium payment due under this part is not paid by the last date prescribed for payment in § 2602.3, an interest charge shall be imposed on the unpaid amount at the rate of 6 percent per annum through June 30, 1975 and 9 percent per annum thereafter, for the period from the date payment is due to the date the payment is made.

§ 2602.8 Late payment charges.

(a) If any premium payment due under this part is not paid by the last date prescribed for payment in § 2602.3, a late payment charge shall be assessed on the unpaid amount at the rate provided in the following table:

LATE PAYMENT CHARGES

DUE DATE PRIOR TO OCTOBER 2, 1975

Days late from due date:	*Late payment charge (percent)*
1–60	0
61–90	25
91–120	50
121–180	75
More than 180	100

DUE DATE ON OR AFTER OCTOBER 2, 1975

Days late from due date:	*Late payment charge (percent)*
1–30	5
31–60	10
61–90	20
91–120	40
121–150	60
151–180	80
More than 180	100

(b) For the purpose of this section, if the premium paid is less than 80 percent of the actual premium due, the underpayment will be presumptively treated as a nonpayment subject to the appropriate late payment charges. When a late payment charge based upon this presumption is assessed, a plan administrator may request the PBGC to reconsider the applicability of this presumption by submitting a statement to the PBGC setting forth the reasons for such request.

§ 2602.9 Waivers.

The late payment charges imposed by § 2602.8 will not be assessed:

(a) With respect to any premium payment made within 60 days after the last date prescribed for payment in § 2602.3 if, before such date, the PBGC grants a waiver upon a showing of substantial hardship arising from the timely payment of the premium and a showing that the premiums will be paid within such 60 day period: or

(b) Upon any other timely request and demonstration of good cause.

§ 2602.10 Mailing address.

The mailing address of the Pension Benefit Guaranty Corporation is P.O. Box 7119, Washington, D.C. 20044.

Signed at Washington, D.C., this 12th day of September, 1975.

JOHN T. DUNLOP,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving these regulations and authorizing its Chairman to issue same.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc.75-24717 Filed 9-16-75;8:45 am]

PART 2606—ANNUAL REPORT

Final Rulemaking

On August 12, 1975, the Pension Benefit Guaranty Corporation (hereinafter "the PBGC") published in the FEDERAL REGISTER (40 FR 33839) a notice of proposed rulemaking in which it proposed to add a new Part 2606, Chapter XXVI, of Title 29, Code of Federal Regulations. Proposed Part 2606 specified the form and content of the Annual Report required by § 4065 of the Employee Retirement Income Security Act of 1974 (hereinafter "the Act"). Interested persons were given an opportunity to submit written comments on the proposal. The PBGC has given due consideration to the comments received and has adopted the proposal with the modifications set forth below.

The proposal would have prescribed two separate forms (Form PBGC–1 (Revised August 1975) and Form PBGC–1A) for complying with the annual report requirements of § 4065 of the Act. The adopted regulation consolidates the reporting requirements into one form (Form PBGC–1 (Rev. Aug. 1975)). This regulation permits (as the proposal would have permitted) a plan administrator to satisfy the requirements of § 4065 of the Act by filing the Annual Report either within six months after the end of the plan year covered by the Annual Report, or simultaneously with the filing of premium payments. Form PBGC–1 (Rev. Aug. 1975), also adopted the PBGC for the declaration and payment of premiums, can be used either for premium declaration and payment purposes only, for annual report purposes only or for both purposes.

In response to comments received, the adopted Annual Report form has been simplified and requires the reporting of less information than had been proposed. For example, plan administrators will not be required to indicate whether they have received various notices from the Secretaries of Labor or the Treasury. Deletion of these and other items from the Annual Report, however, does not eliminate the obligation to report these events, as required in sections 4043(b), 4062(e), and 4063(a) of the Act. Nor does reporting on the Annual Report form replace the individual reporting requirements of these sections. Finally, the filing requirements of the Annual Report also have been

V 40 181 SEP 17 75 XUM

clarified and the terminology in the form has been standardized and conformed to the extent feasible with the existing forms of the Department of Labor and the Internal Revenue Service.

A copy of Form PBGC–1 (Rev. Aug. 1975) has been filed with the Office of the Federal Register and additional copies are available upon request from the PBGC.

Because Form PBGC–1 (Rev. Aug. 1975) may be used for premium payment and declaration purposes and for annual report purposes, some plan administrators may wish to file the Annual Report as early as October 2, 1975. Accordingly, the PBGC has determined that there is a need to provide immediate guidance to the public with respect to the manner and time of filing the Annual Report, and thus the PBGC finds that good cause exists for making these regulations effective less than 30 days after publication.

In consideration of the foregoing, Part 2606, Chapter XXVI, of Title 29, Code of Federal Regulations, is adopted as set forth below, effective September 17, 1975.

Sec.
2606.1 Purpose and scope.
2606.2 Definitions.
2606.3 Filing requirement.
2606.4 Form.
2606.5 Mailing address.

AUTHORITY: Sections 4002, 4065, 88 Stat. 1004, 1082; 29 U.S.C. 1302, 1365.

§ 2606.1 Purpose and scope.

(a) The purpose of this part is to specify the form and content of the Annual Report required by section 4065 of the Act.

(b) This part applies to all covered plans, as provided by section 4021 of the Act.

§ 2606.2 Definitions.

As used in this part:

(a) "Act" means the Employee Retirement Income Security Act of 1974.

(b) "PBGC" means the Pension Benefit Guaranty Corporation.

(c) "Plan Year" means the calendar, policy or fiscal year on which the records of the plan are kept.

§ 2606.3 Filing requirement.

Within six months after the end of any plan year beginning on or after September 2, 1974, plan administrators shall file with the PBGC the Annual Report on the form prescribed by this part, in accordance with the instructions therein.

§ 2606.4 Form.

The form prescribed by this part is Form PBGC-1 (Rev. Aug. 1975).

§ 2606.5 Mailing address.

The mailing address of the Pension Benefit Guaranty Corporation is P. O. Box 7119, Washington, D.C. 20044.

Signed at Washington, D.C., this 12th day of September 1975.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving these regulations and authorizing its Chairman to issue same.

JOHN T. DUNLOP,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

[FR Doc.75-24718 Filed 9-16-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Clarification and Liberalization of Provisions

On page 25692 of the Federal Register of June 18, 1975, there was published a notice of proposed regulatory development to amend sections of Part 21, Code of Federal Regulations, to clarify existing regulations which have been misinterpreted, to liberalize their application and to conform with changes in procedures contained already in Title 38, Code of Federal Regulations or the policies of other Federal agencies.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations. A total of five comments were timely received.

Three substantially identical comments state that the effect of the proposed changes to § 21.4009(a) is to hold schools liable for reporting a veteran's termination or change of course load. The writers are correct that this is a requirement of the regulation. They are incorrect in implying that such is a change, for the present regulation makes the same statement. The law also makes this requirement, for 38 U.S.C. 1784 provides that educational institutions shall, without delay, report to the Administrator in the form prescribed by him, the enrollment, interruption, and termination of the education of each veteran or eligible person enrolled under Veterans Administration educational programs.

The amendment to this portion of § 21.4009 cited by the persons commenting does not change the duty to report changes in accordance with the law.

If, as the comments indicate, the schools have made statements based upon false information or have failed to notify the Veterans Administration of changes in a student's status, the schools are and have always been liable to the Veterans Administration. The schools are paid a statutory fee for any additional cost to comply with the law. The school must protect itself by whatever means are appropriate from students who fail to notify the school staff of changes, for if the school certifies, it must certify correctly.

Another comment was received from an institution which offers correspondence training to veterans. The school suggests that the proposed change to § 21.4256(a)(7) be amended to state that, if refunds are made in 40 days, promptness will be complied with. The reason is that the guaranteed student loan program administered by Department of Health, Education, and Welfare uses 40 rather than 30 days in its regulations. We concur that the suggestion has merit and accordingly the proposed section is amended to delete "30" and insert "40" instead. In another comment, there was also an objection to 30 days as too strict.

A third problem has been observed by the Veterans Administration staff as to the exact language of § 21.3024 which is proposed. The proposed language is intended to update the terminology in accordance with current usage. In fact, it has come to our attention that "Bureau of Employees' Compensation" program, formerly administered by the Bureau of Employees Compensation, is now the "Federal Employees Compensation Act," administered by the agency known as the Office of Workers' Compensation Programs. Therefore, to clarify the language in the proposed regulation it is further amended. The Office of Workers' Compensation Programs administers many laws and the regulation applies only to one such law, the Federal Employees' Compensation Act.

Effective Date. These VA Regulations are effective September 10, 1975.

Approved: September 10, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

§ 21.42 [Amended]

1. In § 21.42, footnote 5 is revised to read as follows:

[5] Applicable termination date is 9 years after discharge or 13 years if one of the criteria for extension under § 21.41 (a) through (e) was met.

2. In § 21.43, paragraphs (b) and (c) are revised to read as follows:

§ 21.43 Severance of service connection—reduction to noncompensable degree.

* * * * * * *

(b) *Reduction while in training.* If the proposed rating action is taken while the veteran is in training and results in a reduction to a noncompensable rating of his or her disability, the veteran may be retained in training until the attainment of his or her objective, except if "discontinued" under § 21.283 he or she may not reenter. See also § 21.252.

(c) *Severance while in training.* If the proposed rating action is taken while the veteran is in training and results in severance of the service connection of his or her disability, training will be terminated effective as of the last day of the month in which severance of service connection becomes final. See also § 21.132(h).

3. In § 21.222, paragraph (b) is revised to read as follows:

§ 21.222 Additional conditions for induction into training on the job.

* * * * * * *

(b) The veteran understands that when his or her combined income for wages and his or her subsistence allowance exceeds the standard entrance wage for a trained worker, the subsistence allowance will be reduced in that amount by which the combined income exceeds the trained worker rate.

* * * * * * *

4. In § 21.225, the heading, introductory portion preceding paragraph (a) and paragraphs (a) and (b) are revised to read as follows:

§ 21.225 Training of psychiatric patients while on nonbed care status from Veterans Administration hospital.

An eligible veteran who is in need of vocational rehabilitation and for whom training is medically feasible may be entered or reentered into training while on nonbed care (NBC) status from a Veterans Administration hospital when:

(a) He or she is currently rated competent; or

(b) He or she is currently rated incompetent but has legally appointed guardian; or

* * * * * * *

5. Section 21.3022 is revised to read as follows:

§ 21.3022 Nonduplication; 38 U.S.C. chapters 31, 34 and 35.

A person who is eligible for educational assistance under 38 U.S.C. chapter 35 and is also eligible for vocational rehabilitation under 38 U.S.C. chapter 31 or educational assistance under chapter 34, must elect which benefit he or she will receive. The election is subject to the conditions specified in § 21.4022.

6. In § 21.3023, paragraph (a) introduction, (a)(2) and (d) are revised to read as follows:

§ 21.3023 Nonduplication; pension, compensation and dependency and indemnity compensation.

(a) *Child; age 18.* A child who is eligible for educational assistance and who is also eligible for pension, compensation or dependency and indemnity compensation based on school attendance must elect whether he or she will receive educational assistance or pension, compensation or dependency and indemnity compensation.

* * * * * * *

(2) Payment of pension, compensation or dependency and indemnity compensation to or on account of a child after his or her 18th birthday does not bar subsequent payments of educational assistance.

* * * * * * *

(d) *Wife, husband, widow or widower.* Educational assistance allowance may be paid for an eligible wife, husband, widow or widower concurrently with pension, compensation or dependency and indemnity compensation.

7. Section 21.3024 and the cross reference immediately following the section are revised to read as follows:

§ 21.3024 Nonduplication; Federal Employees' Compensation Act.

(a) *Civilian employment.* The provisions of this paragraph are applicable to cases where there is eligibility for benefits from the Office of Workers' Compensation Programs, under the Federal Employees' Compensation Act (FECA) based on the disability or death as a result of civilian employment of the veteran from whom eligibility for educational assistance is derived.

(1) *Child, wife, husband, widow or widower.* A person who is eligible for educational assistance and is also eligible for Office of Workers' Compensation Programs benefits, under the Federal Employees' Compensation Act (FECA) must elect which benefit he or she will receive.

(2) *Veteran, wife, husband and child; widow, widower and child.* An eligible person may receive educational assistance notwithstanding that the Office of Workers' Compensation Programs benefits under the Federal Employees' Compensation Act (FECA) are being paid to a veteran, widow or widower.

(3) *Election.* An election of Office of Workers' Compensation Programs benefits, under the Federal Employees' Compensation Act (FECA), by or for a child filed on or after July 4, 1966, is a bar to subsequent payments of Veterans Administration benefits during the period of concurrent eligibility. An election of Office of Workers' Compensation Programs benefits under the Federal Employees' Compensation Act (FECA) by a widow, or widower filed on or after December 1, 1968, is a bar to subsequent payments of Veterans Administration benefits during the period of concurrent eligibility.

(b) *Military service.* The provisions of this paragraph are applicable to cases where there is eligibility for benefits from Office of Workers' Compensation Program, under the Federal Employee's Compensation Act (FECA) based on the disability or death as a result of military service by the veteran from whom eligibility for educational assistance is derived.

(1) *Child, wife, husband, widow or widower.* A person who is eligible for educational assistance and is also eligible for Office of Workers' Compensation Programs benefits, under the Federal Employees' Compensation Act (FECA) must elect which benefit he or she will receive. The election may be made at any time.

(2) *Veteran, wife, husband and child; widow, widower and child.* An eligible person may receive educational assistance notwithstanding that the Office of Workers' Compensation Programs benefits, under the Federal Employees' Compensation Act (FECA) are being paid to a veteran, widow, or widower.

CROSS REFERENCE: Federal Employees' Compensation. See § 3.708 of this chapter.

8. In § 21.3040, paragraph (a)(2) is revised to read as follows:

§ 21.3040 Eligibility; child.

(a) * * *

(2) His or her 14th birthday and due to physical or mental handicap may benefit by special restorative or specialized vocational training.

* * * * * * *

9. In § 21.3041, the introductory portion of paragraph (d) and (d)(7) is revised to read as follows:

§ 21.3041 Periods of eligibility; child.

* * * * * * *

(d) *Modified ending date.* When one of the following occurs between ages 18 and 26, the ending date will be the eligible person's 26th birthday or 5 years from the date of happening specified in paragraph (d)(1) to (7) and 10 years in paragraph (d)(8), whichever is later. Where the ending date is subject to modification under more than one of subparagraphs (3), (4), (5), (6), or (7) of paragraph (d) the more favorable date will apply. In no case will the modified ending date extend beyond the eligible person's 31st birthday.

* * * * * * *

(7) Effective date of Public Law 90–77, section 307, October 1, 1967, providing eligibility for persons solely by virtue of that section who were over age 23 and below age 26 on that date; that is September 30, 1972.

* * * * * * *

10. In § 21.4009, paragraphs (a), (c), (d), (f), (g), (h) and (l) and the cross reference are revised to read as follows:

§ 21.4009 Overpayments; waiver or recovery.

(a) *General.* The amount of an overpayment of educational assistance allowance or special training allowance on behalf of a veteran or eligible person constitutes a liability of the school if it is determined that the overpayment was made as the result of (1) willful or negligent failure of the school to report, as required by §§ 21.4203 and 21.4204, excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or (2) false certification by the school. If it appears that the falsity or misrepresentation was deliberate, no administrative collection may be pursued pending a determination whether the matter should be referred to the Department of Justice for possible criminal or civil action. However, the amount of the overpayment may be recovered from the school by administrative collection procedure when the false certification or misrepresentation is the consequence of an administrative error or a mistake of fact, or where it is determined that no criminal or civil action is warranted. Any amount so collected from the school will be reimbursed if the overpayment is recovered from the veteran or eligible person. This provision does not preclude the imposition of any

V 40 181 SEP 1775 XUM

civil or criminal liability under this or any other law. (38 U.S.C. 1785)

• • • • •

(c) *Evidence.* A determination will be made whether there is prima facie evidence that an overpayment is the result of a false certification. When the decision is in the affirmative the school will be notified in writing of the Veterans Administration's intent to apply the liability provisions of paragraph (a) of this section. The notice will also state that unless a written request for a hearing is filed within 30 days of the receipt of such notice, a determination of liability will be made on the evidence of record. The case will then be referred to the field station committee for the field station having jurisdiction where the school is located.

(d) *Field station committees.* Unless jurisdiction is assumed by the Central Office ad hoc Board, the field station regional committee having jurisdiction over the area in which the school is located is authorized to find

(1) Whether recovery may be waived as to the veteran or eligible person.

(2) Liability of the school or liability of both the school and the veteran or eligible person.

• • • • •

(f) *Notice to school.* If the school is found liable for an overpayment, the school will be notified of the decision and the right to request an administrative review of the decision within 60 days from the date notice of the decision is mailed to the school. The 60-day time limit may be extended to 90 days at the discretion of the field station committee. The request must be in writing, setting forth fully all of the contentions and errors assigned.

(g) *Administrative reviews.* A request for an administrative review will be forwarded to Central Office where it will be considered by an ad hoc Board convened for that purpose. The Board's decision will serve as authority for instituting collection proceedings, if appropriate, or for discontinuing collection proceedings instituted on the basis of the original decision of the field station committee in any case where the ad hoc Board reverses a finding made by the committee that the school is liable.

(h) *Review and modification.* The Central Office ad hoc Board may review and modify its decision upon submission of new and material evidence. The field station committee will forward such evidence with its recommendation.

(i) *Finality of decisions.* The Central Office ad hoc Board has authority to act for the Administrator in making administrative reviews of determinations that a school is or is not liable for an overpayment to a veteran or an eligible person. There is no right of appeal.

CROSS REFERENCE: Revision of decisions; waiver and school liability. See § 1.969 of this chapter.

11. In § 21.4153 paragraph (c)(4) is revoked and paragraph (d)(3) is revised to read as follows:

§ 21.4153 Reimbursement of expenses.

• • • • •

(c) • • •

(4) [Revoked]

(d) • • •

(3) Except as provided in paragraph (c)(2) of this section, the salaries and travel of personnel while attending training sessions, or when they are engaged in activities other than those in connection with the inspection, approval, or supervision of educational institutions.

• • • • •

12. In § 21.4202, paragraph (c)(2) is revised to read as follows:

§ 21.4202 Overcharges; restrictions on enrollments.

• • • • •

(c) • • •

(2) Enrollment will not be approved for any veteran or eligible person under the provisions of chapter 34 or 35 respectively, in any proprietary school of which the veteran or eligible person is an official authorized to sign certificates of enrollment or monthly certificates of attendance, an owner or an officer.

• • • • •

13. Section 21.4256 is revised to read as follows:

§ 21.4256 Correspondence courses.

(a) A school desiring to enroll veterans under chapter 34 and eligible wives, husbands, widows and widowers under chapter 35 for correspondence courses may have such courses approved when the courses and the school meet the requirements of § 21.4253 or 21.4254, as applicable, and when its application demonstrates that the course is satisfactory in all elements. In addition the institution shall have the following enrollment and termination procedures.

(1) The enrollment agreement shall disclose fully the obligations of the institution and the veteran, wife, husband, widow or widower and shall display in a prominent place on the agreement the conditions for affirmance, termination, refund, and payment of the educational allowance by the Veterans Administration.

(2) A copy of the agreement shall be given to the veteran, wife, husband, widow or widower when it is signed.

(3) The agreement shall not be effective unless the veteran, wife, husband, widow or widower, after the expiration of 10 days after the agreement is signed, shall have signed and submitted to the Veterans Administration a written statement, with a signed copy to the institution, specifically affirming the agreement.

(4) Upon notification of the institution by the veteran, wife, husband, widow or widower of an intention not to affirm the agreement, any fees paid by the individual shall be returned promptly in full to him or her.

(5) Upon termination of the affirmed agreement for training in an accredited course by the veteran, wife, husband, widow or widower, without having completed any lessons, a registration fee not in excess of 10 percent of the tuition for the course or $50, whichever is lesser, may be charged him or her. When the agreement is terminated after completion of less than 25 percent of the lessons of the course, the institution may retain the registration fee plus 25 percent of the tuition for the course. When the agreement is terminated after 25 percent but less than 50 percent of the lessons are completed, the institution may retain the registration fee plus 50 percent of the tuition for the course. If 50 percent or more of the lessons are completed, no refund of tuition is required.

(6) Where the school either has or adopts an established policy for the refund of the unused portion of tuition, fees, and other charges subject to proration, which is more favorable to the veteran, wife, husband, widow or widower than the pro rata basis as provided in paragraph (a)(5) of this section, such established policy will be applicable.

(7) Any institution which fails to forward any refund due to the veteran, wife, husband, widow or widower within 40 days after receipt of a notice of termination or disaffirmance, shall be deemed, prima facie, to have failed to make a prompt refund, as required by this section.

(b) Whenever the State approving agency approves a correspondence course for training of veterans under chapter 34 and eligible wives, husbands, widows and widowers under chapter 35, it shall immediately notify the Veterans Administration, identifying the school, the course or courses approved, and the educational or vocational objective of each approved course.

14. In § 21.4275, paragraph (c)(1) is revised to read as follows:

§ 21.4275 Professional courses.

• • • • •

(c) *Medical and dental specialty courses.* (1) Medical and dental specialty courses such as X-ray technician, medical technician, medical records librarian, physical therapist, and dental technician courses whether accredited or nonaccredited offered by a school will be measured on the basis of credit hours or clock hours of attendance, whichever is appropriate. Required clinical training given in an affiliated hospital, clinic, laboratory or medical center will be assessed as institutional training when it is an integral part of the course, the completion thereof is a prerequisite to the successful completion of the course, the student remains enrolled in the course during the clinical training period and the training is under the direction and supervision of the school. Clinical training given in a physician's office or a dentist's office, also called externship, will be recognized as part of the institutional training if the course is accredited by the Council on Medical Education, American Medical Association; the Council on Dental Education, American Dental Association; or other recognized medical or dental accrediting association. If the course is not so accredited such practical or on-the-job training or experience in a physician's office may not be included unless the program is approved as a cooperative course.

• • • • •

15. In § 21.4276, paragraphs (a), (b)(2), (d) and (e)(5) are revised to read as follows:

§ 21.4276 Special assistance: 38 U.S.C. chapter 35.

(a) *Need for special assistance.* The assistance of a vocational rehabilitation specialist or of a counselor with assigned vocational rehabilitation specialist duties will be provided in connection with a program of education when it is determined by the Vocational Rehabilitation Board that, although the eligible person is not in need of special restorative training, he or she will require assistance in order to pursue a program of education successfully because of the handicapping effects of a physical or mental condition, or because of personal adjustment problems. The determination as to need for such assistance will be made by the Vocational Rehabilitation Board upon the basis of information developed in the counseling process, including data and opinions obtained from medical and other specialists as appropriate in the case.

(b) • • •

(2) The eligible person has a history of a behavioral pattern which if continued would interfere with or impede his or her entrance into a pursuit of a program of education.

• • • • •

(d) *Duration.* When it is determined by the Vocational Rehabilitation Board that an eligible person needs assistance, the parent or guardian will be informed of the finding and of the underlying reasons. If the parent or guardian concurs in the finding, the assistance will be provided as is indicated until the progress and adjustment of the eligible person in his or her program of education are such that the assistance is no longer needed.

(e) • • •

(5) Assisting the parent or guardian in locating and arranging for training by an educational institution when the eligible person is homebound. Only eligible persons who qualify for training under § 21.3300 may receive such training at home from any person or organization which is not an "educational institution."

16. In § 21.4278, paragraph (a) is revised to read as follows:

§ 21.4278 Reentrance after discontinuance.

(a) A veteran or eligible person may be reentered following discontinuance because of unsatisfactory conduct or progress only when the following conditions exist:

(1) The cause of the unsatisfactory conduct or progress has been removed, and

(2) It is deemed through counseling that the program which the veteran or eligible person now proposes to pursue is suitable to his or her aptitudes, interests and abilities.

• • • • •

Approved: June 13, 1975.

[SEAL] R. L. ROUDEBUSH, *Administrator.*

[FR Doc.75-24705 Filed 9-16-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 105—GENERAL SERVICES ADMINISTRATION

PART 105–61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Fees for Reproduction Services; Location of Records and Hours of Use

On August 7, 1975, there was published in the FEDERAL REGISTER (40 FR 33243) a notice of proposed rulemaking with proposed revisions to the schedule of fees for reproduction services. Interested persons were given 30 days in which to submit comments regarding the proposed regulations.

No comments were received. Editorial corrections are made as follows:

1. The first classification in paragraph (e) of § 105–61.5206 is changed to read "Basic fee per band or reel;"

2. The sub-heading in paragraph (f) of § 105–61.5206 is changed to read "Reel to reel or cassette."

Accordingly, with these corrections, 41 CFR Part 105–61 is amended as set forth below.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); 41 CFR 105–61.000–2)

Effective date. These subparts are effective September 17, 1975.

Dated: September 9, 1975.

JAMES E. O'NEILL, *Acting Archivist of the United States.*

1. Section 105–61.5201 is amended by deleting and reserving paragraph (c)(3) as follows:

§ 105–61.5201 Applicability.

• • • • •

(c) • • •

(3) [Reserved]

• • • • •

2. Section 105–62.5205 is amended by revising paragraphs (b) and (d) as follows:

§ 105–61.5205 Mail orders.

• • • • •

(b) Except for oversized electrostatic reproductions, no additional fee is charged for postage and handling reproductions that are sent to domestic addresses by surface mail at the lowest rate. For oversized electrostatic reproductions an additional 10¢ per running foot is added to mail orders.

• • • • •

(d) The following special shipping fees are computed as a percentage of the fee for the item ordered:

Type of reproduction	Shipping fee: Foreign surface or expedited domestic mail or freight or express (percent)	Shipping fee: Foreign airmail (percent)
(1) Electrostat	5	10
(2) Photostat	10	20
(3) Diazo	10	20
(4) Copy Negative	1	2
(5) Slides (2 by 2 in)	2	4
(6) Photographic prints (larger than 8 by 10 in)	10	20
(7) Sound tapes	5	10
(8) Motion pictures	3	6
(9) Microfilm[1]		
(10) Photographic prints (8 by 10 in or smaller)	4	8

[1] Shipping fees for microfilm publications are included in the "Catalog of National Archives Microfilm Publications"

• • • • •

3. Section 105–61.5206 is revised as follows:

§ 105–61.5206 Fee schedule.

(a) *Authentication,* $2.00.

(b) *Still Photography (minimum order, $2.00).*

(1) *Copy Negatives (black & white).*

4 in. by 5 in	2.40
8 in. by 10 in	3.65

(2) *Aerial Prints (black & white).*

10 in. by 10 in. or smaller, contact	$6.00
10 in. by 10 in. enlargement	3.00
14 in. by 14 in	5.00
18 in. by 18 in	8.00
27 in. by 28 in	9.00
40 in. by 41 in	15.00

(3) *Photographic Prints (includes prints from microfilm).*

	Black and white	Color
8 by 10 in. or smaller	3.00	8.75
11 by 14 in	3.65	15.00
16 by 20 in	6.10	22.50
20 by 24 in	8.35	35.00
22 by 28 in	8.35	65.00
24 by 30 in	11.30	65.00
30 by 40 in	11.30	70.00
Septa, add	3.80	

(4) *Slides and Transparencies.*

Black & White:	
2 in. by 2 in. from existing negative	1.20
Additional fee when negative must be made	2.10
Color:	
2 in. by 2 in. duplicate	.70
2 in. by 2 in. from opaque original	1.25
4 in. by 5 in	5.80
8 in. by 10 in	10.00

(5) *Photostat (up to 17" x 23"):* 1.50.

(6) *Diazo (per foot):* .45.

(7) *Drymounting (per square foot):* 1.00.

(8) *Red Line electrostatic copies (Red-bordered prints):* 2.50.

(c) *Microfilm.*

V 40 181 SEP 17 75 XUM

	16 mm	35 mm
(1) Negative (per frame; minimum order, $10)	0.10	0.10
(2) Positive (per foot; minimum, $6 per roll)	.09	.11
(3) Duplicate negative (per foot; minimum order $6)	.10	.11

(d) *Electrostatic Copying.*

(1) *Paper to Paper (up to 8½" x 14").*

Mail order (minimum order, $2)	0.15
In research rooms	.10

(2) *Oversized electrostatic copies (per foot).*

Without postage	0.50
With postage	.60

(3) *Microfilm to Paper.*

From negative (Copyflo, minimum order, $10 per foot)	1.25
From positive (per frame):	
When work is done by customer (up to 8½ in. by 14 in. per frame)	.15
When work is done by NARS (minimum order, $2):	
Nonconsecutive frames or first of consecutive frame, any size	.75
Consecutive or duplicate frames:	
Up to 8½ in. by 14 in.	.25
11 in. by 17 in	.35
18 in. by 24 in	.45

(e) *Motion Pictures (minimum order, $24.00).*

	35 mm	16 mm	16 mm from 35 mm
(1) Basic fee per hand or reel	9.50	8.00	8.00
(2) Added fee per foot:			
Master positive	.12	.11	.12
Duplicate negative	.16	.13	.14
Projection print	.11	.10	.11
Composite, add	.015	.015	.03

(f) *Sound Records.*

Reel to reel or cassette:	
7½ min	$2.70
15 min	5.30
22½ min	8.00
30 min	9.90
45 min	12.10
60 min	18.20

(g) *Machine-readable records.*

Tape-to-tape copying (per reel)	60.00
Tape-to-printout copying (computer processing time per hour; minimum order $25)	150.00
Tape-to-printout extract (computer processing time per hour; minimum order $25)	150.00
Tape-to-tape extract ($60 per reel plus computer processing time. Minimum order $60; per hour)	150.00
Card-to-card (per card; minimum order $10)	.02

(h) *Technical Services.*

	Regular	Overtime
(1) Projectionist (per hour)	15.50	23.25
(2) Photographer or other (per hour)	11.25	16.75

(i) *Unlisted processes.*

Fees for reproduction processes not listed in this § 105-61.5206 are computed upon request.

4. Section 105-61.5208 is revised as follows:

§ 105-61.5208 Effective date.

The fees in § 105-61.5206 are effective beginning September 8, 1975, and ending on September 30, 1976. Orders received after September 30, 1976, will be subject to the fees in effect at that time.

[FR Doc.75-24729 Filed 9-16-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20554; FCC 75-988]

PART 1—PRACTICE AND PROCEDURE

Schedule of Fees

In the matter of Amendment of Subpart G of Part 1 of the Commission's rules relating to the schedule of fees.

1. By *Notice of Proposed Rule Making* (40 FR 33242) adopted July 22, 1975, the Commission proposed filing and grant fees for applications for construction permits for new stations and major changes in existing stations which request facilities specifying a power of 2.5 kilowatts.[1] The dates for filing comments and reply comments on the proposed fees were August 14 and 20, 1975, respectively. No comments were filed in the proceeding.

2. The filing and grant fees proposed in the *Notice* for applications for a new daytime-only standard broadcast station or for a major change in an existing station requesting a power of 2.5 kilowatts were $300 and $2,025, respectively. For an application for an unlimited time station (either new or major change thereof) requesting a power of 2.5 kilowatts, the filing and grant fees proposed were $600 and $4,050, respectively.

3. We repeat anew Paragraph 2 of the *Notice*, which reads as follows:

2. The Commission bases its fee schedule, as required by the *NCTA* case (*National Cable Television Association, Inc.* v. *U.S.*, 415 U.S. 336 (1974)) on the standard of 'value to the recipient'. The objective index used to reflect 'value to the recipient' for applications for construction permit for new standard broadcast stations and major changes in existing standard broadcast stations relates to the number of kilowatt hours requested in the application. This was the basis for assigning 'value to recipient' to a particular class of applications which was adopted January 15, 1975 (*Schedule of Fees*, 50 F.C.C. 2d 906 1975)).

4. For the foregoing reasons set forth originally in the *Notice*, we will adopt the fees, as proposed, for applications in the standard broadcast band which specify a power of 2.5 kilowatts. Section 1.1111(a)(1), as hereby amended, is set forth in the Appendix.

5. Authority for the adoption of the amendment herein is contained in Section 4(i) of the Communications Act of 1934, as amended (47 U.S.C. 154(i)) and Title V of the Independent Offices Appropriation Act of 1932 (31 U.S.C. 483(a)) and Budget Bureau Circular A-25 and supplements thereto.

6. Accordingly, it is ordered, That effective October 22, 1975, Section 1.1111(a)(1) is revised to read as set forth below.

7. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: September 5, 1975.

Released: September 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 1 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended to read as follows:

1. Section 1.1111(a)(1) is amended to read as follows:

§ 1.1111 Schedule of Fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, the fees prescribed below are applicable to applications and operations in the Radio Broadcast Services:

(1) Construction Permits: Application for construction permit for new station or for major changes in existing station:

	Filing fee	Grant fee
VHF—top 50 markets [1]	$10,000	$67,500
UHF—top 50 markets	2,500	22,500
VHF—next 50 markets	4,000	27,000
UHF—next 50 markets	1,000	9,000
VHF—balance	2,000	13,500
UHF—balance	500	4,500
FM—class A	200	1,350
FM—class B and C	400	2,700
AM—day—50 kW	1,000	6,750
AM—day—25 kW	800	5,400
AM—day—10 kW	600	4,050
AM—day—5 kW	400	2,700
AM—day—2.5 kW	300	2,025
AM—day—1 kW	200	1,350
AM—day—500 W	100	675
AM—day—250 W	50	340
AM—unlimited 50 kW	2,000	13,500
AM—unlimited 25 kW	1,600	10,800
AM—unlimited 10 kW	1,200	8,100
AM—unlimited 5 kW	800	5,400
AM—unlimited—2.5 kW	600	4,050
AM—unlimited—1 kW	400	2,700
AM—unlimited 500 W	200	1,350
AM—unlimited 250 W	100	675
AM—class IV, full time 1 kW day; 250 W night	200	1,350

[1] The market size shall be determined by the ranking of the American Research Bureau, on the basis of prime time household (average one-quarter hour audience during prime time, all home stations).

[FR Doc.75-24700 Filed 9-16-75;8:45 am]

[Docket No. 20365; RM-2337; FCC 75-1004]

PART 73—RADIO BROADCAST SERVICE

FM Broadcast Table of Assignments; La.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bayou Vista and Franklin, Louisiana).

1. The Commission has under consideration its *Notice of Proposed Rule Making*, adopted February 19, 1975 (40 Fed. Reg. 8963), inviting comments on a proposal to delete Channel 237A from Franklin, Louisiana, and assign it to Bayou Vista, Louisiana, as a first FM assignment to the community. Under the proposal, Channel 288A would be substituted at Franklin.

2. In response to the Notice, the Commission received comments from Teche Broadcasting Corporation ("Teche"), the petitioner in this proceeding, and from KFRA, Inc. ("KFRA"), licensee of daytime-only AM Station KFRA and KFRA-FM, Franklin.[2]

3. In its comments, Teche updated the demographic and economic information provided in its original petition and reiterated its willingness to seek authority for the operation of an FM station at Bayou Vista.

4. KFRA submitted a counterproposal suggesting that Channel 288A rather than Channel 237A be assigned to Bayou Vista. It asserted that the 1975 hurricane season was imminent and that the community of Franklin urgently needed a full-time aural service to provide needed news, weather, and emergency information.[3] KFRA also said it expected to be reimbursed for expenditures incurred in changing from Channel 237A to another channel should Channel 237A be assigned to Bayou Vista.

5. Although timely counterproposals may be filed, it is not sufficient to simply state that an alternative channel assignment "appears" to be available. Instead, they must be accompanied by a cogent showing that the alternative proposal is, in fact, viable. Absent such a showing, the counterproposal must be denied. In this proceeding, the required showing has not been made. Moreover, a serious question exists as to whether the Channel 288A transmitter site proposed by KFRA for use at Bayou Vista would be suitable.[4] The unsupported nature of the counterproposal when considered in conjunction with information submitted by Teche in support of the original proposal persuades us that the public interest, convenience, and necessity would be benefitted by adoption of the proposal set forth in the *Notice* and denial of the counterproposal submitted by KFRA.

6. The request by KFRA that it be accorded reimbursement for expenses incurred in changing its channel of operation also must be denied. This case does not come under the general policy that existing stations which are required to change channel assignments as a result of a rule making proceeding are entitled to be reimbursed for the reasonable expenses incurred as the result of this change in channel assignments. Although KFRA's application was filed before the rule making petition was filed, it was granted after that filing. Reflecting the pendency of the petition, KFRA's permit was conditioned upon the outcome of this rule-making proceeding. This put KFRA on notice that the future status of the Channel 237A assignment at Franklin was in question. Later, when the *Notice of Proposed Rule Making* was issued (a copy of which was mailed to KFRA), it provided further warning. Nevertheless, KFRA proceeded with the construction of the station. KFRA, knowing both the nature of the conditional construction permit it was granted and the contents of the *Notice*, proceeded at its own peril. KFRA could have refused to accept the conditional permit; it did not. It could have waited until the completion of this proceeding; it did not. Any consequences that KFRA may now sustain as the result of a change in channel assignments must be considered as solely attributable to the unilateral decision to proceed and therefore is non-compensible.

7. Accordingly, it is ordered, That effective October 22, 1975, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) is amended to read as follows:

§ 73.202 Table of Assignments.

* * * * *

(6) *Table of FM Assignments.*

* * * * *

LOUISIANA	Channel No.
Bayou Vista	237A
Franklin	288A

8. It is further ordered. That effective October 22, 1975, and pursuant to Section 316 of the Communications Act of 1934, as amended, the outstanding license of KFRA, Inc. for Station KFRA-FM, Franklin, Louisiana, IS MODIFIED to specify operation on Channel 288A in lieu of Channel 237A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than October 22, 1975, or its acceptance of the terms of this modification;

(b) Station KFRA-FM, Franklin, Louisiana, may continue to operate on Channel 237A at Franklin until 45 days after the grant of an application for a construction permit for a station on Channel 237A at Bayou Vista, Louisiana;

(c) Station KFRA-FM, Franklin, Louisiana, may commence operation on Channel 288A upon the effective date of this *Order*, subject to the following conditions:

(1) At least 30 days before operation on Channel 288A, the licensee of Station KFRA-FM shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 288A;

(2) At least 10 days prior to commencing operation on Channel 288A the licensee of Station KFRA-FM shall submit measurement data required of an applicant for an FM station license; and

(3) The licensee of Station KFRA-FM shall not commence operation on Channel 288A without prior Commission authorization.

9. It is further ordered, That the Secretary of the Commission IS ORDERED to send a copy of this *Report and Order* by Certified Mail, Return Receipt Requested, to KFRA, Inc., licensee of KFRA-FM, Franklin, Louisiana.

10. Authority for the actions taken here is found in Sections 4(i), 303(g) and (r), 307(b), and 316(a) of the Communications Act of 1934, as amended.

11. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1026, 1082, 1083; Sec. 316. Sec. 12, 66 Stat., 717; 47 U.S.C. 164, 303, 307, 316.)

Adopted: September 5, 1975.

Released: September 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-24701 Filed 9-12-75;8:45 a.m.]

[1] The permit authorizing construction of an FM station on Channel 237A at Franklin specified:

"The grant of this authorization is subject to applicant's acceptance of any modification requiring use of Channel 288 as a result of rule making in RM-2337."

[2] This full-time service is already provided and under our decision need only change to the new channel.

[3] Information indicates that the terrain surrounding the proposed transmitter site is marshy.

[4] Commissioner Hooks concurring in the result.

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Benton Lake National Wildlife Refuge, Montana

The following regulations are issued and are effective on September 17, 1975. Proper notice has not been given due to administrative difficulties.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

BENTON LAKE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, coots, mergansers and Wilson's snipe on the Benton Lake National Wildlife Refuge, Montana, is permitted only on areas designated by signs as open to public hunting. This open area is delineated on maps available at refuge headquarters.

Hunting shall be in accordance with all applicable state and federal regulations governing the hunting of the aforementioned species subject to the following special conditions:

1. Refuge roads and dike areas are closed to hunting.

2. Blinds may be constructed with natural vegetation found on the refuge.

3. Vehicle use and parking shall be confined to gravelled roads and designated parking areas.

4. Boats without motors may be used in conjunction with waterfowl hunting activities.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 4, 1976.

LYLE A. STEMMERMAN,
Refuge Manager, Benton Lake National Wildlife Refuge, Great Falls, Montana.

SEPTEMBER 9, 1975.

[FR Doc. 75-24671 Filed 9-16-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 233]

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZ.

Regulations and Rates

SEPTEMBER 5, 1975.

Basic and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. § 301 (1970 ed.), Section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210–211), it is proposed to amend 25 CFR Part 233 as set forth below. The primary purpose of this amendment is to provide additional power revenue to meet the increased cost of purchased power and to meet the increased cost of operating and maintaining the power system of the San Carlos Indian Irrigation Project, Arizona. It is proposed to accomplish this by combining the pumping and commercial rate with an increased general rate and increasing the rates for customers under the other two rate schedules.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Commissioner of Indian Affairs, Washington, D.C. 20245, on or before October 17, 1975.

Part 233 is revised to read as follows:

PART 233—SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Sec.
233.1 Effective date; changes.
233.2 Authority of Project Engineer.
233.3 Disputes.
233.4 Applications; contracts.
233.5 Deposits.
233.6 Extensions.
233.7 Installation or extension financed by consumer.
233.8 Temporary Service.
233.9 Type of service.
233.10 Service connections.
233.11 Connection methods.
233.12 Multiple meter installations.
233.13 Consumer responsibility.
233.14 Change of equipment.
233.15 Apparatus detrimental to service.
233.16 Motor starting equipment.
233.17 Service discontinued.
233.18 Bills for service.
233.19 Special bills.
233.20 Connect, reconnect, and accounting charges.
233.21 Delinquent bills.
233.22 Discontinuance by consumer.
233.23 Fraud; tampering.
233.24 Compensation of employees.
233.25 Hardship cases.
233.26 Interruptions to service.
233.27 Contingent upon appropriations.
233.51 Rate Schedule No. 1—Residential Rate.
233.52 Rate Schedule No. 2—General Rate.
233.53 Rate Schedule No. 3—Street and Area Lighting.

AUTHORITY: The provisions of this Part 233 issued under Sec. 5, 43 Stat. 476, 45 Stat. 210, 211; 5 U.S.C. 301.

§ 233.1 Effective date; changes.

The regulations in this part are approved for the conduct of the electric power system of the San Carlos Project, Arizona, referred to in this part as the Project. The regulations in this part shall become effective with the first billings made after the first day of the second calendar month which begins after the date of publication in the FEDERAL REGISTER. The regulations in this part are subject to change by the proper authority and such changes shall apply to all contracts then and thereafter in effect.

§ 233.2 Authority of Project Engineer.

The Project Engineer is responsible for the operation of the electric power system and the enforcement of the regulations in this part. He is authorized to carry out and enforce the regulations either directly or through the Power Manager or other Project employees designated by him.

§ 233.3 Disputes.

Any aggrieved party may file with the Project Engineer a written complaint regarding the application of the regulations. Within fifteen days after its receipt, the Project Engineer shall render a written decision thereon and serve a copy thereof on the aggrieved party. Within fifteen days from receipt of such decision, the aggrieved party may take an appeal to the Commissioner of Indian Affairs who shall render his decision within sixty days and his decision shall be final. Pending the determination of an appeal, electric service shall be continued, except in cases which the question of the existence of dangerous conditions on the premises of the consumer is involved, provided the consumer pays the amount of each bill for electric service prior to the time when it becomes delinquent. If the question of the amount of the bill is involved in an appeal, the consumer shall be deemed to have paid the bill under protest and the payment shall be held in a special deposit account until the final decision has been made.

§ 233.4 Applications; contracts.

In order to contract for the delivery of power, a written application for service under this part accompanied by the required cash deposit and guarantee of the required minimum revenues to the Project, shall be filed with the Project Engineer. Upon acceptance by him, the application will become a contract. In general, such application will be accepted where service lines exist. When special terms and conditions are involved in contracting for service, the Project Engineer shall require the execution of a form of contract in which such terms and conditions are fully set forth. Each contract involving the construction of a new extension shall be for a period of at least one year, but if the consumer vacates the premises, he shall be liable for the unpaid guaranteed revenue only to the extent that it is not liquidated by the succeeding occupant of the premises. The Project Engineer is authorized to reject applications which he deems to be adverse to the best interests of the Project.

§ 233.5 Deposits.

A cash deposit in an amount equal to twice the estimated monthly bill, but in no case less than $30.00 will be required from each applicant. Any cash deposit, less the amount of any unpaid bills, shall be refunded after the termination of service. Before extensions are constructed each applicant must deposit an amount sufficient to cover his portion of the required minimum charges for a period of not less than one year, and must otherwise establish his credit and satisfy the Project Engineer of his intention to take service and his ability to meet the guarantee.

§ 233.6 Extensions.

(a) The length of an extension constructed at the expense of the Project shall not exceed the following:

	Feet
In urban areas:	
Single-phase extensions	100
3-phase extensions	80
In rural areas:	
Single-phase extensions	360
3-phase extensions	210

(b) The length of an extension shall include the horizontal length of both the primary and secondary circuits exclusive of the service drops. Insofar as practicable, all extensions shall be constructed along established highways. The prospective consumer, or consumers, shall furnish or procure satisfactory rights-of-way necessary for the lines and other facilities of the Project incidental to the furnishing of service. The Project Engineer may decline to construct any extension which, in his opinion, will be excessive in cost, or detrimental to the best interest of the Project, or for which funds are not available.

§ 233.7 Installation or extension financed by consumer.

If funds, material or labor are not otherwise available for an installation or extension, or if an extension to a prospective consumer will require new construction beyond the distances specified in § 233.6, the consumer or prospective consumer may, after executing an appropriate contract satisfactory to the Project Engineer, construct the needed installation or extension, or deposit funds estimated to be sufficient to pay for the construction. Such installations or extensions shall be built in accordance approved by the Project Engineer. All extensions when constructed shall be and remain the property of the United States.

§ 233.8 Temporary service.

Temporary service refers to service to circuses, bazaars, fairs, construction works, and other activities or businesses of such a nature that service to the premises occupied by them will probably be discontinued within five months. An applicant for temporary service shall be required to deposit with the Project Engineer a sum of money equal to the estimated cost of installing and removing the necessary facilities and also an additional sum equal to the estimated bill for electrical service: *Provided, however,* That such additional sum need not be greater than three times the estimated monthly bill. After termination of service, there shall be refunded any amount remaining on deposit, in excess of the actual cost of installing and removing facilities, plus the unpaid amount of bills for electric power and energy, as determined by the Project Engineer.

§ 233.9 Type of service.

Service for lights and the usual domestic and other appliances, including motors of less than seven and one-half horsepower shall be single phase, nominally 115 or 230 volts and two or three wire, except when special approval for another type of service has been obtained from the Project Engineer. Three-phase service at suitable voltage may be furnished for motor installations of seven and one-half horsepower and over, provided a three-phase circuit of the required voltage and capacity is available where the service is desired. All service will be sixty cycle.

§ 233.10 Service connections.

On each new service the consumer shall provide and maintain a service entrance at a location convenient to the lines of the project, and all connections from the service entrance to the meter base and from the meter base to the main line circuit breaker or distribution center. The meter will be furnished by the United States. The meter socket will be furnished and installed by the consumer and in a suitable location, preferably on the outside of the building, or service pole, where the meter will be accessible to the meter reader at all times. Except for underground service installations, the meter socket shall not be more than 7 feet nor less than 5 feet above the ground or floor. For underground service installations, the meter shall be mounted a minimum of 3 feet above the ground or floor. The entire service installation must be satisfactory to the project engineer and must conform to the provisions then in force of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When alterations of a consumer's premises make it necessary to move an existing meter loop, the consumer may be required to install a meter socket in the new loop, located in conformity with the stipulations of this section. When an inspection is required by municipal ordinance, the project engineer shall require a certificate of inspection and approval by the municipal inspector before connecting a new service.

§ 233.11 Connection methods.

Service to a consumer's premises will ordinarily be supplied by means of overhead conductors. A consumer may at his own expense provide for an underground service. Such a underground service must be installed in accordance with the provisions of the National Electrical Code and shall be terminated on the pole at a location and in the manner directed by the Project Engineer. No connection from the circuits of the Electrical Power System to a consumer's service entrance shall be made except by the Project or its agents.

§ 233.12 Multiple meter installations.

In the case of new installations in multiple-occupancy buildings such as apartment houses in connection with which more than one meter in a building is required, the meters shall be assembled at one central location. Each meter shall be clearly marked so as to make it possible to identify the consumer.

§ 233.13 Consumer responsibility.

The consumer shall furnish, install and maintain at his own risk and expense in good and safe condition all protective devices, electric wires, lines, machinery, apparatus, and appliances which may be required or used for receiving and consuming electric energy obtained from the Project. The consumer shall be responsible for conforming to the regulations of the National Board of Fire Underwriters and to any other regulations applicable to his installation.

§ 233.14 Change of equipment.

In the event that a consumer proposes to make any material change in the amount, size or character of the electrical equipment installed on his premises, he shall immediately give written notice of his intention to the Project Engineer.

§ 233.15 Apparatus detrimental to service.

The Project Engineer may refuse to supply loads of a character detrimental to the system, or to service to other consumers, and he may require the installation of suitable corrective devices.

§ 233.16 Motor starting equipment.

Motors having a rated capacity of three horsepower or more shall be provided with such starting and overload equipment as may be required by the Project Engineer.

§ 233.17 Service discontinued.

The Project Engineer may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the Electric Power System after he has been notified to correct the condition and has failed to do so within a reasonable time.

§ 233.18 Bills for service.

Meters will normally be read and bills for electric service will be rendered at regular intervals. Payments by consumers should be made in person or remitted by check or money order, payable to the order of the Treasurer of the United States, and mailed to the designated office of the Project.

§ 233.19 Special bills.

Special bills, removal bills, bills for temporary service, bills rendered when premises are vacated or bills rendered to persons discontinuing services are due on representation.

§ 233.20 Connect, reconnect, and accounting charges.

A nonrefundable service establishment fee of $7.50 will be charged each time the Project is requested to establish or reestablish electric service to the customer's delivery point. The charge will be included in and rendered with the first month's bill for electricity after connection or reconnection service. An accounting charge of $5 will be made when a check is returned unpaid by a bank because of insufficient funds or other reasons. This charge will be in addition to any other applicable charges and will appear on the next month's bill for electricity.

§ 233.21 Delinquent bills.

Bills for electric service will be delinquent if not paid on or before the tenth day following the date of issue of a bill showing arrears. When such delinquency occurs, the Project Engineer shall discontinue service and service shall not be restored until the consumer has paid all bills then due plus a reconnection charge of $10.00 and had made the deposit required under § 233.5. Discontinuance of service for delinquency shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

§ 233.22 Discontinuance by consumer.

Notice of his desire to have service disconnected shall be given by the consumer at least two days in advance. In the absence of such notice the consumer will be held liable for payment of all electrical energy furnished to such vacated premises until service is discontinued. Final bills may be paid by

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application of the consumer's guarantee deposit to the extent that they are covered thereby. Any surplus remaining in the deposit will be returned to the consumer after the contract is terminated. Where the deposit is insufficient, the consumer will be billed for the difference which shall be immediately due and payable.

§ 233.23 Fraud; tampering.

Service shall be discontinued by any consumer, or to any premises at any time when, in the opinion of the Project Engineer, such action is necessary to protect against abuse, fraud, or theft. Tampering or in any way interfering with meters, transformers, poles, conductors, or any part of the property of the Project is prohibited and is subject to prosecution pursuant to law.

§ 233.24 Compensation of employees.

All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer, or any gratuity by reason of rendition of services.

§ 233.25 Hardship cases.

The Project Engineer may relax temporarily strict enforcement of a regulation when in his judgment such enforcement would work undue hardship upon a consumer, but all such cases shall be reported promptly to the Commissioner of Indian Affairs with an explanation by the Project Engineer of the reasons for taking such action. The Commissioner of Indian Affairs may cancel the action taken by the Project Engineer.

§ 233.26 Interruptions to service.

The United States will furnish energy continuously so far as reasonable diligence will permit. But the United States, its officers, agents or employees, assume no liability for damages due to interruptions of service to the consumer.

§ 233.27 Contingent upon appropriations.

All contracts are subject to appropriations made by Congress from year to year of monies sufficient to perform the work or render the service provided therein. No liability shall accrue against the United States by reason of the lack of appropriations.

§ 233.51 Rate Schedule No. 1—Residential Rate.

(a) *Application of Schedule.* This schedule is applicable to single phase or three-phase service for residences and small, noncommercial users. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) $4.50, which includes the use of 50 kilowatt hours.

(2) 5 cents per kilowatt for the next 100 kilowatt hours.

(3) 3 cents per kilowatt hour for the next 350 kilowatt hours.

(4) 1.5 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum Bill.* The minimum bill shall be $4 per month except when a higher minimum bill is stipulated in the contract.

(d) *Fuel adjustment.* An adjustment shall be added to each KWH used equal to the estimated average fuel adjustment (rounded to the nearest $.0001) paid by the Project to Project's power suppliers.

§ 233.52 Rate Schedule No. 2—General rate.

(a) *Application of schedule.* This schedule is applicable to single phase or three-phase electric service for all purposes except residences and small, noncommercial users. Unless specifically permitted by the contract, use must be limited to the consumer's premises and the power supplied must not be resold. If more than one meter is required by the customer's installation, or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) First 50 kilowatt hours, four dollars and fifty cents.

(2) 5 cents per kilowatt hour for the next 350 kilowatt hours.

(3) 3 cents per kilowatt hour for the next 600 kilowatt hours.

(4) 1.6 cents per kilowatt hour for the next 9000 kilowatt hours.

(5) When use is 10,000 kilowatt hours or more: First 10,000 kilowatt hours $184. Additional kilowatt hours at 1.6 cents per kilowatt hour.

(6) Less a credit of 0.3 cents per kilowatt hour for each kilowatt hour above 200 times the billing demand (50 KW min).

(c) *Minimum bill.* The minimum bill shall be $1.00 per month per kilowatt of billing demand, except where the customers requirements are of a distinctly recurring seasonal nature. Then the minimum monthly bill shall not be more than an amount sufficient to make the total charges for the twelve (12) months ending with the current month, equal to twelve times the highest monthly minimum computed for the same twelve month period. However, no monthly billing shall be less than $4.50.

(d) *Contract demand.* Each contract for 50 KW or over shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand.

(e) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable, the actual demand shall be connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customers use of connected lights, appliances, and equipment, or from check metering.

(f) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for the month, whichever is greater.

(g) *Fuel adjustment.* An adjustment shall be added to each KWH used equal to the estimated average fuel adjustment (rounded to the nearest $.0001) paid by the Project to Project's power suppliers.

§ 233.53 Rate Schedule No. 3—Street and Area Lighting.

(a) *Application.* This rate schedule applies to service for yard lighting, lighting streets, alleys, thoroughfares, parks, schoolyards, industrial areas, parking lots, and similar areas where dusk-to-dawn service is desired. The Project will own, operate, and maintain the lighting system including normal lamp and globe replacements. Damages caused by malicious mischief shall be repaired at customers expense.

(b) *Monthly rate.* (1) Lamps:

	Each		
	1	2 to 5	5 or more
200 watts or less, incandescent (2,800 lumens or less)	3	3.00	3
175 watts mercury vapor (approximately 6,500 lumens)	5	4.50	4
250 watts mercury vapor (approximately 10,000 lumens)	6	5.50	5
400 watts mercury vapor (approximately 18,000 lumens)	8	7.00	6

The minimum term of a service contract will be 12 months, payable in advance. The advance payment may be waived in special cases by the Project Engineer. Installation charges, the cost of wood poles or special steel, aluminum, or other supports, special fixtures, and the cost of underground service, will be charged as determined by the Project Engineer.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-24730 Filed 9-16-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment for the 1975–76 Fiscal Period

This notice invites written comment relative to the proposed expenses of $725,000 and rate of assessment of $0.045 per 7/10-bushel carton or equivalent quantity of oranges and grapefruit to

support the activities of the Texas Valley Citrus Committee for the 1975–76 fiscal period under Marketing Order No. 906. Consideration is being given to the following proposals submitted by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1975, through July 31, 1976, will amount to $725,000.

(2) That there be fixed at $0.045 per 7/10-bushel carton or equivalent quantity of oranges and grapefruit the rate of assessment payable by each handler in accordance with § 906.34 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 6, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 12, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-24747 Filed 9-16-75;8:45 am]

[7 CFR Part 906]

[Proposed Amdt. 18]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container and Pack Requirements

This notice proposes amendment of the container, pack, and container marking requirements for Texas oranges and grapefruit, effective November 17, 1975. The proposed amendment would reduce by two (2) the number of containers which the industry could use in shipping oranges and grapefruit grown in Texas. The two containers, proposed to be eliminated, are used only to a limited extent. Their elimination would require less inventory to be maintained by handlers and would promote orderly marketing in the interest of producers and consumers.

The proposal would amend § 906.340 *Container, pack, and container marking regulations*, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 6, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment was recommended by the Texas Valley Citrus Committee, which has reviewed the types and sizes of containers needed by the Texas citrus industry. Under the proposal 2 currently little-used containers would no longer be authorized after handler's current stocks of such containers are depleted during the 1975–76 season. One of these is the 7/10 bushel wire bound wooden box, the use of which has declined to an insignificant level in recent years. The other is a fiberboard carton used as a master container for the shipment of six 8-pound bags of fruit, which has become redundant as the use of 8-pound bags has declined, and as a greater portion of the fruit in 8-pound bags is shipped in another authorized master container. The committee reports that the continued authorization of these little-used containers would create inventory problems for handlers, and these containers have quite limited acceptance by the trade. The committee considers that those containers which would remain for authorized use would be adequate for the shipment of the Texas orange and grapefruit crops.

The proposal is that in § 906.340 *Container, pack, and container marking regulations*, paragraphs (a)(1)(i) and (a)(1)(v) be deleted, and that the remaining provisions of paragraph (a)(1) be revised to read as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) • • •

(1) *Containers.* (i) Closed fibreboard carton with inside dimensions of 13¼ x 10½ x 7¼ inches: *Provided*, That the container has a Mullen or Cady test of at least 200 pounds;

(ii) Closed fully telescopic fibreboard carton with inside dimensions of 16½ x 10¾ x 9½ inches, described in Freight Container Tariff 2G as container No. 6506;

(iii) Closed fully telescopic fibreboard carton with inside dimensions of 19¾ x 13½ x 13 inches: *Provided*, That the cover section and bottom section each has a Mullen or Cady test of at least 250 pounds;

(iv) Closed wireboard wooden box with inside dimensions of 24⁵⁄₁₆ x 11⅜ x 11⅜ inches, described in Freight Container Tariff 2G as container No. 3680;

(v) Closed fiberboard carton with inside dimensions of 20 x 13¼ inches and of a depth from 9¾ to 10¾ inches: *Provided*, That the container has a Mullen or Cady test of at least 250 pounds and the container is used only for the shipment of eight 5-pound bags of fruit, or five 8-pound bags of fruit;

(vi) Bags having a capacity of 5 or 8 pounds of fruit: *Provided*, That fruit when packed in such bags shall be handled only when packed in the number and container specified in paragraph (a)(1)(v);

(vii) Bags of the mesh or woven type having a capacity of 18 pounds of fruit;

(viii) Wire crib with inside dimensions of 46½ x 37 x 30 inches: *Provided*, That such cribs be constructed of either 4 x 4 inch mesh wire at least O gauge, or 2 x 2 inch mesh wire at least 2 gauge; and *Provided further*, That a new liner shall be placed in this container each time it is filled for shipment;

(ix) Such other types and sizes of containers as may be approved by the Texas Valley Citrus Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of fruit in such test containers shall be subject to prior approval, and under the supervision, of the Texas Valley Citrus Committee; and

(x) Those containers which were authorized on November 16, 1975, under § 906.340 *Container and Pack Regulations*, but which do not meet the requirements specified in this section may be used through July 31, 1976, by any handler who had such containers in his inventory on November 16, 1975.

• • • • •

Dated: September 12, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-24748 Filed 9-16-75;8:45 am]

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the Florida Tomato Committee to spend $111,000 for its operations during the fiscal period ending July 31, 1976, and to collect 0.35 cent per 30-pound equivalent on assessable tomatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 125 and Order No. 966, both as amended, regulating the handling of tomatoes grown in designated counties in the State of Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in duplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not

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later than October 3, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

It is proposed to add § 966.212 as set forth below.

§ 966.212 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1976, by the Florida Tomato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $111,000.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be 0.33 cent ($0.0035) per 30-pound container or equivalent quantity, of tomatoes handled by him as the first handler thereof during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: September 11, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-24693 Filed 9-16-75;8:45 am]

[7 CFR Part 1250]

EGG RESEARCH AND PROMOTION ORDER

Referenda; Modification or Exemptions From Order

Consideration is being given to the approval of the procedure for the conduct of referenda and of rules of practice and procedure governing proceedings on petitions to modify or to be exempted from provisions of the Egg Research and Promotion Order. The proposed procedures and rules of practice, as hereinafter set forth, are in accordance with the authority vested in the Secretary of Agriculture by Public Law 93-428, 93rd Congress, approved October 1, 1974 (7 U.S.C. 2701 et seq.).

All persons who desire to submit written data, views, or arguments about these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250, not later than October 2, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

SUBPART—PROCEDURE FOR THE CONDUCT OF REFERENDA IN CONNECTION WITH EGG RESEARCH AND PROMOTION ORDER

It is proposed to add the following new subparts to 7 CFR Part 1250:

Subpart—Procedure for the Conduct of Referenda in Connection With Egg Research and Promotion Order

Sec.
1250.200 Referenda.
1250.201 Definitions.
1250.202 Voting.
1250.203 Instructions.
1250.204 Subagents.
1250.205 Ballots.
1250.206 Referendum report.
1250.207 Confidential information.

Subpart—Procedure for the Conduct of Referenda in Connection With Egg Research and Promotion Order

§ 1250.200 Referenda.

Referenda for the purpose of ascertaining whether the issuance by the Secretary of Agriculture of an Egg Research and Promotion Order, or the continuance, termination, or suspension of such an order, is approved or favored by producers, shall unless supplemented or modified by the Secretary, be conducted in accordance with this subpart.

§ 1250.201 Definitions.

(a) "Act" means the Egg Research and Consumer Information Act and as it may be amended (Public Law 93-428, 7 U.S.C. 2701 et seq.).

(b) "Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead; and "Department of Agriculture" means the United States Department of Agriculture.

(c) "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any other officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead.

(d) "Order" means the order or any amendment thereto promulgated pursuant to the Act with respect to which the Secretary has directed that a referendum be conducted.

(e) "Referendum agent" means the individual or individuals designated by the Secretary to conduct the referendum.

(f) "Representative period" means the period designated by the Secretary pursuant to section 9 of the Act (7 U.S.C. 2708).

(g) "Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(h) "Egg producer" or "producer" means any person who either: (1) Is an egg farmer who acquires and owns laying hens, chicks, and/or started pullets for the purpose of and is engaged in the production of commercial eggs; or (2) Is a person who supplied or supplies laying hens, chicks, and/or started pullets to an egg farmer for the purpose of producing commercial eggs pursuant to an oral or written contractual agreement for the production of commercial eggs. Such person is deemed to be the owner of such laying hens UNLESS it is established in writing, to the satisfaction of the Secretary or the Egg Board, that actual ownership of the laying hens is in some other party to the contract. In the event the party to an oral contract who supplied or supplies the laying hens cannot be readily identified by the Secretary or the Egg Board, the person who has immediate possession and control over the laying hens at the egg production facility shall be deemed to be the owner of such hens unless written notice is provided to the Secretary or the Egg Board, signed by the parties to said oral contract, clearly stating that the eggs are being produced under a contractual agreement and identifying the party (or parties) under said contract who is the owner of the hens.

§ 1250.202 Voting.

(a) Each person who is a producer, as defined in this subpart, at the time of the referendum, who was engaged in the production of commercial eggs during the representative period, and who is not exempt from the provisions of the order as provided for in § 1251.347 thereof, shall be entitled to only one vote in the referendum.

(b) Proxy voting is not authorized but an officer or employee of a corporate producer, or an administrator, executor, or trustee of a producing estate, or an authorized representative of any other entity, may cast a ballot on behalf of such producer or estate. Any individual so voting in a referendum shall certify that he is an officer or employee of the corporate producer, or an administrator, executor, or trustee of the producing estate, or an authorized representative of such other entity, and that he has the authority to take such action. Upon request of the referendum agent, such individual shall submit adequate evidence of his authority.

(c) Each producer shall be entitled to cast only one ballot in the referendum.

§ 1250.203 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the time of commencement and termination of the period of the referendum, and the time when all ballots must be received by the referendum agent.

(b) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(c) Provide ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information for ascertaining (1) whether the person voting, or on whose behalf the vote is cast, is an eligible voter,

and (2) the total volume of commercial eggs produced during the representative period.

(d) Give reasonable advance notice of the referendum (1) by utilizing, without advertising expense, available media of public information (including, but not limited to, press and radio facilities) serving the production area(s), announcing the dates, places, and mothod(s) of voting, eligibility requirements, and other pertinent information, and (2) by such other means as said agent may deem advisable.

(e) Make available to producers instructions on voting, appropriate registration, ballot, and certification forms, and, except in the case of a referendum on the termination or continuance of an order, a summary of the terms and conditions of the order: *Provided*, That no person who claims to be qualified to vote shall be refused a ballot.

(f) If the ballots are to be cast by mail, cause all the material specified in (e) of this section to be mailed to each eligible producer whose name and address are known to the Secretary or the referendum agent.

(g) If the ballots are to be cast at polling places or meetings, determine the necessary number of polling or meeting places, designate them, announce the time of each meeting or the hours during which each polling place will be open, provide the material specified in (e) of this section, and provide for appropriate custody of ballot forms and delivery to the referendum agent of ballots cast.

(h) At the conclusion of the referendum, canvass the ballots, tabulate the results, and except as otherwise directed report the outcome to the Administrator and promptly thereafter submit the following:

(1) All ballots received by the agent and appointees, together with a certificate to the effect that the ballots listed are all of the ballots cast and received by the agent and appointees during the referendum period;

(2) A tabulation of all challenged ballots deemed to be invalid; and

(3) A report of the referendum including a detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

§ 1250.204 Subagents.

The referendum agent may appoint any person or persons deemed necessary or desirable to assist said agent in performing his functions hereunder. Each person so appointed may be authorized by said agent to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment, shall be performed by said agent):

(a) Give public notice of the referendum in the manner specified herein;

(b) Preside at a meeting where ballots are to be cast or as poll officer at a polling place;

(c) See that ballots and the aforesaid texts are distributed to producers and receive any ballots which are cast; and

(d) Record the name and address of each person casting a ballot with said subagent and inquire, as deemed appropriate, into the eligibility of such persons to vote in the referendum.

§ 1250.205 Ballots.

The referendum agent and his appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, said agent or appointee shall endorse above his signature, on said ballot, a statement to effect that such ballot was challenged, by whom challenged, the reasons therefor, the results of any investigations made with respect thereto, and the disposition thereof. Invalid ballots shall not be counted.

§ 1250.206 Referendum report.

Except as otherwise directed, the Administrator shall prepare and submit to the Secretary a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 1250.207 Confidential information.

The ballots cast or the manner in which any person voted and all information furnished to, compiled by, or in the possession of the referendum agent, shall be regarded as confidential.

Subpart—Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From Orders

Sec.
1250.250 Words in the singular form.
1250.251 Definitions.
1250.252 Institution of proceeding.

Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Orders

§ 1250.250 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1250.251 Definitions.

As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means the Egg Research and Consumer Information Act and as it may be amended (Public Law 93-428, 7 U.S.C. 2701 et seq.);

(b) The term "Department" means the U.S. Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom they may hereinafter be delegated the authority to act in his stead;

(d) The term "Administrative Law Judge" or "Judge" means any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 and assigned to conduct the hearing;

(e) The term "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any other officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in his stead;

(f) The term FEDERAL REGISTER means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and act supplementary thereto and amendatory thereof;

(g) The term "order" means any order or any amendment thereto which may be issued pursuant to the act;

(h) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity, subject to an order or to whom an order is sought to be made applicable, or on whom an obligation has been imposed or is sought to be imposed under an order;

(i) The term "proceeding" means a proceeding before the Secretary arising under section 14(a) of the act;

(j) The term "hearing" means that part of the proceeding which involves the submission of evidence;

(k) The term "party" includes the Department;

(l) The term "Hearing Clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C.;

(m) The term "Administrative Law Judge's report" means the Administrative Law Judge's report to the Secretary and includes the Administrative Law Judge's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions, and orders submitted by the parties; and

(n) The term "petition" includes an amended petition.

§ 1250.252 Institution of proceeding.

(a) *Filing and service of petition.* Any person subject to an order desiring to complain that any order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with the law, shall file with the Hearing Clerk, in quadruplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petion, the Hearing Clerk shall transmit a true copy thereof to the Administrator and the General Counsel, respectively.

(b) *Contents of petition.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner;

(2) Reference to the specific terms and provisions of the order, or the interpretation or application thereof, which are complained of;

(3) A full statement of the facts (avoiding a mere repetition of detailed

V 40 181
SEP 17 75
XUM

evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order or the interpretation or application thereof, which are complained of;

(4) A statement of the grounds on which the terms or provisions of the order, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law;

(5) Prayers for the specific relief which the petitioner desires the Secretary to grant; and

(6) An affidavit by the petitioner, or if the petitioner is not an individual, by an officer of the petitioner having knowledge of the facts stated in the petition, verifying the petition.

(c) *Application to dismiss petition.* (1) If the Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the act or with the requirements of (b) of this section, he may, within 30 calendar days after the filing of the petition, file with the Hearing Clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this section. Such application shall specify the grounds of objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the Hearing Clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such application, including any memorandum of law, must be filed by the petitioner with the Hearing Clerk not later than 20 calendar days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the Hearing Clerk shall transmit all papers which have been filed in connection with the application to the Judge for his consideration.

(2) *Decision by Administrative Law Judge.* The Judge, after due consideration, shall render a decision upon the motion stating the reasons for his action. Such decision shall be in the form of an order and shall be filed with the Hearing Clerk who shall cause a copy thereof to be served upon the petitioner and a copy thereof to be transmitted to the Administrator. Any such order shall be final unless appealed pursuant to § 900.65, incorporated by (c) below: *Provided*, That within 20 calendar days following the service upon the petitioner of a copy of the order of the Judge dismissing the petition, or any portion thereof, on the ground that it does not substantially comply in form and content with the act or with (b) of this section, the petitioner shall be permitted to file an amended petition.

(3) *Oral argument.* Unless a written application for oral argument is filed by a party with the Hearing Clerk not later than the time fixed for filing papers in opposition to the motion, it shall be considered that the party does not desire oral argument. The granting of a request to make oral argument shall rest in the discretion of the Judge.

(d) *Further proceedings.* Further proceedings on petitions to modify or to be exempted from orders shall be governed by § 900.52a through § 900.71 excluding § 900.70 of the title "Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From Marketing Orders" revised October 29, 1973, and any amendments thereto, except that all references to marketing orders shall mean orders under the act, and as may hereafter be amended, and the same are incorporated herein and made a part hereof by reference.

This proposed notice in the FEDERAL REGISTER shall be null and void if the final decision regarding the order is negative.

Dated: September 12, 1975.

WILLIAM H. WALKER,
Deputy Administrator, Program Operations.

[FR Doc.75-24745 Filed 9-16-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 67]

GRANTS FOR HEALTH SERVICES RESEARCH CENTERS

Proposed Rulemaking

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Part 67, entitled "National Center for Health Services Research Grants," to Title 42, Code of Federal Regulations and to add a new Subpart B entitled "Grants for Health Services Research Centers," to such new Part 67.

The Health Services Research, Health Statistics and Medical Libraries Act of 1974, Pub. L. 93-353 (July 23, 1974), as is relevant here, substantially revised sections 304 and 305 of the Public Health Service Act to authorize the Secretary to support a number of programs for health services research, evaluations and demonstrations. The purpose of the proposed new Part 67 is to set aside a single place in the Code of Federal Regulations for the regulations governing such programs.

Section 305(d) of the Public Health Service Act, as amended by such Act authorizes the Secretary to make grants to assist public or private nonprofit entities in meeting the costs of planning, establishing and operating centers for multidisciplinary health services research, evaluations and demonstrations. The purpose of the proposed new Subpart B is to establish regulations implementing such authority. Subpart A is being reserved for the regulations to be promulgated at a later date covering the health services research project grant program.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed and data, views and arguments related to the proposed regulations may be presented in writing to the Director, Review and Advisory Services, National Center for Health Services Research, Health Resources Administration, 5600 Fishers Lane, Rockville, Maryland 20852, Room 15-35. All comments received in response to this notice will be available for public inspection at such office on weekdays (Federal holidays excepted between 8:45 a.m. and 5:15 p.m.). All relevant material received on or before October 17, 1975, will be considered.

It is therefore proposed to amend Title 42 of the Code of Federal Regulations by adding thereto a new Part 67 to read as set forth below.

Dated: August 13, 1975.

R. MOURE,
Acting Assistant Secretary for Health.

Approved: September 11, 1975.

DAVID MATHEWS,
Secretary.

PART 67—NATIONAL CENTER FOR HEALTH SERVICES RESEARCH GRANTS

Subpart A—[Reserved]
Subpart B—Grants for Health Services Research Centers

Sec.
67.101 Purpose and scope.
67.102 Definitions.
67.103 Eligibility.
67.104 Application.
67.105 Evaluation and disposition of applications.
67.106 Grant awards.
67.107 Operational requirements.
67.108 Grant payments.
67.109 Use of project funds.
67.110 Nondiscrimination.
67.111 Publications and copyright.
67.112 Confidentiality.
67.113 Control of data.
67.114 Grantee accountability.
67.115 Reports.
67.116 Applicability of 45 CFR Part 74.
67.117 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); sec. 305(d), as amended, 88 Stat. 364; (42 U.S.C. 242c(d)).

§ 67.101 Purpose and scope.

(a) The regulations of this subpart are applicable to the award of grants under section 305(d) of the Public Health Service Act, as amended, to assist in meeting the costs of planning, establishing and operating multidisciplinary Health Services Research Centers by providing support for both permanent staff composed of experts from different disciplines and the administrative costs of carrying out multidisciplinary health services research, evaluations and demonstrations respecting:

(1) The accessibility, acceptability, planning, organization, distribution, technology, utilization, quality, and financing of health services and systems;

(2) The supply and distribution, education and training, quality, utilization, organization, and cost of health manpower; and

(3) The design, construction, utilization, and cost of facilities and equipment.

(b) Additional support awarded under this subpart, for National Special Emphasis Centers is intended to support staff, research, demonstration, and evaluation projects, training programs, and administrative costs for activities appropriate to the particular area of special emphasis.

§ 67.102 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to a private entity, means that no part of the net earnings of such entity inures or may lawfully inure to the benefit of any shareholder or individual.

(d) "Project period" means the total period of time for which support for a project has been approved as specified in the grant award document. Such approval does not commit or obligate the Federal government to any additional, supplemental or continuation support beyond the current budget period.

(e) "Budget period" means the interval of time (usually 12 months) into which the project has been divided for budgetary and reporting purposes and for which the Government has made a financial commitment to fund a particular project.

(f) "Center" means a Health Services Research Center supported under this subpart.

(g) "National Special Emphasis Center" mean a Center which directs a substantial portion of its efforts in research training, technical assistance, and other appropriate activities to a particular aspect of health care delivery specified by the Secretary and requiring a particular kind of scientific expertise. Such Centers shall include:

(1) A Health Care Technology Center, which shall focus on all forms of technology, including computers and electronic devices, and its applications in health care delivery;

(2) A Health Care Management Center, which shall focus on the improvement of administration and organization in the health field, the training and retraining of administrators of health care enterprises, and the development of leaders, planners and policy analysts in the health field; and

(3) Such other Centers as the Secretary shall deem appropriate, provided that formal notification of the competition for a grant award and designation as a National Special Emphasis Center under this subpart shall be made at least ninety (90) days prior to the closing date for filing applications for Center grants.

(h) "State" means one of the 50 States, the District of Columbia, Puerto Rico, Guam, Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(i) "Grantee" means the public or nonprofit private entity that receives a grant under section 305(d) of the Act and this subpart and assumes legal and financial responsibility for the funds awarded and for the performance of the grant supported activity.

(j) "Director" means a single individual, designated by the grantee in the grant application and approved by the Secretary, who is responsible for the scientific, technical, and administrative direction of the Center.

§ 67.103 Eligibility.

Any public or nonprofit private entity located in a State is eligible to apply for a grant under this subpart; *Provided*, That no entity is eligible for assistance for more than one Center at any one time.

§ 67.104 Application.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such manner as the Secretary may prescribe.[1]

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the regulations of this subpart and the terms and conditions of any grant award.

(c) In addition to such other pertinent information as the Secretary may require, an application for a grant under this subpart shall contain the following:

(1) A description of the manner in which the applicant intends to plan and establish a Center, including a timetable for making the proposed Center operational;

(2) A description of the staff of the proposed Center, including their qualifications, academic training, responsibilities and functions;

(3) A description of the manner in which the staff will be organized and supervised to carry out the proposed activities of the Center;

(4) A description of the applicant's plan for providing at the Center educational opportunities to students, health professionals and other appropriate individuals;

(5) A description of the applicant's plan for sharing the knowledge and expertise of the Center's staff by providing technical assistance to appropriate organizations and individuals and through other forms of public and community services;

(6) A description of the applicant's plan for disseminating the Center's research findings to appropriate forums;

(7) A description of the need of the region in which the proposed Center will be located for a Center and a description of the areas of research which the applicant expects the Center to address by virtue of particular problems and characteristics of the local health care delivery system;

(8) A description of the organizational structure of the applicant and the nature of any relationship with and access to health care delivery systems in which research activities can be undertaken and research findings tested;

(9) A description of the procedures by which research projects will be selected, including the methodology to be utilized in ensuring that such projects will be selected on the basis of (i) the regional or national importance of the problem to be addressed, (ii) the unique potential for definitive research on a problem, and (iii) opportunities for local application of the research findings;

(10) A budget which allocates the total support both by type of expenditure and by the activities identified in paragraphs (c)(1), (4), (5), (6), and (9) of this section;

(11) A description of the resources which the applicant plans to make available to the proposed Center;

(12) A description of the proposed Center's relationships with other academic institutions and research organizations with regard to the impact of such relationships on the quality and scope of the Center's research and the responsiveness of its project selection to local, regional and national priorities; and

(13) Assurances satisfactory to the Secretary that the Center will meet the operational requirements of § 67.107 when it becomes operational.

(d) In addition to the material specified in paragraph (c) of this section, an application for a grant with a designation as a National Special Emphasis Center shall also contain the following:

(1) A description of the areas of research which the applicant expects the Center to address by virtue of the particular problems and characteristics of the field of special emphasis;

(2) A description of the nature of any relationships with and access to health care delivery systems that would enhance the ability to carry out research, evaluations, and demonstrations in management, technology, or other areas of special emphasis;

(3) A description of the procedures by which special emphasis projects will be selected including the methodology to be utilized in ensuring that such projects will be selected on the basis of national importance of the problem being addressed and the unique potential for definitive research on a problem;

(4) A description of the resources which the applicant plans to make avail-

[1] Applications and instructions are available from the Director, Review and Advisory Services, National Center for Health Services Research, Health Resources Administration, 5600 Fishers Lane, Rockville, Maryland 20852, Room 15-35.

V 40 181 SEP 17 75 XUM

able to enhance the special emphasis activities;

(5) A description including a budget, of the proposed Center's plan for disseminating its research findings to groups and individuals particularly concerned with the area of special emphasis; and

(6) Assurances satisfactory to the Secretary that it will meet the additional operational requirements of § 67.107 when it becomes operational.

§ 67.105 Evaluation and disposition of applications.

(a) *Evaluation.* (1) All applications for a grant under this subpart will be submitted by the Secretary for review to a panel of experts who are neither officers or employees of the United States and who possess qualifications necessary to evaluate both the applicant's proposed method of planning, establishing and operating a Center and the potential of the proposed Center to make a valuable scientific contribution (hereinafter referred to as the review panel).

(2) The review panel to which an application has been submitted pursuant to paragraph (a) 1) of this section shall make a written report to the Secretary on each application so submitted. Each report shall consist of the following parts:

(i) The first part shall consist of a factual summary of the proposed Center, including a synopsis of the information required under § 67.104(c). If the applicant is applying for an award as a National Special Emphasis Center a factual summary of the information provided in accordance with § 67.104(d) shall also be submitted.

(ii) The second part shall address the scientific and technical merit of the application and shall consist of a critique of the proposal and an assessment of the adequacy of the applicant's plan and available resources for meeting the requirements of § 67.107.

(iii) The third part, where appropriate, shall address the scientific and technical merit of the application for an additional award for a National Special Emphasis Center. This part of the report shall consist of a critique of the proposal and an assessment of the adequacy of the applicant's plan and available resources for meeting the additional requirements of § 67.107.

(iv) The fourth part shall describe the panel's assessment of the relevance of the proposed program to regional or national health care issues.

(v) The fifth part shall consist of a set of recommendations to the Secretary with respect to the disposition of the application:

(A) The panel may recommend that the Secretary approve, disapprove, or defer a decision in order to gather further information on an application for support as a Health Services Research Center. If the panel recommends approval, it shall also provide its recommendation regarding an appropriate project period and an appropriate level of support. If it recommends deferral, it shall specify the additional information it deems necessary for an adequate review of the application.

(B) The panel may also recommend that the Secretary approve, disapprove, or defer a decision in order to gather further information on an application for additional support as a National Special Emphasis Center. If the panel recommends approval, it shall also provide its recommendation regarding an appropriate project period and an appropriate level of support. If it recommends deferral, it shall specify the additional information it deems necessary for an adequate review of the application.

(b) *Disposition.* On the basis of the Secretafy's evaluation of the application and taking into consideration any recommendations made pursuant to paragraph (a) of this section, the Secretary shall either (1) approve, (2) defer for a later decision or (3) disapprove any application for grant assistance under this subpart. Such disapproval of an application shall not preclude its reconsideration if the application is resubmitted in the same or a revised version at a later date.

§ 67.106 Grant awards.

(a) *General.* (1) Within the limits of funds available for such purpose, the Secretary may award a grant to those applicants whose approved proposed Centers will in his judgment best promote the purposes of section 305(d) of the Act and this subpart, taking into consideration:

(i) Recommendations made pursuant to § 67.105.

(ii) The appropriateness of the proposed budget and the extent to which the fiscal plan provides assurance that effective use would be made of grant funds.

(iii) The capability of the applicant as demonstrated by organizational and institutional arrangements to successfully operate the proposed Center.

(iv) The qualifications, achievements, and commitment of the senior personnel.

(v) The strength and scientific integrity of the general program and approach of the proposed Center.

(vi) The nature of the sponsoring institution's commitment to the proposed Center and the relative importance it ascribes to the endeavor.

(vii) The past success and future potential of the proposed Center's personnel in receiving permanent and project related support from other sources.

(viii) The extent to which a proposed Center's planning process incorporates the concerns of pertinent constituents and reflects an awareness of significant research problems in health services.

(ix) The strength of the relationship the proposed Center has developed with components of a local health care system in which specific projects will be conducted and research findings tested.

(x) The integration of disciplinary interests within the proposed Center and the coordination of the research program with training and educational efforts.

However, no grant may be awarded which will result in more than twenty per centum (20%) of all Centers supported under this subpart being located in any one HEW region, except that this restriction shall not operate to proscribe awarding at least two grants under this subpart to institutions located in any single HEW region; *Provided*, That to the extent feasible, the Secretary will make such grants as will result in at least six Centers being operational in each fiscal year.

(2) In making any grant award the Secretary may add additional conditions to or require specific modifications in the Center as proposed in the application including a different level of grant support from that requested in the application. In such cases the Secretary will obtain either the written agreement of the applicant to proceed on such basis prior to making any grant award or such condition or modification will appear on the grant award notice.

(3) All grant awards shall be in writing. The Notice of Grant Awarded shall set forth the amount of funds awarded for the conduct of the Center during the first budget period and the amount of support recommended for the remainder of the project period.

(4) The project period for any grant under this subpart shall be specified in the Notice of Grant Awarded and shall begin no later than nine months following the date of such award. In no case may a project period exceed five years; *Provided*, That the approved project period may be extended for a period not to exceed six months beyond five years where the Secretary determines on the basis of a request by the grantee prior to the termination of the currently active grant that such additional time is needed to permit the use of funds previously awarded but not expended. No additional support may be awarded for this period.

(5) Neither the approval of any application nor the awarding of any grant shall commit or obligate the Federal Government in any way to make any additional, supplemental, continuation or other awards with respect to the Center or any part of the Center. For continuation support, grantees must make separate application annually and at such times and in such form as the Secretary may prescribe.

(b) *Determination of grant amount.* The amount of any grant shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of the direct costs of the Center plus an additional amount for the indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the project; or

(2) On the basis of a percentage of all or a designated portion of the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs.

Such award may include an estimated provisional amount for indirect costs or for designated direct costs such as fringe benefit rates subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) *Supplemental awards.* The Secretary may make supplemental awards during the course of any budget period of an approved Center where the Secretary finds on the basis of the applicant's written request and such progress and accounting reports as the Secretary may require that the amount of the award initially approved was less than the amount necessary to carry out the approved Center activities for that period. The Secretary may also make a supplemental award where in his judgment such an award is necessary for the preparation of data in suitable form for transmittal in accordance with § 67.113. However, the additional grant awards shall not in the aggregate exceed twenty per centum (20%) of the original award for direct Center costs in the budget period in which the supplemental awards are being made, unless the supplemental award that would result in this limit being exceeded is approved by the review panel which evaluated the Center's initial application. After such a request is considered by the review panel, it shall submit a written report to the Secretary which describes the current status of the Center, the basis for the request, and the potential consequences of any request that is disapproved.

(d) *Non-competing continuation awards.* Where a grantee has filed an application for continuation support and within the limits of funds available for this purpose, the Secretary may make a grant award for an additional budget period for any previously approved Center where the Secretary finds on the basis of such progress and accounting reports as may be required that the Center's activities during the current budget period justify continued support of the project for an additional budget period. Where the Secretary determines to continue support, the amount of grant award shall be determined in accordance with paragraph (b) of this section. Where the Secretary determines not to continue a project for an additional budget period, the grantee will be notified in writing before the end of the current budget period.

§ 67.107 Operational requirements.

(a) Any Center supported under this subpart shall:

(1) Have a full-time Director who possesses a demonstrated capacity for sustained productivity and leadership in health services research, demonstrations, and evaluations. The Director shall oversee the research program and the general operation of the Center and shall to the extent practicable directly participate in research activities. Where the Director of a Center becomes unable to function in such capacity, the grantee shall so inform the Secretary as quickly as possible. Within five (5) days, the grantee shall designate an Interim Director and inform the Secretary of the name of such individual. Within ninety (90) days, the grantee shall nominate an Acting Director who, if approved by the Secretary, shall serve in that capacity until the end of the budget period. The failure to obtain Secretarial approval of a new Director in the prescribed period of time shall result in immediate suspension of the grant;

(2) Have such additional full-time professional staff representing various disciplines relevant to health services research as necessary to plan, establish and operate the proposed Center and to carry out or administer research projects undertaken with the Center. The number and expertise of the staff shall be determined by the size of the proposed Center, the availability to it of staff resources other than its own immediate staff, and the nature and scope of the problems which its research will address:

(3) Be located within an established academic or research institution with available resources appropriate to the proposed activities to be conducted by the Center;

(4) Have written agreements with clinical settings which provide for settings appropriate for the initiation and evaluation of experiments in health services research;

(5) Select problems in health services for research, demonstrations and evaluations respecting:

(i) The accessibility, acceptability, planning, organization, distribution, technology, utilization, quality, and financing of health services and systems;

(ii) The supply and distribution, education and training, quality, utilization, organization, and cost of health manpower; and

(iii) The design, construction, utilization, organization, and cost of facilities and equipment on the basis of (A) their regional or national importance, (B) the unique potential for definitive research on the problem, (C) the opportunities for local application of the research findings;

(6) Provide educational opportunities, through formal mechanisms, for university students, health professionals or other appropriate individuals;

(7) Provide for the dissemination of its research findings, subject to the requirements for confidentiality as set forth in section 308(d) of the Act and § 67.112;

(8) Provide, through a formal mechanism, for consultations and technical assistance to concerned individuals and groups of the geographical area in which the Center will be located.

(b) National Special Emphasis Centers shall, in addition to the requirements of paragraph (a) of this section:

(1) Provide for the dissemination of its research findings on a national scale to groups and individuals particularly concerned with the area of special inquiry;

(2) Select problems in its area of special emphasis for research, demonstration and evaluation on the basis of the national importance of the problem being addressed and the unique potential for definitive research;

(3) Provide, through a formal mechanism, for consultations and technical assistance appropriate to its area of special expertise to concerned individuals and groups on a national scale; and

(4) Employ all of the resources made available to the Center by virtue of its National Special Emphasis designation in planning, conducting and monitoring research, training, technical assistance, and other appropriate activities solely in its area of special emphasis.

§ 67.108 Grant payments.

The Secretary shall from time to time make payments to the grantee of all or a portion of any grant award, either by way of reimbursement for expenses incurred in the budget period, or in advance for expenses to be incurred, to the extent he determines such payments are necessary to promote prompt initiation and advancement of the approved Center. The amounts otherwise payable to any grantee shall be reduced by:

(a) Amounts equal to the fair market value of any equipment or supplies furnished to such grantee at their request by the Secretary for the purpose of planning, establishing or operating the Center; and

(b) Amounts equal to the pay, allowances, traveling expenses, and related personnel expenses attributable to the performance of services by an officer or employee of the government in connection with such Center, if such officer or employee was assigned or detailed by the Secretary at the request of the grantee to perform such services.

§ 67.109 Use of project funds.

(a) Any funds granted pursuant to this subpart shall be expended by the grantee solely for planning, establishing or operating the approved Center in accordance with the Act, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) The grantee may not in whole or in part delegate or transfer this responsibility for the use of such funds to any other person, or other legal entity, without the specific prior written approval of the Secretary.

(c) Prior approval by the Secretary is required whenever there is to be a significant change in the scope or nature of the Center's approved activities.

§ 67.110 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on account of race, color, or national origin be excluded from participation in, be denied the benefits

V 40 181 SEP 1775 XUM

of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Regulations implementing Title VI which applies to grants made under this subpart have been issued by the Secretary with the approval of the President (45 CFR Part 80).

(b) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped person in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(c) Grant funds used for remodeling, alteration or repairs shall be subject to the conditions that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (September 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 67.111 Publications and copyright.

(a) *Copyright.* Except as may otherwise be provided under the terms and conditions of the award, the grantee is free to copyright any book or other copyrightable materials developed under the grant, subject to a royalty-free, nonexclusive and irrevocable license of the Department to reproduce, publish, alter or otherwise use, and to authorize others to use the work for Government purposes. In any case in which a copyright has been obtained, the Secretary shall be so notified.

(b) *Publications.* Any reports, papers, statistics, or other materials developed from work supported in whole or in part by an award made under this subpart shall be submitted to the Secretary. The Secretary may make such materials available and disseminate the material on as broad a basis as practicable and in such form as to make such materials understandable.

§ 67.112 Confidentiality.

No information obtained by a Center in the course of its health services research activities directly supported under this subpart may be used for any purpose other than the purpose for which it was supplied (which shall include the disclosure of such information to the Secretary for carrying out his responsibilities under the Health Services Research, Health Statistics, and Medical Libraries Act of 1974 (Pub. L. 93–353), unless authorized under regulations of the Secretary. Further, such information may not be published or released in other than statistical form if the person who supplied the information or who is described in it is identifiable unless such person has signed a written consent on such forms and in such manner as the Secretary may prescribe. For purposes of this section and § 67.113, the term "directly supported", as it relates to health services research, demonstration, or evaluation projects, means discrete, identifiable projects supported under this subpart and not to solely the provision of administrative and staff support for the Center.

§ 67.113 Control of data.

Except as otherwise provided in the terms and conditions of the award and subject to the confidentiality requirements of section 67.112, all data collected or assembled for the purposes of carrying out health services research, demonstration, or evaluation projects directly supported under this subpart (as that term is defined in § 67.112) shall be made available to the Secretary upon request.

§ 67.114 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this subpart; *Provided however,* That when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) *State and local governments.* When the grantee is a State or local government as defined in 45 CFR 74.3, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as so defined, royalties shall be accounted for as follows:

(i) Patent royalties, whether received during or after the project period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(ii) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials; and any royalties in excess of the costs of publishing or producing such materials shall be distributed in accordance with Chapter 1–420 or the Department of Health, Education, and Welfare Grants Administration Manual.[3]

(c) *Grant closeout*—(1) *Date of final accounting.* In addition to such other special and periodic accounting as the Secretary may require, a grantee shall render with respect to each Center a full account, as provided herein, as of the termination of grant support which shall be (i) the end of the project period, or (ii) the date of any termination of grant support pursuant to Subpart M of 45 CFR Part 74.

(2) *Final settlement.* There shall be payable to the United States as final settlement with respect to each approved project the total sum of (i) any amount not accounted for pursuant to paragraph (a) of this section and (ii) any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the grantee to the United States and shall be recovered from the grantee or its successors or assignees by set-off or other action as provided by law.

§ 67.115 Reports.

Each grant awarded under this subpart shall be subject to the condition that the grantee shall file written notification with the Secretary of each research, demonstration or evaluation project undertaken by the Center on the date that such project is initiated. Such notification shall include:

(a) A description of the project, including the hypotheses to be tested or the objectives to be pursued;

(b) The names of the principal investigators and the principal staff members that will be assigned to the project; and

(c) A budget, including an identification of the source of funds.

§ 67.116 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to States and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to other grantee organizations under this subpart:

45 CFR Part 74
Subpart
A—General.
B—Cash Depositories.
C—Bonding and Insurance.
D—Retention and Custodial Requirements for Records.
F—Grant-Related Income.
G—Matching and Cost Sharing.
K—Grant Payment Requirements.
L—Budget Revision Procedures.
M—Grant Closeout, Suspension, and Termination.
O—Property.
Q—Cost Principles.

§ 67.117 Additional conditions.

The Secretary may, with respect to any grant awarded under this subpart, impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved Center or the conservation of grant funds.

[FR Doc. 75-24719 Filed 9-16-75;8:45 am]

[3] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 215]

[FRA Waiver Petition Docket No. RSFC–74–19]

BIRMINGHAM SOUTHERN RAILROAD CO.

Waiver of Freight Car Standards

The Birmingham Southern Railroad Company (BS) has petitioned the Federal Railroad Administration (FRA) for an exemption from certain requirements of the FRA Freight Car Safety Standards pertaining to the lubrication of journal bearings. The BS has requested a permanent exemption from the requirement of FRA regulations (49 CFR 215.97) that plain bearing journal boxes must be repacked at 24 month intervals.

The BS seeks to have a portion of its freight car fleet exempted from the 24 month repack requirement and to substitute a 48 month lubrication interval. These cars are all used in what petitioner describes as captive service on primarily petitioner's own lines. The freight cars which are the subject of this petition generally travel 15 miles or less on most trips and normally do not leave the geographic confines of Jefferson County in the State of Alabama.

Petitioner believes that the low mileage accumulated by these cars and the slow speed at which they operate warrant the granting of an exemption. The overall hot box record for these cars is good according to the petitioner and prior to the adoption of federal standards petitioner was able to operate these cars for periods of 96 and 120 months between the repacking of the journals.

The petition seeks an exemption for approximately 400 ore hopper cars, 250 coal hopper cars, 200 gondolas, 8 flat cars and 2 box cars. The cars all bear BS reporting marks and assorted numbers in the series between 100 and 9,400 except for 150 ore hopper cars which are leased from other railroads. These ore hoppers bear either Bessemer and Lake Erie reporting marks in the 20,000 series or Duluth, Missabe and Iron Range reporting marks in the series between 27,000 and 30,000.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to October 15, 1975. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC–74–19) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before October 31, 1975 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on September 9, 1975.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-24687 Filed 9-16-75;8:45 am]

[49 CFR Part 215]

[FRA Waiver Petition Docket No. RSFC–75–2]

UNION RAILROAD CO.

Waiver of Freight Car Standards

The Union Railroad Company (URR) has petitioned the Federal Railroad Administration (FRA) for an exemption from certain requirements of the FRA Freight Car Safety Standards pertaining to the periodic inspection of freight cars. The URR has requested a limited exemption from the requirement of FRA regulations which requires that all freight cars be given an initial periodic inspection prior to December 31, 1976 (49 CFR 215.25).

The URR presently operates 649 hopper cars which it seeks to have exempted from the periodic inspection requirement. These cars are used exclusively to haul coke between various United States Steel Corporation plants in the Pittsburgh area in the State of Pennsylvania. The hopper cars were all reconditioned in 1969 and bear URR reporting marks in the series between 3000 and 3649.

The cars are used primarily within the confines of the various plants in the Pittsburgh area but do operate for short distances, not exceeding 15 miles, over tracks that are part of the general railroad system of transportation. The maximum speed at which the cars are operated does not exceed 30 miles per hour.

Petitioner seeks a limited exemption for these cars which would terminate on December 31, 1977. It is petitioner's intent to replace all of these cars by that date. Petitioner states that all of these cars have been examined and found safe to operate under the conditions described previously.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to October 15, 1975. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC–75–2) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before October 31, 1975 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on September 10, 1975.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-24688 Filed 9-16-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 583]

[Docket No. 75-25; Notice No. 1]

COST INFORMATION REPORTING

Proposed Rulemaking

Correction

In the issue of Friday, September 12, 1975, the first two columns of FR Doc. 75–24335, carrying the above headings, appear on page 42365. The balance of the document appears on pages 42367 and 42368.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 431–7]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS; VERMONT

Proposed Regulatory and Monitoring Changes

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator

V 40 181 SEP 17 75 XUM

approved with exceptions the Vermont Implementation Plan for attainment of National Air Quality Standards.

On March 3, 1975 the Secretary of Environmental Conservation submitted proposed revisions to be included in the plan: (1) A definition of "Public Notice" defined in accordance with 40 CFR § 51.4 Public Hearings; (2) a revision of the Methodology for Sampling Photochemical Oxidants to make the Vermont sampling method consistent with FEDERAL REGISTER, *Vol. 36, No. 228, Part 50, Appendix D*; (3) a revision of the Combustion Contaminant Limitation for Fuel Burning Equipment which rated heat input over 1000 million Btu's per hour from an allowable emission rate of 0.02 lb/hr/10^6 Btu to 0.06 lb/hr/10^6 Btu of particulates, (this higher allowance does not affect any existing installation); (4) the deletion of the proposed Winooski site from the originally proposed Air Quality Network which does not reduce the number of monitors below the minimum number required by 40 CFR 51.17; and (5) a revision of Rule 6 of the Air Quality Variance Board "Rules of Practice" pertaining to oral hearings in compliance with Federal Regulations.

Copies of the Vermont submission are available for public inspection during normal business hours at the EPA, Region I, JFK Federal Building, Room 2113, Boston Massachusetts 02203; the Air Quality Variance Board, P.O. Box #489, Montpelier, Vermont 05602; and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region I, JFK Building, Boston, Massachusetts 02203. Comments received on or before October 17, 1975, will be considered. Receipt of comments will be acknowledged but substantive responses to individual comments will not be provided. Comments received will be available during normal working hours at the Region I office. The Administrator's decision to approve or disapprove the plan is based on whether it meets the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and EPA regulations in 40 CFR part 51. All relevant matter presented shall be evaluated and the agency will incorporate in the rules adopted a concise general statement of their basis and purpose. Authority: section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c–5(a).

Dated: September 3, 1975.

JOHN A. S. MCGLENNON,
Regional Administrator.

[FR Doc.75-24677 Filed 9-16-75;8:45 am]

[40 CFR Part 52]

[FRL 432-4]

ARIZONA

Approval and Promulgation of State Implementation Plans; Regulation To Control Open Burning

The Regional Administration hereby issues this notice setting forth Arizona revisions to the State Implementation Plan as proposed rulemaking, and advises the public that comments may be submitted on whether these revisions should be approved or disapproved as required by Section 110 of the Clean Air Act. Only comments received on or before October 17, 1975, will be considered. The Regional Administrator's decision to approve or disapprove the revisions will be based on whether they meet the requirements of Section 110(a)(2)(A)–(H) and EPA regulation in 40 CFR Part 51.

The Arizona State Department of Health Services amended the state Rules and Regulations for Air Pollution Control by adding Regulation 7–1–1.7 which provides for the control of open burning. The new regulation makes unlawful any burning, in the open where the products of combustion are not directed through a flue. Exemptions are provided for cooking and recreational fires, animal branding fires and fires for the purpose of frost protection. Public agencies may obtain permission to conduct open burnings for appropriate purposes.

This regulation was adopted by the Board of Health after a public hearing held on October 25, 1973. The regulation was certified by the State Attorney General and filed with the Secretary of State on October 26, 1973, and became effective on that date. The regulation was submitted to EPA as a formal revision to the State Implementation Plan in February, 1974. If EPA determines that the revision is approvable, final rulemaking in the FEDERAL REGISTER will formally include the regulation in the State Implementation Plan.

All material relating to these proposed revisions will be available for public inspection at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460, the Arizona State Department of Health Services, 1740 West Adams Street, Phoenix, Arizona and at EPA-Region IX, 100 California Street, San Francisco, California 94111. Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111. Relevant comments received on or before October 17, 1975, will be considered. Such comments received will be available during normal working hours at the Region IX office. Substantive responses to individual comments will not be provided; however, the final promulgation will include a general discussion of substantive issues raised during the public comment period.

AUTHORITY: Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

PAUL DE FALCO, JR.,
Regional Administrator,
Environmental Protection Agency.

Dated: September 4, 1975.

[FR Doc.75-24775 Filed 9-16-75;8:45 a.m.]

NEVADA

[40 CFR Part 52]

[FRL 432-3]

Approval & Promulgation of State Implementation Plans

The purpose of this notice is to propose EPA approval of the indirect source regulations adopted by Clark County District Health Department, Nevada. If approved, these regulations would become part of the Nevada Implementation Plan for attainment and maintenance of the National Ambient Air Quality Standards.

On August 14, 1971 (36 FR 15486), the Administrator of the Environmental Protection Agency promulgated as 42 CFR Part 420 regulations for the preparation, adoption, and submittal of state implementation plans under Section 110 of the Clean Air Act, as amended. These regulations were republished on November 25, 1971 (36 FR 22369), as 40 CFR Part 51.

On April 18, 1973 (38 FR 9599), the Administrator proposed amendments to the November 25, 1971 regulations designed primarily to expand the scope of review prior to construction or modification of buildings, facilities, and installations. The amended regulations were to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources (consideration of which was already required by 40 CFR Part 51), but also of pollution arising from mobile source activity associated with buildings, facilities, and installations. The amendments were proposed pursuant to an order by the United States Court of Appeals for the District of Columbia Circuit on January 31, 1973, and modified on February 12, 1973, in the case of *Natural Resources Defense Council, Inc., et al.* v. *EPA*, Case No. 72–1522, and seven related cases, 4 ERC 1945.

On June 18, 1973 (38 FR 15834), the Administrator promulgated regulations as a part of 40 CFR Part 51 which required that the states adopt, submit, and implement legally enforceable regulations and administrative procedures for the review of indirect sources (sources which affect air quality because of emissions arising from associated mobile source activity).

On October 30, 1973 (38 FR 29893), the Administrator proposed regulations for the review of indirect sources for those states which did not submit regulations or whose regulations could not be approved.

On February 25, 1974 (39 FR 7270), the Administrator promulgated regulations for the federal review of indirect sources (40 CFR § 52.22, Maintenance of National Standards) and also stated that the requirements of Section 51.18 had not been met for the State of Nevada since the State failed to submit a plan for review of new or modified indirect sources (40 CFR § 52.1478(e)). The Administrator incorporated the provisions of § 52.22(b) by reference and made them a part of the applicable implementation plan for the State of Nevada [§ 52.1478 (d)].

On November 12, 1974, the Governor submitted to the Administrator regulations for the State of Nevada for indirect source review and on March 26, 1975 (40 FR 13306) the Administrator approved these regulations.

On February 21, 1975, Governor O'Callaghan of the State of Nevada submitted to the Administrator regulations adopted by the Clark County District Health Department for the review of indirect sources (called complex sources by the County) as a revision to the State Implementation Plan. Public hearings on these regulations were held on May 22, 1974, and June 26, 1974. The regulations were adopted by the District Health Department, Clark County on October 23, 1974, and were made effective on December 1, 1974.

Under the Clark County Complex Source regulations, the types of facilities that will be reviewed are large shopping centers, sports complexes, drive-in theaters, amusement parks and recreational areas, developments, and motor vehicle parking lots of greater than 500 spaces. Highways with anticipated average annual daily traffic volumes of greater than 10,000 motor vehicles per day and airports which are expected to generate greater than 25,000 landing and takeoff operations per year by regularly scheduled airlines or charter flights over the next ten years or with parking areas of greater than 500 spaces or which generate greater than 1,000 vehicle trips/hour or 5,000 vehicle trips/eight hours will also be reviewed under the complex source regulations.

The Administrator hereby acknowledges receipt of these regulations as an implementation plan revision and proposes approval as part of the Nevada State Implementation Plan. This submittal has been reviewed by EPA in terms of compliance with the revisions to Part 51 of this Chapter which set the requirements for approvable regulations for the review of indirect sources and has found these regulations to meet with the requirements under Part 51.

Copies of the Clark County Indirect Source Regulations are available for public inspection during normal business hours at the EPA, Region IX Office located at 100 California Street, San Francisco, California; at the District Board of Health, Clark County, 625 Shadow Lane, Las Vegas, Nevada; and the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region IX, 100 California Street, San Francisco, California 94111. Relevant comments received on or before October 17, 1975, will be considered.

Receipt of comments will be acknowledged but substantive responses to individual comments will not be provided. Comments received will be available for inspection during normal working hours at the Region IX Office.

(Section 110(A) Clean Air Act as amended, 42 U.S.C. 1857c-5(a))

Dated: September 4, 1975.

PAUL DE FALCO, JR.,
Regional Administrator.

It is proposed to revise Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart DD—Nevada

1. In § 52.1470, paragraph (c) is revised to read as follows:

§ 52.1470 Identification of Plan.

* * * * *

(c) Supplemental information was submitted on June 12, July 14, and November 17, 1972, January 19, 1973, April 1, 1974 (Article 13 of the Nevada Air Quality Regulations (NAQR) for the review of Complex Sources, as amended and resubmitted on November 12, 1974—Administrative procedure submitted December 11, 1974), June 14, 1974 (Article 4 of the NAQR-Visible Emissions From Stationary Sources), November 12, 1974 (Article 5 of the NAQR-Open Burning Articles 7.2.5 and 7.2.6 of the NAQR-Particulate Matter-Industrial Sources), and February 21, 1975 (Section 9 of the Clark County District Board of Health Air Pollution Control Regulations for the review of Complex Sources).

[FR Doc.75-24774 Filed 9-16-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 20586, FCC 75-987]

TABLE OF FREQUENCY ALLOCATIONS

Notice of Proposed Rule Making

By the Commission.

In the matter of amendment of Part 2 of the Commission's Rules and Regulations to add a new US footnote to the Table of Frequency Allocations permitting the use of the frequency band 2025–2035 MHz by Government earth stations for earth-to-space transmissions for tracking, telemetry and telecommand at Wallops Is., Virginia; Seattle, Washington; and Honolulu, Hawaii.

1. Notice is hereby given of a proposed rule making in the above captioned matter.

2. The Commission, through the Interdepartment Radio Advisory Committee (IRAC) and the Office of Telecommunication Policy (OTP), has been requested to amend its Rules to permit the use of the frequency band 2025–2035 MHz for the Geostationary Operational Environment Satellite (GOES) System. According to a report from the National Oceanic and Atmospheric Administration (NOAA), more than a decade ago, earth-synchronous environmental satellites became part of the plan for the National Operational Meteorological Satellite System. In 1970, a contract was awarded for three such spacecraft. During the development, testing, launch and positioning of these satellites, they are under the direct control of the National Aeronautics and Space Administration (NASA) and are called Synchronous Meteorological Satellites (SMS). However, upon obtaining the desired orbit position and being fully tested, the satellites are turned over to the Department of Commerce (NOAA) and are redesignated Geostationary Operational Environmental Satellites (GOES). Present plans call for one satellite to be positioned over the Atlantic Ocean and one over the Pacific Ocean, with the remaining satellite to be an in-orbit spare. As these satellites deteriorate with age, replacement satellites will be launched.

3. GOES will be used in short-range forecasting and warning of weather, ocean and solar hazards, providing nearly continuous, detailed observations and collecting timely observations of developing hazards from instruments in remote inaccessible areas. Its objectives include providing nearly continuous observation of the earth and its environment over large areas of North and South America and the adjacent ocean areas within view of the spacecraft. In addition, GOES will provide data collection from remote observing platforms such as buoys, automatic weather stations, ships, aircraft, and balloons. Furthermore, the system will measure energetic solar particle flux, X-rays and the strength of the earth's magnetic field. And lastly GOES can transmit centrally prepared environmental data to remote receiving stations. Like the earlier TIROS Operational Satellite (TOS), GOES spacecraft will be equipped to relay cloud-cover pictures, centrally processed weather maps, and other related information data to receiving stations within line of sight.

4. The general authority for Government operations in this band is contained in existing footnote U.S. 90 which reads:

US90 In the band 2025–2120 MHz earth-to-space transmissions in the space research and earth exploration-satellite services by Government and non-Government stations at specific locations may be authorized subject to such conditions as may be applied on a case-by-case basis.

The footnote, as proposed, will allow three earth stations to use the frequency band 2025–2035 MHz for earth-to-space transmissions for tracking, telemetry, and telecommand. Government use will be on a coequal basis with non-Government operations in this band, which in-

V 40 181 SEP 1775 XUM

clude television pickup and television studio-to-transmitter link (STL).

5. The proposed amendment to the Rules, as set forth in the Appendix, is issued pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.145 of the Commission's Rules, interested persons may file comments on or before October 22, 1975, and reply comments on or before November 3, 1975. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it in addition to the specific comments invited by the Notice. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: September 5, 1975.

Released: September 10, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[F.R. Doc.75-24712 Filed 9-16-75;8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 75-835]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Amendment Relating to Insurance of Loans

SUMMARY

SEPTEMBER 8, 1975.

The following summary of the amendment proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the proposed regulation.

I. *Proposed Amendment*—Prohibits an insured institution and its service corporation affiliates from insuring loans with a mortgage insurance company where:

A. Compensation is paid to the insured institution and other specified corporations and persons in connection with the issuance or renewal of mortgage insurance by such company;

B. Certain management interlocks exist respecting the mortgage insurance company and the insured institution; or

C. The insured institution and its directors, officers and controlling persons have a material financial interest in the mortgage insurance company.

II. *Reasons for Proposal*—To limit the potential for abuse and risk as a result of self-dealing business practices.

Section 563.9-7 of the Insurance Regulations requires mortgage insurance (or a specific reserve) on loans of all insured institutions in excess of 90% of value. Such mortgage insurance must be underwritten by a "qualified private insurer" as defined by the Federal Home Loan Mortgage Corporation. Loans that do not exceed 90% of value may be insured at the discretion of the lending institution. In such cases, there has been no regulatory requirement or restriction with respect to the choice of a mortgage insurance company.

Dealings with mortgage insurance companies in which the institution and its officers, directors or controlling persons have material interests evoke self-dealing practices and abuses. The Board believes that such practices and abuses are unsafe and unsound, inimical to economical home financing and adversely affect the accomplishment of other purposes of title IV of the National Housing Act, as amended. The Board is therefore seeking to restrict such dealings.

Accordingly, the Board hereby proposes to amend Part 563 by adding § 563.44 to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by October 20, 1975, as to whether this proposal should be adopted, rejected, or modified.

§ 563.44 Loans involving mortgage insurance.

(a) *Definitions.* For purposes of this section—

(1) The terms "affiliate", "company", "control", "consolidated net worth", "consolidated net earnings", "officer" and "director" have the same meanings given to them by §§ 583.15, 583.9, 583.26, 583.20, 583.21, 583.24 and 583.25 of this Chapter, respectively.

(2) Beneficial ownership of an equity security by a director, officer or controlling person shall include:

(i) Ownership through a spouse, child, or spouse of a child of such director, officer or controlling person;

(ii) Ownership through a broker or other nominee or agent; and

(iii) Ownership through a company controlled by such director, officer or controlling person.

(3) A company shall be deemed a parent company of a mortgage insurance company if such mortgage insurance company represents more than 15 percent of such company's consolidated net worth at the close of its preceding fiscal year or of its consolidated net earnings for such fiscal year.

(b) *Prohibitions.* No insured institution or service corporation affiliate thereof shall insure any loan with a mortgage insurance company if—

(1) Any commission, fee, or other compensation is to be paid to, or received by, either directly or indirectly, such institution, any affiliate thereof, or any director, officer or employee of such institution or affiliate thereof in connection with the issuance or renewal of mortgage insurance by such mortgage insurance company; or

(2) A savings account into which mortgage insurance premiums are paid is maintained at such institution by such mortgage insurance company as a condition to placement or renewal of mortgage insurance with it; or

(3) Any officer of such mortgage insurance company or parent company thereof is a director, officer or controlling person of such institution or affiliate thereof; or

(4) Any director of such mortgage insurance company or parent company thereof is an officer of such institution or affiliate thereof; or

(5) The amount of investment in such mortgage insurance company or parent company thereof by the institution, its affiliates, and the directors, officers, and controlling persons of such insured institution and affiliates is sufficient to give rise to a conflict of interest in the placement or renewal of mortgage insurance. In the absence of a compelling justification to the contrary, a conflict of interest will be presumed by the Corporation to exist if:

(i) Any director, officer or controlling person of such institution or affiliate thereof holds, directly or indirectly, equity securities of such mortgage insurance company or parent company thereof either having a cost in excess of $50,000 or representing more than 1 percent of any class of equity securities of such company; or

(ii) Such institution, all affiliates thereof, and all directors, officers and controlling persons of such insured institution or affiliate thereof, hold in the aggregate, directly or indirectly, equity securities of such mortgage insurance company or parent company thereof either having a cost of $100,000 or representing more than 2 percent of any class of equity securities of such company.

(c) *Exceptions.* This section shall take effect on _____ (30 days after publication of final regulation), except that paragraphs (b) (4) and (5) shall take effect on July 1, 1976. Notwithstanding this section, insurance policies issued prior to such date may be renewed during the term of the loan.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071).

BY THE FEDERAL HOME LOAN BANK BOARD,
[SEAL] J. J. FINN,
Secretary.

[FR Doc.75-24712 Filed 9-16-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR 1201]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

SEPTEMBER 11, 1975.

The Bureau of Accounts is presently working on a comprehensive revision of the Uniform System of Accounts for Railroad Companies with the objective of serving the needs of the Commission, railroad management, and the public. Initially, our plan calls for a revised chart of accounts. Accordingly, this notice solicits comments and suggestions on the enclosed chart. We wish to point out that this initial phase represents research so the enclosed chart is not intended to be all-inclusive but is designed for discussion by all interested parties.

We have identified the following *major* deficiencies in the current accounting system:

1. Operating expense accounts do not yield adequate cost information for determining cost of service because many accounts include various elements such as labor, material, and overheads. Also, in certain accounts indirect costs are mixed with directly traceable costs.

2. In minor respects the USOA deviates from generally accepted accounting principles (GAAP).

3. Many instructions and account texts are unclear or silent on certain issues.

4. Many of the terms, captions, titles, etc. are obsolete or unclear.

To remedy these deficiencies we plan to do the following:

1. Revise revenue accounts to reclassify charges against revenues which should be operating expenses.

2. Restructure operating expense accounts into a matrix format. This will separate elements into homogeneous natural account classifications (e.g. Salaries and Wages, Materials, Fuel, Overhead items), and will provide for direct assignment of these elements to the various activities. Direct and indirect costs will be identifiable. This format will also provide flexibility for expansion later for branch line accounting, and commodity point-to-point cost determination.

NOTE: The enclosed matrix does not include all the detailed breakdown we have developed, but will be used with supporting schedules which are intended to minimize the need for special cost studies and allocations of expenses necessitated by Rail Form A.

2. The system will be brought into full accord with GAAP.

3. Unclear and ambiguous instructions, definitions, and texts of accounts will be clarified and where rules are not presently provided, either they will be incorporated in the present revision or separate rulemakings will be initiated.

4. Terms will be updated in accord with current accounting usage.

We have not numbered the accounts on the chart and would appreciate input as to the preferred numbering approach. Specifically, we would like to determine the preferred number of digits and the significance of each digit (e.g. first or last digit could signify the activity or the natural account classification).

We would appreciate receiving comments and suggestions on the proposed chart of accounts by October 31, 1975.

JOHN A. GRADY,
Director,
Bureau of Accounts.

INDEX OF APPENDICES

	Appendix
Proposed Primary Property Accounts	I
Proposed Balance Sheet Accounts	II
Form of Income Statement	III
Matrix of Operating Expenses	IV
Supporting Schedules:	
Way and Structures	V
Clerical Wages	VI
Equipment	VII
Hire of Freight Train Cars and Trailers	VIII

APPENDIX I

PROPOSED PRIMARY PROPERTY ACCOUNTS. RAILROADS

Account Name

Road:
- Engineering
- Land for transportation purposes
- Other right-of-way expenditures
- Grading
- Tunnels and subways
- Bridges, trestles and culverts
- Elevated structures
- Ties
- Rails
- Other track material
- Ballast
- Track laying and surfacing
- Fences, snowsheds and signs
- Station and Office Buildings
- Roadway Buildings
- Water Stations
- Fuel Stations
- Shop and enginehouses
- Storage warehouses
- Wharves and docks
- Coal and ore wharves
- TOFC/COFC terminals
- Communication systems
- Signals and interlockers
- Power plants
- Power transmission systems
- Miscellaneous structures
- Roadway machines
- Public improvements construction
- Shop machinery
- Power plant machinery

Equipment:
- Locomotives
- Freight-train cars
- Passenger-train cars
- Highway revenue equipment
- Floating equipment
- Work equipment
- Miscellaneous equipment

General Expenditures:
- Interest during construction
- Other general expenditures; road

Other Property Accounts:
- Other elements of investment
- Unfinished Construction

APPENDIX II

PROPOSED BALANCE SHEET ACCOUNTS

Assets

Current Assets:
- Cash and Working Funds:
  - Cash
  - Working
- Special Deposits:
  - Interest Special Deposits
  - Dividend Special Deposits
  - Miscellaneous Special Deposits
- Temporary Cash Investments
- Notes Receivable:
  - Notes Receivable; Officers, Stockholders, and Employees
  - Notes Receivable; Other
- Receivable from Affiliated Companies:
  - Loans and Notes Receivable from Affiliated Companies
- Interest and Dividends Receivable from Affiliated Companies
- Accounts Receivable from Affiliated Companies
- Accounts Receivable:
  - Accounts Receivable; Interline Balances
  - Accounts Receivable; Agents and Conductors
  - Accounts Receivable; Officers, Stockholders and Employees
  - Accounts Receivable; Other
  - Accounts Receivable; Accrued
  - Allowance for Uncollectible Accounts
- Prepayments:
  - Prepaid Taxes and Licenses
  - Prepaid Insurance
  - Prepaid Interest
  - Prepaid Rents
  - Miscellaneous Prepayments
- Materials and Supplies
- Other Current Assets:
  - Subscriptions to Capital Stock
  - Interest and Dividends Receivable
  - Other Current Assets
  - Deferred Income Tax Charges

Tangible Property:
- Road Property
- Equipment
- General Expenditures
- Other Property Accounts
- Accumulated Depreciation; Road and Equipment Property
- Accumulated Amortization; Road and Equipment Property; Defense Projects
- Improvements to Leased Property
- Accumulated Depreciation; Improvements to Leased Property
- Accumulated Depreciation; Improvements to Leased Property—Defense Projects
- Property Used in Other Than Carrier Operations
- Accumulated Depreciation; Property Used in Other Than Carrier Operations

Intangible Property:
- Organization and Other Intangible Property:
  - Organization
  - Accumulated Amortization; Organization
  - Other Intangible Property
- Accumulated Amortization; Other Intangible Property

Investment Securities and Advances:
- Investments and Advances; Affiliated Companies:
- Stocks; Affiliated Companies
- Bonds; Affiliated Companies
- Notes; Affiliated Companies
- Other Investments; Affiliated Companies
- Advances; Affiliated Companies
- Adjustments; Investments and Advances; Affiliated Companies
- Other Investments and Advances:
  - Stocks; Other
  - Bonds; Other
  - Notes; Other
  - Other Investment; Other
  - Advances; Other
  - Adjustments; Other Investments and Advances
- Special Funds:
  - Sinking Funds
  - Capital Funds
  - Insurance and Other Funds

V 40 181 SEP 1775 XUM

Deferred Charges:
- Unamortized Debt Discount and Expense
- Other Deferred Charges
- Accumulated Deferred Income Tax Charges
- Clearing Accounts

Liabilities

Current Liabilities:
- Notes Payable and Matured Obligations:
  - Notes Payable
  - Matured Long-term Obligations
- Payables to Affiliated Companies:
  - Loans and Notes Payable to Affiliated Companies
  - Interest and Dividends Payable to Affiliated Companies
  - Accounts Payable to Affiliated Companies
- Accounts Payable:
  - Accounts Payable; Officers, Stockholders and Employees
  - Accounts Payable; Interline Balances
  - Accounts Payable; Employee Withholding
  - Accounts Payable; Other
- Salaries and Wages Payable
- Accrued Operating Taxes and Licenses:
  - Old Age Retirement Taxes; Accrued
  - Unemployment Insurance Taxes; Accrued
  - Real Estate and Personal Property Taxes; Accrued
  - Other Taxes; Accrued
- Accrued Income Taxes:
  - Accrued Federal Income Taxes
  - Accrued State and Other Income Taxes
- Dividends Payable
- Interest Accrued
- Matured Interest
- Current Equipment Obligations and Other Long-Term Debt
- Estimated Liabilities; Accrued:
  - Pensions and Welfare
  - Self-Insurance
  - Casualty and Other Claims
  - Other Estimated Liabilities
  - Other Current Liabilities
  - Deferred Income Tax Credits

Long-Term Debt:
- Advances Payable; Affiliated Companies:
  - Notes Payable
  - Open Accounts
  - Interest Accrued
- Other Advances Payable:
  - Notes Payable
  - Open Accounts
  - Interest Accrued
- Equipment and Other Long-Term Obligations:
  - Equipment Obligations
  - Bonds and Debentures
  - Capitalized Lease Obligations
  - Receivers' and Trustees' Securities
  - Other Long-Term Obligations
  - Reacquired Long-Term Obligations

Deferred Credit:
- Unamortized Premium on Debt
- Other Deferred Credits
- Accumulated Deferred Income Tax Credits

Estimated Liabilities:
- Pensions and Welfare
- Self-Insurance
- Casualty and Other Claims
- Accrued Liability; Leased Property
- Other Estimated Liabilities
- Equalization Allowance

Stockholders' Equity

Capital Stock:
- Capital Stock-Preferred
- Capital Stock-Common
- Subscribed Capital Stock
- Nominally Issued Securities
- Stock Liability for Conversion
- Premiums and Assessments on Capital Stock
- Discount on Capital Stock
- Commission and Expense on Capital Stock
- Other Capital in Excess of Par or Stated Value
- Retained Earnings; Appropriated
- Retained Earnings; Unappropriated
- Treasury Stock

APPENDIX III

FORM OF INCOME STATEMENT

Ordinary Items

- Railway Operating Income:
  - Railway Operating Revenues
  - Railway Operating Expenses:
    - Net Revenue for Railway Operations
- Other Income
- Other Deductions:
  - Income Available for Fixed Charges
- Fixed Charges:
  - Income from Continuing Operations before income taxes
- Provision for Income Taxes:
  - Current
  - Deferred
- Income from continuing operations
- Income From Discontinued Operations (Net):
  - Income before extraordinary items
- Extraordinary Items (Net):
  - Cumulative Effect of Changes in Accounting Principles (Net)
- Net Income Transferred to Retained Income—Unappropriated

APPENDIX IV.—*Matrix of operating expenses*

Accounts	Maintenance of way and structures	Maintenance of equipment: Locomotives	Maintenance of equipment: Freight train cars	Maintenance of equipment: Other equipment	Station	Yard	Train	Transportation: Other services: Coal and ore wharves	Transportation: Other services: Floating equipment	Transportation: Other services: TOFC terminal	Transportation: Other services: Grain elevators	Transportation: Other services: Other	Traffic	General and administrative
Salaries:														
Officers	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Supervisory and technical	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Salaries and wages:														
Clerical and administrative	X	X	X	X	X[1]	X	X	X	X	X	X	X	X	X[1]
Engineman:														
Switching							X							
Running							X							
Trainmen:														
Switching							X							
Running							X							
Dispatchers							X							
Car and locomotive cleaning and servicing:														
Switching						X	X							
Running						X	X							
Repair and maintenance employees	X[1]	X[1]	X[1]	X[1]	X	X	X	X	X	X	X	X	X	
Other employees	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Miscellaneous paid time off:														
Clerical and administrative	X	X	X	X	X[1]	X	X	X	X	X	X	X	X	X[2]
Engineman:														
Switching							X							
Running							X							
Trainmen:														
Switching							X							
Running							X							
Dispatchers							X							
Car and locomotive cleaning and servicing:														
Switching							X							
Running							X							
Repair and maintenance employees	X[1]	X[1]	X[1]	X[1]	X	X	X	X	X	X	X	X	X	
Other employees	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Other fringes:														
Federal payroll taxes	X	X	X	X	X	X	X	X	X	X	X	X	X	X
State payroll taxes	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Workmen's compensation	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Group insurance premiums	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Pensions and retirement plans	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Health and welfare benefits	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Other fringes	X	X	X	X	X	X	X	X	X	X	X	X	X	X

APPENDIX IV.—*Matrix of operating expenses*—Continued

Accounts	Maintenance of way and structures	Maintenance of equipment: Locomotives	Maintenance of equipment: Freight train cars	Maintenance of equipment: Other equipment	Station	Yard	Train	Transportation: Other services: Coal and ore wharves	Transportation: Other services: Floating equipment	Transportation: Other services: TOFC terminal	Transportation: Other services: Grain elevators	Transportation: Other services: Other	Traffic	General and administrative
Materials:														
Locomotive materials—new and rebuilt		X[1]												
Car materials—new and rebuilt			X[1]	X[1]										
Rails	X[1]													
Ties	X[1]													
Ballast	X[1]													
Other track material	X[1]													
Other material	X[1]													
Tools and operating supplies:														
Train supplies							X							
Operating and service tools	X	X	X	X	X	X	X	X	X	X	X	X	X	
Locomotive supplies							X							
Other supplies	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Fuels:														
Diesel fuel:														
Switching						X	X							
Running							X							
Other motive power fuels:														
Switching						X	X							
Running							X							
Gasoline	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Fuel for heating	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Lubricants	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Utilities	X	X	X	X	X		X	X	X	X	X	X	X	X
Purchased services:														
Hire of freight cars—debit							X							
Hire of freight cars—credit							X							
Locomotive rentals—debit							X							
Locomotive rentals—credit							X							
Work equipment rentals—debit	X					X	X		X		X			
Work equipment rentals—credit	X					X	X		X		X			
Floating equipment rentals—debit									X					
Floating equipment rentals—credit									X					
Other equipment rentals—debit														
Other equipment rentals—credit														
Repairs billed by others		X[1]	X[1]	X[1]										
Repairs billed to other lines—credit		X	X	X										
Other purchased services	X						X							
Joint facility—debit	X	X		X	X	X		X	X	X	X	X		X
Joint facility—credit	X	X		X	X	X		X	X	X	X	X		X
Casualty and damages:														
Claims settlement—property lost and damaged:														
(a) Cargo lost and damaged:														
(1) Carload							X							
(2) Less than carload							X							
(3) TOFC							X							
(b) Other property lost and damaged					X	X	X							
Employee's claims	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Casualty—outside parties														X
Insurance premiums—fire, theft, injuries, and other	X	X	X	X	X	X	X	X	X	X	X	X	X	X
General:														
Printing, stationery, and postage	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Telephone and telegraph	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Travel and other expenses of officers and employees	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Professional services	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Office and other space rental	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Rent and other expenses of office equipment	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Operating taxes:														
Property taxes														X
Other miscellaneous taxes														X
Uncollectable accounts														X
Depreciation	X[1]	X[1]	X[1]	X[1]										
Amortization	X[1]	X[1]	X[1]	X[1]										
Retirements	X[1]	X[1]	X[1]	X[1]										

[1] See supporting schedules.

V 40 181 SEP 17 75 XUM

APPENDIX V.—*Supporting schedule way and structures*

Accounts	Repairs		Depreciation	Retirements
	Labor	Materials		
Engineering			X	X
Other right-of-way expenditures			X	X
Grading			X	X
Roadway maintenance:				
Yard switching tracks	X			
Way switching tracks	X			
Running tracks	X			
Tunnels and subways:				
Yard switching tracks	X	X	X	X
Way switching tracks	X	X	X	X
Running tracks	X	X	X	X
Bridges, trestles, and culverts:				
Yard switching tracks	X	X	X	
Way switching tracks	X	X	X	
Running tracks	X	X	X	
Elevated structures:				
Yard switching tracks	X	X	X	
Way switching tracks	X	X	X	
Running tracks	X	X	X	
Ties:				
Yard switching tracks		X		X
Way switching tracks		X		X
Running tracks		X		X
Rails:				
Yard switching tracks		X		X
Way switching tracks		X		X
Running tracks		X		X
Other track material				
Yard switching tracks		X		X
Way switching tracks		X		X
Running tracks		X		X
Ballast:				
Yard switching tracks		X		X
Way switching tracks		X		X
Running tracks		X		X
Track laying and surfacing:				
Yard switching tracks	X			X
Way switching tracks	X			X
Running tracks	X			X
Fences, snowsheds, and signs:				
Yard switching tracks		X	X	
Way switching tracks		X	X	
Running tracks		X	X	
Station and office buildings:				
Platform:				
Origin and destination carload	X	X	X	
Origin and destination LCL	X	X	X	
Transfer LCL	X	X	X	
Station:				
Running (train work)	X	X	X	
Origin and destination carload	X	X	X	
TOFC	X	X	X	
LCL	X	X	X	
Intraterminal	X	X	X	
Interterminal	X	X	X	
Special service carload	X	X	X	
Special services LCL	X	X	X	
Special services TOFC	X	X	X	
General office	X	X	X	
Roadway Buildings:				
Yard	X	X	X	
Way	X	X	X	
Running	X	X	X	
Water stations	X	X	X	
Fuel stations:				
Yard	X	X	X	
Way	X	X	X	
Running	X	X	X	
Shops: Freight cars	X	X	X	
Enginehouse	X	X	X	
Storage warehouses	X	X	X	
Wharves and docks	X	X	X	
Coal and ore wharves	X	X	X	
TOFC/COFC terminals	X	X	X	
Communication systems	X	X	X	
Signals and interlockers:				
Yard	X	X	X	
Way	X	X	X	
Running	X	X	X	
Powerplants:				
Yard	X	X	X	
Way	X	X	X	
Running	X	X	X	

Accounts	Repairs		Depreciation	Retirements
	Labor	Materials		
Power transmission systems:				
Yard	X	X	X	
Way	X	X	X	
Running	X	X	X	
Miscellaneous structures	X	X	X	
Roadway machines:				
Yard	X	X	X	
Way	X	X	X	
Running	X	X	X	
Removing snow, ice, and sand:				
Yard	X			
Way	X			
Running	X			
Public improvements—maintenance:				
Yard		X	X	X
Way		X	X	X
Running		X	X	X
Right-of-way expenses:				
Yard	X	X		
Way	X	X		
Running	X	X		
Interest during construction				X
Other expenditures—general				X
Other elements of investment				X

APPENDIX VI. *Supporting schedule, clerical wages*

	Station employees	General office employees
Platform:		
Origin and destination—carload	X	
Origin and destination—less than carload	X	
Transfer—less carload	X	
Station:		
Running (train work)	X	
Origin and destination—carload	X	X
Origin and destination—less carload	X	X
TOFC	X	X
Intraterminals	X	X
Interterminals	X	X
Special services—carload	X	X
Special services—less carload	X	X
Special services—TOFC	X	X
Claims clerical:		
Carload		X
Less carload		X
TOFC		X
Intraterminal		X
Interterminal		X
Loss and damage		X

V 40 181 SEP 17 75 XUM

APPENDIX VII

APPENDIX VII.—*Equipment*

Type of equipment	Repairs		Repairs billed by others		Repairs billed to others		Depreciation	Retirements
	Labor	Material	Labor	Material	Labor	Material		
Diesel locomotives:								
Yard	X	X	X	X	X	X	X	X
Road	X	X	X	X	X	X	X	X
Other locomotives:								
Yard	X	X	X	X	X	X	X	X
Road	X	X	X	X	X	X	X	X
Total								
Highway revenue equipment:								
Refrigerated trailers	X	X	X	X	X	X	X	X
Other trailers	X	X	X	X	X	X	X	X
Refrigerated containers	X	X	X	X	X	X	X	X
Other containers	X	X	X	X	X	X	X	X
All other revenue equipment	X	X	X	X	X	X	X	X
Total								
Floating equipment:								
Running	X	X	X	X	X	X	X	X
Terminal	X	X	X	X	X	X	X	X
Total								
Work equipment	X	X	X	X	X	X	X	X
Miscellaneous equipment:								
Work equipment	X	X	X	X	X	X	X	X
Miscellaneous equipment	X	X	X	X	X	X	X	X
General	X	X	X	X	X	X	X	X
Total								
Shop machinery	X	X	X	X	X	X	X	
Powerplant machinery	X	X	X	X	X	X	X	
Interest during construction								X
Other expenditures—general								X
Other elements of investment								X
Freight train cars:								
Box—general service:								
Unequipped		X		X		X	X	X
Equipped		X		X		X	X	X
Box—special service		X		X		X	X	X
Gondola:								
General service		X		X		X	X	X
Special service		X		X		X	X	X
Hopper (open top):								
General service		X		X		X	X	X
Special service		X		X		X	X	X
Hopper (covered)		X		X		X	X	X
Tank:								
Under 9,999 gal		X		X		X	X	X
10,000 to 18,999 gal		X		X		X	X	X
19,000 to 21,999 gal		X		X		X	X	X
27,000 to 27,999 gal		X		X		X	X	X
28,000 to 31,999 gal		X		X		X	X	X
32,000 gals and over		X		X		X	X	X
Refrigerator:								
Meat—mechanical		X		X		X	X	X
Other than meat—mechanical		X		X		X	X	X
Meat—nonmechanical		X		X		X	X	X
Other than meat—nonmechanical		X		X		X	X	X
Stock		X		X		X	X	X
Auto rack		X		X		X	X	X
Flat:								
General service		X		X		X	X	X
Special service		X		X		X	X	X
TOFC/COFC		X		X		X	X	X
All other		X		X		X	X	X
Caboose		X		X		X	X	X
Total								

APPENDIX VIII.—*Hire of freight train cars and trailers*

Type of equipment	Gross amounts receivable					Gross amounts payable				
	Mileage cars	Per diem basis			All other per diem cars	Mileage cars	Per diem basis			All other per diem cars
		Mileage	Time	Incentive			Mileage	Time	Incentive	
Mileage basis:										
Tank:										
Under 10,000 gal	X					X				
10,000 to 18,999 gal	X					X				
19,000 to 21,999 gal	X					X				
27,00 to 27,999 gal	X					X				
28,000 to 31,999 gal	X					X				
32,000 gal and over	X					X				
Refrigerator:										
Meat—mechanical	X					X				
O/T meat—mechanical	X					X				
Meat—nonmechanical	X					X				
O/T meat—nonmechanical	X					X				
Flat TOFC/COFC	X					X				
Combination mileage and per diem basis:										
Box:										
General service:										
Unequipped		X	X	X	X		X	X	X	X
Equipped		X	X		X		X	X		X
Special service		X	X		X		X	X		X
Gondola:										
General service		X	X	X	X		X	X	X	X
Special service		X	X		X		X	X		X
Hopper:										
Open general service		X	X		X		X	X		X
Open special service		X	X		X		X	X		X
Covered		X	X		X		X	X		X
Stock		X	X		X		X	X		X
Auto rack		X	X		X		X	X		X
Flat:										
General service		X	X		X		X	X		X
Special service		X	X		X		X	X		X
All other		X	X		X		X	X		X
Refrigerated highway trailers		X	X		X		X	X		X
Other highway trailers		X	X		X		X	X		X
Caboose cars		X	X		X		X	X		X
Total										

[FR Doc.75-24352 Filed 9-11-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Rel. No. 34-11628; File No. 4-180]

AMENDMENT OR ABROGATION OF EXCHANGE OFF-BOARD TRADING RULES

Notice of Rulemaking Proceeding

Correction

In FR Doc. 75-23848 appearing at page 41808, in the issue for September 9, 1975, on page 41820 in the second column, the ninth and tenth lines of the first full paragraph should be transposed.

V 40 181 SEP 17 75 XUM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, October 7, 1975; Tuesday, October 14, 1975; Tuesday, October 21, 1975; and Tuesday, October 28, 1975 at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed in section 552(b) fo Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency, (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 USC 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense, (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence, (5 USC 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

SEPTEMBER 12, 1975.

[FR Doc.75-24685 Filed 9-16-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. COPPER DEVELOPMENT ASSOCIATION INC., ET AL.

Written Comments Upon Consent Judgment and Department of Justice Response Thereto

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court in the Southern District of New York, 74 Civil 1712, United States of America v. Copper Development Association, Inc., et al., were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Dated: September 12, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

SEPTEMBER 8, 1975.

Mr. T. O. MOSLEY,
Patent Manager, United States Pipe and Foundry Co., 3300 First Avenue North, Birmingham, Ala. 35202.

DEAR MR. MOSLEY: We have received your letter dated August 18, 1975 commenting upon Section VI of the proposed Final Judgment in *United States v. Copper Development Association, Inc., et al.* (74 Civil 1712 EW).

In response to your comment we direct your attention to paragraph A of Section VI of the said proposed Final Judgment which provides that the Court is authorized to determine a reasonable and nondiscriminatory fee for technical data "in the absence of agreement" between the licensor and applicant.

Sincerely yours,

BERNARD WEHRMANN,
Chief, New York Office.

AUGUST 18, 1975.

Mr. BERNARD WEHRMANN,
Chief, New York Office, Antitrust Division, U.S. Department of Justice, 26 Federal Plaza, New York, N.Y. 10007.

DEAR MR. WEHRMANN: We have read the Consent Decree concerning Sovent systems published in the FEDERAL REGISTER, July 9, 1975. It is noted that Section VI of the decree dealing with Technical Data requires C.D.A. Inc. to license such for a "reasonable and nondiscriminatory fee—." This terminology was also in the ANSI Standard but was interpreted by the C.D.A. Inc. to include fees which were later determined to be both unreasonable and discriminatory. It would, therefore, appear that a price for "Technical Data" fixed by the court would be in order, especially since ANSI is apparently planning to reinstate the American National Standard B 16.32-1973, which makes the Sovent System a part of the Standard.

Yours very truly,

T. O. MOSLEY,
Patent Manager.

[FR Doc.75-24706 Filed 9-16-75;8:45 am]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE ON CRIMINAL JUSTICE STANDARDS AND GOALS

Meeting

This is to provide notice of meeting of the National Advisory Committee on Criminal Justice Standards and Goals.

The National Advisory Committee will meet on October 1, 1975. The meeting will be held at the Ramada Inn/Rosslyn, 1900 N. Ft. Myer Drive, Arlington, Virginia. The meeting will convene at 9:30 a.m. and will be open to the public.

Discussion will focus on the progress and review of the individual task forces, which are:

1. Disorders and Terrorism
2. Juvenile Delinquency
3. Organized Crime
4. Private Security
5. Research and Development

For further information, contact William T. Archey, Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, N.W., Washington, D.C.

GERALD H. YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75-24778 Filed 9-16-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Office & Serial Number C-21667—Withdrawal]

COLORADO

Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Colorado 21667, for the withdrawal of the public lands described below, from location and entry under the mining laws only, subject to valid existing rights, pursuant to authority of Executive Order 10355.

The applicant wishes to assure tenure of the lands for protection of their identified values as part of a travel influence zone adjacent to United States Highway that has been recommended for scenic Highway designation.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than 30 days from the date of this notice, to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are scattered blocks of National Forest Land within the following legal subdivisions:

T. 37 N., R. 8 W., N.M.P.M.,
Sec. 8, E½E½;
Sec. 9, W½W½;
Sec. 17, E½NE¼, S½SW¼SW¼, NE¼SE¼, N½SE¼SE¼;
Sec. 18, SE¼SE¼SE¼;
Sec. 19, S½NE¼;
Sec. 20, W½SW¼SW¼, W½E½SW¼SW¼;
Sec. 30, E½NE¼.
T. 37 N., R. 9 W.,
Sec. 1, Lot 3;
Sec. 2, SE¼NE¼, NE¼SE¼, E½SE¼SE¼;
Sec. 11, E½E½E½;
Sec. 12, SW¼NW¼, W½SW¼, S½NE¼SW¼, NW¼SE¼;
Sec. 13, NW¼SW¼, S½SW¼;
Sec. 24, E½W½;
Sec. 25, E½NE¼SE¼, NE¼SE¼SW¼.
T. 38 N., R. 9 W.,
Sec. 1, SW¼NW¼, NW½SW¼;
Sec. 24, E½NW¼, N½SW¼, SE¼SW¼
Sec. 25, SE¼SW¼;
Sec. 36, N½NW¼, SW¼NW¼, NW¼SW¼, S½SW¼.
T. 39 N., R. 8 W. (Protraction Diagram No. 27, dated 11/12/64),
Sec. 5, W½NW¼, N½NW¼SW¼;
Sec. 6, NE¼, NE¼NW¼, S½NW¼, N½SW¼, N½N½SE¼;
Sec. 7, West 20 chains.
T. 39 N., R. 9 W.,
Sec. 12, S½NE¼SW¼, SE¼NE¼SE¼, S½SE¼;
Sec. 13, W½NE¼NE¼, W½NE¼, W½SE¼, W½SE¼SE¼;
Sec. 24, W¼E½NE¼, W½NE¼;
Sec. 25, W½NE¼, E½E½NE¼NW¼ excluding M.S. 20762;
Sec. 36, NE¼SW¼, W½SW¼ excluding M.S. 1779.
T. 40 N., R. 8 W. (Protraction Diagram No. 27, dated 11/12/64);
Sec. 31, E½NE¼, SE¼NW¼NE¼, SW¼NE¼, E½NE¼SW¼, SE¼SW¼, SE¼;
Sec. 32, NW¼ excluding Coal Bank Pass Withdrawal, NE¼SW¼, W½SW¼.

A strip of land 200 feet on either side of the centerline of U.S. Highway 550 crossing through the following described lands:

T. 40 N., R. 8 W.,
Sec. 21, W½NE¼, SE¼NW¼, SW¼ excluding Deer Creek Withdrawal;
Sec. 28, N½NW¼;
Sec. 29, NE¼, E½NW¼, S½SW¼, W½SE¼.

Also a strip of land 200 feet from centerline on north side of U.S. Highway 550 and 400 feet from centerline on south side of U.S. Highway 550 through the following described lands:

T. 40 N., R. 8 W.,
Sec. 12, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 13, E½NW¼, S½SW¼NW¼, N½SW¼ except for Molas Pass Withdrawal;
Sec. 14, S½S½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, N½N½SE¼ except for East Lime Withdrawal;
Sec. 15, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 22, N½N½NW¼, NW¼NE¼.

The net area of National Forest Land totals 4,382 acres.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-24738 Filed 9-16-75;8:45 am]

MONTANA AND WYOMING

Designation of Additions to Pryor Mountain Wild Horse Range

Pursuant to Public Law 92-195 of December 15, 1971 (85 Stat. 649), and 43 CFR Subparts 2070 and 4712.2, I hereby designate the public lands in the following described areas as additions to and as part of the Pryor Mountain Wild Horse Range:

WYOMING

(W-15468A)

SIXTH PRINCIPAL MERIDIAN

T. 58 N., R. 95 W.,
Sec. 19, lot 2, SE¼NE¼;
Sec. 20, N½S½, SE¼SW¼, S½SE¼;
Sec. 21, Southwest Diagonal ½ of the SW¼;
Sec. 26, SW¼NW¼, W½SW¼;
Sec. 27, S½;
Sec. 28, NW¼, W½NE¼, SE¼NE¼, S½;
Sec. 29, NE¼NW¼, NE¼, NE¼SE¼;
Sec. 33, NE¼NW¼, NE¼;
Sec. 34, N½;
Sec. 35, W½NW¼, NE¼NW¼.
The area described aggregates approximately 2,360 acres in Big Horn County.

MONTANA

(M-31858)

MONTANA PRINCIPAL MERIDIAN

T. 8 S., R. 26 E.,
Sec. 17, S½, S½N½;
Sec. 18, E½SE¼.
The area described aggregates approximately 560 acres in Carbon County.

1. The Pryor Mountain Wild Horse Range is a Class III natural environment area under the Bureau of Outdoor Recreation system of classification.

2. Lands described are subject to all the provisions of the law and regulations cited above and the FEDERAL REGISTER Document 68-11056, published September 12, 1968, which established the Pryor Mountain Wild Horse Range (33 FR 12920).

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 10, 1975.

[FR Doc.75-24733 Filed 9-16-75;8:45 am]

OUTER CONTINENTAL SHELF

Approval of Official Protraction Diagram

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams approved on the dates indicated, are available, for information only, in the Outer Continental Shelf Office, Bureau of Land Management, New Orleans, Louisiana. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Description:	*Approval Date*
NI 18-4 Beaufort	August 1, 1975
NI 18-5	August 1, 1975
NI 18-8	August 1, 1975
NH 17-9	July 21, 1975
NH 17-12	July 21, 1975
NH 18-1	July 21, 1975

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, Outer Continental Shelf Office, Bureau of Land Management, Suite 3200 The Plaza Tower, 1001 Howard Avenue, New Orleans, La. 70113. Checks or Money Orders should be made payable to the Bureau of Land Management.

JOHN RANKIN,
Manager, New Orleans Outer Continental Shelf Office.

[FR Doc.75-24732 Filed 9-16-75;8:45 am]

UTAH

[U-30766]

Proposed Withdrawal and Reservation of Lands

The Department of Agriculture, on behalf of the Forest Service, has filed application U30766 for withdrawal of the land described below, from all forms of appropriation under the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public recreation and administrative use.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than October 31, 1975, to the undersigned officer of the Bureau of Land Management, Department of the Interior (P.O. Box No. 11505, Salt Lake City, Utah 84111.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

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He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

SALT LAKE MERIDIAN

MANTI-LASAL NATIONAL FOREST;

Joe's Valley Reservoir Recreation Complex

T. 17 S., R. 6 E.,
Sec 19, lots 15, 16, S½SE¼;
Sec. 20, S½SW¼;
Sec. 29, W½;
Sec. 30, lots 1, 2, 7, 8, 9, 10, 15, 16, E½;
Sec. 31, lots 1, 2, 3, 4, 7, 8, 9, 10, 13, 14, 15, and 16, E½;
Sec. 32, E½W½
T. 18 S., R. 6 E.,
Sec. 5, lots 1 to 4 inclusive, N½ lots 5 and 6, lots 7, 8, S½NE¼, SE¼; Sec. 6, lots 1 to 11 inclusive, SE¼NW¼, E½SW¼, that part of the NW¼SE¼, described as follows: Beginning at the SW corner of the NW¼SE¼, thence northerly along the west line of said NW¼SE¼, 1,129 feet to a point; thence S. 36°01'E., 10.12 feet to a point; thence along the arc of a curve to the right with a radius of 2,804.79 feet an arc distance of 205.60 feet to a point; thence S. 31°49'E., 1,117.32 feet to a point on the south line of NW¼SE¼; thence westerly 706.64 feet along said line to the SW corner of the NW¼SE¼ the place of beginning; SW¼ SE¼;
Sec. 6 and 7, a tract of land in the SE¼ SE¼ Sec. 6 and N½NE¼ Sec. 7, described as follows: Beginning at the quarter corner common to Sec. 6 and 7; thence from said point of beginning easterly 1,320 feet along the north line of the NW¼NE¼ Sec. 7 to the NE corner of the NW¼NE¼ said Sec. 7; thence northerly 331.74 feet along the west line of the SE¼SE¼ Sec. 6 to a point; thence S. 31°49' E., 805.38 feet to a point; thence along the arc of a curve to the left with a radius of 2,723.21 feet an arc distance of 299.60 feet to a point; thence N. 85°21' E. 63.00 feet to a point; thence along the arc of a curve to the right with a radius of 67.32 feet an arc distance of 104.47 feet to a point; thence S. 05°49' E., 297.81 feet to a point; thence along the arc of a curve to the right with a radius of 2,804.79 feet an arc distance of 318.19 feet to a point; thence S. 00°45' W., 165.64 feet to the south line of the NE¼NE¼ Sec. 7; thence westerly 855.46 feet along the said south line to NE¼NE¼ to the SW corner thereof; thence westerly 1,320 feet along the south line of the NW¼NE¼ Sec. 7 to the SW corner thereof; thence northerly 1,320 feet along the west line of NW¼NE¼ Sec. 7 to the NW corner thereof point of beginning;
Sec. 7, W½W½E½NW¼, E½SW¼, SE¼;
Sec. 8, W½NE¼, NE¼NW¼, S½NW¼, SW¼, W½SE¼.

The areas described aggregate 3,928.53 acres more or less in Emery County, Utah.

PAUL L. HOWARD,
State Director.

[FR Doc.75-24671 Filed 9-16-75;8:45 am]

Bureau of Mines

LEAD AND ZINC CONSUMPTION AND PRODUCTION

Open Meetings

CROSS REFERENCE: For a document issued jointly by the Bureau of Mines, Department of Interior and the Domestic and International Business Administration, Department of Commerce announcing meetings on lead and zinc consumption and production, see FR Doc. 75-24777 under the Department of Commerce in the Notices section of this issue.

Office of Hearings and Appeals

[Docket No. M 75-133]

DEAN JONES COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Dean Jones Coal Company, Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Nos. 5 and 7 Mines, Lee County, Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states that the petition applies to all private roadways used by Petitioner in its mine operations in Lee County, Virginia. The subject roadways are elevated and have been constructed and maintained by Petitioner. The alternate method, hereinafter described, will guarantee no less than the same measure of protection as that provided by the mandatory safety standard. The alternate method is as follows:

Berms or guard rails shall be provided on the outer banks of the elevated roadways at:

1. The turn-around locations where vehicles turn to approach the load-out facilities.

2. The switch backs where the trucks cannot make a turn without backing up.

3. At all other locations where berms or guard rails are not provided:

(a) A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

(b) As far as practicable, roadway surfaces shall be kept free of debris, or excessive water, snow or ice and maintained as free as practicable of small ditches (washboard effects).

(c) A traffic system shall be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

(d) Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

(e) All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

(f) All haulage vehicles shall have:
(i) Original manufacturer's brakes.
(ii) Engine or Jacobs brakes.
(iii) Emergency (parking) braking systems.

(g) Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

(h) A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

(i) On roads that afford only one traffic lane, a minimum width of 16 feet be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

(j) Where abrupt drop-offs are present along the outer banks, super-elevation shall be provided to cause vehicles to gravitate toward the highwall side of the road.

(k) All rules of the road (traffic system) shall be posted on the bulletin boards throughout each mine area, and such rules of the road shall be made part of the training and retraining programs.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 17, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 8, 1975.

[FR Doc.75-24672 Filed 9-16-75;8:45 am]

[Docket No. M75-134]

EASTERN ASSOCIATED COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Eastern Associated Coal Corp. has filed a petition to modify the application of 30 CFR 75.305 to its Wharton No. 2 Mine, Barrett, West Virginia.

30 CFR 75.305 provides in pertinent part:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. • • •

In support of its petition, Petitioner states:

1. Petitioner desires to ventilate the 2 South Main Section of its Wharton No. 2 Mine with intake air entering from outside the mine, crossing the face areas and then returning outside by crossing a gob area. The advantages of the proposed system of ventilation include more effective ventilation of the face areas and of the gob areas. The sole disadvantage of the proposed system is that weekly examinations of the return air course, required by Section 75.305, could not be made because the return air is coursed through a gob area.

2. Petitioner's proposed system of ventilation therefore excludes the requirement of a weekly examination of the return air course.

3. Petitioner's proposed system of ventilation will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by 30 CFR 75.305.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 17, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

SEPTEMBER 8, 1975.

[FR Doc.75-24675 Filed 9-16-75;8:45 am]

[Docket No. M75-135]

FLORENCE MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), The Florence Mining Company has filed a petition to modify the application of 30 CFR 75.802(a) to its Dias Mine, Indiana County, Pennsylvania.

30 CFR 75.802(a) in pertinent part provides:

(a) Except as provided in paragraph (b) of this section, high-voltage circuits extending underground and supplying portable, mobile, or, stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, • • •

In support of its petition, Petitioner states as follows:

1. Mining operation at the subject mine was started in 1968. The mine has received power since it began operations from the utility at a point approximately 1800 feet from the mouth of the mine.

2. The utility provides power in the form of three electrified wires, each being 7200 volts with respect to each other.

3. The utility's transformer does not furnish a neutral or any form of ground wire or grounding system. Petitioner has no right or authority to modify the utility's equipment.

4. In order to comply with safety requirements and insure safe conditions, Petitioner purchased and installed a separate neutral source transformer and a grounding resistor. These items were located along with all other safety devices at a point readily accessible to the point where the power system enters the underground portion of the subject mine.

5. The site for all safety protective devices controlling the high-voltage circuits entering the underground portion of the Dias Mine was chosen for its close accessibility to the mine entrance, as opposed to the utility service point which is on the opposite side of a hill 1800 feet away from the mine entrance.

6. The voltage being supplied and the location and integrity of the safety protective devices controlling the underground power system have remained constant since the Dias Mine was placed in operation by Petitioner in 1968.

7. The above-mentioned safety devices were installed in their present location and have been in service since 1968. From the time of installation, the safety devices controlling the underground high-voltage circuits have been inspected, tested, and faithfully maintained. They have been considered in full compliance with the rigid standards necessary for safe operation of underground power systems by Petitioner, by the State agencies, and until March 1975, by the Federal agencies. Prior to March 1975, MESA had repeatedly inspected the Dias Mine and found its electrical safety devices in accord with the requirements of 75.802.

8. Section 75.802(a) requires either a direct neutral or a derived neutral to be used as a source with which to originate a grounding system for high-voltage circuits entering the underground portion of the mine. The power transformer furnished by the utility does not have a direct neutral point with which to originate a grounding system. Thus, Florence installed a neutral source derivative transformer—a derived neutral—for its grounding system.

9. Section 75.802(a) requires that the electrical system "be grounded through a suitable resistor *at the source* transformer" (*emphasis added*). For purposes of 75.802(a) at the Dias Mine, the "source transformer" is the transformer installed and owned by Petitioner which contains the neutral point.

PETITIONER'S PLANS FOR ALTERNATIVE SYSTEM

Petitioner believes its alternate system will be safer and will at all times guarantee no less than the same measure of protection than the present requirement as applied to the Dias Mine.

1. The Dias Mine will receive power from the utility through Delta connected transformers located approximately 1800 feet from the mine's entrance.

2. A neutral source transformer for the derived neutral will be located in close proximity and easily accessible to the mine entrance with all other safety protective devices for the high-voltage circuits entering the underground portion of the Dias Mine.

3. The neutral source transformer will be wired to the power transformer.

4. The derived neutral will be grounded through a suitable resistor at the neutral source transformer.

5. All safety devices controlling underground high-voltage circuits will be inspected, tested, and faithfully maintained.

Petitioner proposes its present system as an alternate system to meet the intent of Section 75.802(a).

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 17, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

SEPTEMBER 8, 1975.

[FR Doc.75-24676 Filed 9-16-75;8:45 am]

[Docket No. M76-3]

REPUBLIC STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Republic Steel Corporation has filed a petition to modify the application of 30 CFR 75.321 to its Banning No. 4 Mine, Westmoreland County, Pa.

30 CFR 75.321 provides:

Each operator shall adopt a plan on or before May 29, 1970, which shall provide that when any mine fan stops, immediate action shall be taken by the operator or his agent (a) to withdraw all persons from the working sections, (b) to cut off the power in the mine in a timely manner, (c) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the working places and other active workings where methane is likely to accumulate are reexamined by a certified person to determine if methane in amounts of 1.0 volume per

V 40 181 SEP 17 75 XUM

centum or more exists therein, and (d) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. * * *

To be read in conjunction with section 75.321 is 30 CFR 75.321–1 which provides:

Unless a different period of time is approved by the Coal Mine Safety District Manager, "reasonable period" referred to in § 75.321 means a time lapse of not more than 15 minutes.

In support of its petition, Petitioner states:

Modification of Section 75.321 is sought because of the amount of water in the effected areas of the subject mine. Petitioner is not able to de-energize the power at any time because if the pumps are not functioning, it is estimated that in 30 minutes or less the area would become flooded. The area referred to in this Petition is that portion of Banning No. 4 Mine from the elevator to 4 right, No. 24 butt and is approximately 6,500 ft. in length. The remainder of the mine will be in full compliance with the law.

ALTERNATE METHOD

The proposed alternative procedure offers a degree of safety inasmuch as adequate ventilation will be constantly maintained, and, during fan stoppages, the aforementioned area will be patrolled and examined by certified persons who will have constant communication with the surface. This method will guarantee no less than the same measure of protection afforded the miners by the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 17, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 8, 1975.

[FR Doc.75-24677 Filed 9-16-75;8:45 am]

DEPARTMENT OF COMMERCE

LEAD AND ZINC CONSUMPTION AND PRODUCTION

Open Meetings

The Departments of Commerce and Interior will chair informal meetings to discuss the outlook for U.S. lead and zinc consumption and production for use at the annual meeting of the International Lead and Zinc Study Group to be held this November. The Department of Commerce meeting, to be attended by representatives of the lead and zinc consuming industries, will be held September 25, 1975 at 10:30 a.m., in Room 3817, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. The Department of the Interior meeting, to be attended by representatives of the lead and zinc producing industries, will be held September 25, 1975 at 10:30 a.m., in Room 1042 of the Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20241. The meetings will be open to public observation. A limited number of seats will be available to the public on a first-come, first-served basis.

Dated: September 12, 1975.

RICHARD EHMANN,
Acting Deputy Assistant Secretary, Bureau of Resources and Trade Assistance.

JOHN D. MORGAN, Jr.,
Associate Director, Mineral and Materials Supply/Demand Analysis, Bureau of Mines.

[FR Doc.75-24777 Filed 9-16-75;8:45 am]

Domestic and International Business Administration

SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Tuesday, October 21, 1975, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has six parts:

GENERAL SESSION

(1) Opening remarks by the Director, Office of Export Administration.
(2) Overview of the Office of Export Administration by the Director, OEA.
(3) Election of Chairman.
(4) Presentation of papers or comments by the public.
(5) Technical problems relating to export control coverage of semiconductor manufacturing and test equipment.

EXECUTIVE SESSION

(6) Discussion of matters properly classified under Executive Order 11652 dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (6), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All matters have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–967–4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838–73), the Complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof is hereby published.

Dated: September 12, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

Notice of Determination

In response to written requests of representatives of a substantial segment of the semiconductor manufacturing and test equipment industry, the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established by the Secretary of Commerce pursuant to Section 5(c)(1) of the Export Administration Act of 1969, 50 U.S.C. App. Section 2404(c)(1) (Supp. III, 1974), as amended, Public Law No. 93–500, Section 5(b) (October 29, 1974), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee, which currently has eight members representing industry and six members representing government agencies, will terminate no later than January 3, 1977, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of Section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), and Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in Section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

Notices of Determination authorizing the closing of meetings, or portions thereof, of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, were approved on March 6, 1973 for the meeting of March 27, 1973; on June 18, 1973 for the meeting of June 29, 1973; on August 21, 1973 for a series of meetings from August 21, 1973 through December 31, 1973; on December 26, 1973 for a series of meetings for the period January 1, 1974 through April 30, 1974; and on May 16, 1974, covering a series of meetings from May 1, 1974 through January 3, 1975.

In order to provide advice to the Department under the terms of its charter, the Committee on formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control lists as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 C.F.R. 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to Section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1975, to January 3, 1976, from the provisions of Section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in Section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: December 16, 1974.

GUY W. CHAMBERLIN,
Acting Assistant Secretary for Administration.

Dated: December 12, 1974.

ALFRED MEISNER,
Acting General Counsel.

[FR Doc.75-24713 Filed 9-16-75;8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that a meeting of the Telecommunications Equipment Technical Advisory Committee will be held Thursday, October 30, 1975, at 10 a.m., in Room 5230, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Telecommunications Equipment Technical Advisory Committee was initially established on April 5, 1973. On March 12, 1975, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has seven parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Report on licensing policies and controls.
(4) Report on Electronic Industries Association (EIA) sponsored trip to the People's Republic of China.
(5) Report on foreign availability as exhibited at *Telecon '75*.
(6) Other reports on foreign availability.

EXECUTIVE SESSION

(7) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (7), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by the Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/967–4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838–73), the Complete Notice of Determination to close portions of the series of meetings of the Telecommunications Equipment Technical Advisory Committee and of any subcommittees was published in the

V 40 181 SEP 17 75 XUM

FEDERAL REGISTER (40 FR 17865 appearing in the issue of April 23, 1975).

Dated: September 12, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-24711 Filed 9-16-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75G-0265]

APLIN AND BARRETT LTD.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a) 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25775), notice is given that a petition (GRASP 5G0049) has been filed by Aplin and Barrett Ltd., Trowbridge, Wilts, England BA14 8HS and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that NISIN for use in food as an antimicrobial preservative is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before November 17, 1975, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: September 10, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-24688 Filed 9-16-75;8:45 am]

[Docket No. 75F-0218]

DOW CHEMICAL CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B3088) has been filed by Dow Chemical Co., 2030 Dow Center, Midland, MI 48640, proposing that § 121.2541 *Emulsifiers and/or surface-active agents* be amended to provide for the safe use of sodium monoalkylphenoxybenzenedisulfonate and sodium dialkylphenoxybenzenedisulfonate mixtures as emulsifiers and/or surface-active agents in the manufacture of articles or components of articles intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 10, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-24684 Filed 9-16-75;8:45 am]

Health Services Administration

NATIONAL MIGRANT HEALTH ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1975:

Name: NATIONAL MIGRANT HEALTH ADVISORY COMMITTEE.

Date and Time: October 1–3, 1975, 9 a.m.

Place: Parklawn Building, Room 7–23, 5600 Fishers Lane, Rockville, Md.

Open for entire session.

Purpose: The Committee is charged with advising the Administrator, Health Services Administration, on National policies and priorities; program guidelines, standards, and evaluation techniques; and other crucial issues relating to the Migrant Health Program.

Agenda: The agenda will contain orientation to new legislation and draft regulations and review of draft regulations, including the Committee's recommendations.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members or other relevant information should contact Mr. Billy M. Sandlin, Parklawn Building, Room 7A–20, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443–1153.

NOTE.—Post Office inadvertantly delayed publication, thereby reducing time of public notice.

Date: September 10, 1975.

WILLIAM H. ASPDEN, Jr.,
Acting Associate Administrator for Management.

[FR Doc.75-24872 Filed 9-16-75;8:45 am]

Office of Education

COMPARABILITY DETERMINATIONS

Fiscal Year 1976

Section 141(a)(3)(C) of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 241e(a)(3)(C)), requires that a State educational agency approve a project application only upon its determination that the services the applicant local educational agency is providing in project areas with State and local funds are at least comparable to the services that agency is providing in areas not designated for projects under Title I. Regulations governing such determinations are provided at 45 CFR 116.26 as revised and published in the FEDERAL REGISTER on June 28, 1973. State and local educational agencies should also note the provisions of paragraph 17 of Section 403 of Public Law 81–874 as added by Section 101(a)(9)(K) of Public Law 93–380 (H.R. 69) pertaining to the exclusion of certain expenditures from determinations of comparability.

The data required for such determinations of comparability are set forth in paragraph (b) of § 116.26. The same paragraph also provides that for Fiscal Year 1974 and succeeding fiscal years the Commissioner of Education will specify the date, not later than November 1, as of which such data must be secured. Accordingly, I hereby designate October 1, 1975, as the date for this purpose for Fiscal Year 1976 or, as determined by the State educational agency, the nearest date thereto, but not later than November 1, 1975, that has been established as the date as of which reports containing similar data, such as enrollment data, are to be submitted by local educational agencies for State purposes.

(Catalog of Federal Domestic Assistance Program No. 13.428, Educationally Deprived Children—Local Educational Agencies (Title I,ESEA))

Dated: September 10, 1975.

DUANE J. MATTHEIS,
Acting Commissioner of Education.

[FR Doc.75-24707 Filed 9-16-75;8:45 am]

Office of the Secretary

PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

Meeting

The President's Council on Physical Fitness and Sports will hold its quarterly meeting on November 13–14, 1975. The meetings will be held from 9:30 a.m.–5:00 p.m. on Thursday and Friday, November 13 and 14, in Conference Room 7, Building 31, Sixth Floor, C Wing, National Institutes of Health, Bethesda, Maryland.

The purpose of the meeting is to assess progress on the national program of physical fitness and sports and to plan future directions. Two new members have been appointed to the Council by the President and will be attending their first meeting.

A list of the Council members and the Executive Order, dated September 25, 1970, establishing their responsibilities may be obtained from:

Mr. C. Carson Conrad, Executive Director, President's Council on Physical Fitness and Sports, Washington, D.C. 20201. Telephone: 202–755–7947.

The meeting will be open to the public.

Dated: September 4, 1975.

C. CARSON CONRAD,
Executive Secretary, President's Council on Physical Fitness and Sports.

[FR Doc.75-24689 Filed 9-16-75;8:45 am]

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the Review Panel on New Drug Regulation, established pursuant to 42 USC 217 a. by the Secretary, Department of Health, Education, and Welfare, on February 21, 1975, will meet on Monday, October 13, 1975, at 9:15 a.m. and Tuesday, October 14, 1975, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, S.W., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration.

The meeting is open to the public.

Further information on the Review Panel may be obtained from Dr. Lionel M. Bernstein, Executive Secretary, Review Panel on New Drug Regulation, Room 4617, HEW North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245–7510.

LIONEL M. BERNSTEIN, M.D.,
Executive Secretary, Review Panel on New Drug Regulation.

SEPTEMBER 12, 1975.

[FR Doc.75-24661 Filed 9-16-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

TUNNELING RESEARCH AND DEVELOPMENT PROGRAM

Public Meeting

The Department of Transportation (DOT) has undertaken a continuing program of research and development in tunneling, under the direction of the Assistant Secretary for Systems Development and Technology (TST). Direct responsibility for the program is assigned to the TST Office of Systems Engineering. That office has developed a draft long-range plan outlining the scope, priorities, and objectives for the tunneling research and development program.

The views of the public, including the transit and construction industries, are desired in the development of the long-range plan. To this end, a public meeting will be held on October 9 and 10, 1975, commencing each day at 10:00 a.m. (EDT), at the Department of Transportation Headquarters (Nassif) Building, 400 Seventh Street, S.W., Washington, D.C. 20590, in room 10214. A presentation of the draft plan will be made, following which any interested member of the public may make a statement or address questions to the meeting chairman. Additionally, written statements of views and opinions may be submitted by October 31, 1975, to the Office of Systems Engineering (TST–45) at the above address.

Printed material describing prior planning development is available in advance of the public meeting upon request to the Office of Systems Engineering.

Issued in Washington, D.C., September 11, 1975.

W. E. STONEY,
Acting Assistant Secretary for Systems Development and Technology.

[FR Doc.75-24736 Filed 9-16-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28302; Order No. 75-9-36]

BRANIFF AIRWAYS, INC. AND FRONTIER AIRLINES, INC.

Investigation and Suspension Regarding Proposed Domestic Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of September, 1975.

By tariff revisions[1] marked to become effective on September 15 and September 18, 1975, respectively, Frontier Airlines, Inc. (Frontier) and Braniff Airways, Inc. (Braniff) propose a general fare increase of 3.5 percent and to make permanent the 4 percent increase which the Board recently permitted to be extended through January 14, 1976 (Order 75–6–72).[2]

Each of the carriers bases its justification on data for the year ended March 31, 1975. However, an evaluation of industry results for the year ended June 30, 1975 will be completed shortly, and the Board is of the opinion that it would be inappropriate to consider fare-increase proposals at this time based upon data which will soon be outdated.

Upon consideration of all relevant matters, the Board has determined that the proposals may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposals should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

IT IS ORDERED THAT:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A[3] attached hereto, and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including December 13, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board; and

3. A copy of this order will be filed in the aforesaid tariffs and be served upon Braniff Airways, Inc., Frontier Airlines, Inc., and the complainants in Dockets 28235 and 28239, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-24723 Filed 9-16-75;8:45 am]

[Docket No. 27844]

CARIBBEAN INTERNATIONAL AIRWAYS LTD.

Reassignment of Proceeding

This proceeding has been reassigned from Administrative Law Judge Greer M. Murphy to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., September 11, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-24721 Filed 9-16-75;8:45 am]

[Docket No. 27844]

CARIBBEAN INTERNATIONAL AIRWAYS LIMITED

Rescheduling of Prehearing Conference

Notice is hereby given that the prehearing conference in this proceeding, previously assigned to be held on October 29, 1975 (40 F.R. 34626, August 18, 1975), before Administrative Law Judge Greer M. Murphy, has been rescheduled and will be held on October 3, 1975, at 10:00 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Burton S. Kolko.

[1] Revisions to Airline Tariff Publishers, Company, Inc., Tariff C.A.B. No. 249.

[2] Various other proposals have been made for effect October 1, 1975 which will be dealt with by subsequent order.

[3] Filed as part of the original document.

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Dated at Washington, D.C., September 11, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-24739 Filed 9-16-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

COLORADO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. and end at 1:00 p.m. on October 18, 1975, at the Quality Inn Motel, 1840 Sherman Street, Denver, Colorado 80203.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to discuss the Medical/Legal Access Project Report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 11, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-24738 Filed 9-16-75;8:45 am]

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee (SAC) to this Commission will convene at 8:00 p.m. and end at 10:00 p.m. on October 9, 1975, at Johns Hopkins University, Levering Hall, Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Commission Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to report on S&L hearing and other subcommittee business.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 11, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-24740 Filed 9-16-75;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 4:00 p.m. on October 7, 1975, at the Metropolitan Building, Room 411, 432 N. Saginaw Street, Flint, Michigan 48502.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, Room 3251, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to: 1. Receive progress report on drafting of Model Cities hearing report; 2. Continue planning progress for October 22–23 factfinding meeting in Sault Ste. Marie; 3. Continue discussion of agency and committee functions; 4. Other old and new business; 5. Public participation, if requested.

Public participation is invited during that portion of the meeting designated for that purpose by the Chairperson. Written statements are welcome, before or after the meeting, and may be sent to either Chairperson Terry at 163 Madison, Detroit, Michigan 48226, or to the Midwestern Regional Office. Oral statements may be made during the meeting by making arrangements with the Chairperson or staff in advance.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 12, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-24741 Filed 9-16-75;8:45 am]

OKLAHOMA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Oklahoma State Advisory Committee (SAC) to this Commission will convene at 6:00 p.m. on October 10, 1975, and at 3:00 p.m. on October 11, 1975, at Holiday Inn West 801 S. Meridan Street, Oklahoma City, Oklahoma 73108.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to plan for the other Subcommittee meetings and a report from Subcommittee on Employment and activities for entire SAC.

This meeting should be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 11, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-24742 Filed 9-16-75;8:45 am]

PENNSYLVANIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the United States Commission on Civil Rights, that a planning meeting of the Pennsylvania State Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 12:00 noon on October 8, 1975, Federal Building–600 Arch Street, Room 6310, Philadelphia, Pennsylvania.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20425.

The purpose of this meeting is to have a progress report on mushroom study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 12, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-24743 Filed 9-16-75;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the United States Commission on Civil Rights, that a planning meeting of the Virginia State Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 10:00 p.m. on October 22, 1975, at City Hall, 5th Floor Conference Room, Richmond, Virginia 23219.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20425.

The purpose of this meeting is for the newly rechartered committee to meet and discuss plans for future activities.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 12, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-24744 Filed 9-16-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 432-1]

PESTICIDES

Amendment to Pesticide Enforcement Policy Statement No. 1, Use of Registered Pesticides at Less Than Label Dosage Rates

On May 5, 1975, the U.S. Environmental Protection Agency published in the FEDERAL REGISTER Pesticide Enforcement Policy Statement (PEPS) No. 1 entitled "Use of Registered Pesticides at Less Than Label Dosage Rate" (40 FR 19529). This notice informed the pesticide industry and the general public of the Agency's policy permitting the use of a registered pesticide at less than label dosage rates providing that the use is 1) recommended in writing by a knowledgeable expert, 2) is efficacious against the target pest, 3) is performed in accordance with all other label instructions and precautions, and 4) is not repeated at the low dosage rate so frequently as to result in a total pesticide dosage higher than that specified on the label. The policy specifically prohibits use of a lower dosage of "a rodenticide, termite control product or antimicrobial agent such as a disinfectant, sanitizer, or fungicide."

Since the publication of this PEPS, the Agency has received numerous requests that the agency review the applicability of this policy to agricultural fungicides. Comments were received in the form of letters from pesticide experts representing two state universities and an agricultural research association, and statements made by members of the agricultural community at public meetings and during private communications. Experts specifically cited several circumstances, including use of fungicides on cotton, certain fruit and vegetable crops and in the control of some plant disease, where the application of a lesser dosage rate is effective and higher rates therefore introduce needless additional chemicals into the environment. After reviewing this matter, the agency has determined that the applicability of PEPS No. 1 to agricultural fungicides is consistent with the general enforcement policy regarding lesser dosages adopted by the Agency and need not remain subject to the requirement for full dosages specified for certain products in PEPS No. 1.

The U.S. Environmental Protection Agency hereby revises Pesticide Enforcement Policy Statement No. 1 (40 FR 19529, May 5, 1975), Section II, Paragraph Two, Sentence Two to read as follows:

Notwithstanding the above, the application or use at a lesser dosage rate of a rodenticide, termite control product, or antimicrobial agent such as a disinfectant or sanitizer which is intended for structural, institutional or domestic use under any circumstances is prohibited.

ROBERT L. BAUM,
Acting Assistant Administrator for Enforcement.

SEPTEMBER 10, 1975.

[FR Doc.75-24668 Filed 9-16-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

HIGH ENERGY PHYSICS ADVISORY PANEL

Meeting

AUGUST 27, 1975.

On September 22–23, 1975, the High Energy Physics Advisory Panel will meet at the Fermi National Accelerator Laboratory (FERMILAB), Batavia, Illinois, in the Central Laboratory Building. The portion of the meeting which will be open to the public will begin at 10 a.m. and end at approximately 5 p.m. on September 22 and will resume at 9 a.m. and end at approximately 12 noon on September 23.

The Panel will review and discuss the research program and facility development at FERMILAB; discuss the report responding to the Office of Management and Budget request for a study on long-term plans for high energy physics; discuss recent developments toward the establishment of a Joint U.S.-USSR Coordinating Committee on Fundamental Properties of Matter under the Joint U.S.-USSR Committee on Cooperation in the Peaceful Uses of Atomic Energy; discuss the status of the study group to investigate the potential problems that might be involved if there were to be a collaborative effort by the U.S., USSR, European nations, and Japan to build a very large high energy accelerator; and examine the current status of budget requests of the High Energy Physics Program.

In addition to the public sessions, the Panel plans to hold two (2) executive sessions. The first session is scheduled to begin at 9 a.m. prior to the open session on September 22; the second will begin at approximately 1 p.m. on September 23 and continue throughout the end of the meeting at approximately 4:30 p.m.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b).

It is essential to close these portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements on the topics for discussion may do so by mailing 25 copies thereof, postmarked, if possible no later than September 8, 1975, to the Executive Secretary, High Energy Physics Advisory Panel, Dr. Ernest Coleman, Division of Physical Research, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the extent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Executive Secretary of the Panel. His telephone number is Area Code 301–973–3624.

(e) Questions at the meeting may be asked only by members of the Advisory Panel.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, following their acceptance by the Panel at its next meeting, in accordance with the Federal Advisory Committee Act, at the U.S. Energy Research and Development Administration's Public Document Room. 1717 H Street NW, Washington, D.C., upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.75-24884 Filed 9-16-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

FIXED SATELLITE ADVISORY COMMITTEE

Meeting Regarding 1979 World Administrative Radio Conference

SEPTEMBER 11, 1975.

In preparation for the 1979 World Administrative Radio Conference, a meeting of the Fixed Satellite Advisory Committee, chaired by Raymond B. Crowell, will be held on Friday, October 3, 1975, at 10:00 a.m. in Room 8210 located at 2025 M Street, N.W., Washington, D.C.

The meeting will be open to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition by the Chairman.

The meeting will be conducted in accordance with the following agenda:

1. Chairman's opening remarks.
2. Approval of minutes of first meeting.
3. Discussion of procedural matters concerning work of Advisory Committee:
   a. Guidelines for submission and consideration of papers, reports, recommendations, etc.
   b. Document numbering scheme.
   c. Format of committee output.
   d. Other.
4. Report of informal Task Group 1 (Allocations).
5. Report of informal Task Group 2 (Technical other than sharing).
6. Report of informal Task Group 3 and 4 (Sharing).
7. Discussion and review of task group work assignments.

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8. Suggestions for matters to be considered at next meeting.
9. Date of next meeting.
10. Further business.
11. Adjournment.

No part of this meeting will be concerned with matters which are within the exemptions of the Public Information Act, 5 U.S.C. 55s(b).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-24704 Filed 9-16-75;8:45 am]

PRIVATE LAND MOBILE ADVISORY COMMITTEE SET

Meeting and Agenda

The next meeting of the Private Land Mobile Advisory Committee will be held on October 10, 1975 in Washington, D.C. The meeting will be held in Conference Room 6331, Federal Communications Commission, 2025 M Street, N.W., at 1:00 P.M. and will be conducted in accordance with the following agenda:

1. Call of the agenda.
2. Opening remarks of the Commission.
3. Reports from the Chairman of the Fact Finding Bodies.
4. Discussion and review of work.
5. Establish work schedule and milestones.
6. Set next meeting date.
7. Further business.
8. Adjournment.

The three Fact Finding Bodies will meet the same day in accordance with the following schedule:

1. Fact Finding Body #1 (Frequencies below 960 MHz) with Co-Chairmen; Mr. Charles White and Mr. Donald Walker will meet at 9:00 A.M. in Room 6331 at 2025 M Street, N.W., Washington, D.C.
2. Fact Finding Body #2 (Frequencies above 960 MHz) chaired by Dr. H. Staras will meet at 10:00 in Room 6009 at 2025 M Street, N.W., Washington, D.C.
3. Fact Finding Body #3 (Ad Hoc Committee) with Chairman Mr. William Borman, will meet at 9:00 A.M. at the Association of American Railroads Building, 1920 L Street, N.W., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary,

[FR Doc.75-24703 Filed 9-16-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP71-130]

TEXAS EASTERN TRANSMISSION CORP.

Availability of Draft Environmental Impact Statement

SEPTEMBER 17, 1975.

Notice is hereby given in the above Docket, that on September 17, 1975 a Draft Environmental Impact Statement prepared by the staff of the Federal Power Commission was made available. This draft statement deals with the environmental impact of alternative permanent curtailment plans proposed in Docket No. RP-71-130 across the Texas Eastern Transmission Corporation system.

This draft statement has been circulated to Federal, State and Local agencies, and has been placed in the public files of the Commission, and is available for public inspection in the Commission Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, in its Fort Worth Regional Office located at 819 Taylor Street, and in its New York Regional Office located at 26 Federal Plaza, 22nd Floor, New York, New York. Copies are also available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24785 Filed 9-16-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE ON ETHICAL AND HUMAN VALUE IMPLICATIONS OF SCIENCE AND TECHNOLOGY

Open Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Ethical and Human Value Implications of Science and Technology. Date: October 8, 1975. Time: 9:30 a.m. Place: Rm. 540, National Science Foundation, 1800 G Street, NW., Washington, D.C. Type of meeting: Open.

Contact person: Dr. Robert Baum, Manager, Ethical and Human Value Implications of Science and Technology Program (EHVIST), National Science Foundation, Rm. W-668, Washington, D.C. 20550. Anyone who plans to attend should notify Dr. Baum by October 6.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, Rm. 248 National Science Foundation, Washington, D.C. 20550.

Purpose of advisory committee: To provide advice and recommendations concerning support of scholarly activities in the field of ethical and human value implications of scientific and technological progress in conjunction with cooperative programs of the National Endowment for the Humanities (NEH) and the National Science Foundation.

Agenda: Includes the following topics:

9:30-11:00

Discussion of Administrative Status of EHVIST Program with regard to Past and Projected Reorganizations within NSF. Discussion of Review and Evaluation Process of EHVIST Proposals.

11:00-5:00

NOTE.—This portion of the meeting will be held in collaboration with the NEH Advisory Committee on Science, Technology and Human Values.

Summary of Previous Jointly-Funded NSF/NEH Projects: Research Design Workshop; Bibliography Project; Higher Education Programs Survey and Analysis; Public Understanding Project.

Review of Proposals for Possible Joint NSF/NEH Funding: Research Design Project; Philosophical Ethics Institute for Science and Engineering Faculty.

Discussion of Areas for Future Stimulation of Projects for Joint Support: Bibliographical Projects; International Communication; Public Understanding.

New business.

GAIL A. MCHENRY,
Acting Committee Management Officer.

SEPTEMBER 11, 1975.

[FR Doc.75-24670 Filed 9-16-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 9-12-75 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation, Survey of Recreation User Fee Policies—State and local governments, BOR 8-208, single-time, State and local governments, Lowry, R. L. 395-3772.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

Ground Water Pollution Problems in the Southeastern United States, on occasion, Water Resources Professionals, Natural Resources Division, 395-6827.

VETERANS ADMINISTRATION

Notice of Eligibility, Application and Enrollment Certification, 22-1990V, on occasion, Veterans, Caywood, D. P. 395-3443.

DEPARTMENT OF COMMERCE

Bureau of Census, 1975 Rural Listing Test Address Register, DA-100, DA-101, DA-202, single-time, Housing Units in Travis County, George Hall, 395-6140.

DEPARTMENT OF LABOR

Labor-Management and Service Administration, Plan Description Report, EBS-1, other (see SF-83), Pension Plans and Selected Welfare Plans, Caywood, D. P. 395-3443.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census, Special Population Census Schedule, SC-19, on occasion, Households, George Hall, 395-6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary:
School System Summary Report, OS/CR 101, annually, individuals, Sunderhauf, M. B. 395-6140.
Individual School Campus Report and Continuation Sheet, OS/CR 102, annually, individuals, Sunderhauf, M. B. 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Communities:
Statement of Financial Condition Cost Control Statement, Supplemental Grants CDA Ltr. No. 8, HUD 7010, monthly, CDA's, Community and Veterans Affairs Division, 395-3532.
Preliminary Eligibility Determination Inquiry, HUD-6500, on occasion, Property Owners Unable To Obtain Insurance Under Fair Community and Veterans Affairs Division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-24865 Filed 9-16-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 9-11-75 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

TENNESSEE VALLEY AUTHORITY

Industrial Response to Electric Price Changes (Interviewer's Guide), single-time, Large Business Firms Which Might Alter Electric Usage, Lowry, R. L. 395-3771.
Evaluation of the Manpower Demand Study, single-time, Manpower Planning Agencies, Strasser, A. 395-5887.

DEPARTMENT OF COMMERCE

Economic Development Administration, Performance Report Work Sheet (A-95), ED-434, semi-annually, Economic Development Districts, Caywood, D. P. 395-3443.

Bureau of Census, Survey of Institutionalized Persons (Dear Friend Letters), Institution, Resident and Family Questionnaires, SIP-1, SIP-2, SIP-3, single-time, Facility Administrator, Staff Members, Residents, Families, Reese, B. F. 395-6211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration, State Alcoholism Profile Information System, AAA 0804, annually, State Alcoholism Authorities, Human Resources Division, Dick Eisinger, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Management:
Monitoring or Real Property Acquisition—Questionnaire for Interviewing Former Property Owner, on occasion, Former Real Property Owner, Community and Veterans Affairs Division, 395-3532.
Equal Opportunity Questionnaire, on occasion, Individuals, Community and Veterans Affairs Division, 395-3532.
Monitoring of Relocation—Questionnaire for Interviewing Displaced Person, on occasion, displaced persons, Community and Veterans Affairs Division, 395-3532.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Management and Budget, Questionnaire of S. 1437 Study, single-time, Public Interest Groups, Caywood, D. P., 395-3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-24864 Filed 9-16-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 19165; 70-5728]

GEORGIA POWER CO.

Proposed Charter Amendment To Authorize a New Kind of Preferred Stock

SEPTEMBER 10, 1975.

NOTICE IS HEREBY GIVEN that Georgia Power Company, 270 Peachtree Street, NW., Atlanta, Georgia 30303, ("Georgia"), an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 (a), 6(b), 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Georgia proposes to amend its charter so as to authorize a new kind of preferred stock having a par value of $25 per share, to be designated Class A Preferred Stock. Georgia then proposes to issue up to 3,000,000 shares of Class A Preferred Stock and to sell such securities for the best price obtainable but for a price to Georgia of not less than $25 per share nor more than $25.50 per share, which shall also be the public offering price of such shares. Georgia intends that the sale of the Class A Preferred Stock will be at competitive bidding, but it may request by amendment that such sale be excepted from the competitive bidding requirements of Rule 50 should circumstances develop which, in the opinion of Georgia's management, make such exception in the best interest of Georgia and its investors and consumers.

It is stated that Georgia believes that the continuing need for new capital and the growing complexity of modern financing require greater flexibility than now exists in Georgia's capital structure and that, in connection with future issues of its preferred stock, the present provisions for preferred stock, which has had a stated value of $100 per share, prevent Georgia from taking advantage of a market for preferred stock of a lower par value which exists from time to time. Management believes that Georgia's ability to sell preferred stock at favorable terms will be strengthened by the creation of an additional kind of preferred stock with a par value of $25 per share, since this would allow Georgia to issue either preferred stock having a par value of $25 per share or a stated value of $100 per share depending on market conditions which exist at the time of issue.

The terms of the Class A Preferred Stock will be established by further amendment to the charter of Georgia which will include a prohibition against redeeming said stock prior to November 1, 1980, if such redemption is for the purpose or in anticipation of refunding the stock with funds obtained at a lower cost of money. Georgia also proposes to make provision for a cumulative sinking fund for the benefit of the Class A Preferred Stock which would retire not more than 5% annually of the number of shares initially issued, commencing five years after the sale, with the noncumulative option on any sinking fund date, commencing five years or later after the sale, of redeeming an additional like number of shares.

The Class A Preferred Stock will rank on a parity as to dividends and assets with the outstanding preferred stock and will have the same rights and preferences as the outstanding preferred stock. On all matters submitted to a vote by the holders of the preferred stock and Class A Preferred Stock, both kinds of stock will vote together as a single class, each share of preferred stock being counted as one and each share of Class A Preferred Stock being counted as one-quarter; provided, however, that, if any change in the rights and preferences of the outstanding preferred Stock or Class A Preferred Stock would adversely affect the holders of only one, but not the other, such kind of stock, only the vote of the holders of at least 66⅔% of the outstanding shares of the kind of stock so affected would be required.

Georgia proposes to apply the proceeds from the sale of the new preferred stock towards the financing of its 1975 construction program (estimated at $473,751,000) and to pay notes payable in the form of notes to banks and commercial paper notes incurred for such purpose. Such notes presently outstanding aggregate approximately $80,000,000.

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It is stated that the issuance and sale of the Class A Preferred Stock will have been expressly authorized by the Georgia Public Service Commission, the State commission of the State in which Georgia is organized and doing business. It is further stated that no other State commission and that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Estimates of the fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

NOTICE IS FURTHER GIVEN that any interested person may, not later than October 8, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-24715 Filed 9-16-75;8:45 am]

[Rel. No. 9329; 812-3827]

INVESTORS SYNDICATE OF AMERICA, INC. AND INVESTORS DIVERSIFIED SERVICES, INC.

Filing of Application for an Order Exempting a Proposed Transaction

NOTICE IS HEREBY GIVEN that Investors Syndicate of America, Inc., IDS Center, Minneapolis, Minnesota 55402 ("ISA"), a face-amount certificate company registered under the Investment Company Act of 1940 (the "Act") whose common stock is wholly-owned by Investors Diversified Services, Inc. ("IDS"), and IDS, the investment adviser and principal underwriter of ISA (collectively referred to as "Applicants"), filed an application on July 1, 1975 and an amendment thereto on September 8, 1975, pursuant to Section 17(b) of the Act, for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed sale by IDS to ISA of a $12 million note of the Equitable Life Holding Corporation ("Equitable Holding") guaranteed by The Equitable Life Assurance Society of the United States ("Equitable Assurance"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Equitable Holding, a wholly-owned subsidiary of Equitable Assurance, a mutual life insurance company, is principally engaged in providing insurance and financial services to the business community and the general public. On November 29, 1974, IDS sold IDS Leasing Corporation ("Leasing"), a wholly-owned subsidiary engaged in commercial and industrial leasing and financing, to Equitable Holding for $21 million in cash and a $12 million note maturing five years after the date of sale, bearing interest, payable semi-annually, at the rate of 7½% per year (the "Note"). The Note is fully and unconditionally guaranteed by Equitable Assurance. IDS further agreed, for and in consideration of $5 million in cash, not to engage in any business or activity competing with or similar to the business of Leasing for a period of five years from the date of sale. The Agreement of Sale between IDS and Equitable Holding further provides that Equitable Holding will agree to a transfer of the Note to an institutional investor which represents that its acquisition is for investment and not with a view to resale or distribution.

IDS proposes to sell the Note, and ISA proposes to purchase the Note, for cash, in an amount calculated to give ISA a yield to maturity from the date of purchase of 9%.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell any security or other property to such registered company. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each investment company concerned and with the general purposes of the Act.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any person owning 5% or more of the outstanding voting securities of such other person or any person 5% or more of whose outstanding voting securities are owned by such other person. ISA is a wholly-owned subsidiary of IDS and, therefore, Applicants are affiliated persons of each other within the meaning of Section 2(a)(3) of the Act. Accordingly, IDS is prohibited, absent an order of the Commission, from selling the Note to ISA.

Applicants assert that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of ISA and with the general purposes of the Act. In support thereof, Applicants state that the purchase price of the Note, an amount calculated to give ISA a yield to maturity of 9%, is based upon an analysis of the Note by ISA and upon an independent appraisal by The First Boston Corporation, a registered broker-dealer. Applicants further state that the Note, by reason of the guarantee, is, in effect, a note of Equitable Assurance and that, based upon published financial information, Equitable Assurance had, during 1974, $433 million, before taxes and dividends, to meet such fixed obligations. ISA has determined that the Note will constitute a qualified investment for a face-amount certificate company and Applicants assert that, by reason of the sale, ISA will receive an investment of high quality, short maturity and attractive yield.

NOTICE IS FURTHER GIVEN that any interested person may, not later than October 6, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be adressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 6, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-24716 Filed 9-16-75;8:45 am]

[Rel. No. 19157; File No. 3-4721; 70-5689]

OHIO POWER CO.

Order for Hearing on Proposal To Issue and Sell Notes to Banks and to a Dealer in Commercial Paper

SEPTEMBER 5, 1975.

In the matter of Ohio Power Company, Canton, Ohio 44701; (70-5689).

Ohio Power Company ("Ohio"), an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed with this Commission an application on May 16, 1975 and subsequent amendments thereto pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 (a)(5) promulgated thereunder.

Ohio requested authorization pursuant to Section 6(b) of the Act for the issue and sale of short-term debt obligations not to exceed $270,000,000 outstanding at any one time during the year ending June 30, 1976. Ohio also requested exception from the competitive bidding requirements of Rule 50 with respect to commercial paper included in the requested authorization.

A notice of filing of the application was issued on May 30, 1975, in the manner prescribed in Rule 23 promulgated under the Act (HCAR No. 19017). A request for a hearing was filed on June 26, 1975 by Ormet Corporation ("Ormet") and subsequently on July 11, 1975, it filed a petition for intervention.

By interim orders dated June 30, 1975 and July 31, 1975 (HCAR Nos. 19070 and 19106), this Commision authorized Ohio to incur short-term borrowings through August 31, 1975, in an aggregate principal amount not to exceed $190,000,000 outstanding at any one time. The authorized amount of short-term borrowings has been extended until September 30, 1975 pending the disposition of the request for a hearing.

Ormet objects to the proposed short-term borrowings by Ohio. It states, among other things, that Ohio's request for authorization to borrow, not to exceed $270,000,000 outstanding at any one time during the 12 months ending June 30, 1976, is not supported by the financial data that Ohio submitted. Ormet asserts that the record is incomplete and consists of unsubstantiated conclusions which cannot be evaluated without an evidentiary hearing.

Ormet also states that the application does not address itself to Ohio's ability to effect long-term financing to pay its short-term obligations to be incurred, and to meet other obligations which Ohio allegedly overlooked. Ormet also states that the need for the financing has not been established. It asserts that information published by Ohio indicates a large excess capacity and questions whether the incurring of further indebtedness by Ohio is necessary or in the public interest.

The Commission deeming it appropriate that a hearing be held in this proceeding:

It is ordered, accordingly, that a hearing be held in respect to the application, as amended, and that the hearing commence on September 29, 1975, or such later date as may be designated by the hearing officer, at 10:00 A.M. at the office of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 in such room as may be designated by the hearing room clerk.

It is further ordered that at said hearing, evidence shall be addressed with respect to the following matters, but without prejudice to the presentation of additional matters and questions upon further examination:

1. Whether, in light of the objections presented by Ormet, the proposed financing is appropriate and necessary under Section 6(b) and other applicable provisions of the Act; and

2. What conditions, if any, should be imposed in an order authorizing the proposed transactions.

It is further ordered that jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved. The Commision expects that, subject to the discretion of the presiding Administrative Law Judge, the hearing will proceed without adjournment in view of Ohio's cash requirements as set forth in its application.

It is further ordered that an Administrative Law Judge, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under Section 18(c) of the Act and to the hearing officer under the Commission's Rules of Practice.

It is further ordered that the Secretary of the Commission shall give notice of the aforementioned hearing by mailing copies of this Order by certified mail to Ohio Power Company and Ormet Corporation, and that notice to other interested persons shall be given by the general release of the Commission and by publication of this Order in the FEDERAL REGISTER. Persons desiring to participate shall comply with Rule 9 of the Commission's Rules of Practice.

It is further ordered that jurisdiction be, and it hereby is, reserved to grant such further interim relief as may be appropriate during the pendency of this proceeding.

By the Commission.

[SEAL] SHIRLEY E. HARRIS,
Acting Assistant Secretary.

[FR Doc.75-24767 Filed 9-16-75;8:45 am]

[File No. 500-1]

VICTOR KELLERING INC.

Suspension of Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Victor Kellering Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:00 a.m. on September 10, 1975 and terminating at midnight (EDT) September 19, 1975.

By the Commision.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-24750 Filed 9-16-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

SALT LAKE CITY DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Salt Lake City District Advisory Council will hold a public meeting at 9:00 a.m. (M.D.T.), Friday, October 10, 1975, at the Riverside Country Club, 2701 North University Avenue, Provo, Utah, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present. For further information, write or call C. R. Hopkins, 125 South State Street, Salt Lake City, Utah 84138, (801) 524-5804.

Dated: September 9, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-24678 Filed 9-16-75;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Office of the Director

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER:

Current Forms Check List and Index (June 30, 1975).
Temporary Instruction No. Appendix 1-15—Recision of Temporary Instruction No. Appendix 1-10.
Current Temporary Instructions Check List (July 31, 1975).
Temporary Instruction No. Appendix 1-16—Recision of Temporary Instruction No. Appendix 1-7.

BYRON V. PEPITONE,
Director.

SEPTEMBER 9, 1975.

REGISTRANT PROCESSING MANUAL

APPENDIX I—CURRENT FORMS CHECK LIST AND INDEX

1. *Introduction.* The following list sets forth all current Selective Service System Operations forms and procedural directives. Only approved Operations forms are listed. No "Test" or temporary forms are included. Also listed are those forms of other agencies

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used in the processing of registrants. Each listed form and its procedural directive should be filed in Appendix 1 of the Registrant Processing Manual (RPM).

2. *Dates of forms.* (a) Dates of forms and procedural directives shown on this check list/index reflect only the month and year of publication.

SSS form number	Title	Date of form	Date of procedural directive
	RIB OCR Forms—general		March 1974 (p. 1). January 1974 (p. 2-7).
1	Registration Card	November 1973	January 1973 (p. 1-4), June 1973 (att. 1-1).
1—mailer	do	do	November 1973.
4	Tally Sheet	Undated or August 1948.	January 1968.
7	Status Card (OCR)	September 1971	July 1974.
101	Registrant File Folder	January 1973	January 1973.
102	Classification Record	October 1964	October 1970.
112	Minutes of Local or Appeal Board Meeting	January 1971	January 1971.
112-A	Minutes of Local or Appeal Board Meeting Continuation Sheet.	do	Do.
111	Order for Transfer for Classification	Undated or February 1948.	January 1968.
116	Report of Manpower Inventory	July 1973	July 1973.
117	Availability of Registrants	July 1972	July 1972.
118	Dependency Questionnaire	March 1969	August 1969.
119	Report of Information	February 1974	September 1974. February 1974 (atts. 1, 2).
120	Individual Appeal Record (OCR)	September 1972	August 1972 (pp. 1-6, 8, 9), December 1972 (p. 7).
120-A	Action by Appeal Board	Undated or August 1971.	Undated.
121	Docket Book of Appeal Board	Undated or October 1948.	January 1968.
123	Cover Sheet Transmittal and Receipt	Undated or June 1969.	September 1969.
127	Current Information Questionnaire	January 1973	January 1973.
130	Request for Relief From Training and Service in the Armed Forces of the United States.	July 1972	Undated.
131	Special Form for Alien or Dual National	do	July 1972.
150	Special Form for Conscientious Objector	April 1972	April 1972.
151	Application of Volunteer for Alternate Service	January 1972	January 1968.
152	Conscientious Objector Skills Questionnaire	December 1971	February 1970. September 1974 (atts. 1.1, 1.2, 1.3).
153	Order To Report for Alternate Service	November 1972	November 1972.
153-A	Amendment to Order To Report for Alternate Service.	July 1973	July 1973. November 1972 (facsimile).
154	Certificate of Release From Alternate Service	August 1972	July 1974. January 1975 (facsimile).
154-A	Certification of Completion of Alternate Service	July 1974	July 1974.
156	Employer's Statement of Availability of Job as Alternate Service.	December 1971	November 1973.
157	Monthly Report of Availability of 1-O Registrants	May 1973	May 1973.
158	Monthly Activity Report of Class 1-W Registrants	do	Do.
172	Special Form for Divinity Student	September 1972	Undated.
173	Special Form for Registrant With Court Record	do	Do.
174	Special Form for Surviving Son	do	September 1972.
175	Special Form for Minister of Religion	do	Do.
201	Notice of Induction Call on Local Board	July 1973	July 1973.
202	Notice of Examination Call on Local Board	October 1973	October 1973.
204	Procedural Rights Notice (OCR)	Apr. 1972	Aug. 1972.
204-A	Notice of Decision of Local Board not to Reopen Classification (OCR).	do	Dec. 1972 (p. 1), Aug. 1972 (p. 2-7).
205	Induction and Medical Determinations (excluding medical specialists).	July 1972	July 1972.
220	Record of Results of Armed Forces Examination (OCR).	Sept. 1972	Jan. 1974.
223	Order to Report for Armed Forces Examination (OCR).	do	Undated.
225	Physical Examination List	Dec. 1963	Jan. 1968.
225-A	Physical Examination List Continuation Sheet	Sept. 1960	Do.
230	Transfer for Armed Forces Examination	May 1972	May 1972.
252	Order to Report for Induction (OCR)	Dec. 1971	Aug. 1972.
253	Notice of Rescheduled Induction Reporting Date (OCR).	do	Do.
254	Application for Voluntary Induction	Oct. 1964	Jan. 1968.
255	Notice of Cancellation (OCR)	Apr. 1972	Aug. 1972.
261	Delivery List	Aug. 1960	Jan. 1971.
261-A	Delivery List Continuation	do	Do.
264	Postponement of Induction	Oct. 1960	Jan. 1968.
301	Report of Violation	Oct. 1972	Jan. 1974. Sept. 1974 (atts. 1.1, 1.2).

(b) The date shown in the "Date of Form" column is the date of publication of the current edition of the form. When the date shown in the "Date of Form" column is followed by an asterisk (*), the previous edition of the form may be used until exhausted.

3. *Forms Listing.* (a) SSS Forms and Procedural Directives.

SSS form number	Title	Date of form	Date of procedural directive
204	Procedural Rights Notice (OCR)	Apr. 1972	Aug. 1972.
204-A	Notice of Decision of Local Board not to Reopen Classification (OCR).	do	Dec. 1972 (p. 1), Aug. 1972 (p. 2-7).
205	Inductions and Medical Determinations (excluding medical specialists).	July 1972	July 1972.
220	Record of Results of Armed Forces Examination (OCR).	Sept. 1972	Jan. 1974.
223	Order to Report for Armed Forces Examination (OCR).	do	Undated.
225	Physical Examination List.	Dec. 1963	Jan. 1968.
225-A	Physical Examination List Continuation Sheet	Sept. 1960	Do.
230	Transfer for Armed Forces Examination	May 1972	May 1972.
252	Order to Report for Induction (OCR)	Dec. 1971	Aug. 1972.
253	Notice of Rescheduled Induction Reporting Date (OCR).	do	Do.
254	Application for Voluntary Induction	Oct. 1964	Jan. 1968.
255	Notice of Cancellation (OCR)	Apr. 1972	Aug. 1972.
261	Delivery List	Aug. 1960	Jan. 1971.
261-A	Delivery List Continuation	do	Do.
264	Postponement of Induction	Oct. 1960	Jan. 1968.
301	Report of Violation	Oct. 1972	Jan. 1974. Sept. 1974 (atts. 1.1, 1.2).
DD 62	Statement of Acceptability	Mar. 1959	Jan. 1968. Do.
DD 214	Armed Forces of the United States Report of Transfer or Discharge.	Nov. 1972	Mar. 1974 (facsimile).
DD 215	Correction to DD Form 214, Armed Forces of the United States Report of Transfer or Discharge.	do	Jan. 1968, Mar. 1974 (facsimile).
DD 398	Statement of Personal History	Mar. 1964	Jan. 1968. Do.
DD 1300	Report of Casualty	Feb. 1973	Mar. 1974 (facsimile).
PHS 1867	Statement of Service—Verification of Status of Commissioned Officers of the U.S. Public Health Service.	Aug. 1963	Jan. 1968. Mar. 1974 (facsimile).
SF 88	Report of Medical Examination	Apr. 1968	Feb. 1970. Mar. 1974 (facsimile).
SF 93	Report of Medical History	Jan. 1971	Aug. 1972.

4. *Forms and procedural directives discontinued or suspended.* (a) Use of SSS Forms 100-S, Classification Questionnaire Minutes Of Action Continued, 102-S, Classification Record (Supplement), 103, Graduate Or Professional College Student Certificate, 103-A, Graduate Or Professional College Student Certificate, 109, Student Certificate, 109-A, Student Certificate, and 305, Notice Of Confinement Or Release From Confinement, has been discontinued. The facsimiles of these forms and their associated procedural directives will be withdrawn from Appendix 1 of the RPM and destroyed. Stock balances of the forms will be removed from inventory and destroyed.

(b) Submission of SSS Forms 117, 157, 158, and 205 has been suspended until further notice.

(c) No discontinued, superseded or use-suspended form is to be destroyed unless that destruction authority appears on the current edition of the form or specific written direction to destroy the form is received from National Headquarters. Authorized stocks of use-suspended forms will be maintained pending resumption of use or receipt of written destruction authority from National Headquarters.

5. *Other agency forms.* (a) Facsimiles of the current forms of other agencies listed in this check list index will be supplied by National Headquarters as they become available. Until such time as those current facsimiles are received, the version presently contained in Appendix 1 should be retained.

TEMPORARY INSTRUCTION NO. APPENDIX 1-15

Issued: July 18, 1975.

Subject: Rescission of Temporary Instruction No. Appendix 1-10.

Temporary Instruction No. Appendix 1-10 is rescinded and should be withdrawn from the Registrants Processing Manual and destroyed.

This Temporary Instruction shall terminate upon implementation.

REGISTRANT PROCESSING MANUAL

Current Temporary Instructions Check List

1. The following list sets forth all current Temporary Instructions as of July 31, 1975. Where two numbers are shown for a Temporary Instruction, it is issued in sufficient quantity so that a copy may be filed under each number.

Temporary instruction number	Date issued or amended	Termination date
Appendix 1-7	Oct. 17, 1973	Upon amendment or rescission.
Appendix 1-8/608-3.	Dec. 18, 1973	Upon receipt of revised SSS form 725 or upon rescission thereof.
Appendix 1-13	Feb. 7, 1975	Upon rescission.
Appendix 1-14	Apr. 7, 1975	Do.
613-2	Dec. 19, 1972	Upon publication of all revisions to RPM changing references from SSS forms 2 and 110 to SSS form 7.
613-9/642-8	Apr. 1, 1975	Upon rescission.
621-7	May 27, 1975	Do.
622-8/680-4	Apr. 8, 1975	Do.
631-16	Mar. 12, 1975	Do.

2. All Temporary Instructions not appearing in the above list have been terminated or rescinded.

TEMPORARY INSTRUCTION NO. APPENDIX 1-16

Issued: August 29, 1975.

Subject: Rescission of Temporary Instruction No. Appendix 1-7.

Temporary Instruction No. Appendix 1-7 entitled "Availability of Registrants (SSS Form 117); Availability of Extended Priority Selection Group—Classes 1-A and 1-A-O (SSS Form 117-A); Monthly Report of Availability of Class 1-O Registrants (SSS Form 157); Report of Manpower Inventory (SSS Form 118)", is rescinded and should be withdrawn from the Registrants Processing Manual (RPM) and destroyed.

This Temporary Instruction will terminate upon implementation.

BYRON V. PEPITONE.

[FR Doc.75-24566 Filed 9-16-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-137]

ARMCO STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 4, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Armco Steel Corporation, Baltimore, Maryland (TA-W-137). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel, bar and wire products produced by Armco Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 29, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-24725 Filed 9-16-75;8:45 am]

[TA-W-76 (Part I)]

CENTRALAB DIVISION OF GLOBE-UNION INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of

V 40 181 SEP 1775 XUM

Labor herein presents the results of TA–W–76 (Part I); investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 8, 1975 in response to a worker petition received on July 7, 1975 by the International Union of Allied Industrial Workers of America (AFL–CIO), which was filed on behalf of workers formerly producing switches and potentiometers at the Villard Street, Milwaukee and Fort Dodge, Iowa, plants of the Centralab Division of Globe-Union Incorporated, Milwaukee, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30765), on July 22, 1975. No public hearing was requested and none was held.

In the course of the investigation the petitioners requested that additional plants of Centralab be included in the scope of the original petition. The investigation was accordingly expanded to include the West Lafayette, Indiana and Milwaukee, Wisconsin plants of Centralab which produced circuit boards and ceramic electronic products, respectively. The results of these investigations are presented in separate Notices regarding eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The information upon which the determination was made was obtained principally from officials of Globe-Union, its customers, the U.S. International Trade Commission, U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

Average hourly employment for the first half of 1975 was 37 percent below the same period in 1974. Hourly employment in December 1974 was 30 percent lower than in January 1974.

Sales or Production, or Both, Have Decreased Absolutely

Dollar value of sales for the first six months of 1975 was 25 percent lower than in the first half of 1974. Dollar value of sales in 1974 was 8 percent lower than in 1973.

Increased Imports Contributed Importantly

Imports of switches and potentiometers have not increased appreciably in recent years and in any case are a very small percentage of domestic production. The dollar value of the import to consumption ratio of switches increased from 5.0 percent to 6.6 percent in the first half of 1975 compared to the same period a year earlier, while the import to consumption ratio for the same period increased from 4.8 percent to 6.2 percent.

The import to production ratio of potentiometers declined from 1.4 percent to 1.1 percent for the first half of 1975 compared to the same year earlier period, while the imports to consumption ratio declined from 1.8 percent to 1.4 percent.

Evidence developed during the course of the investigation indicates that the reason for the reduction in switch and potentiometer sales was the depressed economic conditions. Customers of Centralab indicated that because of poor economic conditions they had reduced their orders and in any case did not purchase imported switches or potentiometers.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with switches and potentiometers produced at the Villard Street, Milwaukee and Fort Dodge, Iowa plants of Centralab Division of Globe-Union Incorporated did not contribute importantly to the total or partial separation of the workers or to the absolute decline in sales or production of the Division.

Signed at Washington, D.C. this 8th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-24726 Filed 9-16-75;8:45 am]

[TA–W–76 (Part II)]

CENTRALAB DIVISION OF GLOBE-UNION INC.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–76 (Part II); investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act

The investigation was initiated on July 8, 1975 in response to a worker petition received on July 7, 1975 by the International Union of Allied Industrial Workers of America (AFL–CIO), which was filed on behalf of workers formerly producing ceramic forms and specialty capacitors at the Hopkins Street, Milwaukee plants of the Centralab Division of Globe-Union Incorporated, Milwaukee, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30765), on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Globe-Union, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

Average monthly employment in 1974 was 39 percent below its level in 1973. Average employment for the first half of 1975 was 47 percent below its level for the first half of 1974 and 39 percent below its level for the second half of 1974.

Sales or Production, or Both, Have Decreased Absolutely

Dollar value of sales for 1974 was 37 percent lower than in 1973. This sharp decline continued into 1975 when sales for first half of the year were 60 percent lower than in the same period of 1974 and 38 percent below their level for the second half of 1974.

Increased Imports Contributed Importantly

Imports of ceramic insulators, fittings and forms have increased in recent years but constituted less than two percent of domestic production. The imports to production ratio of such products was 1.8 percent for the first half of 1975 and has declined slightly from the same period in 1974. The imports to consumption ratio for these same ceramic products was 2.3 percent for the first half of 1975, the same as it was for the first half of 1974.

Imports of specialty capacitors of the type produced at the Hopkins plant is nil.

Evidence developed during the course of the investigation indicates that the reason for the reduction in sales of ceramic products and specialty capacitors at the Hopkins plant was the general depressed market for these products. Customers of Centralab indicated that because of poor economic conditions they had reduced their orders from the company. These customers stated that they did not purchase imported products that are like or similar to those produced by the Hopkins plant of Centralab.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with products manufactured at the Hopkins Street plant of the Centralab Division of Globe-Union Incorporated did not contribute importantly to the total or partial separation of the workers or to the absolute decline in sales or production of the Division.

Signed at Washington, D.C. this 8th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-24727 Filed 9-16-75;8:45 am]

CENTRALAB DIVISION OF GLOBE-UNION INC.

[TA–W–76 (Part III)]

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–76 (Part III); investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 8, 1975 in response to a worker petition received on July 7, 1975 by the International Union of Allied Industrial Workers of America (AFL–CIO), which was filed on behalf of workers producing subsections of printed circuit boards at the West Lafayette, Indiana plant of the Centralab Division of Globe-Union Incorporated, Milwaukee, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30765) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Globe-Union, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated, (2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and (3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessary more important than any other cause.

Significant Total or Partial Separations. Monthly employment in June 1975 was 19 percent below its level for October 1974. Average monthly employment during the first half of 1975 was 41 percent lower than in the same year earlier period.

Sales or Production or Both, Have Decreased Absolutely. Total dollar sales for 1974 were 16 percent lower than in 1973. Total dollar sales for the first half of 1975 were 44 percent lower than in the first half of 1974 and 38 percent lower than in the second half of 1974.

Increased Imports Contributed Importantly. Imports of printed circuit boards from 1970 to 1974 made up an insignificant percentage of both domestic production and consumption. The imports to production ratio in 1974 was 1.6 as was the imports to consumption ratio. These ratios increased in the first half of 1975 to 3.9 percent and 3.8 percent respectively.

Evidence developed during the course of the investigation indicates that the reason for the reduction of sales of printed circuit board segments of the type produced at the West Lafayette plant was the general depressed market for these products. Customers of Centralab indicated that because of poor economic conditions they had reduced their orders from the firm. These customers stated that they do not purchase imported products that are like or similar to those produced by the West Lafayette plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with those products produced at the West Lafayette plant of the Centralab Division of Globe-Union Incorporated did not contribute importantly to the total or partial separation of the workers or to the absolute decline in sales or production of the Division.

Signed at Washington, D.C. this 8th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-24728 Filed 9-16-75;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Notice No. 856]

ASSIGNMENT OF HEARINGS

SEPTEMBER 12, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 61592 Sub-350, Jenkins Truck Line, Inc., application dismissed.

MC 120814, Melody Tours, Incorporated, now being assigned December 1, 1975 (1 week) at Pittsburgh, Pa.; in a hearing room to be designated later.

MC 110144 Sub-18, Jack C. Robinson d/b/a Robinson Freight Lines, now being assigned October 24, 1975, at Nashville, Tennessee, (4 days), at the Ramada Inn-Kingston Pike, 631 Kingston Pike.

I & S No. 9060 Sub 1, Iron or Steel Scrap, Southwestern Territory, now assigned September 16, 1975, at Washington, D.C., is cancelled.

MC 61445 Sub 6, Contractors Transport Corp., now assigned October 6, 1975, at Washington, D.C., is postponed to November 24, 1975, at Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC 109533 Sub-55, Overnite Transportation Company, now assigned September 22, 1975, at Columbus, Ohio, in Room 235, Federal Office Building, 85 Marconi Blvd., is canceled and reassigned to September 22, 1975, Columbus, Ohio, at the Sheraton-Columbus Hotel, 50 North Third Street.

MC 109691 Sub-20, Infinger Transportation Company, Inc., application dismissed. AB 1 Sub 20, Chicago and North Western Transportation Company Abandonment Between Lake Crystal and Winnebago, In Blue Earth And Faribault Counties, Minnesota, now assigned November 4, 1975, at Mankato, Minn. is being advanced to November 3, 1975, (3 days), at Mankato, Minn., in a hearing room to be later designated.

MC 21496 Sub-Nos. 8, 9, 11, 12, 13, and 15, Harrison-Shields Transportation Lines, Inc. (Hillard Riemer, Receiver in Bankruptcy), now being assigned, September 30, 1975, at Buffalo, N.Y., at the Buffalo Room, Statler-Hilton Hotel, 107 Delaware Avenue.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24758 Filed 9-16-75;8:45 am]

[Notice No. 857]

ASSIGNMENT OF HEARINGS

SEPTEMBER 12, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 139193 Sub-21, Roberts & Oake, Inc., now assigned November 3, 1975 at *Kansas City*, Missouri, will be held in Courtroom 3, 1114 Market Street; instead of *St. Louis*, Missouri.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24757 Filed 9-16-75;8:45 am]

BUREAU OF ACCOUNTS

Revision of Publications

SEPTEMBER 11, 1975.

The purpose of this notice is to encourage user participation in a study being made by the Bureau of Accounts to revise the following publications:

Annual—

Transport Statistics in the United States (All parts).

Freight Commodity Statistics of Class I Railroads.

Motor Carrier Freight Commodity Statistics of Class I Common and Contract Carriers of Property.

Selected Statistics of Class III Motor Carriers of Property.

Statement No. A-300, Wage Statistics of Class I Railroads.

Periodic—

Freight Loss and Damage Claims, Motor Carriers of Property.

Statement No. 100, Financial and Operating Statistics of Class I Railroads.

Statement No. 300, Wage Statistics of Class I Railroads.

Statement No. 350, Report of Railroad Employment, Class I Railroads.

Statement No. 600, Transportation Revenue and Traffic of Large Pipe Line Companies.

Statement No. 650, Revenues and Traffic of Carriers by Water.

Statement No. 750, Revenues, Expenses, Other Income and Statistics of Class I Motor Carriers of Passengers.

Statement No. 800, Financial and Operating Statistics, Class I Motor Carriers of Property.

Statement No. 950, Revenues, Expenses and Statistics of Freight Forwarders.

Suggestions and comments should include: (1) information to be retained in the publication; (2) information that should be eliminated, and (3) information to be added.

Written comments or suggestions related to the publications should be identified by the symbol ACR-2 and submitted in duplicate on or before October 31, 1975, to: John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423. If you care to discuss your views in person, please indicate in your response. All communications received on or before this date will be considered before taking action on the study. Interested parties may review all comments in the Bureau of Accounts.

JOHN A. GRADY,
Director, Bureau of Accounts.

[FR Doc.75-24762 Filed 9-16-75;8:45 am]

[AB 2 (Sub-No. 7)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment

In the matter of Louisville and Nashville Railroad Company. Abandonment between Hartsville Junction, Tennessee, and Scottsville, Kentucky, in Sumner County, Tennessee, and Allen County, Kentucky.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sumner County, Tenn. and Allen County, Ky., on or before September 30, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 9th day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 2 (Sub-No. 7)]

Louisville and Nashville Railroad Company. Abandonment between Hartsville Junction, Tennessee, and Scottsville, Kentucky, in Sumner County, Tennessee, and Allen County, Kentucky.

The Interstate Commerce Commission hereby gives notice that by order dated September 9, 1975, it has been determined that the proposed abandonment of the 26.1 mile line of the Louisville and Nashville Railroad Company between Hartsville Junction, Sumner County, Tenn. and Scottsville, Allen County, Ky., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that (1) the anticipated permanent diversion of rail traffic of up to approximately four trucks a day is expected to create only minimal air pollution, safety hazard, fuel consumption, noise, and highway congestion alterations, (2) there are no definitive land use plans related to the line proposed for abandonment, and (3) the historic and ecological effects are minor.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceeding, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24763 Filed 9-16-75;8:45 am]

[AB 2 (Sub-No. 5)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment

In the matter of Louisville and Nashville Railroad Company. Abandonment between Colesburg and Hohenwald, in Dickson, Hickman, and Lewis Counties, Tennessee.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Dickson, Hickman, and Lewis Counties, Tenn., on or before September 30, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 9th day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 2 (Sub-No. 5)]

Louisville and Nashville Railroad Company Abandonment between Colesburg and Hohenwald, in Dickson, Hickman, and Lewis Counties, Tennessee.

The Interstate Commerce Commission hereby gives notice that by order dated September 9, 1975, it has been determined that the proposed abandonment of the 50.5 mile line of the Louisville and Nashville Railroad Company between Colesburg and Hohenwald, in Dickson, Hickman, and Lewis Counties, Tenn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because adequate highways exist in the area to accommodate the increase in motor carrier traffic necessary to replace current rail operations, the resulting air pollution, fuel consumption, intrusive noise, and safety hazard alterations would be minor, and there would be no historic or major ecological impacts involved.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24764 Filed 9-16-75;8:45 am]

[Notice No. 19]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 12, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 134303 (Deviation No. 1) (Correction) O'HARE WISCONSIN LIMOUSINE published, in the FEDERAL REGISTER issue of September 4, 1975, and republished, as corrected, this issue. SERVICE, INC., 530 S. Michigan Ave., Chicago, Ill. 60605, filed August 26, 1975. Carrier's representative: Allan C. Zuckerman, 39 S. LaSalle St., Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From O'Hare International Airport, Chicago, Ill., over Interstate Highway 90 west to junction Illinois Highway 31, thence north along Illinois Highway 31 to junction U.S. Highway 12, and return over the same route for operating convenience only. The notice indicates that the carrier is presently to transport passengers and the same property, over a pertinent service route as follows: From O'Hare International Airport, Chicago, Ill., over U.S. Highway 12 to junction Illinois Highway 31, and return over the same route.

NOTE.—The purpose of this republication is to give adequate notice to the public that this document is a deviation notice by a carrier of passengers in lieu of a carrier of property as published previously in Deviations Notice No. 31.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24760 Filed 9-16-75;8:45 am]

[Notice No. 33]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 12, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(11)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

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Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 148), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed September 3, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Vinita, Okla., over Interstate Highway 44 to junction Missouri Highway 125, thence over Missouri Highway 125 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 32, thence over Missouri Highway 32 to junction Missouri Highway 73, thence over Missouri Highway 73 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Missouri Highway 19, thence over Missouri Highway 19 to junction U.S. Highway 61, thence over U.S. Highway 61 to Davenport, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Vinita, Okla., over U.S. Highway 66 to Springfield, Ill., thence over Illinois Highway 29 to La-Salle, Ill., thence over U.S. Highway 51 to Mendota, Ill., thence over Illinois Highway 92 to Moline, Ill., thence over U.S. Highway 6 to Davenport, Iowa, and return over the same route.

No. MC 29910 (Deviation No. 37), ARKANSAS-BEST FREIGHT SYSTEM, INC., General Offices, Fort Smith, Ark. 72901, filed September 2, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 71 at Columbus, Ohio, thence over Interstate Highway 71 to junction Interstate Highway 90 at Cleveland, Ohio, thence over Interstate Highway 90 to Buffalo, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 52 to Indianapolis, Ind., thence over U.S. Highway 36 to junction Indiana Highway 67, thence over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to junction U.S. Highway 33, thence over U.S. Highway 33 to Wapakoneta, Ohio, thence over unnumbered highway to junction U.S. Highway 25, thence over U.S. Highway 25 to junction unnumbered highway (formerly portion U.S. Highway 25), thence over unnumbered highway to Findlay, Ohio, thence over U.S. Highway 224 to junction Ohio Highway 101, thence over Ohio Highway 101 to junction Ohio Highway 113, thence over Ohio Highway 113 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, Ohio, thence over Ohio Highway 84 to Ashtabula, Ohio, thence over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Buffalo, N.Y., and return over the same route.

No. MC 56640 (Deviation No. 2); DELTA LINES, INC., P.O. Box 2081, Oakland, Calif. 94604, filed August 29, 1975. Carrier's representative: Marshall G. Berol, 601 California St., San Francisco, Calif. 94108. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 101 and unnumbered highway (near Fulton, Calif.) over unnumbered highway to junction California Highway 128, thence over California Highway 128 to junction California Highway 29, (2) from junction U.S. Highway 101 and California Highway 12 over California Highway 12 to junction California Highway 29, and (3) from junction U.S. Highway 101 and California Highway 116 over California Highway 116 to junction California Highway 12, thence over California Highway 12 to junction California Highway 29, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Fulton, Calif., over U.S. Highway 101 to San Francisco, Calif., thence over U.S. Highway 40 to Vallejo, Calif., thence over California Highway 29 to Calistoga, Calif., and return over the same route.

No. MC 111231 (Deviation No. 38), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed August 28, 1975. Carrier's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth Street, NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general comomdities*, with certain exceptions, over deviation routes as follows: (1) From Altanta, Ga., over U.S. Highway 278 to Cullman, Ala., thence over Alabama Highway 157 to junction U.S. Highway 72, thence over U.S. Highway 72 to Memphis, Tenn., and (2) from junction U.S. Highway 78 and Alabama Highway 5 over Alabama Highway 5 to junction U.S. Highway 278, thence over U.S. Highway 278 to junction U.S. Highway 78, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Atlanta, Ga., over U.S. Highway 78 to Memphis, Tenn., and (2) From junction U.S. Highway 78 and Alabama Highway 5, over U.S. Highway 78 to junction U.S. Highway 278 and return over the same routes.

No. MC 111231 (Deviation No. 39), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed September 5, 1975. Carrier's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St., NW., Washington, D.C. 20006. Carrier proposes to operate as *a common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 35 to junction Interstate Highway 80, thence over Interstate Highway 80 to Chicago, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 71 to Carthage, Mo., thence over U.S. Highway 66 to Chicago, Ill., and return over the same route.

No. MC 111231 (Deviation No. 40), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed September 5, 1975. Carrier's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St., NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Wichita, Kans., over Interstate Highway 35 to Kansas City, Mo., thence over U.S. Highway 24 to Hannibal, Mo., thence over U.S. Highway 36 to Springfield, Ill., and (2) From Wichita, Kans., over Interstate Highway 35 to Kansas City, Mo., thence over U.S. Highway 24 to junction U.S. Highway 66, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Wichita, Kans., over U.S. Highway 54 to Fort Scott, Kans., thence over U.S. Highway 69 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction U.S. Highway 71, thence over U.S. Highway 71 to Carthage, Mo., thence over U.S. Highway 66 to Springfield, Ill., and (2) from Wichita, Kans., to Springfield, Ill., as described in (1) above, thence over U.S. Highway 66 to junction U.S. Highway 24 near Chenoa, Ill., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-24759 Filed 9-16-75;8:45 am]

[Notice No. 73]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 12, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with financed applications filed under sections

5(2) and 212(b); (4) notices of filing of sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 CFR § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

No. MC 63838 (Sub-No. 6) (Notice of filing of petition to modify certificate) filed August 28, 1975. Petitioner: BOLUS MOTOR LINES, INC., 700 N. Keyser Ave., Scranton, Pa. 18508. Petitioner's representative: Kenneth R. Davis, 121 S. Main Street, Taylor, Pa. 18517. Petitioner holds a motor *common carrier* certificate in No. MC 63838 (Sub-No. 6), issued April 11, 1975, authorizing transportation, over irregular routes, of *Television bulbs*, from the facilities of Owens-Illinois, Inc., at or near Pittston Township, Pa., to Auburn and Seneca Falls, N.Y. By the instant petition, petitioner seeks to modify the above described authority so as to read, *Glass face plates* used in the manufacture of television bulbs, between the plantsite of Owens-Illinois, Inc., at or near Pittston Township, Pa., on the one hand, and, on the other, Auburn and Seneca Falls, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 113024 (Sub-No. 18) (Notice of filing of petition to add a destination point and to cancel expiration date), filed August 22, 1975. Petitioner: ARLINGTON J. WILLIAMS, INC., R.D. No. 2, South Du Pont Highway, Smyrna, Del. 19977. Petitioner's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. Petitioner holds a motor *contract carrier* permit in No. MC 113024 (Sub-No. 18), issued July 26, 1971, authorizing transportation, over irregular routes, of *Control panels* and *related control equipment*, uncrated and blanket-wrapped (except commodities requiring special equipment or special handling), from the plant site of the Emerson Electric Company at Santa Ana, Calif., to Waynesboro, Martinsville and Ampthill, Va., Wilmington and Seaford, Del., Chattanooga and Old Hickory, Tenn., Graingers, N.C. and Lugoff, S.C., under a continuing contract, or contracts, with E. I. du Pont de Nemours and Company of Wilmington, Del., with such authority to be of no further force and effect after December 31, 1975. By the instant petition, petitioner seeks to delete the expiration date imposed on the above authority, and to add Cypress Gardens, S.C. as a destination point in the above territorial description. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124679 (Sub-No. 54) (Notice of filing of petition to modify territorial description), filed August 29, 1975. Petitioner: C. R. ENGLAND & SONS, INC., 975 West 21st South, Salt Lake City, Utah 84119. Petitioner's representative: Daniel E. England, 716 Newhouse Building, Salt Lake City, Utah 84111. Petitioner holds a motor *common carrier* certificate in No. MC 124679 (Sub-No. 54), issued June 13, 1974, authorizing transportation, over irregular routes, of *Foodstuffs*, in vehicles equipped with mechanical refrigeration, From Salt Lake City, Utah, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia, and the District of Columbia, restricted to the transportation of shipments originating at Salt Lake City, Utah. By the instant petition, petitioner seeks to add points in Illinois, Indiana, and Michigan as destination points in the above described authority. Any interested persons or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128383 (Sub-No. 58) (Notice of filing of petition to modify certificate), filed August 29, 1975. Petitioner: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Petitioner's representative: Steven L. Weiman, 303 North Frederick Avenue, Gaithersburg, Md. 20760. Petitioner holds a motor *common carrier* certificate in No. MC 128383 (Sub-No. 58), issued August 5, 1975, authorizing transportation, over irregular routes, of *General commodities* (except commodities in bulk, classes A and B explosives, and motor vehicles requiring special equipment), between John F. Kennedy International Airport, New York, N.Y., on the one hand, and, on the other, the Greater Southwest International Airport at or near Fort Worth, Tex., the plant site of Behr of America, Inc., at or near Fort Worth, Tex., Dallas Love Field at or near Dallas, Tex., and Houston Intercontinential Airport at or near Houston, Tex., restricted to the transportation of traffic having a prior or subsequent movement by air. By the instant petition, petitioner seeks to delete the Greater Southwest International Airport as a terminal point in the above described authority, and to substitute in lieu thereof, the Dallas-Fort Worth International Airport. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 130132 (Notice of filing of petition to modify license), filed August 18, 1975. Petitioner: THE DAYTON AUTOMOBILE CLUB, a Corporation, 825 South Ludlow St., Dayton, Ohio 45202. Petitioner's Representative: Gene W. Satchell (same address as Petitioner). Petitioner holds a license to engage in operations as a *broker* at Enon (Clark County), Ohio, in No. MC 130132, issued February 7, 1974, to sell or offer to sell the transportation of *Passengers and their baggage*, in round-trip charter and special operations, Beginning and ending at points in Clark, Champaign, Greene, Miami, and Montgomery Counties, Ohio, and extending to points in the United States, including Alaska, but excepting Hawaii. By the instant petition, petitioner seeks to substitute Dayton (Montgomery County), Ohio, for Enon (Clark County), Ohio as the place at which it is authorized to engage in the above operations. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136524 (Sub-No. 2) (Notice of filing of petition to modify territorial description), filed August 28, 1975. Petitioner: DOWNTOWN STORAGE COMPANY, a Corporation, 812 Live Oak, Houston, Tex. 77003. Petitioner's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78767. Petitioner holds a motor *contract carrier* permit in No. MC 136524 (Sub-No. 2), issued April 2, 1973, authorizing transportation, over irregular routes, of *Telephone equipment*,

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materials, and supplies, Between Houston, Tex., on the one hand, and, on the other, points in Harris, Robertson, Leon, Jasper, Houston, Madison, Lee, Burleson, Brazos, Grimes, Walker, Montgomery, Fayette, Washington, Waller, Austin, Colorado, Fort Bend, Wharton, Hardin, Polk, San Jacinto, Liberty, and Newton Counties, Tex., under a continuing contract, or contracts, with Western Electric Company, Inc., of Ballwin, Mo. By the instant petition, petitioner seeks to add points in Brazoria, Galveston and Matagorda Counties, Tex. as terminal points in the second part of the above described territorial description. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 54200 (Sub-No. 3), filed June 18, 1975. Applicant: SIEGLE'S EXPRESS, 81 Port Avenue, North Arlington, N.J. 07032. Applicant's representative: A. David Milner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between points in Nassau County, N.Y. on the one hand, and, on the other, Philadelphia, Pa. The purpose of this filing is to eliminate a gateway at points in Bergen, Essex, Hudson, Morris, Passaic, or Somerset Counties, N.J.; (2) between points in Union County, N.J. on the one hand, and, on the other, Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of New York, N.Y.; (3) between Trenton, N.J. on the one hand, and, on the other, points in the New York, N.Y. Commercial zone. The purpose of this filing is to eliminate a gateway at Philadelphia, Pa.; (4) between points in Middlesex County, N.J. on the one hand, and, on the other, points in the New York, N.Y. Commercial zone. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

NOTE.—This is a gateway elimination request and is directly related to MC-F-12637 published in the FEDERAL REGISTER issue of. If a hearing is deemed necessary, applicant does not specify a location.

No. MC-F-12576 (Correction) (M & M TRANSPORTATION COMPANY—PURCHASE (PORTION)—B & P MOTOR EXPRESS, INC.), published in the July 16, 1975, issue of the FEDERAL REGISTER. Prior notice should be modified to include the following: The instant application is part of a plan to eliminate duplicating authority held by M & M Transportation Company and B & P Motor Express, Inc., both of which are authorized to serve between New York, N.Y., and Philadelphia, Pa., and all intermediate points. B & P Motor Express, Inc., seeks imposition of a restriction in its Certificate of Public Convenience and Necessity No. MC 1936 (Sub-No. 30) against the transportation of shipments which originate at, and are destined to any points described therein. The remaining portion of the authority in MC 1936 (Sub-No. 30), which authorizes transportation between points on said route, is to be transferred to M & M Transportation as set forth above.

No. MC-F-12626. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., 10990 Roe Ave., P.O. Box 7270, Shawnee Mission, KS 66207, of a portion of the operating rights of REICH BROS. LONG ISLAND MOTOR FREIGHT, INC., 366 East Main St., Patchogue, NY 11772, and for acquisition by GEORGE E. POWELL, JR., 1040 W. 57th St., Kansas City, MO 64113, of control of such rights through the purchase. Applicants' attorneys: David Axelrod, 39 South LaSalle St., Chicago, IL 60603, William J. Augello, P.O. Box Z, Huntington, NY 11743, and David B. Schneider, P.O. Box 7270, Shawnee Mission, KS 66207. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between points and places in Suffolk County, N.Y., on the one hand, and, on the other, points and places in Essex County, N.J., except points in the New York, N.Y., commercial zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451. Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin, Wyoming, Oklahoma, Maine, New Hampshire, Rhode Island, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12627. Authority sought for purchase by UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57701, of a portion of the operating rights of THE WEICKER TRANSFER & STORAGE COMPANY, 2900 Brighton Blvd., Denver, CO 80216, and for acquisition by C. W. BURNETTE, Box 100, Newcastle, WY 82701, ELDON JOHNSTON, Wheatland, WY 82201, CHARLES LIEN, AND BRUCE LIEN, both of Box 3124, Rapid City, SD 57701, of control of such rights through the purchase. Applicants' attorney: Stockton and Lewis, The 1650 Grant St. Bldg., Denver, CO 80203. *Fly ash*, as a *common carrier* over irregular routes, from points in Denver, Adams, Arapahoe, Jefferson and Boulder Counties, Colo., to points in Kansas, New Mexico, Nebraska, Utah and Wyoming; *cement and cement products*, from points in Denver, Adams, Arapahoe, Jefferson, and Boulder Counties, Colo., to points in Wyoming and Utah, and those in Nebraska on or west of U.S. Highway 83, from points in Denver, Adams, Arapahoe, Jefferson, and Boulder Counties, Colo., to points in Kansas and New Mexico, with restriction; *starches, edible syrups and sugar*, in bulk, from Wheatridge, Colo., to points in Kansas, Oklahoma and Nebraska, with restriction; *cement*, from Portland, Colo., to points in Wyoming, Kansas and Nebraska, with restriction, from Boettcher, Colo., to points in Kansas and Nebraska (with exceptions) and with restriction; manufactured fertilizer and fertilizer compound, as a *contract carrier* over irregular routes, from Albany County, Wyo., to points in Montana, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Utah, Minnesota, Arizona, and New Mexico, with restriction. Vendee is authorized to operate as a *common carrier* in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12628. Authority sought for purchase by CALDWELL FREIGHT LINES, INC., P.O. Box 672, Lenoir, NC 28645, of a portion of the operating rights of CLAREMONT MOTOR LINES, INC., P.O. Box 100, Claremont, NC 28601, and for acquisition by A. P. ANDERSON, JR., Route 148, Lenoir, NC 28645, of control of such rights through the purchase. Applicants' attorney: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washington, DC 20036. Operating rights sought to be transferred: *New furniture*, as a *common carrier* over irregular routes, from points in Alexander, Burke, Caldwell, Catawba, Iredell and Lincoln Counties, N.C., to points in Kentucky. Vendee is authorized to operate as a *common carrier* in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12629. Authority sought for purchase by W & L MOTOR LINES, INC., P.O. Drawer 2607, Hickory, NC 28601, of a portion of the operating rights of CLAREMONT MOTOR LINES, INC., P.O. Box 100, Claremont, NC 28601, and for acquisition by C. D. LAWSON, P.O. Box 309, Spruce Pine, NC 28777, of control of such rights through the purchase. Applicant's attorney: Charles Ephraim, Suite 600, 1250 Connecticut Ave., N.W., Washington, DC 20036. Operating rights sought to be transferred: *New furniture*, as a *common carrier* over irregular routes, from points in Alexander, Burke, Caldwell, Catawba, Irdell and Lincoln Counties, N.C., to points in Illinois. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12630. Authority sought for purchase by D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, OK 74115, of E. L. BEAKLEY (BARBARA ANN BREWER, INDEPENDENT EXECUTRIX), 116 Riviera Drive, Chickasha, OK 73018, and for acquisition by MARVIN J. McDONALD, AND CARL E. MIDDAUGH, both of 13309 E. Apache, Tulsa, OK 74115, of control of such rights through the purchase. Applicants' attorneys: J. G. Dail, Jr., 1111 E St., N.W., Washington, DC 20004, and S. Tom Morris, 300 Fisk Bldg., Amarillo, TX 79101. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, as a *common carrier* over irregular routes, between points in Oklahoma and Kansas, between points in Sherman, Moore, Potter, Carson, Hutchinson, Hansford, Ochiltree, Roberts, Gray, Wheeler, and Hemphill Counties, Tex., on the one hand, and, on the other, points in Cimarron, Beaver and Texas Counties, Okla., between points in Oklahoma, between points in Texas within 100 miles of Pampa, Tex., including Pampa, points in Oklahoma within 30 miles of Sayre, Okla., including Sayre, points in Cimarron, Beaver, and Texas Counties, Okla., points in Lea and Eddy Counties, N. Mex., and points in Colorado; *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; *machinery, materials, equipment and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or truck pipe lines; and *heavy machinery and heavy or cumbersome commodities* which because of size or weight require the use of special equipment, and *parts* thereof, between points in Sherman, Moore, Potter, Carson, Hutchinson, Hansford, Ochiltree, Roberts, Gray, Wheeler, and Hemphill Counties, Tex., on the one hand, and, on the other, points in Cimarron, Beaver, and Texas Counties, Okla., between points in Texas within 100 miles of Pampa, Tex., including Pampa, those in Oklahoma within 30 miles of Sayre, Okla., including Sayre, those in Cimarron, Beaver, and Texas Counties, Okla., those in Lea and Eddy Counties, N. Mex., and all points in Colorado, between points in Oklahoma; *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operations, and maintenance of facilities for the discovery, development and production of natural gas and petroleum; and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Kansas and Oklahoma. Vendee is authorized to operate as a common carrier in Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

NOTICE

CHARLES A. ROBERTSON, Steamboat Landing, Haddam, Connecticut 06348, represented by Mr. J. Raymond Clark, Suite 1150, 600 New Hampshire Avenue, N.W., Washington, D.C. 20037, hereby gives notice that, on the 8th day of August, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act to acquire common control of American Cruise Lines, Inc., and New England Steamboat Lines, Inc., both common carriers by water of passengers. American Cruise Lines, Inc., was authorized in Docket No. W-1283 to operate in interstate or foreign commerce as a common carrier by water, by self-propelled vessels, of passengers in one-way and round-trip excursion cruises, between Eastport and Boothby, Maine, Boston, Mass., Haddam, Conn., New York, N.Y., Annapolis and Baltimore, Md., Norfolk and Hampton, Va., Charleston, S.C., Jacksonville, St. Augustine, Daytona Beach, and Ft. Lauderdale, Fla., and the District of Columbia. New England Steamboat Lines, Inc., was authorized in Docket No. W-1263 (Sub-No. 4) to operate as a common carrier by water in interstate or foreign commerce by self-propelled vessels in the transportation of passengers in round-trip scheduled excursion service between Chester, Deep River, East Haddam, Middletown, Haddam, Essex, an Old Saybrook, Conn., on the one hand, and, on the other, Greenport, N.Y.; and passengers and their baggage, in round-trip scheduled excursion cruises between Middletown, Haddam, Chester, Essex, East Haddam, Deep River, and Old Saybrook, Conn., on the one hand, and, on the other, Sag Harbor, N.Y. New England Steamboat Lines, Inc., operates round-trip excusion service between Haddam and Old Saybrook, Conn., on the one hand, and, on the other hand, Greenport, Long Island, N.Y., thrice weekly and Sag Harbor, Long Island, N.Y., four times weekly. No application for temporary authority has been filed under Section 311(b).

In the opinion of the applicant, Charles A. Robertson, the granting of this application will not constitute a major Federal action having a significant effect upon the quality of the human environment. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty days from the day of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-24758 Filed 9-16-75;8:45 am]

[Notice No. 77]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 17, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

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Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 7, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76059. By order of September 11, 1975, the Motor Carrier Board approved the transfer to Bud Cofer, Inc., Toledo, Ohio, of Permit No. MC 136585 issued June 18, 1973, to Bud Cofer, Toledo, Ohio, authorizing the transportation of hides between points in Lucas County, Ohio, on the one hand, and, on the other, points in twenty States. David A. Turano, George, Greek, King, McMahon & McConnaughey, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215, Attorney for Applicants.

No. MC-FC-76063. By order of September 12, 1975, the Motor Carrier Board approved the transfer to Stonehill Express Co., 3800 Orange Avenue, Unit 44 Up., Cleveland, Ohio, 44115, of Permits MC 48807 and 48807 Sub-1, issued August 16, 1943, and July 6, 1943, respectively, to Neal Stonehill, d/b/a Stonehill Express Co., 3800 Orange Ave., Unit 44 Up, Cleveland, Ohio 44115, authorizing the transportation of butter, eggs, rubber products and food products from and to specified points in Illinois, Iowa, Nebraska and Ohio.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24761 Filed 9-16-75;8:45 am]

[AB 33 (Sub-No. 8); Finance Docket No. 27787]

UNION PACIFIC RAILROAD CO. AND MISSOURI PACIFIC RAILROAD CO.

Abandonment

Union Pacific Railroad Company. Abandonment Portion Leavenworth Branch between Leavenworth and Tonganoxie, in Leavenworth County, Kansas; AB 33 (Sub-No. 8).

Missouri Pacific Railroad Company—acquisition and operation—of certain trackage of the Union Pacific Railroad Company at Leavenworth and-Cochrane, Kansas; Finance Docket No. 27787.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request: and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Leavenworth County, Kans., on or before September 30, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 9th day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

Union Pacific Railroad Company abandonment portion Leavenworth Branch between Leavenworth and Tonganoxie, in Leavenworth County, Kansas, AB 33 (Sub-No. 8).

Missouri Pacific Railroad Company—Acquisition and Operation—of certain trackage of the Union Pacific Railroad Company at Leavenworth and Cochrane, Kansas, Finance Docket No. 27787.

The Interstate Commerce Commission hereby gives notice that by order dated September 9, 1975, it has been determined that the proposed abandonment by the Union Pacific Railroad Company of its line of railroad between Leavenworth and Tonganoxie, a distance of 21.03 miles, and the Missouri Pacific Railroad Company's proposed acquisition and operation of certain trackage of the subject line between Leavenworth and Cochrane, all in Leavenworth County, Kans., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the volume of traffic on the subject line has been consistently low, (2) the affected stations at Leavenworth, Alfa, Lansing, and Tonganoxie will continue to have rail service, (3) an abandonment approval will be consistent with plans enabling the Missouri Pacific Railroad Company to acquire and operate certain trackage between Leavenworth and Cochrane, (4) the elimination of the subject line near Lansing could result in lower construction costs of a planned state freeway which would otherwise require various railroad-highway crossings in that area, and (5) there is the absence of any major historic, safety, and ecological aspects associated with the proposal. In addition, the State of Kansas has expressed an interest in obtaining part of the right-of-way property for public use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24765 Filed 9-10-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 12, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 22, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 119777 (Sub-No. E85), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) *Materials* and *supplies* used in the manufacture, assembly, and distribution of truck and truck body parts, which require special handling because of their size and weight; (1) from points in Alaska, to points in Illinois, Indiana, and Kentucky; (2) from points in Idaho, to points in Indiana, and Kentucky; (3) from points in Maine, to points in Illinois; (4) from points in Minnesota, to points in Kentucky; (5) from points in Montana, to points in Kentucky; (6) from points in New Hampshire, to points in Illinois; (7) from points in North Dakota to points in Kentucky; (8) from points in Oregon to points in Indiana and Kentucky; (9) from points in South Dakota to points in Kentucky; (10) from points in Utah to points in Indiana; (11) from points in Washington to points in Indiana and Kentucky; (12) from points in Wyoming, to points in Kentucky; (13) from points in Alabama to points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 99, thence along Illinois Highway 99 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 94, thence along Illinois Highway 94 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Missouri State line.

(14) From points in Alabama to points in Indiana on, north, and west of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 154 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 48, thence along Indiana Highway 48 to junction Indiana Highway 59, thence along Indiana 59 to junction Indiana Highway 246, thence along Indiana Highway 246 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Indiana Highway 267, thence aclong Indiana Highway 267 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Ohio State line; (15) from points in Arkansas to points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 51, thence U.S. Highway 51 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line.

(16) From points in Arkansas on, south, and west of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 70 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Mississippi State line to points in Illinois on, north, and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 6 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 121, thence along Illinois—Highway 121 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Hutsonville, Ill. Highway, thence along Hutsonville, Ill. Highway to junction Indiana Highway 154 at the Illinois-Indiana State line; (17) from points in Arkansas to points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 154 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 7, thence along Indiana Highway 7 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 350, thence along Indiana Highway 350 to the Indiana-Ohio State line.

(18) From points in Arkansas to Covington and Newport, Ky.; (19) from points in Florida to points in Illinois on and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction Illinois Highway 99, thence along Illinois Highway 99 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line; (20) from points in Florida on and south of a line beginning at the Alabama-Florida State line extending along U.S. Highway 98 to junction Florida Highway 65, thence along Florida Highway 65 to junction Florida Highway 20, thence along Florida Highway 20 to junction U.S. Highway 90, thence along U.S. Highway 90 to its terminus at Jacksonville Beach, Fla., to Vincennes, Ind., and points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 154 to junction Indiana Highway 63, thence along Indiana Highway 63 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 445, thence along Indiana Highway 445 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 44, thence along Indiana Highway 44 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line.

(21) From points in Florida on, south, and east of a line beginning at Daytona Beach, Fla., thence along U.S. Highway 92 to its terminus at St. Petersburg, Fla., to points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 40 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction Indiana Highway 64, thence along Indiana Highway 64 to the Indiana-Illinois State line; (22) from points in Georgia to points in Illinois on, north, and east of a line beginning at Quincy, Ill., thence along Illinois Highway 104 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 33, thence along Illinois Highway 33 to Palestine, Ill.; (23) from points in Georgia on and south of a line beginning at Columbus, Ga., thence along U.S. Highway 27 to junction Georgia Highway 26, thence along Georgia Highway 26 to junction Georgia Highway 27, thence along Georgia Highway 27 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 80, thence along U.S. Highway 80 to its terminus at Savannah Beach, Ga., to Fort Wayne, Ind., and points in Indiana on, north, and west of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40 to Indianapolis, Ind., thence along Indiana Highway 37 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Indiana-Michigan State line.

(24) From points in Georgia on and south of a line beginning at Savannah, Ga., thence along U.S. Highway 80 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Georgia Highway 257, thence along Georgia Highway 257 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Georgia Highway 91, thence along Georgia Highway 91 to junction Georgia Highway 62, thence along Georgia Highway 62 to the Georgia-Alabama State line to Vincennes,

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Ind., and points in Indiana on, north, and west of a line beginning at the Indiana-Michigan State line extending along U.S. Highway 27 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line; (25) from points in Idaho to points in Illinois on, south, and east of a line beginning at Waukegan, Ill., thence along Illinois Highway 120 to junction Illinois Highway 83, thence along Illinois Highway 83 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction Illinois Highway 71, thence along Illinois Highway 71 to junction Illinois Highway 73, thence along Illinois Highway 23 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 67, thence along U.S. Highway 24 to junction thence along U.S. Highway 67 to the terminus at Alton, Ill.

(26) From points in Idaho on and south of a line beginning at the Oregon-Idaho State line extending along Idaho Highway 52 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction U.S. Highway 26, thence along U.S. Highway 26 to junction Idaho Highway 25, thence along Idaho Highway 25 to junction Interstate Highway 80N, thence along Interstate Highway 80N to junction Interstate Highway 15W, thence along Interstate Highway 15W to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Utah State line to points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 100, thence along Illinois Highway 100 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Illinois-Missouri State line; (27) from points in Illinois on and east of a line beginning at Chicago, Ill., thence along Interstate Highway 94 to junction Illinois Highway 43, thence along Illinois Highway 43 to junction Illinois Highway 120, thence along Illinois Highway 120 to Waukegan, Ill., to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 36 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 16, thence along Illinois Highway 16 to Hardin, Ill., thence from Hardin, Ill., on Hardin-Batchtown Road to the terminus at Batchtown, Ill.

(28) From points in Illinois on and southwest of a line beginning at East St. Louis, Ill., thence along Illinois Highway 13 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction Illinois Highway 183, thence along Illinois Highway 183 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 34, thence along Illinois Highway 34 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Kentucky State line to points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 12 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line; (29) from points in Illinois on, north, and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 20 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 38, thence along Illinois Highway 38 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction Illinois Highway 102, thence along Illinois Highway 102 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line to points in Illinois on and southeast of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to Flora, Ill., thence from Flora, Ill., extending along U.S. Highway 50 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Illinois-Missouri State line.

(30) From points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Interstate Highway 74 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Illinois State line to points in Illinois on and east of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 36 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Illinois Highway 142, thence along Illinois Highway 142 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line; (31) from Quincy, Ill., to points in Illinois on and east of a line beginning at the Indiana-Illinois State line extending along Illinois Highway 9 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line.

(32) From points in Illinois on and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction unmarked highway which passes through or near Logan, Ill., thence along unmarked highway to the Illinois-Indiana State line at or near St. Bernice, Ind., to points in Illinois on and east of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to Flora, Ill., thence from Flora, Ill., on U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Illinois-Missouri State line.

(33) From points in Illinois on and south of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 3, thence along Illinois Highway 3 to junction U.S. Highway 146, thence along U.S. Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Illinois State line; (34) from points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 36 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 16, thence along Illinois Highway 16 to Hardin, Ill., thence from Hardin, Ill., on Hardin-Batchtown Road to the terminus at Batchtown, Ill., to points in Illinois on and east of a line beginning at Chicago, Ill., thence along Interstate Highway 94 to junction Illinois Highway 43, thence along Illinois Highway 43 to junction Illinois Highway 120, thence along Illinois Highway 120 to a terminus at Waukegan, Ill.

(35) From points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 12 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line to points in Illinois on and southwest of a line beginning at East St. Louis, Ill., thence along Illinois Highway 13 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction Illinois Highway 183, thence along Illinois Highway 183 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 34, thence along Illinois Highway 34 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Kentucky State line.

(36) From points in Illinois on and southeast of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to Flora, Ill., thence from Flora, Ill., on U.S. Highway 50 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 60, thence along Illinois Highway 60 to the Illinois-Missouri State line to points in Illinois on, north, and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 20 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 38, thence along Illinois Highway 38 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction Illinois Highway 102, thence along Illinois Highway 102 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line to points in Illinois on and east of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to Flora, Ill., thence from Flora, Ill., on U.S. Highway 50 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line to Quincy, Ill.

(39) From points in Illinois on and east of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 150 to junction Illinois Highway 133, thence along Illinois Highway 133 to Redmon, Ill., thence along Illinois Highway 133 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 33, thence along Illinois Highway 33 to Robinson, Ill., thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line to points in Illinois on and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction unnumbered highway which passes through or near Logan, Ill., thence along unnumbered highway to the Illinois-Indiana State line at or near St. Bernice, Ind.; (40) from points in Illinois on and south of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 150 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction U.S. Highway 146, thence along U.S. Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Illinois State line to Urbana and Champaign, Ill.; (41) from points in Illinois on, north, and west of a line beginning at Chicago, Ill., thence along Illinois Highway 1 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line to points in Indiana on and south of a line beginning at the Indiana-Kentucky State line extending along Indiana Highway 7 to junction Indiana Highway 250, thence along Indiana Highway 250 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line.

(42) From points in Illinois on, south, and west of a line beginning at Batchtown, Ill., thence over an unnumbered highway to junction unnumbered highway which proceeds north at Hardin, Ill., thence along Illinois Highway 16 to junction Illinois Highway 1, thence along

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Illinois Highway 3 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line to points in Indiana on and northeast of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 40 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 152, thence along Indiana Highway 152 to junction Indiana Highway 912, thence along Indiana Highway 912 to Indiana Harbor, Ind.; (43) from points in Illinois on and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 30 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line to points in Indiana on and east of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 32 to Noblesville, Ind., thence along Indiana Highway 32 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction U.S. Highway 36, thence along U.S. Highway 36 to New Winchester, Ind., thence along U.S. Highway 36 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 256, thence along Indiana Highway 256 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line.

(44) From points in Illinois on, north, and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 20 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line to points in Kentucky on and south of a line beginning at Louisville, Ky., thence along Interstate Highway 64 to junction U.S. Highway 60 (one mile south of Coalton, Ky.), thence along U.S. Highway 60 to Ashland, Ky.; (45) from points in Indiana on and south of a line beginning at the Indiana-Kentucky State line extending along Indiana Highway 7 to junction Indiana Highway 250, thence along Indiana Highway 250 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line to points in Illinois on and northwest of a line beginning at Chicago, Ill., thence along Illinois Highway 1 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Iowa State line; (46) from points in Indiana on and northeast of a line beginning at the Ohio, Indiana State line extending along U.S. Highway 40 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 152, thence along Indiana Highway 152 to junction Indiana Highway 912, thence along Indiana Highway 912 to Indiana Harbor, Ind., to points in Illinois on and southwest of a line beginning at Batchtown, Ill., thence along unnumbered highway to junction unnumbered highway which proceeds north to Hardin, Ill., thence along Illinois Highway 16 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line.

(47) From points in Indiana on and east of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 32 to Noblesville, thence along Indiana Highway 32 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction U.S. Highway 36, thence along U.S. Highway 36 to New Winchester, Ind., tion Interstate Highway 465, thence thence along U.S. Highway 36 to junction Interstate Highway 465 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 256, thence along U.S. Highway 41 to the Indiana-Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line to points in Illinois on and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 30 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line; (48) from points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 30 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Ohio State line extending along U.S. Highway 40 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line; (49) from points in Indiana on, south, and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Inidana-Kentucky State line to points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 30 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Indiana-Ohio State line.

(50) From points in Indiana on, north, and west of a line beginning at Michigan City, Ind., thence along U.S. Highway 12 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 63, thence along Indiana Highway 63 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line to Albany, Middlesboro, and Jenkins, Ky., and points in Kentucky on and south of a line beginning at Paducah, Ky., thence along U.S. Highway 63 to junction Kentucky Highway 100, thence along Kentucky Highway 100 to junction Kentucky Highway 163, thence along Kentucky Highway 163 to the Kentucky-Tennessee State line; (51) from points in Iowa on and north of a line beginning at Dubuque, Iowa, thence along U.S. Highway 20 to, and including Sioux City, Iowa, to points in Illinois on, east, and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 460, thence along U.S. Highway 460 to the junction of Illinois Highway 14, thence along Illinois Highway 14 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Kentucky State line; (52) from Larchwood, Iowa, to points in Illinois on, east, and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 16, thence along

Illinois Highway 16 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 140, thence along Illinois Highway 140 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Kentucky State line.

(53) From points in Iowa to points in Illinois on and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 36 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line; (54) from points in Iowa to points in Indiana on and south of a line beginning at the Ohio-Indiana State line extending along Kentucky Highway 91 to junction U.S. Highway 641, thence along U.S. Highway 641 to junction Kentucky Highway 93, thence along Kentucky Highway 93 to junction Kentucky Highway 139, thence along Kentucky Highway 139 to the Kentucky-Tennessee State line; (56) from points in Kansas to points in Illinois on, east, and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 30 to junction Illinois Highway 50, thence along Illinois Highway 50 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line; (57) from points in Kansas on and south of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 36 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Kansas Highway 150, thence along Kansas Highway 150 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 52, thence along Kansas Highway 52 to the Kentucky-Missouri State line to points in Illinois on and east of a line beginning at the Wisconsin-Illinois State line extending along U.S. Highway 12 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction Illinois Highway 120, thence along Illinois Highway 120 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 114, thence along Illinois Highway 114 to the Illinois-Indiana State line.

(58) From points in Kansas on, south, and west of a line beginning at the Colorado-Kansas State line extending along Kansas Highway 96 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Kansas-Oklahoma State line to points in Illinois on and east of a line beginning at the Wisconsin-Illinois State line extending along U.S. Highway 14 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 16, thence along Illinois Highway 16 to Pana, Ill., thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Illinois-Indiana State line; (59) from points in Kansas to points in Indiana on and east of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line; (60) from points in Kansas on, north, and east of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 54 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 81 (at or near McPherson, Kans.), thence along U.S. Highway 81 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Kansas Highway 4 (at Topeka, Kans.), thence along Kansas Highway 4 to junction U.S. Highway 59, thence along U.S. Highway 59 to the terminus at Atchison, Kans., to points in Kentucky on and east of U.S. Highway 41.

(61) From points in Kentucky on and south of a line beginning at Louisville, Ky., thence along Interstate Highway 64 to junction U.S. Highway 60 (one mile south of Coalton, Ky.), thence along U.S. Highway 60 to a terminus at Ashland, Ky., to points in Illinois on, north, and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 20 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line; (62) from points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 36 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line; (63) from points in Louisiana to points in Illinois on, north, and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 150 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line.

(64) From points in Louisiana on, south, and east of a line beginning at Theriot, La., thence along Louisiana Highway 315 to junction U.S. Highway 90, thence along U.S. Highway 90 to New Orleans, La., thence along Louisiana Highway 39 to junction Louisiana Highway 46, thence along Louisiana Highway 46 to the terminus at Shell Beach, La. (Lake Borgne) to points in Illinois on, north, and east of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 36 to junction Illinois Highway 185, thence along Illinois Highway 104 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway1 185, thence along Illinois Highway 185 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 250, thence along Illinois Highway 250 to junction Illinois Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line; (65) from points in Louisiana on, south, and west of a line beginning at the Arkansas-Louisiana State line extending along U.S. Highway 167 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line to points in Indiana on and north of a line beginning at the Illinois-Indiana State line at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 50, thence along U.S. High-

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way 50 to the Indiana-Ohio State line; (66) from points in Louisiana on, south, and east of a line beginning approximately ten miles of Creole, La., at the Mermentau River on Louisiana Highway 82, thence along Louisiana Highway 82 to junction Louisiana Highway 27, thence along Louisiana Highway 27 to junction Louisiana Highway 14, thence along Louisiana Highway 14 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Texas State line to points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 64 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Indiana-Kentucky State line.

(67) From points in Louisiana to points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 154 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Ohio State line; (68) from Lake Charles, La., to points in Kentucky on and north of a line beginning at Louisville, Ky., thence along Interstate Highway 64 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line; (69) from points in Louisiana to Covington and Newport, Ky.; (70) from points in Maine to points in Indiana on, south, and west of a line beginning at the Indiana-Kentucky State line extending along Interstate Highway 65 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line; (71) from points in Maine on, north, and east of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 201 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway Alternate 1, thence along U.S. Highway Alternate 1 to junction Maine Highway 3, thence along Maine Highway 3 to junction Maine Highway 102, thence along Maine Highway 102 to the terminus at West Tremont, Maine, to points in Indiana on, south, and west of a line beginning at the Indiana-Kentucky State line, thence along Indiana Highway 7 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 14, thence along Indiana Highway 14 to junction Indiana Highway 49, thence along Indiana Highway 49 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 53, thence along Indiana Highway 53 to its terminus at Gary, Ind.

(72) From points in Maine to points in Kentucky on and west of a line beginning at Louisville, Ky., thence along Interstate Highway 65 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line; (73) from points in Maine on and north of a line beginning at Fort Kent, Maine, thence along Maine Highway 161 to junction Maine Highway 189, thence along Maine Highway 189 to junction Maine Highway 229, thence along Maine Highway 229 to the United States-Canada International Boundary line to points in Kentucky on and west of a line beginning at U.S. Highway 42 and U.S. Highway 127 on the Ohio River (approximately five miles east of Warsaw, Ky.), thence along U.S. Highway 127 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line; (74) from points in Minnesota to points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 161, thence along Illinois Highway 161 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Kentucky State line.

(75) From points in Minnesota on and north of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 2 to the Minnesota-North Dakota State line to points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 9 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 140, thence along Illinois Highway 140 to the Illinois-Missouri State line; (76) from points in Minnesota on and north of a line beginning at the United States-Canada International Boundary line extending along Minnesota Highway 313 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to the terminus at Island View, Minn., and the points of St. Vincent and Grand Portage, Minn., to points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 16, thence along Illinois Highway 16 to a terminus at Hardin, Ill.; (77) from points in Minnesota to points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 36 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Ohio State line.

(78) From St. Vincent, Minn., to points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 24 to the Indiana-Ohio State line; (79) from points in Mississippi to points in Illinois on, north, and east of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 150 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line; (80) from points in Mississippi on and south of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 80 to the Mississippi-Alabama State line to points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 9 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois 125, thence along Illinois Highway 125 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 33, thence along Illinois Highway 33 to a terminus at Palestine, Ill.; (81) from Gulfport, Miss., to points in Illinois on and north of a line beginning at the Missouri-Illinois State line, thence along Illinois Highway 104 to junction Illinois Highway 111, thence along Illinois Highway 111 to junction Illinois Highway 108, thence along Illinois Highway 108 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 185, thence along Illinois Highway 185 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line; (82) from points in Mississippi to points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40 to the Indiana-Ohio State line.

(83) From points in Mississippi on and south of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 80 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Alabama State line to points in Indiana on and north of a line beginning at Vincennes, Ind., thence along U.S. Highway 41 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 358, thence along Indiana Highway 358 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 37, thence along Indiana Highway 37 to Bedford, Ind., thence along Indiana Highway 37 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Ohio-Indiana State line; (84) from points in Mississippi on and west of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 84 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Louisiana State line to Ashland, Ky., and points in Kentucky on and north of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 421 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction Kentucky Highway 227, thence along Kentucky Highway 227 to junction Kentucky Highway 22, thence along Kentucky Highway 22 to junction Kentucky Highway 10, thence along Kentucky Highway 10 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Kentucky-Ohio State line.

(85) From points in Mississippi on, west, and south of a line beginning at the Mississippi-Tennessee State line extending along U.S. Highway 61 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Mississippi-Alabama State line to Covington and Newport, Ky.; (86) from points in Missouri to points in Illinois on and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line; (87) from Joplin, Mo., to points in Illinois on, north, and west of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 47, thence along Illinois High way 47 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line.

(88) From points in Missouri on, south, and west of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 65 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri Highway 47, thence along Missouri Highway 47 to junction Missouri Highway 100, thence along Missouri Highway 100 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Illinois State line to points in Illinois on and east of a line beginning at Waukegan, Ill., thence along Illinois Highway 120 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line; (89) from points in Missouri on and south of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 36 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 270, thence along Interstate Highway 270 to the Illinois-Missouri State line to points in Indiana on and north of a line beginning at the Indiana-Ohio State line extending along Interstate Highway 74 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line.

(90) From Springfield, Mo., and points in Missouri on, north, and west of a line beginning at the Louisiana-Missouri State line extending along U.S. Highway 54 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Oklahoma State line to points in Kentucky on and east of a line beginning at Louisville, Ky., thence along U.S. Highway 150 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to a terminus at Middlesboro, Ky.; (91) from points in Montana to points in Illinois on, south, and east of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 67 to junction Illinois Highway 111, thence along Illinois Highway 111 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line.

(92) From points in Montana on and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 91 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 10, thence along U.S. Highway 10 to Billings, Mont., thence along U.S. Highway 10 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming State line to points in Illinois on and southeast of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 67 to junction Illinois Highway 267, thence along Illinois Highway 267 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 24, thence along

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U.S. Highway 24 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 66, thence along U.S. Highway 66 to a terminus at Chicago, Ill.; (93) from points in Montana on and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 93 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Idaho-Montana State line to points in Illinois on and southeast of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 100, thence along Illinois Highway 100 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 25, thence along Illinois Highway 25 to junction Illinois Highway 58, thence along Illinois Highway 58 to junction Illinois Highway 43, thence along Illinois Highway 43 to junction Illinois Highway 22, thence along Illinois Highway 22 to the terminus at Highwood, Ill.

(94) From points in Montana on and west of a line beginning at the United States-Canada International Boundary line extending along Mountain Secondary Road 233 to junction U.S. Highway 87, thence along U.S. Highway 87 to Great Falls, Mont., thence along U.S. Highway 87 to Lewistown, Mont., thence along U.S. Highway 87 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 10, thence along U.S. Highway 10 to Billings, Mont., thence along U.S. Highway 10 to junction U.S. Highway 310, thence along U.S. Highway 310 to the Montana-Wyoming State line to points in Indiana; (95) from points in Nebraska to points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 9 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Illinois-Indiana State line; (96) from Haigler, Nebr., to points in Illinois on, south, and east of a line beginning at Waukegan, Ill., thence along Illinois Highway 120 to junction Illinois Highway 21, thence along Illinois Highway 21 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 161, thence along Illinois Highway 161 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Kentucky State line.

(97) From (a) points in Nebraska on, south, and west of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 26 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 19, thence along Nebraska Highway 19 to the Nebraska-Colorado State line, (b) and points in Nebraska on, south, and east of a line beginning at the Nebraska-Colorado State line extending along U.S. Highway 34 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Nebraska Highway 89, thence along Nebraska Highway 89 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to the Nebraska-Kansas State line, (c) and points in Nebraska on, south, and east of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 75 to junction U.S. Highway 73, thence along U.S. Highway 73 to junction Nebraska Highway 4, thence along Nebraska Highway 4 to the Nebraska-Missouri State line to points in Illinois on, south, and east of a line beginning at Chicago, Ill., thence along U.S. Highway 66 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Illinois-Indiana State line; (98) from points in Nebraska on, south, and west of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 26 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-Colorado State line extending along U.S. Highway 6 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Nebraska Highway 89, thence along Nebraska Highway 89 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line to points in Indiana.

(99) From points in Nebraska on, south, and east of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 136 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 37, thence along Indiana Highway 37 to the Indiana-Ohio State line; (100) from points in Nebraska to points in Kentucky on and east of a line beginning at the Tennessee-Kentucky State line extending along Kentucky Highway 139 to junction Kentucky Highway 91, thence along Kentucky Highway 91 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line; (101) from points in New Hampshire to points in Indiana on, south, and west of a line beginning at the Indiana-Kentucky State line extending along Interstate Highway 65 to junction U.S. Highway Alternate 31, thence along U.S. Highway Alternate 31 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line; (102) from points in New Hampshire to Louisville, Ky., and points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 31W to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 163, thence along Kentucky Highway 163 to the Kentucky-Tennessee State line; (103) from Pittsburgh, N.H., to points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 421 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Kentucky-Tennessee State line.

(104) From points in North Carolina to points in Illinois on and north of U.S. Highway 40; (105) from points in North Carolina to points in Indiana on, north, and west of a line beginning at Gary, Ind., thence along Interstate Highway 65 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 47, thence along Indiana Highway 47 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction Indiana Highway 246, thence along Indiana Highway 246 to junction Indiana Highway 63, thence along Indiana Highway 63 to junction Indiana Highway 154, thence along Indiana Highway 154 to the Illinois-Indiana State line; (106) from points in North Carolina on, south, and east of a line beginning at Southport, N.C., thence along North Carolina Highway 133 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to the terminus at Moores Corner, N.C., to points in Indiana on, north, and west of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 64 to junction Indiana Highway 65, thence along Indiana Highway 65 to junction Indiana Highway 56, thence along Indiana Highway 56 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 39, thence along Indiana Highway 39 to the Michigan-Indiana State line.

(107) From points in North Dakota on and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 83 to junction North Dakota Highway 6 (north of Bismarck, N. Dak.), thence along North Dakota Highway 6 to junction North Dakota Highway 21, thence along North Dakota Highway 21 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 12, thence along U.S. Highway 12 to the North Dakota-South Dakota State line to points in Illinois on, south, and east of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 67 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Business Highway 66, thence along U.S. Business Highway 66 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line; (108) from points in North Dakota on, north, and west of a line beginning at Wahpeton, N. Dak., thence along U.S. Highway 81 to junction North Dakota Highway 11 to junction North Dakota Highway 18, thence along North Dakota Highway 18 to the North Dakota-South Dakota State line to points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 9 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 159, thence along Illinois Highway 159 to junction U.S. Business Highway 40, thence along U.S. Business Highway 40 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction U.S. Highway 50 By-Pass, thence along U.S. Highway 50 By-Pass to the Illinois-Missouri State line.

(109) From points in North Dakota to points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 26 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line; (110) from points in Oklahoma to points in Illinois on, north, and east of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 51 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 40, thence along U.S. Highway 40 to the junction of the Illinois-Indiana State line; (111) from Tom, Okla., to points in Illinois on, north, and east of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 6 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line.

(112) From Hollis, Okla., to points in Illinois on, north, and east of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 78 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Illinois Highway 64, thence along Illinois Highway 64 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to a terminus at Mount Carmel, Ill.; (113) from Boise City, Okla., to points in Illinois on, north, and east of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 51 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Illinois Highway 89, thence along Illinois Highway 89 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 185, thence along Illinois Highway 185 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Illinois Highway 142, thence along Illinois Highway 142 to junction Illinois Highway 13, thence along Illinois Highway 13 to the Illinois-Kentucky State line.

(114) From points in Oklahoma on, south, and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 60 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line to points in Illinois on, north, and east of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line; (115) from points in Oklahoma to points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 56, thence along Indiana Highway 56 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State line; (116) from points in Oklahoma on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 77 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 177, thence along U.S. Highway 177 to junc-

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tion Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction Oklahoma Highway 1, thence along Oklahoma Highway to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 64, thence along U.S. Highway 64 to Muskogee, Okla., thence along U.S. Highway 64 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line to points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 60 (at Henderson, Ky.), thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line.

(117) From Tonkawa, Okla., and points in Oklahoma on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 281 to junction H. E. Bailey Turnpike, thence along H. E. Bailey Turnpike to junction U.S. Highway 62, (two miles north of New Castle, Okla.) thence along U.S. Highway 62 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Kansas State line to points in Kentucky on, east, and north of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Kentucky Highway 136, thence along Kentucky Highway 136 to junction Kentucky Highway 81, thence along Kentucky Highway 81 to junction Kentucky Highway 138, thence along Kentucky Highway 138 to junction Kentucky Highway 370, thence along Kentucky Highway 370 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line; (118) from points in Oklahoma on, south, and west of a line beginning at the Texas-Oklahoma State line extending along Oklahoma Highway 23 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Oklahoma-Kansas State line to Providence, Ky., and points in Kentucky on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to junction Kentucky Highway 56, thence along Kentucky Highway 56 to the Kentucky-Illinois State line; (119) from points in Oregon to points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line extending along Highway 26 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Illinois-Missouri State line.

(120) From points in Oregon on and west of a line beginning at the Oregon-California State line extending along U.S. Highway 97 to junction U.S. Highway 197, thence along U.S. Highway 197 to the Oregon-Washington State line to points in Illinois on, east, and south of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Illinois Highway 92, thence along Illinois Highway 92 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 61, thence along Illinois Highway 61 to junction Illinois Highway 96, thence along Illinois Highway 96 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Missouri-Illinois State line; (121) from points in South Carolina to East St. Louis, Ill., and points in Illinois on and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 40 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line; (122) from Little River, S.C., to points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 460 to junction Illinois Highway 14, thence along Illinois Highway 14 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to a terminus at Chester, Ill.; (123) from points in South Carolina on and south of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 25 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-North Carolina State line to Vincennes, Ind., and points in Indiana on, west, and north of a line beginning at the Michigan-Indiana State line extending along U.S. Highway 31 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 67, thence along Indiana Highway 61 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line.

(124) Form Charleston and Beaufort, S.C., to Vincennes, Ind., and points in Indiana on, west, and north of a line beginning at the Michigan-Indiana State line extending along Indiana Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 46, thence along U.S. Highway 46 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line; (125) from points in South Dakota to points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 9 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Kentucky State line; (126) from Ludlow, S. Dak., to points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 114 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 267, thence along Illinois Highway 267 to junction Illinois Highway 16, thence along Illinois Highway 16 to its terminus at Hardin, Ill.

(127) From points in South Dakota on, north, and west of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 85 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 18, thence along U.S. Highway 18 to the South Dakota-Wyoming State line and the point of Lemmon, S. Dak., to points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Missouri State line; (128) from points in South Dakota to points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 28 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Missouri State line; (128) from points in South Dakota to points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 28 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 5, thence along Indiana Highway 5 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Indiana-Ohio State line.

(129) From points in Tennessee to points in Illinois on and northeast of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 67 to juction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line; (130) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31E to junction Tennessee Highway 109, thence along Tennessee Highway 109 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 97, thence along Tennessee Highway 97 to the Alabama-Tennessee State line to points in Illinois on and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line; (131) from points in Tennessee to points in Indiana on and west of a line beginning at the Michigan-Indiana State line extending along U.S. Highway 12 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 8, thence along Indiana Highway 8 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 55, thence along Indiana Highway 55 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line; (132) from Memphis, Tenn., to Covington and Newport, Ky.

(133) From points in Texas to points in Illinois on, east, and north of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Interstate Highway 74, thence along Intertsate Highway 74 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to Palestine, Ill.; (134) from points in Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 180 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Texas-Louisiana State line to points in Illinois on, east, and north of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Illinois Highway 92, thence along Illinois Highway 92 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line; (135) from points in Texas to points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 56, thence along Indiana Highway 56 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State line; (135) from points in Texas to points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 56, thence along Indiana Highway 56 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State line;

(136) From El Paso, Tex., and points in Texas on and west of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 87 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Texas Highway 214, thence along Texas Highway 214 to junction Texas Highway 125, thence along Texas Highway 125 to the Texas-New Mexico State line to points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Kentucky-Tennessee State line; (137) from points in Texas on and west of a line beginning at Port Arthur, Tex., thence along U.S. Highway 96 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction Texas Highway 34, thence along Texas Highway 34 to junction Texas Highway 24, thence along Texas Highway 24 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Texas-Oklahoma State line to Lexington and South Williamson, Ky., and points in Kentucky on and north of a line beginning at Louisville, Ky., thence along Interstate Highway 64 to junction Mountain Parkway, thence along Mountain Parkway to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 40, thence along Kentucky Highway 40 to the Kentucky-West Virginia State line;

(138) From points in Utah to points in Illinois on and east of a line beginning at Chester, Ill., thence along Illinois way 4, thence along Illinois Highway 4 way 4, thence along Illinoic Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 89, thence along Illinois Highway 89 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 51 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction

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Illinois Highway 23, thence along Illinois Highway 23 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 47, thence along Illinois Highway 47 to the Illinois-Wisconsin State line; (139) from points in Utah on and west of a line beginning at the Arizona-Utah State line, extending along U.S. Highway 89 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Utah Highway 10, thence along Utah Highway 10 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Idaho State line to points in Illinois on and east of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 67 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 89, thence along Illinois Highway 89 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 47, thence along Illinois Highway 47 to the Illinois-Wisconsin State line; (140) from points in Vermont on, north, and east of a line beginning at the United States-Canada International Boundary line extending along Vermont Highway 105A, to junction Vermont Highway 105, thence along Vermont Highway 105 to junction Vermont Highway 101, thence along Vermont Highway 101 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 12, thence along Vermont Highway 12 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 302, thence along U.S. Highway 302 to junction Vermont Highway 25, thence along Vermont Highway 25 to the New Hampshire-Vermont State line to points in Illinois.

(141) From points in Vermont to points in Illinois on, south, and west of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 14 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 114, thence along Illinois Highway 114 to the Illinois-Indiana State line; (142) from points in Vermont to points in Indiana on, south, and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 135, thence along Indiana Highway 135 to the Indiana-Kentucky State line; (143) from points in Vermont to points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31E to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 31W, thence along U.S. Highway 31W to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to Cloverport, Ky.; (144) from points in Vermont on, north, and east of a line beginning at the New Hampshire, Vermont State line extending along U.S. Highway 2 to junction U.S. Highway 5, thence along U.S. Highway 5 to junction Vermont Highway 114, thence along Vermont Highway 114 to Norton, Vt., to points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Indiana-Kentucky State line;

(145) From points in Virginia to points in Illinois on and north of a line beginning at Palestine, Ill., thence along Illinois Highway 33 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 161, thence along Illinois Highway 161 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line; (146) from points in Virginia on, north, and east of a line beginning at the Maryland-Virginia State line extending along U.S. Highway 11 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 168, thence along Virginia Highway 168 to the North Carolina-Virginia State line to points in Illinois; (147) from points in Virginia on, north, and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 60 and Virginia Highway 311 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 581, thence along Interstate Highway 581 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line to points in Illinois on, north, and west of a line beginning at Mount Carmel, Ill., thence along Illinois Highway 15 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to Chester, Ill.; (148) from points in Virginia to points in Indiana on and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 52 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 63, thence along Indiana Highway 63 to junction Indiana Highway 154, thence along Indiana Highway 154 to the Illinois-Indiana State line;

(149) From Norfolk, Va., and points in Virginia on and northeast of a line beginning at Virginia Beach, Va., thence along U.S. Highway 60 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line to points in Kentucky on and north of a line beginning at Paducah, Ky., thence along U.S. Highway 60 to the Kentucky-Illinois State line; (150) from points in Virginia on and north of a line beginning at Arlington, Va., thence along U.S. Highway 50 to the Virginia-West Virginia State line to points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along Kentucky Highway 81 to junction Kentucky Highway 85, thence along Kentucky Highway 85 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line; (151) from points in Washington to points in Illinois on, south, and east of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 24 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 41, thence along Illinois Highway 41 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction Illinois Highway 38, thence along Illinois Highway 38 to junction Illinois Highway 47, thence along Illinois Highway 47 to the Illinois-Wisconsin State line; (152) from points in Washington on and west of a line beginning at the Washington-Oregon State line extending along Interstate Highway 5 to the United States-Canada International Boundary line to points in Illinois on, south, and east of a line beginning at the Illinois-Iowa State line extending along Illinois Highway 92 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 26, thence along Illinois Highway 26 to the Illinois-Wisconsin State line;

(153) From Auburn, Wyo., to points in Illinois on and east of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 67 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line; (154) from Sheridan, Wyo., and points in Wyoming on, west, and south of a line beginning at the Montana-Wyoming State line extending along U.S. Highway 310 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Wyoming-Nebraska State line to Chicago, Ill.; (155) from points in Wyoming to points in Illinois on, east, and south of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 146 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 54, thence along Illinois Highway 54 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line; and (156) from points in Wyoming on, south, and west of a line beginning at the Wyoming-Montana State line extending along Wyoming Highway 59 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line to points in Indiana.

(B) *Materials* and *supplies* used in the manufacture, assembly, and distribution of truck and truck body parts, the transportation of which because of size and weight require the use of special equipment: (1) From points in Alaska to points in Ohio (except Columbus), Pennsylvania, Tennessee, and West Virginia; (2) from points in Idaho to points in Pennsylvania, Tennessee, and West Virginia, and Ohio (except Columbus); (3) from points in Montana to points in Tennessee and West Virginia; (4) from points in North Dakota to points in Tennessee; (5) from points in Oregon to points in Ohio (except Columbus), Pennsylvania, Tennessee, and West Virginia; (6) from points in Washington to points in Ohio (except Columbus), Pennsylvania, Tennessee, and West Virginia; (7) from points in Wyoming to points in West Virginia; (8) from East St. Louis, Ill., and points in Illinois on and west of a line beginning at the Iowa-Illinois State line extending along Interstate Highway 80 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Missouri State line to points in Ohio on, south, and east of a line beginning at Gallipolis, Ohio, thence along Ohio Highway 7 to junction Ohio Highway 141, thence along Ohio Highway 141 to junction U.S. Highway 52, thence along U.S. Highway 52 to a terminus at Ironton, Ohio; (9) from points in Illinois on and north of a line beginning at the Illinois-Iowa State line extending along Interstate Highway 80 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 34, thence along U.S. Highway 34 to its terminus at Chicago, Ill., to points in Tennessee on and east of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 31 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Kentucky-Tennessee State line;

(10) From points in Illinois on, north, and west of a line beginning at the Illinois-Iowa State line at East Dubuque, Iowa, thence along U.S. Highway 20 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction U.S. Highway 6, thence along U.S. Highway 6 to LaSalle, Ill., thence along U.S. Highway 6 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line at Quincy, Ill., to points in West Virginia on and south of a line beginning at the Kentucky-West Virginia State line at Williamson, W. Va., thence along U.S. Highway 52 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 63, thence along West Virginia Highway 63 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the Virginia-West Virginia State line; (11) from points in Iowa on, south, and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 63 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State line at Chesapeake, Ohio; (12) from points in Iowa on, south, and west of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 275 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line to Morrisville and Philadelphia, Pa.; (13) from points in Iowa to points in Tennessee on and east of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 43 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Tennessee-Kentucky State line;

(14) From points in Iowa on, south, and west of a line beginning at the Minnesota-Iowa State line extending along Iowa Highway 4 to junction Iowa Highway 44, thence along Iowa Highway 44 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line to points in West Virginia on and south of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 16 to junction West Virginia Highway 39 to the West Virginia-Virginia State line; (15) from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 65 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to its terminus at International Falls, Minn., to Aberdeen and Chesapeake, Ohio; (16) from St. Vincent, Minn., to points in Pennsylvania on and southeast of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 1 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 1, thence along U.S. Highway 1 to the New Jersey-Pennsylvania State line; (17) from Minneapolis, Minn., and points in Minnesota on and north of Interstate Highway 94 to points in Tennessee; (18) from points in Minnesota to points in West Virginia on and south of a line beginning at the Kentucky-West Virginia State line at Williamson, W. Va., thence along U.S. Highway 52 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 63, thence along West Virginia Highways 63 to junction U.S. Highway 219, thence talong U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the Virginia-West Virginia State line;

(19) From points in Montana on and west of a line beginning at the United States-Canada International Boundary line extending along Montana Highway 13 to junction Montana Highway 200, thence along Montana Highway 200 to junction Montana Highway 22, thence along Montana Highway 22 to junction U.S. Highway 312, thence along U.S. Highway 312 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction Montana Highway 59, thence along Montana Highway 59 to the Mon-

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tana-Wyoming State line to points in Ohio on and south of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 52 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line (except Columbus, Ohio) (20) from points in Montana on and west of a line beginning at the Idaho-Montana State line extending along U.S. Highway 91 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 93, thence along U.S. Highway 93 to the United States-Canada International Boundary line to points in Pennsylvania; (21) from points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction Nebraska Highway thence along Nebraska Highway 2 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Nebraska-Kansas State line to points in Ohio on and south of U.S. Highway 50; (22) from points in Nebraska on and west of a line beginning at the Colorado-Nebraska State line extending along Nebraska Highway 19 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 71, thence along Nebraska Highway 71 to junction Nebraska Highway 29, thence along Nebraska Highway 29 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Wyoming State line; and points in Nebraska on and south of a line beginning at the Colorado-Nebraska State line extending along U.S. Highway 34 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to the Kansas-Nebraska State line to points in Pennsylvania on, south, and east of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line;

(23) From points in Nebraska to points in Tennessee on and east of U.S. Highway 431; (24) from points in Nebraska to points in West Virginia on and south of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 15, thence along West Virginia Highway 15 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-West Virginia State line; (25) from points in North Dakota on, north, and west of a line beginning at the South Dakota-North Dakota State line extending along U.S. Highway 85 to junction North Dakota Highway 23, thence along North Dakota Highway 23 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Canada International Boundary line to points in Ohio on and south of U.S. Highway 50; (26) from points in North Dakota on and west of U.S. Highway 85 to Uniontown, Pa., and points in Pennsylvania on, south, and east of a line beginning at Stroudsburg, Pa., thence along Pennsylvania Highway 611 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-Maryland State line; (27) from points in North Dakota to points in West Virginia on and south of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the Virginia-West Virginia State line;

(28) From Lemmon, S. Dak., and points in South Dakota on, south, and west of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 12 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to junction South Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line to points in Ohio on and south of U.S. Highway 50; (29) from Pierce, S. Dak., and points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along U.S. Highway 12 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Nebraska-South Dakota State line to points in Pennsylvania on, south, and east of a line beginning at Stroudsburg, Pa., thence along Pennsylvania Highway 611 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 316, thence along Pennsylvania Highway 316 to the Maryland-Pennsylvania State line; (30) from points in South Dakota to points in Tennessee on and east of a line beginning at the Mississippi-Tennessee State line extending along Tennessee Highway 18 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line; (31) from points in South Dakota to points in West Virginia on and south of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 15, thence along West Virginia Highway 15 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Maryland-West Virginia State line;

(32) From points in Wyoming to points in Ohio on, south, and east of a line beginning at Cincinnati, Ohio, thence along U.S. Highway 42 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line (except Columbus, Ohio); (33) from points in Wyoming on and west of a line beginning at the Wyoming-Montana State line extending along U.S. Highway 87 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction Wyoming Highway 487, thence along Wyoming Highway 487 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to the Pennsylvania-Ohio State line; and (34) from points in Wyoming to points in Tennessee on and east of a line beginning at the Tennessee Mississippi State line extending along U.S. Highway 45 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 77, thence along Tennessee Highway 77 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line.

The purpose of this filing is to eliminate the gateways of (1) Paris, Ill.; and (2) Paris, Ill., and that part of Kentucky on and west of a line beginning at Louisville, Ky., and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line.

No. MC 119777 (Sub-No. E120), filed May 15, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ind. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: (A) *Truck bodies and parts* thereof which require special handling because of their size or weight (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum):

(1) Between points in Illinois, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maine, New Hampshire, and Rhode Island;

(2) Between points in Indiana, on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Nevada, New Mexico, and Utah;

(3) Between points in Kentucky, on the one hand, and, on the other, points in Arizona, Idaho, Minnesota, Montana, Nevada, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming;

(4) Between points in Illinois on and north of a line commencing at the Illinois-Indiana state line, thence west on U.S. Hwy. 40 to the jct. of IL St. Hwy. 130, thence north on IL St. Hwy. 130 to the jct. of IL St. Hwy. 16, thence west on IL St. Hwy. 16 to the jct. of IL St. Hwy. 29, thence north on IL St. Hwy. 29 to the jct. of U.S. Hwy. 36, thence west on U.S. Hwy. 36 to the jct. of IL St. Hwy. 78, thence north on IL St. Hwy. 78 to the jct. of IL St. Hwy. 99, thence north on IL St. Hwy. 99 to the jct. of U.S. Hwy. 24, thence west on U.S. Hwy. 24 to the jct. of IL St. Hwy. 94, thence north on IL St. Hwy. 94 to the jct. of U.S. Hwy. 136, thence west on U.S. Hwy. 136 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Alabama;

(5) Between points in Illinois, on, east, and south of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy. 26, thence south on IL St. Hwy. 26 to the jct. of IL St. Hwy. 2, thence west on IL St. Hwy. 2 to the jct. of IL St. Hwy. 88, thence south on IL St. Hwy. 88 to the jct. of IL St. Hwy. 29, thence south on IL St. Hwy. 29 to the jct. of IL St. Hwy. 4, thence south on IL St. Hwy. 4 to the jct. of IL St. Hwy. 140, thence west on IL St. Hwy. 140 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Arizona on, west and south of a line commencing at the Arizona-Utah state line on U.S. Hwy. 89, thence south on U.S. Hwy. 89 to the jct. of U.S. Hwy. 66, thence east on U.S. Hwy. 66 to the Arizona-New Mexico state line;

(6) Between points in Illinois on and east of a line commencing at the Illinois-Iowa state line on U.S. Hwy. 6, thence east on U.S. Hwy. 6 to the jct. U.S. Hwy. 150, thence south on U.S. Hwy. 150 to the jct. of IL St. Hwy. 79, thence south on IL St. Hwy. 79 to the jct. of IL St. Hwy. 78, thence south on IL St. Hwy. 78 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Arizona on and south of a line commencing at the Nevada-Arizona state line on U.S. Hwy. 78, thence east on U.S. Hwy. 78 to the jct. of U.S. Hwy. 66, thence east on U.S. Hwy. 66 to the jct. of AZ St. Hwy. 87, thence south on AZ St. Hwy. 87 to the jct. of AZ St. Hwy. 260, thence east on AZ St. Hwy. 260 to the jct. of AZ St. Hwy. 277, thence east on AZ St. Hwy. 277 to the jct. of AZ St. Hwy. 77, thence south on AZ St. Hwy. 77 to the jct. of U.S. Hwy. 60, thence east on U.S. Hwy. 60 to the Arizona-New Mexico state line;

(7) Between points in Illinois on and east of a line commencing at the Wisconsin-Illinois state line on IL St. Hwy. 26, thence south on IL St. Hwy. 26 to the jct. of IL St. Hwy. 2, thence west on IL St. Hwy. 2 to the jct. of IL St. Hwy. 88, thence south on IL St. Hwy. 88 to the jct. of IL St. Hwy. 29, thence south on IL St. Hwy. 29 to the jct. of IL St. Hwy. 4, thence south on IL St. Hwy. 4 to the jct. of IL St. Hwy. 150, thence west on IL St. Hwy. 150 to the Illinois-Missouri state line on the one hand, and, on the other, points in Arizona;

(8) Between points in Illinois on and east of a line commencing the Illinois-Wisconsin state line on IL St. Hwy. 26, thence south on IL St. Hwy. 26 to the jct. of U.S. Hwy. 20, thence east on U.S. Hwy. 20 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of U.S. Hwy. 6, thence east on U.S. Hwy. 6 to the jct. of IL St. Hwy. 23, thence south on IL St. Hwy. 23 to the jct. of IL St. Hwy. 116, thence east on IL St. Hwy. 116 to the jct. of IL St. Hwy. 47, thence south on IL St. Hwy. 47 to the jct. of U.S. Hwy. 150, thence south on U.S. Hwy. 150 to the jct. of IL St. Hwy. 49, thence south on IL St. Hwy. 49 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of U.S. Hwy. 150, thence east on U.S. Hwy. 150 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Arkansas;

(9) Between points in Illinois on, north, and east of a line commencing at the Illinois-Iowa state line on U.S. Hwy. 6, thence east on U.S. Hwy. 6 to the jct. of U.S. Hwy. 150, thence south on U.S. Hwy. 150 to the jct. of I–74, thence east on I–74 to the jct. of U.S. Hwy. 24, thence south on U.S. Hwy. 24 to the jct. of IL St. Hwy. 9, thence east U.S. Hwy. 136 to the jct. of IL St. Hwy. 29, thence south on IL St. Hwy. 29 to the jct. of U.S. Hwy. 136, thence east on U.S. Hwy. 136 to the jct. of IL St. Hwy. 121, thence south on IL St. Hwy. 121 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 128, thence south on IL St. Hwy. 128 to the jct. of IL St. Hwy. 33, thence east on IL St. Hwy. 33 to the jct. of IL St. Hwy. 1, thence north on IL St. Hwy. 1 to the jct. of the Hutsonville, Illinois Hwy., thence east on the Hutsonville, Illinois Hwy. to the jct. of IN St. Hwy. 154, at the Illinois-Indiana state line, on the one hand, and, on the other, points in Arkansas on, south and west of a line commencing at the Arkansas-Oklahoma state line on U.S. Hwy. 70, thence east on U.S. Hwy. 70 to the jct. of U.S. Hwy. 71, thence south on U.S. Hwy. 71 to the jct. of U.S. Hwy. 82, thence east on U.S. Hwy. 82 to the Arkansas-Mississippi state line;

(10) Between points in Illinois on and east of a line commencing at the Indiana-Illinois state line on U.S. Hwy. 30, thence west on U.S. Hwy. 30 to the jct. of I–57, thence south on I–57 to the jct. of U.S. Hwy. 24, thence west on U.S. Hwy. 24 to the jct. of IL St. Hwy. 47, thence south on IL St. Hwy. 47 to the jct. of IL St. Hwy. 54, thence southwest on IL St. Hwy. 54 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of IL St. Hwy. 141, thence east on IL St. Hwy. 141 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Colorado;

(11) Between points in Illinois on and east of a line commencing at the Wisconsin-Illinois state line on IL St. Hwy. 31, thence south on IL St. Hwy. 31 to the jct. of IL St. Hwy. 71, thence southwest on IL St. Hwy. 71 to the jct. of IL St. Hwy. 47, thence south on IL St. Hwy. 47 to the jct. of U.S. Hwy. 6, thence west on U.S. Hwy. 6 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 116, thence west on IL St. Hwy. 116 to the jct. of U.S. Hwy. 150, thence southeast on U.S. Hwy. 150 to the jct. of IL St. Hwy. 121, thence south on IL St. Hwy. 121 to the jct. of U.S. Hwy. 66, thence south on U.S. Hwy. 66 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 127, thence south on IL St. Hwy. 127 to the jct. of IL St. Hwy. 154, thence west on IL St. Hwy. 154 to the jct. of IL St. Hwy. 150, thence southwest on IL St. Hwy. 150 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Colorado on and west of a line commencing at the Utah-Colorado state line on U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the jct. of CO St. Hwy. 13, thence south on CO St. Hwy. 13 to the jct. of U.S. Hwy. 6, thence west on U.S. Hwy. 6 to the Colorado-Utah state line.

(12) Between points in Florida, on the one hand, and, on the other, points in Illinois on and north of a line commencing at the Illinois-Missouri State line on U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the jct. of IL St. Hwy. 99, thence southeast on IL St. Hwy. 99 to the jct. of IL St. Hwy. 104, thence southeast on IL St. Hwy. 104 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy.

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36 to the jct. of IL St. Hwy. 29, thence southeast on IL St. Hwy. 29 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 128, thence south on IL St. Hwy. 128 to the jct. of IL St. Hwy. 33, thence east on IL St. Hwy. 33 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the Illinois-Indiana state line;

(13) Between points in Georgia, on the one hand, and on the other, points in Illinois on, north, and east of a line commencing at Quincy, Illinois, thence east on IL St. Hwy. 104 to IL St. Hwy. 29, thence southeast on IL St. Hwy. 29 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 128, thence south on IL St. Hwy. 128 to the jct. of IL St. Hwy. 33, thence east on IL St. Hwy. 33 to Palestine, Illinois;

(14) Between points in Illinois on, south, and east of a line commencing at Waukegan, Illinois, thence west on IL St. Hwy. 120 to the jct. of IL St. Hwy. 63, thence south on IL St. Hwy. 63 to the jct. of IL St. Hwy. 31, thence south on IL St. Hwy. 31 to the jct. of IL St. Hwy. 71, thence south on IL St. Hwy. 71 to the jct. of IL St. Hwy. 23, thence south on IL St. Hwy. 23 to the jct. of IL St. Hwy. 17, thence west on IL St. Hwy. 17 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. IL St. Hwy. 116, thence west on IL St. Hwy. 116 to the jct. of U.S. Hwy. 24, thence south on U.S. Hwy. 24, to the jct. of IL St. Hwy. 78, thence south on IL St. Hwy. 78 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the terminus at Alton, Illinois, on the one hand, and, on the other, points in Idaho;

(15) Between points in Illinois on and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 29, thence west and south on IL St. Hwy 29 to the jct. of U.S. Hwy 24, thence south on U.S. Hwy 24 to the jct. of IL St. Hwy 100, thence south on IL St. Hwy 100 to the jct. of U.S. Hwy 67, thence south on U.S. Hwy 67 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Idaho on and south of a line commencing at the Oregon-Idaho state line on ID St. Hwy 52, thence east on ID St. Hwy 52 to the jct. of U.S. Hwy 95, thence south on U.S. Hwy 95 to the jct. of I–80N, thence east on I–80N to the jct. of U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct. of I–80N, thence east on I–80N to the jct. of U.S. Hwy 26, thence east on U.S. Hwy 26 to the jct. of ID St. Hwy 25, thence east on ID St. Hwy 25 to the jct. of I–80N, thence east on I–80N to the jct. of I–15W, thence east on I–15W to the jct. of I–15, thence south on I–15 to the jct. of U.S. Hwy 191, thence south on U.S. Hwy 191 to the Idaho-Utah state line;

(16) Between points in Illinois on and northwest of a line commencing at Chicago, Illinois, thence south on IL St. Hwy 1 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of IL St. Hwy 121, thence northwest on IL St. Hwy 121 to the jct. of IL St. Hwy 10, thence northwest on IL St. Hwy 10 to the jct. of U.S. Hwy 136, thence west on U.S. Hwy 136 to the Illinois-Iowa state line, on the one hand, and, on the other, points in Indiana on and south of a line commencing at the Indiana-Kentucky state line on IN St. Hwy 7, thence north on IN St. Hwy 7 to the jct. of IN St. Hwy 250, thence west on IN St. Hwy 250 to the jct. of U.S. Hwy 50 thence west on U.S. Hwy 50 to the jct. of IN St. Hwy 135, thence north on IN St. Hwy 135 to the jct. of IN St. Hwy 46, thence west on IN St. Hwy 46 to the jct. of IN St. Hwy 59, thence north on IN St. Hwy 59 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of U.S. Hwy 150, thence north on U.S. Illinois-Indiana state line;

(17) Between points in Illinois on and southwest of a line commencing at Batchtown, Illinois, thence east from Batchtown, Illinois over an unmarked Hwy. to the jct. of an unmarked Hwy. which proceeds north to Hardin, Illinois, thence east from Hardin, Illinois on IL St. Hwy. 16, to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of IL St. Hwy. 15, thence south on IL St. Hwy. 15 to Illinois-Indiana state line, on the one hand, and, on the other, points in Indiana on and east of a line commencing at the Ohio-Indiana state line on U.S. Hwy. 40, thence west on U.S. Hwy. 40 to the jct. of U.S. Hwy. 421, thence north on U.S. Hwy 421 to the jct. of I–65, thence north on I–65 to the jct. of U.S. Hwy. 52, thence north on U.S. Hwy. 52 to the jct. of U.S. Hwy. 41, thence north on U.S. Hwy. 41 to the jct. of IN St. Hwy. 152, thence north on IN St. Hwy. 152 to the jct. of IN St. Hwy. 912 to Indiana Harbor, Indiana;

(18) Between points in Illinois on and west of a line commencing at the Illinois-Iowa state line on U.S. Hwy. 30, thence east on U.S. Hwy. 30 to the jct. of IL St. Hwy. 84, thence south on IL St. Hwy. 84 to the jct. of I–80, thence east on I–80 to the jct. of IL St. Hwy. 78, thence south on IL St. Hwy. 78 to the jct. of I–74, thence east on I–74 to the jct. of IL St. Hwy. 121, thence south on IL St. Hwy. 121 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of IL St. Hwy. 133, thence east on IL St. Hwy. 133 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of U.S. Hwy. 40, thence west on U.S. Hwy. 40 to the jct. of U.S. Hwy. 50, thence west on U.S. Hwy. 50 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Indiana on and east of a line commencing at the Indiana-Ohio state line on IN St. Hwy. 32, thence west on IN St. Hwy. 32 to Noblesville, Indiana, thence east on IN St. Hwy. 32 from Noblesville, Indiana to the jct. of IN St. Hwy. 37, thence south on IN St. Hwy. 37 to the jct. of I–69, thence south on I–69 to the jct. of I–465, thence west on I–465 to the jct. of U.S. Hwy. 36, thence west on U.S. Hwy. 36 to New Winchester, Indiana, thence east on U.S. Hwy. 36 from New Winchester, Indiana to the jct. of I–465, thence south on I–465 to the jct. of IN St. Hwy. 37, thence south on IN St. Hwy. 37 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the jct. of IN St. Hwy. 39, thence south on IN St. Hwy. 39 to the jct. of IN St. Hwy. 256, thence east on IN St. Hwy. 256 to the jct. of IN St. Hwy. 7, thence south on IN St. Hwy. 7 to the Indiana-Kentucky state line;

(19) Between points in Illinois on, east and south of a line commencing at the Illinois-Indiana state line on U.S. Hwy. 136, thence west on U.S. Hwy. 136 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of IL St. Hwy. 133, thence west on IL St. Hwy. 133 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of U.S. Hwy. 460, thence west on U.S. Hwy. 460 to the jct. of IL St. Hwy. 14, thence west on IL St. Hwy. 14 to the jct. of IL St. Hwy. 37, thence south on IL St. Hwy. 37 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the Illinois-Kentucky state line, on the one hand, and, on the other, points in Iowa on and north of a line commencing at Dubuque, Iowa, thence west of U.S. Hwy. 20 to, and including Sioux City, Iowa;

(20) Between points in Illinois on, east and south of a line commencing at the Illinois-Indiana state line on U.S. Hwy. 136, thence west on U.S. Hwy. 136 to the jct. of U.S. Hwy. 150, thence west on U.S. Hwy. 150 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy 45 to the jct. of IL St. Hwy 16, thence west on IL St. Hwy 16 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of U.S. Hwy. 40, thence west on U.S. Hwy. 40 to the jct. of IL St. Hwy. 140, thence west on IL St. Hwy. 140 to the jct. of IL St. Hwy. 127, thence south on IL St. Hwy. 127 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the Illinois-Kentucky state line, on the one hand, and, on the other, Larchwood, Iowa.

(21) Between points in Illinois on and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy. 36, thence west on U.S. Hwy. 36 to the jct. of IL St. Hwy. 49, thence south on IL St. Hwy. 49 to the jct. of IL St. Hwy. 16, thence southwest on IL St. Hwy. 16 to the jct. of IL St. Hwy. 130, thence south on IL St. Hwy. 130 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Iowa;

(22) Between points in Illinois on, east, and north of a line commencing at the Indiana-Illinois state line on U.S. Hwy. 30, thence west on U.S. Hwy. 30 to the jct. of IL St. Hwy. 50, thence south on IL St. Hwy. 50 to the jct. of IL St. Hwy. 49, thence south on IL St. Hwy. 49 to the jct. of U.S. Hwy. 136, thence west on U.S. Hwy. 136 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy 45 to the jct. of IL St. Hwy. 121, thence south and east on IL St. Hwy. 121 to the jct. of U.S. Hwy. 40, thence northeast on U.S.

Hwy. 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Kansas;

(23) Between points in Illinois on and east of a line commencing at the Wisconsin-Illinois state line on U.S. Hwy. 12, thence south on U.S. Hwy. 12 to the jct. of IL St. Hwy. 31, thence south on IL St. Hwy. 31 to the jct. of IL St. Hwy. 120, thence west on IL St. Hwy. 120 to the jct. of U.S. Hwy. 14, thence southeast on U.S. Hwy. 14 to the jct. of IL St. Hwy. 31, thence south on IL St. Hwy. 31 to the jct. of U.S. Hwy. 30, thence south on U.S. Hwy. 30 to the jct. of U.S. Hwy. 52, thence south on U.S. Hwy. 52 to the jct. of IL St. Hwy. 17, thence east on IL St. Hwy. 17 to the jct. of IL St. Hwy. 114, thence east on IL St. Hwy. 114 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Kansas on and south of a line commencing at the Colorado-Kansas state line on U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of KS St. Hwy. 27, thence south on KS St. Hwy. 27 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to Junction City, Kansas, thence south and east on U.S. Hwy. 40 to the jct. of U.S. Hwy. 77, thence south on U.S. Hwy. 77 to the jct. of KS Hwy 150, thence east on KS St. Hwy. 150 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the jct. of KS St. Hwy. 57, thence south and east on KS St. Hwy. 57 to the jct. of U.S. Hwy. 169, thence south on U.S. Hwy. 169 to the jct. of U.S. Hwy. 54, thence east on U.S. Hwy. 54 to the jct. of U.S. Hwy. 59, thence north on U.S. Hwy. 59 to the jct. of KS St. Hwy. 52, thence east on KS St. Hwy. 52 to the Kansas-Missouri state line;

(24) Between points in Illinois on and east of a line commencing at the Wisconsin-Illinois State line on U.S. Hwy. 14, thence south on U.S. Hwy. 14 to the jct. of IL St. Hwy. 23, thence south on IL St. Hwy 23 to the jct. of U.S. Hwy 34, thence west on U.S. Hwy 34 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of U.S. Hwy 66, thence southwest on U.S. Hwy 66 to the jct. of IL St. Hwy 121, thence south on IL St. Hwy 121 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 16, thence west on IL St. Hwy 16 to Pana, Illinois, thence east on IL St. Hwy 16 to the jct. of IL St. Hwy 128, thence south on IL St. Hwy 128 to the jct. of U.S. Hwy 40, thence northeast on U.S. Hwy 40 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the jct. of IL St. Hwy 1, thence south on IL St. Hwy 1 to the jct. of IL St. Hwy 141, thence east on IL St. Hwy 141 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Kansas on, south, and west of a line commencing at the Colorado-Kansas state line on KS St. Hwy 96, thence east on KS St. Hwy 96 to the jct. of KS St. 27, thence south on KS St. Hwy 27 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of U.S. Hwy 83, thence south on U.S. Hwy 83 to the Kansas-Oklahoma State line;

(25) Between points in Illinois on, north, and east of a line commencing at the Illinois-Iowa state line on U.S. Hwy. 20, thence east on U.S. Hwy. 20 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of U.S Hwy. 150, thence southeast on U.S. Hwy. 150 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Kentucky on and south of a line commencing at Louisville, Kentucky, thence east on I–64 to the jct. of U.S. Hwy. 60, (one mile south of Coalton, Kentucky), thence north on U.S. Hwy. 60 to Ashland, Kentucky;

(26) Between points in Illinois on, north, and east of a line commencing at the Illinois-Iowa State line on U.S. Hwy. 150, thence southeast on U.S. Hwy. 150 to the jct. of IL St. Hwy. 97, thence south on IL St. Hwy. 97 to the jct. of U.S. Hwy. 136, thence southeast on U.S. Hwy. 136 to the jct. of IL St. Hwy. 10, thence southeast on IL St. Hwy. 10 to the jct. of IL St. Hwy. 121, thence southeast on IL St. Hwy. 121 to the jct. of IL St. Hwy. 32, thence south on IL St. Hwy. 32 to the jct. of U.S. Hwy. 40, thence northeast on U.S. Hwy. 40 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Louisiana;

(27) Between points in Illinois on, north, and east of a line commencing at the Missouri-Illinois State line on U.S. Hwy. 36, thence southeast on U.S. Hwy. 36 to the jct. of IL St. Hwy. 104, thence southeast on IL St. Hwy. 104 to the jct. of U.S. Hwy. 66, thence south on U.S. Hwy. 66 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 185, thence southeast on IL St. Hwy. 185 to the jct. of U.S. Hwy. 40, thence northeast on U.S. Hwy. 40 to the jct. of IL St. Hwy 33, thence southeast on IL St. Hwy 33 to the jct. of IL St. Hwy 130, thence southeast on IL St. Hwy 130 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of IL St. Hwy 250, thence east on IL St. Hwy 250 to the jct. of IL St. Hwy 1, thence north on IL St. Hwy 1 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Louisiana on, south, and east of a line commencing at Theriot, Louisiana, thence northeast on LA St. Hwy 315 to the jct. of U.S. Hwy 90, thence northeast on U.S. Hwy 90 to the jct. of LA St. Hwy 39, thence southeast on LA St. Hwy 39 to the jct. of LA St. Hwy 46, thence east on LA St. Hwy 46 to the terminus at Shell Beach, Louisiana (Lake Borgne);

(28) Between points in Illinois, on the one hand, and, on the other, points in Maryland on and north of a line commencing at the Pennsylvania-Maryland state line on U.S. Hwy. 219, thence southwest on U.S. Hwy. 219 to the jct. of MD St. Hwy. 42, thence north on MD St. Hwy. 42 to the Pennsylvania-Maryland state line; and points in Maryland on, north and east of a line commencing at the Pennsylvania-Maryland state line on U.S. Hwy. 15, thence south on U.S. Hwy. 15 to the jct. of I–70N, thence southeast on I–70N to the jct. of U.S. Hwy. 1, thence southwest on U.S. Hwy. 1 to the Maryland-District of Columbia state line;

(29) Between points in Illinois on, south and west of a line commencing at Waukegan, Illinois, thence west on IL St. Hwy. 120 to the jct. of U.S. Hwy. 41, thence southeast on U.S. Hwy. 41 to the jct. of IL St. Hwy. 68, thence west on IL St. Hwy. 68 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of U.S. Hwy. 30, thence east on U.S. Hwy. 30 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Maryland;

(30) Between points in Illinois, on the one hand, and, on the other, points in Massachusetts on and east of a line commencing at the New Hampshire-Massachusetts state line on MA St. Hwy. 32, thence south on MA St. Hwy. 32 to the Massachusetts-Connecticut state line;

(31) Between points in Illinois on, west and south of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy. 47, thence south on IL St. Hwy. 47 to the jct. of I–90, thence east on I–90 to the jct. of IL St. Hwy. 25, thence south on IL St. Hwy. 25 to the jct. of U.S. Hwy. 30, thence southeast on U.S. Hwy. 30 to the jct. of U.S. Hwy. 52, thence southeast on U.S. Hwy 52 to the jct. of IL St. Hwy. 17, thence northeast on IL St. Hwy. 17 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Massachusetts;

(32) Between points in Illinois on and south of a line commencing at the Missouri-Illinois state line on U.S. Hwy. 67, thence north on U.S. Hwy. 67 to the jct. of IL St. Hwy. 140, thence east on IL St. Hwy. 140 to the jct. of IL St. Hwy. 4, thence north on IL St. Hwy. 4 to the jct. of IL St. Hwy. 16, thence northeast on IL St. Hwy. 16 to the jct. of U.S. Hwy. 66, thence north on U.S. Hwy. 66 to the jct. of IL St. Hwy. 48, thence northeast on IL St. Hwy. 48 to the jct. of IL St. Hwy. 29, thence west on IL St. Hwy. 29 to Taylorville, Illinois, thence east and southeast on IL St. Hwy. 29 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 32, thence north on IL St. Hwy. 32 to the jct. of IL St. Hwy. 133, thence east on IL St. Hwy. 133 to the jct. of U.S. Hwy. 45, thence north on U.S. Hwy. 45 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy. 36 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Michigan;

(33) Between points in Illinois on and south of a line commencing at the Missouri-Illinois state line on U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the jct. of IL St. Hwy. 104, thence east on IL St. Hwy. 104 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of IL St. Hwy. 47, thence northeast on IL St. Hwy. 47 to the jct. of IL St. Hwy. 10, thence east on IL St. Hwy. 10 to the jct.

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of U.S. Hwy. 150, thence east on U.S. Hwy. 150 to the jct. of U.S. Hwy. 136, thence east on U.S. Hwy. 136 to the Illinois-Indiana state line, on the one hand, and, on the other, points in the lower peninsula of Michigan on and northeast of a line commencing at Detroit, Michigan, thence northwest on MI St. Hwy. 1 to the jct. of U.S. Hwy. 10 thence northwest on U.S. Hwy. 10 to the jct. of MI St. Hwy. 46, thence west on MI St. Hwy. 46 to the jct. of U.S. Hwy. 27, thence north on U.S. Hwy. 27 to the jct. of U.S. Hwy. 10, thence west on U.S. Hwy. 10 to Ludington, Michigan; and points in the upper peninsula of Michigan on and east of a line commencing at Blaney Park, Michigan, thence north on MI St. Hwy. 77 to Grand Marais, Michigan;

(34) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on I–74, thence west on I–74 to the jct. of U.S. Hwy. 150, thence south on U.S. Hwy. 150 to the jct. of U.S. Hwy. 36, thence west on U.S. Hwy. 36 to the jct. of IL St. Hwy. 49, thence south on IL St. Hwy. 49 to the jct. of IL St. Hwy. 16, thence southwest on IL St. Hwy. 16 to the jct. of IL St. Hwy. 32, thence south on IL St. Hwy. 32 to the jct. of IL St. Hwy. 33, thence southeast on IL St. Hwy. 33 to the jct. of IL St. Hwy. 37, thence southwest on IL St. Hwy. 37 to the jct. of IL St. Hwy. 161, thence west on IL St. Hwy. 161 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the Illinois-Kentucky state line, on the one hand, and, on the other, points in Minnesota;

(35) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on IL St. Hwy. 9, thence west on IL St. Hwy. 9 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of U.S. Hwy. 136, thence west on U.S. Hwy. 136 to the jct. of IL St. Hwy. 49, thence south on IL St. Hwy. 49 to the jct. of U.S. Hwy. 150, thence west on U.S. Hwy. 150 to the jct. of IL St. Hwy. 10, thence west on IL St. Hwy. 10 to the jct. of IL St. Hwy. 47, thence southwest on IL St. Hwy. 47 to the jct. of IL St. Hwy. 48, thence southwest on IL St. Hwy. 48 to the jct. of U.S. Hwy. 66, thence south on U.S. Hwy. 66 to the jct. of IL St. Hwy. 140, thence west on IL St. Hwy. 140 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Minnesota on and north of a line commencing at the Minnesota-Wisconsin state line on U.S. Hwy. 2, thence west on U.S. Hwy. 2 to the Minnesota-North Dakota state line;

(36) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy. 24, thence west on U.S. Hwy. 24 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of IL St. Hwy. 9, thence west on IL St. Hwy. 9 to the jct. of IL St. Hwy. 24, thence southwest on IL St. Hwy. 54 to the jct. of I–55, thence south on I–55 to the jct. of U.S. Hwy. 36, thence west on U.S. Hwy. 36 to the jct. of IL St. Hwy. 4, thence south on IL St. Hwy. 4 to the jct. of IL St. Hwy. 16, thence west on IL St. Hwy. 16 to the terminus at Hardin, Illinois, on the one hand, and, on the other, points in Minnesota on and north of a line commencing at the United States-Canada border line on MN St. Hwy. 313, thence south on MN St. Hwy. 313 to the jct. on MN St. Hwy. 11, thence east on MN St. Hwy. 11 to its terminus at Island View, Minnesota; and the points of St. Vincent and Grand Portage, Minnesota;

(37) Between points in Illinois on, north, and east of a line commencing at the Iowa-Illinois state line on U.S. Hwy. 150, thence south on U.S. Hwy. 150 to the jct. of IL St. Hwy. 97, thence south on IL St. Hwy. 97 to the jct. of IL St. Hwy. 9, thence east on IL St. Hwy. 9 to the jct. of IL St. Hwy. 121, thence south on IL St. Hwy. 121 to the jct. of IL St. Hwy. 32, thence south on IL St. Hwy. 32 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 130, thence south on IL St. Hwy. 130 to the jct. of U.S. Hwy. 40, thence northeast on U.S. Hwy. 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Mississippi;

(38) Between points in Illinois on and north of a line commencing at the Iowa-Illinois state line on IL St. Hwy. 9, thence east on IL St. Hwy. 9 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the jct. of IL St. Hwy. 125, thence east on IL St. Hwy. 125 to the jct. of IL St. Hwy. 97, thence east on IL St. Hwy. 97 to the jct. of IL St. Hwy. 29, thence south on IL St. Hwy. 29 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 128, thence south on IL St. Hwy. 128 to the jct. of IL St. Hwy. 33, thence east on IL St. Hwy. 33 to a terminus at Palestine, Illinois, on the one hand, and, on the other, points in Mississippi on and south of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy. 80, thence east on U.S. Hwy. 80 to the Mississippi-Alabama state line;

(39) Between points in Illinois on and north of a line commencing at the Missouri-Illinois state line at Quincy, Illinois, thence southeast on IL St. Hwy. 104 to the jct. of IL St. Hwy. 111, thence south on IL St. Hwy. 111 to the jct. of IL St. Hwy. 108, thence east on IL St. Hwy. 108 to the jct. of IL St. Hwy. 4, thence south on IL St. Hwy. 4 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 185, thence southeast on IL St. Hwy. 185 to the jct. of U.S. Hwy. 40, thence northeast on U.S. Hwy. 40 to the jct. of IL St. Hwy. 33, thence southeast on IL St. Hwy. 40 to the jct. of IL St. Hwy. 130, thence south on IL St. Hwy. 130 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the jct. of the Illinois-Indiana state line, on the one hand, and, on the other, Gulfport, Mississippi;

(40) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy. 136, thence west on U.S. Hwy. 136 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Missouri;

(41) Between points in Illinois on, north, and west of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy. 26, thence south on IL St. Hwy. 26 to the jct. of U.S. Hwy. 52, thence southeast on U.S. Hwy. 52 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 17, thence east on U.S. Hwy. 17 to the jct. of U.S. Hwy. 66, thence southwest on U.S. Hwy. 66 to the jct. of U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the jct. of IL St. Hwy. 47, thence south on IL St. Hwy. 47 to the jct. of U.S. Hwy. 150, thence southeast on U.S. Hwy. 150 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 130, thence south on IL St. Hwy. 130 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the jct. of IL St. Hwy. 49, thence south on IL St. Hwy. 49 to the jct. of IL St. Hwy. 33, thence east on IL St. Hwy. 33 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of IL St. Hwy. 15, thence east on IL St. Hwy. 15 to the Illinois-Indiana state line, on the one hand, and, on the other, Joplin, Missouri;

(42) Between points in Illinois on and east of a line commencing at Waukegan, Illinois, thence west on IL St. Hwy. 120 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of IL St. Hwy. 49, thence south on IL St. Hwy. 49 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Missouri on, south, and east of a line commencing at the Missouri-Iowa state line on U.S. Hwy. 65, thence south and east on U.S. Hwy. 65 to the jct. of I–70, thence east on I–70 to the jct. of MO St. Hwy. 47, thence southeast on MO St. Hwy. 47 to the jct. of MO St. Hwy. 100, thence east on MO St. Hwy. 100 to the jct. of U.S. Hwy. 66, thence northeast on U.S. Hwy. 66 to the Missouri-Illinois state line.

(43) Between points in Illinois on, south, and east of a line commencing at the Illinois-Missouri state line on U.S. Hwy. 67, thence north on U.S. Hwy. 67 to the jct. of IL St. Hwy. 111, thence north on IL St. Hwy. 111 to the jct. of IL St. Hwy. 104, thence east on IL St. Hwy. 104 to the jct. of IL St. Hwy. 4, thence north on IL St. Hwy. 4 to the jct. of U.S. Hwy. 36, thence northeast on U.S. Hwy. 36 to the jct. of U.S. Hwy. 66, thence northeast on U.S. Hwy. 66 to the jct. of IL St. Hwy. 17, thence east on IL St. Hwy. 17 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Montana.

(44) Between points in Illinois on and southeast of a line commencing at the Illinois-Missouri state line on U.S. Hwy. 67, thence north on U.S. Hwy. 67 to the jct. of IL St. Hwy. 267, thence north on IL St. Hwy. 267 to the jct. of U.S. Hwy. 67, thence north on U.S. Hwy. 67 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of IL St. Hwy. 29, thence north on IL St. Hwy. 29 to the jct. of U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the jct. of U.S. Hwy. 66, thence northeast on U.S. Hwy. 66 to the jct. of IL St. Hwy. 23, thence north on IL St. Hwy. 23 to the jct. of IL St. Hwy. 18, thence east on IL St. Hwy. 18 to the jct. of IL St. Hwy. 17, thence east on IL St. Hwy. 17 to the jct. of U.S. Hwy. 66, thence northeast on U.S. Hwy. 66 to a terminus at Chicago, Illinois, on the one hand, and, on the other, points in Montana on and west of a line commencing at the United States-Canadian border on U.S. Hwy. 91, thence south on U.S. Hwy. 91 to the jct. of U.S. Hwy. 12, thence east on U.S. Hwy. 12 to the jct. of U.S. Hwy. 191, thence south on U.S. Hwy. 191 to the jct. of U.S. Hwy. 10, thence east on U.S. Hwy. 10 to Billings, Montana, thence west on U.S. Hwy. 10 to the jct. of U.S. Hwy. 212, thence south on U.S. Hwy. 212 to the Montana-Wyoming state line;

(45) Between points in Illinois on and southeast of a line commencing at the Illinois-Missouri state line on U.S. Hwy. 54, thence northeast on U.S. Hwy. 54 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of IL St. Hwy. 100, thence north on IL St. Hwy. 100 to the jct. of U.S. Hwy. 67, thence north on U.S. Hwy. 67 to the jct. of U.S. Hwy. 24, thence northeast on U.S. Hwy. 24 to the jct. of IL St. Hwy. 29, thence north on IL St. Hwy. 29 to the jct. of U.S. Hwy. 51, thence north on U.S. Hwy. 51 to the jct. of U.S. Hwy. 34, thence east on U.S. Hwy. 34 to the jct. of IL St. Hwy. 25, thence north on IL St. Hwy. 25 to the jct. of IL St. Hwy. 58, thence east on IL St. Hwy. 58 to the jct. of IL St. Hwy. 43, thence north on IL St. Hwy. 43 to the jct. of IL St. Hwy. 22, thence east on IL St. Hwy. 22 to the terminus at Highwood, Illinois, on the one hand, and, on the other, points in Montana on and west of a line commencing at the United States-Canadian border on U.S. Hwy. 93, thence south on U.S. Hwy. 93 to the jct. of U.S. Hwy. 10, thence east on U.S. Hwy. 10 to the jct. of U.S. Hwy. 12, thence southwest on U.S. Hwy. 12 to the Idaho-Montana state line;

(46) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on IL St. Hwy. 9, thence west on IL St. Hwy. 9 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of U.S. Hwy. 150, thence west on U.S. Hwy 150 to the jct. of U.S. Hwy. 45 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the jct. of IL St. Hwy. 130, thence south on IL St. Hwy. 130 to the jct. of IL St. Hwy. 1, thence southwest on IL St. Hwy. 1 to the jct. of I–64, thence east on I–64 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Nebraska;

(47) Between points in Illinois on, south, and east of a line commencing at Waukegan, Illinois, thence west on IL St. Hwy. 120 to the jct. of IL St. Hwy. 21, thence south on IL St. Hwy. 21 to the jct. of IL St. Hwy. 68, thence west on IL St. Hwy. 68 to the jct. of IL St. Hwy. 53, thence south on IL St. Hwy. 53 to the jct. of U.S. Hwy. 66, thence southwest on U.S. Hwy. 66 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 161, thence east on IL St. Hwy. 161 to the jct. of I–57, thence south on I–57 to the jct. of U.S. Hwy. 51, thence southeast on U.S. Hwy. 51 to the Illinois-Kentucky state line, on the one hand, and, on the other, Haigler, Nebraska;

(48) Between points in Illinois on, south, and east of a line commencing at Chicago, Illinois thence southwest on U.S. Hwy. 66 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of I–57, thence south on I–57 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the jct. of IL St. Hwy. 130, thence south on IL St. Hwy. 130 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of I–64, thence east on I–64 to the Illinois-Indiana state line, on the one hand, and, on the other, (A) points in Nebraska on, south, and west of a line commencing at the Nebraska-Wyoming state line on U.S. Hwy. 26, thence southeast on U.S. Hwy. 26 to the jct. of NE St. Hwy. 71, thence south on NE St. Hwy. 71 to the jct. of U.S. Hwy. 30, thence east on U.S. Hwy. 30 to the jct. of NE St. Hwy. 19, thence south on NE St. Hwy. 19 to the Nebraska-Colorado state line, (B) and points in Nebraska on, south and east of a line commencing at the Nebraska-Colorado state line on U.S. Hwy. 34, thence northeast on U.S. Hwy. 34 to the jct. of U.S. Hwy. 83, thence south on U.S. Hwy. 83 to the jct. of NE St. Hwy. 89, thence northeast on NE St. Hwy. 89 to the jct. of U.S. Hwy. 183, thence south on U.S. Hwy. 183 to the jct. of U.S. Hwy. 136, thence east on U.S. Hwy. 136 to the jct. of NE St. Hwy. 14, thence south on NE St. Hwy. 14 to the Nebraska-Kansas state line; (C) and points in Nebraska on, south and east of a line commencing at the Nebraska-Kansas state line on U.S. Hwy. 75, thence north on U.S. Hwy. 75 to the jct. of U.S. Hwy. 73, thence southeast on U.S. Hwy. 73 to the jct. of NE St. Hwy. 4, thence east on NE St. Hwy. 4 to the Nebraska-Missouri state line;

(49) Between points in Illinois on and east of a line commencing at the Illinois-Missouri state line on U.S. Hwy. 54, thence northeast on U.S. Hwy. 54 to the jct .of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of IL St. Hwy. 107, thence north on IL St. Hwy. 107 to the jct. of U.S. Hwy. 24, thence west on U.S. Hwy. 24 to Camp Point, Illinois, thence east on U.S. Hwy. 24 to the jct. of IL St. Hwy. 94, thence north on IL St. Hwy. 94 to the jct. of U.S. Hwy. 136, thence west on U.S. Hwy. 136 to the Illinois-Iowa state line, on the one hand, and, on the other, Searchlight, Nevada;

(50) Between points in Illinois on and east of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy. 2, thence south on IL St. Hwy. 2 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 29, thence west on IL St. Hwy. 29 to the jct. of IL St. Hwy. 89, thence south on IL St. Hwy. 89 to the jct. of IL St. Hwy. 116, thence southwest on IL St. Hwy. 116 to the jct. of I–74, thence northwest on I–74 to the IL St. Hwy. 78, thence south on IL St. Hwy. 78 to the jct. of U.S. Hwy. 24, thence southwest on U.S. Hwy. 24 to the jct. of IL St. Hwy. 99, thence southeast on IL St. Hwy. 99 to the jct. of IL St. Hwy. 104, thence east on IL St. Hwy. 104 to the jct. of IL St. Hwy. 100, thence south on IL St. Hwy. 100 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Nevada;

(51) Between points in Illinois, on the one hand, and, on the other, points in New Jersey on, south, and east of a line commencing at the New Jersey-New York state line on U.S. Hwy. 202, thence south on U.S. Hwy. 202 to the jct. of U.S. Hwy. 46, thence west on U.S. Hwy. 46 to the jct. of NJ St. Hwy. 57, thence southwest on NJ St. Hwy. 57 to the New Jersey-Pennsylvania state line;

(52) Between points in Illinois on, south, and west of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy. 14, thence south on U.S. Hwy. 14 to the jct. of IL St. Hwy. 23, thence south on IL St. Hwy. 23 to the jct. of U.S. Hwy. 20, thence southeast on U.S. Hwy. 20 to the jct. of IL St. Hwy. 47, thence south on IL St. Hwy. 47 to the jct. of U.S. Hwy. 30, thence southeast on U.S. Hwy. 30 to the jct. of U.S. Hwy. 52, thence southeast on U.S. Hwy. 52 to the jct. of IL St. Hwy. 17, thence east on IL St. Hwy. 17 to the jct. of IL St. Hwy. 114, thence east on IL St. Hwy. 114 to the Illinois-Indiana state line, on the one hand, and, on the other, points in New Jersey.

(53) Between points in Illinois on and east of a line commencing at New Boston, Illinois, thence north and east on IL St. Hwy. 17 to the jct. of IL St. Hwy. 94, thence south and west on IL St. Hwy. 94 to the jct. of IL St. Hwy. 116, thence south and east on IL St. Hwy. 116 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the jct. of U.S. Hwy. 24, thence southwest on U.S. Hwy. 24 to the jct. of IL St. Hwy. 99, thence southeast on IL St. Hwy. 99 to the jct. of IL St. Hwy. 104, thence east on IL St. Hwy. 104 to the jct. of IL St. Hwy. 100, thnece south on IL St. Hwy. 100 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of IL St. Hwy. 106, thence south on IL St. Hwy. 106 to the jct. of IL St. Hwy. 267, thence south and southeast on IL St. Hwy. 267 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the Illinois-Missouri state line, on the one hand, and, on the other, Rodeo, New Mexico.

(54) Between points in Illinois on and east of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy. 26, thence south on IL St. Hwy. 26 to the jct. of IL St. Hwy. 2, thence west on IL St. Hwy. 2 to the jct. of IL St. Hwy. 88, thence south on IL St. Hwy. 88 to the jct. of IL St. Hwy. 29, thence south on IL

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St. Hwy. 29 to the jct. of U.S. Hwy. 66, thence south on U.S. Hwy. 66 to the jct. of IL St. Hwy. 127, thence southeast on IL St. Hwy. 127 to the jct. of IL St. Hwy. 185, thence southeast on IL St. Hwy. 185 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 161, thence east on IL St. Hwy. 161 to the jct. of IL St. Hwy. 37, thence south on IL St. Hwy. 37 to the jct. of U.S. Hwy. 460, thence southeast on U.S. Hwy. 460 to the jct. of IL St. Hwy. 142, thence southeast on IL St. Hwy. 142 to the jct. of IL St. Hwy. 13, thence east on IL St. Hwy. 13 to the Illinois-Kentucky state line, on the one hand, and, on the other, points in New Mexico (except those in Union County, New Mexico);

(55) Between points in Illinois, on the one hand, and, on the other, points in New York on, south, and east of a line commencing at the New Jersey-New York state line on U.S. Hwy. 202, thence north and east on U.S. Hwy. 202 to the jct. of NY St. Hwy. 22, thence north on NY St. Hwy. 22 to the jct. of NY St. Hwy. 55, thence west on NY St. Hwy. 55 to the jct. of U.S. Hwy. 9W, thence north on U.S. Hwy. 9W to the jct. of NY St. Hwy. 32, thence west on NY St. Hwy. 32 to Kingston, New York, thence east and north on NY St. Hwy. 32 to the jct. of NY St. Hwy. 199, thence east on NY St. Hwy. 199 to the jct. of U.S. Hwy. 44, thence east on U.S. Hwy. 44 to the Connecticut-New York state line;

(56) Between points in Illinois on, south, and west of a line commencing at the Illinois-Indiana state line on IL St. Hwy. 9, thence west on IL St. Hwy. 9 to the jct. of IL St. Hwy. 47, thence north on IL St. Hwy. 47 to the jct. of U.S. Hwy. 24, thence west on U.S. Hwy. 24 to the jct. of U.S. Hwy. 51, thence north on U.S. Hwy. 51 to the jct. of IL St. Hwy. 17, thence west on IL St. Hwy. 17 to the jct. of U.S. Hwy. 150, thence north on U.S. Hwy. 150 to the jct. of IL St. Hwy. 92, thence east on IL St. Hwy. 92 to the jct. of IL St. Hwy. 84, thence northeast on IL St. Hwy. 84 to the jct. of I–80, thence northwest on I–80 to the Illinois-Iowa state line, on the one hand, and, on the other, points in New York;

(57) Between points in Illinois on, south, and west of a line commencing at the Illinois-Indiana state line on IL St. Hwy. 114, thence west on IL St. Hwy. 114 to the jct. of IL St. Hwy. 17, thence south and west on IL St. Hwy. 17 to the jct. of U.S. Hwy. 52, thence north and west on U.S. Hwy. 52 to the jct. of U.S. Hwy. 30, thence northwest on U.S. Hwy. 30 to the jct. of IL St. Hwy. 31, thence north on IL St. Hwy. 31 to the jct. of IL St. Hwy. 56, thence west on IL St. Hwy. 56 to the jct. of IL St. Hwy. 47, thence north on IL St. Hwy. 47 to the jct. of IL St. Hwy. 38, thence west on IL St. Hwy. 38 to the jct. of U.S. Hwy. 51, thence north on U.S. Hwy. 51 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in New York on and east of a line commencing at the New York-Pennsylvania state line on U.S. Hwy. 209, thence northeast on U.S. Hwy. 209 to the jct. of I–87, thence north on I–87 to the jct. of U.S. Hwy. 9 (near Underwood, New York), thence northwest on U.S. Hwy. 9 to the jct. of NY St. Hwy. 73, thence north and west on NY St. Hwy. 73 to the jct. of NY St. Hwy. 86, thence west on NY St. Hwy. 86 to the jct. of NY St. Hwy. 3, thence south and west on NY St. Hwy. 3 to the jct. of NY St. Hwy. 56, thence north on NY St. Hwy. 56 to the jct. of NY St. Hwy. 37, thence northeast on NY St. Hwy. 37 to the terminus at Rooseveltown, New York.

(58) Between points in Illinois on and north of U.S. Hwy. 40, on the one hand, and, on the other, points in North Carolina;

(59) Between points in Illinois on, south, and east of a line commencing at the Illinois-Missouri state line on U.S. Hwy. 67, thence north on U.S. Hwy. 67 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 4, thence north on IL St. Hwy. 4 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of U.S. Business Route 66, thence north on U.S. Business Route 66 to the jct. of U.S. Hwy. 66, thence northeast on U.S. Hwy. 66 to the jct. of U.S. Hwy. 51, thence north on U.S. Hwy. 51 to the jct. of IL St. Hwy. 9, thence east on IL St. Hwy. 9 to the jct. of IL St. Hwy. 54, thence northeast on IL St. Hwy. 54 to the jct. of U.S. Hwy. 45, thence north and east on U.S. Hwy. 45 to the jct. of U.S. Hwy. 52, thence east and southeast on U.S. Hwy. 52 to the jct. of U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the Illinois-Indiana state line on the one hand, and, on the other, points in North Dakota on and west of a line commencing at the United States-Canadian border on U.S. Hwy. 83, thence south on U.S. Hwy. 83 to the jct. of ND St. Hwy. 6 (north of Bismarck, North Dakota), thence south on ND St. Hwy. 6 to the jct. of ND St. Hwy. 21, thence west on ND St. Hwy. 21 to the jct. of ND St. Hwy. 8, thence south on ND St. Hwy. 8 to the jct. of U.S. Hwy. 12, thence southeast on U.S. Hwy. 12 to the North Dakota-South Dakota state line;

(60) between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on IL St. Hwy. 9, thence west on IL St. Hwy. 9 to the jct. of IL St. Hwy. 54, thence southwest on IL St. Hwy. 54 to the jct. of IL St. Hwy 48, thence south and southwest on IL St. Hwy. 48 to the jct. of U.S. Hwy. 66, thence south on U.S. Hwy. 66 to the jct. of IL St. Hwy. 16, thence west on IL St. Hwy. 16 to the jct. of IL St. Hwy. 159, thence south on IL St. Hwy. 159 to the jct. of U.S. Business Route 40, thence southwest on U.S. Business Route 40 to the jct. of IL St. Hwy. 3, thence south on IL St. Hwy. 3 to the jct. of U.S. Hwy. 50 By-pass, thence south and west on U.S. Hwy. 50 By-pass to the Illinois-Missouri state line, on the one hand, and, on the other, points in North Dakota on, north, and west of a line commencing at Wahpeton, North Dakota, thence south on U.S. Hwy. 81 to the jct. of ND St. Hwy. 11, thence west on ND St. Hwy. 11 to the jct. of ND St. Hwy. 18, thence south on ND St. Hwy. 18 to the North Dakota-South Dakota state line;

(61) Between points in Illinois bounded on the north by a line commencing at the Illinois-Missouri state line on U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the jct. of U.S. Hwy. 67, thence east on U.S. Hwy. 67 to the jct. of IL St. Hwy. 125, thence east on IL St. Hwy. 125 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the Illinois-Indiana state line; and bounded on the east by the Illinois-Indiana state line; and bounded on the south by a line commencing at the Illinois-Indiana state line on U.S. Hwy. 40, thence west on U.S. Hwy. 40 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 161, thence west on IL St. Hwy. 161 to the jct. of IL St. Hwy. 127, thence south on IL St. Hwy. 127 to the jct. of U.S. Hwy. 460, thence west on U.S. Hwy. 460 to the jct. of IL St. Hwy. 4, thence south on IL St. Hwy. 4 to the jct. of IL ST. Hwy. 150, thence south on IL St. Hwy. 150 to and including Chester, Illinois; and bounded on the west by the Illinois-Missouri state line, on the one hand, and, on the other, points in Ohio;

(62) Between points in Illinois on and north of a line commencing at the Illinois-Indiana state line on U.S. Hwy. 40, thence west on U.S. Hwy. 40 to the jct. of IL St. Hwy. 37, thence southwest on IL St. Hwy. 37 to the jct. of U.S. Hwy. 50, thence west on U.S. Hwy. 50 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 161, thence west on IL St. Hwy. 161 to the jct. of IL St. Hwy. 127, thence south on IL St. Hwy. 127 to the jct. of U.S. Hwy. 460, thence west on U.S. Hwy. 460 to the jct. of IL St. Hwy. 4, thence south on IL St. Hwy. 4 to the jct. of IL St. Hwy. 150, thence south on IL St. Hwy. 150 to and including, Chester, Illinois, on the one hand, and, on the other, Aberdeen and Chesapeake, Ohio;

(63) Between points in Illinois bounded on the north by a line commencing at the Illinois-Iowa state line on U.S. Hwy. 34, thence east on U.S. Hwy. 34 to the jct. of U.S. Hwy. 150, thence east on U.S. Hwy. 150 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of U.S. Hwy. 54, thence southwest on IL St. Hwy. 54 to the jct. of U.S. Hwy. 66, thence south on U.S. Hwy. 66 to the jct. of IL St. Hwy. 16, thence west on IL St. Hwy. 16 to the jct. of IL St. Hwy. 4, thence south on IL St. Hwy. 4 to the jct. of IL St. Hwy. 150, thence south on IL St. Hwy. 150 to and including, Chester, Illinois, on the one hand, and, on the other, Aberdeen and Chesapeake, Ohio; and bounded on the south by a line commencing at the Illinois-Indiana state line on U.S. Hwy. 40, thence west on U.S. Hwy. 40 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 161, thence west on IL St. Hwy. 161 to the jct. of IL St. Hwy. 127, thence south on IL St. Hwy. 127 to the jct. of U.S. Hwy. 460, thence west on U.S. Hwy. 460 to the jct. of IL St. Hwy. 4, thence south on IL St. Hwy. 4 to the jct. of IL St. Hwy. 150, thence south on IL St. Hwy. 150 to and including Chester, Illinois; and bounded on the west by the Illinois-Missouri state line on the one hand, and, on the other, points

in Ohio on, south, and east of a line commencing at Sandusky, Ohio, thence south on OH St. Hwy 4, to the jct. of OH St. Hwy. 47, thence west on OH St. Hwy. 47 to the Ohio-Indiana state line;

(64) Between points in Illinois on, north, and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of U.S. Hwy. 150, thence southeast on U.S. Hwy. 150 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 130, thence south on IL St. Hwy. 130 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Oklahoma;

(65) Between points in Illinois on, north, and east of a line commencing at the Illinois-Iowa state line on U.S. Hwy. 6, thence east on U.S. Hwy. 6 to the jct. of U.S. Hwy. 150, thence southeast on U.S. Hwy. 150 to the jct. of IL St. Hwy. 78, thence south on IL St. Hwy. 78 to the jct. of U.S. Hwy. 136, thence east on U.S. Hwy. 136 to the jct. of IL St. Hwy. 10, thence southeast on IL St. Hwy. 10 to the jct. of IL St. Hwy. 121, thence east on IL St. Hwy. 121 to the jct. of IL St. Hwy. 32, thence south on IL St. Hwy. 32 to the jct. of IL St. Hwy. 33, thence east on IL St. Hwy. 33 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the Illinois-Indiana state line, on the one hand, and, on the other, Tom, Oklahoma;

(66) Between points in Illinois on, north, and east of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy. 78, thence south on IL St. Hwy. 78 to the jct. of U.S. Hwy. 20, thence west on U.S. Hwy. 20 to the jct. of IL St. Hwy 84, thence south on IL St. Hwy. 84 to the jct. of IL St. Hwy. 64, thence east on IL St. Hwy. 64 to the jct. of IL St. Hwy. 78, thence south on IL St. Hwy. 78 to the jct. of U.S. Hwy. 34, thence southwest on U.S. Hwy. 34 to the jct. of I–74, thence southeast on I–74 to the jct. of IL St. Hwy. 97, thence south on IL St. Hwy. 97 to the jct. of St. Hwy. 29, thence southeast on IL St. Hwy. 29 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 126, thence south on IL St. Hwy. 126 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of IL St. Hwy. 15, thence east on IL St. Hwy. 15 to Mount Carmel, Illinois, on the one hand, and, on the other, Hollis, Oklahoma;

(67) Between points in Illinois on, north, and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of U.S. Hwy. 6, thence west on U.S. Hwy. 6 to the jct. of IL St. Hwy. 89, thence south on IL St. Hwy. 89 to the jct. of IL St. Hwy. 116, thence southwest on IL St. Hwy. 116 to the jct. of I–74, thence southeast on I–74 to the jct. of IL St. Hwy. 121, thence south on IL St. Hwy. 121 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 185, thence southeast on IL St. Hwy. 185 to the jct. of St. Hwy. 37, thence south on IL St. Hwy. 37 to the jct. of U.S. Hwy. 460, thence southeast on U.S. Hwy. 460 to the jct. of IL St. Hwy. 142, thence south on IL St. Hwy. 142 to the jct. of IL St. Hwy. 13, thence east on IL St. Hwy. 13 to the Illinois-Kentucky state line, on the one hand, and, on the other, Boise City, Oklahoma;

(68) Between points in Illinois on, north, and east of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy. 26, thence south on IL St. Hwy. 26 to the jct. of IL St. Hwy. 29, thence south on IL St. Hwy. 29 to the jct. of I–74, thence southeast on I–74 to the jct. of IL St. Hwy. 121, thence southeast on IL St. Hwy. 121 to the jct. of IL St. Hwy. 32, thence south on IL St. Hwy. 32 to the jct. of IL St. Hwy. 33, thence southeast on IL St. Hwy. 33 to the jct. of IL St. Hwy. 130, thence south on IL St. Hwy. 130 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Oklahoma on, south, and west of a line commencing at the Oklahoma-Texas state line on U.S. Hwy. 60, thence east on U.S. Hwy. 60 to the jct. of U.S. Hwy. 270, thence southeast on U.S. Hwy. 270 to the jct. of U.S. Hwy. 69 thence south on U.S. Hwy. 69 to the jct. of Indian Nation Turnpike, thence south on Indian Nation Turnpike to the jct. of U.S. Hwy. 271, thence south on U.S. Hwy. 271 to the Oklahoma-Texas state line;

(69) Between points in Illinois on and south of a line commencing at New Boston, Illinois, thence east on IL St. Hwy. 17 to the jct. of I–74, thence north on I–74 to the jct. of IL St. Hwy. 81, thence east on IL St. Hwy. 81 to the jct. of IL St. Hwy. 78, thence south on IL St. Hwy. 78 to the jct. of IL St. Hwy. 17, thence east on IL St. Hwy. 17 to the jct. of IL St. Hwy. 88, thence south on IL St. Hwy. 88 to the jct. of U.S. Hwy. 150, thence southeast on U.S. Hwy. 150 to the jct. of U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 9, thence east on IL St. Hwy. 9 to the jct. of IL St. Hwy. 47, thence south on IL St. Hwy. 47 to the jct. of U.S. Hwy. 136, thence east on U.S. Hwy. 136 to the jct. of IL St. Hwy. 119, thence east on IL St. Hwy. 119 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Pennsylvania;

(70) Between points in Illinois, on the one hand, and, on the other, points in Pennsylvania on, south, and east of a line commencing at the Maryland-Pennsylvania state line on U.S. Hwy. 222, thence north on U.S. Hwy. 222 to the jct. of PA St. Hwy. 309, thence south on PA St. Hwy. 309 to the jct. of PA St. Hwy. 313, thence east on PA St. Hwy. 313 to the jct. of PA St. Hwy. 212, thence northeast on PA St. Hwy. 212 to the jct. of PA St. Hwy. 611, thence north on PA St. Hwy. 611 to a terminus at Riegelsville, Pennsylvania;

(71) Between points in Illinois, on, south, and west of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy. 26, thence south on IL St. Hwy. 26 to the jct. of U.S. Hwy. 52, thence southeast on U.S. Hwy. 52 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 17, thence east on IL St. Hwy. 17 to the jct. of U.S. Hwy. 52, thence southeast on U.S. Hwy. 52 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Pennsylvania on, south, and east of a line commencing at the Pennsylvania-West Virginia state line on U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the jct. of U.S. Hwy. 19, thence northeast on U.S. Hwy. 19 to the jct. of U.S. Hwy. 22, thence east on U.S. Hwy. 22 to the jct. of PA St. Hwy. 286, thence northeast on PA St. Hwy. 286 to the jct. of U.S. Hwy. 422, thence east on U.S. Hwy. 422 to the jct. of U.S. Hwy. 22, thence east on U.S. Hwy. 22 to the jct. of U.S. Hwy. 522, thence north on U.S. Hwy. 522 to the jct. of U.S. Hwy. 15, thence north on U.S. Hwy. 15 to the jct. of PA St. Hwy. 45, thence east on PA St. Hwy. 45 to the jct. of PA St. Hwy. 54, thence south on PA St. Hwy. 54 to the jct. of U.S. Hwy. 11, thence northeast on U.S. Hwy. 11 to the New York-Pennsylvania state line;

(72) Between East St. Louis, Illinois, and points in Illinois on and north of a line commencing at the Illinois-Missouri state line on U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the jct. of IL St. Hwy. 33, thence east on IL St. Hwy. 33 to the jct. of IL St. Hwy. 1, thence north on IL St. Hwy. 1 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in South Carolina;

(73) Between points in Illinois on and north of a line commencing at the Illinois-Indiana state line on U.S. Hwy. 460, thence west on U.S. Hwy. 460 to the jct. of IL St. Hwy. 14, thence west on IL St. Hwy. 14 to the jct. of IL St. Hwy. 37, thence south on IL St. Hwy. 37 to the jct. of IL St. Hwy. 13, thence west on IL St. Hwy. 13 to the jct. of IL St. Hwy. 149, thence west on IL St. Hwy. 149 to the jct. of IL St. Hwy. 3, thence west on IL St. Hwy. 3 to Chester, Illinois, on the one hand, and, on the other, Little River, South Carolina;

(74) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on IL St. Hwy. 9, thence west on IL St. Hwy. 9 to the jct. of IL St. Hwy. 1, thence south on IL St. Hwy. 1 to the jct. of U.S. Hwy. 136, thence west on U.S. Hwy. 136 to the jct. of IL St. Hwy. 49, thence south on IL St. Hwy. 49 to the jct. of I–74, thence west on I–74 to the jct. of I–57, thence south on I–57 to the jct. of IL St. Hwy. 16, thence west on IL St. Hwy. 16 to the jct. of IL St. Hwy. 128, thence south on IL St. Hwy. 128 to the jct. of U.S. Hwy. 40, thence southwest on U.S. Hwy. 40 to the jct. of U.S. Hwy. 51, thence

V40N181 SEP 17 75 XUM

south on U.S. Hwy. 51 to the Illinois-Kentucky state line, on the one hand, and, on the other, points in South Dakota;

(75) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on IL St. Hwy. 114, thence west on IL St. Hwy. 114 to the jct. of IL St. Hwy. 17, thence west on IL St. Hwy. 17 to the jct. of I–57, thence south on I–57 to the jct. of U.S. Hwy. 24, thence west on U.S. Hwy. 24 to the jct. of U.S. Hwy. 66, thence southwest on U.S. Hwy. 66 to the jct. of U.S. Hwy. 36, thence west on U.S. Hwy. 36 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the jct. of IL St. Hwy. 267, thence south on IL St. Hwy. 267 to the jct. of IL St. Hwy. 16, thence west on IL St. Hwy. 16 to its terminus at Hardin, Illinois, on the one hand, and, on the other, Ludlow, South Dakota.

(76) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy. 24, thence west on U.S. Hwy. 24 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of IL St. Hwy. 9, thence west on IL St. Hwy. 9 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 48, thence southwest on IL St. Hwy. 48 to the jct. of IL St. Hwy. 127, thence south on IL St. Hwy. 127 to the jct. of U.S. Hwy. 40, thence west on U.S. Hwy. 40 to the Illinois-Missouri state line, on the one hand, and, on the other, points in South Dakota on, north, and west of a line commencing at the North Dakota-South Dakota state line on U.S. Hwy. 85, thence south on U.S. Hwy. 85 to the jct. of SD St. Hwy. 79, thence south on SD St. Hwy. 79 to the jct. of U.S. Hwy. 18, thence west on U.S. Hwy. 18 to the South Dakota-Wyoming state line and the point of Lemmon, South Dakota;

(77) Between points in Illinois on and northeast of a line commencing at the Iowa-Illinois state line on U.S. Hwy. 67, thence south on U.S. Hwy. 67 to the jct. of IL St. Hwy. 17, thence east on IL St. Hwy. 17 to the jct. of U.S. Hwy. 150, thence southeast on U.S. Hwy. 150 to the jct. of I–74, thence east on I–74 to the jct. of U.S. Hwy. 24, thence southwest on U.S. Hwy. 24 to the jct. of IL St. Hwy. 9, thence southeast on IL St. Hwy. 9 to the jct. of IL St. Hwy. 121, thence southeast on IL St. Hwy. 121 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of IL St. Hwy. 32, thence south on IL St. Hwy. 32 to the jct. of IL St. Hwy. 133, thence east on IL St. Hwy. 133 to the jct. of U.S. Hwy. 150, thence east on U.S. Hwy. 150 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Tennessee;

(78) Between points in Illinois on and north of a line commencing at the Illinois-Missouri state line on U.S. Hwy. 54, thence northeast on U.S. Hwy. 54 to the jct. of U.S. Hwy. 36, thence northeast on U.S. Hwy. 36 to the jct. of IL St. Hwy. 104, thence southeast on IL St. Hwy. 104 to the jct. of IL St. Hwy. 29, thence southeast on IL St. Hwy. 29 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 130, thence south on IL St. Hwy. 130 to the jct. of U.S. Hwy. 40, thence northeast on U.S. Hwy. 40 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the jct. of TN St. Hwy. 109, thence south on TN St. Hwy. 109 to the jct. of U.S. Hwy. 70, thence west on U.S. Hwy. 70 to the jct. of U.S. Hwy. Alt. 41, thence south on U.S. Hwy. Alt. 41 to the jct. of U.S. Hwy. 64, thence east on U.S. Hwy. 64 to the jct. of TN St. Hwy. 97, thence south on TN St. Hwy. 97 to the Alabama-Tennessee state line;

(79) Between points in Illinois on, east, and north of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy. 26, thence south on IL St. Hwy. 26 to the jct. of IL St. Hwy. 29, thence south on IL St. Hwy. 29 to the jct. of I–74, thence east on I–74 to the jct. of IL St. Hwy. 32, thence south on IL St. Hwy. 32 to the jct. of IL St. Hwy. 33, thence east on IL St. Hwy. 33 to a terminus at Palestine, Illinois, on the one hand, and, on the other, points in Texas;

(80) Between points in Illinois on, east, and north of a line commencing at the Illinois-Wisconsin state line on IL St. Hwy. 26, thence south on IL St. Hwy. 26 to the jct. of U.S. Hwy. 52, thence west on U.S. Hwy. 52 to the jct. of IL St. Hwy. 84, thence south on IL St. Hwy. 84 to the jct. of IL St. Hwy. 92, thence west on IL St. Hwy. 92 to the jct. of U.S. Hwy. 150, thence south on U.S. Hwy. 150 to the jct. of IL St. Hwy. 97, thence south on IL St. Hwy. 97 to the jct. of IL St. Hwy. 29, thence south on IL St. Hwy. 29 to the jct. of IL St. Hwy. 16, thence east on IL St. Hwy. 16 to the jct. of IL St. Hwy. 128, thence south on IL St. Hwy. 128 to the jct. IL St. Hwy. 33, thence east on IL St. Hwy. 33 to the jct. of IL St. Hwy. 130, thence south on IL St. Hwy. 130 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Texas on and south of a line commencing at the Texas-New Mexico state line on U.S. Hwy. 180, thence east on U.S. Hwy. 180 to the jct. of I–20, thence east on I–20 to the Texas-Louisiana state line;

(81) Between points in Illinois on and east of a line commencing at Chester, Illinois, thence northeast on IL St. Hwy. 150 to the jct. of IL St. Hwy. 4, thence north on IL St. Hwy. 4 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the jct. of IL St. Hwy. 29, thence north on IL St. Hwy. 29 to the jct. of IL St. Hwy. 116, thence east on IL St. Hwy. 116 to the jct. of IL St. Hwy. 89, thence north on IL St. Hwy. 89 to the jct. of IL St. Hwy. 29, thence east on IL St. Hwy. 29 to the jct. of U.S. Hwy. 51, thence north on U.S. Hwy. 51 to the jct. of I–80, thence east on I–80 to the jct. of IL St. Hwy. 23, thence north on IL St. Hwy. 23 to the jct. of U.S. Hwy. 34, thence east on U.S. Hwy. 34 to the jct. of IL St. Hwy. 47, thence north on IL St. Hwy. 47 to the jct. of the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Utah;

(82) Between points in Illinois on and east of a line commencing at the Missouri-Illinois state line on U.S. Hwy. 67, thence north on U.S. Hwy. 67 to the jct. of IL St. Hwy. 78, thence north on IL St. Hwy. 78 to the jct. of U.S. Hwy. 24 thence northeast on U.S. Hwy. 24 to the jct. of IL St. Hwy. 116, thence northeast on IL St. Hwy. 116 to the jct. of IL St. Hwy. 89, thence north on IL St. Hwy. 89 to the jct. of IL St. Hwy. 29, thence east on IL St. Hwy. 29 to the jct. of U.S. Hwy. 51, thence north on U.S. Hwy. 51 to the jct. of U.S. Hwy. 30, thence east on U.S. Hwy. 30 to the jct. of IL St. Hwy. 47, thence north on IL St. Hwy. 47 to the Illinois-Wisconsin state line, on the one hand, and, on the other, points in Utah on and west of a line commencing at the Arizona-Utah state line on U.S. Hwy. 89, thence north on U.S. Hwy. 89 to the jct. of I–70, thence east on I–70 to the jct. of UT St. Hwy. 10, thence north on UT St. Hwy. 10 to the jct. of U.S. Hwy. 50, thence northwest on U.S. Hwy. 50 to the jct. of U.S. Hwy. 89, thence north on U.S. Hwy. 89 to the jct. of U.S. Hwy. 91 at Logan, Utah, thence north on U.S. Hwy. 91 to the Utah-Idaho state line;

(83) Between points in Illinois, on the one hand, and, on the other, points in Vermont on, north and east of a line commencing at the United States-Canadian border on VT St. Hwy. 105A, thence south on VT St. Hwy. 105A to the jct. of VT St. Hwy. 105, thence southwest on VT St. Hwy. 105 to the jct. of VT St. Hwy. 101, thence south on VT St. Hwy. 101 to the jct. of VT St. Hwy. 100, thence south on VT St. Hwy. 100 to the jct. of VT St. Hwy. 12, thence southeast on VT St. Hwy. 12 to the jct. of U.S. Hwy. 2, thence east on U.S. Hwy. 2 to the jct. of U.S. Hwy. 302, thence southeast on U.S. Hwy. 302 to the jct. of VT St. Hwy. 25, thence southeast on VT St. Hwy. 25 to the New Hampshire-Vermont state line;

(84) Between points in Illinois on, south, and west of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy. 14, thence south on U.S. Hwy. 14 to the jct. of IL St. Hwy. 47, thence south on IL St. Hwy. 47 to the jct. of U.S. Hwy. 30, thence southeast on U.S. Hwy. 30 to the jct. of U.S. Hwy. 52, thence southeast on U.S. Hwy. 52 to the jct. of IL St. Hwy. 17, thence east on IL St. Hwy. 17 to the jct. of IL St. Hwy. 114, thence east on IL St. Hwy. 114 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Vermont;

(85) Between points in Illinois on and north of a line commencing at Palestine, Illinois, thence west on IL St. Hwy. 33 to the jct. of I–57, thence southwest on I–57 to the jct. of U.S. Hwy. 50, thence west on U.S. Hwy. 50 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 161, thence west on IL St. Hwy. 161 to the jct. of

U.S. Hwy. 50, thence west on U.S. Hwy. 50 to the Illinois-Missouri state line, on the one hand, and, on the other, points in Virginia;

(86) Between points in Illinois, on the one hand, and, on the other, points in Virginia on, north, and east of a line commencing at the Maryland-Virginia state line on U.S. Hwy. 11, thence south on U.S. Hwy. 11 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the jct. of I–95, thence south on I–95 to the jct. of U.S. Hwy. 60, thence southeast on U.S. Hwy. 60 to the jct. of VA St. Hwy. 168, thence southeast on VA St. Hwy. 168 to the North Carolina-Virginia state line;

(87) Between points in Illinois on, north, and west of a line commencing Mount Carmel, Illinois, thence west on IL St. Hwy. 15 to the jct. of I–57, thence south on I–57 to the jct. of IL St. Hwy. 13, thence west on IL St. Hwy. 13 to the jct. of IL St. Hwy. 149, thence west on IL St. Hwy. 149 to the jct. of IL St. Hwy. 3, thence northwest on IL St. Hwy. 3 to the terminus at Chester, Illinois, on the one hand, and, on the other, points in Virginia on, north, and east of a line commencing at the Virginia-West Virginia state line on U.S. Hwy. 60 and VA St. Hwy. 311, thence south on VA St. Hwy. 311 to the jct. of I–81, thence northeast on I–81 to the jct. of I–581, thence southeast on I–581 to the jct. of U.S. Hwy. 220, thence south on U.S. Hwy. 220 to the jct. of VA St. Hwy. 40, thence east on VA St. Hwy. 40 to the jct. of U.S. Hwy. 29, thence south on U.S. Hwy. 29 to the North Carolina-Virginia state line;

(88) Between points in Illinois, on the one hand, and, on the other, Thomas and Elkins, West Virginia;

(89) Between points in Illinois, bounded on the west by the Illinois-Missouri and Illinois-Iowa state lines, and bounded on the north by a line commencing at the Illinois-Iowa state line on I–80, thence east on I–80 to the jct. of I–74, thence south on I–74 to the jct. of IL St. Hwy. 17 to the jct. of IL St. Hwy. 26, thence north on IL St. Hwy. 26 to the jct. of IL St. Hwy. 18, thence east on IL St. Hwy. 18 to the jct. of IL St. Hwy. 23, thence south on IL St. Hwy. 23 to the jct. of U.S. Hwy. 66, thence southwest on U.S. Hwy. 66 to the jct. of U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the jct. of IL St. Hwy. 47, thence south on IL St. Hwy. 47 to the jct. of IL St. Hwy. 9, thence east on IL St. Hwy. 9 to the Illinois-Indiana state line; and bounded on the east by the Illinois-Indiana state line; and bounded on the south by a line commencing at Palestine, Illinois, thence west on IL St. Hwy. 33 to the jct. of I–57, thence southwest on I–57 to the jct. of U.S. Hwy. 50, thence west on U.S. Hwy. 50 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of IL St. Hwy. 161, thence west on IL St. Hwy. 161 to the jct. of IL St. Hwy. 127, thence south on IL St. Hwy. 127 to the jct. of U.S. Hwy. 460, thence west on U.S. Hwy. 460 to the jct. of IL St. Hwy. 4, thence south on IL St. Hwy. 4 to the jct. of IL St. Hwy. 150, thence southwest on IL St. Hwy. 150 to a terminus at Chester, Illinois, on the one hand, and, on the other, points in Virginia;

(90) Between points in Illinois on, north, and west of a line commencing at Palestine, Illinois, thence west on IL St. Hwy 33 to the jct. of I–57, thence southwest on I–57 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of IL St. Hwy 161, thence west on IL St. Hwy 161 to the jct. of IL St. Hwy 121, thence south on IL St. Hwy 121 to the jct. of U.S. Hwy 460, thence west on U.S. Hwy 460 to the jct. of IL St. Hwy 4, thence south on IL St. Hwy 4 to the jct. of IL St. Hwy 150, thence southwest on IL St. Hwy 150 to the terminus at Chester, Illinois, on the one hand, and, on the other, points in West Virginia on and south of a line commencing at the Kentucky-West Virginia state line on WV St. Hwy 37, thence east on WV St. Hwy 37 to the jct. of WV St. Hwy 10, thence north on WV St. Hwy 10 to the jct. of WV St. Hwy 3, thence southeast on WV St. Hwy 3 to the jct. of WV St. Hwy 16, thence north on WV St. Hwy 16 to the jct. of WV St. Hwy 39, thence east on WV St. Hwy 39 to the Virginia-West Virginia state line;

(91) Between points in Illinois on, south, and west of a line commencing at the Illinois-Iowa state line on I–80, thence east on I–80 to the jct. of I–74, thence south on I–74 to the jct. of IL St. Hwy. 17, thence east on IL St. Hwy. 17 to the jct. of IL St. Hwy. 26, thence north on IL St. Hwy. 26 to the jct. of IL St. Hwy. 18, thence east on IL St. Hwy. 18 to the jct. of IL St. Hwy. 23, thence southeast on IL St. Hwy. 23 to the jct. of U.S. Hwy. 66, thence southwest on U.S. Hwy. 66 to the jct. of U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the jct. of IL St. Hwy. 47, thence south on IL St. Hwy. 47 to the jct. of IL St. Hwy. 9, thence west on IL St. Hwy. 9 to the Indiana-Illinois state line, on the one hand, and, on the other, points in West Virginia on and north of a line commencing at the Ohio-West Virginia state line on U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the jct. of I–77, thence south on I–77 to the jct. of WV St. Hwy. 47, thence east on WV St. Hwy. 47 to the jct. of U.S. Hwy. 33, thence east on U.S. Hwy. 33 to the Virginia-West Virginia state line;

(92) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy. 36, thence west on U.S. Hwy. 36 to the jct. of IL St. Hwy. 49, thence south on IL St. Hwy. 49 to the jct. of U.S. Hwy. 40, thence southwest on U.S. Hwy. 40 to the jct. of IL St. Hwy. 130, thence south on IL St. Hwy. 130 to the jct. of U.S. Hwy. 50, thence west on U.S. Hwy. 50 to the jct. of U.S. Hwy. 45, thence south on U.S. Hwy. 45 to the jct. of IL St. Hwy. 15, thence west on IL St. Hwy. 15 to the jct. of IL St. Hwy. 142, thence south on IL St. Hwy. 142 to the jct. of IL St. Hwy. 14, thence west on IL St. Hwy. 14 to the jct. of I–57, thence south on I–57 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the Illinois-Kentucky state line, on the one hand, and, on the other, points in Wisconsin;

(93) Between points in Illinois on, south, and east of a line commencing at the Illinois-Indiana state line on I–74, thence west on I–74 to the jct. of U.S. Hwy. 150, thence south on U.S. Hwy. 150 to the jct. of U.S. Hwy. 36, thence west on U.S. Hwy. 36 to the jct. of IL St. Hwy. 4, thence south on IL St. Hwy. 4 to the jct. of IL St. Hwy. 108, thence west on IL St. Hwy. 108 to the jct. of IL St, Hwy. 267, thence south on IL St. Hwy. 267 to the jct. of IL St. Hwy. 16, thence west on IL St. Hwy. 16 to the terminus at Hardin, Illinois, on the one hand, and, on the other, points in Wisconsin on and east of a line commencing at the Michigan-Wisconsin state line on U.S. Hwy. 141, thence south on U.S. Hwy. 141 to the jct. of WI St. Hwy. 180, thence southeast on WI St. Hwy. 180 to its terminus at Marinette, Wisconsin; and the points of Gills Rock, Wisconsin;

(94) Between points in Illinois on, south, and east of a line commencing at the Illinois-Missouri state line on IL St. Hwy. 140, thence east on IL St. Hwy. 140 to the jct. of IL St. Hwy. 127, thence north on IL St. Hwy. 127 to the jct. of IL St. Hwy. 16, thence northeast on IL St. Hwy. 16 to the jct. of IL St. Hwy. 49, thence north on IL St. Hwy. 49 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Wisconsin on, north, and east of a line commencing at the Illinois-Wisconsin state line on U.S. Hwy. 41, thence north on U.S. Hwy. 41 to the jct. of U.S. Hwy. 45, thence northwest on U.S. Hwy. 45 to the jct. of WI St. Hwy. 29, thence west on WI St. Hwy. 29 to the jct. of U.S. Hwy. 51, thence north on U.S. Hwy. 51 to the jct. of WI St. Hwy. 70, thence west on WI St. Hwy. 70 to the jct. of WI St. Hwy. 13, thence north on WI St. Hwy. 13 to the jct. of U.S. Hwy. 2, thence west on U.S. Hwy. 2 to the Minnesota-Wisconsin state line;

(95) Between points in Illinois on and east of a line commencing at the Illinois-Missouri state line on U.S. Hwy. 67, thence north on U.S. Hwy. 67 to the jct. of IL St. Hwy. 78, thence north on IL St. Hwy. 78 to the jct. of U.S. Hwy. 24, thence north on U.S. Hwy. 24 to the jct. of IL St. Hwy. 29, thence north on IL St. Hwy. 29 to the jct. of U.S. Hwy. 51, thence north on U.S. Hwy. 51 to the Illinois-Wisconsin state line, on the one hand, and, on the other, Auburn, Wyoming.

(96) Between Chicago, Illinois, on the one hand, and, on the other, Sheridan, Wyoming; and points in Wyoming on, west and south of a line commencing on U.S. Hwy. 310, thence south on U.S. Hwy. 310 to the jct. of U.S. Hwy. 20, thence south on U.S. Hwy. 20 to the jct. of WY St. Hwy. 789, thence south on WY St. Hwy. 789 to the jct. of U.S. Hwy. 287, thence southeast on U.S. Hwy. 287 to the jct. of U.S. Hwy. 30, thence east on U.S. Hwy. 30 to the Wyoming-Nebraska state line;

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SEP 17 75
XUM

(97) Between points in Illinois on, east, and south of a line commencing at the Illinois-Missouri state line on IL St. Hwy. 146, thence east on IL St. Hwy. 146 to the jct. of IL St. Hwy. 3, thence north on IL St. Hwy. 3 to the jct. of IL St. Hwy. 149, thence east on IL St. Hwy. 149 to the jct. of IL St. Hwy. 27, thence north on IL St. Hwy. 127 to the jct. of IL St. Hwy. 16, thence north on U St. Hwy. 16 to the jct. of U.S. Hwy. 51, thence north on U.S. Hwy. 51 to the jct. of IL St. Hwy. 9, thence east on IL St. Hwy. 9 to the jct. of IL St. Hwy. 54, thence north on IL St. Hwy. 54 to the jct. of U.S. Hwy. 45, thence north on U.S. Hwy 45 to the jct. of IL St. Hwy. 17, thence east on IL St. Hwy. 17 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Wyoming;

(98) Between points in Indiana on, north, and west of a line commencing at the Illinois-Indiana state line, thence east on IN St. Hwy 154 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of IN St. Hwy 48, thence east on IN St. Hwy 48 to the jct. of IN St. Hwy 59, thence north on IN St. Hwy 59 to the jct. of IN St. Hwy 246, thence east on IN St. Hwy 246 to the jct. of IN St. Hwy 46, thence east on IN St. Hwy 46 to the jct. of U.S. Hwy 231, thence north on U.S. Hwy 231 to the jct. of I–70, thence east on I–70 to the jct. of IN St. Hwy 267, thence north on IN St. Hwy 267 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of I–465, thence north on I–465 to the jct. of U.S. Hwy 31, thence north on U.S. Hwy 31 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Alabama;

(99) Between points in Indiana on and north of a line commencing at the Illinois-Indiana state line on IN St. Hwy 154, thence east on IN St. Hwy 154 to the jct. of IN St. Hwy 54, thence east on IN St. Hwy 54 to the jct. of IN ST. Hwy 45, thence northeast on IN St. Hwy 45 to the jct. of IN ST. Hwy 46, thence northeast on IN ST. Hwy 46 to the jct. of IN ST. Hwy 7, thence southeast on IN ST. Hwy 7 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of IN ST. Hwy 350, thence east on IN ST. Hwy 350 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Arkansas;

(100) Between points in Indiana on and west of a line commencing at the Indiana-Illinois state line on U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of IN ST. Hwy 55, thence southeast on IN St. Hwy 55 to the jct. of U.S. Hwy 136, thence east on U.S. Hwy 136 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Connecticut;

(101) Between points in Indiana on and west of a line commencing at the Indiana-Illinois state line on U.S. Hwy. 52, thence east and southeast on U.S. Hwy 52 to the jct. of I–65, thence southeast on I–65 to the jct. of IN St. Hwy. 135, thence south on IN St. Hwy 135 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Connecticut on and east of a line commencing at the Connecticut-Massachusetts state line on I–91, thence south on I–91 to its terminus at New Haven, Connecticut;

(102) Between points in Indiana on, south, and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 52, thence east and southeast on U.S. Hwy 52 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of IN ST. Hwy 46, thence southeast on IN St. Hwy 46 to the jct. of IN St. Hwy 45, thence southwest on IN St. Hwy 45 to the jct. of IN ST. Hwy 37, thence south on IN St. Hwy 37 to the jct. of IN St. Hwy 66, thence south and west on IN St. Hwy 66 to the jct. of IN St. Hwy 166, thence south on IN St. Hwy 166 to the terminus at Tobinsport, Indiana, on the one hand, and, on the other, points in Delaware;

(103) Between points in Indiana on and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of IN ST. Hwy 14, thence east on IN ST. Hwy 14 to the jct. of I–65, thence south on I–65 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of IN St. Hwy 46, thence east on IN St. Hwy 46 to the jct. of IN St. Hwy 45, thence southwest on IN ST. Hwy 45 to the jct. of U.S. Hwy 460, thence east on U.S. Hwy 460 to the jct. of IN St. Hwy 245, thence south on IN St. Hwy 245 to the jct. of IN St. Hwy 70, thence east on In St. Hwy 70 to the jct. of IN ST. Hwy 66, thence east on IN St. Hwy 66 to the terminus at Cannelton, Indiana, on the other hand, and, on the other, points in the District of Columbia;

(104) Between Vincennes, Indiana; and points in Indiana on and north of a line commencing at the Illinois-Indiana state line on IN St. Hwy 154, thence east on IN St. Hwy 154 to the jct. of IN St. Hwy 63, thence south on IN St. Hwy 63 to the jct. of IN St. Hwy 58, thence southeast on IN St. Hwy 58 to the jct. of IN St. Hwy 67, thence northeast on IN St. Hwy 67 to the jct. of IN St. Hwy 54, thence east on IN St. Hwy 54 to the jct. of IN St. Hwy 445, thence east on IN St. Hwy 445 to the jct. of IN St. Hwy 45, thence northeast on IN St. Hwy 45 to the jct. of IN St. Hwy 46, thence northwest on IN St. Hwy 46 to the jct. of IN St. Hwy 37, thence northeast on IN St. Hwy 37 to the jct. of IN St. Hwy 44, thence east on IN St. Hwy 44, to the jct. of IN St. Hwy 3, thence north on IN St. Hwy 3 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Indiana-Ohio state line, on the one hand, and, on the other points in Florida on and south of a line commencing at the Alabama-Florida state line on U.S. Hwy 98, thence southeast on U.S. Hwy 98 to the jct. of FL St. Hwy 65, thence north on FL St. Hwy 65 to the jct. of FL St. Hwy 20, thence east on FL ST. Hwy 20 to the jct. of U.S. Hwy 90, thence east on U.S. Hwy 90 to its terminus at Jacksonville Beach Florida;

(105) Between points in Indiana on, north, and west of a line commencing at the Indiana-Ohio state line on U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of IN St. Hwy 3, thence south on IN St. Hwy 3 to the jct. of IN ST. Hwy 46, thence southwest on IN St. Hwy 46 to the jct. of I–65, thence south on I–65 to the jct. of IN St. Hwy 58, thence southwest on IN St. Hwy 58 to the jct. of IN St. Hwy 37, thence south on IN St. Hwy 37 to the jct. of U.S. Hwy 50, thence southwest on U.S. Hwy 50 to the jct. of IN St. Hwy 57, thence south on IN St. Hwy 57 to the jct. of IN St. Hwy 64, thence west on IN St. Hwy 64 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Florida on, south, and east of a line commencing at Daytona Beach, Florida, thence southwest on U.S. Hwy 92, to its terminus at St. Petersburg, Florida;

(106) Between Fort Wayne, Indiana and points on, north and west of a line commencing at the Indiana-Illinois state line on U.S. Hwy 40, thence east on U.S. Hwy 40 to Indianapolis, IN, thence northeast on IN St. Hwy 37 to the jct. of U.S. Hwy 27, thence north on U.S. Hwy 27 to the Indiana-Michigan state line, on the one hand, and, on the other, points in Georgia on and south of a line commencing at Columbus, Georgia, thence east on U.S. Hwy 27 to the jct. of GA St. Hwy 26, thence east on GA ST. Hwy 26 to the jct. of GA ST. Hwy 27, thence east on GA St. Hwy 27 to the jct. of U.S. Hwy 23, thence east on U.S. Hwy 23 to the jct. of U.S. Hwy 280, thence east on U.S. Hwy. 280 to the jct. of U.S. Hwy 80, thence east on U.S. Hwy 80 to its terminus at Savannah Beach, Georgia;

(107) Between Vincennes, Indiana; and points in Indiana on, north, and west of a line commencing at the Indiana-Michigan state line on U.S. Hwy 27, thence south on U.S. Hwy 27 to the jct. of IN St. Hwy 37, thence southwest on IN ST. Hwy 37 to the jct. of IN St. Hwy 46, thence southeast on IN ST. Hwy 46 to the jct. of IN St. Hwy 45, thence southwest on In St. Hwy 54 to the jct. of IN St. Hwy 67, thence southwest on IN St. Hwy 67 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Georgia on and south of a line commencing at Savannah, Georgia, thence west on U.S. Hwy 80 to the jct. of U.S. Hwy 1, thence south on U.S. Hwy 1 to the jct. of U.S. Hwy 280, thence west on U.S. Hwy 280 to the jct. of GA St. Hwy 257, thence southwest on GA St. Hwy 257 to the jct. of U.S. Hwy 82, thence west on U.S. Hwy 82 to the jct. of GA St. Hwy 91, thence west on GA St. Hwy 91 to the jct. of GA ST. Hwy 62, thence west on Ga. ST. Hwy 62 to the Georgia-Alabama State line;

(108) Between points in Indiana on, south, and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 41, thence south on

U.S. Hwy 41 to the Indiana-Kentucky state line; on the one hand, and, on the other, points in Indiana, on and north of a line commencing at the Illinois-Indiana state line on U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of U.S. Hwy 24, thence east and northeast on U.S. Hwy 24 to the Indiana-Ohio state line;

(109) Between points in Indiana on and south of a line commencing at the Ohio-Indiana state line on IN St. Hwy 32, thence west on IN St. Hwy 32 to the jct. of IN St. Hwy 47, thence south on IN St. Hwy 47 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Iowa;

(110) Between points in Indiana on and east of a line commencing at the Indiana-Illinois state line on U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Kansas;

(111) Between points in Indiana on, north, and west of a line commencing at Michigan City, Indiana, thence west on U.S. Hwy 12 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of IN St. Hwy 63, thence south on IN St. Hwy 63 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the Indiana-Kentucky state line, on the one hand, and, on the other, Albany, Middlesboro, and Jenkins, Kentucky; and points in Kentucky on and south of a line commencing at Paducah, Kentucky, thence east on U.S. Hwy 63 to the jct. of KY St. Hwy 100, thence east on KY St. Hwy 100 to the jct. of KY St. Hwy 163, thence south on KY St. Hwy 163 to the Kentucky-Tennessee state line;

(112) Between points in Indiana on and north of a line commencing at the Illinois-Indiana state line at Vincennes, Indiana, thence south on IN St. Hwy 441 to the jct. of U.S. Hwy 50, thence northeast on U.S. Hwy 50 to the Indiana-Ohio state line, on the one hand, and, on the other points in Louisiana on, south, and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 84, thence southeast on U.S. Hwy 84 to the Louisiana-Mississippi state line;

(113) Between points in Indiana on and north of a line commencing at the Illinois-Indiana state line on IN St. Hwy 64, thence east on IN St. Hwy 64 to the jct. of U.S. Hwy 460, thence east on U.S. Hwy 460 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Louisiana on, south, and east of a line commencing approximately ten (10) miles southeast of Creole, Louisiana at the Mermentau River on LA ST. Hwy 82, thence north and west on LA St. Hwy 82 to the jct. of LA ST. Hwy 27, thence north on LA St. Hwy 27 to the jct. of LA ST. Hwy 14, thence north and west on LA St. Hwy 14 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the Louisiana-Texas state line;

(114) Between points in Indiana on and north of a line commencing at the Illinois-Indiana state line on IN St. Hwy 154, thence east on IN ST. Hwy 154 to the jct. of IN St. Hwy 54, thence east on IN St. Hwy 54 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of IN St. Hwy 58, thence east on IN St. Hwy 58 to the jct. of IN St. Hwy 37, thence southeast on IN St. Hwy 37 to the jct. of U.S. Hwy 50, thence east and northeast on U.S. Hwy 50 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Louisiana;

(115) Between points in Indiana on, south, and west of a line commencing at the Indiana-Kentucky state line on Interstate Hwy 65, thence north on I–65 to the jct. of I–465, thence northeast on I–465 to the jct. of I–65, thence northwest on I–65 to the jct. of U.S. Hwy 30, thence west on U.S. Hwy 30 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Maine;

(116) Between points in Indiana on, south, and west of a line commencing at the Indiana-Kentucky state line at Madison, Indiana, thence northwest on IN St. Hwy 7 to the jct. of U.S. Hwy 31, thence north on U.S. Hwy 31 to the jct. of IN ST. Hwy 22, thence west on IN St. Hwy 22 to the jct. of IN St. Hwy 29, thence south on IN St. Hwy 29 to the jct. of IN St. Hwy 26, thence west on IN St. Hwy 26 to the jct. of U.S. Hwy 421, thence northwest on U.S. Hwy 421 to the jct. of IN St. Hwy. 14, thence west on IN St. Hwy 14, to the jct. of IN St. Hwy 49, thence north on IN St. Hwy 49 to the jct. of U.S. Hwy 30, thence west on U.S. Hwy 30 to the jct. of IN St. Hwy 53, thence north on IN St. Hwy 53 to its terminus at Gary, Indiana, on the one hand, and, on the other, points in Maine on, north, and east of a line commencing at the United States-Canadian border on U.S. Hwy 201, thence north on U.S. Hwy 201 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to the jct. of U.S. Hwy Alt. 1, thence south on U.S. Hwy Alt. 1 to the jct. of ME St. Hwy 3, thence south on ME St. Hwy 3 to the jct of ME St. Hwy 102, thence south on ME St. Hwy 102 to the terminus at West Tremont, Maine;

(117) Between points in Indiana on and west of a line commencing at the Kentucky-Indiana state line on IN St. Hwy 57, thence northeast on IN St. Hwy 57 to the jct. of U.S. Hwy 231, thence northeast and north on U.S. Hwy 231 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of IN ST. Hwy 59, thence north on IN St. Hwy 59 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of IN St. Hwy 2, thence west on In St. Hwy 2 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Maryland;

(118) Between points in Indiana on, south, and west of a line commencing at the Indiana-Illinois state line on U.S. Hwy 52, thence southeast on U.S. Hwy 52 to the jct. of I–65, thence southeast on I–65 to the jct. of U.S. Hwy 31, thence southeast on U.S. Hwy 31 to the jct. of U.S. Hwy 31–A, thence south on U.S. Hwy 31–A to the jct. of IN St. Hwy 46, thence west on IN St. Hwy 46 to the jct. of IN St. Hwy. 135, thence south on IN St. Hwy 135 to a terminus at Mauckport, Indiana, on the one hand, and, on the other, points in Massachusetts on and east of a line commencing at the Massachusetts-Connecticut state line on U.S. Hwy 7, thence north on U.S. Hwy 7 to the jct. of MA St. Hwy 9, thence northeast on MA St. Hwy 9 to the jct. of MA St. Hwy. 8, thence north on MA St. Hwy 8 to the Massachusetts-Vermont state line;

(119) Between points in Indiana on and south of a line commencing at the Ohio-Indiana state line on Interstate 70, thence west on I–70 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the Indiana-Illinois state line, on the one hand, and, on the other, points in the Upper Peninsula of Michigan on and west of a line commencing at Marquette, Michigan, thence south on U.S. Hwy 41 to a terminus at Escanaba, Michigan;

(120) Between points in Indiana on and south of a line commencing at the Indiana-Illinois state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of IN St. Hwy 47, thence east on IN St. Hwy 47 to the jct. of IN St. Hwy 32, thence east on IN St. Hwy 32 to the jct. of I–74, thence east on I–74 to the jct. of I–70, thence east on I–70 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Minnesota.

(121) Between points in Indiana on and south of a line commencing at the Indiana-Illinois state line on U.S. Hwy 24, thence east on U.S. Hwy 24 to the Indiana-Ohio state line, on the one hand, and, on the other, St. Vincent, Minnesota;

(122) Between points in Indiana on and north of a line commencing at the Indiana-Illinois state line on U.S. Hwy 40, thence east on U.S. Hwy 40 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Mississippi;

(123) Between point in Indiana on and north of a line commencing at Vincennes, Indiana, thence north on U.S. Hwy 41 to the jct. of IN St. Hwy 67, thence north on IN St. Hwy 67 to the jct. of IN St. Hwy 358, thence east on IN St. Hwy 358 to the jct. of IN St. Hwy 58, thence east on IN St. Hwy 58 to the jct. of IN St. Hwy 37, thence south on IN St. Hwy 37 to Bedford, Indiana, thence north on IN St. Hwy 37 to the jct. of IN St. Hwy 58, thence east on IN St. Hwy 58 to the jct. of I–65, thence north on I–65 to the jct. of IN St. Hwy 46, thence east on IN St. Hwy 46 to the jct. of IN St. Hwy 3, thence north on IN St. Hwy 3 to the jct. of I–74, thence east on I–74 to the Ohio-Indiana state line, on the one hand, and, on the other, points in Mississippi on and south

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of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy 80, thence east on U.S. Hwy 80 to the jct. of U.S. Hwy 49, thence south on U.S. Hwy 49 to the jct. of U.S. Hwy 84, thence east on U.S. Hwy 84 to the Mississippi-Alabama state line;

(124) Between points in Indiana on and north of a line commencing at the Indiana-Ohio state line on Interstate 74, thence west on I–74 to the jct. of IN St. Hwy 46, thence west on IN St. Hwy 46 to the jct. of U.S. Hwy 31, thence north on U.S. Hwy 31 to the jct. of I–465, thence west on I–465 to the jct. of I–70, thence west on I–70 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Missouri on and south of a line commencing at the Missouri-Kansas state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of U.S. Hwy 63, thence south on U.S. Hwy 63 to the jct. of I–70, thence east on I–70 to the jct. of I–270, thence east on I–270 to the Illinois-Missouri state line;

other, points in Montana on and west of a line commencing at the United States-Canadian border on MT Secondary Road 233, thence south on MT Sec. Road 233 to the jct. of U.S. Hwy 87, thence southwest on U.S. Hwy 87 to Great Falls, Montana, thence southeast on U.S. Hwy 87 to Lewistown, Montana, thence southwest on U.S. Hwy 87 to the jct. of U.S. Hwy 191, thence south on U.S. Hwy 191 to the jct. of U.S. Hwy 10, thence east on U.S. Hwy 10 to Billings, Montana, thence west on U.S. Hwy 10 to the jct. of U.S. Hwy 310, thence south on U.S. Hwy 310 to the Montana-Wyoming state line;

(126) Between points in Indiana, on the one hand, and, on the other, points in Nebraska on, south, and west of a line connecting at the Nebraska-Wyoming state line on U.S. Hwy 26, thence east on U.S. Hwy 26 to the jct. of NE St. Hwy 71, thence north and east on NE. St. Hwy 71 to the jct. of NE St. Hwy 2, thence south on NE St. Hwy 2 to the jct. of U.S. Hwy 385, thence south on U.S. Hwy 385 to the Nebraska-Colorado state line; and points in Nebraska on and south of a line commencing at the Nebraska-Colorado state line on U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of U.S. Hwy 83, thence south on U.S. Hwy 83 to the jct. of NE St. Hwy 89, thence east on NE St. Hwy 89 to the jct. of U.S. Hwy 136, thence east on U.S. Hwy 136 to the jct. of NE St. Hwy 15, thence south on NE ST. Hwy 15 to the Nebraska-Kansas state line;

(127) Between points in Indiana on, south, and east of a line commencing at the Indiana-Illinois state line on U.S. Hwy 136, thence east on U.S. Hwy 136 to the jct. of IN St. Hwy 32, thence east on IN St. Hwy 32 to the jct. of IN St. Hwy 37, thence northeast on IN St. Hwy 37 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Nebraska;

(128) Between points in Indiana on, south, and west of a line commencing at the Indiana-Kentucky state line at Jeffersonville, Indiana, thence north on I–65 to the jct. of U.S. Hwy Alt. 31, thence northwest on U.S. Hwy Alt. 31 to the jct. of U.S. Hwy 31, thence northwest on U.S. Hwy 31 to the jct. of I–65, thence northwest on I–65 to the jct. of U.S. Hwy 52, thence northwest on U.S. Hwy 52 to the jct. of U.S. Hwy 41, thence north and northwest on U.S. Hwy 41 to the jct. of U.S. Hwy 30, thence west on U.S. Hwy 30 to the Illinois-Indiana state line, on the one hand, and, on the other, points in New Hampshire;

(129) Between points in Indiana on, south, and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 52, thence southeast on U.S. Hwy 52 to the jct. of U.S. Hwy 231, thence south on U.S. 231 to the jct. of IN St. Hwy 46, thence southeast on IN St. Hwy 46 to the jct. of IN St. Hwy 37, thence south on IN St. Hwy 37 to the jct. of U.S. Hwy 150, thence west on U.S. Hwy 150 to the jct. of IN St. Hwy 145, thence south on IN St. Hwy 145 to the jct. of IN St. Hwy 37, thence south on IN St. Hwy 37 to the jct. of IN St. Hwy 237, thence south on IN St. Hwy 237 to the terminus of Cannelton, Indiana, on the one hand, and, on the other, points in New Jersey;

(130) Between points in Indiana on, south, and west of a line commencing at the Indiana-Illinois state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of IN St. Hwy 59, thence south on IN St. Hwy 59 to the jct. of IN St. Hwy 157, thence southeast on IN St. Hwy 157 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in New York;

(131) Between points in Indiana on, north, and west of a line commencing at Gary, Indiana, thence south on Interstate 65 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of IN St. Hwy 47, thence southwest on IN St. Hwy 47 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of IN St. Hwy 59, thence south on IN St. Hwy 59 to the jct. of IN St. Hwy 246, thence west on IN St. Hwy 246 to the jct. of IN St. Hwy 63, thence south on IN St. Hwy 63 to the jct. of IN St. Hwy 154, thence west on IN St. Hwy 154 to the Illinois-Indiana state line, on the one hand, and, on the other, points in North Carolina;

(132) Between points in Indiana on, north, and west of a line commencing at the Illinois-Indiana state line on IN St. Hwy 64, thence east on IN St. Hwy 64 to the jct. of IN St. Hwy 65, thence northeast on IN St. Hwy 65 to the jct. of IN St. Hwy 56, thence east on IN St. Hwy 56 to the jct. of IN St. Hwy 57, thence northeast on IN St. Hwy 57 to the jct. of IN St. Hwy 54, thence east on IN St. Hwy 54 to the jct. of IN St. Hwy 45, thence northeast on IN St. Hwy 45 to the jct. of IN St. Hwy 37, thence north on IN St. Hwy 37 to the jct. of I–465, thence east on I–465 to the jct. of U.S. Hwy 31, thence north on U.S. Hwy 31 to the jct. of U.S. Hwy 421, thence north on U.S. Hwy 421 to the jct. of IN St. Hwy 29, thence north on IN St. Hwy 29 to the jct. of U.S. Hwy 35, thence northwest on U.S. Hwy 35 to the jct. of IN St. Hwy 39, thence north on IN St. Hwy 39 to the Michigan-Indiana state line, on the one hand, and, on the other, points in North Carolina on, south, and east of a line commencing at Southport, North Carolina, thence north on NC St. Hwy 133, to the jct. of U.S. Hwy 17, thence north on U.S. Hwy 17 to the jct. of NC St. Hwy 55, thence east on NC St. Hwy 55 to the terminus at Moores Corner, North Carolina;

(133) Between points in Indiana on and south of a line commencing at the Illinois-Indiana state line on IN St. Hwy 26, thence east on IN St. Hwy 26 to the jct. of IN St. Hwy 29, thence north on IN St. Hwy 29 to the jct. of IN St. Hwy 22, thence east on IN St. Hwy 22 to the jct. of U.S. Hwy 35, thence east on U.S. Hwy 35 to the jct. of IN St. Hwy 37, thence north on IN St. 37 to the jct. of IN St. Hwy 16, thence east on IN St. Hwy 18 to the jct. of IN St. Hwy 67, thence east on IN St. Hwy 67 to the Indiana-Ohio state line, on the one hand, and, on the other, points in North Dakota;

(134) Between points in Indiana on and west of a line commencing at the Indiana-Illinois state line on U.S. Hwy 150, thence south on U.S. Hwy 150 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Ohio on, north, and east of a line commencing at the Ohio-Michigan state line on OH St. Hwy 15, thence south on OH St. Hwy 15 to the jct. of OH St. Hwy 65, thence south on OH St. Hwy 65 to the jct. of OH St. Hwy 117, thence south on OH St. Hwy 117 to the jct. of U.S. Hwy 68, thence south on U.S. Hwy 68 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 33, thence southeast on U.S. Hwy 33 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Ohio-West Virginia state line;

(135) Between points in Indiana on and north of a line commencing at the Indiana-Illinois state line on U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of U.S. Hwy 150, thence east on U.S. Hwy 150 to the jct. of IN St. Hwy 56, thence east on IN St. Hwy 56 to the jct. of U.S. Hwy 421, thence south on U.S. Hwy 421 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Oklahoma;

(136) Between points in Indiana on, south, and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of IN St. Hwy 59, thence south on IN St. Hwy 59 to the jct. of IN St. Hwy 67, thence southwest on IN St. Hwy 67 to the jct. of IN St. Hwy 58, thence east on

IN St. Hwy 58 to the jct. of IN St. Hwy 57, thence south on IN St. Hwy 57 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Pennsylvania;

(137) Between points in Indiana on and west of a line commencing at Gary, Indiana, thence south on Interstate 65 to the jct of U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of U.S. Hwy 421, thence south on U.S. Hwy 421 to the jct. of IN St. Hwy 39, thence south on IN St. Hwy 39 to the jct. of I–65, thence south on I–65 to the jct. of U.S. Hwy 31 at Indianapolis, Indiana, thence south on U.S. Hwy 31 to the jct. of U.S. Hwy Alt. 31, thence south on U.S. Hwy Alt. 31 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. of IN St. Hwy 135, thence south on IN St. Hwy 135 to its terminus at Mauckport, Indiana, on the one hand, and, on the other, points in Rhode Island.

(138) Between Vincennes, Indiana: and points in Indiana on, west, and north of a line commencing at the Michigan-Indiana state line on U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of IN St. Hwy. 22, thence west on IN St. Hwy 22 to the jct. of IN St. Hwy 29, thence south on IN St. Hwy 29 to the jct. of U.S. Hwy 421, thence west on U.S. Hwy 421 to the jct. of IN St. Hwy 39, thence south on IN St. Hwy 39 to the jct. of U.S. Hwy 40, thence southwest on U.S. Hwy 40 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of IN St. Hwy 67, thence south on IN St. Hwy 67 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the jct. Indiana-Illinois state line, on the one hand, and, on the other, points in South Carolina on and south of a line commencing at the Georgia-South Carolina state line on U.S. Hwy 25, thence north on U.S. Hwy 25 to the jct. of I–20, thence northeast on I–20 to the jct. of U.S. Hwy 378, thence east on U.S. Hwy 378 to the jct. of U.S. Hwy 76, thence east on U.S. Hwy 76 to the jct. of U.S. Hwy 301, thence northeast on U.S. Hwy 301 to the South Carolina-North Carolina state line;

(139) Between Vincennes, Indiana, and points in Indiana on, west, and north of a line commencing at the Michigan-Indiana state line on IN St. Hwy 19, thence south on IN St. Hwy 19 to the jct. of U.S. Hwy 33, thence southeast on U.S. Hwy 33 to the jct. of IN St. Hwy 15, thence south on IN St. Hwy 15 to the jct. of IN St. Hwy 37, thence southwest on IN St. Hwy 37 to the jct. of U.S. Hwy 46, thence east on U.S. Hwy 46 to the jct. of IN St. Hwy 45, thence southwest on IN St. Hwy 45 to the jct. of IN St. Hwy 54, thence west on IN St. Hwy. 54 to the jct. of IN St. Hwy 67, thence southwest on IN St. Hwy 67 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 50, thence west on U.S. Hwy 50 to the Indiana-Illinois state line, on the one hand, and, on the other, Charleston and Beaufort, South Carolina.

(140) Between points in Indiana on and south of a line commencing at the Illinois-Indiana state line on IN St. Hwy 28, thence east on IN St. Hwy 28 to the jct. of IN St. Hwy 25, thence northeast on IN St. Hwy 25 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of IN St. Hwy 5, thence south on IN St. Hwy 5 to the jct. of U.S. Hwy 224, thence east on U.S. Hwy 224 to the Indiana-Ohio state line, on the one hand, and, on the other, points in South Dakota;

(141) Between points in Indiana on and west of a line commencing at the Michigan-Indiana state line on U.S. Hwy 12, thence southwest on U.S. Hwy 12 to the jct. of U.S. Hwy 421, thence south on U.S. Hwy 421 to the jct. of IN St. Hwy 8, thence west on IN St. Hwy 8 to the jct. of U.S. 231, thence south on U.S. Hwy 231 to the jct. of U.S. Hwy 24, thence west on U.S. Hwy 24 to the jct. of IN St. Hwy 55, thence south on IN St. Hwy 55 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Tennessee;

(142) Between points in Indiana on and north of a line commencing at the Indiana-Illinois state line on U.S. Hwy 50, thence east on U.S. Hwy 50 to jct. of IN St. Hwy 39, thence south on IN St. Hwy 39 to the jct. of IN St. Hwy 56, thence east on IN St. Hwy 56 to the jct. of U.S. Hwy 421, thence south on U.S. Hwy 421 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Texas;

(143) Between points in Indiana on, south, and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 52, thence soufheast on U.S. Hwy 52 to the jct. of I–65, thence southeast on I–65 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of IN St. Hwy 46, thence west on IN St. Hwy 46 to the jct. of I–65, thence south on I–65 to the jct. of IN St. Hwy 58, thence southwest on IN St. Hwy 58 to the jct. of IN St Hwy 135, thence south on IN St. Hwy 135 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Vermont;

(144) Between points in Indiana on and west of a line commencing at the Illinois-Indiana state line on U.S. Hwy 52, thence east on U.S. Hwy 52 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of IN St. Hwy 59, thence south on IN St. Hwy 59 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the jct. of IN St. Hwy 63, thence south on IN St. Hwy 63 to the jct. of IN St. Hwy 154, thence west on IN St. Hwy 154 to the Illinois-Indiana state line, on the one hand, and, on the other, points in Virginia;

(145) Between points in Vermillion and Vigo Counties, Indiana, on the one hand, and, on the other, points in West Virginia;

(146) Between points in Indiana on and south of a line commencing at the Indiana-Illinois state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Wisconsin on, north, and west of a line commencing at the Wisconsin-Illinois state line on U.S. Hwy 151, thence northeast on U.S. Hwy 151 to its terminus at Manitowoc, Wisconsin;

(147) Between points in Indiana on and south of a line commencing at Madison, Indiana, thence northwest on IN St. Hwy 7 to the jct. of IN St. Hwy 46, thence west on IN St. Hwy 46 to the jct. of U.S. Hwy 40, thence west on U.S. Hwy 40 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Wisconsin;

(148) Between points in Indiana, on the one hand, and, on the other, points in Wyoming on, south, and west of a line commencing at the Wyoming-Montana state line on WY St. Hwy 59, thence south on WY St. Hwy 59 to the jct. of U.S. Hwy 16, thence east and southeast on U.S. Hwy 16 to the jct. of U.S. Hwy 85, thence south on U.S. Hwy 85 to the jct. of U.S. Hwy 26, thence southeast on U.S. Hwy 26 to the Wyoming-Nebraska state line;

(149) Between Covington and Newport, Kentucky, on the one hand, and, on the other, points in Arkansas;

(150) Between points in Kentucky, on the one hand, and, on the other, points in Colorado on, north, and west of a line commencing at the Colorado-Utah state line on U.S. Hwy 666, thence east on U.S. Hwy 666 to the jct. of CO St. Hwy 141, thence northeast on CO St. Hwy 141 to the jct. of CO St. Hwy 145, thence southeast on CO St. Hwy 145 to the jct. of CO St. Hwy 62, thence northeast on CO St. Hwy 62 to the jct. of U.S. Hwy 550, thence north on U.S. Hwy 550 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of CO St. Hwy 291, thence northwest on CO St. Hwy 291 to the jct. of U.S. Hwy 285, thence north on U.S. Hwy 285 to the jct. of U.S. Hwy 24, thence northwest on U.S. Hwy 24 to the jct. of CO St. Hwy 91, thence northeast on CO St. Hwy 91 to the jct. of U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of U.S. Hwy 87, thence north on U.S. Hwy 87 to the Colorado-Wyoming state line;

(151) Between points in Kentucky on and east of a line commencing at the Kentucky-Illinois state line on KY St. Hwy 56, thence east on KY St. Hwy 56 to the jct. of KY St. Hwy 109, thence southeast on KY St. Hwy 109 to the jct. of U.S. Hwy 60, thence southwest on U.S. Hwy 60 to the jct. of U.S. Hwy 641, thence south on U.S. Hwy 641 to the jct. of KY St. Hwy 91, thence southeast on KY St. Hwy 91 to the jct. of U.S. Hwy 41A, thence south on U.S. Hwy 41A to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Colorado;

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(152) Between points in Kentucky on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 31W, thence north on U.S. Hwy 31W to the jct. of KY St. Hwy 67, thence north on KY St. Hwy 67 to the jct. of KY St. Hwy 185, thence north on KY St. Hwy 185 to the jct. of KY St. Hwy 79, thence north on KY St. Hwy 79 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Connecticut;

(153) Between points in Kentucky on, north, and west of a line commencing at Hawesville, Kentucky (Indiana-Kentucky state line) thence west on U.S. Hwy 60 to the jct. of U.S. Hwy 431, thence south on U.S. Hwy 431 to the jct. of U.S. Hwy 62, thence south on U.S. Hwy 62 to the jct. of KY St. Hwy 171, thence south on KY St. Hwy 171 to the jct. of KY St. Hwy 107, thence west and south on KY St. Hwy 107 to the jct. of U.S. Hwy 41A, thence south on U.S. Hwy 41A to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Delaware;

(154) Between points in Kentucky on and west of a line commencing at Owensboro, Kentucky, thence south on U.S. Hwy 431 to the jct. of KY St. Hwy 171 at Central City, Kentucky, thence south on KY St. Hwy 171 to the jct. of KY St. Hwy 107, thence southwest on KY St. Hwy 107 to the jct. of U.S. Hwy Alt. 41, thence south on U.S. Hwy Alt. 41 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in the District of Columbia.

(155) Between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 41A, thence north on U.S. Hwy 41A to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Indiana on and north of a line commencing at the Illinois-Indiana state line on U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 231, thence north on U.S. Hwy 231 to the jct. of IN St. Hwy 32, thence east and northeast on IN St. Hwy 32 to the jct. of U.S. Hwy 35, thence southeast on U.S. Hwy 35 to the jct. of I–70, thence southeast on I–70 to the jct. of U.S. Hwy 27, thence south on U.S. Hwy 27 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the Indiana-Ohio state line;

(156) Between points in Kentucky on and east of a line commencing at the Illinois-Kentucky state line on KY St. Hwy 91, thence south on KY St. Hwy 91 to the jct. of U.S. Hwy 641, thence south on U.S. Hwy 641 to the jct. of KY St. Hwy 93, thence southeast on KY St. Hwy 93 to the jct. of KY St. Hwy 139, thence south on KY St. Hwy 139 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Iowa;

(157) Between points in Kentucky on and east of U.S. Hwy 41, on the one hand, and, on the other, points in Kansas on, north, and east of a line commencing at the Oklahoma-Kansas state line on U.S. Hwy 54, thence northeast on U.S. Hwy 54 to the jct. of U.S. Hwy 283, thence north on U.S. Hwy 283 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the jct. of KS St. Hwy 61, thence northeast on KS St. Hwy 61 to the jct. of U.S. Hwy 81 (at or near McPherson, Kansas), thence north on U.S. Hwy 81 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of KS St. Hwy 4 (at Topeka, Kansas), thence northeast on KS St. Hwy 4 to the jct. of U.S. Hwy 59, thence northeast on U.S. Hwy 59 to the terminus at Atchison, Kansas;

(158) Between Covington and Newport, Kentucky, on the one hand, and, on the other, points in Louisiana;

(159) Between points in Kentucky on and north of a line commencing at Louisville, Kentucky, thence east on I–64 to the jct. of U.S. Hwy 127, thence north on U.S. Hwy 127 to the jct. of U.S. Hwy 460, thence east on U.S. Hwy 460 to the jct. of I–64, thence east on I–64 to the Kentucky-West Virginia state line, on the one hand, and, on the other, Lake Charles, Louisiana;

(160) Between points in Kentucky on and west of a line commencing at Louisville, Kentucky, thence south on I–65 to the jct. of KY St Hwy 61, thence south on KY St. Hwy 61 to the jct. of U.S. Hwy 31E, thence south on U.S. Hwy 31E to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Maine;

(161) Between points in Kentucky on and west of a line commencing at the jct. of U.S. Hwy 42 and U.S. Hwy 127 on the Ohio River (approximately five (5) miles east of Warsaw, Kentucky), thence south on U.S. Hwy 127 to the jct. of U.S. Hwy 150, thence south on U.S. Hwy 150 to the jct. of U.S. Hwy 27, thence south on U.S. Hwy 27 to the jct. of KY St. Hwy 90, thence southwest on KY St. Hwy 90 to the jct. of U.S. Hwy 127, thence south on U.S. Hwy 127 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Maine on and north of a line commencing at Fort Kent, Maine, thence southeast on ME St. Hwy 161 to the jct. of ME St. Hwy 89, thence east on ME St. Hwy 89 to the jct. of ME St. Hwy 229, thence, east on ME St. Hwy 229 to the United States-Canadian border;

(162) Between points in Kentucky on and west of a line commencing at the Indiana-Kentucky state line on U.S. Hwy 431, thence south on U.S. Hwy 431 to the jct. of U.S. Hwy 62, thence south on U.S. Hwy 62 to the jct. of KY St. Hwy 171, thence southwest on KY St. Hwy 171 to the jct. of KY St. Hwy 107, thence southwest on KY St. Hwy 107 to the jct. of U.S. Hwy 41A, thence south on U.S. Hwy 41A to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Maryland bounded on the north by the Pennsylvania-Maryland state line, thence south on U.S. Hwy 220 to the Maryland-West Virginia state line; and bounded on the southwest by a line commencing at the jct. of U.S. Hwy 220 and the Maryland-West Virginia state line, thence along the Maryland-West Virginia state line, the Maryland-Virginia state line, and the District of Columbia boundary to the jct. of U.S. Hwy 50, thence east along U.S. Hwy 50 to the jct. of MD St. Hwy 450, thence east on MD St. Hwy 450 to the jct. of MD St. Hwy 2, thence northeast on MD St. Hwy 2 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Chesapeake Bay; and bounded on the west by the Chesapeake Bay; and bounded on the south by the Maryland-Virginia state line; and bounded on the east by the Atlantic Ocean and the Maryland-Delaware state line;

(163) Between points in Kentucky on and west of a line commencing at the Indiana-Kentucky state line on U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 41A, thence east on U.S. Hwy 41A to the jct. of KY St. Hwy 120, thence southwest on KY St. Hwy 120 to the jct. of KY St. Hwy 293, thence south on KY St. Hwy 293 to the jct. of KY St. Hwy 139, thence south on KY St. Hwy 139 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Maryland;

(164) Between points in Kentucky on and west of a line commencing at the Kentucky-Indiana state line, thence south on KY St. Hwy 79 to the jct. of St. Hwy 259, thence south on KY St. Hwy 259 to the jct. of KY St. Hwy 101, thence south on KY St. Hwy 101 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Massachusetts;

(165) Between points in Kentucky on and west of a line commencing at Kosmosdale, Kentucky, thence south on U.S. Hwy 31W to the jct. of KY St. Hwy 90, thence south on KY St. Hwy 90 to the jct. of U.S. Hwy 31E, thence south on U.S. Hwy 31E to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Massachusetts on and east of a line commmencing at the New Hampshire-Massachusetts state line on MA St. Hwy 38, thence south on MA St. Hwy 38 to the jct. of U.S. Hwy 3, thence south on U.S. Hwy 3 to the jct. of MA St. Hwy 128, thence south on MA St. Hwy 128 to the jct. of MA St. Hwy 24, thence south on MA St. Hwy 24 to the Massachusetts-Rhode Island state line;

(166) Between points in Kentucky on and west of a line commencing at Owensboro, Kentucky, thence south on U.S. Hwy 431 to the jct. of KY St. Hwy 171, thence south on KY St. Hwy 171 to the jct. of KY St. Hwy 107, thence southwest on KY St. Hwy 107 to the jct. of U.S. Hwy 41A, thence south on U.S. Hwy 41A to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Michigan;

(167) Between Covington and Newport, Kentucky, on the one hand, and, on the other, points in Mississippi on, west, and south of a line commencing at the Mississippi-Tennessee state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 49, thence south on U.S. Hwy 49 to the jct. of U.S. Hwy 49E, thence south on U.S. Hwy 49E to the jct. of U.S. Hwy 49, thence south on U.S. Hwy 49 to the jct. of MS St. Hwy 13, thence south and east on MS St. Hwy 13 to the jct. of U.S. Hwy 49, thence south on U.S. Hwy 49 to the jct. of U.S. Hwy 90, thence east on U.S. Hwy 90 to the Mississippi-Alabama state line;

(168) Between Ashland, Kentucky; and points in Kentucky on and north of a line commencing at the Indiana-Kentucky state line on U.S. Hwy 421, thence south on U.S. Hwy 421 to the jct. of U.S. Hwy 42, thence northeast on U.S. Hwy 42 to the jct. of KY St. Hwy 227, thence southeast on KY St. Hwy 227 to the jct. of KY St. Hwy 22, thence northeast on KY St. Hwy 22 to the jct. of KY St. Hwy 10, thence east on KY St. Hwy 10 to the jct. of U.S. Hwy 68, thence north on U.S. Hwy 68 to the Kentucky-Ohio state line on the one hand, and, on the other, points in Mississippi on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 84, thence east on U.S. Hwy 84 to the jct. of U.S. Hwy 61, thence south on U.S. Hwy 61 to the Mississippi-Louisiana state line;

(169) Between points in Kentucky on and east of a line commencing at Louisville, Kentucky, thence south on U.S. Hwy 150 to the jct. of KY St. Hwy 55, thence south on KY St. Hwy 55 to the jct. of U.S. Hwy 68, thence east on U.S. Hwy 68 to the jct. of U.S. Hwy 150, thence east on U.S. Hwy 150 to the jct. of U.S. Hwy 25, thence south on U.S. Hwy 25 to the jct. of U.S. Hwy 25E, thence south on U.S. Hwy 25E to the terminus at Middlesboro, Kentucky, on the one hand, and, on the other, Springfield, Missouri and points in Missouri on, north, and west of a line commencing at Louisiana, Missouri, thence west on U.S. Hwy 54 to the jct. of MO St. Hwy 22, thence west on MO St. Hwy 22 to the jct. of U.S. Hwy 63, thence south on U.S. Hwy 63 to the jct. of U.S. Hwy 54, thence south on U.S. Hwy 54 to the jct. of MO St. Hwy 73, thence south on MO St. Hwy 73 to the jct. of MO St. Hwy 32, thence west on MO St. Hwy 32 to the jct. of U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of I–44, thence west on I–44 to the Missouri-Oklahoma state line;

(170) Between points in Kentucky on and east of a line commencing at the Tennessee-Kentucky state line on KY St. Hwy 139, thence north on KY St. Hwy 139 to the jct. of KY St. Hwy 91, thence northwest on KY St. Hwy 91 to the jct. of U.S. Hwy 60, thence northeast on U.S. Hwy 60 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the Kentucky-Indiana state line on the one hand, and, on the other, points in Nebraska;

(171) Between Louisville, Kentucky; and points in Kentucky on and west of a line commencing at the Kentucky-Indiana state line, thence south on U.S. Hwy 31W to the jct. of KY St. Hwy 61, thence south on KY St. Hwy 61 to the jct. of U.S. Hwy 31E, thence south on U.S. Hwy 31E to the jct. of KY St. Hwy 90, thence southeast on KY St. Hwy 90 to the jct. of KY St. Hwy 163, thence south on KY St. Hwy 163 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in New Hampshire;

(172) Between points in Kentucky on and west of a line commencing at the Kentucky-Indiana state line on U.S. Hwy 421, thence south on U.S. Hwy 421 to the jct. of KY St. Hwy 55, thence south on KY St. Hwy 55 to the jct. of KY St. Hwy 80, thence east on KY St. Hwy 80 to the jct. of U.S. Hwy 127, thence south on U.S. Hwy 127 to the Kentucky-Tennessee state line, on the one hand, and, on the other, Pittsburgh, New Hampshire.

(173) Between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 31W, thence northeast on U.S. Hwy 31W to the jct. of U.S. Hwy 231, thence northwest on U.S. Hwy 231 to the jct. of KY St. Hwy 69, thence north on KY St. Hwy 69 to the jct. of U.S. Hwy 60, thence west on U.S. Hwy 60 to the terminus at Hawesville, Kentucky, on the one hand, and, on the other, points in New Jersey;

(174) Between points in Kentucky on and east of a line commencing at the Kentucky-Indiana state line on U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 62, thence east on U.S. Hwy 62 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of U.S. Hwy 68, thence east on U.S. Hwy 68 to the jct. of KY St. Hwy 90, thence east on KY St. Hwy 90 to the jct. of U.S. Hwy 127, thence south on U.S. Hwy 127 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in New Mexico;

(175) Between points in Kentucky on and west of a line commencing at the Kentucky-Indiana state line on U.S. Hwy 431, thence south on U.S. Hwy 431 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in New York;

(176) Between points in Kentucky on and west of a line commencing at the Kentucky-Indiana state line on KY St. Hwy 69, thence south on KY St. Hwy 69 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of U.S. Hwy 31W, thence south on U.S. Hwy 31W to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in New York on and east of a line commencing at Rochester, New York, thence south on NY St. Hwy 15A, to the jct. of U.S. Hwy 15, thence south on U.S. Hwy 15 to the jct. of NY St. Hwy 21, thence south on NY St. Hwy 21 to the jct. of NY St. Hwy 36, thence south on NY St. Hwy 36 to the New York-Pennsylvania state line;

(177) Between points in Kentucky on and west of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy 41A, thence north on U.S. Hwy 41A to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the Kentucky-Indiana state line, on the one hand, and, on the other, points in Ohio on and north of a line commencing at the Indiana-Ohio state line on OH St. Hwy 571, thence southeast on OH St. Hwy 571 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 25, thence north on U.S. Hwy 25 to the jct. of OH St. Hwy 47, thence east on OH St. Hwy 47 to the jct. of U.S. Hwy 68, thence north on US. Hwy 68 to the jct. of U.S. Hwy 30S, thence east on U.S. Hwy 30S to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of U.S. Hwy 62, thence northeast and east on U.S. Hwy 62 to the jct of OH St. Hwy 14A, thence east on OH St. Hwy 14A to the jct. of OH St. Hwy 14, thence southeast on OH St. Hwy 14 to the Ohio-Pennsylvania state line;

(178) Between points in Kentucky on and east of a line commencing at the Indiana-Kentucky state line on U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 60 (at Henderson, Kentucky), thence east on U.S. Hwy 60 to the jct. of KY St. Hwy 86, thence east on KY St. Hwy 86 to the jct. of U.S. Hwy 62, thence northeast on U.S. Hwy 62 to the jct. of KY St. Hwy 61, thence southeast on U.S. Hwy 61 to the jct. of U.S. Hwy 31E, thence east on U.S. Hwy 31E to the jct. of KY St. Hwy 84, thence east on KY St. Hwy 84 to the jct. of U.S. Hwy 68, thence east on U.S. Hwy 68 to the jct. of U.S. Hwy 150, thence southeast on U.S. Hwy 150 to the jct. of U.S. Hwy 25, thence south on U.S. Hwy 25 to the jct. of U.S. Hwy 25E, thence southeast and south on U.S. Hwy 25E to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Oklahoma on and west of a line commencing at the Texas-Oklahoma state line on U.S. Hwy 77, thence north on U.S. Hwy 77 to the jct. of U.S. Hwy 70, thence east on U.S. Hwy 70 to the jct. of U.S. Hwy 177, thence north on U.S. Hwy 177 to the jct. of OK St. Hwy 7, thence east on OK St. Hwy 7 to the jct. of OK St. Hwy 1, thence northeast and east on OK St. Hwy 1 to the jct. of U.S. Hwy 69, thence north on U.S. Hwy 69 to the jct. of U.S. Hwy 64, thence east on U.S. Hwy 64 at Muskogee, Oklahoma, thence return west on U.S. Hwy 64 to the jct. of U.S. Hwy 69, thence north on U.S. Hwy 69 to the jct. of I–44, thence northeast on I–44 to the Oklahoma-Missouri state line;

(179) Between points in Kentucky on, east, and north of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy 127, thence north on U.S. Hwy 127 to the jct. of KY St. Hwy 90, thence west on KY St. Hwy 90 to the jct. of U.S. Hwy 68, thence west on U.S. Hwy 68 to the jct. of U.S. Hwy 231, thence northwest on U.S. Hwy 231 to the jct. of KY St. Hwy 136, thence west on KY St. Hwy 136 to the jct. of KY St. Hwy 81, thence south on KY St. Hwy 81 to the jct. of KY St. Hwy 138, thence west on KY St. Hwy 138 to the jct. of KY St. Hwy 370, thence northwest on KY St. Hwy 370 to the jct. of U.S. Hwy 41, thence north on U.S. Hwy 41 to the Kentucky-Indiana state line, on the one hand, and, on the other, Tonkawa, Oklahoma; and points in Oklahoma on and west of a line commencing at the Texas-Oklahoma state line on U.S. Hwy 281, thence north on U.S. Hwy 281 to the jct. of the H. E. Bailey Turnpike, thence northeast on the H. E. Bailey Turnpike to the jct. of U.S.

V 40 I 181 SEP 1775 XUM

Hwy 62, (two (2) miles north of New Castle, Oklahoma) thence north on U.S. Hwy 62 to the jct. of I-35, thence north on I-35 to the Oklahoma-Kansas state line;

(180) Between Providence, Kentucky: and points in Kentucky on and east of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy 41, thence northwest and north on U.S. Hwy 41 to the jct. of U.S. Hwy Alt. 41, thence west and north on U.S. Hwy Alt. 41 to the jct. of KY St. Hwy 56, thence west on KY St. Hwy 56 to the Kentucky-Illinois state line, on the one hand, and, on the other, points in Oklahoma on, south, and west of a line commencing at the Texas-Oklahoma state line on OK St. Hwy 23, thence north on OK St. Hwy 23 to the jct. of OK St. Hwy 3, thence west on OK St. Hwy 3 to the jct. of U.S. Hwy 83, thence north on U.S. Hwy 83 to the Oklahoma-Kansas state line;

(181) Between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 41, thence north on U.S. Hwy 41 to the jct. of KY St. Hwy 85, thence northeast on KY St. Hwy 85 to the jct. of U.S. Hwy 431, thence north on U.S. Hwy 431 to Owensboro, Kentucky, on the one hand, and, on the other, points in Pennsylvania;

(182) Between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 31W, thence northeast on U.S. Hwy 31W to the jct. of U.S. Hwy 231, thence northwest on U.S. Hwy 231 to the jct. of KY St. Hwy 69, thence north of KY St. Hwy 69 to the jct. of U.S. Hwy 60, thence west on U.S. Hwy 60 to the terminus at Hawesville, Kentucky, on the one hand, and, on the other, points in Pennsylvania on, north, and east of a line commencing at Philadelphia, Pennsylvania, thence northwest on U.S. Hwy 422 to the jct. of the Pennsylvania Turnpike, thence east on the Pennsylvania Turnpike to the jct. of the Pennsylvania Turnpike Northeast Extension, thence north on the Pennsylvania Turnpike Northeast Extension to the jct. of U.S. Hwy 11, thence north on U.S. Hwy 11 to the jct. of U.S. Hwy 6, thence northwest on U.S. Hwy 6 to the jct. of U.S. Hwy 220, thence north on U.S. Hwy 220 to the New York-Pennsylvania state line;

(183) Between points in Kentucky on and west of a line commencing at the Kentucky-Indiana state line on KY St. Hwy 79, thence south on KY St. Hwy 79 to the jct. of KY St. Hwy 259, thence south on KY St. Hwy 259 to the jct. of U.S. Hwy 31W, thence east on U.S. Hwy 31W to the jct of KY ST. Hwy 90, thence south on KY St. Hwy 90 to the jct. of U.S. Hwy 31E, thence south on U.S. Hwy 31E to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Rhode Island;

(184) Between Covington and Newport, Kentucky, on the one hand, and, on the other, Memphis, Tennessee;

(185) Between points in Kentucky on and east of a line commencing at the Indiana-Kentucky state line on U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of KY St. Hwy 80, thence east on KY St. Hwy 80 to the jct. of U.S. Hwy 431, thence south on U.S. Hwy 431 to the Kentucky-Tennessee state line, on the one hand, and, on the other, El Paso, Texas; and points in Texas on and west of a line commencing at the Texas-New Mexico state line on U.S. Hwy 87, thence south on U.S. Hwy 87 to the jct. of U.S. Hwy 60, thence southwest on U.S. Hwy 60 to the jct. of TX St. Hwy 214, thence south on TX St. Hwy 214 to the jct. of TX St. Hwy 125, thence west on TX St. Hwy 125 to the Texas-New Mexico state line;

(186) Between Lexington and South Williamson, Kentucky; and points in Kentucky on and north of a line commencing at Louisville, Kentucky, thence east on I-64 to the jct. of the Mountain Parkway, thence east on the Mountain Parkway to the jct. of KY St. Hwy 30, thence north on KY St. Hwy 30 to the jct. of U.S. Hwy 460, thence east on U.S. Hwy 460 to the jct. of KY St. Hwy 40, thence east on KY St. Hwy 40 to the Kentucky-West Virginia state line, on the one hand, AND, on the other, points in TEXAS on and west of a line commencing at Port Arthur, Texas, thence north on U.S. Hwy 96 to the jct. of I-10, thence west on I-10 to the jct. of I-45, thence north on I-45 to the jct. of I-30, thence east on I-30 to the jct. of TX St. Hwy 34, thence north on TX St. Hwy 34 to the jct. of TX St. Hwy 24 thence north on TX St. Hwy 24 to the jct. of U.S. Hwy 271, thence north on U.S. Hwy 271 to the Texas-Oklahoma state line;

(187) Between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 31E, thence northeast on U.S. Hwy 31E to the jct. of KY St. Hwy 90, thence northwest on KY St. Hwy 90 to the jct. of U.S. Hwy 31W, thence north on U.S. Hwy 31W to the jct. of U.S. Hwy 62, thence west on U.S. Hwy 62 to the jct. of KY St. Hwy 86, thence northwest on KY St. Hwy 86 to the jct. of U.S. Hwy 60, thence west on U.S. Hwy 60 to Cloverport, Kentucky, on the one hand, and, On the other, points in Vermont;

(188) Between points in Kentucky on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 127, thence north on U.S. Hwy 127 to the jct. of KY St. Hwy 90, thence west on KY St. Hwy 90 to the jct. of KY ST. Hwy 61, thence north on KY St. Hwy 61 to the jct. of KY St. Hwy 70, thence northeast on KY St Hwy 70 to the jct. of KY ST. Hwy 55, thence north on KY St. Hwy 55 to the jct. of KY St. Hwy 84, thence west on KY St. Hwy 84 to the jct. of U.S. Hwy 31E, thence north on U.S. Hwy 31E to the Indiana-Kentucky state line, on the one hand, and, on the other, points in Vermont on, north, and east of a line commencing at the New Hampshire-Vermont state line on U.S. Hwy 2, thence west on U.S. Hwy 2 to the jct. of U.S. Hwy 5, thence north on U.S. Hwy 5 to the jct. of VT St. Hwy 114, thence north on VT St. Hwy 114 to a terminus at Norton, Vermont;

(189) Between points in Kentucky on and north of a line commencing at Paducah, Kentucky, thence west on U.S. Hwy 60 to the Kentucky-Illinois state line, on the one hand, and, on the other, Norfolk, Virginia; and points in Virginia on and northeast of a line commencing at Virginia Beach, Virginia, thence northwest on U.S. Hwy 60 to the jct. of U.S. Hwy 1, thence north on U.S. Hwy 1 to the jct. of U.S. Hwy 250, thence northwest on U.S. Hwy 250 to the jct. of U.S. Hwy 33, thence northwest on U.S. Hwy 33 to the Virginia-West Virginia state line;

(190) Between points in Kentucky on and west of a line commencing at Owensboro, Kentucky, thence south on KY St. Hwy 81 to the jct. of KY St. Hwy 85, thence south on KY St. Hwy 85 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 41A, thence south on U.S. Hwy 41A to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Virginia on and north of a line commencing at Arlington, Virginia, thence west on U.S. Hwy 50 to the Virginia-West Virginia state line;

And (191) Between points in Kentucky on, north, and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 41A, thence north on U.S. Hwy 41A to the jct. of the Pennyrile Parkway, thence north on the Pennyrile Parkway to the jct. of the Audubon Parkway, thence east on the Audubon Parkway to the jct. of U.S. Hwy 60, thence east on U.S. Hwy 60 to the terminus at Owensboro, Kentucky, on the one hand, and, on the other, points in Hancock, Brooke, and Ohio Counties, West Virginia.

(B) *Truck bodies and parts thereof*, the transportation of which because of their size or weight, require the use of special equipment (except oilfield commodities).

(1) Between points in Kentucky on and west of a line commencing at Louisville, Kentucky and extending along U.S. Hwy 31E through Bardstown and Hodgenville, Kentucky to the jct. of KY St. Hwy 61, thence along KY St. Hwy 61 through Buffalo, Kentucky, to the jct. of KY St. Hwy 470, thence along KY St. Hwy 470 to the jct. of U.S. Hwy 31E, thence along U.S. Hwy 31E through Glasgow and Scottsville, Kentucky to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Missouri;

(2) Between points in Ohio (except Columbus), on the one hand, and, on the other, points in Arizona, Idaho, Nevada, New Mexico, and Utah;

(3) Between points in Pennsylvania, on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Kansas, Nevada, New Mexico, Oklahoma, Texas, Utah, and Wyoming;

(4) Between points in West Virginia, on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Utah, and Wyoming;

(5) Between points in Indiana on, south, and east of a line commencing at Michigan City, Indiana, thence south on U.S. Hwy. 421 to the jct. of IN St. Hwy. 43, thence south on IN St. Hwy. 43 to jct. of U.S. Hwy. 231, thence south on U.S. Hwy. 231 to the jct. of U.S. Hwy. 50, thence west on U.S. Hwy. 50 to the Indiana-Illinois state line, on the one hand, and, on the other, points in Arizona;

(6) Between points in Indiana on, south, and east of a line commencing at the Indiana-Kentucky state line on IN St. Hwy. 62, thence northeast on IN St. Hwy. 62 to a terminus at Madison, Indiana, on the one hand, and, on the other, points in Arkansas on, north, and west of a line commencing at the Arkansas-Oklahoma state line on AR St. Hwy. 72, thence east on AR St. Hwy. 72 to the jct. of AR St. Hwy. 59, thence north on AR St. Hwy. 59 to the Arkansas-Missouri state line;

(7) Between points in Indiana on, south, and east of a line commencing at the Kentucky-Indiana state line on I-65, thence north on I-65 to the jct. of IN St. Hwy. 3, thence north on IN St. Hwy. 3 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Colorado;

(8) Between Evansville, Indiana on the one hand, and, on the other, East Thompson, Connecticut;

(9) Between points in Indiana on, east, and south of a line commencing at the Indiana-Illinois state line on U.S. Hwy. 40, thence northeast on U.S. Hwy. 40 to the jct. of IN St. Hwy. 67, thence northeast on IN St. Hwy. 67 to the jct. of IN St. Hwy. 3, thence north on IN St. Hwy. 3 to the jct. of U.S. Hwy. 24, thence northeast on U.S. Hwy. 24 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Idaho;

(10) Between Madison and Jeffersonville, Indiana on the one hand, and, on the other, points in Iowa.

(11) Between points in Indiana on, south, and east of a line commencing at the Indiana-Kentucky state line on I-65, thence north on I-65 to the jct. of IN St. Hwy. 62, thence northeast on IN St. Hwy. 62 to its terminus at Madison, Indiana, on the one hand, and, on the other, points in Kansas on, north, and west of a line commencing at the Kansas-Oklahoma state line on U.S. Hwy. 77, thence north on U.S. Hwy. 77 to the jct. of I-70, thence east on I-70 to the Kansas-Missouri state line;

(12) Between Fort Wayne and Richmond, Indiana, on the one hand, and, on the other, Vinton and Abbeville, Louisiana;

(13) Between Evansville and Jeffersonville, Indiana, on the one hand, and, on the other, points in Maine on and north of ME St. Hwy. 25;

(14) Between Evansville, Indiana, on the one hand, and, on the other, points in Massachusetts on and east of a line commencing at Salisbury Beach, Massachusetts thence west on MA St. Hwy 1A to the jct. of U.S. Hwy. 1, thence southwest on U.S. Hwy. 1 to the jct. of MA St. Hwy. 3, thence southeast on MA St. Hwy. 3 to the jct. of U.S. Hwy. 6, thence southwest on U.S. Hwy. 6 to a terminus at Bourne, Massachusetts;

(15) Between Jeffersonville, Indiana, on the one hand, and, on the other, points in Michigan on and west of a line commencing at Marquette, Michigan, thence south on U.S. Hwy. 41 to a terminus at Escanaba, Michigan;

(16) Between points in Indiana on, south, and east of a line commencing at the Indiana-Kentucky state line on I-65, thence north on I-65 to the jct. of IN St. Hwy. 62, thence northeast on IN St. Hwy. 62 to a terminus at Madison, Indiana, on the one hand, and, on the other, points in Minnesota;

(17) Between points in Indiana on, south, and east of a line commencing at the Indiana-Kentucky state line on I-65, thence north on I-65 to the jct. of IN St. Hwy. 62, thence northeast on IN St. Hwy. 62 to a terminus at Madison, Indiana on the one hand, and, on the other, points in Missouri on and north of a line commencing at the Missouri-Kansas state line on U.S. Hwy. 24, thence east on U.S. Hwy. 24 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the Illinois-Missouri state line;

(18) Between points in Indiana on, south, and east of a line commencing at Vincennes, Indiana, thence east on IN St. Hwy. 441 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the jct. of IN St. Hwy. 57, thence north on IN St. Hwy. 57 to the jct. of IN St. Hwy. 54, thence east on IN St. Hwy. 54 to the jct. of IN St. Hwy. 45, thence north on IN St. Hwy. 45 to the jct. of IN St. Hwy. 37, thence north on IN St. Hwy. 37 to the jct. of I-465, thence east on I-465 to the jct. of U.S. Hwy. 31, thence north on U.S. Hwy. 31 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Montana;

(19) Between Madison and Jeffersonville, Indiana, on the one hand, and, on the other, points in Nebraska;

(20) Between points in Indiana on, south, and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the jct. of U.S. Hwy. 31, thence north on U.S. Hwy. 31 to the Indiana-Michigan state line, on the one hand, and, on the other, points in Nevada;

(21) Between Evansville, Indiana on the one hand, and, on the other, points in New Hampshire on and north of a line commencing at the Vermont-New Hampshire state line on I-89, thence southeast on I-89 to the jct. of U.S. Hwy. 202, thence east on U.S. Hwy. 202 to the jct. of U.S. Hwy. 4, thence east on U.S. Hwy. 4 to its terminus at Portsmouth, New Hampshire;

(22) Between points in Indiana on and east of a line commencing at the Michigan-Indiana state line on IN St. Hwy. 19, thence south on IN St. Hwy. 19 to the jct. of U.S. Highway 24, thence southwest on U.S. Hwy. 24 to the jct. of U.S. Hwy. 31, thence south on U.S. Highway 31 to Indianapolis, Indiana, thence south on IN St. Hwy. 135 to the Indiana-Kentucky state line, on the one hand, and, on the other, points in New Mexico.

(23) Between Evansville, Madison and Jeffersonville, Indiana, on the one hand, and, on the other, points in North Dakota;

(24) Between points in Indiana on, south, and east of a line commencing at the Indiana-Kentucky state line on I-65, thence north on I-65 to the jct. of IN St. Hwy. 62, thence northeast on IN St. Hwy. 62 to a terminus at Madison, Indiana, on the one hand, and, on the other, points in Oklahoma on, north, and west of a line commencing at the Oklahoma-Texas state line on I-35, thence north on I-35 to the jct. of U.S. Hwy. 66, thence northeast on U.S. Hwy. 66 to the Kansas-Oklahoma state line;

(25) Between Evansville, Indiana, on the one hand, and, on the other, points in Rhode Island on, north, and east of a line commencing at Newport, Rhode Island, thence north on RI St. Hwy. 138 to the jct. of RI St. Hwy. 114, thence north on RI St. Hwy. 114 to the jct. of U.S. Hwy. 44, thence northwest on U.S. Hwy. 44 to the jct. of RI St. Hwy. 100, thence northwest on RI St. Hwy. 100 to a terminus at Wallum Lake, Rhode Island;

(26) Between points in Indiana on and south of a line commencing at the Indiana-Kentucky state line on U.S. Hwy. 41, thence north on U.S. Hwy. 41 to the jct. of U.S. Hwy. 460, thence east and northeast on U.S. Hwy. 460 to the jct. of IN St. Hwy. 111, thence northeast on IN St. Hwy. 111 to the jct. of U.S. Hwy. 31W, thence north on U.S. Hwy. 31W to the jct. of IN St. Hwy. 403, thence northeast on IN St. Hwy. 403 to the jct. of IN St. Hwy. 3, thence south on IN St. Hwy. 3 to the jct. of IN St. Hwy. 62, thence northeast and east on IN St. Hwy. 62 to a terminus at Madison, Indiana, on the one hand, and, on the other, points in South Dakota, on, north, and west of a line commencing at the Minnesota-South Dakota state line on U.S. Hwy. 12, thence west on U.S. Hwy. 12 to the jct. of SD St. Hwy. 37, thence south and west on SD St. Hwy. 37 to the jct. of U.S. Hwy. 14, thence west on U.S. Hwy. 14 to the jct. of U.S. Hwy. 281, thence south on U.S. Hwy. 281 to the jct. of SD St. Hwy. 34, thence west on SD St. Hwy. 34 to the jct. of SD St. Hwy. 47, thence south on SD St. Hwy. 47 to the jct. of U.S. Hwy. 16, thence west on U.S. Hwy. 16 to the jct. of SD St. Hwy. 47, thence south on SD St. Hwy. 47 to the jct. of U.S. Hwy. 18, thence southeast on U.S. Hwy. 18 to to the jct. of SD St. Hwy. 47, thence south on SD St. Hwy. 47 to the Nebraska-South Dakota state line;

V 40 I 181 SEP 17 75 XUM

(27) Between points in Indiana on and east of U.S. Hwy. 31, on the one hand, and, on the other, points in Texas on, south, and west of a line commencing at the New Mexico-Texas state line on U.S. Hwy. 66, thence east on U.S. Hwy. 66 to the jct. on U.S. Hwy. 287, thence south and east on U.S. Hwy. 287 to the jct. of U.S. Hwy. 83, thence south on U.S. Hwy. 83 to the jct. of U.S. Hwy. 84, thence southeast on U.S. Hwy. 84 to the jct. of U.S. Hwy. 283, thence southeast on U.S. Hwy. 283 to the jct. of TX St. Hwy. 71, thence southeast on TX St. Hwy. 71 to the jct. of U.S. Hwy. 183, thence southeast on U.S. Hwy. 183 to the jct. of U.S. Hwy. 77, thence south on U.S. 77 to the jct. of U.S. Hwy. 181, thence southeast on U.S. Hwy. 181 to a terminus at Corpus Christi, Texas;

(28) Between points in Indiana on, south, and east of a line commencing at the Illinois-Indiana state line on U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the jct. of IN St. Hwy. 67, thence northeast on IN St. Hwy. 67 to the jct. of IN St. Hwy. 37, thence northeast on IN St. Hwy. 37 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Utah;

(29) Between Evansville, Indiana, on the one hand, and, on the other, West Alburg and North Troy, Vermont;

(30) Between Jeffersonville, Indiana, on the one hand, and, on the other, points in Wisconsin;

(31) Between points in Indiana on, south, and east of a line commencing at Vincennes, Indiana, thence east on IN St. Hwy. 441 to the jct. of U.S. Hwy. 41, thence north on U.S. Hwy. 41 to the jct. of U.S. Hwy. 50, thence east on U.S. Hwy. 50 to the jct. of IN St. Hwy. 57, thence north on IN St. Hwy. 57 to the jct. of IN St. Hwy. 54, thence east on IN St. Hwy. 54 to the jct. of IN St. Hwy. 45, thence north on IN St. Hwy. 45 to the jct. of IN St. Hwy. 37, thence north on IN St. Hwy. 37 to the jct. of I-465, thence east on I-465 to the jct. of U.S. Hwy. 31, thence north on U.S. Hwy. 31 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the Indiana-Ohio state line, on the one hand, and, on the other, points in Wyoming;

(32) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy 31E to the jct. of KY St. Hwy 61, thence southeast on KY St. Hwy 61 to the jct. of KY St. Hwy. 470, thence southwest on KY St. Hwy. 470 to the jct. of U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line; and bounded on the south by the Tennessee-Kentucky state line; and bounded on the west by U.S. Hwy. 41, on the one hand, and, on the other, points in Arizona;

(33) Between points in Kentucky bounded on the east by a line commencing at Louisville, Kentucky, thence southeast and southwest on U.S. Hwy. 31E to Hodgenville, Kentucky; and bounded on the west by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy. 31W to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to Hodgenville, Kentucky, on the one hand, and, on the other, points in Arkansas on, north, and west of a line commencing at the Arkansas-Oklahoma state line on AR St. Hwy. 72, thence east on AR St. Hwy. 72 to the jct. of AR St. Hwy. 59, thence north on AR St. Hwy. 59 to the Arkansas-Missouri state line;

(34) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy. 31E to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to the jct. of KY St. Hwy. 470, thence southwest on KY St. Hwy. 470 to the jct. of U.S. Hwy 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line; and bounded on the south by the Tennessee-Kentucky state line; and bounded on the west by a line commencing at Hawesville, Kentucky, thence south on KY St. Hwy. 69 to the jct. of U.S. Hwy. 231, thence southeast on U.S. Hwy. 231 to the jct. of U.S. Hwy. 31W, thence south on U.S. Hwy. 31W to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Colorado;

(35) Between points in Kentucky on and north of a line commencing at Wickliffe, Kentucky, thence east on KY St. Hwy. 286 to the jct. of U.S. Hwy. 62, thence east on U.S. Hwy. 62 to Paducah, Kentucky, on the one hand, and, on the other, points in Connecticut on, north, and east of a line commencing at the Connecticut-Massachusetts state line on U.S. Hwy. 7, thence south on U.S. Hwy. 7 to the jct. of U.S. Hwy. 44, thence southeast on U.S. Hwy. 44 to the jct. of U.S. Hwy. 5, thence southwest on U.S. Hwy. 5 to a terminus at New Haven, Connecticut;

(36) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy. 31E to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to the jct. of KY St. Hwy. 470, thence southwest on KY St. Hwy. 470 to the jct. of U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line, and bounded on the south by the Tennessee-Kentucky state line; and bounded on the west by a line commencing at Paducah, Kentucky, thence east on U.S. Hwy. 62 to the jct. of U.S. Hwy. 641, thence south on U.S. Hwy. 641 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Idaho;

(37) Between points in Kentucky bounded on the east by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy. 31E to Hodgenville, Kentucky and bounded on the west by a line commencing at Louisville, Kentucky, thence south on U.S Hwy. 31W, thence south on U.S. Hwy. 31W to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to Hodgenville, Kentucky, on the one hand, and, on the other, points in Iowa;

(38) Between points in Kentucky bounded on the east by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy. 31E to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to the jct. of KY St. Hwy. 470, thence southwest on KY St. Hwy. 470 to the jct. of U.S. Hwy 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line; and bounded on the north by the Kentucky-Indiana state line; and bounded on the west and south by a line commencing at Hawesville, Kentucky, thence east on US. Hwy. 60 to the jct. of KY St. Hwy. 69, thence south on KY St. Hwy. 69 to the jct. of KY St. Hwy. 54, thence southeast on KY St. Hwy. 54 to the jct. of KY St. Hwy. 259, thence south on KY St. Hwy. 259 to the jct. of U.S. Hwy. 31W, thence southwest on U.S. Hwy. 31W to the jct. of U.S. Hwy. 231, thence southeast on U.S. Hwy 231 to a terminus at U.S. Hwy. 31E on the one hand, and, on the other, points in Kansas on and west of a line commencing at the Kansas-Oklahoma state line on U.S. Hwy. 270, thence northwest on U.S. Hwy. 270 to the jct. of KS ST. Hwy. 27, thence north on KS St. Hwy. 27 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy. 24 to the jct. of U.S Hwy. 383, thence north on U.S. Hwy. 383 to a terminus at Woodruff, Kansas;

(39) Between points in Kentucky on and north of a line commencing at Paducah, Kentucky, thence west on U.S. Hwy. 60 to a terminus at Wickliffe, Kentucky, on the one hand, and, on the other, points in Massachusetts;

(40) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy. 31E to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to the jct. of KY St. Hwy. 470, thence southwest on KY St. Hwy. 470 to the jct. of U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line, and bounded on the south by the Tennessee-Kentucky state line; and bounded on the west by a line commencing at Hawesville, Kentucky, thence south on KY St. Hwy. 69 to the jct. of U.S. Hwy 231 thence south on U.S. Hwy. 231 to the jct. of U.S. Hwy. 62, thence southwest on U.S. Hwy. 62 to the jct. of KY St. Hwy. 171, thence south on KY St. Hwy. 171 to the jct. of KY St. Hwy. 107, thence southwest on KY St. Hwy. 107 to Hopkinsville, Kentucky, thence south on U.S. Hwy. 41A to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in the upper peninsula of Michigan on and north of a line commencing at Marquette, Michigan, thence west on MI St. Hwy. 28 to its terminus at Ironwood, Michigan;

(41) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy. 31E to the jct. of KY St. Hwy. 61, thence south on KY St. Hwy. 61 to the jct. of KY St. Hwy. 470, thence south on KY St. Hwy. 470 to the jct. of U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line, and bounded on the south by the Tennessee-Kentucky state line and bounded on the west by a line commencing at Hawesville, Kentucky, thence south on KY St. Hwy 69 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of U.S. Hwy 31W, thence south on U.S. Hwy 31W to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Minnesota;

(42) Between points in Kentucky bounded on the east by a line commencing at Louisville, Kentucky, thence southeast and southwest on U.S. Hwy. 31E to Hodgenville, Kentucky and bounded on the west by a line commencing at Louisville, Kentucky, thence southwest and southeast on U.S. Hwy. 31W to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to Hodgenville, Kentucky, on the one hand, AND, on the other, points in Missouri on and north of a line commencing at Kansas City, Missouri, thence northeast on U.S. Hwy. 24 to the jct. of U.S. Hwy. 36, thence east on U.S. Hwy. 36 to the Illinois-Missouri state line;

(43) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy. 31E to the jct. of KY St. Hwy. 61, thence south on KY St. Hwy. 61 to the jct. of KY St. Hwy. 470, thence south on KY St. Hwy. 470 to the jct. of U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line; and bounded on the south by the Tennessee-Kentucky state line and bounded on the west by a line commencing at Hawesville, Kentucky, thence south on KY St. Hwy 69 to the jct. of U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of U.S. Hwy 31W, thence south on U.S. Hwy 31W to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Minnesota;

(44) Between points in Kentucky bounded on the east by a line commencing at Louisville, Kentucky on U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to Hodgenville, Kentucky, and bounded on the west by a line commencing at Louisville, Kentucky on U.S. Hwy. 31W, thence south on U.S. Hwy. 31W to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to Hodgenville, Kentucky on the one hand, and, on the other, points in Nebraska;

(45) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy. 31E to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to the jct. of KY St. Hwy. 470, thence southwest on KY St. Hwy. 470 to the jct. of U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line, and bounded on the south by the Tennessee-Kentucky state line and bounded on the west by U.S. Hwy. 41, on the one hand, and, on the other, points in Nevada;

(46) Between points in Kentucky on, north, and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy. 31W, thence northeast on U.S. Hwy. 31W to the jct. of U.S. Hwy. 231, thence northwest on U.S. Hwy. 231 to the jct. of U.S. Hwy. 60, thence northeast on U.S. Hwy. 60 to Hawesville, Kentucky, on the one hand, and, on the other, points in New Hampshire;

(47) Between points in Kentucky bounded on the east by a line commencing at Louisville, Kentucky, thence southeast and southwest on U.S. Hwy. 31E to Hodgenville, Kentucky; and bounded on the south and southwest by a line commencing at Hawesville, Kentucky, thence southeast on U.S. Hwy. 60 to the jct. of KY St. Hwy. 86, thence southeast on KY St. Hwy. 86 to the jct. of U.S. Hwy. 62, thence northeast on U.S. Hwy. 62 to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to Hodgenville, Kentucky; and bounded on the north by the Indiana-Kentucky state line, on the one hand, and, on the other, points in New Mexico;

(48) Between points in Kentucky on and west of a line commencing at Paducah, Kentucky, thence east on U.S. Hwy. 62 to the jct. of U.S. Hwy. 68, thence east on U.S. Hwy. 68 to Hopkinsville, Kentucky, thence south on U.S. Hwy. 41A to the Tennessee-Kentucky state line, on the one hand, and, on the other, points in New York on, north, and east of a line commencing at Rouses Point, New York, thence east on NY St. Hwy. 37 to Malone, New York, thence south on NY St. Hwy. 30 to the jct. of NY St. Hwy. 3, thence west on NY St. Hwy. 3 to Tupper Lake, New York, thence northeast on NY St. Hwy. 3 to Plattsburgh, New York;

(49) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy. 31E to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to the jct. of KY St. Hwy. 470, thence southwest on KY St. Hwy. 470 to the jct. of U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line, and bounded on the south by the Tennessee-Kentucky state line; and bounded on the west by U.S. Hwy. 41, on the one hand, and, on the other, points in North Dakota;

(50) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by U.S. Hwy. 31E; and bounded on the west and south by a line commencing at West Point, Kentucky, thence south on U.S. Hwy. 31W to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to a terminus at U.S. Hwy. 31E, on the one hand, and, on the other, points in Oklahoma on, north, and west of a line commencing at the Oklahoma-Texas state line on I-35, thence north on I-35 to the jct. of U.S. Hwy. 66, thence northeast on U.S. Hwy. 66 to the Kansas-Oklahoma state line;

(51) Between points in Kentucky on, south, and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy. 41A, thence north on U.S. Hwy. 41A to the jct. of U.S. Hwy. 68, thence southwest and northwest on U.S. Hwy. 68 to Paducah, Kentucky, on the one hand, and, on the other, points in Rhode Island;

(52) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville, Kentucky,. thence south on U.S. Hwy. 31E, to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to the jct. of KY St. Hwy. 470, thence southwest on KY St. Hwy. 470 to the jct. of U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line; and bounded on the south by the Tennessee-Kentucky state line; and bounded on the west by a line commencing at Owensboro, Kentucky on U.S. Hwy. 431, thence south on U.S. Hwy. 431 to the jct. of U.S. Hwy. 62, thence south on U.S. Hwy. 62 to the jct. of KY St. Hwy. 171, thence south on KY St. Hwy. 171 to the jct. of KY St. Hwy. 107, thence southwest on KY St. Hwy. 107 to the jct. of U.S. Hwy. 41, thence southeast on U.S. Hwy. 41 to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in South Dakota.

(53) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by U.S. Hwy. 31E; and bounded on the west and south by a line commencing at Hawesville, Kentucky, thence southeast on U.S. Hwy. 60 to the jct. of KY St. Hwy. 86, thence east on KY St. Hwy. 86 to the jct. of U.S. Hwy. 62, thence east on U.S. Hwy. 62 to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to a terminus at U.S. Hwy. 31E, on the one hand, and, on the other, points in Texas on and west of a line commencing at the New Mexico-Texas state line on U.S. Hwy. 87, thence southeast on U.S. Hwy. 87 to the jct. of U.S. Hwy. 287, thence southeast on U.S. Hwy. 287 to the jct. of U.S. Hwy. 62, thence west on U.S. Hwy. 62 to the jct. of U.S. Hwy. 385, thence south on U.S. Hwy. 385 to the jct. of U.S. Hwy. 80, thence south on U.S. Hwy. 80 to the jct. of TX St. Hwy. 17, thence south on TX St. Hwy. 17 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to its terminus at Presidio, Texas;

(54) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville,

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Kentucky, thence south on U.S. Hwy. 31E to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to the jct. of KY St. Hwy. 470, thence southwest on KY St. Hwy. 470 to the jct. of U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line, and bounded on the south by the Tennessee-Kentucky state line; bounded on the west by U.S. Hwy 41, on the one hand, and, on the other, points in Utah;

(55) Between points in Kentucky on, north, and west of a line commencing at Owensboro, Kentucky, thence west on U.S. Hwy. 60 to the jct. of U.S. Hwy. 41, thence south on U.S. Hwy. 41 to the jct. of U.S. Hwy. 41A, thence south on U.S. Hwy. 41A to the Kentucky-Tennessee state line, on the one hand, AND, on the other, points in Vermont on, north, and east of a line commencing at Burlington, Vermont, thence southeast on U.S. Hwy. 2 to the jct. of I–89, thence south and southeast on I–89 to the Vermont-New Hampshire state line;

(56) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville, Kentucky, thence south on U.S. Hwy. 31E to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy. 61 to the jct. of KY St. Hwy. 470 thence south on KY St. Hwy. 470 to the jct. of U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line; bounded on the south by the Tennessee-Kentucky state line; and bounded on the west by a line commencing at Hawesville, Kentucky, thence south on KY St. Hwy. 69 to Fordsville, Kentucky, thence southeast on KY St. Hwy. 54 to the jct. of KY St. Hwy 79, thence southwest on KY St. Hwy. 79 to the jct. of U.S. Hwy. 231, WI St. Hwy. 97 to the jct. of WI St. Bowling Green, Kentucky, thence south on U.S. Hwy. 31W to the Kentucky-Tennessee state line, on the one hand, and, on the other, points in Wisconsin on, north, and west of a line commencing at the Wisconsin-Michigan state line on U.S. Hwy. 8, thence west on U.S. Hwy. 8 to the jct. of U.S. Hwy. 51, thence south on U.S. Hwy. 51 to the jct. of WI St. Hwy. 29, thence west on WI St. Hwy. 29 to the jct. of WI St. Hwy. 97, thence south on WI St. St. Hwy 97 to the jct. of WI St. Hwy. 13, thence south on WI St. Hwy. 13 to the jct. of U.S. Hwy. 10, thence west on U.S. Hwy. 10 to the jct. of U.S. Hwy. 53, thence south on U.S. Hwy. 53 to a terminus at LaCrosse, Wisconsin;

(57) Between points in Kentucky bounded on the north by the Indiana-Kentucky state line; and bounded on the east by a line commencing at Louisville, Kentucky thence south on U.S. Hwy. 31E to the jct. of KY St. Hwy. 61, thence southeast on KY St. Hwy 61 to the jct. of KY St. Hwy. 470, thence southwest on KY St. Hwy. 470 to the jct. of U.S. Hwy. 31E, thence south on U.S. Hwy. 31E to the Kentucky-Tennessee state line; and bounded on the south by the Tennessee-Kentucky state line; and bounded on the west by a line commencing at the Indiana-Kentucky state line on U.S. Hwy. 41, thence south on U.S. Hwy. 41 to the jct. of U.S. Hwy. 41A, thence south on U.S. Hwy. 41A to the Kentucky-Tennessee state line, on the one hand, AND, on the other, points in Wyoming.

(58) Between points in Ohio (except Columbus) on and northeast of a line commencing at the Ohio-West Virginia state line on U.S. Hwy. 22, thence west on U.S. Hwy. 22 to the jct. of OH St. Hwy. 43, thence northwest on OH St. Hwy. 43 to the jct. of U.S. Hwy. 30, thence west on U.S. Hwy. 30 to the jct. of I–77, thence northwest on I–77 to the jct. of OH St. Hwy. 3, thence north on OH St. Hwy. 3 to the jct. of OH St. Hwy. 14, thence northwest on OH St. Hwy. 14 to a terminus at Cleveland, Ohio, on the one hand, and, on the other, points in Arkansas on and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy. 165, thence north on U.S. Hwy. 165 to the jct. of U.S. Hwy. 65, thence west on U.S. Hwy. 65 to the jct. of U.S. Hwy. 79, thence northeast on U.S. Hwy. 79 to the jct. of U.S. Hwy. 49, thence north on U.S. Hwy. 49 to the jct. of U.S. Hwy. 70, thence northeast on U.S. Hwy. 70 to the jct. of AR St. Hwy. 39, thence northeast on AR St. Hwy. 39 to the jct. of U.S. Hwy. 63, thence northwest on U.S. Hwy. 63 to the jct. of U.S. Hwy. 67, thence north on U.S. Hwy. 67 to the Arkansas-Missouri state line;

(59) Between points in Ohio (except Columbus) on, south, and east of a line commencing at the Indiana-Ohio state line on U.S. Hwy. 24, thence northeast on U.S. Hwy. 24 to the Ohio-Michigan state line, on the one hand, and, on the other, points in Colorado on, south, and west of a line commencing at the Colorado-Wyoming state line on CO St. Hwy. 13, thence south on CO St. Hwy. 13 to the jct. of U.S. Hwy. 40, thence south on U.S. Hwy. 40 to the jct. of I–70, thence east on I–70 to the Colorado-Kansas state line.

(60) Between Chesapeake, Ohio, on the one hand, and, on the other, Terre Haute, Indiana;

(61) Between points in Ohio (except Columbus) on and south of a line commencing at the Ohio-West Virginia state line on U.S. Hwy. 50, thence west on U.S. Hwy. 50 to a terminus at Cincinnati, Ohio, on the one hand, and, on the other, points in Iowa on, south, and west of a line commencing at the Iowa-Minnesota state line on IA St. Hwy. 4, thence south on IA St. Hwy. 4 to the jct. of IA St. Hwy. 44, thence east on IA St. Hwy. 44 to the jct. of U.S. Hwy. 169, thence south on U.S. Hwy. 169 to the jct. of I–80, thence east on I–80 to the jct. of U.S. Hwy. 65, thence south on U.S. Hwy. 65 to the jct. of IA St. Hwy. 5, thence southeast on IA St. Hwy. 5 to the Iowa-Missouri state line;

(62) Between Cambridge, Ohio, and points in Ohio (except Columbus) on, south, and east of a line commencing at Cleveland, Ohio, thence south on OH St. Hwy. 21 to the jct. of U.S. Hwy. 224, thence east on U.S. Hwy. 224 to the jct. of I–77, thence south on I–77 to the jct. of U.S. Hwy. Alt. 50, thence west on U.S. Hwy. Alt. 50 to a terminus at Cincinnati, Ohio, on the one hand, and, on the other, points in Kansas;

(63) Between Bridgeport, Ohio, and points in Ohio (except Columbus) on and east of a line commencing at Cleveland, Ohio, thence east on U.S. Hwy. 422 to the jct. of OH St. Hwy. 8, thence south on OH St. Hwy. 8 to Akron, Ohio, thence south on I–77 to Canton, Ohio, thence southeast on OH St. Hwy. 43 to the jct. of U.S. Hwy. 22, thence east on U.S. Hwy. 22 to a terminus at Steubenville, Ohio, on the one hand, and, on the other, points in Louisiana: bounded on the north by U.S. Hwy. 80; bounded on the west by the Texas-Louisiana state line; bounded on the south by the Gulf of Mexico; and bounded on the east by the Mississippi-Louisiana state line; and a line commencing at Torras, Louisiana, thence south on LA St. Hwy. 15 to the jct. of LA St. Hwy 1, thence west on LA St. Hwy. 1 to the jct. of LA St. Hwy. 105, thence south on LA St. Hwy. 105 to the jct. of U.S. Hwy. 190, thence west on U.S. Hwy. 190 to the jct. of U.S. Hwy. 167, thence south on U.S. Hwy. 167 to Abbeville, Louisiana, thence south on LA St. Hwy. 82 to the jct. of LA St. Hwy. 333, thence south on LA St. Hwy. 333 to its terminus at Intracoastal, Louisiana;

(64) Between Chesapeake, Ohio, on the one hand, and, on the other, Menominee, Michigan; and points in Michigan on and west of a line commencing at the Michigan-Wisconsin state line on MI St. Hwy. 95, thence north on MI St. Hwy. 95 to the jct. of MI St. Hwy. 69, thence west on MI St. Hwy. 69 to the jct. of U.S. Hwy. 141, thence north on U.S. Hwy. 141 to the jct. of U.S. Hwy. 41, thence north on U.S. 41 to a terminus at L'Anse, Michigan;

(65) Between Cincinnati, Aberdeen, and Chesapeake, Ohio, on the one hand, and, on the other, points in Minnesota on, north, and west of a line commencing at Duluth, Minnesota, thence southwest on U.S. Hwy. 61 to the jct. of MN St. Hwy. 210, thence west on MN St. Hwy. 210 to the jct. of MN St. Hwy. 65, thence south on MN St. Hwy. 65 to the jct. of U.S. Hwy. 8, thence southwest on U.S. Hwy. 8 to the jct. of U.S. Hwy. 65, thence south on U.S. Hwy. 65 to the Minnesota-Iowa state line;

(66) Between points in Ohio (except Columbus) on and east of a line commencing at Cleveland, Ohio, thence south on OH St. Hwy. 21 to the jct. of U.S. 250, thence southeast on U.S. Hwy. 250 to the Ohio-West Virginia state line, on the one hand, and, on the other, points in Mississippi on and west of a line commencing at Natchez, Mississippi, thence south on U.S. Hwy. 61 to the Mississippi-Louisiana state line;

(67) Between points in Ohio (except Columbus) on, east, and south of a line commencing at Cincinnati, Ohio, thence east on U.S. Hwy. 50 to the jct. of U.S. Hwy. 23, thence north on U.S. Hwy. 23 to the jct. of U.S. Hwy. 22, thence northeast on U.S. Hwy. 22 to the jct. of OH St. Hwy. 21, thence north on OH St. Hwy. 21 to its terminus at Cleveland, Ohio, on the one hand, and, on the other, St. Joseph and Kansas City, Missouri;

(68) Between points in Ohio (except Columbus), on the one hand, and, on the other, points in Montana on and west of a line commencing at the United States-Canadian border on U.S. Hwy. 93, thence south on U.S. Hwy. 93 to Eureka, Montana, thence north on U.S. Hwy. 93 to the jct. of MT St. Hwy. 37, thence west and southwest on MT St. Hwy. 37 to the jct. of U.S. Hwy. 2, thence west on U.S. Hwy. 2 to the jct. of MT Sec. Hwy. 202, thence southeast on MT Sec. Hwy. 202 to the jct. of MT St. Hwy. 200, thence southeast on MT St. Hwy. 200 to the jct. of U.S. Hwy. 10, thence southeast on U.S. Hwy. 10 to the jct. of U.S. Hwy. 10A, thence south on U.S. Hwy. 10A to the jct. of U.S. Hwy. 10, thence southeast on U.S. Hwy. 10 to the jct. of I–15, thence south and southeast on I–15 to the Idaho-Montana state line;

(69) Between points in Ohio (except Columbus) on, south, and east of a line commencing at the Indiana-Ohio state line on I–74, thence east on I–74 to the jct. of U.S. Hwy. 52, thence north on U.S. Hwy. 52 to the jct. of I–75, thence north on I–75 to the jct. of U.S. Hwy. 22, thence east on U.S. Hwy. 22 to the Ohio-Pennsylvania state line, on the one hand, and, on the other, points in Nebraska;

(70) Between points in Ohio (except Columbus) on, south, and east of a line commencing at Cincinnati, Ohio, thence north on U.S. Hwy. 42 to the jct. of U.S. Hwy. 68, thence north on U.S. Hwy. 68 to the jct. of U.S. Hwy. 40, thence east on U.S. Hwy. 40 to the jct. of U.S. Hwy. 22, thence northeast on U.S. Hwy. 22 to the Ohio-West Virginia state line, on the one hand, and, on the other, points in North Dakota on and west of U.S. Hwy. 83;

(71) Between points in Ohio (except Columbus), on, south, and east of a line commencing at Cincinnati, Ohio, thence northeast on U.S. Hwy. 42 to the jct. of U.S. Hwy. 68, thence north on U.S. Hwy. 68 to the jct. of OH St. Hwy. 15, thence west on OH St. Hwy. 15 to the jct. of I–75, thence north on I–75 to a terminus at Toledo, Ohio, on the one hand, and, on the other, points in Oklahoma on, south, and west of a line commencing at the Oklahoma-Kansas state line on U.S. Hwy. 177, thence south on U.S. Hwy. 177 to the jct. of U.S. Hwy. 64, thence east on U.S. Hwy. 64 to the jct. of U.S. Hwy. 75, thence south on U.S. Hwy. 75 to the jct. of I–40, thence east on I–40 to the Oklahoma-Arkansas state line.

(72) Between points in Ohio (except Columbus) on and south of U.S. Hwy. 50, on the one hand, and, on the other, points in South Dakota;

(73) Between Cincinnati and Toledo, Ohio, and points in Ohio (except Columbus) bounded on the west by I–75, bounded on the south by U.S. Hwy. 50, bounded on the north by Lake Erie and on the east by the West Virginia-Ohio state line; and Pennsylvania-Ohio state line, on the one hand, and, on the other, points in Texas;

(74) Between Chespeake, Ohio, on the one hand, and, on the other, points in Wisconsin;

(75) Between points in Ohio (except Columbus) on, south, and east of a line commencing at Cleveland, Ohio, thence south on I–71 to the jct. of U.S. Hwy. 36, thence west on U.S. Hwy. 36 to the jct. of OH St. Hwy. 571, thence west on OH St. Hwy. 571 to the Ohio-Indiana state line, on the one hand, and, on the other, points in Wyoming;

(76) Between points in Pennsylvania on, north, and east of a line commencing at the New Jersey-Pennsylvania state line on U.S. Hwy. 30, thence west on U.S. Hwy. 30 to the jct. of PA St. Hwy. 283, thence northwest on PA St. Hwy. 283 to the jct. of PA St. Hwy. 230, thence northwest on PA St. Hwy. 230 to the jct. of I–76, thence west on I–76 to the jct. of U.S. Hwy. 15, thence north and northwest on U.S. Hwy. 15 to the jct. of U.S. Hwy. 6, thence west on U.S. Hwy. 6 to the jct. of PA St. Hwy. 59, thence west on PA St. Hwy. 59 to the jct. of U.S. Hwy. 219, thence north on U.S. Hwy. 219 to the New York-Pennsylvania state line, on the one hand, and, on the other, points in Arkansas.

(77) Between Stevens Point, Atco, and Matamaras, Pennsylvania, on the one hand, and, on the other, points in Indiana on and west of a line commencing at Terre Haute, Indiana, thence south on U.S. Hwy 41 to a terminus at Evansville, Indiana;

(78) Between points in Pennsylvania on, south, and east of a line commencing at Stroudsburg, Pennsylvania, thence south on PA St. Hwy 611 to the jct. of U.S. Hwy 30, thence west on U.S. Hwy 30 to the jct. of PA St. Hwy 316, thence south on PA St. Hwy 316 to the Pennsylvania-Maryland state line, on the one hand, and, on the other, points in Iowa on, south, and west of a line commencing at the Iowa-Minnesota state line on IA St. Hwy 4, thence south on IA St. Hwy 4 to the jct. of IA St. Hwy 44, thence east on IA St. Hwy 44 to the jct. of U.S. Hwy 169, thence south on U.S. Hwy 169 to the jct. of I–80, thence east on I–80 to the jct. of U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of IA St. Hwy 2, thence east on IA St. Hwy 2 to the jct. of U.S. Hwy 61, thence east on U.S. Hwy 61 to a terminus at Fort Madison, Iowa;

(79) Between points in Pennsylvania on and east of a line commencing at Philadelphia, Pennsylvania, thence north on PA St. Hwy 611 to the jct. of I–81E, thence north on I–81E to the jct. of I–81, thence north on I–81 to the New York-Pennsylvania state line, on the one hand, and, on the other, Wickliffe and Paducah, Kentucky;

(80) Between Puntxutawney, Pennsylvania; and points in Pennsylvania on and north of Interstate 80, on the one hand, and, on the other, points in Louisiana bounded on the north by U.S. Hwy 80; bounded on the west by the Texas-Louisiana state line; and bounded on the south by the Gulf of Mexico; and bounded on the east by the Mississippi-Louisiana state line; and a line commencing at Torras, Louisiana, thence south on LA St. Hwy 15 to the jct. of LA St. Hwy 1, thence west on LA St. Hwy 1 to the jct. of LA St. Hwy 105, thence south on LA St. Hwy 105 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to Abbeville, Louisiana, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence south on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana;

(81) Between points in Pennsylvania on, south, and east of a line commencing at the New Jersey-Pennsylvania state line on U.S. Hwy 1, thence southwest on U.S. Hwy 1 to the jct of PA St. Hwy 611, thence southwest on PA St. Hwy 611 to the jct. of U.S. Hwy 30, thence southeast on U.S. Hwy 30 the New Jersey-Pennsylvania state line, on the one hand, and, on the other, points in Minnesota on, north, and west of a line commencing at the Minnesota-Wisconsin state line on U.S. Hwy 12, thence west on U.S. Hwy 12 to the jct. of I–35, thence south on I–35 to the Iowa-Minnesota state line;

(82) Between points in Pennsylvania on, north, and east of a line commencing at the New York-Pennsylvania state line on U.S. Hwy 15, thence south on U.S. Hwy 15 to the jct. of U.S. Hwy 220, thence east on U.S. Hwy 220 to the jct. of PA St. Hwy 87, thence northeast on PA St. Hwy 87 to the jct of U.S. Hwy 6, thence east and south on U.S. Hwy 6 to the Pennsylvania-New York state line, on the one hand, and, on the other, points in Mississippi on and west of U.S. Hwy 61;

(83) Between points in Pennsylvania, on the one hand, and, on the other, Springfield, Missouri; and points in Missouri on and west of U.S. Hwy 71;

(84) Between points in Pennsylvania on, south, and east of U.S. Hwy 62, on the one hand, and, on the other, points in Montana;

(85) Between points in Pennsylvania on, south, and east of a line commencing at the New York-Pennsylvania state line on U.S. Hwy 15, thence south on U.S. Hwy 15 to the jct. of U.S. Hwy 522, thence southwest on U.S. Hwy 522 to the jct. of I–76, thence west on I–76 to the jct. of PA St. Hwy 711, thence south and west on PA St. Hwy 711 to the jct. of U.S. Hwy 119, thence south on U.S. Hwy 119 to the Pennsylvania-West Virginia state line, on the one hand, and, on the other, points in Nebraska on, south, and west of a line commencing at the Nebraska-South Dakota state line on U.S. Hwy 83, thence south on U.S. Hwy 83 to the jct. of NE St. Hwy 2, thence southeast on NE St. Hwy 2 to the jct. of U.S. Hwy 183, thence south on U.S. Hwy 183 to the jct. of NE St. Hwy 4, thence east on NE St. Hwy 4 to the Nebraska-Missouri state line;

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(86) Between points in Pennsylvania on, south, and east of a line commencing at the Pennsylvania-Ohio state line on PA St. Hwy 68, thence east on PA St. Hwy 68 to the jct. of I–76, thence southeast on I–76 to the jct. of U.S. Hwy 22, thence east on U.S. Hwy 22 to the jct. of U.S. Hwy 119, thence east and north of U.S. Hwy 119 to the jct. of U.S. Hwy 219, thence north on U.S. Hwy 219 to the Pennsylvania-New York state line, on the one hand, and, on the other, points in North Dakota on and west of U.S. Hwy 85;

(87) Between points in Pennsylvania, on the one hand, and, on the other, points in South Dakota on, north, and west of a line commencing at the South Dakota-Wyoming state line on U.S. Hwy 18, thence east on U.S. Hwy 18 to the jct. of SD St. Hwy 79 thence north on SD St. Hwy 79 to the jct. of U.S. Hwy 85, thence north on U.S. Hwy 85 to the North Dakota-South Dakota state line;

(88) Between points in Pennsylvania on and east of a line commencing at Philadelphia, Pennsylvania, on PA St. Hwy 611, thence north on PA St. Hwy 611 to the jct. of PA St. Hwy 307, thence northwest on PA St. Hwy 307 to the jct. of U.S. Hwy 11, thence north on U.S. Hwy 11 to the Pennsylvania-New York state line, on the one hand, and, on the other, Memphis, Tennessee;

(89) Between points in Pennsylvania on, south, and east of a line commencing at the Pennsylvania-Delaware state line on U.S. Hwy 30, thence west on U.S. Hwy 30 to the jct. of PA St. Hwy 611, thence north on PA St. Hwy 611 to the jct. of U.S. Hwy 1, thence northeast on U.S. Hwy 1 to the jct. of U.S. Hwy 1A, thence east on U.S. Hwy 1A to the Pennsylvania-New Jersey state line, on the one hand, and, on the other, points in Wisconsin on and north of a line commencing at the Minnesota-Wisconsin state line on U.S. Hwy 53, thence southeast on U.S. Hwy 53 to the jct. of U.S. Hwy 2, thence east on U.S. Hwy 2 to the Wisconsin-Michigan state line; and the point of St. Croix Falls, Wisconsin;

(90) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 231, thence south on U.S. Hwy 231 to the jct. of I–24, thence southeast on I–24 to a terminus at Chattanooga, Tennessee, on the one hand, and, on the other, points in Arizona;

(91) Between points in Tennessee on, north, and east of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy 25E, thence southeast on U.S. Hwy 25E to the jct. of U.S. Hwy 70, thence west on U.S. Hwy 70 to the jct. of I–40, thence southeast on I–40 to the Tennessee-North Carolina state line, on the one hand, and, on the other, Sulpher Springs, Arkansas;

(92) Between points in Tennessee on and east of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy 127, thence south on U.S. Hwy 127 to the Tennessee-Georgia state line, on the one hand, and, on the other, points in Colorado;

(93) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee state line on TN St. Hwy 78, thence southwest on TN St. Hwy 78 to the jct. of U.S. Hwy 51, thence southwest on U.S. Hwy 51 to the Mississippi-Tennessee state line, on the one hand, and, on the other, points in Connecticut;

(94) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 641, thence south on U.S. Hwy 641 to the jct. of U.S. Hwy 79, thence southwest on U.S. Hwy 79 to the jct. of U.S. Hwy 45E, thence south on U.S. Hwy 45E to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the Tennessee-Mississippi state line, on the one hand, and, on the other, points in Idaho;

(95) Between points in Tennessee on and east of a line commencing at Bristol, Tennessee, thence southwest on U.S. Hwy. 11E to the jct. of U.S. Hwy. 11, thence southwest on U.S. Hwy. 11 to the jct. of U.S. Hwy. 441, thence southeast on U.S. Hwy. 441 to the Tennessee-North Carolina state line, on the one hand, and, on the other points in Indiana on, north, and west of a line commencing at Whiting, Indiana, thence south of U.S. Hwy. 41 to the jct. of I–70, thence west on I–70 to the Illinois-Indiana state line;

(96) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy. 127, thence south on U.S. Hwy. 127 to the jct. of U.S. Hwy. 27, thence south on U.S. Hwy. 27 to the Georgia-Tennessee state line, on the one hand, and, on the other, points in Iowa;

(97) Between points in Tennessee on, north, and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy. 127, thence south on U.S. Hwy. 127 to the jct. of TN St. Hwy. 52, thence east on TN St. Hwy. 52 to the jct. of U.S. Hwy. 27, thence north on U.S. Hwy. 27 to the jct. of TN St. Hwy. 63, thence east on TN St. Hwy. 63 to the jct. of U.S. Hwy. 25W, thence south on U.S. Hwy. 25W to the jct. of U.S. Hwy. 441, thence southeast on U.S. Hwy. 441 to the Tennessee-North Carolina state line, on the one, hand, and, on the other, points in Kansas on, north, and west of a line commencing at the Kansas-Oklahoma state line on U.S. Hwy. 54, thence northeast on U.S. Hwy. 54 to the jct. of U.S. Hwy. 81, thence north on U.S. Hwy. 81 to the jct. of I–70, thence east on I–70 to the Kansas-Missouri state line.

(98) Between points in Tennessee on and west of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy. 41A, thence southeast on U.S. Hwy. 41A to Nashville, Tennessee, thence south on U.S. Hwy. 31 to the jct. of U.S. Hwy. 43, thence southwest on U.S. Hwy. 43 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in Maine.

(99) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee state line on TN St. Hwy 78, thence southwest on TN St. Hwy 78 to the jct. of U.S. Hwy 51, thence southwest on U.S. Hwy 51 to the Mississippi-Tennessee state line; and the point of Grand Junction, Tennessee, on the one hand, and, on the other, points in Massachusetts;

(100) Between points in Tennessee on and east of a line commencing at the Alabama-Tennessee state line on TN St. Hwy 11, thence northeast on TN St. Hwy 11 to the jct of U.S. Hwy 31, thence north on U.S. Hwy 31 to the jct. of U.S. Hwy 431, thence north on U.S. Hwy 431 to the Tennessee-Kentucky state line, on the one hand, and, on the other, points in Michigan on and west of a line commencing at Marquette, Michigan, thence southeast and south on U.S. Hwy 41 to the jct. of MI St. Hwy 35, thence southwest on MI St. Hwy 35 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to a terminus at Menominee, Michigan;

(101) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy Alt. 41, thence southeast on U.S. Hwy Alt. 41 to the jct. of U.S. Hwy 31, thence south on U.S. Hwy 31 to the jct. of TN St. Hwy 11, thence south on TN St. Hwy 11 to the Alabama-Tennessee state line, on the one hand, and, on the other, points in Minnesota;

(102) Between points in Tennessee on and east of a line commencing at the Tennessee-Virginia state line on U.S. Hwy 19, thence south on U.S. Hwy 19 to the jct. of U.S. Hwy 19E, thence southeast on U.S. Hwy 19E to the North Carolina-Tennessee state line, on the one hand, and, on the other, points in Missouri on, north, and west of a line commencing at the Arkansas-Missouri state line on U.S. Hwy 65, thence north on U.S. Hwy 65 to the jct. of I–44, thence northeast on I–44 to the jct. of U.S. Hwy 66, thence northeast on U.S. Hwy 66 to a terminus at St. Louis, Missouri;

(103) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 641, thence south on U.S. Hwy 641 to the jct. of U.S. Hwy 79, thence south on U.S. Hwy 79 to the jct. of U.S. Hwy 45, thence south on U.S. Hwy 45 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in Montana;

(104) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 127, thence south on U.S. Hwy 127 to the jct. of U.S. Hwy 27, thence south on U.S. Hwy 27 to the Tennessee-Georgia state line, on the one hand, and, on the other, points in Nebraska;

(105) Between points in Tennessee on and east of a line commencing at the Alabama-Tennessee State line on TN St. Hwy 11, thence northeast on TN St. Hwy 11 to the jct. of U.S. Hwy 31, thence north on U.S. Hwy 31 to the jct. of U.S. Hwy 41A, thence northwest on U.S. Hwy 41A to the Tennessee-Kentucky state line, on the one hand, and, on the other points in Nevada;

(106) Between points in Tennessee on and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy 41A, thence southeast on U.S. Hwy 41A to Nashville, Tennessee, thence south on U.S. Hwy 31 to the jct. of U.S. Hwy 43, thence south on U.S. Hwy 43 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in New Hampshire.

(107) Between Dyersburg and Memphis, Tennessee, on the one hand, and, on the other, Jersey City, New Jersey;

(108) Between Chanute, Tennessee; and points in Tennessee on and east of a line commencing at Cumberland Gap, Tennessee, thence south on U.S. Hwy 25E to the jct. of TN St. Hwy 32, thence south on TN St. Hwy 32 to the Tennessee-North Carolina state line, on the one hand, and, on the other, points in New Mexico;

(109) Between points in Tennessee on and west of a line commencing at Heloise, Tennessee, thence east on TN St. Hwy 20 to the jct. of U.S. Hwy 45, thence southeast on U.S. Hwy 45 to the jct. of TN St. Hwy 18, thence southwest on TN St. Hwy 18 to the Tennessee-Mississippi state line, on the one hand, and, on the other, points in New York on and north of a line commencing at Oswego, New York, thence east on NY St. Hwy 104 to the jct. of U.S. Hwy 11, thence north on U.S. Hwy 11 to the jct. of NY St. Hwy 177, thence east on NY St. Hwy 177 to the jct. of NY St. Hwy 12, thence south on NY St. Hwy 12 to the jct. of NY St. Hwy 5, thence southeast on NY St. Hwy 5 to the jct. of NY ST. Hwy 7, thense east on NY St. Hwy 7 to the jct. of NY St. Hwy 2, thence east on NY St. Hwy 2 to the New York-Massachusetts state line;

(110) Between points in Tennessee on and east of a line commencing at the Alabama-Tennessee state line on TN St. Hwy 13, thence north on TN St. Hwy 13 to the jct. of U.S. Hwy 41A, thence north on U.S. Hwy 41A to the Tennessee-Kentucky state line, on the one hand, and, on the other, points in North Dakota;

(111) Between points in Tennessee on and east of a line commencing at Cumberland Gap, Tennessee, thence southeast on U.S. Hwy. 25E to the jct. of U.S. Hwy. 411, thence southwest on U.S. Hwy. 411 to the jct. of I–40, thence southeast on I–40 to the Tennessee-North Carolina state line, on the one hand, and, on the other, points in Oklahoma on, north, and west of a line commencing at the Kansas-Oklahoma state line on U.S. Hwy. 66, thence southwest on U.S. Hwy. 66 to the jct. of OK St. Hwy. 34, thence south on OK St. Hwy. 34 to the jct. of U.S. Hwy. 62, thence west on U.S. Hwy. 62 to the Texas-Oklahoma state line;

(112) Between Memphis, Tennessee, on the one hand, and, on the other, points in Atco, Matamoras, and Stroudsburg, Pennsylvania;

(113) Between points in Tennessee on, north, and west of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy. 79, thence southwest on U.S. Hwy. 79 to the jct. of U.S. Hwy. 45E, thence southwest on U.S. Hwy. 45E to the jct. of U.S. Hwy. 45, thence south on U.S. 45 to the jct. of TN St. Hwy. 18, thence southwest on TN St. Hwy. 18 to the jct. of TN St. Hwy. 18A, thence south on TN St. Hwy. 18A to the jct. of TN St. Hwy. 57, thence west on TN St. Hwy. 57 to the jct. of TN St. Hwy. 18, thence south on TN St. Hwy. 18 to the Mississippi-Tennessee state line, on the one hand, and, on the other, points in Rhode Island;

(114) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy. 41A, thence southeast on U.S. Hwy. 41A to the jct. of U.S. Hwy. 31, thence south on U.S. Hwy. 31 to the jct. of TN St. Hwy. 11, thence south on TN St. Hwy. 11 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in South Dakota;

(115) Between points in Tennessee on and east of a line commencing at Cumberland Gap, Tennessee, thence southeast on U.S. Hwy. 25E to the jct. of U.S. Hwy. 411, thence southwest on U.S. Hwy. 411 to the jct. of I–40, thence southeast on I–40 to the Tennessee-North Carolina state line, on the one hand, and, on the other, points in Texas on, north, and west of a line commencing at the Texas-Oklahoma state line on U.S. Hwy. 62, thence southwest on U.S. Hwy. 62 to the jct. of U.S. Hwy. 385, thence south on U.S. Hwy. 385 to the jct. of TX St. Hwy. 115, thence southwest on TX St. Hwy. 115 to the jct. of U.S. Hwy. 80, thence southwest on U.S. Hwy. 80 to the jct. of TX St. Hwy. 17, thence south on TX St. Hwy. 17 to the jct. of U.S. Hwy. 67, thence south on U.S. Hwy. 67 to its terminus at Presidio, Texas;

(116) Between points in Tennessee on and east of a line commencing at the Alabama-Tennessee state line on TN St. Hwy. 11, thence northeast on TN St. Hwy. 11 to the jct. of U.S. Hwy. 31, thence north on U.S. Hwy. 31 to the jct. of U.S. Hwy. 41A, thence northwest on U.S. Hwy. 41A to the Tennessee-Kentucky state line, on the one hand, and, on the other, points in Utah;

(117) Between points in Tennessee on and west of a line commencing at the Tennessee-Kentucky state line on U.S. Hwy. 41A, thence southeast on U.S. Hwy. 41A to Nashville, Tennessee, thence south on U.S. Hwy. 31 to the jct. of U.S. Hwy. 43, thence southwest on U.S. Hwy. 43 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in Vermont;

(118) Between points in Tennessee on, south, and east of a line commencing at the Tennessee-Kentucky state line on TN St. Hwy. 42, thence south on TN St. Hwy. 42 to the jct. of I–40, thence west on I–40 to Nashville, Tennessee, thence south on U.S. Hwy. 31 to the jct. of U.S. Hwy. 43, thence southwest on U.S. Hwy. 43 to the Tennessee-Alabama state line, on the one hand, and, on the other, points in Wisconsin;

(119) Between points in Tennessee on and east of a line commencing at the Kentucky-Tennessee state line on U.S. Hwy. 41A, thence south on U.S. Hwy. 41A to the jct. of I–65, thence south on I–65 to the jct. of U.S. Hwy. 31A, thence south on U.S. Hwy. 31A to the jct. of TN St. Hwy. 11, thence south on TN St. Hwy. 11 to the Tennessee-Alabama state line, on the one hand, and, on other, points in Wyoming;

(120) Between Largent and Short Gap, West Virginia, on the one hand, and, on the other, Blytheville, Arkansas, and points in Arkansas on and west of a line commencing at the Arkansas-Missouri state line on U.S. Hwy. 67, thence southwest on U.S. Hwy. 67 to the jct. of U.S. Hwy. 65, thence southeast on U.S. Hwy. 65 to the Arkansas-Louisiana state line;

(121) Between Williamson and Bradshaw, West Virginia, on the one hand, and, on the other, Whiting, Kentland, and Terre Haute, Indiana;

(122) Between points in West Virginia on and south of a line commencing at the Kentucky-West Virginia state line on U.S. Hwy. 60, thence east on U.S. Hwy. 60 to the jct. of WV St. Hwy. 16, thence north on WV St. Hwy. 16 to the jct. of WV St. Hwy. 39, thence east on WV St. Hwy. 39 to the Virginia-West Virginia state line, on the one hand, and, on the other points in Iowa.

(123) Between Chester and Wheeling West Virginia, on the one hand, and, on the other, points in Louisiana on and west of a line commencing at the Louisiana-Arkansas state line on U.S. Hwy. 165, thence south on U.S. Hwy. 165 to the jct. of U.S. Hwy. 167, thence south on U.S. Hwy. 167 to a terminus at Abbeville, Louisiana;

(124) Between Lewisburg, West Virginia, and points in West Virginia on, south, and west of a line commencing at the Kentucky-West Virginia state line on U.S. Hwy. 119, thence southeast on U.S. Hwy. 119 to the jct. of U.S. Hwy. 52, thence southeast on U.S. Hwy. 52 to the Virginia-West Virginia state line, on the one hand, and, on the other, points in the upper peninsula of Michigan on and west of a line commencing at the point of Marquette, Michigan, thence on U.S. Hwy. 41 to the point of Escanaba, Michigan;

(125) Between points in West Virginia on and south of a line commencing at Huntington, West Virginia, thence east on U.S. Hwy. 60 to the jct. of WV St. Hwy. 16, thence north on WV St. Hwy. 16 to the jct. of WV St. Hwy. 39, thence east on WV ST. Hwy. 39 to the West Virginia-Virginia state line, on the one hand, and, on the other, points in Minnesota;

(126) Between points in West Virginia on and north of I–70, on the one hand, and, on the other, Natchez, Mississippi;

(127) Between points in West Virginia, on the one hand, and, on the other, points in Missouri on, north, and west of a line commencing at the Iowa-Missouri state line on U.S. Hwy. 65, thence south on U.S. Hwy. 65 to the jct. of U.S. Hwy. 66, thence west on U.S. Hwy. 66 to the Kansas-Missouri state line;

(128) Between points in West Virginia on and south of a line commencing at the Ohio-West Virginia state line on U.S.

V 40 181
SEP 17 75
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Hwy. 40, thence east on U.S. Hwy. 40 to the West Virginia-Pennsylvania state line, on the one hand, and, on the other, points in Nebraska;

(129) Between points in West Virginia on and south of I–70, on the one hand, and, on the other, points in North Dakota;

(130) Between all points in the state of West Virginia on the one hand, and, on the other, points in the state of Oklahoma, on, north, and west of a line commencing at the Oklahoma-Arkansas state line on I–40, thence west on I–40 to the jct. of I–35, thence south on I–35 to the Oklahoma-Texas state line;

(131) Between points in West Virginia on and south of U.S. Hwy 40, on the one hand, and, on the other, points in South Dakota;

(132) Between points in West Virginia on and north of U.S. Hwy 50, on the one hand, and, on the other, points in Texas; and

(133) Between points in West Virginia on, south, and west of a line commencing at Williamson, West Virginia, thence east on U.S. Hwy 52 to the West Virginia-Virginia state line, on the one hand, and, on the other, points in Wisconsin.

The purpose of this filing is to eliminate the gateways of: (1) Paris, Ill.; and (2) that part of Kentucky on and west of a line beginning at Louisville, Ky., and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and Paris, Ill.

No. MC 124211 (Sub E48), filed May 7, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebraska 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries and grocery store supplies* (except in bulk), between St. Paul, Minn., on the one hand, and, on the other, those in Nebraska on, south, and west of a line beginning at the Nebraska-Iowa State line, and extending along U.S. Highway 275 to Fremont, thence along U.S. Highway 30 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, and Smith Center, Kansas; (2) *food products* (except commodities in bulk and frozen foods), between St. Paul, Minn., on the one hand, and, on the other, points in Louisiana, Oklahoma, Texas, those in Arkansas on and south of U.S. Highway 82, and those in Mississippi on and south of U.S. Highway 80; (3) *food products* (except frozen foods, dairy products, potato products, and commodities in bulk), between St. Paul, Minn., on the one hand, and, on the other, points in Kansas (except those in Doniphan County and those east of U.S. Highway 59); (4) *food products* (except frozen foods, potato products, meat and packinghouse products, and commodities in bulk), between St. Paul, Minn., on the one hand, and, on the other, those points in Idaho on and south of U.S. Highway 26; (5) *Foodstuffs* (except (a) frozen foodstuffs, (b) meat, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and (c) commodities in bulk), between St. Paul, Minn., on the one hand, and, on the other, points in Arizona, California, Nevada, New Mexico, and Utah; (6) *Foodstuffs* (except candy and confectionery, meats and packinghouse products, dairy products, frozen foods, potato products, and commodities in bulk), from St. Paul, Minn., to points in Oregon (except those in Wallowa County), those in Washington on and west of Interstate Highway 5 and south of U.S. Highway 12, those in Wyoming on and south of U.S. Highway 26, and to Olympia, Wash., and, (7) *foods and food products* (except frozen foods, and except meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and commodities in bulk), From St. Paul, Minn., to those points in Alabama on and south of U.S. Highway 84, and those in Florida on and west of Interstate Highway 5 and south of U.S. Highway 12. The purpose of this filing is to eliminate the gateways of Waverly and Milford, Nebraska.

No. MC 124211 (Sub E62), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries and Grocery Store Supplies* (except commodities in bulk), between Milwaukee, Wisc., on the one hand, and, on the other, those points in Nebraska on, south, and west of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 30 to junction U.S. Highway 81, thence along U.S. Highway 81 to Norfolk, thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line; (2) *Macaroni, noodles, grain products, food products* (except frozen foods, potato products, and meats and packinghouse products and commodities in bulk), *Pancake and cake flour, spaghetti and Vermicelli* (except commodities in bulk), between Milwaukee, Wisc., on the one hand, and, on the other, points in Idaho, those in Montana on and west and south of a line beginning at the Montana-Wyoming State line, and extending along U.S. Highway 87 to Grat Falls, thence along U.S. Highway 91 to the United States-Canada International Boundary line and those in Texas on and west of U.S. Highway 75;

(3) *Food products*, grain products, and flour (except commodities in bulk and frozen foods), between Milwaukee, Wisc., on the one hand, and, on the other, those points in Oklahoma and Texas on and west of U.S. Highway 75; (4) *Food products* (except frozen foods, dairy products, potato products, and commodities in bulk), between Milwaukee, Wisc., on the one hand, and, on the other, those points in Kansas on and west of U.S. Highway 75; and (5) *foodstuffs* (except frozen foodstuffs, meat, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and commodities in bulk), between Milwaukee, Wisc., on the one hand, and, on the other, points in Arizona, California, Nevada, New Mexico, and Utah; restricted against the transportation of fresh foods; and (6) *Foodstuffs* (except candy and confectionery, except meats and packinghouse products, dairy products, frozen foods, and potato products, and except commodities in bulk), from Milwaukee, Wisc., to points in Oregon, and those in Wyoming on, west, and south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to Casper, thence along U.S. Highway 87 to the Montana-Wyoming State line.

No. MC 124211 (Sub-No. E66) (Correction), filed May 7, 1975, published in the FEDERAL REGISTER July 30, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (14) from points in Montana, to Sioux City, Iowa (except points in Nebraska within the Sioux City, Iowa, Commercial Zone as defined by the Commission) and points in New Jersey; (15) from points in New Mexico, to Sioux City, Iowa (except points in Nebraska within the Sioux City, Iowa, Commercial Zone as defined by the Commission); (16) from points in North Dakota, to points in Louisiana, Texas, and those in California on and south of Interstate Highway 80, and Sioux City, Iowa (except points in Nebraska within the Sioux City, Iowa, Commercial Zone, as defined by the Commission); (17) from points in Oklahoma, to Sioux City, Iowa (except points in Nebraska within the Sioux City, Iowa, Commercial Zone, as defined by the Commission); and (19) from points in Wisconsin, to Sioux City, Iowa (except points in Nebraska within the Sioux City, Iowa, Commercial Zone, as defined by the Commission), points in California, and those in Texas on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., on points in Kansas within the St. Joseph, Mo., Commercial Zone. The purpose of this correction is to correct the exceptions. The remainder of this letter-notice will remain as published.

No. MC 124211 (Sub E68), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries and grocery store supplies* (except commodities in bulk), between Chicago, Ill., and points in that part of Nebraska on, west, and south of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 275 to Fremont, Nebr., thence along U.S. Highway 30 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line; (2) *Macaroni, noodles, grain products*, food products (except frozen foods, potato products, and meat and meat packinghouse products, commodities in bulk), *Pancake* and *cake flour, spaghetti, and vermicelli* (except commodities in bulk), between Chicago, Ill., on the one hand, and, on the other, points in Idaho, those in Montana on and west of a line beginning at the Montana-Wyoming State line, and extending along U.S. Highway 212 to junction U.S. Highway 87, thence along U.S. Highway 87 to Great Falls, thence along Interstate Highway 15 to the United States-Canada International Boundary line, those in South Dakota on, west, and south of a line beginning at the South Dakota-Nebraska State line and extending along South Dakota Highway 50 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Interstate Highway 90, thence along Interstate Highway 90 to the South Dakota-Wyoming State line, and those in Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to the Gulf of Mexico; restricted against the transportation of inedible grain products to points in South Dakota;

(3) *Food products, grain products, and flour* (except commodities in bulk and frozen foods), between Chicago, Ill., on the one hand, and, on the other, those points in Oklahoma on and west of Interstate Highway 35, and those in Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along Interstate Highway 35E to junction Interstate Highway 35, to the Gulf of Mexico; (4) *Food products* (except frozen foods, dairy products, potato products, and commodities in bulk), between Chicago, Ill., on the one hand, and, on the other, those points in Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Texas State line; (5) *foodstuffs* (except frozen foodstuffs, meat, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in Section A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and commodities in bulk), between Chicago, Ill., on the one hand, and, on the other, points in Arizona, California, Nevada, New Mexico, and Utah; restricted against the transportation of fresh foods from points in California, to Chicago, Ill.; restricted against the transportation of fresh foods from points in California; (6) *Foodstuffs* (except candy and confectionery, except meats and packinghouse products, dairy products, frozen foods, potato products, and except commodities in bulk), from Chicago, Ill., to points in Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Milford and Waverly, Nebraska.

No. MC 125777 (Sub E80), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, in dump vehicles, from Cincinnati, Ohio, (1) to points in Illinois (points in Indiana, except points in Wayne, Henry, Union, Fayette, Rush, Franklin, Decatur, Dearborn, Ohio, Ripley, Switzerland, and Jefferson Counties)* and (2) to points in Iowa (points in that part of Indiana designated in (1) above and Chicago, Illinois)* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 125777 (Sub E92), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Haydite, Shale and Cinders*, in bulk, in dump vehicles, from Portage, Ind., to points in Iowa (Ottawa, Illinois)*; and points in Kenosha, Racine, Walworth, and Waukesha Counties, Wisconsin (Gary, Indiana)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 125777 (Sub-No. E99), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: J. S. Gray, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in dump vehicles, from New Johnsonville, Tenn., to points in Washington, Oregon, California, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Minnesota, North Dakota, South Dakota, and Nebraska. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-24755 Filed 9-16-75;8:45 am]

V 40 181 SEP 17 75 XUM

federal register

WEDNESDAY, SEPTEMBER 17, 1975



PART II:

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

■

TRANSPORTATION IMPROVEMENT PROGRAM

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Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 450—PLANNING ASSISTANCE AND STANDARDS

Urban Transportation Planning

The purpose of this document is to issue final regulations implementing certain provisions of title 23, U.S.C., and the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601, et seq. (UMT Act), governing urban transportation planning under the Federal Highway Administration and the Urban Mass Transportation Administration programs.

In the November 8, 1974, edition of the FEDERAL REGISTER (39 FR 39660), the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) published a notice of proposed rulemaking (the "notice") to add a new Part 450, Subpart A, to 23 CFR, Chapter I, and a new Part 613, Subpart B, to 49 CFR, Chapter VI.

The public was invited to participate in this rulemaking through submission of written comments. Over 120 interested groups and individuals provided comments, including the House Committee on Public Works and Transportation, the Senate Committee on Public Works, the American Public Transit Association, the American Association of State Highway and Transportation Officials, State departments of transportation, cities, and a number of metropolitan planning organizations. In arriving at the final regulations set forth below, FHWA and UMTA have given consideration to all comments received in response to the notice of proposed rulemaking insofar as they related to matters within the scope of that notice. Review of the comments received indicated the desirability of making changes in the regulations as originally proposed. In view of the interest expressed in these regulations, except for editorial revisions, those sections of these final regulations which have been revised or were the subject of major interest are discussed in this commentary.

Since the publication of the notice of these proposed rules, Congress has enacted the National Mass Transportation Assistance Act of 1974 (Pub. L. 93–503, 88 Stat. 1565), which amended the UMT Act to add among other matters a new formula grant program under which both capital and operating assistance may be provided, and to make the "3–C" planning process described in 23 U.S.C. 134 applicable to all UMTA-assisted capital and operating projects. While the enactment of Pub. L. 93–503 did require some modification of these regulations, these changes were essentially technical in nature, and, where made, do not represent any overall substantive change except for the addition of the Transportation Systems Management (TSM) element (discussed *infra*).

In response to the notice, some concern was expressed that the role of the Metropolitan Planning Organization (MPO) in the planning and programing process tended to impinge on State and local authority. It was intended that the MPO provide a forum for cooperative decisionmaking by principal elected officials of general purpose local government; accordingly, the definition of the MPO has been modified to clarify this intent. It is not intended to preclude the State and publicly owned operators from acting through this forum.

A few comments addressed the Governor's designation of these organizations. The Department recognizes that institutional arrangements are at different stages of evolution in the various urbanized areas; accordingly, considerable flexibility will be afforded by FHWA and UMTA in the administration of § 450.106. We note in this connection that while it is encouraged, nothing in the regulations requires that the MPO and the A–95 agency be the same. Further, designations made under § 450.106 may be changed when appropriate, consistent with the provisions of that section.

A number of comments on the geographic scope of the urban transportation planning process indicated concern that the regulation could be interpreted to encourage coverage of rural areas. The intent is that the planning process extend to urban and urbanizing areas; consistent with that intent, the regulation has been revised to allow each urbanized area maximum flexibility in determining the geographic scope of the urban transportation planning process.

Several comments were directed to the failure of § 450.112 to reflect the tripartite nature of the planning process, i.e., the involvement in the process of State government, local government, and publicly owned operators of mass transportation services as specified in the section on "Agreements." For this reason, § 450.112 has been revised to stipulate that the MPO, in cooperation with the State and with publicly owned operators of mass transportation services, is responsible for carrying out the urban transportation planning process.

Section 450.116 has been revised to provide greater detail regarding the components of the transportation plan. The transportation plan includes the TSM and the long-range elements. The TSM element was initially referenced in § 450.120 of the proposed regulation. It is designed to meet the short-range transportation needs of urban areas through efficient use of existing facilities. A joint issuance appended to these regulations provides additional advisory information on the scope and objectives of the TSM element.

Notice is given that the inclusion in the Transportation Improvement Program (TIP) of projects recommended from the TSM element will be a condition of UMTA program approvals. The TSM element and the programing for its implementation in the TIP supports the requirement to improve the efficiency of mass transportation service pursuant to section 5(d)(2) of the UMT Act (49 U.S.C. 1604(d)(2)) and is deemed to be the program of actions referred to in the expression of intent described in Section F of the Capital and Operating Assistance Formula Grants and the Interim Guidelines and Procedures (40 FR 2534, January 13, 1975).

The target date envisioned for the development of the TSM element and the programing for its implementation is March 30, 1976.

Section 450.120 of the regulation has been reorganized to group the general planning activities, first, and the activities of a technical nature, second. In response to comments and to statutory requirements, planning process elements were added to cover energy conservation, consideration of existing private mass transportation services, coordination with air quality planning and with planning for the transportation needs of the elderly and handicapped.

A number of comments addressed the criteria for Federal determinations under the "Certification" section. In response, § 450.122 has been simplified to indicate that certification will be based on compliance with the requirements in this subpart and that the determination will be made by UMTA and FHWA acting jointly. The certification determination is a Federal evaluation of the planning process.

A further clarification in § 450.122 pertains to the lapsing of certification. The Department intends that a negative planning finding be a deliberate determination and not the result of an administrative oversight. Accordingly, the planning certification will remain in effect until a new determination is made.

These regulations unify the individual planning requirements of FHWA and UMTA and supersede the following operating procedures: FHWA Policy and Procedure Memorandums 50–9 and 50–11, Instructional Memorandums 50–3–71 and 50–4–68; Sections D and F of the Capital and Operating Assistance Formula Grants; Interim Guidelines and Procedures (40 FR 2534, January 13, 1975); and the Urban Mass Transportation Planning Requirements Guide as contained in Appendix 2 of the UMTA External Operating Manual (UMTA Order 1000.2, dated August 22, 1972).

In consideration of the foregoing, and under the authority of 23 U.S.C. 104(f)(3), 134, and 315, and sections 3, 4(a), and 5 of the UMT Act (49 U.S.C. 1602, 1603(a), and 1604), and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b) and 1.50(f), Chapter I of title 23 and Chapter VI of title 49 of the Code of Federal Regulations are hereby amended by adding a new Part 450, Subpart A as set forth below.

Effective date: These regulations take effect on October 17, 1975.

Issued on: Septmber 11, 1975.

L. P. LAMM,
Executive Director,
Federal Highway Administration.

ROBERT E. PATRICELLI,
Urban Mass Transportation
Administrator.

Subpart A of Part 450 is added as set forth below:

Subpart A—Urban Transportation Planning

Sec.
450.100 Purpose.
450.102 Applicability.
450.104 Definitions.
450.106 Metropolitan Planning Organization: designation.
450.108 Metropolitan Planning Organization: agreements.
450.110 Metropolitan Planning Organization: geographic scope.
450.112 Metropolitan Planning Organization: responsibilities.
450.114 Urban transportation planning process: planning work programs.
450.116 Urban transportation planning process: transportation plan.
450.118 Urban transportation planning process: transportation improvement program.
450.120 Urban transportation planning process: elements.
450.122 Urban transportation planning process: certification.
Appendix: Advisory Information on Development of Transportation Systems Management Elements.

AUTHORITY: 23 U.S.C. 104(f)(3), 134, and 315; Sections 3, 4(a), and 5 of the Urban Mass Transportation Act of 1964, as amended (UMT Act) (49 U.S.C. 1602, 1603(a), and 1604); and 49 CFR 1.48(b) and 1.50(f).

Subpart A—Urban Transportation Planning

§ 450.100 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 134, and Sections 3(a)(2), 4(a), 5(g)(1), and 5(l) of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1602(a)(2), 1603(a), and 1604(g)(1) and (l)), which require that each urbanized area, as a condition to the receipt of Federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area.

§ 450.102 Applicability.

The provisions of this subpart are applicable to the transportation planning process in urbanized areas. Certification under this subpart shall be a prerequisite for program approvals in urbanized areas pursuant to 23 U.S.C. 105(d) and 134(a), section 5(g) of the UMT Act (49 U.S.C. 1604(g)), and Subpart C of this part.

§ 450.104 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this subpart as so defined.

(b) As used in this subpart:

"Governor" means the Governor of any one of the fifty States, and includes the Mayor of the District of Columbia.

"Metropolitan Planning Organization (MPO)" means that organization designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as provided in 23 U.S.C. 104(f)(3), and capable of meeting the requirements of sections 3(a)(2) and (e)(1), 4(a), and 5(g)(1) and (l) of the UMT Act (49 U.S.C. 1602(a)(2) and (e)(1), 1603(a), and 1604(g)(1) and (l)). This organization is the forum for cooperative decisionmaking by principal elected officials of general purpose local government.

§ 450.106 Metropolitan Planning Organization: designation.

(a) The Governor of each State shall designate the Metropolitan Planning Organization (MPO). To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas.

(b) Funds authorized by 23 U.S.C. 104(f) shall be made available by the State to the MPO, as required by 23 U.S.C. 104(f)(3). To the extent possible, the MPO shall be eligible to receive planning funds authorized by section 9 of the UMT Act of 1964, as amended, (49 U.S.C. 1607a).

(c) To the extent possible, the MPO designated by the Governor shall be established under specific State legislation, State enabling legislation, or by Interstate compact, with authority to carry out metropolitan transportation planning, and should perform the functions required by the Office of Management and Budget (OMB) Circular A–95 "Evaluation, Review, Coordination of Federal Assistance Programs and Projects" November 13, 1973, as amended.

(d) Principal elected officials of general purpose local government within the jurisdiction of the MPO shall have adequate representation on the MPO.

(e) Nothing herein shall be deemed to prohibit the MPO from utilizing, through contractual agreements, the staff resources of other local agencies to carry out selected elements of the planning process.

(f) An MPO designated under the provisions of this section shall remain designated until the Governor designates another MPO under the provisions of this section.

§ 450.108 Metropolitan Planning Organization: agreements.

(a) The responsibilities for cooperatively carrying out transportation planning and programing shall be clearly identified in an agreement or memorandum of understanding between the State and the MPO.

(b) Where the MPO is different from the A–95 agency, there shall be an agreement between the two organizations which prescribes the means by which their activities will be coordinated, as required by Part IV of OMB Circular A–95. This agreement shall specify how transportation planning and programing will be part of the comprehensively planned development of the urbanized area.

(c) There shall be an agreement between the MPO and publicly owned operators of mass transportation services which specifies cooperative procedures for carrying out transportation planning and programing as required by this subpart.

(d) To the extent possible, there shall be one cooperative agreement containing the understandings required by this section among the State, MPO, publicly owned operators of mass transportation services and, where necessary, the A–95 agency.

§ 450.110 Metropolitan Planning Organization: geographic scope.

The transportation planning process shall, as a minimum, cover the urbanized area and the area likely to be urbanized in the period covered by the long-range element of the transportation plan described in § 450.116 of this subpart.

§ 450.112 Metropolitan Planning Organization: responsibilities.

(a) The MPO in cooperation with the State, and in cooperation with publicly owned operators of mass transportation services, shall be responsible for carrying out the urban transportation planning process specified in § 450.120 and shall develop the planning work programs, transportation plan, and transportation improvement program specified in §§ 450.114 through 450.118 of this subpart. The MPO shall be the forum for cooperative decisionmaking by principal elected officials of general purpose local government.

(b) The MPO shall annually endorse the plans and programs required by §§ 450.114 through 450.118 of this subpart.

§ 450.114 Urban transportation planning process: planning work programs.

(a) The urban transportation planning process shall include the development of a prospectus and a unified planning work program.

(b) The prospectus shall establish a multiyear framework within which the unified planning work program is accomplished and shall include:

(1) A summary of the planning program including discussion of the important transportation issues facing the area;

(2) A general description of the status and anticipated accomplishments of each of the elements specified in § 450.120 of this subpart;

(3) A description of the procedures to be used in carrying out each element specified in § 450.120 of this subpart;

(4) A description of the functional responsibilities of each participating agency; and

(5) Copies of agreements specified in § 450.108 of this subpart.

(c) The unified planning work program shall: (1) Annually describe all urban transportation and transportation-related planning activities anticipated within the area during the next 1- or 2-year period regardless of funding sources; and (2) Document work to be performed with planning assistance provided under section 9 of the UMT Act (49 U.S.C. 1607a) and 23 U.S.C. 104(f) and 307(c).

(d) The prospectus and the unified planning work program may be combined in a single document. Arrange-

V 40 181 SEP 17 75 XUM

ments may be made to further combine these documents with work program requirements of other Federal sources of physical planning funds (e.g., Department of Housing and Urban Development, Environmental Protection Agency, and Department of the Interior).

§ 450.116 Urban transportation planning process: transportation plan.

(a) The urban transportation planning process shall include the development of a transportation plan consisting of a transportation systems management element and a long-range element. The transportation plan shall be reviewed annually to confirm its validity and its consistency with current transportation and land use conditions.

(b) The transportation systems management element of the transportation plan shall:

(1) Provide for the short-range transportation needs of the urbanized area by making efficient use of existing transportation resources and providing for the movement of people in an efficient manner; and

(2) Identify traffic engineering, public transportation, regulatory, pricing, management, operational and other improvements to the existing urban transportation system not including new transportation facilities or major changes in existing facilities.

(c) The long-range element of the transportation plan shall:

(1) Provide for the long-range transportation needs of the urbanized area; and

(2) Identify new transportation policies and transportation facilities or major changes in existing facilities by location and modes to be implemented.

(d) The transportation plan shall be consistent with the area's comprehensive long-range land use plan, urban development objectives, and the area's overall social, economic, environmental, system performance and energy conservation goals and objectives.

§ 450.118 Urban transportation planning process: transportation improvement program.

(a) The urban transportation planning process shall include development of a transportation improvement program including an annual element as prescribed in Subpart C of this part.

(b) The program shall be a staged multiyear program of transportation improvement projects consistent with the transportation plan developed under § 450.116 of this subpart.

§ 450.120 Urban transportation planning process: elements.

(a) The urban transportation planning process shall:

(1) Provide for the consideration of social, economic, and environmental effects, in support of the requirements of 23 U.S.C. 109(h) and sections 5(h)(2) and 14 of the UMT Act (49 U.S.C. 1604 (h)(2) and 1610);

(2) Be coordinated with air quality planning conducted pursuant to 42 U.S.C. 1857 (Clean Air Act);

(3) Include provisions to ensure involvement of the public;

(4) Be consistent with Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794, which ensure that no person shall on the grounds of race, color, sex, national origin, or physical handicap be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program receiving Federal assistance from the Department of Transportation;

(5) Include special efforts to plan public mass transportation facilities and services that can effectively be utilized by elderly and handicapped persons pursuant to section 16 of the UMT Act (49 U.S.C. 1612) and section 165(b) of the Federal-Aid Highway Act of 1973, as amended;

(6) Provide for the consideration of energy conservation;

(7) Include consideration of existing private mass transportation services; and

(8) Include the following technical activities to the degree appropriate for the size of the metropolitan area and the complexity of its transportation problems:

(i) An analysis of existing conditions of travel, transportation facilities, and systems management;

(ii) An evaluation of alternative transportation systems management improvements to make more efficient use of existing transportation resources and the development of the transportation systems management element of the transportation plan.

(iii) Projections of urban area economic, demographic, and land use activities consistent with urban development goals and the development of potential transportation demands based on these levels of activity;

(iv) Analysis of alternative transportation investments to meet areawide needs for new transportation facilities and the development of the long-range element of the transportation plan;

(v) Refinement of the transportation plan through the conduct of corridor, transit technology, and staging studies; and subarea, feasibility, location, legislative, fiscal, functional classification, and institutional studies;

(vi) Monitoring and reporting of urban development and transportation indicators and a regular program of reappraisal of the transportation plan; and

(vii) Implementation programing which merges the results of plan refinement of the long-range element and the improvements recommended in the transportation systems management element of the transportation plan to produce a transportation improvement program as specified in Subpart C of this part.

(b) The urban transportation planning process shall include preparation of technical reports to assure documentation of the development, refinement, and reappraisal of the transportation plan.

§ 450.122 Urban transportation planning process: certification.

(a) The Federal Highway and Urban Mass Transportation Administrators jointly will review and evaluate annually the transportation planning process in each urbanized area to determine if the process meets the requirements of this subpart.

(b) If, upon the review and evaluation conducted under paragraph (a) of this section, the Administrators jointly determine that the transportation planning process in an urbanized area meets or substantially meets the requirements of this subpart, they may take one of the following actions, as appropriate:

(1) Certify the transportation planning process; or

(2) Certify the transportation planning process subject to one of the following conditions:

(i) That certain specified corrective actions be taken; or

(ii) That the process is a basis for approval of only those categories of programs or projects that the Administrators may jointly detremine and that certain specified corrective actions be taken.

(c) The State and the MPO shall be notified of the actions taken under paragraph (b) of this section.

(d) A certification under paragraph (b) of this section will remain in effect until a new certification determination is made.

APPENDIX

ADVISORY INFORMATION ON DEVELOPMENT OF TRANSPORTATION SYSTEMS MANAGEMENT ELEMENTS UNDER UMTA AND FHWA JOINT REGULATIONS, 23 CFR PART 450, SUBPARTS A AND C, AND 49 CFR PART 613, SUBPARTS A AND B

1. *Purpose.* The preamble to the National Mass Transportation Assistance Act of 1974 states that efficient, economical and convenient mass transportation is a vital public service essential to the health and welfare of urban areas. The resources provided by the Act are intended to assist communities in preserving and revitalizing their mass transit systems. An essential part of this goal is to improve the efficiency of transit service—not only to achieve greater economies of operation, but also to help contribute to the wider national objectives of energy conservation, improved air quality, and increased social and environmental amenity. The 1974 Act provides additional resources to enable localities to improve the efficiency of transit operations.

Similarly, Section 135 of title 23 declares it to be in the national interest that there should be a continuing program within urban areas "designed to reduce traffic congestion and to facilitate the flow of traffic." Improvements which "directly facilitate and control traffic flow" are made eligible projects for Urban Extension and Urban System funds.

Pursuant to the planning requirements established for urbanized areas in title 23 and the Urban Mass Transportation Act of 1964, as amended, UMTA and FHWA have jointly issued regulations (23 CFR Part 450 and 49 CFR Part 613) that require the urban transportation planning process to develop (1) a Plan containing a Transportation System Management (TSM) element, and (2) a Transportation Improvement Program (TIP) for each urbanized area.

The purposes of these supplementary guidelines is to jointly provide additional definitions and explanation of the intent and scope of the Transportation Systems Management requirements specified in the joint

planning regulations. Each Administration (i.e., UMTA and FHWA) will be using its own regulations or policy mechanisms to specify further conditions in order to meet their requirements for approval of programs or projects under their jurisdiction.

2. *Introduction.* Automobiles, public transit, taxis, pedestrians, and bicycles should be considered as elements of one single urban transportation system. The objective of urban transportation system management is to coordinate these individual elements through operating, regulatory and service policies so as to achieve maximum efficiency and productivity for the system as a whole.

Controlling the flow of traffic, influencing the volume, pattern and mix of traffic, and giving priority to buses and other high-occupancy vehicles may be the single most effective set of measures to improve the efficiency and productivity of both mass transportation service and the entire urban transportation system. However, other actions can also be effective. Mass transit efficiency can be increased through internal management actions, such as more flexible routing, dispatching and scheduling of transit vehicles. Urban transportation system efficiency can be increased by the provision of para-transit services, incentives for carpools, and greater off-peak use of transportation facilities. Conflicts between pedestrians and vehicles can be reduced by developing explicit and coordinated policy to balance competing claims on street space. Economic or other disincentives can be introduced to discourage low-occupancy auto use, reduce traffic in congested areas, and persuade commuters to shift to mass transit; the quality of public transit service can be improved to compensate for any reductions in auto accessibility.

3. *Planning requirement.* The UMTA and FHWA do not intend to prescribe efficiency standards or the particular measures that an urbanized area must adopt to meet the requirement to develop a Transportation Systems Management element. Formulation of an overall policy strategy, assessment of candidate measures, and selection, programming and implementation of actions are clearly a local responsibility to be carried out as part of continuing transportation planning and implementation process. In accordance with the joint regulations, the Metropolitan Planning Organization (MPO) in each urbanized area in cooperation with the State and in cooperation with publicly-owned operators of mass transportation services is responsible for the development and periodic updating of the Transportation Systems Management element.

The plan should set forth the underlying goals and policy objectives and the strategy selected to accomplish them. Since the plan will have official status as a product of the areawide planning process, once it is endorsed by the MPO, it should represent agreement on the part of those agencies identified as responsible for carrying out each action. The programing for implementation of Transportation Systems Management projects in the annual element of the Transportation Improvement Program represents a commitment for carrying out each action.

4. *Actions to be considered.* The following major categories of action should be considered for inclusion in the Transportation Systems Management element. While the feasibility of and need for individual actions may differ with the size of an urbanized area or the extent of its congestion, all categories of actions should be considered. It is expected that some actions in each category will be appropriate for any urbanized area.

a. *Actions to ensure the efficient use of existing road space through*

(1) Traffic operations improvements to manage and control the flow of motor vehicles, such as:
- Channelization of traffic
- One-way streets
- Better signalization and progessive timing of traffic signals
- Computerized traffic control
- Metering access to freeways
- Reversible traffic lanes
- Other traffic engineering improvements

(2) Preferential treatment for transit and other high-occupancy vehicles, such as:
- Reserved or preferential lanes on freeways and city streets
- Exclusive lanes to bypass congested points
- Exclusive lanes at toll plazas with provision for no-stop toll collection
- Conversion of selected downtown streets to exclusive bus use
- Exclusive access ramps to freeways
- Bus preemption of traffic signals
- Strict enforcement of reserved transit rights-of-way
- Special turning lanes or exemption of buses from turning restrictions

(3) Appropriate provision for pedestrians and bicycles, such as:
- Bicycle paths and exclusive lanes
- Pedestrian malls and other means of separating pedestrian and vehicular traffic
- Secure and convenient storage areas for bicycles
- Other bicycle facilitation measures

(4) Management and control of parking through:
- Elimination of on-street parking, especially during peak periods
- Regulation of the number and price of public and private parking spaces
- Favoring parking by short-term users over all-day commuters
- Provision of fringe and transportation corridor parking to facilitate transfer to transit and other high-occupancy vehicles
- Strict enforcement of parking restrictions

(5) Changes in work schedules, fare structure and automobile tolls to reduce peak-period travel and to encourage off-peak use of transportation facilities and transit services, such as:
- Staggered work hours
- Flexible work hours
- Reduced transit fares for off-peak transit users
- Increased peak-hour commuter tolls on bridges and access routes to the city

b. *Actions to reduce vehicle use in congested areas through:*
- Encouragement of carpooling and other forms of ride sharing
- Diversion, exclusion and metering of automobile access to specific areas
- Area licenses, parking surcharges and other forms of congestion pricing
- Establishment of car-free zones and closure of selected streets to vehicular traffic or to through traffic
- Restrictions on downtown truck delivery during peak hours

c. *Actions to improve transit service, through:*
- Provision of better collection, distribution and internal circulation services (including route-deviation and demand-responsive services) within low-density areas
- Greater flexibility and responsiveness in routing, scheduling and dispatching of transit vehicles
- Provision of express bus services in coordination with local collection and distribution services
- Provision of extensive park-and-ride services from fringe and transportation corridor parking areas
- Provision of shuttle transit services from CBD fringe parking areas to downtown activity centers
- Encouragement of jitneys and other flexible paratransit services and their integration in the metropolitan public transportation system.
- Simplified fare collection systems and policies
- Provision of shelters and other passenger amenities
- Better passenger information systems and services

d. *Actions to increase internal transit management efficiency, such as:*
- Improve marketing
- Developing cost accounting and other management tools to improve decisionmaking
- Establishing maintenance policies that assure greater equipment reliability
- Using surveillance and communications technology to develop real time monitoring and control capability

5. *Planning assistance.* Development of the program is an eligible activity for inclusion in the Unified Work Program for transportation planning in any urbanized area. It can be assisted with UMTA and FHWA planning funds. In addition, Management Improvement planning studies can be included in the Unified Work Program or funded by special UMTA grants. Some localities may wish to propose amendments to ongoing work programs in order to accelerate development of the Plan. Such requests will be given priority consideration. It is expected that there will be relatively continuous work activity relating to this requirement; some feasibility studies will take longer than others, some actions will become feasible only after others have been defined, completed actions will have to be evaluated, and the program must be periodically updated as the effects of other developments influence the feasibility of various actions.

6. *Technical Assistance.* Substantial amounts of technical material are available concerning possible strategies and the actions that should be considered for inclusion in local programs. Further research and a number of demonstrations are underway which can be expected to contribute additional data to assist in evaluating the feasibility and planning the implementation of some actions. The FHWA and UMTA intend to maintain surveillance over these developments and provide timely and useful documentation to assist localities in meeting this requirement.

7. *Implementation Assistance.* Implementation of actions in the local program may be eligible for assistance with UMTA Sections 3 and 5 funds and Federal-aid highway funds (Urban Systems, Urban Extension, Primary and Interstate).

[FR Doc.75-24696 Filed 9-16-75;8:45 am]

PART 450—PLANNING ASSISTANCE AND STANDARDS

Transportation Improvement Program

The purpose of this document is to issue final regulations which implement certain provisions of title 23, U.S.C., and the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601, et seq. (UMT Act), governing the planning and programing of urban transportation improvements under the Federal Highway Administration and Urban Mass Transportation Administration programs.

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In the November 8, 1974, edition of the FEDERAL REGISTER (39 FR 39665), the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) published a notice of proposed rulemaking to add a new Part 450, Subpart C, to 23 CFR Chapter I and a new Part 613, Subpart A, to 49 CFR Chapter VI.

The public was invited to participate in this rulemaking through submission of written comments. Nearly 90 interested groups and individuals provided comments including the House Committee on Public Works and Transportation, the Senate Committee on Public Works, the American Public Transit Association, the American Association of State Highway and Transportation Officials, State departments of transportation, cities, and a number of Metropolitan Planning Organizations (MPOs).

In the preparation of the final regulations as set forth below, FHWA and UMTA have given consideration to all comments received in response to the notice of proposed rulemaking insofar as they related to matters within the scope of the notice. Review of the comments received indicated the desirability of making changes in the regulations as originally proposed. Most of these changes are clarifications rather than substantive alterations. However, in view of the interest expressed in these regulations, each section of these final regulations which have been revised or which was the subject of major interest is discussed in this commentary.

As a general matter, it should be stated that the Transportation Improvement Program (TIP) must, as a minimum, encompass the urbanized area and may cover a larger area at the discretion of the State and the MPO. Where the MPO jurisdiction includes more than one urbanized area, a single TIP covering all urbanized areas included should be developed. The boundaries of urbanized areas are those established and approved pursuant to 23 U.S.C. 101(a), and the implementing regulations under 23 CFR, Part 470, Subpart B.

Since the publication of the notice of these proposed rules, Congress has enacted the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503), which amended the UMT Act, to add, among other matters, a new formula grant program under which both capital and operating assistance may be provided, and to make the "3-C" planning process described in 23 U.S.C. 134 applicable to all UMTA-assisted capital and operating projects. While the enactment of Pub. L. 93-503 did require some modification of these regulations, these changes were essentially technical in nature and, where made, do not represent any overall substantive change except for the addition of the Transportation System Management (TSM) element (discussed infra).

One of the most persistent issues raised in the comments was with regard to the role of the MPO in the planning process as described in these regulations. Some respondents felt that the role of the MPO in the development of the TIP tended to impinge on State and local authority as mandated under State and local statute. The MPO provides a forum for cooperative decisionmaking by principal elected officials of general purpose local government. This is not intended to preclude the State or publicly owned operators from acting through this forum. Accordingly, the definition of the MPO has been modified to clarify this intent.

Several respondents urged that the proposed effective date of these regulations, July 1, 1975, be delayed to allow more time for preparation of the program. We agree that such a delay is desirable; consequently, the effective date has been changed to January 1, 1976, and § 450.302 of the regulations has been changed accordingly.

A number of comments were addressed to § 450.324 (Selection of Projects for Implementation) which permits proposed Interstate System and urban extension projects for which substantial commitment of Federal funding has been made to be included in the Statewide program of projects under 23 U.S.C. 105 without having first been included in the annual element. A number of commentators apparently were of the opinion that the provision would permit such projects to be exempted from the requirements of 23 U.S.C. 134(a). This was not the intent. All projects programed for implementation in urbanized areas must be subject to the provisions of 23 U.S.C. 134 and indeed projects included in the annual element under the provisions of these regulations are presumed to have met the requirements of 23 U.S.C. 134. In order to convey properly this concept, the regulations have been revised by eliminating all references to the term "substantial commitment." Section 450.324 has been redesignated as § 450.318. In addition, the language has been revised to indicate clearly that all projects subject to these regulations and included by the State in the Statewide program of projects under 23 U.S.C. 105 should be drawn from the annual element.

A mechanism has been provided, however, for the State to request program approval for Interstate or urban extension projects for highway transportation improvements which have already received Federal approval for right-of-way acquisition or Federal approval of physical construction or implementation where right-of-way acquisition was not previously federally funded, and which have not been included in the annual element endorsed by the MPO. The regulations require the State to submit the views of the MPO and to show how the project meets the requirements of 23 U.S.C. 134. Where the issue is the substitution of a nonhighway public mass transportation project in lieu of an Interstate highway segment as permitted under 23 U.S.C. 103(e)(4), the Federal Highway Administrator will consult with the Urban Mass Transportation Administrator prior to taking any program action on the Interstate project.

The TIP required under this subpart consists of projects recommended from the TSM element and the long-range element of the transportation plan required under Subpart A of Part 450.

Notice is given that the inclusion in the TIP of projects recommended from the TSM element is a condition of UMTA program approvals. The TSM element and the programing for its implementation in the TIP supports the requirement to improve the efficiency of mass transportation services pursuant to Section 5(d)(2) of the UMT Act (49 U.S.C. 1604(d)(2)) and is deemed to be the program of actions referred to in the expression of intent described in Section F of the Capital and Operating Assistance Formula Grants, and the Interim Guidelines and Procedures (40 FR 2534, January 13, 1975).

The target date envisioned for the development of the TSM element and the programing for its implementation is March 30, 1976.

Section 450.316(a) of the proposed regulations provided that "proposed urban system projects shall be initiated by the individual elected officials of the general purpose local government" in whose jurisdiction the project is located. Several commentators suggested that this requirement was too restrictive. We agree; accordingly, § 450.316(a) has been revised to allow project initiation by any local official of jurisdictions which have authority over highway projects and renumbered § 450.310(a). Many comments focused on the desirability of including nonfederally funded projects in the TIP. This feature is now incorporated in § 450.312(a)(2) of these regulations. To enable a comprehensive review of the projects proposed for Federal support and to evaluate properly their relative impact on the remainder of the urban transportation system, it is necessary that projects not federally aided recommended from the TSM element also be included in the program. However, FHWA and UMTA approval of such locally sponsored and funded non-Federal transportation projects is not required.

Related to the issue discussed in the preceding paragraph, several comments questioned the need to include individual projects proposed for Federal assistance which were not of regional impact in the program. We agree that such detail is not necessary. Consequently, § 450.312(c) of the final regulations has been revised to permit grouping of projects considered not to be of appropriate scale for individual inclusion in the program according to functional classification, geographic area, and work type.

Section 450.312 of the proposed regulations required the submission of documentation relating to the adequacy and reliability of the transportation planning process in the metropolitan area. As was suggested by several respondents, this material should be available as part of the ongoing process during the annual certification determination required for all urbanized areas. As such, the requirement for this material to be submitted during the development of the TIP was seen as a duplication of effort. We have, therefore, removed the planning support documentation section as it appeared in

the proposed regulations and the Urban Transportation Planning regulations have been modified to incorporate the essence of this section.

UMTA has required a Transit Development Program (TDP) as a condition of a positive planning determination for the capital assistance programs it administers. The TDP was defined as a fully documented result of an analysis of existing conditions of the public transportation system. It included the description of justified capital and operational improvements placed in priority over a 3- to 5-year period.

As a consequence of these regulations, a separate TDP submission will no longer be required. However, the development of recommended improvements which previously constituted the TDP will now be incorporated as a part of the new TSM element of the transportation plan required under 23 CFR 450, Subpart A. The priorities and implementation staging aspect of the TDP will appear in the TIP as described in these regulations. Further, it is our intention that the TSM element contain highway and public transportation improvements, effectively integrating the development of Traffic Operations Programs to Increase Capacity and Safety (TOPICS) and transit development study results through an overall systems approach to managing the urban transportation system to make efficient use of existing resources. The appendix to Part 450, Subpart A, title 23 CFR, published today in the FEDERAL REGISTER provides advisory information on the scope and objectives of the TSM element.

The definition of "transportation improvements projects" has been deleted from the regulation. It was provided in the proposed regulation for illustrative purposes only. Numerous comments misconstrued the definition as requiring mandatory inclusion of the projects listed therein in the TIP; this was not the intent. The projects listed were examples of the types of activities which may be included in a TIP at the discretion of the participants in the programing process. Additionally, several comments suggested that projects involving changes in levels of transit service and programs for transit route revisions are generally too detailed to be reflected in a regional program. Clearly, there is no intent to suggest that day-to-day changes in transit operations are appropriate items for inclusion in the TIP; rather, the participants should consider including only those major revisions to transit operations which effect, among other objectives, the achievement of transportation systems management goals pursuant to 23 CFR 450.116.

In general, we view transportation improvement projects as including, but not necessarily limited to: engineering related to the acquisition or construction of transportation facilities; acquisition of rights-of-way, construction, and reconstruction of highways, busways, and fixed guideways; fringe parking facilities; major street improvements; transit rolling stock acquisitions; TOPICS projects; bicycle and pedestrian facilities; major revisions in levels of transit service and transit route structures; initiation of exclusive and preferential bus and carpool lanes; staggered work hours; measures to encourage carpooling; regulation of parking supply and costs; and projects to meet the special needs of the elderly and handicapped.

Section 450.312(d) of this regulation addresses the consistency of the total cost of the projects contained in the annual element with Federal funds available to the urbanized areas during that program period. For 23 U.S.C. 104(b)(3) (Urban extensions of Federal-Aid Primary and Secondary Systems) and 23 U.S.C. 104(b)(5) (Interstate System) funds, the Federal share for projects in the annual element should be a best estimate of funds expected to be available. Programs may total more or less than the estimated funds where the participants determine this is essential to effective program implementation, i.e., to account for schedule slippage and lack of precision in estimates of project costs.

The Federal share for projects in the annual element in areas of over 200,000 population and proposed for funding under 104(b)(6), (Federal-aid urban system) should approximate the amounts allocated to the urbanized area pursuant to 23 U.S.C. 150. Projects may total more or less than the allocated amount where the participants determine such action is essential to effective program implementation. In other areas the best estimate of urban system funds expected to be available should be used.

The Federal share of the projects in the annual element and proposed for funding under the UMTA formula grant program (Section 5 of the UMT Act, 49 U.S.C. 1604) shall not exceed the total Federal funds which will be available to the urbanized area during the program year. Projects may total less, but not more, than the amount available under the Section 5 program at the discretion of the participants.

The Federal share of the projects in the annual element funded under Section 3 of the UMT Act (49 U.S.C. 1602) and 23 U.S.C. 103(e)(4) (Interstate transfer) should be consistent with the estimate of funds reasonably expected to be available.

Section 450.316(b) of this regulation requires that recommended transportation systems management projects be included in the TIP. Such projects include those authorized under 23 U.S.C. 135 (TOPICS) and Section 5(d)(2) of the UMT Act (49 U.S.C. 1604(d)(2)) (improvement of efficiency of mass transit services). Pursuant to these statutes, the Department of Transportation feels that the implementation of these projects should be given priority in the development of the TIP.

Sections 450.306 and 450.312 of this subpart refer to projects recommended for implementation from the TSM element of the transportation plan. The term "transportation systems management" did not appear in the proposed urban transportation planning regulation, 23 CFR, Subpart A; however, the term is incorporated into the final issuance of that regulation and will describe an element of the transportation plan resulting from the technical activity in § 450.116(b) which identifies improvements to make more efficient use of existing transportation resources (also see appendix to 23 CFR, Part 450, Subpart A).

Several comments questioned whether or not the joint approval by the Federal Highway and Urban Mass Transportation Administrators (in the proposed regulations at § 450.324(b)(1), in these final regulations at § 450.320(a)(1)) approval of Federal-aid urban system projects selected for implementation) is consistent with the provisions of Title 23, U.S.C. to the extent that the approval involves the Urban Mass Transportation Administrator. Section 121 of the Federal-Aid Highway Act of 1973 (Pub. L. 93-87) which amended section 142 of Title 23, U.S.C., authorized the Secretary of Transportation to approve, in addition to traditional urban system highway projects, certain nonhighway public mass transportation activities as projects on the Federal-aid urban system. These nonhighway public mass transportation projects contemplate such activities as the purchase of buses and the construction, reconstruction, and improvement of fixed rail facilities for urban areas—activities traditionally administered by the Urban Mass Transportation Administration. In consideration of the need of a comprehensive, coordinated and multimodal approach to the transportation problems of the urban areas (a need recognized in the basic legislation of both the Federal Highway and Urban Mass Transportation Administrations), and given the fact that projects under 23 U.S.C. 142, whether for highway or nonhighway public mass transportation projects, complement projects and activities carried out under the Urban Mass Transportation Act of 1964, as amended, the proposed regulation provided for joint approval of the Federal-aid urban system program.

To facilitate administration of the program § 450.320 of the regulation provides that the Federal-aid highway projects in the urban system portion of the Statewide program of projects (required under 23 U.S.C. 105) will be approved by the Federal Highway Administrator, while the nonhighway public mass transportation projects included in the program of projects will be approved by the Urban Mass Transportation Administrator.

Additionally, the Department has a decided interest that the flexibility in the use of Federal-aid urban system funds be exercised to the fullest, i.e., that local decisions as to the use of those funds for either highway or nonhighway public mass transportation projects be protected and fostered. Consequently, §450.318 provides that in any case where the statewide program of projects submitted pursuant to 23 U.S.C. 105 does not contain Federal-aid urban system nonhighway public transportation projects that were selected for implementation and in-

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cluded in the annual element of the TIP through the local decisionmaking process, a statement describing the reasons for the noninclusion of those projects must accompany the statewide program of projects. In such instances, all elements in the program of projects related to the Federal-aid urban system will be jointly reviewed and approved by the Federal Highway and Urban Mass Transportation Administrators.

Section 450.320 clarifies the consequences of program approval with regard to statutory requirements.

In consideration of the foregoing, and under the authority of 23 U.S.C. 105, 134(a), and 135(b), and sections 3, 4(a) and 5 of the UMT Act (49 U.S.C. 1602, 1603(a), 1604), and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b) and 1.50(f), Chapter I of Title 23 of the Code of Federal Regulations is amended by adding a new Part 450, Subpart C.

Effective date: These regulations take effect on October 17, 1975.

Issued on: September 11, 1975.

L. P. LAMM,
Executive Director,
Federal Highway Administration.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

Subpart C of Part 450 is added to read as follows:

Subpart C—Transportation Improvement Program

Sec.
450.300 Purpose.
450.302 Applicability.
450.304 Definitions.
450.306 Transportation Improvement Program: general.
450.308 Transportation Improvement Program: content.
450.310 Annual element: project initiation.
450.312 Annual element: content.
450.314 Annual element: modification.
450.316 Action required by Metropolitan Planning Organization.
450.318 Selection of projects for implementation.
450.320 Program approval.

AUTHORITY: 23 U.S.C. 105, 134(a), and 135(b); sections 3, 4(a), and 5 of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1602, 1603(a), and 1604); and 49 CFR 1.48(b) and 1.50(f).

Subpart C—Transportation Improvement Program

§ 450.300 Purpose.

The purpose of these regulations is to establish guidelines for the development, content, and processing of a cooperatively developed transportation improvement program in urbanized areas and to prescribe guidelines for the selection by implementing agencies of annual programs of projects to be advanced in urbanized areas.

§ 450.302 Applicability.

(a) After January 1, 1976, the regulations in this subpart shall be applicable to projects in or serving urbanized areas with funds made available under:

(1) 23 U.S.C. 104(b)(6) (urban systems projects);

(2) 23 U.S.C. 103(e)(4) (Interstate substitution projects);

(3) Sections 3 and 5 of the Urban Mass Transportation Act of 1964, as amended (UMT Act) (49 U.S.C. 1602 and 1604–UMTA capital and operating assistance projects);

(4) 23 U.S.C. 104(b)(3) (projects on urban extensions of primary and secondary systems), except as provided in this subpart;

(5) 23 U.S.C. 104(b)(5) (projects on the Interstate System), except as provided in this subpart.

(b) Projects under paragraphs (a)(4) and (5) of this section, which are included in the highway safety improvement program, may be excluded from the transportation improvement program at the option of the State.

§ 450.304 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this subpart as so defined.

(b) As used herein:

"Annual element" means a list of transportation improvement projects proposed for implementation during the first program year.

"Governor" means the Governor of any one of the fifty States, and includes the Mayor of the District of Columbia.

"Highway safety improvement program" means a program prepared by the State pursuant to 23 CFR, Part 655, Subpart E.

"Interstate substitution projects" means projects funded under 23 U.S.C. 103(e)(4) (Withdrawal of Interstate segments and substitution of nonhighway public mass transportation projects).

"Interstate System projects" means projects funded under 23 U.S.C. 104(b)(5).

"Metropolitan Planning Organization" means that organization designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as provided in 23 U.S.C. 104(f)(3), and capable of meeting the requirements of Sections 3(a)(2) and (e)(1), and 4(a), and 5(g)(1) and (l) of the UMT Act (49 U.S.C. 1602(a)(2) and (e)(l), 1603(a) and 1604(g)(1) and (1). This organization is the forum for cooperative decisionmaking by principal elected officials of general purpose local government.

"Transportation Improvement Program" means a staged multiyear program of transportation improvements including an annual element.

§ 450.306 Transportation improvement program: general.

(a) The transportation improvement program shall be developed and updated annually under the direction of the Metropolitan Planning Organization (MPO) in cooperation with:

(1) State and local officials;

(2) Regional and local transit operators;

(3) Recipients authorized under section 5(b)(2) or (3) of the UMT Act (49 U.S.C. 1604(b))(2) or (3); and

(4) Other affected transportation and regional planning and implementing agencies.

(b) The transportation improvement program shall consist of improvement recommended from the transportation systems management and long-range elements of the transportation plan developed under § 450.116 of this part.

(c) The program shall cover a period of not less than 3 years, but may at local discretion cover up to 5 or more years.

§ 450.308 Transportation improvement program: content.

The transportation improvement program shall:

(a) Identify transportation improvements recommended for advancement during the program period;

(b) Indicate the area's priorities;

(c) Group improvements of similar urgency and anticipated staging into appropriate staging periods;

(d) Include realistic estimates of total costs and revenues for the program period; and

(e) Include a discussion of how improvements recommended from the long-range element and the transportation systems management element prepared pursuant to § 450.116 of this part were merged into the program.

§ 450.310 Annual element: project initiation.

Federally funded projects shall be initiated for inclusion in the annual element at all stages in the development of the transportation improvement for which program action is proposed. These projects shall be initiated as follows:

(a) Proposed urban system highway projects shall be initiated by local officials in whose jurisdiction the project is located.

(b) Proposed urban system nonhighway public mass transportation projects and Interstate substitution nonhighway public mass transportation projects shall be initiated by principal elected officials of general purpose local governments in consultation with local transit operating officials or by local transit operating officials.

(c) Proposed UMTA section 3 projects (49 U.S.C. 1602) shall be initiated by recipients authorized under section 5(b)(2) or (3) of the UMT Act (49 U.S.C. 1604(b)(2) or (3)), by local transit operating officials, or by principal elected officials of general purpose local governments in cooperation with local transit operating officials.

(d) Proposed UMTA section 5 projects (49 U.S.C. 1604) shall be initiated by recipients authorized under section 5(b)(2) or (3) of the UMT Act (49 U.S.C. 1604(b)(2) or (3)). Nothing in this subsection is intended to prohibit or discourage the initiation by such recipients of projects recommended by local transit operating officials or by principal elected officials of general purpose local governments in cooperation with local transit operating officials.

(e) Proposed urban extension and Interstate System projects shall be initiated by the State highway agency.

§ 450.312 Annual element: content.

(a) Except as provided in § 450.302(b) of this subpart, the annual element shall contain:

(1) Projects initiated under § 450.310 and endorsed under § 450.316 of this subpart; and

(2) For informational purposes, all nonfederally funded projects recommended from the transportation systems management element.

(b) With respect to each project under paragraph (a) of this section the annual element shall include:

(1) Sufficient descriptive material (i.e., type of work, termini, length, etc.) to identify the project;

(2) Estimated total cost and the amount of Federal funds proposed to be obligated during the program year;

(3) Proposed source of Federal and non-Federal funds; and

(4) Identification of the recipient and State and local agencies responsible for carrying out the project.

(c) Projects proposed for Federal support that are not considered by the State and MPO to be of appropriate scale for individual inclusion in the annual element may be grouped by functional classification, geographic area, and work type.

(d) The annual element shall be reasonably consistent with the amount of Federal funds expected to be available to the area. Federal funds that have been allocated to the area pursuant to 23 U.S.C. 150 shall be identified.

(e) The total Federal share of projects included in the annual element and proposed for funding under section 5 of the UMT Act (49 U.S.C. 1604) may not exceed apportioned section 5 funds available to the urbanized area during the program year.

§ 450.314 Annual element: modification.

The annual element may be modified at any time consistent with the procedures established in this subpart for its development.

§ 450.316 Action required by the Metropolitan Planning Organization.

(a) The transportation improvement program, including the annual element, shall be endorsed annually by the MPO.

(b) The MPO shall submit the transportation improvement program including the annual element:

(1) To the Governor and the Urban Mass Transportation Administrator; and

(2) Through the State to the Federal Highway Administrator.

§ 450.318 Selection of projects for implementation.

(a) The projects proposed to be implemented with Federal assistance under sections 3 and 5 of the UMT Act (49 U.S.C. 1602 and 1604) shall be those contained in the annual element of the transportation improvement program submitted by the MPO to the Urban Mass Transportation Administrator.

(b) Upon receipt of the transportation improvement program, the State shall include in the statewide program of projects required under 23 U.S.C. 105:

(1) Those projects drawn from the annual element and proposed to be implemented with Federal assistance under 23 U.S.C. 104(b)(6) (Federal-aid urban system) and 103(e)(4) (Withdrawal of Interstate segments and substitution of public mass transportation projects), in which it concurs; provided, however, that in any case where the State does not concur in a nonhighway public mass transportation project, a statement describing the reasons for the nonconcurrence shall accompany the statewide program of projects; and

(2) Those projects drawn from the annual element and proposed to be implemented with Federal assistance under 23 U.S.C. 104(b)(3) (Extensions of the Federal-aid primary and secondary systems in urbanized areas) and 23 U.S.C. 104(b)(5) (Interstate System projects in urbanized areas); and

(3) Those projects not drawn from the annual element that are proposed to be implemented with Federal assistance under 23 U.S.C. 104(b)(3) (projects on urban extensions of primary and secondary systems) and 23 U.S.C. 104(b)(5) (projects on the Interstate System) provided that:

(i) Such project or projects were initiated pursuant to § 450.310(e) of this subpart; and

(ii) Such project or projects are for highway transportation improvements for which there has been a Federal authorization to acquire right-of-way or Federal approval of physical construction or implementation where right-of-way acquisition was not previously federally funded.

(c) For each project under paragraph (b)(3) of this section a statement shall accompany the statewide program of projects which shall:

(1) Include the views of the MPO; and

(2) Indicate how the requirements of 23 U.S.C. 134(a) have been met.

(d) The preparation and endorsement of the transportation improvement program and the selection of projects in accordance with these regulations will meet the requirements of 23 U.S.C. 105(d), 23 U.S.C. 134(a), and section 5(g)(2) of the UMT Act (49 U.S.C. 1604(g)(2)).

(e) The State shall notify the MPO of actions taken under paragraph (b) of this section.

§ 450.320 Program approval.

(a) Upon the determination by the Federal Highway Administrator and the Urban Mass Transportation Administrator that the transportation improvement program or portion thereof is in conformance with this subpart and that the area is under planning certification, programs of projects selected for implementation under § 450.318 of this subpart, will be considered for approval as follows:

(1) Federal-aid urban system projects included in the statewide program of projects under 23 U.S.C. 105 will be approved by:

(i) The Federal Highway Administrator with respect to highway projects;

(ii) The Urban Mass Transportation Administrator with respect to nonhighway public mass transportation projects; and

(iii) The Federal Highway Administrator and the Urban Mass Transportation Administrator jointly in any case where the statewide program of projects submitted pursuant to 23 U.S.C. 105 does not include all Federal-aid urban system nonhighway public mass transportation projects contained in the annual element.

(2) Interstate substitution nonhighway public mass transportation projects included in the statewide program of projects under 23 U.S.C. 105 will be approved by the Urban Mass Transportation Administrator.

(3) Projects proposed to be implemented under sections 3 and 5 of the UMT Act (49 U.S.C. 1602 and 1604) included in the annual element of the transportation improvement program will be approved by the Urban Mass Transportation Administrator after considering any comments received from the Governor within 30 days of the submittal required by § 450.316(b)(1) of this subpart.

(4) Federal-aid urban extension and Interstate projects included in the statewide program of projects under 23 U.S.C. 105 will be approved by the Federal Highway Administrator.

(b) Approvals by the Federal Highway Administrator or joint approvals by the Federal Highway Administrator and Urban Mass Transportation Administrator will be in accordance with the provisions of this subpart and with 23 CFR 630, Subpart A. Approvals granted under this section will constitute:

(1) The approval required under 23 U.S.C. 105; and

(2) A finding that the program is based on a continuing, comprehensive planning process carried on cooperatively by the States and local communities in accordance with the provisions of 23 U.S.C. 134.

(c) Approvals by the Urban Mass Transportation Administrator will be in accordance with the provisions of this subpart and with other applicable provisions of 49 CFR 613, Subpart B. These approvals will constitute:

(1) The approval required under section 5(g)(2) of the UMT Act (49 U.S.C. 1604(g)(2));

(2) A finding that the projects are based on a continuing comprehensive transportation planning process carried on in accordance with the provisions of sections 3(a)(2) or 5(g)(1) of the UMT Act (49 U.S.C. 1602(a)(2) or 1604(g)(1)), as applicable; and

(3) A finding that the projects are needed to carry out a program for a unified or officially coordinated urban transportation system in accordance with the provisions of sections 4(a) or 5(l) of the UMT Act (49 U.S.C. 1603(a) or 1604(l)), as applicable.

[FR Doc.75-24697 Filed 9-16-75;8:45 am]

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Title 49—Transportation

CHAPTER VI—URBAN MASS TRANSPORTATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 613—PLANNING ASSISTANCE AND STANDARDS

Urban Transportation Planning

The purpose of this document is to issue final regulations implementing certain provisions of Title 23, United States Code, and the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601, et seq.), which govern urban transportation planning under the Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA) programs.

In the November 8, 1974, edition of the FEDERAL REGISTER (39 FR 39660), FHWA and UMTA published a notice of proposed rulemaking to add a new Part 450, Subpart A, to 23 CFR, Chapter I, and a new Part 613, Subpart B, to 49 CFR, Chapter VI.

The final regulations are published in full under 23 CFR, Part 450, Subpart A. The purpose of the regulations published below is to incorporate 23 CFR, Part 450, Subpart A, into 49 CFR, Part 613, Subpart A. The original notice indicated that the Urban Transportation Planning regulations under 23 CFR, Part 450, Subpart A, were to be incorporated into 49 CFR, Part 613, Subpart B. For reasons of continuity, these regulations are published as being incorporated into 49 CFR, Part 613, Subpart A rather than Subpart B.

The preamble to the joint FHWA/UMTA regulations, Title 23, CFR Part 450, Subpart A, published at page 42976 of this edition of the FEDERAL REGISTER and to be incorporated by reference in 49 CFR, Part 613, Subpart A, is hereby incorporated as the preamble for the following regulations.

Pursuant to Sections 3, 4(a), and 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603 (a) and 1604), and 23 U.S.C. 104(f)(3), 134, and 315, and the delegation of authority by the Secretary at 49 CFR 1.48 (b) and 1.50(f), Chapter VI of Title 49 of the Code of Federal Regulations is amended by adding a new Subchapter B, Part 613, Subpart A, as set forth below.

Effective date: These regulations take effect on October 17, 1975.

Issued on: September 11, 1975.

L. P. LAMM,
Executive Director,
Federal Highway Administration.
ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

Subpart A of Part 613 is added as set forth below:

Subpart A—Urban Transportation Planning

Sec.
613.100 Urban transportation planning.

AUTHORITY: 23 U.S.C. 104(f)(3), 134, and 315; §§ 3, 4(a), and 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603(a), and 1604); 49 CFR §§ 1.48(b) and 1.50(f).

Subpart A—Urban Transportation Planning

§ 613.100 Urban transportation planning.

The urban transportation planning regulations implementing 23 U.S.C. 134 and sections 3, 4(a), and 5(g)(1) and (*l*) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603(a) and 1604(g)(1) and (*l*)), which require comprehensive planning of transportation improvements which are set forth in 23 CFR Part 450, Subpart A, are incorporated into this subpart.

[FR Doc.75-24698 Filed 9-16-75;8:45 am]

PART 613—PLANNING ASSISTANCE AND STANDARDS

Transportation Improvement Program

The purpose of this document is to issue final regulations which implement certain provisions of title 23, United States Code, and the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601, et seq., governing the planning and programing of urban transportation improvements under the Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA) programs.

In the November 8, 1974, edition of the FEDERAL REGISTER (39 FR 39665), FHWA and UMTA published a notice of proposed rulemaking to add a new Part 450, Subpart C, to 23 CFR, Chapter I, and a new Part 613, Subpart A, to 49 CFR, Chapter VI.

The final regulations are published in full under 23 CFR, Part 450, Subpart C. The purpose of these regulations, published below, is to incorporate 23 CFR, Part 450, Subpart C, into 49 CFR, Part 613, Subpart B, and to set forth certain additional requirements applicable to the UMTA administered program. The original notice indicated that the Transportation Improvement Program regulations under 23 CFR, Part 450, Subpart C, were to be incorporated into 49 CFR, Part 613, Subpart A. For reasons of continuity, these regulations are published as being incorporated into 49 CFR, Part 613, Subpart B rather than Subpart A.

The preamble to the joint FHWA–UMTA regulations, Title 23 CFR, Part 450, Subpart C, published at page 42976 of this edition of the FEDERAL REGISTER, and to be incorporated by reference in 49 CFR Part 613, Subpart B, is hereby incorporated as the preamble for the following regulations.

Pursuant to sections 3, 4(a) and 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603 (a), and 1604) and 23 U.S.C. 105, 134(a), and 135(b), and the delegation of authority by the Secretary at 49 CFR 1.48 (b) and 1.50(f), Chapter VI of Title 49 of the Code of Federal Regulations, is hereby amended by adding a new Subchapter B, Part 613, Subpart B, as set forth below.

Effective date: These regulations take effect on October 17, 1975.

Issued on: September 11, 1975.

ROBERT E. PATRICELLI,
Urban Mass Transportation Administrator.

L. P. LAMM,
Executive Director,
Federal Highway Administration.

Subpart B of Part 613 is added as set forth below:

Subpart B—Transportation Improvement Program

Sec.
613.200 Transportation Improvement Program.
613.202 Additional criteria for urban mass transportation Administrator's approvals under 23 CFR 450.320.

AUTHORITY: 23 U.S.C. 105, 134(a), and 135(b); §§ 3, 4(a), and 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603(a), and 1604); and §§ 49 CFR 1.48(b) and 1.50(f).

Subpart B—Transportation Improvement Program

§ 613.200 Transportation Improvement Program.

The transportation improvement prdgram regulations establishing guidelines for the development, content, and processing of a cooperatively developed transportation improvement program in urbanized areas and also prescribing guidelines for the selection, by implementing agencies, of annual programs of projects to be advanced in urbanized areas which are set forth in 23 CFR Part 450, Subpart C, are incorporated into this subpart.

§ 613.202 Additional criteria for urban mass transportation Administrator's approvals under 23 CFR 450.320.

(a) This section establishes certain additional criteria to be considered by the Urban Mass Transportation Administrator in his program approval pursuant to 23 CFR 450.320(a)(3) for all projects proposed for implementation with Federal assistance under sections 3 and 5 of the Urban Mass Transportation Act of 1964, as amended (23 U.S.C. 1602 and 1604), in urbanized areas having a population of 200,000 or more.

(b) After March 30, 1976, the Urban Mass Transportation Administrator will grant program approval for projects under paragraph (a) of this section only after he has determined that:

(i) The transportation plan developed pursuant to 23 CFR 450.116 contains a Transportation System Management (TSM) element; and

(ii) The annual element of the transportation improvement program developed pursuant to 23 CFR 450.118 contains projects drawn from the TSM element.

(c) After March 30, 1977, the Urban Mass Transportation Administrator will grant program approval for projects under paragraph (a) of this section only after he has determined that reasonable progress has been demonstrated in implementing previously programed projects.

[FR Doc.75-24699 Filed 9-16-75;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 17, 1975

PART III:

ENVIRONMENTAL PROTECTION AGENCY

MATERIALS RECOVERY

Solid Waste Management Guidelines for Source Separation

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 246]

[FEL 428–3]

MATERIALS RECOVERY

Solid Waste Management Guidelines for Source Separation

Background. The Solid Waste Disposal Act of 1965 (Pub. L. 89–272) was amended in October 1970 by the Resource Recovery Act (Pub. L. 91–512). Section 209 of the Amended Act requires the Administrator of the U.S. Environmental Protection Agency (EPA) to "recommend to appropriate agencies and publish in the FEDERAL REGISTER guidelines for solid waste recovery, collection, separation, and disposal systems (including systems for private use), . . ." Further, section 211 mandates that Federal agencies "shall insure compliance with the guidelines recommended under section 209 and the purposes of (the Solid Waste Disposal Act) . . ."

On August 14, 1974, "Thermal Processing Land Disposal of Solid Waste Guidelines" were published in the FEDERAL REGISTER (Vol. 39, No. 158, pp. 29328–29338) as the first set of guidelines that were promulgated in fulfillment of the requirement for guidelines on disposal systems.

The EPA now proposes the following guidelines as part of the Agency's efforts to fulfill the Administrator's obligation to promulgate guidelines in the area of collection, recovery and separation systems. Other elements of resource recovery and separation systems are addressed in EPA's proposed *Resource Recovery Facilities Guidelines*, and *Procurement of Products that Contain Recycled Materials Guidelines*. The EPA recognizes that Section 209 expressly mandates that guidelines "shall be revised from time to time" and it intends to revise and supplement these guidelines in the future.

Section 211 of the Act and Executive Order 11752 make the "Requirements" section of the guidelines mandatory upon Federal agencies. The recommendatory sections of the guidelines present methods and techniques which EPA studies and analyses indicate will be the most effective and economic in carrying out the mandatory requirements. The recommendatory sections, therefore, present desirable actions while allowing for implementation of other source separation techniques in instances in which the methods and techniques described in recommendatory sections of this guideline are not practicable or economically feasible.

As provided in section 211 of the Act and section 3(a) of Executive Order 11752, heads of Federal agencies are ultimately responsible for determining which facilities under their jurisdiction shall comply with the guidelines. Practices required by the guidelines are expected to be less costly than existing solid waste management practices in the long term. However, the legislative history indicates that even where guidelines' implementation costs more, budget restrictions do not constitute a sufficient excuse to prevent compliance with the guidelines and that Federal agencies have a responsibility to request sufficient appropriations from Congress necessary to manage solid waste properly as part of their normal operating expenses. The legislative history does not provide any guidance as to how much additional costs are acceptable. Consequently the Federal agencies must make that decision based on a case-by-case analysis of actions required by the guidelines.

The legislative history concerning section 211 of the Resource Recovery Act of 1970 indicates that the Congress intended that Federal agencies should take a leadership role in solid waste management, as indicated by the following quote from page 14 of the Senate Report No. 91–1034, Senate Committee on Public Works, 91st Congress, 2d Session (1970).

> Federal agencies are inclined to place important environmental quality control functions in a subordinate role to mission. This is no longer appropriate or acceptable. Federal agencies which generate volumes of waste have a correlative responsibility to request appropriations from Congress necessary to properly manage such waste as part of their normal operating expenses. The public will not tolerate the excuse that budget restrictions prevent compliance with waste management standards and guidelines; it is abundantly clear that the provisions of the environmental control laws do not permit the same excuse to be advanced by individuals or private organizations. Federal agencies must take the lead in overcoming the reluctance to invest funds necessary to control solid waste pollution.

While source separation techniques, as described herein, have shown themselves to be economically preferable to all other methods for the recovery of the specified materials, isolated instances may exist in which they are not. Therefore, facilities may practice methods other than source separation if these methods are found to be more economically feasible through standard cost analysis. Pursuant to its authority in section 3(a) of Executive Order 11752, EPA has required that the decision not to adopt the procedures of the required sections of the guidelines must be justified in a report to the Administrator. The specific requirements for such a report can be found in the "Scope" section of the guidelines.

The economic and inflationary impacts of the guidelines have been carefully evaluated. It has been determined that the effects will be minor and that the guidelines are not a "major action" requiring an inflation impact statement as prescribed by Executive Order 11821 and OMB Circular A–107.

Introduction. These guidelines are intended to provide requirements and recommended procedures for the establishment and utilization by Federal agencies of source separation systems which will, in an economic manner, conserve resources, reduce waste disposal and produce high value industrial raw materials.

The materials that must be separated for recycling are high-grade office papers (white ledger, computer print-outs, and computer cards), corrugated containers and newspapers. Also recommended, but not required, is the separation of glass, cans, and mixed, low-grade papers. The latter materials (glass, cans, and mixed, low-grade papers) may also be retrieved through mechanical systems as discussed in the *Resource Recovery Facilities Guidelines*.

The systems described in these guidelines have been designed to separate specific materials at the source of generation in order to minimize contamination and to recover high value materials that can be sold for recycling. These materials, if mixed with other elements of the waste stream, would lose their inherent value. Source separation has long been utilized by government and private industry to retrieve a large variety of materials which would either not be recoverable at all or not be recoverable at their highest economic value if placed with mixed solid waste. The source separation systems recommended in these guidelines have been proven to be effective in numerous private industry and governmental settings in removing large quantities of the specified materials from the waste stream. Studies indicate strong market potential for all paper grades mandated for recovery in these guidelines. In addition, the actions presented herein, if implemented correctly, could produce a savings to the United States Government at low capital outlay.

Glass and cans. The recovery of glass and cans is recommended but not required from housing areas located within Federal facilities. Glass and can recovery through recycling centers has been practiced for a number of years. The technical and economic feasibility of various methods for separately collecting these materials at curbside is currently under investigation by EPA. As data are developed, these guidelines will be modified to reflect the inclusion of glass and can recovery in the Requirement section of these guidelines. It is expected that Federal agencies with available markets for glass and cans will make every effort to implement the recommendation.

Market availability. Agencies responsible for disposal of excess government property under the Federal Property and Administrative Services Act—1949, as amended (40 U.S.C. 471) shall set specifications and request bids for the purchase of various grades of paper specified in the guidelines in accordance with their normal procedures. Should no bids be received for a given paper grade, no facilities within the geographic region covered by the bid specification will be required to source separate that grade.

Increased efficiency. The recommended procedures in the guidelines should be accomplished to the extent practicable through increased efficiency in the normal waste collection system. Federal agencies are strongly urged to incorporate the source separation system into their present waste removal systems rather than to create totally separate programs which needlessly duplicate effort. The majority of cities, for example, which have implemented source separation of newsprint have done so utilizing existing staff and equipment. Some office separation systems have involved modified janitorial schedules and accomplished high-grade paper separation in conjunction with regular waste removal at no increase in labor cost.

Contracts. While contracts with purchasers are not required, the recommended procedures strongly urge the institution of a contract of a year or longer at a guaranteed minimum price. The one-year or more provision will protect facilities from incurring start-up costs for a program which might only last for a few months were such a contract not in existence. The minimum price provision will allow facilities to estimate cost-revenue balances and will protect them somewhat from market fluctuations.

Implementation responsibility. Many government agencies are housed in buildings the physical maintenance of which are under the control of another agency, usually the General Services Administration. In these instances, it is expected that responsibility for program implementation will be shared as follows: GSA or the agency which owns and/or manages the building, would be responsible for such items as negotiating for janitorial service, storage space, and paper sales. The agency occupying the building would be responsible for overall program coordination, economic analysis, publicity, and procurement of desk-top containers and centralized bins or boxes. The agency occupying the building would also be responsible for noncompliance reports to the Administrator of EPA, should such be written. In instances in which many agencies are housed in the same facility the agency with the largest number of employees will act as the program coordinator.

Compatibility of guidelines. There is some overlap in the coverage between these guidelines for source separation of paper and the *Resource Recovery Facilities Guidelines* proposed by EPA. Specifically, the newspaper, corrugated, and high-grade papers could either be source separated for recycling or recovered as energy or materials in a centralized facility. It is the intent of EPA that both the *Source Separation for Materials Recovery Guidelines* and the *Resource Recovery Facilities Guidelines* be carried out to the maximum extent possible. Following source separation of paper, the remaining wastes should be processed in accordance with the *Resource Recovery Facilities Guidelines*. Even with removal of these categories of paper, processing facilities for the remaining waste will generally be economically feasible.

Implementation of both guidelines will result in maximum conservation benefit to the country and economic savings to the Government. Additionally it is desirable and is the clear intent of Congress that the Federal Government take a leadership role in the demonstration of techniques for both the separation of materials at the source and the utilization of resource recovery facilities.

If there are circumstances where significant cost savings over the source separation and recycling of high-grade, corrugated containers, or newspapers can be achieved through the recovery of these materials in centralized recovery facilities or through conversion into energy, then a Federal facility may choose this form of recovery instead of source separation. The analysis supporting this conclusion shall be made available to the Administrator.

Response requested. The EPA is soliciting comment and advice via this notification in the FEDERAL REGISTER. In particular, the EPA invites comments from Federal and non-Federal agencies.

In addition, the EPA invites public comments, reviews, and critiques of the guidelines. Interested parties may submit written comments, preferably in triplicate, to the Deputy Assistant Administrator for Solid Waste Management Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments received on or before October 17, 1975, will be considered.

Receipt of comments will be acknowledged by the Deputy Assistant Administrator for Solid Waste Management Programs. All comments will be available for public inspection at the Freedom of Information Center at EPA headquarters, 401 M Street SW., Washington, D.C., during normal business hours.

This notice of proposed guidelines is issued under the Authority of section 209 (a) of the Solid Waste Disposal Act of 1965 (Pub. L. 89–272), as amended by the Resource Recovery Act of 1970 (Pub. L. 91–512).

It is proposed to add a new part 246 to 40 CFR Chapter I, as follows:

Dated: September 8, 1975.

JOHN QUARLES,
Acting Administrator.

PART 246—SOURCE SEPARATION FOR MATERIALS RECOVERY GUIDELINES

Subpart A—General Provisions

Sec.
246.100 Scope.
246.101 Definitions.

Subpart B—Requirements and Recommended Procedures

246.200 Office wastes.
246.200–1 Requirements.
246.200–2 Recommended procedures: market study.
246.200–3 Recommended procedures: levels of separation.
246.200–4 Recommended procedures: methods of separation and collection.
246.200–5 Recommended procedures: storage.
246.200–6 Recommended procedures: transportation.
246.200–7 Recommended procedures: cost analysis.
246.200–8 Recommended procedures: contracts.
246.200–9 Recommended procedures: public information and education.
246.201 Residential solid waste.
246.201–1 Requirement.
246.201–2 Recommended procedures: glass, cans, and mixed paper separation.
246.201–3 Recommended procedures: market study.
246.201–4 Recommended procedures: methods of separation and collection.
246.201–5 Recommended procedures: transportation to market.
246.201–6 Recommended procedures: cost analysis.
246.201–7 Recommended procedures: contracts.
246.201–8 Recommended procedures: public information and education.
246.202 Corrugated container waste.
246.202–1 Requirement.
246.202–2 Recommended procedures: market study.
246.202–3 Recommended procedures: methods of separation and storage.
246.202–4 Recommended procedures: transportation.
246.202–5 Recommended procedures: cost analysis.
246.202–6 Recommended procedures: establishment of purchase contract.
246.203 Reevaluation.
246.203–1 Requirement.
Appendix Recommended bibliography.

Subpart A—General Provisions

§ 246.100 Scope.

(a) These guidelines are applicable to the source separation of residential, commercial, and institutional solid wastes. Explicitly excluded are mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; infectious wastes.

(b) The "Requirement" sections contained herein delineate minimum actions for Federal agencies for the recovery of resources from solid waste through source separation. Pursuant to section 211 of the Solid Waste Disposal Act, as amended, and Executive Order 11752, the "Requirement" sections of these guidelines are mandatory for Federal agencies. In addition, they are recommended to State, interstate, regional, and local governments for use in their activities.

(c) The "Recommended Procedures" sections are presented to suggest actions or preferred methods by which the objectives of the requirements can be realized. The "Recommended Procedures" are not mandatory for Federal agencies.

(d) The guidelines apply to all Federal agencies that generate solid waste.

(e) The Environimental Protection Agency will render technical assistance and other guidance to Federal agencies when requested to do so pursuant to section 3(d)1 of Executive Order 11752.

(f) Within one year after the final promulgation of these guidelines, agencies shall make a final determination as to what actions shall be taken to adopt the requirements of these guidelines and shall, within two months of such determination, submit to the Administrator a schedule of such actions.

(g) Federal agencies that make the determination not to adopt the requirements contained herein, for whatever reason, shall make available to the Administrator the analysis and rationale used in making that determination. The Administrator may publish notice of availability of this report. The following are considered to be valid reasons for noncompliance under individual facts and circumstances: inability to sell the recovered materials due to lack of market; and costs so unreasonably high as to render compliance economically impracticable.

(1) The following points are to be covered in the analysis:

(i) A description of ongoing actions which will be continued and actions

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taken or proposed which will be affected by such actions not in compliance with the guidelines including a brief description of how such facilities will be affected.

(ii) A description of the alternative actions considered with emphasis on those alternatives which, if taken, would be in compliance with these guidelines.

(iii) An analysis in support of the action chosen by the agency including technical data, market studies, and policy considerations utilized in arriving at such a determination.

In covering the points above, agencies should make every effort to present the information succinctly in a form easily understood, but in sufficient detail so as to give the Administrator an understanding of the factors influencing the decision not to adopt the requirements of these guidelines.

(2) The above report shall be submitted to the Administrator as soon as possible after a final agency determination has been made not to adopt the requirement of these guidelines, but in no case later than thirty days after such final determination. The Administrator will indicate to the agency his concurrence/nonconcurrence with the agency's decision, including his reasons, within sixty days of receipt of this report.

(3) Implementation of actions not in conformance with the requirement of these guidelines shall be deferred, for sixty days where feasible, in order to give the Administrator an opportunity to receive, analyze, and seek clarification of the above required report.

(4) It is recommended that where the above required report concerns an action for which an Environmental Impact Statement (EIS) is required by the National Environmental Policy Act, that draft and final versions of such report be circulated simultaneously with the EIS.

§ 246.101 Definitions.

As used in these guidelines:

(a) "Agricultural solid waste" means the solid waste that results from the rearing of animals and the harvesting of crops.

(b) "Baler" means a mechanical device used to compress and bind solid waste or other materials.

(c) "Bulk container" means a large container that can either be pulled or lifted onto a service vehicle mechanically or be mechanically emptied into a service vehicle.

(d) "Collection" means the act of removing solid waste (or materials which have been separated for the purpose of recycling) from a central storage point.

(e) "Commercial establishment" means stores, offices, restaurants, warehouses and other non-manufacturing activities.

(f) "Commercial solid waste" means all types of solid wastes generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, and non-processing wastes such as office and packing wastes generated at industrial facilities.

(g) "Construction and demolition waste" means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures.

(h) "Compartmentalized vehicle" means a collection vehicle which has two or more compartments for placement of solid wastes or recyclable materials. The compartments may be within the main truck body or on the outside of that body as in the form of metal racks.

(i) "Corrugated container waste" means discarded corrugated boxes.

(j) "Corrugated box" means a bulk container for goods which is comprised of an inner fluting of material known by the paper industry as corrugating medium and one or two outer liners known as linerboard.

(k) "Federal facility" means any building, installation, structure, land, or public work owned by or leased to the Federal Government. Ships at sea, aircraft in the air, land forces on maneuvers, other mobile facilities and United States Government installations on foreign soil or on land outside the jurisdiction of the United States Government are not considered "Federal facilities" for the purpose of these guidelines.

(l) "Food waste" means animal and vegetable residues resulting from the handling, storage, sale, preparation, cooking, and serving of foods; commonly called garbage.

(m) "Generation" means the act or process of producing solid waste.

(n) "High-grade paper" means letterhead, dry copy papers, miscellaneous business forms, stationery, typing paper, tablet sheets, and computer printout paper and cards, commonly sold as "white ledger," "computer printout" and "tab card" grade by the wastepaper industry.

(o) "Industrial solid waste" means the solid waste that results from industrial processes and manufacturing.

(p) "Institutional solid waste" means solid wastes originating from educational, health care, correctional and other such facilities.

(q) "Mining wastes" means residues which result from the extraction of raw materials from the earth.

(r) "Office wastes" means those solid wastes generated in the building, room or series of rooms in which the affairs of a business, professional person, branch of government, etc. are carried on, but excluding wastes generated in cafeterias, snack bars, or other food preparation and sales activities in those buildings.

(s) "Post-consumer waste (PCW)" means a material or product that has served its intended use and has been discarded for disposal or recovery after passing through the hands of a final consumer.

(t) "Recoverable resources" means materials that still have useful physical or chemical properties after serving their original purpose and can, therefore, be reused or recycled for the same or other purposes.

(u) "Recovery" means the process of obtaining materials or energy resources from solid waste.

(v) "Recycled material" means a material that is utilized in place of a primary, raw or virgin material in manufacturing a product.

(w) "Recycling" means the process by which recovered materials are transformed into new products.

(x) "Residential solid waste" means the garbage, rubbish, trash, and other solid waste resulting from the normal activities of households.

(y) "Responsible agency" means the organizational element that has the legal duty to ensure compliance with these guidelines.

(z) "Separate collection" means the collection of recyclable materials which have been separated at the point of generation and keeping those materials separate from other collected solid waste in separate compartments of a single collection vehicle or through the use of separate collection vehicles.

(aa) "Solid waste" means garbage, refuse, sludges, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants. However, unless specifically noted otherwise, the term "solid waste" as used in the guidelines herein shall not include mining, agricultural and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; and infectious wastes.

(bb) "Source separation" means the setting aside of recyclable materials at their point of generation by the generator.

(cc) "Specification" means a clear and accurate description of the technical requirement for materials, products or services, which specifies the minimum requirement for quality and construction of materials and equipment necessary for an acceptable product. In general, specifications are in the form of written descriptions, drawings, prints, commercial designations, industry standards, and other descriptive references.

(dd) "Stationary compactor" means a powered machine designed to compact solid waste or recyclable materials that remains stationary when in operation.

(ee) "Storage" means the interim containment of solid waste, in an approved manner, after generation and prior to collection for ultimate recovery or disposal.

(ff) "Virgin material" means a raw material used in manufacturing that has been mined or harvested and has not as yet become a product.

Subpart B—Requirements and Recommended Procedures

§ 246.200 Office wastes.

§ 246.200–1 Requirements.

High-grade paper generated in office facilities or over 100 workers shall be separated at the source of generation, separately collected and sold for the purpose of recycling.

§ 246.200–2 Recommended procedures: market study.

An investigation of markets should be made by the organization responsible for sale of recyclable materials in each Federal agency and should include at a minimum:

(a) Identifying potential purchasers of the recovered paper through standard market research techniques.

(b) Directly contacting buyers, and determining the buyer's quality specifications, the exact types of paper to be recycled, and potential transportation agreements.

(c) Determining the price which the buyer will pay for the recovered paper and the willingness of the buyer to sign a contract for purchase of the paper at a guaranteed minimum price.

§ 246.200–3 Recommended procedures: levels of separation.

A two level separation is recommended for most facilities. This separation should consist of (a) high-grade wastepaper and (b) all other waste. Facilities which produce large enough quantities of waste computer printout paper and cards to make their separation into a separate category cost effective may choose to implement three levels of separation: (1) Computer papers, (2) high-grade papers, (3) all other wastes.

§ 246.200–4 Recommended procedures: methods of separation and collection.

(a) Systems designed to recover high grades of office paper at the source of generation, i.e., the desk, are the desk-top system, the two-wastebasket system, and the office centralized container system.

(b) In the desk-top system, recyclable paper is placed in a container on the individual office worker's desk, while other waste is placed in a wastebasket. In the two-wastebasket system, recyclable paper is placed in one desk-side wastebasket by the generator, and all other waste is placed in another. In the centralized container system, large containers for the collection of recyclables are placed in centralized locations within the office areas of the building. Nonrecyclable waste is placed in another. In the centralized container system, large containers for the collection of recyclables are placed in centralized locations within the office areas of the building. Nonrecyclable waste is placed in desk-side wastebaskets.

(c) The recommended system is the desk-top system because it is designed to maximize recovery of high value material in an economically feasible manner. While the two-wastebasket system and centralized container system have been implemented with success in isolated instances, data indicate that, on the whole, these systems have experienced high levels of contamination, low levels of participation, and low revenues. The desk-top system has been designed to minimize these problems.

(d) The precise method of separation and collection used to implement the desk-top system will depend upon such things as the physical layout of the individual facility, the ease of collection, the preference of office workers, and the projected cost effectiveness of using various methods. The recommended desk-top system is carried out in the following manner:

(1) Workers are to deposit high-grade paper into a desk-top tray or other small desk-top holder to be supplied by the agency. This holder should be designed in such a way as to preclude its holding contaminants such as food or beverage containers.

(2) At the workers convenience or when this tray is filled, the paper is carried to a conveniently located bulk container within the office area. This larger container should be located in an area the worker will frequent in the normal course of conducting his or her business.

(3) In locations where computer cards and printouts are to be collected separately, the receptacle for these wastes should be near the computer terminal or in some other logical, centrally located place.

(4) Collection of the high-grade paper from the bulk containers in the office area should be performed by the janitorial service. The number of locations and the frequency of collection of these containers will be determined by office size and janitorial staff capacity. Collection of recyclables and other waste can be alternated on an every-other-day basis to avoid extending collection effort.

(e) Mixed paper and some high-grade office papers have also been recovered for recycling by hand-picking in an individual building's trash room or at a centralized facility serving several buildings. In these hand-picking systems, recyclable waste is not separated at the source of generation, but is mixed with other waste in the usual manner and removed to a centralized location where recyclable paper is picked from the mixed waste by hand. Facilities may choose to employ this method of high-grade paper recovery if it is shown by analysis to be economically preferable to source separation.

§ 246.200–5 Recommended procedures: storage.

Among the alternatives for paper storage are on-site baling, the use of stationary compactors, or storage in corrugated boxes or normal waste containers. Stored paper should be protected from fire, inclement weather and vandalism.

§ 246.200–6 Recommended procedures: transportation.

Transportation to market may be supplied by either the facility, a private hauler, or the purchaser. Collection of the recyclable paper should be on a regularly established schedule.

§ 246.200–7 Recommended procedures: cost analysis.

After potential markets are located (but prior to initiation of formal bidding procedures) and preliminary determinations of various separation methods, storage, and transportation have been made, an analysis should be conducted which compares the costs of the present waste collection and disposal system with the proposed segregated systems. At a minimum the study should include all capital, operating and overhead costs and take into account credits for revenue from paper sales and savings from diverting recycled materials from disposal. In formulating a separation system and evaluating its costs, every effort should be made to utilize janitorial and waste collection resources efficiently as suggested in § 246.200–4. This cost analysis should enable the facility to determine the most cost effective method of implementing this guideline.

§ 246.200–8 Recommended procedures: contracts.

Formal bids should be requested for purchase of the recovered materials, such bids being solicited in conformance with bidding procedures established for the responsible agency. Contracts should include the buyer's quality specifications, transportation agreements, a guarantee that the material will be accepted for one year or more, and a guaranteed minimum purchase price.

§ 246.200–9 Recommended procedures: public information and education.

A well organized and well executed public information and education program explaining the justification, goals, methods and level of separation should be conducted to inform and motivate office personnel and secure their cooperation in separating their waste. This public information and education program should precede the program and continue on a regular basis for its duration.

§ 246.201 Residential solid waste.

§ 246.201–1 Requirement.

Separation of used newspapers at the source of residential generation in conjunction with separate collection shall be carried out at all Federal facilities in which more than 500 families reside, and the newspapers shall be sold for the purpose of recycling.

§ 246.201–2 Recommended procedures: glass, can and mixed paper separation.

In areas in which markets are available it is recommended that glass, cans, and mixed paper be separated at the source of generation and separately collected for the purpose of recycling.

§ 246.201–3 Recommended procedures: market study.

An investigation of markets should be made by the organization responsible for sale of recyclable materials in each Federal agency and should include at a minimum:

(a) Identifying potential purchasers of the recovered material(s) through standard market research techniques.

(b) Directly contacting buyers and determining the buyer's quality specifications and potential transportation agreements.

(c) Determining the prices which the buyer(s) will pay for the recovered material(s) and the willingness of the buyer(s) to sign a contract for the purchase of the material(s) at guaranteed minimum prices.

V 40 181
SEP 17 75
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§ 246.201–4 Recommended procedures: methods of separation and collection.

Following separation within the home, any of the following modes of collection may be used:

(a) Materials should be placed at the curbside by the resident and may be collected from each household using separate trucks or compartmentalized vehicles.

(b) For multi-family dwellings separated materials may be placed in bulk containers placed outside of the building and collected by trucks dispatched to collect recyclables.

(c) Collection stations may be set up at convenient locations to which residents bring recyclables. These stations should provide separate bulk containers for each item to be recycled. The size and type of container will depend on the volume and type of material collected, the method of transportation to be used in having the materials to market and the frequency of removal.

§ 246.201–5 Recommended procedures: transportation to market.

Transportation to market may be supplied by either the facility or community generating the waste, a private hauler, or the purchaser.

§ 246.201–6 Recommended procedures: cost analysis.

After potential markets are located (but prior to initiation of formal bidding procedures) and preliminary determinations of various separation methods, storage and transportation have been made, an analysis should be conducted which compares the costs of the present waste collection and disposal system with the proposed segregated systems. At a minimum this study should include all capital, operating and overhead costs and take into account credits for revenue from paper sales and savings from diverting recycled materials from disposal. In formulating a separate collection system and evaluating its costs, every effort should be made to utilize idle equipment and underutilized collection manpower to reduce separate collection costs. This cost analysis should enable the facility to determine the most cost effective method of implementing this guideline.

§ 246.201–7 Recommended procedures: contracts.

Formal bids should be requested for purchase of the recovered materials, such bids being solicited in conformance with bidding procedures established for the responsible jurisdiction. Contracts should include the buyer's quality specifications, transportation agreements, a guarantee that the material will be accepted for one year or more and a guaranteed minimum purchase price.

§ 246.201–8 Recommended procedures: public information and education.

A well organized and well executed public information and education program explaining the justification, goals, methods and level of separation should be conducted to inform and motivate householders and to secure their cooperation in separating their waste. This public information and education program should precede the program and continue on a regular basis for its duration.

§ 246.202 Corrugated container waste.

§ 246.202–1 Requirement.

Any commercial establishment generating ten or more tons of waste corrugated containers per month shall separately collect and sell this material for the purpose of recycling.

§ 246.202–2 Recommended procedures: market study.

An investigation of markets should be made by the organization responsible for sale of recyclable material in each Federal agency and should include at a minimum:

(a) Identifying potential purchasers of the recovered corrugated through standard market research techniques.

(b) Directly contacting buyers and determining the buyers' quality specifications and potential transportation agreements.

(c) Determining the price which the purchaser will pay for the recovered corrugated and the willingness of the buyer to sign a contract for purchase of the paper at a guaranteed minimum price.

§ 246.202–3 Recommended procedures: methods of separation and storage.

The method selected will depend upon such variables as the physical layout of the individual generating facility, the rate at which the corrugated accumulates, the storage capacity of the facility, and the projected cost-effectiveness of using the various methods. All of the following suggested modes of separation and storage presuppose that the corrugated boxes will be accumulated at a central location in the facility after its contents are removed and that the boxes are flattened.

(a) Balers of various sizes: corrugated boxes are placed in balers and compacted into bales. These bales may be stored inside or outside of the facility. The bales should be covered to keep out moisture and the storage location locked to prevent theft.

(b) Stationary compactors or bulk containers: corrugated boxes are placed in a stationary compactor or bulk containers outside of the facility. The containers should be covered to keep out moisture and locked to prevent theft.

§ 246.202–4 Recommended procedures: transportation.

Transportation to market may be supplied by either the facility, a private hauler or the purchaser. In facilities to which goods are delivered from a central warehouse, corrugated may be backhauled by delivery trucks to the central facility and baled there for delivery to a user.

§ 246.202–5 Recommended procedures: costs analysis.

After potential markets are located (but prior to initiation of formal bidding) and preliminary determinations of various separation methods, storage and transportation have been made, an analysis should be conducted which compares the costs of the present waste collection and disposal system with the proposed segregated systems. At a minimum the study should include all capital, operating and overhead costs and take into account credits for revenue from paper sales and savings from diverting recycled materials from disposal. This cost analysis should enable the facility to determine the most cost effective method of implementing these guidelines.

§ 246.202–6 Recommended procedures: establishment of purchase contract.

Formal bids should be requested for purchase of the recovered materials, such bids being solicited in conformance with bidding procedures established for the responsible agency. Contracts should include the buyer's quality specifications, transportation agreements, a guarantee that the material will be accepted for one year or more and a guaranteed minimum purchase price.

§ 246.203 Reevaluation.

§ 246.203–1 Requirement.

Agencies that make the determination not to comply with these guidelines must conduct the required analysis and report in accordance with § 246.100(f) or (g), as appropriate, every three years.

APPENDIX—RECOMMENDED BIBLIOGRAPHY

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Colonna, R. A., and C. McLaren. Decisionmakers guide in solid waste management. Environmental Protection Publication SW–127. Washington, U.S. Government Printing Office, 1974. 157 p.

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SCS Engineers, Inc. Analysis of source separate collection of recyclable solid waste; separate collection studies. Environmental Protection Publication SW–95c.1. Washington, U.S. Environmental Protection Agency, 1974. 157 p. (Distributed by National Technical Information Service, Springfield, Va., as PB–239 775.)

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[FR Doc.75–24665 Filed 9–16–75;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 17, 1975

PART IV:

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS WASTE MANAGEMENT

Public Meetings

V 40 181 SEP 17 75 XUM

ENVIRONMENTAL PROTECTION AGENCY

[FRL 432-5]

HAZARDOUS WASTE MANAGEMENT

Public Meetings

Hazardous wastes are the particularly dangerous discards of any highly industrialized, technology-based society. These wastes are the toxic chemical, biological, radioactive, flammable and explosive by-products generated primarily by the Nation's extractive, conversion, and other process industries as well as Federal facilities. Growing industry production, bans and cancellations of toxic substances, and the effectiveness of air and water pollution controls (along with ocean dumping restrictions) are increasing the pressure for hazardous waste disposal to the land. The generation rate for nonradioactive hazardous wastes is estimated at well over 10 million tons yearly and increasing. At present, Federal, State, and local regulations dealing with the treatment and disposal of nonradioactive hazardous wastes are generally spotty or nonexistent. Consideration is currently being given in Congress to new legislation providing more positive control over hazardous wastes.

In order to gain a better National perspective on needed guidance for the proper management of hazardous wastes, and pursuant to Section 204 of the Solid Waste Disposal Act, as amended, wherein the Administrator may gather and disseminate information and recommendations on waste management issues, notice is hereby given of four public meetings to solicit information as to the scope and nature of the hazardous waste management problem and related topics. The meetings will begin at 8:30 a.m., December 2, 1975, at the Gateway Motel, Newark, N.J.; December 4, 1975, at the O'Hare-Kennedy Expressway Holiday Inn, Rosemont, Illinois; December 9, 1975, at the Holiday Inn-Medical Center, Houston, Texas; and December 11, 1975, at the Sheraton-Fisherman's Wharf, San Francisco, California. A second day may be scheduled at each location should the response warrant.

The purpose of each meeting is to solicit public, industry, labor, and other Federal agency comment in order to assist the Agency in determining the types and character of any advice and guidance which should be developed for the environmentally safe management of hazardous wastes. Members of the interested public, representatives of industrial firms that generate as well as those that treat and dispose of these wastes, labor unions representing individuals who work with such wastes, and Federal agencies are urged to attend and respond to any or all of the Discussion Topics listed below as well as any other issues of concern.

The meetings are open to the public and will be conducted by a panel from the Environmental Protection Agency. The following procedural rules will apply. The Chairman of the panel is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, to schedule presentations by participatnts, and to exclude material which is irrelevant, extraneous, or repetitious. The time allotment for oral statements shall be at the discretion of the Chairman, but shall not ordinarily exceed 15 minutes. With the permission of any person offering a statement, questions may be asked by members of the panel. At the discretion of the Chairman, a procedure may be made available for presentation of pertinent questions from other persons to participants. Individuals with prepared statements are requsted to bring 20 copies. Persons unable to attend, but wishing to comment on the Discussion Topics, are invited to send written comments to the address below by January 31, 1976.

A transcript of the meetings will be made and a copy of the transcript, together with copies of all documents presented at the hearings and all written submissions, will constitute the record of the meetings. A copy of the record of the meetings will be available for public inspection by March 30, 1976, at the U.S. Environmental Protection Agency, Public Information Reference Unit, Rm. 2404, 401 M Street, S.W., Washington, D.C. 20460.

Anyone desiring additional information on the meeting or wishing to be placed on the program to present a statement is requested to contact: Mr. John P. Lehman, Director, Hazardous Waste Management Division, Office of Solid Waste Management Programs (AW-565), Environmental Protection Agency, Washington, D.C. 20460, telephone (202) 254-6837 or, after September 22, 1975, (202) 755-9185.

DISCUSSION TOPICS

1. What is a hazardous waste? What criteria should be used to identify hazardous vs. non-hazardous wastes? What are proper methods for collection of waste samples for analysis? What analytic/laboratory methods have been useful or efficient in analyzing wastes for characteristics relevant to this decision process?

2. What responsibilities and liabilities should rest with the generator, the treater, and/or the disposer of hazardous waste for its ultimate environmentally acceptable disposal? Who should bear the costs of assuring environmentally safe disposal?

3. For which wastes, if any, should (a) recovery and reuse, (b) incineration, (c) chemical treatment, (d) physical treatment, (e) biological treatment, or (f) land emplacement be required? For which wastes, if any, should (a), (b), (c), (d), (e), or (f) above be prohibited?

4. Which practices, for certain specified wastes, are particularly effective in detoxifying, neutralizing or otherwise rendering such wastes harmless?

5. To what extent are cost data available for the variety of processes and techniques useful in treating and disposing of hazardous wastes?

6. What are the minimal safety and security precautions for hazardous waste treatment, storage, and disposal sites (including packaging and containerization, fire safety, site security, employee training, incident reporting, etc.) which are necessary for environmentally sound management?

7. What provisions for site monitoring, recordkeeping, and reporting are necessary and prudent to insure the integrity of hazardous waste storage, treatment, and disposal sites?

8. What has been the availability and price of insurance and other mechanisms to reduce the risks of operation to operators of private hazardous waste management facilities?

9. What are necessary and sufficient requirements to assure the long-term integrity and care of operating as well as closed hazardous waste storage/disposal sites?

10. What are feasible methodologies, if any, to set limits on the amounts of specified hazardous wastes permitted to be emplaced in the land at specific sites?

11. To what extent are existing transportation safety regulations and definitions useful and sufficient to govern the transport (both interstate and intrastate) of hazardous *wastes*, as distinguished from substances?

12. To what degree should labeling and placarding of waste shipments be required? What are the most effective and accepted systems for such labeling and placarding?

13. To what extent are the damages or costs of improper hazardous waste management evident? To what extent have they been investigated?

14. What mechanisms and experiences are effective for soliciting citizen acceptance of hazardous waste management facilities?

15. What Federal facilities typically generate what types and amount of hazardous wastes?

16. To what extent and by what mechanisms should the private sector be involved in the treatment and disposal of hazardous wastes, especially those from Federal facilities?

Dated: September 11, 1975.

EDWARD TUERK,
Assistant Administrator,
for Air and Waste Management.

[FR Doc.75-24776 Filed 9-16-75;8:45 am]

V 40 181 SEP 1775 XUM

federal register

WEDNESDAY, SEPTEMBER 17, 1975

PART V:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

Rules, Proposed Rules, and Notices of Systems of Records

V 40 181
SEP 1775
XUM

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Canal Zone Civilian Personnel Policy Coordinating Board; Privacy Act of 1974

This document revises the regulation establishing the Canal Zone Civilian Personnel Policy Coordinating Board. The purpose of the revision is to make certain designations in order to facilitate compliance by the Board with the Privacy Act of 1974, Pub. L. 93-576, effective September 27, 1975.

The regulation is revised to provide that the Panama Canal Company shall have control of systems of records maintained by the Board that are subject to the Privacy Act, to adopt Part 10 of this title as the regulations of the Board applicable to such records, and to designate the Governor of the Canal Zone (ex officio President, Panama Canal Company) to serve, for purposes of the Privacy Act alone, as "head of the agency" for the Board.

In 35 CFR Part 253, § 253.4 is revised by adding a paragraph (d), which reads as follows:

§ 253.4 Canal Zone Civilian Personnel Policy Coordinating Board.

* * * * *

(d) *Records.* The Panama Canal Company shall have control of the systems of records of the Board that are subject to 5 U.S.C. § 552a (§ 3 of the Privacy Act of 1974) to the extent necessary to effectuate the provisions of that law. The regulations in Part 10 of this title constitute regulations of the Board, and the Governor acts as agency head for the Board for the purposes of the Privacy Act.

Effective Date. This revision is effective August 27, 1975.

(2 C.Z.C. 142, 155, 76A Stat. 16, 19; 35 CFR 251.2)

Dated: September 5, 1975.

MARTIN R. HOFFMANN,
Secretary of the Army.

[FR Doc.75-24734 Filed 9-16-75;8:45 am]

RENEGOTIATION BOARD

[32 CFR Part 1481]

RENEGOTIATION REGULATIONS

Proposed Rule Making

Notice is hereby given that the Renegotiation Board proposes to amend 32 CFR by establishing a new part 1481 to implement the provisions of the Privacy Act of 1974 (Pub. L. 93-379, 88 Stat. 1896), 5 U.S.C. 552a.

The Privacy Act is intended to promote governmental respect for and protection of the privacy of individuals by, among other ways, permitting an individual to determine whether personal information pertaining to him, which is retrieved by use of his name or some identifying particular, has been collected, maintained, used, or disseminated by a federal agency, and by imposing certain safeguards and restraints upon any such activity. To that end, agencies are required to publish notices of any "systems of records" which fall within the coverage of the Privacy Act and to establish procedures by which an individual may: (1) Ascertain whether there is a record pertaining to him in any system of records named by him; (2) gain access to that record; (3) request correction of that record; and (4) dispute the agency's refusal to make a correction.

The Board's proposed notice of systems of records which it maintains is being published separately in the FEDERAL REGISTER. This notice will describe the existence and character of any system of record maintained by the Board.

The procedures contained in these regulations apply only to requests by an individual as defined in § 1481.2, except as otherwise provided, they govern only records containing personal information in systems of records for which notice has been published by the Board and which are neither exempt from the provisions of this part nor contained in government-wide systems of personnel records for which notice has been published in the FEDERAL REGISTER by the Civil Service Commission. Requests for notification, access, and amendment of personnel records which are contained in a system of records for which notice has been given by the Civil Service Commission are governed by the Civil Service Commission's notices, 5 CFR Part 297. Access to records which are not subject to the requirements of the Privacy Act are governed by 32 CFR Part 1480.

The Board reserves the right to exempt from the procedures any system of records maintained by the Board in accordance with the provisions of 5 U.S.C. 552a(k).

Interested persons may participate in the proposed rule making through submission of written data pertaining to these proposed rules. Comments on the proposed rules received by the Board on or before October 14, 1975, will be considered by the Board before taking final action. Such comments should be addressed to Office of General Counsel, Renegotiation Board, 2000 M Street NW., Washington, D.C. 20446.

Written material and comments submitted will be available for public inspection during regular business hours in the Office of Public Information of the Board, 2000 M Street NW., Washington, D.C. 20446.

Dated: SEPTEMBER 9, 1975.

R. C. HOLMQUIST,
Chairman.

Chapter XIV of Title 32 of the Code of Federal Regulations is amended by adding a new Part 1481, reading as follows:

PART 1481—REGULATIONS PERTAINING TO THE PRIVACY OF INDIVIDUALS AND SYSTEMS OF RECORDS MAINTAINED BY THE BOARD

Sec.

1481.1 Purpose and scope.
1481.2 Definitions.
1481.3 Procedures for requests pertaining to individual records in a record system.
1481.4 Times, places and requirements for identification of individuals making requests.
1481.5 Disclosure of requested information to individuals.
1481.6 Accounting for disclosures, and requests for such accountings.
1481.7 Request for collection or amendment to record.
1481.8 Agency review of request for correction or amendment to record.
1481.9 Appeal of initial adverse agency determination on correction or amendment or other requests.
1481.10 Exemptions.
1481.11 [Reserved.]
1481.12 Fees.
1481.13 Penalties.

AUTHORITY: The provisions of this Part 1481 issued under sec. 109, 65 Stat. 22; 50 U.S.C. App. 1219; 88 Stat. 1896, 5 U.S.C. 552a.

§ 1481.1 Purpose and scope.

(a) This part is promulgated to implement the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) by establishing procedures whereby an individual can, as to all systems of records maintained by the Board except those set forth in § 1481.10 as exempt from disclosure:

(1) Request notification of whether the Board maintains a record pertaining to him in any system of records; (2) request access to such a record or to an accounting of its disclosure; (3) request that the record be amended or corrected; and (4) appeal an initial adverse determination of any such request. This part also establishes those systems of records that are specifically exempt from disclosure and from other requirements.

(b) The procedures of this part apply only to requests by an individual as defined in § 1481.2. Except as otherwise provided, they govern only records containing personal information in systems of records for which notice has been published by the Board in the FEDERAL REGISTER pursuant to section 552a(e)(4) of the Privacy Act of 1974 and which are neither exempt from the provisions of this section nor contained in government-wide systems of personnel records for which notice has been published in the FEDERAL REGISTER by the Civil Service Commission. Requests for notification, access, and amendment of personnel records which are contained in a system of records for which notice has been given by the Civil Service Commission are governed by the Civil Service Commission's notices, 5 CFR Part 297. Access to records which are not subject to the requirements of the Privacy Act are governed by Part 1480 of this subchapter.

§ 1481.2 Definitions.

(a) "Agency" means each authority of the government of the United States as defined in 5 U.S.C. 551(1) and shall include any executive department, military department, government corporation, government controlled corporation or other establishment in the executive branch of government or any independent regulatory agency.

(b) "Board" means the Renegotiation Board.

(c) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence to whom a record pertains.

(d) "Maintain" includes maintain, collect, use, or disseminate.

(e) "Record" means any item of personal information relating to an individual as opposed to information concerning a business entity or activity.

(f) "Routine use" means (with respect to the disclosure of a record), the use of such record for a purpose which is compatible with the purpose for which it was collected.

(g) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual.

(h) "System of records" means a group of any records under the control of the Board from which information is received by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

§ 1481.3 Procedures for requests pertaining to individual records in a record system.

The Renegotiation Board may not disclose any record to any person or other agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, provided the record under the control of the Board is maintained in a system of records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other particular assigned to such individual. Written consent is not required if the disclosure is: (a) To officers or employees of the Renegotiation Board who require the information in the official performance of their duties; (b) required under 5 U.S.C. 552, Freedom of Information Act; (c) for a routine use compatible with the purpose for which it was collected; (d) to the Bureau of the Census for uses pursuant to Title 13, U.S. Code; (e) to a recipient who has provided the Board with advance adequate assurance that the record will be used

V 40 181 SEP 1775 XUM

solely as a statistical research or reporting record and that it is to be transferred in a form not identifiable; or (f) pursuant to the order of a court of competent jurisdiction.

§ 1481.4 Times, places, and requirements for identification of individuals making requests.

(a) All requests for access to records must reasonably describe the system of records and the individual's record within the system of records in sufficient detail to permit identification of the requested record. Specific information regarding the system name (the Office of the Federal Register has compiled the system names by agencies), the individual's full name, and other information helpful in identifying the records shall be included.

(b) All requests for access to records shall be made in writing addressed to the Director, Office of Administration, Renegotiation Board, 2000 M Street NW., Washington, D.C. 20446. The request shall clearly state on the envelope and in the letter that it is a "Privacy Act Request." Actual receipt by the Director, Office of Administration, or his designee, shall constitute receipt.

(c) The requester's identify must be verified before the release of any record except as exempted under the Freedom of Information Act. An individual who files a request through the mails shall accompany such request with a certificate of a notary public or equivalent officer empowered to administer oaths.

(d) A requester may wish to have a person of his choice accompany him to review the requested record. Prior to the release of the record, the Board will require the requester to furnish the Director, Office of Administration, or his designee, with a written statement authorizing disclosure of the record in the accompanying person's presence.

§ 1481.5 Disclosure of requested information to individuals.

(a) Responses to requests pursuant to § 1481.3 will be made by the Director, Office of Administration, or his designee, with reasonable dispatch. An acknowledgement of the request will normally be sent within 10 days (excluding Saturdays, Sundays and legal public holidays) of its receipt and will indicate when the requested notification or disclosure will be sent, when and where the records will be available for personal inspection, and if a copy of a record has been requested, the number of pages the Board will copy to comply with the individual's request and that the copy will be mailed to the individual or held at the Board for the individual upon receipt of a check or money order payable to the Board for any sum that may be due for copying these documents.

(b) The Director, Office of Administration, or his designee, shall notify the individual in writing with respect to any adverse determination of a request pursuant to § 1481.3, shall specify the reasons therefor, and shall advise of the procedure for appealing such adverse determination to the General Counsel as specified in § 1481.9.

§ 1481.6 Accounting for disclosures, and requests for such accountings.

(a) The Director, Office of Administration, shall establish a system of accounting for all disclosures of information or records concerning individuals and contained in the system of records, made outside the Board. Accounting procedures may be established in the least expensive and most convenient form that will permit the Director to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed.

(b) *Accounting records*—Accounting records, at a minimum, shall include the identification of the particular record or information disclosed, the name and address of the person or agency to whom disclosure was made, and the date of the disclosure. When records are transferred to the National Archives and Records Service for storage in records centers, the accounting pertaining to those records shall be transferred with the records themselves.

(c) Any accounting made under this section shall be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(d) At the time of his request for access or correction or at any other time, an individual may request an accounting of disclosures made of his record outside the Board. Requests for accounting shall be directed to the Director, Office of Administration. Any available accounting, whether kept in accordance with the requirements of the Privacy Act or under procedures established prior to September 27, 1975, shall be made available to the individual except that an accounting need not be made available if it relates to: (1) A disclosure made pursuant to the Freedom of Information Act, 5 U.S.C. 552; (2) a disclosure made within the Board; (3) a disclosure made to a law enforcement agency pursuant to 5 U.S.C. 552a(b)(7); (4) a disclosure which has been exempted from the provisions of 5 U.S.C. 552a(c)(3) pursuant to 5 U.S.C. 552a (j) or (k).

§ 1481.7 Request for correction or amendment to record.

(a) An individual may request amendment of a record pertaining to him in a system of records subject to this part by mailing or delivering to the Director, Office of Administration, a written request concerning such system of records maintained by the Board. Such written request shall conform to the requirements of § 1481.3 and shall also state the nature of the information in the record the individual believes to be inaccurate or incomplete and the amendment desired, and shall state concisely the reasons therefor.

§ 1481.8 Agency review of request for correction or amendment to record.

(a) Not later than 10 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of a request to amend a record, the Director, Office of Administration, shall acknowledge in writing such receipt and, if a determination has not been made, inform the individual when he may expect to be advised of action taken on the request.

(b) If the Director, Office of Administration, determines not to grant all or any portion of the request to amend a record, he shall notify the individual in writing and shall specify the reasons therefor, and shall advise of the procedure for appealing such adverse determination to the General Counsel, as specified in § 1481.9 or to the appropriate Civil Service Commission official.

§ 1481.9 Appeal of initial adverse agency determination on correction, or amendment or other request.

(a) Not more than 10 days (excluding Saturdays, Sundays and legal public holidays) after receipt by an individual of an adverse determination by the Director, Office of Administration, concerning any request made under this Part which is subject to appeal within the Board, the individual may appeal to the General Counsel who has been delegated authority by the Chairman to make determinations on such appeals. The appeal shall be by letter, mailed or delivered to the General Counsel, the Renegotiation Board, 2000 M Street NW., Washington, D.C. 20446. The letter shall identify the records involved in the same manner as they were identified to the Director, Office of Administration, shall indicate the dates of the request and adverse determination, and shall indicate the expressed basis for that determination. In addition, the letter of appeal shall state briefly and succinctly the reasons why the adverse determination should be reversed.

(b) The General Counsel shall determine the appeal. Such determination shall be made not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date the individual's letter of appeal is received, unless the Board, for good cause shown, extends such 30-day period. If the 30-day period is so extended, the individual shall be notified of the reasons for the extension and the date on which a final determination may be expected.

(c) If the General Counsel determines that the adverse determination will not be reversed, the individual shall be notified in writing of that determination, the reasons therefor, and of his right to seek judicial review of the decision pursuant to section 552a(g) of the Privacy Act, 5 U.S.C. 552a(g). If the adverse determination sustained by the General Counsel denies a request to amend a record, the individual shall also be advised of his right to file a concise statement of his reasons for disagreeing with the refusal to amend which may contain information which the individual believes should be substituted. Such statements shall ordinarily not exceed one page and the Board reserves the right to reject statements of excessive

length. Such statements shall be filed with the Director, Office of Administration, within 30 days (excluding Saturdays, Sundays and legal public holidays) of notification of the refusal to amend a record.

(d) A decision by the General Counsel pursuant to paragraph (c) of this section is final and will not be subject to petition for reconsideration. It is subject to judicial review in the district court of the United States in which the complainant resides, or has his principal place of business, or in which the Board records are situated, or in the District of Columbia.

§ 1481.10 Exemptions.

The Board reserves the right, pursuant to 5 U.S.C. 552a(k), to promulgate rules to exempt any system of records maintained by the Board.

§ 1481.11 [Reserved]

§ 1481.12 Fees.

No fees shall be charged for providing the first copy of a record or any portion thereof to individuals to whom the record pertains. The fee for additional copies is the same as that appearing in § 1480.12 of this subchapter.

§ 1481.13 Penalties.

Section 552a(i)(3), makes it a misdemeanor, subject to a maximum fine of $5,000, to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Section 552a(i) (1) and (2) of the Privacy Act, 5 U.S.C. 552a(i) (1) and (2), provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder. Title 18 U.S.C. 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A. App. Sec. 1219)

[FR Doc.75-24425 Filed 9-10-75;11:31 am]

V 40 181 SEP 1775 XUM

RENEGOTIATION BOARD

PRIVACY ACT OF 1974

Notice of System of Records

Pursuant to the requirements of Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) and (e)(11), notice is hereby given of the existence and character of the only system of records maintained by the Renegotiation Board other than Government-wide personnel systems. Interested persons are invited to submit written data, views, or arguments to the General Counsel, Renegotiation Board, 2000 M St., NW. Washington, DC 20446.

Dated: September 9, 1975.

R. C. Holmquist,
Chairman, Renegotiation Board.

RB—1

System name: Payroll and Time and Attendance Records

System location: The Renegotiation Board, Room 3126, 2000 M St., NW., Washington, DC 20446

Categories of individuals covered by the system: Current and former employees of the Renegotiation Board.

Categories of records in the system: This system contains information and documents relating to employee's pay, income tax and insurance deductions, any additional allotments required, hours worked, and the recordation of annual and sick leave accruals, usage, and balances.

Authority for maintenance of the system: Title 5 U.S.C., Part II, Subpart D, Pay and Allowances, and Subpart E, Attendance and Leave.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used by the Renegotiation Board and the Washington Disbursing Center, Department of the Treasury, to pay employees, to make appropriate deductions and allotments, to prepare Wage and Earning Statements, and to record leave accruals, usage and balances.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on standard forms.

Retrievability: Records are indexed by Social Security Number and name.

Safeguards: Records are secured in locked file cabinets.

Retention and disposal: Payroll records are maintained up to a maximum to five years at which time they are transferred to the National Personnel Records Center, St. Louis, Missouri. Time and Attendance Reports are maintained for two years and are destroyed.

System manager(s) and address: Director, Office of Administration, Renegotiation Board, 2000 M St., NW., Washington, DC 20446.

Record access procedures: Director, Office of Administration, Renegotiation Board, 2000 M St., NW. Washington, DC 20446.

Contesting record procedures: See Notification procedure, above.

Record source categories: Information in this system of records comes from the employee to whom it applies and from the agency officials.

[FR Doc.75-24426 Filed 9-10-75;11:31 am]

COUNCIL ON ENVIRONMENTAL QUALITY

PRIVACY ACT

Record Systems and Routine Uses

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) the Council on Environmental Quality hereby announces that it has no records or systems of records maintained or usable through individual identifier. CEQ Personnel Records are maintained as part of the single system of records of the Civil Service Commission. Any questions concerning this matter should be addressed to Richard E. Mastrangelo, Secretary to the Council.

Gary L. Widman,
General Counsel.

[FR Doc.75-24809 Filed 9-16-75;8:45 am]

DEPARTMENT OF DEFENSE

PRIVACY ACT OF 1974

Systems of Records; Index; Amendment

In the Federal Register of Friday, August 29, 1975, Volume 40, Number 169, pages 40105-40121, the following Privacy Act System of Records Index for the Department of the Air Force replaces that which was previously published under the heading, "DEPARTMENT OF THE AIR FORCE (F) 40 FR 35403-35740":

Maurice W. Roche,
Director, Correspondence and Directives OASD (Comptroller).

September 9, 1975.

V 40 181 SEP 17 75 XUM

6987 Security Squadron Office Alpha Roster And Squadron Roster.
AAC Quality Force Records System
AAC Quality Force Records System
AFAA Management Information System - Career File
AFJROTC Instructor Records System
AFROTC field training assigment system.
ANG Rated Report
AU OER-TR Reviewing Sheet
AU potential faculty list.
Absentee and Deserter Information Files
Academic Completion Report
Academic Counseling Record
Academic Grades
Academic Requirements
Academic Scheduling
Access Authorization.
Access Records
Accession Listing.
Accident Data
Account receivable records maintained by Accounting & Finance
Accounting and Finance Officer Accounts and Substantiating Documents
Accounts Payable Records
Accounts Receivable
Accreditation References
Accrued military pay system, discontinued (AMPS 360/390)
Active Cadet Counseling File
Active Cadet Counseling File
Active Cadet Counseling File
Activities Therapy Referral
Additional Airmen Performance and Officer Evaluation Report Information
Administrative Discharge File
Administrative Discharge Information Summary
Administrative Disenrollment and Investigations
Administrative discharge for cause on reserve personnel
Admission and Disposition System
Advanced Data Personnel System Optional DIN Y06
Advanced Degree File
Advanced Personnel Data System (APDS) - ADS: E300
Advanced Personnel Data System (APDS) CBPO Optional DINS Y01-Y05
Advanced Personnel Data System, Consolidated Base Personnel Office optional DIN y07.
Aero Club Membership/Training Records
Aerobics Status
Aeromedical Research Data.
Aerospace Medicine Program Medical Recommendation Missile Duty
Aerospace Physiology Personnel Career Information System
Air Force Academy Administrative Record
Air Force Academy Appointment and Separation Records
Air Force Academy Candidate System
Air Force Academy Candidate System
Air Force Academy Candidate System
Air Force Academy Liaison Officers Listing
Air Force Academy Pre-Candidate
Air Force Advisory Personnel in Latin America
Air Force Aerospace Physiology Training Programs
Air Force Aid Society (AFAS) Financial Assistance Record System
Air Force Attache Record System
Air Force Audit Agency (AFAA) Management Information System - Plan File
Air Force Audit Agency (AFAA) Personnel Electronic Evaluation, Reporting System (PEERS)
Air Force Audit Agency Management Information System - Report File
Air Force Audit Agency Office File

Air Force Audit Agency Office Personnel File
Air Force Audit Agency Office Training File
Air Force Blood Program
Air Force Clinical Laboratory Automation Systems (AFCLAS)
Air Force Discharge Review Board Case Control/Locator Cards
Air Force Discharge Review Board Retain Files
Air Force Discharge Review Board Voting Cards
Air Force Discharge Review Board original case files.
Air Force Educational Assistance Loans
Air Force Enlistment/Commissioning Records System
Air Force Institute of Technology Education (AFIT) Historical File
Air Force Junior ROTC (AFJROTC) Instructor Applicant System.
Air Force Junior ROTC (AFJROTC) unit files.
Air Force Logistics Command (AFLC) Supergrade Information File.
Air Force Office of Information/OI personnel background record.
Air Force Officer Confirmed Nomination Lists.
Air Force Open Mess Program
Air Force Personnel Test 851, Test Answer Cards.
Air Force Policy Statement for Firearms Safety and Use of Force
Air Force Postal Directory File
Air Force ROTC Cadet Pay System
Air Force ROTC field training administration system.
Air Force Reserve Medical School tour allocations.
Air Force Reserve Officer Training Corps (AFROTC) Guest Lecture Files
Air Force Reserve Officer Training Corps (AFROTC) Membership System
Air Force Reserve Officer Training Corps Qualifying Test Scoring System
Air Force Reserve Officer Training Corps evaluation information record files
Air Force Reserve Officer training corps(AFROTC) contract Violators
Air Force Reserve applications
Air Force Security Program Cases
Air Force Service Number/Social Security Account Number Cross Reference Rosters.
Air Force Systems Command (AFSC) Personnel Resource Management System
Air Force reserve applications for extended active duty.
Air Force service data of employees and relatives.
Air Intelligence Manpower Management System (AIMMS)
Air National Guard Information Personnel Background File
Air National Guard Information Personnel Background File
Air Reserve Information Squadron Biographical Files.
Air Reserve Pay and Allowance System (ARPAS)
Air Reserve Technician (ART) officer selection folders
Air Traffic Control (ATC) Certification Documentation
Air Traffic Control (ATC) Certification Documentation
Air Traffic Control Rating and Training Program Documentation
Air Training Command (ATC) Officer Add-on Data
Air Training Command (ATC) Officers Effectiveness Analysis File
Air Training Command Aircraft Accident Board Resources List
Air Training Command Management Analysis Awards Program.
Air Training Command(ATC) Personnel VIP Roster
Air University (AU) Advanced Degree Application.
Air University Academic Records
Air University Outstanding Junior Officer of the Year.
Air force reserve airman demotions
Aircraft Accidents and Incidents Computer File
Aircrew Data
Aircrew Instruction Records (Flying Training Records)
Aircrew Intelligence Training Report
Aircrew Qualification
Aircrew Qualification Report
Aircrew Resource Management System (SACARMS)
Aircrew Standards Case File

V40I181 SEP 1775 XUM

Aircrew Training Records F101 Aircraft
Aircrew Training Records F102 Aircraft
Aircrew Training Records F106 Aircraft
Aircrew Training Records F4 Aircraft
Aircrew Training Records T33 Aircraft
Aircrew Training Records, Aerospace Defense Command (ADC)
Aircrew positive control study record.
Airman Assignment Action Number Listing
Airman History System.
Airman NCO Recognition Program
Airman Name Reports System.
Airman Projected Status Listing
Airman Promotion Master Select/Nonselect Listings/Promotion Sequence Number Listing.
Airman Promotion Status File
Airman and Officer Efficency Report Appeals File
Airmen Name Roster
Airmen Utilization Records System
Alaskan Air Command (AAC) Quality Force Record System
Alaskan Air Command Civilian Identification Cards
Alcohol Abuse Control Case Files.
Allergy Clinic History Record
Allergy Prescription Record
Allergy Re-order Instructions
Allergy Worksheet
Alphabetic Roster of Flying Crew Members Air Traffic Controllers
Alphabetical Listing of Approved Retirements
Annual Outstanding Air Force Administration and Executive Support Awards
Appeal and Grievance Log.
Applicant Supply files
Application for Advanced Aeronautical Rating File (Senior and Chief Flight Surgeon)
Application for Appointment and Extended Active Duty Files.
Application for Separation from the Regular AF to AF Reserve/Air National Guard.
Applications for Identification (ID) cards.
Applications for appointment medical corps.
Arbitrations
Area 7 Access Record
Armed Services Vocational Aptitude Battery (ASVAB) Test Cards.
Article 15 Records
Assessments screening records.
Assigned Office Personnel File
Assignment Action File
Assignment Preference Application Date;
Assignment Record Files for Personnel Selected for Presidential Support Duties
Athletic Squad List
Automated Inpatient Data System
Automated Military Justice Analysis and Management System (AMJAMS)
Bachelor Airmen's Quarters (BAQ) Temporary Issue Receipt
Background Information Questionnaire
Background Material
Bad Address Card Files.
Badge and Credentials
Ballistic Missile Staff Officer course quotas.
Base Automated Mobility System (BAMS) Personnel Extract Tape
Base Housing Management
Base, Unit and Organizational Military and Civilian Personnel Locator Files
Basic load list for missile maintenance
Behavioral Automated Research System (BARS) (B-3500)
Bicycle Registration File
Bioenvironmental Engineer Personnel Career Information System
Biographical Data.

Biographical File
Biographical Files
Biographical Files.
Biographical Files.
Biographical Information File
Biographical and Personal Data on Very Important Personnel.
Biographies
Biographies of Officers and Key Civilians Assigned to SAF/OI
Bomber mobilization recovery roster.
Brigadier General screening board results
Busy Monitor II File
Cadet Accounting and Finance, System Code RZ, Data System Designator E516
Cadet Appointment System
Cadet Awards Case Files
Cadet Counseling Interview Files
Cadet Disciplinary System
Cadet Evaluation
Cadet Information Card
Cadet Injury/Illness Report
Cadet Personality File
Cadet Personnel Records System
Cadet Personnel Records System
Cadet Promotion List
Cadet Records System (Research and Evaluation Files)
Cadet Religious Information Card
Cadet Summer Training
Cadet Wing Movements
Cadet Wing Strength Accounting System
Cadet records.
Career Development Course Enrollees
Career Development Folder.
Career Development Graduates Historical Roster
Career Development Graduates Monthly Report
Casualties in Southeast Asia
Casualty Files
Central Medical Registry Files
Chain of Custody Receipt
Chaplain Applicant Processing Folder
Chaplain Biographical Files.
Chaplain Fund Service Contract File
Chaplain Information Sheet
Chaplain Personnel Action Folder
Chaplain Personnel Management Files.
Chaplain Personnel Record
Chaplain Personnel Roster
Chaplain Privileged Communication Files
Child Advocacy Case Files
Children Have A Potential (CHAP) Files
Civil Engineer Personnel Data Cards
Civil Litigation Records
Civilain Personnel Files
Civilian Attorney Qualifying Committee Records
Civilian Health/Medical Program of Uniformed Services (CHAMPUS) Case Claim Files
Civilian Health/Medical Program of Uniformed Services (CHAMPUS) Patient History
Civilian Pay - Control Data
Civilian Pay-Personnel-Manpower (Paperman) - E205
Civilian Personnel Management Information System (CPMIS)
Civilian Personnel Occupational and suitability employment examinations
Civilian Personnel Statistical Accounting System
Civilian Personnel Test Score Record

V 40 181 SEP 17 75 XUM

Civilian Personnel/Allowance Appeals
Civilian Personnel/Classification appeal records
Civilian Personnel/Classification survey sheets
Civilian Personnel/Compensation Case Files
Civilian pay records
Claims Administration Property Registration
Claims Administrative Management Program (CAMP) E064
Claims Record Private Vehicle Storage
Claims Records
Claims case file - corrected military pay and allowances.
Claims case file - death gratuity records
Claims case file - missing in action data
Class Biographies
Class Committee Products
Classification action file.
Classification screening records.
Clearence Certificate Records
Clinical Records and Related Documents
Clipping Files
Collateral Training Records
Columnist Files
Combat intelligence crew training record.
Command Airman Promotion Eligibility Rosters
Command Officers Eligibility Rosters.
Command secondary zone board proceedings.
Commander Commander selection file.
Commander identification.
Commander's Operational Reporting System Incident Reports
Commander's Patient Status Report (Cadet)
Commander's Tapecutter File.
Commanders Crew Biographical Information File.
Committee Management Records
Communicable Disease Report System
Community College of the Air Force Student Record System
Compartmented Intelligence Access Roster
Complaint/Incident Reports
Complaints and Incidents (Delivery Agreement)
Complaints and Inquiries
Completion of courses/degrees under operation bootstrap
Computation of Promotion Select/Non-select Status.
Confidential Statement of Employment and Financial Interest
Confidential Statement of Employment and Financial Interest
Congressional Correspondence
Congressional Inquiries
Congressional Inquiries/Legislative Liaison
Congressional Inquiry File
Congressional inquiries.
Congressional/High Level/Correction Military Records Inquiries and Replies
Consolidated Base Personnel Office Academic Rank
Consolidated Base Personnel Office Academic, Rank, Appointment, Date
Consolidated Base Personnel Office, Name, Spouse
Contingency Planning Support Capability (CPSC)-Data Systems Designator (DSD) A349
Contingency Temporary Duty system.
Control Card for Vouchers for Medical Services.
Control Logs
Control log for civilian medical care
Cooperative degree accounting system.
Correction Records
Correction of Military Record Card
Correction of Military Records of Officers and Airmen

Counterintelligence Operations and Collection Records
Court-Martial Records
Crime Stop Form Letter
Criminal Records
Current Official Active Duty Chaplains Mailing List
Curriculum Vitae
DIA Source Administration Program for Foreign Intelligence Collection Activities
Daily Report of First Aid, Dental Assistance and Outpatient Workload Data
Daily Strength Report
Data change/suspense notifications.
Date, Last Name, Officer Career Objective Statement
Deceased Investigation Dependent Military Burial
Deceased Service Member's Dependent File
Decorations/Date
Defense Language Institute Student History
Defense System Management School Graduates. Log-DPC M 7203.
Dental Attendance Records
Dental Health Records
Dental Personnel Actions
Dental Professional Activities
Department of Defense Medical Examination Review Board Medical Examination Files
Dependent Misconduct Records
Diagnostic X-ray Film
Directorate Personnel Files.
Directory of Active Duty and Retired Chaplains
Disability Retirements Correspondence Files
Disability Retirements Retain Folders
Disaster Teams and Training
Discharge and separation records.
Disciplinary and adverse action log.
Dishonored Check Control Record
Distinguished Visitors Program Documention.
Division Personnel Folder
Documentation for Identification and Entry Authority .
Drug Abuse Control Case File.
Drug Abuse Control Case Files
Drug Abuse Ledger
Drug Abuse Rehabilitation Report System
Drug/Alcohol Intake Interview and Checklist
Duty and Travel Restriction Notification Letters.
E201S/RG Advanced Logistic System Mission Training Scheduling and Measurement Subsystem.
E246 Civilian Skills Locator System.
E8/E9 Promotion System.
Education Services Program Records (Individual)
Education and Research Data Base
Education and Training Fact Sheets.
Education levels of air force military personnel
Education services test control Officers
Educational Delay Board Findings
Effectiveness Report Review
Effectiveness/Performance Reporting Systems.
Electronic Warfare Officer Examination Answer Sheet.
Employee Group Life and Health Insurance Plan
Employee orientation checklist.
Employee's Quarterly Federal Tax Return
Enlistee Quality Control Monitoring System E818.
Entry Control Roster
Equal Opportunity in Off-Base Housing
Evaluation Due Date Listing
Evasion and Escape kit

V 40 181
SEP 1775
XUM

Events and Installation File
Exact Manning Table (EMT)
Exception Time Accounting (ETA) System (G001A)
Executive Development Council File
Faculty Biographical Skeich
Faculty board ledger.
Faculty, Staff, Graduate Writing File
Family Services Volunteer of Year.
Fee Case File
Field Identification Card,Luke Form 042
Field Interview Card
Field Training Student Attendance and Rating Records
Field grade officer promotion analysis worksheet.
File Designation, Drug Abuse, Waiver Requests
Files of Nominations for Award
Files of Waiver from flying duty (WAVR FILE)
Files on AF Reserve General Officers; Colonels assigned to General Officer Positions
Files on General Officers and Colonels Assigned to General Officer Positions
Firearm Authorization For Civilian Employees
Flight Management Data System (FMDS) Data System Designator A020
Flight Instruction program (FIP).
Flying Status actions.
Flying Status Branch File
Flying Training Records
Flying Training Records
Flying Training Records
Flying Training Records
Flying Training Records
Flying Training Records
Flying Training Records
Flying evaluation board(feb) file
For Cause Separations of Personnel with Duty and Travel Restrictions (FCS/DTR)
Foreign Civil Litigation Records
Formal Training System.
Four Year Reserve Officer Training Corps (AFROTC) Scholarship Program Files
Freedom of Information Act Appeals
Funded Legal Education and Excess Leave Program Records
General Colonel Personnel Data Action Report.
General Officer Personnel Data System
General Officer Personnel Data System
General/Colonel Status Board.
Geographically Separated Unit Copy Officer Effectiveness & Airman Performance Report
Graduate Evaluation Master File
Graduate Programs
Graduate Record System
Graduates of Air Force Short Course in Communication (Oklahoma University)
Graduates of Air Force Short Course in Communication (Oklahoma University)
Ground Safety Accident Briefing
Grounding Information Data
Group Scheduling Listing
Guest Lecturer Biographical Sketch File.
Harold Brown Award
Health Education Records.
Health and Outpatient Records
High Level Inquiry File
Historical Airman Promotion Interim Eligibility File (IEF)
Historical Airman Promotion Master Test File (MTF)
Historical Files
Household Goods Nontemporary Storage Accounts System (NOTEMPS)
Human Reliability for Special Missions

Human factors in aircraft accident/incident computer file.
Human reliability program disqualification case files.
Humanitarian/Permissive Reassignment Files
Inactive Duty training, Extension Course Institute (ECI) Training
Incident Investigation Files
Incoming Clearance Record
Indebtedness and claims
Indebtedness, Nonsupport, Paternity
Individual Academic Records
Individual Academic Records
Individual Academic Records
Individual Academic Records
Individual Academic Records - Survival Training Students
Individual Academic Training Record
Individual Accident/violation and Safety Training Record
Individual Class Record Form
Individual Decorations Approved or Disapproved.
Individual Earning Data
Individual Flight Records
Individual Flight and Aircrew Evaluation Records
Individual Progress Record-Synthetic Trainers.
Individual Statement on Civilian Medical/Dental Service
Individual Weight Control File.
Individual Weight Loss Record.
Individual retirement record
Informal Airmen/Reserve Information Record
Information Officer Background Record
Information Officer Short Course Eligibility File
Information Program Reference and Guidance Material
Information Requests-Freedom of Information Act
Informational Personnel Files (Management Folders)
Informational Personnel Records (Mobilization Augmentee File).
Informational Personnel Records.
Informational Personnel Records.
Informational Personnel Records.
Informational Personnel Records.
Informational Personnel Records.
Informational Personnel Records.
Informational Personnel Records.
Informational Personnel Records.
Informational Personnel Records.
Informational Personnel Records.
Informational Personnel Records.
Informational Personnel Records.
Informational Personnel Records. (OI personnel background)
Informational Personnel Training Records
Inpatient Data System
Input Transaction Registers.
Inquiries (Presidential, Congressional)
Inquiries on the Reserve Program
Inspection Augmentor Data
Inspector General Records
Inspector General Records Freedom of Information Act
Instructor of the Month Records
Intergrated Aircrew Resource Management System
Intergrated Management Information and Control System(IMICS)
Internal Accounts Receivable System

V 40 181 SEP 17 75 XUM

Internal Audit and Control Records
Internal Personnel Data System
Interview Evaluation Files
Intramural Absentee and Injury Report
Intramural Season Participation Record
Intramural Team Roster
Intramural/Intercollegiate Participation Roster
Invention, Patent Application, And Patent Files
Investigations/Complaints Files
Investigative Applicant Processing Records
Investigative Support Records
Involuntary recall.
Job Element Questionnaires for Civilian Trades and Labor occupations
Joint uniform military pay system (JUMPS)
Judge Advocate Command Roster
Judge Advocate Officer Personnel Records
Key Personnel Status Report
LOG-DP A 7303 Apprentice Training Report.
Laboratory Course Phase II
Laboratory Records
Laboratory Records Sobriety Determination Report
Lackland Entry Airmen Pay System (LEAPS)
Legal Administration Records of the Staff Judge Advocate
Legal Assistance Administration
Line of Duty Determinations and Investigations
Listing of potential humanitarian/permissive reassignment cases.
Litigation Records; Tort Claims, Admiralty, Collection and Hospital Recovery Acts
Locator Personnel Data.
Locator or Personnel Data.(Lists of Known Civilian Criminals).
Locator or Personnel Data.
Long-Term Full-Time Training File
Loss of Funds Case Files
Low Back Examination
MAMS-R (Medical Administrative Management System - Revision)
Mailing Lists for Magazines
Maintenance Management Information and Control System (MMICS)
Maintenance Management Information and Control System (MMICS)
Maintenance Management Information and Control System MMICS
Major command (MAJCOM) secondary zone promotion nomination board results.
Management Control System (MCS)
Management Oriented Personnel System (MOP)
Manhour Accounting System (MAS)
Manning Specialist Evaluation.
Manpower standards study reports.
Master Alpha Resource List (MARLA)
Master Cadet Personnel Record (RR)/Active, Directorate of Cadet Records
Master Cadet Personnel Record (RR)/Historical
Medical Actions Card File.
Medical Mobilization Augmenter Personnel Management Files.
Medical Officer Personnel Utilization Records
Medical Opinions on Board for Correction of Air Force Military Records Cases (BCMR)
Medical Recommendation for Flying Duty
Medical Recommendation for Flying Duty
Medical Service Account-Authorization for Supplemental Care
Medical Service Accounts
Medical Service Corps Personnel Files
Medical Service Liaison Officer Program Card File.
Merit Promotion File
Microfilm Records Congressional/Executive Inquiries
Microfilm of military pay records.

Military Affiliate Radio System (MARS) Personnel Action.
Military Affiliate Radio System (MARS) Station Questionnaire.
Military Airlift Command (MAC) Dishonored Check Program.
Military Airlift Command (MAC) Special Executive Development Program
Military Airlift Command Aircrew Resource Management System
Military Decorations
Military Justice Administration
Military Justice Administration
Military Pay Records
Military Personnel Expense Distribution Listing.
Military Personnel Management System
Military Personnel Microform Records System
Military Personnel Records System
Military Records Processed by the Air Force Correction Board
Military and Leadership Order of Merit System
Military personnel folders.
Minnesota Multiphase Personality Inventory Research Program
Minutes of 354 TFW Quality Review Committee
Missile procedures training (MPT) accomplishment.
Mobilization Augmentee Training Folders
Mobilization Augmentee Training Forces
Motor Vehicle Operators' Records
Name Index of Board and Committee Members
National Agency Check - Status
National Civilian Consultant Files
Navigation Course Number 470, Flight Mission report
Navigator Background Information
Nelson Denny Reading Test Answer Sheets
Next of Kin Inquiries Civilian MIA/PWs
Night Managers Log
Nomination Files of Personnel Evaluated for Presidential Support Duties
Non-Appropriated Fund (NAF) Civilian Personnel Records
Non-Chaplain Ecclesiastical Endorsement Files
Nonappropriated Funds Standard Payroll System
Notification Letters to Persons Barred From Entry to Air Force Installations
Nursery Attendance Sheet
Nursing Assessment
Nursing Service Records
Nursing skill inventory.
OASIS (Outpatient Appointment Scheduling Information System)
Off Duty Education File
Off-Base Housing Referral Service
Office File
Office Personnel Data Informational Files
Office Projects/Studies (Behavioral Service Program)
Office of Special Investigations Reports of Racial Incidents/Climate
Office, Secretary of Air Force Travel Files
Officer Duty Air Force Specialty Code Roster
Officer Effectiveness Report (OER)/Airman Performance Report (APR) Appeal Case Files.
Officer Effectiveness Report Data Card
Officer Evaluation Report (OER) Analysis System.
Officer Projected Status Listing
Officer Promotion Eligibility Report
Officer Promotions and Appointments Branch Administrative File
Officer Selection Brief File
Officer Status File
Officer Temporary Promotion/Regular Air Force Appointment System
Officer Utilization Records System
Officer assignment files.
Officer assignment logs.

V 40 181 SEP 17 75 XUM

Officer promotions.
Officers Electronic Warfare Officer (EWO) training record.
Official Biographies
Official Biographies, Office of the Secretary of the Air Force
Official Personnel Folders (Temporary Records)
On/Off-Base Housing Records
Operational Reference File
Operations Security File for Foreign Intelligence Collection Activities
Operations Training Records
Orientation Checklist and Placement Followup
Outgoing Clearance Record
Outstanding Airman of Year.
PCS funds control log.
Palace Chase assignment applications.
Patent Infringement and Litigation Records
Patient Evacuation Manifest
Patient Index and Locator System
Pay and Allotment Records
Performance awards and outstanding performance ratings
Periodic Occupation Vision Record
Periodic Reconciliation File.
Periodontics and Oral Diagnosis
Personal Clothing and Equipment Record
Personal Property Movement Records
Personnel Action File (Digest File)
Personnel Appearance Commendation/Violation Citation
Personnel Cost Accounting System (PCAS)
Personnel Data - Participation of the Laity List.
Personnel Data Folders
Personnel Data System
Personnel Data Used For Management Engineering (ME) Program Manning Purposes
Personnel Files
Personnel Files
Personnel Files on Statutory Tour Officers
Personnel Folders
Personnel Information File
Personnel Interview Record
Personnel Locator Cards
Personnel Locator Roster.
Personnel Management Files
Personnel Management Information System
Personnel Management Records
Personnel Movement Program
Personnel Quality Control
Personnel Research Laboratory Historical Data Base File.
Personnel Security Access Records
Personnel Security Clearance Investigation Records
Personnel Security Record Files
Personnel appraisal Pacific air Command (PACAF) executive development Program.
Personnel quality control report.
Personnel selected for relocation.
Physical Education Record
Physical Examination Reports Suspense File
Physician Assistant Evaluation
Physician Personnel Files
Physiological Training Inside Chamber Instructor Observer
Pickup or Restriction Order
Picture and Roster Index
Planning and Resource Management Information System
Planning and Resources Management Information System

Potential Faculty Rating System
Potential Program Managers Tracking System (PPMTS)
Predischarge education program certifying Officers
Preparatory School Automated Grade Retrieval System
Preparatory School Instructor's Comments
Preparatory School Instructor's Grade Sheet
Preparatory School Military Training Evaluation
Preparatory School Physical Fitness Program
Preparatory School Record of Disenrollment
Preparatory School Report of Offense
Preparatory School Standard Answer Sheet
Preparatory School Student Record Card
Preparatory School Theme Cover Sheet
Presentation Aids and Office Projects and Studies
Procedure for Immunotherapy
Processed Transactions.
Processing and Classification of Enlistees (PACE)
Professional Inquiry Records System
Professional Military Educational(PME) Rosters
Professional Officer Course(POC) and Financial Assistance Program Cadets
Professional military Education (PME).
Program administration records.
Program administration records.
Progress Report, Undergraduate Pilot Training
Promotion and regular appointment propriety monitor file.
Prospective Cadet Athlete Records/Cadet Athlete Records.
Prospective Instructor Files
Prosthetic Patient Information Card
Provisional Pass
Psychiatric Treatment Records
Pulmonary Function Test
Pupil Registration and Cummulative Record Cards.
Race Relations And Drug Abuse Training
Radiology Records X-ray Photo Identification and File
Randolph Air Force Base Women Officers listing.
Raw Intelligence.
Record of Air Force Personnel Assigned Outside the Department of Defense
Record of Individual Counseling
Recorder's Roster
Records on Baptisms, Marriages and Funerals by Air Force Chaplains
Recreational Equipment Storage Lot Form
Recruiter Manning Personnel Listing.
Recruiting Advertising Evaluation (RAE) System E806
Redline control report.
Registration Records (Excluding Private Vehicle Records)
Regular Air Force Appointment Management File
Regular Air Force Appointment Program
Regular Air Force Officer Promotion List (Lineal List)
Regular Air Force Officer Selection Board Support File
Regular Officer History Card File.
Release of Remains to a Mortuary
Religious Education Registration and Attendance Records
Relocation Preparation Project Folders
Removal of Government Operators HCCNSC
Report of Personnel Deployed in Support of Specific Contingency Plan
Report of Personnel on Temporary Duty (TDY)
Report of Processing Time for Administrative Discharge Actions
Reporting Crimes and Serious Incidents
Reports of survey.
Reports, Controlled and Uncontrolled (Bad Check Report)

V40|181 SEP 17 75 XUM

Request For and Authorization of Academic Absence.
Request For and Report of Pulmonary Function Study
Request for Clinical Priviledge at USAF Hosp Beale
Request for Enrollment, Part Time Professional Education Program
Request for Variable Reenlistment Bonus (VRB) and/or Advance Payment of VRB.
Requests for Access to Classified Information by Historical Researchers
Requests for discharge from the Air Force Reserve.
Research and Development (R&D) Projects Records.
Reserve Judge Advocate Training Report
Reserve Management and Mobilization System (RMAMS)
Reserve Mobilization Augmentee Records
Reserve Officer/Airman personnel data card index
Reserve Promotion Administrative File.
Reserve Supplement Officer (RSO) Case File.
Reserve manning Report.
Reserve medical service corps Officer appointments.
Responses to Congressional Inquiries
Results of Intramural Competition
Retirements/Separations Records System
Review of Application for Correction of Military Personnel Record
Rome Air Development Center(RADC) manpower resources expenditure system
SAC Retirement Applications File
SAC Senior Officer Record File
Safety Education File
Secretary of the Air Force Historical Records
Secretary of the Air Force Military Personnel Administration
Security Case Files
Security Records on Patent Applications
Security and Related Investigative Records
Security assistance training management information system
Security records behavioral data reports
Selection Record System (Historical Files)
Selective Reenlistment Consideration
Senior Officer Information File
Senior Officer Management Office Files
Senior Officers Roster
Sensitive Compartmented Information (SCI) Personnel Security Records (PSR)
Separation Case Files (Officer and Airman).
Separation Relocation Project Folders
Serious Incident Reports
Seriously Ill Reporting System
Service Retirement Case File - Airman.
Service Retirement Case File - Officers
Servicemens Group Life Insurance (SGLI) Entitlement Case Files.
Sound Recordings.
Source Support - Control Data
Source Support - Control Data
Source Support - Control Data
Source Support and Control Data Basic Trainee Records
Source Support and Control Data Special Training Records
Source Support or Control Data (Disciplinary Actions Log)
Source Support or Control Data (Disciplinary Overweight Chart)
Source Support or Control Data Central Base Fund Status Card
Source Support or Control Data Traffic Offenses
Source Support/Control Data
Special Awards File.
Special Events Planning - Protocol Roster.
Special General Chemistry and Hematology Worksheets
Special Interest Assignment Files
Special Security Files

Speech Files
Squad List Alpha
Squad List Alpha
Squadron Officer School(SOS) Eligibility Roster
Staff Background Information
Standardization Evaluation Program
Standardization Work Card
Status of Ineffective Recruiter
Statutory Tour Program
Storage and Special Permits for Recreational and Utility Trailers
Student Information Cards
Student Record
Student Record File
Student Record Folder
Student Record of Training
Student Record of Training
Student collateral training records.
Student questionaire
Supervisor's Management Training Profile
Supervisor's record of employee
Supplemental military payroll system.
Survival Training Elimination Messages
Technical Training Course Management Information System
Temporary Disability Retired List
Temporary Duty History File - List of Updated Transactions
Temporary Private Vehicle Impoundment Record
Temporary Promotion Sequence File
Temporary Quarters Subsistence Expense
Third Party Liability Notification
Thomas D. White National Defense Award Nomination Records
Tool Kit Control Card
Traffic Accident and Violation Reports
Trailer Lot Registration
Training Aids Usage (Simulator Student Training Records)
Training Instructors (Academic Instructor Improvement/Evaluation)
Training Progress
Training Progress (Permanent Student Record)
Training Progress Reading Proficiency Case Files
Training Progress Student Data Records
Training Systems Research and Development Materials
Training Work Sheet (GRF Form 36)
Training attendance.
Training status Code.
Training summaries alphabetical roster.
Training summaries class roster.
Training summaries entering class rosters.
Training summaries graduation roster.
Travel records
US Air Force Academy Honor Guard Membership Record Honor Guard Membership Record
US Air Force Reserve/Air National Guard of US (USAFR/ANGUS) Appointment Management File
USAF Academy Cadet Honor Committee Case Files
USAF Aerospace Medicine Personnel Career Information System
USAF Compression Chamber Operation
USAF Foreign Criminal Jurisdiction cases
USAF Hearing Conservation Record System
USAF Master Radiation Exposure Registry
USAF Prisoner of War (PW) Debriefing Files
USAF Reconstitution Requirements for office of JCS and HQ USAF
USAF Research and Development Award
USAFE Achievement Test III

V 40 181 SEP 1775 XUM

Uncommon tours of duty.
Undergraduate pilot and navigator training.
Unfavorable Information Files (UIFs)
Unfavorable Information files (UIFS) on Officers and Airmen.
Uniformed Services Savings Deposit Program (USSDP).
Unit Assigned Personnel Information File
Unit Training Program
United States Air Force (USAF) Airman Retraining Program.
United States Air Force (USAF) Ground Accident Fatality File
United States Air Force (USAF) Inspection Scheduling System
United States Air Force Retired Pay System.
United States Air Force Special Investigations School Individual Academic Records
Unusual and Incoherent Translation Material
Upgrade training missile procedures training (MPT) critique form.
Vehicle Administration Records
Vehicle Integrated Management System (VIMS)
Venereal Disease Epidemiologic Report System
Veterinary Personnel Files
Veterinary Records
Visiting Officer quarters-transient airman quarters reservation.
Visual Aid.
Weapons Denial Roster
Workmen's Compensation Claims File
X-Ray Nominal Index File
X-ray Film Identification Card

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V 40 181 SEP 1775 XUM

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V 40 1 181
SEP 1775
XUM

182

Vol.40—No.182
9–18–75
PAGES
43017–43196

federal register

THURSDAY, SEPTEMBER 18, 1975

highlights

PART I:

PRIVACY ACT
NSF publishes notice of systems of records 43097
DOT proposes implementation policies and procedures.... 43037

FOOD STAMPS
USDA/FNS extends eligibility of SSI recipients until 6–30–76 43017
USDA/FNS to require availability of food stamp applications at time of application for other public or general assistance; effective 9–19–75..... 43017

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE
HEW/FDA requests data on products to be used in antirubella antibody tests; submissions by 12–17–75 . 43045

COFFEE
Treasury/Customs deletes requirements for certificates of origin and reexport; effective 9–18–75..... 43026

WITHDRAWAL OF APPROVAL OF MORTGAGEES
HUD Secretary delegates authority to newly-established Mortgagee Review Board; effective 9–12–75..... 43026

CONTINUED INSIDE

PART II:

FEDERAL ELECTIONS
FEC publishes requests for advisory opinions; comments by 9–28–75..... 43165

PART III:

AID TO FAMILIES WITH DEPENDENT CHILDREN
Labor establishes work incentive program policies and procedures 43169

PART IV:

AID TO FAMILIES WITH DEPENDENT CHILDREN
HEW/SRS establishes work incentive program policies and procedures..... 43181

PART V:

PRIVACY ACT
EPA issues notice of systems of records..... 43193

V 40 182 SEP 18 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Daily List of Public Laws

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Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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HIGHLIGHTS—Continued

EMPLOYEE RETIREMENT INCOME SECURITY ACT
IRS proposes definitions of "multiemployer plan" and "plan administrator"; comments by 10–20–75 43034

CAPE FUR SEAL SKINS
Commerce/NOAA sets final agenda for proceeding on waiver of import moratorium 43040

IMPORTS
Treasury/CS amends rules on articles assembled abroad with U.S. components; effective 10–20–75 43021

COTTON TEXTILES FROM BRAZIL
CITA sets import levels; effective 10–1–75 43051

TEXTILES PRODUCED IN KOREA
CITA announces changes in visas for certain imported suits and trousers 43052

MOTOR CARRIERS OF PROPERTY
ICC issues a proposal on residential and redelivered shipments 43038

MEETINGS—
CRC: Arkansas State Advisory Committee, 10–6–75 43051
West Virginia State Advisory Committee, 10–10–75 43051
Commerce/Census: Advisory Committee on Agriculture Statistics, 10–23 and 10–24–75 43045
DOD: Intelligence Agency Scientific Advisory Committee, 10–8 and 10–9–75 43042
DOT/NHTSA: Public meeting on air brake systems, 10–29 through 10–31–75 43049
HEW/OE: Advisory Council on Financial Aid to Students, 11–6 and 11–7–75 43048
HRA: Cooperative Health Statistics Advisory Committee, 10–16 and 10–17–75 43048
Interior/BLM: Arizona Multiple Use Advisory Board, 10–28 and 10–29–75 43042
Utah State Advisory Board, 10–6 and 10–7–75 43042
Idaho Falls District Advisory Board, 10–2–75 43043
Vale District Multiple Use Advisory Board, 10–14 through 10–16–75 43043
NRC: Third Water Reactor Safety Research Information Meeting, 10–1 and 10–2–75 43099
USDA/FS: Condor Advisory Committee, 10–20–75 43044
Rock Creek Advisory Committee, 10–28–75 43044
SEC: Report Coordinating Group (advisory), 10–1–75 43100

CANCELLED MEETING—
OMB: Commission on Federal Paperwork, 9–18–75 43099

contents

AGRICULTURAL MARKETING SERVICE
Rules
Almonds grown in Calif 43018
Oranges grown in Ariz. and Calif 43018
Proposed Rules
Prunes (fresh) grown in designated counties in Wash. and in Umatilla County, Oreg 43036

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Federal Crop Insurance Corporation; Food and Nutrition Service; Forest Service; Soil Conservation Service.

CENSUS BUREAU
Notices
Meetings:
Census Advisory Committee on Agriculture Statistics 43045
Voting Rights Act determinations; language minority groups 43044

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
International Air Transport Association (2 documents) 43050

CIVIL RIGHTS COMMISSION
Notices
Meetings, State advisory committees:
Arkansas 43051
West Virginia 43051

COMMERCE DEPARTMENT
See Census Bureau; National Oceanic and Atmospheric Administration.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Cotton textiles, import restrictions:
Brazil, Republic of 43051
Man-made textiles, import restrictions:
Korea, Republic of 43052

CUSTOMS SERVICE
Rules
Articles conditionally free; subject to reduced rate, etc.:
Articles assembled abroad with fabricated U.S. components 43021
Liquidated damages:
Coffee imports and exports; discontinuance of certificate requirements 43026

DEFENSE DEPARTMENT
Notices
Meetings:
Intelligence Agency Scientific Advisory Committee 43042
Privacy Act; systems of records; correction 43042

DELAWARE RIVER BASIN COMMISSION
Notices
Hearings:
Applications for approval of certain projects 43056

EDUCATION OFFICE
Notices
Meetings:
Advisory Council on Financial Aid to Students 43048

ENVIRONMENTAL PROTECTION AGENCY
Notices
Environmental statements; availability of agency comments 43052
Privacy Act; systems of records 43193

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Boeing 43019
Standard instrument approach procedures 43020
Transition areas (2 documents) 43019, 43020
Proposed Rules
Jet routes 43036

FEDERAL COMMUNICATIONS COMMISSION
Rules
FM broadcast stations; table of assignments:
Oregon 43028
Proposed Rules
Local government and manufacturers radio services:
Telemetry and remote control operations; availability of splinter frequencies; correction 43037
Noncommercial educational broadcasting licenses; applications and policies; extension of time 43038
Specialty stations and specialty format programming; definitions; extension of time 43038
Television broadcast stations; table of assignments:
Arkansas 43038

V40 I82 SEP1875 XUM

CONTENTS

Notices
Common carrier services; domestic public radio services:
Information; applications accepted for filing ---- 43057
Hearings, etc.:
Gross Telecasting, Inc ---- 43059
Radio Cicero, Inc ---- 43060

FEDERAL CROP INSURANCE CORPORATION
Notices
Winter wheat in N. Dak.; closing date extension for 1975 crop year applications ---- 43044

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Ohio ---- 43048

FEDERAL ELECTION COMMISSION
Notices
Advisory opinion requests ---- 43165

FEDERAL INSURANCE ADMINISTRATION
Rules
National flood insurance program:
Aransas County, Tex.; changes in base flood elevation determinations ---- 43027

FEDERAL POWER COMMISSION
Notices
Gas exploration, development, and production; accounting and rate treatment of advances; oral argument ---- 43093
Hearings, etc.:
Appalachian Power Co ---- 43060
Arkansas-Missouri Power Co ---- 43060
Arkansas Power and Light Co ---- 43060
Aztec Oil & Gas Co ---- 43063
Boston Edison Co ---- 43064
California Co ---- 43064
Central Telephone & Utilities Corp. ---- 43065
Clinton Oil Co. et al ---- 43065
Colorado Interstate Gas Co. (3 documents) ---- 43065, 43066
Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co ---- 43066
Consolidated Edison Co. of New York, Inc., et al ---- 43067
Consolidated Gas Supply Corp ---- 43067
Dorchester Gas Producing Co ---- 43067
Duke Power Co ---- 43068
Eastern Shore Natural Gas Co. (3 documents) ---- 43068, 43069
Florida Power & Light Co ---- 43069
Georgia Power Co ---- 43069
Getty Oil Co., et al. (2 documents) ---- 43069, 43072
Green Mountain Power Corp ---- 43075
Interstate Power Co ---- 43075
Michigan Consolidated Gas Co ---- 43076
Michigan Wisconsin Pipe Line Co., et al. (2 documents) ---- 43076, 43077
Natural Gas Pipeline Co. of America ---- 43077
NEPOOL Executive Committee ---- 43077
Northeast Blanco Development Corp., et al ---- 43078
Northern Natural Gas Co ---- 43078
Ohio Edison Co ---- 43079
Pacific Gas and Electric Co ---- 43079
Panhandle Eastern Pipe Line Co ---- 43079
Phillips Petroleum Co ---- 43080
South Georgia Natural Gas Co ---- 43080
Southern Natural Gas Co ---- 43080
Tennessee Gas Pipeline Co ---- 43081
Toledo Edison Co ---- 43081
Transcontinental Gas Pipe Line Corp. (2 documents) ---- 43081, 43082
United Gas Pipe Line Co., et al. (2 documents) ---- 43083, 43086

FEDERAL RESERVE SYSTEM
Notices
Applications etc.:
Banks of Iowa, Inc ---- 43095
Citizens Bancorp ---- 43095
First Banc Group, Inc ---- 43095
Marine Midland Banks, Inc ---- 43096
SWB Corp ---- 43096
Stanley Bancshares, Inc ---- 43096

FISCAL SERVICE
Notices
Surety companies acceptable on Federal bonds:
Alaska Pacific Assurance Co ---- 43042
American Southern Insurance Co. ---- 43042

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Bombay Hook National Wildlife Refuge, Del. (2 documents) ---- 43029
Brigantine National Wildlife Refuge, N.J ---- 43030
Kofa Game Range, Ariz ---- 43030
National Elk Refuge, Wyo ---- 43032
Prime Hook National Wildlife Refuge, Del (2 documents) ---- 43030
Shiawassee National Wildlife Refuge, Mich ---- 43032
Tamarac National Wildlife Refuge, Minn ---- 43030
Upper Souris National Wildlife Refuge, N. Dak ---- 43032

FOOD AND DRUG ADMINISTRATION
Notices
In vitro diagnostic products for human use; requests for data on products to be used in antirubella antibody tests ---- 43045

FOOD AND NUTRITION SERVICE
Rules
Food stamp program:
Outreach program; affidavit requirement ---- 43017
Supplemental security income recipients; extension of eligibility ---- 43017

FOREST SERVICE
Notices
Meetings:
Condor Advisory Committee ---- 43044
Rock Creek Advisory Committee ---- 43044

GEOLOGICAL SURVEY
Proposed Rules
Outer Continental Shelf oil and gas development plans; provision for State consideration; correction ---- 43036

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
Rules
Organization and functions:
Attorneys-in-fact; list, additions and deletions ---- 43027

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office, Food and Drug Administration; Health Resources Administration; Health Services Administration; Social and Rehabilitation Service.

HEALTH RESOURCES ADMINISTRATION
Notices
Meetings:
Cooperative Health Statistics Advisory Committee ---- 43048
Nursing Research and Education Advisory Committee and National Advisory Public Health Training Council; filing of annual reports ---- 43048

HEALTH SERVICES ADMINISTRATION
Notices
National Advisory Council on Health Manpower Shortage Areas, et al; filing of annual reports ---- 43047

HOUSING AND URBAN DEVELOPMENT ADMINISTRATION
See also Federal Disaster Assistance Administration; Federal Insurance Administration; Interstate Land Sales Registration Office.
Rules
Mortgagee Review Board; establishment ---- 43026

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geological Survey; Land Management Bureau.
Notices
Bes-Pak & Co.; proposed cancellation, termination, and debarment of contracts ---- 43043

INTERNAL REVENUE SERVICE
Proposed Rules
Income taxes:
Employee Retirement Income Security Act of 1974; multiemployer plan and plan administrator, definitions ---- 43034

INTERSTATE COMMERCE COMMISSION
Proposed Rules
Motor carriers; investigation of charges for residential and redelivered shipments ---- 43038

CONTENTS

Notices
Abandonment of services:
Louisville & Nashville (2 documents) ---- 43132
Union Pacific Railroad Co ---- 43134
Car service exemptions, mandatory (2 documents) ---- 43132, 43133
Hearing assignments ---- 43130
Motor carrier, broker, water carrier, and freight forwarder applications ---- 43103
Motor carriers:
Irregular route property carriers; gateway elimination ---- 43117
Transfer proceedings (2 documents) ---- 43133
Rerouting of traffic:
Central Railroad Company of New Jersey ---- 43131
Reading Co ---- 43133

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Land developers; investigatory hearings, orders of suspension, etc.:
Indian Acres of Thornburg ---- 43048

LABOR DEPARTMENT
See also Occupational Safety and Health Administration.
Rules
Work incentive programs for AFDC recipients; policies ---- 43169

LAND MANAGEMENT BUREAU
Rules
Public land orders:
California ---- 43028
Idaho ---- 43028
Notices
Applications, etc.:
Wyoming ---- 43043
Meetings:
Arizona Multiple Use Advisory Board ---- 43042
Idaho Falls District Advisory Board ---- 43043
Utah State Advisory Board ---- 43042
Vale District Multiple Use Advisory Board ---- 43043

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ---- 43100
Meetings:
Commission on Federal Paperwork ---- 43099

MATERIALS TRANSPORTATION BUREAU
Notices
Buckeye Pipe Line Co.; grant of waiver ---- 43049

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Meeting:
Air brake systems ---- 43049

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Proposed Rules
Marine mammal protection:
Waiver of moratorium on importation; final agenda ---- 43040

NATIONAL SCIENCE FOUNDATION
Notices
Privacy Act; systems of records ---- 43097

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Safety recommendations to Federal Aviation Administration and responses; availability ---- 43097

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Duquesne Light Co. et al ---- 43097
Nebraska Public Power District ---- 43099
Pacific Gas & Electric Co ---- 43098
Rochester Gas & Electric Corp ---- 43098
Virginia Electric & Power Co ---- 43098
Meetings:
Third Water Reactor Safety Research Information ---- 43099

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Notices
Approval of State standards:
Alaska ---- 43101
Oregon ---- 43102

POSTAL RATE COMMISSION
Rules
Planning and Operations Office; establishment ---- 43033

SECURITIES AND EXCHANGE COMMISSION
Notices
Meetings:
SEC Report Coordinating Group ---- 43100
Hearings, etc.:
San Juan Diary, Inc ---- 43100

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
APCO Capital Corp ---- 43101
Disaster areas:
New York ---- 43101
North Dakota ---- 43101

SOCIAL AND REHABILITATION SERVICE
Rules
Work incentive programs for AFDC recipients; policies ---- 43181

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects; availability, etc.:
Lyons Creek, Kansas ---- 43044

TRANSPORTATION DEPARTMENT
See also Federal Aviation Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.
Proposed Rules
Privacy Act of 1974; maintenance of and access to records pertaining to individuals ---- 43037

TREASURY DEPARTMENT
See Customs Service; Fiscal Service; Internal Revenue Service.

V 40 I 182 SEP 18 75 S XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.
A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR
270 43017
271 43017
908 43018
981 43018
PROPOSED RULES:
924 43036

14 CFR
39 43019
71 (2 documents) 43019, 43020
97 43020
PROPOSED RULES:
75 43036

19 CFR
10 43021
172 43026

24 CFR
25 43026
300 43027
1916 43027

26 CFR
PROPOSED RULES:
1 43034

29 CFR
56 43170
57 43170
58 43170

30 CFR
PROPOSED RULES:
250 43036

39 CFR
3002 43033

43 CFR
PUBLIC LAND ORDERS:
5523 43028
5537 43028

45 CFR
220 43182
224 43182
233 43182

47 CFR
73 43028
PROPOSED RULES:
2 43037
73 (3 documents) 43038

49 CFR
PROPOSED RULES:
10 43037
1307 43038

50 CFR
32 (10 documents) 43029–43032
PROPOSED RULES:
216 43040

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR
410 42306

3 CFR
PROCLAMATIONS:
4313 (See EO 11878) 42731
4385 41989
4386 41991
4387 42165
4388 42167
4389 42169
4390 42315
4391 42725
4392 42727
4393 42729
4394 42849
EXECUTIVE ORDERS:
April 18, 1908 (Revoked in part by PLO 5528) 42362
July 2, 1910 (Revoked in part by PLO 5512) 40162
(Revoked in part by PLO 5517) 40814
1959 (Revoked in part by PLO 5515) 40811
6583 (Revoked in part by PLO 5536 42553
7595 (Revoked in part by PLO 5515) 40811
8649 (Revoked in part by PLO 5534) 42552
8780 (Revoked in part by PLO 5534) 42552
11803 (Amended by EO 11878) 42731
11804 (See EO 11878) 42731
11861 (Amended by EO 11877) 40797
11864 (Superseded by EO 11877) 40797
11876 40501
11877 40797
11878 42731
MEMORANDUMS:
Memorandum of August 17, 1975 40139

4 CFR
PROPOSED RULES:
410 41801

5 CFR
151 42733
213 ..... 41755, 41993, 42427, 42733–42734
338 42734
410 42734
752 42734
772 42734

7 CFR
2 ..... 41085, 41993
25 42171
25A 42171
29 42527
180 42851
210 42735
215 42735
220 42735
225 42735
246 42735
250 42735
270 ..... 42736, 43017
271 43017

7 CFR—Continued
354 41513
725 41513
905 ..... 42317, 42318
908 ..... 40505, 40815, 41855, 42171, 43018
910 ..... 41086, 42319
915 41993
919 41994
927 42851
932 41994
944 42529
945 42530
946 42530
981 43018
989 40141
993 42530
1421 41087
1434 41087
1801 42178
1822 ..... 42178, 42736
1832 42320
1842 42179
1843 42179
PROPOSED RULES:
1 40849
51 40522
201 40524
906 ..... 42886, 42887
910 40528
924 43036
927 42023
931 40170
948 40528
966 42887
982 40836
989 40842
1046 ..... 40843, 42023
1250 42888
1430 42364
1464 41530

8 CFR
103 42852
341 42532

9 CFR
54 ..... 40505, 42739
73 42179
78 41516
91 40506
112 41994
113 ..... 41088, 41994
317 42852
381 42337
PROPOSED RULES:
113 41139
317 41139
319 41139

10 CFR
20 42557
37 42558
50 40816
73 42558
204 42338
205 40141
210 40818
211 40821
212 ..... 40142, 40818, 40821, 40824
213 40143

10 CFR—Continued
RULINGS:
1975–9 40826
1975–10 40826
1975–11 40827
1975–12 40828
1975–13 40831
1975–14 40833
1975–15 40832
1975–16 40834
PROPOSED RULES:
206 42448
213 42578

11 CFR
Ch. I 40668
PROPOSED RULES:
113 41932

12 CFR
213 40506
215 40506
523 ..... 41755, 41996
544 42853
545 ..... 41756, 42853
563 41997
603 40454
701 41090
703 41997
760 41998
PROPOSED RULES:
9 40859
202 42030
208 40857
337 ..... 40548, 41530
341 40856
561 42371
563 ..... 42371, 42898
564 42371
569a 42371
571 42371

13 CFR
123 42180

14 CFR
37 42183
39 ..... 41090–41092, 41519, 42180, 42339, 42739, 42741, 42854, 43019
71 ..... 41520, 41998, 42180, 42340–42342, 42740, 42741, 43019, 43020
73 41092
95 42181
97 ..... 41092, 42342, 43020
121 ..... 42183, 42185
171 41093
241 42855
298 42855
372a 42741
378a 41093
PROPOSED RULES:
Ch. I 42754
39 ..... 41143, 41537, 42023
67 42024
71 ..... 42025, 42364–42366
75 ..... 42756, 43036
385 40816

V 40 182 SEP 18 75 XUM

15 CFR

371 ... 40507
377 ... 40507
903 ... 41998

PROPOSED RULES:

80 ... 42209

16 CFR

4 ... 40780
13 ... 40143–40154, 40508, 41071–41081, 41756–41758, 42201–42203, 42742
259 ... 42003
1116 ... 42004

PROPOSED RULES:

445 ... 42757
453 ... 42212, 42371
454 ... 41144
1014 ... 42025
1207 ... 42562

17 CFR

17 ... 41117
18 ... 41117
146 ... 41056
200 ... 40512
201 ... 42186
240 ... 40512, 41520, 42343
249 ... 40512, 41521
270 ... 41759, 42862

PROPOSED RULES:

210 ... 40550
230 ... 40555
231 ... 42212
239 ... 42212
240 ... 40858, 41808, 42212, 42219, 42905
241 ... 42212
249 ... 40858
259 ... 42212
270 ... 40555, 41818, 42757

18 CFR

1 ... 42005
2 ... 41760, 42005
157 ... 41769

PROPOSED RULES:

35 ... 42029
154 ... 41539
157 ... 41539
201 ... 41539
260 ... 41539

19 CFR

10 ... 43021
112 ... 41084
148 ... 41084
172 ... 43026

PROPOSED RULES:

12 ... 41118
201 ... 40173
210 ... 40173

20 CFR

200 ... 41084
260 ... 41084
404 ... 42863
405 ... 42006
450 ... 42865

PROPOSED RULES:

405 ... 40171, 40537, 40850

21 CFR

Ch. I ... 40520
29 ... 42866
121 ... 40799, 41085, 42866
123 ... 42343
431 ... 41522
436 ... 41522
449 ... 41523
452 ... 41773
510 ... 42007
522 ... 42007
540 ... 42007
556 ... 41085
561 ... 41773, 42343
1010 ... 40800
1040 ... 40800
1304 ... 42868

PROPOSED RULES:

1 ... 40682
2 ... 40682
5 ... 40682
6 ... 40682
8 ... 40682
10 ... 40682
11 ... 40682
80 ... 40682
90 ... 40682
100 ... 40682
102 ... 40682
121 ... 40529, 40682, 41797
202 ... 40682
310 ... 40682
312 ... 40682
314 ... 40682
328 ... 40682
330 ... 40682
429 ... 40682
430 ... 40682
431 ... 40682
433 ... 40682
511 ... 40682
514 ... 40682
601 ... 40682
640 ... 41799
701 ... 40682
1000 ... 42749
1003 ... 40682
1004 ... 40682
1210 ... 40682

22 CFR

42 ... 42532

PROPOSED RULES:

6a ... 40456

23 CFR

450 ... 42976, 42979
470 ... 42344
633 ... 42867
658 ... 41774, 42186
710 ... 41523
750 ... 42842

24 CFR

25 ... 43026
280 ... 42061, 42007
300 ... 43027
570 ... 41509, 42347
888 ... 40513
1914 ... 41509, 42009, 42872
1915 ... 41510, 42553, 42874
1916 ... 42348, 42349, 43027

24 CFR—Continued

1917 ... 41108–41115, 42349
1920 ... 41115, 41116, 42557, 42743

PROPOSED RULES:

406 ... 42560

25 CFR

PROPOSED RULES:

33 ... 40982
43h ... 42020
233 ... 42884
401 ... 40982
402 ... 40982
403 ... 40982
404 ... 40982
405 ... 40982
406 ... 42560
407 ... 40982

26 CFR

1 ... 42743, 43034
31 ... 42349

PROPOSED RULES:

1 ... 41118

28 CFR

0 ... 42745
2 ... 41328

29 CFR

56 ... 43170
57 ... 43170
58 ... 43170
570 ... 40800
1952 ... 40155–40157
2530 ... 41654
2602 ... 42876
2604 ... 42533
2606 ... 42877

PROPOSED RULES:

603 ... 40537
608 ... 40537
609 ... 40537
687 ... 40537
1910 ... 40170, 40849, 41530, 41797
1915 ... 41530
1916 ... 41530
1917 ... 41530
1918 ... 41530
1926 ... 40170, 41530
1952 ... 41148

30 CFR

77 ... 41775

PROPOSED RULES:

211 ... 41122
216 ... 41122
250 ... 42559, 43036

32 CFR

197 ... 42186
1808 ... 42736

PROPOSED RULES:

1481 ... 42997
1814 ... 42444
2102 ... 40792

33 CFR

117 ... 41524, 42189
155 ... 42189
265 ... 42852
266 ... 42654

33 CFR–Continued

PROPOSED RULES:

1 ... 42210
117 ... 41537
305 ... 41636

35 CFR

253 ... 42996

PROPOSED RULES:

10 ... 40485

36 CFR

901 ... 41524
1000 ... 40802

PROPOSED RULES:

7 ... 41138, 42364
903 ... 41530

38 CFR

4 ... 42535
21 ... 42878
36 ... 42190

PROPOSED RULES:

3 ... 41540, 42578

39 CFR

111 ... 42541
3002 ... 43033

40 CFR

52 ... 40158–40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42542, 42895–42896
60 ... 42194
61 ... 42195
162 ... 41788, 42746
180 ... 40161, 42357
230 ... 41292
435 ... 42543

PROPOSED RULES:

16 ... 40792
35 ... 41644
52 ... 40172, 40854–40856, 42211, 42368, 42369, 42757
60 ... 42028
126 ... 41649
142 ... 40538
162 ... 40538
172 ... 40545
180 ... 41538, 42757
246 ... 42986
430 ... 41298
435 ... 42572

41 CFR

8–2 ... 40803
8–3 ... 40803
14–3 ... 40517, 42746
101–26 ... 41093
101–35 ... 42358
101–38 ... 42358
101–43 ... 42361
101–44 ... 42361
105–61 ... 42881
114–42 ... 40517
114–60 ... 42746

PROPOSED RULES:

3–4 ... 42673
14H–70 ... 41025
51–8 ... 42444
60–5 ... 41149

42 CFR

110 ... 41095

PROPOSED RULES:

36 ... 42658
67 ... 42890

43 CFR

PUBLIC LAND ORDERS:

2249 (Revoked in part by PLO 5515) ... 40811
4089 (Revoked in part by PLO 5515) ... 40811
4148 (Revoked in part by PLO 5515) ... 40811
4643 (Revoked in part by PLO 5511) ... 40162
4889 (Revoked in part by PLO 5515) ... 40811
5175 (Amended by PLO 5519) ... 40814
5180 (Amended by PLO 5519) ... 40814
5191 (Amended by PLO 5519) ... 40814
5394 (Amended by PLO 5519) ... 40814
5418 (See PLO 5519) ... 40814
5438 (Amended by PLO 5519) ... 40814
5511 ... 40162
5512 ... 40162
5513 ... 40162
5514 ... 40811
5515 ... 40811
5516 ... 40814
5517 ... 40814
5518 ... 40814
5519 ... 40814
5520 ... 40815
5521 ... 40815
5522 ... 41096
5523 ... 41095, 43028
5524 ... 41095
5525 ... 41794
5526 ... 42195
5527 ... 42362
5528 ... 42362
5529 ... 42551
5530 ... 42551
5531 ... 42553
5532 ... 42551
5533 ... 42551
5534 ... 42552
5535 ... 42551
5536 ... 42553
5537 ... 43028

PROPOSED RULES:

4 ... 42020
23 ... 41122
3040 ... 41122

45 CFR

30 ... 40162
46 ... 40163
100 ... 41795
101 ... 41795
169 ... 40518
220 ... 43182
224 ... 43182
233 ... 43182
250 ... 42013
1208 ... 40805
1600 ... 42362

PROPOSED RULES:

56 ... 41140
160a ... 41670

45 CFR—Continued

PROPOSED RULES—Continued

233 ... 41143
249 ... 42560
706 ... 40783
1115 ... 42457
1602 ... 42374

46 CFR

Ch. I ... 42195, 42746
32 ... 40163
35 ... 40163
50 ... 40163
52 ... 40163
53 ... 40163
54 ... 40163
56 ... 40164
58 ... 40168
63 ... 40169
146 ... 41795
410 ... 41526
402 ... 41526

PROPOSED RULES:

32 ... 42751
35 ... 42751
77 ... 42751
78 ... 42751
96 ... 42751
167 ... 42751
184 ... 42751
185 ... 42751
195 ... 42751
196 ... 42751

47 CFR

1 ... 42882
2 ... 40810
73 ... 42882, 43028
74 ... 40810
91 ... 40169

PROPOSED RULES:

2 ... 42028, 42577, 42897, 43037
73 ... 40172, 42028, 42369, 42577, 42578, 43038
89 ... 42577
91 ... 42028, 42577

49 CFR

25 ... 41040
171 ... 41527
172 ... 41527
173 ... 41527
174 ... 41527
175 ... 41527
177 ... 41527
178 ... 41527
325 ... 42432
385 ... 40810
Ch. V ... 41796, 42013
552 ... 42013
553 ... 42015
555 ... 42015
571 ... 42746, 42897
613 ... 42984
1033 ... 40518, 40519
1134 ... 42343
1306 ... 40518
1320 ... 41528
1322 ... 41528

V 40 182 SEP 1875 XUM

49 CFR—Continued
PROPOSED RULES:

10	43037
102	41537
107	41537
170	41537
171	40171, 40853, 40854, 41537
172	41537
173	41537
174	41537
175	41537
176	41537
177	41537
178	41537
179	41537
180	41537

49 CFR—Continued
PROPOSED RULES—Continued

181	41537
182	41537
183	41537
184	41537
185	41537
186	41537
187	41537
188	41537
189	41537
215	42895
571	40537, 40853, 42756
583	42366, 42895
1037	42221
1106	42578

49 CFR—Continued
PROPOSED RULES—Continued

1106	41153, 40854
1201	42899
1307	42033, 43038

50 CFR

20	41096, 42015
28	41105, 42017, 42195, 42748
32	40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748, 42883, 43029–43032

PROPOSED RULES:

17	40521
216	41531, 42210, 43040
501	41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—FOOD STAMP PROGRAM

[Amdt. No. 65]

PART 270—GENERAL INFORMATION AND DEFINITIONS

Outreach Program

On June 20, 1975, there was published in the FEDERAL REGISTER (40 FR 26042), a notice of proposed rulemaking to revise Food Stamp Program Regulations, 7 CFR Part 270. The proposed amendment is for the purpose of requiring that the person who is applying for federally aided public assistance or general assistance will also be provided at the same time with the opportunity of applying for participation in the Food Stamp Program. Interested parties were given 30 days in which to submit written comments, suggestions, or objectives regarding the proposed amendment.

There were 19 comments received on the proposed amendment—16 in favor. The comments were received from two State Governors, three State welfare commissioners, nine State and county agencies and five community action organizations. Opposition to the proposed amendment centered mainly around the difference in the definition of "prompt action" between those applicable programs administered nationally by the U.S. Department of Health, Education and Welfare and the U.S. Department of Agriculture.

The majority of the comments received were favorable. After careful consideration, it has been determined to adopt the amendment as proposed. Adoption of this amendment is in accord with the Stipulation and Order recently issued by the U.S. District Court (D. Minn.) in an action styled as *Bennett v. Butz*.

Accordingly, § 270.2(a) of Part 270 of Chapter II, Title 7, Code of Federal Regulations, is amended by adding at the end thereof a new sentence. The new sentence reads as follows:

§ 270.2 Definitions.

(a) • • • If the affidavit is not so included it shall be furnished along with such application.

• • • • • •

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

Effective date. This amendment shall become effective September 19, 1975.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Service)

Dated: September 12, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-24818 Filed 9-17-75;8:45 am]

[AMDT. No. 67]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011–2026), regulations governing the operation of the Food Stamp Program are hereby amended.

Public Law 94–44, approved June 28, 1975, amended Public Law 93–233 to extend the eligibility of certain Supplemental Security Income recipients for food stamps through June 30, 1976.

By letter dated July 2, 1975, the Department was informed by Secretary Weinberger of the Department of Health, Education, and Welfare that recipients of SSI in Wisconsin would become eligible to participate in the Food Stamp Program effective September 1, 1975, because their State no longer elects to cash-out food stamps. Secretary Weinberger had previously determined by letters dated on January 25, 1974 and September 26, 1974, that Wisconsin met the cash-out criteria.

Subsequently, by court order of July 28, 1975, in *Elliot, et al.* v. *Weinberger, et al.*, E.D. Wisconsin Civil Action No. 75–C–360, this determination was ordered discontinued effective July 2, 1975. By the terms of that order, SSI recipients may qualify for food stamps beginning September 1, 1975, and will also receive credits against food stamp purchase requirements for benefits not received in July and August.

In view of (1) the fact that the amendment reflects statutory provisions and the determination of the Secretary of Health, Education, and Welfare made thereunder, (2) the court order, and (3) the need for issuing the amendment immediately, it is hereby determined that it is unnecessary and contrary to the public interest to give notice of proposed rulemaking with respect to the amendment.

Accordingly, Part 271 of Chapter II, Title 7, Code of Federal Regulations, is amended as follows:

§ 271.10 [Amended]

In § 271.10, paragraphs (a) and (c)(1)(i) are revised to read as follows:

(a) Notwithstanding any other provisions of this subchapter, recipients of supplemental security income (SSI) payments shall be treated according to the provisions of this section for purposes of determining eligibility for and certification in the program. The provisions of this section will expire June 30, 1976.

• • • • • •

(c) *Food stamp eligibility of SSI recipients*—(1) *Ineligible SSI recipients.* (i) No SSI recipient shall be considered a household member or an elderly person for Food Stamp Program purposes if he resides in the States of California, Massachusetts, Nevada (only applies to aged and blind) or New York. The Secretary of Health, Education and Welfare has determined, pursuant to the provisions of Public Law 93–233, as amended, that such States provide State supplementary payments which have been specifically increased to include the value of bonus food coupons. For administrative purposes, no SSI recipient residing in Wisconsin shall be considered a household member or an elderly person for Food Stamp Program purposes through August 31, 1975. Notwithstanding any other provision of this subpart governing putting amendments into effect, effective September 1, 1975, the eligibility of an SSI recipient residing in Wisconsin to participate in the Food Stamp Program shall be determined in accordance with subparagraph 2 of this paragraph (c). SSI recipients in Wisconsin who choose to participate in the Food Stamp Program after September 1, 1975, shall receive credits against food stamp purchase requirements if they received SSI benefits in July or August 1975. These credits shall be in the amount of $10 per person for each of those two months during which SSI benefits were received.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

Effective date. This amendment shall become effective September 19, 1975.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: September 12, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-24817 Filed 9-17-75;8:45 am]

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CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 516]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 19–25, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.816 Valencia Orange Regulation 516.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be good. Prices f.o.b. averaged $3.67 per carton on a reported sales volume of 695,000 cartons last week, compared with an average f.o.b. price of $3.76 per carton and sales of 850,000 cartons a week earlier. Track and rolling supplies at 369 cars were up 20 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 16, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 19, 1975, through September 25, 1975, are hereby fixed as follows:

(i) District 1: 248,000 cartons;

(ii) District 2: 552,000 cartons;

(iii) District 3: "Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order. (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 17, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-25118 Filed 9-17-75;11:16 am]

PART 981—ALMONDS GROWN IN CALIFORNIA

Expenses of the Almond Control Board, and Rate of Assessment, for the 1975–76 Crop Year

Notice of proposed expenses of the Almond Control Board, and rate of assessment, for the 1975–76 crop year was published in the August 18, 1975, issue of the FEDERAL REGISTER (40 FR 34605). This action is pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 40 FR 4416), regulating the handling of almonds grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The proposal was based on a unanimous recommendation of the Almond Control Board. Expenses of the Almond Control Board for the 1975–76 crop year were proposed at $3,524,100. The assessment rate was proposed at 2.18 cents per pound of almonds (kernel weight basis).

It was also proposed that unexpended assessment funds in excess of expenses incurred during the 1974–75 crop year ended June 30, 1975, be retained in an operating reserve. This is in accordance with applicable provisions of §§ 981.80 and 981.81.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Almond Control Board, and other available information, it is found that Subpart—Budget of Expenses and Rate of Assessment shall be amended.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that:

(1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such crop year; and (2) the current crop year began July 1, 1975, and the rate of assessment herein fixed will automatically apply to all such almonds beginning with that date.

Subpart—Budget of Expenses and Rate of Assessment is amended as follows:

§ 981.324 [Removed]

1. Section 981.324 is removed.

2. Section 981.325 is added to read as follows:

§ 981.325 Expenses of the Control Board and rate of assessment for the 1975–76 crop year.

(a) Expenses. Expenses in the amount of $3,524,100 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1975, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) Rate of assessment. The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, less any amount credited pursuant to § 981.41 but not to exceed 2 cents per pound of almonds (kernel weight basis), is fixed at 2.18 cents per pound of almonds (kernel weight basis).

(c) Unexpended assessment funds in excess of expenses incurred during the crop year ended June 30, 1975, shall be retained in an operating reserve fund in accordance with applicable provisions of §§ 981.80 and 981.81.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 15, 1975.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[FR Doc.75-24918 Filed 9-17-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-16-AD; Amdt 39-2371]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification and inspection of certain flap components on Boeing Model 747 series airplanes was published in 40 FR 24914.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from operators and the manufacturer requesting the lubrication requirements be deleted from the AD since maintenance is primarily the operators' responsibility. They requested the repetitive inspection and lubrication period be set at a minimum of 400 flights. The operators additionally requested an extension to 800 flights before replacement of the stop bolts. Service experience has indicated a direct correlation between inspection and lubrication of the flap system and flap malfunction. Accordingly, the FAA does not concur with either of these comments since there have been reported instances of roller seizures and bolt failures at less than these intervals. Some operators requested permission to dispatch with a seized roller, providing proper inspection of all fore flap fittings and lubrication of the tracks is accomplished before each flight. The FAA concurs with this proposal, and a provision has been made in the rule to permit an airplane to continue in service for no more than 10 flights following such inspection and lubrication. Finally, a request was made to use operators average fleet time to determine the number of flights on an aircraft. The FAA has no objection and has incorporated this provision into the rule.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to all Boeing Model 747 series airplanes certificated in all categories. Compliance required as indicated unless already accomplished.

To prevent fore flap separations, accomplish the following:

A. Within the next 100 flights after the effective date of this AD, unless accomplished within the last 200 flights, and at intervals thereafter not to exceed 350 flights:

1. Inspect all fore flap track airload rollers for freedom of movement, and inspect upper and lower surfaces of the tracks and rollers for evidence of sliding. Inspect and lubricate rollers in accordance with procedures described in Boeing Service Bulletin 747-57-2107 dated November 3, 1972, or later FAA approved revisions, or the Boeing 747 Maintenance Manual. Replace any seized rollers before further flight unless, upon inspection:

(a) The fittings attaching the fore flap to the sequence carriage are found free of cracks.

(b) The exposed surfaces of the fore flap tracks are found free of galling.

(c) The flap is found free of any evidence of binding or racking.

If (a)–(c) are accomplished the airplane may continue in service for a maximum of 10 flights before the seized rollers are replaced, provided the fore flap tracks are lubricated prior to each flight.

2. Inspect the attach (sequence) fittings of the inboard-trailing edge fore flap (P/N 65B39025-1 and -2 opposite, or 65B39025-8 or 65B02015-1 and -2 opposite inboard fitting) for cracks in accordance with Boeing Service Bulletins 747-57-2119, Revision 2, dated June 20, 1975, and 747-57-2088, Revision 2, dated June 30, 1975, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Replace any cracked fittings before further flight.

3. Inspect the outboard fore flap inboard carriage frame for cracks in accordance with Boeing Service Bulletin 747-57-2126, Revision 2, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Parts found cracked which are within the limits of Figure 1, Part III of Boeing Service Bulletin 747-57-2126, may be repaired in accordance therewith and reinspected at intervals not to exceed 40 landings. If cracks exceed the limits given in Boeing Service Bulletin 747-57-2126, replace the fitting before further flight.

B. Unless already accomplished, within the next 350 flights after the effective date of this AD:

Remove the existing steel bolts attaching the fore flap carriage stop to the flap tracks on the outboard flaps and install new bolts with sealant in accordance with Boeing Service Bulletin 747-57-2128, Revision 1, dated April 25, 1975, or later FAA approved revisions.

C. 1. Inspections required under paragraph A2 may revert to the normal inspection interval upon installation of the redesigned fittings specified in Boeing Service Bulletin 747-57-2119, Revision 2, dated June 20, 1975, or later FAA approved revisions.

2. Inspections required under paragraph A3 may revert to the normal inspection interval upon installation of the redesigned fitting in accordance with Boeing Service Bulletin 747-57-2126, or fitting P/N 65B17196-4, or a later FAA approved part.

D. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the adjustment period. Fleet average flight time may be used to calculate the number of flights.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective October 24, 1975.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, September 10, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-24779 Filed 9-17-75;8:45 am]

[Airspace Docket No. 75-RM-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On June 27, 1975, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 27244) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Rock Springs, Wyoming.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., December 4, 1975.

This amendment is issued under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, on September 18, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

In Federal Aviation Regulation § 71.181 (40 FR 441) the description of the Rock Springs, Wyoming 700 foot transition area, as amended by Docket 75-PM-11 (40 FR 23724) is further amended to read as follows:

That airspace extending upward from 700 feet above the surface within a 11.5 mile radius of the Rock Springs-Sweetwater

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County Airport (latitude 41°35'45" N., longitude 109°04'00" W.), within 9.5 miles north and 4.5 miles south of the 090° and 270° bearings from the Thayer LOM (latitude 41°35'49" N., longitude 108°58'09" W.) extending from the 11.5 mile radius area to 18.5 miles east of the Thayer LOM and from the 11.5 mile radius area to 29.5 miles west of the Thayer LOM; and within one mile north and 6 miles south of the Rock Springs VORTAC 102° radial extending from the 11.5 mile radius area to 18.5 miles east of the VORTAC.

[FR Doc.75-24781 Filed 9-17-75; 8:45 am]

[Airspace Docket No. 75-CE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation, Alteration and Revocation of Transition Area

On Page 32320 of the FEDERAL REGISTER dated August 1, 1975, the Federal Aviation Administration published a Rule amending Section 71.181 of the Federal Aviation Regulations which extended a 1200-foot floor controlled airspace to cover the entire States of Kansas and Nebraska. As a part of that rule making action the Valentine, Sidney, and Ogallala, Nebraska, 1200-foot floor transition areas were inadvertently revoked in their entirety. The transition area designations at these three locations contained small areas of 1200-foot floor controlled airspace in either South Dakota or Colorado. These areas are necessary to provide controlled airspace to protect aircraft executing the affected instrument approach procedures. Accordingly, action is taken herein to redesignate transition areas at Ogallala, Sidney, and Valentine, Nebraska, so as to include the Colorado and South Dakota 1200-foot floor airspace.

Since this amendment corrects an error and is clarifying in nature, it imposes no additional burden on any persons, notice and public procedure hereon are unnecessary.

In consideration of the foregoing the 1200-foot floor designations previously deleted at Valentine, Sidney, and Ogallala, Nebraska, as set forth in Airspace Docket No. 75-CE-6, are herein redesignated to read as follows:

In § 71.181 (40 FR 441) the following transition areas are amended to read:

OGALLALA, NEBRASKA

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Searle Airport (latitude 41°07'-00" N., longitude 101°46'00" W.); and that airspace within the state of Colorado extending upward from 1,200 feet above the surface within 9.5 miles south and 4.5 miles north of the 252° bearing from the airport extending to 18.5 miles west.

SIDNEY, NEBRASKA

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sidney Municipal Airport (latitude 41°05'-55" N., longitude 102°58'55" W.); within 5 miles NE and 8 miles SW of the Sidney VORTAC 321° radial, extending from the 10-mile radius area to 12 miles NW of the VORTAC; and that airspace in the state of Colorado extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Sidney VORTAC 128° radial, extending from the VORTAC to 12 miles southeast of the VORTAC.

VALENTINE, NEBRASKA

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Miller Field Airport (latitude 42°51'-25" N., longitude 100°32'50" W.); and that airspace in the state of South Dakota extending upward from 1,200 feet above the surface within 5 miles each side of the 325° bearing from the Miller Field Airport within 12 miles northwest of the airport.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1611 (c)).

Issued in Kansas City, on September 3, 1975.

C. R. MELUGIN, Jr.,
Director,
Central Region.

[FR Doc.75-24780 Filed 9-17-75;8:45 am]

[Docket No. 14977; Amdt. No. 986]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective October 30, 1975.*

Charlotte, MI—Fitch H. Beach Arpt., VOR Rwy 20, Amdt. 3.
Evansville, IN—Evansville Dress Regional Arpt., VOR Rwy 4, Amdt. 7, Canceled.
Evansville, IN—Evansville Dress Regional Arpt., VOR-B, Orig.
Firebaugh, CA—Firebaugh Arpt., VOR/DME-A, Orig.
Frankfort, IL—Frankfort Arpt., VOR Rwy 27, Amdt. 1.
Gallatin, TN—Gallatin Municipal Arpt., VOR/DME-A, Amdt. 2.
Jackson, MS—Allen C. Thompson Field, VOR Rwy 16R(TAC) Amdt. 3.
Litchfield, MN—Litchfield Municipal Arpt., VOR Rwy 15, Orig.
Litchfield, MN—Litchfield Municipal Arpt., VOR Rwy 33, Amdt. 1.
Pell City, AL—St. Clair County Arpt., VOR-A, Amdt. 3.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective October 30, 1975.*

Grant Junction, CO—Walker Field, LOC Rwy 11, Orig.
Jefferson City, MO—Jefferson City Memorial Arpt., SDF Rwy 30, Amdt. 3.

. . . *effective October 23, 1975.*

New Orleans, LA—New Orleans Int'l (Moisant Field), LOC(BC) Rwy 28, Amdt. 6.

. . . *effective October 2, 1975.*

San Diego, CA—Gillespie Field, LOC-D, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective October 30, 1975.*

Jefferson City, MO—Jefferson City Memorial Arpt., NDB Rwy 30, Amdt. 2.
Grand Junction, CO—Walker Field, NDB Rwy 11, Amdt. 13.

. . . *effective October 23, 1975.*

Black River Falls, WI—Black River Falls Area Arpt., NDB Rwy 26, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective October 30, 1975.*

Columbia, SC—Columbia Metropolitan Arpt., ILS Rwy 11, Amdt. 7.
Grand Junction, CO—Walker Field, ILS Rwy 11, Amdt. 6.

. . . *effective October 2, 1975.*

Boston, MA—Gen. Edward Lawrence Logan Int'l Arpt., ILS Rwy 33L, Amdt. 11.
Mt. Vernon, IL—Mt. Vernon-Outland Arpt., ILS Rwy 23, Orig.
Raleigh, NC—Raleigh-Durham Arpt., ILS Rwy 23, Orig.

Correction: In Docket No. *14942*, Amendment *983*, to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER dated *August 28, 1975*, on page 39496, under Section 97.29,

effective October 9, 1975—change effective date of Aniak, AK—Aniak Arpt., ILS/DME Rwy 10 Orig, to *December 4, 1975.*

These amendments are made effective under the authority of Sections 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and section 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on September 11, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc. 75-24782 Filed 9-17-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-230]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Articles Assembled Abroad with U.S. Components

On July 5, 1974, a notice of proposed rulemaking pertaining to amendments to Part 10 of the Customs Regulations (19 CFR Part 10) relating to the partial exemption from duty provided by item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202), for articles which are assembled abroad in whole or in part of fabricated United States components, was published in the FEDERAL REGISTER (39 FR 24651). Interested persons were given 60 days from the date of publication of the notice in which to submit relevant written data, views, or arguments regarding the proposed amendments.

After consideration of the numerous comments received, the following changes have been made in the amended provisions originally proposed:

1. Section 10.11 was rewritten to explain the difference between interpretative and procedural regulations. Further, the numbering of the sections was changed and the sections were so organized that their sequence reflects the difference between interpretative and procedural matters.

2. The definitions of the term "Not advanced in value or improved in condition", "Physical identity", and "Without further fabrication", which were contained in proposed § 10.12, have been deleted. However, their use has been retained in the substance of the interpretative regulations, where their meaning is clear within the technical context of the particular section.

3. Additional examples to illustrate specific situations involving the applicability of the exemption provided for under item 807.00, Tariff Schedules of the United States, have been included after several of the proposed sections.

4. After review of several lengthy and significant comments objecting to the basis upon which intangible assists were to be handled under the proposed regulations, it has been determined that further study of this matter is required. Therefore, proposed § 10.23(f), relating to the element of assists, has been deleted. When this question has been fully resolved, a notice of proposed rulemaking will be published in the FEDERAL REGISTER giving interested persons ample opportunity in which to submit relevant written data, views or arguments regarding the proposed amendments.

5. Section 10.24(a)(2) (formerly § 10.17(a)(2) of the proposed amendments) has been changed by deleting the sentence requiring the endorsement to be signed by the actual importer when the importer of record is a customhouse broker. This will allow a customhouse broker to sign the endorsement on behalf of the actual importer. However, as stated in § 10.24(g) (formerly § 10.17(g)), the importer retains the responsibility for the correctness of the information presented.

6. Section 10.24(d) (formerly § 10.17(d)) has been changed to permit the district director to waive certain specified details normally required in the documentation submitted at the time of each entry, if he is satisfied that the importer and assembler have established reliable controls to insure that all components for which the exemption provided for by item 807.00, Tariff Schedules of the United States, is claimed are in fact products of the United States. This addition was necessary because where large quantities of United States components are purchased from various sources or exported at various ports and dates on a continuing basis, it is impracticable to identify the exact source, port, and date of export for each particular component included in an entry of merchandise claimed to be the subject of the exemption under item 807.00, Tariff Schedules of the United States.

7. Proposed § 10.25, relating to advice before importation has been omitted in its entirety because most of its content was determined not to be a proper subject of these regulations.

8. The proposed amendment to § 10.112 which would have provided an exception to the section by requiring certain documents to be filed within six months after the entry of assembled articles claimed to be entitled to the exemption provided for in item 807.00, Tariff Schedules of the United States, has been withdrawn because it would impose an unnecessary burden upon the importing public. The references to this requirement which were found in paragraphs (a) and (d) of § 10.17 have also been deleted.

In addition to the above changes, a number of editorial corrections have been made in the text. Further, certain sections of the proposed regulations have been renumbered or otherwise modified, necessitating additional conforming changes. The authority provision for Part 10 has also been amended to include specific authority for these regulations.

Accordingly, Part 10 of the Customs Regulations (19 CFR Part 10) is amended by deleting § 10.2, by amending the authority provision, and by adding a new centerhead and §§ 10.11 through 10.24 to read as set forth below.

Effective date. These amendments shall become effective October 20, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 9, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

1. Part 10 of the Customs Regulations is amended by revising the authority provision to read as follows:

AUTHORITY: The provisions of this Part 10 issued under R.S. 251, as amended, sec. 624, 46 Stat. 759, 77A Stat. 14; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Headnote 11, Tariff Schedules of the United States), 1624. Secs. 10.11 through 10.24 also issued under sec. 502, 46 Stat. 731, as amended, 77A Stat. 14; 19 U.S.C. 1202 (General Headnote 12, Tariff Schedules of the United States), 1502. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 10.2 [Removed]

2. Part 10 of the Customs Regulations is further amended by deleting § 10.2 and by adding a new centerhead and §§ 10.11 through 10.24 to read as follows:

ARTICLES ASSEMBLED ABROAD WITH UNITED STATES COMPONENTS

Sec.
10.11 General.
10.12 Definitions.
10.13 Statutory provision: Item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202).
10.14 Fabricated components subject to the exemption.
10.15 Fabricated components not subject to the exemption.
10.16 Assembly abroad.
10.17 Valuation of exempted components.
10.18 Valuation of assembled articles.
10.19 Elements involved in determining constructed value or cost of production.
10.20 Cost data required if other statutory basis applicable.
10.21 Updating cost data and other information.
10.22 Marking.
10.23 Standards, quotas, and visas.
10.24 Documentation.

ARTICLES ASSEMBLED ABROAD WITH UNITED STATES COMPONENTS

§ 10.11 General.

(a) Section 10.12 through 10.23 set forth definitions and interpretative regulations adopted by the Commissioner of Customs pertaining to the construction of item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202) and related provisions of law. These provisions concern claims for the exemption from duty provided by item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202), for American-made fabricated components which are returned to the United States as parts of articles as-

V40 I182 SEP 1875 XUM

sembled abroad. The examples included in these sections describe specific situations in which the exemption may or may not be applicable. The definitions and regulations that follow are promulgated to inform the public of the constructions and interpretations that the United States Customs Service shall give to relevant statutory terms and to assure the impartial and uniform assessment of duties upon merchandise claimed to be partially exempt from duty under item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202), at the various ports of entry. Nothing in these regulations purports or is intended to restrict the legal right of importers or others to a judicial review of the matters contained therein.

(b) Section 10.24 sets forth the documentary requirements applicable to the entry of assembled articles claimed to be subject to the exemption provided under item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202). Allowance of an importer's claim is dependent upon meeting the statutory requirements for the exemption under item 807.00 and his complying with the documentary requirements set forth in § 10.24.

§ 10.12 Definitions.

As used in §§ 10.11 through 10.24, the following terms shall have the meanings indicated:

(a) *American-made.* The term "American-made" is used to refer to a product of the United States as defined in paragraph (e) of this section.

(b) *Assembly.* "Assembly" means the fitting or joining together of fabricated components.

(c) *Exemption.* "Exemption" means the deduction of the cost or value of products of the United States which were assembled abroad in accordance with the requirements of item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202), from the full value of the assembled article.

(d) *Fabricated component.* "Fabricated component" means a manufactured article ready for assembly in the condition as exported except for operations incidental to the assembly.

(e) *Product of the United States.* A "product of the United States" is an article manufactured within the Customs territory of the United States and may consist wholly of United States components or materials, of United States and foreign components or materials, or wholly of foreign components or materials. If the article consists wholly or partially of foreign components or materials, the manufacturing process must be such that the foreign components or materials have been substantially transformed into a new and different article, or have been merged into a new and different article.

§ 10.13 Statutory provision: Item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202).

Item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202), provides that articles assembled abroad in whole or in part of fabricated components, the product of the United States, which (a) were exported in condition ready for assembly without further fabrication, (b) have not lost their physical identity in such articles by change in form, shape, or otherwise, and (c) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process such as cleaning, lubricating, and painting, are subject to a duty upon the full value of the imported article, less the cost or, if no charge is made, the value of such products of the United States. The rate of duty which is assessed upon the dutiable portion of the imported article is that which is applicable to the imported article as a whole under the appropriate provision of the Tariff Schedules of the United States (19 U.S.C. 1202) for such article. If that provision requires a specific or compound rate of duty, the total duties assessed on the imported article are reduced in such proportion as the cost or value of the returned United States components which qualify for the exemption bears to the full value of the assembled article.

Example 1. A transistor radio is assembled abroad from foreign-made components and American-made transistors. Upon importation, the transistor radio is subject to the ad valorem rate of duty applicable to transistor radios upon the value of the radio less the cost or value of the American-made transistors assembled therein.

Example 2. A solid-state watch movement is assembled abroad from foreign-made components and an American-made integrated circuit. If the movement in question is subject to the specific rate of duty of 75 cents, if the value of the assembled movement is $30, and if the value of the American-made integrated circuit is $10, then the value of the integrated circuit represents one third of the total value of the assembled article and the duty on the assembled article will be reduced by one third ($.25). Therefore, the duty on the assembled movement is 50 cents.

§ 10.14 Fabricated components subject to the exemption.

(a) *Fabricated components, the product of the United States.* Except as provided in § 10.15, the exemption provided under item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202), applies to fabricated components, the product of the United States. The components must be in condition ready for assembly without further fabrication at the time of their exportation from the United States to qualify for the exemption. Components will not lose their entitlement to the exemption by being subjected to operations incidental to the assembly either before, during, or after their assembly with other components. Materials undefined in final dimensions and shapes, which are cut into specific shapes or patterns abroad are not considered fabricated components.

Example 1. Articles identifiable in their exported condition as components or parts of the article into which they will be assembled, such as transistors, diodes, integrated circuits, machinery parts, or precut parts of wearing apparel, are regarded as fabricated components.

Example 2. Prestamped metal lead frames for semiconductor devices exported in multiple unit strips in which the individual frame units are connected to each other, or integrated circuit wafers containing individual integrated circuit dice which have been scribed or scored in the United States, are regarded as fabricated components. The separation of the individual frames by cutting, or the segmentation of the wafer into individual dice by flexing and breaking along scribed or scored lines, is regarded as an operation incidental to the assembly process.

Example 3. Wires of various type, electrical conductors, metal foils, insulating tapes, ribbons, findings used in dressmaking, and similar products, which are in a finished state when exported from the United States, and are ready for use in the assembly of the imported article, are regarded as fabricated components if they are only cut to length or subjected to operations incidental to the assembly process while abroad.

Example 4. Uncut textile fabrics exported in bolts from which wearing apparel components will be cut according to a pattern are not regarded as fabricated components. Similarly, other materials, such as lumber, leather, sheet metal, plastic sheeting, exported in basic shapes and forms to be fabricated into components for assembly, are not eligible for treatment as fabricated components.

(b) *Substantial transformation of foreign-made articles or materials.* Foreign-made articles or materials may become products of the United States if they undergo a process of manufacture in the United States which results in their substantial transformation. Substantial transformation occurs when, as a result of manufacturing processes, a new and different article emerges, having a distinctive name, character, or use, which is different from that originally possessed by the article or material before being subjected to the manufacturing process. The mere finishing or modification of a partially or nearly complete foreign product in the United States will not result in the substantial transformation of such product and it remains the product of a foreign country.

Example 1. A cast metal housing for a valve is made in the United States from imported copper ingots, the product of a foreign country. The housing is a product of the United States because the manufacturing operations performed in the United States to produce the housing resulted in a substantial transformation of the foreign copper ingots.

Example 2. An integrated circuit device is assembled in a foreign country and imported into the United States where its leads are formed by bending them to a specified angle. It is then tested and marked. The imported article does not become a product of the United States because the operations performed in the United States do not result in a substantial transformation of the foreign integrated circuit device.

Example 3. A circuit board assembly for a computer is assembled in the United States by soldering American-made and foreign-made components onto an American-made printed circuit board. The finished circuit board assembly has a distinct electronic function and is ready for incorporation into the computer. The foreign-made components have undergone a substantial transformation by becoming permanent parts of the circuit board assembly. The circuit board assembly, including all of its parts is regarded as a fabricated component, the product of the United States, for purposes of item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202).

§ 10.15 Fabricated components not subject to the exemption.

Fabricated components which are not products of the United States are excluded from the exemption. In addition, the exemption is not applicable to any component exported from the Customs territory of the United States:

(a) From continuous Customs custody with remission, abatement, or refund of duty;

(b) With benefit of drawback;

(c) To comply with any law of the United States or regulation of any Federal agency requiring exportation; or

(d) After manufacture or production in the United States under item 864.05, Tariff Schedules of the United States (19 U.S.C. 1202).

Example. Partially completed components of an electric motor are imported in several separate shipments and are entered under a temporary importation bond to be manufactured into finished motors under the provisions of item 864.05, Tariff Schedules of the United States (19 U.S.C. 1202). The components are completed and assembled into finished electric motors. The finished motors are exported and are assembled abroad into electric fans which are subsequently imported into the United States. Irrespective of the fact that the assembly of the motors might involve such a substantial change that the motor could be considered a product of the United States, no exemption may be given for the value of the electric motors, since they were exported after manufacture or production in the United States under the provision of item 864.05, Tariff Schedules of the United States (19 U.S.C. 1202).

§ 10.16 Assembly abroad.

(a) *Assembly operations.* The assembly operations performed abroad may consist of any method used to join or fit together solid components, such as welding, soldering, riveting, force fitting, gluing, laminating, sewing, or the use of fasteners, and may be preceded, accompanied, or followed by operations incidental to the assembly as illustrated in paragraph (b) of this section. The mixing or combining of liquids, gases, chemicals, food ingredients, and amorphous solids with each other or with solid components is not regarded as an assembly.

Example 1. A television yoke is assembled abroad from American-made magnet wire. In the foreign assembly plant the wire is despooled and wound into a coil, the wire cut from the spool, and the coil united with other components, including a terminal panel and housing which are also American-made. The completed article upon importation would be subject to the ad valorem rate of duty applicable to television parts upon the value of the yoke less the cost or value of the American-made wire, terminal panel and housing, assembled therein. The winding and cutting of the wire are either assembly steps or steps incidental to assembly.

Example 2. An aluminum electrolytic capacitor is assembled abroad from American-made aluminum foil, paper, tape, and Mylar film. In the foreign assembly plant the aluminum foil is trimmed to the desired width, cut to the desired length, interleaved with paper, which may or may not be cut to length or despooled from a continuous length, and rolled into a cylinder wherein the foil and paper are cut and a section of sealing tape fastened to the surface to prevent these components from unwinding. Wire or other electric connectors are bonded at appropriate intervals to the aluminum foil of the cylinder which is then inserted into a metal can, and the ends closed with a protective washer. As imported, the capacitor is subject to the ad valorem rate of duty applicable to capacitors upon the value less the cost or value of the American-made foil, paper, tape, and Mylar film. The operations performed on these components are all either assembly steps or steps incidental to assembly.

Example 3. The manufacture abroad of cloth on a loom using thread or yarn exported from the United States on spools, cops, or pirns is not considered an assembly but a weaving operation, and the thread or yarn does not qualify for the exemption. However, American-made thread used to sew buttons or garment components is qualified for the exemption because it is used in an operation involving the assembly of solid components.

(b) *Operations incidental to the assembly process.* Operations incidental to the assembly process whether performed before, during, or after assembly, do not constitute further fabrication, and shall not preclude the application of the exemption. The following are examples of operations which are incidental to the assembly process:

(1) Cleaning;

(2) Removal of rust, grease, paint, or other preservative coating;

(3) Application of preservative paint or coating, including preservative metallic coating, lubricants, or protective encapsulation;

(4) Trimming, filing, or cutting off of small amounts of excess materials;

(5) Adjustments in the shape or form of a component to the extent required by the assembly being performed abroad;

(6) Cutting to length of wire, thread, tape, foil, and similar products exported in continuous length; separation by cutting of finished components, such as prestamped integrated circuit lead frames exported in multiple unit strips; and

(7) Final calibration, testing, marking, sorting, pressing, and folding of assembled articles.

(c) *Operations not incidental to the assembly process.* Any significant process, operation, or treatment other than assembly whose primary purpose is the fabrication, completion, physical or chemical improvement of a component, or which is not related to the assembly process, whether or not it effects a substantial transformation of the article, shall not be regarded as incidental to the assembly and shall preclude the application of the exemption to such article. The following are examples of operations not considered incidental to the assembly as provided under item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202):

(1) Melting of exported ingots and pouring of the metal into molds to produce cast metal parts;

(2) Cutting of garment parts according to pattern from exported material;

(3) Painting primarily intended to enhance the appearance of an article or to impart distinctive features or characteristics;

(4) Chemical treatment of components or assembled articles to impart new characteristics, such as showerproofing, permapressing, sanforizing, dying or bleaching of textiles;

(5) Machining, polishing, burnishing, peening, plating (other than plating incidental to the assembly), embossing, pressing, stamping, extruding, drawing, annealing, tempering, case hardening, and any other operation, treatment or process which imparts significant new characteristics or qualities to the article affected.

(d) *Joining of American-made and foreign-made components.* An assembly operation may involve the use of American-made components and foreign-made components. The various requirements for establishing entitlement to the exemption apply only to the American-made components of the assembly.

Example. Diodes are assembled abroad from American-made components. The process includes the encapsulation of the assembled components in a plastic shell. The plastic used for the encapsulation is in the form of a pellet, and is of foreign origin. After the prefabricated diode components are assembled, the assembled unit is placed in a transfer molding machine, where, by use of the pellet, molten epoxy is caused to flow around the perimeters of the assembled components, forming upon solidification a plastic body for the diode. Upon importation, exemption may be granted for the value of the American-made components, but not for the value of the plastic pellet. If the plastic pellet used for encapsulation was of United States origin, its value would still be a part of the dutiable value of the diode, because the plastic pellet is not a fabricated component of a type designed to be fitted together by assembly, but merely a premeasured quantity of material which was applied to the assembled unit by a process not constituting an assembly.

(e) *Subassembly.* An assembly operation may involve the joining or fitting of American-made components into a part or subassembly of an article, followed by the installation of the part or subassembly into the complete article.

Example. Rolls of foil and rolls of paper are exported and cut to specific length abroad and interleaved and rolled to form the electrodes and dielectric of a capacitor. Following this procedure, the rolls are assembled with cans and other parts to form a complete capacitor. The foil and paper are entitled to the exemption.

(f) *Packing.* The packing abroad of merchandise into containers does not in itself qualify either the containers or their contents for the exemption. However, assembled articles which otherwise qualify for the exemption and which are packaged abroad following their assembly will not be disqualified from the exemption by reason of their having been so packaged, whether for retail sale or for bulk shipment. The tariff status of the packing materials or containers will be determined in accordance with General Headnote 6, Tariff Schedules of the United States (19 U.S.C. 1202).

§ 10.17 Valuation of exempted components.

The value of fabricated components to be subtracted from the full value of the

V 40 182 SEP 18 75 XUM

assembled article is the cost of the components when last purchased, f.o.b. United States port of exportation or point of border crossing as set out in the invoice and entry papers, or, if no purchase was made, the value of the components at the time of their shipment for exportation, f.o.b. United States port of exportation or point of border crossing, as set out in the invoice and entry papers. However, if the appraising officer concludes that the cost or value of the fabricated components so ascertained does not represent a reasonable cost or value, then the value of the components shall be determined in accordance with section 402 or section 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402).

§ 10.18 Valuation of assembled articles.

(a) *Statutory basis used in valuation.* As in the case of the appraisement of any other imported merchandise (see subpart C of Part 152 of this chapter), the full value of assembled articles imported under item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202), is determined in accordance with the appropriate statutory basis.

(b) *Use of constructed value or cost of production as basis for valuation.* A preponderance of the merchandise entitled to the item 807.00 Tariff Schedules of the United States (19 U.S.C. 1202), exemption, is appraised on the basis of constructed value or cost of production.

(1) *Constructed value.* Constructed value is the statutory basis of appraisement authorized by section 402(d), Tariff Act of 1930, as amended (19 U.S.C. 1401a(d)), and is applicable to imported articles which are not on a list compiled by the Department of the Treasury, known as the "final list" (T.D. 54521).

(2) *Cost of production.* Cost of production is the statutory basis of appraisement authorized by section 402a(f), Tariff Act of 1930, as amended (19 U.S.C. 1402(f)), and is applicable to imported articles which are on the "final list" (T.D. 54521).

§ 10.19 Elements involved in determining constructed value or cost of production.

Both constructed value and cost of production of assembled articles are determined from the following cost data:

(a) *Cost of materials.* The cost of materials to be reported in connection with a claim for an item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202), exemption; where constructed value or cost of production is the basis of appraisement includes, but is not limited to:

(1) The cost or value of all American-made components and other American-made materals f.o.b. the United States port of exportation or point of border crossing. If these items were purchased, there should be included, in addition to the purchase price, all costs incurred up to the time of the items' arrival at the port of exportation, such as packing, freight, insurance, warehousing, sorting, and repacking. If the items were not purchased, the estimated market value f.o.b. port of exportation or point of border crossing shall be used, based on the normal selling price to independent purchasers or other available market information. If market value information is not available, the value of the items shall be the sum of all costs incurred in producing the items, including general expenses, an amount for profit, and all costs incurred from the time the items are completed to the time they arrive at the port of exportation or point of border crossing.

(2) Freight, insurance, lading and unlading, and other costs incurred in transporting the American-made components and materials from the port of exportation or point of border crossing to the assembler's plant;

(3) The cost or value of all other components and materials added in the country of assembly as well as the costs incurred in transporting these components and materials to the assembler's plant, including packing, freight, insurance, and lading and unlading;

(4) The value of waste or spoilage, including scrap, such as trimmings, cuttings, and turnings from a lathe, and United States components delivered to the assembler and found to be unusable. The value of waste or spoilage shall be determined from the actual cost of the materials less the market value of recovered scrap or rejected components. Where the assembler returns rejected components to its supplier and receives credit for the rejected components so returned, the credit received by the assembler may be applied as an offset against the assembler's cost of materials; and

(5) Taxes on materials assessed by the country of assembly, but remitted or refunded upon exportation of the finished articles from the country of assembly, such as sales taxes and value added taxes. Such taxes are included under the cost of materials when cost of production is the basis of valuation, but are excluded when constructed value is the basis of valuation.

(b) *Cost of fabrication.* The cost of fabrication of an assembled article includes, but is not limited to:

(1) All actual labor costs involved in the assembly operations, including fringe benefits such as paid holidays, vacations, social security, school taxes, seventh-day pay, on-the-job training, housing allowance, and idle time. Deviation from normal production efficiency to adjust for actual production should be reflected, if necessary, to insure that the total actual labor costs incurred in the assembly are shown in the cost data sheets. For instance, if the efficiency of the production workers does not meet projected expectations, with a consequent increase in unit labor costs, the increased costs should be reflected in the cost data furnished Customs. The costs of engineering, supervisory functions, quality control, and similar personnel expenses shall be included;

(2) Cost of dies, molds, tooling, special machinery, and similar equipment costs which are allocable to the particular merchandise under consideration (as opposed to general costs for plant equipment or machinery, which are included under general expenses);

(3) Costs of research, development, design, engineering, and blueprints, except where they are directly allocable to American-made components. Where they are directly allocable to American-made components they are to be included in the value of those components, and are not to be included in the cost of fabrication.

(4) Costs of inspecting and testing by the assembler; and

(5) Costs of subcontract work, including the general expenses and profit involved in such work, when a foreign assembler has a portion of the assembly work accomplished by a subcontractor. These costs are considered to be part of the cost of fabrication to the foreign assembler.

(c) *General expenses.* General expenses, which are all of the assembler's expenses other than the cost of components, materials, fabrication, and packaging, include, but are not limited to:

(1) Building rent or depreciation;

(2) Costs for utilities, including heat, light, power, and water;

(3) Telephone, telegraph, and cable costs;

(4) Depreciation of machinery and equipment other than dies, molds, tooling, special machinery, and similar equipment allocable to the particular merchandise under consideration;

(5) Expenses for maintenance, repairs, and renewals;

(6) Fire and liability insurance costs;

(7) Taxes on buildings;

(8) Factory storage costs;

(9) Expenses for office and factory supplies:

(10) Administration salaries and expenses (executives', managers', and office workers' salaries), and salesmen's salaries, commissions, and expenses;

(11) Travel expenses;

(12) Advertising expenses;

(13) Licensing fees paid to a foreign government;

(14) Legal expenses;

(15) Nonrefundable expenses relating to the importation of articles into a foreign country, such as foreign brokerage fees;

(16) Auditing expenses of the foreign assembly operation;

(17) Start up costs (other than on-the-job training costs). These include legal fees for the consultant or entrepreneur, a fee for setting up the assembler corporation, costs for construction of buildings and installation of manufacturing machinery, engineering fees and material costs to acquire electricity or other power for the plant, fees for the issuance of any permits required, the cost of a bond given to show good faith, charges for telephone service, roads and rail spurs, charges for securing a labor force as well as for their pre-training, costs of trusts established to satisfy foreign ownership, the cost of a plant bond to insure exportation of all materials imported into a foreign country for assembly and to insure return of all imported machinery, and expenses of relocating plant management and production supervisors and their families. Start up costs may be amortized over the period of time for which such expenditures are ordinarily amortized by assemblers of the same general class or kind of merchandise in the country of exportation, in keeping with generally accepted accounting practices; and

(18) All other general administrative and overhead expenses including janitorial services, security services, and the services of a foreign warehouse officer.

(d) *Profit.* The assembler's actual profit or loss and the basis upon which it was calculated must be reported. Appraisement by Customs shall be based on the amount of profit which is found to be usual or ordinary in the trade, subject to limitations and requirements more particularly described in the applicable statutory provisions.

(e) *Packing expenses.* All costs of packing or otherwise preparing assembled articles for shipment to the United States must be reported. These costs include, but are not limited to, the cost of containers, the cost of packing materials such as excelsior, straw, and string, the cost of spraying and fumigating packing materials, and the cost of labor for packing. Packing materials of United States origin may be separately exempt from duty under the exemption provided in item 800.00, Tariff Schedules of the United States (19 U.S.C. 1202), for American goods returned without advancement in value or improvement in condition while abroad.

§ 10.20 Cost data required if other statutory basis applicable.

Where it is determined that appraisement is to be made on a value base other than constructed value or cost of production, the importer shall be required to submit cost data of a different nature then required in this part.

Example. If United States value is determined to be the proper basis of valuation, the importer may be required to furnish information on his resale price at the wholesale level in the United States, his general expenses and profit on the resale, and other data which is needed to determine United States value, rather than the cost data required to establish constructed value or cost of production.

§ 10.21 Updating cost data and other information.

When a claim for the exemption is predicated on estimated cost data furnished either in advance of or at the time of entry, this fact should be clearly stated in writing at the time of entry, and suspension of liquidation may be requested by the importer or his agent pending the furnishing of actual cost data. Actual cost data must be submitted as soon as accounting procedures permit. To insure that information used for Customs purposes is reasonably current, the importer shall ordinarily be required to furnish updated cost and assembly data at least every six months, regardless of whether he considers that significant changes have occurred. The 6-month period for the submission of updated cost or other data may be extended by the district director if such extension is appropriate for the type of merchandise involved, or because of the accounting period normally used in the trade, or because of other relevant circumstances.

§ 10.22 Marking.

Assembled articles entitled to the exemption are considered products of the country of assembly for the purposes of the country of origin marking requirements of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304). If an imported assembled article is made entirely of American-made materials, the United States origin of the material may be disclosed by using a legend such as "Assembled in_____ from material of U.S. origin," or a similar phrase.

§ 10.23 Standards, quotas, and visas.

All requirements and restrictions applicable to imported merchandise, such as labeling, radiation standards, flame-retarding properties, quotas, and visas, apply to assembled articles eligible for the exemption in the same manner as they would apply to all other imported merchandise.

§ 10.24 Documentation.

(a) *Documents required.* The following documents shall be filed in connection with the entry of assembled articles claimed to be subject to the exemption under item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202).

(1) *Declaration by the assembler.* A declaration by the person who performed the assembly operations abroad shall be filed in substantially the following form:

I, _____, declare that to the best of my knowledge and belief the _____ were assembled in whole or in part from fabricated components listed and described below, which are products of the United States:

Marks of identification, numbers	Description of component	Quantity	Unit value at time and place of export from United States [1]	Port and date of export from United States	Name and address manufacturer

[1] In accordance with Headnote 3, part 1B, schedule 8, Tariff Schedules of the United States (19 U.S.C. 1202).

Description of the operations performed abroad on the exported components (in sufficient detail to enable Customs officers to determine whether the operations performed are within the purview of item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202) (attach supplemental sheet if more space is required)):

Date _____ Signature _____

Address _____ Capacity _____

(2) *Endorsement by the importer.* An endorsement, in substantially the following form, shall be signed by the importer:

I declare that to the best of my knowledge and belief the (above) (attached) declaration, and any other information submitted herewith, or otherwise supplied or referred to, is correct in every respect and there has been compliance with all pertinent headnotes of the Tariff Schedules of the United States (19 U.S.C. 1202).

Date _____ Signature _____

Address _____ Capacity _____

(b) *Revision of format.* In specific cases, the district director may revise the format of either of the documents specified in paragraph (a) of this section and may make such changes as conditions warrant, provided the data and information required to be supplied in these documents are presented. For example, if the components were furnished by the importer, the information on components may be supplied as part of the importer's endorsement, rather than as part of the assembler's declaration.

(c) *Reference to previously filed documents.* In lieu of filing duplicate lists of components and descriptions of assembly operations with each entry, the documents specified in paragraph (a) of this section may refer to assembly descriptions and lists of components previously filed with and approved by the district director, or to records showing costs, names of manufacturers, and other necessary data on components, provided the importer has arranged with the district director to maintain such records and keep them available for examination by authorized Customs officers.

(d) *Waiver of specific details for each entry.* There are cases where large quantities of United States components are purchased from various sources or exported at various ports and dates on a continuing basis, so that it is impractical to identify the exact source, port and date of export for each particular component included in an entry of merchandise claimed to be subject to the exemption under item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202). In these cases, specific details such as the port and date of export and the name of the manufacturer of the United States components may be waived if the district director is satisfied that the importer and assembler have established reliable controls to insure that all components for which the exemption is claimed are in fact products of the United States. These controls shall include strict physical segregation of United States and foreign components, as well as records of United States components showing quantities, sources, costs, dates shipped abroad, and other necessary information. These records shall be maintained by the importer and assembler in such manner as to be readily available for audit, inspection, copying, reproduction or other official use by authorized Customs officers.

(e) *Waiver of documents.* When the district director is satisfied that unusual circumstances make the production of

V 40 N 182 SEP 18 75 XUM

either or both of the documents specified in paragraph (a) of this section, or of any of the information set forth therein, impractical and is further satisfied that the requirements of item 807.00, Tariff Schedules of the United States (19 U.S.C. 1202), and related headnotes have been met, he may waive the production of such document(s) or information.

(f) *Unavailability of documents at time of entry.* If either or both of the documents specified in paragraph (a) of this section are not available at the time of entry, an appropriate bond for the production of the document(s) may be given pursuant to §§ 113.41–113.46 and 141.66 of this chapter.

(g) *Responsibility of correctness.* Subject to the civil and criminal sanctions provided by law for false or fraudulent entries, the importer has the ultimate responsibility for supplying all information needed by the Customs Service to process an entry and for the completeness and truthfulness of such information. If certain information cannot be supplied by the assembler, it must be provided by the importer.

(R.S. 251, as amended, secs. 502, 624, 46 Stat. 731, as amended, 759, 77A Stat. 14 (19 U.S.C. 66, 1202 (Gen. Hdnotes. 11, 12, Tariff Schedules of the United States), 1502, 1624))

[FR Doc.75-24815 Filed 9-17-75;8:45 am]

[T.D. 75-229]

PART 172—LIQUIDATED DAMAGES

Coffee Imports and Export Certificates; Discontinuance of Requirements

Section 172.22(a) of the Customs Regulations (19 CFR 172.22(a)) provides that district directors are authorized to treat any bond charge for the production of a missing document as satisfied upon payment by the principal or surety of the sum of $25 as liquidated damages for each missing declaration of the consignee or other document. Certain specified documents, among them certificates of origin and certificates of reexport for imports and exports of coffee, required under § 12.70 of this chapter, not produced within the time prescribed by law or regulations or any lawful extension of such time, are excepted from this authorization.

Inasmuch as §§ 12.70 and 12.71 of the Customs Regulations (19 CFR 12.70, 12.71), pertaining to imports and exports under the International Coffee Agreement, were deleted by Treasury Decision 74-252, dated September 20, 1974 (39 FR 34650), certificates of origin and certificates of reexport for imports and exports of coffee are no longer required. Therefore, the reference to these documents in § 172.22(a) of the Customs Regulations should be deleted.

Accordingly, § 172.22 of the Customs Regulations (19 CFR 172.22), is hereby amended as set forth below:

Paragraph (a) of § 172.22 is amended to read as follows:

§ 172.22 Special cases acted on by district directors of Customs.

(a) *Nonproduction of documents in general.* District directors are hereby authorized to treat any bond charge for the production of a missing document as satisfied upon payment by the principal or surety of the sum of $25 as liquidated damages for each missing declaration of the consignee or other document, except shippers' export declarations and special Customs and commercial invoices, not produced within the time prescribed by law or regulations or any lawful extension of such time.

* * * * *

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

Because this amendment merely deletes a reference to a section of the Customs Regulations which was previously deleted, and requires no public initiative, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective September 17, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 9, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-24816 Filed 9-17-75;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-352]

PART 25—MORTGAGEE REVIEW BOARD

Subpart A—Department of Housing and Urban Development Mortgagee Review Board

The Department is establishing a Mortgagee Review Board to act for the Secretary in determining whether or not to withdraw approval of a mortgagee under HUD programs.

The establishment of this Board and creation of a new Part 25 are matters of internal management and operation not subject to the requirements of 5 U.S.C. 553 or 24 CFR 10.5. Moreover, inasmuch as the part sets forth duties, functions, and final authority that is not regulatory in nature, this document is effective as of September 12, 1975.

Accordingly, Title 24 is amended by adding a new Part 25, Mortgagee Review Board, to read as follows:

Subpart A—Department of Housing and Urban Development Mortgagee Review Board

Sec.
25.1 Establishment of the Board.
25.2 Members.
25.3 Functions, duties and powers.
25.4 Withdrawal determinations.
25.5 Grounds for withdrawal.
25.6 Effective date of withdrawal.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act; 42 U.S.C. 3535(d).

§ 25.1 Establishment of the Board.

There is hereby established in the Office of the Secretary a Mortgagee Review Board.

§ 25.2 Members.

The Mortgagee Review Board is composed of the following members: Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner, Chairman; General Counsel; Assistant Secretary for Housing Management; Inspector General, or their designees.

§ 25.3 Functions, duties and powers.

Except as limited by this part, the Mortgagee Review Board shall exercise all of the authority and perform all of the functions of the Secretary with respect to withdrawal of mortgagee approval. The Board shall have all powers necessary and incident to the proper performance of these functions and duties.

§ 25.4 Withdrawal determinations.

(a) *Determinations by the Board.* If the Board unanimously determines that a mortgagee's approval be continued, the mortgagee's approval shall be continued. If the Board unanimously determines that a mortgagee's approval be withdrawn, the geographical extent of such withdrawal, the duration of such withdrawal, and whether the withdrawal shall be partial or total, the mortgagee's approval shall be withdrawn pursuant to the Board's determination. If the Board's determination is not unanimous concerning withdrawal, the geographical extent of such withdrawal, the duration of such withdrawal, or the nature of such withdrawal, the Under Secretary shall determine those matters as to which the Board's determination is not unanimous, and the mortgagee's approval shall be withdrawn pursuant to the Board's unanimous determination and the determination of the Under Secretary. As used in this Part, "duration of withdrawal" shall include permanent withdrawal, withdrawal for a specific length of time or withdrawal for an indeterminate period pending satisfaction by the mortgagee of conditions specified by the Board or the Under Secretary.

(b) *Notification of mortgagee.* Whenever the Board or the Under Secretary determines pursuant to paragraph (a) of this section that a mortgagee's approval be withdrawn, the Chairman shall in writing notify, or cause to be notified, the mortgagee of such determination and the extent, duration and nature of such withdrawal. Such notice shall specify the reasons for the determination and the facts upon which the determination is based and shall further specify the name and address of the designated Departmental hearing officer to whom the mortgagee should address a request for a hearing pursuant to paragraph (c) of this section.

(c) *Hearings.* Whenever the Board or the Under Secretary determines that a mortgagee's approval be withdrawn in accordance with paragraph (a) of this section, the mortgagee shall have a period of 30 days in which to request in writing a hearing on such withdrawal action before the designated Departmental hearing officer.

(d) *Conduct of hearing.* Upon receipt of a request for a hearing, the hearing officer shall arrange a timely hearing. Notice of the time and place of such hearing shall be in writing, transmitted by registered or certified mail, return receipt requested. It shall be within the discretion of the hearing officer to determine the hearing place.

(1) The hearing officer shall be responsible for the fair and expeditious conduct of proceedings. The Department shall be represented by the General Counsel or his designee. A record shall be made of the proceedings and shall be made available to the parties upon request. After the mortgagee against whom action is proposed has been afforded an opportunity to be heard, the hearing officer shall make an initial written determination on the evidence presented. The hearing officer's determination shall be final unless reversed or modified within 30 days by the Secretary. Each determination shall become a part of the record. Notice of the final determination shall be given in writing, signed by the hearing officer and transmitted by registered or certified mail, return receipt requested. The final determination shall be conclusive.

(e) *Failure to request a hearing.* If the mortgagee does not request a hearing before the Departmental hearing officer for a review of the Board's or the Under Secretary's withdrawal determination within the period prescribed in paragraph (c) of this section, the determination shall become final.

§ 25.5 Grounds for withdrawal.

Any withdrawal or proposed withdrawal of approval under § 25.4 shall be upon one or more of the following grounds:

(a) The transfer of an insured mortgage to a non-approved mortgagee, except pursuant to §§ 203.433 or 203.435 of Part 203.

(b) The failure of a nonsupervised mortgagee to segregate all escrow funds received from mortgagors on account of ground rents, taxes, assessments and insurance premiums, and to deposit such funds to a special account or accounts with a financial institution whose accounts are insured by the Federal Deposit Insurance Corporation or by the Federal Savings and Loan Insurance Corporation;

(c) The use of escrow funds for any person other than that for which they were received;

(d) The failure of a nonsupervised mortgagee to conduct its business in accordance with the plan indicated by its application for approval;

(e) The termination of a mortgagee's supervision by a governmental agency;

(f) The failure of a nonsupervised mortgagee or an investing mortgagee to submit the required annual audit report of its financial condition within 75 days of the close of its fiscal year or such longer period as the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner may determine;

(g) The payment by the mortgagee of any fee, kickback, or other consideration, directly or indirectly, in connection with any insured mortgage transaction or transactions to any person including an attorney, escrow agent, title company, consultant, mortgage broker, seller, builder, or real estate agent if such person has received any other payment or other consideration from the mortgagor, the seller, the builder, or any other person for services related to such transaction or transactions or from or related to the purchase or sale of the mortgaged property, except that compensation may be paid for the actual performance of such services as may be approved by the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner;

(h) Such other reason as the Board, Secretary, Under Secretary or hearing officer, as appropriate, determines to be justified.

§ 25.6 Effective date of withdrawal.

Withdrawal of a mortgagee's approval pursuant to this part shall be effective:

(a) Immediately if the Board unanimously determines that continuation of the mortgagee's approval pending a request of the mortgagee for a hearing pursuant to § 25.4(c) would not be in the public interest or in the best interests of the Department;

(b) At the expiration of the 30 day period specified in § 25.4(c) if the mortgagee has not requested a hearing; or

(c) 30 days after the hearing officer's written determination pursuant to § 25.4(d).

Effective date. This regulation is effective as of September 12, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-24840 Filed 9-17-75;8:45 am]

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SUBCHAPTER A—INTRODUCTION

[Docket No. R-75-210]

PART 300—GENERAL

List of Attorneys-in-Fact

Paragraphs (c) and (d) of § 300.11 are amended to add additional names to the list of attorneys-in-fact authorized to act on behalf of the Association and to delete several names from the current list in paragraph (c).

Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association in connection with its recent auctions of mortgages.

1. Paragraph (c) of § 300.11 is amended by deleting the following names from the current list of attorneys-in-fact:

Name:	*Region*
Allan E. Arneson	Los Angeles, Calif.
Robert P. Atkins	Chicago, Ill.
Inman L. Beavers	Atlanta, Ga.
James D. Blank	Chicago, Ill.
Earlene P. Carr	Atlanta, Ga.
Warren O. Dinkins	Dallas, Tex.
Norbert C. Greene	Philadelphia, Pa.
Francine Karling	Chicago, Ill.
Joan Lehning	Do.
James A. McClellan	Do.
Terry S. Nooner	Dallas, Tex.
Richard Stern	Chicago, Ill.
Marvin F. Strattman	Los Angeles, Calif.
Walter B. Williams	Atlanta, Ga.

2. Paragraph (c) of § 300.11 is further amended by adding the following names in alphabetical sequence to the current list of attorneys-in-fact:

Name:	*Region*
E. P. Carr	Atlanta, Ga.
Bennie H. Dixon	Do.
William B. Enis	Dallas, Tex.
Robert R. Foster	Philadelphia, Pa.
James D. Grady, Jr.	Do.
Vincent C. Hehl	Do.
B. J. Hendryk	Dallas, Tex.
Arnold L. Hufstetler	Atlanta, Ga.
James C. Kennedy	Dallas, Tex.
Carroll P. Kisser	Chicago, Ill.
John H. Kline, Jr.	Philadelphia, Pa.
Francine A. Koch	Chicago, Ill.
Clark Lauderdale	Dallas, Tex.
Theresa M. Mastricolo	Philadelphia, Pa.
Mary Simpson	Dallas, Tex.
Meredith C. Wright	Chicago, Ill.

3. Paragraph (d) of § 300.11 is amended by adding the following name in alphabetical sequence to the current list of attorneys-in-fact:

Name:	*Region*
William J. Burdine	Atlanta, Ga.

Effective date. This amendment shall be effective on September 18, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

DANIEL P. KEARNEY,
President, Government National Mortgage Association.

[FR Doc.75-24841 Filed 9-17-75;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-691]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Notice of Changes Made in Determinations of Aransas County, Texas, Base Flood Elevations

On January 8, 1973, at 38 FR 1001, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map numbers and locations where Flood Insurance Rate Maps were available for public inspection. The list included Flood

V 40 182 SEP 1875 XUM

Insurance Rate Maps for portions of Aransas County.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in Aransas County. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made in accordance with Section 201 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 485452A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

From the date of this notice, any person has 90 days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data. All interested parties are on notice that until the 90-day period elapses, the Administrator's new determination of elevations may itself be changed.

Any persons having knowledge or wishing to comment on these changes should immediately notify:

Honorable John D. Wendell
County Judge
County Courthouse
Rockport, Texas 78382

Also, at this location is the map showing the new base flood elevations. This map is a copy of the one that will be printed. The numerous changes made in the base flood elevations on the Aransas County Flood Insurance Rate Map make it administratively infeasible to publish in this notice all of the base flood elevation changes contained on the Aransas County map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: September 5, 1975.

FRANCIS V. REILLY,
Acting Federal
Insurance Administrator.

[FR Doc.75-24842 Filed 9-17-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order No. 5523]

[Idaho 4982]

IDAHO

Withdrawal for National Forest Recreation Area

Correction

In FR document 75-23551, appearing on page 41095 in the issue of Friday, September 5, 1975, on page 41096, first column, Sec. 12 should read as follows: "Sec. 12. NW¼NE¼NE¼, N½NE¼NE¼NE¼, SE¼NE¼NE¼, E½SW¼NE¼NE¼, N½NE¼SE¼NE¼, E½NE¼NW¼NE¼, SW¼SW¼SW¼."

[Public Land Order 5537; CA-568]

CALIFORNIA

Withdrawal for Natural Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved for the Amargosa Canyon-Dumont Dunes Natural Area, in order to protect the historical values, the endangered species, and the geological features of the area:

SAN BERNARDINO MERIDIAN

T. 18 N., R. 6 E.,
Sec. 1.
T. 18 N., R. 7 E. (partially surveyed),
Secs. 1, 2, 3, and 4;
Sec. 5, E½E½;
Sec. 6, lots 1 and 2, NW¼;
Sec. 8, E½E½;
Secs. 9 and 10.
T. 19 N., R. 7 E. (Partially surveyed),
Secs. 1, 2, and 3;
Secs. 10 thru 15, excepting patented Mineral Survey 4731;
Secs. 21, 22, 23, 26, 27, 28, 31 thru 35.
T. 19½ N., R. 7 E. (Partially surveyed),
Sec. 33, fractional E½;
Secs. 34 and 35.
T. 20 N., R. 7 E.,
Sec. 15;
Sec. 21, E½;
Sec. 22, E½, NW¼, N½SW¼, SW¼SW¼;
Sec. 25, E½, N½NW¼, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 26, lots 1 and 4, E½NE¼NE¼, NW¼NE¼NE¼, NE¼NW¼NE¼, W½W½NE¼; NW¼;
Sec. 27, lots 1, 2, 3, 5, 6, NE¼, NW¼NW¼;
Sec. 28, lots 1, 2, and 8;
Sec. 33, lots 1, 2, 3, and SE¼;
Sec. 34, lots 1 thru 8, SW¼;
Sec. 35, lots 1, 4 thru 8, E½SE¼, SW¼SE¼.
T. 18 N., R. 8 E.,
Sec. 6.
T. 19 N., R. 8 E.,
Sec. 6, fractional NW¼ (Unsurveyed).
T. 19½ N., R. 8 E.,
Sec. 31, fractional W½ (Unsurveyed).

The areas described aggregate 22,763.48 acres in Inyo and San Bernardino Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary
of the Interior.

SEPTEMBER 11, 1975.

[FR Doc.75-24825 Filed 9-17-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20398, RM-2308; FCC 75-1032]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations, Oregon; Report and Order

1. On March 18, 1975, the Commission adopted a notice of proposed rule making (40 FR 14945), in response to a petition from Linn-Benton Broadcasters, Inc. ("Linn-Benton"), licensee of KRKT, Albany, Oregon, to delete unoccupied Channel 296A at Toledo, Oregon, and assign that channel to Albany as a second FM assignment. Comments have been received from petitioner in support of the proposal, and from Cambell Broadcasting Co. ("Cambell"), licensee of KFIR, Sweet Home, Oregon, in opposition. Cambell has counterproposed retention of Channel 296A at Toledo and assignment of the same channel to Sweet Home, at a site 65 miles from Toledo. This would preclude Albany from obtaining the channel.

2. Albany (1970 Census population of 18,181) is the seat of Linn County (pop. 71,914) and located in an agricultural, timber, and mineral region. Albany's population has increased 41% since 1960. It has three local stations—KRKT, daytime-only AM, licensed to petitioner; KWIL, unlimited time AM; and KHPE (FM).

3. Sweet Home (1970 Census population 3,799), also in Linn County, is located 25 miles southeast of Albany. Portland State University's Center for Population Research and Census estimates the population at 4,350 for 1974. Cambell claims the population of the Sweet Home area is around 15,000 people. Sweet Home has a daytime-only AM station, KFIR, licensed to Cambell and no FM station.

4. Toledo has a 1970 Census population of 2,818, down about 8% from 1960. It has one full-time Class IV AM station, KTDO. Linn-Benton has filed a letter with the Commission from the licensee of KTDO stating that while assignment of Channel 296A is of concern to him, he does not plan to apply for this channel in the immediate future or contest proponent's petition. No other responses to the notice of proposed rule making were received from Toledo.

5. Linn-Benton contends that Albany, Oregon, is a growing, active community with sufficient population for a second FM channel, and states that acquisition of a full-time FM station would enable it to compete with the local AM and FM stations licensed to Albany Radio Corporation. It also claims this assignment would serve the public by providing Albany with a fourth local aural service and a third nighttime local aural service. In support of deletion of 296A from Toledo, proponent notes that the AM licensee, a probable applicant for the channel, has indicated his disinterest that Toledo is decreasing in population, and that no one from Toledo has applied for the unoccupied channel or objected to its deletion.

6. Cambell states that its counterproposal retaining Channel 296A at Toledo and assigning it also to Sweet Home would provide a first local FM station and local nighttime service to Sweet Home, a rural community which now has only a daytime AM station. Cambell had filed letters from Sweet Home civic leaders requesting an FM channel and expressing need for local nighttime radio service. Cambell proposes a transmitter site 4 miles southeast of Sweet Home and 65 miles from Toledo, so that deletion of the co-channel from Toledo would not be necessary.

7. It is our policy in making FM assignments to consider the matter of preclusion and its impact on the future opportunity of other communities to obtain a channel.[1] Channel 296A is the only assignment available for either Albany or Sweet Home, Oregon. Assignment of the channel to one community would preclude the other from obtaining this channel and no other channel appears to be available as a substitute. It would be Albany's second FM assignment or Sweet Home's first. Both parties have suggested the assignment of Channel 272A to Sweet Home, but that is now precluded by adjacent channel short-spacing with Channel 273 assigned to Newport, Oregon,[2] 70 miles from Sweet Home. Should the channel be assigned to Albany there is only one community with a population of 1,000 or more in the new preclusion area resulting from the originally proposed deletion and assignment. That is Cottage Grove (pop. 6,004) which has Channel 237A, now unoccupied. Preclusion would not be an impediment to either of the proposals. Sweet Home was not considered a new preclusion in the proposal in our original notice, because the community is within 65 miles of Toledo, making it already precluded by the present assignment of Channel 296A at Toledo.

8. On consideration of the record, we conclude that Channel 296A should be retained at Toledo, Oregon, and that Channel 296A should be assigned to Sweet Home, Oregon. This will provide a first FM assignment to Sweet Home, a rural community which now has only a daytime AM station. The Commission places high priority on providing each community with at least one local FM broadcast station, especially predominantly rural communities whose only existing local service is a daytime AM station.[3] This result is in furtherance of section 307(b) of the Communications Act and the public interest.

9. At the same time Toledo will retain an FM assignment. A station on Channel 296A at Toledo would provide a first and second FM service to coastal areas west of Toledo. The statement of the existing AM licensee at Toledo, Oregon, that he has no intention of applying for an FM station on Channel 296A at Toledo is not determinative in view of our decision to prefer Sweet Home. This leaves the Toledo channel unaffected.

10. There is an additional reason to favor use of the channel at Sweet Home, and that is the intermixture of a Class A and Class C FM channel which would result if the channel were assigned to Albany. It is Commission policy generally to oppose such intermixture. Tupelo, Miss., 42 F.C.C. 2d 884 (1973). Proponent has expressed its willingness to operate a Class A station in competition with a Class C FM station in Albany, and in some cases the Commission has allowed intermixture. Even if we concede their similarities to the present case, intermixture remains a factor disfavoring assignment to Albany.

11. The Commission does not mechanically apply its stated priorities, but may look to other considerations in assigning channels. Albany is the county seat, is larger, and has a higher growth rate than Sweet Home and a second assignment for a place that size is not inconsistent with our population criteria. However, weighing these factors, we find that those favoring Albany are outbalanced by the priority of providing a first local assignment to Sweet Home.

12. Linn-Benton charges that Cambell does not intend to construct a new FM station at Sweet Home, but is only attempting to prevent competition in the Albany vicinity. We believe that Cambell's commitment to proceed is clear and subject only to the need to find a suitable site that meets the spacing requirements.

13. Authority for the amendment adopted herein is found in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

14. Accordingly, *it is ordered*, That effective October 24, 1975, the FM Table of Assignments contained in § 73.202(b) of the Commission's rules and regulations is amended insofar as the community named below is concerned, to read as follows:

	Channel No.
Sweet Home, Oreg.	296A

15. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1036, 1082, 1083; 47 U.S.C. 164, 305, 307)

Adopted: September 9, 1975.

Released: September 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-24851 Filed 9-17-75;8:45 am]

[1] *Policy to Govern Requests for Additional FM Assignments*, 8 F.C.C. 2d 79 (1967). An exception is provided for first assignments for small communities not in a metropolitan area.

[2] 48 F.C.C. 2d 1034 (1974). The required spacing between Channels 272A and 273 is 105 miles.

[3] See, *e.g.*, *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520, 524-25 (1974).

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period September 25, 1975 through January 31, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of rails and gallinules, mourning doves, woodcock, crows and common snipe on Bombay Hook National Wildlife Refuge, Delaware, is permitted during the regular State seasons on the South Upland Hunting Area. This open area, comprising 169 acres, is delineated on a map available at the refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rails and gallinules, mourning doves, woodcock, and common snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-24838 Filed 9-17-75;8:45 am]

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PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following regulation is issued and is effective during the period September 25, 1975 through January 31, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of rails, gallinules, mourning doves, common snipe, woodcock, and crows is permitted only on the North Hunting Area. This open area, comprising approximately 2,320 acres, is delineated on maps available at refuge headquarters, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rails, gallinules, mourning doves, woodcock, common snipe and crows subject to the following special conditions:

(1) Hunting on grazing management units will not be allowed until October 16, 1975.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

WILLIAM C. ASHE,
Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc.75-24830 Filed 9-17-75;8:45 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on September 18, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Tamarac National Wildlife Refuge, Minnesota, is permitted only on the area designated by "Public Hunting Area" signs. This open area, comprising 12,500 acres, is delineated on a map available at the Refuge Headquarters, Rochert, Minnesota 56578, and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal regulations.

Ducks and coots may be taken from October 1, 1975, through November 16, 1975. Hunting of geese will be permitted from October 1, 1975, through November 14, 1975, both dates inclusive.

Portions of Tamarac Refuge open to hunting will be posted "Public Hunting Area" except as described in refuge hunting maps. In addition, no persons shall, for the purpose of hunting, enter or leave the Refuge except by access roads so designated; and all hunters shall comply with further regulations which the Refuge Manager may prescribe.

Use of iron shot is required for hunting waterfowl and coots. Possession of lead shot shells while hunting waterfowl and coots is prohibited.

The provisions of this special regulation supplement the regulations which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 16, 1975.

CHARLES A. HUGHLETT,
Acting Regional Director.

[FR Doc.75-24832 Filed 9-17-75;8:45 am]

PART 32—HUNTING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective during the period September 25, 1975 through January 31, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of rails, gallinules, waterfowl, and coots on the Brigantine National Wildlife Refuge, New Jersey, is permitted during established State and Federal seasons on only those areas designated by signs as open to hunting.

These open areas are delineated as Hunting Units 1 and 2 on maps available at Refuge Headquarters, Oceanville, New Jersey, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special condition:

(1) On Mondays, Wednesdays, and Fridays on Hunting Unit 1 migratory waterfowl will be hunted with 12 gauge shotguns using steel shot available at the Scotts Landing Road access point. Steel shot will be sold at a charge of not less than 20¢ per round.

The provisions of this special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

WILLIAM C. ASHE,
Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc.75-24833 Filed 9-17-75;8:45 am]

PART 32—HUNTING

Kofa Game Range, Ariz.

The following special regulations are issued and are effective on September 18, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

The public hunting of quail, cottontail rabbits, coyotes, gray fox, and bobcat on the Kofa Game Range, Arizona, is permitted except in those areas designated by signs as closed to hunting. The open area, comprising 660,000 acres, is delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, cottontail rabbits, coyotes, gray fox and bobcat subject to the following special conditions:

(1) The open season for hunting quail on the refuge extends from October 1, 1975 to February 1, 1976, inclusive.

(2) The open season for hunting coyotes, gray fox, bobcats and cottontail rabbits on the refuge extends from October 1, 1975 to January 31, 1976, inclusive.

(3) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving.

(4) Possession or transportation of any loaded firearm or strung bow within or on any motorized vehicle or its attachments is prohibited. A loaded firearm shall mean any firearm containing any cartridge or ammunition in its chamber, magazine or clip.

(5) Possession or transportation of any uncased firearm within or on any motorized vehicle or its attachments is prohibited. An uncased firearm shall mean any firearm not encased in any holster, scabbard, or gun case (soft or hard).

(6) All vehicular travel is restricted to designated routes of travel as shown on maps delineating hunting areas (see above).

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 1, 1976.

TEXAS

LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE

The hunting of upland game on the Laguna Atascosa National Wildlife Refuge, Texas, is suspended for the 1975–76 hunting season. It has been determined that a huntable population of upland game is not available on the refuge this year.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

The public hunting of bighorn sheep and deer on the Kofa Game Range, Arizona, is permitted except in those areas designated by signs as closed to hunting. The bighorn sheep season extends from December 6 through December 21, 1975, inclusive. The deer season extends from October 24 through November 9, 1975, inclusive, and from November 14 through November 23, 1975, inclusive. The open bighorn sheep and deer hunting area, comprising 660,000 acres, is delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of bighorn sheep and deer subject to the following special conditions:

(1) Bighorn sheep limited to twelve (12) permits issued by the Arizona Game and Fish Department.

(2) Bighorn sheep hunters may hunt only in those areas designated on their permits.

(3) Deer limited to 700 permits issued by the Arizona Game and Fish Department.

(4) Possession or transportation of any loaded firearm or strung bow within or on any motorized vehicle or its attachments is prohibited. A loaded firearm shall mean any firearm containing any cartridge or ammunition in its chamber, magazine or clip.

(5) Possession or transportation of any uncased firearm within or on any motorized vehicle or its attachments is prohibited. An uncased firearm shall mean any firearm not encased in any holster, scabbard, or gun case (soft or hard).

(6) All vehicular travel is restricted to designated routes of travel as shown on maps delineating hunting areas (see above).

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 21, 1975.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

The public hunting of elk on Wichita Mountains Wildlife Refuge, Oklahoma, is permitted only in the Pinchot-North Mountain, Graham Flat and Quanah-Elk Mountain Units. Hunting days will be restricted to Tuesdays, Wednesdays and Thursdays, beginning December 2 and ending December 11, 1975. The open hunting area, comprising 17,200 acres, is delineated on maps available at refuge headquarters, Cache, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of elk subject to the following special conditions:

(1) No personnel of the Fish and Wildlife Service or of the Oklahoma Department of Wildlife Conservation are eligible to hunt.

(2) Except as provided in special condition (3) below, the applicable portions of the Quanah-Elk Mountain Unit will be closed to all public use except elk hunting during hunt periods.

(3) Authorized hunters may retain approved, unloaded hunting rifles and camp overnight (in Camp Doris only) during these periods when the Quanah-Elk Mountain Unit is closed to all other public use. Such camping hunters may be accompanied by, not to exceed, one camping companion who will be confined to Camp Doris or refuge headquarters during hunt periods unless authorized to assist with the removal of game by the Refuge Manager or his agent.

(4) Authorized hunters will comply with all official written refuge rules and regulations issued at mandatory hunter briefings.

(5) Each hunter participating in the hunt will be required to pay a $20.00 recreation service and facility fee on the day of the briefing (this fee covers government expenses of transportation, guide services and indoctrination session). Holders of "Golden Age Passports" are entitled to a 50% discount on this $20.00 fee.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 11, 1975.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of publication to the date of the hunt and the requirement for hunter application and the processing of the application makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

The public hunting of only snow, blue, and Ross' geese on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted from November 22 through December 7, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area (Unit B), comprising 1,300 acres, is delineated on maps available at refuge headquarters, San Antonio, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

(1) An experimental program to evaluate field use of steel (iron) shot shells will be conducted this season by the U.S. Fish and Wildlife Service. Steel shot shells are available only in 12 gauge; therefore, shotguns of this gauge will be the only legal firearms used in this hunt.

(2) Each hunter, as he checks into the hunt area, may purchase up to four (4) steel shot shells. Shells will be sold at 4 for $1.00, or 25¢ each. Hunters will be limited to the use of no more than four shells for each day's hunt. It will be illegal within the hunt area to possess any shells other than the 4 steel shot shells.

(3) Hunters will be required to apply (by pre-season application) for hunting dates. Applications are available from the New Mexico Department of Game and Fish, Bosque del Apache National Wildlife Refuge, and the U.S. Fish and Wildlife Service's regional office, Albuquerque, New Mexico.

(4) Hunters may apply as a party of 1, 2, or 3 persons. If the application is for a party of less than 3 persons, the vacancies may be filled from other applications or by a daily drawing.

(5) A hunter's name may appear on only one application each season. If an applicant's name appears on more than one application, all applications containing this name are void.

(6) Applicants may show up to four choices of hunting dates. The deadline for accepting applications will be October 25, 1975.

(7) Hunters selected to participate in each day's hunt will be assigned their blind by lot.

(8) Hunting is permitted only from the assigned blind, with no more than three hunters per blind. Switching of blinds is prohibited.

(9) Each hunter will pay a special hunter service recreation fee of $3.00 on the day of the hunt. Holders of "Golden Age Passports" are entitled to a 50% discount on this $3.00 fee.

(10) Bag and possession limits will be two and four, respectively, of the permitted species except that no more than one Ross' goose will be permitted in the respective bag and possession limit.

(11) Shooting hours shall be from sunrise until 10 A.M.

(12) Hunters shall be present at the north refuge boundary on U.S. 85 no later than 5 A.M. and must check out at the checking station in person no later than 10:30 A.M.

(13) Dogs are prohibited.

(14) The steel shot hunt program will continue through the 16-day hunt or until the refuge supply of steel shot sheels is exhausted. Should the refuge supply of the steel shot shells become exhausted, hunting will continue using lead shot, with hunters providing their own lead shot shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

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Code of Federal Regulations, Part 32, and are effective through December 7, 1975.

ROBERT F. STEPHENS,
Acting Regional Director,
Albuquerque, New Mexico.

SEPTEMBER 12, 1975.

[FR Doc.75-24830 Filed 9-17-75;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period September 25, 1975 through October 31, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public archery hunting of deer on Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977 and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering archery hunting of deer subject to the following special conditions:

(1) Hunting by bow and arrow on the Deer Hunting Area is permitted only on Saturdays in accordance with the State archery deer season.

(2) The number of hunters admitted to the Deer Hunting Area at any one time will be restricted to 80.

(3) Permits are required for the Deer Hunting Area and will be issued on a first-come, first-served basis one hour before shooting time.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must show proof of completion of a weapons qualification test. This test will consist of placing two out of five arrows in the 9 x 14 inch chest area of a standard size deer target at 25 yards.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1975.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-24827 Filed 9-17-75;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period September 25, 1975 through January 31, 1976.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer on Prime Hook National Wildlife Refuge, Delaware, is permitted only on the North Hunting Area. This open deer hunting area, comprising approximately 2,320 acres, is delineated on a map available at the refuge headquarters, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Archery hunters must show proof of completion of a weapons qualification test. This test will consist of placing 2 out of 5 arrows in the 9 x 14 inch chest area of a standard-size deer target at 25 yards.

(2) Primitive weapons hunters must show proof of completion of a weapons qualification test. This test will consist of placing three consecutive rounds in a 12 inch circle at 50 yards, firing from the offhand position. The type of weapon used for the qualification test must be the same type that is to be used for the hunt—percussion or flintlock.

(3) Hunting on grazing management units will not be allowed until October 16, 1975.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-24829 Filed 9-17-75;8:45 am]

PART 32—HUNTING

Shiawassee National Wildlife Refuge, Mich.

The following special regulation is issued and is effective on September 18, 1975.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Hunting of deer with bow and arrow is permitted on the entire refuge area from 6 a.m. to 7 p.m. EST each day from December 1, 1975, through December 31, 1975, only.

Hunting shall be in accordance with all State regulations covering the hunting of deer, subject to the following conditions:

(1) All bow and arrow hunters must possess a valid Federal permit. These permits must be carried by the hunter whenever on refuge lands.

(2) Applications for Federal permits must be received at the refuge office on or before October 31, 1975.

(3) All hunters must exhibit their hunting license, Federal permit, deer tag, game, and vehicle contents to Federal and State Officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

ROBERT G. JOHNSON,
Acting Refuge Manager Shiawassee National Wildlife Refuge Saginaw, Michigan.

SEPTEMBER 11, 1975.

[FR Doc.75-24831 Filed 9-17-75;8:45 am]

PART 32—HUNTING

Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on September 18, 1975.

§ 32.32 Special regulations: big game; for individual wildlife refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, North Dakota, is permitted on all areas except those designated as closed. The open areas, comprising 31,800 acres are delineated on maps available at headquarters, Foxholm, North Dakota, and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following conditions:

(1) Deer are the only species that may be taken. It is unlawful to carry firearms after the deer tag is used.

(2) The refuge shall be closed to all vehicular travel except the main public roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 23, 1975.

DON R. PERKUCHIN,
Refuge Manager, Upper Souris National Wildlife Refuge Foxholm, North Dakota 58738.

SEPTEMBER 12, 1975.

[FR Doc.75-24834 Filed 9-17-75;8:45 am]

PART 32—HUNTING

National Elk Refuge, Wyo.

The following special regulation is issued and is effective on September 18, 1975.

§ 32.2 Special regulations: big game; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Public hunting of elk on the National Elk Refuge, Wyoming, is permitted from October 25 through November 13, 1975, only on the area designated by signs as open to hunting. This open area, comprising 16,327 acres is delineated on maps available at refuge headquarters, Jackson, Wyoming, and from the Area Manager, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, Montana 59102. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) A special permit is required in addition to a valid 1975 State Elk Hunting license. Sixty special permits (for two hunt periods) shall be issued to applicants by drawing at refuge headquarters at 4:00 p.m. on Friday, October 24, 1975 and every Friday thereafter through November 7, 1975. Thirty of these permits will be good for the Saturday through Monday period following each drawing and the other thirty permits will be good for the Tuesday through Thursday period following each drawing. No hunting will be permitted on drawing days.

(2) Access to the refuge shall be only through the main gate east of refuge headquarters in Jackson.

(3) Motorized vehicle travel in the hunt area is prohibited. Entry into the hunt area will be restricted to foot or horseback travel. Hunters may use horses for riding and packing. Retrieval of kills will be either by dragging, backpacking, wheeled carts (non-motorized), or by horse packing.

(4) Persons without permits may accompany special permit holders, but only permit holders are allowed to possess a firearm.

(5) Persons successful in drawing a permit may not draw again in succeeding drawings.

(6) Permits will be revoked in the event of a violation of refuge regulations and violations can result in denial of future privileges as per the Code of Federal Regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 13, 1975.

DON E. REDFEARN,
Refuge Manager.

AUGUST 27, 1975.

[FR Doc.75-24835 Filed 9-17-75;8:45 am]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION, U.S. POSTAL SERVICE

[Docket No. RM76-3; Order No. 82]

PART 3002—ORGANIZATION

Order Establishing Office of Planning and Operations

SEPTEMBER 17, 1975.

The Postal Rate Commission has determined that establishment of an Office of Planning and Operations is necessary and desirable in the interests of expedition and efficiency in the conduct of Commission business. The amendment to our rules of organization (39 CFR Part 3002) provided herin will carry out such action.

The existing Office of the Chief Accountant, Office of the Chief Economist, and Office of the Special Assistant will be under the general direction of the Office of Planning and Operations. The Director of Planning and Operations will be responsible for supervising and coordinating the work of these three divisions.

Since the amendment herein made involves matters of agency organization and procedure, the notice requirements of the Administrative Procedure Act do not apply. (5 U.S.C. 553.) Accordingly, pursuant to § 3603 of the Postal Reorganization Act (39 U.S.C. 3603), it is ordered that, effective September 22, 1975, Part 3002 of the Commission's Regulations (39 CFR Part 3002) is hereby amended as follows:

(A) Section 3002.4 is revised to read as follows:

§ 3002.4 Office of the Director of Planning and Operations.

(a) *The Director of Planning and Operations.* The Director of Planning and Operations is responsible for coordinating and supervising the work of the Offices of the Chief Accountant, the Chief Economist, and the Special Assistant. In accordance with § 3001.8 of the rules of practice in this chapter, personnel of the Office of the Director of Planning and Operations do not appear as witnesses in hearings in any proceeding before the Commission and take no part in the preparation of evidence or argument presented in such hearings.

(b) *Office of the Special Assistant.* The Office of the Special Assistant is responsible for providing, subject to the supervision of the Director of Planning and Operations, such analytical research for the Commission or for an individual Commissioner as the Commission or the Commissioner may request. In accordance with § 3001.8 of the rules of practice in this chapter, personnel of the Office of the Special Assistant do not appear as witnesses in hearings in any proceeding before the Commission and take no part in the preparation of evidence or argument presented in such hearings.

(c) *Office of the Chief Economist.* The Office of the Chief Economist, subject to the supervision of the Director of Planning and Operations, pursues a program of analysis and research and serves in an advisory capacity on matters pertaining to the economic aspects of the Commission's regulatory responsibilities. Areas of investigation include subjects such as methods of cost analysis, criteria for determining revenue contributions by class of service, and rate classifications and structures. In accordance with § 3001.8 of the rules of practice in this chapter, personnel of the Office of the Chief Economist do not appear as witnesses in any proceeding before the Commission and take no part in the preparation of evidence or argument presented in such hearings, unless designated for duty with the Office of Technical Staff by formal action of the Commission.

(d) *Office of the Chief Accountant.* Subject to the supervision of the Director of Planning and Operations, the Office of the Chief Accountant advises the Commission and Individual Commissioners with respect to accounting, financial, statistical, and related matters. The office is also responsible for the accumulation and maintenance of data relevant to postal rates, fees, and mail classification, and analysis of the financial, statistical, and operating data of the Postal Service. In accordance with § 3001.8 of the rules of practice in this chapter, personnel of this office do not appear as witnesses in hearings in any proceeding before the Commission and take no part in the preparation of evidence or argument presented in such hearings, unless designated for duty with the Office of Technical Staff by formal action of the Commission.

§§ 3002.7, 3002.8 [Revoked]

(B) Sections 3002.7 and 3002.8 are revoked.

§§ 3002.7, 3002.8, 3002.9, 3002.10 [Redesignated]

(C) Sections 3002.9, 3002.10, 3002.11 and 3002.12 are redesignated as §§ 3002.7, 3002.8, 3002.9, and 3002.10, respectively.

By the Commission.

[SEAL] JAMES R. LEDNEY,
Secretary.

[FR Doc.75-25041 Filed 9-17-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974: DEFINITIONS OF MULTIEMPLOYER PLAN AND PLAN ADMINISTRATOR

Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by October 20, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by October 20, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 414 (f) and (g) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 927; 26 U.S.C. 414 (f) and (g); and 68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) conforming such regulations for plan years ending after September 2, 1974, to subsections (f) and (g) of section 414 of the Internal Revenue Code of 1954, as added by section 1015 of the Employee Retirement Income Security Act of 1974 (88 Stat. 927) (hereinafter referred to as "the Act").

Section 1015 of the Act adds section 414, containing definitions and special rules with respect to part I of subchapter D of chapter 1 of the Code.

Section 414(f), as added by the Act, defines the term "multiemployer plan" as a plan maintained pursuant to a collective bargaining agreement and requiring more than one employer to contribute to the plan. Such a plan is a multiemployer plan for the plan year only if no employer makes 50 percent or more of the contributions made to the plan for that plan year by all employers making contributions. This percentage becomes 75 percent for any plan year following the plan year in which the plan met the 50 percent contribution requirement and continues to be 75 percent until the first plan year following a plan year in which one employer contributed 75 percent or more of the total amount of contributions made to the plan for that plan year by all employers making contributions. In such case, the Act provides that a plan would not again be a multiemployer plan until a plan year in which the 50 percent contribution requirement is satisfied. Further, the Act requires that the amount of benefits payable with respect to each participant will be paid even though an employer of a participant subsequently ceases making contributions to the plan, except to the extent the benefits accrued as a result of service with that employer before such employer was a member of the plan. The proposed regulations provide rules for determining the extent to which benefits are deemed to have accrued as a result of service with an employer before such employer was a member of the plan. For purposes of applying the rules of section 414(f), the Act provides that controlled groups of corporations are deemed to be one employer. The Secretary of Labor is authorized to prescribe by regulations other requirements for a multiemployer plan. The proposed regulations under section 414(f) of the Code also apply for purposes of section 3 (37) of the Act.

Section 414(g), as added, defines the term "plan administrator" as the person specifically designated plan administrator by the plan instrument. If no person is so designated, the employer is the plan administrator where the plan is maintained by a single employer. Where the plan is maintained by an employee organization, the employee organization is the plan administrator. Where the plan is maintained by more than one employer, or jointly by one or more employers and one or more employee organizations, the group consisting of the representatives of the parties who maintain the plan is the plan administrator. If the plan administrator may not be determined by the foregoing rules, the plan administrator is the person or persons who actually control the cash or property contributed to the plan.

Proposed amendments to the regulations. In order to conform the Income Tax Regulations (26 CFR Part 1) to subsections (f) and (g) of section 414 of the Internal Revenue Code of 1954, as added by section 1015 of the Employee Retirement Income Security Act of 1974 (88 Stat. 927), such regulations are amended by inserting the following new sections immediately after § 1.405–3.

§ 1.414(f) Statutory provisions; multiemployer plan.

Sec. 414. *Definitions and special rules.* • • •

(f) *Multiemployer plan*—(1) *In general.* For purposes of this part, the term "multiemployer plan" means a plan—

(A) To which more than one employer is required to contribute,

(B) Which is maintained pursuant to a collective-bargaining agreement between employee representatives and more than one employer,

(C) Under which the amount of contributions made under the plan for a plan year by each employer making such contributions is less than 50 percent of the aggregate amount of contributions made under the plan for that plan year by all employers making such contributions,

(D) Under which benefits are payable with respect to each participant without regard to the cessation of contributions by the employer who employed that participant except to the extent that such benefits accrued as a result of service with the employer before such employer was required to contribute to such plan, and

(E) Which satisfies such other requirements as the Secretary of Labor may by regulations prescribe.

(2) *Special rules.* For purposes of this subsection—

(A) If a plan is a multiemployer plan within the meaning of paragraph (1) for any plan year, subparagraph (C) of paragraph (1) shall be applied by substituting "75 percent" for "50 percent" for each subsequent plan year until the first plan year following a plan year in which the plan had one employer who made contributions of 75 percent or more of the aggregate amount of contributions made under the plan for that plan year by all employers making such contributions.

(B) All corporations which are members of a controlled group of corporations (within the meaning of section 1563(a), determined without regard to section 1563(e)(3)(C)) shall be deemed to be one employer.

[Sec. 414(f) as added by sec. 1015, Employee Retirement Income Security Act 1974 (Pub. L. 93–406, 88 Stat. 927)]

§ 1.414(f)–1 Definition of multiemployer plan.

(a) *General rule.* For purposes of part I of subchapter D of chapter 1 of the Code and the regulations thereunder, a plan is a multiemployer plan for a plan year if all of the following requirements are satisfied:

(1) *Number of contributing employers.* More than one employer is required by the plan instrument or other agreement to contribute to the plan for the plan year with respect to the employees participating in the plan.

(2) *Collective bargaining agreement.* The plan is maintained for the plan year pursuant to a collective bargaining agreement between employee representatives and more than one employer.

(3) *Amount of contributions.* Except as provided by paragraph (b) of this section (relating to the special rule for contributions exceeding 50 percent), the amount of contributions made under the plan for the plan year by each employer making contributions is less than 50 percent of the total amount of contributions made under the plan for such plan year by all employers making contributions.

(4) *Benefits.* For the plan year, the plan provides that the amount of benefits payable with respect to each employee participating in the plan is determined without regard to the cessation of contributions by an employer of a participant, except to the extent such benefits accrued as a result of the participant's service with that employer during a period before such employer was a member of the plan.

(5) *Other requirements.* For the plan year, the plan satisfies such other requirements as the Secretary of Labor may by regulations prescribe under the authority of section 414(f)(1)(E) of the Code and section 3(37) of the Employee Retirement Income Security Act of 1974 (Public Law 93–406, 88 Stat. 839). See Labor Department regulations sections 2505.1 through 2505.4 proposed in the FEDERAL REGISTER for December 4, 1974 (39 F.R. 42234).

For purposes of paragraphs (a)(3) and (b) of this section, the amount of contributions made under the plan for the plan year by each employer shall be the sum of such contributions made on or before the last day of the plan year. For purposes of determining whether contributions are made on or before the last day of the plan year, the rule of section 412(c)(10) and the regulations thereunder shall apply (relating to contributions made two and one-half months after the last day of the plan year). For purposes of paragraph (b)(4) of this section, a benefit is deemed to have accrued as a result of the participant's service with an employer during a period before such employer was a member of the plan to the extent there is any difference between the participant's accrued benefit calculated under the plan on the date such employer ceases making contributions under the plan and the participant's accrued benefit calculated without regard to his service with such employer during a period before such employer first became a member of the plan. However, such a benefit deemed to have accrued as a result of the participant's service before his employer became a member of the plan may not exceed the benefit accrued under the plan as in effect on the date the employer first became a member of the plan. An employer shall be deemed to be a member of the plan for the period during which he employs any individual who, solely by reason of such employment, is an active participant in the plan. For purposes of section 414(f) and this section, all corporations which are members of a controlled group of corporations (within the meaning of section 1563(a) and the regulations thereunder, but determined without regard to section 1563(e)(3)(C) and the regulations thereunder) are deemed to be one employer.

(b) *Contributions exceeding 50 percent.* If a plan was a multiemployer plan as defined in this section for any plan year (including plan years ending prior to September 3, 1974), "75 percent" shall be substituted for "50 percent" in applying paragraph (a)(3) of this section for subsequent plan years until the first plan year following a plan year in which one employer contributed 75 percent or more of the total amount of contributions made under the plan for that plan year by all employers making contributions. In such case "75 percent" shall not again be substituted for "50 percent" until the plan has met the requirements of paragraph (a) of this section (determined without regard to this paragraph) for one plan year.

(c) *Examples.* The application of this section is illustrated by the following examples. For purposes of these examples, assume that the plan meets the requirements of paragraphs (a)(1), (2), (4), and (5) of this section for each plan year.

Example (1). On January 1, 1970, U, V, and W, three employers none of which is a member of a controlled group of corporations with any of the other two employers, establish a plan with a plan year corresponding to the calendar year. U, V, and W each contribute less than one-half of the total contributions made under the plan for each of the years 1970, 1971, and 1972. For the years 1973, 1974, and 1975, U contributes 70 percent and V and W each contribute 15 percent of the total contributions made under the plan for each year. The plan is a multiemployer plan under section 414 (f) and this section for 1975 because no employer has contributed 75 percent or more of the total amount contributed for each of the plan years subsequent to 1972.

Example (2). (i) *First plan year.* On January 1, 1975, X, Y, and Z, three employers none of which is a member of a controlled group of corporations with any of the other two employers, establish a plan with a plan year corresponding to the calendar year. X, Y, and Z each contribute less than one-half of the total contributions made under the plan for 1975. The plan is a multiemployer plan for 1975 because it meets the 50 percent contribution requirement of paragraph (a) (3) of this section.

(ii) *Second plan year.* For the second plan year, 1976, X contributes 70 percent and Y and Z each contribute 15 percent of the total contributions made under the plan. The plan is a multiemployer plan for 1976 because it was a multiemployer plan for the preceding plan year and satisfies the 75 percent contribution requirement of paragraph (b) of this section.

(iii) *Third plan year.* For the third plan year, 1977, X contributes 80 percent and Y and Z each contribute 10 percent of the total contributions made under the plan. The plan is not a multiemployer plan for 1977 because it fails to satisfy the 75 percent contribution requirement of paragraph (b) of this section.

(iv) *Fourth plan year.* For the fourth plan year, 1978, Y contributes 60 percent and X and Z each contribute 20 percent of the total contributions made under the plan. The 75 percent contribution requirement of paragraph (b) of this section does not apply. The plan is not a multiemployer plan for 1978 because it fails to satisfy the 50 percent contribution requirement of paragraph (a)(3) of this section.

(v) *Fifth plan year.* For the fifth plan year, 1979, X, Y, and Z each contribute less than one-half of the total contributions made under the plan. The 75 percent contribution requirement of paragraph (b) of this section does not apply. The plan is a multiemployer plan for 1979 because it again meets the 50 percent contribution requirement of paragraph (a)(3) of this section.

(vi) *Sixth plan year.* For the sixth plan year, 1980, the plan will continue to be a multiemployer plan, provided that no employer contributes 75 percent or more of the total amount of contributions made under the plan for the plan year.

(d) *Retention of records.* (1) For plan years ending prior to September 3, 1974, a plan may be required to furnish proof that it met the requirements of section 414(f) and this section for each plan year ending prior to that date to the extent necessary to show the applicability of the 75 percent test provided in paragraph (b) of this section.

(2) For plan years ending after September 2, 1974, a plan may be required to furnish proof that it met the requirements of section 414(f) and this section for six immediately preceding plan years.

§ 1.414(g) Statutory provisions; plan administrator.

Sec. 414. *Definitions and special rules.* • • •

(g) *Plan administrator.* For purposes of this part, the term "plan administrator" means—

(1) The person specifically so designated by the terms of the instrument under which the plan is operated;

(2) In the absence of a designation referred to in paragraph (1)—

(A) In the case of a plan maintained by a single employer, such employer,

(B) In the case of a plan maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who maintained the plan, or

(C) In any case to which subparagraph (A) or (B) does not apply, such other person as the Secretary or his delegate may by regulations prescribe.

[Sec. 414(g) as added by sec. 1015, Employee Retirement Income Security Act 1974 (Pub. L. 93–406, 88 Stat. 927)]

V 40 N 182 SEP 18 75 XUM

§ 1.414(g)–1 Definition of plan administrator.

(a) *In general.* For purposes of part I of subchapter D of chapter 1 of the Code and the regulations thereunder, if the instrument under which the plan is operated for a plan year specifically designates a person as plan administrator of the plan, such person is the plan administrator of the plan for the plan year. In the absence of a person so designated as the plan administrator of the plan by the instrument under which the plan is operated, the plan administrator of the plan for the plan year is the person described in paragraphs (b) (1), (2), or (3) of this section (whichever applies).

(b) *Plan administrator not specifically designated.* If no person is specifically designated as the plan administrator of the plan for a plan year by the instrument under which the plan is established or operated, the plan administrator of the plan for such year is the person determined under the following rules:

(1) *Single employer.* In the case of a plan maintained by a single employer, the employer is the plan administrator.

(2) *Employee organization.* In the case of a plan maintained by an employee organization, the employee organization is the plan administrator.

(3) *Group representing the parties.* In the case of a plan maintained by two or more employers, or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who maintain the plan, as the case may be, is the plan administrator.

(4) *Person in control of assets.* In any case where a plan administrator may not be determined by application of paragraphs (a) and (b) (1), (2) and (3) of this section, the plan administrator is the person or persons actually responsible, whether or not under the terms of the plan, for the control, disposition, or management of the cash or property received by or contributed to the plan, irrespective of whether such control, disposition, or management is exercised directly by such person or persons or indirectly through an agent or trustee designated by such person or persons.

[FR Doc.75-24922 Filed 9-15-75;4:18 pm]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 250]

DRILLING AND DEVELOPMENT PROGRAMS

Proposed Procedures for State Consideration of OCS Oil and Gas Development Plans

Correction

In FR document 75-24459, appearing on page 42569 in the issue of Monday, September 15, 1975, the new portions of the proposed regulations were to be shown in a different type size. This document indicates the new portions as follows:

1. In paragraph (b) the new text begins with the sixth line reading "The development plan except for those * * *" and ends with the last line reading "* * * out further delay."

2. New paragraph (c) is added.

3. Former paragraph (c) was redesignated as paragraph (d).

4. Former paragraph (d) was redesignated as paragraph (e) and the last sentence added.

No deletions or changes other than the additions noted above are proposed.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 924]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Notice of Proposed Rule Making With Respect to Decreasing the Assessment Rate for the 1975–76 Fiscal Period

This notice invites written comment relative to the proposal of the Washington-Oregon Fresh Prune Marketing Committee to decrease its rate of assessment from $0.80 per ton of prunes to $0.70. This Committee locally administers Marketing Order 924, as amended.

Consideration is being given to the following proposal submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under the amended marketing agreement and Order No. 924 (7 CFR Part 924; 39 FR 33305; 34644) regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof. The Committee now estimates that the Oregon-Washington prune crop will be larger than was anticipated at the time of the Committee meeting on June 3, 1975. As a result, the current assessment rate, if continued throughout the entire season, would generate income in excess of expenses. In order to bring both in line, the Committee proposes lowering the assessment rate.

The proposal is that the provisions of paragraph (b) of § 924.215 (40 FR 37028) be amended to read as follows:

§ 924.215 Expenses, rate of assessment and carryover of unexpended assessment funds.

* * * * *

(b) *Rate of Assessment.* The rate of assessment for said period, payable by each handler in accordance with § 924.41 is hereby fixed at $0.70 per assessable ton of fresh prunes.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 25, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 15, 1975.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-24919 Filed 9-17-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 75-NW-21]

JET ROUTE

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route between Europe, Oreg., and Spokane, Wash., via The Dalles, Oreg.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before October 20, 1975, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to amend Part 75 by designating a jet route between Eugene VORTAC and Spokane VORTAC via The Dalles VORTAC. In order to reduce pilot/controller communications and to simplify flight planning, it is proposed to designate a jet route over this frequently used route.[1]

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

[1] Map filed as part of the original document.

Issued in Washington, D.C., on September 12, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-24783 Filed 9-17-75;8:45 am]

Office of the Secretary

[49 CFR Part 10]

[OST Docket No. 39; Notice No. 75-7]

MAINTENANCE OF AND ACCESS TO RECORDS PERTAINING TO INDIVIDUALS

Supplemental Notice of Proposed Rule Making

In the August 14, 1975, issue of the FEDERAL REGISTER (40 FR 34142), the Department of Transportation published a notice of proposed rule making (OST Docket No. 39; Notice No. 75–6) that would implement the Privacy Act of 1974 (Pub. L. 93–579) by setting forth rules and procedures for notification of the existence of records, obtaining copies of records and correction of records. This document supplements the notice by revising three sections of the proposed rules and adding an Appendix I that identifies the systems of records which the Department of Transportation proposes to exempt from certain provisions of the Privacy Act, in accordance with sections 3 (j)(2) and (k) of the Act (Pub. L. 93–579; 5 U.S.C. 552a (j)(2) and (k)). Appendices A through H, to be published with the final regulations, will:

(1) Describe the places and times at which records will be available for inspection and copying;

(2) Indicate the systems of records located at each facility;

(3) Identify the officials having authority to deny requests for disclosure of records; and

(4) Describe the procedures to be followed in requesting correction of a record.

1. Section 10.1 of the proposed regulations is amended by adding a paragraph (d), to read as follows:

§ 10.1 Applicability.

* * * * *

(d) Appendix I to this part identifies systems of records which are exempt from some of the requirements of this part, in accordance with Subpart G and 5 U.S.C. 552 (a), (j) and (k). Appendix I may be amended by the General Counsel upon the request of the Assistant Secretary for Administration in the case of a system of records maintained by the Office of the Secretary or the Administrator in the case of a system of records maintained by an operating administration.

2. Section 10.61 of the proposed regulations is amended by revising the introductory text of paragraph (b), to read as follows:

§ 10.61 General exemptions.

* * * * *

(b) The requirements (including general notice) of sections 553 (b) (1), (2) and (3), and (c) and (e) of title 5, United States Code, will be met by publication in Appendix I to this part, which must, at a minimum, specify:

* * * * *

3. Section 10.63 of the proposed regulations is amended by revising the introductory text of paragraph (b), to read as follows:

§ 10.63 Specific exemptions.

* * * * *

(b) The requirements (including general notice) of sections 553 (b) (1), (2) and (3), and (c) and (e) of title 5, United States Code, will be met by publication in Appendix I to this part, which must, at a minimum, specify:

* * * * *

The Department proposes to publish an Appendix I to the regulations, exempting the following systems of records from the specified provisions of the Privacy Act of 1974, in accordance with sections (j)(2) and (k)(2) and (6) of the Act:

APPENDIX I—EXEMPTIONS

I. *General exemptions.*

Those portions of the following systems of records that consist of (a) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (c) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision, are exempt from all parts of 5 U.S.C. 552(a) except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i):

A. The Investigations Record System maintained by the Investigations Division, Office of Investigations and Security, Office of the Secretary.

B. Police Warrant Files and Central Files maintained by the Police Branches, Washington National and Dulles International Airports, Federal Aviation Administration.

The purpose of these exemptions is to prevent the compromise or impairment of criminal investigations conducted by the Office of Investigations and Security and the Airport Police Branches.

II. *Specific exemptions.*

A. The following systems of records are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H) and (I) (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a:

1. Investigative Record System maintained by the Federal Aviation Administration at FAA Regional and Center Air Transportation Security Divisions; the Investigations and Security Division, Aeronautical Center; and Office of Investigations and Security, FAA Headquarters, Washington, D.C.

2. FHWA Investigations Case File System, maintained by the Office of Program Review and Investigations, Federal Highway Administration.

3. FHWA Motor Carrier Safety Proposed Civil and Criminal Enforcement Cases, maintained by the Bureau of Motor Carrier Safety, Federal Highway Administration.

The purpose of these exemptions is to protect investigatory materials compiled for law enforcement purposes. Disclosure of such material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions.

B. The following systems of records are exempt from subsections (c)(3) (Accounting of Certain Disclosures), and (d) (Access to Records) of 5 U.S.C. 552a:

1. Personnel Security Records System maintained by the Office of Investigations and Security, Office of the Secretary.

2. Alaska Railroad Security and Freight Claims Investigatory Files maintained by the Alaska Railroad, Federal Railroad Administration.

The purpose of these exemptions is to prevent the compromise or impairment of law enforcement investigations by alerting individuals that they are the subject of investigation, and to prevent the disclosure of the identity of sources of information promised confidentiality.

C. The system of records known as the Alaska Railroad Examination of Operating Personnel, maintained by the Alaska Railroad, Federal Railroad Administration, is exempt from the provisions of subsection (d) of 5 U.S.C. 552a. The release of these records would compromise their value as impartial measurement standards for appointment and promotion within the Federal Service.

Interested persons are invited to submit written data, views or comments. Communications should identify the docket number and be submitted to the Docket Clerk, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. Comments received on or before September 22, 1975, will be considered in preparation of the final rules. Copies of all written comments received will be available for examination by interested persons during regular business hours at the above address both before and after September 22, 1975.

This notice of proposed rule making is issued under the authority of the Privacy Act (Pub. L. 93–579, December 31, 1974; 5 U.S.C. 552a) and 5 U.S.C. 553.

Issued in Washington, D.C., on September 12, 1975.

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

[FR Doc.75-24862 Filed 9-15-75;2:59 pm]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

TELEMETRY AND REMOTE CONTROL OPERATIONS

Second Erratum

Correction

In FR Doc. 75–24008, appearing in the second column on page 42028 in the issue for Wednesday, September 10, 1975, the following correction should be made.

A third paragraph should appear immediately above the table. It should consist of the following two lines which were printed in error as part of FR Doc. 75–24007 at the top of the first column on page 42028:

V 40 I 182 SEP 18 75 XUM

"In Part I, § 3.106, the frequency table is corrected to read as follows:"

[47 CFR Part 73]

[Docket No. 19816, RM-1851, RM-1874]

EDUCATIONAL BROADCAST APPLICANTS

Ascertaining of Community Problems; Order Extending Time for Filing Comments

In the matter of ascertainment of community problems by educational broadcast applicants; amendment of Section IV (Statement of Program Service) of FCC Broadcast Application Forms 340 and 342 (Noncommercial Educational Broadcast Applications); and formulation of rules and policies relating to the renewal of educational broadcast licenses.

1. On July 30, 1975, the Commission adopted a further notice of inquiry and further notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on August 15, 1975, 40 FR 34382. The date for filing comments is presently September 15, 1975.

2. On September 3, 1975, Dow, Lohnes and Albertson, counsel for several parties, requested that the time for filing comments be extended to and including October 7, 1975. Counsel points out that the Commission's Further Notice was not released until August 14, 1975, thereby reducing the comment period by one-third. Counsel states that this delay had a particularly adverse impact because important staff members of many noncommercial educational stations were on vacation during the last two weeks of August, and were not available to provide information for further comments. Counsel adds that full participation will be impossible unless time is allowed for deliberate consideration of the Further Notice.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the date for filing comments is extended to and including October 7, 1975.

4. This action is taken pursuant to authority found in Sections 4(i) 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: September 8, 1975.

Released: September 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON, *Chief, Broadcast Bureau.*

[FR Doc.75-24852 Filed 9-17-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20553]

SPECIALTY STATIONS AND SPECIALTY FORMAT PROGRAMMING

New Definitions; Order

In the matter of amendment of Part 76, Subparts A and D of the Commission's rules and regulations relative to adding a new definition for "Specialty Stations" and "Specialty Format Programming" and amending the appropriate signal carriage rules [40 FR 31807].

1. Comments in the captioned proceeding are now due September 15, 1975, and reply comments are due September 30, 1975. Kaiser Broadcasting Company has requested an extension of the time for filing comments and replies to October 31 and November 17, 1975, respectively. The additional time is said to be necessary because of the numerous other rulemaking proceedings that are pending and require attention during approximately the same time period and because the vacations of those who are involved in this work have fallen during the time when the preparation of comments would otherwise be necessary.

2. Although it appears that good cause has been shown for a limited extension of time, it would not appear that an extension of the magnitude requested is warranted.

Accordingly, *it is ordered*, That the dates for filing comments and reply comments in the captioned proceeding are extended to September 29, 1975 and October 30, 1975, respectively.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's rules.

Adopted: September 8, 1975.

Released: September 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] DAVID D. KINLEY, *Chief, Cable Television Bureau.*

[FR Doc.75-24853 Filed 9-17-75;8:45 am]

[47 CFR Part 73]

[Docket No. 19982 RM-2297]

TELEVISION BROADCAST STATIONS

Table of Assignments, Arkansas; Correction

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Mountain View, Arkansas).

1. The further notice of proposed rule making and order to show cause (Mimeo No. 36950, released September 4, 1975), in the above captioned matter, should be corrected as follows:

On page 4, line 34 of paragraph 9, insert the date October 29.

Released: September 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-24854 Filed 9-17-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1307]

[Ex Parte No. MC-97]

INVESTIGATION INTO PRACTICES OF MOTOR COMMON CARRIERS OF PROPERTY ON RESIDENTIAL AND REDELIVERED SHIPMENTS

NOTICES OF PROPOSED RULEMAKING

SEPTEMBER 4, 1975.

● **Purpose: The purpose of this document is to institute a proceeding to investigate motor common carrier charges for residential and redelivered shipments.** ●

This rulemaking proceeding is instituted on our motion to consider the propriety and lawfulness of certain practices of many of the Nation's motor common carriers of property in assessing additional charges (a) on shipments from or to a residence, apartment, church or school, and other similarly specified types of premises, and (b) for the redelivery of such shipments, when no prior notice has been afforded receivers that an attempt would be made to deliver traffic, and to determine if new rules are necessary to govern such charges, if found lawful and proper.

This Commission has received numerous complaints from shippers and receivers of freight consigned to places such as private homes and apartment houses. Some of these have resulted in the institution of formal proceedings investigating specific situations. In addition, this Commission also has acted on its own motion, principally through our Suspension and Fourth Section Board, to investigate the lawfulness and reasonableness of certain rates and charges for such services and the conditions for their application as published in the governing tariffs.

Members of the average family lack familiarity with the rights and responsibilities of freight shippers and receivers and of freight carriers.

This investigation would provide us with a basis for assuring that the public's rights are fully protected and that our regulatory responsibilities are fulfilled.

Section 216(b) of the Interstate Commerce Act requires every motor common carrier of property to provide safe and adequate service, equipment, and facilities for the transportation of property in interstate or foreign commerce. It also requires such carriers to establish, observe, and enforce just and reasonable regulations and practices relating thereto. Each certificate of public convenience and necessity contains a condition that the holder shall render reasonably continuous and adequate service to the public. Section 217(b) of the statute directs that the provisions of the carriers' tariffs filed with this Commission be strictly observed and that no carrier shall charge, demand, collect, or receive a greater or less or different compensation for transportation service than the applicable charges specified in its tariffs.

The first question requiring consideration in the light of the foregoing statutory provisions is whether it is lawful and in the public interest to allow carriers to charge more, by whatever amount or means of computation, for pickup or delivery at certain described types of premises based solely upon their nature, without any apparent regard for the relative difficulty involved in serving such locations. Appendix A[1] sets forth representative tariff provisions which provide for assessment of such additional charges. If, for example, a private residence and a store are adjacent to each other, and neither has facilities designed specifically for freight handling, the propriety and lawfulness of charging for what is purported to be an extra service at the one but not the other would seem open to question. Similarly, it appears doubtful that a school with a receiving platform for truck delivery would be more difficult to serve than a similarly-equipped commercial plant across the street. Furthermore, commercial operations are more likely to be located in congested urban areas, while premises to which the involved charges apply would presumably be situated in less heavily traveled residential settings. Thus, at first impression, it is open to question whether extra charges for pickup or delivery at schools, homes, and other such premises are more costly to the carrier and, even if it were to be shown that on an average it is more costly to serve most of those shippers or receivers whose facilities fall within this specified class, consideration must be given to the fact that line-haul rate tariffs traditionally have and should include cost cost for one pickup and delivery. Resolution of the foregoing matters obviously requires consideration of a number of legal and policy questions and the availability for analysis of substantial factual material, especially cost data. This proceeding should serve as a vehicle whereby a record may be developed which is sufficient to resolve these questions.

The second major area of consideration in this proceeding is the justness and reasonableness of the assessment of separate additional charges for redelivery to the types of locations described above, when a subsequent attempt to deliver a shipment becomes necessary. It appears that such tariff provisions are in use generally because of the possibility that the consignee may be unavailable to accept delivery of a tendered shipment. Based on communications and complaints from affected members of the public, it does not appear to be common practice in the industry to afford receivers at private residences, etc., notice of arrival of shipments prior to the dispatching of a truck to the destination premises. Apparently, the reason carriers decline to provide this notification prior to delivery service is because it is usual practice, after the arrival at a destination terminal of an intercity (or line-haul) truck, to move ordinary shipments immediately to terminal delivery loading docks for transfer to local delivery vehicles. When notification to the receiver prior to delivery is required, shipments often are moved from points of unloading to specified "hold" areas. Only after notification, which may occur some time subsequent to the commencement of other delivery operations in instances where a line-haul trailer has arrived during night hours, are shipments moved from the holding area to the delivery area for loading into delivery vehicles. Additionally, in instances where large shipments are involved, such shipments frequently are left in linehaul trucks until notification and delivery arrangements have been made. While such re-handling of shipments and detention of vehicles may add to the carrier's costs, the assessment of additional charges (both because of the nature of the destination premises, and for redelivery, if necessary) could place an extreme cost burden on the party required to pay such amounts.

It seems in order, then, that an inquiry be made into whether redelivery charges are justified, particularly in the absence of prior notification to a receiver at a nonbusiness location. This inquiry should include specific consideration of the amount of traffic transported by each carrier maintaining such charges; the comparative cost of holding freight and giving notification prior to tender for delivery; the experience of carriers in completing residential and other related types of delivery at issue here in instances where no prior notice is given consignees; and a comparison of the cost of affording prenotification with the cost of redelivering shipments where no notice has been afforded. Consideration should likewise be afforded the question of whether, because of increasing computerization in the industry, it may be possible for carriers to provide prenotification while shipments to consignees such as here involved are still en route, thus eliminating the need to segregate and "hold" shipments pending notification of residential receivers of traffic. Finally, if it be determined that carriers should be required to notify certain types of consignees before tendering shipments for delivery, consideration should be given to appropriate rules to govern such a notification requirement.

It is, therefore, both desirable and necessary at this time to investigate the nature and scope of carrier rules and practices with respect to the assessment of pickup, delivery, notification, and redelivery charges in connection with motor common carrier services to private residences, apartments, churches, schools, and similarly categorized locations. Our investigation, among other things, shall include a determination of the propriety of adopting the proposed regulations set forth below, as well as whether this Commission should take such other and further action as the facts developed in this investigation may justify or require.

Oral hearing does not appear necessary at this time, and none is contemplated, unless a need therefor should later appear. Anyone wishing to present views and evidence, either in support of or in opposition to the action proposed in this notice, may do so by submitting written statements of fact, views and arguments on the subjects mentioned above or any other subjects pertaining to this proceeding. All motor common carriers of property operating in interstate or foreign commerce within the United States and subject to the Interstate Commerce Act will be made respondents to this proceeding and the Bureau of Enforcement of this Commission will be authorized and directed to participate in this proceeding.

Respondents, and parties interested in presenting views and evidence, or in otherwise participating in this proceeding shall be required by the order entered concurrently herewith to notify this Commission by filing with the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before September 26, 1975, the original and one copy of a declaration of intent to participate. (This Commission seeks to conserve time, to avoid unnecessary expense to the public, and to require the service of pleadings only upon those who intend to take an active part in the proceeding. Therefore, the declaration of intent to participate should include a statement of the extent of the desired participation. That statement should include an indication of: (1) whether the participant merely desires to receive copies of Commission releases in this proceeding, (2) whether that person wishes to receive and/or file initial and reply statements, (3) if as described in (2), whether the filing party will consolidate or is capable of consolidating his or her interest with that of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in this proceeding.) Upon receipt of the foregoing declarations of intent to participate, this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be served. At the time of service of this service list, a time will be fixed within which initial statements and replies must be filed.

This notice of proposed rulemaking is issued under the authority of sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559). An order will be entered concurrently herewith providing for statutory notification of the general public of the initiation of this proceeding by the mailing of a copy of this notice to the Governor of every State, to the Public Utilities Commissions or Boards of each State

[1] Appendix A filed as part of the original document.

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having jurisdiction over transportation and to various consumer groups, by depositing a copy of this notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th & Constitution Avenue, Washington, D.C., during regular business hours.

[SEAL] ROBERT L. OSWALD,
Secretary.

It is proposed to amend Part 1307, Freight Rate Tariffs, Schedules, and Classifications of motor carriers by adding paragraph (e) to § 1307.35 as follows:

§ 1307.35 Terminal and special services.

* * * * *

(e) Assessment of charges on shipments originating at or destined to private residences and other types of premises.

(1) Tariffs of for-hire motor common carriers shall not provide for the application of rates or the imposition of charges, by whatever means, for movements to or from, for example, private residences, apartments, churches, schools, camps, and other such locations, which differ from otherwise applicable rates from or to other locations such as businesses, warehouses, and other generally recognized commercial locations.

(2) Before attempting delivery to residential and other related types of premises such as those described in paragraph (e)(1) of this section, the carrier must reach agreement with the consignee or consignor regarding the date and time (approximate) of such delivery. This arrangement for delivery may be accomplished throught a notation by the consignor on the bill of lading, or by oral or written arrangement between the carrier and the consignee. In any case, some mutually agreed-upon arrangement for delivery must be made before tender of delivery is initially attempted.

(3) If the carrier complies with the regulation described in paragraph (e)(2) of this section, and, through the fault of the consignee, is unable to tender delivery as scheduled, a reasonable charge to cover the service described in paragraph (e)(2) of this section and additional costs of renotification, arrangement, and redelivery may be assessed. The requirements of paragraph (e)(2) of this section regarding prior arrangement for tender of delivery are similarly applicable when redelivery is necessary.

[FR Doc.75-24[illegible] Filed 9-17-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

[Docket No. MMPAH 1, 1975]

MARINE MAMMAL PROTECTION

Proposed Waiver of Moratorium on Importations; Notice of Final Agenda

Pursuant to 50 CFR 216.81, the presiding officer of the hearing on a proposed waiver of the moratorium and regulations to govern such waiver shall prepare a final agenda after a prehearing conference and such final agenda shall be published in the FEDERAL REGISTER. A prehearing conference was held on September 8, 1975, and the final agenda, as prepared by the presiding officer, is set forth below.

Issued at Washington, D.C., on September 16, 1975.

ROBERT W. SCHONING,
Director.

FOUKE CO.

APPLICATION TO WAIVE THE MORATORIUM ON THE IMPORTATION OF CAPE FUR SEAL SKINS

Final Agenda

Pursuant to the notice of the above proceeding published in the FEDERAL REGISTER July 7, 1975, 40 F.R. 28469–28472, as amended on the Order dated July 31, 1975, the Pre-Hearing Conference in the above matter was held September 8, 1975. Under authority of Section 103(d) of the Marine Mammal Protection Act and § 216.81 of the Rules and Regulations of the Marine Fisheries Service, National Oceanic and Atmospheric Administration, the following Final Agenda is issued.

(1) The following issues shall be addressed at the hearing:

a. The Estimated existing levels of the species and population stocks of the Cape fur seal.

b. The optimum sustainable population of the Cape fur seal.

c. The anticipated effect of the proposed waiver on the optimum sustainable population of the Cape fur seal.

d. A harvesting date to ensure seals are not pregnant, nursing, or less than 8 months of age at time of taking, or biological data and physical characteristics acceptable in lieu of said date.

e. The humaneness of the 1975 harvest including the standard for humaneness and supervision to insure humaneness.

f. The adequacy of the South African's government's management program to insure the harvesting is in accord with sound principles of resource protection and conversation as provided for by the purposes and policies of the Marine Mammal Protection Act.

g. The impact of the proposed waiver on the marine ecosystem and related environmental considerations, such as distribution, abundance, feeding habits, and migratory movements of the ecosystem.

h. Motion to Amend Sections 1, 3(a), and 4(b) of the Proposed Regulations and to Exclude From the Hearings Thereon Certain Testimony.

(2) Order of issue presentation shall follow the order of issues, above, except that insofar as practicable witnesses called shall be examined fully on all issues before being released. Further, accommodation in the order of presentation of witnesses will be made in order to avoid undue hardship or inconvenience to witnesses.

(3) Direct Testimony submitted bearing on issues is as follows:

a. Testimony of Raymond C. Hubley and Robert V. Miller.

b. Testimony of David Kasume, Elizabeth Landis, and Michael Davis in support of the Motion referred to in 1(h), above.

c. Testimony of David Maxwell Whiting.

d. Testimony of W. M. Wass.

e. Testimony of Leslie E. McDonald.

f. Testimony of Stephen Boynton.

g. Testimony of George Heinz.

h. Testimony of Milton M. Kaufman.

i. Testimony of Sue Pressman.

j. Testimony of Bernard Fensterwald.

k. Testimony of P. D. Shaughnessy and Christian Stefanus Bosman.

(4) Additional documentary evidence was submitted as follows:

a. Exhibits to the Notice of the proceeding.

1. Draft Environmental Impact Statement (EIS), Consideration of Waiver of the Moratorium on the Importation of Cape Fur Sealskins. (Presently in preparation and will be available to the public upon completion.)

2. P. B. Best and P. D. Shaughnessy (1975), Nursing in the Cape Fur Seal, (*Arctocephalus pusillus pusillus*).

3. Fouke Company (3/17/75); Application for a Waiver of the Moratorium for the Importation of Marine Mammal Products pursuant to the Provisions of the Marine Mammal Protection Act of 1972.

4. Dr. Peter B. Best, 7/24/74, statement at public hearing, Greenville, South Carolina.

5. Sea Birds and Seal Protection Act, 1973, Republic of South Africa, May 21, 1973.

6. Robert Rand, The Case for Controlled Killing of the Cape Fur Seal, African Wildlife, Volume 27.

7. R. W. Rand, 8/18/70, Division of Sea Fisheries Investigational Report, No. 89, The Cape Fur Seal, Estimates of Population Size.

8. Walter Kirkness, 9/17/73 to 10/3/73, Observations of Fur Seal Management and Research Programs and Harvesting Conditions in South Africa.

9. L. E. McDonald, D.V.M., August, 1974, Report of Visit to South and South West Africa Fur Seal Harvest Sites.

10. W. M. Wass, Report of Observations in South and South West Africa during August, 1974.

11. Letter from Marine Mammal Commission dated May 29, 1974.

12. Letter from Marine Mammal Commission dated July 25, 1974.

13. P. B. Best, 1/26/73, Estimates of Pup Population Size and Sealing Rate at Cape Cross, S.W.A.

14. Public Hearing Record, Application for Economic Hardship Exemption, Fouke Company, Greenville, S.C., July 24, 1973.

15. Statement of policy National Marine Fisheries Service, 40 F.R. 17845, 4/23/75, which establishes a criteria of obligatory nursing.

16. P. D. Shaughnessy and P. B. Best, The Pupping Season of the Cape Fur Seal, (*Arctocephalus pusillus pusillus*).

b. P. D. Shaughnessy and P. B. Best, 7/75, A Simple Projection Model for the South African Fur Seal, (*Arctocephalus pusillus pusillus*).

c. Draft Environmental Impact Statement of 1975 harvest, 8/75.

d. Friends of Animals, Inc., 8/20/74, letter requesting permission to show film of Pribilof Island seal harvest.

(5) Comments received from:

a. Ann Mitchell of Forest Hills, New York.

b. Mary Lane of Tacoma, Washington.

c. Carol Ellis of Massapaqua, New York.

d. Margaret L. Rana of Butler, New Jersey.

e. Lily Goldstein of Carmel, New York.

f. Thomas A. Clingan, Jr., Acting Asst. Sec., Department of State.

g. Columbia Zoological Park, Columbia, South Carolina.

h. A group of individuals from Madison, Wisconsin.

i. Geological Survey, Dept. of Interior, on DEIS.

j. Susan Bradley of Cheswick, Pennsylvania.

k. Mrs. Walter Halliday of Rockville Centre, New York.

(6) Submission of direct and rebuttal testimony for issues not included in the Notice of proceeding will be allowed at the hearing.

(7) Final date for submission of rebuttal testimony on issues a through f is close of business Wednesday, September 17, 1975. Final date for response to Motion to Amend is Friday, September 12, 1975.

(8) Parties and Nature of Respective Interests:

a. In Support of the Waiver:

The Fouke Co., Inc.

b. In Opposition to the Waiver:

Committee for Humane Legislation, Inc.
Friends of Animals, Inc.
Society for Animal Rights, Inc.
Monitor, Inc., including:
Endangered Species Productions
Chesapeake Chapter American Littoral Society
American Littoral Society
Animal Protection Institute
Defenders of Wildlife
Environmental Policy Center
Friends of the Earth
Fund for Animals
International Fund for Animal Welfare
International Fund for Animal Welfare—USA
National Parks and Conservation Association
Sierra Club
Society for Animal Protection Legislation
Wild Canid Survival & Research Center
Wilderness Society
Committee for the Preservation of the Tule Elk
The Humane Society of the U.S.
The Humane Society of the U.S.
Michael I. Davis
David Kasume
Elizabeth S. Landis

c. No formal Position taken:

Marine Mammal Commission
National Marine Fisheries Service—National Oceanic and Atmospheric Administration

d. In Support of the Motion to Amend:

Charles C. Diggs, Jr.
Yvonne B. Burke
Shirley Chisholm
Cardiss R. Collins
John J. Conyers, Jr.
Ronald V. Dellums
Walter E. Fauntroy
Harold E. Ford
Augustus Hawkins
Ralph H. Metcalfe
Parren J. Mitchell
Charles B. Rangel
Louis Stokes
Andrew Young
(all Members of the U.S. House of Representatives)
The American Committee of Africa
The Washington Office on Africa
The Episcopal Churchmen for South Africa
Theo-Ben Gurirab
Representative Plenipotentiary of South West Africa Peoples Organization to the United Nations and to the Americas
The Center for National Security Studies

(9) Witness List.

1. Appearing for NMFS:

Wallace M. Wass, D.V.M., Ph. D.
Leslie E. McDonald, D.V.M.
Raymond C. Hubley
R. V. Miller

Rebuttal:

Dr. George Y. Harry, Jr., Director, MM Division, NWFC
Mr. Keyes

2. Appearing for The Fouke Company:

George G. Heinz, President of The Fouke Co.
Stephen S. Boynton, Attorney for The Fouke Co.
Wallace M. Wass, D.V.M., Ph. D.
Leslie E. McDonald, D.V.M.
Dr. P. D. Shaughnessy, Senior Professional Officer, Sea Fisheries Branch, Dept. of Industries, Republic of South Africa
C. S. Bosman, Assistant Director, Sea Fisheries Branch, Dept. of Industries, Republic of South Africa

3. Appearing for Society for Animal Rights, Inc.:

David Whiting

4. Appearing for Monitor, Inc.:

Sue Pressman, Member of the Human Society
Col. Milton M. Kaufman, USAF (Ret.), President, Monitor, Inc.

5. Appearing for The Humane Society:

Sue Pressman

6. Appearing for the Marine Mammal Commission:

No direct testimony witnesses

7. Appearing for the Committee for Humane Legislation:

Alice Herrington, President of Friends of Animals, Inc., or in the alternative, Bernard Fensterwald, Jr.

8. Appearing for Friends of Animals, Inc.:

Alice Herrington, or in the alternative, Bernard Fensterwald

9. Diggs, et al.

Pursuant to Section 103(d) of the Marine Mammal Protection Act (16 U.S.C. 1373), a public hearing will be held on September 18, 1975, at 9:30 a.m. in the Penthouse Conference Room, Page Building No. 1, at 2001 Wisconsin Avenue, N.W., Washington, D.C., in response to the application of The Fouke Company, Greenville, South Carolina, that the Director of the National Marine Fisheries Service waive the moratorium on the taking of Cape fur seal skins (*Arctocephalus pusillus pusillus*). The hearing will consider a waiver of the moratorium on the importation of skins of Cape fur seals taken from each animal harvest by or conducted under the auspices of the Republic of South Africa commencing with the 1975 harvest and the proposed regulations governing said importation.

Issued at Washington, D.C., on September 16, 1975.

JAMES W. MAST,
Administrative Law Judge, Department of Housing and Urban Development, 451 7th Street SW., Room 7150, Washington, D.C. 20410.

[FR Doc.75-25059 Filed 9-17-75;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1975 Rev., Supp. No. 2]

AMERICAN SOUTHERN INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $210,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

American Southern Insurance Company
Atlanta, Georgia
Georgia

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: September 11, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-24866 Filed 9-17-75;8:45 am]

[Dept. Circ. 570, 1975 Rev., Supp. No. 1]

ALASKA PACIFIC ASSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $403,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Alaska Pacific Assurance Company
Anchorage, Alaska
Alaska

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: September 11, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-24867 Filed 9-17-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that closed meetings of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Wednesday, 8 October 1975—Pomponio Plaza, Rosslyn, Virginia
Thursday, 9 October 1975—Pomponio Plaza, Rosslyn, Virginia

The entire meetings commencing at 0900 hours are devoted to the discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized intelligence data requirements.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 15, 1975.

[FR Doc.75-24876 Filed 9-17-75;8:45 am]

PRIVACY ACT OF 1974

Notice of Systems of Records

Correction

In the document appearing in the issue of August 28, 1975 on page 39711 the file line was inadvertently omitted and should read as set forth below:

[FR Doc.75-22754 Filed 8-27-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Arizona State Multiple Use Advisory Board will meet on October 28 and 29, 1975, commencing at 10 a.m. at the U.S. Bureau of Land Management, Conference Room, 2400 Valley Bank Center, Phoenix, Arizona.

The agenda for the meeting includes background information on the purpose of the new State Multiple Use Advisory Board, energy related programs, proposed designation of primitive areas, environmental impact statements and environmental analysis reports pertaining to the national resource lands, status of Game Range management programs, Bureau planning system, grazing and watershed management programs, wildlife habitat management, and other subjects related to management of the national resource lands.

The meeting will be open to the public with seating provided for approximately 80 persons. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should so inform the Bureau of Land Management, Arizona State Office, prior to the meeting of the Board. Any interested person may also file a written statement with the Board for its consideration. Written statements may be submitted at the meeting or mailed to: Chairman, State Advisory Board, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Further information concerning the meeting may be obtained from Robert O. Buffington, State Director, Bureau of Land Management, at the above address. Telephone number: (602) 261-3873.

Minutes of the meeting will be available for public inspection thirty days after the meeting. Those interested should contact the State Director, Arizona State Office.

GLENDON E. COLLINS,
Acting State Director.

SEPTEMBER 10, 1975.

[FR Doc.75-24823 Filed 9-17-75;8:45 am]

UTAH STATE ADVISORY BOARD

Notice of Meeting

SEPTEMBER 12, 1975.

Notice is hereby given that the Utah State Multiple Use Advisory Board to the BLM will meet October 6-7, 1975 in St. George, Utah.

On a field review October 6, the board will consider cooperative relationships between BLM and State and local governments, mining activities, recreation opportunities, grazing management, the proposed Hot Desert Environmental Impact Statement, the Joshua Tree Natural area, desert tortoise, power line rights-of-way, restoration of burned areas and proposed energy developments. The public may participate in the tour, but will have to provide their own transportation. The tour will begin at 7:30 a.m. at the Four Seasons Motel, St. George.

A business meeting will be held October 7 at 8:00 a.m. in the Dixie College Student Union Building. The agenda will include election of officers, a report of BLM activities in Utah and discussions of the state advisory board's role. The board will divide into committees on resources, energy and public relations to consider such topics as the proposed Hot Desert EIS, off road vehicle use, potential conservation and recreation projects, involvement of the public in the decision making process, wild horse control and BLM advisory boards.

The sessions will be open to the public and time will be available for a limited number of brief statements by members of the public. Persons who wish to make an oral statement should notify prior to the meeting the BLM Utah State Director, P.O. Box 11505, Salt Lake City, Utah 84111. Any interested persons may file a written statement for the board's consideration.

Additional information concerning the meeting may be obtained from Paul L. Howard, BLM State Director, 8239 Federal Building, Salt Lake City, Utah 84138 (telephone (801) 524-5311).

WILLIAM G. LEAVELL,
Associate State Director.

[FR Doc.75-24824 Filed 9-17-75;8:45 am]

IDAHO FALLS DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Idaho Falls District Advisory Board will be held October 2, 1975, at 9 a.m. in the conference room of the Bureau of Land Management building, Idaho Falls District, 940 Lincoln Road, in the city of Idaho Falls, State of Idaho.

The Board was established to provide the Idaho Falls District of the Bureau of Land Management with advice and recommendations as to the proper management of the National Resource Lands to produce goods and services for the American people.

The purpose of the meeting is to organize the Advisory Board including election of officers, summarize District activities, establish and identify the District's five-year goals and to discuss district problems relating to the lands, grazing, recreation, wildlife, forestry and associated programs for the purpose of receiving Advisory Board recommendations.

The meeting is open to the public. It is expected that 5 persons will be able to attend the session in addition to the Committee members.

Interested persons may make oral presentations to the Board or file written statements. Such requests should be made to the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from O'dell A. Frandsen, District Manager, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, Phone (208) 522-7460. Minutes of this meeting will be available for public information and copying three weeks after the meeting at the Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho.

O'DELL A. FRANDSEN,
District Manager.

SEPTEMBER 10, 1975.

[FR Doc.75-24880 Filed 9-12-75;8:45 am]

VALE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Vale District, Bureau of Land Management Multiple Use Advisory Board will meet October 14, 15 and 16, 1975.

The meeting will begin at 7:30 p.m. October 14, 1975, in the Vale District office in the conference room, 365 "A" Street, Vale, Oregon, 97918, for a short briefing on the organization and responsibilities of the board, the Bureau of Land Management and orientation to the Vale District. The meeting will resume at 8 a.m. October 15, at the Vale District office for a two-day field examination of the Vale District, which will include both ground and air travel.

The meeting is open to the public, but they must provide their own transportation, meals, and lodging.

Further information concerning the meeting may be obtained from Grant Baugh, Vale District Public Affairs officer, 365 "A" Street, West, Vale, Oregon, (503) 473-3144.

G. R. GURR,
District Manager.

SEPTEMBER 8, 1975.

[FR Doc.75-24881 Filed 9-17-75;8:45 am]

[Wyoming 020826]

WYOMING

Application

SEPTEMBER 11, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Platte Pipe Line Company has applied to amend oil pipeline right-of-way grant W-020826 to replace and relocate a rectifier ground bed, in the following land:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 49 N., R. 97 W., sec. 24.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, WY 82401.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-24882 Filed 9-17-75;8:45 am]

Office of the Secretary

BES-PAK AND CO., INC.

Proposed Cancellation, Termination, and Debarment

Notice of Proposed Cancellation, Termination, and Debarment of Government Contracts of Bes-Pak and Company, Inc., P.O. Drawer 2190, Montgomery, Alabama 36103, under E.O. 11246, Equal Employment Opportunity.

Notice is hereby given that the Director of the Office for Equal Opportunity of the Department of the Interior, with approval of the appropriate officials of the Department of Labor, proposes to cause the cancellation and termination of existing Government contracts and subcontracts held by Bes-Pak and Company, Inc., and debarment of the company from future Government contracts and subcontracts pursuant to sections 209 (a)(5) and (a)(6) of Executive Order 11246, as amended, and implementing regulations, 41 CFR 60-1.26(b), and 41 CFR 60-2.2(c) (1) and (2). The Department is proposing these sanctions for noncompliance of Bes-Pak and Company with the nondiscrimination clause required in Government contracts by Executive Order 11246, and for noncompliance with regulations implementing Executive Order 11246, pursuant to 41 CFR 60-2 and 60-20, during that time when the company was a Government contractor within the meaning and definition of 41 CFR 60-1.3(m). The Department of the Interior alleges that Bes-Pak and Company did not and does not maintain an acceptable Affirmative Action Program as required by 41 CFR 60-2 and that deficiencies exist in the following areas:

(A) The plan does not contain a utilization analysis to meet the requirements of 41 CFR 60-2.11.

(B) The plan does not contain goals and timetables to meet the requirements of 41 CFR 60-2.12.

(C) The plan does not identify and analyze problem areas by organizational units according to 41 CFR 60-2.13 and 60-2.23.

(D) The plan contains no provision for disseminating equal employment opportunity policy externally to minority and women's organizations in the local recruiting area according to 41 CFR 60-2.21 (b) and 60—2.13.

(E) The application for employment contains items which appear to have a discriminatory effect on minorities and women according to 41 CFR 60-2.23.

(F) The affirmative action plan does not contain a sufficient commitment to maintain an applicant flow log to iden-

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tify problem areas according to 41 CFR 60–2.23.

(G) The maternity leave policy does not fully meet the requirements of the Sex Discrimination guidelines, 41 CFR 60–20.

(H) The affirmative action plan contains no remedy for an affected class of women as is required by 41 CFR 60–2.1.

(I) The affirmative action plan does not contain recruitment and applicant procedures which will assure equal opportunities in recruitment, selection, hiring, and promotion, according to 41 CFR 60–2.23 and 60–2.13.

(J) The affirmative action plan contains no analysis of training possibilities for minority employees and women and the relationship of training to underutilization or to the establishment of goals and timetables according to 41 CFR 60–2.23; 60–2.11 and 60–6.12.

Under both 41 CFR 60–1.26(b) and 41 CFR 60–2.2, the Company has 14 days to comply with the Executive Order and implementing regulations or submit an answer and request a hearing. Pursuant to 41 CFR 60–2.2(c)(1), and 60–1.26(b)(2)(v), if no answer including a hearing request has been filed within 14 days from such notice the Director will act to cause the Company to be declared ineligible for future contracts and subcontracts and to cause the cancellation, suspension, and termination of any current contracts and subcontracts. Such action will be effective until the company can establish it will carry out employment policies and practices in compliance with the equal opportunity clause, in proceedings set forth at 60–1.31.

WILLIAM W. LYONS,
Deputy Under Secretary of the Interior.

SEPTEMBER 10, 1975.

[FR Doc.75–24859 Filed 9–17–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 96]

WINTER WHEAT—NORTH DAKOTA

Closing Date Extension for Filing of Applications for 1975 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for winter wheat crop insurance in the North Dakota counties listed below is hereby extended until the close of business on September 30, 1975. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

NORTH DAKOTA

Adams	Golden Valley
Bowman	Slope

[SEAL] M. R. PETERSON,
Manager.

[FR Doc.75–24861 Filed 9–17–75;8:45 am]

Forest Service

ROCK CREEK ADVISORY COMMITTEE

Meeting

The Rock Creek Advisory Committee will meet at 7 p.m. on Tuesday, October 28. Meeting place will be in Drummond, Montana in the St. Michael's Catholic Church basement.

The purpose of this meeting is to present the evaluation of the management alternatives for the Upper Rock Creek Planning Unit.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public, or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

Dated: September 10, 1975.

ROBERT W. DAMON,
Forest Supervisor, Deerlodge National Forest.

[FR Doc.75–24879 Filed 9–17–75;8:45 am]

CONDOR ADVISORY COMMITTEE

Meeting

The Condor Advisory Committee will meet October 20, 1975, at 9:00 a.m. in the Casa Royale Motor Inn, 251 South Union Avenue, U.S. Hwy. 99, Bakersfield, California 93307.

The purpose of the meeting is to discuss the current management programs and problems confronting the California condor and its habitat.

This meeting is open to the public. Persons who wish to attend, should notify Mr. Robert D. Nelson, USDA, Forest Service, Fisheries and Wildlife Management Staff, 630 Sansome Street, San Francisco, California 94111, (415–556–4539). Written statements may be filed with the Committee before or after the meeting.

A public participation period is scheduled after the regular meeting.

Dated: September 12, 1975.

J. W. KOSKELLA,
Acting Regional Forester.

[FR Doc.75–24819 Filed 9–17–75;8:45 am]

Soil Conservation Service

LYONS CREEK WATERSHED PROJECT, KANSAS

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lyons Creek Watershed Project, Dickinson, Geary, Marion, and Morris Counties, Kansas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 17 floodwater retarding structures and one multipurpose structure. The multipurpose structure will provide storage for floodwater, municipal water, and recreation water; and will include basic recreation facilities.

The environment assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401.

The negative declaration is available for single copy requests.

No administrative action on implementation of the proposal will be taken until October 3, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 16, 1975.

SHELDON G. BOONE,
Acting Deputy Administrator for Resources, Soil Conservation Service.

[FR Doc.75–24954 Filed 9–17–75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

DETERMINATIONS UNDER TITLE III OF THE VOTING RIGHTS ACT AMENDMENT OF 1975

Language Minority Groups

In accordance with the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973, et seq., as amended by the Voting Rights Act Amendment of 1975, Public Law 94–73) the Bureau of the Census has determined that the political subdivisions shown in the following table have more than 5 percent of their citizen population of voting-age of the specified language minority group and meet the requirement for coverage under Title III of the Act Amendment for that minority. Determinations for additional subdivisions in these and other States will appear in later issues of the FEDERAL REGISTER.

Dated: September 12, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

STATES OR POLITICAL SUBDIVISIONS COVERED UNDER TITLE III OF THE VOTING RIGHTS ACT AMENDMENT OF 1975

State or political subdivision:	*Specified language minority*[1]
Hawaii (Statewide)	Chinese, Filipino.
Hawaii County	Filipino, Japanese.
Honolulu County	Chinese, Filipino.
Kauai County	Filipino, Japanese.
Maui County	Do.
Kansas:	
Finney County	Spanish.
Grant County	Do.
Wichita County	Do.
Maine: Perry Town (Washington County).	American Indian.
Montana:	
Blaine County	Do.
Glacier County	Do.
Hill County	Do.
Lake County	Do.
Roosevelt County	Do.
Rosebud County	Do.
Valley County	Do.
Nebraska:	
Scotts Bluff County	Spanish.
Thurston County	American Indian.
Nevada:	
Elko County	Spanish, American Indian.
White Pine County	Spanish.
New Mexico (Statewide).	Spanish, American Indian.
Bernalillo County	Spanish.
Catron County	Do.
Chaves County	Do.
Colfax County	Do.
Curry County	Do.
De Baca County	Do.
Dona Ana County	Do.
Eddy County	Do.
Grant County	Do.
Guadalupe County	Do.
Harding County	Do.
Hidalgo County	Do.
Lea County	Do.
Lincoln County	Do.
Los Alamos County	Do.
Luna County	Do.
McKinley County	American Indian, Spanish.
Mora County	Spanish.
Otero County	Do.
Quay County	Do.
Rio Arriba County	American Indian, Spanish.
Roosevelt County	Spanish.
Sandoval County	American Indian, Spanish.
San Juan County	Do.
San Miguel County	Spanish.
Santa Fe County	Do.
Sierra County	Do.
Socorro County	Do.
Taos County	American Indian, Spanish.
Torrance County	Spanish.
Union County	Do.
Valencia County	American Indian, Spanish.
North Dakota:	
Benson County	American Indian.
Dunn County	Do.
Mountrail County	Do.
Rolette County	Do.
Oklahoma:	
Adair County	Do.
Blaine County	Do.
Caddo County	Do.
Cherokee County	Do.
Choctaw County	Do.
Coal County	Do.
Delaware County	Do.
Hughes County	Do.
Latimer County	Do.
McCurtain County	Do.
McIntosh County	Do.
Mayes County	Do.
Okfuskee County	Do.
Osage County	Do.
Pushmataha County	Do.
Seminole County	Do.
Sequoyah County	Do.
Tillman County	Spanish.
South Dakota:	
Bennett County	American Indian.
Charles Mix County	Do.
Lyman County	Do.
Mellette County	Do.
Shannon County	Do.
Washabaugh County	Do.
Utah:	
Carbon County	Spanish.
San Juan County	American Indian.
Uintah County	Do.

[1] Generally jurisdictions in which more than 5 percent of the citizen population of voting age are members of a language minority and the illiteracy rate is greater than the national rate.

[FR Doc.75–24860 Filed 9–17–75;8:45 am]

CENSUS ADVISORY COMMITTEE ON AGRICULTURE STATISTICS

Notice of Public Meetings

The Census Advisory Committee on Agriculture Statistics will convene on October 23 and 24, 1975 at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, Bureau of the Census, Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from agricultural respondents; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other users of agricultural statistics.

The Committee is composed of 19 members appointed by the presidents of the non-profit organizations having representatives on the Committee, and two members from the U.S. Department of Agriculture.

The agenda for the October 23 meeting is: (1) Topics of current interests at the Bureau of the Census; (2) Economic census review, (a) current status of Weicker-Litton Bill, S–199, (b) plans for 1977 Economic Censuses, (c) plans for the next census of agriculture; (3) Report on 1974 Census of Agriculture data collection and processing; (4) Report on survey of respondent and nonrespondent attitudes; and (5) Discussion of (a) changes in farm definition and farm classifications, (b) new data needs, and (c) value concepts.

The agenda for the October 24 meeting is: (1) Report on Office of Management and Budget sponsored comprehensive review of agricultural statistics program, and (2) Discussion of Department of Agriculture proposal for a series of annual surveys.

The meetings will be open to the public, and a brief period will be set aside on October 24 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. J. Thomas Breen, Chief, Agriculture Division, Bureau of the Census, Room 3015, Federal Building 4, Suitland, Maryland. (Mail address: Washington, D.C. 20233)). Telephone 301–763–5230.

Dated: September 16, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75–25007 Filed 9–17–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N–0197]

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Notice of Request for Data and Information To Establish a Product Class Standard for Products Intended for Use in Antirubella Antibody Tests

The Commissioner of Food and Drugs, in accordance with the procedures set out in Part 328 (21 CFR Part 328), requests data and information to establish a product class standard for products intended for use in antirubella antibody tests. All submissions must be mailed on or before December 17, 1975.

The Commissioner, following consultation with the Diagnostic Products Advisory Committee, has concluded that a product class standard for in vitro diagnostic products utilized in antirubella antibody tests appears to be necessary to reduce or eliminate unreasonable risk or illness or injury associated with exposure to, or use of, such products, and he has concluded that there are no other more practicable means to protect the public from such risks. Currently, no such standard exists or is being developed for these particular products. Increased demands for the determination of both the immune status to rubella associated with vaccination programs and the problems associated with obstetrical patients who have contracted rubella make it imperative that uniformly reliable procedures be widely available.

Rubella is a highly contagious viral disease. Although it is generally consid-

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ered to be inconsequential in children, the high incidence of fetal defects associated with infection with rubella during the early stages of pregnancy constitutes a major health concern. Diagnosis of rubella infection is essential, therefore, whether or not there exists a rubella epidemic. In many cases, serological evidence is the only method for establishing diagnostic certainty.

On the basis of all the data and other relevant information available, and pursuant to the provisions of § 328.30(a) (21 CFR 328.30(a)), the Commissioner finds:

During the epidemic of 1964–1965, 5,000 therapeutic abortions and 2,000 excess neonatal deaths were related to rubella (Ref. 1). An estimated 30,000 babies whose mothers contracted the disease during pregnancy suffered from birth defects such as hearing loss, cataracts, heart disease, and psychiatric and behavioral sequelae including mental retardation, autism, and "sequencing problems," i.e., difficulty in placing letters, numbers, or pictures in proper sequence (Ref. 2). Only within the past 30 years has rubella been recognized in its more serious aspects as a virus capable of inducing major fetal damage when contracted by a woman in the early stages of pregnancy (Ref. 3). The technical advancements in rubella research during the early 1960's, which were prompted by the disastrous effects of the 1964 epidemic, spurred scientists to study the epidemiological patterns of rubella.

Scientists engaged in rubella research are well aware of the limitations of some of the available serologic procedures. Some of these procedures, although reliable and capable of providing useful information, are expensive, time-consuming, and complicated to perform. Other methods such as complement-fixation, which detects transient antibodies, cannot be used to determine adult immunity and are not appropriate for epidemiological studies (Ref. 4). In rubella, certain types of antibody titers remain low with the result that some procedures present difficulties in interpretation of test results. Since one of the most important factors in managing pregnancy in women exposed to rubella is the result of the antirubella antibody test, it is imperative that the diagnostic products be extremely accurate and reliable.

The importance of a definite laboratory diagnosis cannot be over-emphasized, as other agents have been shown to produce symptoms similar to those of rubella. From 8 to 71 percent, depending on age and location, of all pregnant women are without detectable antibodies, making them susceptible to rubella infection (Ref. 5, 6). Using serological tests, studies have shown that the attack rate among susceptible individuals, which is believed to be dependent upon the intensity and degree of exposure, ranges from 50 to 100 percent (Ref. 7, 8).

The two major approaches to rubella epidemic prevention, "herd immunity" and "select target group immunity", developed since the availability of vaccine, have encountered their share of problems. Herd immunity, entailing the vaccination of preschool and early school age children, thereby supposedly interrupting the epidemiological pattern and reducing the probability of susceptible women (the target group) being exposed to the disease during pregnancy, proved to be ineffective, as documented in an epidemic in Casper, Wyoming in 1971. Despite the fact that 52 percent of the preschool children and 83 percent of the elementary school children had been immunized, Casper still had an epidemic of rubella (Ref. 9). The concentration of the epidemic in unvaccinated adolescents indicated that the epidemic could not be blamed on failure of the vaccine.

Programs to immunize supposedly nonpregnant young women have presented some difficulties. The highest risk is that the woman is unaware of conception at the time of vaccination or does not prevent pregnancy subsequent to vaccination. Occasionally, cases arise where a young woman may accept vaccination rather than face the social or economic consequences of admitting her pregnancy. At this time, there is sufficient evidence to implicate attenuated rubella strains in fetal damage, and rubella vaccination in early pregnancy is considered probable cause for therapeutic abortion.

There is no feasible way to resolve all of these problems in a single step. It is obvious, however, that providing a higher degree of accuracy, reliability and consistency in antirubella antibody testing would minimize the problems in the detection of rubella.

REFERENCES

1. Rudolph, A. J., M. M. Desmond, "Clinical Manifestations of the Congenital Rubella Syndrome," *International Ophthalmological Clinics*, 12: Summer 1972.

2. *News from the Oklahoma State Department of Health*, "Rubella—A Return," Oklahoma State Medical Assoc., 66:June 1973, p. 252.

3. Fleet, W. F., Jr., E. W. Benz, Jr., D. T. Darzon, L. B. Lefkowitz, K. L. Hermann, "Fetal Consequences of Maternal Rubella Immunization," February 11, 1974, pp. 621–627.

4. Stewart, G. L., P. D. Parkman, H. E. Hopps, R. D. Douglas, J. P. Hamilton, H. M. Meyer, Jr., "Rubella-Virus Hemagglutination-Inhibition Test," *The New England Journal of Medicine*, 276(10): 554–557, March 9, 1967.

5. Schiff, G. M., J. L. Sever, "Rubella: Recent Laboratory and Clinical Advances," *Progress in Medical Virology*, 8:30–61, 1966.

6. Sever, J. L., A. Fabiyi, P. F. McCallin, P. T. Chu, W. Weiss, M. R. Gilkeson, "Rubella Antibody among Pregnant Women in Hawaii," *American Journal of Obstetrics and Gynecology*, 92(7):1006–1008, August 1, 1965.

7. Schiff, G.M., H. D. Smith, P. St. J. Dignan, J. L. Sever, "Rubella: Studies on the Natural Disease," *American Journal of Diseases of Children*, 110:366–369, October 1965.

8. Brody, J. A., J. L. Sever, R. McAlister, G. M. Schiff, R. Cutting, "Rubella Epidemic on St. Paul Island in the Pribilofs, 1963," *Journal of the American Medical Association*, 191:83–87, 1965.

9. Klock, L. E., G. S. Rachelefsky, "Failure of Rubella Herd Immunity during an Epidemic," *The New England Journal of Medicine*, 288(2):69–72, January 11, 1973.

There is no reason to suspect that a standard for in vitro diagnostic products for the detection, determination, or assay of antirubella antibody would have an unreasonable effect upon the utility, cost, or availability of these products. The Commissioner believes that a reasonable standard can be adopted with a minimal disruption of supply and of manufacturing and other commercial practices. Prior to publishing any proposed standard for such products, the Commissioner will give careful consideration to any relevant information received in response to this request regarding the need for a standard, the probable effect of a standard upon the utility, cost, or availability of the product, and the available means of achieving the objective of a standard with a minimal disruption of supply and of reasonable manufacturing and other commercial practices.

Therefore, the Commissioner proposes to develop a product class standard for in vitro diagnostic products for the detection of antirubella antibody. Products to be reviewed for the development of this product class standard include reagents or systems for the detection, determination, or assay of antirubella antibody in serum or blood, particularly reagents or systems for hemagglutination inhibition tests or complement-fixation tests; control serums for any antirubella antibody test; or any reagent or system intended to give a presumptive diagnosis of rubella or confirm an immunity to rubella.

To provide all interested persons an opportunity to comment on the need for such a standard, including factors to be considered by the Commissioner required by 21 CFR § 328.30(a), and to present pertinent data and information in reference to the development of a standard for these products, the Commissioner invites the submission of both published and unpublished data concerning the composition, performance, and labeling of these products. The format for such submission may be determined by the nature of the information to be submitted. Any product performance information submitted shall relate to the performance of that product as marketed or as intended for marketing. Information submitted by a manufacturer of a product that will be affected by the standard shall be in the format described below. Four indexed and bound copies shall be submitted (except that individuals may submit single copies).

1. Name of product class (Antirubella Antibody Detection), the date of the FEDERAL REGISTER statement, and the docket number found in the brackets in the heading of this FEDERAL REGISTER statement.

2. Proprietary name of product.

3. Name of person responsible for this submission.

4. Intended use or uses of the product.

5. A statement categorizing the procedure, e.g., qualitative or quantitative.

6. Copies of label and all other labeling under which product is currently marketed, or for a proposed product, the label and all other labeling under which marketing is intended.

7. Description of the product, as appropriate: For example, if the product is, or includes, a reagent, state the proprietary name and established name (common or usual name) if any, the chemical name, if applicable, and quantity, proportion, or concentration of each reactive, catalytic, or inactive ingredient. If the product is a biological material, list the source and a measure of its activity. Include a statement of any purification or treatment required for use. If the product is, or includes, an instrument or equipment, describe as appropriate its use or function, installation procedures (including service, maintenance or any special requirements), principle of operating instructions (including limitations, hazards, or precautions) and calibration procedures (including material and/or equipment to be used).

8. Stability information: Provide a description of, as well as the data derived from, studies conducted on the stability of the product. For any product that requires manipulation, e.g., reconstitution or mixing, stability data shall be described for the reconstituted or mixed product. Describe the means by which the information was developed. The data shall be for the product in the container in which it is marketed to assure, among other things, that the container is not reactive, additive, or absorptive to an extent that alters the product or its performance. Include any expiration period data that supports any expiration date that appears in the labeling of the product. Describe the storage conditions necessary for the product, such as temperature, light, and humidity.

9. Hazards to user: A statement of the principle hazards associated with the product. Include the result of tests conducted to determine the applicability of hazard warnings or cautions, including those established in the regulations contained in 16 CFR Part 1500.

10. History of methodology: A brief history of methodology, with pertinent references. All references to reports of adverse or unfavorable experience with the product or the procedure on which it is based shall be included. If the product procedure is the same as one that has been published, cite the reference, state the reason for and the nature of any modification and the effect such modification may have on the results of the procedure as compared to the original. Include data illustrating the comparison of the modified procedure to the procedure as published.

11. Principle of test: An explanation of the test procedure including the chemical, physical, physiological, or biological principle of the procedure with chemical reactions and techniques involved, if applicable.

12. Specimen collection and preparation: A description of the specimen to be subjected to analysis:

a. Special precautions regarding specimen collections, including special preparation of the patient as it bears on the validity of the test.

b. Additives, preservatives, etc., necessary to maintain the integrity of the specimen.

c. Known interfering substances and their effect on the procedure and results.

d. Appropriate storage, handling, or shipping instructions.

13. Procedure: A detailed step-by-step description of the test procedure from reception of the specimen to obtaining results, including any points that may be useful in improving precision and accuracy. Identify reference materials including those used as controls. Describe preparation of controls, reference materials, or use of blanks, etc.

14. Results: Explain the criteria for interpreting test results. If subjective observation is involved, provide adequate guidance in the form of photographs, controls, etc. for accurate interpretation. If quantitative data is obtained, explain procedures for calculating the value or titer. Include a step-by-step sample calculation explaining the answer. Values should be expressed to the appropriate number of significant figures. Provide the basis for evaluation of test results.

15. Limitation of the procedure: Include a statement of the limitations of the procedure and an explanation of extrinsic factors, if any, that may affect the results. Include statements regarding minimum training needed by the user, special precautions and interfering substances. If a more specific or more sensitive laboratory test is indicated in certain instances, the need for the additional test shall be explained and data submitted to support its value.

16. Support of claims: Include all available data, published or unpublished, which supports or is critical of the product or its procedure. Include data for both normal and abnormal subjects and a description of the population studies. State for each claim:

a. Labeling claim.

b. Background documentation: Provide a bibliography and reprints of all pertinent references.

c. Procedure used for collecting evidence for claims.

d. Description of statistical protocol.

e. Description of sampling procedure.

f. Summary of raw results in tabular form.

g. Analysis of results.

h. Statement of interpretation of results.

17. Summary of scientific basis of procedure: A summary of the data and views setting forth the scientific rationale and purpose of the product, and the scientific basis for the conclusion that the product has or has not been proven accurate and reliable for its intended uses. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary shall also be included.

18. If the submission is by a manufacturer, a statement signed by the person responsible for such submission that, to the best of his knowledge, it includes both unfavorable and favorable information known to be pertinent to an evaluation of the performance of the product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

Any such submission shall be mailed on or before (insert date 90 days after date of publication in the FEDERAL REGISTER) to Food and Drug Administration, Bureau of Medical Devices and Diagnostic Products, Division of Diagnostic Product Standards and Research (HFK–200), 5600 Fishers Lane, Rockville, MD 20852. The confidentiality of all information and data submitted in response to this request will be treated in accordance with the provisions of § 328.4 (21 CFR 328.4).

Copies of the nine references listed in this notice have been placed on file for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be seen in that office during working hours, Monday through Friday.

Dated: September 11, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-24814 Filed 9-17-75;8:45 am]

Health Services Administration

NATIONAL ADVISORY COUNCIL ON HEALTH MANPOWER SHORTAGE AREAS

Notice of Filing of Annual Reports

Notice is hereby given that pursuant to Section 13 of Public Law 92–463, the Annual Report for the following Health Services Administration committees have been filed with the Library of Congress:

National Advisory Council on Health Manpower Shortage Areas
Maternal and Child Health Research Grants Review Committee
National Migrant Health Advisory Committee

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, on weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 300 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245–6791.

Dated: September 5, 1975.

WILLIAM H. ASPDEN, Jr.,
Acting Associate Administrator for Management.

[FR Doc.75-24873 Filed 9-17-75;8:45 am]

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Health Resources Administration

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to assemble during the month of October 1975:

Name: Cooperative Health Statistics Advisory Committee.

Date and Time: October 16-17, 1975, 9:00 a.m.

Place: Atlanta Cabana Hotel, 870 Peachtree Street, N.E., Atlanta, Georgia 30365.

Open for entire session.

Purpose: The Committee is to represent the interests of the people of the United States in providing advice and guidance to the Secretary and the National Center for Health Statistics on policies and plans in developing a major new national network of integrated or coordinated subsystems of data collections; (6) Report on plans for the 1976 wide range of questions relating to general health problems of the population, health care resources, and the utilization of health care services.

Agenda: The Agenda will contain the following items: (1) Report on Data Needs relative to Health Planning; (2) Report on Data Needs of PSRO's; (3) Relationship of ASTHO Reporting System to the CHSS; (4) Report on Health Manpower Workshop; (5) Progress of the studies on Component Integration and Organizational Structure; Meeting Multiple Health Data Needs through Modification of National and State Statistical Programs; Cost-Sharing, Confidentiality, Definitions, and Communications; (6) Report on plans for the 1976 Public Health Conference on Records and Statistics. Future meeting dates and Agenda will be discussed.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members or other relevant information should contact Mr. James A. Smith, Parklawn Building, Room 8-21, 5600 Fishers Lane, Rockville, Maryland, Telephone (301) 443-1470.

Dated: September 3, 1975.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.75-24870 Filed 9-17-75;8:45 am]

NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

Notice of Filing of Annual Reports

Notice is hereby given that pursuant to Section 13 of Public Law 92-463, the Annual Report for the following Health Resources Administration committees has been filed with the Library of Congress:

Nursing Research and Education Advisory Committee
National Advisory Public Health Training Council

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 300 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-6791.

Dated: September 9, 1975.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.75-24875 Filed 9-17-75;8:45 am]

Office of Education

ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Notice of Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Financial Aid to Students will be held on November 6 and 7, 1975, from 9:00 a.m. to 4:30 p.m., in Room 3000 (Assistant Secretary Conference Room), Federal Office Building #6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The Advisory Council on Financial Aid to Students is established under Section 499(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1089). The Committee shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on the evaluation of the effectiveness of these programs.

The meeting of the Committee shall be open to the public. The proposed agenda includes:

1. Examination of State and Federal programs of support for Postsecondary Education.

2. Role of each major type of financial support in the national pattern of postsecondary student assistance.

3. Present changes in data requirements and family support in student aid.

4. Guaranteed Student Loan Program.

5. Present patterns of student immigration and special problems.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Council's Office located in Room 4525, Regional Office Building No. 3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C., on September 10, 1975.

WARREN T. TROUTMAN,
OE Delegate.

[FR Doc.75-24822 Filed 9-17-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-480-DR; NFD-294]

OHIO

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-265; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 11, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Ohio resulting from heavy rains and flash flooding beginning about August 24, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Ohio.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-265, I hereby appoint Mr. Robert E. Connor, HUD Region V, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Ohio to have been adversely affected by this declared major disaster:

The Counties of:

Belmont — Cuyahoga

In Jefferson County the Villages of:

Tiltonsville — Yorksville

Dated: September 11, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-24861 Filed 9-17-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-435]

INDIAN ACRES OF THORNBURG, VA.

Notice of Hearing

In the matter of Indian Acres of Thornburg, OILSR No. 0-0091-54-4 Doc. No. 75-135-IS. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) notice is hereby given that:

1. Indian Acres of Thornburg, Henry C. Barksdale, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq), received a Notice of Proceedings and Opportunity for Hearing issued August 13, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Indian Acres of Thornburg, located in Spotsylvania County, Virginia, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on September 24, 1975, 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 16, 1975.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated September 10, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-24839 Filed 9-17-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[Docket No. Pet. 75-5]

BUCKEYE PIPE LINE CO.

Grant of Waiver

On March 31, 1975, the Buckeye Pipe Line Company filed a petition for waiver from compliance with the requirements of 49 CFR 195.414(b). The waiver was requested for a 30-month period regarding 119 miles of bare, cathodically unprotected pipelines carrying crude oil or petroleum products between Lima and Toledo, Ohio, and between Wayne, Michigan and Cygnet and Toledo, Ohio.

Section 195.414(b) requires that bare pipelines be electrically inspected before April 1, 1975, to determine areas of active corrosion. That Section further requires the Company to provide cathodic protection where active corrosion is found.

The Buckeye Pipe Line Company is a wholly owned subsidiary of the Pennsylvania Company which is wholly owned by the Penn Central Transportation Company. In explaining its need for the waiver, Buckeye states that as a result of the Penn Central bankruptcy in 1970, its 5-year average expenditure for safety related projects fell from $5.8 million before the bankruptcy to $1.7 million thereafter. The bankruptcy made financing for capital improvement projects impossible to obtain, and consequently planned construction projects had to be curtailed.

Furthermore, management changes in the parent companies and at Buckeye following the bankruptcy slowed the process of timely compliance with the Federal pipeline safety regulations.

In further support of its request for waiver, the company states that its leak records show that the 119 miles of pipelines should be reconditioned or replaced. To accomplish this objective, the Company has under way a 30-month construction program to be completed in September 1977. The program provides for replacing the most hazardous segments and those in densely populated areas with priority. Under these conditions, the Company believes that compliance with the electrical inspection requirements of § 195.414(b) would be superfluous from a safety standpoint and unnecessarily costly.

As an interim safety measure, the Company has voluntarily reduced the operating pressures on the 119 miles of pipelines. Under 49 CFR Part 195, the operating pressure of a pipeline may be as high as 72 percent of the pipeline's specified minimum yield strength (SMYS). In comparison, the highest actual operating pressure in the 119 miles of pipelines is 36 percent of SMYS, which occurs in open or agricultural land. Approximately, 80 percent of the pipelines have operating pressures of less than 25 percent of SMYS. One-third of these are operating at 11 percent of SMYS, or less, including pipelines in residential areas which cross front or back yards. Additionally, to ensure that the reduced pressures on the 119 miles of pipelines are not exceeded, the Company is using existing or installing new pressure relief or control devices. All new devices are scheduled for installation in 1975.

As an added safety precaution, the Company also patrols the 119 miles of pipelines twice a week—more frequently than required by the Federal regulations.

The Materials Transportation Bureau (MTB) has reviewed the information submitted in connection with the petition. Based on that review and other relevant information, MTB finds that the requested waiver would be appropriate and consistent with pipeline safety because (1) the Company is making a good faith effort to rehabilitate its pipeline system beyond the levels of safety required by the Federal regulations; (2) during the rehabilitation program, the reduction in operating pressures coupled with additional pressure relief and control devices and frequent patrols should provide for the public safety; and (3) in consideration of the projected replacements, compliance with Section 195.414 (b) would serve no useful purpose.

Accordingly, effective April 1, 1975, the Buckeye Pipe Line Company is hereby granted a waiver from compliance with § 195.414(b) regarding the 119 miles of bare, cathodically unprotected pipelines identified hereinbefore and more specifically in its petition, subject, however, to the following condition:

Beginning October 1, 1975, and every six months thereafter, the Buckeye Pipe Line Company shall submit to the MTB a written report of the progress of its 30-month construction program as it relates to the 119 miles of pipelines subject to this waiver, including therein a description of every leak occurring on the pipelines, if any.

This Notice is issued under the authority of sections 831-835 of Title 18, United States Code, section 6(e)(4) of the Department of Transportation Act (49 USC 1655(e)(4)), and § 1.64 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.64).

Issued in Washington, D.C. on September 15, 1975.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.75-24871 Filed 9-17-75;8:45 am]

National Highway Traffic Safety Administration

AIR BRAKE SYSTEMS—STANDARD NO. 121

Meeting

This notice announces that the National Highway Traffic Safety Administration will hold a public meeting to permit interested persons to present information orally and in writing on field experience with trucks, buses, and trailers manufactured in conformity with Standard No. 121, *Air Brake Systems*.

Standard No. 121 (49 CFR 571.121) became effective on January 1, 1975, for air-braked trailers and March 1, 1975, for air-braked trucks and buses. The standard establishes performance requirements for the service brake, emergency brake, and parking brake systems of these vehicles. A major requirement is that trucks and buses be capable of stopping within a limited distance within a 12-foot-wide lane and without uncontrolled lockup of wheels above 10 mph. This and other requirements have generated major modifications of existing brake system designs, and the introduction of "antilock" systems on most production vehicles.

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The NHTSA has received reports that the new-introduced braking systems and antilock systems of some manufacturers, have not been operating properly, causing increased maintenance and the possibility of unsafe vehicle braking performance. Eight safety-related defects in the production systems have been reported to the NHTSA, and recall campaigns are underway at this time.

To fully consolidate and evaluate such data, the agency has established a public file at Department of Transportation headquarters that contains records of reliability problems reported by any source. This file is part of an extensive, continuing NHTSA program to monitor the effectiveness and the economic aspects of Standard No. 121. NHTSA engineering officials recently held meetings with representatives of several vehicle manufacturers (Ford, General Motors, International Harvester, Fruehauf, Mack Truck) and suppliers (Wagner Electric, Kelsey-Hayes, Rockwell International, Eaton, Berg, Goodrich) to determine the nature and extent of reliability problems reported directly from the field. These efforts indicate that the problems discovered to date result from specific design and quality control deficiencies, and are susceptible to engineering solutions.

The NHTSA cannot be certain, however, that it has through these means, accumulated all available data on reliability problems in the new systems that could cause unsafe operating conditions. One area where data may be incomplete is the susceptibility of electronic antilock components to malfunction because of radio transmission interference. Widespread reports in the press and elsewhere allege the existence of such problems to a much greater degree than the NHTSA has been able to verify from information furnished by vehicle manufacturers and operators.

To ensure that the data upon which the NHTSA relies are complete, the agency considers it imperative to collect all existing information on the operation of the new systems as soon as possible. For these reasons the NHTSA has determined that, as part of its effort to monitor the effects of Standard No. 121, a public meeting is desirable to discuss the field experience accumulated with the new vehicles. Such a meeting will permit the agency to determine whether unsubstantiated reports of accidents attributed to the new systems can be verified, and to update its assessment of associated maintenance and other operating costs.

Although these reasons are the primary purposes of the public meeting, other comments are invited with respect to the operation and the economic aspects of air-brake systems conforming to Standard 121 on the basis of either experience or analysis. The views of all interested parties, and in particular, component suppliers, vehicle manufacturers, and vehicle operators, are invited. Written data may be submitted to supplement an oral summary presented at the meeting, or may be submitted separately.

Interested persons are invited to attend the meeting. Persons who desire to make a formal presentation should contact Dr. Stephen Sacks, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (telephone 202–426–2153) before October 15, 1975, so that limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed, and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the Docket Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C., approximately 5 days after the meeting.

The meeting will be held at the Departmental Auditorium, Constitution Avenue, NW. (between 12th & 14th Streets, N.W.), Washington, D.C. The meeting will be in session from 9 a.m. until 5 p.m. on October 29, 1975, and, depending on the request for time, during the same hours on October 30, and 31, 1975.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on September 16, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75–25013 Filed 9–16–75;3:39 pm]

CIVIL AERONAUTICS BOARD

[Docket No. 25280; Agreement C.A.B. 25384 R–1 through R–3; Order 75–9–38]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority September 15, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below reflecting reductions from general cargo rates; and were adopted pursuant to unprotested notices to the carriers and promulgated in IATA letter dated August 28, 1975.

Agreement CAB	Specific commodity Item No.	Description and rate
25384:		
R–1	4459	Electronic control panels for railway tracks, 120 cents per kg., minimum weight 300 kgs. from New York to Warsaw.
R–2	9615	Pipes, Smoking, 154 cents per kg., minimum weight 500 kgs. from Tel Aviv to New York.
R–3	4123	Aircraft parts and accessories, 350 cents per kg., minimum weight 100 kgs. from Los Angeles to Christchurch.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, IT IS ORDERED THAT:

Agreement C.A.B. 25384, R–1 through R–3, is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–24915 Filed 9–17–75;8:45 am]

[Docket No. 25280; Agreement C.A.B. 25369; Order 75–9–35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority, September 12, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated August 20, 1975.

Specific Commodity Item No.	*Description and rate*
1421	Cut Flowers, foliage, including Mimosa, 190 cents per kg., minimum weight 100 kgs., 166 cents per kg., minimum weight 300 kgs., from Bucharest to New York.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, IT IS ORDERED THAT:

Agreement C.A.B. 25369 is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–24916 Filed 9–17–75;8:45 am]

COMMISSION ON CIVIL RIGHTS

ARKANSAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arkansas State Advisory Committee (SAC) to this Commission will convene at 8 p.m. and end at 10:30 p.m. on October 6, 1975, in the Camelot Inn (Board Room) Broadway and Markham Streets, Little Rock, Arkansas 72201.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is consideration of Delta follow-up proposal: planning and discussion.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 15, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.75–24868 Filed 9–17–75;8:45 am]

WEST VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the West Virginia State Advisory Committee (SAC) to this Commission will convene at 12 noon and end at 2 p.m. on October 10, 1975, at 2805 Kanawha Blvd. E. Charleston, W. Virginia (Cle'ments Restaurant).

Persons wishing to attend this meeting should contact the Committee Chairperson or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to discuss and make plans for next SAC activity.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 15, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.75–24869 Filed 9–17–75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS FROM BRAZIL

Import Levels

SEPTEMBER 15, 1975.

On October 23, 1970, the United States Government concluded a comprehensive bilateral cotton textile agreement with thet Government of the Federative Republic of Brazil concerning exports of cotton textiles and cotton textile products from the Federative Republic of Brazil to the United States over a five-year period beginning on October 1, 1970 and extending through September 30, 1975. The bilateral agreement was subsequently amended and extended through September 30, 1977. Among the provisions of the agreement, as amended and extended, are those establishing an aggregate limit for the 64 categories, group limits, and within the group limits, specific limits on Categories 1–4, 9, 18/19 and part of 26 (printcloth), 22/23, part of 26/27 (duck), part of 26/27 (other than printcloth and duck), part of 30/31, 50, 51, 55, and part of 64 for the agreement year beginning on October 1, 1975.

Accordingly, there is published below a letter of September 15, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1–4, 9, 18/19 and part of 26 (printcloth), 22/23, part of 26/27 (duck), part of 26/27 (other than printcloth and duck), part of 30/31, 50, 51, 55, and part of 64, produced or manufactured in the Federative Republic of Brazil, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1975, and for the twelve-month period extending through September 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–4, 9, 18/19 and part of 26 (printcloth), 22/23, part of 26/27 (duck), part of 26/27 (other than printcloth and duck), part of 30/31, 50, 51, 55, and part of 64, produced or manufactured in the Federative Republic of Brazil, in excess of the following levels of restraint:

Category	*12-Month levels of restraint*
1–4 ---------- pounds	8,323,578
9 ---------- sq. yds.	15,315,379
18/19 and part of 26 (printcloth) [1] ---------- do	13,400,956
22/23 ---------- do	5,743,267
Part of 26/27 (duck) [2] ---------- do	3,190,703
Part of 26/27 (other than printcloth and duck) [1] [2] ---------- do	8,295,890
Part of 30/31 [3] ---------- pieces	7,334,950
50 ---------- dozen	50,199
51 ---------- do	43,028
55 ---------- do	17,517
Part of 64 (only T.S.U.S.A. No. 366.6500) ---------- pounds	277,453

[1] In Category 26, the T.S.U.S.A. numbers for printcloth are:

320---34 322---34 327---34
321---34 326---34 328---34

[2] The T.S.U.S.A. Nos. for duck are:

320---01 through 04, 06, 08
321---01 through 04, 06, 08
322---01 through 04, 06, 08
326---01 through 04, 06, 08
327---01 through 04, 06, 08
328---01 through 04, 06, 08

[3] All of Categories 30 and 31 except T.S.U.S.A. No. 366.2740.

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In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Federative Republic of Brazil which have been exported to the United States from the Federative Republic of Brazil prior to October 1, 1975, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1974 through September 30, 1975. In the event that the above levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that within the aggregate limit and group limits, the limitations on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from the Federative Republic of Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-24818 Filed 9-17-75;8:45 am]

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Subclassifications

On April 7, 1975, there was published in the FEDERAL REGISTER (40 FR 15436) a letter of April 3, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, which amended the subcategory classifications which are required to be shown on visas for man-made fiber textile products in Category 224, produced or manufactured in the Republic of Korea and exported to the United States. The purpose of this notice is to announce that under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, the subclassifications shown on visas for man-made fiber textile products in Category 224 should be the following:

(1) Category 224—Suits (T.S.U.S.A. Nos. 380.8143 and 380.0420).

(2) Category 242—Coats (T.S.U.S.A. Nos. 380.0402 and 380.8103).

(3) Category 224—Other (all remaining T.S.U.S.A. numbers in Category 224).

Trousers in T.S.U.S.A. Numbers 380.0428 and 380.8165 will once again be visaed as Category 222, rather than "Category 224—Other."

In addition, the reporting unit indicated on visas for Category 224—Suits (T.S.U.S.A. Nos. 380.8143 and 380.0420), Category 224—Coats (T.S.U.S.A. Nos. 380.0402 and 380.8103), and T.S.U.S.A. Numbers 380.0428 and 380.8165 in Category 222 will be dozens.

Accordingly, there is published below a letter of July 8, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs cancelling the letter of April 3, 1975 and directing that the foregoing subclassifications and reporting units shown on visas for man-made fiber textile products in Categories 222 and 224 shall be effective on September 10, 1975 for shipments exported from the Republic of Korea after June 26, 1975. Shipments exported from the Republic of Korea before September 10, 1975, will not be denied entry until October 10, 1975, provided the subclassifications shown on the visas are those designated in the letter of April 3, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This letter cancels and supersedes the directive issued to you on April 3, 1975 by the Chairman of the Committee for the Implementation of Textile Agreements which directed you to amend the subcategory classifications required on visas for man-made fiber textile products in Category 224, produced or manufactured in the Republic of Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to require that, effective on September 10, 1975, visas accompanying man-made fiber textile products in Category 224, exported from the Republic of Korea after June 26, 1975 should specify one of the subcategory classifications indicated below. Shipments of man-made fiber textile products in Category 224 and T.S.U.S.A. Numbers 380.0428 and 380.8165 in Category 222 which have been exported from the Republic of Korea before September 10, 1975 will not be denied entry until October 10, 1975, provided the subclassifications shown on the visas are those specified in the directive of April 3, 1975.

(1) Category 224—Suits (T.S.U.S.A. Nos. 380.0420 and 380.8143).

(2) Category 224—Coats (T.S.U.S.A. Nos. 380.0402 and 380.8103).

(3) Category 224—Other (all remaining T.S.U.S.A. numbers in Category 224).

Further, in conjunction with the new subclassifications, the reporting unit shown on visas for Category 224—Suits (T.S.U.S.A. Nos. 380.0420 and 380.8143), Category 224—Coats (T.S.U.S.A. Nos. 380.0402 and 380.8103) and T.S.U.S.A. Numbers 380.0428 and 380.8165 in Category 222 should be dozens. The reporting unit for Category 224—Other (all remaining T.S.U.S.A. numbers in Category 224) will remain pounds.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-24820 Filed 9-17-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 431-8]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of July 16, 1975 to July 31, 1975.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, a summary of the nature of EPA's comments, the number and title of the statement, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: September 4, 1975.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between July 16 and 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-J65017-WY	Land use for Big Piney unit, Bridger-Teton National Forest, Wyo.	ER-2	I
D-AFS-J65018-CO	Timber management plan, San Juan National Forest, Colo.	LO-2	I
D-AFS-L61033-ID	Proposed land use plan for Cascade planning unit, Idaho.	LO-1	K
D-AFS-L61035-ID	Proposed land use plan, Pioneer Mountains planning unit, Custer, Blaine, and Counties, Idaho.	LO-1	K
D-AFS-L65011-AK	Proposed Freshwater Bay timber sale, Tongass National Forest, Alaska.	LO-1	K
D-REA-L68017-AK	Teeland to Reed, 230 kV transmission line, Anchorage, Alaska.	LO-2	K
D-SCS-C36014-PR	Anasco River watershed, P.R.	ER-2	C
D-SCS-F36024-MI	East Upper Maple River watershed, Shiawassee, Clinton, and Gratiot Counties, Mich.	LO-2	F
Corps of Engineers:			
D-COE-I134007-MO	Operation and maintenance Pomme de Terre Lake, Hickory and Polk Counties, Mo.	3	H
DS-COE-A34114-TX	Aquilla Lake, Aquilla Creek, Hill County, Tex.	ER-2	G
DS-COE-A34042-OR	Dredging of Oregon Slough, North Portland Harbor, Oreg.	LO-1	K
D-COE-E34001-KY	Wolf Creek Dam, Lake Cumberland, operation and maintenance, Kentucky.	LO-1	E
D-COE-E34007-SC	Georgetown Harbor maintenance dredging, Georgetown County, S.C.	LO-1	E
D-COE-E35008-SC	Wando and Cooper Rivers, permit application, Charleston County, S.C.	ER-2	E
D-COE-E35009-FL	West Coast inland Waterway, Caloosahatchee to Anclote rivers, maintenance dredging, Florida.	ER-2	E
D-COE-G34007-LA	Operation and maintenance work on 3 navigation projects in vicinity, Louisiana.	ER-2	F
D-COE-G34008-LA	Gulf Intracoastal Waterway, Louisiana section replacement of Vermilion lock, Vermilion Parish, La.	ER-2	G
D-COE-H34008-IA	Operation and maintenance, Coralville Lake, Johnson, Iowa, and Linn Counties, Iowa.	EU-2	H
D-COE-K25001-CA	West Contra Costa sanitary landfill project, regulatory permit, Contra Costa County, Calif.	ER-2	J
D-COE-K25002-CA	Palo Alto refuse disposal, Palo Alto, Calif.	LO-2	J
D-COE-K29010-GU	Asmna River flood control, Territory of Guam.	LO-2	J
D-COE-L36025-WA	Channel improvements for navigation Blair and Sitcum Waterways, Tacoma Harbor, Wash.	LO-1	K
General Services Administration:			
D-GSA-F51001-IL	Federal Office Building, Carbondale, Ill.	LO-2	F
D-GSA-K60003-CA	Disposal of Camp Ellicott, San Diego County, Calif.	3	J
D-HUD-C36017-NJ	Nauraushaun Brook improvement project, Rockland County, N.Y.	3	C
D-HUD-D89011-PA	Washington Square West urban renewal area, Philadelphia, Pa.	ER-2	D
D-HUD-D89012-PA	Grays Ferry urban renewal area, Philadelphia, Pa.	LO-2	D
D-HUD-D85002-DE	Wilton development, New Castle County, Del.	ER-2	D
D-HUD-E89001-TN	Cromwell Rd. low-rent housing, Chattanooga, Hamilton County, Tenn.	LO-1	E
D-HUD-F85002-IL	Wildwood subdivision, mortgage insurance, Decatur, Macon County, Ill.	LO-2	F
D-HUD-G85003-TX	The Woods, 1,800 acre development, Dallas County, Tex.	LO-2	G
D-HUD-K2800k-CA	Los Angeles Dam and Reservoir, Van Norman Dam replacement, San Fernando Valley, Calif.	ER-2	J
Department of the Interior:			
D-IBR-J34000-WY	Lyman project, Wyo.	ER-2	I
National Science Foundation:			
D-NSF-A340022-00	International phase of ocean drilling (IOPD), of the deep sea drilling project (DSDP).	ER-2	A
Department of Transportation:			
D-CGD-I81002-MA	Proposed Coast Guard station, Barnstable County, Provincetown, Mass.	LO-2	B
D-CGD-F50001-WI	Highway bridge across Wolf River, Fremont, Waupaca County, Wis.	ER-2	F

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APPENDIX I.—*Draft environmental impact statements for which comments were issued between July 16 and 31, 1975*—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-C40016-NJ	I-676 from Atlantic Ave. to vicinity of Morgan Blvd., Camden County, New Jersey.	ER-2	C
D-FHW-D40018-PA	LR 1036 and LR 1013, Tioga County, Pa.	LO-2	D
D-FHW-E40038-KY	Highway improvement, Pulaski and Rockcastle Counties, I-461, from KY-80 to I-75, Kentucky.	LO-2	E
D-FHW-E40039-KY	Pike County, Appalachian corridor G, Kentucky	LO-2	E
D-FHW-H40027-NB	NB-28, Scottsbluff County, Nebr.	EU-2	H
D-FHW-J40010-UT	I-70 through the Sevier Valley, Utah	ER-2	I
D-FHW-K40021-NV	I-80, city of Lovelock bypass, Pershing County, Nev.	LO-2	J
D-FHW-L40024-WA	WA-500, I-5 to WA-505, Clark County, Wash.	LO-1	K

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of cetrain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between July 16 and 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-K65001-CA	Lassen National Forest timber management plan, Lassen County, Calif.	EPA expressed environmental reservations on the proposed action. EPA urged the forest service to treat all waters potentially capable of supporting fish as well as all known fish bearing streams as "streamside protection areas" requiring drift monitoring of pesticide application, buffer strips and a water monitoring program. EPA urged the forest service to consider developing separate environmental statements or providing equivalent public circulation of environmental analysis reports before making future significant timber sales in the 550,000 acres included in the standard component of the Lassen National Forest.	
F-AFS-K65005-CA	Modoc National Forest timber management plan, California.	EPA generally has no objections to the proposed project, however, since the water quality impact of the project remains uncertain, EPA recommends that a water quality monitoring system be established to insure that standards are not exceeded.	

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
F-COE-A36420 00	Tombigbee River and tributaries, Luxapalila Creek segment, Lowndes County, Miss. and Lamar County, Ala.	EPA expressed environmental reservations concerning maintaining water quality parameters consistent with the assigned water use classifications throughout the length of the waterway.	E
F-COE-D35002-PA	Diked disposal site No. 2, Erie County, Pa.	EPA generally had no objections to the proposed project.	D
Department of Housing and Urban Development:			
F-HUD-E85005-FL	Tampa neighborhood development programs, areas 1 and 2, Tampa, Fla.	EPA generally had no objections to the project as proposed. However, EPA suggests that a supplement to the final EIS be prepared.	E
F-HUD-K89002-CA	City of San Jose, community development block grants, San Jose, Calif.	EPA generally had no objections to the project as proposed.	J
F-HUD-K89005-NV	Community development block grant, city of Las Vegas, Las Vegas Heights, Nev.	EPA generally had no objections to the proposed project.	J
Department of the Interior:			
FS-IBR-A39119 CA	Tehama-Colusa Canal, central valley project, Calif.	EPA generally had no objections to the proposed project. However, EPA recommends that the USBR consider informing the public as to how water quality impacts will be resolved prior to executing the remaining water supply contracts.	J
F-IBR-A39086-CA	Enlarged Cross Valley Canal, Central Valley project, California.	EPA expressed environmental reservations on the proposed project. EPA believes the importation of 128,000 acre-feet of additional water into the San Joaquin Valley Port ends additional salt loading and long-term salt balance problems. EPA also believes that the Federal Water Pollution Control Act of 1972 requires a commitment on the part of the Bureau of Reclamation and the local water purveyors to mitigate the long-term cumulative environmental effects of the use of federal waters in the Central Valley.	J
F-NPS-K61000-HI	Hawaii Volcanoes National Park, wilderness proposal, Hawaii.	EPA had no objections to the project as proposed.	J
Department of Transportation:			
FS-FAA-A51283-AZ	Phoenix Sky Harbor International Airport, Ariz.	EPA expressed environmental reservations on the proposed project. EPA believes that there are potentially serious deficiencies in the prediction methodology which was used and that these may undermine the basic conclusion of the analysis. EPA is concerned that as a result of the proposed program, the concentration of automobiles and their emissions may result in chronically high levels of carbon monoxide in the airport vicinity. A potential health risk to airport employees and travelers is associated with the high carbon monoxide levels.	J
F-FAA-A51337-NY	Syracuse-Hancock International Airport, Syracuse, N.Y.	EPA had no objections to the project as proposed.	C
F-FAA-A51827-WV	Summers County Airport, W. Va.	EPA generally had no objections to the project as proposed.	D
F-FHW-A41899-NY	Poughkeepsie East-West Arterial, NY-549, Dutchess County, N.Y.	EPA had no objections to the project as proposed.	C
F-FHW-F40012-OH	U.S. 30, Canton, Stark County, Ohio.	EPA had no objection to the project as proposed. However, EPA's request for information on storm water discharge in the final EIS was not fully complied with. Furthermore, EPA believed the implementation of a noise barrier along the eastern portion of highway to minimize the adverse impacts from traffic related noise should be included as part of the project. The final EIS indicated the noise barrier would be ineffective because of numerous ingress and egress points. Based on other information in the EIS, EPA believed the number of breaks would be minimal because the highway will be a limited access expressway.	F

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APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between July 16 and 31, 1975*

Identifying No.	Title	Source of review
Department of Agriculture:		
F-AFS-A61259-OR	Huckleberry planning unit, Mount Hood National Forest, Clackamas County, Oreg.	K
F-AFS-J65009-CO	Timber management plan for Arapaho National Forest, Colo.	I
F-AFS-J65013-CO	Timber management plan, Grand Mesa-Uncompahgre National Forest, Colo.	I
F-AFS-L61018-ID	Land use plan South Fork Payette River planning unit, Boise National Forest, Idaho.	K
FS-AFS-L65013-WA	Zone vegetation management, selective herbicides, Colville, Okanogan, and Wenatchee National Forest, Wash.	K
F-SCS-A36337-TX	Red Deer Creek watershed, Gray, Roberts, and Hemphill Counties, Tex.	G
F-SCS-A36419-SC	Rabon Creek watershed project, Greenville and Laurens Counties, S.C.	E
F-SCS-E36003-TN	Bogota watershed and flood protection, Dyer and Obion Counties, Tenn.	E
F-SCS-E36015-AL	Upper Brushy Creek watershed, Escambia County, watershed protection, Alabama.	E
F-SCS-G36007-LA	East Franklin watershed, Franklin Parish, La.	G
Corps of Engineers:		
F-COE-A32481-FL	Canaveral Harbor maintenance dredging, Port Canaveral, Brevard County, Fla.	E
General Services Administration:		
F-GSA-G81002-TX	Border Patrol Sector Headquarters, Marpa, Presidio County, Tex.	G
Department of the Interior:		
FS-BOR-G32003-OK	Mountain park project, Kiowa County, Okla.	F
F-DOI-A66038-VT	White River National Fish Hatchery, Windsor County, Vt.	B
Nuclear Regulatory Commission:		
F-NRC-A06148-WA	Skagit nuclear power project, units 1 and 2, Puget Sound Power & Light Co., Skagit County, Wash.	A
Department of Transportation:		
F-COD-G32014-00	Gulf Loran-C project, Florida, Louisiana, and Texas.	G
F-FAA-A31849-ID	Southern Idaho Regional Airport, Jerome County, Idaho.	K
NF-FHW-A41055-NC	Wake County, U.S. 1, North Carolina.	E
NF-FHW-A42222-AL	Colbert-Lawrence Counties, County line to Red Bank, negative declaration, Alabama.	E
F-FHW-E40011-TN	TN-95, Loudon and Blound Counties, Tenn.	E
F-FHW-E40029-GA	Overpass of I-85, Blythe Island, Glyun County, Ga.	E
F-FHW-G40021-NM	NM-283, San Miguel County, N. Mex.	G
F-FHW-G40022-TX	Metropolitan Highway TX-47, Fielder Rd., Abram St. division, Tarrant County, Tex.	G
F-FHW-H40006-IA	U.S. 63, Wapello County, Iowa.	H
F-FHW-I140016-IA	I-380, Linn, Benton, Buchanan, and Black Hawk Counties, Cedar Rapids to Waterloo, Iowa.	H
F-FHW-K40005-NV	Relocation and construction of U.S. 6, Ely, Nev.	J

APPENDIX VI.—*Regulations, legislation, and other Federal agency actions for which comments were issued between July 16 and 31, 1975*

Identifying No.	Title	General nature of comments	Source for copies of comments
Nuclear Regulatory Commission:			
R-NRC-A30013-00	10 CFR Pt. 20, Standards for Protection Against Radiation, Personnel Monitoring Reports.	EPA had no objections to the proposal to extend annual reporting requirements to all categories of specific licensees. However, it was recommended that steps be taken to institute equivalent requirements for licensees of agreement States. In addition, it was recommended that the NRC also impose "termination of employment" reporting requirements on all categories of specific licensees.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.75-24669 Filed 9-17-75;8:45 am]

DELAWARE RIVER BASIN COMMISSION

PROJECT APPROVAL APPLICATIONS

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, September 24, 1975, commencing at 2 p.m. The hearing will be held in Room 1600 of the Municipal Services Bldg., 15th and Kennedy Blvd., Philadelphia. The subjects of the hearing will be as follows:

A. Applications for approval of the projects listed below. The Commission will consider these applications as proposed amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Pemberton Township Municipal Utilities Authority (D–74–96 CP).* A regional sewage treatment plant located in Pemberton Township, Burlington County, N.J., and principally serving that municipality would provide 90 percent removal of BOD, and suspended solids from a sewage flow of 2.5 million gallons per day. Treated effluent would discharge to the North Branch Rancocas Creek.

2. *City of Wilmington Department of Public Works (D–69–37 CP–3.8).* Commencement of Phase III of the expansion and upgrading of the sewage treatment plant of Wilmington, New Castle County, Del., entailing the development of polishing ponds to reduce the BOD, level in the plant's effluent from 30 to 12 milligrams per liter. The ponds' effluent of 90 million gallons per day discharged to the Delaware River must meet DRBC's organic waste allocation of 13,400 pounds per day of carbonaceous oxygen demand.

3. *Borough of Doylestown (D–75–77 CP).* Expansion of a sewage treatment plant which serves the Borough of Doylestown, Bucks County, Pa. The treatment facility will provide removal of 85 percent of BOD, from a sewage flow of 700,000 gallons per day. Treated effluent will discharge to Country Club Run, a tributary of Neshaminy Creek.

4. *Hatboro Borough Authority (D–75–67 CP).* A well water supply project to augment public water supplies in Hatboro Borough, Montgomery County, Pa. Designated as Well No. 18, the new facility is expected to yield 300,000 gallons per day.

5. *Dover Air Force Base (D–75–119 CP).* A well water supply project to provide water supply for a new housing development on the Dover Air Force Base in Kent County, Del. The new facility is expected to yield 432,000 gallons per day.

6. *Camden County Municipal Utilities Authority (D–75–6 CP).* A bank and landfill project in Gloucester City, Camden County, N.J. The bank will extend about 700 feet along the Delaware River. Approximately 135,000 cubic yards of sand, gravel, stone, concrete and other materials will be used to construct the bank and form backfill. Reclaimed land will be used for general cargo storage.

7. *Arrowhead Realty, Inc. (D–75–123).* Expansion of a sewage treatment plant to meet increased waste treatment needs at Shawnee Inn and Village in Smithfield Township, Monroe County, Pa. The expanded facility will provide removal of 88 percent of BOD, from an estimated flow of 107,000 gallons per day. The outfall will be relocated from Shawnee Creek to the Delaware River.

8. *St. Joseph's Manor (D–75–121).* Expansion of the sewage treatment plant serving St. Joseph's Manor and Holy Redeemer Hospital in Abington, Montgomery County, Pa. The expanded facility will provide removal of 88 percent of BOD, from a sewage flow of about 105,000 gallons per day. Treated effluent will discharge to an unnamed tributary of Pennypack Creek.

9. *Draper-King Cole, Inc. (D–75–76).* A well water supply project to augment existing well water supplies at the cannery in Milton, Sussex County, Del. Designated as Well No. 6, the new facility is expected to yield 400,000 gallons per day.

10. *Moyer Packing Co., Inc. (North Penn Hyde Div.) (D–75–51).* A 75,000-gallon per day industrial waste treatment plant in Franconia Township, Montgomery County, Pa. About 99 percent of BOD, and suspended solids will be removed prior to discharge to Skippack Creek.

11. *Warner Company, Inc. (D–75–99).* Improved mooring facilities at the Delaware River end of Pier 66N in Philadelphia, Pa. Two steel pile mooring clusters will be added to the pier to provide improved facilities for unloading sand and gravel from barges.

12. *Charles Worthington (D–75–62).* A project involving construction of a bulkhead and a floating dock in Bristol Borough, Bucks County, Pa. Approximately 500 cubic yards of fill with a concrete wall will anchor a ramp for small boats in the vicinity of Edgely, Pa.

13. *Buckeye Pipeline Co. (D–72–215–rev.).* A petroleum products pipeline extending from Linden, N.J., to Macungie, Lehigh County, Pa. The application pertains to modifications in the pipeline at the crossing of Wickecheoke Creek in Delaware Township, Hunterdon County, N.J.

B. Application for water quality certification pursuant to Section 401 of the Federal Water Pollution Control Act:

1. *Tredyffrin Township Municipal Authority.* Installation of sewage force main crossings of the Schuylkill River, one between Schuylkill Township, Chester County, and Lower Providence Township, Montgomery County, and the other at the confluence of Valley Creek and the Schuylkill River at Valley Forge, Montgomery County, Pa.

C. *Philadelphia Sewer Restoration.* At the request of the U.S. Environmental Protection Agency the Commission has investigated the break in the City of Philadelphia's Delaware Avenue interceptor sewer at Shackamaxon Street. A staff report with recommendations has been completed and is the subject for public hearing.

This interceptor sewer conveys 18 million gallons per day of domestic and industrial sewage, plus storm water, to the Philadelphia Southeast Treatment Plant. Approximately 300 feet of the five-foot six-inch diameter tunnel sewer collapsed in 1973. An adjacent 140-foot section of the same sewer, crossed by an active railroad siding, was found to be cracked but otherwise intact. Two electric transmission lines and a 12-inch water line overlaying the tunnel were made vulnerable to damage by the sewer's failure.

The focus of the Commission's investigation has been on diverting raw sewage to the Delaware River to permit repair of the sewer and alternative means of restoring the interceptor to normal operating conditions. Engineering and environmental consequences have been studied in an effort to determine a restoration strategy having minimum adverse impact on the quality of the Delaware River, railway and vehicular traffic, and costs.

Copies of the staff report will be available to interested parties upon request.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

Dated: September 10, 1975.

W. BRINTON WHITALL,
Secretary.

[FR Doc.75-24821 Filed 9-17-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 770]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

SEPTEMBER 8, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20361–CD–P–76—Tele-Page of Beaufort, Inc. (New). C.P. for a new station to operate on 152.15 MHz located on U.S. Route 21, 1.3 mile Southeast of Beaufort, South Carolina.

20362–CD–P–76—The Ohio Bell Telephone Company (KQK594). C.P. to relocate facilities at Loc. #1 to 401 Cleveland Ave., S.W., Canton, Ohio; change antenna system and frequency at Loc. #2: 1295 S. Main Street, North Canton, Ohio, and Loc. #3: 46 City Hall, S.E., Massillon, Ohio; and establish (2) additional sites to be described as Loc. #4: Walters Road, East Canton, Ohio, and Loc. #5: 127 Howard Court, S.E., Hartville, Ohio; All facilities to operate on 152.84 MHz.

20363–CD–P/ML–76—Victor E. Duane d/b/a Central Mobile Radio Phone Service (KQD597). C.P. to change antenna system operating on 152.15 MHz located at Frytown Road at Lyleburn Road, Dayton, Ohio.

20364–CD–AL–76—Barbara D. Boynton d/b/a Boynton Communications (KCB893). Consent to Assignment of License from Barbara D. Boynton d/b/a Boynton Communications, Assignor, to Boynton Communications, Inc., Assignee. No. Attleboro, Massachusetts.

20365–CD–P–(4)–76—Tel-Illinois, Inc. (New). C.P. for a new station to operate on 152.06, 152.09, 152.18, and 152.21 MHz located at 1811 15th Street Place, Moline, Illinois.

20366–CD–P–76—Telephone Communications, Inc. (KLF607). C.P. to relocate facilities and change antenna system operating on 152.24 MHz and for additional facilities to operate on 152.15 MHz to be located at WFRV–TV Tower, 6 miles SE of DePerc, Wisconsin.

20367–CD–P–76—Telephone Communications, Inc. (KLF645). C.P. to relocate facilities and change antenna system operating on 152.24 MHz. to be located at 835 South Van Buren, Green Bay, Wisconsin.

20368–CD–P–76—Jim Bob Measures, d/b/a Radiofone (New). C.P. for a new station to operate on 152.03 MHz. to be located 1 mile West on Hwy #1658, Bridgeport, Texas.

20369–CD–P–(3)–76—Ram Broadcasting of Oregon, Inc. (KUC874). C.P. to relocate facilities and change antenna system and replace transmitter operating on 454.150, 454.250, and 454.300 MHz. located at 4504 S.W. Carl Place, Portland, Oregon.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

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20370–CD–P–(4)–76—Memphis Mobile Telephone, Inc. (New). C.P. for a new station to operate on 454.050, 454.125, 454.175, and 454.225 MHz. located at 400 South Highland Street, Memphis, Tennessee.

20371–CD–P–76—Andrew Hawkins, d/b/a Kwik Kall Communications Co. (KUD232). C.P. to relocate facilities and change antenna system operating on 454.075 MHz. at Loc. #3: 4001 Brandywine St., N.W., Washington, D.C.

20372–CD–P–76—DPRS, Inc. t/a Zipcall (KCB891). C.P. to relocate facilities and change antenna system operating on 35.58 MHz. located at Nobscott Hill, 5 miles N. of Framingham, Massachusetts.

20373–CD–P–(4)–76—Southwestern Bell Telephone Company (KLF569). C.P. to change antenna system and replace transmitter operating on 152.69 and 152.72 MHz.; for additional facilities to operate on 152.66 MHz. located 5.8 Miles SSW of Webb, Texas; and for additional test facilities to operate on 157.92, 157.98, and 157.98 MHz. located at 902 San Eduardo Avenue, Laredo, Texas.

RURAL RADIO SERVICE

60164–CR–P–76—Western States Telephone Company, Inc. (New). C.P. for a new Rural Subscriber-Fixed station to operate on 157.86 MHz located 5 miles South of Lake Valley, New Mexico.

60165–CR–P–76—Western States Telephone Company, Inc. (New). C.P. for a new Rural Subscriber-Fixed station to operate on 157.86 MHz located 7.4 miles SSW of Lake Valley, New Mexico.

POINT-TO-POINT MICROWAVE RADIO SERVICE

442–CF–ML–75—General Telephone Company of California (KMU45). Santa Ynez Peak, 8 miles SE of Santa Ynez, California. Lat. 34°31'36" N., Long. 119°58'39" W. Mod. of License to change antenna system and frequencies 6011.9H, 6130.5H MHz toward Vandenberg AFB to 5974.9H, 6093.5H MHz toward Mount Santos, California on azimuth 298°50'; replace transmitters and change power; delete frequencies toward point of communication at Santa Maria, California.

443–CF–ML–75—Same (KMU45). 200 West Chestnut Street, Santa Maria, California. Lat. 34°57'06" N., Long. 120°26'13" W. Mod. of License to change antenna system and polarity from Vertical to Horizontal on frequencies 10,755, 10,995, MHz toward Mount Santos, California, on azimuth 181° 40'; replace transmitters and change power; delete frequencies toward Santa Ynez Peak, California.

444–CF–P–76—Same (KTQ44). Mount Santos, 5.6 Miles North of Lompoc, California. Lat. 34°44'17" N., Long. 120°26'40" W. C.P. to change antenna system, replace transmitters, and change power on frequencies 11,245.0V, 11,525.0V MHz toward Santa Maria, California, on azimuth 01°39'; add frequencies 6226.9V, 6345.5V MHz toward a new point of communication at Santa Ynez Peak, California, on azimuth 118°31'.

1020–CF–MP–76—RCA Alaska Communications, Inc. (WAS449). Pump Station #2, 321 Miles NNW of Fairbanks, Alaska. Lat. 69°27'32" N., Long. 148°33'37" W. Mod. of C.P. to change station location and receive station data for station at Franklin Bluff and Costa Hill, Alaska.

1021–CF–MP–76—Same (WOF50). Franklin Bluff, Hill 961, 362 Miles North of Fairbanks, Alaska. Lat. 69°47'24" N., Long. 148°29'22" W. Mod. of C.P. to change receive station data for stations at Put River and Pump Station #2, Alaska.

1022–CF–MP–76—Same. (WAS435). Costa Hill, 298.5 Miles NNE of Fairbanks, Alaska. Lat. 69°07'04" N., Long. 148°56'14" W. Mod. of C.P. to change station location and receive station data for stations at Pump Station #2 and Slope, Alaska.

1023–CF–MP–76—Same (WOF51). Slope, 15 Miles SSW of Toolik Camp, Alaska. Lat. 68°44'37" N., Long. 149°03'53" W. Mod. of C.P. to change receive station data for stations at Costa Hill, Galbraith, and Pump Station #3, Alaska.

1010–CF–P–76—American Television and Communications Corporation. (NEW) Kinmount, Minnesota. (Lat. 48°21'16" N., Long. 93°00'39" W.) C.P. for a new station—6063.8H MHz toward Gheen, Minnesota, on azimuth 162 degrees.

1011–CF–P–76—Same (New). Gheen, Minnesota. (Lat. 47°58'41" N., Long. 92°49'44" W.): C.P. for a new station—6315.9H MHz toward Virginia, Minnesota, on azimuth 152.1 degrees.

1012–CF–P–76—Same (New). Virginia, Minnesota. (Lat. 47°34'08" N., Long. 92°30'34" W.): C.P. for a new station—5974.8V MHz toward Beauty Lake (KYC45) Minnesota, on azimuth 226.9 degrees.

1013–CF–P–76—Same (KYC45). Beauty Lake, Minnesota (Lat. 47°13'00" N., Long. 93°03'37" W.): C.P. to add 6345.5V MHz toward Ben Draper, Minnesota, on azimuth 243.9 degrees.

1014–CF–P–76—Same (KYC44). Ben Draper, Minnesota (Lat. 46°55'26" N., Long. 93°55' 24" W.): C.P. to add 5945.2V MHz toward Brainerd, Minnesota, on azimuth 199.9 degrees.

1015–CF–P–76—Same (KYC43). Brainerd, Minnesota (Lat. 46°20'52" N., Long. 94°13' 27" W.): C.P. to add 6226.9H MHz toward Little Falls, Minnesota, on azimuth 191.8 degrees.

1016–CF–P–76—Same (KCM73). Little Falls, Minnesota (Lat. 45°59'03" N., Long. 94°19' 58" W.): C.P. to add 5945.2H MHz toward Cold Springs, Minnesota, on azimuth 183.8 degrees.

1017–CF–P–76—Same (KCM72). Cold Springs, Minnesota. (Lat. 45°25'48" N., Long. 94°23'04" W.): C.P. to add 6182.4H MHz toward St. Cloud, Minnesota, on azimuth 50.7 degrees. (Note: A waiver of Section 21.701(f) is requested by American Television and Communications Corporation.)

1018–CF–P–76—Mountain Microwave Corporation (KZI51). Medicine Butte, South Dakota. (Lat. 43°51'55" N., Long. 99°36'11" W.): C.P. to add 5945.2V MHz, via power split, toward Chamberlain, South Dakota, on azimuth 128.4 degrees. (Note: Special Temporary Authority (STA) requested by Mountain Microwave Corporation.)

Major amendments

2372–CF–P–75—Southern Pacific Communications Company (New). 111 Shiloh Street and Grandview Avenue, Mount Washington, Pennsylvania. Lat. 40°25'52" N., Long. 80°00'26" W. C.P. to add point of communication to Arona, Pa., on 6004.5V MHz on azimuth 114°24'.

2373–CF–P–75—Same (New). Arona, 2.1 Miles South of Jeannette, Pennsylvania. Lat. 40°17'49" N., Long. 79°37'22" W. C.P. to change point of communication from Thompsonville, Pa., to Mount Washington, Pa., on new azimuth 294°39' on new freq. 6256.5V MHz.

2374–CF–P–75—Same (New). 4.9 Miles East of Waterford, Pennsylvania. Lat. 40°16'00" N., Long. 79°04'55" W. C.P. to change point of communication from Roxbury, Pa., to New Baltimore, Pa., on new azimuth 145°01' on freq. 5974.8H MHz.

2375–CF–P–75—Same (New). C.P. to change antenna location from Roxbury, Pennsylvania, to 3.0 Miles West of New Baltimore, Pennsylvania. Lat. 39°59'22" N., Long. 78°49'48" W. Same freq. 6256.5V MHz on new azimuth 87°29' toward Saluvia, Pa., and same freq. 6226.9H MHz on new azimuth 325°11' toward Waterford, Pa.

2376–CF–P–75—Same (New). 2.5 Miles East of Saluvia, Pennsylvania. Lat. 40°00'38" N., Long. 78°08'45" W. C.P. to change point of communication from Roxbury, Pa., to New Baltimore, Pa., on new azimuth 267°55' on 5974.8V MHz.

2379–CF–P–75—Same (New). 0.3 Mile SW of Cooksville, Maryland. Lat. 39°19'06" N., Long. 77°01'33" W. C.P. to change point of communication from Reisterstown, Md., to Hampstead, Md., on new azimuth 23°12' on new freq. 6226.9H MHz and to add point of communication to American University on 6345.5H MHz on azimuth 187°46'.

2377–CF–P–75—Same (New). 2.5 Miles NW of Edenville, Pennsylvania. C.P. to change coordinates to Lat. 39°59'40" N., Long. 77°48'45" W.

2380–CF–P–75—Same (New). C.P. to change antenna location from Reisterstown, Maryland, to 0.8 Mile West of Hampstead, Maryland. Lat. 39°36'25" N., Long. 76°52' 00" W. New freq. 5945.2H on new azimuth 203°19' towards Cooksville, Md., and new freq. 5945.2H on new azimuth 79°25' toward Shawsville, Md. Delete points of communication to Crownsville, Md., and Baltimore, Md.

2395–CF–P–75—Same (New). 0.8 Mile NW of Shawsville, Maryland. Lat. 39°39'00" N., Long. 76°33'57" W. C.P. to change point of communication from Reisterstown, Md., to Hampstead, Md., on new azimuth 259°37' on new freq. 6226.9H MHz.

1007–CF–P–76—American Satellite Corporation (New). Lake Herman Road, Vallejo (Solano) California. Lat. 38°06'33" N., Long. 122°10'57" W. C.P. for a new station on 10,855.0V towards Orinda Vill, California, via passive repeater on azimuth 189.6 degrees.

1008–CF–P–76—Same (New). 1.8 Miles S.W. of Orinda Vill (Contra Costa), California. Lat. 37°52'56" N., Long. 122°13'56" W. C.P. for a new station on 11,385.0V towards San Francisco, California, on 235.9 degrees and 11,305.0V towards Vallejo, California, via passive repeater on azimuth 9.5 degrees.

1009–CF–P–76—Same (New). 60 California Street, San Francisco, California. Lat. 37°47'39" N., Long. 122°23'46" W. C.P. for a new station on 10,815.0V towards Orinda Vill, California, on azimuth 55.8 degrees.

596–CF–P–76—Southern Pacific Communications Company (New). American U. Campus, 0.15 Miles North of Rockwood Parkway, District of Columbia. Lat. 38°56'609" N., Long., 77°05'33" W. C.P. for a new station on 6,063.8H towards Cooksville, Maryland, on azimuth 7 degrees 43 minutes and 11,325.0V towards Washington, D.C., on azimuth 130 degrees 13 minutes.

2400–CF–P–75—Southern Pacific Communications Company (New). 1801 "K" Street NW, Washington, D.C. C.P. to add point of communication to American University on 10,755V MHz on azimuth 310°15'.

2399–CF–P–75—Same (New). 7600 Preston Dr., Landover, Maryland. Lat. 38°56'15" N., Long. 7°51'42" W. C.P. to correct azimuth toward Crownsville, Md., to read 63°46'.

2398–CF–P–75—Same (New). Southern end of Bacon Ridge Road, Crownsville, Maryland. Lat. 39°01'50" N., Long. 76°37'08" W. C.P. to add point of communication to Baltimore, Maryland, on 6197.2V on azimuth 0 degrees 37 minutes. Correct azimuth to Landover, Maryland, to read 243 degrees 55 minutes. Delete point of communication to Reisterstown, Maryland.

2396–CF–P–75—Same (New). 201 North Charles Street, Baltimore, Maryland. Lat. 39°17'29" N., Long. 76°36'55" W. C.P. to change point of communication from Reisterstown, Maryland, to Crownsville, Maryland, on new azimuth 180 degrees 37 minutes on new frequency 5974.8V.

[FR Doc.75-24856 Filed 9-17-75;8:45 am]

[Docket No. 20014; File Nos. BR-830, BRH-1052, BRSCA-207, BRCT-68; FCC 75-1035]

GROSS TELECASTING, INC.

Memorandum Opinion and Order Enlarging Issues

1. This proceeding involves the applications of Gross Telecasting, Inc. (Gross) for renewal of licenses of WJIM, WJIM-FM, and WJIM-TV in Lansing, Michigan [39 FR 37093]. By Memorandum Opinion and Order, 46 FCC 2d 543 (1974), we designated the applications for hearing on various issues, and made the American Civil Liberties Union of Michigan, Lansing Branch (ACLU), a party to this proceeding. On March 19, 1975, ACLU filed an application for review of a Review Board Memorandum Opinion and Order (51 FCC 2d 313, released February 24, 1975).[1]

2. On May 14, 1974, ACLU petitioned the Review Board (Board) to add, *inter alia*, an "anti-labor activities" issue against Gross based on a National Labor Relations Board complaint. The Board denied the petition (48 FCC 2d 1186) because the NLRB had not completed its proceeding against Gross.[2] The NLRB, by Decision and Order, released October 1, 1974 (Case 7-CA-10759), approved a Settlement Stipulation requiring Gross to cease and desist from various activities, including, coercively interrogating its employees, threatening reprisals against employees for support of the union, and discharging employees for union activities. Gross also offered two discharged employees reinstatement to their former positions and payment of back wages. On December 6, 1974, the ACLU again petitioned the Board to add an anti-labor issue against Gross.[3] The ACLU also requested a Rule 1.65 issue for Gross's failure to report either the January 25, 1974, NLRB complaint or the October 1, 1974, NLRB final action. The Board held addition of the anti-labor issue was not warranted because the only information not previously considered by the Board was the adoption of the consent decree by the NLRB. The Board considered the ACLU's reliance on the consent decree insufficient to add the anti-labor issue because Gross did not admit any violations of the labor laws by agreeing to the NLRB order. The Board also stated the ACLU failed to provide specific allegations of fact concerning Gross's ability to operate its stations in the public interest. The Board stated Gross's failure to report the NLRB complaint and the NLRB Decision and Order was not an attempt to mislead or deceive the Commission, and did not warrant, a disqualifying Rule 1.65 issue. The ACLU requests immediate review of the Board's rulings.[4] Since we find no abuse of discretion or manifest error by the Board in denying the Rule 1.65 issue, further review of this matter is not necessary.

3. In making the required public interest finding, we consider an applicant's character qualifications. See *Violation by Applicants of Law of U.S.*, 42 FCC 2d 399, 400 (1951). See also *Mansfield Journal Co.* v. *FCC*, 180 F.2d 28 (D.C. Cir. 1950); Section 308(b) of the Communications Act. The National Labor Relations Act establishes a national policy guaranteeing employees the free choice to organize and collectively bargain and discouraging labor strife. (See *e.g., Republic Steel Corp.* v. *NLRB.*, 311 US 7 (1940)). If an applicant's conduct portends a position toward station employees contrary to the public policy reflected by the NLRA, such conduct must be evaluated to determine whether the facts preclude the public interest finding required by the Communications Act. See *Rockford Broadcasters, Inc.*, 45 FCC (Part 1) 1121, 1128 (1963), *reconsid. denied*, 45 FCC (Part 2) 1300 (1964). Cf. *Retail Store Employees Union* v. *FCC*, 141 U.S. App. D.C. 94, 436 F.2d 248 (1970); *CBS, Inc.*, 48 FCC 2d 474 (Rev. Bd. 1974). Thus, if an applicant has acted in violation of the public policy concerning labor relations, "an analysis of the substance of these practices must be made to determine their relevance and weight as regards the ability of the applicant to use the requested radio authorization in the public interest." *Violation by Applicants of Laws of U.S., supra*, at 401. Cf. *The Western Connecticut Broadcasting Co.*, 44 FCC 2d 673 (1973).

4. Absent unusual circumstances, we will not consider allegations of violations of laws when the responsible authority has determined the allegations non-meritorious. See *The Travelers Broadcasting Service Corp.*, 21 FCC 110, 197 (1956), *Lake Erie Broadcasting Co.*, 33 FCC 2d 1009 (Rev. Bd. 1972). Cf. *Retail Store Employees Union* v. *FCC*, *supra*. However, the NLRB action is unlike the situation above, since a consent order terminated the NLRB proceeding against Gross. Unless Gross fails to comply with the consent order, the NLRB proceeding has ended. Since a consent order is not an adjudication or an admission by the parties respecting the merits of the allegations, we have no findings or conclusions of the NLRB to rely upon. However, if the alleged facts warrant adding an anti-labor issue we will resolve the issue based on evidence developed at hearing. See *RKO General Inc.*, 31 FCC 2d 70 (1971). Cf. *Westinghouse Radio Stations, Inc.*, 19 FCC 1359, 1465–7 (1955).

5. ACLU filed affidavits of Gross employees in which they alleged Gross committed specific anti-labor activities. Specifically, the affidavits tend to establish Gross discharged two employees for union activities, and discouraged union activity by improper methods,[5] which, if true, violates the National Labor Relations Act.[6] The allegations are supported by affidavits of persons having personal knowledge thereof, and thus sufficient to support a motion to enlarge issues.[7] The NLRB also found the same statements sufficient to issue a complaint against Gross.[8] Gross submitted an affidavit which concedes two employees were discharged, but as for the reasons for discharge, the affidavits submitted by Gross and ACLU are conflicting. Since the affidavits conflict, we cannot resolve this issue on the basis of the pleadings. Moreover, as the Bureau points out, the NLRB complaint lists instances of Gross's efforts to discourage union membership. See *Retail Store Employees Union* v. *FCC*, *supra*. Cf. *Kittyhawk Broadcasting Corp.*, 13 FCC 2d 928 (1968).

6. We are adding the requested issue so that the conduct underlying the allegations may be explored at hearing. In doing so, our purpose is not to enforce the provisions of the NLRA, but to determine whether Gross's conduct adversely reflects on its qualifications to be a licensee. CF. *Mansfield Journal* Co. v. *FCC*, *supra; Florida-Georgia Television Co.*, 11 FCC 2d 643 (1968).

7. Accordingly, *it is ordered*, That the motion for extension of time and waiver of Commission Rule 1.115(e) (1) and the application for review, both filed March 19, 1975, by the American Civil Liberties Union of Michigan, Lansing Branch,

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[1] The Commission also has before it: (a) opposition, filed April 1, 1975, by Gross; (b) Broadcast Bureau's comments, filed April 1, 1975; (c) reply to (a) and (b), filed April 11, 1975, by ACLU; (d) motion for extension of time and waiver of Commission Rule 1.115(e) (1) or, alternatively waiver of Commission Rule 1.106(a)(1), filed March 19, 1975, by ACLU; (e) opposition to (d), filed April 1, 1975, by Gross; (f) Broadcast Bureau's comments filed April 1, 1975; (g) reply to (e) and (f), filed April 11, 1975, by ACLU. Although the ACLU has not shown good cause for delay in filing its application for review, in view of the substantial public interest questions raised, we will consider the merits of the application for review. See *The Edgefield-Saluda Radio Co.*, 5 FCC 2d 148 (Rev. Bd. 1966).

[2] The Board, however, conditioned any possible grant of the renewal applications to whatever action the Commission deemed proper following final action of the NLRB against Gross.

[3] The requested issue reads as follows:

To determine whether Gross had engaged in anti-labor activities in regard to its news staff which indicates that the licensee does not possess the character to hold a license.

[4] Ordinarily, we deny immediate review of interlocutory matters "[u]nless the ruling complained of is fundamental and affects the conduct of the entire proceeding. . . ." Note to Section 1.115(e)(2) of the Commission's Rules. However, we believe the serious and fundamental questions raised by ACLU warrant our immediate consideration.

[5] Specific allegations were made that the principals of Gross harassed employees concerning their union activity and promised the employees they would be "taken care of" if they abandoned support for the union.

[6] See Sections 8(a)(1) and 8(a)(3) of the NLRA, 29 U.S.C. Sections 158(a)(3) and 158(a)(3).

[7] Section 1.229(c) of the Commission's Rules provides, in part:

Such motions [to enlarge] . . . shall contain specific allegations of fact. . . . Such allegations of fact . . . shall be supported by affidavits of a person or persons having personal knowledge thereof.

[8] Section 102.12 of the Rules and Regulations of the NLRB (29 C.F.R. 102.12) requires specificity in allegations similar to Section 1.229(c) of the Commission's Rules. Section 102.12 provides, in part, that charges shall contain "[a] clear and concise statement of the facts. . . ." See *North American Rockwell Corp.* v. *NLRB*, 389 F. 2d 866 (10th Cir. 1968).

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ARE GRANTED to the extent reflected in this order, and DENIED in all other respects.

8. *It is further ordered*, That the issues in this proceeding are enlarged by adding the following issue:

To determine whether Gross Telecasting, Inc. engaged in labor practices inconsistent with the national labor policy expressed in the National Labor Relations Act, and if so, the effect of such conduct on the character qualifications of the licensee and its ability to operate its broadcast stations in the public interest.

9. *It is further ordered*, That the burden of proceeding with respect to the added issue shall be on the American Civil Liberties Union of Michigan, Lansing Branch, and the burden of proof with respect to said issue shall be on Gross Telecasting, Inc.

Adopted: September 9, 1975.

Released: September 16, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc. 75-24855 Filed 9-17-75;8:45 am]

RADIO CICERO, INC.

Standard Broadcast Application Ready and Available for Processing

The following application requests authority to restore standard broadcast service provided by former station WVON, Cicero, Illinois (not to be confused with present station WVON, Chicago, Illinois, 1390 kHz, 5 kW, DA-2, U). The Commission will accept other applications for consolidation with this application which propose essentially the same facilities.

BP-20041 NEW, Cicero, Illinois, Radio Cicero, Inc., Req: 1450 kHz, 250 W, 1 kW-LS, U.

Pursuant to the provisions of §§ 1.227 (b) (1) and 1.591 (b) of the Commission's rules, an application, in order to be considered with this application, must be tendered no later than October 22, 1975.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: September 12, 1975.

Released: September 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-24857 Filed 9-17-75;8:45 am]

* Commissioners Wiley (Chairman) and Quello concurring in the result.

FEDERAL POWER COMMISSION

[Docket No. E-7775]

APPALACHIAN POWER CO.

Extension of Time

SEPTEMBER 9, 1975.

On August 29, 1975, Appalachian Power Company (APCO) filed a motion to extend the date within which to comply with ordering paragraph (C) of order issued August 15, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the time within which APCO must comply with ordering paragraph (C) of order issued August 15, 1975 in the above matter is extended to and including October 6, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24786 Filed 9-17-75;8:45 am]

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Filing of Motion for Approval of Settlement Agreements

SEPTEMBER 9, 1975.

Take notice that on August 28, 1975, the Arkansas-Missouri Power Company (Ark-Mo) tendered for filing a "Motion of Arkansas-Missouri Power Company for Approval of Settlement Agreements" which, if granted, would dispose of all the issues in this proceeding. Ark-Mo states that the two Agreements hereby tendered provide for revised wholesale and wheeling rates, respectively, and provide Ark-Mo with an effective overall rate of return of 8.58%, based on the test year ended May 31, 1974. In addition to establishing uniform rate schedules applicable to each customer receiving a particular service, Ark-Mo states that the proposed wholesale rate Agreement provides for the implementation of a fuel cost adjustment clause meeting the requirements of Order No. 517.

Ark-Mo proposes to undertake to file appropriate revisions to its FPC rate schedules and make the necessary refunds within 30 days of Commission acceptance of both Agreements.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 17, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24787 Filed 9-17-75;8:45 am]

[Project No. 271]

ARKANSAS POWER & LIGHT CO.

Order Denying Motion for Severance and Granting Application for Easement

SEPTEMBER 9, 1975.

Arkansas Power & Light Company (APL), Licensee for the Carpenter-Remmel Project No. 271, filed on March 7, 1974, an application for Commission approval of an easement to the City of Hot Springs, Arkansas, (Hot Springs) for the construction of a sewage effluent discharge line.

Hot Springs plans to construct a new wastewater treatment plant and requires the subject easement for the installation, maintenance, and operation of the plant's discharge line.

On April 4, 1974, APL filed a motion requesting us to sever an expedite consideration of this March 7, 1974 application.

On September 10, 1973, we issued an Order Setting Hearing. There had been presented to us an application to convey in fee 100 acres of the 118 acre Electric Island and 16.2 acres of Little Goat Island. We expressed our concern then and now reaffirm our concern for the necessity of a closer examination of the consequences of intensified use of project resources. In light of this policy of careful and comprehensive examination we referred the applications then before us to hearing so that they might be considered together with any other applications that may be on file and any future applications of a similar nature which may impose additional public use on project lands and waters.

Specifically implementing this policy we ordered a public hearing "to consider *existing* applications for further easements or other permission to utilize project lands and waters in light of a comprehensive analysis of the project lands and waters as a whole to be accumulated by developing a formal record pertaining to:

(a) present utilization of Lake Hamilton and Lake Catherine and project lands,

(b) anticipated future utilization of Lake Hamilton and Lake Catherine and project lands including proposed developments and easements,

(c) the present and reasonably foreseeable intensity of public use in relation to the capacity of project lands and waters to serve these multiple uses without further impairment of the natural resources they represent,

(d) issues raised in any complaint not covered by the foregoing. (emphasis added)"

APL requests in its motion that we sever the application of March 7, 1974, from this hearing. This motion reflects a misapprehension of what was accomplished by our September 10, 1973 order. We established a policy of comprehensive examination but implemented that

policy by setting for hearing only those applications then before us. To be sure, those applications were to be evaluated in light of their impact on project lands and waters with consideration given to, among other factors, anticipated future utilization of Lake Hamilton and Lake Catherine and project lands. However, the hearing was ordered only for applications pending on September 10, 1973, not for such anticipated future utilizations.

Applications filed subsequent to September 10, 1973, are therefore not included under the hearing established therein. For this reason we deny APL's motions to sever and expedite as inappropriate. One cannot sever that which is not originally a part of the proceeding. This is not to say that such subsequent applications may be considered in a "piece meal" manner. Such a procedure would be inappropriate in view of our September 10, 1973 order. Each subsequent application will be considered in light of the underlying policy of the Order to determine whether consolidation within the hearing already ordered is appropriate, whether we should proceed to the merits more expeditiously, or whether we should defer consideration to a later date. This determination must be made consistently with the policy of a comprehensive analysis of the use of project lands and waters as set forth in our September 10, 1973, order.

We deem the March 7, 1974, application and April 4, 1974, motion to have requested us to make this determination and further deem it an appropriate determination to make at this time.

This determination is of course heavily dependent upon the specific facts before us since a careful analysis of the circumstances is required to determine the comprehensive analysis mandated by our September 10, 1973 order, must also whether the application, which must be considered with other applications under be incorporated into the hearing itself.

Project No. 271 consists of two developments on the Ouachita River. The Upper Development includes Carpenter Dam, Lake Hamilton, and a powerhouse located at the dam. The Lower Development includes Remmel Dam, Lake Catherine (which encroaches on Carpenter Dam), and a powerhouse located at the dam.

The application as filed by APL on March 7, 1974, seeks Commission approval for the granting to Hot Springs easements over certain lands and interests in land located within the project boundary and in Lake Catherine. The purpose of the easement is to enable Hot Springs to install, maintain and operate an effluent discharge line to be connected to its proposed tertiary sewage treatment plant. The discharge line would enter project property approximately one-half mile downstream of Carpenter Dam and extend about 173 feet to the middle of the river channel in Lake Catherine. Maximum discharge would be 20,832 gallons per minute, while discharge on an average day would be 8,332 gallons per minute. The effluent line itself would be a 2200 foot long pipe with a 36 inch orifice. The line would be placed on the river bottom and at its point of discharge would be 3 to 5 feet below the river surface. The last 50 feet of the pipe would be perforated for better dispersion of the effluent. The project boundary at the point of the line's entry is contour elevation 307 feet, two feet above the reservoir's normal pool elevation of 305 feet.

Hot Springs was barred in March of 1970 by an order of the state pollution control agency (now the Department of Pollution Control and Ecology (DPCE)) from allowing further connections to its present sewage treatment system. Hot Springs in consultation with DPCE and the Environmental Protection Agency (EPA), designed a new system encompassing the entire city and those portions of Garland County adjoining Hot Springs and Lakes Hamilton and Catherine. The requested easement before us is a part of this system.

The areas outside the Hot Springs' city limits which will be served by this new system are to be formed into sanitary districts approved by Hot Springs and by the State. We understand that a total of 20 such districts is planned. Also, according to the Environmental Impact Statement prepared by EPA, EPA will assist Hot Springs in preventing "proliferation of construction of individual package-type treatment facilities and septic tanks within the comprehensive plan area." EPA stated in a letter dated September 20, 1974, that, at that time, only three sanitary districts were in existence but that other districts are in the process of being formed and that ultimately all of the districts will be formed.

In the application as originally filed Hot Springs proposed to construct a 20 MGD capacity biological/chemical sewage treatment plant as part of the comprehensive plan to collect and provide tertiary treatment of wastewater from Hot Springs and from the urban areas located adjacent to Lakes Hamilton and Catherine. This figure of 20 MGD was shown in the Final Environmental Impact Statement (FEIS) prepared by EPA. However, other information filed with the application referred to a 12 MGD plant. Inquiries regarding the apparent discrepancy led to a letter from EPA dated September 20, 1974. EPA stated that the treatment facility proposed in 1970 was 20 MGD. This flow was estimated to provide adequate hydraulic capacity for the temporary high infiltration rates expected at that time. The design flow of the plant now proposed is 12 MGD. This reduction in capacity was made because of an anticipated correction of infiltration inflow problems in the presently sewered area of Hot Springs. There will be no change in the degree of treatment afforded by the proposed facility. The total planned capacity on an average flow basis is then 12 MGD. EPA advises that the conduits and pipeline inside the plant are designed for a flow of 40 MGD. The plant is designed so that it can be expanded to 16 MGD by the addition of certain plant elements in an increment of 4 MGD. The conduits and main flow channels are presently designed to carry a maximum flow of 40 MGD based on a possible ultimate plant flow of 16 MGD.

EPA notes that the sewage treatment facility proposed will afford complete treatment, tertiary treatment and chlorination, to the sewage flowing through it. The facility is planned as a regional facility serving both Hot Springs and suburban Garland County.

Based on the ratio of the drainage area of 1,562 square miles and average flow of 2298 cfs at the USGS gage at Melvern to the drainage area of 1516 square miles at Lake Catherine, the average flow at Lake Catherine is approximately 2230 cfs. The minimum daily discharge of the Ouachita River at Malvern for the 43 years of record is 40 cfs with the average flow at 2298 cfs. Using these values and the 12 MGD design flow, dilution factors would range from 2.2 to 1 for the minimum flow of 40 cfs at Malvern to 124 to 1 for the average daily flow of 2298 cfs. Using the average daily flow of 2230 cfs for Lake Catherine, the dilution factor would be 120 to 1.

The present estimated population of the region is 50,000. Using the daily average per capita consumption of water at 100 gallons, it is estimated that approximately 5 million gallons of wastewater is presently being generated in the Hot Springs area. If this wastewater is treated at the proposed facility approximately 1.15 mg/1 total phosphorus would be discharged into Lake Catherine based on a 90% phosphorous removal. Using the average flow of 2230 cfs for Lake Catherine, it is estimated that approximately 0.010 mg/1 total phosphorus would be added to Lake Catherine. Presently wastewater is receiving at best secondary treatment with an estimated 30% removal of total phosphorus. With this degree of treatment and based upon the above figures it is estimated that about 8.05 mg/1 total phosphorus is being discharged to project waters.

Presently there are about 4050 septic tanks in unsewered areas outside the Hot Springs city limits; approximately 400 of these are on lands adjacent to project lands at Lake Catherine. In Hot Springs and the surrounding area, there are 31 identified waste sources. The pollution problems in the Ouachita River and Lakes Hamilton and Catherine are intensified by all of these waste sources, including the three inadequate sewage treatment plants presently serving Hot Springs. Effluents from all three plants reach project waters and, during rainy periods, considerable amounts of raw sewage are bypassed to tributaries which flow into Lakes Hamilton and Catherine.

Indeed we expressed our awareness of the sewage treatment situation in the area in our orders of September 10, 1973 approving discharges into Lake Hamilton by Fairwood Homes Association, Inc., 50 F.P.C. 687 (1973), LA-DU Enterprises, Inc., 50 F.P.C. 692 (1973) and Gram

V 40 I 182 SEP 18 75 XUM

Motel, Inc., 50 F.P.C. 695 (1973). In these orders we expressed our concern that these discharges should be of a temporary nature and should cease upon completion of a central waste treatment facility by Hot Springs. Accordingly we conditioned our approval upon a requirement that Licensee require each grantee, upon completion of such a central waste treatment facility by Hot Springs to cease discharge within one year and connect its sewage discharge line into such facility. The proposed plant now before us is the central facility referred to in our orders of September 10, 1973. It is proposed to replace the existing treatment facilities and will materially reduce the pollution problems in project waters.

EPA, as the federal funding agency for municipal waste treatment facilities, prepared and circulated a draft Environmental Impact Statement and a FEIS pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (1970). The FEIS discussed the regional aspects of the proposed waste treatment plant. Copies of the FEIS, submitted on November 1, 1972, were filed by Licensee as part of the subject application and motion. The FEIS included comments on the draft Environmental Impact Statement and the record of a public hearing held on the proposal. EPA found that Lake Catherine has a higher reaeration capacity than Lake Hamilton and therefore a greater capacity to assimilate the effluent. EPA concluded that no serious adverse environmental effects are anticipated as a result of construction and operation of the tertiary treatment plant.

A supplement to the FEIS was issued by EPA with a date of July 19, 1974. The supplement makes it clear, as we discussed above, that a 12 MGD rather than a 20 MGD facility is proposed. This supplement notes that the outfall line requires Commission approval and states that delay or denial of our approval of the easement would promote (1) escalating construction costs at a rate of approximately 1½% per month of the total project cost of $21,624,000.00 and (2) continuing pollution to Lake Catherine, due mainly to septic tank overflow. EPA stated that in order to prevent these economic and environmental costs, an alternative to the proposed effluent outfall line has been chosen. In EPA's view this alternative will allow expedition of the project with the environmental difference between the two alternatives being insignificant in comparison to the cost if the project is delayed. This alternative is an outfall line to go to a point just above the project boundary at the 307 foot contour and discharging into an intermittent stream named Burton Creek approximately 750 feet from Lake Catherine. Although EPA concludes that the highly treated effluent from the proposed facility will have an insignificant effect on the quality of water in Lake Catherine, EPA does note some possible adverse effects that could result. Chlorination may have some minor effects by lysing some of the harmless organisms in the stream. This would reduce the capacity of the stream to stabilize the organic load. Also, lysing of Algal cells may increase the BOD, Biochemical Oxygen Demand, of the stream. EPA also noted that low flow conditions and corresponding hot weather may cause pooling effects, especially around the mouth of Burton Creek and that this may result in septicity and eutrophication problems. EPA does feel that hydroelectric discharges from Carpenter Dam would facilitate mixing and dispersion to minimize these adverse effects. EPA concludes that the proposal before us, which is a submerged outlet in Lake Catherine, would accomplish a more uniform dispersion of the effluent. We agree and conclude that of the two approaches, economic and environmental considerations would favor the submerged outfall line over discharging into Burton Creek.

Pending before EPA is an application for discharge permit pursuant to Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500). EPA has advised Hot Springs that no final permit will be issued until the plant is ready to commence discharging treated effluent. A water quality certificate, pursuant to Section 401 of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) has been issued by DPCE. A copy of this certificate was filed with the Commission and was in turn forwarded to EPA on June 24, 1974.

Public notice of the application was given on March 15, 1974. No protests, notices, or petitions to intervene were received.

The Department of the Interior's Fish and Wildlife Service in a letter dated May 16, 1974, stated that the proposed line discharging into Lake Catherine does not appear to pose a significant threat to fish and wildelife resources and that they had no objection to the proposal.

The State of Arkansas, Department of Pollution Control and Ecology (DPCE), commented in a letter dated May 8, 1974. DPCE noted that it had spent a vast amount of time and effort in forcing and guiding the project of a waste treatment facility to its present status and that this effort included review of the engineering and environmental impact studies to determine the most acceptable, economical and feasible method of effluent discharge. DPCE therefore concludes that the proposal is the most acceptable and recommends its approval.

EPA in a letter dated June 4, 1974, forwarded additional water quality data for the area which is consistent with the conclusions drawn in the FEIS prepared by EPA. EPA recommended approval of the proposal and urged expedition of our consideration of the proposal.

In light of the above we conclude that the application before us should not be incorporated into the hearing of our order of September 10, 1973, but rather should be considered more expeditiously. We note the present undesirable sewage situation that exists in the Hot Springs area and conclude that an expeditious determination would be in the public interest. Our awareness of the situation is evidenced by our comments in the orders of September 10, 1973, approving easements for LA-DU Inc., Fairwood Homes, Inc., and Gram Motel, Inc. Our intent as evidenced by our conditioned approval of these easements, was that they would be of a temporary nature pending creation of this very sewage treatment system. This system then represents a basic factor which we had earlier contemplated and upon which our analysis must be structured. Expedition of our consideration of this underlying factor is clearly in the public interest.

We further conclude that approval of the proposed easement would be in the public interest. We have analyzed the proposal in view of its impact on the project. More importantly under the policy of our order of September 10, 1973, we have examined it and its cumulative effect on the project when considered together with any other application that may be on file and any future applications of a similar nature which may impose additional public use on project lands and waters.

Under this standard the proposed plant and outfall will have a positive effect. Presently the sewage situation is resulting in an adverse impact on the project. Untreated and partially treated sewage from the Hot Springs area is presently flowing into project waters. The new plant will substantially reduce the untreated flows. Some seepage from septic tanks will continue until the proposed sanitary districts are formed, but at that time such untreated flows should cease. The new plant which provides tertiary treatment represents an approach which should on balance reduce utilization of the reservoir and so reduce the adverse impact of the present sewage situation.

Further, approval will shortly lead to the termination of the easements granted in our orders of September 10, 1973.

We note that the granting of the proposed easement would result in the outfall line being located in Lake Catherine while denial would result in the discharge of the treated effluent into Burton Creek, a tributary of Lake Catherine, outside the project boundary. We find the latter to be environmentally less desirable than the former.

The proposed easement before us contains covenants reserving use of the land for project purposes and in accordance with Order 313, 34 F.P.C. 1546 (1965).

EPA has prepared a FEIS which considers the environmental impact of the proposed sewage treatment plant. We have examined data provided in this FEIS and conducted our own independent analysis of the impact of the proposed sewage treatment plant and specifically into the impact of the proposed outfall line. We find no significant adverse environmental impacts that are not fully considered above or in the FEIS. Our approval of the proposed application here is therefore not the type of action requiring our preparation of an Environmental Impact Statement. We note that the adverse effects of the proposed plant would be short term and minor in nature all related to construction of the facilities. Long term impacts would be beneficial through a reduction in sewage effluent nutrients discharging to the project, better dilution and assimilation of the nutrients, improving public health situations in the area. Overall, the new plant as proposed would be environmentally beneficial to the public residing in Hot Springs and the areas of Project No. 271, and to the water quality of the Ouachita River downstream of the project.

The Commission finds:

(1) The motion filed on April 4, 1974 by Arkansas Power and Light in this proceeding requesting severance of its application filed March 7, 1974 in this proceeding from the hearing established by the Commission's Order Setting Hearing of September 10, 1973 should, for the reasons discussed above, be denied.

(2) The application filed March 7, 1974 for Commission approval of an easement to the City of Hot Springs should not be incorporated in the hearing established by the Commission's Order Setting Hearing of September 10, 1973.

(3) The application described in finding No. 2 above should be approved to the extent of an average discharge of 12 MGD.

The Commission orders:

(A) The motion described in finding No. 1 above is denied.

(B) The application described in findings Nos. 2 and 3 above is granted and Licensee is authorized to grant to the City of Hot Springs an easement as discussed above and in accordance with the terms of said application; provided that, without prior approval of the Commission, the average discharge shall not exceed 12 MGD.

(C) Licensee shall file a copy of the executed instrument granting the easement described above within 30 days of the execution of said instrument.

(D) Licensee shall file, within 30 days of its issuance, a discharge permit pursuant to Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500).

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24788 Filed 9-17-75;8:45 am]

[Docket No. RI74-144]

AZTEC OIL AND CO.

Order Rejecting Settlement

SEPTEMBER 9, 1975.

On January 2, 1974, Aztec Oil and Gas Company (Aztec) filed notice of rate change as to seven contracts[1] with El Paso Natural Gas Company (El Paso) for natural gas sales in the San Juan Basin of the Rocky Mountain Area. Then on February 1, 1974, the Commission suspended these rate increases for five months, to become effective subject to refund on July 2, 1974, and set the matter for hearing.

Subsequently, on January 3, 1975, Aztec applied for rehearing of Opinion No. 699-H,[2] as well as requesting special relief from the national rate, based upon its aforementioned January 2, 1974, filing in Docket No. RI74-144. In particular Aztec contended that it had been denied due process notice and hearing when in Opinion No. 699-H the Commission set the Rocky Mountain Area rate at 35¢ per Mcf for contracts dated on or after October 1, 1968, which would not otherwise qualify for the national rate and ordered refunds for amounts collected in excess of 35¢ per Mcf.

In response to Aztec's filing the Commission on January 27, 1975, set the matter for hearing, specifically for the purposes of considering possible special relief for all of Aztec's sales and determining whether five of the seven contracts did not meet the Sierra-Mobile[3] test, and permitted Aztec to continue collecting the increased rates subject to refund without being required to presently comply with the Opinion No. 699-H refund order. Thereafter, on May 2, 1975, the Commission clarified this order by stating that the scope of this proceeding is limited to a determination of the just and reasonable rate for the seven sales to El Paso, *supra* note 1, currently being collected subject to refund in Docket No. RI74-144. In addition the Commission noted that none of these seven sales qualify for the national rate.

The Commission on June 23, 1975, noticed a proposed settlement agreement[4] filed by Aztec on June 16, 1975, in which Aztec and El Paso advance three new agreements: 1) the national rate would apply to the original seven already terminated contracts in this docket, *supra* note 1, to be effective July 2, 1974; 2) the national rate will apply as of the date of filing for two other contracts for which Aztec presently has termination rights; and 3) a renegotiated rate under the relevant area or national rate will apply to ten other contracts which are presently in effect. Aztec states that Commission approval of this settlement will cause it to seek termination of this docket.

Staff filed its opposition to this settlement on July 25, 1975, following Aztec's July 23, 1975, and El Paso's July 7, 1975, statements supporting the agreement. Aztec stressed the need for expeditious Commission approval of the settlement.

Finally, on July 31, 1975, the Commission deferred all procedural dates in this docket pending further order.

Of the seven contracts which are the subject of this docket Aztec terminated Rate Schedule No. 3 on March 1, 1971, No. 12 on June 10, 1973, and the remaining five (4, 5, 28, 29, and 35) on April 16, 1974. Aztec has been collecting 57.72¢ per Mcf for this gas. Finally, the ten El Paso contracts contained in the third agreement of the settlement have not yet expired although Aztec has renegotiated them.

The real issue in this settlement, as well as the sole subject matter of Docket No. RI74-144, is the seven previously terminated contracts, *supra* note 1. Aztec has been collecting 52.16¢ per Mcf (adjusted upwards to 57.72¢ per Mcf for taxes, pressure base and Btu) on this contract since July 2, 1974. While it initially sought this increase in relation to the Rocky Mountain Area rate[5], the intervening issuance of the national rate[6] has led Aztec and El Paso to seek justification for this rate increase under the national rate. The real issue here is refunds from July 2, 1974, to the present. If these seven contracts are to come within the national rate as of July 2, 1974, they must fall within the ambit of the third category of sales found in Opinion 699-H,[7] that is sales from expired contracts which have been renewed since January 1, 1973.

Aztec first of all would justify this application of the national rate by asserting that, but for a misunderstanding between itself and El Paso, contract renewal would have already occurred. It then noted some Commission uncertainty in Opinion 699-H concerning contract renewal, concluding that the parties' intention to renew at the national rate, as is present herein, should be controlling. As for possible refund of the revenues collected in excess of the national rate, Aztec reasons that it cannot

[1] FPC Gas Rate Schedule Nos. 3, 4, 5, 12, 28, 29, and 35. Aztec sought a rate increase from 29.23¢ per Mcf to 57.72¢ per Mcf.

[2] Opinion and Order Affirming and Modifying in part Opinion 699 (National Rate), Docket No. R-389-B, issued December 14, 1974.

[3] *F.P.C. v. Sierra Pacific Power Company*, 350 U.S. 348 (1956); and *United Gas Pipe Line Company v. Mobile Gas Corporation*, 350 U.S. 332 (1956).

[4] This settlement agreement was prepared after a June 3, 1975, conference at which not all intervenors were present.

[5] Opinion No. 658, 49 FPC 924 (1973).

[6] Opinion No. 699, Docket No. R-389-B, issued June 21, 1974.

[7] 18 CFR 2.56a(a)(2)(iii):

Sales made pursuant to contracts executed prior to or subsequent to the expiration of the term of the prior contract where the sales were formerly made pursuant to permanent certificates of unlimited duration under such prior contracts which expired of their own terms on or after January 1, 1973, or pursuant to contracts executed on or after January 1, 1973, where the prior contract expired by its own terms prior to January 1, 1973.

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absorb this payment of refunds and that the rate collected is just and reasonable by national rate standards. Furthermore, Aztec attempts to justify the 52.16¢ per Mcf on the basis of the favored-nation and market value escalation clauses found in the rate schedule presently governing these seven sales.

Staff, in opposition to the settlement, asserts that these seven terminated contracts are entitled to the national rate only after the renewal contracts have been filed. Since the national rate would not apply during this period, Staff contends that Aztec must make a case for special relief and requests that the case be remanded to the Administrative Law Judge. As to the other two agreements relating to the two and ten contracts respectively, Staff argues that they are outside the scope of this docket and that this settlement would be premature.

We find that this settlement agreement should be rejected. Clearly application of the national rate as of July 2, 1974, for the seven terminated contracts does not comport with Opinion No. 699–H and § 2.56a(a)(2)(iii), *supra* note 7, because there has been no renewal contract. The Commission specifically rejected the contention that the national rate apply upon contract expiration with no need for a contract renewal.* It is not sufficient that parties now agree to renew their contracts. Such agreement will not act to *nunc pro tunc* renewal to July 2, 1974. Category 3 vintaging requires contract renewal. Assuming that the parties do file a contract renewal for these seven contracts, this docket should be remanded for a hearing on the question of whether revenues collected since July 2, 1974, until the application of the national rate in excess of the prior rate are justified as special relief from the Rocky Mountain Area rate. Further, upon remand any excess collected above the presently effective national rate from the time renewal contracts are filed should also be considered.

The other two agreements included in this settlement should be rejected without prejudice because they are not within the scope of this docket, as well as being premature for Commission consideration.

The Commission further finds:

The settlement of these proceedings on the basis of the settlement agreement filed with the Commission on June 16, 1975, is not reasonable, proper, or in the public interest in carrying out the provisions of the Natural Gas Act and should be rejected and remanded to the Administrative Law Judge for further proceedings consistent with this order.

The Commission orders:

(A) The settlement agreement referred to above is rejected, and this proceeding is remanded for hearing.

(B) A public hearing will be held on November 20, 1975, at 10:00 A.M. in a hearing room at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) On or before September 22, 1975, Aztec shall serve its revised prepared testimony and exhibits.

(D) On or before October 21, 1975, the Commission Staff shall serve its prepared testimony and exhibits. On or before November 4, 1975, all intervenors shall serve their prepared testimony and exhibits. Any rebuttal evidence by Aztec shall be served on or before November 13, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24789 Filed 9-17-75;8:45 am]

* Opinion No. 699-H, *supra* note 2, slip op. at 42.

[Docket No. ER 76-96]

BOSTON EDISON CO.

Notice of Filing of Unit Power Agreement

SEPTEMBER 10, 1975.

Take notice that on September 2, 1975, the Boston Edison Company (Edison), tendered for filing the following initial rate schedule:

UNIT POWER AGREEMENT For the Sale of Unit Capacity and Energy from Mystic Unit No. 7, dated April 18, 1974, between Boston Edison Company and New England Power Company (NEPCO).

Under the agreement, Edison will make available 6.82% of the capacity and energy corresponding thereto of Mystic Unit No. 7 to NEPCO. Edison proposes to make the rate schedule filed herewith effective as of October 2, 1975. The Unit has been in commercial operation since June 14, 1975.

Edison states that copies of this filing have been sent to NEPCO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24891 Filed 9-17-75;8:45 am]

[Docket No. CI76-122]

CALIFORNIA CO.

Application

SEPTEMBER 9, 1975.

Take notice that on August 18, 1975, California Company, a Division of Chevron Oil Company (Applicant), 1111 Tulane Avenue, New Orleans, Louisiana 70112, filed in Docket No. CI76-122 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), from Blocks 249 and 250 South Marsh Island Area, North Addition, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell to Tennessee 75 percent of the gas production attributable to its interest in certain horizons and reservoirs in Blocks 249 and 250. Estimated monthly sales are 405,000 Mcf at 15.025 psia. The contract between Applicant and Tennessee provides for an initial rate of $1.63 per Mcf, but Applicant states that it is willing to accept a certificate conditioned to the rate set forth in Section 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a).

Any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24790 Filed 9-17-75;8:45 am]

[Docket No. ER76-92]

CENTRAL TELEPHONE & UTILITIES CORP.

Proposed Changes in Rates and Charges

SEPTEMBER 10, 1975.

Take notice that on August 29, 1975, Western Power Division, Central Telephone & Utilities Corporation (Western Power) tendered for filing proposed changes to its present rate schedules for service to its REA Cooperative customers as follows:

Substitute Rate Schedule 75–CWh–2
for Rate Schedule 73–CWh–2

for service to its Municipal Wholesale customers as follows:

Substitute Rate Schedule 75–MWH–2
for Rate Schedule 73–MWH–2

for service to Central Kansas Electric Cooperative, Inc. (an interconnected transmission and distribution utility) as follows:

Substitute revised Schedule A for firm power service for present Schedule A and for service to interconnected municipal utilities (the cities of Anthony, Attica, Beloit, Hoisington, Kingman, Pratt, Russell and Washington, Kansas) as follows:

Substitute revised Schedule A1 for firm power service for present Schedule A

Western Power proposes October 1, 1975, as the effective date of these new rate schedules and states that copies of this filing were served upon each of its wholesale customers affected by this filing and the Kansas State Corporation Commission.

The proposed rate schedules, according to Western Power, will produce in the case of its REA Cooperative customers a 19.59% increase in revenue, in the case of its Municipal Wholesale customers a 24.93% increase in revenue, in the case of Central Kansas Electric Cooperative, Inc. a 4.11% increase in revenue and in the case of the interconnected municipal utilities a 13.59% increase in revenue over projected unadjusted test period revenue, the test period being the 12 months ending December 31, 1975.

Western Power represents that the proposed rate schedules for the REA Cooperative and Municipal Wholesale customers provide for a nominated annual demand and an energy charge as compared to the present hours use rate with three steps. The fuel adjustment clause in the present rate schedules for all wholesale customers affected by this filing has been revised to bring it into conformity with Section 35.14 of the Commission's Regulations as amended by Order No. 517 issued November 13, 1974. The rate of return projected for the test year of 1975 under present rates on sales to the REA Cooperatives is 5.31%, on sales to the Municipal Wholesale customers 4.97%, on sale to Central Kansas Electric Cooperative, Inc. 8.31% and on sales to the interconnected municipal utilities 3.80%.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24904 Filed 9-17-75;8:45 am]

[Rate Schedule Nos. 24, et al.]

CLINTON OIL CO. ET AL.

Rate Change Filings Pursuant to Commission's Opinion No. 699–H

SEPTEMBER 9, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974. Pursuant to Opinion No. 699–H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before September 19, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Aug. 20, 1975...	Clinton Oil Co., P.O. Box 1201, Wichita, Kans. 67201.	24	Panhandle Producing Co....	Hugoton-Anadarko.
Aug. 22, 1975...	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	424	Natural Gas Pipeline Co. of America.	Texas Gulf Coast.
Aug. 25, 1975...	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	127	United Gas Pipe Line Co....	Other Southwest.
Aug. 26, 1975...	Eason Oil Co., P.O. Box 18755, Oklahoma City, Okla. 73118.	53	Tennessee Gas Pipeline Co..	South Louisiana.

[FR Doc.75-24806 Filed 9-17-75;8:45 am]

[Docket No. CP76-73]

COLORADO INTERSTATE GAS CO.

Application

SEPTEMBER 11, 1975.

Take notice that on September 2, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-73 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the calendar year 1976 and the operation of gas purchase facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas which may become available from various producing areas coexistensive with its pipeline system or the systems of other pipeline companies authorized to transport gas for or exchange gas with Applicant.

The total cost of the proposed facilities is not to exceed $5,880,000, with no single project costing in excess of $1,470,000, which cost Applicant will bear from funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own re-

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view of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24906 Filed 9-17-75;8:45]

[Docket No. CP76-65]

COLORADO INTERSTATE GAS CO.

Application

SEPTEMBER 9, 1975.

Take notice that on August 27, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-65 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of a highline tap to sell gas to the City of Trinidad, Colorado, in Las Animas County, Colorado, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it presently serves the City of Trinidad, Colorado, under its Rate Schedules G-1, PS-1 and EX-1 primarily through the Trinidad Meter Station, with minor deliveries at nine highline taps. Applicant proposes to operate one additional highline tap pursuant to the request of the City of Trinidad to serve two residences on the John T. Oxley Ranch. The tap that would be operated under the requested authorization is located on Applicant's Trinidad lateral in Las Animas County, Colorado, and is an existing 1-inch line tap.

The estimated gas usage by the two residences is said to be 400 Mcf per year, with a peak day usage of 4 Mcf of gas. There are no new facilities proposed in the instant application. The application states that the proposed operation would not change Applicant's existing peak day or annual sales obligations to Trinidad.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24791 Filed 9-17-75;8:45 am]

[Docket No. CP75-204]

COLORADO INTERSTATE GAS CO.

Petition To Amend

SEPTEMBER 11, 1975.

Take notice that on September 2, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Petitioner), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-204 a petition to amend the order of the Commission of April 7, 1975, issued in said docket pursuant to Section 7(c) of the Natural Gas Act granting a certificate of public convenience and necessity authorizing construction of gas-purchase facilities within the contemplation of Section 157.7(b) of the Regulations under the Natural Gas Act (18 CFR 157.7(b)) on December 31, 1975, in lieu of March 31, 1976, and by limiting the total expenditures authorized therein to $4,248,000 in lieu of $5,664,000, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that it was granted budget-type authorization by the Commission by the order of April 7, 1975, for a period of twelve months, and with a limit on total expenditures of $5,664,000. Petitioner alleges that its internal records and reports are kept on the basis of the calendar year and that various reports to be filed with the Commission must be made on a calendar year basis. Therefore, Petitioner requests that the Commission amend the construction authorization in the instant docket to terminate at the end of a nine-month period and that the total authorized expenditures be reduced by 25 percent. Petitioner further requests that the amended authorization be granted contingent to the issuance of budget-type authorization for the calendar year of 1976 for which Applicant has applied in Docket No. CP76-73.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24905 Filed 9-17-75;8:45 am]

[Docket Nos. RP74-82 and RP74-81]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Certification of Proposed Settlement Agreement and Record of Hearing

SEPTEMBER 11, 1975.

Take notice that on August 21, 1975, Presiding Administrative Law Judge Curtis L. Wagner, Jr. certified to the Commission a proposed settlement agreement and accompanying record in the above-captioned proceedings. The proposed settlement agreement rates to become effective November 1, 1974, are based upon a cost of service of $842,790,000 annually utilizing an overall rate of return of 9.37% which would yield a 12.25% return on common equity based upon the settlement capitalization. The settlement also reflects the agreed upon annual depreciation accrual rates as follows:

Columbia Gas:	*Percent*
Gathering plant	6.90
Transmission plant	4.20
Storage plant	4.65
Columbia Gulf: Offshore plant	8.00

The parties further agreed to permit Columbia Gulf to use a 5.5% accrual rate for its Onshore Plant pending a hearing on the matter to be set following Commission action on the proposed settlement.

Other issues which are reserved for hearing include the reasonableness and appropriateness of certain advance payments to Clark Oil Producing Company, conjunctive billing, and cost classification and rate design. Pending the hearing on cost classification and rate design, Columbia agrees to file revised rates to reflect 25% of *Seaboard* fixed costs to Demand and 75% *Seaboard* fixed costs to Commodity effective as of either of the following dates, whichever occurs first:

(a) The date of the first billing month commencing no less than 20 days after the Commission's approval of the Stipulation and Agreement, after rehearing, if any; or

(b) December 15, 1975, this being the effective date of Columbia's new rate increase filing in Docket No. RP75-106.

In addition, Article IV of the proposed settlement indicates that the proposed settlement rates reflect the test year cost of service of Columbia's production operations in the Appalachian area from leases acquired on or after October 8, 1969, in the amount of $8,460,311. The resolution of this issue is made subject to the trial of this issue in Docket No. RP75-106, Columbia's most recent rate case wherein the issue has been set for an expedited hearing. However, Article IV of the settlement also notes that Staff opposes the raising of this issue in Docket No. RP74-82 and that should the Commission agree with Staff on this point, Columbia agrees to make appropriate rate reductions. Article IV further notes that denial of Columbia's claim on this issue would not affect the remainder of the settlement since *all* parties agree that this issue is severable from the remainder of the proposed settlement.

The settlement also provides for rate adjustments within the time the settlement is in effect to reflect certain changes in transportation rates to Columbia, advance payments costs and changes in taxes.

With regard to the reserved issues to be set for hearing following Commission action on the proposed settlement, the parties have proposed the following procedure:

(1) Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company will file their direct evidence on the advance payments to Clark Oil Producing Company issue and the conjunctive billing issue on or before 30 days after the Commission's Order approving the Stipulation and Agreement.

(2) The Commission Staff will file its evidence on the conjunctive billing and advances to Clark Oil Producing Company plus any testimony in addition to that already filed on cost classification and rate design within 45 days of the date that Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company file their testimony.

(3) That all intervenor evidence will be filed within 45 days subsequent to the filing of Staff's testimony.

(4) Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company will file their rebuttal case within 21 days after the filing of intervenor testimony.

(5) The hearing will commence two (2) weeks after the filing of the rebuttal testimony.

All initial comments on the proposed settlement shall be filed on or before October 3, 1975. Any reply comments shall be filed on or before October 24, 1975. All comments shall be filed with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Copies of the proposed settlement are on file with the Commission and are available for public inspection during normal business hours at the Commission's Office of Public Information.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24907 Filed 9-17-75;8:45 am]

[Docket No. PR75-35, etc.]

CONSOLIDATED EDISON CO. OF NEW YORK, INC., ET AL.

Order Redesignating Proceeding

SEPTEMBER 9, 1975.

In the matter of Consolidated Edison Company of New York, Inc., Complainant, v. Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Respondent, Docket No. RP75-35; Orange and Rockland Utilities, Inc., Complainant, v. Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Respondent, Docket No. RP75-36; Pennsylvania Gas and Water Company, *et al.* Complainant, v. Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Respondent, Docket No. RP75-50.

By order of July 7, 1975, herein, the Commission, *inter alia*, granted the joint motion of Consolidated Edison Company of New York, Inc. (Con Ed) and Orange and Rockland Utilities, Inc. (O&R), Docket Nos. RP75-35 and RP75-36, respectively, to sever their complaints from this consolidated proceeding. In severing the aforementioned complaints however, we neglected to redesignate the balance of the proceeding [i.e. the complaint of Pennsylvania Gas and Water Company (PG&W), and the filings of Alabama-Tennessee Gas Company and General Motors Corporation]. Accordingly, the balance of the proceeding shall be redesignated as indicated below.

The Commission finds: The instant proceeding should be redesignated: Pennsylvania Gas and Water Company, *et al. Complainant* v. Tennessee Gas Pipeline Company a Division of Tenneco Inc., *Respondent*, Docket No. RP75-50.

The Commission orders: (A) The instant proceeding is hereby redesignated as indicated above.

(B) Furthermore, parties who have filed petitions intervene or notices of intervention in one or more of the instant docketed proceedings shall remain parties to the proceedings in Docket Nos. RP75-35, *et al.*, and Docket No. RP75-50, and need not file additional petitions to intervene.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24792 Filed 9-17-75;8:45 am]

[Docket No. RP72-157, PGA76-1]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 9, 1975.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on September 2, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective October 1, 1975. Consolidated states that the proposed rate increase would generate $19.2 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing was triggered by rate increases filed by Texas Eastern Transmission Corporation and Transcontinental Gas Pipe Line Corporation, all to be effective October 1, 1975.

Consolidated is requesting a waiver of the 45-day notice requirement contained in its PGA clause and further asks for a waiver of any other of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on October 1, 1975.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24792 Filed 9-17-75;8:45 am]

[Docket No. RI74-197]

DORCHESTER GAS PRODUCING CO.

Order Terminating Suspension Proceeding

SEPTEMBER 9, 1975.

On March 4, 1974, Dorchester Gas Producing Company (Dorchester) filed in Docket No. RI74-197 a notice of change in rate and a related new contract, designated as Supplement Nos. 5 and 6 to its FPC Gas Rate Schedule No. 7, for sales of natural gas in the Hugoton-Anadarko Area to Northern Natural Gas Company (Northern) from the West Panhandle Field, Gray County, Texas. Pursuant to Section 157.40 of the Commission's Regulations under the Natural Gas Act (18 CFR § 157.40) Dorchester's filing provides for a rate increase from 14.54 cents per Mcf to 45.0 cents per Mcf, reflecting the increase in price which Dorchester has agreed to pay several small producer suppliers under a new contract dated December 20, 1973. There is no price differential between the purchase price paid by Dorchester to its small producer suppliers and Dorchester's proposed resale rate to Northern. But because there was a question as to the reasonableness of the proposed 45 cents per Mcf rate the Commission suspended the rate increase for one

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day and allowed it to become effective as of April 5, 1974.

Now, however, in accordance with the vintaging concepts established in Opinion Nos. 639[1] and 699-H,[2] the small producer sales involved here would qualify for the national rate, which exceeds the suspended 45.0 cent rate. In view of this, the Commission will terminate this proceeding as moot.

The Commission orders: The suspension proceeding in Docket No. RI74-197 is hereby terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24794 Filed 9-17-75;8:45 am]

[Docket Nos. E-7720, E-7994, E-8082]

DUKE POWER CO.

Order Amending Order Approving Settlement

SEPTEMBER 10, 1975.

Duke Power Company on August 25, 1975, has filed letter agreements with counsel for the Duke Municipal Wholesale Customers and counsel for the Duke Cooperative Wholesale Customers that the first full paragraph on page 3 of the Commission's Order Approving Settlement, issued July 30, 1975, misstates the settlement agreement in that neither Duke nor its wholesale customers agreed to an arrangement tying wholesale rates to industrial rates set by the North Carolina Commission after July 1, 1975. We agree that the language is not wholly accurate and the paragraph should be amended.

The Commission orders: The first full paragraph on Page 3 of the Commission's order approving settlement is amended to read as follows:

In Docket No. E-7994, Staff presented a statement of position which would support revenues higher than those for which Duke has filed. The refunds provided in the settlement are thus more favorable to the wholesale customers than the probable Commission decision would have been. The settlement provides that Duke will file with the Commission on or about April 1, 1975, increased rates applicable to its wholesale customers effective July 1, 1975, subject to refund, investigation and hearing and will request the Commission to suspend such rates for one day. The increased rates applicable to the municipal customers were to be designed to produce the same revenues that would be produced by applying the Company's retail industrial rates filed with the North Carolina Public Utilities Commission (PUC) on November 29, 1974, to the billing determinants of the municipal customers. This, in our opinion, constitutes a restraint upon Duke, which, in the absence of the settlement agreement, might file for higher rates. The municipal customers will be bound by the PUC rates, but the staff and the Commission will not. We find that the public interest will be amply protected by Commission review of the PUC rates.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24892 Filed 9-17-75;8:45 am]

[Docket No. RP72-134, PGA76-4]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 9, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on August 28, 1975, tendered for filing Fifth Substitute Twelfth Revised Sheet No. 3A and Fifth Substitute Twelfth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1 to become effective October 1, 1975. The proposed changes would increase revenues from jurisdictional sales and service by approximately $10,007 annually based on sales for the twelve-month period ending July 31, 1975.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to increase the commodity or delivery charges in its rate schedules CD, G-1, E-1, PS-1, CD-E, and I by .004 cents per Mcf, equivalent to the increases in the similar rates of its sole supplier, Transcontinental Gas Pipe Line Corporation, as contained in the latter's filing in Docket Nos. RP74-48 and RP75-3 dated August 15, 1975.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24795 Filed 9-17-75;8:45 am]

[Docket No. RP72-134, PGA75-7(b)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 9, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on August 28, 1975, tendered for filing Fourth Substitute Eleventh Revised Sheet No. 3A and Fourth Substitute Eleventh Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1, to become effective February 1, 1975.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to decrease and increase various charges in its Rate Schedules CD, G-1, E-1, PS-1, CD-E, LGA, and I to reflect the equivalent purchased gas costs by its sole supplier, Transcontinental Gas Pipe Line Corporation, in a Settlement Agreement filed with the Commission on May 2, 1975, in Docket No. RP75-3, adjusting for the effect of the following tracking filings which were not reflected in the costs or revenues utilized to determine the settlement rates in Appendix C of Transcontinental's Settlement Agreement: (1) tracking filing in Docket No. RP73-3 under Transco's PGA clause which became effective on October 1, 1974; (2) tracking filing in Docket No. RP75-3 for a portion of a rate increase in storage service from Con Gas which became effective on December 1, 1974; (3) tracking filing in Docket No. RP72-99 for curtailment credits and debits which became effective on January 1, 1975.

Eastern Shore requests waiver of the notice requirements of § 154.22 of the Regulations under the Natural Gas Act and Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets to become effective as of February 1, 1975, coincident with the proposed effective date of Transcontinental's rate changes.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24796 Filed 9-17-75;8:45 am]

[Docket No. RP72-134 PGA75-8(b)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 9, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on August 28, 1975, tendered for filing Substitute Twelfth Revised Sheet No. 3A and Substitute Twelfth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1, to become effective April 1, 1975.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to increase the commodity or delivery charges in its rate Schedules CD, G-1, E-1, PS-1, CD-E and I by 9.6 cents per Mcf to reflect the equivalent purchased gas cost increases by its sole supplier, Transcontinental Gas Pipe Line Corporation, in a Settlement Agreement filed with the Commission on May 2, 1975, in Docket No. RP75-3, adjusting for the effect of the tracking filing in Docket No. RP73-3 under Transco's PGA clause which became effective on April 1, 1975. Eastern Shore requests waiver of the notice requirements of Section 154.22 of the Regulations under the Natural Gas Act and Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets to become effective as of April 1, 1975, coincident with the proposed effective date of Transcontinental's rate changes.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24797 Filed 9-17-75;8:45 am]

[Docket Nos. E-8769, E-8770, E-8008, and E-9119]

FLORIDA POWER & LIGHT CO.

Settlement Conference on Rates and Charges

SEPTEMBER 9, 1975.

Take notice that on September 12, 1975, a conference of Applicant Florida Power & Light Company and the Commission Staff will be held in the Commission's Conference Room No. 5412, at 825 North Capitol Street, N.E., Washington, D.C., at 10:00 A.M.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed this date to all parties to the proceeding, all of the jurisdictional customers, and all affected state commissions.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24798 Filed 9-17-75;8:45 am]

[Docket No. E-8170]

GEORGIA POWER CO.

Tender of Revised Rates and Charges Pursuant to Commission Order

SEPTEMBER 10, 1975.

Take notice that Georgia Power Company (Georgia Power) on August 22, 1975, tendered for filing Third Revised Sheet No. 23, Second Revised Sheet No. 30, Second Revised Sheet No. 31, Second Revised Sheet No. 32 and Second Revised Sheet No. 33 to its FPC Electric Tariff, Original Volume No. 1, pursuant to Commission order of June 17, 1975 in Docket No. E-8170. Georgia Power avers that the rates and charges and terms and conditions contained in the tendered tariff sheets are those set forth in its Settlement Agreement which were approved by the Commission in its order of June 17, 1975. The revised rates and charges and terms and conditions would be made effective as of December 13, 1973.

Georgia Power states that it served copies of the filing on its jurisdictional customers and on all parties appearing on the official service list compiled in the captioned docket.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24803 Filed 9-17-75;8:45 am]

[Docket No. CI75-516, etc.]

GETTY OIL CO. ET AL.

Order Granting Temporary Certificates of Public Convenience and Necessity, Consolidating Proceedings for Hearing and Decision, Granting Interventions, and Order To Show Cause

SEPTEMBER 9, 1975.

In the matter of Getty Oil Company, Docket No. CI75-516; Texaco Inc., Docket No. CI75-614; Atlantic Richfield Co., Docket No. CI75-651; Continental Oil Co., Docket No. CI75-761; Getty Oil Co., Docket No. CI75-769; Atlantic Richfield Co., Docket No. CI76-2; Cities Service Oil Co., Docket No. CI76-18; Continental Oil Co., Docket No. CI76-41; Cities Service Oil Co., Docket No. CI76-58; Transcontinental Gas Pipe Line Corp., Docket No. CP75-326.

Texaco Inc. (Texaco) in Docket No. CI75-614 filed an application on April 14, 1975, for temporary certificate to initiate sales of gas from two specified sands underlying the Block 205 Field, Eugene Island Area, Offshore Louisiana (Federal Domain), to Consolidated Gas Supply Corporation (Con Gas) at the national rate established in Opinion No. 699-H (51.0¢ per Mcf at 14.73 psia subject to upward and downward Btu adjustment from a base of 1,000 and a gathering allowance of 0.5¢ per Mcf) in lieu of the base contract rate of 55.0¢ (15.025 psia).

Texaco's contract, dated March 18, 1975, provides for a term of 20 years and commits only Texaco's interest in the H Sand identified at the interval of 13,910 feet to 13,960 feet in Well No. C-4 but only insofar as such sand is located in Block 196 and the JJ Sand identified at the interval of 12,400 feet to 12,474 feet in Well No. D-1 but only insofar as the gas from such sand is located in Block 206. The lease date of Blocks 196 and 206, which are in the Block 205 Field, is May 1, 1960.

[1] Docket No. R-371, 48 FPC 1299, issued December 12, 1972.

[2] Docket No. R-389-B, issued December 4, 1974.

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Texaco has received a permanent certificate in Docket No. CI69–259 authorizing sales to Sea Robin Pipeline Company pursuant to an August 29, 1968, contract (Texaco's R.S. No. 435) which dedicates gas produced from reservoirs or producing formations above the base of the H.H. Sand.

On May 1, 1975, in Docket No. CP75–326, Transcontinental Gas Pipe Line Corporation (Transco) requested temporary and permanent certificates authorizing the operation of two additional points of delivery from Con Gas to Transco to permit Con Gas to receive the gas which it has contracted to purchase from Texaco. Transco is authorized in Docket No. CP72–244 to transport gas for Con Gas and will transport the gas through existing facilities. By order issued August 23, 1972, in Docket No. CP72–244, as amended by order issued February 23, 1973, Transco is authorized to transport 71,548 Mcf per day on a firm basis and up to 30,663 Mcf per day (all volumes at 14.7 psia) on an interruptible basis for Con Gas pursuant to a transportation agreement between the two companies dated September 12, 1972, as amended (on file as Transco's Rate Schedule X–56). By agreement dated February 21, 1975, Transco and Con Gas have further amended the September 12, 1972, transportation agreement to provide for additional points in Blocks 196 and 206, Eugene Island Area, at which Con Gas can deliver gas to Transco. Pursuant to the transportation agreement, Transco delivers the transported gas to Con Gas at a point near Leidy, Pennsylvania. The February 21, 1975, agreement does not involve a change in the contract demand volumes.

Getty Oil Company (Getty) and Atlantic Richfield Company (Atlantic) request permanent certificates in Docket Nos. CI75–516 and CI75–651, respectively, and Continental Oil Company (Continental) and Cities Service Oil Company (Cities) request temporary certificates in Docket Nos. CI76–41 and CI76–58, respectively, to initiate sales of gas to Tennessee Gas Pipeline Company (Tennessee) from Block 177, West Cameron Area, Offshore Louisiana (Federal Domain), at the national rate established in Opinion No. 699–H (51.0¢ per Mcf at 14.73 psia subject to upward and downward Btu adjustment from a base of 1,000 and a gathering allowance of 0.5¢ per Mcf), which is the rate provided for in each related contract. These applications were filed on February 24, May 5, July 23 and July 28, 1975, respectively.

Each related contract limits the dedication to horizons found between the surface and the base of the OC Sand. In addition, the contracts submitted by Continental and Cities commit 75 percent of their interests in the dedicated depths and reserve the remaining 25 percent for each seller's own use. Tennessee agrees to transport such retained reserves, subject to issuance of any necessary certificate, and upon buyer's receipt of a written notice that sellers have elected to have their retained reserves transported, the parties will enter into a transportation agreement. Until deliveries of sellers' retained reserves commence under such transportation agreement Tennessee has the right to purchase 100 percent of sellers' gas available for delivery. If deliveries under the transportation agreement have not commenced within 3 years from the date of the contract, sellers' retained reserves will be committed to the contract.

Each related contract submitted as the proposed related rate schedule provides for a term of 20 years and limits the dedication to horizons found between the surface and the base of the OC Sand (between depths of 10,559 and 10,586 feet). By letter filed June 30, 1975, Getty supplemented its application and advised that no producing formation was encountered below the base of the OC Sand, that there are no other known natural gas reserves commercially producible from the surface to the limit of each well bore in Block 177, that the No. 3 well is the only well with commercially producible reserves and that two other wells have been plugged and abandoned. Getty also submitted a copy of the development plan filed with U.S.G.S. for Block 177 and such plan indicates that Well No. 3 would be drilled to a total depth of 10,800 feet. By letter filed August 4, 1975, Atlantic advised that Well No. 1 was plugged and abandoned on December 29, 1968, Well No. 2 was plugged and abandoned on September 30, 1971, and Well No. 3 was drilled in Oct.–Nov. 1974. Atlantic states that it anticipates no further development on Block 177 and that the drilling program indicates that the OC Sand is the only productive sand under Block 177. In a letter filed July 23, 1975, submitting its contract as a proposed rate schedule, Continental stated that there are no developed or presently known gas reserves below the committed depth. Pursuant to agreements dated July 21, 1971, each producer agreed to commence drilling one exploratory well on Block 177 and one well on East Cameron Block 77 on or before November 30, 1971, and to dedicate up to 75 percent of the reserves found as a result of such drilling and Tennessee agreed to transport up to 25 percent of the reserves for each producer and to make advance payments. Pursuant to separate advance payment agreements, Tennessee made an initial advance payment of $438,500 to each producer and is required to make an additional payment prior to the date deliveries commence.

Applicants will deliver the gas to Tennessee on a production platform in Block 177. It appears that Tennessee can install the facilities needed to attach the subject reserves under its budget authorization. On June 6, 1975, Tennessee filed a petition to intervene in support of Atlantic's application in Docket No. CI75–651.

Continental Oil Company, Getty Oil Company and Cities Service Oil Company request temporary certificates in Docket Nos. CI75–761, CI75–769, and CI76–18, respectively, to continue emergency sales of gas well gas to Trunkline Gas Company (Trunkline) from the Block 261 Field, South Marsh Island Area, Offshore Louisiana (Federal Domain), which were commenced on May 3, 1975, and have been continued since July 2, 1975, the expiration date of the 60-day exempt period.

Atlantic Richfield Company requests a temporary certificate in Docket No. CI76–2 to initiate sales to Trunkline from the same field. Each applicant proposes to make such sales at the national rate established in Opinion No. 699–H for offshore gas which a producer delivers onshore at his sole expense (51.0¢ per Mcf at 14.73 psia subject to upward and downward Btu adjustment from a base of 1,000 and allowances of 0.5¢ per Mcf for gathering and 1.0¢ per Mcf for offshore to onshore delivery). In its application, Atlantic states it did not enter into the emergency contract and its underproduction will be made up when deliveries are commenced under the requested temporary certificate. These applications were filed on June 25, June 30, July 3 and July 14, 1975, respectively.

Subsequent to the commencement of emergency sales on May 3, 1975, by Continental, Cities and Getty, Trunkline made an advance payment of $500,000 to each producer pursuant to four separate but identical Gas Supply Incentive Agreements dated May 30, 1975, covering South Marsh Island Block 261. Since Opinion No. 699–B states that gas which is subject to an advance payments agreement is not eligible for emergency sales absent an advance demonstration of extraordinary circumstances, the Commission finds that Trunkline should have ceased its emergency purchases on May 30, 1975. As the Commission has determined that Trunkline should not have continued the emergency purchases beyond May 30, 1975, without Commission authorization, Trunkline will be required to exclude from its purchased gas adjustment filing the cost of gas purchased without authorization from and after May 30, 1975, to the date on which deliveries commence under the temporary certificates issued in Docket Nos. CI75–761, CI75–769 and CI76–18.

The related contracts in Docket Nos. CI75–761, CI75–769 and CI76–18 dedicate gas well gas in those horizons from the surface to the base of the JT Sand (between depths of 7,180 and 7,297 feet) and gas produced from the Block 261 "A" platform. The related contract in Docket No. CI76–2 commits gas well gas in 10 specified horizons. Each applicant owns a 25 percent interest in Block 261. The term of each contract is 20 years. Applicants are selling oil well gas from Block 261 to Trunkline under contracts which dedicate only oil well gas found in horizons from the surface to the base of the JK Sand pursuant to permanent certificates issued in Docket Nos. CI75–128 (Continental), CI75–143 (Getty), CI75–144 (Atlantic), and Docket No. CI75–181 (Cities).

Getty by letter filed July 30, 1975, advised that no gas well gas reserves are known to exist below the base of the JT Sand and that there are no other known gas well gas reserves commercially producible from the surface to the limit of each well bore in Block 261.

CAGC Group applicants propose to transport the gas from Block 261 through their facilities at their sole expense and deliver the gas to Trunkline at an onshore point in Vermilion Parish, South Louisiana. Each related contract provides that if the gas well gas reserves and casinghead gas reserves in Block 261 are subsequently determined to equal or exceed 10,000,000 Mcf, seller has the option to establish the delivery point at the inlet of a measuring station to be installed by Trunkline on seller's platform. These applicants shall show cause, as part of their evidence herein, why their transportation facilities between Block 261 South Marsh Island and the Trunkline connection are not subject to the requirements of Section 7(c) of the Act for which a pipeline certificate is required.

The producer gas sales contracts herein would limit dedications of reserves to the base of defined producing formations, or limit the dedication to 75 percent of the reserves in the dedicated depths. In view of the national shortage of natural gas and the declining gas reserves of interstate pipelines, the Commission by order issued June 3, 1975, in *Getty Oil Company, et al.*, Docket Nos. CI75–319, *et al.*, directed that a formal hearing be held to resolve similar issues of depth limitations and limitations on the term of the sale.

The order of June 3, 1975, in Docket No. CI75–319, *et al.* (p. 1) states:

"This proceeding involves issues of limitations in gas sales contracts, between independent producers and an interstate pipeline, for natural gas to be produced and sold from leases in the Federal Domain in the Gulf of Mexico, proposed to be certificated by the Federal Power Commission and accepted for filing.

The producer gas sales contracts would limit dedications to the base of defined producing formations for a limited term. In view of the national shortage of natural gas and the declining gas reserves of interstate pipelines, the Commission directs a formal hearing on these issues. Applicants shall, *inter alia*, in their evidence address the question of whether the dedication of gas reserves to be connected from Federal Domain leases should not include all of the commercially producible gas reserves from the surface to the limit of the well bore."

Accordingly, we shall herein consolidate the producer dockets with the proceedings in Docket No. CI75–319, *et al.*, to resolve the same issues of limitations and reservation of reserves.

The Commission finds:

(1) Each Applicant here is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales and transportation of natural gas hereinbefore described, as more fully described in the applications will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Applicants herein are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) Participation by petitioners to intervene may be in the public interest in the proceedings in which they have filed petitions.

The Commission orders:

(A) Based upon the allegations presented in the requests for temporary certificates and upon the need for additional natural gas supplies, the Commission finds that an emergency exists and temporary certificates are hereby issued to Applicants in all docket listed in paragraph (c) below pursuant to Section 7 of the Natural Gas Act authorizing the sales by Applicants in those dockets of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, subject to Opinion No. 699, as amended, and any further orders issued thereunder, conditioned to the lesser of the contract rates or the national base rate of 51.0 cents per Mcf (14.73 psia), subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, plus a 0.5 cent per Mcf gathering allowance and 1.0¢ for offshore to onshore delivery.

(B) Applicants' acceptance or rejection of the temporary certificates shall be filed within 30 days of the date hereof. If accepted, the temporary certificates shall be effective upon the date of receipt of the acceptance by the Secretary. Service under the temporary certificates shall commence within 30 days from the date of completion of the facilities by the purchaser or transporter. Such service may not be discontinued without permission of the Commission issued pursuant to the provisions of Section 7(b) of the Natural Gas Act whether the contract term has expired or not. The issuance of temporary certificates and the acceptance of the above rate schedules are without prejudice to such final disposition of the applications for certificates as the record may require.

(C) The proceeding in Docket Nos. CI75–516, 614, 651, 761, 769, CI76–2, 18, 41 and 58 are hereby consolidated for hearing and decision with the proceedings in *Getty Oil Co., et al.* in Docket Nos. CI75–319, *et al.*

(D) Section 154.93(b–1) of the Commission's Regulations is waived to permit the inclusion in the rate schedules of applicant in Docket No. CI75–614 of the contract provision for rate increases to higher area rate found to be proper by hearing, rulemaking, or a Commission approved settlement.

(E) The rate schedules related to the authorizations granted herein are accepted for filing to become effective on the date of initial delivery. Applicants shall advise the Commission of said date within 10 days thereof.

The rate schedules have been designated as follows:

Description	Docket No.	Designation
Contract Mar. 18, 1975.	CI75–614	Texaco rate schedule No. 517.
Contract Feb. 3, 1975.	CI75–516	Getty Oil Co. rate schedule No. 214.
Contract Apr. 4, 1975.	CI75–651	Atlantic Richfield rate schedule No. 604.
Contract Jan. 1, 1975.	CI76–41	Continental Oil Co. rate schedule No. 421.
Contract May 22, 1975.	CI76–58	Cities Service Oil Co. rate schedule No. 426.
Contract June 12, 1975.	CI75–761	Continental Oil Co. rate schedule No. 420.
Contract June 11, 1975.	CI75–769	Getty Oil Co. rate schedule No. 213.
Contract June 12, 1975.	CI76–2	Atlantic Richfield Co. rate schedule No. 608.
Contract June 1, 1975.	CI76–18	Cities Service Oil Co. rate schedule No. 425.

(F) Acceptance of the rate schedules of Applicants does not constitute Commission approval of the contractual reservations or limitations involved pending resolution of the matter on the merits after hearing and decision.

(G) Appropriate authorization from the Commission is required by any pipeline to transport any gas which the producers may be permitted to reserve.

(H) Petitioners to intervene are permitted to intervene in the proceedings in which they have filed petitions to intervene subject to the rules and regulations of the Commission; *Provided, however*, that participation by such interveners shall be limited to matters affecting asserted rights and interest as specifically set forth in the petitions to intervene; and, *Provided, further*, that the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

(I) Applicants (CAGC Group and Texaco) shall present as part of their prepared evidence, supporting data to show the volumes of natural gas to be produced and sold during the term of their contracts from contractually specified formations in each Block; the estimated gross and net total recoverable natural gas reserves in each formation in each Block; the estimated gross and net recoverable natural gas reserves commercially producible from the surface to the limit of the well bore in each Block, and deliverability schedules relating to each of the three reserves estimates called for above.

(J) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1), a public hearing shall be held commencing September 30, 1975, at 10:00 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the matters in Dockets set out in (c) above.

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(K) On or before September 16, 1975, producer applicants and all persons in support of the applicants shall each file their prepared testimony and exhibits comprising their case-in-chief upon all parties to this proceeding, the Office of Administrative Law Judges, Commission Staff and all parties to the consolidated proceeding in Docket Nos. CI75–319, *et al.*

(L) A temporary certificate of public convenience and necessity is issued to Transcontinental Gas Pipe Line Corp. in Docket No. CP75–126 authorizing the additional points of receipt of gas from Consolidated Gas Supply Corp., as more fully set forth above and as in the application herein, subject to compliance with Part 154 and (e) and (f) of Section 157.20 of the Regulations.

(1) This temporary certificate shall be accepted as issued within 30 days herefrom by written acceptance made by a responsible official of Transco. If reconsideration is sought, service hereunder shall not be commenced. If service is commenced, the conditions attached shall become effective, and service may not be discontinued without permission of the Commission issued pursuant to the provisions of Section 7(b) of the Natural Gas Act.

(2) The above issued temporary certificate shall not be effective until such time as the applicant in Docket No. CI75–614 has accepted in writing the temporary certificate issued in paragraph (A) above.

(3) The issuance of this temporary certificate is without prejudice to such final disposition of the application for permanent certificate as the record may require.

(M) The temporary certificate issued Atlantic in Docket No. CI75–651 and Cities in Docket No. CI76–18 is conditioned upon Applicant within 30 days from the date hereof, submitting the waiver required by Section 2.56a(1) of the Rules. If such waiver is filed within 30 days, the rate may be made effective as of the date of initial delivery.

(N) The temporary certificates issued in Docket Nos. CI75–761 and CI75–769 require applicant to file three copies of a revised billing statement reflecting the components of the authorized rate; namely, base rate, Btu adjustment and allowances for gathering and offshore to onshore delivery.

(O) Trunkline Gas Company is prohibited from including any portion of the cost of purchased gas from Getty, Continental and Cities as set out above in this order, from and after May 30, 1975, to the date on which these three applicants commence sales under temporary certificates authorized herein in Docket Nos. CI75–761, and CI75–769 and CI76–18.

(P) CAGC Group shall show cause why their pipeline facilities between South Marsh Island Block 261 and the delivery point to Trunkline Gas Company should not be subject to the requirements of Section 7 of the Act. A response is required of CAGC Group as part of their prepared evidence. No other response is required.

By the Commission. Commissioner Smith dissents to setting for hearing the question of whether it is in the public interest for the producers to make sales of gas in interstate commerce, for the reasons he set out in his dissenting statements to *Getty Oil Company, et al.*, Docket Nos. CI75–319, et al., order issued June 3, 1975; *Marathon Oil Company, et al.*, Docket Nos. CI75–641, *et al.*, order issued July 24, 1975; and *Getty Oil Company, et al.*, Docket No. CI75–319, *et al.*, letter order issued August 19, 1975.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24890 Filed 9-17-75;8:45 am]

[Docket No. CI75–319, etc.]

GETTY OIL CO. ET AL.

Findings and Order After Statutory Hearing Granting in Part and Denying in Part Reconsideration of Prior Orders, Issuing Certificates of Public Convenience and Necessity, and Severing Proceedings

SEPTEMBER 10, 1975.

In the matter of Getty Oil Co., *et al.*, Docket No. CI75–319, *et al.*; Trunkline Gas Company, Docket No. CP75–273; Mobil Oil Corporation, Docket No. CI75–538; Texaco Inc., Docket No. CI75–680.

On August 19, 1975, Texas Inc. (Texaco) filed an application for rehearing of the Commission's order dated July 24, 1975, in Docket No. CI75–641, *et al.*, and on August 22, 1975, Trunkline Gas Company (Trunkline) and Mobil Oil Corporation (Mobil) filed a petition for reconsideration and clarification and an application for rehearing,[1] respectively, of the Commission's order dated August 15, 1975, in Docket Nos. CP75–273 and CI75–538. All three parties request that the Commission reconsider the issuance in the aforementioned orders of temporary certificates to each and issue instead permanent certificates. In addition, Texaco and Mobil move to sever the proceedings upon their applications in Docket Nos. CI75–680 and CI75–538, respectively, from the consolidated proceeding in *Getty Oil Company, et al.*, Docket No. CI75–319, *et al.*

On May 14, 1975, Texaco filed in Docket No. CI75–680 an application for certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing the sale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from the Block 342 Field, Eugene Island Area, offshore Louisiana, conditioned to the national rate prescribed in Section 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a).

Texaco's purchaser, Texas Gas, along with Texas Eastern Transmission Corporation (Texas Eastern) and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), filed with the Commission an application in Docket No. CP75–127 which, among other things, requests authorization for the construction of 32.25 miles of pipeline for the purpose of transporting gas reserves dedicated to Texas Gas and Tennessee in the Eugene Island Block 342 Field and gas reserves dedicated to Texas Eastern in Eugene Island Block 349. On July 18, 1975, the Commission in *Texas Eastern Transmission Corporation, et al.*, Docket No. CP63–177, *et al.*, issued these applicants a certificate conditioned upon the related producers', including Texaco, receiving and accepting either permanent or temporary Commission authorization to sell gas to these applicants.

By order of July 24, 1975, in Docket No. CI75–641, *et al.*, the Commission issued permanent certificates to various producers but issued to Texaco, in Docket No. CI75–680, a temporary certificate without prejudice to final disposition of the application for permanent certificate. The Commission also consolidated the proceeding in Docket No. CI75–680, with the proceeding in Docket No. CI75–319, *et al.*, for hearing with regard to two issues in Texaco's application, to wit:

1. Whether, in view of a depth limitation contained in Texaco's contract with Texas Gas, Texaco has dedicated all the commercially producible gas reserves attributable to its interest in the Eugene Island Block 342 Field, and

2. Whether a supplemental agreement filed by Texaco with its application provides for a possible volumetric limitation by Texaco with respect to its interest in the Block 342 Field.

On August 19, 1975, Texaco filed pursuant to Section 19(a) of the Natural Gas Act an application for rehearing of the Commission's aforementioned July 24, 1975, order and a motion for severance of its application in Docket No. CI75–680 from the proceeding in *Getty Oil Company, et al.*, Docket No. CI75–319, *et al.* Contemporaneously, Texaco filed a notice of rejection of the temporary certificate issued to it by the July 24, 1975, order.

Texaco claims that it has committed to its sale to Texas Gas all of the commercially producible gas of which it is aware attributable to its interest in the Eugene Island Block 342 Field, pursuant to its long-term (20 years) contract. However, to assure the Commission of this fact, and for the purpose of resolving the above-mentioned issues which previously prevented the issuance to Texaco of a permanent certificate in Docket No. CI75–680, Texaco states that it would be willing to accept a permanent certificate in said docket conditioned as follows:

(1) Texaco, upon acceptance of a final permanent certificate in Docket No. CI75–680, will within 30 days of said acceptance file with the Commission a contract amendment which will delete the depth limitation contained in its contract.

(2) Irrespective of any possible interpretation of Texaco's supplemental agreement with Texas Gas, the certificate would apply to the sale of all commercially producible gas which has been found or which may be found in the future attributable to Texaco's interest in the Eugene Island Block 342 Field.

Texaco states, however, that its offer herein to amend its contract with Texas Gas should not be construed as a general concession on depth limitations in offshore gas sales contracts.

The Commission agrees that conditioning Texaco's certificate in the manner proposed above would render moot the issues of depth limitation and volumetric limitation. Inasmuch as the resolution of those issues was the only reason for withholding permanent certification, the Commission will issue the requested permanent certificate subject to the suggested conditions.

On March 10, 1975, Mobil filed in Docket No. CI75–538 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline at the national rate from the Block 95 Field, offshore Louisiana. On March 17, 1975, Trunkline filed in Docket No. CP75–273 its related application for authorization to construct and operate facilities estimated to cost $19,340,000 to attach the reserves it had contracted to purchase from Mobil. Trunkline's application additionally sought authorization to transport Gulf Oil Corporation's (Gulf) interest in the Block 95 Field for ultimate delivery to Texas Eastern. The details of the proposed sale and transportation of gas and construction of facilities by Mobil and Trunkline are more fully set forth in the Commission's order issued August 15, 1975, in Docket Nos. CP75–273 and CI75–538.

By the August 15, 1975, order the Commission granted temporary authorization to Mobil and Trunkline to commence their operations subject to certain conditions. Trunkline's temporary certificate was issued subject to, *inter alia*, (1) Mobil's accepting its authorization to sell gas to Trunkline, (2) the ultimate disposition of Trunkline's application, (3) future cost-of-service computations, which will include the proposed facilities in Trunkline's rate base, utilizing a minimum load factor of 60 percent operation of such facilities, (4) further Commission authorization to transport any of Mobil's gas which it may be permitted to reserve, and (5) Trunkline's filing a rate schedule covering its charges for transporting liquids from the Block 95 Field, together with a supporting cost of service exhibit.

Mobil's temporary certificate was granted and its rate schedule was accepted subject to, *inter alia*, (1) final Commission approval of Mobil's contractual gas reserve reservations and depth limitations, (2) Mobil's filing of specified reserve data as a part of its prepared evidence, and (3) Mobil's acceptance of the temporary certificate within 30 days of its issuance.

The August 15, 1975, order consolidated for hearing and decision the proceeding in Docket No. CI75–538 with the proceeding in *Getty Oil Co., et al.*, Docket No. CI75–319, *et al.*, due to the common questions relating to contractual depth limitations, percentage reservation, and 10-year term of contract. Further, the order required Gulf to add a new delivery point to its rate schedule and to deliver its share of the Block 95 Field gas only to Texas Eastern in interstate commerce.

On August 22, 1975, Mobil filed an application, pursuant to Section 19(a) of the Natural Gas Act, for rehearing of the August 15, 1975, order and a motion for severance of Mobil's application in Docket No. CI75–538 from the consolidated proceding in Docket No. CI75–319, *et al.* Contemporaneously, Mobil filed a notice rejecting the temporary authorization granted by the August 15, 1975, order. Also on August 22, 1975, Trunkline filed a petition for reconsideration and clarification of the August 15, 1975, order. Both Mobil and Trunkline ask the Commission to reconsider the order of August 15, 1975, in order that permanent, rather than temporary, certificates may be issued in the subject proceedings. Both maintain that the uncertainty that necessarily surrounds a temporary certificate makes the large investment mandated by this project unfeasible from their viewpoint. Indeed, Trunkline claims that the facilities it intends to construct would serve no useful purpose as merely temporary facilities, given their proposed function and location.

In its application for rehearing Mobil alleges that the order of August 15, 1975, would place it in the untenable position of commencing sales under terms and conditions that Mobil deems to be unlawful. Nevertheless, Mobil is willing to make concessions in several major aspects of its application. Upon grant of Mobil's request for severance and issuance of a permanent certificate, Mobil is willing to accept a certificate of unlimited duration and is further willing to amend its contract to delete all depth limitations and the reservation of 25 percent of the gas for Mobil's own use contained in Mobil's contract committing the Block 95 Field reserves to Trunkline. Mobil's concessions are premised on the condition that the Commission will timely issue the requested permanent certificate so that necessary construction can be completed and deliveries can commence for the 1975–76 winter season. If the requested authorization is not issued by September 5, 1975, Mobil reserves the right to withdraw its concessions.

Mobil's application in Docket No. CI 75–538 raised three issues that precipitated the Commission's decision to defer permanent certification until after formal hearing. Specifically, the Commission questioned the 10-year duration of Mobil's gas sale contract with Trunkline and the provisions therein for depth limitations and for the reservation of reserves for Mobil's own use. Recognizing the need for the Block 95 Feld gas, the Commission granted Mobil temporary authorization to sell the gas to Trunkline. Permanent certification would await the outcome of the consolidated proceeding in Docket No. CI75–319, *et al.*, and resolution of the three aforementioned issues in Mobil's application. Due to the interdependency of the applications of Mobil and Trunkline, Trunkline was also given only a temporary certificate pending permanent certification of Mobil's application to sell gas to Trunkline.

Now Mobil has chosen to waive its 25 percent reservation of gas, to commit production from all depths under its contract with Trunkline and to accept a certificate of unlimited duration thereby rendering moot the issues that had precluded permanent certification. Mobil states in its petition for reconsideration herein (page 7) its willingness to amend its contract with Trunkline to eliminate depth limitations and percentage reservation and to file said amended contract with the Commission within 30 days of Mobil's acceptance of a permanent certificate. The Commission's order herein of August 15, 1975 (pages 4 and 5), identified the 10-year term of Mobil's contract[2] as an issue for resolution in the hearing on permanent certification. Trunkline's application for certificate in Docket No. CP75–273, Exhibit H–2, page 1, Total Field Deliverability Summary, shows gas volumes available from "proven and probable reserves" for 18 years and "proven, probable and potential" reserves of 20 years. The "dedicated" deliverability schedule covers identical years. Mobil's application for rehearing (page 8) states that "Mobil is prepared to accept a certificate unlimited as to duration."

Under these circumstances and in order to be able to issue a permanent certificate to Mobil and cancel the hearing previously ordered, the Commission finds that permanent certification may be granted to Mobil and, consequently, to Trunkline under the terms and conditions hereinafter provided. Furthermore, the basis for the consolidation of Mobil's application in the proceeding in Docket No. CI75–319, *et al.*, no longer remains, and therefore Mobil's request for severance will be granted.

Mobil's permanent certification will be conditioned on either substitution of a 20 year term in the contract amendment to be filed as part of the rate schedule, or deletion of the delivery term entirely and substitution thereof of a life-of-the lease (or equivalent) term, whichever is preferable to the parties. In this regard, the Commission notes that Marathon, Texaco, Louisiana Land Offshore Exploration and Texas Eastern Exploration, each of which has received permanent certificates in this consolidated proceeding, filed 20-year term contracts as rate schedules for sales of gas.

In addition to seeking permanent certification, Mobil suggests that the lan-

[1] The orders issuing temporary certificates and consolidating the applications of Texaco and Mobil for hearing are not final orders of the Commission; therefore, the applications for rehearing will be treated as petitions for reconsideration.

[2] Mobil's proposed rate schedule herein (page 36) sets forth a delivery term of 10 years unless extended.

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guage of ordering paragraph "B" of the August 15, 1975, order is both misdirected and inaccurate. Mobil claims that the condition in ordering paragraph "B" unduly burdens the authorizations of Mobil and Trunkline with a condition that is beyond their control.[2]

Ordering paragraph "B" is directed to Gulf in order to assure that the supply of gas from Block 95 Field transported by Trunkline will be received by the interstate market served by Texas Eastern. The Commission agrees, however, with Mobil's suggestion that ordering paragraph "B" should be limited to Gulf's share of the Block 95 Field gas and, accordingly, will so modify the condition.

Aside from Trunkline's request for a permanent certificate, which has hereinbefore been addressed, Trunkline also requests clarification or deletion of the requirement in ordering paragraph "A (4)" that Trunkline shall compute future cost of service utilizing a minimum load factor of 60 percent. Trunkline claims that the 60 percent load factor requirement, as set forth in Section 2.65 of the Commission's General Policy and Interpretations, applies to transmission lines but does not contemplate Trunkline's proposed facilities which will serve merely to connect additional reserves to existing lines. Trunkline points out that since source reserves will ultimately deplete no single connecting line serving a particular field could maintain a 60 percent load factor indefinitely.

By order issued July 25, 1968 (40 FPC 160), the Commission responded to a similar challenge to the policy of Section 2.65. The Commission recognized there, as we do here, that gas supplies will come available which can most effectively be connected by the construction of minor gathering lines or stub lines. Yet even such minor facilities do not escape scrutiny as to their cost efficiency, and the 60 percent load factor requirement should apply equally to them. The fact that a pipeline's source reserves will ultimately deplete is a concern that can be accommodated through proper depreciation of the facilities. However, as the Commission pointed out in the July 25, 1968, order, the Commission does not intend to apply the policy inflexibly. It was for this reason that Section 2.65 includes a provision for waiver.

Trunkline also objects to the fact that ordering paragraph "A(4)" of the August 15, 1975, order specifies neither the duration of the condition nor when the matter is to be resolved. A single resolution of the 60 percent load factor condition is not what is intended by the language of paragraph "A(4)." The policy of Section 2.65 is intended to be one of continuing applicability and paragraph "A(4)" reflects that policy objective. The Commission recognizes that all offshore facilities may not be connected to unlimited supplies of gas which will enable the facilities to be operated at a 60 percent load factor in perpetuity; however, when the time comes that any particular facility may be limited in the supply of gas available to it, the Commission will consider the merits of modifying the 60 percent requirement.

At a hearing held on September 4, 1975, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Good cause exists to grant the application of Texaco for reconsideration of the order of July 24, 1975, in Docket No. CI75–641, *et al.*, as hereinafter provided.

(2) Good cause exists to grant in part the applications of Mobil and Trunkline for reconsideration of the order of August 15, 1975, in Docket Nos. CP75–273 and CI75–538 as hereinafter provided.

(3) The conditions imposed upon the permanent certificates hereinafter issued to Texaco and Mobil remove all contested issues related to the applications of Texaco and Mobil in Docket Nos. CI75–680 and CI75–538, respectively, and preclude the necessity of formal hearing with respect thereto.

(4) The questions in the applications of Texaco and Mobil have been rendered moot and the proceedings in Docket Nos. CI75–680 and CI75–538 should be severed from the consolidated proceeding in Docket No. CI75–319, *et al.*

(5) Except as hereinabove noted and hereinafter ordered, the applications for reconsideration of Mobil and Trunkline present no new issues of law, fact or policy to justify amendment of our order of August 15, 1975.

(6) Applicants, Texaco Inc. and Mobil Oil Corporation, are engaged in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and are, therefore, "natural-gas companies" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(7) Applicant, Trunkline Gas Company, a Delaware corporation having its principal place of business in Houston, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission in its order of May 4, 1950, in Docket No. G–882 (9 FPC 721).

(8) The sale of natural gas hereinbefore described, as more fully described in the applications in Docket Nos. CI75–680 and CI75–538 will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Texaco and by Mobil together with the construction and operation of any facilities necessary therefore, are subject to the requirements of subsections (c) and (e) of Section 7 of the Natural Gas Act.

(9) The pipeline facilities proposed by Trunkline to be used in the transportation of natural gas in interstate commerce, as hereinbefore described and as more fully described in the application in Docket No. CP75–273, are subject to the jurisdiction of the Commission, and the construction and operation of said facilities are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(10) Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the contract and letter agreement submitted by Texaco should be accepted for filing as its FPC gas rate schedule and supplement thereto and that the contract submitted by Mobil should be accepted for filing as its FPC gas rate schedule.

(12) The sales of natural gas by Texaco and by Mobil and the construction and operation of the proposed pipeline facilities and transportation of gas by Trunkline are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

The Commission orders:

(A) A certificate is issued to Trunkline to construct and operate the subject facilities and to transport and/or exchange natural gas as hereinbefore described, all as more fully described in the application, as amended and supplemented, in Docket No. CP75–273 as conditioned herein: (1) This certificate is conditioned upon Mobil's accepting permanent Commission authorization to sell gas to Trunkline. (2) The authorization for the attachment of Platform "C" in Grand Isle Block 95 Field is contingent upon Mobil's filing for, receiving, and accepting temporary or permanent authorization from the Commission for the sale of gas from the wells on platform "C". (3) The cost of service of Trunkline in any future rate case shall be computed in the manner set forth in Section 2.65 (b) of the Commission's General Policy and Interpretations. Trunkline in each future "major rate increase" proceeding, as defined in Section 154.63 of the Regulations under the Natural Gas Act, filed pursuant to Part 154 of said Regulations, shall submit load factor utilization studies of the facilities authorized herein. Such studies shall be based on the base and test periods defined in Section 154.63(e)(2)). The Statement "C", cost of plant statement and supporting schedules, shall contain the detailed calculations showing the load factor utilization of these facilities and such calculations shall be clearly marked and set forth within the appropriate schedules. For purposes of Trunkline's submittal, "load factor" shall be computed by multiplying 100 times the volume of gas transported during the test or base period divided by the product of the daily gas volumes set forth in the certificate application (Exh. G, p. 11) times the number of days in the test or base period. (4) Trunkline shall file an appropriate rate schedule 30 days prior to initiation of the transportation service for Mobil for the transportation of liquids from Block 95 Field, together with a supporting cost-of-service exhibit.

(B) The certificate issued in paragraph (A) above and the rights granted thereunder are conditioned upon Trunkline's compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (c)(1), (c)(3), (c)(4), (e), (f) and (g) of Section 157.20 of such Regulations. The construction authorized shall be completed within one year from the date of this order in accordance with paragraph (b) of Section 157.20 of the Regulations.

(C) Certificates of public convenience and necessity are issued to Texaco in Docket No. CI75–680 and to Mobil in Docket No. CI75–538, authorizing the sales by Texaco and by Mobil of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, subject to Section 2.56a of the Commission's General Policy and Interpretations, conditioned to the lesser of the contract rate or the national base rate of 51.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, plus a 0.5-cent per Mcf gathering allowance.

(D) The certificates issued in paragraph (C) above shall be void and without force or effect unless accepted in writing by Texaco and by Mobil within 30 days from the issue date of the order issuing such certificates; Provided, however, that if an application for rehearing of such order is filed in accordance with Section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days from the issue date of the order of the Commission upon the application for rehearing or within 30 days from the date on which such application may be deemed to have been denied when the Commission has not acted on such application within 30 days after it has been filed; Provided, further, that if a petition for review is filed in accordance with the provisions of Section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days after final disposition of the judicial review proceedings thus initiated.

(E) The certificates issued in paragraph (C), above and the rights granted thereunder are not transferable and shall be effective only so long as Texaco and Mobil continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission.

(F) The grant of the certificates issued in paragraph (C) above shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's Regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Texaco or Mobil. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates herein for service to the particular customers involved shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by Section 7(b) of the Natural Gas Act. The grant of the certificates herein shall not be construed to preclude the imposition of any sanctions pursuant to provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificates.

(G) Texaco, upon acceptance of the certificate in Docket No. CI75–680, shall within 30 days of said acceptance file with the Commission an amendment to Texaco's gas sale contract with Texas Gas to delete the depth limitation contained in the contract, as supplemented.

(H) Irrespective of any possible interpretation of Texaco's contract, as supplemented, with Texas Gas, the certificate issued to Texaco in paragraph (C) above applies to the sale of all commercially producible gas which has been found or which may be found in the future attributable to Texaco's interest in the Eugene Island Block 342 Field.

(I) Mobil, upon acceptance of the certificate in Docket No. CI75–538, shall within 30 days of said acceptance file with the Commission an amendment to Mobil's gas sale contract with Trunkline to delete any reservation of gas for Mobil's own use, to delete all depth limitations, and to delete or amend the provision relating to the term of Mobil's proposed rate schedule, as more fully set forth herein.

(J) Section 154.93 of the Regulations under the Natural Gas Act is hereby waived to permit the inclusion in Mobil's rate schedule of the contractual provision for rate increases to a higher area rate found to be proper by hearing, rulemaking or a Commission approved settlement and the reimbursement by buyer of any excess royalty payments. Such waiver should not be construed as meaning that any rate increase based on such pricing provision would be accepted for filing without suspension.

(K) Texaco's contract and letter agreement, both dated May 1, 1975, are accepted for filing effective on the date of initial delivery under the authorization granted herein and are designated as Texaco Inc. FPC Rate Schedule No. 519 and Supplement No. 1 thereto, respectively. Texaco shall advise the Commission in writing of such date within 10 days thereof.

(L) Mobil's contract dated March 4, 1975, is accepted for filing to be effective the date of initial delivery under the authorization granted herein and is designated as Mobil Oil Corporation FPC Gas Rate Schedule No. 150. Mobil shall advise the Commission of said date within 10 days thereof and shall file three copies of a revised billing statement reflecting the components of the rate authorized in (C) above.

(M) The proceedings in Docket Nos. CI75–680 and CI75–538 are severed from the proceeding in Docket No. CI75–319, *et al.*

(N) Mobil's and Trunkline's applications for reconsideration are in all other respects denied.

(O) Section 154.93 of the Regulations under the Natural Gas Act is hereby waived to permit the inclusion in Texaco's rate schedule of the contractual provision for rate increases to a higher area rate found to be proper by hearing, rulemaking, or Commission approved settlement.

By the Commission. Commissioner Smith, in concurring with this order does not endorse the Commission treatment of the producer contract issue in Docket No. CP75–273 for the reasons set out in *Getty Oil Company, et al.*, Docket Nos. CI75–319, *et al.*, issued June 3, 1975.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–24893 Filed 9–17–75;8:45 am]

[Docket No. E–9446]

GREEN MOUNTAIN POWER CORP.

Notice of Extension of Procedural Dates

SEPTEMBER 10, 1975.

On September 8, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 13, 1975, in the above-designated proceeding. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, December 12, 1975.

Service of Intervenor Testimony, January 9, 1976.

Service of Company Rebuttal, January 23, 1976.

Hearing, February 10, 1976 (10:00 a.m. EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–24894 Filed 9–17–75;8:45 am]

[Docket No. ER76–70]

INTERSTATE POWER CO.

Order Rejecting Proposed Rate Increase and Denying Waiver

SEPTEMBER 10, 1975.

On August 13, 1975, Interstate Power Company (Interstate) tendered for filing certain proposed increased rates[1] for its transmission service to the Cooperative Power Association (CPA) in the State of Minnesota. Interstate states that the

[2] The conditions to ordering paragraph "B" are that Gulf must add an additional delivery point under its rate schedule and that Gulf's share of the gas from the Block 95 Field must be delivered to Texas Eastern.

[1] Supplement No. 1 to Rate Schedule FPC No. 88.

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proposed rates would provide for an increase in revenues of $418,720 based on the test year of the twelve months ended December 31, 1974.

Notice of the proposed change in rates was issued August 26, 1975, with comments, protests, and petitions to intervene due on or before September 8, 1975. To date, no protests or petitions to intervene have been received.

Interstate's proposed increase is based on data for calendar year 1974. Thus, such data was over seven months old when filed. Section 35.13(b)(4)(iii) of our regulations provides that the cost of service in support of the increased rates should consist of the unadjusted system costs for the most recent twelve consecutive months for which actual data are available. We are not persuaded that the data for December 31, 1974 is the most recent available to Interstate.

It was stale when filed. Furthermore, were we to suspend the proposed rate increase for the full statutory period of five months from the proposed effective dates of September 15, 1975, or until February 15, 1975, the rates would go into effect more than one year after the alleged costs upon which the rates are based were incurred. We do not believe that such stale data is an appropriate basis upon which to establish rates for the present or future. Accordingly, we shall reject Interstate's proposed increase, without prejudice to Interstate's right to file proposed increased rates with supporting costs from the most recent twelve consecutive months for which data is available, in accordance with the Commission's Rules and Regulations.[1]

Interstate did not explicitly request waiver of our regulations. We shall, however, treat the filing based on calendar year 1974 data as an implied request for waiver and deny it.

The Commission finds:

(1) Good cause exists to reject Interstate's proposed increased rates as filed on August 13, 1975.

(2) Good cause does not exist to grant waiver of Section 35.13(b)(4)(iii) of the Commission's Regulations.

The Commission orders:

(A) Interstate's proposed increased rates as filed on August 13, 1975, are hereby rejected, without prejudice to Interstate's right to file proposed increased rates with supporting data conforming to the Commission's Regulations.

(B) Waiver of § 35.14(b)(4)(iii) is hereby denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24895 Filed 9-17-75;8:45 am]

[1] See *Public Service Company of New Hampshire*, Docket No. E-9290, issued April 11, 1975; rehearing denied by order issued June 4, 1975.

[Docket No. CP75-339]

MICHIGAN CONSOLIDATED GAS CO.

Amendment to Application

SEPTEMBER 9, 1975.

Take notice that on August 25, 1975, Michigan Consolidated Gas Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-339 an amendment to its application filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a storage service to be rendered by Applicant to Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the amendment to application on file with the Commission and open to public inspection.

The gas storage agreement between Applicant and Panhandle dated May 1, 1975, provides for deliveries by Panhandle to Applicant in the months of May through October 1975 (Summer period), at Applicant's River Rouge Station and for redelivery by Applicant by displacement by delivery of equivalent volumes to Southeastern Michigan Gas Company for the account of Panhandle in the winter period of November 1975 through April 1976. The proposed storage service would be a temporary arrangement to provide Panhandle's resale and direct sales customers with gas to meet their anticipated requirements in the 1975-1976 heating season, it is stated.

Applicant proposes by the instant amendment to increase the quantity of natural gas that would be delivered to Applicant by Panhandle for storage in the summer period from 3,700,000 Mcf to 6,162,630 Mcf and to increase the minimum daily summer period delivery volume of natural gas which Applicant anticipates it will have the ability to receive from 25,400 Mcf to 42,000 Mcf. The changes are stated to be pursuant to an amendment to the gas storage agreement dated August 4, 1975, between Applicant and Panhandle.

It is stated in the original application in the subject docket[1] that Applicant would charge Panhandle 43.88 cents per Mcf of gas stored and that the proposed service is subject to Applicant's continued exemption under Section 1(c) of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed protest, petitions to intervene, or notices of intervention in the instant docket need not file again.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24799 Filed 9-17-75;8:45 am]

[1] Notice published May 28, 1975 (40 FR 23376).

[Docket No. CP74-316, etc.]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Order Granting Reconsideration

SEPTEMBER 10, 1975.

In the matter of Michigan Wisconsin Pipe Line Company, Docket Nos. CP74-316, CP75-182 and CP75-195; Natural Gas Pipeline Company of America, Docket Nos. CP72-279, and CP75-274; Great Lakes Gas Transmission Company, Docket No. CP74-317; Northern Natural Gas Company, Docket Nos. CP75-21 and CP75-237; Michigan Consolidated Gas Company, Docket Nos. CP75-199 and CP75-200.

On August 8, 1975, Great Lakes Transmission Company (Great Lakes) filed a motion for reconsideration of Ordering Paragraph (T) of the Commission's June 2, 1975, order in the above-captioned proceedings. Great Lakes therein requests that we modify said paragraph to permit Great Lakes, upon completion and the commencement of operation of the facilities for which we issued a temporary certificate in Ordering Paragraph (N) of that order,[1] to include in its rate base the cost of those facilities pending issuance of a permanent certificate in these consolidated proceedings. In support thereof, Great Lakes states in substance that (1) the subject facilities are essential in order to permit Mich Wisc to meet the winter needs of its distribution customers; (2) most of the subject facilities have in fact been constructed; (3) the Commission, on July 25, 1975, granted to Mich Wisc and Northern Natural Gas Company (Northern) a measure of relief identical to that here sought by Great Lakes;[2] and (4) by order of June 13, 1975 in Docket No. RP75-94, the Commission permitted Great Lakes, as part of its current Section 4 rate filing, to include in its rate base the costs associated with facilities described in Docket No. CP74-317 which will be certificated and in actual operation by November 14, 1975, when the rates proposed therein will become effective, subject to refund. In order to rectify the alleged inconsistency between the orders discussed in items (3) and (4), above, and the subject order of June 2, 1975, Great Lakes urges us to adopt its proposed modification of Ordering Paragraph (T) of the latter order.

We find Great Lakes' motion for reconsideration to be meritorious and, accordingly, we shall modify Ordering Paragraph (T) of the June 2, 1975 order in these proceedings to permit Great Lakes to include in its rate base in Docket No. RP75-94 the cost attributable to the construction of those facilities certificated on a temporary basis in Ordering Paragraph (N) of the June 2, 1975, order which will be in actual service on or before November 14, 1975. Consistent with our treatment of Mich Wisc and Northern in the aforementioned July 25, 1975, order, we shall require Great Lakes, should it ultimately fail to receive permanent certification for this service and these facilities, to file substitute tariff sheets reflecting exclusion of these costs and to refund any amounts collected pursuant to this order.

The Commission further finds:

Good cause exists to grant Great Lakes' August 8, 1975, motion for reconsideration of Ordering Paragraph (T) of the order of June 2, 1975, in these proceedings, and, upon reconsideration, to modify said paragraph as provided in Ordering Paragraph (A) of this order, below.

The Commission orders:

(A) Great Lakes' August 8, 1975, motion for reconsideration of Ordering Paragraph (T) of the aforementioned June 2, 1975, order is hereby granted, and said paragraph is modified to read as follows:

(T) With respect to the facilities for which we issued temporary certificates to Mich Wisc in Paragraphs (I) and (P) above, to Great Lakes in Paragraph (N) above, and to Mich Con in Paragraph (R) above, each grantee shall be permitted, upon submission of an appropriate filing under Section 4 of the Natural Gas Act, to reflect in its respective rate base all relevant costs associated with facilities which have been constructed and are or will be in actual service within its particular test period, subject to adjustment and refund in the event permanent certification therefor is not forthcoming. Issuance of said temporary authorizations is without prejudice to such final disposition of the applications for certificates of public convenience and necessity as the record may require.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24804 Filed 9-17-75;8:45 am]

[1] Facilities, having an estimated cost of $2,997,000, related to Great Lakes transportation of up to 90,000 Mcf per day for Michigan Wisconsin Pipe Line Company (Mich Wisc) during the 1975 storage injection cycle (April through October), as described in Great Lakes application in Docket No. CP74-317.

[2] In our Order Granting Rehearings and Permitting Late Interventions issued on July 25, 1975 in these proceedings, we permitted Mich Wisc and Northern to include in their respective rate bases the costs associated with those facilities which were certificated on a temporary basis in Ordering Paragraphs (I) and (H), respectively, of the aforementioned June 2, 1975, order and which have gone into actual operation.

[Docket No. CP74-157]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Withdrawal of Protest and Request for Formal Hearing

SEPTEMBER 10, 1975.

On September 4, 1975, General Motors Corporation filed a notice of withdrawal of its protest and request for formal hearing, filed on July 31, 1975, in the above-designated matter.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules of Practice and Procedure, withdrawal of the protest and request for formal hearing, filed in the above matter by General Motors Corporation on July 31, 1975, will become effective on October 6, 1975. General Motors Corporation is not withdrawing its petition for leave to intervene out of time, which was also contained in the July 31, 1975 filing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24897 Filed 9-17-75;8:45 am]

[Docket No. RP71-125, PGA4-4A]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Granting Reconsideration and Dismissing Respondent

SEPTEMBER 10, 1975.

By order dated July 7, 1975, we set a date for hearing in this proceeding to determine whether the increased costs claimed by Natural Gas Pipeline Company of America (Natural) in its rate increase filings in the instant docket relating to 180-day emergency gas purchases at rates in excess of Opinion No. 699-H levels are justified. In so doing we also made those selling to Natural respondents so that they could present cost evidence to demonstrate that the rates charged by them are just and reasonable. Among the respondents listed in the Appendix to the July 7 order was Marathon Oil Company (Marathon).

On August 7, 1975, Marathon filed an application for reconsideration of our July 7 order wherein it avers that the difference between the amount it charged Natural on its 180-day emergency sale and the amount it would have been entitled to charge under Opinion No. 699-H (Docket No. R-389-B, issued December 4, 1974) is *de minimis*. It submitted a tabulation with its application showing that when Btu adjustment are made with the volumes and prices involved, this difference for Marathon's interest amounts to only $119.44. Marathon offered to refund this amount to Natural, if this was necessary for its application to be granted.

Based on Marathon's showing, the Commission finds that the dollar amount of Marathon's rates in this proceeding is de *minimis* and that for that reason Marathon's status as a respondent is not essential to the public interest. Therefore, the voluntary refund offered by Marathon will not be accepted. The administrative expense of making such a refund would probably exceed its amount.

The Commission orders:

Marathon is hereby dismissed as a respondent in this proceeding effective as of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24898 Filed 9-17-75;8:45 am]

[Docket No. ER76-97]

NEPOOL EXECUTIVE COMMITTEE

Notice of Filing of Amendments to the New England Power Pool Agreement

SEPTEMBER 10, 1975.

Take notice that on September 2, 1975, the NEPOOL Executive Committee filed an Agreement Amending NEPOOL Power Pool Agreement (Amendment), dated June 1, 1975 which modifies the provisions of the New England Power Pool Agreement, dated as of September 1, 1971.

The Amendment provides a reduced level of payments by pool Participants for specified Capability Responsibility adjustments charges made pursuant to Section 9.4(d) of the NEPOOL Agreement. The Amendment further provides that no pool Participants shall be required to make any Capability Responsibility deficiency charge payment pursuant to Section 9.4(d) of the NEPOOL Agreement through the end of the Capability Period ending October 31, 1977.

The changes to the NEPOOL Agreement are proposed to become effective on October 1, 1975 and will be effective for Capability Responsibility adjustment charges and Capability Responsibility deficiency charge computations and charges to be made after October 31, 1975 for Capability Periods commencing May 1, 1975 and ending October 31, 1977.

Any person desiring to be heard or to make any protest with reference to the Amendment should on or before September 22, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24899 Filed 9-17-75;8:45 am]

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[Docket No. G-3982, etc.]

NORTHEAST BLANCO DEVELOPMENT CORP.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Order Issuing Certificate, Making Successors Co-Respondents, and Accepting FPC Gas Rate Schedules and Supplements Thereto for Filing

SEPTEMBER 9, 1975.

In the matter of Northeast Blanco Development Corp., Docket No. G-3982, Thayer H. Laurie and David N. Mills, Trustees, Docket No. CI76-47; Thayer H. Laurie, Docket No. CI76-48; Northeast Blanco Development Corp., Blackwood & Nichols Co., Ltd., Thayer H. Laurie and David N. Mills, Trustees, and Thayer H. Laurie, Docket Nos. RI72-82 and RI75-69.

On July 23, 1975, Thayer H. Laurie and David N. Mills, Trustees, in Docket No. CI76-47 and Thayer H. Laurie in Docket No. CI76-48 filed applications pursuant to Section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing Applicants to continue in part in lieu of Northeast Blanco Development Corp. (Northeast Blanco) sales of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from the Blanco Field, San Juan and Rio Arriba Counties, New Mexico, all as more fully set forth in the applications.

Northeast Blanco had been making the subject sales under a contract dated March 18, 1953, on file as its FPC Gas Rate Schedule No. 1, pursuant to certificate authorization in Docket No. G-3982. Said contract was terminated by its own terms on October 20, 1974. Applicants acquired their interests in the producing properties as of March 1, 1975, by assignments dated March 26, 1975; and Applicants have executed replacement contracts with El Paso dated March 1, 1975. Northeast Blanco had been making sales to El Paso subject to refund in Docket Nos. RI72-82 and RI75-69.

After due notice by publication in the FEDERAL REGISTER on August 15, 1975 (40 FR 34475), no petitions to intervene, notices of intervention, or protests to the granting of the applications have been filed.

At a hearing held on September 4, 1975, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Thayer H. Laurie and David N. Mills, Trustees, and Thayer H. Laurie will be engaged in the sale of natural gas in interstate commerce for resale and each will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of the sales authorized herein.

(2) The sales of natural gas by Applicants will be made in interstate commerce subject to the jurisdiction of the Commission and such sales are subject to the requirements of Subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate of public convenience and necessity in Docket No. G-3982 should be amended, that Applicants should be made co-respondents in the proceedings pending in Docket Nos. RI72-82 and RI75-69, and that the rate filings submitted by Applicants should be accepted, all as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sales for resale of natural gas by Applicants to El Paso, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates issued in paragraph (A) above and the rights granted thereunder are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's Regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates herein for service to the particular customer involved shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by Section 7(b) of the Natural Gas Act. The grant of the certificates herein shall not be construed to preclude the imposition of any sanctions pursuant to provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificates.

(D) Applicants shall each charge and collect a total of 29.33 cents per Mcf at 15.025 psia, subject to refund in Docket No. RI72-82, for sales from March 1, 1975, to April 21, 1975; a total of 53.98 cents per Mcf at 15.025 psia, subject to refund in Docket No. RI75-69 for sales from April 21, 1975, until July 23, 1975; and the national rate, as adjusted, for sales from July 23, 1975.

(E) Applicants are each made a co-respondent in the proceedings pending in Docket Nos. RI72-82 and RI75-69 and said proceedings are redesignated accordingly.

(F) The order issuing a certificate of public convenience and necessity in Docket No. G-3982 to Northeast Blanco is amended by deleting therefrom authorization to sell natural gas from the properties from which Applicants are herein authorized to continue the sales of gas, and in all other respects said order, as amended, shall remain in full force and effect.

(G) The following rate filings submitted by Applicants are accepted for filing and are designated and shall be effective as indicated:

Description and date of instrument	Each applicant's FPC gas rate schedule		Effective date
	No.	Supplement	
Contract Aug. 18, 1953	1	----------	Mar. 1, 1975
Amendment Oct. 30, 1953	1	1	Do.
Amendment June 4, 1956	1	2	Do.
Amendment May 14, 1959	1	3	Do.
Assignment Mar. 26, 1975	1	4	Do.
Contract Mar. 1, 1975	1	5	July 23, 1975
Notice of change July 7, 1975.	1	6	Do.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24807 Filed 9-17-75;8:45 am]

[Docket No. RP73-48, PGA76-1]

NORTHERN NATURAL GAS CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

SEPTEMBER 9, 1975.

Take notice that Northern Natural Gas Company on August 29, 1975, tendered for filing Tenth Revised Sheet No. 3a of its FPC Gas Tariff, Original Volume No. 4. The proposed change to become effective October 1, 1975 would decrease the rate per Mcf to jurisdictional customers by 1.72¢ per Mcf. This change results from the net effect of a PGA and a general increase at Docket No. RP75-86 filed by Colorado Interstate to become effective October 1, 1975. Colorado Interstate is the pipeline supplier to Northern for sales made under Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and Interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24800 Filed 9-17-75;8:45 am]

[Docket No. E-9497, E-9068, and E-9118]

OHIO EDISON CO.

Notice of Extension of Procedural Dates

SEPTEMBER 10, 1975.

On September 5, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 5, 1975, in the above-designated proceeding. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, November 20, 1975.

Service of Intervenor Testimony, December 4, 1975.

Service of Company Rebuttal, December 18, 1975.

Hearing, January 6, 1976 (10:00 a.m. EST).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24900 Filed 9-17-75;8:45 am]

[Project No. 803]

PACIFIC GAS AND ELECTRIC CO.

Order Partially Vacating Land Withdrawal Under Section 24 of the Federal Power Act

SEPTEMBER 10, 1975.

In order to effectuate proposed land exchanges the Forest Service, United States Department of Agriculture, has requested the vacation of the withdrawal for Project No. 803 (DeSabla-Centerville Project) insofar as it pertains to certain lands in secs. 10, 32, and 33, T. 25. N., R. 4 E., Mount Diablo Meridian, California, thereby requiring Commission consideration under Section 24 of the Federal Power Act.

By letters dated November 21, 1927, to the General Land Office (now Bureau of Land Management) this Commission gave notice of the withdrawal of approximately 2,235 acres of United States lands in the following described sections pursuant to the filing on May 3, 1927, by the Pacific Gas and Electric Company (PG&E) of an application for license for Project No. 803.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 22 N., R. 3 E.,
Sec. 8.
T. 23 N., R. 3 E.,
Secs. 2, 22, 28.
T. 24 N., R. 3 E.,
Secs. 24, 26, 36.
T. 24 N., R. 4 E.,
Sec. 34.
T. 25 N., R. 4 E.,
Secs. 2, 3, 10, 11, 12, 13, 16, 32, 33.
T. 25 N., R. 5 E.,
Sec. 18.
T. 26 N., R. 5 E.,
Sec. 30.

A re-examination of our records shows that about 2,000 of the 2,235 acres were erroneously included in the notice. This occurred because full subdivisions, rather than pertinent portions of subdivisions, were described in the sections underlined above.

A fifty-year minor-part license for Project No. 803 was issued to PG&E on October 12, 1929. Several abandoned canals were eliminated from the license by Commission order issued February 18, 1975, as corrected by erratum notice dated March 31, 1975. The lands affected by the abandoned canals were restored to a satisfactory condition.

The following described lands, aggregating approximately 162.83 acres, are included in Project No. 803 as presently licensed:

MOUNT DIABLO MERIDIAN, CALIFORNIA

All portions of the following described subdivisions lying within the boundary of Project No. 803 as shown on map Exhibit K sheets 1, 3, and 4 of 4 (FPC Nos. 803-2, -13, and -14) and described on pages 1-13, 59-80, and 83-88 of Exhibit C.

T. 22 N., R. 3 E.,
Sec. 8, lot 2 (part of NE¼NW¼NE¼), SE¼SW¼NE¼, NE¼SE¼SW¼, W½NW¼SE¼, and NW¼SW¼SE¼.
T. 23 N., R. 3 E.,
Sec. 2, S½NE¼;
Sec. 22, lot 3 (NW¼NW¼), lot 4 (SW¼NW¼), and lot 9 (NW¼SW¼);
Sec. 28, E½SW¼NE¼.
T. 24 N., R. 3 E.,
Sec. 24, NW¼SW¼;
Sec. 26, lot 1 (NW¼NE¼), and lot 2 (NE¼NW¼);
Sec. 36, unpatented portion of lot 1 (part of S½NE¼SW¼).
T. 25 N., R. 4 E.,
Sec. 12, unpatented portions of SE¼SW¼ and SW¼SE¼;
Sec. 13, unpatented portions of NE¼, E½NW¼, and NE¼SE¼.
T. 25 N., R. 5 E.,
Sec. 18, lot 3 (NW¼SW¼), and NE¼NW¼.
T. 26 N., R. 5 E.,
Sec. 30, S½NE¼, SE¼NW¼, E½SW¼, and W½SE¼.

The Commission finds:

The withdrawal for Project No. 803 serves no useful purpose insofar as it pertains to lands lying beyond the limits of the project as licensed and should be vacated to that extent.

The Commission orders:

The withdrawal pursuant to the application for Project No. 803 is hereby vacated insofar as it pertains to lands lying beyond the boundary of the project as shown on map Exhibit K sheets 1, 3, and 4 of 4 (FPC Nos. 803-2, -13, and -14) and described on pages 1-13, 59-80, and 83-88 of Exhibit C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24808 Filed 9-17-75;8:45 am]

[Docket No. CP76-72]

PANHANDLE EASTERN PIPE LINE CO.

Application

SEPTEMBER 11, 1975.

Take notice that on September 2, 1975, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-72 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition of a pipeline gathering system by purchase from Panhandle Western Gas Company (Panhandle Western) and the operation of the system, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to acquire all of the gathering facilities of Panhandle Western that are located in Weld County, Colorado, together with all right-of-way easements, permits, and property rights affecting the facilities. The facilities to be acquired are said to consist of approximately 44.015 miles of pipeline, (10.302 miles of 2-inch pipeline, 13.460 miles of 4-inch pipeline, 11.021 miles of 6-inch pipeline and 9.232 miles of 8-inch pipeline), 26 measuring and regulating stations, and liquid collection facilities.

Applicant alleges that the wells connected to the system proposed to be purchased were among the first drilled in the Denver-Julesburg Basin in eastern Colorado, and little was known at the time concerning the nature of the reservoir. The gas was sold from this system to Western Slope Gas Company under a four year contract which will terminate on September 1, 1975, it is stated. Applicant proposes to deliver the gas for exchange purposes to Colorado Interstate Gas Company, a division of Colorado Interstate Corporation. No additional sales of gas are proposed in the instant application.

Applicant would pay to Panhandle Western $1,247,101 which price is stated to be the depreciated book value of the facilities. The price of the facilities would be financed from cash on hand or from funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it

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in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24908 Filed 9-17-75;8:45 am]

[Docket No. CI72-590]

PHILLIPS PETROLEUM CO.

Application

SEPTEMBER 11, 1975.

Take notice that on August 21, 1975, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI72-590 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon in part the sale of surplus residue gas to El Paso Natural Gas Company (El Paso) attributable to gas purchased from production in Ector County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it is authorized to sell gas to El Paso pursuant to a surplus residue gas purchase agreement from its Goldsmith Plant, Ector County, Texas, by order of the Commission of May 31, 1972 (47 FPC 1434). It is further stated that approximately 7,000 Mcf per day of residue that Applicant delivers to El Paso is attributable to purchases from Gulf Oil Corporation (Gulf) from acreage, the mineral ownership of which reverted to Texaco Inc., Southland Royalty Company, et al. (Texaco) on August 8, 1975. Applicant requests the permission and approval of the Commission to abandon those sales of residue gas attributable to production from Gulf's, now Texaco's interest, inasmuch as Applicant is no longer purchasing and can no longer sell the residue gas attributable to production from those interests to El Paso.

It is stated that Texaco and El Paso have concluded an interim agreement, whereby the volumes attributable to the acreage in question would be delivered to El Paso at the tailgate of Applicant's Goldsmith Plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24909 Filed 9-17-75;8:45 am]

[Docket No. RP73-49 PGA76-1]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

SEPTEMBER 10, 1975.

Take notice that on September 2, 1975, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC Gas Tariff the following revised tariff sheets:

Thirteenth Revised Sheet No. 3A.
Thirty-Eighth Revised Sheet No. 5.
Thirty-Seventh Revised Sheet No. 6.
Twenty-Ninth Revised Sheet No. 9.
Twenty-Eighth Revised Sheet No. 11.
Thirty-Second Revised Sheet No. 12B.

South Georgia states that the above sheets represent a rate change under its PGA Clause, such clause approved to become effective April 14, 1973 by Commission Order in FPC Docket No. RP73-49 issued April 13, 1973. The Company further states that it proposes to increase its rates $3,835,065 for the purpose of tracking a rate increase filing in FPC Docket No. RP75-84 made by Southern Natural Gas Company (Southern), on March 31, 1975. The instant filing will increase South Georgia's cost of gas $5,786,474 annually. An effective date of October 16, 1975 is requested.

By Order issued May 15, 1975 in FPC Docket No. RP75-84, the Commission accepted for filing and suspended until October 16, 1975 the tendered tariff sheets subject to the condition that Southern file prior to October 16, 1975 substitute tariff sheets reflecting the exclusion of costs associated with facilities not certificated and in service by October 16, 1975 and $12.0 million in interest reimbursement payments to producers.

South Georgia requests that its tendered tariff sheets be accepted for filing effective October 16, 1975 subject to the condition that South Georgia file substitute revised tariff sheets to reflect the reduction in Southern's rate increase required by the Commission's Order issued May 15, 1975 in Docket No. RP75-84.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24805 Filed 9-17-75;8:45 am]

[Docket No. RP75-84]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 11, 1975.

Take notice that Southern Natural Gas Company (Southern), on September 9, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes are in substitution for a previously filed increase and would increase revenues from jurisdictional sales and service by $71,670,314 based on the 12-month period ending December 31, 1974, as adjusted. Southern states that the effect of the enclosed revised tariff sheets is to reduce the proposed jurisdictional revenues as filed in Docket No. RP75-84 from $461,969,114 to $403,672,046 as revised herein, including a $33,584,569 reduction in the cost of purchased gas.

Southern states that on March 31, 1975, Southern filed a general rate increase in Docket No. RP75-84 to become effective on May 16, 1975. By its order issued May 15, 1975, the Commission accepted the revised tariff sheet for filing and suspended its use until October 16, 1975, subject to the condition that:

". . . before October 16, 1975, Southern Natural shall file substitute rates to be effective October 16, 1975, reflecting the elimination from its proposed rates of costs associated with facilities not certificated and in service by that date and the $12.0 million interest reimbursement payments to producers reflected in the instant filing."

Southern states that as required by the Commission's May 15, 1975 order, the proposed tariff sheet, as well as the amended sheets to Statements A through K, reflect reduced rates resulting from the elimination of costs associated with facilities not certificated and in service by October 16, 1975 and the $12.0 million interest reimbursement payments to producers. In addition, the proposed tariff sheet reflects a reduction in rates due to the substitution of the currently effective level of purchased gas cost and surcharge represented in Southern's presently effective rates as filed on May 16, 1975 in Docket No. RP73-64 and which became effective July 1, 1975.

In its filing, Southern says that the proposed tariff sheet utilizes the method of rate design set out in Opinion No. 671 (*United Gas Pipe Line Company*, 50 FPC 1348 (1973)). According to the Commission's recent orders, unless interstate pipelines design their rates in accordance with Opinion No. 671, "they may be subject to undercollections if after hearing and decision we find their rate design improper." Southern says it cannot assume such a risk. Consequently, Southern states that it is filing the proposed tariff sheet conforming with the rate design principles in Opinion No. 671. Southern has also filed an alternate proposed tariff sheet accomplishing the same rate reductions set out above but utilizing the rate design included in Southern's March 31, 1975 filing herein.

Southern requests that the proposed tariff sheet be made effective on October 16, 1975 without suspension. Since the proposed tariff sheet contains the same costs included in Southern's rate filing modified in accordance with the Commission's May 15 order, Southern respectfully requests that the Commission grant such waivers as are necessary to implement the proposed tariff sheet on October 16, 1975 as provided in the May 15 order.

By filing these tariff sheets, Southern claims that it does not waive its right to show the appropriate rate design for its system in the hearings directed by the May 15, 1975 order.

Concurrently, Southern says that it is filing a motion to place the proposed sheet in effect on October 16, 1975, or in the event the Commission does not accept the proposed tariff sheet for filing without suspension as requested herein, to place the alternate proposed tariff sheet in effect on October 16, 1975.

Copies of the filing have been served upon Southern's jurisdictional customers, interested state public service commissions, and all parties of record.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24910 Filed 9-17-75;8:45 am]

[Docket Nos. RP73-113, RP74-91-3]

TENNESSEE GAS PIPELINE CO.

Notice of Tariff Filing

SEPTEMBER 10, 1975.

Take notice that on September 2, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) filed revised tariff sheets to the FPC Gas Tariff consisting of the following to be effective October 3, 1975:

NINTH REVISED VOLUME No. 1

Substitute Fifth Revised Sheet Nos. 227, 228 and 232.
Fifth Revised Sheet Nos. 231 and 233.

Tennessee states that these revised tariff sheets are filed to correct certain errors in its filing of August 1, 1975, in these dockets which were withdrawn on August 29, 1975, as well as to reflect certain additional changes necessary to make its Index of Purchasers current.

Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24901 Filed 9-17-75;8:45 am]

[Docket No. E-7929]

TOLEDO EDISON CO.

Refunds of Charges Pursuant to Settlement Agreement

SEPTEMBER 9, 1975.

Take notice that on September 3, 1975, The Toledo Edison Company tendered for filing a Schedule of Refunds showing amounts refunded to its Wholesale Municipal customers as the result of Settlement. Such filing is made pursuant to Ordering Paragraph F of the Commission Order Conditionally Approving Settlement in the above-captioned docket dated June 17, 1975.

Toledo Edison states that the amounts refunded were calculated as required by Ordering Paragraph E of the Commission's June 17, 1975 order and consist of the difference between the amounts collected under existing rates and the amounts that would have been collected under the settlement agreement together with interest thereon computed at a rate of 7 percent per annum.

Toledo Edison states that the amounts shown on the Schedule of Refunds have been paid to the affected customers on or before the date of this filing and that copies of this filing have been served upon all its jurisdictional customers and all parties of record in this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24801 Filed 9-17-75;8:45 am]

[Docket No. CP76-68]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

SEPTEMBER 9, 1975.

Take notice that on August 28, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-68 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and

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necessity authorizing the operation of facilities to provide an additional point of delivery of natural gas from Elizabethtown Gas Company (Elizabethtown), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Elizabethtown proposes to deliver natural gas to Applicant for transportation at additional point in the Bunker Field, Vermilion Parish, Louisiana, purchased from Elizabethtown's production affiliate, National Exploration Company. The application states that the gas to be transported by Applicant from the additional delivery point under Applicant's Rate Schedule X-67 would not increase the volumes presently authorized to be transported since such gas would be in substitution for volumes being curtailed under Rate Schedule CD-3.

The contract between Applicant and Elizabethtown provides for a transportation rate of 22.0 cents per Mcf at 14.7 psia and for Elizabethtown to cause to be made available to Applicant gas equivalent to four percent of the scheduled daily delivery for compressor fuel and line loss.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24802 Filed 9-17-75;8:45 am]

[Docket No. RP75-51]

TRANSCONTINENTAL GAS PIPELINE CORPORATION

Order Denying Rehearing and Stay

SEPTEMBER 10, 1975.

On January 8, 1975, the Commission instituted an investigation into the level of curtailment on the system of Transcontinental Gas Pipeline Corporation (Transco) for the 1974 winter heating season. Thereafter on July 1, 1975, the Commission expanded this investigation to determine the need for any curtailment at all by Transco in its deliveries to its resale customers. Then on August 8, 1975, the Commission first of all ordered the Secretary to issue a *subpoena duces tecum* to Transco pursuant to the August 1, 1975, order of the United States Court of Appeals for the District of Columbia in *Transcontinental Gas Pipeline Corporation* v. *F.P.C.*, CADC No. 74-2036, and secondly ordered Transco's nineteen producers, which together furnish Transco with 80% of its gas supplies, pursuant to Section 10 of the Natural Gas Act to report certain preliminary information to the Commission in furtherance of the Transco investigation by August 28, 1975.

On August 21, 1975, one of these nineteen producers, Superior Oil Company (Superior), applied for rehearing and stay of that portion of the latter August 8, 1975, order stating that this information to be submitted by the producers "will not be afforded confidential treatment." (Slip op. at 6). Specifically, Superior alleges that the material it has been ordered to produce, as well as its material which Transco possessed and supplied to the Commission on August 15, 1975, pursuant to the *subpoena duces tecum*, are "confidential and proprietary matters" protected by the fourth and ninth exemptions to disclosure under the Freedom of Information Act. (FOIA).[1] It furthermore relies upon Section 8(b) of the Natural Gas Act to require nondisclosure of this material by FPC employees. Superior would have the Commission amend the contested paragraph in its August 8, 1975, order to require confidential treatment of information exempt under the fourth and ninth exemptions, and in the alternative seeks a stay of this order so as to require this information to be held in confidence until it can appeal a denial of rehearing. In support of this motion for stay Superior asserts that the United States Court of Appeals for the Fifth Circuit has recently stayed similar orders and required the Commission to hold such proprietary material in the strictest confidence.[2]

We find that Superior's application for rehearing and motion of stay present no basis for changing our August 8, 1975, order in this proceeding, and accordingly both are denied. To begin with, Superior's reliance upon Section 8(b) is misplaced for, while it in pertinent part bars agents of the Commission from divulging information unless otherwise directed by the Commission or Court,[3] the Commission has in fact directed such disclosure where appropriate.[4]

Furthermore, Superior misconstrues the FOIA and in particular the fourth and ninth exemptions thereto.[5]

Both the Courts[6] and the Commission[7] (with particular emphasis on the fourth and ninth exemptions) have viewed the FOIA exemptions as a privilege of the agency in question, not of a private party attempting to protect the confidentiality of the information. These exemptions are permissive, not mandatory, that is, they permit, but do not require, an agency to withhold certain information. Moreover, legislative history surrounding to FOIA supports this view.[8] Superior's interpretation would divert the FOIA from its primary purpose of opening the administrative processes to public scrutiny[9] and convert it into an implement for frustrating the Commission's performance of its statutory responsibilities.[10]

It is inappropriate for the Commission to grant blanket confidentiality to any or all material collected in this docket which would fall within the fourth or ninth FOIA exemptions: Superior's request is not ripe. If public disclosure of exempt material in the Commission's possession is requested, the Commission will have to weigh the public interest supporting disclosure against the nineteen producers' private interest opposing disclosure. Such a Commission determination requires *ad hoc* consideration, not blanket secrecy before the fact.

Apart from request for disclosure under the FOIA, Superior's allegations of

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[1] 5 U.S.C. § 552.

[2] *Pennzoil Company, et al.* v. *F.P.C.* No. 75-2961, (5th Cir. July 29, 1975).

[3] ". . . No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books, records, data, or accounts, except insofar as he may be directed by the Commission or by a court."

[4] Order No. 509, *Availability of Information Acquired by Staff Investigation*, Docket No. RM74-24, issued May 2, 1974.

[5] § 552(b)(4): "trade secrets and commercial or financial information obtained from a person and privileged or confidential." § 552(b)(9): "geological and geophysical information and data, including maps, concerning wells."

[6] *Moore-McCormack Lines Inc.* v. *I.T.O. Corporation of Baltimore*, 508 F.2d 945, 960 (4th Cir. 1974); *La Morte* v. *Mansfield*, 438 F.2d 448, 451 (2d Cir. 1971).

[7] *Reliability of Electric and Gas Service*, Opinion No. 687, 51 FPC 464, 472 (1974) and Opinion No. 687-A, 51 FPC 1185, 1187 (1974); Order No. 525, *Natural Gas Companies Annual Report of Proved Domestic Gas Reserves:* FPC Form No. 40, Docket No. RM74-16, issued February 25, 1975 (slip op. at 22); and Order No. 509, *supra* note 4, (slip op. at 2).

[8] H.R. Rep. No. 92-1419, 92 Cong. 2d Sess. (1972), at 14.

[9] *e.g., Renegotiation Board* v. *Bannercraft Clothing Company*, 415 U.S. 1, 17 (1974).

[10] The instant Transco curtailment investigation has been initiated and implemented by the Commission pursuant to Sections 10 and 14 of the Natural Gas Act.

Transco's oath of confidentiality and the proprietary nature of the material to be provided by the producers do not necessarily mandate confidential treatment by the Commission. If the Commission were to determine that part or all of this information should be placed in the public record or included in a public report, in furtherance of its Congressionally mandated duties to protect the public interest, then that material would not be treated confidentially.[11]

Finally, Superior's motion for stay should be denied because Superior has not shown that it is likely to succeed on the merits on appeal, that it will suffer irreparable harm if the August 8, 1975, order is not stayed, that the stay would not substantially harm other parties, or that issuance of the stay would be in the public interest.[12] Superior's reliance upon the Fifth Circuit Court of Appeal's stay in *Pennzoil* v. *F.P.C.*, *supra* note 2, is not persuasive to the contrary.

The Commission further finds:

(1) The assignments of error and grounds for rehearing set forth in the application for rehearing filed by Superior on August 21, 1975, present no facts or legal principles that would warrant any change in or modification of the Commission's August 8, 1975, order requiring report.

(2) Sufficient good cause does not exist to justify a stay of our August 8, 1975, order in this docket pending judicial review.

The Commission orders:

(A) Superior's August 21, 1975, application for rehearing is hereby denied.

(B) Superior's August 21, 1975, motion for stay is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-24896 Filed 9-17-75;8:45 am]

[Docket No. CP73-117, etc.]

UNITED GAS PIPE LINE CO.

Order Denying Motion

SEPTEMBER 10, 1975.

In the matter of United Gas Pipe Line Company, Mississippi River Transmission Corporation, Natural Gas Pipeline Company of America, Southern Natural Gas Company, Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation; Dockets Nos. CP73-117, CP73-168, CP73-169, CP73-170, CP73-171, CP73-179, CP73-180 and CP73-189 (Phase I), CP72-60, CP75-196.

On October 22, 1971, United Gas Pipe Line Company (United) filed revised tariff sheets embodying the following four-priority category interim curtailment plan:

1. Gas ultimately used by domestic consumers.

2. Gas used by direct industrial consumers for process purposes.

3. Gas used to generate electricity which is consumed by domestic customers.

4. Gas used for all other industrial purposes.

We accepted the revised tariff sheets by order issued December 14, 1971, and made them effective as of November 14, 1971, deferring any ruling on the justness and reasonableness of the plan.

In Opinion No. 647 issued January 12, 1973 (49 FPC 179), we approved a five-priority category permanent curtailment plan for United in Docket Nos. RP71-29 and RP71-120 to replace its four-priority category interim plan which was then in effect. In addition, we directed United immediately to eliminate the boiler fuel preference for gas used to generate electricity which is consumed by domestic customers by merging category 3 into category 4 of its four-priority interim plan and to continue to implement that plan as transformed into a three-priority plan on an interim basis pending United's filing and our accepting revised tariff sheets embodying the five-priority permanent plan. The categories as specified in Opinion No. 647 were as follows:

1. Residential and small commercial (less than 50 Mcf on a peak day).

2. Large commercial requirements (50 Mcf or more on a peak day) and industrial requirements for plan protection, feedstock and process needs.

3. Industrial requirements not specified in priorities 2, 4 and 5.

4. Industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

5. Industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternate fuel capabilities can meet such requirements.

While these categories were clarified and modified in Opinion No. 647-A issued May 30, 1973 (49 FPC 1211), and United subsequently filed and we accepted revised tariff sheets with an effective date of November 15, 1973, several requests for special relief contained sworn allegations of serious and irreparable prospective injury which resulted in our issuing a telegram order on November 14, 1973, directing United to "preserve the status quo" and to "continue curtailment under the three priority curtailment plan presently in effect until further order of the Commission."

On January 17, 1973, five days after we issued Opinion No. 647, we instituted a proceeding in Docket No. CP73-189 in which we ordered United to show cause why it should not abandon its natural gas service in priority categories 4 and 5 of its permanent plan. Additionally, we named United's pipeline customers[1] as parties for the limited purpose of obtaining end-use data, and we consolidated seven abandonment applications[2] to determine whether partial abandonment of service was in the public interest stating, however, that "our predominant concern is with gas being utilized for boiler fuel use where alternate fuel capabilities may fulfill such requirements."

By order issued February 12, 1973, we severed the consolidated proceeding into Phase I, which included the show cause proceeding and those portions of United's abandonment applications involving gas usage in priority categories 4 and 5 of its Opinion No. 647 plan, and Phase II, which included those portions of United's abandonment applications involving gas usage in priority categories 2 and 3 of that plan.

The hearings were subsequently held in both phases, and Phase II is concurrently before us on exceptions to Presiding Administrative Law Judge Nahum Litt's Initial Decision. Judge Litt found that Phase I is a major Federal action significantly affecting the quality of the human environment and, accordingly, certified an inquiry as to whether the staff should be directed to prepare and file an environmental impact statement pursuant to the National Environmental Policy Act of 1969. By order issued September 17, 1974, we established procedures directing the parties to file additional evidence on the environmental aspects of the proposed abandonment and directing the staff to review that evidence to determine whether or not an environmental impact statement is appropriate, and thereafter either to prepare and file such a statement or to prepare findings that such a statement is inappropriate either because a significant environmental impact is not involved "or because of impossibility as in the curtailment cases." On October 17, 1974, Texas Gas Transmission Corporation filed a Petition For Rehearing of our September 17th order arguing, among other matters, that it should not be required to obtain and/or furnish environmental evidence because it is not an applicant in this proceeding, and, in addition, that this proceeding should not be continued because there is a strong likelihood that all of United's boiler fuel service will be fully curtailed on an annual basis by the time there is a final

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[11] Cf., *F.C.C.* v. *Schreiber*, 381 U.S. 279 (1965).

[12] *Virginia Petroleum Jobbers Association* v. *F.P.C.*, 259 F. 2d 921 (D.C. Cir. 1958).

[1] Mississippi River Transmission Corporation, Natural Gas Pipeline Company of America, Southern Natural Gas Company, Texas Eastern Transmission Corporation and Texas Gas Transmission Corporation.

[2] In November and December 1972 and January 1973 United filed applications under Section 7(b) of the Natural Gas Act seeking authorization to abandon its service together with its facilities utilized for its service to an American Cyanamid Company plant near Pensacola, Florida (Docket No. CP73-117); a Stauffer Chemical Company plant near Saico, Alabama (Docket No. CP73-168); an Air Products and Chemicals, Inc., plant near Floridatown, Florida (Docket No. CP73-169); a Kentwood Brick and Tile Manufacturing Company, Inc., plant near Kentwood, Louisiana (Docket No. CP73-170); a Scott Paper Company plant at Mobile, Alabama (Docket No. CP73-171); a Monsanto Company plant near Pensacola, Florida (Docket No. CP73-179) and an Allied Paper Incorporated plant near Jackson, Alabama (Docket No. CP73-180).

V 40 I 182 SEP 18 75 XUM

and nonappealable decision which, presumably, would not occur prior to the 1976–77 winter season. On November 14, 1974, we granted rehearing for the purpose of further consideration.

On November 8, 1974, the United States Court of Appeals for the Fifth Circuit issued a decision in *State of Louisiana, et al.* v. *Federal Power Commission* (503 F.2d 844) vacating United's five-priority category permanent curtailment plan which we approved in Opinion Nos. 647 and 647–A and ordering reinstatement of its four-priority category interim curtailment plan which was in effect prior to Opinion No. 647, stating, among other matters, that we should prepare the best environmental impact statement possible in the light of the difficulty of the problem in cases of curtailment and the limitations on our resources, that we should reconsider the four-priority plan in the light of the standards contained in Section 4(b) of the Natural Gas Act and, if that plan does not fully satisfy Section 4(b) as one to be used permanently, we may then turn our attention to the five-priority plan.

By order issued November 13, 1974, in Docket Nos. RP71–29 and RP71–120 we found that an immediate change from the currently effective three-priority plan to the four-priority plan could produce serious and irreparable harm. As a result, we sought, and on December 13, 1974, the Fifth Circuit granted, permission to allow United to curtail under the three-priority plan for a reasonable period of time pending our decision on the remanded matters. In the meanwhile, however, and in view of the Fifth Circuit's decision, on December 2, 1974, we suspended the procedural schedule established by our September 17th order "until further order of this Commission."

By order issued March 7, 1975, in Docket Nos. RP71–29 and RP71–120, we directed United to continue curtailment under its three-priority category interim plan in the manner prescribed in Opinion Nos. 647 and 647–A until our further order, and we divided that proceeding into two phases, commencing a hearing in Phase I which is to determine prior to the 1975–76 winter season whether the three-priority interim plan "should either (1) remain in effect pending the formulation of a permanent plan, or (2) be modified by the Commission pursuant to Section 5(a)" of the Natural Gas Act, and directing United to file an environmental impact study and the staff to prepare and circulate an environmental impact statement in Phase II which is to consider a permanent curtailment plan for United.[2] And by order issued May 2, 1975, we severed from those dockets the issues pertaining to United's proposed tariff Section 12.3 which would provide that United would not be liable for the excess cost of substitute fuel to curtailed customers, and which were identical to the issues in United's previously consolidated Docket No. RP75–71, for hearing and decision in a separate and expedited Phase III.

On March 12, 1975, Louisiana[4] sought to reopen this Phase I abandonment proceeding in the light of our suspension of the procedural dates by filing a Motion For Order Directing Prehearing Conference, Defining Scope Of Hearings and Establishing Procedures in which Louisiana asserts that if we do not dismiss Phase I we can dispel the present confusion environmentalwise only by issuing an order specifying definite procedures. Thus, Louisiana urges that a prehearing conference should be held to enable Judge Litt to resolve under our guidelines the conflicting positions of the parties concerning the nature and extent of the data to be collected and utilized in formulating a draft environmental impact statement.[5] Additionally, Louisiana urges that the environmental evidence should be available not only for the environmental issues but for all relevant and material purposes and, consequently, the Commission should assure that such evidence is subjected to cross-examination.

United and General Motors Corporation filed separate answers on March 26, 1975, supporting Louisiana's motion insofar as it urges Commission action which would lead to the development of additional information for the preparation and filing of an environmental impact statement, and opposing that motion insofar as it would, in effect, reopen the record for all purposes. Borrowing from Texas Gas Transmission Corporation's Petition For Rehearing of our order of September 17, 1974, United asks us to modify and/or clarify our guidelines in Order Nos. 415–C and 485, Appendix B, to make those guidelines more explicitly applicable to the environmental considerations of an abandonment proceeding. In United's words, we should "specify exactly what factual data the pipelines should collect and file, so that the environmental evidence available for the Staff's use in the preparation of its impact statment [sic.] will be complete and consistent." United opposes a suggestion by General Motors Corporation that we consolidate the environmental aspect of this Phase I abandonment proceeding with the environmental aspect of United's curtailment proceeding in Docket Nos. RP71–29 and RP71–120.

Texas Gas Transmission Corporation filed a response on the same day opposing Louisiana's motion on the grounds set out in its Petition For Rehearing, *supra*, that it does not possess any information bearing on the environmental consequences of the proposed abandonments, that it does not possess the expertise to develop such information and, in any event, that the Commission and its staff have the responsibility for preparing the environmental impact statement.

The staff filed an answer on the same day opposing Louisiana's motion on the ground that the procedures in this Phase I abandonment proceeding should await the development of the procedures in United's curtailment proceedings in Docket Nos. RP71–29 and RP71–120 stating,

"If the volumetric impact of abandonment is identical to that of continuing curtailment, *i.e.*, that curtailment has or will result in discontinuance of the same inferior uses that are the subject of abandonment, it would seem that the environmental impact of abandonment would be *de minimis* as measured against curtailment."

Additionally, the staff recommends that we address the assertion that Phase I is moot, stating that under United's reinstated three-priority interim curtailment plan "boiler fuel use of natural gas for any purpose (including electric generation for domestic consumption) is subordinated to other higher industrial use (*i.e.*, feedstock) and curtailed ratably within the lowest priority category."

On August 8, 1975, United asked us by motion to consolidate its abandonment proceedings in Docket Nos. CP72–60 and CP75–196 with the presently consolidated Docket Nos. CP73–117, CP73–168, CP73–169, CP73–170, CP73–171, CP73–179, CP73–180, and CP73–189 (Phase I) and to set for consideration upon remand "the question what effect, if any, the expiration of a contract with a large-volume boiler-fuel user should have upon United's service to that customer." United states in its motion that in view of the magnitude of its natural gas shortfall and the likelihood that it will continue for the foreseeable future, United has not since commencing curtailments in November 1970 entered into, renewed or extended contracts to supply natural gas for utilization as boiler fuel other than to extend contracts for less than 3,000 Mcf per day. In furtherance of its policy, United continues, it has filed applications under Section 7(b) of the Natural Gas Act for authorization to abandon its service to users of natural gas as boiler fuel upon the expiration of their contracts. Among others, it filed

[2] On May 6, 1975, Louisiana Power & Light Company filed a petition in the United States Court of Appeals for the Fifth Circuit for review of this order.

[4] The State of Louisiana; Louisiana Municipal Association; Louisiana Public Service Commission; St. James Parish Utilities; Town of Franklinton; Norco Gas and Fuel Company; The Honorable Edwin Edwards, Governor; The Honorable William T. Guste, Jr., Attorney General; and The Honorable Raymond T. Sutton, Commissioner, Department of Conservation.

[5] We note from the dockets that some of the parties have filed environmental evidence in apparent compliance with our order of September 17, 1974. Louisiana asserts that the following matters, among others, could be resolved at the conference: (1) possible methods of remedying deficiencies in certain flow-through studies, (2) the additional data and further studies necessary to translate reallocation of gas into incremental quantities delivered to ultimate customers beyond United's pipeline customers, including the environmental impact of such reallocation and (3) possibilities for shortening both the data collecting and hearing processes pertaining to the environmental impact of this proceeding.

applications in Docket No. CP72–60 on September 7, 1971, to abandon service to a Mississippi Power Company facility; in Docket No. CP73–117 on October 30, 1972, to abandon service to an American Cyanamid Company facility and in Docket No. CP75–196 on December 31, 1974, to abandon service to an Atlas Processing Company facility, all of which are pending.

United asserts in its motion that it would like to have "Commission guidance as to whether it should continue to refuse to extend or renew contracts with large-volume boiler-fuel customers whose contracts have expired."[6] "The issue of abandonment based on contract expiration presents issues common to many customers," United asserts, and that "is really one facet of the more general question in Phase I whether and under what circumstances the low priority use of natural gas should be eliminated in times of shortage." Thus, United argues, in view of the extensive hearings and record in Phase I to date, Phase I is the proceeding which is most suitable for considering the "relevance of contract expiration to abandonment of large-volume boiler-fuel use."

On August 18, 1975, Air Products and Chemicals, Inc., American Cyanamid Company, International Paper Company, Scott Paper Company, and Stauffer Chemical Company filed a combined answer in which they take no position with respect to the consolidation of Docket Nos. CP72–60 and CP75–196 with Docket Nos. CP73–117 *et al.* (Phase I) and urge the Commission not to act otherwise on United's motion at this time. On August 21, 1975, New Orleans Public Service Inc. filed an "Objection" to United's motion which we are treating as an opposing answer. Similarly, on August 25, 1975, Gulf States Utilities Company filed an answer urging the Commission not to act on United's motion and Mississippi Power & Light Company and the State of Louisiana filed opposing answers. Most of those parties to Docket Nos. CP73–117 *et al.* (Phase I) call attention to our order of January 17, 1973, initiating the show cause proceeding in Docket No. CP73–189, in which we said (footnotes omitted),

"Subject to the right of the parties to be heard on this question, we are of the opinion that whether or not a contract is in force or has expired, is immaterial to a Section 7(b) determination. Once United has commenced service under a Commission certificate of public convenience and necessity, service may not cease until the Commission has authorized the abandonment, irrespective of contractual obligations. The converse is also true; if we order abandonment because the available supply of natural gas is depleted to the extent that the continuation of service is unwarranted, or because the present or future public convenience and necessity permits such abandonment, service may not lawfully continue even if a contractual obligation exists. An order of abandonment effects a discharge of contractual duties."

and to our order of March 8, 1973, in which we clarified the foregoing, stating (footnote omitted),

"We did not . . . intend to preclude the existence or nonexistence of a contract as one factor in arriving at a Section 7(b) determination. The weight to be afforded to such a factor may be part of the hearing. Our intent in the January 17, 1973 order was to indicate that the mere fact that a contract expires, accompanied by inferior gas usage and declining gas supplies, is not dispositive of a Section 7(b) proceeding."

Docket No. CP73–117 *et al.*

While we are not convinced that United's deepening levels of curtailment have made its Phase I abandonment proceeding in Docket Nos. CP73–117 *et al.* moot in the sense that a justicable controversy has ceased to exist, or even that a justicable controversy will have ceased to exist by the time there is a final and non-appealable decision in this phase, we have come to the conclusion that it would not be appropriate to continue Phase I and, consequently, that Docket No. CP73–189 should be terminated forthwith and that the Phase I portions of the remaining dockets should be consolidated with their Phase II portions, thereby vacating the phasing which we ordered on February 12, 1973. Docket No. CP73–189 was initiated by our show cause order of January 17, 1973, and is premised upon the continued existence of the lowest two categories of United's five-priority category permanent curtailment plan pertaining to gas which is being utilized for boiler fuel where alternate fuel capabilities may fulfill such requirements. As indicated above, the Fifth Circuit vacated that plan and those categories in its *Louisiana* decision, *supra*, and it has become apparent as evidenced by our order of March 7, 1975, that we cannot foresee if that permanent plan will be reinstated or when some other permanent plan will be approved.

In addition, we now believe that Phase I would encounter considerable difficulty if it were to be resumed without, in effect, starting afresh at least with the evidence on environmental matters. If our staff is required to prepare and circulate an environmental impact statement to enable us to comply with the National Environmental Policy Act of 1969 when acting upon a permanent curtailment plan for United, as the Fifth Circuit held in *Louisiana, supra*, there is little doubt that our staff is also required to prepare and circulate such a statement to enable us to so comply when acting upon United's prospective system-wide abandonment of service and facilities pertaining to gas which is being utilized for boiler fuel where alternate fuel capabilities may fulfill such requirements.[7]

Section 102(2)(C) of the National Environmental Policy Act of 1969 explicitly requires an agency's environmental impact statement to "accompany the proposal through the existing agency review processes." The obvious purpose of that requirement is to assure that the environmental evidence will be considered in connection with the merits of the proposal at every step of the agency process. Hence, we believe that there is merit in Louisiana's position that the environmental evidence in Phase I should be available for all relevant and material purposes and, consequently, that we should assure that such evidence is subjected to cross-examination. While such a position may be tantamount to reopening the record in Phase I for all purposes, that appears to be one of the untoward consequences of getting a late start where an environmental impact statement is required. We note, in this connection, that in our order of September 17, 1974, we said that the staff should follow the procedures in Order No. 415–C (§§ 2.80, 2.81 and 2.82 of our General Policy and Interpretations) which impose no limitations on the uses which are made of evidence pertaining to environmental matters short, of course, of the limitations inherent in the concepts of relevancy and materiality.

In brief summary, we find that Phase I is diminishing materially in its prospective importance because of United's deepening levels of curtailment; that the Fifth Circuit's decision in *Louisiana, supra*, has impaired significantly the principal purpose of Phase I; and that the record would have to be reopened for any relevant and material environmental issue which any party might choose to raise or any non-party might proffer in commenting on a draft environmental impact statement. And we have come to the conclusion that it would be in the public interest to expend our resources elsewhere notwithstanding our considerable investment in Phase I to date.

United is seeking in Phase II authorization under Section 7(b) of the Natural Gas Act to abandon service and facilities on the condition that the particular direct industrial customers fail or refuse to pay a higher rate for their natural gas service, a regulatory area within which we have no direct ratemaking jurisdiction under Section 5 of the Natural Gas Act. In our opinion and order being issued in Phase II concurrently with this order we are deciding that United has not established under *Federal Power Commission* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956), that its direct rate not for resale is so low as to ad-

[6] If it is United's policy to file applications under Section 7(b) of the Natural Gas Act for authorization to abandon service upon the expiration of contracts for the sale of natural gas for utilization as boiler fuel, we would expect that United in its self-interest would not want to be in a position in which it is bound to perform under such contracts or liable for their breach in the event that we authorize abandonment.

[7] While we might take the position suggested by the staff that the incremental effects of abandonment would be *de minimis* in the light of United's deepening levels of curtailment and, consequently, that an environmental impact statement would not be required, we choose not to risk a court holding otherwise.

V 40 I 182 SEP 18 75 XUM

versely affect the public interest. Accordingly, we believe that our action herein consolidating the Phase I portions of United's seven abandonment applications with their Phase II portions, thereby vacating the phasing of this proceeding, does not deprive the parties of any substantial rights. Nonetheless, we are including a provision in our concurrent opinion and order being issued in Phase II which would allow United or any other party to argue (from the pertinent parts of the Phase I record in combination with the Phase II record) under *Sierra* that its direct sale rates over the entire spectrum of its service to the seven customers involved in its abandonment applications, as distinguished from its direct sale rates over only its priority categories 2 and 3 service, is so low as to adversely affect the public interest.

In view of our decision herein to terminate Docket No. CP73–189 and to consolidate the Phase I portions of the remaining consolidated dockets with the Phase II portions of those dockets, and the statements quoted above from our orders of January 17 and March 8, 1973, we are also denying United's motion to consolidate Docket Nos. CP72–60 and CP75–196 with the previously consolidated dockets, and for other relief. In doing so, however, we are not precluding United from being heard on the contract expiration issues which it might raise in any application which it has filed or may file under Section 7(b) of the Natural Gas Act to abandon natural gas service for boiler fuel usage.

The Commission further finds:

In view of our decision to terminate Docket No. CP73–189 and consolidate the Phase I portions of the remaining dockets with their Phase II portions, thereby vacating phasing herein, Louisiana's Motion For Order Directing Prehearing Conference, Defining Scope Of Hearings And Establishing Procedures filed on March 12, 1975, and any other outstanding matters in Phase I, are moot.

The Commission orders:

(A) The Motion of United Gas Pipe Line Company for Consolidation of Abandonment Proceedings and for Other Relief filed August 8, 1975, is denied.

(B) Docket No. CP73–189 is hereby terminated.

(C) The Phase I portions of Docket Nos. CP73–117, CP73–168, CP73–169, CP73–170, CP73–171, CP73–179 and CP73–180 are hereby consolidated with the Phase II portions of those dockets, thereby vacating the phasing order herein of February 12, 1973, to that extent.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-24803 Filed 9-17-75;8:45 am]

[Docket Nos. CP73–117, CP73–168, CP73–169, CP73–170, CP73–171, CP73–179 and CP73–180 (Phase II); Opinion No. 744]

UNITED GAS PIPE LINE CO.

Opinion and Order Denying Conditional Abandonment

SEPTEMBER 10, 1975.

SMITH, Commissioner: 1. United Gas Pipe Line Company (United) is seeking in this consolidated proceeding to increase the rate which it charges certain customers on its Jackson Division. These customers purchase natural gas from United for their own use and, consequently, United's rate to them is not subject to this Commission's ratemaking jurisdiction under Section 5 of the Natural Gas Act. Accordingly, United is seeking to increase its rate through seven abandonment proceedings under Section 7(b) of the Natural Gas Act in which it seeks authorization to abandon service and facilities on the condition that the customers decline to pay a specified higher rate. As discussed herein, so much of presiding Administrative Law Judge Nahum Litt's Initial Decision issued January 21, 1974, as determines that United failed to sustain its burden of showing that its rate is so low as to adversely affect the public interest, as where it might impair United's financial ability to continue service, cast upon other customers an excessive burden or be unduly discriminatory, is affirmed and adopted as the decision of the Commission.

BACKGROUND

2. United's Jackson Division extends from southern Louisiana eastward along the Gulf of Mexico through Mississippi and southern Alabama and into western Florida, providing natural gas service to a number of direct industrial customers, among others. Fifty-five contracts extending until January 1, 1983, provided for price redetermination on January 1, 1973, and pursuant thereto United offered these Jackson Division customers the following options as to price:

Proposal A: 80¢ per Mcf for five years, plus an annual escalation of twice the increase in United's systemwide gas costs.

Proposal B: 55¢ per Mcf for calendar 1973, plus annual price redeterminations and certain contract modifications.

Proposal C: 55¢ per Mcf for calendar 1973, plus an annual escalation of twice the increase in United's systemwide gas costs and certain contract modifications (offered to process gas customers only).

Of the 55 contracts, one was conformed to Proposal A, 46 to Proposal B and two to Proposal C. Additionally, United's contract with American Cyanamid Company expired on January 1, 1973.

3. On November 2, 1972, United filed in Docket No. CP73–117 an application under Section 7(b) of the Natural Gas Act seeking authorization to abandon its service together with the facilities utilized for its service to an American Cyanamid Company (Cyanamid) plant near Pensacola, Florida. And on December 27, 1972, and January 4, 1973, United filed six similar applications seeking to abandon its service and facilities as follows: (1) A Stauffer Chemical Company (Stauffer) plant near Salco, Alabama (CP73–168). (2) An Air Products and Chemicals, Inc. (Air Products) plant near Floridatown, Florida (CP73–169). (3) A Kentwood Brick and Tile Manufacturing Company, Inc. (Kentwood) plant near Kentwood, Louisiana (CP73–170). (4) A Scott Paper Company (Scott) plant at Mobile, Alabama (CP 73–171). (5) A Monsanto Company (Monsanto) plant near Pensacola, Florida (CP73–179). (6) And an Allied Paper Incorporated (Allied) plant near Jackson, Alabama (CP73–180).[1]

4. United asserted in its applications that (1) its contract with Cyanamid expired and its contracts with the other six companies were no longer in effect because of their failure to accept one of United's offers under the price redetermination provisions, (2) United's gas supply was being depleted rapidly and was being utilized by these companies in an inferior manner when compared to residential and small commercial use,[2] and (3) United proposed to continue service to these companies but only at a price equal to United's replacement cost of the volumes consumed by them.

5. By order issued January 17, 1973, a proceeding was instituted in Docket No. CP73–189 in which United was ordered to show cause why it should not abandon its industrial service for boiler fuel use at more than 1,500 Mcf/d where alternate fuel capabilities could meet such requirements (Priorities 4 and 5 of United's five-priority category permanent curtailment plan which we approved in Opinion No. 647 only five days earlier[3]). United's

[1] Cyanamid, Stauffer, Air Products, Kentwood, Scott, Monsanto and Allied are sometimes referred to herein collectively as "Companies".

[2] There is no dispute that, except for Cyanamid, the gas in question—about 61,000 Mcf per day representing about 2% of United's estimated 1973 sales—was being utilized for plant protection, feedstock and process needs coming within Priorities 2 and 3 of United's five-priority category permanent curtailment plan—see Footnote 3, *infra*. Cyanamid utilized all but 1,000 Mcf per year for boiler fuel.

[3] On November 8, 1974, the United States Court of Appeals for the Fifth Circuit issued a decision in *State of Louisiana, et al.* v. *Federal Power Commission* (503 F. 2d 844) vacating United's five-priority category permanent curtailment plan which was approved in Opinion Nos. 647 and 647–A issued January 12 and May 30, 1973, respectively, 49 FPC 179 and 1211. This Phase II will be considered in the context in which it was tried and briefed, and the impact, if any, of the Fifth Circuit's action on this decision will be addressed.

pipeline customers[4] were named as parties for the limited purpose of obtaining end-use data, and United's seven abandonment applications were consolidated with the newly instituted show cause proceeding to determine whether partial abandonment of service was in the public interest.

6. However, by order issued February 12, 1973, the consolidated proceeding was severed into Phase I, which included the show cause proceeding and those portions of the abandonment applications involving gas usage in Priorities 4 and 5, and Phase II, which included those portions of the abandonment applications involving gas usage in Priorities 2 and 3. In an order issued March 8, 1973, it was stated,

"The rates at which United sells to direct customers are not within our jurisdiction. It follows that these nonjurisdictional rates are not to be examined on a traditional cost-of-service and fair rate of return basis. In Phase II we seek to determine if industrial sales should or should not be continued, and in making this determination, we intend to explore on an evidentiary record, the means by which the Commission can assist in the allocation of this wasting resource to its highest and best usage. More specifically, we encourage the parties to present evidence bearing upon the economic and social considerations underlying usage of a limited resource, including but not limited to, whether or not these customers which utilize gas for industrial purposes should bear a greater economic burden, than they have historically borne, to obtain such a resource."

7. The prehearing conference was held on February 26, 1973, and the hearing convened on April 30 and concluded on May 31, 1973. The record consists of some 2,700 pages of transcript and 100 exhibits, and extensive briefs were filed by the parties. Scott and Kentwood agreed to a renegotiated price and, on October 18 and November 14, 1973, United filed notices of withdrawal of its abandonment applications as to those companies. Judge Litt issued a 51 page Initial Decision on January 21, 1974, and the Commission has before it the briefs on exceptions and briefs opposing exceptions to that decision together with United's notices of withdrawal of the two abandonment applications.

INITIAL DECISION

8. Judge Litt found that although Cyanamid's contract with United expired on January 1, 1973, Cyanamid continued to take deliveries and was paying United 33.5¢ per Mcf, although it offered to pay any increases in United's average cost of gas in the Jackson Division. On August 30, 1973, Cyanamid agreed to pay 55¢ per million Btu for gas delivered from January 1, 1973, until we act on United's abandonment application. Although Monsanto and Allied accepted Proposal A (80¢ per Mcf for five years), and Air Products, Scott and Stauffer rejected all three proposals, all five companies sought court determinations that the proposed rates were unreasonable and unlawful and a Cost of Living Council determination that the increases were excessive. The latter denied relief, and the court proceedings are generally in a state of abeyance pending our decision herein. Additionally, he found that in January 1973 United began to bill the companies at its 80¢ per Mcf rate but was paid from 30.65¢ per Mcf (Scott) to 84.16¢ per Mcf (Monsanto).

9. United's projected cost of service for 1973, Judge Litt continued, ranged from 32¢ per Mcf, according to the Companies, to almost 39¢ per Mcf, according to United. Furthermore, he said, United was curtailing its deliveries because it had a systemwide shortage of gas. United's "replacement cost", that is, the cost of purchasing an Mcf of gas at current prices for each Mcf of gas delivered, exceeded 35¢ per Mcf, Judge Litt found, rising from 18.5¢ per Mcf in 1969, according to United's Exhibit 4, to 44.7¢ per Mcf in February 1973. And United's "replacement cost" pricing was conceived to obtain sufficient capital from its direct industrial customers to enable it to purchase gas at current prices for residential and small commercial use, Proposal A (80¢ per Mcf) reflecting its five year estimate of price escalations and Proposal B (55¢ per Mcf) reflecting its one year estimate, Judge Litt said.

10. After summarizing the positions of the parties, Judge Litt noted that this is a case of first impression in which our orders themselves have engendered controversy as to the standard which should be applied in resolving the issues. He said that in the landmark decision of *Michigan Consolidated Gas Company* v. *Federal Power Commission*, 283 F. 2d (D.C. Cir), cert. den. 364 U.S. 913 (1960), the Court of Appeals found that the Commission may allow abandonment if the present or future "public convenience or necessity permit" which means that an applicant for abandonment under Section 7(b) has the burden of showing that the public interest will in no way be disserved. He also said that while a contract between a pipeline company and its customer may be significant in determining what price the customer will pay, the existence or non-existence of such a contract is not determinative of a Section 7(b) application. *Transcontinental Gas Pipe Line Corporation* v. *Federal Power Commission*, 488 F.2d 1325, (D.C. Cir., 1973), requires the continuation of service until the abandonment is authorized.

11. Judge Litt found that the test in *Federal Power Commission* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956), is an appropriate test, among others, for determining Section 7(b) applications. The Supreme Court said in *Sierra* that while the Commission may not impose upon a public utility a rate which would produce less than a fair return, the public utility may agree by contract to such a rate and, if it does so, the sole concern of the Commission would be whether the rate is so low as to adversely affect the public interest, as where it might impair the financial ability of the public utility to continue service, cast upon other customers an excessive burden, or be unduly discriminatory. According to the Supreme Court, "[A] contract may not be said to be either 'unjust' or 'unreasonable' simply because it is unprofitable to the public utility." Furthermore, Judge Litt found, the Commission may impose conditions, including price conditions, on abandonments of direct sales contracts.

12. Applying these principles, Judge Litt found that United did not meet its burden of proof under the *Sierra* test. Thus, he found that disallowance of the rate which United asked would reduce its revenues by $5.5 million and its net income by $2.8 million to $17.2 million, which would be higher than any year during the 1960-72 period except 1970. And United's return on equity would be reduced to 11.2%, higher than any year during that period except 1969 and 1970. If United abandoned service to the Customers and sold the gas which they would have produced in 1972 to its jurisdictional pipeline and city gate customers at existing jurisdictional rates at 100% load factors, Judge Litt found, United would have received less than $85,000 additional revenues. Accordingly, he concluded that "the amount of money involved from what amounts to a minor portion of even United's non-jurisdictional sales is not significant when compared to United's total operations and would not materially affect United's ability to provide service."

13. Turning to equitable considerations, Judge Litt rejected United's argument that replacement pricing would be an effective tool for regulating end-use. He said that United's approach assumes (and, therefore, United submitted no evidence to support the proposition) that it is in the public interest for high priority industrial users to pay more for natural gas than residential and small commercial users simply because they have a lower priority than the residential and small commercial users. "Absent justification not made on the record," he said, "the capital formation for gas acquisition if and when it is required, should be a burden of all customers benefiting from the pipeline, and not a burden on one class for the benefit of another."[5] Some equities lie in favor

[4] Mississippi River Transmission Corporation, Natural Gas Pipeline Company of America, Southern Natural Gas Company, Texas Eastern Transmission Corporation and Texas Gas Transmission Corporation.

[5] In the notice of rulemaking issued in Docket No. RM75–19 on February 20, 1975, it was said, "It does not appear appropriate to continue rate design techniques which promote industrial consumption of natural gas", and we submitted for public comment our proposal to develop end-use rate schedules which would "eliminate any incentive for pipelines to sell natural gas for ultimate industrial consumption, for distributors to attempt to improve their purchase load factors through the sale of gas for industrial purposes, and for industrial consumers to purchase natural gas for low priority uses when other fuels can be utilized."

V 40 182 SEP 18 75 XUM

of long standing customers, as distinguished from those who began to take large new volumes in recent years, he added, and some equities lie against the payment of replacement costs by some customers while others are paying noncompensatory rates.

14. "United's proposal will conserve no gas," he found. "Not one of United's witnesses suggested that gas which might not be sold to these Customers if they refused to accept United's pricing would be saved for future residential or small commercial users or for that matter, even used today for higher priority uses." The record supports just the opposite, he found—that part of the Companies' high priority gas would be utilized after resale as boiler fuel. And replacement pricing would not necessarily conserve gas by making it more expensive relative to other fuels and thereby encourage conversion to other fuels. Since there is no reasonable alternative to natural gas as a feedstock for large scale production of carbon disulfide, he found, Stauffer will continue to buy natural gas until its product becomes noncompetitive because of feedstock costs. Thus, he concluded, United has not made a record which would warrant a finding that price would be a useful tool in allocating " 'this wasting resource to its highest and best usage' ", as directed by the order setting the matter for hearing.

15. Noting that United's purchased gas adjustment clauses with its jurisdictional customers generate automatically approximately 70% of the additional cost of new gas, and that United's affiliates have not been prohibited from obtaining capital for exploration and development, Judge Litt found that United did not show that its need for capital to purchase new gas was not being met by its traditional capital formation methods.

16. Turning to costing philosophies, Judge Litt noted (1) that while the Commission has not regulated the prices of United's direct sales because of our jurisdictional limitations,[4] such prices have not been substantially different from the cost-of-service rates which United was charging its jurisdictional customers, and (2) that the large volumes purchased by United's direct customers benefited its other customers and, consequently, it would be inequitable not to continue to give United's direct customers the benefit of rolled-in pricing insofar as replacement volumes of natural gas are concerned. On the other hand, he noted, (1) United's direct customers must have known that their relatively strong (non-jurisdictional) bargaining position in times of abundance would become a liability in times of scarcity, (2) such customers would not have renewed their contracts if renewal were not to their advantage and (3) United's proposed prices will not result in economic hardship. And noting that the public interest does not require either cost-of-service or replacement costing pricing, he concluded that both are relevant considerations under Section 7(b) "in determining whether customers already contributing to the well-being of the pipeline system should bear a heavier economic burden than they have traditionally borne. United, as to the high priority gas involved here, simply has not made this case."

17. While United proposed findings which would support its abandonment of Cyanamid's boiler fuel usage, Judge Litt said that in our order of March 8, 1973, all issues pertaining to Priorities 4 and 5 usage were placed in Phase I. Consequently, he found that such request was outside the scope of Phase II. And in view of his decision to deny abandonment, he did not reach issues pertaining to the National Environmental Policy Act of 1969, United's "plowback" proposal or a request for preferential treatment.

EXCEPTIONS

18. Excepting generally to the presiding judge's failure to authorize the abandonments, United asserts that in view of the magnitude of its systemwide shortage of natural gas it believes (A) that it should discontinue its large volume boiler fuel service whenever its contracts for such service expire, and (B) that whenever possible it should increase the price of its industrial service to a level which will enable it to replace the volumes to be consumed during the contract term and thereby avoid impairment of its human needs service. Specifically, United urges:

(1) While the presiding judge found correctly that we have authority under Section 7(b) to condition abandonment on price factors and that *Sierra* is not the exclusive standard, he erred insofar as he appears to have considered price only on the question of whether it provides an effective incentive to conserve gas or to switch to alternative fuels (page 34, lines 4-8; page 35, lines 3-4; and page 33, line 8-13). While "disincentive pricing" is an important consideration, United asserts, price is also material to enhancing its ability to obtain increasingly expensive replacement reserves.

(2) In view of the statement in the order issued March 8, 1973, that evidence may be introduced to indicate whether or not the rate at which United was making sales to the Companies was impairing its ability to provide reliable and adequate service to its jurisdictional customers, the presiding judge erred in refusing to receive United's evidence showing projected gas deliverability and human needs requirements on its main system. Additionally, he erred in refusing United's evidence as to the cost of other fuels, and he erred in considering the policy issues in the limited context of Priorities 2 and 3 service (and, conversely, in refusing to consider them in the broader context of Priorities 4 and 5 service), as directed by the order.[5]

(3) The presiding judge erred insofar as he concluded that termination of a service contract was not entitled to substantial weight in determining whether the public interest requires the service to continue. While the existence or nonexistence of a contract is not dispositive of abandonment questions, according to United, *Transco*, supra, indicates that it is entitled to significant weight.

(4) The presiding judge erred in limiting his consideration to the Customers as distinguished from all 55 similarly situated customers on United's Jackson Division. Since the amount of gas sold to any one customer is relatively small, according to United, it would not disrupt its ability to provide reliable and adequate systemwide service no matter how low the price to that customer. The record shows, in this connection, that if United received in 1973 its approximate jurisdictional rate of 35¢ per Mcf instead of approximately 55¢ Mcf from its direct Jackson Division customers, its revenues would have been reduced by $19.8 million and its projected 1973 net income would have been reduced to about $8.8 million, lower than any year since before 1960 except 1971.

(5) Since United is unwilling to extend Cyanamid's contract which is largely for boiler fuel usage, and since Cyanamid has installed alternate fuel capacity, the presiding judge erred in failing to order abandonment of service to Cyanamid and in giving Cyanamid an opportunity to show in Phase I that its boiler fuel usage is not inferior.

(6) The presiding judge erred in refusing to condition abandonment on the payment of replacement prices. While in 1968, according to United, the cost of replacing its gas was virtually identical to its systemwide cost of gas, the two cost figures have diverged considerably in recent years. Furthermore, according to United, its evidence shows that all of its existing reserves are needed to fulfill its future human needs demand; and since it is impossible to "husband" those reserves in such a manner as to utilize them solely for that demand, industrial service must continue and the gas sold thereunder must be replaced at current prices to avoid jeopardizing its human needs service. And notwithstanding that United has been able to finance intensive exploration and development activities, the severity of its natural gas shortage requires correspondingly more intense activities to narrow its supply/demand gap. United asserts, in this connection, "The only means by which United can avoid the likely impairment of service to human needs customers within the next three years is to be able to contract for large quantities of gas now." Furthermore, United asserts, replacement cost pricing is an effective allocation tool because prices which are closer to the costs of alternative fuels tend to discourage artificial demand stimulated by "cheap

[4] Since the Commission does not have the authority under Section 5 to fix rates for direct sales not for resale, and since substantially all of the states (including Louisiana, Alabama and Florida, involved herein) have established regulatory forums with jurisdiction over natural gas utilities, the Commission must defer to state public service and utility commissions to fix rates for direct sales not for resale.

[5] See Footnote 10, *infra*.

gas" and encourage conversion to other fuels (which is illustrated by the fact that Monsanto took less than its curtailment allotment during the 1972–73 winter because it was able to obtain fuel oil at a cost of 48¢ to 50¢ per million Btu as compared to United's price of 80¢ per Mcf for natural gas). Cost-of-service type rates should now yield to rates which are more in line with the costs of alternative fuels, United concludes, and replacement cost pricing increases the burden on its direct industrial customers to an appropriate extent.

(7) The presiding judge erred in failing to consider United's "plowback commitment" under which United would seek to avoid a windfall and would apply industrial revenues in excess of an agreed level of earnings on its nonjurisdictional sales in such a manner as to produce a maximum benefit for its human needs customers through acquiring additional gas supplies.

19. Air Products, Cyanamid and Stauffer (joined by Scott in the event of denial of United's notice of withdrawal of its application to abandon service to Scott) generally support the denial of United's applications. However, they assert on exception that United's applications to abandon service (other than to Cyanamid) should have been dismissed or stayed pending a judicial determination of whether the service contracts had terminated. They also assert that the presiding judge erred in his views on our abandonment authority (which, in any event, were not essential to his decision), particularly his finding that the Commission can condition abandonment on the payment of a minimum price[6] and his finding that Air Products closed its methanol plant as a result of adverse competitive conditions (as distinguished from United's inability to deliver sufficient volumes to permit its economic operation). Finally, they claim that the presiding judge erred in failing to classify Air Products' and Cyanamid's boiler fuel usage on a unit by unit basis and thereby bring it into Priority 3 and, conversely, in his aggregating such usage into a lower priority category. Multiple boilers may be physically separated, they say, making common facilities impossible.

20. The State of Louisiana, Louisiana Municipal Association, Louisiana Public Service Commission, St. James Parish Utilities, Town of Franklinton, Norco Gas & Fuel Company and Kentwood (collectively, Louisiana) also support the denial of United's applications. They assert that the presiding judge erred in holding that the Commission has "statutory power to order an abandonment of service to direct sale customers on the basis of price, absent a Sierra type showing that the prices are so low as to impair the financial ability of the pipeline to render adequate service to jurisdictional resale customers." They urge, in addition, that he erred in holding that an abandonment order which is conditioned on an increase in a direct sale price is not a modification of the original permanent certificate.

Docket Nos. CP73–117, *et al.*

21. United Gas, Inc. (U.G.I.), a distributor which purchases natural gas from United, takes no position on the Initial Decision but excepts to the presiding judge's statements (page 41) that from an equitable point of view some consideration should be given to long standing industrial use as against residential and small commercial customers, and even pipeline and city gate customers, whose demand for service or additional service post-dates a reasonable awareness of United's supply problem. U.G.I. states, in this connection, that in its delivery area the only alternative to natural gas is electricity which, in turn, is largely generated from natural gas and represents inefficient usage of natural gas; therefore, the suggestion that a new residential or commercial customer should give way to an old industrial user is erroneous.

22. Although the staff did not file a brief on exceptions, it filed a brief opposing exceptions in which it largely supports the Initial Decision, including the denial of the abandonment applications. The staff opposes only the *"obiter dicta"* to the effect that we have the authority to condition an abandonment of a direct sale on price, arguing that under the jurisdictional limitations of Section 1(b) price is relevant only to the question of whether the price of the service would impair the pipeline's ability to render continued systemwide service. The staff states that the presiding judge correctly concluded that United failed to show that its financial position has become, or will become, so adversely affected through continued service under its existing contracts that it will be unable to meet the needs of its jurisdictional customers. And as did the presiding judge with his Initial Decision, the staff devotes the major portion of its brief to data tending to show that United would not have suffered a material adverse impact if it had maintained its 1972 price levels to the Companies, and that it would not obtain a material benefit by abandoning its Phase II volumes and redistributing them among its other customers under existing arrangements. The staff also points to data from which it concludes that the presiding judge correctly concluded that United failed to demonstrate that its increased revenues resulting from its charging higher prices under its redetermination proposals is necessary to its ability to continue adequate and reliable service to its jurisdictional customers. Furthermore, the staff points to the testimony of United's witness Aubin to the effect that neither United's financial situation nor its replacement cost proposal are factors which are limiting its gas acquisition efforts which are now being maximized (Tr. 811):

Staff Counsel: In other words, the fact that United sells substantial quantities of gas to direct industrial customers at prices less than its average cost of purchased gas is not a factor in establishing your bids for gas acquisition?

Mr. Aubin: No, sir.

Furthermore, abandonment of United's Phase II volumes, according to the staff, would mean that Priorities 2 and 3 gas being purchased by the Customers would be redistributed to behind-the-gate Priorities 4 and 5 customers. Finally, the staff takes the position that service to Cyanamid should not be abandoned in Phase II because Phase II deals only with Priorities 2 and 3 usage and not " 'inferior gas usage' ".

23. Opposing United's exceptions, Air Products, *et al.*, assert that in the orders issued January 17 and February 12, 1973, the Commission embraced in Phase I the question of whether it is necessary in the public interest for United to abandon its Priorities 4 and 5 boiler fuel service to all of its customers, whereas it embraced in this Phase II the question of whether United should abandon its Priorities 2 and 3 service to the Customers. They maintain that a policy decision was made in connection with the phasing that abandonment of the latter service would not be authorized unless it is shown that the prices at which such Priorities 2 and 3 gas is sold impair United's ability to render adequate service to its other customers. Thus, they say, United's Priorities 4 and 5 service to Air Products and Cyanamid is not under consideration in this Phase II.

24. Air Products, *et al.*, take the additional positions that (1) United's evidentiary exceptions are moot since United concedes that it was allowed to introduce "substantially the same evidence" and since United does not claim prejudice; (2) the presiding judge correctly limited his decision to the Customers' volumes (as distinguished from United's Jackson Division volumes); (3) conceding that United in all likelihood will have to pay higher prices to replace its reserves, United failed to prove that it must collect those costs now in order to purchase the replacements, particularly in the light of the absence of financial restraints on its purchases, its limited use of advance payments and the purchased gas adjustment provisions in its jurisdictional rates and non-jurisdictional contracts; (4) replacement cost pricing would not effectively allocate Priorities 2 and 3 gas to better uses because only Priority 1 is higher and some gas priced out of Priorities 2 and 3 usage would in all likelihood find its way to lower priority usage; (5) industrial users should not have to pay a relatively higher price for natural gas since they generally bear the costs of conversion as well as the brunt of higher priced alternative fuels, and (6) the presiding judge correctly declined to examine the merits of United's plow-back proposal in view of the result which he reached. Finally, Air Products, *et al.*, assert that we do not have authority to impose contract terms on the Companies, particularly where (as here) the terms include a waiver of their rights

[6] Nonetheless, they concede that we can condition abandonment on the payment of a minimum price where the price is noncompensatory, which is not the case here.

V 40 182 SEP 18 75 XUM

against United and a change in the definition of "gas" to include other than natural gas.

25. Opposing United's exceptions, Allied and Monsanto assert that the Commission does not have the authority to influence the price of direct industrial sales through Section 7(b). As a result, Allied is seeking the protection of the Alabama courts, while the Florida Public Service Commission is holding a hearing to determine a just and reasonable rate to be charged to Monsanto. Insofar as United argues that its direct industrial customers should pay a price which will allow it to replace the reserves which they consume, Allied and Monsanto urge that a pipeline normally acquires new reserves for the benefit of its system and, consequently, the necessity of replacing its reserves is the same whether it sells its gas directly to industrial customers or to distributors for resale. Jurisdictional rates account for almost 75% of United's sales, they say, and gas purchase costs thereunder are treated on a rolled-in, rather than an incremental (replacement cost), basis.

26. Opposing United's exceptions, Louisiana asserts as its basic position that the price which a nonjurisdictional direct sale customer pays to a pipeline for natural gas is determined exclusively by the contract which they negotiate and that any disputes concerning that contract, such as whether United's price offers complied with its contractual obligations, are beyond our jurisdiction and must be resolved by the judiciary. Specifically, Louisiana asserts, among other matters, (1) the presiding judge properly excluded United's evidence pertaining to the depletion of its gas supply since we specifically excluded the subject of its gas supply from Phase II; (2) the presiding judge properly excluded United's evidence pertaining to the cost of alternate fuels since it went only to the value of gas as distinguished from its cost; (3) the presiding judge properly refused to consider any Priorities 4 and 5 issues since they belong to Phase I; (4) the mere fact that the time is ripe for a price redetermination under a contract does not mean that any price offer complies with the contract and, consequently, we do not have to interpret contracts to determine whether the public convenience and necessity permits the abandonment; (5) the presiding judge properly ruled that we should take a "hands-off approach" to all court proceedings unless and until United is ordered to provide service at a price which we find is so low as to require overriding the contracts; and (6) the proper vehicle for determining whether and how disincentive pricing should be adopted as a Commission policy would be a rulemaking proceeding.[9]

27. In reply to Air Products, *et al.*, Louisiana and U.G.I., United contends that the presiding judge correctly found that the Commission has authority to condition abandonment of service to direct industrial customers upon their paying replacement cost prices. It claims, in this connection, that the fact that its contracts provided for price redetermination (or expired, in the case of Cyanamid), "means that the Commission's determination as to whether to authorize outright abandonment or condition abandonment on price is not circumscribed by the *Sierra* test or by whether the Companies are paying or are prepared to pay a 'cost of service' price." According to United, no party contests the fact that the Commission cannot set the rates for direct industrial sales and no party appears to contest the fact that the Commission *can* consider the price of direct industrial sales in a Section 7(b) abandonment proceeding; the divergence occurs with respect to the scope of our authority—i.e., whether Section 1(b) limits the authority to the *Sierra* test of whether the rate is so low as to impair United's ability to render adequate systemwide service, or whether broader authority is conferred. In this connection, United cites *X–20* (*Federal Power Commission* v. *Transcontinental Gas Pipe Line Corp.*, 365 U.S. 1 (1961)) for the proposition that price, among other factors, may be considered in a Section 7 certificate proceeding. It points out that Section 7(b) of the Natural Gas Act was patterned after the Interstate Commerce Act, and that the Interstate Commerce Commission can condition abandonment. Finally, United asserts that this proceeding should not be stayed pending the outcome of the litigation, that the presiding judge correctly concluded that Air Products closed its methanol plant because of adverse competitive factors, and that he correctly calculated Air Products' usage on an aggregate basis (as distinguished from a boiler by boiler basis).

[9] See Footnote 5, *supra*.

Discussion

28. If the Commission has authority to authorize a natural gas pipeline company to abandon direct service to one or more industrial customers, together with the facilities by which that service is rendered, upon the condition that the customers decline to pay a specified price for that service, that authority must be either expressed in the Natural Gas Act or implied from its provisions. While the last sentence of Section 7(e) of the Natural Gas Act expressly empowers the Commission "to attach to the issuance of the certificate and to the exercise of the rights granted thereunder such reasonable terms and conditions as the public convenience and necessity may require," no similar authority is expressly conferred with respect to the Commission's abandonment authority under Section 7(b).

29. It was stated in the order issued in this proceeding on March 8, 1973, "The rates at which United sells to direct customers are not within our jurisdiction." This limitation upon the Commission's authority to fix rates under Section 5 of the Natural Gas Act is required by Section 1(b) which states:

"The provisions of this act shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and to natural-gas companies engaged in such transportation or sale, *but shall not apply to any other transportation or sale of natural gas* or to the local distribution of natural gas or to the facilities used for such distribution or to the production or gathering of natural gas [Emphasis added]."

If, therefore, the Commission should condition the abandonment of a direct sale not for resale on an increase in the rate at which that sale is made, it would, in effect, fix a direct sale rate and engage in an area of ratemaking which is acknowledged to be prohibited by Section 1(b) of the Natural Gas Act.

30. Judge Litt does not agree with this ratemaking approach. Referring to *F.P.C.* v. *Louisiana Power & Light Co.*, 406 U.S. 621 (1972), Judge Litt reasons, "Just as curtailment orders were found not to fix rates, or for that matter, to be abandonments within the meaning of Section 7(b), however, neither would an abandonment order conditioned to effect the best end use under Section 7(b) be rate setting." [9a] Thus, he appears to rely upon our jurisdiction over transportation and our corollary jurisdiction over curtailment, rationalizing that we have authority to direct natural gas to superior usage by utilizing price as a tool.[10] United, on the other hand, appears to emphasize

[9a] Apparently the United States Court of Appeals for the District of Columbia Circuit would construe Section 1(b) as prohibiting rate setting through the abandonment authority approach. See Footnote 20 of *Henry* v. *Federal Power Commission*, — F. 2d —, Nos. 73–2090 *et al.*, decided July 28, 1975.

[10] While there appears to be merit in the approach of directing natural gas to superior usage, or directing it from inferior usage, by fixing the price at which direct sales are made through the curtailment corollary of our transportation authority, we believe that the technique proposed in this proceeding would not achieve that objective. United's proposal would increase the price of natural gas to its direct industrial customers (who are in a position to pass the added costs along in the prices of their products) to provide additional funds which, in turn, would be used to acquire natural gas reserves to replace the volumes which are consumed by those customers, thereby adding to the rate of depletion and to the escalating price of our natural gas reserves. But since those replacement volumes would not be channeled toward desirable or away from undesirable usage, United's prosposal does not appear to be designed to avoid impairing its service to its human needs customers, as it claims. Judge Litt's findings set out in paragraph 14 are, therefore, essentially correct. And the Commission could conclude that there is no basis in fact for applying the rationale of *Louisiana Power & Light Co.* to find implied authority to take the action which United requests.

We agree with Judge Litt that we may utilize price as a tool to direct natural gas to superior usage, but we believe that our authority is limited to situations in which we can fix just and reasonable rates under Section 5 of the Natural Gas Act. As indicated in Footnote 5, we have initiated a rulemaking proceeding to develop rate design techniques to discourage industrial consumption of natural gas.

the fact that this Commission's abandonment authority under Section 7(b) was derived from the Interstate Commerce Act and that the Interstate Commerce Commission (ICC) has the authority to condition abandonment. Thus, in the absence of an express prohibition against conditioning abandonment upon price, a liberal construction of Section 7 (b) would imply the existence of such authority.[11]

31. The original drafts of H.R. 11662 and S. 4480 which evolved into the Natural Gas Act did not contain abandonment authority. In commenting upon the House version during the subcommittee hearing on April 3, 1936, John E. Benton, General Solicitor of the National Association of Railroad and Utilities Commissioners, stated,

". . . Presumably it is the intent of the bill that service once extended shall not be withdrawn without the consent of the Commission. We suggest that this intention should be made clear by explicit language. We will present an amendment covering that point.

"There should not be any possibility of a company having the chance to claim, and to litigate the claim, that if it does not like a rate which has been fixed by the Federal tribunal, it can discontinue service. If a company has established service to a distributing company, on which the public are dependent, and a rate is fixed by the Federal tribunal for that service which the company does not like, the company should not be in a position to say, 'We are permitted to abandon our service, and we will abandon it.'

"We will present an amendment to cover that point. . . . [Hearing Before a Subcommittee of the Committee on Interstate and Foreign Commerce, House of Representatives, 74th Congress, 2nd Session, page 92.]

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". . . Amend said bill by adding to section 7 a new paragraph (b) as follows:

(b) No gas company, which is supplying gas to a public utility company, engaged in distributing such gas to the public, shall discontinue service to such public utility company without first obtaining from the Commission a certificate that public convenience and necessity permit such abandonment.

"That language is largely taken from the abandonment provision of the Interstate Commerce Act. [Ibid., page 98]."

32. In comparing the ICC's authority with this Commission's authority, it should be noted that the ICC may issue certificates of public convenience and necessity for the purpose of (1) authorizing the extension, construction, acquisition and operation of railroad lines and (2) authorizing the abandonment of such lines and operation. 49 U.S.C. § 1(18). On the other hand this Commission has authority under Section 7 (c) to issue certificates of public convenience and necessity for the purpose of transporting and selling natural gas subject to its jurisdiction and constructing, extending, acquiring and operating facilities therefor, and further authority under Section 7(b) to permit and approve abandonment of such service and facilities (without reference to a mythical certificate, as in the case of the ICC). Whereas the ICC has express authority to condition all of its certificates, including those which authorize abandonment, 49 U.S.C. § 1(20), this Commission was given express authority in 1942 as part of Section 7(e) "to attach to the issuance of the certificate and to the exercise of the rights granted thereunder such reasonable terms and conditions as the public convenience and necessity may require." Consequently, a forceful legal argument could lead to the conclusion that since the Natural Gas Act was modeled after the Interstate Commerce Act in this respect, and since Congress did not confer express authority to condition abandonment as it had done in the case of the ICC, Congress intended to withhold such authority from the Federal Power Commission.

33. In the light of the foregoing indicia that the Commission does not have authority to condition an abandonment of service and/or facilities under Section 7(b) of the Natural Gas Act *on an increase in the rate at which a direct sale not for resale is made*, we neither approve nor disapprove Judge Litt's conclusion that the Commission may impose conditions, including price conditions, on abandonments of direct sales. In view of our disposition of this proceeding on another ground, we will refrain from deciding whether we have authority to take the action which United requests.

34. In discussing jurisdiction, the Commission of 15 years ago said in *South Georgia Natural Gas Company*, Docket No. G–17568 (23 FPC 795, 796) (1960) (footnotes renumbered),

"Section 1(b) of the Act makes a fundamental distinction between direct sales and sales for resale, but it does not, in terms, forbid the Commission to regulate direct sales rates. It states that the Commission shall have jurisdiction over the 'transportation' of gas for direct sales, but not over the direct 'sales' themselves.[12] The principal purpose of this limited grant is to enable the Commission to prevent a pipeline from using its facilities for direct sales in circumstances which might impair its service to resale customers.[13] Although the limitation of this jurisdiction forbids the 'fixing' of a specific rate for a particular direct sale in a Section 4 proceeding," it is nevertheless the Commission's responsibility, under Section 7, to require a pipeline to show that the rate at which it proposes to make a direct sale is at or above a 'compensatory' level, one which will ensure that the direct sale will recoup a proper proportion of system costs without being 'subsidized' by sales for resale.[14]"

35. In other words, while direct sale rates cannot be fixed they can be considered in exercising other regulatory responsibilities. *South Georgia*, supra, is therefore authority for the *Sierra* approach under which the sole question is whether United's direct sale rate is so low as to adversely affect the public interest, as where it might impair United's financial ability to continue service, cast an excessive burden on other customers or be unduly discriminatory. The *Sierra* approach is consistent with the authority conferred by Section 7(b) to permit and approve an abandonment of service and facilities on the grounds that "the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted, or that the present or future public convenience and necessity permit such abandonment." In the context of abandonment *Sierra* should be viewed, not as a vehicle for fixing rates in violation of the prohibition of Section 1(b), but as a vehicle for preserving the integrity of public utilities in extreme cases. If we do not have the authority generally to authorize a natural gas pipeline company to abandon direct service to one or more industrial customers, together with the facilities by which that service is rendered, upon the condition that the customers decline to pay a specific price for that service, then such authority does not exist even in a *Sierra* situation.[15] If such a situation should occur, an abandonment of the service and facilities should be permitted. Such an action would not preclude the issuance of a new certificate under Section 7(c) if, as a result of the abandonment order, a new and higher rate is fixed by the parties, or if a State Commission or a court should fix a higher rate.

36. In determining whether United's direct sale rate is so low as to adversely affect the public interest, there is an issue as to whether to limit consideration to the seven Customers involved in this proceeding, as did Judge Litt, or to consider all fifty-six direct sale customers on United's Jackson Division, as United urges. While there is evidence in the record to support Judge Litt's decision that the impact of the seven Customers is not material, there is also evidence to support United's claim that the impact

[11] Apparently United would say that while Section 5 "just and reasonable" ratemaking is prohibited, Section 7(b) "public convenience or necessity" ratemaking is permissible.

[12] *F.P.C.* v. *East Ohio Gas Co.*, 338 U.S. 464 (1949).

[13] *Panhandle Eastern Pipe Line Co.* v. *F.P.C.*, 232 F.2d 467, 472 (CA3, 1956).

[14] *Hastings* v. *Kansas-Nebraska Natural Gas Co.*, 12 FPC 12, 17 (1953); affirmed 221 F.2d 31 (CADC, 1954); cert. den. 349 U.S. 920.

[15] *Northern Natural*, G–2409, 15 FPC 682, 1634 (1956).

[16] In situations in which we have ratemaking authority, we may fix a higher rate or authorize abandonment in the alternative. See the order issued February 27, 1974, in *Terra Resources, Inc.* (Operator, *et al.*) Docket No. RI74–44.

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of the fifty-six customers would be material. There is merit to both approaches, and no strongly persuasive reasons are offered in support of either approach. On balance, Judge Litt's approach, which considers actualities, is reasonable and is adopted.

37. On and about October 15, 1973, Scott accepted Proposal B and otherwise reached accord with United, dismissing its litigation with prejudice, and United filed a notice of withdrawal of its abandonment application which Scott supported. Similarly, on and about November 9, 1973, Kentwood accepted Proposal B and otherwise reached accord with United, and United filed a notice of withdrawal of its abandonment application which Kentwood supported. On November 1, 1973, Allied responded to the first of United's notices, asserting that it demonstrates that United's abandonment applications "were improper attempts to involve the Commission in private contractual disputes", and urging that we dismiss all of them. It appears possible that, as a result of our decision, Scott and/or Kentwood may wish to change their positions as to the accords which they reached with United so late in the proceeding. Accordingly, we are denying United's respective notices of withdrawal unless Scott and Kentwood, respectively, reaffirm their support of those notices within 30 days after issuance of this opinion and order.

38. As previously noted, on November 8, 1974, the United States Court of Appeals for the Fifth Circuit issued a decision in *State of Louisiana, et al.* v. *Federal Power Commission* (503 F.2d 844) vacating United's five-priority category permanent curtailment plan which we approved in Opinion Nos. 647 and 647–A issued January 12 and May 30, 1973, respectively, 49 FPC 179 and 1211, and which provides the dividing line on which this consolidated proceeding is phased. Phase I covers (a) those portions of United's abandonment applications involving gas usage in Priorities 4 and 5, and (b) the show cause proceeding initiated in Docket No. CP73–189. As so structured, Phase I embraces the broad question of whether it is in the public interest for United to abandon its Priorities 4 and 5 boiler fuel service to all of its customers. As so structured, the narrower questions raised in United's seven abandonment applications, namely, whether it is in the public interest to abandon its Priorities 4 and 5 boiler fuel service on the condition that the seven Customers decline to pay a higher rate or price for that service, are embraced within the broader question raised by Docket No. CP73–189.

39. However, Docket No. CP73–189 is being terminated forthwith for reasons which are set forth in the order being issued in Phase I concurrently with this opinion and order. Such reasons include the material diminution in the prospective importance of Phase I because of United's deepening levels of curtailment. As a result, the scope of Phase I is being reduced to the foregoing narrower questions raised by United's seven abandonment applications which are, of course, identical with the questions raised in Phase II with respect to United's Priorities 2 and 3 service. As a result, we are also vacating phasing in our concurrent Phase I order and consolidating the Phase I portions of Docket Nos. CP73–117, CP73–168, CP73–169, CP73–170, CP73–171, CP73–179 and CP73–180 with the Phase II portions of those dockets.

40. The Fifth Circuit's action in *Louisiana, supra*, vacating United's five-priority category permanent curtailment plan, has no apparent effect on this decision. Although it is true that that plan provided the dividing line on which this proceeding was phased, the concurrent decision to terminate Docket No. CP73–189 leaves Phase I with issues in common with Phase II respecting the merits of United's abandonment applications.

41. Nonetheless, our concurrent Phase I order terminating Docket No. CP73–189 and vacating phasing does affect our decision adopting Judge Litt's determination that United failed to sustain its burden of showing under *Sierra*, supra, that its direct sale rate is so low as to adversely affect the public interest. While Judge Litt appropriately measured the impact on United by limiting his consideration to United's Priorities 2 and 3 service to the seven Customers he would now have to measure that impact by considering the entire spectrum of United's service to those Customers. If United requests consideration of the question of whether the presumably greater impact of the entire spectrum of its service passes the *Sierra* test, it will be given in connection with any application for rehearing which United may wish to file under Section 19 of the Natural Gas Act and § 1.34 of the Commission's Rules of Practice and Procedure.[17] It should be emphasized, however, that the acceptance of Judge Litt's approach which considers the actual impact of the seven Customers does not reach the potential impact of United's fifty-six customers.

42. While consideration has been given to all of the numerous exceptions which have been raised, some are not discussed because they have been adequately answered in responsive filings, as in the case of United's evidentiary exceptions, while others are not discussed because they are not of a sufficiently material nature, such as U.G.I.'s exception to Judge Litt's statements that some consideration should be given to priorities of time in usage, or because they have become moot, such as whether to treat Cyanamid's and Air Products' boiler fuel usage on a boiler-by-boiler basis or on an aggregate basis.

[17] Instead of causing the entire Phase I record to be certified, much of which is presumably irrelevant to the *Sierra* issue, it would appear to be judicious to take official notice of the particular pages of transcript, exhibits and other items of evidence in Phase I which United or any other participant specifies and asks consideration in connection therewith. If that is done, the other participants will by order be given a similar opportunity under § 1.34(d) of the Rules of Practice and Procedure.

The Commission further finds:

(1) The Commission should affirm and adopt as its decision so much of presiding Administrative Law Judge Nahum Litt's Initial Decision issued January 21, 1974, as determines that United Gas Pipeline Company failed to sustain its burden of showing that its rate is so low as to adversely affect the public interest, as where it might impair United's financial ability to continue service, cast upon other customers an excessive burden or be unduly discriminatory.

(2) Permission should be denied United Gas Pipe Line Company to withdraw its application to abandon service and facilities in Docket No. CP73–170 pursuant to its notice filed October 18, 1973, unless Scott Paper Company reaffirms its support of that notice in an appropriate filing for that purpose within 30 days of the date of this opinion and order, in which event such permission should be granted without further action of the Commission.

(3) Permission should be denied United Gas Pipe Line Company to withdraw its application to abandon service and facilities in Docket No. CP73–171 pursuant to its notice filed November 14, 1973, unless Kentwood Brick and Tile Manufacturing Company, Inc., reaffirms its support of that notice in an appropriate filing for that purpose within 30 days of the date of this opinion and order, in which event such permission should be granted without further action of the Commission.

The Commission orders:

(A) The applications filed by United Gas Pipe Line Company under Section 7(b) of the Natural Gas Act to abandon service and/or facilities in Docket Nos. CP73–117, CP73–168, CP73–169, CP73–179 and CP73–180 and, subject to ordering paragraphs (C) and (D), respectively, in Docket Nos. CP73–170 and CP73–171, are denied.

(B) So much of presiding Administrative Law Judge Nahum Litt's Initial Decision issued January 21, 1974, as determines that United Gas Pipe Line Company failed to sustain its burden of showing that its rate is so low as to adversely affect the public interest, as where it might impair United's financial ability to continue service, cast upon other customers an excessive burden or be unduly discriminatory, is affirmed and adopted as the decision of the Commission.

(C) Permission is denied United Gas Pipe Line Company to withdraw its application to abandon service and facilities in Docket No. CP73–170 pursuant to its notice filed October 18, 1973, unless Scott Paper Company reaffirms its support of that notice in an appropriate filing for that purpose within 30 days of the date of this opinion and order, in which event such permission is granted without further action of the Commission.

(D) Permission is denied United Gas Pipe Line Company to withdraw its application to abandon service and facilities in Docket No. CP73–171 pursuant to its notice filed November 14, 1973, unless Kentwood Brick and Tile Manufacturing Company, Inc., reaffirms its support of that notice in an appropriate filing for that purpose within 30 days of the date of this opinion and order, in which event such permission is granted without further action of the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

APPEARANCES

W. De Vier Pierson, William B. Cassin, Knox Bemis, Ross Hamachek and *Peter Levin* for United Gas Pipe Line Company.
Raymond Petersen, Joseph M. Wells and *Paul E. Goldstein* for Natural Gas Pipeline Company of America.
J. Evans Attwell, William B. Pannill and *Jack D. Head* for Texas Eastern Transmission Corporation.
William W. Bedwell, John J. Mullally, James H. Wuller and *Francis L. Barkofske* for Mississippi River Transmission Corporation.
Christopher T. Boland, John F. Harrington, Robert H. Koch and *Steven H. Finch* for Texas Gas Transmission Corporation.
Philip R. Ehrenkranz, Carroll L. Gilliam and *J. Philip Reddick* for Industrial Gas Users Conference.
John T. Miller, Jr., for Allied Paper, Incorporated and Monsanto Company.
Richard Sexton for Allied Paper, Incorporated.
Richard W. Duesenberg and *David C. Jones* for Monsanto Company.
James R. McCotter, Jerome Ackerman and *Robert H. Loeffler* for Air Products & Chemicals Inc., American Cyanamid Company; International Paper Company, Scott Paper Company, and Stauffer Chemical Company.
Arnold D. Berkeley, David R. Straus and *Simmons J. Barry* for The State of Louisiana, Louisiana Municipal Association, Louisiana Public Service Commission, St. James Parish Utilities, Town of Franklinton, and Norco Gas & Fuel Company.
Fred Benton, Sr., for Kentwood Brick and Tile.
William Warfield Ross, James K. White and *Stanley Plattman* for Gulf States Utilities Company.
Richard M. Merriman, Peyton G. Bowman, III, Brian J. McManus, Sherwood W. Wise and *Richard B. Wilson* for Mississippi Power & Light Company.
John M. Kuykendall, Jr. for Mississippi Valley Gas Company.
Howard E. Wahrenbrock for Mobile Gas Service Corporation and Mississippi Valley Gas Company.
J. David Mann, Jr., Steven J. Small and *Abraham R. Spalter* for Laclede Gas Company.
Reuben Goldberg and *Arnold Fieldman* for Chattanooga Gas Company, Continental Can Company and Memphis Light, Gas and Water Division.
Patrick McElligot and *Thomas Knebel* for Wilmut Gas and Oil Company.
Carl J. Babin for Equitable Gas Company.
Eugene E. Threadgill for Clarke-Mobile Gas District.
Edward J. Grenier, Jr., Richard P. Noland, Randolph Brown and *James M. Wear* for General Motors Corporation and Johns-Manville Corporation.
George Mabry for Johns-Manville Corporation.
Ross L. Malone and *William A. Vaughan* for General Motors Corporation.
William I. Harkaway for Container Corporation of America and Masonite Corporation.
Roger H. Watts for Container Corporation of America.
Thomas A. Bell for Masonite Corporation.
Albert J. Feigen for The American Sugar Cane League of the United States of America, Inc.
G. Douglas Essy and *Glenn W. Letham* for the Staff of the Federal Power Commission.

[FR Doc.75-24903 Filed 9-17-75;8:45 am]

[Docket Nos. R–411 and RM74–4]

GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

Accounting and Rate Treatment of Advances; Notice of Oral Argument

On April 28, 1975, the Commission instituted an investigation of the advance payments program in order to comply with the mandate of the United States Court of Appeals for the District of Columbia Circuit, in Public Service Commission of the State of New York v. Federal Power Commission, U.S. App. D.C. ——, —— F. 2d —— (Case Nos. 73–1338 and 74–1301, decided January 14, 1975) wherein the Court remanded the record related to Order Nos. 465 and 499 to the Commission with instructions to make further findings, and secure further comments, data, and relevant evidence, with respect to four basic areas to determine the validity of the Commission's action in extending the advance payments program for one year in Order No. 465, and for two years in Order No. 499. Specifically, the Court held that (1) the data presented by the Commission in Order Nos. 465 and 499 as justification for its extensions and expansions of the advance payment programs did not provide an adequate basis for determining whether the program's gas supply enhancing objectives were satisfactorily met at an acceptable level of ultimate economic cost to the consumers, (2) the Commission had failed to consider the effect of other methods of enhancing capital formation including those implemented by it since the institution of the advance payment program, (3) the Commission had failed to focus on the difference between the need for and effect of onshore and offshore advances, and (4) had inadequately considered the treatment to be given to advances which result in the acquisition of working interests by pipelines or their production affiliates.

In order to comply with the Court's mandate, the Commission compiled a list of all natural gas pipelines subject to its jurisdiction who had made advance payments to producers under the advance payment program. These pipelines were made respondents to this investigation and required by June 15, 1975, to complete and return the questionnaire attached as Appendix B to the order. The questionnaire was similar to the Form 102 used to gather data for the evaluations conducted prior to the issuance of Order No. 465 and Order No. 499 with the significant exception, *inter alia*, that it required a breakdown of proven and probable reserves on a contract by contract basis.

When the Commission received the completed questionnaires, they were compiled and noticed for comments by order issued July 29, 1975.[1] In that order, the Commission also made all of the producers, who have received advances from the pipelines (as indicated on the questionnaires) respondents to this proceeding, and required them, as well as the pipelines listed in the appendix to the April 28, 1975, order to file comments, data, sworn prepared testimony, exhibits and/or whatever information the respondents may consider to be appropriate on *each* and *every* advance payment agreement to which the respondent is a party.[2] The comments were to be directed to, *inter alia*, the following Commission inquiries:

(1) How much of the proven and probable reserves related to the particular advance payment agreement would not have been forthcoming to the interstate market but for the advance?

(2) If the advance was a necessary factor in securing the dedication of the reserves to the interstate market, was it due to (1) the fact that the producer had insufficient capital available from alternate sources to undertake the necessary exploration, development, and production activity or (2) competitive pressure from other prospective purchasers or (3) other reasons. If due to competitive pressure from other purchasers or other reasons, specify.

(3) In addition to the information requested in question 2, all producer respondents shall indicate regarding each advance received, what alternate sources of capital were available at the time the particular advance was made by the pipeline and why such sources were not sufficient, absent the advance, to ensure exploration, development and production of the tract covered by the advance payment agreement, and to ensure the dedication and delivery to the interstate market of the proven and probable reserves attributable to the advance payment agreement. In discussing alternate sources of capital, specific reference shall be made to the exact source of the alternate capital; i.e. was the capital generated by the national rate prescribed in Opinion No. 699–H, issued December 4, 1974 in Docket No. R–389–B; by the optional pricing procedure set forth in Order No. 455, 48 FPC 218 (1972); by special relief from area rate provisions such as *George Mitchell, et al.*, Opinion No. 649; or by other provisions or from other sources.

(4) All respondents shall indicate what portion of gas that would have eventually been forthcoming to the interstate market without advance payments, such as gas from offshore areas, actually reached the market sooner as a result of the par-

[1] By notice issued August 14, 1975, the due date for such comments was extended to September 20, 1975. Reply comments are to be filed on or before October 20, 1975.

[2] If the advance payment agreement covered more than one prospect, the responses were to be broken down on a prospect by prospect basis.

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ticular advance than it would have absent the advance payment. In this regard, what is a reasonable estimate of the time saved as a result of the program's speeding of capital formation?[3]

(5) All respondents shall comment upon the rationale set forth in Order Nos. 465 and 499 for permitting rate base treatment for advances resulting in the acquisition of a working interest by a pipeline or a pipeline affiliated producer. Also, comments shall be filed as to whether the benefits from a working interest should be retained in whole or in part by the pipeline or credited to the pipeline's cost of service. The advisability of rate base treatment of advances resulting in the acquisition of working interest by a pipeline or a pipeline affiliated producer should also be discussed in light of the Commission's policy, prescribed in Order No. 441, of crediting to cost of service the benefits of economic interests other than working interests.[4]

In responding to questions 1 through 5, the respondents were required to file such documentation as essential to support their responses to these questions. In addition to requiring the aforementioned respondents to submit responses to the previously mentioned questions, we also invited parties, including members of our staff, to file comments concerning the issues raised by the Court's opinion, and discussed in the instant order, as well as any other issues relevant to the Commission's advance payment program in relation to capital commitment for required exploration and development.

At this juncture in our investigation, we believe it necessary and appropriate in carrying out our responsibilities under the Natural Gas Act, to schedule an oral argument to hear discussion on the issues raised in our April 28, 1975, order as well as those issues discussed below, as well as all issues raised by this Commission's advance payment program.

If the Commission finds after its investigation that the record evidence in this proceeding does not justify the advance payments under contracts subject to Order Nos. 465 and 499, should the Commission then order refunds to consumers of all monies collected as a result of the inclusion of Order Nos. 465 and 499 advances in rate base or should such refunds be limited to costs related to amounts advanced to producers, but not actually spent by the producer for exploration, development and production by December 31, 1975. If the program is to be terminated should the Commission prohibit inclusion in rate base of any further advances made after December 31, 1975, under advance payments contracts executed prior to December 31, 1975?

ALASKAN ADVANCES

In a related matter, the issue has arisen as to what steps, if any, this Commission should take with respect to advance payments to producers in Alaska prior to December 31, 1975. The California Public Utilities Commission, on August 1, 1975, in Decision No. 84729, approved a funding arrangement involving interest payments to Atlantic Richfield Company (ARCO) from Southern California Gas Company (SoCal), a natural gas distribution utility serving southern California, in return for the exclusive rights to negotiate for the purchase of 60% of the natural gas to be produced from ARCO's working interest from the Prudhoe Bay field on the North Slope of Alaska.[5] In Decision No. 84729, the CPUC indicated that it approved the arrangement reluctantly only after ARCO threatened to go to this Commission with an advance payment agreement for sales of the Alaskan gas to an area other than California if the CPUC failed to approve the project by August 1, 1975. The CPUC is currently conducting hearings on a proposal by Pacific Gas & Electric Company (PG&E) to make advance payments to Exxon in return for the exclusive rights to negotiate for the purchase of 30% of the natural gas to be produced from Exxon's working interest in the Prudhoe Bay field on the North Slope of Alaska.[6]

In an application for rehearing filed in *Panhandle Eastern Pipeline Company*, Docket No. RP73–108, *et al.* on September 3, 1975, the CPUC indicates that it approved the ARCO-SoCal arrangement reluctantly, in order to avoid diversion of Alaskan gas elsewhere. CPUC notes that while this Commission has disallowed interest payments by certain pipelines to Exxon in Alaska,[7] it approved without suspension an advance payment by Panhandle to ARCO in the July 31, 1975, order in *Panhandle*, Docket No. RP73–108, et al., of which it is seeking rehearing.

We note at this point that state regulatory approval of proposals, such as those approved or being considered by the CPUC, does not obligate this Commission to certify any proposed sales or transportation arrangements under Section 7 of the Natural Gas Act.

It is correct, as the CPUC notes, that we disallowed interest payments to Exxon, as well as to other producers, because interest payments arrangements, by their very nature, show that the producer is demonstrably able to acquire capital for exploration, development, and production without help from pipelines. Accordingly, we denied these requests by the pipelines to include such payments in their rates and thus, in effect, denied their proposal to vastly expand the scope of the advance payments program at a time when serious questions were and are being raised as to the necessity for the program in its narrower form, as promulgated most recently in Order No. 499. However, the CPUC argues that to deny rate treatment to *interest payments* to Alaskan producers, but to allow rate treatment for *advance payments* to Alaskan producers, such as in *Panhandle, supra*, is a distinction without substance.

Based on the many issues raised by the competing arrangements for Alaskan gas between the CPUC and this Commission, and the problems raised thereby, the CPUC requests that this Commission suspend approval of any further Alaskan advances to North Slope producers pending the conclusion of this Commission's investigation of the entire advance payment program in Docket Nos. R–411 and RM74–4 initiated by the April 28, 1975, order discussed previously herein.

We believe that the issues raised by the competing Alaskan gas proposals as well as all issues related to Alaskan advance payments should be discussed at the oral argument we are herein scheduling including the issue of whether or not this Commission should suspend approval of rate base approval for future Alaskan advances pending conclusion of the investigation in Docket Nos. R–411 and RM74–4, or otherwise take steps to preclude *payment* by any jurisdictional pipelines, intrastate distributors, or others and/or *receipt* by any jurisdictional producer in Alaska, or other party, of any form of advance payment, interest payment or other form of advance consideration, relating to Alaskan gas to be delivered at a future date.

An oral argument to discuss the issues raised herein shall be held commencing at 9 a.m. on Wednesday, September 24, 1975, in Hearing Room A at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All parties made respondents hereto as well as interested state commissions and any other interested parties may participate. Those similarly situated and making similar contentions are urged to present their arguments through the same counsel. All persons desiring to make oral argument shall so inform the Secretary on or before 3 p.m. on Monday, September 22, 1975, and shall state the time that they request.

In addition, any party wishing to file any written statements or supplementary exhibits relating to the oral argument shall file such statements or exhibits no later than 3 p.m. on Monday, September 22, 1975, and shall serve such documents on all parties to this proceeding.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By Direction of the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25008 Filed 9-17-75;8:45 am]

[3] In light of the detail required in the questionnaire and in the comments, the Commission indicated that it would be able to determine which advances are attributable to offshore areas and which to onshore areas and thus evaluate the different factors relevant to each category.

[4] For purposes of clarification we hereby restate the following definition of "working interest" and economic interest other than working interests, which were originally set forth in Order No. 441:

Working Interest—An interest embodying operating rights and/or the right to share in production or revenues from the producing venture, so that its receipt of production or revenues will increase as the production or revenues from the producing venture increase, without any termination of such right to receive production or revenues after the return of the amount of any related advance payment. *Economic Interests*—All interests other than a working interest.

[5] *In the Matter of the Application of Southern California Gas Company*, Application No. 55599, filed April 3, 1975.

[6] *In the Matter of Pacific Gas & Electric Company*, Application No. 55661, filed May 1, 1975.

[7] *Natural Gas Pipeline Company*, Docket No. RP75–60; *Northern Natural Gas Company*, Docket Nos. RP75–87 and RP75–89; *Michigan Wisconsin Pipeline Company*, Docket No. RP75–96.

FEDERAL RESERVE SYSTEM

BANKS OF IOWA, INC.

Order Approving Acquisition of Bank

Banks of Iowa, Inc., Cedar Rapids, Iowa, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 80.49 percent of the voting shares of Key City Bank and Trust Company, Dubuque, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Federal Reserve Bank of Chicago has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Iowa, controls five banks with aggregate deposits of $450 million, representing 4.2 percent of total commercial bank deposits in the State.[1] Acquisition of Bank (deposits of $13 million) would increase Applicant's share of State deposits by only 0.1 of one percentage point and would not result in a significant increase in the concentration of banking resources in Iowa.

Bank is the smallest of four banks in Dubuque, Iowa, and the fifth largest of six banks in the Dubuque banking market,[2] controlling approximately 4.2 percent of all commercial bank deposits in the market. The closest office of a subsidiary bank of Applicant is located about 55 miles from an office of Bank in a separate banking market. The record indicates that no significant competition presently exists between Bank and any banking or nonbanking subsidiary of Applicant. In addition, it appears that future competition is unlikely to develop between any of Applicant's banks and Bank, since the areas separating their respective offices do not appear attractive for *de novo* branching. Although Applicant presumably has the financial and managerial resources to enter the market *de novo*, Bank is viewed as a suitable alternative to such entry. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its existing subsidiary banks are regarded as generally satisfactory. Bank has generally sound financial resources and capital, and its earnings and future prospects as a subsidiary of Applicant appear to be favorable. Banking factors are consistent with approval of the application.

Affiliation of Bank with Applicant would enable Bank to increase its volume of lending and activate its trust department. In addition, Bank and its customers would be able to avail themselves of Applicant's data processing services. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. It is this Reserve Bank's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Chicago approves the application, provided the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective September 9, 1975.

[SEAL] ROBERT P. MAYO, *President.*

[FR Doc.75-24845 Filed 9-17-75;8:45 am]

[1] All banking data as of December 31, 1974.

[2] The Dubuque banking market is approximated by the Dubuque RMA, which includes Dubuque, Iowa; East Dubuque, Illinois; and the southwest portion of Grant County, Wisconsin.

CITIZENS BANCORP

Formation of Bank Holding Company

Citizens Bancorp, Albany, Oregon, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Citizens Valley Bank, Albany, Oregon. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Citizens Bancorp has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of the successor by merger to Citizens Development Company, Albany, Oregon, a going concern. Notice of the application was published on July 21, 1975 in The Oregon Statesman, and the Albany Democratic Herald, newspapers circulated in Salem, Marion County, Oregon, and Albany, Linn County, Oregon, respectively.

Applicant states that the proposed subsidiary would engage in the activities of making loans to customers of Citizens Valley Bank, Albany, Oregon, including loans on a participation basis; purchasing discount contracts and mortgages; participation in federal fund investments; making loans to industrial and other customers of the bank. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Applicant states that the activities also engaged in by Citizens Development Company, which have not been approved by the Board, involving the ownership and leasing of certain real and personal property will be discontinued and such properties disposed of within a period of two years from the date as of which it becomes a bank holding company.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 10, 1975.

Board of Governors of the Federal Reserve System, September 5, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-24846 Filed 9-17-75;8:45 am]

FIRST BANC GROUP, INC.

Order Approving Retention of St. Louis Computer Center, Inc.

First Banc Group, Inc., Creve Coeur, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of St. Louis Computer Center, Inc., Creve Coeur, Missouri ("Com-

V 40 I 182 SEP 18 75 XUM

pany"). Company engages in the activities of providing bookkeeping and data processing services for the internal operations of Applicant and its banking subsidiaries, and storing and processing other banking, financial, or related economic data including performing payroll, accounts receivable, accounts payable, and general ledger services for others. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(8)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 Federal Register 31284). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

The Board regards the standards of section 4(c)(8) for the retention of shares in a nonbanking company to be the same as the standards for a proposed section 4(c)(8) acquisition. Applicant is the 22nd largest banking organization in Missouri and controls four banks with aggregate deposits of approximately $72 million, representing .5 per cent of total deposits in commercial banks in the State.[1] Company (1974 revenue of $382,000)[2] was virtually a failing concern when acquired. Furthermore, at the time of acquisition, Applicant's only subsidiary bank performed data processing activities for its internal use. It does not appear, based upon the facts of record, that the acquisition of Company by Applicant had an adverse effect on competition in the area serviced by Company, which is approximated by the northern half of the City and County of St. Louis, Missouri. It further does not appear that the retention of Company would have an adverse effect on competition in any relevant area. Neither Applicant nor its other subsidiaries presently engage in the same activities as Company. Nor is there any evidence indicating that the retention of Company would lead to an undue concentration of resources, conflicts of interests, or unsound banking practices. Furthermore, approval of the application should enable Company to remain a viable competitor in serving the data processing needs of the relevant community.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective September 8, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-24847 Filed 9-17-75;8:45 a.m.]

MARINE MIDLAND BANKS, INC.

Acquisition of Bank

Marine Midland Banks, Inc., Buffalo, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Marine Midland Bank, Buffalo, New York, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 10, 1975.

Board of Governors of the Federal Reserve System, September 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-24848 Filed 9-17-75;8:45 am]

STANLEY BANCSHARES, INC.

Formation of Bank Holding Company

Stanley Bancshares, Inc., Stanley, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 89 per cent or more of the voting shares of State Bank of Stanley, Stanley, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Stanley Bancshares, Inc., Stanley, Kansas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Stanley Insurers, Inc., Stanley, Kansas, a going concern. Notice of the application was published on August 17, 1975, in The Kansas City Star, a newspaper circulated in Kansas City, Missouri.

Applicant states that the proposed subsidiary would engage in the activities of an insurance agency business in a town with a population of less than 5,000 for the sale of credit life and credit accident and health insurance directly related to extensions of credit by State Bank of Stanley. Applicant states that such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 10, 1975.

Board of Governors of the Federal Reserve System, September 12, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-24849; Filed 9-17-75;8:45 am]

SWB CORP.

Formation of Bank Holding Company

SWB Corporation, Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of South Bank & Trust Company, Oklahoma City, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 10, 1975.

Board of Governors of the Federal Reserve System, September 10, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-24850 Filed 9-17-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

PRIVACY ACT

Notice of Systems of Records

Notice is hereby given of an amendment to the NSF Systems of Records Number 14 entitled, "Grants to Individuals", as published in the FEDERAL REGISTER, Vol. 40, No. 166, Part III, pages 38132-38133 on August 26, 1975. The following changes are made in the following characteristics of that system of records;

1. The "System Location" is revised to read as follows:

System location: This is a decentralized system. With respect to all successful applicants for support, records are kept at the National Science Foundation, Grants and Contracts Office, 1800 G Street, NW., Washington, D.C. 20550. Separate records are also kept at the various program offices of the Foundation which manage the particular programs involved. These records may cover both successful and unsuccessful applicants.

2. "Categories of individuals covered by the systems" is revised to read as follows:

Categories of individuals covered by the system: Individuals applying for and/or receiving support from the National Science Foundation.

3. The "Safeguards" portion of "Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system" is revised to read as follows:

Safeguards: Building employs guards. Building is locked during non-business hours when guard is not on duty. Rooms in which records are kept are locked during non-business hours. GCO records are kept in locked power files.

4. "Systems manager(s) and address" is revised to read as follows:

System manager(s) and address: Grants Officer as to GCO files and head of the particular program involved as to the remainder.

5. "Notification Procedure" is revised to read as follows:

Notification Procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613. In addition, your request should state (1) the type of grant and program involved and (2) whether you were a recipient of an award or an unsuccessful applicant.

Dated: September 10, 1975.

H. GUYFORD STEVER,
Director.

[FR Doc.75-24784 Filed 9-15-75;9:57 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 75-24]

SAFETY RECOMMENDATIONS TO FEDERAL AVIATION ADMINISTRATION AND RESPONSES

Notice of Availability and Receipt

Safety Recommendations. The National Transportation Safety Board on September 9, 1975, issued to the Federal Aviation Administration recommendation A-75-78, the latest of 14 recommendations proposed by the Board as a result of its investigation of the Trans World Airlines Flight 514 crash at Berryville, Virginia, last December 1st. The Safety Board now recommends that the FAA: "Revise paragraph 1011 of FAA Handbook 8260.19, dated December 12, 1974, to require that on approach procedures, for which neither a procedure turn nor a 1-minute holding pattern is authorized, the profile must start either at the intermediate fix or at an altitude equal to the minimum sector altitude for the quadrant in which the procedure begins." Previously reported recommendations concerning the Flight 514 accident were A-75-45 and 46 (40 FR 24252), A-75-52 (40 FR 25881), A-75-54 and 55 (40 FR 29132), A-75-58 and 59 (40 FR 32177), and A-75-74 through 77 (40 FR 42247). Also resulting from the investigation of this accident are two other recommendations: A-75-56, issued July 3, asking that FAA publish a comprehensive lexicon of ATC terms and provide for its use by all pilots and ATC specialists; and A-75-62, issued August 5, recommending that FAA designate a specific authority to have final responsibility, both editorially and technically, for the content of the Airman's Information Manual.

Responses to Safety Recommendations. The following letter responses were received last week from addressees of earlier Safety Board recommendations:

From the Office of Pipeline Safety Operations (OPSO), letter of September 3 re recommendations P-75-1 through 3, concerning the March 2, 1974, pipeline accident at Monroe, Louisiana (40 FR 25107). With reference to the first recommendation, OPSO will initiate action during FY-76 to conduct, in cooperation with appropriate parties, an industrywide survey on the value of casing pipelines beneath roads and railroads. A decision as to rulemaking action is promised by FY-77. Regarding the second recommendation, OPSO will consider further action in recommendations resulting from evaluation of a contract report recently received relative to its study, "Rapid Shutdown of Failed Pipeline Systems and Limiting of Pressure to Prevent Pipeline Failure Due to Overpressure." The evaluation will be completed during FY-76. In commenting on the third recommendation, OPSO believes that it would be inappropriate to require an operator to conduct soil tests along its pipeline system unless there is an indication that a hazard exists. OPSO notes that the probability of the creation of excessive stress in the area of cased road and railroad crossings and appropriate preventative measures is an item that will be included in the above-mentioned industrywide survey.

From Southern Pacific Transportation Company, letter of September 3, re recommendation R-75-28 contained in the report of the hazardous materials accident at the company's Englewood Yard, Houston, Texas, September 21, 1974 (40 FR 33287). The company will review the design of the hump at Englewood, as recommended. The letter states, "One promising solution is the development of a 'slippery wheel detector' to detect contaminated wheels and stop the car before it is humped." Southern Pacific is working on the development of this equipment, assisted by Stanford Research Institute. The company reports the testing of the first pilot model ahead of the hump at Richmond Transfer, California, on May 27, 1975; further development work is proceeding.

From the Federal Railroad Administration, letter of September 8, concerning recommendation R-75-24, issued in the report of the Long Island Rail Road commuter train accident at Huntington Station, New York, December 1, 1974 (40 FR 25107). FRA states that it will publish an Advance Notice of Proposed Rule Making, late this year, which will establish requirements for safe operation of rail passenger car door systems. Further, FRA intends to revise the accident/incident reporting system to include cause codes to obtain data on door incidents, and expects to accomplish the revision by the end of the year.

The recommendation letters are available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

(Sec. 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2172 49 U.S.C. 1906))

MARGARET L. FISHER,
Federal Register Liaison Officer.

SEPTEMBER 15, 1975.

[FR Doc.75-24917 Filed 9-17-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-334]

DUQUESNE LIGHT COMPANY, ET AL. (BEAVER VALLEY POWER STATION, UNIT 1)

Order Convening Hearing

The Atomic Safety and Licensing Board, in a review of the record in this proceeding, has concluded to develop upon the public record the resolution and disposition of certain remaining uncompetied construction requirements as presently reflected in the evidence now

[1] Banking data are as of December 31, 1974, adjusted to reflect bank holding company formations and acquisitions approved through July 23, 1975. On July 24, 1975, the Reserve Bank of St. Louis approved under delegated authority the application by Applicant to acquire Commonwealth Bank, Wentzville, Missouri (deposits of $7.2 million). That proposed acquisition has not yet been consummated.

[2] Applicant acquired Company on February 9, 1971. The acquisition of Company was permissible on the basis of section 4(c)(12) of the Bank Holding Company Act and § 225.4(d) of the Board's Regulation Y. Applicant is now seeking Board approval under section 4(c)(8) of the Act to retain Company beyond January 1, 1981.

[3] Voting for this action: Governors Bucher, Holland, Wallich, Coldwell, and Jackson. Absent and not voting: Chairman Burns and Governor Mitchell.

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of record. The Board is mindful of the Commission direction In the Matter of Consolidated Edison Company of New York, Inc., Docket No. 50–247 (Indian Point No. 2), RAI–74–6 at pages 951–2 that:

. . . As a general proposition, issues should be dealt with in the hearings and not left over for later (and possibly more informal) resolution. . . . In short, the "post-hearing" approach should be employed sparingly and only in clear cases. In doubtful cases, the matter should be resolved in an adversary framework prior to issuance of licenses, reopening hearings if necessary.

The Board has concerns respecting the following items which have safety implications. The Board believes that the satisfactory resolution of these items can best be rendered after a hearing in which the Regulatory Staff can present data and views respecting the items enumerated herein. All parties likewise may present data and views on these matters. The Board notes that Applicants' latest communication respecting readiness to load fuel indicates that early November is the presently contemplated time for that loading.

The Board has, in accordance with the Rules of Practice, contacted all parties and determined that October 16, 1975 is a convenient date for the commencement of hearing to consider the following items:

1. Record review indicated that emergency power components and the SIS accumulators had been installed without evidence of seismic qualification and certain required test data.

2. Deviation from FSAR commitment. Excess Letdown Heat Exchanger installed, without missile protection as stated in FSAR. Inspector's observation.

3. DLC does not have a documented program for calibrating meters and indicators after turnover from the constructor.

4. In view of the recent history of steam generator tube corrosion and failure as reviewed in the *Prairie Island* case (see especially ALAB–284), the Board wishes to know whether any recent changes have been made in Applicants' plans for secondary water treatment or steam generator tube inspection at Beaver Valley. The Board will wish to see positive assurance that adequate precautions are being taken to assure steam generator tube integrity under all conditions of operation, including the full range of off-normal and accident conditions.

5. The Board desires information supporting the Regulatory Staff's conclusion concerning the generic character of the problem of reactor pressure vessel supports.

6. The Board desires additional data related to the environmental stresses for which the Westinghouse equipment in the Beaver Valley Unit No. 1 may not be properly qualified.

7. The Board wishes to further examine the Staff's decision not to refer these asserted generic matters to the Commission for policy guidance.

In addition, the Board will consider any safety implications of items in the Inspection Reports as reviewed by the Regulatory Staff or by the Office of Inspection and Enforcement since the last evidentiary presentation.

Whereupon, *it is ordered*, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that an evidentiary hearing in this proceeding shall convene at 9 a.m. on Thursday, October 16, 1975, in a Courtroom to be designated by later order in the U.S. District Court, U.S. Post Office and Courthouse, 7th and Grand Streets, Pittsburgh, Pennsylvania 15230, to consider evidence and views of all parties on the foregoing listed items.

Issued: September 12, 1975, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75–24885 Filed 9–17–75;8:45 a.m.]

[Docket No. 50–133]

HUMBOLDT BAY NUCLEAR PLANT

Petition for License Suspension

Notice is hereby given that by TWX dated August 24, 1975, Mr. Thomas Collins of Eureka, California filed a request for suspension or revocation of operating license No. DPR–7, held by the Pacific Gas and Electric Company. In accordance with the procedures specified in 10 CFR § 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of Mr. Collins's request is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Dated at Bethesda, Maryland the 11th day of September, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75–24886 Filed 9–17–75;8:45 am]

[Docket No. STN 50–485]

ROCHESTER GAS AND ELECTRIC CORP.

Availability of Safety Evaluation Report for Sterling Power Project Nuclear Unit No. 1

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed construction of the Sterling Power Project Nuclear Unit No. 1 to be located in Cayuga County, New York. Notice of receipt of the application filed by Rochester Gas and Electric Corporation to construct and operate the Sterling Power Project Nuclear Unit No. 1 was published in the FEDERAL REGISTER on August 30, 1974 (39 FR 31694).

Rochester Gas and Electric Corporation together with a group of four other utilities, consisting of the Kansas Gas and Electric Company, Kansas City Power and Light Company, Union Electric Company, and Northern States Power Company (the SNUPPS utilities), under the acronym SNUPPS (Standardized Nuclear Unit Power Plant System) submitted a standard plant design for review under the Nuclear Regulatory Commission's standardization policy statement of March 5, 1973. The five SNUPPS utilities have filed four separate applications with the Commission for licenses to construct and operate four proposed standardized plants or SNUPPS plants (consisting of a total of five units) under the duplicate plant option of the Commission's policy. This policy allows, under one of the options, for a simultaneous review of the safety-related parameters of a limited number of duplicate plants which are to be constructed within a limited time span.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oswego City Library, 120 East Second Street, Oswego, New York for inspection and copying. The report (Document No. NUREG 75/082) can also be purchased, at current rates, from the National Technical Information Service, Springfield, Virginia 22151.

Separate safety evaluation reports will be issued for each application. On August 7, 1975 the Office of Nuclear Reactor Regulation issued its Safety Evaluation Report (Document No. NUREG 75/076) for the Union Electric Company's Callaway Plant, which is available from the National Technical Information Service at a cost of $7.25 per paper copy and $2.25 for microfiche. On September 3, 1975 the Office of Nuclear Reactor Regulation issued its Safety Evaluation Report (Document No. NUREG 75/080) for the Wolf Creek Nuclear Generating Station, Unit No. 1, which is available from the National Technical Information Service at a cost of $7.00 per paper copy and $2.25 for microfiche.

Dated at Bethesda, Maryland this 10th day of September, 1975.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Chief, Light Water Reactors, Project Branch 1–1, Division of Reactor Licensing.

[FR Doc.75–24887 Filed 9–17–75;8:45 am]

[Construction Permit Nos. CPPR–77 & CPPR–78]

VIRGINIA ELECTRIC AND POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Richard S. Salzman, Chairman
Dr. John H. Buck, Member
Michael C. Farrar, Member

Dated: September 12, 1975.

ROMAYNE M. SERUTSKI,
Secretary to the Appeal Board.

[FR Doc.75–24888 Filed 9–17–75;8:45 am]

WATER REACTOR AND SAFETY RESEARCH INFORMATION

Meeting

SEPTEMBER 12, 1975.

Announcement of the Third Water Reactor Safety Research Information meeting—scheduled for September 29, 30 and October 1, 2, 1975.

A four-day meeting to discuss recent technical achievements in water reactor safety research programs will be conducted by the Nuclear Regulatory Commission's Division of Reactor Safety Research on September 29, 30 and October 1, 2, 1975.

More than 450 representatives of government, industry, universities and foreign nations as well as public interest groups have been invited to the Third Water Reactor Safety Research Information Meeting which is to be held in the auditoriums and conference rooms at the National Bureau of Standards, Administration Building 101.

The meeting is open to public attendance and observation. Due to the large attendance at this meeting, a $4.00 per day registration fee will be required to pay for luncheon meals and coffee served during the meeting.

Interested persons wishing to attend this meeting or requiring further information should call the Water Reactor Safety Research Office, 301/973–5578.

Summaries of the material to be presented at this meeting will be available at the National Bureau of Standards during the 4-day session. A copy of the summaries will also be placed in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. after the completion of the meeting.

HERBERT J. C. KOUTS,
Director, Office of Nuclear Regulatory Research.

[FR Doc.75–24889 Filed 9–17–75;8:45 am]

[Docket No. 50–298]

NEBRASKA PUBLIC POWER DISTRICT

Notice of Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–46 issued to Nebraska Public Power District (the licensee), for operation of the Cooper Nuclear Station (the facility), a boiling-water reactor, located in Nemaha County, Nebraska.

In accordance with the licensee's application for a license amendment dated July 10, 1975, as supplemented by filing dated July 14, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the facility, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46. The amendment would also revise the Technical Specifications to permit operation of the facility using operating limits based on the General Electric Thermal Analysis Basis (GETAB).

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 20, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Gene Watson, Attorney, Barlow, Watson & Johnson, P.O. Box 81686, Lincoln, Nebraska 68501 and Mr. Arthur C. Gehr, Attorney, Snell & Wilmer, 400 Security Building, Phoenix, Arizona 85004, attorneys for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 10, 1975, as supplemented by filing dated July 14, 1975, (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974, published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1767), (3) the non-proprietary General Electric Report NEDO–10958 on GETAB, and (4) the Commission's evaluation dated September 1974 of the General Electric Report (NEDO–10958), which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Auburn Public Library, 1118 15th Street, Auburn, Nebraska 68305. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75–25009 Filed 9–17–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

COMMISSION ON FEDERAL PAPERWORK

Cancellation of Public Meeting

Notice is hereby given for the cancellation of the meeting of the Commission on Federal Paperwork which appeared on Page 39564, Volume 40, No. 168 of the FEDERAL REGISTER dated August 28, 1975 and scheduled for September 18, 1975 in Room S–407, The Capitol, at 10:00 a.m.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75–24914 Filed 9–17–75;8:45 am]

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CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 9–15–75 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF STATE (EXCL. AID AND ACTION)

Questionaire on Type, Activities, Functions of American "World Affairs" Organizations, single-time, various World Affairs Organizations, Evinger, S. K. 395–3710.

NATIONAL SCIENCE FOUNDATION

Inservice Questionnaire — Secondary Teachers, Inservice Questionnaire—Elementary Teachers, single-time, sampling of math teachers in public schools, Joan Turek.

ENVIRONMENTAL PROTECTION AGENCY

University of Colorado Epidemiological and Consent Form for Plutonium Study, on occasion, individuals in or near Denver and Pueblo, Colorado, Dick Eisinger, 395–6140.

DEPARTMENT OF COMMERCE

Bureau of Census, Import Questionnaire, Export Questionnaire: Survey of Domestic and International Transportation of U.S. Foreign Trade: 1975, TS–501, TS–502, quarterly, survey sample of importers and exporters, Strasser, A., 395–5867.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education: Focused Interview of Teachers—Reading Comprehension in Middle Grades, NIE 130, single-time, teachers, school personnel, Joan Turek.

Office of Human Development: Consumer Survey, single-time, representative of consumer organizations, human resources division, Dick Eisinger, 395–3532.

Office of Education: National Diffusion and Adoption Network: Status Survey I, OE–434, OE–434–1, OE–434–2, single-time, individuals, human resources division, Joan Turek, 395–3532.

DEPARTMENT OF JUSTICE

Departmental and Other, Evaluation Form for Children in Custody: Census of Juvenile Detention and Correctional Facilities, LEAA 6500/2, annually, any children in custody user desiring to comment, Lowry, R. L., 395–5772.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration:

Screening Activities Report, FAA 1650–7, monthly, airline, airport and law enforcement personnel, Harry B. Sheftel.

Screening Activities, Arrest Report, FAA 1650–8, on occasion, law enforcement, airport and airline personnel, Harry B. Sheftel.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Qualifications Inquiry—Clerical Positions, GSA 1841, on occasion, personnel office, Caywood, D. P., 395–3443.

Qualifications Inquiry for Administrative, Technical and Professional Positions, GSA 1840, on occasion, personnel office, Caywood, D. P., 395–3443.

VETERANS ADMINISTRATION

Reference Form for Appraisal of Applicant, FL10–341A, on occasion, physicians, dentists, and nurses, Caywood, D. P., 395–3443.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Wheat Pasture Inquiry, other (see SF–83), wheat growers, Marsha Traynham, 395–4529.

DEPARTMENT OF COMMERCE

Bureau of Census, Survey of Residential Alterations and Repairs—Initial and Subsequent Mail Questionnaire, QHS 731, quarterly, owners or managers of rental properties in QHS, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service:
Interim State Agency Report on Staff Development Expenditures, SRSNCSS114, annually, State agencies, Marsha Traynham, 395–4529.

Office of Education:
El Segis VII Part A–1, State Fall Report on Staff and Pupils, OE 2350–5, annually, State education agencies, Joan Turek.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Mortgagee/Landlord Statement, HUD–9952, on occasion, mortgage lenders/landlords, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, National Accident Alert—Air Cushion/Crash Recorder Fleet, HS–288, on occasion, participants and State and local police, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Manager Officer.

[FR Doc.75–25003 Filed 9–16–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

REPORT COORDINATING GROUP (ADVISORY)

Notice of Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting. Pursuant to Section 8b(3) of Office of Management and Budget Circular No. A–63 Revised, less than 15 days notice is being given because of the necessity to fully formulate policy decisions on the implementation of the new uniform net capital rule before January 1, 1976.

The Commission's Report Coordinating Group (Advisory), will hold a meeting October 1, 1975 at the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. The meeting will commence at 10 a.m. local time and will be for the purpose of discussing the reporting required by implementation of the new uniform net capital rule on January 1, 1976. Specific items to be discussed include:

1. The training programs established by the various regulatory organizations for member firms;

2. The coordination and communication of interpretive positions; and

3. The development of a program with regard to the filing of subordination agreements.

The Group's meetings are open to the public.

Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is advising the Commission on such matters as eliminating unnecessary duplication in reporting, coordinating reporting requirements with other regulatory surveillance tools, reducing reporting requirements where feasible, and developing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140; Securities Exchange Act Release No. 11149).

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Piliero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 16, 1975.

[FR Doc. 75–25122 Filed 9–17–75;12:04 pm]

[File No. 24A–2240]

SAN JUAN DIARY, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

SEPTEMBER 9, 1975.

I. On May 28, 1974 San Juan Diary, Inc., 1124 Ashford Avenue, San Juan, Puerto Rico, 00907, ("Issuer"), a Delaware Corporation, filed with the Commission a notification, offering circular and supporting exhibits relating to a proposed offering of 98,000 shares of its $.10 par value common stock at $5.00 per share aggregating $490,000 (Maximum) for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to Section 3(b) thereof and Regulation A promulgated thereunder. No amendments have been filed and a commencing date for the offering has not been established. Colonial Securities, Inc., 111 Broadway, Room 801, New York City, New York 10007 was named as underwriter for the offering but subsequently withdrew on July 10, 1974.

II. The Commission has reasonable cause to believe, on the basis of information reported to it by its staff, that:

(A) The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to; among other things:

(1) The failure to identify in the notification and offering circular Bernard Zipern as a controlling person in the issuer;

(2) The failure to disclose in the offering circular the financial condition of the issuer, including its actual assets and liabilities and that the financial statements were not prepared in accordance with generally accepted accounting principles;

(3) The failure to disclose in the offering circular the number, amount and interest rates of outstanding loans made to the issuer;

(4) The failure to accurately disclose in the offering circular the compensation, fees, remuneration and reimbursed expenses actually paid to insiders;

(5) The failure to accurately disclose in the offering circular the underwriting arrangements made by the issuer;

(6) The failure to accurately disclose in the offering circular the professional background of a director; and

(7) The failure to disclose in the offering circular the extent to which the securities proposed to be offered by the issuer would be diluted because of the issuer's insolvency.

(B) The terms and conditions of Regulation A have not been met in the following respects: the failure to disclose the identity of the person controlling the issuer; the failure to disclose the financial condition of the issuer, including its actual assets and liabilities, and that its financial statements were not prepared in accordance with generally accepted accounting principles; the failure to accurately disclose the number, amount and interest rates of outstanding loans made to the issuer; the failure to disclose the compensation, fees, remuneration and reimbursed expenses actually paid to insiders; the failure to accurately disclose the professional background of a director; and the failure to disclose the extent to which the securities proposed to be offered by the issuer would be diluted because of the issuer's insolvency.

(C) The offering, if allowed to commence, would operate as a fraud and deceit upon purchasers in violation of Section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–24870 Filed 9–17–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 01/05–0069]

APCO CAPITAL CORP.

Transfer of a Small Business Investment Company License

On June 13, 1975, a Notice of application for a transfer of control of APCO Capital Corporation, a small business investment company, was published in the FEDERAL REGISTER (Vol. 10, No. 115) pursuant to § 107.701 of the Small Business Administration (SBA) Regulations governing small business investment companies (13 CFR 107.701 (1975)).

Interested parties were given until the close of business June 23, 1975, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and the facts with regard thereto, SBA approves the transfer of control of APCO Capital Corporation.

Dated: September 10, 1975.

JAMES THOMAS PHELAN,
Deputy Associate
Administrator for Investment.

[FR Doc.75–24836 Filed 9–17–75;8:45 am]

[Declaration of Disaster Loan Area #1173]

NEW YORK

Declaration of Disaster Area

Dutchess and adjacent counties within the State of New York, constitute a disaster area because of damage resulting from heavy rains and flooding July 9 through July 24, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 10, 1975, and for economic injury until the close of business on June 9, 1976, at:

Small Business Administration, District Office, 26 Federal Plaza, Room 3100, New York, New York 10007.

or other locally announced locations.

Dated: September 9, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 75–24837 Filed 9–17–75;8:45 am]

[Declaration of Disaster Loan Area No. 1174]

NORTH DAKOTA

Declaration of Disaster Area

Burleigh and adjacent counties within the State of North Dakota, constitute a disaster area because of damage resulting from severe thunderstorm and flooding on July 31, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 10, 1975, and for economic injury until the close of business on June 10, 1976, at:

Small Business Administration, District Office, Federal Office Building, Room 218, 653 Second Avenue North, Fargo, North Dakota 58102.

or other locally announced locations.

Dated: September 10, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75–24838 Filed 9–17–75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ALASKA STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional Director for Occupational Safety and Health (hereinafter called Assistant

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Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1952.243 of Subpart R sets forth the State's schedule for the adoption of at least as effective State Standards.

By letter dated May 19, 1974, from Edmund N. Orbeck, Commissioner, Department of Labor, to James W. Lake, Assistant Regional Director, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910, Subpart J. These standards, which are contained in Alaska Occupational Safety and Health Standards, were promulgated by the Alaska Department of Labor on August 28, 1974.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and are hereby approved. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801; and Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, New Department of Labor Building, Room N-3603, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation and notice would be unnecessary.

This decision is effective September 18, 1975.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this twelfth day of August 1975.

JAMES W. LAKE,
Assistant Regional Director.

[FR Doc.75-24877 Filed 9-17-75;8:45 am]

OREGON STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision. The notice of Approval of Revised Developmental Schedule was further published on April 1, 1974, in the FEDERAL REGISTER (39 FR 11881).

The Oregon plan provides for the adoption of Federal standards as State standards after comments and/or public hearing. Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of Federal standards. By letter dated November 26, 1974, from Keith Wilson, Chairman, Workmen's Compensation Board, to James W. Lake, Assistant Regional Director, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1910, Subparts D, E, and L.

The standards comparable to Subpart D, which are contained in Oregon Safety Code for Places of Employment, were promulgated by the State after a Notice of Intent was published in the Department of State's Administrative Rules Bulletin, Vol. 14, No. 8, dated October 15, 1974. No request for a public hearing was received.

Standards comparable to Subpart E, which are contained in Oregon Safety Code for Places of Employment, were promulgated after public comment was requested on October 4, 1974, and resolution was adopted by Workmen's Compensation Board on November 5, 1974, pursuant to a Notice of Intent published in the Department of State's Administrative Rules Bulletin, Vol. 14, No. 8, dated October 15, 1974.

Standards comparable to Subpart L, which are contained in Oregon Safety Code for Places of Employment, were promulgated after public comment was requested on September 23, 1974, and resolution was adopted by Workmen's Compensation Board on November 5, 1974, pursuant to a Notice of Intent published in the Department of State's Administrative Rules Bulletin, Vol. 14, No. 8, dated October 15, 1974.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 6048, 909 First Avenue, Seattle, Washington 98174; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and Office of the Associate Assistant Secretary for Regional Programs, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Assistant Regional Director's approval effective upon signature for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation and notice would be unnecessary.

3. The notice of approval was signed December 30, 1974, but publication was inadvertently delayed. Therefore, for good cause, the effective date of this approval is the date of signature.

This decision is effective December 30, 1974.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington, Dec. 30, 1974.

JAMES W. LAKE,
Assistant Regional Director.

[FR Doc.75-24878 Filed 9-17-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 74]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 12, 1975.

The following applications are governed by Special Rule 1100 247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonable to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before November 7, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after September 18, 1975, except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 531 (Sub-No. 321), filed August 21, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Bardstown, Ky.; New Orleans, La.; Newark, N.J.; Lake Alfred, Fla., and Weston, Mo., to Portland, Oreg.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Louisville, Ky.

No. MC 8535 (Sub-No. 55), filed August 20, 1975. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Interstate 83 at Route 439, P.O. Box 500, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, crane attachments and accessories, and parts of such commodities, and equipment, materials, and supplies*, used in the manufacture thereof, between the plant and warehouse facilities of Grove Manufacturing Co., at or near Shady Grove, in Franklin County, Pa., and Conway, Horry County, S.C., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13250 (Sub-No. 131), filed August 20, 1975. Applicant: J. H. ROSE TRUCK LINE, INC., 50003 Jensen Drive, P.O. Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, 500 West 16th Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves and regulators*, from the plantsite of Grove Valves Regulator Co., located in Washoe County, Nev., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif., or Reno, Nev.

No. MC 21866 (Sub-No. 80), filed August 6, 1975. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, Pa. 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric storage batteries and battery parts*, from Trenton, N.J., and Kankakee, Ill., to points in the United States east of the western boundaries of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi: (2) *junk batteries and materials* used in the manufacture of batteries (except commodities in bulk), from points in the above-named destination territory, to the above-named origin points; and (3) *junk batteries*, from points in the above-named destination territory, to points in Ohio, Indiana, and Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 22229 (Sub-No. 101), filed August 14, 1975. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, 1740 The Equitable Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Dow Corning Corporation located, at or near Hamlock, Mich., as an off-route point in connection with carrier's otherwise authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Saginaw, Mich., or Washington, D.C.

No. MC 44735 (Sub-No. 24) (Correction), filed July 22, 1975, as published in the FEDERAL REGISTER issue of August 21, 1975, and republished as corrected this issue. Applicant: KISSICK TRUCK LINES, INC., P.O. Box 6237, 7101 East

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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12th St., Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete and masonry curing, waterproofing, conditioning, cleaning, bonding, and releasing compounds* (except in bulk), from Kansas City, Mo., to points in Arkansas, Colorado, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, New Mexico, Ohio, Tennessee, Texas, Wisconsin, Wyoming, Utah, Montana, and Pennsylvania.

NOTE.—The purpose of this correction is to indicate that carrier seeks to restrict against commodities in bulk. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 47583 (Sub-No. 23), filed August 11, 1975. Applicant: TOLLIE FREIGHTWAYS, INC., 41 Lyons Ave., Kansas City, Kans. 66118. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, mineral wood products and materials, insulated air ducts, insulating products and materials*, from the plantsite and storage facilities of Certain-Teed Products Corporation/CSG Group, located at Kansas City and Pauline, Kans., to points in New Mexico, Wyoming, and Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 56679 (Sub-No. 81), filed August 8, 1975. Applicant: BROWN TRANSPORT CORP., 125 Milton Ave. SW., P.O. Box 6985, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment due to size or weight), (1) between Charlotte, N.C., and Carthage, N.C., serving all intermediate points, and the off-route points of Midland, Oakboro, and Badin, N.C.; from Charlotte over North Carolina Highway 27 to Carthage, and return over the same route; (2) between Sanford, N.C., and Raleigh, N.C., serving all intermediate points; from Sanford over U.S. Highway 1 to Raleigh, and return over the same route; (3) between Biscoe, N.C., and Southern Pines, N.C.; from Biscoe over U.S. Highway 220 to Candor, thence over North Carolina Highway 211 to Pinehurst, thence over North Carolina Highway 2 to Southern Pines, and return over the same route; (4) between Sanford, N.C., and Durham, N.C., serving all intermediate points, and the off-route points of Carrboro and Chapel Hill, N.C.; from Sanford over U.S. Highway 15 to Durham and return over the same route;

(5) Between Raleigh, N.C., and Havelock, N.C., serving all intermediate points and the off-route points of Selma, Smithfield, Pine Level, Fort Barnwell, and Seven Springs, N.C.; from Raleigh over U.S. Highway 70 to Smithfield, thence over U.S. Highway 70–A to its junction with U.S. Highway 70 just west of Princeton, thence over U.S. Highway 70 to Kinston, thence over North Carolina Highway 55 to New Bern, thence over U.S. Highway 70 to Havelock and return over the same route; (6) between Ramseur, N.C., and Williamston, N.C., serving all intermediate points; from Ramseur over U.S. Highway 64 to Williamston and return over the same route; (7) between Burlington, N.C., and New London, N.C., serving all intermediate points and the off-route points of Newson and Denton, N.C.; from Burlington over North Carolina Highway 49–A to its junction with North Carolina Highway 49, thence over North Carolina 49 to its junction with North Carolina Highway 8, thence over North Carolina Highway 8 to New London, and return over the same route; (8) between Dunn, N.C., and Goldsboro, N.C., serving all intermediate points; from Dunn over North Carolina Highway 55 to Mount Olive, thence over U.S. Highway 117 to Goldsboro, and return over the same route; (9) between Candor, N.C., and Raeford, N.C., serving all intermediate points, and the off-route point of West End; from Candor over North Carolina Highway 211 to Raeford, and return over the same route;

(10) Between Clinton, N.C., and Jacksonville, N.C., serving all intermediate points and the off-route point of Salemburg, N.C.; from Clinton over North Carolina Highway 24 to Jacksonville, and return over the same route; (11) between Mount Gilead, N.C., and junction of North Carolina Highway 731 and U.S. Highway 220, serving all intermediate points, and serving the Richmond Fabrics, Inc. plant site, six miles south of Mount Gilead on North Carolina Highway 109 as an off-route point; from Mount Gilead over North Carolina Highway 731 to its junction with U.S. Highway 220, and return over the same route; (12) between Salisbury, N.C., and Norwood, N.C., serving all intermediate points, and serving Faith, N.C., as an off-route point; from Salisbury over U.S. Highway 52 to Norwood, and return over the same route; (13) between Norwood, N.C., and Midland, N.C., serving all intermediate points; from Norwood over unnumbered highway via Stanfield and Oakboro to Midland, and return over the same route; (14) between High Point, N.C., and the junction of U.S. Highway 311 and U.S. Highway 220, serving all intermediate points; from High Point over U.S. Highway 311 to its junction with U.S. Highway 220, and return over the same route; (15) between Greensboro, N.C., and Rockingham, N.C., serving all intermediate points; from Greensboro over U.S. Highway 220 to Rockingham, and return over the same route; (16) between Greensboro, N.C., and Carthage, N.C., serving all intermediate points; from Greensboro over U.S. Highway 421 to its junction with North Carolina Highway 22, thence over North Carolina Highway 22 to its junction with North Carolina Highway 27, thence over North Carolina Highway 27 to Carthage, and return over the same route.

(17) Between Seagrove, N.C., and Eagle Springs, N.C., serving all intermediate points; from Seagrove over North Carolina Highway 705 to Eagle Springs, and return over the same route; (18) between Apex, N.C., and the junction of North Carolina Highway 55 and U.S. Highway 64, serving all intermediate points; from Apex over North Carolina Highway 55 to its junction with U.S. Highway 64, and return over the same route; (19) between Raleigh, N.C., and Lillington, N.C., serving all intermediate points; from Raleigh over U.S. Highway 401 to Lillington, and return over the same route; (20) between Lillington, N.C., and Smithfield, N.C., serving all intermediate points; from Lillington over North Carolina Highway 210 to Smithfield, and return over the same route; (21) between Garner, N.C., and the junction of North Carolina Highway 50 and North Carolina Highway 210, serving all intermediate points; from Garner over North Carolina Highway 50 to its junction with North Carolina Highway 210, and return over the same route; (22) between Goldsboro, N.C., and Washington, N.C., serving all intermediate points; from Goldsboro over U.S. Highway 13 to Snow Hill, thence over U.S. Highway 258 to Farmville, thence over U.S. Highway 264–A and 264 to Washington, and return over the same route; (23) between Robersonville, N.C., and Kenansville, N.C., serving all intermediate points; from Robersonville over North Carolina Highway 903 to its junction with North Carolina Highway 11, thence over North Carolina Highway 11 to Kenansville, and return over the same route.

(24) Between Sanford, N.C., and Fayetteville, N.C., serving all intermediate points; from Sanford over North Carolina Highway 87 to Fayetteville, and return over the same route; (25) between Lillington, N.C., and Fayetteville, N.C., serving all intermediate points and the off-route point of Hope Mills, N.C.; from Lillington over U.S. Highway 401 to Fayetteville, and return over the same route; (26) between Maxton, N.C., and the junction of North Carolina Highway 71 and U.S. Highway 301, serving all intermediate points; from Maxton over North Carolina Highway 71 to its junction with U.S. Highway 301, and return over the same route; (27) between Erwin, N.C., and the junction of North Carolina Highway 217 and U.S. Highway 401, serving all intermediate points; from Erwin over North Carolina Highway 217 to its junction with U.S. Highway 401, and return over the same route; (28) between the junction of U.S. Highway 29 and North Carolina Highway 49 and the junction of North Carolina Highway 49 and North Carolina Highway 8, serving all intermediate points; from the junction of U.S. Highway 29 and North Carolina Highway 49 over North Carolina Highway 49 to its junction with North Carolina Highway 8, and return over the same route; (29) between Albemarle, N.C., and the junction of North Carolina Highway 73

and U.S. Highway 29, serving all intermediate points; from Albemarle over North Carolina Highway 73 to its junction with U.S. Highway 29, and return over the same route; (30) between Charlotte, N.C., and Greensboro, N.C., serving all intermediate points; from Charlotte over U.S. Highway 29 and 29–A to Greensboro, and return over the same route.

(31) Between Salisbury, N.C., and Winston-Salem, N.C., serving all intermediate points; from Salisbury over U.S. Highway 601 to Mocksville, thence over U.S. Highway 158 to Winston-Salem, and return over the same route; (32) between Mooresville, N.C., and the junction of U.S. Highway 601 and North Carolina Highway 801, serving all intermediate points; from Mooresville over North Carolina Highway 801 to its junction with U.S. Highway 601, and return over the same route; (33) from Winston-Salem, N.C., to Lexington, N.C., serving all intermediate points; from Winston-Salem over U.S. Highway 52 to Lexington, and return over the same route; (34) between Mocksville, N.C., and Mount Airy, N.C., serving all intermediate points; from Mocksville over U.S. Highway 601 to Mount Airy, and return over the same route; (35) between Greensboro, N.C., and Mebane, N.C., serving all intermediate points; from Greensboro over U.S. Highway 70–A to its junction with North Carolina Highway 100, thence over North Carolina Highway 100 to Burlington, thence over U.S. Highway 70–A to Mebane, and return over the same route; (36) between Burlington, N.C., and Reidsville, N.C., serving all intermediate points; from Burlington over North Carolina Highway 87 to Reidsville, and return over the same route; (37) between Sanford, N.C., and the junction of U.S. Highway 421 and North Carolina Highway 22, serving all intermediate points; from Sanford over U.S. Highway 421 to its junction with North Carolina Highway 22 and return over the same route.

(38) Between Raeford, N.C., and Red Springs, N.C., serving all intermediate points; from Raeford over North Carolina Highway 211 to Red Springs, and return over the same route; (39) between Lexington, N.C., and Mocksville, N.C., serving all intermediate points; from Lexington over U.S. Highway 64 to Mocksville, and return over the same route; (40) between Salisbury, N.C., and Mooresville, N.C., serving all intermediate points; from Salisbury over North Carolina Highway 150 to Mooresville; and return over the same route; (41) between Winston-Salem, N.C., and the junction of North Carolina Highway 150 and U.S. Highway 29, serving all intermediate points; from Winston-Salem over North Carolina Highway 150 to its junction with U.S. Highway 29, and return over the same route; (42) between Lexington, N.C., and Asheboro, N.C., serving all intermediate points; from Lexington over U.S. Highway 64 to Asheboro, and return over the same route; (43) between Farmville, N.C., and Zebulon, N.C., serving all intermediate points; from Farmville over U.S. Highways 264 and 264–A to Zebulon, and return over the same route; (44) between Goldsboro, N.C., and Rocky Mount, N.C., serving all intermediate points; from Goldsboro over U.S. Highway 117 to its junction with U.S. Highway 301, thence over U.S. Highway 301 to Rocky Mount, and return over the same route; (45) between Thomasville, N.C., and Mount Airy, N.C., serving all intermediate points; from Thomasville over North Carolina Highway 109 to Winston-Salem, thence over U.S. Highways 52 and 52A to Mount Airy, and return over the same route;

(46) Between New Bern, N.C., and Bayboro, N.C., serving all intermediate points; from New Bern over North Carolina Highway 55 to Bayboro, and return over the same route; (47) between Charlotte, N.C., and N. Wilkesboro, N.C., serving all intermediate points; and serving the off-route points of Gastonia, Shelby, and Hickory, N.C.; from Charlotte over North Carolina Highway 27 to Lincolnton, thence over U.S. Highway 321 to Conover, thence over North Carolina Highway 16 to its junction with U.S. Highway 421, thence over U.S. Highway 421 to junction with North Carolina Highway 18, thence over North Carolina Highway 18 to North Wilkesboro, and return over the same route; (48) between Charlotte, N.C., and the Virginia-North Carolina state line, serving all intermediate points; from Charlotte over North Carolina Highway 115 to its junction with U.S. Highway 21, thence over U.S. Highway 21 to the Virginia-North Carolina state line, and return over the same route; (49) between Statesville, N.C., and Taylorsville, N.C., serving all intermediate points; from Statesville over North Carolina Highway 90 to Taylorsville, and return over the same route; (50) between Mooresville, N.C., and the Virginia-North Carolina state line, serving all intermediate points; from Mooresville over North Carolina Highway 801 to its junction with U.S. Highway 601, thence over U.S. Highway 601 to Mount Airy, thence over North Carolina Highway 89 to the Virginia-North Carolina state line, and return over the same route.

(51) Between North Wilkesboro, N.C., and the junction of North Carolina Highway 268 and U.S. Highway 601, serving all intermediate points; from North Wilkesboro over North Carolina Highway 268 to its junction with U.S. Highway 601, and return over the same route; (52) between Wilkesboro, N.C., and Boone, N.C., serving all intermediate points; from Wilkesboro over U.S. Highway 421 to Boone, and return over the same route; (53) between Boone, N.C., and Jefferson, N.C., serving all intermediate points, and serving the off-route points of Zionville, Creston, Warrensville, and Lansing, N.C.; from Boone over North Carolina Highway 194 to Baldwin, thence over U.S. Highway 221 to Jefferson, and return over the same route; (54) between Jefferson, N.C., and the junction of North Carolina Highway 16 and U.S. Highway 421 serving all intermediate points; from Jefferson over North Carolina Highway 16 to its junction with U.S. Highway 421, and return over the same route; (55) between Boone, N.C., and Lenoir, N.C., serving all intermediate points; from Boone over U.S. Highway 321 to Lenoir, and return over the same route; (56) between North Wilkesboro, N.C., and the junction of North Carolina Highway 18 and North Carolina Highway 89, serving all intermediate points; from North Wilkesboro over North Carolina Highway to its junction with North Carolina Highway 89, and return over the same route; (57) between Troy, N.C., and the junction of North Carolina Highway 109 and North Carolina Highway 49, serving all intermediate points; from Troy over North Carolina Highway 109 to its junction with North Carolina Highway 49, and return over the same route.

(58) Between Warsaw, N.C., and Kenansville, N.C., serving all intermediate points, including National Spinning Mills Plant Site; from Warsaw over Duplin County Road No. 1300 to its junction with County Road No. 1301, thence over County Road 1301 to Kenansville, and return over the same route; (59) between Chocowinity, N.C., and Bayboro, N.C., serving all intermediate points; from Chocowinity over North Carolina Highway 33 to Hobucken, thence over North Carolina Highway 304 to Bayboro, and return over the same route, also, with the right to operate between Grantsboro and the junction of North Carolina Highway 306 and North Carolina Highway 33 over North Carolina Highway 306 for operating convenience only, serving no intermediate points; (60) between Bayboro, N.C., and Oriental, N.C., serving all intermediate points; from Bayboro over North Carolina Highway 55 to Oriental and return over the same route; (61) between Aurora, N.C., and the Texas Gulf Sulphur Plant Site at or near Lees Creek, N.C., and all points within five miles thereof, serving all intermediate points; from Aurora over Beaufort County Road No. 1940 to its junction with County Road No. 1942, thence over County Road No. 1942 to Texas Gulf Sulphur Plant Site at or near Lees Creek, and return over the same route; (62) between Fayetteville, N.C., and Cedar Creek, N.C., serving all intermediate points, and serving as off-route points, all points and places within 5 miles of Cedar Creek; from Fayetteville over North Carolina Highway 24 to its junction with North Carolina Highway 53, thence over North Carolina Highway 53 to Cedar Creek, and return over the same route.

(63) Between Charlotte, N.C., and the junction of North Carolina Highway 160 and U.S. Highway 29, serving all intermediate points; from Charlotte over North Carolina Highway 49 to the junction of North Carolina Highway 160, thence over North Carolina Highway 160 to the junction of U.S. Highway 29, and return over the same route; (64) between Mocksville, N.C., and North Wilkesboro, N.C., serving all intermediate points; from Mocksville over U.S. Highway 64 to its junction with North Carolina Highway 901, thence over North Carolina Highway 901 to its junction with North Carolina Highway 115, thence over North

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Carolina Highway 115 to North Wilkesboro, and return over the same route; (65) between North Wilkesboro, N.C., and the junction of North Carolina Highway 268 and U.S. Highway 321, serving all intermediate points; from North Wilkesboro over North Carolina Highway 268 to its junction with U.S. Highway 321, and return over the same route; (66) between junction of U.S. Highway 601 and North Carolina Highway 801, and the junction of North Carolina Highway 801 and U.S. Highway 158, via Farmington, N.C., serving all intermediate points; from junction U.S. Highway 601 and North Carolina Highway 801 over North Carolina Highway 801 to its junction with U.S. Highway 158, and return over the same route; (67) between junction North Carolina Highway 268 and Wilkes County Road 1957 and junction Wilkes County Road 1002 and U.S. Highway 21, via Hays and Traphill, N.C., serving all intermediate points; from junction North Carolina Highway 268 and Wilkes County Road 1957 over Wilkes County Road 1957 to Hays, N.C., thence over Wilkes County Road 1002 to its junction with U.S. Highway 21, and return over the same route.

(68) Between Whiteville, N.C., and Southport, N.C., serving all intermediate points; from Whiteville over North Carolina Highway 130 to Shallotte, thence over U.S. Highway 17 to Supply, N.C., thence over North Carolina Highway 211 to Southport, and return over the same route; (69) between Wilmington, N.C., and Supply, N.C., serving all intermediate points; from Wilmington over U.S. Highway 17 to Supply, and return over the same route; (70) between Southport, N.C., and junction North Carolina Highway 87 and U.S. Highway 17, serving all intermediate points; from Southport over North Carolina Highway 87 to its junction with U.S. Highway 17, and return over the same route; (71) between Wilmington, N.C., and Fort Fisher, N.C., serving all intermediate points; from Wilmington over U.S. Highway 421 to Fort Fisher, and return over the same route; (72) between Laurinburg, N.C., and Lumberton, N.C., serving all intermediate points; from Laurinburg over U.S. Highway 501 to Rowland, thence over U.S. Highway 301 to Lumberton, and return over the same route; (73) between Marion, N.C., and Raemon, N.C., serving all intermediate points; from Marion over North Carolina Highway 130 to Raemon, and return over the same route; (74) between Rowland, N.C., and the junction of North Carolina Highway 130 and U.S. Highway 74, serving all intermediate points; from Rowland over North Carolina Highway 130 to its junction with U.S. Highway 74, and return over the same route; (75) between Chadbourn, N.C., and the junction of North Carolina Highway 130 and North Carolina Highway 904, serving all intermediate points; from Chadbourn over North Carolina Highway 410 to Tabor City, thence over North Carolina Highway 904 to its junction with North Carolina Highway 130, and return over the same route.

(76) Between Lumberton, N.C., and Fairmont, N.C., serving all intermediate points; from Lumberton over North Carolina Highway 41 to Fairmont and return over the same route; (77) between Charlotte, N.C., and Raleigh, N.C., serving all intermediate points; from Charlotte over Interstate Highway 85 to Durham, thence over Interstate Highway 40 to Raleigh, and return over the same route; (78) between Arrowwood Industrial Park, Mecklenburg County, N.C., and the junction of Interstate Highway 77 and North Carolina Highway 89, serving all intermediate points; from Arrowwood Industrial Park (Mecklenburg County), N.C., over Interstate Highway 77 to its junction with North Carolina Highway 89, and return over the same route; (79) between Winston-Salem, N.C., and Hickory, N.C., serving all intermediate points; from Winston-Salem over Interstate Highway 40 to Conover, thence over U.S. Highway 321 to Hickory, and return over the same route; (80) between Rowland, N.C., and Rocky Mount, N.C., serving all intermediate points; from Rowland over Interstate Highway 95 to Rocky Mount, and return over the same route, with the right to traverse U.S. Highway 301 between Kenly and Wilson, where Interstate Highway 95 has not been completed; (81) between Mount Gilead, N.C., and Norwood, N.C., serving all intermediate points, from Mount Gilead over North Carolina Highway 731 to its junction with U.S. Highway 52, thence over U.S. Highway 52 to Norwood, and return over the same route.

(82) Between Mount Gilead, N.C., and the junction of North Carolina Highway 73, and U.S. Highway 220, serving all intermediate points; from Mount Gilead over North Carolina Highway 73 to its junction with U.S. Highway 220, and return over the same route; (83) between Norwood, N.C., and Wadesboro, N.C., serving all intermediate points; from Norwood over U.S. Highway 52 to Wadesboro, and return over the same route; (84) between the junction of U.S. Highway 301 and U.S. Highway 13, and the junction of U.S. Highway 13, and U.S. Highway 117, serving all intermediate points; from the junction of U.S. Highway 301 and U.S. Highway 13, over U.S. Highway 13 to its junction with U.S. Highway 117, and return over the same route; (85) between Greenville, N.C., and Washington, N.C., serving all intermediate points; from Greenville over North Carolina Highway 30 to its junction with North Carolina Highway 33, thence over North Carolina Highway 33 to Washington, and return over the same route; (86) betweeen Kinston, N.C., and Wilson, N.C., serving all intermediate points; from Kinston over North Carolina Highway 58 to Wilson, and return over the same route; (87) between Fuquay-Varina, N.C., and the junction of North Carolina Highway 42 and U.S. Highway 421, serving all intermediate points; from Fuquay-Varina over North Carolina Highway 42 to its junction with U.S. Highway 421, and return over the same route; (88) between Concord, N.C., and Monroe, N.C., serving all intermediate points; from Concord over U.S. Highway 601 to Monroe, and return over the same route.

(89) Between Greenville, N.C., and Bethel, N.C., serving all intermediate points; from Greenville over U.S. Highway 13 to Bethel and return over the same route; (90) between Chocowinity, N.C., and Vanceboro, N.C., serving all intermediate points; from Chocowinity over U.S. Highway 17 to Vanceboro, and return over the same route; (91) between Laurel Springs, N.C., and Index, N.C., serving all intermediate points; from Laurel Springs over North Carolina Highway 88 to Index, and return over the same route; (92) between Lenoir, N.C., and Taylorsville, N.C., serving all intermediate points; from Lenoir over North Carolina Highway 90 to Taylorsville, and return over the same route; (93) between Lenoir, N.C., and Conover, N.C., serving all intermediate points; from Lenoir over U.S. Highway 321 to Conover, and return over the same route; (94) between Baldwin, N.C., and Deep Gap, N.C., serving all intermediate points; from Baldwin over U.S. Highway 221 to Deep Gap, and return over the same route; (95) between Winston-Salem, N.C., and Reidsville, N.C., serving all intermediate points; from Winston-Salem over U.S. Highway 158 to Reidsville, and return over the same route; (96) between Mooresville, N.C., and Rockwell, N.C., serving all intermediate points; from Mooresville over North Carolina Highway 152 to Rockwell, and return over the same route; (97) between Beulaville, N.C., and the junction of North Carolina Highway 111 and U.S. Highway 70, serving all intermediate points; from Beulaville, over North Carolina Highway 111 to its junction with U.S. Highway 70, and return over the same route.

(98) Between Warsaw, N.C., and Wilmington, N.C., serving all intermediate points; from Warsaw over U.S. Highway 117 to Wilmington, and return over the same route; (99) between Clinton, N.C., and Whiteville, N.C., serving all intermediate points; from Clinton over U.S. Highway 701 to Whiteville, and return over the same route; (100) between West End, N.C., and Eastwood, N.C., serving all intermediate points; from West End over North Carolina Highway 73 to Eastwood, and return over the same route; (101) between Kinston, N.C., and the junction of North Carolina Highway 55, and U.S. Highway 117, serving all intermediate points; from Kinston over North Carolina Highway 55 to its junction with U.S. Highway 117, and return over the same route; (102) between Kinston, N.C., and the junction of U.S. Highway 258 and North Carolina Highway 24, serving all intermediate points; from Kinston over U.S. Highway 258 to its junction with North Carolina Highway 24, and return over the same route; (103) between Red Springs, N.C., and Lumberton, N.C., serving all intermediate points; and the off-route points of Pembroke and the plantsite of B. F. Goodrich Co., located approximately 6½ miles west of Lumberton on North Carolina Highway

72; from Red Springs over North Carolina Highway 211 to Lumberton and return over the same route; (104) between Red Springs, N.C., and the junction of North Carolina Highway 710 and U.S. Highway 501, serving all intermediate points; from Red Springs over North Carolina Highway 72 to its junction with North Carolina Highway 710, thence over North Carolina Highway 710 to its junction with U.S. Highway 501, and return over the same route; (105) between Elkin, N.C., and the junction of North Carolina Highway 65 and U.S. Highway 52, serving all intermediate points; from Elkin over North Carolina Highway 67 to its junction with North Carolina Highway 65, thence over North Carolina Highway 65 to its junction with U.S. Highway 52, and return over the same route.

(106) Between Angier, N.C., and the junction of North Carolina Highway 55 and U.S. Highway 401, serving all intermediate points; from Angier over North Carolina Highway 55 to its junction with U.S. Highway 401, and return over the same route; (107) between Zebulon, N.C., and Selma, N.C., serving all intermediate points; from Zebulon over North Carolina Highway 96 to Selma, and return over the same route; (108) between Charlotte, N.C., and Calhoun Falls, S.C., serving no intermediate points and serving Calhoun Falls for joinder purposes only; from Charlotte over U.S. Highway 21 to Rock Hill, S.C., thence over South Carolina Highway 72 to Calhoun Falls, and return over the same route. Alternate routes for operating convenience only: (109) Between Greensboro, N.C., and Wilkesboro, N.C., for operating convenience only, serving no intermediate points; from Greensboro over Interstate Highway 40 to Winston-Salem, thence over U.S. Highway 421 to Wilkesboro, and return over the same routes; (110) between Greensboro, N.C., and Reidsville, N.C., for operating convenience only, serving no intermediate points; from Greensboro over U.S. Highway 29 to Reidsville, and return over the same route; (111) between Raleigh, N.C., and Chapel Hill, N.C., for operating convenience only, serving no intermediate points; from Raleigh over North Carolina Highway 54 to Chapel Hill, and return over the same route; (112) between Wilson, N.C., and Apex, N.C., for operating convenience only, serving no intermediate points; from Wilson over North Carolina Highway 42 to Fuquay-Varina, thence over North Carolina Highway 55 to Apex, and return over the same route.

(113) Between Wilson, N.C., and Nashville, N.C., for operating convenience only, serving no intermediate points; from Wilson over North Carolina Highway 58 to Nashville and return over the same route; (114) between Wilson, N.C., and Tarboro, N.C., for operating convenience only, serving no intermediate points; from Wilson over North Carolina Highway 42 to its junction with U.S. Highway 258, thence over U.S. Highway 258 to Tarboro, and return over the same route; (115) between New Bern, N.C., and Greenville, N.C., for operating convenience only, serving no intermediate points; from New Bern over U.S. Highway 17 to Vanceboro, thence over North Carolina Highway 43 to Greenville, and return over the same route; (116) between Washington, N.C., and Williamston, N.C., for operating convenience only, serving no intermediate points; from Washington over U.S. Highway 17 to Williamston and return over the same route; (117) between New Bern, N.C., and Kinston, N.C., for operating convenience only, serving no intermediate points; from New Bern over U.S. Highway 70 to Kinston, and return over the same route; (118) between Beulaville, N.C., and Pink Hill, N.C., for operating convenience only, serving no intermediate points; from Beulaville over North Carolina Highway 241 to Pink Hill, and return over the same route; (119) between Warsaw, N.C., and Mount Olive, N.C., for operating convenience only, serving no intermediate points; from Warsaw over U.S Highway 117 to Mount Olive, and return over the same routes.

(120) Between Benson, N.C., and Angier, N.C., for operating convenience only, serving no intermediate points; from Benson over North Carolina Highway 27 to Coats, thence over North Carolina Highway 55 to Angier, and return over the same route; (121) between Salisbury, N.C., and Statesville, N.C., for operating convenience only, serving no intermediate points; from Salisbury over U.S. Highway 70 to Statesville, and return over the same route; (122) between Charlotte, N.C., and Rockingham, N.C., for operating convenience only, serving no intermediate points; from Charlotte over U.S. Highway 74 to Rockingham, and return over the same route; (123) between Charlotte, N.C., and Greenville, S.C., for operating convenience only, serving no intermediate points; from Charlotte, N.C., over Interstate Highway 85 to Greenville, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Charlotte, N.C.

No. MC 60580 (Sub-No. 32), filed August 11, 1975. Applicant: MAISLIN TRANSPORT OF DELAWARE INC., 7401 Newman Boulevard, La Salle, Quebec H8N 1X4. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Lowell, Mass., and Hartford, Conn.: From Lowell, Mass., over Interstate Highway 495 to junction Interstate Highway 290, thence over Interstate Highway 290 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 to junction Interstate Highway 86, thence over Interstate Highway 86 to Hartford, Conn. (also from Interstate Highway 90 to junction Interstate Highway 91, thence over Interstate Highway 91 to Hartford, Conn.), and return over the same route, serving the intermediate points of Worcester and Springfield, Mass., and the off-route points of Boston, Mass.

NOTE.—The purpose of this application is to convert portions of applicant's irregular route operations to regular route operations. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 61592 (Sub-No. 363), filed August 18, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Rural Route No. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Ave., Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveyers, bins, trailers, farm implements, and machinery*, and *attachments for farm implements* and *machinery*; (2) *parts, attachments* and *accessories* for items named in (1) above, from Green and Craighead Counties, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or St. Louis, Mo.

No. MC 67485 (Sub-No. 18), filed March 17, 1975. Applicant: TEXAS TEX-PACK EXPRESS, INC., 150 E. Zavella St., San Antonio, Tex. 78204. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Dallas and Alvarado, Tex.; From Dallas to Alvarado over U.S. Highway 67, and return over the same route, serving all intermediate points; (2) Between Alvarado and Hillsboro, Tex.: From Alvarado to Hillsboro over U.S. Highway 81, and return over the same route, serving all intermediate points; (3) between Hillsboro and Coolidge, Tex.: From Hillsboro to Coolidge over Texas Highway 171, and return over the same route, serving all intermediate points; (4) between McGregor and Coolidge, Tex.: From McGregor over U.S. Highway 84 to Prairie Hill, Tex., thence over F.M. Road 73 to Coolidge, and return over the same route, serving all intermediate points; (5) between McGregor and Moody, Tex.: From McGregor over Texas Highway 317 to junction F.M. Road 107, thence over F.M. Road 107 to Moody, and return over the same route, serving all intermediate points.

(6) Between Hearne and Taylor, Tex.: From Hearne over U.S. Highway 79, to Taylor, and return over the same route, serving all intermediate points, and serving Hearne, Tex., for purpose of interline only; (7) between Houston and Harwood, Tex.: From Houston over U.S.

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Highway 90 and Interstate Highway 10, to Harwood, and return over the same route, serving all intermediate points; (8) between San Antonio and Seguin, Tex.: From San Antonio over F.M. Road 78 to junction Texas Highway 46, and return over the same route, serving all intermediate points; (9) between San Antonio and Corpus Christi, Tex.: From San Antonio over U.S. Highway 181 to Corpus Christi, and return over the same route, serving all intermediate points; (10) between Gregory and Fulton, Tex.: From Gregory over Texas Highway 35 to Fulton, and return over the same route, serving all intermediate points; (11) between Sinton and Rockport, Tex.: From Sinton over F.M. Road 881 to Rockport, and return over the same route, serving all intermediate points; (12) between Woodsboro, Tex., and junction F.M. Road 136 and F.M. Road 881: From Woodsboro over F.M. Road 136 to junction F.M. Road 881, and return over the same route, serving all intermediate points; (13) between Corpus Christi and Alice, Tex.: From Corpus Christi over Texas Highway 44 to Alice, and return over the same route, serving all intermediate points; (14) between Victoria and Brownsville, Tex.: From Victoria over U.S. Highway 77 to Brownsville, and return over the same route, serving all intermediate points.

(15) Between Kingsville, Texas and junction Texas Highway 141 and U.S. Highway 281: From Kingsville over Texas Highway 141 to junction U.S. Highway 281, and return over the same route, serving all intermediate points; (16) Between Alice and Edinburg, Tex.: From Alice over U.S. Highway 281 to Edinburg, and return over the same route, serving all intermediate points; (17) Between Victoria and Houston, Tex.: From Victoria over U.S. Highway 59 to Houston, and return over the same route, serving all intermediate points; (18) Between Harlingen and Mission, Tex.: From Harlingen over U.S. Highway 83 to Mission, and return over the same route, serving all intermediate points; (19) Between Combes and Edinburg, Tex.: From Combes over Texas Highway 107 to Edinburg, and return over the same route, serving all intermediate points; (20) Between San Antonio and Johnson City, Tex.: From San Antonio over U.S. Highway 281 to Johnson City, and return over the same route, serving all intermediate points; (21) Between Johnson City and Fredericksburg, Tex.: From Johnson City over U.S. Highway 290 tho Fredericksburg, and return over the same route, serving all intermediate points; (22) Between Fredericksburg and San Antonio: From Fredericksburg over Texas Highway 16 to San Antonio, and return over the same route, serving all intermediate points; (23) Between Comfort and Junction, Tex.: From Comfort over Texas Highway 27, to junction Interstate Highway 10 and U.S. Highway 290 to Junction, and return over the same route, serving all intermediate points; (24) Between Fredericksburg and San Antonio, Tex.: From Fredericksburg over U.S. Highway 87 and Interstate Highway 10 to San Antonio, and return over the same route, serving all intermediate points; (25) Between Austin and Goldthwaite, Tex.: From Austin over U.S. Highway 183 to Goldthwaite, and return over the same route, serving all intermediate points;

(26) Between Belton and Brady, Tex.: From Belton over U.S. Highway 190 to Brady, and return over the same route, serving all intermediate points; (27) Between the junction of U.S. Highway 183 and Texas Highway 195 and the junction of U.S. Highway 81 and Texas Highway 195: From the junction of Texas Highway 195 and U.S. Highway 183 over Texas Highway 195 via Florence, Tex., to junction U.S. Highway 81 and Texas Highway 195, and return over the same route, serving all intermediate points; (28) Between Mason and junction Texas Highway 29 and U.S. Highway 183: From Mason over Texas Highway 29 to junction U.S. Highway 183 and Texas Highway 29 via Burnet and Llano, Tex., and return over the same route, serving all intermediate points; (29) Between Lampasas, Tex. and junction U.S. Highway 281 and Texas Highway 71: From Lampasas over U.S. Highway 281 to junction Texas Highway 71 near Marble Falls, Tex., and return over the same route, serving all intermediate points; (30) Between Brady and Austin, Tex.: From Brady over Texas Highway 71 to Austin, and return over the same route, serving all intermediate points; (31) Between Llano and Goldthwaite, Tex.: From Llano over Texas Highway 16 via San Saba to Goldthwaite, and return over the same route, serving all intermediate points; (32) Between Mason and Junction, Tex.: From Mason over U.S. Highway 377 to Junction, and return over the same route, serving all intermediate points; (33) Between Junction and Eden, Tex.: From Junction over U.S. Highway 83 to Eden, and return over the same route, serving all intermediate points;

(34) Between Eden and Brady, Tex.: From Eden over U.S. Highway 87 to Brady, and return over the same route, serving all intermediate points; (35) Between Mason and Brady, Tex.: From Mason over U.S. Highway 87 and 377 to Brady, and return over the same route, serving all intermediate points; (36) Between Austin and Bastrop, Tex.: From Austin over Texas Highway 71 to Bastrop and return over the same route, serving all intermediate points; (37) Between Bastrop and Elgin, Tex.: From Bastrop over Texas Highway 95 to Elgin, and return over the same route, serving all intermediate points; (38) Between Elgin and Austin, Tex.: From Elgin over U.S. Highway 290 to Austin and return over the same route, serving all intermediate points; (39) Between Killeen and Florence, Tex.: From Killeen over F.M. Road 440 to Florence, and return over the same route, serving all intermediate points; (40) Between the junction U.S. Highway 281 and Farm Road 1431 near Marble Falls, Tex. and the junction of F.M. Road 1431 and Texas Highway 29, near Llano, Tex.: From junction U.S. Highway 281 and F.M. Road 1431 over F.M. Road 1431 to junction Texas Highway 29 via Kingsland, and return over the same route, serving all intermediate points; (41) Between San Antonio and Del Rio, Tex.: From San Antonio over U.S. Highway 90 to Del Rio, and return over the same route, serving all intermediate points; (42) Between Del Rio and Carrizo Springs, Tex.: From Del Rio over U.S. Highway 277 to Carrizo Springs, and return over the same route, serving all intermediate points;

(43) Between Uvalde and Mission, Tex.: From Uvalde over U.S. Highway 83 to Mission, and return over the same route, serving all intermediate points and the off-route points of Grulla, Sullivan City, Los Ebanos and La Joya, Tex.; (44) Between Eagle Pass and Moore, Tex.: From Eagle Pass over U.S. Highway 57 to Moore, and return over the same route, serving all intermediate points; (45) Between Carrizo Springs and Dilley, Tex.: From Carrizo Springs over Texas Highway 85 to Dilley, and return over the same route, serving all intermediate points; (46) Between Crystal City and Brundage, Tex.: From Crystal City over F.M. Road 65 to Brundage, and return over the same route, serving all intermediate points; (47) Between San Antonio and Laredo, Tex.: From San Antonio over U.S. Highway 81 and/or Interstate Highway 35 to Laredo, and return over the same route, serving all intermediate points; (48) Between Laredo and Mathis, Tex.: From Laredo over Texas Highway 359 to Mathis, and return over the same route, serving all intermediate points; (49) Between Freer and Alice, Tex.: From Freer over Texas Highway 44 to Alice, and return over the same route, serving all intermediate points; (50) Between Freer and Benavides, Tex.: From Freer over Texas Highway 339 to Benavides, and return over the same route, serving all intermediate points; (51) Between San Antonio and Alice, Tex.: From San Antonio over U.S. Highway 281 to Alice, and return over the same route, serving all intermediate points;

(52) Between George West and Mathis, Tex.: From George West over U.S. Highway 59 and Texas Highway 9 to Mathis and return over the same route; (53) Between junction Texas Highway 9 and U.S. Highway 281 and junction Texas Highway 9 and U.S. Highway 59: From junction Texas Highway 9 and U.S. Highway 281 over Texas Highway 9 to junction U.S. Highway 59, and return over the same route, serving all intermediate points; (54) Between Waco and Hearne, Tex.: From Waco over Texas Highway 6 via Marlin and Calvert, Tex. to Hearne, and return over the same route, serving all intermediate points; (55) Between Waco and Groesbeck, Tex.: From Waco over Texas Highway 164 via Mart, Tex., to Groesbeck, and return over the same route, serving all intermediate points; (56) Between Groesbeck, Tex. and junction Texas Highway 14 and Texas Highway 6 south of Bremond, Tex.: From Groesbeck over Texas Highway 14 to junction Texas Highway 6 south of Bremond, Tex., and return over

the same route, serving all intermediate points; (57) Between Moody and Eddy, Tex.: From Moody over F.M. Road 107 to Eddy, and return over the same route, serving all intermediate points; (58) Between Gregory and Port Aransas, Tex.: From Gregory over Texas Highway 361 to Port Aransas, and return over the same route, serving all intermediate points; (59) Between Jourdanton and Pleasanton, Tex.: From Jourdanton over Texas Highway 97 to Pleasanton, and return over the same route, serving all intermediate points; (60) Between San Antonio and Freer, Tex.: From San Antonio over Texas Highway 16 to Freer, and return over the same route, serving all intermediate points; (61) Between Waco and Victoria, Tex.: From Waco over U.S. Highway 77 to Victoria, and return over the same route, serving all intermediate points;

(62) Between Hunt and Ingram, Tex.: From Hunt over Texas Highway 39 to Ingram, and return over the same route, serving all intermediate points; (63) Between Brownsville and Port Isabel, Tex.: From Brownsville over Texas Highway 48 to junction F.M. Road 1792 thence over F.M. Road 1792 to junction Texas Highway 100 thence over Texas Highway 100 to Port Isabel, and return over the same route, serving all intermediate points; (64) Between Port Isabel and junction Texas Highway 100 with U.S. Highways 83 and 77 near Olmito, Tex.: From Port Isabel over Texas Highway 100 to junction U.S. Highways 83 and 77 near Olmito, Tex. and return over the same route, serving all intermediate points; (65) Between Pharr and Brownsville, Tex.: From Pharr over U.S. Highway 281 to Brownsville, and return over the same route, serving all intermediate points and the off-route point of Hidalgo, Tex.; (66) Between Artesia Wells, Tex. and junction F.M. Road 133 and U.S. Highway 83 near Catarina, Tex.: From Artesia Wells over F.M. Road 133 to junction U.S. Highway 83 near Catarina, Tex., and return over the same route, serving all intermediate points; (67) Between Asherton and Brundage, Tex.: From Asherton over F.M. Road 190 to Brundage, and return over the same route, serving all intermediate points; (68) Between Mirando City, Tex., and junction F.M. Road 649 and Texas Highway 359: From Mirando City over F.M. Road 649 to junction Texas Highway 359, and return over the same route, serving all intermediate points; (69) Between Almendorf, Tex. and junction F.M. Road 1518 and U.S. Highway 181: From Elmendorf over F.M. Road 1518 to junction U.S. Highway 181, and return over the same route, serving all intermediate points;

(70) Between Belton and Heidenheimer, Tex.: From Belton over F. M. Road 1123 to junction F. M. Road 436, thence over F. M. Road 436 via Little River to Heidenheimer, and return over the same route, serving all intermediate points; (71) Between Cameron and Temple, Tex.: From Cameron over U.S. Highway 190 and Texas Highway 36 to Temple, and return over the same route, serving all intermediate points; (72) Between Buda and junction F. M. Road 967 and Interstate Highway 35: From Buda over F. M. Road 967 to junction Interstate Highway 35, and return over the same route, serving all intermediate points; (73) Between Alcoa, Tex. and junction F. M. Road 1786 and U.S. Highway 79: From Alcoa over F. M. Road 1786 to junction U.S. Highway 79, and return over the same route, serving all intermediate points; (74) Between Alcoa and Rockdale, Tex.: From Alcoa over F. M. Road 1786 to junction F. M. Road 2116 thence over F. M. Road 2116 to Rockdale, and return over the same route, serving all intermediate points; (75) Between Jourdanton and junction Texas Highway 173 and Texas Highway 16 near Kerrville, Tex.: From Jourdanton over Texas Highway 173 to junction Texas Highway 16 near Kerrville, Tex., and return over the same route, serving all intermediate points; (76) Between Pleasanton and junction Texas Highway 97 and U.S. Highway 87 near Stockdale, Tex.: From Pleasanton over Texas Highway 97 to junction U.S. Highway 87 near Stockdale, Tex., and return over the same route, serving all intermediate points; (77) Between Seguin, Tex. and junction Texas Highway 46 and Texas Highway 16 near Pipe Creek, Tex.: From Seguin over Texas Highway 46 to junction Texas Highway 16 near Pipe Creek, Tex., and return over the same route, serving all intermediate points;

(78) Between Beeville and Refugio, Tex.: From Beeville over State Highway 202, to junction U.S. Highway 77A and 183 thence over U.S. Highway 77A and 183 to Refugio, and return over the same route, serving all intermediate points; (79) Between Nixon and Victoria, Tex.: From Nixon over U.S. Highway 87 to Victoria, serving only the intermediate points of Smiley and Westhoff, Tex., and return over the same route; (80) Between Fredericksburg and junction U.S. Highway 290 and Texas Highway 27: From Fredericksburg over U.S. Highway 290 to junction Texas Highway 27, and return over the same route, serving all intermediate points; (81) Between Johnson City and Austin, Tex.: From Johnson City over U.S. Highway 290 to Austin, and return over the same route, serving all intermediate points; (82) Between Alice and Driscoll, Tex.: From Alice over F. M. Road 665 to Driscoll, and return over the same route, serving all intermediate points; (83) Between San Manuel and Raymondville, Tex.: From San Manuel over Texas Highway 186 to Raymondville, and return over the same route, serving all intermediate points; (84) Between Combes and Harlingen, Tex.: From Combes over Texas Highway 107 to Harlingen and return over the same route, serving all intermediate points; Restrictions: (1) Restricted to the transportation of shipments (a) having a prior or subsequent movement by air; and (2) moving to or from (a) Love Field, at Dallas, Tex.; (b) Dallas-Fort Worth Regional Airport, between Dallas and Fort Worth; and (c) San Antonio International Airport.

(2) No service shall be rendered on shipments (a) originating at, or destined to, any intermediate points between Houston and Victoria located on U.S. Highway 59; (b) originating at, or destined to, LaGrange, Hallettsville, or any intermediate point on U.S. Highway 77 between Schulenburg and Victoria; and (c) originating at or destined to Hearne. Note: Applicant presently has air freight authority over some of the routes requested herein, but only on shipments originating at or destined to the San Antonio International Airport. In the event of the grant of this application, Applicant states that it will request cancellation of MC 67485, Sub No. 10 and MC 67485, Sub No. 15. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or San Antonio, Tex.

No. MC 67485 (Sub-No. 19), filed July 25, 1975. Applicant: TEXAS TEX-PACK EXPRESS, INC., P.O. Box 9325, San Antonio, Tex. 78294. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities, (1) Between Kerrville, Tex., and Junction, Tex.: From Kerrville over Texas Highway 27, thence over Texas Highway 27 to junction U.S. Highway 290 and Interstate Highway 10, thence over U.S. Highway 10 to Junction, Tex., and return over the same route, serving all intermediate points; (2) Between Hunt, Tex., and Ingram, Tex.: From Hunt over Texas Highway 39 to Ingram and return over the same route, serving all intermediate points; (3) Between Port Aransas, Tex., and Aransas Pass, Tex.: From Port Aransas over Texas Highway 361 to Aransas Pass and return over the same route, serving all intermediate points; (4) Between Brownsville, Tex., and Port Isabel, Tex.: From Brownsville over Texas Highway 48, thence over Texas Highway 48 to junction F.M. 1792 and Texas Highway 100, thence over F.M. 1792 and Texas Highway 100 to Port Isabel and return over the same route, serving all intermediate points; (5) Between Port Isabel, Tex., and its junction with U.S. Highways 83 and 77 near Olmito, Tex.: From Port Isabel over Texas Highway 100 to junction U.S. Highways 83 and 77 near Olmito and return over the same route, serving all intermediate points;

(6) Between Pharr, Tex., and Brownsville, Tex.: From Pharr over U.S. Highway 281, and return over the same route, serving all intermediate points, and serving the off-route point of Hidalgo; (7) Between Carrizo Springs, Tex., and its junction with Interstate Highway 35 north of Laredo: From Carrizo Springs over Interstate Highway 35 and return over the same route, serving all intermediate points; (8) Between Artesia Wells and junction U.S. Highway 83 near Catarina; From Artesia Wells over F.M. 133 to junction U.S. Highway 83 near Catarina, and return over the same route, serving all intermediate points;

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(9) Between Asherton, Tex., and Brundage, Tex.: From Asherton over F.M. 190 to Brundage and return over the same route, serving all intermediate points; (10) Between Rio Grande City, Tex., and Pharr, Tex.: From Rio Grande City over U.S. Highway 83 to Pharr, and return over the same route, serving all intermediate points and the off-route points of Grulla, Sullivan City, Los Ebanos and La Joya; (11) Between Freer, Tex., and Jourdanton, Tex.: From Freer over Texas Highway 16 to Jourdanton and return over the same route, serving all intermediate points; 12) Between Poteet, Tex., and San Antonio, Tex.: From Poteet over Texas Highway 16 to San Antonio, and return over the same route, serving all intermediate points; (13) Between Mirando City, Tex., and its junction with Texas Highway 359: From Mirando City over F.M. 649, thence over F.M. 649 to its junction with Texas Highway 359 and return over the same route, serving all intermediate points;

(14) Between Elmendorf, Tex., and its junction with U.S. Highway 181: From Elmendorf over F.M. 1518, thence over F.M. 1518 to its junction with U.S. Highway 181, and return over the same route, serving all intermediate points; (15) Between Belton, Tex., and Heidenheimer, Tex.: From Belton over F.M. 1123 and F.M. 436 to Heidenheimer, and return over the same route, serving all intermediate points; (16) Between Cameron, Tex., and Temple, Tex.; From Cameron over U.S. Highway 190 to Temple, and return over the same route, serving all intermediate points; (17) Between Taylor, Tex. and Hearne, Tex.: From Taylor over U.S. Highway 79 to Hearne (excluding service to Hearne except for the purpose of interline with other carriers), and return over the same route; (18) Between Buda, Tex., and its junction with Interstate Highway 35: From Buda over F.M. 967 to its junction with Interstate Highway 35, and return over the same route, serving all intermediate points; (19) Between Alcoa, Tex., and Rockdale, Tex.: From Alcoa over F.M. 1786 to Rockdale, and return over the same route, serving all intermediate points; (20) Between Jourdanton, Tex., and its junction with Texas Highway 16 near Keerville, Tex.: From Jourdanton over Texas Highway 173 to its junction with Texas Highway 16 near Keerville and return over the same route, serving all intermediate points; (21) Between Pleasanton, Tex., and its junction with U.S. Highway 87 near Stockdale: From Pleasanton over Texas Highway 97 to its junction with U.S. Highway 87 near Stockdale and return over the same route, serving all intermediate points;

(22) Between Seguin, Tex., and its junction with Texas Highway 16 near Pipe Creek: From Seguin over Texas Highway 46 to its junction with Texas Highway 16 near Pipe Creek, Tex., and return over the same route, serving all intermediate points; (23) Between Kerrville, Tex., and San Antonio, Tex.: From Kerrville over Texas Highway 16 to San Antonio and return over the same route, serving all intermediate points; and (24) Between Beeville, Tex., and Rufugio, Tex.: From Beeville over Texas Highway 202, thence over Texas Highway 202 to its junction with U.S. Highways 77A and 183, thence over junction U.S. Highways 77A and 183 to Refugio, and return over the same route, serving all intermediate points, restricted such that no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas or San Antonio, Tex.

No. MC 73165 (Sub-No. 367), filed August 21. 1975. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers, rectifiers, electrostatic precipitators, circuit breakers, and parts, attachments and accessories therefor*, from points in Shelby County, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 76065 (Sub-No. 29), filed August 21, 1975. Applicant: EHRLICH NEWMARK TRUCKING CO., INC., 505 West 37th Street, New York, N.Y. 10018. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, between points in Carroll County, Md., on the one hand, and, on the other, the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 78687 (Sub-No. 41), filed August 15, 1975. Applicant: LOTT MOTOR LINES, INC., 118 Monell Street, Penn Yan, N.Y. 14527. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except liquid commodities in bulk, in tank vehicles), from points in Yates County, N.Y., to points in Pennsylvania.

NOTE.—Applicant holds contract carrier authority in MC-2505, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 83539 (Sub-No. 411), filed August 18, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and storage facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 83539 (Sub-No. 412), filed August 18, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bomb casings*, between Garland, Tex., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 83835 (Sub-No. 124), filed August 18, 1975. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Liberty County, Tex., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plant sites and warehouse facilities of National Pipe & Tube Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 103993 (Sub-No. 858), filed August 15, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 W. Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts, accessories, tools, materials, and equipment* for trailers, designed to be drawn by passenger automobiles and recreational vehicles, when transported in mixed loads with the above commodities, from points in Elkhart County, Ind.; Yolo County, Calif.; Nolan County, Tex. and points in Colquitt, Thomas and Lowndes Counties, Ga. to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 104683 (Sub-No. 38), filed August 21, 1975. Applicant: TRANSPORT, INC., P.O. Box 1524, Hattiesburg, Miss. 39401. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sulphur*, in bulk, in tank vehicles, from points in Washington County, Ala., to points in Arkansas, Georgia, Louisiana and Mississippi; and (2) *liquid sulphur*, in bulk, in tank vehicles, from points in Clarke County, Miss., to points in Arkansas, Georgia and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 106398 (Sub-No. 731), filed August 14, 1975. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition board, insulating materials, roofing and roofing materials, hardboard, building and construction materials, urethane and urethane products, and materials, equipment and supplies* used in the manufacture, sales, and distribution of the foregoing (except commodities in bulk), between Elizabethtown, Ky.; Lockland, Ohio; Goldsboro, N.C.; Philadelphia, Pa.; Marion, S.C., and Houston, Tex., on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla.

No. MC 106398 (Sub-No. 732), filed August 14, 1975. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition board, insulating materials, roofing and roofing materials, building and construction materials, urethane and urethane products, and materials, equipment and supplies* used in the manufacture, sales, and distribution of the foregoing (except commodities in bulk), between Baraga County, Mich.; Wabash County, Ind.; Orleans Parish, La.; Jefferson Parish, La.; Deposit, N.Y.; Harding, Pa.; Port Clinton, Ohio; Ft. Dodge, Iowa; Chicago, Ill.; Largo, Ind.; Fairfield, Ala.; Camden, Ark.; Marrero, La.; Henry County, Tenn., and Charleston, Ill., on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla.

No. MC 106497 (Sub-No. 122), filed August 21, 1975. Applicant: PARKHILL TRUCK COMPANY, a Corporation, P.O. Box 112 (Bus. Rte 1, 44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks pressure vessels and chemical process equipment*, from points in Mobile County, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or New Orleans, La.

No. MC 107012 (Sub-No. 224), filed August 18, 1975. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabric dust filter bags and filter cages*, from plant site and facilities of B. H. A. Division of Standard Havens, Inc., located at or near Slater, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Kansas City, Mo.

No. MC 107993 (Sub-No. 40), filed August 15, 1975. Applicant: J. J. WILLIS TRUCKING COMPANY, P.O. Box 5328—Terminal Station, Dallas, Tex. 75222. Applicant's representative: J. G. Dail, Jr., 1111 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and wire products*, from points in California, to points in Arkansas, Colorado, Louisiana, New Mexico, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 108207 (Sub-No. 425), filed August 21, 1975. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas;* and (2) *bananas, when transported in mixed loads with commodities* exempt from economic regulation, under Section 203(b)(6) of the Interstate Commerce Act, from points in Cameron, Starr, Zapata, Webb, Hidalgo, and Willacy Counties, Tex., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Minneapolis, Minn.

No. MC 109397 (Sub-No. 318), filed August 15, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113 (Bus. Rte. I-44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, or liquids, *machinery and equipment* for heating, cooling conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, and *parts, attachments, and accessories* for use in the installation and operation of the above-named items (except commodities in bulk); and (2) *commodities* used in the manufacturing of items listed in (1) above (except commodities in bulk), (a) From points in Jackson County, Ala., to points in the United States (except Alaska and Hawaii); and (b) from points in the United States (except Alaska and Hawaii), to points in Jackson County, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 110563 (Sub-No. 159), filed August 18, 1975. Applicant: COLDWAY FOOD EXPRESS, INC., 113 N. Ohio Ave., Ohio Bldg., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, and food products* (except commodities in bulk), from the plantsite and storage facilities or utilized by Roman Meal Company, located at or near Decatur, Ind., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 567), filed August 13, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, between Jacksonville, Fla., on the one hand, and, on the other, Albany, Columbus and Griffin, Ga.; and (2) *business or office machine parts, supplies, devices, and units*, from Atlanta, Ga., to points in Brevard, Broward, Charlotte, Collier, Dade, Duval, Hillsborough, Indiana River, Lee, Leon, Marion, Alachua, Orange, Palm Beach, Pinellas, Polk, Putnam, Sarasota, St. Lucie, and Volusia Counties, Fla., restricted in (2) above, against the transportation of articles or packages weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

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No. MC 112617 (Sub-No. 333), filed August 21, 1975. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Leonard A. Jaskiwelcz, Suite 501, 1730 M St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coloring syrup*, in bulk, in tank vehicles, from Louisville, Ky., to Dallas, Tex.; and (2) *chemicals*, in bulk, in tank vehicles, from Danville, Ill., to Hawesville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 113624 (Sub-No. 68), filed August 14, 1975. Applicant: WARD TRANSPORT, INC., P.O. Box 735, Pueblo, Colo. 81001. Applicant's representative: Marion F. Jones, 1660 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles, from the Eastman Kodak Company located at or near Windsor, Colo., to Cheyenne, Wyo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Cheyenne, Wyo.

No. MC 113666 (Sub-No. 96), filed August 15, 1975. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural chemicals and materials and equipment* used in the distribution and application thereof, from the plant site and storage facilities of American Cyanamid Company located in Marion County, Mo., to points in the United States (except Alaska and Hawaii); and (2) *agricultural chemicals and materials, supplies, and equipment* used in the production and distribution thereof, from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of American Cyanamid Company located in Marion County, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with applications filed by Truck Transport, Incorporated, MC 115331 and Leeser Transportation, Inc. MC 135197 at Washington, D.C.

No. MC 114819 (Sub-No. 17) (Amendment), filed December 26, 1974, published in the FEDERAL REGISTER issue of February 20, 1975, and republished, as amended this issue. Applicant: MOTOR CARGO, a Corporation, 845 West Center, North Salt Lake, Utah 84054. Applicant's representative: William S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Elko, Nev., and Wells, Nev.: From Elko, Nev. over U.S. Highway 40 (Interstate Highway 80) to Elko, Nev., and return over the same route, serving all intermediate points: and (b) between Los Angeles, Calif., and Elko, Nev., serving all points in the Los Angeles Harbor Commercial Zone as described by the Commission in *Los Angeles, Calif. Commercial Zone* 3 M.C.C. 676, and no intermediate points: From Los Angeles over Interstate Highway 5 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 395, thence over 395 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Nevada Highway 8-A to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Nevada Highway 51 to junction U.S. Highway 40, thence over U.S. Highway 40 to Elko, and return over the same route; (c) between Denver, Colo. and Los Angeles, Calif., serving all points in the Los Angeles Harbor Commercial Zone as described by the Commission in Los Angeles California Commercial Zones, 3 M.C.C. 676, serving no intermediate points: From Denver, Colo. over Interstate Highway 70 (also known as U.S. Highways 6, 24, and 50) to junction Interstate Highway 70 and U.S. Highway 89, thence over U.S. Highway 89 to junction U.S. Highway 89 and Utah Highway 4, thence over Utah Highway 4 (also known as Interstate Highway 70), to junction Utah Highway 4 (Interstate Highway 70) and Interstate Highway 15 (also known as U.S. Highway 91), thence over Interstate Highway 15 to junction Interstate Highway 15 and Interstate Highway 10, thence over Interstate Highway 10 to Los Angeles, Calif., and return over the same route; and (d) between Salt Lake City, Utah and Los Angeles, Calif., serving all points in the Los Angeles Harbor Commercial Zone as described by the Commission in Los Angeles California Commercial Zones, 3 M.C.C. 676, serving no intermediate points: From Salt Lake City, Utah over Interstate Highway 15 (U.S. Highway 91) to junction Interstate Highway 15 and Interstate Highway 10, thence over Interstate Highway 10 to Los Angeles, Calif., and return over the same route.

NOTE.—The purpose of this republication is to add Parts (c) and (d) to the authority originally requested. Applicant holds contract carrier authority in MC 134152 (Sub-No. 1), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah or Reno, Nev.

No. MC 115162 (Sub-No. 312), filed August 18, 1975. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Firebrick and/or firebrick materials, refractory products and bonding mortar*, from Audrain and Callaway Counties, Mo., to points in Arkansas, Kentucky, Tennessee and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Memphis, Tenn.

No. MC 115859 (Sub-No. 6), filed August 12, 1975. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. 18104. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th Street, Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy beans, soy bean meal and soy bean by-products*, dry, in bulk, from points in Indiana, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Allentown or Philadelphia, Pa.

No. MC 117975 (Sub-No. 7), filed August 21, 1975. Applicant: MOTOR EXPRESS, INC., P.O. Box 604, Edinburg, Tex. 78539. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *bananas, when transported in mixed loads with agricultural commodities*, otherwise exempt from economic regulation under Section 203 (b)(6), Part II, of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City, and Roma, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Brownsville, Tex.

No. MC 118831 (Sub-No. 118), filed June 16, 1975. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, from points in Mobile County, Ala., to points in Alabama, Georgia, Florida, Louisiana, Mississippi, and Tennessee; (2) *Dry lithium ore*, in bulk, from Sunbright (Horton's Summit), Va., to Inwood, W. Va.; and (3) *Borate rock, ground*, in bulk, between Anderson, S.C. and Jackson, Tenn.

NOTE.—Applicant states that it intends to tack the authority requested in (1) above: (a) In its sub 22 at Mobile, Ala., on Liquid Chemicals, in bulk, to provide service from Charlotte, N.C., to points in Louisiana; (b) in its Sub 85 at Mobile, Ala., on Chemicals, in bulk (except fertilizer and vegetable oils), to provide service from Lanett, Ala., to points in Louisiana and Florida; (c) in its Subs 32 and 85 at Mobile, Ala., and that part of Georgia in the Lanett, Ala. Commercial Zone, on Dry Chemicals (except fertilizer), in bulk, to provide service from points in North Carolina to points in Louisiana and Florida; (d) in Subs 27 and 32 at Lanett, Ala., and points in North Carolina, on Dry chemicals, in bulk (except fertilizer), to provide service from points in Kanawha County, W. Va., to points in Louisiana and Florida; (e) in its Subs 44 and 85 at Mobile, Ala., and that portion of Georgia in the Lanett, Ala. Commercial Zone, on Liquid chemicals (except Petrochemicals, fertilizer, and vegetable oils), in bulk, to provide service from points in South Carolina to points in Louisiana and Florida;

(f) In its Subs 40, 44 and 85 at that part of Georgia in the Lanett, Ala. Commercial Zone; Mobile, Ala., and points in South Carolina, on Liquid chemicals (except Petrochemicals, anhydrous ammonia, fertilizer and fertilizer materials, and vegetable oils), in bulk, to provide service from points in North Carolina to points in Louisiana; (g) in its Sub 42 at Mobile, Ala., on Dry polyethylene resins, in bulk, to provide service from points in Greenville County, S.C., to points in Louisiana; (h) in its Subs 54, 44, and 85 at Lanett and Mobile, Ala., and points in South Carolina, on Liquid chemicals (except fertilizer and vegetable oils), in bulk, to provide service from points in Richmond County, Ga., to points in Louisiana; (i) in its Sub 58, at points in Robertson County, Tenn., on Chemicals, in bulk, to provide service from Mobile, Ala., to points in Arkansas, Kentucky, Indiana, Illinois, Michigan, Missouri, Ohio, Virginia, and West Virginia (except Kanawha County); (j) in its Subs 73, 32 and 85 at Lanett and Mobile, Ala., and points in North Carolina, on Liquid chemicals (except fertilizer and vegetable oils), and Dry chemicals (except fertilizer) in bulk, to provide service from the plant site of Howerton-Gowan Company located in Chesapeake, Va., to points in Louisiana and Florida; (k) in its Subs 87, 40, 44 and 85, at Graingers, N.C., Lanett and Mobile, Ala., and points in South Carolina, on Molten DMT, in bulk, to provide service from Gibbstown, N.J., to points in Louisiana; (l) in its Subs 87, 32 and 85, at Graingers, N.C. and Lanett and Mobile, Ala., on Dry DMT, in bulk, to provide service from Gibbstown, N.J., to points in Louisiana;

(m) In its Sub 54, at points in Richmond County, Ga., on Liquid chemicals, in bulk, to provide service from Mobile, Ala., to points in North Carolina, South Carolina, and Virginia; (n) in its Subs 54 and 90, at points in Richmond County, Ga., and Charlotte, N.C., on Liquid chemicals, in bulk, to provide service from Mobile, Ala., to points in Connecticut, Delaware, Maryland, Masachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; (o) in its Subs 99 and 32, at Lanett, Ala., and points in North Carolina, on Dry plastic granules or pellets, in bulk, to provide service from Hopewell, Va., to points in Louisiana and Florida; (p) in its Sub 58, at Mobile, Ala., on Chemicals in bulk, to provide service from points in Robertson County, Tenn., to points in Florida and Louisiana; (q) in its Subs 105 and 54, at points in Richmond County, Ga., and Charlotte, N.C., on Liquid chemicals, in bulk, to provide service from Mobile, Ala., to points in Illinois (except those in the East St. Louis, Ill. Commercial Zone), Indiana, Kentucky, Michigan, Missouri (except points in the St. Louis, Missouri Commercial Zone), Ohio, Tennessee, and Wisconsin. Applicant further seeks to tack (2) above with its Sub 32 at Sunbright (Horton's Summit), Va., on Dry lithium ore, in bulk, to provide service from points in North Carolina, to Inwood, W. Va. Applicant still further seeks to tack (3) above with its sub 32 at Anderson, S.C., on Dry borate rock ground, in bulk, to provide service from points in North Carolina to Jackson, Tenn. If a hearing is deemed necessary, applicant requests it be held at either Raleigh, N.C. or Washington, D.C.

No. MC 119654 (Sub-No. 29), filed August 15, 1975. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, Ind. 46952. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between B & M Warehouse, located near Dunkirk, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 119789 (Sub-No. 262), filed August 20, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, when transported in mixed loads with commodities exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City, and Roma, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Minneapolis, Minn.

No. MC 123407 (Sub-No. 260), filed August 18, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recyclable scrap and waste materials* (except in bulk), from points in Colorado, California, Kansas, Nevada, New Mexico, Oklahoma, Texas, and Utah, to points in Navajo County, Ariz.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz., Dallas, Tex., or Washington, D.C.

No. MC 123685 (Sub-No. 21), filed August 18, 1975. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon, 50 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Class A and B explosives, household goods, and commodities in bulk), restricted to traffic having a prior or subsequent movement by rail or water, between Parkersburg, W. Va., on the one hand, and, on the other, points in West Virginia on and east of U.S. Highway 21.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio, Charleston, W. Va., or Washington, D.C.

No. MC 123885 (Sub-No. 20), filed August 21, 1975. Applicant: C & R TRANSFER CO., a Corporation, P.O. Box 1010, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 821 Columbus, Rapid City, S. Dak 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coal by-products;* from points in Montana, North Dakota, and Wyoming, to points in Pennington and Lawrence Counties, S. Dak.

NOTE.—Applicant holds contract carrier authority in MC 112306 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Denver, Colo.

No. MC 126715 (Sub-No. 9), filed August 11, 1975. Applicant: TRANSPORT SERVICE, 8101 NE. 11th Avenue, Portland, Oreg. 97211. Applicant's representative: John G. McLaughlin, 620 Blue Cross Bldg., 100 SW. Market St., Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt emulsions and road oils*, from points in Ada County, Idaho, to points in Malhuer, Harney, Grant, Baker, and Union Counties, Oreg. and points in Elko, Eureka, Lander, and Humboldt Counties, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126844 (Sub-No. 31), filed August 20, 1975. Applicant: R.D.S. TRUCKING CO., INC., 117 North Main Road, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St., NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bread crumbs*, from Birmingham, Ala., to Vineland, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 127739 (Sub-No. 2), filed August 15, 1975. Applicant: BOYCE BRUCE, 417 North Metts Street, Louisville, Miss. 39339. Applicant's representative: John A. Crawford, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and tile*, (1) between the plantsite and other facilities of Tri-State Brick and Tile Company, Inc. located at or near Jackson, Miss. and points in Alabama, Arkansas, Louisiana, and Tennessee, under a continuing contract or contracts with Tri-State Brick and Tile Company, Inc.; and (2) between the plantsite and facilities of Louisville Brick, Inc. located at or near Louisville, Miss. and points in Alabama, Arkansas, Louisiana, and Tennessee, under a continuing contract or contracts with Louisville Brick, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

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No. MC 133231 (Sub-No. 4), filed August 15, 1975. Applicant: JAMES H. FUNCH, doing business as, JAMES FUNCH TRUCKING, 2750 North Polk Avenue, Fresno, Calif. 93705. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are customarily dealt with by wholesale grocery concerns, from points in Arizona and California, to Seattle and Yakima, Wash., under a continuing contract or contracts with Associated Grocers, Incorporated, and Consolidated Fruit & Produce.

NOTE.—Applicant holds common carrier authority in MC 141152 pending, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or San Francisco, Calif.

No. MC 134734 (Sub-No. 23), filed August 19, 1975. Applicant: NATIONAL TRANSPORTATION, INC., 14031 L Street, Omaha, Nebr. 68137. Applicant's representative: L. N. Fauss, Box 37906, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies*, used in the manufacture of cranberry products, from points in California, to the plantsite of Ocean Spray Cranberries, Inc., at Markham, Wash., under contract with Ocean Spray Cranberries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 134734 (Sub-No. 24), filed August 19, 1975. Applicant: NATIONAL TRANSPORTATION, INC., 14031 L Street, Omaha, Nebr. 68137. Applicant's representative: L. N. Fauss, Box 37096, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry products*, from Markham, Wash., to points in Oregon, Montana, New Mexico, Utah, and Wyoming, under a continuing contract with Ocean Spray Cranberries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 135197 (Sub-No. 7), filed August 15, 1975. Applicant: LEESER TRANSPORTATION, INC., P.O. Box 545, Palmyra, Mo. 63461. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural chemicals and materials and equipment* used in the distribution and application thereof, from the plantsite and storage facilities of American Cyanamid Company located in Marion County, Mo., to points in the United States (except Alaska and Hawaii); and (2) *agricultural chemicals and materials, supplies and equipment* used in the production and distribution thereof, from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of American Cyanamid Company located in Marion County, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications filed by Truck Transport, Incorporated, MC 115331, and Freeport Transport, Inc., MC 113666 at Washington, D.C.

No. MC 136343 (Sub-No. 49) (Correction), filed August 13, 1975, published in the FEDERAL REGISTER issue of September 4, 1975 as MC 163343 Sub 49, republished as corrected this issue. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, and *materials, equipment and supplies*, used in the manufacture and sale of paper and paper products (except commodities in bulk), between the facilities of Millen Industries, Inc., at Franklin, Ohio, on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Maryland, West Virginia, Virginia, Connecticut, Massachusetts, Illinois, Michigan, Indiana, Rhode Island, Alabama, Georgia, South Carolina, North Carolina, and the District of Columbia, restricted to shipments originating at the above origins and destined to the above destinations.

NOTE.—The purpose of this republication is to change the docket number MC 136343 Sub 49 in lieu of MC 163343 Sub 49 which was previously published in error. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 136786 (Sub-No. 80), filed August 18, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *bananas*, when transported in mixed loads with commodities exempt from economic regulation under Section 203 (b)(6) of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City, and Roma, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136786 (Sub-No. 81), filed August 17, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 3033 Excelsior Blvd., Minneapolis, Minn. 55416. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Clearfield, and Richmond, Utah, to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, and Texas, restricted to traffic originating at the plantsite and storage facilities of Pepperidge Farm Inc., at or near Clearfield and Richmond, Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138951 (Sub-No. 1), filed August 19, 1975. Applicant: W. R. MEEKER, INC., 14 Harmich Road, South Plainfield, N.J. 07080. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, including but not limited to *structural steel*, and *materials, equipment and supplies* (except commodities in bulk) used or useful in the manufacture, sale, production and distribution of iron and steel articles, including but not limited to structural steel, between the plantsite of and facilities utilized by Harris Structural Steel Co., Inc., at or near South Plainfield, N.J., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Ohio, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to transportation performed under a continuing contract or contracts with Harris Structural Steel Co., Inc., of South Plainfield, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

No. MC 139263 (Sub-No. 3), filed August 8, 1975. Applicant: MINUTEMAN EXPRESS, INC., P.O. Box 458, Lexington, Nebr. 68850. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used or useful in the planting, care, or maintenance of lawns, gardens, or household plants, and insecticides, from Medina and Maumee, Ohio and Atlanta, Ill., to points in Colorado, Kansas, Nebraska, South Dakota, North Dakota, Missouri, Iowa, Illinois, and Minnesota, restricted against the transportation of commodities in bulk, and further restricted to a transportation service to be performed under a continuing contract or contracts with Famco, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Akron or Cleveland, Ohio.

No. MC 139624 (Sub-No. 3), filed June 23, 1975. Applicant: J. J. MINNEHAN, INC., Rockingham Road, Bellows Falls, Vt. 05101. Applicant's representative: Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Corn products* and *blends* of corn products with other sweeteners, in bulk, in tank vehicles, and (b) *sugar* and *blends* of sugar with other sweeteners, between points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and North Lawrence, N.Y., on the one hand, and, on the other, points bounded by a line beginning at Mass. Highway I28 in Gloucester, Mass., and extending southwesterly along Mass. Highway I28 to the intersection of Mass. Highway I28 and Mass. Highway 3 in Braintree, Mass., thence easterly to the Atlantic Ocean along the boundary line between Braintree and Quincy, Mass., thence northerly along the Atlantic Coast to the point of beginning, including points on the above-described boundary lines; (2) *Wrecked, disabled, repossessed*, and *replacement motor vehicles and trailers* (except trailers designed to be drawn by passenger automobiles, in initial movements), by use of wrecker equipment only, between Rockingham and Chester, Vt., on the one hand, and, on the other, points in Connecticut, New Jersey, Massachusetts, New Hampshire, Maine, and New York; and (3) *Paper place mats*, and *sugar service kits* (consisting of paper napkins, plastic or wood stirrers, and individual sugar service packets) overwrapped in transparent materials, from the plant and storage facilities of Amstar Corporation, at Boston, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and North Lawrence, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 140010 (Sub-No. 5), filed August 21, 1975. Applicant: JOSEPH MOVING & STORAGE CO., INC. d/b/a ST. JOSEPH MOTOR LINES, 574 Dutch Valley Road NE., Atlanta, Ga. 30324. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and components of furniture* (except commodities in bulk), from the plantsite and storage facilities of Universal Furniture Industries, Inc., in Fulton County, Ga., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; and (2) *damaged, refused, returned or rejected furniture and components of furniture* (except commodities in bulk), from points in the destination states named in (1) above, to the plantsite and storage facilities of Universal Furniture Industries, Inc., in Fulton County, Ga., under contract with Universal Furniture Industries, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 140324 (Sub-No. 1), filed August 20, 1975. Applicant: DALE G. SMITH, doing business as D. G. SMITH TRUCKING, P.O. Box 53, Gladstone, Oreg. 97027. Applicant's representative: Robt. R. Hollis, 400 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, dairy products, articles distributed by meat-packinghouses, and such commodities as are used by meat packers* in the conduct of their business when destined to and for use by meat packers, when moving in vehicles equipped with mechanical refrigeration, between facilities of Wilsey-Bennett Co., and Wilsey Foods, Inc., located at Los Angeles and San Francisco, Calif., and Salem, Oreg., on the one hand, and, on the other, points in California, Oregon, and Washington, under continuing contracts with Wilsey-Bennett Co., and Wilsey Foods, Inc.; and (2) *meats, meat products and meat by-products, dairy products, articles distributed by meat-packinghouses and such commodities as are used by meat packers* in the conduct of their business when destined to and for use by meat packers, when moving in vehicles equipped with mechanical refrigeration in mixed shipments with commodities otherwise exempt from regulation under Section 203(b)(6) of the Interstate Commerce Act between facilities of Wilsey-Bennett Co., and Wilsey Foods, Inc., located at Los Angeles and San Francisco, Calif., and Salem, Oreg., on the one hand, and, on the other, points in California, Oregon, and Washington, under continuing contracts with Wilsey-Bennett Co., and Wilsey Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Los Angeles, Calif.

No. MC 140401 (Sub-No. 1), filed August 18, 1975. Applicant: W. J. (WES) LEBLANC, doing business as WHOLESALE PRODUCE, 2020 McLean Boulevard, Eugene, Oreg. 97405. Applicant's representative: Robert R. Hollis, 400 Pacific Bldg., Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring the use of special equipment), from Eugene, Oreg., to Yakima, Wash., under contract with The Bi-Mart Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Eugene or Portland, Oreg.

No. MC 140421 (Sub-No. 3), filed August 6, 1975. Applicant: ACTION MOTOR EXPRESS, INC., 8303 Old Gentilly Road, P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *empty tin cans*, from Harvey, La., and New Orleans, La., to points in Shreveport, La., and Little Rock, Ark., under a continuing contract with Continental Can Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 140484 (Sub-No. 6), filed August 19, 1975. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 E. Edison Avenue, Fort Myers, Fla. 33902. Applicant's representative: Clayton Geer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic liquid resin*, requiring temperature control in vehicles equipped with temperature controlled devices (except commodities in bulk), from the facilities of Clark Chemical Corp., at Blue Island, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 134443 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 140580 (Amendment), filed January 23, 1975, published in the FEDERAL REGISTER issue of February 20, 1975, republished as amended this issue. Applicant: EARL HAINES, INC., P.O. Box 841, Winchester, Va. 22601. Applicant's representative: Bill R. Davis, 2814 New Spring Rd., Suite 101, Emerson Center, Atlanta, Ga. 30339. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic and rubber commodities, shoe components, tags, and adhesives*, from Winchester, Va., to points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia; and (2) *materials and supplies* used in the manufacture, processing, sale, and distribution of the commodities named in (1) above, from points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and West Virginia, to Winchester, W. Va., under a continuing contract or contracts with the O'Sullivan Corp.

NOTE.—The purpose of this republication is to amend the requested authority in this proceeding. Applicant holds common carrier authority in MC 128290 and Subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140785, filed March 26, 1975. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Road North, Wyomissing, Pa. 19610. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machine parts; commodities*, which because of size or weight require the use of special

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equipment; and *general commodities* (except Class A and B explosives, household goods as defined by the Commission, articles of unusual value and commodities in bulk), when moving in the same vehicle and at the same time with commodities the transportation of which, because of size or weight, require the use of special equipment, when moving in mixed loads on a single bill of lading from a single consignor, from the plantsites and storage facilities of The H. J. Hosea & Sons Company, at or near Newport and Wilder, Ky., to Wilmington, Del.; Chicago, Ill.; Baltimore, Md.; Boston, Mass.; Buffalo and New York, N.Y.; Cleveland and Toledo, Ohio; Philadelphia, Pa.; Norfolk, Va.; and points in New Jersey, under contract with The H. J. Hosea & Sons Company.

NOTE.—Applicant holds common carrier authority in MC 115703 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 140858 (Sub-No. 2), filed August 14, 1975. Applicant: SOS TRANSPORT, INC., Lawrence Street and Pattison Ave., Philadelphia, Pa. 19148. Applicant's representative: Richard M. Ochroch, 327 South 17th Street, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Popcorn, caramel corn, corn chips, corn-O's, and bakery products* (except liquid commodities in bulk, in tank vehicles), between Philadelphia, Pa., on the one hand, and, on the other, Tampa, Pompano Beach, Miami, Jacksonville, and Hialeah, Fla.; New Orleans, La.; Atlanta, Ga.; Greenville, S.C.; Raleigh and Charlotte, N.C.; Louisville, Ky.; Richmond and Norfolk, Va.; Syracuse, Rochester, Buffalo, Waverly, and Waterford, N.Y.; Cleveland, Ohio; Indianapolis, Ind.; Oakland, Ill.; Warren, Grand Rapids, Detroit, Ferndale, and Plymouth, Mich., under a continuing contract or contracts with Y & Y Snacks, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., Baltimore, Md., or Washington, D.C.

No. MC 140909 (Sub-No. 2) (Amendment), filed May 28, 1975, published in the FEDERAL REGISTER issue of July 3, 1975, and republished as amended this issue. Applicant: F. T. WILLIAMS COMPANY, INCORPORATED, 3009 Rozzels Ferry Road, Charlotte, N.C. 28208. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, and manufactured sand*, from the plantsite and facilities of Martin-Marietta Aggregates, Division of Martin-Marietta Corporation, in Mecklenburg County, N.C., to points in Chester, Lancaster, and York Counties, S.C., under a continuing contract or contracts with Martin-Marietta Aggregates, Division of Martin-Marietta Corporation.

NOTE.—The purpose of this republication is to (1) change the docket number from MC 141041 to MC 140909 (Sub-No. 2); (2) change the applicant's representatives name and (3) to broaden the commodity and territorial description of this proceeding. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 141109, filed June 23, 1975. Applicant: BINGHAM TRUCKING CORPORATION, P.O. Box 466, Booneville, Miss. 38829. Applicant's representative: Thomas D. Keenum, Sr., P.O. Box 422, Booneville, Miss. 38829. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Jackets, pants, piece goods* and any other *garments* manufactured by the company, from Booneville, Miss., to Shelbyville, Tenn.; Winnsboro, La., points in North Carolina, South Carolina; Trion, Ga.; New York; Lawrence, Mass.; Del Rio, Tex.; and Chicago, Ill., under a continuing contract or contracts with Stahl-Urban Company; and (2) *lumber, celotex, cork, complete finished products* such as: blackboards, bulletin boards, trays, and easels and such materials as used in manufacturing thereof and other manufacturing *products* that might develop, between Booneville, Miss.; New Orleans, La.; Chicago, Ill.; Cincinnati, Ohio; Whippany, N.J.; points in Pennsylvania; Searcy, Ark.; and Memphis, Tenn., under a continuing contract or contracts with Colleague, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 141137 (Sub-No. 2), filed August 18, 1975. Applicant: R & R TRUCKING COMPANY, INC., P.O. Box 292, Grandville, Mich. 49418. Applicant's representative: Peter W. Steketee, 950 Union Bank Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is marketed by home products distributors, including return of empty containers, pallets, similar shipping devices, and damaged, rejected, or returned goods*, between Ada, Mich., on the one hand, and, on the other, Santa Ana, Los Angeles, Buena Park, and Torrance, Calif., and Portland, Oreg., under contract with Amway Corporation, at Ada, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Grand Rapids or Lansing, Mich.

No. MC 141243 (Sub-No. 1), filed August 15, 1975. Applicant: JAYMAR TRUCKING CORP., 348 Ocean Avenue, Jersey City, N.J. 07305. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, lighting fixtures, wire, tungsten, light bulbs, and material and supplies* used in the manufacture of lighting equipment and fixtures, between the plantsites of Lightolier, Inc., or its subsidiaries at Jersey City and Kearny, N.J.; Fall River, Mass.; and Elgin, Ill., and points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, under a continuing contract or contracts with Lightolier, Inc., and its wholly owned subsidiary, Aluminum Processing Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

No. MC 141250, filed August 18, 1975. Applicant: CHARLTON TRANSPORT (QUEBEC) LIMITED, 458 22nd Ave., Blainville, Quebec, Canada. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as defined by the Commission in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *parts and accessories thereof*, moving at the same time and with the vehicle of which they are a part, and on which they are to be installed, in truckaway and driveaway service, in initial and secondary movements, between points in the Province of Quebec, Canada, on the one hand, and, on the other, Champlain and Rouses Point, N.Y., and Derby line, Vt., through ports of entry on the International Boundary line between the United States and Canada, located at points in New York and Vermont, under a continuing contract with General Motors Corporation.

NOTE.—Applicant seeks by this application to convert its certificate in MC 127636, into a contract permit. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

PASSENGER APPLICATIONS

No. MC 118848 (Sub-No. 19) (Correction), July 18, 1975, published in the FEDERAL REGISTER issue of August 28, 1975, republished as corrected this issue. Applicant: DOMENICO BUS SERVICE, INC., 75 New Hook Access Road, Bayonne, N.J. 07002. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip special operations, during the authorized racing season, beginning and ending at Jersey City and Bayonne, N.J., and extending to Monmouth Park Race Track, located at Oceanport, N.J., and the Garden State Race Track, located at Delaware Township, N.J., operations will be conducted by the Bayonne Bridge, the Borough of Staten Island, N.Y., and the Outerbridge Crossing.

NOTE.—The purpose of this republication is to correct the requested authority of this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Bayonne, N.J.

No. MC 136614 (Sub-No. 2), filed August 14, 1975. Applicant: DIVERSIFIED TRANSPORTATION LTD., 2422 9th Avenue SE., Calgary, Alberta, Canada T 260V7. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, between ports of entry on the International Boundary line between the United States and Canada, located in Washington, Montana, North Dakota, Minnesota, Wisconsin, Michigan, New York, and Maine, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia, restricted to the conduct of charter operations originating and terminating within the Province of Alberta.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Great Falls, Mont., or Salt Lake City, Utah.

BROKER APPLICATIONS

No. MC 130335, filed August 11, 1975. Applicant: BARRINGTON TRAVEL GROUP ASSOCIATION, 610 White Horse Pike, Oaklyn, N.J. 08107. Applicant's representative: Doris Valleley (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Oaklyn, N.J., to sell or offer to sell the transportation of *passengers* as individuals and in groups, *and their baggage* in the same vehicle with passengers, in special and charter operations, by motor common carrier, from points in Camden, N.J., to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Newark, N.J.

No. MC 130302 (Amendment) filed February 24, 1975, published in the FR issue of May 29, 1975, republished as amended this issue. Applicant: EASTERN SKI TOURS, INC., 1700 Walnut Street, Philadelphia, Pa. 19103. Applicant's representative: M. Mark Mendel, 1620 Locust Street, Philadelphia, Pa. 19103. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker*, at Philadelphia, Pa., to sell or offer to sell the transportation of *passengers* as individuals and in groups, in special and charter all-expense package seasonal operation, between November 1 and April 30 inclusive, by motor carrier, beginning and ending at points in Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Putnam, Queens, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming, and Yates Counties, N.Y., and points in New Jersey, Pennsylvania and Delaware, and Accomack, Albermarle, Alleghany, Amelia, Amherst, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Giles, Gloucester, Goochland, Grayson, Greene, Greensville, Halifax, Hanover, Henrico, Henry, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Lunenburg, Madison, Matthews, Mecklenburg, Middlesex, Montgomery, Nelson, New Kent, Northampton, Northumberland, Nottoway, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Warren, Washington, Westmoreland, Wise, Wythe and York Counties, Va., and the District of Columbia and extending to winter ski facilities located at points in Pennsylvania, New York, New Jersey, Vermont, Maryland, and portions of Virginia as named above.

NOTE.—The purpose of this republication is to amend the requested authority in this proceeding and to include Maryland in the territorial description, which was previously omitted. If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., New York, N.Y., or Camden, N.J.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-24754 Filed 9-17-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 15, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 29, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 41406 (Sub E14), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Indiana 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Iron and steel articles as are Building and construction materials (a) from points in Lake and Cook Counties, Illinois, which are on and south and east of a line commencing at Lake Michigan at Waukegan, Illinois, extending west along Illinois Highway 120 to its junction with U.S. Highway 45, thence south along U.S. Highway 83 to Des Plaines, Ill., thence south along Illinois Highway 83 to the DuPage-Cook County line, thence east and south along the DuPage-Cook County line to Illinois Highway 171, thence west along Illinois Highway 171 to the Will-Cook County line, to points in Iowa except those in Clinton, Cedar, Jackson, Jones, Linn, Dubuque, Delaware, Buchanan, Blackhawk, Clayton, Fayette, Bremer, Butler, Franklin, Chickasaw, Floyd, Cerro Gordo, Hancock, Allamakee, Winneshiek, Howard, Mitchell, Worth, Winnebago, Kossuth, Emmett, Lyon, Osceola, Clay, O'Brien, Dickenson, Palo, Alto, Humboldt, Wright, Hardin, Grundy, Tama, Benton Counties and points in Scott County north of Interstate Highway 80. (b) From points in DuPage County, Illinois, to points in Iowa except those in Allamakee, Winneshiek, Howard, Mitchell, Worth, Cerro Gordo, Floys, Chickasaw, Fayette, Clayton, Bremer, Butler, Delaware, Dubuque, Jackson, Jones, Linn, Benton, Tama, Emmet, Kossuth, Winnebago, Hancock, Palo, Alto, Wright, Cedar, and Dickenson Counties and points in Scott County north of Interstate Highway 80.

(c) From points in Kane and Kendall Counties, Ill., to points in Iowa except those in Scott, Butler, Mitchell, Cerro Gordo, Worth, Winnebago, Hancock, Franklin, Grundy, and Benton, Clinton, Cedar, Jackson, Jones, Linn, Dubuque, Delaware, Buchanan, Blackhawk, Clayton, Fayette, Allamakee, Winneshiek, Howard, Chickasaw, Floyd, and Bremer Counties. (d) From those points in LaSalle County, Ill., on and north of a line beginning at the Putnam-LaSalle County line extending east along Illinois Highway 18 to its junction with the LaSalle-Livingston County line, then east along the Livingston County line to

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the LaSalle-Grundy line, and points in Grundy County, Ill., to points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line at or near Gordonsville, Minn., and extending south and east along Shellrock River, to its confluence with Cedar River at Waterloo, Iowa, thence south and east along Cedar River to Cedar Rapids, then south along U.S. Highway 218 to its junction with U.S. Highway 34 and then east along U.S. Highway 34 to the Iowa-Illinois State line. (e) From points in Kankakee County, Ill., to points in Iowa. (f) From those points in Will County, Illinois, on and south of Interstate Highway 80, to those points in Iowa (except those in Allamakee, Clayton, Fayette, Buchanan, Delaware, Dubuque, Linn, Jones, Jackson, Cedar, Clinton, Winneshiek, Benton, and Scott Counties, Iowa. The purpose of this filing is to eliminate the gateways of the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, Illinois.

No. MC 67450 (Sub-No. E67), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Davenport and Des Moines, Iowa, to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateways of points in Illinois on and north of U.S. Highway 136 and points in Ohio.

No. MC 67450 (Sub-No. E68), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Davenport and Des Moines, Iowa, to points in North Carolina, South Carolina, and Georgia. The purpose of this filing is to eliminate the gateways of points in Illinois on and north of U.S. Highway 136 and points in Ohio.

No. MC 67450 (Sub-No. E69), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Davenport and Des Moines, Iowa, to points in Virginia. The purpose of this filing is to eliminate the gateways of points in Illinois on and north of U.S. Highway 136 and points in Ohio.

No. MC 67450 (Sub-No. E70), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank-type vehicles, from points in Oklahoma to points in Illinois on and north of U.S. Highway 460, and on east and south of Illinois Highway 2, points in Indiana, Ohio, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 67450 (Sub-No. F71), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank-type vehicles, from points in Kansas to points in Illinois on, south, and east of U.S. Highway 66 and on and north of Interstate Highway 64, and points in Indiana, Ohio, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 67450 Sub-No. E72), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank-type vehicles, from points in Oklahoma to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and points in Ohio.

No. MC 67450 (Sub-No. E73), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank-type vehicles, from points in Kansas to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and points in Ohio.

No. MC 67450 (Sub-No. E74), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Davenport and Des Moines, Iowa, to points in Illinois south of U.S. Highway 136. The purpose of this filing is to eliminate the gateway of points in Illinois on and north of U.S. Highway 136.

No. MC 67450 (Sub-No. E75) filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Davenport and Des Moines, Iowa, to points in Wisconsin north of U.S. Highway 16. The purpose of this filing is to eliminate the gateways of points in Wisconsin on and south of U.S. Highway 16.

No. MC 67450 (Sub-No. E76), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Missouri, to points in Indiana, Ohio, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 67450 (Sub-No. E77), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago. Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Missouri (except points east of U.S. Highway 67), to points in Virginia on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateways of points in Illinois and points in Ohio.

No. MC 67450 (Sub-No. E78), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago. Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Oklahoma, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC 67450 (Sub. No. E79), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago. Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank-type vehicles, from points in Kansas to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and points in Ohio.

No. MC 67450 (Sub-No. E80), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago. Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Illinois (except points north and west of U.S. Highway 66), to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Chester, Ill.

No. MC 67450 (Sub-No. E82), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Ohio to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Chester, Ill.

No. MC 67450 (Sub-No. E83), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in the Lower Peninsula of Michigan to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Chester, Ill.

No. MC 67450 (Sub-No. E84), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Pennsylvania and West Virginia, to points in Missouri on, west, and south of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 63 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, and to points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Ohio and Chester, Ill.

No. MC 67450 (Sub-No. E85), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Pennsylvania and West Virginia, to points in Missouri on, east and north of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 40 to Effingham, thence along Interstate Highway 57 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Interstate Highway 55, thence along Interstate Highway 55 to Chicago, to points in Wisconsin on, east and north of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to Eau Claire, thence along U.S. Highway 53 to the Illinois-Minnesota State line. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and points in Wisconsin (except those lying east and north of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 41 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to Grafton, thence east from Grafton to Lake Michigan, excluding points on the aforesaid highways).

No. MC 67450 (Sub-No. E86), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Pennsylvania and West Virginia, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of points in Ohio and Ft. Wayne, Ind.

No. MC 67450 (Sub-No. E87), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from points in Ohio to points in Wisconsin. The purpose of this filing is to eliminate the gateways of points in Ohio and Ft. Wayne, Ind.

No. MC 67450 (Sub-No. E88), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from points in Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind.

No. MC 67450 (Sub-No. E89), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Missouri to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateways of points in Illinois and points in Ohio.

No. MC 67450 (Sub-No. E90), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Illinois on, east and north of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to Eau Claire, thence along U.S. Highway 53 to the Illinois-Minnesota State line. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and points in Wisconsin (except those lying east and north of a line beginning at the Michigan-Wisconsin State line extending along U.S. Highway 41 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to Grafton, thence east from Grafton to Lake Michigan, excluding points on the aforesaid highways).

No. MC 67450 (Sub-No. E91), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Ligonier, Ind., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 83439 (Sub E93), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Pennington, Custer, Fall River, Shannon and Washington Counties, S. Dakota to points in Alabama, Florida, Georgia, Mississippi, New Mexico, Oklahoma, South Carolina, and Texas. The purpose of this filing is to eliminate the gateway of the facilities of the CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub-No. E73), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 N. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45 *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) between points in Oregon, on the one hand, and, on the other, points in Montana on and east of a line extending north and south through Dupuyer and Butte, Mont., North Dakota, and South Dakota; (2) between points in Washington, on the one hand, and, on the other, points in Montana on and east of a line extending north and south through Dupuyer and Butte, Mont., North Dakota, South Dakota, and Wyoming; and (3) between points in Idaho, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

No. MC 83539 (Sub-No. E74), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Rich, Summit, Wasatch, Duchesne, Daggett, and Uintah Counties), to points in Kansas (except those points on and west of U.S. Highway 283). The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corp., at Pueblo, Colo.

No. MC 83539 (Sub-No. E75), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex.

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78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Oregon to points in Missouri, restricted against traffic originating in Umatilla, Union, Wallowa, Baker, Grant, Malheur, and Harney Counties, Oreg., and destined to points in Missouri in and north of Buchanan, Clinton, Caldwell, Livingston, Linn, Macon, Shelby, and Marion Counties. The purpose of this filing is to eliminate the gateway of the facilities of CF&I Steel Corp., at Pueblo, Colo., and points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte.

No. MC 83539 (Sub-No. E76), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Utah (except those points in Rich, Summit, Wasatch, Duchesne, Daggett, and Uintah Counties), to points in Wisconsin in and west of Mayfield, Sawyer, Rusk, Chippewa, Eau Claire, Jackson, Monroe, Vernon, Richland, Iowa, and Lafayette Counties. The purpose of this filing is to eliminate the gateway of the facilities of CF&I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub-No. E77), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Utah (except points in Rich, Summit, Wasatch, Duchesne, Daggett, and Uintah Counties), to points in Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 87 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 37, thence along Interstate Highway 37 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of the facilities of CF&I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub-No. E78), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Utah (except Rich, Summit, Wasatch, Duchesne, Daggett, and Uintah Counties), to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub-No. E80), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Utah (except those points in Rich, Summit, Wasatch, Duchesne, Daggett, and Uintah), to points in Missouri south of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of the facilities of CF&I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub-No. E81), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Uath (except those points within Rich, Summit, Wasatch, Duchesne, Daggett, and Uintah Counties), to points in Arkansas (except those points north and west of Crawford, Franklin, Johnson, Pope, Newton, and Boone Counties). The purpose of this filing is to eliminate the gateway of the facilities of CF&I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub-No. E83), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Washington to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateways of points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., and the facilities of CF&I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub-No. E84), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Washington to points in Illinois south of U.S. Highway 36. The purpose of this filing is to eliminate the gateways of points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., and the facilities of CF&I Steel Corp., at Pueblo, Colo.

No. MC 83539 (Sub-No. E85), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Washington on and north of Interstate Highway 95 and Jefferson, Kitsap, and Clallam Counties to points in Indiana south of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of points in Montana on and west of a line extending north and south through Dupuyer and Butte, and the facilities of CF&I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub-No. E86), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 from points in Colorado west of Interstate Highway 25 to points in Arkansas. The purpose of this filing is to eliminate the gateway of the facilities of CF&I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub-No. E89), filed May 29, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and*

steel articles, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points in California, on the one hand, and, on the other, points in Montana (points in Utah, or Oregon, or Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.*); North Dakota, South Dakota, Wyoming, and Colorado (points in Utah*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 83539 (Sub-No. E90), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex., 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Idaho to points in Missouri south of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of points in Montana west of a line extending north and south through Dupuyer and Butte, and the facilities of CF&I Steel Corp., at Pueblo, Colo.

No. MC 83539 (Sub S93), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Idaho to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateways of points in Montana west of a line running north and south through Dupuyer and Butte, and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub-No. E94), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex., 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Montana, west of Glacier, Pondera, Teton, Louis and Clark, Broadwater, and Gallatin Counties to points south of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 54 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35. The purpose of this filing is to eliminate the gateways of points in Montana on and west of a line running north and south through Dupuyer and Butte, and the facilities of CF&I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub No. E97), filed June 3, 1975. Applicant: C & M TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Idaho to points in Indiana south of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of points in Montana west of a line extending north and south through Dupuyer and Butte, and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E100), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in North Dakota to points in Texas (except points in and east of the counties of Hansford, Hutchinson, Carson, Armstrong, Briscoe, Floyd, Crosby, Garza, Scurry, Mitchell, Sterling Irion, Schleicher, Sutton, Edwards, Kinney, Maverick, Webb, Zapata, Starr, Hidalgo and Cameron). The purpose of this filing is to eliminate the gateway of the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E101), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) from points in Polk, Yamhill, Tillamook, Washington, Multnomah, Columbia and Clatsop Counties, Oregon to points in Kansas on and west of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 54 to junction U.S. Highway 283 to junction U.S. Highway 156 to junction Interstate Highway 70 to junction U.S. Highway 81 to the Nebraska-Kansas State line; and (2) from points in Oregon on and west of U.S. Highway 97 to points in Kansas on and east of U.S. Highway 75. The purpose of this filing is to eliminate the gateways of points in Montana west of a line extending north and south through Dupuyer and Butte, and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub-No. E102), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Montana, except those points in and east of the counties of Glacier, Pondera, Teton, Lewis and Clark, Broadwater and Gallatin, to points in Indiana, north of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of the facilities of the CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub-No. E103), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Oregon to points in Louisiana, Mississippi and Tennessee. The purpose of this filing is to eliminate the gateways of points in Montana west of a line extending north and south through Dupuyer and Butte, and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub. E104), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the State of Montana, except those points in and east of the counties of Glacier, Pondera, Titon, Louis, and Clark, Broadwater, Gallupan, to points in Missouri south of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of the facilities of the CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E105), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel ar-*

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ticles, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Montana, except those in and east of Glacier, Pondera, Teton, Louis and Clark, Broadwater and Gallupan Counties, to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E107), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates* 61 M.C.C. from points in Oregon to points in Alabama, Georgia, Florida, South Carolina and North Carolina. The purpose of this filing is to eliminate the gateway of points in Montana west of a line extending north and south through Dupuyer and Butte and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E108), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) from points in California (except those in San Bernadino and Riverside and Imperial Counties) to points in Arkansas (except points in Sebastian County and those in and south of Sevier, Howard, Pike, Clark, Dallas, Cleveland, Lincoln and Desha Counties) and (2) from Riverside and San Bernadino, Calif., to points in Arkansas (except points in Sebastian County, and those in and south of Sevier, Howard, Pike, Clark, Dallas, Cleveland, Lincoln, and Desha Counties). The purpose of this filing is to eliminate the gateways of points in Utah and the facilities of the CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E109), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's represenative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Washington to points in New Mexico east of Interstate Highway 25. The purpose of this filing is to eliminate the gateway of points in Montana west of a line extending north and south through Dupuyer and Butte, and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E110), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in appendix V to the report of the Commission in Ex Parte No. 45, Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Oregon (except those located in Wallowa, Union, Baker and Malheur Counties) to points in Indiana. The purpose of this filing is to eliminate the gateways of points west of a line extending through Dupuyer and Butte and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub-No. E113), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Larimer, Boulder, Gilpin, Jefferson, Douglas, Teller, El Paso, Pueblo, and Denver Counties, Colo. to points in Texas. The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corporation, at Pueblo, Colo.

No. MC 83539 (Sub-No. E114), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209; (1) from points in California (except points in San Bernardino, Riverside, and Imperial Counties), to points in Oklahoma east of U.S. Highway 177; (2) from points in California (except points in San Bernardino, Riverside, and Imperial Counties), to points in Oklahoma, north of Interstate Highway way 40 or east of Interstate Highway 35; and (3) from Riverside and San Bernardino, Calif., to points in Oklahoma north of Interstate Highway 40 or east of Interstate Highway 35. The purpose of this filing is to eliminate the gateways of points in Utah and the facilities of CF&I Steel Corp., in Pueblo, Colo.

No. MC 83539 (Sub-No. E115), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Washington to points in Arkansas. The purpose of this filing is to eliminate the gateways of points in Montana west of a line extending north and south through Dupuyer and Butte, and the facilities of CF&I Steel Corp., at Pueblo, Colo.

No. MC-83539 (Sub-No. E117), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 5000 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Larimer, Boulder, Gilpin, Jefferson, Douglas, Teller, El Paso, Pueblo, and Denver Counties, Colo. to points in Texas. The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corporation, at Pueblo, Colo.

No. MC 83539 (Sub-No. E118), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in South Dakota to points in Carson County, Nev. The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corporation, at Pueblo, Colo.

No. MC 83539 (Sub-No. E119), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Colorado to points in Virginia. The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corporation, in Pueblo, Colo.

No. MC 83539 (Sub-No. E120), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976. Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Wyoming to points in Virginia. The purpose of this filing is to eliminate the gateway of the facilities of CF & I Steel Corporation, at Pueblo, Colo.

No. MC 83539 (Sub-No. E121), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in North Dakota (except those points in and east of Burke, Mountrail, McLean, Mercer, Morton, Grant, and Sioux Counties), to points in Mississippi south of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of the CF & I Steel Corporation at Pueblo, Colo.

No. MC 83539 (Sub-No. E122), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, P.O. Box 1945, 500 W. Sixteenth St., Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in North Dakota on and east of U.S. Highway 83 to points in Louisiana in and south of Vernon, Rapides, Avoyelles, and Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, and Washington Parishes. The purpose of this filing is to eliminate the gateway of the facilities of CF&I Steel Corporation, at Pueblo, Colo.

No. MC 83539 (Sub-No. E123), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Wyoming to points in and south of Platte, Clay, Ray, Carroll, Chariton, Randolph, Monroe, and Ralls Counties, Mo. The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corporation at Pueblo, Colo.

No. MC 83539 (Sub-No. E124), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Wyoming to points in Kansas east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 75 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of the facilities of the C F & I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub-No. E125,) filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Laramie County, Wyo., to points in Illinois south of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of the facilities of the C F & I Steel Corp., at Pueblo, Colo.

No. MC 83539 (Sub-No. E129), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in and east of Valley, Garfield, Rosebud, Treasure, and Big Horn Counties), to points in North Carolina. The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub-No. E130), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Oregon to points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Montana west of a line extending north and south through Dupuyer and Butte and the facilities of CF&I Steel Corp. at Pueblo, Colo.

No. MC 83539 (Sub-No. E135), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209, from points in Colorado on and east of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 13 to junction U.S. Highway 6, thence along U.S. Highway 6 to Glenwood Springs, thence along U.S. Highway 24 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-Kansas State line to points in New Mexico on and east of Interstate Highway 25. The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corporation at Pueblo, Colo.

No. MC 83539 (Sub-No. E136), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Montana (except those points in and east of Glacier, Pondera, Teton, Lewis and Clark, Broadwater, and Gallatin Counties), to points in Arkansas. The purpose of this filing is to eliminate the gateway of the facilities of CF&I Steel Corporation, at Pueblo, Colo.

No. MC 83539 (Sub-No. E137), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Montana (except points in and east of Glacier, Pondera, Teton, Lewis and Clark, Broadwater, and Gallatin Counties), to points in Tennessee. The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corporation, at Pueblo, Colo.

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No. MC 83539 (Sub-No. E138), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., N.W., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Montana to points in New Mexico east of Interstate Highway 25. The purpose of this filing is to eliminate the gateway of CF&I Steel Corporation, at Pueblo, Colo.

No. MC 83539 (Sub-No. E140), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Oregon to points in Texas on and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 87 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction U.S. Highway 90, thence along U.S. Highway 90 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of points in Montana west of a line extending north and south through Dupuyer and Butte and the facilities of the CF&I Steel Corporation, at Pueblo, Colo.

No. MC 83539 (Sub-No. E143), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Description in Motor Carrier Certificates*, 61 M.C.C. 209, from points in North Dakota to points in New Mexico west of Interstate Highway 25. The purpose of this filing is to eliminate the gateway of the facilities of CF&I Steel Corp., at Pueblo, Colo.

No. MC 83539 (Sub-No. E146), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Wyoming to points in Indiana south of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corp., at Pueblo, Colo.

No. MC 83539 (Sub-No. E147), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Wyoming to points in Missouri south of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of the facilities of the CF&I Steel Corporation, at Pueblo, Colo.

No. MC 83539 (Sub-No, E149), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Pennington, Custer, Fall River, Washington, and Shannon Counties, S. Dak., to points in Arkansas (except points in and north of Scott, Yell, Perry, Faulkner, White, Woodruff, St. Francis, and Crittenden Counties). The purpose of this filing is to eliminate the gateway of the facilities of CF & I Steel Corp., at Pueblo, Colo.

No. MC 83539 (Sub-No. E150), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., PO Box 5976, Dallas, Tex. 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., PO Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in South Dakota (except points in and east of Corson, Ziebach, Haakon, Jackson, Washabaugh, and Bennett Counties), to points in Louisiana. The purpose of this filing is to eliminate the gateway of the facilities of the CF & I Steel Corporation at Pueblo, Colo.

No. MC 99427 (Sub-No. E1) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER March 17, 1975. Applicant: ARIZONA TANK LINES, INC., P.O. Box 6910, Phoenix, Ariz. 85005. Applicant's representative: Sheldon Silverman, Suite 550 Federal Bar Building West, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (8) *Sulfuric acid*, in bulk, in tank vehicles, from points in Maricopa, Pima, Pinal, Gila, Santa Cruz, Greenlee, Graham and Cochise Counties, Ariz., to points in California. The purpose of this filing is to eliminate the gateways of Ajo, Douglas, Hayden and Morenci, Ariz. The purpose of this correction is to reflect (8) above which was inadvertently omitted from previous publication.

No. MC 99427 (Sub-No. E2) filed June 3, 1974. Applicant: ARIZONA TANK LINES, INC., P.O. Box 6910, Phoenix, Ariz. 85005. Applicant's representative: Sheldon Silverman, Suite 550 Federal Bar Building West 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except asphalt, residual fuel oil, and liquified petroleum gases) which are included in the petroleum and petroleum products list described in Appendix XIII to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, between points in Valencia, Catron, Bernalillo and Sandoval Counties, N. Mex., on the one hand, and, on the other, points in those parts of Conejos and Rio Grande Counties, Colo., east of U.S. Highway 285. The purpose of this filing is to eliminate the gateway of Rio Arriba County, N. Mex.

No. MC 99427 (Sub-No. E3), filed June 3, 1974. Applicant: ARIZONA TANK LINES, INC., P.O. Box 6910, Phoenix, Ariz. 85005. Applicant's representative: Sheldon Silverman, Suite 550 Federal Bar Building West, 1819 H Street, NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from points in Yuma County, Ariz., to points in that part of California on, north or west of a line beginning at the California-Nevada State line extending along Interstate Highway 80 to junction California Highway 16, thence along California Highway 16 to junction California Highway 99, thence along California Highway 99 to junction California Highway 113, thence along California Highway 113 to junction California Highway 128, thence along California Highway 128 to junction California Highway 121, thence along California Highway 121 to junction California Highway 37, thence along California Highway 37 to junction US Highway 101, thence along US Highway 101 to junction California unnumbered highway at Novato, thence along unnumbered highway to Pt. Reyes, Calif., and the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Ajo, Ariz.

No. MC 99427 (Sub-No. E4), filed June 3, 1974. Applicant: ARIZONA TANK LINES, INC., P.O. Box 6910, Phoenix, Ariz. 85005. Applicant's representative: Sheldon Silverman, Suite 550 Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except asphalt, residual fuel oil, and liquified petroleum gases) which are included in the petroleum and petroleum products list described in Appendix XIII to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, between points in that part of Utah on, south and east of a line beginning at the Utah-Arizona State line extending along US Highway 89 to junction US Highway 50, thence along US Highway 50 to the Utah-Colorado State line, on the one hand, and, on the other, points in those parts of Conejos and Rio Grande Counties, Colo., east of US Highway 285. The purpose of this filing is to eliminate the gateway of Archuleta County, Colo.

No. MC 102616 (Sub E114), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *dry plastics*, restricted to petroleum products, in bulk, in tank vehicles, from Princeton, Ind., to Fairfield, Iowa, and points in Missouri on and west of U.S. Highway 65 and on and north of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of Illiopolis, Illinois.

No. MC 102616 (Sub E192), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky on, south and east of a line beginning at the Kentucky-Ohio State line and extending along Kentucky Highway 2 to junction Interstate Highway 64, to junction U.S. Highway 25, to the Kentucky-Tennessee State line, to points in Ohio on and north of U.S. Highway 30 and on and east of Ohio Highway 21. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, West Virginia.

No. MC 102616 (Sub E194), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Kentucky on, south and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction U.S. Highway 41, to junction U.S. Highway 35, to junction Ohio Highway 160, to the Ohio-West Virginia State line, and points in Indiana on, south and west of a line beginning at Lake Michigan and extending along U.S. Highway 20 to junction U.S. Highway 35 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of South Charleston or Institute and Nitro, West Virginia.

No. MC 102616 (Sub E231), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Ohio on, south and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 and on and east of U.S. Highway 31, to junction Ohio Highway 18, to the Ohio-Michigan State line, and points in Indiana on, south and west of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 4 to junction U.S. Highway 31, to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Monroe, Mich.

No. MC 102616 (Sub E204), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, (A) from points in Ohio on and north of U.S. Highways 30 and 30S to points in North Carolina on and east of U.S. Highway 258. (B) from points in Ohio on and north of U.S. Highway 40 and on and south of U.S. Highway 30N to points in Vermont. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Congo, W. Va.

No. MC 102616 (Sub E211), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319, Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey to points in Kentucky, points in Ohio on, south and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction U.S. Highway 41, to junction U.S. Highway 35, to junction Ohio Highway 160, to the Ohio-West Virginia State line, and points in Indiana on, south and west of a line beginning at Lake Michigan and extending along U.S. Highway 20 to junction U.S. Highway 35 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of South Charleston or Institute and Nitro, West Virginia.

No. MC 102616 (Sub E232), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid glue and synthetic resin*, without filler, in bulk, in tank vehicles, (A) from points in New Jersey to points in North Carolina, South Carolina, Virginia, and West Virginia, (B) from points in New Jersey on, south and west of New Jersey Highway 47 to points in New York on, north and west of a line beginning at the New York-Vermont State line and extending along New York Highway 7 to junction U.S. Highway 11 to the New York-Pennsylvania State line, (C) from points in New Jersey on and south of U.S. Highway 30 to points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to junction U.S. Highway 15 to the Maryland-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Wilmington, Delaware.

No. MC 102616 (Sub E249), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, (A) from points in North Carolina on and east of U.S. Highway 21, to points in Illinois on and north of Illinois Highway 15, points in Indiana, Ohio and Kansas. (B) from points in North Carolina on and west of North Carolina Highway 58 to points in Brooke and Hancock Counties, West Virginia. (C) from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 401 to junction U.S. Highway 301 to the North Carolina-South Carolina State line, to points in Kentucky west of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, West Virginia.

No. MC 102616 (Sub E250), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, (A) from points in North Carolina on and east of U.S. Highway 21 to points in Iowa, points in Missouri on and north of U.S. Highway 66, and points in New Mexico on and east of U.S. Highway 85 and on and north of U.S. Highway 60. (B) from points in North Carolina on and east of U.S. Highway 25 to points in Colorado on and east of U.S. Highway 85, and points in Nebraska. (C) from points in North Carolina to those points in North Dakota, South Dakota and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, West Virginia and Marshall, Illinois or points within 5 miles thereof.

No. MC 102616 (Sub E251), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

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routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, (A) from points in North Carolina on and east of U.S. Highway 21, to points in Iowa. (B) from points in North Carolina to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, West Virginia and Chicago, Illinois.

No. MC 102616 (Sub E253), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: liquid chemicals, in bulk, in tank vehicles, (A) from points in North Carolina on and east of U.S. Highway 258 to points in California on and north of Interstate Highway 15 and on and west of California Highway 91. (B) from points in North Carolina on and east of U.S. Highway 21 to points in Idaho, Montana, Nevada, and those points in North Dakota and South Dakota west of U.S. Highway 85. (C) from points in North Carolina to points in Oregon and Washington. (D) from points in North Carolina on and east of U.S. Highway 220 to points in Wyoming west of U.S. Highway 85. (E) from points in North Carolina on and east of Interstate Highway 95 to points in Utah, and points in Colorado on, north and west of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 40 to junction U.S. Highway 34, to junction U.S. Highway 85 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateways of South Charleston or Institute, W. Va., the Allied Chemical Co. plantsites near Moundsville, W. Va. and Midland, Mich.

No. MC 102616 (Sub E257), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: liquid chemicals, in bulk, in tank vehicles, (A) from points in Trumbull County, Ohio, on and east of Ohio Highway 45, to points in Indiana on and south of a line beginning at the Indiana-Kentucky State line and extending along Indiana Highway 256 to junction Indiana Highway 39, to junction U.S. Highway 50 to the Illinois-Indiana State line. (B) from points in Mahoning County, Ohio, on and east of Ohio Highway 45 to points in Indiana on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 50 to junction Indiana Highway 7, to junction Indiana Highway 46 to junction Indiana Highway 45, to junction Indiana Highway 54, to junction Indiana Highway 67 to the Indiana-Illinois State line. (C) from points in Stark County, Ohio, to points in Iowa on, south and west of a line beginning at the Iowa-Missouri State line and extending along Iowa Highway 149 to junction Iowa Highway 5, to junction Iowa Highway 2, to junction U.S. Highway 69, to junction U.S. Highway 34, to junction U.S. Highway 71, to junction Iowa Highway 414, to junction U.S. Highway 6 to the Iowa-Nebraska State line.

(D) From points in Trumbull County, Ohio, on, south and east of a line beginning at the Pennsylvania-Ohio State line and extending along Ohio Highway 305 to junction Ohio Highway 5, to junction Ohio Highway 45 to the Trumbull-Mahoning County line, and from points in Mahoning County, Ohio, on and east of Ohio Highway 11 to points in Iowa on and south of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction U.S. Highway 63, to junction Iowa Highway 163, to junction Interstate Highway 80 to the Iowa-Nebraska State line. (E) from points in Cuyahoga County, Ohio, on and east of U.S. Highway 21, to points in Missouri on and south and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 40 to junction Missouri Highway 291, to junction U.S. Highway 50, to junction U.S. Highway 54, to junction Missouri Highway 17, to junction U.S. Highway 66, to junction Missouri Highway 5, to junction U.S. Highway 60, to junction U.S. Highway 63, to junction Missouri Highway 17 to the Arkansas-Missouri State line. (F) from points in Summit County, Ohio to points in Missouri on and south of a line beginning at the Illinois-Missouri State line and extending along Interstate Highway 70 to junction U.S. Highway 63 to the Arkansas-Missouri State line. (G) from points in Stark County, Ohio to points in Missouri on and south of U.S. Highway 36. (H) from points in Mahoning and Trumbull Counties, Ohio to points in Missouri. The purpose of this filing is to eliminate the gateway of the Allied Chemical plantsites near Moundsville, West Virginia.

No. MC 102616 (Sub E262), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Cuyahoga County, Ohio, on and east of U.S. Highway 21, to points in Michigan on and west of U.S. Highway 31, and points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio and Chicago, Illinois.

No. MC 102616 (Sub E266), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from Toledo, Ohio to points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line and extending along Tennessee Highway 22 to junction Tennessee Highway 89, to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the UBS Chemical Co. plantsite at Lemont, Illinois.

No. MC 102616 (Sub E272), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: liquid chemicals, in bulk, in tank vehicles, (A) from points in Mahoning, Summit, Stark and Trumbull Counties, Ohio, to points in Nebraska, Oklahoma, Texas (except Harris County), points in Colorado, Wyoming and New Mexico which are on and east of U.S. Highway 85, and points in South Dakota on and east of a line beginning at the South Dakota-Nebraska State line and extending along South Dakota Highway 71 to junction U.S. Highway 385, to junction U.S. Highway 16, to junction Interstate Highway 90, to junction South Dakota Highway 34, to junction U.S. Highway 85 to the South Dakota-Wyoming State line. (B) from points in Cuyahoga County, Ohio, to points in Oklahoma, Texas (except Harris County), points in Colorado and New Mexico on and east of U.S. Highway 85, points in Wyoming on and east of U.S. Highway 85 and on and south of U.S. Highway 26, and points in Nebraska on and west of Nebraska Highway 71 and U.S. Highway 26. The purpose of this filing is to eliminate the gateway of Akron, Ohio, Kalamazoo, Michigan and Marshall, Illinois or points within 5 miles thereof.

No. MC 102616 (Sub E273), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Mahoning, Summit, Cuyahoga, Stark, and Trumbull Counties, Ohio, to points in Wisconsin, Iowa, and Minnesota. The purpose of this filing is to eliminate the gateway of Akron, Ohio, and Chicago, Illinois.

No. MC 102616 (Sub E274), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, (A) from points in Michigan on and west of U.S. Highways 37 and 131. (B) From points in Mahoning, Summit, Stark, and Trumbull Counties, Ohio, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Akron, Ohio, and Ft. Wayne, Indiana.

No. MC 102616 (Sub E276), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, (A) from points in Cuyahoga, Stark, and Summit Counties, Ohio, to points in Maryland on and east of U.S. Highway 1, and points in Delaware. (B) From points in Hamilton County, Ohio, to points in New York. (C) From points in Cuyahoga County, on and west of U.S. Highway 1, to points in Pennsylvania on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 to junction U.S. Highway 15 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of the Allied Chemical Co. plantsites near Moundsville, West Virginia.

No. MC 102616 (Sub E277), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: liquid chemicals, in bulk, in tank vehicles, (A) from points in Cuyahoga and Summit Counties, Ohio, to points in Virginia on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 501 to junction Virginia Highway 39 to the West Virginia-Virginia State line, and points in North Carolina. (B) From points in Mahoning County, Ohio, to points in Virginia on and west of U.S. Highway 501 and on and south of U.S. Highway 460, and points in North Carolina on and west of U.S. Highway 1. (C) From points in Stark County, Ohio, to points in Virginia on and west of U.S. Highway 501 and on and south of Route 39, and points in North Carolina on and west of U.S. Highway 301. (D) From points in Trumbull County, Ohio, to points in Virginia on and west of U.S. Highway 501 and on and south of U.S. Highway 64, and points in North Carolina on and west of U.S. Highway 30. (E) From points in Hamilton County, Ohio, to points in Virginia on and east of U.S. Highway 52, and points in North Carolina on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, West Virginia.

No. MC 102616 (Sub E285), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio, 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Ohio on and south of Ohio Highway 62 and on and east of Ohio Highway 800, to points in Kentucky on and south of a line beginning at West Virginia-Kentucky State line and extending along U.S. Highway 64 to junction U.S. Highway 62 to the Kentucky-Illinois State line. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, West Virginia.

No. MC 102616 (Sub E289), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio, 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, in bulk, in tank vehicles, from Toledo, Ohio, to points in Illinois on and south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Princeton, Indiana, or points within 5 miles thereof.

No. MC 102616 (Sub E291), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil* (except animal and vegetable oil), in bulk, in tank vehicles, from Cleveland and Lima, Ohio, to points in Illinois on and south of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Princeton, Indiana, or points within 5 miles thereof.

No. MC 102616 (Sub E304), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, (A) from points in Ohio on and north of U.S. Highways 30 and 30–S to points in North Carolina on and east of U.S. Highway 258. (B) From points in Ohio on and north of U.S. Highway 40 and on and south of U.S. Highway 30N to points in Vermont. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa., and Congo, W. Va.

No. MC 102616 (Sub E305), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *dry plastics*, in bulk, in tank vehicles, from points in Ohio, (a) in the commercial zones of Cincinnati and Dayton. (b) Westwood, Fairmount, Cumminsville, St. Bernard, Avondale, Norwood, Oakley, Linwood, and Sedansville, Ohio. (c) On a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 52 to Cincinnati. (d) On a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 27 to junction Ohio Highway 73. (i) To junction U.S. Highway 127 to Cincinnati; and (ii) to junction Ohio Highway 4, to junction U.S. Highway 127 to Middletown. (e) On a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 35 to junction U.S. Highway 127 to Cincinnati. (f) On a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, to junction U.S. Highway 25 to Cincinnati. (g) On a line beginning at junction U.S. Highway 25 and Ohio Highway 4 and extending along Ohio Highway 4 to junction U.S. Highway 127 to Cincinnati. (h) On a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Ohio Highway 49 to Dayton, to points in Nebraska on and north of U.S. Highway 6. The purpose of this filing is to eliminate the gateways of Kalamazoo, Michigan, and the Foster Grant plantsite at Peru, Illinois.

No. MC 102616 (Sub-No. E307), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles; (a) from points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Pennsylvania State line, to points in Illinois on and south of U.S. Highway 40 and Illinois Highway 140; (b) from points in Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties, Pa., to points in Illinois; (c) from points in Pennsylvania on, south, and east of a line beginning at the New Jersey-Pennsylvania State line and extending along U.S. Highway 22 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line to points in Indiana on, south, and west of U.S. Highways 40 and 31; (d) from points in Pennsylvania to points in Kansas, points in Kentucky on and south of Interstate Highway 64, points in Tennessee west of U.S. Highway 27 and points in Kanawha County, W. Va.; and (e) from points in Pennsylvania on and west of U.S. Highway 19 to points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S Highway 220 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va.

No. MC 102616 (Sub-No. E314), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles; (a)

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from points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties, Pa., to points in Missouri, Illinois, and Iowa; (b) from points in Allegheny, Beaver, and Butler Counties, Pa., to points in Indiana on and south of Indiana Highway 22; (c) from points in Fayette County, Pa., to points in Indiana on, south, and west of a line beginning at the Indiana-Illinois State line and extending along Indiana Highway 32 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line; (d) from points in Cambria and McKean Counties, Pa., to points in Indiana; (e) from points in Beaver, Butler, and McKean Counties, Pa., to points in Michigan on and north of Michigan Highway 32; (f) from points in Allegheny and Fayette Counties, Pa., to points in Michigan on and north of Michigan Highway 46; and (g) from points in Cambria County, Pa., to points in Michigan on and north of U.S. Highway 12. The purpose of this filing is to eliminate the gateway of the Allied Chemical Co., plant sites near Moundsville, W. Va.

No. MC 102616 (Sub-No. E315), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties, Pa., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, Texas (except Harris County), and those points in Colorado, New Mexico, North Dakota, and South Dakota on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of the Allied Chemical Co., plant sites near Moundsville, W. Va., and Marshall, Ill., or points within five miles thereof.

No. MC 102616 (Sub-No. E323), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles; (a) from Duncansville and Mt. Union, Pa., to points in Delaware and points in Connecticut (except south of Connecticut Highway 4 and east of Connecticut Highway 8); (b) from Duncansville, Mount Union, and York, Pa., and points within ten miles of each, to points in Rhode Island; and (c) from Mechanicsburg and York, Pa., to points in Delaware on and south of Delaware Highways 404 and 18. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E324), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Duncansville, Mount Union, Mechanicsburg, York, and Lancaster, Pa., and points within ten miles of each, to points in the District of Columbia and Massachusetts. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E343), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid asphalt), in bulk, in tank vehicles; (a) from Duncansville, Pa., to points in Virginia on and east of a line beginning at the Virginia-Maryland State line and extending along U.S. Highway 1 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 15, thence along U.S. highway 15 to the Virginia-North Carolina State line; (b) from Mt. Union, Pa., to points in Virginia on, south, and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 501 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 258, thence along U.S. Highway 258 to the Chesapeake Bay; and (c) from Mechanicsburg, York, and Lancaster, Pa., to points in Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along Virginia Highway 259 to junction Virginia Highway 42, thence along Virginia Highway 42 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E344), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Liquid glue, liquid synthetic resin, without filler, in bulk, in tank vehicles; (a) from points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Pennsylvania State line, to points in South Carolina; (b) from points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction U.S. Highway 222, thence along U.S. Highway 222 to the Pennsylvania-Maryland State line to points in North Carolina; and (c) from points in Bucks, Philadelphia, Chester, Montgomery, and Delaware Counties, Pa., to points in West Virginia on and south of U.S. Highway 33, and points in Virginia east of U.S. Highway 220 and south of U.S. Highway 50 and Virginia Highway 7. The purpose of this filing is to eliminate the gateway of Wilmington, Del.

No. MC 102616 (Sub-No. E345), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue, liquid synthetic resin*, without filler, in bulk, in tank vehicles, from points in Bucks, Philadelphia, Chester, Delaware, and Montgomery Counties, Pa., to points in Michigan on and north of U.S. Highway 12. The purpose of this filing is to eliminate the gateways of Wilmington, Del., and the Allied Chemical plant sites near Moundsville, W. Va.

No. MC 102616 (Sub-No. E366), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles; (a) from points in McKean County, Pa., to points in West Virginia on and north of U.S. Highway 33; and (b) from points in Butler County, Pa., to points in West Virginia on and north of U.S. Highway 33 (except points in Brooke, Hamilton, and Ohio Counties). The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 106407 (Sub-No. E3), filed June 4, 1974. Applicant: T. E. MERCER TRUCKING CO., INC., 920 North Main St., P.O. Box 1809, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binion; 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Georgia, Alabama, Arkansas, Louisiana, Mississippi, and Florida, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 107002 (Sub-E336), filed May 12, 1974. Applicant: MILLER TRANSPORTER'S INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from those points in Mississippi on and south of U.S. Highway 78, to points in Missouri, and from Helena, Ark., and points within 5 miles

thereof, to those points in Missouri west and north of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 65 to junction U.S. Highway 66, to junction Missouri Highway 8, to junction U.S. Highway 67, to junction Missouri Highway 32 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Mississippi within the Memphis, Tennessee Commercial Zone.

No. MC 107002 (Sub-E337), filed May 12, 1974. Applicant: MILLER TRANSPORTER'S, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquefied petroleum gases), in bulk, in tank vehicles, from Chalmette and Meraux, La., to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Mississippi within the Memphis, Tennessee Commercial Zone.

No. MC 107002 (Sub-E338), filed May 12, 1974. Applicant: MILLER TRANSPORTER'S INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: H. D. Miller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Moundville, Ala., and points within ten miles thereof (except points within five miles of Tuscaloosa), to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Mississippi within the Memphis, Tennessee Commercial zone.

No. MC 107002 (Sub-No. E340), filed May 24, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Pike County, Miss., to points in Arkansas (except those in Little River, Miller, Lafayette, Hempstead, Nevada, Columbia, Ouachita, Calhoun, Union, Bradley, Drew, Ashley, Desha, and Chicot Counties) (Crupp and Rogerslacy, Miss.)*, Illinois, Indiana, Kentucky, Ohio, Oklahoma, Virginia, West Virginia (Washington County, Miss.)*, North Carolina, South Carolina (Tuscaloosa, Ala.)*, Georgia, Tuscaloosa, Ala., or Mobile, Ala., and points within ten miles thereof)*, Tennessee (Tuscaloosa, Ala., or Friar's Point, Miss., and the site of the pipeline terminal of the Oklahoma-Mississippi River Products Line, Inc., near West Memphis, Ark.)*, and Texas (Natchez, Miss.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107064 (Sub-No. E25), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals* (except sulphuric acid), in bulk, in tank vehicles, from Chaves, Eddy, Lea, Roosevelt, and Curry Counties, N. Mex., to Cheyenne, Kit Carson, Yuma, Washington, Morgan, Logan, Phillips, and Sedgewick Counties, Colo. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Occidental Chemical Company, in Hale County, Tex.

No. MC 107064 (Sub-No. E113), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2993, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (some as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, from points in Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Ken', Gaines, Dawson Borden, Scurry, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, El Paso, Hudspeth Culberson, Reeves, Jeff Davis; Pecos, Crockett, Terrell, Presidio, Brewster, and Val Verde Counties, Tex., to points in Kansas. The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E119), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, (a) from points in Cochran, Hockley, Lubbock, Crosby, Yoakum, Terry, Lynn, Garza, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Ward, Crane, Upton, Reagan, Irion, Tom Green, El Paso, Hudspeth, Culberson, Reeves, Pecos, Crockett, Terrell, Val Verde, Schleicher, Sutton, Edwards, Jeff Davis, Presidio, Brewster, Kinney, and Maverick Counties, Tex., to points in Cimarron, Texas, Beaver, Harper, Woods, and Woodward Counties, Okla., and (b) from points in El Paso, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Loving, Winkler, Ector, Midland, Ward, Crane, Cochran, Hockley, Lubbock, Yoakum, Terry, Lynn, Gaines, Dawson, Andrews, and Martin Counties, Tex., to points in Oklahoma (except Cimarron, Texas, Beaver, Harper, Woods, and Woodward Counties). The purpose of this filing is to eliminate the gateway of Lubbock County, Tex.

No. MC 107064 (Sub-No. E124), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P. O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petro-chemicals* (except sulphuric acid), in bulk, in tank vehicles, from points in Hidalgo, Luna, Dona Ana, Otero, Chaves, Eddy, Lea, Roosevelt, and Curry Counties, N. Mex., to points in Kansas (except Hamilton, Kearny, Stanton, Grant, Morton, and Stevens Counties). The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Occidental Chemical Company of Texas, in Hale County, Tex.

No. MC 107064 (Sub-No. E139), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P. O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions* (except petroleum products and potash), from points in Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Ector, Midland, Glasscock, Sterling, Upton, Reagan, Irion, Crockett, Schleicher, Sutton, Val Verde, Kinney, and Maverick Counties, Tex., to points in Colorado east of the Continental Divide. The purpose of this filing is to eliminate the gateway of Lubbock, Tex.

No. MC 107064 (Sub-No. E141), filed May 21, 1974. Applicant: STEERE TANK LINES, INC. P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Fertilizer* (except petroleum products and potash), from points in Dallam, Hartley, Moore, Oldham, Potter, Carson, Deaf Smith, Dandall, Armstrong, Donley, Farmer, Castro, Swisher, Briscoe, Mall, Bailey, Lams, Hale, Floyd, Motley, Cochran, Mockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, El Paso, Hudspeth, Culberson, Loving, Winkler, Ector, Midland, Glassock, Ward, Crane, Upton, Reagan, Reeves, Jeff Davis, Pecos, Terrell, Presidio, and Brewster Counties, Tex., to points in Indiana. The purpose of this filing is to eliminate the gateway of Dimmit County, Tex.

No. MC 107064 (Sub-No. E142), filed May 21, 1974. Applicant: STEERE TANK LINES, INC. P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Fertilizer* (except petroleum products and potash), from points in Oldham, Potter, Deaf Smith, Randall, Armstrong, Parmer, Castro, Swisher, Briscoe, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Scurry, Andrews, Martin, Howard, Mitchell, Nolan, El Paso, Hudspeth, Culberson, Reeves, Pecos, Jeff Davis, Presidio, Brewster, Terrell, Val Verde, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Ward, Crane, Upton, Reagan, Tom Green, Irion, Crockett, Schleicher, Sut-

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ton, Kinney, and Maverick Counties, Tex., to points in Iowa. The purpose of this filing is to eliminate the gateway of Dimmit, Tex.

No. MC 107515 (Sub-No. E107) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 3, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasha, Okla., to points in Kentucky on and east of a line beginning at the Kentucky-Missouri State line, thence along U.S. Highway 60 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Ohio State line, and that part of Ohio on and east of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 40 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateway of Florence, Ala. The purpose of this correction is to correct a highway description.

No. MG 107515 (Sub-No. E108) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chichasha, Okla., to Frederick, Md., the District of Columbia, and points in Connecticut, Massachusetts, those parts of Virginia, Maryland, and Delaware on and east of Interstate Highway 95, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Turnpike Northeast Extension, thence along Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New York State line, and that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along Interstate Highway 84 to junction Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Ayden, N.C. The purpose of this section is to correct a highway description.

No. MC 107515 (Sub-No. E309), (Correction) filed May 29, 1974, published in the FEDERAL REGISTER October 17, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats* and *frozen edible meat products*, from Covington, Ky., to points in those parts of Mississippi, Louisiana, and Texas, on and south of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 84 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Mississippi Highway 24, thence along Mississippi Highway 24 to junction Mississippi Highway 33, thence along Mississippi Highway 33 to junction Louisiana Highway 19, thence along Louisiana Highway 19 to junction Louisiana Highwal 10, thence along Louisiana Highway 10 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 59, thence along U.S. Highway 59 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Gainesville, Ga. The purpose of this correction is to correct the destination territories above.

No. MC 109637 (Sub-E3), filed June 4, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John E. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Petrochemicals, in bulk, in tank vehicles from Louisville, Kentucky to points in Iowa on and west of U.S. Highway 59. The purpose of this filing is to eliminate the gateways of Troy, Indiana, and Calvert City, Kentucky.

No. MC 109637 (Sub-E20), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII, in bulk, in tank vehicles, from Evansville, Ind., and the Pipeline Terminal site of the Texas Eastern Transmission Corp., at or near Princeton, Gibson County, Indiana, to points in Ohio. The purpose of this filing is to eliminate the gateway of Louisville, Kentucky and Madison, Indiana.

No. MC 109637 (Sub-E25), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII, in bulk, in tank vehicles, from Louisville, Henderson, West Point and Daviess County, Kentucky to points in Ohio. The purpose of this filing is to eliminate the gateway of Madison, Indiana.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24923 Filed 9-17-75;8:45 am]

[Notice No. 858]

ASSIGNMENT OF HEARINGS

September 15, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

I & S 9074, Increased Rates on Frozen Fruits and Vegetables, X–313, now being assigned October 29, 1975, in Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC 110144 (Sub-No. 14), Jack C. Robinson, dba Robinson Freight Lines, now being assigned November 12, 1975 (3 days) at Cleveland, Tennessee, in Holiday Inn-Downtown, Highways 11 & 64.

MC 139871 Sub 2, Chi-Ru Leasing & Trucking, Inc., now assigned October 1, 1975, at Chicago, Illinois, will be held in Room 1665, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 140920, B. T. Cartage Co., now assigned September 18, 1975, at Birmingham, Ala., is canceled and application dismissed.

MC 123407 Sub 194, Sawyer Transport, Inc., now assigned October 29, 1975, at New Orleans, Louisiana, will be held in the GSA Conference Room 105, U.S. Court of Appeals Bldg., 600 Camp Street.

MC 531 Sub-306, Younger Brothers, Inc.; MC 102567 Sub 176, McNair Transport, Inc.; and MC 111401 Sub 443, Groendyke Transport, Inc., now assigned October 30, 1975 at New Orleans, Louisiana, will be held in the GSA Conference Room 105, U.S. Court of Appeals Bldg., 600 Camp Street.

MC 63792 Sub 25, Tom Hicks Transfer Company, Inc., now assigned November 3, 1975 at New Orleans, Louisiana, will be held in the GSA Conference Room 105, U.S. Court of Appeals Bldg., 600 Camp St.

MC 136315 Sub 5, Olen Burrage Trucking, Inc., now assigned November 5, 1975 at New Orleans, Louisiana, will be held in the GSA Conference Room 105, U.S. Court of Appeals Bldg., 600 Camp Street.

MC 111729 Sub 497, Purolator Courier Corporation, now assigned September 22, 1975 at Washington, D.C.; September 24, 1975, at Philadelphia, Pa.; September 29, 1975, at Boston, Mass.; October 2, 1975, at New York, N.Y.; and November 3, 1975, at Washington, D.C., are cancelled and this proceeding is reassigned for hearing on September 30, 1975, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 109064 (Sub-No. 30), Tex-O-Ka-N Transportation Company, Inc., now assigned September 18, 1975, at Birmingham, Ala., is postponed indefinitely.

MC 504 Sub-102, Harper Motor Lines, Inc., now assigned October 7, 1975, at Atlanta, Ga., is postponed indefinitely.

MC 2366 Sub 5, William Corbitt, Inc., now being assigned November 6, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 102817 Sub-21, Perkins Furniture Transport, Inc., now assigned October 29, 1975 at Indianapolis, Indiana will be held in Room 908, State Office Building, 100 North Senate Avenue.

MC 133977 Sub-20, Gene's, Inc., now assigned November 3, 1975 at Columbus, Ohio, will be held in Room 235, Federal Building & U.S. Courthouse, 85 Marconi Boulevard.

MC 125035 Sub-42, Ray E. Brown Trucking, Inc., now assigned November 4, 1975 at Columbus, Ohio, will be held in Room 235, Federal Building & U.S. Courthouse, 85 Marconi Boulevard.

MC 87103 Sub-15, Miller Transfer and Rigging Co., now assigned November 5, 1975 at Columbus, Ohio, will be held in Room 235, Federal Building & U.S. Courthouse, 85 Marconi Boulevard.

MC 51146 Sub-401, Schneider Transport, Inc., now assigned November 6, 1975 at Columbus, Ohio, will be held in Room 235, Federal Building & U.S. Courthouse, 85 Marconi Boulevard.

MC 110683 Sub 104, Smith's Transfer Corporation, now assigned October 15, 1975 at Columbus, Ohio, will be held in Room 235, Federal Bldg., 85 Marconi Blvd.

MC 119875 Sub-5, War Hunt Trucking Co., Inc., and MC 139973 Sub 3, J. H. Ware Trucking, Inc., now being assigned November 17, 1975, at the Offices of the Interstate Commerce Commission Washington, D.C.

MC 48501 Sub-18, Indiana Motor Bus Company, now being assigned November 11, 1975, (3 days) at South Bend, Ind., in a hearing room to be later designated.

MC 51312 Sub-14, Bowling Green Transfer, Inc., now being assigned November 14, 1975, (1 day) at Chicago, Ill., in a hearing room to be later designated.

AB-43 Sub-4, Illinois Central Gulf Railroad Company Abandonment Between Silver Creek, Lawrence County, and Mendenhall, Simpson County, Mississippi, now assigned October 16, 1975 at Mendenhall, Mississippi, will be held in the Circuit Court Room, 101 Court St.

MC 72243 Sub-46, The Aetna Freight Lines, Inc., now assigned October 20, 1975 at New Orleans, Louisiana, will be held in the signed October 22, 1975, at New Orleans, En Banc Courtroom, U.S. Court of Appeals Bldg., 600 Camp St.

MC 124170 Sub-49, Frostways, Inc., now assigned October 22, 1975, at New Orleans, Louisiana, will be held in the Circuit Court Room, 101 Court Street.

No. MC-F-12416, Kain's Motor Service Corp.—Purchase—Apache Air Freight, Inc., and MC 67111 Sub 23, Kain's Motor Service Corp., now being assigned November 17, 1975 (1 week) at Chicago, Ill.; in a hearing room to be designated later.

MC 115730 Sub 3, The Mickow Corporation, now assigned October 15, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 110420 Sub 727, Quality Carriers, Inc. and MC 139733 Sub 2, J. L. Hutchison d/b/a J. L. Hutchison Trucking, now assigned October 20, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Bldg., 219 South Dearborn Street.

MC-F-12417, All-American, Inc.—Purchase—Hajek Trucking Co., Inc., and—Control—Admiral Leasing Co., Inc., now assigned October 20, 1975 at Chicago, Illinois, will be held in Room 871, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 51146 Sub 408, Schneider Transport, Inc., now assigned October 15, 1975, at Chicago, Illinois, will be held in Room 871, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

MC 33446 Sub 3, The Redifer Bus Company, now being assigned November 12, 1975 (3 days), at Cleveland, Ohio; in a hearing room to be later designated.

MC 140217 Sub 1, Clyde Hunsaker d/b/a Hunsaker Trucking, now assigned October 17, 1975 at Chicago, Illinois, will be held in Room 1183, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 119777 Sub 318, Ligon Specialized Hauler, Inc., now assigned October 15, 1975 at Chicago, Illinois, will be held in Room 1183, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 128030 Sub 79, The Stout Trucking Co., Inc., now assigned October 20, 1975 at Chicago, Illinois, will be held in Room 1183, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 117883 Sub 200, Subler Transfer, Inc., now being assigned November 17, 1975 (2 days) at Columbus, Ohio; in a hearing room to be later designated.

MC 99780 Sub 44, Chipper Cartage Company, Inc., now assigned October 29, 1975 at Chicago, Illinois, will be held in Room 1665, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 52861 Sub 39, Wills Trucking, Inc., now being assigned November 19, 1975 (3 days) at Columbus, Ohio; in a hearing room to be later designated.

MC 64932 Sub 549, Rogers Cartage Co., now assigned October 29, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 95876 Sub 160, Anderson Trucking Service, Inc. and MC 123407 Sub-222, Sawyer Transport, Inc., now assigned October 30, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC-F-12264, Mayfield Transfer & Storage Co., Inc.—Purchase (portion)—Fred Olson Motor Service Company, now assigned November 3, 1975 at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 140599, Hi-Cube Transport, Inc., now being assigned December 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116519 Sub 30, Frederick Transport Limited, now being assigned November 4, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 8535 Sub 53, George Transfer & Riggins Commerce Commission, Washington, D.C. ber 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61592 Sub 339, Jenkins Truck Line, Inc., now assigned October 29, 1975 at Chicago, Illinois, will be held in Room 871, Everett McKinley Dirksen Bldg., 219 South Dearborn St.

MC 106674 Sub 149, Schilli Motor Lines, Inc., now assigned October 30, 1975 at Chicago, Illinois, will be held in Room 871, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

MC 113855 Sub 308, International Transport, Inc., now assigned November 3, 1975 at Chicago, Illinois, will be held in Room 871, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

FF-347 Sub 1, Sal, Inc., now assigned November 5, 1975 at Chicago, Illinois, will be held in Room 871, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

AB 26 Sub 9, Southern Railway Company Abandonment of Operations between Atlanta Junction, Georgia & Piedmont, Alabama now being assigned December 2, 1975, at Rome, Georgia; in a hearing room to be later designated.

MC 61592 Sub 353, Jenkins Truck Line, Inc., now being assigned December 5, 1975, at Atlanta, Ga. (1 day); in a hearing room to be later designated.

MC 125777 Sub 151, Jack Gray Transport, Inc., now being assigned November 13, 1975 (2 days), at Chicago, Illinois, in a hearing room to be later designated.

MC 115654 Sub 38, Tennessee Cartage Co., Inc., now being assigned December 8, 1975, at Atlanta, Ga.; in a hearing room to be later designated.

MC 95540 Sub 927, Watkins Motor Lines, Inc., now being assigned December 10, 1975, at Atlanta, Ga.; in a hearing room to be later designated.

MC 99149 (Sub-No. 11), Midway Motor Freight Lines, Inc. now being assigned December 2, 1975 (9 days) at Little Rock, Arkansas in a hearing room to be designated later.

AB 1 (Sub-No. 28), Chicago and North Western Transportation Company Abandonment between Dakota City and Wayne, in Dixon and Wayne Counties, Nebraska, now being assigned November 11, 1975 (2 days), at Wayne, Nebraska, in a hearing room to be later designated.

MC 124211 Sub 264, Hilt Truck Line, Inc., now being assigned November 13, 1975 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC-F-12524 Silvey Refrigerated Carriers, Inc.—Purchase (Portion)—Road Runner Trucking, Inc., now being assigned November 17, 1975, at Omaha, Nebr. (2 days), in a hearing room to be later designated.

MC 124211 Sub 263, Hilt Truck Line, Inc., now being assigned November 19, 1975 (3 days), at Omaha, Nebr., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24926 Filed 9-17-75;8:45 am]

[I.C.C. Order 118, Amdt. 6; Rev. Ser. Order 994]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Rerouting of Traffic

To all railroads: Upon further consideration of I.C.C. Order No. 118 (Central Railroad Company of New Jersey, Robert D. Timpany, Trustee) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 118 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1976, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement

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under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 10, 1975.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.75-24930 Filed 9-17-75;8:45 am]

[Ex Parte No. 241; Fourth Revised Exemption No. 89, Amdt. 1]

MANDATORY CAR SERVICE RULES EXEMPTION

Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To all railroads. Upon further consideration of Exemption No. 89 issued November 25, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Fourth Revised Exemption No. 89 to the Mandatory Car Service Rules, ordered in Ex Parte No. 241, be, and it is hereby amended to *expire October 31, 1975.*

This amendment shall become effective September 15, 1975.

Issued at Washington, D.C., September 9, 1975.

INTERSTATE COMMERCE COMMISSION.
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-24929 Filed 9-17-75;8:45 am]

[AB 2 (Sub-No. 7)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment of Service

SEPTEMBER 15, 1975.

In the matter of Louisville and Nashville Railroad Company, abandonment between Hartsville Junction, Tennessee, and Scottsville, Kentucky, in Sumner County, Tennessee, and Allen County, Kentucky.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sumner County, Tenn. and Allen County, Ky., on or before September 30, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 9th day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated September 9, 1975, it has been determined that the proposed abandonment of the 26.1 mile line of the Louisville and Nashville Railroad Company between Hartsville Junction, Sumner County, Tenn. and Scottsville, Allen County, Ky., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that (1) the anticipated permanent diversion of rail traffic of up to approximately four trucks a day is expected to create only minimal air pollution, safety hazard, fuel consumption, noise, and highway congestion alterations, (2) there are no definitive land use plans related to the line proposed for abandonment, and (3) the historic and ecological effects are minor.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceeding, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-24932 Filed 9-17-75;8:45 am]

[AB 2 (Sub-No. 5)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment of Service

In the matter of Louisville and Nashville Railroad Company, abandonment between Colesburg and Hohenwald, in Dickson, Hickman, and Lewis Counties, Tennessee.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Dickson, Hickman, and Lewis Counties, Tenn., on or before September 30, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 9th day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated September 9, 1975, it has been determined that the proposed abandonment of the 50.5 mile line of the Louisville and Nashville Railroad Company between Colesburg and Hohenwald, in Dickson, Hickman, and Lewis Counties, Tenn., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because adequate highways exist in the area to accommodate the increase in

motor carrier traffic necessary to replace current rail operations, the resulting air pollution, fuel consumption, intrusive noise, and safety hazard alterations would be minor, and there would be no historic or major ecological impacts involved.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-24933 Filed 9-17-75;8:45 am]

[Notice No. 78]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 18, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 8, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75767. By order of September 12, 1975, the Motor Carrier Board on reconsideration approved the transfer to Texas Metal Carriers, Inc., Dallas, Tex., of the operating rights in Certificates Nos. MC-133777 (Sub-Nos. 2, 4, and 5), issued February 20, 1970, December 7, 1971, and June 1, 1972, respectively, to Metal Carriers, Inc., Ennis, Tex., authorizing the transportation of scrap non-ferrous metals, between points in Texas, Arkansas, Oklahoma, and Texas; from Dallas and Fort Worth, Tex., to points in Illinois, Missouri, and Tennessee, and between points in Texas, on the one hand, and, on the other, Indiana, Kentucky, Mississippi, Alabama, and Louisiana. Clayte Binion, 1108 Continental Life Building, Fort Worth, Texas 76102, Attorney for applicants.

No. MC-FC-76049. By order entered September 12, 1975, the Motor Carrier Board approved the transfer to Gain's Express, Incorporated, Worcester, Mass., of the operating rights set forth in Certificate No. MC-55665, issued May 19, 1964, to Joseph S. Sak, doing business as Gain's Express, Worcester, Mass., authorizing the transportation of general commodities, with the usual exceptions, between Jefferson, and Worcester, Mass., over specified routes, serving the intermediate point of Holden, Mass. Joseph S. Sak, 84 Westborough St., Worcester, Mass. 01604, representative for applicants.

No. MC-FC-76067. By order of September 12, 1975, the Motor Carrier Board approved the transfer to Richard A. Stevenson and Lewis D. Engel, a partnership, d/b/a Rite-Way Auto Service and East Towne Arco, Madison, Wisconsin, of Certificates Nos. MC-119126 and MC-119126 Sub-1, issued May 11, 1960, and February 7, 1961, to Rite-Way Auto Service, Incorporated, Madison, Wisconsin, authorizing the transportation of wrecked or disabled buses, trucks and truck tractors from, to, and between points in Iowa, Michigan, Illinois, and Wisconsin. Edward Solie, Executive Bldg., Suite 100, 4513 Vernon Blvd., Madison, Wis. 53705, Attorney for Applicants.

No. MC-FC-76069. By order of September 12, 1975, the Motor Carrier Board approved the transfer to Acuff Enterprises, Inc., Memphis, Tenn., of Certificate No. MC-108008, issued September 14, 1950, to Mary Alys Acuff, d/b/a Crosstown Transfer & Storage Co., Memphis, Tenn., authorizing the transportation of household goods between points in Tennessee on the one hand, and, on the other, points in Arkansas and Mississippi. Sam F. Cole, Jr., Attorney at Law, 724 Commerce Title Building, Memphis, Tenn. 38103, Attorney for Applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24924 Filed 9-17-75;8:45 am]

[Notice No. 79]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 18, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76021. By application filed September 10, 1975, RUTGERS EXPRESS INC., 189 Townsend St., New Brunswick, NJ 08901, seeks temporary authority to lease the operating rights of M & G TRANSPORTATION, 51 New Brunswick, Hopelawn, NJ 08861, under section 210a(b). The transfer to RUTGERS EXPRESS, INC., of the operating rights of M & G TRANSPORTATION, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24925 Filed 9-17-75;8:45 am]

MISSOURI PACIFIC RAILROAD CO. AND SEABOARD COAST LINE RAILROAD CO.

Exemption From Mandatory Car Service Rules

Exemption under provision of rule 19 of the Mandatory Car Service rules ordered in Ex Parte No. 241, *Exemption No. 101.*

To: Missouri Pacific Railroad Company and Seaboard Coast Line Railroad Company.

It appearing, That the Missouri Pacific Railroad Company (MP) and Seaboard Coast Line Railroad Company (SCL) have each agreed to the unrestricted use by the other of its plain boxcars; and that such mutual use of boxcars will increase car utilization by reductions in switching and movements of empty boxcars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" and bearing reporting marks listed herein, may be used by the MP and SCL without regard to the requirements of Car Service Rules 1(a), 2(a), and 2(b).

Missouri Pacific Railroad Company. Reporting marks: MP-CEI-MI-TP
Seaboard Coast Line Railroad Company. Reporting marks: SCL-ACL-CWC-SAL

Effective September 5, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., September 5, 1975.

INTERSTATE COMMERCE COMMISSION.
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.75-24928 Filed 9-17-75;8:45 am]

[I.C.C. Order 76, Amdt. 5; Rev. Ser. Order 994]

READING CO.

Rerouting of Traffic

TO ALL RAILROADS: Upon further consideration of I.C.C. Order No. 76 (Reading Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 76 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 15, 1976, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m.,

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September 15, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 8, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-24931 Filed 9-17-75;8:45 am]

[AB33 (Sub. No. 8); Finance Docket No. 27787]

UNION PACIFIC RAILROAD CO. AND MISSOURI PACIFIC RAILROAD CO.

Abandonment of Service and Acquisition and Operation of Certain Trackage

SEPTEMBER 15, 1975.

In the matter of Union Pacific Railroad Company, abandonment portion Leavenworth Branch between Leavenworth and Tonganoxie, in Leavenworth County, Kansas, and Missouri Pacific Railroad Company—acquisition and operation—of certain trackage of the Union Pacific Railroad Company at Leavenworth and Cochrane, Kansas.

President: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.;* and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Leavenworth County, Kans., on or before September 30, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 9th day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated September 9, 1975, it has been determined that the proposed abandonment by the Union Pacific Railroad Company of its line of railroad between Leavenworth and Tonganoxie, a distance of 21.03 miles, and the Missouri Pacific Railroad company's proposed acquisition and operation of certain trackage of the subject line between Leavenworth and Cochrane, all in Leavenworth County, Kans., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.,* and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) the volume of traffic on the subject line has been consistently low, (2) the affected stations at Leavenworth, Alfa, Lansing, and Tonganoxie will continue to have rail service, (3) an abandonment approval will be consistent with plans enabling the Missouri Pacific Railroad Company to acquire and operate certain trackage between Leavenworth and Cochrane, (4) the elimination of the subject line near Lansing could result in lower construction costs of a planned state freeway which would otherwise require various railroad-highway crossings in that area, and (5) there is the absence of any major historic, safety, and ecological aspects associated with the proposal. In addition, the State of Kansas has expressed an interest in obtaining part of the right-of-way property for public use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 15, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-24934 Filed 9-17-75;8:45 am]

federal register

THURSDAY, SEPTEMBER 18, 1975

PART II:

FEDERAL ELECTION COMMISSION

ADVISORY OPINION REQUESTS

V 40 182 SEP 18 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975-46, AOR 1975-49, 1975-58—1975-65]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975-49 and 1975-58 through 1975-65 are published today. Some of the Requests consist of similar inquiries from several sources which have been consolidated in cases where appropriate.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests within 10 calendar days of the date of the publication of the request in the FEDERAL REGISTER. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to the specific AOR number of the Request commented upon and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975—49: Reporting and Allocation of Fundraising Costs (Request Edited by the Commission).

DEAR SIR: We are working in the Tom Hayden campaign for U.S. Senate in California. We need a specific [advisory] opinion as to fund raising, i.e.

Committee To Elect Tom Hayden
Presents
Artist To Be Announced
at the Paramount Theater
August 24, 1975
Tickets: $5, $6, & $7

An immediate disclosure problem arises in the production of a concert.
• • •

The tickets for the above concert are scaled at less than $10. Do we have to get every name of every person who attends the concert? If we do not, i.e. only those whose contribution exceeds $10, do we allocate the contribution, according to cost? For example,

Gross receipts	$20,000
Cost	10,000
Portion allocable to contribution	10,000
	$20,000 or ½

One-half of $7.00 equals $3.50. Therefore, if a person buys two tickets for $14.00 their contribution is less than $10.00, one-half of $14.00 equals $7.00.

Further, what about cumulative totals. The above contribution of $7.00 for this event may be matched by subsequent ticket purchases or contributions. In determining the aggregate of a person's contributions, the treasurer shall list contributions from the same donor under the same name. In each instance when a contribution received from a person in a reporting period is added to previously reported unitemized contributions from the same contribution and the aggregate exceeds $100, the name, address, occupation, principal place of business, if any, of that contributor shall then be listed on the prescribed reporting forms. Because of this reporting requirement, should every person who attends a concert list their name, address and occupation?

GARY L. JACKSON.

Source: Gary L. Jackson, Accountant for Concerts for Tom Hayden for U.S. Senate, 435 Los Palmos Drive, San Francisco, California 94127. (July 23, 1975.)

AOR 1975-58: Transfer of Surplus Campaign Funds to Congressional Office Account (Request Edited by the Commission).

[COMMISSIONERS:] I request an opinion concerning the use of money raised for campaign purposes.

Specifically, can money raised under the federal election law be used to pay for office expenses of a Member of Congress?

The facts relating to my request are the following:

(1) My office account, also known commonly as my stationery account provided to me as a Member of Congress, is without funds.

(2) I need funds to continue the normal office operations of my Congressional office. (For example, paper, books, office supplies, etc.)

(3) My campaign account, duly filed and maintained under the Federal Election Laws, has several thousand dollars in it.

(4) The money in the campaign account was raised in 1975 for purposes of paying off my campaign debts resulting from the 1974 election.

Can I transfer some of the money in my campaign account to my Congressional office account to cover the normal expenses of the operation of my office? Can funds raised in 1975 for purposes of eliminating a 1974 campaign debts be termed surplus funds, thus available for Congressional office expenses?

If the answer to my request is in the affirmative, what are the legal consequences of transferring such funds to my office account?

JAMES J. BLANCHARD,
Member of Congress.

Source: Representative James J. Blanchard, House of Representatives, Washington, D.C. 20515. (August 19, 1975.)

AOR 1975-59: Acceptance of Corporate Contributions for Non-Federal Purposes (Request Edited by the Commission).

GENTLEMEN: On August 30, 1975, President Gerald R. Ford will be the guest of honor at a fundraiser here in Rhode Island. We • • • [request an advisory opinion] regarding the following:

'The State of Rhode Island campaign law allows corporate political contributions. Would it be permissible to accept corporate donations • • • [in connection with a fundraising event at which a presidential candidate appears] as long as they were kept in a separate bank account and not used for any Federal candidate or committee? These funds would be used for State candidates and would not be used by the Republican State Committee.'

• • • • • •

H. JAMES FIELD, JR.,
State Chairman.

Source: H. James Field, Jr., State Chairman, Rhode Island Republican State Central Committee, Turks Head Building, Providence, Rhode Island 02903. (July 21, 1975.)

AOR 1975-60: Labor Union Sponsorship of Fundraising Raffle for Federal Candidate (Request Edited by the Commission).

DEAR CHAIRMAN CURTIS: On behalf of Citizens For Moffett, a lawfully constituted political organization in Connecticut, I hereby request a legally binding advisory opinion responsive to the below enumerated questions.

Each of these inquiries relates to a raffle contemplated by supporters of Congressman Toby Moffett, Sixth District Connecticut. Such raffle would:

Be conducted in compliance with the laws of the State of Connecticut;

Feature the sale of tickets to the general public at a cost of one dollar each;

Offer a trip or several trips as prize or prizes;

Be conducted solely by volunteers with all proceeds applied to prize and organizational costs and the remainder to be contributed to the Congressman's campaign fund;

Be so conducted as to assure accurate recordkeeping of all contributors and all contributions.

1. Would such a raffle constitute a legal fundraising activity under the laws of the United States and of the Federal Election Commission?

2. Can a labor union serving under State law as the raffles' sponsor promote and operate the raffle with union volunteers contributing their time without remuneration during their normal time off from regular employment?

3. If a labor union acts within State law as the raffle's sponsor and accordingly turns over the net proceeds to the Congressman's campaign fund, should such funds be reported by the Congressman's campaign fund as the contribution of the union or as the contributions of the individuals whose names and addresses were recorded at the time they purchased raffle tickets?

SALVATORE GIONFRIDDO,
Chairman, Citizens for Moffett.

Source: Salvator Gionfriddo, Chairman, Citizens For Moffett, 181 Farmington Avenue, Bristol, Connecticut 06010. (August 18, 1975.)

AOR 1975-61: Allocation of Expenditures for Services of Individual to Dual Candidate (Request Edited by the Commission).

DEAR COMMISSIONERS: This is an Advisory Opinion Request filed on behalf of the Bentsen in '76 political committee. The committee is duly registered as the principal campaign committee of Senator Lloyd Bentsen who is a candidate for nomination for election as President of the United States. Senator Bentsen also expects to be a candidate for the U.S. Senate in the State of Texas.

This request concerns the expenditure allocation standards to be used in cases of simultaneous candidacy where one individual may be performing tasks for both a Senate and Presidential campaign. For example, assume one accountant is handling bookkeeping duties for both the Bentsen Senate and the Bentsen Presidential campaigns in the State of Texas. Part of his salary is paid by the Senate campaign committee and part by the Presidential campaign committee.

Are there specific accounting methods that must be used to make a fair salary allocation for purposes of the expenditure limits in 18 U.S.C. § 608(c)? If not, may the campaigns adopt any accounting method that will yield an allocation that fairly reflects the actual billable time spent by the accountant on each of the campaigns?

• • • • • •

ROBERT N. THOMSON,
Counsel, Bentsen in '76.

Source: Robert N. Thomson, Counsel, Bentsen in '76, Preston, Thorgrimson, Ellis, Holman, and Fletcher, 1776 F Street, NW., Washington, D.C. 20006. (July 8, 1975.)

AOR 1975-62: Contributions Used to Defray Fundraising Costs (Request of Abe Hirshfeld for U.S. Senate) (Request Edited by the Commission)

DEAR CHAIRMAN CURTIS: Abraham Hirschfeld intends to be a candidate for the Democratic nomination for United States Senate from New York.

• • • We are planning a fundraising dinner for Mr. Hirschfeld this fall. We realize the limitation of $1,000.00 per individual contributor to any candidate for Federal Office.

What we propose to do is sell tables at the dinner for $1,250.00 with tickets to clearly indicate that $1,000.00 of this amount is a contribution, and $250.00 is to help defray the cost of the dinner. (There will be ten seats for each table so $25.00 of each individual ticket will be used to pay the dinner expenses. The actual cost per person for putting on the dinner will be in excess of $25.00 per person) Our question is this: Are we within our legal rights in asking contributors to defray actual costs of the dinner as well as making a legal contribution of $1,000.00?

• • • • • •

FRANK CEO,
Chairman, Abe Hirschfeld for U.S. Senate.

Source: Frank Ceo, Chairman, Abe Hirschfeld for U.S. Senate, 576 Fifth Avenue, New York, New York 10036. (July 8, 1975.)

AOR 1975-63: Honorariums to Federal Officeholders Appearing at Fundraiser Organization (Request Edited by the Commission).

GENTLEMEN: [We request an advisory opinion as to] • • • whether, if we have a speaker from Congress in this off-year who requests an honorarium for appearing at a luncheon designed as a *general organization fund-raising event*—not one for that particular individual—we have to report the speaker's honorarium as a political contribution to the individual, plus the travel expenses requested by the Congressional speaker for the speaker and the speaker's spouse.

COLLETTE NORTH.
ROSLYN COOPERMAN.
EDITH SCHWARTZ.

Source: Collette North, Coordinator, Roslyn Cooperman, Coordinator, Edith Schwartz, Treasurer, Women For: 8913 West Olympic Boulevard, Beverly Hills, California 90211. (August 19, 1975.)

AOR 1975—64: Solicitations for Fundraising Event to Retire 1972 Campaign Debt and 1973-74 Deficit in Office Expense Account (Request Edited by the Commission).

DEAR MR. CURTIS: I am hereby requesting a formal Advisory Opinion from The Federal Election Commission on the following situations.

I am planning a fund raiser in October 1975 to retire a 1972 campaign deficit not heretofore reported and a 1973-74 deficit for office expenses which were not reimbursed. Is it acceptable to retire these two debts with a single fund raiser? If so, should the solicitation clearly indicate that the funds contributed will be used for both campaign and office expense deficits?

CHARLES WILSON.

Source: Representative Charles Wilson, House of Representatives, Washington, D.C. 20515. (August 22, 1975.)

AOR 1975-65: Contribution from Immediate Family for Senate Campaign (Request Edited by the Commission).

[COMMISSIONERS:] My Friends Committee has asked me to write you for an advisory opinion [under 2 U.S.C. § 437(f)] • • • of the new federal regulations for campaign financing, specifically for a Senatorial campaign.

I am interested in determining if my wife's brother, sister, and parents are considered to be members of my "immediate family" for • • • purposes of [the] contribution [limits in 18 U.S.C. § 608]. Are they able to contribute over and above the $35,000 family limitation? Could you please clarify for me exactly whom the term "immediate family" does include. Do the spouses of my children also fall into this category?

ALPHONZO BELL,
U.S. Congressman.

Source: Alphonzo Bell, U.S. Congressman, Friends of Congressman Alphonzo Bell, P.O. Box 24144, Los Angeles, California 90024. (August 19, 1975.)

Dated: September 12, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

[FR Doc.75-24708 Filed 9-17-75;8:45 am]

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federal register

THURSDAY, SEPTEMBER 18, 1975



PART III:

DEPARTMENT OF LABOR

Office of the Secretary

■

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS

V 40 182 SEP 18 75 XUM

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

On September 18, 1974, there was published in the FEDERAL REGISTER (39 FR 33650) a notice of proposed rulemaking proposing new Work Incentive Program (WIN) regulations to implement the Work Incentive Program under Title IV of the Social Security Act (42 USCA 601–44).

The regulations proposed a consolidation of the present Parts 56, 57, and 58 into a new Part 56 and proposed the following significant changes in the WIN program:

(1) The WIN registration functions would be transferred from the local welfare staff to the local WIN sponsor (generally the employment service). This would assist new WIN registrants to use the job referral services located at local WIN sponsor offices; (2) a requirement to engage in a job search activity would be added for AFDC recipients registered for WIN, but not yet certified by the State welfare agency for participation in WIN, and for individuals who are certified but who are not actively engaged in a WIN component; (3) the WIN sponsor would assume the function of deregistering all individuals from WIN. This change places both registration for WIN and deregistration from WIN in the same administrative unit; (4) a new intensive manpower services component would be added as an option to current WIN programs. This new component would provide structured, intensive employment services and the development of job seeking skills to individuals certified for WIN training; (5) the WIN hearing procedures would be unified. Instead of dual hearings by the welfare agency and the WIN sponsor on the respective issues of grant adjustment (including vendor payments and selection of payee) and failure to participate in WIN without good cause, either the welfare agency or the WIN sponsor would adjudicate both issues; and (6) provision would be made for opportunity by the National Coordination Committee to submit briefs and present oral arguments whenever a case is before the National Review Panel.

Approximately 150 letters were received from individuals, corporations, associations, public interest groups, State employment services, welfare and other Government agencies.

Following is the substance of the major concerns expressed in the comments and the Departments response, including changes, made to the final regulations.

1. *Implementation.* Opposition to the changes was based on the belief that it is untimely during the current economic downturn, creating onerous burdens on unskilled, undereducated welfare recipients who are forced to compete with recently unemployed individuals. Also of concern was the view that budgetary cuts would not allow for increased participant activity as called for in the new regulation.

These changes are considered necessary to make better and more efficient use of available funds and are done with the view that they will assist in giving training and necessary support to the unskilled in accomplishing the objectives expressed in the Act. In this manner the opportunity of these individuals to attain or retain the goals of self-sufficiency and independence will be enhanced.

2. *Registration Transfer.* Opponents to this change argued against the transfer of the registration process from welfare to the employment service, particularly in rural areas, because of increased transportation costs, inaccessability of WIN offices, administrative delays for applicants and the lowering of volunteer rates.

In order to avoid registration problems, the WIN sponsor may, with RCC concurrence, contract with another agency to provide registration activities where special conditions warrant.

3. *Job Search.* Some comments were critical of the job search activity for WIN registrants who are AFDC recipients. The principal allegations and concerns were: (1) A lack of statutory authority and national guidelines, (2) ineffectiveness as a result of high employment, (3) unemployability of some registrants, (4) lack of prior supportive services and (5) the burden on WIN staff. This provision has been withdrawn pending legislation.

4. *Sixty-day Counseling Period.* A number of commentators suggested that the present 60-day counseling period is meaningless and should be changed, perhaps even completely dropped.

This provision is required by the Act and thus may not be modified without a legislative change.

5. *Adjudication Process.* Concern was expressed regarding the proposed change requiring that a single hearing be dispositive of both welfare and WIN issues, citing statutory and constitutional conflicts as well as procedural problems of the adjudication process.

The adjudication procedures set forth in the proposed regulation have been revised to provide only hearings on WIN issues.

6. *Definition: Commuting Time.* Several suggestions included a change in the definition, particularly the exclusion from the overall travel time of time necessary to transport children to child care. After consideration of the comments and review of common commuting practices, no change in this section was considered necessary.

7. *Job Market Information.* A number of comments were received objecting to this provision. The final regulations provide that labor market information and job referrals will be given to all applicants and recipients of AFDC at the time of registration for employment, training, and manpower services in order to immediately begin to assist them to attain or retain capability for self support and personal independence.

8. *Program Coordination with CETA.* It was suggested that WIN planning activities be coordinated with CETA planning. This will be part of the considerations involved in developing the State and local WIN plans.

9. *Expenditures and Disregards.* Comments received recommended that the 33⅓ OJT/PSE expenditures requirement be dropped and that income disregards accorded OJT be made available to those in PSE. These are statutory requirements and cannot be changed.

Accordingly, 29 CFR is amended to read as follows:

PART 57—ADMINISTRATIVE HEARINGS AND APPEALS UNDER THE WORK INCENTIVE PROGRAM

PART 58—RULES OF PRACTICE OF THE NATIONAL REVIEW PANEL, WORK INCENTIVE PROGRAM

1. The present Parts 57 and 58 shall remain in effect until November 1, 1975, on which date they are hereby rescinded and the Parts reserved, except that on and after November 1, 1975, they shall continue to apply to all adjudication under them commenced prior to November 1, 1975.

2. The present Part 56, effective March 16, 1976, or earlier at the option of a State, is amended to read as follows:

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose and Scope and Definitions

Sec.
56.0 Purpose and scope.
56.1 Definitions.

Subpart B—Administration

56.10 General administration provisions.
56.11 Annual State WIN plans.
56.12 Annual local WIN plans.
56.13 State and local agreements for WIN activities and programs.
56.14 Allocation of Federal funds.
56.15 Use of Federal funds; political activities.
56.16 Non-Federal contribution.
56.17 Reports, records, financial statements and audits.
56.18 Adjustments in payments to WIN sponsors.
56.19 Termination of contracts or grants.

Subpart C—Requirements and Procedures for Registration and Certification

56.20 Registration requirements for AFDC applicants and recipients; State plan requirements.
56.21 Registration procedures.
56.22 Appraisal and certification.

Subpart D—Supportive and Manpower Services and Protective Provisions

56.30 Supportive services; State plan requirements.
56.31 [Reserved]
56.32 Pay and allowances for individuals certified for WIN training.
56.33 Relocation assistance.
56.34 Appropriate work and training criteria.
56.35 Period of participation.
56.36 Nondiscrimination.

Subpart E—The WIN Components and Activities

56.40 Public service employment (PSE).
56.41 Intensive manpower services component.
56.42 On-the-job training (OJT).

Sec.
56.43 Institutional and other work experience training.
56.44 WIN individuals enrolled in other employment or training programs.
56.45 Non-Federal employee status.
56.46 WIN assignment protests.

Subpart F—WIN Disciplinary Deregistration and Sanctions

56.50 Deregistration.
56.51 Sanctions.

Subpart G—The WIN Adjudication System

56.60 Disputes regarding WIN regulations.
56.61 Rules and procedures.
56.62 Complaints and grievances.
56.63 Requirement of conciliation and notice.
56.64 Request for hearing.
56.65 Issues subject to hearing.
56.66 Hearing procedures.
56.67 Conduct of WIN hearings.
56.68 Decisions of the hearing officer.
56.69 Appeals from hearing officer's decision.
56.70 National Review Panel (NRP).
56.71 Appeals to the NRP.
56.72 Request from NRP to accept certification.
56.73 Requests by NRP for certification.
56.74 Certification of the record.
56.75 Consideration by and decisions of the NRP.
56.76 Sixty-day counseling period and reinstatement of certified individuals.
56.77 Subsequent WIN registration by deregistered individuals.

AUTHORITY: Secs. 402(a)(19), 430–444, and 1102 of the Social Security Act, as amended, 49 Stat. 647 (42 U.S.C. 602(a)(19), 630–644, 1302).

Subpart A—Purpose and Scope and Definitions

§ 56.0 Purpose and scope.

(a) The purpose of this Part 224 is to provide for a Work Incentive Program (WIN) under Title IV of the Social Security Act (Act).

(b) This part contains the policies, rules, and regulations pertaining to the WIN program.

§ 56.1 Definitions.

Act means the Social Security Act.

AFDC (Aid to Families with Dependent Children) means the program authorized by Title IV–A of the Act to provide financial assistance and social services to needy families with dependent children.

AFDC Applicant means a person who applies to the State or local welfare agency for AFDC.

Appraisal means the interview of a WIN registrant by WIN sponsor staff and Separate Administrative Unit (SAU) staff to determine employability potential, to determine the need for supportive services, and to develop an employability plan.

ARDM means the Assistant Regional Director for Manpower, U.S. Department of Labor.

Certification means a written notice from the SAU that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, or manpower services, or that no supportive services are needed and that the individual is at that time ready for employment or training.

Deregistration means the removal of an individual from the WIN program.

DHEW means the U.S. Department of Health, Education and Welfare.

DOL means the U.S. Department of Labor.

Employability Plan means a written plan for a WIN registrant that sets forth that individual's occupational goal and the manpower and supportive services necessary for him to reach that goal.

Exempt refers to an AFDC applicant or recipient who is not required by the Act to register for employment or training under the WIN program as a condition of eligibility for AFDC.

Welfare Hearing Officer means the hearing officer designated in the State WIN plan to hear and decide or make recommendations on issues involving WIN.

Income Maintenance Unit (IMU) means the unit of the State or local welfare agency which determines individuals' eligibility for AFDC.

Institutional Training means vocational or other classroom training conducted by an instructor in a nonworksite setting.

Intensive Manpower Services Component means a structured work experience component providing manpower and employment services to certified WIN registrants to assist them in obtaining unsubsidized employment.

Local WIN Plan means the plan developed annually by local WIN personnel which describes the operation of the WIN program for that area.

Mandatory or Nonexempt Registrant means an AFDC applicant or recipient who is required by the Act to register for manpower services, training or employment as a condition of eligibility for AFDC.

Manpower Services means employment related and training services provided by the WIN sponsor, designed to improve the work skills of an individual and aid him to find employment.

NCC means the National Coordination Committee, a committee established to administer the WIN program, consisting of the Assistant Secretary for Manpower (DOL) and the Administrator of the Social and Rehabilitation Service (DHEW).

NRP means the National Review Panel, the final level of administrative review which is comprised of the DOL Chief Administrative Law Judge and other Administrative Law Judges appointed pursuant to the Administrative Procedure Act's requirements and designated by the Chief Judge to serve as members of that panel.

OJT means on-the-job training, an employment opportunity component in which certified registrants receive skill training. Under this component, a WIN registrant is hired by a private or public employer and is provided skill training under contract with the employer.

PSE means public service employment, a WIN sponsored component which provides subsidized employment with public or nonprofit private agencies for individuals who cannot be placed in regular unsubsidized employment.

Recipient means an individual who has been determined to be eligible to receive AFDC.

RC means the Regional Commissioner of the Social and Rehabilitation Service (DHEW).

RCC means the Regional Coordination Committee established in each region consisting of the ARDM and the RC.

Registrant means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, and employment.

Registration means the process whereby an AFDC applicant or recipient registers with the WIN sponsor, completes a work history, and agrees to the requirements of the program by signing a completed registration card.

"SAU" means the Separate Administrative Unit, that unit of the single State welfare agency established pursuant to section 402(a)(19)(G) of the Act, to administer the WIN program for that agency.

State Welfare Agency means the welfare agency designated pursuant to 45 CFR 205.100 with authority to administer or supervise the administration of the State plan approved under title IV, A of the Act.

State means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

State plan means the State plan for AFDC approved under title IV, A of the Act.

State WIN Plan means the Statewide operational plan for WIN, covering AFDC applicants and recipients required to register for employment, manpower services and training under WIN, developed by the WIN sponsor and SAU in each state and approved and supervised by the RCC under title IV, Part C of the Act.

Supportive Services means those social services provided or arranged by the SAU, necessary to enable an individual to engage in employment, training or other manpower program.

Training Related Expenses means those expenses, reimbursable from WIN funds, that are incurred by individuals participating in WIN program components.

Volunteer means an AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, manpower services and training.

Welfare Hearing Officer means the hearing officer designated by the welfare agency to hear and decide or make recommendations on issues relating to exemption or nonexemption for WIN registration.

WIN Incentive Payment means a cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component, including the Intensive Manpower Services Component.

WIN Sponsor means the State agency (such as the State employment service) or other public or non-profit private

V40182 SEP1875 XUM

agency which, through agreement with the ARDM, administers the WIN manpower program under Part C of title IV of the Act at the State or local level.

Work Experience Training means a clearly defined, well-supervised assignment with a public or nonprofit private employer; the term is also used to refer to the intensive manpower services component.

Subpart B—Administration

§ 56.10 General administration provisions.

(a) The WIN program is administered jointly by the Secretary of Labor and the Secretary of Health, Education, and Welfare. To carry out Department of Labor responsibilities under these regulations, the Secretary of Labor has designated the Assistant Secretary for Manpower (Assistant Secretary). To carry out Department of Health, Education, and Welfare responsibilities under these regulations, the Secretary of Health, Education, and Welfare has designated the Administrator of the Social and Rehabilitation Service (Administrator).

(b) The Assistant Secretary and the Administrator together form the WIN National Coordination Committee (NCC) which is responsible for the effective national administration of WIN.

(c) The NCC shall issue a WIN Handbook, establish uniform reporting procedures, establish and clarify policy under these regulations, and establish other requirements for effective administration. NCC issuances shall be binding on all regional, State, and local WIN operations.

(d) The NCC shall designate a national Executive Director to administer the program.

(e) The Assistant Secretary has designated the Assistant Regional Director for Manpower in each region (ARDM) to carry out the WIN program in each region. The Administrator has designated the Regional Commissioner (RC) of the Social and Rehabilitation Service to carry out his responsibilities under these regulations in each region.

(f) Within each region the ARDM and the RC shall form the WIN Regional Coordination Committee (RCC). The RCC shall review and approve all State WIN plans and modifications of such plans covering the States in its region. Consistent with directives of the NCC it shall also establish and clarify policy under these regulations and shall establish other requirements for effective administration.

(g) The RCC shall enter into an agreement with the State WIN sponsor and the State welfare agency under which they shall be responsible for the overall administration of the State WIN plan.

(h) Within each state the welfare agency's Separate Administrative Unit (SAU) shall be responsible for the provision and arrangement of supportive services. The Income Maintenance Unit (IMU) of each State welfare agency is responsible for determining all questions relating to eligibility for AFDC benefits, including whether an individual is required to register for WIN.

§ 56.11 Annual State WIN plans.

State WIN plans on an annual basis shall be jointly developed and approved by the State WIN sponsor and State welfare agency. The NCC shall issue instructions setting guidelines to the State WIN sponsor and State welfare agency for the development of State WIN plans. The plan shall indicate those areas in which the State WIN sponsor and welfare agency, after considering such factors as size of the welfare case load and budgetary constraints, propose to operate WIN projects. Each State WIN plan shall describe the operation to be carried out by the State WIN sponsor and the State welfare agency as well as a summary of the data in the local WIN plans, as required by § 56.12. The State WIN plan shall also provide for the establishment of Labor Market Advisory Councils in accord with section 432 (f) of the Act.

§ 56.12 Annual local WIN plans.

(a) Each local WIN sponsor and each local SAU shall jointly develop an annual local WIN plan after consulting with other agencies as appropriate. Such plan shall describe the local project's operation. The NCC will issue instructions setting guidelines for the development of such plans.

(b) Local WIN plans shall be forwarded to the State WIN sponsor and State SAU for consideration in the development of the State WIN plan.

(c) The State WIN sponsor and State welfare agency shall forward copies of the State WIN plan (with local WIN plans attached) to the appropriate RCC for approval. The State WIN sponsor shall also forward a copy of the plan to the Governor's State Manpower Services Council, established under the Comprehensive Employment and Training Act of 1973 (P.L. 93-203), or its equivalent, for review and comment. Any comments made by the Council shall be forwarded directly to the RCC with copies to the State WIN sponsor and State welfare agency.

(d) Once approved by the RCC, the State WIN plan shall be binding on the State WIN sponsor and State welfare agency. Any disagreement concerning the approval or disapproval of a State WIN plan between the Departmental representatives serving as members of the RCC shall be referred promptly to the NCC for resolution.

§ 56.13 State and local agreements for WIN activities and programs.

A WIN sponsor may, through agreements with public or private agencies or organizations, including Indian tribes with respect to Indians on a reservation, carry out such activities and programs as are approved or developed by the Secretary of Labor, including but not limited to public service employment programs, intensive manpower services programs, institutional programs, on-the-job training programs, and work experience programs. Work experience programs and Public Service Employment agreements may be entered into only with public agencies and nonprofit private employers organized for a public purpose.

§ 56.14 Allocations of federal funds.

(a) The Secretary of Labor shall allocate not less than 50 percent of the sums appropriated under Part C of title IV of the Act to carry out the WIN program among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to the total amount available as the average number of individuals in each State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) of the Act, bears to the average number of individuals in all States who, during that month, are so registered.

(b) The Secretary of Labor shall allocate the balance of the sums not allocated under paragraph (a) of this section in such manner as he determines will best serve the objectives of the program.

(c) Of the sums expended on WIN by the Department of Labor not less than 33⅓ percent thereof shall be expended for carrying out the programs of on-the-job training and public service employment which meet criteria specified in the WIN Handbook issued under § 56.10.

(d) The Secretary of Health, Education, and Welfare shall prescribe methods for the allocation of funds pursuant to section 403(d) of the Act for the 50 States and the District of Columbia. For Puerto Rico, Guam, and the Virgin Islands, the Secretary of Health, Education, and Welfare shall allocate funds pursuant to section 1108 of the Act.

§ 56.15 Use of federal funds: political activities.

(a) Federal funds under Part C of title IV of the Act allocated by the Secretary of Labor to the State WIN sponsor, may be used to meet not more than 90 percent of the cost of carrying out the regulations promulgated under this part.

(b) WIN funds under Part C of title IV of the Act may be used for training, supervision, materials, administration, incentive payments, transportation fees for medical examinations required for the determination of exempt status under § 56.20 or incapacity for work assignment under § 56.34(a)(2), and other items as authorized by the Secretary of Labor, but may not, except in cases of WIN/PSE under the Act, be used for any reimbursement to the employer for time spent by individuals in work.

(c) WIN funds under section 403(d) of the Act may be used to meet 90 percent of the cost of supportive services, including child care, provided by or arranged for by the SAU, for AFDC recipients who are certified to WIN, and SAU administrative costs for all registrants.

(d) Federal funds shall be expended only for costs:

(1) Permitted under the provisions of Subpart 1-15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts"; and

(2) Not barred under the provisions of this part.

(e) Pursuant to section 403(c) of the Act, notwithstanding any other provision of this chapter, the Federal share of assistance payments under Title IV-A of the Act for any fiscal year shall be reduced by 1 percentage point for each percentage point by which the number of individuals certified to the WIN sponsor as ready for employment or training under the WIN program falls below 15 percent of the average number of individuals in the State who are required to be registered during such fiscal year.

(f) No funds allocated under the Act shall be used for any partisan or nonpartisan political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to the Act with:

(1) Any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, or lobbying for any matter at public issue;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election;

(3) Any voter registration activity.

§ 56.16 Non-federal contribution.

(a) A State plan under title IV-A of the Act must provide that the State welfare agency will assure a non-federal contribution to the Work Incentive programs established under Part C of the Act by appropriate agencies of the State or private organizations of 10 percent of the total cost of such programs, in cash or in-kind fairly evaluated. For this purpose, the State welfare agency will plan jointly with the State WIN sponsor for the development and use of in-kind resources. The State welfare agency must make the arrangements for, but need not itself make, the contribution. An in-kind contribution may be made in the form of the provision of services, staff, space, equipment, or any other goods or services of value essential to the operation of the WIN program. Where such contribution is in-kind, the amount thereof will be determined on the basis of its reasonable value as established by suitable documentation.

(b) The State welfare agency shall assure a non-Federal cash contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the SAU under Title IV-A of the Act.

(c) The WIN sponsor costs of operation of the WIN program which may be met by the non-federal contribution may include the costs of training, supervision, materials, administration, incentive payments, transportation, and other items as are authorized by the WIN sponsor.

(d) Funds from other Federal sources, whether in cash or in-kind, may not be used for the non-federal share, except when specifically permitted by law. State funds or resources that have been used to match other federal funds also may not be used for this purpose.

(e) If the State welfare agency fails to make arrangements for the non-Federal contribution of 10 percent of the total Statewide program costs of operation, pursuant to paragraph (a) of this section, the Secretary of Health, Education, and Welfare may withhold, under the conditions specified in the law, the equivalent of amounts to be paid from the grants to the State agency for the public assistance titles.

(f) The provisions of Federal Management Circular (FMC) 74-7 must be met.

§ 56.17 Reports, records, financial statements and audits.

(a) State and local WIN sponsors and welfare agencies shall submit periodic reports as required by DOL and DHEW to assure proper accounting for all program funds, including the non-Federal share. Such records and accounts shall be made available for audit purposes to DOL and DHEW, the Comptroller General of the United States or any authorized representative of these agencies, and shall be retained for 3 years after the completion of or final payment under the agreement, whichever is later. The records shall be retained beyond the 3-year period if audit findings have not been resolved. State and local WIN sponsors and welfare agencies, shall also submit periodic reports as required by DOL and DHEW covering nonfinancial program activities.

(b) Program funds and activities shall be audited in conformity with the Standards for Audit of Government Organizations, Program Activities and Functions issued by the Comptroller General of the United States.

§ 56.18 Adjustments in payments to WIN sponsors.

(a) If any funds are expended by a WIN sponsor or by a public service employer in violation of the Act, the regulations, grant conditions or contract provisions, the Secretary of Labor may make necessary adjustments in payments to the sponsor or the employing agency on account of such unauthorized expenditures. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amounts expended for unauthorized purposes in the current or immediately preceding fiscal year.

(b) No action taken by the Secretary of Labor under paragraph (a) of this section shall entitle the WIN sponsor to reduce program activities or allowances for any participant or to expend less during the effective period of the contract or grant than those sums called for in the State WIN plan. Any such reduction in expenditures may be deemed sufficient cause for termination.

§ 56.19 Termination of contracts or grants.

(a) If a WIN sponsor or IMU violates any provision of the Act or the regulations in this Part, or contract provisions or grant conditions which the Secretary of Labor has issued or shall subsequently issue during the period of the contract or grant, the Secretary of Labor may terminate the contract or grant in whole or in part unless the agency which caused the violation corrects it within a period of 30 days after receipt of notice specifying the violation; or

(b) In his discretion, the Secretary of Labor may terminate the contract or grant in whole or in part;

(c) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of a notice of termination the agency shall:

(1) Discontinue further commitments of contract or grant funds to the extent that they relate to the terminated portion of the contracts or grants;

(2) Promptly cancel all contracts or subcontracts utilizing funds under the contract or grant to the extent that they relate to the terminated portion of the contract or grant;

(3) Settle, with the approval of the Secretary of Labor, all outstanding claims arising from such termination;

(4) Submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the contract or grant but in the case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal. Allowable cost shall be determined in accordance with the provisions of Part 1-15.7 of Title 41 of the Code of Federal Regulations and Federal Management Circular (FMC) 74-4.

Subpart C—Requirements and Procedures for Registration and Procedures for Appraisal and Certification

§ 56.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

A State plan under Title IV-A of the Social Security Act must provide that:

(a) All applicants and recipients who are required to register by section 402(a)(19)(A) of the Act shall register for manpower services, training, and employment as a condition of eligibility for AFDC, except as otherwise provided under paragraph (b) of this section;

(b) The Income Maintenance Unit (IMU) of the State or local welfare agency shall determine which AFDC applicants and recipients are exempt from registration and which are required to register as a condition of eligibility for AFDC benefits, based on the following

V 40 182 SEP 1875 XUM

criteria: Each AFDC applicant and recipient shall register unless he is:

(1) Under age 16;

(2) Regularly attending school and age 16 but not yet 21 years of age (or 18 years of age if the State AFDC plan limits benefits to children who are under age 18). There must be verification according to State welfare regulations that the person is enrolled or has been accepted for enrollment for the next school term as a full-time student as defined in 45 CFR 233.90;

(3) Ill, when determined by the IMU on the basis of medical evidence or on another sound basis that the illness or injury is serious enough to temporarily prevent entry into employment or training;

(4) Incapacitated, when verified by the IMU that a physical or mental impairment, determined by a physician or licensed or certified psychologist, by itself or in conjunction with age, prevents the individual from engaging in employment or training under WIN;

(5) 65 years of age or older;

(6) Residing outside of a WIN project area specified in the State WIN plan or residing within a WIN project area at a location which is so remote from a WIN office or service unit that effective participation in the program is precluded. The individual shall be considered remote if a round trip of more than 2 hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day, unless normal round trip commuting time in the area is more than 2 hours, in which case the round trip commuting time shall not exceed the generally accepted community standards;

(7) A caretaker in the home, and the IMU has verified that a physical or mental impairment as determined by a physician or licensed or certified psychologist, of another member of the household requires the individual's presence in the home on a substantially continuous basis, and that no other appropriate member of the household is available;

(8) A mother or other caretaker relative of a child under age 6; or

(9) A mother or other female caretaker of a child, when the nonexempt father or other nonexempt adult male relative in the home is registered and has not refused to participate in the program or to accept employment without good cause.

(c) The IMU shall inform each applicant and recipient in writing that:

(1) The needs of any nonexempt applicant or recipient who fails to register as required will not be taken into account in determining the need and the amount of the AFDC assistance payment;

(2) Exempt applicants and recipients must report to the IMU any changes which affect their exempt status;

(3) Any applicant or recipient has a right to a hearing before the State welfare agency to contest a determination of nonexempt status or to contest a denial of AFDC benefits when such benefits have been denied because of his refusal to register for WIN;

(4) Exempt applicants and recipients in WIN project areas may choose to register voluntarily for manpower services, training, and employment, and may withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in a way which would require registration; and

(5) Nonexempt applicants and recipients, along with exempt individuals who volunteer for WIN, shall report to a specified place of registration at the office of the WIN sponsor or its approved agent.

(d) The IMU shall immediately refer all applicants and recipients, whom it has determined to be nonexempt, and all volunteers, to the WIN sponsor or its approved agent for registration.

(e) The IMU shall refer individuals who have been determined to be exempt from registration on the basis of incapacity to the appropriate State vocational rehabilitation agency.

(f) The IMU of the welfare agency shall include a redetermination of exemption as a part of the AFDC eligibility redetermination process, except where an individual has been determined to be 65 years of age or older, or permanently incapacitated.

(g) The IMU shall notify the WIN sponsor within 3 working days of any welfare determination which may affect an individual's WIN status.

§ 56.21 Registration procedures.

(a) The WIN sponsor shall promptly register all individuals found by the IMU to be nonexempt, and all individuals who volunteer for WIN, when they appear at the WIN office so that eligibility determinations are not delayed. Where special conditions warrant (such as a paucity of WIN sponsor offices in an area), the WIN sponsor may, with the concurrence of the Regional Coordination Committee (RCC), contract with other public or private nonprofit agencies in specified areas to carry out registration activities. Under this requirement, the WIN sponsor (or its approved agency) shall:

(1) Obtain a complete work history on each applicant and recipient;

(2) Notify each registrant about the nature of the WIN program and about his rights and responsibilities therein;

(3) Provide each registrant with written proof of registration;

(4) If the IMU has determined an individual to be nonexempt and the WIN sponsor disagrees, register the individual and request the IMU to reconsider its determination. The IMU's response will be accepted by the WIN sponsor. If the IMU reverses its decision, the WIN sponsor shall deregister the individual as exempt unless the individual volunteers for WIN. If the IMU does not respond within 30 days of the request, the WIN sponsor shall deregister the individual as exempt;

(5) Notify the IMU of any employment or other change of status which may affect an individual's AFDC eligibility or the amount of the AFDC payment; and

(6) Notify the IMU, within 3 working days of the registration, that registration has been completed so that the IMU's completion of the welfare eligibility determination shall not be delayed.

(7) Provide all registrants, at the time of registration, job market information and referral to available employment. All appropriate job market information available to the WIN Sponsor, including Job Bank, shall be used to provide this information and facilitate such referrals.

(b) The needs of any individual who fails to register as required under paragraph (a) of this section shall not be taken into account in determining the need of the family and the amount of assistance, and assistance will be furnished to the eligible members of the family;

(c) Where the WIN sponsor is the State public employment service, the registration required of unemployed fathers under section 407(b)(2)(c)(i) of the Act may be completed at the WIN office which will fulfill the WIN registration requirement under section 402(a)(19)(A) of the Act.

§ 56.22 Appraisal and certification.

(a) The appraisal interview shall be conducted jointly to the extent possible, or sequentially as appropriate, by the WIN sponsor and the SAU. Whenever possible, appraisal shall occur at the time of registration. An employability plan shall be initiated by the WIN sponsor and the SAU at the appraisal interview for each registrant who is found suitable for participation in the WIN program. The decision to refer an individual to employment or to a work or training component rests with the WIN sponsor.

(b) All unemployed fathers shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and appraisal shall occur prior to certification. Certification shall be completed no later than 30 days from the receipt of AFDC benefits.

(c) Other individuals will be appraised according to the following priorities, taking into account the individual's employment potential:

(1) Mothers, whether or not required to register, who volunteer;

(2) Other mothers, and pregnant women under 19 years of age, who are required to register;

(3) Dependent children and relatives who have attained age 16 and who are not in school full-time or engaged in work or manpower training; and

(4) Others.

(d) The employability plan shall contain a manpower services plan and a supportive services plan, and shall be designed to lead to employment and ultimately to self-support. It shall contain a definite employment goal, attainable in the shortest time period consistent with the supportive services needs, project resources, and job market opportunities. Final approval of the employability plan rests with the WIN sponsor.

(e) The WIN sponsor shall request the SAU to certify in writing that the necessary immediate and on-going supportive

services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in a WIN component. When certified, the individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in intensive manpower services, on-the-job training, public service employment, institutional training, or in any other manpower program or activity.

(f) Registrants who find employment or are placed by the WIN sponsor may be certified and necessary supportive services may be provided.

(g) AFDC grants and social services for individuals under the State AFDC plan shall not be denied by reason of the individual's referral to a job, to a WIN program, or solely by reason of an individual's participation therein.

Subpart D—Supportive and Manpower Services and Protective Provisions

§ 56.30 Supportive services; State plan requirements.

A State plan under Part A of title IV of the Act must provide that:

(a) Within the State agency there will be separate administrative units which will, to the maximum extent possible, perform functions only in connection with the WIN program;

(b) The SAU shall be responsible for:

(1) Developing, jointly with the State WIN sponsor, and approving, a State WIN plan in accordance with section 433(b) of the Act;

(2) Developing and supplying social services necessary to enable a registrant who is an AFDC recipient to accept employment and training for employment. Necessary services shall continue for a period of 30 days after the start of unsubsidized employment and may continue for a maximum of 90 days at the discretion of the SAU. Such services may be provided even after the AFDC grant has been discontinued due to employment. In an emergency such services may also be provided for a period of up to 30 days to enable a registrant to continue existing employment;

(3) Participating with the WIN sponsor in appraisal and certification and in the development of employability plans pursuant to § 56.22;

(4) Certifying in writing to the WIN sponsor that the individual is ready for WIN manpower services when the WIN sponsor requests such certification and the supportive services, if any, have been provided or arranged for; and

(5) Providing counseling and other services, for a period of up to 60 days, to certified individuals determined by the Secretary of Labor to have refused training or employment under the WIN program without good cause, for the purpose of persuading them to accept appropriate training or employment (see §§ 56.51 and 56.76). Under this requirement, once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the agency shall not provide another period of counseling and other services.

(c) Supportive services under the WIN program shall include:

(1) Child care which meets the standards specified in 45 CFR 228.42. When more than one kind of child care is available, the mother of other caretaker relative may choose the type, but may not refuse to accept child care services if they are available. Such services must be responsive to breakdowns in prior arrangements in order to ease or avoid disruption of employment or participation in manpower services;

(2) Family planning services;

(3) Counseling services;

(4) Employment related medical, remedial, and health-related care services not included under the State's Title XIX plan or otherwise available;

(5) Selected vocational rehabilitation services, as defined by the Rehabilitation Act of 1973, which cannot otherwise be funded by the vocational rehabilitation agency;

(d) Other supportive services included in the State WIN plan may be provided if they are necessary to enable registrants to accept employment or receive manpower training.

(e) Supportive services may be provided for up to two weeks to a registrant between participation in WIN components or between participation in a component and the start of employment in order to avoid interruption of the employability process.

§ 56.32 Pay and allowances for WIN registrants.

(a) An individual assigned to a WIN institutional or work experience training component, including the intensive manpower services component, in which no salary is paid, shall receive an allowance for necessary training related expenses. He shall also receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(b) Individuals placed in employment, OJT, or PSE shall be authorized training related expenses for not in excess of two WIN pay periods; or until they receive their first full paycheck or the cash from a grant adjustment reflecting new work related expenses, whichever occurs first.

(c) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to individuals for separate maintenance when in training facilities beyond daily commuting distance from their homes for each calendar day within the training payment period during which they are participating in such training and are residing away from home.

(d) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(e) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(f) WIN sponsor offices may establish petty cash funds or another acceptable method to meet needs for cash for allowable expenditures for all registrants.

(g) Registered recipients referred to employment may receive an allowance for necessary expenses.

§ 56.33 Relocation assistance.

The Secretary of Labor may assist certified individuals to relocate their place of residence when he determines such relocation is necessary in order to enable them to become permanently employed and self-supporting. Such assistance shall be given only to individuals who concur in the relocation and who have received a bona fide job offer at their place of relocation at wage rates which will meet at least their full need as determined by the State to which they will be relocated. Assistance under this section shall not exceed the reasonable costs of transportation for such individuals, their dependents, and their household belongings, plus such relocation allowance as the Secretary of Labor determines to be reasonable.

§ 56.34 Appropriate work and training criteria.

(a) Certified registrants shall accept assignment to employment or WIN training as determined appropriate by the WIN sponsors or face deregistration action. The following standards must be met before any such individuals can be required to accept a work or training assignment including PSE and OJT:

(1) All assignments for those in WIN training shall be within the scope of an individual's employability plan. This plan may be modified to reflect changed employment conditions.

(2) The job or training assignment must be related to the capability of the individual to perform the task on a regular basis. Any claim of adverse effect on physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health.

(3) The total daily commuting time to and from home to the work or training site to which the individual is assigned shall not normally exceed 2 hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance and time is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards.

(4) When child care is required, it must meet the standards specified in 45 CFR 228.42 and must be available during the hours the individual is engaged in a WIN component or manpower activity plus any additional necessary commuting time.

(5) The work or training site to which the individual is assigned must not be in violation of applicable federal, State and local health and safety standards.

V 40 182 SEP 18 75 XUM

(6) Assignments shall not be made which are discriminatory in terms of age, sex, race, creed, color, or national origin.

(7) The individual shall not be referred to work or training unless supportive and manpower services necessary for participation are available, even in cases where the State WIN plan does not specifically provide for the needed services. The cessation or withdrawal of such necessary services while the individual is in a WIN component shall constitute good cause for refusal to participate.

(b) The determination of "appropriate work" shall be made at the local project level. The following criteria shall be applied in addition to the above, in determining "appropriate work":

(1) Appropriate work may be temporary, permanent, full-time, part-time or seasonal work, if such work meets the other work standards of this section.

(2) When an income disregard is available, the wage shall meet or exceed the Federal or State minimum wage law, whichever is applicable, or if such laws are not applicable, the wage shall not be substantially less favorable than the wage normally paid for similar work in that labor market but in no event shall it be less than three-fourths of the minimum wage rate set forth in section 6(a) (1) of the Fair Labor Standards Act.

(3) When, as a result of becoming employed, no income disregard is available to the individual, the wage, less mandatory payroll deductions and a reasonable allowance for necessary employment related expenses, shall provide an income equal to or exceeding the family's AFDC cash benefit. The wage shall in no case be less than that required by any applicable minimum wage law.

(4) The daily hours of work and the weekly hours of work shall not exceed those customary to the occupation; and

(5) No individual shall be required to accept employment if—

(i) The position offered is vacant due to a strike, lockout, or other bona fide labor dispute;

(ii) The individual would be required to work for an employer contrary to the conditions of his existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which he has membership may be deemed appropriate.

(iii) The job offered would interrupt a program in progress under an approved employability plan leading to self-support or to the resumption of his regular job within a short period of time. This does not, however, preclude temporary employment during the interval prior to his re-employment in his regular job.

(c) In addition to meeting the criteria in paragraph (a) of this section, for training to be appropriate, the quality of the training must meet local employers' requirements so that the individual will be in a competitive position within the local labor market. The training must also be likely to lead to employment which will meet the appropriate work criteria.

§ 56.35 Period of participation.

(a) The duration of institutional training established pursuant to section 432(b)(2) of the Act shall average no more than six months with a maximum duration of one year for any individual.

(b) Participation in the work experience component shall not exceed 13 weeks for any individual. The RCC may, for good cause, allow an exception to the limitations in paragraph (a) of this section.

§ 56.36 Nondiscrimination.

(a) No person in the United States shall, on the grounds of age, race, creed, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under these regulations.

(b) Grievances involving discrimination under paragraph (a) of this section shall be processed according to equal opportunity provisions established by DOL and DHEW and, to the extent applicable, in compliance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder.

Subpart E—The WIN Components and Activities

§ 56.40 Public service employment (PSE).

(a) PSE consists of WIN subsidized jobs in the public and private non-profit sectors. All PSE jobs must meet the criteria for appropriate work, established by § 56.34, and must be jobs which would not otherwise be performed by regular employees. The PSE component provides transitional employment intended to move individuals from AFDC into unsubsidized jobs.

(b) All certified registrants for whom appropriate unsubsidized employment cannot be found are eligible for placement in PSE.

(c) An eligible employer may be:

(1) Any unit of State or local government;

(2) Any public agency or institution which is a State or local government subdivision;

(3) An Indian tribe or combination of tribes on a Federal or State reservation; or

(4) Any private non-profit organization established to serve a public purpose.

(d) For the purpose of AFDC benefits, PSE participants are considered to be employed. However, PSE participants shall not be deregistered from WIN until they complete the scheduled PSE contract period and enter unsubsidized employment. PSE participants are not eligible to receive either a WIN incentive payment or the $30 plus ⅓ disregard provided by section 402(a)(8) of the Act.

(e) Individuals shall not be assigned to a PSE job if this will result in the displacement of already employed full-time workers.

§ 56.41 Intensive manpower services component.

(a) A State may establish as one work experience component an intensive manpower services component to assist certified individuals to obtain employment. The State WIN sponsor shall develop standards of participation in the intensive manpower services component, taking into account local conditions, including, but not limited to geographic factors, availability of public transportation, and local labor market characteristics. If the State selects this component, such standards of participation shall be included in the State WIN plan submitted to the RCC.

(b) The intensive manpower services component shall provide manpower and employment services, which may include orientation, and must include job development, exposure to labor market information, job placement, and job-seeking skills development to assist individuals in obtaining unsubsidized employment.

§ 56.42 On-the-job-training (OJT).

(a) OJT is an employment opportunity which includes training. Under this component, a certified registrant is hired by a private or public employer and provided training which is subsidized under contract between the employer and the WIN sponsor. Employers are encouraged to provide increased supervision and training through contracts with the WIN sponsor, pursuant to which the WIN sponsor will reimburse the employer for the extraordinary costs of such training and supervision.

(b) For the purpose of AFDC benefits, OJT participants are considered to be employed. However, OJT participants shall not be deregistered from WIN until they complete the schedule OJT contract period as they are still an active participant in the WIN program during such period.

§ 56.43 Institutional and other work experience training.

(a) Institutional training is a component involving vocational or other classroom training conducted by an instructor in a non-worksite setting.

(b) A work experience component is to provide a clearly defined, well-supervised, assignment with a public or private nonprofit employer in which an individual has the opportunity to develop basic work habits, to practice skills learned in classroom training, and to demonstrate skills to a prospective employer.

§ 56.44 WIN individuals suspended to other employment or training programs.

Certified individuals referred to other eligible Federal or State funded employment or training programs, and meeting all the eligibility requirements under those programs, shall be temporarily suspended from the WIN program. Such individuals shall normally be compensated in accordance with and through the provisions of those programs. However, when such compensation is not available or would be disadvantageous to the individual, he may accept regular WIN benefits instead. Notwithstanding such suspension, necessary supportive and manpower services which are not provided under the other program, but which are necessary to permit the individual to continue in the program, will be provided or arranged for by the SAU and the WIN sponsor in accordance with the time limit set forth in this Part.

§ 56.45 Non-federal employee status.

An individual in a WIN component shall not be deemed an employee of the Federal Government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

Subpart F—Deregistration and Sanctions

§ 56.50 Deregistration.

(a) All deregistrations shall be performed by the WIN sponsor.

(b) A deregistration is necessary when an individual is held to have refused to participate without good cause; an incorrect non-exemption determination has been made; or an individual becomes exempt. Deregistration is also necessary when an individual becomes ineligible for AFDC except in the case where he is participating in the PSE or OJT components or is employed and receiving WIN-funded supportive services.

(c) The welfare agency shall notify the WIN sponsor of any change which will affect an AFDC recipient's welfare or exemption status in such a way as to warrant deregistration.

(d) Except in those cases where the WIN sponsor has been notified that an AFDC grant has been discontinued for reasons involving other than WIN program issues the WIN sponsor shall notify the IMU of all deregistrations.

(e) Any WIN registrant, except a volunteer, who is determined to have failed or refused without good cause to appear for appraisal; or any certified WIN registrant, except a volunteer, who after counseling has been offered, continued to refuse to participate in the WIN program without good cause shall be deregistered from WIN and removed from the AFDC grant for failure to participate.

(f) Volunteers who withdraw from the WIN program shall be deregistered.

(g) Volunteers who are found to refuse to participate after notice and an adverse hearing decision, if a hearing is requested, shall be deregistered.

§ 56.51 Sanctions.

A State plan under title IV–A of the Act shall provide that:

(a) When a registered recipient has been found to have failed or refused without good cause to participate in the WIN program, the following sanctions shall apply:

(1) If such individual is a caretaker relative receiving AFDC, his needs will not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments or of foster care will be provided to the remaining members of the assistance unit. Under such circumstances, the caretaker relative may not be the protective payee;

(2) If such individual is the only dependent child in the family, assistance for the family will be denied;

(3) If such individual is one of several dependent children in the family, assistance for such child will be denied and his needs will not be taken into account in determining the family's need for assistance;

(b) The sanctions under paragraph (a) of this section shall not be applied during a period of up to 60 days after such adverse decision, provided the registrant has been certified and accepts counseling and other necessary services aimed at persuading him to participate in the WIN program. Meanwhile, where the individual is a caretaker relative, assistance to his family in the form of protective or vendor payments and counseling and other necessary services shall be provided by the State welfare agency.

(c) If an individual registered on a voluntary basis, pursuant to § 56.20 of this part, discontinues participation in the work incentive program he and his family are not subject to the sanctions under this section.

(d) In the event a registrant is referred back to the IMU as having good cause for not continuing on a training plan or a job, the IMU shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

Subpart G—The WIN Adjudication System

§ 56.60 Disputes regarding WIN registrations.

(a) The welfare agency shall provide an opportunity for a hearing in the case of a disputed registration determination in which the AFDC applicant claims that he is exempt from WIN by the statutory criteria. Such an applicant shall be considered as exempt until his status is finally determined.

(b) A welfare hearing officer shall conduct welfare hearings under this section, pursuant to the procedures prescribed in 45 CFR 205.10. Where the local WIN sponsor becomes involved in the determination of a disputed registration, a representative of the local WIN sponsor shall appear as a party at the hearing.

§ 56.61 Rules and procedures.

(a) The State WIN plan shall include rules and procedures applicable to both certified and uncertified registrants, governing participation, attendance, conduct, disputes, notice and opportunity for a fair hearing and any State appellate review. The plan shall specify that the hearing officer shall be an individual who was not involved in the original determination. The plan shall also designate the parties to the hearing.

§ 56.62 Complaints and grievances.

(a) Initially, written complaints and grievances shall be handled informally outside of the WIN adjudication system. They shall be processed at the local project level within the time frame provided under § 56.61(a). At that time, an individual who is not satisfied with the disposition of his complaint may initiate a formal protest at the local project level which then will be processed through the formal WIN adjudication system.

(b) Written records of all disputes arising within the WIN program shall be maintained by the WIN sponsor. The date appearing on such records shall be controlling in determining the timeliness of subsequent steps in the WIN adjudication system.

§ 56.63 Requirement of conciliation and notice.

(a) All efforts toward conciliatory resolution of disputes between the WIN sponsor and the registrant must be exhausted prior to the issuance of a Notice of Intended Deregistration. This conciliation effort may continue for a period not to exceed 30 days but may be terminated sooner at the discretion of the WIN sponsor when it is apparent that the dispute cannot be reconciled in this manner. When the conciliation period has terminated, or the dispute remains unresolved after 30 days, the WIN sponsor shall mail to the registrant a notice of Intended Deregistration.

(b) The notice shall include:

(1) A detailed explanation of the reason for the action and the consequence of refusal or failure to cooperate in a WIN prescribed program without good cause;

(2) Notification of the registrant's right to a hearing if the registrant believes the proposed action is incorrect, provided a written request for a hearing is filed as prescribed in § 56.63;

(3) Notice that the proposed action will be implemented if a hearing request is not received within the prescribed time;

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) Notice that he may be represented at the hearing by counsel or other authorized representative appointed by him and that he and his representative will have the opportunity to confront and cross-examine opposing witnesses;

(7) Notice that he will be permitted to present material evidence and testimony at the hearing that is not already in the record.

(c) When written notification is mailed to the individual, the WIN sponsor shall also inform him of the intended action personally or by telephone, if possible.

(d) The requirements of this section do not apply to an individual who:

(1) Has successfully entered employment and is regularly employed;

(2) Is deregistered as exempt; or

(3) Is deregistered as a result of becoming ineligible for welfare.

V 40 I 182 SEP 18 75 XUM

§ 56.64 Request for hearing.

(a) An individual who believes the intended action is incorrect may request a hearing before a hearing officer within 10 days after mailing of Notice of Intended Deregistration. The request for a hearing may be made either orally or in writing by the individual or his authorized representative to the WIN sponsor. Where the request is oral, the WIN sponsor shall prepare the required forms on behalf of the individual and obtain the individual's signature on the forms.

(b) Hearing procedures shall be made available to individuals requesting hearings in advance of such hearings.

§ 56.65 Issues subject to hearing.

(a) Under the WIN adjudication system a hearing officer will hear and decide WIN program issues arising subsequent to registration by certified and uncertified registrants. WIN program issues include failure or refusal to appear for appraisal, assignment to a WIN component, unresolved WIN grievances, or failure or refusal without good cause to accept employment or otherwise participate in the WIN program.

(b) After reasonable attempts have been made at the local level to resolve disputes arising from work, or training assignment under WIN, the designated activity may be accepted without prejudicing the individual's right to protest such assignment. Such protest shall be handled through the WIN adjudication system in the same manner as if the registrant had, in fact, refused to participate in the WIN program. In such an instance, a registrant who fails to accept an adverse decision pursuant to § 56.88 (a)(5) shall have no further recourse to a hearing on the issue.

§ 56.66 Hearing procedures.

(a) Upon receipt of a written request for a hearing, a Notice of Scheduled Hearing shall be mailed to the individual and other parties within 10 days. Such notice shall indicate the date, time, and place of the hearing, the issues to be considered, and the hearing procedures that will be followed. Hearings shall be scheduled no earlier than 10 days, or later than 30 days, following the mailing of the hearing notice.

(b) The hearing officer may reschedule a hearing upon request of the individual, his representative, or other party.

(c) An individual or his representative may withdraw the request for a hearing in writing before the hearing.

(d) The WIN staff or its legal representative shall have primary responsibility for presenting the case before the hearing officer.

§ 56.67 Conduct of WIN hearings.

(a) The hearing officer shall:

(1) Regulate the course of the hearing;

(2) Issue subpoenas authorized by State law;

(3) Assure that all relevant issues are considered, including the timeliness of the hearing request;

(4) Rule on the introduction of new and relevant evidence and testimony;

(5) Take any other action consistent with due process, necessary to insure an orderly hearing.

(b) The testimony at the hearing shall be recorded. It shall be transcribed only when necessary for review by an appellate body.

(c) The registrant or his representative, and the designated WIN sponsor and SAU shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(d) The hearing officer may elicit testimony from witnesses, but shall not act as advocate for any party.

(e) The hearing officer shall receive, and make part of the record documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available to other interested parties upon request.

(f) The case record, or any portion thereof, shall be available for inspection and copying by any party at, prior to, or subsequent to the hearing upon request. Special procedures may be used for disclosure of medical and psychological records such as disclosure to a physician designated by the individual.

(g) The hearing officer shall, if feasible, resolve the dispute by conciliation at any time prior to the conclusion of the hearing.

§ 56.68 Decisions of the hearing officer.

(a) The hearing officer may rule:

(1) That the individual has failed to appear for appraisal without good cause or has failed or refused to participate without good cause, and that appropriate deregistration shall be initiated;

(2) That good cause has been shown for failure or refusal to participate and the individual should be retained in the program;

(3) That the request for a hearing is dismissed because:

(i) It was filed untimely without good cause;

(ii) It has been withdrawn in writing;

(iii) The individual failed to appear at the hearing without good cause; or

(iv) Reasonable cause exists to believe that the request has been abandoned or that repeated requests for rescheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing, in which case the welfare agency may initiate necessary action to impose appropriate sanctions;

(4) That the individual was appropriately or inappropriately assigned; or

(5) Render such other rulings as are appropriate to the issues in question. However, a hearing officer shall not consider the validity or constitutionality of the regulations in this Part or of the Act.

(b) Based on the entire record including any evidence and oral testimony provided at the hearing the hearing officer shall prepare a written decision. Within 10 working days following the hearing, a copy of such decision stating his findings and conclusions of law and the reasons therefore, shall be mailed to the individual and his authorized representative, if any, the WIN sponsor, the SAU, and the RCC. Instructions for appealing an adverse decision or recommendation to the appropriate appellate body shall be attached to the copy sent to the individual and his representative.

(c) In cases involving novel questions of law or policy the hearing officer may, within 5 days after issuing his written decision, certify the case for review and decision to the State WIN appellate body or to the National Review Panel (NRP) where the State does not provide for a State WIN appellate procedure.

§ 56.69 Appeals from hearing officer's decision.

(a) Any party who disagrees with the hearing officer's decision on the WIN issue may request a review of such decision by the appropriate State appellate body within 10 days following the date on which the hearing officer's decision is mailed. A request for appellate review of the hearing officer's decision shall not stay implementation of the decision.

(b) A State WIN appellate body shall consider and decide appeals filed within the time period prescribed by paragraph (a) of this section. Within 30 days after receipt of the request for review it shall prepare a written decision either affirming or reversing the hearing officer's decision or it may remand the case to a hearing officer for further evidence. The decision shall be based on its review of the entire hearing record and any additional written evidence submitted or obtained in connection with its consideration of the appeal. However, in no case shall new evidence be admitted if it brings into question the validity or constitutionality of the regulations in this Part or of the Act. The decision shall state the findings of fact and conclusions of law and the reasons therefore. Copies of the decision shall be mailed to the individual, his authorized representative, if any, the WIN sponsor, the SAU, the RCC, and the NRP. Instructions for appealing a decision to the NRP and the rules under which the NRP considers appeals shall be attached to the individual's copy of the decision.

(c) While reviewing a case, a State WIN appellate body may consider novel questions of law or policy or certify the case within 5 days after rendering its decision to the NRP for review and decision.

(d) If a hearing officer's adverse decision is reversed on appellate review, the individual shall be paid such retroactive WIN and welfare benefits as may be applicable and, where appropriate, shall be reinstated in the program.

§ 56.70 National Review Panel (NRP).

(a) The NRP shall be composed of the DOL Chief Administrative Law Judge and other Administrative Law Judges appointed pursuant to the Administrative Procedure Act requirements and designated by the Chief Administrative Law Judge to serve as members of the panel. The panel shall be located in Washington, D.C., and shall, unless

equity requires otherwise, hold its reviews in Washington.

(b) The NRP has jurisdiction to—

(1) Consider appeals where a State does not provide for a WIN appellate procedure in all cases in which a compelling reason exists, including, but not limited to, cases raising novel and or substantial issues of law or policy.

(2) Consider and decide cases wherein, in the exercise of its discretion, it has accepted certification of the cases to it by the State WIN appellate body, or in the absence of a State WIN appellate body, by the hearing officer because they involve novel questions of law or policy;

(3) Consider and decide cases which, on its own motion, it has requested from a State WIN appellate body or, in the absence of a State WIN appellate body, from the hearing officer.

(4) At its discretion, consider and decide appeals filed by individuals, the WIN sponsor or welfare agencies from State WIN appellate body decisions.

(5) Monitor the consistency, legal sufficiency, and quality of cases handled by the hearing officer and State WIN appellate body.

(6) However, the NRP shall not have jurisdiction to examine the issue of either the validity or constitutionality of the regulations, in this Part or of the Act.

§ 56.71 Appeals to the NRP.

(a) Appeals to the NRP may be filed by any party. Such appeals shall be mailed within 10 days of the date of the written decision from which the appeal is taken.

(b) The appeal shall be in writing, shall identify reasons in support of the appeal, and be addressed to the NRP. Notice of the appeal and where possible, copies of the appeal shall be sent by the NRP to all parties.

(c) Any party to the proceeding may respond to the appeal or comment in support of or in opposition to the appeal. The submitting party shall mail its response to the NRP within 10 days after the date of mailing of the notification that an appeal has been filed.

§ 56.72 Request for NRP to accept certification.

(a) The State WIN appellate body, or, in the absence of a State WIN appellate body, the hearing officer may file a request that the NRP accept certification of a case.

(b) The request must contain the following:

(1) A concise statement of the novel question of law or policy which is the basis for the request to accept certification;

(2) A brief summary of the relevant facts and evidence;

(3) Pertinent rulings, conclusions, and decisions by the hearing officer or the WIN appellate body, as the case may be; and

(4) All reasons and arguments in support of the request, including citation of applicable laws and case decisions. A copy of any written decisions by the hearing officer or WIN appellate body must be attached to the request.

(c) A request for the NRP to accept certification shall be filed as follows:

(1) By the State WIN appellate body within 5 days following issuance of its written decision;

(2) In the absence of a State WIN appellate body, by the hearing officer within 5 days after issuance of his written decision;

(d) The party filing a request to the NRP to accept certification of a case shall file the request with the NRP U.S. Department of Labor, Washington, D.C. 20036 and simultaneously mail copies to every other party, including the State agency administering hearings.

(e) Any party who wishes to respond to the request or to comment thereon may file a response with the NRP in support of or in opposition to the request within 10 days following the date of mailing of a request that the NRP accept certification. A copy of the response shall be mailed to all parties to the proceeding, including the State agency administering hearings.

§ 56.73 Requests by NRP for certification.

(a) Requests by NRP for certification of a case to it shall be made in writing no later than 30 days after receipt by the NRP of a written decision by the State WIN appellate body or the hearing officer. Copies of the request shall be mailed to all parties.

(b) In all cases, any party may file briefs in support of its position. The NRP may request briefs from the parties.

(c) Briefs shall be filed within 30 days from the date mailing of the request that a case be certified. In cases where the NRP requests briefs, a different time limit may be set.

§ 56.74 Certification of the record.

Upon receipt of written notice from the NRP that an appeal has been filed, that it has accepted certification of a case, or that it has requested certification of a case, the State WIN appellate body or the hearing officer, whichever is applicable, within 30 days of mailing of the notification, shall certify and file with the NRP the record of the hearing including the transcript of the hearing; a copy of the hearing officer's decision; where appropriate, a copy of the decision of the State appellate body; and, any other papers and documents relevant to the proceedings. The State WIN appellate body or hearing officer, whichever is appropriate, shall prepare and include an index of the documents transmitted and shall mail a copy of such index to every party.

§ 56.75 Consideration by and decisions of the NRP.

(a) In considering appeals before it, the NRP may sit in panels of three members. The DOL Chief Administrative Law Judge may designate any Administrative Law Judge employed by DOL to review or hear a particular case and to submit his findings and recommendation to the NRP or any duly designated panel thereof.

(b) In considering appeals before it, the NRP, a duly designated panel thereof, or the designated Administrative Law Judge may request the parties to submit additional written statements of position, hear oral arguments or hold additional hearings where necessary.

(c) (1) Any party may make application in writing for a hearing or oral presentation. Such application shall set forth the reasons in support thereof and be made within 10 days after:

(i) Mailing of notification of the filing of an appeal from the decision of a hearing officer where the State does not provide for an appellate body; or

(ii) Mailing of notification that the NRP at its discretion has accepted an appeal from the decision of a State WIN appellate body; or

(iii) Mailing of notification that the NRP has accepted certification of a case whether at its request or upon the application of a State WIN appellate body or hearing officer.

(2) If a hearing or oral argument is directed, the notice shall state the date, time, place, nature, and purpose of the hearing or oral argument. Such notice shall be mailed to all parties.

(3) At any hearing or oral argument so ordered, the NRP, or the designated Administrative Law Judge, may require or direct any party or person to appear to testify or produce evidence if such hearing or argument is deemed necessary, it shall be held at the location of the original hearing.

(4) Any party to the proceeding may appear personally or be represented by an attorney or agent.

(5) If a hearing is directed before an Administrative Law Judge, the findings and recommendations of the Administrative Law Judge to the panel shall be mailed to all parties. Any party may file with the NRP written exceptions and briefs in support thereof within 10 days of the mailing of the Administrative Law Judge's findings and recommendations and shall at the same time mail copies of such exceptions and briefs to all other parties. Any exceptions filed shall refer to specific findings and recommendations of the Administrative Law Judge.

(d) In all cases which are accepted for adjudication by the National Review Panel the NRP shall send a copy of all relevant materials to the NCC, Solicitor of Labor and Office of General Counsel, DHEW, to afford a 30-day period for the submittal of any response deemed appropriate or requests for oral argument.

(e) The NRP shall prepare a written decision setting forth its findings, the reasons for its conclusions, and an appropriate order. The decision shall be based on the record and any additional evidence submitted to or obtained by the NRP. The decision may consist of affirmation, reversal, remand for further development of the evidence or other appropriate action. Copies of the NRP decisions including notification that the NRP has denied a request that it review a decision of a State WIN appellate body and notification that NRP has accepted certification of a case, shall be mailed to all parties and such other persons as may be appropriate.

V 40 182 SEP 18 75 XUM

§ 56.76 Sixty-day counseling period and reinstatement of certified individuals.

(a) WIN benefits under Part C of title IV of the Act (not AFDC benefits) shall cease and the 60-day counseling period by the SAU shall commence to run on the fifth business day following:

(1) The expiration of the prescribed time period for filing a request for a hearing on a proposed deregistration from WIN, or the date on which the request for such hearing is dismissed; or

(2) The date of the hearing officer's decision that the disputant has refused or failed to accept employment or otherwise participate in the WIN program without good cause; or

(3) A decision rendered by the State appellate body or the NRP which reverses a decision favorable to a WIN registrant.

(b) The IMU will be notified immediately by the WIN sponsor of all of the foregoing actions.

(c) Counseling shall be provided by the SAU for a period of up to 60-days, to those certified registrants who have been determined by the Secretary of Labor to have refused to participate in the WIN program without good cause for the purpose of persuading them to participate in WIN. Such counseling may be terminated at any time during this period at the discretion of the SAU when it becomes apparent that the counseling efforts are proving unsuccessful. Once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the SAU shall not provide another period of counseling and other services.

(d) The 60-day counseling period shall not be provided to uncertified registrants.

(e) A certified registrant who fails without good cause to appear for two or more scheduled counseling meetings shall be considered to have terminated the counseling.

(f) Certified registrants who complete the 60-day counseling may be reaccepted into WIN only with the concurrence of the SAU.

§ 56.77 Subsequent WIN registration by deregistered individuals.

(a) Individuals who were deregistered on the basis of a "without good cause" determination may, upon application, again register for WIN, provided 90 days have elasped since their deregistration and they have given evidence to the WIN project staff of willingness to participate. If he is subsequently deregistered following a "without good cause finding" he shall not be registered or reaccepted in the WIN program unless satisfactory evidence is given of willingness to participate and 6 months have elapsed since the effective date of the latest deregistration.

(b) An individual who has been reaccepted into the WIN program after such deregistration shall have the same rights as an individual who registers for the first time.

(c) Reacceptance into the WIN program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or others.

Effective Date: These regulations shall be effective within 180 days after publication in the FEDERAL REGISTER, or earlier at the option of the State.

(Catalog of Federal Domestic Assistance Nos. 17.226, Work Incentives Program and Incentives and 13.748, Work Incentives Program—Child Care-Employment Related Supportive Services)

Dated: September 12, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

[FR Doc.75-24752 Filed 9-17-75;8:45 am]

federal register

THURSDAY, SEPTEMBER 18, 1975

PART IV:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS

V 40 182 SEP 18 75 XUM

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

On September 19, 1974, there was published in the FEDERAL REGISTER (39 FR 33699) a notice of proposed rulemaking proposing new Work Incentive Program (WIN) regulations to implement the Work Incentive Program under title IV of the Social Security Act (42 USCA 601–44).

The regulations proposed making the following significant changes in the WIN program:

(1) The WIN registration function would be transferred from the local welfare staff to the local WIN sponsor (generally the employment service). This would assist new WIN registrants to use the job referral services located at local WIN sponsor offices; (2) a requirement to engage in a job search activity would be added for AFDC recipients registered for WIN, but not yet certified by the State welfare agency for participation in WIN, and for individuals who are certified but who are not actively engaged in a WIN component; (3) the WIN sponsor would assume the function of deregistering all individuals from WIN. This change places both registration for WIN and deregistration from WIN in the same administrative unit; (4) A new intensive manpower services component would be added as an option to current WIN programs. This new component would provide structured, intensive employment services and the development of job seeking skills to individuals certified for WIN training; (5) The WIN hearing procedures would be unified. Instead of dual hearings by the welfare agency and the WIN sponsor on the respective issues of grant adjustment (including vendor payments and selection of payee) and failure to participate in WIN without good cause, either the welfare agency or the WIN sponsor would adjudicate both issues; and (6) Provision would be made for opportunity by the National Coordination Committee to submit briefs and present oral arguments whenever a case is before the National Review Panel.

Approximately 180 letters were received from individuals, corporations, associations, public interest groups, State employment services, welfare and other Government agencies.

Following is the substance of the major concerns expressed in the comments and the Departments response, including changes, made to the final regulations.

1. *Implementation.* Opposition to the changes was based on the belief that it is untimely during the current economic downturn, creating onerous burdens on unskilled undereducated welfare recipients who are forced to compete with recently unemployed individuals. Also of concern was the view that budgetary cuts would not allow for increased participant activity as called for in the new regulation.

These changes are considered necessary to make better and more efficient use of available funds and are done with the view that they will assist in giving training and necessary support to the unskilled in accomplishing the objectives expressed in the Act. In this manner the opportunity of these individuals to attain or retain the goals of self-sufficiency and independence will be enhanced.

2. *Registration Transfer.* Opponents to this change argued against the transfer of the registration process from welfare to the employment service, particularly in rural areas, because of increased transportation costs, inaccessability of WIN offices, administrative delays for applicants and the lowering of volunteer rates.

In order to avoid registration problems, the WIN sponsor may, with RCC concurrence, contract with another agency to provide registration activities where special conditions warrant.

3. *Job Search.* Some comments were critical of the job search activity for WIN registrants who are AFDC recipients. The principal allegations and concerns were: (1) a lack of statutory authority and national guidelines, (2) ineffectiveness as a result of high employment (3) unemployability of some registrants, (4) lack of prior supportive services and (5) the burden on WIN staff. This provision has been withdrawn pending legislation.

4. *Sixty-day Counseling Period.* A number of commentators suggested that the present 60-day counseling period is meaningless and should be changed, perhaps even completely dropped.

This provision is required by the Act and thus may not be modified without a legislative change.

5. *Adjudication Process.* Concern was expressed regarding the proposed change requiring that a single hearing be dispositive of both welfare and WIN issues, citing statutory and constitutional conflicts as well as procedural problems of the adjudication process.

The adjudication procedures set forth in the proposed regulation have been revised to provide only hearings on WIN issues.

6. *Definition: Commuting Time.* Several suggestions included a change in the definition, particularly the exclusion from the overall travel time of time necessary to transport children to child care. After consideration of the comments and review of common commuting practices, no change in this section was considered necessary.

7. *Job Market Information.* A number of comments were received objecting to this provision. The final regulations provide that labor market information and job referrals will be given to all applicants and recipients of AFDC at the time of registration for employment, training, and manpower services in order to immediately begin to assist them to attain or retain capability for self support and personal independence.

8. *Program Coordination with CETA.* It was suggested that WIN planning activities be coordinated with CETA planning. This will be part of the considerations involved in developing the State and local WIN plans.

9. *Expenditures and Disregards.* Comments received recommended that the 33⅓ OJT/PSE expenditure requirement be dropped and that income disregards accorded OJT be made available to those in PSE. These are statutory requirements and cannot be changed. In addition to the changes noted above, the pertinent content of §§220.35, and 220.36, and 233.11 has been incorporated in Part 224 and a number of other revisions have been made in the regulation in response to comments and for technical, editorial and conforming puryoses. Accordingly Chapter II, Title 45 of the Code of Federal Regulations is amended as set forth below:

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN; TITLE IV, PARTS A AND B OF SOCIAL SECURITY ACT (EFFECTIVE UNTIL JAN. 1, 1975)

§ 220.35 [Reserved]

1. § 220.35 is vacated and reserved. See Part 224 of this chapter.

§ 220.36 [Reserved]

2. § 220.36 is vacated and reserved. See § 224.16 of this chapter.

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

§ 233.11 [Reserved]

3. § 233.11 is vacated and reserved. See Subpart C of Part 224 of this chapter.

4. Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new Part 224 to read as set forth below:

PART 224—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose and Scope and Definitions

Sec.
224.0 Purpose and scope.
224.1 Definitions.

Subpart B—Administration

224.10 General administration provisions.
224.11 Annual State WIN plans.
224.12 Annual local WIN plans.
224.13 State and local agreements for WIN activities and programs.
224.14 Allocation of federal funds.
224.15 Use of federal funds; political activities.
224.16 Non-federal contribution.
224.17 Reports, records, financial statements and audits.
224.18 Adjustments in payments to WIN sponsors.
224.19 Termination of contracts or grants.
224.20 Registration requirements for AFDC applicants and recipients; State plan requirements.
224.21 Registration procedures.
224.22 Appraisal and certification.

Subpart D—Supportive and Manpower Services and Protective Provisions

224.30 Supportive services; State plan requirements.
224.31 [Reserved]
224.32 Pay and allowances for individuals certified for WIN training.
224.33 Relocation assistance.

Sec.
224.34 Appropriate work and training criteria.
224.35 Period of participation.
224.36 Nondiscrimination.

Subpart E—The WIN Components and Activities

224.40 Public service employment (PSE).
224.41 Intensive manpower services component.
224.42 On-the-job training (OJT).
224.43 Institutional and other work experience training.
224.44 WIN individuals enrolled in other employment or training programs.
224.45 Non-federal employee status.

Subpart F—Deregistration and Sanctions.

224.50 Deregistration from WIN.
224.51 Sanctions.

Subpart G—The WIN Adjudication System

224.60 Disputes Regarding WIN registrations.
224.61 Rules and procedures.
224.62 Complaints and grievances.
224.63 Requirement of conciliation and notice.
224.64 Request for hearing.
224.65 Issues subject to hearing.
224.66 Hearing procedures.
224.67 Conduct of WIN hearings.
224.68 Decisions of the hearing officer.
224.69 Appeals from hearing officer's decision.
224.70 National review panel (NRP).
224.71 Appeals to the NRP.
224.72 Request from NRP to accept certification.
224.73 Requests by NRP for certification.
224.74 Certification of the record.
224.75 Consideration by and decisions of the NRP.
224.76 Sixty-day counseling period and reinstatement of certified individuals.
224.77 Subsequent WIN registration by deregistered individuals.

AUTHORITY: Sec. 1102 of the Act, 49 Stat. 647; 42 U.S.C. 1302; and secs. 402(a)(7), 402(a)(19), and 430–444 of the Social Security Act, as amended, unless otherwise noted.

Subpart A—Purpose and Scope and Definitions

§ 224.0 Purpose and scope.

(a) The purpose of this Part 224 is to provide for a Work Incentive Program (WIN) under Title IV of the Social Security Act (Act).

(b) This part contains the policies, rules, and regulations pertaining to the WIN program.

§ 224.1 Definitions.

Act means the Social Security Act.

AFDC (Aid to Families with Dependent Children) means the program authorized by Title IV–A of the Act to provide financial assistance and social services to needy families with dependent children.

AFDC Applicant means a person who applies to the State or local welfare agency for AFDC.

Appraisal means the interview of a WIN registrant by WIN sponsor staff and Separate Administrative Unit (SAU) staff to determine employability potential, to determine the need for supportive services, and to develop an employability plan.

ARDM means the Assistant Regional Director for Manpower, U.S. Department of Labor.

Certification means a written notice from the SAU that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, or manpower services, or that no supportive services are needed and that the individual is at that time ready for employment or training.

Deregistration means the removal of an individual from the WIN program.

DHEW means the U.S. Department of Health, Education and Welfare.

DOL means the U.S. Department of Labor.

Employability Plan means a written plan for a WIN registrant that sets forth that individual's occupational goal and the manpower and supportive services necessary for him to reach that goal.

Exempt refers to an AFDC applicant or recipient who is not required by the Act to register for employment or training under the WIN program as a condition of eligibility for AFDC.

Hearing Officer means the hearing officer designated in the State WIN plan to hear and decide or make recommendations on issues involving WIN.

Income Maintenance Unit (IMU) means the unit of the State or local welfare agency which determines individuals' eligibility for AFDC.

Institutional Training means vocational or other classroom training conducted by an instructor in a nonworksite setting.

Intensive Manpower Services Component means a structured work experience component providing manpower and employment services to certified WIN registrants to assist them in obtaining unsubsidized employment.

Local WIN Plan means the plan developed annually by local WIN personnel which describes the operation of the WIN program for that area.

Mandatory or Nonexempt-Registrant means an AFDC applicant or recipient who is required by the Act to register for manpower services, training or employment as a condition of eligibility for AFDC.

Manpower Services means employment related and training services provided by the WIN sponsor, designed to improve the work skills of an individual and aid him to find employment.

NCC means the National Coordination Committee, a committee established to administer the WIN program, consisting of the Assistant Secretary for Manpower (DOL) and the Administrator of the Social and Rehabilitation Service (DHEW).

NRP means the National Review Panel, the final level of administrative review which is comprised of the DOL Chief Administrative Law Judge and other Administrative Law Judges appointed pursuant to the Administrative Procedure Act's requirements and designated by the Chief Judge to serve as members of that panel.

OJT means on-the-job training, an employment opportunity component in which certified registrants receive skill training. Under this component, a WIN registrant is hired by a private or public employer and is provided skill training under contract with the employer.

PSE means public service employment, a WIN sponsored component which provides subsidized employment with public or nonprofit private agencies for individuals who cannot be placed in regular unsubsidized employment.

Recipient means an individual who has been determined to be eligible to receive AFDC.

RC means the Regional Commissioner of the Social and Rehabilitation Service (DHEW).

RCC means the Regional Coordination Committee established in each region consisting of the ARDM and the RC.

Registrant means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, and employment.

Registration means the process whereby an AFDC applicant or recipient registers with the WIN sponsor, completes a work history, and agrees to the requirements of the program by signing a completed registration card.

"SAU" means the Separate Administrative Unit, that unit of the single State welfare agency established pursuant to section 402(a)(19)(G) of the Act, to administer the WIN program for that agency.

State welfare agency means the welfare agency designated pursuant to 45 CFR 205.100 with authority to administer or supervise the administration of the State plan approved under title IV A of the Act.

State means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

State plan means the State plan for AFDC approved under title IV, A of the Act.

State WIN plan means the Statewide operational plan for WIN, covering AFDC applicants and recipients required to register for employment, manpower services and training under WIN, developed by the WIN sponsor and SAU in each state and approved and supervised by the RCC under title IV, Part C of the Act.

Supportive Services means those social services provided or arranged by the SAU, necessary to enable an individual to engage in employment, training or other manpower program.

Training Related Expenses means those expenses, reimbursable from WIN funds, that are incurred by individuals participating in WIN program components.

Volunteer means an AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, manpower services and training.

Welfare hearing officer means the hearing officer designated by the welfare agency to hear and decide or make recommendations on issues relating to exemption or nonexemption for WIN registration.

V 40 182 SEP 1875 XUM

WIN Incentive Payment means a cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component, including the Intensive Manpower Services Component.

WIN Sponsor means the State agency (such as the State employment service) or other public or nonprofit private agency which, through agreement with the ARDM, administers the WIN manpower program under Part C of title IV of the Act at the State or local level.

Work Experience Training means a clearly defined, well-supervised assignment with a public or nonprofit private, employer; the term is also used to refer to the intensive manpower services component.

Subpart B—Administration

§ 224.10 General administration, provisions.

(a) The WIN program is administered jointly by the Secretary of Labor and the Secretary of Health, Education, and Welfare. To carry out Department of Labor responsibilities under these regulations, the Secretary of Labor has designated the Assistant Secretary for Manpower (Assistant Secretary). To carry out Department of Health, Education, and Welfare responsibilities under these regulations, the Secretary of Health, Education, and Welfare has designated the Administrator of the Social and Rehabilitation Service (Administrator).

(b) The Assistant Secretary and the Administrator together form the WIN National Coordination Committee (NCC) which is responsible for the effective national administration of WIN.

(c) The NCC shall issue a WIN Handbook, establish uniform reporting procedures, establish and clarify policy under these regulations, and establish other requirements for effective administration. NCC issuances shall be binding on all regional, State, and local WIN operations.

(d) The NCC shall designate a national Executive Director to administer the program.

(e) The Assistant Secretary has designated the Assistant Regional Director for Manpower in each region (ARDM) to carry out the WIN program in each region. The Administrator has designated the Regional Commissioner (RC) of the Social and Rehabilitation Service to carry out his responsibilities under these regulations in each region.

(f) Within each region the ARDM and the RC shall form the WIN Regional Coordination Committee (RCC). The RCC shall review and approve all State WIN plans and modifications of such plans covering the States in its region. Consistent with directives of the NCC, it shall also establish and clarify policy under these regulations and shall establish other requirements for effective administration.

(g) The RCC shall enter into an agreement with the State WIN sponsor and the State welfare agency under which they shall be responsible for the overall administration of the State WIN plan.

(h) Within each state the welfare agency's Separate Administrative Unit (SAU) shall be responsible for the provision and arrangement of supportive services. The Income Maintenance Unit (IMU) of each State welfare agency is responsible for determining all questions relating to eligibility for AFDC benefits, including whether an individual is required to register for WIN.

§ 224.11 Annual State WIN plans.

State WIN plans on an annual basis shall be jointly developed and approved by the State WIN sponsor and State welfare agency. The NCC shall issue instructions setting guidelines to the State WIN sponsor and State welfare agency for the development of State WIN plans. The plan shall indicate those areas in which the State WIN sponsor and welfare agency, after considering such factors as size of the welfare case load and budgetary constraints, propose to operate WIN projects. Each State WIN plan shall describe the operation to be carried out by the State WIN sponsor and the State welfare agency as well as a summary of the data in the local WIN plans, as required by § 224.12. The State WIN plan shall also provide for the establishment of Labor Market Advisory Councils in accord with section 432(f) of the Act.

§ 224.12 Annual local WIN plans.

(a) Each local WIN sponsor and each local SAU shall jointly develop an annual local WIN plan after consulting with other agencies as appropriate. Such plan shall describe the local project's operation. The NCC will issue instructions setting guidelines for the development of such plans.

(b) Local WIN plans shall be forwarded to the State WIN sponsor and State SAU for consideration in the development of the State WIN plan.

(c) The State WIN sponsor and state welfare agency shall forward copies of the State WIN plan (with local WIN plans attached) to the appropriate RCC for approval. The State WIN sponsor shall also forward a copy of the plan to the Governor's State Manpower Services Council, established under the Comprehensive Employment and Training Act of 1973 (Pub. L. 93–203), or its equivalent, for review and comment. Any comments made by the Council shall be forwarded directly to the RCC with copies to the State WIN sponsor and State welfare agency.

(d) Once approved by the RCC, the State WIN plan shall be binding on the State WIN sponsor and State welfare agency. Any disagreement concerning the approval or disapproval of a State WIN plan between the Departmental representatives serving as members of the RCC shall be referred promptly to the NCC for resolution.

§ 224.13 State and local agreements for WIN activities and programs.

A WIN sponsor may, through agreements with public or private agencies or organizations, including Indian tribes with respect to Indians on a reservation, carry out such activities and programs as are approved or developed by the Secretary of Labor, including but not limited to public service employment programs, intensive manpower services programs, institutional programs, on-the-job training programs, and work experience programs. Work experience programs and Public Service Employment agreements may be entered into only with public agencies and nonprofit private employers organized for a public purpose.

§ 224.14 Allocations of federal funds.

(a) The Secretary of Labor shall allocate not less than 50 percent of the sums appropriated under Part C of title IV of the Act to carry out the WIN program among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to the total amount available as the average number of individuals in each State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) of the Act, bears to the average number of individuals in all States who, during that month, are so registered.

(b) The Secretary of Labor shall allocate the balance of the sums not allocated under paragraph (a) of this section in such manner as he determines will best serve the objectives of the program.

(c) Of the sums expended on WIN by the Department of Labor not less than 33⅓ percent thereof shall be expended for carrying out the programs of on-the-job training and public service employment which meet criteria specified in the WIN Handbook issued under § 224.10.

(d) The Secretary of Health, Education, and Welfare shall prescribe methods for the allocation of funds pursuant to section 403(d) of the Act for the 50 States and the District of Columbia. For Puerto Rico, Guam and the Virgin Islands, the Secretary of Health, Education, and Welfare shall allocate funds pursuant to section 1108 of the Act.

§ 224.15 Use of federal funds; political activities.

(a) Federal funds under Part C of title IV of the Act, allocated by the Secretary of Labor to the State WIN sponsor, may be used to meet not more than 90 percent of the cost of carrying out the regulations promulgated under this part.

(b) WIN funds under Part C of title IV of the Act may be used for training, supervision, materials, administration, incentive payments, transportation fees for medical examinations required for the determination of exempt status under § 224.20 and other items as authorized by the Secretary of Labor, but may not, except in cases of WIN/PSE under the Act, be used for any reimbursement to the employer for time spent by individuals in work, or incapacity for work assignment under § 224.34(a)(2).

(c) WIN funds under section 403(d) of the Act may be used to meet 90 percent of the cost of supportive services, including child care, provided by or arranged for by the SAU, for AFDC recipients who are certified to WIN, and SAU administrative costs for all registrants.

(d) Federal funds shall be expended only for costs:

(1) Permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts"; and

(2) Not barred under the provisions of this part.

(e) Pursuant to section 403(c) of the Act, notwithstanding any other provision of this chapter, the Federal share of assistance payments under Title IV–A of the Act for any fiscal year shall be reduced by 1 percentage point for each percentage point by which the number of individuals certified to the WIN sponsor as ready for employment or training under the WIN program falls below 15 percent of the average number of individuals in the State who are required to be registered during such fiscal year.

(f) No funds allocated under the Act shall be used for any partisan or nonpartisan political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to the Act with:

(1) Any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, or lobbying for any matter at public issue;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election;

(3) Any voter registration activity.

§ 224.16 Non-federal contribution.

(a) A State plan under title IV–A of the Act must provide that the State welfare agency will assure a non-federal contribution to the Work Incentive programs established under Part C of the Act by appropriate agencies of the State or private organizations of 10 percent of the total cost of such programs, in cash or in-kind fairly evaluated. For this purpose, the State welfare agency will plan jointly with the State WIN sponsor for the development and use of in-kind resources. The State welfare agency must make the arrangements for, but need not itself make, the contribution. An in-kind contribution may be made in the form of the provision of services, staff, space, equipment, or any other goods or services of value essential to the operation of the WIN program. Where such contribution is in-kind, the amount thereof will be determined on the basis of its reasonable value as established by suitable documentation.

(b) The State welfare agency shall assure a non-Federal cash contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the SAU under Title IV–A of the Act.

(c) The WIN sponsor costs of operation of the WIN program which may be met by the non-federal contribution may include the costs of training, supervision, materials, administration, incentive payments, transportation, and other items as are authorized by the WIN sponsor.

(d) Funds from other Federal sources, whether in cash or in-kind, may not be used for the non-federal share, except when specifically permitted by law. State funds or resources that have been used to match other federal funds also may not be used for this purpose.

(e) If the State welfare agency fails to make arrangements for the non-Federal contribution of 10 percent of the total Statewide program costs of operation, pursuant to paragraph (a) of this section, the Secretary of Health, Education, and Welfare may withhold, under the conditions specified in the law, the equivalent of amounts to be paid from the grants to the State agency for the public assistance titles.

(f) The provisions of Federal Management Circular (FMC) 74–7 must be met.

§ 224.17 Reports, records, financial statements and audits.

(a) State and local WIN sponsors and welfare agencies shall submit periodic reports as required by DOL and DHEW to assure proper accounting for all program funds, including the non-Federal share. Such records and accounts shall be made available for audit purposes to DOL and DHEW, the Comptroller General of the United States or any authorized representative of these agencies, and shall be retained for 3 years after the completion of or final payment under the agreement, whichever is later. The records shall be retained beyond the 3-year period if audit findings have not been resolved. State and local WIN sponsors and welfare agencies shall also submit periodic reports as required by DOL and DHEW covering non-financial program activities.

(b) Program funds and activities shall be audited in conformity with the Standards for Audit of Government Organizations, Program Activities and Functions issued by the Comptroller General of the United States.

§ 224.18 Adjustments in payments to WIN sponsors.

(a) If any funds are expended by a WIN sponsor or by a public service employer in violation of the Act, the regulations, grant conditions or contract provisions, the Secretary of Labor may make necessary adjustments in payments to the sponsor or the employing agency on account of such unauthorized expenditures. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amounts expended for unauthorized purposes in the current or immediately preceding fiscal year.

(b) No action taken by the Secretary of Labor under paragraph (a) of this section shall entitle the WIN sponsor to reduce program activities or allowances for any participant or to expend less during the effective period of the contract or grant than those sums called for in the State WIN plan. Any such reduction in expenditures may be deemed sufficient cause for termination.

§ 224.19 Termination of contracts or grants.

(a) If a WIN sponsor or IMU violates any provision of the Act or the regulations in this Part, or contract provisions or grant conditions which the Secretary of Labor has issued or shall subsequently issue during the period of the contract or grant, the Secretary of Labor may terminate the contract or grant in whole or in part unless the agency which caused the violation corrects it within a period of 30 days after receipt of notice specifying the violation; or

(b) In his descretion, the Secretary of Labor may terminate the contract or grant in whole or in part:

(c) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of a notice of termination the agency shall:

(1) Discontinue further commitments of contract or grant funds to the extent that they relate to the terminated portion of the contracts or grants;

(2) Promptly cancel all contracts or subcontracts utilizing funds under the contract or grant to the extent that they relate to the terminated portion of the contract or grant;

(3) Settle, with the approval of the Secretary of Labor, all outstanding claims arising from such termination;

(4) Submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the contract or grant but in the case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal. Allowable cost shall be determined in accordance with the provisions of Part 1–15.7 of Title 41 of the Code of Federal Regulations and Federal Management Circular (FMC) 74–4.

V 40 182 SEP 1875 XUM

Subpart C—Requirements and Procedures for Registration and Procedures for Appraisal and Certification

§ 224.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

A State plan under Title IV–A of the Social Security Act must provide that:

(a) All applicants and recipients who are required to register by section 402(a)(19)(A) of the Act shall register for manpower services, training, and employment as a condition of eligibility for AFDC, except as otherwise provided under paragraph (b) of this section;

(b) The Income Maintenance Unit (IMU) of the State or local welfare agency shall determine which AFDC applicants and recipients are exempt from registration and which are required to register as a condition of eligibility for AFDC benefits, based on the following criteria: Each AFDC applicant and recipient shall register unless he is:

(1) Under age 16;

(2) Regularly attending school and age 16 but not yet 21 years of age (or 18 years of age if the State AFDC plan limits benefits to children who are under age 18). There must be verification according to State welfare regulations that the person is enrolled or has been accepted for enrollment for the next school term as a full-time student as defined in 45 CFR 233.90;

(3) Ill, when determined by the IMU on the basis of medical evidence or on another sound basis that the illness or injury is serious enough to temporarily prevent entry into employment or training;

(4) Incapacitated, when verified by the IMU that a physical or mental impairment, determined by a physician or licensed or certified psychologist, by itself or in conjunction with age, prevents the individual from engaging in employment or training under WIN;

(5) 65 years of age or older;

(6) Residing outside of a WIN project area specified in the State WIN plan or residing within a WIN project area at a location which is so remote from a WIN office or service unit that effective participation in the program is precluded. The individual shall be considered remote if a round trip of more than 2 hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day, unless normal round trip commuting time in the area is more than 2 hours, in which case the round trip commuting time shall not exceed the generally accepted community standards;

(7) A caretaker in the home, and the IMU has verified that a physical or mental impairment, as determined by a physician or licensed or certified psychologist, of another member of the household requires the individual's presence in the home on a substantially continuous basis, and that no other appropriate member of the household is available;

(8) A mother or other caretaker relative of a child under age 6; or

(9) A mother or other female caretaker of a child, when the nonexempt father or other nonexempt adult male relative in the home is registered and has not refused to participate in the program or to accept employment without good cause.

(c) The IMU shall inform each applicant and recipient in writing that:

(1) The needs of any nonexempt applicant or recipient who fails to register as required will not be taken into account in determining the need and the amount of the AFDC assistance payment;

(2) Exempt applicants and recipients must report to the IMU any changes which affect their exempt status;

(3) Any applicant or recipient has a right to a hearing before the State welfare agency to contest a determination of nonexempt status or to contest a denial of AFDC benefits when such benefits have been denied because of his refusal to register for WIN;

(4) Exempt applicants and recipients in WIN project areas may choose to register voluntarily for manpower services, training, and employment, and may withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in a way which would require registration; and

(5) Nonexempt applicants and recipients, along with exempt individuals who volunteer for WIN, shall report to a specified place of registration at the office of the WIN sponsor or its approved agent.

(d) The IMU shall immediately refer all applicants and recipients, whom it has determined to be nonexempt, and all volunteers, to the WIN sponsor or its approved agent for registration.

(e) The IMU shall refer individuals who have been determined to be exempt from registration on the basis of incapacity to the appropriate State vocational rehabilitation agency.

(f) The IMU of the welfare agency shall include a redetermination of exemption as a part of the AFDC eligibility redetermination process, except where an individual has been determined to be 65 years of age or older, or permanently incapacitated.

(g) The IMU shall notify the WIN sponsor within 3 working days of any welfare determination which may affect an individual's WIN status.

§ 224.21 Registration procedures.

(a) The WIN sponsor shall promptly register all individuals found by the IMU to be nonexempt, and all individuals who volunteer for WIN, when they appear at the WIN office so that eligibility determinations are not delayed. Where special conditions warrant (such as a paucity of WIN sponsor offices in an area), the WIN sponsor may, with the concurrence of the Regional Coordination Committee (RCC), contract with other public or private nonprofit agencies in specified areas to carry out registration activities. Under this requirement, the WIN sponsor (or its approved agency) shall:

(1) Obtain a complete work history on each applicant and recipient;

(2) Notify each registrant about the nature of the WIN program and about his rights and responsibilities therein;

(3) Provide each registrant with written proof of registration;

(4) If the IMU has determined an individual to be nonexempt and the WIN sponsor disagrees, register the individual and request the IMU to reconsider its determination. The IMU's response will be accepted by the WIN sponsor. If the IMU reverses its decision, the WIN sponsor shall deregister the individual as exempt unless the individual volunteers for WIN. If the IMU does not respond within 30 days of the request, the WIN sponsor shall deregister the individual as exempt;

(5) Notify the IMU of any employment or other change of status which may affect an individual's AFDC eligibility or the amount of the AFDC payment; and

(6) Notify the IMU, within 3 working days of the registration, that registration has been completed so that the IMU's completion of the welfare eligibility determination shall not be delayed.

(7) Provide all registrants, at the time of registration, job market information and referral to available employment. All appropriate job market information available to the WIN Sponsor, including Job Bank, shall be used to provide this information and facilitate such referrals.

(b) The needs of any individual who fails to register as required under paragraph (a) of this section shall not be taken into account in determining the need of the family and the amount of assistance, and assistance will be furnished to the eligible members of the family;

(c) Where the WIN sponsor is the State public employment service, the registration required of unemployed fathers under section 407(b)(2)(c)(i) of the Act may be completed at the WIN office which will fulfill the WIN registration requirement under section 402(a)(19)(A) of the Act.

§ 224.22 Appraisal and certification.

(a) The appraisal interview shall be conducted jointly to the extent possible, or sequentially as appropriate, by the WIN sponsor and the SAU. Whenever possible, appraisal shall occur at the time of registration. An employability plan shall be initiated by the WIN sponsor and the SAU at the appraisal interview for each registrant who is found suitable for participation in the WIN program. The decision to refer an individual to employment or to a work or training component rests with the WIN sponsor.

(b) All unemployed fathers shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and appraisal shall occur prior to certification. Certification shall be completed no later than 30 days from the receipt of AFDC benefits.

(c) Other individuals will be appraised according to the following priorities, taking into account the individual's employment potential:

(1) Mothers, whether or not required to register, who volunteer;

(2) Other mothers, and pregnant women under 19 years of age, who are required to register;

(3) Dependent children and relatives who have attained age 16 and who are not in school full-time or engaged in work or manpower training; and

(4) Others.

(d) The employability plan shall contain a manpower services plan and a supportive services plan, and shall be designed to lead to employment and ultimately to self-support. It shall contain a definite employment goal, attainable in the shortest time period consistent with the supportive services needs, project resources, and job market opportunities. Final approval of the employability plan rests with the WIN sponsor.

(e) The WIN sponsor shall request the SAU to certify in writing that the necessary immediate and on-going supportive services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in a WIN component. When certified, the individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in intensive manpower services, on-the-job training, public service employment, institutional training, or in any other manpower program or activity.

(f) Registrants who find employment or are placed by the WIN sponsor may be certified and necessary supportive services may be provided.

(g) AFDC grants and social services for individuals under the State AFDC plan shall not be denied by reason of the individual's referral to a job to a WIN program, or solely by reason of an individual's participation therein.

Subpart D—Supportive and Manpower Services and Protective Provisions

§ 224.30 Supportive services; State plan requirements.

A State plan under Part A of title IV of the Act must provide that:

(a) Within the State agency there will be separate administrative units which will, to the maximum extent possible, perform functions only in connection with the WIN program;

(b) The SAU shall be responsible for:

(1) Developing, jointly with the State WIN sponsor, and approving, a State WIN plan in accordance with section 433(b) of the Act;

(2) Developing and supplying social services necessary to enable a registrant who is an AFDC recipient to accept employment and training for employment. Necessary services shall continue for a period of 30 days after the start of unsubsidized employment and may continue for a maximum of 90 days at the discretion of the SAU. Such services may be provided even after the AFDC grant has been discontinued due to employment. In an emergency such services may also be provided for a period of up to 30 days to enable a registrant to continue existing employment;

(3) Participating with the WIN sponsor in appraisal and certification and in the development of employability plans pursuant to § 224.22;

(4) Certifying in writing to the WIN sponsor that the individual is ready for WIN manpower services when the WIN sponsor requests such certification and the supportive services, if any, have been provided or arranged for; and

(5) Providing counseling and other services, for a period of up to 60 days, to certified individuals determined by the Secretary of Labor to have refused training or employment under the WIN program without good cause, for the purpose of persuading them to accept appropriate training or employment (see §§ 224.51 and 224.76). Under this requirement, once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the agency shall not provide another period of counseling and other services.

(c) Supportive services under the WIN program shall include:

(1) Child care which meets the standards specified in 45 CFR 228.42. When more than one kind of child care is available, the mother or other caretaker relative may choose the type, but may not refuse to accept child care services if they are available. Such services must be responsive to breakdowns in prior arrangements in order to ease or avoid disruption of employment or participation in manpower services;

(2) Family planning services;

(3) Counseling services;

(4) Employment related medical, remedial, and health-related care services not included under the State's Title XIX plan or otherwise available;

(5) Selected vocational rehabilitation services, as defined by the Rehabilitation Act of 1973, which cannot otherwise be funded by the vocational rehabilitation agency;

(d) Other supportive services included in the State WIN plan may be provided if they are necessary to enable registrants to accept employment or receive manpower training.

(e) Supportive services may be provided for up to two weeks to a registrant between participation in WIN components or between participation in a component and the start of employment in order to avoid interruption of the employability process.

§ 224.32 Pay and allowances for WIN registrants.

(a) An individual assigned to a WIN institutional or work experience training component, including the intensive manpower services component, in which no salary is paid, shall receive an allowance for necessary training related expenses. He shall also receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(b) Individuals placed in employment, OJT, or PSE shall be authorized training related expenses for not in excess of two WIN pay periods; or until they receive their first full paycheck or the cash from a grant adjustment reflecting new work related expenses, whichever occurs first.

(c) Reasonable subsistance allowance, in addition to a training-related expense payment, shall be paid to individuals for separate maintenance when in training facilities beyond daily commuting distance from their homes for each calendar day within the training payment period during which they are participating in such training and are residing away from home.

(d) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(e) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(f) WIN sponsor offices may establish petty cash funds or another acceptable method to meet needs for cash for allowable expenditures for all registrants.

(g) Registered recipients referred to employment may receive an allowance for necessary expenses.

§ 224.33 Relocation assistance.

The Secretary of Labor may assist certified individuals to relocate their place of residence when he determines such relocation is necessary in order to enable them to become permanently employed and self-supporting. Such assistance shall be given only to individuals who concur in the relocation and who have received a bona fide job offer at their place of relocation at wage rates which will meet at least their full need as determined by the State to which they will be relocated. Assistance under this section shall not exceed the reasonable costs of transportation for such individuals, their dependents, and their household belongings, plus such relocation allowance as the Secretary of Labor determines to be reasonable.

§ 224.34 Appropriate work and training criteria.

(a) Certified registrants shall accept assignment to employment or WIN training as determined appropriate by the WIN sponsors or face deregistration action. The following standards must be met before any such individuals can be required to accept a work or training assignment including PSE and OJT:

(1) All assignments for those in WIN training shall be within the scope of an individual's employability plan. This plan may be modified to reflect changed employment conditions.

(2) The job or training assignment must be related to the capability of the individual to perform the task on a regular basis. Any claim of adverse effect on physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health.

V 40 182
SEP 18 75
XUM

(3) The total daily commuting time to and from home to the work or training site to which the individual is assigned shall not normally exceed 2 hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance and time is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards.

(4) When child care is required it must meet the standards specified in 45 CFR 228.42 and must be available during the hours the individual is engaged in a WIN component or manpower activity plus any additional necessary commuting time.

(5) The work or training site to which the individual is assigned must not be in violation of applicable federal, State and local health and safety standards.

(6) Assignments shall not be made which are discriminatory in terms of age, sex, race, creed, color, or national origin.

(7) The individual shall not be referred to work or training unless supportive and manpower services necessary for participation are available, even in cases where the State WIN plan does not specifically provide for the needed services. The cessation or withdrawal of such necessary services while the individual is in a WIN component shall constitute good cause for refusal to participate.

(b) The determination of "appropriate work" shall be made at the local project level. The following criteria shall be applied in addition to the above, in determining "appropriate work":

(1) Appropriate work may be temporary, permanent, full-time, part-time or seasonal work if such work meets the other work standards of this section.

(2) When an income disregard is available, the wage shall meet or exceed the Federal or State minimum wage law, whichever is applicable, or if such laws are not applicable, the wage shall not be substantially less favorable than the wage normally paid for similar work in that labor market but in no event shall it be less than three-fourths of the minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act.

(3) When, as a result of becoming employed, no income disregard is available to the individual, the wage, less mandatory payroll deductions and a reasonable allowance for necessary employment related expenses, shall provide an income equal to or exceeding the family's AFDC cash benefit. The wage shall in no case be less than that required by any applicable minimum wage law.

(4) The daily hours of work and the weekly hours of work shall not exceed those customary to the occupation; and

(5) No individual shall be required to accept employment if—

(i) The position offered is vacant due to a strike, lockout, or other bona fide labor dispute;

(ii) The individual would be required to work for an employer contrary to the conditions of his existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which he has membership may be deemed appropriate.

(iii) The job offered would interrupt a program in progress under an approved employability plan leading to self-support or to the resumption of his regular job within a short period of time. This does not, however, preclude temporary employment during the interval prior to his re-employment in his regular job.

(c) In addition to meeting the criteria in paragraph (a) of this section, for training to be appropriate, the quality of the training must meet local employers' requirements so that the individual will be in a competitive position within the local labor market. The training must also be likely to lead to employment which will meet the appropriate work criteria.

§ 224.35 Period of participation.

(a) The duration of institutional training established pursuant to section 432(b)(2) of the Act shall average no more than six months with a maximum duration of one year for any individual.

(b) Participation in the work experience component shall not exceed 13 weeks for any individual. The RCC may, for good cause, allow an exception to the limitations in paragraph (a) of this section.

§ 224.36 Nondiscrimination.

(a) No person in the United States shall, on the grounds of age, race, creed, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under these regulations.

(b) Grievances involving discrimination under paragraph (a) of this section shall be processed according to equal opportunity provisions established by DOL and DHEW and, to the extent applicable, in compliance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder.

Subpart E—The WIN Components and Activities

§ 224.40 Public service employment (PSE).

(a) PSE consists of WIN subsidized jobs in the public and private nonprofit sectors. All PSE jobs must meet the criteria for appropriate work, established by § 224.34, and must be jobs which would not otherwise be performed by regular employees. The PSE component provides transitional employment intended to move individuals from AFDC into unsubsidized jobs.

(b) All certified registrants for whom appropriate unsubsidized employment cannot be found are eligible for placement in PSE.

(c) An eligible employer may be:

(1) Any unit of State or local government;

(2) Any public agency or institution which is a State or local government subdivision;

(3) An Indian tribe or combination of tribes on a Federal or State reservation; or

(4) Any private nonprofit organization established to serve a public purpose.

(d) For the purpose of AFDC benefits, PSE participants are considered to be employed. However, PSE participants shall not be deregistered from WIN until they complete the scheduled PSE contract period and enter unsubsidized employment. PSE participants are not eligible to receive either a WIN incentive payment or the $30 plus ⅓ disregard provided by section 402(a)(8) of the Act.

(e) Displacement of workers: Individuals shall not be assigned to a PSE job if this will result in the displacement of already employed full-time workers.

§ 224.41 Intensive manpower services component.

(a) A State may establish as one work experience component an intensive manpower services component to assist certified individuals to obtain employment. The State WIN sponsor shall develop standards of participation in the intensive manpower services component, taking into account local conditions, including, but not limited to, geographic factors, availability of public transportation, and local labor market characteristics. If the State selects this component, such standards of participation shall be included in the State WIN plan submitted to the RCC.

(b) The intensive manpower services component shall provide manpower and employment services, which may include orientation, and must include job development, exposure to labor market information, job placement, and job-seeking skills development to assist individuals in obtaining unsubsidized employment.

§ 224.42 On-the-job-training (OJT).

(a) OJT is an employment opportunity which includes training. Under this component, a certified registrant is hired by a private or public employer and provided training which is subsidized under contract between the employer and the WIN sponsor. Employers are encouraged to provide increased supervision and training through contracts with the WIN sponsor, pursuant to which the WIN sponsor will reimburse the employer for the extraordinary costs of such training and supervision.

(b) For the purpose of AFDC benefits, OJT participants are considered to be employed. However, OJT participants shall not be deregistered from WIN until they complete the scheduled OJT contract period as they are still an active participant in the WIN program during such period.

§ 224.43 Institutional and other work experience training.

(a) Institutional training is a component involving vocational or other classroom training conducted by an instructor in a non-worksite setting.

(b) A work experience component is to provide a clearly defined, well-supervised, assignment with a public or private nonprofit employer in which an

individual has the opportunity to develop basic work habits, to practice skills learned in classroom training, and to demonstrate skills to a prospective employer.

§ 224.44 WIN individuals suspended to other employment or training programs.

Certified individuals referred to other eligible Federal or State funded employment or training programs, and meeting all the eligibility requirements under those programs, shall be temporarily suspended from the WIN program. Such individuals shall normally be compensated in accordance with and through the provisions of those programs. However, when such compensation is not available or would be disadvantageous to the individual, he may accept regular WIN benefits instead. Notwithstanding such suspension, necessary supportive and manpower services which are not provided under the other program, but which are necessary to permit the individual to continue in the program, will be provided or arranged for by the SAU and the WIN sponsor in accordance with the time limits set forth in this Part.

§ 224.45 Non-federal employee status.

An individual in a WIN component shall not be deemed an employee of the Federal Government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

Subpart F—Deregistration and Sanctions

§ 224.50 Deregistration.

(a) All deregistrations shall be performed by the WIN sponsor.

(b) A deregistration is necessary when an individual is held to have refused to participate without good cause; an incorrect non-exemption determination has been made; or an individual becomes exempt. Deregistration is also necessary when an individual becomes ineligible for AFDC except in the case where he is participating in the PSE or OJT components or is employed and receiving WIN-funded supportive services.

(c) The welfare agency shall notify the WIN sponsor of any change which will affect an AFDC recipient's welfare or exemption status in such a way as to warrant deregistration.

(d) Except in those cases where the WIN sponsor has been notified that an AFDC grant has been discontinued for reasons involving other than WIN program issues the WIN sponsor shall notify the IMU of all deregistrations.

(e) Any WIN registrant, except a volunteer, who is determined to have failed or refused without good cause to appear for appraisal; or any certified WIN registrant, except a volunteer, who after counseling has been offered, continued to refuse to participate in the WIN program without good cause shall be deregistered from WIN and removed from the AFDC grant for failure to participate.

(f) Volunteers who withdraw from the WIN program shall be deregistered.

(g) Volunteers who are found to refuse to participate after notice and an adverse hearing decision, if a hearing is requested, shall be deregistered.

§ 224.51 Sanctions.

A State plan under title IV–A of the Act shall provide that:

(a) When a registered recipient has been found to have failed or refused without good cause to participate in the WIN program, the following sanctions shall apply:

(1) If such individual is a caretaker relative receiving AFDC, his needs will not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments or of foster care will be provided to the remaining members of the assistance unit. Under such circumstances, the caretaker relative may not be the protective payee;

(2) If such individual is the only dependent child in the family, assistance for the family will be denied;

(3) If such individual is one of several dependent children in the family, assistance for such child will be denied and his needs will not be taken into account in determining the family's need for assistance:

(b) The sanctions under paragraph (a) of this section shall not be applied during a period of up to 60 days after such adverse decision, provided the registrant has been certified and accepts counseling and other necessary services aimed at persuading him to participate in the WIN program. Meanwhile, where the individual is the caretaker relative, assistance to his family in the form of protective or vendor payments and counseling and other necessary services shall be provided by the State welfare agency.

(c) If an individual registered on a voluntary basis, pursuant to § 224.20 of this part, discontinues participating in the work incentive program he and his family are not subject to the sanctions under this section.

(d) In the event a registrant is referred back to the IMU as having good cause for not continuing on a training plan or a job, the IMU shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

Subpart G—The WIN Adjudication System

§ 224.60 Disputes regarding WIN registrations.

(a) The welfare agency shall provide an opportunity for a hearing in the case of a disputed registration determination in which the AFDC applicant claims that he is exempt from WIN by the statutory criteria. Such an applicant shall be considered as exempt until his status is finally determined.

(b) A welfare hearing officer shall conduct welfare hearings under this section, pursuant to the procedures prescribed in 45 CFR 205.10. Where the local WIN sponsor becomes involved in the determination of a disputed registration, a representative of the local WIN sponsor shall appear as a party at the hearing.

§ 224.61 Rules and procedures.

(a) The State WIN plan shall include rules and procedures applicable to both certified and uncertified registrants, governing participation, attendance, conduct, disputes, notice and opportunity for a fair hearing and any State appellate review.

(b) The plan shall specify that the hearing officer shall be an individual who was not involved in the original determination. The plan shall also designate the parties to the hearing.

§ 224.62 Complaints and grievances.

(a) Initially, written complaints and grievances shall be handled informally outside of the WIN adjudication system. They shall be processed at the local project level within the time frame provided under § 224.61(a). At that time, an individual who is not satisfied with the disposition of his complaint may initiate a formal protest at the local project level which then will be processed through the formal WIN adjudication system. Written records of all disputes arising within the WIN program shall be maintained by the WIN sponsor. The date appearing on such records shall be controlling in determining the timeliness of subsequent steps in the WIN adjudication system.

§ 224.63 Requirement of conciliation and notice.

(a) All efforts toward conciliatory resolution of disputes between the WIN sponsor and the registrant must be exhausted prior to the issuance of a Notice of Intended Deregistration. This conciliation effort may continue for a period not to exceed 30 days but may be terminated sooner at the discretion of the WIN sponsor when it is apparent that the dispute cannot be reconciled in this manner. When the conciliation period has terminated, or the dispute remains unresolved after 30 days, the WIN sponsor shall mail to the registrant a Notice of Intended Deregistration.

(b) The notice shall include:

(1) A detailed explanation of the reason for the action and the consequence of refusal or failure to cooperate in a WIN prescribed program without good cause;

(2) Notification of the registrant's right to a hearing if the registrant believes the proposed action is incorrect, provided a written request for a hearing is filed as prescribed in § 224.63;

(3) Notice that the proposed action will be implemented if a hearing request is not received within the prescribed time;

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) Notice that he may be represented at the hearing by counsel or other authorized representative appointed by him and that he and his representative will

V 40 182
SEP 18 75
XUM

have the opportunity to confront and cross-examine opposing witnesses;

(7) Notice that he will be permitted to present material evidence and testimony at the hearing that is not already in the record.

(c) When written notification is mailed to the individual, the WIN sponsor shall also inform him of the intended action personally or by telephone, if possible.

(d) The requirements of this section do not apply to an individual who:

(1) Has successfully entered employment and is regularly employed;

(2) Is deregistered as exempt; or

(3) Is deregistered as a result of becoming ineligible for welfare.

§ 224.64 Request for hearing.

(a) An individual who believes the intended action is incorrect may request a hearing before a hearing officer within 10 days after mailing of Notice of Intended Deregistration. The request for a hearing may be made either orally or in writing by the individual or his authorized representative to the WIN sponsor. Where the request is oral, the WIN sponsor shall prepare the required forms on behalf of the individual and obtain the individual's signature on the forms.

(b) Hearing procedures shall be made available to individuals requesting hearings in advance of such hearings.

§ 224.65 Issues subject to hearing.

(a) Under the WIN adjudication system a hearing officer will hear and decide WIN program issues arising subsequent to registration by certified and uncertified registrants. WIN program issues include failure or refusal to appear for appraisal, assignment to a WIN component, unresolved WIN grievances, or failure or refusal without good cause to accept employment or otherwise participate in the WIN program.

(b) After reasonable attempts have been made at the local level to resolve disputes arising from work, or training assignment under WIN, the designated activity may be accepted without prejudicing the individual's right to protest such assignment. Such protest shall be handled through the WIN adjudication system in the same manner as if the registrant had, in fact, refused to participate in the WIN program. In such an instance, a registrant who fails to accept an adverse decision pursuant to § 224.68(a)(5) shall have no further recourse to a hearing on the issue.

§ 224.66 Hearing procedures.

(a) Upon receipt of a written request for a hearing, a Notice of Scheduled Hearing shall be mailed to the individual and other parties within 10 days. Such notice shall indicate the date, time, and place of the hearing, the issues to be considered, and the hearing procedures that will be followed. Hearings shall be scheduled no earlier than 10 days, or later than 30 days, following the mailing of the hearing notice.

(b) The hearing officer may reschedule a hearing upon request of the individual, his representative, or other party.

(c) An individual or his representative may withdraw the request for a hearing in writing before the hearing.

(d) The WIN staff or its legal representative shall have primary responsibility for presenting the case before the hearing officer.

§ 224.67 Conduct of WIN hearings.

(a) The hearing officer shall:

(1) Regulate the course of the hearing;

(2) Issue subpoenas authorized by State law;

(3) Assure that all relevant issues are considered, including the timeliness of the hearing request;

(4) Rule on the introduction of new and relevant evidence and testimony;

(5) Take any other action consistent with due process, necessary to insure an orderly hearing.

(b) The testimony at the hearing shall be recorded. It shall be transcribed only when necessary for review by an appellate body.

(c) The registrant or his representative, and the designated WIN sponsor and SAU shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(d) The hearing officer may elicit testimony from witnesses, but shall not act as advocate for any party.

(e) The hearing officer shall receive, and make part of the record documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available to other interested parties upon request.

(f) The case record, or any portion thereof, shall be available for inspection and copying by any party at, prior to, or subsequent to the hearing upon request. Special procedures may be used for disclosure of medical and psychological records such as disclosure to a physician designated by the individual.

(g) The hearing officer shall, if feasible, resolve the dispute by conciliation at any time prior to the conclusion of the hearing.

§ 224.68 Decisions of the hearing officer.

(a) The hearing officer may rule:

(1) That the individual has failed to appear for appraisal without good cause or has failed or refused to participate without good cause, and that appropriate deregistration shall be initiated;

(2) That good cause has been shown for failure or refusal to participate and the individual should be retained in the program;

(3) That the request for a hearing is dismissed because:

(i) It was filed untimely without good cause;

(ii) It has been withdrawn in writing;

(iii) The individual failed to appear at the hearing without good cause; or

(iv) Reasonable cause exists to believe that the request has been abandoned or that repeated requests for rescheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing, in which case the welfare agency may initiate necessary action to impose appropriate sanctions;

(4) That the individual was appropriately or inappropriately assigned; or

(5) Render such other rulings as are appropriate to the issues in question. However, a hearing officer shall not consider the validity or constitutionality of the regulations in this Part or of the Act.

(b) Based on the entire record including any evidence and oral testimony provided at the hearing the hearing officer shall prepare a written decision. Within 10 working days following the hearing, a copy of such decision stating his findings and conclusions of law and the reasons therefore, shall be mailed to the individual and his authorized representative, if any, the WIN sponsor, the SAU, and the RCC. Instructions for appealing an adverse decision or recommendation to the appropriate appellate body shall be attached to the copy sent to the individual and his representative.

(c) In cases involving novel questions of law or policy the hearing officer may, within 5 days after issuing his written decision, certify the case for review and decision to the State WIN appellate body or to the National Review Panel (NRP) where the State does not provide for a State WIN appellate procedure.

§ 224.69 Appeals from hearing officer's decision.

(a) Any party who disagrees with the hearing officer's decision on the WIN issue may request a review of such decision by the appropriate State appellate body within 10 days following the date on which the hearing officer's decision is mailed. A request for appellate review of the hearing officer's decision shall not stay implementation of the decision.

(b) A State WIN appellate body shall consider and decide appeals filed within the time period prescribed by paragraph (a) of this section. Within 30 days after receipt of the request for review it shall prepare a written decision either affirming or reversing the hearing officer's decision or it may remand the case to a hearing officer for further evidence. The decision shall be based on its review of the entire hearing record and any additional written evidence submitted or obtained in connection with its consideration of the appeal. However, in no case shall new evidence be admitted if it brings into question the validity or constitutionality of the regulations in this Part or of the Act. The decision shall state the findings of fact and conclusions of law and the reasons therefore. Copies of the decision shall be mailed to the individual, his authorized representative, if any, the WIN sponsor, the SAU, the RCC, and the NRP. Instructions for appealing a decision to the NRP and the rules under which the NRP considers appeals shall be attached to the individual's copy of the decision.

(c) While reviewing a case, a State WIN appellate body may consider novel questions of law or policy or certify the case within 5 days after rendering its

decision to the NRP for review and decision.

(d) If a hearing officer's adverse decision is reversed on appellate review, the individual shall be paid such retroactive WIN and welfare benefits as may be applicable and, where appropriate, shall be reinstated in the program.

§ 224.70 National Review Panel (NRP).

(a) The NRP shall be composed of the DOL Chief Administrative Law Judge and other Administrative Law Judges appointed pursuant to the Administrative Procedure Act requirements and designated by the Chief Administrative Law Judge to serve as members of the panel. The panel shall be located in Washington, D.C., and shall, unless equity requires otherwise, hold its reviews in Washington.

(b) The NRP has jurisdiction to—

(1) Consider appeals where a State does not provide for a WIN appellate procedure in all cases in which a compelling reason exists, including, but not limited to, cases raising novel and or substantial issues of law or policy.

(2) Consider and decide cases wherein, in the exercise of its discretion, it has accepted certification of the cases to it by the State WIN appellate body, or in the absence of a State WIN appellate body, by the hearing officer because they involve novel questions of law or policy;

(3) Consider and decide cases which, on its own motion, it has requested from a State WIN appellate body or, in the absence of a State WIN appellate body, from the hearing officer.

(4) At its discretion, consider and decide appeals filed by individuals, the WIN sponsor or welfare agencies from State WIN appellate body decisions.

(5) Monitor the consistency, legal sufficiency, and quality of cases handled by the hearing officer and State WIN appellate body.

(6) However, the NRP shall not have jurisdiction to examine the issue of either the validity or constitutionality of the regulations, in this Part or of the Act.

§ 224.71 Appeals to the NRP.

(a) Appeals to the NRP may be filed by any party. Such appeals shall be mailed within 10 days of the date of the written decision from which the appeal is taken.

(b) The appeal shall be in writing, shall identify reasons in support of the appeal, and be addressed to the NRP. Notice of the appeal and, where possible, copies of the appeal shall be sent by the NRP to all parties.

(c) Any party to the proceeding may respond to the appeal or comment in support of or in opposition to the appeal. The submitting party shall mail its response to the NRP within 10 days after the date of mailing of the notification that an appeal has been filed.

§ 224.72 Request for NRP to accept certifications.

(a) The State WIN appellate body, or, in the absence of a State WIN appellate body, the hearing officer may file a request that the NRP accept certification of a case.

(b) The request must contain the following:

(1) A concise statement of the novel question of law or policy which is the basis for the request to accept certification;

(2) A brief summary of the relevant facts and evidence;

(3) Pertinent rulings, conclusions, and decisions by the hearing officer or the WIN appellate body, as the case may be; and

(4) All reasons and arguments in support of the request, including citation of applicable laws and case decisions. A copy of any written decisions by the hearing officer or WIN appellate body must be attached to the request.

(c) A request for the NRP to accept certification shall be filed as follows:

(1) By the State WIN appellate body within 5 days following issuance of its written decision;

(2) In the absence of a State WIN appellate body, by the hearing officer within 5 days after issuance of his written decision;

(d) The party filing a request to the NRP to except certification of a case shall file the request with the NRP U.S. Department of Labor, Washington, D.C. 20036, and simultaneously mail copies to every other party including the State agency administering hearings.

(e) Any party who wishes to respond to the request or to comment thereon may file a response with the NRP in support of or in opposition to the request within 10 days following the date of mailing of a request that the NRP accept certification. A copy of the response shall be mailed to all parties to the proceeding, including the State agency administering hearings.

§ 224.73 Requests by NRP for certification.

(a) Requests by NRP for certification of a case to it shall be made in writing no later than 30 days after receipt by the NRP of a written decision by the State WIN appellate body or the hearing officer. Copies of the request shall be mailed to all parties.

(b) In all cases, any party may file briefs in support of its position. The NRP may request briefs from the parties.

(c) Briefs shall be filed within 30 days from the date mailing of the request that a case be certified. In cases where the NRP requests briefs, a different time limit may be set

§ 224.74 Certification of the record.

Upon receipt of written notice from the NRP that an appeal has been filed, that it has accepted certification of a case, or that it has requested certification of a case, the State WIN appellate body or the hearing officer, whichever is applicable, within 30 days of mailing of the notification, shall certify and file with the NRP the record of the hearing including the transcript of the hearing; a copy of the hearing officer's decision; where appropriate, a copy of the decision of the State appellate body; and, any other papers and documents relevant to the proceedings. The State WIN appellate body or hearing officer, whichever is appropriate, shall prepare and include an index of the documents transmitted and shall mail a copy of such index to every party.

§ 224.75 Consideration by and decisions of the NRP.

(a) In considering appeals before it, the NRP may sit in panels of three members. The DOL Chief Administrative Law Judge may designate any Administrative Law Judge employed by DOL to review or hear a particular case and to submit his findings and recommendation to the NRP or any duly designated panel thereof.

(b) In considering appeals before it, the NRP, a duly designated panel thereof, or the designated Administrative Law Judge may request the parties to submit additional written statements of position, hear oral argument or hold additional hearings where necessary.

(c) (1) Any party may make application in writing for a hearing or oral presentation. Such application shall set forth the reasons in support thereof and be made within 10 days after:

(i) Mailing of notification of the filing of an appeal from the decision of a hearing officer where the State does not provide for an appellate body; or

(ii) Mailing of notification that the NRP at its discretion has accepted an appeal from the decision of a State WIN appellate body; or

(iii) Mailing of notification that the NRP has accepted certification of a case whether at its request or upon the application of a State WIN appellate body or hearing officer.

(2) If a hearing or oral argument is directed, the notice shall state the date, time, place, nature, and purpose of the hearing or oral argument. Such notice shall be mailed to all parties.

(3) At any hearing or oral argument so ordered, the NRP, or the designated Administrative Law Judge, may require or direct any party or person to appear to testify or produce evidence if such hearing or argument is deemed necessary, it shall be held at the location of the original hearing.

(4) Any party to the proceeding may appear personally or be represented by an attorney or agent.

(5) If a hearing is directed before an Administrative Law Judge, the findings and recommendations of the Administrative Law Judge to the panel shall be mailed to all parties. Any party may file with the NRP written exceptions and briefs in support thereof within 10 days of the mailing of the Administrative Law Judge's findings and recommendations and shall at the same time mail copies of such exceptions and briefs to all other parties. Any exceptions filed shall refer to specific findings and recommendations of the Administrative Law Judge.

(d) In all cases which are accepted for adjudication by the National Review Panel, the NRP shall send a copy of all relevant materials to the NCC, Solicitor of Labor and Office of General Counsel, DHEW, to afford a 30-day period for the

V 40 182 SEP 18 75 XUM

submittal of any response deemed appropriate or requests for oral argument.

(e) The NRP shall prepare a written decision setting forth its findings, the reasons for its conclusions, and an appropriate order. The decision shall be based on the record and any additional evidence submitted to or obtained by the NRP. The decision may consist of affirmation, reversal, remand for further development of the evidence or other appropriate action. Copies of the NRP decisions including notification that the NRP has denied a request that it review a decision of a State WIN appellate body and notification that NRP has accepted certification of a case, shall be mailed to all parties and such other persons as may be appropriate.

§ 224.76 Sixty-day counseling period and reinstatement of certified individuals.

(a) WIN benefits under Part C of title IV of the Act (not AFDC benefits) shall cease and the 60-day counseling period by the SAU shall commence to run on the fifth business day following:

(1) The expiration of the prescribed time period for filing a request for a hearing on a proposed deregistration from WIN, or the date on which the request for such hearing is dismissed; or

(2) The date of the hearing officer's decision that the disputant has refused or failed to accept employment or otherwise participate in the WIN program without good cause; or

(3) A decision rendered by the State appellate body or the NRP which reverses a decision favorable to a WIN registrant.

(b) The IMU will be notified immediately by the WIN sponsor of all of the foregoing actions.

(c) Counseling shall be provided by the SAU for a period of up to 60-days, to those certified registrants who have been determined by the Secretary of Labor to have refused to participate in the WIN program without good cause for the purpose of persuading them to participate in WIN. Such counseling may be terminated at any time during this period at the discretion of the SAU when it becomes apparent that the counseling efforts are proving unsuccessful. Once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the SAU shall not provide another period of counseling and other services.

(d) The 60-day counseling period shall not be provided to uncertified registrants.

(e) A certified registrant who fails without good cause to appear for two or more scheduled counseling meetings shall be considered to have terminated the counseling.

(f) Certified registrants who complete the 60-day counseling may be reaccepted into WIN only with the concurrence of the SAU.

§ 224.77 Subsequent WIN registration by deregistered individuals.

(a) Individuals who were deregistered on the basis of a "without good cause" determination may, upon application, again register for WIN, provided 90 days have elapsed since their deregistration and they have given evidence to the WIN project staff of willingness to participate. If he is subsequently deregistered following a "without good cause finding" he shall not be registered or reaccepted in the WIN program unless satisfactory evidence is given of willingness to participate and 6 months have elapsed since the effective date of the latest deregistration.

(b) An individual who has been reaccepted into the WIN program after such deregistration shall have the same rights as an individual who registers for the first time.

(c) Reacceptance into the WIN program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or others.

Effective Date: These regulations shall be effective March 16, 1976, or earlier at the option of the State.

(Catalog of Federal Domestic Assistance Nos. 13.754, Public Assistance—Social Services and 13.761, Public Assistance—Maintenance Assistance (State Aid))

Dated: September 3, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-24753 Filed 9-17-75;8:45 am]

federal register

THURSDAY, SEPTEMBER 18, 1975



PART V:

ENVIRONMENTAL PROTECTION AGENCY

PRIVACY ACT OF 1974; IMPLEMENTATION

Notice of Systems of Records

V 40 182 SEP 18 75 XUM

ENVIRONMENTAL PROTECTION AGENCY
(FRL 428-2)

IMPLEMENTATION OF PRIVACY ACT OF 1974
Notice of Systems of Records

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a (P.L. 93-579, 88 Stat. 1896), notice is hereby given of the following existence and character of systems of records maintained by the Environmental Protection Agency. Any individual who believes that this Agency maintains a record about him or her may request to inspect such record, if available, and to correct or amend it if necessary. Comments and views regarding these systems of records may be filed with the Agency on or before September 17, 1975. Such comments should be addressed to Director, Management and Organization Division, Director, PM-213 Environmental Protection Agency, Washington, D.C., 20460.

Dated: September 5, 1975

John Quarles
Acting Administrator, Environmental Protection Agency

PREFATORY STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to and are incorporated by reference into each system of records set forth below:

1. In the event that a record within this system of records maintained by the Environmental Protection Agency indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record from this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the Member of Congress informs the System Manager that the individual to whom the record pertains has authorized the Member of Congress to have access to the record.

EPA—1

System name: Payroll System (Departmental Integrated Payroll System; Payroll Accounting Master File; and Detail History File)— EPA

System location: U.S. Geological Survey Computer Facility, Reston, Virginia, 20244, HSMA Computer Facility, DHEW, Parklawn Bldg., Rockville, Maryland, 20203; Financial Management Division, EPA 401 M Street, S.W., Washington, D. C. 20460.

Categories of individuals covered by the system: EPA employees.

Categories of records in the system:. Salary and related payroll cost data and reports.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3301; Title 6, GAO Policy and Procedures Manual, pursuant to 31 U.S.C. 66(a) and sections of 112(a) and 113 of Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To conduct all necessary and appropriate intra-agency payroll activities. To furnish information U. S. Treasury requires to issue paychecks and distribute pay according to employees' directions. To report tax withholding to IRS and appropriate State and local taxing authorities; FICA deductions to SSA; dues deductions to labor unions; withholdings for health and life insurance to insurance carriers and U.S. C.S.C.; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual. Also see routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer records maintained on tape, others on paper.

Retrievability: Name and employee number.

Safeguards: Paper records in locked metal file cabinets and automated filing banks within locked room.

Retention and disposal: Retained and disposed of according to (proposed) EPA Records Control Schedules, Appendix B, Records Management Manual.

System manager(s) and address: Chief, Payroll Accounts Office, EPA, 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries may be addressed to System Manager.

Record access procedures: Requests should be addressed to System Manager.

Contesting record procedures: Requests should be addressed to System Manager.

Record source categories: Individuals, supervisors, timekeepers, official personnel records, IRS.

EPA—2

System name: General Personnel Records--EPA

System location: (a) Personnel Management Division, EPA 401 M St., S.W., Washington, D. C. 20460.

(b) EPA, Rm. 2211, John F. Kennedy Federal Bldg., Boston, MA 02203
(c) EPA, Rm. 1032, 26 Federal Plaza, New York, NY 10007
(d) EPA, Curtis Bldg., 6th and Walnut Sts., Phila., PA, 19106
(e) EPA, Suite 300, 1421 Peachtree St., N.E., Atlanta, GA, 30309
(f) EPA, 230 S. Dearborn, Chicago, IL, 60604
(g) EPA, 1600 Patterson St., Suite 1100, Dallas, TX, 75202
(h) EPA, 1735 Baltimore Ave., Kansas City, MO 64108
(i) EPA, Lincoln Tower Bldg., 1860 Lincoln St., Denver, CO, 80203
(j) EPA, 100 California St., San Francisco, CA, 94111
(k) EPA, 1200 Sixth St., Seattle, WA, 98101
(l) EPA Laboratory, P.O. Box 15027, Las Vegas, NV, 89114
(m) EPA Laboratory, 5555 Ridge Ave., Cincinnati, OH, 45268
(n) EPA, Research Triangle Park, NC 27711
(o) EPA, Office of Mobile Source Air Pollution Control, 2565 Plymouth Rd., Ann Arbor, MI, 48105

Categories of individuals covered by the system: Employees of EPA and applicants for EPA employment.

Categories of records in the system: Nonpermanent personnel records not required to be maintained by the CSC.

Authority for maintenance of the system: 5 U.S.C. 301, implemented by 5 CFR Parts 293 and 297.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and the information in the records are used to carry out authorized personnel programs. Routine uses include: Review of employment histories of employees and applicants. Identification of high potential employees designated under the Agency executive development program. Review of developmental needs of high potential employees and current managers GS-15 and above. Review of status of employees participating in special counseling or developmental programs. Identification of candidates for job vacancies.

The records system may include files covering employee relations, individual development plans for high potential employees, individual development plans for current managers GS-15 and above, ACCENT program, Academic Career Advancement program, counseling programs, exit interviews, and voluntary applications. All of the above files are not maintained at each Headquarters/field location. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders and generally, in locked cabinets.

Retrievability: Indexed by name.

Safeguards: Access to and use of is limited to those persons whose official duties require such access.

Retention and disposal: Records of employees are kept manually and are generally maintained until the individual terminates his employment with EPA. Records of applicants are kept manually and are destroyed or returned after one year.

System manager(s) and address: For records at location (a)—Director, Personnel Management Division, (address as given in Systems location above). For records located at (b) to (o)—Personnel Officers (address as given in Systems location above).

Notification procedure: Inquiries may be addressed to System Manager.

Record access procedures: Requests should be addressed to System Manager.

Contesting record procedures: Requests should be addressed to System Manager.

Record source categories: Information in this system comes from the individual to whom it applies or is derived from information provided by Agency officials.

EPA—3

System name: Health Unit and Stress Lab Medical Records—EPA

System location: EPA Health Unit, Room 3228, WSM, and EPA Stress Lab, Room 2915, WSM, 401 M Street, S. W., Washington, D. C. 20460.

Categories of individuals covered by the system: EPA employees, contract employees, and EPA visitors requiring or requesting medical attention and full-time EPA employees participating in Stress Lab.

Categories of records in the system: Medical histories and treatment records.

Authority for maintenance of the system: OMB Circular No. A-78, EPA Contract for Health Care.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To document single incidences of walk-in patients, symptoms and treatment, and to maintain a continuing history file on each patient. To document the treatment of those patients requiring the recurring administration of allergy shots and other shots, such as travel immunizations. To document physicals, complete with histories and lab reports, of those 500 employees so examined annually. (Physicals limited to those in grades 14 and above and those over age 40 in grades 11, 12, and 13.) To document requested screenings of patients for various illnesses and conditions through the use of diagnostic tools and tests. For referral of patients to private doctors for treatment, as indicated. To evaluate cardiac status of exercise program participants and the individual desirability of such a program. To detail for patient and personnel specifics and exercise treatment program.

Users of the system are restricted to contracted health personnel, patients, and, upon patient approval, to the patient's private doctor. Also see routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records, primarily handwritten or typed cards, forms, files, and EKG graphs, are stored in locked file cabinets.

Retrievability: Indexed by name.

Safeguards: Access to and use of system is limited to Health Unit and Stress Lab personnel, patients, and, upon patient approval, the patient's doctor. All materials are under lock and key. (Records relating to psychiatric matters may not be made available to a patient, if the physician deems it imprudent, but may be released upon patient approval to the patient's designated physician.)

Retention and disposal: Records maintained until employee leaves Agency, when employee may take permanent possession of same. Should employee not take possession, sealed records are sent to Personnel Office for inclusion in official personnel folder, which is sent to Federal Records Center in St. Louis for retention or to new Federal employer, as appropriate.

System manager(s) and address: Assistant Director for Operations, Personnel Management Division, EPA 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries may be addressed to System Manager.

Record access procedures: Requests should be addressed to System Manager.

Contesting record procedures: Requests should be addressed to Systems Manager.

Record source categories: Patients, patient's doctors, on approval of patient, accident/incidence of illness witnesses, family members of patients, and past Federal employer medical records.

EPA—4

System name: Inspection Branch Reports—EPA

System location: Security and Inspection Division, EPA 401 M St., S.W., Washington, D. C. 20460.

Categories of individuals covered by the system: EPA employees, or persons or firms under contract to EPA or receiving grants from EPA, suspected of having committed illegal or unethical acts.

Categories of records in the system: Contains investigative case file of any person or firm suspected of having committed illegal or unethical acts.

Authority for maintenance of the system: Title 28, U.S. Code, Section 535(b), and EPA Order 3120.1, dated September 8, 1971.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records reviewed and cases investigated within EPA for illegal or unethical acts. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In individual case files.

Retrievability: Indexed by name or type of violation.

Safeguards: Records are maintained in a vault room secured by a Class 6 manipulation proof three-way combination lock on the vault door, an ultrasonic space alarm, and contact points on the door.

Retention and disposal: Held 10 years after investigation is completed and then destroyed by fire.

System manager(s) and address: Chief, Inspection Branch, Security and Inspection Division, EPA 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries may be addressed to system manager.

Record access procedures: Requests should be addressed to system manager.

Contesting record procedures: Requests should be addressed to system manager.

Record source categories: Individual on whom the record is maintained, fellow workers, acquaintances, concerned citizens, phone calls, letters, law enforcement agencies.

EPA—5

System name: Personnel Security File System—EPA

System location: Security and Inspection Division, EPA, 401 M St., S.W., Washington, D.C. 20460.

Categories of individuals covered by the system: EPA employees and consultants in sensitive and nonsensitive positions and applicants for sensitive positions within EPA.

Categories of records in the system: Full field investigations, national agency checks and inquiries from prior employers, credit checks, and local police checks on the individual and any other checks necessary to further develop questionable suitability/ security information. May contain copies of the SF-85, SF-86, and the SF-171, furnished by the individual, depending on the sensitivity of the position the individual occupies or will occupy.

Authority for maintenance of the system: E.O. 10450, E.O. 11652, and Atomic Energy Act of 1954, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information used with E.O. 11652, E.O. 10450, Civil Service Regulations, and the Federal Personnel Manual to issue a security clearance and/or to make suitability determinations on hiring or retention of EPA employees. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

V 40 182 SEP 18 75 XUM

Storage: Paper records in file folders.

Retrievability: By name.

Safeguards: When not in use, within a vault room which has a three-way combination locked door with a contact alarm and an ultrasonic alarm system. Within the vault room, the files are also stored within either a key-locked or three-way combination power file or security cabinet. Access to this vault room is limited to EPA Security and Inspection Division personnel.

Retention and disposal: Procedures require a one-year retention after the employee terminates employment with EPA. Upon termination, the Civil Service Commission investigative reports are destroyed by shredding as is the remainder of the file unless the personnel security file contains derogatory information. If the file contains derogatory information, it is forwarded to the Federal Record Center for retention for 20 years.

System manager(s) and address: Director, Security and Inspection Division, EPA, 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries may be addressed to system manager.

Record access procedures: Direct written requests to the system manager. The request should include requester's full name, date and place of birth, and social security number and signature to preclude erroneous identification. A comparison of the signature of the requester and those in the record will be made to determine identity prior to any release.

Contesting record procedures: Requests should be addressed to system manager.

Record source categories: Sources vary, but normally could include information furnished by the subject, background data furnished through investigations by authorized Federal investigatory agencies; local police department checks; former employers' inquiries; credit inquiries; and educational institutions inquiries.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(l), (k)(2), and (k)(5), all information and material in the record which meets the criteria of these subsections are or may be exempted from the notice, access, and contest requirements.

EPA—6

System name: Security Computer Program System—EPA

System location: Security and Inspection Division, EPA, 401 M St., S.W., Washington, D. C. 20460.

Categories of individuals covered by the system: Security clearance status of EPA employees or consultants and terminated employees who have been processed through the Security and Inspection Division.

Categories of records in the system: Security computer programs are a subsystem of the Personnel Computer System. Security data is entered into the system as follows: social security number, type of investigation requested, position sensitivity, type security clearance requested, place of birth, type of clearance granted, date of clearance, agency conducting investigation, ERDA clearance, date of ERDA clearance and ERDA file number. Only security clearance information applicable to the individual in his EPA position is listed. Other data listed on the Personnel Computer System is retrievable under the security computer programs, such as name, date of birth, organization, geographical location, etc., and is retrievable through matching of the social security number.

Authority for maintenance of the system: E.O. 10450 and E.O. 11652.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use is limited to exchanges between EPA offices requiring clearance data prior to release of classified information. Records of this system of records may be disclosed as 'routine use' to security representatives of Federal, State, or local agencies or to Government contractors performing classified work where security clearance information is required under a statute, or by regulation, rule or order issued pursuant thereto, to permit EPA employees access to classified national security information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Disc-pack on line with the computer contractor with a backup file stored off line.

Retrievability: By Security and Inspection Division personnel via a low- speed remote terminal utilizing IRS Wilbur computer language and is printed out on a remote printer. Access to security computer program is gained by using account names, initials, and key words known only to personnel working directly with the system.

Safeguards: Printouts obtained from the system are stored, when not in use, within a vault room which has a three-way combination locked door and an ultrasonic alarm system. Access to the printout information is limited to EPA Security and Inspection Division Personnel.

Retention and disposal: Clearance information is maintained in an active file until the employee terminates. Subsequent to the employee's termination, the clearance information is removed from the active file, placed in a terminated file, and maintained for archival purposes.

System manager(s) and address: Director, Security and Inspection Division, EPA, 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries should be addressed to system manager as above.

Record access procedures: Direct written requests to system manager. Request should include subject's full name, date and place of birth, and social security number to preclude erroneous identification. A comparison of the signature of the requester and those of record will be made to determine identity prior to any release.

Contesting record procedures: Requests should be addressed to the system manager as above.

Record source categories: Sources for this information are obtained from the Personnel Security File and the Personnel Computer System maintained on subject.

EPA—7

System name: Travel Voucher Folders, Advance Cards, and Payee Files— EPA

System location: Financial Management Division, EPA, 401 M St., S.W., Washington, D. C. 20460.

Categories of individuals covered by the system: Employees of EPA, consultants, and private citizens who travel or perform services for EPA.

Categories of records in the system: Travel vouchers with reimbursable details for specific trips. Travel advance cards with details of advances received and trip expenses applied. Payee files with itemized invoices.

Authority for maintenance of the system: Travel Expense Amendments Act of 1975 (P.L. 94-22); Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Subgroups of files are used to determine amounts due an individual for authorized and official travel for EPA, and conduct other payee-related activities. Transmittal to U.S. Treasury for payment. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual

Retrievability: Name

Safeguards: Voucher files are kept in locked room. Advance cards in lockable metal file cabinets. Payee files in locked cabinets.

Retention and disposal: Retained and disposed of according to (proposed) EPA Records Control Schedules, Appendix B, Records Management Manual.

System manager(s) and address: Accountant-In-Charge, Financial Management Division, EPA, 401 M St., S.W., Washington, D. C. 20460.

Notification procedure: Inquiries may be addressed to System Manager.

Record access procedures: Requests should be addressed to System Manager.

Contesting record procedures: Requests should be addressed to System Manager.

Record source categories: Individual, supervisors, and finance (or accounting) office standard references.

[FR Doc.75-24024 Filed 9-5-75;4:00 pm]

V 40 182 SEP 18 75 XUM

183

Vol.40—No.183
9-19-75
PAGES
43197-43477

federal register

FRIDAY, SEPTEMBER 19, 1975

highlights

PART I:

TREATMENT OF PUBLIC WATER SYSTEMS
Executive order delegating authority to the Secretary of Commerce to provide adequate supplies of chemicals or substances 43197

EDUCATION ASSISTANCE PROGRAMS
HEW/OE announces closing dates for receipt of applications and establishment of eligibility; closing dates 10–17–75 and 1–30–76..... 43263

MOTOR VEHICLE SAFETY
DOT/NHTSA expands proposal on defect and noncompliance reports; comments by 11–21–75..... 43227

SINGLE OUTBOARD MOTORS
DOT/CG proposes category to determine quantity of flotation and persons capacity; comments by 11–5–75.... 43226

MEDICARE
HEW/SSA regulates State Supplementary Medical Insurance Coverage (buy-in) Agreements; effective 10–20–75.. 43211

CONTINUED INSIDE

PART II:

INDIAN HOUSING PROGRAMS
HUD proposes regulations; comments by 11–10–75..... 43371

PART III:

FOOD STAMPS
USDA/FNS proposes to amend formula for calculating coupon allotments; comments by 10–6–75..... 43403

PART IV:

MINIMUM WAGES
Labor/ESA issues determinations for Federal and federally-assisted construction..... 43411

PART V:

PRIVACY ACT OF 1974
The following egencies issue documents relating to implementation of the Act:
Interior Department..... 43467
Agriculture Department..... 43466

V 40 183 SEP 19 1975

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/Coast Guard—Ships carrying bulk grain cargoes; intact stability requirements 36342; 8–20–75

FAA—Airworthiness directives; certain Bell helicopters (2 documents).... 36559, 36560; 8–21–75

EPA—Approval and promulgation of implementation plans; Tennessee: Promulgation of Plan Revisions..... 36335; 8–20–75

Beet sugar processing subcategory of the sugar processing category; effluent guidelines and standards..... 36337; 8–20–75

Fertilizer manufacturing point source category; Urea subcategory..... 36337; 8–20–75

Regulation of fuels and fuel additives; information and reports..... 36335; 8–20–75

Requirements for preparation, adoption and submittal of implementation plans; significant harm and emergency action levels for photochemical oxidants..... 36333; 8–20–75

GSA/Federal Register—Services to the Public; Distribution within the Federal Government..... 36295; 8–20–75

HEW/SSA—Federal health insurance for the aged and disabled (1965.....); Exclusion of certain items and services from Medicare coverage..... 36311; 8–20–75

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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PUBLIC ASSISTANCE
HEW/SRS Institutes time limitation for temporary assistance to eligible U.S. citizens returning from foreign countries; effective 6–28–75 43218

SOCIAL SERVICES EXPENDITURES
HEW/SRS promulgates Federal allotment to States from 7–1–76 to 9–30–76 and for FY 1977 43264

BANK HOLDING COMPANIES
FRS rules on computation of amount invested in foreign corporations under general consent procedures; effective 9–12–75 43199

TRUTH IN LENDING
FRS regulates open-end credit disclosure requirements and implements the Fair Credit Billing Act (2 documents); effective 1–1–76 and 10–28–75, respectively..... 43200

NATIONAL FIRE CODES
OFR announces revision of standards; comments by 12–5–75 43235

FREEDOM OF INFORMATION
PBGC amends regulations; effective 9–19–75..... 43213
USDA/APHIS issues regulations for public access to records 43223

GRAINS
USDA/CCC deletes uniform storage agreement rates for oats; effective 9–19–75..... 43225
USDA/CCC increases loan rates and value factors for certain classes of rice; effective 9–18–75..... 43225

COTTON, WOOL AND MAN-MADE FIBER TEXTILES
CITA announces limitations on certain products from Haiti and Republic of Korea (2 documents)..... 43267, 43269

MAIL
Postal Service proposes fee increase for International and Domestic Special Mail Services (2 documents); comments by 10–18–75..... 43232, 43233

UNAUTHORIZED CONTRACT AWARDS
VA establishes ratification policy; effective 9–15–75.... 43217

COYOTE DAMAGE CONTROL
Interior/FWS issues report on emergency use of M–44 devices during July 1975..... 43240

FEDERAL COAL LEASING
Interior/BLM issues final environmental impact statement 43239

MEETINGS—
Commerce: Travel Advisory Board, 10–21–75..... 43263
NOAA: Sea Grant Advisory Panel, 10–22 and 10–23–75 43262
ERDA: Senior Reviewers Committee, 10–7 and 10–8–75 43273
FHLBB: Federal Savings and Loan Advisory Council, 10–6 thru 10–8–75..... 43273
National Advisory Committee on Oceans and Atmosphere: Marine and Atmospheric Pollution Control, 10–20 and 10–21–75..... 43278
USDA/FS: Oregon Dunes National Recreation Area Advisory Council, 10–18 and 10–19–75..... 43259
VA: Career Development Committee, 10–10–75..... 43284

CANCELLED MEETINGS—
OMB: GNP Data Improvement Advisory Committee, 9–24–75 43279

CORRECTED MEETINGS—
HEW/FDA: Gastrointestinal Drugs Advisory Committee, 9–29 and 9–30–75..... 43264

HEARINGS
DOT/FAA: Airport Noise Policy, during October, 1975 43266

contents

THE PRESIDENT

Executive Orders
Public water systems, purification; authority delegation to the Secretary of Commerce to provide adequate supplies of chemicals or substances for treatment..... 43197

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Rules
Lemons grown in Calif. and Ariz.. 43224

AGRICULTURE DEPARTMENT
See also Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Food and Nutrition Service; Forest Service.
Notices
Privacy Act, 1974; systems of records 43467

ALCOHOL, TOBACCO, AND FIREARMS BUREAU
Notices
Authority delegation: Regional Directors..... 43235

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Freedom of information; availability of records..... 43223

ANTITRUST DIVISION, JUSTICE DEPARTMENT
Notices
Competitive impact statements and proposed consent judgments; U.S. versus listed companies:
H. S. Crocker Co., Inc. et al..... 43236

ARMY DEPARTMENT
Notices
Environmental statements: Mississippi Army Ammunition Plant..... 43236

CIVIL AERONAUTICS BOARD
Rules
Environmental Policy Act, National, implementation; and environmental impact statements, correction 43211

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Defense Department..... 43211
Health, Education, and Welfare Department 43211

COAST GUARD
Rules
Drawbridge operations:
Florida 43213
Virginia 43213
Proposed Rules
Boats and associated equipment; single outboard motors..... 43226

V 40 183 SEP 1975 XUM

Notices
Citizenship oath filing:
Brown & Williamson Tobacco Corp ---- 43266
Vita Food Products, Inc ---- 43266

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration.
Notices
Meetings:
Travel Advisory Board ---- 43263

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Man-made textiles:
Haiti ---- 43267
Korea (2 documents) ---- 43269

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED
Notices
Procurement list, 1975; additions and deletions (3 documents) ---- 43269

COMMODITY CREDIT CORPORATION
Rules
Loan and purchase programs:
Oats; deletion of uniform grain storage agreement rates ---- 43225
Rice; increase in loan rates ---- 43225

CONSUMER PRODUCT SAFETY COMMISSION
Proposed Rules
Privacy Act of 1974; correction ---- 43231

CUSTOMS SERVICE
Proposed Rules
Antidumping and petitions by American manufacturers, producers, and wholesalers; extension of time ---- 43226
Notices
Authority delegation:
Deputy Commissioner of Customs and Assistant Commissioner of Customs ---- 43235

DEFENSE DEPARTMENT
See Army Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Scientific articles; duty-free entry:
Hahnemann Medical College and Hospital, et al ---- 43259
National Institutes of Health, et al ---- 43260
Northwestern University ---- 43260
University of Miami, et al ---- 43261

EDUCATION OFFICE
Notices
Advisory councils and committees; annual report 1975 ---- 43263
Supplemental educational opportunity grants:
Closing dates for receipt of applications and establishment of eligibility ---- 43263

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Minimum wages for Federal and Federally assisted construction ---- 43411

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Meetings:
Senior Reviewers Committee ---- 43273

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air quality implementation plans:
Iowa; approval of compliance schedules ---- 43214
Kansas; approval and disapproval of compliance schedules ---- 43215
Montana; approval of plan revisions ---- 43216
Proposed Rules
Air quality implementation plan:
Utah ---- 43231
Review meeting:
Minimum standards for procurement under EPA construction grants ---- 43231
Notices
Pesticides, tolerances, etc.; petitions:
Pesticide and food additive ---- 43273

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental impact statements; availability ---- 43270

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
Oklahoma (2 documents) ---- 43258

FEDERAL AVIATION ADMINISTRATION
Notices
Airport noise policy; hearings ---- 43266

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
New Jersey ---- 43265
West Virginia ---- 43265

FEDERAL HOME LOAN BANK BOARD
Notices
Meeting:
Federal Savings and Loan Advisory Council ---- 43273

FEDERAL INSURANCE ADMINISTRATION
Rules
National flood insurance programs:
Areas eligible for sale of insurance ---- 43219
Special hazard areas ---- 43220

FEDERAL MARITIME COMMISSION
Notices
Agreement filed:
Port Authority of New York and New Jersey, et al ---- 43274
Investigation and hearing:
City of Anchorage and Sea-Land Service, Inc., et al ---- 43273

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
E. L. Pinkston Estate Operating Account, et al ---- 43275
Superior Oil Co., et al ---- 43276
Westrans Petroleum, Inc., et al ---- 43276

FEDERAL REGISTER OFFICE
Notices
National Fire Codes; proposed revision of standards ---- 43235

FEDERAL RESERVE SYSTEM
Rules
Bank holding companies:
Computation of amount invested in foreign corporations ---- 43199
Truth in lending:
Fair credit billing; transaction descriptions ---- 43200
Open end credit accounts; specific disclosures ---- 43199
Notices
Applications, etc.:
Bank of New York Company, Inc ---- 43277
First Banc Group of Ohio, Inc ---- 43277
United Jersey Banks ---- 43277
Woodfield Investment Corp ---- 43278

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Bombay Hook National Wildlife Refuge, Del ---- 43218
Eufaula National Wildlife Refuge, Ala ---- 43218
Iroquois National Wildlife Refuge, NY ---- 43218
Missisquoi National Wildlife Refuge, Vt ---- 43218
Prime Hook National Wildlife Refuge, Del ---- 43219
Notices
Coyote damage control; cattle, sheep and goats; report on emergency use of M-44 devices ---- 43240

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs:
Sulfonamide-containing products; extension of time to submit data ---- 43213
Notices
GRAS status:
Chlorinated solutions for treatment of beef, pork and lamb carcasses ---- 43264
Meetings:
Gastrointestinal Drugs Advisory Committee; correction ---- 43264

FOOD AND NUTRITION SERVICE
Notices
Food stamps:
State program formula for calculating coupon allotments ---- 43403

FOREST SERVICE
Notices
Environmental statements:
West Slope of the Tetons Planning Unit ---- 43258
Meetings:
Oregon Dunes National Recreation Area Advisory Council ---- 43259

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration; Food and Nutrition Service; Social and Rehabilitation Service; Social Security Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Disaster Assistance Administration; Federal Insurance Administration; Interstate Land Sales Registration Office.
Proposed Rules
Low income housing; Indian housing ---- 43371

INDIAN AFFAIRS BUREAU
Notices
Federal supervision over property, termination; Pinoleville Rancheria, Calif. and individual member thereof, correction ---- 43239

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.
Notices
Environmental statements:
Lower St. Croix National Scenic Riverway, Minnesota and Wisconsin ---- 43240
Privacy Act, 1974; systems of records ---- 43466

INTERNAL REVENUE SERVICE
Proposed Rules
Employment taxes, certain:
Depositing requirements, hearing ---- 43226

INTERSTATE COMMERCE COMMISSION
Notices
Car Service exemptions, mandatory (3 documents) ---- 43312
Fourth section applications for relief ---- 43313
Hearing assignment (2 documents) ---- 43312
Motor carriers:
Temporary authority applications ---- 43313
Transfer proceedings (2 documents) ---- 43313, 43319

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Land developers; investigatory hearings, order of suspension, etc.:
Prescott Valley ---- 43265

JUSTICE DEPARTMENT
See Antitrust Division.

LAND MANAGEMENT BUREAU
Rules
Public Land Orders:
Wyoming ---- 43217
Notices
Environmental statements:
Federal Coal Leasing Programmatic ---- 43239
Opening of public lands:
Montana ---- 43240

LABOR DEPARTMENT
See also Employment Standards Administration; Manpower Administration.
Notices
Adjustment assistance:
Brown Shoe Co ---- 43285
Davidson Rubber Co ---- 43285
G.T.E. Sylvania ---- 43286
Hamilton Shoe Co ---- 43286
International Shoe Co ---- 43287
Latrobe Steel Co ---- 43287
M.B. Associates ---- 43288
Rockmore Co ---- 43288
Wagner Electric Corp ---- 43289
Waupun, Wisconsin Plant of Weyenberg Shoe Manufacturing Co ---- 43289

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ---- 43278
Meeting:
GNP Data Improvement Advisory Committee, cancellation ---- 43279

MANPOWER ADMINISTRATION
Notices
Employment transfer and business competition determinations under the Rural Development Act ---- 43284

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE
Notices
Meeting ---- 43278

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Proposed Rules
Defect and noncompliance reports ---- 43227

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Meetings:
Sea Grant Advisory Panel ---- 43262

PENSION BENEFIT GUARANTY CORPORATION
Rules
Freedom of information:
Examination and copying of records ---- 43213

POSTAL SERVICE
Proposed Rules
Fee Increase for domestic special mail services, for domestic and international money orders, and for other nonpostal services ---- 43232
Fee Increase for international special mail service ---- 43233

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
BBI, Inc ---- 43279
Canadian Javelin, Ltd ---- 43281
Equity Funding Corporation of America ---- 43279
Hamilton Funds, Inc ---- 43279
Industries International, Inc ---- 43280
Massachusetts Mutual Life Insurance Co ---- 43281
Mineral Exploration Co ---- 43280
National Association of Securities Dealers, Inc ---- 43284
Northeast Utilities, et al ---- 43282
Systematic Tax, Inc ---- 43280
Westgate California Corp ---- 43280

SOCIAL AND REHABILITATION SERVICE
Rules
Public assistance:
Time limit for aid to citizens returning from foreign countries ---- 43218
Notices
Social services expenditures; Federal allotment to States ---- 43264

SOCIAL SECURITY ADMINISTRATION
Rules
Health insurance for the aged and disabled:
State supplemental coverage agreements ---- 43211

TRANSPORTATION DEPARTMENT
See also Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See Alcohol, Tobacco and Firearms Bureau; Customs service; Internal Revenue Service.

VETERANS ADMINISTRATION
Rules
Contract awards, unauthorized; ratification policy ---- 43217
Notices
Meeting:
Career Development Committee ---- 43284

V 40 183 SEP 19 75 XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR
Executive Orders:
10480 (See EO 11879) 43197
11879 43197

5 CFR
213 (2 documents) 43211

7 CFR
370 43223
910 43224
1421 (2 documents) 43225

12 CFR
211 43199
215 43199
226 (2 documents) 43199, 43200

14 CFR
312 43211

16 CFR
PROPOSED RULES:
1014 43231

19 CFR
PROPOSED RULES:
153 43226
175 43226

20 CFR
405 43211

21 CFR
510 43213

24 CFR
1914 43219
1915 43220
PROPOSED RULES:
805 43372

26 CFR
PROPOSED RULES:
31 43226

29 CFR
2603 43213

33 CFR
117 (2 documents) 43213
PROPOSED RULES:
183 43226

39 CFR
PROPOSED RULES:
42 43232
43 43232

39 CFR—Continued
PROPOSED RULES—Continued
44 43232
45 43232
47 43232
111 43233

40 CFR
52 (3 documents) 43214–43216
PROPOSED RULES:
35 43231
52 43231

41 CFR
8–1 43217

43 CFR
PUBLIC LAND ORDERS:
5538 43217

45 CFR
212 43218

49 CFR
PROPOSED RULES:
573 43227

50 CFR
32 (5 documents) 43218, 43219

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR
410 42306

3 CFR
PROCLAMATIONS:
4313 (See EO 11878) 42731
4385 41989
4386 41991
4387 42165
4388 42167
4389 42169
4390 42315
4391 42725
4392 42727
4393 42729
4394 42849
EXECUTIVE ORDERS:
April 18, 1908 (Revoked in part by PLO 5528) 42362
July 2, 1910 (Revoked in part by PLO 5512) 40162
(Revoked in part by PLO 5517) 40814
1959 (Revoked in part by PLO 5515) 40811
6583 (Revoked in part by PLO 5536) 42553
7595 (Revoked in part by PLO 5515) 40811
8649 (Revoked in part by PLO 5534) 42552
8780 (Revoked in part by PLO 5534) 42552
10480 (See EO 11879) 43197
11803 (Amended by EO 11878) 42731
11804 (See EO 11878) 42731
11861 (Amended by EO 11877) 40797
11864 (Superseded by EO 11877) 40797
11876 40501
11877 40797
11878 42731
11879 43197
MEMORANDUMS:
Memorandum of August 17, 1975 40139

4 CFR
PROPOSED RULES:
410 41801

5 CFR
151 42733
213 ..... 41755, 41993, 42427, 42733–42734, 43211
338 42734
410 42734
752 42734
772 42734

7 CFR
2 ..... 41085, 41993
25 42171
25A 42171
29 42527
180 42851
210 42735
215 42735
220 42735
225 42735
246 42735
250 42735

7 CFR—Continued
270 ..... 42736, 43017
271 43017
354 41513
370 43223
725 41513
905 ..... 42317, 42318
370 43223
908 ..... 40505, 40815, 41855, 42171, 43018
910 ..... 41086, 42319, 43224
915 41993
919 41994
927 42851
932 41994
944 42529
945 42530
946 42530
981 43018
989 40141
993 42530
1421 ..... 41087, 43225
1434 41087
1801 42178
1822 ..... 42178, 42736
1832 42320
1842 42179
1843 42179
PROPOSED RULES:
1 40849
51 40522
201 40524
906 ..... 42886, 42887
910 40528
924 43036
927 42023
931 40170
948 40528
966 42887
982 40836
989 40842
1046 ..... 40843, 42023
1250 42888
1430 42364
1464 41530

8 CFR
103 42852
341 42532

9 CFR
54 ..... 40505, 42739
73 42179
78 41516
91 40506
112 41994
113 ..... 41088, 41994
317 42852
381 42337
PROPOSED RULES:
113 41139
317 41139
319 41139

10 CFR
20 42557
37 42558
50 40816
73 42558
204 42338
205 40141
210 40818

10 CFR—Continued
211 40821
212 ..... 40142, 40818, 40821, 40824
213 40143
RULINGS:
1975–9 40826
1975–10 40826
1975–11 40827
1975–12 40828
1975–13 40831
1975–14 40833
1975–15 40832
1975–16 40834
PROPOSED RULES:
206 42448
213 42578

11 CFR
Ch. I 40668
PROPOSED RULES:
113 41932

12 CFR
211 43199
213 40506
215 ..... 40506, 43199
226 ..... 43199, 43200
523 ..... 41755, 41996
544 42853
545 ..... 41756, 42853
563 41997
603 40454
701 41090
703 41997
760 41998
PROPOSED RULES:
9 40859
202 42030
208 40857
337 ..... 40548, 41530
341 40856
561 42871
563 ..... 42371, 42898
564 42371
569a 42371
571 42371

13 CFR
123 42180

14 CFR
37 42183
39 ..... 41090–41092, 41519, 42180, 42339, 42739, 42741, 42854, 43019
71 ..... 41520, 41998, 42180, 42340–42342, 42740, 42741, 43019, 43020
73 41092
95 42181
97 ..... 41092, 42342, 43020
121 ..... 42183, 42185
171 41093
241 42855
298 42855
312 43211
372a 42741
378a 41093

V 40 183 SEP 1975 XUM

14 CFR—Continued
PROPOSED RULES:
Ch. I ... 42754
39 ... 41143, 41537, 42023
67 ... 42024
71 ... 42025, 42364–42366
75 ... 42756, 43036
385 ... 40816

15 CFR
371 ... 40507
377 ... 40507
903 ... 41998
PROPOSED RULES:
80 ... 42209

16 CFR
4 ... 40780
13 ... 40143–40154, 40504, 41071–41081, 41756–41758, 42202–42203, 42742
259 ... 42003
1116 ... 42004
PROPOSED RULES:
445 ... 42757
453 ... 42212, 42371
454 ... 41144
1014 ... 42025, 43231
1207 ... 42562

17 CFR
17 ... 41117
18 ... 41117
146 ... 41056
200 ... 40512
201 ... 42186
240 ... 40512, 41520, 42343
249 ... 40512, 41521
270 ... 41759, 42862
PROPOSED RULES:
210 ... 40550
230 ... 40555
231 ... 42212
239 ... 42212
240 ... 40858, 41308, 42212, 42219, 42905
241 ... 42212
249 ... 40858
259 ... 42212
270 ... 40555, 41818, 42757

18 CFR
1 ... 42005
2 ... 41760, 42005
157 ... 41769
PROPOSED RULES:
35 ... 42029
154 ... 41539
157 ... 41539
201 ... 41539
260 ... 41539

19 CFR
10 ... 43021
112 ... 41084
148 ... 41084
172 ... 43026
PROPOSED RULES:
12 ... 41118
153 ... 43226
175 ... 43226
201 ... 40173
210 ... 40173

20 CFR
200 ... 41084
260 ... 41084
404 ... 42863
405 ... 42006, 43211
450 ... 42865
PROPOSED RULES:
405 ... 40171, 40537, 40850

21 CFR
Ch. I ... 40520
29 ... 42866
121 ... 40799, 41085, 42866
123 ... 42343
431 ... 41522
436 ... 41522
449 ... 41523
452 ... 41773
510 ... 42007, 43213
522 ... 42007
540 ... 42007
556 ... 41085
561 ... 41773, 42343
1010 ... 40800
1040 ... 40800
1304 ... 42866
PROPOSED RULES:
1 ... 40682
2 ... 40682
5 ... 40682
6 ... 40682
8 ... 40682
10 ... 40682
11 ... 40682
80 ... 40682
90 ... 40682
100 ... 40682
102 ... 40682
121 ... 40529, 40682, 41797
202 ... 40682
310 ... 40682
312 ... 40682
314 ... 40682
328 ... 40682
330 ... 40682
429 ... 40682
430 ... 40682
431 ... 40682
433 ... 40682
511 ... 40682
514 ... 40682
601 ... 40682
640 ... 41799
701 ... 40682
1000 ... 42749
1003 ... 40682
1004 ... 40682
1210 ... 40682

22 CFR
42 ... 42532
PROPOSED RULES:
6a ... 40456

23 CFR
450 ... 42976, 42979
470 ... 42344
633 ... 42867
658 ... 41774, 42186
710 ... 41523
750 ... 42842

24 CFR
25 ... 43026
280 ... 42061, 42007

24 CFR—Continued
300 ... 43027
570 ... 41509, 42347
888 ... 40513
1914 ... 41509, 42009, 42872, 43219
1915 ... 41510, 42553, 42874, 43220
1916 ... 42348, 42349, 43027
1917 ... 41108–41115, 42349
1920 ... 41115, 41116, 42557, 42743
PROPOSED RULES:
406 ... 42560
805 ... 43372

25 CFR
PROPOSED RULES:
33 ... 40982
43h ... 42020
233 ... 42884
401 ... 40982
402 ... 40982
403 ... 40982
404 ... 40982
405 ... 40982
406 ... 42560
407 ... 40982

26 CFR
1 ... 42743, 43034
31 ... 42349
PROPOSED RULES:
1 ... 41118
31 ... 43226

28 CFR
0 ... 42745
2 ... 41328

29 CFR
56 ... 43170
57 ... 43170
58 ... 43170
570 ... 40800
1952 ... 40155–40157
2530 ... 41654
2602 ... 42876
2603 ... 43213
2604 ... 42533
2606 ... 42877
PROPOSED RULES:
603 ... 40537
608 ... 40537
609 ... 40537
687 ... 40537
1910 ... 40170, 40849, 41530, 41797
1915 ... 41530
1916 ... 41530
1917 ... 41530
1918 ... 41530
1926 ... 40170, 41530
1952 ... 41148

30 CFR
77 ... 41775
PROPOSED RULES:
211 ... 41122
216 ... 41122
250 ... 42559, 43036

32 CFR
197 ... 42186
1808 ... 42736
PROPOSED RULES:
1481 ... 42997
1814 ... 42444
2102 ... 40792

33 CFR
117 ... 41524, 42189, 43213
155 ... 42189
265 ... 42652
266 ... 42654
PROPOSED RULES:
1 ... 42210
117 ... 41537
183 ... 43226
305 ... 41636

35 CFR
253 ... 42996
PROPOSED RULES:
10 ... 40485

36 CFR
901 ... 41524
1000 ... 40802
PROPOSED RULES:
7 ... 41138, 42364
903 ... 41530

38 CFR
4 ... 42535
21 ... 42878
36 ... 42190
PROPOSED RULES:
3 ... 41540, 42578

39 CFR
111 ... 42541
3002 ... 43033
PROPOSED RULES:
42 ... 43232
43 ... 43232
44 ... 43232
45 ... 43232
47 ... 43232
111 ... 43233

40 CFR
52 ... 40158–40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42542, 42895–42896, 43214–43216
60 ... 42194
61 ... 42195
162 ... 41788, 42746
180 ... 40161, 42357
230 ... 41292
435 ... 42543
PROPOSED RULES:
16 ... 40792
35 ... 41644, 43231
52 ... 40172, 40854–40856, 42211, 42368, 42369, 42757, 43231
60 ... 42028
126 ... 41649
142 ... 40538
162 ... 40538
172 ... 40545
180 ... 41538, 42757
246 ... 42986
430 ... 41298
435 ... 42572

41 CFR
8–1 ... 43217
8–2 ... 40803
8–3 ... 40803
14–3 ... 40517, 42746
101–26 ... 41093

41 CFR—Continued
101–35 ... 42358
101–38 ... 42358
101–43 ... 42361
101–44 ... 42361
105–61 ... 42881
114–42 ... 40517
114–60 ... 42746
PROPOSED RULES:
3–4 ... 42673
14H–70 ... 41025
51–8 ... 42444
60–5 ... 41149

42 CFR
110 ... 41095
PROPOSED RULES:
36 ... 42658
67 ... 42890

43 CFR
PUBLIC LAND ORDERS:
2249 (Revoked in part by PLO 5515) ... 40811
4089 (Revoked in part by PLO 5515) ... 40811
4148 (Revoked in part by PLO 5515) ... 40811
4643 (Revoked in part by PLO 5511) ... 40162
4889 (Revoked in part by PLO 5515) ... 40811
5175 (Amended by PLO 5519) ... 40814
5180 (Amended by PLO 5519) ... 40814
5191 (Amended by PLO 5519) ... 40814
5394 (Amended by PLO 5519) ... 40814
5413 (See PLO 5519) ... 40814
5438 (Amended by PLO 5519) ... 40814
5511 ... 40162
5512 ... 40162
5513 ... 40162
5514 ... 40811
5515 ... 40811
5516 ... 40814
5517 ... 40814
5518 ... 40814
5519 ... 40814
5520 ... 40815
5521 ... 40815
5522 ... 41096
5523 ... 41095, 43028
5524 ... 41095
5525 ... 41794
5526 ... 42195
5527 ... 42362
5528 ... 42362
5529 ... 42551
5530 ... 42551
5531 ... 42553
5532 ... 42551
5533 ... 42551
5534 ... 42552
5535 ... 42551
5536 ... 42553
5537 ... 43028
5538 ... 43217
PROPOSED RULES:
4 ... 42020
23 ... 41122
3040 ... 41122

45 CFR
30 ... 40162
46 ... 40163
100 ... 41795
101 ... 41795

45 CFR—Continued
169 ... 40518
212 ... 43218
220 ... 43182
224 ... 43182
233 ... 43182
250 ... 42013
1208 ... 40805
1600 ... 42362
PROPOSED RULES:
56 ... 41140
160a ... 41670
233 ... 41143
249 ... 42560
706 ... 40783
1115 ... 42457
1602 ... 42374

46 CFR
Ch. I ... 42195, 42746
32 ... 40163
35 ... 40163
50 ... 40163
52 ... 40163
53 ... 40163
54 ... 40163
56 ... 40164
58 ... 40168
63 ... 40169
146 ... 41795
410 ... 41526
402 ... 41526
PROPOSED RULES:
32 ... 42751
35 ... 42751
77 ... 42751
78 ... 42751
96 ... 42751
167 ... 42751
184 ... 42751
185 ... 42751
195 ... 42751
196 ... 42751

47 CFR
1 ... 42882
2 ... 40810
73 ... 42882, 43028
74 ... 40810
91 ... 40169
PROPOSED RULES:
2 ... 42028, 42577, 42897, 43037
73 ... 40172, 42028, 42369, 42577, 42578, 43038
89 ... 42577
91 ... 42028, 42577

49 CFR
25 ... 41040
171 ... 41527
172 ... 41527
173 ... 41527
174 ... 41527
175 ... 41527
177 ... 41527
178 ... 41527
325 ... 42432
385 ... 40810
Ch. V ... 41796, 42013
552 ... 42013
553 ... 42015
555 ... 42015
571 ... 42746, 42897
613 ... 42984
1033 ... 40518, 40519

V 40 I 183
SEP 19 75
XUM

49 CFR—Continued

1134 42343
1306 40518
1320 41528
1322 41528

PROPOSED RULES:

10 43037
102 41537
107 41537
170 41537
171 ..... 40471, 40853, 40854, 41537
172 41537
173 41537
174 41537
175 41537
176 41537
177 41537
178 41537

49 CFR—Continued

PROPOSED RULES—Continued

179 41537
180 41537
181 41537
182 41537
183 41537
184 41537
185 41537
186 41537
187 41537
188 41537
189 41537
215 42895
571 ..... 40537, 40853, 42756
573 43227
583 ..... 42366, 42895
1037 42221

49 CFR—Continued

PROPOSED RULES—Continued

1106 42578
1106 ..... 41153, 40854, 42573
1201 42899
1307 ..... 42033, 43038

50 CFR

20 ..... 41096, 42015
28 ..... 41105, 42017, 42195, 42748
32 ..... 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748, 42883, 43029, 43030, 43032, 43218, 43219

PROPOSED RULES:

17 40521
216 ..... 41531, 42210, 43040
501 41068

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18
43197–43477	19

presidential documents

Title 3—The President

Executive Order 11879 • September 17, 1975

Delegating to the Secretary of Commerce Functions Relating to Orders for the Provision of Chemicals or Substances Necessary for Treatment of Water

By virtue of the authority vested in me by Section 1441 of the Public Health Service Act, as amended by the Safe Drinking Water Act (88 Stat. 1680, 42 U.S.C. 300j), and as President of the United States, the Secretary of Commerce is hereby delegated, with power to redelegate to agencies, officers and employees of the Government, the functions of the President contained in said section 1441. Those functions shall be administered under regulations or agreements which are identical or compatible with other regulations and agreements, including those provided pursuant to Executive Order No. 10480, as amended, for the allocation of similar chemicals or substances.

Gerald R. Ford

THE WHITE HOUSE,
September 17, 1975.

[FR Doc.75-25158 Filed 9-17-75;3:15 pm]

V 40 I 183 SEP 1975 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. K and Y]

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

PART 225—BANK HOLDING COMPANIES

Computation of Amount Invested in Foreign Corporations Under General Consent Procedures

SEPTEMBER 15, 1975.

Under § 211.8(a) of Regulation K, the Board of Governors grants its general consent for a corporation organized under section 25(a) of the Federal Reserve Act (an "Edge Act Corporation") to invest, directly or indirectly, in the shares of foreign corporations not doing business in the United States; but no investment thereunder shall cause an Edge Act Corporation to have invested more than $500,000 in the shares, or to hold more than 25 percent of the voting shares, of any foreign corporation. The Board of Governors has ruled that in computing the $500,000 limitation under these general consent procedures, an Edge Act Corporation must include not only amounts actually paid in to the foreign corporation for its shares but also unpaid amounts on the shares of the corporation for which the Edge Act Corporation will be liable. If the total of such amounts exceeds $500,000, the Edge Act Corporation must apply for the Board's specific consent to make such investment.

This interpretation also applies to the foreign investments of domestic bank holding companies since, under Regulation Y, the consent procedures of Regulation K also govern such investment.

Effective September 12, 1975, 12 CFR Parts 211 and 225 are amended by adding a new § 211.111 and a new § 225.133 to read, as follows:

§ 211.111 Computation of amount invested in foreign corporations under general consent procedures.

(a) Under § 211.8(a) of Regulation K, the Board of Governors grants its general consent for a corporation organized under section 25(a) of the Federal Reserve Act (an "Edge Act Corporation") to invest, directly or indirectly, in the shares of foreign corporations not doing business in the United States; but no investment thereunder shall cause an Edge Act Corporation to have invested more than $500,000 in the shares, or to hold more than 25 percent of the voting shares, of any foreign corporation. Under § 225.4(f)(2) of Regulation Y, these general consent procedures also govern the foreign investments of domestic bank holding companies made pursuant to section 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

(b) In computing the $500,000 limitation under the general consent procedures, an Edge Act Corporation or bank holding company must include not only amounts actually paid in for the shares of the foreign corporation but also any unpaid amounts on the shares of the foreign corporation for which the Edge Act Corporation or bank holding company will be liable. If the total of such amounts exceeds $500,000, then the Edge Act Corporation or bank holding company must apply for the Board's prior specific consent to make such investment.

(c) For example, an Edge Act Corporation plans to acquire a 20 per cent interest in a proposed foreign corporation by subscribing to 60,000 shares with a par value of $10 per share. Initially, the shares will be 50 per cent paid in for an initial investment of $300,000; under the Articles of Association of the proposed corporation, the unpaid balance of $300,000 on the shares may be called at any time at the discretion of the corporation's board of directors. It appears that some Edge Act Corporations have in this situation only included in their computation the $300,000 intially paid in to the foreign corporation, and would thus acquire the shares of the foreign corporation under the general consent procedures. The Board has determined that in this situation the total amount invested for purposes of the general consent procedures is $600,000, as the Edge Act Corporation must include in the computation its liability for the unpaid balance on the shares. The proposed investment in this situation would therefore require prior specific Board consent.

§ 225.133 Computation of amount invested in foreign corporations under general consent procedures.

For text of this interpretation, see § 211.111 of this subchapter.

By order of the Board of Governors of the Federal Reserve System, September 12, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-24960 Filed 9-18-75;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Open End Credit Accounts—Specific Disclosures

On December 27, 1974, the Board of Governors published for comment in the FEDERAL REGISTER (39 FR 44779) a proposed amendment to the open-end credit disclosure requirements of Regulation Z (§ 226.7(f)). The proposal required open-end creditors sending to their credit cardholders blank checks or other credit devices which are intended to be used in connection with such open-end credit accounts to include a clear disclosure statement of the charges and other pertinent credit information specifically related to the use of blank checks or other credit devices delivered. The proposed amendment required such disclosure only the first time the blank checks or other credit devices were sent to the customer, but not when later renewed or resupplied.

Following consideration of 44 comment letters received on this proposal, the Board revised the proposed language and hereby promulgates it in final form. Two significant clarifications have been made to the regulatory requirement as proposed: The language of the regulation has been clarified to indicate that the term "credit devices" does not apply to credit cards and to indicate that the disclosure requirement is not applicable to checks used in conjunction with a demand deposit account, even though such checks may also activate a cash advance under an open-end credit account.

In response to concerns over the need for such disclosures where these blank checks have been provided to a customer shortly after the opening of an account, the regulation has been revised to indicate that the disclosures need not be made unless the blank checks are mailed or delivered to the customer subsequent to 30 days after the delivery of the initial open-end credit disclosures. In response to questions concerning the location of the disclosures accompanying the blank checks, the revised regulation stipulates that the disclosure consist of a single written statement which shall not appear on any promotional material mailed or delivered at the same time. The disclosure statement may be printed on a separate sheet or printed on a booklet containing the checks; the statement need not be repeated on each blank check. Questions also were raised concerning which disclosures of § 226.7 (a) should be made in connection with these blank checks. The pertinent dis-

V 40 I 183 SEP 1975 XUM

closure provisions are those contained in §§ 226.7(a) (1), (2), (3), and (4). The revised regulation provides that the disclosure statement accompanying the blank checks may be limited to the provisions of § 226.7(a) (1), (2), (3), and (4). Alternatively, the revised regulation provides that a full statement of the requirements of § 226.7(a) be provided with the provisions of subsections (1), (2), (3), and (4) clearly and conspicuously referenced on or accompanying that statement. For example, if the full statement of the provisions of § 226.7(a) is subdivided into terms covering credit sale and cash advance transactions, reference may be made in the accompanying material to the terms covering cash advance transactions. Likewise, if the terms covering cash advance transactions are numbered, the accompanying material may refer to the appropriate numbered terms.

The provisions of § 226.7(f) are to become effective January 1, 1976.

§ 226.7 Open-end credit accounts—specific disclosures.

* * * * *

(f) *Supplemental credit devices for use in open-end credit accounts.* If, subsequent to 30 days after delivering the disclosures required under paragraph (a) of this section, a creditor of an open-end credit account mails or delivers, other than as a renewal or resupply, a blank check, payee designated check, blank draft or order or other similar credit device other than a credit card, to an existing customer or cardholder for use in connection with such account, such device shall be accompanied by a single written statement setting forth clearly and conspicuously those disclosures of paragraph (a) of this section which specifically relate to the use of such device. Such disclosure statement shall either be limited to the disclosures of paragraphs (a) (1), (2), (3) and (4) of this section or contain all disclosures required of such paragraph with the pertinent disclosures clearly and conspicuously referenced on or accompanying that disclosure statement. Such disclosure statement shall not appear on any promotional material mailed or delivered at the same time. The requirements of this paragraph shall not be applicable to checks to be used in conjunction with a checking account even though such checks may also activate a cash advance under an open-end credit account.

By order of the Board of Governors, September 10, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-24884 Filed 9-18-75;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Fair Credit Billing, Description of Transactions

On May 5, 1975, the Board of Governors published for comment in the FEDERAL REGISTER (40 FR 19489) proposed regulations implementing the Fair Credit Billing Act (Title III of Pub. L. 93-495). The comment period on this proposal was initially set to terminate on May 30 and was subsequently extended through June 20, 1975 (40 FR 23896). On June 24, 1975, the Board of Governors published for comment in the FEDERAL REGISTER (40 FR 26571) proposed regulations to implement section 411 of Title IV of Pub. L. 93-495, which, though not technically a part of the Fair Credit Billing Act, is related to it in some respects and shares the same effective date. The comment period on this proposal terminated on July 18, 1975.

Following the receipt of approximately 300 comments on the proposal published on May 5 and approximately 110 comments on the proposal published on June 24, the Board on July 24, 1975, announced in the FEDERAL REGISTER (40 FR 30986) its intent to publish for comment revised regulations implementing these same statutory provisions and to hold informal hearings August 5 and 6, 1975, on these revised proposals.

On August 1, 1975, the Board published in the FEDERAL REGISTER (40 FR 32350) the revised regulations referenced in the July 24 publication. The comment period on these revised regulations, initially set to terminate on August 12, was extended to August 18, 1975.

On August 5, public hearings were held regarding the revised proposal. Ten interested parties were represented by witnesses at these hearings. Approximately 150 written comments were received and analyzed by the Board.

In response to the testimony and written comments received by the Board, some changes in the provisions previously published were made. Many are of a technical nature. An explanation of the most substantive changes follows:

1. *Transition periods.* Transition periods for compliance with certain portions of the regulation have been provided in § 226.6(k). These portions generally are those which require the printing of new forms or substantial technical program or operational changes which cannot be accomplished by October 28, 1975. In most cases the transition period is 6 months. The transition section covers the new disclosure requirements for periodic statements including showing dates of payment, indicating credit balances, and identifying the address to which billing errors must be sent. The prohibition against disclosing inconsistent State laws will also be delayed for 6 months to allow creditors to use up existing forms.

2. *Short notice of rights.* Many comments were made about the length of the notice of customer rights and creditor responsibilities required by § 226.7 (a) (9) and (d). A shortened version of this notice may be included with every periodic statement as an alternative to the twice-yearly mailing of the full notice: *Provided*, That the creditor must supply the customer with a full notice upon request or whenever the customer submits a proper written notification of a billing error.

3. *Time for payments after resolution of a billing error.* Earlier drafts of the regulation would have required creditors to provide a free period for payment without the imposition of finance charges after completion of the error resolution procedure, even when the creditor did not make an error or did not offer a free ride period generally. The regulation in § 226.14(b) (3) has been rewritten to require a free period only when the creditor has made an erroneous billing on the disputed item and the terms of the credit plan normally provide a free period for payment of such items. In all other cases the creditor must promptly notify the customer of how much is owed with regard to a disputed item after the completion of the error resolution procedure.

4. *Identification of transactions.* Many comments were received citing computer reprogramming and other data collection problems which would make compliance with § 226.7(b) (1) (ii) impossible by October 28, 1975. In order to facilitate compliance the Board has provided a gradual phase-in of the full impact of this section. Until July 1, 1976, creditors will be able to identify transactions in the same way as is presently required.

By October 28, 1977, the section will be fully effective. At that time, the regulation requires creditors who bill "descriptively" on their periodic statements to provide a transaction date. In addition, for two-party creditors, a description of any goods or services purchased or, for three-party creditors, the merchant's name and the address where the transaction took place would be required. If any of the primarily required information is not available to the creditor despite the maintenance of procedures reasonably adapted to procure it in the first instance, a voucher number or identifying symbol which appears on the document evidencing the transaction must be disclosed.

Between July 1, 1976, and October 28, 1977, the creditor may in all cases substitute the date of debiting the transaction to the customer's account for the primarily required date if the latter date is unavailable. Also, the creditor may substitute a voucher number or other identifying symbol which appears on the document evidencing the transaction for the description of goods or services or the merchant's name and address when they are unavailable.

5. *Inconsistent State laws.* Section 226.6(b) (2) has been revised to provide greater clarity and certainty for consumers and creditors.

The regulation now provides that any State credit billing law which differs from the error resolution procedure and credit reporting prohibitions of sections 161 and 162 of the Act and their implementing provisions in the regulation is inconsistent and, thus, preempted in its entirety. This determination was made because of the many internal steps with varying time limits and other requirements which are found in the processes embodied in Federal and State law regarding billing error resolution procedures. To do otherwise would cause

confusion among creditors and consumers alike, especially with respect to informing consumers of their rights and obligations regarding the resolution of disputes. As an exception to this rule, the regulation provides that any State law which allows the customer to make inquiry concerning a billing error after the time for doing so under the Act and the regulation has expired is not inconsistent, and thus is not preempted, to the extent that it allows such later inquiry. In those cases in which the State law allows such later inquiry, any inquiry submitted after the time allowed by Federal law has expired is to be handled under the State procedure.

With respect to the other provisions of the Act and regulation, a State law is not inconsistent with the Federal law if the creditor can comply with it without violating the Federal law.

The regulation prescribes limitations on notification to consumers of State law and sets up a procedure whereby a State may ask the Board for a determination that its law provides greater protection to consumers or is otherwise not inconsistent with Federal law.

6. *Discounts for payments in cash.* The regulation provides that a discount offered by merchants of up to five per cent of the tagged, posted, or advertised price of an item for payment in cash in lieu of use of a credit card does not constitute a finance charge for purposes of § 226.4. However, if an amount is added to the tagged, posted or advertised price of an item and imposed on a customer who pays by use of a credit card, such amount is not a discount and is to be treated as a finance charge subject to § 226.4 and disclosed in accordance with § 226.7(e).

The major provisions of the regulation provide:

1. A procedure to be used in attempting to correct alleged billing errors in open end credit accounts. The regulation imposes a forfeiture penalty on creditors who fail to comply with the procedure whether or not a billing error has in fact been made. The regulation also defines a billing error and specifies procedures for customers to follow in raising billing inquiries.

2. For the method of treating minimum periodic payments and finance charges with respect to the disputed amount for the period during which the error resolution procedure is in operation.

3. Prohibitions against threatening to report or in fact reporting adversely regarding a customer's credit standing during the pendency of the dispute resolution procedure; and provides for correction or updating of adverse credit reports made on disputed amounts, in certain cases, to show the fact that the amount is in dispute.

4. That in those cases in which an open-end credit account provides a time period during which the customer can make payment without incurring an additional finance charge, with certain exceptions, the periodic statement must be mailed or delivered to the customer at least 14 days before the date of the payment is due.

5. For crediting payments made on an open-end account as of the date of its receipt by the creditor at the creditor's designated location. In certain circumstances creditors who cannot meet the requirements of the regulation because of operational limitations must post payments promptly (in no case more than 5 days from receipt), until October 28, 1976. Provision is also made for crediting payments received at a creditor's branch or other remote location within 5 days of receipt by the creditor and for refunding or crediting any finance charges imposed because the creditor failed to comply with the section.

6. A system for refunding or crediting excess payments made by customers.

7. For prompt notification of a creditor by a seller of credit refunds made for returned goods or forgiveness of debt for services and prompt crediting of such refunds by the creditor.

8. That a discount for use of cash or similar means of payment in lieu of use of a credit card of up to five per cent of the tag, posted or otherwise generally available price offered by a merchant does not constitute a finance charge. The discount must be available to all customers and be disclosed as provided in the regulation. Agreements or contracts by credit card issuers prohibiting merchants from offering such discounts are prohibited, and within one month of the effective date of the Regulation card issuers must notify all merchants with whom they have such prohibited agreements that they are no longer in effect.

9. That a credit card issuer may not require a merchant who honors its card to maintain a deposit account with the card issuer or procure any other service from the card issuer not essential to the credit card plan. Any card issuers who do have such prohibited agreements must, within one month of the regulation's effective date, inform the merchant that the agreement is no longer in effect.

10. That a card issuer may not offset the customer's indebtedness against the cardholder's funds held by the card issuer on deposit except as a means of periodic payment agreed to by the customer or pursuant to a court order under a procedure constitutionally available to all creditors generally.

11. That, with certain limitations, a customer may assert against the card issuer claims and defenses he may have regarding goods or services purchased by use of a credit card and for which he cannot obtain satisfaction from the seller.

12. A method for dealing with and reconciling with the Act and the regulation State laws which are similar to the regulation but different in some respects. A method of determining whether such laws are consistent with the Act and regulation is prescribed.

13. The minimum disclosures necessary to identify transactions which are billed on a customer's periodic statement.

Regulations to implement section 409 of Title IV of Pub. L. 93-495 will be issued by the Board at a later date.

In consideration of the testimony and comments received and pursuant to the authority granted in 15 U.S.C. 1604, Part 226 of Chapter II of Title 12 of the Code of Federal Regulations is amended as follows, effective October 28, 1975.

1. To implement section 102, § 226.1(a) is amended as follows:

a. Section 226.1(a) (1) is revised as set forth below.

b. Section 226.1(a) (2) is amended by inserting the following sentence immediately before the last sentence to read as set forth below.

§ 226.1 Authority, scope, purpose, etc.

(a) *Authority, scope, and purpose.* (1) This part comprises the regulations issued by the Board of Governors of the Federal Reserve System pursuant to Title I (Truth in Lending Act) and Title V (General Provisions) of the Consumer Credit Protection Act, as amended (15 U.S.C. 1601 et seq.). Except as otherwise provided herein, this part, within the context of its related provisions, applies to all persons who are creditors, as defined in paragraph(s) of § 226.2.

(2) * * * In addition, this part is designed to assist the customer to resolve credit billing disputes in a fair and timely manner, to regulate certain billing and credit card practices, and to strengthen the legal rights of consumers. * * *

* * * * *

2. Certain paragraphs of §§ 226.2 and 226.13 are redesignated as shown below.

Old section No.:	New section No.
226.13(a) (1)	226.3(a)
226.13(a) (2)	226.2(c)
226.13(a) (3)	226.2(l)
226.13(a) (4)	226.3(m)
226.13(a) (5)	226.2(r)
226.13(a) (7)	226.3(ii)
226.2(a)	226.2(b)
226.2(b)	226.2(d)
226.2(c)	226.2(e)
226.2(d)	226.2(f)
226.2(e)	226.2(g)
226.2(f)	226.2(h)
226.2(g)	226.2(i)
226.2(h)	226.2(k)
226.2(i)	226.2(n)
226.2(j)	226.2(o)
226.2(k)	226.2(p)
226.2(l)	226.2(q)
226.2(m)	226.2(s)
226.2(n)	226.2(t)
226.2(o)	226.2(u)
226.2(p)	226.2(v)
226.2(q)	226.2(w)
226.2(r)	226.2(x)
226.2(s)	226.2(y)
226.2(t)	226.2(z)
226.2(u)	226.2(aa)
226.2(v)	226.2(bb)
226.2(w)	226.2(dd)
226.2(x)	226.2(ee)
226.2(y)	226.2(ff)
226.2(z)	226.2(gg)
226.2(aa)	226.2(hh)
226.2(bb)	226.2(jj)
226.2(cc)	226.2(kk)
226.2(dd)	226.2(ll)

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3. To implement sections 103 and 161, in § 226.2, redesignated paragraphs (h), (p), (q), (s), (u), and (x) are revised and new paragraphs (j) and (cc) are added as set forth below:

§ 226.2 Definitions and rules of construction.

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(h) "Arrange for the extension of credit" means to provide or offer to provide consumer credit which is or will be extended by another person under a business or other relationship pursuant to which the person arranging such credit.

(1) Receives or will receive a fee, compensation, or other consideration for such service, or

(2) Has knowledge of the credit terms and participates in the preparation of the contract documents required in connection with the extension of credit.

It does not include honoring a credit card or similar device where no finance charge is imposed at the time of that transaction.

• • • • • •

(j) "Billing error" means:

(1) A reflection on or with a periodic statement of an extension of credit which (i) was not made to the customer, or (ii) was made to a person who did not have actual, implied, or apparent authority of the customer to use the account and from which use the customer received no benefit, or (iii) if made, was misidentified, insufficiently identified, or was not in the amount indicated or on the date specified on or with the periodic statement, or

(2) A reflection on a periodic statement of an extension of credit or indebtedness for which the customer requests explanation or clarification, including requests for copies of documentary evidence of the indebtedness reflected thereon, or

(3) A reflection on a periodic statement of an extension of credit for property or services not accepted by the customer or his designee, or not delivered to the customer or his designee in accordance with any agreement made in connection with the transaction,[1] or

(4) Any failure to properly reflect on a periodic statement, a payment or other credit to the customer's account, or

(5) A computational error or similar error of an accounting nature made by the creditor on a periodic statement, including errors in computing finance charges, late payment charges, or other charges, or

(6) A failure to mail or deliver a customer's periodic statement to his current designated address, if the creditor has received notification of any change of address at least 10 days prior to the closing date of the billing cycle for which the periodic statement was incorrectly mailed or delivered.

• • • • • •

(p) "Consumer credit" means credit offered or extended to a natural person, in which the money, property, or service which is the subject of the transaction is primarily for personal, family, household, or agricultural purposes. "Consumer loan" is one type of "consumer credit."

(q) "Credit" means the right granted by a creditor to a customer to defer payment of debt, incur debt and defer its payment, or purchase property or services and defer payment therefor. (See also paragraph (jj) of this section.)

• • • • • •

(s) "Creditor" means a person who in the ordinary course of business regularly extends or arranges for the extension of consumer credit, or offers to extend or arrange for the extension of such credit, which is payable by agreement in more than four installments, or for which the payment of a finance charge is or may be required, whether in connection with loans, sales of property or services, or otherwise. For purposes of the requirements of §§ 226.7(a) (6), (7), (8), and (9); 226.7(b)(1) (i), (ii), (iii), (ix), and (x); 226.7(b)(2); 226.7 (c), (d), (f), (g), (h), and (i); 226.13; and 226.14, the term "creditor" shall also include card issuers, whether or not the payment of a finance charge is or may be required. For purposes of the requirements of §§ 226.4(i) and 226.13(k) the term "creditor" shall include any person who honors a credit card.

• • • • • •

(u) "Customer" means (1) a cardholder or (2) a natural person to whom consumer credit is offered or to whom it is or will be extended, and includes a comaker, endorser, guarantor, or surety for such natural person who is or may be obligated to repay the extension of consumer credit.

• • • • • •

(x) "Open end credit" means consumer credit extended on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in instalments; and (3) a finance charge may be computed by the creditor from to time on an outstanding unpaid balance. For purposes of the requirements of §§ 226.7(a) (6), (7), (8), and (9); 226.7(b)(1) (i), (ii), (iii), (ix), and (x); 226.7(b)(2); 226.7 (c), (d), (f), (g), (h), and (i); 226.13 (f), (j), and (k); and 226.14, the term includes consumer credit extended on an account by use of a credit card, whether or not a finance charge may be imposed. The term does not include negotiated advances under an open end real estate mortgage or a letter of credit.

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(cc) "Proper written notification of a billing error" is any written notification (other than notice on a payment medium or other material accompanying the periodic statement if the creditor so stipulates in the disclosure required by § 226.7 (a)(9), (d), and (i)) received at the address disclosed under § 226.7(b)(1)(x) within 60 days of the first mailing or delivering to the customer's current designated address (as required in § 226.7 (b)) of the periodic statement on which the disputed item(s) or amount(s) is reflected in which the customer—

(1) Sets forth or otherwise enables the creditor to identify the name and account number (if any) of the customer,

(2) Indicates the customer's belief that the periodic statement contains a billing error and the suspected amount of such error, and

(3) Sets forth the reasons for such belief to the extent applicable or known by the customer.

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§ 226.3 [Amended]

4. Footnote in § 226.3 is redesignated as follows:

Footnote 1 is redesignated 1a, footnote 1a is redesignated 1b, and new footnote 1 is added as set forth in § 226.2(j)(3) *supra*.

5. To implement section 167, § 226.4(i) is added as follows:

§ 226.4 Determination of finance charge.

• • • • • •

(i) *Discounts for payments in cash.* (1) Notwithstanding any other provision of this section, a discount which a creditor offers, allows, or otherwise makes available for the purpose of inducing payment for a purchase by cash, check, or similar means rather than by use of an open-end credit card account, whether or not a credit card is physically used, is not a finance charge, *Provided*, That:

(i) Such discount does not exceed five percent when computed or expressed as a percentage of the tag, posted, or advertised price of the property or services which are the subject of the transaction,

(ii) Such discount is available to all prospective buyers, whether or not they are cardholders, and such fact is clearly and conspicuously disclosed by a sign or display posted at or near each public entrance to the seller's place of business wherein such discount is offered, and at all locations within the place of business where a purchase may be paid for, and

(iii) If an offer of property or services is advertised in any medium or if offers are invited or accepted through the mail, over the telephone, or by means other than personal contact between the customer and the creditor offering such a discount, and if customers are allowed to pay by use of a credit card or its underlying account and such fact is disclosed in the advertisement, telephone contact, or in other correspondence, the availability of a discount for payments in cash must be clearly and conspicuously disclosed in any advertisement for such offerings and, in any case, before the transaction has been completed by use of the credit card or its underlying account.

(2) With respect to any such discount for cash which is greater than five per cent, the total amount of such discount shall constitute a finance charge under § 226.4(a) to be disclosed in accordance with § 226.7(e).

(3) The availability of any discount may be limited by the creditor offering such discount to certain types of property or services or to certain outlets maintained by that creditor provided that such limitations are clearly and conspicuously disclosed.

(4) Notwithstanding anything contained in the foregoing paragraph to the contrary, any amount added to the tag, posted, or advertised price of property or services offered by a creditor which is imposed by such creditor as a condition or consequence of the use of the credit card with respect to a transaction involving such property and services, shall be a finance charge subject to the requirements of this section and § 226.7 (e).

6. To implement section 171(a) and to provide a transition period to obtain new forms, § 226.6 is amended as follows:

§ 226.6 General disclosure requirements.

• • • • • •

(b) *Inconsistent State requirements.* (1) With respect to the requirements of this part, State law is inconsistent with the requirements of the Act and this part, within the meaning of section 111(a) of the Act to the extent that it:

(i) Requires a creditor to make disclosures or take actions different from the requirements of this part with respect to form, content, terminology, or time of delivery;

(ii) Requires disclosure of the amount of the finance charge determined in any manner other than that prescribed in § 226.4; or

(iii) Requires disclosure of the annual percentage rate of the finance charge determined in any manner other than that prescribed in § 226.5.

(2)(i) A State law with respect to credit billing practices which is similar in nature, purpose, scope, intent, effect, or requisites of the provisions of sections 161 or 162, or both of the Act is inconsistent with the Act and this part within the meaning of section 171(a) of the Act, and is preempted, if it provides procedures or imposes rights or responsibilities upon either customers or creditors which are different from those required by sections 161 or 162, or both, of the Act and their implementing provisions in this part; except that, any such State law which allows a customer to make inquiry concerning an open end credit account and imposes upon the creditor an obligation to respond to such an inquiry after the time allowed in this part for the customer to submit a proper written notification of a billing error shall not be preempted as to any situation in which the time period for making a proper written notification of a billing error as provided in this part has expired.

(ii) A State law which is similar in nature, purpose, scope, intent, effect, or requisites of a section of Chapter 4 of the Act other than sections 161 or 162 is not inconsistent with the Act or this part within the meaning of section 171(a) of the Act if the creditor can comply with the State law without violating this part. If the creditor cannot comply with a State law without violating a provision of this part which implements a section of Chapter 4 of the Act other than sections 161 or 162, such State law is inconsistent with the requirements of the Act and this Part within the meaning of section 171 (a) of the Act and is preempted.

(iii) A State law which requires disclosure or notification to customers of provisions of State law which are inconsistent with Chapter 4 of the Act and its implementing provisions in this part within the meaning of 171(a) of the Act is inconsistent with the Act and this part within the meaning of 111(a) and 171(a) of the Act, and the creditor shall not make such a disclosure or provide such a notice. When a creditor gives written notice to a customer of the customer's rights under any provision of State law which would permit a customer to inquire concerning an open end credit account after the time period allowed in this part for submission of a proper written notification of a billing error has expired, the creditor shall clearly and conspicuously set forth in the notice that relevance upon the longer time period available under State law may result in the customer losing important rights which could be preserved by acting more promptly under Federal law and that the State law provisions only become operative upon the expiration of the time period provided by this part for submitting a proper written notification of a billing error. If such a disclosure is made on the same side of a sheet of paper as the disclosures required by §§ 226.7 (a) (d), and (i), such State disclosures shall appear separately and below the disclosures required by §§ 226.7 (a) (d), and (i); the disclosures required by §§ 226.7 (a), (d), and (i) shall be clearly and conspicuously identified by a heading indicating they are made in compliance with Federal law and the disclosures of State law shall appear separately and below a conspicuous demarcation line.

(iv) A State, through its Governor, Attorney General, or other appropriate official having primary enforcement or interpretive responsibilities for its credit billing practices law, may apply to the Board for a determination that the State law offers greater protection to customers than a comparable provision(s) of Chapter 4 of the Act and its implementing provision(s) in this part, or is otherwise not inconsistent with Chapter 4 of the Act and this part, or for a determination with respect to any issues not clearly covered by § 226.6(b)(2) (i), (ii), (iii) as to the consistency or inconsistency of a State law with Chapter 4 of the Act or its implementing provisions in this part.

• • • • • •

(k) *Transition period.* Any creditor who can demonstrate that he has taken bona fide steps, prior to October 28, 1975, to obtain printed forms which are necessary to comply with the requirements of this part may, until such forms are received but in no event later than April 30, 1976, utilize existing supplies of printed forms for the purpose of complying with the disclosure requirements of this part: *Provided*, That such forms are altered or supplemented as necessary to assure that all of the items of information the creditor is required to disclose to the customer are set forth clearly and conspicuously in every case except:

(1) Where a creditor has, prior to October 28, 1975, prepared the § 226.7(a) disclosures without the notice and statement required by § 226.7(a)(9) and dispersed them to remote locations, as in the case of mail order catalogs, the statement required by § 226.7(a)(9) may be made separately from the other § 226.7 (a) disclosures until April 30, 1976, so long as the § 226.7(a)(9) statement is mailed or delivered to the customer no later than the date the first payment is due. For the purpose of this paragraph the creditor may disregard the required notice in § 226.7(a)(9) until April 30, 1976;

(2) Where a creditor's forms must be adapted to comply with the disclosure requirements of § 226.7(b)(1)(x), the creditor need not supplement or alter his forms if there is only one address listed on or with the periodic statement. In the case where a creditor has more than one address listed on or with the periodic statement and the creditor has not complied with the requirements of § 226.7(b)(1)(x), the creditor must accept as properly received any proper written notification of a billing error at any of the addresses listed on or with the periodic statement. New forms which comply with the requirements of § 226.7 (b)(1)(x) must be in use no later than April 30, 1976;

(3) Where a creditor's forms must be adapted to comply with the disclosure requirements of § 226.7(g), the creditor need not supplement or alter his forms; however, complying forms must be in use no later than April 30, 1976;

(4) Where a creditor is disclosing inconsistent State law provisions within the meaning of section 171(a) of the Act and § 226.6(b)(2) or is making disclosures not in compliance with § 226.6 (b)(2)(iii) on or with the disclosure required by this part, the creditor need not alter or supplement his forms; however, complying forms must be in use not later than April 30, 1976; and

(5) Where, because of operational limitations, a creditor is unable to comply with the disclosure requirements in § 226.7(b)(1) (i) and (ix), which require appropriate identification of credit balances, or with the disclosure requirement in § 226.7(b)(1)(iii), which re-

[1] The delivery of property or services different from that described in any agreement, the delivery of the wrong quantity, late delivery, or delivery to the wrong location shall be considered to be a billing error subject to this paragraph, but any dispute with respect to the quality of property in the physical possession of the customer or services performed for the customer shall not be considered to be a billing error under this paragraph.

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quires the dates of payments and credits, the creditor need not supplement or alter his forms; however, complying forms and procedures must be in use not later than April 30, 1976.

7. To implement sections 127(a)(8), 127(b)(11), 127(c), 163, 164, 165, and 167, § 226.7 is amended as follows:

a. Paragraph (a)(9) is added as set forth below.

b. The text following the heading of paragraph (b) is redesignated as paragraph (b)(1).

c. Paragraphs (b)(1) through (9) are redesignated as paragraphs (b)(1)(i) through (ix).

d. Paragraph (b)(1)(x) is added as set forth below.

e. Redesignated paragraphs (b)(1)(i), (ii), (iii), (v), and (ix) are revised as set forth below.

f. Paragraph (b)(2) is added as set forth below.

g. Paragraphs (c)(1) and (2) are revised, and old paragraph (c)(3) is redesignated as paragraph (c)(4). New paragraph (c)(3) is added.

h. Paragraphs (d) and (e) are redesignated as paragraphs (e) and (f); new paragraphs (d), (g), (h), and (i) are added. Redesignated paragraph (e) is revised as set forth below.

§ 226.7 Open end credit accounts—specific disclosures.

(a) • • •

(9) The following notice:

NOTICE: See accompanying statement for important information regarding your rights to dispute billing errors

and a separate statement containing substantially the following text,[6] as applicable, written clearly and conspicuously, shall accompany the statement required by paragraph (a) of this section; or the following text without the preceding notice may be included on the statement required by paragraph (a) of this section if disclosed clearly and conspicuously; or the following text may be included on the reverse side of the statement required by paragraph (a) of this section with the following notice on the face of the statement:

NOTICE: See reverse side for important information regarding your rights to dispute billing errors.

IN CASE OF ERRORS OR INQUIRIES ABOUT YOUR BILL

The Federal Truth in Lending Act requires prompt correction of billing mistakes.

1. If you want to preserve your rights under the Act, here's what to do if you think your bill is wrong or if you need more information about an item on your bill:

a. Do not write on the bill. On a separate sheet of paper write [*Alternate:* Write on the bill or other sheet of paper] (you may telephone your inquiry but *doing so will not preserve your rights under this law*) the following:

i. Your name and account number (if any).

ii. A description of the error and an explanation (to the extent you can explain) why you believe it is an error.

If you only need more information, explain the item you are not sure about and, if you wish, ask for evidence of the charge such as a copy of the charge slip. Do not send in your copy of a sales slip or other document unless you have a duplicate copy for your records.

iii. The dollar amount of the suspected error.

iv. Any other information (such as your address) which you think will help the creditor to identify you or the reason for your complaint or inquiry.

b. Send your billing error notice to the address on your bill which is listed after the words: "Send Inquiries To:" or similar wording. [*Alternate:* Send your billing error notice to: (creditor's name and address).]

Mail it as soon as you can, but in any case, early enough to reach the creditor within 60 days after the bill was mailed to you. If you have authorized your bank to automatically pay from your checking or savings account any credit card bills from that bank, you can stop or reverse payment on any amount you think is wrong by mailing your notice so the creditor receives it within 16 days after the bill was sent to you. However, you do not have to meet this 16-day deadline to get the creditor to investigate your billing error claim.

2. The creditor must acknowledge all letters pointing out possible errors within 30 days of receipt, unless the creditor is able to correct your bill during that 30 days. Within 90 days after receiving your letter, the creditor must either correct the error or explain why the creditor believes the bill was correct. Once the creditor has explained the bill, the creditor has no further obligation to you even though you still believe that there is an error, except as provided in paragraph 5 below.

3. After the creditor has been notified, neither the creditor nor an attorney nor a collection agency may send you collection letters or take other collection action with respect to the amount in dispute; but periodic statements may be sent to you, and the disputed amount can be applied against your credit limit. You cannot be threatened with damage to your credit rating or sued for the amount in question, nor can the disputed amount be reported to a credit bureau or to other creditors as delinquent until the creditor has answered your inquiry. *However, you remain obligated to pay the parts of your bill not in dispute.*

4. If it is determined that the creditor has made a mistake on your bill, you will not have to pay any finance charges on any disputed amount. If it turns out that the creditor has not made an error, you may have to pay finance charges on the amount in dispute, and you will have to make up any missed minimum or required payments on the disputed amount. Unless you have agreed that your bill was correct, the creditor must sent you a written notification of what you owe; and if it is determined that the creditor did make a mistake in billing the disputed amount, you must be given the time to pay which you normally are given to pay undisputed amounts before any more finance charges or late payment charges on the disputed amount can be charged to you.

5. If the creditor's explanation does not satisfy you and you notify the creditor *in writing* within *10* days after you receive his explanation that you still refuse to pay the disputed amount, the creditor may report you to credit bureaus and other creditors and may pursue regular collection procedures. But the creditor must also report that you think you do not owe the money, and the creditor must let you know to whom such reports were made. Once the matter has been settled between you and the creditor, the creditor must notify those to whom the creditor reported you as delinquent of the subsequent resolution.

6. If the creditor does not follow these rules, the creditor is not allowed to collect the first $50 of the disputed amount and finance charges, even if the bill turns out to be correct.

7. If you have a problem with property or services purchased with a credit card, you may have the right not to pay the remaining amount due on them, if you first try in good faith to return them or give the merchant a chance to correct the problem. There are two limitations on this right:

a. You must have bought them in your home state or if not within your home state within 100 miles of your current mailing address; and

b. The purchase price must have been more than $50.

However, these limitations do not apply if the merchant is owned or operated by the creditor, or if the creditor mailed you the advertisement for the property or services.

(b) *Periodic statements required.* (1) Except in the case of an account which the creditor deems to be uncollectible or with respect to which delinquency collection procedures have been instituted, the creditor of any open end credit account shall mail or deliver to the customer, for each billing cycle at the end of which there is an outstanding undisputed debit or credit balance in excess of $1 in that account or with respect to which a finance charge is imposed, a statement or statements which the customer may retain, setting forth in accordance with paragraph (c) of this section each of the following items to the extent applicable:

(i) The outstanding balance in the account at the beginning of the billing cycle, using the term "previous balance," and in the case of a credit balance, an appropriate identification as such.

(ii) (A) In cases in which an actual copy of the document evidencing the credit transaction (which does not include a so-called "facsimile draft") accompanies the periodic statement on which the transaction is first reflected, the amount of the transaction and either the date of the transaction or the date the transaction is debited to the customer's account; or

(B) In cases in which an actual copy of the document evidencing the credit transaction does not accompany the periodic statement, then on or with the periodic statement on which the credit transaction is first reflected at least:

(*1*) The date on which the transaction took place[7] and the amount of the transaction; and

(*2*) A brief identification[7a] of the property or services purchased in cases in which the creditor and the seller are the same person or related persons, or the seller's name (as disclosed on the document evidencing the transaction provided to the customer) and the address (city and state or foreign country, using understandable and generally accepted abbreviations if the creditor so desires) where the transaction took place in cases in which the creditor and the seller are not the same person or related persons.

(C) Notwithstanding the provisions of §§ 226.7(b)(1)(ii)(A) and 226.7(b)(1)(ii)(B), in cases in which a transaction involving nonsale credit, such as a cash advance or an overdraft or other checking plan transaction, is reflected on the periodic statement, at least:

(*1*) An actual copy of the document evidencing the transaction which shows the dollar amount of the transaction and either the date of the transaction, the date the transaction was debited to the customer's account, or the date placed on the document or instrument by the customer (if the customer signed the document or instrument); or

(*2*) An identification of the transaction, which characterizes it as a cash advance, loan, overdraft loan, or other designation as appropriate, and which includes the amount and the date of the transaction[7b] or the date which appears on the document evidencing the transaction (if the customer signed the document or instrument).

(D) In a case in which any of the information with regard to the date of the transaction, the date placed on a document signed by the customer, the description of the property and services purchased, or the seller's name and address as required by §§ 226.7(b)(1)(ii)(B) and 226.7(b)(1)(ii)(C) is not available to the creditor, an identifying number or symbol which appears on the document evidencing the credit transaction given to or used by the customer at the time of or in connection with the transaction. The provisions of the first sentence of this paragraph shall not relieve the creditor of responsibility for maintaining procedures reasonably adapted to enable the creditor to obtain the primarily required information at the time the amount of the transaction is transmitted to the creditor for debiting to the customer's account.

(E) In complying with the disclosure requirements of paragraphs (b)(1)(ii)(A), (B), (C), and (D) of this section:

(*1*) In cases in which the creditor and the seller are not the same or related persons,[7c] the creditor may rely upon and disclose the information supplied by the seller with respect to the date and amount of the transaction.

(*2*) Notwithstanding the provisions of paragraph (b)(1)(ii)(D) of this section, from July 1, 1976, to October 28, 1977, the date of debiting the amount of the transaction to the customer's account may be substituted for the date of the transaction or the date placed on the document evidencing a credit transaction when either such date is unavailable to the creditor; and an identifying number or symbol which appears on the document evidencing the credit transaction given to or used by the customer at the time of or in connection with the transaction may be substituted for the seller's name and address or description of the property or services purchased when such information is unavailable to the creditor.

(*3*) The effective date of §§ 226.7(b)(1)(ii)(A) through 226.7(b)(1)(ii)(E)(*2*), inclusive, is July 1, 1976. Until July 1, 1976, the creditor shall disclose the date of each extension of credit or the date such extension of credit is debited to the account during the billing cycle, the amount of such extension of credit and, unless previously furnished, a brief identification[7d] of any goods or services purchased or other extension of credit.

(iii) The amounts and dates of crediting to the account during the billing cycle for payments, using the term "payments," and for other credits including returns, rebates of finance charges, and adjustments, using the term "credits," and unless previously furnished a brief identification[8] of each of the items included in such other credits.

• • • • • •

(v) Each periodic rate, using the term "periodic rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle), the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year. The words "corresponding annual percentage rate," "corresponding nominal annual percentage rate," "nominal annual percentage rate," or "annual percentage rate" (or "rates") may be used to describe the corresponding annual percentage rate. The requirements of § 226.6(a) with respect to disclosing the term "annual percentage rate" more conspicuously than other required terminology shall not be applicable to the disclosure made under this paragraph, although such term (or words incorporating such term) may, at the creditor's option, be shown as conspicuously as the terminology required under paragraph (b)(1)(vi) of this section. Where a minimum charge may be applicable to the account, the amount of such minimum charge shall be disclosed.[9a]

• • • • • •

(ix) The closing date of the billing cycle and the outstanding balance in the account on that date, using the term "new balance," and in the case of a credit balance, appropriately identified as such, accompanied by the statement of the date by which, or the period within which, if any, payment must be made to avoid additional finance charges, except that the creditor may, at his option and without disclosure, impose no such additional finance charges if payment is received after such date or termination of such period.

(x) An address to be used by the creditor for the purpose of receiving billing inquiries from customers. Such address shall be preceded by the caption "Send Inquiries To:", or other similar language indicating that the address is the proper location to send such inquiries.

(2) If the terms of the open end credit plan provide a time period within which the customer may repay any portion of the new balance without incurring an additional finance charge, late payment charge, or other charge, no such charge may be imposed with respect to any portion of such new balance unless the periodic statement disclosing the new balance is mailed or delivered to the customer at least 14 days prior to the date specified in the statement as being the date by which payment of the new balance must be made in order to avoid the imposition of that finance charge or late payment charge, except that such time limitation shall not apply in any case where the creditor has been prevented, delayed, or hindered in mailing or delivering the periodic statement within such time limit because of an act of God, war, civil disorder, natural disaster, or strike.

(c) • • •

(1) The information required to be disclosed under paragraph (b)(1)(ii) of

[6] Wherever the word "creditor" appears or is referred to in this statement, the creditor may substitute appropriate references, such as "company," "bank," "we" or a specific name.

[7] With respect to transactions which are not billed in full on any single statement but for which precomputed instalments are billed periodically, the date the transaction takes place for purposes of this paragraph shall be deemed to be the date on which the amount is debited to the customer's account.

[7a] For purposes of this paragraph, designations such as "merchandise" or "miscellaneous" shall not be considered sufficient identification of property or services, but a reference to a department in a sales establishment which accurately conveys the identification of the type(s) of property or services which are available in such department shall be sufficient under this paragraph. Identification may be made on an accompanying slip or by symbol relating to an identification list printed on the statement.

[7b] In cases in which an amount is debited to a customer's open end credit account under an overdraft checking plan, the date of debiting the open end credit account shall be considered the date of the transaction for purposes of this paragraph.

[7c] For purposes of this paragraph, a person is not related to the creditor simply because he and the creditor have an agreement or contract pursuant to which he is authorized to honor the creditor's credit card under the terms specified in the agreement or contract. Franchised or licensed sellers of a creditor's product shall be considered to be related to the creditor for purposes of this paragraph. Sellers who assign or sell open end customer sales accounts to a creditor or arrange for such credit under an open end credit plan which allows the customer to use the credit only in transactions with that seller shall be considered related to the creditor for purposes of this paragraph.

[7d] Identification may be made on an accompanying slip or by symbol relating to an identification list printed on the statement.

[8] Identification may be made on an accompanying slip or by symbol relating to an identification list printed on the statement.

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this section and itemization of the amounts and dates required to be disclosed under paragraph (b)(1)(iii) of this section and of the amount of any finance charge required to be disclosed under paragraph (b)(1)(iv) of this section may be made on the reverse side of the periodic statement or on a separate accompanying statement(s): *Provided*, That the totals of debits and credits are disclosed on the face of the periodic statement; and

(2) The disclosures required under paragraphs (b)(1)(v) and (b)(1)(viii) of this section, except the disclosure of the balance on which the finance charge was computed, may be made on the reverse side of the periodic statement or on the face of a single supplemental statement which shall accompany the periodic statement.

(3) The disclosure required by paragraph (b)(1)(x) of this section may be made on the reverse side of the periodic statement.

(4) If the creditor exercises any of the options provided under this paragraph, the face of the periodic statement shall contain one of the following notices, as applicable: *"NOTICE:* See reverse side for important information" or *"NOTICE:* See accompanying statement(s) for important information" or *"NOTICE:* See reverse side and accompanying statement(s) for important information," and the disclosures shall not be separated so as to confuse or mislead the customer or to obscure or detract attention from the information required to be disclosed.

(d) *Semiannual statement required.* (1) The creditor shall mail or deliver during two billing cycles per year to each customer entitled to receive a periodic statement under § 226.7(b) for such billing cycle, the statement required by § 226.7(a)(9), written clearly and conspicuously either on one or both sides of a separate page or on one or both sides of the periodic statement required by paragraph (b) of this section.

(2) The timing of the mailing or delivery of such semiannual statements shall be not less than 5 nor more than 7 months after the month in which the last preceding such statement was mailed or delivered: *Provided*, That:

(i) The creditor shall select at least 2 billing cycles in any 12 month calendar period for the mailing or delivery of such statements; and

(ii) The first semiannual statement to any new customer may be mailed or delivered to that customer during the next regularly scheduled mailing or delivery of semiannual statements in which he is entitled to receive a semiannual statement under paragraph (d)(1) of this section.

(3) If the creditor chooses to alter the cycle of mailing or delivering semiannual statements, the creditor may mail or deliver the semiannual statement less than 5 months after the last preceding such statement was mailed or delivered: *Provided*, That the creditor mails or delivers at least 3 such statements in the next twelve months computed from the month in which the last preceding semiannual statement was mailed or delivered.

(4) Nothing in this section shall be construed to prohibit a creditor from mailing or delivering the statement required by this section more frequently than semiannually.

(5) As an alternative to the requirements of paragraph (d)(1) of this section, the creditor may mail or deliver, on or with each periodic statement required under paragraph (b)(1) of this section, substantially the following statement and, if applicable, the periodic statement must contain one of the notices provided for in paragraph (c)(4) of this section, provided that the creditor must promptly but in no event later than 30 days, mail or deliver to a customer the statement required by § 226.7(a)(9) at any time upon a customer's request and also upon receipt of each billing error notice mailed or delivered to the creditor by a customer:

IN CASE OF ERRORS OR INQUIRIES ABOUT YOUR BILL

Send your inquiry in writing [*at creditor's option:* on a separate sheet] so that the creditor receives it within 60 days after the bill was mailed to you. Your written inquiry must include:

1. Your name and account number (if any);

2. A description of the error and why (to the extent you can explain) you believe it is an error; and

3. The dollar amount of the suspected error.

If you have authorized your creditor to automatically pay your bill from your checking or savings account, you can stop or reverse payment on any amount you think is wrong by mailing your notice so that the creditor receives it within 16 days after the bill was sent to you.

You remain obligated to pay the parts of your bill not in dispute, but you do not have to pay any amount in dispute during the time the creditor is resolving the dispute. During that same time, the creditor may not take any action to collect disputed amounts or report disputed amounts as delinquent.

If you have a problem with property or services purchased with a credit card, you may have the right not to pay the remaining amount due on them if you first try in good faith to return them or give the merchant a chance to correct the problem. There are two limitations on this right:

1. You must have bought them in your home state or, if not within your home state, within 100 miles of your current mailing address; and

2. The purchase price must have been more than $50.

However, these limitations do not apply if the merchant is owned or operated by the creditor, or if the creditor mailed you the advertisement for the property or services.

This is a summary of your rights; a full statement of your rights and the creditor's responsibilities under the Federal Fair Credit Billing Act will be sent to you both upon request and in response to a billing error notice.

(e) *Finance charge imposed at the time of transaction.* (1) Any creditor, other than the creditor of the open end credit account, who imposes a finance charge not expected by § 226.4(i) *Discounts for payments in cash*, at the time of honoring a customer's credit card, shall make the disclosures required under paragraphs (b)(2) and (d) of § 226.8 *Credit other than open end—specific disclosures*, at the time of that transaction, and the annual percentage rate to be disclosed shall be determined by dividing the amount of the finance charge by the amount financed and multiplying the quotient (expressed as a percentage) by 12.

(2) The creditor of the open end credit account shall not separately consider any charge imposed under this paragraph for purposes of the disclosure requirements of paragraphs (a) and (b) of this section.

• • • • •

(g) *Prompt crediting of payments.* Regardless of the date of actual posting of a payment to an account, such payment shall be credited to the customer's account as of the date such payment is received by the creditor, and no finance charge, late payment charge, or other charge shall be imposed with respect to the amount of such payment which is properly received by the creditor on or before the time indicated by the creditor as necessary to avoid imposition thereof: *Provided*, That:

(1) If a creditor fails to post the customer's payment in time to avoid the imposition of finance charges, late payment charges, or other charges, the creditor shall adjust the customer's account so that the finance charges, late payment charges, or other charges are credited to the account during the customer's next billing cycle.

(2) For the purposes of paragraph (g) of this section the creditor may specify on the periodic statement or on accompanying material that need not be retained by the customer, reasonable requirements with respect to the form, amount, manner, location, and time for receipt of payments, except that:

(i) If no particular hour of the day has been clearly specified by the creditor as the time by which payment must be received by the creditor in order to obtain crediting to the customer's account as of that date, payments received prior to the close of business on that day must be credited as of that date;

(ii) If no location(s) has been clearly specified as the location(s) at which payment may be made, then payment at any location where the creditor conducts business shall be credited as of the date such payment is presented; and

(iii) If no particular manner of payment has been clearly specified, then payment by check, cash, money order, bank draft or other similar instrument in properly negotiable form shall constitute proper manner of payment.

(3) If the creditor accepts payment at locations other than those specified under paragraph (g)(2)(ii) of this section, the creditor shall credit the customer's account promptly (in no case later than 5 days from the date of receipt): *Provided*, That the possibility of such delay is clearly disclosed to the customer on the periodic statement or on accompanying

material that need not be retained by the customer.

(4) Payments need not be credited as of the date of receipt (but in any case must be credited promptly) if a delay in crediting does not result in the imposition of any finance charges, late payment charges, or other charges for that billing cycle or a later billing cycle.

(5) If, because of operational limitations, the creditor is unable to credit a payment made on an average daily balance or daily balance account as of the date of receipt and there was a "previous balance" in the account for the billing cycle in which such payment was received, or the account is one in which the terms do not provide a time period within which the customer may repay any portion of the new balance without incurring an additional finance charge, late payment charge, or other charge, a creditor may credit such payment promptly (in no case later than 5 days from the date of receipt) until October 28, 1976.

(h) *Crediting and refunding excess payments.* (1) Whenever a customer mails or delivers payment to the creditor in excess of the new balance (as provided in § 226.7(b)(1)(ix)) to which the payment is to be applied, the creditor shall:

(i) Credit the customer's account with the total amount of the payment as specified in paragraph (g) of this section, or

(ii) Credit the customer's account with an amount equal to the total new balance as specified in paragraph (g) of this section and promptly (in no case later than 5 business days from the creditor's receipt of the payment) refund the excess amount.

(2) Notwithstanding the provisions of paragraph (h)(1) of this section, if the customer requests in writing a refund of any excess payments, a creditor shall refund any such excess payments, of $1 or more, promptly (in no case later than 5 business days from receipt of the customer's request).

(3) After crediting a customer's account with the total amount of a payment under paragraph (h)(1)(i) of this section, a creditor may refund any excess payment of any amount, whether or not requested by the customer.

(i) *Open end credit accounts existing on October 28, 1975.* In the case of any open end credit account in existence and in which a balance of more than $1 is outstanding at or after the closing date of the creditor's first full billing cycle after October 28, 1975, and which account is deemed to be collectible and with respect to which delinquency collection procedures have not been instituted, the items described in paragraph (a) of this section, to the extent applicable and not previously required to be disclosed to the customer, shall be disclosed in the form prescribed in paragraph (a) of this section, and mailed or delivered to the customer not later than the time of mailing or delivery of the periodic statement required under paragraph (b) of this section for that billing cycle.

8. To implement section 103(f) and to clarify certain disclosure requirements with respect to credit other than open end which is extended on an account by use of a credit card, §§ 226.8 (n) and (o)(6) are revised and § 226.8(q) is added as follows:

§ 226.8 Credit other than open end—specific disclosures.

• • • • •

(n) *Periodic statements.* (1) If a creditor transmits a periodic billing statement[14] other than a delinquency notice, payment coupon book, or payment passbook, or transmits a statement, billing, or advice relating exclusively to amounts to be paid by the customer as escrows for payment of taxes, insurance, and water, sewer, and land rents, it shall be in a form which the customer may retain and shall set forth:

(i) The annual percentage rate or rates unless exempted by § 226.8(b)(2); and

(ii) The date by which, or the period, if any, within which payment must be made in order to avoid late payment or delinquency charges.

(2) If the creditor is required to send a periodic statement under paragraph (q) of this section, the requirements of §§ 226.7(b)(1) (i), (ii), (iii), (ix), and (x), and § 226.7(b)(2) shall be met, as applicable, to the disclosures required by this paragraph.

(o) • • •

• • • • •

(6) If a transaction subject to § 226.8 (o) is debited to an open end credit account, disclosures shall be made as specified in paragraph (l) of this section and also as specified in § 226.7. The full amount of the obligation including the amount of the discount may be debited to the open end credit account, under § 226.7(b)(1)(ii), and the amount of any finance charge representing the discount need not be added to any other finance charge for the purpose of computing and disclosing the total amount of finance charge and the annual percentage rate under §§ 226.5(a) and 226.7.[14a]

• • • • •

(q) *Credit card accounts.* In addition to the requirements of this section, consumer credit other than open end which is extended on an account by use of a credit card shall also be subject to the requirements of §§ 226.7(a)(6), (7), (8), and (9); 226.7(b)(1)(i), (ii), (iii), (ix), and (x); 226.7(b)(2); 226.7(c), (d), (g), (h), and (i); 226.13(i), (j), and (k); and 226.14.

9. Section 226.11a (2) and (3) is revised as follows:

§ 226.11 Comparative index of credit cost for open end credit.

(a) • • •

• • • • •

(2) Shall recompute the Comparative Index of Credit Cost in accordance with paragraph (b) of this section based upon any new open end credit account terms to be adopted and shall disclose the new Comparative Index of Credit Cost in accordance with paragraph (c)(2) of this section concurrently with the notice required under paragraph (f) of § 226.7.

(3) Shall, when making such disclosure under the provisions of paragraphs (a)(5) and (b)(1)(vii) of § 226.7, make the disclosure to all open end credit account customers; and

• • • • •

10. To implement section 171, § 226.12 (a) and (b) is revised as follows:

§ 226.12 Exemption of certain State regulated transactions.

(a) *Exemption for State regulated transactions.* In accordance with the provisions of Supplements II, IV, and V to Regulation Z, any State may make application to the Board for exemption of any class of transactions within the State from the requirements of Chapters 2 and 4 of the Act and the corresponding provisions of this part: *Provided*, That:

(1) The Board determines that under the law of that State, that class of transactions is subject to requirements substantially similar to those imposed under Chapter 2 or Chapter 4 of the Act, or both, and the corresponding provisions of this part; or in the case of Chapter 4, the consumer is afforded greater protection than is afforded under Chapter 4 of the Act, and

(2) There is adequate provision for enforcement.

(b) *Procedures and criteria.* The procedures and criteria under which any State may apply for the determination provided for in paragraph (a) of this section are set forth in Supplement II to Regulation Z with respect to disclosure and rescission requirements (sections 121–131 of Chapter 2), Supplement IV with respect to the prohibition of the issuance of unsolicited credit cards and the liability of the cardholder for unauthorized use of a credit card (sections 132–133 of Chapter 2), and in Supplement V which will be issued on or before October 28, 1975, with respect to fair credit billing requirements (sections 161–171 of Chapter 4).

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11. To implement §§ 166, 167, 168, 169, and 170, § 226.13 is amended as follows:

a. Paragraphs (a)(1) through (4), and (a)(6) and (7), are incorporated into § 226.2 as shown in the redesignation table of paragraph 2 above.

b. Paragraph (a)(5) is deleted.

c. Paragraphs (b) through (i) are redesignated as paragraphs (a) through (h).

d. Paragraphs (a) through (h) are revised and paragraphs (i), (j), (k), and (l) are added as set forth below.

§ 226.13 Credit card transactions—special requirements.

(a) *Issuance of credit cards.* Regardless of whether a credit card is to be used for personal, family, household, agricul-

[14] Any statement, notice, or reminder of payment due on any transaction payable in instalments which is mailed or delivered periodically to the customer in advance of the due date of the instalment shall be a periodic billing statement for the purpose of this paragraph.

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tural, business, or commercial purposes, no credit card shall be issued to any person except:

(1) In response to a request or application therefor, or

(2) As a renewal of, or in substitution for, an accepted credit card whether such card is issued by the same or a successor card issuer.

(b) *Conditions of liability of cardholder.* A cardholder shall be liable for unauthorized use of each credit card issued only if,

(1) The credit card is an accepted credit card;

(2) Such liability does not exceed the lesser of $50 or the amount of money, property, labor, or services obtained by such use prior to notification of the card issuer pursuant to paragraph (e) of this section;

(3) The card issuer has given adequate notice to the cardholder of his potential liability on the credit card within two years preceding the unauthorized use; and

(4) The card issuer has provided the cardholder with an addressed notification requiring no postage to be paid by the cardholder which may be mailed by the cardholder in the event of the loss, theft, or possible unauthorized use of the credit card.

(c) *Other conditions of liability.* In addition to the conditions of liability in paragraph (b) of this section, no cardholder shall be liable for the unauthorized use of any credit card which was issued after January 24, 1971, and, regardless of the date of its issuance, after January 24, 1972, no cardholder shall be liable for the unauthorized use of any credit card, unless the card issuer has provided a method whereby the user of such card can be identified as the person authorized to use it, such as by signature, photograph, or fingerprint on the credit card or by electronic or mechanical confirmation.

(d) *Notice to cardholder.* The notice to cardholder pursuant to paragraph (b)(3) of this section may be given by printing the notice on the credit card, or by any other means reasonably assuring the receipt thereof by the cardholder. An acceptable form of notice must state that liability shall not exceed $50 (or any lesser amount), that notice of loss, theft, or possible unauthorized use may be given orally or in writing, and the name and address of the party to receive the notice. It may include any additional information which is not inconsistent with the provisions of this section. An example of an acceptable notice is as follows:

You may be liable for the unauthorized use of your credit card [*or other term which describes the credit device*]. You will not be liable for unauthorized use which occurs after you notify [*name of card issuer or his designee*] at [*address*] orally or in writing of loss, theft, or possible unauthorized use. In any case liability shall not exceed [*insert $50 or any lesser amount under other applicable law or under any agreement with the cardholder*].

(e) *Notice to card issuer.* For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information with respect to loss, theft, or possible unauthorized use of any credit card, whether or not any particular officer, employee, or agent of the card issuer does, in fact, receive such notice or information. Irrespective of the form of notice provided under paragraph (b)(4) of this section, at the option of the cardholder, notice may be given to the card issuer or his designee in person or by telephone or by letter, telegram, radiogram, cablegram, or, other written communication which sets forth the pertinent information. Notice by mail, telegram, radiogram, cablegram, or other written communication shall be considered given at the time of receipt or, whether or not received, at the expiration of the time ordinarily required for transmission, whichever is earlier.

(f) *Action to enforce liability.* In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in paragraphs (b) and (c) of this section, have been met.

(g) *Effect on other applicable law or agreement.* Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

(h) *Business use of credit cards.* If 10 or more credit cards are issued by one card issuer for use by the employees of a single business or other organization, nothing in this section prohibits the card issuer from agreeing by contract with such business or other organization as to liability for unauthorized use of any such credit cards without regard to the provisions of this section, but in no case may any business or other organization or card issuer impose liability on any employee of such business or other organization with respect to unauthorized use of such credit card except in accordance with and subject to the other liability limitations of this section.

(i) *Right of cardholder to assert claims or defenses against card issuer.* (1) When a person who provides property or services fails to satisfactorily resolve a dispute as to property or services purchased by use of a credit card in connection with a consumer credit transaction, the cardholder may assert all claims (other than tort claims) and defenses arising out of the transaction and relating to such failure against the card issuer, and the cardholder may withhold payment up to the amount of credit outstanding with respect to the property or services which gave rise to the dispute and any finance charges, late payment charges, or other charges imposed on that amount if:

(i) The cardholder has made a good faith attempt to obtain satisfactory resolution of the disagreement or problem relating to the transaction from the person honoring the credit card,

(ii) The amount of credit extended by the card issuer to the cardholder to obtain the property or services which resulted in the assertion of the claim(s) or defense(s) by the cardholder exceeds $50, and

(iii) The initial transaction which gave rise to the assertion of the claim(s) or defense(s) by the cardholder occurred in the same State as the cardholder's current designated address or, if not within the State of the cardholder's address, within 100 miles from such address, except that the limitations stated in paragraphs (i)(1)(ii) and (iii) of this section shall not apply when the person honoring the credit card:

(A) Is the same person as the card issuer, or

(B) Is controlled, directly or indirectly, by the card issuer, or

(C) Is under the direct or indirect control of a third person who also directly or indirectly controls the card issuer, or

(D) Controls, directly or indirectly, the card issuer, or

(E) Is a franchised dealer in the card issuer's products or services, or

(F) Has obtained the order for the transaction, relative to which the claim(s) or defense(s) is asserted, through a mail solicitation made by or participated in by the card issuer, in which the cardholder is solicited to enter into such transaction by using the credit card issued by the card issuer. Simply honoring or indicating that a person honors a particular credit card is not any of the relationships described in paragraphs (i)(1)(iii) (A) through (F) of this section for the purpose of removing the dollar and distance limitations.

(2) The amount of the claim(s) or defense(s) assertable by the cardholder under this section may not exceed the amount of credit outstanding with respect to the transaction which gave rise to the assertion of the claim(s) or defense(s) at the time the cardholder first notifies the card issuer or the person honoring the credit card for such transaction of the existence of such claim(s) or defense(s). For purposes of determining the amount of credit outstanding with respect to such transactions as provided in the preceding sentence, payments and other credits to the cardholder's account will be deemed to have been applied in the order indicated to the payment of:

(i) Late charges in the order of entry to the account,

(ii) Finance charges in the order of entry to the account,

(iii) Any other debits in the order in which each debit entry was made to the account, and

(iv) When more than one item is included in a single extension of credit, credits are to be distributed pro rata according to prices and applicable taxes.

(3) This section does not apply to cash advances obtained with a credit card when the advance is unrelated to any specific credit sale item.

(4) If the cardholder refuses to pay the amount of credit outstanding with respect to the property or services which gave rise to the claim(s) or defense(s) under this section, the creditor may not report to any person that particular amount as delinquent until the dispute is settled or judgment is rendered.

(j) *Prohibition of offsets by card issuer.* (1) A card issuer may not take any action to offset a cardholder's indebtedness arising in connection with a consumer credit transaction under the relevant credit card plan against funds of the cardholder held on deposit with the card issuer unless a court order [16] is obtained.

(2) The prohibition in paragraph (j)(1) of this section does not apply to credit card plans in which the cardholder authorizes the card issuer as a method of payment to periodically deduct all or a portion of the cardholder's credit card debt from his deposit account with the card issuer (subject to the limitations in § 226.14(c)): *Provided*, That:

(i) Such automatic debit was previously authorized in writing by the cardholder, or

(ii) With respect to such automatic debit accounts in existence on October 28, 1975, the card issuer has given notice of the provisions of paragraph (j) of this section to such accounts prior to renewal of the authorization (in no case later than October 28, 1976).

(k) *Prompt notification of returns.* (1) When any creditor other than the card issuer accepts the return of property or forgives a debt for services which is to be reflected as a credit to the customer's open end credit card account, he shall promptly (in no case later than 7 business days from the date the return is accepted) transmit a statement with respect thereto to the card issuer through the normal channels established by the card issuer for the transmittal of such statements.

(2) Upon receipt of a credit statement, the card issuer shall credit the customer's account promptly (in no case later than 3 business days from receipt of the refund statement) with the amount of the refund.

(3) If it is a creditor's (other than a card issuer) policy to give cash refunds to cash customers, he must also give credit or cash refunds to credit card customers, unless he clearly and conspicuously discloses that he does not give credit or cash refunds for returns at the time the transaction is consummated. Nothing in this section shall be construed to require that a creditor give refunds for returns nor shall it be construed to prohibit refunds in kind.

[16] This paragraph does not alter or affect the right of a card issuer acting under State law to attach or otherwise levy upon funds of a cardholder held on deposit with the card issuer if that remedy is constitutionally available to creditors generally.

(l) *Prohibited acts of card issuers.* (1) No card issuer may, by contract or otherwise:

(i) Prohibit any person from offering any cash discounts to all customers of such person, including cardholder customers, to induce such customers to pay by cash, check, or similar means rather than by use of a credit card or its underlying account for the purchase of property or services, or

(ii) Require any person who honors the card issuer's credit card to open or maintain a deposit account or procure any other service not essential to the operation of the credit card plan from the card issuer, its subsidiary, agent, or any other person, as a condition of participation in a credit card plan.

(2) Within 30 days of the effective date of these regulations, any card issuer with existing contracts which include either one or both of the restrictive clauses prohibited in paragraph (1) of this section shall inform all parties to the contract that such provisions are inapplicable and no longer enforceable.

12. To implement sections 161, 162, and 170, § 226.14 is added as follows:

§ 226.14 Billing errors—resolution procedure.

(a) *Correction of billing errors.* After the creditor receives proper written notification of a billing error, unless the customer has subsequently agreed that the periodic statement is correct, the creditor shall:

(1) Not later than 30 days after receipt of such notification, mail or deliver written acknowledgment thereof to the customer's current designated address, unless the appropriate actions in paragraph (a)(2) of this section are taken within such 30 day period; and

(2) Resolve the dispute not later than 2 complete billing cycles (in no event more than 90 days) from the date of receipt of the notice of billing error and prior to any action by the creditor to collect [17] any portion of the amount(s) indicated by the customer as being a billing error or any finance charges, late payment charges, or other charges computed on such disputed amount(s) by:

(i) Correcting the customer's account in the full amount indicated by the customer to have been erroneously billed in accordance with paragraph (b)(2) of this section and mailing or delivering to the customer a written notification of corrections; [18] or

(ii) Correcting the customer's account by a differing amount from that indicated by the customer as being erroneously billed in accordance with paragraph (b)(2) of this section and mailing or delivering to the customer an explanation of the change(s), accompanied by copies of documentary evidence of the customer's indebtedness if such evidence is requested by the customer; or

(iii) Mailing or delivering a written explanation or clarification to the customer, after having conducted a reasonable investigation, setting forth, to the extent applicable, the reasons why the creditor believes the amount(s) was correctly shown on the periodic statement and, if the customer so requests, furnishing copies of documentary evidence of the customer's indebtedness with respect to the alleged billing error(s). In any case where the customer alleges that the periodic statement reflects property or services not delivered to the customer or his designee in accordance with any agreement made in connection with the transaction giving rise to the disputed amount, a creditor may not construe such amount to be correctly shown on the periodic statement unless the creditor determines, upon reasonable investigation, that such property or services were actually delivered, mailed, or otherwise sent to the customer or his designee and provides the customer with a written statement explaining such determination. In any case where the customer alleges that an amount of a transaction reflected on the periodic statement is incorrect because the person honoring the credit card has made an incorrect report to the card issuer of the amount which should have been charged, the card issuer may not construe such amount to be correctly reflected on the periodic statement unless the creditor determines, upon reasonable investigation, that the correct amount is shown on the periodic statement and provides the customer with a written statement explaining such determination. After complying with the provisions of this section with respect to an alleged billing error, a creditor has no further responsibility under this section if the customer continues to make substantially the same allegation with respect to such error.

(b) *Minimum periodic payments and finance charges on disputed amounts.* (1) When a minimum periodic payment is permitted, the customer may withhold that portion of the minimum periodic payment which the customer believes is related to the amount in dispute. When the disputed amount is only a part of the total amount of an item, the customer remains obligated to pay the amount not in dispute, and any minimum periodic payment and finance charges, late payment charges, or other charges may be collected on the undisputed amount. If, at the completion of the error resolution procedure, it is determined that the customer owes some or all of the disputed amount, the creditor may require payment of any minimum periodic payment amounts which the customer did not pay because of the

[17] If, despite the establishment by the creditor of procedures reasonably adapted to assure compliance with this paragraph, the creditor or his agent, within 2 business days after receiving proper written notification of a billing error pursuant to this section, inadvertently takes action to collect in contravention of this paragraph, such inadvertent action to collect will not be considered in violation of this paragraph.

[18] A notice on a subsequent billing statement clearly identifying any amount credited to the customer's account in response to a proper written notification of a billing error is one type of a proper transmittal of a written notification of corrections.

V 40 183 SEP 1975 XUM

dispute. The creditor may not, however, accelerate the customer's entire debt solely because the customer has exercised rights provided by the Act or this part.

(2) With respect to an erroneous billing, the creditor must credit the customer's account to any amount the customer does not owe, plus any finance charges, late payment charges, or other charges imposed as a result of the erroneous billing. An erroneous billing by a creditor includes, but is not limited to, a misidentification, insufficient identification, or incorrect date of a transaction; a mailing of the periodic statement to other than the current designated address; improper crediting of payments or other credits; computation errors; or a billing for property or services not accepted or delivered in accordance with any agreement; as well as mistakes in dollar amounts.

(3) After or upon completion of the dispute resolution procedure prescribed by § 226.14(a):

(i) If the initial periodic statement is determined to be without error with regard to the disputed item, the creditor shall promptly mail or deliver to the customer written notification of the amount owed with regard to the disputed item, unless such notification is not required by paragraph (a) of this section, or

(ii) If the initial periodic statement is determined to be in error with regard to the disputed item and the creditor normally allows a period for the customer to pay such an item without incurring additional finance charges, late payment charges, or other charges, the creditor shall mail or deliver to the customer written notification of the total amount which the customer owes with regard to the disputed item and shall allow the customer the same number of days thereafter as he customarily or by credit agreement allows, whichever is longer (in no case less than 10 days), for the customer to pay undisputed amounts in accordance with § 226.7(b)(2), or

(iii) If the initial periodic statement is determined to be in error with regard to the disputed item and the creditor normally does not allow a period for the customer to pay such an item without incurring additional finance charges, late payment charges, or other charges, the creditor shall promptly mail or deliver to the customer a notice of the total amount which the customer owes with regard to the disputed item.

(4) Nothing in this section shall be construed to prohibit the mailing or delivery of periodic statements, which include disputed amounts, to the customer: *Provided*, That the creditor indicates on the face of the periodic statement that payment of the amount in dispute is not required pending the creditor's compliance with the provisions of this section.

(5) Nothing in this section shall prohibit any action by a creditor to collect any amount which has not been indicated by the customer to contain a billing error.

(c) *Automatic debit of disputed amounts.* (1) In the case of credit card plans where the cardholder has agreed to permit the card issuer to periodically pay the cardholder's indebtedness by deducting the appropriate amount from the cardholder's deposit account held by the card issuer, if the card issuer receives a proper written notification of a billing error within 16 days from the date of mailing or delivery of the periodic statement on which the suspected billing error first appears, the card issuer shall:

(i) Prevent the automatic debiting of any disputed amounts if receipt of such notification precedes the automatic debiting of the cardholder's account, or

(ii) Promptly (in no case more than 2 business days after receipt of the notice) restore to the cardholder's deposit account any portion of the disputed amount which was previously deducted, if receipt of such notification follows the automatic debiting of the cardholder's account for any disputed amounts.

(2) Nothing in this paragraph shall limit the cardholder's right to dispute an amount he believes to be in error within 60 days of the mailing or delivery of the erroneous periodic statement, as otherwise provided in this section.

(d) *Closing of accounts.* A creditor may not, prior to complying with the requirements of paragraphs (a) and (b) of this section, restrict or close an account with respect to which the customer has indicated a belief that such account contains a billing error solely because of the customer's refusal or failure to pay the amount indicated to be in error. This paragraph does not prohibit the creditor from applying any such amount to the customer's credit limitation.

(e) *Credit reports on amounts in dispute.* (1) After receiving a proper written notification of a billing error pursuant to this section, neither the creditor nor his agent may directly or indirectly threaten to report adversely to any person on the customer's credit standing or credit rating because of the customer's failure to pay the amount specified in such notification as being a billing error, or any finance charges, late payment charges, or other charges imposed thereon, nor shall such amount be reported as delinquent[29] to any third person unless such amount remains unpaid after the creditor has complied with all the requirements of this section and has allowed that customer the same number of days thereafter as he customarily or by credit agreement allows, whichever is longer (in no case less than 10 days), for the customer to pay undisputed amounts so as to avoid the imposition of additional finance charges, late payment charges, or other charges. If, despite establishment by the creditor of procedures reasonably adapted to assure compliance with this paragraph, the creditor or his agent, within 2 business days after receiving proper written notification of a billing error pursuant to this section, inadvertently takes action in contravention of this paragraph, such inadvertent action will not be considered in violation of this paragraph.

(2) If, within the time limit allowed for payment in paragraph (e)(1) of this section, the creditor receives a further written notification from the customer that any portion of a billing error resolved under paragraph (a) of this section is still in dispute, the creditor may not report to any third party that such disputed amount is delinquent unless the creditor also reports that the amount or account is in dispute and, at the same time, notifies the customer in writing of the name and address of each party to whom the creditor is reporting information concerning the disputed amount. If, pursuant to this paragraph, a creditor has reported a disputed amount as being delinquent to any third person, the creditor shall report promptly in writing[30] to any such person subsequent resolution of the reported delinquency.

(3) If a creditor has reported an amount as being delinquent to any third person who is in the business of collecting and disseminating information relating to the credit worthiness of customers, and such amount is subseqently disputed by the customer in accordance with the requirements of § 226.2(cc), the creditor shall, within one billing cycle after receipt of proper written notification of the billing error, mail or deliver a written notice[31] to each such third person to whom the delinquency was reported that the amount is in dispute.

(f) *Forfeiture penalty.* (1) Any creditor who fails to comply with the requirements of this section forfeits any right to collect from the customer the amount indicated by the customer to be a billing error, whether or not such amount is in fact in error, and any finance charges, late payment charges, or other charges imposed thereon: *Provided*, That the amount so forfeited under this section shall not exceed $50 for each item or transaction on a periodic statement indicated by the customer to be a billing error. In no case shall a creditor forfeit any amount for an error in a total figure or subtotal figure reflected on a statement which is caused solely by an error in another item which is the subject of a dispute, nor shall a creditor suffer any forfeit more than once for any item or transaction which may appear on a periodic statement.

(2) Nothing in this subsection shall be construed to limit a customer's right to recover under section 130 of the Act.

(g) *Exceptions to general rule.* This section does not apply to credit other than open end, whether or not a periodic statement is mailed or delivered, unless it is consumer credit extended on an account by use of a credit card.

13. The effective date of these regulations shall be October 28, 1975.

14. This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

[29] Nothing in this paragraph prohibits a creditor from reporting the disputed amount or account as being in dispute.

[30] "In writing" shall include transmission by computer communication.

[31] "Written notice" shall include computer communication.

By order of the Board of Governors, September 10, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-24963 Filed 9-18-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant to the Special Assistant to the Secretary is excepted under Schedule C.

Effective on September 19, 1975, § 213.3306(a)(69) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(69) One Confidential Assistant to the Special Assistant to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-24944 Filed 9-18-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Executive Assistant to the Secretary and one position of Secretary to the Executive Assistant are excepted under Schedule C.

Effective on September 19, 1975, § 213.3316(a)(34) and (35) are added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(34) One Executive Assistant to the Secretary.

(35) One Secretary to the Executive Assistant to the Secretary.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-24945 Filed 9-18-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-146]

PART 312—IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT, INCLUDING THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Enactment of Part

Correction

In FR Doc. 75-21846, appearing at page 37184, in the issue of Monday, August 25, 1975, make the following changes:

1. On page 37187, in the third column, first full paragraph, the 17th line which reads "(ii), (iii), (iv), or (v) of the rule. The", should read "applying the test of § 312.9(a)(2)".

2. On page 37196, second column, under the center heading "METHOD", the formula should read as follows:

$$\text{Area of Contour} = A_c \cdot 10^{\frac{[10 \log N + 24 - NEF + C]}{15}}$$

3. On page 37196, third column, top of page, the formula should read as follows:

$$\text{Area of Contour} = 1.92 \cdot 10^{\frac{[10 \log N - 16 + C]}{15}}$$

4. In the middle column of page 37197, the formula near the bottom of the page should read as follows:

$$\text{Area (sq mi)} = A_c \cdot 10^{\frac{10 \log N + 24 - NEF + C}{15}}$$

5. In the third column, page 37197, the formula at the top of the column should read as follows:

$$A = A_1(NEF)\ 10^{\frac{10 \log N + 24 - NEF + C}{15}}$$

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965.....)

State Supplementary Medical Insurance Coverage Agreements

On April 17, 1975, there was published in the FEDERAL REGISTER (40 FR 17151) a Notice of Proposed Rule Making with proposed amendments to Subpart B of Regulations No. 5, implementing section 18(1) of Pub. L. 93-233. This legislation amended section 1843 of the Social Security Act to provide for the continuance of the supplementary medical insurance (buy-in) agreements after December 31, 1973, at the request of the State, subject to such modifications as the Secretary by regulations provides to take account of the termination of the State cash assistance programs and their replacement by the supplemental security income program. These amendments to regulations also give effect to section 249E of Pub. L. 92-603. Interested persons were given until May 19, 1975, to submit comments and suggestions.

Two favorable comments and one suggested change were received in response to the Notice. This suggestion by a State for the deletion of part of § 405.223(c)(1) was not adopted; it was based on a mistaken interpretation that the regulation assigns to States responsibility for terminating buy-in coverage in cases where the Social Security Administration actually has this termination responsibility.

Accordingly, the amendments to the regulations are adopted without change and are set forth below.

(Secs. 1102, 1843, and 1871 of the Social Security Act, section 249E of P.L. 92-603, section 233 of P.L. 93-66, 49 Stat. 647, as amended, 79 Stat. 312, 331, 86 Stat. 1429, 87 Stat. 152; 42 U.S.C. 1302, 1395v, and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Effective date: October 20, 1975.

Dated: August 11, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 15, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

1. Section 405.217 is amended by revising so much of paragraph (b) as precedes subparagraph (1), by revising paragraph (c)(1), and by adding paragraphs (g), (h), and (i) to read as follows:

§ 405.217 Enrollment pursuant to State agreement.

• • • • • •

(b) Subject to paragraph (g) and (h) of this section, an agreement entered into with any State pursuant to paragraph (a) of this section shall be applicable to either of the following coverage groups:

• • • • • •

(c) • • •

(1) An individual may not, subject to paragraphs (c)(2) and (g)(5) of this section, be a member of the coverage group specified in an agreement entered into under paragraph (a) of this section for any month in which he is entitled to monthly benefits under title II of the Social Security Act or entitled to receive an annuity or pension under the Railroad Retirement Act of 1937 (without regard to the retroactivity of such entitlement) unless the State requests before 1970, and the agreement is modified to provide, that such individuals shall be members of such coverage group.

• • • • • •

(g) Effective January 1, 1974, an agreement pursuant to paragraph (a) of this section, entered into by any of the fifty States or the District of Columbia will at the request of the State be continued and shall be deemed to have been modified as follows:

(1) Where the State's coverage group as of December 31, 1973, consists of individuals receiving money payments under a plan of the State approved under title XVI of the Social Security Act (see paragraph (b)(1) of this section) and the State has a plan approved under title XIX of the Social Security Act in effect as of December 31, 1973, the State's coverage group shall be deemed to consist of individuals who (i) receive supplemental security income under title XVI of the Social Security Act or State supplementary payments (as the term is used in section 1616(a) of the Social Security Act and in section 212 of Pub. L. 93-66), and (ii) are categorically needy (as the term is used in 45 CFR 248.1)

V40I183 SEP 1975 XUM

under the plan of such State approved under title XIX of the Social Security Act.

(2) Where the State's coverage group as of December 31, 1973, consists of individuals receiving money payments under the plans of the State approved under titles I, X, XIV, XVI, and part A of title IV of the Social Security Act (see paragraph (b)(2) of this section) and the State has a plan approved under title XIX in effect on December 31, 1973, the State's coverage group shall be deemed to consist of individuals who (i) receive supplemental security income under title XVI of the Social Security Act, or State supplementary payments (as the term is used in section 1616(a) of the Social Security Act and in section 212 of Pub. L. 93-66), or money payments under a plan of the State approved under part A of title IV of the Social Security Act, and (ii) are categorically needy (as the term is used in 45 CFR 248.1) under the plan of such State approved under title XIX of the Social Security Act.

(3) Where a State had an agreement as of December 31, 1973, but it had no plan approved under title XIX of the Social Security Act in effect on December 31, 1973, the State's coverage group shall be deemed to consist of individuals receiving supplemental security income under title XVI of the Social Security Act, State supplementary payments (as the term is used in section 1616(a) of the Social Security Act and in section 212 of Pub. L. 93-66), or money payments under a plan of the State approved under Part A of title IV of the Social Security Act.

(4) For purposes of this section and § 405.222, an individual will be treated as receiving supplemental security income under title XVI of the Social Security Act or State supplementary payments if he receives or the State reports to the Social Security Administration in accordance with prescribed procedures that he receives such income or payments for January 1974 or for any month thereafter.

(5) For purposes of this section and § 405.222, an individual will be treated as categorically needy (as the term is used in 45 CFR 248.1) under a plan of the State approved under title XIX of the Social Security Act, if, for January 1974, or for any month thereafter, he has been determined or the State reports to the Social Security Administration in accordance with prescribed procedures that he has been determined to be categorically needy under such plan.

(h) Where a State's agreement has not been modified, pursuant to a request made by it before 1970, to provide that individuals entitled to monthly benefits under title II of the Social Security Act or entitled to receive an annuity or pension under the Railroad Retirement Act of 1937, as amended, shall be members of the coverage group, such State shall be deemed to have so modified its coverage group, except with respect to individuals receiving money payments under a plan of the State approved under Part A of title IV of the Social Security Act, effective with the month following the effective date of these amendments to regulations.

(i) Except as provided in paragraph (c) of this section, any individual is included in the State's coverage group for any month after August 1972 and before July 1975 if: (1) For August 1972 he was eligible for money payments under any of the plans of the State included in the coverage group of the State under its agreement under this section, and was eligible for medical assistance under a plan of the State approved under title XIX of the Social Security Act, and was entitled to monthly insurance benefits under title II of the Social Security Act; and (2) for such month after August 1972 and before July 1975 the individual would have been eligible for such money payments had the 20 percent increase in monthly insurance benefits under title II of the Social Security Act provided by Pub. L. 92-336 not been applicable for such individual and, in the case of the fifty States and the District of Columbia after December 31, 1973, had the plan of such state approved under titles I, X, IV, and XVI continued in effect.

2. Paragraph (c) of § 405.222 is revised to read as follows:

§ 405.222 Enrollment pursuant to a State agreement; coverage period beginning date.

* * * * *

(c) The first day of the first month in which he is both an eligible individual (see § 405.205) and a member of the coverage group that is specified in such agreement, except that, if an individual is a member of such group solely by virtue of a modification described in § 405.217(c)(2) (i.e., he does not receive money payments under a plan of the State approved under titles I, X, XIV, XVI or part A of title IV; is not both receiving supplemental security income under title XVI or State supplementary payments and determined to be categorically needy (as the term is used in 45 CFR 248.1) under the plan of the State approved under title XIX; and he is not included in the coverage group by virtue of § 405.217(h)), his coverage period may not begin before the first day of the second month following the month in which he is both an eligible individual and the State has made the determination (without regard to the retroactivity of such determination) that he is eligible to receive medical assistance under the plan of such State approved under title XIX of the Social Security Act; or

* * * * *

3. Paragraph (c) of § 405.223 is revised to read as follows:

§ 405.223 Individual enrollments; State enrollments; manner and time of termination of enrollment and coverage.

* * * * *

(c) *Enrollees pursuant to State agreement.* In the case of an individual enrolled pursuant to a Federal-State agreement (see § 405.217), the coverage period attributable to the agreement terminates (subject to the provisions of paragraph (d) of this section) on:

(1) The last day of the last month for which he is eligible for inclusion in the coverage group provided that, where the State makes the determination of ineligibility, the State sends notice to the Social Security Administration of such ineligibility within a reasonable time. Such notice shall be given in such form and in accordance with such instructions as prescribed by the Social Security Administration. The notice is considered to be given within a reasonable period of time if the Social Security Administration receives such notice by the 25th day of the second month after the calendar month in which the individual becomes ineligible for inclusion in the coverage group or, where the individual's State enrollment coverage period began on the basis of a Social Security Administration determination and the State makes the determination of ineligibility after receiving notice from the Social Security Administration through the buy-in data exchange system that the individual is no longer receiving supplemental security income or Federally-administered State supplementary payments, by the 25th day of the second month after the calendar month in which the Social Security Administration so notifies the State. If, however, the Social Security Administration first receives prescribed notice of ineligibility from the State after such reasonable period of time, the individual's coverage attributable to the buy-in agreement will, instead, end on the last day of the second month before the month in which the Social Security Administration receives such notice and, for such purpose, notice received in a calendar month but after the 25th day of that month shall be deemed to have been received in the next following month.

(2) If earlier than paragraph (c)(1) of this section, whichever of the following first occurs:

(i) The last day of the month preceding the first month in which the individual became entitled to monthly benefits under title II of the Social Security Act (see Subpart D of Part 404 of this chapter) or to an annuity or pension under the Railroad Retirement Act of 1937 without regard to the retroactivity of such entitlement unless the State agreement provides for the inclusion of such individuals entitled to such benefits in the coverage group, or

(ii) The last day of the month as of which the State agreement is terminated, or

(iii) The last day of the month in which he dies, or,

(iv) If he is under 65, the last day of the last month for which he is entitled to hospital insurance benefits.

* * * * *

[FR Doc.75-25029 Filed 9-18-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0229]

PART 510—NEW ANIMAL DRUGS

Extension of Time To Submit Data on Sulfonamide-Contsining Drugs

The Commissioner of Food and Drugs is allowing more time to submit results of toxicity studies required by § 510.450 (d) (21 CFR 510.450(d)); the closing date is extended for 90 days, to October 22, 1975.

Section 510.450 was initially published as § 135.102 (21 CFR 135.102) in the FEDERAL REGISTER of October 23, 1970 (35 FR 16538); it established a procedure for setting appropriate safe tolerances and withdrawal periods for the use of sulfonamide-containing drugs in food-producing animals. The section was amended in the FEDERAL REGISTER of July 22, 1974 (39 FR 26633) to require, in addition to the necessary residue depletion studies, that applications be submitted containing the results of 90-day subacute toxicity studies in one rodent and one nonrodent species so that the degree of thyroid response to sulfonamide drugs could be evaluated. (The section was recodified as § 510.450 in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802).) Section 510.450(d) provides that the results of such studies are to be submitted under the provisions of section 512(1) of the act, by July 22, 1975, if interim marketing of these drugs is to continue.

The Commissioner has received a request for an extension of time for the submission of the results of such toxicity studies. The request is from Animal Health Institute (AHI), an industry association representing manufacturers and distributors of sulfonamide-containing drugs for use in animals. The basis of the request is that certain reports of histopathology data from studies contracted by AHI could not be completed by July 22, 1975.

The Commissioner has considered the request for an extension of the time period. He has concluded that a 90-day extension until October 22, 1975, will adequately serve the public interest; will fulfill the intent of the regulation, which is to answer questions that have arisen about sulfonamide drugs subject to the regulation; and will adequately protect the public health. Some of the required data have been submitted to the Food and Drug Administration by AHI on behalf of sponsors of new animal drug applications (NADA's) and are currently being evaluated. The extension of time will not result in a delay in the review of the total toxicity data submitted to the Food and Drug Administration for the sulfonamide-containing drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701 (a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), § 510.450 *Sulfonamide-containing drugs for oral, injectable, intramammary, or intrauterine use in food-producing animals* is amended in paragraph (d) by deleting the date "July 22, 1975" from the first sentence and replacing it with the date "October 22, 1975."

Prior notice and public procedure are unnecessary prerequisites for this regulation since it relaxes an existing requirement.

Effective date. This regulation shall be effective on September 19, 1975.

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)))

Dated: September 15, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-24965 Filed 9-18-75;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2603—EXAMINATION AND COPYING OF PENSION BENEFIT GUARANTY CORPORATION RECORDS

New Location of Public Reference Room

On June 3, 1975 the Pension Benefit Guaranty Corporation (hereinafter the "PBGC") published in the FEDERAL REGISTER (40 FR 23847) regulations implementing the Freedom of Information Act (5 U.S.C. 552). Section 2603.28 of those regulations provided that the PBGC will maintain a public reference room at its offices located at 8701 Georgia Avenue, Silver Spring, Maryland. On September 15, 1975 the PBGC moved its offices to 2020 K Street, NW., Washington, D.C. Accordingly, the purpose of this regulation is to revise § 2603.28 to set forth the new location of the PBGC's public reference room.

Because this amendment pertains solely to a procedural matter and because of the need to provide immediate guidance to the public with respect to the location where members of the public may examine records of the PBGC pursuant to the Freedom of Information Act, the PBGC finds that the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay of effective date are inapplicable.

Accordingly, § 2603.28 of Part 2603, Chapter XXVI of Title 29 of the Code of Federal Regulations is revised as set forth below, effective September 19, 1975.

§ 2603.28 Where information may be obtained.

The Corporation will maintain a public reference room in its offices located at 2020 K Street, NW., Washington, D.C., wherein persons may inspect and copy all records made available for such purposes under this part.

Issued in Washington, D.C., this 15th day of September 1975.

JOHN T. DUNLOP,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.75-24966 Filed 9-18-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-191]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Cypress Creek, Va.

This amendment revokes the regulations for the drawbridge across Cypress Creek, Smithfield, Virginia, because this bridge has been replaced by a fixed bridge.

Accordingly Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking subparagraph (28b) of paragraph (f) of § 117.245.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective September 19, 1975.

Dated: September 15, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-24986 Filed 9-18-75;8:45 am]

[CGD 75-086]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Peace River, Fla.

This amendment changes the regulations for the U.S. Highway 41, Barron Collier Bridge, across the Peace River, Mile 2.0, to require that from 10 p.m. to 6 a.m. the draw open on signal if at least 2 hours notice is given. This amendment was circulated as a public notice dated May 2, 1975 by the Commander, Seventh Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75-086) on April 30, 1975 (40 FR 18794). One reply was received that had no objection to the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (i)(2-c) immediately after paragraph (i)(2-b) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(2-c). *Peace River, Florida, U.S. Highway 41 Bridge (Barron Collier Bridge).*

V40I183 SEP1975 XUM

The draw shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m. the draw shall open on signal if at least 2 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on October 20, 1975.

Dated: September 15, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-24987 Filed 9-18-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 421-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Iowa: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

The State of Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency for review after notice and public hearings. The public hearings were held in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Iowa.

Accordingly, the Administrator proposed approval of these schedules on July 18, 1975, in the FEDERAL REGISTER, 40 FR 30287. The proposed approval of these schedules published in the July 18, 1975, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally-approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the Iowa schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, the Environmental Protection Agency's approval of each compliance schedule is unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule will not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that is federally-approved herein, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation will again become federally enforceable. The schedules were immediately effective on the date of adoption. An "Effective Date" is not indicated on the table. The "Variance Expiration Date" is included instead.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedules, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of each individual schedule in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, SW., Washington, D.C.; and the Iowa Department of Environmental Quality, 3920 Delaware, Des Moines, Iowa.

This rulemaking will become effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: September 12, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart Q—Iowa

1. In § 52.825, the table in paragraph (c) is amended as follows:

§ 52.825 Compliance schedules.

* * * * * *

(c) * * *
(1) * * *

IOWA

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
*	*	*	*	*	*
Grain Processing Corp.: Second stage flash dryers Nos. 83 and 84.	Muscatine	4.4(6)	June 12, 1975	July 31, 1975	July 31, 1975
Judd Brown Construction Co.: Turbulent mass asphalt plant.	Forest City	4.4(2)	do	June 30, 1975	June 30, 1975
Marquette Cement Manufacturing Co.:	Des Moines				
Clinker cooler discharge		4.3(2)a	do	May 30, 1975	May 30, 1975
Storage silo vents		4.3(2)a	do	do	Do.
Clinton Corn Processing: Nos. 3 and 4 coal-fired Raymond feed dryers.	Clinton	4.4(7)	do	July 31, 1975	July 31, 1975
Duke Ready-Mix, Inc.: Concrete batching plant.	Des Moines	4.4(11)...e	do	June 1, 1975	June 1, 1975
Gra-Iron Foundry Corp.: Foundry cupola.	Marshalltown	4.4(4)	do	June 30, 1975	June 30, 1975
Hawkeye Chemical Co.: Prill tower and prill tower evaporator.	Clinton	4.3(2) a and d.	do	July 31, 1975	July 31, 1975
Inland Mills Co. (Division of ADM Milling Co.):	Des Moines.				
System C		4.4(7)	do	June 15, 1975	June 15, 1975
Systems A and B		4.4(7)	do	May 1, 1975	May 1, 1975
Muscatine Power and Water:	Muscatine.				
Boilers Nos. 5 and 6		4.3(2)b	do	June 15, 1975	June 15, 1975
Boiler No. 7		4.3(2)b	do	May 15, 1975	May 15, 1975
The Pillsbury Co. (Grain Division): Cyclones.	Council Bluffs	4.4(7)	do	do	Do.
Scoular-Welsh Grain Co.: Cyclone and grain handling.	do	4.4(7)	do	May 30, 1975	May 30, 1975
Sivyer Steel Castnig Co.: Shakeout area for furnaces.	Bettendorf	4.3(2) a and d.	do	Mar. 31, 1975	Mar. 31, 1975
Talbot-Carlson, Inc.	Audobon	4.4(6)	do	May 1, 1975	May 1, 1975
Avoca Alfalfa Milling Co.: Alfalfa dehydrating.	Avoca	4.3(2)a	do	May 15, 1975	May 15, 1975
Katelman Foundry, Inc.: Foundry cupola.	Council Bluffs	4.3(2) a and d.	do	July 31, 1975	July 31, 1975
Farmers Cooperative Co.: Grain storage silo vents.	Hinton	4.4(6)	do	do	Do.
Wertz Feed Products, Inc.: Feed mill cyclones.	Sioux City	4.4(6)	do	do	Do.
Iowa Southern Utilities Co. (Bridgeport Station):	Eddyville				
Boiler No. 2		4.3(2)b	do	June 1, 1975	June 1, 1975
Boiler No. 3		4.3(2)b	do	June 15, 1975	June 15, 1975
The Dexter Co.: Foundry cupola	Fairfield	4.4(4)	do	July 1, 1975	July 1, 1975
Norris Construction Co.: Asphalt Plant No. 261.	Mount Pleasant	4.4(2)	do	May 15, 1975	May 15, 1975
The Greyhound Corp. (Division of Armour & Co.): Boilers 1, 3, 4, and 5.	Mason City	4.3(2)b	do	July 31, 1975	July 31, 1975

[FR Doc.75-24939 Filed 9-18-75;8:45 am]

[FRL 422-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the State plans for implementation of the national ambient air quality standards, and in the September 22, 1972, FEDERAL REGISTER (37 FR 19809), the Administrator promulgated § 52.876 Compliance schedules as a portion of the Kansas Implementation Plan.

The State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategy of Kansas.

Certain schedules failed to meet the requirements of 40 CFR 51.15(b)(1), in that the compliance schedules extend beyond the attainment date in the State Implementation Plan.

Accordingly, the Administrator proposed approval and disapproval of these schedules on July 18, 1975, in the FEDERAL REGISTER, 40 FR 30288. The proposed approval of these schedules published in the July 18, 1975, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. The Environmental Protection Agency has reviewed and considered the records of the public hearings held by Kansas. Set forth below are specific compliance schedules which the Administrator approves and disapproves pursuant to 40 CFR 51.8.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the tables below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The "Effective Date" column in the tables refers to the date the compliance schedules become effective for purposes of federal enforcement.

In the indication of approval and disapproval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval or disapproval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, SW, Washington, D.C.; and the Kansas State Department of Health and Environment, Building 740, Forbes Air Force Base, Topeka, Kansas.

This rulemaking will be effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: September 12, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart R—Kansas

1. In § 52.876, the table in paragraph (c)(1) is amended by adding the following:

§ 52.876 Compliance schedules.

(c) * * *
(1) * * *

V40I183 SEP 1975 XUM

KANSAS

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
•	•	•	•	•	•
Delta-Hill Development: Primary and secondary crusher.	Olathe	28-19-20	May 23, 1975	Immediately	July 31, 1975
Jay-Tee Construction Co.: Rock crusher.	Ottawa	28-19-20	do	do	Do.
Northern Natural Gas: Gas processing facility.	Holcomb	28-19-45	do	do	Do.
U.S.D. No. 387: Altoona Elementary incinerator.	Buffalo	28-19-40	do	do	Do.
Cross Alfalfa Products: Hammermill	Lewis	28-19-50A	do	do	Do.
Farmer's Union Cooperative Association: Hammermill.	Clay Center	28-19-50A	do	do	June 15, 1975
Hi-Plains Cooperative Association: Grain elevator.	Colby	28-19-50A	do	do	June 1, 1975

2. In § 52.876, the table in paragraph (c)(2) is amended by adding the following:

§ 52.876 Compliance schedules.

(c) • • •
(2) • • •

Source	Location	Regulation involved	Date adopted
•	•	•	•
Empire Dist. Electric Co.: Boilers Nos. 7 and 8	Riverton	28-19-31C	May 23, 1975
Gulf Oil Chemicals Co.: Coal-fired boiler	Pittsburg	28-19-31	Do.
Kansas City Power & Light: Main boiler	La Cygne	28-19-31B	Do.
Mid-America Dairymen: Spray dryers Nos. 1 and 2	Sabetha	28-19-20	Do.
Tower Metal Products: Reverberatory furnace C	Fort Scott	28-19-50A	Do.
U.S. Steel—Universal Atlas Cement:	Independence.		
Clay storage bin		28-19-50A	Do.
Stone storage bin		28-19-50A	Do.
Krupp Ball Mill No. 2		28-19-50A	Do.
Krupp Ball Mill No. 3		28-19-50A	Do.

[FR Doc.75-24940 Filed 9-18-75;8:45 am]

[FRL 432-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Montana Plan Revisions

On May 21, 1975, Montana submitted to the Administrator a revision to the Montana Implementation Plan for the attainment and maintenance of the national ambient air quality standards. The revision sets forth a sulfur oxides control strategy that provides for attainment and maintenance of the national sulfur oxides ambient air quality standards in the vicinity of the American Smelting and Refining Company's (ASARCo) lead smelter located near East Helena, Montana in the Helena Intrastate Region. Specifically, the revision limits sulfur dioxide emissions from the sinter plant at the smelter to 20 tons per six-hour period and to 80 tons per 24-hour period. Additionally, the revision requires ASARCo to reduce its sinter plant emissions by 75 percent on an annual basis. The revision also includes a compliance schedule which provides for final compliance with the emission limitations by July 31, 1977. The schedule includes incremental steps toward compliance with the emission limitations. While the table below does not include these interim dates, the actual compliance schedule does.

On July 3, 1975 (40 FR 28097), the Administrator proposed to approve the Montana SIP revision and requested the public to comment on the approvability of the revision. No comments regarding the revision were received.

The revision to the Montana Implementation Plan was submitted in accordance with the requirements of 40 CFR 51.6 and received public advertisement and hearing in accordance with 40 CFR 51.4.

It is the Administrator's judgement that the Montana SIP revision meets the substantive and procedural requirements of section 110 of the Clean Air Act and 40 CFR Part 51. Therefore, in the absence of public comments, and in light of the Administrator's own evaluation, the Administrator approves the Montana SIP revision as submitted by the Governor on May 21, 1975.

This rulemaking will be effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the control strategy and compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: September 15, 1975.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart BB—Montana

1. In § 52.1370, paragraph (d) is added as follows:

§ 52.1370 Identification of plan.

• • • • • •

(d) Plan revisions were submitted on:
(1) May 21, 1975.

2. Subpart BB is amended by adding § 52.1383 as follows:

§ 52.1383 Compliance schedules.

The compliance schedule for the source identified below is approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are found in Subchapter 1, chapter 14, Montana Administrative Code.

MONTANA

Source	Location	Date of State order	Regulations involved	Date of adoption	Effective date	Final compliance date
American Smelting and Refining Co.	East Helena	May 16, 1975	81470(2)	May 16, 1975	Immediately	July 31, 1977

[FR Doc.75-24941 Filed 9-18-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-1—GENERAL

Ratification of Unauthorized Contract Awards

Chapter 8, Title 41, Code of Federal Regulations is amended as set forth below. In Subpart 8-1.4, Procurement Responsibility and Authority, a new § 8-1.405 is added to provide agency policy on ratification of unauthorized contract awards. In addition a minor change was made in § 8-1.403-53 to update a cross reference and editorial changes have been made in § 8-1.403-55 to reflect agency policy of using precise terms denoting gender.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rule making process (§ 1.12, Title 38, Code of Federal Regulations). However, the amendment herein concerns agency procedure and practices. Therefore, the public rulemaking process is deemed unnecessary in this instance.

1. In § 8-1.403-53, paragraph (b) is revised to read as follows:

§ 8-1.403-53 Documents to be submitted for review.

• • • • • •

(b) For sharing agreements and scarce medical specialist contracts, the documents referred to in § 8-3.204(e).

• • • • • •

2. In § 8-1.403-55, paragraph (a) is revised to read as follows:

§ 8-1.403-55 Results of General Counsel's review.

(a) Upon completion of the review, the General Counsel will advise the appropriate Central Office activity or contracting officers as to whether the proposal was approved as submitted or provide them with the recommended changes. The appropriate Central Office activity will advise the contracting officer as to whether (1) the submission was approved as is, or (2) provide a copy of the changes required. Where changes are required, the contracting officer will take immediate action to amend the solicitation document.

• • • • • •

3. Section 8-1.405 is added to read as follows:

§ 8-1.405 Ratification of unauthorized contract awards.

(a) The Government is not bound by agreements or contractual commitments made to prospective contractors by persons to whom procurement authority has not been delegated. Such unauthorized acts may be in violation of the Federal Property and Administrative Services Act, other Federal laws, Chapters 1 and 8, Title 41, Code of Federal Regulations, and good procurement practice; e.g., certain requirements of law and regulation necessary for the proper establishment of a contractual obligation may not be met; i.e., certification of the availability of funds, determinations, and findings, competition of sources, determination of contractor responsibility, certification of current pricing data, price-cost analysis, administrative approvals, negotiations of appropriate contract clauses, etc.

(1) Contracting officers shall not ratify contractual commitments made by other personnel of VA without prior approval. At field stations, the approving authority is the head of the field station concerned. For Central Office contracting officers, the approving authorities are the heads of the concerned departments and staff offices, and the Manager, Administrative Services. This approval authority shall not be redelegated.

(2) Requests received by contracting officers for ratification of commitments made by personnel lacking contracting authority shall be processed as follows:

(i) The individual who made the unauthorized contractual commitment shall furnish the contracting officer all records and documents concerning the commitment and a complete, written statement of facts, including, but not limited to, a statement as to why the procurement office was not utilized, why the proposed contractor was selected and a list of other sources considered, description of work to be performed or products to be furnished, estimated or agreed contract price, citation of appropriation available, and a statement of whether the contractor has commenced performance.

(ii) The contracting officer will review the file and forward it to the approving authority with any comments or information which should be considered in evaluation of the request for ratification. If legal review is desirable, the approving authority will coordinate the request for ratification with the Office of General Counsel or the District Counsel, as appropriate.

(iii) If ratification is authorized, the file will be returned to the contracting officer for issuance of a purchase order or contract, as appropriate.

(b) In the case of otherwise proper contract awards made by contracting officers in excess of the limits of their delegated authority, the need for ratification will be brought to the attention of the head of the procuring activity. That individual will take such action as may be indicated to preclude future instances of such awards.

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; (38 U.S.C. 210, 40 U.S.C. 486(c)))

These regulations are effective September 15, 1975.

Approved: September 15, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-25002 Filed 9-18-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5538]

[Wyoming 47249]

WYOMING

Withdrawal of Lands for the Bates Battlefield Historic Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands and the mineral estate in the lands described below, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, for protection of the historical values in Bates Battlefield:

SIXTH PRINCIPAL MERIDIAN

PUBLIC LANDS

T. 41 N., R. 90 W.,
Sec. 1, lot 1, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 12, NE¼.
The area described contains 359.96 acres.

MINERAL ESTATE

T. 41 N., R. 90 W.,
Sec. 1, lots 2, 3, 4, SW¼NE¼, S½NW¼, W½SW¼, NW¼SE¼;
Sec. 12, NW¼, W½SW¼, N½SE¼.

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The area described contains 679.34 acres.

The areas described contain a total of 1,039.30 acres in Hot Springs County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 15, 1975.

[FR Doc.75-25026 Filed 9-18-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 212—ASSISTANCE FOR UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES

Time Limitation for Temporary Assistance

Part 212, Chapter II of Title 45 of the Code of Federal Regulations is amended to implement section 2 of Pub. L. 94-44, enacted June 20, 1975. The purpose is to implement that section by providing a 90-day limitation on the period for which temporary assistance may be furnished to eligible United States citizens returning from foreign countries. Such assistance may be extended, upon authorization from the Social and Rehabilitation Service, for 9 additional months if the eligible person is handicapped in attaining self-support or self-care for such reasons as age, disability, or lack of vocational preparation.

Notice and comment have been dispensed with as unnecessary since this rule essentially repeats the amendatory language articulated by Congress in Pub. L. 94-44.

Accordingly, 45 CFR 212.4(d) is amended to read as follows:

§ 212.4 Reception, initial determination, provision of temporary assistance.

* * * * *

(d) Temporary assistance may be furnished only for 90 days from the day of arrival of the eligible person in the United States unless he is handicapped in attaining self-support or self-care for such reasons as age, disability, or lack of vocational preparation. In such cases temporary assistance may be extended upon prior authorization by the Service for nine additional months.

Effective date: This regulation implements a statutory provision which is effective June 20, 1975.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).) (Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance—Maintenance Assistance (State Aid).)

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: August 22, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: September 15, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-25028 Filed 9-18-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Eufaula National Wildlife Refuge, Alabama

The following special regulations are issued and are effective on September 20, 1975.

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

ALABAMA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Molner Tract Unit of Eufaula National Wildlife Refuge is suspended for the 1975 season due to adverse weather conditions which prevented agricultural operations which would have prepared the area for hunting.

KENNETH E. BLACK,
Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-24979 Filed 9-18-75;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period September 23, 1975 through April 30, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Delaware, is permitted during the regular State seasons on the South Upland Hunting Area. This open area, comprising 169 acres, is delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 15, 1975.

[FR Doc.75-25022 Filed 9-18-75;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period September 26, 1975 through February 29, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds and small game mammals, including foxes, opossums, red squirrels, and woodchucks is permitted during the respective State seasons except on areas designated by signs as closed. This open area comprising 10,383 acres is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) A seasonal permit is required for the night-time hunting of raccoon. Permits may be obtained by applying in person at the refuge office.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 29, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 15, 1975.

[FR Doc.75-25024 Filed 9-18-75;8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued and is effective during the period September 27, 1975 through December 31, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of upland game on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas delineated on maps available at refuge headquarters, R.D. 2, Swanton, Vermont 05488, and from the Regional Director, Fish and Wildlife Service, U.S. Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game, subject to the following special condition:

(1) Rifles may not be used on that portion of the refuge lying east of the Missisquoi River.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 15, 1975.

[FR Doc.75-25025 Filed 9-18-75;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period September 23, 1975 through February 28, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Prime Hook National Wildlife Refuge, Delaware, is permitted only on the North Hunting Area. This open upland game hunting area, comprising approximately 2,320 acres, is delineated on maps available at refuge headquarters, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game subject to the following special conditions:

(1) Hunting hours will be from one-half hour before sunrise to one-half hour after sunset.

(2) Hunting on grazing management units will not be allowed until October 16, 1975.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50 Code of Federal Regulations, Part 32, and are effective through February 28, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 15, 1975.

[FR Doc.75-25023 Filed 9-18-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-693]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Etowah	Rainbow City, city of	Sept. 15, 1975, emergency			
Arizona	Navajo	Show Low, city of	do	June 7, 1974		
Connecticut	New London	North Stonington, town of	do	Sept. 13, 1974		
Indiana	Clark	Unincorporated areas	do			
Do	Howard	Russiaville, town of	do			
Maryland	Calvert	Chesapeake Beach, town of	do			
Do	Washington	Hancock, town of	do	Aug. 9, 1974		
Massachusetts	Essex	Boxford, town of	do	Aug. 30, 1974		
Michigan	Ingham	Delhi, charter township of	do	July 26, 1974		
Minnesota	Red Lake	Plummer, city of	do	Aug. 23, 1974		
Nebraska	Lincoln	Brady, village of	do	Dec. 27, 1974		
New Hampshire	Cheshire	Marlborough, town of	do	June 28, 1974		
Do	Grafton	Sugar Hill, town of	do	Aug. 23, 1974		
New Jersey	Cumberland	Deerfield, township of	do	Feb. 7, 1975		
Do	Schenectady	Duanesburg, town of	do	Oct. 25, 1974		
New York	Cayuga	Ledyard, town of	do	July 19, 1974		
Do	Oswego	Scriba, town of	do	do		
Do	Ulster	Shawangunk, town of	do	June 21, 1974		
Do	Rensselaer	Rensselaer, city of	do	July 26, 1974		
Do	Ulster	Wawarsing, town of	do	Sept. 13, 1974		
Ohio	Perry	New Lexington, village of	do	May 17, 1974		
Pennsylvania	Schuylkill	Butler, township of	do	Dec. 6, 1974		
Do	Centre	Huston, township of	do	Sept. 6, 1974		
Do	Lycoming	Mifflin, township of	do	Dec. 13, 1974		
Do	Jefferson	Snyder, township of	do	Sept. 13, 1974		
Do	Crawford	Spartansburg, borough of	do	Jan. 3, 1975		
Do	Huntingdon	Todd, township of	do			
Do	Northampton	Upper Mount Bethel, township of	do	Nov. 8, 1974		
Do	Lycoming	Washington, township of	do	July 11, 1975		
Tennessee	Tipton	Brighton, town of	do	Aug. 23, 1974		

V 40 I 183 SEP 1975 XUM

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Jefferson	Brownville, city of	September 16, 1975, Emergency.	Aug. 15, 1975		
Do	Geneva	Malvern, town of	do	Dec. 6, 1974		
Do	Chilton	Maplesville, town of	do	Sept. 13, 1974		
Do	Jefferson	Tarrant City, city of	do	June 28, 1974		
Arkansas	do	Altheimer, city of	do	May 10, 1974		
California	Solano	Dixon, city of	do	Mar. 15, 1974		
Do	Amador	Ione, city of	do	May 24, 1974		
Indiana	Wabash	Roann, town of	do	Dec. 7, 1973		
Kansas	Sumner	Unincorporated areas	do			
Maine	Washington	Beals, town of	do	Aug. 16, 1974		
Do	Kennebec	Benton, town of	do	Jan. 24, 1975		
Do	Penobscot	Chester, town of	do	Mar. 14, 1975		
Do	do	Newburgh, town of	do			
Do	Kennebec	Oakland, town of	do	Jan. 24, 1975		
Do	Penobscot	Stacyville, town of	do			
Massachusetts	Franklin	Leverett, town of	do	June 28, 1974		
Minnesota	Mille Lacs	Foreston, city of	do	Aug. 2, 1974		
Do	Todd	Hewitt, city of	do	Aug. 9, 1974		
Nebraska	Polk	Stromsburg, city of	do	June 7, 1974		
Do	Otoe	Unadilla, village of	do	Aug. 23, 1974		
Do	Saunders	Valparaiso, village of	do	Nov. 8, 1974		
New Hampshire	Coos	Stratford, town of	do	July 26, 1974		
New Jersey	Hunterdon	Bethlehem, township of	do	Nov. 22, 1974		
Do	Camden	Oaklyn, borough of	do	Feb. 22, 1974		
New York	Lewis	Lyons Falls, village of	do	Nov. 1, 1974		
North Dakota	Bowman	Bowman, city of	do	Mar. 29, 1974		
Ohio	Wood	Cygnet, village of	do	May 10, 1974		
Do	Drake	Versailles, village of	do			
Oklahoma	Caddo	Binger, town of	do	June 7, 1974		
Pennsylvania	Centre	Borgs, township of	do	Sept. 13, 1974		
Do	York	Dillsburg, borough of	do			
Do	Clarion	Highland, township of	do	Dec. 6, 1974		
Do	Forest	Howe, township of	do	Dec. 20, 1974		
Tennessee	Lauderdale	Gates, town of	do			
Virginia	Bath	Unincorporated areas	do	Mar. 21, 1975		
Wisconsin	Iowa	Hollandale, village of	do	Sept. 20, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4028; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: September 8, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-24843 Filed 9-18-75;8:45 am]

[Docket No. FI-692]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 *List of communities with special hazard areas.*

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Crenshaw	Glenwood, town of	H 010057A 01 through H 010057A 02	Director, Alabama Development Office, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Commissioner, Alabama Insurance Department, Room 483, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Town Hall, Glenwood, Ala. 36034.	Sept. 20, 1974.
Do	Geneva	Hartford, city of	H 010086A 01 through H 010086A 02	do	Mayor, 203 W. Main St., Hartford, Ala. 36344.	June 28, 1974.
Do	Houston	Ashford, town of	H 010099 01 through H 010099 06	do	Mayor, P.O. Box 472, Ashford, Ala. 36312.	Oct. 31, 1975.
Do	do	Cowarts, town of	H 010103A 01	do	Mayor, P.O. Box 153, Cowarts, Ala. 36321.	Aug. 16, 1974.
Do	Jefferson	Birmingham, city of.	H 010116A 01 through H 010116A 28	do	Mayor, Department of Public Works, Division of Engineering, 500 City Hall, Birmingham, Ala. 35203.	June 28, 1975.
Do	Pickens	Carrollton, city of.	H 010181A 01	do	Mayor, P.O. Box 244, Carrollton, Ala. 35447.	Aug. 23, 1974.
Do	St. Clair	Ashville, town of	H 010186A 01 through H 010186A 03	do	Mayor, P.O. Drawer 70, Ashville, Ala. 35953.	June 21, 1974.
Do	Walker	Carbon Hill, city of.	H 010201 01	do	Administrator, P.O. Box 429, Carbon Hill, Ala. 35549.	Oct. 31, 1975.
Do	Colbert	Cherokee, city of	H 010268A 01 through H 010268A 02.	do	Mayor, P.O. Drawer D, Cherokee, Ala. 35616.	June 28, 1974.
Florida	Palm Beach	Boynton Beach, city of.	H 120196A 1 through H 120196A 06.	Secretary, Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, the Capital, Tallahassee, Fla. 32304.	Mayor, Box 310, Boynton Beach, Fla. 33435.	Mar. 6, 1974. Oct. 31, 1975.
Do	do	West Palm Beach, city of.	H 120229 01 through H 120229 15.	do	Director of Engineering, 415 5th St., West Palm Beach, Fla. 33401.	Oct. 31, 1975.
Georgia	Clayton	Unincorporated areas.	H 130041 01 through H 130041 14.	Commissioner, Department of Natural Resources, Office of Planning and Research, 270 Washington St., SW., Room 707, Atlanta, Ga. 30334. Commissioner, Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Clayton County Courthouse, McDonough St., Jonesboro, Ga. 30236.	Do.
Do	Lamar	Barnesville, city of.	H 130267A 01 through H 130267A 04	do	Mayor, 100 Forsyth St., Barnesville, Ga. 30204.	June 28, 1974. Oct. 31, 1975.
Illinois	Cook	Elgin, city of	H 170087A 01 through H 170087A 09	Coordinator, Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Director, Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill 62702.	Mayor, 150 Dexter Ct., Elgin, Ill. 60120.	May 3, 1974. Oct. 31, 1975.
Do	do	Richton Park, village of.	H 170149A 01 through H 170149A 02.	do	Mayor, 4045 Sauk Trail, Richton Park, Ill. 60471.	Apr. 12, 1974.
Do	do	Wilmette, village of.	H 170175A 01 through H 170175A 02.	do	Village Manager, 1200 Wilmette Ave., Wilmette, Ill. 60091.	June 21, 1974.
Do	Iroquois	Onarga, village of	H 170295A 01	do	Village President, Village Hall, Onarga, Ill. 60955.	Dec. 27, 1974. Oct. 31, 1975.
Do	Kendall	Oswego, village of	H 170845A 01 through H 170845A 02.	do	President, Board of Trustees, Box 946, Oswego, Ill. 60543.	Nov. 28, 1973. Oct. 31, 1975.
Do	Pulaski	Unincorporated areas.	H 170562 01 through H 170562 18.	do	Chairman, Pulaski County Courthouse, Mound City, Ill. 62963.	Oct. 31, 1975.
Do	St. Clair	O'Fallon, city of	H 170633A 01 through H 170633A 03.	do	Mayor, 200 North Lincoln Ave., O'Fallon, Ill. 62269.	Feb. 22, 1974.
Indiana	Lake	Schererville, town of.	H 180142A 01 through H 180142A 03.	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Commissioner, Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Board President, 1640 Wilson St., Schererville, Ind. 46375.	Nov. 30, 1973. Oct. 31, 1975.
Do	Porter	Portage, city of	H 180202A 01 through H 180202A 06.	do	Mayor, 6070 Central Ave., Portage, Ind. 46368.	July 26, 1974. Oct. 31, 1975.
Do	Whitley	South Whitley, town of.	H 180801A 01 through H 180801A 02.	do	Board President, South Whitley, Ind. 46787.	Dec. 21, 1973.

V 401183
SEP 1975

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Kentucky	Meade	Brandenburg, city of.	H 210178A 01 through H 210178A 02	Director, Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Commissioner, Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, P.O. Box 305, Brandenburg, Ky. 40108.	May 17, 1974. Oct. 31, 1975.
Michigan	Baraga	Baraga, village of.	H 260551 01	Executive Secretary, Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Commissioner, Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Village President, Village Hall, Baraga, Mich. 49908.	Do.
Do	Saginaw	Thomas, township of.	H 260603 01 through H 260603 11	do	Township Supervisor, 12530 Gratiot Rd., Township of Thomas, Saginaw, Mich. 48603.	Do.
Minnesota	Fillmore	Rushford, city of.	H 270130A 01	Director of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Commissioner, Minnesota Division of Insurance, K-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, Rushford, Minn. 55971.	May 24, 1974.
Do	Hennepin	Greenwood, city of.	H 270164A 01	do	City Manager, 339 3d St., Excelsior, Minn. 5533.	May 31, 1974.
Do	Otter Tail	Henning, city of.	H 270338A 01 through H 270338A 02.	do	Mayor, Box 136, Henning, Minn. 56551.	May 3, 1974. Oct. 31, 1975.
Do	Ramsey	Mounds View, city of.	H 270379A 01 through H 270379A 02	do	Mayor, City Hall, Mounds View, Minn. 55112.	May 3, 1974. Oct. 31, 1975.
Do	Rock and Pipestone.	Jasper, city of.	H 270410A 01	do	Mayor, Jasper, Minn. 56144.	Mar. 29, 1974.
Do	Stearns	Sauk Centre, city of.	H 270459A 01 through H 270459A 02	do	Mayor, City Hall, Sauk Centre, Minn. 56378.	Mar. 8, 1974. Oct. 31, 1975.
Do	Rice	Faribault, city of.	H 270669A 01 through H 270669A 04	do	City Administrator, 208 1st Ave., NW., Faribault, Minn. 55021.	May 24, 1974. Oct. 31, 1975.
Mississippi	Pearl River	Picayune, city of.	H 280130A 01 through H 280130A 04	Director, Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Commissioner, Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Box 907, Picayune, Miss. 39466.	June 28, 1974. Oct. 31, 1975.
New Jersey	Bergen	Hackensack, city of.	H 340039A 01 through H 340039A 03	Chief, Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. Commissioner, New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	City Manager, City Hall, 65 Central Ave., Hackensack, N.J. 07602.	June 28, 1974. Oct. 31, 1975.
Do	Hudson	North Bergen, township of.	H 340225A 01 through H 340225A 03	do	Mayor, 4233 Kennedy Blvd., North Bergen, N.J. 07047.	June 28, 1974. Oct. 31, 1975.
Do	Sussex	Ogdensburg, borough of.	H 340454A 01	do	Mayor, Box 128, Ogdensburg, N.J. 07439.	May 17, 1974. Oct. 31, 1975.
Do	Hunterdon	Bethlehem, township of.	H 340554A 01 through H 340554A 07.	do	Mayor, Mine Road, Asbury, N.J. 08802.	Nov. 22, 1974. Oct. 31, 1975.
				New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. Superintendent, New York State Insurance Department, Two World Trade Center, New York, N.Y. 10047.		
New York	Onondaga	Geddes, town of.	H 360579A 01 through H 360579A 04.	----------	Town Supervisor, Town Hall, Geddes, N.Y.	May 17, 1974. Oct. 31, 1975.
Do	Tioga	Barton, town of.	H 360832A 01 through H 360832A 05.	do	Town Supervisor, Box 342, Waverly, N.Y. 14892.	June 21, 1974. Oct. 31, 1975.
North Carolina	Edgecombe	Tarboro, town of.	H 370094B 01 through H 370094B 14.	Director, Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. Commissioner, North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Box 220, Tarboro, N.C. 27886.	Feb. 15, 1974. Feb. 28, 1978.
Ohio	Allen	Bluffton, village of.	H 390004A 01	Director, Ohio Department of Natural Resources, Flood Insurance Coordination Bldg., Fountain Sq., Columbus, Ohio 43224. Ohio Department of Insurance, 447 East Broad St., Columbus, Ohio 43215.	Mayor, Box 63, Bluffton, Ohio 45817.	Jan. 23, 1974. Oct. 31, 1975.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Do	Belmont	Brookside, village of.	H 390027A 01	do	Mayor, 6 Frederick St., Brookside, Ohio 43912.	Feb. 8, 1974.
Do	Clermont	Williamsburg, village of.	H 390072A 01	do	Mayor, 227 West Main St., Williamsburg, Ohio 45176.	Mar. 29, 1974.
Do	Fulton	Wauseon, village of.	H 390184A 01 through H 390184A 02	do	Mayor, 230 Clinton St., Wauseon, Ohio 43567.	June 7, 1974.
Do	Richland	Ontario, village of.	H 390478A 01 through H 390478A 04	do	Mayor, Box 113, Ontario, Ohio 44862.	Apr. 5, 1974.
Pennsylvania	Lancaster	Millersville, borough of.	H 420559A 01	Secretary, Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Commissioner, Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Manager, 25 East Charlotte, Millersville, Pa. 17551.	Aug. 2, 1974. Oct. 31, 1975.
Do	Westmoreland	New Stanton, borough of.	H 420892A 01 through H 420892A 04	do	Borough Council President, Box 91, New Stanton, Pa. 15672.	Aug. 2, 1974. Oct. 31, 1975.
Do	Erie	Fairview, borough of.	H 421288A 01 through H 421288A 03	do	Borough Council President, Drawer I, Fairview, Pa. 16415.	July 26, 1974.
Do	Lawrence	Wampum, borough of.	H 421791A 01 through H 421791A 02	do	Borough Council President, Box 162, Wampum, Pa. 16157.	Nov. 8, 1974.
South Carolina	Hampton	Hampton, town of.	H 450400A 01 through H 450100A 02.	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. Commissioner, South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Box 97, Hampton, S.C. 29924.	May 24, 1974. Oct. 31, 1975.
West Virginia	Cabell	Milton, town of.	H 540019A 01	Director, Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Commissioner, West Virginia Insurance Commission, 1906 Washington St., Building No. 3, Room 643, Charleston, W. Va. 25305.	Mayor, Box 398, Milton, W. Va. 25541.	May 31, 1974.
Do	Jefferson	Shepherdstown, town of.	H 540069A 01	do	Acting Mayor, Town Hall, Shepherdstown, W. Va. 25443.	Feb. 1, 1974. Oct. 31, 1975.
Do	Lewis	Weston, city of.	H 540087A 01	do	Mayor, 118 Main Ave., Weston, W. Va. 26452.	Apr. 5, 1974. Oct. 31, 1975.
Do	Ohio	Wheeling, city of.	H 540152A 01 through H 540152A 11.	do	City Manager, City-Co Bldg., Wheeling, W. Va. 26003.	Dec. 14, 1974. Oct. 31, 1975.
Do	Vernon	Coon Valley, village of.	H 550452A 01	do	Village President, Coon Valley, W. Va. 54623.	Apr. 12, 1974.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 26, 1968), as amended, 42 U.S.C. 4001-4028; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: September 8, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-24844 Filed 9-18-75;8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 370—FREEDOM OF INFORMATION

Availability of Records to the Public

Procedures for obtaining Animal and Plant Health Inspection Service records under the Freedom of Information Act (5 U.S.C. 552) are amended in accordance with the regulations of the Secretary of Agriculture issued pursuant to the Act, 7 CFR Part 1, Subpart A (40 FR 7341). The Secretary's regulations, as implemented by the regulations in this part, govern the availability of records of the Animal and Plant Health Inspection Service.

Advance notice of rulemaking is not required by 5 U.S.C. 553, since this amendment deals with agency organization and procedures.

In consideration of the above, Part 370 of Title 7 of the Code of Federal Regulations is revised to read as follows:

Sec.
370.1 Scope and purpose.
370.2 Published materials.
370.3 Index.
370.4 Facilities for inspection and copying.
370.5 Requests for records.
370.6 Appeals.
370.7 Agency response to requests.

AUTHORITY: Freedom of Information Act as amended (5 U.S.C. 552) Part 1, Subtitle A of this title.

§ 370.1 Scope and purpose.

These regulations are issued pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552), and in accordance with the requirements of the Department of Agriculture regulations in Part 1, Subpart A of this title. The availability of records of the Animal and Plant Health Inspection Service (APHIS), and the procedures by which the public may obtain such information, shall be governed by the Department regulations as implemented by the regulations in this part. It is the policy of APHIS to be an open agency and to promptly make available for public inspection any records or information which are required to be released under the Act. Material which is exempt from disclosure will also be promptly made available when the Agency in its discretion determines that release of such material is in the public interest.

§ 370.2 Published materials.

Rules and regulations of APHIS relating to its regulatory responsibilities are continuously published and made available to the public in the FEDERAL REGISTER, and codified in this Chapter III, Title 7, and Chapters I and III, Title 9 of the Code of Federal Regulations. APHIS issues publications explaining animal and plant health programs and the laws and

V 401183 SEP 1975 XUM

regulations, including quarantines, under which the programs are conducted. Most of these publications are available free from the Office of Communications, USDA, Washington, D.C. 20250; or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at established rates.

§ 370.3 Index.

Pursuant to the regulations in § 1.4(b) of this title, APHIS will maintain and make available for public inspection and copying a current index providing identifying information regarding the materials required to be published or made available under the Freedom of Information Act (5 U.S.C. 552(a)(2)). Notice is hereby given that publication of this index is unnecessary and impracticable, since the material is voluminous and does not change often enough to justify the expense of publication.

§ 370.4 Facilities for inspection and copying.

Facilities for public inspection and copying of the index and materials required to be made available under § 1.2 of this title will be provided by APHIS, on business days between 8:15 a.m. and 4:45 p.m. Requests for this information should be made to the FOIA Coordinator or his designee at the following address:

Freedom of Information Act Coordinator, Animal and Plant Health Inspection Service, Room 334–E, U.S. Department of Agriculture, Washington, D.C. 20250.

Copies of such material may be obtained in person or by mail. Applicable fees for copies will be charged in accordance with the regulations prescribed by the Director, Office of Plant and Operations, USDA, pursuant to § 2.79 of this title. See § 1.10 and Appendix A in Part 1, Subpart A of this title.

§ 370.5 Requests for records.

(a) Requests for APHIS records or information other than material published or made available under the preceding sections, shall be made in writing in accordance with the Department regulations in § 1.3 of this title and submitted to the APHIS Freedom of Information Act Coordinator at the following address:

Freedom of Information Act Coordinator (FOIA Request), Animal and Plant Health Inspection Service, Room 334–E, U.S. Department of Agriculture, Washington, D.C. 20250

The request shall identify each record with reasonable specificity as prescribed in § 1.3 of this title. Initial requests for records customarily released by APHIS may be made orally, but in certain instances the Coordinator in his discretion may deem it necessary to require a written request.

(b) The FOIA Coordinator or his designee is authorized to receive requests and to exercise the authority under § 1.4(c) of this title to (1) make determinations to grant or deny requests, (2) extend the administrative deadline, (3) make discretionary releases of exempt records, and (4) make determinations regarding charges pursuant to the fee schedule.

(c) In exercising his authority under § 1.4(c) of this title to grant and deny requests, the Coordinator will comply with subsection (b) of the Freedom of Information Act, as amended (5 U.S.C. 552(b)), which requires that any reasonably segregable portion of a document shall be provided to a person requesting such document after deletion of any portions which are exempt under the Act. Therefore, unless the disclosable and non-disclosable portions are so inextricably linked that it is not reasonably possible to separate them, the document will be released with the non-disclosable portions deleted, except that the Coordinator may exercise discretion as limited by § 1.11 of this title, to release the entire document, or to make only a minimum number of deletions, e.g., the names of individuals.

§ 370.6 Appeals.

If the request for information is denied in whole or in part, the requestor may file an appeal, pursuant to § 1.3(e) of this title. The appeal should be filed in writing within 45 days of the date of denial, and should be addressed as follows:

Administrator, Animal and Plant Health Inspection Service (FOIA Appeal), Room 316–E, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 370.7 Agency response to requests.

(a) The response to requests for information and to appeals shall be made in accordance with the Department regulations in § 1.5 of this title and the regulations in this part.

(b) Requests for records and information which have customarily been directed to field stations and agency headquarters may continue to be directed to those locations, notwithstanding the provisions of these regulations. If the information is not available at the location at which the request is made, or the official receiving the request is in doubt as to whether the information should be released, the official shall (1) promptly forward the request to the FOIA Coordinator, or (2) inform the requester of the procedures established in these regulations by which the request may be sent directly to the FOIA Coordinator. The date of receipt of the request by the Coordinator shall be the determining date for purposes of the time limitations under the Freedom of Information Act and the regulations.

Effective date. This revision takes effect on September 19, 1975.

Done at Washington, D.C., this 16th day of September 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-25044 Filed 9-18-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 12]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period September 21–27, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity prices for lemons.

§ 910.312 Lemon Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is somewhat easier this week due to the Jewish holiday on Monday. Average f.o.b. price was $8.30 per carton the week ended September 13, 1975, compared to $8.29 per carton the previous week. Track and rolling supplies at 84 cars were down 8 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 16, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 21, 1975, through September 27, 1975, is hereby fixed at 225,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 18, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-25265 Filed 9-18-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Oats Supp., Amdt. 5]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Deletion of Uniform Grain Storage Agreement Rates

The regulations issued by the Commodity Credit Corporation (CCC), published in the FEDERAL REGISTER at 35 FR 8340, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of oats are further amended as follows:

Section 1421.250(d) is amended to delete all references to computed rates applicable under the Uniform Grain Storage Agreement.

§ 1421.250 Warehouse receipts.

* * * * *

(d) *Liens.* Warehouse receipts and the oats represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the oats when CCC is holder of the warehouse receipt.

* * * * *

Since this amendment is necessary to carry out the oat loan and purchase program more effectively, compliance with the notice of proposed rulemaking and public participation procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 Note and 1421))

Effective date: September 19, 1975.

Signed at Washington, D.C. on September 11, 1975.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-25046 Filed 9-18-75;8:45 am]

[CCC Grain Price Support Regs., 1975 Crop Rice Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Rice; Changes in Rates

The regulations issued by the Commodity Credit Corporation (CCC) and published on July 21, 1975, at 40 FR 30466 which set forth specific requirements with respect to loans and purchases for the 1975 crop of rice, are hereby amended to change certain value factors and the loan rate for farm-storage rice. The increases reflect the minimum national average loan and purchase rate, which is 65 percent of the parity price as of the beginning of the marketing year, August 1, 1975. It is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this amendment because 1975 crop rice is currently being harvested and it is essential that the rates provided for in this subpart be put into effect with respect to such rice on the earliest possible date.

Paragraphs (a) and (c) of § 1421.328 are hereby revised to increase the loan rate for farm-storage rice and value factors for all classes of whole kernel rice and broken rice. As revised, paragraphs (a) and (c) read as follows:

§ 1421.328 Loan and purchase rates.

(a) *Farm-storage loans.* The loan rate for farm-storage rice shall be $8.52 per hundredweight for any class. The settlement rate shall be the applicable basic rate specified in paragraph (c) of this section, adjusted in accordance with the provision of this section and §§ 1421.310 and 1421.23.

* * * * *

(c) *Basic rates.* The basic rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of whole kernels by the applicable value factor for whole kernels (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the whole kernels yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

Value factors for whole kernels and broken rice

[Cents per pound]

Rough rice class	Whole kernels	Broken rice
Grains:		
Long	14.41	6.30
Medium	13.16	6.30
Short	13.16	6.30

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, c); secs. 101, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421))

Effective date: September 18, 1975.

Signed at Washington, D.C., on September 11, 1975.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-25045 Filed 9-18-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 153, 175]

ANTIDUMPING AND PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, AND WHOLESALERS

Proposed Revision; Extension of Comment Period

SEPTEMBER 12, 1975.

Notice of a proposed revision to Parts 153 and 175 of the Customs Regulations (19 CFR Parts Parts 153 and 175), pertaining to antidumping and petitions by American manufacturers, producers, and wholesalers, was published in the FEDERAL REGISTER on Wednesday, July 23, 1975 (40 FR 36825). Pursuant to that notice, the public was given until September 22, 1975, to submit data, views, or arguments pertaining to the proposed revision.

Requests have been received for an extension of the time for the submission of comments. Therefore, the period for submission of data, views, or arguments relating to the cited revision is extended to October 22, 1975.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-24999 Filed 9-18-75;8:45 am]

Internal Revenue Service

[26 CFR Part 31]

CERTAIN EMPLOYMENT TAXES

Public Hearing on Proposed Requirements for Depositing

Proposed regulations under section 6302 of the Internal Revenue Code of 1954, relating to requirements for depositing certain employment taxes, appear in the FEDERAL REGISTER for June 27, 1975 (40 FR 27240).

A public hearing on the provisions of such proposed regulations will be held on October 22, 1975, beginning at 10 a.m. e.d.s.t. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW, Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rulemaking, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by October 14, 1975. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by October 17, 1975. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on October 21, 1975, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-25194 Filed 9-18-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 183]

[CGD 75-110]

BOATS AND ASSOCIATED EQUIPMENT

Proposed Category of Single Outboard Motors Rated Greater Than 150 Horsepower

The Coast Guard is considering issuing an amendment to Part 183, of Subchapter S of Title 33, Code of Federal Regulations, to provide an additional category to Table 183.67(a). The new category relates to single outboard motors rated greater than 150 horsepower.

Table 183.67(a), Weights of Outboard Motors and Related Equipment for Various Boat Horsepower Ratings, lists data needed to determine a boat's required quantity of flotation and persons capacity. In the table weights are given for single outboard motors ranging from under 4 horsepower to 150 horsepower. 150 horsepower motors were the largest outboard motors produced at the time the table was promulgated. Greater horsepower capacity outboard motors are now available. As a result, the table must be amended to include these larger motors. It is proposed, therefore, to add to Table 183.67(a) an additional category of single motors in the range of 150.1 to 250 horsepower.

If the proposed amendment is adopted, its effective date will be 6 months after publication of the Final Rule in the FEDERAL REGISTER, and manufacturers will be allowed, at their option, to utilize the data from this new category before the effective date.

There are two minor editorial errors in the present table, therefore, the Coast Guard proposes to amend the table as follows: The first line of Table 183.67 (a) currently reads under 4 in the Boat Horsepower Rating column. This is a typographical error and should read 4.1.

The sixth line of Table 183.67(a) reads 163 in the Motor and Control Weight—Wet column. This is an error in calculation and should read 173.

Any interested person may submit written data, views or arguments concerning this notice to Commandant (G-CMC/82), the U.S. Coast Guard, Washington, D.C. 20590. All communications received before November 5, 1975, will be considered before final action is taken on the proposed regulation. Each person submitting comments should include his name and address, identify this notice (CGD 75-110) and give reasons and supporting data for any recommendations. All comments will be available for public inspection at Coast Guard Headquarters.

The amendment is proposed under the authority of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1454) which was delegated to the Commandant of the Coast Guard on October 8, 1971 in the FEDERAL REGISTER (36 FR 19593) (49 CFR 1.46(o)(1)).

In consideration of the foregoing, the Coast Guard proposes to amend Table 183.67(a) as follows:

TABLE 183.67(a).—*Weights of outboard motor and related equipment for various boat horsepower ratings*

Boat horsepower rating	Motor and control weight		Battery weight		Full portable fuel tank weight [2]	
	Dry	Wet [1]	Dry	Wet [1]	Dry	Wet [1]
Under 4.1	35	20				
4.1 to 5	55	34			25	1
5.1 to 10	70	55	20	11	50	1
10.1 to 20	105	86	45	25	50	1
30.1 to 50	190	138	45	25	100	3
50.1 to 75	240	173	45	25	100	3
75.1 to 150	305	218	45	25	100	3
150.1 to 250	420	300	45	25	100	3
Transoms designed for twin motors:						
60.0 to 100	380	268	45	25	100	3
100.1 to 150	480	328	45	25	100	3
150.1 to 300	610	413	45	25	100	3

[1] Wet in this case means submerged.
[2] If the boat has a permanent built-in fuel tank, the tank should be full for the test and the "full portable fuel tank weight" excluded.

Dated: September 11, 1975.

D. F. LAUTH,
Chief, Office of Boating Safety.

[FR Doc.75-24985 Filed 9-18-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 573]

[Docket No. 74-7; Notice 3]

DEFECT AND NONCOMPLIANCE REPORTS

Proposed Amendments

This notice proposes extensive amendments to 49 CFR Part 573, Defect Reports. A notice of proposed rulemaking proposing to extend the applicability of the present regulation to manufacturers of tires and other motor vehicle equipment was published January 15, 1974, (Docket No. 74-7; Notice 2 (39 FR 1863)). The NHTSA stated in an amendment to the Defect Reports regulations published December 10, 1974 (39 FR 43075), that further notice would be provided due to the recent passage of amendments to the National Traffic and Motor Vehicle Safety Act affecting the statutory basis of the proposed requirements.

Sections 151 to 160, or Part B of the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93-492, 88 Stat. 1470; October 27, 1974) ("1974 Amendments"), amend the defect notification requirements of the National Traffic and Motor Vehicle Safety Act of 1966 ("the Act"). These amendments require manufacturers of motor vehicle replacement equipment to notify purchasers and to remedy any defects or noncompliances following the manufacturer's or the Administrator's determination that the equipment contains either a defect which relates to motor vehicle safety or a noncompliance with an applicable Federal motor vehicle safety standard. Prior to the enactment of these provisions, manufacturers of motor vehicle equipment were responsible under the Act for notification of defects or noncompliances only following a determination by the National Highway Traffic Safety Administrator that the item of equipment contained a safety related defect or failed to comply (Sec. 113(e), Pub. L. 89563, 15 U.S.C. 1402).

As proposed herein, the regulation would require the filing of defect and noncompliance information reports by manufacturers of both motor vehicles and motor vehicle equipment. "Motor vehicle equipment" would include both "original equipment" and "replacement equipment" as defined in section 159 of the 1974 Amendments. While section 151 of the 1974 Amendments refers only to manufacturers of "replacement equipment," the definitions of "replacement equipment," "original equipment," and the attribution of responsibility for defects and noncompliances are all established by section 159. That section specifically authorizes modification by regulation of the statutory requirements. Consequently, the NHTSA views any requirements proposed by this notice as to the reporting of defects by manufacturers of original equipment to be within the Secretary's rulemaking authority as expressly provided in section 159. Additional regulations under consideration would modify the sections of section 159 insofar as those sections make manufacturers of motor vehicles responsible for all original equipment.

In the case of a defect or noncompliance determined to exist in a motor vehicle by its manufacturer or the Administrator, the proposed regulation would require the vehicle manufacturer to file the defect or noncompliance information report. The proposed regulation recognizes that in some cases a defect or noncompliance may exist in an item of equipment independently of its use in a particular vehicle application. In that situation, the regulation would require the filing of a defect and noncompliance report by both the manufacturer of the equipment and the manufacturer of any vehicle in which it was installed. It is readily apparent that the substantive information provided by each will differ, and in each case the information is of independent importance to the agency. An exception to this dual-reporting requirement would be available when the equipment is used in the manufacture of the vehicles of only one vehicle manufacturer. In such a case, the NHTSA believes a report filed by the vehicle manufacturer alone would be sufficient to describe the defective or noncomplying equipment and to indicate the scope of any recall and remedy campaign.

The proposed regulation would permit compliance with the reporting requirement by the manufacturer of an incomplete vehicle or any subsequent manufacturer of a multi-stage vehicle to be compliance for the other manufacturers.

In the case of a defect or noncompliance determined to exist in replacement equipment, the regulation would permit the necessary reports to be filed by the trademark or brand name owner. This is proposed in response to several comments to the earlier notice that the trademark owner frequently controls much of the equipment's manufacture, and frequently bears responsibility for its specifications. However, the report filed in such circumstances would still be required to identify the fabricating manufacturer. Several comments argued that such information should not be provided. However, the NHTSA finds it has a legitimate need to know the actual manufacturer of a product. That manufacturer could, for example, be manufacturing the same or similar components for other trademark or brand name owners, or in its own name.

In the case of a vehicle or equipment item imported into the United States, the proposed regulation would permit compliance by either the fabricating manufacturer or the importer. Importers are generally sufficiently cognizant of manufacturer activities in this country to file reports.

Finally, in response to comments received, the proposed regulation would permit manufacturers of tires to bear full responsibility for reporting defects and noncompliances, even when the tires are sold as original equipment on the vehicles or more than one vehicle manufacturer. Tire manufacturers are required by NHTSA Tire Identification and Recordkeeping regulations (49 CFR Part 574) to maintain the names and addresses of first purchasers for purposes of implementing recalls, and are fully capable of providing all of the information required by the defect or noncompliance reports.

The proposed regulation would require the filing, not more than 5 working days after the determination that the defect or noncompliance exists, of a defect or noncompliance report for each vehicle and equipment item that has been transported beyond the direct control of the manufacturer. The proposed requirements respond to comments on the proposal of January 15, 1974, which would have required that the report be filed regarding any vehicle or equipment item that had been transported

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beyond its place of final manufacture. The comments argued that even after removal from their place of final manufacture, vehicles and components are frequently still within the manufacturer's control. For example, vehicles may be stored on lots separate from the actual place of manufacture prior to their shipment to distributorships or dealerships. Manufacturers insisted that in such circumstances remedy of such vehicles or components is virtually assured, thereby eliminating the need for the filing of reports. The NHTSA has tentatively determined it can permit manufacturers to exclude such defects and noncompliances from the reporting requirements because of the much higher likelihood that remedy will be accomplished. The phrase "direct control of the manufacturer" is thus not intended to be conditioned on legal ownership, but rather on physical location. Vehicles or equipment items in the possession of distributors or dealers, however, whether or not they are wholly owned by the manufacturer, would be considered to have been transported beyond the direct control of the manufacturer.

The proposed regulation tentatively incorporates newly enacted definitions of "original equipment" and "replacement equipment." Manufacturers should be aware that the definition of the latter term, "any motor vehicle equipment (including a tire) other than original equipment", is not its commonly understood meaning, i.e., equipment which replaces original equipment. It in fact includes accessories and other additions to the vehicle, and safety-related devices, articles, and apparel, as well as any equipment which replaces original equipment.

The proposed requirements for the content of defect and noncompliance information reports are essentially those proposed on January 15, 1974, and are similar to the existing requirements. Some changes have been made, however, as a result of the statutory amendments and the comments received.

Section 151 now draws a clear distinction between safety related defects and noncompliances with Federal standards. Consequently, the title and the substantive requirements of the Part now refer separately to defects relating to safety and noncompliances with Federal motor vehicle safety standards.

The information report regarding a noncompliance would be required to contain the test results or other data on the basis of which the manufacturer determined that the noncompliance existed. Moreover, because the 1974 amendments provide for remedy without charge, the manufacturer would be required to describe his program for remedying the defect or noncompliance. The proposed requirements also reflect the statutory requirement (sec. 153(c)(5)) that the manufacturer furnish to the NHTSA by certified mail a copy of the notification sent to owners. While it is not proposed that the entire report be submitted by certified mail, manufacturers may use certified mail for this purpose if they so choose.

Some changes from the earlier proposal have been proposed in the report requirements for describing vehicles other than passenger cars. Several comments indicated that the descriptive criteria for trucks were not appropriate to describe trucks of varying types. The requirements proposed herein are of a more general nature to permit manufacturers to describe accurately all truck types.

The proposed regulation does not include the previously proposed requirement that manufacturers of motor vehicle equipment include in defect and noncompliance reports the names and addresses of distributors and dealers, the quantity of items sold to each, and their date of delivery. The comments were persuasive that much of the information would be proprietary and that little purpose would be served in providing it to the agency routinely. The NHTSA agrees with several comments that the agency has sufficient authority to obtain the information in those circumstances where it finds it necessary. However, the proposal does require the information to be maintained by equipment manufacturers in the same manner as vehicle manufacturers' "owner lists." Equipment manufacturers would therefore be required to maintain the information in form suitable for inspection, but would not have to provide it to the NHTSA unless specifically requested to do so. The proposed requirement meets the agency's need for quick access to the information, preserves its proprietary nature, and respects manufacturers' desires that this information be safeguarded.

The proposed requirements for quarterly reports are also similar to those proposed on January 15, 1974. They refer both to instances of noncompliance and to safety related defects. They reflect the recent amendment to Part 573 regarding the furnishing of vehicle identification numbers of uncorrected vehicles in the third quarterly report (39 FR 43075, December 10, 1974). The proposal does attempt to categorize more clearly the method of reporting the number of vehicles corrected. Several comments pointed out that the categories of information in the January 15 proposal tended to overlap, and were not mutually exclusive. As a consequence, the present proposal would require only a reporting of the number of vehicles or equipment repaired and the number inspected and determined not to need repair. Eliminated as unnecessary is the previously proposed requirement that the number be reported of vehicles needing but not receiving corrective action. It was argued by the comments that manufacturers could not readily determine this information, and that its utility was questionable in light of the other information reported.

The requirements for the maintenance of owner lists would be modified to eliminate the need for manufacturers of motor vehicles to maintain owner lists regarding original equipment tire defects and noncompliances. Special owner list requirements for tire manufacturers are proposed. First-purchaser lists would be required to be maintained by manufacturers of other motor vehicle equipment. Those lists would include the names and addresses of distributors and dealers receiving defective or noncomplying parts, the number of parts shipped to each, and in response to several comments, the date of shipment rather than the date of delivery. The dates essentially are of equal value, but the NHTSA agrees that manufacturers cannot readily determine the date of delivery.

The proposed requirements of January 15, 1974, regarding the reporting of defects considered to be inconsequential are not included in this proposal. Manufacturers would be required to file a defect or noncompliance information report as proposed by this notice for all defects and noncompliances, whether or not they believed the defect or noncompliance to be inconsequential with respect to safety. Section 157 of the 1974 Amendments provides for special procedures for an administrative determination that defects and noncompliances are inconsequentially related to safety. If a manufacturer wished to petition for a finding of inconsequentiality in accordance with section 157, that petition would follow the submission of the defect or noncompliance information report. As part of that petition, the manufacturer could request an exemption from the remainder of the reporting requirements.

The proposal retains the earlier proposed requirement that vehicle and equipment manufacturers submit to the NHTSA copies of notices, bulletins, and other communications (including warranty and policy extension communiques and product improvement bulletins), sent to one or more purchasers, distributors, dealers, or other manufacturers, regarding all defects and noncompliances, whether or not they are safety-related. It is the responsibility of the NHTSA, not the manufacturers, to make a final determination as to whether or not a given defect is safety-related. Therefore, the term "defect", as it is used in this provision, is to be given a broad interpretation so that the NHTSA can better carry out its responsibility to examine manufacturers' judgments regarding the relationship of these defects to safety. This provision was opposed in many comments on the basis that it is outside the agency's statutory authority. However, in the view of the NHTSA, section 158(a)(1) of the 1974 Amendments specifically authorizes the agency to require the submission of this information. The comments further argued that requiring the submission of this information would tend to have a "chilling effect" on manufacturers' communications with distributors and dealers with respect to service and other problems. However, the NHTSA will, as in the past, generally abide by manufacturers' good faith determinations regarding the safety nature of defects. Therefore, the NHTSA has

every reason to expect that responsible manufacturers will continue to advise distributors and dealers of non-safety defects, and to forward copies of those notifications to the agency.

The comments to the proposal of January 15, 1974, were extensive and, for the most part, responsive to the issues raised by the proposal. The prior discussion of this proposal has incorporated their substance insofar as it relates to the specific provisions of the proposal.

A major concern of equipment manufacturers as expressed in the comments was the possibility of manifold increases in recordkeeping requirements, and a resultant large increase in costs, with insufficient increase in safety benefits. Manufacturers indicated that at present most motor vehicle equipment is not dated or otherwise coded, that production lots are commonly mixed, and that with present marketing and recordkeeping practices it would be virtually impossible to trace equipment items to consumers, dealers, or distributors. Several commenters requested that a cost-benefit study be undertaken to assess the value of such recordkeeping costs before they are imposed.

The NHTSA did not intend by this proposed regulation to impose increased recordkeeping burdens on equipment manufacturers. It has been this agency's intention that manufacturers meet the requirements for providing information in whatever ways their present recordkeeping practices permit. It is true that without records capable of precisely identifying involved equipment, a manufacturer may have to recall a greater number of equipment items in a given recall than he would have were his records able to specifically identify the equipment involved. However, given the rather rare instance of defects found to exist in equipment items, these expenses would seemingly be easier to bear than the costs associated with wholesale changes in manufacturer methods of recordkeeping. At the same time, it is hoped that manufacturers will develop more accurate methods of recordkeeping for identifying equipment items and implement them gradually as part of normal business development.

Several comments also requested a more precise definition of defect in order to provide guidance for manufacturers as to when it may be necessary to file defect reports. The NHTSA does not believe a more precise definition of defect would have the benefits urged by these comments. The definition is sufficiently precise to encompass problems which arise in the manufacture and use of motor vehicles and motor vehicle equipment. Manufacturers who are in doubt in a given instance may raise with the agency the question whether a discovered problem will give rise to defect reporting responsibility under the provisions of the Act.

Several comments suggested limitations on the equipment to which the regulation would apply as a means of reducing the cost of compliance. Suggestions would have limited the applicability of the regulation to equipment having a value over a specific dollar amount, or only to equipment to which a motor vehicle safety standard applies. Neither of these suggestions are adopted. It is clear that the potential harm associated with an equipment item is not related to its cost. Given the fact that relatively few items of motor vehicle equipment are subject to motor vehicle safety standards, the second suggestion would also not satisfy the NHTSA's need to be informed of many potential safety related defects.

In light of the above, it is proposed that Part 573 of Title 49, Code of Federal Regulations, Defect Reports, be revised to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 21, 1975.

Proposed effective date: 30 days from publication of final rule.

(Secs. 108, 112, 119, Pub. L. 89-563, 80 Stat. 718; Secs. 102, 103, 104, Pub. L. 93-492; 88 Stat. 1470; 15 U.S.C. 1397, 1401, 1403, 1411-1420; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on September 16, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

PART 573—DEFECT AND NONCOMPLIANCE REPORTS

Sec.
573.1 Scope.
573.2 Purpose.
573.3 Application.
573.4 Definitions.
573.5 Defect and noncompliance information report.
573.6 Quarterly report.
573.7 Owner lists.
573.8 Notices, bulletins, and other communications.
573.9 Address for submitting required reports and other information.

AUTHORITY: Sec. 108, 112, 119, Pub. L. 89-563, 80 Stat. 718; secs. 102, 103, 104, Pub. L. 93-492; 88 Stat. 1470; 15 U.S.C. 1397, 1401, 1408, 1411-1420; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

§ 573.1 Scope.

This part specifies requirements for manufacturers to maintain lists of purchasers and owners of defective and noncomplying motor vehicles and motor vehicle original and replacement equipment, and for reporting to the National Highway Traffic Safety Administration defects in motor vehicles and motor vehicle equipment, for reporting nonconformities to motor vehicle safety standards, for providing quarterly reports on defect and noncompliance notification campaigns, and for providing copies to NHTSA of communications with distributors, dealers, and purchasers regarding defects and noncompliances.

§ 573.2 Purpose.

The purpose of this part is to inform NHTSA of defective and noncomplying motor vehicles and items of motor vehicle equipment, and to obtain information for NHTSA on the adequacy of manufacturers' defect and noncompliance notification campaigns, on corrective action, on owner response, and to compare the defect incidence rate among different groups of vehicles.

§ 573.3 Application.

(a) This part applies to manufacturers of complete motor vehicles, incomplete motor vehicles, and motor vehicle original and replacement equipment, with respect to all vehicles and equipment that have been transported beyond the direct control of the manufacturer.

(b) In the case of a defect or noncompliance determined to exist in a motor vehicle or equipment item imported into the United States, compliance with §§ 573.5 and 573.6 by either the fabricating manufacturer or the importer of the vehicle or equipment item shall be considered compliance by both.

(c) In the case of a defect or noncompliance determined to exist in a vehicle manufactured in two or more stages, compliance with §§ 573.5 and 573.6 by either the manufacturer of the incomplete vehicle or any subsequent manufacturer of the vehicle shall be considered compliance by all manufacturers.

(d) In the case of a defect or noncompliance determined to exist in an item of replacement equipment, compliance with §§ 573.5 and 573.6 by the brand name or trademark owner shall be considered compliance by the manufacturer.

(e) In the case of a defect or noncompliance determined to exist in an item of original equipment used in the vehicles of only one vehicle manufacturer, compliance with §§ 573.5 and 573.6 by either the vehicle or equipment manufacturer shall be considered compliance by both.

(f) In the case of a defect or noncompliance determined to exist in original equipment installed in the vehicles of more than one vehicle manufac-

V 401183 SEP 1975 XUM

turer, compliance with §§ 573.5 and 573.6 is required of the equipment manufacturer as to the equipment item, and of each vehicle manufacturer as to the vehicles in which the equipment has been installed.

§ 573.4 Definitions.

For purposes of this part:

"Act" means the National Traffic and Motor Vehicle Safety Act of 1966, as amended, (15 U.S.C. 1391 et seq.).

"Administrator" means the Administrator of the National Highway Traffic Safety Administration.

"First purchaser" means the first purchaser for a purpose other than resale.

"Original equipment" means an item of motor vehicle equipment (including a tire) which was installed in or on a motor vehicle at the time of its delivery to the first purchaser for purposes other than resale.

"Replacement equipment" means any motor vehicle equipment (including a tire) other than original equipment.

§ 573.5 Defect and noncompliance information report.

(a) Each manufacturer shall furnish a report to the NHTSA for each defect in his vehicles or in his items of original or replacement equipment that he or the Administrator determines to be related to motor vehicle safety, and for each noncompliance with a motor vehicle safety standard in such vehicles or items of equipment which either he or the Administrator determines to exist.

(b) Each report shall be submitted not more than 5 working days after a defect in a vehicle or item of equipment has been determined to be safety related, or a noncompliance with a motor vehicle safety standard has been determined to exist. Information required by paragraph (c) of this section that is not available within that period shall be submitted as it becomes available. Each manufacturer submitting new information relative to a previously submitted report shall refer to the notification campaign number when a number has been assigned by the NHTSA.

(c) Each manufacturer shall include in each report the information specified below.

(1) The manufacturer's name: The full corporate or individual name of the fabricating manufacturer and any brand name or trademark owner of the vehicle or item of equipment shall be spelled out, except that such abbreviations as "Co." or "Inc.", and their foreign equivalents, and the first and middle initials of individuals, may be used. In the case of a defect or noncompliance determined to exist in an imported vehicle or item of equipment, the agent designated by the fabricating manufacturer pursuant to section 110(e) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1399(e)) shall be also stated. If the fabricating manufacturer is a corporation that is controlled by another corporation that assumes responsibility for compliance with all requirements of this part the name of the controlling corporation may be used.

(2) Identification of the vehicles or items of motor vehicle equipment potentially containing the defect or noncompliance.

(i) In the case of passenger cars, the identification shall be by the make, line, model year, the inclusive dates (month and year) of manufacture, and any other information necessary to describe the vehicles.

(ii) In the case of vehicles other than passenger cars, the identification shall be by body style or type, inclusive dates (month and year) of manufacture and any other information necessary to describe the vehicles, such as GVWR or class for trucks, displacement (cc) for motorcycles, and number of passengers for buses.

(iii) In the case of items of motor vehicle equipment, the identification shall be by generic name of the component (tires, child seating systems, axles, etc.), part number, size and function if applicable, the inclusive dates (month and year) of manufacture, and any other information necessary to describe the items.

(3) The total number of vehicles or items of equipment potentially containing the defect or noncompliance, and the number of vehicles or items of equipment in each group identified pursuant to paragraph (c)(2) of this section.

(4) The percentage of vehicles or items of equipment specified pursuant to paragraph (c)(2) of this section estimated to actually contain the defect or noncompliance.

(5) A description of the defect or noncompliance, including both a brief summary and a detailed description, with graphic aids as necessary, of the nature and physical location (if applicable) of the defect or noncompliance.

(6) In the case of a defect, a chronology of all principal events that were the basis for the determination that the defect related to motor vehicle safety, including all warranty claims, field service bulletins, and other information, with their dates of receipt.

(7) In the case of a noncompliance, the test results or other data on the basis of which the manufacturer determined the existence of the noncompliance.

(8) A description of the manufacturer's program for remedying the defect or noncompliance.

(9) A representative copy of all notices, bulletins, and other communications that relate directly to the defect or noncompliance and are sent to more than one manufacturer, distributor, dealer, or purchaser. These copies shall be submitted to the NHTSA not later than 5 days after they are initially sent to manufacturers, distributors, dealers, or purchasers. In the case of any notification sent by the manufacturer pursuant to Part 577 of this chapter, the copy of the notification shall be submitted by certified mail.

§ 573.6 Quarterly reports.

(a) Each manufacturer who is conducting a defect or noncompliance notification campaign to manufacturers, distributors, dealers, or purchasers, shall submit to NHTSA a report in accordance with paragraphs (b) and (c) of this section, not more than 25 working days after the close of each calendar quarter. Unless otherwise directed by the NHTSA, the information specified in paragraphs (b)(1) through (b)(6) of this section shall be included in the quarterly report, with respect to each notification campaign, for each of six consecutive quarters beginning with the quarter in which the campaign was initiated (i.e., the date of initial mailing of the defect or noncompliance notification to owners) or corrective action has been completed on all defective or noncomplying vehicles or items of replacement equipment involved in the campaign, whichever occurs first. The information specified in paragraph (b)(7) shall be included only in the third quarterly report furnished pursuant to this section.

(b) Each report shall include the following information identified by and in the order of the subparagraph headings of this paragraph.

(1) The notification campaign number assigned by NHTSA.

(2) The date notification began and the date completed.

(3) The number of vehicles or items of equipment involved in the notification campaign.

(4) The number of vehicles or items of equipment estimated to contain the defect.

(5) The number of vehicles and equipment items receiving corrective action, which shall be the sum of

(i) The number repaired; and

(ii) The number inspected and determined not to need repair.

(6) The number of vehicles or items of equipment determined to be unreachable for inspection due to export, theft, scrapping, failure to receive notification, or other reasons (specify). The number of vehicles or items of equipment in each category shall be specified.

(7) In the case of motor vehicles, the vehicle identification number for each vehicle for which corrective measures have not been completed.

(c) If the manufacturer determines that the original information submitted under paragraphs (b)(3), (b)(4), or (b)(6) of this section is incorrect, revised figures and an explanatory note shall be submitted. If the nature of the defect or noncompliance prevents determination of the information required by paragraph (b)(5) of this section, the manufacturer shall include a brief explanation. Information supplied in response to paragraphs (b)(5) and (b)(6) of this section shall be cumulative totals.

§ 573.7 Purchaser and owner lists.

(a) Each manufacturer of motor vehicles shall maintain, in a form suitable for inspection such as computer information storage devices or card files, a list of the names and addresses of the registered owners, as determined through State motor vehicle registration records or other sources, or the most recent purchasers where the registered owners are unknown, for all vehicle's involved in a defect or noncompliance notification campaign initiated after the effective date of this part. The list shall include the vehicle identification number for each vehicle and the status of remedy with respect to each vehicle, updated as of the end of each quarterly reporting period specified in § 573.6. Each list shall be retained, beginning with the date on which the defect or noncompliance information report required by § 573.5 is initially submitted to the NHTSA, for 5 years.

(b) Each manufacturer or brand name owner of tires shall maintain, in a form suitable for inspection such as computer information storage devices or card files, a list of the names and addresses of the first purchasers of his tires for all tires involved in a defect or noncompliance notification campaign initiated after the effective date of this part. The list shall include the tire identification number of each tire, and shall show the status of remedy with respect to each tire involved in each notification campaign, updated as of the end of each quarterly reporting period specified in § 573.6. Each list shall be retained, beginning with the date on which the defect information report is initially submitted to the NHTSA, for 3 years.

(c) Each manufacturer of motor vehicle equipment other than tires shall maintain, in a form suitable for inspection, such as computer information storage devices or card files, a list of the names and addresses of each distributor and dealer of such manufacturer, each motor vehicle or motor vehicle equipment manufacturer and most recent purchaser known to the manufacturer to whom a potentially defective or noncomplying item of equipment has been sold, the number of such items sold to each, and the date of shipment, for each item of equipment involved in a defect or noncompliance notification campaign initiated after the effective date of this part. The list shall show as far as is practicable the number of items remedied or returned to the manufacturer and the dates of such remedy or return. Each list shall be retained, beginning with the date on which the defect report required by § 573.5 is initially submitted to the NHTSA, for 5 years.

§ 573.8 Notices, bulletins, and other communications.

Each manufacturer shall furnish to the NHTSA a copy of all notices, bulletins, and other communications (including warranty and policy extension communiques and product improvement bulletins), other than those required to be submitted pursuant to § 573.5(c)(9), sent to more than one manufacturer, distributor, dealer, or purchaser, regarding any defect in his vehicles or items of equipment [(including any failure or malfunction beyond normal deterioration in use, or any failure of performance, or any flaw or unintended deviation from design specifications)], or any noncompliance with a motor vehicle safety standard, whether or not such defect or noncompliance is safety-related. Copies shall be submitted monthly, not more than 5 working days after the end of each month.

§ 573.9 Address for submitting required reports and other information.

All required reports and other information, except as otherwise required by this part, shall be submitted to the Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590.

[FR Doc.75-25014 Filed 9-18-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1014]

PRIVACY ACT

Proposed Policies and Procedures Implementing the Privacy Act of 1974; Correction

In FR Doc. 75-23274, appearing at page 42025 in the issue for Wednesday, September 10, 1975, the following corrections are necessary.

In § 1014.9(b), in the third line of the right-hand column on page 42027, delete the phrase "Unless disclosure is made under the Freedom of Information Act, 5 U.S.C. 552". The sentence should begin "The Secretary shall log the disclosure . . ."

At page 42028, the paragraph which begins "Interested persons are invited to submit written comments regarding this proposal on or before September 10, 1975," should read ". . . on or before October 10, 1975."

Dated: September 16, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-25006 Filed 9-16-75;3:12 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

[FRL 433-5]

MINIMUM STANDARDS FOR PROCUREMENT UNDER EPA CONSTRUCTION GRANTS

Review Meeting

Notice is hereby given that the Environmental Protection Agency will hold a meeting with representatives of interested organizations including professional associations and State and local governments for the purpose of reviewing a draft of amendments to Part 35 (regulations governing subagreements under grants for construction of treatment works). These amendments had been published as part of a rulemaking proposal on May 9, 1975, (40 FR 20296). The meeting will take place on September 26, 1975, at 9:00 a.m. in Room 3305-3307 of the EPA offices, Waterside Mall, 401 M Street, SW., Washington, D.C. Other affected parties interested in attending this meeting are requested to contact Mrs. Davis of the EPA Grants Administration Division at (202) 755-0860, by 4:00 p.m. Tuesday, September 23, 1975.

Dated: September 17, 1975.

ALVIN L. ALM,
Assistant Administrator for Planning and Management.

[FR Doc.75-25137 Filed 9-18-75;8:45 am]

[40 CFR Part 52]

[FRL 433-1]

UTAH

Approval and Promulgation of Implementation Plans; Revision

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved, with specific exceptions, a plan for implementation of the national ambient air quality standards (NAAQS) submitted by Utah. Regulations to correct deficiencies in the Utah plan were promulgated on May 14, 1973 (38 FR 12696), November 27, 1973 (38 FR 32656), September 5, 1974 (38 FR 32113). A regulation for the control of sulfur dioxide was proposed on October 18, 1974 (39 FR 37212).

On July 10, 1975, the Governor of Utah submitted revised Utah Air Conservation Regulations as a revision to the State Implementation Plan (SIP). The new regulations were adopted by the Utah Air Conservation Committee on June 26, 1975, following public hearing on January 9, 1975, and became effective on July 9, 1975. The following is a summary of the significant changes to the state's regulations and the Administrator's proposed actions:

1. Section 1.3 Air Quality Degradation has been formalized into a regulation. If the state desires to request delegation of EPA's review authority for prevention of significant deterioration, however, the regulation will need to be revised in accordance with the guidelines published on December 5, 1974 (39 FR 42510).

2. Section 1.4 Periodic Reports of Emissions (Availability of Information)—the state has adopted a public availability regulation in accordance with amended legal authority previously submitted to EPA. The Administrator proposes to approve this regulation.

3. Section 1.5 Variances authorized—the state has formalized its variance procedures into a regulation. Although the regulation is generally approvable, the broad language of section 1.5.c could permit, for economic reasons, operation of a source which is contributing to a violation of primary NAAQS. Consequently, the Administrator proposes to disapprove this section as a revision to the SIP.

4. Section 1.6 Notice of intent to construct required—although generally approvable, this regulation contains language which may be subject to legal challenge. Section 1.6.2 adopts the Federal New Source Performance Standards into the new source review criteria and should

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allow EPA to delegate its authority in this area to the state.

5. Section 2.5 Emission of sulfur compounds—this regulation, which applies to the Kennecott copper smelter, constitutes the state's revised control strategy for sulfur dioxide in the Wasatch Front Air Quality Control Region. The Administrator proposes to disapprove this regulation because it: (1) Does not contain an emission rate sufficient to attain the NAAQS for SO_2; (2) is unenforceable since no method of determining compliance is specified; (3) contains a malfunction provision which would effectively prevent enforcement of the monthly sulfur emission limitation; and (4) allows the utilization of a supplementary control system without requiring the application of reasonably available control technology.

Although the state submittal contained all of the Utah Air Conservation Regulations, the Administrator's proposed action pertains only to the changes and additions listed above. Other regulations have either been approved or disapproved by the Administrator previously, or do not require EPA action. However, the public is invited to inspect and comment on all of the submitted revisions, including the state's rescinding of the 80 percent SO_2 control requirement for new sources (§ 3.6), pollution control equipment requirements (§ 1.7), and planned maintenance provisions (§ 2.2.6b).

The Utah SIP revisions and EPA's evaluation report are available for public inspection at the offices of the Environmental Protection Agency listed below:

Environmental Protection Agency, Region VIII, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.
Environmental Protection Agency, Room 329, 401 M Street SW., Washington, D.C. 20460.
Environmental Protection Agency, Room 4223, Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

Interested persons are encouraged to participate in this rulemaking by submitting written comments, preferably in triplicate, on the Utah submittal and EPA's actions. Such comments will be accepted for consideration on or before October 20, 1975. Comments should be addressed to the Office of Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All comments will be available for public inspection during normal business hours at the offices of the Environmental Protection Agency noted above.

(Sec. 110, Clean Air Act (42 U.S.C. 1857c-5))

Dated: September 8, 1975.

JOHN A. GREEN,
Regional Administrator,
Region VIII.

[FR Doc.75-24938 Filed 9-18-75;8:45 am]

POSTAL SERVICE

[39 CFR 42, 43, 44, 45, 47]

INTERNATIONAL SPECIAL MAIL SERVICE

Proposed Increase in Fees

Under the authority of 39 U.S.C. 407 (a) the Postal Service proposes to amend several sections in Subchapter B of Title 39, CFR, to increase the fees for the following special services on international mail: registration, insurance, restricted delivery, special delivery, special handling, and certificates of mailing.

Interested persons who wish to do so may submit written data, views or arguments concerning the proposed revised regulations to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. All comments received on or before October 18, 1975, will be considered by the Postal Service prior to taking action on the proposed amendments. Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking, 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments of Title 39, CFR:

PART 42—REGISTRATION

1. Section 42.3 is revised to read as follows:

§ 42.3 Fees.

(a) Canada:

Limit of indemnity:	*Fee*
$0.01 to $100.00	$1.90
$100.01 to $200.00	2.10

(b) All other countries:

Limit of indemnity	*Fee*
$15.76	1.90

See § 72.2 for indemnity provisions.

§ 42.6 [Amended]

2. In paragraph (a) (3) of § 42.6 strike out "50 cents" and insert "60 cents" in lieu thereof.

PART 43—INSURANCE

3. New § 43.3 is added to read as follows:

§ 43.3 Fees.

(a) Canada:

Limit of Indemnity:	*Fee*
Not over $15.00	$0.35
$15.01 to $50.00	.55
$50.01 to $100.00	.75
$100.01 to $150.00	.95
$150.01 to $200.00	1.15

(b) All other countries:

Limit of indemnity:	*Fee*
Not over $15.00	$0.60
$50.01 to $100.00	1.00
$100.01 to $150.00	1.20
$150.01 to $200.00	1.40
$200.01 to $300.00	1.60
$300.01 to $400.00	1.80
$400.01 to $500.00	2.00
$500.01 to $600.00	2.20
$600.01 to $700.00	2.40
$700.01 to $800.00	2.60
$800.01 to $900.00	2.80
$900.01 to $1,000.00	3.00
$1,000.01 to $1,100.00	3.20
$1,100.01 to $1,200.00	3.40

PART 44—SPECIAL DELIVERY (EXPRES)

4. Section 44.3(a) is revised to read as follows:

§ 44.3 Payment.

(a) Fees:

Class of mail	Weight: Not more than 2 lbs	Weight: More than 2 lbs but not more than 10 lbs	Weight: More than 10 lbs
Letters, letter packages, post cards, and airmail other articles	$1.20	$1.45	$1.70
Surface other articles	1.70	1.80	2.10

PART 45—SPECIAL HANDLING

5. Section 45.2 is revised to read as follows:

§ 45.2 Fees.

Weight:	*Fee*
Not more than 2 lbs	$0.50
More than 2 lbs. but not more than 10 lbs	.70
More than 10 lbs	1.00

Special handling fees are in addition to the regular postage rate to the country concerned.

PART 47—CERTIFICATES OF MAILING

6. Section 47.2 is revised to read as follows:

§ 47.2 Fees.

(a) Individually listed pieces:

Original certificate for ordinary postal union or parcel post—10 cents for each piece described.

Each additional copy of original certificate of mailing or copy of original mailing receipt for registered or insured mail—10 cents for each piece described.

(b) Identical pieces:

Identical pieces of postal union mail paid with ordinary stamps, precanceled stamps, or meter stamps:

	Fee
Up to 1,000 pieces (1 certificate for total number)	$0.50
For each additional 1,000 pieces or fraction	.10
Duplicate copy	.10

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-24937 Filed 9-18-75;8:45 am]

[39 CFR Part 111]

DOMESTIC SPECIAL MAIL SERVICES, FOR DOMESTIC AND INTERNATIONAL MONEY ORDERS, AND FOR OTHER NONPOSTAL SERVICES

Proposed Increase in Fees

Under the provisions of 39 CFR 111.3 the Postal Service proposes to amend various sections of chapter I of the Postal Service Manual, so as to increase the fees for domestic special mail services, domestic and international money orders, and for other special or non-postal services.

If adopted, the fee increases stated herein will, for special services, raise revenues to a level in excess of attributable costs. However, such revenues will produce a relatively small contribution to institutional costs. For that reason, the proposed fee increases are considered to be a first step toward more compensatory fees. It is anticipated that further increases will be proposed during 1976 when the Postal Service has had the opportunity to assess the effects—on its customers and on postal finances—of the currently proposed increases.

Accordingly, the following sections of the Postal Service Manual would be amended:

1. Section 122.514 would be amended to increase the charge for correcting mailing lists from 5¢ to 10¢ per name or street address corrected. The minimum charge for each list corrected would remain at $1.

2. Section 134.421 would be amended to reflect the increased fee for a permit to use permit imprints.

3. Section 145.11 would be amended to increase the fee for a permit to use permit imprints from $15 to $20.

4. Sections 159.211, 159.212b and 159.212d would be amended to increase the fee for notifying mailers, when requested, of address corrections from 10¢ to 25¢.

5. Sections 159.221b, 159.222, 159.223, 159.23, 159.243a–d, 159.251, 159.255 and 159.73b would, among other things, be amended to increase the fee for giving notice to the sender of undeliverable mail, for giving new address information to the sender, for returning certain undeliverable mail, and for delivery of certain mail opened in the dead mail office, from 10¢ to 25¢.

6. Section 161.21 would be amended to increase the fees for indemnity and handling charges on registered mail, as well as the fees for the additional services of COD collection, restricted delivery, and return receipts.

7. Section 162.21 would be amended to increase the fees for insured mail. The fees for restricting delivery of insured mail, and for return receipts for such mail would also be increased.

8. Section 163.21 would be amended to increase the fees for COD mail; the fee for restricting delivery of COD mail; the fee for notice of non-delivery of COD mail; and the fee for alteration of COD charges or designation of new addressee for such mail.

9. (a) Section 165.12 would be amended to increase from 5 cents to 10 cents the fee for a certificate of mailing for each piece of ordinary mail and from 2 cents to 10 cents the fee for each additional certificate of mailing for each piece of mail described. The section would also be amended to increase the fees charged for certificates of mailing for identical pieces of first-class and third-class mail.

(b) Section 165.22 would be amended to increase the fees for return receipts, and a conforming amendment would be made to section 165.242c.

(c) Section 165.32 would be amended to increase the fee for restricted delivery service from .50 to .60.

10. Section 166.21 would be amended to increase the fees for special delivery service.

11. Section 167.2 would be amended to increase the fees for special handling service.

12. Section 168.3 would be amended to increase the fee for certified mail service, as well as the fees for restricted delivery and return receipts for such mail.

13. Sections 171.122b and 171.211 would be amended to increase the fees for domestic and international money orders.

Interested persons who wish to do so may submit written data, views or arguments concerning the proposed revised regulations to the Director, Office of Mail Classification, Rates & Classification Department, U.S. Postal Service, Washington, D.C. 20260. All comments received on or before October 18, 1975, will be considered by the Postal Service prior to taking action on the proposed amendments.

.21 Fees.

Value	Fees (in addition to postage): For articles not covered by commercial or other insurance	Fees (in addition to postage): For articles also covered by commercial or other insurance
$0.00 to $100	$1.90	$1.90
$100.01 to $200	2.10	2.10
$200.01 to $400	2.40	2.40
$400.01 to $600	2.70	2.70
$600.01 to $800	3.00	3.00
$800.01 to $1,000	3.30	3.30
$1,000.01 to $2,000	3.60	$3.30 plus handling charge of 25 cents per $1,000 or fraction over first $1,000.
$2,000.01 to $3,000	3.90	
$3,000.01 to $4,000	4.20	
$4,000.01 to $5,000	4.50	
$5,000.01 to $6,000	4.80	
$6,000.01 to $7,000	5.10	
$7,000.01 to $8,000	5.40	
$8,000.01 to $9,000	5.70	
$9,000.01 to $10,000	6.00	
$10,000 to $1,000,000	$6.00 plus handling charge of 25¢ per $1,000 or fraction over first $10,000.	
$1,000,000.01 to $15,000,000	$253.50 plus handling charge of 20¢ per $1,000 or fraction over first $1,000,000.	$253.05 plus handling charge of 20¢ per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space, and value.	

ADDITIONAL SERVICES

	Extra fee (cents)
COD collection charge (maximum amount collectible is $300)	85
Restricted delivery	60
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	25
Showing to whom, when, and address where delivered	45
Requested after mailing:	
Showing to whom and when delivered	45

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. Sec. 553 (b), (c)) regarding proposed rule making, 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Postal Service Manual:

PART 122—ADDRESSES

1. In § 122.514a the second sentence is revised to read as follows: "For lists of more than 10 names or addresses, the charge is 10 cents per name or street address, including individual apartments."

PART 134—THIRD CLASS

2. In 134.421 strike out "$15" and insert "$20" in lieu thereof.

PART 145—PERMIT IMPRINTS

3. In 145.11 strike out "$15" and insert "$20" in lieu thereof.

PART 159—UNDELIVERABLE MAIL

4. (a) In 159.211, 159.212b, 159.212d, 159.221b, 159.222 and 159.223 strike out "10¢" and insert "25¢" in lieu thereof.

(b) In 159.23 strike out "ten-cent" and insert "twenty-five cent" in lieu thereof.

(c) In 159.243 a–d, 159.255, and 159.-73b strike out "10 cents" and insert "25 cents" in lieu thereof.

(d) In 159.243 a–c and 159.251 strike out "2 ounces" and insert "4 ounces" in lieu thereof.

PART 161—REGISTERED MAIL

5. Section 161.21 is revised to read as follows:

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6. Section 162.21 is revised to read as follows:

PART 162—INSURED MAIL

.21 Fees (in addition to postage).

Liability:	Fee
$0.01 to $15.00	$0.35
$15.01 to $50.00	.55
$50.01 to $100.00	.75
$100.01 to $150.00	.95
$150.01 to $200.00	1.15

Liability for insured mail is limited to $200.

PART 163—COD MAIL

7. Section 163.21 is revised to read as follows:

.21 In addition to postage.

Amount to be collected or insurance coverage desired:	COD fees
$0.01 to $10.00	$0.85
$10.01 to $25.00	1.05
$25.01 to $50.00	1.25
$50.01 to $100.00	1.45
$100.01 to $200.00	1.65
$200.01 to $300.00	1.85
Restricted delivery	.60
Notice of nondelivery	.25
Alteration of COD charges or designation of new addressee	.50

PART 165—CERTIFICATES OF MAILING, RETURN RECEIPTS, AND RESTRICTED DELIVERY

8. Section 165.12 is revised to read as follows:

.12 Fees.

.121 *Individual Pieces*

Original certificate of mailing for individually listed pieces of all classes of ordinary mail—10¢ for each piece of mail described.

Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified, and COD mail—10¢ for each piece of mail described.

.122 *Bulk Pieces*

Identical pieces of first- and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:

Up to 1,000 pieces (1 certificate for total number)	$0.50
For each additional 1,000 pieces, or fraction	.10
Duplicate copy	.10

9. Section 165.22 is revised to read as follows:

.22 Fees (in addition to postage and other fees).

Requested at time of mailing:	
Showing to whom (signature) and date delivered	$0.25
Showing to whom (signature) and date and address where delivered	.45
Requested after mailing: Showing to whom and date delivered	.45

10. In 165.242c strike out "25¢" and insert "45¢" in lieu thereof.

11. In 165.32 strike out "$0.50" and insert "$0.60" in lieu thereof.

PART 166—SPECIAL DELIVERY

12. Section 166.21 is revised to read as follows:

.21 Special delivery fees.

Class of mail	Weight: Not more than 2 lbs	Weight: More than 2 lbs but not more than 10 lbs	Weight: More than 10 lbs
First-class, airmail, and priority mail	$1.20	$1.45	$1.70
All other classes	1.70	1.80	2.10

PART 167—SPECIAL HANDLING

13. Section 167.2 is revised to read as follows:

§ 167.2 Fees.

Weight:	Fee
Not more than 2 lbs.	$0.50
More than 2 lbs. but not more than 10 lbs.	.70
More than 10 lbs.	1.00

The special handling fee is in addition to regular third- or fourth-class postage and may be prepaid by ordinary postage stamps or by meter stamps.

PART 168—CERTIFIED MAIL

14. Section 168.3 is revised to read as follows:

168.3 Fees.

	Cents
.31 Fee in addition to postage	.50
.32 Restricted Delivery	.60
.33 Return Receipts:	
Requested at time of mailing:	
Showing to whom and date delivered	.25
Showing to whom, date, and address where delivered	.45
Requested after mailing: Showing to whom and date delivered	.45

PART 171—MONEY ORDERS

15. Section 171.122b is revised to read as follows:

.122 Money order fees.

a. • • •

b. Fees for domestic money orders issued at other post offices including those with branches or stations on military installations are as follows:

Amount of money order:	Amount of fee, Domestic
$0.01 to $10.00	$0.45
$10.01 to $50.00	.60
$50.01 to $300.00	.80

16. In 171.211, under the heading labeled "Fee", (a) Strike out "$0.45" and insert "$0.65" in lieu thereof; (b) Strike out ".65" and insert ".90" in lieu thereof; and (c) Strike out ".75" and insert "1.15" in lieu thereof. An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published on adoption of the proposals.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-24936 Filed 9-18-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

OFFICE OF THE FEDERAL REGISTER

NATIONAL FIRE CODES

Proposed Revision of Standards

• Purpose: To inform the general public and to invite comments from interested persons, the Office of the Federal Register issues this notice of proposed changes to the fire safety standards developed by the National Fire Protection Association. •

Standards developed by the technical committees of the National Fire Protection Association (NFPA) have been used by various Federal agencies as the basis for Federal regulations. Often, this has been accomplished through incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. The NFPA standards are known collectively as the National Fire Codes.

Revisions of existing standards and adoption of new standards are reported by the technical committees at the NFPA's Fall Conference in November or at the Annual Meeting in May of each year. The NFPA invites public comment on its technical committee reports.

Action at the NFPA Annual Meeting in May 1976 is being proposed on the following NFPA standards:

1976 Annual Meeting Technical Committee Reports

NFPA No.	Title	Type of action
11	Foam extinguishing systems	O–P
11A	High expansion foam systems	O–C
14	Standpipe and hose systems	O–C
20	Centrifugal fire pumps	O–P
22	Water tanks for private fire protection.	O–P
26	Supervision of water supply valves	O–C
35	Manufacture of organic coatings	O–C
40B	Outdoor storage of logs	O–P
51B	Cutting and welding processes	O–P
56A	Inhalation anesthetics	O–P
76B–T	Safe use of electricity in patient care areas of health care facilities.	T–O
81	Fur storage, fumigation, and cleaning.	O–C
85	Prevention of furnace explosions in fuel-oil and natural gas-fired watertube boiler furnaces with 1 burner.	O–P
85B	Prevention of furnace explosions in natural gas-fired multiple burner boiler-furnaces.	O–P
85D	Prevention of furnace explosions in fuel oil-fired multiple burner boiler furnaces.	O–P
90A	Air conditioning and ventilating systems.	O–P
101	Life safety code	O–C
2M	Model drafts for enabling legislation.	W
200M	Guide on building areas and heights.	O–P
214	Water-cooling towers	O–C
256	Methods of fire tests of roof coverings.	O–C
258–T	Standard test method for measuring the smoke generated by solid materials.	T–O
259	Standard test method for potential heat of building materials.	N–O
312	Fire protection of vessels during construction, repair, and layup.	O–C
495	Separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.	O–P
496	Explosives, motor vehicle terminals	O–P
701	Standard methods of fire tests for flame resistant textiles and films.	O–P
901	Uniform coding for fire protection	O–C
1002	Fire apparatus driver/operator professional qualifications.	N–O
1041	Fire service instructors professional qualifications.	N–O
----------	Self-inspection forms for museums and library collections.	N–O

NOTES.—Types of action:
Proposed action on official documents:
O–P Partial amendments.
O–C Complete revision.
O–T Tentative revision.
Proposed action on new documents:
N–T Tentative adoption.
N–O Official adoption.
Proposed action on tentative documents:
T–P Partial amendments.
T–C Complete revision.
T–O Official adoption.
Other proposed action:
R Reconfirmation.
W Withdrawal.

Single copies of the Technical Committee Reports are available at no charge from the National Fire Protection Association, Publications Department, 470 Atlantic Avenue, Boston, Mass. 02210. The Reports will be mailed during the week of October 7, 1975.

Interested persons may participate in these revisions by submitting written data, views, or arguments to the NFPA at its previously stated address. Commenters may use the forms provided for comments in the Technical Committee Reports. Each person submitting a comment should include his name and address, identify the notice, and give reasons for any recommendations. Comments received on or before December 5, 1975, will be considered by the NFPA before final action is taken on the proposals.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as the Technical Committee Documentation by March 29, 1976, prior to the Annual Meeting. A copy of the Technical Committee Documentation will be sent automatically to each commenter. Action on the Technical Committee Reports (adoption or rejection) will be taken at the Annual Meeting, May 17–21, 1976, at the Regency House Hotel, Houston, Texas, by NFPA members who are members of record 60 (sixty) days prior to that meeting.

Copies of the Technical Committee Reports and Technical Committee Documentation, when published, will also be available for review at the Office of the Federal Register, 1100 L Street NW., Washington, D.C.

(5 U.S.C. 552(a), 1 CFR Part 51).

Dated: September 16, 1975.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.75-25133 Filed 9-18-75;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[ATF O 1100.47]

DELEGATION ORDER—DISCLOSURE OF TRADE NAME INFORMATION

Delegation of Authority

1. *Purpose.* This order delegates to Regional Directors the authority to disclose the true identity of companies authorized to use trade names.

2. *Discussion.* Treasury Department Order No. 221, effective July 1, 1972 and 26 CFR 301.9000–1 delegated the Director, Bureau of Alcohol, Tobacco and Firearms the authority to disclose ATF records or information upon request or demand, and to redelegate such authority.

3. *Delegation.* a. Pursuant to the authority delegated to the Director, Bureau of Alcohol, Tobacco and Firearms by Treasury Department Order No. 221, effective July 1, 1972 and 26 CFR 301.9000–1, all Regional Directors are delegated the authority to disclose, upon request, the true identity (name and address) of companies authorized to use trade names.

b. This authority may be redelegated, but not below the Chief, Technical Services level.

Dated: September 11, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-25027 Filed 9-18-75;8:45 am]

Customs Service

[T.D. 75-231; Customs Delegation Order No. 50]

DEPUTY COMMISSIONER OF CUSTOMS AND ASSISTANT COMMISSIONERS OF CUSTOMS

Order of the Commissioner of Customs, Delegating Certain Authority

SEPTEMBER 12, 1975.

By virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 FR 7241), as amended, I hereby delegate to each Assistant Commissioner of Customs the authority to prescribe instructions, and amendments thereto, which are published in the Customs Manual for the guidance of officers, agents, and employees of the

V 40 I 183 S SEP 1975 XUM

Customs Service, and which pertain solely to those Customs Service functions for which he has direct responsibility. For those Customs Manual instructions, and amendments thereto, which pertain to functional areas which are not solely the responsibility of one Assistant Commissioner of Customs, I hereby delegate the authority to prescribe such instructions, and amendments thereto, to the Deputy Commissioner of Customs. These delegations of authority will become effective on September 19, 1975.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-25000 Filed 9-18-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

MISSISSIPPI ARMY AMMUNITION PLANT, BAY ST. LOUIS, MISS.

Filing of Draft Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army, on September 19, 1975, filed with the Council on Environmental Quality, a draft environmental impact statement concerning the establishment of the Mississippi Army Ammunition Plant.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from the Project Manager, Munitions Production Base and Modernization, Attn.: Miss. Army Ammo Plant Branch, Dover, N.J. 07801 (phone: (201) 328-2912).

In the Washington area inspection copies may be seen, during normal duty hours, in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310 (phone (202) 694-1163).

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc.75-25014 Filed 9-18-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. H. S. CROCKER CO., INC., ET AL.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Northern District of California in *United States v. H. S. Crocker Co., Inc., et al.*, Civil No. C-74-0560 CBR. The Complaint in this case alleges that nine manufacturers of paper labels conspired among themselves and various other co-conspirators to fix, raise and stabilize the prices and terms and conditions of sale of paper labels in violation of Section 1 of the Sherman Act. The proposed judgment perpetually enjoins each of the defendants from fixing the prices and terms and conditions of sale of paper labels; allocating customers, markets or territories; providing to or requesting from any label manufacturer the prices or terms and conditions of sale of paper labels unless the information in question has been made generally available to users of paper labels; and from participating in any trade association which engages in such activities. The judgment specifically provides that it does not apply to any communications or negotiations made solely for the purpose of a bona fide purchase or sale of paper labels between a defendant and another label manufacturer. For a period of 10 years, each defendant is required to submit an annual report both to the Court and to the Department of Justice describing the steps it has taken to insure compliance with the provisions of the judgment.

Public comment is invited on or before November 18, 1975. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Gerald A. Connell, Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: September 12, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

Anthony E. Desmond, J. E. Waters, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Room 16432, San Francisco, California 94102, Telephone: (415) 556-6300.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

[Civil No. C-74-0560 CBR]

United States of America, Plaintiff, v. H. S. Crocker Co., Inc.; Stecher-Traung-Schmidt Corporation; Diamond International Corporation; International Paper Company; Fort Dearborn Lithograph Co., Inc.; Michigan Lithographing Co.; Piedmont Label Company; H. M. Smyth Co., Inc.; and Litton Business Systems, Inc., Defendants.

STIPULATION

[Filed: September 12, 1975]

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this and any other proceeding.

For the Plaintiff:

Thomas E. Kauper, Assistant Attorney General; Baddia J. Rashid, Charles F. B. McAleer, Gerald A. Connell, Jill Nickerson, J. E. Waters, Edward P. Henneberry, Attorneys, Department of Justice.

For the Defendants:

McCutchen, Doyle, Brown & Enersen, For Diamond International Corporation, David M. Balabanian.

Dated: September 5, 1975.

Ehrlich, Allison & Rovens, for Stecher-Traung-Schmidt Corporation, Philip S. Ehrlich, Jr.; Steinhart, Goldberg, Feigenbaum & Ladar, for H. S. Crocker Co., Inc., James T. Fousekis; Pillsbury, Madison & Sutro, for International Paper Company, John B. Bates; Wildman, Harrold, Allen & Dixon, for Fort Dearborn Lithograph Co., Inc., Douglas R. Carlson; Warner, Norcross & Judd, for Michigan Lithographing Co., R. Malcolm Cumming; Woods, Rogers, Muse, Walker & Thornton, for Piedmont Label Company, William B. Poff; Oppenheimer, Wolff, Foster, Shepard and Donnelly, for H. M. Smyth Co., Inc., Charles A. Price.

Anthony E. Desmond, J. E. Waters, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Room 16432, San Francisco, California 94102. (Telephone: 415-556-6300.)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

[Civil Action No. C-74-0560 CBR]

United States of America, Plaintiff, v. H. S. Crocker Co., Inc.; Stecher-Traung-Schmidt Corporation; Diamond International Corporation; International Paper Company; Fort Dearborn Lithograph Co.; Michigan Lithographing Co.; Piedmont Label Company; H. M. Smyth Co., Inc.; and Litton Business Systems, Inc., Defendants.

FINAL JUDGEMENT

Plaintiff, United States of America, having filed its complaint herein on March 12, 1974, and the Plaintiff and the Defendants, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any issue of fact or law herein:

Now, Therefore, without any testimony being taken herein, and without trial or adjudication of any issue of fact or law herein, and upon the consent of all parties hereto, it is hereby Ordered, adjudged and decreed:

I. This Court has jurisdiction of the subject matter herein and of the parties hereto. The Complaint states a claim upon which relief may be granted against the Defendants under Section 1 of the Act of Congress of July 2, 1890, 15 U.S.C. Section 1, entitled "an Act to protect trade and commerce against unlawful restraints and monopolies," as amended, commonly known as the Sherman Act.

II. As used in this Final Judgment:

(A) "Person" shall mean any individual, corporation, partnership, firm, association or other business or legal entity;

(B) "Paper label" shall mean any label made, in whole or in part, of paper;

(C) "Defendants" and "Defendant" as used herein shall not include any party named as a defendant herein which has not consented to the entry of this Final Judgment.

III. The provisions of this Final Judgment are applicable to all Defendants herein and shall also apply to each of said Defendants' officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them, who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV. Each Defendant is enjoined and restrained from:

(A) Entering into, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy with any other manufacturer or seller of paper labels to (1) allocate or divide customers, territories or markets for the sale of any paper label or (2) raise, fix, stabilize or maintain the price, discount, markup or any other term or condition for the sale of any paper label to any third person;

(B) Expressly or implicitly furnishing to or requesting from any other manufacturer or seller of any paper label any price, term or condition, or warehousing charge or engraving charge with respect to the sale of any paper label, unless the information in question has been made generally available to users of paper labels;

(C) Belonging to, or participating in, or contributing anything of value to any trade association or other group with knowledge that the activities thereof are contrary to or inconsistent with the provisions of this Final Judgment.

V. Nothing contained in this Final Judgment shall apply to any negotiation or communication between a Defendant and any other Defendant or any other manufacturer or seller of paper labels or any of their agents, brokers, distributors or representatives, whose sole purpose is a proposed or actual bona fide purchase or sale.

VI. Each Defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in the design, printing, sale and distribution of paper labels, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon the Plaintiff, its consent to be bound by this Final Judgment.

VII. Each Defendant shall take affirmative steps (including written directives setting forth corporate compliance policies, distribution of this Final Judgment, and meetings to review its terms and the obligations it imposes), to advise each of its officers, directors, managing agents and employees who has responsibility for or authority over the establishment of prices or bids by which said Defendant sells or proposes to sell any paper labels, and all paper label salesmen and saleswomen of its and their obligations under this Final Judgment and of the criminal penalties for violation of Section IV of this Final Judgment. In addition, each Defendant shall, for so long as it remains in the business of selling any paper labels, cause a copy of this Final Judgment to be distributed at least once each year to each of its officers responsible for the conduct of such business and all paper label salesmen and saleswomen.

VIII. For a period of 10 years from the date of entry of this Final Judgment, each Defendant shall file with this Court and with Plaintiff, on the anniversary date of this Final Judgment, a sworn statement by a responsible officer, designated by that Defendant to perform such duties, setting forth all steps it has taken during the preceding year to discharge its obligations under Paragraph VII above. Said report shall be accompanied by copies of all written directives issued by said Defendant during the prior year with respect to compliance with the terms of this Final Judgment. In addition, a responsible officer of Defendants, H. S. Crocker, Stecher-Traung-Schmidt, Diamond International and International Paper, shall appear annually during said period before this Court to give sworn testimony on the manner of compliance with Paragraph VII of this Final Judgment.

IX. (A) For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, Defendants shall permit duly authorized representatives of the Department of Justice, on written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice, subject to any legally recognized privilege:

(1) Access during the business hours of Defendants, who may have counsel present, to those books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Defendants which relate to any matters contained in this Final Judgment;

(2) Subject to the reasonable convenience of Defendants and without restraint or interference from them, to interview individuals who are officers or employees of Defendants, any of whom may have counsel present, regarding any matters contained in this Final Judgment.

(B) For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, upon written request of the Attorney General, or of the Assistant Attorney General in charge of the Antitrust Division, Defendants shall submit such reports in writing, with respect to the matters contained in this Final Judgment as may from time to time be requested.

(C) No information obtained by the means provided in this Section IX of this Final Judgment shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the Plaintiff except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

X. To the extent any Defendant was bound by the decree entered in *United States v. Schmidt Lithograph Company, et al.*, Civil No. 2424-BH in the United States District Court for the Central District of California that decree shall be superseded by the terms of this Final Judgment as to paper labels.

XI. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

XII. Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

Anthony E. Desmond, J. E. Waters, Antitrust Division, Department of Justice, 450 Golden Gate Avenue—Room 16432, San Francisco, California 94102. (Telephone: 415-556-6300.)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

[Civil Action No. C-74-0560 CBR]

United States of America, Plaintiff, v. H. S. Crocker Co., Inc.; Stecher-Traung-Schmidt Corporation; Diamond International Corporation; International Paper Company; Fort Dearborn Lithograph Co., Inc.; Michigan Lithographic Co.; Piedmont Label Company; H. M. Smyth Co., Inc.; and Litton Business Systems, Inc., Defendants.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)], the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

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I. NATURE AND PURPOSE OF THE PROCEEDING

On March 12, 1974, the United States filed a Complaint (amended on December 12, 1974, to substitute Litton Business Systems, Inc. as a defendant in place of its parent company) under Section 4 of the Sherman Act (15 U.S.C. § 4), alleging that since at least 1966 and continuing up to the date of the filing of the Complaint, the defendants, manufacturers of paper labels and various unnamed co-conspirators had engaged in a continuing combination and conspiracy unreasonably restraining competition in the sale of paper labels.

The Complaint requested the Court to rule that the defendants had been engaged in an unlawful conspiracy in violation of Section 1 of the Sherman Act (15 U.S.C. § 1) and to issue an injunction prohibiting its continuation. Simultaneously an indictment was returned charging the same offense against the defendants, and eight of their officers. All five of the individual defendants and all but one of the corporate defendants in the criminal case entered *nolo contendere* pleas and were subsequently sentenced by the Court. The remaining corporate defendant, Litton Business Systems, Inc., was later found guilty of engaging in the same unlawful conspiracy following a full trial by jury and has also been sentenced by the Court.

Entry by the Court of the proposed final judgment will terminate this litigation against all the defendants other than Litton Business Systems, Inc. which is appealing its conviction in the criminal case, and which has not agreed to the entry of the proposed judgment. The Court will retain jurisdiction over the matter for possible further proceedings which might be required to interpret, modify or enforce the judgment, or to punish violations of any of the provisions of the judgment.

II. DESCRIPTION OF PRACTICES INVOLVED IN THE ALLEGED VIOLATION

The paper labels manufactured and sold by the defendants are printed, usually by the lithographic process, in various sizes, shapes, quantities and colors according to detailed specifications of customers. Because labels are custom-designed and manufactured, they are priced individually on a customer-by-customer basis and, as a result, label manufacturers generally do not use or issue a published price list. Customers for labels include canners and processors of food and household products, distillers, breweries and beverage bottlers, and manufacturers of drugs and cosmetics. The label manufacturers named as defendants in the Complaint together account for over 50% of lithographed label sales.

The Complaint alleged a conspiracy that, in substance, consisted of an agreement among the defendant label manufacturers, all of whom were members of the same trade association, to exchange information with one another on their prices to specific accounts, prior to submitting prices or price quotes to those accounts, and not to undercut each other's price levels. In addition, it was alleged that some of the defendants participated in meetings at which they agreed on general price increases for the industry.

According to the Complaint, the alleged conspiracy had the effects of maintaining prices of labels at artificial, non-competitive levels and of restraining competition in the sale of labels.

III. EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

The United States and the defendants, with the exception of defendant Litton Business Systems, Inc., have agreed that a consent judgment, in the form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, provided that plaintiff has not withdrawn its consent. The stipulation provides that there has been no admission by either party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the judgment is conditioned upon a determination by the Court that it is in the public interest.

A. Prohibited conduct

Section IV(A) of the proposed judgment prohibits each of the defendants from entering into any agreements or understandings not to compete, to allocate or divide customers, territories or markets for the sale of paper labels, or to fix or maintain the price or any term or condition for the sale of any paper label to any person. Section IV(B) of the judgment restrains each of the defendants from expressly or implicitly furnishing to or requesting from any other paper label manufacturer any pricing information, unless the information has been made generally available to users of paper labels. Finally, each of the defendants is prohibited by Section IV(C) of the proposed judgment from participating in or belonging to any trade association or other group whose activities are known to be contrary to or inconsistent with the provisions of the proposed judgment.

Section V of the judgment provides that the defendants are not barred from negotiations or communications made for the sole purpose of a proposed or actual bona fide purchase of labels from or sale of labels to another label manufacturer. Such sales are commonplace in the industry and do not constitute price fixing.

B. Scope of the proposed judgment

1. *Persons bound by the decree.*—The proposed judgment expressly provides in Section III that its terms apply to each of the consenting defendants and each of its officers, directors, agents, employees, subsidiaries and assigns and to all other persons who receive actual notice of the terms of the judgment.

In addition, Section VI of the judgment prohibits each defendant from selling or transferring all or a substantial part of any of its assets which are used in the manufacture or sale of labels, unless the acquiring party files with the Court its prior consent to be bound by the provisions of the judgment.

2. *Geographic coverage of the decree.*—The prohibitions of the proposed judgment apply to all acts or transactions within the United States, its territories and possessions.

3. *Duration of the judgment.*—By its terms, the proposed judgment perpetually restrains the prohibited conduct. As explained below, there are other provisions in the judgment that will terminate in a period of years.

4. *Notice and compliance requirements.*—Section VII requires each of the defendants to take affirmative steps to advise its officers, directors, managing agents and salesmen and saleswomen of their obligations under the judgment. The affirmative steps which must be taken specifically include written directives setting forth corporate compliance policy; distribution of the final decree; and meetings to review the terms of the decree and the obligations imposed by the decree. Beyond the ten year period, each defendant, for so long as it engages in the manufacture and sale of labels, must provide a copy of the final judgment to the officer or officers responsible for the conduct of its paper label business as well as all label salesmen and saleswomen. Under Section VIII of the judgment, each defendant is further required for a period of ten years to submit annual reports to both the Court and the Department of Justice, outlining the steps it has taken to discharge its obligations under Section VII of the judgment. Finally, under Section IX of the judgment, the Department will have access, upon reasonable notice, to the records and personnel of each of the defendants in order to determine the defendants' compliance with the provisions of the judgment.

C. Other terms

Section X of the judgment provides that, to the extent that any defendant was bound by the provisions of the decree entered in *United States* v. *Schmidt Lithograph Company, et al.*, Civil No. 2424–BH, on September 14, 1942 in the United States District Court for the Central District of California that decree shall be superseded as to paper labels, by the terms of this Final Judgment. The proposed decree in this case provides more effective relief than the earlier decree since it contains adequate notice and affirmative compliance provisions whereas the prior decree had no such provisions. In addition, the existence of just one decree as to paper labels will allow for more effective and efficient enforcement of the terms of the judgment. The provisions of the prior decree will still remain in effect for products other than paper labels as to any defendant bound by its terms.

D. Effect of the proposed judgment on competition

The relief encompassed in the proposed judgment is aimed at preventing any recurrence of the restraints on competition alleged in the Complaint. The prohibitive terms in Section IV of the judgment are designed to ensure that each of the Defendants will act completely independently in determining the prices, terms and conditions at which it sells or offers to sell paper labels. Compliance with the proposed judgment will ensure competition among the defendants in the sale of paper labels.

IV. REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered as well as costs and reasonable attorneys' fees. Entry of the proposed consent judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), this consent judgment has no prima facie effect in any subsequent private lawsuits which may be brought against these defendants.

V. PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED JUDGEMENT

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed consent judgment should be modified may submit written comments to Gerald A. Connell, Chief, General Litigation Section, Department of Justice, Antitrust Division, Washington, D.C. 20530 within the 60-day period provided by the Act. These comments and the responses to them will be filed with the Court and published in the FEDERAL REGISTER. All comments will be given due consideration by the Department of Justice which remains free to withdraw its consent to the proposed consent judgment at any time prior to its entry if it should determine that some modification of it is necessary.

VI. ALTERNATIVES TO THE PROPOSED CONSENT JUDGMENT

This case does not involve any unusual or novel issues of fact or law which might make litigation a more desirable alternative than entry of this consent judgment. The only injunctive relief requested in the Complaint which is not included in the terms of the proposed final judgment is a provision requiring each defendant to maintain records of meetings or communications with other label manufacturers. The Department of Justice has now come to the conclusion that such a provision is not necessary nor would it provide effective relief. Meetings or communications between label manufacturers concerning the prices and other terms and conditions of sale of labels are prohibited by Section IV of the judgment (except for those made in connection with bona fide sales of labels between label manufacturers). Those engaging in such meetings or communications could not realistically be expected to record violations of the decree.

Instead, the judgment requires each defendant to adopt affirmative steps to insure compliance with the decree beyond simply providing notice of the decree. In the Department's view, this provision is more realistic and in effect provides relief substantially equivalent to what the Department originally sought. In all other respects, the judgment provides all the relief which was requested in the Complaint and it is the Department's view that disposition of the matter without further litigation is appropriate since the proposed decree provides the form and scope of relief equal to that which the Department might have obtained in a litigated judgment.

VII. OTHER MATERIALS

No materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)] were considered in formulating this proposed judgment.

Dated: September 5, 1975.

J. E. WATERS,
EDWARD P. HENNEBERRY,
Attorneys, Antitrust Division, Department of Justice.

[FR Doc.75–25026 Filed 9–18–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

PINOLEVILLE RANCHERIA IN CALIFORNIA AND INDIVIDUAL MEMBER THEREOF

Termination of Federal Supervision Over Property; Correction

SEPTEMBER 12, 1975.

On August 18, 1958, "A Plan for the Distribution of the Assets of the Pinoleville Rancheria, According to the Provisions of Pub. L. 85–671," was approved by H. Rex Lee, Acting Commissioner of Indian Affairs, and accepted by the distributees in a referendum held at the Pinoleville Rancheria on May 10, 1960. Notice of the termination of the Federal trust relationship over the Pinoleville Rancheria in Mendocino County, California, in accordance with that Plan was executed February 14, 1966, by Harry R. Anderson, Assistant Secretary of the Interior, and published in the FEDERAL REGISTER of February 18, 1966, on page 2911 (31 FR 2911). While the name of Charlie Wright, Jr., as a dependent member of the immediate family of Charlie Wright, a distributee, did not appear in the list of persons affected by the termination action that was included in the Termination Proclamation, it did appear in the original Plan and such appearance has hampered the said Charlie Wright, Jr., in the exercise of his civil rights.

Notice is hereby given that the name of Charlie Wright, Jr., is hereby stricken from "A Plan for the Distribution of the Assets of the Pinoleville Rancheria, According to the Provisions of Pub. L. 85–671, approved August 18, 1958," nor shall said name appear in any of the official Federal documents relating to the termination of Federal supervision over the affairs and assets of the Pinoleville Rancheria.

MORRIS THOMPSON,
Commissioner of Indian Affairs,

[FR Doc.75–24984 Filed 9–18–75;8:45 am]

Bureau of Land Management

FEDERAL COAL LEASING PROGRAMMATIC

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement relating to resumption of Federal coal leasing utilizing the Energy Minerals Activity Recommendation System (EMARS).

The environmental statement considers the broad impact of potential leasing and subsequent development upon some 85 million acres of identified coal reserves located primarily in the Northern Great Plains and northward along the Continental Divide from New Mexico and Arizona through Montana.

Copies of the statement are available for review at the following locations:

Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.
Arizona State Office, Federal Building, Room 3022, Phoenix, Arizona 85025.
California State Office, Federal Office Building, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.
Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.
Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Maryland 20910.
Idaho State Office, Room 398 Federal Building, 550 West Fort Street, P.O. Box 042, Boise, Idaho 83724.
Montana State Office, Federal Building and U.S. Courthouse, 316 N. 26th Street, Billings, Montana 59101.
Nevada State Office, Federal Building, Room 3008, 300 Booth Street, Reno, Nevada 89502.
New Mexico State Office, U.S. Post Office and Federal Building, South Federal Place, P.O. Box 1449, Santa Fe, New Mexico 87501.
Oregon State Office, 729 NE. Oregon Street, P.O. Box 2965, Portland, Oregon 97208.
Utah State Office, Federal Building, 125 South State, P.O. Box 11505, Salt Lake City, Utah 84111.
Wyoming State Office, Joseph O'Mahoney Federal Center, 2120 Capitol Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.
Washington Office, 1800 C Street, NW., Washington, D.C. 20240.
Alaska OCS Office, Box 1159, 121 W. Fireweed Lane, Anchorage, Alaska 99510.
Atlantic OCS Office, 6 World Trade Center, Room 600–D, New York, New York 10048.
Gulf OCS Office, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113.
Pacific OCS Office, 7663 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

A limited number of copies are available at the above address. Copies of the

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document are also available for public use at 545 nationwide depository libraries plus the Library of Congress.

Dated: September 15, 1975.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: September 16, 1975.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.75-25081 Filed 9-18-75;8:45 am]

[Montana 31925]

MONTANA

Order Providing for Opening of Public Lands

SEPTEMBER 11, 1975.

In an exchange made under the provisions of section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g, the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 12 N., R. 3 W.,
Sec. 34, W½NE¼, N½NW¼;
Sec. 35, N½NE¼, NW¼, E½SW¼, SE¼.

The area described contains 640 acres in Lewis and Clark County, Montana.

The two tracts are located approximately 10 air miles north-northeast of Helena. Topography varies from nearly level to hilly. Soils are poorly developed with the surface susceptible to erosion when development occurs. Vegetation varies from meadows of native grasses and scattered shrubs to noncommercial wooded areas consisting mainly of ponderosa pine.

The tracts are part of a larger block of national resource lands which is managed for multiple resource use.

At 10 a.m., October 22, 1975, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be open to the public land laws.

Mineral rights on the following lands were returned to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 12 N., R. 3 W.,
Sec. 34, W½NE¼, N½NW¼;
Sec. 35, N½NE¼, NW¼, E½SW¼.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-24978 Filed 9-18-75;8:45 am]

Fish and Wildlife Service

COYOTE DAMAGE CONTROL; CATTLE, SHEEP AND GOATS

Report on Emergency Use of M-44 Devices During July 1975

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program for the month of July. This use is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135–135k), and in accordance with 40 CFR 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to Federal Register Notice of June 20, 1974 (39 FR 22166).

Actual M-44 use for July 1975 is as follows:

M-44 Emergency Use July 1975

State	Number of counties	Number of ranches	Number of cattle, sheep and goats protected	Number of M-44's used
Arizona	3	19	15,082	254
Idaho	1	1	140	4
Montana	16	25	12,166	529
Nevada	1	1	1,600	40
New Mexico	11	28	15,357	860
Oregon	5	28	3,165	235
Texas	27	117	38,009	969
Utah	3	7	3,313	61
Totals	67	226	88,831	2,893

One or more coyotes were taken with this device on 63 of the 226 emergency areas, but losses were not necessarily halted in each case. During this month, 139 coyotes were taken by this device. Other species taken with the device during this period include 8 foxes, 5 feral dogs, 12 skunks, 28 opossums, 3 raccoons, and 2 ravens.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on cattle, sheep, and goats was conducted by trained Service personnel in accordance with the "Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device for the Control of Depredating Canids," as it appears in the FEDERAL REGISTER, volume 39, No. 120, Thursday, June 20, 1974.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 15, 1975.

[FR Doc.75-25021 Filed 9-18-75;8:45 am]

Office of the Secretary

[INT FES 75-69]

MASTER PLAN FOR LOWER ST. CROIX NATIONAL SCENIC RIVERWAY, MINNESOTA AND WISCONSIN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior, together with the States of Minnesota and Wisconsin, have prepared a final environmental statement for the master plan, Lower St. Croix National Scenic Riverway.

The environmental statement considers the ecological, social and economic effects of the acquisition, preservation, development and management with implementation of the plan or the alternatives by the administering agencies.

Copies of the final environmental statement are available from or for inspection, during normal business hours, at the following locations:

Regional Director, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Superintendent, St. Croix National Scenic Riverway, P.O. Box 579, St. Croix Falls, Wisconsin 54024.

Commissioner, Department of Natural Resources, 301 Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155.

Secretary, Department of Natural Resources, P.O. Box 450, Madison, Wisconsin 53701.

Dated: August 18, 1975.

STANLEY D. DORESUS,
Deputy Assistant Secretary of the Interior.

LOWER ST. CROIX NATIONAL SCENIC RIVERWAY, MINNESOTA, WISCONSIN

BOUNDARIES, CLASSIFICATION, AND DEVELOPMENT PLAN

Whereas The Wild and Scenic Rivers Act, 82 Stat. 906, as amended, 16 U.S.C. 1271 et seq., provides for institution of a national wild and scenic rivers system; and

Whereas, section 2(b) of said Act requires that a river area to be included in the national wild and scenic river system shall be classified as a wild river area, a scenic river area, or a recreational river area; and

Whereas, section 3(a) of The Wild and Scenic Rivers Act, 82 Stat. 907, 16 U.S.C. 1274(a), was amended by the Lower St. Croix River Act of 1972, 86 Stat. 1174, to include a fifty-two mile segment of the river extending from the dam at Taylors Falls to its confluence with the Mississippi River and to provide for administration of the upper twenty-seven miles of said segment by the Secretary of the Interior and for designation of the lower twenty-five miles upon his approval of the application of the Governors of the States of Minnesota and Wisconsin; and

Whereas, section 3(b) of The Wild and Scenic Rivers Act requires that the agency charged with administration of each component of said system designated by section 3(a) to establish detailed boundaries therefor, determine which of the classes outlined in section 2, subsection (b) of the Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification, and further requires that said boundaries, classification, and development plan shall be published in the FEDERAL REGISTER;

Now, therefore, the boundaries, classification and development plan are hereby published for the Lower St. Croix National Scenic Riverway.

The boundaries of the Lower Saint Croix National Scenic Riverway are particularly described as follows:

LOWER SAINT CROIX NATIONAL SCENIC RIVERWAY

4TH PRINCIPAL MERIDIAN

STATE ADMINISTERED PORTION

The Lower Saint Croix National Scenic Riverway in Washington County, Minnesota, and in Pierce and St. Croix Counties, Wisconsin is hereby described as follows:

T. 26 N., R. 20 W.

Section 3: That portion of Government Lots 1 and 2 lying West of a line that is 660 feet West of and parallel to the east line of said Lots 1 and 2 and all of Government Lots 3 and 4 in Pierce County, Wisconsin.

Section 4: Government Lot 1 in Pierce County, Wisconsin and Government Lots 2, 3, 4 and 5 in Washington County, Minnesota.

Section 9: Government Lots 1, 2 and 3, that portion of Government Lot 4 lying North of the south right-of-way line of the Burlington Northern Railroad in Pierce County, Wisconsin, that portion of Government Lots 5, 6 and 7 lying North of the south right-of-way line of the Burlington Northern Railroad, all of Government Lots 8 and 9 and the W½NW¼ in Washington County, Minnesota.

Section 10: That portion of the NW¼NW¼ lying North and West of the centerline of U.S. Highway 10 in Pierce County, Wisconsin.

T. 27 N., R. 20 W.

Section 1: S½SW¼SW¼ in Pierce County, Wisconsin.

Section 2: Government Lots 1, 2, 3 and 4 in Pierce County, Wisconsin.

Section 11: Government Lots 1 and 2 in Pierce County, Wisconsin, Government Lot 7 except that portion platted as Afton State Park in said Lot 7 and all of Government Lot 8 in Washington County, Minnesota.

Section 12: NE¼NW¼NW¼, W½NW¼-NW¼ and the W½SW¼NW¼ in Pierce County, Wisconsin.

Section 14: Government Lot 3 except that portion platted as Kinnickinnic State Park in said Lot 3, all of Government Lot 4 and the SE¼SE¼ in Pierce County, Wisconsin, Government Lot 5, Government Lot 6 less and excepting therefrom that portion of the West 1320 feet from the north line of said Lot 6 down to the south property line of Thoroughfare, Inc., and all of Government Lots 7 and 8 in Washington County, Minnesota.

Section 15: SE¼SE¼ in Washington County, Minnesota.

Section 22: Government Lots 5, 6, 7 and 8 and the E½NW¼NE¼ in Washington County, Minnesota.

Section 23: That portion of Government Lot 1 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 1, all of Government Lots 2, and 3 and that portion of Government Lot 4 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 4 in Pierce County Wisconsin, that portion of the NW¼NW¼ in Washington County, Minnesota.

Section 26: That portion of Government Lots 1 and 2 lying West of a line that is 660 feet West of and parallel to the east line of said Lots 1 and 2, all of Government Lots 3 and 4 and the W½NW¼SE¼ in Pierce County, Wisconsin.

Section 27: Government Lot 1 in Pierce County, Wisconsin, Government Lots 2, 3, 4 and 5 and the E½NW¼ in Washington County, Minnesota.

Section 33: Government Lots 1 and 2 and the SE¼NE¼ in Washington County, Minnesota.

Section 34: Government Lots 1, 2, 3 and 4, W½SW¼SE¼ in Pierce County, Wisconsin, Government Lots 5 and 6 and the NW¼NW¼ in Washington County, Minnesota.

Section 35: W½NW¼NW¼.

T. 26 N., R. 19 W.

Section 6: Government Lot 1, that portion of Government Lots 2 and 3 lying West of a line that is 1320 feet West of and parallel to the east line of said Lots 2 and 3 and the NW¼NW¼ in St. Croix County, Wisconsin.

Section 7: Government Lot 1, SW¼NW¼ and the NW¼SW¼ in St. Croix County, Wisconsin.

T. 28 N., R. 20 W.

Section 1: Government Lot 1 in St. Croix County, Wisconsin.

Section 2: That portion of Government Lots 1, 2, 3 and 4 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota.

Section 11: That portion of Government Lot 1 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad, that portion of Government Lots 2, 3 and 4 lying East of the following described line: commencing on the north line of said Lot 2, said line being the northern limit line of the Village of Lake St. Croix Beach at the intersection of said line with the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence, East, along said north line, to the centerline of Neal Avenue and the point of beginning; thence, Southerly, along said centerline to the centerline of Lincoln Street; thence, East, along said centerline, to the centerline of Moore avenue; thence, Southerly, along said centerline to the centerline of Aldrich Street of the Village of Lake St. Croix Beach, said centerline, being the south line of said Lot 4 of said Section 11 in Washington County, Minnesota.

Section 12: Government Lots 1 and 2 in St. Croix County, Wisconsin.

Section 13: That portion of Government Lot 1 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 1, that portion of Government Lot 2 lying West of a line that is 1320 feet West of and parallel to the east line of said Lot 2 and all of Government Lots 3 and 4 in St. Croix County, Wisconsin.

Section 14: That portion of Government Lots 1 and 2 lying South and East of the following described line within the Villages of Lake St. Croix Beach and St. Mary's Point; beginning on the north line of said Lot 1, said north line being the centerline of Aldrich Street; thence, Westerly, along said centerline, to the centerline of Dwyer Avenue; thence, southerly, along said centerline, to the centerline of Wallace Street; thence, Westerly, along said centerline to the centerline of Dunlap Avenue; thence, Southerly, along said centerline extended, to the centerline of St. Mary's Drive; thence, Westerly, along said centerline, to the centerline of Itasca Avenue; thence, Southerly, along said centerline, to the south line of said Lot 2; all of Government Lots 3 and 4, that portion of the W½NW¼ lying South and East of a line that is parallel to and 660 feet perpendicular distance Northwest of the centerline of State Highway 95, W½SW¼ and that portion of the NE¼SW¼ lying West of the western boundary of the Village of St. Mary's in Washington County, Minnesota.

Section 15: That portion of the SE¼ from the south line of said Section 15 to the centerline of Point Douglas Road (County Highway 21) lying South and East of a line that is parallel to and 500 feet perpendicular distance Northwest of the centerline of State Highway 95 and that portion of the SE¼ from the centerline of Point Douglas Road (County Highway 21) to the east line of said Section 15 lying South and East of a line that is parallel to and 660 feet perpendicular distance Northwest of the centerline of State Highway 95.

Section 22: E½ in Washington County, Minnesota.

Section 23: Government Lots 1, 2 and 3, E½SE¼ in St. Croix County, Wisconsin, Government Lots 4, 5, 6 and 7 in Washington County, Minnesota.

Section 24: Government Lots 1 and 2, W½NE¼ and the SE¼NW¼ in St. Croix County, Wisconsin.

Section 25: Government Lot 1 and the NW¼SW¼ in St. Croix County, Wisconsin.

Section 26: Government Lots 1, 2 and 3 in St. Croix County, Wisconsin, Government Lots 4, 5, 6 and 7 and the W½SW¼ in Washington County, Minnesota.

Section 27: N½NE¼ in Washington County, Minnesota.

Section 35: That portion lying North of the Afton State Park boundary in Washington County, Minnesota, and Government Lot 5 in St. Croix County, Wisconsin.

Section 36: That portion of Government Lot 1 lying West of a line that is 1320 feet West of and parallel to the east line of said Lot 1, Government Lots 2 and 3 and the N½SW¼SW¼ in St. Croix County, Wisconsin.

T. 29 N., R. 20 W.

Section 1: Government Lot 1, that portion of Government Lot 2 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 2 and all of Government Lots 3 and 4 in St. Croix County, Wisconsin.

Section 2: Government Lot 1 in St. Croix County, Wisconsin, Government Lots 2, 3, 4 and 5 and that portion of Government Lots 6 and 7 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota.

Section 3: That portion of Government Lot 1, NW¼NE¼, S½NE¼ and the NE¼SE¼ lying North and East of the south and west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota.

Section 10: That portion of the E½E½ lying South of the centerline of Central Avenue extended, Village of Bayport in Washington County, Minnesota.

Section 11: Government Lot 1 in St. Croix County, Wisconsin, Government Lot 2, that portion of Government Lot 3 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad, that portion of Government Lot 4 lying South of the centerline of Central Avenue and East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad and all of Government Lots 5 and 6, Village of Bayport in Washington County, Minnesota.

Section 12: Government Lots 1, 2, 3 and 4 and the W½NE¼SW¼ in St. Croix County, Wisconsin.

Section 14: Government Lots 1 and 2 in St. Croix County, Wisconsin, Government Lots 3, 4, 5 and 6 in Washington County, Minnesota.

Section 15: E½E½ in Washington County, Minnesota.

Section 22: NE¼NE¼ in Washington County, Minnesota.

Section 23: All that portion of said Section 23 lying in St. Croix County, Wisconsin, Government Lot 2, that portion of Government Lots 3, 4 and 5 lying East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 24: That portion of Government Lots 1 and 2 and the SW¼NW¼ lying West of the centerline of State Highway 35 in St. Croix County, Wisconsin.

Section 25: That portion of Government Lot 1 lying West of the centerline of State Highway 35, that portion of Government Lot 2 lying West of the centerline of State Highway 35 and South and West of the centerline of Coulee Road, that portion of Government Lots 3 and 4 and the NW¼SE¼ lying South and West of the centerline of Coulee Road in St. Croix County, Wisconsin.

Section 26: That portion of Government Lots 1, 2, 3 and 4 and the NW¼NW¼ lying

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East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 35: That portion of Government Lots 1, 2, 3 and 4 and the NE¼NW¼ lying East of the following described line: beginning on the north line of said Section 35 at the point of intersection of said north line with the centerline of State Highway 95; thence, Southerly, along the centerline of said Highway 95, to the centerline of U.S. Highway 12; thence Easterly, along the centerline of said Highway 12, to the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence, Southerly, along said west right-of-way line, to the south line of said Section 35 in Washington County, Minnesota.

Section 36: Government Lots 1, 2, 3 and 4 in St. Croix County, Wisconsin.

T. 30 N., R. 20 W.

Section 21: Government Lot 1, that portion of Government Lot 2 lying North and East of the south and west right-of-way line of the Burlington Northern Railroad and that portion of Government Lots 3 and 4 lying East of the west right-of-way line of said Burlington Northern Railroad in Washington County, Minnesota.

Section 22: Government Lot 1, that portion of Government Lot 2 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 2, that portion of Government Lot 3 and the NW¼SE¼ lying West and North of the centerline of State Highway 35, that portion of Government Lot 4 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 4, all of Government Lots 5 and 8 and the NE¼NE¼ in St. Croix County, Wisconsin, Government Lots 6, 7 and 9 in Washington County, Minnesota.

Section 27: That portion of Government Lot 1 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota, that portion of Government Lots 2 and 3 lying West of a line that is 660 feet West of the east line of said Lots 2 and 3, that portion of Government Lots 4 and 5 and the SE¼SE¼ lying West of the centerline of State Highway 35 in St. Croix County, Wisconsin.

Section 28: That portion of Government Lots 1, 2, 3 and 4 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota.

Section 34: That portion of Government Lot 1 lying South and West of the centerline of State Highway 35 in St. Croix County, Wisconsin, that portion of Government Lots 2, 3, 4 and 5 and the SE¼SW¼ lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota.

Section 35: That portion of Government Lots 1 and 2 lying South and West of the centerline of State Highway 35, Government Lot 3 less and excepting therefrom the North 660 feet of the East 660 feet, Government Lot 4 less and excepting therefrom the North 660 feet of the East 660 feet in St. Croix County, Wisconsin.

Section 36: SW¼SW¼SW¼ in St. Croix County, Wisconsin.

FEDERALLY ADMINISTERED PORTION

The Lower Saint Croix National Scenic Riverway in Chisago and Washington Counties, Minnesota, and in Polk and St. Croix Counties, Wisconsin is hereby described as as follows:

T. 29 N., R. 19 W.

Section 6: Government Lots 2 and 3.
Section 7: NW¼NW¼NW¼.

T. 30 N., R. 20 W.

Section 1: Government Lots 1, 2, 17 and 18 in St. Croix County, Wisconsin, Government Lots 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, that portion of Government Lot 6 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 6 to the southwest corner of said Lot 8, that portion of the NE¼NW¼ lying East of the centerline of Arcola Trail and that portion of the N½N½SE¼NW¼ lying East of the centerline of Arcola Trail in Washington County, Minnesota.

Section 11: Government Lots 1, 6 and 7 in St. Croix County, Wisconsin, that portion of Government Lot 2 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 2 to the northeast corner of Government Lot 3 of said Section 11, that portion of Government Lot 3 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 3 to the northeast corner of Government Lot 4 of said Section 11, that portion of Government Lot 4 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 4 to the southwest corner of said Lot 4, and all of Government Lots 5 and 8 in Washington County, Minnesota.

Section 12: That portion of Government Lot 1 lying South and East of a line extended Southwesterly from the southwest corner of Government Lot 6 in Section 1 to the northeast corner of Government Lot 2 in Section 11, all of Government Lots 7, 8, 9 and 10 in Washington County, Minnesota, Government Lot 6, that portion of Government Lots 2, 3, 4, 5, SE¼NE¼, SE¼SW¼ and the NW¼SE¼ lying North and West of the following described line: beginning at a point on the east line, said point being 660 feet South of the northeast corner of said Section 12; thence, Southwesterly, to a point on the south line, said point being 660 feet East of the southwest corner of said Section 12 in St. Croix County, Wisconsin.

Section 13: That portion of the NW¼NW¼NW¼ lying North and West of a line extended Southwesterly from a point on the north line, said point being 660 feet East of the northwest corner to a point on the west line, said point being 660 feet South of the northwest corner of said Section 13.

Section 14: That portion of Government Lot 1 lying Southerly of the following described line: beginning on the north line of said Lot 1 at the southwest corner of Government Lot 4 Section 11; thence, Southwesterly, along the southeasterly line of Lot 2 to the northeasterly right-of-way line of Arcola Court N, of St. Croix Chateaux; thence, Southerly, to the southeast corner of Lot 12; thence, Southwesterly, along the south line of said Lot 12 to the southwesterly line of Lot 12; thence, Northwesterly, along the southwesterly line of Lots 12 and 13 to the west line of said Government Lot 1 and there ending, as per the plat of St. Croix Chateaux, recorded as Document 320753 of the Washington County, Minnesota records, all of Government Lots 7, 8 and 9 in Washington County, Minnesota, that portion of Government Lot 2 lying North and West of a line extended Southwesterly from the southwest corner of Government Lot 3 to the southwest corner of said Lot 2, that portion of Government Lot 3 lying North and West of a line extended Southwesterly from the southwest corner of Government Lot 4 to the southwest corner of said Lot 3, that portion of Government Lot 4 lying North and West of the centerline of a County Road, that portion of Government Lot 5 lying North and West of a line extended Southwesterly from the southwest corner NW¼NW¼NW¼ of Section 13 to the northwest corner NE¼SE¼NE¼ of Section 14 and all of Government Lots 8 and 10 in St. Croix County, Wisconsin.

Section 15: Government Lots 1, 7, 8 and 9 in St. Croix County, Wisconsin, that portion of Government Lot 2 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 2 to the northeast corner of Government Lot 3, all of Government Lot 3, that portion of Government Lots 4 and 5 lying South of a line that is 330 feet South of and parallel to the north line of said Lots 4 and 5 and all of Government Lots 6 and 10 in Washington County, Minnesota.

Section 16: S½N½NE¼SE¼, S½NE¼SE¼ and the SE¼SE¼.

T. 31 N., R. 18 W.

Section 6: Government Lot 1, EXCEPT that part of the S½ S½ lying Southeasterly of the centerline of a County Road, all of Government Lots 2, 3 and 4, W½W½SE¼NE¼, W½W½NE¼SE¼, W½N¼SE¼SE¼ and that portion of the W½SW¼SE¼SE¼ lying North and West of the centerline of a County Road in St. Croix County, Wisconsin, that portion of Government Lot 5 lying East of the centerline of State Highway 95, all of Government Lot 6 and that portion of Government Lots 7 and 8 and the W½NW¼ lying East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 7: Government Lot 1, that portion of Government Lot 2 and the E½SE¼ lying South and West of a line extended Northwesterly from the southeast corner of said Section 7 to a point on the north line of Government Lot 2, said point being 660 feet West of the northeast corner of said Lot 2, that portion of Government Lot 3 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 3, that portion of the North 660 feet of Government Lot 4 lying West of the centerline of a County Road, that portion of the South 660 feet of Government Lot 4 lying West of a line that is 990 feet West of and parallel to the east line of said Lot 4 in St. Croix County, Wisconsin, that portion of Government Lots 5, 6, 7 and 8 and the SW¼SW¼ lying East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 17: Government Lot 4 in Washington County, Minnesota, NW¼NE¼ and the N½NW¼ in St. Croix County, Wisconsin.

Section 18: Government Lot 1 in St. Croix County, Wisconsin, Government Lots 2, 3 and 4, that portion of the E½W½ lying East of the centerline of State Highway 95, SW¼NE¼, NW¼SE¼ and the S½SE¼ in Washington County, Minnesota.

Section 19: NE¼, that portion of the NW¼, SW¼ and the SE¼ lying East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 20: Government Lots 5, 6, 7 and 8 in Washington County, Minnesota.

Section 29: Government Lots 5, 6, 7 and 8 in Washington County, Minnesota.

Section 30: That portion of the E½ lying East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 31: That portion of the N½NE¼ lying East of the centerline of State Highway 95 and North of the centerline of Arcola Trail.

Section 32: Government Lots 1, 2, 3 and 4, NW¼SE¼NE¼ in St. Croix County, Wisconsin, that portion of Government Lot 5 lying North and East of the centerline of Arcola Trail and that portion of Government Lots 6, 7 and 8 lying East of the centerline of said Arcola Trail in Washington County, Minnesota.

T. 32 N., R. 19 W.

Section 5: That portion of Government Lot 1 lying North and West of the following described line: beginning at the northeast corner of said Lot 1; thence, Southwesterly, to a point, said point being 330 feet North and 660 feet East of the southwest corner of said Lot 1; thence, South, 330 feet to the south line of said Lot 1; all of Government Lots 2 and 3, N½NW¼SW¼NE¼, N½N½SE¼NW¼, all that part of the NW¼NW¼SW¼ lying Westerly of the easterly right-of-way line of the Soo Line Railroad, W½SW¼NW¼SW¼, W½W½SW¼SW¼ in Polk County, Wisconsin, and all of Government Lot 4 in Washington County, Minnesota.

Section 6: Government Lot 1, that portion of Government Lots 2 and 3 lying East of line that is 660 feet East of and parallel to the west line of said lots 2 and 3, that portion of Government Lot 4 lying East of the west line of Lots 1 through 7 inclusive and that portion of Lot 8 within said Government Lot 4 of Cedarcliff-on-St. Croix, as per the plat thereof, recorded as Document 242120 of the Washington County, Minnesota records, NW¼NE¼ and the E½NE¼NW¼ in Washington County, Minnesota, Government Lots 5, 6 and 7 and the SE¼SE¼ in Polk County, Wisconsin.

Section 7: Government Lots 1, 2 and 3 in Polk County, Wisconsin, that portion of Government Lots 4 and 5 lying East of a line that is 330 feet East of and parallel to the west line of said Lots 4 and 5, all of Government Lot 8, E½NE¼SW¼, E½W½NE¼SW¼, E½NE¼SW¼ and the E½NW¼SE¼SW¼ in Washington County, Minnesota.

Section 8: Government Lot 1, W½W½NW¼NW¼, W½NW¼SW¼NW¼, S½SW¼NW¼, W½SW¼NE¼SW¼, NW¼SW¼ and the W½NW¼SE¼SW¼.

Section 17: Government Lots 1, 2 and 3, W½SW½SW¼ and the W½E½SW½SW¼.

Section 18: Government Lot 1 in Polk County, Wisconsin, Government Lots 4 and 5, W½NE¼, E½E½NW¼ and the E½E½SW¼ in Washington County, Minnesota.

Section 19: Government Lots 1, 2, 3 and 4 in Polk County, Wisconsin, Government Lots 5, 6, 7 and 8, and that portion of the E½NW¼ lying East of the west right-of-way line of the Minneapolis St. Paul and Sault Ste. Marie Railroad in Washington County, Minnesota.

Section 20: W½NW¼NW¼, W½E½NW¼NW¼, W½NE½SW¼NW¼, NW¼SW¼NW¼, S½SW¼NW¼, S½SW¼SW¼ and the W½E½SW¼.

Section 29: Government Lot 1, SW¼NW¼NE¼, W½SW¼NE¼, NW¼, N½SW¼, SE¼SW¼ and the W½W½SE¼.

Section 30: Government Lots 1, 2 and 3 in Polk County, Wisconsin, and Government Lots 4, 5 and 6 in Washington County, Minnesota.

Section 31: That portion of Government Lot 3 lying South and West of the William O'Brien State Park as platted in said Lot 3, that portion of Government Lot 4 and the NE¼SW¼ lying East of the centerline of State Highway 95 in Washington County, Minnesota, SE¼SE¼ (Government Lot 5) in Polk County, Wisconsin.

Section 32: Government Lots 1, 2 and 3, that portion of Government Lot 4 lying North and West of the centerline of a County Road, W½W½NE¼, E½NW¼, that portion of the E½SW¼ lying North and West of the following described line: commencing at the northeast corner E½SW¼; thence, South, along the east line E½SW¼, 875 feet, more or less, to the point of intersection of said east line with the centerline of a County Road, said point being the point of beginning; thence, Southwesterly, to a point on the west line E½SW¼, said point being the intersection of said west line with the centerline of a County Road, that portion of the W½NW¼SE¼ lying North and West of the centerline of a County Road.

T. 33 N., R. 18 W.

Section 2: Government Lots 5, 6, 7 and 10, that portion of Government Lot 8 and the NW¼SW¼ lying South and East of a line extended Southwesterly from the center of said Section 2 to a point on the south line of said NW¼SW¼, said point being midway between the southeast corner and the south west corner of said NW¼SW¼ and that portion of Government Lot 9 lying South and East of the north line of Outlot 2 and the centerline of Edward Street as per the plat of "Franconia", all that portion of the NE¼NW¼ that is part of Lot C of Harmony Heights Revised, as per the plat thereof, recorded as Document No. 98056 of the Chisago County, Minnesota records in Chisago County, Minnesota.

Section 3: That portion of the SE¼SE¼ lying South and East of the centerline of Edward Street and that portion bounded by the following described line: beginning on the south line of said SE¼SE¼ at the intersection of the centerline of Cornelian Street; thence, Northeasterly, along said centerline to the centerline of Main Street; thence, Southeasterly, along the centerline of Main Street to the centerline of Edward Street and there ending, as per the plat of "Franconia" in Chisago County, Minnesota.

Section 10: Government Lots 1, 2 and 3, that portion of Government Lot 4 lying East of a line that is 990 feet East of and parallel to the west line of said Lot 4, NW¼NE¼, S½NE¼NW¼, E½SE¼NW¼NW¼, E½E½SW¼NW¼, SE¼NW¼, E½E½NW¼SW¼ in Chisago County, Minnesota, Government Lots 5, 6 and 7 in Polk County, Wisconsin.

Section 11: Government Lot 1 in Chisago County, Minnesota, Government Lots 2 and 3, W½W½NW¼NE¼, W½W½SW¼NE¼, SE¼NW¼ and the SW¼ in Polk County, Wisconsin.

Section 14: N½N½NW¼ and the W½W½SW¼.

Section 15: Government Lots 1, 2, 3, 4 and 5 and the SE¼NE¼ in Polk County, Wisconsin, that portion of Government Lot 6 lying East of a line that is 990 feet East of and parallel to the west line of said Lot 6, all of Government Lots 7, 8, 9 and 10, E½E½SW¼NW¼, E½E½NW¼SW¼ and the E½E½SW¼SW¼ in Chisago County, Minnesota.

Section 21: NE¼SE¼SE¼ and the S½SE¼SE¼.

Section 22: That portion of Government Lots 1 and 2 lying West of the centerline of State Highway 35, all of Government Lots 3 and 4 in Polk County, Wisconsin, Government Lots 5, 6, 7, 8 and 9, W½NW¼ and the NW¼SW¼ in Chisago County, Minnesota.

Section 27: Government Lots 1 and 4 in Chisago County, Minnesota, Government Lot 2, that portion of Government Lot 3 and the NW¼NE¼ lying Westerly of the centerline of State Highway 35, that portion of the N½SW¼ lying Northerly of the centerline of a County Road and Westerly of the centerline of State Highway 35 in Polk County, Wisconsin.

Section 28: Government Lots 1, 3, 4 and 7, that portion of Government Lot 2 lying South and East of the centerline of County Highway 243, E½NW¼NE¼, that portion of the NW¼ lying South and West of the centerline of County Highway 243 and South and East of the centerline of County Highway 95, N½SW¼ and the SW¼SW¼ in Chisago County, Minnesota, that portion of Government Lots 5 and 6 and the SE¼SE¼ lying North and West of the centerline of a County Road in Polk County, Wisconsin.

Section 31: SE¼SE¼SW¼, S½NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, S½SW¼SE¼ and the SE¼SE¼.

Section 32: Government Lots 1, 2 and 3, S½N½NE¼, S½N½NE¼NE¼, S½N½NW¼NE¼, SW¼NE¼, S½NE¼SE¼NW¼, SE¼NW¼SE¼NW¼, E½SW¼SE¼NW¼, SE¼SE¼NW¼, NE¼SW¼, S½NW¼SW¼, E½NE¼NW¼SW¼, SW¼SW¼ in Chisago County, Minnesota, that portion of Government Lot 4 lying North and West of a line described as follows: beginning at a point on the south line of said Lot 4, said point being 1320 feet West of the southeast corner of said Lot 4: thence, Northeasterly, 2150 feet, more or less, to a point on the east line of said Lot 4, said point being 1700 feet North of the southeast corner of said Lot 4, in Polk County, Wisconsin.

Section 33: Government Lot 1 in Chisago County, Minnesota, that portion of Government Lot 2 lying North and West of a line described as follows: beginning at the northwest corner NE¼SW¼ of said Section 33; thence, West, 99 feet; thence, South 34°20' West, 388.1 feet; thence, South 87°00' West, 170 feet; thence Southwesterly to a point on the west line of said Lot 2, said point being 1700 feet North of the southwest corner of said Section 33, that portion of Government Lots 3 and 4 lying North and West of the centerline of a County Road in Polk County, Wisconsin.

T. 34 N., R. 18 W.

Section 30: That portion of Government Lot 2 lying North and West of the boundary of the Interstate State Park in Polk County, Wisconsin, that portion of Government Lot 5 lying North and East of the Interstate State Park boundary and all of Government Lots 6 and 7 in Chisago County, Minnesota.

T. 34 N., R. 19 W.

Section 35: Government Lots 2 and 3 and that portion of the SW¼SE¼ lying South and East of a line extended Northeasterly from the southwest corner to the northeast corner of said SW¼SE¼ in Chisago County, Minnesota.

Together with all bodies of water, rivers, islands, accretions and relictions within and appurtenant to the St. Croix River from the south line of Sec. 3, T. 26 N., R. 20 W., upstream to its intersection with the north line of Sec. 30, T. 34 N., R. 18 W.

The boundaries are identified in graphic form on maps of the Department of the Interior, National Park Service, titled "Federal Boundary and Acquisition Plan, Lower St. Croix National Scenic Riverway," number 643-20011, March 1975, and "State Boundary and Acquisition Plan, Lower St. Croix National Scenic Riverway," number 643-20003A, March 1975, on file in the Office of the Department of the Interior, National Park Service, at Washington, D.C.

CLASSIFICATION OF NATIONAL SCENIC RIVERWAY

The Lower St. Croix National Scenic Riverway is classified as follows:

Scenic River Area. From the dam at Taylors Falls, Minnesota, downstream to the Chisago-Washington County line, Minnesota, a distance of 10.3 miles.

Recreational River Area. From the Chisago-Washington County line, Minnesota, downstream to its confluence with the Mississippi River, a distance of 41.7 miles.

The classification of the Lower St. Croix National Scenic Riverway are graphically depicted on a map of the Department of the Interior, National Park Service, titled "River Classification Plan," number 643-20001A, March 1975, on file in the Office of the Department of the Interior, National Park Service, Washington, D.C.

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General Development Plans

The general development plans of the Department of the Interior, National Park Service, and the States of Minnesota and Wisconsin for the Lower St. Croix National Scenic River are as follows:

Preface

The following master plan, as requested by Congress in Public Law 93–560, was prepared by members of the Departments of Natural Resources of the States of Minnesota and Wisconsin, and the National Park Service, with the assistance of the Minnesota-Wisconsin Boundary Area Commission. Due to the complexities of management involved in the Federal and State portions of the riverway, the plan is divided into two distinct sections in which the boundaries are treated separately with respect to the management and development of the segments.

Summary

The major purpose of the master plan is to balance the need for recreational use of the area against the equally important objective of preservation of the natural values of the area. Thus, the overall goal of the plan is "to preserve the existing scenic and recreational resources of the Lower St. Croix River through controlled development."

Congress has found that the Lower St. Croix River and its immediate environment possess outstanding scenic and esthetic, recreational, and geologic values, and that the river and its immediate environment should be protected for the benefit and enjoyment of present and future generations. The 52-mile segment from Taylors Falls-St. Croix Falls to Prescott exhibits the following characteristics:

A highly scenic course, complemented by an island and slough river environment in the upper reaches and a lake-like river environment in the lower reaches.

Water of high quality suitable for many outdoor recreation pursuits, including whole-body contact activities.

A colorful history that follows the development of the upper Midwest from the days of the Indian through the logging era.

An outstanding area of geologic interest, notably the Dalles of the St. Croix.

Close proximity to the Minneapolis/St. Paul urban area, with a population in 1970 of over 1,800,000 people.

This plan identifies several factors that presently or potentially endanger the outstanding natural characteristics of the Lower St. Croix River.

A shoreline that is rapidly being developed for both residential and commercial uses and is under constant pressure for further development from the expanding Twin Cities area.

The possibility of water-quality degradation as the population served by the Lower St. Croix River increases.

The likelihood that recreational use, if not carefully controlled, will destroy the very characteristics that presently make the Lower St. Croix River appealing.

This master plan details the preservation and development of the 52-mile segment of the Lower St. Croix River by local, State, and Federal governments. The National Park Service will administer the 27-mile segment from the dam near Taylors Falls downstream to the northern city limits of Stillwater except the existing State properties.

The States of Minnesota and Wisconsin will administer the 25-mile segment from the northern limits of the city of Stillwater south to the confluence with the Mississippi River at Prescott. Total area within the Federal boundary, not including the main channel of the river, is about 9,225 acres according to General Land Office plat maps. Of this area, 550 acres are in incorporated villages. Land within incorporated villages adequately protected by local zoning ordinances is not proposed for acquisition. There are 2,610 acres in islands and adjacent water surface areas, other than the main channel. All privately owned islands will be acquired in fee.

A Bureau of Outdoor Recreation determination October 23, 1969, excludes the island and water surface areas mentioned above from the maximum allowable acreage as set forth in Section 6 of the Wild and Scenic Rivers Act. This leaves 6,065 acres of which a maximum of 2,700 acres will be acquired in fee with the balance proposed for scenic easement acquisition. This limited acquisition will be utilized in undeveloped and sparsely developed areas to protect the shore, slope, and bluff top lands from incompatible uses. Zoning standards are proposed for the remainder of the lands within the boundary.

The Federal management of the Lower St. Croix River will be in accordance with the administrative policies for recreation areas of the National Park System, and is consistent with the two States' classifications. The present recreational use of most segments of the river is considered near-optimum capacity on summer weekends and holidays. This plan, therefore, visualizes few new developments.

Because farmlands and forests are essential in maintaining the flavor and character of this region, these uses will be encouraged and perpetuated wherever possible.

Camping is included in the development plan in existing State parks and in private ownership. It is suggested that where additional camping areas are needed, they be developed outside the boundary.

Overnight use of the islands will be permitted by houseboats on designated islands for controlled periods of time. Overnight primitive camping on certain islands will be permitted if sanitary facilities can be provided.

The 27-mile Federal segment of the Lower St. Croix River will be administered as a separate district by the Superintendent of the St. Croix National Scenic Riverway, with headquarters in St. Croix Falls, Wisconsin. The 25-mile State segment of the St. Croix Riverway will be administered by the Department of Natural Resources of the respective States.

Private enterprise will be encouraged to provide lodging, food, and other business services to visitors outside the riverway boundary.

The Lower St. Croix Riverway will be by necessity a cooperative agreement undertaken by all levels of government. Local governments will be required by the States to develop zoning controls along the St. Croix that are consistent with the purposes of the Wild and Scenic Rivers Act.

Large State and local parks exist throughout the 52-mile Lower St. Croix Riverway and the administration of these areas will remain unchanged. The waters of the St. Croix River will remain under State and Federal jurisdiction and be applicable to Federal Navigation Laws. Hunting and fishing will also remain basically State and Federal responsibilities.

Recommendations

To protect the scenic and recreation resources of the Lower St. Croix River, this plan recommends that the following actions be implemented by the appropriate State and local governments:

The development and management of the Lower St. Croix should place primary emphasis on maintaining and enhancing the esthetic, scenic, historic, fish and wildlife, and geologic features. All recreational facility development should be consistent with the protection of the river environment.

A comprehensive land use plan should be developed jointly by all units of government bordering on the Lower St. Croix River so that land use and developments back from the river will complement the recommended protective efforts along it. This plan should address the need for protection of scenic qualities along public roads serving the river corridor. High standards for air quality and noise level controls should be adopted and vigorously enforced.

A spoil disposal plan should be developed so that dredge spoil material from the 9-foot channel would be used to supplement existing beach areas or to establish additional recreation sites outside the floodway.

The addition of new marina facilities and boat access areas on the Lower St. Croix should be permitted only after review and approval by the agencies responsible for managing the riverway program. Any existing or planned boat-launching areas upriver from Boomsite, Minnesota, should be converted or limited to carry-in types. Unneeded river accesses throughout the Riverway should be eliminated in cooperation with local or State government.

Proposals for new bridge crossings, renovation of existing structures, or powerline and pipe line crossings should be reviewed and approved in advance by the administering agencies to ensure that scenic and recreational values are protected.

This plan recommends a cooperative waste assimilation study of the river to determine its natural capacity for receiving wastewater discharges without causing conditions that would make the river unsuitable for whole-body-contact recreational activities. Using the findings and conclusions from this study, the appropriate regulatory agencies should establish effluent discharge limits based on the quantities of specific substances allowed into the river, so that not, matter what the total effluent volume might be, the net effect on the water quality would remain well within the assimilation capacity standards. Standards should be upgraded as wastewater treatment technological advances are made.

Appropriate agencies should develop a comprehensive, coordinated effluent and in-stream monitoring program to ensure systematic compliance with the non-degradation goals. Applicable State and local regulations concerning septic tanks should be vigorously enforced.

Railroad rights-of-way within the riverway boundaries that may be abandoned in the future should, where feasible, be considered for recreational trail use.

The Northern States Power Dam at Taylors Falls, if abandoned, should be considered for use in stabilizing water flow in the Lower St. Croix.

All communities along the Lower St. Croix that still retain some of the historical flavor should be encouraged in their efforts to maintain their cultural and historical character.

A definitive research study should be undertaken cooperatively between the Secretary of the Interior and the two States to determine the optimal carrying capacity of the Lower St. Croix Riverway. This study will require significant financial support to identify resource constraints, facility capacities, and sociological or socio-esthetic values. Any future access expansion, site development, and water or land zoning would benefit from guidelines determined in this manner.

Water zoning, including "No Wake" and speed zones, should be adopted as a means to prevent degradation of the recreation experience and to enhance water safety. Federal and State agencies should adopt uniform boat toilet and boat safety regulations.

Introduction

The need for a wild rivers system was recommended by the Outdoor Recreation Resources Review Commission (ORRRC), in January, 1962. In response to this recommendation, a joint Agriculture-Interior Departmental Team was formed in May, 1962; and on October 2, 1968, by Public Law 90–542, the Congress enacted the Wild and Scenic River Act.

During the preliminary inventory and evaluation period for the proposed nationwide system of wild rivers, an in-depth study report on the St. Croix-Namekagon Rivers was prepared by the Lake Central Regional Task Group. One of the more significant recommendations of that study area was:

"The St. Croix River • • • (below Taylors Falls) is a recreation resource of outstanding quality, even though development precludes classifying it as a wild river. Appropriate measures should be taken to assure perpetuation of this portion of the stream as a recreation resource of high quality."

On October 25, 1972, Public Law 92–560 was passed amending the Wild and Scenic River Act by designating a segment of the St. Croix River in Minnesota and Wisconsin as a component of the National Wild and Scenic River System.

The Lower St. Croix River Act of 1972 reads:

"(9) LOWER SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls and its confluence with the Mississippi River: *Provided*, (i) that the upper twenty-seven miles of this river segment shall be administered by the Secretary of the Interior, and (ii) that the lower twenty-five miles shall be designated by the Secretary upon his approval of an application for such designation made by the Governors of the States of Minnesota and Wisconsin."

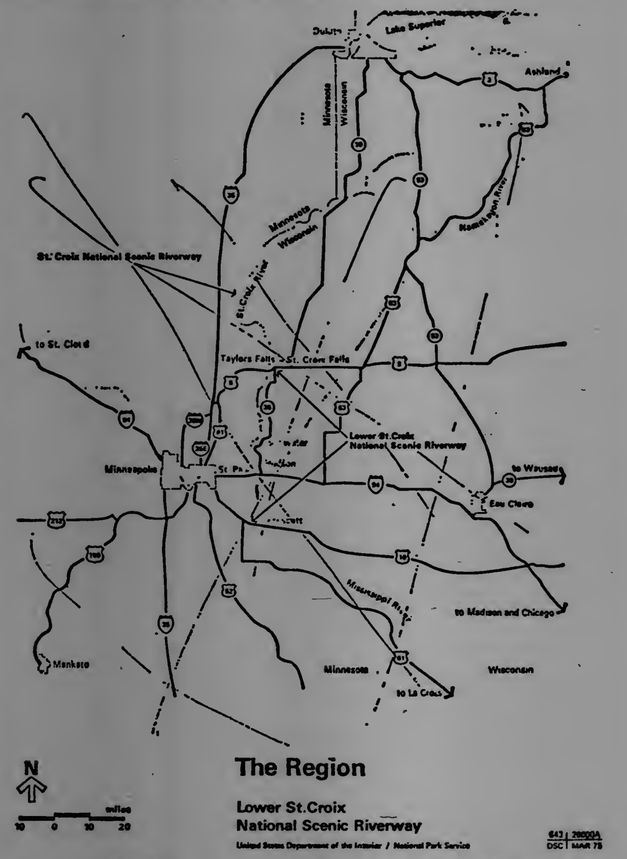
In order to satisfy the requirements of Public Law 90–542 and Public Law 92–560 the States of Minnesota and Wisconsin and the Department of the Interior have jointly prepared this master plan.

The Region

The St. Croix River north of Taylors Falls and its tributary, the Namekagon, is one of the original eight rivers of the Wild and Scenic River Act (P. L. 90–542 passed October 2, 1968). It rises from a source about 20 miles from Lake Superior near Solon Springs in northwestern Wisconsin, and flows southwesterly and then southerly a total distance of 164 miles. It separates into the Upper St. Croix and the lower river by a dam at Taylors Falls, and then flows southerly for approximately 52 miles, entering finally into the Mississippi River at Prescott, Wisconsin, approximately 20 miles southeast of Minneapolis/St. Paul. The upper 37 miles of the St. Croix lie entirely in Wisconsin, and the remaining 127 miles form part of the boundary between Minnesota and Wisconsin. The lower river segment falls approximately 18 feet in its total distance. The steepest gradient, about 8 feet per mile, is found in the Taylors Falls area. Within this stretch, the river flows through the narrow rock gorge called the St. Croix Dalles. From just below the Dalles downstream to Lake St. Croix, at River Mile 25, the river has an average gradient of .72 feet per mile. There is no significant change in elevation in the remainder of the study segment.

Population

The five counties bordering the Lower St. Croix have a population of over 185,000. The 1970 census showed approximately 4 million people living within 150 miles of the Lower St. Croix and about 9½ million within 250 miles. By the year 2000 these figures are projected to be over 5½ and 12 million respectively. Approximately 45 percent of the population within 150 miles live in the Minneapolis/St. Paul area. Chicago, Milwaukee, and Omaha are within a day's drive of the Lower St. Croix.



Economy

Minneapolis/St. Paul dominates the economy of the region. The Lower St. Croix River is literally in the backyard of the Minneapolis/St. Paul metropolitan area, and the population of the Twin Cities is expected to nearly double by the year 2000. An increase in commercial and industrial developments in and around the metropolitan area appears likely, and thus its economic influence on the region will be more heavily felt in the future. Several small communities are located along the Lower St. Croix, and these towns will undoubtedly experience growth as well.

In the nonurban areas, the processing of grains, vegetables, and dairy products makes up an important part of the industrial activity. Farming in the region—outside the Twin Cities—is still a major occupation; approximately 30 percent of the labor force in the nonurban areas is engaged in farming. Dairy products presently comprise the leading source of farm income. Forestry has declined as a major industry, although a viable forestry industry still exists. Mineral production is limited, and includes the processing of industrial sands, sand and gravel, basalt, and crushed limestone. There are commercial sand-and-gravel operations in the St. Croix River Valley.

Access

The Lower St. Croix River Basin is readily accessible to visitors. Interstate Highway 35 provides north-south passage just west of the riverway and connects Minneapolis/St.

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Paul to Duluth and Des Moines. Interstate Highway 94—with portions presently under construction—provides for good east-west movement through the Lower St. Croix Valley and connects Minneapolis/St. Paul to Bismarck, Madison, and Milwaukee. The Great River Road, a scenic parkway along both sides of the Mississippi River, crosses the study area in the vicinity of Prescott, Wisconsin. Other major highways pass through the five-county area bordering the river, and a well-developed county road system provides circulation throughout the surrounding countryside. The region is well-served by railroads. The Chicago, Milwaukee, St. Paul, and Pacific Railroad, the Chicago and Northwestern Railway, the Soo Line, and the Burlington Northern all pass near or through the study area. However, none of the railroads provides scheduled passenger service to the communities along the Lower St. Croix River.

Scheduled commercial air flights are available from the Minneapolis/St. Paul International Airport. Smaller aviation facilities are located near Lake Elmo, Osceola, St. Paul, and New Richmond.

Large pleasure crafts can enter the St. Croix from the Mississippi River and travel as far as Stillwater. This is made possible by the 9-foot channel maintained by the Corps of Engineers. A 9-foot channel is authorized from Stillwater to Taylors Falls, but the controlling depth in this reach is only one foot at extreme low water. The channel has not been maintained.

OTHER RECREATION

Two rivers in Wisconsin have been designated as areas of the National Wild and Scenic River System. The Wolf River, the Upper St. Croix, and its tributary, the Namekagon, have received formal scenic river status. The designated section of the Wolf River lies about 200 miles east of the Lower St. Croix and is considered one of Wisconsin's most scenic and rugged rivers. It is much smaller, less developed, and more intimate than the Lower St. Croix. The Upper St. Croix/Namekagon system also offers different recreational opportunities than the Lower St. Croix. The upper portion of the river flows through heavily timbered land, lacks the high, forested bluffs of the lower river, and is generally much narrower and more shallow than the Lower St. Croix.

Both Minnesota and Wisconsin are active in the protection of riverways. Wisconsin has recognized the unique values of its rivers by establishing the Flambeau River and Black River State Forests and by acquiring land on other rivers for fish-and-game purposes. Rivers in Wisconsin that bear the wild-river designation include the Brule, Wolf, Pine, Popple, and Pike. In Minnesota, the legislature has enacted laws designating 16 rivers as canoeing and boating routes. The legislature recently passed the Minnesota Wild and Scenic Rivers Act, which includes protection powers similar to those in the Federal Act. No rivers were initially included in the State system because Minnesota has not completed the necessary plans nor conducted any public hearings prerequisite to such designation.

The body of water with the greatest recreational potential in the region is the Mississippi River according to the U.S. Fish and Wildlife Service. The waterway, with its numerous sloughs and islands, provides some of the best waterfowl, hunting, sport fishing, and boating in the country. An in-depth study of recreation and environmental resources in the Upper Mississippi River Valley has recently been completed. Various proposals have been advanced to authorize an Upper Mississippi National Recreation Area. To establish such an area would require substantial improvements in Mississippi River water quality.

Minnesota and Wisconsin are richly endowed with lakes. Within 60 miles of the Lower St. Croix there are nearly 1,800 lakes with over 470,000 surface acres.

Most of these lakes are highly developed, with little or no lakeside frontage open to the public. They receive heavy recreational use by seasonal homeowners, especially people residing in the Twin Cities.

The Sherburne National Wildlife Refuge and the Upper Mississippi Wildlife and Fish Refuge are both only an hour's drive from the Twin Cities. The Upper Mississippi Wildlife and Fish Refuge extends some 285 miles southward along the Mississippi River from Wabasha, Minnesota, to Rock Island, Illinois. Both refuges provide excellent opportunities for visitors to observe wildlife and become acquainted with wildlife-management programs, as well as to fish, hunt, boat, and sightsee.

In the *Upper Mississippi River Comprehensive Basin Study* an important regional priority is for the provision of additional day-use water-oriented facilities for the Minneapolis/St. Paul locale. An analysis in the report shows that an additional 1,960 acres of high density recreation lands and 97,700 acres of general outdoor recreation lands are needed to satisfy visitor demands in the immediate future. The water acreage presently available for recreational use is estimated to be adequate through the year 2000. Because more than half the regional population is concentrated in the Minneapolis/St. Paul metropolitan area, one of the greatest recreational needs is for the provision of day-use areas for residents of the Twin Cities. The acquisition and development of additional lake frontage proximate to the metropolitan area may be the best way to provide more opportunities for water-based activities. The Lower St. Croix is part of the Twin Cities day-use zone and provides water-oriented recreational opportunities for many day-users from the metropolitan area.

Three national forests lie within 200 miles of the Lower St. Croix River—Superior, Chippewa, and Chequamegon. Recreational activities in all the national forests include swimming, water skiing, picnicking, nature study, boating, canoeing, big game hunting, waterfowl hunting, camping, horseback riding, hiking, and a multitude of winter activities. Two areas of the National Park System—Voyageurs National Park and Apostle Islands National Lakeshore—lie about 200 and 100 miles, respectively, from the riverway. Both are relatively new and undeveloped areas. The Ice Age National Scientific Reserve located in Wisconsin contains nationally significant land features resulting from continental glaciation. The Reserve contains nine separate areas spreading across the State from Lake Michigan to Interstate Park on the St. Croix. The Reserve is administered by the State and aided by Federal contributions for planning, land acquisition, development, and management. Two of the nine areas are within 100 miles of the riverway.

Both Minnesota and Wisconsin have jurisdiction over many types of land vital to outdoor recreation, including wildlife-management areas, State forests, State parks, and public accesses to lakes and rivers. Over 330,000 acres of State-owned land are within 60 miles of the Lower St. Croix study area.

In a 60-mile radius of the Lower St. Croix, most of the county-controlled public-recreation land acreage is in Wisconsin. The county forests presently maintain only primitive developments for vacationers, and their recreational value lies mainly in their capacity to support such recreational activities as hunting, fishing, sightseeing, nature study, and hiking. The county parks, and the river and lake accesses, are generally developed for more intensive recreational use, such as picnicking and swimming.

Parks and recreation areas provided by cities and villages are limited, but they sustain heavy recreational use. In the vicinity of the Lower St. Croix, the most significant urban recreational developments are those that serve the Minneapolis/St. Paul metropolitan area. These parks and recreation areas are generally intended to provide recreational opportunities for people within a short travelling distance of their homes.

CLIMATE

Climate in the Lower St. Croix River Basin is characterized by warm humid summers and cold, snowy winters. The average daily maximum temperature is 85 degrees in July and 23 degrees in January. The summer recreation season has an even distribution of clear, partly cloudy, and cloudy days.

Precipitation averages approximately 27 inches annually with an average snowfall of 40 inches. Sixty-four percent of the yearly precipitation occurs from May through September.

LAND USE

Farming is the dominant use in the Lower St. Croix River area. As might be expected, the area's agriculture activity is oriented toward the nearby metropolitan markets. Livestock, dairy, cash grain farming, and the growing of specialty crops such as apples, are common. Row crop agriculture with corn and small grains predominates. Virtually all the agricultural land within the riverway boundaries lies behind the bluffs. Recreational use of the Lower St. Croix does not conflict with the farming enterprises in the valley.

At present, forests cover 30 percent of the five counties bordering the Lower St. Croix and 37 percent of the river corridor. At this time, there is limited harvesting of timber or the manufacture of timber products. The primary uses of the land in forests are watershed protection, wildlife habitat, recreation, and environmental enhancement.

A significant portion of the river corridor is occupied by towns and villages. High-rises, townhouses, etc., are presently being proposed. With expanding urban populations, the need for open space is placing heavy demands on the forested areas in the region. This trend towards more and more use of the river corridor for residential purposes poses the greatest single threat to maintaining a pleasant and scenic river environment.

LAND OWNERSHIP

Nearly 16 percent of the 114 miles of river frontage on the Lower St. Croix is owned by the States of Minnesota and Wisconsin. This ownership amounts to over 18 miles of frontage. The State-owned areas included in these figures are the two Interstate Parks, William O'Brien State Park, Afton State Park, the St. Croix Islands Public Fishing and Hunting Grounds, Kinnickinnic State Park, and several smaller tracts owned by the respective States.

Nearly 23 percent of the river frontage is within the boundaries of 15 incorporated river communities. This amounts to approximately 26 miles of river frontage. The major portion of this land is privately owned.

Six quasi-public youth camps control approximately 4 miles of river frontage or over 3 percent of the total frontage.

Nearly 53 percent of the total river frontage (94.2 miles) is in some form of private ownership. Private ownership is fragmented, in most cases, with small riverside lots common. Several major private holdings exist along the Lower St. Croix.

Island ownership in the river is varied. Many of the islands have not been surveyed and are a part of the public domain. In some instances, patents may have been issued. In other cases, the States may claim title under the Swamplands Act. Presently, 24 islands, including nearly 105 acres, are Federally-owned. These islands are mainly in the area north of Stillwater. Eighteen of the Federally-owned islands are in Minnesota and six are in Wisconsin. An additional 15 islands (45 acres) are in State ownership and 20 islands (60 acres) are in private lands.

ZONING

The present status of State and local zoning along the Lower St. Croix shoreline is relatively complex, for it includes two States, five counties, and many municipal and township government. The zoning measures provided by both States for shoreline protection are generally considered adequate for protection of shorelands. However, considering the unique status of the Lower St. Croix River, more stringent land use controls similar to those in Appendix A are needed to protect shoreland, slope, and blufftop areas.

NON-RECREATIONAL USES OF THE LOWER ST. CROIX

The U.S. Army Corps of Engineers navigation project provides for the maintenance of a channel 9 feet in depth with a minimum width of 300 feet from the mouth of the St. Croix to Stillwater. Periodic dredging of this channel is done near Hudson, Wisconsin, and the Kinnickinnic River. A 3-foot channel above Stillwater to Taylors Falls was completed in 1900, but it has not been maintained, except to remove snags.

The U.S. Coast Guard is authorized to install and maintain navigational marking on the Lower St. Croix.

A 60-foot hydroelectric dam at Taylors Falls is operated by the Northern States Power Company.

Commercial navigation is presently a minor use of the riverway. Commercial traffic amounted to 1,300,000 tons in 1970, primarily coal shipped by barge to the Allen S. King Power Plant at Oak Park Heights, Minnesota.

The source for all water supply in communities along the river is groundwater; however, the St. Croix River is being considered as a source of water supply to meet the future needs of the Minneapolis/St. Paul metropolitan area.

The major industrial water user is the Allen S. King Generating Plant. The only other major industrial concerns along the Lower St. Croix are the Andersen Corporation at Bayport, Minnesota, and the United Refrigerator Company at Hudson, Wisconsin.

The river also serves as an outfall for several industrial waste and sanitary treatment plants.

RESOURCE ANALYSIS

The Lower St. Croix River, from the dam at Taylors Falls in Minnesota, flows in a southerly direction for approximately 52 miles, entering the Mississippi River at Prescott, Wisconsin. This free-flowing river offers scenic, recreational, and geologic values of a distinctive nature to the large population of the Minneapolis/St. Paul area, and the Upper Midwest. This river is long enough to provide a meaningful recreational experience, and a sufficient volume of water during normal years permits full enjoyment of water-related activities. The Lower St. Croix, overall, is a resource of high quality.

THE RIVER

The river exhibits a multitude of characters; in a sense, it is two distinctly different riverscapes. The upper half is relatively shallow, except at the Dalles, and intimate with dozens of islands, sandbars, and sloughs, while the lower half is broader, deeper, and more developed. Bluffs are a distinctive feature along the entire river.

At Taylors Falls, the river flows through a narrow, metamorphic rock gorge, the Dalles, which has been protected by inclusion in the Interstate Parks of Minnesota and Wisconsin. This area is well endowed with stratified and precipitous rock formations, and the walls of the gorge reach heights up to 200 feet above the waterline. The U.S. Highway 8 bridge crosses the river in this area just north of the Interstate Parks between Taylors Falls and St. Croix Falls.

From below the Dalles to the Soo Line Railroad swing bridge, the river flows through a heavily wooded, steep-sided valley with occasional sandstone and limestone bluffs visible. Few cottages or riverside homes can be seen. Islands, sloughs, and backwater areas make the river scene a delight for the river user who wants to explore. In some instances cottage development may exist in a backwater or slough area; however, it cannot be seen from the main channel. Springs and small feeder streams entering the river from both banks create miniature deltas and valleys. As the river traveler passes the community of Osceola, few residences are visible because the village is built high on the bluff and is well screened.

From the Soo Line swing bridge to the high bridge, the natural characteristics of the river change very little; however, man has had an increasing impact, especially on the Minnesota side. Two unincorporated communities exist, Otisville and Copas. Bankside development is relatively heavy in certain areas on the Minnesota side; yet most residences detract little from the user's impression of the overall river environment. William O'Brien State Park has been developed by Minnesota and immediately adjacent to the park boundary to the south are the corporate limits of the pleasant little community of Marine-on-St. Croix.

A few miles further south, the Soo Line Railroad high bridge, a 60-year-old structure over 150 feet above the river, stands as an imposing steel arch bridge unique to the area. Approximately one mile downstream from the high bridge, the river traveler passes towering stone piers that are all that remain of an old railroad bridge. Islands, sloughs, and bluffs still provide a pleasant scene to those on the river.

Moving south from the high bridge, the character of the Lower St. Croix begins to change. The river becomes wider and gradually begins to lose its intimate island and slough environment. From Stillwater, the largest city on the St. Croix River, to the mouth at Prescott, the river is relatively deep and wide, taking on the features of an elongated reservoir-type lake. This is Lake St. Croix, bounded by steep, wooded slopes in close proximity to the water. Excellent sand beaches and spits are occasionally found in this area. Three major constrictions exist in Lake St. Croix below the highway lift bridge at Stillwater—the Hudson "narrows," the delta at the mouth of the Kinnickinnic River, and at Prescott.

Bankside development is prevalent at the many communities that front St. Croix. A major landmark in the Lake St. Croix area is the Allen S. King Generating Plant at Oak Park Heights, Minnesota. Its 783-foot stack can be seen throughout much of the area surrounding the lake. Marinas occur at several points along the lower segment. Many permanent and seasonal homes are located on the bluffs overlooking Lake St. Croix. Afton State Park in Minnesota and Willow River and Kinnickinnic State Parks in Wisconsin are located within this reach.

River depths vary throughout the Lower St. Croix. In the Dalles area, depths are generally about 70 feet but holes go to 100 feet. In the area below the Dalles, alternating depths from 1 to 13 feet occur, depending on the shifting sand bottom. Depths from below the Dalles to Stillwater range primarily from 1 to 3 feet. Between Stillwater and Hudson depths range from 10 to 40 feet. Near Afton and St. Marys Point, depths reach as much as 70 feet. Bottom materials throughout are primarily sand with some gravel.

A necessary consideration in the evaluation of the Lower St. Croix is the amount of water that flows in its course throughout the year. Rate of flow, regulated by the Northern States Power Company dam at Taylors Falls, has averaged about 4,000 cubic feet per second over a 68-year length of record.

The area above Stillwater is the segment where the river's depth becomes a major factor in determining the level of boating use. Canoes and watercraft with shallow drafts are the most suitable for use in this section of the Lower St. Croix where the river's channel is constantly changing with the movement of the sandy bottom material. Two sandbar areas in particular impede motorboat navigation: the Arcola bar just north of the Soo Line high bridge keeps larger motorized watercraft from the upper reaches and sandbars near the mouth of the Apple River also make passage by motorboat difficult. At mean low flows, sandbar recreation is enhanced; however, passage by motorized watercraft is hampered. From Stillwater downstream the depth is usually sufficient for boating throughout the recreation season; however, some difficulties might be encountered if larger watercraft stray from the navigation channel.

Mid-May through mid-September is considered the primary recreation season. Rain and melting snow usually cause high water conditions from March through May. Occasionally, during this period, the river has undergone flooding that has resulted in disruption of the normal commerce of the valley. High water may also occur in the early summer or fall as a result of heavy rains. The river ice that goes out with the spring snowmelt presents hazardous boating conditions until late April. Normally, by the middle of May, the stream velocities have decreased. Depths are then adequate for small recreational crafts in the area above Stillwater, and for the larger crafts in the area below Stillwater.

Agricultural, residential, and industrial sources of pollution are present in the Lower St. Croix. The segment of the river from Taylors Falls to Stillwater has four domestic wastewater sources discharging into the river. These are found at Taylors Falls and Shafer, Minnesota, and at St. Croix Falls and Osceola, Wisconsin. All of these communities, except Shafer, provide secondary waste-treatment facilities. The water quality is excellent in this reach with dissolved oxygen levels normally at saturation level.

That portion of the river from Stillwater to Prescott has three domestic wastewater sources discharging into the river. Stillwater and Bayport, Minnesota, have tertiary waste-treatment facilities; Hudson, Wisconsin, has secondary waste-treatment facilities. Small communities along the lower St. Croix without sewer systems include Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Marys Point, Afton, and Marine-on-St. Croix, all in Minnesota. As the population being served increases, water quality could become a problem if wastewater discharges are not adequately treated.

The Minnesota Pollution Control Agency has adopted new standards and issued orders

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requiring advanced waste treatment by Minnesota disposal systems discharging into Lake St. Croix. A regional control system is proposed; a monitoring program has been in effect since 1966. Although flood conditions and recreational boating wastes at times cause problems, the available information indicates that Lake St. Croix also contains water of relatively high quality.

GEOLOGY AND SOILS

The entire St. Croix River Basin was once covered with glacial drift; streams gradually cut through the drift to form the present narrow valleys. The lower part of the valley—below the communities of Taylors Falls, Minnesota, and St. Croix Falls, Wisconsin—was carved by Lake Grantsburg runoff waters, which spread west over the land from the vicinity of Grantsburg, Wisconsin, to east-central Minnesota. As the glacial ice melted, the lake rose until it finally spilled over its banks at a point near Taylors Falls and St. Croix Falls. There the water streamed southward, carving the Lower St. Croix Valley to the Mississippi.

Near Taylors Falls the river has patiently cut and exposed up to ten layers of lava rock mantled by deposits formed during three separate glacial episodes. These sheer rock surfaces and unusual rock potholes are striking geologic features.

The oldest rocks in the area are Precambrian in origin and are composed of metamorphic and volcanic materials. These are overlain in some sections by interbedded sedimentary and extrusive volcanic rocks of the Keweenawan age, and these are covered in places by the Cambrian Dresbach and Franconia sandstones, unconsolidated glacial sands, clays, silts, sedimentary rocks, and gravels.

The St. Croix flows through a deep valley with occasional bluffs of sandstone and limestone for most of the distance between Taylors Falls and Prescott. Many of these bluffs have a thin mantle of silt or sandy loam over rock. However, from south of Bayport to Afton the bluffs recede from the St. Croix. In this area, there are large, nearly level terraces composed of sand and gravel.

There is very little alluvial land along the Lower St. Croix River, but nearly level sand and gravel alluvial fans have formed at the mouth of almost every stream that flows into the river. Most of the soils in these areas have moderate to severe limitations for most recreational use principally because of flooding, slope, or rockiness. The flooding is common early in the spring, before seasonal use, but may occur at other times as a result of heavy rains. Even though the limitations are quite restrictive, development of these areas can be worthwhile because of the very scenic nature of the river and surrounding lands. There is a limited sediment problem, due to erosion of glacial till deposits. This problem has been accelerated as a result of road construction, sand and gravel operations, and agriculture. Intense erosion has occurred where plantlife has been removed from slopes or near bluffs.

FLORA

The early logging operations left few of the original white pine or red pine stands except in isolated, steep situations, where a few virgin tracts of these stately conifers still exist. The remaining pine are mainly second growth, and principally located on higher ground.

Near the river, several species of deciduous trees densely vegetate thousands of acres. Periodic flooding of the lowlands has resulted in a river bottom ecology favoring hydrophytic species along many parts of the river. Timber stands that are generally composed of mature second growth, dominated by a variety of hardwoods with an intermixing of conifers, attract many to enjoy spectacular autumn colors. Visitors also come to seek out the many wildflowers in the spring.

FAUNA

The river fishery is strongly influenced by the Mississippi River and its fish species. The dam and natural barrier at Taylors Falls prevent fish movements between the Lower and Upper St. Croix. This has tended to limit fish distribution. Game fish most sought after in the Lower St. Croix are the walleye, sauger, northern pike, small and largemouth bass, white bass, black crappie, white crappie, yellow perch, rock bass, bluegill, and other sunfish species.

The mid-continental location and sheltering effect of the St. Croix Valley make it an attractive habitat for a variety of wildlife. Particularly rich in birdlife, many species of waterfowl and marsh shore birds, upland game birds, songbirds, and such unusual birds as the Great Blue Heron and egret, nest or rest in the area. Overlapping ranges and merging of different life zones have made the valley attractive to numerous small mammals, white-tailed deer, reptiles, and amphibians.

HISTORY

Historical evidence indicates that the St. Croix Valley was inhabited as long as 2,000 years ago by the Dakota Indian Nation, later known as the Sioux. During the sixteenth century, another Indian Nation, the Ojibway or Chippewa, moved into the region from the north and east. The entry of the Ojibway into the long-held lands of the Dakota threw the tribes into conflict that lasted for three centuries.

The first known European to travel in the valley was probably Daniel Greysolon, Sieur du Luth (Duluth). In 1680 he traveled from Lake Superior down to the Mississippi and passed along the St. Croix and Brule Rivers. Duluth and other French explorers claimed the whole of the Great Lakes region, and thereby the St. Croix Valley, for France.

Most historians believe that a companion of Duluth, a Sieur de la Croix, was shipwrecked at the confluence of the Mississippi and St. Croix Rivers. Later explorers and adventurers who knew of this story appear to have altered this man's name and popularized it as the name of the river.

The valley was rich in fur-bearing animals, and with the constant search for more pelts for European markets, the area was a natural place for the establishment of trading posts.

The logging industry came to the region in the 1830's and gained prominence as lumbermen began the removal of the white pine. By 1914, however, the lumber industry had also declined. Twentieth century development following the end of lumbering was confined to the period after World War II. At that time, recreational activity became the most important industry in the valley and has been the major impetus for development up to the present time.

PRESENT AND POTENTIAL USES

Camping is concentrated primarily at the facilities provided at the State parks and the few existing private campgrounds that are developed near the river. Further involvement by the private sector could partially offset the demands for camping facilities generated by people from the Twin Cities area. The State-managed campgrounds along the Lower St. Croix totaled over 96,000 camper days in 1969.

Swimming presently takes place at county and municipal beaches, off islands and sandbars, and at Interstate and William O'Brien State Parks. Troy Beach and Point Douglas Beach experience primarily local use during the week, with heavy use by Twin Cities residents on weekends and holidays.

Trail use is presently a minor activity in the river corridor. Hiking trails are provided within William O'Brien and the Interstate Parks.

All opportunities for trail development along the river should be investigated and made part of any future comprehensive recreation plan for the river. The development of a network of trails could provide a valuable opportunity for the urban recreationists to participate in a stimulating outdoor activity.

Fishing is presently a major recreational use of the river. This includes all three types—boat, bank, and ice fishing. Boat fishing is more concentrated at the mouths of the tributaries such as the Apple and Kinnickinnic, near the discharge canal of the King Generating Plant, in the Hudson narrows, and at the confluence of the St. Croix and Mississippi Rivers. Bank fishing is fairly common in the vicinity of Stillwater, the power plant canal, and at William O'Brien State Park. Ice fishing is the least popular of the three types of fishing, but still constitutes an important wintertime activity.

A survey of boating use undertaken by the Minnesota-Wisconsin Boundary Area Commission estimates that approximately 205,000 persons age 6 years and over used the river for recreation by watercraft in the 1970 summer recreation season. Another 36,048 took excursion trips on commercial sightseeing launches in the vicinity of the Dalles of the St. Croix. Furthermore, 81.3 percent of boat trips included recreational activities on shore or islands. This suggests that from the standpoint of the typical watercraft user, recreational enjoyment could be related as much to the quality and availability of shore and island recreation sites as to the quality and availability of the waters. It is felt that this is especially significant in the lower 32 miles where water depths are sufficient to support power boating activities. This area represents about three-fourths of the total water surface of the river. The most attractive shore and island areas become crowded with beached boats of all types on weekends and holidays. Generally, the peak-use periods for waterborne recreation on the river are typical of most day-use recreation areas; that is, from about noon to sundown on weekends and holidays.

On the basis of aerial census counts in 1970, an average of 800 watercraft were in use at one time during peak periods for recreational activity. Of the 800 craft, there was an even split between the number on water, and those beached for shore or island activities. On a typical summer Sunday afternoon, it is estimated that 60 percent of the watercraft in use on the Lower St. Croix originated their trip from a marina moorage or livery; 25 percent originated from launch ramps; 10 percent came in from the Mississippi River; and 5 percent originated from individual private docks along the river. A breakdown of the various types of craft in use shows that runabouts (without skiers) account for nearly half, followed by pontoon or houseboats, medium to large cruisers, canoes, runabouts with skiers, fishing boats, and sailboats.

Crowding is an important factor influencing watercraft users enjoyment of the Lower St. Croix. Conflicts have arisen between user groups such as water skiers and fishermen, and between canoeists and motorboaters.

The average length of a river recreation experience for all watercraft users was 11.1 hours. This includes overnight trips. The vast number of watercraft users are residents of the heavily populated Minneapolis/St. Paul metropolitan area.

As the result of this boater-use survey undertaken by the Minnesota-Wisconsin Boundary Area Commission, several major problems have become apparent. Overuse of the Lower St. Croix by all types of watercraft is a serious threat to the river environment and the quality of the river user's experience (see appendix B).

EXISTING RECREATION FACILITIES

The major developed public use areas along the Lower St. Croix River are William O'Brien State Park, Minnesota Interstate Park, and Wisconsin Interstate Park. Purchase of additional lands with additional river frontage is planned by the State of Wisconsin.

The newly expanded William O'Brien State Park contains approximately 1,330 acres of beautifully wooded rolling countryside and includes a large island. Park facilities provide for such activities as tent and trailer camping, hiking, fishing, picnicking, swimming, horseback riding, and boating and canoeing. In 1972 the park received an estimated 169,566 visitors.

The Minnesota Interstate Park provides facilities for tents and trailers, picnicking, fishing, and boating and canoeing. A large canoe concession rents canoes and features an interpretive boat ride through the Dalles. In 1972, the Minnesota Interstate Park was visited by 401,863 people.

The Wisconsin Interstate Park will be slightly expanded and presently has provision for tents and trailers, picnicking, fishing, boating, swimming, boat launching, hiking, and canoeing. In 1972, the Wisconsin Interstate Park received 268,797 visitor days and 26,716 camper days.

Willow River State Park, on the Willow River approximately 3 miles upstream from its confluence with the St. Croix, is being developed east of Hudson, Wisconsin. This 2,900-acre park offers fishing, camping, swimming, picnicking, hiking, and snowmobiling. In 1972, the Willow River State Park received 147,974 visitor days and 20,056 camper days.

Approximately 7 miles north of the mouth of the St. Croix River, the State of Minnesota has recently designated Afton State Park, which includes 2.5 miles of frontage on Lake St. Croix.

Afton State Park encompasses approximately 1,675 acres. At present, facilities are being developed for primitive camping, picnicking, swimming, fishing, and hiking. However, no boat launching or family campground facilities are planned for the State park.

Although final plans are not complete for the newly designated Kinnickinnic State Park, developments will emphasize day-use facilities for boaters, swimmers, picnickers, and hikers. No boat launch facilities will be provided. The bulk of the park will be left in a natural condition.

The St. Croix Islands Recreation Area is an undeveloped group of five islands managed by the Minnesota Department of Natural Resources. This area lies immediately north of the city of Stillwater, and contains approximately 40 acres of land. Present use is limited to river users for nature study. There is no development planned for the islands.

There are eight highway waysides along the river, most of them on the Minnesota side. The Boomsite Wayside, just north of Stillwater, is the only one with comfort station.

Additional State-owned areas include the St. Croix Islands Wildlife Area managed by the Wisconsin Department of Natural Resources, and two game refuges along the Lower St. Croix, managed by the State of Minnesota.

Washington County maintains a small beach on Point Douglas, near the mouth of the St. Croix, comprised of about 200 feet of frontage that the county expects to expand significantly in the future. Another small county park, St. Croix County's Troy Beach is located about 2 miles south of Hudson, Wisconsin. Troy Beach has about 1,000 feet of river frontage primarily used by local residents on weekdays. However, as much as 85 percent of weekend use is by metropolitan area residents.

Troy Township has two public boat launching ramps across Lake St. Croix from Afton, Minnesota. There are also three other unimproved ramps that receive relatively light local use at the present time. Many municipalities also provide facilities for recreation and charge minimal fees for use by non-local residents.

Six group camps are located on the Lower St. Croix, as well as a private campground development at Camp Croix.

Commercial marinas constitute the primary form of private recreational development that has occurred on the river. Lake St. Croix and the 6-mile stretch of river just above it receive heavy use by recreational boaters.

Canoe livery service is found at Taylors Falls, William O'Brien State Park, and Marine-on-St. Croix. Commercial sightseeing launch trips are available through the Dalles of the St. Croix and at Stillwater. Boat liveries are available at Prescott, Point Douglas, Kinnickinnic Resort, Lakeland, Stillwater, and Marine-on-St. Croix.

Corporate-owned recreational land is found on the Minnesota side of the river. One large area is on Lake St. Croix below Afton State Park, the other is near Lake Elmo. Golfing, skiing, picnicking, and other day-use recreational activities are found in the Lake Elmo area. The area on Lake St. Croix is under development at the present time.

Islands and sandbars provide excellent recreational sites. Most of the prime sandbars on Lake St. Croix are leased or owned outright by private boater organizations, and their use by the general public is limited. Sandbars are sites for camping, picnicking, fishing, and swimming, and on summer weekends they are heavily utilized.

Custodial control of approximately 1,100 acres of land formerly used by the Minnesota State Prison at Bayport was recently transferred from the Department of Corrections to the Department of Natural Resources. Most of this land, located west and south of Bayport, is expected to be transferred before the end of 1973. Preliminary plans indicate that this will be a State resource management area with trails, environmental education areas, forest demonstration plots, wildlife habitats, etc. Snowmobiles will be restricted and other motorized vehicles will be prohibited.

There are five winter sports complexes within a few miles of the Lower St. Croix River specializing in downhill skiing.

THE PLAN: NATIONAL PARK SERVICE

INTRODUCTION

This plan is prepared in response to Section 3 of Public Law 92-560 that was passed by Congress and signed by the President on October 25, 1972. This act amended the original Wild and Scenic River Act to make the Lower St. Croix River, from the dam at St. Croix Falls-Taylors Falls to Prescott at the river's confluence with the Mississippi River, the ninth component of the National System.

There are provisions of this law that are of particular significance to the comprehensive plan. Following is a list of these provisions with their specific effects on the planning effort:

Section 3 asks for the preparation of a joint Federal-State comprehensive plan. Division of the administrative responsibility: the Secretary of the Interior is to administer the northern 27 miles and Minnesota-Wisconsin the southern 25 miles. Additionally, it provides for the continued administration by the respective States of existing State areas in the northern 27 miles.

Section 4 enables the two States to designate for their acquisition any additional lands within the portion of the riverway administered by the Secretary.

Section 6 limits the appropriations for land acquisition and development in the Federal segment to $19,000,000.

Prior to passage of Public Law 92-560 the Bureau of Outdoor Recreation prepared the report "Scenic River Study of the Lower St. Croix" dated July 1972 and revised October 1972 and February 1973. This comprehensive plan refines and revises the Plan Section and River Classification of that study as suggested in Public Law 92-560, as amended by Public Law 93-621, approved January 4, 1975.

RIVER CLASSIFICATION

Scenic Classification Zone

The Bureau of Outdoor Recreation (B.O.R.) in their February 1973 report recommended classification of 12 miles of the Lower St. Croix from the dam near Taylors Falls, downstream to River Mile 40.2 at the Soo Line Railroad swing bridge as "scenic." The scenic segment includes a narrow gorge, the Dalles of the St. Croix, and the Interstate Parks of Minnesota and Wisconsin. This master plan establishes scenic classification of a slightly shorter reach and is now proposed to extend south to the Chisago-Washington county line, a distance of 10.3 miles. This reduction of 1.7 miles was recommended because of the deterioration of the Minnesota bluffline by recent clearing and residential construction in this reach.

The shoreline in this 10.3-mile scenic reach is largely in a natural condition. The only road that parallels the river bank is U.S. Highway 8 that passes through the Minnesota Interstate Park for approximately 1.5 miles. Two road bridges traverse the river: one is U.S. Highway 8 slightly below the dam at Taylors Falls-St. Croix Falls and the other is at Osceola, which receives only moderate traffic. Osceola, Taylors Falls, and St. Croix Falls are the only incorporated villages in this reach. Further deterioration of the bluff and shoreline by building construction in these villages is not expected. This is because of the limitations in the scenic river legislation concerning local zoning regulations to be adopted that are acceptable to the Secretary of the Interior.

Land Acquisition: Public Law 90-542, the National Wild and Scenic River Act of October 2, 1968, established the Upper St. Croix River as one of the original rivers in the system. It authorized the Secretary of the Interior to acquire interests in lands along 200 miles of the St. Croix and Namekagon Rivers. The National Park Service land acquisition program there includes acquiring approximately 400 feet in fee on both sides of the river. Back from this zone to the riverway boundary the National Park Service is acquiring scenic easements that restrict the degree of development where no public lands exist. Within incorporated villages, zoning that is acceptable to the Secretary is proposed and authorized. It is desirable that the policy of land acquisition already established in the Upper St. Croix be applied to the Lower St. Croix to the maximum extent possible.

Fee Acquisition is necessary to achieve protection of as much of the scenic area (10.3 miles) as possible within the authorized ap-

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propriations, therefore the following actions are recommended:

All islands administered by the Bureau of Land Management will be transferred to the National Park Service.

All islands that are not publicly owned will be acquired in fee by the National Park Service.

An approximate 400-foot strip of land on both sides of the river will be purchased in fee from the south boundaries of the Interstate Parks to the Chisago-Washington county line projected across the river in Wisconsin. This is consistent with the objectives of scenic classification and will continue the established land acquisition policies in the Upper St. Croix River. Existing homes and a reasonable amount of surrounding land located within this 400-foot strip will not be acquired in fee, but scenic easements may be acquired.

As depicted on the boundary map, certain lands within established State park and wildlife management areas will be acquired by the States.

Scenic Easement Acquisition of the area behind the 400-foot fee strip of land to the riverway boundaries and from the Interstate Parks south to the Chisago-Washington County line projected across the river in Wisconsin will be implemented. Thus, the basic esthetic character of the valley as viewed from the river will be maintained in the scenic portion of the river. Scenic easements will generally be more restrictive than Suggested Zoning Guidelines found in appendix A. The specific easement provisions will be negotiated with each landowner and will not affect existing uses.

Zoning: In accordance with Section 6(c) of the Act of October 2, 1968, whereby the Secretary may not acquire lands by condemnation within the riverway if such lands are located within an incorporated city, village, or borough that has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of the act.

The standards have the object of (a) prohibiting new commercial or industrial uses other than consummercial or industrial uses that are consistent with the act and (b) the protection of the bank and bluff-lands by means of acreage, frontage, and setback requirements on development.

Osceola, St. Croix Falls, and Taylors Falls may submit to the Secretary of the Interior for his approval all zoning ordinances and amendments and a land use plan that demonstrates conformity with the general and specific standards of the regulations for the Lower St. Croix to be promulgated by the Secretary.

Recreational Classification Zone

This zone extends from the Chisago-Washington county line in Minnesota, projected across the river in Wisconsin, downstream to the confluence of the St. Croix River with the Mississippi River. This 41.7-mile segment includes William O'Brien State Park, the St. Croix Islands Wildlife Area, the Boomsite Wayside, St. Croix Recreation Area, Afton State Park, and Kinnickinnic State Park. It includes the incorporated communities of Marine-on-St. Croix, Stillwater, Oak Park Heights, Bayport, North Hudson, Hudson, Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Mary's Point, Afton, and Prescott. In addition to the incorporated communities, numerous seasonal and year-round residences are found clustered within this reach. There are three highway and four railroad crossings located here. Even with this amount of development, the recreational segment retains outstanding natural and recreational values that have qualified this area for inclusion in the National Wild and Scenic River System.

Land Acquisition: The following actions are recommended for both sides of the Federal portion of the river from the Chisago-Washington county line to the northern boundary of the city of Stillwater.

Fee and Scenic Easement Acquisition is necessary to achieve protection of as much of the Federal Recreational Zone (16.7 miles) as possible within the authorized appropriations, therefore the following actions are recommended:

All islands administered by Bureau of Land Management will be transferred to the National Park Service. All islands not publicly owned will be acquired in fee by the National Park Service.

An approximate 400-foot strip of land in undeveloped areas on both sides of the river will be purchased in fee from the Chisago-Washington County line to the northern boundary of the city of Stillwater. Existing homes and a reasonable amount of surrounding lands located within the 400-foot fee strip will not be acquired in fee, but scenic easements will be acquired. In addition, scenic easements will be acquired on other existing developed areas and in the area behind the 400-foot fee strip to the riverway boundaries.

An area for development of approximately 100 acres will be purchased in fee. Located near the high bridge in Minnesota, this site would provide information on the entire 252 miles of the St. Croix and Namekagon Rivers to the visitor coming from metropolitan Minneapolis-St. Paul and south. Additionally, an area in Wisconsin near the high bridge site is recommended for development as a canoe take-out.

As depicted on the boundary map, certain land within established state park and wildlife management areas will be acquired by the States.

Zoning: Marine-on-St. Croix is subject to the provisions of Section 6(c) of the Act of October 2, 1968 (Public Law 90-542) as presented in the Scenic Classification Zone section.

Total Visibility Zone

In addition to the riverway boundary for the national scenic riverway, is another area of influence suggested for controls. It is depicted on a map following this section. A study, sponsored by the St. Croix Valley League of Women Voters and the Minnesota-Wisconsin Boundary Area Commission, was conducted by the University of Minnesota Center for Urban and Regional Affairs. It was entitled *The Determination of Which Land Areas Can be Viewed from the St. Croix River.*

The general purpose of this study was to define the geographic limits of the Lower St. Croix River Valley Corridor, in terms of its visual limits as viewed from the river. The definition of the total scenic corridor will aid local units of government in determining a boundary for development controls that should be imposed on land development, both within and outside the St. Croix National Scenic Riverway boundary.

The "view" analysis used to determine the scenic corridor is a computer-aided method for establishing the "intervisibility" between various points in the landscape. Two points are intervisible if a clear sight line can be drawn between them without intervention by other land forms and vegetation. This method was applied in two ways:

To determine what lands can be seen from a point of interest, an overlook, or a particular building (observer oriented).

To determine from what lands a point is observable (object oriented).

It is therefore possible to use the information to locate activities to take advantage of scenic views, as well as to control development to preserve scenic views.

Data were collected and coded for the computer for 52 miles of river and 106,000 acres of adjacent land. The resultant computerized map determined the total visibility zone. The acreage shown in the total visibility zone far exceeds the 320 acres per mile permitted for controls of land use in the scenic river legislation. This expanded area allows the local zoning authorities to augment the protection of their river corridor with new zoning controls outside the Federal and State riverway boundaries. Zoning within the total visibility zone should at least include height restrictions on all structures that could be viewed from the river, including industrial and high-rise apartments. Controls on the cutting of vegetation would also be desirable.

FEDERAL MANAGEMENT OBJECTIVES

The following statement by the superintendent of the Lower St. Croix National Scenic Riverway reflects park management's needs and goals relative to this master plan.

CONCEPT

Although local efforts are now being made to control land use to protect the Lower St. Croix River Basin; much more has to be accomplished. This area can only partially be protected by the Federal and State governments. The effort to protect the entire basin must be recognized by all levels of government and the private sectors if the St. Croix is to become a model of river conservation for all America.

RESPONSIBILITY

The St. Croix River can only remain one of America's great rivers if a partnership of local, State, and Federal governments evolves making a public and private effort in preservation and conservation.

The National Park Service will coordinate with Minnesota and Wisconsin in the planning and management of the riverway through a Lower St. Croix Management Commission.

The Federal role will be to perpetuate and administer their lands to the fullest extent possible, provide reasonable amounts of recreational opportunities, and provide information to the public. This information will not only include the opportunities that exist in the Lower St. Croix, but also the additional recreational opportunities that exist in the Upper St. Croix and Namekagon Rivers to the north.

Federal acquisition of lands is planned in those areas where preservation of the resource is necessary to perpetuate the scenic qualities that have qualified this area for inclusion in the National Wild and Scenic River System. Fee acquisition of land is also proposed where public use facilities are planned.

Both States, through joint planning, will continue to provide the major recreational opportunities that have been accomplished for visitors to the river in this reach. A major role of the National Park Service will be to inform the public at a central location of the various opportunities that exist in the 52-mile reach, and the 200 miles of river, previously authorized.

Federal responsibility with existing communities will be to assist and advise in the planning of communities, related recreational facilities, and historical interpretation. Plans can be coordinated with the States, involving land use, water quality, and public recreation. Land or land interests unacquired by the Federal Government will be the major responsibility of the local units of

government. This means the preservation and conservation of the riverway by providing orderly development and limiting new recreational access that is presently believed to be at or near capacity. Suggested zoning guidelines have been provided in this plan for the guidance and use by the local units of government (see appendix A).

The private section can continue to provide recreational opportunities within and outside of the riverway boundary. Standards and guidance will be provided whereby planned facilities can be compatible with the valley's natural character.

The States, having assumed the major responsibility for intensive recreational use of this portion of the riverway, are now coordinating future park plans to fit the cooperative riverway concept.

RIVER CORRIDOR

The Federal portion of the St. Croix Scenic Riverway now extends almost 227 miles; this includes the Lower St. Croix to the northern limits of the city of Stillwater. Federal and State ownership will protect most of the upper 227 miles.

The 27-mile riverway from Taylors Falls to Stillwater comprises shoreline, islands, and public use areas of high recreational value. Acquisition of land by the Federal Government is proposed to protect the high scenic values. Additional lands will be acquired to provide informational facilities to all river users at the high bridge in Minnesota. State parks in this reach are adequate to provide necessary access to the riverway and for lateral movement along its shores.

Farmlands and forests are essential in maintaining the flavor and character of this reach and their perpetuation will be encouraged. New residential construction is inevitable and must be controlled by individual local units of government on an orderly basis. The immediate shorelines and bluffines must be preserved.

VISITOR USE

The State parks will be intensive use areas and will support multi-recreational uses of the land and water. The areas suggested for fee and easement are areas in which preservation of the resource is necessary to complement these intensive use areas and will be limited to low intensity recreational uses or open space. These areas will be accessible only by boat and canoe, and activities will be limited to hiking, fishing, and nature interpretation. The riverway will be operated throughout the year, with extended area and visitor services from Memorial Day to Labor Day. It will be primarily for day-use activities with camping permitted at State and concession campgrounds. Most of the river's islands will be designated for low intensity use and will be bought in fee. Some overnight use will be permitted on designated islands off the main channel by houseboats with self-contained sanitary units. Overnight primitive camping will be permitted on certain islands by other users if provisions can be made for appropriate sanitary facilities. Experiments in overnight camping on islands are presently being conducted in the upper portion of the St. Croix River, and their results will determine to a large extent what additional use can be accommodated on the islands in the Lower St. Croix. The privately owned campground near Osceola will be acquired and allowed to operate as a concession or through a special use permit.

The Secretary, in consultation with State officials, may designate "No Hunting" zones and periods when hunting is prohibited for public safety or administrative purposes in the Federal Riverway Zone.

DEVELOPMENT

There will be no major Federal recreation developments along the National Park Service administered portion of the river. In the 27-mile Federal reach of the Lower St. Croix, the major developed public use areas are the Minnesota Interstate Park, the Wisconsin Interstate Park, and the William O'Brien State Park in Minnesota.

Both Interstate Parks were established in 1900 and represent one of the earliest developments in cooperative outdoor recreation in the nation. They were also the first interstate parks established in the United States. These parks contain facilities for picnicking, fishing, canoeing, boating, tent and trailer camping, and group camping. In addition, the Minnesota Park has commercial sightseeing boat trips and canoe rentals. Midway down this portion of the river, the William O'Brien State Park provides identical facilities and will be substantially expanded in the future and will include a canoe camping area adjacent to the river. These parks will provide the major public access for the river user.

Lacking is a canoe take-out area near the lower portion of this reach on both sides of the river. The National Park Service will provide a developed area at the high bridge in Minnesota that will include an orientation-information center, a small picnic area overlooking the river, and a canoe take-out area. In addition, a residence and a utility building will be located on this land, associated with the information center for protection and maintenance functions. On the opposite side of the river, a canoe take-out area for those visitors wishing to leave the river in Wisconsin. An interpretive trail will be developed at Peasley Lake with access only from the riverway. Development of overnight accommodations and related services will be encouraged on privately owned lands outside the boundary.

Wherever historical or archeological resources are identified, development will be adjusted accordingly, in compliance with the Historic Preservation Act and other pertinent legislation.

LAND ACQUISITION

All undeveloped river frontage in the Federal Riverway Zone, with the exception of incorporated areas and State owned lands, will be purchased in fee. Existing houses will be allowed to remain and scenic easements will be acquired on the homesite. Homeowners will be allowed to retain up to 3 acres of land surrounding their residence with a maximum river frontage of 300 feet. Owners may elect to sell their dwelling to the government, and if acquired, may retain a right of use and occupancy for a period of up to 25 years or for the lifetime of the owner. These areas will be monitored to ensure proper maintenance and preservation. Less than fee interest will be acquired on the remaining backup lands behind the fee area to the riverway boundary. Every effort will be made to ensure the privacy, comfort, and legal rights of those persons who have chosen to retain this use.

ADMINISTRATION

This 27-mile segment of the Lower St. Croix will be administered as a separate district by the Superintendent, St. Croix National Scenic Riverway, headquartered in St. Croix Falls, Wisconsin. A visitor contact station will be located at the high bridge development. Existing State parks, fish hatcheries, and wildlife areas will continue to be administered by their respective staffs.

Interpretation will be primarily on-site exhibits at various points along the river such as Peasley Lake, bridge crossings, the high bridge development site, and others. Self-guided nature trails will be developed wherever desirable.

The park staff will cooperate with local and State agencies on matters of mutual concern. These may include but are not limited to: public health and safety, fire control, zoning matters, and land use planning. Maintenance of islands and shorelands owned outright, and monitoring and scenic easements will be accomplished by the park staff.

LAW ENFORCEMENT

The park staff will enforce National Park Service regulations. The enforcement of boating, fishing, and hunting regulations will be a joint Federal and State responsibility. Local ordinance enforcement is the responsibility of local law enforcement officials, but the park staff will assist if they are deputized.

VISITOR SERVICES

Provisions for vehicle access, family camping, and canoe and boat rental will be provided at State parks and at the existing development near the Osceola Bridge. Any new canoe or boat launching areas will be limited to carry-in types. Unneeded river accesses will be eliminated in cooperation with local or State government.

Interpretation

The interpretive program will be aimed at giving the visitor a better understanding and appreciation of the river, its historical role, ecological significance, and particularly how man has interacted with it.

Information

Information on the riverway will be primarily through printed material, signs, and personal contact. Printed material will be distributed at major access points, such as high bridge, State parks, and at information stations in the surrounding areas.

Environmental Education

An active environmental education program will be developed in cooperation with surrounding school systems utilizing the riverway resources.

RESOURCE MANAGEMENT

General

Management of the land and water resources within the riverway will be in conformance with the established administrative policies for recreation areas and the specific provisions of a natural resources management plan. A development plan will determine which portions of the river may be developed for recreational purposes and which areas will remain undeveloped or in their natural condition. Historic and archeological resources will be preserved, treated, and managed in conformance with the Administrative Policies for Historical Areas, which govern historic resources wherever located. A historic resources management plan will be prepared to guide their continuing preservation.

RESEARCH

Research needs will be identified in the Resource Management Plan. Highest priority will be given to sponsoring or encouraging research into riverway ecosystems that will be useful in future management, development, and public use.

ZONING

Assistance will be provided to incorporated governmental units along the riverway in meeting the zoning standards to be established by the Secretary of the Interior.

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THE PLAN: MINNESOTA/WISCONSIN

INTRODUCTION

Resource Description

At the northern city limit of Stillwater, dividing line between the Federal and State administration zones on the Lower St. Croix River, the character of the valley changes abruptly. The river widens into an elongated reservoir, Lake St. Croix, losing the intimate island and slough character of the area north of Stillwater. Lake St. Croix gradually widens from approximately one-half mile in the Stillwater-Bayport area to nearly a mile and a half at one point south of Hudson. At Afton, the lake narrows again and remains from a quarter to a half mile wide until its confluence with the Mississippi River at Prescott, 25 miles south of Stillwater.

Topography has had a definite influence on the past settlement pattern of Lake St. Croix. Every incorporated area originated on flat land adjacent to the lake. Only in the larger municipalities of Stillwater and Hudson do the dense urban residential settlement patterns extend up and over the bluffs, 100 to 200 feet above the lake level.

Rocky and wooded bluffs define the valley on both sides of Lake St. Croix. In much of Stillwater, except for the downtown area, sheer rock cliffs rise up approximately 100 feet within a quarter mile of the lake.

In Oak Park Heights and Bayport, wooded bluffs occur behind the densely settled residential neighborhoods and extend as much as a mile from the lake. Just south of Bayport, the 2-mile unincorporated stretch of shoreland adjacent to the lake is characterized by steep slopes and blufftop areas over 100 feet above the water surface. In northern Lakeland, the primary bluff again recedes from the lake and remains behind the developed municipality areas of Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Marys Point, and Afton. Banks rising 50 feet above the water are characteristic of the immediate shoreland areas of Lakeland, Lakeland Shores, and northern Lake St. Croix Beach. In contrast, the rest of Lake St. Croix Beach, St. Marys Point, and the old village of Afton have very low banks and are subject to flooding almost every year.

The shoreland area in the rest of Afton and all of Denmark Township has steep wooded bluffs and is closely paralleled by a single railroad track for the remaining 11 miles to the confluence of the St. Croix and Mississippi Rivers. This stretch of Lake St. Croix shoreland in Minnesota is characterized by scattered bluftop development and a few areas of seasonal home-recreational usage near the shore.

On the Wisconsin side of Lake St. Croix, steep wooded slopes and blufftop areas characterize nearly the entire 25-mile stretch of shoreland, with the exception of the cities of Prescott, Hudson, and North Hudson. Scattered residential development exists on the slopes and blufftops of the unincorporated areas, with the heaviest concentration occurring in Troy Township across from Afton and St. Marys Point.

Overall Goal of the Comprehensive Master Plan

At the present time, there are three major factors endangering the natural character of the Lower St. Croix Valley: increasing development pressure, the possibility of water quality degradation, and increasing recreational use. These factors are already evident in the Lake St. Croix area from Stillwater to Prescott, due to its proximity to the Minneapolis/St. Paul metropolitan area. As stated in the Scenic River Study Report:

"Recreation utilization of the St. Croix River Valley has been judged to be at or near its optimum level. If efforts are not made to curtail and control the expected increase of recreational use on this river, the quality of its significant natural environment will deteriorate. While establishment of the Lower St. Croix River as a component of the National Wild and Scenic River System will undoubtedly encourage increased recreational use, this use will be controlled or regulated by carefully guiding or limiting the extent of further development and by judicious enforcement of the regulations to protect or restore the natural environment" (Scenic River Study of the Lower St. Croix River, October 1971, page 12).

The major purpose of this master plan is to balance the need for recreational use of the area against the equally important objective of preservation of the natural values of the area. Thus, the overall goal of the plan is "to preserve the existing scenic and recreational resources of the Lower St. Croix River through controlled development."

STATE MANAGEMENT OBJECTIVES

The primary objective is to preserve the view from the water surface. The Lake St. Croix Valley or visual corridor is essentially the zone of adjacent land that has a visual impact on the river user and, therefore, should be protected from adverse use and development if the natural and scenic appeal of the riverway is to be preserved. Thus, to achieve the overall goal of the master plan, the riverway boundaries were delineated within which various land use controls will be applied, based primarily upon the view from the water surface.

Zoning

Minimum standards and criteria will be determined for lands within the riverway boundaries with which local zoning ordinances must comply. Due to funding limitations and delays in securing more stringent controls on land use, local zoning will be a very important element in the National Wild and Scenic River Program as it applies to Lake St. Croix. In presently undeveloped or sparsely settled areas, the minimum standards and criteria promulgated within a shoreland "St. Croix River District" will be designed to minimize soil erosion, maintain esthetic integrity of the valley's natural features, and provide a buffer zone between the lake and blufftop areas. In the developed areas of incorporated municipalities, the minimum standards and criteria within a relatively narrower "St. Croix River District" will provide controls on activities that could adversely affect the highly valued resources of Lake St. Croix. "St. Croix River District" and "Riverway Boundary" have identical boundaries. The former term is used only in connection with zoning; the latter in all other references to the area.

Historically, however, zoning has proven to be the weakest tool available for the protection of riverway corridors. At times, zoning laws can be changed by political and economic pressures. A few variances, if incompatible with the National Wild and Scenic River Program, could jeopardize the environmental quality of the entire Lower St. Croix Riverway. In addition, it has been extremely difficult in the courts to justify zoning primarily on the basis of esthetics. Thus, scenic easement land use controls will be utilized in areas where additional protection to supplement local zoning is needed.

Scenic Easements

Another important element of the protection of the Lower St. Croix River in the State zone involves the determination of scenic easement provisions and areas to which they will be applied. A scenic easement, in this case, means an interest in land, less than fee title, which limits the owner's use of the land to protect the natural, scenic, or recreational character of Lake St. Croix. This device would then grant to the States' Departments of Natural Resources, in exchange for compensation to the landowner, the right to prohibit certain types of developments. This type of land use control would normally cost less than fee title and would not remove the land from the tax rolls. The easement would be binding and would "run with the land;" therefore, its provisions would apply to subsequent owners of the property. Unless specifically provided for in the easements, the general public would not be allowed to enter on the land.

Scenic easement control will be utilized, for the most part, in undeveloped and sparsely developed areas to protect the shore, slope, and blufftop lands from incompatible uses. Critical areas along Lake St. Croix are identified in the management plan; scenic easements will be applied to the individual properties in a priority sequence, based on greatest need for protection.

Fee Title

The first priority of this master plan, as embodied in the overall goal and objective listed above, is protection. In the State zone this will be achieved principally through the use of local zoning and scenic easements. Fee title acquisition for protection purposes will be limited to selected parcels of land. Development in the Lake St. Croix Valley to meet the future recreation demands of the public is a secondary objective and thus a lower priority.

Areas are identified within the riverway boundaries requiring fee acquisition for recreational purposes. Two new State parks in the lower 10 miles of Lake St. Croix—Afton and Kinnickinnic—are already being developed with trails, picnic areas, nature areas, camping facilities, and boating facilities. Also, there is a strong feeling on the part of the local people that there are enough access points on Lake St. Croix. Thus, little land acquisition is anticipated outside of already approved projects, with the exception of some small islands whose ownership is in doubt, and a few boater wayside/minipark sites that will be accessible only from the water.

LAND MANAGEMENT

Due to the degree of development of the lands adjacent to Lake St. Croix from Stillwater to Prescott, the State plan recommends a "recreational" classification for this river segment. This classification is consistent with that of the National Park Service and that recommended in the Bureau of Outdoor Recreation Report of February 1973.

The National Wild and Scenic River Act (P.L. 90–542) states that "recreational" rivers: are "readily accessible by road or railroad," "may have some development along their shoreline," and may have "undergone some impoundment or diversion in the past."

Under Federal guidelines, future construction that would modify the waterway or adjacent lands would not be permitted, except in instances where such developments would not have an adverse effect on the values for which the river was included in the national system. Such construction could result in a decision by the Secretary of the Interior to withdraw the affected river area from the system. The "recreational" classification of Lake St. Croix is also consistent with the master plan's overall goal of "preserving the existing scenic and recreational resources of the Lower St. Croix River through controlled development."

The key to the success of a program to maintain the exceptional qualities and character of Lake St. Croix is cooperation, since many levels and units of government share the public responsibility to determine its destiny. The recommended policies, as they apply to specific areas and jurisdictions along Lake St. Croix, will rely heavily on existing governmental regulations and future plans, as well as local government input to further detailed planning efforts at the State level. The State role will necessarily be limited primarily to monitoring local actions as they might affect State policy, and by use of scenic easements and limited fee acquisition where local ordinances would be inadequate to preserve the scenic and recreational resources.

Zoning

As outlined in the previous section, the management objectives that are needed to achieve the master plan's overall goal will be implemented in a sequential manner. Since the delineation of boundaries and recommended scenic easement acquisition, use, and control is based primarily upon the view from the water surface, a "Total Visibility Zone," has been established. This zone identifies the lands that can be seen from the water surface. However, due to acreage limitations, State and Federal administration and management is confined to the area within narrower riverway boundaries, also illustrated on the Total Visibility Zone Map. It is strongly recommended that local units of government adopt building height restrictions and controls on the cutting of vegetation in the area from the riverway boundaries to the limits of the Total Visibility Zone.

An essential first step in any river valley preservation program is the existence of sound local zoning ordinances. After this master plan has been adopted and is in effect, the Commissioner of Natural Resources for Minnesota has the power and duties under Minnesota Statutes, 1973, Chapter 246, necessary to do the following:

"• • • The promulgation of rules and regulations in the manner provided in Minnesota Statutes, Chapter 15, which will establish guidelines and specify standards for local zoning ordinances applicable to the area within the boundaries [of the St. Croix River District] • • • The guidelines and standards shall be consistent with the purposes of this act, the Federal Wild and Scenic River Act, and the Federal Lower St. Croix River Act of 1972."

Thus, the local zoning controls that will be adopted by Minnesota local units of government from Taylors Falls to the confluence of the St. Croix and Mississippi Rivers will have the enforcement power of the State law.

Similar responsibilities were given to the Wisconsin Department of Natural Resources under Chapter 197 of the Laws of Wisconsin in 1973. Local zoning ordinances in the St. Croix River zone must equal or exceed State adopted standards. Formulation of such standards is currently underway.

Scenic Easement Acquisition

Both State governments are empowered to acquire lands and interests in lands that are proposed for acquisition by the master plan. The National Park Service has already outlined its proposed acquisition areas in the Federal section of the plan. In the States' zone, the large majority of land rights acquired will be in the form of scenic easements. As mentioned previously, this land use control device would grant to the respective Departments of Natural Resources, for a fee to the owner of the land, the right to limit or prohibit certain types of developments. Existing development patterns make the outright purchase of property extremely expensive. Scenic easement control, besides being capable of meeting the National Wild and Scenic River Program objectives, is advantageous for two other reasons: because of the lower cost, scenic easements can be applied over a much larger area than fee acquisition control, given the same budget constraints; and the land remains in private ownership, not adversely affecting local tax bases.

The scenic easement rights most likely to be negotiated with landowners in the Lake St. Croix Valley are:

Restrictions of the land to specific uses and developments, such as single family residential, agricultural, particular recreational uses, etc.

Limitations on the heights of future structures, on the exterior appearance of buildings, and on intensity of development.

Prohibitions of billboards and advertising signs.

Prohibitions of piles of non-organic trash or other unsightly materials.

Restrictions on the allowable extent of the cutting of trees and other natural vegetation.

Prohibitions of mining, sand and gravel removal, and other excavation or topographic changes.

In most instances, scenic easements will be more restrictive than those in the suggested zoning guidelines (see appendix A). Scenic easements restrict access on the land to enforcement of the easement, unless otherwise specifically provided for by the parties. Thus, a scenic easement would not ordinarily entitle the public to use private land.

It is apparent that scenic easement provisions and payments must necessarily be negotiated on a parcel by parcel basis. It is, therefore, obvious that no exact figures for these easements can be obtained, and the amounts alluded to below are only very rough estimates, and should not be applied to any given parcel of land.

Since the value of a scenic easement is associated with the appraised value of the property on which the easement is applied, cost is obviously higher for a scenic easement controlling development on a piece of prime land in an area that is ripe for development. This situation exists for a majority of the lands that need protection in the Lake St. Croix Valley. From experience on the Upper St. Croix Scenic Riverway, the direct costs of obtaining this easement, on the average, are approximately 10 to 20 percent of the market value of the land affected. At a cost of $100 a front foot for riverfront or blufftop property (average current market value in unincorporated areas of the Lake St. Croix Valley) costs of scenic easements will be in the neighborhood of $50,000 to $100,000 per mile, depending on the provisions of the easements and the degree of development (number of improved properties per mile).

The State of Minnesota appropriated $275,000 to acquire scenic easements in the Lake St. Croix Valley. It is expected that the Federal Government will supply matching funds from the Land and Water Conservation Fund, resulting in a total of $550,000 to be spent on scenic easements in Minnesota.

In Wisconsin, funds for scenic easements will come from the Outdoor Resources Action Plan (ORAP) and these will also be supplemented by Federal matching funds. The 1975–77 proposed budget includes an allocation for the implementation of the Lower St. Croix master plan.

Due to funding limitations and delays in establishing this type of control on the land, scenic easements will be implemented in a priority sequence. This priority sequence will be determined on the basis of the following criteria:

Lands highly visible from the water surface,

Lands adjacent to, or across the lake from, State-owned parks and preservation areas,

Lands that have high development potential of a nature that would be detrimental to the intent of the National Wild and Scenic River Program, environmentally sensitive lands that would be adversely affected by intensive development.

The priority areas for scenic easement control within the St. Croix Riverway boundaries in the State Zone are illustrated on the Lower St. Croix Management Plan.

In Minnesota, the areas within the Riverway boundary immediately north and south of Afton State Park, each consisting of approximately 1.5 miles of shoreline, are of highest or first priority for scenic easement protection. The northern area is a largely undeveloped scenic area adjacent to the more intensively developed part of Afton municipality. The blufftops in this area are highly visible for at least a mile or two upstream. The southern area, also largely undeveloped, is directly opposite Wisconsin's Kinnickinnic State Park. A large, already heavily used sandbar will be the focus of the park's water-oriented activity in the future. Thus, it is important to preserve the existing natural qualities of this high exposure area in Minnesota as viewed from the Kinnickinnic sandbar. An additional benefit of scenic easement protection for the areas north and south of Afton State Park is the buffer zones it will provide between expanding private residential development in Minnesota, and the public recreational uses planned in the park. It is anticipated that scenic easements will be negotiated first with all owners of undeveloped property in these highest priority areas.

The second priority area in Minnesota is the 2-mile stretch of unincorporated land between Bayport and Lakeland. There are three major reasons why this area merits scenic easement protection: steep slopes with highly visible blufftops; location relative to the major highway route in Minnesota paralleling most of the Lower St. Croix River; and the proximity of a large tract of State-owned land that has been proposed for resource management and low intensity recreational use. Again, it is contemplated that scenic easements will be negotiated first with all owners of undeveloped property.

Based on fair market value, acquisition of scenic easements in these first two priority areas will expend most of the appropriated funds from the Minnesota Legislature (provided that the State funds are matched dollar for dollar by the Federal Government). The remaining funds will be utilized for scenic easements in selected areas of Afton municipality and Denmark Township. These areas will be determined from the same criteria that were utilized in establishing the priority sequence for initial scenic easement acquisition. If further funding is available in the future, more complete scenic easement protection for Afton municipality and Denmark Township could be achieved.

The first priority for scenic easement acquisition in Wisconsin will be the area immediately below and above Kinnickinnic State Park, with an upstream extension sufficient to protect the view opposite Afton State Park. Scenic easements in other areas will be concentrated first in the least developed areas, so that maximum effective preservation of the scenic qualities of the river will be obtained.

It should be noted that the map of scenic easement priority areas does not indicate the acquisition of easements within incorporated areas in either State, except for Afton municipality. This does not mean that there is no interest in protecting the St. Croix as it flows past the cities and villages located on its banks. Rather, it is a recognition of the considerably different situation found in most municipalities: city water and sewer,

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existing concentrated development, and higher property values and taxes. Any type of acquisition in these urbanized areas would be prohibitive in cost. Here, municipal zoning regulations that would prohibit building on steep slopes, provide for vegetative screening, limit building heights, etc., will be relied upon to protect the view from the river in these developed areas.

Fee Title Acquisition

Procurement of fee title by the States would be the most effective land use control. State ownership of land would allow for total protection of the riverway. However, considering the present extent of development in the Lake St. Croix Valley, this would be neither financially feasible nor politically desirable. Since the overall goal is protection, not restoration, this can best be achieved, within the financial limitations, by local zoning and scenic easement controls. Fee title acquisition for protection purposes will only be used in undeveloped and sparsely developed areas for those few instances where local zoning would be inadequate to preserve the scenic and recreational resources, and where scenic easements would be inappropriate. Any additional outright purchase of land will be utilized primarily for developments oriented to the boating public.

On the Minnesota and Wisconsin shores, several areas are being considered for boater wayside/mini-park sites. Their general locations are shown on the Lower St. Croix Development Plan. These sites, if purchased by the States, will be used by boaters for beaching and picnicking. Access from the land will not be allowed, and the sites will be maintained frequently during the summer season by State personnel. In addition to these sites, there are several natural and dredge spoil islands near Stillwater and Hudson where ownership is in doubt. These islands should be in public ownership to perpetuate the present day-use activities that are compatible with the recreational classification of Lake St. Croix.

RELATIONSHIP OF PROPOSED STATE MANAGEMENT/DEVELOPMENT TO EXISTING RECREATIONAL FACILITIES

Water-based recreational use of Lake St. Croix is largely a function of access. As stated in the introduction, the prominence of slope and bluff top topography in the valley has strongly influenced the past settlement pattern, and the location of roads and highways in the valley. Other than at lakefront communities, only minor road segments closely parallel the lake. Numerous private roads lead to lakeside properties, but these provide little or no access of any kind for the public.

There are three types of boat accesses to Lake St. Croix: publicly owned boat ramps, privately owned accesses provided to the public for a fee, and marinas that cater to individuals on a contract basis. Locations of these accesses are illustrated on the Lower St. Croix Development Plan.

From recent boater surveys, it was found that traffic on the Lower St. Croix River reaches the saturation point on most summer weekends. Therefore, no new public access points are proposed in the Lake St. Croix area from Stillwater to Prescott. Also, the addition of new marina facilities and boat access areas will be permitted only after review and approval by the Lower St. Croix Riverway managing agencies.

In order to better distribute boating traffic and to adequately serve the demands of boaters for shoreline activity space, several State-owned boater wayside/mini-park sites are planned (see Management Plan—Fee Title Acquisition section). Boater surveys on the Lower St. Croix show that approximately 80 percent of all boating trips have some kind of shoreline activity associated with them. Because of the lack of such areas in the Lake St. Croix Valley, boater wayside development is needed to complement the heavy boating traffic.

In addition to boating recreation on Lake St. Croix, there are several land-based recreational areas with activities that are intimately tied to the Lake St. Croix Valley resources. Acquisition of lands is underway in two newly designated State parks, Afton in Minnesota and Kinnickinnic in Wisconsin. Facilities are being developed in these parks for camping, picnicking, swimming, fishing, and hiking. However, the bulk of both areas will remain in their natural condition.

Two other State-owned areas in the northern part of the Lake St. Croix Valley are Willow River State Park and approximately 1,100 acres of Stillwater Prison land, control of which has been transferred to the Minnesota Department of Natural Resources (to be utilized for recreation and conservation purposes). Willow River State Park presently offers picnicking, swimming, camping, hiking, and a boat launching site on the Willow River. Lake St. Croix cannot be reached by boat from the park, because of the dam that creates Lake Mallalieu at Hudson. The former prison land in Minnesota, also not accessible to Lake St. Croix, consists of three tracts of land that will comprise a multiple-use resource management area. Preliminary plans propose creating and enhancing wildlife habitat areas; developing an environmental education program; and providing hiking/cross-country skiing trails and picnic areas. Location of these areas is illustrated on the Lower St. Croix Development Plan, along with the State parks discussed above.

Additional existing recreational facilities include numerous local beaches and parks, the Control Data Corporation employee recreation area, quasi-public areas such as the YMCA camp, and several fishing boat liveries. Also, in the future, all land trail possibilities will be looked into by the States as routes that would link together the various recreational facilities. One possible route in Minnesota is the Chicago, Milwaukee, St. Paul, and Pacific Railroad line if it were ever abandoned. The line closely parallels the St. Croix from Stillwater to Point Douglas, running through or adjacent to the Stillwater and Bayport municipal parks, the proposed State Resource Management Area, two proposed park areas in Afton municipality, Afton State Park, Control Data Corporation recreation area, and the county beach at Point Douglas.

To summarize, the zoning and easement controls and the proposed fee acquisition areas for boater wayside/mini-park sites are expected to have no adverse effect on existing recreational facilities. Rather, the protection that will be achieved through the proposed land use controls will ensure the future enjoyment of Lake St. Croix and its surrounding valley for generations to come. Also, the proposed boater wayside sites will redistribute and somewhat alleviate the heavy traffic on the water. Thus, the States' management and development proposals are designed to balance the needs for preservation and recreation in the Lake St. Croix Valley.

ADMINISTRATION

Minnesota and Wisconsin are charged with the administration of that portion of the Lower St. Croix Riverway from River Mile 25 at the northern city limit of Stillwater, to the confluence with the Mississippi River across from Prescott, Wisconsin. Such administration will involve several tasks, many of which are new and will be unfamiliar. Of particular note, the matter of land use control will employ management techniques more familiar to local units of government who will play a dominant administrative role in the protection of the Lower St. Croix River. On the other hand, the financing of scenic easements and provision of recreational facilities, whether in State parks or boater wayside sites, will likely remain too great a burden for municipalities, townships, and counties, and will require assistance from the State and Federal Governments. Many levels of government must share in the administrative responsibilities. The respective roles of the various agencies and the private sector as they would fit into the total administrative system for the lower St. Croix Riverway are described below.

Federal

The Department of the Interior will fulfill its obligations in the preparation and implementation of a master plan with the assistance of the two States. Since the Lower St. Croix River will be managed as a component of the National Wild and Scenic River System, there remains an obligation on its part to fulfill the management objectives even though such direct administration of the lower 25-mile segment is delegated to the two States. The obligation can be expressed in terms of financial assistance to cover the high cost of such protection. Funds from the Land and Water Conservation Fund Contingency Reserve should be made available to defray half the costs of land acquisition and recreation facility development. The principal role of the Federal Government to achieve the management objectives in the State Riverway Zone would lie in financial assistance to the States.

States of Minnesota and Wisconsin

In resource management, the accepted role of the States in the past has been that of acquiring and protecting tracts of land too large for local government and/or providing recreational services for a segment of the public far broader than that for which local government is normally responsible.

For the above reasons, the States will be primarily responsible for: acquisition of lands or scenic easement interests in lands necessary for protection of the scenic and recreational attributes of the riverway; acquisition and development of State parks such as Kinnickinnic, Afton, O'Brien, Willow River, and Interstate acquisition and development of boating wayside/mini-park sites; and regulation of the use and quality of the water and alterations of the river bottom. In addition, the States will be responsible for the preparation and adoption of minimum standards and criteria for shoreland management as authorized by their Lower St. Croix Acts, and for the enforcement of these acts in addition to other State laws applicable to the protection of the riverway.

The States' Departments of Natural Resources will be responsible for the administration of the lands under State control, as well as use of the river, both its surface and streambed. In Minnesota, lands or interests in lands will be acquired by the Department of Administration under the guidance of the Department of Natural Resources. Water and air quality maintenance will be the responsibility of the Minnesota Pollution Control Agency.

In Wisconsin, lands or interests in lands will be acquired by the Department of Natural Resources. Responsibilities for water and air quality management are also a function of the department.

The administration of scenic easements will be the responsibility of the Departments of Natural Resources through joint agreement with the respective counties or other

local governmental units. Because of the similarity in enforcement of locally adopted zoning ordinances with scenic easements, it is mandatory that both types of land use controls be monitored by the local unit of government that reviews building permits, conducts long-range planning, and is familiar with the legal land records. Counties may call upon the States for such legal or technical assistance as may be required to carry out its function in administering such easements.

Within the Minnesota agencies, the Regional Administrator for the Department of Natural Resources should appoint a project manager preferably from the Parks and Recreation staff. Such administration shall be responsible for the project planning, direction of acquisition and development priorities, liaison with the other units of government adjacent to the riverway, and maintenance of such State holdings as are developed as part of the Lower St. Croix Riverway.

On the Wisconsin side, all of the State park units in the Lower St. Croix are supervised from Interstate Park. At least initially, the easement program, and any island acquisitions or boating wayside/mini-park developments, would be directed from that headquarters.

County

The role of the county shall be primarily that of administration of land use controls, together with other county ordinances as applicable to the protection of the riverway. Adoption and enforcement of amended shoreland and flood plain zoning ordinances shall be a most important responsibility. All administration of land use regulations will remain with the county.

Municipal

Municipalities, like the counties, are delegated land use control powers within their boundaries. Such control powers are in the form of zoning as planned, adopted, and enforced by local officials. The States will issue minimum standards and criteria that may necessitate changes in municipal zoning. All administration of land use controls will remain in the municipality.

State-Local Cooperation

As outlined above, the administration and enforcement of zoning and scenic easement provisions will primarily be the responsibility of the local units of government. In the case of a permit application where only zoning controls are in effect within the St. Croix River District, the local building inspector would have to make an on-site determination as to whether or not the permit should be granted. A permit application for a property with scenic easement provisions in force would require a similar on-site inspection by the building inspector. Copies of all easements, with a suitable tract index, would be provided to the local office that issues the permits. Then an individual application for a permit can be checked and issued, modified, or denied on the basis of the on-site inspection and the scenic easement provisions in force.

All permit applications within the St. Croix River District should be forwarded to the Department of Natural Resources project manager for his comments. In addition, the project manager should make himself available to the local building inspectors and zoning administrators for consultation and on-site inspection aid.

As the number of easements increases, the difficulty of checking adherence to their provisions likewise increases. Cooperation of the landowners in the Lower St. Croix Valley will be essential. This is especially applicable to provisions for vegetative control. Unless the majority of landowners themselves support this idea, it probably will not work. Every effort will be made to alert all Department of Natural Resources personnel working in the Lower St. Croix River vicinity, local government officials, and others who might be in a position to observe and report on apparent violations. Because the natural vegetation is such an important element in this protection program, penalties will be levied to assure restoration where vegetative cutting provisions of a zoning ordinance or a scenic easement are violated. In determining the limited number of parcels of land requiring fee acquisition in the State River Zone, Department of Natural Resources personnel will work with the zoning administrations and other local government officials.

LEGISLATIVE NEEDS

Uniform Water Surface Use Regulations: Provisions are needed in the State of Wisconsin similar to those available in Minnesota, Laws of Minnesota, 1973, Chapter 557, to allow the two States to bilaterally adopt such boating regulations as needed in the future. These statutes should allow the States to act after counties seek such assistance, since enforcement and support from the latter units of government will be essential to its success.

Eminent Domain: The power to condemn fee title to certain lands that are required to provide essential public services should be given the Minnesota Department of Natural Resources. Without such authority, the possibility remains that private land holdings may preclude public enjoyment of scenic resources or key boating wayside/mini-park sites.

APPENDIXES

A: Suggested Zoning Guidelines.
B: Suggested Measures for Enhancement of Water-Based Recreational Uses of the Lower St. Croix River.
C: Public Law 92-560 and Public Law 93-621.
D: Team Members.

A: SUGGESTED ZONING GUIDELINES

All codes would have a general policy statement based on the following concept: In order to reduce the effects of over-crowding and poorly planned shoreland development, to prevent pollution of surface and ground waters and soil erosion, to provide sufficient space on lots for sanitary facilities, to minimize flood damage, to maintain property values, and to preserve and maintain the exceptional scenic and natural characteristics of the waters and related lands of the Lower St. Croix River Valley in a manner consistent with the National Wild and Scenic River Act (P.L. 90-542) and the Lower St. Croix River Act of 1972 (P.L. 92-560), and in anticipation of guidelines and standards for local ordinances that shall be promulgated by the Commissioner of Natural Resources pursuant to Laws of Minnesota, 1973, Chapter 246 and by the Wisconsin Department of Natural Resources pursuant to Chapter 197, Laws of 1973, the (local unit of government) hereby adopts the following provisions to be applicable to the St. Croix River District of the (local unit of government) as herein designated, and as a section of the (local unit of government) zoning code.

All codes would include the following definitions:

St. Croix River District is a zoning term that includes all the lands within the riverway boundaries. All uses designated as being within the "St. Croix River District" shall require a special permit. The zoning regulations of this district shall be in addition to, rather than in lieu of, other zoning districts. The purpose of the St. Croix River District shall be to protect and promote the safe, orderly, and coordinated growth and development of the St. Croix River Valley. Specific objectives shall be to protect and enhance the scenic and recreational values to the extent feasible and practicable, and to maintain proper relationships between various land use types.

Floodplain means the areas adjoining a watercourse that have been or hereafter may be covered by the regional (100 year) flood.

Slope Preservation Zone those areas within the St. Croix River District where the slope is 13 percent or greater.

Shoreline Preservation Zone is the area between the normal high water mark and where the slope of the land first becomes 13 percent or greater.

Bluffline is that point for any property at which the slope, proceeding away from the river, becomes less than 13 percent. There may be more than one bluffline, and vegetative controls and building setbacks shall be measured from each such line that exists. Regardless of the number of such lines on any given property, the prohibition against building on slopes 13 percent and greater shall always prevail. Alteration of slope to overcome this limitation shall not be permitted within the project boundary.

Bluffline Preservation Zone are those areas within the St. Croix River District landward of the bluffline(s).

Federal Riverway Zone is the area within the St. Croix River District from Taylors Falls to the northern city limit of Stillwater.

State Riverway Zone is the area within the St. Croix River District from the northern city limit of Stillwater to the confluence of the St. Croix and Mississippi Rivers.

Normal High Water Mark is a mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Planned Unit Development Regulations are local zoning regulations that apply to developments consisting of two or more principal structures or uses on a single parcel of land.

Unincorporated Areas include Shafer, Franconia, New Scandia, May, Stillwater, Baytown, West Lakeland, Denmark, St. Croix Falls, Osceola, Farmington, Somerset, St. Joseph, Hudson, Troy, and Clifton Townships.

Incorporated Areas include Taylors Falls, Marine-on-St. Croix, Stillwater, Oak Park Heights, Bayport, Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Marys Point, Afton, St. Croix Falls, Osceola, North Hudson, Hudson, and Prescott.

All codes would have a Slope Preservation Zone within which the following provisions would be applicable:

No construction of buildings.

No alteration of any slope 13 percent or greater.

No cutting or trimming of vegetation except for diseased or hazardous vegetation.

The ordinance would cite as the objective for these provisions the prevention of soil erosion, maintenance of the esthetic integrity of the valley's most prominent land forms, and provisions of a buffer zone between the river and developed areas. In unincorporated areas, the first and last provisions would also be applicable to floodplain areas.

Shoreline Preservation Zone (unincorporated areas) would be subject to the following provisions:

(1) Only single-family detached dwellings and appurtenant structures would be permitted.

(2) Structures (except temporary piers and docks) would be set back at least 200 feet

V 40 I 183 SEP 1975 XUM

from the normal high water mark and meet flood protection requirements already in effect in applicable flood plain areas.

(3) A vegetation control zone of at least 200 feet from the normal high water mark would be maintained with no cutting or trimming allowed (other than on diseased or hazardous vegetation) except that selective cuting of vegetation having a trunk size of less than 6 inches in diameter measured 4½ feet from the ground would be allowed to provide for a reasonable view of the river from the property without unduly interrupting the continuity of the vegetation in the area, subject to further restriction by special permit if it is determined that such selective cutting would cause significant soil erosion or significant degradation of the esthetic quality of the land as viewed from the river. Such provisions would be limited to a cutting area no greater than 25 percent of the width of the property on the side nearest the river but would extend through the depth of the zone. A permit would be required from a zoning administrator prior to any cutting.

(4) Minimum lot size will be 2.5 acres.

(5) Minimum lot width on side nearest river will be 200 feet.

(6) Minimum lot width at the building line will be 200 feet.

(7) Maximum building height will be 35 feet.

Shoreline Preservation Zone (incorporated areas) would be subject to provisions 3 and 7 above.

Structures would be set back at least 100 feet from the normal high water mark and meet flood protection requirements already in effect in applicable flood plain areas.

A 30-foot control zone would be maintained under the same provisions for view cutting as are applicable to unincorporated areas, above.

Structures may deviate from the above provisions to the extent and to the like degree of non-conforming structures that have been built and occupied in the incorporated areas.

Bluffline Preservation Zone (unincorporated areas) would be subject to provisions 1, 4, 5, 6, and 7 under Shoreline Preservation Zone (unincorporated areas). In addition:

Structures would be set back at least 200 feet from the normal high water mark and at least 100 feet from the bluffline.

A vegetation control zone of at least 75 feet from the bluffline would be maintained under the same provisions for view zone cutting as are applicable under Shoreline Preservation Zone (unincorporated areas) above.

Bluffline Preservation Zone (incorporated areas) would be subject to the following provisions:

Structures would be set back at least 100 feet from the normal high water mark and at least 40 feet from the bluffline.

A 30-foot vegetation control zone would be maintained under the same provisions for zone cutting as are applicable under Shoreline Preservation Zone (unincorporated areas) above.

Maximum building height will be 35 feet.

Structures may deviate from the above provisions to the extent and to the like degree of non-conforming structures that have been built and occupied in the incorporated areas.

All codes for unincorporated areas would require natural earth or native summer vegetation tone for exterior colors of structures. Such codes should be recommended for incorporated areas. The colors should be referenced to the Standardized Munsell Color Chart.

All codes would contain a policy statement specifying that in cluster or subdivided areas:

Residential developments should be designed and constructed to be consistent with the local unit of government's Planned Unit Development or Subdivision Regulations.

Shoreline, flood plain, and natural slope areas of 13 percent and greater should be dedicated as open space to the public or to be owned in common by all residents of the subdivision.

Local units of government will be distinguished as incorporated or unincorporated areas as described under the code listing for these areas. Future incorporation will not permit presently unincorporated areas to disregard the standards and criteria for unincorporated areas contained in these interim changes to local zoning codes.

Residential lots of record in the office of the local unit of government's Register of Deeds (or Registrar of Titles) prior to the date of enactment of this interim Zoning Ordinance that do not meet the requirements under Shoreline Preservation Zone (unincorporated areas) may be allowed as residential building sites provided that such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, and the requirements of this Interim Ordinance are complied with insofar as practicable. Each local unit of government, in adopting this Interim Ordinance, may set a minimum size for substandard lots consistent with the purposes and intent of these standards and criteria. Existing non-conforming and substandard uses would comply with the provisions of county Shoreland Ordinances.

B: SUGGESTED MEASURES FOR ENHANCEMENT OF WATER-BASED RECREATIONAL USES OF THE LOWER ST. CROIX RIVER

In the context of the Lower St. Croix River Water Use Zoning Study, the Minnesota-Wisconsin Boundary Area Commission has diligently sought to act as a study center and discussion forum to develop a consensus among all public authorities and private interests involved in administration and use of the riverway. The recommendations are the product of a systematic, broad-based approach including:

Analysis of data from the commission's St. Croix River Water Use Studies, conducted in the summer recreation season of 1970, 1971, and 1972.

Analysis of the natural characteristics of the river and adjacent land areas to assess the carrying capacity for various types of uses.

Public recommendations and comments presented at well-attended St. Croix River Water Zoning Conferences, sponsored by the commission on August 9, 1972, and April 10, 1973.

Consultation with Federal, State, and local St. Croix River water patrol personnel.

Analysis of water use zoning experiences and programs in other areas.

Review of written comments of public officials and interested private organizations in response to the first preliminary draft of the St. Croix Regional Committee report.

The following Minnesota-Wisconsin Boundary Area Commission recommendations are based on consideration of findings and conclusions as they relate to public safety, environmental protection, multiple-use factors, and the pleasurability of the recreational experiences:

The reach of the St. Croix River from the dam at Taylors Falls to River Mile 30.25 and from the Soo Line high bridge to River Mile 27 (2.5 miles above the upper limit of the Federal 9-foot navigational channel above the Stillwater Bridge) should be designated "Slow-No Wake Zones." From River Mile 30.25 to the Soo Line high bridge (1.5 miles) and the water surface below River Mile 27 should be designated as "Open Zones."

Water skiing should be permitted in accordance with State laws in the open water zones of the St. Croix River above the upper limit of the Federal 9-foot navigation channel except on Saturdays, Sundays, and legal holidays.

Present "Slow-No Wake" zones should be retained at the Hudson, Kinnickinnic, and Prescott narrows and should be more specifically defined and marked with signs; swimming should be prohibited on the main channel side of the islands and the sandbars at the Hudson narrows.

Special "Slow-No Wake" or "Open Water Zones" should be clearly marked with official standardized signs regardless of which jurisdiction they are in.

The water area within 100 feet of any shore (bank or island) should be designated a "shoreline activity zone" subject to slow-no wake operating restrictions, except for launching water skiers by the most direct route to open water and for landing water skiers.

State laws should be amended as appropriate to provide comity and encourage cooperation between Minnesota and Wisconsin officers on boating laws for more efficient law enforcement by officers of both States on any part of the river.

State laws should be amended as appropriate to impose criteria for determining illegal operation of a watercraft while intoxicated, and providing significant penalties.

All interested groups, individuals, and public agencies should develop a coordinated and expanded boater education program to better orient boaters of all ages to basic rules of boating, as well as to safe, courteous operating practices.

Courtesy signs should be placed at strategic locations, such as marinas and other river access points, reminding boaters of ways in which they can protect and enjoy the river. Such information should include a simple map and emphasize the following:

You are responsible for your wake.

Bring your litter back with you.

Avoid excessive noise.

Give right-of-way to swimmers, anchored craft, and slow-moving craft.

These are Federal waters; U.S. Coast Guard "Rules of the Road" apply.

C. PUBLIC LAW 92-560

PUBLIC LAW 92-560, 92ND CONGRESS, S. 1928, OCTOBER 28, 1972

86 Stat. 1174

An Act

To amend the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minnesota and Wisconsin, as a component of the national wild and scenic rivers system.

LOWER SAINT CROIX RIVER ACT OF 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lower Saint Croix River Act of 1972".

SEC. 2. Section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907; 16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"(9) LOWER SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls and its confluence with the Mississippi River: *Provided,* (i) That the upper twenty-seven miles of this river segment shall be administered by the Secretary of the Interior; and (ii) That the lower twenty-five miles shall be designated by the Secretary upon his approval of an application for such designation made by the Governors of the States of Minnesota and Wisconsin."

DEVELOPMENT PLAN

SEC. 3. The Secretary of the Interior shall, within one year following the date of enactment of this Act, take, with respect to the Lower Saint Croix River segment, such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act: *Provided,* That (a) the action required by such section shall be undertaken jointly by the Secretary and the appropriate agencies of the affected States; (b) the development plan required by such section shall be construed to be a comprehensive master plan which shall include, but not be limited to, a determination of the lands, waters, and interests therein to be acquired, developed, and administered by the agencies or political subdivisions of the affected States; and (c) such development plan shall provide for State administration of the lower twenty-five miles of the Lower Saint Croix River segment and for continued administration by the States of Minnesota and Wisconsin of such State parks and fish hatcheries as now lie within the twenty-seven-mile segment to be administered by the Secretary of the Interior.

LAND ACQUISITION

SEC. 4. Notwithstanding any provision of the Wild and Scenic Rivers Act which limits acquisition authority within a river segment to be administered by a Federal agency, the States of Minnesota and Wisconsin may acquire within the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior such lands as may be proposed for their acquisition, development, operation, and maintenance pursuant to the development plan required by section 3 of this Act.

NAVIGATION AIDS

SEC. 5. Nothing in this Act shall be deemed to impair or otherwise affect such statutory authority as may be vested in the Secretary of the Department in which the Coast Guard is operating or the Secretary of the Army for the maintenance of navigation aids and navigation improvements.

APPROPRIATIONS

SEC. 6. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $7,275,000 for the acquisition and development of lands and interests therein within the boundaries of the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior.

LIMITATION

(b) No funds otherwise authorized to be appropriated by this section shall be expended by the Secretary of the Interior until he has determined that the States of Minnesota and Wisconsin have initiated such land acquisition and development as may be proposed pursuant to the development plan required by section 3 of this Act, and in no event shall the Secretary of the Interior expend more than $2,550,000 of the funds authorized to be appropriated by this section in the first fiscal year following completion of the development plan required by section 3 of this Act. The balance of funds authorized to be appropriated by this section shall be expended by the Secretary of the Interior at such times as he finds that the States of Minnesota and Wisconsin have made satisfactory progress in their implementation of the development plan required by section 3 of this Act.

Approved October 25, 1972.

LEGISLATIVE HISTORY

House Report No. 92-1579 (Comm. on Interior and Insular Affairs).

Senate Report No. 92-1279 (Comm. on Interior and Insular Affairs).

Congressional Record, Vol. 118 (1972): Oct. 9, considered and passed Senate; Oct. 13, considered and passed House.

Weekly Compilation of Presidential Documents, Vol. 8, No. 44: Oct. 28, Presidential statement.

D: TEAM MEMBERS

Jerome Kuehn, Planning Administrator, Minnesota Department of Natural Resources.

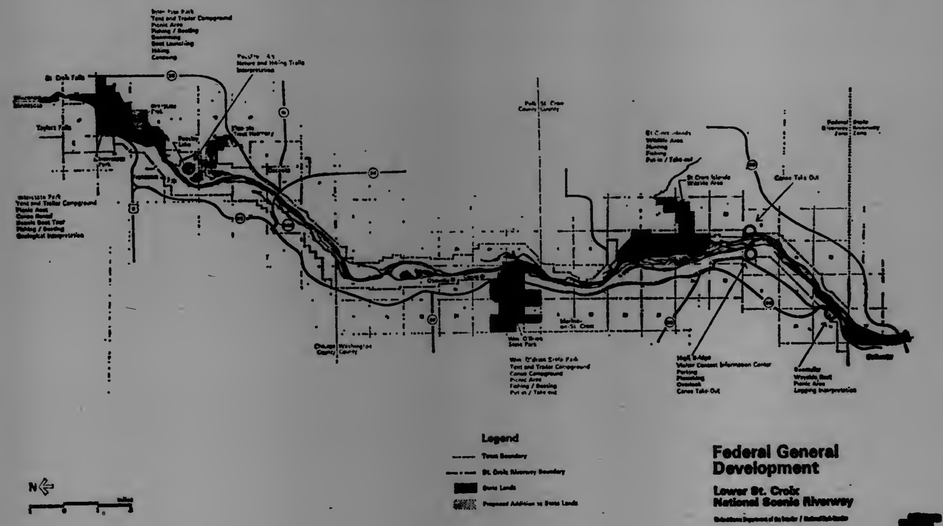
Arthur Doll, Director, Bureau of Planning, Wisconsin Department of Natural Resources.

Richard Wittpenn, Principal Planner, Northeast Team, Denver Service Center, National Park Service.

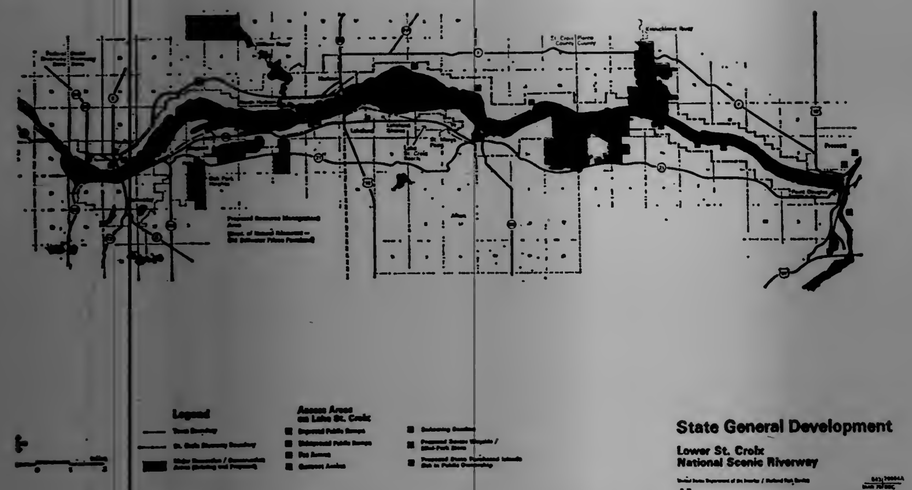
Ex Officio Member: James Harrison, Executive Director, Minnesota-Wisconsin Boundary Area Commission.

Publication services were provided by the graphics and editorial staffs of the Denver Service Center. NPS 816A.

As the Nation's principal conservation agency, the Department of the Interior has basic responsibilities to protect and conserve our land and water, energy and minerals, fish and wildlife, parks and recreation areas, and to ensure the wise use of all these resources. The Department also has major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.



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The plans for development are graphically depicted on maps of the Department of the Interior, National Park Service, titled "Federal General Development, Lower St. Croix National Scenic Riverway," number 643–20007B, March 1975, and "State General Development, Lower St. Croix National Scenic Riverway," number 643–20004A, March 1975, on file in the Office of the Department of the Interior, National Park Service, Washington, D.C.

The boundaries, classifications, and development plans here published shall take effect in accordance with section 3(b) of The Wild and Scenic Rivers Act.

Dated: September 10, 1975.

NATHANIEL P. REED,
Assistant Secretary of the Interior.

[FR Doc.75–24983 Filed 9–18–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A249]

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Washita County, Oklahoma, as a result of a natural disaster consisting of excessive rainfall, a hailstorm, and a tornado May 2, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David L. Boren that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 6, 1975, for physical losses and May 10, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 12th day of September 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–24973 Filed 9–18–75;8:45 am]

[Notice of Designation Number A253]

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Woods County, Oklahoma, as a result of a natural disaster consisting of hailstorms, excessive rainfall, and windstorms June 4, 6, and 8, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David L. Boren that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 20, 1975, for physical losses and May 21, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 12th day of September 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–24972 Filed 9–18–75;8:45 am]

Forest Service

WEST SLOPE OF THE TETONS PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the West Slope of the Tetons Planning Unit, Targhee National Forest, Idaho. The Forest Service report number is USDA–FS–DES (Adm) R4–76–4.

The environmental statement identifies and evaluates the probable effects of the land use plan for the West Slope of the Tetons Planning Unit on the Targhee National Forest in Southeast Idaho and Western Wyoming. The reasons for preparing this land use plan and the purposes it will serve are: (1) To provide criteria for management of lands consistent with existing laws, regulations, and policies that apply to National Forest lands within the West Slope of the Tetons Planning Unit; (2) To resolve status of Inventoried Roadless-Undeveloped Areas within the planning unit; (3) To allocate lands within the planning unit to specific resource uses and activities; (4) To document the management objectives, management direction, and management decisions necessary for guiding and coordinating resource uses and activities within the unit.

This draft environmental statement was transmitted to CEQ on September 12, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
Forest Supervisor, Targhee National Forest, 420 North Bridge Street, St. Anthony, Idaho 83445.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324–25th Street, Ogden, Utah 84401.
District Forest Ranger, Ashton Ranger District, Ashton, Idaho 83420.
District Forest Ranger, Teton Basin Ranger District, Driggs, Idaho 83422.

A limited number of single copies are available upon request to Forest Supervisor George A. Olson, Targhee National Forest, 420 North Bridge Street, St. Anthony, Idaho 83445.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor George A. Olson, Targhee National Forest, 420 North Bridge Street, St. Anthony, Idaho 83445, in order to be considered in the preparation of the final environmental statement.

Dated: September 12, 1975.

DONALD A. SCHULTZ,
Acting Director,
Regional Planning and Budget.

[FR Doc.75–24977 Filed 9–18–75;8:45 am]

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL

Meeting

The Oregon Dunes National Recreation Area Advisory Council will meet on Saturday and Sunday, October 18 and 19, 1975, for a two-day session. The session will start on Saturday, October 18, with a public meeting at the Douglas County Office Building, Courtroom, 660 Fir Avenue, Reedsport, Oregon, from 3:00 to 5:30 p.m. On Sunday October 19, the Council will meet from 1:00 to 4:00 p.m. at the Driftwood Shores Resort in Florence, Oregon.

The public meeting on Saturday, October 18, is being held to give the public an opportunity to express their opinions on three NRA boundary adjustment proposals being considered by the Council. The meeting on Sunday, October 19, will cover future developments as outlined in the proposed Management Plan. Portions of the weekend will also be spent in touring these projected developments.

The meetings will be open to the public. Persons who wish to attend should notify Marne Irwin, 855 Highway Avenue, Reedsport, Oregon 97467. The telephone number is 503–271–3611. Written statements may be filed with the Council before or after the meetings.

The Council has established the following rules for public participation. Any member of the public who wishes to speak must be recognized by the Council Chairman. The Chairman will decide the time when public participation will take place.

ROLF D. ANDERSON,
Area Ranger.

SEPTEMBER 11, 1975.

[FR Doc.75–25017 Filed 9–18–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HAHNEMANN MEDICAL COLLEGE AND HOSPITAL ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR Part 701, 1975). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00532–33–46040. Applicant: Hahnemann Medical College and Hospital, 230 North Broad Street, Philadelphia, Pa. 18102. Article: Electron Microscope, Model HU–12A and Scanning Electron Image Accessory. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used for studies of biopsy and tissue culture materials from various forms of human leukemias and solid tumors; samples of purified and/or concentrated preparations of tissue extracts obtained from biochemical and radiochemical assays of the materials; various types of virus particles associated with or alleged to be associated with human leukemias and solid tumors; cell surface phenomena associated with the morphological changes produced by viral infection and with the release of viral particles from the cell; and various types of molecules including labelling molecules used for immunoelectron microscopy, antigens, enzymes, RNA and DNA. The article will also be used in the course Research in Genetics for educational purposes. Application received by Commissioner of Customs: May 19, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 22, 1975. Article ordered: December 31, 1974.

Docket number: 75–00534–33–46040. Applicant: Rush-Presbyterian-St. Luke's Medical Center, Department of Pathology, 1753 West Congress, Chicago, Illinois 60612. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the study of ultrastructural pathology of normal tissues and of cancers from both humans and experimental animals. This will include (a) studies of ultrastructural properties of cell membranes at various stages of malignant transformation, (b) quantitative analysis of the molecular topography of cell surfaces, (c) examination of changes in cell locomotor mechanisms with malignant transformation and (d) studies on the interactions between tumor cells and surrounding tissues during invasion. Investigations will be carried out to develop new knowledge about cell changes that play a central role in the biological behavior of malignant tumors. Techniques to be used include thin sections, negative stain and freeze-fracture electron microscopy. Transmission scanning techniques will be used to evaluate all of above (Scanning, Transmission Electron Microscopy: S.T.E.M.). Application received by Commissioner of Customs: May 19, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 22, 1975. Article ordered: March 20, 1975.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a guaranteed resolution of 3 Angstroms point-to-point and is equipped with a high resolution scanning attachment which provides images in the scanning transmission, secondary electron, and back scattered modes. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU–4C electron microscope supplied by Adam David Company. The Model EMU–4C had a specified resolving capability of 5 Angstroms and did not provide a high resolution scanning attachment. The Department of Health, Education, and Welfare (HEW) advises in the respectively cited memoranda, that the better resolution and the scanning

V 40 I 183 SEP 1975 XUM

capability of the foreign articles are pertinent to the purposes to which the foregoing applications relate. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc.75-24970 Filed 9-18-75;8:45 am]

NATIONAL INSTITUTES OF HEALTH, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1975). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00548–00–46040. Applicant: DHEW, National Institutes of Health, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, N.C. 27709. Article: Goniometer Stage Assembly for Electron Microscope. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is an accessory to be used to modify an existing electron microscope so that energy dispersive X-ray microanalysis may be conducted on sections of liver, kidney, brain, and gonad, for intracellular localization of heavy metals. Tissue sections of animals exposed to mercury, cadmium, lead and arsenic will be examined to localize those metals within lysosomes, nuclei, and mitochondria. The objectives of these studies are to demonstrate the intracellular localization of toxic metals in situ and detect early and subtle changes in cell structure and function. Application received by Commissioner of Customs: May 30, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 22, 1975.

Docket number: 75–00575–00–46040. Applicant: U.S. Geological Survey, National Center, Stop 959, Reston, Virginia 22092. Article: Heating Holder & Power Control Unit. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the kinetics, microstructural changes and thermal parameters of symmetry transitions and phase transformations in geologic materials (both terrestrial and extraterrestrial origin) and appropriate synthetic analogs. The materials to be studied are natural silicates, oxides, sulphides, and other inorganic compounds and possibly natural materials which occur within inorganic aggregates. Application received by Commissioner of Customs: June 18, 1975. Advice submitted by the National Bureau of Standards on: August 25, 1975.

Comments: No comments have been received with respect to this of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by our scientific consultants in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that they know of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc.75-24969 Filed 9-18-75;8:45 am]

NORTHWESTERN UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00538–33–46040. Applicant: Northwestern University, Department of Dermatology, 303 East Chicago Avenue, Chicago, Illinois 60611. Article: Electron Microscope, Model HU–12A. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for the study of fine structure of human dermis in patients with colloid substance. Much work is also being done on the study of desmosome structure, in particular the study of pemphigus vulgaris, a skin disease that produces large blisters that break easily and leave divided areas that tend to increase in size by progressive peripheral detachment of the epidermis. Future studies will entail all high resolution work in the study of hemaniosarcomas and sarcomas in which the basement membrane is suspected to be distorted in many areas. Specific research projects for which the article will be used include the following:

(1) Study of keratohyalin granules, membrane-coating-granules (Odland bodies), membrane junctions (gap junctions or nexus junctions, tight junctions, desmosomes).

(2) Development of a method for localizing kinases, especially phosphofructokinase.

(3) Development of a method which will lead to the ready identification of herpes simplex particles in smears that will in turn lead to a routine clinical test for this disease.

(4) Study of the cleavage level in epideimolysis bullosa simplex-induced blister.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (August 19, 1974).

Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope supplied by the Adam David Company. The Model EMU–4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) The Department of Health, Education, and Welfare advises in its memorandum dated August 22, 1975 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-24967 Filed 9-18-75;8:45 am]

UNIVERSITY OF MIAMI ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 9, 1975.

Amended regulations issued under cited Act, (40 FR 12253 et seq, 15 CFR Part 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00095–00–07500. Applicant: University of Miami, Rosentiel School of Marine & Atmospheric Science, 4600 Rickenbacker Causeway, Miami, Florida 33149. Article: Temperature Controller, (Model PC–A). Manufacturer: Technеurop, Inc., Canada. Intended use of article: The article is intended to be used to control the temperature of an existing Dynamic Flow Microcalorimeter to study the ionic interactions in sea water by using volumetric and calorimetric measurements on sea water and the sea salts that compose sea water. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76–00094–99–90000. Applicant: Medical University of S.C., 80 Barre Street, Charleston, South Carolina 29401. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to serially study patients with various diseases in order to understand the underlying pathological changes in the brain. Both normal properties of the human brain and disease processes of the brain will be studied. Research programs will include the following:

1. The cerebral changes found in patients with migraine,

2. The effect on cerebral ventricular size of shunting procedures in patients with hydrocephalus, and

3. The cerebral changes found in patients with strokes and the evolution of these changes.

In addition, the article is to be used in the training of medical and paramedical personnel at all levels. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76–00096–33–90000. Applicant: University Hospital-University of California Medical Center San Diego, 225 West Dickinson Street, San Diego, California 92103. Article: EMI Scanner with Magnetic Tape Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for clinical research into brain tumors, brain damage, brain infection, and other intracranial disease in efforts to improve the clinical care of neurological and neurosurgical patients. The article will be used for teaching purposes in the education of medical students, interns and residents with particular instruction of Radiology residents and faculty. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76–00097–33–46500. Applicant: Michigan State University, Department of Zoology, 220 Natural Science Building, East Lansing, MI 48824. Article: Ultramicrotome, LKB 8800A & Cryokit Attachment. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in preparing ultrathin sections to be observed with the electron microscope during studies of the phenomenon of unrestricted cell division in the normal and tumorous ovaries of Drosophila and the human tumors before and after platinum treatment. In addition, the article will be used to train graduate students in the field of electron microscopy to be able to conduct research independently in the course Zol 850; Ultrastructure. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76–00098–33–90000. Applicant: St. Joseph Medical Center, Buena Vista at Alameda St., Burbank, California 91505. Article: EMI Scanner System with Magnetic Tape System, and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in continuing the education of hospital staff doctors, especially neurosurgeons, neurologists, internists and general practitioners. The article will also be used for training in diagnostic and therapeutic radiologic procedures and techniques, office procedure, and departmental administration. In addition, the article will be used in the Center's diversified research program which includes two biochemical studies of blood coagulation and a metabolic study to detect mental deficiency in newborn infants. Other research projects involve a clinical study of the effects of drugs on heart disease and cancer research that includes a study of the relationship between the body's immune resistance and cancer and a biomedical study on the etiology of stomach cancer. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76–00099–33–90000. Applicant: The Carney Hospital, 2100 Dorchester Avenue, Boston, Massachusetts 02124. Article: EMI Scanner with Magnetic Tape System and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to analyze certain physical properties of normal cerebral tissue and a wide variety of pathological lesions involving the brain and related structures, without the necessity of contact (invasive) media, and without patient hazard or discomfort. Results from scans taken with the article will be used in the training and education of interns and residents in neurological and related disorders, their causes, treatment and cures, and also serve to further the education and understanding of staff physicians. These results will also be used in the specialized training of neurosurgical residents. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76–00100–33–90000. Applicant: Donald N. Sharp Medical Center, 7901 Frost Street, San Diego, California 92123. Article: EMI Scanner System with Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of the human cranium, its contents, and the middle and upper thirds of the facial bones and contained structures, including orbits and certain paranasal sinuses. The properties to be investigated include changes in radiation absorption coefficiency associated with disease and disease states in experiments which consist principally of the identification and localization of abnormalities of the brain and orbits—as well as the progress of these abnormalities in response to treatment. The educational purposes for which the article is intended to be used include the training of radiology technology students, presentations to the attending medical staffs of hospitals as a part of continuing medical education, and utilization in training of resident physicians. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76–00101–16–78000. Applicant: California Institute of Technology, Pasadena, CA 91125. Article: Fourier Spectrophotometer. Manufacturer: Beckman Instruments, Inc., United Kingdom. Intended use of article: The article is intended to be used in support of a program in infrared and submillimeter astronomy. The functions which this article will perform include:

A. Measurement over the 30 u—2mm spectra range of the transmission and reflection of optical components, including components cooled to liquid helium temperatures.

B. Measurement of wavelength response and sensitivity of astronomical detector systems.

Application received by Commissioner of Customs: August 26, 1975.

V 40 I 183 SEP 1975 XUM

Docket number: 76–00102–33–90000. Applicant: Charlotte Memorial Hospital and Medical Center, 1000 Blythe Boulevard, Charlotte, North Carolina 28234. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to diagnose, study, and evaluate pathological conditions of the brain in order to plan appropriate medical or surgical treatment. The article will also be used in research on cerebral blood flow. In addition, the article is intended to be used in various medical, educational and research programs for medical students of various rank and residents. The training will be designed to teach operation and the interpretation of the results provided by the article. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76–00103–33–19095. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, Maryland 20218. Article: Scanning Microdensitometer, 4485. Manufacturer: Vickers Instruments, Inc., United Kingdom. Intended use of article: The article is intended to be used for the measurement of adrenocorticotrophic hormone (ACTH) by observing changes in the adrenal gland induced by known and unknown samples of the hormone. In experiments to be conducted plasma concentrations of ACTH are determined during control periods and following certain manipulations. These manipulations include blood loss or infusion of fluid, manipulation of pressures or flows in critical vascular beds including the carotid arteries and atria of the heart, stimulation of peripheral nerves leading from these receptor areas to the central nervous system, and in stimulation of critical areas within the central nervous system including the medulla, midbrain and hypothalamus. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76–00104–33–46500. Applicant: East Tennessee State University, Johnson City Tennessee 37601. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological specimens including viruses, microorganisms and mammalian tissues from experimental animals exhibiting normal and pathological conditions. Experiments to be conducted will include:

(1) An attempt to correlate the presence of C-type RNA virus with possible tumor formation in human tissues, and

(2) Investigation of the ultrastructure of the paraventricular (PVN) and supraoptic (SON) nuclei in the hypothalamus of rats with hereditary diabetes insipidus (Brattleboro strain) and comparison of these findings with control animals for differences which may be involved in neurosecretion.

The article will also be used in the courses entitled Electron Microscopy 5060 and Special Problems 5900 to introduce the graduate student to a variety of biological specimen preparation techniques, to operate the electron microscope, and to equip the graduate student with a research tool for advanced investigations.

Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76–00105–33–77030. Applicant: Pennsylvania Hospital, 8th & Spruce Streets, Phila., Pa. 19107. Article: Coherent NMR Pulsed Spectrometer, Model CPS–2 with permanent magnet, PM 20 (or equivalent). Manufacturer: Spin-Lock Electronics Co., Canada. Intended use of article: The article is intended to be used to make various water proton relaxation measurements using pulsed NMR methods in a large variety of living tissues and their models, and to correlate these studies with other parallel investigations in order to find definitive criteria that would distinguish between the alternative theories mentioned above and in furthering the understanding of fundamental mechanisms involved in Damadian's phenomenological observation, now almost universally confirmed. Application received by commissioner of customs: August 26, 1975.

Docket number: 76–00106–33–46500. Applicant: Cornell University Medical College, 525 E. 68th Street, New York, New York 10021. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in conducting experiments on the normal function of adrenergic neurons in mature and developing brains. These studies also include neuronal regeneration following brain lesions of noradrenergic pathways. Application received by Commissioner of Customs: August 26, 1975.

Docket Number: 76–00107–99–25600. Applicant: Washington State University, Pullman, WA 99163. Article: Protective Relay. Manufacturer: Brown Boveri Company, Switzerland. Intended use of article: The article is intended to be used in the electrical power engineering course, Protection of Power Systems, EE511, to familiarize graduate level students with the protective relaying theory, components and application. Application received by Commissioner of Customs: August 26, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75–24968 Filed 9–18–75;8:45 am]

National Oceanic and Atmospheric Administration

SEA GRANT ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I (Supp. III, 1973), notice is hereby given of the meeting of the Sea Grant Advisory Panel on Wednesday and Thursday, October 22 and 23, 1975. The meeting will commence at 8:15 a.m. on October 22, and 8:30 a.m. on October 23, on both days in the Administration Building, Room 406, Emory University, Atlanta, Georgia. The meeting both days will be open to the public. Approximately 45 seats will be available to the public on a first-come, first-served basis.

The agenda for the meeting will be as follows:

OCTOBER 22, 1975

8:15 a.m. Opening Remarks from the Host.
8:30 a.m. Introduction to NACOA Sea Grant Review Committee.
8:35 a.m. Discussion with NACOA Committee.
10:00 a.m. Coffee.
10:15 a.m. Discussion with NACOA Committee continued.
12:00 noon Lunch.
1:00 p.m. Budget Discussion and Update on Briefing Memo Subjects.
2:45 p.m. Coffee.
3:00 p.m. Discussion with Sea Grant Directors.
5:00 p.m. Adjourn.

OCTOBER 23, 1975

8:30 a.m. *Institutional Program Discussion*
- University of Southern California
- State University of New York/Cornell University
- Florida State University System
- North Carolina State University System
- University of Washington

Coherent Area Project Discussion
- Humboldt State University
- University of Alaska
- Virginia Institute of Marine Science
- Marine/New Hampshire
- Mississippi/Alabama

Sea Grant College Candidates

The following are eligible on the basis of time to be considered for designation as Sea Grant Colleges:
- University of North Carolina
- University of Southern California
- Massachusetts Institute of Technology
- University of Delaware
- Louisiana State University
- Florida State University

System will be eligible January 1, 1976.

4:30 p.m. Adjourn.

Interested persons may submit written statements relevant to the Panel's areas of interest before or after the meeting or by mailing such statements to the Executive Secretary at the address below.

Inquiries regarding the Panel or the meeting may be directed to the Executive Secretary, A. G. Alexiou, National Oceanic and Atmospheric Administration (SG), Page Building 1, 2001 Wisconsin Avenue, NW., Washington, D.C. 20007, (Telephone: 202–634–4019).

Dated: September 6, 1975.

R. L. CANNAHAN,
Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.75–25047 Filed 9–18–75;8:45 am]

Office of the Secretary

TRAVEL ADVISORY BOARD

Meeting

The Travel Advisory Board of the U.S. Department of Commerce will meet on October 21, 1975, at 9:30 a.m., in Room 4830, of the Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended. A detailed agenda for the meeting will be published in the Federal Register in advance of the meeting.

A limited number of seats—approximately 14—will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available the presentation of oral statements will be allowed.

Robert Jackson, Director of Information Services, of the United States Travel Service, Room 1519, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/967–4987) will respond to public requests for information about the meeting.

DAVID N. PARKER,
Acting Assistant Secretary for Tourism, Department of Commerce.

[FR Doc.75–25250 Filed 9–18–75;11:13 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COUNCILS AND COMMITTEES

Annual Report for 1975

In accordance with the policy of the Department of Health, Education, and Welfare, this is to notify interested persons that a copy of each annual report, covering calendar year 1974, of the advisory councils and committees affiliated with the Office of Education is deposited with the HEW Library, Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201. An additional set is filed with the Committee Management Officer, Office of Education, Room 4156, 400 Maryland Avenue, SW., Washington, D.C. 20202.

As required by Section 13 of the Federal Advisory Committee Act, eight copies of each report were forwarded to the Library of Congress. As required by section 443 of the General Education Provisions Act, two copies of each report were forwarded to the Congress of the United States.

Individual copies of these reports are available to the public upon request directly to the council or committee or to the Committee Management Officer. Following are the names of each council/committee whose report was included:

Advisory Committee on Accreditation and Institutional Eligibility.
National Advisory Council on Adult Education.
National Advisory Council on the Education of Bilingual Children.
National Advisory Council for Career Education.
Community Education Advisory Council.
National Advisory Council on Supplementary Centers and Services.
Advisory Council on Developing Institutions.
National Advisory Council on the Education of Disadvantaged Children.
National Advisory Council on Education Professions Development.
National Advisory Council on Equality of Educational Opportunity.
National Advisory Council on Extension and Continuing Education.
Advisory Council on Financial Aid to Students.
National Advisory Committee on the Handicapped.
National Advisory Council on Indian Education.
National Advisory Council on Vocational Education.

ANN V. BAILEY,
Committee Management Officer, Office of Education.

SEPTEMBER 15, 1975.

[FR Doc.75–25019 Filed 9–18–75;8:45 am]

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT, COLLEGE WORK-STUDY, AND NATIONAL DIRECT STUDENT LOAN PROGRAMS

Closing Dates for Receipt of Applications and Establishment of Eligibility

1. Notice is hereby given that pursuant to the authority contained in sections 413D(b), 446, and 462(b) of the Higher Education Act of 1965 (20 U.S.C. 1070b–3(b), 42 U.S.C. 2756, and 20 U.S.C. 1087bb(b)), applications for fiscal year 1976 funds, for use in fiscal year 1977, will be accepted from institutions of higher education under the Supplemental Educational Opportunity Grant, College Work-Study, and National Direct Student Loan Programs (Part A Subpart 2, Part C and Part E of Title IV of the Higher Education Act of 1965, respectively), and area vocational schools under the College Work-Study Program. In order to be assured of consideration such applications must be received on or before October 17, 1975. If an application is received after October 17, the institution shall furnish an explanation as to the reason for the delay in submission. Submission of an application after October 17 may be regarded as evidence of administrative inadequacy on the part of the institution and the institution may be requested to furnish evidence of the steps it is taking to remedy such inadequacy. Applications shall be submitted to the Regional Office of the Office of Education serving the area in which the institution is located.

2. *Use of Need Analysis Systems.* In preparing the applications to which this Notice pertains, institutions should use the system or systems of need analysis that were approved by the Commissioner for use in determining students' awards under these programs for the 1975–76 academic year. Systems that were approved for such a use include the method of calculating an expected family contribution used in the Basic Educational Opportunity Grant Program (45 CFR 190), the Income Tax System, the systems of need analysis published by the American College Testing Program and the College Scholarship Service, and any other system of need analysis that was specifically approved by the Commissioner because it produced expected family contributions comparable to those produced under the above mentioned systems.

On August 1, 1975 a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 F.R. 32540–32544) setting forth proposed amendments to the SEOG, CWS and NDSL regulations concerning the approval of systems of need analysis that institutions of higher education could use in calculating the expected family contributions of dependent students. It was anticipated that the proposed rule would be finalized in time to make newly approved systems of need analysis available to institutions in preparing institutional applications this Fall. Delays in finalizing the proposed rule have, however, precluded that from taking place. The Commissioner believes that all eligible institutions will be treated equitably if each uses a system approved for use in making student awards for the current academic year.

3. Application Forms have been mailed to all institutions currently receiving funds under any of the three programs. Such application forms may also be obtained from the various Regional Offices of the Office of Education.

The addresses of the Regional Offices are as follows:

Office of Education, Region I, John Fitzgerald Kennedy Federal Building, Boston, Massachusetts 02203.
Office of Education, Region II, 26 Federal Plaza, New York, New York 10007.
Office of Education, Region III, P.O. Box 13716 (3535 Market Street), Philadelphia, Pennsylvania 19101.

V 40 I 183 S SEP 19 75 XUM

Office of Education, Region IV, 52 Seventh Street, N.E., Room 507, Atlanta, Georgia 30323.
Office of Education, Region V, 300 South Wacker Drive, Chicago, Illinois 60606.
Office of Education, Region VI, 1114 Commerce Street, Dallas, Texas 75202.
Office of Education, Region VII, 601 East 12th Street, Kansas City, Missouri 64106.
Office of Education, Region VIII, 9017 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.
Office of Education, Region IX, 50 Fulton Street, San Francisco, California 94102.
Office of Education, Region X, Arcade Plaza Building, 1321 Second Avenue—M.S. 621, Seattle, Washington 98101.

(20 U.S.C. 1070b-3(b); 42 U.S.C. 2753; 20 U.S.C. 1087bb(b))

a. *Applications sent by mail.* An application sent by mail will be considered to be received on time in the Regional Office of the Office of Education serving the area in which the institution is located if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date in the mail room of the Regional Office of the Office of Education serving the area in which the institution is located. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail room or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education).

b. *Hand delivered applications.* An application to be hand delivered must be taken to the Regional Office of the Office of Education serving the area in which the institution is located. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 4:00 p.m. in the appropriate Regional Office except Saturdays, Sundays, or Federal holidays. Applications will not be accepted in the appropriate Regional Office after 4:00 p.m. on the closing date.

4. Applications will be accepted from institutions of higher education that have not qualified as eligible institutions of higher education under section 435(b) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1085(b), 1141(a)). Such applications will also be processed and reviewed. However, in order for such institutions to receive an allocation of fiscal year 1976 funds, the Accreditation and Institutional Eligibility Staff of the Bureau of Postsecondary Education of the Office of Education must have received by January 30, 1976 all materials and documents necessary to determine whether such an institution is an eligible institution of higher education. Similarly with regard to the College Work-Study Program, applications will be accepted from area vocational schools that have not had their eligibility to participate in the College Work-Study Program established; however, in order for such schools to receive an allocation of fiscal year 1976 funds, the Accreditation and Institutional Eligibility Staff of the Bureau of Postsecondary Education of the Office of Education must have received by January 30, 1976 all materials and documents necessary to determine whether such a school is an eligible area vocational school.

(20 U.S.C. 1070b–1070–3; 42 U.S.C. 2753; 20 U.S.C. 1087aa-ff)

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program)

Dated: September 17, 1975.

DUANE J. MATTHEIS,
(Acting) U.S. Commissioner of Education.

[FR Doc.75–25703 Filed 9–18–75;9:01 am]

Food and Drug Administration

GASTROINTESTINAL DRUGS ADVISORY COMMITTEE

Meeting; Correction

In FR Doc. 75–21862 appearing at page 36408 in the FEDERAL REGISTER of August 20, 1975, the following correction should be made:

In the notice of a meeting of the Gastrointestinal Drugs Advisory Committee for September 29 and 30, the "open committee discussion" paragraph of the notice should have read as follows:

Open committee discussion. Discussion of antidiarrheal and anticholinergic protocols; protocol on use of endoscopic criteria for evaluation of therapy and adverse effects in upper gastrointestinal tract; discussion of NDA 2906 carbenoxolone biogastrone (Biorex Laboratories).

Dated: September 12, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75–24963 Filed 9–18–75;8:45 am]

[Docket No. 75G–0269]

QUAD CORP.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 5G0053) has been filed by Quad Corp., 1852 Dale Ave., Highland Park, IL 60035 and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that the use of neutral or acidified electrolytically produced chlorinated solutions up to 200 ppm as a bacteriostat for treatment of beef, pork, and lamb carcasses is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before November 18, 1975, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: September 12, 1975.

ROBERT ANGELOTTI,
Acting Director, Bureau of Foods.

[FR Doc.75–24964 Filed 9–18–75;8:45 am]

Social and Rehabilitation Service

FEDERAL ALLOTMENT TO STATES FOR SOCIAL SERVICES EXPENDITURES

Promulgation for Period July 1, 1976, to September 30, 1976 and for Fiscal Year 1977

Promulgation is made of the Federal allotment for the period beginning July 1, 1976, and ending September 30, 1976, and for Fiscal Year 1977 for purposes of grants to States under Title XX of the Social Security Act pursuant to Section 2002(a)(2)(A) of the Act which provides that the Federal allotment shall be determined and promulgated in accordance with said section.

For the period beginning July 1, 1976, and ending September 30, 1976, the allotment limits are based on one-fourth of the Fiscal Year 1976 maximum allotments of Federal funds for social services expenditures (FEDERAL REGISTER Vol. 30, No. 151, August 5, 1974) in accordance with legislation proposed by the Office of Management and Budget entitled, "Fiscal Year Transition Act." For Fiscal Year 1977, the allotment limits are based on the Bureau of the Census population statistics contained in its publication, "Current Population Reports" (Series P–25, No. 533, October 1974), which were the most recent satisfactory data available from the Department of Commerce at that time as to the population of each State and of all the States. The amounts are set forth below:

Federal allotment for the period beginning July 1, 1976, and ending Sept. 30, 1976

Total	$625,000,000
Alabama	10,562,500
Alaska	1,000,000
Arizona	6,125,000
Arkansas	6,062,500
California	61,375,000
Colorado	7,250,000
Connecticut	9,187,500
Delaware	1,687,500
District of Columbia	2,250,000
Florida	22,875,000
Georgia	14,250,000
Hawaii	2,500,000
Idaho	2,312,500
Illinois	33,437,500
Indiana	15,812,500
Iowa	8,625,000
Kansas	6,812,500
Kentucky	9,937,500
Louisiana	11,187,500
Maine	3,062,500
Maryland	12,125,000
Massachusetts	17,312,500
Michigan	26,937,500
Minnesota	11,625,000
Mississippi	6,812,500
Missouri	14,187,500
Montana	2,125,000
Nebraska	4,562,500
Nevada	1,625,000
New Hampshire	2,375,000
New Jersey	21,937,500
New Mexico	3,312,500
New York	54,375,000
North Carolina	15,687,500
North Dakota	1,875,000
Ohio	31,937,500
Oklahoma	7,937,500
Oregon	6,625,000
Pennsylvania	35,437,500
Rhode Island	2,875,000
South Carolina	8,125,000
South Dakota	2,062,500
Tennessee	12,312,500
Texas	35,125,000
Utah	3,437,500
Vermont	1,375,000
Virginia	14,312,500
Washington	10,187,500
West Virginia	5,375,000
Wisconsin	13,625,000
Wyoming	1,062,500

Federal allotment for fiscal year 1977

Total	$2,500,000,000
Alabama	42,300,000
Alaska	3,975,000
Arizona	25,450,000
Arkansas	24,375,000
California	247,250,000
Colorado	29,525,000
Connecticut	36,525,000
Delaware	6,775,000
District of Columbia	8,550,000
Florida	95,875,000
Georgia	57,725,000
Hawaii	10,025,000
Idaho	9,450,000
Illinois	131,550,000
Indiana	63,025,000
Iowa	33,775,000
Kansas	26,850,000
Kentucky	39,700,000
Louisiana	44,525,000
Maine	12,375,000
Maryland	48,425,000
Massachusetts	68,600,000
Michigan	107,575,000
Minnesota	46,325,000
Mississippi	27,475,000
Missouri	56,500,000
Montana	8,700,000
Nebraska	18,250,000
Nevada	6,775,000
New Hampshire	9,550,000
New Jersey	86,700,000
New Mexico	13,275,000
New York	214,200,000
North Carolina	63,425,000
North Dakota	7,525,000
Ohio	126,975,000
Oklahoma	32,050,000
Oregon	26,800,000
Pennsylvania	139,975,000
Rhode Island	11,075,000
South Carolina	32,925,000
South Dakota	8,075,000
Tennessee	48,825,000
Texas	142,500,000
Utah	13,875,000
Vermont	5,550,000
Virginia	58,050,000
Washington	41,100,000
West Virginia	21,175,000
Wisconsin	54,000,000
Wyoming	4,250,000

Dated: September 16, 1975.

JOHN C. YOUNG,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.75–24975 Filed 9–18–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–477–DR; NFD–296]

NEW JERSEY

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New Jersey, dated July 23, 1975, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 23, 1975:

The County of: Gloucester

Dated: September 12, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75–24990 Filed 9–18–75;8:45 am]

[FDAA–481–DR; NFD–295]

WEST VIRGINIA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 12, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from heavy rains and flooding beginning about August 31, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of West Virginia.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Norman Steinlauf, HUD Region III, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of West Virginia to have been adversely affected by this declared major disaster:

The Counties of:

Marshall Ohio

Dated: September 12, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75–24991 Filed 9–18–75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N–75–437]

PRESCOTT VALLEY

Hearing

In the matter of Prescott Valley, OILSR No. 0–0111–03–20, Doc. No. 75–134–IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d).

Notice is hereby given that: 1. Prescott Valley, Philip T. Goldstein, Authorized Agent, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued July 22, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Prescott Valley, located in Yavapai County, Arizona, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 11, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity

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for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on October 22, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before October 15, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 11, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-24988 Filed 9-18-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-187]

BROWN & WILLIAMSON TOBACCO CORP.

Qualification as a Citizen of the United States

This is to give notice that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Brown & Williamson Tobacco Corporation of 1600 West Hill Street, Louisville, Kentucky 40201, incorporated under the laws of the State of Delaware, did on August 25, 1975 file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations on September 5, 1975 issued to Brown & Williamson Tobacco Corporation a certificate of compliance on form CG-1262, as provided in 46 CFR 67.23-7.

The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Dated: September 15, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-24988 Filed 9-18-75;8:45 am]

[CGD 75-188]

VITA FOOD PRODUCTS, INC.

Qualification as a Citizen of the United States

This is to give notice that pursuant to 46 CFR 67.23-9, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Vita Food Products, Inc., of Hunts Point Food Distribution Center, Bronx, New York 10474, incorporated under the laws of the State of Delaware, did on August 25, 1975 file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of a subsidiary corporation as a citizen of the United States following the form of oath prescribed in form CG-1263.

The oath shows that:

(a) Vita Food Products, Inc., is a subsidiary of Brown & Williamson Tobacco Corporation, which parent corporation has qualified as a citizen of the United States within the meaning of the Act of September 2, 1958;

(b) A majority of the officers and directors of the subsidiary corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(c) Not less than 90 percent of the employees of the subsidiary corporation are residents of the United States;

(d) The subsidiary corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District or possession thereof;

(e) The aggregate book value of the vessels owned by the subsidiary corporation does not exceed 10 percent of the aggregate book value of the assets of said subsidiary corporation; and

(f) The subsidiary corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations on September 5, 1975 issued to Vita Food Products, Inc., a certificate of compliance on form CG-1262, as provided in 46 CFR 67.23-7.

The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status of the subsidiary corporation requiring a report under 46 CFR 67.23-7 or 67.23-9.

Dated: September 15, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-24989 Filed 9-18-75;8:45 am]

Federal Aviation Administration

AIRPORT NOISE POLICY

Public Hearings

The Federal Aviation Administration will hold a series of public hearings on its airport noise policy. These hearings will afford interested persons the opportunity to present views, data, and arguments regarding the subjects and issues stated in a general notice published in the FEDERAL REGISTER on July 9, 1975 (40 FR 28844). In addition to the afternoon sessions of the hearings, evening sessions are provided to accommodate the general public. Additional hearings at other locations will be announced at later dates.

The hearings for the month of October will be conducted at the following times and locations:

Oct. 7, 1975—Cleveland, Ohio: Convening at 1:00 p.m. and 6:00 p.m. in NASA Lewis Research Center, 2100 Brookpark Road, Cleveland, Ohio.

Oct. 8-9, 1975—Chicago, Illinois: Convening on Oct. 8 at 1:00 p.m. and 6:00 p.m. and Oct. 9 at 9:00 a.m. and 1:00 p.m. at Federal Office Building, U.S. District Court, 219 South Dearborn Street, Chicago, Illinois.

Oct. 16, 1975—Atlanta, Georgia: Convening at 2:00 p.m. and 7:30 p.m. at College Park Auditorium, College Park, Georgia.

Oct. 17, 1975—Louisville, Kentucky: Convening at 2:00 p.m. and at 7:30 p.m. at the Holiday Inn, 3317 Fern Valley Road, Louisville, Kentucky.

Oct. 20-21, 1975—Boston, Massachusetts: Convening on Oct. 20 at 1:00 p.m. and 7:00 p.m., and Oct. 21 at 9:30 a.m. in the TSC Auditorium, Transportation Systems Center, 55 Broadway, Kendall Square, Cambridge, Massachusetts.

Oct. 22, 1975—Windsor Locks, Connecticut: Convening at 1:00 p.m. and 7:00 p.m. in the Bradley International Airport, International Wing, Airline Terminal, Gate 31, Windsor Locks, Connecticut.

Oct. 24-25, 1975—Minneapolis, Minnesota: Convening on Oct. 24 at 9:00 a.m. and at 1:00 p.m. and 6:00 p.m. and Oct. 25 at 9:00 a.m. at Rm. 568, Federal Office Building, Fort Snelling, Minnesota.

Oct. 29, 1975—Fargo, North Dakota: Convening at 1:00 p.m. and 6:00 p.m. at the State Room, Holiday Inn, I-29 and 13th Avenue, South, Fargo, North Dakota.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator.

Since the hearings will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given the opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearings and to participate by making oral or written statements concerning the respective topics, their substance and issues. Written statements should be submitted in duplicate and will be made a part of the record of proceedings. Persons wishing to make oral statements at the hearings must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard or to receive additional information should be made as follows:

For the hearings in Chicago, Illinois, and Cleveland, Ohio, write or call:

Public Affairs Officer, Great Lakes Region (AGL-5) Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois, 60018; or Telephone: (312) 694-4500 (ext. 427)

For the hearings in Atlanta, Georgia, and Louisville, Kentucky, write or call:

Public Affairs Officer, Southern Region (ASO-5), P.O. Box 20636, Atlanta, Georgia, 30320; or Telephone: (404) 526-7201

For the hearings in Boston, Massachusetts, and Windsor Locks, Connecticut, write or call:

Public Affairs Officer, Northeast Region (ANE-5), 12 New England Executive Park, Burlington, Mass., 01803; or Telephone: (617) 273-7391

For the hearings in Fargo, North Dakota, write or call:

Public Affairs Officer, Rocky Mountain Region (ARM-5) 10455 East 25th Avenue, Aurora, Colorado, 80010; or Telephone: (303) 837-4992

In addition to materials presented at the hearing, persons not participating in the hearings are invited to submit written comments on the airport noise policy in accordance with the notice published in the FEDERAL REGISTER on July 9, 1975. Such communications should be addressed to:

Federal Aviation Administration: Associate Administrator for Policy Development and Review, 800 Independence Avenue, SW., Washington, D.C. 20591, Attention: Airport Noise Policy Proceedings.

The closing date for submitting written comments is January 1, 1976. All comments will be available for examination both before and after the closing date for comments.

The general notice (40 FR 28844, July 9, 1975) regarding the FAA's airport noise policy identifies a number of possible airport use-restriction options which may be considered for inclusion in an airport noise relief program. In addition, the FAA identified four potential policy options and their implications. Those policy options are as follows:

1. Airport proprietor actions unconstrained by the FAA.

2. Airport proprietor completely constrained by the FAA with a correlated development of a Federal airport noise abatement plan.

3. Airport proprietor to establish a noise abatement plan.

4. Continue the present policy.

The notice presents analysis of the respective options and contains the material that is the subject of these public hearings. While all comments are of interest, the FAA specifically invites statements or comments regarding the policy options in terms of the specific questions stated in the notice.

Before taking final action regarding its airport noise policy, the FAA will consider the statements presented at the hearings and all written comments submitted.

Transcripts of each hearing will be made and anyone may purchase copies from the reporter. A transcript of each hearing will be available for examination in the office of the Associate Administrator for Policy Development and Review, Room 1000W, 800 Independence Avenue, SW., Washington, D.C.

Since the hearings contained in this notice have been previously announced in their respective localities in which they will be held, it is determined that publication of the notice of public hearing in the FEDERAL REGISTER less than 15 days before the first hearing is reasonable under 44 U.S.C. 1508.

Issued in Washington, D.C., on September 16, 1975.

FREDERICK A. MEISTER,
Associate Administrator for Policy Development and Review (Acting).

[FR Doc.75-25008 Filed 9-18-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Consultation Concerning Exports to U.S.

SEPTEMBER 15, 1975.

On August 29, 1975, the United States Government, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, requested the Government of Haiti to enter into consultations concerning exports to the United States of man-made fiber textile products in Categories 233 and 238, produced or manufactured in Haiti. A complete description of these categories was published in the FEDERAL REGISTER of February 3, 1975 (40 FR 5010).

Notice is hereby given that under the provisions of Article 3 of the Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of delivery of the aforementioned note, entry and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 233 and 238, produced or manufactured in Haiti and exported to the United States during the twelve-month period beginning on the date of delivery of the note, may be restrained at levels which are yet to be determined.

There is published below market disruption information relating to each of the aforementioned categories. Any party wishing to express a view or provide data or information with respect to these categories is invited to submit such in ten copies to Mr. Alan Polansky, Chairman of the Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 3826, Washington, D.C. 20230. To enable timely consideration, comments should be submitted at the earliest date possible, but no later than October 10, 1975.

Views, data or information submitted under this procedure will be available for public inspection at the Central Reference and Records Inspection Facility, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 7043, Washington, D.C. 20230 and may be obtained upon written request pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (1970), as amended, Pub. L. No. 93-502, (November 21, 1974) and the regulations of the Department of Commerce (15 C.F.R. Part 4 (1974)). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) (1970) relating to matters which constitute "a foreign affairs function of the United States."

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

ANNEX A

MARKET CONDITIONS IN THE U.S. APPAREL INDUSTRY

The United States apparel industry is in a depressed state.

—The Federal Reserve Board production index for apparel products in May 1975 was down 15 percent from a year earlier.

—Total employment in the apparel industry in July 1975 was 1,227,000, 10 percent below July 1974.

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—Unemployment in the apparel industry reached an average of 14.1 percent for the three month period ending July 1975, compared with 8.0 percent for the same period a year earlier.

AUGUST 27, 1975.

HAITI

Market Statement

Category 233, Playsuits, Sunsuits, Washsuits, etc., Woven.

Apparel items in this category include women's, girls' and infants' man-made fiber playsuits, sunsuits, washsuits, creepers, rompers, etc., ornamented and non-ornamented.

The U.S. playsuit, sunsuit, washsuit, etc., industry is one of the most import impacted sectors of the U.S. apparel industry. The import production ratio for these products is estimated to have increased to 82 percent in the first half of 1975, up from 49 percent in 1974 and 11 percent in 1968.

Imports: Total imports of playsuits, sunsuits, washsuits etc., into the U.S. market have increased. In the year ending June 1975, these imports amounted to 383 thousand dozen, up 27 percent from 302 thousand dozen in 1974 and 117 thousand dozen in 1968.

Imports of these items from Haiti began in 1972. This level of trade increased significantly during the first half of 1975—from 52 thousand dozen in 1974 to more than 88 thousand dozen in the year ending the first half of 1975. Haiti is the second largest supplier of these playsuits, sunsuits, washsuits, etc., to the U.S. market. All other major suppliers have entered into agreements to control their exports to the U.S. market.

Prices: The CIF value, including import duties, of these imports from Haiti ranged from $8 to $12 per dozen. These prices are substantially below the domestic price for comparable items, and in most cases are also below the value of comparable products being imported from the other major suppliers.

Domestic Production: U.S. production of man-made fiber playsuits, sunsuits, washsuits, etc., has declined during the latter part of 1974 and first half of 1975 to an estimated annual output of 550 thousand dozen for 1975 from 615 thousand dozen in 1974 and 1,088 thousand dozen in 1968.

U.S. production and imports of playsuits, sunsuits, washsuits, etc., woven category 233

[Thousand dozen]

Year	Production	Imports	Ratio
1968	1,088	117	10.8
1969	896	200	22.3
1970	916	333	36.4
1971	683	299	43.8
1972	628	463	73.7
1973	650	412	63.4
1974 preliminary	615	302	49.1
1975 estimated	550	450	81.8

CATEGORY 233[1]: *U.S. general imports from Haiti and major suppliers*

[Dozen]

Period	Unit	Period	Unit
1972	149,289	1974:	
1973	138,191	November	4,515
1974	51,748	December	5,085
Year ending:		1975:	
December 1974	51,748	January	7,852
January 1975	56,224	February	9,338
February 1975	64,421	March	8,338
March 1975	69,331	April	8,906
April 1975	74,597	May	12,572
May 1975	81,067	June	11,098
June 1975	88,306		

[1] Category 233: Playsuits, sunsuits, washsuits etc., not knit.

Major suppliers[1]	Period 1972	1973	1974	Year ending June 1975
Haiti[2]	149,289	138,191	51,748	88,306
Philippine Republic	186,261	221,907	228,197	257,215
Hong Kong	43,497	22,316	8,590	12,326
France	221	1,110	5,575	5,321
All other countries	83,380	29,132	8,096	19,639
Total	462,648	411,656	301,906	382,807

[1] Major suppliers based on year ending June 1975 data.
[2] Haiti is No. 2 supplier.

Market Statement

Category 238, Trousers, Slacks and Shorts, Woven.

Apparel items included in this category are men's and boys' and women's, girls' and infants' man-made fiber woven trousers, slacks and shorts, ornamented and nonornamented. The U.S. woven trouser, slack and short industry is one of the import impacted sectors of the U.S. apparel industry. The import/production ratio for man-made fiber woven trousers, slacks and shorts is estimated to have increased to nearly 15 percent in the first half of 1975 from 11 percent in 1974 and 5 percent in 1967.

Imports: Total imports of woven trousers, slacks and shorts into the U.S. market increased to 1,952 thousand dozen in the year ending June 1975. This was up from 1,853 thousand dozen in 1974 and 819 thousand dozen in 1967.

Imports from Haiti began in commercial volume in 1970 and totaled 2,716 dozen. By the year ending June 1975, these imports, predominately women's, girls' and infants' slacks and shorts, had increased to 229 thousand dozen. Haiti is the third largest supplier of woven trousers, slacks and shorts to the U.S. market. All of the major suppliers, except Haiti have entered into agreements to control their exports to the U.S. market.

Prices: The CIF value, including import duties, of women's, girls' and infants' slacks and shorts imports from Haiti range from $8 to $12 per dozen. These prices are substantially below the domestic prices for comparable items and in most cases are also below the value of comparable products being imported from the Philippine and Taiwan.

Domestic Production: U.S. production of woven trousers, slacks and shorts declined during the latter part of 1974 and the first half of 1975 to an estimated 14 million dozen, on an annual basis, from 17 million dozen in 1974 and 1973.

U.S. production and imports of trousers, slacks and shorts, woven, category 238

[Thousand dozen]

Year	Production	Imports	Ratio
1967	17,254	819	4.7
1968	20,799	1,162	5.6
1969	21,664	1,516	7.0
1970	21,968	1,753	8.1
1971	19,418	1,964	10.2
1972	16,820	1,625	9.7
1973	17,265	1,629	9.4
1974 preliminary	17,485	1,853	10.6
1975 estimated	14,000	2,025	14.5

CATEGORY 238[1]: *U.S. general imports from Haiti and major suppliers*

[Dozen]

Period	Units	Period	Units
1972	57,587	1974:	
1973	126,800	November	25,404
1974	194,772	December	14,888
Year Ending:		1975:	
December 1974	194,772	January	16,623
January 1975	198,532	February	18,963
February 1975	208,750	March	15,845
March 1975	219,297	April	19,963
April 1975	228,874	May	18,047
May 1975	226,341	June	22,327
June 1975	229,144		

[1] Category 238: Trousers, not knit.

Major Suppliers[1]	Period 1972	1973	1974	Year ending June 1975
Haiti[2]	57,587	126,800	194,772	229,144
Mexico	256,631	450,702	812,477	806,802
Japan	358,505	396,449	235,375	294,353
China (Taiwan)	501,487	395,576	183,346	158,489
All other countries	411,690	257,000	366,906	464,249
Total	1,625,300	1,626,527	1,852,968	1,952,127

[1] Major suppliers based on year ending June 1975 data.
[2] Haiti is No. 3 supplier.

ANNEX B.—*Haiti comparable import and domestic price data*[1]

[Dollars per dozen]

Category	Description	Unit	Haiti	Taiwan	Republic of Philippines	United States
233	Playsuits, etc., W.G.I, M-MF-woven.	Dozen	8-12		13	23-54
238	Trousers, etc., W,G,I	Dozen	8-12	30	7-23	24-66

[1] Imports are duty-paid, c.i.f. values.

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption; Correction

In FR Doc. 75–22551 appearing at page 37249 in the FEDERAL REGISTER of August 26, 1975, the first paragraph appearing at page 37250 is corrected in the second line of that paragraph by changing the date from August 21, 1975 to July 8, 1975 and by adding the date of July 8, 1975 to the undated letter following, addressed to the Commissioner of Customs.

Dated: September 15, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.75–24971 Filed 9–18–75;8:45 am]

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 16, 1975.

On July 3, 1975, there were published in the FEDERAL REGISTER (40 FR 28123 and 28124) letters dated July 1, 1975 and July 2, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, which establish specific export limitations on certain cotton, wool and man-made fiber textile products produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1974. As set forth in those letters, the levels of restraint are subject to adjustment pursuant to paragraphs 5 and 7 of the agreement which provide, in part, that within the aggregate and applicable group limits, specific levels of restraint may be exceeded by a specified percentage; and a limited amount of yardage in certain categories may be carried forward from the succeeding agreement year.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of September 16, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton, wool and man-made fiber textile products in Categories 9/10, 45/46/47, 48, 49, 50/51, 52, 120, 219, 221, part of 224 (men's and boys' suits), 235, and 238 for the 12-month period which began on October 1, 1974. The amended level of restraint for Category 224 (men's and boys' suits) also includes a portion of the adjustment provided under paragraph 3 of the agreement.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

SEPTEMBER 16, 1975.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On July 1, 1975 and July 2, 1975 the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1974 and extending through September 30, 1975 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraphs 5 and 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on September 16, 1975, the levels of restraint established for Categories 9/10, 45/46/47, 48, 49, 50/51, 52, 120, 219, 221, part of 224, 235 and 238 to the following amounts:

Category	Amended 12-month level of restraint[1]
9/10 ---square yards equivalent	6,626,251
45/46/47 ---dozen	3,340,963
48 ---dozen	21,943
49 ---dozen	50,149
50/51 ---dozen	189,615
52 ---dozen	69,121
120 ---numbers	352,492
219 ---dozen	4,186,704
221 ---dozen	2,744,660
pt. 224 (only T.S.U.S.A. Nos. 380.-0420 and 380.8143) ---dozen	57,250
235 ---dozen	1,459,323
238 ---dozen	225,940

[1] The levels of restraint have not been adjusted to reflect any entries made after September 30, 1974.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1–38, part of 63 (shoe uppers), 64, 200–213, and 241–243 may be exceeded by 10 percent; within Categories 39–62, part of 63 (other than shoe uppers), and 214–240, by 7 percent; and within Categories 101–132, by 5 percent; 2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; 3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and 4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75–24997 Filed 9–18–75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Proposed Addition

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92–28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 F.R. 39964).

CLASS 6532

Cap, Operating, Surgical, 6532–00–250–5042.

CLASS 7530

Pad, Writing Paper, Canary Yellow, 7530–00–286–6173 (about 100,000 dozen annually).

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75–25012 Filed 9–18–75;8:45 am]

PROCUREMENT LIST 1975

Proposed Deletion

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92–28; 85 Stat. 79, of the proposed deletion of the following commodities from Procurement List 1975, November 12, 1974 (39 F.R. 39964).

CLASS 8465

Suspenders, Field Pack, Cotton, 8465–00–577–4922, 8465–00–577–4923, 8465–00–823–7231.

Comments and views regarding these proposed deletions may be filed with the Committee not later than 30 days after

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the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-25011 Filed 9-18-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from September 8 through September 12, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (November 3, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965

SOIL CONSERVATION SERVICE

Draft

Buckhorn-Mesa Watershed, Maricopa and Pinal Counties, Ariz., September 10: The watershed protection and flood prevention project consists of the construction of five floodwater retarding dams for the purpose of flood control and increased efficiency of irrigation water use. Construction activity will result in loss of 164 acres of desert riparian and 799 acres of desert upland vegetation. Installation of the structures will require the relocation of four families. (ELR Order No. 51357.)

Deer Creek Watershed, Bolivar and Washington Counties, Miss., September 12: The project consists of 50.1 miles of channel work to reduce problems of erosion, sedimentation, flooding, drainage, and low income in Bolivar and Washington Counties, Mississippi. Forest land wildlife habitat will be lost on 341 acres and approximately 80 acres of wetlands will be subject to drainage as a result of the structural measures. During construction there will be reduced air and water quality. (ELR Order No. 51380.)

Final

Duralde-des Cannes Watershed, Acadia and Evangeline Parishes, La., September 8: The statement concerns a project for watershed protection and flood prevention on 30,440 acres of cropland and pastureland in Acadia and Evangeline Parishes, Louisiana. An estimated 209 miles of channel work and installation of five structures for water control are included. The five weirs will permanently inundate 21 acres of land. Approximately 327 additional acres of land will be committed to new channels, berms, and spoil. Comments made by: EPA, AHP, HEW, COE, DOT, DOI, USCG, EDF, and State agencies. (ELR Order No. 51341.)

FOREST SERVICE

Medicine Bow National Forest, Timber Management Plan, several counties in Wyoming, January 6: The statement refers to the revision of the 1961 Timber Management Plan for the Medicine Bow National Forest. The plan applies to 350,000 acres and recommends harvesting timber from 66,000 to 69,000 acres during the ten-year period from 1975-1985. The annual yield from this harvest will be approximately 97,000 to 120,000 cunits of wood products including 44 to 54 million board feet of saw-timber. About 2,840 acres annually will be harvested by the clear-cut silvicultural method, 2,870 by the shelterwood silvicultural method, and 1,520 acres will be treated by intermediate thinings. The major impacts will be those resulting from road construction. Comments made by: USDA, DOI, State agencies, and concerned citizens. (ELR Order No. 51379).

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

NAT'L OCEANIC AND ATMOSPHERIC ADMIN.

Draft

Commercial Fishing, Marine Mammals, September 9: The statement concerns the promulgation of rules and proposed issuance of permits to commercial fishermen allowing the taking of marine mammals in the course of normal commercial fishing operations. The statement indicates that the current, fishery-induced mortality should not result in any rapid, long-term reduction in the affected porpoise stocks. (ELR Order No. 51365.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202-OX 4-4269.

Draft

Blackbird Control, Army Installations (Supplement), Kentucky and Tennessee, September 10: The statement supplements the final EIS filed with CEQ 27 January 1975 and concerns the proposed method for controlling large roosts of blackbirds overwintering at Ft. Campbell, Kentucky, and Milan Army Ammunition Plant (AAP). Included is an alternative to the PA-14 method which was suggested by an environmental group and a summary and tabulation of public reaction to the use of PA-14. (ELR Order No. 51359.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-6861.

Draft

Walnut Creek Project, Contra Costa County, Calif., September 9: The Walnut Creek project, now 43% complete, consists of construction of rectangular concrete-lined channels and flood control structures in Walnut Creek and the lower reaches of its principal tributaries. Completed portions of the project have resulted in the elimination of most of the riparian vegetation on the surrounding flood plain and the intensive urbanization in the form of towns, housing developments, shopping centers, roads, and utilities. (Sacramento District.) (ELR Order No. 51352.)

Agana Small Boat Harbor (Supplement), Guam, September 10: Proposed is the construction of a small boat harbor in Agana Bay to meet both recreational and subsistence-type fishing needs for the Agana tributary area. The project will consist of a revetted mole, two breakwaters, a wave absorber, four circulation channels, and navigation channels. Adverse impacts include the loss of about 37 acres of flat reef habitat to harbor use, the overall increase in vehicular traffic within the area, and a possible conflict of use among boaters, surfers, and fishermen. (Honolulu District.) (ELR Order No. 51360.)

Great Bend Local Protection Project, Barton County, Kans., September 8: The Great Bend, Kansas local protection project consists of the construction of 14.6 miles of leveed channel and will require the acquisition of 1,250 acres of right-of-way for levees and channels, 35 acres for ponding areas and 80 acres for flowage easements by the local sponsor, the City of Great Bend, Kansas. Three highway bridges and two railroad bridges will be constructed across Walnut Creek Diversion Channel and one new bridge will be required. The project will result in temporary construction disruption and may adversely affect several archeological sites. (Albuquerque District.) (ELR Order No. 51340.)

Bayou Des Familles Corp. Food Protection, Jefferson County, La., September 9: The project will provide for the completion of dredging operations that will result in the construction of a flood protection levee in the south central portion of Jefferson Parish approximately 5 miles northwest of Crown Point. Construction of this levee will result in a permanent alteration of landform, temporary increases in turbidity, decreases in dissolved oxygen and a decrease in primary productivity. Terrestrial habitat will be destroyed within the construction limits of the levee section, resulting in the displacement and loss of wildlife. (New Orleans District.) (ELR Order No. 51353.)

Rocky River Harbor, O & M, Cuyahoga County, Ohio, September 12: Proposed is the dredging of approximately 30,000 cubic yards of sediment from the authorized navigation channels at Rocky River Harbor once every three years, and maintenance of the existing east pier. Dredged materials unsuitable for open-lake disposal will be placed in diked disposal facilities. Adverse impacts of the project include disturbance of benthic communities within the open-lake disposal areas, resuspension of potentially harmful substances, and increased turbidity levels during maintenance procedures. (Buffalo District.) (ELR Order No. 51377.)

McNary Second Powerhouse (2), Oregon and Washington, September 10: The statement is the revision of a draft EIS filed with CEQ 17 October 17. The proposed action is the construction of a second powerhouse at the existing McNary Lock and Dam project on the Columbia River. The proposal calls for the new powerhouse to hold ten additional generator units. Adverse environmental effects include increases in water fluctuation, hindrance to navigation in the downstream approach channel, increased fish mortality, and construction disruption. (Walla Walla District.) (ELR Order No. 51358.)

Final

Beach Erosion Project, Duval County, Florida, Duval County, Fla., September 11: The project consists of placing 3.3 million cubic yards of sand along 10 miles of Atlantic Ocean shoreline in Duval County. Periodic nourishment will be required to compensate for erosion losses during the fifty year life of the project. Dredging will temporarily degrade water quality, close the beach, and destroy most benthic organisms in the borrow and nourishment areas. (Jacksonville District.) Comments made by: USDA, DOI, EPA, DOC, one State agency. (ELR Order No. 51373.)

Iao Stream, Flood Control, Maui County, Hawaii, September 8: The statement refers to the Iao Stream Flood Control project in Maui. The plan combines about 4,400 Ft. of concrete channelization between the debris basin and near the mouth of the stream, with about 7,300 ft. of stream left in its existing condition, but with a system of levees and floodwalls to protect adjacent lands. Adverse impacts are soil erosion and degradation of visual quality. (Honolulu District.) Comments made by: AHP, DOC, DOI, EPA, DOT, USDA, and State agencies and individuals. (ELR Order No. 51347.)

Lake Shelbyville, Operation and Maintenance, Shelby and Moultrie Counties, Ill., September 10: The statement discusses the continued operation and maintenance of Lake Shelbyville in Shelby and Moultrie Counties. Project purposes include floodcontrol, water supply, navigation, recreation, and fish and wildlife conservation. Adverse impacts include the loss of some aquatic and terrestrial communities due to water level fluctuations, small floods caused by discharges, and the damage of some natural areas by recreational development. (St. Louis District.) (2 volumes.) Comments made by: DOI, USDA, USCG, EPA, AHP, and State and local agencies and citizen groups. (ELR Order No. 51372.)

Blue River Basin Projects, Kansas and Missouri, September 8: The statement refers to the construction, operation, and maintenance of four authorized lakes; Wolf-Coffee, Indian, Tomahawk, and Mill, and the authorized channel modification in the Blue River basin. Adverse impacts consist of inundation of wildlife and stream fish habitat, loss of existing and potential residential lands, temporary noise, air, and water pollution, and the displacement of people from private lands. (Kansas City District.) Comments made by: USDA, HEW, HUD, DOI, DOT, EPA, AHP, and State and local agencies and environmental groups. (ELR Order No. 51342.)

Lake Barkel Disposal, Lyon County, Ky., September 8: The proposed action is the sale of 124 acres of Federally owned land to the Lyon County Port Authority, for use in developing a public port and industrial facilities. The sale would result in restricted land use and the possibility of industrial waste pollution of the Lake. Comments made by: EPA, TVA, DOC, HEW, DOI, DOT, USCG, and one State agency and National Audubon Society. (ELR Order No. 51349.)

Red Lake and Clearwater Rivers Project, several counties in Minnesota, September 10: The statement refers to the proposed continued operation and maintenance of the Red Lake and Clearwater Rivers. Project activities are designed to assure the effective use of the flood control and low-flow augmentation system by implementation of the Red Lake Dam and the Red Lakes reservoirs, and the modified channels along the Red Lake and Clearwater Rivers. Indian life in the area will be adversely affected by the loss of supplemental income due to the loss of trapping and guiding as income sources as well as the loss of food and hunting activity. (St. Paul District.) Comments made by: EPA, USDA, HEW, HUD, DOI, DOT, and State agencies. (ELR Order No. 51367.)

Okatibbee Dam and Lake, Operation and Maintenance, Lauderdale County, Miss., September 8: The statement refers to the continuation of operation and maintenance of an existing multipurpose dam and reservoir located on Okatibbee Creek in Lauderdale County. The project provides flood control, water quality control, water supply, and recreation. The major adverse impact is that operation of the project creates an oxygen sag in Okatibbee Creek downstream from the dam. (Mobile District.) Comments made by: EPA, DOI, DOC, USDA, HUD, and DOT. (ELR Order No. 51346.)

Black Rock Channel and Tonawanda Harbor, Erie and Niagara Counties, N.Y., September 10: The statement concerns the annual dredging of about 100,000 cubic yards of sediments, the operation and maintenance of Black Rock ship Lock, and the maintenance of Rock Channel and walls. Adverse impacts from the project include temporary turbidity at the dredge site, temporary change in water color, disturbance of bottom habitat, some siltation in peripheral areas, and noise pollution during construction. (Buffalo District.) Comments made by: DOI, USCG, DOT, and EPA. (ELR Order No. 51363.)

Sandusky Harbor Maintenance, Erie County, Ohio, September 10: Proposed is the dredging of about 500,000 cubic yards of sediment annually which will be deposited in a designated area of Lake Erie, and the maintenance of existing breakwaters. Adverse impacts include resuspension of toxic chemical constituents during dredging and open lake disposal, the siltation of aquatic habitat, the disturbance of existing fish population, turbidity and change in water color, and generation of noise and dust during repair of the structures. (Buffalo District.) Comments made by: DOI, EPA, USCG, and State and local agencies. (ELR Order No. 51365.)

Fairport Harbor Maintenance, Lake County, Ohio, September 10: The statement concerns the dredging of about 360,000 cubic yards of sediment annually and dumping the material in Lake Erie, and the maintenance of breakwaters and piers. The dredging will result in increased turbidity, disruption of aquatic habitat, open lake dumping, reduction of water quality, and hazard to water craft due to presence of dredge craft in the harbor. (Buffalo District.) Comments made by: EPA, USDA, DOC, DOI, and State and regional agencies. (ELR Order No. 51368.)

Lorain Harbor, Maintenance, Lorain County, Ohio, September 10: The project includes the dredging of about 172,000 cubic yards of sediment annually to be deposited in designated areas of Lake Erie, and the maintenance of existing breakwaters. The resuspension of toxic chemical constituents during dredging and open lake disposal, siltation of aquatic habitat, disturbance of existing fish population, turbidity and change in water color, and the generation of noise and silt during repair of the structures will result from the project. (Buffalo District.) Comments made by: USDA, DOC, DOI, USCG, EPA, and State and local agencies. (ELR Order No. 51370.)

Erie Harbor, Pennsylvania, Maintenance, Erie County, Pa., September 10: The statement concerns the dredging of about 205,000 cubic yards of sediment annually and dumping the material in Lake Erie, and the maintenance of piers at the harbor entrance. Open-lake disposal will release chemical and biological constituents into the waters of the dredge and disposal sites causing a significantly adverse impact on water quality. The project will disrupt about 450 acres of harbor benthic communities. (Buffalo District.) Comments made by: USCG, DOC, DOI, DOT, EPA, and one State agency. (ELR Order No. 51371.)

Trexler Lake, Supplement, Lehigh County, Pa., September 12: The document supplements a final statement on the proposed Trexler Lake Project. The project involves the construction of an earth and rockfill embankment 130 feet high, with a crest length of 820 feet, on Jordan Creek. The lake, which is intended provides water supply, flood control, and recreational uses, would have a surface area of 1,220 acres, and would extend 8.6 miles upstream when filled to the top of the conservation pool. Fifty percent of Lowhill Township will be acquired for the project. (Philadelphia District.) Comments made by: HUD, EPA, DOI, USDA, and local organizations. (ELR Order No. 51381.)

Port Washington Navigation Project, Wisconsin, September 10: Proposed is the dredging of 10,000 cu. yds. annually from the Port Washington Harbor over the next ten years. Disposal of spoil will be in a diked area in the south outer section of Milwaukee Harbor. There will be adverse impact to aquatic biota; polluted sediments will be resuspended; toxic and nutritive substances will be reintroduced into the lake system. (Chicago District.) Comments made by: EPA, DOI, DOC, HUD, USCG, State and regional agencies, and private interests. (ELR Order No. 51362.)

Kewaunee Harbor Maintenance, Wisconsin, September 10: Proposed is the periodic maintenance dredging of the Kewaunee Harbor, and disposal of the spoil in a diked area. The disposal area, located adjacent to the lakeshore, would contain 500,000 cubic yards of sediment which will accrue over the 10-year project life. The project will adversely affect air and water quality, and the aquatic environment of the disposal area. Comments made by: EPA, DOC, USDA, DOI, USCG, and State and local agencies. (ELR Order No. 51366.)

Two Harbors Harbor, Operation and Maintenance, Lake County, Minn., September 10: The statement refers to operation and maintenance activities within Two Harbors Harbor at Lake Superior. Proposed plans call for removal of approximately 6,000 cubic yards of dredge material to complete the project authorized in 1960. Drilling blasting, and removal of broken rock is anticipated to complete the dredging. Maintenance of the breakwater to replace rock torn away by Lake Superior storms is also expected. Adverse environmental impacts include: minor congestion; air and water contamination; noise; increased turbidity; and benthic damage. (St. Paul District.) Comments made by: EPA, DOC, HEW, HUD, DOI, USCG, AHP, and one State agency and US Steel Corp. (ELR Order No. 51361.)

Holland Harbor, Disposal Facilities, Michigan, September 10: The statement refers to the proposed construction of two diked disposal facilities at Holland Harbor, Michigan. The facilities will be used for containment of polluted dredge materials from maintenance of the shipping channel within Lake Macatwa. Adverse impacts are possible odors associated with dredge materials, and disturbances normally associated with construction-operation. Comments made by:

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USDA, DOI, EPA, DOC, HEW, and State agencies. (ELR Order No. 51364.)

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Contact: Mr. W. Herbert Pennington, Office of Assistant Administrator, E-201, ERDA, Washington, D.C. 20545, 301-973-4241.

Final

Underground Nuclear Testing Program (Supplement), Nevada, September 12: The statement is a supplement to a final eis prepared to evaluate the underground nuclear test program for tests and preparations for tests of one megaton or less at the Nevada Test Site during Fiscal Year 1976. Impacts of the tests include subsidence craters and underground pockets of intense radioactivity onsite and the initiation of ground motion that may be felt offsite. There also remains the risk of substantial offsite release. Comments made by: EPA, USDA, DOI, STAT, DOT, and States of Nevada and Oregon. At the request of ERDA the Council has reduced the normal 30-day review period to 7 days, commencing 12 September 1975. (ELR Order No. 51374.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20400, 202-755-0940.

Draft

N. Fremont Co. Wastewater Facilities, Fremont County, Idaho, September: Proposed is the awarding of grant funds to Fremont County, Idaho, for the design and construction of sewerage facilities serving the Island Park area. Provision of collection, interceptor, and treatment facilities would have the effect of accelerating recreational demand, with associated secondary effects such as increased noise, traffic, and recreational pressure. (ELR Order No. 51351.)

Falling Creek Wastewater Treatment, Chesterfield County, Va., September 8: Proposed is the expansion of the 6 million gallon per day Falling Creek Wastewater Treatment facility to 12 MGD and upgrading to provide advanced wastewater treatment. The system is designed to gradually eliminate existing septic tanks. Potential long term adverse impacts of the action affecting surface water and groundwater quality, sensitive areas (wetlands, floodplains and aquifer recharge areas), agricultural lands, air quality, biology, and the community's social and economic environment are discussed. Short term construction disruption will result. (ELR Order No. 51339.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street, NW., Washington, D.C. 20426, 202-386-6084.

Draft

Rocky Mt. Project, Georgia, Floyd County, Fla., September 15: Proposed is the issuance of a license to the Georgia Power Company for construction and operation of the proposed Rocky Mountain Pumped Storage Project No. 2725, to be located on Heath Creek. The project would consist of two reservoirs, two auxiliary pools, a tunnel and underground penstocks, a semi-outdoor powerhouse which would also contain 3 reversible 225-MW pump turbine generating units, and 3 miles of 230 kV transmission line. Adverse impacts resulting from the project would be loss of existing recreational and scenic values, stream habitat, agricultural and timber producing lands, and the displacement of 48 people. (ELR Order No. 51383.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, SW., Washington, D.C. 20410, 202-755-6308.

Final

Wildwood Addition Mortgage Insurance, Decatur, Macon County, Ill., September 8: The statement concerns an application for mortgage insurance on 143.5 acres of agricultural land in the South Shores area of Decatur to be developed into 550 single-family homesites. The $60,000 houses will serve as security for the mortgages. The statement indicates no serious adverse environmental effects. Comments made by: EPA, AHP, USDA, HEW, DOI, DOT, and State and local agencies. (ELR Order No. 51345.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Final

Pascack Brook Improvement Project, Rockland County, N.Y., September 8: Proposed is a project for flood alleviation including channelization of portions of the Brook, replacement of structures incapable of withstanding a 100-year return period flood, and the acquisition of flood easements along sparsely settled reaches of the Brook. Adverse impacts include the alteration and containment of the natural meandering of a stream and general construction disruption. Comments made by: EPA, and one State and one local agency. (ELR Order No. 51348.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

NATIONAL PARK SERVICE

Final

Rehabilitation of the National Mall, District of Columbia, September 10: The proposed rehabilitation program for the National Mall in Washington, D.C. would include replacement of streets for automobiles with pedestrian walks, replacement of park furniture, and construction of various other pedestrian-centered facilities. Fringe parking and shuttle busses would be provided at RFK Stadium. The project would result in fewer facilities for automobiles on the Mall and temporary construction disruption. Comments made by: USDA, COE, DOI, NCPC 2, and State and metropolitan agencies, D.C. agencies, and elected officials. (ELR Order No. 51356.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 301, Screven Co., Screven County, Ga., September 8: Proposed is the upgrading to four lanes of the existing 14.3 mile two-lane section of U.S. Highway 301 (Ga. 73) from the northern terminus of the Sylvania Bypass northward to the existing four-lane section of U.S. 301 just south of the Savannah River. The construction of the facility will result in noise and air pollution and will have an adverse effect upon forest land nearby. Due to the present non-availability of replacement housing in Screven County, the relocation of individuals associated with three alternate routes will be a major problem. (ELR Order No. 51343.)

U.S. 1133 (University Avenue), Las Cruces, Dona Ana County, N. Mex., September 12: The proposed action is the widening to 6 lanes of a section of Federal Aid Secondary Route 1133 (NM 101) on University Avenue between I-10 and I-25 in Las Cruces, New Mexico. The length of the project is approximately 1.5 miles. The project will result in increased noise impact, an unspecified number of relocations, loss of trees, and air pollution during construction. (ELR Order No. 51376.)

Seventeenth St. Extension, Altoona, Blair County, Pa., September 12: The statement concerns the relocation of Seventeenth Street to provide a 4-lane free access facility approximately one mile in length to serve as an artery into the downtown area from existing U.S. Route 220. The project will displace between 57 and 100 families, depending upon the alternate selected, and will subject another 13 to 33 residences to interior noise levels. (ELR Order No. 51378.)

Beltway 8, U.S. 59 North to Interstate Highway 10 East, Harris County, Tex., September 12: The statement concerns the development of a 17.8 mile increment into a fully controlled access facility as part of Beltway 8, a circumferential route encircling Houston. Included in the statement is a 2 mile segment of I.H. 10 which crosses this portion of Beltway 8. The project will permit the continuance of existing trends in urban development. There will be an increase in noise and air pollution levels, and the roadway will displace the Faith Tabernacle United Pentacostal Church. (ELR Order No. 51375.)

Final

Georgia S.R. 365, Hall and Harbersham Counties, Ga., September 8: The statement refers to the proposed extension of S.R. 365 from the present terminus at Gainesville to a point west and north of Cornelia. The 22-mile extension will be on new location. Erosion and siltation may cause damage to fish spawning waters in the Chattahoochee River and Lake Sidney Lanier. Eighteen families and one business will be displaced. An unspecified amount of land will be acquired to provide a 300 foot right-of-way. Comments made by: USDA, DOT, HUD, DOI, EPA. (ELR Order No. 51344.)

U.S.-31, Michigan, Mason County, Mich., September 12: Proposed is the construction of U.S.-31 from the Oceana-Mason County line north to U.S.-31/U.S.-10, Summit, Pere Marquette and Auber Townships. Total project length is approximately 11 miles. Adverse impacts stemming from the project are loss of wildlife habitat and woodland; displacement of families, residential dwellings and other structures; loss of agricultural land; increased noise and water pollution levels; and erosion and sedimentation. families. Comments made by: DOT, DOI, COE, USDA, EPA, USCG, and State agencies. (ELR Order No. 51382.)

Route 55 Freeway, Gloucester County, N.J., September 8: The statement refers to the proposed construction of a 4 lane, limited access freeway. There are 5 alternate actions being considered, one of which (Line R2) would traverse the Glassboro Fish and Wildlife Management Area. Two other routes would affect farm land. Traffic would be diverted from established businesses and communities along Route 47. Comments made by: DOT, DOI, EPA, and USDA. (ELR Order No. 51354.)

U.S. COAST GUARD

Draft

Loran-C, Gulf of Alaska, September 8: The proposed action provides for the establishment of a new Loran-C radio-navigation chain along the U.S. West Coast and in the Gulf of Alaska. Stations will be located in Nevada, California, Washington, Alaska, and Southwestern Canada. There will be minimal adverse impact on local water supplies, sanitation systems, and electric utilities. There will be some visual impact at all stations due to the height of the towers. (ELR Order No. 51350.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-24974 Filed 9-18-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

COMMITTEE OF SENIOR REVIEWERS

Meeting

SEPTEMBER 15, 1975.

The Committee of Senior Reviewers will hold a meeting on October 7-8, 1975, in the Jade Conference Room, Building 125, at the Lawrence Livermore Laboratory, Livermore, California. The subjects scheduled for discussion involve weapons, laser fusion, isotope separation, and other topics concerned with Restricted Data and National Security Information.

This meeting will be closed to the public under the authority of subsection 10 (d) of Pub. L. 92-463 (the Federal Advisory Committee Act).

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the discussions will concern Restricted Data which is exempt from disclosure under 5 U.S.C. 552(b) (1) and (3) and other National Security Information which is exempt from disclosure under 5 U.S.C. 552(b)(1). It is essential to close the meeting to protect such classified information.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.75-25015 Filed 9-18-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 432-7; PF17]

PESTICIDE AND FOOD ADDITIVE

Filing of Petitions

Petitions proposing the establishment of pesticide tolerances in or on certain raw agricultural commodities and the establishment of tolerances relating to food and/or feed additives have been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of section 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. The petitions and proposals are:

PP6F1663. American Cyanamid Co., Agricultural Div., P.O. Box 400, Princeton NJ 08540. Proposes amending 40 CFR 180.204 by establishing a tolerance for residues of the insecticide dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorothioate) in or on the raw agricultural commodity strawberries at 2 parts per million (ppm). Proposed analytical method for determining residues is a gas-liquid chromatographic procedure using a selective phosphorous-sensitive detector. PM16

FAP5H5093. Everpure, Inc., Westmont IL 60559. Proposes amending 21 CFR 123.250 by establishing a tolerance for a food additive regulation for safe use of a strong base anion exchange resin in polybromide form as a source of bromine for water disinfection. PM34

PP6F1665. Uniroyal Chemical, 74 Amity Rd., Bethany CT 06525. Proposes amending 180.259 by establishing a tolerance for residues of the insecticide propargite [2-(p-ter-butylphenoxy) cyclohexyl 2-propenyl sulfite] in or on the raw agricultural commodities peanuts at 0.1 ppm and peanut hay and hulls at 10.0 ppm. Proposed analytical method is a gas chromatographic procedure using a specific sulfur detector. PM13

Interested persons are invited to submit written comments on any petitions referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 12, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-24943 Filed 9-18-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Meeting

SEPTEMBER 16, 1975.

Pursuant to Section 10(a) of Public Law 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, Tuesday, and Wednesday, October 6, 7, 8, 1975. The meeting will commence at 9 a.m. on October 6, at 9 a.m. on October 7, and at 9 a.m. on October 8 at the Madison Hotel, 15th & M Streets, N.W., Washington, D.C. in the Arlington Room.

MONDAY, OCTOBER 6

9-11 a.m.—General discussion.

2:30 p.m.—New certificate forms for $100,000 CD's. Early liquidation of IRA and Keogh CD accounts without penalty. Insurance coverage on pooled accounts. Outlook for agency issues in volume and interest rates.

TUESDAY, OCTOBER 7

CD forms regarding earnings after maturity.

RESPA.

Interpretation of property improvement loans. a. Off site. b. Mobile homes.

Accounting procedures on participation loans.

Elimination of penalty upon death of joint tenancy account holder.

Nationwide lending as related to scheduled items.

Planning for the impact of inflation of the savings and loan industry—Part 6.

Branch and merger processing. a. Location of hearings. b. Amount of capital investment. c. Policy statement.

WEDNESDAY, OCTOBER 8

9-11 a.m.—General discussion.

The meeting will be open to the public on October 6 from 9-5, on October 7 from 9-5, and October 8 from 9-1.

GRADY PERRY, JR.,
Board Member.

[FR Doc.75-24998 Filed 9-18-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-35]

CITY OF ANCHORAGE AND SEA-LAND SERVICE, INC., ET AL.

Order of Investigation and Hearing

Two agreements involving the preferential use of berth and terminal properties at the City of Anchorage, Alaska have been filed with the Commission for approval under section 15 of the Shipping Act, 1916. Agreement No. T-1685-6 is between the City of Anchorage and Sea-Land Service, Inc. (Sea-Land) and Agreement No. T-3130 is between the City of Anchorage and Totem Ocean Trailer Express, Inc. (Tote).

Agreement No. T-1685-6 modifies the City of Anchorage and Sea-Land's basic agreement, Agreement No. T-1685 as amended, providing for the preferential use of berth space and certain transit areas at the Anchorage City Dock. The main effect of this modification is to shift the berthing area reserved for Sea-Land from Terminal 1 to Terminal 2 and 50 feet of adjacent space at Terminal 3, and increase the number of allowable vessel berthings at the facility from 104 to 156 per year.

Agreement No. T-3130 provides, *inter alia*, for Tote's preferential use of a berthing area at the Petroleum Terminal and sufficient space at Terminal 1 to comprise a total of 840 feet at the Anchorage City Dock. Under the agreement, Tote will have preferential berthing rights at the Dock for 52 vessel calls per year. Tote will also have the right to construct trestles connecting the berthing area to the transit area and obtain the preferential use of the trestles and certain designated transit areas.

Notice of filing of both agreements was published in the FEDERAL REGISTER, and comments representing five distinct positions on the agreements have been re-

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ceived by the Commission from a number of parties.

First, Tote, in protesting the Sea-Land agreement (T–1685–6), stated that it believes that the agreement is discriminatory and unfair since it would leave Tote insufficient berthing space at Anchorage for an Alaskan service it wished to start. It should be noted, however, that this protest and request for hearing was filed almost two months before the filing of Tote's agreement (T–3130), which represents a solution to Tote's problems under T–1685–6. Thus, if T–3130 is approved this would effectively moot Tote's protest against the Sea-Land agreement.

Second, Sea-Land protested the Tote agreement (T–3130) on the grounds that (a) port congestion detrimental to commerce and the public interest would allegedly result from the agreement; and (b) the agreement allegedly raises questions of an environmental nature under the National Environmental Policy Act due to port congestion, construction and other factors. Sea-Land also raises the issue as to whether Tote has taken steps to implement Agreement 3130 prior to its approval by the construction of the trestles called for in the agreement.

Third, a group of oil and barge interests (Standard Oil Company of California Western Operations, Inc., Coastal Barge Lines, Inc., Puget Sound Tug and Barge Company, Tesoro-Alaskan Petroleum Corporation, and Shell Oil Company) protested the Tote agreement on the basis that its implementation would restrict access to portions of the Anchorage general cargo and petroleum terminal and result in unacceptable delays and significant additional expense to these users of Anchorage terminal facilities. Standard Oil, Tesoro-Alaskan Petroleum and Coastal Barge also pointed out that approval of the Sea-Land agreement would also have adverse effects on the nonpreferred users of the Anchorage Port facilities.

Fourth, the Governor of Alaska, various local chambers of commerce and trade groups and other interests have filed statements and comments supporting the Tote agreement and the benefits of the increased competition which would result from Tote's entry into the Alaska Trade.

Finally, the City of Anchorage supports conditional approval of both agreements and an expedited hearing before the Commission to resolve the issues raised by both agreements.

At the present time Sea-Land offers the only year-round, regularly scheduled, common carriage water service to Anchorage. Tote would provide a roll-on/roll-off service that would apparently permit the transportation of certain cargoes which presently cannot be transported to Anchorage on a year-round basis.

It is recognized by the City of Anchorage that its present berthing facilities are limited, and that the pending agreements provide for the preferential use of a large portion of the limited facilities. However, the City in support of the agreements states that preferential berthing and use rights are necessary for the operations of both Sea-Land and Tote, and that the preferential use agreements should not result in any significant interruptions to the service provided by other carriers.

The above protests, however, appear to raise legitimate concerns in regard to the effect the agreements will have on the future operations at the Port of Anchorage once the agreements are implemented. In consideration of these complaints, the Commission is of the opinion that the agreements should be made the subject of a public investigation and hearing to determine the effect the preferential use features of the pending agreements will have on other nonpreferred users of the Port of Anchorage, and to determine whether these agreements should be approved, disapproved, or modified, under the standards set by section 15.

As the continued approval of Sea-Land's presently approved preferential use agreement, Agreement T–1685 as amended, would also appear to have a direct bearing on the availability of berth space in the Port of Anchorage the investigation shall also consider whether Agreement T–1685 as amended should be disapproved or modified. The investigation shall also consider whether it would be unjustly discriminatory or unfair to allow Agreement T–1685 as amended to remain in effect in the event Tote, as a result of this proceeding, may not enter into a preferential berthing agreement with the City of Anchorage.

In regard to the environmental issues raised by Sea-Land, a separate environmental assessment of the proposed agreements will be undertaken by the Commission's Office of Environmental Affairs.

Now therefore, it is ordered, That the Commission enter upon an investigation and hearing pursuant to sections 15 and 22 of the Shipping Act, 1916, to determine whether Agreement Nos. T–3130, T–1685 as amended and T–1685–6 are unjustly discriminatory or unfair as between carriers, shippers, exporters or importers, or operate to the detriment of the commerce of the United States, or are contrary to the public interest, or are otherwise in violation of the Shipping Act, 1916, and whether Agreement Nos. T–3130, T–1685 as amended and T–1685–6 should be modified, approved or disapproved;

It is further ordered, That it be determined whether Section 15 has been violated by Tote and/or the City of Anchorage by the construction of facilities provided for in Agreement No. T–3130 prior to the approval of the agreement by the Commission;

It is further ordered, That the City of Anchorage, Alaska, Totem Ocean Trailer Express, Inc., and Sea-Land Service, Inc., be named as Respondents herein;

It is further ordered, That the Standard Oil Company of California Western Operations, Inc., Coastal Barge Lines, Inc., Puget Sound Tug and Barge Company, Tesro-Alaskan Petroleum Corporation, and Shell Oil Company be named Petitioners herein;

It is further ordered, That this proceeding be expedited and that a public hearing be held in this proceeding to commence on or before March 15, 1976, and that this matter be assigned for such hearing and Initial Decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges;

It is further ordered, That a copy of this Order be forthwith served upon Respondents and Petitioners herein, and upon the Commission's Bureau of Hearing Counsel, and be published in the FEDERAL REGISTER; and that the Respondents, Petitioners, and Hearing Counsel be duly served with notice of time and place of the hearing;

It is further ordered, That any person other than Respondents, Petitioners, and Hearing Counsel, having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 5(l) (46 CFR 502.72) of the Commission's rules of practice and procedure.

Pursuant to these rules, absent good cause shown, parties must commence discovery procedures on or before October 20, 1975, and any intervenor desiring to utilize the discovery procedures prescribed by Subpart L thereof, must commence doing so not later than 15 days after his petition for leave to intervene has been granted. If the petition for leave to intervene is filed later than October 20, 1975, petitioner will be deemed to have waived his right to utilize such procedures unless good cause is shown for the failure to file the petition within the 30-day period (46 CFR 502.72(b)).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–25043 Filed 9–18–75;8:45 am]

PORT AUTHORITY OF NEW YORK AND NEW JERSEY, ET AL.

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 9, 1975. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Albert B. Dearden, Deputy Chief, Port Authority of New York and New Jersey, One World Trade Center, New York, N.Y. 10048.

Agreement No. T–2877–3 provides for and T–2877–3, between Port Authority of New York and New Jersey (Port) and Refrigerated Express Lines, Pty., Ltd., (REL) modifies the parties' basic agreement providing for the 5-year lease to REL of certain marine terminal facilities and related open areas at Port Newark, New Jersey, to be used as a marine terminal facility.

Agreement No. T–2877–1 provides for the assignment of the lease by REL to Reefer Terminal, Inc., (Reefer) with Port's consent.

Agreement No. T–2877–3 provides for original premises by substituting a new Exhibit A–1 to replace Exhibit A.

Agreement No. T–2811–3 provides for the delay of the commencement and expiration of the lease without changing the length of the term.

Dated: September 12, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–25042 Filed 9–18–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G–4846, etc.]

E. L. PINKSTON ESTATE OPERATING ACCOUNT, ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 11, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price Per Mcf	Pressure Base
G–4846 ..... E 8–11–75	E. L. Pinkston Estate Operating Account (successor to Alvin Wilson et al.), 220 First National Bank Bldg., Jacksonville, Tex. 75766.	Tennessee Gas Transmission Co., Cadenhead and Oden Units, Panola County, Tex.	[3] 15.05625	14.65
G–7518 ..... C 8–11–75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Waskom Field, Caddo Parish, La.	[3] 13.90	15.025
C172–78 ..... C 8–20–75	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	[3] 54.0644	14.65
C175–319 ..... C 8–21–75	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Texas Gas Transmission Corp., Eugene Island Block 217, offshore Louisiana.	[4] 52.5314	15.025
C175–605 ..... C 8–20–75	Cities Service Oil Co.	El Paso Natural Gas Co., acreage in Eddy County, N. Mex.	[3] 55.4348	14.73
C175–676 ..... A 8–13–75 [9]	CIG Exploration, Inc., 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., West Badger Basin Field, Park County, Wyo.	[7] 54.8574	14.65
C176–106 ..... A 8–15–75	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	[3] 54.066	14.73
C176–107 ..... A 8–18–75	Texaco Inc., P.O. Box 2100, Denver, Colo. 80201.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Delaney Rim Area, Sweetwater County, Wyo.	[3] 51.54	14.65
C176–108 ..... A 8–18–75	Texaco Inc.	do	[3] 51.54	14.65
C176–109 ..... A 8–18–75	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102	Columbia Gas Transmission Corp., Block 544, West Cameron Area, offshore Louisiana.	[14] $1.05	15.025
C176–110 ..... A 8–18–75	Texaco Inc.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Delaney Rim Area, Sweetwater County, Wyo.	[3] 51.54	14.65
C176–111 ..... (G–5319) B 8–18–75	Skelly Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Big Springs Field, Deuel County, Nebr.	(11)	.....
C176–112 ..... A 8–18–75	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Southern Natural Gas Co., Fletcher Well No. 1, [8] Furlow B Well No. 2, Logansport Field, De Soto Parish, La.	[4] 59.02	15.025
C176–113 ..... (C160–326) F 8–18–75	Amoco Production Co. (successor to The Superior Oil Co.), Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	(12)	14.65
C176–114 (CS66–19) B 8–18–75	Yucca Petroleum Co., 705 First National Bank Bldg., Amarillo, Tex. 79101.	Panhandle Eastern Pipe Line Co., Stateline Field, Woods County, Okla.	Depleted	.....
C176–115 (G–5140) B 8–18–75	William F. Stevens, 1705 Executive Tower, Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Deual County, Nebr.	(13)	.....
C175–118 A 8–25–75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Cabot Corp., Keystone Field, Winkler County, Tex.	[2] 52.01	14.65
C175–120 A 8–25–75	McCulloch Oil Corp., 10880 Wilshire Blvd., Suite 1500 Los Angeles, Calif. 90024.	United Gas Pipe Line Co., Maggie Patton Unit, Claiborne Parish, La.	[4] 52.02	15.025
C176–121 A 8–26–75	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Blocks 249 and 250, South Marsh Island Area, North Addition, offshore Louisiana.	[14] $1.63	15.025
C176–123 A 8–27–75	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	Natural Gas Pipeline Co., of America Forty Niner Ridge Unit Wells No. 1 and No. 2, Sand Dunes West Field, Eddy County, N. Mex.	[3] $1.00	14.65
C176–124 A 8–27–75	Texaco Inc., P.O. Box 2100, Denver Colo. 80201.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	[2] 64.87	14.73

Filing code: A—Initial service:
B—Abandonment:
C—Amendment to add acreage:
D—Amendment to delete acreage:
E—Succession:
F—Partial succession:
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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[1] Subject to downward British thermal unit adjustment.
[2] Subject to deduction for compression by buyer.
[3] Subject to upward and downward British thermal unit adjustment; includes 4.324¢/M ft³ tax reimbursement.
[4] Subject to upward and downward British thermal unit adjustment.
[5] Subject to upward and downward British thermal unit adjustment; includes 4.434¢/M ft³ tax reimbursement.
[6] Being remoticed to reflect a recent increase in the State severance tax per amendment filed May 20, 1975.
[7] Includes 11.990¢/M ft³ upward British thermal unit adjustment and 2.135¢/M ft³ tax adjustment.
[8] Includes 2.295¢/M ft³ tax reimbursement and 0.823¢/M ft³ downward British thermal unit adjustment.
[9] Subject to downward British thermal unit adjustment; estimated adjustment is 1.82¢/M ft³.
[10] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's General Policy and Interpretations.
[11] Applicant's interest has been sold to Kansas-Nebraska Natural Gas Co., Inc., the purchaser.
[12] Applicant states that production from its interest in Fletcher Well No. 1 has heretofore been sold to Southern Natural Gas Co. under Cities Service Oil Co. FPC Gas Rate Schedule No. 351.
[13] 21.267 (rate for processed gas at time of assignment, includes 1.442¢/M ft³ upward British thermal unit adjustment and 0.814¢/M ft³ tax reimbursement); 21.9499 (rate for by-pass gas at time of assignment, includes 2.1256¢/M ft³ upward British thermal unit adjustment and 0.8244¢/M ft³ tax reimbursement); 27.2525 (contract price for processed gas before Sept. 1, 1975); 28.1... (contract price for by-pass gas before Sept. 1, 1975); 29.433 (contract price for processed gas on and after Sept. 1, 1975); 30.392 (contract price for by-pass gas on and after Sept. 1, 1975).
[14] Wells are no longer producing gas and will be converted to a gas storage field.
[15] Includes 2.69¢/M ft³ upward British thermal unit adjustment, 1.49¢/M ft³ gathering allowance less 6.0¢/M ft³ compression and less 1.04¢/M ft³ for treating.
[16] Includes 10.36¢/M ft³ upward British thermal unit adjustment.

[FR Doc.75-24911 Filed 9-18-75;8:45 am]

[Docket Nos. RI75-25, RI75-72, RI75-70]

SUPERIOR OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

SEPTEMBER 10, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject of refund in dockets No.
RI76-25	The Superior Oil Co.	77	17	El Paso Natural Gas Co. (Utah) (Rocky Mountain).	$10,452	8-11-75		4-10-76	[3] 29.8281	[3] 31.0212	R175-32.
RI75-72	Sun Oil Co.	353	20	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	4	8-11-75		8-12-75	[4] [11] 27.65	[4] [11] 27.6597	R175-72.
RI75-72	do			do		8-11-75		8-12-75	[5] 29.3172	[5] 29.3273	R175-72.
RI75-72	do	415	13	Southern Union Gathering Co. (New Mexico) (Rocky Mountain).	25	8-11-75		8-12-75	[4] 27.4672	[4] 27.4767	R175-72.
RI75-72	do			do		8-11-75		8-12-75	[5] 29.317	[5] 29.3273	R175-72.
RI75-70	do	431	12	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	2	8-11-75		8-12-75	[5] 27.4672	[5] 27.4767	R175-70.
RI75-70	do					8-11-75		8-12-75	29.3172	29.3273	R175-70.

[1] Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[2] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.
[3] The pressure base is 14.73 lb/in²a.
[4] From wells completed prior to June 1, 1970.
[5] Reflects 0.04 pct increase in conservation tax.
[6] From wells completed on or after June 1, 1970.

The proposed periodic rate increase of The Superior Oil Company exceeds the applicable area ceiling in Opinion No. 658 and is suspended for five months.

The proposed tax increases involved here reflect reimbursement for the recent increase in the New Mexico Conservation tax and exceed the applicable area ceiling in Opinion No. 658. They are suspended for one day in the same rate proceedings involving the underlying rates which are currently being collected subject to refund.

[FR Doc.75-24913 Filed 9-18-75;8:45 am]

[Docket No. CI75-510, etc.]

WESTRANS PETROLEUM, INC. ET AL.

Findings and Order After Statutory Hearing Permitting and Approving Abandonments of Service, Terminating Certificates, Cancelling FPC Gas Rate Schedules, and Accepting Rate Schedule Supplements for Filing

SEPTEMBER 11, 1975.

Each Applicant herein has filed pursuant to section 7(b) of the Natural Gas Act an application for permission and approval to abandon service, all as more fully set forth in the tabulation herein and in the applications in this proceeding.

Some Applicants have on file with the Commission FPC gas rate schedules and others are making sales under small producer certificates. The certificates of Applicants other than small producers authorizing such sales will be terminated and the related rate schedules cancelled.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications has been filed.

At a hearing held on August 27, 1975, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record

The Commission finds. (1) Each Applicant herein is making a sale of natural gas in interstate commerce for resale and is therefore a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are made in interstate commerce subject to the jurisdiction of the Commission and the abandonment thereof is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(3) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates, other than small producer certificates, heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders. (A) Permission for and approval of the abandonments of service by Applicants, as hereinbefore described and as more fully described in the applications and tabulation herein, are granted.

(B) The certificates issued in the following dockets which are related to the abandonment authorizations granted herein are terminated and the related rate schedules are cancelled:

Abandonment authorization:	*Terminated certificate*
CI75-537	CI74-347
CI75-596	CI66-500
CI75-675	G-17837

(C) The rate schedule supplements related to the authorizations granted herein are accepted for filing, all as more fully set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule: Description and date of document [1]	No.	Supp.
CI75-510 B 2-21-75	Westrans Petroleum, Inc.	Consolidated Gas Supply Corp., Coopers Creek Field, Kanawha Country, W. Va.	(2)		
CI75-537 B 3-10-75	Petroleum, Inc.	Northern Natural Gas Co., Davis "A-F" No. 1 Well, Seward County, Kans.	Notice of Cancellation [3] Mar. 6, 1975.	94	6
CI75-550 B 3-17-75	Lee E. Minter, et al.	Consolidated Gas Supply Corp., Benesette Township, Elk County, Pa.	(2)		
CI75-579 B 3-28-75	J. R. Perkins and F. L. Parham, d.b.a. Perkins Production Co., et al.	Arkansas Louisiana Gas Co., Weber No. 1 Well, Northwest Okeene Field, Blaine County, Okla.	(4)		
CI75-582 B 3-24-75	Troporo Oil & Gas Co.	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	(2)		
CI75-595 B 4-4-75	Clark Fuel Producing Co. (Operator), et al.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Sullivan City and Nichols Fields, Hidalgo County, Tex.	(2)		
CI75-596 B 4-7-75	Phillips Petroleum Co.	Lone Star Gas Co., North Henderson Field, Rusk County, Tex.	Notice of Cancellation [3] Apr. 3, 1975.	420	9
CI75-675 B 5-13-75	Estate of H. L. Hunt	El Paso Natural Gas Co., Amacker-Tippett Field, Upton County, Tex.	Notice of Cancellation [3] May 9, 1975.	22	11

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
[1] The effective date is the date of this order.
[2] Depleted.
[3] Small producer abandonment; there is no rate schedule on file with the Commission for this sale.
[4] Pressure has declined to the extent that gas will no longer enter buyer's gathering facilities. Buyer has advised that it is economically unfeasible to install the necessary compression facilities.
[5] Uneconomical to connect; buyer requested deletion of acreage due to considerable distance from its line.
[6] Lone Star Gas Co. was granted authorization in Docket No. CP70-213 on Dec. 18, 1972, to rearrange its system resulting in the subject gas being removed from interstate commerce to intrastate commerce. Applicant's filing reflects the change in the classification of its sale to Lone Star.

[FR Doc.75-24913 Filed 9-18-75;8:45 am]

FEDERAL RESERVE SYSTEM

BANK OF NEW YORK COMPANY, INC.

Acquisition of Bank

Bank of New York Company, Inc., New York, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the voting shares of Bank of Buffalo, Buffalo, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 1, 1975.

Board of Governors of the Federal Reserve System, September 12, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-24956 Filed 9-18-75;8:45 am]

FIRST BANC GROUP OF OHIO, INC.

Acquisition of Bank

First Banc Group of Ohio, Inc., Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The Citizens Bank & Trust Company, Wadsworth, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 14, 1975.

Board of Governors of the Federal Reserve System, September 11, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-24957 Filed 9-18-75;8:45 am]

UNITED JERSEY BANKS

Order Approving Acquisition of United Jersey Credit Life Insurance Company

United Jersey Banks, Princeton, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of United Jersey Credit Life Insurance Company ("Company"), Phoenix, Arizona, a company that will engage *de novo* in the activity of underwriting, as reinsurer, of credit life and credit accident and health insurance directly related to extensions of credit by Applicant's lending subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 19542 (1975)). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the second largest banking organization in New Jersey, controls 16 banks with aggregate deposits of approximately $1.6 billion, representing about 7.4 percent of the total deposits in commercial banks in the State.[1]

Company will be formed as an Arizona insurance corporation with $175,000 in capital. As Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies directly related to extensions of credit by Applicant's lending subsidiaries. Such insurance will be directly underwritten by an unaffiliated insurance company qualified to do its business in New Jersey and will thereafter be assigned or ceded to Company under a reinsurance agreement. Since this proposal involves a de novo ac-

[1] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved through July 31, 1975.

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quisition, consummation of the transaction would not have any adverse effects on existing or potential competition in any relevant market.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated:

To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that following consummation of the acquisition, Company will offer reduced premiums for several types of credit insurance policies which it will reinsure. Company will offer decreasing term credit life insurance at a premium rate 2.3 percent below the New Jersey statutory maximum and level term credit life insurance on single payment loans at a premium rate 2.7 percent below the statutory maximum. Furthermore, Applicant proposes to lower by 5.0 percent the rate its subsidiary banks charge for 14-day retroactive credit disability insurance. The Board finds that the reduced cost of such insurance coverage is procompetitive and is in the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York, pursuant to authority delegated hereby.

By order of the Board of Governors,* effective September 12, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-24959 Filed 9-18-75;8:45 am]

*Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, and Jackson. Absent and not voting: Chairman Burns and Governor Coldwell.

WOODFIELD INVESTMENT CORP.

Formation of Bank Holding Company

SEPTEMBER 15, 1975.

Woodfield Investment Corporation, Shaumburg, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Woodfield Bank, Shaumburg, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago, Illinois. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 14, 1975.

Board of Governors of the Federal Reserve System, September 15, 1975.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-24959 Filed 9-18-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

OPEN MEETING

SEPTEMBER 15, 1975.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, October 20 and 21, 1975. Both sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 14th Street between Constitution and E, NW., Washington, D.C., beginning at 9:00 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Pub. L. 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

The agenda will include briefings and discussion on the topics of Marine and Atmospheric Pollution Control, Energy from the Sea (non-hydrocarbon-related), and NACOA work in Progress: Details will be published when plans become firm.

The public is welcome and will be admitted to the limit of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussion. Written statements may be submitted at any time.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-24938 Filed 9-18-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 16, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Producers' questionnaire: stainless steel; importers' questionnaire: stainless steel, single-time, business firms, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration, organization profile/organization contact forms, AAA 0804, on occasion, NIAAA funded consultants, Human Resources Division, Dick Eisinger, 395-3532.

Office of Education, survey of career education in public schools of the United States 1974-75, OE 435, single-time, local education agencies, Human Resources Division, Joan Turek, 395-3532.

Office of the Secretary, complaint followup study, OS-47-75, single-time, persons who have registered complaints with Government, Reese, B. F., 395-3211.

Office of the Secretary, consumer problem-handling study, OS-46-75, single-time, U.S. households, Reese, B. F., 395-3211.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Elsegis VII, Part A-3, state fall estimates of expenditures and salary data, OE 2350-9, annually, Government agencies, Joan Turek.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-25144 Filed 9-18-75;8:45 am]

ADVISORY COMMITTEE ON GNP DATA IMPROVEMENT

Cancellation of Public Meeting

Notice is hereby given for the cancellation of the meeting of the Advisory Committee on GNP Data Improvement which appeared on page 32182, Volume 40, No. 148 of the FEDERAL REGISTER dated July 31, 1975, and scheduled for September 24, 1975, in Room 10103, New Executive Office Building, at 9:45 a.m.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

[FR Doc.75-25004 Filed 9-18-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

SEPTEMBER 10, 1975.

The common stock of BBI, Inc., being traded on the American, and the Philadelphia - Baltimore - Washington Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 11, 1975 through September 20, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24946 Filed 9-18-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

SEPTEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 14, 1975 through September 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24947 Filed 9-18-75;8:45 am]

[Rel. No. 8932]

HAMILTON FUNDS, INC., ET AL.

Filing of Application Pursuant to Section 6(c) of the Act for Exemption From Section 2(a)(19)

SEPTEMBER 11, 1975.

In the Matter of HAMILTON FUNDS, INC., HAMILTON GROWTH FUND, INC., HAMILTON INCOME FUND, INC., 7400 South Alton Court, Denver, Colorado 80201, (812-3835).

Notice is hereby given that Hamilton Funds, Inc., Hamilton Growth Fund, Inc., and Hamilton Income Fund, Inc. (hereafter collectively referred to as "Applicant"), all Daleware corporations registered as open-end, diversified management companies, filed an application on July 3, 1975, and an amendment on September 5, 1975, pursuant to Section 6(c) of the Act for an order of the Commission declaring that Robert M. Kirchner ("Kirchner") shall not be deemed an "interested person", as that term is defined in Section 2(a)(19) of the Act, of Applicants and Applicants' investment adviser, Hamilton Management Corporation ("HMC"), solely by reason of his status as a director and nominal employee of Kirchner, Moore & Company (hereinafter, "Kirchner, Moore"), a registered broker-dealer under the Securities Exchange Act of 1934. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

All of the outstanding voting securities of HMC are owned by the International Telephone and Telegraph Corporation ("ITT"). On March 10, 1975, ITT entered into a preliminary agreement with Oppenheimer Management Corporation (hereafter "Oppenheimer") providing for the sale by ITT to Oppenheimer of all the outstanding capital stock of HMC. Although ITT denies that the transaction includes any element of profit, ITT and Applicants, nevertheless, state that the transaction could be viewed by some as including an element of profit.

Section 15(f) of the Act permits an affiliated person of an investment adviser to a registered investment company to receive any amount in connection with a sale of the securities of, or any other interest in, such investment adviser provided that for a period of three years thereafter, at least 75% of the board of directors of such investment company are not interested persons of either the predecessor or successor investment adviser.

Applicants intend, therefore, to restructure their Boards of Directors in accordance with the requirements of Section 15(f) of the Act. In this connection, they seek an order that Kirchner shall not be deemed to be an interested person of HMC either under its present ownership by ITT or after the sale to Oppenheimer.

Section 2(a)(19) of the Act provides that the term "interested person" of an investment company, or an investment adviser thereof includes any person who is an "affiliated person" of any broker or dealer registered under the Securities Exchange Act of 1934.

Section 2(a)(3) of the Act defines the term "affiliated person" of another person to include any officer, director or employee of such other person.

As a director and employee of Kirchner, Moore, Kirchner is thus an affiliated person of a broker-dealer registered under the Exchange Act, and therefore an interested person of HMC and of the Applicants.

Howard T. Cohn, presently Chairman of the Boards of Directors of the Applicant Funds and an ITT Vice President, has indicated that, upon consummation of the sale, he intends to resign as a Director. Applicants' Boards of Directors will then consist of six "non-interested" directors and three "interested" directors (counting Mr. Kirchner) for a total of nine directors. If the Commission enters an order holding Mr. Kirchner not to be an "interested person" within the meaning of Section 2(a)(19) of the Act, the Boards will then consist of two directors who are "interested persons" of HMC, and seven who are not. This will satisfy the 25%/75% ratio set forth in Section 15(f) of the Act and will allow Kirchner to remain a director of Applicants.

Kirchner, one of the founders of Kirchner, Moore, determined to retire from the business and, accordingly, in February, 1975, sold all of his stock in the firm. Applicants indicate that other than rendering services in connection with an occasional financial project, Kirchner is no longer active in the firm's business or affairs, and that he has no other connections with Kirchner, Moore. Applicants state that the essence of Kirchner's relationship to Kirchner, Moore as an employee is that he makes himself available for consultation with other members of the firm in connection with various matters, including the underwriting of debt issues of municipalities. Kirchner, who works no set hours, and comes and goes as he wishes, spends approximately 25% of his working hours on the affairs of Kirchner, Moore. For his services, he receives a salary, together with office space and secretarial services which he utilizes in connection with his other business pursuits. Applicants repre-

V 40 I 183
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serit that Kirchner's activities on behalf of Kirchner, Moore are nominal and for all practical purposes he has retired. The only reason for his continued status as an "employee" is to secure the benefits of the firm's pension and profit sharing plans and the office space and secretarial services which are provided him in recognition of his former position as founder of the firm. Applicants believe that the affiliation of Kirchner with Kirchner Moore as a director and employee has not and will not impair his independence in acting on behalf of Applicants.

Applicants represent that Kirchner, Moore is engaged solely in a municipal securities business and that neither Applicants nor HMC have had any prior business dealings with Kirchner, Moore. Applicants own no municipal securities and represent that they will not invest in municipal securities in the future if the purchase or sale of such bonds would involve, directly or indirectly, Kirchner, Moore.

Applicants have agreed that if the Commission issues an order that Kirchner shall not be deemed an interested person of HMC, such order may be conditioned upon HMC not having any direct or indirect future business dealings with Kirchner, Moore so long as Kirchner has any connection with that firm.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than 5:30 p.m. on September 29, 1975, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following September 29, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24948 Filed 9-18-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

SEPTEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 14, 1975 through September 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24949 Filed 9-18-75;8:45 am]

SYSTEMATIC TAX, INC.

[File No. 500-1]

Suspension of Trading

SEPTEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Systematic Tax, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 13, 1975 through September 22, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24950 Filed 9-18-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

SEPTEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 14, 1975 through September 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24951 Filed 9-18-75;8:45 am]

[File Nos. 20-1924A5, etc.; Rel. No. 33-5616]

MINERAL EXPLORATION CO.

Temporary Suspension Order and Opportunity for Hearing

In the matter of the following offering sheet(s) filed by Mineral Exploration Company:

(File No. 20-1924A5) on February 25, 1974 and refiled December 23, 1974 covering non-producing working interests in the Mineral Exploration Company—Lester Lee #1.

(File 20-1924A6) on February 25, 1974 covering non-producing working interests in the Mineral Exploration Company—Herring #1, Section 36.

(File No. 20-1924A7) on December 23, 1974 covering non-producing working interests in the Mineral Exploration Company—Hoelscher-Serratt #1.

(File No. 20-1924A8) on February 18, 1975 covering non-producing working interests in the Mineral Exploration Company—Gage #1.

(File No. 20-1924A9) on March 17, 1975 covering non-producing working interests in the Mineral Exploration Company—Woods #1.

(File No. 20-1924A10) on April 7, 1975 covering non-producing working interests in the Mineral Exploration Company—Stubblefield #1.

(File No. 20-1924A11) on May 6, 1975 covering non-producing working interests in the Mineral Exploration Company—Lester Lee #2.

(File No. 20-1924A12) on May 12, 1975 covering non-producing working interests in the Mineral Exploration Company—Brierton Lease, Well #1.

(File No. 20-1924A13) on May 16, 1975 covering non-producing working interests in the Mineral Exploration Company—Gage Lease, Well #2.

(File No. 20-1924A14) on June 11, 1975 covering non-producing working interests in the Mineral Exploration Company—Gill Lease, Well #1.

(File No. 20-1924A15) on July 1, 1975 covering non-producing working interests in the Mineral Exploration Company—Gage Lease, Well #3.

(File No. 20-1924A16) on July 17, 1975 covering non-producing working interests in the Mineral Exploration Company—Griggs #1.

Mineral Exploration Company having filed the above offering sheets with the Securities and Exchange Commission pursuant to Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended, for the purpose of obtaining an exemption from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheets that:

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(2) because Ransom Horne, Jr., president of Mineral Exploration Company was permanently enjoined on November 12, 1974, by the Supreme Court of the State of New York, in and for the County of New York, from offering or selling securities in violation of Article 23-A of the General Business Law of the State of New York.

2. No exemption is available for this offering under Regulation B because the offering sheet used failed to comply with Rules 330(a) and 330(b) of Regulation B by failure to disclose that on November 12, 1974, Ransom Horne, Jr. had been permanently enjoined by the Supreme Court of the State of New York, in and for the County of New York, from offering or selling securities in violation of Article 23-A of the General Business Law of the State of New York.

It is ordered, Pursuant to Rule 334(a) of the general rules and regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is ordered, Pursuant to Rule 334(a) son, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 16, 1975.

[FR Doc.75-24955 Filed 9-18-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

SEPTEMBER 15, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from September 16, 1975 through September 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-24993 Filed 9-18-75;8:45 am]

[812-3847]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL INCOME INVESTORS, INC.

Filing of Application

SEPTEMBER 15, 1975.

Notice is hereby given that Massachusetts Mutual Life Insurance Company (the "Insurance Company"), and Mass-Mutual Income Investors, Inc. (the "Fund"), 1295 State Street, Springfield, Massachusetts 01111, a diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act") (hereinafter collectively referred to as "Applicants"), have filed an application on August 7, 1975 pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting Applicants to participate jointly in a direct placement purchase of new issues of 10⅝ percent Notes for terms of 18 years and 23 years (in the aggregate referred to as the "Notes" with the 18-year notes referred to as the "1993 Notes" and the 23-year notes referred to as the "1998 Notes") of Sohio/BP Trans-Alaska Pipeline Finance Inc. ("Finance"), or, in the event the Insurance Company purchases the Notes before the issuance of such order, for an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the sale by the Insurance Company of $3,000,000 principal amount of the Notes to the Fund. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants expect that the total amount of the Notes to be issued will be between $1,500,000,000 and $2,000,000,000 in principal amount and the Insurance Company has been offered $40,000,000 of such principal amount. The Insurance Company understands that Finance is willing to sell a portion of the Notes to the Fund and, as the adviser for the Fund, the Insurance Company believes that the Notes would be an attractive investment for the Fund. Applicants would like to invest concurrently in these securities. If the Fund is permitted to purchase the Notes, the Insurance Company intends to acquire $37,000,000 in principal amount of the Notes, composed of $15,000,000 of the 1993 Notes and $22,000,000 of the 1998 Notes, and the Fund would acquire $3,000,000 in principal amount of the Notes, composed of $1,500,000 each of the 1993 Notes and the 1998 Notes. The purchase by the fund of $3,000,000 in principal amount of the Notes has been approved by the unanimous written consent of the six members of the Executive Committee of the Board of Directors of the Fund, and such Executive Committee includes all the "non-interested" directors on the Board of the Fund.

Section 2(a)(3) of the Act includes within the definition of the term "affiliated person" of an investment company, the investment adviser to the investment company. Therefore, as the investment adviser to the Fund, the Insurance Company is an affiliated person of the Fund.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company * * * acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered * * * prior to such adoption or modification." It also provides that in passing upon such application the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement, or profit sharing plan on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants. Accordingly, Applicants have applied for an order of the Commission pursuant to section 17(d) of the Act and Rule 17d-1 thereunder permitting the acquisition by the Insurance Company of $37,000,000 in principal amount of the Notes and the acquisition by the Fund of $3,000,000 in principal amount of the Notes.

The Insurance Company asserts that an unequal division of the $40,000,000 principal amount of the Notes to be acquired as between the Fund and the Insurance Company is appropriate in view of the investment policies of the Fund which restrict the Fund's ability to invest in securities other than high grade interest-bearing debt securities or cash equivalents. The Fund is permitted to invest no more than 25 percent of its total assets, at present approximately $31,000,000, in securities other than

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those noted above and, furthermore, is permitted to invest no more than 10 percent of its total assets, at present approximately $12,500,000, in restricted securities of the type represented by the Notes. For example, an investment by the Fund in one-half the principal amount of the Notes offered to the Insurance Company, i.e., $20,000,000, would represent 65 percent of the amount which the Fund can invest in securities other than high grade interest-bearing debt securities, and would exceed by $7,500,000 the amount permitted to be invested in restricted securities. In addition, the Fund may not (with certain exceptions not applicable to the proposed purchase of the Notes) invest more than 5 percent of the value of its total assets in the securities of any one issuer. Thus, the maximum investment the Fund could make in the Notes at this time would be approximately $6,250,000. The Insurance Company deems it inadvisable for the Fund to invest such percentages in one debt security in view of the legal restrictions on marketability of the Notes and the investment policies of the Fund. Applicants submit that to make available to the Fund the opportunity to invest $3,000,000 in principal amount of the Notes is in the best interest of shareholders of the Fund.

In the event the requested order is not issued before the issuance of the Notes, the Insurance Company proposes to acquire the entire $40,000,000 principal amount of the Notes, subject to the obligation to transfer $3,000,000 of such amount to the Fund at cost plus accrued interest should an order of the Commission permitting such transaction issue within three months of such acquisition. Applicants seek an exemption pursuant to section 17(b) of the Act permitting the sale by the Insurance Company to the Fund of $3,000,000 principal amount of the Notes in the event the requested order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder is not granted before the acquisition of the Notes by the Insurance Company. If no order of exemption is received, the $40,000,000 principal amount of the Notes will be retained for investment by the Insurance Company.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants state that the terms of the proposed transfer of the $3,000,000 in principal amount of the Notes from the Insurance Company to the Fund are reasonable and fair and free from overreaching. The consideration to be paid by the Fund for the Notes would equal the price paid by the Insurance Company for the Notes plus accrued interest. Applicants submit that the proposed transaction is consistent with the policy of the Fund as recited in its registration statement and that the proposed transaction is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than October 7, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 7, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–24994 Filed 9–18–75;8:45 am]

[70–5734]

NORTHEAST UTILITIES, ET AL.

Proposed Financing of Nuclear Fuel Cores and Related Transactions

Notice is hereby given that Northeast Utilities ("Northeast"), P.O. Box 270, Hartford, Connecticut 06101, a registered holding company; The Connecticut Light and Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO"), and Western Massachusetts Electric Company ("WMECO"), public-utility subsidiary companies of Northeast; and Northeast Nuclear Energy Company ("NNEC"), a subsidiary company of Northeast formerly known as The Millstone Point Company, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9, 10, 12, and 13 thereof and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CL&P, HELCO, and WMECO are the owners as tenants-in-common ("Owners") of the nuclear generating units known as Millstone Unit Nos. 1 and 2 located at the Millstone Nuclear Power Station, with 53 percent, 28 percent, and 19 percent ownership interests, respectively. Millstone Unit No. 1 with a capacity of approximately 660,000 kilowatts was placed in operation late 1970. It is expected that Millstone Unit No. 2 with a capacity of approximately 830,000 kilowatts will be placed in service late 1975. NNEC is acting as the agent of the Owners with respect to the construction and operation of these units pursuant to an Operating Agreement. It receives no fee for this service, and all costs are paid by the Owners.

NNEC owns the fuel for the Unit Nos. 1 and 2 reactors. It has issued its own securities to pay for the fuel. Its use is governed by a Fuel Supply Contract with CL&P, HELCO, and WMECO described below.

NNEC proposes to issue and sell to The Aetna Life Insurance Company ("Aetna") and to The Travelers Insurance Company ("Travelers"), an aggregate of $20,000,000 principal amount of its 11¼ percent Secured Notes, Series B, due December 1, 1982 ("Series B Secured Notes"). The terms of sale were negotiated directly with Aetna and Travelers by the applicants-declarants, and no finder's fee or other fee, commission, or expenses will be paid to any third person (other than the expenses of their associate company, Northeast Utilities Service Company) for negotiating the transaction. It is anticipated that Aetna and Travelers will each purchase $10,000,000 principal amount of the Series B Secured Notes. The price to be paid to NNEC, exclusive of accrued interest, will be 100% of the principal amount thereof.

The Series B Secured Notes will be issued under a Second Supplemental Indenture dated as of October 1, 1975. The terms will include a provision that no Series B Secured Note shall be redeemed at the applicable general redemption price prior to December 1, 1980, if such redemption is for the purpose of or in anticipation of refunding such Series B Secured Note, directly or indirectly, with funds borrowed by NNEC at an effective interest cost to NNEC of less than 11¼ percent. The Series B Secured Notes will not provide for a sinking fund.

In addition to the security provided by the Indenture and the Fuel Supply Contract, it is proposed that Northeast will enter into an agreement with Aetna and Travelers guaranteeing NNEC's payment of the principal and interest on said notes and will provide satisfactory assurance that the Owners will not take any action to rescind the Fuel Supply Contract during the term of the Series B Secured Notes.

The net proceeds from the sale of the Series B Secured Notes will be used by NNEC to meet in part NNEC's obligation (currently estimated to be approximately $26,900,000 on October 15, 1975, the proposed date of sale of said notes) to pay the costs related to the nuclear fuel for Millstone Unit No. 2. This fuel has now been delivered to NNEC and will be used as the basis for the issuance of the Series B Secured Notes pursuant to the Indenture. NNEC must make the payment for the fuel on or before October 28, 1975. The balance of the repayment will be made from a capital contribution from Northeast of $3,000,000 previously authorized by the Commission (HCAR No. 18884), additional bank borrowings of $1,000,000 herein further discussed, and internal cash.

Prior to the proposed issuance and sale of the Series B Secured Notes, NNEC proposes to amend the Indenture to expand the types of nuclear fuel financing which are permitted thereunder. Such amendments are designed to permit NNEC to finance nuclear fuel required to be provided by one or more of the Northeast Utilities operating companies where such operating companies have only a minority ownership interest in the particular nuclear unit in which the fuel is to be used. The Indenture is presently structured so that NNEC may finance nuclear fuel only where the Northeast Utilities companies own at least a 51 percent interest. The Indenture amendments would permit NNEC to finance the purchase of nuclear fuel for a unit to the extent of the particular minority interest. It is stated that, since the trend in the New England electric utility industry is for several utilities to own as joint owners varying-sized interests in nuclear units throughout New England, including minority interests, and since the Northeast, Utilities companies have and will continue to have an obligation to finance their ownership interest in the nuclear fuel for said units, it is considered desirable to amend the Indenture to permit such financing thereunder. The proposed amendments also include various minor technical changes in the Indenture. Travelers, the sole holder of the outstanding Series A Secured Notes, has indicated its consent to the proposed amendments.

NNEC, as part of its general financing program, also proposes to issue and sell up to $22,500,000 of notes to banks outstanding at any one time. Although no formal commitments for NNEC's bank borrowings have been made, NNEC expects that a portion of such borrowings will be effected from the following banks in the following maximum amounts.

	Maximum amount
The Connecticut Bank and Trust Company Hartford, Connecticut	$10,000,000
Hartford National Bank and Trust Company Hartford, Connecticut	7,000,000
The Colonial Bank and Trust Company Waterbury, Connecticut	3,000,000
Connecticut National Bank, Bridgeport, Connecticut	2,500,000
	22,500,000

Any bank borrowings to be effected from additional banks or in larger maximum amounts will be subject to filing post-effective amendments and further orders of the Commission.

The proposed bank notes will each be dated the date of issue, will have a maximum maturity date of nine months with right of renewal, will bear interest at the prime rate in effect from time to time at the lending bank (adjusted as of the date of any change in such rate), will be subject to prepayment at any time at NNEC's option without premium, and will be subordinated to any secured notes issued by NNEC. Compensating balances of 10 percent of the credit line plus 10 percent of the average borrowings are required by the above banks. The effective interest rate for the borrowings would be 9.4 percent based on a 7.5 percent prime rate. No minimum interest rate is specified by any bank. Although NNEC's permanent financing program contemplates that the bank notes will be issued, renewed, repaid, and/or re-issued from time to time through December 31, 1978, to meet the proposed financing program and will at no time exceed $25,000,000, at this time NNEC is requesting Commission authorization to issue the bank notes in the amounts specified above for the period through March 31, 1977.

NNEC's Fuel Supply Contract with CL&P, HELCO, and WMECO obligates NNEC to provide the fuel for the operation of Unit Nos. 1 and 2, including replacement fuel, and to arrange for, and pay all expenses with respect to, the reprocessing and recovery of spent fuel. Under the contract, the Owners are obligated to reimburse NNEC for its expenses with respect to the fuel as follows:

With respect to each month commencing as of the date hereof each Owner shall pay [NNEC] an amount equal to its Ownership Percentage of the sum of (a) all expenses of [NNEC] for the month with respect to the nuclear core elements and (b) to the extent not so included in (a), an amount equal to one-twelfth of 8.5 percent per annum of [NNEC's] total capitalization, including short-term borrowings, as at the end of the preceding month.

It is stated that, in recognition of the interest rate to be payable on the Series B Secured Notes and in view of their experience under the Fuel Supply Contract to date, NNEC and the Owners propose to amend said contract, effective on and after the issue of the Series B Secured Notes, in two respects as follows: (i) interest and other costs of NNEC's short-term borrowings shall constitute "expenses" under clause (a) of said paragraph and such borrowings shall specifically be excluded from NNEC's capitalization under clause (b); and (ii) the rate per annum specified in clause (b) shall be 11.7 percent rather than 8.5 percent, in order to permit NNEC to secure a rate of return on its common equity of approximately 14 percent, the minimum return on common equity deemed sufficient by the companies. Notwithstanding the foregoing, it is stated that, in view of the need to have the application-declaration be granted and become effective as promptly as possible, applicants-declarants agree that the Commission may initially permit an increase in such rate overall only to 10 percent per annum, and that a further increase in such rate to 11.7 percent per annum shall be effective only upon the further order of the Commission. Applicants-declarants have requested that at an agreeable date the Commission order a hearing be held on the proposed increase in such rate to 11.7 percent.

The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that the approval of the Connecticut Public Utilities Commission will be required for the issue by NNEC of its Series B Secured Notes and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Rule 24 notification regarding the nuclear fuel financing is to be filed quarterly.

Notice is further given that any interested person may, not later than October 8, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–24995 Filed 9–18–75;8:45 am]

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[Rel. No. 34-11653; File No. SR-1]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Consent to Deferral of Commission Action on Certain Rule Changes and Extension of Time for Public Comment

On March 21, 1975, the National Association of Securities Dealers, Inc. (the "NASD") filed with the Commission proposed Article XVIII of the By-Laws of the NASD, and Schedule G thereunder (the "NASD Rule Changes"), governing: (i) the reporting of transactions in eligible securities in the consolidated transaction reporting system (the "consolidated system") contemplated by Rule 17a-15 under the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975 (the "Act"); (ii) charges to cover the costs of compliance with such reporting requirements; and (iii) anti-manipulative rules relating to over-the-counter trading in such securities.

The provisions of Schedule G were amended by the NASD and refiled with the Commission on June 4, 1975. The NASD Rule Changes were deemed by the Commission to have been filed under new Section 19(b) of the Act. In view of the need to implement the NASD Rule Changes immediately to permit the scheduled commencement of the consolidated system on June 16, 1975, the Commission ordered the NASD Rule Changes into effect summarily pursuant to Section 19(b)(3)(B) of the Act on June 11, 1975. Notice of that action was provided by Securities Exchange Act Release No. 11461 (June 11, 1975), published in the FEDERAL REGISTER on June 18, 1975 (40 FR 25730). That release also solicited public comment on the NASD Rule Changes.[1] On July 21, 1975, the Commission received the NASD's consent to an extension of the time within which the Commission was required, under Section 19(b)(2) of the Act, either to approve the NASD Rule Changes or to institute proceedings to determine whether they should be disapproved, to September 15, 1975. In view of the complexity and the significance of the NASD Rule Changes, the Commission determined to extend the time for the submission of comments by interested persons on the NASD Rule Changes until August 22, 1975. Notice of that action was provided by Securities Exchange Act Release No. 11546 (July 23, 1975) published in the FEDERAL REGISTER on July 30, 1975 (40 FR 32000).

The Commission has received a request for an extension of the time within which to comment upon the NASD Rule Changes. On September 10, 1975, the Commission received the NASD's consent to an extension of time within which the Commission is required, under Section 19(b)(2) of the Act, either to approve the NASD Rule Changes or to institute proceedings to determine whether they should be disapproved, to November 15, 1975. The Commission acknowledges the consent of the NASD to extension of the deadline until November 15, 1975. In addition, in view of the complexity and significance of the NASD Rule Changes, the Commission has determined to extend the time for the submission of comments by interested persons on the NASD Rule Changes until October 1, 1975.[2]

As indicated in the Commission's prior extension of time for public comment on the NASD Rule Changes,[3] the Commission is especially interested in receiving comments on the competitive effects and other consequences of the NASD Rule Changes relating to: (i) the appropriateness of the reporting charges to be imposed on the NASD members under Section 4 of Schedule G of the NASD Rule Changes, which have the effect of compelling Designated Reporting Members, as defined in Schedule G, to bear a major portion of the costs associated with reporting compliance and (ii) the appropriateness of the provisions of Sections 1(a)(2) and 1(b)(2) of Schedule G dealing with the reporting of principal transactions effected over-the-counter, particularly those of block size, in connection with which a commission, commission equivalent, or differential has been charged in light of the fact that similar principal transactions effected on national securities exchanges are reported exclusive of any commissions or similar charges imposed.[4] In this regard, the Commission invites suggestions as to alternative methods of fairly allocating the costs of reporting under the NASD Rule Changes among members of the NASD and the appropriateness of requiring these costs to be borne by the NASD itself.

The Commission emphasizes that, until the Commission takes further action with respect to the NASD Rule Changes, the NASD Rule Changes remain in full effect as a consequence of the Commission's summary action on June 11, 1975, referred to above.[5]

All interested persons are invited to submit their comments on the NASD Rule Changes, in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before October 1, 1975. All such comments should refer to File No. SR-1 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 15, 1975.

[FR Doc.75-24996 Filed 9-18-75;8:45 am]

[1] The deadline for submission of written comments pursuant to Securities Exchange Act Release No. 11461 (June 11, 1975) was June 30, 1975; the time for such comment was extended until July 18, 1975, in Securities Exchange Act Release No. 11508 (June 30, 1975).

[2] The Commission recognizes, however, the urgency of resolving the regulatory issues presented by the NASD Rule Changes, and will endeavor to take appropriate action as soon as possible.

[3] Securities Exchange Act Release No. 11546 (July 23, 1975).

[4] *Id.*

[5] Securities Exchange Act Release No. 11461 (June 11, 1975).

VETERANS ADMINISTRATION

CAREER DEVELOPMENT COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Career Development Committee, authorized by 38 U.S.C. 4101, will be held in the Administrator's Conference Room, 10th Floor, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC on October 10, 1975, at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration system. The Committee advises the Director, Medical Research Service on selection and appointment of Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mrs. Darlene R. Whorley, Executive Secretary of the Committee, VA Central Office, Washington, DC (202-389-2317) prior to October 6, 1975.

The meeting will be closed from 9 a.m. to 5 p.m. on October 10th for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which information would constitute an unwarranted invasion of personal privacy, within the scope of exemption (6) to the Freedom of Information Act (5 U.S.C. 552(b)(6)). Closure of the portion of the meeting is permitted by section 10(d) of the Pub. L. 92-463.

Minutes of the meeting and rosters of the committee members may be obtained from Mrs. Darlene R. Whorley, Chief, Career Development Unit, Medical Research Service, Veterans Administration, Washington, DC (Phone 202-389-2317).

Dated: September 15, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-25001 Filed 9-18-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C., this 15th day of September 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending Sept. 12, 1975

Name of applicant	Location of enterprise	Principal product or activity
Vermont Food Corp. (tenant to Swanton Industrial Park)	Swanton, Vt.	Manufacturing and packaging of bread-sticks.
Lucille Farm Products (tenant to Swanton Industrial Park)	do.	Manufacture of Italian style cheese.
Jonergin (tenant to Swanton Industrial Park)	do.	Manufacture of data processing forms and labels.
Ferreteria Los Hermanos, Inc.	Naranjito, P.R.	Retail hardware.
Derrick Heights Realty Co.	Oil City, Pa.	Skilled nursing cafe.
Luttrell Mining Co., Inc.	Luttrell, Tenn.	High calcium limestone products.
Catawba Valley Machinery Co., Inc.	Hickory, N.C.	Purchase and sale of new and used textile machinery.
Met-Tech Corp.	Hancock County, Ind.	Investment cast turbocharger wheels.
Johnson Lumber Division of Whitewater, Inc.	Hermansville, Mich.	Sawmill-lumber-general purpose.
Dennison Timber Production	Alvin, Wis.	Logging pulpwood and logs.
LHS Development Co.	Emmet County, Mich.	Construction and operation of a hotel.
Texas Industrial Ceramics and Carbides, Inc.	Alvin, Tex.	Manufacture of ceramic stationary and rotary elements.
Midwest Foods Corp.	Clark and Garden City, S.D.	Frozen french fried potatoes.

[FR Doc.75-25010 Filed 9-18-75;8:45 am]

[TA-W-141]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 12, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Brown Shoe Company, Owensville, Missouri (TA-W-141). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 29, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 12th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25030 Filed 9-18-75;8:45 am]

Office of the Secretary

[TA-W-86]

DAVIDSON RUBBER CO., DOVER AND FARMINGTON, NEW HAMPSHIRE

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-86; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 15, 1975 in response to a worker petition received on July 11, 1975 which was filed by workers producing interior and exterior automotive soft trim at the Dover, New Hampshire and Farmington, New Hampshire plants of the Davidson Rubber Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30765) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Davidson Rubber, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

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(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers at the Dover and Farmington plants became totally or partially separated in the fourth quarter of 1974. Employment declined 46.5 percent at Dover and 28.5 percent at Farmington from the fourth quarter of 1974 to the first quarter of 1975.

Sales or production, or both, have decreased absolutely. Sales and production at the Dover plant declined 17.8 percent and 21 percent respectively from 1973 to 1974. Sales and production declined 12 percent and 24 respectively in the first half of 1975 compared to the first half of 1974.

Sales at the Farmington plant increased 1.5 percent from 1973 to 1974. Sales and production increased 8 percent and 5 percent respectively in the first half of 1975 compared to the first half of 1974.

Increased imports contributed importantly. Based on a survey which covered approximately 40 percent of the domestic market, imports of articles like or directly competitive with those produced at Davidson Rubber Company decreased from 73.2 million dollars in 1973 to 58.5 million dollars in 1974. The ratios of imports to domestic consumption and production decreased from 19.9 percent and 23.1 percent, respectively in 1970 to 10.2 percent and 10.8 percent in 1974. The evidence developed in the Department's investigation indicates that the separation of workers at the Dover and Farmington, New Hampshire plants was not caused by an increase of competitive imports.

In the first quarter of 1975, when separations reached a peak, Davidson reduced competitive company imports by transferring production from their Canadian operation to the Dover and Farmington plants. Company imports decreased 50 percent in the first quarter of 1975 compared to the fourth quarter of 1974. In the fourth quarter of 1974, imports from Port Hope were 38 percent below imports for the same quarter in the previous year.

Major customers surveyed stated that they had not substituted either imported or domestically produced goods for those that had been previously purchased from Davidson. Any reductions in purchases from Davidson Rubber were the result of decreased demand for automobiles related to the economic conditions in the United States.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with exterior and interior automotive soft trim produced at the Dover and Farmington, New Hampshire plants of the Davidson Rubber Company did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 12th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-25036 Filed 9-18-75;8:45 am]

[TA-W-138]

G.T.E. SYLVANIA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 10, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of Incandescent Lamp Plant of G.T.E. Sylvania, Salem, Massachusetts (TA-W-138). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with incandescent light bulbs produced by G.T.E. Sylvania or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 29, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25031 Filed 9-18-75;8:45 am]

[TA-W-84]

HAMILTON SHOE CO., ST. LOUIS, MISSOURI

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-84; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 15, 1975 in response to a worker petition received on July 14, 1975 which was filed on behalf of workers producing women's footwear at Hamilton Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30766) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hamilton Shoe Company, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Average annual employment of production worker at Hamilton Shoe increased four percent from 1972 to 1974. A significant number or proportion of the workers became totally or partially separated in the fourth quarter of 1974 and first quarter of 1975. Employment in the first half of 1975 was 44 percent below the level in the first half of 1974.

Sales or production, or both, have decreased absolutely. Sales declined less than one percent in quantity from 1972 to 1974 and increased nearly 20 percent in value during this period. Sales declined 31 percent in quantity in the first half of 1975 compared to the first half of 1974.

Increased imports contributed importantly. Imports of women's nonrubber footwear increased from 197 million pairs in 1972 to 216 million pairs in 1973, and then declined to 189 million pairs in 1974. Imports increased their relative share of the domestic market from 47 percent in 1972 to 52 percent in 1974.

Hamilton Shoe Company produces traditionally designed footwear with uppers of leather. These shoes are primarily pump or oxford type with a closed toe and closed back. Several customers who reduced purchases from Hamilton in late 1974 and early 1975 did so only as a result of decreased demand due to a general economic slowdown. Neither company officials nor the customers feel that imports are competitive with the type of footwear produced by Hamilton, and most of the customers expect to increase purchases from Hamilton in the near future.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with footwear for women produced by Hamilton Shoe Company did not contribute importantly to the total or partial separation of workers of that firm.

Signed at Washington, D.C., this 12th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation, Bureau of International Labor Affairs.

[FR Doc.75-25037 Filed 9-18-75;8:45 am]

[TA-W-82]

INTERNATIONAL SHOE CO., JACKSON, MISSOURI

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-82; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 14, 1975 in response to a worker petition received on July 11, 1975 which was filed by the Boot and Shoe Workers Union on behalf of workers formerly producing footwear for women at the Jackson, Missouri plant of the International Shoe Company, a subsidiary of Interco, Incorporated, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30767) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Shoe, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers in the Jackson plant became totally or partially separated in the fourth quarter of 1974. Employment and average weekly hours of production workers declined 20.4 percent and 32.6 percent respectively in the first half of 1975 compared with the first half of 1974.

Sales or production, or both, have decreased absolutely. Production at the Jackson plant declined 7.4 percent from 1973 to 1974 and 56.1 percent in the first half of 1975 compared with the first half of 1974.

Increased imports contributed importantly. Imports of women's shoes like or directly competitive with those produced at the Jackson plant totaled 167 million pairs in 1970 and 189 million pairs in 1974. The ratio of imports to domestic consumption and production increased from 47.4 percent and 90.2 percent respectively in 1972, to 52.4 percent and 110.1 percent respectively in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of footwear for women at the Jackson plant was caused by the increase of competitive imports. Customers reduced or discontinued purchases of women's footwear from International Shoe in favor of lower-priced imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with footwear for women produced at the Jackson, Missouri plant of the International Shoe Company contributed importantly to the total or partial separation of workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act I make the following certification:

All hourly, piecework, and salaried workers employed at the Jackson, Missouri plant of the International Shoe Company who became totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff, Bureau of International Labor Affairs.

[FR Doc.75-25034 Filed 9-18-75;8:45 am]

[TA-W-139]

LATROBE STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 11, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the the workers and former workers of Latrobe Steel Company, Latrobe, Pennsylvania (TA-W-139). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel for forgings, castings, billets, vacuum melted special alloys, high carbon and high chrome die steels produced by Latrobe Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibilty requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 29, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International

V 40 183 SEP 1975 XUM

Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 12th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25032 Filed 9-18-75;8:45 am]

[TA-W-92]

M. B. ASSOCIATES, BROOKLYN, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-92; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 23, 1975 in response to a worker petition received on July 21, 1975 which was filed by employees of the Brooklyn, New York plant of M. B. Associates on behalf of workers producing chaff and fiber glass at the Brooklyn plant.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 32391) on August 1, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of M. B. Associates, the U.S. Air Force, the U.S. Navy and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers at the Brooklyn plant became totally or partially separated in 1974.

Sales or production, or both, have decreased absolutely. Production at the Brooklyn plant declined substantially in 1974.

Increased imports contributed importantly. There were no imports of articles like or directly competitive with those produced at the Brooklyn plant.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of chaff and fiber glass at the Brooklyn plant was caused by the consolidation of M. B. Associates' manufacturing operations in its North Carolina plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the chaff and fiber glass produced by the Brooklyn, New York plant of M. B. Associates did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C., this 12th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation, Bureau of International Labor Affairs.

[FR Doc.75-25038 Filed 9-18-75;8:45 am]

[TA-W-83]

ROCKMORE CO., ST. LOUIS, MISSOURI

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-83; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 15, 1975 in response to a worker petition received on July 14, 1975 which was filed by the Boot and Shoe Workers Union, AFL-CIO on behalf of workers formerly producing shoe bows, stripping and ornamentation at the St. Louis, Missouri plant of the Rockmore Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30767) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Rockmore Company, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers at the St. Louis plant became totally or partially separated in the first quarter of 1975. Employment declined 66 percent from December, 1974 to March, 1975.

Sales or production, or both, have decreased absolutely. Sales at the St. Louis plant declined 68.8 percent in the first half of 1975 compared to the first half of 1974.

Increased imports contributed importantly. Data on imports of shoe ornaments like or directly competitive with those produced at the St. Louis plant are not separately identified nor are these components included in one basket category in the Tariff Schedules of the United States. The short delivery time and customer specifications for shoe ornaments do not make importation feasible.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of shoe bows, stripping and ornamentation was caused by the decline in the domestic production of women's shoes and changing styles of women's shoes.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shoe bows, stripping and ornamentation produced at Rockmore's St. Louis plant did not contribute importantly to the total or partial separation of the workers at the plant.

Signed at Washington, D.C. this 12th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation, Bureau of International Labor Affairs.

[FR Doc.75-25039 Filed 9-18-75;8:45 am]

[TA-W-140]

WAGNER ELECTRIC CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 12, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of Wagner Electric Corporation, St. Louis, Missouri (TA-W-140). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electrical motors, transformers, automotive brakes produced by Wagner Electric Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 29, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 12th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25033 Filed 9-18-75;8:45 am]

WAUPUN, WISCONSIN PLANT OF WEYENBERG SHOE MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-50; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 10, 1975 in response to a worker petition received on June 6, 1975 which was filed by the Boot and Shoe Workers Union on behalf of workers formerly producing men's footwear at the Waupun, Wisconsin plant of Weyenberg Shoe Manufacturing Company, Milwaukee, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 25648) on June 17, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Weyenberg Shoe Manufacturing Company, its customers, SCOA Industries, Inc., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, American Footwear Industries Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have increased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers at the Waupun plant became totally or partially separated in the first quarter of 1975 when employment declined 35 percent. All production and salaried employees at the plant were separated by the end of the second week of February 1975.

Sales or production, or both, have decreased absolutely. Production at the Waupun plant declined 26 percent in the fourth quarter of 1974 and ceased in January 1975.

Increased imports contributed importantly. Imports of men's leather footwear like or directly competitive with footwear produced at the Waupun plant increased nearly 92 percent while domestic production decreased nearly 13 percent from 1970 to 1974. In 1974 the import/consumption and import/production ratios were 54.2 percent and 118.3 percent respectively.

Weyenberg imports men's footwear from its foreign plants. The Weyenberg imports to Waupun production ratio had increased from 101.5 percent in the third quarter of 1974 to 189.1 percent in the fourth quarter of 1974, prior to the closure of the Waupun plant in the second week in January 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases in imports like or directly competitive with men's leather footwear produced at the Waupun, Wisconsin plant of Weyenberg Shoe Manufacturing Company contributed importantly to the total or partial separation of a significant number or proportion of the workers at such firm. In accordance with Section 223 of the Trade Act of 1974, I make the following certification:

All workers, hourly, piecework and salaried, of Weyenberg Shoe Manufacturing Company's Waupun, Wisconsin plant (formerly of SCOA Industries, Inc.) who became totally or partially separated from employment related to the production of men's footwear on or after November 16, 1974 are eligible to apply for adjustment assistance under Title II, Chapter of the Trade Act of 1974.

Signed at Washington, D.C., this 6th day of August 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary.

[FR Doc.75-25035 Filed 9-18-75;8:45 am]

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INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER-NOTICES

SEPTEMBER 16, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 29, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E70), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment): (1) from points in Bergen County, N.J., to points in Ohio, Delaware, Maryland, Virginia, and the District of Columbia, those in Maine on and north of a line beginning at the Maine-New Hampshire State line and extending along the York-Oxford County line to the York-Cumberland County line, thence along the York-Cumberland County line to the Atlantic Ocean, those in New Hampshire north and east of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 18 to junction New Hampshire Highway 10, thence along New Hampshire Highway 10 to junction U.S. Highway 302, thence along U.S. Highway 302 to junction New Hampshire Highway 153, thence along New Hampshire Highway 153 to junction unnumbered highway at East Madison, thence along unnumbered highway to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line, those in Vermont on, north, and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 5 to junction Vermont Highway 5A, thence along Vermont Highway 5A to junction unnumbered highway at Lyndonville, thence along unnumbered highway to junction U.S. Highway 2, thence along U.S. Highway 2 to the Vermont-New Hampshire State line, those in Pennsylvania on, south, and west of a line beginning at the Pennsylvania-New York State line and extending along unnumbered highway to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Tioga-Potter County line, thence along the Tioga-Potter County line to the Tioga-Lycoming County line, thence along the Tioga-Lycoming County line to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway near Front Run, thence along unnumbered highway to junction Pennsylvania Highway 973, thence along Pennsylvania Highway 973 to junction Pennsylvania Highway 87, thence along Pennsylvania Highway 87 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 225, thence along Pennsylvania Highway 225 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 283, thence along Interstate Highway 283 to junction Interstate Highway 76, thence along Interstate Highway 76 to the Pennsylvania-New Jersey State line, and those in New York on and west of a line beginning at Lake Ontario and extending along unnumbered highway to junction New York Highway 18, thence along New York Highway 18 to junction unnumbered highway near Greece, thence along unnumbered highway to junction U.S. Highway 104, thence along U.S Highway 104 to junction Rochester Bay By-Pass, thence along Rochester Bay By-Pass to junction New York Highway 383, thence along New York Highway 383 to junction New York Highway 251, thence along New York Highway 251 to the Genesee River, to New York Highway 63 thence along New York Highway 63 to the Livingston-Steuben County line, thence along the Livingston-Steuben County line to the New York-Pennsylvania State line; and (2) from Northvale, Rockleigh, Norwood, Closter, Cresskill, Demarest, Englewood, Cliffs, and Tenafly (Bergen County), N.J., to points in Maine. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E71), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment): (1) from points in Essex County, N.J., to points in Maine, Ohio, Delaware, Maryland, Virginia, those in New Hampshire on, north, and east of New Hampshire Highway 13, those in Vermont on, north, and east of a line beginning at the Vermont-New York State line and extending along Vermont Highway F5 to junction U.S. Highway 7, thence along U.S. Highway 7 to junction Vermont Highway 17, thence along Vermont Highway 17 to junction Vermont Highway 12A, thence along Vermont Highway 12A to junction Vermont Highway 66, thence along Vermont Highway 66 to junction unnumbered highway at East Randolph, thence along unnumbered highway to junction Vermont Highway 110, thence along Vermont Highway 110 to junction Interstate Highway 89, thence along Interstate Highway 89 to junction Vermont Highway 14, thence along Vermont Highway 14 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction unnumbered highway at Quechee, thence along unnumbered highway to junction Vermont Highway 12, thence along Vermont Highway 12 to junction unnumbered highway at Hartland, thence along unnumbered highway to junction Vermont Highway 44, thence along Vermont Highway 44 to junction Vermont Highway 131, thence along Vermont Highway 131 to junction Vermont Highway 11, thence along Vermont Highway 11 to the Vermont-New Hampshire State line, those in Massachusetts on, north, and east of a line beginning at the Massachusetts-New Hampshire State line and extending along Massachusetts Highway 123A to junction Massachusetts Highway 119, thence along Massachusetts Highway 119 to junction U.S. Highway 2,

Thence along U.S. Highway 2 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 24, thence along Massachusetts Highway 24 to junction Massachusetts Highway 27, thence along Massachusetts Highway 27 to junction Massachusetts Highway 28, thence along Massachusetts Highway 28 to junction Massachusetts Highway 18, thence along Massachusetts Highway 18 to Buzzard's Bay, those in Pennsylvania on, west, and south of a line beginning at the Pennsylvania-New York State line and extending along unnumbered highway to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to junction unnumbered highway at Fassett, thence along unnumbered highway to junction unnumbered highway, thence along unnumbered highway to junction Pennsylvania Highway 549 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 15, thence along U.S.

Highway 15 to junction Pennsylvania Highway 654, thence along Pennsylvania Highway 654 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 880, thence along Pennsylvania Highway 880 to junction unnumbered highway at Carroll, thence along unnumbered highway to the Union-Clinton County line, thence along the Union-Clinton County line to the Union-Centre County line, thence along the Union-Centre County line to the Union-Mifflin County line, thence along the Union-Mifflin County line to the Snyder-Mifflin County line, thence along the Snyder-Mifflin County line to the Mifflin-Juniata County line, thence along the Mifflin-Juniata County line to U.S. Highway 2, thence along U.S. Highway 22 to junction Pennsylvania Highway 75, thence along Pennsylvania Highway 75 to junction Pennsylvania Highway 74, thence along Pennsylvania Highway 74 to junction Pennsylvania Highway 944, thence along Pennsylvania Highway 944 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction unnumbered highway at Plainfield, thence along unnumbered highway to junction Pennsylvania Highway 174, thence along Pennsylvania Highway 174 to junction Pennsylvania Highway 94, thence along Pennsylvania Highway 94 to junction unnumbered highway near York Springs, thence along unnumbered highway to junction Pennsylvania Highway 74, thence along Pennsylvania Highway 74 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 82,

Thence along Pennsylvania Highway 82 to junction Pennsylvania Highway 162, thence along Pennsylvania Highway 162 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Delaware River, and those in New York on, west, and north of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 328 to junction New York Highway 352, thence along New York Highway 352 to junction New York Highway 27, thence along New York Highway 17 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 90, thence along New York Highway 90 to junction New York Highway 31, thence along New York Highway 31 to junction New York Highway 13, thence along New York Highway 13 to junction unnumbered highway near Bernhards Bay, thence along unnumbered highway to junction New York Highway 13, thence along New York Highway 13 to the Oneida-Oswego County line, thence along the Oneida-Oswego County line to the Oneida-Lewis County line, thence along the Oneida-Lewis County line to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26A, thence along New York Highway 26A to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 431, thence along New York Highway 431 to junction New York Highway 86, thence along New York Highway 86 to junction New York Highway 9N, thence along New York Highway 9N to Lake Champlain; (2) from Millburn, Maplewood, Irvington, Orange, East Orange, Newark, and South Orange (Essex County), N.J., to points in New Hampshire; and (3) from Millburn, Maplewood, Livingston, Newark, Irvington, West Orange, Orange, East Orange, and South Orange (Essex County), N.J., to points in Vermont. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminium Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E72), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from points in Passaic County, N.J., to points in Ohio, Delaware, Virginia, those in Maine on and north of a line beginning at the Maine-New Hampshire State line and extending along Maine Highway 110 to junction Maine Highway 11, thence along Maine Highway 11 to junction Maine Highway 117, thence along Maine Highway 117 to junction Maine Highway 112, thence along Maine Highway 112 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction unnumbered highway near Saco, thence along unnumbered highway to the Atlantic Ocean, those in New Hampshire, on, north, and east of a line beginning at the Vermont-New Hampshire State line and extending along New Hampshire Highway 18 to junction Interstate Highway 93, thence along Interstate Highway 93 to junction New Hampshire Highway 3B, thence along New Hampshire Highway 3B to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to junction New Hampshire Highway 113, thence along New Hampshire Highway 113 to junction New Hampshire Highway 109, thence along New Hampshire Highway 109 to junction New Hampshire Highway 171, thence along New Hampshire Highway 171 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction New Hampshire Highway 16.

Thence along New Hampshire Highway 16 to junction unnumbered highway near North Wakefield, thence along unnumbered highway to junction New Hampshire Highway 153, thence along New Hampshire Highway 153 to the New Hampshire-Maine State line, those in Vermont on, north, and east of a line beginning at the United States-Canada International Boundary line and extending along Vermont Highway 114 to junction Vermont Highway 105, thence along Vermont Highway 105 to the Vermont-New Hampshire State line, those in Maryland on and west of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 219 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction unnumbered highway near Grantsville, thence along unnumbered highway to the Maryland-West Virginia State line, those in Maryland on, south, and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 222 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 152, thence along Maryland Highway 152 to junction Maryland Highway 165, thence along Maryland Highway 165 to junction Maryland Highway 146, thence along Maryland Highway 145 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Maryland Highway 125, thence along Maryland Highway 125 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Maryland Highway 27, thence along Maryland Highway 27 to the Howard-Montgomery County line, thence along the Howard-Montgomery County line to the Frederick-Montgomery County line, thence along the Frederick-Montgomery County line to the Maryland-Virginia State line, those in Pennsylvania on, south, and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 62 to junction Pennsylvania Highway 946, thence along Pennsylvania Highway 948 to junction Pennsylvania Highway 949, thence along Pennsylvania Highway 949 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 968, thence along Pennsylvania Highway 968 to junction Pennsylvania Highway 839, thence along Pennsylvania Highway 839 to junction unnumbered highway near Daytona.

Thence along unnumbered highway to junction Pennsylvania Highway 85, thence along Pennsylvania Highway 85 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 217, thence along Pennsylvania Highway 217 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction Pennsylvania Highway 381, thence along Pennsylvania Highway 381 to junction unnumbered highway at Champaign, thence along unnumbered highway to junction Pennsylvania Highway 653, thence along Pennsylvania Highway 653

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to junction unnumbered highway at Rockwood, thence along unnumbered highway to junction unnumbered highway near Meyersdale, thence along unnumbered highway to junction Pennsylvania Highway 160, thence along Pennsylvania Highway 160 to the Pennsylvania-Maryland State line, those in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along the Chautaqua-Cattaraugus County line to junction unnumbered highway, thence along unnumbered highway to junction New York Highway 83, thence along New York Highway 83 to junction unnumbered highway near Balcom, thence along unnumbered highway to junction New York Highway 428, thence along New York Highway 428 to Lake Erie, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub E73), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Building materials (except those of unusual value, household goods, as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) from points in Union County, N.J., to points in Maine, New Hampshire, Vermont, Rhode Island, Ohio, Maryland, Delaware, Virginia, those in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 183, to junction Connecticut Highway 8, to junction U.S. Highway 44, to junction Connecticut Highway 2, to junction Connecticut Highway 66, to junction Connecticut Highway 196, to junction Connecticut Highway 149, to the Connecticut River, to the Long Island Sound, those in Massachusetts on, north and west of a line beginning at the New York-Massachusetts State line and extending along Interstate Highway 90 to junction Massachusetts Highway 8, to the Massachusetts-Connecticut State line, those in Pennsylvania on, west and south of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to junction Pennsylvania Highway 87, to junction U.S. Highway 220, to junction Pennsylvania Highway 654, to junction Pennsylvania Highway 44, to junction Pennsylvania 880, to junction Pennsylvania Highway 192, to junction Pennsylvania Highway 445, to junction Pennsylvania Highway 45, to junction Pennsylvania Highway 235, to junction Pennsylvania Highway 35, to junction unnumbered highway near Milton, to junction Pennsylvania Highway 75 near Port Royal, to junction Pennsylvania Highway 74, to junction Pennsylvania Highway 850, to junction Pennsylvania Highway 233, to junction Pennsylvania Highway 641, to junction Pennsylvania Highway 74, to junction U.S. Highway 30, to junction U.S. Highway 222, to Pennsylvania Highway 472, to junction U.S. Highway 1, to junction Pennsylvania Highway 41, to the Pennsylvania-Delaware State line, those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 34 to junction New York Highway 96, to junction unnumbered highway at Cander, to junction New York Highway 38 near Harford, to junction New York Highway 221, to junction New York Highway 26, to junction New York Highway 23, to junction New York Highway 81, to the Green-Albany County line, to Interstate Highway 87, to junction Interstate Highway 90, to the New York-Massachusetts State line; and from points in Union County, N.J. (except Summit), to points in Massachusetts, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant-site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E74), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from points in Somerset County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Ohio, those in Connecticut on, north, and east of a line beginning at the Connecticut-Massachusetts State line and extending along Connecticut Highway 272 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Connecticut Highway 99, thence along Connecticut Highway 99 to junction Connecticut Highway 66, thence along Connecticut Highway 66 to junction Connecticut Highway 16, thence along Connecticut Highway 16 to junction Connecticut Highway 151, thence along Connecticut Highway 151 to the Connecticut River near Middle Haddam, to the Long Island Sound, those in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along unnumbered highway to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 33, thence along New York Highway 33 to junction New York Highway 237, thence along New York Highway 237 to Lake Ontario, those in New York bounded on the west by Lake Ontario, on the north by the United States-Canada International Boundary line, and on the south by a line beginning at Lake Ontario and extending along New York Highway 3 to junction New York Highway 12, thence along New York Highway 12 to junction unnumbered highway near Boonville, thence along unnumbered highway to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New York Highway 22, thence along New York Highway 22 to the New York-Vermont State line, those in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction Pennsylvania Highway 666, thence along Pennsylvania Highway 666 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 38, thence along Pennsylvania Highway 38 to junction Pennsylvania Highway 268, thence along Pennsylvania Highway 268 to junction unnumbered highway at Chicora, thence along unnumbered highway to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 48, thence along Pennsylvania Highway 48 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction Pennsylvania Highway 857, thence along Pennsylvania Highway 857 to the Pennsylvania-New York State line, and those in Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 227, thence along Virginia Highway 227 to the Rappahannock River. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 29079 (Sub E33), filed January 23, 1975. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 S. Union St., Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, Southern Bldg., 15th and H St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities*, except those of unusual value, Classes A and B explosives, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, from points in Newaygo, Barry, Cass, Van Buren, Ionia, Kent, Montcalm, Ottawa, Allegan, Kalamazoo, Muskegon, Oceana, Berrien, and St. Joseph Counties, to those points

in Hamilton County, Ohio, on and west of U.S. Highway 25, and Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of Tifton County, Indiana.

No. MC 41635 (Sub-No. E1), (correction), filed June 3, 1974, published in the FEDERAL REGISTER August 20, 1975. Applicant: DEALERS TRANSPORT CO., P.O. Box 21126, Standiford Station, Louisville, Ky. 40221. Applicant's representative: Richard D. Gleaves, 602 Stahlman Bldg., Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, bodies, cabs*, and *chassis* in secondary movements, in truckaway service; (12) from St. Louis, Mo., to Dearborn and Detroit, Mich., points in Georgia, North Carolina, Ohio, West Virginia, Virginia, points in Kentucky north of Interstate Highway 64 and east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 31W to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 163, thence along Kentucky Highway 163 to the Kentucky-Tennessee State line, points in Tennessee east of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 51 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Louisville, Ky. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 41635 (Sub-No. E5) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 12, 1975. Applicant: DEALERS TRANSPORT CO., P.O. Box 21126, Standford Station, Louisville, Ky. 40221. Applicant's representative: Richard D. Gleaves, 602 Stahlman Bldg., Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, bodies, cabs*, and *chassis* in secondary movements, in truckaway service; (5) from points in Louisiana to points in Kentucky west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Ohio River. The purpose of this filing is to eliminate the gateways of Memphis, Tenn., and points in Kentucky west of U.S. Highway 51. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 60014 (Sub-No. E128), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Pennsylvania, on the one hand, and, on the other, points in New Hampshire and those in Rhode Island on and north of a line beginning at the Connecticut-Rhode Island and extending along Rhode Islard Highway 138 to junction Rhode Island Highway 108, thence along Rhode Island Highway 108 to the Rhode Island Sound, and between those points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 49 to junction Pennsylvania Highway 349, thence along Pennsylvania Highway 349 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 949, thence along Pennsylvania Highway 949 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 839, thence along Pennsylvania Highway 839 to junction Pennsylvania Highway 85, thence along Pennsylvania Highway 85 to junction Pennsylvania Highway 954, thence along Pennsylvania Highway 954 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction Pennsylvania Highway 160, thence along Pennsylvania Highway 160 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, those points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 32 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to the Connecticut-Rhode Island State line (New York and points in Massachusetts within 35 miles of Boston) *.

(2) *Malt beverages*, from Jeannette and Pittsburgh, Pa., to those points in Ohio on and west of a line beginning at the Ohio-Michigan State line and extending along Interstate Highway 75 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Ohio Highway 281, thence along Ohio Highway 281 to junction Ohio Highway 199, thence along Ohio Highway 199 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Ohio Highway 224, thence along Ohio Highway 224 to junction Ohio Highway 100, thence along Ohio Highway 100 to junction Ohio Highway 19, thence along Ohio Highway 19 to junction Ohio Highway 97, thence along Ohio Highway 97 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Ohio Highway 205, thence along Ohio Highway 205 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 643, thence along Ohio Highway 643 to junction Ohio Highway 651, thence along Ohio Highway 651 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 285, thence along Ohio Highway 285 to junction Ohio Highway 313, thence along Ohio Highway 313 to junction Ohio Highway 574, thence along Ohio Highway 574 to junction Ohio Highway 566, thence along Ohio Highway 566 to junction Ohio Highway 147, thence along Ohio Highway 147 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Ohio Highway 260, thence along Ohio Highway 260 to junction Ohio Highway 145, thence along Ohio Highway 145 to junction Ohio Highway 821, thence along Ohio Highway 821 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, and those in West Virginia on and west of a line beginning at the Ohio River and extending along West Virginia Highway 31 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction West Virginia Highway 47, thence along West Virginia Highway 47 to junction West Virginia Highway 5A, thence along West Virginia Highway 5A to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to the West Virginia-Virginia State line (Cambridge, Ohio) *; and

(3) *Petroleum products*, in containers, from Bradford, Pa., to those points in Ohio south and west of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 81 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Ohio Highway 205, thence along Ohio Highway 205 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 206, thence along Ohio Highway 206 to junction Ohio Highway 715, thence along Ohio Highway 715 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 258, thence along Ohio Highway 258 to junction Ohio Highway 342, thence along Ohio Highway 342 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S.

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Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 26, thence along Ohio Highway 26 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 7, thence along Ohio Highway 7 to the Ohio-West Virginia State line and extending along West Virginia Highway 2/18A, thence along West Virginia Highway 2/18A to junction West Virginia Highway 18, thence along West Virginia Highway 18 to junction West Virginia Highway 74, thence along West Virginia Highway 74 to junction West Virginia Highway 47, thence along West Virginia Highway 47 to junction West Virginia Highway 5A, thence along West Virginia Highway 5A to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction U.S. Highway 33/119, thence along U.S. Highway 33/119 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to the West Virginia-Virginia State line (Cambridge, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 60014 (Sub-No. E129), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in New Jersey, on the one hand, and, on the other, those points in New Hampshire on and east of a line beginning at the Vermont-New Hampshire State line and extending along New Hampshire Highway 12/103, thence along New Hampshire Highway 12/103 to junction New Hampshire Highway 11/103, thence along New Hampshire Highway 11/103 to junction New Hampshire Highway 31, thence along New Hampshire Highway 31 to junction New Hampshire Highway 12, thence along New Hampshire Highway 12 to the New Hampshire-Massachusetts State line, and those in Rhode Island on and north of Interstate Highway 6, and between those points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 33 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean, on the one hand, and on the other, those points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 12 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateway of New York and points in Massachusetts within 35 miles thereof.

No. MC 60014 (Sub-No. E130), filed June 4, 1974. Applicant: AERO TRUCKING, P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Maryland and the District of Columbia, on the one hand, and, on the other, points in New Hampshire, those in Massachusetts within 35 miles of Boston, those in Rhode Island on and north of a line beginning at the Connecticut-Rhode Island State line and extending along Rhode Island Highway 165 to junction Rhode Island Highway 102, thence along Rhode Island Highway 102 to junction U.S. Highway 1A, thence along U.S. Highway 1A to the Atlantic Ocean, and those in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 32 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateways of New York and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-No. E131), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and those in Connecticut north and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 12 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateways of New York and Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-No. E132), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment; (1) between those points in New York on and south of Interstate Highway 287, on the one hand, and, on the other, those points in Rhode Island on and east of a line beginning at the Massachusetts-Rhode Island State line and extending along Rhode Island Highway 146 to junction Rhode Island Highway 117, thence along Rhode Island Highway 117 to the Atlantic Ocean; (2) between those points in New York on and west of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 30A, thence along New York Highway 30A to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 22, thence along New York Highway 22 to the New York-Vermont State line, on the one hand, and, on the other, those points in Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line and extending along Connecticut Highway 12 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 1A, thence along Connecticut Highway 1A to the Atlantic Ocean.

(3) Between those points in New York on and north of a line beginning at the St. Lawrence River and extending along New York Highway 58 to junction New York Highway 184, thence along New York Highway 184 to junction New York Highway 68, thence along New York Highway 68 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 374, thence along New York Highway 374 to the United States-Canada International Boundary line, on the one hand, and, on the other, those points in Connecticut on and east of Interstate Highway 91; (4) between those points in New York on and north of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 167 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 2, thence along New York Highway 2 to the New York-Massachusetts State line, on the one hand, and, on the other, points in Rhode Island; (5) between those points in New York on and south of a line beginning at Lake Ontario and extending along New York Highway 13 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 365, thence along New York Highway 365 to junction New York Highway 49, thence along New York Highway 49 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 7, thence along New York Highway 7 to junction New York 2, thence along New York Highway 2 to the New York-Massachusetts State line, on the one hand, and, on the other, those points in New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along New Hampshire Highway 12 to junction New Hampshire Highway 119, thence along New Hampshire Highway 119 to junction

U.S. Highway 202, thence along U.S. Highway 202 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction New Hampshire Highway 16, thence along New Hampshire Highway 16 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to junction New Hampshire Highway 153, thence along New Hampshire Highway 153 to junction New Hampshire Highway 113, thence along New Hampshire Highway 113 to the New Hampshire-Maine State line; and

(6) Between those points in New York on and north of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, on the one hand, and, on the other, those points in Connecticut north and east of a line beginning at the Connecticut-Massachusetts State line and extending along Connecticut Highway 12 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateways of points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-No. E136), filed June 3, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between those points in Ohio on and west of a line beginning at Lake Erie and extending along Ohio Highway 91 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Ohio Highway 88, thence along Ohio Highway 88 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Rhode Island, those in Massachusetts within 35 miles of Boston, Mass., those in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along U.S. Highway 5 to junction Interstate Highway 91, thence along Interstate Highway 91 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Ohio Highway 85, thence along Ohio Highway 85 to the Block Island Sound, those in New Hampshire on and east of a line beginning at the Vermont-New Hampshire State line and extending along U.S. Highway 302 to junction New Hampshire Highway 112, thence along New Hampshire Highway 112 to junction New Hampshire Highway 118, thence along New Hampshire Highway 118 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction New Hampshire Highway 3A/25, thence along New Hampshire Highway 3A/25 to junction New Hampshire Highway 3A, thence along New Hampshire Highway 3A to junction New Hampshire Highway 104, thence along New Hampshire Highway 104 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction New Hampshire Highway 10, thence along New Hampshire Highway 10 to junction New Hampshire Highway 123A, thence along New Hampshire Highway 123A to junction New Hampshire Highway 123, thence along New Hampshire Highway 123 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, Pennsylvania, New York, and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-No. E140), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, for petroleum products, from points in Ohio south and west of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 81 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Ohio Highway 205, thence along Ohio Highway 205 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 206, thence along Ohio Highway 206 to junction Ohio Highway 715, thence along Ohio Highway 715 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 258, thence along Ohio Highway 258 to junction Ohio Highway 342, thence along Ohio Highway 342 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 26, thence along Ohio Highway 26 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 7, thence along Ohio Highway 7 to the Ohio-West Virginia State line, and those points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 2/18A to junction West Virginia Highway 18, thence along West Virginia Highway 18 to junction West Virginia Highway 74, thence along West Virginia Highway 74 to junction West Virginia Highway 47, thence along West Virginia Highway 47 to junction West Virginia Highway 5A, thence along West Virginia Highway 5A to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction U.S. Highway 33/119, thence along U.S. Highway 33/119 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to the West Virginia-Virginia State line to Bradford, Pa. The purpose of this filing is to eliminate the gateway of Cambridge, Ohio.

No. MC 61231 (Sub E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER July 15, 1975. Applicant: ACE LINES, INC., 4143 E. 43d St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), *Livestock* (including horses), and unprocessed farm products (except commodities in bulk, and commodities requiring special equipment), (1) between points in Minnesota, North Dakota, Iowa, Illinois, on the one hand, and, on the other, points in Indiana in the Chicago, Ill., commercial zone, points in St. Louis County, Mo., points in Missouri in the St. Louis, Mo.-East St. Louis, Ill., commercial zone; Omaha, Nebra., and points within ten miles of Omaha, Nebraska, (2) between points in Indiana in the Chicago, Ill., commercial zone and points in St. Louis County, Mo., and points in Missouri in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, on the one hand, and, on the other, Omaha, Nebr., and points within ten miles of Omaha, Nebr.; (3) between points in Indiana in the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in St. Louis County, Mo., and points in Missouri in the St. Louis, Mo.-East St. Louis, Ill. commercial zone. The purpose of this filing is to eliminate the gateways of Chicago and East St. Louis, Ill., and Council Bluffs, Iowa.

No. MC 67200 (Sub E18), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture* (except when transported as a separate and distinct service in connection with so called "household movings") from points in Rhode Island to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Boston, Massachusetts.

No. MC 67200 (Sub E26), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representa-

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tive: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture* (other than new furniture included within the description of household goods and defined by the Commission) from East Arlington, Vermont, to points in New York south of a line extending northeasterly from the New York-New Jersey State line, along U.S. Highway 202 to the Hudson River, thence along the Hudson River to the Westchester-Putnam County line, and thence easterly along the Westchester County-Putnam County line to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateway of Milford, Connecticut.

No. MC 67200 (Sub E28), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* (other than new furniture included within the description of household goods as defined by the Commission) from those points in that part of New York within 100 miles of Columbus Circle, New York, N.Y., to those points in that part of New Jersey on and south of a line beginning at New Jersey Highway 440 at the toll bridge at Arthur Kill, and extending along New Jersey Highway 440 to the junction of New Jersey Highway 27, thence along New Jersey Highway 27 to the junction of New Jersey Highway 518, thence along New Jersey Highway 518 to the Delaware River. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 83539 (Sub E92), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. 16th St., P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Idaho to points in Illinois south of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of points in Montana west of a line running north and south through Dupuyer and Butte, and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E95), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. 16th St., P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Idaho to those points in New Mexico east of Interstate Highway 25. The purpose of this filing is to eliminate the gateways of points in Montana west of a line running north and south through Dupuyer and Butte, and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E96), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Idaho to points in Texas (except points in and west of the counties of Dallam, Hartley, Oldham, Deaf Smith, Swisher, Hall, Lubbock, Lynn, Dawson, Martin, Midland, Upton, Pecos, and Terrell). The purpose of this filing is to eliminate the gateways of points in Montana west of a line running north and south through Dupuyer and Butte and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E111), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Idaho to points in Texas, except those points in and west of the Counties of Dallam, Hartley, Oldham, Deaf Smith, Castro, Lamb, Hockley, Terry, Dawson, Martin, Midland, Upton, Pecos, and Terrell. The purpose of this filing is to eliminate the gateways of points in Montana west of a line extending north and south through Dupuyer and Butte and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 93003 (Sub E33), filed May 30, 1974. Applicant: CARROLL TRUCKING CO., 3203 U.S. Route 60 East, Huntington, West Virginia 25703. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated iron and steel pipe, including fittings* therefor, between points in that part of Ohio on, east, and south of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 23 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line on the one hand, and, on the other, points in that part of Tennessee on, east, and north of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 27 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Tennessee-North Carolina State line. Restriction: The operations authorized above are restricted to the transportation of *Commodities* which, because of size or weight, require the use of special equipment, and *Related Contractor's Materials and Supplies*, when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special equipment.

No. MC 93003 (Sub E34), filed May 30, 1974. Applicant: CARROLL TRUCKING CO., 3203 U.S. Route 60 East, Huntington, W. Va. 25703. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated iron and steel pipe*, including *fittings*, therefor, between points in that part of West Virginia on, north, and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 64 to Charleston, thence along Interstate Highway 79 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of Tennessee bounded by a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 27, to U.S. Highway 70, to U.S. Highway 25E, to the Kentucky-Tennessee State line. Restriction: The operations authorized above are restricted to the transportation of *Commodities* which, because of size or weight, require the use of special equipment, and *Related Contractor's Materials and Supplies*, when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special equipment. The purpose of this filing is to eliminate the gateway of Ashland, Kentucky.

No. MC 102616 (Sub E392), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, (A) from points in Virginia on, south, and east of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 23 to junction U.S. Highway 421, to junction U.S. Highway 19 to the Virginia-West Virginia State line, to points in Illinois on and north of U.S. Highway 36, points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to junction U.S. Highway 36 to the Indiana-Illinois State line, and points in Kansas. (B) From points in Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along Interstate Highway 81 to junction U.S. Highway 220 to the Virginia-North Carolina State line and extending along U.S. Highway 27 to junction U.S. Highway 68, to junction Kentucky Highway 163 to the Kentucky-Tennessee State line. (C) From points in Virginia on, south, and east of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 23 to junction U.S. Highway 421, to junction U.S. Highway 19, to the Virginia-West Virginia State line at Bluefield, Virginia, and on, south, and west of Interstate Highway 64 and U.S. Highway 250, to points in Ohio on, south, and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 22 to Ohio Highway 73, to junction Ohio Highway 122 to the Ohio-Indiana State line. (D) From points in Virginia on and north of U.S. Highway 50 to points in Tennessee west of U.S. Highway 27. (E) From points in Virginia to points in Kanawha County, W. Va. (F) From points in Virginia on and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 258 to junction U.S. Highway 460, to Virginia Highway 311 to the Virginia-West Virginia State line, to points in Brooke, Hancock, Marion, Marshall, Pleasants, and Wetzel Counties, W. Va. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va.

No. MC 102616 (Sub E393), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, (A) from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 311 to junction U.S. Highway 220 to the Virginia-North Carolina State line, and on and south of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 259 to junction Virginia Highway 260, to junction U.S. Highway 211, to junction U.S. Highway 522, to junction Virginia Highway 3 to the Chesapeake Bay, to points in Missouri. (B) From points in Virginia on and east of U.S. Highway 21 and on and south of a line beginning at the Chesapeake Bay and extending along to junction U.S. Highway 17 to junction Virginia Highway 3, to U.S. Highway 360 to junction U.S. Highway 29, to junction U.S. Highway 33 to the Virginia-West Virginia State line, to points in Iowa. The purpose of this filing is to eliminate the gateways of South Charleston or Institute, W. Va., and Marshall, Illinois, or points within 5 miles thereof.

No. MC 102616 (Sub E394), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: liquid chemicals, in bulk, in tank vehicles (A) from points in Virginia to points in Nebraska, and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming on and east of U.S. Highway 85. (B) From points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 11 to junction U.S. Highway 250, to junction U.S. Highway 15, to the Virginia-North Carolina State line, to points in Arkansas. (C) From points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 11 to junction U.S. Highway 17, to junction U.S. Highway 360, to the Chesapeake Bay, to points in Louisiana on and west of a line beginning at the Gulf of Mexico and extending along Louisiana Highway 27 to junction U.S. Highway 165, to the Louisiana-Arkansas State line. (D) From points in Virginia on and east of U.S. Highway 21 to points in Oklahoma. (E) From points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 311 to junction U.S. Highway 220 to the Virginia-North Carolina State line, to points in Texas (except Harris County). The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va., and Marshall, Ill., or points within 5 miles.

No. MC 102616 (Sub E410), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: liquid chemicals, in bulk, in tank vehicles, (A) from points in Kanawha County, W. Va., to points in Delaware, Iowa, New Jersey, New York, points in Illinois on and north of a line beginning at Lake Michigan and extending along Illinois Highway 120 to junction Illinois Highway 31, to junction U.S. Highway 20, to junction Illinois Highway 72, to junction Illinois Highway 38, to junction Illinois Highway 2 to the Illinois-Iowa State line, points in Maryland on and east of U.S. Highway 220, points in Michigan on and north of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 94 to junction Michigan Highway 43 to Lake Michigan, points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 250 to junction Ohio Highway 21, to junction Ohio Highway 18, to junction U.S. Highway 250, to Lake Erie, and points in Missouri on, north, and west of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 21A to junction Missouri Highway 21, to junction Missouri Highway 8, to junction Interstate Highway 44, to junction U.S. Highway 63 to the Missouri-Arkansas State line.

(B) From points in Kanawha County, W. Va., on and east of U.S. Highway 21 to points in Missouri on, north, and west of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 61 to junction Missouri Highway 34, to junction U.S. Highway 60, to junction Missouri Highway 17 to the Missouri-Arkansas State line. (C) From points in Pleasants County, W. Va., to points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 17 to junction U.S. Highway 66, to the Illinois-Missouri State line, points in Indiana on and west of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 31 to junction Indiana Highway 2, to junction Interstate Highway 80 to the Indiana-Illinois State line, points in Maryland on and east of Interstate Highway 81, points in Michigan on and north of U.S. Highway 12, points in Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 7 to junction Ohio Highway 45, to junction Ohio Highway 14A and 14 to Lake Erie and points in Delaware, Iowa, Missouri, New Jersey, New York, and Pennsylvania. (D) From points in Hancock County, W. Va., to points in Delaware, Illinois, Iowa, Missouri, points in Indiana on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 35 to junction Indiana Highway 15, to junction Indiana Highway 18, to junction U.S. Highway 35 to Lake Michigan, points in Maryland east of the Chesapeake Bay and on and south of U.S. Highway 50, points in Michigan on and north of U.S. Highway 10, points in New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line and extending along New Jersey Highway 57 to junction U.S. Highway 46, to junction U.S. Highway 202 to the New Jersey-New York State line, points in New York on and east of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 209 to junction U.S. Highway 9W, to junction New York Highway 5, to junction U.S. Highway 30

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to the United States-Canada International Boundary line, and points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to junction U.S. Highway 35 to the Ohio-Indiana State line.

(E) From points in Brooke County, W. Va., to points in Delaware, Illinois, Iowa, Michigan, Missouri, points in Indiana on and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to junction Indiana Highway 15, to junction Indiana Highway 18, to junction U.S. Highway 35, to Lake Michigan, points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction U.S. Highway 1 to the Maryland-District of Columbia line, points in New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line and extending along New Jersey Highway 57 to junction U.S. Highway 46, to junction U.S. Highway 202 to the New Jersey-New York State line, points in New York on and east of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 209 to junction U.S. Highway 9W, to junction New York Highway 5, to junction U.S. Highway 30, to the United States-Canada International Boundary line, points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to junction U.S. Highway 35 to the Ohio-Indiana State line, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 100 to the Delaware-Pennsylvania State line. (F) From points in Marshall County, W. Va., to points in Delaware, Illinois, Indiana, Iowa, Michigan, Missouri, New Jersey, New York, and points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Interstate Highway 71 to the Kentucky-Ohio State line, and points in Pennsylvania (except Greene, Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties). (G) From points in Monongalia County, W. Va., to points in Illinois, Indiana, Iowa, Michigan, Missouri, points in New York on and north of a line beginning at Lake Erie and extending along U.S. Alternate Highway 20 to junction New York Highway 5, to junction New York Highway 58, to junction New York Highway 7 to the New York-Vermont State line, and points in Ohio on and north and west of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 22, to junction U.S. Highway 23 to the Ohio-Kentucky State line.

(H) From points in Marion County, W. Va., to points in Illinois, Indiana, Iowa, Michigan, Missouri, points in New York on and north of a line beginning at Lake Erie and extending along U.S. Highway Alternate 20 to junction U.S. Highway 20, to the New York-Massachusetts State line, and points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 22 to the Ohio-Kentucky State line. (I) From points in Wetzel County, W. Va., to points in Delaware, Illinois, Indiana, Iowa, points in Maryland east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction U.S. Highway 1 to the Maryland-District of Columbia line, points in Michigan, Missouri, New Jersey, New York, and points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Interstate Highway 71 to the Ohio-Kentucky State line. (J) From points in Hampshire County, W. Va., to points in Illinois, Indiana, Iowa, Michigan, Missouri, and points in Ohio on, west, and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 250 to junction Interstate Highway 77 to Lake Erie, and points on and north of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 22, to junction U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub E416), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from Charleston, W. Va., to points in California, Idaho, Nevada, Oregon, Washington, and points in North Dakota west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Midland, Michigan.

No. MC 102616 (Sub E417), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, in bulk, in tank vehicles, from points in West Virginia on and north of U.S. Highway 33 and on and east of U.S. Highway 119, to points in Illinois on and north of U.S. Highway 24. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pennsylvania, and Toledo, Ohio.

No. MC 102616 (Sub-No. E425), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: petroleum products, as defined by the Commission, in bulk, in tank vehicles, (A) from points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 7 to junction West Virginia Highway 69 to the West Virginia-Pennsylvania State line, to points in Maryland on and east of U.S. Highway 1, and the District of Columbia. (B) from points in West Virginia on and north of U.S. Highway 33 and on and west of U.S. Highway 119, to points in Delaware and points in New Jersey on, east and north of New Jersey Highway 47. (C) from points in West Virginia on West Virginia Highway 2 from Parkersburg to New Martinsville, and points on and north of West Virginia Highways 7 and 69 to points in New Jersey. (D) from points in West Virginia on and north of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 250 to junction unnumbered highway near Rocklick to the West Virginia-Pennsylvania State line, to points in Virginia on and east of U.S. Highway 101 and on and south of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pennsylvania.

No. MC 106603 (Sub-No. E9) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER July 1, 1975. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to building and roofing materials, in truck loads, from those points in Ohio on and south of a line beginning at the Ohio-Kentucky State line and extending along Ohio Highway 73 to junction Ohio Highway 725, thence along Ohio Highway 725 to the Ohio-Indiana State line to those points in the Lower Peninsula of Michigan bounded by a line beginning at the Michigan-Indiana State line and extending along Interstate Highway 94 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Michigan, and those in Michigan on and east of a line beginning at Saginaw Bay and extending along U.S. Highway 10 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 32, thence along Michigan Highway 32 to Lake Huron. The purpose of this filing is to eliminate the gateway of Lockland, Ohio. The purpose of this correction is to correct the territorial description.

No. MC 107002 (Sub E20), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Shelby County, Tenn., to points in Florida (points in Mississippi north of

U.S. Highway 80 and Mobile, Ala., and points within 10 miles thereof) *, North Carolina, South Carolina (points in Mississippi north of U.S. Highway 80 (except Crupp and Rogerslacy, Miss.), and Tuscaloosa, Ala.) *, Louisiana (points in Mississippi north of U.S. Highway 80, and Vicksburg, Miss.) * and those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending along Texas Highway to junction Texas Highway 7, to junction U.S. Highway 79, to junction Texas Highway 95, to junction Texas Highway 29, to junction Interstate Highway 10, to the Texas-New Mexico State line (points in Mississippi north of U.S. Highway 80, and Natchez, Miss.) *, restricted to the transportation of petroleum products, as defined by the Commission, to points in Louisiana. The purpose of this filing is to elminate the gateway as indicated by asterisks above.

No. MC 107002 (Sub E22), filed May 27, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Tuscaloosa, Ala., to points in Arkansas (Union County, Miss. and Memphis, Tenn., Washington County, Miss., or Crupp and Rogerslacy, Miss.) *, Oklahoma (Washington County, Miss.) *, and those in Illinois on and south of a line beginning at the Illinois-Missouri State line and extending along Illinois Highway 150 to junction Illinois Highway 154, to junction U.S. Highway 51, to junction U.S. Highway 460, to the Illinois-Indiana State line (Union County, Miss., and the plantsite of the Southland Company at Memphis, Tenn., or Union County, Miss., and Memphis, Tenn.) *, restricted against the transportation of asphalt and liquefied petroleum gas to points in Arkansas and Oklahoma, and *petroleum products* from Tuscaloosa, Ala., to points in Louisiana (Pike County, Miss, Vicksburg, Miss., or Lumberton, Miss.) * and Texas (Natchez, Miss.) *, restricted against the transportation of liquefied petroleum gas to points in Louisiana within 150 miles of Henderson, Tex. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107002 (Sub E332), filed August 15, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jacgson, Mississippi 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Tuscaloosa, Ala., to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Mississippi within the Memphis, Tennessee, commercial zone.

No. MC 107002 (Sub E333), filed August 15, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and kerosene*, in bulk, in tank vehicles, from Birmingham, Ala., to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Mississippi within the Memphis, Tennessee, commercial zone.

No. MC 107002 (Sub E334), filed July 31, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Mississippi on, west and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 78 to junction Mississippi Highway 7, thence along Mississippi Highway 7 to the Mississippi-Tennessee State line, to points in Missouri, and from those points in Mississippi north and east of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 78 to junction Mississippi Highway 7, thence along Mississippi Highway 7 to the Mississippi-Tennessee State line, to those points in Missouri on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Mississippi within the Memphis, Tennessee, commercial zone.

No. MC 107002 (Sub E335), filed July 31, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Mobile, Ala., to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Mississippi on and south of U.S. Highway 80, and points in Mississippi within the Memphis, Tennessee, commercial zone.

No. MC 107107 (Sub E41), filed April 22, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Florida 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *candy and confectionery and related advertising and promotional materials*, from those points in Florida on, east, and south of a line beginning at the Florida-Georgia State line and extending along U.S. Highway 17 to junction Florida Highway 44, to junction Florida Highway 19, to junction Florida Highway 50, to the Gulf of Mexico, to points in Georgia (Zephyrhills or Jacksonville, Florida) *, South Carolina, and Tennessee (except Memphis) Jacksonville, Fla.) * The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107107 (Sub-No. E43), filed April 25, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42d Ave., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *frozen foods*, (1) from those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 84 to junction Interstate Highway 65, to the Baldwin-Escambia County line, to the Baldwin-Monroe County line, to the Baldwin-Clarke County line, to the Baldwin-Washington County line, to the Mobile-Washington County line, to the Alabama-Mississippi State line; (2) from those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 84, to junction U.S. Highway 31, to junction Alabama Highway 21, to the Alabama-Florida State line to those points in Louisiana east of U.S. Highway 167; (3) from those points in Alabama on and south of Alabama Highway 10, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (4) from those points in Georgia on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction Georgia Highway 32, to junction Georgia Highway 99, to the Atlantic Ocean, and those in Glynn County, Ga., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Louisiana, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Wisconsin, and the District of Columbia, and;

(5) From those points in Georgia on and south of U.S. Highway 84, to points in Virginia (except Norfolk and Richmond, Va.) and Kentucky; and, *meats, meat products, and meat by-products*, as defined by the Commission, from those points in Alabama on and south of Alabama Highway 10, to points in Maryland, and from those points in Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 82 to junction Georgia

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Highway 32, to junction Georgia Highway 99, to junction U.S. Highway 84, to the Atlantic Ocean, and those in Glynn County, Ga., to points in Maryland; and, *fresh meats*, as defined by the Commission, (1) from those points in Georgia on and south of a line beginning at the Atlantic Ocean and extending along Georgia Highway 38 to junction Georgia Highway 32, to junction U.S. Highway 82, to the Georgia-Alabama State line, to points in Arkansas, Colorado, Iowa, Kansas, Maine, Michigan, Minnesota, Nebraska, New Hampshire, Oklahoma, Texas, Vermont, and Wisconsin; (2) from those points in Georgia on and south of U.S. Highway 84, to points in Kentucky; (3) from those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 84 to junction Interstate Highway 65, to the Baldwin-Escambia County line, to the Baldwin-Monroe County line, to the Baldwin-Clarke County line, to the Baldwin-Washington County line, to the Mobile-Washington County line, to the Alabama-Mississippi State line, to points in Arkansas and Kentucky; and (4) from those points in Alabama on and south of Alabama Highway 10, to points in Colorado, Iowa, Kansas, Maine, Michigan, Minnesota, Nebraska, New Hampshire, Oklahoma, Texas, Vermont, and Wisconsin. The purpose of this filing is to eliminate the gateway of Florida.

No. MC 109637 (Sub-E32), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Pascagoula, Mississippi, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, West Virginia (except points in, on and north of U.S. Highway 60, points in Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties), and points in Missouri on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 60 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Calvert City, Kentucky.

No. MC 109637 (Sub-E34), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles (except benzol, Toluol and xylol), from Troy, Indiana to points in Alabama, Arkansas, Florida, Kansas, Louisiana, Minnesota, Mississippi, Nebraska, Oklahoma and points in Tennessee west of Tennessee Highway 13. The purpose of this filing is to eliminate the gateway of Calvert City, Kentucky.

No. MC 109637 (Sub-E56), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from points in Kentucky on and east of a line beginning at Muldrough, Kentucky and extending along U.S. Highway 31W to junction Kentucky State 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line; points in Indiana on and east of U.S. Highway 31; points in Massachusetts, Maryland, Ohio, Pennsylvania, Michigan, and New York, to Vicksburg, Mississippi. The purpose of this filing is to eliminate the gateway of Bardstown, Kentucky and Evansville, Indiana.

No. MC 110988 (Sub-No. E7), filed August 7, 1975. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil St., Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium phosphate*, dry, in bulk, in tank vehicles, from Neenah, Manasha, Appleton, Kimberly, and Portage, Wis., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Joliet, Ill.

No. MC 113459 (Sub-No. E36), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, and *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* when moving in connection therewith, restricted to commodities which are transported on trailers, from points in Ohio on and west of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to the Ohio-Michigan State line, to points in Missouri on, west, and south of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115331 (Sub-No. E35), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Ave., East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers; (1) from those points in Wisconsin east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line (El Paso, Ill.)*; (2) from points in Wisconsin (except those on and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 127, thence along Wisconsin Highway 127 to Lake Superior, and those on and west of Wisconsin Highway 15, and those on and east of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 15 to junction Wisconsin Highway 67, thence along Wisconsin Highway 67 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan), to those points in Illinois on and south of Illinois Highway 23 and Interstate Highway 74 (El Paso, Ill.)*.

(3) From points in Wisconsin to those points in Illinois on and south of a line beginning at Collinsville and extending along Interstate Highway 55 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 40, thence along U.S. Highway 40 to the points of beginning (El Paso, Ill.)*; (4) from those points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line to those points in Iowa on and south of Iowa Highway 2 (El Paso, Ill.)*; (5) from those points in Wisconsin on and west of U.S. Highway 51 to those points in Indiana on and south of Interstate Highway 70 (El Paso, Ill.)*; (6) from those points in Wisconsin north and east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line to those points in Kansas on, south, and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 54 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line (El Paso, Ill.)*.

(15) From those points in Wisconsin east of a line beginning at the Wisconsin-Iowa State line and extending along Wisconsin Highway 27 to junction Wisconsin Highway 171, thence along Wisconsin Highway 171 to junction Wisconsin Highway 131, thence along Wisconsin Highway 131 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to Lake Superior, to those points in Oklahoma on and east of Oklahoma Highway 34 and on and south of U.S. Highway 60 (El Paso and East St. Louis, Ill.)*; and (16) from those points in Wisconsin on and west of U.S. Highway 61 to points in Tennessee (El Paso and Oglesby, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 118831 (Sub-No. E18), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER August 11, 1975. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, fertilizer, and fertilizer materials, and anhydrous ammonia, and except caustic soda from Acme, N.C.), in bulk; (1) between those points in North Carolina on, south, and east of a line beginning at the Atlantic Ocean and extending along North Carolina Highway 24 to junction North Carolina Highway 41, thence along North Carolina Highway 41 to junction unnumbered highway near Harrells, thence along unnumbered highway to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction North Carolina Highway 53, thence along North Carolina Highway 53 to junction unnumbered highway near Kelley, thence along unnumbered highway to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction U.S. Highway 701, thence along U.S. Highway 701 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 74, thence along U.S. Highway 74 to junction North Carolina Highway 130, thence along North Carolina Highway 130 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, on the one hand, and, on the other, those points in North Carolina, * * *; (2) between points in New Hanover and Brunswick Counties, N.C., on the one hand, and, on the other, those points in North Carolina, * * *; (3) between Charlotte, N.C., on the one hand, and, on the other, those points in North Carolina, * * *; and (4) between Greensboro and High Point, N.C., on the one hand, and, on the other, those points in North Carolina, * * * The purpose of this filing is to eliminate the gateway of points in South Carolina. The purpose of this partial correction is to correct the territorial descriptions above. The remainder of this letter-notice remains as previously published.

No. MC 118831 (Sub-No. E25), (Correction), filed June 5, 1975, published in the FEDERAL REGISTER July 28, 1975. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate*, molten, in bulk, from Gibbstown, N.J., to those points in Tennessee bounded by a line beginning at the Mississippi-Tennessee State line and extending along the Mississippi-Tennessee State line to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 100, thence along Tennessee Highway 100 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction unnumbered highway at Whiteville, thence along unnumbered highway to junction U.S. Highway 51, thence along U.S. Highway 51 to the Tennessee-Mississippi State line. The purpose of this filing is to eliminate the gateway of the plant site of E. I. Dupont de Nemours and Company at Graingers, N.C. The purpose of this correction is to correct the commodity.

No. MC 119641 (Sub-E5), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts* from Rock Island, Moline, East Moline, Silvis, Carbon Cliff, and Milan, Illinois, to points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 70 to Little Rock, thence along U.S. Highway 67 to the Missouri-Arkansas State line, points in Indiana on and south of a line beginning on the Indiana-Illinois State line and extending along U.S. Highway 36, to the Indiana-Ohio State line, points in Kentucky, Mississippi, and points in Ohio on and south of a line beginning on the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Ohio Highway 151, thence along Ohio Highway 151 to the Ohio-West Virginia State

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line, and points in Tennessee. The purpose of this filing is to eliminate the gateway of Davenport, Iowa and Shelbyville, Illinois.

No. MC 119777 (Sub-No. E3), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Coal and limestone*, in bulk, in dump vehicles, (1) (a) from points in that part of Ballard, Caldwell, Carlisle, Crittenden, Livingston, Lyon, McCracken, Union, Henderson, Webster, Hopkins, Christian, Trigg, Marshall, Graves, Hickman, and Fulton Counties, Ky., on, west and north of a line beginning at the Indiana-Kentucky State line on U.S. Highway 41, thence along U.S. Highway 41 to Hopkinsville, Ky., thence along Kentucky Highway 80 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Kentucky-Tennessee State line, to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line on U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line; and (b) from points in that part of Butler, Edmonson, Grayson, Logan, McLean, Muhlenberg, Ohio, Todd, Henderson, Webster, Hopkins, and Christian Counties, Ky., on, east and north of a line beginning at the Indiana-Kentucky State line on U.S. Highway 41, thence along U.S. Highway 41 to Hopkinsville, Ky., thence along Kentucky Highway 80 to the Logan-Warren County Line, to points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line on U.S. Highway 641, thence along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to junction Tennessee Highway 18A, thence along Tennessee Highway 18A to junction Tennessee Highway 57, thence along Tennessee Highway 57 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateway of Christian or Hopkins, Ky.

No. MC 119777 (Sub-No. E4), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrochrome silicon, ferro-silicon, silico-manganese, ferro-manganese, silicon metal and scrap iron*, in bulk, in dump vehicles, (A) from points in Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Edmonson, Fulton, Graves, Grayson, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union and Webster Counties, Ky., to Louisiana and Texas; (B) (1) from points in Ballard, Carlisle, Crittenden, Livingston, McCracken, Union and Webster Counties, Ky., and points in Henderson County, Ky., on and west of a line beginning at the Kentucky-Indiana State line on U.S. Highway 41, thence along U.S. Highway 41 to junction Pennyrile Parkway, thence along Pennyrile Parkway to the Henderson-Webster County line, and points in Hopkins County, Ky., on and west of the Pennyrile Parkway and on and north of the Western Kentucky Parkway, and points in Caldwell County, Ky., on and north of the Western Kentucky Parkway, and points in Lyon County, Ky., on and north of U.S. Highway 62, and points in Marshall County, Ky., on and north of a line beginning at the Livingston-Marshall County line on U.S. Highway 641, thence along U.S. Highway 641 to junction Kentucky Highway 58, thence along Kentucky Highway 58 to the Marshall-Graves County line, and points in Graves County, Ky., on and north of Kentucky Highway 80, to points in Alabama on and south of a line beginning at Phenix City, Ala., thence along U.S. Highway 280 to Birmingham, Ala., thence along U.S. Highway 11 to the Alabama-Mississippi State line.

(2) From points in Butler, Caldwell, Crittenden, Edmonson, Grayson, Henderson, Hopkins, Livingston, Lyon, McLean, Muhlenberg, Ohio, and Union Counties, Ky., and points in Christian, McCracken, Marshall, Logan, Trigg, and Todd Counties, Ky., on and north of a line beginning at the Illinois-Kentucky State line on U.S. Highway 45, thence along U.S. Highway 45 to Paducah, Ky., thence along U.S. Highway 68 to the Logan-Simpson County line, to points in Arkansas; (3) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Todd, Trigg, Union, and Webster Counties, Ky., and points in Butler and Ohio Counties, Ky., on and west of U.S. Highway 231, to points in Connecticut; (4) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, Todd, Trigg, and Union Counties, Ky., and points in Henderson, Webster, Hopkins, Muhlenberg, and Logan Counties, Ky., on and west of a line beginning at the Indiana-Kentucky State line on U.S. Highway 41, thence along U.S. Highway 41 to junction of the Pennyrile Parkway, thence along the Pennyrile Parkway to junction of the Western Kentucky Parkway, thence along the Western Kentucky Parkway to junction U.S. Highway 431, thence along U.S. Highway 431 to the Kentucky-Tennessee State line, to points in Delaware; (5) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union and Webster Counties, Ky., to points in Florida; (6) from points in Ballard, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, and McCracken Counties, Ky., to points in Georgia;

(7) From points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Crittenden and Caldwell Counties, Ky., on and west of Kentucky Highway 91, and points in Christian County, Ky., on and west of a line beginning at the Caldwell-Christian County line on Kentucky Highway 91, thence along Kentucky Highway 91 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line, to points in Illinois on and north of a line beginning at the Indiana-Illinois State line on Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Illinois-Iowa State line; (8) from points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall and McCracken Counties, Ky., to points in Indiana; (9) from points in Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Edmondson, Fulton, Graves, Grayson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, Muhlenberg, Ohio, Todd, and Trigg Counties, Ky., and points in Union, Webster, and McLean Counties, Ky., on, east and south of a line beginning at the Kentucky-Illinois State line, thence along Kentucky Highway 56 to junction Kentucky Highway 370, thence along Kentucky Highway 370 to junction Kentucky Highway 138, thence along Kentucky Highway 138 to junction Kentucky Highway 81, thence along Kentucky Highway 81 to the McLean-Daviess County line, to points in Iowa on, north and west of a line beginning at the Iowa-Missouri State line on U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 9, thence along Iowa Highway 9 to a terminus at Lansing, Iowa;

(10) From points in Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Edmonson, Fulton, Graves, Grayson, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd Trigg, Union and Webster Counties, Ky., to points in Kansas on, west and south of a line beginning at the Kansas-Oklahoma State line on U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 18, thence along Kansas Highway 18 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Nebraska State line; (11) from points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall, and McCracken Counties, Ky., to points in Kentucky on, north and east of a line beginning at the Tennessee-Kentucky State line on U.S. Highway 127, thence along U.S. Highway 127 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Indiana State line; (12) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Trigg, Union and Webster Counties, Ky., to points in Maryland; (13) from points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Crittenden, Caldwell, and Christian Counties, Ky., on and southwest of a line beginning at the Illinois-Kentucky State line on Kentucky Highway 91, thence along Kentucky Highway 91 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line, to points in Michigan,

(14) From points in Ballard, Butler, Caldwell, Carlisle, Christian, Crittenden, Edmonson, Fulton, Graves, Grayson, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky., to points in Mississippi on, south and west of a line beginning at the Louisiana-Mississippi State line on U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction U.S. Highway 49, thence along U.S. Highway 49 to the terminus at Gulfport, Miss.; (15) from Paducah, Ky., and points in Butler, Caldwell, Christian, Crittenden, Edmonson, Grayson, Henderson, Hopkins, Livingston, Logan, Lyon, McLean, Muhlenberg, Ohio, Todd, Trigg, Union and Webster Counties, Ky., to points in Missouri on and south of a line beginning at the Missouri-Arkansas State line on U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 14, thence along Missouri Highway 14 to junction U.S. Highway 65, thence along U.S. Highway 65 to Springfield, Mo., thence along U.S. Highway 66 to the Missouri-Kansas State line; (16) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Todd, Trigg, Union and Webster Counties, Ky., and points in Logan, Muhlenberg, and McLean Counties, Ky.; on and west of a line beginning at the Kentucky-Tennessee State line on U.S. Highway 431, thence along U.S. Highway 431 to the McLean-Daviess County line, to points in New Jersey; (17) from points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Union, Webster, Hopkins, and Christian Counties, Ky., on, south and west of a line beginning at the Kentucky-Illinois State line, thence along Kentucky Highway 56 to junction U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line, to points in New York;

(18) From points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Christian, Caldwell and Crittenden Counties, Ky., on, south and west of a line beginning at the Kentucky-Tennessee State line on U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 91, thence along Kentucky Highway 91 to its terminus at the Ohio River, to points in Ohio on, north and east of a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction Ohio Highway 39, thence along Ohio Highway 39 to a terminus at East Liverpool, Ohio; (19) from points in Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Edmonson, Fulton, Graves, Grayson, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky., to points in Oklahoma on, west and south of a line beginning at the Kansas-Oklahoma State line on U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Oklahoma Highway 18, thence along Oklahoma Highway 18 to junction Oklahoma Highway 20, thence along Oklahoma Highway 20 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line;

(20) From points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Union, Webster, Hopkins and Christian Counties, Ky., on and west of a line beginning at the Kentucky-Tennessee State line on U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 130, thence along Kentucky Highway 130 to a terminus at Uniontown, Ky., to points in Pennsylvania; (21–1) from points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Trigg, Union and Webster Counties, Ky., to Columbia S.C.; (21–2) From points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, Trigg, Union and Webster Counties, Ky., to Charleston, S.C.; (21–3) from points in Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Edmonson, Fulton, Graves, Grayson, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union and Webster Counties, Ky., to Greenville, S.C.;

(22) From points in Union, Crittenden and Livingston Counties, Ky., and points in Henderson, Webster, Hopkins, Caldwell, Lyon, Marshall, McCracken Counties, Ky., on, west and north of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 41 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 41A, thence along U.S. Highway 41A to junction Kentucky Highway 120, thence along Kentucky Highway 120 to junction Kentucky Highway 293, thence along Kentucky Highway 293 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line, to points in Tennessee on and west of a line beginning at Paris extending along Tennessee Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Arkansas State line, and on and south of a line beginning at the Tennessee-Alabama State line extending along Tennessee Highway 13 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to Paris, (except Memphis and Woodstock, Tenn.); (23) from points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Christian, Hopkins, Union and Webster Counties, Ky., on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 130, thence along Kentucky Highway 130 to Uniontown, to points in Virginia on and west of a line beginning at the Maryland-Virginia State line extending along U.S. Highway 11 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Interstate Highway 64, thence

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along Interstate Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to Virginia Beach, Va.;

(24) From points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken and Trigg Counties, Ky., to points in West Virginia; (25) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Fulton, Graves, Hickman, Livingston, Logan, Lyon, Marshall, McCracken, Todd and Trigg Counties, Ky., to points in Wisconsin. Transportation to points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania and West Virginia is restricted to the transportation of the named commodities for remelting purposes only. The purpose of this filing is to eliminate the gateway of Calvert City, Ky., Marshall Co., Ky., the plant site of Pittsburgh Metalurgical Company at Calvert City, Ky.

No. MC 11977 (Sub-No. E16), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel sheets, plates, channels, angles, crop ends, mine roof washers pallets,* and *couplings*, the transportation of which because of size or weight require special handling (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development and production of natural gas and petroleum, and incidental to or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum); (1) from points in Indiana on and northwest of a line beginning at Vincennes, Ind., thence along U.S. Highway 41 to junction Indiana Highway 67 thence along Indiana Highway 67 to Indianapolis, Ind., thence along Indiana Highway 37 to the Indiana-Ohio State line to points in Alabama on and southwest of a line beginning at the Alabama-Mississippi State line extending along Alabama Highway 14 to junction U.S. Highway 31, thence along U.S. Highway 31 to Montgomery, Ala., thence along U.S. Highway 231 to Dothan, Ala., thence along U.S. Highway 84 to the Alabama-Georgia State line; (2) from points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 37 to junction Interstate Highway 69, thence along Interstate Highway 69 to Indianapolis, Ind., thence along Indiana Highway 67 to Vincennes, Ind., to points in Florida.

(3) From points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 2, thence along Indiana Highway 2 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 39, thence along Indiana Highway 39 to the Indiana-Michigan State line to points in Georgia on and south of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 278 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line; (4) from Vincennes, Ind., and points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction Indiana Highway 7, thence along Indiana Highway 7 to its terminus at Madison, Ind., to points in Louisiana; (5) from Vincennes, Ind., and points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Ohio State line to points in Mississippi; (6) from points in Indiana on and west of a line beginning at Gary, Ind., thence along Indiana Highway 53 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 41, thence along U.S. Highway 41 to Vincennes, Ind., to points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 21 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 70, thence along U.S. Highway 70 to New Bern, N.C.

(7) From points in Indiana on and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 52 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 63, thence along Indiana Highway 63 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to its terminus at Vincennes, Ind., to points in South Carolina on, south, and east of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 29 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction South Carolina Highway 9, thence along South Carolina Highway 9 to junction U.S. Highway 601, thence along U.S. Highway 601 to the North Carolina-South Carolina State line; (8) from points in Indiana on and north of U.S. Highway 40 to Grand Junction, Tenn., and points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line; (9) from Covington, and Newport, Ky., to points in Alabama on and south of a line beginning at Mobile, Ala., thence along U.S. Highway 90 to the Alabama-Mississippi State line; (10) from Covington, Newport, and Ashland, Ky., to points in Louisiana on and west of a line beginning at the Louisiana-Mississippi State line; (11) from Newport, Covington, and Ashland, Ky., to points in Mississippi on and west of a line beginning at the Arkansas-Mississippi State line extending along U.S. Highway 49 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Mississippi-Louisiana State line; and (12) from Covington, Ky., to points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateway of Flora, Ill.

No. MC 119777 (Sub-No. E35), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers* and *fluid coolers* which because of size or weight require the use of special equipment (except such as are incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in the connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repair, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum); (1) from Indiana to South Carolina; (2) from Ohio (except Columbus), to Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; (3) from Pennsylvania to Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; (4) from West Virginia to Arkansas, Kansas, Missouri, New Mexico, Oklahoma, and Texas.

(5) From points in Illinois on and north of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line to points in Alabama on and southeast of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 278 to junction Interstate Highway 59, thence along Interstate Highway 59 to Birmingham, Ala., thence along U.S. Highway 31 to junction Alabama Highway 119, thence along Alabama Highway 119 to junction Alabama Highway 25, thence along Alabama Highway 25 to junction Alabama Highway 139, thence along Alabama Highway 139 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Alabama Highway 41, thence along Alabama Highway 41 to junction Alabama Highway 89, thence along Alabama Highway 89 to junction Alabama Highway 28, thence along Alabama Highway 28 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Alabama Highway 47, thence along Alabama Highway 47 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 41, thence along Alabama Highway 41 to the Alabama-Florida State line.

(6) From points in Illinois on and east of a line beginning at Chicago, Ill., thence along U.S. Highway 41 to junction Illinois Highway 120, thence along Illinois Highway 120 to the terminus at Waukegan, Ill., to points in Arkansas on, south, and west of a line beginning at the Arkansas-Oklahoma State line extending along Arkansas Highway 8 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line; (7) from points in Illinois on, north, and east of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to its terminus at Mount Carmel, Ill., to points in Georgia; (8) from points in Illinois on and north of a line beginning at the Illinois-Kentucky State line extending along Illinois Highway 13 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 146, thence along Illinois Highway 146 to the terminus at Ware, Ill., to points in Georgia on and east of a line beginning at Savannah, Ga., thence along U.S. Highway 17 to the terminus of Brunswick, Ga.; (9) from points in Illinois on, north, and east of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to points in Louisiana on and south of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 84 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to the Louisiana-Texas State line.

(10) From points in Illinois on and east of a line beginning at Chicago, Ill., extending along Interstate Highway 94 to junction Illinois Highway 43, thence along Illinois Highway 43 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Illinois-Wisconsin State line to points in Mississippi; (11) from points in Illinois on, east, and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 17, thence along Illinois Highway 17 to its terminus to Gulfport, Miss.; (12) from points in Illinois on, north, and east of a line beginning at the Wisconsin-Illinois State line extending along Illinois Highway 26, thence along Illinois Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 64, thence along Illinois Highway 64 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction Illinois Highway 102, thence along Illinois Highway 102 to junction Illinois Highway 52, thence along Illinois Highway 52 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to points in Mississippi on, south, and east of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to junction Mississippi Highway 25, thence along Mississippi Highway 25 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to the Mississippi-Alabama State line.

(13) From points in Illinois on, north, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 150 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Interstate Highway 294, thence along Interstate Highway 294 to junction Illinois Highway 50, thence along Illinois Highway 50 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Illinois Highway 43, thence along Illinois Highway 43 to junction Illinois Highway 120, thence along Illinois Highway 120 to the terminus of Waukegan, Ill., to points in New Mexico on, south, and west of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 62 to junction New Mexico Highway 529, thence along New Mexico Highway 529 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction New Mexico Highway 32, thence along New Mexico Highway 32 to junction New Mexico Highway 53, thence along New Mexico Highway 53 to junction Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line.

(14) From points in Illinois on and north of a line beginning at Chester, Ill., thence along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 152, thence along Illinois Highway 152 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 14, thence along Illinois Highway 14 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along

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Illinois Highway 1 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Illinois-Indiana State line to North Carolina; (15) from points in Illinois on, north, and east of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 53, thence along Illinois Highway 53 to U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 17 thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to points in Oklahoma on, east, and south of a line beginning at the Arkansas-Oklahoma State line extending along Oklahoma Highway 3 to junction Oklahoma Highway 87, thence along Oklahoma Highway 87 to the Arkansas-Oklahoma State line.

(16) From points in Illinois on and north of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 150 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 14, thence along Illinois Highway 14 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line to points in South Carolina; (17) from points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 45 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to points in Texas on and south of a line beginning at the Texas-Louisiana State line extending along U.S. Highway 80 to junction Texas Highway 18, thence along Texas Highway 18 to the Texas-New Mexico State line; (18) from points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Texas on and south of a line beginning at the Louisiana-Texas State line extending along Texas Highway 87 to junction Texas Highway 73, thence along Texas Highway 73 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 90, thence along U.S. Highway 90 to a terminus at Del Rio, Tex.

(19) From points in Indiana on, north, and east of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 154 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 162, thence along Indiana Highway 162 to junction Indiana Highway 64, thence along Indiana Highway 64 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Indiana-Kentucky State line to points in Alabama on, south, and east of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 72 to the Alabama-Tennessee State line; (20) from Kokomo, Ind., and points in Indiana on and east of a line beginning at the Michigan-Indiana State line extending along U.S. Highway 31 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31W, thence along U.S. Highway 31W to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Indiana Highway 135, thence along Indiana Highway 135 to its terminus at or near Mauckport, Ind., to points in Arkansas on, south, and east of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 62 to junction Arkansas Highway 45, thence along Arkansas Highway 45 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 45, thence along Arkansas Highway 45 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 5, thence along Arkansas Highway 5 to the Arkansas-Missouri State line.

(21) From points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 64 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Indiana-Kentucky State line to points in Georgia; (22) from points in Indiana on, south, and east of a line beginning at the Indiana-Michigan State line extending along U.S. Highway 27 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 66, thence along Indiana Highway 66 to Cannelton, Ind., to points in Kansas on, south, and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 83 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction Kansas Highway 123, thence along Kansas Highway 123 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 183, thence along U.S. Highway 183 to Phillipsburg, Kans., thence along U.S. Highway 183 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line; (23) from points in Indiana on, north, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 150 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 66, thence along Indiana Highway 66 to Dexter, Ind., to points in Louisiana on, south, and west of a line beginning at the Arkansas-Louisiana State line extending along U.S. Highway 167 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Louisiana-Mississippi State line.

(24) From points in Indiana on, north, and east of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 114 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 64, thence along Indiana Highway 64 to junction Indiana Highway 135, thence along Indiana Highway 135 to its terminus at Mauckport, Ind., to points in Mississippi; (25) from points in Indiana on and east of a line beginning at the Indiana-Michigan State line extending along Indiana Highway 9 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction

U.S. Highway 31A, thence along U.S. Highway 31A to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 135, thence along Indiana Highway 135 to the Indiana-Kentucky State line to points in Missouri on and south of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 66 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction Missouri Highway 51, thence along Missouri Highway 51 to the Illinois-Missouri State line; (26) from points in Indiana on and east of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 41 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line to points in New Mexico on, south, and west of a line beginning at the New Mexico-Colorado State line extending along U.S. Highway 285 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Texas State line.

(27) From points in Indiana to points in North Carolina on and south of a line beginning at the North Carolina-Tennessee State line extending along U.S. Highway 421 to junction North Carolina Highway 115, thence along North Carolina Highway 115 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to its terminus at Moores Corner, N.C.; (28) from points in Indiana on and east of a line beginning at the Indiana-Michigan State line extending along Indiana Highway 19 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to and including Kokomo, Ind., at junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 9, thence along Indiana Highway 9 to and including Anderson, Ind., thence along Indiana Highway 9 to junction Indiana Highway 44, thence along Indiana Highway 44 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 64, thence along Indiana Highway 64 to junction Indiana Highway 135, thence along Indiana Highway 135 to the Indiana-Kentucky State line to points in Oklahoma; (29) from points in Indiana on and east of a line beginning at Michigan City, Ind., thence along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 37, thence along Indiana Highway 37 to a terminus at Tell City, Ind., to points in Texas.

(30) From points in Indiana on, east, and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 52 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 145, thence along Indiana Highway 145 to junction Indiana Highway 37, thence along Indiana Highway 37 to a terminus at Tell City, Ind., to points in Texas on and south of a line beginning at the Texas-New Mexico State line extending along Texas Highway 125 to junction Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Louisiana-Texas State line; (31) from points in Kentucky on and north of a line beginning at Ashland, Ky., thence along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction of U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31W, thence along U.S. Highway 31W to Mauldraugh, Ky., to points in Alabama on, south, and west of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 80 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line.

(32) From points in Kentucky on and northeast of a line extending at Louisville, Ky., thence along U.S. Highway 31W to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-Virginia State line to points in Arkansas; (33) from points in Kentucky on and north of a line beginning at Owensboro, Ky., thence along Kentucky Highway 54 to junction Kentucky Highway 261, thence along Kentucky Highway 261 to junction Kentucky Highway 105, thence along Kentucky Highway 105 to junction Kentucky Highway 259, thence along Kentucky Highway 259 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Kentucky Highway 36, thence along Kentucky Highway 36 to junction Interstate Highway 75, thence along Interstate Highway 75 to the terminus at Covington, Ky., to points in Georgia on and south of a line beginning at Augusta, Ga., thence along U.S. Highway 23 to junction Georgia Highway 56, thence along Georgia Highway 56 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Georgia Highway 257, thence along Georgia Highway 257 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Georgia Highway 62, thence along Georgia Highway 62 to junction Georgia Highway 91, thence along Georgia Highway 91 to junction Georgia Highway 253, thence along Georgia Highway 243 to its terminus.

(34) From points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line extending along Kentucky Highway 163 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 35W, thence along U.S. Highway 35W to junction Kentucky Highway 88, thence along Kentucky Highway 88 to junction Kentucky Highway 226, thence along Kentucky Highway 226 to junction Kentucky Highway 259, thence along Kentucky Highway 259 to junction U.S. Highway 60, thence along U.S. Highway 60 to Cloverport, Ky., to points in Kansas; (35) from points in Kentucky on, north, and east of a line beginning at Jenkins, Ky., thence along U.S. Highway 119 to junction Kentucky Highway 317, thence along Kentucky Highway 317 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31W, thence along U.S. Highway 31W to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 79, thence along Kentucky Highway 79 to Bradenburg, Ky., to points in Louisiana; (36) from points in Kentucky on, north, and east of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 150 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 68, thence along U.S. Highway 150

V 40 I 183 SEP 1975 XUM

to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 114, thence along Kentucky Highway 114 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line to points in Mississippi.

(37) From points in Kentucky on and northeast of a line beginning at Louisville, Ky., thence along U.S. Highway 150 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line to points in Missouri; (38) from points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 41 to junction Kentucky Highway 136, thence along Kentucky Highway 136 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Tennessee State line to points in New Mexico; (39) from points in Kentucky on, north, and west of a line beginning at the Kentucky-Illinois State line extending along U.S. Highway 62 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Kentucky Highway 8, thence along Kentucky Highway 8 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Ohio State line to points in North Carolina on, south, and east of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 21 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line; (40) from points in Kentucky on, north, and east of a line beginning at Coverport, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 56, thence along Kentucky Highway 56 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line to points in Oklahoma.

(41) From points in Kentucky on and north of a line beginning at Paducah, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction U.S. Highway 41A, thence along U.S. Highway 41A to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Pennyrile Parkway, thence along Pennyrile Parkway to junction Western Kentucky Parkway, thence along Western Kentucky Parkway to junction Interstate Highway 65, thence along Interstate Highway 65 to Louisville, Ky., thence along Interstate Highway 71 to junction Kentucky Highway 8, thence along Kentucky Highway 8 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Ohio State line to points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 29 to junction U.S. Highway 276, thence along U.S. Highway 276 to junction Interstate Highway 26, thence along Interstate Highway 26 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 171, thence along South Carolina Highway 171 to its terminus at Folly Beach, S.C.; (42) from Somerset, Ky., and points in Kentucky on, north, and east of a line beginning at Hawesville, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Kentucky Highway 27, thence along Kentucky Highway 27 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line to points in Texas.

(43) From points in Ohio (except Columbus) on and northwest of a line beginning at Cincinnati, Ohio, thence along Interstate Highway 71 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Ohio-Pennsylvania State line to points in Georgia on, south, and west of a line beginning at the Georgia-North Carolina State line extending along U.S. Highway 441 to junction U.S. Highway 341, thence along U.S. Highway 341 to its terminus at Brunswick, Ga.; (44) from points in Ohio (except Columbus), to points in Kansas on, south, and west of a line beginning at the Kansas-Nebraska State line extending along Kansas Highway 14 to junction Kansas Highway 148, thence along Kansas Highway 148 to junction Kansas Highway 28, thence along Kansas Highway 28 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to the terminus at the Kansas-Missouri State line; (45) from points in Ohio (except Columbus) on, south, and east of a line beginning at the Indiana-Ohio State line extending along Ohio Highway 129 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 51, thence along Ohio Highway 51 to Toledo, Ohio, to points in Missouri on and south of a line beginning at the Kansas-Missouri State line extending along Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Missouri State line; (46) from Springfield, Ohio, and points in Ohio bounded on the west by Indiana, bounded on the north by Michigan, bounded on the south by Interstate Highway 70, and bounded on the east by a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to Findlay, Ohio, thence along U.S. Highway 68 to junction Interstate Highway 70, thence along Interstate Highway 70 to points in North Carolina on and west of U.S. Highway 25.

(47) From points in Ohio on and west of a line beginning at the Ohio-Michigan State line extending along Interstate Highway 75 to Findlay, Ohio, thence along U.S. Highway 68 to junction U.S. Highway 42, thence along U.S. Highway 42 to the Ohio-Kentucky State line to points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 221 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 52, thence along U.S. Highway 52 to its terminus at Charleston, S.C.; (48) from points in Pennsylvania to points in Alabama on and west of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 231 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 219, thence along Alabama Highway 219 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Alabama Highway 41, thence along Alabama Highway 41 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction Alabama Highway 47, thence along Alabama Highway 47 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 41, thence along Alabama Highway 41 to the Alabama-Florida State line.

(49) From points in Pennsylvania on and northwest of a line beginning at the West Virginia-Pennsylvania State line extending along Pennsylvania Highway 18 to junction Pennsylvania Highway 21, thence along Pennsylvania Highway 21 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line to points in Georgia on and west of a line beginning at the Florida-Georgia State line extending along U.S. Highway 27 to junction U.S. Highway 27A, thence along U.S. Highway 27A to junction Georgia Highway 85, thence along Georgia Highway 85 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Tennessee State line; (50) from points in Pennsylvania to points in Missouri on, south, and west of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 65 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Missouri Highway 149, thence along Missouri Highway 149 to junction Missouri Highway 6, thence along Missouri Highway 6 to its terminus at West Quincy, Mo.

(51) From points in Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line to Postell, N.C.; (52) from points in Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line to Longcreek, S.C.; (53) from Bristol, Tenn., to points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 61 to junction Arkansas Highway 18, thence along Arkansas Highway 18 to junction Arkansas Highway 39, thence along Arkansas Highway 39 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 81, thence along Arkansas Highway 81 to the Arkansas-Louisiana State line; (54) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31E to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Alabama-Tennessee State line to points in Kansas on, north, and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 83 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line; (55) from Cumberland Gap, Tenn., to Greenville, Miss.

(57) From Chattanooga, Tenn., and points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 53 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 136, thence along Tennessee Highway 136 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction Tennessee Highway 8, thence along Tennessee Highway 8 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line to points in Missouri on and north of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 50 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line; (58) from points in Tennessee on, north, and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to the Tennessee-Georgia State line to points in New Mexico on, north, and west of a line beginning at the New Mexico-Texas State line; (51) from Clarksville, Tenn., to points in New Mexico on and west of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 85 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction New Mexico Highway 20, thence along New Mexico Highway 20 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 85, thence along U.S. Highway 85 to the New Mexico-Colorado State line.

(60) From points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction U.S. Highway 51, thence along U.S. Highway 51 to Memphis, Tenn., to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line extending along North Carolina Highway 86 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 158A, thence along U.S. Highway 158A to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction U.S. Highway 70, thence along U.S. Highway 70 to the terminus at Morehead City, N.C.; (61) from points in Tennessee on and northeast of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 25E to the Tennessee-North Carolina State line to points in Oklahoma on, north, and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Arkansas State line; (62) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Tennessee-Alabama State line to Boise City, Okla.; (63) from Dyersburg, Tenn., to Little River, S.C.

(64) From points in Tennessee on, north, and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 127 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Tennessee Highway 62, thence along Tennessee Highway 62 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-North Carolina State line to points in Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 277 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Texas Highway 9, thence along Texas Highway 9 to junction Interstate Highway 37, thence along Interstate Highway 37 to its terminus at Corpus Christi, Tex.; (65) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S.

V 40 I 183 SEP 1975 XUM

Highway 41A to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 97, thence along Tennessee Highway 97 to the Tennessee-Alabama State line; (66) from Smyrna, Tenn., to the point of El Paso, Tex., and points in Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 54 to the Texas-New Mexico State line; (67) from points in West Virginia on, north, and west of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 119 to junction West Virginia Highway SP 65, thence along West Virginia Highway SP 65 to junction West Virginia Highway 65, thence along West Virginia Highway 65 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Maryland-West Virginia State line to points in Alabama on and west of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 231 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 55, thence along Alabama Highway 55 to the Alabama-Florida State line.

(68) From Brooke, Hancock, and Ohio Counties, W. Va., to points in Georgia on and west of a line beginning at the Georgia-North Carolina State line extending along U.S. Highway 129 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Florida-Georgia State line; (69) from points in West Virginia on and north of a line beginning at the Virginia-West Virginia State line extending along West Virginia Highway 83 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line to points in Louisiana; (70) from points in West Virginia on and north of a line beginning at Williamson, W. Va., extending along U.S. Highway 52 to junction West Virginia Highway 80, thence along West Virginia Highway 80 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line to points in Mississippi; and (71) from Hancock, Brooke, and Ohio Counties in West Virginia to Postell, N.C. The purpose of this filing is to eliminate the gateway of the plant site of the Marley Company, Louisville, Ky.

No. MC 119777 (Sub-No. E86), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which, because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, or consignee, or both (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum); (1) from Cleveland, Ohio, to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 41, thence along Illinois Highway 41 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line.

(2) From Canton, Ohio, to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 119 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 17, thence along Illinois Highway 17 to its terminus at New Boston, Ill.; (3) from Youngstown, Ohio, to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 9 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 17, thence along Illinois Highway 17 to its terminus at New Boston, Ill.; (4) from Warren, Ohio, to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 9 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 17, thence along Illinois Highway 17 to its terminus at New Boston, Ill.; (5) from Cleveland, Ohio, to points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 136 to Indianapolis, Ind., thence along U.S. Highway 40 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 44, thence along Indiana Highway 44 to the Ohio-Indiana State line; (6) from Canton, Ohio, to points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 28 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 44, thence along Indiana Highway 44 to the Ohio-Indiana State line.

(7) From Youngstown, Ohio, to points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 26 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Indiana State line; (8) from Warren, Ohio, to points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 26 to Lafayette, Ind., thence along U.S. Highway 52 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line; (9) from points in Allegheny, Beaver, Mercer, Venango, Washington, and Westmoreland Counties in Pennsylvania to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to Danville, Ill., thence along U.S. Highway 150 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line; (10) from Rochester (Beaver County), Pa., to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction U.S. Highway 150 (six miles north of Farmer City, Ill.), thence along U.S. Highway 150 to the Illinois-Iowa State line; (11) from Glenshaw, (Allegheny County), Pa., and points in portions of Allegheny, Washington, and Westmoreland Counties, Pa., on, south, and east of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 22 to Pittsburgh, Pa., thence along Pennsylvania Highway 28 to the Westmoreland-Armstrong County line to points in Illinois on, west, and south of a line beginning

at the Illinois-Wisconsin State line extending along U.S. Highway 51 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line.

(12) From points in those portions of Washington and Westmoreland Counties, Pa., on and south of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 40 to junction Pennsylvania Highway 136, thence along Pennsylvania Highway 136 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Westmoreland-Somerset County line to points in Illinois on, west, and south of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 66, thence along U.S. Highway 66 to the terminus of Chicago, Ill.; (13) from points in Allegheny, Beaver, Mercer, Venango, Washington, and Westmoreland Counties, Pa., to points in Indiana on, west, and south of a line beginning at the Indiana-Ohio State line extending along Interstate Highway 70 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Illinois-Indiana State line.

(14) From Glenshaw (Allegheny County), Pa., and points in Allegheny, Washington, and Westmoreland Counties, Pa., on, south, and east of a line beginning at the Pennsylvania-West Virginia State line extending along Interstate Highway 70 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to the Allegheny-Armstrong County line to points in Indiana on, south, and west of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 114 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Ohio State line, and

(B) *Iron and steel sheets, plates, channels, angles, crop ends, mine roof washers, pipe and tubing* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, the transportation of which, because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, or consignee, or both (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repair, servicing, dismantling and maintenance of pipelines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum); from Cleveland, Canton, Youngstown, and Warren, Ohio, Allegheny, Beaver, Mercer, Venango, Washington, and Westmoreland Counties, Pa., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateways of: (A) Kentucky, and (B) Kentucky and Flora, Ill.

No. MC 119777 (Sub-No. E117), filed May 15, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel*, and *iron and steel articles*, the transportation of which, because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, or consignee, or both (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum), between the points of Holly Springs and Oxford, Miss., on the one hand, and, on the other, points in Kentucky on and north of a line beginning at Owensboro, Ky., thence along Kentucky Highway 54 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 40, thence along Kentucky Highway 40 to the Kentucky-West Virginia State line; and

(2) *Iron* and *steel*, and *iron and steel articles*, the transportation of which, because of size or weight, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee, or both (except prefabricated buildings, and oil field commodities, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 299), between Oxford and Holly Springs, Miss., on the one hand, and, on the other, points in Pennsylvania and West Virginia and Ohio (except Columbus). The purpose of this filing is to eliminate the gateways of: (1) Illinois or Indiana, and (2) Illinois or Indiana, and that part of Kentucky on and west of a line beginning at Louisville, Ky., and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line.

No. MC 119777 (Sub E125), filed May 15, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V to the report in the Description In Motor Carrier Certificates, 61 M.C.C. 209, the transportation of which, because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, or consignee, or both, from Boyd County, Kentucky, to points in Alabama, Arkansas, Georgia, Iowa, Louisiana, Mississippi, Missouri, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of the Kentucky Electric Steel Company at or near Coalton, Boyd Co., Kentucky.

No. MC 119789 (Sub E3), filed July 2, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas 75222. Applicant's repre-

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sentative: James K. Newbold, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *recreational equipment and sporting goods* from Old Forge, Pa., to points in Arizona, California, (except those in Del Norte, Siskayou, Modoc, and Lassen Counties), and Nevada, (except those in Washoe, Humboldt, Elko, Pershing, Lander, Eureka, White Pine, and Churchill Counties). The purpose of this filing is to eliminate the gateway of Bossier City, La.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25048 Filed 9-18-75;8:45 am]

[Notice No. 859]

ASSIGNMENT OF HEARINGS

SEPTEMBER 16, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 99610 Sub-19, Ross Neely Express, Inc., now assigned October 14, 1975, at Atlanta, Ga., in Room 546, Federal Office Building, is canceled and reassigned for October 14, 1975, at the Riviera Hyatt House, 1630 Peachtree St., N.W., Atlanta, Ga.

MC 71459 Sub-No. 43, O.N.C. Freight Systems, now being assigned continued hearing November 4, 1975, (4 days) at Phoenix, Arizona, in a hearing room to be designated later.

MC 109326 Sub-112, C & D Transportation Co., Inc., now assigned October 1, 1975 at New Orleans, Louisiana, canceled and the application is dismissed.

MC 73643 Sub-61, Hart Motor Express, Inc., now being assigned November 4, 1975, (4 days), at Bismarck, North Dakota, in a hearing room to be later designated.

MC 107012 Sub-217, North American Van Lines, Inc., now assigned October 22, 1975 at Atlanta, Georgia, is canceled and the application is dismissed.

MC 120286, Northern Transportation Services, Inc., now being assigned November 19, 1975, (3 days), at Montpelier, Vermont, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25052 Filed 9-18-75;8:45 am]

[Notice No. 860]

ASSIGNMENT OF HEARINGS

SEPTEMBER 16, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Corrections

MC 139193 Sub-21, Roberts & Oake, Inc., now assigned November 3, 1975 at Kansas City, MO, will be held in Room 609, 911 Walnut St., instead of St. Louis, MO, Courtroom 3, 1114 Market St.

MC 115331 Sub 391, Truck Transport Incorporated, A Corporation, now assigned November 4, 1975 at Kansas City, MO, will be held in Room 609, 911 Walnut St., instead of St. Louis, MO, Courtroom 3, 1114 Market St.

No. 36139, The Board of Trade of Kansas City, Missouri, Inc. vs. Burlington Northern, Inc., Et Al., now assigned November 5, 1975 at Kansas City, MO, will be held in Room 609, 911 Walnut St., instead of St. Louis, MO, Courtroom 3, 1114 Market St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25051 Filed 9-18-75;8:45 am]

CENTRAL RAILROAD CO. OF NEW JERSEY ET AL.

Exemption From Mandatory Car Service Rules

SEPTEMBER 16, 1975.

Exemption under provision of Rule 19 of the Mandatory Car Service Rules ordered in ex parte No. 241, *Sixth Revised Exemption No. 99.*

To all U.S. Railroads:

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS" and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2, and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

The Central Railroad Company of New Jersey,[1] Robert D. Timpany, Trustee, Reporting Marks: CNJ.
Florida East Coast Railway Company, Reporting Marks: FEC.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
Louisiana & Arkansas Railway Company, Reporting Marks: LA.
Maine Central Railroad Company, Reporting Marks: MEC.
Penn Central Transportation Company, (Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees), Reporting Marks: PC-PRR-NYC.
Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.
Union Pacific Railroad Company, Reporting Marks: UP.

Effective September 12, 1975.

Expires September 30, 1975.

Issued at Washington, D.C., September 5, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.75-25055 Filed 9-18-75;8:45 am]

CENTRAL RAILROAD CO. OF NEW JERSEY

Exemption From Mandatory Car Service Rules

SEPTEMBER 16, 1975.

Exemption under provision of Rule 19 of the Mandatory Car Service Rules ordered in ex parte No. 241, *Seventh Revised Exemption No. 99.*

To all U.S. Railroads:

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS" and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3.)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

The Central Railroad Company of New Jersey,[1] Robert D. Timpany, Trustee, Reporting Marks: CNJ.
Florida East Coast Railway Company, Reporting Marks: FEC.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
Louisiana & Arkansas Railway Company, Reporting Marks: LA.
Maine Central Railroad Company, Reporting Marks: MEC.
•Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY-MKT-MKTT.
Penn Central Transportation Company, (Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees), Reporting Marks: PC-PRR-NYC.
Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.
Union Pacific Railroad Company, Reporting Marks: UP.

Effective September 16, 1975.

Expires September 30, 1975.

Issued at Washington, D.C., September 9, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-25056 Filed 9-18-75;8:45 am]

[1] Addition.

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 16, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before October 6, 1975.

FSA No. 43045—*Buff-Colored Cement from Ward Spur, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-549), for interested rail carriers. Rates on buff-colored masonry cement or buff-colored portland cement, in carloads, as described in the application, from Ward Spur, Texas, to points in Indiana, Michigan and Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 39 to Southwestern Freight Bureau, Agent, tariff 325-B, I.C.C. No. 5156. Rates are published to become effective on October 15, 1975.

FSA No. 43046—*Beet or Cane Sugar to Northfield, Illinois.* Filed by Western Trunk Line Committee, Agent (No. A-2716), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in Montana, trans-continental and western trunkline territories, to Northfield, Illinois.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplement 174 to Western Trunk Line Committee, Agent, tariff 159-0, I.C.C. No. A-4481, and 3 other schedules named in the application. Rates are published to become effective on October 15, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25050 Filed 9-18-75;8:45 am]

LEHIGH VALLEY RAILROAD CO.

Exemption From Mandatory Car Service Rules

SEPTEMBER 16, 1975.

Exemption under provision of rule 19 of the mandatory car service rules ordered in ex parte No. 241, exemption No. 102.

It appearing, That there is an emergency movement of military impedimenta from Kendaia, New York, to Earle, New Jersey; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee), the railroads designated by the Car Service Division are authorized to move to, and the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee), is authorized to accept, assemble, and load, not to exceed one hundred-twenty (120) empty cars, with military impedimenta from Kendaia, New York, to Earle, New Jersey, regardless of the provisions of Car Service Rules 1 and 2.

Effective: September 10, 1975.

Expires: September 30, 1975.

Issued at Washington, D.C., September 10, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-25057 Filed 9-18-75;8:45 am]

[Notice No. 80]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 16, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 9, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76073. By order of September 15, 1975, the Motor Carrier Board approved the transfer to Hershel Boone, doing business as Delta Milk Co., 101 Boyd, Clarksdale, Miss. 38614, of Certificate No. MC-134669 issued by the Commission June 3, 1971, to Delta Milk Company, Inc., authorizing the transportation of dairy products and fruit juices between Memphis, Tenn., on the one hand, and, on the other, points in De Sota, Tunica, Coahoma, and Bolivar Counties, Miss.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25053 Filed 9-18-75;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 105]

SEPTEMBER 16, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in con-

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nection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16831 (Sub-No. 21TA), filed September 8, 1975. Applicant: MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Monies, Iowa. 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Illinois, Indiana, Missouri, Wisconsin and points in Iowa on and east of U.S. Highway 169, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 17051 (Sub-No. 16TA), filed September 9, 1975. Applicant: BARNET'S EXPRESS INC., 758 Lidgerwood Ave., Elizabeth, N.J. 07202. Applicant's representative: S. M. Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, (garments on hangers), *equipment, materials and supplies* used or useful in the manufacture and sale of wearing apparel (except in bulk), between Newark, Perth Amboy and Trenton, N.J.; Johnstown, N.Y.; on the one hand, and, on the other, Decatur and Cleveland, Tenn., and Lawrenceville, Ga., for 180 days. Supporting shipper: Cooper Sportswear Mdg., Co., Inc., 720 Frelinghuysen Ave., Newark, N.J. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 18535 (Sub-No. 62TA), filed September 5, 1975. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, St. Matthews, S.C. 29135. Applicant's representative: Lawrence M. Gressette, Jr., P.O. Box 346, St. Matthews, S.C. 29135. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, in bulk, in dump vehicles, between points in Chatham County, Ga., and points in South Carolina, for 180 days. Supporting shipper: Flintkote Company, P.O. Box 1526, Savannah, Ga. 31402. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 30844 (Sub-No. 550TA), filed September 8, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Loose books and such materials and supplies* as are used by schools and libraries when transported in vehicles equipped with mechanical heating units, from (1) Amherst, Ashburnham, Boston, Burlington, Cambridge, Clinton, Lawrence, Lee, Lexington, Newton, Reading, Springfield, Waltham, Wellsley Hills, Mass., to Jersey City, N.J.; Commerce and Atlanta, Ga.; Clarksville, Tex.; Momence, Ill.; Nashville, Tenn.; Little Rock, Ark.; Allentown, Pa.; Cedar Falls, Iowa; Reno, Nev.; and (2) from Jersey City, N.J.; Philadelphia, and Scranton, Pa.; Binghamton, Buffalo and Syracuse, N.Y.; Westminster, Md., to Commerce, Ga.; Atlanta, Clarksville, Tex.; Momence, Ill.; Nashville, Tenn.; Little Rock, Ark.; Allentown, Pa.; Cedar Falls, Iowa; Reno, Nev., restricted to shipments originating at or destined to warehouses and facilities utilized by Baker origins and destinations, for 180 days. Supporting Shipper: Baker & Tylor Companies, Division, W. R. Grace Company, 1515 Broadway, New York, N.Y. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 33919 (Sub-No. 12TA), filed September 5, 1975. Applicant: FAIRCHILD GENERAL FREIGHT, INC., P.O. Box 1649, Yakima, Wash. 98907. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from ports of entry, between the United States and Canada Boundary line, near Oroville, Wash., to Anaheim, Calif., for 180 days. Supporting shipper: Consumers Glass Company Limited, Lavington, British Columbia, Canada. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 103498 (Sub-No. 46TA), filed September 8, 1975. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Box C, DeQueen, Ark. 71832. Applicant's representative: Bruce J. Kinnee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive parts and accessories* in containers and (2) *Empty containers*, between Laredo, Tex., on the one hand, and, on the other, Houston, Tex., restricted to traffic having a prior or subsequent movement in Foreign Commerce, for 180 days. Supporting shipper: Central de Servicios de Carga de Nuevo Laredo, S. A. de C. V., Av., Cesar Lopaz de Lara No. 2840, Nuevo Laredo, Tamps. Mex. Send protests to: Willam H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 106278 (Sub-No. 42TA), filed September 8, 1975. Applicant: E. B. LAW AND SON, INC., P.O. Box 1381, Las Cruces, N. Mex. 88001. Applicant's representative: William J. Lippman, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc concentrates*, in bulk, from ASARCO Mill, N. Mex. (near Deming, N. Mex.), to El Paso, Tex., for 180 days. Supporting shipper: American Smelting and Refining Company, 405 Montgomery St., San Francisco, Calif. 94104. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 107295 (Sub-No. 773TA), filed September 8, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, netting, wire, fence stretchers, gates and posts* (except commodities which because of size or weight require the use of special equipment), from the plantsite and storage facilities of Sentry Fence Division of Texas Steel & Wire Corporation, at or near Houston, Tex., to La Habra, Calif., for 180 days. Supporting shipper: Michael R. Burke, Sales Manager, Sentry Fence Division of Texas Steel and Wire Corporation, 2002 Brittmore, Houston, Tex. 70043. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107295 (Sub-No. 774TA), filed September 8, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, or in sections*, (2) *building sections and building panels*, (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above, and (4) *metal prefabricated structural components and panels and accessories* used in the installation and completion thereof, from Houston, Tex., to points in Arizona, Alabama, Florida, Georgia, Kansas, Louisiana, Missouri, Minnesota, Mississippi, Nebraska, North Dakota, South Dakota, Oklahoma, and Wyoming, for 180 days. Supporting shipper: Homer L. Ballard, Manager Scheduling & Shipping, A & S Building Systems, P.O. Box 4009,

10555 Fisher Road, Houston, Tex. 77040. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 108703 (Sub-No. 29TA), filed September 8, 1975. Applicant: LEE & EASTES TANK LINES, INC., 2418 Airport Way South, Seattle, Wash. 98134. Applicant's representative: Jack R. Davis, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, in bulk, in tank vehicles, from Seattle and points in Benton County, Wash., to points in Oregon, Idaho and Montana, for 180 days. Supporting shipper: Liquid Air Inc., 3200 NW. Yeon Ave., Portland, Oreg. 97210. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 111729 (Sub-No. 572TA), filed September 8, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory samples and specimens*, between Albuquerque, N. Mex., and Santa Fe, N. Mex., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 90 days. Supporting shipper: Controls for Environmental Pollution, Inc., 1925 Rosina, Santa Fe, N. Mex. 87501. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112801 (Sub-No. 177TA), filed September 4, 1975. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Anthony T. Thomas, 6017 Cermak Road, Cicero, Ill. 60650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, salad oils, cooking oils, animal fats, and refined vegetable oils*, in bulk, in tank vehicles, from the plantsite and storage facilities of PVO International, Inc., at St. Louis, Mo., to points in Georgia, Florida, and North Carolina, for 180 days. Supporting shipper: PVO International, Inc., Joseph R. Masterson, Trans. & Distribution Mgr., 3400 N. Wharf, St. Louis, Mo. 63147. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 114274 (Sub-No. 34TA), filed September 4, 1975. Applicant: VITALIS TRUCK LINES, INC., 137 NE. 48th St. Place, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 180 North La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle caps*, from the facilities of Crown Cork and Seal Company, Inc., at Faribault, Minn., to the facilities of Mid-Continent Industries, Inc., at Des Moines and Cedar Rapids, Iowa, and Omaha, Nebr.; and *metal containers and ends*, from the facilities of Crown Cork and Seal Company at Faribault, Minn., and St. Louis, Mo., to the facilities of Mid-Continent Industries, Inc., at Des Moines, Iowa, for 180 days. Supporting shipper: Mid-Continent Industries, Inc., 1679 NE. 51st Ave., P.O. Box BJ, Des Moines, Iowa 50304. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 117119 (Sub-No. 547TA), filed September 2, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall coverings and equipment and supplies* used in distribution and manufacturing and installation thereof, from Hazelton (Hazel Township), Pa., to points in Arizona, California, and Oregon, for 180 days. Supporting shipper: American Cyanamid Company, Wayne, N.J. 07470. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118142 (Sub-No. 98TA), filed August 29, 1975. Applicant: M. BRUENGER & CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin; 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquets* (except in bulk), (1) from Jacksonville, Tex., to points in the United States (except Alaska and Hawaii), and return to Jacksonville, Tex.; and (2) from Paris, Ark., to points in the United States (except Alaska and Hawaii), and return to Paris, Ark., for 180 days. Supporting shipper: Forest Products Charcoal, 484 North Hollywood, Memphis, Tenn. 38111. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 118202 (Sub-No. 51TA), filed September 4, 1975. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing supplies and accessories*, from the plantsite and warehouse facilities of Powers-Fiat Corporation at or near Monroe, Ohio, to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Michigan, North Carolina, South Carolina, and Virginia), restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Powers-Fiat Corporation, at Monroe, Ohio, for 180 days. Supporting shipper: Powers-Fiat Corporation, One Michael Court, Plainview, N.Y. 11083. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 119880 (Sub-No. 72TA), filed September 3, 1975. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Peoria, Ill., and Delavan, Ill., to points on the United States-Canadian Border in the States of Montana, Idaho, and Washington, for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., D. J. Anderson, General Traffic Manager, Foot of Edmund St., Peoria, Ill. 61601. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 123778 (Sub-No. 29TA), filed September 8, 1975. Applicant: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, N.J. 07095. Applicant's representative: Morton E. Kiel, Suite 6f93, 5 World Trade Center. New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Washington, D.C., to Philadelphia, International Airport, Philadelphia, Pa., and Newark International Airport, Newark, N.J., and LaGuardia Airport and J. F. Kennedy International Airport, New York, N.Y., from Newark Airport, Newark, N.J., LaGuardia Airport and J. F. Kennedy International Airport, New York, N.Y., to points in Connecticut, New Jersey, that part of Pennsylvania on and east of U.S. Highway 15, that part of New York, on, east, and south of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 26 to junction New York Highway 17, near Vestal, N.Y., thence along New York Highway 17 to Binghamton, N.Y., thence along New York Highway 7 to Oneonta, N.Y., thence along New York Highway 28 to Kingston, N.Y., thence along the Hudson River to the Dutchess-Columbia County line, thence along the Dutchess-Columbia County line to the New York-Connecticut State line, and to Wilmington, Del., Baltimore, Md., and Washington, D.C.; from Baltimore-Washington International Airport in Maryland to Washington, D.C.; from Old Saybrook Conn., to New York, N.Y., Springfield, Mass., and Hartford, Conn.; *Empty Containers*, from Newark Airport, Newark, N.J., to Washington, D.C., under a continuing contract or contracts with McGraw-Hill Publications Company, for

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180 days. Supporting shipper: McGraw-Hill Publications Company, Director of Distribution, Jack J. Murphy, 1221 Avenue of the Americas, New York, N.Y. 10020. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 124964 (Sub-No. 22TA), filed September 8, 1975. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, Fla. 32726. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Juices, drinks, and concentrates*, not frozen, *and equipment, materials, and supplies* used in the manufacture and sale of juices, drinks, and concentrates (except in bulk), and (2) *Fruit salads*, in mixed loads with the commodities described in (1) above, between the facilities of Doric Foods Corporation, at Anaheim, Calif., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted to the transportation of shipments originating at or destined to the facilities of Doric Foods Corporation, at Anaheim, Calif. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts with Doric Foods Corporation of Mount Dora, Fla., for 180 days. Supporting shipper: Doric Foods Corporation, P.O. Box 986, Mount Dora, Fla. 32757. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 125935 (Sub-No. 9TA), filed September 8, 1975. Applicant: JOHNSON BROTHERS TRUCKING COMPANY, 501 East Spring St., Herndon, Va. 22070. Applicant's representative: James Anton, 1133 Munsey Bldg., 1329 E St., NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Top soil*, from points in Montgomery County, Md., to points in Washington, D.C., and Virginia, under a continuing contract or contracts with S & T Landscaping Company, for 180 days. Supporting shipper: S & T Landscaping Company, Ashburn, Va. Send protests to: Interstate Commerce Commission, 12th St. & Constitution Ave., NW., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 126276 (Sub-No. 137 TA), filed September 3, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, plastic products, and products produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from Louisville, Ky., to points in Alabama, Georgia, Florida, Iowa, Massachusetts, Maryland, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Texas and Virginia, under a continuing contract or contracts with Continental Can Company, Inc., for 180 days. Supporting shipper: Continental Can Company, Daniel J. Dorney, Manager of Distribution, 555 Continental Plaza, Three Rivers, Mich. 49093. Send protests to: Patricia A. Rosco, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128279 (Sub-No. 27 TA), filed September 9, 1975. Applicant: ARROW FREIGHTWAYS, INC., P.O. Box 25125, Albuquerque, N. Mex. 87125. Applicant's representative: Olif Q. Boyd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, materials and supplies* used in the installation and distribution thereof, from Albuquerque, N. Mex., to points in Utah, for 180 days. Supporting shipper: Republic Housing Corporation, American Plant, P.O. Box 6345, Station B, Albuquerque, N. Mex. 87101. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Bldg., 517 Gold Ave., SW., Albuquerque, N. Mex. 87101.

No. MC 128375 (Sub-No. 136 TA), filed September 9, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, devices, products, related items, parts thereof, and commodities* used by and dealt in by manufacturers thereof, moving in either carriers or shippers trailers (except in bulk and commodities which because of size or weight require the use of special equipment), between the facilities of General Electric Co., located at or near Salisbury, N.C., Hickory, N.C., and East Flat Rock, N.C., on the one hand, and, on the other, points in the United States on and west of the Mississippi River, the eastern boundaries of Wisconsin and Louisiana and the Upper Peninsula of Michigan, under a continuing contract with the General Electric Co., for 180 days. Supporting shipper: General Electric Company, 100 Woodlawn Ave., Pittsfield, Mass. 01201. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 128592 (Sub-No. 6 TA), filed September 3, 1975. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Rd., P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wiring devices and electrical and lighting equipment* (except commodities which by reason of size or weight require the use of special equipment), from Parkersburg, W. Va., to Sparks, Nev., under a continuing contract or contracts with Union Insulating Co., Inc., for 180 days. Supporting shipper: Union Insulating Co., Inc., P.O. Box "B", Parkersburg, W. Va. 26101. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 134408 (Sub-No. 5 TA), filed September 5, 1975. Applicant: SARCHFIELD TRANSFER, LTD., Box 84, Simonds Road, Hartland, New Brunswick, Canada. Applicant's representative: Peter L. Murray, 30 Exchange St., Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from ports of entry on the United States-Canadian boundary line at or near Houlton, Calais, Vanceboro and Madawaska, Maine, to points in Tennessee, Alabama, Kentucky, Indiana, Michigan, Illinois, Wisconsin and Missouri, for 180 days. Supporting shippers: (1) H. S. Gill & Sons, Ltd., 69 City View Ave., Fredericton, New Brunswick, Canada; (2) Great Northern Fence Company, 1 Holland Ave., Floral Park, N.Y. 11001; (3) Berlon, Inc., Notre-Dame du Lac, Temiscouata, Quebec, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl St., Poarland, Maine 04111.

No. MC 136211 (Sub-No. 32TA), filed September 5, 1975. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: T. M. Brown, 223 Cuidad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings*, (1) between the facilities of Alpert's Warehouse Showroom of Albany, Inc., located at or near Colonie, N.Y., on the one hand, and, on the other, points in Vermont, Massachusetts, and that part of Connecticut on, west, and north of a line beginning at the Massachusetts-Connecticut State line and Interstate Highway 91, thence along Interstate Highway 91 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Connecticut-New York State line; and (2) between the facilities of Alpert's of Ohio, Inc., located at or near North Randall, Ohio, on the one hand, and, on the other,

points in New York and that part of Pennsylvania on and west of U.S. Highway 15, under a continuing contract or contracts with Alpert's of Ohio, Inc., and Alpert's Warehouse Showroom of Albany, Inc., for 180 days. Supporting shippers: Alpert's of Ohio, Inc., 100 Highland Ave., Seekonk, Mass. 02771. Alpert's Warehouse Showroom of Albany, Inc., 100 Highland Ave., Seekonk, Mass. 02771. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 136213 (Sub-No. 5TA), filed September 9, 1975. Applicant: MIDCO DISTRIBUTING, INC., P.O. Box 910, Middlebury, Ind. 46540. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk) and (2) *deicing compounds* (except commodities in bulk), between points in the United States (except Alaska, Connecticut, Florida, Hawaii, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), under continuing contract or contracts with Little Crow Milling Company, Inc., at Warsaw, Ind. Restriction: The services authorized herein are restricted to the transportation of traffic originating at or destined to the facilities of Little Crow Milling Company, Inc., at Warsaw, Ind. for 180 days. Supporting shipper: Little Crow Milling Company, Inc., Warsaw, Ind. 46580. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 136399 (Sub-No. 3 TA), filed September 9, 1975. Applicant: MARK III TRUCKING, INC., 335 18th Street, Dunbar, W. Va. 25064. Applicant's representative: Jackie H. Browning (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and retail merchandise*, from Dunbar Storage Warehouse, Dunbar, W. Va., and Grand Central Mall, near Parkersburg, W. Va., to points in Monroe, Morgan, Noble, Washington, Athens, and Meigs Counties, Ohio, and *rejected merchandise*, from points in Monroe, Morgan, Noble, Washington, Athens, Meigs Counties, Ohio, to Grand Central Mall, near Parkersburg, W. Va., and Dunbar Storage Co., Dunbar, W. Va., under a continuing contract with Kelly & Cohen, Division of SCOA Industries, Inc., for 180 days. Supporting shipper: Kelly & Cohen, Division of SCOA Industries, Inc., 3220 West Liberty Ave., Pittsburgh, Pa. 15216. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 136661 (Sub-No. 2TA), filed September 5, 1975. Applicant: Robert J. Grall, P.O. Box 313, Manitowoc, Wis. 54220. Applicant's representative: Richard C. Alexander, 710 North Plankinton, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum siding*, and (2) *accessories* for the commodities in (1) above, from Ocnomowoc, Wis., to points in Colorado, under a continuing contract or contracts with Mirro Aluminum Company, for 180 days. Supporting shipper: Mirro Aluminum Company, Manitowoc, Wis. 54220. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807 Milwaukee, Wis. 53203.

No. MC 136786 (Sub-No. 83TA), filed September 8, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Ave., NW., New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 3033 Excelsior Blvd., Suite 205, Minneapolis, Minn. 55416. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cordage products*, from Kingman, Kans., to points in the United States (except Connecticut, Iowa, Illinois, Nebraska, New Jersey and New York), for 180 days. Supporting shipper: Exxon Chemical Company U.S.A., P.O. Box 9, Tracy, Minn. 56175. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138308 (Sub-No. 8 TA), filed September 3, 1975. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of Scott Paper Company, at Mobile, Ala., to points in Los Angeles County, Calif., for 180 days. Supporting shipper: Scott Paper Company, Scott Plaza 1, Philadelphia, Pa. 19113. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 138658 (Sub-No. 2 TA), filed September 8, 1975. Applicant: CROSS TRANSPORTATION, INC., 100 Factory St., Lewis, Kans. 67552. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic cylindera and component parts thereof*, between the plantsite and/or storage facilities of Cross Manufacturing, Inc., at/or near Greensburg, Kans., on the one hand, and, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Provo and Nephi, Utah, on the other; (2) *raw castings*, between Camden, Tenn.; Bentonville, Ark.; and Dewey, Okla., on the one hand, and, the plantsite and/or storage facilities of Cross Manufacturing, Inc., at or near Lewis, Hays, Pratt, Finsley and Greensburg, Kans., and Lamar, Colo., on the other;

(3) *Steel tubes, bars and plates, and raw castings*, between points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, Utah, and Texas, on the one hand, and the plantsite and/or storage facilities of Cross Manufacturing, Inc., at or near Greensburg, Kans., on the other; (4) *hydraulic cylinders, fittings, adapters, valves, pumps and motors; hydraulic coupling equipment and component parts of hydraulic cylinders, fittings, adapters, valves, pumps and motors; steel tubes, bars and plates and raw castings*, between the plantsite and/or storage facilities of Cross Manufacturing, Inc., at or near Greensburg, Kans., on the one hand, and, the plantsite and/or storage facilities of Cross Manufacturing, Inc., at or near Lamar, Colo., on the other, all under a continuing contract with Cross Manufacturing, Inc., of Lewis, Kans.; (5) *hydraulic cylinders, fittings, adapters, valves, pumps and motors and hydraulic coupling equipment*, between the plantsite and/or storage facilities of Cross Hydraulics, Inc., at or near Bay Springs, Miss., on the one hand, and points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Provo and Nephi, Utah, on the other; (6) *steel tubes, bars and plates and raw castings*, between points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, Utah, and Texas, on the one hand, and, the plantsite and/or storage facilities of Cross Hydraulics, Inc., at or near Bay Springs, Miss., on the other; (7) *raw castings*, between Camden, Tenn.; Bentonville, Ark., and Dewey, Okla., on the one hand, and, the plantsite and/or storage facilities of Cross Hydraulics, Inc., at or near Bay Springs, Miss., on the other, all under a continuing contract with Cross Hydraulics, Inc., of Bay Springs, Miss., for 180 days. Supporting shippers: Cross Manufacturing, Inc., 100 Factory St., Lewis, Kans. 67552. Cross Hydraulics, Inc., 100 Factory St., Lewis, Kans. 67552. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Com-

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mission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 138831 (Sub-No. 1 TA), (Correction) filed August 20, 1975, published in the FEDERAL REGISTER issue of September 2, 1975, and republished as corrected this issue. Applicant: JOHNNY JOHNS, doing business as J & J HAULING, 3 Midlang Ave., Elmwood Park, N.J. 07407. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, materials, equipment, and supplies* used in the manufacture, use and sale thereof (except commodities in bulk), (1) from Champlain, N.Y. to Bensonville, Ill.; Secaucus, N.J., Westwood, Mass., and Enid, Okla., and (2) from Enid, Oklahoma, to Bensonville, Ill., Secaucus, N.J., and Westwood, Mass., under a continuing contract with Raleigh Industries of America, Incorporated, for 180 days. Supporting shipper: Raleigh Industries of America, Incorporated, 1170 Commonwealth Ave., Boston, Mass. 02134. Send protest to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102. The purpose of this correction is to show the correct territorial description.

No. MC 140615 (Sub-No. 5TA), filed September 4, 1975. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unedible food products*, in vehicles equipped with mechanical refrigeration equipment, from Hainesport, N.J. to Davenport, Iowa, for 180 days. Supporting shipper: Black Diamond/Emco Div., Brook Bond Foods, Inc., P.O. Box 274, Hainesport, N.J. 08036. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140760 (Sub-No. 4TA), filed September 4, 1975. Applicant: GROSKI BULK TRANSPORT, INC., 21635 E. Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, including alcoholic spirits and wines*, in bulk, in tank vehicles, from ports of entry on the International Boundary, between the United States and Canada, located in North Dakota and Minnesota, to points in Indiana, for 180 days. Supporting shipper: Joseph E. Seagram & Son, Inc., James V. Fazzolari, Rate & Export Supervisor, 800 3rd Ave., New York, N.Y. 10022. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 141212 (Sub-No. 1TA), filed September 5, 1975. Applicant: STATEWIDE TRUCKING CO., 1801 W. Oxford, P.O. Box 1116, Englewood, Colo. 80110. Applicant's representative: Robert G. Shepherd, Jr., Suite 2314, Prudential Plaza, 1050 17th St., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, fence materials, and supplies*, between points in the Denver, Colo., commercial zone, on the one hand, and, on the other, points in Kansas (west of U.S. Highway 281), in Nebraska (west of U.S. Highway 281), in the Counties of Goshen, and Laramie in the State of Wyoming and in the town of Laramie, Wyo., and a 5 mile radius thereof, for 180 days. Supporting shippers: Hartmuller Lumber Company, 1741 S. Wadsworth Blvd., Denver, Colo. Denver Reserve Supply Company, 555 W. 48th Ave., Denver, Colo. Gittings Lumber Co., Inc., 4501 Wynkoop St., P.O. Box 16363, Denver, Colo. Richardson Lumber Company, 601 W. 48th Ave., Denver, Colo. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 141287 (Sub-No. 1 TA), filed September 3, 1975. Applicant: JEROME DULAS, doing business as DULAS EXCAVATING AND TRUCKING, P.O. Box 151, Wells, Minn. 56097. Applicant's representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone aggregate*, from the quarries of Martin Marietta Corporation, at or near Fertile, Iowa to Wells, Minn., for 180 days. Supporting shipper: Wells Concrete Products Company, Wells, Minn. 56097. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141291 TA, filed September 4, 1975. Applicant: T & B LEASING, INC., P.O. Drawer 590, LaFauette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1242 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals, including wood chips, sawdust, wood shavings, bark, wood particles and sawmill waste*, from Talladega, Ala., to points in Georgia and Tennessee, for 180 days. Supporting shipper: Georgia-Pacific Corp., P.O. Box 520, Crossett, Ark. 71635. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 141292 TA, filed September 2, 1975. Applicant: MICHAEL J. LIPARI, doing business as LIPARI TRUCKING CO., 314 Glen Ridge Ave., Temple Terrace, Fla. 33617. Applicant's representative: John C. Vogt, Jr., 523 E. Madison St., Tampa, Fla. 33602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recycled wastepaper and related waste materials*, from points in Florida, to points in Georgia, North Carolina, South Carolina, Alabama, Mississippi, and Tennessee, under a continuing contract or contracts with Durgin Paper Co., for 180 days. Supporting shipper: Durbin Paper Co., 6210 North 53d St., Tampa, Fla. 33610. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53d Terrace, Miami, Fla. 31166.

No. MC 141293 TA, filed September 4, 1975. Applicant: J. R. R. W. TRANSPORT, INC., Iowa City, Iowa 52240. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined corn products*, in packages and containers, and powdered milk, when moving in the same vehicle and at the same time as refined corn products; (1) from Decatur, Ill., to Iowa City, Iowa, and (2) from Iowa City, Iowa to points in Arkansas, Illinois, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, under a continuing contract or contracts with J. M. Swank Co., Inc., for 180 days. Supporting shipper: J. M. Swank Co., Inc., 615 Highway 6 By Pass, Iowa City, Iowa 52240. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 141295 TA, filed September 3, 1975. Applicant: EMIL A. JOHNSON, doing business as CHIEF TRUCKING CO., 1767 South Redwood St., Escondido, Calif. 92025. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from points in Gillespie County, Tex., to Escondido and Riverside, Calif., and to the National Quarries plantsite near San Marcos, Calif., and the Bruner Pacific Marble & Granite, Inc., plantsite near Cucamonga, Calif., under a continuing contract or contracts with National Quarries, for 180 days. Supporting shipper: Robert N. Johnson and Emil A. Johnson, doing business as National Quarries, P.O. Box 487, Escondido, Calif. 92025. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141297 TA, filed September 5, 1975. Applicant: UNITED INDUSTRIES, INC., 487 Parish St., Houston, Miss. 38851. Applicant's representative: W. DeWayne Griffin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from Maben, Miss., to Miami, Fla.; Boston, Mass.; Detroit, Mich.; Minneapolis, Minn.; San Francisco, Calif.; San Antonio, Tex.; Fort Worth, Tex.; Oklahoma City, Okla.; and Kansas City, Kans., under a continuing contract or contracts with Maben Manufacturing, Inc., and Shannon Chair Company, for 180 days. Supporting shippers: Maben Manufacturing, Inc., 375 Oswalt Drive, Maben, Miss. 39750; Shannon Chair Company, 1st Ave., North, Houston, Miss. 38851. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

APPLICATIONS OF PASSENGERS

No. MC 141294 TA, filed September 3, 1975. Applicant: GETTYSBURG TOURS, INC., 302 York St., Gettysburg, Pa. 17325. Applicant's representative: James D. Campbell, Jr., Six North Third St., P.O. Box 840, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in the Borough of Gettysburg and the Townships of Highland, Liberty Freedom, Mount Joy, Mount Pleasant, Hamiltonban, Cumberland, Franklin and Straban, all in Adams County, Pa., and extending to points in the Town of Emmitsburg and Voting District No. 5, Frederick County, Md., for 180 days. Supporting shippers: There are approximately 8 statemcnts of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25054 Filed 9-18-75;8:45 ah]

No. MC 141296 TA, filed September 2, 1975. Applicant: GARRETT COUNTY COMMISSION ON AGING, INC., doing business as THE GARRETT BUS SYSTEM, 202 East Alder St., Oakland, Md. 21550. Applicant's representative: Fred G. Mullich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in charter operation, utilizing three nineteen-passenger coach vehicles, from points in Garrett County, Md., to points in Pennsylvania, New Jersey, Delaware, Virginia, West Virginia, the District of Columbia, New York (except points north of Interstate No. 90 from the Massachusetts border to its intersection with Interstate No. 81 at Syracuse); Ohio (except points west of Interstate No. 75); Kentucky (except points west of Interstate No. 75); Tennessee (except points west of Interstates No. 75 and No. 26); North Carolina (except points southwest of Interstate No. 26), for 180 days. Supporting shippers: Garrett County Child Development Project, McLaughlin Bldg., Oakland, Md. 21550. Garrett County, Maryland Comunity Action Comm., P.O. Box 149, Oakland, Md. 21550. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25054 Filed 9-18-75;8:45 am]

[Notice No. 81]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 19, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76091. By application filed September 12, 1975, KODIAK TRANSFER, INC., doing business as KODIAK TRANSFER COMPANY, P.O. Box 347. Kodiak, AK 99615, seeks temporary authority to lease the operating rights of DANIEL ENSSLIN, doing business as KODIAK TRANSFER COMPANY, 1330 Buchanan, Marysville, CA 95901, under section 210a(b). The transfer to KODIAK TRANSFER, INC., doing business as KODIAK TRANSFER COMPANY, of the operating rights of DANIEL ENSSLIN, doing business as KODIAK TRANSFER COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25049 Filed 9-18-75;8:45 am]

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federal register

FRIDAY, SEPTEMBER 19, 1975



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

LOW INCOME HOUSING

Indian Housing

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 805]

[Docket No. R-75-353]

INDIAN HOUSING

Proposed Rulemaking

Notice is hereby given that the Department of Housing and Urban Development ("HUD") proposes to amend 24 CFR, Chapter VIII by adding a new Part 805, Indian Housing. The regulations will be applicable to housing developed or operated by an Indian Housing Authority ("IHA") with assistance from HUD under the U.S. Housing Act of 1937 ("Act").

The new HUD Indian housing regulations are the result of a complete review of the HUD Indian housing programs, including extensive consultations with Indian housing associations and IHAs, and with other concerned Indian people. Recommendations for revisions in the HUD programs have been made to HUD during many recent Indian housing conferences, and at other meetings between Indian representatives and the Department. A prior draft was sent for review to all IHAs. Extensive changes have been made in response to the many written and oral comments, suggestions, and recommendations received by HUD.

Indian representatives have often expressed the need for better coordination between HUD and the other federal agencies providing assistance for Indian housing, and for revision of outdated interdepartmental agreements between HUD, the Department of the Interior (Bureau of Indian Affairs) and the Department of Health, Education, and Welfare (Indian Health Service). This need has been recognized by these federal agencies. Accordingly, the final drafting of these proposed regulations as well as of a proposed new interdepartmental agreement, was accomplished by an interdepartmental working group consisting of representatives of HUD, the BIA and the IHS, and the proposed new agreement is included in these proposed regulations (Subpart B—Appendix I). This proposed interdepartmental agreement provides among other things a specific mechanism for coordination of assistance from the federal agencies, by requiring that at the beginning of project development representatives of the IHA must meet with representatives of HUD, BIA, IHS and other involved agencies to agree upon a plan for coordination, and to establish a schedule of actions to be taken during the total project development period, which schedule can be departed from only by a justification in writing.

The Act provides a set-aside of $15 million of contract authority as of July 1, 1974, and an additional $15 million as of July 1, 1975, for Indian housing other than housing under the Section 8 housing assistance payments program. These proposed regulations cover only non-section 8 housing developed by an IHA under the rental or homeownership opportunity programs, including housing under the set-asides. Any Indian housing provided under Section 8 will be in addition to assistance provided under the Indian set-asides.

The following is a brief summary of significant features of the proposed Indian Housing regulations:

1. The proposed regulations are applicable to projects of IHAs (see definition in § 805.101(a)(1)), including IHAs formed under a tribe's governmental powers independent of state law and IHAs formed under state legislation (see §§ 805.101(a)(1), 805.105). Although a form of Tribal Ordinance is prescribed for the establishment of a housing authority by a tribe (§ 805.106 and Subpart A—Appendix I), the regulations do not prescribe procedures for the formation of housing authorities under state law, since such procedures must be in accordance with the law of the particular state.

2. The proposed regulations do not state all of the HUD requirements and regulations applicable to the development or operation of IHA projects (§ 805.101(b)). The regulations provide a comprehensive statement only of the special policies and procedures for Indian housing. Requirements applicable to non-Indian PHAs generally are also applicable to IHAs unless otherwise provided in this Part, or unless IHAs are excluded under the terms of the applicable issuance or regulations.

3. Title VI of the Civil Rights Act of 1964 (non-discrimination in federally assisted programs), and Title VIII of the Civil Rights Act of 1968 (non-discrimination in housing), and HUD requirements under Title VI and Title VIII, do not apply to IHAs established under a tribe's powers of self-government (§ 805.104(b)). Instead, these IHAs are subject to the Indian Civil Rights Act (Title II of the Civil Rights Act of 1968), which prohibits denial of due process or equal protection to persons within the jurisdiction of a tribe (§ 805.104(a)). This constraint applies to all IHA actions, including selection of tenants or homebuyers (§ 805.104(c)), IHA grievance procedures (§ 805.302), and termination of a Mutual Help homebuyer's agreement (§ 805.421(b)).

4. In accordance with Section 7(b) of the Indian Self-Determination and Education Assistance Act, the proposed regulations provide (§ 805.104(e)) that an IHA must give employment preference to Indians in direct IHA employment, and that each contractor or subcontractor must also give employment preference to Indians. In addition, an IHA must give preference in the award of contracts to Indian enterprises, and IHA contractors must give Indian preference in the award of subcontracts.

5. Under § 805.203(e) an IHA may ask for HUD approval to negotiate a construction contract for the purpose of providing preferences and opportunities for training and employment for Indians, or other economic benefits for Indians. The proposed contractor must submit a statement showing the interest of each Indian principal, and the extent of subcontracting to Indian and non-Indian subcontractors.

6. Section 805.203(f) provides that the force account method may be used only in exceptional cases with the approval of the HUD Assistant Secretary for Housing Production and Mortgage Credit.

7. Many IHAs have asked for faster processing of applications, and for steps to minimize delays in project completion. Section 805.205(b)(1) provides that HUD must notify an IHA of its action on an application as promptly as possible after receiving the application. Also, as noted above, the interdepartmental agreement establishes a new mechanism for establishing and adhering to project schedules.

8. Sections 805.206 (a) and (b) provide that IHA applications for new projects will not be approved unless HUD determines, after considering the IHA's past performance, that the IHA is capable of administering the development and operation of the proposed project in compliance with all HUD requirements.

9. Comments from HUD field offices and from IHAs have indicated the need for better construction inspection, and for clarification of the procedures and responsibilities for inspection. Sections 805.217 and 805.414 expressly confirm that the IHA is responsible for construction inspection, and provide for better inspection during the construction period, and for periodic inspections during the first year after acceptance.

10. Section 805.215 provides that, except for unusual situations requiring special HUD approval, an Annual Contributions Contract for a rental project shall not be approved unless the aggregate rental payments from the tenants are expected to meet operating expenses. Rental payments for such projects are subject to the minimum and maximum rental provisions set forth in section 3 (1) of the Act.

11. Mutual Help projects are not subject to the minimum or maximum rental provisions of section 3(1) of the Act, because section 203 of Title II of the Housing and Community Development Act of 1974 provides that:

> The rental or income contribution provisions of the United States Housing Act of 1937 . . . shall not preclude the use of special schedules of required payments . . . for participants in mutual help housing projects . . .

Section 805.406(b) provides that a family may be selected for a Mutual Help project even if the Administration Charge plus utilities, or the Administration Charge alone, would exceed 25 percent of family income, if the family can be reasonably expected to pay the Administration Charge and meet its other obligations under a Mutual Help and Occupancy Agreement, in the light of the family's past history, or the family's ability to supplement its income by providing food, fuel or other necessities.

Accordingly, an Annual Contributions Contract for a Mutual Help project can be approved if there is a sufficient market of low income families factually able to meet the Administration Charge and perform the other obligations of a homebuyer family. This requirement may be modified in unusual cases requiring HUD approval.

12. Individual equity credit for the amount of a payment in excess of the Administration Charge is an important feature of the old Mutual Help program, and is continued in the revised program (§§ 805.413(b), 805.413(f), 805.418).

13. Under section 6(c)(4)(B) of the Act an Annual Contributions Contract must include provisions obligating the housing authority to comply with procedures prescribed by HUD to assure the prompt payment and collection of rents and the prompt processing of evictions in the case of nonpayment of rent. Failure of IHAs to proceed vigorously to collect delinquent rents and homebuyer payments, or to evict tenants who fail to remedy serious delinquencies, has been a serious problem of the Indian housing program. The following provisions of the regulations are designed to carry out the statutory directive to remedy this situation:

(a) Section 805.206(a) provides that HUD will not approve an application for a new project unless it is determined that the IHA has a satisfactory procedure for assuring prompt payment of amounts due, and for eviction of nonpaying families.

(b) The form of Tribal Ordinance for formation of tribal housing authorities (Subpart A—Appendix I) has been modified to confirm the power of the IHA to terminate a lease or homeownership agreement for violation of a tenant's obligations, and to bring actions for eviction (§ 805.106(e)(2)(v)). The provisions for cooperation by the tribal government have also been modified to provide that the powers of the tribal government and the tribal courts or courts of Indian offenses shall be vigorously used to enforce eviction for nonpayment or other contract violations (§ 805.106(e)(2)(vii)).

(c) Section 805.303 of the regulations provides that IHA must adopt, and use best efforts to obtain compliance with, a policy to assure prompt payment and collection of rents and required homebuyer payments, and the prompt processing of evictions for nonpayment.

14. Some comments have recommended the elimination of maximum income limits for admission to IHA projects, and have noted that home financing is generally unavailable on Indian trust lands regardless of income. This cannot be done because the Act (section 3) requires the establishment of admission income limits to be fixed by the public housing agency and approved by HUD, and provides that admission must be limited to families of low income who cannot afford to pay enough to cause private enterprise to build an adequate supply of decent, safe and sanitary dwellings for their use. The proposed regulations provide that an IHA may establish income limits up to the maximum permitted by the Act, and that HUD shall approve the IHA's proposed schedule of maximum admission income limits unless the determination of these limits was arbitrary and capricious (§ 805.301(a)). The unavailability of private financing for housing on restricted land may be considered in making the determination whether private enterprise will build an adequate supply of decent, safe and sanitary housing.

15. Each family admitted to a Mutual Help project must agree to make a contribution to be used in the development of the project (§ 805.408). The proposed regulations give maximum flexibility in the form of contribution, allowing contributions in the form of work, land, materials, equipment, or cash.

16. Each homebuyer is required to make a minimum contribution (§ 805.408(b)). If the homebuyer contributes land valued at $2,500 or more, no other contribution is required (but the credit for land may not be more than $2,500). If the homebuyer does not contribute land, he must make a contribution of work, cash, materials or equipment of at least $1,500. If the homebuyer contributes both land and some other form of Mutual Help contribution, the part of the land credit that exceeds $1,000 will reduce, dollar for dollar, the amount of the other form of contribution the homebuyer must furnish.

17. All maintenance of a Mutual Help home, and provision of utilities, are the responsibility of the homebuyer (§§ 805.415, 805.416(c), 805.418(d)). Where a homebuyer fails to provide his required maintenance, the IHA may perform the maintenance in accordance with a plan agreed to by the homebuyer and the IHA, using the homebuyer's equity or Mutual Help credits (§§ 805.415(a)(3)(i), 805.418(d)).

18. Under the old Mutual Help program, a homebuyer could buy his home only by paying the outstanding balance of development debt attributable to the home. The computation of the amortization or debt attributable to the home is complex, and there has been considerable uncertainty and lack of uniformity as to the proper way of performing these operations. A homebuyer could not be informed in advance of the exact sum necessary to buy his home at any future time. Under § 805.419 of the proposed regulations, a homebuyer may buy his home by paying the balance on a 25-year amortization schedule showing predetermined monthly reductions in the initial price of the home. This initial price is determined by a simple formula which allocates to the home its reasonable share of the total project cost. The 25-year period approximates the period during which HUD is obligated to pay annual contributions, but the purchase price schedule is not required to conform to the actual rate at which the project debt is paid off. A homebuyer gets equity credit for the monthly amortization shown on his schedule, and for his Mutual Help contribution, and any required or voluntary equity payments (§§ 805.418(e), 805.419(b)(3), 805.419(d)).

19. Section 805.420 provides for IHA financing of the purchase by a homebuyer of his home by way of a purchase money mortgage for the unamortized balance of the purchase price. At the present time a homebuyer pays the purchase price of his home by application of any available credits in certain accounts, and by payment of cash for any balance. Private financing is generally unavailable on Indian trust lands. Before enactment of the Housing and Community Development Act of 1974, the annual contributions commitment had to be terminated upon conveyance of title to the homebuyer. Section 5(h) of the U.S. Housing Act, as amended in 1974, provides new statutory authority allowing HUD to continue the annual contributions commitment for debt service after conveyance of a home. Under the IHA mortgage plan a homebuyer would be making monthly payments in an amount sufficient to cover principal and interest on the mortgage debt. If, however, his income should drop so that he is unable to make the full payment, he would pay in accordance with his financial ability, and the annual contribution would be available to supply the deficiency.

20. Section 805.425 states the procedures for conversion of existing projects to the new Mutual Help program. Conversion may be accomplished only with the consent of the IHA, and all the participants in a project. The result of this requirement is that projects will consist wholly either of homebuyers under the old form of Mutual Help and Occupancy Agreement, or wholly of families under the new form of agreement. Under this policy, hold-out families can prevent a conversion desired by a great majority of the families. This is a very troublesome area on which recommendations would be welcomed. HUD recognizes that it is technically possible to continue the hold-out families under the old agreements, but this would involve accounting and legal difficulties which HUD believes cannot be met by the personnel and funds available.

21. Certain advantages of the new Mutual Help program have been discussed above, in particular the new method for determining purchase price, and the new IHA purchase money financing. The following differences between the old and new Mutual Help programs should also be noted:

(1) *Required Equity Payments.* In the old program required equity payments are temporarily deposited in a homebuyer account which may be used for payment of maintenance expenses. However, at the end of the fiscal year, the balance in this account in excess of $200 is applied to project debt. In the new program required equity payments are retained and invested by the IHA (§ 805.418(c)(3)). The Fund, including interest, may be used to pay for maintenance (paragraphs 415(a)(3), 418(d)(1)). If the homebuyer's agreement is terminated, a portion of his equity payments may be refunded (§§ 805.415(a)(3)(ii), 805.418(f)).

(2) *Voluntary Equity Payments.* In the old program voluntary equity payments cannot be used for maintenance. In the new program voluntary equity payments are retained and invested, and

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the whole amount, including interest, may be used for maintenance (§ 805.418 (d)).

(3) *Mutual Help Contribution.* In the old program the only portion of the Mutual Help contribution available for maintenance of the home, or for refund if the homebuyer's agreement is terminated, is the amount by which the family's Mutual Help contribution (but not including the tribal contribution) exceeds a prescribed minimum equal to 10 percent of the cost of the home. This excess may be as little as $200 (or nothing in some cases). In the new program the portion of the total Mutual Help contribution in excess of a prescribed minimum of $500 is available to pay for maintenance expenses. If the homebuyer's agreement is terminated, the IHA may refund the portion of the family's Mutual Help contribution not credited against the $500 prescribed minimum or used for maintenance, but any tribal contribution is not refunded (§ 805.418).

(4) *Maintenance and Refund.* In the new Mutual Help program the total amount potentially available for maintenance of the home consists of:

a. Mutual Help contribution (including tribal contribution) over a prescribed minimum of $500

b. Required equity payments;

c. Voluntary equity payments;

d. Investment income on b and c.

If a project is converted, substantial additional funds will automatically become available for maintenance of homes, or for refund to a terminated homebuyer, because the difference between the old and new prescribed minimums may then be used. For example, assume a per unit total development cost of $15,000 and a family Mutual Help contribution of $1,700 (10 percent plus $200). If the IHA has drawn against the family's Mutual Help contribution for a total of $200, money for maintenance or refund is exhausted (leaving a Mutual Help contribution balance of $1500). However, by application of the new prescribed minimum, an additional $1000 is automatically available for these purposes.

22. The proposed regulations do not allow for new IHA projects under the Turnkey III homeownership program. Consideration was given to adapting the Turnkey III program for IHAs, but it was determined that the needs of the Indian people could more adequately be met by modifications in the Mutual Help program. The following points should be noted:

(a) Cash is now allowed as a Mutual Help contribution. Thus a family which is unable to perform Mutual Help work can participate in the program if it is able to make the minimum contribution in cash, from earnings or otherwise.

(b) In the Mutual Help program a homebuyer paying more than the amount necessary for IHA administration gets equity credit for the full amount of the excess. In Turnkey III the homebuyer cannot receive more equity credit than the amount provided for maintenance.

(c) As noted above, under the old Mutual Help program required equity payments were used to pay off project debt, and were not refunded to a terminated homebuyer. In Turnkey III a terminated homebuyer can receive a refund equal to the amounts provided for routine maintenance of the home. Under the new Mutual Help Program a terminated homebuyer can be paid the balance of equity payments up to the amount allowed for all maintenance of the home, routine and non-routine.

The following appendices are referred to, but not included in these proposed regulations:

Subpart D—Appendix I—Mutual Help and Occupancy Agreement.
Subpart D—Appendix II—Annual Contributions Contract for Mutual Help Project.
Subpart D—Appendix III—Mutual Help Conventional Construction Contract.
Subpart D—Appendix IV—Mutual Help Turnkey Contract of Sale.
Subpart D—Appendix V—Counseling and Training.

Interested parties are invited to submit written comments and suggestions regarding the proposed Indian Housing Regulations by November 10, 1975, addressed to the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All material will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

The Department of Housing and Urban Development has determined that an Environmental Impact Statement is not required with respect to these proposed regulations. The Findings of Inapplicability is available for inspection with the Rules Docket Clerk at the above address.

It is therefore proposed to amend 24 CFR, Chapter VIII by adding a new Part 805, Indian Housing as follows:

PART 805—INDIAN HOUSING

Subpart A—General

Sec.
805.101 Applicability and scope.
805.102 Types of low income housing projects.
805.103 Assistance from Indian Health Service and Bureau of Indian Affairs.
805.104 Equal opportunity.
805.105 Participation of Indian housing authorities under state law or tribal law.
805.106 Procedures for establishment of Indian housing authorities by tribal ordinance independent of state law.
805.107 Tenant or homebuyer commissioners.

Appendix I—Tribal ordinance.
Appendix II–A—Model transcript for the organization of an IHA by tribal ordinance.
Appendix II–B—Instructions for submission of IHA organization documents.

Subpart B—Development

805.201 Roles and responsibilities of Federal agencies.
805.202 Compliance with certain Federal requirements.
805.203 Production methods.
805.204 Allocations of contract authority.
805.205 Application for project.
805.206 Prerequisites for application approval.
805.207 Preliminary loans.
805.208 HUD's minimum property standards.
805.209 Prototype costs in Indian areas.
805.210 Development cost.
805.211 Design for economy in fuel consumption.
805.212 Site selection.
805.213 Use of leased land as project site.
805.214 Site approval.
805.215 Financial Feasibility of Rental Projects.
805.216 Appraisals.
805.217 Construction inspection.
805.218 Costs to correct deficiencies.

Appendix I Interdepartmental Agreement on Indian Housing.

Subpart C—Operation

805.301 Admission policies.
805.302 Grievance procedures.
805.303 Rent and homebuyer payment collection policy.
805.304 Maintenance policy.
805.305 Supply management policy.
805.306 Correction of serious management deficiencies.

Subpart D—Mutual Help Homeownership Opportunity Program

805.401 Scope and applicability.
805.402 Definitions.
805.403 Contractual framework.
805.404 Special provisions for development of an MH project.
805.405 Financing of development cost.
805.406 Selection of MH homebuyers.
805.407 Counseling of homebuyers.
805.408 MH contribution.
805.409 MH work contribution.
805.410 Relationship with contractor.
805.411 Dispositions of contributions on termination before date of occupancy.
805.412 Actions upon completion; Commencement of occupancy.
805.413 Required monthly payments.
805.414 Inspections; Responsibility for items covered by warranty.
805.415 Maintenance, utilities, care and use of home.
805.416 Administration charge and operating expense.
805.417 Operating reserve.
805.418 Homebuyer's reserve and equity accounts.
805.419 Purchase of home.
805.420 Obligation to purchase; IHA homeownership financing.
805.421 Termination of MHO agreement.
805.422 Succession upon death, mental incapacity or abandonment.
805.423 Miscellaneous.
805.424 Annual contributions contract.
805.425 Conversion of existing projects.
805.426 Cross-references.

Appendix I Mutual Help and Occupancy Agreement
Appendix II Annual Contributions Contract for Mutual Help Project
Appendix III Mutual Help Conventional Construction Contract
Appendix IV Mutual Help Turnkey Contract of Sale
Appendix V Counseling and Training

AUTHORITY: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sections 201(b) and 203 of the Housing and Community Development Act of 1974 (42 U.S.C. 1437, note and 1437f, note); U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq.), especially sections 5(b), 5(c), and 5(h) (42 U.S.C. 1437c(b), 1437c(c), 1437c(h)).

Subpart A—General

§ 805.101 Applicability and scope.

(a) *General.* (1) Under the U.S. Housing Act of 1937 (42 U.S.C. 1437 et. seq.) ("Act"), the U.S. Department of Housing and Urban Development ("HUD") provides financial and technical assistance to public housing agencies for the development and operation of low income housing projects in Indian Areas. This Part is applicable to such projects which are developed or operated by an Indian Housing Authority ("IHA"). "IHA" means a public housing agency established (i) by exercise of a tribe's powers of self-government independent of state law, or (ii) by operation of state law enacted for the benefit of Indians. "Indian" means any person recognized as being an Indian or Alaska Native by a tribe, the Government, or any state. "Tribe" includes an Indian tribe, band, pueblo, group or community of Indians or Alaska Natives. "Indian Area" means the area within which an IHA is authorized to provide housing. "HUD" means the HUD Central, Regional, Area or Insuring Office which has been delegated authority under the Act to perform functions pertaining to this Part for the area in which the IHA is located.

(2) If assistance under this Part is not available to a low income Indian family because the family desires housing in an area within which no IHA is authorized to provide housing, or if an Indian family chooses to do so for any other reason, it may seek housing assistance under other Parts of this Chapter.

(b) *Other HUD Regulations and Requirements.* The provisions of this Part do not constitute a self-contained or complete statement of the HUD regulations and requirements affecting the development or operation of low income housing projects of IHAs. Except as modified or supplemented by the provisions of this Part, HUD regulations, procedures and requirements generally applicable to the development or operation of low income housing are applicable to projects subject to this Part.

§ 805.102 Types of low income housing projects.

IHAs may develop the following types of projects:

(a) *Rental.* In a Rental Project, the occupants are month-to-month tenants of the IHA. Projects may be developed with single family detached, duplex, row houses, walk-up, garden type, or elevator structures. Projects for the elderly and the handicapped may include congregate housing.

(b) *Mutual Help Ownership Opportunity (MH).* This program is available only for use by IHAs eligible for assistance under this Part. The regulations for this program are set forth at Subpart D. Under this program a homebuyer family enters into a Mutual Help and Occupancy Agreement ("MHO Agreement") under which the family (1) agrees to make a minimum contribution of work, land, cash, equipment or materials, or any combination thereof, for development of the home, and (2) agrees to make monthly payments based on income, and to provide all maintenance of the home. In return, the homebuyer has the right to buy the home by payment of the remaining balance of the purchase price. The initial purchase price is reduced each month in accordance with a predetermined purchase price schedule. The credit for the family's contribution is available for maintenance of the home, and any balance is applied against the purchase price of the home.

(c) *Section 8 Housing Assistance Payments.* The regulations for this program are set forth at Parts 880, 881, 882, and 883 of this Chapter. Under this program, a low income family leases a dwelling unit in newly constructed, substantially rehabilitiated or existing housing. Housing assistance payments are made on behalf of the family to cover the difference between the contract rent of the unit and the amount payable by the family, as determined in accordance with schedules and criteria established by HUD. This program may include rental and cooperative projects, including housing for the elderly or handicapped and congregate housing; and homeownership opportunity housing if an IHA purchases the homes for resale to occupant families (see sec. 8(c)(8) of the Act).

§ 805.103 Assistance from Indian Health Service and Bureau of Indian Affairs.

(a) *Interdepartmental Agreement.* In certain areas assistance from the Indian Health Service ("IHS") and the Bureau of Indian Affairs ("BIA") is available to IHAs of federally recognized tribes. "Federally recognized tribe" means a tribe recognized as eligible for services from the IHS or the BIA. A copy of the agreement between HUD, HEW and the Department of the Interior concerning assistance to projects developed and operated under the Act ("Interdepartmental Agreement") is included as Appendix I of Subpart B to this Part. Projects undertaken by IHAs of federally recognized tribes shall be developed and operated in accordance with the provisions of the Interdepartmental Agreement.

(b) *Applicability of Provisions Relating to IHS or BIA Assistance.* HUD assistance under this Part is not limited to Indian Areas serviced by BIA or IHS, or to IHAs, of federally recognized tribes. Provisions in this Part relating to assistance from BIA or IHS, or to required approvals, actions or determinations by these agencies in connection with such assistance, shall be construed as applicable only to Indian Areas serviced by IHS or BIA, and only to projects undertaken by IHAs of federally recognized tribes.

§ 805.104 Equal Opportunity.

(a) *Indian Civil Rights Act.* The Indian Civil Rights Act (Title II of the Civil Rights Act of 1968, 25 U.S.C. 1301–03) provides, among other things, that no Indian tribe in exercising powers of self-government shall deny due process or the equal protection of its laws to any person within its jurisdiction. Projects shall be developed and operated in compliance with the Indian Civil Rights Act, and all HUD requirements thereunder.

(b) *Non-applicability of Title VI and Title VIII.* Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4), which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs, and Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), which prohibits discrimination based on race, color, religion, sex, or national origin in the sale or rental of housing, do not apply to IHAs established by exercise of a tribe's powers of self-government. HUD regulations implementing Title VI and Title VIII shall not be applicable to development or operation of projects of such IHAs.

(c) *Admission under Indian Civil Rights Act.* (1) Under the Indian Civil Rights Act an IHA established by exercise of a tribe's powers of self-government may not arbitrarily exclude from occupancy (i.e., deny equal protection to) any person within the tribe's jurisdiction. In deciding a question of alleged arbitrary exclusion of an individual allegedly within the tribe's jurisdiction only a few court cases are available for guidance. However, factors such as the percentage of the individual's Indian blood, his relationship to the tribe by adoption, marriage or otherwise, his employment or residence on a reservation, and Indian tribal law, custom, usage, and cultural standards may be considered. Any specific legal questions regarding admission to projects of an IHA may be referred on a case-by-case basis to HUD.

(2) The IHA's admissions regulations and the administration thereof shall not be inconsistent with the Indian Civil Rights Act.

(d) *Training, employment and contracting opportunities for business and lower income persons.* (1) The projects under this Part are subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with a project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.

(2) The IHA shall carry out the provisions of section 3 and the HUD regulations issued pursuant thereto set forth in 24 CFR Part 135, and all applicable rules and orders issued by HUD thereunder.

(e) *Indian preference.* (1) *Indian Self-Determination Act.* The projects under this Part are subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). Section 7(b) of this statute requires that to the greatest extent feasible:

(i) Preference and opportunities for training and employment shall be given to Indians; and

(ii) Preference in the award of contracts and subcontracts shall be given to

V40I183 SEP 1975 XUM

Indian organizations and to Indian-owned Economic Enterprises.

"Indian-owned Economic Enterprise" means "any Indian-owned (as defined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for the purpose of profit: *Provided*, That such Indian ownership shall constitute not less than 51 percentum of the enterprise" (25 U.S.C. 1452(e)).

(2) *Title VII of Civil Rights Act of 1964.* Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination in employment by making it unlawful for employers to engage in certain discriminatory practices, excludes Indian tribes from the nondiscrimination requirements of Title VII. In addition, section 703(i) of that Act provides that:

> Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(3) *Preference in development and operation.* (i) IHA training and employment. Each IHA shall adopt and promulgate regulations with respect to the IHA's own employment practices which provide that to the greatest extent feasible preferences and opportunities for training and employment shall be given to Indians. A copy of such regulations shall be posted in the IHA office, and shall be submitted to HUD promptly after adoption by the IHA.

(ii) Award of contracts and subcontracts. An IHA shall to the greatest extent feasible give preference in the award of contracts in connection with the development or operation of a project to Indian organizations and Indian-owned economic enterprises. Each contractor awarded a contract in connection with development or operation of a project, and each subcontractor of such contractor, shall also to the greatest extent feasible give preference in the award of any subcontracts to Indian organizations and Indian-owned economic enterprises.

(iii) Employment and training by contractors and subcontractors. Each contractor awarded a contract in connection with development of a project, and each subcontractor of such contractor, shall, in connection with such contract or subcontract, to the greatest extent feasible give preferences and opportunities for training and employment to Indians.

(iv) Required clause for development contract. The IHA shall incorporate the following clause (referred to as a section 7(b) clause) in each contract for development of a project:

(A) The work to be performed under this contract is on a project subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) (25 U.S.C. 450e(b)). Section 7(b) requires that to the greatest extent feasible (i) preferences and opportunities for training and employment shall be given to Indians, and (ii) preferences in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.

(B) The parties to this contract will comply with the provisions of said section 7(b) and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development included in 24 CFR Part 805, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract.

(C) The contractor will include this section 7(b) clause in every subcontract for work in connection with the project and will, at the direction of the IHA, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of the regulations issued by the Secretary of Housing and Urban Development pursuant to section 7(b) included in 24 CFR Part 805. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of the HUD regulations pursuant to section 7(b) included in 24 CFR Part 805.

(v) The IHA may, when approved by HUD, incorporate in a contract for development of a project, in addition to the section 7(b) clause, additional language specifying in detail the nature of the preferences to be provided in accordance with section 7(b).

(vi) If a project is developed under the normal competitive bidding or advertising requirements of the Conventional method or Turnkey method, the information available to all prospective contractors shall state that the contract is subject to the requirements of section 7(b), and the nature of these requirements. If the contract is to include the additional language permitted under paragraph (e)(3)(v) of this section, the information available to all prospective contractors shall specify the nature of the preferences to be provided by the selected contractor. If the HUD field office waives the normal competitive bidding or advertising requirements in accordance with paragraph 805.203(e), the IHA may negotiate with the selected contractor the additional language to be included in the construction contract pursuant to paragraph (e)(3)(v) of this section.

(f) *ACC provisions.* (1) *Indian preference.* The form of ACC for an MH Project (see Subpart D–Appendix II) contains provisions providing for Indian preference in accordance with paragraph (e) of this section. The form of ACC used for a Rental Project under this Part shall be modified to incorporate the Indian preference provisions of the MH ACC.

(2) *Nondiscrimination in housing.* The form of ACC for a Rental Project shall be modified by omitting the nondiscrimination in housing provisions of the standard form of ACC.

§ 805.105 Participation of Indian housing authorities under state law or tribal law.

An IHA may participate under this Part if the IHA is established either:

(a) By operation of state law enacted for the benefit of Indians, and providing for the creation of IHAs with all necessary legal powers to carry out a low income housing project for Indians under the Act; or

(b) By exercise of a tribe's powers of self-government, independent of state law, to enact a Tribal Ordinance creating an IHA with all necessary legal powers to carry out a low income housing project for Indians under the Act (which Tribal Ordinance shall be in accordance with § 805.106).

§ 805.106 Procedures for establishment of Indian housing authorities by tribal ordinance independent of state law.

(a) *Applicability.* This section shall be applicable only when an IHA is established by exercise of a tribe's powers as described in § 805.105(b), above.

(b) *Legal capacity of tribe to establish IHA.* Where an Indian tribe has governmental police power to promote the general welfare, including the power to create a housing authority and to provide all local cooperation required by the Government as a condition for assistance under the Act, an IHA may be established by Tribal Ordinance enacted in accordance with this section by the governing body of the tribe.

(c) *Approval of ordinance by Interior Department.* HUD shall not enter into an undertaking for assistance to an IHA formed by Tribal Ordinance unless such Ordinance has been submitted to HUD, accompanied by evidence that the tribe's enactment of the Ordinance has either been approved by the Department of the Interior or has been reviewed and not objected to by that Department.

(d) *IHA organization documents.* The following appendices are attached to this Subpart:

(1) Appendix I—Tribal Ordinance.

(2) Appendix II—

(i) Model transcript for the organization of an IHA by Tribal Ordinance. The model transcript is composed of the following organization documents:

Exhibit 1—Certificate of appointment of Commissioners.

Exhibit 2—Commissioner's oath of office.

Exhibit 3—Notice of organization meeting.

Exhibit 4—Consent to meeting.

Exhibit 5—Minutes or organization meeting.

Exhibit 7—Resolution adopting bylaws to transact business and function in accordance with Tribal Ordinance.

Exhibit —Resolution adopting bylaws.

Exhibit 8—Resolution adopting seal of IHA.

Exhibit 9—Resolution designating regular meeting place.

Exhibit 10—Resolution designating offices of IHA.

Exhibit 11—Certificate of Secretary of IHA.

(ii) Instructions for submission of IHA organization documents.

(e) *Use of appendices.* (1) *Establishment of new IHAs.* The form of Tribal Ordinance (Appendix I), and the forms contained in the model transcript for the organization of an IHA by Tribal Ordinance (Appendix II–A) shall be used for the establishment of IHAs by Tribal Ordinance on or after the effective date of this Part. No substantive change may be made in the form of Tribal Ordinance without specific written approval from HUD. The forms contained in the model transcript for the organization of an IHA by Tribal Ordinance shall be carefully checked, and modified with the approval of HUD, where necessary to eliminate inapplicable or inappropriate language.

(2) *Amendment of ordinance previously enacted.* Tribal Ordinances enacted prior to the effective date of this Part shall be amended by July 1, 1976, unless they have previously been so amended, to conform with the form of Tribal Ordinance set out as Appendix I. Special attention is directed to the following provisions:

(i) Article III, Section f and Article V, Section 3j (which expressly allow participation in homeownership opportunity projects);

(ii) Article IV, Section 1a(2) (which provides that a Commissioner may be a member or non-member of the tribe or the Tribal Council;

(iii) Article IV, Section 1a(3) (which provides that no person shall be barred from serving on the IHA Board of Commissioners because he is a tenant or homebuyer in an IHA project, that such Commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, but that he shall not be entitled or permitted to be treated as a member of the Board concerning a matter involving his individual rights);

(iv) Article V, Section 3k (which grants power to finance purchase of home by an eligible homebuyer);

(v) Article V, Section 3l (which expressly grants power to terminate a lease or homeownership opportunity agreement for violation of the tenant's obligations, and to bring actions for eviction);

(vi) Article V, Section 3s (which grants power to participate in joint development, operation or financing of projects with another housing authority); and

(vii) Article VIII, Section 1e (by which the tribe agrees that the powers of the Tribal Government and the Tribal Courts or the Courts of Indian Offenses shall be vigorously utilized to enforce eviction for nonpayment or other contract violations).

(f) *Modified ordinance and ACC for California Indians.* A Tribal Ordinance adopted by a tribe in California which may elect termination pursuant to the Rancheria Act (Pub. L. 85–671, 72 Stat. 619, as amended by Pub. L. 88–419, 78 Stat. 390), but which has not been terminated, shall include in Article VIII, Section 1, of the Ordinance, and there shall also be included in any Annual Contributions Contract with an IHA established under such a modified Ordinance, the following provision:

In the event that the tribe should elect to terminate its governing body and adopt a plan for accomplishing such termination and for distribution of tribal assets (such as provided for by the Act of August 18, 1958, 72 Stat. 619, as amended August 11, 1964, 78 Stat. 390), the tribe and the Authority shall convey the Authority's projects to (1) the Secretary of Housing and Urban Development or (2) a public housing agency of the State. Such conveyance shall be subject to (a) any obligations of the Authority incurred in connection with the projects, (b) any rights of tenants or mutual help participants or homebuyers under contracts for the purchase, or options to purchase, of dwellings included in the project, and (c) such terms and conditions as may be approved by the Secretary of the Interior as part of the plan for termination of the tribe and distribution of its assets.

§ 805.107 Tenant or homebuyer commissioners.

No person shall be barred from serving on an IHA's Board of Commissioners because he is a tenant or homebuyer in a housing project of the IHA. A Commissioner who is a tenant or homebuyer shall be entitled to participate fully in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect him as well. However, no such Commissioner shall be entitled or permitted to participate in or be present at any meeting, or to be counted or treated as a member of the Board, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.

APPENDIX I—TRIBAL ORDINANCE

Pursuant to the authority vested in the ---------- Tribe, by its Constitution, and particularly by Article ----, Sections -------- thereof, and its authority to provide for the health, safety, morals and welfare of the Tribe, the Tribal Council of the ---------- Tribe hereby charters a public corporation known as the ---------- Housing Authority (hereinafter referred to as the Authority), and enacts this ordinance which shall constitute the charter of the Authority.

In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, the Authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this ordinance. A copy of the ordinance duly certified by the Secretary of the Council shall be admissible in evidence in any suit, action or proceeding.

ARTICLE I—DECLARATION OF NEED

It is hereby declared:

a. That there exist on the ---------- Reservation insanitary, unsafe, and overcrowded dwelling accommodations; that there is a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that such shortage forces such persons to occupy insanitary, unsafe and overcrowded dwelling accommodations;

b. That these conditions cause an increase in and spread of disease and crime and constitute a menace to health, safety, morals and welfare; and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities;

c. That the shortage of decent, safe and sanitary dwellings for persons of low income cannot be relieved through the operation of private enterprise;

d. That the providing of decent, safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which money may be spent and private property acquired and are governmental functions of Tribal concern;

e. That residential construction activity is an important factor to general economic activity and that the undertakings authorized by this ordinance to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction activity which will assist materially in maintaining full employment; and

f. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

ARTICLE II—PURPOSES

The Authority shall be organized and operated for the purposes of:

a. Remedying unsafe and insanitary housing conditions that are injurious to the public health, safety and morals;

b. Alleviating the acute shortage of decent, safe and sanitary dwellings for persons of low income; and

c. Providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low income dwellings.

ARTICLE III—DEFINITIONS.

The following terms, wherever used or referred to in this ordinance shall have the following respective meanings, unless a different meaning clearly appears from the context:

a. "Board" means the Board of Commissioners of the Authority.

b. "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by the Authority pursuant to this ordinance.

c. "Council" means The ---------- Tribal Council.

d. "Federal Government" includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise of the United States of America.

e. "Homebuyer" means the person or persons who have executed a lease-purchase agreement with the Authority, and who have not yet achieved homeownership.

f. "Housing project" or "project" means any work or undertaking: to provide or assist in providing (by any suitable method, including but not limited to: Rental; sale of individual units in single or multifamily structures under conventional condominium or cooperative sales contracts or lease-purchase agreements; loans; or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, leaseholds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, for streets, sewers, water service, utilities, parks, site preparation or landscaping, and for ad-

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ministrative, community, health, recreational, welfare, or other purposes. The term "housing project" or "project" also may be applied to the planning of the buildings and improvements, the acquisition of property or any interest therein, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration or repair of the improvements or other property and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

g. "Lease-purchase agreement" includes a Mutual Help and Occupancy Agreement or Homeownership Opportunity Agreement.

h. "Obligee" includes any bondholder, agent or trustee for any bondholder, or lessor demising to the Authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal government when it is a party to any contract with the Authority in respect to a housing project.

i. "Persons of low income" means persons or families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use.

ARTICLE IV—BOARD OF COMMISSIONERS

1. The affairs of the Authority shall be managed by a Board of Commissioners composed of five persons.

a. (1) The Board members shall be appointed, and may be reappointed, by the Council. A certificate of the Secretary of the Council as to the appointment or reappointment of any commissioner shall be conclusive evidence of the due and proper appointment of the commissioner.

(2) A commissioner may be a member or non-member of the Tribe, and may be a member or non-member of the Tribal Council.

(3) No person shall be barred from serving on the Board because he is a tenant or homebuyer in a housing project of the Authority; and such commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect him as well. However, no such commissioner shall be entitled or permitted to participate in any meeting, or to be counted or treated as a member of the Board, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.

b. The term of office shall be four years and staggered. When the Board is first established one member's term shall be designated to expire in one year, another to expire in two years, a third to expire in three years, and the last two in four years. Thereafter, all appointments shall be for four years, except that in the case of a prior vacancy, an appointment shall be only for the length of the unexpired term. Each member of the Board shall hold office until his successor has been appointed and has qualified.

c. The Council shall name one of the commissioners as Chairman of the Board. The Board shall elect from among its members a Vice-Chairman, a Secretary, and a Treasurer; and any member may hold two of these positions. In the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both the Chairman and Vice-Chairman, the Secretary shall preside.

d. The Council may remove any member of the Board for cause.

e. The commissioners shall not receive compensation for their services but shall be entitled to compensation for expenses, including travel expenses, incurred in the discharge of their duties.

f. Three members of the Board shall constitute a quorum for the transaction of business, notwithstanding the existence of any vacancies.

g. The Secretary shall keep complete and accurate records of all meetings and actions taken by the Board.

h. The Treasurer shall keep full and accurate financial records, make periodic reports to the Board, and submit a complete annual report, in written form, to the Council as required by Article VII, Section 1, of this ordinance.

2. The Board shall have authority to exercise, by majority vote of those present and voting, any and all powers delegated to the Authority by this ordinance or any amendments thereto, except as provided in Article VI, Section 5a for the adoption of bond resolutions.

3. Meetings of the Board shall be held at regular intervals as provided in the bylaws. Emergency meetings may be held upon 24 hours actual notice and business transacted, provided that three or more members concur in the proposed action.

ARTICLE V—POWERS

1. The Authority shall have perpetual succession in its corporate name.

2. The Council hereby gives its irrevocable consent to allowing the Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under this ordinance and hereby authorizes the Authority to agree by contract to waive any immunity from suit which is might otherwise have; but the Tribe shall not be liable for the debts or obligations of the Authority.

3. The Authority shall have the following powers which it may exercise consistent with the purposes for which it is established:

a. To adopt and use a corporate seal.

b. To enter into agreements, contracts and understandings with any governmental agency, Federal, state or local (including the Council) or with any person, partnership, corporation or Indian tribe; and to agree to any conditions attached to Federal financial assistance.

c. To agree, notwithstanding anything to the contrary contained in this ordinance or in any other provision of law, to any conditions attached to Federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or operation of projects; and the Authority may include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the Federal government may have attached to its financial aid of the project.

d. To obligate itself, in any contract with the Federal government for annual contributions to the Authority, to convey to the Federal government possession of or title to the project to which such contract relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the Authority is subject; and such contract may further provide that in case of such conveyance, the Federal government may complete, operate, manage, lease, convey or otherwise deal with the project and funds in accordance with the terms of such contract: *Provided*, That the contract requires that, as soon as practicable after the Federal government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the Federal government shall reconvey to the Authority the project as then constituted.

e. To lease property from the Tribe and others for such periods as are authorized by law, and to hold and manage or to sublease the same.

f. To borrow money, to issue temporary or long term evidence of indebtedness, and to repay the same. Bonds shall be issued and repaid in accordance with the provisions of Article VI of this ordinance.

g. To pledge the assets and receipts of the Authority as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interests therein.

h. To purchase land or interests in land or take the same by gift; to lease land or interests in land to the extent provided by law.

i. To undertake and carry out studies and analyses of housing needs, to prepare housing plans, to execute the same, to operate projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any project or any part thereof.

j. With respect to any dwellings, accommodations, lands, buildings or facilities embraced within any project (including individual cooperative or condominium units), to lease or rent, sell, enter into lease-purchase agreements or leases with option to purchase, to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants or homebuyers, including the establishment of priorities, and concerning the occupancy, rental, care and management of housing units; and to make such further rules and regulations as the Board may deem necessary and desirable to effectuate the powers granted by this ordinance.

k. To finance purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the Department of Housing and Urban Development.

l. To terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of such agreement, or failed to meet any of his obligations thereunder, or when such termination is otherwise authorized under the provisions of such agreement; and to bring action for eviction against such tenant or homebuyer.

m. To establish income limits for admission that insure that dwelling accommodations in a housing project shall be made available only to persons of low income.

n. To purchase insurance in any stock or mutual company for any property or against any risk or hazards.

o. To invest such funds as are not required for immediate disbursement.

p. To establish and maintain such bank accounts as may be necessary or convenient.

q. To employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Authority may require; and to delegate to such officers and employees such powers or duties as the Board shall deem proper.

r. To take such further actions as are commonly engaged in by corporate bodies of this character as the Board, may deem necessary and desirable to effectuate the purposes of the Authority.

s. To join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a State or another tribe in the exercise, either jointly or otherwise, of any or all of the powers of the Authority and such other public housing agency or agencies for the purpose of financing (including but not limited to the issuance of bonds, notes or other obligations and giving security therefor), planning, undertaking, owning, constructing, operating, or contracting with respect to a housing project or projects of the Authority or such other public housing agency or agencies. For such purpose the Authority may by resolution prescribe and authorize any other public housing agency or agencies, so joining or cooperating with the Authority, to act on the Authority's behalf with respect to any or all powers, as the Authority's agent or otherwise, in the name of the Authority or in the name of such agency or agencies.

t. To adopt such bylaws as the Board deems necessary and appropriate.

3. It is the purpose and intent of this ordinance to authorize the Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal government in the undertaking, construction, maintenance or operation of any project by the Authority.

4. No ordinance or other enactment of the Tribe with respect to the acquisition, operation, or disposition of Tribal property shall be applicable to the Authority in its operations pursuant to this ordinance unless the Council shall specifically so state.

ARTICLE VI—BONDS

1. The Authority may issue bonds from time to time in its discretion for any of its corporate purposes and may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. The Authority may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable: (a) exclusively from the income and revenues of the project financed with the proceeds of such bonds, or with such income and revenues together with a grant from the Federal government in aid of such project; (b) exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenues of any project or other property of the Authority.

2. Neither the commissioners of the Authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

3. The bonds and other obligations of the Authority shall not be a debt of the Tribe and the bonds and obligations shall so state on their face.

4. Bonds of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes. The tax exemption provisions of this ordinance shall be considered part of the security for the repayment of bonds and shall constitute, by virtue of this ordinance and without necessity of being restated in the bonds, a contract between (a) the Authority and the Tribe, and (b) the bondholders and each of them, including all transferees of the bonds from time to time.

5. Bonds shall be issued and sold in the following manner:

a. Bonds of the Authority shall be authorized by a resolution adopted by the vote of an absolute majority of the Board and may be issued in one or more series.

b. The bonds shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, and at such places, and be subject to such terms of redemption, with or without premium, as such resolution may provide.

c. The bonds may be sold at public or private sale at not less than par.

d. In case any of the commissioners of the Authority whose signatures appear on any bonds or coupons cease to be commissioners before the delivery of such bonds, the signature shall, nevertheless, be valid and sufficient for all purposes, the same as if the commissioners had remained in office until delivery.

6. Bonds of the Authority shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any bond of the Authority or the security therefor, any such bond reciting in substance that it has been issued by the Authority to aid in financing a project pursuant to this ordinance shall be conclusively deemed to have been issued for such purpose, and the project for which such bond was issued shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this ordinance.

7. In connection with the issuance of bonds or incurring of obligations under leases and in order to secure the payment of such bonds or obligations, the Authority, subject to the limitations in this ordinance, may:

a. Pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

b. Provide for the powers and duties of obligees and limit their liabilities; and provide the terms and conditions on which such obligees may enforce any covenant or rights securing or relating to the bonds.

c. Covenant against pledging all or any part of its rents, fees and revenues or against mortgaging any or all of its real or personal property to which its title or right then exists or may thereafter come into existence or permitting or suffering any lien on such revenues or property.

d. Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof.

e. Covenant as to what other or additional debts or obligations may be incurred by it.

f. Covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof.

g. Provide for the replacement of lost, destroyed or multilated bonds.

h. Covenant against extending the time for the payment of its bonds or interest thereon.

i. Redeem the bonds and covenant for their redemption and provide the terms and conditions thereof.

j. Covenant concerning the rents and fees to be charged in the operation of a project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.

k. Create or authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the moneys held in such funds.

l. Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the proportion of outstanding bonds the holders of which must consent thereto, and the manner in which such consent may be given.

m. Covenant as to the use, maintenance and replacement of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance moneys.

n. Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

o. Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

p. Vest in any obligees or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

q. Exercise all or any part or combination of the powers granted in this section.

r. Make covenants other than and in addition to the covenants expressly authorized in this section, of like or different character.

s. Make any covenants and do any acts and things necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of the Authority, tending to make the bonds more marketable although the covenants, acts or things are not enumerated in this section.

ARTICLE VII—MISCELLANEOUS

1. The Authority shall submit a detailed annual report, signed by the Chairman of the Board, to the Council showing: (a) the names of occupants of all the housing units, (b) the number of vacancies, if any, (c) the status of construction, maintenance and repair of all housing units, and (d) such other information as the Authority or the Council shall deem pertinent.

2. During his tenure and for one year thereafter, no commissioner, officer or employee of the Authority, or any member of any governing body of the Tribe, or any other public official who exercises any responsibilities or functions with regard to the project, shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project. If any such commissioner, officer or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a commissioner, officer or employee, the commissioner, officer or employee, in any such event, shall immediately disclose his interest in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority, and the commissioner, officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in notes or bonds of the Authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by a governmental agency, or to membership on the Board as provided in Article IV, Section 1a (3).

3. Each project developed or operated under a contract providing for Federal financial assistance shall be developed and operated in compliance with all requirements of such contract and applicable Federal legislation, and with all regulations and requirements prescribed from time to time by the Federal government in connection with such assistance.

4. The Authority shall obtain or provide for the obtaining of adequate fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

5. All projects of the Authority shall be subject to the planning, zoning, sanitary and

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building regulations applicable to the locality in which the planned project is situated.

6. The Authority shall not construct or operate any project for profit.

7. The property of the Authority is declared to be public property used for essential public and governmental purposes and such property and the Authority are exempt from all taxes and special assessments of the Tribe.

8. All property including funds acquired or held by the Authority pursuant to this ordinance shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against the Authority be a charge or lien upon such property: *Provided, however,* That the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees or revenues or the right of the Federal government to pursue any remedies conferred upon it pursuant to the provisions of this ordinance or the right of the Authority to bring eviction actions in accordance with Article V, Section 5.

ARTICLE VIII—COOPERATION IN CONNECTION WITH PROJECTS

1. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of projects, the _____ Tribe hereby agrees that:

a. It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any project.

b. It will furnish or cause to be furnished to the Authority and the occupants of projects all services and facilities of the same character and to the same extent as the Tribe furnishes from time to time without cost or charge to other dwellings and inhabitants.

c. Insofar as it may lawfully do so, it will grant such deviations from any present or future building code of the Tribe as are reasonable and necessary to promote economy and efficiency in the development and operation of any project, and at the same time safeguard health and safety, and make such changes in any zoning of the site and surrounding territory of any project as are reasonable and necessary for the development and protection of such project and the surrounding territory.

d. It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of projects.

e. The Tribal Courts shall have jurisdiction to hear and determine an action for eviction of a tenant or homebuyer. The Tribal Government hereby declares that the powers of the Tribal Government, and the Tribal Courts or Courts of Indian Offenses shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations.

2. The provisions of this Article shall remain in effect with respect to any project, and said provisions shall not be abrogated, changed, or modified without the consent of the Department of Housing and Urban Development, so long as (a) the project is owned by a public body or governmental agency and is used for low income housing purposes, (b) any contract between the Authority and the Department of Housing and Urban Development for loans or annual contributions, or both in connection with such project remains in force and effect, or (c) any bonds issued in connection with such project or any monies due to the Department of Housing and Urban Development in connection with such project remain unpaid, whichever period is the longest. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or operation of low income housing including the Federal Government the provisions of this section shall inure to the benefit of and be enforced by such public body or governmental agency.

ARTICLE IX—APPROVAL BY SECRETARY OF THE INTERIOR

With respect to any financial assistance contract between the Authority and the Federal Government, the Authority shall obtain the approval of the Secretary of the Interior or his designee.

APPENDIX II—A-MODEL TRANSCRIPT FOR THE ORGANIZATION OF AN IHA BY TRIBAL ORDINANCE

MODEL TRANSCRIPT-EXHIBIT 1—CERTIFICATE OF APPOINTMENT OF COMMISSIONERS

I, the undersigned, as Secretary of the _____ Tribal Council hereby certify that the Tribal Council is composed of _____ voting members of whom _____ members, constituting a quorum, were present at a regular meeting duly called and held on _____ at _____, and that at such meeting, the Council, acting under Tribal Ordinance No. ____ adopted on _____, appointed the following five persons Commissioners of the _____ Housing Authority, to serve for the number of years appearing after their names, respectively, from the _____ day of _____:

_____ four years
_____ four years
_____ three years
_____ two years
_____ one year

The Council then acting under the aforementioned Ordinance designated _____ as Chairman of the Board of Commissioners.

Dated _____

_____

MODEL TRANSCRIPT—EXHIBIT 2—COMMISSIONER'S OATH OF OFFICE

_____

(Name of Commissioner)

_____, do solemnly swear that I am duly qualified, according to Tribal Ordinance No. ____, adopted _____ of the _____ to exercise the duties of the office of Commissioner of the _____ Housing Authority to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of the United States and abide by the Constitution of the _____.

Subscribed and sworn to before me this _____ day of _____.

SEAL

(Separate oath for each Commissioner)

MODEL TRANSCRIPT—EXHIBIT 3—NOTICE OF ORGANIZATION MEETING

_____

(Date)

TO: (Insert names of Commissioners)

_____
_____
_____
_____

You and each of you are hereby notified that I have called a meeting of the _____ Housing Authority to be held at _____ at ____ o'clock ___m. on _____ for the purpose of organizing said Housing Authority _____ adopting bylaws and a seal therefor, electing officers, designating the regular meeting place, designating the location of the office of the Housing Authority, and taking such other action concerning the organization of said Housing Authority as the members thereof may determine.

_____

Chairman

I hereby certify that I caused the above notice to be communicated to each of the Commissioners of the _____ Housing Authority.

_____

Chairman

MODEL TRANSCRIPT-EXHIBIT 4—CONSENT TO MEETING

We, the undersigned Commissioners of the _____ Housing Authority, accept service of the foregoing notice of meeting, waiving any and all irregularities in the service and notice, and agree that the Commissioners of the said Housing Authority shall meet at the time and place therein mentioned, and for the purpose therein stated.

_____
_____
_____
_____
_____

MODEL TRANSCRIPT-EXHIBIT 5—MINUTES OF THE ORGANIZATION MEETING OF _____ HOUSING AUTHORITY

For the purpose of organizing, a meeting of the Commissioners of the _____ Housing Authority was held on _____ at ____ o'clock ___m. at _____.

All members of the Housing Authority were present as follows:

_____
_____
_____

There was also present by invitation the following:

_____
_____
_____

Commissioner _____, Chairman of the Housing Authority, presided, and _____ was appointed Temporary Secretary of the meeting and kept the minutes.

The Temporary Secretary read the notice of meeting and the consent to meeting, which were ordered spread upon the minutes as follows:

(Insert notice and consent)

There were presented to the meeting copies of the Certificate of Appointment by the _____ Council of the several Commissioners of the Housing Authority, duly verified, showing the names, dates of appointment and the times of the commencement and the end of the terms of office. Said certificate also shows that _____ was designated to serve as the first Chairman of the Housing Authority. There were also presented to the meeting the Oaths of Office of the following Commissioners of the Housing Authority by which they have accepted their appointments.

_____
_____
_____
_____
_____

Copies of the Certificate of Appointment and of the Oaths of Office were directed to be attached to the minutes of this meeting.

It appearing that all of the Commissioners so appointed have taken the Oath of Office and that all of the Commissioners were present, the following resolution was then introduced by Commissioner _____

_____, read aloud and in full by the Temporary Secretary, and considered by the Board of Commissioners:[1]

(Insert text of resolution)

Commissioner _____ moved that said resolution be finally adopted as introduced and read. The motion was seconded by Commissioner _____. The question being put upon the final adoption of said resolution, the roll was called with the following results:

Ayes: _____
Nays: _____
(Insert names of Commissioners)

The Chairman declared such motion carried and the resolution finally adopted.

The Chairman announced that it was in order to elect the officers of the Authority to serve until the next annual meeting or until their successors are chosen and qualify in their stead.

Commissioners _____ and _____ having been nominated to the office of Vice-Chairman, upon motion made, seconded, and adopted, the nominations were closed. A vote being taken, Commissioner _____ was declared by the Chairman to be elected to the office of Vice-Chairman.

Commissioners _____ and _____ having been nominated to the office of Secretary, upon motion made, seconded, and adopted, the nominations were closed. A vote being taken, Commissioner _____ was declared by the Chairman to be elected to the office of Secretary.

Commissioners _____ and _____ having been nominated to the office of Treasurer, upon motion made, seconded and adopted, the nominations were closed. A vote being taken, Commissioner _____ was declared by the Chairman to be elected to the office of Treasurer.

MODEL TRANSCRIPT-EXHIBIT 6—RESOLUTION NO. _____. RESOLUTION RELATING TO THE ESTABLISHMENT OF _____ HOUSING AUTHORITY

BE IT RESOLVED BY _____:

That the _____ Housing Authority, be and it hereby is established pursuant to Tribal Ordinance No. _____ adopted _____ of the _____ and is now authorized to transact business and exercise its functions in accordance with the Tribal Ordinance.

MODEL TRANSCRIPT-EXHIBIT 7—RESOLUTION NO. _____. RESOLUTION ADOPTING BYLAWS OF _____ HOUSING AUTHORITY

BE IT RESOLVED BY _____:

That the following bylaws be and they are hereby adopted and approved as and for the bylaws of the _____ Housing Authority ("Authority"):

ARTICLE I—THE AUTHORITY

Section 1. *Name of Authority.* The name of the Authority shall be "_____".

Section 2. *Seal of Authority.* The seal of the Authority shall bear the name of the Authority and the year of its organization.

Section 3. *Office of Authority.* The office of the Authority shall be at such place as the Authority may from time to time designate by resolution.

ARTICLE II—OFFICERS

Section 1. *Officers.* The officers of the Authority shall be a Chairman, a Vice-Chairman, a Secretary, and a Treasurer.

Section 2. *Chairman.* The Chairman shall preside at all meetings of the Board of Commissioners (herein called "Board"). Except as otherwise authorized by resolution of the Board, the Chairman shall sign all contracts, deeds and other instruments made by the Authority. At each meeting, the Chairman shall submit such recommendations and information as he may consider proper concerning the business, affairs and policies of the Authority.

Section 3. *Vice-Chairman.* The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman; and in case of the resignation or death of the Chairman, the Vice-Chairman shall perform the Chairman's duties until such time as a new Chairman is appointed.

Section 4. *Secretary.* The Secretary shall keep the records of the Authority, shall act as secretary of the meetings of the Board and record all votes, shall keep a record of the proceedings of the Board in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to his office. He shall keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Board. In the absence of both the Chairman and Vice-Chairman, the Secretary shall preside.

Section 5. *Treasurer.* The Treasurer shall have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such depositary as the Board may select. He shall sign all orders and checks for the payment of money and shall pay out and disburse such moneys under the direction of the Board. Except as otherwise authorized by resolution of the Board, all such orders and checks shall be countersigned by the Chairman. The Treasurer shall keep regular books of accounts showing receipts and expenditures and shall render to the Board, at each regular meeting (or more often when requested), an account of his transactions and also of the financial condition of the Authority. He shall submit a complete annual report, in written form, as required by the Tribal Ordinance No. _____ adopted _____.

Section 6. *Executive Director.* The Executive Director of the Authority shall be appointed by the Board. Subject to the direction of the Board, he shall have general supervision over the administration of the business and affairs of the Authority, and shall be charged with the management of its housing projects.

Section 7. *Additional Duties.* The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Board or the by-laws or rules and regulations of the Authority.

Section 8. *Election.* The Vice-Chairman, Secretary and Treasurer shall be elected at the annual meeting of the Board from among the Commissioners, and shall hold office for one year or until their successors are elected and qualified.

Section 9. *Vacancies.* Should the offices of Vice-Chairman, Secretary or Treasurer become vacant, the Board shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office.

Section 10. *Additional Personnel.* The Authority may from time to time employ such personnel as it deems necessary to carry out its powers, duties and functions as prescribed by law. The selection and compensation of such personnel (including the Executive Director) shall be determined by the Board.

ARTICLE III—MEETINGS

Section 1. *Annual Meeting.* The annual meeting of the Board shall be held on the ____ day of _____ at _____ o'clock ___m. at the regular meeting place of the Board, which place shall be designated by resolution. In the event such date falls on a Sunday or a legal holiday, the annual meeting shall be held on the next day other than a Sunday or legal holiday.

Section 2. *Regular Meetings.* Monthly meetings shall be held on the ____ day of every month at _____ o'clock ___. at the regular meeting place of the Board. In the event such date falls on a Sunday or legal holiday, the regular meeting shall be held on the next day other than a Sunday or legal holiday. Regular meetings may be held without notice.

Section 3. *Emergency Meetings.* The Chairman of the Board may, when he deems it expedient, and shall, upon the written request of two members of the Board, call an emergency meeting of the Board for the purpose of transacting any business designated in the call. Actual notice shall be given to each member of the Board at least 24 hours prior to the time of such emergency meeting. At such emergency meeting no business shall be considered other than as designated in the call, and no action may be taken without the concurrence of three Commissioners; but if all of the members of the Board are present at an emergency meeting, any business may be transacted at such meeting.

Section 4. *Quorum.* The powers of the Authority shall be vested in the Commissioners thereof in office from time to time. Three Commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the Commissioners present except with respect to emergency meetings as provided in Section 3 of this Article, and with respect to the adoption of bond resolutions, which require adoption by the vote of an absolute majority of the Board.

Section 5. *Order of Business.* At the regular meetings of the Authority, the following shall be the order of business:

1. Roll call.
2. Reading and approval of the minutes of the previous meeting.
3. Bills and communications.
4. Report of the Secretary.
5. Report of the Treasurer.
6. Reports of Committees.
7. Unfinished business.
8. New business.
9. Adjournment.

All resolutions shall be in writing and shall be copied in a journal of the proceedings of the Authority.

Section 6. *Manner of Voting.* The voting on all questions coming before the Board shall be by roll call, and the yeas and nays shall be entered upon the minutes of such meeting, except in the case of elections, when the vote may be by ballot.

ARTICLE IV—AMENDMENTS

Section 1. *Amendments to Bylaws.* The bylaws of the Authority shall be amended only with the approval of at least three Commissioners at any Board meeting provided that at least seven days written notice thereof has been previously given to all Commissioners.

[1] The transcript shall show separately the adoption of each of the following resolutions:

(a) Resolution authorizing IHA to transact business and function in accordance with Tribal Ordinance (Exhibit 6), Resolution adopting bylaws (Exhibit 7), Resolution adopting seal of IHA (Exhibit 8), Resolution designating regular meeting place (Exhibit 9), and Resolution designating offices of IHA (Exhibit 10).

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MODEL TRANSCRIPT—EXHIBIT 9—RESOLUTION NO. ——— RESOLUTION ADOPTING SEAL OF ——— HOUSING AUTHORITY

BE IT RESOLVED BY ———:

1. That the Seal submitted to this meeting is hereby adopted as the seal of this Authority and the Temporary Secretary of this Authority is hereby authorized and directed to imprint said seal on the margin of the minutes opposite this resolution.

2. That the Secretary is hereby authorized to affix the seal of the Authority to all appropriate papers.

MODEL TRANSPORT—EXHIBIT 9—RESOLUTION NO. ——— RESOLUTION DESIGNATING REGULAR MEETING PLACE OF ——— HOUSING AUTHORITY

WHEREAS, Article III of the bylaws provided that Annual and regular meetings shall be held at a regular meeting place designated by resolution of the Board; now, therefore,

BE IT RESOLVED BY ———:

That until otherwise provided by resolution, the regular meeting place of the ——— Housing Authority shall be ———

MODEL TRANSCRIPT—EXHIBIT 10—RESOLUTION NO. ——— RESOLUTION DESIGNATING OFFICE OF ——— HOUSING AUTHORITY

NO. ——— RESOLUTION DESIGNATING OF-

WHEREAS, Section 3 of Article I of the bylaws provides that the offices of the Housing Authority shall be at such place as designated by resolution of the Board; now, therefore,

BE IT RESOLVED BY ———:

that until otherwise provided by resolution, the office of ——— Housing Authority shall be at ———

MODEL TRANSCRIPT—EXHIBIT 11—CERTIFICATE

I, ———, Secretary of the ——— Housing Authority, hereby certify that I have compared the annexed extracts of the minutes of a meeting of the Housing Authority held on ———, containing Resolutions Nos. ——— with the original minutes recorded in the official minute book of said Authority and that the annexed extracts are a correct transcript from such original minutes and that the aforesaid Resolutions are true and correct copies of the originals.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Authority this ——— day of ———, ———.

[SEAL] ———

Secretary.

APPENDIX II B—INSTRUCTIONS FOR SUBMISSION OF IHA ORGANIZATION DOCUMENTS

1. *Enactment or Amendment of Ordinance and Appointment of Commissioners.* Four copies of each of the following shall be submitted to HUD as soon as possible after enactment or amendment of the Tribal Ordinance providing for the establishment of an IHA:

a. Certified extracts of proceedings of the governing body of the tribe adopting or amending an Ordinance providing for the establishment of an IHA. The following should be included with these extracts (Not required if previously submitted):

(1) Certified copies of the rules of the tribe relating to the procedure for the adoption or amendment of ordinances.

(2) Certified copies of the rule which fixes the day, hour and place of regular meetings of the governing body of the tribe, if the action was taken at a regular meeting. If the time for such meeting has been determined by custom, the certificate of the Secretary of the tribal governing body to that effect is sufficient.

(3) The proof described in paragraph (2) above should be included with respect to the requirements for holding special meetings if the Ordinance or amendment was adopted at such a meeting.

b. Legal opinion of the tribal attorney or the Solicitor of the Department of the Interior as to the legality of the meeting and Ordinance or amendment thereof.

c. Evidence that the Ordinance or amendment has either been approved by the Department of Interior, where required, or that the Ordinance or amendment has been reviewed and not objected to by that Department.

d. Certificate of incumbency of Clerk or Secretary of tribal governing body certifying as to the officers of the tribe and/or members of the tribal governing body giving date of election or appointment of each, date of commencement of term of each and the end of the term of each.

2. *Submission of Tribal Ordinance or Amendment to Department of Interior.* As soon as possible after the meeting of the tribal governing body adopting or amending the Tribal Ordinance providing for establishment of an IHA, four certified copies of the Tribal Ordinance shall be sent to the Bureau of Indian Affairs, with the following request:

a. That the four copies of the Ordinance or amendment be reviewed by the Secretary of the Interior, or his designee, and be sent to the Office of General Counsel, HUD, Washington, D.C., accompanied by the approval of the Department of the Interior, or a statement from the Department of the Interior that the Ordinance or amendment has been reviewed and not objected to by that Department.

b. That four copies of the constitution, bylaws and charter of the tribe, certified by the Commissioner of Indian Affairs, or his designee, be forwarded to the Office of General Counsel, HUD, Washington, D.C. (Not required if previously submitted.)

3. *Organization Meeting and General Certificate.* As soon as possible after the organization meeting of the IHA, four copies of each of the following shall be submitted to the HUD:

a. Certified copy of notice of organization meeting of the IHA.

b. Transcript of IHA organization meeting in accordance with the model transcript.

c. General Certificate of Housing Authorities on a form prescribed by HUD.

Subpart B—Development

§ 805.201 Roles and responsibilities of Federal agencies.

In addition to the financial assistance to be provided by HUD under the U.S. Housing Act of 1937, assistance for projects will be provided by BIA and IHS in accordance with the Interdepartmental Agreement included as Appendix I to this Subpart. In some cases, assistance may also be provided by other Government agencies such as the Economic Development Administration, and the Farmers Home Administration, and by HUD under other statutory authority, such as section 701 of the Housing Act of 1954 (40 U.S.C. 461) and Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et. seq.). HUD assistance under the U.S. Housing Act of 1937 shall not include items or services which BIA or IHS has agreed to provide or fund under the Interdepartmental Agreement, or items or services otherwise provided by other Government agencies. HUD, IHS and BIA shall coordinate functions and funding in accordance with the Interdepartmental Agreement.

§ 805.202 Compliance with certain Federal requirements.

(a) *National Environmental Policy Act.* Projects shall be developed in compliance with the National Environmental Policy Act (42 U.S.C. 4321 et. seq.) and all requirements thereunder.

(b) *Clean Air Act and Federal Water Pollution Control Act.* Projects shall be developed in compliance with the Clean Air Act (42 U.S.C. 1857 et. seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1151 et. seq.) and all requirements thereunder.

(c) *Davis-Bacon Wage Rates.* Not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a—276a–5), shall be paid to all laborers and mechanics employed in the development of a project.

(d) *Technical Wage Rates.* Not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable state or local law) by the Secretary of HUD, shall be paid to all architects, technical engineers, draftsmen and technicians employed in the development of a project.

(e) *Relocation or Moving Expenses.* When a project is developed by an IHA established by operation of state law enacted for the benefit of Indians, the project shall be developed in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Relocation Act") (42 U.S.C. 4601 et seq.) and HUD relocation policies and requirements (24 CFR Part 42). When a project is developed by an IHA established by exercise of a tribe's powers of self-government independent of state law, HUD relocation policies and requirements under the Relocation Act do not apply, since such an IHA is not a "State agency" covered by the Relocation Act. However, with respect to such an IHA, development cost may include the reasonable moving costs for a family which is moved from a project site during construction, and is returned to the site after completion. In all cases an IHA shall pay just compensation for taking a person's property.

(f) *Preservation of Historical and Archeological Data.* The BIA, before approving a site for HUD housing activities involving excavations, road construction and land development, or involving the disturbance of land, on known or reported historic, prehistoric or archeological cites or objects of antiquity, will take appropriate action to assure compliance with any applicable provisions of Federal law.

§ 805.203 Production methods.

(a) *Justification for production method.* The IHA's application for a project shall state which of the production methods described in this section it proposes to use, supported by a justification for the use of the proposed method, such as economy, quality, design, expeditious completion, and maximum competition. The method to be used shall be approved by HUD.

(b) *Turnkey method.* Under the Turnkey method the IHA advertises for developers to submit proposals to build a project described in the IHA's Invitation for Proposals. The Invitation for Proposals may, when approved by HUD, prescribe the sites to be used. The IHA selects the best of the proposals received, taking into consideration price, design and other factors. After HUD approval of the proposal selected by the IHA, the working drawings and specifications are agreed to by the developer, the IHA, and HUD; and the developer and the IHA enter into a Contract of Sale. Upon completion of the project in accordance with the Contract of Sale, the IHA purchases the project from the developer. The IHA may employ an architect to assist in evaluating proposals, negotiating the working drawings and specifications, and providing inspection services.

(c) *Conventional method (with advertising).* Under the Conventional method (with advertising for bids), the IHA contracts with or employs an architect to prepare plans and specifications for a proposed project. Following HUD approval of the plans and specifications, the IHA advertises for bids from contractors to build the project, and awards the construction contract to the lowest responsible bidder. The contractor receives progress payments from the IHA during construction, and a final payment upon completion in accordance with the construction contract.

(d) *Acquisition of Existing Housing (with or without rehabilitation).* Under the Acquisition method, the IHA acquires existing housing which may need only minor repairs, or may require substantial rehabilitation. Repair or rehabilitation can be accomplished prior to acquisition using Turnkey procedures, or after acquisition.

(e) *Negotiated contract with Indian-owned economic enterprise.* (1) *Conditions for approval of negotiated contract.* HUD may approve a proposal for a waiver of the requirements for competitive bidding or advertising in order to permit negotiation of a construction contract with an Indian-owned Economic Enterprise (see paragraph 805.104(e)(1)). Negotiation of such a contract shall not be approved unless HUD determines that all of the following conditions are satisfied:

(i) The proposal will provide preferences and opportunities for training and employment for Indians, or other economic benefits for Indians. The proposal shall specifically describe such benefits, and the precise means by which they will be achieved. The proposal shall also demonstrate that the described benefits cannot be achieved unless the contract is negotiated.

(ii) The development cost per unit will not exceed the estimated development cost per unit which would be required if the project were advertised. The proposal shall include recent prices bid or proposed for the project for which the approval is requested, or for projects in the same general area of similar size and type and subject to similar trade, economic, and cost conditions and influences.

(iii) The proposal describes a method whereby any subcontracting to non-Indian individuals or entities will be accomplished in such a manner as to assure that the arrangement is not in fact or appearance one in which the Indian-owned Economic Enterprise is a sham for the purpose of obtaining a contract for the non-Indian individuals or entities.

(iv) The proposal has the concurrence of the tribal governing body or other persons authorized to provide such concurrence.

(2) *Required submission from the contractor.* An IHA's proposal for waiver to permit negotiation of a construction contract shall be accompanied by the following submission from the contractor:

(i) A duly certified copy of the contractor's charter, articles of incorporation, partnership agreement or other pertinent organizational document;

(ii) Evidence of possession of an active contractor's license in the contractor's own name;

(iii) If the contractor is an out-of-state firm, evidence that it is authorized to do business in the state;

(iv) A detailed statement of the contractor's experience in housing and other construction, including HUD-assisted housing, which satisfactorily demonstrates that it possesses the experience and capability to perform the work as described in the proposal;

(v) Evidence that it possesses the financial capability to undertake a project of the size and scope described in the proposal, including evidence that it can obtain any surety bonds which will be required;

(vi) A list of all principals of the contractor, identified as Indian or non-Indian, and stating fully the character of each principal's interest;

(vii) A list of all proposed subcontractors, identified as Indian or non-Indian, and including a description of and the estimated dollar amount of the work which is intended to be subcontracted to each one.

(f) *Force account method.* Under the Force Account method, an IHA would perform construction or rehabilitation in a manner similar to a contractor, using a work force entirely employed by and under the supervision of the IHA, or in combination with contracts for those portions of the work which can be better or more economically performed by an independent contractor. The Force Account method may be used for construction of a project, or for rehabilitation, only in exceptional cases, and only with the approval of the HUD Assistant Secretary for Housing Production and Mortgage Credit. For purposes of this paragraph, an exceptional case may be, but is not limited to, a project or unit of work (1) of unusually small size, (2) involving a lengthy construction or rehabilitation period, or (3) for which development cost would be excessively high if developed under the Conventional method after advertising for bids, or under the Turnkey method after advertising for proposals, or on a negotiated basis pursuant to paragraph (e) of this section. The IHA's justification for use of the Force Account method shall include a demonstration of the capabilities of the IHA to implement the Force Account procedures successfully.

§ 805.204 Allocations of contract authority.

HUD will allocate contract authority for Indian housing in conformance with Section 213(d) of the Housing and Community Development Act of 1974.

§ 805.205 Application for project.

(a) *Submission to HUD.* To apply for a project, an IHA shall submit an application on the form prescribed by HUD.

(b) *Action on application.* (1) HUD shall notify the IHA of its action on the application as promptly as possible after receipt of the application.

(2) If the application is approved, a Program Reservation on the form prescribed by HUD shall be issued to the IHA. A Program Reservation is not a legal obligation, but is a statement of determination by HUD, subject to fulfillment of all legal and administrative requirements, to enter into a new or amended Preliminary Loan Contract or Annual Contributions Contract covering the number of housing units reserved, or such lesser number as is consistent with the authority of HUD to enter into such contracts. The Program Reservation shall specify the approved production method, total number of dwelling units, and number of units for elderly or handicapped occupancy, if any.

(3) If the application is disapproved, HUD shall give the IHA a written notification of disapproval and of the reasons therefor. If the application is approved for fewer units than requested, HUD shall issue a Program Reservation with respect to the total number of dwelling units approved, and the written notification to the IHA shall include a statement of the reasons for not approving the number of units requested.

§ 805.206 Prerequisites for application approval.

(a) *Determination of administrative capability.* An application shall not be approved unless HUD determines that the IHA has, or will achieve within a reasonable time prescribed by HUD, the capability to provide adequate administration of the proposed project and other IHA projects. In making this determination, the following standards shall be applicable:

(1) "Adequate administration" means substantial IHA compliance with all applicable HUD requirements for development and operation. Approval of an application shall not be withheld because of minor administrative deficiencies. As a minimum, however, the IHA shall have the capability to comply with all HUD requirements for the maintenance of complete and accurate books of accounts and records, the proper handling of funds, the timely preparation and submission of reports, the maintenance of the property, the occupancy of the housing units, determination of required rents and homebuyer payments, the

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prompt collection of rents and required homebuyer payments, and the prompt processing of evictions in cases of nonpayment or other serious breach of a lease or homebuyer agreement.

(2) The IHA must be capable of adequate administration without an unreasonable need for continuing HUD supervision and assistance.

(b) *Action when IHA lacks administrative capability.* In cases where HUD determines that the IHA does not have the capability to provide adequate administration of the proposed project and other IHA projects, an application for a project shall not be approved until:

(1) The IHA achieves adequate administrative capability, or

(2) The IHA adopts a plan, satisfactory to HUD, to achieve adequate administrative capability within a specified reasonable time, and demonstrates good faith and diligence in carrying out the plan. If achievement of final goals under such a plan will require an extended period of time, the plan shall include interim goals, the achievement of which may be considered by HUD to be a sufficient demonstration of the IHA's good faith and diligence in carrying out the plan.

(c) *A–95 clearance.* Promptly after receipt of an application for a project, HUD will, for each application which is subject to A–95 clearance, send a copy of the proposal to the appropriate A–95 Clearinghouse for review, inviting a response within 30 days from the date of the letter of transmittal.

(d) *Compliance with section 213.* An application for a project shall not be approved unless HUD requirements implementing section 213 (a), (b), and (c) of the Housing and Community Development Act of 1974 have been satisfied. Within 10 working days after receipt of an application, the HUD field office shall, for purposes of compliance with section 213, forward, under cover of a letter in the appropriate prescribed form, a copy of each complete application to the chief executive officer (or such designee as such officer may designate in writing to the HUD field office) of the unit of general local government in which the proposed housing is to be located. The cover letter will invite a response within 30 days from the date the letter and the copy of the application are received.

(e) *Evaluation of applications by HUD.* HUD shall begin its evaluation promptly after receipt of the application, but the application shall not be approved or disapproved until the response periods referred to in paragraphs (c) and (d) of this section have ended. In evaluating the application, full consideration shall be given to comments, if any, received during the response periods from the appropriate A–95 Clearinghouse and the unit of general local government.

(f) *Application for rental project.* An application for a Rental Project shall not be approved unless it is demonstrated that there are a sufficient number of eligible families in need of the housing to meet the test of fiancial feasibility required for approval of the Annual Contributions Contract (see § 805.215(a)).

(g) *Application for mutual help project.* An application for an MH Project may be approved if it is demonstrated that there is a sufficient number of eligible families who can reasonably be expected to pay the Administration Charge and perform the other obligations of a homebuyer family under an MHO Agreement, and who will agree to pay such charge and perform the other obligations of a homebuyer family. This requirement may be modified in exceptional cases with the approval of the HUD Assistant Secretary for Housing Production and Mortgage Credit and the HUD Assistant Secretary for Housing Management.

§ 805.207 Preliminary loans.

If an application is approved and a Program Reservation is issued, HUD may approve a Preliminary Loan of up to 500 per unit (up to 750 per unit for Alaska) to pay the cost of preliminary surveys and planning in respect to the number of units covered by the Preliminary Loan Contract. If HUD determines that other costs (i.e., other than for preliminary surveys and planning) which are approvable for inclusion in development cost must be incurred prior to execution of the Annual Contributions Contract in order for a project to proceed expeditiously, Preliminary Loan funds may be used to cover such costs, and in such cases HUD may approve a Preliminary Loan in excess of the per unit amounts stated above: provided, however, that Preliminary Loan funds shall in no event be used to cover items other than the cost of preliminary surveys and planning unless the governing body of the locality has entered into an agreement with the IHA providing for the local cooperation required by the Secretary of HUD pursuant to the Act. (In the case of an IHA formed by exercise of a tribe's powers of self-government independent of state law, Article VIII of the form of Tribal Ordinance (Subpart A-Appendix I to this part) sets forth the necessary elements of local government cooperation.)

§ 805.208 HUD's minimum property standards.

A project shall be developed in compliance with the requirements of HUD's Minimum Property Standards (see 24 CFR Part 200, Subpart S). However, variations from the Minimum Property Standards to meet local conditions and patterns of living may be approved by HUD.

§ 805.209 Prototype costs in Indian areas.

(a) *Establishment of separate prototype cost area.* Where trade conditions and economic influences cause construction costs in an Indian Area or portion thereof to be significantly different from such costs in adjoining areas, the Indian Area, or suitable portion thereof, shall be established as a separate prototype cost area.

(b) *Factors to be considered in establishing prototype costs.* When establishing or amending prototype costs, consideration shall be given to all pertinent trade conditions and economic influences. The factors to be considered include, where applicable, the following: local customs; abnormal climatic conditions; the logistical problems associated with projects of remote location, low density, and/or scattered sites; provisions for the use of wood or coal as an alternate heat source when locally available; with respect to trust or restricted land, the unavailability of the legal protection, usually available under state law, for enforcement of claims by contractors, laborers and materialmen.

§ 805.210 Development cost.

(a) *General.* The development cost of a project shall comprise all HUD-approved costs incurred by the IHA in any and all undertakings necessary for planning, site acquisition, demolition, construction, or equipment, and their necessary financing (including the payment of carrying charges), and in otherwise carrying out the development of the project.

(b) *Streets and driveways.* The HUD approved development cost for a project may include the planning, construction and inspection costs of providing streets, sidewalks, curbing, and street-lights. The cost of driveways within the boundaries of a multi-unit site, or within the boundaries of the individual homesites in the case of a scattered site project, may also be included in development cost, provided that the total cost of driveways may not exceed one and one-half percent of the estimated dwelling construction and equipment cost for the project. The HUD-approved development cost shall not include the cost of providing the access roads referred to in § 805.212(a)(2). The cost of obtaining access to the site during construction, or costs due to delays in construction because of inaccessibility of the site, shall not be included in development cost.

(c) *Water and sanitation; electricity and fuel distribution systems.* The HUD-approved development cost may include:

(1) The costs of providing water, sewer, electrical and fuel facilities within the boundaries of any multi-unit site, or within the boundaries of the individual homesites in the case of a scattered site project; and connections to the appropriate distribution systems, if such systems are available to the multi-unit site, or to the homesites of a scattered site project; or

(2) On-site wells, septic tanks, electrical generating and fuel storage facilities and distribution systems.

(d) *Exclusion of costs for facilities to be provided by others.* The HUD-approved development cost shall not include any costs related to any of the facilities or improvements described in paragraphs (b) or (c) of this section if such facilities or improvements are to be provided by the local government or utility company, or, with respect to an IHA of a federally recognized tribe, by the IHS or BIA.

(e) *Nondwelling facilities.* Management, maintenance, community and commercial space and facilities may be approved for inclusion in the HUD-approved development cost for a Rental or an MH Project. In addition, where necessary and feasible to achieve adequate fire protection, HUD may approve inclusion of the cost of providing adequate fire warning devices and extinguishing equipment, and also may approve inclusion of all or a part of the reasonable expense of obtaining the required fire-fighting equipment and space for its storage. In areas subject to severe storms, consideration may also be given to the inclusion of the cost of shelter space in a project.

(f) *Contingency allowance for MH projects.* HUD may permit a contingency allowance of up to five percent for a project developed under the Conventional method (with or without advertising), and up to one percent for a project developed under the Turnkey method (with or without advertising). However, if HUD determines in writing that a higher contingency allowance is necessary because of special circumstances set forth in the determination, a higher contingency allowance may be permitted, not to exceed ten percent for a project developed under the Conventional method, and three percent for a project developed under the Turnkey method.

§ 805.211 Design for economy in fuel consumption.

(a) *Choice among feasible options.* In selecting from among feasible options and in designing installations for heating and cooking, particular attention shall be given to maximum economy in the cost of fuel, as well as to adequacy for the purposes intended, maximum economy in maintenance and the long-term reliability of fuel supplies. All options which are feasible in the locality shall be examined, and HUD shall provide technical assistance for this purpose.

(b) *Cost of alternate fuel system.* The HUD-approved development cost may include, where availability and cost of fuel and local preferences indicate, the design, construction and equipment costs of an alternate fuel system, either primary or supplemental, such as coal or wood stoves or fireplaces. Where locally available coal or wood offers a ready supply of fuel at costs less than those of other fuels which might be used, strong consideration should be given to the installation of stoves or fireplaces as a supplemental or primary system for heating and/or cooking, especially if prospective residents desire such a system. A further possibility is the supplemental installation of stove flues only, which would permit residents to install coal or wood burning stoves at their individual option and expense.

§ 805.212 Site selection.

(a) *Suitability of site in relation to local plans and to surrounding area facilities.* (1) *Local and regional plans.* Site selection shall be made with due regard for local and regional plans.

(2) *Access roads.* An access road up to the boundaries of a multi-unit site shall be provided by the BIA, the tribe or other appropriate agency without cost to the project. In the case of a scattered site project, access roads up to the boundaries of the individual homesites shall be provided by the homebuyer, the tribe, or other appropriate agency without cost to the project. In all cases access roads shall provide safe and suitable vehicular access at all times. No site may be approved unless such access roads exist or a written assurance has been obtained from the responsible entity that the requisite roads will be constructed in time for occupancy of the proposed project, and will be maintained for continuous accessibility to the project.

(3) *Existing and proposed utilities.* (i) Water and Sanitation. A written assurance shall be obtained from the IHS, or from the appropriate local agency, that water and sanitation facilities acceptable to the IHS, or to HUD where the IHS has no jurisdiction, exist or will be provided in time for occupancy of the housing.

(ii) Lighting, heating and cooking sources. Written assurance shall be obtained from the appropriate utility companies, or other entities providing the requisite lighting, heating and cooking sources, that the sources exist or will be provided in time for occupancy of the housing.

(b) *Physical characteristics of site.* (1) *General.* The physical characteristics of a site shall be such as to facilitate economical construction and management.

(2) *Topography.* (i) Sites with dominant grades in excess of ten percent shall be avoided where possible.

(ii) Low-lying and flat sites shall not be approved unless practical and economical means of surface drainage can be provided to accommodate the level of rainfall expected.

(iii) If the topography of a proposed project site raises serious doubt as to the suitability of the site, HUD may require the preparation of a site feasibility study in order to establish whether the site can be utilized satisfactorily.

(3) *Subsurface conditions.* (i) In general, subsurface soil investigations shall be undertaken as soon as tentative site approval is obtained from HUD. Professional competence in soils and foundation engineering shall be required for both the performance of the subsurface soil investigation and the evaluation of the results. Where there is any evidence to suggest that a site may have unsuitable bearing qualities for foundations and/or underground utilities or excessive areas of rock to be excavated, tentative site approval shall not be requested from HUD until a preliminary examination of the adverse conditions has indicated that they can be overcome.

(ii) No site shall be selected if the hazard of earthslides exists either on the site or on adjacent or nearby land.

(iii) In regions where local experience shows loss of life or damage resulting from earthquakes, or in regions located in zones 1, 2 or 3 as shown on Seismic Risk Maps provided in HUD Minimum Property Standards, precautions in design shall be taken in accordance with the requirements of the HUD Minimum Property Standards.

(4) *Flooding.* The project may not be built in an area that has been identified by HUD as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the project is covered by flood insurance as required by the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.).

(c) *Multi-unit sites versus scattered sites.* (1) A project may consist of a multi-unit site, or scattered sites, or a combination. A "multi-unit site" is a site where individual homesites are contiguous. "Scattered sites" are for individual homesites which are not contiguous.

(2) Basic consideration to be taken into account in selecting the type of sites are:

(i) Suitability for the type of occupancy intended (e.g. elderly);

(ii) The economical development and operation of the project.

(d) *Multi-unit sites.* A multi-unit site shall be of such size and topography as to permit an acceptable arrangement for the proposed number and type of units.

(e) *Scattered sites.* (1) Size. The individual homesites shall not exceed one acre unless HUD approves the use of a larger site where necessary to comply with applicable local codes, or in order to meet sanitary design requirements.

(2) MH projects. With respect to MH Projects, each site shall be legally and practicably available for use by a substitute homebuyer family. If a site is part of other land owned by the prospective homebuyer family, access to the site must be available or made available to prospective substitute families.

(f) *Individually owned trust or restricted land.* A site on individually owned trust or restricted land shall not be approved by HUD unless HUD obtains written assurance from the BIA that, in its judgment, a valid lease executed by all necessary parties can be obtained within three months after issuance of the Program Reservation. HUD may approve a site requiring a longer period of time if HUD determines that such longer period will not unduly delay the project.

§ 805.213 Use of leased land as project site.

(a) *Trust or restricted land.* (1) "Trust or restricted land" includes "tribal land" or "individually owned land" as defined in 25 CFR 131.1. "Tribal land" under 25 CFR 131.1 means land or any interest therein held by the United States in trust for a tribe, or land or any interest therein that is held by a tribe subject to Federal restrictions against alienation or encumbrance. "Individually owned land" under 25 CFR 131.1 means land or any interest therein held by the United States in trust for an individual Indian, or land or any interest therein held by an individual Indian subject to Federal

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restrictions against alienation or encumbrance, including allotted land.

(2) Sites on tribally or individually owned trust or restricted land shall be leased to the IHA for a term of not less than 50 years (25 years, automatically renewable for an additional term of 25 years). For sites on trust or restricted land, HUD may accept a Title Status Report furnished by the BIA in lieu of obtaining other title information, opinions, certificates or policies.

(b) *Unrestricted land.* Sites on unrestricted land may be either conveyed to the IHA in fee, or leased to the IHA for a term of not less than 50 years.

(c) *Rights in leased land.* Any sublease or assignment of the prime lease held by the IHA cannot extend beyond the term of the prime lease, nor can a sublease or assignment give greater use rights than provided under the prime lease.

§ 805.214 Site approval.

(a) *HUD tentative site approval.* The IHA shall request tentative HUD approval for each site by submitting a "Preliminary Site Report" on a form prescribed by HUD, including all required exhibits, and including the written approval of the IHS and BIA wherever applicable as provided in the Interdepartmental Agreement, or as required in connection with services or facilities to be provided by the IHS or the BIA. After reviewing the request, HUD shall notify the IHA of its tentative approval or of its disapproval of the proposed sites or portions thereof. If HUD disapproves the sites or portions thereof, it shall notify the IHA of the reasons and shall state what additional information, if any, shall be provided by the IHA, or will be obtained by HUD by inspection or otherwise. No site or portion thereof may be used without HUD approval or without the approval of the IHS or BIA where required under the first sentence of this paragraph (a). Notification to the IHA shall specifically state in the case of a scattered site project, whether a sufficient number of homesites (including alternate homesites where desirable) have been approved for the project to proceed.

(b) *Alternate sites.* It would be advisable for the IHA to have alternate sites available for expeditious review and approval by HUD should there be a need for substitution of sites or selected families.

(c) *HUD final site approval.* HUD shall not give final site approval until the conditions, if any, stated by HUD in its tentative approval of the site, have been met. The IHA shall not enter into any contractual commitments for acquisition or leasing of any site, or for work to be performed on any site, until HUD gives final approval of the site.

§ 805.215 Financial feasibility of rental projects.

(a) An Annual Contributions Contract for a Rental Project shall not be approved unless it is demonstrated that anticipated annual rental income for the project during the first five fiscal years following the end of the Initial Operating Period will be at least equal to estimated annual operating expenses for the project during the period. This requirement must be met prior to approval of the Annual Contributions Contract. However, this requirement may be modified in exceptional cases with the approval of the HUD Assistant Secretary for Housing Production and Mortgage Credit and HUD Assistant Secretary for Housing Management.

(b) If a proposed site for a Rental Project is trust or restricted land owned by the Tribal Government, it is customary for the tribe, because of the tribe's interest in improvement of the housing of its members, to donate the required 50-year leasehold interest to the IHA for only a nominal consideration. However, where necessary in order to meet the test for Annual Contributions Contract approval prescribd in paragraph (a) of this section, HUD may approve the inclusion in development cost of the appraised value of the site (but not to exceed $2500 per unit). The amount so included shall be credited to a project account, and may be counted as anticipated rental income during the first five years for the purpose of paragraph (a) of this section. The account may be charged after the end of the Initial Operating Period to the extent needed to supplement operating receipts of the project. The account shall be funded by requisition against the loan provided in the Annual Contributions Contract, and the amounts so provided shall be subtracted from any operating subsidy otherwise payable for the fiscal year. The IHA's agreement with the Tribal Government to credit the value of the site shall not be effective until approved by HUD.

§ 805.216 Appraisals.

(a) *When appraisals are required.* No appraisal shall be required if the cost of a site does not exceed $500 per unit. If the cost of a site exceeds $500 per unit, an appraisal shall be made in accordance with the standards provided in this section, and the cost of the site shall not exceed the appraised site value.

(b) *Performance of appraisals.* The IHA shall submit a formal request for appraisal to HUD or BIA, as appropriate, after notification by HUD that the number of sites approved, upon submission of Preliminary Site Reports, is sufficient to allow the project to proceed. Whenever BIA appraisal service is available, appraisals shall be provided by the BIA in accordance with paragraph (c) of this section (unless HUD agrees to provide the services in whole or in part), and shall be accepted by HUD. Otherwise, all appraisals shall be provided by HUD.

(c) *Appraisal standards.* (1) *Conformity with appraisal standards.* All appraisals shall be in conformance with established and generally recognized appraisal practice and procedures in common use by professional appraisers. Opinions of value shall be based on the best available data properly analyzed and interpreted.

(2) *Nature of legal interest in land.* In valuing the property interest to be conveyed to the IHA, appraisals shall give full consideration to the nature of the property interest, including any legal restrictions and restraints on alienation that affect market value. It shall be determined whether the interest to be conveyed to the IHA is fee simple title, an easement, a leasehold or another property right. In the case of tribally or individually owned trust or restricted land to be leased to the IHA, the appraiser shall report the value of the leasehold.

(3) *Market data comparables.* In the application of the market data approach to valuation, a property shall be compared with properties that have been leased or sold recently in the same or competing market areas. However, value estimates shall not be predicated upon comparable sales or leases that involve the IHA either as seller or purchaser.

(4) *Valuation of trust of restricted land—market data approach.* When the interest to be appraised is a leasehold interest in tribally or individually owned trust or restricted land, and comparable leasehold transactions are not available, the appraiser shall estimate the value of the land as if alienable in fee, based on a comparison of the land being valued with sales of fee interests in comparable land in the same or competing market areas. The value of the land as if marketable in fee shall be discounted to obtain an estimate of the value of the leasehold interest which is alienable. An acceptable estimate of the value of the leasehold shall in no event exceed ⅔ of the estimate of the value as if alienable in fee.

§ 805.217 Construction inspection.

(a) *Construction inspectors.* Inspection of construction is the responsibility of the IHA. IHA construction inspectors shall be selected by the IHA and approved by HUD. IHA inspectors shall make inspection reports to the IHA, and the IHA shall promptly forward a copy of each report to HUD with comments on action taken to remedy deficiencies disclosed by the inspector. Because remote or scattered sites are sometimes used for Indian housing, and because inspections at such site are more expensive, HUD may approve, where necessary, a larger amount for the cost of IHA construction inspection than provided under regular program requirements.

(b) *HUD construction representatives.* HUD construction representatives shall make site visits from time to time, and shall make a report to HUD of each of their visits. HUD shall send a copy of that report to the IHA, with HUD's recommendation of the action, if any, to be taken by the IHA. The HUD construction representative's report shall include his evaluation of the adequacy of the inspection service of the IHA inspector and the IHA actions with respect thereto.

(c) *Final inspection.* (1) Upon the completion of construction, the contractor shall notify the IHA that the project is ready for final inspection. The IHA shall promptly notify HUD and request that a HUD construction representative be assigned for final inspection of the units. The final inspection shall be made jointly by the IHA inspector, and the HUD construction representative, and the contractor or his designee.

(2) If the final inspection discloses no deficiencies other than punch list items, or items awaiting seasonal opportunity, the contractor shall submit an Interim Certificate of Completion to the IHA, which shall detail the items, and set forth a proposed time schedule for completion of the items. Upon approval of the Interim Certificate by the IHA and HUD, the IHA may accept the units for occupancy and release the monies to the contractor less: (i) the warranty withholdings, and (ii) a withholding equal to 1½ times the estimated value of the punch list items, and of items awaiting seasonal opportunity (to allow for inflation in the cost of completing the items). A family shall not be permitted to occupy a unit prior to IHA sign off on all punch list items with respect to the unit, unless the contractor agrees to such prior occupancy, and consents that the uncompleted items remain the contractor's responsibility.

(3) Contractors shall complete the punch list items, and items awaiting seasonal opportunity, in accordance with the time schedule for completion of the items, as approved by the IHA and HUD. The contractor will be released and paid for such items only after inspection and sign off by the IHA. Unless the IHA has signed off on such items, the contractor shall not be paid for them if there is a dispute as to whether such items were performed. Upon completion of all such items, the contractor shall furnish to the IHA a Final Certificate of Completion. If the IHA is satisfied that all such items have been completed, the IHA shall approve the Final Certificate of Completion, and release to the contractor any amount still withheld with respect to such items.

(4) If the final inspection discloses deficiencies other than punch list items, or items awaiting seasonal opportunity, the contractor shall be required to proceed expeditiously with their correction. After correction of the deficiencies, the contractor shall notify the IHA that the deficiencies have been corrected, and that the project is ready for final inspection. The IHA shall promptly notify HUD, and a joint final inspection shall be made by the IHA inspector, the HUD construction representative, and the contractor or his designee.

(d) *Inspection after acceptance.* The IHA shall inspect each dwelling unit not less often than every 3 months during the first year after approval of the Interim Certificate of Completion by the IHA and HUD, and shall obtain a statement from the occupants as to any deficiencies in the structure, equipment, grounds, etc., for which the contractor and/or supplier or manufacturer of equipment may be held accountable. It shall be the responsibility of the family occupying a unit to promptly inform the IHA during the applicable warranty period of all deficiencies covered by warranty (i.e., the contractor's warranty or the various warranties on equipment, etc.). The IHA shall be responsible for notifying the responsible party to cure a deficiency covered by warranty, and for taking all necessary steps to enforce such warranty. Copies of the inspection reports required under this section, and of notifications to warrantors shall be kept on file in the IHA office for three years.

§ 805.218 Costs to correct deficiencies.

Costs which are the responsibility of the contractor or of a homebuyer family shall be charged accordingly. Costs which are not chargeable to the contractor or the family can only be met by increasing development cost with or without amendment of the development cost budget, or by charging the costs to project operating income. Such costs shall not be incurred without the specific approval of HUD.

APPENDIX I—INTERDEPARTMENTAL AGREEMENT ON INDIAN HOUSING

1. *Introduction.* Most assisted housing in Indian areas is made available under the low-income housing program authorized by the United State Housing Act of 1937 (USH ACT). For federally recognized tribes, the Interior Department, principally its Bureau of Indian Affairs (BIA), and the Indian Health Service (IHS) in the Department of Health, Education and Welfare furnish certain necessary services. The purpose of this Interdepartmental Agreement is to set forth the responsibilities of the signatory agencies, having in mind that the financial and contractual relationships for assisted housing under the USH ACT are between HUD, THAs and tribal governments and that this Agreement contemplates promotion of the independent initiative and responsibilities of IHAs and tribal governments involved. In addition, this Agreement specifies the responsibilities of IHS concerning water supply and sewerage facilities not only for HUD-supported housing but also for the BIA-Housing Improvement Program (HIP).

2. *HUD responsibilities.* Except as specified in this Agreement, HUD will assume all responsibilities for projects of IHAs of federally recognized tribes under the USH ACT that it normally does for any project assisted under the USH ACT.

3. *Coordination of agencies.* a. Before issuing the Program Reservation [see § 805.205 (b) (2)] HUD will request the time and place for a meeting by the IHA with representatives from HUD, BIA, IHS and any other agencies that may be involved, and the IHA shall notify HUD of its determination. The time and place will be determined by the IHA after consultation with all participants. When HUD issues the Program Reservation, it shall send a notice to all the participants establishing this time and place for the meeting.

b. The purpose of the meeting will be to establish a schedule of actions to be taken for the total project development period. These actions will include site review, selection and development as they relate to the provision of water, sewer, house placement, access roads and streets where applicable, and homebuyer training programs. The schedule will also include all necessary steps to be taken by the IHA and the Federal agencies leading to the start of construction.

c. The time schedule agreed to at this meeting will be signed by each participant on behalf of his agency and each participant agency will thereby agree to meet that schedule. Any departure from the schedule must be for good cause and justified in writing by the head of the HUD field office, the Chairman of the IHA, the BIA Area Office Director or the IHS Area Director, as the case may be.

d. A monthly production progress reporting system on HUD-assisted projects compatible with the needs of HUD, BIA and IHS will be established by HUD in consultation with the other agencies and implemented within 90 days of publishing the HUD regulations.

4. *Environmental requirements.* HUD will be the lead agency in accomplishing compliance with any applicable provisions and Federal requirements relating thereto of the Flood Disaster Act of 1973 (Pub. L. 93-234), the National Environmental Policy Act (Pub. L. 91-190), and Executive Order 11514 with respect to HUD-assisted housing. IHS and BIA will provide necessary support documents relating to effects imposed by their operations.

5. *Homebuyer training programs.* An IHA may elect to use, without additional HUD approval, the HUD pre-approved BIA Homebuyer Training Program (HTP). The BIA will assist with this program in accordance with responsibilities enumerated in the Exhibit to this Agreement.

6. *Other BIA functions.* a. *Site selection and land acquisition services.* The BIA will assist an IHA with site selection and land acquisition services, including title evidence and furnishing the site lease forms for both HUD rental and homeownership projects.

b. *Appraisals.* When requested by an IHA, the BIA will perform appraisals of the proposed sites in accordance with the HUD and BIA regulations.

c. *Preservation of historical and archaeological data.* The BIA will take appropriate action to assure compliance with any applicable provisions of Federal law before approving a site for HUD housing activities involving excavations, road construction and land development, or involving the disturbance of land on known or reported historic, prehistoric or archaeological sites or objects of antiquity.

d. *Roads.* The BIA will carry out its responsibilities under applicable regulations of the Department of Interior for providing roads, including access roads, which are not the responsibility of HUD under the HUD regulations.

e. *Management services.* Although there is no commitment by the BIA for the furnishing of assistance in the management and operation of IHA projects, it is understood under this Agreement that where the BIA has staff or facilities available to provide such assistance and an IHA requests such assistance, the BIA will provide it to the extent feasible.

7. *Audits.* a. The Department of Interior, Office of Audit and Investigation (OAI), will provide audits of IHAs of federally recognized tribes until fiscal year 1977. The scope of these audits will be limited as follows:

(1) As a general rule, the audits will omit confirmation procedures for tenants' accounts receivable. The audit opinion will be qualified or a disclaimer will be made in those instances where receivables are material. Other tests and analyses applicable to receivables will be applied, such as review of billing procedures and aging receivables and evaluation of collection efforts. If results of these tests indicate the possibility of serious error or potential for fraud, OAI will attempt confirmation.

(2) Upon request of OAI, HUD will confirm the balance of outstanding notes for the construction of the projects and of HUD contributions surplus accounts.

b. Audits will be scheduled only upon receipt of required financial statements. HUD procedures will provide that the IHA furnish a copy of its financial statement to OAI at the times it is furnished to HUD.

c. Audits will not be performed at those IHAs, such as in Oklahoma and Alaska,

V 40 183 SEP 1975 XUM

which are not located on federal Indian reservations.

d. HUD will assume responsibility for the audit of IHAs beginning with fiscal year 1977.

8. *Water supply and sewerage facilities.* a. *General.* IHS has the general responsibility to provide water supply and sewerage facilities for those Indians and Alaska Natives who are eligible to receive such benefits under the Indian Sanitation Facilities and Construction Act (Pub. L. 86-121). IHS will exercise this responsibility with respect to facilities required to serve Indian houses constructed or improved with the support of HUD or BIA to the extent that funds are specifically appropriated by the Congress for such facilities and as agreed upon under the terms of this Agreement.

b. *Planning for budget purposes.* Sixteen months prior to the beginning of a fiscal year, HUD and BIA will advise IHS with respect to the number and, where possible, the location of HUD-assisted housing starts and HIP units of housing improvement which will be initiated in that fiscal year for which IHS will be required to furnish sanitation facilities. (If the information cannot be provided at that particular time, HUD and BIA will notify the IHS Director in writing accordingly). IHS will use this information in developing its budget request to assure that adequate funds are included to support all necessary sanitation facilities construction for HUD-assisted and HIP housing units.

c. *Evaluation of housing site and determination of type of facility to be provided.* (1) The ability of the IHS to provide needed water supply and waste facilities is dependent on the availability of a water source of suitable quantity and quality and a means of sewage disposal which will conform to acceptable standards and can be developed within reasonable cost limits. Therefore, the IHS shall be consulted with respect to the general site plan for new housing units and review and concur in the site selection.

(2) It shall be the responsibility of the IHS to determine, following its review of the site in each case, whether community or individual type facilities or a combination of these, can best serve the housing units concerned.

(3) IHS's review and approval of sites, along with any recommendations and observations concerning water and sanitation facilities, will be furnished the IHA, which shall in turn forward this material to HUD as part of the Preliminary Site Report submission.

d. *Technical requirements.* To minimize the cost of providing and maintaining water supply and sewerage facilities, the following criteria shall apply:

(1) Wherever possible, project sites will be on or adjacent to existing community water and sewer systems.

(2) Economic feasibility of water and sewer installations shall be considered in site selection. Feasibility shall be determined on the basis of initial construction as well as long range costs of operation, maintenance and replacement. Overly expensive and complex utility installation shall be avoided.

(3) Whenever possible and practicable, dwelling units within a multi-unit project site will be located on both sides of the street.

e. *Test well drilling.* Whenever it is determined by the IHS that test drilling is required for wells to provide individual water facilities for housing supported by HUD, tentative site approval may be given subject to the results of the test drilling. Should the test drilling indicate an insufficient supply of potable water, the site shall be disapproved and another selected unless another suitable water source can be provided. All test drilling, including obtaining of necessary permits or authorizations, shall be performed by and at the expense of the HUD program and carried out in accordance with accepted practices in the area concerned, and the data obtained shall be furnished to the IHS. For all community water facilities, including facilities for HUD-assisted projects and for individual wells to be provided for BIA sponsored housing, the IHS will perform at its expense any test drilling required.

f. *Soil percolation tests.* Soil percolation tests are necessary to ascertain the suitability of a home site for septic tank and drainfield facilities. The test will be conducted by, or at the expense of, the IHS. The data obtained will be provided to the IHA with IHS's recommendations for accepting or rejecting the site. (IHS's concurrence is required as a condition for use of the site, see paragraph 8c(1) above).

g. *Individual house facilities.* In those instances where the IHS determines that individual water supply and/or waste disposal facilities are the most feasible and should be provided, the following conditions will apply:

(1) The agency financing the house construction or improvement will be responsible for the installation of all plumbing facilities within the dwelling and the house service lines.

(2) In the case of BIA-HIP homes, the IHS will provide the on-site water supply and waste disposal facilities along with service lines to a point five feet from the house.

(3) In the case of HUD-supported homes, the housing project will include the cost of installing any water supply and/or sewage disposal facilities which are to be located on the individual house sites. These facilities would include individual water supplies, sewage disposal systems or service lines to the house. All such work is to be carried out in accordance with guides and recommendations furnished by the IHS regarding the location and design of the facilities. These guides and recommendations will be provided by the IHS, following site review, to the IHA.

h. *Community systems.* All community water and sewer systems will be designed on the basis of a total community concept. The following conditions will apply:

(1) The agency financing the house construction or improvement will be responsible for the installation of all plumbing facilities within the house and the house service lines.

(2) Where HUD-financed new houses are interspersed with existing homes, HUD will fund a pro rata share of the system's cost, excluding water source development, treatment and storage, and sewerage treatment facility. This share will be based on the ratio of new to existing homes and will not exceed the cost of equivalent individual type facilities.

(3) Where the systems serve only new HUD-financed houses, HUD will fund the total cost of water distribution and sewerage collection systems located within the boundaries of the project. The cost of all necessary facilities outside the housing project boundary will be funded by IHS.

(4) Community systems servicing BIA-HIP homes will be provided by IHS.

i. *Plan review and approval.* (1) In those instances where the housing project includes the cost of installing individual or on-site water and sewer facilities, approval must be obtained from the IHS Area Office on all final plans before advertisement for construction bids. The IHS at its expense will inspect the installation of these facilities during construction and after completion of the work to assure the IHA that the installation has been done in conformance with the plans and specifications and may be accepted.

(2) If connection to a BIA water and/or sewerage system is contemplated, a joint feasibility study will be conducted by the BIA and IHS to determine the adequacy of existing facilities to meet the additional requirements, to recommend necessary improvements or additions and to determine points of master or individual metered connections, valving, flushing hydrants, etc., in order to insure compatibility with existing systems. If the system is not adequate, the IHS and BIA will develop a mutually agreed upon program for providing additional capacity.

(3) Responsibility for the acquisition of land or interest therein in connection with the provision of water and sewerage facilities for HUD-assisted housing cannot be assumed by the IHS, BIA, or HUD.

Secretary, Department of the Interior	Date
Secretary, Department of Health, Education, and Welfare	Date
Secretary, Department of Housing and Urban Development	Date

BIA HOMEBUYERS TRAINING PROGRAM

1. *Scope of Program.* The HUD-approved BIA Homebuyers Training Program (HTP) will provide pre-occupancy and post occupancy training to homebuyer families in mutual help projects and shall consist of the following:

a. *Training in home and appliance maintenance and care.* Training will be provided to increase the knowledge and understanding of homebuyers of the methods and means to properly care for and maintain (1) both the interior and exterior structures of the home, including electrical, plumbing (including water heaters and pumps) and heating systems; (2) major appliances, refrigerators, ranges and dishwashers; (3) minor appliances, such as can openers and toasters; and (4) yards and gardens. In addition, training will be provided to homebuyers to increase their knowledge about simple repair techniques with regard to the above-mentioned house components and equipment.

b. *Training in budgeting and financial management.* Training will be provided to homebuyer families on family budgeting, use of credit, and meeting financial obligations, including their responsibility to make the required monthly payments and to allocate funds to other various necessities, such as utilities.

c. *Information and referral services.* Homebuyers will be given information on and, where appropriate, will be assisted by referrals to, other local, state and Federal agencies whose programs relate to total family counseling, and social services, including services on problems such as alcoholism, drug abuse, etc.

2. *Implementation of program.* a. *General.* The HTP will be implemented according to the schedule established under paragraph 3 of the Agreement in accordance with the following:

(1) An IHA will submit a proposal to the BIA which will set forth the specific needs of homebuyers, the scope of training, methodology and budget to be undertaken within the general guidelines stated above.

(2) The program shall be developed and implemented at the local level employing locally recruited members of the community to the maximum extent possible. This function cannot be subcontracted by IHAs.

(3) The program may be carried out through individual home visits, demonstration or other group sessions, or by any other methods deemed appropriate.

(4) The BIA shall be responsible for providing the training staff with any necessary instruction in training. Such training of IHA employees may be undertaken through IHS training centers or at universities or other institutions which can provide the needed training.

b. *Progress Reports.* IHAs shall submit quarterly progress reports to BIA, which shall include:

(1) A list of expenditures under the program, including salaries, cost of transportation, training materials, office expenses and other justifiable expenditures. All expenditures must be identified and supported by appropriate books and records of the IHA and must be certified as correct by the Executive Director and the Chairman of the IHA.

(2) Names of homebuyer participants, the number of training sessions, descriptions of training activities, degree of participation, deficiencies noted, and other relevant information or observations.

(3) Efficacy of training as shown by reports, results of tests, reduction in monthly payments delinquencies, reduction in maintenance costs or other factors.

(4) Proposed changes during the next period of training, including program changes to overcome deficiencies described in current or prior report(s) or called to the attention of the IHA previously by BIA and to provide training to any additional or substitute homebuyers.

c. *BIA responsibilities.* The BIA will monitor and evaluate the progress and the implementation of the HTP of IHAs and submit semi-annual reports to HUD. Should BIA judge that an IHA is not implementing the program consistent with these guidelines, it will:

(1) Notify the IHA of the deficiencies in its program implementation and provide the necessary assistance to it to assure proper implementation,

(2) Afford the IHA 90 days from the date of notification to take corrective action, and

(3) Report to HUD whether the program should be continued based on the corrective action or whether the program should be terminated.

d. *HUD responsibilities.* HUD will be responsible for allocating to IHAs the funds for the training program, provided that the BIA will not be reimbursed for utilization of its staff or facilities. HUD will also be responsible for discontinuing disbursements of funds to IHAs under specified conditions of c above.

Subpart C—Operation

§ 805.301 Admission policies.

(a) *Income and assets limits.* Subject to approval by HUD, the IHA shall adopt regulations establishing schedules of maximum income limits for admission. An IHA may establish income limits up to the maximum permitted by the Act. Under the Act, admission must be limited to families of low income who cannot afford to pay enough to cause private enterprise in the Indian Area to build an adequate supply of decent, safe and sanitary dwellings for their use. In determining the income limits for admission consideration shall be given to any relevant limitation in the local private housing market (such as an insufficient supply of standard private housing, or the unavailability of mortgage financing on trust or restricted land). HUD shall approve the IHA's schedules of maximum income limits unless the determination of such limits was arbitrary or capricious. An IHA may also adopt regulations establishing reasonable assets limits for admission to occupancy. A copy of the IHA's income and assets regulations shall be posted in the IHA's office for examination by prospective tenants or homebuyers.

(b) *Other tenant and homebuyer Admission policies.* In addition to the regulations governing income limits for admission, the IHA shall adopt and promulgate regulations establishing the IHA's policies for admission of tenants or homebuyers. Such regulations shall specify the types of projects to which they apply (i.e., rental, MH, or Turnkey III), and shall be designed to attain, within a reasonable period of time, a tenant or homebuyer body in each project composed of families with a broad range of incomes, and of abilities to pay rents or homebuyers' Required Monthly Payments, which is generally representative of the range of low income families in the Indian Area. A copy of the regulations shall be posted in the IHA's office for examination by prospective tenants or homebuyers, and shall be submitted to HUD promptly after adoption by the IHA.

§ 805.302 Grievance procedures.

The requirements set forth in other HUD regulations relating to procedures for the resolution of tenant or homebuyer grievances against Local Housing Authorities shall not be applicable to projects under this Part. Instead, each IHA shall adopt and promulgate grievance procedures which are appropriate to local circumstances, provided that such procedures shall afford all tenants and homebuyers a fair and reasonable opportunity to have their grievances heard and considered by IHA officials, and shall comply with the Indian Civil Rights Act. A copy of the grievance procedures shall be posted in the IHA office, and shall be provided to a tenant or homebuyer upon request.

§ 805.303 Rent and homebuyer payment collection policy.

Each IHA shall adopt and promulgate, and shall use its best efforts to obtain compliance with, a policy sufficient to assure the prompt payment and collection of rents and homebuyers' Required Monthly Payments, and the prompt processing of evictions in the case of nonpayment. A copy of the policy shall be posted in the IHA office, and shall be provided to a tenant or homebuyer upon request. The policy shall include the following types of provisions, and may include additional provisions consistent therewith:

(a) The time, place and method for payment of rents and homebuyers' Required Monthly Payments.

(b) A statement to the effect that prompt payment of rents or homebuyers' Required Monthly Payments is a requirement for continued occupancy, and that the IHA will take such steps as may be necessary lawfully to terminate occupancy in case of nonpayment, and to collect charges due and owing by terminated tenants and homebuyers, as well as those in possession.

(c) For tenants or homebuyers whose income is seasonal or otherwise irregular, provisions for special plans or schedules for assuring payment of rents or homebuyers' Required Monthly Payments when due, e.g., prepayment or arrangements with public welfare agencies regarding public assistance payments.

(d) Procedures for counseling and assistance to tenants and homebuyers if nonpayment is due to family hardship.

(e) Procedures for eviction in cases of nonpayment.

(f) Procedures for collection of amounts remaining due and unpaid from terminated tenants and homebuyers.

(g) Procedures for obtaining assistance from the Tribal Government.

§ 805.304 Maintenance policy.

(a) Each IHA shall adopt and promulgate, and shall use its best efforts to obtain compliance with, a policy sufficient to assure full performance of the respective maintenance responsibilities of the IHA, and tenants or homebuyers. A copy of the policy shall be posted in the IHA office, and shall be provided to a tenant or homebuyer upon request.

(b) Provisions for rental projects: For Rental Projects, the maintenance policy shall contain the following types of provisions, and may include any additional provisions consistent therewith:

(1) A statement specifying the responsibilities of tenants for normal care of their dwellings and common elements (if any) of the project.

(2) Policies and procedures for tenant maintenance (if any).

(3) Procedures for handling maintenance service requests from tenants.

(4) Procedures for IHA inspections of dwelling units and common elements (if any) of the project.

(5) Special arrangements (if any) for obtaining maintenance services from outside workmen or contractors.

(6) Procedures for charging tenants for damages for which they are responsible.

(c) Provisions for homeownership opportunity projects: For homeownership opportunity projects, the maintenance policy shall contain the following types of provisions, and may include any additional provisions consistent therewith:

(1) A statement specifying the responsibilities of homebuyers for maintenance and care of their dwellings and common elements (if any) of the project in accordance with the MHO Agreement or Turnkey III Homeownership Opportunity Agreement.

(2) For Turnkey III projects only, procedures for handling service requests from homebuyers for nonroutine maintenance.

(3) Procedures for providing advice and technical assistance to homebuyers to enable them to meet their maintenance responsibilities.

(4) Procedures for IHA inspections of homes and common elements (if any) of the project.

V40I183 SEP 1975 XUM

(5) Procedures for IHA performance of homebuyer maintenance responsibilities, where homebuyers fail to satisfy such responsibilities, including procedures for charging the homebuyer's proper account for the cost thereof.

(6) Special arrangements (if any) for obtaining maintenance services from outside workmen or contractors.

(7) Procedures for charging homebuyers for damages for which they are responsible.

§ 805.305 Supply management policy.

Each IHA shall adopt and promulgate, and shall comply with, a supply management policy, which shall contain the following types of provisions, and may include any additional provisions consistent therewith:

(a) Procedures for purchasing in cases where competitive bidding is required.

(b) Identification (by position title) of IHA officials authorized to make purchases when competitive bidding is not required, and procedures for making such purchases.

(c) Procedures for inventory control.

(d) Procedures for storage and protection of goods and supplies.

(e) Procedures for issuance or other disposition of goods and supplies.

§ 805.306 Correction of serious management deficiencies.

An IHA shall promptly take such action as may be required or approved by HUD to remedy management deficiencies. Management problems to which particular attention shall be given are serious deficiencies in any of the following: physical maintenance of the property, occupancy practices, maintenance of accounts and records, cost controls, handling of funds, rent or monthly payment collection, required reports to HUD, IHA staffing and staff turnover, and Tribal Government cooperation. HUD shall provide the maximum feasible assistance to an IHA to remedy management deficiencies.

Subpart D—Mutual Help Homeownership Opportunity Program

§ 805.401 Scope and applicability.

(a) *Scope.* This Subpart sets forth the elements of the Mutual Help Homeownership Opportunity Program. This Subpart is to be read in conjunction with Subparts A, B and C, the applicable provisions of which are not repeated in this Subpart.

(b) *Applicability.* The provisions and requirements of this Subpart shall be applicable to (1) all MH projects placed under ACC on or after the effective date of this Part, and (2) any Existing Projects converted to development or operation under the New MH Program in accordance with § 805.425.

§ 805.402 Definitions.

This section sets forth certain definitions of terms used in this Subpart. Section 805.426 of this Subpart gives a comprehensive list of cross-references for key terms used in this Subpart.

Annual Contributions Contract ("ACC"). (See Subpart D—Appendix II). In the case of an MH Project, a written agreement between HUD and an IHA that the IHA will develop and operate an MH Project in compliance with HUD requirements in order to provide low income families with an opportunity to become homeowners in return for each family's agreement to make a minimum contribution toward the development cost of the project, to maintain its home, and to perform all of the duties of a homebuyer under an MHO Agreement.

Conversion. A change of an Existing Project to development or operation under the New MH Program in accordance with § 805.425.

Existing Project. An MH Project placed under Annual Contributions Contract before the effective date of this Part.

Home. The home constructed for a homebuyer who has executed an MHO Agreement.

Homebuyer. The person or persons who have executed an MHO Agreement with the IHA, and who have not yet achieved homeownership.

Homeowner. A homebuyer who has achieved ownership of his home.

HUD. The U.S. Department of Housing and Urban Development, including the HUD Regional, Area or Insuring Office which has been delegated authority under the U.S. Housing Act of 1937 to perform functions under this Part for the area in which the IHA is located.

IHA Homeownership Financing. IHA financing for purchase of the home by an eligible homebuyer who gives the IHA a Promissory Note and mortgage for the balance of the purchase price (see § 805.420).

MEPA. The Monthly Equity Payments Account (see § 805.418(c)(1)).

MH Construction Contract. A contract for construction of an MH project where an MH Contribution of work, materials or equipment is to be made. If such project is developed under the Conventional method (with or without advertising), the special form of MH Conventional Construction Contract (Subpart D—Appendix III) shall be used. If such project is developed under the Turnkey method (with or without advertising), the special form of MH Turnkey Contract of Sale (Subpart D—Appendix IV) shall be used.

MH Contribution. A contribution by a homebuyer family, or by a tribe on the homebuyer family's behalf, of land, cash, materials, equipment, or MH work toward the development cost of a project in accordance with the homebuyer's MHO Agreement.

MHO Agreement. A Mutual Help and Occupancy Agreement (Subpart D—Appendix I).

MH Program. The Mutual Help Homeownership Opportunity Program.

MH Project. A project developed under the MH Program.

New MH Program. The provisions and requirements for the MH Program as set forth in this Subpart.

Project. The entire undertaking, including all real or personal property, funds and reserves, rights, interests and obligations, and activities related thereto.

§ 805.403 Contractual framework.

An MH Project involves three basic contracts:

(a) An MHO Agreement between the IHA and each homebuyer (Subpart D—Appendix I).

(b) An Annual Contributions Contract for an MH Project between HUD and the IHA (Subpart D—Appendix II).

(c) An MH Construction Contract (Subpart D—Appendices III and IV).

§ 805.404 Special provisions for development of an MH project.

(a) *Application for project.* An IHA shall include in the application for an MH Project, in as much detail as possible, a tentative listing of the names, family size and incomes of the families who would be eligible and willing to participate as MH homebuyers, and the expected sources, forms and amounts of their MH Contributions.

(b) *Execution of MHO agreements.* Following HUD's approval of the application, and issuance by HUD of a Program Reservation (see § 805.205(b)(2)), homebuyer families shall be selected, and the IHA shall enter into MHO Agreements with a number of homebuyer families equal to the total number of homes approved in the Program Reservation.

(c) *Development program.* (1) The development program shall be submitted on a form prescribed by HUD.

(2) The development program shall provide detailed estimates on timing for project completion.

(3) Where homebuyers are to perform MH work, the development program shall include the plan for organization of homebuyers, and a description of how they will be directed and assisted during construction.

(d) *Inclusion of MH contribution in development cost.* The development cost for an MH Project shall include the total amount of the MH Contributions. The development cost budget shall state in total and separately the portion of the total development cost to be attributed to the land, cash, materials, equipment, and MH work to be furnished by or on behalf of the homebuyer families as their MH Contributions.

§ 805.405 Financing of development cost.

Under the Annual Contributions Contract, HUD agrees to advance monies from time to time to the IHA for development of the project. HUD may at any time require the IHA to obtain loans by the sale of its notes ("Project Notes") on the private market in lieu of advances from HUD. IHA Project Notes are made marketable by a pledge of HUD's agreement under the Annual Contributions Contract to advance monies to the IHA. Development cost shall not be financed by issuance of bonds.

§ 805.406 Selection of MH homebuyers.

(a) *Admission policies.* An IHA may establish admission policies for MH Projects which are different from those for Rental or Turnkey III Projects of the IHA, including different income and assets limits.

(b) *Ability to meet homebuyer obligations.* A family shall not be selected for MH housing unless, in addition to meeting the maximum income limits for admission, the family is able and willing to meet all obligations of an MHO Agreement, including the obligations to provide the required MH Contribution and its own utilities, and to pay the Administration Charge (unless such requirements are modified in exceptional cases in accordance with § 805.206(g)). A family may be selected even if the Administration Charge plus utilities, or the Administration Charge alone, would exceed 25 percent of the family's income, if the family can be reasonably expected to pay the Administration Charge and meet its other obligations under the MHO Agreement (e.g., as demonstrated by the family's past history or by the family's ability to supplement its income by providing its own food, fuel or other necessities).

(c) *MH waiting list.* (1) Families who wish to be considered for selection for MH housing shall apply specifically for such housing. A family on any other IHA waiting list, or a tenant in a Rental Project of the IHA, must also submit an application for selection in order to be considered for MH Projects.

(2) All applications for selection for MH housing shall be dated as received, except that applications from families on the waiting list for any other IHA projects shall have the same date of application as the date of their application for such other IHA projects.

(3) The filing of an application for MH housing by a family which is an applicant for other IHA housing, or is a tenant in such housing, shall in no way affect its status with regard to such other housing. Such applicant shall not lose its place on another IHA housing waiting list until it has been selected for MH housing and the MHO Agreement has been signed.

(4) The IHA shall maintain a waiting list, separate from any other IHA waiting lists, of families which have applied for MH housing and which have been determined to meet the requirements of paragraphs (a) and (b) of this section.

(d) *Notification to families not meeting the requirements of paragraphs (a) and (b).* When an IHA determines that a family does not meet the requirements of paragraphs (a) and (b) of this section, the IHA shall give the family prompt written notice of this determination. The notice shall state the basis for the determination, and shall state that the family is entitled to an informal hearing on the determination, if request for such hearing is made within a reasonable time as specified in the notice.

(e) *Making the selections.* The IHA shall select the homebuyer families from the MH waiting list in accordance with the date of application and other pertinent factors under the IHA's admissions regulations established in accordance with § 805.301 of Subpart C. If the family is to contribute a site as an MH Contribution, the site must be approved by HUD before selection of the family.

(f) *Notification of selected families.* (1) When notification is issued: A selected family shall be given written Notification of Selection before issuance of the advertisement for bids or invitation for proposals.

(2) Information to be included in notification of selection:

(i) A statement that the family has been selected for an MH Project;

(ii) The name of the person who must execute the MHO Agreement on behalf of the family, and the time and place for execution of the MHO Agreement;

(iii) A statement that after execution of the construction contract, the family will receive a Notice of Confirmation which will state (A) the estimated date of completion of the unit designated for the homebuyer, insofar as such date can be reasonably determined, and (B) if the homebuyer is to perform MH work, the date of the first meeting to discuss construction; and

(iv) A statement that the issuance of the Notification of Selection does not constitute or give rise to any contractual obligation, and that the Notification is subject to revocation if no construction contract is executed.

(g) *Notification to families not selected for a project.* When the IHA determines that a family which meets the requirements of paragraphs (a) and (b) of this section is not to be included in the group of families selected for a project, the IHA shall promptly so notify the family. The notice shall also state that the family will remain on the IHA's waiting list for consideration for admission to any other MH Project of the IHA.

§ 805.407 Counseling of homebuyers.

The IHA shall provide counseling and training as provided in Appendix V to this Subpart. The counseling and training program shall be carefully designed to meet the special counseling and training needs of the MH Project. This program shall include training and counseling related to the provision of MH work and other MH Contributions, and fulfillment of the maintenance responsibilities of the homebuyer families: provided, however, that the program shall not overlap or duplicate any work training and supervision which the contractor is to perform. Each family's application for admission shall include a statement that the homebuyer agrees to participate in and cooperate fully in all official pre-occupancy and post occupancy counseling and training activities. Failure to participate without good reason may result in revocation of the Notification of Selection or termination of the MHO Agreement.

§ 805.408 MH contribution.

(a) *Form of contribution.* MH Contributions toward the development cost of a project may be in the form of (1) land, (2) materials or equipment, (3) cash, or (4) work. The MH Contributions may consist either (5) wholly of any of these forms of contribution, or (6) of any combination of these forms of contribution. The amount of each form of MH Contribution to a project shall be specified in the development program and development cost budget for the project.

(b) *Minimum amount.* The minimum MH Contribution from each homebuyer family selected before execution of the construction contract shall be as follows:

(1) If there is a contribution of land valued at $2,500 or more, no other contribution is required (but the homebuyer's credit for contributed land shall not in any case exceed $2,500);

(2) If there is a contribution of land valued at less than $2,500, but more than $1,000, there must be an additional contribution, in work, cash, materials or equipment, of the amount required to make a total contribution of $2,500.

(3) If there is a contribution of land valued at $1,000 or less, or if there is no land contribution, there must be a contribution of work, cash, materials or equipment valued at $1,500. Subject to the maximum $2,500 limitation on land contributions, an IHA may require, or accept, an MH Contribution which is more than the minimum contribution provided above. For provisions relating to the MH Contribution required from a substitute family (including a family selected after execution of the construction contract), see paragraph (l) of this section.

(c) Statement of contribution in MHO agreement. The value of each form of MH Contribution that each selected family is obligated to provide shall be stated in the family's MHO Agreement.

(d) *Sources of contribution.* (1) Tribal contribution: A tribe may contribute land, cash, materials, or equipment for the benefit of homebuyer families. In such case, the tribe shall, before execution of the construction contract, adopt a tribal resolution stating its commitment to the IHA to make the contribution on behalf of the families.

(2) Statement of sources in MHO agreement: The MHO Agreement shall state if land, cash, materials, or equipment are to be contributed by the family, or by the tribe. If any part of the minimum contribution required from a homebuyer family is to be furnished by a tribe, a copy of the tribal resolution stating the tribe's commitment to make the contribution shall be appended as an exhibit to the MHO Agreement.

(e) *Total contribution to be furnished before occupancy.* A homebuyer shall not be entitled to commence occupancy of the home, even after the home has been completed, until the total required MH Contribution on behalf of the family (whether to be furnished by the homebuyer family or the tribe), as specified in the family's MHO Agreement, has been furnished, including any contribution of land, materials, equipment, cash, or MH work. A homebuyer family may be given a limited amount of time after commencement of occupancy within which to complete its required MH work if there is special justification, and a written agreement setting forth the justification and the details for performance of the work is executed by the homebuyer, the IHA, and the contractor.

V 40 I 183 S SEP 19 75 XUM

(f) *Land contribution.* (1) Lease or conveyance to IHA: Land contributed by a homebuyer family or by a tribe, shall be leased or conveyed to the IHA before execution of the construction contract.

(2) Proof of value: The amount to be credited as an MH Contribution for land shall be based upon the appraised value in all cases where an appraisal is required pursuant to § 805.216.

(g) *Contribution of materials or equipment.* A contribution of materials or equipment for the project may be allowed against the family's required MH Contribution. The kind, quality, and value of the materials or equipment shall be stated in the homebuyer's MHO Agreement and in the construction contract. The materials or equipment shall be provided in time to be used in the construction of the home without delaying the construction schedule.

(h) *Cash contribution.* The MHO Agreement may provide for a contribution of cash in a lump sum, or under a planned installment schedule, so long as the full amount of the cash contribution is to be received by the IHA not later than the date the home is available for occupancy.

(i) *Required contribution from substitute homebuyer family.* (1) Definition: "Substitute homebuyer family" means a family selected in place of a family whose MHO Agreement has been terminated.

(2) Substitution before execution of construction contract: If a substitute homebuyer family is selected before execution of the construction contract, the substitute family shall provide a full MH Contribution in accordance with paragraph 805.408(b) as in the case of the families originally selected.

(3) Substitution after execution of construction contract: (i) If a substitute family is selected after execution of the construction contract, the substitute family, if feasible, shall be required to make a full MH Contribution in accordance with § 805.408(b).

(ii) If it is not feasible to require a full MH Contribution in accordance with § 805.408(b), the family shall make a smaller MH Contribution (in an amount and form approved by HUD) that is as large as possible, and shall also make an additional contribution pursuant to paragraph (i)(3)(iii) of this section. If a substitute family is required to perform MH work in place of a terminated family which had not at the time of termination completed its MH work contribution, the substitute family shall receive MH credit only for the value of tasks performed by the substitute family itself; it shall not receive any credit for the value of tasks performed by a terminated family, except as provided in § 805.411(d).

(iii) A substitute family shall get credit for the tribal contribution, if any, on behalf of a terminated family. If the MH Contribution of a substitute family (including the amount of any tribal contribution) is less than $1,500, the family shall agree to make an additional contribution for a total contribution of at least $1,500, in the form of: (A) Cash in addition to the Required Monthly Payments, (B) Clerical or maintenance work for the IHA, or (C) Another form of contribution satisfactory to the IHA. Such contribution must be completed within the time specified in the MHO Agreement, which time shall be no later than five years after the Date of Occupancy for the substitute homebuyer or such later date as may be recommended by the IHA and approved by HUD. The amount of such additional contribution shall be credited to the homebuyer's Voluntary Equity Payments Account.

(iv) The form of MHO Agreement shall be modified as required to reflect the homebuyer's obligation to make an additional contribution in accordance with paragraph (i)(3)(iii) of this section.

§ 805.409 MH work contribution.

(a) *Family's work obligation.* Each family shall work under the direction of the construction contractor on tasks assigned to the family by the contractor. The work shall be performed in a diligent and workmanlike manner.

(b) *Listing of tasks.* (1) The specific tasks to be performed by homebuyer families, and the value of each task, shall be listed in an appendix to the construction contract. A family may be assigned any of the listed tasks, or may be reassigned from one task to another during the course of construction, so long as the aggregate value of the tasks assigned to the family does not exceed the value of the MH work family is obligated to contribute. The family shall work as long as necessary to complete the assigned tasks. The assigned tasks shall be essential tasks which the contractor would have to pay for in order to complete the construction contract if the work was not performed by the families. The assigned tasks may relate to work on site improvements or community facilities, and may include office or clerical work.

(2) In order to provide flexibility in the substitution of tasks during the course of construction, the appendix may list tasks that exceed in aggregate value the total value of tasks to be performed by MH work. In addition, the appendix may be amended at the request of the Contractor, and with written approval of IHA and HUD, to set forth additional tasks, and the value of each such task, that may be assigned to families performing MH work. However, the total value of the tasks actually assigned to the families shall not exceed the total value of tasks to be performed by MH work.

(c) *Valuation of tasks.* The tasks listed in the appendix shall be valued by the IHA and the contractor as follows:

(1) The tasks to be assigned shall be identified (for example, prefabrication of trusses, wall sections, etc., mixing mortar, cutting and/or nailing lumber, installing lath, exterior and/or interior painting, but in every instance related to a defined quantity or a part of the home, so that the task can be priced on a per unit basis).

(2) For each of these tasks, an estimate shall be made of the time (hours or days) which would be needed if the work were done by qualified workmen.

(3) The amount of time so estimated shall then be multiplied by the rate of pay for the type of qualified workmen who would otherwise do the work.

(d) *Persons who may perform the work.* The work obligation of a homebuyer family may be performed by members of the family, or by the family arranging for others (relatives or friends, for example) to work on the homebuyer family's behalf. However, any work on behalf of a family may be furnished only with the approval of the IHA and the contractor, and on such terms and conditions as are approved by them.

(e) *Record of MH work.* At the end of each working day, or other appropriate time agreed to by the contractor, the timekeeper shall show to each individual performing MH work, a worksheet stating the individual's name, the task on which the individual worked, hours of MH work performed by the individual, and the homebuyer family by whom or on whose behalf the work was performed. If such individual agrees that the worksheet is accurate, he shall initial the worksheet. If he does not agree that the worksheet is accurate, he should not initial the worksheet, but should report such disagreement promptly to the IHA. If an individual refuses to initial the worksheet, the timekeeper shall note the objections beside the name of such individual on the worksheet. Copies of all worksheets shall be furnished to the IHA daily or at other intervals agreed to by the contractor and the IHA.

(f) *Failure to perform MH work.* The IHA shall to the extent feasible monitor the performance of MH work so that problems in the performance of MH work can be anticipated and avoided, or effectively dealt with when they occur. If a family fails to perform its MH work obligation, the family's MHO Agreement shall be subject to termination by the IHA. If a family does not cooperate with the contractor, whether by failing to provide persons to work at the times required in accordance with the contractor's schedule, or by failing to work in a diligent and workmanlike manner as directed by the contractor's construction supervisor, the contractor may request the assistance of the IHA and, where appropriate, call upon the IHA to terminate the family's MHO Agreement and select another family to perform the MH work.

(g) *Family work credit.* The IHA shall give the family credit for the full amount of the MH work the family was obligated to contribute. (See § 805.418(b).)

§ 805.410 Relationship with contractor.

(a) *Applicability.* This section applies only to a project where homebuyers are to contribute work, materials or equipment as an MH Contribution.

(b) *HUD approval of advertisement for bids or for turnkey proposals.* In submitting the proposed advertisement for bids or for Turnkey proposals to HUD for approval, the IHA shall include a listing of the homebuyers with whom MHO Agreements have been executed, showing the sources, form and amount of the MH Contributions. If homebuyers are to perform MH work, or to furnish materials or equipment, the advertisement, or the information available to prospective contractors, shall specify that the project is to be an MH project and shall include the information specified in the preceding sentence, as well as a statement of the contractor's rights and responsibilities with regard to participation by homebuyers in construction. If any portion of the MH Contribution is to be in the form of materials or equipment, the information available to prospective contractors shall include a statement as to amount, type and value of the materials or equipment and by whom and when they are to be contributed.

(c) *Workmen's compensation insurance.* The members of homebuyer families, or others who perform MH work, shall be covered by Workmen's Compensation Insurance. If such insurance is not available, they shall be covered by private insurance of substantially comparable coverage. HUD will assist the IHA and the contractor in obtaining such coverage.

(d) *Form of construction contract.* The form of MH Conventional Construction Contract (Appendix III), or the form of MH Turnkey Contract of Sale (Appendix IV), shall be used. In a project where there is no contribution of work, materials or equipment (i.e., a project where all MH Contributions are in the form of land or cash), regular construction procedures and requirements shall be applicable, and the forms of MH Construction Contracts set forth as Appendices III and IV of this Subpart shall not be used.

(e) *Responsibility of contractor.* Under the construction contract, the contractor shall be responsible for acceptable completion of all the homes for the families, including the tasks assigned to families for MH work credit. The construction contract shall not authorize acceptance from and settlement with the contractor before acceptable completion of the homes for the families, including acceptable completion of all tasks assigned to families for MH work credit.

(f) *Contract price.* (1) Total contract price: The total contract price set forth in the construction contract shall include (i) the value of materials and equipment to be provided as an MH Contribution, and (ii) the sum of the values of the MH work that the families selected before execution of the construction contract are obligated to contribute.

(2) Price payable to contractor. The price payable to the contractor shall be the total contract price, less (i) the value of materials and equipment to be provided as MH Contributions, and (ii) the sum of the values of the MH work that the families selected before execution of the construction contract are obligated to contribute.

(g) *Contractor's right to information on ability to perform MH work.* (1) The MH contractor is responsible for directing the performance of MH work, and for timely completion of all homes without increase in the price payable to the contractor. All tasks assigned to families for MH work credit must be completed before acceptance from and settlement with the contractor. Because of this responsibility of the contractor, he shall be given an opportunity, prior to execution of the construction contract, to review information relating to the ability of each homebuyer family to perform MH work with such training, if any, as the contractor proposes to provide.

(2) The advertisement for bids or for Turnkey proposals shall state that:

(i) Each selected homebuyer family is capable of performing required MH work.

(ii) Information concerning the ability of the selected homebuyer families to perform the required MH work is available for consideration by prospective contractors. Prospective contractors will have an opportunity to interview members of the selected homebuyer families prior to submission of a bid or proposal. Submission of a bid or proposal shall be taken to indicate that the contractor is satisfied as to the ability of the selected homebuyer families to perform MH work.

(iii) If a selected homebuyer family withdraws, or a Notification of Selection is revoked, or if an executed MHO Agreement is terminated prior to completion of construction, final selection of any substitute homebuyer family shall not be made until the contractor concurs in the selection. The contractor's right of concurrence shall relate solely to the ability of each tentatively selected homebuyer family to perform MH work. Concurrence may not be unreasonably withheld. In the event of dispute between the IHA and the contractor as to whether concurrence has been unreasonably withheld, the dispute shall be submitted to and, finally determined by HUD.

§ 805.411 Disposition of contributions on termination before date of occupancy.

If an MHO Agreement is terminated before the Date of Occupancy:

(a) If the IHA makes a determination, subject to HUD approval, that release of the homebuyer from his obligations is warranted by reason of unforeseen circumstances beyond the homebuyer's control, or other unforeseen compelling circumstances:

(1) The homebuyer family may be reimbursed for any cash contributed by the homebuyer family.

(2) If the homebuyer family contributed land as a project site, the site may be returned to the family if construction has not started on the site. If construction has started on the site the homebuyer family may be reimbursed for the amount specified in the MHO Agreement for such land contribution.

(b) The homebuyer shall have no right to any reimbursement or return of property on account of any tribal contribution.

(c) The homebuyer shall have no right to return of any materials or equipment contributed by the homebuyer family, or to any reimbursement for such materials or equipment, or to any reimbursement for MH work contributed by the family.

(d) The amount of any credit for any contribution by the terminated family, other than a contribution for which reimbursement or return of property was made in accordance with paragraph (a) of this section shall be credited in equal shares to the Reserves for Homeownership of all the homebuyers in the project.

(e) The amount of any credit on account of any tribal contribution on behalf of the terminated family shall be credited in accordance with section 805.418 to the Reserve for Homeownership or Tribal MH Reserve, as appropriate, for the homebuyer substituted in place of the terminated homebuyer, and shall be used as provided in section 805.418 in connection with occupancy by the substitute homebuyer.

§ 805.412 Actions upon completion; commencement of occupancy.

(a) *Date of occupancy.* "Date of Occupancy" means the date the homebuyer is entitled to move into the home as specified in the Notice of Completion to the family.

(b) *Notice of completion.* Upon completion of the home the IHA shall issue a Notice of Completion informing the homebuyer that his home is completed and available for occupancy as of a Date of Occupancy specified in the Notice. However, the homebuyer shall not be entitled to commence occupancy, and the Notice of Completion shall not be issued, until the IHA determines that the family has fulfilled any obligation for performance of MH work, and the full contribution of land, cash, materials, or equipment, if any, has been received by the IHA, or the family was authorized to move in pursuant to an agreement in accordance with § 805.408(e).

(c) *Term of lease to homebuyer.* The homebuyer's lease term shall commence on the Date of Occupancy, provided, that, if the Notice of Completion is given less than 30 days prior to the Date of Occupancy, the lease term shall commence on the date of actual commencement of occupancy, or on the 30th day after the date the Notice of Completion is given, whichever date is the earlier. The term shall expire 25 years from the first day of the calendar month following the month in which the lease term commenced, unless the MHO Agreement is previously terminated or the homebuyer previously acquires title to the home.

(d) *MH credits.* (1) Credits to accounts: The amount of the Family MH Contribution, and the Tribal MH Contribution (if any), shall be credited to the accounts specified in § 805.418(b).

(2) Statement: Promptly after the Date of Occupancy, the IHA shall provide the homebuyer and the Tribal Government with a statement, approved by HUD, of the amount credited to the homebuyer family as its MH Contribution. The statement shall separately

V 40 I 183 SEP 19 75 XUM

specify: (i) Each credit for materials, equipment, land and cash contributed by the homebuyer and the amount of the homebuyer's credit for MH work; and (ii) each credit for materials, equipment, land, and cash contributed by the tribe. The statement shall also specify the amount credited to each of the accounts specified in § 805.418(b)).

§ 805.413 Required monthly payments.

(a) *Obligation to make required monthly payments.* The homebuyer shall pay to the IHA during the lease term a monthly payment referred to as a "Required Monthly Payment."

(b) *Amount of required monthly payment.* The amount of the Required Monthly Payment shall be the greater of: (1) The Administration Charge (see § 805.416(a)); or (2) 25 percent of the homebuyer's Adjusted Monthly Income minus the Utility Deduction. If the Required Monthly Payment exceeds the Administration Charge, the amount of the excess shall be credited to the homebuyer's Monthly Equity Payments Account. "Adjusted Monthly Income" means gross family income per month less adjustments, as determined by the IHA in accordance with standards approved by HUD. "Utility Deduction" means the monthly amount determined by the IHA and approved by HUD representing the utilities (except telephone) provided by the homebuyer.

(c) *Changes in the amount of the required monthly payment.* After the initial determination of a homebuyer's Required Monthly Payment, the IHA shall increase or decrease the amount of such payment to reflect changes in the homebuyer family's Adjusted Monthly Income pursuant to a reexamination of family income by the IHA), changes in the Utility Deduction, or changes in the Administration Charge.

(d) *Examination and reexamination of family income.* For the purpose of determining the effect of a homebuyer family's Adjusted Monthly Income upon the homebuyer's Required Monthly Payment, the IHA shall examine the family's income prior to initial occupancy, and shall make periodic reexaminations thereafter. For each examination or reexamination, the homebuyer shall furnish to the IHA certification of his family income and family composition, including any information and evidence required by the IHA. Reexamination of family income shall be made at least once a year, except as follows:

(1) The date of the first reexamination may be extended to not more than 18 months after the initial examination, if necessary to fit a reexamination schedule established by the IHA.

(2) For families whose heads (or their spouses) or whose sole members are 62 years of age or over, the IHA may make reexaminations only once every two years.

(e) *Payment of required monthly payment.* The homebuyer's Required Monthly Payment shall be due and payable on or before the first day of each month. If the lease term shall start on a day other than the first day of a calendar month, or if the effective date of termination or acquisition of ownership occurs on other than the last day of a calendar month, the Required Monthly Payment for that month shall be prorated.

(f) *Application of monthly payments.* (1) *Sequence of application.* The homebuyer's Required Monthly Payment shall be applied by the IHA as follows: first, for the amount budgeted for the Administration Charge, and second, to the credit of the homebuyer's Monthly Equity Payments Account.

(2) *Amounts applied during initial operating period.* During the Initial Operating Period (as defined in the Annual Contributions Contract), the amount of the Administration Charge for purposes of this Sec. 805.413, shall be based on the IHA's first approved operating budget, which first budget shall be prepared on the basis of estimates for the first twelve months of operation after the end of the Initial Operating Period for the project.

§ 805.414 Inspections; responsibility for items covered by warranty.

(a) *Pre-move-in inspection.* On or before the date the homebuyer (whether Initial or Subsequent) moves in, the IHA shall inspect the home, after notifying the homebuyer of the time for inspection. The homebuyer and/or his representative shall join in such inspection. After the inspection, the IHA inspector shall give the homebuyer a written statement of the condition of the home and equipment. The statement shall be signed by the inspector. If the homebuyer concurs with the statement, he shall sign a copy of the statement. If the homebuyer does not concur with the statement, he shall state his objection to the statement, and the inspector shall note all such objections on the statement, and the differences shall be resolved by the IHA.

(b) *Inspection after acceptance.* The IHA shall inspect the home not less often than every three months during the first year after acceptance of the home from the contractor and, when such inspection is made after occupancy of the home, shall obtain a statement from the homebuyer as to any deficiencies in the structure, equipment, grounds, etc., for which the contractor and/or supplier or manufacturer of equipment may be held accountable. The homebuyer shall promptly inform the IHA during the applicable warranty period of all deficiencies covered by warranty (i.e., the contractor's warranty or the various warranties on equipment, etc.). The IHA shall be responsible for notifying the responsible party to cure a deficiency covered by warranty, and for taking all necessary steps to enforce such warranty. Any warranty item not reported during the applicable warranty period shall be the responsibility of the homebuyer.

(c) *Inspection upon termination of agreement.* If the MHO Agreement is terminated for any reason after commencement of occupancy, the IHA shall inspect the home, after notifying the homebuyer of the time for the inspection, and give the homebuyer a written statement of the cost of any maintenance required to put the home in satisfactory condition for the next occupant (see § 805.418(f)). The homebuyer or his representative, or both, shall be permitted to join in any inspections pursuant to this section.

(d) *Permission for inspections.* The homebuyer shall permit the IHA to inspect his home at reasonable hours and intervals during the lease term in accordance with rules established by the IHA.

§ 805.415 Maintenance, utilities, care and use of home.

(a) *Maintenance.* (1) *Homebuyer maintenance credit.* The IHA shall establish initially and reexamine annually, subject to HUD approval, the value of the maintenance work for which the homebuyer is responsible, taking into consideration the relative type and size of the home. The amount so determined is referred to as the "Maintenance Credit."

(2) *Homebuyer's responsibility for maintenance.* The homebuyer shall be responsible for maintenance of the home. The term "maintenance" includes all repairs and replacements, and includes repair of any damage caused by the homebuyer, members of his family or visitors. The IHA shall not be obligated to pay for or to provide any maintenance of the home other than the correction of warranty items reported during the applicable warranty period.

(3) *Homebuyer's failure to perform maintenance.* (i) Failure of the homebuyer to perform his maintenance obligations constitutes a breach of the MHO Agreement. Upon a determination by the IHA that a breach has occurred, it shall require the homebuyer to agree to a specific plan of action to cure the breach and to assure future compliance. If the condition of the property creates a hazard to the life, health or safety of the occupants, the IHA shall have the work done, and charge the cost thereof to the homebuyer's MEPA in accordance with § 805.418(d). Where the conditions do not create such a hazard, the plan may provide for maintenance to be done within a reasonable time by the family, or to be done by the IHA and charged to the homebuyer's MEPA. Any maintenance work performed by the IHA shall be accounted for through a Work Order, stating the nature of and charge for the work. The homebuyer shall receive a copy of all Work Orders for his home. If the homebuyer fails to agree to a reasonable plan or fails to carry out the agreed to plan, the MHO Agreement shall be terminated in accordance with § 805.421(b).

(ii) Failure of the homebuyer to perform his maintenance obligations may also result in a reduced refund to the homebuyer upon termination, because charges against his MEPA for not furnishing maintenance work will reduce the credit balance refundable to the homebuyer (see § 805.418(b) and (f)).

(b) *Homebuyer's responsibility for utilities.* Homebuyer shall furnish his own utilities. The IHA shall have no obligation to do so. However, if the IHA determines that the homebuyer family is unable to do so, and that the inability creates conditions which are hazardous to life, health or safety of the occupants, the IHA may provide the utilities and charge the homebuyer's MEPA for doing so (subject, however, to the limitation provided at § 805.418(d)(4)).

(c) *Obligations with respect to home and other persons and property.* The homebuyer shall agree:

(1) To use the home only as a place to live for (i) himself and the members of his family listed in a schedule appended to the homebuyer's MHO Agreement, (ii) children born to or adopted by members of such family after the date of the MHO Agreement, and foster children, (iii) persons providing live-in care of a member of the homebuyer family, and (iv) aged or widowed parents of the homebuyer or spouse; other family members may live in the home only with the prior written approval of the IHA;

(2) Not to sublet his home, or provide accommodations to boarders or lodgers, without the prior written approval of the IHA;

(3) To abide by necessary and reasonable regulations promulgated by the IHA for the benefit and well-being of the project and the homebuyers, which shall be posted in the IHA office;

(4) To comply with all obligations imposed upon homebuyers by applicable provisions of building and housing codes materially affecting health and safety;

(5) To keep the home and such other areas as may be assigned to him for his exclusive use in a clean and safe condition;

(6) To dispose of all ashes, garbage, rubbish, and other waste from the home in a sanitary and safe manner;

(7) To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances;

(8) To refrain from, and to cause his household and guests to refrain from, destroying, defacing, damaging, or removing any part of the home or project;

(9) To pay any reasonable charges (other than for wear and tear) for the repair of damages to the home or project buildings, facilities or common areas caused by the homebuyer, his household or guests;

(10) To conduct himself and cause other persons who are on the premises with his consent to conduct themselves in a manner which will not disturb his neighbors' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition; and

(11) To refrain from illegal or other activity which impairs the physical or social environment of the project.

(d) *Structural changes.* A homebuyer shall not make any structural changes in or additions to his home unless the IHA has first determined in writing that such change would not (1) impair the value of the home, the surrounding homes, or the project as a whole; or (2) affect the use of the home for residential purposes; or (3) violate HUD requirements as to construction and design. Any changes made in accordance with this section shall be at the homebuyer's expense (and not from any account created under the MHO Agreement), and in the event of termination of the MHO Agreement the homebuyer shall not be entitled to any compensation for such changes or additions.

§ 805.416 Administration charge and operating expense.

(a) *Administration charge.* The term "Administration Charge" means the amount budgeted per unit month for operating expense.

(b) *Components of operating expense.* The term "operating expense" means the amount budgeted for the following operating expense categories, and any other operating expense categories included in the IHA's HUD-approved operating budget for a fiscal year:

(1) *Administration.* Administrative salaries, travel, legal expenses, office supplies, postage, telephone and telegraph, accounting and auditing services, etc.

(2) *General expense.* The cost of premiums for fire and other insurance, payments in lieu of taxes, if any, payroll taxes, etc.

(3) *Contribution to operating reserve.* An estimate of the amount required to accumulate an Operating Reserve for the project as provided in § 805.417.

(c) *Utilities for homes not included in operating expense.* The cost of providing utilities for the home shall not be included in operating expense, since the IHA may not pay such cost out of project operating receipts (see § 805.415(b)).

§ 805.417 Operating reserve.

(a) *Purpose of reserve.* The IHA shall maintain a separate Operating Reserve for the project. The Operating Reserve may be used for application to the amount by which operating expenses exceed operating receipts of the project for a fiscal year, as provided in paragraph (c)(2) of this section.

(b) *Contribution to operating reserve.* The contribution for the project Operating Reserve to be included in the operating expense established for each fiscal year as provided in § 805.416 shall be determined by the IHA with the approval of HUD on the basis of the estimated amount necessary for the purpose specified in paragraph (a) of this section. The minimum amount during the first fiscal year following the end of the Initial Operating Period shall be $2.00 per unit month. This minimum amount may be subsequently increased or decreased upon a review of its adequacy.

(c) *Charges and credits to operating reserve at end of fiscal year.* At the end of each fiscal year, the project Operating Reserve shall be:

(1) Credited with the amount by which operating receipts exceed operating expenses of the project for the fiscal year; or

(2) Charged with the amount by which operating expenses exceed operating receipts of the project for the fiscal year, to the extent of the balance in the Operating Reserve.

(d) *Maximum Operating Reserve.* (1) *Amount.* The Maximum Operating Reserve that shall be retained by the IHA at the end of any fiscal year shall be one half of the total routine expenditures included in the IHA's HUD-approved operating budget for the next fiscal year, or such higher amount as may be approved by HUD on a showing by the IHA that the higher amount is necessary in order to support future known expenditures of a large and unusual nature.

(2) *Disposition of excess.* If, at the end of a fiscal year, after making any charge or credit as provided in paragraphs (c)(1) or (c)(2) of this section, there is an excess over the Maximum Operating Reserve, this excess shall be applied to payment of project debt, and the amount so applied shall be credited in equal shares to the Reserves for Homeownership of all the homebuyers in the project.

§ 805.418 Homebuyer's reserve and equity accounts.

(a) *Credits for family and tribal MH contributions.* (1) *Family MH contribution.* "Family MH Contribution" means the sum of the credits for land, cash, materials, equipment or work contributed by the homebuyer family in accordance with the MHO Agreement, as determined by the IHA and approved by HUD.

(2) *Tribal MH contribution.* "Tribal MH Contribution" means the sum of the credits for land, cash, materials or equipment contributed by the tribe in accordance with the MHO Agreement, as determined by the IHA and approved by HUD.

(b) *Application of MH contribution.* (1) *Establishing MH contribution reserves.* As of the Date of Occupancy, the amount of the Family MH Contribution and the Tribal MH Contribution shall be credited to the following reserve accounts: Reserve for Homeownership, Tribal MH Reserve, and Family MH Reserve. The IHA shall maintain separate accounts for each homebuyer.

(2) *Obtaining funds from reserves.* These reserve accounts shall be unfunded. When it becomes necessary for the IHA to obtain funds from the Family or Tribal MH Reserves, in accordance with the provisions of this section, this shall be done through additional borrowings from HUD. Such borrowings shall normally be made at the end of the IHA's fiscal year; however, interim borrowing may be made if necessary.

(3) *Reserve for homeownership.* This reserve shall be credited with $500 of the Family MH Contribution. If the Family MH Contribution is less than $500, this reserve shall be credited with that portion of the Tribal MH Contribution needed to provide $500 in this reserve. The Reserve for Homeownership shall also be credited in accordance with § 805.411(d) with the homebuyer's share of any credit for a contribution by another homebuyer family whose MHO

V 40 I 183 S SEP 1975 XUM

Agreement has been terminated before the Date of Occupancy, other than a contribution for which reimbursement or return of property was made: provided, however, that any amount so credited shall be in addition to the $500 to be credited from the Family and Tribal MH Contributions. This reserve shall be used only when the homebuyer purchases the home, as a credit applied, in accordance with § 805.419(d)(3)(i), to payment of the purchase price.

(4) *Tribal MH reserve.* This reserve shall be credited with the amount of the Tribal MH Contribution, or the balance after crediting the Reserve for Homeownership in accordance with paragraph (b)(3) of this section. The credit balance in this reserve shall be used only for the purposes and to the extent described in paragraphs (d), (e), and (f) of this section.

(5) *Family MH reserve.* This reserve shall be credited with the balance, if any, of the Family MH Contribution after crediting the Reserve for Homeownership in accordance with paragraph (b)(3) of this section. The credit balance in this reserve shall be used only for the purposes and to the extent described in paragraphs (d), (e), and (f) of this section.

(c) *Equity payment accounts.* (1) *Monthly equity payments account (MEPA).* The IHA shall maintain a separate MEPA for each homebuyer. The IHA shall, as provided in § 805.413(f), credit this account with the amount by which each Required Monthly Payment exceeds the Administration Charge. The credit balance in this account shall be used only for the purposes and to the extent described in paragraphs (d), (e), and (f) of this section.

(2) *Voluntary equity payments account.* To enable the homebuyer to acquire ownership of the home within a shorter period of time, he may make periodic or occasional voluntary equity payments over and above his Required Monthly Payments. Such voluntary equity payments shall be credited to the Voluntary Equity Payments Account maintained by the IHA for each homebuyer. The credit balance in this account shall only be used for the purposes and to the extent described in paragraphs (d), (e), and (f) of this section.

(3) *Investment of excess.* When the aggregate amount of funds held by the IHA in the MEPAs and Voluntary Equity Payments Accounts of all the homebuyers in the project exceeds the estimated project reserve requirements for 90 days, the IHA shall invest the excess in federally insured savings accounts, federally insured credit unions and/or securities approved by HUD. Income earned on the investments of such funds shall be prorated and credited to each homebuyer's MEPA and Voluntary Equity Payments Account, in proportion to the amount in each such account.

(d) *Charges for maintenance.* (1) If the homebuyer fails to provide any items of maintenance for which he is responsible, the IHA may have the work done, and the cost thereof shall be charged to the homebuyer's MEPA (see § 805.415(a)).

(2) At the end of each fiscal year, the debit balance, if any, in the MEPA shall be charged first to the homebuyer's Voluntary Equity Payments Account, second to the Family MH Reserve and third to the Tribal MH Reserve to the extent of the credit balances in such accounts.

(3) In lieu of charging the debit balance in the MEPA to the homebuyer's Family and/or Tribal MH Reserves (but not in lieu of charging his Voluntary Equity Payments Account), the IHA may allow the debit balance to remain in the MEPA pending replenishment from subsequent credits to the homebuyer's MEPA.

(4) The IHA shall at no time permit the accumulation of a debit balance in the MEPA in excess of the sum of the credit balances in the homebuyer's Family and Tribal MH Reserves.

(e) *Disposition of funds upon acquisition of ownership.* (1) When the homebuyer is ready to acquire ownership of the home, and all amounts due the IHA from the homebuyer have been paid, the credit balances in the homebuyer's MEPA, Voluntary Equity Payments Account, Family MH Reserve, Tribal MH Reserve and Reserve for Homeownership shall be disposed of in accordance with § 805.419(d)(3).

(2) After conveyance of the home, the IHA shall remit to HUD an amount equal to the sum of:

(i) The amount applied to payment of the purchase price from the Voluntary Equity Payments Account and the MEPA in accordance with § 805.419(d)(3)(ii); and

(ii) Any additional cash paid in by the homebuyer for application to the purchase price.

(f) *Disposition of funds upon termination of the agreement.* If the MHO Agreement is terminated by the homebuyers or the IHA, the balances in the homebuyer's accounts shall be disposed of as follows:

(1) The MEPA shall be charged with (i) Any maintenance costs incurred by the IHA to put the home in satisfactory condition for the next occupant;

(ii) Any amounts the homebuyer owes the IHA including Required Monthly Payments; and

(iii) The Required Monthly Payment for the period the home is vacant not to exceed 30 days from the date of notice of termination or, if the homebuyer vacates the home without notice to the IHA, 30 days from the date the home is put in satisfactory condition for the next occupant.

(2) If, after making such charges, there is a debit balance in the MEPA, the IHA shall charge the debit balance first to the Voluntary Equity Payments Account, second to the Family MH Reserve, and third to the Tribal MH Reserve, to the extent of the credit balances in such accounts. If the debit balance in the MEPA exceeds the sum of the credit balances in the Voluntary Equity Payments Account, and the Family and Tribal MH Reserves, then the homebuyer shall be required to pay to the IHA the amount of such excess.

(3) If after making such charges, there is a credit balance in the MEPA, the portion of such credit balance, if any, which is in excess of the total Maintenance Credit for the period of the homebuyer's occupancy, shall be paid to HUD, and the remainder of the credit balance shall be paid to the homebuyer.

(4) Any credit balance remaining in the Voluntary Equity Payments Account after making the charges described in paragraph (f)(2) of this section shall be refunded to the homebuyer.

(5) Any credit balance remaining in the Family MH Reserve after making the charges described in paragraph (f)(2) of this section shall be refunded to the homebuyer.

(6) Any credit balance remaining in the Tribal MH Reserve after making the charges described in paragraph (f)(2) of this section is not refundable to the homebuyer and shall be retained by the IHA on behalf of a Subsequent Homebuyer.

(7) The Reserve for Homeownership is not refundable, and shall be retained by the IHA for application to the purchase price of the home when a Subsequent Homebuyer acquires ownership.

(g) *Nonassignability, and use of reserves and equity accounts.* (1) *Nonassignability.* The homebuyer shall not assign, mortgage or pledge any right to any reserve or equity account.

(2) *Use of reserves and equity accounts.* The homebuyer shall have no right to receive or use the funds in any reserve or equity account created pursuant to the MHO Agreement except for the limited purposes and to the extent set forth in this section.

§ 805.419 Purchase of home.

(a) *Acquisition of ownership.* The homebuyer may purchase his home on or after the Date of Occupancy, but only if the homebuyer has met all of his obligations under the MHO Agreement.

(b) *Initial purchase price and purchase price schedule for initial homebuyer.* (1) *Initial homebuyer.* "Initial Homebuyer" means the homebuyer who first occupies the home pursuant to an MHO Agreement. This paragraph (b) applies to purchase of the home by the Initial Homebuyer.

(2) *Determination of initial purchase price.* The IHA shall determine the Initial Purchase Price of each home by the Initial Homebuyer as follows:

Step 1:

Take the estimated total development cost (including the MH Contributions and the full amount for contingencies as authorized by HUD) of the project as shown in the development cost budget in effect at the time of execution of the construction contract, and deduct the amounts, if any, attributable to (i) relocation costs, (ii) counseling and training costs, and (iii) the cost of any community, administration or management facilities, including the land, equipment and furnishings attributable to such facilities as set forth in the Development Program for the project. The resulting amount is herein called Estimated Total Development Cost for Homebuyers.

Step 2:

Deduct the total cost of land for all the homes in the project (not including land attributable to community, administration or management facilities) from the Estimated Total Development Cost for Homebuyers.

Step 3:

Multiply the amount determined in Step 2 by a fraction of which the numerator is the prototype cost for the size and type of home being constructed for the homebuyer, and the denominator is the Project Prototype Cost. "Project Prototype Cost" means the sum of the unit prototype costs for the homes of various sizes and types comprising the project.

Step 4:

Determine land cost attributable to the home on a square foot basis, or other equitable method approved by HUD; but if the IHA has agreed to give credit for the homesite as an MH Contribution, the portion of land cost attributable to the home shall be the amount of the credit specified in the MHO Agreement.

Step 5:

Add the land cost attributable to the home to the amount determined in Step 3. The sum determined under this step shall be the Initial Purchase Price of the home.

(3) *Purchase price schedule.* The Purchase Price Schedule furnished to the homebuyer shall show (i) the monthly reduction of the Initial Purchase Price over a 25-year period commencing with the first day of the month following the Date of Occupancy, and (ii) the monthly debt service amount upon which the schedule is based. This schedule shall be computed on the basis of a rate of interest equal to the Minimum Loan Interest rate as specified in the Annual Contributions Contract on the date of HUD approval of the development cost budget in effect at the time of execution of the construction contract, rounded up to the next multiple of one-fourth of one percent (¼ percent).

(4) *Furnishing of price and schedule to initial homebuyer.* As promptly as possible after execution of the construction contract, the IHA shall furnish to the homebuyer a statement of the Initial Purchase Price of the home, determined in accordance with paragraph (b)(2) and a Purchase Price Schedule determined as provided in paragraph (b)(3) of this section.

(c) *Initial purchase price and purchase schedule for subsequent homebuyer.* (1) *Subsequent homebuyer.* "Subsequent Homebuyer" means a homebuyer who is not an Initial Homebuyer, and who is not a successor to the rights and responsibilities of an Initial Homebuyer pursuant to § 805.422.

(2) *Determination of initial purchase price.* The Initial Purchase Price for a Subsequent Homebuyer shall be an amount equal to (i) the purchase price shown in the Initial Homebuyer's Purchase Price Schedule as of the date the lease term of the Subsequent Homebuyer commences, plus (ii) the additional amount, if any, by which the appraised fair market value of the home determined or approved by HUD as of the same date, exceeds such purchase price.

(3) *Purchase price schedule.* The Subsequent Homebuyer's Purchase Price Schedule shall be the same as the unexpired portion of the Initial Homebuyer's Purchase Price Schedule except that if his purchase price includes an additional amount as specified in paragraph (c)(2)(ii) of this section, the subsequent Homebuyer's Purchase Price Schedule shall be comprised of both (i) the Initial Homebuyer's Purchase Price Schedule, and (ii) an additional schedule for such additional amount based upon the same monthly debt service and the same interest rate as applied to the Initial Homebuyer's Purchase Price Schedule, such additional schedule to follow the Initial Homebuyer's Purchase Price Schedule.

(4) *Furnishing of price and schedule to subsequent homebuyer.* As soon as the appraised value has been determined, the IHA shall furnish the Subsequent Homebuyer a statement of his Initial Purchase Price and a Purchase Price Schedule.

(d) *Conveyance of home.* (1) *Amounts to be paid.* The homebuyer may acquire ownership of the home at any time after the Date of Occupancy by paying the purchase price. Except as provided in § 805.420(a)(3), the purchase price shall be the amount shown on the Purchase Price Schedule for the month in which the settlement date falls.

(2) *Settlement costs.* "Settlement Costs" means the costs, if any, which may be incidental to acquiring ownership, including, e.g., the cost and fees for credit report, field survey, title examination, title insurance, inspections, attorneys other than the IHA's attorney, closing, recording, transfer taxes, financing fees and mortgage loan discounts. Settlement Costs shall be paid by the homebuyer, who may use any amounts available for this purpose in accordance with paragraph (d)(3) of this section.

(3) *Use of homebuyer accounts.* When the homebuyer purchases the home:

(i) The credit balance in the Reserve for Homeownership shall be applied to payment of the purchase price, and then

(ii) The net credit balance in the Voluntary Equity Payments Account, MEPA, Tribal MH Reserve, and Family MH Reserve shall be applied in the following order:

(A) To the initial payment for fire and extended coverage insurance on the home after conveyance if the IHA finances purchase of the home under § 805.420, and the homebuyer directs application to such initial payment;

(B) To payment of the purchase price; and

(C) For refund to the homebuyer, or for application to Settlement Costs if the homebuyer so directs.

(4) *Payment of purchase price.* The homebuyer may purchase in a month when the homebuyer account balances available for payment of the purchase price in accordance with paragraph (d)(3) of this section are less than the amount necessary for payment of the purchase price, by paying the balance to the IHA, or by financing purchase of the home under § 805.420.

(5) *Transfer of ownership.* The settlement date shall be mutually agreed upon by the parties. On the settlement date, the homebuyer shall receive the instrument necessary to convey to the homebuyer the IHA's right, title and interest in the home, subject to any applicable restrictions or covenants as expressed in such instrument. The required documents shall be agreed to by the attorneys representing the IHA and HUD.

§ 805.420 Obligation to purchase; IHA homeownership financing.

(a) *Obligation to purchase.* (1) The homebuyer shall be obligated to purchase the home when the IHA determines that:

(i) The homebuyer is eligible for IHA homeownership financing in accordance with (b)(1) of this section, and

(ii) The net credit balance in the Voluntary Equity Payments Account, MEPA, Tribal MH Reserve, and Family MH Reserve is at least equal to the sum of (A) the IHA's estimate, approved by HUD of a reasonable amount necessary for Settlement Costs, and (B) the IHA's estimate of the amount sufficient to cover the initial payment for fire and extended coverage insurance carried on the home after conveyance.

(2) The IHA shall at the time of each examination or reexamination of family income in accordance with § 805.413(d) determine whether the homebuyer is eligible for IHA homeownership financing, and whether the homebuyer is required to purchase the home. The IHA shall give the homebuyer written notice of these determinations, and shall state that it will make available to the homebuyer IHA homeownership financing in accordance with paragraph (b) of this section.

(3) After the IHA has given notice in accordance with paragraph (a)(2) of this section that the homebuyer is required to purchase his home, and until the homebuyer purchases his home, he shall have all the rights of a homebuyer, including the right to continue accumulating equity, and shall be subject to all the obligations under the MHO Agreement, including the obligation to make monthly payments based on income. However, during this period there shall be no reduction in the purchase price pursuant to the Purchase Price Schedule, and the purchase price at the time the homebuyer purchases his home shall be the amount shown on the Purchase Price Schedule for the month the IHA gave the notice in accordance with paragraph (a)(2) of this section.

(b) *IHA homeownership financing.* (1) *Eligibility.* The homebuyer shall be eligible for IHA homeownership financing under this section only when the IHA determines that his income has reached the level, and is likely to continue at such level, at which 25 percent of Adjusted Monthly Income (see definition at § 805.413(b)(2)) is at least equal to the sum of the debt service amount shown on the homebuyer's Purchase Price Schedule

V 40 I 183 S EP 19 75 XUM

and the IHA's estimates, approved by HUD, of the following monthly amounts:

(i) The IHA mortgage servicing charge,

(ii) Payment for fire and extended coverage insurance,

(iii) Payment for taxes and special assessments, if any,

(iv) Amount necessary for maintenance of the home, and

(v) Amount necessary for utilities (except telephone) for the home.

(2) *Promissory note, mortgage, and mortgage amortization schedule.* When IHA financing of purchase of a home is utilized, the homebuyer will execute and deliver a Promissory Note and Mortgage to the IHA in the principal amount determined in accordance with paragraph (b)(3) of this section, and the IHA will give him a Mortgage Amortization Schedule based on this amount.

(3) *Amount of promissory note.* The principal amount of the Promissory Note shall be equal to the purchase price of the home, as determined in accordance with section 805.419, minus the sum of:

(i) The net total of the balances credited against the purchase price of the home from the Reserve for Homeownership, Tribal MH Reserve, Family MH Reserve, MEPA, and Voluntary Equity Payments Account, and

(ii) Any additional cash paid in by the homebuyer for application to the purchase price.

(4) *Mortgage.* "Mortgage" means a first lien on the right, title and interest conveyed to the homebuyer by the IHA. The Mortgage shall be in form approved by HUD, shall be recorded by the IHA, and shall secure performance of all the terms and conditions of the Promissory Note.

(5) *Mortgage amortization schedule.* A Mortgage Amortization Schedule shall be attached to and made a part of the Promissory Note. The Mortgage Amortization Schedule shall provide for monthly reductions in, and complete amortization of, the principal amount of the Promissory Note, and shall show the level monthly debt service amount needed to complete such amortization. The amortization period shall commence on the first day of the month following the date of conveyance, and shall end on the first day after the end of the period covered by the homebuyer's Purchase Price Schedule. The rate of interest shall be the interest rate used for computation of the homebuyer's Purchase Price Schedule.

(6) *Insurance.* (i) Fire and extended coverage insurance for not less than 80 percent of insurable value shall be obtained prior to conveyance. The insurance shall list HUD, the IHA and the homeowner as named insureds. All insurance shall be carried in companies and under policies approved or selected by the IHA in accordance with HUD regulations and requirements. The policies and renewals shall be held by the IHA, and shall have attached thereto loss payable clauses in favor of and in form acceptable to the IHA.

(ii) The homebuyer shall procure the coverage unless the IHA agrees, upon request of the homebuyer, to procure the coverage. If the IHA is to procure the coverage, the homebuyer shall pay to the IHA, prior to settlement for the home, an amount (as estimated by the IHA) sufficient to provide the IHA with funds for the initial payment for fire and extended coverage insurance to be carried on the home after conveyance. If the homebuyer is to procure the insurance, an insurance policy satisfactory to the IHA shall be delivered to the IHA at closing. To the extent provided in § 805.419(d)(3)(ii)(A), the net credit balances in the Family MH Reserve, Tribal MH Reserve, MEPA, and Voluntary Equity Payments Account may be applied to the initial payment for fire and extended coverage insurance. After the initial payment, the homeowner will also in all cases pay to the IHA on the first day of each month an amount (as estimated by the IHA from time to time) sufficient to provide the IHA with funds for payment of the premiums that will next become due on the policies of fire and extended coverage insurance on the property.

(7) *The promissory note.* The Promissory Note executed by the homebuyer shall contain the following provisions:

PROMISSORY NOTE

The ---------- ("IHA") has conveyed to ---------- ("homeowner") on ---------- the property described as follows, including the building and improvements located on the property:

The property was developed by the IHA with assistance from the U.S. Department of Housing and Urban Development ("HUD") under the U.S. Housing Act of 1937.

ARTICLE I—OBLIGATION

1.1 Homeowner promises to pay to the IHA the principal amount of $----------,[1] as part of the purchase price of the property.

1.2 Provided that the homeowner makes his monthly payments in accordance with Article II, the amount stated in section 1.1 shall be reduced each month in accordance with the Mortgage Amortization Schedule attached hereto and made a part hereof.

1.3 The homeowner may at any time prepay the debt outstanding.

1.4 In the event of the breach by homeowner of any of the provisions of this note, the balance of the mortgage debt outstanding shall, at the option of the IHA and upon notice by the IHA to the homeowner, become due and payable in full.

1.5 If, after the breach by homeowner of any of the provisions of this note, the IHA does not give notice under Section 1.4 or does not foreclose upon the security after giving notice, this shall not affect the right of the IHA to give later notice for that breach or any other breach of the provisions of this note, or to foreclose upon the security.

ARTICLE II—MONTHLY PAYMENTS

2.1 Homeowner shall pay to the IHA on the first day of each month a monthly payment equal to the sum of the following:

(a) An amount (as estimated by the IHA from time to time) sufficient to provide the IHA with funds for payment of the premiums that will next become due on the policies of fire and extended coverage insurance on the property.

(b) If the property is on land subject to taxes or special assessments, an amount (as estimated by the IHA from time to time) sufficient to provide the IHA with funds for payment of taxes or special assessments that will next become due on the property.

(c) A monthly mortgage servicing charge in an amount approved by HUD.

(d) A Monthly Mortgage Payment in the amount of the monthly debt service shown on the Mortgage Amortization Schedule, except as provided in Section 2.3(a).

2.2 Each payment under Section 2.1 shall be applied first, to the monthly payments for insurance in accordance with section 2.1(a); second to taxes and special assessments, if any, in accordance with Section 2.1(b); third, to the mortgage servicing charge in accordance with Section 2.1(c); and fourth, to payment of the mortgage debt.

2.3 (a) If the homeowner's Adjusted Monthly Income, as defined in Section 2.4, is reduced to such an extent that 25 percent thereof is insufficient to cover the amount of the monthly debt service shown on the Mortgage Amortization Schedule, plus the housing costs listed below, the homeowner's required Monthly Mortgage Payment shall be only the amount by which 25 percent of his Adjusted Monthly Income exceeds the sum of these housing costs:

(1) the monthly payment for insurance in accordance with Section 2.1(a);

(2) the monthly payment for taxes and special assessments, if any, in accordance with Section 2.1(b);

(3) the monthly payment for the mortgage servicing charge in accordance with Section 2.1(c); and

(4) the monthly amount as determined by the IHA and approved by HUD as an allowance for the cost of utilities (except telephone);

(5) the monthly amount as determined by the IHA and approved by HUD as an allowance for the cost for maintenance of the home.

(b) Neither this Section 2.3, nor any other provision of this note, shall be construed to relieve the homeowner of his obligation, regardless of the amount of his income, to make the payments specified at Sections 2.1(a), 2.1(b) or 2.1(c).

2.4 "Adjusted Monthly Income" means gross family income per month less adjustments, as determined by the IHA in accordance with standards approved by HUD.

2.5 For the purpose of determining the effect of changes in the homeowner family's Adjusted Monthly Income on the Monthly Mortgage Payment, the homeowner shall furnish certification of his family income and family composition, including any information and evidence required by the IHA, for periodic reexaminations by the IHA at intervals prescribed by the IHA. Needed adjustments in the Monthly Mortgage Payment shall be made after each reexamination.

ARTICLE III—INSURANCE

3.1 The property shall be covered by fire and extended coverage insurance for not less than 80 percent of insurable value. The insurance shall list HUD, the IHA and the homeowner as named insureds. All insurance shall be carried in companies and under policies approved or selected by the IHA in accordance with HUD regulations and requirements, and the policies and renewals shall be held by the IHA and have attached thereto loss payable clauses in favor of and in form acceptable to the IHA.

3.2 In the event of loss, homeowner shall immediately notify the IHA, which may

[1] Insert the amount determined in accordance with § 805.420(b)(3).

make proof of loss. The IHA may compromise with the insurer, and make a final settlement which shall be binding on the homeowner. Upon receipt of the insurance proceeds, the IHA shall consult with the homeowner as to whether the property shall be repaired or rebuilt. If the IHA determines that the property should not be repaired or rebuilt, or that it should be repaired or rebuilt, but the homeowner disagrees with the IHA determination, the matter shall be submitted to HUD for final determination. If the final determination is that the property should not be repaired or rebuilt, the IHA shall apply the insurance proceeds to the reduction of the mortgage dept, and any remaining amount shall be paid by the IHA to the homeowner. If the final determination is that the property should be repaired or rebuilt, the IHA shall, upon completion of such repair or rebuilding, apply any balance of the proceeds not needed for repair or rebuilding to the reduction of the mortgage debt, and any balance then remaining shall be paid to the homeowner.

ARTICLE IV—SECURITY

4.1 "Mortgage" means a first lien on the right, title and interest in the property conveyed to the homeowner by the IHA.

4.2 This note is secured under a mortgage in form approved by HUD, delivered to the IHA together with this note, and securing all of the homeowner's obligations under the note.

ARTICLE V—CARE AND USE OF HOME

5.1 The homeowner agrees to keep the property in a decent, safe and sanitary condition.

5.2 (a) The homeowner agrees to use the property only as a place to live for himself and the members of his family listed in Schedule "A", attached hereto and made a part hereof, for children born to or adopted by members of the family after the date of this note, and foster children, and for aged or widowed parents of the homeowner or spouse. Other family members may live on the property only with the prior written approval of the IHA.

(b) The homeowner shall not sublet the property, or provide accommodations to boarders or lodgers, without the prior written approval of the IHA.

ARTICLE VI—PROHIBITION ON SALE OR LEASE

6.1 Except in the case of a reconveyance to the IHA in accordance with Section 6.3, the homeowner shall not, prior to the payment in full of all amounts payable to the IHA under this note, sell, lease, or otherwise transfer the property, or any interest in the property, without the prior written consent of the IHA, and any purported transfer without such prior written consent shall be void.

6.2 The IHA shall consent to the sale, lease or other transfer of the property to a low income family if:

(a) The IHA determines that the proposed transferee meets the IHA's HUD-prescribed criteria of eligibility for low income housing homeownership financing;

(b) The proposed transferee executes a note in the form of this Promissory Note, and a Mortgage, in the form required by the IHA, for the outstanding balance of the mortgage debt;

(c) Any proceeds on such transfer are applied first to the payment of amounts payable to the IHA under this note other than Monthly Mortgage Payments, and the balance to payment of the mortgage debt; and

(d) After such application there are no amounts then owing to the IHA for payments under Article II of this note. To qualify as a low income family, the transferee shall have an income within maximum limits approved by HUD for families admitted to Mutual Help housing of the IHA. The IHA's consent to a transfer may be conditioned upon the homeowner's agreement to any reasonable procedure required by the IHA for the purpose of assuring the application of any proceeds as provided in Section 6.2(c).

6.3 Notwithstanding the provisions of Sections 6.1 and 6.2 of this note, the homeowner may, with the prior consent of the IHA, reconvey the home to the IHA for occupancy by a transferee low income family designated by the homeowner or the IHA. The IHA shall consent to such reconveyance and occupancy if:

(a) The income of the transferee family is within the income limits for admission to Mutual Help housing, and the family is able and willing to meet all the obligations of a Mutual Help and Occupancy Agreement ("MHO Agreement"); and

(b) A responsible member or members of the transferee family executes an MHO Agreement prior to the reconveyance, and undertakes in the MHO Agreement to furnish a contribution to the project in a form acceptable to the IHA, and valued at not less than $1,500.

The homeowner shall execute any documents required by the IHA and HUD to reconvey the property to the IHA. The Settlement Costs for the reconveyance shall be paid by the homeowner or the transferee family, but shall not be paid by the IHA. The Initial Purchase Price for the transferee family shall be equal to the balance of the mortgage debt at the time of reconveyance. The Purchase Price Schedule for the transferee family shall commence on the first day of the month following the reconveyance, and shall end on the same day as the transferor homeowner's Mortgage Amortization Schedule.

6.4 Notwithstanding anything otherwise provided in this Article, upon payment in full of the mortgage debt outstanding and any other amounts payable to the IHA under this note, the homeowner may transfer the property to any transferee, including a transferee other than a low income family.

ARTICLE VII—TERMINATION OF OBLIGATION

7.1 When the mortgage debt has been fully amortized, the IHA shall upon written demand surrender this note, and shall exercise and deliver a full satisfaction.

ARTICLE VIII—SUCCESSORS BOUND

8.1 All of the obligations of this note shall be binding on the heirs, executors, administrators, successors and assigns of the homeowner.

IHA

By ----------
(Official Title)

(Homeowner)

(Homeowner's Spouse)

(Date)

(8) *Disposition of servicing fees and mortgage payments.* The amount of the mortgage servicing fees collected from the homeowner under a Promissory Note may be retained by the IHA, and utilized as project income. The total amount of the mortgage payments collected shall be remitted to HUD at the end of each fiscal year, or at such other intervals as HUD may direct.

§ 805.421 Termination of MHO agreement.

(a) *Termination upon breach.* In the event the homebuyer fails to comply with any of his obligations under the MHO Agreement, the IHA may terminate the MHO Agreement. Misrepresentation or withholding of information in applying for admission, or in connection with any subsequent reexamination of income and family composition, constitutes a breach of the homebuyer's obligations under the MHO Agreement. "Termination" as used in the MHO Agreement does not include acquisition of ownership by the homebuyer.

(b) *Notice of termination of MHO agreement by the IHA; right of homebuyer to respond.* Termination of the MHO Agreement by the IHA for any reason shall be by written Notice of Termination. Such Notice shall state (1) the reason for termination; (2) that the homebuyer may respond to the IHA in writing or in person, within a specified reasonable period of time regarding the reason for termination; (3) that in such response he may be represented or accompanied by a person of his choice, including a representative of the Tribal Government; (4) that the IHA will advise the Tribal Government concerning the termination; and (5) that if, within 30 days after the IHA gives Notice of Termination, the homebuyer presents to the IHA evidence or assurances satisfactory to the IHA, the IHA may rescind or extend the Notice of Termination; and (6) that unless there is such recision or extension, the lease term and MHO Agreement shall terminate on the 30th day after the IHA gives Notice of Termination. The IHA may, with HUD approval, modify the provisions of the Notice referred to in the preceding sentence relating to the procedures for presentation and consideration of the homebuyer's response. In all cases, the IHA's procedures for the termination of an MHO Agreement shall afford a fair and reasonable opportunity to have the homebuyer's response heard and considered by the IHA, and such procedures shall comply with the Indian Civil Rights Act.

(c) *Termination of MHO agreement by homebuyer.* The homebuyer may terminate the MHO Agreement by giving the IHA written Notice of Termination, and the lease term and MHO Agreement shall terminate on the 30th day after the homebuyer gives such notice. If the homebuyer vacates the home without notice to the IHA, the MHO Agreement is automatically terminated.

(d) *Settlement upon termination.* (1) *Time for settlement.* Settlement with the homebuyer following a termination shall be made as promptly as possible after all charges provided in § 805.418(f) have been determined, and the IHA shall give the homebuyer a statement of such charges. The homebuyer may obtain a settlement before the actual cost of any maintenance required to put the home in satisfactory condition for the next occupant has been determined, if the homebuyer is willing to accept the IHA's estimate of the amount of such cost. In such case, the amounts to be charged for such maintenance shall be based on the IHA's estimate of the cost thereof.

V 40 183 SEP 1975 XUM

(2) *Disposition of personal property.* Upon termination, the IHA may dispose of, in any lawful manner deemed suitable by the IHA, any item of personal property abandoned by the homebuyer in the home, and the proceeds, if any, upon such disposition, may be applied to the payment of amounts owed by the homebuyer to the IHA.

§ 805.422 Succession upon death, mental incapacity or abandonment.

(a) *Definition of "event".* "Event" means the death or mental incapacity of, or abandonment of the family by, the homebuyer. If more than one person has executed the MHO Agreement as homebuyer, the Event shall not be deemed to take place unless death, mental incapacity or abandonment has occurred with respect to all such persons.

(b) *Succession by person designated by homebuyer.* The MHO Agreement shall specify a member of the homebuyer's family as successor in case an Event occurs. Upon occurrence of an Event, the person designated as the successor shall succeed to the former homebuyer's rights and responsibilities under the MHO Agreement if this designated successor meets the following conditions:

(1) At the time of the Event, (i) the designated successor is a member of the former homebuyer's family who is entitled to live in the home pursuant to a schedule appended to the MHO Agreement, or pursuant to the IHA's written approval, and (ii) in the case of an Event occurring after commencement of occupancy by the homebuyer, the designated successor is living in the home.

(2) The designated successor is willing and able to pay the Administration Charge, and to perform the obligations of a homebuyer under an MHO Agreement.

(3) The designated successor executes an assumption of the former homebuyer's obligations under the MHO Agreement.

(c) *Succession by person designated by IHA.* If there is no successor designated by the homebuyer, or if any of the foregoing conditions are not met by the designated successor, the IHA may designate as successor any family member who meets all of these conditions.

(d) *Occupancy by guardian of minor.* If there is no qualified successor in accordance with paragraphs (b) or (c) of this section, and a minor child or children of the homebuyer are living in the home at the time of the Event, then, in order to protect their continued occupancy and opportunity for acquisition of the home, the IHA may approve as occupant of the home an appropriate adult who has been appointed legal guardian of the children with a duty to perform the obligations of the MHO Agreement in their interest and behalf.

(e) *Termination in absence of qualified successor.* If there is no qualified successor in accordance with paragraphs (b) or (c) of this section or approved occupancy by the guardian of a minor in accordance with paragraph (d) of this section, the IHA shall terminate the MHO Agreement.

(f) *Change of designation.* The designation of a successor may be changed at any time by a homebuyer by written notification to the IHA, provided that the designated successor shall be a member of the homebuyer's family as determined by the IHA.

§ 805.423 Miscellaneous.

(a) *Annual statement to homebuyer.* The IHA shall provide an annual statement to the homebuyer which will set forth, at the end of the IHA fiscal year, the amount in each of the following accounts: (1) The Voluntary Equity Payments Account, (2) the MEPA, (3) the Family MH Reserve, and (4) the Tribal MH Reserve. The statement shall also set forth the remaining balance of the purchase price.

(b) *Damage or destruction of home.* (1) *Insurance.* Until transfer of ownership to the homebuyer, the IHA shall carry all insurance prescribed by HUD, including fire and extended coverage insurance upon the home.

(2) *Repair or rebuilding.* In the event the home is damaged or destroyed by fire or other casualty, the IHA shall consult with the homebuyer as to whether the home shall be repaired or rebuilt. If the IHA determines that the home should not be repaired or rebuilt, but the homebuyer disagrees, the matter shall be submitted to HUD for final determination. If the final determination is that the home should not be repaired or rebuilt, the IHA shall terminate the MHO Agreement, and the homebuyer's obligation to make Required Monthly Payments shall be deemed to have terminated as of the date of the damage or destruction. The homebuyer shall in no event be entitled to any portion of the insurance proceeds upon such damage or destruction.

(3) *Suspension of payments.* In the event of termination because of damage or destruction of the home, or if the home must be vacated during the repair period, the IHA will use its best efforts to assist in relocating the homebuyer. If the home must be vacated during the repair period, Required Monthly Payments shall be suspended during the vacancy period.

(c) *Notices.* Any notice by the IHA to the homebuyer required under the MHO Agreement or by law may be delivered in writing to the homebuyer personally or to any adult member of his family residing in his home, or may be sent by certified mail, return receipt requested, properly addressed, postage prepaid. Notice to the IHA shall be in writing, and either delivered to an IHA employee at the office of the IHA or sent to the IHA by certified mail, return receipt requested, properly addressed, postage prepaid.

(d) *Grievance procedure.* All grievances or appeals arising under the MHO Agreement shall be processed and resolved pursuant to the grievance procedure of the IHA. The IHA shall transmit a copy of the grievance procedure to HUD. A copy of the grievance procedure shall be posted in the IHA office and shall be furnished to a tenant or homebuyer upon request.

(e) *Right of revocation by IHA.* Any MHO Agreement executed prior to the execution of the construction contract shall be subject to revocation by the IHA if the IHA shall decide not to proceed with the development of the project or any part thereof. Such decision by the IHA shall be final, and revocation of the MHO Agreement shall be effective immediately upon notification to the homebuyer by the IHA. If the MHO Agreement is revoked the IHA shall return or reconvey to the homebuyer any land, cash, materials or equipment contributed by the homebuyer, and shall return or reconvey to the tribe any land, cash, materials or equipment contributed by the tribe.

§ 805.424 Annual contributions contract.

(a) The form of ACC for MH Projects set forth as Appendix II to this Subpart shall be used for all MH Projects placed under ACC on or after the effective date of this Part. Such form shall not be used for any MH Project placed under ACC before the effective date of this Part unless such use is authorized under § 805.425 concerning the conversion of Existing Projects. Projects placed under ACC after the effective date of this Part shall not be consolidated under the same ACC with Existing Projects, unless use of the new form of ACC for such Existing Project is authorized under § 805.425.

(b) HUD shall not enter into an ACC for a new MH Project unless the IHA has entered into MHO Agreements with a number of families equal to the number of homes covered by the Program Reservation.

(c) The Minimum Loan Interest Rate shall be a rate specified by HUD in accordance with section 4(a) of the Act.

§ 805.425 Conversion of existing projects.

(a) *Applicability.* This § 805.425 shall govern the conversion of an Existing Project to development and operation, or to operation only, under the New MH Program.

(b) *Conversion optional.* Conversion of Existing Projects shall not be required, but shall be at the option of the IHA, and with the approval of HUD, upon compliance with all requirements and procedures for conversion.

(c) *Projects not converted.* If a project is not converted for any reason:

(1) The provisions for the New MH Program shall not be applicable to the project, and

(2) The IHA shall continue to develop and operate the project in accordance with the form of MH ACC and MHO Agreement in use before the effective date of this Part, including the use of that form of MHO Agreement for families admitted to occupancy on or after the effective date of this Part.

(d) *MH contribution—no change required.* HUD shall not require as a condition for conversion any change in the total value or form of MH Contribution

for an Existing Project as set forth in the Development Program on the effective date of this Part.

(e) *Conversion where no MHO Agreements have been executed.* If an Existing Project is converted, and no MHO Agreements were entered before the effective date of this Part:

(1) Homebuyer families shall be selected and admitted in accordance with § 805.406.

(2) A member or members of each selected family shall execute the new form of MHO Agreement set forth as Appendix I to this Subpart.

(3) If any selected homebuyer family shall decline to execute the new form of MHO Agreement, the selection shall be revoked, and the IHA shall select another homebuyer family willing to execute the new form of MHO Agreement.

(4) After execution of the new form of MHO Agreement by a number of homebuyers equal to the number of homes, HUD and the IHA shall execute the new form of ACC set forth as Appendix II to this Subpart.

(5) Further development and operation shall be in accordance with the New MH Program.

(f) *Conversion where MHO agreements have been executed.* This paragraph (f) applies to conversion of an Existing Project if any MHO Agreements were executed before the effective date of this Part. "Participant" means a person who entered into an MHO Agreement before the effective date of this Part. An IHA which desires to convert to the New MH Program shall offer the new form of MHO Agreement to all Participants, after appropriate counseling on the advantages of the new form of MHO Agreement. If any Participants in a project decline to execute the new form of MHO Agreement (with any modifications of such form as may be approved by HUD), the old MHO Agreements remain in effect, and the project shall not be converted.

(g) *Projects under development.* (1) "Contractual Commitment" means the IHA's HUD-approved commitment to a contractor for development of a project. If a project is developed under the Conventional method (with or without advertising), contractual commitment occurs upon award of the construction contract. If a project is developed under the Turnkey method, contractual commitment occurs upon execution of the Preliminary Contract of Sale, or Contract of Sale.

(2) If no Contractual Commitment was made before conversion, the construction contract shall be in conformity with the provisions of § 805.410.

(3) If a Contractual Commitment was made before conversion, development of the project shall be completed in accordance with the construction contract.

(h) *Date of conversion.* The conversion of a project shall take place after all Participants have executed the new form of MHO Agreement, and shall be effective as of a date agreed between the IHA and HUD, referred to as the "Date of Conversion." The MHO Agreement executed by each Participant shall provide that the new MHO Agreements executed by all the Participants will become effective on the Date of Conversion for the project, as stated in a notification to each Participant.

(i) *Annual contributions contract.* The IHA shall enter into the form of ACC set forth as Appendix II of this Subpart before the Date of Conversion.

(j) *Transfer of credits.* The balance in a Participant's accounts under the old form of MHO Agreement shall be credited as of the Date of Conversion to the appropriate accounts under the new form of MHO Agreement in accordance with the following instructions:

(1) Reserve for Homeownership: (i) The Reserve for Homeownership shall be credited with that portion of the balance of the MH Contribution furnished by the Participant needed to provide $500 in this reserve. If such balance is less than $500, the Reserve for Homeownership shall be credited with that portion of the balance of the MH Contribution furnished by the tribe needed to bring this reserve up to $500.

(ii) The Reserve for Homeownership shall also be credited with the sum of voluntary equity payments, if any, previously used to reduce project debt, and with the sum of amounts previously applied out of the Participant's operating reserve to reduce project debt.

(2) *Tribal MH reserve.* This account shall be credited with the balance, if any, of the MH Contribution furnished by the tribe after crediting the Reserve for Homeownership in accordance with paragraph (j)(1)(i) of this section.

(3) *Family MH reserve.* This account shall be credited with the balance, if any, of the MH Contribution furnished by the family after crediting the Reserve for Homeownership in accordance with paragraph (j)(1)(i) of this section.

(4) *MEPA.* This account shall be credited with the balance in the Participant's operating reserve not previously applied to reduce the project debt.

The new form of MHO Agreement shall include the foregoing instructions, appropriately modified. The Participant shall be given a statement showing the balances in the Reserve for Homeownership, Tribal MH Reserve, Family MH Reserve, Voluntary Equity Payments Account and MEPA as of the later of the Date of Conversion, or the Date of Occupancy.

§ 805.426 Cross-references.

ACC. Annual Contributions Contract (for MH Projects). Sections 805.402, 805.424. Form: Subpart D—Appendix II.
Adjusted Monthly Income. Section 805.413(b)(2).
Administration Charge. Section 805.416(a).
Admission Policies. Section 805.406(a).
Annual Contributions Contract (for MH Project). Sections 805.402, 805.424. Form: Subpart D—Appendix II.
Cash Contribution. Section 805.408(h).
Contractual Commitment. Section 805.425(g)(1).
Conversion. Sections 805.402, 805.425.
Counseling. Section 805.407. Subpart D—Appendix V.
Date of Conversion. Section 805.425(h).
Date of Occupancy. Section 805.412(a).
Development Program. Section 805.404(c).
Event. Section 805.422(a).
Existing Project. Section 805.402.
Family MH Contribution. Section 805.418(a)(1).
Family MH Reserve. Section 805.418(b)(5).
Family Work Credit. Section 805.409(g).
Financing of Development Cost. Section 805.405.
Grievance Procedure. Section 805.423(d).
Guardian of Minor, Occupancy by. Section 805.422(d).
Home. Section 805.402.
Homebuyer. Section 805.402.
Homeowner. Section 805.402.
HUD. Section 805.402.
IHA Homeownership Financing. Sections 805.402, 805.420.
Income and Assets Limits. Section 805.406(a).
Initial Homebuyer. Section 805.419(b)(1).
Initial Purchase Price (for Initial Homebuyer). Section 805.419(b)(2).
Initial Purchase Price (for Subsequent Homebuyer). Section 805.419(c)(2).
Inspections.
Pre-move-in inspection. Section 805.414(a).
Inspection after acceptance. Section 805.414(b).
Inspection upon termination. Section 805.414(c).
Investment of Excess Funds (in equity payments accounts). Section 805.418(c)(3).
Land Contribution. Section 805.408(f).
Lease Term. Section 805.412(c).
Maintenance. Section 805.415(a), 805.418(d).
Maintenance Credit. Sections 805.415(a)(1), 805.418(f)(3).
Materials or Equipment Contribution. Section 805.408(g).
MEPA. Monthly Equity Payments Account. Section 805.418(c)(1).
MH Construction Contract. Sections 805.402, 805.410. Forms: Subpart D—Appendix III (Conventional), Appendix IV (Turnkey).
MH Contribution. Sections 805.402, 805.408, 805.409.
MH Credits. Sections 805.412(d), 805.418(a) and (b).
MHO Agreement. A Mutual Help and Occupancy Agreement. Section 805.402. Form: Subpart D—Appendix I.
MH Program. Section 805.402.
MH Profit. Section 805.402.
MH Waiting List. Section 805.406(c).
MH Work Contribution. Section 805.409.
Minimum Amount of MH Contribution. Section 805.408(b).
Monthly Equity Payments Account ("MEPA"). Section 805.418(c)(1).
Monthly Mortgage Payment. Section 805.420(b)(7) (Promissory Note, Sections 2.1 and 2.3).

V 40 N 183 SEP 1975 XUM

Mortgage. Section 805.420(b)(4).
Mortgage Amortization Schedule. Section 805.420(b)(5).
New MH Program. Section 805.402.
Notice of Completion. Section 805.412(b).
Notice of Confirmation. Section 805.406(f)(2)(iii).
Notification of Selection. Section 805.406(f).
Notice of Termination. Sections 805.421(b) (termination by IHA); 805.421(c) (termination by homebuyer).
Operating Expense. Section 805.416(b).
Operating Reserve. Section 805.416(b)(3), Section 805.417.
Participant. Section 805.425(f).
Project. Section 805.402.
Project Note. Section 805.405.
Project Prototype Cost. Section 805.419(b)(2), Step 3.
Promissory Note. Section 805.420(b)(7).
Purchase of Home. Sections 805.419; 805.418(e).
Purchase Price Schedule (for Initial Homebuyer). Section 805.419(b)(3).
Purchase Price Schedule (for Subsequent Homebuyer). Section 805.419(c)(3).
Required Monthly Payments. Section 805.413.
Reserve for Homeownership. Section 805.418(b)(3).
Selection of MH Homebuyers. Section 805.406.
Settlement Costs. Section 805.419(d)(2).
Subsequent Homebuyer. Section 805.419(c)(1).
Substitute Homebuyer Family. Section 805.408(i)(1).
Succession. Section 805.422.
Termination. Sections 805.411 (before Date of Occupancy), 805.421; section 805.418(f).
Tribal MH contribution. Sections 805.408(d)(1), 805.418(a)(2).
Tribal MH Reserve. Section 805.418(b)(4).
Utilities (homebuyer responsibility). Sections 805.415(b), 805.416(c).
Utility Deduction. Section 805.413(b)(2).
Voluntary Equity Payments Account. Section 805.418(c)(2).
Work Order. Section 805.415(a)(2).

APPENDICES I–V—RESERVED

(It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.)

Issued at Washington, D.C., September 16, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.75-25040 Filed 9-18-75;8:45 am]

V40-183 SEP 1975 XUM

federal register

FRIDAY, SEPTEMBER 19, 1975



PART III:

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

■

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance

V 40 183 SEP 1975 XUM

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[FSP No. 1975–1.2, Rev. 1, Amdt.]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance: 48 States and District of Columbia

Pursuant to a part of Subchapter C—Food Stamp Program under Title 7, Chapter II, Code of Federal Regulations, 7 CFR Part 271, notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to examine alternatives to the maximum monthly allowable income standards and the basis of coupon issuance set forth in FSP Notice 1975–1.2, effective July 1, 1975 (40 FR 19854).

BACKGROUND

On June 12, 1975, the United States Appeals Court for the District of Columbia Circuit, in its opinion in the case of "Rodway v. United States Department of Agriculture", No. 74–1303 (D.C. Cir.), ruled that the Department of Agriculture (USDA) failed to comply with the requirements of the Administrative Procedure Act in promulgating the allotment regulations and required new rulemaking proceedings to be undertaken and completed within 120 days of the date of the decision. The Court also pointed out that a system of establishing coupon allotments would be sustained only if the Secretary can show that the system delivers coupons in substantially all recipients in amounts sufficient to allow them to purchase nutritionally adequate diets, and that nutritional adequacy is plainly a factual question within the expertise of the Secretary of Agriculture.

To comply with the Rodway decision, the Department is considering several possible changes in the current method of determining coupon allotments and eligibility standards, along with the possibility of continuing the current method subject to any changes suggested as a result of this public notice. The specific changes under Departmental consideration are to (a) use a new Thrifty Food Plan as an alternative to the Economy Food Plan in calculating coupon allotments, (b) provide revised economies of scale as an alternative to the present method of adjusting coupon allotments for larger size households, and (c) individualize coupon allotment calculations based on the age and sex composition of each applicant household. Public comments are hereby solicited and invited on all provisions of the current method of determining coupon allotments and eligibility standards, and on any of the specific changes described in this notification.

Described more fully below are three alternative proposals for revising coupon allotments which are designed to be consistent with the views expressed in the Rodway decision. The first of these is an individualized basis of determining coupon allotments which takes into consideration the sex and age of each household member. The second is an identical individualized schedule which, in addition, temporarily preserves the December 31, 1975 maximum income eligibility standards and the present coupon allotment when the total of the individual allotments, as adjusted to reflect changes in the cost of food is less than the December 31, 1975 allotment. These two alternative proposals provide at least 100 percent of the cost of the Thrifty Food Plan for all households. The third alternative proposal is a uniform allotment and eligibility standard schedule, much like the one presently in use. Under the third proposal, 75.5 percent of all households would receive an allotment equal to or above 100 percent of the cost of the Thrifty Food Plan and 97.3 percent would receive an allotment equal to or above 90 percent of that cost.

Even under the third proposal, the allotment is believed to be sufficient for careful homemakers in virtually all households to provide nutritious diets. Certain economies in buying and using food beyond those assumed in the Thrifty Food Plan are possible: (1) In estimating the plan's cost, the homemaker's skill and interest in shopping for food is assumed to be "average" for homemakers in survey households with relatively low food costs. Plan costs would be lower if unusual skill were assumed. (2) The cost of the plan includes a 5 percent allowance for edible food that is discarded as spoilage, plate waste, etc. Although some discard is unavoidable, especially good managers may discard less than allowed. (3) The plan includes some coffee, tea, and other nonalcoholic beverages, which are used in most households but could be eliminated at a cost saving of 3 to 4 percent. Eliminating these foods would not jeopardize the nutritional quality of diets.

All proposals are based on the Thrifty Food Plan and the ARS revised economies of scale. Public comment on these proposed alternative revisions is invited.

THRIFTY FOOD PLAN

Previously, the coupon allotments were based on the economy food plan for a four-person household and adjusted for other household sizes. The Agricultural Research Service (ARS) recently prepared a new food plan which is referred to as the Thrifty Food Plan. The Thrifty Food Plan is made up of foods of different types (food groups) that families might buy, or obtain from other sources, to provide nutritious meals and snacks for family members. In the plan amounts of food are suggested for men, women, and children of different ages (Table 1). A plan for any family can be determined by totaling amounts of foods suggested for persons of the sex and age of family members. A food list based on the plan for a family of four for a month appears in Table 2. ARS is developing meal plans for a month to illustrate how these foods might be served.

Families following the plan may choose from the food groups those economical foods they enjoy eating. When ARS estimates the cost of the plan (Table 3), the makeup of the food groups is based on the average amounts of foods used by survey households, with relatively low food costs.

The Thrifty Food Plan contains more meat, poultry, and fish and less dry beans, potatoes, and grain products than the economy food plan.

Food consumption patterns of households surveyed in 1965–66 that used food valued at or slightly above the cost of the economy food plan were adopted as the basis for defining the kinds and amounts of foods in the Thrifty Food Plan.

The Thrifty Food Plan is an assortment of foods that represents as little change from average food consumption patterns of households with relatively low food costs as is required to provide a nutritionally adequate diet, while controlling cost.

Foods in the plan provide for a nutritionally adequate diet—one that meets the Recommended Dietary Allowances, most recently set in 1974 by the National Academy of Sciences-National Research Council, for all nutrients for which adequate reliable food composition data are available for determining the content of the plan. Enriched bread and flour in the plan are assumed to contain iron at levels proposed by the Food and Drug Administration of the Department of Health, Education, and Welfare.

TABLE 1.—*Thrifty Food Plan*

[Amounts of food for a week [1]]

Family member	Milk, cheese, ice cream [2] (quarts)	Meat, poultry, fish [3] (pounds)	Eggs (number)	Pounds										
				Dry beans and peas, nuts [4]	Dark-green, deep-yellow vegetables	Citrus fruit, tomatoes	Other vegetables, fruit: Potatoes	Other vegetables, fruit: Other	Cereal	Flour	Bread	Other bakery products	Fats, oils	Sugar, sweets	Accessories [5]
Child:															
7 mo to 1 yr	4.95	0.39	1.2	0.15	0.41	0.55	0.09	2.40	[6] 1.02	0.02	0.08	0.04	0.04	0.10	0.05
1 to 2 yrs	3.30	.83	3.3	.17	.22	.89	.65	2.26	[6] 1.02	.31	.78	.24	.11	.30	.37
3 to 5 yrs	3.54	.95	2.5	.28	.20	.92	.88	2.28	1.03	.37	.94	.53	.38	.74	.59
6 to 8 yrs	4.22	1.27	2.4	.40	.22	1.10	1.23	2.50	1.12	.62	1.42	.79	.51	.94	.84
9 to 11 yrs	4.92	1.61	3.4	.53	.28	1.52	1.48	3.38	1.34	.81	1.82	1.10	.60	1.20	1.10
Male:															
12 to 14 yrs	5.18	1.79	3.6	.67	.33	1.45	1.50	3.20	1.22	.81	2.07	1.13	.77	1.21	1.45
15 to 19 yrs	5.08	2.35	4.0	.43	.32	1.70	2.10	3.43	.98	.99	2.36	1.46	1.00	1.05	1.73
20 to 54 yrs	2.57	3.03	4.0	.44	.39	1.80	2.02	3.69	.89	.92	2.29	1.33	.95	.86	1.24
55 yrs and over	2.37	2.45	4.0	.25	.51	1.85	1.75	3.77	1.09	.80	1.90	1.12	.79	.94	.73
Female:															
12 to 19 yrs	5.35	1.80	3.8	.28	.42	1.74	1.22	3.61	.72	.76	1.49	.84	.51	.74	1.36
20 to 54 yrs	2.81	2.41	4.0	.27	.52	1.86	1.51	3.39	.90	.67	1.41	.67	.57	.57	1.18
55 yrs and over	2.85	1.84	4.0	.19	.60	2.02	1.26	3.73	1.12	.68	1.30	.58	.37	.45	.66
Pregnant	[7] 5.25	2.60	4.0	.42	.56	2.17	1.89	4.03	1.13	.58	1.41	.66	.59	.58	1.46
Nursing	[7] 5.25	3.00	4.0	.38	.57	2.36	1.92	4.27	.98	.63	1.56	.82	.80	.75	1.54

[1] Amounts are for food as purchased or brought into the kitchen from garden or farm to prepare all meals and snacks for the week. Amounts allow for a discard of about 5 pct of the edible food as plate waste, spoilage, etc.

[2] Fluid milk and beverage made from dry or evaporated milk. Cheese and ice cream may replace some milk. Count as equivalent to a quart of fluid milk: Natural or processed Cheddar-type cheese, 6 oz; cottage cheese, 2½ lbs; ice cream, 1½ qts.

[3] Bacon and salt pork should not exceed ¼ lb for each 5 lbs of this group.

[4] Weight in terms of dry beans and peas, shelled nuts, and peanut butter. Count 1 lb of canned dry beans—pork and beans, kidney beans, etc.—as 0.33 lb.

[5] Includes coffee, tea, cocoa, soft drinks, punches, ades, leavenings, and seasonings.

[6] Cereal fortified with iron is recommended.

[7] For pregnant and nursing teenagers, 7 qts is recommended.

TABLE 2.—*Food list for a month based on the thrifty food plan average 4-person household receiving food stamps*

Milk (includes nonfat dry milk)	qt	54
Cheese	lbs	4¾
Ice cream	qt	6
Beef	lbs	13
Pork	lbs	6½
Variety meat	lbs	3½
Poultry	lbs	7
Fish	lbs	2
Eggs	doz	5
Dry beans	lbs	2½
Mature beans, canned	lbs	4
Peanut butter	lbs	2½
Carrots	lbs	3
Dark-green leafy vegetables	lbs	2
Other dark-green and deep-yellow vegetables	lbs	1½
Citrus fruit or juice	lbs	17
Tomatoes, tomato products	lbs	9
Potatoes	lbs	24
Apples	lbs	8½
Bananas	lbs	5
Other fresh fruit	lbs	8½
Fruit, canned	lbs	5½
Fruit juice, canned	lbs	2½
Lettuce, salad greens	lbs	4
Cabbage	lbs	2½
Other fresh vegetables	lbs	7½
Snapbeans, canned	lbs	2
Gren peas, canned	lbs	2
Other canned and frozen vegetables, vegetable soup	lbs	7
Flour and mixes	lbs	12
Cornmeal	lbs	3
Rice or pasta	lbs	6
Ready-to-eat cereal, other cereal	lbs	8
Bread	lbs	26
Crackers	lbs	2½
Other bakery products; soups, mainly rice or pasta	lbs	11½
Margarine, butter	lbs	5
Shortening, oil or salad dressing	lbs	5
Sugar	lbs	8
Other sweets	lbs	5½

NOTE.—Provides for the average food needs (as suggested in the Thrifty Food Plan for men, women, and children of different ages) of 4-person households receiving food stamps, National Survey of Food Stamp and Food Distribution Program Recipients, November 1973. In addition to foods listed, most families use some other foods: coffee, tea, cocoa, soft drinks, punches, ades, leavening agents, and seasonings. Approximately 5 percent above the cost of the foods on the list is allowed for purchase of these foods when costs for the plan are estimated.

TABLE 3.—*Cost of food at home estimated for the thrifty food plan* [1]

[July 1975, U.S. average in dollars]

Sex-age groups	Cost for—1 wk	Cost for—1 mo
FAMILIES		
Family of 2: [2]		
20 to 54 yrs	22.90	98.90
55 yrs and over	20.50	88.40
Family of 4: Couple, 20 to 54 years and Children, 1 to 2 and 3 to 5 yrs	32.30	139.60
Children, 6 to 8 and 9 to 11 yrs	38.90	168.30
INDIVIDUALS [3]		
Child:		
7 mos to 1 yr	4.50	19.40
1 to 2 yrs	5.20	22.50
3 to 5 yrs	6.30	27.20
6 to 8 yrs	8.00	34.70
9 to 11 yrs	10.10	43.70
Male:		
12 to 14 yrs	10.80	46.60
15 to 19 yrs	11.90	51.50
20 to 54 yrs	11.50	49.60
55 yrs and over	10.20	44.00
Female:		
12 to 19 yrs	9.60	41.60
20 to 54 yrs	9.30	40.30
55 yrs and over	8.40	36.40
Pregnant	11.50	49.70
Nursing	12.20	53.10

[1] The cost of the food plan was first estimated by using the average price per pound of each food group paid by urban survey families with relatively low food costs in 1965–66. These prices were adjusted to current levels by use of retail food prices by cities released periodically by the Bureau of Labor Statistics.

[2] 10 pct added for family size adjustment. See footnote 3.

[3] The costs given are for individuals in 4-person families. For individuals in other size families, the following adjustments are suggested: 1-person—add 20 pct; 2-person—add 10 pct; 3-person—add 5 pct; 5-or-6-person—subtract 5 pct; 7-or-more-person—subtract 10 pct.

COUPON ALLOTMENTS

The coupon allotment tables which are proposed are based on the July 1975 cost of the Thrifty Food Plan and are alternatives on which comments are solicited. They do not include tables for Alaska, Hawaii, Puerto Rico, Guam and the Virgin Islands. The tables for these areas will be based on the allotment table adopted for the continental United States, adjusted for the cost of food in these areas. All tables published for use beginning January 1, 1976 will contain the latest semi-annual adjustments for changes in the cost of food. After careful evaluation of all comments received on each proposal, the Secretary plans to adopt one proposal, either in its present form or modified, in the light of comments received. The Department recognizes that any change resulting from this proposed rulemaking will not allow State agencies sufficient time to implement a change in the current basis of issuance tables. Therefore, after careful consideration of the comments received, the Department intends to issue the final amendment in October 1975 based on August 1975 food costs which will contain semi-annually adjusted eligibility standards and basis of issuance tables to be effective on January 1, 1976. These tables are illustrative and are based on July 1975 food costs.

PROPOSAL I—INDIVIDUALIZED BASIS OF ISSUANCE SCHEDULE

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

No change is proposed for the eligibility standards for households in which all members are included in a federally-aided public assistance grant, general assistance grant, or supplemental security income benefit.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit in any State (other than Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands) or in the District of Columbia, shall be at the highest income level at which the total of the individual coupon allotment for each household member based on sex and age equals or exceeds the purchase requirement based on net monthly income. For example, the total coupon allotment and maximum monthly income eligibility standard for the following four-person household would be computed as follows:

V 40 I 183 SEP 1975 XUM

Sex/Age:	*Individual monthly allotment*
Woman 20 to 54	$40
Man 20 to 54	50
Child 6 to 8	34
Child 9 to 11	44
Total	168

Thus, the maximum net monthly income eligibility standard in this example would be $599.99; i.e., the highest income level at which the allotment of $168 exceeds the purchase requirement of $167.

"Income" as the term is used in the notice is as defined in pargaraph (c) of § 271.3 of the Food Stamp Program Regulations, except that paragraph (c)(3) of this section would be amended to read:

Income Standards. National income standards of eligibility for participation of nonassistance households in the program shall be at the highest income level at which the total of the individualized coupon allotment equals or exceeds the purchase requirement based on net monthly income.

Pursuant to Section 7(a) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the program shall be the total of the individual allotment for each household member based on sex and age.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

The total coupon allotment shall be adjusted to reflect changes in age of household members at the time of subsequent certification, unless the household requests earlier that its certification be revised. The individual monthly coupon allotments by household sizes are shown below:

Individual monthly coupon allotments by household size based on July 1975 cost of thrifty food plan, adjusted by ARS revised economies of scale

For type of person shown below	Number of persons					
	1	2	3	4	5 or 6	7 or more
Child:						
Under 1 yr	24	22	20	20	18	18
1 to 2 yr	28	24	24	22	22	20
3 to 5 yr	32	30	28	28	26	24
6 to 8 yr	42	38	36	34	32	32
9 to 11 yr	52	48	46	44	42	40
Boy 12 to 14 yr	56	52	48	46	44	42
Girl 12 to 19 yr	50	46	44	42	40	38
Boy 15 to 19 yr	62	56	54	52	48	46
Woman:						
20 to 54 yr	48	44	42	40	38	36
55 yr and older	44	40	38	36	34	32
Man:						
20 to 54 yr	60	54	52	50	48	44
55 yr and older	52	48	46	44	42	40
If woman is pregnant	60	54	52	50	48	44
If woman is nursing	64	58	56	54	50	48

Pursuant to Section 7(b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the amount charged for the monthly coupon allotment shall be as follows:

Monthly net income	For a household of—						
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 or more persons
	The monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $159.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	62	63
$230 to $249.99	57	62	64	65	66	67	68	69
$250 to $269.99	63	68	70	71	72	73	74	75
$270 to $289.99		74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99
$360 to $389.99		101	103	104	105	106	107	108
$390 to $419.99		110	112	113	114	115	116	117
$420 to $449.99		119	121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 or more persons
	The monthly purchase requirement is—							
$480 to $509.99	139	140	141	142	143	144		
$510 to $539.99	148	149	150	151	152	153		
$540 to $569.99	157	158	159	160	161	162		
$570 to $599.99	166	167	168	169	170	171		
$600 to $629.99		176	177	178	179	180		
$630 to $659.99		185	186	187	188	189		
$660 to $689.99		194	195	196	197	198		
$690 to $719.99		203	204	205	206	207		
$720 to $749.99		212	213	214	215	216		
$750 to $779.99			222	223	224	225		
$780 to $809.99			231	232	233	234		
$810 to $839.99			240	241	242	243		
$840 to $869.99				250	251	252		
$870 to $899.99				259	260	261		
$900 to $929.99				268	269	270		
$930 to $959.99				277	278	279		
$960 to $989.99				286	287	288		
$990 to $1,019.99				295	296	297		
$1,020 to $1,049.99					305	306		
$1,050 to $1,079.99					314	315		
$1,080 to $1,109.99					323	324		
$1,110 to $1,139.99						333		
$1,140 to $1,169.99						342		
$1,170 to $1,199.99						351		
$1,200 to $1,229.99						360		
$1,230 to $1,259.99						369		

To determine purchase requirements for any household size with income above the last income level shown above for that particular household size, add $3 for each additional $10 worth of monthly income (or portion thereof) to the purchase requirement shown at the highest income level for that household size.

PROPOSAL II—INDIVIDUALIZED BASIS OF ISSUANCE SCHEDULE TEMPORARILY PRESERVING PRESENT ELIGIBILITY STANDARDS AND COUPON ALLOTMENTS AS A MINIMUM

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND THE DISTRICT OF COLUMBIA

No change is proposed for the eligibility standards for households in which all members are included in a federally-aided public assistance grant, general assistance grant, or supplemental security income benefit.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit in any State (other than Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands) or in the District of Columbia, shall be at the highest income level at which the total of the individual coupon allotment for each household member based on sex and age equals or exceeds the purchase requirement based on net monthly income. For example, the total coupon allotment and maximum monthly income eligibility standard for the following four-person household would be computed as follows:

Sex/Age:	*Individual monthly allotment*
Woman 20 to 54	$40
Man 20 to 54	50
Child 6 to 8	34
Child 9 to 11	44
Total	168

Thus, the maximum net monthly income eligibility standard in this example would be $599.99; i.e., the highest income level at which the allotment of $168 exceeds the purchase requirement of $167.

However, for any household participating on December 31, 1975, the maximum allowable net monthly income standard shall be the higher of the standard computed on the above individualized basis or the maximum allowable net monthly income standard in effect on December 31, 1975, as shown below. If such household drops out of the program and subsequently becomes eligible, the maximum allowable net monthly income standard shall be at the highest income level at which the total of the individual allotment for each household member based on sex and age equals or exceeds the purchase requirement based on the household's net monthly income.

Household size:	*Maximum allowable monthly income—48 States and District of Columbia, December 31, 1975*
1 person	[1] $215
2 persons	300
3 persons	427
4 persons	540
5 persons	640
6 persons	740
7 persons	833
8 persons	926
Each additional member	+73

[1] USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations, except that paragraph (c)(3) of this section would be amended to read:

Income Standards. National income standards of eligibility for participation of nonassistance households in the program shall be at the highest income level at which the total of the individualized coupon allotment equals or exceeds the purchase requirement based on net monthly income.

Provided, however, That for any household participating on December 31, 1975, the maximum allowable net monthly income standard shall be the higher of the standard computed on an individualized basis or the maximum allowable net monthly income standard for the household in effect December 31, 1975, except that if such household does not continuously participate in the program after December 31, 1975, the net monthly income standard shall be computed solely on the individualized basis if the household re-enters the program after such date.

Pursuant to section 7(a) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program shall be the total of the individual allotment for each household member based on sex and age, as shown below (the same as under Proposal I): *Provided however,* That any household receiving a total allotment on December 31, 1975 which is higher than the total of the individual allotment shall continue to receive the higher allotment. If such household drops out of the program and subsequently becomes eligible, the coupon allotment shall be the total of the individual allotment for each household member based on sex and age.

The total allotment shall be adjusted to reflect changes in age of household members at the time of subsequent certification unless the household requests earlier that its certification be revised. The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole

V 40 I 183 SEP 1975 XUM

dollar amount and shall not change the purchase requirement for such allotment.

Monthly Coupon Allotments—48 States and District of Columbia

The uniform December 31, 1975 monthly coupon allotment by household size is:

1 person	$48
2 persons	90
3 persons	128
4 persons	162
5 persons	192
6 persons	222
7 persons	250
8 persons	278
Each additional person	+22

Individual monthly coupon allotments by household size based on July 1975 cost of thrifty food plan, adjusted by ARS revised economies of scale

For type of person shown below	Number of persons					
	1	2	3	4	5 or 6	7 or more
Child under 1 yr	24	22	20	20	18	18
Child:						
1 to 2 yrs	28	24	24	22	22	20
3 to 5 yrs	32	30	28	28	26	24
6 to 8 yrs	42	38	36	34	32	32
9 to 11 yrs	52	48	46	44	42	40
Boy 12 to 14 yrs	56	52	48	46	44	42
Girl 12 to 19 yrs	50	46	44	42	40	38
Boy 15 to 19 yrs	62	56	54	52	48	46
Woman:						
20 to 54 yrs	48	44	42	40	38	36
55 yrs and older	44	40	38	36	34	32
Man:						
20 to 54 yrs	60	54	52	50	48	44
55 yrs and older	52	48	46	44	42	40
If woman is pregnant	60	54	52	50	48	44
If woman is nursing	64	58	56	54	50	48

Pursuant to Section 7(b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the amount charged for the monthly coupon allotment shall be as follows:

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 or more persons
	The monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $159.99	33	38	40	41	42	43	44	45
$160 to $169.99	36	41	42	43	44	45	46	47
$170 to $179.99	39	44	46	47	48	49	50	51
$180 to $189.99	42	47	49	50	51	52	53	54
$190 to $199.99	45	50	52	53	54	55	56	57
$200 to $209.99	48	53	55	56	57	58	59	60
$210 to $219.99	51	56	58	59	60	61	62	63
$220 to $229.99	54	59	61	62	63	64	65	66
$230 to $239.99	57	62	64	65	66	67	68	69
$240 to $249.99	60	65	67	68	69	70	71	72
$250 to $259.99	63	68	70	71	72	73	74	75
$260 to $269.99		71	73	74	75	76	77	78
$270 to $279.99		74	76	77	78	79	80	81
$280 to $289.99		77	79	80	81	82	83	84
$290 to $299.99		80	82	83	84	85	86	87
$300 to $309.99		83	85	86	87	88	89	90
$310 to $319.99		86	88	89	90	91	92	93
$320 to $329.99		89	91	92	93	94	95	96
$330 to $339.99		92	94	95	96	97	98	99
$340 to $349.99		95	97	98	99	100	101	102
$350 to $359.99		98	100	101	102	103	104	105
$360 to $369.99		101	103	104	105	106	107	108
$370 to $379.99		104	106	107	108	109	110	111
$380 to $389.99		107	109	110	111	112	113	114
$390 to $399.99		110	112	113	114	115	116	117
$400 to $409.99		113	115	116	117	118	119	120
$410 to $419.99		116	118	119	120	121	122	123
$420 to $429.99		119	121	122	123	124	125	126
$430 to $439.99			124	125	126	127	128	129
$440 to $449.99			127	128	129	130	131	132
$450 to $459.99			130	131	132	133	134	135
$460 to $469.99			133	134	135	136	137	138
$470 to $479.99			136	137	138	139	140	141
$480 to $489.99			139	140	141	142	143	144
$490 to $499.99			142	143	144	145	146	147
$500 to $509.99			145	146	147	148	149	150
$510 to $519.99			148	149	150	151	152	153
$520 to $529.99			151	152	153	154	155	156
$530 to $539.99			154	155	156	157	158	159
$540 to $549.99			157	158	159	160	161	162
$550 to $559.99			160	161	162	163	164	165
$560 to $569.99			163	164	165	166	167	168
$570 to $579.99			166	167	168	169	170	171
$580 to $589.99				170	171	172	173	174
$590 to $599.99				173	174	175	176	177
$600 to $609.99				176	177	178	179	180
$610 to $619.99				179	180	181	182	183
$620 to $629.99				182	183	184	185	186
$630 to $639.99				185	186	187	188	189
$640 to $649.99				188	189	190	191	192
$650 to $659.99				191	192	193	194	195
$660 to $669.99				194	195	196	197	198
$670 to $679.99				197	198	199	200	201
$680 to $689.99				200	201	202	203	204
$690 to $699.99				203	204	205	206	207
$700 to $709.99				206	207	208	209	210
$710 to $719.99				209	210	211	212	213
$720 to $729.99				212	213	214	215	216
$730 to $739.99					216	217	218	219
$740 to $749.99					219	220	221	222
$750 to $759.99					222	223	224	225
$760 to $769.99					225	226	227	228
$770 to $779.99					228	229	230	231
$780 to $789.99					231	232	233	234
$790 to $799.99					234	235	236	237
$800 to $809.99					237	238	239	240
$810 to $819.99					240	241	242	243
$820 to $829.99						244	245	246
$830 to $839.99						247	248	249
$840 to $849.99						250	251	252
$850 to $859.99						253	254	255
$860 to $869.99						256	257	258
$870 to $879.99						259	260	261
$880 to $889.99						262	263	264
$890 to $899.99						265	266	267
$900 to $909.99						268	269	270
$910 to $919.99						271	272	273
$920 to $929.99						274	275	276
$930 to $939.99						277	278	279
$940 to $949.99						280	281	282
$950 to $959.99						283	284	285
$960 to $969.99						286	287	288
$970 to $979.99						289	290	291
$980 to $989.99						292	293	294
$990 to $999.99						295	296	297
$1000 to $1009.99							299	300
$1010 to $1019.99							302	303
$1020 to $1029.99							305	306
$1030 to $1039.99							308	309
$1040 to $1049.99							311	312
$1050 to $1059.99							314	315
$1060 to $1069.99							317	318
$1070 to $1079.99							320	321
$1080 to $1089.99							323	324
$1090 to $1099.99							326	327
$1100 to $1109.99							329	330
$1110 to $1119.99							332	333
$1120 to $1129.99							335	336
$1130 to $1139.99							338	339
$1140 to $1149.99							341	342
$1150 to $1159.99							344	345
$1160 to $1169.99							347	348
$1170 to $1179.99							350	351
$1180 to $1189.99							353	354
$1190 to $1199.99							356	357
$1200 to $1229.99							359	360
$1230 to $1259.99							368	369

To determine purchase requirements for any household size with income above the last income level shown above for that particular household size, add $3 for each additional $10 worth of monthly income (or portion thereof) to the purchase requirement shown at the highest income level for that household size.

PROPOSAL III—UNIFORM BASIS OF ISSUANCE SCHEDULE

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

Households in which all members are included in the federally-aided public asssistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in any State (other than Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands) or in the District of Columbia shall be the higher of the poverty guideline or at the level at which the total coupon allotment equals 30 percent of income, as shown below:

Household size:	*Maximum allowable income standards*
1 person	[1] $215
2 persons	307
3 persons	440
4 persons	560
5 persons	667
6 persons	800
7 persons	880
8 persons	1007
Each additional member	+127

[1] USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7(a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program and the amounts charged for the monthly coupon allotment in the 48 States and the District of Columbia are as follows:

Monthly coupon allotments and purchase requirements—48 States and District of Columbia

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$50	$92	$132	$168	$200	$240	$264	$302
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $159.99	33	38	40	41	42	43	44	45
$160 to $169.99	36	41	42	43	44	45	46	47
$170 to $179.99	39	44	46	47	48	49	50	51
$180 to $189.99	42	47	49	50	51	52	53	54
$190 to $199.99	45	50	52	53	54	55	56	57
$200 to $209.99	48	53	55	56	57	58	59	60
$210 to $219.99	51	56	58	59	60	61	62	63
$220 to $229.99	54	59	61	62	63	64	65	66
$230 to $239.99	57	62	64	65	66	67	68	69
$240 to $249.99	60	65	67	68	69	70	71	72
$250 to $259.99	63	68	70	71	72	73	74	75
$260 to $269.99		71	73	74	75	76	77	78
$270 to $279.99		74	76	77	78	79	80	81
$280 to $289.99		77	79	80	81	82	83	84
$290 to $299.99		80	82	83	84	85	86	87
$300 to $309.99		83	85	86	87	88	89	90
$310 to $319.99		86	88	89	90	91	92	93
$320 to $329.99		89	91	92	93	94	95	96
$330 to $339.99		92	94	95	96	97	98	99
$340 to $349.99		95	97	98	99	100	101	102
$350 to $359.99		98	100	101	102	103	104	105
$360 to $369.99		101	103	104	105	106	107	108
$370 to $379.99		104	106	107	108	109	110	111
$380 to $389.99		107	109	110	111	112	113	114
$390 to $399.99		110	112	113	114	115	116	117
$400 to $409.99		113	115	116	117	118	119	120
$410 to $419.99		116	118	119	120	121	122	123
$420 to $429.99		119	121	122	123	124	125	126
$430 to $439.99			124	125	126	127	128	129
$440 to $449.99			127	128	129	130	131	132
$450 to $459.99			130	131	132	133	134	135
$460 to $469.99			133	134	135	136	137	138
$470 to $479.99			136	137	138	139	140	141
$480 to $489.99			139	140	141	142	143	144
$490 to $499.99			142	143	144	145	146	147
$500 to $509.99			145	146	147	148	149	150
$510 to $519.99			148	149	150	151	152	153
$520 to $529.99			151	152	153	154	155	156
$530 to $539.99			154	155	156	157	158	159
$540 to $549.99			157	158	159	160	161	162
$550 to $559.99			160	161	162	163	164	165
$560 to $569.99			163	164	165	166	167	168
$570 to $579.99			166	167	168	169	170	171
$580 to $589.99				170	171	172	173	174
$590 to $599.99				173	174	175	176	177
$600 to $609.99				176	177	178	179	180
$610 to $619.99				179	180	181	182	183
$620 to $629.99				182	183	184	185	186
$630 to $639.99				185	186	187	188	189
$640 to $649.99				188	189	190	191	192
$650 to $659.99				191	192	193	194	195
$660 to $669.99				194	195	196	197	198
$670 to $679.99				197	198	199	200	201
$680 to $689.99				200	201	202	203	204
$690 to $699.99				203	204	205	206	207
$700 to $709.99				206	207	208	209	210
$710 to $719.99				209	210	211	212	213
$720 to $729.99				212	213	214	215	216
$730 to $739.99					216	217	218	219
$740 to $749.99					219	220	221	222
$750 to $759.99					222	223	224	225
$760 to $769.99					225	226	227	228
$770 to $779.99					228	229	230	231
$780 to $789.99					231	232	233	234
$790 to $799.99					234	235	236	237
$800 to $809.99					237	238	239	240
$810 to $819.99					240	241	242	243
$820 to $829.99						244	245	246
$830 to $839.99						247	248	249
$840 to $849.99						250	251	252
$850 to $859.99						253	254	255
$860 to $869.99						256	257	258
$870 to $879.99						259	260	261
$880 to $889.99						262	263	264
$890 to $899.99						265	266	267
$900 to $909.99						268	269	270
$910 to $919.99						271	272	273
$920 to $929.99						274	275	276
$930 to $939.99						277	278	279
$940 to $949.99						280	281	282
$950 to $959.99						283	284	285
$960 to $969.99						286	287	288
$970 to $979.99						289	290	291
$980 to $989.99						292	293	294
$990 to $999.99						295	296	297
$1000 to $1009.99							299	300
$1010 to $1019.99							302	303
$1020 to $1029.99							305	306
$1030 to $1039.99							308	309
$1040 to $1049.99							311	312
$1050 to $1059.99							314	315
$1060 to $1069.99							317	318
$1070 to $1079.99							320	321
$1080 to $1089.99							323	324
$1090 to $1099.99							326	327
$1100 to $1109.99							329	330
$1110 to $1119.99							332	333
$1120 to $1129.99							335	336
$1130 to $1139.99							338	339
$1140 to $1149.99							341	342
$1150 to $1159.99							344	345
$1160 to $1169.99							347	348
$1170 to $1179.99							350	351
$1180 to $1189.99							353	354
$1190 to $1199.99							356	357
$1200 to $1229.99							359	360
$1230 to $1259.99							368	369
$1260 to $1289.99							377	378
$1290 to $1319.99							386	387
$1320 to $1349.99							395	396
$1350 to $1379.99							404	405
$1380 to $1409.99							413	414
$1410 to $1439.99							422	423
$1440 to $1469.99							431	432
$1470 to $1499.99							440	441
$1500 to $1529.99							449	450
$1530 to $1559.99							458	459
$1560 to $1589.99							467	468
$1590 to $1619.99							476	477
$1620 to $1649.99							485	486
$1650 to $1679.99							494	495
$1680 to $1709.99							503	504
$1710 to $1739.99							512	513
$1740 to $1769.99							521	522
$1770 to $1799.99							530	531
$1800 to $1829.99							539	540
$1830 to $1859.99							548	549
$1860 to $1889.99							557	558
$1890 to $1919.99							566	567
$1920 to $1949.99							575	576
$1950 to $1979.99							584	585
$1980 to $2009.99							593	594
$2010 to $2039.99							602	603
$2040 to $2069.99							611	612
$2070 to $2099.99							620	621
$2100 to $2129.99							629	630
$2130 to $2159.99							638	639
$2160 to $2189.99							647	648
$2190 to $2219.99							656	657
$2220 to $2249.99							665	666
$2250 to $2279.99							674	675
$2280 to $2309.99							683	684
$2310 to $2339.99							692	693
$2340 to $2369.99							701	702
$2370 to $2399.99							710	711
$2400 to $2429.99							719	720
$2430 to $2459.99							728	729
$2460 to $2489.99							737	738
$2490 to $2519.99							746	747
$2520 to $2549.99							755	756
$2550 to $2579.99							764	765
$2580 to $2609.99							773	774
$2610 to $2639.99							782	783
$2640 to $2669.99							791	792
$2670 to $2699.99							800	801
$2700 to $2729.99							809	810
$2730 to $2759.99							818	819
$2760 to $2789.99							827	828
$2790 to $2819.99							836	837
$2820 to $2849.99							845	846
$2850 to $2879.99							854	855
$2880 to $2909.99							863	864
$2910 to $2939.99							872	873
$2940 to $2969.99							881	882
$2970 to $2999.99							890	891
$3000 to $3029.99							899	900
$3030 to $3059.99							908	909
$3060 to $3089.99							917	918
$3090 to $3119.99							926	927
$3120 to $3149.99							935	936
$3150 to $3179.99							944	945
$3180 to $3209.99							953	954
$3210 to $3239.99							962	963
$3240 to $3269.99							971	972
$3270 to $3299.99							980	981
$3300 to $3329.99							989	990
$3330 to $3359.99							998	999
$3360 to $3389.99							1007	1008
$3390 to $3419.99							1016	1017
$3420 to $3449.99							1025	1026
$3450 to $3479.99							1034	1035
$3480 to $3509.99							1043	1044
$3510 to $3539.99							1052	1053
$3540 to $3569.99							1061	1062
$3570 to $3599.99							1070	1071
$3600 to $3629.99							1079	1080
$3630 to $3659.99							1088	1089
$3660 to $3689.99							1097	1098
$3690 to $3719.99							1106	1107
$3720 to $3749.99							1115	1116
$3750 to $3779.99							1124	1125
$3780 to $3809.99							1133	1134
$3810 to $3839.99							1142	1143
$3840 to $3869.99							1151	1152
$3870 to $3899.99							1160	1161
$3900 to $3929.99							1169	1170
$3930 to $3959.99							1178	1179
$3960 to $3989.99							1187	1188
$3990 to $4019.99							1196	1197

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.* For each person in excess of eight, add $38 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $899.99 or less per month.

2. For households with monthly incomes of $900 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $899.99, add $9 to the monthly purchase requirement for an eight-person household with an income of $899.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $34 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

NOTE.—The basis of issuance schedule under Proposal III is based on the purchase requirements now in effect. Pub. L. 94-4 required a virtual freeze on purchase requirements through 1975 except for increases in purchase requirements for households at the very upper net monthly income brackets, in line with the congressional intent expressed in the report of the House Committee on Agriculture (H. Rep. No. 94-2, 94th Congress, First Session).

Although the restrictions in Pub. L. 94-4 expire on December 31, 1975, the purchase requirements in this proposal reflect the intent contained in H. Rep. No. 94-2, except that purchase requirements have been increased at the upper income levels in accordance with the normal progressions. H. Rep. No. 94-2 precluded increases on July 1, 1975 for the one- and three-person households at certain income levels because the purchase requirements for such households did not increase on January 1, 1975. However, the increases in purchase requirements for such households do not exceed the concomitant increase in the households' monthly coupon allotments. Thus, there is no reduction in benefits for these households.

COST-OF-LIVING ADJUSTMENTS

With respect to the effect of inflation upon food coupon allotments, the Food Stamp Act, as recently amended, presently makes allowances in this regard. annual changes in the coupon allotment. were adjusted annually to reflect the changing prices of food. However, the Agriculture and Consumer Protection Act of 1973 amended section 7(a) of the Food Stamp Act to require semi-annual changes in the coupon allotment.

V 40 I 183 SEP 1975 XUM

It required that the semi-annual adjustments be implemented commencing with the allotments of January 1, 1974, "incorporating the changes in prices of food through August 31, 1973". Thus, there is a statutory requirement for semi-annual changes which reflect the prices of food in the recent past.

The statutory framework (that is, establishing allotments to be effective either January 1 or July 1 of a given year on the basis of changes in the prices of food as of four months earlier) is reflected in the proposed schedules.

OTHER CONSIDERATIONS

The Court of Appeals in the Rodway decision suggested that other factors such as regional differences, health and physical activity should be considered in the rulemaking. The rulemaking does not propose to plug in factors for regional differences, health, or physical activity for the reasons discussed below. However, public comment on these items is invited.

1. *Regional differences.* The coupon notice make no allowance for any regional differences in the cost of food within the 48 contiguous States and the District of Columbia. In the first place, differences in the cost of food within regions are higher than the differences between regions.[1] In second place, there is no basis for determining the differences in the prices of food in the several regions of the United States. The Bureau of Labor Statistics informs us that its data are not appropriate for this purpose.

2. *Health and physical activity.* The proposed coupon allotments further do not take into consideration such factors as the health and physical activity of household members. In the first place, no practicable basis has been established under which the quantification of food needs for the infinite variables of health and physical activity may be made. Even if such a basis were established, it must also be recognized that the certification of applicant households is the responsibility of a State agency—ordinarily the State welfare agency. Certification determinations are presently required, ordinarily several times during a year, for nearly 6 million households who are now participating in the program. An administrative framework for determining the health and physical activity of this number of individuals by a welfare agency would constitute a nearly insurmountable undertaking. The application to this caseload of nutritional standards (even if there were such) for the peculiar individual circumstances of health and physical activity would be yet another such undertaking.

SUBMISSION OF COMMENTS

Interested persons may submit written comments, suggestions, or objections regarding the proposed alternative amendment to Jack O. Nichols, Acting Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 6, 1975. All comments, suggestions, or objections received by this date will be considered before the final notice is issued. The Department of Agriculture is requesting the U.S. Court of Appeals for the District of Columbia for additional time in which to complete rulemaking as required by the decision in the case of "Rodway v. United States Department of Agriculture," No. 74-1303 (D.C. Cir.). If such time is granted, the Department plans to publish a notice in the FEDERAL REGISTER providing an additional period for comment.

Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director during regular business hours (8:30 a.m.—5 p.m.) at 500—12th Street, SW., Washington, D.C. Room 650.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: September 18, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-25204 Filed 9-18-75;9:08 am.]

[1] J. E. C. Subcommittee on Fiscal Policy's Report, December 5, 1975, p. 123.

federal register

FRIDAY, SEPTEMBER 19, 1975

PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V 40 183 SEP 19 75 XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

New Jersey	NJ75–3096
	NJ75–3097
Virginia	VA75–3094
	VA75–3095

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:	
AZ75–5076; AZ75–5077; AZ 75–5078.	July 3, 1975.
Arkansas:	
AR75–4058	July 25, 1975.
Colorado:	
CO75–5101	Aug. 8, 1975.
Illinois:	
IL75–2079	June 13, 1975.
Louisiana:	
LA75–4141	Aug. 1, 1975.
Nevada:	
NV75–5057	May 9, 1975.
NV75–5095; NV75–5096; NV 75–5097.	Aug. 1, 1975.
New Mexico:	
NM75–4136	Do.
North Carolina:	
SC75–1054	May 23, 1975.
Pennsylvania:	
AR–2098	Dec. 27, 1974.
PA75–3057	May 30, 1975.
PA75–3058; PA75–3059	July 3, 1975.
PA75–3074; PA75–3075; PA 75–3078.	Aug. 22, 1975.
South Carolina:	
SC75–1038	Mar. 21, 1975.
Texas:	
TX75–4094	May 16, 1975.
TX75–4099; TX75–4101; TX 75–4102.	May 23, 1975.
TX75–4114	June 20, 1975.
TX75–4117	July 11, 1975.
TX75–4135	July 25, 1975.
TX75–4147	Aug. 8, 1975.
TX75–4154	Aug. 22, 1975.
Virginia:	
MD75–3062	June 20, 1975.
Washington, D.C.:	
DC75–3061	Do.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Colorado:	
CO75–5100 (CO75–5115); CO 75–5102 (CO75–5116); CO 75–5103 (CO75–5117); CO 75–5104 (CO75–5118)	Aug. 8, 1975.
Kentucky:	
AR–4053 (KY75–1093); AR–4055 (KY75–1095)	Nov. 8, 1974.
North Carolina:	
AR–4042 (NC75–1097)	Sept. 27, 1974.
South Dakota:	
SD75–5043 (SD75–5114)	Apr. 4, 1975.

Signed at Washington, D.C., this 12th day of August 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NAME: NEAL JEREMY
LOCATION: ARLINGTON COUNTY
DECISION NO.: NJ75-3096
DATE: DATE OF PUBLICATION
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.50				
CARPENTERS	4.65				
CEMENT MASONS	4.90				
ELECTRICIANS	6.00				
HEATING & AIR CONDITIONING MECHANICS	5.375				
IRONWORKERS	4.75				
INSULATION MECHANICS	3.66				
LATHERS	5.61				
PAINTERS:	5.775				
Brush	5.50				
Spray	5.50				
PLASTERERS	4.60				
PLUMBERS	7.50				
ROOFERS	5.00				
SHEET METAL WORKERS	6.625				
TILE SETTERS	6.50				
TRUCK DRIVERS	6.01				
POWER EQUIPMENT OPERATORS:	8.00				
Backhoe Operators	6.16				
Bulldozers Operators	7.75				
Front End Loaders					
Grader Operators					
Roller Operators					
Scraper Operators					

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NEW DECISION

STATE: NEW JERSEY — LOCATION: UNION COUNTY

DECISION NO.: NJ75-3097 — DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$9.73	6%	6%		.0[illegible]
CEMENT MASONS	9.25	.75	.70		.0[illegible]
ELECTRICIANS	5.50				
INSULATION MECHANICS	8.11				
LABORERS:					
Unskilled	5.00				
Mason Tender	6.00				
PAINTERS	5.00				
PLUMBERS	9.94	7%	8%	1½%	1%
ROOFERS	7.73				
SHEET METAL WORKERS	5.00				
SHEET ROCK MECHANICS	8.97				
SIDING MECHANICS	8.00				
SOFT FLOOR LAYERS	9.625				
TILE SETTERS	7.00				
POWER EQUIPMENT OPERATORS:					
Backhoe Operators	7.13				
Bulldozer Operators	7.50				

NEW DECISION

STATE: VIRGINIA — LOCATION: ALBEMARLE COUNTY

DECISION NO.: VA75-3094 — DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.25				
CARPENTERS	4.25				
CEMENT MASONS	4.50				
ELECTRICIANS	6.15	5%	1%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	7.65	.445	5.5%	3%+ [illegible]	.0[illegible]
Mechanic Helpers	5.325	.445	5.5%	3%+ [illegible]	.0[illegible]
Mechanic Helpers (Probationary)	3.825				
GLAZIERS	4.00				
IRON WORKERS:					
Structural, Ornamental & Reinforcing	5.65				
LABORERS, UNSKILLED	3.50				
LATHERS	4.50				
PAINTERS, BRUSH	4.09				
PLASTERERS	6.00				
PLUMBERS & STEAMFITTERS	6.00				
ROOFERS	3.00				
SHEET METAL WORKERS	4.10				
SPRINKLER FITTERS	9.45	.50	.80		.03
TILE SETTERS	6.90				
TRUCK DRIVERS	3.00				
POWER EQUIPMENT OPERATORS:					
Asphalt Rakers	3.50				
Backhoe Operators	3.625				
Bulldozer Operators	4.00				
Crane Operators	4.21				
Forklift Operators	3.50				
Front End Loaders	3.50				
Motor Grader Operators	3.25				
Paving Machine Operators	3.25				
Roller Operators	3.50				

FOOTNOTES:

a. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

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NEW DECISION

STATE: VIRGINIA — LOCATION: CAMPBELL COUNTY

DECISION NO.: VA75-3095 — DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	5.07				
CEMENT MASONS	4.75				
ELECTRICIANS	5.13				
GLAZIERS	4.40				
IRONWORKERS:					
Structural & Ornamental	7.05	.35	.40		.03
LABORERS, UNSKILLED	2.88				
LATHERS	6.00				
PAINTERS:					
Brush	4.00				
Spray	4.50				
PLASTERERS	5.75				
PLUMBERS & STEAMFITTERS	5.08				
RESILIENT FLOOR LAYERS	5.00				
ROOFERS	3.86				
SHEET METAL WORKERS	4.32				
TILE SETTERS	4.00				
TRUCK DRIVERS	2.25				
POWER EQUIPMENT OPERATORS:					
Backhoe Operators	4.90				
Bulldozer Operators	4.00				
Crane Operators	7.57	.30	.40		.03
Forklift Operators	3.00				
Front End Loaders	4.00				
Motor Grader Operators	3.625				
Trencher Operators	4.75				

DECISION #AZ75-5076 - Mod. #2
(40 FR 28313 - July 3, 1975)
Statewide, Arizona

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers; Manhole Builders; Stonemasons (Phoenix Area)					
Zone A	$9.75	.65	.60		.06
Zone B	10.24	.65	.60		.06
Zone C	11.21	.65	.60		.06
Zone D	11.70	.65	.60		.06
Zone E	12.19	.65	.60		.06
Zone F	12.68	.65	.60		.06
Bricklayers; Stonemasons (Tucson Area):					
Zone A	9.965	.70	.75		.06
Zone B	10.34	.70	.75		.06
Zone C	10.715	.70	.75		.06
Zone D	11.465	.70	.75		.06
Manhole Builders (Tucson Area):					
Zone A	10.215	.70	.75		.06
Zone B	10.59	.70	.75		.06
Zone C	10.965	.70	.75		.06
Zone D	11.715	.70	.75		.06
Electricians (Phoenix-Kingman-Prescott Areas):					
Zone A					
Electricians	11.05	.80	1%+.70		1/2%
Cable Splicers	11.60	.80	1%+.70		1/2%
Zone B					
Electricians	12.98	.80	1%+.70		1/2%
Cable Splicers	13.63	.80	1%+.70		1/2%
Zone C					
Electricians	13.98	.80	1%+.70		1/2%
Cable Splicers	14.67	.80	1%+.70		1/2%
Ironworkers:					
(Central and Southern Areas)	10.23	.93	1.60		.08
(Northern Area)	12.23	.93	1.60		.08

DECISION #AZ75-5077 - Mod. #2
(40 FR 28322 - July 3, 1975)
Maricopa County, Arizona

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers; Stonemasons:					
Zone A	$9.75	.65	.60		.06
Zone B	10.24	.65	.60		.06
Zone C	11.21	.65	.60		.06
Zone D	11.70	.65	.60		.06
Zone E	12.19	.65	.60		.06
Zone F	12.68	.65	.60		.06
Electricians:					
Zone A					
Electricians	11.05	.80	1%+.70		1/2%
Cable Splicers	11.60	.80	1%+.70		1/2%
Zone B					
Electricians	12.98	.80	1%+.70		1/2%
Cable Splicers	13.63	.80	1%+.70		1/2%
Zone C					
Electricians	13.98	.80	1%+.70		1/2%
Cable Splicers	14.67	.80	1%+.70		1/2%
Ironworkers	10.23	.93	1.60		.08

DECISION #AZ75-5078 - Mod. #2
(40 FR 28328 - July 3, 1975)
Pima County, Arizona

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers; Stonemasons					
Zone A	$9.965	.70	.75		.06
Zone B	10.34	.70	.75		.06
Zone C	10.715	.70	.75		.06
Zone D	11.465	.70	.75		.06
Electricians:					
Zone A	8.65	.45	1%		1/2%
Zone B	9.15	.45	1%		1/2%
Zone C	9.65	.45	1%		1/2%
Zone D	10.15	.45	1%		1/2%
Ironworkers	10.23	.93	1.60		.08

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DECISION NO. AR75-4054 - Mod. #1
(40 FR 31455 - July 25, 1975)
Pulaski County, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CHANGE:					
BRICKLAYERS-Stonemasons	$7.55	.30	.25		.02
CARPENTERS:					
Carpenters	7.63	.35	.25		.04
Millwrights & Piledrivermen	7.88	.35	.25		.04

DECISION #CO75-5101 - Mod. #1
(40 FR 33595 - August 8, 1975)
El Paso County, Colorado

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04				
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cablemen	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION NO. IL75-2079 - Mod. #4
(40 FR 23302 - June 13, 1975
Bureau, Carroll, Henry, Lee, JoDaviess, Ogle, Rock Island, Stephenson, Whiteside & Winnebago Counties, Illinois

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Laborers: Rock Island County					
Unskilled	$7.82	.30	.50		.035
Semi-Skilled	8.07	.30	.50		.035
Skilled	8.32	.30	.50		.035

DECISION #IA75-4141 - Mod. #3
(40 FR 32585 - August 1, 1975)
Statewide Louisiana

Change:					
Asbestos workers:					
Zone 1	$8.845	.325	.50		.04
Bricklayers & stonemasons:					
Zone 9	8.25		.25		
Carpenters:					
Zone 3	7.55	.20			
Cement masons (Building Construction):					
Zone 8	7.02		.25		
Electricians:					
Electricians:					
Zone 6	9.15	.35	1%		1/2%
Cable splicers:					
Zone 6	9.65	.35	1%		1/2%
Glaziers:					
Zone 1	7.05				
Zone 3	8.50	.17	.30		.01
Zone 6	5.80				
Marble setters:					
Zone 4	7.27		.25		
Millwrights:					
Zone 9	9.79	.20			
Piledrivermen:					
Zone 1	7.85	.20			
Plasterers:					
Zone 8	8.25		.25		
Terrazzo workers:					
Zone 4	7.27		.25		
Tile setters:					
Zone 4	7.27		.25		

DECISION NO. NV75-5057 - Mod. #2
(40 FR 20602 - May 9, 1975)
Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Cement Masons:					
Cement Masons	$ 7.55	$ 1.00	.20	$ 2.00	.08
Floor Finishing Machine	7.90	1.00	.20	2.00	.08
Painters:					
Brush; Roller	8.27	.75	.35	1.50	.05
Paperhangers; Spray; Steel; Sandblasters, Swing Stage; Tapers	8.62	.75	.35	1.50	.05
Buffing Steel	8.88	.75	.35	1.50	.05

DECISION NO. NV75-5095 - Mod. #1
(40 FR 32635 - August 1, 1975)
Statewide (excluding the Nevada Test Site and Tonopah Test Range)

Change:					
Cement Masons:					
Lake Tahoe Area:					
Cement Masons	$ 9.80	.55	.60	$ 1.00	.03
Mastic, Magnesite and all Composition Masons	10.05	.55	.60	1.00	.03
Troweling Machines; Grinder Op. and Kelly Float	10.30	.55	.60	1.00	.03
Remaining Counties:					
Cement Masons	8.35	.55	.60	1.00	.03
Mastic Magnesite and all Composition Masons	8.60	.55	.60	1.00	.03
Troweling Machine; Grinder Op. and Kelly Float	8.85	.55	.60	1.00	.03
Ironworkers:					
Remainder of State:					
Fence Erectors	9.34	.93	1.65	1.10	.03
Ornamental; Reinforcing; Structural	10.23	.93	1.65	1.10	.03
Lathers:					
All Northern Nevada, Tonopah North incl. Lake Tahoe	10.21	.56	.20		.01
Plumbers; Steamfitters:					
Remaining Counties and N 1/2 of Nye County	10.99	.58	.60	1.95	.10
Roofers:					
Remaining Counties and N 1/2 of Nye County	9.85	.45	.20		.02
Soft Floor Layers:					
Remaining Counties and N 1/2 of Nye County	9.55	.70	.20		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. NV75-5096 - Mod. #1 (40 FR 32646 - August 1, 1975) Clark (excluding the Nevada Test Site), Nevada					
Change:					
Ironworkers:					
Fence Erectors	$ 9.34	.93	$ 1.65	$ 1.10	.03
Reinforcing; Ornamental; Structural	10.23	.93	1.65	1.10	.03
DECISION NO. NV75-5097 - Mod. #1 (40 FR 32650 - August 1, 1975) Washoe County, Nevada					
Change:					
Cement Masons:					
Cement Masons	$ 8.3	.55	.60	1.00	.03
Mastic, Magnesite and all Composition Masons	8.60	.55	.60	1.00	.03
Troweling Machine; Grinder Op. and Kelly Float	8.85	.55	.60	1.00	.03
Ironworkers:					
Fence Erectors	9.34	.93	1.65	1.10	.03
Reinforcing	10.23	.93	1.65	1.10	.03
Ornamental; Structural	10.23	.93	1.65	1.10	.03
Lathers	10.21	.56	.20		.01
Plumbers; Steamfitters	10.99	.58	.60	1.95	.10
Roofers	9.85	.45	.20		.02
Soft Floor Layers	9.55	.70	.20		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. NV75-4136 - Mod. #1 (40 FR 32658 - August 1, 1975) Clark (excluding the Nevada Test Site), Nevada					
CHANGE:					
CARPENTERS:					
Dwelling; houses and Apartments not to exceed two stories in height:					
Zone 1-A	$8.10	.70	.80		.20
Zone 1-B	8.35	.70	.80		.20
Zone 1-C	9.80	.70	.80		.20
General Building and Heavy Engineering and Residential Construction (Dwelling; houses and apartments over two stories in height:					
Zone 2-A	8.60	.70	.80		.20
Zone 2-B	9.35	.70	.80		.20
Zone 2-C	10.10	.70	.80		.20
MILLWRIGHTS & PILEDRIVERMEN:					
Zone 1	9.10	.70	.80		.20
Zone 2	9.85	.70	.80		.20
Zone 3	10.26	.70	.80		.20
ROOFERS	6.45				
DECISION #NC75-1054 - Mod. #1 (40 FR 22723 - May 23, 1975) New Hanover County, North Carolina.					
Change:					
Bricklayers	$6.00				
Add:					
Laborers:					
Air tool operator	3.50				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-2098 - Mod. # 4 (39 FR 44928 - December 27, 1974) Crawford County, Pennsylvania					
Change:					
Carpenters & Soft Floor Layers	$8.65	5%	7%	6%	.20 of 1%
Sprinkler Fitters	10.75	.50	.80		.08
Decision No. PA-75-3057 - Mod. #2 (40 FR 23686 - May 30, 1975) Blair County, Pennsylvania					
Change:					
Carpenters & Soft Floor Layers	8.65	5%	7%	6%	.20 of 1%
Sprinkler Fitters	10.75	.50	.80		.08
Decision No. PA-75-3058 - Mod. #2 (40 FR 28358 - July 3, 1975) Elk County, Pennsylvania					
Change:					
Carpenters & Soft Floor Layers	8.65	5%	7%	6%	.20 of 1%
Sprinkler Fitters	10.75	.50	.80		.08
Decision No. PA-75-3059 - Mod. #2 (40 FR 28361 - July 3, 1975) Cambria County, Pennsylvania					
Carpenters & Soft Floor Layers	8.65	5%	7%	6%	.20 of 1%
Sprinkler Fitters	10.75	.50	.80		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. PA-75-3074 - Mod. #1 (40 FR 36946 - August 22, 1975) Beaver County, Pennsylvania					
Change:					
Painters:					
Commercial					
Brush	$7.95	.55	.35	.40	
Spray	8.47	.55	.35	.40	
Painters:					
Industrial					
Brush	9.00	.55	.35	.40	
Roller	9.53	.55	.35	.40	
Sprinkler Fitters	10.75	.50	.80		.08
Decision No. PA-75-3075 - Mod. #1 (40 FR - 36949 - August 22, 1975) Indiana County, Pennsylvania					
Change:					
Carpenters & Soft Floor Layers	8.65	5%	7%	6%	.20 of 1%
Sprinkler Fitters	10.75	.50	.80		.08
Decision No. PA-75-3078 - Mod. # 2 (40 FR 36961 - August 22, 1975) Forest & McKean Counties, Pennsylvania					
Change:					
Carpenters:					
Forest County	8.65	5%	7%	6%	.20 of 1%
McKean County, Remainder of Co.	8.65	5%	7%	6%	.20 of 1%
Soft Floor Layers					
Forest County	8.65	5%	7%	6%	.20 of 1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #SC75-1030 - Mod. #2 (40 FR 22788 - May 23, 1975) Greenville County, South Carolina					
Change:					
Cement masons	$6.32				
Laborers:					
Laborers	2.93				
Sheet metal workers	4.65				
Truck drivers	3.04				
Power Equipment Operators:					
Front end loader	4.00				
Motor grader	3.56				
Add:					
Power Equipment Operators:					
Crane operator	4.33				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4094 - Mod. #5 (40 FR 21622 - May 14, 1975) Lubbock County, Texas					
Change:					
Cement masons	$6.50				
Ironworkers:					
Structural; Ornamental; Reinforcing	7.38	.55	.60		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	7.505	.55	.60		.10
Laborers:					
Group 1	4.275	.275	.10		
Group 2	4.55	.275	.10		
Group 3	4.775	.275	.10		
Group 4	4.625	.275	.10		
Group 5	4.875	.275	.10		
DECISION #TX75-4099 - Mod. #5 (40 FR 22787 - May 23, 1975) Kleberg & Nueces Counties, Texas					
Change:					
Carpenters:					
Millwrights	7.55				1%
Lathers	7.30	.30	.20	1.00	.01
DECISION #TX75-4101 - Mod. #5 (40 FR 22789 - May 23, 1975) Travis County, Texas					
Change:					
Carpenters:					
Carpenters	8.41	.38	.40		.04
Millwrights	8.66	.38	.40		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4102 - Mod. #2 (40 FR 22791 - May 23, 1975) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Cement masons:					
Zone 2	$7.945	.25	.45		
Zone 3	7.885	.60	.35		.01
Line Construction:					
Lineman; Lineman operator	9.86		1%		1/2%
Cable splicer	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year and over	6.90		1%		1/2%
DECISION #TX75-4114 - Mod. #4 (40 FR 26240 - June 20, 1975) El Paso County, Texas					
Change:					
Electricians:					
Electricians	8.30	.25	1%		1/2%
Cable splicers	8.55	.25	1%		1/2%
Line Construction:					
Lineman-Technician; Equipment operators	8.30	.25	1%		1/2%
Cable splicers	8.55	.25	1%		1/2%
Groundman	75%JR	.25	1%		1/2%
Groundman (less than 6 mos.)	50%JR	.25	1%		1/2%
Painters:					
Steel after erection, steam cleaning, buffing with power driven tools & torches	6.19	.30			.02
Roofers:					
Roofers; Waterproofers; Pipewrappers	5.30				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4117 - Mod. #2 (40 FR 29527 - July 11, 1975) Jefferson & Orange Counties, Texas					
Change:					
Asbestos workers:					
Orange County	$8.845	.325	.50		.04
DECISION #TX75-4135 - Mod. #1 (40 FR 31569 - July 25, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Lathers	$8.00				.01
Line Construction:					
Zone 2:					
Lineman; Operator	9.86		1%		1/2%
Cable splicers	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year and over	6.90		1%		1/2%
Plasterers	8.00				.01

XUM SEP 19 1975 V40 #183

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
DECISION #TX75-4147 - Mod. #1 (40 FR 33647 - August 8, 1975) Wichita County, Texas					
Change:					
Ironworkers:					
Structural; Ornamental; Reinforcing	$7.38	.55	.60		.10
Ironworkers on jobs 30 miles or more from the city of Wichita Falls	7.505	.55	.60		.10
Line Construction:					
Lineman; Lineman operator	9.86		1%		1/2%
Cable splicer	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year and over	6.90		1%		1/2%
Plasterers	8.67				.01
DECISION #TX75-4154 - Mod. #1 (40 FR 34994 - August 22, 1975) Galveston & Harris Counties, Texas					
Change:					
Carpenters:					
Carpenters	8.675	.50	.50		.05
Millwrights	9.005	.50	.50		.05
Piledriverman	8.675	.50	.50		.05

DECISION NO. DC75-3061 - Mod. # 7 (40 FR 26242 - June 20, 1975)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
Change					
Cement Masons	$9.65	.485	.45		.11
Grinding Machine	9.90	.485	.45		.11
Power Equipment Operators (See Schedule Attached)					

Decision No. MD-75-3062 - Mod. # 6 (40 FR 26203 - June 20, 1975) Montgomery and Prince Georges Counties, Maryland, Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia

Change:					
Cement Masons	9.65	.485	.45		.11
Grinding Machine	9.90	.485	.45		.11
Power Equipment Operators (See Schedule Attached)					

Decision No. DC-75-3061 - Mod. # 7, Cont'd;
Decision No. MD-75-3062 - Mod. #6, Cont'd;

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
Power Equipment Operators:					
GROUP 1	$10.45	.50	.55		.12
GROUP 2	10.20	.50	.55		.12
GROUP 3	9.82	.50	.55		.12
GROUP 4	10.09	.50	.55		.12
GROUP 5	9.77	.50	.55		.12
GROUP 6	9.58	.50	.55		.12
GROUP 7	9.70	.50	.55		.12
GROUP 8	9.72	.50	.55		.12
GROUP 9	9.46	.50	.55		.12
GROUP 10	9.60	.50	.55		.12
GROUP 11	8.74	.50	.55		.12

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS
GROUP 1 - 35 ton cranes and above, tower and climbing cranes
GROUP 2 - Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent), paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops and scrapers (50 cu. yds, struck capacity or above), multiple concrete conveyors, front end loader (over 3-1/2 cu. yds.)
GROUP 3 - Mechanic, mechanic welder, welders
GROUP 4 - Hydraulic backhoes, under 1/2 yd., mounted on tractors, front end loader (over 2-3/4 cu. yds., to and including 3-1/2 cu. yds.)
GROUP 5 - Air compressors (on steel)
GROUP 6 - Front end loaders (hi-lift), fork lifts
GROUP 7 - Boilers (skeleton), trenching machines, tug boats, well drilling machines
GROUP 8 - Air compressors (except on steel), concrete mixers, mechanics and maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points
GROUP 9 - Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders
GROUP 10 - Power driven wheel scoops and scrapers (under 50 cu. yds., struck capacity), blade graders, bulldozers, motor graders
GROUP 11 - Firemen

SUPERSEDEAS DECISION

Page 2

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DECISION NO. C075-5115

DECISION NUMBER: C075-5115 DATE: Date of Publication

Supersedes Decision No. C075-5100 dated August 8, 1975, in 40 FR 33587

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Eagle County	7.45	.45	.60	.25	.05
Boulder and Grand Counties	8.95	.50	.60		.05
Elbert, Lake and Park Counties	8.50	.45	.50		.04
Larimer County	8.95	.45	.60		.05
Remaining Counties	8.25	.45	.60	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing Points					
Zone I (0 to 20 miles)	8.135	.48	.60	.40	.05
Zone II (20 to 50 miles)	9.15	.48	.60	.40	.05
Zone III (50 miles and over)	10.17	.48	.60	.40	.05
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	8.135	.48	.60	.40	.05
Zone II (20 to 50 miles)	9.15	.48	.60	.40	.05
Zone III (50 miles and over)	10.17	.48	.60	.40	.05
Larimer County (S.E. portion within Loveland basing point, Zone 1)	8.135	.48	.60	.40	.05
Larimer (Remainder of County), Eagle, Lake, Park (south 40 miles) and Summit Counties					
Zone I (0-30 miles from P. O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05
CARPENTERS: (Cont'd)					
Zone II (30-60 miles from P. O. in Leadville or Fort Collins)	$7.79	.48	.60	.40	.05
Zone III (All work outside of the 60 mile radius from P. O. in Leadville or Fort Collins)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	7.74	.44	1.10	.60	.08
Working with composition materials and color	8.74	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.99	.44	1.10	.60	.08
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	10.07	.42	1%+.45		.015
Electricians (Remaining Counties)	10.24	.65	1%+.25		2/10%
Cable Splicers (Remaining Counties	10.49	.65	1%+.25		2/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS	9.20	.63	.90		.08
MARBLE MASONS	8.30	.56	.50	.25	.04
MILLWRIGHTS	9.13	.53	.60	6%	.05
PAINTERS:					
Park County (Southern half) Brush, roller, taper, hand texture	7.20	.50	.20		.03
Steel and paperhanger	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Remaining Counties including N½ of Park County*					
Brush and roller	9.31	.50	.60		.05
Drywall finisher; Paperhanger	9.51	.50	.60		.05
Spray; Swing Stage	9.79	.50	.60		.05
PLASTERERS	9.44				.01

Page 3

DECISION NO C075-5115

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
PLUMBERS; Pipefitters:					
Southern portions of Douglas, Elbert and Park Counties (See below)	$8.28	.55	.65	1.17	.05
Boulder County	8.60	.55	.65	.50	.05
Larimer County	8.60	.55	.65	.50	.05
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	8.60	.55	.65	.50	.05
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas and Elbert Counties (See ** Below)	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas, and Elbert Counties	8.25	.55			.08
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
TILE SETTERS:					
Elbert, Lake and Park Counties	7.41	.45	.50		
Remaining Counties	8.30	.56	.50	.25	.04
TILE, MARBLE and TERRAZZO HELPERS:					
*Park County dividing line: A line from the S.W. corner of Jefferson County to the S. E. corner of Lake County					
Helpers	6.22	.56	.50	.40	
Floor Grinder	6.37	.56	.50	.40	
Base Grinder	6.92	.56	.50	.40	

Page 4

DECISION NO C075-5115

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr

**Area south of an east-west line from west border of Lake County to a point 2 miles north of the city of Leadville to a point 1/2 miles north of the City of Limon at the west border of Lincoln County

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Idnependence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	ZONE 1	ZONE 2	ZONE 3	H & W	Pensions	Vacation	App. Tr.
AREA A							
Group 1	$ 4.15	$ 4.60	$ 5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	5.50	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05
AREA B							
Group 1	4.15	4.60	5.05	.44	.50		.05
Group 2	5.50	5.95	6.40	.44	.50		.05
Group 3	5.78	6.23	6.68	.44	.50		.05
Group 4	5.98	6.43	6.88	.44	.50		.05
Group 5	5.82	6.27	6.72	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

AREA A
Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 South. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

LABORERS (Cont'd)
(Building Construction)

AREA A (Cont'd)

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities

AREA B
Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS	7.39	.53	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.49	.53	.60	.50	.05
CEMENT MASONS					
Grand, Lake and Park Counties	7.24	.44	1.10	.30	.08
Remaining Counties	6.74	.44	1.10	.30	.08

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

DECISION NO C075-5115

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
TRUCK DRIVERS: (Cont'd)					
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	$7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	

DECISION NO C075-5115

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04				
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION NO C075-5115

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (Heavy Construction)					
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5115

LABORERS (Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagmen directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixe. Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Calleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Man, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler, Brakeman; Drill Operator - Smaller than Williams HF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or tandem machine, Cableway signalman; caisson drill; Williams HF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfacing; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted, cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Heist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Heist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

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POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: CO75-5116

DATE: Date of Publication

Supersedes Decision No. CO75-5102 dated August 8, 1975, in 40 FR 33601

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Pitkin County	7.45	.45	.60	.25	.05
Remaining Counties	8.50	.45	.60	.25	.05
CARPENTERS:					
P.O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from nearest basing point)	7.79	.48	.60	.40	.05
Zone III (60 miles and over from nearest basing point)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	7.74	.44	1.10	.60	.08
Working with composition materials and color	8.24	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.99	.44	1.10	.60	.08
ELECTRICIANS:					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.20	.63	.90		.08
MARBLE and TILE SETTERS, TERRAZZO WORKERS	8.30	.56	.50	.25	.04
MILLWRIGHTS	9.13	.53	.60	6%	.05
PAINTERS:					
Brush and roller	$ 9.31	.50	.60		/ .05
Drywall finisher; Paperhangers	9.51	.50	.60		.05
Spray; Swingstage	9.79	.50	.60		.05
PLUMBERS	8.45	.55	.55	1.00	.10
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.
6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (Building Construction)

Garfield and Pitkin Counties	Basic Hourly Rates ZONE 1*	Basic Hourly Rates ZONE 2*	Basic Hourly Rates ZONE 3*	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.50	5.95	6.40	.44	.50		.05
Group 3	5.78	6.23	6.68	.44	.50		.05
Group 4	5.98	6.43	6.88	.44	.50		.05
Group 5	5.82	6.27	6.72	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities; Aspen, Glenwood, Springs, and Rifle.
*ZONE 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named cities.
*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

Delta, Gunnison, Mesa & Montrose Counties	ZONE 1**	ZONE 2**	ZONE 3**				
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities; Grand Junction, Gunnison, Montrose, and Naturita.
**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities.
**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS	7.39	.53	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.49	.53	.60	.40	.05
CEMENT MASONS					
Gunnison and Pitkin Counties	7.24	.44	1.10	.30	.08
Remaining Counties	6.74	.44	1.10	.30	.08

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, Single Axle; Liquid & Bulk Tenkers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tenkers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	$7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to and including 54 cu. yds.; Fireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	

DECISION NO C075-5116

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr Tr
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04				
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION NO C075-5116

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
LABORERS (Heavy Construction)					
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.90	.44	.50		.05
Group 4/	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5116

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattressos; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C075-5116

LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Rond Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

POWER EQUIPMENT OPERATORS	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
(Other than for work in Tunnels, Shafts and Raises)					
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams HF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage Motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway Signalman; caisson drill; Williams HF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, Heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and sirilar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher, Mine Hoist Operator

Group 6: Mole

XUM

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: C075-5117 DATE: Date of Publication

Supersedes Decision No. C075-5103 dated August 8, 1975, in 40 FR 33608

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

DECISION NO C075-5117

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	9.12	.50	.60		.04
CARPENTERS	7.54	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	7.39	.44	1.10	.60	.08
Working with composition materials and color	7.89	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.74	.44	1.10	.60	.08
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)					
Electricians	10.15	.42	1%+.45		1%
Cable Splicers	11.17	.42	1%+.45		1%
Zone II (12-20 miles from P. O.)					
Electricians	10.55	.42	1%+.45		1%
Cable Splicers	11.55	.42	1%+.45		1%
Zone III (20-40 miles from P. O.)					
Electricians	10.90	.42	1%+.45		1%
Cable Splicers	11.92	.42	1%+.45		1%
Zone IV (Over 40 miles from P. O.)					
Electricians	12.03	.42	1%+.45		1%
Cable Splicers	13.05	.42	1%+.45		1%
Electrical contracts under $20,000 in Zones III and IV	9.65	.42	1%+.45		1%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.20	.63	.90		.08
MARBLE and TILE SETTERS, TERRAZZO WORKERS	8.30	.56	.50	.25	.04
MILLWRIGHTS	9.13	.53	.60	6%	.05
PAINTERS:					
Brush, Roller, Taper, Hand Texture	6.67	.50			.04
Steel; Paperhangers	7.17	.50			.04
Spray, Tapers using Automatic Tools	7.67	.50			.04
Spray Steel	8.17	.50			.04
PLASTERERS	$9.44				.01
PLUMBERS:					
Zone I (0-15 miles from P. O.)	10.17	.60	.75		.08
Zone II (15-20 miles from P. O.)	10.74	.60	.75		.08
Zone III (20-40 miles from P. O.)	10.92	.60	.75		.08
Zone IV (Over 40 miles from P. O.)	11.895	.60	.75		.08
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS (Las Animas Co.)	8.29	.35	.55	.30	.03
SOFT FLOOR LAYERS (Pueblo County)	7.00	.35	.55	.20	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO C075-5117

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS					
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

DECISION NO C075-5117

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd)					
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	$7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to and including 54 cu. yds.; Fireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	

DECISION NO C075-5117

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04				
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION NO. C075-5117

LABORERS (Building Construction)

	Basic Hourly Rates Zone 1	Zone 2	Zone 3	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities

NOTICES

DECISION NO. C075-5117

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.39	.53	.60	.40	.05
CEMENT MASONS	7.49	.53	.60	.40	.05
	6.74	.44	1.10	.30	.08

DECISION NO C075-5117

LABORERS (Heavy Construction)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

NOTICES

DECISION NO. C075-5117

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Buxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. C075-5117

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting, when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO C075-5117

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.60	.35	.59	.30	.06

DECISION NO. C075-5117

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF. similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

Page 13

DECISION NO. CO75-5117 —

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slushers; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: Statewide
DECISION NUMBER: CO75-5118 DATE: Date of Publication
Supersedes Decision No. CO75-5104 dated August 8, 1975, in 40 FR 33615
DESCRIPTION OF WORK: Highway Construction

Page 2

DECISION NO. CO75-5118

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App Tr.
CARPENTERS	$7.19	.33	.60	.40	.05
CEMENT MASONS:					
Zone 1	6.74	.44	1.10	.30	.08
Zone 11	7.24	.44	1.10	.30	.08
ELECTRICIANS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagles, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld, and Yuma Counties					
Electricians	10.24	.65	17+.25		
Cable Splicers	10.49	.65	17+.25		
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	9.80	.42	17		5/10%
Cable Splicers	10.05	.42	17		5/10%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone 1 (with 12 miles of Pueblo Main P. O.)					
Electricians	10.25	.42	17+.35		1/10%
Cable Splicers	11.28	.42	17+.35		1/10%
Zone 2 (12 to 20 miles from Pueblo Main P. O.) and (0 to 12 miles from P. O. in Canon City)					
Electricians	10.65	.42	17+.35		1/10%
Cable Splicers	11.72	.42	17+.35		1/10%
Zone 3 (20 to 40 miles from Pueblo Main P. O.)					
Electricians	11.00	.42	17+.35		1/10%
Cable Splicers	12.10	.42	17+.35		1/10%
ELECTRICIANS: (Cont'd)					
Zone 4 (40 miles and over from Pueblo Main P. O.)					
Electricians	12.11	.42	17+.35		
Cable Splicers	13.34	.42	17+.35		
Electricians on electrical contracts less than $20,000 in Zone 3 and 4	9.75	.42	17+.35		
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties					
Electricians	9.07	.32	17+.35		
IRONWORKERS	9.20	.63	.90		
PAINTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties					
Brush	9.31	.50		.60	
Spray, Swing Stage	9.70	.50		.60	
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo Cos.					
Brush	6.28	.30			
Structural Steel; Spray	6.78	.30			
Spray Steel	7.38	.30			
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Southern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	7.20	.50		.20	
Spray	7.80	.50		.20	
Steel	7.70	.50		.20	
Steel Spray	8.30	.50		.20	
PILEDRIVERMEN	7.24	.46		.60	

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DECISION NO. C075-5118

CEMENT MASONS (Cont'd)

* Zone Description

A. Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	LaPlata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

B. Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

C. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert and Las Animas Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West and all of Montrose County lying Northerly of the North line of Ouray County and said North line extended West to the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian, and all of Washington County lying North of the 40°00'00" Latitude Base Line.

D. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included with Zone 2, as follows:

All of Adams, Arapahoe, Elbert and Las Animas lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West and all of Montrose County except that part lying Northerly of the North line of Ouray County and said North line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line.

DECISION NO C075-5118

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpsman	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tanker, single Axle; Warehousemen; Mechanics; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youmphungy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

NOTICES

DECISION NO C075-5118

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	$7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	

DECISION NO C075-5118

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04				
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

NOTICES

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DECISION NO. CO75-5118

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. CO75-5118

LABORERS

Group 1: Laborers Industry including Helpers to All Trades Engineering Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helpers; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. CO75-5118

LABORERS (Cont'd)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Reliers and Steemen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

DECISION NO. CO75-5118

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

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DECISION NO CO75-5118

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H.E.W.	Pensions	Vacation	App Tr
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.60	.35	.59	.30	.06
Group 6	7.95	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams BF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, Single mine conveyor, Pumps, Pugmill, Fork lift, spray crusher, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man, Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; backfiller, Bituminous spreader or Jaybird machine; Cableway signalman; caisson drill; Williams BF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout, Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; PileDriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Shotcr.; Mine Hoist Operator

Group 6: Mole

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SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: KY75-1094
Supersedes Decision No. AR-4053 dated November 8, 1974 in 39 FR 39694
DESCRIPTION OF WORK: HEAVY AND HIGHWAY CONSTRUCTION

COUNTY: See Below*
DATE: Date of Publication

1-21-75

*Counties: Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren and Webster	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
Bricklayers	$9.57				
Carpenters	7.25	.35	.30		
Cement masons	6.80	.50	.30		.03
Electricians:					
Wiremen (inside)	8.98	.40	1%		1/8 of 1%
Linemen (outside)	8.98	.40	1%		1/8 of 1%
Cable splicer (outside)	9.23	.40	1%		1/8 of 1%
Ironworkers:					
Structural and ornamental	8.45	.45	.50		.02
Reinforcing	8.45	.45	.50		.02
Millwrights	7.10	.35	.30		
Painters:					
Brush and roller	5.65	.15			
Spray and sandblasting	6.90	.15			
Painters Bridge:					
Spray and sandblasting	6.85	.15			
Piledrivermen	7.50	.35	.30		
Pipefitters	11.04	.45	.60		.08
Plumbers	9.10	.45	.50		.08
Sprinkler fitters	10.55	.50	.80		.08

DECISION NO. KY75-1094

KENTUCKY 3-LAB- F (1-1)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
HEAVY AND HIGHWAY CONSTRUCTION					
GROUP 1	$6.29	.30	.30		
GROUP 2	6.54	.30	.30		
GROUP 3	6.59	.30	.30		
GROUP 4	7.19	.30	.30		

Group 1 - Laborers: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers and placers, landscaping and seeding, planters and tree trimmers, sign, guard rail and fence installers, grade checkers, aging and curing of concrete, truck spotters and dumpers, flagmen, riprap and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper

Group 2 - Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chipper, green concrete cutting, brickmason tenders and mortar mixer, pipe layers, joint maker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scow man, burner and welder, walk behind trenching machine

Group 3 - Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and mixers man, gunnite nozzleman, asphalt luteman and rakeman air tract driller (all types), grout pump operator

Group 4 - Tunnel blasters, tunnel muckers (free air), miners and drillers (free air), caisson workers (free air)

NOTICES

KY75-1094 - (Cont d)

Kentucky 1 PEO-2-F

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	App. Tr.
CLASS A	9.05	.30	.30		.05
CLASS B	7.06	.30	.30		.05
CLASS C	6.45	.30	.30		.05

CLASS A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, subgrader.

CLASS B
All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull bloat, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on greare facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist), power sweeper (riding type), core drill and caisson drill helper (truck mounted).

CLASS C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand stcerman, hydraulic post driver, core drill and caisson drill helper (track or skid mounted).

KY75-1094 CONTD:

Kentucky 5-PEO-3-D

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	App. Tr.
CLASS A	$8.05	.30	.30		.05
CLASS B	6.65	.30	.30		.05
CLASS C	6.11	.30	.30		.05

Class A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, fork lift (regardless of lift height), all types of boom cats, core drill), tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, ross carrier, sideboom, tailboom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French German and other types), hydrocranes, backfiller, gurries, cubgrader, and dredge engineer.

Class B
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/ self-propelled compactor, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, joint sealing machine, rotary drill (under 5), throttlevalve man tugger, well points, flexplane, firemen, and hoist (one drum).

Class C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, and hydraulic post driver.

NOTICES

XUM 38104V 5-PEO-3-D

DECISION NO. KY75-1094

Kentucky 1-TD-2-3-D

HEAVY AND HIGHWAY CONSTRUCTION TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
GROUP I	[illegible]		a		
GROUP II	6.64		a		
GROUP III	6.87		a		
GROUP IV	6.91		a		
GROUP V	6.95		a		

GROUP I - Truck helper and warehouseman

GROUP II - Driver 3 tons and under, greaser, tire changer and mechanic helper

GROUP III - Truck mechanic

GROUP IV - Drivor over 3 tons, distributors, dump truck tandem axle, mixer trucks (all types), semi-trailer or pole trailer when used to pull building material or equipment

GROUP V - Driver of pavement breakers, euclid and other heavy earth moving equipment and low boy, bork lift truck (when used for transporting building materials), winch truck and A-Frame truck when/used in transporting materials.

FOOTNOTE:

a. $22.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: *See below
DECISION NUMBER: KY75-1095 DATE: Date of Publication
Supersedes Decision No.: AR-4055 dated November 8 1974 in 39 FR 39700
DESCRIPTION OF WORK: Heavy and Highway Construction

3-KY-2-3

*Counties: Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliot, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Johnson, Larue, Lawrence, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owens, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington and Woodford	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr a
HEAVY AND HIGHWAY CONSTRUCTION					
Bricklayers	9.43	.40	.40		
Carpenters	7.41	.30	.30		
Cement masons	9.55				
Electricians:					
Wiremen (inside)	10.20	.40	1%+.50		½ of 1%
Linemen (outside)	10.75	.35	1%		½ of 1%
Cable splicers (outside)	11.00	.35	1%		½ of 1%
Ironworkers:					
Structural, ornamental and reinforcing	9.95	.65	.80		.05
Painters:					
Brush and roller	7.82	.25	.20		.03
Sandblasting	8.17	.25	.20		.03
Spray	8.27	.25	.20		.03
Painters, bridge:					
Brush and roller	9.82	.25	.20		.03
Sandblasting	10.17	.25	.20		.03
Spray	10 57	.25	.20		.03
Pilsdrivermen	7.66	.30	.30		
Pipefitters	11.29	.45	.60		.08
Plumbers	10.54	.36	.75		.07

KY75-1095 (Cont'd)

Kentucky 3-LAB-2-3-F

LABORERS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
GROUP 1	6.99	.30	.30		
GROUP 2	6.91	.30	.30		
GROUP 3	6.53	.30	.30		
GROUP 4	7.19	.30	.30		

Group 1 - Laborers: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders mesh handlers and placers, landscaping and seeding, planters and tree trimmers, sign, guard rail and fence installers, grade checkers, ageing and curing of concrete, truck spotters and dumpers, flagmen, riprap and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper

Group 2 - Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixers, pipe layers, joint maker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scow man, burner and welder, walk behind trenching machine

Group 3 - Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and mixers man, gunnite nozzleman, asphalt luteman and rakeman air tract driller (all types), grout pump operator

Group 4 - Tunnel blaster, tunnel muckers (free air), miners and drillers (free air), caisson workers (free air)

XUM 5761-DMS 3810-04V

KY75-1095 - (Cont'd)

Kentucky 1 PEO-2-E

HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS A	7.31	.30	.30		.05
CLASS B	7.06	.30	.30		.05
CLASS C	6.48	.30	.30		.05

CLASS A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, subgrader.

CLASS B
All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull bloat, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist), power sweeper (riding type), core drill and caisson drill helper (truck mounted).

CLASS C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand steerman, hydraulic post driver, core drill and caisson drill helper (track or skid mounted).

KY75-1095 - (Cont'd)

Kentucky 3 PEO-3-D

HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
CLASS A	$8.05	.30	.30		.05
CLASS B	6.65	.30	.30		.05
CLASS C	6.11	.30	.30		.05

Class A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push-dozer, highlift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, ross carrier, sideboom, tailboom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French German and other types), hydrocranes, backfiller, gurrica, subgrader, and dredge engineer.

Class B
All air compressors (600 cu. ft. per min, or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/ self-propelled compactor, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, joint sealing machine, rotary drill (under 5), throttlevalve man tugger, well points, flexplane, firemen, and hoist (one drum).

Class C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, and hydraulic post driver.

KY75-1095 - (Cont'd)

Kentucky 3-TD-2-3-E

HEAVY AND HIGHWAY CONSTRUCTION TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	6.44	a	b		
GROUP II	6.55	a	b		
GROUP III	6.73	a	b		
GROUP IV	6.76	a	b		
GROUP V	6.83	a	b		

GROUP I - Truck helper and warehousemen

GROUP II - Driver, 3 tons and under, greaser, tire changer and mechanic helper

GROUP III - Truck mechanic, driver, over 3 tons, distributors, dump truck and tandem axle, semi-Trailer or pole trailer when used to pull building material or equipment

GROUP IV - Driver on mixer trucks (all types)

GROUP V - Driver, euclid and other heavy earth-moving equipment and low boy, fork lift truck when used to transport building materials, pavement breakers, winch truck and A-Frame truck when used in transporting materials

FOOTNOTES:

a. $13.50 per week for each employee who has been employed a minimum of twenty (20 work days within any ninety (90)consecutive day period for that employer.

b. $14.00 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.

SUPERSEDEAS DECISION

STATE: North Carolina COUNTY: Transylvania
DECISION NUMBER: 5074-1097 DATE: Date of Publication
Supersedes Decision No. 74-6062 dated September 27, 1974 in 39 FR 34906.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
Bricklayers	$5.75				
Carpenters	4.75				
Cement masons	4.20				
Electricians	4.50				
Glaziers	3.10				
Ironworkers:					
Structural & Ornamental	6.17	.125	.10		.02
Reinforcing	4.90				
Laborers:					
Laborers	2.75				
Mason tenders	2.75				
Painters, brush	3.25				
Plasterers	4.25				.01
Plumbers & steamfitters	4.75				
Sheet metal workers	5.83				
Truck drivers	2.75				
Welders - rate for craft.					
Power Equipment Operators:					
Backhoe	3.25				
Crane	4.50				
Forklift	3.50				

SUPERSEDEAS DECISION

STATE: South Dakota COUNTY: Minnehaha
DECISION NUMBER: SD75-5114 DATE: Date of Publication
Supersedes Decision No. SD75-5043 dated April 4, 1975, in 40 FR 15326
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.53	.35	.40		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.55	.25	.30		
CARPENTERS:					
Carpenters, Pileudrivermen	7.51		.20		.05
Millwrights	8.47		.20		.05
CEMENT MASONS	8.40				
ELECTRICIANS:					
0 miles through 30 miles from Sioux Falls Post Office					
Electricians	8.17	.30	1%	6%	1½
Cable Splicers	8.99	.30	1%	6%	1½
Over 30 miles from Sioux Falls Post Office					
Electricians	8.77	.30	1%	6%	1½
Cable Splicers	9.59	.30	1%	6%	1½
GLAZIERS	5.79				
LABORERS:					
Laborers	4.35				
Mortar Mixers, Paving Breakers, Jack Hammer Operator	4.45				
Nozzleman (gunite, sandblast and shotcrete)	4.60				
LATHERS	6.83				.01
PAINTERS:					
Brush	6.07				
Spray	6.57				
Tapers	6.32				
PLASTERERS	7.53				.01
PLUMBERS; Steamfitters	8.365	.32	.15	..17	.03
SHEET METAL WORKERS	7.92		.15	.35	
SPRINKLER FITTERS	8.75	.50	.80		.08
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.
6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

[FR Doc.75-24695 Filed 9-18-75;8:45 am]

XUM 5761-5MS 38104V

federal register

FRIDAY, SEPTEMBER 19, 1975



PART V:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

Notices of Systems of Records

V 40 I 183

SEP 1975

XUM

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PRIVACY ACT OF 1974

Notice of Systems of Records

Notice is hereby given that the Department of Agriculture (USDA), in accordance with 5 U.S.C 552a(e)(4) and 11, proposes to adopt the notice of a system of records set forth below. This notice is an addition to those notices published on August 27, 1975. 40 F.R. 38897. Although the Act requires only that the portion of each system which describes the "routine uses" of that system be published for public comment, USDA invites such comment on all portions of the notice.0

Interested persons may submit written comments on this proposed notice to: Director, Research and Operations Divisions, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before September 26, 1975. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 14th Street and Independence Avenue, SW., Washington, D.C. 20250.

Dated: September 16, 1975

Earl L. Butz,
Secretary

USDA/FS—32

System name: Professional Registration and Professional Society Affiliation, Engineering—Related Personnel—Eastern Region—USDA/FS

System location: Office of the Regional Forester, Headquarters, Eastern Region, USDA Forest Service, 633 West Wisconsin Avenue, Milwaukee, Wisconsin, and at National Forest Headquarters at the following Location: Allegheny National Forest, Warren, PA; Chequamegon National Forest, Park Falls, WI: Chippewa National Forest, Cass Lake, MN; Green Mountain National Forest, Rutland, VT; Hiawatha National Forest, Escanaba, MI; Huron-Manistee National Forest, Cadillac, MI; Monongahela National Forest, Elkins, WV; National Forests in Missouri, Rolla, MO; Nicolet National Forest, Rhinelander, WI; Ottawa National Forest, Ironwood, MI; Shawnee National Forest, Harrisburg, IL; Superior National Forest, Duluth, MN; Wayne-Hoosier National Forest, Bedford, IN; White Mountain National Forest, Laconia, NH;

Addresses at each field office are listed in the telephone directories of the respective cities listed above under the heading, "United States Government, Department of Agriculture, Forest Service, National Forest Supervisor."

Categories of individuals covered by the system: Forest Service employees of the Eastern Region who presently are Registered Professional Engineers. Engineers-in-Training, Registered Land Surveyors, Engineers and/or Technicians presently affiliated with an Engineering-related professional or technical society or organization are included in this system of records.

Categories of records in the system: The system consists of a directory listing Registered Professional Engineers, Engineers-in-Training, Registered Land Surveyors, including the name of the State(s) and the Year(s) acquired. The directory also lists the "Ptofessional Society Affiliations" of Land Surveyors and Engineering employees, including society name, category of membership and responsibility.

Authority for maintenance of the system: 5 U.S.C. 0301; 7 CFR 02.60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Promoting Professional Registration and involvement in Professional and/or Technical societies; and (2) Providing assistance (through the directory listing) to employees currently seeking professional registration; and (3) Providing recognition of employees' efforts in these endeavors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The directory (records) in the form of a spiral-bound booklet is maintained at the applicable address(s) listed above. Also, each individual whose name appears in the directory receives a copy for his personal use.

Retrievability: The directory (records) is indexed by organizational unit within the Region and by name of individual listed therein.

Safeguards: Since a copy of this directory is sent to all the individuals listed in it, no identifiable safeguards exist. Employees are instructed to treat the directory as an Official Forest Service document for in-service use only.

Retention and disposal: The directory (record) is maintained for the duration of an employee's registration or society affiliation. All information is deleted when (1) The employee is no longer employed within the region; (2) Is no longer registered and/or is no longer affiliated with a professional society.

System manager(s) and address: Director, Engineering Staff Group, USDA—Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

Notification procedure: Any Eastern Region employee, past or present, may request information regarding this directory system, or information as to whether the system contains records pertaining to him from the Director, Engineering Staff Group, at the address above, Telephone 414-224-3602, or the appropriate Forest Supervisor at the address previously listed. A request for information pertaining to an individual should contain: Name and address, Unit Headquarters and Particulars involved, i.e., Registered Surveyor, Registered Engineer, etc.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Information in this system comes primarily from individual employees, the employee's supervisor, and line and staff officers.

[FR Doc.75-24976 Filed 9-16-75;11:35 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PRIVACY ACT OF 1974

Notices of Systems of Records

On August 22, 1975, the Department of the Interior proposed adoption of 206 notices describing systems of records which it maintains which are subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. These proposed notices were published in the Federal Register for September 5, 1975, 40 FR 41432-41507.

As a result of continuing review of its records, the Department has identified some additional systems of records which are subject to section 3 of the Privacy Act. Accordingly, notice is given that the Department proposes to adopt notices describing these additional systems of records. Although the Privacy Act requires publication for comment of only that portion of each notice which describes the "routine uses" of a system of records, the Department is publishing and invites comment upon all parts of each notice.

Readers are urged to review the preamble appearing with the notices published in the Federal Register for September 5. The preamble discusses the principles which guided the Department in identifying records subject to the Act, in making decisions concerning the configuration of these records into systems of records, and in preparation of notices describing these systems.

Comments on the proposed notices may be submitted to the Assistant Solicitor, General Legal Services, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW, Washington, D.C. Because September 27, 1975, the effective date of the Privacy Act, is imminent and because records subject to section 3 of the Act must be described in final Federal Register notices published no later than September 27, comments on portions of the notices other than the "routine use" sections must be received by Monday, September 22, 1975. Comments on the "routine use" sections of the notices may be submitted until October 6, 1975. Copies of the comments may be inspected in Room 6525 at the above address.

Pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and 552a and by 43 U.S.C. 1460, the system of record notices set out below are proposed.

Dated: September 15, 1975.

Richard R. Hite,
Deputy Assistant Secretary of the Interior.

System name: Employee Identification Card Files -- Interior, Office of the Secretary--32.

System location: Division of Enforcement and Security Management, Office of Management Operations (AMO), U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Employees of the Office of the Secretary and other Departmental offices and non-Federal support personnel requiring access to Department buildings.

Categories of records in the system: These files contain the name of the individual issued the particular card, date of issue and card number.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Internal control over the issuance of cards. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in large bound record book. (2) Retrievability -- indexed by card number. (3) Safeguards -- stored in a locked room in manipulation-proof, 3-way combination lock steel safe. Access limited to those persons whose official duties require such access. (4) Retention and Disposal -- records are maintained for the duration of the employment or contractual relationship.

System manager(s) and address: Chief, Division of Enforcement and Security Management, AMO, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information is furnished by the person to whom the card is issued.

System name: Central Employee Locator Index -- Interior, Office of the Secretary--33.

System location: Division of Enforcement and Security Management, Office of Management Operations (AMO), U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Employees assigned to the Washington, D.C. Metropolitan Area.

Categories of records in the system: The records system consists of 3 x 5 forms containing employee's name, organization symbol, room number, office extension, bureau and organization, home address and home telephone number.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provides referral information in response to inquiries from various Departmental and other Federal agencies. Information is also provided to other agencies requiring legitimate referral information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on 3 x 5 forms. (2) Retrievability -- alphabetized by name. (3) Safeguards -- maintained in a locked room. (4) Retention and Disposal -- destroyed when obsolete.

System manager(s) and address: Chief, Division of Enforcement and Security Management, Office of Management Operations, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: U.S. Department of the Interior employees.

System name: Motor Vehicle Operator's Identification Card Applications -- Interior, Office of the Secretary--34.

System location: Division of General Services, Office of Management Operations, U.S. Department of the Interior, Washington, D.C. 20240. (2) Division of Personnel Services, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Employees in the Office of the Secretary and other Departmental offices who have applied for driver permits.

Categories of records in the system: The records contain the name, title, sex, date of birth, place of birth, physical characteristics, social security number, past driving record, traffic citations, accidents for past three years, medical history, state driver license number, and road test results.

Authority for maintenance of the system: 40 U.S.C. 491(j).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Assignment of driver permits to employees in the Office of the Secretary and other De-

V 40 I 183 SEP 1975 XUM

partmental offices. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies. whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on form DI-131-Rev. and Standard Form 47. (2) Retrievability -- by name. (3) Safeguards -- stored in locked file cabinet. (4) Retention and Disposal -- subject to general records schedule.

System manager(s) and address: Chief, Division of General Services, Office of Management Operations, Department of the Interior. Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Federal employees applying for a government driver permit.

System name: Property Accountability -- Interior, Office of the Secretary--35.

System location: Division of General Services, Office of Management Operations, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Assignment of property to offices accountable to individuals designated as Responsible Officers.

Categories of records in the system: The records system contains computer codes for each Responsible Officer and descriptive data about each piece of capitalized property assigned.

Authority for maintenance of the system: 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Provides data for property assigned to individuals and offices. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on computer media. (2) Retrievability -- system is indexed by code assigned to each individual. (3) Safeguards -- maintained with safeguards meeting the 'Computer Security Guidelines for Implementing the Privacy Act of 1974.' (4) Retention and Disposal -- destroyed when obsolete.

System manager(s) and address: Chief, Division of General Services, Office of Management Operations, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual that is assigned the property.

System name: Travel Records -- Interior, Office of the Secretary--36.

System location: Branch of Travel, Office of Management Operations (AMO), U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Federal Employees or individuals who travel on behalf of the Department on official business.

Categories of records in the system: The records system contains passports, visas, travel folders, rental credit cards, Government transportation requests, travel tickets, and imprest fund.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Making travel arrangements, including the making of reservations and the purchase of tickets. (2) Periodic transfer of travel tickets to Fiscal Services, Office of Secretarial Operations, Department of the Interior. (3) Periodic transfer of passports and visas to other Federal agencies. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- travel folders and tickets maintained in 8'x10 1/2' folders. Rental credit cards maintained on 2'x3' plastic card. Government transportation and imprest fund requests maintained in log books. Each passport and visa maintained in separate book. (2) Retrievability -- travel folders and tickets filed by bureau. Rental credit cards filed by number and name. Government transportation requests filed by number and name. Passports and visas filed by name. Imprest fund requests filed by name and number amount. (3) Safeguards -- passports, visas, imprest fund and Government transportation log books stored in a locked room in manipulation proof three way combination lock steel safes. Travel folders, rental credit cards stored in a locked room. Access granted only to designated personnel. (4) Retention and Disposal -- General Records Schedule No. 9, Item No. 4.

System manager(s) and address: Chief, Branch of Travel, Office of Management Operations, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Federal employees and individuals on behalf of the Department.

System name: Discrimination Complaints -- Interior, Office of the Secretary--37.

System location: (1) Office for Equal Opportunity, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All Regional Offices of the Office for Equal Opportunity: (a) Office for Equal Opportunity - Eastern Region, U.S. Department of the Interior, 4040 N. Fairfax Drive - 10th Floor, Arlington, VA. 22203; (b) Office for Equal Opportunity - Western Region, U.S. Department of the Interior, Denver Federal Center, Building 67, Room 880, Denver, CO 80225; and (c) Office for Equal Opportunity - Alaska Region, U.S. Department of the Interior, 204 East Fifth Avenue, Anchorage, AK 99501.

Categories of individuals covered by the system: Individuals who claim to have been discriminated against on the basis of race, color, sex, religion, or national origin in violation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), in violation of Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576), or in violation of Executive Order 11246, as amended (3 CFR 169 (1974 ed.)).

Categories of records in the system: Contains complaints of discrimination; reports of complaint investigations and supplementary documentary evidence; correspondence, including requests for information from other Federal agencies and from minority, civil rights, women's, and community organizations; documents obtained from Government contractors and subcontractors, from the administrators and recipients of Government funds, and from Government permitees under the Trans-Alaska Pipeline Authorization Act (87 Stat. 576); and miscellaneous statistical data obtained from various sources.

Authority for maintenance of the system: Title VI of the Civil Rights Act of 1964 (42 USC 2000d) and its implementing regulations (43 CFR Pt. 17); Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576) and its implementing regulations (43 CFR Pt. 27); and Executive Order 11246, as amended (3 CFR 169 (1974 ed.)) and its implementing regulations (41 CFR Ch. 60).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Investigation and resolution of complaints of discrimination in violation of Title VI of the Civil Rights Act of 1964 (42 USC 2000d), in violation of Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576), or in violation of Executive Order 11246, as amended (3 CFR 169 (1974 ed.)). (2) Disclosure by inspection and/or photocopying to the U.S. Equal Employment Opportunity Commission under the terms of the Office of Federal Contract Compliance - Equal Employment Opportunity Commission Memorandum of Understanding dated September 11, 1974 (39 FR 35855). (3) Disclosure to the Office of Federal Contract Compliance for the purpose of audit and evaluation. (4) Disclosure to other Federal agencies charged with the enforcement of equal employment opportunity laws, orders and regulations, on a need-to-know basis to assist these agencies in their enforcement activities. (5) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (6) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of complainant. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- records held for three years after close of case, then sent to storage in Federal Records Center.

System manager(s) and address: (a) For complaints arising under Executive Order 11246, as amended (3 CFR 169 (1974 ed.)), and under Title VI of the Civil Rights Act of 1964 (42 USC 2000d) - Director, Office for Equal Opportunity, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (b) For complaints arising under Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576) - Authorized Officer, Alaska Pipeline Office, U.S. Department of the Interior, 808 E Street, Anchorage, AK 99501.

Notification procedure: A written and signed request stating that the requester seeks information concerning records pertaining to him is required, and shall be addressed to the appropriate System Manager. 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the appropriate System Manager, and shall meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall meet the requirements of 43 CFR 2.71.

Record source categories: Complainants; Government contractors and subcontractors and their employees; Government permitees under Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576) and their employees; the administrators and recipients of Government funds from programs administered by the Department of the Interior; Federal, State, and local government agencies; community, minority, civil rights, and women's organizations; unions; members of Congress and their staffs; Bureaus and offices of the Department of the Interior; and confidential informants, to the extent they possess data otherwise unavailable.

System name: Biography File -- Interior, Office of the Secretary--38.

System location: Office of Communications, Research Office, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Officials of the Department of the Interior, including the Secretary, Assistant Secretaries, heads of Bureaus and Offices.

Categories of records in the system: The records are biographical news releases generally containing the individual's name, place and date of birth, education, military service, work experience, publications, membership in professional or scientific societies, marital status plus occasional newspaper clippings about the individual and in some cases a photograph of the individual.

Authority for maintenance of the system: Statutes 5 USC 301, 3101, 43 USC 1467, 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Dissemination of biographical information to the news media and the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- biographies are in press release form, maintained in file folders. (2) Retrievability -- alphabetized by name. (3) Safeguards -- maintained in a locked room. (4) Retention and Disposal -- destroyed when obsolete.

System manager(s) and address: Director, Office of Communications, Office of the Secretary, Department of the Interior, 18th and C Streets, N.W., Washington, D.C., 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager

Record access procedures: Same as the above. The request must be in writing, signed by the and must meet the content requirements of 43 CFR 2.71.

Record source categories: Data furnished by the individual and newspaper clippings.

System name: Classified Documents -- Interior, Office of the Secretary--39.

System location: Office of Management Operations (AMO), U.S. Department of the Interior, c/o U.S. State Department, 2201 C Street NW, Washington, D.C., 20520.

Categories of individuals covered by the system: Employees of U.S. Department of the Interior authorized to receive classified documents.

Categories of records in the system: The system contains the individual name, security clearance, employment address, and telephone number.

Authority for maintenance of the system: Executive Orders 10450 and 10865.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Transmittal of classified documents to employees. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in 8x10 1/2' folders. (2) Retrievability -- indexed by bureau and name. (3) Safeguards -- stored in a locked room in manipulation-proof 3-way combination lock steel safe. (4) Retention and Disposal -- records are maintained in active status.

System manager(s) and address: Chief, Division of General Services, AMO, U.S. Department of the Interior, 18th & C Streets, NW, Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60. requester and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: List of employees who have security clearance.

System name: Contract and Procurement Records -- Interior, FWS--25.

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System location: (1) Division of Contracting and General Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) Regional offices of Fish and Wildlife Service. (See Appendix for regional addresses).

Categories of individuals covered by the system: Individuals submitting unsolicited proposals or replying to solicitations for bids. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contains information regarding the individual which would be required to evaluate contract proposals, i.e., name, age, education, experience, references, and possible other pertinent information.

Authority for maintenance of the system: Federal Property and Administrative Act of 1949, as amended. Fish and Wildlife Act of 1956, 16 U.S.C. 742a-742j; 70 Stat. 1119.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Evaluation by Contracting Officer and technical representative of operating (requesting) division or office placing name and address on bidders list for use in sending out future solicitations. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on paper form, 8 x 10 1/2', in either the 'Bidders Mailing List' file or a 'Contract Folder.' (2) Retrievability -- by name and contract number. (3) Safeguards -- records maintained in compliance with provisions of 43 CFR 2.51. (4) Retention and Disposal -- Bidders Mailing List -- until individual requests withdrawal or solicitation returned unanswered. Destroyed immediately. Contract Files: Four years after closing of file.

System manager(s) and address: Chief, Division of Contracting and General Services, Fish and Wildlife Services, U.S. Department of the Interior, Washington, D.C. 20240, and regional directors (See Appendix for regional addresses).

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual submitting proposals for consideration.

System name: Contract Files -- Interior, GS--5.

System location: Branch of Procurement and Contracts, Geological Survey, National Center, Reston, Virginia, CA-13, CO-15 and VA-6.

Categories of individuals covered by the system: Individuals who have contracts with the Geological Survey. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Record of contract information, from inception of requirement, through contract award, contract administration and completion of the contract. Copies of contractor and technical and cost proposals, documentation pertaining to the award, contract and miscellaneous correspondence.

Authority for maintenance of the system: 40 U.S.C. 481.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- by name of individual contractor and by contract number. (3) Safeguards -- proprietary technical and cost information maintained separately in locked cabinet. (4) Disposal -- retained and disposed of according to GSA General Records Schedule.

System manager(s) and address: Chief, Branch of Procurement and Contracts, Geological Survey, Department of the Interior, National Center, Reston, Va. 22092.

Notification procedure: A written and signed request stating that the requester seeks information concerning records pertaining to him must be addressed to the System Manager. See 43 CFR 2.60.

Record access procedures: Requests for access shall be addressed to the System Manager, signed by the requester and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

Record source categories: Information comes from the individual contractor.

System name: RELOS Records -- Interior, GS--6.

System location: Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: Survey employees in the Washington Metropolitan Area.

Categories of records in the system: Names of individual employees, social security numbers, office telephones, location codes, room numbers, mail stop numbers, organization codes, parking permit numbers, carpool numbers, names of individuals who qualify for preferential parking due to handicap or position, makes of cars and license numbers, home addresses and telephone numbers.

Authority for maintenance of the system: 5 U.S.C. 3101, 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used to prepare National Center telephone directory, parking permit issuance, carpool assignments, space occupancy reports. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual and computerized form. (2) Retrievability -- by name or social security number. (3) Safeguards -- records kept in locked cabinets for use of Branch of General Services personnel only. (4) Disposal -- retained until obsolete, then destroyed.

System manager(s) and address: Chief, Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: Same as above. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: Same as above. See 43 CFR 2.71.

Record source categories: Information came from individual.

System name: Personal Property Accountability Records -- Interior, GS--7.

System location: (1) Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092. (2) Administrative offices in all or substantially all field locations. (See Appendix for addresses). (3) Facilities of Geological Survey designated VA-6, CO-15 and CA-13 in Appendix.

Categories of individuals covered by the system: Survey employees who are accountable for government owned controlled property.

Categories of records in the system: Records of assignment of an internal identification number and acknowledgement of receipt by employees. Records of transfers to other accountable employees. Inventory records containing employee social security numbers and duty stations.

Authority for maintenance of the system: 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To maintain control over bureau owned controlled property; maintain up-to-date inventory and accountability. See routine uses statement. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are both manual and computerized. (2) Retrievability -- by employee social security number. (3) Safeguards -- access by authorized employees only. (4) Disposal -- when obsolete.

System manager(s) and address: Chief, Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: Same as above or to individual installations. See 43 CFR 2.60.

Record access procedures: Same as above or to individual installations for access. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual employees.

System name: Accident Reports and Investigations -- Interior, GS--8.

System location: Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: All personnel of the Geological Survey who have had on-the-job accidents.

Categories of records in the system: Form DI-134, Accident Reports, correspondence, historical information and corrective action reviews relating to accidents which have occurred on-the-job.

Authority for maintenance of the system: 5 U.S.C. 7902.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- by name of individual. (3) Safeguards -- kept in locked cabinet. Access limited to authorized personnel. (4) Disposal -- retained on-site.

System manager(s) and address: Survey Safety Management Officer, Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: A written and signed request stating that the requester seeks information concerning records pertaining to him must be addressed to the System Manager. See 43 CFR 2.60.

Record access procedures: A request for access must be in writing, signed by the requester, submitted to the System Manager, and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

Record source categories: Accident victims, witnesses, supervisors and investigators.

System name: National Research Council Grants Program -- Interior, GS--9.

System location: (1) Office of the Chief Geologist, Geologic Division, Reston, Virginia 22092. (2) National Research Council, 2101 Constitution Avenue, N.W., Washington, D.C. 20418.

Categories of individuals covered by the system: Contains name, grade, title, organization, and place of birth of person being granted access. Also file of SF 171 and college transcripts for each individual.

Authority for maintenance of the system: 43 U.S.C. 31, et seq., 5 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual system maintained in cardex and legal files showing data on Research Associates assigned to U.S. Geological Survey, Geologic Division under this program. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- records disposed of periodically as prescribed under records control system.

System manager(s) and address: Deputy Chief Geologist, U.S. Geological Survey, National Center Mail Stop 911, Reston, Virginia 22092, Phone (703) 860-6531.

Systems exempted from certain provisions of the act: This system is proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(e)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

System name: Lunar Sample -- Interior, GS--10.

System location: Office of Environmental Geology, Branch of Astrogeology, Geologic Division, Reston, Virginia 22092.

Categories of individuals covered by the system: Records of Principal Investigators, NASA Lunar sample program, Houston, and hand receipts on Lunar Samples obtained from NASA for Scientific Analysis. Contains the name and location of individual who used lunar sample.

Authority for maintenance of the system: 43 U.S.C. 31, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual system. (2) Retrievability -- maintained to identify individual using Lunar Samples -- Date received and returned to NASA -- so that samples will not be lost and can be located anytime. (3) Safeguards -- laboratories where samples are stored are locked at night. Only principal investigators have access to records. (4) Retention and Disposal -- records disposed of periodically in accordance with records control procedures.

System manager(s) and address: Project Chief, Branch of Astrogeology, Office of Environmental Geology, U.S. Geological Survey, Room 3C400, Mail Stop 929, Reston, Virginia 22092, Phone (703) 860-6787.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is being maintained.

System name: Security -- Interior, GS--11.

System location: (1) Office of the Chief Geologist, Geologic Division, Reston, Virginia 22092. (2) Central and Western Regional Offices of the Geologic Division. (See Appendix for addresses.)

Categories of individuals covered by the system: Record of Security Clearance, for Division personnel; contains name, grade, organization and place and date of birth and type of security clearance of person being granted access.

Authority for maintenance of the system: Executive Order 10501.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual systems maintained in locked cardex and legal size files. (2) Retrievability -- indexed by individual name. (3) Safeguards -- maintained with security meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- records on former employees disposed under prescribed procedures.

System manager(s) and address: Deputy Chief Geologist, U.S. Geological Survey, National Center, Mail Stop 911, Reston, Virginia 22092 Phone (703) 860-6531.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written,

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signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

System name: Project Descriptions and Work Plans and Accomplishments -- Interior, GS--12.

System location: Budget and Program Office, Office of the Chief Geologist, U.S. Geological Survey, Reston, Virginia 22091.

Categories of individuals covered by the system: Scientists who are in charge of one or more projects.

Categories of records in the system: The Project Description describes the objectives, location, and justification of the project. The Work Plans and Accomplishments is a yearly accountability of each project's scientific progress during the past year and a work plan for the coming year.

Authority for maintenance of the system: 43 U.S.C. 31, 48, 49.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by project number with a crosswalk of individual in charge of project. (3) Safeguards -- all project files are maintained by a Program Specialist. (4) Disposal -- all project files are kept until the final report is published.

System manager(s) and address: Assistant Deputy Chief Geologist, Budget and Program Office, Office of the Chief Geologist, Reston, Virginia 22091.

Notification procedure: System Manager. See 43 CFR 2.60.

Record access procedures: System Manager. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: The information comes from the individuals who are in charge of one or more projects.

System name: Manuscript Processing System -- Interior, GS--13.

System location: (1) Office of Scientific Publications, Geologic Division, Reston, Virginia 22092. (2) Central and Western Regional Offices of the Geologic Division. (See Appendix for addresses.)

Categories of individuals covered by the system: Geologic Division authors of Geo-Science publications.

Categories of records in the system: Contains record by author or title on publication plans, status and location of all manuscript maps and reports in preparation or published by Geologic Division employees.

Authority for maintenance of the system: 43 U.S.C. 31, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Use by Author, Branch Chiefs, Office Chiefs and Office of Scientific Publications staff. (2) Routine uses numbered 3 through 7 in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form on cards. (2) Retrievability -- indexed by author and Geographic area. (3) Safeguards -- none required. (4) Disposal -- indefinite retention.

System manager(s) and address: Deputy Chief, Office of Scientific Publications, Geologic Division, Reston, Virginia 22092.

Notification procedure: Same as above. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: Same as above. See 43 CFR 2.71.

Record source categories: Authors.

System name: Travel Files -- Interior, GS--14.

System location: Geological Survey, National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: Employees of the Geological Survey.

Categories of records in the system: Names, addresses, social security numbers; destination; itineraries; modes and purposes of travel; dates; expenses including advances; amounts claimed and reimbursed; travel orders; vouchers; receipts and passport record cards.

Authority for maintenance of the system: 5 U.S.C., 5701, 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Transmittal to U.S. Treasury for payment and to State Department for passports. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual and machine readable. (2) Retrievability -- filed by name, social security number or travel order number. (3) Safeguards -- storage facilities are in secured premises with access limited to personnel whose official duties require access. (4) Disposal -- retained according to GSA Federal Travel Regulations, and disposed of according to Records Control Schedule and GSA General Records Schedules.

System manager(s) and address: Chief, Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: System Manager. A written and signed request is required from anyone seeking information concerning him or herself.

Record access procedures: Requests for access should be addressed to the System Manager and meet the requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Subject individuals, supervisors and standard finance office references.

System name: Cartographic Information Customer Records -- Interior, GS--15.

System location: (1) National Cartographic Information Center, Topographic Division, Reston, Virginia 22092. (2) U.S. Geological Survey Field Offices listed in the Appendix as CA-12, CO-11, MO-5 and SD-5.

Categories of individuals covered by the system: Individuals who have requested Cartographic Information directly from, or whose requests have been forwarded to the National Cartographic Information Center or its sponsored field centers.

Categories of records in the system: Contains name, address, customer's inquiry, response to inquiry and appropriate accounting entries.

Authority for maintenance of the system: (1) Executive Order 3206. (2) OMB Circular A-16. (3) 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Reference by GS and GS contractor personnel in processing customer inquiries; (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records; (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders, correspondence recorded on microfilm, and key information recorded on magnetic tape in some instances; (2) Retrievability -- indexed by name of inquirier, cross indexed chronologically; (3) Safeguards -- maintained in GS areas occupied by GS personnel during working hours with building locked and/or guarded during off hours; (4) Disposal -- original hard copy destroyed after three years or sooner if recorded on microfilm. Indexes and microfilm maintained at least three years (longer if useful to operations or if active).

System manager(s) and address: Chief, National Cartographic Information Center, Topographic Division, GS, Reston, Virginia 22092.

Notification procedure: System Manager or installation which is believed to have the requested record. Installations will only provide information on records held locally. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Customers on whom record is maintained and GS or GS contract information researchers.

System name: Office of Minerals Exploration (OME) -- Interior, GS--16.

System location: Office of Minerals Exploration, U.S. Geological Survey, 953 National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: Applicants for financial assistance to explore mineral deposits.

Categories of records in the system: Information furnished by the applicant in support of a loan application including financial eligibility, rights in land to be explored, operating experience and background to conduct the proposed exploration work.

Authority for maintenance of the system: Public Law 85-701, 30 U.S.C. 642(e).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in file folders in metal filing cabinets. (2) Retrievability -- indexed by name of individual applicant and by docket number assigned to each application. (3) Retention and Disposal - complete file is retained until decision is reached on denial or approval. If denied or after period of contract obligation for royalty payments to the Government has expired - a period of ten years or more - file should be stripped of non technical material and placed in permanent storage. Discarded material is destroyed.

System manager(s) and address: Chief, Office of Minerals Exploration, Geological Survey, U.S. Department of the Interior, 953 National Center, Reston, Virginia 22092.

Notification procedure: Same as the above. See 43 CFR 2.60.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: Same as the above. See 43 CFR 2.71.

Record source categories: Applicant on whom the file is maintained.

System name: Management Information System, Publications Division -- Interior, GS--17.

System location: U.S. Geological Survey, National Center, Mail Stop 341, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Categories of individuals covered by the system: Publications Division employees; GS professionals (geologists, hydrologists, etc.) who conduct research and investigation for which results are published in GS reports.

Categories of records in the system: Contains records concerning production planning, scheduling, costs, manpower utilization, capacity.

Authority for maintenance of the system: 5 U.S.C. 3101, 43 U.S.C. 31, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Production control, program management, accumulation of costs for billing the pertinent GS divisions. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in punch card and manual form (2) Retrievability -- indexed by pertinent GS division, GS reports, phase of production. (3) Safeguards -- none required. (4) Disposal -- routinely disposed of as updated information is generated. Annual summaries are maintained indefinitely.

System manager(s) and address: Assistant Chief, Publications Division (Management and Administration), USGS National Center, MS0341, 12201 Sunrise Valley Drive, Reston, Va. 22092.

Notification procedure: Same as above. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

System name: Computer Services Users -- Interior, GS--18.

System location: U.S. Geological Survey, Computer Center Division, National Center, Mail Stop 801, Reston, Virginia 22092.

Categories of individuals covered by the system: Users of Computer Services.

Categories of records in the system: Name, computer user number and work location.

Authority for maintenance of the system: 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Billing and Mailing to Federal Employees who are Geological Survey Computer Services Users. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on either punched cards or magnetic tape. (2) Retrievability -- by individual user's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- records are periodically updated and obsolete records are deleted from magnetic tape or punched cards are destroyed.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual users of computer services..

System name: Publications Division Management Information System -- Interior, GS--19.

System location: Publications Division, U.S. Geological Survey, National Center, Mail Stop 0341, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Categories of individuals covered by the system: Publications Division employees; GS professionals (geologists, hydrologists, etc.) who conduct research and investigation for which results are published in GS reports.

Categories of records in the system: Contains records concerning production planning, scheduling, costs manpower utilization, capacity.

Authority for maintenance of the system: 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Production control, program management, accumulation of costs for billing the pertinent GS Divisions. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS--1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in punch card and manual form. (2) Retrievability -- indexed by pertinent GS division, GS reports, phase of production. (3) Safeguards -- none required. (4) Disposal -- routinely disposed of as updated in-

V 40 I 183 SEP 1975 XUM

formation is generated. Annual summaries are maintained indefinitely.

System manager(s) and address: Assistant Chief, Publications Division (Management & Administration) USGS National Center, MS 0341, 12201 Sunrise Valley Drive, Reston, Va. 22092.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

System name: Photo File System -- Interior, GS--20.

System location: (1) Publications Division, U.S. Geological Survey, National Center, Stop 303, Reston, Virginia 22092. (2) Survey facilities numbered GA-8 and CO-2 in Appendix.

Categories of individuals covered by the system: U.S.G.S. employees.

Categories of records in the system: Photographs.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Dissemination to public with press releases and in publications. (2) Routine uses numbered 3 through 7 in system notice for Geological Survey Payroll, Attendance and Leave Records System, Interior/GS--1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- PIC cards 5 x 8. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in accordance with 43 CFR 2.51. (4) Disposal -- records maintained indefinitely.

System manager(s) and address: Chief, Branch of Visual Services, Publications Division, Mail Stop 0303, National Center.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Photographs of individuals employed by the U.S.G.S.

System name: Mineral Lease and Royalty Accounting Files -- Interior, GS--21.

System location: (1) U.S. Geological Survey, Conservation Division, Reston, Virginia 22092. (2) U.S. Geological Survey Field Offices listed in the Appendix as AK-3, AZ-4, CA-1, CA-5, CA-9, CA-16, CA-18, CO-3, CO-4, CO-16, CO-19, DC-2, ID-3, LA-3, LA-5, LA-6, LA-7, MS-4, MO-1, MT-2, NV-4, NM-2, NM-3, NM-4, NM-5, NM-6, OK-1, OK-2, OK-4, TX-6, UT-5, WA-6, WY-2, WY-4, WY-6, WY-7.

Categories of individuals covered by the system: Lease or Permit Holders, and individuals who have requested statistical books. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Lease contractual terms, production, royalty, reserve and related information.

Authority for maintenance of the system: Mineral Leasing Act of 1920, as amended, 30 U.S.C. 22, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Mineral Lease Management - supervision of leases and permits, royalty account billings, revenue controls and statistical data. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders, tab runs and information recorded on magnetic tape. (2) Retrievability -- indexed by lease number. (3) Safeguards -- maintained in GS areas occupied by GS personnel during working hours with building locked and/or guarded during off hours. (4) Disposal -- destroyed in accordance with the bureau's records disposal authority.

System manager(s) and address: Chief, Conservation Division, GS, Reston, Virginia 22092.

Notification procedure: System Manager or installation which is believed to have the requested record. Installations will only provide information on records held locally.

Record access procedures: Same as above.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Lessees, permittees and individuals on whom records are maintained.

System name: Correspondence - Interior, GS -- 22.

System location: (1) Publications Division, U.S. Geological Survey, National Center, Mail stop No.'s 301, 303, 321, 325, 326, 328, 329, 330, & 341, 12201 Sunrise Valley Drive, Reston, VA 09222. (2) Geological Survey facilities numbered AK-1 & 10; CA-4, 8, & 17; CO-1, 2, 7, 8, & 13; DC-1; KY-3; TX-4; UT-3; VA 1 & 9; WA-3 in Appendix.

Categories of individuals covered by the system: General public, members of educationaL institutions, business firms, members of Congress, other government agencies, and those from offices within the agency and Department of the Interior.

Categories of records in the system: Correspondence with and publications purchase orders by those listed above.

Authority for maintenance of the system: 5 U.S.C. 301, 31 U.S.C. 66a, 43 U.S.C. 41-45, 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1)Maintain record of correspondence relating to policy and day-to-day activities of the Publications Division. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in accordance with requirements of 43 CFR 2.51 for manual record requirements. (4) Disposal -- varies from retaining material for as much as 5 years to destroying on an ongoing basis.

System manager(s) and address: Assistant Chief, Publications Division (Management & Administration), Geological Survey, National Center, MS 0341, 12201 Sunrise Valley Drive, Reston, VA 09222.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: System includes correspondence with individuals on variety of subjects including Accounting, Meetings, Organization & Management, Training, Procurement, and Personnel related matters.

System name: Law Enforcement Services -- Interior, BIA--18.

System location: (1) All Area, Agency and Field Offices of the BIA. (See Appendix for addresses.) (2) Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Categories of individuals covered by the system: (1) Individuals violating laws on Indian Reservations and those who appear in court for violations of 25 CFR regulations. (2) Individuals primarily interested in Indian Affairs who advocate violence as a means of obtaining their goals.

Categories of records in the system: Documentation includes statements of witnesses, statutes involved, evidence seized, photographs, final disposition reports and related correspondence.

Authority for maintenance of the system: 25 U.S.C. 1, 1a, 13; 18 U.S.C. 3055; Act of May 10, 1939, 58 Stat. 693; 53 Stat. 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Identifies individuals who have been arrested on Indian reservations and who have appeared in court for violations of 25 CFR regulations. (2) Identifies individuals primarily interested in Indian Affairs who advocate violence as a means of obtaining their goals. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders throughout Area and Agency offices. (2) Retrievability -- cross referenced by individual's name, case number and docket number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- transfer to GSA Federal Records Center five years after case is closed.

System manager(s) and address: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Systems exempted from certain provisions of the act: This system is proposed to be exempted from all of the provisions of the Privacy Act except the following: 5 U.S.C. 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6) through (11), and (i).

System name: Library Borrowers' Records -- Interior, Mines--8.

System location: Bureau of Mines, U.S. Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

Categories of individuals covered by the system: Borrowers of library material on extended loan basis. Names of employees of the Bureau of Mines, Mining Enforcement and Safety Administration, and the Energy Research and Development Administration are on the system.

Categories of records in the system: Shows names of borrowers of library materials and, by borrower, lists of titles of these scientific, technical, and administrative publications purchased to assist in the conduct of official business.

Authority for maintenance of the system: 30 U.S.C. 1, 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Control of publication purchases and proper collection of materials upon separation of borrowers. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- master list maintained in folder in Technical Library. Appropriate lists maintained in individual operating offices and by each borrower; and computer records in Duquesne University, Pittsburgh, Pennsylvania. (2) Retrievability -- indexed by name. (3) Safeguards -- records will be placed under lock and key. (4) Retention and Disposal -- destroyed as new ones are received.

System manager(s) and address: Librarian, Bureau of Mines, U.S. Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

Notification procedure: Address inquiries to System Manager.

Record access procedures: Librarian, Bureau of Mines, U.S. Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Borrowers of library material.

System name: Distribution Center and Film Borrower Record Cards -- Interior, Mines--9.

System location: Bureau of Mines, U.S. Department of the Interior, Division of Production and Distribution, Room 359, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

Categories of individuals covered by the system: Officials of schools and other organizations borrowing Bureau of Mines motion pictures; officials of cooperating film distribution centers.

Categories of records in the system: Information pertaining to loan of films, shipment dates, number of showings, audience size, etc., used in connection with distribution of Bureau of Mines informational motion pictures.

Authority for maintenance of the system: 30 U.S.C. 1, 3, 5-7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) For reference by Bureau of Mines film distribution personnel in determining location of films out on loan; scheduling film shipments and returns; checking borrowers' treatment of films borrowed in the past. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- paper cards kept in office files. (2) Retrievability -- indexed by name. (3) Safeguards -- stored and used in government office building protected by uniformed guards. (4) Retention and Disposal -- cards used until all spaces filled, then destroyed after 12 months.

System manager(s) and address: Chief, Division of Production and Distribution, Bureau of Mines, U.S. Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, (412) 621-4500.

Notification procedure: Address inquiries to the System Manager.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Borrowers' film loan requests; correspondence from film distribution centers.

System name: Biographical Reference File -- Interior, Mines--10.

System location: Bureau of Mines, U.S. Department of the Interior, Division of Public Information, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20241.

Categories of individuals covered by the system: Past and present officials of the Department of the Interior.

Categories of records in the system: Biographical notes, resumes, news releases, etc., published or prepared for publication.

Authority for maintenance of the system: 30 U.S.C. 1, 3, 5-7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Public Information

V 40 I 183 SEP 19 75 XUM

file, kept available for use by anyone, including members of the public at large, needing biographical reference material on officials included in the file. (2) Used (as needed) for background material in preparing public announcements on assignments, transfers, or official activities of persons covered in the reference file. (3) Used also as a source of information for responding to public inquiries about individuals covered.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- papers in folders, kept in office filing cabinet. (2) Retrievability -- indexed by name. (3) Safeguards -- stored and used in commercial office building leased by government and protected by uniformed guards. (4) Retention and Disposal -- kept as long as needed for convenient reference; no systematic disposal procedure.

System manager(s) and address: Chief, Division of Public Information, Bureau of Mines, U.S. Department of the Interior, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20241, (202) 634-1005.

Notification procedure: Address inquiries to the System Manager.

Record access procedures: Address inquiries to the System Manager.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Published materials, plus information volunteered by officials covered.

System name: Security Clearance Records -- Interior, MESA--9.

System location: MESA, Branch of Records Management, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Categories of individuals covered by the system: Employees and prospective employees of MESA on whom a security investigation has been conducted by the CSC or FBI.

Categories of records in the system: Records pertain to loyalty checks, character evaluations, and other information resulting from investigations by the CSC or NACI's.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information used to determine qualifications of individuals for employment in sensitive positions with MESA. (2) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manila file folders. (2) Retrievability -- filed alphabetically by last name. (3) Safeguards -- files are kept in an approved three-way combination safe and only employees who have security clearance and are responsible for the system have access. (4) Retention and Disposal -- records are kept as long as the individual is employed and then the records are destroyed.

System manager(s) and address: MESA, Chief, Branch of Records Management, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Notification procedure: Inquiries regarding records in this system should be addressed to the System Manager. Such requests must be submitted in writing and be signed by the requester. For additional information see 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Loyalty checks, inquiries, field investigation reports, and other Government agencies.

System name: Coal Mine Health and Safety Special Investigations -- Interior, MESA--10.

System location: Office of the Assistant Administrator--Coal Mine Health and Safety, MESA, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Va. 22203. Some of this file material is located at MESA locations numbered 1, 3, 6, 7, 11, 15, 18, 21, and 24 in Appendix.

Categories of individuals covered by the system: Any individual alleged to have committed or have information concerning willful or knowing violations of the Coal Mine Health and Safety Act and related sections of the U.S. Code.

Categories of records in the system: Contains name, address, telephone number, social security number, occupation, place of employment, and other identifying data along with the type of allegation. This material includes interviews and other confidential data gathered by the investigator.

Authority for maintenance of the system: Investigations conducted pursuant to 30 U.S.C. 813, 819, appropriate sections of 18 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To determine validity of allegations. (2) For use in determining amount of civil penalty assessments against individuals and operators. (3) Transfer to Department of Justice for criminal prosecution. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature to the appropriate agencies, Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual storage in manila file folders. (2) Retrievability -- filed by docket and status of case; indexed by name of mine, docket number, status of case, and date of receipt. (3) Safeguards -- requirements currently under review. (4) Retention and Disposal -- records retention schedules being developed. Disposition requirements pending completion of schedule.

System manager(s) and address: Assistant Administrator -- Coal Mine Health and Safety, Room 814, Ballston Tower 03, 4015 Wilson Blvd., Arlington, Va. 22203.

Systems exempted from certain provisions of the act: This system is proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

System name: Visitor Statistical Survey Forms -- Interior, NPS -- 21.

System location: Various National Park Service areas within the NPS system. (See Appendix for addresses).

Categories of individuals covered by the system: Visitors to NPS administered areas who have participated in surveys conducted during their visits to the areas or via mail or telephone as a result of their visit.

Categories of records in the system: Names, some addresses, some telephone numbers, and information obtained during the surveys on completed questionnaires or by in-person telephone interviews, or both. The survey information includes experiences, ideas, and expressions collected voluntarily from the visitors on what they think of the area's resources, facilities, and area programs. The responses are treated confidentially and are used only to compile statistical information.

Authority for maintenance of the system: Federal Reports Act of 1942, 44 U.S.C. 3501 - 3511, Federal Records Act of 1950, 44 U.S.C. 2904 and 3102, and OMB Circular A-40 Revised May 3, 1973.

(1))To evaluanalysis of the replies furnished by the visitors. (2) To develop new to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- usually maintained in file folders. (2) Retrievability -- sometimes filed alphabetically by name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- when personal data included, questionnaires and interview sheets are usually destroyed after aggregation of responses so that individual indentification will no longer be possible. Others are retained until final completion of the survey and then destroyed.

System manager(s) and address: Chief, Statistical Unit, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the Superintendent of the NPS area where people included in the survey had visited. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the Superintendent of the NPS area where people included in the survey had visited. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the content requirements of 43 CFR 2.71.

Record source categories: NPS area visitors.

System name: Recordable Contracts--Interior, Reclamation -- 43.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(c,g), 4(a thru i), 7(a thru e), 8(a thru h), 9(c,d) in Appendix.

Categories of individuals covered by the system: Individual landowner who wishes to receive irrigation water from a Reclamation project.

Categories of records in the system: Appraisal and reappraisal documents; contracts agreeing to sell land at appraisal price; miscellaneous correspondence and data supporting appraisals and reappraisals.

Authority for maintenance of the system: (1) Interior Appropriation Act for 1927-277, 44 Stat. 453; (2) Omnibus Adjustment Act, Sec. 46, 44 Stat. 636; (3) Columbia Basin Project Act: Sec. 2, 14, 57 Stat. 14; 1048, 64 Stat. 1037; 1060, 64 Stat. 1074; (4) Water Delivery After Death of Spouse Public Law 86-684, 74 Stat. 732; (5) Reclamation Act of 1902 and amendments; (6) Water Conservation and Utilization Act of October 14, 1940-54 Stat. 1119; (7) Small Reclamation Project Act; (8) Act of August 9, 1912; and (9) Act of July 11, 1956.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To determine value of excess land without reference to proposed construction of irrigation works. (2) Determine eligibility of land to receive water. (3) Transfer to U.S. Department of Justice in event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name, (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records, (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed in Appendix A.

Record access procedures: Same as Notification above.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

[FR Doc.75-24863 Filed 9-18-75;8:45 am]

V 40 I 183 SEP 19 75 XUM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 33—Navigation and Navigable Waters (Parts 1–199) - $5.95

Title 35—Panama Canal - 3.90

Title 41—Public Contracts and Property Management (Chapters 1–2) - 6.75

Title 41—Public Contracts and Property Management (Chapters 19–100) - 3.25

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

**Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402**

V 40 183 SEP 1975 XUM

184

Vol.40—No.184
9–22–75
PAGES
43479–43711

federal register

MONDAY, SEPTEMBER 22, 1975

highlights

PART I:

FOOD STAMP PROGRAM
USDA/FNS defines "economic unit" for eligibility purposes; effective 9–22–75 43479

CUSTOMS VIOLATIONS
Treasury/CS amends requirements for petitions for relief from fines and other penalties; effective 9–22–75 43488

OFFSHORE OIL AND GAS LEASES
Interior requires separate surety bonds for leases in separate areas 43489

NEW ANIMAL DRUGS
HEW/FDA approves safe use of sulfadimethoxine sustained release boluses for treatment of beef cattle and nonlactating dairy cattle; effective 9–22–75 43488

JOB OPPORTUNITIES PROGRAM
Commerce/EDA issues project selection procedures; comments by 10–22–75 43483

RADIOACTIVE MATERIAL
NRC gives notice of ERDA petition for rulemaking to amend packaging requirements; comments by 11–21–75 43517

LITHIUM ISOTOPE SEPARATION
ERDA announces availability of certain restricted data; effective 9–22–75 43481

SECURITIES
FRS reinstates "same-day substitution" limitation on credit transactions; effective 9–30–75 43481

PROMOTIONAL ANNOUNCEMENTS
FCC proposes changes in logging; comments by 10–22–75; reply comments by 11–3–75 43514

CONTINUED INSIDE

PART II:

PETROLEUM COMPANY FINANCIAL REPORT
FEA proposes to issue form with schedules and instructions; comments by 10–16–75 43611

PART III:

FEDERAL ELECTION COMMISSION
Tennessee special election interim guideline and Advisory Opinion Requests 43659

PART IV:

PRIVACY ACT OF 1974
The following agencies issue rules, proposals and/or notices:

National Aeronautics and Space Administration 43688
Health, Education, and Welfare Department 43688
Interstate Commerce Commission 43689

VOL 40 184 SEP 22 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

FCC—Cable television services; per-program or per-channel charge..... 34341; 8–15–75
Radio broadcast services; FM table of assignments.... 33665; 8–11–75 and 34341; 8–15–75
FDIC—Forms and reports; summary of accounts and deposits.... 36559; 8–21–75
HUD—Low income housing; construction loans for housing for the elderly and handicapped..... 36536; 8–20–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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federal register
Area Code 202 Phone 523–5240

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HIGHLIGHTS—Continued

PENSION PLANS
Pension Benefit Guaranty Corporation issues rule on guaranteed benefits; effective 9–22–75..... 43509

FOREIGN COMMERCE
Commerce/MA regulations on payment of operating-differential subsidy (ODS) to bulk cargo vessels in worldwide services; effective 9–22–75..... 43490

MEETINGS—
Commerce/DIBA: Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, 10–29–75..... 43527
CRC: New Hampshire State Advisory Committee, 10–6–75..... 43541
FCC: Private Land Mobile Advisory Committee, 10–10–75..... 43546
FEA: Conference on Power Plant Productivity, 10–22 and 10–23–75..... 43547
FPC: National Gas Survey, Executive Advisory Committee, 10–20–75..... 43656
HEW/FDA: Advisory Committees for October..... 43533
Interior/BLM: Prineville District Multiple Use Advisory Board, 10–23–75..... 43519
Justice: Federal Advisory Committee on False Identification, 10–9–75..... 43518
NASA: Research and Technology Advisory Council, Committee on Guidance, Control and Information Systems, 10–15 and 10–16–75..... 43661
National Endowment for the Arts: Museum Advisory Panel, 10–6 and 10–7–75..... 43662
SBA: Oklahoma City District Advisory Council, 10–3–75..... 43664
State: Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea (2 documents), 10–9 and 10–14–75..... 43518
USDA/AMS: Shippers Advisory Committee, 10–7 and 10–14–75..... 43526

contents

AGRICULTURAL MARKETING SERVICE
Rules
Limitations of handling and shipments:
Oranges grown in Ariz..... 43480
Pears grown in Oreg. and Wash.. 43480
Tokay grapes grown in Calif.. 43480
Notices
Meetings:
Shippers Advisory Committee.. 43526

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Food and Nutrition Service; Soil Conservation Service.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Overtime services; amendment of commuted traveltime allowances..... 43479

CENSUS BUREAU
Notices
Canned foods; survey of distributers' stocks..... 43527

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Hicks and Lawrence Ltd..... 43541
Precision Holdings Ltd..... 43541

CIVIL RIGHTS COMMISSION
Notices
Meetings, State advisory committees:
New Hampshire..... 43541

CIVIL SERVICE COMMISSION
Notices
Noncareer executive assignments:
Commodity Futures Trading Commission..... 43541
Interior Department (2 documents)..... 43541
Justice Department (3 documents)..... 43541
Transportation Department (2 documents)..... 43542
Treasury Department..... 43542

COMMERCE DEPARTMENT.
See also Census Bureau; Domestic and International Business Administration; Economic Development Administration; Maritime Administration; National Oceanic and Atmospheric Administration.
Notices
Electrical Instrumentation Technical Advisory Committee; renewal..... 43530

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Cotton, wool and man-made textiles:
Korea..... 43542

CUSTOMS SERVICE
Rules
Fines, penalties and forfeitures; petitions for relief..... 43488

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Rules
Defense Priorities System:
Change in Schedule II; cooper raw materials..... 43489
Notices
Scientific articles; duty-free entry:
Northwestern University..... 43528
Queens College, et al..... 43528
State University of New York at Buffalo..... 43529
Students International Meditation Society..... 43529
University of Rochester..... 43530
Meetings:
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee..... 43527

ECONOMIC DEVELOPMENT ADMINISTRATION
Rules
Job opportunities program; project selection procedures..... 43483

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Rules
Lithium isotope separation; access to restricted data..... 43481
Notices
Meetings:
National Plan for Energy Research, Development and Demonstration..... 43665

ENVIRONMENTAL PROTECTION AGENCY
Notices
Pesticides, specific exemptions and experimental use permits:
Thompson-Hayward Chemical Co.; correction..... 43543
Pesticide tolerance in or on certain raw agricultural commodities and food additive tolerances; petitions:
Monsanto Agricultural Products, Co..... 43542

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
Michigan..... 43526

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Bellanca..... 43484
Piper..... 43484
Control zones..... 43485

V 40 184 SEP 2275 XUM

Control zones and transition areas ---- 43485
Jet routes ---- 43487
Transition areas (9 documents) ---- 43485, 43486

Proposed Rules
Jet routes ---- 43513

FEDERAL COMMUNICATIONS COMMISSION
Rules
FM broadcast stations; table of assignments:
Maine ---- 43506
Michigan ---- 43507
Proposed Rules
Corporate ownership reporting and disclosure by broadcast licensees ---- 43514
Promotional announcements; logging ---- 43514
Notices
Common carrier services information; Domestic Radio Services applications accepted for filing ---- 43545
Southern California Marine Radio Council; recognition as advisory committee ---- 43547
Meetings:
Private Land Mobile Advisory Committee ---- 43546
Hearings, etc.:
Catamount Broadcasters, Inc. et al ---- 43543

FEDERAL DEPOSIT INSURANCE CORPORATION
Rules
Loans in areas with special flood hazards ---- 43482

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Wisconsin ---- 43539

FEDERAL ELECTION COMMISSION
Rules
Tennessee special election; interim guidelines ---- 43659
Proposed Rules
Statements of organization and expenditures for Federal candidates; filing of ---- 43517
Notices
Advisory Opinion Requests ---- 43664

FEDERAL ENERGY ADMINISTRATION
Notices
Petroleum Company Financial Report ---- 43612
Meetings:
Conference on Power Plant Productivity ---- 43547

FEDERAL MARITIME COMMISSION
Notices
Military Sealift Procurement System; RFP-1000, second cycle uniform capacity utilization factor ---- 43550
Oil pollution; certificates of financial responsibility (2 documents) ---- 43547
Agreements filed:
Compagnie Maritime Belge (Lloyd Royal) S.A. and Navale et Commerciale Havraise Peninsulaire ---- 43549
Nedlloyd America Service and Green R Line (Pty) Ltd ---- 43549

FEDERAL POWER COMMISSION
Rules
Electric utilities reporting of projected generation and fuel planning; correction ---- 43488
Notices
Meetings:
National Gas Survey Executive Advisory Committee ---- 43556
Hearings, etc.:
Arizona Public Service Co ---- 43552
Bayou Land and Mineral Company, Inc., et al ---- 43552
Carlson, George A., et al ---- 43552
Georgia Power Co. (2 documents) ---- 43554
Kentucky Utilities Co ---- 43556
New England Power Service Co ---- 43556
Ohio Power Co ---- 43556
Pennsylvania Power and Light Co ---- 43557
Portland General Electric Co ---- 43557
South Carolina Electric and Gas Co ---- 43557
Southern Natural Gas Co. (2 documents) ---- 43558

FEDERAL RESERVE SYSTEM
Rules
Securities credit transactions; reinstatement of "Same-Day Substitution" limitation at 30 percent level ---- 43481
Proposed Rules
Consumer credit transactions; closing costs; disclosure ---- 43516
Notices
Applications, etc.:
Exchange National Bank of Chicago ---- 43558
First National Cincinnati Corp ---- 43558
Industrial Bancshares, Inc ---- 43558
Valley View Bancshares, Inc ---- 43559

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Standard Oil Co.; correction ---- 43487

FISH AND WILDLIFE SERVICE
Notices
Endangered species permits; applications (2 documents) ---- 43520, 43521

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs:
Beecham, Inc ---- 43488
Hoffmann-La Roche, Inc ---- 43488
Termination of exemptions on radioactive new drugs and biologics; corrections ---- 43488
Proposed Rules
Human drugs:
Hypoglycemic drugs; oral; labeling; extension of comment period ---- 43513
Notices
Human drugs:
Conditions for marketing; withdrawal of interim policy ---- 43531
Meetings:
Advisory committees ---- 43533

FOOD AND NUTRITION SERVICE
Rules
Food Stamp Program; definition of economic unit ---- 43479

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; proposals; approvals, etc ---- 43560

GEOLOGICAL SURVEY
Notices
Gulf of Mexico; production measurement and commingling ---- 43521

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Food and Drug Administration.
Notices
Privacy Act; systems of records ---- 43693

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Disaster Assistance Administration.
Notices
Plastic plumbing fixtures; proposed fire hazard requirements ---- 43539

JUSTICE DEPARTMENT
Notices
Meetings:
Federal Advisory Committee on False Identification ---- 43518

INDIAN AFFAIRS BUREAU
Proposed Rules
Irrigation projects:
San Xavier, Ariz ---- 43513

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geologic Survey; Indian Affairs Bureau; Land Management Bureau.
Notices
Environmental statements, availability (3 documents) ---- 43524, 43525
WOC appointees; furnishing of information (2 documents) ---- 43526

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Certain stainless steel flatware ---- 43560
Footwear ---- 43561

INTERSTATE COMMERCE COMMISSION
Proposed Rules
Privacy Act ---- 43669
Notices
Abandonment of services:
Missouri Pacific Railroad Co ---- 43566
Entry control of brokers; proceeding on ---- 43566
Fourth section applications for relief ---- 43565
Hearing assignments ---- 43565
Motor carriers:
Irregular route property carriers; gateway elimination ---- 43567
Privacy Act; systems of records ---- 43700

LABOR DEPARTMENT
See Pension Benefit Guaranty Corporation.

LAND MANAGEMENT BUREAU
Rules
Public Land Orders:
Georgia ---- 43489
Oil and gas leasing; Outer Continental Shelf, Alaska ---- 43489
Notices
Oil and gas leasing; Outer Continental Shelf, Alaska ---- 43519
Meetings:
Prineville District Multiple Use Advisory Board ---- 43519

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ---- 43564

MARITIME ADMINISTRATION
Rules
Bulk cargo vessels; operating differential subsidy ---- 43490

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Rules
Privacy Act ---- 43668
Notices
Advisory subcommittees, establishment:
Applications Steering Committee, ad hoc Advisory Subcommittee for Evaluation of the Applications Explorer Missions-A/Heat Capacity Mapping Mission Proposals ---- 43561
Applications Steering Committee, Ocean Dynamics Advisory Subcommittee ---- 43561
NASA Research and Technology Advisory Council (RTAC) Ad Hoc Panel; continuation ---- 43561
Privacy Act; system of records ---- 43667
Meetings:
NASA Research and Technology Advisory Council Committee on Guidance, Control and Information Systems ---- 43561

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
Notices
Meetings:
Museum Advisory Panel ---- 43562

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Rules
King crab fishing in Alaska; financial aid ---- 43508
Notices
Marine mammal permit applications:
Wuersig, Bernd G ---- 43530

NUCLEAR REGULATORY COMMISSION
Proposed Rules
Radioactive material; packaging requirements; ERDA petition to amend ---- 43517
Notices
Applications, etc.:
Niagara Mohawk Power Corp ---- 43562
Pacific Gas and Electric Co ---- 43563

PENSION BENEFIT GUARANTY CORPORATION
Rules
Declaration and payment of premiums; correction ---- 43512
Guaranteed benefits; final rulemaking ---- 43509

PRESIDENT'S ADVISORY COMMITTEE ON REFUGEES
Notices
Meeting; cancellation ---- 43564

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Chicago Board Options Exchange, Inc ---- 43563

SMALL BUSINESS ADMINISTRATION
Notices
Meetings:
Oklahoma City District Advisory Council ---- 43564

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects; availability, etc.:
Blackwater River (south fork), Mo ---- 43526
South Tyger River, S.C ---- 43527

STATE DEPARTMENT
Notices
Meetings:
Advisory Committee for U.S. Participation in UN Conference on Human Settlements (Habitat) ---- 43518
Shipping Coordinating Committee (2 documents) ---- 43518

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration.

TREASURY DEPARTMENT
See also Customs Service.
Notices
Notes, Treasury:
Series M-1977 ---- 43518

VOL 184 SEP 2275 XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR
270 ... 43479
354 ... 43479
908 ... 43480
926 ... 43480
931 ... 43480

10 CFR
725 ... 43481

PROPOSED RULES:
71 ... 43517

11 CFR
Ch. I ... 43660

PROPOSED RULES:
106 ... 43517

12 CFR
207 ... 43482
220 ... 43482
221 ... 43482
339 ... 43482

PROPOSED RULES:
226 ... 43516

13 CFR
313 ... 43483

14 CFR
39 (2 documents) ... 43484
71 (12 documents) ... 43485–43487
75 ... 43487
1212 ... 43668

PROPOSED RULES:
75 ... 43513

16 CFR
13 ... 43487

18 CFR
3 ... 43488
141 ... 43488

19 CFR
171 ... 43488

21 CFR
Ch. I ... 43488
510 ... 43488
520 ... 43488

PROPOSED RULES:
310 ... 43513

25 CFR

PROPOSED RULES:
221 ... 43513

29 CFR
2602 ... 43512
2605 ... 43509

32A CFR
Ch. VI ... 43489

43 CFR
3304 ... 43489

PUBLIC LAND ORDERS:
5525 ... 43489

46 CFR
252 ... 43490

47 CFR
73 (2 documents) ... 43506

PROPOSED RULES:
73 (2 documents) ... 43514

49 CFR

PROPOSED RULES:
1007 ... 43689

50 CFR
251 ... 43508

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR
410 ... 42306

3 CFR

PROCLAMATIONS:
4313 (See EO 11878) ... 42731
4385 ... 41989
4386 ... 41991
4387 ... 42165
4388 ... 42167
4389 ... 42169
4390 ... 42315
4391 ... 42725
4392 ... 42727
4393 ... 42729
4394 ... 42849

EXECUTIVE ORDERS:
April 18, 1908 (Revoked in part by PLO 5528) ... 42362
July 2, 1910 (Revoked in part by PLO 5512) ... 40162
(Revoked in part by PLO 5517) ... 40814
1959 (Revoked in part by PLO 5515) ... 40811
6583 (Revoked in part by PLO 5536) ... 42553
7595 (Revoked in part by PLO 5515) ... 40811
8649 (Revoked in part by PLO 5534) ... 42552
8780 (Revoked in part by PLO 5534) ... 42552
10480 (See EO 11879) ... 43197
11803 (Amended by EO 11878) ... 42731
11804 (See EO 11878) ... 42731
11861 (Amended by EO 11877) ... 40797
11864 (Superseded by EO 11877) ... 40797
11876 ... 40501
11877 ... 40797
11878 ... 42731
11879 ... 43197

MEMORANDUMS:
Memorandum of August 17, 1975 ... 40139

4 CFR

PROPOSED RULES:
410 ... 41801

5 CFR
151 ... 42733
213 ... 41755, 41993, 42427, 42733–42734, 43211
338 ... 42734
410 ... 42734
752 ... 42734
772 ... 42734

7 CFR
2 ... 41085, 41993
25 ... 42171
25A ... 42171
29 ... 42527
180 ... 42851
210 ... 42735
215 ... 42735
220 ... 42735
225 ... 42735
246 ... 42735
250 ... 42735

7 CFR—Continued
270 ... 42736, 43017, 43479
271 ... 43017
354 ... 41513, 43479
370 ... 43223, 43223
725 ... 41513
905 ... 42317, 42318
370 ... 43223
908 ... 40505, 40815, 41855, 42171, 43018, 43480
910 ... 41086, 42319, 43224
915 ... 41993
919 ... 41994
926 ... 43480
927 ... 42851
931 ... 43480
932 ... 41994
944 ... 42529
945 ... 42530
946 ... 42530
981 ... 43018
989 ... 40141
993 ... 42530
1421 ... 41087, 43225
1434 ... 41087
1801 ... 42178
1822 ... 42178, 42736
1832 ... 42320
1842 ... 42179
1843 ... 42179

PROPOSED RULES:
1 ... 40849
51 ... 40522
201 ... 40524
906 ... 42886, 42887
910 ... 40528
924 ... 43036
927 ... 42023
931 ... 40170
948 ... 40528
966 ... 42887
982 ... 40866
989 ... 40848
1046 ... 40843, 42022
1250 ... 42883
1430 ... 42864
1464 ... 41530

8 CFR
103 ... 42852
341 ... 42852

9 CFR
54 ... 40505, 42739
73 ... 42179
78 ... 41516
91 ... 40506
112 ... 41994
113 ... 41088, 41994
317 ... 42852
381 ... 42337

PROPOSED RULES:
113 ... 41139
317 ... 41139
319 ... 41139

10 CFR
20 ... 42557
37 ... 42558
50 ... 40816
73 ... 42558

10 CFR—Continued
204 ... 42338
205 ... 40141
210 ... 40818
211 ... 40821
212 ... 40142, 40818, 40821, 40824
213 ... 40143
725 ... 43481

RULINGS:
1975–9 ... 40826
1975–10 ... 40826
1975–11 ... 40827
1975–12 ... 40828
1975–13 ... 40831
1975–14 ... 40833
1975–15 ... 40832
1975–16 ... 40834

PROPOSED RULES:
71 ... 43517
206 ... 42448
213 ... 42578

11 CFR
Ch. I ... 40668, 43660

PROPOSED RULES:
106 ... 43517
113 ... 41932

12 CFR
207 ... 43482
211 ... 43199
213 ... 40506
215 ... 40506, 43199
220 ... 43482
221 ... 43482
226 ... 43199, 43200
339 ... 43482
523 ... 41755, 41996
544 ... 42853
545 ... 41756, 42853
563 ... 41997
603 ... 40454
701 ... 41000
703 ... 41997
760 ... 41998

PROPOSED RULES:
9 ... 40859
202 ... 42030
208 ... 40857
226 ... 43516
337 ... 40548, 41530
341 ... 40856
561 ... 42371
563 ... 42371, 42898
564 ... 42371
569a ... 42371
571 ... 42371

13 CFR
123 ... 42180
313 ... 43483

14 CFR
37 ... 42183
39 ... 41090–41092, 41519, 42180, 42339, 42739, 42741, 42854, 43019, 43484
71 ... 41520, 41998, 42180, 42340–42342, 42740, 42741, 43019, 43020, 43485–43487

V 40 184 SEP 2275 XUM

14 CFR—Continued
73 41092
75 43487
95 42181
97 41092, 42342, 43020
121 42183, 42185
171 41093
241 42655
298 42855
312 43211
372a 42741
378a 41093
1212 43668

PROPOSED RULES:
Ch. I 42754
39 41143, 41537, 42023
67 42024
71 42025, 42364–42366
75 42756, 43036, 43513
385 40816

15 CFR
371 40507
377 40507
903 41998

PROPOSED RULES:
80 42209

16 CFR
4 40780
13 40143–40154, 40508, 41071–41081, 41756–41758, 42201–42203, 42742, 43487
259 42003
1116 42004

PROPOSED RULES:
445 42757
453 42212, 42371
454 41144
1014 42025, 43231
1207 42562

17 CFR
17 41117
18 41117
146 41056
200 40512
201 42186
240 40512, 41520, 42343
249 40512, 41521
270 41759, 42862

PROPOSED RULES:
210 40550
230 40555
231 42212
239 42212
240 40858, 41808, 42212, 42219, 42905
241 42212
249 40858
259 42212
270 40555, 41818, 42757

18 CFR
1 42005
2 41760, 42005
3 43488
141 43488
157 41769

PROPOSED RULES:
35 42029
154 41539
157 41539
201 41539
260 41539

19 CFR
10 43021
112 41084
148 41084
171 43488
172 43026

PROPOSED RULES:
12 41118
153 43226
175 43226
201 40173
210 40173

20 CFR
200 41084
260 41084
404 42863
405 42006, 43211
450 42865

PROPOSED RULES:
405 40171, 40537, 40850

21 CFR
Ch. I 40520, 43488
29 42866
121 40799, 41085, 42866
123 42343
431 41522
436 41522
449 41523
452 41773
510 42007, 43213, 43488
520 43488
522 42007
540 42007
556 41085
561 41773, 42343
1010 40800
1040 40800
1304 42866

PROPOSED RULES:
1 40682
2 40682
5 40682
6 40682
8 40682
10 40682
11 40682
80 40682
90 40682
100 40682
102 40682
121 40529, 40682, 41797
202 40682
310 40682, 43513
312 40682
314 40682
328 40682
330 40682
429 40682
430 40682
431 40682
433 40682
511 40682
514 40682
601 40682
640 41799
701 40682
1000 42749
1003 40682
1004 40682
1210 40682

22 CFR
42 42632

PROPOSED RULES:
6a 40456

23 CFR
450 42976, 42979
470 42344
633 42867
658 41774, 42186
710 41523
750 42842

24 CFR
25 43026
280 42061, 42007
300 43027
570 41509, 42347
888 40513
1914 41509, 42009, 42872, 43219
1915 41510, 42553, 42874, 43220
1916 42348, 42349, 43027
1917 41108–41115, 42349
1920 41115, 41116, 42557, 42743

PROPOSED RULES:
406 42560
805 43372

25 CFR
PROPOSED RULES:
33 40982
43h 42020
221 43513
233 42884
401 40982
402 40982
403 40982
404 40982
405 40982
406 42560
407 40982

26 CFR
1 42743, 43034
31 42349

PROPOSED RULES:
1 41118
31 43226

28 CFR
0 42745
2 41328

29 CFR
56 43170
57 43170
58 43170
570 40800
1952 40155–40157
2530 41654
2602 42876, 43512
2603 43213
2604 42533
2605 43509
2606 42877

PROPOSED RULES:
603 40537
608 40537
609 40537
687 40537
1910 40170, 40849, 41530, 41797
1915 41530
1916 41530
1917 41530
1918 41530

29 CFR—Continued
PROPOSED RULES—Continued
1926 40170, 41530
1952 41148

30 CFR
77 41775

PROPOSED RULES:
211 41122
216 41122
250 42559, 43036

32 CFR
197 42186
1808 42736

PROPOSED RULES:
1481 42997
1814 42444
2102 40792

32A CFR
Ch. VI 43489

33 CFR
117 41524, 42189, 43213
155 42189
265 42652
266 42654

PROPOSED RULES:
1 42210
117 41537
183 43226
305 41636

35 CFR
253 42996

PROPOSED RULES:
10 40485

36 CFR
901 41524
1000 40802

PROPOSED RULES:
7 41138, 42364
903 41530

38 CFR
4 42535
21 42878
36 42190

PROPOSED RULES:
3 41540, 42578

39 CFR
111 42541
3002 43033

PROPOSED RULES:
42 43232
43 43232
44 43232
45 43232
47 43232
111 43233

40 CFR
52 40158–40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42542, 42895–42896, 43214–43216
60 42194
61 42195
162 41788, 42746
180 40161, 42357
230 41292
435 42543

40 CFR—Continued
PROPOSED RULES:
16 40792
35 41644, 43231
52 40172, 40854–40856, 42211, 42368, 42369, 42757, 43231
60 42028
126 41649
142 40538
162 40538
172 40545
180 41538, 42757
246 42986
430 41298
435 42572

41 CFR
8–1 43217
8–2 40803
8–3 40803
14–3 40517, 42746
101–26 41093
101–35 42358
101–38 42358
101–43 42361
101–44 42361
105–61 42881
114–42 40517
114–60 42746

PROPOSED RULES:
3–4 42673
14H–70 41025
51–8 42444
60–5 41149

42 CFR
110 41095

PROPOSED RULES:
36 42658
67 42890

43 CFR
3304 43489

PUBLIC LAND ORDERS:
2249 (Revoked in part by PLO 5515) 40811
4089 (Revoked in part by PLO 5515) 40811
4148 (Revoked in part by PLO 5515) 40811
4643 (Revoked in part by PLO 5511) 40162
4889 (Revoked in part by PLO 5515) 40811
5175 (Amended by PLO 5519) 40814
5180 (Amended by PLO 5519) 40814
5191 (Amended by PLO 5519) 40814
5394 (Amended by PLO 5519) 40814
5418 (See PLO 5519) 40814
5438 (Amended by PLO 5519) 40814
5511 40162
5512 40162
5513 40162
5514 40811
5515 40811
5516 40814
5517 40814
5518 40814
5519 40814
5520 40815
5521 40815
5522 41096
5523 41095, 43028
5524 41095

43 CFR—Continued
5525 41794, 43489
5526 42195
5527 42362
5528 42362
5529 42551
5530 42551
5531 42553
5532 42551
5533 42551
5534 42552
5535 42551
5536 42563
5537 43028
5538 43217

PROPOSED RULES:
4 42020
23 41122
3040 41122

45 CFR
30 40162
46 40163
100 41795
101 41795
169 40518
212 43218
220 43182
224 43182
233 43182
250 42013
1208 40805
1600 42362

PROPOSED RULES:
56 41140
160a 41670
233 41143
249 42560
706 40783
1115 42457
1602 42374

46 CFR
Ch. I 42195, 42746
32 40163
35 40163
50 40163
52 40163
53 40163
54 40163
56 40164
58 40168
63 40169
146 41795
252 43490
410 41526
402 41526

PROPOSED RULES:
32 42751
35 42751
77 42751
78 42751
96 42751
167 42751
184 42751
185 42751
195 42751
196 42751

47 CFR
1 42882
2 40810
73 42882, 43028, 43506
74 40810
91 40169

V40 I184 SEP 2275 XUM

47 CFR—Continued

PROPOSED RULES:

2 ..... 42028, 42577, 42897, 43037
73 ..... 40172, 42028, 42369, 42577, 42578, 43028, 43514
89 42577
91 ..... 42028, 42577

49 CFR

25 41040
171 41527
172 41527
173 41527
174 41527
175 41527
177 41527
178 41527
325 42432
385 40810
Ch. V 41796, 42013
552 42013
553 42015
555 42015
571 ..... 42748, 42897
613 42984
1033 ..... 40518, 40519

49 CFR—Continued

1134 42343
1308 40518
1320 41528
1322 41528

PROPOSED RULES:

10 43037
102 41537
107 41537
170 41537
171 ..... 40171, 40853, 40854, 41537
172 41537
173 41537
174 41537
175 41537
176 41537
177 41537
178 41537
179 41537
180 41537
181 41537
182 41537
183 41537
184 41537
185 41537
186 41537
187 41537

49 CFR—Continued

PROPOSED RULES—Continued

188 41537
189 41537
215 42895
571 ..... 40537, 40853, 42756
573 43227
583 ..... 42366, 42895
1007 43689
1037 42221
1106 42578
1106 ..... 41153, 40854, 42573
1201 42899
1307 ..... 42033, 43038

50 CFR

20 ..... 41096, 42015
28 ..... 41105, 42017, 42195, 42748
32 ..... 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748, 42883, 43029, 43030, 43032, 43218, 43219
251 43508

PROPOSED RULES:

17 40521
216 ..... 41531, 42210, 43040
501 41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18
43197–43477	19
43479–43711	22

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. No. 70]

PART 270—GENERAL INFORMATION AND DEFINITIONS

Economic Unit

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011–2026), the regulations governing the operation of the Food Stamp Program are hereby amended.

The amendment is for the purpose of conforming the regulations to language submitted pursuant to a Court order and approved by the Court in the case of *Knowles, et al. v. Butz, et al.*, USDC, N.D. Ca.—Civil Action No. C–72–1578–AJZ. Among the issues in that case was certifying, as separate households, persons or groups of persons who share common living quarters. The court ordered the federal defendants to submit for its approval a revised definition of the term "economic unit" which appears in the Food Stamp Certification Handbook issued by the Food and Nutrition Service for the guidance of State agencies in carrying out their responsibilities in certifying households for participation in the program. The term "economic unit" is an integral part of the definition of "household" which appears in section 3(e) of the Food Stamp Act of 1964, as amended (7 U.S.C. 2013(e)).

The court has now approved the definition submitted by the federal defendants and it is hereby incorporated in the program regulations. It is determined to be unnecessary to give notice of proposed rulemaking with respect to this amendment inasmuch as its substance was approved by the court with the understanding that it would be published in the FEDERAL REGISTER as an amendment to the regulations. However, the Department believes that the public should have an opportunity to comment on this amendment. Comments are, therefore, solicited until October 22, 1975. Written comments, suggestions or objections should be submitted to Jack Nichols, Acting Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Acting Director, Food Stamp Division, during regular business hours (8:30 a.m. to 5 p.m.) at 500 12th Street, S.W., Washington, D.C., Room 650. Changes in this amendment may be made, after due consideration of the comments, suggestions or objections received and approval of such changes by the court.

Accordingly, § 270.2(jj) of Part 270 of Chapter II, Title 7, Code of Federal Regulations is amended by adding to the end thereof, the following new sentences:

§ 270.2 Definitions.

. . . . . .

(jj) . . . For the purpose of this definition, the term "economic unit" means a group of individuals for whom food is customarily purchased and stored in common for use by all members of the group and for whom common living costs (such as, but not limited to, shelter costs) are customarily being met from the income and/or resources available to an individual within the group. Sharing by a group of individuals of common living quarters and even common shelter costs does not necessarily cause the group to be considered an economic unit. However, such sharing along with the purchasing of food in common, are factors which strongly indicate that the common living costs are shared by the group. Therefore, if any member or members, of the group wish to be considered as separate economic units, they are responsible for establishing that they do constitute separate economic units.

. . . . . .

(78 Stat. 703, as amended, 7 U.S.C. 2011–2026)

Effective date: This amendment shall become effective September 22, 1975.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Service)

Dated: September 16, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75–25181 Filed 9–19–75;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, February 3, 1975 (40 FR 4897), March 20, 1975 (40 FR 12646), May 1, 1975 (40 FR 19828), May 6, 1975 (40 FR 19633), July 22, 1975 (40 FR 30621), and September 8, 1975 (40 FR 41513), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

In the table, the entry for Ponce, Puerto Rico is revised and the entries for Pennsylvania and Texas are amended to read as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

. . . . . .

Commuted traveltime allowances

[In hours]

Location covered	Served from	Metropolitan area: Within	Metropolitan area: Outside
Pennsylvania:			
. . . . .			
Wilkes-Barre/Scranton.			2
Puerto Rico:			
. . . . .			
Ponce (including all subports in the Ponce customs district).	San Juan		4
. . . . .			
Texas:			
. . . . .			
Kelly Air Force Base.	Boerne		3
. . . . .			
San Antonio International Airport.	Boerne		2
. . . . .			

(64 Stat. 561; (7 U.S.C. 2260))

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

V 40 184 SEP 22 75 KUM

Effective date. The foregoing amendment shall become effective September 22, 1975.

Done at Washington, D.C., this 16th day of September 1975.

THOMAS G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75-25121 Filed 9-19-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 515; Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 12–18, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 515 (40 FR 42177). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.815 (Valencia Orange Regulation 515 (40 F.R. 42177)) are hereby amended to read as follows:

(i) District 1: 248,000 cartons;
(ii) District 2: 552,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 17, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-25177 Filed 9-19-75;8:45 am]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of $162,873 of the Industry Committee, under Marketing Order No. 926, for the 1975–76 season and fixes the rate of assessment at $0.055 per No. 38L grape lug or equivalent quantity of Tokay grapes, handled during such period, to be paid to the committee by each first handler as his pro rata share of such expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from 1974–75 and prior seasons.

On August 25, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 37044) regarding proposed expenses and the related rate of assessment for the season of April 1, 1975, through March 31, 1976, and the carryover of unexpended 1974–75 assessment funds, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), which regulate the handling of Tokay grapes grown in San Joaquin County, California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice invited interested persons to submit written data, views, or arguments on the proposal not later than September 12, 1975. No such material was submitted.

After consideration of all relevant matter presented, including the proposals set forth in said notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order) it is hereby found and determined that:

§ 926.215 is added as follows:

§ 926.215 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1975, through March 1, 1976, will amount to $162,873.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each first handler in accordance with § 926.46, is fixed at five and one-half cents ($0.055) per No. 38L grape lug (as specified in § 1387.11 of the Regulations of the California Department of Food and Agriculture) or equivalent quantity of Tokay grapes.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the season ended March 31, 1975, and prior years shall be carried over as a reserve in accordance with the applicable provisions of § 926.47.

(d) *Terms.* Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) assessable shipments of the current crop of Tokay grapes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular season shall be applicable to all assessable Tokay grapes from the beginning of the season; and (3) the season began on April 1, 1975, and the rate of assessment herein fixed will automatically apply to all assessable grapes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 17, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-25120 Filed 9-19-75;8:45 am]

[Bartlett Pear Regulation 10; Amdt. 1]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

This amendment extends the grade, size, container and pack requirements contained in Bartlett Pear Regulation 10 through June 30, 1976. These requirements are that Bartlett Pears meet the grade requirements of U.S. No. 1 and be at least 165 size or U.S. No. 2 Grade and 150 size. Red Bartlett pears shall meet the grade requirements of the U.S. No. 1 grade and be at least 180 size or the U.S. No. 2 grade and be at least 165 size. Pears in specified containers may grade U.S. No. 2 and be 2¼ inches or 2⅛ inches in diameter as specified for the particular container. Several containers and packs are authorized.

On August 27, 1975, notice of proposed rule-making was published in the FEDERAL REGISTER (40 F.R. 38164) regarding a proposed amendment of Bartlett Pear Regulation 10 which was issued pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett Pears grown in Oregon and Washington. This notice allowed interested persons until September 10, 1975, to submit written data, views, or arguments pertaining to Bartlett Pear Regulation 10 and or this proposed amendment. None were submitted. Both the regulation and this amendment were recommended by the Northwest Fresh Bartlett Pear Marketing Committee established pursuant to the said marketing agreement and Order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment reflects the Department's appraisal of the need for regulation of shipments of fresh Oregon-Washington Bartlett Pears during the period September 29, 1975, through June 30, 1976, based on the available supply and current and prospective market conditions. Oregon-Washington production in 1975 is estimated at 211,000 tons, compared with 197,500 in 1974. The grade and size requirements specified for Oregon-Washington Bartlett pears are consistent with the quality and size composition of the estimated crop, while container and pack requirements reflect trade preferences and needs. The amendment is necessary to ensure the continued shipment of Bartlett Pears which satisfy the demands of the fresh trade. The amendment is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

It is hereby further found that good cause exists for making this amendment effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this amendment was published in the FEDERAL REGISTER on August 27, 1975 (40 F.R. 38164), and no objection to such amendment was received; (2) the regulatory provisions are the same as those contained in said notice; and (3) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. The introductory portion of paragraph (b) of § 931.310 is hereby revised to read as follows:

§ 931.310 Bartlett Pear Regulation 10.

• • • • • •

(b) During the period August 18, 1975, through June 30, 1976, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraphs (4) or (5) of this paragraph:

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 17, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-25176 Filed 9-19-75;8:45 am]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 725—PERMITS FOR ACCESS TO RESTRICTED DATA

Restricted Data on Lithium Isotope Separation

The Energy Research and Development Administration hereby announces the availability of certain Restricted Data concerning the separation of isotopes of lithium under the conditions established by 10 CFR, Part 725, including those relating to patents and other technical data now applicable to access permits covering Category C–24 (Isotope Separation). Restricted Data concerning lithium isotope separation technology shall be available as a special subcategory, C–44e to those persons whose Access Permits specifically cover such data. Persons currently holding an Access Permit covering other categories of information may apply, in accordance with 10 CFR, Part 725, for an amendment to their Access Permit covering data in this new subcategory. The data contained in this new subcategory shall include classified technical information on the separation of lithium isotopes by using counter-current flows of lithium amalgam and aqueous lithium hydroxide solution in packed columns. Not included is information regarding plant design and operating conditions from which total production rates or design capacity of the lithium isotope separation plant (Colex) in Oak Ridge can be inferred.

Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) the Administration has found that good cause exists for making this amendment effective without the customary 30-day notice period. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter III, Code of Federal Regulations, Part 725 is published as a document subject to codification to be effective September 22, 1975. While the regulations are effective on September 22, 1975, the public is invited to submit comments provided they are received by December 20, 1975. Comments should be in writing and submitted to the Assistant Administrator for Administration, Attention: ISL, Energy Research and Development Administration, Washington, D.C. 20545.

Appendix A of 10 CFR, Part 725 is amended by adding to Category C–44 the following subcategory:

C–44 *Nuclear Technology.* • • •

• • • • • •

d. Lithium isotope separation technology.

This subcategory includes classified technical information on the separation of lithium isotopes by using counter-current flows of lithium amalgam and aqueous lithium hydroxide solution in packed columns. Not included is information regarding plant design and operating conditions from which total production rates or design capacity of the lithium isotope separation plant (Colex) in Oak Ridge, Tennessee, can be inferred. In addition to the other requirements of this Part, access permits for Restricted Data in this subcategory will be approved, *provided* the permittee:

1. Demonstrates that it is not a corporation or entity owned, controlled or dominated by an alien, a foreign corporation, or a foreign government, and

2. Agrees to insertion in his access permit of the terms and conditions:

(i) Set forth in paragraphs (a) and (b) of § 725.23 of this Part;

(ii) Set forth in paragraph (c) of § 725.23 of this Part, amended by deleting the phrase "category C–24, isotope separation," and inserting in lieu thereof the phrase "subcategory C–44e, lithium isotope separation technology";

(iii) Set forth in paragraph (d) of § 725.23 of this Part, amended by:

(A) Deleting the phrases "production or enrichment of special nuclear material" and "separation of isotopes" wherever they appear, and inserting in lieu thereof the phrase "separation of isotopes of lithium";

(B) Deleting the phrase "domestic commercial uranium enriching services are provided by," and inserting in lieu thereof the phrase "domestic lithium isotope separation capacity becomes available to."

(Sec. 161.i., 68 Stat. 949, 42 U.S.C. 2201.i.; sec. 105, Energy Reorganization Act of 1974, Pub. L. 93-438)

Signed: September 16, 1975.

Effective: September 22, 1975.

For the Energy Research and Development Administration:

ROBERT F. ALLNUTT,
Deputy Assistant Administrator for Administration.

[FR Doc.75-25209 Filed 9-19-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Regs. G, T, and U]

SECURITIES CREDIT TRANSACTIONS

"Same-Day Substitution" Limitation To Be Reinstated at 30 Per Cent Level on November 3, 1975

The Board's securities credit regulations, Parts 207, 220, and 221 (Regulations G, T, and U), generally require that in the case of purchase-and-sale substitutions of securities in an undermargined account a specified portion of the sale proceeds must be used to strengthen the account. Until September 18, 1972, there was an exemption from that requirement for all accounts when both the purchase and sale were executed on the same day. By amendments published in the FEDERAL REGISTER at 37 FR 13972, effective September 18, 1972, the Board narrowed the same-day exemption and limited it to accounts in which the customer's equity was at least 40 percent.

The limitation in the September 18, 1972, amendments was suspended twice, with the existing suspension scheduled

V40I184 SEP 2275 XUM

for expiration on September 30, 1975, while the Board reviewed the appropriateness or inappropriateness of maintaining the 40 percent equity requirement with respect to the exemption for same-day substitutions.

The Board has determined that the limitation should apply, under present circumstances, to accounts in which the customer's equity is less than 30 percent rather than 40 percent. The suspension from the limitation will be extended through November 2, 1975, to allow the industry time to make necessary adjustments.

To implement these changes the Board amends 12 CFR, Chapter II, Subchapter A, Parts 207, 220 and 221 as follows:

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

1. Part 207 (Reg. G), paragraph (f) of § 207.5 (the Supplement to Regulation G) is amended by lowering the minimum equity ratio from 40 percent to 30 percent and changing the final date of the suspension period from September 30, 1975, to November 2, 1975. The amended section reads as follows:

§ 207.5 Supplement.

* * * * *

(f) *Minimum equity ratio.* The minimum equity ratio of a credit subject to § 207.1 is 30 percent. For the period November 5, 1974, through November 2, 1975, all same-day substitutions of collateral permitted by § 207.1(j)(2) for credits in which the equity ratio equals or exceeds the minimum equity ratio shall also be permitted for all credits in which the equity ratio is less than the minimum equity ratio.

PART 220—CREDIT BY BROKERS AND DEALERS

2. Part 220 (Reg. T), paragraph (g) of § 220.8 (the Supplement to Regulation T) is amended by changing the figures to be used in the computation which appear in subparagraphs (1) and (2) and by changing the expiration date of the suspension in subparagraph (3) to November 2, 1975. The amended section reads as follows:

§ 220.8 Supplement.

(g) *Account subject to section 8(g).* For purposes of the computation described in § 220.3(b)(1)(ii),

(1) The maximum loan value of a registered non-equity security held in the account on March 11, 1968, and continuously thereafter, and of a margin equity security shall be 70 percent of the current market value of such security, and the maximum loan value of an exempted security held in the account on March 11, 1968, and continuously thereafter shall be the maximum loan value of the security as determined by the creditor in good faith.

(2) The amount to be included in the adjusted debit balance of the account pursuant to § 220.3(d)(3) as margin required for short sales of securities (other than exempted securities) shall be 30 percent of the current market value of each security.

(3) For the period November 5, 1974, through November 2, 1975, all transactions permitted by §§ 220.3(b)(1) and 220.3(g) for accounts not subject to section 8(g) shall also be permitted in accounts subject to section 8(g).

* * * * *

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCK

3. Part 221 (Reg. U), paragraph (f) of § 221.4 (the Supplement to Regulation U) is amended by changing the minimum equity ratio from 40 percent to 30 percent and by changing the expiration date of the suspension period from September 30, 1975 to November 2,. 1975. The amended section reads as follows:

§ 221.4 Supplement.

(f) *Minimum equity ratio.* The minimum equity ratio of a credit subject to § 221.1 is 30 percent. For the period November 5, 1974, through November 2, 1975, all same-day transactions permitted by 221.1(c) for credits in which the equity ratio is equal to or exceeds the minimum equity ratio shall also be permitted for those credits in which the equity ratio is less than the minimum equity ratio.

(Sec. 7, Securities Exchange Act of 1934 (15 U.S.C. 78g).)

The requirements of 5 U.S.C. 553 with respect to notice, public participation and deferred effective date were not followed in connection with these amendments since they relieve restrictions and the Board found that to follow the requirements of section 553 would be impractical, unnecessary, and contrary to the public interest.

Effective date. These amendments are effective September 30, 1975.

By order of the Board of Governors, September 16, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25186 Filed 9-19-75;8:45 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

[2486]

PART 339—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Delaying Community Participation Requirement in Certain Circumstances

1. The following amendment is intended to conform the provisions of existing regulations to the amendment to the Flood Disaster Protection Act of 1973 (the "Act") effected by Section 303 of the Emergency Housing Act of 1975. Sections 201(d) and 202(b) of the Act provide generally that no loans secured by improved real estate or mobile homes may be made by federally chartered, supervised, or insured lending institutions in flood prone areas of communities designated by the Secretary of Housing and Urban Development as communities having such flood prone areas unless the communities concerned are participating in the National Flood Insurance Program by July 1, 1975, or one year from such designation, whichever is later. Section 303 of the Emergency Housing Act of 1975 amends Section 202(b) of the Act to provide an extended deadline for community participation with respect to certain loans secured by improved real estate or mobile homes which are made to finance the acquisition of previously occupied residential dwellings. Section 303 permits, until January 1, 1976, or one year from the date of a community's identification by the Secretary of Housing and Urban Development as a community containing special flood hazard areas, whichever is later, the making of certain loans secured by improved real estate or mobile homes by federally chartered, supervised or insured lending institutions, where such loans are made for the purpose of acquiring previously occupied residential dwellings located in the special flood hazard areas of the identified community, even though the community is not participating in the National Flood Insurance Program.

A loan secured by improved real estate or a mobile home which is not made to finance the acquisition of a previously occupied residential dwelling will be subject to the prohibitions against making of such loans contained in Sections 201(d) and 202(b) of the Act, as described above. Thus, for example, loans secured by improved real estate or mobil homes may be made within flood prone areas of a community identified on February 1, 1975 as containing such areas until February 1, 1976, irrespective of whether or not the loan concerned was made to finance the acquisition of a previously occupied residential dwelling. On the other hand, by virtue of the amendment to Section 202(b) of the Act, the making of loans to finance the acquisition of previously occupied residential dwellings would be permitted in flood prone areas until January 1, 1976, even though the community was notified on September 1, 1974 of its status as a community containing special flood hazards, and even though the community was not participating in the National Flood Insurance Program at the time the loan was made. However, federally related financial assistance (*e.g.*, FHA and VA-insured or guaranteed loans) falls under the provisions of Section 202(a) of the Act with respect to community participation, and is hence not included within the scope of either the amendment to Section 202(b) of the Act or the following amendment to § 339.2 of the Corporation's regulations. A "previously occupied residential dwelling" is any dwelling or dwelling unit intended for and used primarily for residential purposes, including apartments occupied by tenants or lessees, single or multiple family residences, mobile homes, condominiums, and cooperatives. At the time the loan is made, the dwelling unit must either be occupied as a residence or have been occupied as a residence by the owner or his tenant.

The Corporation also deems it desirable to publish herein a clarification of its position concerning loan commitments entered into prior to the applicable deadline for community participation. The date of the commitment will be controlling if the commitment is a bona fide unconditional commitment. A commitment will be deemed unconditional if only standard conditions are contained therein (*e.g.*, conditions governing duration of commitment, proof of title, interest rate, disbursement of funds at various stages of construction). Thus, for example, if the deadline for a community's participation in the National Flood Insurance Program is January 1, 1976, and an unconditional commitment was entered into on December 1, 1975 with closing and disbursement scheduled for January 15, 1976, the funds may be disbursed on January 15 even if the community is not participating in the program.

2. Section 339.2 of Part 339 of Chapter III, Title 12 of the Code of Federal Regulations is amended by adding a new sentence at the end thereof as follows:

§ 339.2 Prohibition as to loans in non-participating communities.

* * * *Provided*, that the prohibition contained in this section shall not apply to any loan made prior to January 1, 1976 or one year from the date of official notification to the chief executive officer of a community by the Secretary of Housing and Urban Development that the community is one containing special flood hazard areas, whichever is later, if the loan is made to finance the acquisition of a previously occupied residential dwelling.

(Sec. 201(d), Sec. 202(b), Sec. 303, 87 Stat. 982, 89 Stat. 256)

3. Since Section 303 of the Emergency Housing Act of 1975 already embodies the substance of this amendment, the requirements of Sections 553(b) and 553(d) of Title 5 of the United States Code and §§ 302.1, 302.2, and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation with respect to notice, public participation, and deferred effective date were not followed in connection with the promulgation of this amendment.

4. *Effective date.* This amendment is effective immediately.

By order of the Board of Directors, September 16, 1975.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.75-25123 Filed 9-19-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 313—JOB OPPORTUNITIES PROGRAM

Project Selection Procedures

Pursuant to the authority vested in it by sections 701 and 1006 of the Public Works and Economic Development Act of 1965, as amended (hereafter referred to as the Act), the Economic Development Administration hereby amends 13 CFR Part 313. The purpose of these amendments is to codify and promulgate the procedures used to select programs and projects for allocation of funds under the Job Opportunities Program (Title X of the—Act), and to make technical changes to accurately implement Department of Commerce Organization Order 10-4 in which final approval of allocations was reserved to the Secretary of Commerce.

Congress recently appropriated $375 million in additional funding for the Job Opportunities Program. Therefore, issuance of the following regulations is considered to be especially important at this time since it is anticipated that additional allocations will be made by the Secretary of Commerce to departments, agencies and instrumentalities of the Federal Government and Regional Commissions for funding of programs and projects otherwise authorized by the laws administered by such agencies. In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable. In addition, delay in the implementation of these regulations would be contrary to the public interest. Title X is an emergency program designed to create jobs for the unemployed as rapidly as possible at a time of high unemployment. All funds appropriated for the program must be obligated by December 31, 1975. Federal agencies and Regional Commissions have already been asked to submit recommendations for programs and projects to the Secretary of Commerce and the Secretary of Labor. In making these recommendations, the Federal agencies and Regional Commissions need to be aware of the criteria that will be used in the final selection of projects for funding under Title X.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data, or arguments to the Assistant Secretary for Economic Development, U.C. Department of Commerce, Room 7800B, Washington, D.C. 20230 by October 22, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, the amendments to 13 CFR Part 313 as set forth below shall remain in effect, thus permitting the public business to proceed more expeditiously.

State and political subdivisions and other eligible parties interested in obtaining Title X assistance should address inquiries or make applications concerning particular programs or projects to the department, agency or instrumentality of the Federal Government (or Regional Commission) administering a program offering assistance of the type related to the applicant's interest. For further information see the Catalogue of Federal Domestic Assistance Programs.

In consideration of the foregoing, 13 CFR Part 313 is amended as follows:

1. Section 313.5 is amended by revising paragraph (c) to read as follows:

§ 313.5 Program review and request for fund.

* * * * *

(c) After the Assistant Secretary has consulted with appropriate departments, agencies and instrumentalities of the Federal Government or Regional Commissions, the Secretary shall, based upon recommendations from the Assistant Secretary, make allocations of funds to eligible programs and projects in accordance with the priority criteria set forth in § 313.7.

2. Section 313.6 is amended by revising the introductory paragraph to read as follows:

§ 313.6 Eligibility of programs and projects.

Funds allocated or utilized under this part shall be available only for programs or projects which the Assistant Secretary and the Secretary of Labor shall jointly determine are programs or projects:

* * * * *

3. Section 313.7 is revised to read as follows:

§ 313.7 Criteria for allocation of funds.

(a) In addition to the eligibility criteria outlined in § 313.6, the Assistant Secretary, in recommending allocations or utilizing funds under this part, shall assure that priority consideration is given to the following factors:

(1) The severity of unemployment in the area;

(2) The availability of unemployed persons in the area with skills that can and will be utilized in the proposed program or project (labor match factor);

(3) Labor intensity or the ratio of laber costs to total program or project costs;

(4) Leverage or the ratio of Title X funds to total funds;

(5) The ability of the program or project to generate long-term employment;

(6) Cost effectiveness or the cost of creating a man-year of employment; and

(7) The indirect benefit which is based upon whether the proposal has been reviewed as an ongoing or planned fiscal year 1977 program or project.

(b) Programs and projects will be evaluated and assigned a series of scores which indicate how effectively the project satisfies each statutory and policy factor. The maximum weights assigned to each factor are as follows:

	Maximum weight
Statutory factors:	
Unemployment	25
Labor match	25
Labor intensity	25
Policy factors:	
Leverage	5
Long-term employment	5
Cost effectiveness	15
Indirect benefit	(1)

[1] 0 or 25.

V 40 N 184 SEP 22 75 XUM

Projects will be numerically ranked in the order in which it is determined that each project best satisfies the statutory and policy factors.

(c) The Assistant Secretary shall recommended that approximately 85 percent of Title X funds be allocated on the basis of the highest program and project numerical scores. If necessary, recommendations for the remaining funds shall be made for programs and projects with the next highest scores in the following groups:

(1) Additional urban and rural area projects to meet the requirements of § 313.6(b);

(2) Additional projects in States where the initial allocation resulted in assistance too low to be in keeping with their levels of unemployment; and

(3) Projects proposed by those agencies which did not submit enough high scoring projects to test the agency's ability to demonstrate the effect of their priority proposals.

4. Section 313.8 is revised to read as follows:

§ 313.8 Limitations.

(a) A minimum of 50 percent of Part 313 funds shall be used for programs and projects in which no more than 25 percent of the funds will be used for non-labor costs.

(b) Subject to available projects submitted by departments, agencies and instrumentalities of the Federal Government and Regional Commissions, the Assistant Secretary shall, in making recommendations under § 313.3, ensure that Title X funds are equitably distributed to urban and rural areas. Approximately 60 percent (but not less than 45 percent) of the available funds shall be allocated to projects in urban areas. Approximately 40 percent (but not less than 30 percent) of such funds shall be allocated to projects in rural areas.

(c) Programs and projects receiving funds which are made available by the Secretary under this part shall be initiated within a reasonable time period which shall be specified by the Secretary. If a program or project has not been initiated within the time period specified, the funds for such program or project shall be returned to the Secretary for reallocation.

(d) Allocations of funds under this part shall be subject to such terms and conditions as the Secretary may determine are necessary to carry out the purpose of Title X of the Public Works and Economic Development Act of 1965, as amended.

5. Section 313.9 is added to read as follows:

§ 313.9 Administration of programs and projects.

Programs and projects receiving funds which are made available by the Secretary under this subpart shall be administered by the head of the department, agency or instrumentality of the Federal Government authorized to administer such program or project. All provisions of law authorizing and regulating such programs and projects shall be applicable except provisions:

(a) Requiring allocation of funds among the States;

(b) Limiting the total amount of such grants for any period; or

(c) Relating to the Federal contribution to any State or local government, whenever the President or head of such department, agency, or instrumentality of the Federal Government determines that any non-Federal contribution cannot reasonably be obtained by the State or local government concerned.

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10-4 as amended, 35 FR 5970 as amended at 40 FR 12532)

Effective date: This amendment becomes effective on September 22, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

WILMER D. MIZELL,
Assistant Secretary for Economic Development.

SEPTEMBER 12, 1975.

[FR Doc.75-25077 Filed 9-19-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 75-GL-16; Amdt. 39-2372]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Aircraft Corp.; Bellanca Model 17 Series and Model 14-19-3A

Cracks have developed in the aft fuselage structure near the horizontal stabilizer carry-through on Bellanca Model 17 Series airplanes that could result in a reduced structural capability in this area. Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued to require inspection of the aft fuselage structure near the top of the vertical side tubing which connects the horizontal stabilizer carry-through to the upper fuselage longeron for cracks and repair, if necessary, on Bellanca Model 17 Series and on Bellanca Model 14-19-3A because of similar design in the affected area.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELLANCA. Applies to Model 17-30, 17-30A (S/N 30263 through S/N 76-30611), 17-31, 17-31TC, 17-31ATC (S/N 30004, S/N 31004 through S/N 76-31124), 14-19-3A, and 17-31A (S/N 32-15 through S/N 76-32-163) airplanes certificated in all categories.

Compliance required upon accumulation of 900 hours time in service or within the next 25 hours time in service from the effective date of this Airworthiness Directive (whichever occurs later) unless already accomplished, and thereafter at intervals not to exceed 100 hours time in service from the last inspection until Bellanca Kit SK1234789-0004 is accomplished.

To detect cracks in either vertical side fuselage tube (F.S. 7), which is adjacent to the horizontal stabilizer carry-through, in the area near the upper fuselage longeron, accomplish the following:

A. Inspect the vertical tube for circumferential cracks at the upper weld, and between the upper weld and the horizontal stabilizer carry-through tube, all around the tube.

B. If cracks are found, repair and modify in accordance with Bellanca Kit SK1234789-0004 or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region, before further flight, except that the airplane may be flown, in accordance with FAR 21.197, to a base where the repair can be performed.

C. If no cracks are found, no further action is required until the next inspection.

Bellanca Service Letter No. 85 or 85A pertains to this same subject.

This amendment becomes effective September 26, 1975.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on September 12, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-25084 Filed 9-19-75;8:45 am]

[Docket No. 75-SO-121; Amendment No. 39-2373]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-36-285 Airplanes

A bolt has been improperly installed in the aileron control system on a Piper PA-36-285 airplane that resulted in the loss of that system. Since this condition may exist on other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the aileron control system and correction of the installation, if necessary, on Piper PA-36-285 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to PA-36-285 serial numbers 36-7560001 through 36-7560121 inclusive.

Compliance required within the next 10 hours time in service after the effective date of this airworthiness directive.

To determine proper installation of the front bearing plate bolt on the control system torque tube accomplish the following:

a. Remove fuselage belly panel directly beneath the pilot seat.

b. Refer to figure 5-1, sketch A of PA-36 Service Manual and locate front bearing plate to torque tube attachment bolt.

c. Insure bolt (item 14) is tight and exhibits proper thread engagement in barrel nut (visible through aperture in torque tube): a minimum of 1½ threads should be visible.

d. If proper thread engagement is not found, remove forward bolt (item 14) and install proper length bolt (AN4-13A or equivalent).

e. Recheck controls for proper operation.

This amendment becomes effective September 22, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Georgia on September 15, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-25085 Filed 9-19-75;8:45 am]

[Airspace Docket No. 75-SO-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Rockingham, N.C., transition area.

The Rockingham transition area is described in § 71.181 (40 FR 441). In the description, an extension, predicated on the 203° radial of the Pinehurst VORTAC was designated to provide controlled airspace protection for IFR aircraft executing the VOR/DME-A Instrument Approach Procedure. The final approach course has been changed to 205°. It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Rockingham, N.C., transition area is amended as follows:

". . . 203° . . ." is deleted and ". . . 205° . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 11, 1975

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.75-25086 Filed 9-19-75;8:45 am]

[Airspace Docket No. 75-SO-118]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Fort Knox, Kentucky, control zone.

The Fort Knox control zone is described in § 71.171 (40 FR 354). In the description, an extension is predicated on the Fort Knox VOR 052° radial. Godman Army Airfield Runway 22, for which this extension was designated to provide controlled airspace protection, has been closed. It is necessary to alter the description by revoking this extension. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Fort Knox, Kentucky, control zone is amended as follows:

". . . 052° . . ." and ". . . northeast . . ." are deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 11, 1975

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.75-25087 Filed 9-19-75;8:45 am]

[Airspace Docket No. 75-SO-116]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Salisbury, N.C., transition area.

The Salisbury transition area is described in § 71.181 (40 FR 441). In the description, an extension, predicated on the 014° bearing from Salisbury RBN, was designated to provide controlled airspace protection for IFR aircraft executing the NDB-A Instrument Approach Procedure. The final approach bearing has been changed to 017°. It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901, December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Salisbury, N.C., transition area is amended as follows:

". . . 014° . . ." is deleted and ". . . 017° . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 11, 1975.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.75-25088 Filed 9-19-75;8:45 am]

[Airspace Docket No. 75-SO-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 4, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 24019), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Paducah, Ky., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Paducah, Ky., control zone is amended as follows:

All after "8.5 miles southwest" is deleted and ". . . of the RBN." is substituted therefor.

In § 71.181 (40 FR 441), the Paducah, Ky., transition area is amended as follows:

". . . southwest of the VORTAC . . ." is deleted and ". . . southwest of the VORTAC; within a 5.5-mile radius of Metropolis Airport, Metropolis, Ill. (latitude 37°11'09" N., longitude 88°45'02" W.); within 3 miles each side of the 353° bearing from Metropolis RBN (latitude 37°11'03" N., longitude 88°44'54" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 11, 1975.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.75-25089 Filed 9-19-75;8:45 am]

[Airspace Docket No. 75-SO-112]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga., transition area.

The Atlanta transition area is described in § 71.181 (40 FR 441). The description contains an extension predicated on the Atlanta ILS Runway 33 localizer course which has been decommissioned. It is necessary to alter the description by deleting reference to the localizer course and substituting the Jonesboro RBN therefor. In addition, it is necessary to correct the coordinates of The William B. Hartsfield Atlanta International Airport and Dobbins AFB/NAS Atlanta. Also, it is necessary to change the name of the Fulton County Airport to Charlie Brown County Airport. Since this amendment is minor in

V40I184 SEP 2275 XUM

nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Atlanta, Ga., transition area is amended as follows:

". . . (latitude 33°38'35" N., longitude 84°25'25" W.) . . ." is deleted and ". . . (latitude 33°39'31" N., longitude 84°25'34" W.) . . ." is substituted therefor, and ". . . Atlanta ILS Runway 33 localizer southeast course, extending from the 15-mile radius area to 18.5 miles southeast of the LOM . . ." is deleted and ". . . the 151° bearing from Jonesboro RBN, extending from the 15-mile radius area to 18.5 miles southeast of the RBN . . ." is substituted therefor, and ". . . Runway 9L . . ." is deleted and ". . . Runway 9R . . ." is substituted therefor, and ". . . Fulton County Airport . . ." is deleted and ". . . Charlie Brown County Airport . . ." is substituted therefor, and ". . . (latitude 33°54'40" N., longitude 84°31'00" W.) . . ." is deleted and ". . . (latitude 33°54'54" N., longitude 84°30'59" W.) . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 11, 1975.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.75-25090 Filed 9-19-75;8:45 am]

[Airspace Docket No. 75-SO-114]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dublin, Ga., transition area.

The Dublin transition area is described in § 71.181 (40 FR 441). In the description, an extension is predicated on the Dublin VORTAC 272° radial. Since the final approach radial has been changed to Dublin VORTAC 274° radial, it is necessary to amend the description. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Dublin, Ga., transition area is amended as follows:

". . . Dublin VORTAC 272° . . ." is deleted and ". . . Dublin VORTAC 274° . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 11, 1975.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.75-25091 Filed 9-19-75;8:45 am]

[Airspace Docket No. 75-SW-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Big Sandy, Tex., transition area.

On July 24, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 30981) stating the Federal Aviation Administration proposed to alter the Big Sandy, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Big Sandy, Tex., transition area is amended to read:

BIG SANDY, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Ambassador Field (latitude 32°35'00" N., longitude 95°03'45" W.), and within 2.5 miles each side of the Big Sandy, Tex., Ambassador Field NDB 271° bearing extending from the 8.5-mile-radius area to a point 11.5 miles west of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on September 10, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-25092 Filed 9-19-75;8:45 am]

[Airspace Docket No. 75-SW-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Palistine, Tex.

On July 22, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 30670) stating the Federal Aviation Administration proposed to alter the transition area at Palestine, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Palestine, Tex., transition area is amended as follows:

PALESTINE, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Palestine Municipal Airport (latitude 31°47'00" N., longitude 95°42'10" W.) and within 3 miles each side of the 193° bearing from the Palestine RBN (latitude 31°46'48" N., longitude 95°42'03" W.) extending from the 8.5-mile radius to 8.5 miles south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on September 10, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-25093 Filed 9-19-75;8:45 am]

[Airspace Docket No. 75-SO-113]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Ashland, Ky., transition area.

The Ashland transition area is described in § 71.181 (40 FR 441). In the description, an extension is predicated on the York VORTAC 116° radial. Since the final approach radial has been changed to York VORTAC 117°, it is necessary to amend the description. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (40 FR 441), the Ashland, Ky., transition area is amended as follows:

". . . York VORTAC 116° . . ." is deleted and ". . . York VORTAC 117° . . ." is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 11, 1975.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.75-25094 Filed 9-19-75;8:45 am]

[Airspace Docket No. 75-SO-117]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Orangeburg, S.C., transition area.

The Orangeburg transition area is described in § 71.181 (40 FR 441). A new VOR RWY 4 instrument approach procedure, utilizing the Edisto (private) VOR/DME, has been developed for the airport. An additional two square miles of controlled airspace is required to provide adequate protection for the approach procedure. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Orangeburg, S.C., transition area is amended as follows:

". . . southwest of the RBN . . ." is deleted and ". . . southwest of the RBN; within 3 miles each side of Edisto VOR/DME (latitude 33°27'25" N., longitude 80°51'34" W.) 230° radial, extending from the 7.5-mile radius area to 8.5 miles southwest of the VOR/DME . . ." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 11, 1975.

GORDON W. BECKER,
Acting Director, Southern Region.

[FR Doc.75-25095 Filed 9-19-75;8:45 am]

[Airspace Docket No. 75-WE-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On August 8, 1975, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 33461) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Monterey, California Transition Area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., November 6, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on September 11, 1975.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.181 (40 FR 441) the description of the Monterey, California 700 foot transition area is amended to read as follows:

Delete all before "• • •; that airspace extending upward from 1,200 feet • • •" and substitute therefor "That airspace extending upward from 700 feet above the surface within a 13-mile radius of Fritzsche AAF, Fort Ord, California (latitude 36°40'55" N., longitude 121°45'40" W.), excluding the portion S. of latitude 36°32'00" N.; within a 3-mile radius of Watsonville Municipal Airport (latitude 36°56'15" N., longitude 121°47'15" W.); within 3 miles each side of the Salinas VORTAC 330° radial, extending from the 3-mile radius area to the 13-mile radius of Fritzsche AAF and within 3 miles each side of the Watsonville localizer course extending from the 3-mile radius to 5 miles south of Runway 1 threshold of the Watsonville Airport; . . ."

[FR Doc.75-25096 Filed 9-19-75;8:45 am]

[Airspace Docket No. 74-SO-82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Additional Control Areas, Reporting Points, and Jet Routes

On July 25, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 31245) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would modify control areas, jet routes, and reporting points in the Atlantic offshore airspace between Wilmington, N.C., and Miami, Fla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

1. In § 71.163 (40 FR 346):

a. The following additional control areas are revoked:

Control 1150, Control 1151, Control 1152, Control 1153, Control 1232, Control 1386, Control 1404, Control 1412, Control 1489, Myrtle Beach, S.C., and Wilmington, N.C.

b. An additional control area is added as follows:

South Atlantic

That airspace extending upward from 2,000 feet MSL, bounded on the south by Latitudes 24°00'00" N., and 27°00'00" N.; on the west and northwest by Control 1233, by a line from Lat. 24°34'30" N., Long. 80°50'15" W., to Lat. 24°45'45" N., Long. 80°48'15" W., and by a line 3 NM from and parallel to the shoreline; and on the northeast and east by Control 1161 and the New York and Miami Oceanic CTA/FIR.

2. In § 71.209 (40 FR 632):

a. The following reporting points are revoked:

AZANA, BARON, HALBI, SWORD, and SNOOK.

b. The following reporting points are relocated and revised as follows:

CARPS: Lat. 30°24'07" N., Long. 77°44'00" W. (INT of a direct line between Carolina Beach, N.C., RBN and Nassau, Bahamas, RBN, with the 090° bearing from Dinsmore, Fla., RBN, and with the Jacksonville, Fla., VORTAC 090° radial.)

HOBEE: Lat. 29°13'00" N., Long. 79°07'00" W. (INT of the Biscayne Bay, Fla., VORTAC 015° and the Orlando, Fla., VORTAC 070° radials.)

SQUID: Lat. 30°24'40" N., Long. 78°03'42" W. (INT of the 191° bearing from Croaton, N.C., RBN, the 090° bearing from Dinsmore, Fla., RBN, and the Jacksonville, Fla., VORTAC 090° radial.)

c. The following reporting point is added:

ABACO: Lat. 27°00'00" N., Long. 77°34'10" W. (INT of a direct line between Carolina Beach, N.C., RBN and Nassau, Bahamas, RBN, with the 050° bearing from Bimini, Bahamas, RBN.)

3. In § 75.100 (40 FR 705):

a. The following jet routes are revoked:

J-141, J-183, and J-190.

b. J-81 is revised to read as follows:

From Miami, Fla., to Orlando, Fla.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 15, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-25097 Filed 9-19-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2684]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Standard Oil Co.; Correction

In FR Doc. 75-23541 appearing on page 41080 of the issue for Friday, September 5, 1975, the following corrections are made:

1. On page 41080, order Paragraph II, line three, insert ", and" between the words "Order" and "annually";

2. On page 41081, order Paragraph IV, line six should read: "suant to Paragraphs II and II, or any"; line ten should read: "II and III when said statement reveals or".

3. On page 41081, order Paragraph VI, line ten should read: "pursuant to Paragraphs I and II desig-".

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-25185 Filed 9-19-75;8:45 am]

V401184 SEP 2275 XUM

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM74-7; Order No. 533]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHANGES; ETHICAL STANDARDS

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Electric Utilities Reporting; Correction

AUGUST 13, 1975.

Revision to FPC regulations under the Federal Power Act of Electric Utilities Reporting of Projected Generation and Fuel Planning FPC Forms 23 and 23A; and Proposed FPC Form 23B.

On page 37032, published August 25, 1975 40 FR, in the heading: Please change "Order No 533 to Order No. 497–B"

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25119 Filed 9-19-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-262]

PART 171—FINES, PENALTIES, AND FORFEITURES

Filing of Petitions for Relief

Section 171.12 of the Customs Regulations (19 CFR 171.12) presently provides for the filing of petitions for relief from fines, penalties, and forfeitures incurred for violations of laws administered by the United States Customs Service. Paragraph (b) of this section provides that petitions for relief shall be filed within 60 days from the date of mailing of the notice of the fine, penalty, or forfeiture incurred, unless additional time has been authorized as provided in § 23.23(c) of this chapter.

Pursuant to T.D. 72-211, dated August 3, 1972 (37 FR 16486), Part 23 of the Customs Regulations (19 CFR Part 23), Enforcement of Customs and Navigation Laws, was deleted, and Part 162 (19 CFR Part 162), Inspection, Search, and Seizure, was added. The provisions formerly contained in section 23.23(c) are now set forth in § 162.32(a) of the Customs Regulations (19 CFR 162.32 (a)).

Therefore, it is necessary to amend § 171.12(b) of the Customs Regulations (19 CFR 171.12(b)) by substituting a reference to § 162.32(a) of this chapter for the reference to § 23.23(c) of this chapter.

Accordingly, § 171.12 of the Customs Regulations (19 CFR 171.12) is hereby amended as set forth below:

Paragraph (b) of § 171.12 is amended by deleting the reference to "§ 23.23(c)", and substituting the reference "§ 162.32(a)" therefor.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

Because this amendment merely conforms a reference within the Customs Regulations and requires no public initiative, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective September 22, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 9, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-25140 Filed 9-19-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75N-0067]

RADIOACTIVE NEW DRUGS AND RADIOACTIVE BIOLOGICS

Termination of Exemptions

Corrections

In FR Doc. 75-19315 appearing at page 31298, in the issue for Friday, July 25, 1975, the date in the ninth line of the effective date paragraph, which reads "July 26, 1975," should read "July 26, 1976."

PART 510—NEW ANIMAL DRUGS

Change in Firm Name

The Commissioner of Food and Drugs has been advised by Beecham-Massengill Pharmaceuticals, Div. of Beecham, Inc., Bristol, TN 37620, that its name has been changed to Beecham Laboratories. Accordingly, the regulations are amended in § 510.600(c) (21 CFR 510.600(c)) to reflect the new company name.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 510.600 is amended in paragraphs (c) (1) and (2) by deleting the references for Beecham-Massengill Pharmaceuticals, and by adding a new sponsor alphabetically to paragraph (c) (1) and numerically to paragraph (c) (2), to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	*
Beecham Laboratories, Division of Beecham, Inc., Bristol, Tenn. 37620	000029
* * * * *	*

(2) * * *

Drug listing No.	*Firm name and address*
* * * * *	*
000029	Beecham Laboratories, Division of Beecham, Inc., Bristol, Tenn. 37620.
* * * * *	*

Effective date. This regulation shall be effective September 22, 1975.

(Sec. 512(i), 82 Stat.) 347 (21 U.S.C. 360b (i)).)

Dated: September 15, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-25101 Filed 9-19-75;8:45 am]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Sulfadimethoxine Sustained Release Boluses

The Commissioner of Food and Drugs has evaluated a new animal drug application (93-107V) filed by Hoffmann-La Roche, Inc., Nutley, NJ 07110, proposing the safe and effective use of 12.5 gram sulfadimethoxine sustained release boluses for the treatment of beef cattle and nonlactating dairy cattle. The application is approved, effective September 22, 1975.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 520.2220b is amended by revising paragraph (b)(1) and by adding new paragraph (e)(3) to read as follows:

§ 520.2220b Sulfadimethoxine tablets and boluses.

* * * * * * *

(b) * * *

(1) To 000004: Approval for use as in paragraph (e) (1) and (3) of this section.

* * * * * * *

(e) * * *

(3) *Beef cattle and nonlactating dairy cattle.* (i) *Amount.* 12.5-gram-sustained-release bolus.

(ii) *Indications for use.* Treatment of shipping fever complex and bacterial pneumonia associated with organisms such as *Pasteurella spp.* sensitive to sulfadimethoxine; calf diphtheria and foot rot associated with *Sphaerophorus necrophorus* sensitive to sulfadimethoxine.

(iii) *Limitations.* Administer one bolus for the nearest 200 pounds of body weight, i.e., 62.5 milligrams per pound of body weight. Do not repeat treatment for 7 days. Do not use in lactating dairy cattle. Do not administer within 12 days of slaughter. During treatment make certain that animals maintain adequate water intake. Federal law restricts this drugs to use by or on the order of a licensed veterinarian.

Effective date. This regulation shall be effective September 22, 1975.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b (i)).)

Dated: September 16, 1975.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.75-25100 Filed 9-19-75;8:45 am]

Title 32A—National Defense Appendix

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Amendment 4—Change in Schedule II, Part A

SEPTEMBER 18, 1975.

In the formulation of this amendment, a notice of proposed rulemaking was published in the FEDERAL REGISTER on August 13, 1975 (40 FR 33996) requesting comments on the proposed change to Schedule II to DPS Reg. 1, Materials and Services, Not Subject to BDC Rating Authority, Part A, by adding to the schedule "copper raw materials," as that term is defined in DMS Order 4, except intermediate shapes, thereby excluding "copper raw materials," other than intermediate shapes, from being subject to priority ratings. All pertinent comments received regarding the proposed regulation were given due consideration.

Of those comments received in response to the proposal, those opposing its adoption dealt essentially with the impact of the proposed regulation on the brass and bronze ingot making industry. Both the ingot makers and the brass and bronze foundries industry expressed concern that the exclusion of copper alloy ingot and other "copper raw materials," except intermediate shapes, would cause serious dislocations in the normal supply channels. No evidence was submitted to support that assertion. On the contrary, the proposal would not permit the use of priority ratings to obtain copper raw materials except intermediate shapes; therefore, priority ratings could not cause serious dislocations in normal supply channels.

The Department of Defense interposed no objection to adoption of the proposed rule provided that all "copper raw materials" remain subject to directive authority of the Bureau of Domestic Commerce. This authority is provided for in the rule.

The Department of Commerce has also considered positions previously expressed by all interested parties regarding the application of priority ratings to copper raw materials.

The amendment is found appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

The amendment is adopted without change, as set forth below.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION,

DONALD E. JOHNSON,
Deputy Assistant Secretary for Domestic and International Business.

Part A of Schedule II to DPS Regulation 1 is hereby amended to read as follows:

PART A

"The following items under the jurisdiction of BDC are presently not subject to any ratings issued by or under authority of BDC (but are subject to directives issued by or under authority of BDC) and therefore such ratings shall not be effective to obtain any of them: [1]

Communications services.
Copper raw materials as that term is defined in DMS Order 4 (formerly BDSA Order M-11A), except intermediate shapes (as defined in that order).
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.

(5) Memorandum of Understanding and Agreement between the Agricultural Stabilization and Conservation Service, Department of Agriculture, and the Bureau of Competitive Assessment and Business Policy, Department of Commerce, with respect to the scope of the term "farm equipment," effective December 5, 1973 (38 F.R. 33506). The responsibilities of the Bureau of Competitive Assessment and Business Policy have been transferred to the Bureau of Domestic Commerce (BDC), Department of Commerce.

(Defense Production Act of 1950, as amended, (64 Stat. 816; 50 U.S.C. App. 2061 et seq.): Executive Order 10480, as amended, 18 F.R. 4939, 6201, 19 F.R. 3807, 7249, 21 F.R. 1673, 23 F.R. 5061, 6971, 24 F.R. 3779, 27 F.R. 9688, 11447, 3 C.F.R. 1949-1953 Comp., p. 919: Executive Order 11725: 38 F.R. 17175: DMO-3 (Formerly DMO 8400.1) 40 F.R. 27218; 32A C.F.R. 15; Department of Commerce Organization Order 10-3, 38 F.R. 33624, and 40-1, 39 F.R. 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41-1, as amended, 39 F.R. 2780, 39 F.R. 18490, 45-1, 39 F.R. 18489, and 45-2, 39 F.R. 18469.)

[FR Doc.75-25317 Filed 9-19-75;8:45 am]

[1] The following delegations and agreements, as the same may from time to time be amended, revoked, or superseded, further delineate jurisdictional responsibilities for the exercise of priorities and allocation powers:

(1) Memorandum of Agreement between the Department of the Interior and the Department of Commerce with respect to the production and/or distribution of designated products and equipment, including chemicals, associated with the output of petroleum and gas, effective October 30, 1973 (38 FR 30896).

(2) Defense Solid Fuels Administration (DSFA) Delegation 1 to the Secretary of Commerce with respect to the distribution of coal chemicals produced as by-products of coke made from coal, effective May 15, 1951 (16 F.R. 4590). The DSFA was abolished in 1954 and its responsibilities within the Department of the Interior have been transferred to the Office of the Assistant Secretary for Energy and Minerals, Department of the Interior.

(3) Delegation of Authority from the Secretary of Commerce to the Secretary of the Interior of priorities and allocations powers with respect to certain minerals facilities and materials, effective January 26, 1967 (32 F.R. 2462).

(4) Memorandum of Agreement between the Department of Agriculture and the Department of Commerce with respect to the scope of allocation and priority responsibilities in connection with foods which have industrial uses, effective December 5, 1973 (38 F.R. 33504).

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5525; (ES—15284)]

GEORGIA

Boundary Modification: Oconee National Forest

Correction

In FR Doc. 75-23853 appearing at page 41794 in the issue for Tuesday, September 9, 1975 in the 7th line under the heading "UNIT No. 1" now reading "side of said road approximately 1 mile to" should read "side of said road approximately ¼ mile to".

PART 3300—OUTER CONTINENTAL SHELF LEASING; GENERAL

Amount of Bond Required of Lessee

Pursuant to the authority vested in the Secretary of the Interior with respect to the promulgation of regulations as may be necessary to carry out the provisions of the Outer Continental Shelf Lands Act, 43 U.S.C. 1331 (1970) and to amend such regulations, notice is hereby given that 43 CFR 3304.1 is hereby amended to the extent of deleting therefrom the first sentence thereof and substituting therefor the following:

§ 3304.1 Amount of bond required of lessee.

The successful bidder prior to the issuance of an oil and gas or sulphur lease must furnish a corporate surety bond in the sum of $50,000 conditioned on compliance with all the terms of the lease, unless he already maintains or furnishes a bond in the sum of $300,000 conditioned on compliance with the terms of oil and gas and sulphur leases held by him on the Outer Continental Shelf in the area in which the successful bidder's lease is situated; for the purposes of this provision there are four areas: (a) the Gulf of Mexico; (b) the area offshore the Pacific Coast States of California, Oregon, Washington, and Hawaii; (c) the area offshore the Coast of Alaska; and (d) the area offshore the

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Atlantic Coast. A separate bond will be required for each area. * * *

SEPTEMBER 17, 1975.

ROBERT C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.75-25134 Filed 9-19-75;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 252—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES

On June 10, 1974, there appeared in the FEDERAL REGISTER (39 FR 20383) a notice of proposed rulemaking to establish a new Part 252 to Title 46, Code of Federal Regulations, setting forth regulations governing the payment of operating-differential subsidy (ODS) to bulk cargo vessels engaged in worldwide services pursuant to Title VI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1171–1183).

Regulations concerning the payment of ODS for the operation of bulk cargo vessels on the Great Lakes contained in 46 CFR Part 279 (37 FR 7979), and for the carriage of grain from the United States to the Union of Soviet Socialist Republics (USSR) contained in 46 CFR Part 294 (38 FR 20807) remain in effect.

The Maritime Administration has determined in accordance with the draft Department of Commerce Administrative Order implementing OMB Circular No. A–107 (authorized by Executive Order No. 11821, signed November 27, 1974) that Part 252 of Title 46 has no major inflationary impact.

The regulations contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Although the ODS program is exempt from the notice requirements of 5 U.S.C. 553, interested persons were nevertheless invited to submit written comments on the proposed regulations. As a result of the comments received several changes have been made. Extensive editing has also been done. The significant changes contained in the regulations as adopted are as follows:

(1) Part 252 has been subdivided into five subparts, A through E inclusive. Certain sections of Part 252 have been renumbered and reorganized and in some cases substantially rewritten to provide greater clarity. Certain definitions have also been added. Thus, for example, § 252.8(c) of the proposed regulations, dealing with the subsidy rate for wages of officers and crew, is now § 252.31, *Wages of Officers and Crew*, is contained in Subpart D, *Subsidy Rates*, and has been reorganized and to some extent rewritten to provide greater clarity.

(2) Except for § 252.11, *Application Forms*, the material in Subpart B, *Eligibility and Agreement*, is new. Subpart B prescribes who may apply for ODS, and what determinations the Maritime Subsidy Board (the Board) must make under the Act before approving an application for the payment of ODS. Subpart B also provides that upon the approval of an application for the payment of ODS, the applicant and the United States government may enter into an ODS agreement.

(3) The method of determining the crew complement, in number and nationality, of the vessels of the principal competitive foreign-flags has been changed. The regulations as adopted provide that, if an adequate number of vessels have entered the United States, the crew complement shall be determined from a statistical sample of Alien Crew Declarations providing at least 80 percent accuracy with a 95 percent confidence level. If an adequate number of vessels have not entered the United States, the crew complement will be determined from data available from managing operators of the vessels of the principal competitive foreign-flags or other reliable sources.

The proposed regulations provided that the crew complement was to be determined either from a representative or random sample without reference to any statistical level of accuracy or confidence.

(4) The exclusion of the vessels of the USSR from the determination of foreign-flag competition has been eliminated. Vessels of the USSR will be considered in the determination of foreign-flag competition on the same basis as the vessels of other countries.

(5) The types into which foreign-flag vessels are grouped by class for purposes of determining foreign-flag competition have been identified as including, but not limited to, tanker, dry bulk and OBO. Additional examples of vessel classes have also been added. The term "class" as used in the proposed regulations has been changed to "type", and the term "design type" has been changed to "class."

(6) The reference "unless otherwise agreed to by contract" contained in paragraph (c)(1) of § 252.5 of the proposed regulations (pertaining to the amount of subsidy earned) has been deleted as unnecessary. A formula for the calculation of the amount of subsidy earned contained in an ODS agreement that differs from the formula provided in § 252.21 of the regulations as adopted, takes precedence over the formula provided in the regulations in accordance with the terms and conditions of the ODS agreement.

(7) Certification by an independent licensed public accountant has been added as an acceptable certification for balance sheets submitted as evidence of adequate financial resources. The proposed regulations accepted only the certification of a certified public accountant.

(8) Quid pro quo payments for reductions in manning below the crew complement approved by the Board has been added as an example of unpredictably timed wage costs.

(9) Port risk insurance has been added as an item eligible for subsidy, but shall not be included in the calculation of the subsidy rate for hull and machinery and other eligible items of insurance under § 252.33 of the regulations as adopted.

(10) The material contained in § 252.8(c)(3)(v) of the proposed regulations (relating to changes in crew complement) has been deleted. The substance of this material will be included in the final regulations dealing with manning, 46 CFR 254, that appeared in the FEDERAL REGISTER in proposed form on September 17, 1974 (39 FR 34296).

The comments received suggested certain other changes to the proposed regulations that have not been adopted. These include the following:

(1) It was suggested that the crew complement of the vessels of principle competitive foreign-flags be "constructed" by the use of various data sources and by taking various considerations into account rather than determined by statistical sample. The Board believes that the use of statistical samples will eliminate the controversy that has arisen in the past with regard to "constructed" manning.

(2) It was suggested that the essential service determination and the calculation of the amount of subsidy earned contained in § 252.21 of the regulations as adopted be made on a "fleet" rather than a "vessel by vessel" basis and be made, upon the election of the operator, over successive five year periods. While a "fleet basis" calculation may offer some operators certain advantages, the Board believes that a vessel by vessel determination encourages more participation by each subsidized operator in the U.S. foreign commerce than a "fleet basis" determination would and that a "fleet basis" determination would unfairly favor operators with more subsidized vessels over those with fewer. A five-year period for these determinations is believed to be unwise both from the operator's and the government's point of view because it would create too long a period for accounts to be left unsettled.

(3) It was suggested that the "30 percent test" for determining whether a vessel is operated in an essential service in the U.S. foreign commerce does not give adequate consideration to the various factors that should be considered in making this determination. The Maritime Administration believes that a vessel carrying 30 percent of its cargo in the U.S. foreign commerce is making a contribution to the promotion, development, expansion and maintenance of the U.S. foreign commerce and to national defense sufficient to deem the vessel to be in an essential service.

(4) It was suggested that the tonnage ranges contained in § 252.22(a) of the regulations as adopted (relating to the determination of foreign-flag competition) be deemed tentative pending further study. This designation would serve no purpose. Amendments to these regulations shall be made by the Maritime Administration from time to time as appropriate. Comments in this regard are

appreciated and will receive consideration.

Accordingly, Part 252 of Title 46 of the Code of Federal Regulations is adopted to read as follows:

Subpart A—Introduction

Sec.
252.1 Purpose.
252.2 Policy.
252.3 Definitions.

Subpart B—Eligibility and Agreement

252.10 Eligibility.
252.11 Application forms.
252.12 Approval.
252.13 Contract.

Subpart C—Operation

252.20 Subsidized voyages.
252.21 Essential service and U.S. foreign commerce requirements.
252.22 Substantiality and extent of foreign-flag competition.
252.23 Demonstration of adequate financial resources.
252.24 Financial and other reporting requirements.

Subpart D—Calculation of Subsidy Rates

252.30 Provisions of general application.
252.31 Wages of officers and crew.
252.32 Maintenance and repair.
252.33 Hull and machinery insurance.
252.34 Protection and indemnity insurance.

Subpart E—Subsidy Payment and Billing Procedures

252.40 Payment of subsidy.
252.41 Subsidy billing procedures.
252.42 Appeal procedures.

AUTHORITY: Section 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).

Subpart A—Introduction

§ 252.1 Purpose.

This part prescribes regulations implementing Title VI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1171–1176 and 1178–1181) governing operating-differential subsidy for bulk cargo vessels engaged in carrying bulk cargo in essential services in the foreign commerce of the United States, except as provided in Part 279 of this subchapter (dealing with ODS for bulk vessels operating in the Great Lakes) and Part 294 of this subchapter (dealing with ODS for bulk vessels engaged in the carriage of grain from the United States to the Union of Soviet Socialist Republics).

§ 252.2 Policy.

The policy of the Merchant Marine Act, 1936, as amended, is set forth in section 101 thereof, as follows:

It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic water-borne commerce and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service essential for maintaining the flow of such domestic and foreign water-borne commerce at all times, (b) capable of serving as a naval and military auxiliary in time of war or national emergency, (c) owned and operated under the United States flag by citizens of the United States insofar as may be practicable, (d) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel, and (e) supplemented by efficient facilities for shipbuilding and ship repair. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

§ 252.3 Definitions.

When used in this part:

(a) *Act* means the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101–1294).

(b) *Assistant Secretary* means the Assistant Secretary for Maritime Affairs of the Department of Commerce.

(c) *Board* means the Maritime Subsidy Board of the Maritime Administration.

(d) *Bulk cargo vessel* means a vessel built to carry solid, liquid or gaseous commodities that in normal shipment are contained only by the vessel's structure.

(e) *Citizen of the United States* includes a corporation, if all directors of the corporation are citizens of the United States, partnership or association but only if it is deemed a citizen of the United States under section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802).

(f) *Contracting Officer* means the Director, Office of Subsidy Administration, Maritime Administration.

(g) *Fiscal year* means any annual period beginning on July 1 and ending on June 30.

(h) *Foreign-flag competition* means those foreign-flag vessels deemed by the Board to be competitive with the subsidized vessel.

(i) *Gross revenue* means the operator's total gross receipts from cargoes or fixtures of a vessel or both.

(j) *Normal crew complement* means the crew complement approved by the Board for ODS, or established by collective bargaining or other agreement, whichever is less.

(k) *Operating-differential subsidy agreement (ODSA)* means the agreement entered into by the operator and the United States government for the payment of operating-differential subsidy.

(l) *Operating-differential subsidy (ODS)* means, except as the operator and the United States government should agree upon a lesser amount, the excess of the cost of subsidizable items of expense incurred in the operation under United States registry of a vessel over the estimated fair and reasonable cost of the same items of expense (excluding any increase in the cost of such items necessitated by features incorporated for national defense), if such vessel were operated under the registry of a foreign country whose vessels are substantial competitors of the vessel, or such sums as the Board may determine to be necessary to make the cost of operating such vessel competitive with the cost of operating similar vessels under the registry of a foreign country.

(m) *Operator* means any individual, partnership, corporation or association that contracts with the United States government under Title VI of the Act to receive ODS.

(n) *Reduced crew period* means any period in port beginning on the day that a vessel's normal crew complement is reduced by 4 or more men and division of wages is not paid for the missing men and ending on the day prior to the day that the vessel's crew complement is restored to not more than 3 men less than the normal crew complement, or division of wages is paid for the missing men, or the vessel is temporarily or permanently withdrawn from subsidized service, whichever occurs first.

(o) *Region Director* means the Region Director of the Maritime Administration within whose region the principal office of the operator is located.

(p) *Subsidized service* means the operation of a vessel other than in the coastal or intercoastal trade in accordance with the terms and conditions of the ODSA.

(q) *Subsidy rate* means the method adopted by the Board for determining the amount of ODS that is to be paid for an item of subsidizable expense.

(r) *Subsidized vessel* means a vessel covered by an ODSA.

(s) *Ton-miles of cargo carried* means the product of the long tons (2,240 pounds) of cargo discharged from a vessel multiplied by the nautical miles that such cargo was transported (as recorded in the vessel's deck log) between port of loading and port of discharge.

(t) *U.S. foreign commerce* means the commerce or trade between the United States, its territories or possessions, or the District of Columbia and a foreign country.

(u) *Vessel* means subsidized vessel unless otherwise specified.

(v) *Voyage day* means any day or part of a day during which a subsidized vessel is operated in accordance with the terms and conditions of the ODSA.

Subpart B—Eligibility and Agreement

§ 252.10 Eligibility.

Any citizen of the United States may apply to the Board for the payment of ODS for the operation of a bulk cargo vessel in an essential service in the U.S. foreign commerce.

§ 252.11 Application forms.

Application forms may be obtained from the Secretary, Maritime Administration, Department of Commerce, Washington, D.C. 20230.

§ 252.12 Approval.

The Board may not approve an application for the payment of ODS until the Board has determined, in addition to other statutorily required determinations, that:

(a) The operation of the vessel in an essential service is required to meet foreign-flag competition and to promote U.S. foreign commerce;

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(b) The vessel was built in the United States and is documented under the laws of the United States;

(c) The applicant owns or leases, or can and will build or purchase or lease, a vessel or vessels of the size, type, speed and number, and with the proper equipment required to enable him to operate in an essential service in such manner as may be necessary to meet competitive conditions and to promote U.S. foreign commerce;

(d) The applicant possesses the ability, experience, financial resources and other qualifications necessary to enable him to conduct the proposed operation of the vessel to meet competitive conditions and promote U.S. foreign commerce;

(e) The granting of the aid applied for is necessary to place the proposed operations of the vessel on a parity with the vessels of foreign competitors, and is reasonably calculated to carry out effectively the purposes and policy of the Act;

(f) The vessel is of steel or other acceptable metal, is propelled by steam or motor, and is as nearly fireproof as practicable; and

(g) The vessel is constructed in accordance with plans and specifications approved by the Board and Secretary of the Navy, with particular reference to economical conversion into an auxiliary naval vessel, or approved by the Board and Navy Department as otherwise useful to the United States in time of national emergency.

§ 252.13 Contract.

Upon approval by the Board of an application for ODS, the applicant and the United States may enter into an ODSA.

Subpart C—Operation

§ 252.20 Subsidized voyages.

(a) *Minimum operation.* The operator shall operate each subsidized vessel for a minimum of 335 days each year in the worldwide carriage of bulk cargo in the U.S. foreign commerce and in the carriage of such cargo between foreign ports.

(b) *Commencement.* The first voyage shall commence at the time provided in the ODSA. All subsequent voyages shall commence at 0001 hours local time of the day following the day of termination of the previous voyage or, in the event that a reduced crew period follows such termination, at 0001 hours local time of the day following the day on which such reduced crew period terminates.

(c) *Terminations.* A voyage shall terminate at 2400 hours local time:

(1) In a U.S. port, on the day of completion of (i) paying off the crew from foreign articles, (ii) discharge of cargo at the last U.S. port of discharge, or (iii) voyage repairs, whichever event occurs last;

(2) In a foreign port, on the day (i) of completion of the discharge of cargo if the vessel loads cargo in such port of discharge, (ii) prior to the day of commencement of loading cargo if the vessel departed its last port of cargo discharge in ballast;

(3) In the case of special circumstances such as strike or lack of cargo activity, on the day approved by the Region Director upon request for a variance by the operator; or

(4) On the final voyage, on the day provided in the ODSA for termination of the final voyage.

(d) *Periods of reduced crew, idleness, delay or lay-up*—(1) *Report by operator.* The operator shall report promptly to the Region Director any reduced crew period and any period of idleness, lay-up or delay occurring during or between voyages and the facts and circumstances relating to any such period.

(2) *Region Director's finding.* The Region Director shall make a finding as to whether the period reported by the operator could have been avoided through the efficient and economical operation of the vessel and whether operating costs were reduced to a minimum in accordance with sound commercial practice. The Region Director shall, by means of a written report, promptly advise the operator and Contracting Officer of his finding.

(3) *Contracting Officer's determination.* The Contracting Officer shall consider the Region Director's finding and shall determine what costs, if any, shall be subsidized during the period reported by the operator. The Contracting Officer shall promptly advise the operator of his determination in writing.

§ 252.21 Essential service and U.S. foreign commerce requirements.

(a) *Essential service requirement.* During any period of subsidized service, a vessel shall be deemed to be used in an essential service of the U.S. as provided in section 211(b) of the Act if, during such period, such vessel carries in the U.S. foreign commerce at least 30 percent of all cargo carried in subsidized service as determined in paragraph (b)(2) of this section.

(b) *U.S. foreign commerce requirement*—(1) *Subsidy earned.* The amount of subsidy earned during any period of subsidized service is equal to the amount of subsidy payable under the ODSA for such period, after any reduction due to the carriage of cargo in the coastwise or intercoastal trade pursuant to section 605(a) of the Act, multiplied by the percentage factor determined in accordance with the following schedule:

Percent of cargo carried in the U.S. foreign commerce	*Percent of subsidy payable under ODSA after § 605 (a) reduction*
50 or more earns	100
40 but less than 50 earns	70
30 but less than 40 earns	40
Less than 30 earns	0

(2) *Percent of cargo carried in U.S. foreign commerce.* The percent of cargo carried in the U.S. foreign commerce during any period of subsidized service is equal to the greater quotient, expressed as a percentage, of:

(i) The ton-miles of cargo carried in the U.S. foreign commerce in subsidized service on voyages terminated during such period divided by the ton-miles of all cargo carried in subsidized service on voyages terminated during such period, or

(ii) The gross revenue earned from the carriage of cargo in the U.S. foreign commerce in subsidized service on voyages terminated during such period divided by the gross revenue earned from the carriage of all cargo in subsidized service on voyages terminated during such period.

(3) *Period of subsidized service*—(i) *Three-year period.* The period of subsidized service shall be 36 successive calendar months of operation. The first such period shall begin on the first day of the first subsidized voyage and shall end on the last day of the following 36th calendar month. Each succeeding three-year period shall begin on the day following the end of the preceding period of subsidized service and shall end on the last day of the following 36th calendar month, except that the last such period shall end on the last day of the last subsidized voyage.

(ii) *One-year period.* An operator may in lieu of any three-year period elect a one-year period of 12 successive calendar months of operation. Such election must be received in writing by the Contracting Officer no later than the last day of the 14th calendar month of any three-year period. If a one-year period of subsidized service is elected in lieu of the first three-year period, such one-year period shall begin on the first day of the first subsidized voyage and shall end on the last day of the following 12th calendar month. Any later one-year period elected by the operator shall begin on the day following the end of the preceding period of subsidized service and shall end on the last day of the following 12th calendar month.

§ 252.22 Substantiality and extent of foreign-flag competition.

(a) *Type and tonnage groupings.* Foreign-flag competition shall be determined as of January 1 each year by surveying a data file known as "Merchant Fleets of the World" that is maintained by the Maritime Administration. All foreign-flag bulk cargo vessels included in this data file are divided by type category and further subdivided by class. Classes include but are not limited to general tanker, chemical tanker, OBO, general dry bulk carrier and wood chip carrier. Each vessel class is further divided into deadweight tonnage ranges as follows:

(1) Range A—vessels of less than 25,000 DWT;

(2) Range B—vessels of 25,000 but less than 50,000 DWT;

(3) Range C—vessels of 50,000 but less than 100,000 DWT;

(4) Range D—vessels of 100,000 or more DWT.

(b) *Competitive classes and range.* The following classes of foreign-flag vessels in the same tonnage range as the subsidized vessel shall be deemed to be competitive with the subsidized vessel:

Subsidized Vessels and Foreign-flag Class
(1) General tanker—general tanker
(2) Chemical tanker—general and chemical tankers
(3) OBO—general dry bulk carriers and tankers, OBO, bulk/oil, ore/oil and ore carriers
(4) General dry bulk carrier—general dry bulk carriers

(c) *Grouping and ranking competitive foreign-flags.* The foreign-flag vessels deemed to be competitive with the subsidized vessel shall be grouped by nationality and ranked according to the total deadweight tonnage under each foreign-flag.

(d) *Principal competitive foreign-flags.* The principal competitive foreign-flags shall be those foreign-flags that have the greatest total tonnage of vessels deemed competitive with the subsidized vessel that, when combined, aggregate at least 60 percent of the total tonnage of the competitive vessels not to exceed the five foreign-flags with the greatest total tonnage.

(e) *Determination of extent of competition*—(1) *Competition weight factor.* The extent to which each principal competitive foreign-flag is deemed to be in competition with the subsidized vessel is measured by such foreign-flag's competition weight factor, a ratio, expressed as a percentage, the numerator of which is the total deadweight tonnage of the vessels of the foreign-flag and the denominator of which is the total deadweight tonnage of the vessels of all principal competitive foreign-flags.

(2) *Example.* The extent to which a principal competitive foreign-flag is competitive with the subsidized vessel can be illustrated as follows: If Norway is a principal competitive foreign-flag and the deadweight tonnage of its vessels deemed competitive with the subsidized vessel totals 2.84 million DWT, and the total deadweight tonnage of the vessels of all principal competitive foreign-flags deemed competitive is 9.55 million DWT, Norway's competition weight factor is 29.7 percent (ratio of 2.84 million DWT to 9.55 million DWT expressed as a percentage).

§ 252.23 Demonstration of adequate financial resources.

(a) *Methods of demonstration.* Prior to the commencement of each period of subsidized service, the operator shall submit to the Contracting Officer for each subsidized vessel, as evidence of financial resources adequate to insure the recovery of any overpayment of subsidy and otherwise to insure the true and faithful performance of the covenants and agreements contained in the ODSA, one of the following:

(1) An acceptable letter of credit in favor of the Maritime Administration in an amount equal to the estimated subsidy accrual for the first 12 months of such period;

(2) A surety bond acceptable both as to form and sufficiency of the surety issued by a bonding company authorized to do business in the U.S. in an amount equal to the estimated subsidy accrual for the first 12 months of such period;

(3) Securities of the U.S. government or any department or agency thereof of a face value equal to the estimated subsidy accrual for the first 12 months of such period;

(4) The most recent balance sheet certified by an independent licensed or certified public accountant, provided such balance sheet demonstrates that the operator has working capital equal to at least twice the estimated subsidy accrual for the first 12 months of such period, and provided further, that any such certified balance sheet covering a period terminating more than 90 days prior to its submission shall be accompanied by a current balance sheet certified by a company official demonstrating that the operator continues to have the required working capital, and provided further, that the operator shall resubmit annually, within 90 days after the close of its fiscal year, a current financial statement certified by an independent licensed or certified public accountant that demonstrates its continuing ability to meet the working capital requirements, and provided, finally, that if at any time the operator becomes aware that it no longer has the required working capital, it shall promptly notify the Maritime Administration of this fact and shall provide other evidence of adequate financial resources pursuant to this paragraph; or

(5) A guarantee, satisfactory in form, executed by a guarantor in favor of the Maritime Administration, whose most recent balance sheet meets the working capital requirement of paragraph (a)(4) of this section, provided that, such guarantor shall submit such financial statements as are required by paragraph (a)(4) of this section and shall promptly notify the Maritime Administration if at any time it becomes aware that it no longer has the required working capital.

(b) *Failure to meet essential service requirement.* If a vessel fails to meet the essential service requirement of § 252.21 (a) at any time after the first 12 months of any three year period of subsidized service, no additional subsidy payment shall be made until the operator of such vessel increases the amount of any letter of credit or surety bond, or the face value of any United States Government securities submitted pursuant to paragraph (a)(1), (2), or (3) of this section, to an amount equal to the estimated subsidy accrual for the first 18 months of such period, or submits a balance sheet pursuant to paragraph (a)(4) of this section that demonstrates that the operator has working capital equal to at least twice the estimated subsidy accrual for the first 18 months of such period, or submits pursuant to paragraph (a)(5) of this section a guarantee executed by a guarantor whose balance sheet demonstrates working capital equal to such amount.

§ 252.24 Financial and other reporting requirements.

(a) *Voyage report.* The operator shall submit a voyage report to the Director, Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20230, upon the completion of each subsidized voyage. Each voyage report shall include the following:

(1) Name of vessel and voyage number.

(2) Subsidy contract number.

(3) Vessel activity, including the following:

(i) Ports of voyage commencement and termination, including dates and times.

(ii) Loading ports, including dates of arrival and departure and long tons of cargo loaded (specify commodity).

(iii) Discharge ports, including dates of arrival and departure and long tons of cargo discharged.

(iv) Other ports, ports of bunkering, emergency calls, etc., including dates of arrival and departure (specify reason for call).

(v) Cargo ton-miles for all cargo discharged.

(vi) Gross revenue for all cargo discharged.

(4) All reduced crew periods, all periods of idleness, lay-up and delay, and all related correspondence with the Region Director.

(b) *Condition of vessels, inspection and repairs.* In order that the Maritime Administration may participate in the inspection of vessels, in compliance with Part 272 of this subchapter, the operator shall give at least 24 hours notice to the Region Director as to the time and place of vessel inspections.

(c) *Vessel insurance*—(1) Policies. Upon the binding of any insurance policy with respect to a subsidized vessel, the operator shall submit promptly to the Director, Office of Marine Insurance, Maritime Administration, Washington, D.C. 20230, for approval of the Maritime Administration, a signed copy of each cover note issued by the operator's brokers, which, to the extent applicable, shall set forth as to such vessel the amounts covered by hull, increased value and other forms of total loss protection, as well as protection and indemnity insurance. Such cover notes shall include the rates, the amounts placed in the different markets, the participating underwriters, the amount underwritten by each underwriter, and the amounts of the deductibles. Upon request, copies of the policy shall be submitted to the Maritime Administration for examination.

(2) *Cancellation and policy changes.* The operator shall advise the Maritime Administration promptly of the cancellation of any policy of insurance, any changes in the terms or underwriters of any policy of insurance, any period of lay-up that permits the collection of return premiums, and the occurrence of any major casualty or total loss covered by a policy of insurance.

(d) *Financial statements.* The operator shall submit, in triplicate, to the Director, Office of Financial Analysis, Maritime Administration, Washington, D.C. 20230, the following reports, including management footnotes where necessary to make a fair financial presentation:

V 40 184 SEP 22 75 XUM

(1) Not later than 45 days after the close of the first, second and third quarters of the operator's financial year, a balance sheet and statement of income for the quarter, certified by a company official, and prepared in conformance with the Uniform System of Accounts (Part 282 of this subchapter). Each balance sheet shall be prepared as of the last day of each quarter and each statement of income shall reflect operations for the quarter and cumulative operations for the operator's financial year;

(2) Not later than 90 days after the close of the operator's financial year, Form MA–172;

(3) Not later than 90 days after the close of the operator's financial year, a balance sheet and statement of income and retained earnings, certified by an independent licensed or certified public accountant.

Subpart D—Calculation of Subsidy Rates

§ 252.30 Provisions of general application.

(a) *Provisions applicable to all subsidy rates.* The provisions of this paragraph apply to all subsidy rates:

(1) *Foreign-flag competition.* Foreign-flag competition as determined on January 1 of each year pursuant to § 252.22 of this part shall be used for the calculation of all subsidy rates in the calendar or fiscal year in which such January 1 falls. The wage subsidy per diem rate and the wage subsidy percentage rate are calculated on the basis of a fiscal year. All other subsidy rates are calculated on the basis of a calendar year.

(2) *Negative cost differentials.* A cost differential less than zero in any category of subsidizable expense indicates that the operator is at an advantage with regard to such category of expense. Accordingly, the dollar equivalent of a negative cost differential for any category of subsidizable expense shall be deducted from subsidy otherwise payable for the calendar or fiscal year.

(3) *Foreign cost data.* The Maritime Administration and the operator shall make every effort to obtain foreign cost data for the purpose of subsidy rate calculations. For this purpose the operator will be provided with written notice of the Maritime Administration's intent to commence the calculation of foreign costs and the identity of vessels that will be used in such calculation. Each operator shall have 60 days from date of such notice to submit in writing all relevant data in his possession. Data received after such date shall not be considered in the calculation of foreign costs unless, in the opinion of the Board, there is insufficient data to establish a fair and reasonable estimate of foreign costs.

(4) *Opportunity for operator to comment.* The operator shall have 30 days to comment on each subsidy rate as calculated by the Maritime Administration from the date of tender of the subsidy rate by the Contracting Officer. The operator and Contracting Officer shall make every effort to resolve disagreements that arise. In the event of disagreement that cannot be resolved, such comments as are received from the operator within the 30 day period and the Contracting Officer's recommendation will be presented to the Board for its consideration in determining subsidy rates.

(5) *Annual review.* Subsidy rates shall be reviewed and adjusted as of January 1 of each year unless the operator and Board agree otherwise.

(b) *Provisions applicable to subsidy rates other than for wages.* The provisions of this paragraph apply to all subsidy rates other than for wages:

(1) *Calculation.* Subsidy rates for subsidizable items of expense other than wages shall be expressed as a percentage cost differential except as provided in § 252.34(e)(2)(i) (relating to foreign deductibles for protection and indemnity insurance). Percentage rates shall be calculated to 2 decimal places.

(2) *Amount of subsidy payable.* The amount of ODS payable for subsidizable items other than wages is equal to the eligible costs incurred by the operator for voyages terminating during the calendar year multiplied by the appropriate subsidy rate. See § 252.31(a)(2) for the amount of subsidy payable for wages of officers and crew.

(3) *Foreign currency exchange rates.* Foreign currencies shall be converted into the U.S. currency equivalent at the average of the monthly foreign exchange rates for the year, as recommended by the U.S. Department of the Treasury.

§ 252.31 Wages of officers and crew.

(a) *In general.*—(1) *Subsidy rates.* The subsidy rate for wages of officers and crew shall be expressed as a per diem cost differential except that the subsidy rate for certain unpredictably timed wage costs shall be expressed as a percentage cost differential. The per diem rate shall be calculated in dollars and cents and the percentage rate shall be calculated to two decimal places. Both rates shall be determined as of January 1 of each fiscal year.

(2) *Amount of ODS payable.* The amount of ODS payable for wages of officers and crew during any fiscal year is equal to the number of voyage days in the fiscal year, other than days of a reduced crew period, multiplied by the wage subsidy per diem rate effective for the fiscal year plus the sum of the unpredictably timed costs incurred with regard to voyages terminated during the fiscal year multiplied by the wage subsidy percentage rate effective for the fiscal year.

(b) *Definitions.* When used in this section:

(1) *Collective bargaining costs* means the annual cost, as calculated in paragraph (e) of this section, of all items of expense required of the operator through collective bargaining or other agreement, covering the employment of the officers and crew of a vessel that the Board has found to be necessary for the efficient and economical operation of such vessel, including payments required by law to assure old-age pensions, unemployment benefits, or similar benefits and taxes or other government assessments on crew payrolls for officers and crew of the vessel.

(2) *Subsidizable wage costs* in any fiscal year other than a base period means the most recent base period costs increased or decreased by the increase or decrease from January 1 of such base period to January 1 of such fiscal year in the index described in paragraph (b)(5) of this section, and with respect to a base period means the base period costs. The subsidizable wage costs in any fiscal year other than a base period shall not be less than 90 percent of the collective bargaining costs as of January 1 of such fiscal year nor greater than 110 percent of such collective bargaining costs.

(3) *Base period* means any fiscal year with respect to which a base period cost is established by the Board. The Board shall establish a new base period at intervals of not less than 2 years nor more than 4 years, and shall announce new base periods prior to the December 31 that would be included in the new base period.

(4) *Base period costs* (i) In the initial base period of subsidized service means the per diem amount of collective bargaining costs as of January 1 of the most recent base period established by the Board, and (ii) in any subsequent base period means the average of:

(A) The per diem amount of the collective bargaining costs as of January 1 of such base period, and

(B) The subsidizable wage costs computed for January 1 of the preceding fiscal year, calculated without regard to the limitation contained in the last sentence of paragraph (b)(2) of this section, as increased or decreased to January 1 of such base period by the increase or decrease in the index described in paragraph (b)(5) of this section; except, that in no event shall such base period costs be less than a minimum nor more than a maximum percentage of the per diem amount of the collective bargaining costs computed for January 1 of such base period as follows:

Years elapsed since most recent base period	Minimum percent	Maximum percent
2	97½	102½
3	96¾	103¼
4	95	105

(5) *Index* means the index prepared by the Bureau of Labor Statistics (prescribed by 46 U.S.C. 1173) of the average annual change in wages and benefits placed into effect for employees covered by collective bargaining agreements with equal weight given to changes affecting employees in the transportation industry (excluding the offshore maritime industry) and the changes affecting employees in private nonagricultural industries other than transportation.

(6) *Foreign wage costs* (FC) means the rate of expense as of January 1 of the fiscal year incurred for the employment of officers and crew of a principal competitive foreign-flag, as estimated by the Board.

(7) *U.S. wage costs* (WC) means the per diem rate of expense as of January 1 of any fiscal year incurred by the operator for the employment of officers and crew of the vessel.

(8) *Weighted percentage* of a principal competitive foreign-flag means the ratio of such foreign flag's wage costs to U.S. wage costs multiplied by such flag's competition weight factor.

(9) *Composite weighted percentage* means the sum of the weighted percentages of all principal competitive foreign-flags.

(10) *Composite foreign wage costs* means the composite weighted percentage multiplied by U.S. wage costs.

(c) *Wage subsidy per diem rate.* The wage subsidy per diem rate for any fiscal year equals the subsidizable wage costs as determined for January 1 of the fiscal year less the composite foreign wage costs as determined for the same January 1. See paragraph (j)(3) of this section for an example calculation of the wage subsidy per diem rate and paragraph (j)(2) of this section for an example calculation of composite foreign wage costs.

(d) *Wage subsidy percentage rate.* The wage subsidy percentage rate for any fiscal year equals the difference between the subsidizable wage costs and the composite foreign wage costs as determined for January 1 of the fiscal year divided by the subsidizable wage costs as determined for the same January 1. See paragraph (j)(3) of this section for an example calculation.

(e) *Calculation of collective bargaining costs.* (1) *Per diem amount.* The per diem amount of collective bargaining costs shall be determined by pricing out all fixed costs that are in effect as of January 1 of each fiscal year and by adding to the per diem aggregate of such fixed costs a per diem aggregate of variable costs. The per diem aggregate of variable costs as of January 1 shall be determined by multiplying the per diem aggregate of base wage costs as of January 1 by a fraction, the numerator of which shall be the total of variable costs for the preceding calendar year and the denominator of which shall be the total of base wage costs for the preceding calendar year. See paragraph (h)(1) of this section for special rules applicable to certain vessels with less than 6 months of operating experience prior to January 1. See paragraph (j)(1) of this section for an example calculation of collective bargaining costs.

(i) *Fixed costs.* Fixed costs are all costs that are stated in specific or determinable amounts per time period and do not vary based on operating experience. If a monthly amount is specified in the collective bargaining agreement, the per diem amount shall be determined by multiplying the monthly amount by 12 and dividing the total by the number of days in the fiscal year. Fixed costs include but are not limited to:

Base wages (including non-watch pay).
Vacation pay.
Clothing and uniform allowances.
Contributions to pension and welfare plans.
Radio Operators allowances (excluding radar allowances).

(ii) *Variable costs.* Variable costs are all regularly incurred employment costs which are not stated in specific or determinable amounts per time period since they vary with ship operating experience. Variable costs include but are not limited to:

Payroll taxes.
Overtime and penalty pay.
Payments to Master for pilotage.
Transportation expenses and travel allowances.
Payments to relief officers and crews.
Lodging allowances.
Overlap in wages for replacement of crew (maximum of two days for Master and Chief Engineer and one day for other ratings).
Division of wages occasioned by other than a shortage of crew.

(2) *Unpredictably timed costs.* Unpredictably timed costs are collective bargaining costs that are not included in the per diem amount of such costs because they are not regularly incurred. Thus, for example, unpredictably timed costs include such costs as wages incurred during reduced crew periods, severance pay, quid pro quo payments for reductions in manning below the crew complement approved by the Board, and special assessments for benefit funds if authorized by the Contracting Officer, area bonuses, and wages and other expenses of U.S. Merchant Marine Academy cadets.

(f) *Calculation of U.S. and foreign wage costs.*—(1) *U.S. wage costs.* The per diem amount of U.S. wage costs shall be calculated on the basis of the actual negotiated crew complement in effect on January 1 of the fiscal year and in the manner provided in paragraph (e)(1) of this section except as provided in paragraph (f)(3) of this section. See paragraph (j)(1) of this section for an example calculation of U.S. wage costs.

(2) *Foreign wage costs.*—(i) *Per diem amount.* The per diem amount of foreign wage costs for a principal competitive foreign-flag shall be calculated as provided in paragraph (e)(1) of this section, except as provided in paragraph (f)(3) of this section, and shall be based on the crew complement in effect on January 1 of the fiscal year, except that if such foreign-flag was a principal competitive foreign-flag during the most recent base period, or during a previous interim year of the same base period cycle, the per diem amount of such foreign wage costs shall be based on the crew complement previously determined for the base period cycle.

(ii) *Crew complement.* For purposes of paragraph (f)(2)(i) of this section, the crew complement, in number and nationality, of each principal competitive foreign-flag shall:

(A) If an adequate number of vessels have entered the United States, be determined from the Alien Crew Declarations of such vessels by means of a statistical sample providing at least 80 percent accuracy with a 95 percent confidence level; or

(B) If an adequate number of vessels have not entered the United States, be determined from data provided by managing operators of the vessels of the principal competitive foreign-flags or other reliable sources.

(iii) *Wage cost data.* Foreign wage cost data shall be obtained from the managing operator having the first, second, or third largest number of vessels, in such order, as available, with crew complements of the predominate nationality that have entered the United States, or if not available, from the managing operator having the largest number of vessels with crew complements of the predominate nationality, or from other reliable sources.

(3) *Like-for-like concept.* The calculation of U.S. and foreign wage costs is accomplished by matching each item of U.S. wage costs with each item of foreign wage costs. The matching process may necessitate the deletion of certain items of U.S. wage costs or the employment of a different method of calculating the U.S. wage costs for an item of expense. Where it is not possible to determine by any reasonable method a certain item of foreign wage costs, but such cost is known to exist, the cost shall be excluded from the computation of U.S. wage costs. For example, if the cost of travel cannot be determined for a foreign competitor, such cost will be excluded from U.S. wage costs. If it is not possible to compute the foreign cost of a particular expense by the method that normally would be used for computing the U.S. cost, the U.S. cost shall be computed in the same manner as the foreign cost. For example, if it is not possible to determine the amount of payroll tax paid by competitive U.K. vessels in the manner that the amount of U.S. payroll tax paid is determined, the method used to determine U.K. payroll tax shall be used to determine U.S. payroll tax.

(g) *Foreign currency exchange rates.* Foreign currencies shall be converted into the U.S. currency equivalent at the average of the monthly foreign exchange rates for the year as recommended by the U.S. Department of the Treasury, except that when by contract or otherwise, an item of wage cost is paid to foreign seamen at a specified rate of exchange of U.S. dollars, the specified rate shall be used. For wage costs priced out as of January 1, the monthly average of foreign exchanges rates for the fiscal year in which such January 1 falls shall be used. For cost experience wage costs, the monthly average of foreign exchanges rates for the calendar year preceeding the January 1 shall be used for the fiscal year in which such January 1 falls.

(h) *Special rules for new operators and vessel types.*—(1) *Calculation of collective bargaining and U.S. wage costs.* If a new vessel type or operator has less than 6 months of operating experience in subsidized service during the calendar year

V 40 184 SEP 275 XUM

immediately preceding January 1, the ratio of variable costs to base wage costs of the next succeeding calendar year with at least 6 months of operating experience in subsidized service shall be used in the calculation of the per diem aggregate of variable costs entering into the determination of collective bargaining and U.S. wage costs for the fiscal year in which such January 1 falls.

(2) *Base period costs*—(i) *Base period.* If the new operator or vessel type enters subsidized service during a base period, the base period costs shall be the collective bargaining costs in effect as of January 1 of such base period as determined pursuant to paragraph (h)(1) of this section.

(ii) *Other than a base period.* If the new operator or vessel type enters subsidized service during a fiscal year other than a base period, the collective bargaining costs in effect as of January 1 of such fiscal year, determined in accordance with paragraph (h)(1) of this section, shall be regressed to January 1 of the base period most recent to January 1 of the fiscal year. The collective bargaining costs so determined for January 1 of the most recent base period shall be the base period costs for purposes of determining the subsidizable wage costs in effect during the fiscal year.

(i) *Data sources and reporting requirements*—(1) *U.S. wage cost data.* The operator shall submit Form MA-790 by March 31 of each year covering the costs incurred on voyages terminated during the preceding calendar year and copies of all current collective bargaining or other agreements, memorandums of understanding, and arbitration awards that specify fixed costs in effect on January 1, concluded between the operator and the applicable maritime labor organizations, or otherwise promulgated. Such data shall be submitted to the Director, Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20230.

(2) *Disclosure of data.* Foreign wage cost data presented to the Maritime Administration or collected on its request or in its behalf shall be available for inspection by any operator unless the Board shall find that such disclosure will prevent its obtaining such data in the future.

(j) *Example calculations.* (1) Example calculation of collective bargaining costs (CBC) and U.S. wage costs (WC):

ABC Steamship Co. T8-S-101c—Worldwide Services

[Jan. 1, 1974, collective bargaining costs (CBC) and U.S. wage costs (WC)]

	Per diem	
	WC	CBC
Crew complement	[1] 27	[2] 26
Fixed costs as of Jan. 1, 1974:		
Base wages	$1,066.67	$1,023.95
Allowances (radio, telephone, clothing, etc.)	3.49	3.49
Vacation pay	370.77	360.07
Pension, welfare, training, unemployment fund contributions	611.13	590.95
Total fixed costs	2,052.06	1,978.46
Variable costs as of Jan. 1, 1974:		
Variable cost factor (based on calendar year 1973 cost experience) (percent)	83.56	83.56
Total variable costs (Jan. 1, 1974, base wages multiplied by variable cost factor)	$891.31	$855.61
Total wage costs as of Jan. 1, 1974	2,943.37	2,834.07

[1] Actually carried.
[2] Approved by the board.

(2) Example calculation of composite foreign wage costs (CFC):

ABC Steamship Co., T8-S-101c Vessel—Worldwide Services

[Jan. 1, 1974—composite foreign wage cost (CFC)]

	United States	Japan	United States	Norway	United States	United Kingdom
Crew complement	27	27	27	25	27	30
Base wages [1]	$32,010	$9,490	$32,010	$14,040	$32,010	$11,610
Overtime and other variable costs [2] (not elsewhere included) [3]	20,880	3,270	20,880	4,200	20,880	2,790
Vacation pay (leave) [3]	11,130	2,130	11,130	2,190	11,130	1,800
Bonuses and allowances [3]	90	3,600	90	1,800	90	1,260
Repatriation				360		
Social security	2,230	1,410	2,850	1,800	2,230	1,560
Pension and welfare	19,770	7,580	19,770	3,630	18,330	1,260
Total wage costs	86,160	27,820	86,730	27,900	84,720	20,310
Unweighted percentage (FC to WC)	31.94		32.17		23.97	
Competition weight factor [4] (percent)	23.6		31.1		45.5	
Weighted percentage	7.47		10.00		10.91	
Composite weighted percentage			28.38			
Composite foreign wage cost (U.S. wage cost (WC) of $2,943.37×28.38 pct) [5]			$835.33			

[1] Based on Jan. 1, 1974 priced-out costs and foreign exchange rates for the period July 1, 1973 through June 30, 1974.
[2] Based on calendar year 1973 cost experience and foreign exchange rates.
[3] Excludes travel costs and wage costs of port relief officers and crews due to nonavailability of foreign data.
[4] Based on Jan. 1, 1974 competition approved by the board.
[5] Wage costs calculated the same as collective bargaining costs.

(3) Example calculation of the wage subsidy per diem rate and wage subsidy percentage rate:

ABC Steamship Co., T8-S-101c—Worldwide Services

[Calculation of wage subsidy rates [1]]

Base period	Interim period	U.S. wage costs	Collective bargaining costs	Application of BLS index to base period cost	Averaging in base periods (4)+(5)÷2	Appropriate limits	Base period cost	Subsidizable wage costs	Composite foreign wage cost	Wage subsidy per diem rate	Wage subsidy percentage rate (11)÷(9)
1973		2,729.78	2,644.20				2,644.20	2,644.20	793.42	1,850.78	69.99
	1974	2,943.37	2,834.07	2,644.20×107.8=2,850.45		90 pct (4)=2,550.66					
						110 pct (4)=3,117.48		2,850.45	835.33	2,015.12	70.69
1975 [2]		3,143.40	3,027.08	2,644.20×116.3=3,075.20	3,051.14	97.5 pct (4)=2,951.40					
						102.5 pct (4)=3,102.76	3,051.14	3,051.14	883.29	2,167.85	71.05

[1] This computation is based on a new vessel entering subsidized service in July 1972.
[2] Base period for example purposes only.

§ 252.32 Maintenance and repair.

(a) *Subsidy rate.* The subsidy rate for eligible costs of maintenance and repair work equals the sum of the weighted differentials of all principal competitive foreign-flags. See paragraph (e)(3) of this section for an example calculation.

(b) *Definitions.* When used in this section:

(1) *Eligible costs* means all fair and reasonable costs not compensated by insurance and otherwise eligible for subsidy under the provisions of Part 272 of this subchapter (dealing with certain vessel surveys and the performance of maintenance and repair work), incurred by the operator during the calendar year for eligible items.

(2) *Eligible items* means maintenance and repair work performed in the United States or the Commonwealth of Puerto Rico by ship repair yards, independent contractors or shore gang labor.

(3) *Weighted differential* means the proportionate cost differential of a principal competitive foreign-flag multiplied by such flag's competition weight factor.

(4) *Proportionate cost differential* means the sum, for all countries where a principal competitive foreign-flag performs maintenance and repair work, of the percentage of such work performed by such flag in each country multiplied by the country's percentage cost differential.

(5) *Percentage cost differential* of a country means 100 percent less the sum for such country of the weighted cost ratios of all principal categories of maintenance and repair work. See paragraph (e)(2) of this section for an example calculation of the percentage cost differential.

(6) *Weighted cost ratio* means a percentage, determined by multiplying the cost ratio for a principal category of maintenance and repair work by the group cost weight for such principal category of work.

(7) *Cost ratio* means a ratio, expressed as a percentage, the numerator of which is the average of price quotations for a principal category of maintenance and repair work for a foreign country, and the denominator of which is the average of U.S. price quotations for such principal category of work.

(8) *Group cost weight* means a percentage established by the Maritime Administration to give effect to the relative importance of price quotations in each principal category of maintenance and repair work. Form MA-140 submitted by each operator pursuant to Part 272 of this subchapter shall be used to provide data for this purpose.

(9) *Average of U.S. price quotations* means the average of U.S. price quotations for a principal category of maintenance and repair work for the U.S. coast and coastal areas from which the vessel operated during the calendar year. Average price quotations shall be established by the Maritime Administration for each of the four coastal areas: East, West, Gulf and Great Lakes.

(10) *Principal categories* of maintenance and repair work means drydocking and underwater repairs, boiler repairs, machinery repairs, hull and deck repairs, electrical repairs, and exterior and interior painting.

(c) *Determination of U.S. and foreign price quotations*—(1) *Cost survey.* Not more frequently than once every 3 years nor less frequently than once every 5 years, the Maritime Administration shall request reliable ship repair contractors located in selected U.S. and foreign ports to provide price quotations for representative samples of maintenance and repair work described in a standard set of specifications prepared by the Maritime Administration. Included in the standard set of specifications shall be sample jobs that are representative of the various types of work performed in each principal category of maintenance and repair work.

(i) *Price quotation unavailable.* When a price quotation cannot be obtained for a particular country where a vessel of a principal competitive foreign-flag had work performed, the price quotation from the nearest country in the same general geographical area shall be used. If a price quotation is not available in the same general geographical area, the percentage of work performed in the country for which a price quotation is unavailable shall be treated as performed pro rata by the other countries where the competitive vessel had work performed and for which a price quotation is available.

(ii) *Category price quotation unavailable.* When a price quotation for a principal category of maintenance and repair work is not furnished by any repair yard in a country where a vessel of a principal competitive foreign-flag had work performed, the average of price quotations for such work supplied by repair yards in the nearest country in the same general geographical area shall be used.

(2) *Indexing of price quotations.* Price quotations obtained from the cost survey described in paragraph (c)(1) of this section shall be indexed to be representative of prices for the calendar year of the survey by multiplying each such quotation by a fraction, the numerator of which shall be the index number for that calendar year, and the denominator of which shall be the index number for the month or other period specified for the quotation. For calendar years that follow the year of the cost survey, representative prices of the survey year shall be indexed to the subsidized calendar year by multiplying such prices by a fraction, the numerator of which shall be the index number for the subsidized calendar year and the denominator of which shall be the index number for the calendar year of the survey. The index number shall be the monthly or quarterly index number for wages (hourly, daily, weekly, or monthly earnings) for the ship repair industry in the country involved, or if a wage index number for the ship repair industry is not published, the most suitable wage index number for that country shall be used. The U.S. Monthly Index of Wages (Hourly Earnings in Manufacturing) published by the Bureau of Labor Statistics shall be used for indexing U.S. price quotations. If a wage index is not available for the country involved, the Cost of Living Index shall be used. See paragraph (e)(1) of this section for an example calculation of the indexing of price quotations.

(d) *Determination of maintenance and repair practices.* (1) *Competitive vessels.* The same vessels which are used for determining the crew complement of a principal competitive foreign-flag in accordance with § 252.31(f)(2)(ii), shall be used for determining the maintenance and repair practices of such flag's vessels.

(2) *Percentage of work.* The percentage of maintenance and repair work performed by the vessels of principal competitive foreign-flags at each country during the calendar year shall be determined as follows:

V 40 184 SEP 2275 XUM

(i) *Practices known.* When the repair practices of such vessels are known and supported by adequate and reliable data, such practices shall be used; or

(ii) *Practices unknown.* When the repair practices of such vessels are unknown, or only partially known, data published by the classification societies and the Lloyd's Shipping Index shall be used to determine where the ship surveys were completed. It shall be assumed that maintenance and repair work was performed in the countries where surveys were performed.

(e) *Example calculations.* (1) Example calculation of the indexing of price quotations to be representative of prices for the calendar year:

1974 Cost Survey—United Kingdom

	Yard A quotation	Yard B quotation	Yard A adjusted to calendar year	Yard B adjusted to calendar year	Total	Average 2 yds	Conversion to United States [1] $2.40
Yard							
Port	Liverpool	London					
Date of quotation	May to September.	February					
Index for period [2]	133	132					
Index for year [2]	135	135					
Index ratio (percent)			101.504	102.273			
Drydocking and underwater repairs	£8,182	£11,270	£8,305	£11,526	£19,831	£9,916	$23,798
Boiler repairs	3,053	3,735	3,099	3,820	6,919	3,460	8,304
Machinery repairs	2,229	6,145	2,263	6,285	8,548	4,274	10,258
Hull and deck	1,695	2,490	1,691	2,536	4,227	2,114	5,074
Electrical	1,153	1,950	1,170	1,994	3,164	1,582	3,797
Exterior painting	290	590	294	603	897	449	1,078
Interior painting	816	680	828	695	1,523	762	1,829
Total	17,389	26,850	17,650	27,459	45,109	22,557	54,138

[1] Average rate of exchange for 1974, as recommended by the U.S. Department of Treasury.
[2] Wages—earnings in manufacturing, weekly rates index, "Monthly Bulletin of Statistics," United Nations.

(2) Example calculation of percentage cost differential:

Calendar Year 1974—United Kingdom to U.S. Atlantic Coast

	Foreign price	U.S. price	Cost ratio (percent)	Group cost weight (percent)	Weighted cost ratio (percent)
Drydocking and underwater repairs	$23,798	$55,600	42.8	18.6	8.0
Boiler repairs	8,304	9,120	91.1	8.9	8.1
Machinery repairs	10,258	13,425	76.4	18.9	14.4
Hull and deck repairs	5,074	14,197	35.7	36.2	12.9
Electrical repairs	3,797	8,098	46.9	11.5	5.4
Exterior painting	1,078	2,986	36.1	3.2	1.2
Interior painting	1,829	6,554	27.9	2.7	.8
Total	54,138	109,980		100.0	50.8
Percentage cost differential (100 pct minus 50.8)					49.2

(3) Example calculation of maintenance and repair subsidy rate.

ABC Steamship Co., Inc., T8–S–101c Vessel—Worldwide Services

[Determination of maintenance (upkeep) and repairs subsidy rate calendar year 1974]

Principal competitor	Distribution of repairs: Country	Percent	Percentage cost differential	Proportionate cost differential (percent)	Competition weight factor (percent)	Weighted differential (percent)
Japan	Japan	85	36.2	30.8		
	United States	15	0	0		
	Total	100		30.8	23.4	7.207
Norway	Norway	15	44.7	6.7		
	Netherlands	20	43.2	8.6		
	Japan	45	36.2	16.3		
	United States	20	0	0		
	Total	100		31.6	31.1	9.828
United Kingdom	United Kingdom	80	49.2	39.4		
	Hong Kong	15	50.8	7.5		
	United States	5	0	0		
	Total	100		46.9	45.5	21.340
	Total					38.375
	Subsidy rate					38.37

§ 252.33 Hull and machinery insurance.

(a) *Subsidy rate.* The subsidy rate for hull and machinery insurance equals the difference of the eligible premium costs less the composite foreign premium costs divided by such eligible premium costs. See paragraph (e) of this section for an example calculation.

(b) *Definitions.* When used in this section:

(1) *Eligible premium costs* mean the sum of fair and reasonable premium costs (including stamp taxes) incurred by the operator during the calendar year for eligible items other than port risk insurance.

(2) *Eligible items* mean hull and machinery, port risk, increased value and excess general average, salvage and collision liability insurance against risks and liabilities covered under the terms and conditions of policies approved as to form and coverage by the Maritime Administration.

(3) *Composite foreign premium cost* means the sum of the adjusted particular average portion of the foreign premium cost and the foreign premium cost less the particular average portion.

(4) *Adjusted particular average portion* of the foreign premium cost means the particular average portion of such cost multiplied by the difference of 100 less the maintenance and repair subsidy rate in effect for the calendar year.

(5) *Particular average portion* of the foreign premium cost means the difference of the hull and machinery portion of the foreign premium cost less the estimated total loss premium included therein multiplied by the particular average factor.

(6) *Particular average factor* means, except as provided in paragraph (c)(2) of this section (pertaining to operators with less than 5 years of claims experience), a ratio, expressed as a percentage, the numerator of which is the operator's total of underwriter's absorptions for particular average domestic repair claims paid and estimated for each of the preceding 10 years for which the operator has claims experience and the denominator of which is the operator's total of underwriter's absorptions for all claims paid and estimated (excluding total loss and constructive total loss claims) under the hull and machinery portion of the operator's insurance coverage for the same 10-year period. In no event shall the particular average factor exceed 85 percent.

(7) *Foreign premium cost* means the premium cost incurred by the vessels of a principal competitive foreign-flag during the calendar year for eligible items other than port risk insurance, as estimated by the Board pursuant to paragraph (c) of this section.

(c) *Calculation of subsidy rate*—(1) *Composite foreign premium cost.* The following assumptions shall be used by the Board in estimating the composite foreign premium cost of each vessel of each principal competitive foreign-flag:

(i) *Coverage.* Each vessel has the same types and amounts of insurance coverage and deductible averages as the subsidized vessel.

(ii) *Rate.* Each vessel is insured in the British market and the British market rate for the vessel is the same as the British market rate for the subsidized vessel, except that, if the subsidized vessel is 100 percent insured in the American market, it shall be assumed that each vessel is insured in the American market and that the American market rate for the vessel is the same as the American market rate for the subsidized vessel.

(iii) *Particular average.* The percentage of particular average repair claims for each vessel is the same as the percent of such claims for the subsidized vessel.

(iv) *Repairs.* Insurable repairs for each vessel are performed in the same countries and in the same proportion in each of such countries as noninsurable repairs and the cost differential of such repairs is the same as the maintenance and repair subsidy rate.

(2) *Particular average factor.* If fewer than 5 years of claims experience are reported by the operator pursuant to paragraph (d)(2) of this section, such operator's particular average factor shall be the average of the particular average factors of all operators, unless other data is submitted by the operator that in the opinion of the Board substantiates his claims cost experience for similar vessels.

(d) *Reporting requirements* (1) *Form MA–421.* Not later than 90 days after the close of each calendar year the operator shall submit to the Region Director Form MA–421.

(2) *Insured claims experience report.* Not later than 60 days after the close of each fiscal year, the operator shall submit to the Director, Office of Subsidy Administration, Maritime Administration, Washington, D.C. 20230, an insured claims experience report. Included in such report for so many of each of the prior 10 insured years ending on or before December 31 of the prior calendar year for which the operator has claims experience shall be: the underwriter's absorptions for particular average repair claims paid (domestic), particular average repair claims paid (foreign), particular average repair claims estimated (domestic), particular average repair claims estimated (foreign), all other claims paid and all other claims estimated. Such report shall indicate the status of all claims as of June 30 prior to its submission.

(e) *Example calculation.* The following is an example calculation of the hull and machinery insurance rate for an operator who insures his vessels partially in the British market:

ABC STEAMSHIP COMPANY, INC., T8–S–101c

VESSEL—WORLDWIDE SERVICES

Calendar Year 1974

1. *Eligible premium costs*	$200,000
2. *Composite foreign premium cost:*	
(i) Foreign premium cost:	
A. Hull and machinery coverage:	
Amount of total coverage	$8,000,000
Average premium rate in British market	2.25%
Premium cost in British market	$180,000
B. Increased value coverage:	
Amount of total coverage	$2,000,000
Average premium rate in British market	.625%
Premium cost in British market	$12,500
C. Excess liability coverage:	
Amount of total coverage	$3,000,000
Average premium rate in British market	.15%
Premium cost in British market	$4,500
D. Foreign premium cost	$197,000
(ii) Adjusted particular average portion:	
A. Particular average portion: Hull and machinery portion $180,000 less estimated total loss premium of $40,000 (8,000,000x.50%) times particular average factor of 70%	$98,000
B. Adjustment factor: 100% less maintenance and repair subsidy rate of 38.37%	61.63%
C. Adjusted particular average portion	$60,397
(iii) Foreign premium cost ($197,000) less particular average portion ($98,000)	$99,000
(iv) Composite foreign premium cost	$159,397
3. *Subsidy rate*	20.30%

$200,000 − $159,397 / $200,000

§ 252.34 Protection and indemnity insurance.

(a) *In general.* Subsidy for eligible premium costs shall be paid on the basis of the protection and indemnity subsidy rate. Subsidy for eligible deductible absorptions shall be paid on the basis of the weighted excess costs of the principal competitive foreign flags.

(b) *Definitions.* When used in this section:

(1) *Eligible premium costs* mean the sum of the fair and reasonable premium costs (including stamp taxes) incurred by the operator during the calendar year for eligible items.

(2) *Eligible items* mean protection and indemnity, excess insurance, second seaman's insurance, and cargo and pollution liability if excluded from the primary policy, against liabilities covered under the terms and conditions of policies approved as to form and coverage by the Maritime Administration.

(3) *Weighted differential* means a percentage determined by multiplying the unweighted differential of a principal competitive foreign-flag by the competition weight factor of such flag.

(4) *Unweighted differential* means a ratio, expressed as a percentage, the numerator of which is the excess of the operator's total premium cost over the estimated foreign premium cost of a principal competitive foreign-flag and the denominator of which is the operator's total premium cost.

(5) *Total premium cost* means the premium cost for each gross registered ton incurred by the operator during the calendar year for eligible items other than excess insurance and pollution liability.

(6) *Crew liability portion* means the total premium cost multiplied by the crew liability factor.

(7) *Crew liability factor* means, except as provided in paragraph (d)(3) of this section, a ratio, expressed as a percentage, the numerator of which is the total of underwriter's absorptions for crew claims paid and estimated for the preceding 5-year period, and the denominator of which is the total of underwriter's absorptions for all claims paid and estimated for the same 5-year period. The crew liability factor shall not exceed 85 percent, unless crew liability is insured by an underwriter other than the underwriter insuring all other liabilities.

(8) *All other liabilities portion* means the total premium cost less the crew liability portion of such cost.

(9) *Estimated foreign premium cost* means the crew liability premium cost for each gross registered ton incurred during the calendar year by a principal competitive foreign-flag plus the all other liabilities portion of the operator's total premium cost.

(10) *Eligible deductible absorptions* mean the fair and reasonable costs paid by the operator on voyages terminated in the calendar year under the deductible

V 40 184 SEP 2275 XUM

provisions of protection and indemnity insurance policies approved as to form and coverage by the Maritime Administration, but not exceeding the lesser of $25,000 each accident or occurrence or the amount that would have been paid by the insurance underwriters under the terms and conditions of the policies but for the fact that such costs did not exceed the deductible provisions of such policies.

(11) *Weighted excess cost* means an amount equal to the differential between the operator's eligible deductible absorptions and the amount that the principal competitive foreign-flag would have paid under the deductible provisions of its protection and indemnity insurance policies for the crew claims related to such eligible deductible absorptions multiplied by the competition weight factor.

(c) *Protection and indemnity subsidy rate.* The subsidy rate for eligible premium costs equals the sum of the weighted differentials of the principal competitive foreign-flags. See paragraph (g) of this section for an example calculation.

(d) *Calculation of protection and indemnity subsidy rate*—(1) *Cost differential limitation.* Any cost differential between the operator's vessel and the vessels of a principal competitive foreign-flag is deemed to exist only as to the crew liability portion of the operator's total premium cost.

(2) *Additional costs or credits.* If additional costs or credits are applied to a year after the protection and indemnity subsidy rate for such year has been determined, such additional costs and credits shall be taken into account in the determination of the subsidy rate for the most recent succeeding year for which a subsidy rate has not been determined.

(3) *Crew liability factor.* If fewer than 5 years of claims experience are reported by the operator pursuant to paragraph (f)(2) of this section, such operator's crew liability factor shall be the average of the crew liability factors of all operators, unless other data is submitted by the operator that in the opinion of the Board substantiates his claims cost experience for similar vessels.

(4) *Foreign crew liability premium costs*—(i) *Primary method.* The crew liability premium costs of a principal competitive foreign-flag shall be determined on the basis of data available to the Maritime Administration if in the opinion of the Board such data are reliable. If reliable data cannot be obtained for a principal competitive foreign-flag and it is determined pursuant to § 252.31 (f)(2)(ii) of this part that such flag has a non-national crew, the crew liability premium costs for similar vessels under the same nationality as such crew shall be used if, in the opinion of the Maritime Administration, such data are reliable.

(ii) *Alternate method.* If reliable cost data for a principal competitive foreign-flag are unavailable pursuant to paragraph (d)(4)(i) of this section, the crew liability premium costs of such flag shall be determined by multiplying the crew liability portion of the operator's total premium cost by the ratio of such flag's foreign wage costs to the operator's U.S. wage costs as of January 1 of the calendar year. See §§ 252.31 (b) (9) and (10) of this part for definitions of U.S. and foreign wage costs.

(e) *Subsidy payable for deductible absorptions*—(1) *Amount payable.* The amount of the subsidy payable for eligible deductible absorptions shall be the sum of the weighted excess costs of the principal competitive foreign-flags.

(2) *Foreign deductibles*—(i) *Primary method.* If the crew liability premium costs of a principal competitive foreign-flag are determined pursuant to paragraph (d)(4)(i) of this section (primary method), the deductible under such flag's protection and indemnity insurance shall be the deductible in effect for such crew liability premium costs.

(ii) *Alternate method.* If the crew liability premium costs of a principal competitive foreign-flag are determined pursuant to paragraph (d)(4)(ii) of this section (alternate method), the amount that such flag would have paid under the deductible provisions of its protection and indemnity insurance for each claim paid by the operator under the deductible provisions of its protection and indemnity insurance shall be the cost of such claim paid by the operator multiplied by the ratio of such flag's foreign wage costs to the operator's U.S. wage costs as of January 1 of the calendar year. See sections 252.31(b) (9) and (10) of this part for definitions of U.S. and foreign wage costs.

(f) *Reporting requirements*—(1) *Form MA–422.* Not later than 90 days after the close of each calendar year the operator shall submit to the Region Director Form MA–422 setting forth protection and indemnity insurance premiums, gross registered tonnage and deductible provisions in effect for each of the operator's subsidized vessels during such calendar year.

(2) *Form MA–344.* Not later than 90 days after the close of each calendar year the operator shall submit to the Region Director Form MA–344 setting forth the underwriter's absorptions for crew claims paid and estimated and for all claims paid and estimated for each year of the 5-year period ending on the December 31 prior to the year reported by the current MA–422. Such claims shall be adjusted to the deductibles reported in the current MA–422, and if there is a change in the deductibles during the calendar year, the underwriter's absorptions shall be based on the average of the two deductibles weighted by the number of months each deductible was in effect.

(g) Example calculation of protection and indemnity subsidy rate:

ABC Steamship Co., Inc., T8–8–101c Vessel—Worldwide Services

[Determination of protection and indemnity insurance subsidy rate, 1974]

	United States	Japan	Norway	United Kingdom
Crew liability	[1] $1.44	[2] $0.03	[2] $0.48	[2] $0.64
All other liabilities	.25	.25	.25	.25
Total premium cost	1.69	.28	.73	.89
Cost differential (excess of U.S. cost over foreign cost)		1.41	.96	.80
Unweighted differential		83.43	56.80	47.34
Competition weight factor		28.4	31.1	45.5
Weighted differential		19.523	17.665	21.540
Sum of weighted differentials			58.728	
Subsidy rate			58.72	

[1] Determined by applying 85 pct to total net premium cost per g.r.t. of $1.69, reported on form MA–422.
[2] Crew liability data obtained by Maritime Administration.

Subpart E—Subsidy Payment and Billing Procedures

§ 252.40 Payment of subsidy.

(a) *In general.* ODS shall be payable monthly for voyages terminated during the previous month, except as provided in paragraph (d) of this section. Payment shall be made on the basis of tentative subsidy rates until final rates are established by the Board.

(b) *Tentative rates and payment*—(1) *Tentative rates.* When subsidized service commences, the Board shall establish tentative subsidy rates for each item of subsidized expense. The Board shall establish tentative subsidy rates for wages not later than 90 days after the beginning of each fiscal year. Tentative subsidy rates for maintenance and repair, hull and machinery insurance and protection and indemnity insurance may be established, at the Board's discretion, for any calendar year subsequent to the initial year of subsidized service. If new tentative rates are not established for a subsequent year, the subsidy rate, tentative or final, applicable to the most recent year for each category of expense shall be used for the purpose of making tentative subsidy payments.

(2) *Tentative payment*—(i) *Monthly.* At the close of each calendar month, the operator may submit a voucher, and include for payment in such voucher:

(A) For voyages terminating in a foreign or U.S. port, 90 percent of an amount equal to the eligible costs incurred for maintenance and repair, hull and machinery, protection and indemnity insurance premiums multiplied by the applicable tentative subsidy rate;

(B) For voyages terminating in a U.S. port, an amount equal to the number of voyage days multiplied by the tentative wage subsidy per diem rate; and

(C) For voyages terminating in a foreign port, an amount equal to the number of voyage days multiplied by the tentative wage subsidy per diem rate multiplied by a fraction, the numerator of which is the operator's total advances, allotments, and other cash payments made to or on behalf of the crew prior to payoff during the previous fiscal year and the denominator of which is the operator's gross payroll during the previous fiscal year. If an operator does not have the necessary cost experience to establish the numerator or the denominator of such fraction, the operator shall substitute therefore a factor of 40 percent. An amount equal to the difference between the amount so determined and an amount equal to the number of subsidized voyage days multiplied by the tentative wage subsidy per diem rate shall be included in the voucher for the vessel's next voyage termination in a U.S. port.

(ii) *Quarterly.* At the close of each quarter of the calendar year the operator may include for payment in its monthly voucher an amount equal to 90 percent of the subsidy payable for unpredictably timed wage costs incurred on voyages terminated in such quarter, and an amount equal to 90 percent of the subsidy payable for eligible deductible absorptions under the operator's protection and indemnity insurance policies for the calendar quarter or an amount equal to 90 percent of the amount of the subsidy payable for such eligible deductible absorptions multiplied by the complement of the wage subsidy percentage rate in effect as of January 1 of such year (100 percent minus such wage subsidy percentage rate). See § 252.34(e)(1) for the amount of subsidy payable for eligible deductible absorptions.

(3) *Expenses applicable to prior months.* Maintenance and repair and insurance premium expenses recorded in a current month but applicable to a voyage terminated in a previous month of the same calendar year may be included for payment in the voucher submitted for the current month. Unpredictably timed wage expenses recorded in a current quarter but applicable to a voyage terminated in a previous quarter of the same fiscal year may be included for payment in the voucher submitted for the current quarter. Protection and indemnity deductible absorption costs recorded in a current quarter but applicable to a voyage terminated in a previous quarter of the same calendar year may be included for payment in the voucher submitted for the current quarter.

(4) *P & I expenses applicable to prior years.* Ninety percent of the amount of any subsidy payable for eligible deductible absorptions under the operator's protection and indemnity insurance policies recorded in the current year but applicable to a voyage that terminated in a previous year may be billed for subsidy payment at the tentative subsidy rate for the year the voyage terminated. Such expenses may be included for payment in the voucher submitted for the current quarter. Expenses applicable to voyages terminated in a prior period of subsidized service shall be submitted for payment in a separate voucher.

(5) *Changes in subsidy rates.* At the time the Board approves a new subsidy rate, the accrued subsidy and payment thereof shall be adjusted as follows:

(i) *Wage subsidy rates.* With regard to the wage subsidy per diem rate, the next monthly voucher shall include the new wage subsidy per diem rate for the month currently billed and for all months previously billed in the current fiscal year. With regard to the wage subsidy percentage rate for unpredictably timed wage expenses, the next quarterly voucher shall include the new wage subsidy percentage rate for the quarter currently billed and for all quarters previously billed in the current fiscal year.

(ii) *Maintenance and repair and insurance premium subsidy rates.* With regard to the maintenance and repair and insurance premium subsidy rates, the next monthly voucher shall include the new subsidy rates for the month currently billed and for all months previously billed in the current calendar year.

(c) *Final subsidy rates and adjustment*—(1) *Submission of voucher.* Upon determination by the Board of the final subsidy rates, the incorporation of such rates in the ODSA and the completion of such audits as are required, the operator shall submit a voucher for an adjustment of subsidy paid on the basis of tentative subsidy rates as follows:

(i) If the amount of subsidy payable (based on final rates and such audits as are required) for any category of expense for the calendar or fiscal year, as the case may be, exceeds the tentative subsidy payments for such category of expense for such fiscal or calendar year, the total amount of such excess shall be paid to the operator; or

(ii) If the tentative subsidy payments for any category of expense for the calendar or fiscal year, as the case may be, exceeds the amount of subsidy payable (based on final rates and such audits as are required) for such category of expense for such fiscal or calendar year, the total of such excess shall be refunded to the Maritime Administration.

(2) *Expenses applicable to prior years.* Expenses recorded in the current year but applicable to a voyage that terminated in a previous year may be billed for subsidy payment after the final subsidy rate applicable to such category of expense for the year in which the voyage terminated is incorporated into the subsidy contract and such expenses are audited by the Maritime Administration.

(d) *Suspension and resumption of voucher payment*—(1) *Suspension of voucher payment.* No voucher for any vessel shall be paid whenever after the first 18 months of any period of subsidized service the amount of subsidy paid during such period exceeds the amount of subsidy earned during such period as determined pursuant to § 252.21(b)(1). For purposes of this paragraph tentative subsidy rates shall be used for the calculation of the amount of subsidy earned.

(2) *Resumption of voucher payment.* Voucher payment suspended during any period of subsidized service pursuant to paragraph (d)(1) of this section shall be resumed when the amount of subsidy earned during such period as determined pursuant to § 252.21(b)(1) exceeds the amount of subsidy paid during such period. The amount of subsidy payable for voyages completed during the remaining months of the period shall not exceed the amount of subsidy earned on a cumulative basis for the period of subsidized service. For purposes of this paragraph, tentative and final subsidy rates as applicable shall be used for the calculation of the amount of subsidy earned.

(e) *Repayment of subsidy paid in excess of subsidy earned*—(1) *One-year period.* An operator who has elected a one-year period of subsidized service shall, within 60 days after the end of such period, repay to the Maritime Administration an amount equal to the excess of subsidy paid during such period over subsidy earned for such period as determined pursuant to § 252.21(b)(1).

(2) *Three-year period.* Whenever after the first 18 months of any three year period the amount of subsidy paid exceeds the amount of estimated subsidy earned for such period, the operator shall promptly repay to the Maritime Administration the excess of the subsidy paid over the estimated subsidy earned for such period. For purposes of this paragraph, the determination of the amount of estimated subsidy earned shall be made pursuant to § 252.21(b)(1) and in accordance with the following assumptions:

(i) The operator's vessel will carry during the remaining months of the three-year period the same monthly average of cargo, calculated on the basis of ton-miles or gross revenue, that it carried during the previous months of such period; and

(ii) Such cargo will be carried during such remaining months exclusively in the U.S. foreign commerce.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

(i) *One-year period.* An operator, who has elected a one-year period of subsidized service and who has received $780,000 in tentative subsidy payments for operation of a vessel that during such one-year period carried 45 percent U.S. foreign commerce, must refund an amount equal to $234,000, the exceess of the amount paid ($780,000) over the amount earned ($546,000 or 70 percent of $780,000).

(ii) *Three-year period.* An operator who has been paid $900,000 in tentative subsidy payments for 20 months of consecutive operation is determined (on the basis of gross revenue) to have earned 40 percent of that amount, or $360,000. The determination of whether any part of this amount is presently refundable is as follows: The monthly average of

V 40 184 SEP 2275 XUM

total gross revenue reported by the operator ($6,600,000) for the 20-month period is $330,000 ($6,600,000/20). Accordingly, it is estimated that gross revenue for the full 36 month period of subsidized service will be $11,880,000 ($330,000 x 36). In accordance with the assumptions contained in paragraph (e)(2) of this section, the excess of $11,880,000 over $6,600,000, or $5,280,000, is the estimated gross revenue that the operator will report as arising from cargo carried in the U.S. foreign commerce during the balance of the 36 month period. Since the operator has reported $2,000,000 in gross revenue from the carriage of cargo in the U.S. foreign commerce for the elapsed 20 month period, the total estimated gross revenue attributable to U.S. foreign commerce for the full 36 month period is $7,280,000 ($5,280,000 plus $2,000,000). Accordingly, the estimated percentage of cargo carried in the U.S. foreign commerce for the full 36 month period is 61.27% ($7,280,000/$11,880,000) and the estimated percentage of subsidy earned is 100%. Consequently, the operator is not required to make refund of any amount of the tentative subsidy paid.

(f) *Audit of operator's records*—(1) *In general.* Vouchers submitted for tentative subsidy payment generally will not require an audit of the operator's subsidizable expenses. However, certain items, for example, the percentage of advances, as compared to gross payroll, may be verified. Prior to final payment of accrued subsidy, the Maritime Administration will audit the operator's subsidizable expenses and all data necessary for the verification of the percentage of cargo carried in U.S. foreign commerce.

(2) *Information necessary for audit.* In order for the Maritime Administration to perform its audit of subsidizable expenses incurred, revenues earned, and cargo carried, the operator shall make available all information and documents to support all vouchers on which subsidy is claimed. The required documents shall include, but are not limited to, the following:

(i) Voyage and port payrolls including overtime supports, individual pay vouchers, computation of payroll taxes and the various payroll contributions payable under collective bargaining agreements in support of costs submitted by the operator on Form MA-790 and in support of subsidy vouchers for unpredictably timed wage expenses;

(ii) Invoices of domestic suppliers and repair yards for expenses incurred in the U.S. and the Commonwealth of Puerto Rico;

(iii) Insurance premium invoices, crew injury, illness and death claims records and files compiled in connection with costs absorbed under the deductible provisions of insurance policies, and general and particular average claims files; and

(iv) All contracts of affreightment, charter agreements, cargo loading and discharging reports, log records and other documents related to gross revenues for cargos carried and cargo-ton miles.

§ 252.41 **Subsidy billing procedures.**

(a) *Subsidy voucher*—(1) *Form.* Requests for payment of subsidy shall be submitted on a public voucher, Standard Forms 1034 and 1034A, which can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(2) *Copies.* The original and 3 copies of the voucher are to be submitted for payment to the appropriate Region Director. The original and 2 copies must be supported by schedules. The third copy is the payee's copy and need not be supported. The payee's copy will be returned with payment by the United States Department of the Treasury. A signed and notorized affidavit as shown in paragraph (c) of this section shall accompany each voucher.

(3) *Numbering.* Subsidy vouchers shall be numbered consecutively.

(b) *Schedules and affidavits*—(1) *Contents and instructions.* Schedules are used for calculating the amount of subsidy which is due for payment. Separate schedules shall be prepared for each subsidized vessel. Subsidy accruals, gross revenues and cargo ton-miles shall be aggregated for the period of subsidized service. An operator electing a one-year period of subsidized service after the submission of a voucher and schedules for the 13th calendar month, shall resubmit corrected schedules conforming to such election. Schedules to be filed by the operator, as indicated, include the following:

(i) *Schedule A.* Schedule A contains the cumulative subsidy accrued, the cumulative subsidy otherwise payable, and the net subsidy payable or refundable from the commencement of the period of subsidized service. The entry "Billing No." shall be used by the operator for the consecutive numbering of vouchers of the one or three year period of subsidized service. When the operator makes adjustments in subsidy accruals or the amount of subsidy payable after the close of the period of subsidized service, he shall submit an additional Schedule A for such period, attaching appropriate supporting schedules.

(ii) *Schedule B (U.S.).* Schedule B (U.S.) contains the calculation of accrued wage per diem subsidy for any voyage terminated in a U.S. port.

(iii) *Schedule B (Foreign).* Schedule B (Foreign) contains the calculation of accrued wage per diem subsidy and of the partial subsidy payment for any voyage terminated in a foreign port.

(iv) *Schedule B–1 (Foreign).* Schedule B–1 (Foreign) contains the balance of subsidy payable from Schedule B (Foreign). It may be submitted with the next subsidy voucher which includes a Schedule B (U.S.) for the same vessel. If such voucher is submitted in a subsequent period of subsidized service, a separate Schedule A for the period of subsidized service in which the voyage terminated shall be attached.

(v) *Schedule C.* Schedule C contains the calculation of accrued subsidy for maintenance and repairs, hull and machinery insurance premiums, and protection and indemnity insurance premiums for the terminated voyage.

(vi) *Schedule C–1.* Schedule C–1 contains the calculation of accrued subsidy for unpredictably timed wages incurred on voyages terminated during the calendar quarter. Accrued subsidy for expenses incurred on voyages terminated in a previous period of subsidized service shall be reported on separate Schedules A and C–1 for such period.

(vii) *Schedule D.* Schedule D contains the calculation of accrued subsidy for protection and indemnity insurance deductible absorptions for voyages terminated during the calendar year. Accrued subsidy for expenses incurred on voyages terminated in a previous period of subsidized service shall be reported on separate Schedules A and D for such period.

(viii) *Schedule D–1.* Schedule D–1 is an optional form for calculating the accrued subsidy for protection and indemnity insurance deductible absorptions in accordance with § 252.40(b)(2)(iii) of this part. If used, it shall be submitted in accordance with the instructions contained in paragraph (b)(1)(vii) of this section.

(ix) *Schedule E.* Schedule E contains cumulative gross revenue and cargo tonmiles, and is used for determining the percentage of subsidy earned during a period of subsidized service. The operator shall indicate the final schedule for each such period by adding the word "Final" to the schedule title, i.e., SCHEDULE E (Final).

(x) *Schedule F.* Schedule F contains the calculation of subsidy refundable for a period of subsidized service. The operator is not required to submit a Schedule F unless Schedule A indicates an overpayment of subsidy after the first eighteen (18) months of any three-year period of subsidized service.

(xi) *Affidavit.* The affidavit shall be signed by an official of the operator who is familiar with the subsidy contract, these regulations, the operation of the subsidized vessel and the accounts, books, records and disbursements of the operator relating to such operation.

(c) *Forms.* The operator shall furnish its own supply of the following schedule forms and affidavit described in paragraph (b) of this section:

SCHEDULE A

_____
(Operator)

Calculation of operating-differential subsidy (ODS) for the _____: Subsidy contract No. _____
(name of vessel)
Billing No. _____

Period _____
(1 year/3 years)
Date period commenced _____
(day, month, and year)

		Current voucher	Previous vouchers	Total
I. ODS accrued:				
1. Tentative rates:				
(i) Wages—per diem		$	$	$
(ii) Wages—unpredictably timed				
(iii) Other categories of expense:				
A. M&R				
B. H&M premium				
C. P&I premium				
D. P&I deductibles				
(iv) Total tentative ODS accrued		$	$	$
2. Final rates:				
(i) Wages—per diem		$	$	$
(ii) Wages—unpredictably timed				
(iii) Other categories of expense:				
A. M&R				
B. H&M premium				
C. P&I premium				
D. P&I deductibles				
(iv) Total final ODS accrued		$	$	$
II. ODS payable:				
1. Tentative payment:				
(i) 100 percent of item 1.1(i)		$		
(ii) 90 percent of item 1.1(ii)		$		
(iii) 90 percent of item 1.1(iii) A, B, C, D		$	$	
2. Final payment: 100 percent of item 1.2.(iv)			$	
3. ODS payable before application of percentage of subsidy earned				$
4. Percentage of subsidy earned (Schedule E)		%		
5. ODS earned (item 3X4)				$
6. Previous subsidy payments				$ (blank)
7. ODS payable (overpayment to date) (note 1)				$
8. ODS refundable (note 2)				$

NOTES

1. (a) If this schedule applies to a 1-yr period or the first 18 mo of a 3-yr period, subtract item 6 from item 3 and enter balance on item 7.
(b) If this schedule applies to the 19th through the 36th month of a 3-yr period, subtract item 6 from item 5 and enter balance on item 7. If item 7 is an overpayment (negative amount), complete schedule F.
2. (a) If item 7 is a payable (positive) amount, omit item 8.
(b) If item 11.8 of schedule F indicates a repayment of subsidy, enter the amount on item 8.

SCHEDULE B (U.S.)

_____
(Operator)

Calculation of accrued wage per diem subsidy for the _____ for voyage terminated in U.S. port
(name of vessel)
during the month of _____.
Voyage No. _____
Date commenced _____. Date terminated _____
Number of subsidized voyage days _____

A. Voyage in 1 fiscal year:		
1. Wage per diem rate	$	
2. Total subsidized voyage days		
3. Total subsidy for voyage (line 1×2)		[1] $
B. Voyage in parts of 2 fiscal years:		
1. Fiscal year 19—:		
(i) Wage per diem rate	$	
(ii) Subsidized voyage days in fiscal year		
(iii) Total subsidy for fiscal year (item 1×ii)		$
2. Fiscal year 19—:		
(i) Wage per diem rate	$	
(ii) Subsidized voyage days in fiscal year		
(iii) Total subsidy for fiscal year (item 1×ii)		$
3. Total subsidy for voyage (item 1(iii)+2(iii))		[1] $

[1] Enter on schedule A, item I.

V 40 184 SEP 2275 XUM

SCHEDULE B (FOREIGN)

_____
(Operator)

Calculation of accrued wage per diem subsidy for the _____ (name of vessel) for voyage terminated in foreign port during the month of _____.

Voyage No. _____
Date commenced _____ Date terminated _____.
Number of subsidized voyage days _____.

A. Voyage in 1 fiscal year:		
1. Wage per diem rate	$_____	
2. Total subsidized voyage days	_____	
3. Total wage per diem (item 1×2)	$_____	
4. Percentage factor [1]	_____%	
5. Partial subsidy for voyage (item 3×4)		[1] $_____
6. Balance of subsidy for voyage	[2] $_____	
B. Voyage in parts of 2 fiscal years:		
1. Fiscal year 19__:		
(i) Wage per diem rate	$_____	
(ii) Subsidized voyage days in fiscal year	_____	
(iii) Total wage per diem for fiscal year (item 1×ii)	$_____	
2. Fiscal year 19__:		
(i) Wage per diem rate	$_____	
(ii) Subsidized voyage days in fiscal year	_____	
(iii) Total wage per diem for fiscal year (item 1×ii)	$_____	
3. Total wage per diem for voyage (item 1(iii)+2(iii))	$_____	
4. Percentage factor [1]	_____%	
5. Partial subsidy for voyage (item 3×4)		[1] $_____
6. Balance of subsidy for voyage	[2] $_____	

[1] Computed in accordance with § 252.10 (b)(2)(i) of this part.
[2] Enter on schedule A, item 1.
[3] May be billed in next voucher which includes a schedule B (United States) for the same vessel; use schedule B-1 (foreign) for this purpose.

SCHEDULE B–1 (FOREIGN)

_____
(Operator)

Balance of accrued wage per diem subsidy for the _____ (Name of vessel) for voyage terminated in foreign port.

Period _____.
(1 year/3 years)
Date period commenced _____.
(Day, month, and year)

A. Balance of subsidy for voyage No. _____ (enter item 6 from schedule B—foreign) _____ [1] $_____
B. Balance of subsidy for voyage No. _____ (enter item 6 from schedule B—foreign) _____ [1] $_____
(Repeat, as necessary.)

[1] Enter on schedule A, item I.

SCHEDULE C

_____
(Operator)

Calculation of accrued subsidy for maintenance and repairs (M&R), hull and machinery insurance premium (H&M) and protection and indemnity insurance premium (P&I) for the _____ (name of vessel), voyage number _____, terminated during the month of _____.

	M&R	H&M	P&I
1. Subsidizable expense	$_____	$_____	$_____
2. Subsidy rate	_____%	_____%	_____%
3. Total subsidy (item 1×2) [1]	$_____	$_____	$_____

[1] Enter on schedule A, item I.

SCHEDULE C–1

_____
(Operator)

Calculation of accrued subsidy for unpredictably timed wages for the _____, (Name of vessel) for voyage numbers _____ terminated during the calendar quarter ending _____.
(Month and year)
Period _____.
(1 year/3 years)
Date period commenced _____.
(Day, month, and year)

1. Unpredictably timed expenses	$_____
2. Subsidy rate (percent)	_____
3. Total subsidy (item 1×2)	_____

[1] Enter schedule A, item I.

SCHEDULE D

_____
(Operator)

Calculation of accrued subsidy on P&I deductibles for the _____ (name of vessel) for voyage terminations during calendar quarter ending _____.

Period _____
(1 year/3 years)
Date period commenced _____:
(day, month, and year)

Voyage No.	U.S. deductible cost	Foreign competitors deductible costs A	B	C
_____	$_____	$_____	$_____	$_____
_____	$_____	$_____	$_____	$_____
_____	$_____	$_____	$_____	$_____
_____	$_____	$_____	$_____	$_____
1. Total this period	(a) $_____ (b)	$_____	$_____	$_____
2. Cost differential (1a—1b)		$_____	$_____	$_____
3. Competition weight factor		_____%	_____%	_____%
4. Weighted cost differential (item 2×3)		$_____	$_____	$_____
5. Total subsidy				[1] $_____

[1] Enter on schedule A, item I.

SCHEDULE D–1

_____
(Operator)

Calculation of accrued subsidy on P&I deductibles for the _____ (Name of vessel) for voyage terminations during calendar quarter ending _____.

Period _____
(1 year/3 years)
Date period commenced _____.
(Day, month, and year)

Voyage No.	U.S. deductible cost
_____	$_____
_____	$_____
_____	$_____
_____	$_____
1. Total this period	$_____
2. Complement of wage subsidy percentage rate (100 percent minus the rate in effect on January 1 of calendar year)	_____%
3. Total subsidy (item 1×2)	[1] _____

[1] Enter on schedule A, item I.

SCHEDULE E

_____
(Operator)

Calculation of percentage of subsidy earned for the _____ (name of vessel).

Accounting period _____
(1 year/3 years)
Date period commenced _____.
(day, month, and year)

	U.S. foreign commerce gross revenue	Total cargo gross revenue	U.S. foreign commerce ton-miles (thousands)	Total cargo ton-miles (thousands)
1. Voyage currently billed: Voyage No. _____	$_____	$_____	_____	_____
2. Voyages previously billed this period: Voyages Nos. _____	$_____	$_____	_____	_____
3. Total this period	$_____	$_____	_____	_____
	(a)	(b)	(a)	(b)
4. Percentage of U.S. foreign commerce to total cargo this period (column a÷b)	_____%			_____%
5. Percentage of subsidy earned this period: Unless otherwise specified in the subsidy contract, if the higher of the 2 percentages in item 4 is: 50–100 percent—enter 100 percent; 40–49.99 percent—enter 70 percent; 30–39.99 percent—enter 40 percent; less than 30 percent—enter 0 percent				[1] _____%

[1] Enter on Sch. A, item II.4.

SCHEDULE F

_____
(Operator)

Calculation of ODS refundable for the _____
(Name of vessel)
Date period commenced _____, billing No. _____.
(Day, month, and year)

I. Percentage of subsidy earned:

	U.S. foreign commerce cargo	Total cargo
1. Gross revenue or ton-miles to date this period (enter total this period from schedule E)	(a) _____	(b) _____
2. Months to date this period [1]	_____	_____
3. Monthly average cargo (item 1b÷2)	_____	_____
4. Estimated total cargo this period (36×item 3)	_____	_____
5. Estimated U.S. foreign commerce for balance of period (item 4—1b)	_____	_____

V 40 184 SEP 2275 XUM

SCHEDULE F—Continued

6. Estimated total U.S. foreign commerce this period (item 1e+5)
7. Estimate percentage of total U.S. foreign commerce to total cargo this period (item 6÷4) %
8. Estimated percentage of subsidy earned this period—unless otherwise specified in subsidy contract, if item 7 is: 50–100 percent—enter 100 percent; 40–49.99 percent—enter 70 percent; 30–39.99 percent—enter 40 percent; less than 30 percent—enter 0 percent %

II. ODS refundable:

1. ODS payable to date this period (enter amount from item II.3, schedule A) $
2. Months to date this period[1]
3. Monthly average ODS (item 1÷2) $
4. Estimate ODS otherwise payable this period (36×item 3) $
5. Estimate percentage of subsidy earned this period (enter item I.8)
6. Estimate ODS earned this period (item 4×5) $
7. ODS paid to date this period (enter amount from item II.6, schedule A) $
8. ODS (refundable) nonrefundable (item 6—7) [2]$

[1] From month period commenced through month of billing.
[2] Enter (refundable) on schedule A, item II.8.

AFFIDAVIT

State of
City of
County/Parish of

I, (name of company official), being duly sworn, depose and say, that I am (title) of the (operator) (herein referred to as the "Operator"), and as such am familiar with (a) provisions of the Operating-Differential Subsidy Agreement, Contract No. dated as of as amended, to which the Operator is a party; and (b) the regulations governing the payment of operating-differential subsidy for bulk cargo vessels, Part 252, Title 46, C.F.R.; and (c) the operation of the vessels covered by said Agreement and regulations; and (d) the accounts, books, records, and disbursements of the Operator relating to such operation.

Referring to the public voucher dated covering voyages terminated during the periods commencing and ending and attached submitted by said Operator concurrently herewith for a payment on account in the sum of , under said Agreement, I further depose and say that, to the best of my knowledge and belief, the Operator has fully complied with the terms and conditions of said Agreement and regulations, applicable orders, rulings and provisions of the Merchant Marine Act, 1936, as amended, and is entitled, under the provisions of said Agreement and regulations, orders and rulings applicable thereto, to the amount of the payment on account requested; and further depose and say that the vessels named in the attached schedules were in authorized service for the voyages on which the payment on account is requested and has not included in the calculation of the amount of subsidy claimed in the attached voucher any costs of a character that the Maritime Administration, or Secretary of Commerce, acting by and through the Maritime Subsidy Board, or any predecessor or successor, had advised the Operator to be ineligible to be so included, or any costs collectible from insurance, or from any other source.

Payment by the Maritime Administration of all or part of the amount claimed herein shall not be construed as approval of the correctness of the amount stated to have been due, nor a waiver of any right or remedy the Maritime Administration, or Secretary of Commerce, acting by and through the Maritime Subsidy Board, or any predecessor or successor, may have under the terms of said Agreement, or otherwise.

I further depose and say that this affidavit is made for and on behalf and at the direction of the Operator for the purpose of inducing the Maritime Administration to make a payment on account pursuant to the provisions of the aforesaid Operating-Differential Subsidy Agreement, as amended.

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this day of , 19.

My commission expires

Notary Public

§ 252.42 Appeal procedures.

(a) *Appeals of annual or special audits.* An operator who disagrees with the findings, interpretation or decisions in connection with audit reports of the Maritime Administration and who cannot settle said differences by negotiation with the appropriate Region Director's office may submit an appeal from such findings, interpretations or decisions in accordance with Part 205 of this chapter.

(b) *Appeals of administrative determinations*—(1) *Policy.* An operator who disagrees with the findings, interpretations or decisions of the Contracting Officer with respect to the administration of this part may submit an appeal from such findings, interpretations or decisions as follows:

(i) Appeals shall be made in writing to the Secretary, Maritime Subsidy Board, Maritime Administration, within 60 days following the date of the document notifying the operator of the administrative determination of the Contracting Officer. In his appeal to the Secretary the operator shall indicate whether or not he desires a hearing.

(ii) The appellant will be notified in writing if a hearing is to be held and whether he is required to submit additional facts for consideration in connection with the appeal.

(iii) When a decision has been rendered by the Board, the appellant will be notified in writing.

(2) *Appeal to the Secretary of Commerce.* An operator who disagrees with the findings and determinations of the Board may appeal such findings and determinations by filing with the Secretary of Commerce, a written petition for review of the Board's action. The petition must be filed in accordance with Section 7, Department of Commerce Organization Order 10–8 (38 FR 19707).

(3) *Hearings.* The Rules of Practice and Procedure, Part 201, Subchapter A, will be followed for all hearings granted under this part.

Effective date: The provisions of 46 CFR Part 252 as set forth herein shall be effective on September 22, 1975.

(Section 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91–469 (84 Stat. 1036), Department of Commerce Organization Order 10–8 (38 FR 19707, July 23, 1973)

Dated: September 15, 1975.

By order of the Maritime Subsidy Board, Maritime Administration.

ROBERT J. PATTON, JR.,
Assistant Secretary.

[FR Doc.75-24935 Filed 9-19-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19840, FCC 75-1003]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Me.

In the matter of amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Bath and Auburn, Maine), Docket No. 19840, RM–2090, RM–2281.

1. The Commission here considers the *Notice of Proposed Rule Making and Order to Show Cause* adopted in this proceeding (38 Fed. Reg. 28305), proposing amendment of the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) by replacing Channel 237A, the only channel assigned to Bath, Maine, with Class B Channel 290. The commenting parties are petitioner, Porter Broadcasting Services, Inc., ("Porter") (licensee of Station WJTO–FM on Channel 237A), Andy Valley Broadcasting System, Inc., ("Andy Valley") (licensee of WPNO–AM, Auburn, Maine, and one of two applicants for an FM station on that community's only FM channel), and Lakes Region Broadcasting Corporation, Inc. ("Lakes").

2. Petitioner has offered data regarding Bath's growing economy and population to support its request for a Class B assignment at Bath. It also asserts that Channel 290 can be substituted without serious preclusion's taking place. Porter asserts that Channels 261A, 284, 292A are available for assignment to Brewer, Orono and Old Town, Maine, where the preclusion would take place. Assuming a suitable transmitter site, Porter indicates Channel 271 could be used at Brewer.

3. Andy Valley filed comments containing a counterproposal. It requested that, in lieu of petitioner's proposal, Channel 292A be assigned to Auburn as its second FM assignment and that Channel 240A be substituted for Channel 292A at Saco, Maine. Andy Valley submitted evidence concerning Auburn's economic and population growth in support of its counterproposal. Since Bath and Auburn are approximately 25 miles apart, both proposals cannot be adopted as the required minimum mileage separation is 40 miles.

4. The comments filed by Lakes Region Broadcasting dealt with the preclusionary effects of Andy Valley's counterproposal. At the time this Docket's proceedings were instituted, Lakes had filed a petition for assigment of Channel 267 to Plymouth, New Hampshire and the substitution of Channel 294 for Channel 286A at Skowhegan, Maine. An assignment of Channel 292A at Auburn, pursuant to Andy Valley's proposal, would not meet the spacing requirements with respect to Channel 294 at Skowhegan. That proposal was adopted April 2, 1974, in the *Report and Order* for Docket No. 19540 (FCC 74–329). In addition, if Channel 292A were assigned to Auburn and no other changes were made, there would be a serious short-spacing to the co-channel operation on the Saco assignment used under the "10-mile" rule at Scarborough, Maine. If Channel 240A were substituted at Scarborough, it then would be short-spaced to the permit granted at Rumford, Maine, on Channel 242. Andy Valley's counterproposal must, therefore, be denied because of the conflicts with the spacing requirements it would impose on the affected stations. *Portland, Tennessee,* 35 F.C.C. 2d 601, 25 RR 2d 1631 (1972).

5. Porter submitted comments in response to the *Notice of Proposed Rule Making* which contain a *Roanoke Rapids-Goldsboro, N.C.*,[1] 9 F.C.C. 2d 672 (1967), showing indicating that assignment of Channel 290 to Bath would provide first FM broadcast service to 379 persons and a second FM service to 7,219 persons. This point was put into issue in supplementary filings by Andy Valley and Porter both of which sought leave to file supplementary material. Although we are considering these filings, they do no more than reaffirm the decisional facts. Andy Valley had asserted that the transmitter site now used by Porter's Station WJTO–FM could present an aviation hazard if contemplated for use as a Channel 290 site. Porter responded that the transmitter site it would use would be located south of Bath and not be an aviation hazard. This suggested to Andy Valley that with the change in site could come a change in the first or second FM service that otherwise might be provided, or it could lead to inclusion of Auburn within the station's proposed 3.16mV/m contour. However, based on the site indicated by Porter, the principal community signal would not extend to Auburn. In addition, from the Commission's review of the showing, use of this site would not be expected to alter the first or second FM service to be provided.

6. On the basis of the preceding facts we find that substituting Channel 290 for Bath's present Channel 237A assignment would be in the public interest. It has been shown that Channels 261A, 271 (given proper transmitter location), 292A, and 284 are available as future assignments in the precluded areas and that implementation of Andy Valley's counterproposal is precluded. Bath's growing economic and population needs warrant this Class B assignment which will provide significant first and second FM service.

7. In view of the foregoing, and pursuant to authority contained in Sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, IT IS ORDERED, That effective October 22, 1975, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) IS AMENDED to read as follows:

City:	Channel No.
Bath, Maine	290

8. IT IS FURTHER ORDERED, That effective October 22, 1975, and pursuant to Section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Porter Broadcasting Services, Inc. for Station WJTO–FM, Bath, Maine, IS MODIFIED to specify operation on Channel 290 in lieu of Channel 237A subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than October 22, 1975, of its acceptance of this modification.

(b) The licensee shall specify facilities equivalent to 50 kW ERP and a height above average terrain of 500 feet.

(c) The licensee may continue to operate on Channel 237A under its outstanding authorization until it is ready to operate on Channel 290 or the Commission sooner directs but no later than 3 a.m. local time April 1, 1978.

(d) At least 30 days before it wishes to commence operation on Channel 290, or within 30 days after it receives notification from the Commission if the Commission sooner directs the change set forth in (c) above, but not later than February 1, 1978, the licensee of Station WJTO–FM shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 290 at Bath, Maine.

(e) Ten days prior to commencing operation on Channel 290, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(f) Porter Broadcasting Services, Inc. shall not commence operation on Channel 290 until the Commission specifically authorizes it to do so.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

Adopted: September 5, 1975.

Released: September 11, 1975.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-25126 Filed 9-19-75;8:45 am]

[Docket No. 20338, FCC 75-1005]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Mich.

In the matter of amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Kalamazoo and Portage, Michigan), Docket No. 20338, RM–2333.

1. The Commission has under consideration its *Notice of Proposed Rule Making*, adopted January 17, 1975 (40 Fed. Reg. 4941), inviting comments on a proposal to assign Channel 299 to Portage, Michigan, as a first FM assignment to the community. The proceeding was instituted following receipt of a petition filed on behalf of Robert B. Taylor ("Taylor"), licensee of daytime-only AM Station WBUK, Portage, in which he requested the assignment set forth in our *Notice*. In the petition, Taylor indicated that if the assignment were made as requested, he would promptly apply for a construction permit for a station on that channel, and, if awarded the permit, would construct and operate a station. Fairfield Broadcasting Co. ("Fairfield") also filed comments.

2. Portage (pop. 33,950[1]) is located in Kalamazoo County and is contiguous to the city of Kalamazoo (pop. 85,555). Both Portage and Kalamazoo have experienced significant growth during the last two decades due, in large part, to the influx of manufacturing into the area. Portage has one local aural outlet, the petitioner's AM facility.

3. In its comments Fairfield, licensee of a Kalamazoo FM station, sought to raise a so-called *Berwick*[2] issue by contending that Taylor intended to use a station operating on the proposed Portage channel for the purpose of programming for the nearby Kalamazoo radio audience. In view of the decision, discussed below, to assign the channel to Kalamazoo, we need not resolve the issue, especially since, under our approach, there is no reason to be concerned about an attempt to establish what in effect would be a sub-standard Kalamazoo station when an application could be filed for Kalamazoo itself.

4. Fairfield, citing our statement *"Policy to Govern Requests for Additional FM Assignments"*,[3] urges denial of the proposal on the grounds that it constitutes a departure from our usual policy of assigning Class A channels to small, suburban communities. Fairfield's interpretation of our statement and its view of our policy are strained. Simply stated, we do not view Portage or other communities of its size to be the small communities contemplated in the statement. While Portage may be smaller than Kalamazoo, it is not a small community of the type the Commission ordinarily has in mind in applying the policy statement. We therefore reject the contention that the size of Portage bars the assignment of a Class B channel so

[1] All population statistics are cited from the 1970 U.S. Census.
[2] 12 F.C.C. 2d 8 (1968).
[3] 8 F.C.C. 2d 79 (1967).

V40I184 SEP 2275 XUM

as to permit its use in that community. In any event, the approach taken allows the channel to be used at the larger community of Kalamazoo instead as well as at Portage under the "15-mile" rule.

5. Kalamazoo, although assigned two FM channels, in effect has only a single commercial FM station[4], in addition to its two full-time and two daytime AM stations. The Commission's population criteria for FM assignments specify that communities of 50,000 or less can warrant the assignment of one or two FM channels.[5] Cities with populations of more than 50,000 but less than 100,000 can warrant the assignment of from two to four FM channels. Thus, the assignment of Channel 299 to either Portage or Kalamazoo would be compatible with established Commission policy. It would provide in effect a second FM commercial operation at far larger Kalamazoo or a first FM station at the smaller community, Portage. Although no Kalamazoo petitioner has stepped forward, we believe the better course is to assign the channel to Kalamazoo, a result which would also permit the channel to be used at Portage under the "15 mile" rule.[6] If the channel were assigned to Portage, Kalamazoo would be foreclosed from consideration, as no application under the "15-mile" rule can propose use of the channel in a place already listed in the FM Table.

6. Though no "first service" would be provided under this proposal, Taylor asserts that a Class B channel situated thirteen miles southeast of Portage would supply a second FM service to some 9,000 people residing in a forty-eight square mile area southeast of Portage near Coldwater. Fairfield describes Taylor's "second service" proposal as specious, but suggests that if, in fact, the "second service" showing is an important consideration, then the assignment should be made to Coldwater which is located much closer to this underserved area than Portage. An assignment of a channel at Coldwater, however, would be violative of Commission policy for the reason that the community of Coldwater, with a population of less than 10,000, already has both an AM and an FM facility (which Portage does not). Further, Fairfield's proposal to assign Channel 296A to Coldwater instead of Channel 299 at Portage would result in an intermixture which, where possible, will be avoided.[7] Finally, no interest in its use at Coldwater to effectuate any such purpose has been shown.

7. The communities of Sturgis (pop. 9,295), Colon (pop. 1,172) and Bronson (pop. 2,390) would be located within the area of preclusion created by the assignment of Channel 299 to Portage. Sturgis has both AM and FM service. Colon and Bronson do not. Other than the expressed willingness of Taylor to apply for a construction permit to build and operate a station in either one of the mentioned communities if assigned there rather than as proposed, there has been no indication of interest, particularly from residents of the two communities. Accordingly, the preclusion does not provide a basis for withholding action.

8. Fairfield asserts that Taylor's petition must be denied on the grounds that Taylor's comments in response to the *Notice* failed to indicate that it would seek broadcast authority to operate a station in Portage if the requested assignment was made. The policy requiring proponents of FM channel assignments to reiterate an intent to proceed if the assignment is made as requested was adopted by the Commission after it was found that many previous assignments were lying fallow as a result of waning interest on the part of some petitioners. Such does not appear to be the case here as we believe Taylor's statements in both the petition and the comments constitute a requisite showing of interest and intent.

9. In view of the above, we find that the public interest, convenience and necessity would be served by the assignment of Channel 299 to Kalamazoo, Michigan.[8]

10. Accordingly, IT IS ORDERED, That effective October 22, 1975, the FM Table of Assignments (Section 73.202(b) of the Commission's Rules and Regulations) IS AMENDED to read as follows:

City:	*Channel No.*
Kalamazoo, Mich.	271, 293, 299

11. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

12. IT IS FURTHER ORDERED, That this proceeding is TERMINATED.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: September 5, 1975.

Released: September 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-25127 Filed 9-19-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 251—FINANCIAL AID PROGRAM PROCEDURES FISHERY FOR KING CRAB IN ALASKA

Aid to Fisheries

On April 10, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 16216) stating that the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, was considering an amendment to Financial Aid Program Procedures (50 CFR Part 251) to incorporate in subpart B of Part 251 a new section to adopt the "fishery for king crab in Alaska" as a Conditional Fishery. This notice contained an explanatory statement describing the principal situations and conditions under consideration for determining that this fishery should be adopted as a Conditional Fishery and that the use of financial assistance programs to add vessel capacity to this fishery would not be consistent with the wise use of that fishery resource and with the development, advancement, management, conservation, and protection of that fishery.

Subpart A of 50 CFR Part 251 sets forth the general policy under which financial assistance programs for the commercial fisheries will be administered and establishes the procedure to be used in proposing and adopting a fishery as a Conditional Fishery. Each fishery adopted as a Conditional Fishery will be enumerated under Subpart B of 50 CFR Part 251. The terms under which financial assistance related to a Conditional Fishery may be approved are set forth in the regulations on procedures and administration of each financial assistance program. Consequently, in considering the adoption of a Conditional Fishery, the terms and conditions of regulations for administering the Fishing Vessel Obligation Guarantee program (50 CFR Part 255) and the Fishing Vessel Capital Construction Fund program (50 CFR Part 259) are reviewed to assure that due consideration is afforded to participants or potential participants in these programs.

In response to the proposal, one comment was received from a fishing vessel owner-operator expressing complete support for the proposed classification of the fishery for king crab in Alaska as a Conditional Fishery.

After due consideration, the Director concludes that the proposal to amend Part 251 of this chapter, Subpart B—Conditional Fisheries, to add a new § 251.24 is hereby adopted as set forth below. This section shall be effective on September 22, 1975.

§ 251.24 Fishery for king crab in Alaska.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

SEPTEMBER 16, 1975.

[FR Doc.75-25067 Filed 9-19-75;8:45 am]

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[4] The sole commercial FM outlet is WQLR, Channel 263, licensed to Fairfield Broadcasting Co. WMUK, licensed to Western Michigan University, and operating on commercial Channel 271, provides a non-commercial educational programming service.

[5] *Further Notice of Proposed Rule Making*, Docket 14185, and incorporated by reference in Para. 25, *Third Report and Memorandum Opinion and Order*, 23 R.R. 1580 (1963).

[6] Section 73.203(b) of the Commission's Rules.

[7] *Lake City, S.C.*, 47 F.C.C. 2d (1974) at para. 20.

[8] Canadian approval has been obtained for this assignment.

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2605—GUARANTEED BENEFITS

On June 5, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 24206). The notice set forth proposed rules defining the types of benefits provided by a pension plan which would be covered under the basic insurance program established by the Pension Benefit Guaranty Corporation (hereinafter referred to as the "PBGC") pursuant to section 4022(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 829 et seq.) (hereinafter referred to as the "Act").

Comments on the proposed regulation were received from persons representing fourteen different organizations. The comments were reviewed by the staff of the PBGC and by the Advisory Committee to the PBGC established pursuant to section 4002(h) of the Act. As explained more fully below, the proposed regulation has been revised in light of the comments received and as so revised is now final.

GUARANTEED BENEFITS

One of the important issues raised by the comments concerned the propriety of the definition of pension benefit in § 2605.2 of the proposal and the limitation of guaranteed benefits contained in § 2605.4(a)(1) of the proposal. As noted in the proposal, the PBGC has determined that the Act requires the guarantee of basic nonforfeitable pension benefits. Thus, in general, to be guaranteed a benefit provided under a plan must be (a) payable in periodic installments, (b) designed to provide income for the life of the participant or for his beneficiaries, and (c) nonforfeitable on the date of the termination of the plan.

As noted in the proposal, pension plans are in almost all cases built around a level annuity commencing at retirement which is payable for the life of a participant. However, some plans provide temporary supplements to this basic income. As in the proposal, in the final regulation, benefits which are designed to supplement basic retirement income are not guaranteed because they exceed the level income provided by the plan. Section 2605.4(a)(1) of the proposal provided that benefit amounts which exceeded the amount of an installment which would be payable as part of a life annuity provided by the plan would not be guaranteed. This section, which is retained in the final regulation, in conjunction with the definition of a pension benefit, is designed to guarantee the fundamental pension benefit provided by a plan and to exclude supplements.

However, the PBGC recognizes that some plans, in order to tailor their benefits to the needs of the individual participants, may provide a benefit payable in unequal installments which has the same actuarial value as the annuity accrued for retirement at the normal retirement age. One major reason for doing this is to coordinate the amounts received from the plan with the amounts received from Social Security benefits to provide a substantially level income for the life of the participant. Those benefits which are designed to provide a substantially level income in combination with Social Security benefits, but have an actuarial value which does not exceed the actuarial value of the benefit accrued for retirement at the normal retirement age (or later) are guaranteed under the definition of pension benefit and § 2605.4(a)(2)(iii) of the regulation, even though certain installments may exceed the installments payable under the life annuity based on the amount accrued for normal age retirement.

CHANGES IN THE PROPOSAL

Some comments contended that the definition of annuity contained in the proposal was overly restrictive in confining that term to level payments, and was not consonant with established usage. Accordingly, the definition of annuity in § 2605.2 has been changed to delete the requirement that an annuity be level, and has also been changed to delete the requirement that an annuity be payable for the life of the participant or payable to a spouse or dependent. The definition now provides that an annuity is a series of periodic payments to a participant or surviving beneficiary. This change is made in recognition of the fact that not all annuities are level, or payable for life, and that the surviving beneficiary may not be a spouse or dependent.

In response to the comments which noted that the definition of normal retirement age was vague as applied to plans in which no normal retirement age is specified, the definition in § 2605.2 of normal retirement age has been changed so that it follows the definition of normal retirement age in Title I of the Act. Thus, the new definition defines the normal retirement age as 65 in those instances where a plan does not itself specify the normal retirement age. This eliminates the difficulty of establishing a normal retirement age where the plan does not provide one.

The definition of pension benefit in § 2605.2 has been changed so that a pension benefit is no longer defined as a right to a benefit but is defined as a type of benefit. The change in the definition of a pension benefit requires that a new paragraph (c) be added to § 2605.3—(Guaranteed benefits)—to provide that a benefit will be guaranteed if the participant is entitled to it under § 2605.5.

Many comments suggested that the limitation in § 2605.4(a)(1) might be read as not guaranteeing a participant's pension benefit that exceeded the amount accrued as of his normal retirement age. This would exclude any subsequent cost of living adjustments, increases in the benefit by amendment, and increases due to accruals for service after the normal retirement age. The limitation contained in § 2605.4(a)(1) has been revised so that it is clear that the limit is based on the benefit which would be payable at normal retirement age (or if a participant retires later than normal retirement age on the date of his retirement) calculated on the basis of: (a) His credited service to the earlier of the date of his retirement or the date of plan termination; and (b) the actual provisions of the plan in effect on the date of its termination. Thus, benefits which accrue due to service after the normal retirement age and before the date of plan termination are included in computing the limitation. Similarly, increases in benefits which occur after the date a participant retires but before the date of plan termination are also included in computing the limitation. The effect of these changes is to establish a limitation for each participant on the basis of all of the participant's credited service up to the date of termination and the benefit which he would be entitled to receive under the plan provisions in effect on that date. The purpose of this change is to insure that the limitation is calculated on the same basis for all participants regardless of their age at retirement or their having retired prior to a subsequent change in the plan provisions which affects their benefits. Section 2605.4(a)(1) has also been revised to provide that the PBGC will construct a straight life annuity to serve as the limitation for any plan in which such an annuity is not provided either as the normal or as an optional form of payment.

Other comments objected to the provision in § 2605.4(d) restricting payment of benefits to living human beings because it created a conflict with Internal Revenue provisions regarding taxation of distributions to more than one person on the death of a participant. Other comments objected to the limitation of the guarantee to only those benefits payable to living human beings. Since the purpose of a pension is to provide retirement income to a participant or income to his beneficiaries, and the purpose of the guarantee is to insure the maintenance of such income, the PBGC has determined that it would be an inappropriate use of the funds collected under the pension insurance program to insure benefits which would not be used to provide income to natural persons. However, in order to avoid any conflict with the tax provisions, § 2605.4(d) has been revised to provide that a benefit payable to a trust or estate for the benefit of a natural person or persons, will not be excluded from the guarantee solely because it is not payable directly to a natural person.

The proposal contained two alternatives in §§ 2605.4(e) and 2605.5(b) respecting the guarantee of early retirement benefits. Under both alternatives early retirement benefits not in pay status on a specific date would not be fully guaranteed. Rather, only the actuarial equivalent of the amount accrued for normal retirement age would be guaranteed. The difference between the two alternatives was the date for determining whether a benefit was in pay status.

V 40 184 SEP 2275 XUM

Neither of the alternative proposed versions of § 2605.4(e), relating to early retirement benefits, has been adopted. Under the final regulation, the benefit of any participant who was entitled to retire early, under the provisions of the plan, before the date the plan terminated is guaranteed up to the amount accrued for retirement at the normal retirement age. This decision reflects the persuasive force of the comments pertaining to this issue, all but one of which favored neither of the alternatives and urged that both were unworkable because different treatment between early retirement benefits not in pay status and those in pay status could create a rush to early retirement in a terminating plan. The comments also noted that such different treatment could lead to inequitable results. The Advisory Committee also considered and rejected both alternatives contained in the proposal for the reasons given in the comments, and suggested that all nonforfeitable early retirement benefits should be guaranteed to the same extent as normal retirement benefits in order to remedy the problems posed by the alternatives and in recognition that generally the needs of early retirees for income maintenance are similar to the needs of normal age retirees.

Accordingly, the final regulation provides coverage of early retirement benefits on the same basis as normal retirement benefits. Thus, temporary supplements which exceed the benefit accrued for normal age retirement will not be guaranteed.

Section 2605.5 of the regulation provides rules for determining when a participant is entitled to a particular benefit. Section 2605.5(a)(2) has been clarified to provide specifically that it applies to forms of payment other than the normal retirement benefit. Where a participant has already elected a form of benefit, the presumption is that in making his personal plans he has relied upon receiving his normal retirement benefit in the form he elected. Section 2605.5(a)(3) has been revised to make it clear that a participant is entitled to a benefit, other than an optional form of payment commencing at normal retirement age, if he had a right under the provisions of the plan actually to begin receiving the benefit before the date the plan terminated.

A number of comments pointed out that the proposal might be read as requiring satisfaction of the purely technical and administrative requirements of making an application or satisfying a waiting period for a benefit to be guaranteed. Accordingly, the final version of § 2605.5(a)(3) specifies that a participant will be deemed entitled to a benefit if he has satisfied the conditions for entitlement under the plan ever though, as of the date of plan termination, he has not made formal application for the benefit, he has not actually retired, or he is in a waiting period required by the plan. Likewise, the definition of a nonforfeitable benefit contained in § 2605.6(a) has been clarified by explicitly providing that submission of a formal application, actual retirement, or satisfaction of a waiting period required by the plan are not considered conditions which must be satisfied for a benefit to be nonforfeitable.

A few comments objected to guaranteeing, as provided in § 2605.7 of the proposal, disability pensions payable under a pension plan. This coverage has been retained because such pensions provide income maintenance to plan participants and thus fall within the above-described definition of a basic benefit. Other comments noted that under § 2605.7 of the proposal, a disability benefit might arguably not be insured if the benefit was not being paid on the date of plan termination because a waiting period required by the plan had not been completed, and urged that such a restriction would be inequitable if the disability began prior to the date of plan termination. Accordingly, § 2605.7—(Disability benefits) has been revised to provide specifically that satisfaction of a waiting period required by the plan shall not deprive a disability pension benefit of guaranteed status, provided the condition giving rise to the disability began prior to the termination of the plan.

There were some comments which suggested that a procedure be established for an employee to appeal an adverse determination by the PBGC relating to qualification to receive or continue to receive guaranteed disability benefits. The PBGC intends to establish such a procedure and to embody it in a subsequent regulation.

Some comments expressed concern that the proposal could be interpreted as not allowing a return of mandatory employee contributions provided by a plan. Under the regulation, benefits derived from such contributions are treated in the same fashion as any other benefit. Thus, that portion of an annuity which is derived from mandatory employee contributions will be guaranteed in most cases because under Title I of the Act and existing practice an employee has a nonforfeitable right to such benefits.

In addition to the revisions discussed above, the final regulation has been amended to effect certain minor, technical changes not discussed here.

Because of the need to provide immediate guidance to interested parties, because processing of some plans which have filed notices of termination cannot proceed further until a definition of the types of benefits which are guaranteed is established, and because members of the public are not required to take any action to comply with the regulation, the Pension Benefit Guaranty Corporation finds that good cause exists for making this regulation effective immediately.

In consideration of the foregoing and the reasons set forth in the proposal on guaranteed benefits, and by virtue of the authority conferred on the PBGC by sections 4002(b)(3) and 4022(a) of the Act, Chapter XXVI of Title 29 of the Code of Federal Regulations is hereby amended by adding a new part 2605 to read as follows:

Sec.
2605.1 Purpose and scope.
2605.2 Definitions.
2605.3 Guaranteed benefits.
2605.4 Limitations.
2605.5 Entitlement to a benefit.
2605.6 Determination of nonforfeitable benefits.
2605.7 Annuity payable for total disability.
2605.8 Benefits payable in a single installment.

AUTHORITY: Sections 4002(b)(3), 4022, Pub. L. 93-406, 88 Stat. 1004, 1016-17 (29 U.S.C. 1302(b)(3), 1322).

§ 2605.1 Purpose and scope.

(a) The purpose of this part is to describe those benefits guaranteed under section 4022(a) of the Act.

(b) This part applies to each plan providing benefits guaranteed under Title IV of the Act.

(c) This part applies to each plan termination occurring after September 1, 1974, and to each plan termination which is subject to section 4082(b) of the Act.

§ 2605.2 Definitions.

For the purposes of this part (unless otherwise required by the context):

"Act" means the Employee Retirement Income Security Act of 1974 (88 Stat. 829 et seq.).

"Annuity" means a series of periodic payments to a participant or surviving beneficiary for a fixed or contingent period.

"Benefit in pay status" means that one or more benefit payments have been made or would have been made except for administrative delay.

"Covered employment" means employment with respect to which benefits accrue under a plan.

"Straight Life Annuity" means a series of level periodic payments payable for the life of the recipient, but does not include any combined annuity form, including an annuity payable for a term certain and life.

"Normal retirement age" means the age specified in the plan as the normal retirement age, which age with respect to each participant cannot exceed the later of age 65 or the age attained after 10 years of participation in the plan or, if no normal retirement age is specified in the plan, age 65.

"Pension benefit" means a benefit payable as an annuity, or one or more payments related thereto, to a participant who permanently leaves or has permanently left covered employment, or to a surviving beneficiary, which payments by themselves or in combination with Social Security, Railroad Retirement, or workmen's compensation benefits provide a substantially level income to the recipient.

"PBGC" means the Pension Benefit Guaranty Corporation.

"Plan" means a plan providing benefits which are guaranteed under Title IV upon termination of that plan.

"Title IV" means Title IV of the Act.

§ 2605.3 Guaranteed benefits.

Except as otherwise provided in this part, the PBGC will guarantee the amount, as of the date of the plan termination, of a benefit provided under a plan to the extent that the benefit does not exceed the limitations in the Act and in § 2605.4 of this part, if—

(a) The benefit is nonforfeitable under § 2605.6;

(b) The benefit qualifies as a pension benefit as defined in § 2604.2; and

(c) The participant is entitled to the benefit under § 2605.5.

§ 2605.4 Limitations.

(a)(1) Notwithstanding any other section of this part, and subject to paragraphs (b), (c), (d) and (e) of this section, the PBGC will not guarantee that part of an installment payment which exceeds the dollar amount payable as a straight life annuity commencing at normal retirement age, or thereafter, to which a participant would have been entitled under the provisions of the plan in effect on the date of plan termination, on the basis of his credited service to such date. If the plan does not provide a straight life annuity either as its normal form of retirement benefit or as an option to the normal form, the PBGC will for purposes of this paragraph convert the plan's normal form benefit to a straight life annuity of equal actuarial value as determined by the PBGC.

(2) The limitation of paragraph (a)(1) of this section shall not apply to:

(i) A survivor's benefit payable as an annuity on account of the death of a participant which occurred before the plan terminates and before the participant retired;

(ii) A disability pension described in § 2605.7 of this part; or

(iii) A benefit payable in non-level installments which in combination with Social Security, Railroad Retirement, or workman's compensation benefits yields a substantially level income if the projected income from the plan benefit over the expected life of the recipient does not exceed the value of the straight life annuity described in paragraph (a)(1) of this section.

(b) Notwithstanding any other provision of this part, the PBGC will not guarantee the payment of that part of any benefit which exceeds the limitations in section 4022(b) of the Act.

(c) Notwithstanding any other provision of this part, the PBGC will not guarantee a benefit payable in a single installment (or substantially so) upon the death of a participant or his surviving beneficiary unless that benefit was substantially derived from a reduction in the pension benefit payable to the participant or surviving beneficiary.

(d) Notwithstanding any other provision of this part, the PBGC will not guarantee a benefit payable to other than natural persons, or a trust or estate for the benefit of a one or more natural persons.

§ 2605.5 Entitlement to a benefit.

(a) A participant or his surviving beneficiary is entitled to a benefit if under the provisions of a plan:

(1) The benefit was in pay status on the date of the termination of the plan.

(2) A benefit payable at normal retirement age is an optional form of payment to the benefit otherwise payable at such age and the participant elected the benefit before the date of termination of the plan.

(3) Except for a benefit described in paragraph (a)(2) of this section, before the date of plan termination the participant had satisfied the conditions of the plan necessary to establish the right to receive the benefit prior to such date other than application for the benefit, satisfaction of a waiting period described in the plan, or retirement; or

(4) Absent an election by the participant, the benefit would be payable upon retirement.

(b) If none of the conditions set forth in paragraph (a) of this section is met, the PBGC will determine whether the participant is entitled to a benefit on the basis of the provisions of the plan and the circumstances of the case.

§ 2605.6 Determination of nonforfeitable benefits.

(a) For the purposes of this part, a benefit payable with respect to a participant is considered to be nonforfeitable, if on the date of termination of the plan the participant has satisfied all of the conditions required of him under the provisions of the plan to establish entitlement to the benefit, except the submission of a formal application, retirement, or the completion of a required waiting period.

(b) For the purposes of this part, benefits that become nonforfeitable solely as a result of the termination of a plan will be considered forfeitable.

(c) A guaranteed benefit payable to a surviving beneficiary is not considered to be forfeitable solely because the plan provides that the benefit will cease upon the remarriage of such beneficiary or his attaining a specified age. However, the PBGC will observe the provisions of the plan relating to the effect of such remarriage or attainment of such specified age on the surviving beneficiary's eligibility to continue to receive benefit payments.

(d) Any other provision in a plan that the right to a benefit in pay status will cease or be suspended upon the occurrence of any specified condition does not automatically make that benefit forfeitable. In each such case the PBGC will determine whether the benefit is forfeitable.

(e) A benefit guaranteed under § 2605.7 of this part shall not be considered forfeitable solely because the plan provides that upon recovery of the participant the benefit will cease.

§ 2605.7 Annuity payable for total disability.

(a) Except as provided in paragraph (b) of this section, an annuity which is payable (or would be payable after a waiting period described in the plan, whether or not the participant is in receipt of other benefits during such waiting period), under the terms of a plan on account of the total and permanent disability of a participant which is expected to last for the life of the participant and which began before the date of plan termination is considered to be a pension benefit.

(b) In any case in which the PBGC determines that the standards for determining such total and permanent disability under a plan were unreasonable, or were modified in anticipation of termination of the plan, the disability benefits payable to a participant under such standard shall not be guaranteed unless the participant meets the standards of the Social Security Act and the regulations promulgated thereunder for determining total disability.

(c) For the purpose of this section, a participant may be required, upon the request of the PBGC, to submit to an examination or to submit proof of continued total and permanent disability. If the PBGC finds that a participant is no longer so disabled, it may suspend, modify, or discontinue the payment of the disability benefit.

§ 2605.8 Benefits payable in a single installment.

(a) If a benefit which is guaranteed under this part is payable in a single installment or substantially so under the terms of the plan, or an option elected under the plan by the participant, the benefit will not be guaranteed or paid as such, but the PBGC will guarantee the alternative benefit, if any, in the plan which provides for the payment of equal periodic installments for the life of the recipient. If the plan provides more than one such annuity, the recipient may within 30 days after notification of the proposed termination of the plan elect to receive one of those annuities. If the plan does not provide such an annuity, the PBGC will guarantee an actuarially equivalent life annuity.

(b) Notwithstanding paragraph (a) of this section, in any case in which the value of a guaranteed benefit is $1,750 or less, or in any case in which a benefit is payable under a plan for which the PBGC has issued a notice of sufficiency pursuant to § 4041 of the Act, the total value of such benefit may be paid in a single payment.

(c) Notwithstanding paragraph (a) of this section, a benefit which is otherwise guaranteed by the provisions of this part, except that it is payable solely in a single installment upon the death of a participant, shall be paid by the PBGC as an annuity which has the same value as the single installment. The PBGC will in each case determine the duration of the annuity based on all the facts and circumstances.

This regulation is effective September 22, 1975.

Issued in Washington, D.C. on this 12th day of September, 1975.

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Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving these regulations and authorizing its Chairman to issue same.

JOHN T. DUNLOP,
Chairman, Board of Directors,
Pension Benefit Guaranty Corporation.

HENRY ROSE,
Secretary, Pension Benefit
Guaranty Corporation.

[FR Doc.75-25135 Filed 9-18-75;8:52 pm]

CHAPTER XXIV—PENSION BENEFIT GUARANTY CORPORATION

PART 2602—DECLARATION AND PAYMENT OF PREMIUMS

Revision

Correction

In FR Doc. 75-24717 appearing at page 42876, in the issue for Wednesday, September 17, 1975, change the effective date which reads "October 17, 1975", to read "September 17, 1975".

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

SAN XAVIER INDIAN IRRIGATION PROJECT, ARIZONA

Proposed Revisions

Pursuant to the authority vested in the Secretary of the Interior for issuance of irrigation operation and maintenance orders fixing per acre assessments against lands included in Indian Irrigation Projects, delegated to the Commissioner of Indian Affairs by Order No. 2508 (10 BIAM 2.1, Section 15a) and redelegated to the Area Directors by 10 BIAM 4.1, notice is hereby given that it is proposed to modify § 221.170 Charges, of Title 25, Code of Federal Regulations, dealing with operation and maintenance assessments against land to which water can be delivered under the San Xavier Indian Irrigation Project, Arizona, by establishing an assessment rate of $60.00 per acre for calendar year 1976 and subsequent years unless changed by further order. The charge to be for the pro-rated share of water determined by the production of the irrigation wells and/or the availability of funds to pay the pumping operation and maintenance costs. Land under lease to non-Indians shall pay the full assessment rate. Land owned and operated or leased and operated by Indians shall have a minimum charge established by the Superintendent according to the Indian owner's financial ability to pay; and § 221.171 Payments modified by deleting reference to excess water. The revised sections will read as follows:

§ 221.170 Charges.

The annual basic operation and maintenance assessment rate for land to which water can be delivered under the San Xavier Indian Irrigation Project, Arizona, is hereby fixed at $60.00 per acre whether the water is used or not. Non-Indian owned land and Indian owned land leased to non-Indians shall pay the full assessment rate. Indian owned and operated land and Indian land leased and operated by Indians shall pay a minimum rate determined by the Superintendent based on the Indian owner's financial ability to pay but not to exceed the established basic assessment rate and shall be fixed prior to the beginning of the calendar year for which it is effective. The payment of the assessment rate shall entitle the water user to his pro-rated share of the water as determined by the production capacity of the wells and/or the availability of funds available to pay the pumping operation and maintenance costs. The foregoing assessment rates shall become effective for the calendar year 1976 and continue in effect thereafter until further notice.

§ 221.171 Payments.

The annual basic water charge fixed in § 221.170 shall become due and payable on or before March 1 of each year, and any unpaid charges shall stand as a first lien against the land without penalty until paid.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed amendments, to John H. Artichoker, Area Director, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona 85011, on or before October 22, 1975.

JOHN ARTICHOKER, Jr.,
Area Director.

[FR Doc.75-25068 Filed 9-19-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N-0062]

ORAL HYPOGLYCEMIC DRUGS

Proposed Labeling Requirements and Public Hearing; Extension of Time for Comments

A proposed rule was published in the FEDERAL REGISTER of July 7, 1975 (40 FR 28587), which: (1) Proposed labeling for the sulfonylurea and biguanide classes of oral hypoglycemic drugs and provided for written or oral comments; and (2) announced an open public hearing to be held on August 20, 1975, at which interested persons would have an opportunity to present their views on the proposed labeling.

Interested persons were given until September 5, to submit written statements or comments regarding the proposal and the presentations made at the public hearing. Due to an administrative oversight, the transcript of the public hearing and the material presented at the public hearing were not made available in the office of the Hearing Clerk in time for review and comment by interested persons prior to September 5, 1975. Therefore, the Commissioner hereby extends the time for submitting comments on this proposal and the presentations made at the public hearing until October 22, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050-1053, as amended, 1055 (21 U.S.C. 352, 355, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: September 16, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.75-25099 Filed 9-19-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 75-NW-22]

DESIGNATION OF JET ROUTE

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route between Portland, Oreg., and Redmond, Oreg.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received on or before October 22, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to amend Part 75 by designating a jet route between Portland VORTAC and Redmond VORTAC. As this direct route is flown regularly by air carrier aircraft, designation of a jet route would reduce the communications workload between pilot and controller.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

V 40 184 SEP 2275 XUM

Issued in Washington, D.C., on September 12, 1975

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-25004 Filed 9-19-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20521]

CORPORATE OWNERSHIP REPORTING AND DISCLOSURE BY BROADCAST LICENSEES

Order Extending Time for Filing Comments and Reply Comments

1. On June 11, 1975, the Commission issued its *Notice of Proposed Rule Making* in this matter and called for the filing of responses by interested parties. The original deadline for comments was August 11, 1975 and for reply comments was August 26, 1975. In response to a request from Cox Broadcasting, et al., the Commission on July 25, 1975, extended these dates to September 11 and September 26, 1975, respectively. (40 FR 32763, Aug. 4, 1975). In so doing, the Commission indicated that it did not contemplate granting any further extensions.

2. Subsequent developments suggest the need for an additional period and the Commission, on its own motion, is extending these dates. There are two principal reasons for the Commission's decision. First, there is a need to coordinate the filing deadlines in this case with those of two related proceedings.[1] Matters will be greatly simplified if a single set of deadlines obtains for all three proceedings. Even more importantly, an extension is required so that parties may have an opportunity to consider the significance in connection with this proceeding of the recent action by the Securities and Exchange Commission proposing new ownership disclosure requirements.[2] Although it will not be possible to await the completion of the SEC proceeding, which itself could well extend for some period of time, the Commission does wish to afford parties the opportunity to consider this closely related matter when formulating their response in this proceeding. The SEC proceeding, which deals with corporate ownership reporting and disclosure, is a matter of importance to this proceeding as it affects broadcast licensees. Accordingly, IT IS ORDERED, That the dates for filing comments and reply comments ARE EXTENDED to and including September 26, 1975, and October 13, 1975, respectively.

3. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Sections 0.281 and 1.46 of the Commission's Rules.

Adopted: September 4, 1975.

Released: September 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-25125 Filed 9-19-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20588; FCC 75-1008]

LOGGING OF PROMOTIONAL ANNOUNCEMENTS

Notice of Inquiry and Notice of Proposed Rule Making

By the Commission:

1. A question involving the requirements for logging of promotional announcements for "sister" stations has been raised by Broadcasters Promotion Association, Inc. (Association). The term "sister" station is used in the trade to refer to a commercial broadcast station which is owned or controlled by a licensee who is the licensee of another commercial broadcast station in a different broadcast service in the same market. A typical example is found where a television station licensee is also the licensee of an AM or FM station in the same market.

2. In substance, the facts furnished by the Association appear as follows. The trading of spot announcements between an AM or FM station and its sister TV station is not uncommon. These announcements promoting the sister station or the programming of the sister station normally last from ten to sixty seconds. The text of the announcements includes the call letters of the station whose programming is promoted and sometimes its dial position (frequency). There may be no written contract between the stations relating to the broadcast of such announcements by either station and the spot announcements are not priced in any manner. Typically, no cash payment is made from one station to the other nor is there any bookkeeping arrangement which reflects an offsetting credit arrangement. Nonetheless, by whatever means, the ordinary arrangement does provide that each of the sister stations will broadcast such announcements for the other station. It may be inferred from the letter of inquiry that the number and/or the duration of the announcements under the reciprocal arrangement may vary. This type of arrangement might be effected solely by a directive of the licensee addressed to the general manager of both stations, in which case no contractual agreement would exist. Or it might be effected by an oral agreement, express or implied, between the operational heads of each of the sister stations.

3. In any case, no matter how the arrangement is effected, the same result is obtained, namely, each station receives a benefit, direct or indirect, by the promotion of its programming, listenership, or viewership on the other station and the licensee receives a similar benefit by having each station promoted on two stations instead of one, and by different broadcast services.

4. The question raised is whether such announcements promoting a sister station and/or its programming are required to be entered in the program log as commercial announcements or are they to be entered as "Other" announcements, in which case they would not be commercial.[1]

5. Sections 73.112, 73.282, and 73.670 of the Commission's Rules set forth the requirements for the making of entries in the program logs of broadcast stations. Note 3, appearing at the end of each section, provides definitions of commercial matter and commercial announcements. Note 3 is identical in all three sections as are the texts of the sections. In the particular context of this proceeding, paragraphs (b)(1) and (2)(i) of Note 3 are pertinent and read as follows:

> (b) A commercial announcement (CA) is any other advertising message for which a charge is made, or other consideration is received.
>
> (1) Included are (i) "bonus spot"; (ii) trade-out spots, and (iii) promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of a future program beyond mention of the sponsor's name as an integral part of the title of the program. (E.g., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "Listen tomorrow for the—[name of program]—brought to you by—[sponsor's name]—.")
>
> (2) Other announcements, including but not limited to the following are not commercial announcements:
>
> (i) Promotional announcements, except as heretofore defined in paragraph (b).

6. Assuming that the question presented does not involve promotional announcements of the type described in Note 3(b)(1) which are expressly designated as commercial, it would appear that the question is readily answered by reading Note 3(b)(2)(i)—promotional announcements are not, as stated, commercial announcements. Such a disposition rests squarely on the literal reading of the text, but it is also based upon an intention that the term "promotional announcements" means *all* promotional announcements other than those expressly described in Note 3(b)(1). The Commission seeks the comments of interested persons on whether the question presented should be disposed of in this manner.

7. The Commission suggests that such a simplified disposition may overlook or disregard other parts of Note 3 or may fail to give consideration to the possibility that the question presented involves facts which are not reached by any part of the text of Note 3. If the latter is the case, then it appears that the Note should be amended in this proceeding to specifically designate such announcements as commercial or non-commercial, as the case may be.

8. In this reference, it is suggested that paragraph (b) of Note 3 may have a bearing upon the disposition of the question presented. The text of that paragraph reads:

> (b) A commercial announcement is any other advertising message for which a charge is made or other consideration received.

The facts posed in the question presented by the Association indicate that the announcements are broadcast by the sister station under a reciprocating agreement or arrangement whereby each sister station promotes the other. If other than sister stations effected such an arrangement a typical trade-out transaction would exist whereby each station would be receiving consideration. In that case each station would be required to enter the announcements as commercial, even though the message was confined to promoting the future programming of the other station. It follows then that if the sister station promotional announcements are to be determined to be non-commercial, the distinction must relate to common ownership. Comments are sought on whether sister stations should be treated differently from separately-owned stations in this regard. Those who believe that sister stations should be treated differently might also wish to comment on the significance of the fact that the sister stations will be promoted by the use of different broadcast services (AM, FM, TV). The foregoing relates to the situation where a reciprocating arrangement exists. In many situations such may not be the case, i.e., one of the sister stations may promote the other, but not *vice versa*. In that case the licensee still has the benefit of promotion in different broadcast services. In this connection, consideration should be given the Commission's precedents ruling that announcements promoting a licensee's non-broadcast business are commercial announcements whether or not a charge is made by or payment is received by the licensee's broadcast station. *Waterman Broadcasting Corporation of Texas*, 28 FCC 2d 348, 21 RR 2d 555 (1970); *Fuqua Communications, Inc.*, 30 FCC 2d 94, 22 RR 2d 173 (1971); *Carolinas Advertising, Incorporated*, 42 FCC 2d 1027, 28 RR 2d 659 (1973).

9. After due consideration of the comments which may be filed by interested parties in this proceeding, the Commission could make a determination of the question presented by interpreting the present language of Note 3. However, under the circumstances, considering the novelty of the question and the fact that many licensees may be following a logging practice which would be in conflict with the determination made by interpretation, the Commission presently believes that Note 3 should be amended by rule making so as to achieve clarification. In substance, if the Commission determines that announcements promoting a sister station or its programming should be entered in the program log as commercial announcements, Note 3(b)(1) of each of the above-mentioned Rules would be expanded by an additional category (iv) to the effect that such announcements are commercial announcements. In the event that the Commission determines that such announcements are not to be considered commercial then Note 3(b)(2) will be clarified by an expression to that effect. It is noted that the term "promotional announcements" is not defined in Note 3; therefore Note 3(b)(2) could be clarified by providing a definition of the term to accomplish the desired objective last mentioned.

10. There does not appear to be any doubt that if sister station promotional announcements are deemed to be non-commercial, each of the sister stations will enjoy an advantage over a separately owned competitor both by the multi-service type of promotion and by the fact that a formidable promotional effort can be made without the burden of commercial classification. Moreover, commonly-owned broadcast stations already have several advantages over separately-owned stations, such as permissible simulcasting, the making of joint sales, and the economies resulting from joint operation.[2] These result from the very nature of combined operations or are specifically permitted pursuant to public interest findings by the Commission. It may be argued that approval of the additional advantage of classifying sister-station announcements as promotional does not serve the public interest. Comments are sought on this point.

11. Finally, comments are invited on the matter of the reclassification of announcements made by a broadcast station promoting its own programming or the station itself. This does not pertain to announcements promoting a sister station. It concerns self-promotional announcements. We refer to typical announcements that are made informing the public of the station's daily or weekly programming fare, promoting station personalities, and like material. It is clear that the term "promotional announcements" as it appears in Note 3(b)(2)(i) is intended to relate to this type of announcement; therefore, presently such announcements are not commercial. However, it should be noted that an announcement concerning future programming is designated as commercial if the announcement identifies the sponsor of the program beyond the mention of the sponsor's name as an integral part of the title of the program. Note 3(b)(1)(iii). This is so even though the station receives no consideration from the sponsor for making the announcement. When considering the classification of the announcing station's promotional announcements promoting the station, its programming, or its personalities, it may be that the public interest is best served by distinguishing between the various types of promotional messages. We believe that it is generally acknowledged that it is of value to the public to be informed of a station's future programming. On the other hand, it does not appear that there is a similar value in the oft-repeated plugging of the station's news personalities or in the clutter which results from constant repetition throughout the broadcast day that "(Station) XXXX is No. 1 ROCK" or the like. Such announcements are wholly dedicated to promoting a station's image for purposes of building audience so that the numbers can be used to persuade advertisers. The views of interested parties are sought on whether distinctions should be made on this basis which would be reflected in the reclassification of such promotional announcements.

12. Those filing comments may also provide any additional pertinent information they believe will be useful to the Commission in its inquiry.

13. The Commission further believes that it is appropriate to designate this proceeding as one of proposed rule making. The Commission recognizes that in view of the nature of the problems presented, it may be appropriate to issue a further notice of proposed rule making delineating precise proposals. On the other hand, the information received may lead us to conclude that rules, in all or some areas, should be adopted without further notice. In this way the Commission will have the flexibility to take the course of action that appears appropriate in the circumstances.

14. Authority for the institution of this proceeding, and adoption of rules concerning the matters involved, is found in Sections 4(i), 303 (f), (g) and (r), and 403 of the Communications Act of 1934, as amended.

15. Pursuant to the applicable procedures set out in Section 1.415 of the Commission's Rules, interested persons may file comments on or before October 22, 1975 and reply comments on or before November 3, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

16. In accordance with the provisions of Section 1.419 of the Rules, an original and 14 copies of all comments, replies, pleadings, briefs and other documents

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[1] In Docket 20508, the Commission has proposed changes in the rules dealing with institutional ownership holdings in broadcast licensees and in Docket 20622 has proposed rules seeking more comprehensive information on common carrier corporate ownership. The latter has slightly different filing dates. (1) Securities Act of 1933, release 5609; (2)

[2] The SEC action of August 25, 1975, covers Securities Exchange Act of 1934, release 11616, and (3) Public Utilities Holding Company Act of 1935, release 19140.

[1] An additional question concerning reclassification of promotional announcements generally is discussed in Paragraph 10, *infra*.

[2] Joint sales by commonly-owned stations is being considered in a pending proposed rule-making proceeding (Docket 19769). The proposed rule in that proceeding would permit joint sales by commonly-owned AM and FM stations.

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shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: September 5, 1975.

Released: September 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-25124 Filed 9-19-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

DISCLOSURE OF CLOSING COSTS

Notice of Proposed Rulemaking

SEPTEMBER 16, 1975.

On October 28, 1974, Congress enacted Public Law 93-495 containing several amendments to the Truth in Lending Act. Section 409 of Public Law 93-495 provides for the disclosure of "closing costs" to be incurred by the customer in consumer credit transactions. The Board of Governors is today publishing for public comment certain amendments to Regulation Z designed to implement section 409.

Section 226.8(r), the section proposed to require disclosure of closing costs, applies only to real property transactions, i.e., transactions in which a security interest in real property is or will be retained or acquired by the creditor. The Board believes that this limitation is appropriate at this time because in other types of transactions closing costs are generally either not present at all or are minimal in amount and not subject to change among creditors. The Board, however, specifically invites comments on the restriction of the section to real property transactions.

The term "closing cost" is defined to include any charge or fee, other than downpayment, which is paid in cash by the customer at or prior to closing. "Closing" is defined as the date "bargained for consideration" is exchanged between the parties to the transaction.

Section 226.8(r) also excludes any transaction subject to the Real Estate Settlement Procedures Act and the regulations adopted thereunder by the Department of Housing and Urban Development, since disclosure of closing costs is already required in such transactions.

The disclosure of closing costs is required to be made, in connection with real property credit sales, prior to the making of any downpayment. With respect to other transactions, disclosure is required at the time a lender commitment is given. Commitment is defined to mean an oral or written creditor agreement to enter into a specific transaction, whether or not such agreement is conditioned or binding on the customer.

With respect to the way in which disclosures are made, the Board proposes to adhere to its general policy of not specifying forms but allowing creditors to design their own forms subject only to Regulation Z's requirements as to clarity and sequence. Disclosure would be permitted on a separate form, or could be given with the other Truth in Lending disclosures if they are given at the time disclosure of closing costs would otherwise be required.

Where disclosures are required to be made but exact information is not known, estimates may be used under the provisions of § 226.6(f).

The proposed regulations include five new definitions to be included in § 226.2. Since the Board is currently adding several other definitions in this section, the paragraph letters have been left blank at this time.

Should the Board adopt the proposed amendment after considering the comments received on it, an effective date would be set far enough in advance to allow for the orderly change of forms where necessary.

Pursuant to the authority granted in 15 U.S.C. 1604 (1970), the Board proposes to amend Regulation Z, 12 CFR Part 226, as follows:

1. Section 226.2 would be amended by adding the following definitions:

§ 226.2 Definitions and rules of construction.

* * * * *

"Closing" means the date on which the bargained for consideration is exchanged between the parties to any transaction, irrespective of when the transaction is consummated.

"Closing cost" means any fee, charge or other expense, other than a downpayment, paid in cash by the customer, or on the customer's behalf, at, or prior to, a closing, as a condition to the transaction, whether or not such fee, charge or expense constitutes a finance charge.

"Commitment" means an agreement, whether or not in writing, by a creditor to enter into a specified consumer credit transaction with a customer, whether or not such agreement is subject to any conditions and whether or not such agreement is binding upon the customer.

"Downpayment" means a payment made at or prior to consummation of a transaction which is or will be applied wholly to the cash price of property or services purchased.

"RESPA" means the Real Estate Settlement Procedures Act of 1974 together with the regulations promulgated thereunder by the Secretary of Housing and Urban Development.

2. Section 226.8(a) would be revised and paragraph (r) added as follows:

§ 226.8 Credit other than open end—specific disclosures.

(a) *General rule.* Any creditor when extending credit other than open end credit shall, in accordance with § 226.6 and to the extent applicable, make the disclosures required by this section with respect to any transaction consummated on or after July 1, 1969. Except as otherwise provided in this section, such disclosures shall be made before the transaction is consummated. At the time disclosures are made, the creditor shall furnish the cusomer with a duplicate of the instrument or a statement by which the required disclosures are made and on which the creditor is identified. Except as provided in paragraph (r) of this section, all of the disclosures shall be made together on either:

(1) The note or other instrument evidencing the obligation on the same side of the page and above the place for the customer's signature; or

(2) One side of a separate statement which identifies the transaction.

* * * * *

(r) *Disclosure of closing costs.* The creditor in any real property transaction subject to this section shall disclose to the customer all closing costs to be paid by the customer in connection with such transaction in accordance with the following provisions:

(1) The disclosure required by this paragraph shall include the total amount of closing costs using the term "closing costs" and, where there is more than one component cost, a description of each. Such disclosures shall be made:

(i) On one side of a separate statement, or

(ii) Together with the other disclosures required by this section, in which case the disclosures required by this paragraph shall, if required to be itemized, either be listed separately, or to the extent that they are itemized elsewhere on such disclosure statement, referenced as being a closing cost by use of an asterisk or other appropriate means.

(2) In the case of any credit sale, the disclosures required by this paragraph shall be made prior to the making of any downpayment.

(3) In the case of any extension of credit other than a credit sale, the disclosures required by this paragraph shall be made at the time the creditor makes a commitment in connection with that transaction.

(4) Notwithstanding the provisions of § 226.8(r) (2) and (3), the disclosures required by this paragraph shall be made before the transaction is consummated.

(5) This paragraph does not apply to any transaction to which the disclosure requirements of RESPA are applicable.

3. This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

Interested persons are invited to submit relevant data, views, or arguments concerning this proposal. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 15, 1975. Such material will be made available for inspection and copying upon request, except as provided in

§ 261.6(a) of the Board's Rules regarding availability of information.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25187 Filed 9-19-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 71]

[Docket No. PRM-71-1]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Filing of Petition for Rule Making

Notice is hereby given that the Energy Research and Development Administration has filed with the Nuclear Regulatory Commission a petition for rule making to amend the Commission's regulation "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions," 10 CFR Part 71.

The petitioner requests the Commission to initiate a rule making action to amend §§ 71.7 and 71.10 of 10 CFR Part 71 to exempt from the requirements of Part 71 "low specific activity material" as defined in § 71.4(g).

The petitioner states that the Department of Transportation Hazardous Materials Regulations, 49 CFR 170-189, provide a specific exemption for low specific activity material in which these materials are exempted from the normal Type A and Type B packaging requirements and that this exemption is consistent with both the 1967 regulations of the International Atomic Energy Agency, and the 1972 revised edition of the IAEA regulations.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before November 21, 1975.

Dated at Washington, D.C. this 16th day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-26206 Filed 9-19-75;8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Part 106]

[Notice 1975-45]

DOCUMENT FILING

Notice of Status of Proposed Rulemaking

On August 6, 1975, the Federal Election Commission published in the FEDERAL REGISTER (40 FR 33169) a Notice of Proposed Rulemaking concerning the place where Statements of Organization and Reports of Receipts and Expenditures should be filed by Federal candidates and political committees. Interested parties were given the opportunity to submit written comments by September 5, 1975.

No substantive written comments have been received since the date of publication. This proposed regulation was submitted to both Houses of Congress on August 1, 1975, as required by 2 U.S.C. 438(c)(1). Further action will be taken by the Federal Election Commission after the proposed regulation has been before the Congress for 30 legislative days in accordance with 2 U.S.C. 438(c)(2).

Dated: September 11, 1975.

THOMAS B. CURTIS,
Chairman, for the Federal Election Commission.

[FR Doc.75-25354 Filed 9-19-75;10:08 a.m.]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/99]

ADVISORY COMMITTEE FOR U.S. PARTICIPATION IN THE UN CONFERENCE ON HUMAN SETTLEMENTS (HABITAT)

Meeting and Agenda

The second meeting of the Advisory Committee for U.S. participation in the UN Conference on Human Settlements (Habitat) will be held at 9:30 a.m. on Tuesday, October 7, 1975 in Room 1107 of the Department of State. The meeting will be open to the public and will continue until no later than 5:00 p.m. Those attending should use the entrance to the State Department at 22nd and C Streets, N.W.

The agenda will include:

1. Report on U.N. Conference Preparations.

2. The U.S. National Report to the U.N. Habitat Conference.

3. Future U.S. Preparations and Activities.

Members of the general public may attend and participate in the discussion subject to instructions of the Chairman.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone (703) 235-0656. Members of the public will be accommodated up to the seating capacity of the meeting room.

Dated: September 16, 1975.

DONALD M. KRUMM,
Executive Secretary.

[FR Doc.75-25191 Filed 9-19-75;8:45 am]

[Public Notice CM-5/96]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on subdivision and stability of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting on Thursday, October 9, at 9:30 a.m. in Room 8332 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting is to discuss preparations for the Eighteenth Session of the Subcommittee on Subdivision and Stability and Load Lines of the Intergovernmental Maritime Consultative Organization' (IMCO), scheduled to meet in London, October 13-17, 1975.

Requests for further information on the meeting should be directed to Mr. E. H. Middleton, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2170.

The Chairman will entertain comments from the public as time permits.

JOHN P. STEINMETZ,
Acting Director,
Office of Maritime Affairs.

SEPTEMBER 15, 1975.

[FR Doc.75-25071 Filed 9-19-75;8:45 am]

[Public Notice CM-5/97]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on container operations of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9 a.m. on Tuesday, October 14, 1975 in Room 8334 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to discuss the reports of the actions of the Sixteenth Session of the Intergovernmental Maritime Consultative Organization's (IMCO) Subcommittee on Containers and Cargoes, held in London June 30-July 4, 1975, as it relates to the work of the Sixteenth Session of the Economic Commission for Europe (ECE) Group of Rapporteurs on Container Transport (GRCT), to be convened on October 20, 1975 in Geneva, and such other business as may arise.

Requests for further information on this meeting should be directed to Captain Mathieu, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2297.

The Chairman will entertain comments from the public as time permits.

JOHN P. STEINMETZ,
Acting Director,
Office of Maritime Affairs.

SEPTEMBER 12, 1975.

[FR Doc.75-25168 Filed 9-19-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 28-75]

TREASURY NOTES

Redesignation

SEPTEMBER 17, 1975.

The Secretary of the Treasury announced on September 16, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 28-75, dated September 11, 1975, will be 8⅞ percent per annum. Accordingly, the notes are hereby redesignated 8⅞ percent Treasury Notes of Series M-1977. Interest on the notes will be payable at the rate of 8⅞ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.75-25145 Filed 9-19-75;8:45 am]

DEPARTMENT OF JUSTICE

FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 USC Appendix I) that the eighth meeting of the Federal Advisory Committee on False Identification will be held at 9:15 a.m., Thursday, October 9, 1975, at the Briefing and Conference Center of the Department of Justice (opposite Room 1315), 10th and Constitution Avenue, NW, Washington, D.C.

The Committee was established by the Attorney General to study the criminal use of false identification at Federal, state and local levels and to recommend measures to prevent such use.

The Committee's staff has completed its editorial review of draft Task Force Reports on the Scope of the False Identification Problem. At the October 9th meeting, these draft reports will be reviewed by Task Force members for additions or corrections. Once these Task Force Reports are completed, an Executive Summary of the Scope of the False Indentification Problem will be prepared.

The meeting, which will adjourn at approximately 2:00 p.m., is open to the public. The Committee welcomes a broad spectrum of ideas from the public to assist the Committee in its efforts to increase individual privacy and to aid in preventing the criminal use of false identification.

Further information concerning this meeting may be obtained from David J. Muchow, General Crimes Section, Criminal Division, Department of Justice, Room 516, Federal Triangle Building, 315 9th Street NW., Washington, D.C. 20530; telephone: area code 202-739-3738. Minutes of the meeting will be available for public inspection two weeks after the meeting in Room 516, Federal Triangle Building.

RICHARD L. THORNBURGH,
Assistant Attorney General.

[FR Doc.75-25074 Filed 9-19-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

LOWER COOK INLET ALASKA OUTER CONTINENTAL SHELF (TENTATIVE SALE C1)

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1974), nominations are hereby requested for areas in the Lower Cook Inlet Outer Continental Shelf (OCS) for possible oil and gas leasing under the Outer Continental Shelf Lands Act [43 U.S.C. 1331-1343 (1970)]. The publication and availability of the OCS Official Protraction Diagrams of the area are hereby announced as follows: NP 5-8, NO 5-1, NO 5-2, NO 5-3, NO 5-4. Nominations will be considered for any or all of the following mapped areas which are generally bounded by Kalgin Island on the north and by the Barren and Chugach Islands on the south.

1. NP 5-8—All blocks
2. NO 5-1—All blocks
3. NO 5-2—Blocks 937, 981, and 1025 and all Blocks west and north thereof
4. NO 5-3—Blocks 41 through 44, 86 through 88, and 130 through 132
5. NO 5-4—Blocks 1 through 7, 45 through 51 and 89 through 96

These protraction diagrams may be purchased for $2.00 each from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska, 99510. The street address is 800 "A" Street, Anchorage, Alaska. All nominations must be described in accordance with these official Protraction Diagrams and only whole blocks or properly described subdivisions thereof, not less than one quarter of a block may be nominated. Individual company nominations will be considered confidential information.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests the identification of particular tracts recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values and environmental concerns. Particular geological, environmental, biological, archeological, socio-economic or other information which might bear upon potential leasing and development of particular tracts is requested where available. Information on these subjects will be used in the preliminary selection of tracts which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State, and local governments; industry, universities; research institutions; environmental organizations; and members of the general public. Comments may be submitted on blocks or portions thereof, as required for nominations, or on all areas or portions thereof, as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make a preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 [42 U.S.C. 4321-4347 (1970)], and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments should be submitted not later than November 17, 1975, in envelopes labeled "Nominations of Tracts for Leasing on the Outer Continental Shelf—Lower Cook Inlet" or "Comments on Leasing on the Outer Continental Shelf—Lower Cook Inlet," as appropriate. They must be submitted to the Director, Bureau of Land Management, Attention: 720, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Area Oil and Gas Supervisor, Geological Survey, P.O. Box 259, Anchorage, Alaska 99510, and to the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management at his address cited above.

Issuance of this Call for Nominations of and Comments on Areas for Oil and Gas Leasing is not intended, and shall not be construed, either as an exercise of jurisdiction by the United States over all or any part of the area subject to the call or as affecting the positions of the parties to litigation involving the Lower Cook Inlet, *U.S.* v. *Alaska*, S. Ct., 43 U.S.L.W. 4825 (U.S. June 23, 1975) (Petition for Rehearing by the State of Alaska pending). This Call for Nominations and Comments does not in any way commit the Department to leasing in the Lower Cook Inlet. It is an information gathering component of the Department's leasing procedure.

Final selection of tracts for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

ROMAN H. KOENING,
Acting Associate Director,
Bureau of Land Management.

SEPTEMBER 11, 1975.

Approved: September 16, 1975.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.75-25066 Filed 9-19-75;8:45 am]

PRINEVILLE DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Prineville District Multiple Use Advisory Board of the Bureau of Land Management will meet in the Prineville District

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Office, 185 East Fourth Street, Prineville, Oregon on October 23, 1975 at 10 a.m.

This is the first meeting of the newly organized board and will be devoted principally to a discussion of ongoing management programs within the Prineville District.

The meeting will be open to the public. Time will be made available beginning at 3 p.m. for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make oral statements should notify the District Manager, Bureau of Land Management, P.O. Box 550, Prineville, Oregon by close of business October 21, 1975. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager, Bureau of Land Management, Prineville, Oregon 97754, telephone number 447-4115.

PAUL W. ABRAMMEN,
District Manager.

SEPTEMBER 11, 1975.

[FR Doc.75-25166 Filed 9-19-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant:

Milwaukee County Zoo
10001 W. Bluemound Road
Milwaukee, Wisconsin 53226
George Speidel, Director

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FOREIGN FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Indicate only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Transport 1 male and 1 female Ringtail lemur from the San Diego Zoo to the Milwaukee County Zoo for public display and propagation.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Milwaukee County Zoo
10001 W. Bluemound Rd.
Milwaukee, Wis. 53226
(414) 771-3040

3. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Non-profit County-owned and operated public zoological park.

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | WEIGHT | HEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (414) 771-3040
George Speidel, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Interstate shipment from San Diego, Calif. to Milwaukee, Wis.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT ☒ YES ☐ NO
(*If yes, list license or permit number*)
See attachment No. 5

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(*If yes, list jurisdictions and type of document*)
None required - see attachment No. 7.

9. CERTIFIED CHECK OR MONEY ORDER (*If applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE

11. DURATION NEEDED
Permanent

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(a)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE OF APPLICANT: Geo. L. Speidel
DATE: Aug. 28, 1975

3-200
6/70

MILWAUKEE COUNTY ZOOLOGICAL PARK,
10001 W. Bluemound Road,
Milwaukee, Wis., August 28, 1975.

GEORGE SPEIDEL, *Director,*
Department of the Interior,
U.S. Fish and Wildlife Service,
Washington, D.C.

DEAR SIR: Pursuant to the Code of Federal Regulations, Title 50, we hereby respectfully apply for a permit to transfer and keep endangered wildlife for the Milwaukee County Zoo.

In accordance, and to comply with all regulations affected, we include the following documentations:

1. Original of Form 3-200, Federal Fish and Wildlife License/Permit Application, duly completed and signed by the Zoo Director.

2. Official name and address: The Milwaukee County Zoo, 10001 W. Bluemound Road, Milwaukee, Wisconsin 53226.

3. Name of Zoo Director: George Speidel.

4. Name and scientific name of animals: 50 CFR 17 Sec. 17.23 A-1.
Ringtail Lemur
(Lemur catta)
One (1) Male Ringtail Lemur
Born: San Diego Zoo 14 June 1974
One (1) Female Ringtail Lemur
Born: San Diego Zoo 18 June 1974
See attachment No. 1.

5. Copy of contract (letter) in which the Milwaukee County Zoo agrees to purchase 1.1 Ringtail Lemur from the San Diego Zoo 50 CFR 17 Sec 17.25 A-2
See attachment No. 2.

6. Purpose of the permit: To transport, exhibit and propagate the Ringtail Lemur at the Milwaukee County Zoo. 50 CFR 17 Sec 17.25 A-3.

7. Ringtail Lemurs were born in captivity at the San Diego Zoo. The male was born 14 June 1974, and the female was born 18 June 1974. 50 CFR 17 Sec. 17.23 A-5.
See attachment No. 1.

8. Description, drawing and photographs where wildlife is to be held. 50 CFR 17 Sec 17.23 A-7 No. 1
See attachment No. 3 and photographs.

9. The technical expertise: The Milwaukee County Zoo presently has: 2 Male Mongoose Lemur and 5 female Mongoose Lemur (including 3 females on breeding loan from the Lincoln Park Zoo, Chicago). There have been three birth of the Mongoose Lemur at the Milwaukee County Zoo. 50 CFR 17 Sec 17.23 A-7 No. 2.
See attachment No. 4.

10. The Milwaukee County Zoo is willing to participate in breeding loans to other approved zoos as evidenced by the three female Mongoose Lemurs now on breeding loan from the Lincoln Park Zoo, Chicago, Ill. Copy of the breeding loan agreement is attached. 50 CFR 17 Sec 17.28 A-3.
See attachment No. 6.

11. Animals to be shipped via Air Carrier direct to Milwaukee. Crate will be partitioned 24" wide, 52" long, 41" high, weight 127 lbs. Animals will be shipped via United Airlines Flt. 582, leaving Los Angeles 12:30 P.M., arriving Milwaukee 6:05 P.M. Animals will be trucked from San Diego to Los Angeles by the San Diego Zoo staff. 50 CFR 17 Sec. 17.23 A-4.
See attachment No. 1.

12. A report will be sent to the Director within ten days of receiving the animals covered in the permit. The Milwaukee County Zoo further agrees to report immediately any deaths or escapes, and also agrees to make the remains available to interested institutions for scientific use. 50 CFR 17 Sec 17.23 B1 and B2.

13. The desired effective date of permit is 30 days from application date.

14. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Dated this 28th day of August, 1975.

GEORGE SPEIDEL,
Zoo Director,
Milwaukee County Zoo.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before October 22, 1975.

Dated: SEPTEMBER 16, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-25062 Filed 9-19-75;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant:

Ralph M. Wetzel
Professor
Systematic & Evolutionary Biology
The University of Connecticut
Storrs, Connecticut 06268

THE UNIVERSITY OF CONNECTICUT,
THE COLLEGE OF LIBERAL ARTS AND SCIENCES,
THE BIOLOGICAL SCIENCES GROUP,
Storrs, Conn., August 26, 1975.

OFFICE OF RARE AND ENDANGERED SPECIES,
Bureau of Sport Fisheries and Wildlife,
Fish and Wildlife Service,
Department of the Interior,
Washington, D.C.

DEAR SIRS: In compliance with the terms of Title 50 of the Code of Federal Regulations, revised January, 1974, the fqllowing application is made to import scientific specimens categorized as rare and endangered species:

Applicant: Ralph M. Wetzle, PhD, Systematic and Evolutionary Biology, U-43, University of Connecticut, Storrs, Conn. 06268. Tel: 486-4456; Home: (203) 429-8564.

Personal data: Born 30 June 1917, Macomb, Illinois; B.S. Western Ill. State Univ., 1939; M.S., Univ. Ill., 1939; PhD, Univ. Ill., 1949; U.S. Army Air Force, 1942-1946; married, 3 children. Institutional affiliation: University of Connecticut—Professor of Biology and Curator of Mammals. Work with Neotropical Mammals: Smithsonian Venezuelan Project, 3 years, 1968-1971; Field work in Paraguay, summers, 1972, 1973, 1974, 1975.

President of Institution: Glenn W. Ferguson, U-48, University of Connecticut, Storrs 06268.

Location where the permitted activity is to be conducted: Specimens to be shipped from Asuncion, Paraguay, to applicant, Bradley Field, Hartford, Conn., and there to be picked up by applicant after clearance by U.S. Customs, and then taken to the University of Connecticut. At the latter site the specimens will be installed in the collection of the Museum of Natural History of that institution and made part of the research collection from Paraguay.

Type of permit requested: As listed in Paraguay (b), Section 13, 12, of Part 13, of Title 50:17.23—Zoological, educational, scientific.

Data on specimens to be covered by permit: Skulls from hunters' kills, picked up from the forest floor and edge of semi-permanent ponds in the Chaco of Paraguay as follows:

6 skulls of the "Brazilian" tapir, *Tapirus terrestris* (Linne), sex unknown, age at death unknown, length of time between death and collection, unknown, except that weathering of skulls suggest 6 months to 3 years.

1 skull of *Catman ? crocodilus* (L.), sex and age data unknown as with tapir skulls, above.

Contract with the importer: Verbal agreement with Mr. Estanislao Arce H., Edificio Astral, Oficina 209, Montevideo y Palma, Asuncion, Paraguay, to obtain any necessary permits required by Paraguay, package and ship to applicant, upon notification by applicant that permit from Fish and Wildlife Service to import into the United States has been obtained. (Same arrangement with Sr. Arce as in 1974).

Previous permits obtained by applicant: See Federal Fish and Wildlife Permit No. PRT-8-63-I, dated December 30, 1974, for similar importation of hunter killed specimens (skulls) from Paraguay.

Justification for the permit: Specimens are needed for subepecific determination of the tapir, whose skulls have been examined by the applicant from throughout its range, in the major collections of the World. In addition, they as well as the caiman are needed as voucher specimens for the applicant's continuing study of the wildlife of the Chaco of Paraguay (see Science, 1 Aug. 1975; Occas. Papers Univ. Conn. 1975 and 1974) and as valuable additions to the systematic collections of the World from a geographical region not well represented.

Aside from the scientific need, the justification for importation of these specimens of rare and endangered species is that these skulls were not obtained from other people, either as gifts or as purchases. Therefore, their importation will have no effect upon the "market value" of these skulls in Paraguay (value of skulls presently nil). They would not be housed in the small museum in Paraguay due to lack of both space and interest, as they are considered common in that country, and due to lack of assurance of continuation of the museum after the retirement or death of the old curator (but still hanging on from last year!). In summary, these specimens are of potential scientific value, if properly curated and made available to the scientific community. If they haven't been picked up by the applicant and his party, the skulls would have eventually been destroyed by weathering.

Description of institution at which specimens will be on deposit: See my application of August 26, 1974, and Jour. Mamm. 56 (3):455, "Collections of Recent Mammals in North America" by Jerry R. Choate and Hugh H. Genoways (Note: count specimens reported therein made before my application of August 26, 1974, and this current application). Specimens are curated by standard procedures which include storate in insect proof cases and locked from the public. The collection of mammals from Paraguay is, by now, a significant collection.

Staus of specimens to be imported at time of application:

As skulls stored in the warehouse of Sr. Estanslao Arce H., the importer mentioned above. As they were found as skulls, no statement can be made as to when they were "removed from the wild".

A resume of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild. This requirement is well satisfied as the applicant did not cause the death or removal of the living animal from the wild. The specimens were dead skulls and picked up by the applicant and his party, without publicity, and no money was paid for them.

Effective date of permit: At your earliest convenience. As soon as I have notification from your office that a permit has been issued, I will notify the shipper, Sr. Arce, to forward the specimens to me.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

RALPH M. WETZEL,
Professor,
Systematic & Evolutionary Biology.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before October 22, 1975.

Dated: September 16, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-25063 Filed 9-19-75;8:45 am]

Geological Survey

[OCS ORDER NO. 13]

GULF OF MEXICO AREA

Production Measurement and Commingling

Notice is hereby given that pursuant to 30 CFR 250.11, the Chief, Conservation Division, U.S. Geological Survey, has approved OCS Order No. 13 as set forth below effective October 1, 1975.

Copies of OCS Order No. 13 may be obtained from the Conservation Manager—Gulf of Mexico OCS Operations,

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Post Office Box 246, Metairie, Louisiana 70004.

Following publication of OCS Order No. 13 in the FEDERAL REGISTER July 5, 1974, comments were received from ten oil companies, four industry organizations, an equipment manufacturer, and the Environmental Protection Agency. All comments were considered and included as appropriate in the Order as it appears below. Copies of the comments received are available for review at the Office of the Chief, Conservation Division, U.S. Geological Survey, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

V. E. McKELVEY,
Director.

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.45, 250.60, and 250.61, and 250.68.

Section 250.60 provides as follows:

Measurement of oil. The lessee shall gauge and measure all production in accordance with methods approved by the Supervisor. The lessee shall provide tanks suitable for measuring accurately the crude oil produced capacity tank tables to be furnished to the capacity tank tables to be furnished to the Supervisor) or may arrange with the Supervisor for other acceptable methods of measuring, storing, and recording production. The quantity and quality of all production shall be determined in accordance with the standard practices, procedures, and specifications generally used by the industry.

Section 250.61 provides as follows:

Measurement of gas. The lessee shall measure all gas production in accordance with methods approved by the Supervisor, and the measured volumes shall be adjusted to the standard pressure base of 10 ounces above the atmospheric pressure of 14.4 pounds per square inch, a standard temperature of 60° Fahrenheit, and for deviation from Boyle's law. If gas is being disposed of at a different pressure base, the Supervisor may require that gas volumes be adjusted to conform to such base.

Section 250.68 provides as follows:

Commingling production. Subject to such conditions as he may prescribe for measurement and allocation of production, the Supervisor may authorize the lessee to move production from the lease to a central point for purposes of treating, measuring, and storing, and in moving such production, the lessee may commingle the production from different wells, leases, pools, and fields, and with production of other operators. The central point may be on shore or at any other convenient place selected by lessee.

The operator shall be responsible for compliance with the requirements of this Order in the installation and operation of all terminals or offshore sales points, including all facilities installed at measurement terminals or offshore sales points, whether or not operated or owned by the operator. Any departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

1. *Definitions of Terms.* As used in this Order, the following terms shall have the meanings indicated:

A. *Terminal.* Any onshore facility used in measuring the quantity and quality of produced liquids from Gulf of Mexico OCS leases for the purpose of computing royalties due the United States.

B. *Offshore Sales Point.* Any facility located on an offshore structure, at which point the produced fluids are measured by automatic custody transfer equipment, tank gauges, or meters for the purpose of computing royalties due the United States.

2. *Liquid Sales Meters.* The following requirements shall apply to all sales meters located at terminals and offshore sales points. Operators of sales meters at terminals and offshore sales points shall comply with the requirements of subparagraphs A through C by the first day of the month following six months after the date of this Order.

A. *Equipment Requirements.* Metering facilities at terminals or offshore sales points shall include the following components, which shall be compatible with the systems to which they are connected:

(1) *Meter.* Positive-displacement meter or other liquid meter approved by the Supervisor, equipped with a nonreset totalizer to remain sealed while the meter is in service. A temperature or other compensator, or a recorder, may be a component of the meter, but all such devices shall be sealed or shall be tamper proof while in service. The piping system shall be arranged to prevent reversal of flow of liquid through the meter. Meters subjected to pressure pulsation or surges shall be adequately protected by surge tanks, expansion chambers, or similar devices. No meter shall be subjected to shock pressures which are greater than its maximum-rated working pressure. All meter installations shall be designed to be operated within the gravity range specified by the meter manufacturer. The pressure and flow rate through each meter shall be maintained within manufacturer's maximum and minimum specifications for rated capacity. There shall be no bypasses around the meter.

(2) *Meter Prover.* Calibrated prover tank, master meter, or mechanical displacement prover.

(3) *Sampler.* Proportional-to-flow sampling device, with sampling point immediately upstream of the meters and downstream of any diverter valve installed upstream of the meters. The sample container shall be vaportight, with a mixing device to permit complete mixing of the sample prior to removal from the container. The sampler probe shall extend into the center of the flow piping in a vertical run. The probe shall always be in a horizontal position. The composite sample accumulated in a run period, which is the basis of the gravity and BS&W measurements, shall be representative of all crude oil delivered.

(4) *Deaerator.* When a deaerator is utilized, it shall be located upstream of the meters and shall in no case be of a smaller rated maximum capacity than that of the pump or feed lines and shall provide complete air elimination.

(5) *BS&W Monitor.* When a BS&W monitor is used, it shall be installed upstream of the meters and sampling device, and designed to sound an alarm, shut down the pumps, or to divert the liquid stream back to the treater vessels, water separation tanks, or bad-oil tank in the event excessive BS&W content is detected in the oil.

B. *Gravity, BS&W, and Temperature Determinations.* The volume of metered oil shall be corrected, using factors determined as follows:

(1) *API Gravity.* The hydrometer method is the most suitable for determining the API gravity of crude petroleum. The testing procedure shall be in accordance with API Standard 2544 and ASTM Designation D287–67, Standard Method of Test for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method), 1967.

(2) *BS&W.* Determination of water and sediment in crude oils shall be in accordance with API Standard 2542 and ASTM Designation D96–68, Standard Methods of Test for Water and Sediment in Crude Oils (1968).

(3) *Temperature.* Determination of the average temperature necessary to calculate volumes at a standard temperature of 60° Fahrenheit shall be in accordance with API Standard 2543 and ASTM Designation D1086–64, American Standard Method of Measuring the Temperature of Petroleum and Petroleum Products (1964), except when the volume is determined from a temperature-compensated or temperature - recording meter.

C. *Sales Meter Proving Requirement.* The following meter proving procedures shall be followed by all operators of liquid sales meters. Calibration of the sales meters shall be witnessed by purchaser (if different from the seller), USGS, or other party acceptable to the Supervisor.

(1) *Certification.* The integrity of the calibration of each mechanical-displacement prover or prover tank or master meter must be traceable to test measures which have been certified by the National Bureau of Standards.

(2) *Frequency.* Each operating meter or master meter shall be proved every month within a tolerance of fifteen (15) days, or at any other time upon request of the Supervisor.

(3) *Establishing Meter Factors.*

(a) *Prover Tank.* In establishing the meter factor with a prover tank, proof runs shall be made and recorded until two (2) consecutive runs have results within a tolerance of *0.0005* (.05 percent) prover tank volume. An average of the results of these two (2) runs will be used for the meter factor.

(b) *Master Meter.* In establishing the operating meter factor with a master meter, the master meter shall first be operating within manufacturer's specifications, calibrated with similar gravity crude and flow rate. Proof runs shall be made until three (3) consecutive runs have results within a tolerance of *0.0002*. The volume of each run shall be at least ten (10) percent of the hourly rated capacity of the operating meter but must be of sufficient amount for determination of an accurate operating meter factor. The master metering installation shall include:

(i) A back-pressure valve downstream of the operating and master meter.

(ii) A check valve to prohibit back flow.

(c) *Mechanical-Displacement Prover.* In establishing the operating meter factor with a mechanical-displacement prover, a minimum of five (5) out of six (6) consecutive runs for an unidirectional prover or round trips for a bidirectional prover shall be within a tolerance of *0.0005*. An average of these five runs will be used to compute the meter factor.

(d) *Preliminary Run.* For any of the three methods of proving the operating meter (prover tank, master meter, or mechanical-displacement prover), a preliminary unrecorded run should be made to equalize temperatures, displace vapors or gases, and wet the interior of the prover, where necessary. More than one run may be made. If four consecutive prover runs are made without any two consecutive runs checking within the *0.0005* tolerance, the installation shall be inspected; and if inspection discloses mechanical defects, necessary repairs shall be made.

(e) *Fluid Compressibility.* In calibrating meters with a mechanical-displacement prover, or master meter, or pressurized prover tank (volumetric provers), fluid compressibility shall be taken into account (API Standard 1101, Table II). This factor is referred to as *Cpl*.

(f) *Other Required Considerations.* In calibrating meters with a mechanical-displacement prover or pressurized prover tank, the following correction factors shall be taken into account:

(i) The change in prover volume due to pressure in the steel pipe (API Standard 2531, USA Standard for Mechanical-Displacement Meter Provers, Table II, Steel Correction Factor for Pressure, Cps (1963)). This correction factor is referred to as *Cps* and will always be unity or greater.

(ii) The change in volume of the test liquid with change in temperature as determined from API Standard 2540 and ASTM–D1250, Table 6, "Reduction of Volume to 60° F against API gravity at 60 F against API gravity of 60° F," 60° F," (1952) or expanded tables based on the same. This correction factor is referred to as *Ctl*.

(iii) The change in tank shell dimensions with change in temperature (API Standard 2531, "USA Standard for Mechanical Displacement Meter Prover," Table I, "Steel Correction Factor for Temperature, Cts.," App. B (1963)). This correction factor is referred to as *Cts*.

(iv) API Standard 2541 and ASTM Designation D1750–62, "Standard Tables for Positive Displacement Meter Prover Tank" (1966), Table A, or expanded tables based on same, may be used where applicable. This table is a combined factor for temperature correction of liquid and steel (API Standard 2540 and ASTM Designation D1250–56, "Standard Petroleum Measurement Tables" (1966), Table 6, "Reduction of Volume to 60° F against API Gravity at 60° F," combined with a temperature factor for the cubical expansion of mild steel).

(g) *Deviation and Meter Factor.* A maximum deviation of *±0.0025* in any factor obtained since a meter was last proved or repaired, or from the original factor with a new meter, will be allowed without declaration of a malfunction. Any factor which exceeds this limit will be declared a malfunction factor. It shall be clearly indicated on the proving report when a malfunction factor has been obtained. If a malfunction factor occurs, the operator shall submit a Meter Adjustment Ticket (Form 9–1910) to adjust the volume of oil run during the period ending with the malfunction factor. The factor obtained at the beginning of the run will be used on the current ticket in the meter printer. Adjustments to the calculated run volume will be indicated on the Meter Adjustment Ticket and will eliminate the necessity of changing or adjusting the total production figure shown on the meter totalizer.

(4) *Meter Malfunction.* After a malfunction, an operating meter shall be repaired or adjusted, and recalibrated as required. The proving report must indicate the repairs or maintenance which were performed. The operator shall have a run ticket made within 24 hours after proving any sales meter and shall submit copies of all such run tickets to the Area office within 7 days after completion.

(5) *Proving Report Forms.* Meter Proving Report A (Form 9–1912) shall be used when proving meters using mechanical-displacement prover. Meter Proving Report B (9–1913) shall be used when performing meter provings using prover tanks or master meter. The operator shall submit a copy of the official proving record to the Area office within seven days after proving a meter.

3. *Sale Tanks.* Operators of liquid sales tanks and facilities shall comply with the following:

A. *Equipment Requirements.* To reduce evaporation losses, sales tank facilities shall be equipped with a pressure-vacuum thief hatch and vent-line valve, and a fill line designed to minimize free fall and splashing.

B. *Calibration Chart.* A complete set of calibration charts (tank tables) for each tank shall be submitted to the Area office. Tank calibrations shall be according to API Standard 2550 and ASTM Designation D1220–65, "Measurement and Calibration of Upright Cylindrical Tanks" (1966) and shall be performed by qualified personnel, subject to witnessing by representatives of the purchaser, seller, and USGS.

C. *Gauging and Sampling.* Gauging of storage tanks shall be performed according to API Standard 2545, and ASTM Designation D1085–65, "USA Standard Method of Gauging Petroleum and Petroleum Products" (1965), and sampling of petroleum and petroleum products in accordance with API Standard 2546 and ASTM Designation D270–65, "Standard Method of Sampling Petroleum and Petroleum Products" (1965).

D. *Temperature Correction.* The change in volume of the liquid with the change in temperature shall be determined from API Standard 2540 and ASTM Designation D1250, Table 6, "Reduction of Volume to 60° F against API Gravity at 60° F" (1952), or expanded tables based on the same. Reduction for BS&W shall be made after making the correction for temperature.

4. *Allocation Meter Facilities.* Allocation meter facilities shall include the following components:

A. *Meter.* Positive-displacement meter, positive volume meter, turbine meter, or other acceptable measurement equipment.

B. *Meter Prover.* Calibrated mechanical-displacement prover, master meter, or prover tank.

C. *Sampler.* Equipment for continuous or periodic liquid sampling.

5. *Gas Measurement.* The operator shall be responsible for compliance with the requirements of this Order pertaining to all sales meters at their delivery points and all meters used for allocation purposes.

A. *Standards for Measurement.* The following requirements shall apply to all meters:

(1) *Equipment.* The measuring equipment so installed shall conform to and shall be operated in accordance with the specifications and the recommendations contained in the American Gas Association publication *Orifice Metering of Natural Gas, Gas Measurement Committee Report No. 3*, including the appendix as published September 1969.

(2) *Deliveries.* The volume of gas delivered shall be in accordance with the specifications and the recommendations contained in said *Gas Measurement Committee Report No. 3.*

B. *Specifications for Measurement.* The following requirements shall apply to all gas meters:

(1) *Sales Unit.* For purposes of reporting sales, the measurement unit shall be one MCF of gas (1,000 cubic feet).

(2) *Unit of Volume.* For purposes of calculation, the unit of volume shall be one cubic foot at a base temperature of 60° Fahrenheit and at a base pressure of 15.025 pounds per square inch absolute.

(3) *Pressure Base.* For purposes of measurement and meter calibration, the atmospheric or barometric pressure shall be assumed to be constant at 14.7 pounds per square inch absolute.

(4) *Test Frequency.* The accuracy of the measuring equipment at the point of delivery or allocation shall be tested at reasonable intervals, not to exceed forty-five (45) days.

(5) *Malfunction.* If at any time the measuring equipment is found to be out of service or not registering within the limits prescribed by the manufacturer, it shall be repaired or adjusted to read accurately. If the error in the measuring equipment is found to be within two percent, previous readings of such equipment shall be considered correct in computing the deliveries of gas thereunder.

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If the error in the measuring of equipment is found to be more than two percent, the volume measured since the last calibration shall be corrected. The volume adjustment should be calculated from the time the error occurred, if such time is ascertainable, and if not ascertainable, then back one-half of the time elapsed since the last date of calibration or as much as 23 days. If for any reason the measuring equipment is out of service or malfunctioning with the result that the quantity of gas delivered is not known, the volume of gas delivered through the period during which such equipment is out of service or malfunctioning shall be estimated on the basis of the best data available, using one of the following methods in order of priority:

(a) By using the registration of any check-measuring equipment, if installed and accurately registering; or

(b) By correcting the error if the percentage of error is ascertainable by calibration, test, or mathematical calculations; or

(c) By estimating the quantity of delivery by reference to actual deliveries during preceding periods under similar conditions when the unserviceable equipment was registering accurately.

C. *Witnessing.* The tests and calibrations made under Paragraph B above shall be run by qualified personnel. Representatives of the seller, buyer, and USGS shall have the right to witness such tests and calibrations.

D. *Record Retention.* The operator shall preserve or cause to be preserved all test data, meter reports, charts, or other similar records for a period of not less than one year. At any time within such period, the Supervisor may request such records and charts, subject to return within 20 days from receipt thereof.

E. *Record Submittal.* Upon request, one copy of the meter reports specified in D above shall be forwarded to the Supervisor. No special form is required, but all meter report forms shall include the following information where applicable:

(1) Producer or Seller.
(2) Purchaser.
(3) OCS lease number or other identifying designation.
(4) Station or meter number.
(5) Time and date of test.
(6) Location.
(7) Meter data (make, serial number differential range, static range).
(8) Type connections (flange or pipe).
(9) Orifice data ("found" and "left" for line size and orifice size).
(10) Zero data for differential and for static spring.
(11) Calibration data ("found" and "left" for differential and for static).
(12) Remarks.
(13) Signature and affiliation of tester.
(14) Signature and affiliation of witness.

6. *Commingling of Production.* Commingling production of different ownership and/or from different leases prior to sales shall be subject to the approval of the Supervisor prior to the actual commingling. Unless otherwise established, the sales delivery shall be considered on the lease and appropriate measurement shall be provided. Well production test may be approved for allocation purposes.

A. *Applications.* Applications for approval of a commingling procedure shall contain the following information:

(1) An accurate description of any measuring devices and samplers, including schematics of the total system, and detailed sections.

(2) A list of the leases and fields involved.

(3) The estimated amounts and types of production involved.

(4) Details of the allocation procedure.

(5) Description of calibration equipment and intervals.

(6) Sales contract, agreement for disposal, or posted price.

B. *Allocation Schedule.* If production from more than one lease or owner is measured by the same sales meter, an allocation schedule of the monthly sales volume of commingled production shall be furnished to the Supervisor. The allocation schedule shall contain:

(1) Total sales volume.

(2) All storage volumes located upstream of the sales meter on the first and last day of the month.

(3) Total lease production from actual allocation meter readings with appropriate corrections (if allocated by meter measurements).

(4) Total lease production calculated from required well tests (if allocated by well test).

(5) Final allocation of actual sales to contributing leases.

7. *Automatic Custody Transfer.* Automatic custody transfer shall be subject to approval of the Supervisor.

A. *Application.* An application to the Supervisor for approval of the meter measurement and facilities shall include:

(1) Flow schematic of the ACT Unit showing and labeling all components.

(2) Leases and fields involved.

(3) Estimated amounts and types of production involved.

(4) Calibration documents for the prover.

B. *ACT Failure.* Any ACT failure, such as electrical, meter, prover loop, or other failure (this does not include malfunction as defined in subparagraph 2.C.(4) of the Order), which may require other methods of measurement shall be reported to the Supervisor within 24 hours. The Supervisor shall approve other methods of measurement during the ACT failure period. A complete, detailed report shall be submitted to the Supervisor within 10 days.

8. *Accidents.* Any accident causing fire, damage to equipment, serious injuries, or pollution shall be reported to the Supervisor within 24 hours. A complete, detailed report shall be submitted to the Supervisor within 10 days.

J. B. LOWENHAUPT,
Oil and Gas Supervisor, Production Control, Gulf of Mexico Area.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75-25072 Filed 9-19-75;8:45 am]

[INT DES 75-52]

BRUNEAU NATIONAL WILD AND SCENIC RIVER

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Bureau of Outdoor Recreation has prepared a draft environmental statement for the proposed Bruneau National Wild and Scenic River in Idaho.

The environmental statement considers the probable impact of establishing the Bruneau River and selected tributaries as a component of the National Wild and Scenic Rivers System.

Comments are invited and should be submitted to the Regional Director, Bureau of Outdoor Recreation, 915 Second Avenue, Room 990, Seattle, Washington 98174, within 45 days. Copies of the draft statement are available for inspection at the following locations:

Office of Communications, Department of the Interior, Room 7200, Washington, D.C. 20240, Telephone: (202) 343-4662.
Office of Information, Bureau of Outdoor Recreation, Room 4427, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-5726.
Office of Regional Director, Bureau of Outdoor Recreation, 915 Second Avenue, Room 990, Seattle, Washington 98174, Telephone: (206) 442-4706.
Nevada State Clearing House, State Planning Coordinator, State Capitol Building, Carson City, Nevada 89701.
Idaho State Clearinghouse, Division of State Planning, State Capitol, Boise, Idaho 83702.
Areawide Clearinghouse, Idaho-Oregon Economic Development Association, Inc., Box 311, Weiser, Idaho 83672.

Single copies are available to the public and may be obtained by writing to the Regional Director, Bureau of Outdoor Recreation, 915 Second Avenue, Room 990, Seattle, Washington 98174. Please refer to the statement number shown above.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

Dated: September 16, 1975.

[FR Doc.75-25190 Filed 9-19-75;8:45 am]

[INT DES 75-51]

HOT SPRINGS-BELL 500-KV LINE

Availability of Draft Supplement to Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1977 Environmental Statement. This supplement covers the proposal for the Hot Springs-Bell 500-kV Line.

The Hot Springs-Bell proposal involves the construction of between approximately 146 and 165 miles of 500-kV line between Hot Springs, Montana, and Bell Substation, immediately north of Spokane, Washington.

Copies of the draft supplement are available for inspection in the library of the headquarters office of Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and at the Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201.

Copies are also available at the following Government Depository Libraries:

GOVERNMENT DEPOSITORY LIBRARIES

IDAHO

Boise Public Library, Reference Department, 715 Capitol Blvd., Boise, Idaho 83706.
University of Idaho Library, U.S. Documents, Moscow, Idaho 83843.
Documents Division, Idaho State University Library, Pocatello, Idaho 83209.

MONTANA

Documents Librarian, Montana State University Library, Bozeman, Montana 59715.
University of Montana Library, Documents Division, Missoula, Montana 59801.

OREGON

Southern Oregon State College Library, Documents Section, Ashland, Oregon 97520.
Documents Division, Library, Oregon State University, Corvallis, Oregon 97331.
University of Oregon Library, Documents Section, Eugene, Oregon 97403.
Harvey W. Scott Memorial Library, Pacific University, Forest Grove, Oregon 97116.
Eastern Oregon State College Library, Eighth at K, La Grande, Oregon 97850.
Northup Library, Linfield College, McMinnville, Oregon 97128.
Oregon College of Education Library, Monmouth, Oregon 97361.
Aubrey R. Watzek Library, Lewis and Clark College, Attention: Reference Department, 0615 S. W. Palatine Hill Road, Portland, Oregon 97219.
Library Association of Portland, 801 S. W. Tenth Avenue, Portland, Oregon 97205.
Documents Librarian, Portland State University Library, P.O. Box 1151, Portland, Oregon 97207.
Eric V. Hauser Memorial Library, Reed College, 3203 S. E. Woodstock, Portland, Oregon 97202.
Oregon State Library, State Library Building, Salem, Oregon 97301.
Willamette University Library, 900 State Street, Salem, Oregon 97301.

WASHINGTON

Documents Division, Mabel Zoe Wilson Library, Western Washington State College, 516 High Street, Bellingham, Washington 98225.
Documents Department, Library, Central Washington State College, Ellensburg, Washington 98926.
Everett Community College Library, 801 Wetmore Avenue, Everett, Washington 98201.
Documents Center, Washington State Library, Olympia, Washington 98504.
Port Angeles Public Library, 207 S. Lincoln Street, Port Angeles, Washington 98362.
Washington State University Library, Serial-Record Section, Pullman, Washington 99163.
Henry Suzzallo Memorial Library, University of Washington, Seattle, Washington 98195.
Fort Vancouver Regional Library, Attention: Reference Librarian, 1007 E. Mill Plain Blvd., Vancouver, Washington 98663.
Northwest Collection, Penrose Memorial Library, Whitman College, Walla Walla, Washington 99362.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Spokane Area Manager at the above address. Comments on the supplement should be sent to the Environmental Office by January 9, 1976.

Dated: September 16, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-25188 Filed 9-19-75;8:45 am]

[INT FES 75-79]

LOWER MONUMENTAL-ASHE 500 KV LINE, ET AL.

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a Supplementary Appendix to its Final Fiscal Year 1976 Proposed Program. Contained in the Supplementary Appendix are the final facility location supplements covering the following proposed new facilities: Lower Monumental-Ashe 500-kV Line, Ashe-Pebble Springs 500-kV Line, Okanogan Area Service, Port Angeles Support, Seattle Area Reinforcement, and Hangman Creek Area Service.

Copies of the Supplementary Appendix are available for inspection in the library of the headquarters office of Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office of the Interior Building, Room 5600; and in the following Area and District Offices: Portland Area Office, Lloyd Plaza Bldg., 919 NE. 19th Avenue, Room 201, Portland, Oregon 97232; Seattle Area Office, 415-1st Avenue North, Room 250, Seattle, Washington 98109; Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201; Walla Walla Area Office, West 101 Poplar, P.O. Box 1518, Walla Walla, Washington 99362; Eugene District Office, U.S. Federal Building, Room 206, 211 East 7th Street, Eugene, Oregon 97401; Idaho Falls District Office, 531 Lomax Street, Idaho Falls, Idaho 83401; Kalispell District Office (5 miles east of Kalispell on Highway 2), Box 758, Kalispell, Montana 59901; and the Wenatchee District Office, Room G35, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington 98801.

Copies are also available at Government Depository Libraries (see attached list).

A limited number of single copies are available and may be obtained by writing to the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

Dated: September 16, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

GOVERNMENT DEPOSITORY LIBRARIES

IDAHO

Boise Public Library, Reference Department, 715 Capitol Blvd., Boise, Idaho 83706.
University of Idaho Library, U.S. Documents, Moscow, Idaho 83843.
Documents Division, Idaho State University Library, Pocatello, Idaho 83209.

MONTANA

Documents Librarian, Montana State University Library, Bozeman, Montana 59715.
University of Montana Library, Documents Division, Missoula, Montana 59801.

OREGON

Southern Oregon State College Library, Documents Section, Ashland, Oregon 97520.
Documents Division, Library, Oregon State University, Corvallis, Oregon 97331.
University of Oregon Library, Documents Section, Eugene, Oregon 97403.
Harvey W. Scott Memorial Library, Pacific University, Forest Grove, Oregon 97116.
Eastern Oregon State College Library, Eighth at K, La Grande, Oregon 97850.
Northup Library, Linfield College, McMinnville, Oregon 97128.
Oregon College of Education Library, Monmouth, Oregon 97361.
Aubrey R. Watzek Library, Lewis and Clark College, Attention: Reference Department, 0615 S.W. Palatine Hill Road, Portland, Oregon 97219.
Library Association of Portland, 801 S.W. Tenth Avenue, Portland, Oregon 97205.
Documents Librarian, Portland State University Library, P.O. Box 1151, Portland, Oregon 97207.
Eric V. Hauser Memorial Library, Reed College, 3203 S.E. Woodstock, Portland, Oregon 97202.
Oregon State Library, State Library Building, Salem, Oregon 97301.
Willamette University Library, 900 State Street, Salem, Oregon 97301.

WASHINGTON

Documents Division, Mabel Zoe Wilson Library, Western Washington State College, 516 High Street, Bellingham, Washington 98225.
Documents Department, Library, Central Washington State College, Ellensburg, Washington 98926.
Everett Community College Library, 801 Wetmore Avenue, Everett, Washington 98201.
Documents Center, Washington State Library, Olympia, Washington 98504.
Port Angeles Public Library, 207 S. Lincoln Street, Port Angeles, Washington 98362.
Washington State University Library, Serial-Record Section, Pullman, Washington 99163.
Henry Suzzallo Memorial Library, University of Washington, Seattle, Washington 98195.
Fort Vancouver Regional Library, Attention: Reference Librarian, 1007 E. Mill Plain Blvd., Vancouver, Washington 98663.

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Northwest Collection, Penrose Memorial Library, Whitman College, Walla Walla, Washington 99362.

[FR Doc.75-25181 Filed 9-19-75;8:45 am]

WINSTON M. COOPER

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1975, as Regional Power Liaison, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Southern Company
Peachtree Equity Securities
C&S Realty

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

AUGUST 8, 1975.

WINSTON M. COOPER.

[FR Doc.75-25068 Filed 9-19-75;8:45 am]

MAURICE H. KENT

Appointee's Statement of Financial Interests

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1975, as Deputy Director, Defense Electric Power Administration, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Southern California Edison Company.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

AUGUST 8, 1975.

MAURICE H. KENT.

[FR Doc.75-25070 Filed 9-19-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE MEETINGS

Public Meetings

Pursuant to the provisions of § 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of meetings of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will hold meetings on October 7 and October 14, 1975, at 10:30 a.m. in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida.

The meetings will be open to the public and a brief period will be set aside at each meeting for public comments and questions. The agenda of each meeting includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to each meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: September 17, 1975.

DONALD E. WILKINSON,
Administrator.

[FR Doc.75-25179 Filed 9-19-75;8:45 am]

Farmers Home Administration

[Notice of Designation Number A255]

MICHIGAN

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Michigan:

Cheboygan — Wayne
Presque Isle

The Secretary has found that this need exists as a result of a natural disaster consisting of the following:

Cheboygan—excessive rainfall May 3 to June 21 and August 11 to October 23, 1974; drought July 5 to August 10, 1974; freezes September 14, 16, 22, and 23, 1974.

Presque Isle—excessive rainfall May 1 to June 22 and July 3 and 4, 1974; drought July 5 to August 11, 1974; cold fall with frost September 22 and 23, 1974. (Earlier in low-lying areas.)

Wayne—excessive rainfall May 3 to June 21, 1974; drought July 5 to August 10, 1974; freezes September 22 and 23, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William G. Milliken that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 28, 1975 for physical losses and May 27, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 15th day of September, 1975.

FRANK W. NAYLOR, JR.,
Acting Administrator
Farmers Home Administration.

[FR Doc.75-25180;Filed 9-19-75;8:45 a.m.]

Soil Conservation Service

SOUTH FORK OF BLACKWATER RIVER WATERSHED PROJECT, MISSOURI

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the South Fork of Blackwater River Watershed Project, Johnson County, Missouri, USDA-SCS-EIS-WS-(ADM)-74-30(F)-MO.

The EIS concerns a plan for watershed protection, flood prevention and municipal and industrial water supply. The planned works of improvement provide for conservation land treatment, 10 grade stabilization structures (includes nine built), 11 floodwater retarding structures (includes four built), and one multiple purpose reservoir with capacity for floodwater retarding and municipal and industrial water.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 459, Parkade Plaza Shopping Center, Terrace Level, Columbia, Missouri 65201

Dated: September 12, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-25163 Filed 9-19-75;8:45 am]

SOUTH TYGER RIVER WATERSHED PROJECT, SOUTH CAROLINA

Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the South Tyger River Watershed Project, Greenville County, South Carolina, USDA - SCS - EIS - WS - (ADM) - 76 - 1 - (D) - SC.

The environmental impact statement concerns a revised plan for watershed protection, flood prevention, municipal and industrial water storage, recreation water storage, and recreation development. The remaining planned works of improvement include conservation land treatment measures supplemented by two floodwater retarding structures; one multiple purpose structure for flood prevention; municipal and industrial water supply and recreation water storage; and recreation facilities. The recreation development will provide 53,000 visitor days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, One Greystone, West, 240 Stoneridge Drive, Suite 200, Columbia, South Carolina 29210.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to G. E. Huey, State Conservationist, Soil Conservation Service, One Greystone West, 240 Stoneridge Drive, Suite 200, Columbia, South Carolina 29210.

Comments must be received on or before November 14, 1975, in order to be considered in the preparation of the final environmental impact statement.

Dated: September 12, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,
Deputy Administration for Water Resources, Soil Conservation Service.

[FR Doc.75-25164 Filed 9-19-75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF DISTRIBUTORS' STOCKS OF CANNED FOODS

Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct its annual survey of inventories covering 30 canned and bottled products, including vegetables, fruits, juices, and fish as of December 31, 1975. This survey, which will be conducted under the provisions of Title 13, United States Code, sections 181, 224, and 225, provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, as well as governmental agencies. The data are not publicly available from non-governmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than October 22, 1975.

Reports will not be required from all firms, but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases, with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms will be requested to update the list of their establishments maintaining canned food stocks.)

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233. Any suggestions or recommendations concerning the subject matter of this survey will receive consideration if submitted in writing to the Director on or before October 22, 1975.

Dated: September 17, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75-25136 Filed 9-19-75;8:45 am]

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1973), notice is hereby given that a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Wednesday, October 29, 1975, at 9:30 a.m., in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) (Supp. III, 1973) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

The Committee meeting agenda has seven parts:

GENERAL SESSION

(1) Opening remarks by the Director, Office of Export Administration.
(2) Overview of the Export Administration Program by the Director, OEA.
(3) Election of Chairman.
(4) Presentation of papers or comments by the public.
(5) Review by OEA officials of current controls on computer peripherals, components and related test equipment.
(6) Technical problems relating to export administration coverage of computer peripherals, components and related test equipment.

EXECUTIVE SESSION

(7) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The public will be permitted to attend the General Session, at which a limited number of seats will be available to the public. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (7), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 16, 1974, pursuant to Section 10(d) of the

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Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of national security. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone A/C 202/967-4196.

In accordance with paragraph (4) of the Order of the United States District Court for the District of Columbia in *Aviation Consumer Action Project, et al., v. C. Langhorne Washburn, et al.*, September 10, 1974, as amended, September 23, 1974 (Civil Action No. 1838-73), the Complete Notice of Determination to close portions of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER (40 FR 2458, appearing in the issue of January 13, 1975).

Dated: September 16, 1975.

RAUER H. MEYER,
Director, Office of Export Administration Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.75-25177 Filed 9-19-75;8:45 am]

NORTHWESTERN UNIV.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq. 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00535-90-46070A. Applicant: Northwestern University, Department of Materials Science, the Technological Institute, Evanston, Ill. 60201. Article: Scanning Electron Miscroscope, Model JSM-50A. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in various research and teaching programs throughout the university.

The research programs will include:

(a) Cyclic creep study of aluminum and copper,

(b) Deformation of low dislocation density single crystals,

(c) Fatigue and fracture study of iron and steel,

(d) Investigation of mechanical properties of Al-Ni alloys,

(e) Examination of the microfabric of clay specimens,

(f) Diffusion study of Fe and S in NiO, and

(g) Composition distribution in In-Ga-Phosphide.

The teaching materials and information acquired from the use of the article will be used in several courses including Materials Science 760-C65, a course in electron microscopy and electron diffraction in Materials Science. The article will also be used in Biological Sciences 409-C65, a course in submicroscopic cytology including electron microscopy and its applications. In addition, the information gained will be employed for educational purposes in photographic enlargements and in slides used to illustrate lectures.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 22, 1972). Reasons: The foreign article provides the capability of simultaneous observation of a specimen while obtaining the analytical chemistry of the sample. The Department of Health, Education, and Welfare (HEW) and the National Bureau of Standards (NBS) advise in their memoranda dated July 17, 1975 and August 26, 1975 respectively that the capability described above is pertinent to the applicant's intended purposes. Both HEW and NBS advise that domestic scanning electron microscopes did not provide the pertinent capability at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-25078 Filed 9-19-75;8:45 am]

QUEENS COLLEGE

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 13, 1975.

Amended regulations issued under cited Act (40 FR 12368 et seq., 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00108-98-42900. Applicant: Queens College, 65-30 Kissena Blvd., Flushing, N.Y. 11367. Article: Superconducting Magnetic System and accessories. Manufacturer: Canada Superconductor and Cryogenics Co. Limited, Canada. Intended use of article: The article is intended to be used for studies of the galvanometric properties of normal and superconducting metals in strong magnetic fields to gain a better understanding of the microscopic structure of metals and superconductors. Application received by Commissioner of Customs: August 29, 1975.

Docket number: 76-00109-33-90000. Applicant: St. Mary Medical Center, 1050 Linden Avenue, Long Beach, California 90801. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the investigation of neurologic diseases which result in alterations of the normal cerebral anatomy. Research to be conducted will involve (1) the specific anatomic changes occurring in the cerebral ventricular system with certain neurologic degenerative diseases such as normal pressure hydrocephalus, and (2) specific applications of the article, as compared to other modalities currently in use, in patient diagnosis. In addition, the article will be used in postgraduate medical training programs (internships, residencies, and fellowships) of all major specialties including medicine, surgery, pathology, pediatrics and radiology. Application received by Commissioner of Customs: August 29, 1975.

Docket number: 76-00110-33-40700. Applicant: Roswell Park Memorial Institute, 666 Elm Street, Buffalo, NY 14263. Article: Cestum-137 Gamma Ray Irradiator. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of article: The article is intended to be used in research works conducted by various groups of biologists. External irradiation with gamma rays from this unit under different experimental conditions will be given to various cancer cells and tumor-bearing animals for the studies of radiation response to these biological systems. Application received by Commissioner of Customs: August 29, 1975.

Docket number: 76-00111-33-46070. Applicant: Medical College of Georgia, Department of Pathology, Augusta, Georgia 30902. Article: Scanning Electron Microscope, Model JSM-35U and accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used on a wide variety of specimens of human diseases for diagnostic and scientific purposes as a means of better understanding their etiology, pathogenesis and control. Studies will include:

(1) Complimentary SEM studies for existing programs involving transmission electron microscopy of biopsies on human kidney, liver, muscle and nervous tissues,

(2) SEM studies of specific human neoplasms presently being processed for transmission electron microscopy with specific emphasis on the transitional zone between the "normal" and involved tissue.

(3) Studies of surface characteristics of isolated cells, i.e., blood and bone marrow samples.

The article will also be used for educational purposes in the training programs for medical students, externes, residents and staff pathologists in the use of electron microscopy in biomedical studies and research. Application received by Commissioner of Customs: August 29, 1975.

Docket number: 76-00112-33-46070. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Maryland 21701. Article: Scanning Electron Microscope, Model HFS-2. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used to study the distribution of antigen sites on the cell surface with use of tagged antibodies. For pilot studies, ferritin, keyhole limpet hemocyanin, polystrene and viruses will be used to label antibodies in an attempt to determine specific antigen sites of various tumor cells (leukemia, melanomas, sarcomas). The studies will include investigations of the following:

(1) Various parameters that are known biochemically to alter membrane characteristics thus altering the distribution of antigens on the cell surface and the susceptibility of different types of cells to various chemical and physical agents.

(2) Certain characteristics of the cell membrane such as fluidity of cell membrane and surface change of tumor cells, lymphocytes and macrophages. Application received by Commissioner of Customs: August 29, 1975.

Docket number: 76-00113-99-90000. Applicant: University of California, Los Angeles Center for the Health Sciences, Los Angeles, California 90024. Article: EMI Scanner Body System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in exploring the possibilities of transverse tomography using holographic image reconstruction. The article will provide data for comparison with the holographic method as well as for digital simulation and development of improved digital reconstruction methods. Experiments will be conducted on other forms of display (topographic, density, etc.) and reproduction. Studies will also be conducted to determine the feasibility of reconstructing the images in planes other than the transverse axis in which they are obtained. The article will also be used in several courses in which student participants will be introduced to the modalities of the EMI-scanner body system. In addition, the article will be used in a resident fellowship program for practicing radiologists to familiarize students and physicians at all levels with this new technique and at the M.D. postdoctoral level to train individuals in the use of the article and interpretation of the computer-reconstructed image. Application received by Commissioner of Customs: August 29, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-25079 Filed 9-19-75;8:45 am]

STUDENTS INTERNATIONAL MEDITATION SOCIETY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

SUNY AT BUFFALO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Tariff Schedules of the United States (TSUS) provides, *inter alia*, for duty-free treatment with respect to "Articles entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes . . . if no instrument or apparatus of *equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used* is being manufactured in the United States" (Emphasis supplied). The law provides that the Secretary of Commerce, who has delegated this authority to the Deputy Assistant Secretary for Resources and Trade Assistance, is to determine "whether an instrument or apparatus of equivalent scientific value to such [the foreign] article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States" headnote 6(c), Schedule 8, Part 4, (TSUS). In order for the Deputy Assistant Secretary to make this determination of domestic availability (i.e., "being manufactured in the United States"), it is clear that some scientific use for the foreign article, whether educational or research, must be intended.

The National Bureau of Standards (NBS) advised in its memorandum dated June 18, 1975 that the article has "no scientific nor educational purpose pertinent to duty-free entry under Public Law 89-651 (Item 851.60, TSUS). We, therefore, can make no findings on scientific equivalence."

Accordingly, we find that the foreign article does not possess any scientific value for the purposes for which it is intended to be used. Therefore, there being no value against which to gauge equivalency, the possible availability of domestic equivalents cannot be determined. Docket Number 74-00181-99-07795, the denial of which was published in the FEDERAL REGISTER on May 9, 1974 (39 F.R. 16498-9), involves comparable essential facts and is cited as a precedent hereto.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-25080 Filed 9-19-75;8:45 am]

SUNY AT BUFFALO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

V 40 184 SEP 22 75 XUM

Docket number: 75–00283–65–46040. Applicant: State University of New York at Buffalo, 3435 Main Street, Buffalo, New York 14214. Article: Electron Microscope, Model JEM 100 with accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a study of engineering surfaces, study of subsurface damage due to surface generation and in the development of free machining alloys. Experimental studies on fine grained clays (naturally occurring samples, laboratory prepared samples and deformed clay samples) are to be examined as to particle size, crystallinity, crystal structure, exchangeable ions in clay, etc. The article will also be used to train graduate and undergraduate students in engineering and physical sciences. The relevant courses are: ME 496; X-ray diffraction and electron microscopy, MS 383: Properties of engineering materials, EAS 597: Electron Microscopy of Metals.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used was being manufactured in the United States at the time the foreign article was ordered (December 26, 1973). Reasons: This application is a resubmission of the Docket Number 74–00318–65–46040 which was denied without prejudice to resubmission on September 17, 1974 for informational deficiencies.

The National Bureau of Standards (NBS) advises in its memorandum dated April 24, 1975 that the foreign article is equipped with a tilt (±30°) stage which provides the capability of resolving 5Å lattice plane or better. The most closely comparable domestic instrument is the Model EMU–4C electron microscope which is supplied by the Adam David Company. The Model EMU–4C can be equipped with a tilt (±30°) stage but NBS advises that Adam David's tilt stage lacks the capability of resolving 5Å lattice plane. NBS also advises that (1) the lattice resolving capability of the article is pertinent to the applicant's intended uses and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used which was available at the time the article was ordered.

We, therefore, find that the Model EMU–4C electron microscope was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75–25081 Filed 9–19–75;8:45 am]

UNIV. OF ROCHESTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00049–00–00500. Applicant: University of Rochester, Nuclear Structure Research Laboratory, River Campus Station, Rochester, New York 14627. Article: Five (5) Accelerator Tubes. Manufacturer: Dowlish Development Ltd., United Kingdom. Intended use of article: The articles are newly designed essential components to an existing Van de Graaf accelerator which is being used in a variety of nuclear studies.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the specification of a spiral inclined field accelerator tube. The National Bureau of Standards (NBS) advises in its memorandum dated June 26, 1975 (relative to Docket Number 75–00423–00–00500 involving an identical article and the same purposes) that the specification described above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75–25082 Filed 9–19–75;8:45 am]

National Oceanic and Atmospheric Administration

BERND G. WUERSIG

Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 F.R. 1851, January 15, 1974), the Scientific Research Permit issued to Bernd G. Wuersig, Division of Biological Sciences, University of New York, Stony Brook, New York 11790, on March 28, 1974, as modified on July 8, 1974 (39 FR 24932), and on January 29, 1975 (40 FR 4325) is further modified, by means of Modification No. 3, in the following manner:

A preliminary report is due within 30 days of the Permit Holder's return from the research expedition, rather than by September 30, 1975. A final report is due within 90 days of completion of the research, rather than by December 31, 1975.

This modification is effective September 22, 1975.

The Permit as modified is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: September 10, 1975.

WILLIAM H. STEVENSON,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75–25139 Filed 9–19–75;8:45 am]

Office of the Secretary

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Renewal

The Electronic Instrumentation Technical Advisory Committee was established on October 23, 1973 by the Secretary of Commerce pursuant to Section 5(c) (1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Section 2404(c) (1) (Supp. III, 1973).

The Committee will terminate not later than October 22, 1975 unless extended by the Secretary of Commerce, or his designee, for two additional years. As required by Section 5(c) (4) of the Export Administration Act, committee members have been consulted with regard to continuance of the committee. A substantial segment has responded and recommended that the charter for this committee be extended for two additional years. Upon renewal, it will continue, as initially chartered, to perform the advisory functions set forth in the Export Administration Act of 1969, as amended. The Committee advises and assists with respect to questions involving technical matters, worldwide availability and utilization of production and technology and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, that are subject to U.S. and multilateral (COCOM) controls.

The Committee has been active during the past two years. Although the Committee was officially established on October 23, 1973, its first meeting was not held until April 1974. It is currently engaged in the preparation of a formal report for submission to the Department. It is expected that the report will be of substantial value, not only to the Department, but to other agencies, including the Departments of State and Defense. The Committee's report, upon completion, is expected to be relevant and of value in formulating the government's position with regard to international negotiations on continuing or modifying existing international export controls over commodities within the purview of the Committee.

Inasmuch as there is considerable technical input from industry, the information and recommendations could not be obtained as effectively from other sources within the Department, from other advisory committees of the Department, or from another Federal agency.

Pursuant to its charter, the Committee will consist of not more than 30 members from industry and government who are appointed by the Assistant Secretary for Domestic and International Business. The activities of the Committee will be conducted in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management effective May 1, 1974 and Section 5(c) of the Export Administration Act of 1969, as amended, (50 U.S.C. App. 2404(c)) (Supp. III, 1973).

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress and with the Library of Congress on October 7, 1975.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230, telephone, 202/967–4196.

Dated: September 9, 1975.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary
for Administration.

[FR Doc.75–25142 Filed 9–19–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N–0052]

CONDITIONS FOR MARKETING HUMAN PRESCRIPTION DRUGS

Withdrawal of Interim Enforcement Policy

The Commissioner of Food and Drugs is hereby withdrawing the "Interim Enforcement Policy For Marketing Human Prescription Drug Products Covered by a DESI Notice," published as part of a notice of proposed rule making in the FEDERAL REGISTER of June 20, 1975 (40 FR 26142), in light of the order of the United States District Court for the District of Columbia in *Hoffmann-La Roche, Inc.* v. *Weinberger* (Civil Action No. 75–0270), filed July 29, 1975. That order in part enjoins the Food and Drug Administration "from implementation of its policy permitting the introduction into interstate commerce without an approved new drug application of prescription drugs which the FDA has previously declared to be new drugs within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321(p) (1970)." The Commissioner has concluded that sections of the interim enforcement policy published on June 20, 1975, could be viewed as inconsistent with the District Court's order, and has decided to withdraw this interim enforcement policy pending final formulation of the agency's regulatory policy.

The notice of June 20, 1975, also proposed requirements under §§ 310.7 and 320.3(g) that, if finalized, would be essentially similar to those stated in the interim enforcement policy. This notice does not affect that rule making action, and the Commissioner continues to encourage the submission of comments on those proposed regulations.

The enforcement policy announced in the FEDERAL REGISTER on July 14, 1970 (35 FR 11273), specifying conditions for marketing drugs subject to the DESI review program, which was revoked and superseded by the interim enforcement policy of June 20, 1975, is hereby reinstated insofar as it is consistent with the District Court's order in *Hoffmann-La Roche*. The Court's opinion and order are as follows:

MEMORANDUM OPINION

This matter is before the Court on plaintiff's Motion for Summary Judgment and defendants' Cross-motion for Summary Judgment, or in the Alternative, to Dismiss. After hearing arguments thereon, the Court makes the following findings of fact and conclusions of law.

Plaintiff, Hoffmann-LaRoche Inc., has brought suit for declaratory and injunctive relief. It seeks a declaration that the Food and Drug Administration (the FDA) has acted contrary to the statutory requirements of the Food, Drug, and Cosmetic Act, 21 U.S.C. 301 (1970) et seq. and the rule making provisions of the Administrative Procedure Act, 5 U.S.C. 553 (1970). Specifically, Hoffmann-LaRoche challenges the FDA's policy of permitting the introduction of a new drug in interstate commerce without first approving a new drug application for such drug as required by 21 U.S.C. 331, 355 (1970). Further, it seeks to declare such policy void because it has been adopted without notice or publication of its proposed action in the FEDERAL REGISTER, thereby depriving interested parties of their right to comment on such policy prior to its adoption.[1]

Plaintiff is a New Jersey corporation engaged primarily in the manufacture and sale in interstate commerce of pharmaceutical products. Hoffmann-LaRoche is the holder of three approved new drug applications for compounds which contain chlordiazepoxide or chlordiazepoxide hydrochloride (both hereafter referred to as "chlordiazepoxide"). Plaintiff markets these drugs under the trademark "Librium". Since 1959, when Hoffmann-LaRoche first filed a new drug application for chlordiazepoxide, Hoffmann-LaRoche has marketed the drug only after it has obtained approval by the FDA of its new drug applications.

On January 20, 1975, plaintiff filed suit in the United States District Court for the District of New Jersey against Zenith Laboratories, Inc. and its subsidiary, Paramount Supply Corp., alleging infringement of plaintiff's patent on chlordiazepoxide. During the course of pretrial discovery in that case, plaintiff learned from officials of the defendant companies that they had begun to ship chlordiazepoxide capsules in interstate commerce. In March 1973, Zenith filed an abbreviated new drug application with the FDA on chlordiazepoxide. On February 27, 1975, plaintiff filed this action in district court. The FDA approved the new drug application submitted by Zenith Laboratories on March 7, 1975.

This action brings before the courts again the troubled administration of the New Drug Amendments of 1962 designed to strengthen the FDA's regulation of new drugs.[2] The Federal Food, Drug, and Cosmetic Act of 1938, 52 Stat. 1040, provided that new drugs introduced after 1938 be subject to regulatory clearance prior to their being sold in interstate commerce and for administrative suspension of such clearance if thereafter required for public safety. Under the 1938 Act, a new drug was defined as any drug which was not generally recognized by experts as safe. The 1962 New Drug Amendments extended the definition of "new drug" to require that proof of effectiveness, as well as safety, be submitted as part of a new drug application. The term "new drug" is defined in 21 U.S.C. 321(p) (1970) as follows:

"(1) Any drug • • • which • • • is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof • • • or

"(2) Any drug • • • the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions."

The 1962 New Drug Amendments changed the premarketing clearance procedures. Under the original 1938 Act, new drug applications were deemed approved within a fixed period unless the Secretary took affirmative steps to reject the application. However, the Amendments required the FDA to affirmatively express its approval of new drug applications prior to permitting the marketing of new drugs in interstate commerce.

21 U.S.C. 355 (1970) prohibits the introduction or delivery for introduction into interstate commerce of any new drug unless approval of an application is effective with respect to such drug. It further provides a scheme for the processing and approval of new drug applications. The required contents of a new drug application are specified, 21

[1] The Pharmaceutical Manufacturers Association has filed an *amicus* brief. It broadly supports the position advocated by Hoffmann-LaRoche.

[2] The history of the problems in the early years of implementing these amendments is chronicled in *American Public Health Assoc.* v. *Veneman*, 349 F. Supp. 1311 (D.D.C. 1972) and *Pharmaceutical Manufacturers Assoc.* v. *Finch*, 307 F. Supp. 858 (D. Del. 1970).

V 40 184 SEP 22 75 XUM

U.S.C. 355(b) (1970). The FDA is required to approve the application within 180 days or give the applicant notice and opportunity for hearing. 21 U.S.C. 355(c) (1970). After giving notice and opportunity for hearing, the FDA is required to either issue an order refusing to approve the application or issue an order approving the application. 21 U.S.C. 355(d) (1970). Condemnation action may be instituted to seize drugs introduced into interstate commerce without section 355 approval. See 21 U.S.C. 331, 334 (1970). See also 21 U.S.C. 332 (1970).

The crux of this controversy is the use by the FDA of the new drug application procedure as a sort of administrative holding action to regulate the sale and manufacture of "me-too" drugs. Me-too drugs are drugs which are chemically equivalent to a pioneer drug for which a full new drug application is in effect. It is estimated that five to thirteen me-too drugs exist for every new drug that has a FDA approved new drug application. It is the present policy of the FDA, termed an interim policy, to require the filing of an abbreviated new drug application by the manufacturers of each me-too drug where the pioneer drug has a full new drug application approved pursuant to 21 U.S.C. 355 (1970).[1] The FDA's position is that marketing of these drugs may be permitted without the approval of each individual new drug application.

The FDA advances two principal arguments to justify its policy. First, it claims that its compliance resources are limited and must be concentrated primarily in those areas where a potential health problem exists. Thus, the FDA has directed its compliance activities toward those drug products which have been found ineffective rather than toward those which have been found effective.[2] Second, for those drugs that the NAS/NRC have found effective and are widely recognized as safe and effective and no bioavailability[3] or special manufacturing problem is known or suspected, the need to police their distribution is minimal. Additionally, the FDA claims that it would have a difficult time in court contending that a specific version is a new drug within the meaning of 21 U.S.C. 321(p) (1970).

On the contrary, Hoffmann-LaRoche argues that the FDA's action is another example of its failure to follow the 1962 New Drug Amendments. Like the situation condemned in *American Public Health Assoc.* v. *Veneman*, *supra*, the FDA is again acting contrary to the clear statutory directives of section 355. Plaintiff contends that the plain meaning of section 355 dictates that once the FDA requires a new drug application to be filed, then the approval process must be completed before such drug can be marketed. See *Virginia March* v. *United States*, 506 F. 2d 1306, 1313–14 (D.C. Cir. 1974); *American Public Health Assoc.* v. *Veneman*, 349 F. Supp. 1311, 1316 (D.D.C. 1972). It argues that the Congressionally expressed interest in public health and safety mandates no other choice. See S. Rep. No. 1744, 87th Cong., 2d Sess., pt. 2, 36 (1962). Further, it claims that the deposition testimony of Dr. Marvin Seife, FDA's Director, Division of Generic Drug Monographs, demonstrates that no undue administrative burdens would be imposed by such a requirement.

To understand how the present state of affairs has arisen, it is necessary to chronicle some of the administrative actions taken in the implementation of the 1962 amendments with respect to me-too drugs. On January 24, 1968, at a government industry conference, the FDA announced that it would apply the applicable effectiveness findings from the National Academy of Sciences-National Research Council studies to all drugs, identical, related, or similar drug products. All opinions previously given to the effect that a drug was no longer a new drug were revoked in regulations published on May 18, 1968. 33 FR 7758 (1968). That same day a proposed procedure to determine by rule making those drugs for which a full or abbreviated new drug application would no longer be required was published. 33 FR 7762 (1968). These regulations were not promulgated in final form. Thus in 1968, virtually all human prescription drugs were regarded as new drugs. Regulations governing the filing and content of abbreviated new drug applications were adopted in February 1969. 34 FR 2673 (1969). They provide that an abbreviated new drug application need not contain safety and effectiveness data, except for those drugs for which a drug efficacy study implementation notice, previously published in the FEDERAL REGISTER, requires submission of clinical data adequate to assure the bioavailability of each drug product.

On July 14, 1970, the FDA issued a general notice establishing uniform conditions for the marketing of drugs covered by a drug efficacy study implementation notice. 35 FR 11273 (1970). This notice is of central importance to the FDA's view of this litigation. Essentially, it provides that any person who does not hold an approved new drug application and who distributes or intends to distribute a drug covered by a drug efficacy study implementation notice must submit a full or abbreviated new drug application. The notice does not explicitly state that a me-too drug could be marketed prior to approval of an abbreviated or full new drug application. It was implicit, the FDA argues, that such marketing would be permitted. To hold otherwise would be to give an unfair competitive advantage to manufacturers of identical, related or similar drug products marketed prior to a drug efficacy notice by allowing them to remain on the market pending approval of an abbreviated new drug application. Competitors' products would be kept off the market until approval was granted. Of particular importance to this case, by FEDERAL REGISTER notice on July 11, 1972, the FDA declared all compounds containing chlordiazepoxide subject to new drug application requirements. Abbreviated new drug applications were required to be submitted. 37 FR 13562 (1972).

On June 18, 1973, the Supreme Court decided four cases interpreting the 1962 amendments. See *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973); *Ciba Corp.* v. *Weinberger*, 412 U.S. 640 (1973); *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973); *USV Pharmaceutical Corp.* v. *Weinberger*, 412 U.S. 655 (1973). These cases sustained the FDA's application of all drug efficacy study implementation notices to me-too drug products and upheld the agency's primary jurisdiction to determine the status of drugs under the Act.

Preliminarily, the FDA suggests that Count One of plaintiff's complaint is moot because the FDA approved the new drug application of Zenith Labs on March 7, 1975, during the pendency of this litigation. Count One challenges the FDA's policy as violative of 21 U.S.C. 355 (1970). This general policy continues in operation with respect to whole generic classes of drugs. Voluntary cessation of the alleged wrongful conduct in one instance, while it continues in all other areas, has not conveniently mooted this portion of plaintiff's complaint. *United States* v. *Concentrated Phosphate Export Ass'n.*, 393 U.S. 199, 202–204 (1968); *Southern Pacific Terminal Co.* v. *ICC*, 219 U.S. 498, 511 (1911); *Cf. Preiser* v. *Newkirk*, 43 U.S.L.W. 4877, 4880 (June 25, 1975); *National Broadcasting Co., Inc.* v. *FCC*, No. 73–2256 (D.C. Cir. decided July 11, 1975).

Reaching the merits of plaintiff's statutory argument, the Court holds that the FDA's policy of permitting new drugs to be marketed without an approved new drug application contravenes the clear statutory requirement of preclearance mandated by 21 U.S.C. 355 (1970). The FDA's choice of policy is not within the intendment of the 1962 New Drug Amendments and the legislative scheme they embody. *American Public Health Assoc.* v. *Veneman*, 349 F. Supp. 1311 (D.D.C. 1972).

Further, the action of the FDA in permitting such marketing of large classes of me-too drugs violates its own regulations. See 21 CFR 314.1(a)(f); 314.012 (1974); *Nader* v. *Nuclear Regulatory Commission*, 513 F. 2d 1045, 1051 (D.C. Cir. 1975); *Borough of Lansdale* v. *EPC*, 494 F. 2d 1104, 1113&n. 42 (D.C. Cir. 1974). The implication that the FDA seeks to find in the language of the July 14, 1970 notice is an impermissible one. The Court recognizes that the FDA is to be given the administrative flexibility to make regulations and to determine the new drug status of individual drugs or classes of drugs. See *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645, 653 (1973); *National Nutritional Foods Ass'n.* v. *Weinberger*, 512 F. 2d 688, 696–98 (2d Cir. 1975). Certainly it has the power to promulgate regulations that adopt a monograph procedure for human prescription drugs similar to that adopted for over-the-counter drugs whereby a drug or drugs may be declared to be no longer new drugs. See 21 CFR 330.10 (1974). The FDA can regulate the bioequivalence and special manufacturing problems through its general rule making power, 21 U.S.C. 371 (1970). However, the argument that the FDA lacks the administrative resources to insure compliance with section 355 cannot be permitted to postpone to some indefinite future date the implementation of the required preclearance approval of new drug applications. See *Calvert Cliffs' Coordinating Committee, Inc.* v. *United States Atomic Energy Commission*, 449 F. 2d 1109, 1115 (D.C. Cir. 1971).

The Court gives particular weight to the fact that the *amicus curiae* is the Pharmaceutical Manufacturers Association whose members numerically would favor me-too companies, but said Association calls attention to the dangers inherent in releasing untested me-toos for ingestion by the general public.

Summary judgment will therefore be entered for the plaintiff.[4] Defendants will be permanently enjoined from implementing its policy which permits the introduction into interstate commerce without an approved new drug application of prescription drugs which the FDA has previously declared to be new drugs within the meaning of 21 U.S.C. 321(p) (1970).[7]

Dated: July 29, 1975.

JUNE L. GREEN,
U.S. District Judge.

JUDGMENT

This matter came before the Court on plaintiff's Motion for Summary Judgment and defendants' Cross-motion for Summary Judgment, or in the Alternative, to Dismiss. It appearing that there exists no genuine issue of material fact, and it further appearing that plaintiff is entitled to judgment as a matter of law, and in accordance with the Memorandum issued with this Judgment, it is by the Court, this 29th day of July 1975,

Ordered, That defendants' Motion for Summary Judgment, or in the Alternative, to Dismiss be and the same hereby is denied; and it is further

Ordered, That plaintiff's Motion for Summary Judgment be and the same hereby is granted; and it is further

Ordered, That judgment be entered for the plaintiff; and it is further

Ordered, That defendants are permanently enjoined from implementation of its policy permitting the introduction into interstate commerce without an approved new drug application of prescription drugs which the FDA has previously declared to be new drugs within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321(p) (1970).

Dated: July 29, 1975.

JUNE L. GREEN,
U.S. District Judge.

This notice is issued under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 505, 510, 701(a), 704, 52 Stat. 1049–1053, 1055, 1057 as amended, 76 Stat. 794 as amended (21 U.S.C. 351, 352, 355, 360, 371(a), 374)) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: September 16, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-25102 Filed 9-19-75;8:45 am]

ADVISORY COMMITTEES

Notice of Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Panel on Review of General and Plastic Surgery Devices.	Oct. 2, 9:30 a.m., room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing Oct. 2, 9:30 a.m. to 10:30 a.m. open committee discussion 10:30 a.m. to 11 a.m. closed committee deliberations 11 a.m. to 4:30 p.m. Mark Parrish, Ph. D. (HFK-400), 5600 Fishers Lane Rockville, Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of general and plastic surgery devices currently in use.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of surgical sutures listed in this announcement to Mark F. Parrish, Ph. D.,* Executive Secretary. Submission of data relative to the panel's tentative classification findings is also invited. During the open public hearing, Michael Gluck, Division of Medical Device Standards and Research, Bureau of Medical Devices and Diagnostic Products, will describe the status of the Emergency Care Research Institute electrosurgical device standard contract.

Open committee discussion. The *Medical Device and Diagnostic Products Standards Survey* (*July 1975*) will be reviewed by Dr. Parrish.

Closed committee deliberations. The panel will classify the following surgical sutures: Absorbable sutures—catgut (chromic, plain), synthetic (polyglycolic acid, polyglycolic-lactic acid); nonabsorbable sutures—cotton, silk, steel (monofilament, multifilament), synthetic (polyamide, polyester, polyethylene, polypropylene). The panel will discuss setting priorities for the development of standards for devices classified in the Standards category. These matters are being discussed in closed session in order to allow the free exchange of views among panel members.

Committee name	Date, time, and place	Type of meeting and contact person
2. Microbiology Subcommittee of the Diagnostic Products Advisory Committee.	Oct. 2 and 3, 9 a.m., room 4173, HEW North, 330 Independence Ave. SW., Washington, D.C.	Closed committee deliberations, Oct. 2, 9 a.m. to 4:30 p.m.; open public hearing, Oct. 3, 9 a.m. to 10 a.m.; open committee discussions, Oct. 3, 10 a.m. to 11 a.m.; closed committee deliberations, Oct. 3, 11 a.m. to 4:30 p.m.; Ms. Bobbi Dresser (HFK-399) 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3913.

General function of the committee. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

Agenda—Closed committee deliberations. The subcommittee will classify in vitro microbiological diagnostic products. The meeting will be closed to allow committee members to discuss freely the product classifications and to afford the members an opportunity to discuss specific product hazards, which could become regulatory matters. The following products will be considered for classification by the Microbiology Subcommittee: Streptococcus pneumoniae: bile solubility (sodium desoxycholate), optochin susceptibility, serotyping (quellung or agglutination), fluorescent antibody methods; Streptococci sp.: precipitin or agglutination tests (serotyping or serogrouping), fluorescent antibody methods, bacitracin susceptibility, optochin susceptibility, culture (special media), antistreptolysin-O Titer, streptococcal antideoxyribonuclease B test, streptococcal antihyaluronidase test, streptococcal exoenzymes (multiple), antistreptokinase test; staphylococci sp.: culture (special media), fluorescent antibody methods, coagulase test, phage typing procedures, enterotoxin studies, autogenous vaccines; Neisseria sp.: culture (special media), oxidase test (cytochrome oxidase), biochemical identification, transport media, serotyping (quellung or agglutination), fluorescent antibody methods, (direct) fluorescent antibody methods, (indirect) (currently regulated as drugs requiring new drug application to Bureau of Drugs); Hemophilus sp.: culture (special media), identification by X & V factors, serotyping (quellung) (currently licensed by Bureau of Biologics), fluorescent antibody methods; Bordetella sp.: culture (special media), fluorescent antibody methods, serotyping; Corynebacterium diphtheriae: culture (special media), serotyping, fluorescent antibody methods, exotoxin studies; Corynebacterium sp.: culture (special media), serotyping.

Open public hearing. Interested parties are encouraged to present information pertinent to the classification of microbiological diagnostic products listed in this announcement to Mr. Tom Tsakaris, Head of Classification, Food and Drug Administration (HFK-400), 5600 Fishers Lane, Rockville, MD 20852, 301-443-3550. Submission of data relative to tentative classification findings is also invited. Data pertaining to portions of the agenda not related to classification may be presented to Ms. Bobbi Dresser, Executive Secretary.

Open committee discussions. A staff member of Bureau of Medical Devices and Diagnostic Products' Division of Compliance will discuss the custom device category as it applies to diagnostic products. A presentation will be made of

[1] Proposed regulations published by the FDA in the FEDERAL REGISTER of June 20, 1975, if adopted in final form, will modify this policy. 40 FR 26142 (1975).

[2] Drug efficacy study groups of the National Academy of Sciences and the National Research Council under contract with the FDA reviewed the effectiveness claims for every drug cleared for marketing before the passage of the 1962 amendments. Their findings were the basis for the FDA's determination whether or not substantial evidence, of effectiveness, as defined in 21 U.S.C. 355(d) (1970), had been proven. See *Weinberger* v. *Hynson, Westcott & Dunning*, 412 U.S. 609 (1973); *American Public Health Assoc.* v. *Veneman*, 349 F. Supp. 1311, 1313–14 (D.D.C. 1972).

[3] "Bioavailability" means the rate or extent to which the active ingredient in a drug becomes available to the site of drug action in the human body. See 40 FR 26161 (1975).

[4] Whatever the anticompetitive effects and secondary patent protection judgment for plaintiff will give to manufacturers with approved new drug applications, the overriding interest in insuring the health and safety of the public through compliance with section 355 requires the result reached here.

[7] Since plaintiff's statutory argument is dispositive, it is unnecessary to consider plaintiff's claim that defendants have violated 5 U.S.C. 553 (1970) in adopting their policy without notice or opportunity for comment.

V40184 SEP 2275 XUM

summaries of responses to the Call for Information on Non-Treponemal tests for Syphilis, followed by a discussion of these summaries.

Closed committee deliberations. Any recommendations regarding comments received to the Call for Information on Non-Treponemal Tests for Syphilis will be discussed. Performance requirements for Rubella antibody tests will also be discussed. The meeting will be closed to allow free deliberation on recommendations for regulatory standards being developed.

Committee name	Date, time, and place	Type of meeting and contact person
3. Obstetrics and Gynecology Advisory Committee.	Oct. 2 and 3, 9 a.m., conference room G–H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 2, 9 a.m. to 10 a.m.; open committee discussion Oct. 2, 10 a.m. to 11:30 a.m.; closed presentation of data Oct. 2, 11:30 a.m. to 12:30 p.m.; closed committee deliberations Oct. 2, 1 p.m. to 4:30 p.m.; open committee discussion Oct. 3, 9:30 a.m. to 10:30 a.m.; closed presentation of data Oct. 3, 10:30 a.m. to 11:30 a.m.; closed committee deliberations Oct. 3, 1 p.m. to 4:30 p.m.; A. T. Hirsch, Ph. D. (HFD–130), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3510.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of Urea (NDA 17–698) for the termination of pregnancy; further consideration of the safety of Progestasert (NDA 17–553).

Closed presentation of data. Discussion of Prostin F, alpha (NDA 17–705). This portion is closed to permit the presentation of trade secret data.

Closed committee deliberations. Discussion of Prostin F, alpha (NDA 17–705). This portion is closed to permit the free exchange of internal views and formulation of recommendations.

Open committee discussion. Review of the safety and efficacy of Tocosamine for the induction of labor.

Closed presentation of data. Discussion of Ovcon–35 (NDA 17–716) as an oral contraceptive. This portion is closed to permit the discussion of trade secret data.

Closed committee deliberations. Discussion of Ovcon–35 (NDA 17–716) as an oral contraceptive. This portion is closed to permit the free exchange of internal views and formulation of recommendations.

Committee name	Date, time, and place	Type of meeting and contact person
4. Arthritis Advisory Committee.	Oct. 2 and 3, 9 a.m., conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 2, 9 a.m. to 10 a.m.; open committee discussion Oct. 2, 10 a.m. to 11 a.m.; closed presentation of data Oct. 2, 11 a.m. to 1 p.m.; open committee discussion Oct. 2, 2 p.m. to 3 p.m.; closed committee deliberations Oct. 2, 3 p.m. to 4:30 p.m.; open committee discussion Oct. 3, 9 a.m. to 11 a.m.; closed committee deliberations Oct. 3, 11 a.m.; C. H. Maxwell, M.D. (HFD–150), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–5197.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

Agenda—Open public hearing/open committee discussion. During this portion any interested person(s) may present data, information, or views, orally or in writing, on issues pending before the committee. Discussion of clinically significant improvement in objective evaluation parameters; adverse drug reaction reporting program; guidelines for clinical testing on nonsteroidal anti-inflammatory agents in adults; guidelines for clinical testing of nonsteroidal anti-inflammatory agents in infants and children; characteristics of patient populations for phase I and phase II studies with nonsteroidal anti-inflammatory and immune-suppressant drug products.

Closed presentation of data. IND 1821 (Sodium Meclofenamate). The sponsor expects to present plans for future testing of the drug, techniques of ongoing testing, chemistry, pharmacology, and toxicology not at present released. This meeting is closed to permit discussion of trade secret data.

Open committee discussion. (See above)

Closed committee deliberations. Status of pending IND's and NDA's and selection of those to be presented to the committee. This portion is closed to permit the free exchange of internal views.

Committee name	Date, time, and place	Type of meeting and contact person
5. Panel on Review of Allergenic Extracts.	Oct. 3 and 4, 9 a.m., room 121, Bldg. 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Oct. 3, 9 a.m. to 11 a.m., closed committee deliberations Oct. 3, 10 a.m., closed committee deliberations Oct. 4, 9 a.m., Clay Sisk (HFB–51, 8800 Rockville Pike, Bethesda, Md. 20014, 301–496–4345.

General function of the Committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing on the issues pending before the committee.

Closed committee deliberations. Continuing review of allergenic extracts. The meeting is closed to protect the free exchange of internal views.

Committee name	Date, time, and place	Type of meeting and contact person
6. Panel on Review of Antimicrobial Agents.	Oct. 3, 4, and 5, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 3, 9 a.m. to 10 a.m.; closed committee deliberations Oct. 3, 10 a.m. to 4:30 p.m.; closed committee deliberations Oct. 4 and 5, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD–510), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) antimicrobial drug products. This meeting is closed to protect the free exchange of internal views.

Committee name	Date, time, and place	Type of meeting and contact person
7. Panel on Review of Gastroenterology and Urological Devices.	Oct. 6, 9:30 a.m., room 1137, 11EW North, 330 Independence Ave. SW., Washington, D.C.	Open public hearing Oct. 6, 9:30 a.m. to 10:30 a.m. open committee discussion 10:30 a.m. to 11:30 a.m.; closed committee deliberations 11:30 a.m. to 4 p.m.; Thomas L. Anderson, M.D. (HFK–400), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of gastroenterology and urological devices currently in use.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of hemodialysis devises listed in this announcement to Thomas L. Anderson, M.D., Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. The proposed medical device legislation as it relates to classification will be discussed.

Closed committee deliberations. In order to protect the free exchange of internal views and to avoid undue interference with panel operations, the meeting will be closed to classify the following hemodialysis devices: Adapter, open bath to parallel flow; armboard; chair, dialysis; clamp, line; dialyzer holder sets; dialyzer splash covers; fluid barrier adaptors; fluid barriers; forceps; heater, field conversion kit; kit, negative pressure modification; protector, transducer; repair kit, pump valve; solution test, standard conductivity; start/stop tray; tank, 200 liter concentrate with stand and low level alarm; tie gun; ties; tray, declotting; water treatment systems; alarm, pillow pressure; alarm, power failure and emergency light; alarm, wrist; arterial blood pressure; blood circuit; conductivity meter, remote; detector, air bubble; detector, blood leak, inflow-outflow, comparative; detector, blood leak, noncomparative; detector, blood level; detector, dialysate level; flowmeter, blood; flowmeter, dialysate; hemoglobin detector, field conversion kit; manometer, water; meter, conductivity; temperature; temperature monitor, remote; venous blood pressure; catheter, disposable single use; catheter, long-term indwelling; system, peritoneal, automatic delivery; trocar.

Committee name	Date, time, and place	Type of meeting and contact person
8. Panel on Review of Ear, Nose, and Throat Devices.	Oct. 6 and 7, 9:30 a.m., rm. 6821, FB–8, 200 C St. SW., Washington, D.C.	Open public hearing Oct. 6, 9:30 a.m. to 11 a.m.; open committee discussion Oct. 6, 11 a.m. to 12 noon; closed committee deliberations Oct. 6, 1 p.m. to 4:30 p.m.; and Oct. 7, 9:30 a.m. to 4:30 p.m.; Harry R. Sauberman, P.E. (HFK–400), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3570.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of ear, nose, and throat devices currently in use.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of antichoke devices to Harry Sauberman, P.E., Executive Secretary. Submission of data relative to tentative classification findings for ENT devices is also invited. Several guest speakers will make presentations during the open hearing. Mr. Michael Bovarnick, President, Rolyn Medical Enterprises, Inc., will review features of the "Throat-E-Vac" antichoke device. Representatives from FDA's Anesthesiology Panel who have previously reviewed and classified antichoke devices will present their findings on the questions of safety and efficacy. Dr. Martha Rubin of the Lexington Hearing Center, New York City, will re-

V 40 184 SEP 2275 XUM

view the institute's activities and programs, and discuss procedures for audiological testing and evaluation of hearing aids. Dr. L. Elliott, Head of Directed Research in Communicative Disorders, National Institute of Neurological and Communicative Disorders and Stroke, will discuss current research activities pertaining to hearing aids. Question and answer sessions will follow each of these presentations.

Open committee discussion. The status of FDA's proposed standard for hearing aids will be reviewed. Comments received pertaining to the standard will be discussed. Rotation of panel members will be discussed and a system will be developed to enable a smooth transition for new members to join the panel.

Closed committee deliberations. During closed session the panel will complete their review and classification of antichoke devices, review overall classification results, develop a priority listing of all ENT devices placed in scientific review and standards, and consider matters of new business. This session is closed in order to protect free exchange of views and to avoid undue interference with panel deliberations.

Committee name	Date, time, and place	Type of meeting and contact person
9. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	Oct. 6 and 7, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 6, 9 a.m. to 10 a.m., closed committee deliberations, Oct. 6, 10 a.m. to 4:30 p.m.; Oct. 7, 9 a.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) internal analgesic, including antirheumatic drug products. This meeting is closed to protect the free exchange of internal views.

Committee name	Date, time, and place	Type of meeting and contact person
10. Electrodiagnostic Devices Subcommittee of the Panel on Review of Physical Medicine (Physiatry) Devices.	Oct. 7, 9 a.m., room 1813, FB-8, 200 C St., SW., Washington, D.C.	Open public hearing Oct. 7, 9 a.m. to 11:30 a.m.; closed committee deliberations 12:30 p.m. to 4:30 p.m.; Johnsie W. Bailey (HFK-400), 5600 Fishers Lane, Rockville Md. 20852, 301-443-3550.

General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of physical medicine (physiatry) devices currently in use.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of electrodiagnostic devices listed in this announcement to Ms. Johnsie W. Bailey, Executive Secretary. Submission of data relative to tentative classification findings is also invited. The subcommittee will open its meeting with a discussion of the use of electromyography in physical medicine. Dr. J. Goodgold of the Institute of Rehabilitation Medicine, New York City, will discuss this topic and a question and answer period will follow his presentation. Any known problems, limitations, or hazards with these devices will be discussed. Then detailed information about specific areas of concern to the subcommittee will be reviewed to see if the development of standards will alleviate these problems.

Closed committee deliberations. All devices in the general area of electrodiagnostics will be reviewed, and specific problem areas will be discussed in detail. The subcommittee will make their recommendations on the most practical solutions to the indicated problems. These recommendations will be forwarded to the full panel for appropriate action. The meeting will be closed to protect the free exchange of internal views.

Committee name	Date, time, and place	Type of meeting and contact person
11. Radiopharmaceutical Advisory Committee.	Oct. 9 and 10, 9 a.m., conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 9, 9 a.m. to 10 a.m.; open committee discussion Oct. 9, 10 a.m. to 3 p.m.; closed committee deliberations Oct. 9, 3 p.m. to 5 p.m.; Oct. 10, 8:30 a.m.; C. H. Maxwell, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-5197.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

Agenda—Open public hearing/open committee discussion. Opening remarks; discussion of adverse reactions with the use of contract media; status of nuclear medicine practice pilot study; guidelines for the clinical testing of radiopharmaceuticals; discussion of limulus lysate testing for pyrogens; initial impact of FEDERAL REGISTER publications of July 25, 1975; processing of research drug review committee applications and annual reports. During this portion any interested

person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Status of pending IND's and NDA's; review of pending radioactive drug research committee; and discussion of summary of public presentations of April 24 and 25, 1975, on central nuclear pharmacies. This meeting is closed because it deals with trade secrets, personnel matters, and deliberations.

Committee name	Date, time, and place	Type of meeting and contact person
12. Cardiovascular and Renal Advisory Committee.	Oct. 20 and 21, 9 a.m., conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion Oct. 20, 9 a.m. to 11 a.m.; closed committee deliberations Oct. 20, 11 a.m. to 2 p.m.; open committee discussion Oct. 20, 2 p.m. to 4 p.m.; open public hearing Oct. 21, 9 a.m. to 10 a.m.; open committee discussion Oct. 21, 10 a.m. to 12 noon; closed committee deliberations Oct. 21, 1 p.m.; Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4730.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in cardiovascular and renal disorders.

Agenda—Open committee discussion. Discussion of Propranolol (Inderal) (NDA 17-683) in hypertension.

Closed committee deliberations. Preparation of first draft of report on Propranolol (Inderal) for hypertension. This portion of the meeting is closed to protect the free exchange of internal views and for formulation of recommendations.

Open committee discussion. Discussion of draft clinical guidelines for antiarrhythmic drugs; package insert guidelines for lidocaine hydrochloride-lidocaine hydrochloride intramuscular for cardiac arrhythmias; draft clinical study guidelines for antihypertensive drugs.

Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of draft suggested guidelines for assessment of anti-anginal investigational new drugs; draft protocol for evaluation of a marketed oral anti-anginal preparation in patients with angina pectoris; draft—peripheral vascular disease—intermittent claudication study protocol; draft copy—comparison of drug vs. nitroglycerin (SBT) for use in acute angina pectoris.

Closed committee deliberations. Preparation of final report on Propranolol (Inderal) for hypertension. This portion of the meeting is closed to protect the free exchange of internal views and for formulation of recommendations.

Committee name	Date, time, and place	Type of meeting and contact person
13. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.	Oct. 21 and 22, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 21, 9 a.m. to 10 a.m.; closed committee deliberations Oct. 21, 10 a.m. to 4:30 p.m.; Oct. 22, 9 a.m.; Thomas D. DeCillis (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) vitamin, mineral, and hematinic drug products. This meeting is closed to protect the free exchange of internal views.

Committee name	Date, time, and place	Type of meeting and contact person
14. Panel on Review of Antiperspirant Drug Products.	Oct. 23 and 24, 9 a.m., conference room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 23, 9 a.m. to 10 a.m.; closed committee deliberations Oct. 23, 10 a.m.; closed committee deliberations Oct. 24, 9 a.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) drug products. This meeting is closed to protect the free exchange of internal views.

Committee name	Date, time, and place	Type of meeting and contact person
15. Panel on Review of Neurology Devices.	Oct. 24 and 25, 9 a.m., Constable room, Hyatt-Regency Hotel, Atlanta, Ga.	Open public hearing Oct. 24, 9 a.m. to 11 a.m.; closed committee deliberation Oct. 24, 11 a.m. to 5 p.m., and Oct. 25, 8 a.m. to 4 p.m.; James R. Veale (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

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General function of the committee. Reviews and evaluates available data concerning safety, effectiveness, and reliability of neurology devices currently in use.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of neurology devices to James R. Veale, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Closed committee deliberations. The panel will review all devices classified in past meetings. The meeting will be closed in order to protect free exchange of internal views and to avoid undue interference with panel activities.

Committee name	Date, time, and place	Type of meeting and contact person
16. Biometric and Epidemiological Methodology Advisory Committee.	Oct. 30 and 31, 8:30 a.m., conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 30, 8:30 a.m. to 9:30 a.m.; open committee discussion Oct. 30, 9 a.m. to 3 p.m.; closed committee deliberations Oct. 30, 3 p.m. to adjournment, Oct. 31, 9 a.m.; Robert T. O'Neill, Ph. D. (HFD–232), 5600 Fishers Lane, Rockville, Md. 20852, 301 443–3595.

General function of the committee. Reviews and evaluates scientific studies and data with respect to, and otherwise advises the Commissioner on, epidemiological and biometrical methodology.

Agenda—Open public hearing/open committee discussion. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Introduction; discussion of medical background concerning Phase IV studies for antilipidemic drugs; the coronary drug project; the NIH primary prevention study and lipid typing; industry representatives to discuss Phase IV studies; and FDA discussion of Phase IV studies. During this session some time will be allotted for industry representatives to discuss Phase IV studies. Several firms have expressed interest in making a presentation. Any firm wishing to make an oral presentation should express their intention and 20 copies of the presentation in writing to the Executive Secretary of the Biometric and Epidemiological Methodology Advisory Committee, Robert T. O'Neill, Ph. D., HFD–232, (301) 443–3743, Bureau of Drugs, 5600 Fishers Lane, Rockville, MD, by October 14, 1974.

Closed committee deliberations. During this portion the committee will discuss items previously discussed in the open session. This portion will be closed in order to protect the free exchange of internal views and for formulation of recommendations.

Committee name	Date, time, and place	Type of meeting and contact person
17. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Oct. 31 and Nov. 1, 9 a.m., conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 31, 9 a.m. to 10 a.m.; closed committee deliberations Oct. 31, 10 a.m. to 4:30 p.m.; closed committee deliberations Nov. 1, 9 a.m. to 4:30 p.m.; Armond Welch (HFD–510), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) contraceptive drug products. This meeting is closed to protect the free exchange of internal views.

Committee name	Date, time, and place	Type of meeting and contact person
18. Panel on Review of Antimicrobial Agents.	Oct. 31, Nov. 1, and 2, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Oct. 31, 9 a.m. to 10 a.m.; closed committee deliberations Oct. 31, 10 a.m. to 4:30 p.m., Nov. 1, and 2, 9 a.m.; Armond M. Welch (HFD–510), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) antimicrobial drug products. This meeting is closed to protect the free exchange of internal views.

Committee name	Date, time, and place	Type of meeting and contact person
19. Panel on Review of Blood and Blood Derivatives.	Oct. 31 and Nov. 1, 9 a.m., room 121, Bldg. 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open public hearing Oct. 31, 9 a.m. to 10 p.m.; open committee discussion Oct. 31, 10 a.m. to 12:30 p.m.; closed committee deliberations Oct. 31, 1:30 p.m. to adjournment Nov. 1; Clay Sisk (HFB–5), 8800 Rockville Pike, Bethesda, Md. 20014, 301–496–4545.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing/open committee discussion. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Discussion of the safety and effectiveness of single donor plasma, human; safety and effectiveness of cryoprecipitated antihemophilic factor, human.

Closed committee deliberations. Discussion of single donor plasma, human; cryoprecipitated antihemophilic factor, human; and stored red blood cell products, human. This portion of the meeting is closed in order to allow for the free exchange of internal views.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: September 16, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75–25103 Filed 9–19–75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

WISCONSIN

[FDAA–482–DR; NFD–297]

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 15, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Wisconsin resulting from heavy rains, tornadoes, and flash flooding beginning about August 21, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Wisconsin.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Robert E. Connor, HUD Region V, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Wisconsin to have been adversely affected by this declared major disaster:

The Counties of:

Buffalo	Pierce
Pepin	Trempealeau

Dated: September 15, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75–25192 Filed 9–19–75;8:45 am]

Office of the Secretary

[Docket No. N–75–438]

PLASTIC PLUMBING FIXTURES

Proposed Fire Hazard Requirements

The Department of Housing and Urban Development (HUD) is presently considering adopting fire safety tests and limits for acceptance of polymeric bathroom tub and shower units.

Formerly, it had been HUD's practice to accept polymeric bathroom tub and shower units which complied with the American National Standard Institute's standards Z 124.1 and Z 124.2. However, in response to an assertion by the Federal Trade Commission that certain plastic products used in the construction and furnishing of buildings have increased the intensity and severity of building fires or complicated the task of extinguishing such fires, the Department decided to undertake a reevaluation of its standards with respect to the fire hazards of all plastics.

It was at that time that HUD temporarily suspended the acceptance of most new plastic products. Because it was found that the fire properties of many plastics deviated substantially from those of traditional building materials, it ap-

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peared that at least two years would be required to develop and correlate new test methods which would reasonably measure the behavior of plastics in actual fire situations. In order to avoid the inequity involved in a lengthy delay but at the same time protect the public safety, the Department established a special task force to make interim recommendations with respect to this problem on the basis of present test methods and knowledge. The proposed standards for polymeric bathroom tub and shower units that are set forth below are in large part based on those recommendations. They are based on data solicited from both industry and laboratories prior to preparation of the requirements, and thus reflect the information available at the time of preparation.

Interested persons are invited to submit written comments or suggestions regarding the proposed standards by referring to the docket number and title, and addressing the comments to the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. All communications received on or before November 6, 1975, will be considered before adoption of the standards. Copies of comments submitted will be available for examination during business hours at the above address.

A draft Environmental Impact Statement pursuant to the National Environmental Policy Act of 1969 has been prepared and is being circulated for public comment with respect to the proposed requirements. A copy of the Draft is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address.

The proposed requirements are as follows:

INTERIM FIRE RESISTANCE REQUIREMENTS FOR PLASTIC BATHTUB AND SHOWER UNITS PROPOSED FOR HUD ACCEPTANCE

1. *Applicability.*

The following fire resistance requirements for plastic bathtub and shower units have been developed by the Department of Housing and Urban Development.

The requirements are to be used in HUD's technical suitability of products program as it relates to plastic bathtub and shower units to be installed in detached, semi-detached, duplex and row housing of one or two units, built under HUD mortgage insurance and low-rent public housing programs. (Additional fire restrictions may be required to insure adequate fire protection when such products are used in multifamily construction or in care facilities for elderly or handicapped occupancy).

The requirements apply to plastic bathtub units with or without enclosing walls. The units may include a dome or ceiling. The requirements also apply to shower receptor and shower stall units consisting of a receptor and enclosing walls with or without a dome or ceiling.

2. *Fire Resistance Requirements.*

Complete and unabridged laboratory fire test reports from a qualified laboratory acceptable to HUD are required with respect to the tests specified in this section for the unit and materials for which acceptance is requested. The laboratory test reports shall have an ASTM D 2584–68 (Ignition Loss of Cured Reinforced Resins) test report appended and shall state that the specimens tested under each of the fire tests were manufactured from materials from which the specimens tested by ASTM D 2584–68 were taken. All reports shall bear the seal of the testing laboratory.

(a) *Surface Flammability*—ASTM E 162–67 (1973)—A Test for Surface Flammability of Materials Using a Radiant Heat Energy Source.

The flame spread requirements shown in Table 1 below have been developed on the basis that fire spreads up the wall, and that if it involves the polymeric walls or the dome or ceiling above the tub, it creates a very hazardous fire situation. As a result, the tub, the enclosing side walls above the tub, and the dome or ceiling above the walls, if provided, shall each meet progressively more stringent surface flammability requirements.

In specifying these requirements, it is recognized that production capabilities under the present state of the art may not allow variable flame spread ratings in a composite unit (a one piece production unit). Where such capabilities do not yet exist, the composite unit will be required to meet the most stringent appropriate requirement stipulated in Table 1. For example, a composite unit consisting of tub and attached enclosing wall (or a shower stall) shall have a flame spread rating not exceeding 75 on both the front face and the back face of the unit. However, where a composite unit can be manufactured with variable flame spread ratings, the industry can take advantage of the different flame spread requirements set forth in the table. Where plastic plumbing fixtures are manufactured as separate segments (tubs, surroundings and domes), the individual ratings given in Table 1 shall govern the maximum flame spread requirements for these segments.

ASTM E 162 tests shall be run on the face and on the back of separate samples cut out of a typical section of a production unit selected by the HUD-authorized laboratory making the tests. Only one set of tests will be required for a composite unit. Where a plumbing unit is manufactured as separate segments, one set of tests will be required for each manufactured segment. Tests shall be run on both sides of each segment.

Each of the resulting laboratory test reports shall provide a full engineering description of the material tested and shall also include a small sample of the material bearing the seal of the testing laboratory. HUD limits of acceptability in terms of the Flame Spread Index obtained by these tests shall be as specified in Table 1.

TABLE 1.—*Maximum allowable flame spread ratings (E 162–67) (1973) for plastic bathroom tub or shower units*

[Tested at any representative location on the unit]

Cutout section at typical location	Tub	Enclosing wall or shower stall	Dome or ceiling
Finish front face	150	75	50
Back face	75	75	75

(b) *Smoke Generation*—NFPA 258T–74—Tentative Standard Test Method for Measuring the Smoke Generated by Solid Materials. This test shall be performed on the finish front face of the cutout section of each material used in the manufacture of the unit. The HUD limit of acceptability by this test is a rating of 450 under flaming combustion.

(c) *ANSI Z 124.1 and Z 124.2 Requirements*—All requirements of ANSI Z 124.1–1974 and ANSI Z 124.2–1974 as appropriate shall be complied with, including Paragraph 5.5, Ignition Test, and Paragraph 5.6, Cigarette Test.

3. *Miscellaneous Provisions.*

(a) The tests described above are a minimum interim HUD requirement.

(b) Each fire test report shall contain a sketch showing the location on the unit from which the samples were taken. Each sample shall be identified as it is referenced in the test report and sketch.

(c) HUD may require additional tests, including full scale fire tests when in the opinion of the Department such tests are necessary to assess the product offered.

(d) A continuing inspection and testing program acceptable to HUD and administered by a qualified independent entity shall be required of all plastic bathroom tub and shower units. This program will be outlined in a forthcoming HUD Use of Materials Bulletin and will provide for the labeling and listing of plastic tub and shower units which comply with the above fire safety requirements and with the requirements of ANSI Z 124.1 and Z 124.2.

(e) Since plastic bathroom fixtures may be ignited when located in close proximity to heat sources such as radiant heaters, the manufacturer's installation instructions and the label attached to the face of the unit shall include a conspicuous warning regarding such hazards.

(f) Installation instructions furnished by the manufacturer with each unit shall draw particular attention to the HUD requirement that all walls abutting the unit including those concealed from view behind the unit shall be constructed to comply with Table 4–5.1 of the Minimum Property Standards for One and Two Family Dwellings. For example, in duplex construction where the abutting wall is an interior fire wall, the fire rating of that wall must be 1 hour when tested by ASTM E 119–71.

(g) Manufacturers shall furnish to HUD information as it becomes available regarding company test data and fire experience with polymeric bathroom fixtures.

Issued in Washington, D.C. on September 15, 1975.

DAVID M. DEWILDE,
Deputy Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.75–25193 Filed 9–19–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27851]

HICKS AND LAWRENCE LTD.

Prehearing Conference and Hearing Regarding Canadian Charter Permit (Small Aircraft)

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on October 28, 1975, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administration Law Judge William A. Kane, Jr.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 14, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., September 15, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–25175 Filed 9–19–75;8:45 am]

[Docket No. 27966]

PRECISION HOLDINGS LTD., C.O.B. FLIGHT CENTER VICTORIA

Prehearing Conference and Hearing Regarding Canadian Charter Permit (Small Aircraft)

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on October 21, 1975, at 10 a.m. (local time), in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Arthur S. Present.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before October 8, 1975.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., September 16, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–25176 Filed 9–19–75;8:45 am]

COMMISSION ON CIVIL RIGHTS

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 10:30 p.m. on October 6, 1975, at the Sheraton Wayfarer Motor Inn, Manchester, New Hampshire.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to plan for activities and projects for coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Manager Officer.

[FR Doc.75–25269 Filed 9–19–75;8:45 am]

CIVIL SERVICE COMMISSION

COMMODITY FUTURES TRADING COMMISSION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Commodity Futures Trading Commission to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Chairman, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–25159 Filed 9–19–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of the Assistant Secretary—Mineral Resources.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 75–25154 Filed 9–19–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director—Health and Safety, Bureau of Mines.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 75-25153 Filed 9-19-75; 8:45 am]

DEPARTMENT OF JUSTICE

Title Change in Noncareer Executive Assignment

By notice of February 11, 1975, F.R. Doc. 75–3949 the Civil Service Commission authorized the Department of Justice to fill by noncareer executive assignment the position of Director, Office of Justice Policy and Planning, Office of the Deputy Attorney General. This is notice that the title of this position is now being changed to Director, Office of Policy and Planning.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–25162 Filed 9–19–75;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Commissioner (Hispanic Liaison), Office of the Commissioner, Immigration and Naturalization Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 75–25160 Filed 9–16–75; 8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Director, Executive Office for United States Attorneys, Office of the Deputy Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75–25155 Filed 9–19–75;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director, Office of Deepwater Ports, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-25161 Filed 9-19-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-25162 Filed 9-19-75;8:45 am]

DEPARTMENT OF THE TREASURY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Legislative Affairs), Office of the Assistant Secretary for Legislative Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-25163 Filed 9-19-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL, AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 17, 1975.

Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea, the Government of the Republic of Korea has undertaken to limit its exports of cotton, wool, and man-made fiber textile products to the United States to certain designated levels. Pursuant to this agreement, the Governments of the United States and the Republic of Korea have established an administrative mechanism intended to exempt from the levels of restraint shipments of cotton, wool and man-made fiber textile products valued at less than $250. The purpose of this notice is to announce that, effective on September 22, 1975, and until further notice, shipments of cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea which are valued at less than $250 will not be subject to the levels of restraint established under the aforementioned bilateral agreement. In order to qualify for exemption, shipments valued under $250 shall be accompanied by a certification, issued by the Government of the Republic of Korea. The certification will be the same as that previously established for the certification of traditional "Korean Items." (38 F.R. 23357)

Accordingly, there is published below a letter of September 17, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing the administrative mechanism.

Effective Date: September 22, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 17, 1975.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directives of July 1 and 2, 1975 which established levels of restraint for certain cotton, wool, and man-made fiber textile products produced or manufactured in the Republic of Korea which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period which began on October 1, 1974. It further amends, but does not cancel, the directive of May 19, 1972, which established an export visa requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products produced or manufactured in the Republic of Korea; and it further amends, but does not cancel, the directive of August 22, 1973 which established an administrative mechanism to exempt from levels of restraint certain traditional "Korean Items."

Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, pursuant to paragraph 12(b) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on September 22, 1975, to exempt from the levels of restraint established in the directives of July 1 and 2, 1975, entries of cotton, wool, and man-made fiber textile products produced or manufactured in the Republic of Korea and valued at less than $250, when they are certified by the Government of the Republic of Korea.

To qualify for exemption each entry of cotton, wool, or man-made fiber textile products valued under $250 shall be accompanied by certification issued by the Government of the Republic of Korea in accordance with the procedure established for exempt items in the directive of August 22, 1973. In the space following the word "Item" the Government of the Republic of Korea will indicate "less than $250." The official authorized to issue certifications for entries valued under $250 shall be the same as the one authorized to issue certifications for exempt items.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool, and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-25143 Filed 9-19-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 433-3; PP4G1444/T14]

GLYPHOSPHATE (N-(PHOSPHONOMETHYL)GLYCINE)

Renewal and Establishment of a Temporary Tolerance

On June 24, 1974, the Environmental Protection Agency (EPA) gave notice (39 FR 22453) that Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis MO 63166, had been granted a temporary tolerance for combined negligible residues of the herbicide glyphosphate (N-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in or on corn grain (including popcorn), fresh corn, including sweet corn (kernels plus cob with husk removed), soybeans, wheat grain, and wheat forage and straw at 0.1 part per million (ppm). This temporary tolerance expired June 19, 1975.

On May 19, 1975, the petitioner requested a 1-year renewal of the temporary tolerance and also requested that temporary tolerances be established for residues of the herbicide and its metabolite in or on soybean forage and hay at 0.5 ppm, corn fodder and forage (all types) and soybean grain at 0.2 ppm, and the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm. The renewal and establishment of these temporary tolerances would permit continued testing to obtain additional data and would permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

Based on the scientific data reported, it has been determined that all proposed temporary tolerances are adequate to cover residues resulting from the proposed experimental use and that such temporary tolerances will protect the public health. Therefore, the temporary tolerance which expired on June 19, 1975 is being renewed and additional temporary tolerances are established as requested, on condition that the herbicide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. The Monstanto Agriculture Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire September 16, 1976. Residues not in excess of these temporary tolerances remaining in or on the above raw agricultural commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and temoprary tolerances.

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)])

[FR Doc.75-25064 Filed 9-19-75;8:45 am]

[FRL 433-4; OPP-50025A]

THOMPSON-HAYWARD CHEMICAL CO.

Issuance of Experimental Use Permit; Correction

In FR Doc. 75-23353 appearing at page 40574 in the issue of September 3, 1975, the following change should be made.

In the first sentence of the second paragraph, the chemical name should be "N-[[(4-Chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide", instead of "1-(4-chlorophenyl)-3-(2,6-difluorobenzyol)urea".

Dated: September 15, 1975.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.75-25065 Filed 9-19-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20391, etc.; File No. BPH-9016, etc.; FCC 75R-345]

CATAMOUNT BROADCASTERS, INC. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Catamount Broadcasters, Inc., Bennington, Vermont, Docket No. 20391; File No. BPH-9016.

Equinox Wireless Co., Bennington, Vermont, Docket No. 20392, File No. BPH-9085.

Bennington Radio, Inc., Bennington, Vermont, Docket No. 20393, File No. BPH-9105, For Construction Permits.

1. This proceeding, involving the above-captioned mutually exclusive applications for a new FM broadcast facility on channel 232A at Bennington, Vermont, was designated for hearing by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, by Order, 40 FR 15953, published April 8, 1975. Now before the Review Board is a motion to enlarge issues, filed April 23, 1975, by Catamount Broadcasters, Inc. (Catamount) seeking the addition of site availability, lack of candor, misrepresentation, and community ascertainment issues against both Equinox Wireless Co. (Equinox) and Bennington Radio, Inc. (BRI).[1]

SITE AVAILABILITY ISSUE AND CANDOR AND MISREPRESENTATION ISSUE

2. In support of its requests for site availability issues against Equinox and BRI, movant submits the affidavit of James C. Jerome, and two sworn letters of James Ross, which, considered jointly, movant argues, demonstrate that neither applicant has reasonable assurance of the availability of its proposed transmitter site. Specifically, the affidavit of Jerome, who represents the owners[2] of Mt. Anthony, the property on which both Equinox and BRI propose to locate their respective transmitters, reveals that he (Jerome) told Palmer Dante, Jr., President of Equinox,[3] on June 13 1974, and Thomas Dunn, President of BRI, in early 1974, that they would first have to obtain the consent of Better TV, Inc. (Better TV), the Bennington CATV franchisee whose headend is located on Mt. Anthony, before either applicant would be allowed to locate its transmittters and antenna apparatus on Mt. Anthony. Movant alleges, however, that this consent was not obtained by either applicant, as the letters of Ross, manager of Better TV, demonstrate. Moreover, an April 15, 1975, letter reflects that Ross and H. William Koster, CATV Director of Colony Communications Inc., owners of the Bennington CATV system, met with Dante on March 7, 1974, and objected to Dante's request to lease Equinox land on Mt. Anthony for a transmitter site. Dante was informed, the letter coftinues, that Jerome was the landlord and that Better TV was not empowered to sublet any space on Mt. Anthony. With respect to Thomas Dunn of BRI, Ross' April 17, 1975, letter recites that Ross received a telephone call from Dunn in the first quarter of 1974, wherein Dunn requested an appointment to discuss the possibility of BRI using space on Mt. Anthony for a transmitter site. The letter goes on to say that Ross expressed his objections but acknowledged that it was Dunn's prerogative to contact Jerome as Jerome would make any final decision. The letter further reflects that Ross and Dunn had no further communication regarding this matter. Based upon the foregoing, movant contends that a site availability issue should be added against both parties. In addition, alleging that Dante and Dunn had personal knowledge, prior to the filing of their respective applications, that the availability of the site was subject to the approval of Better TV, and that Better TV was not going to give such approval, movant, urges that lack of candor and misrepresentation issues be added against Equinox and BRI.

3. Equinox, opposing both issues sought against it, submits in support the affidavits of Dante, Koster, and Jerome. Dante, acknowledging that he was told by Jerome to check with Better TV to see whether the cable company had any objections, states in his affidavit that he spoke to Ross, who expressed to him concern that problems would occur if an FM transmitter was located on Mt. Anthony. Subsequently, on March 7, 1974, Dante recites, he met with Ross and Ross' superior, Koster. Dante states that it was his understanding, when leaving the meeting, that Better TV had objections, but that the decision was Jerome's and that the problems could be worked out by the parties if Jerome leased the land to Equinox. Thus, he asserts, he conveyed this idea to Jerome who told him that he could lease the land. A few months later, on advice of his attorney, Dante narrates, he obtained a letter to this effect from Jerome (see note 3, *supra*) and filed it with his application. Currently, Dante asserts, although he is trying to ascertain whether Jerome will still lease him the land, he is also attempting to locate an alternative site. Koster, in his affidavit, confirms that the final decision concerning whether Equinox could use the site was up to Jerome and states that he "appreciates" that Dante may have misunderstood that Better TV's position was not final after their meeting. In any

[1] Also before the Review Board are the following related pleadings: (a) letter, filed May 2, 1975, by Catamount; (b) opposition, filed May 30, 1975, by Equinox; (c) opposition, filed May 30, 1975, by BRI; (d) comments, filed May 30, 1975, by the Broadcast Bureau; (e) supplement to (c), filed June 2, 1975, by BRI; (f) supplement to (b), filed June 3, 1975, by Equinox; and (g) joint statement, filed August 13, 1975, by Catamount, Equinox, and BRI. Because good cause has been established for accepting both supplements, we are considering the merits of Equinox's and BRI's supplemental pleadings.

[2] Affiant, President and authorized agent of Fillmore Farms, Inc., explains that that corporation owns Mt. Anthony.

[3] Jerome also avows that on June 13, 1974, he gave Dante a letter indicating that an "intent to lease agreement" was agreeable to the corporation. The letter was attached to Equinox's application.

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event, Koster adds. Better TV cannot now give approval to Dante's request. In the final affidavit, Jerome also acknowledges that he "can see that a possible misunderstanding existed as to whether Better TV formally objected to Bennington Radio and Equinox Wireless' use of Mt. Anthony, or whether it would simply leave the decision to me." He states that for the time being, he will not grant permission for the use of Mt. Anthony as an FM site until Better TV clearly states that it is satisfied that FM operation on Mt. Anthony will not interfere with Better TV's reception and transmission of TV signals, and that there is adequate power available at the site to handle everyone's need.[4]

4. BRI, in opposition to the two issues addressed against it, submits in support an affidavit of Dunn, in which Dunn avers that Jerome advised him that BRI could use the site provided that certain ecological considerations were satisfied and that Better TV did not object. Affiant avows that he subsequently spoke with the local manager of Better TV (Ross) and was advised that Better TV was concerned with the amount of power and space that BRI required. Since BRI's proposed operation satisfied those concerns, affiant continues, he was reasonably assured that the site was available. With respect to the continued availability of the site, BRI states in its supplement that although it does not concede that the Mt. Anthony site is no longer available, Dunn has commenced efforts to locate an alternate site for the proposed station. The Broadcast Bureau opposes addition of the requested issues, noting that it is troubled by the chronology of events listed by petitioner. It suggests, however, that the parties should be permitted to file additional clarifying information.

5. The Review Board will add site availability issues against both Equinox and BRI. Although it has long been held that an applicant need not have a binding agreement to obtain its proposed transmitter site, an applicant is required to have reasonable assurance of the availability of that site and to make a good faith representation that the site selected will be available for the desired purposes. *Lorenzo W. Milam & Jeremy D. Lansman, a Partnership*, 4 FCC 2d 610, 7 RR 2d 765 (1966); *William R. Gaston*, 35 FCC 2d 615, 24 RR 2d 741, review denied, FCC 72-828, released September 20, 1972. Here, the facts indicate that Jerome's decision to lease the site to either applicant is subject to Better TV's explicit consent, and that such consent by Better TV will not be forthcoming. Koster unequivocally declares that Better TV will not give its consent to Equinox and neither Ross nor Koster express any indication that BRI will be allowed to use the Mt. Anthony site. Finally, although both Dante and Dunn acknowledge that they are attempting to obtain alternative sites, neither Equinox nor BRI have amended their applications to specify a new site. Accordingly, a site availability issue is warranted. See *Tri-County Stereo, Inc.*, 50 FCC 2d 170, 32 RR 2d 304 (1974). Movant's other requests, *i.e.*, to add lack of candor and misrepresentation issues against Equinox and BRI, will be denied. First, it does not appear that either applicant understood, after speaking with Jerome and Ross, that explicit approval by Better TV would be required before Jerome would lease the land.[5] Moreover, in light of Ross' letters and Koster's affidavit stating that they informed both Dante and Dunn that the final decision concerning the site was Jerome's, it is apparent that Ross and Koster were not cognizant that Jerome was leaving the decision to him whether the site would be leased to the FM applicants. Finally, there is no substantial indication that there was other than an honest misunderstanding between the parties. Thus, we will not add a lack of candor or misrepresentation issue against either Equinox or BRI. In light of the fact that certain of the information (*i.e.*, Ross' letters and Jerome's affidavit of April 23, 1975) upon which the site availability issues are predicated is in the possession of the movant, we believe that the initial burden of coming forward with the evidence should be placed upon the movant.

COMMUNITY ASCERTAINMENT ISSUE—EQUINOX

6. Movant next requests that the Review Board enlarge the issues to include an appropriate issue predicated upon various material deficiencies allegedly contained in Equinox's community ascertainment showing. Specifically, movant alleges: (a) that contrary to Q. & A. 9 of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971) (*Primer*), Equinox failed to present demographic data on the public service organizations in Bennington; (b) that although Eagle Square was identified in Equinox's showing as the largest single manufacturing employer in Bennington, Equinox failed to interview a representative of Eagle Square; (c) that although Equinox indicated in its showing that 34% of the economy of Bennington and surrounding area is based upon the recreation industry, Equinox contacted only one leader representing recreational interests and failed to contact anyone from the tourist industry; and (d) that Equinox failed to interview any leaders from Cambridge, although it proposes to serve that community. Both Equinox and the Broadcast Bureau oppose addition of the issue.

7. The Review Board will deny movant's request. We are of the view that Equinox's amendment, filed May 30, 1975,[6] resolves the questions raised by movant since the amendment specifically names the public service organizations located in and around Bennington and lists additional interviews conducted by Equinox with community leaders representing those segments of the community allegedly omitted in its original efforts. Those interviewed include leaders of various service, recreational, and tourist organizations; city officials from Cambridge and White Creek; and a plant manager from Eagle Square. Thus, there is no longer any basis for adding the requested issue.

COMMUNITY ASCERTAINMENT ISSUE—BRI

8. Finally, contending that BRI's ascertainment survey also contains several material deficiencies, movant maintains that a community ascertainment issue is warranted against BRI. Specifically, movant alleges that BRI failed to interview: (a) any leaders of the retirement community, although BRI's demographic material indicates that approximately twenty-one percent of the males and twenty-four percent of the females in Bennington County are over the age of fifty-five; (b) any leaders of the recreation-tourist industry; (c) any leaders of the top ten employers in Bennington County; and (d) any leaders from a women's organization in the service area.

9. Disputing the allegation that it failed to interview leaders of the retirement community, BRI argues that none of the applicants herein lists a single group representing retired citizens, but that in any event it interviewed three senior citizens of Bennington in its community leader survey, and ten retired citizens and twenty-seven people over the age of fifty in its general public survey. With respect to the next allegation, *i.e.*, that it failed to interview leaders of the recreation-tourist industry, BRI points out that it interviewed James Rallis, owner of the Four Chimneys Restaurant, Marian Cummings, proprietor of a local sport shop, and John Lonergan, Director of the Bennington Museum. BRI also disputes movant's allegation that it (BRI) failed to interview leaders of the top ten employers listed in its demographic showing. BRI points out that it interviewed Robert Holden, President of Fairdale Farms, the largest dairy operation in Bennington County; Albert Mears, President of the upholsterers union local at Eagle Square Division of Stanley Tools, the largest employer in the proposed service area; and James Noble, former Chief Steward at Bijur Lubricating Corp. BRI notes that Fairdale Farms, Eagle Square, and Bijur Lubricating Corp. are all listed in its demographic showing as major employers in the region. In addition to the above employers, BRI points out that other manufacturing and labor leaders were listed in its showing.[7] Finally, with respect to the allegation that it failed to interview any leaders representing womens' organizations, BRI argues initially that none of the applicants listed any names of women's organizations; it also asserts that its survey efforts included seven women community leaders, one of whom is a recent member of the Governor's Commission on Justice, and that over half of the persons interviewed in its general public survey were women. Moreover, BRI further notes, it proposes to broadcast a program entitled "Women Today", six times a week, which will be hosted by a local woman leader, and which will address the problems and roles of women in Bennington's society. Rather than add an issue against it, BRI argues, community ascertainment issues should be added against Catamount and Equinox.

10. The Review Board will deny the requested issue.[8] In our view, movant has failed to make a sufficient showing that BRI's survey efforts omit leaders of significant groups in its proposed service area. Specifically, with regard to the allegation concerning retirement leaders, movant has not identified in its allegations a single group representing retired citizens. In any event, BRI asserts that it has surveyed several senior citizens, an assertion which is not controverted, and found various problems (*i.e.*, high food and fuel costs, and medical treatment) which it intends to address by its public affairs programming. Next, with respect to the allegations concerning a failure to contact leaders representative of the recreational-tourist industry and the ten leading employers, BRI has shown in its opposition that it did contact several community leaders who represent the above groups. Finally, although BRI's survey did not include a "women's organization", we are of the opinion that its interviews with seven female community leaders, considered in light of the problems ascertained and the programming proposed, are sufficient to demonstrate that BRI has not ignored that particular group.

11. ACCORDINGLY, IT IS ORDERED, That the motion to enlarge issues, filed April 23, 1975, by Catamount Broadcasters Inc., IS GRANTED to the extent indicated herein, and IS DENIED in all other respects; and that the issues in this proceeding ARE ENLARGED to include the following issues:

(a) To determine whether Equinox Wireless Co. has reasonable assurance of the availability of the transmitter site specified in its application;

(b) To determine whether Bennington Radio, Inc. has reasonable assurance of the availability of the transmitter site specified in its application.

12. IT IS FURTHER ORDERED, That the burden of proceeding with the introduction of evidence under the issues added herein SHALL BE on Catamount Broadcasters, Inc.; that the burden of proof with respect to issue (a) added above SHALL BE on Equinox Wireless Co.; and that the burden of proof with respect to issue (b) added above SHALL BE on Bennington Radio, Inc.

Adopted: September 11, 1975.

Released: September 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[9]

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-25131 Filed 9-19-75;8:45 am]

[Report No. 771]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

SEPTEMBER 15, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATION ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20347-CD-P-76 Tribune Publishing Company d/b as Radio Page of Tacoma (KOP299) C.P. to relocate facilities from station KOP258 to a new site described as Loc. #2 to be located 3700-53rd N.E., Tacoma, Washington to operate on 43.22 MHz.

20402-CD-P-76 Waco Communications, Inc. (KLF635) C.P. to replace transmitter and change antenna system operating on 152.24 MHz located 1200 Block of North 46th Street, Waco, Texas.

20401-CD-P-76 Waco Communications, Inc. (KKJ453) C.P. to change antenna system operating on 152.03 located 1200 Block of North 46th Street, Waco, Texas.

20374-CD-P-76 Hickory Telephone Company (New) C.P. for a new one-way station to operate on 158.10 MHz. located Near Intersection of Hickory & Trick Road 1.3 miles East of Hickory Corners, Michigan.

20375-CD-P-76 RCC of Virginia, Inc. (New) C.P. for a new one-way station to operate on 152.24 MHz. located Hudgins Road and Jefferson Davis Highway, Fredericksburg, Virginia.

20403-CD-P-76 Rockfish Radio Telephone Service (KUS229) C.P. for additional facilities, replace transmitter and change antenna system operating on 152.09 MHz. located 806 North Norwood Street, Wallace, North Carolina.

20399-CD-P-76 Mobile Telecommunications Corporation (New) C.P. for a new station operating on 454.350 MHz. to be located 813 South Elm Street, Denton, Texas.

20404-CD-P-(4)-76 Tarco Answering Service (New) C.P. for a new station to operate on 454.275 MHz. (Base) and 459.325 MHz. (Repeater) Loc. #1 to be located 6.8 miles SW of Merkel, Texas; Loc. #2 to operate on 454.325 (Control) located Petroleum Building, Abilene, Texas; Loc. #3 to operate on 454.225 MHz. (Base) located Abilene Towers Apts., 1102 N. 3rd Street, Abilene, Texas.

20400-CD-P-76 Mobile Telecommunications Corporation (New) C.P. for a new one-way station to operate on 158.70 MHz. located 2712 W. 7th Street, Texarkana, Texas.

20394-CD-P-76 Radio Paging, Inc. (KKI445) C.P. for additional facilities operating on 35.58 MHz. Loc. #6 located 6 miles NE of Liberty, Texas; Loc. #7 located 800 East Second Street, Freeport, Texas; Loc. #8 located 2 miles NW of Wharton, Texas; Loc. #9 located 5.3 miles East of New Waverly, Texas, and Loc. #10 located 2.8 miles West of Port Bolivar, Texas.

20395-CD-P-76 Radio Communications, Inc. (KGC583) C.P. to relocate facilities operating on 152.12 MHz. at Loc. #3 located Gov. Richie Hwy. & 6th Avenue N.W., Glen Burnie, Maryland.

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[4] Equinox and BRI explain in their respective supplements that the affidavit of James C. Jerome submitted in their oppositions, which stated that the site would be made available, had not been, in fact, executed by Jerome and that the correct affidavit (*i.e.*, the affidavit actually executed by Jerome) is attached to their respective supplements. It appears that the error occurred when Washington counsel for BRI was advised, incorrectly (and he conveyed this information to counsel for Equinox), that Jerome had executed an affidavit in the exact language sent to him by Washington counsel, that the original had been mailed to Washington that day, and that it would be filed with the Commission upon receipt. The error was discovered by counsel for BRI on Sunday, June 7, 1975, who notified the Commission on the following day.

[5] Jerome may have added to the confusion since he gave Dante a letter on June 13, 1974 (apparently without checking with Better TV) indicating an intent to lease the site to Equinox.

[6] By Order, FCC 75M-1098, released June 10, 1975, the Administrative Law Judge accepted Equinox's amendment.

[7] In this connection, and apparently predicated on demographic information in its ascertainment showing that manufacturing is the primary industry in Bennington County, BRI asserts that it "clearly has adequately surveyed the manufacturing and labor interests in its service area."

[8] BRI's request in its opposition that community ascertainment issues be added against Catamount and Equinox will be denied. It is well established that requests for enlargement of issues must be made in original pleadings. *Jimmie H. Howell*, 46 FCC 2d 1150, 30 RR 2d 365 (1974).

[9] Board Member Kessler concurring in part, dissenting in part, and issuing a statement, which is filed as part of the original document.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

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20397–CD–P–(2)–76 Telecall (KOA793) C.P. to relocate facilities operating on 454.10 & 454.25 MHz. Loc. #2 located 1312 West Broadway, Moses Lake, Washington.

20405–CD–P–76 Central Radio Telephone, Inc. (KMM599) C.P. for additional standby facilities to operate on 454.10 & 454.275 MHz located 500 University Avenue, Palo Alto, California.

20406–CD–P–76 Empire Paging Corporation (KEA256) C.P. for two new site to operate on 454.025 MHz: Loc. #7, located Adjacent to RR tracks on Mizzen Avenue, Beachwood, New Jersey; & Loc. #8 located Mt. Zion Road, Neshanic, New Jersey.

20396–CD–P–76 Mobile Telecommunications Corporation (New) C.P. for a new station to operate on 152.18 MHz located 2712 W. 7th Street, Texarkana, Texas.

20407–CD–P–76 General Telephone Co. of Pennsylvania (New) C.P. for a new one way station to operate on 158.10 MHz, located 3.75 miles S.E. of Vandergrift, Pennsylvania.

Major amendments

20942–C2–P–74 William G. Bowles, Jr. d/b as Keokuk Mobilephone, Keokuk, Iowa (New) 2-way, Amend frequency 152.21 MHz to 152.06 MHz. All other particulars to remain the same as reported on PN–#688–A, dated February 19, 1974.

20110–CD–P–76 Mobile Telephone Service of Southern Utah Inc., (New) one way, amend to change antenna system and increase power in various radial directions. All other particular to remain the same as report on PN #765 dated August 4, 1975.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1027–CF–P–76 Munising Telephone Company (WAU223) 2 Miles SE of Munising, Michigan. Lat. 46 25 38 N.—Long. 86 38 07 W. C.P. to add frequency 2127.0H MHz toward a new point of communication at Munising, Michigan on azimuth 320.2°.

1028–CF–P–76 Same (NEW) 108 West Superior Street, Munising, Michigan, Lat. 46 24 41 N.—Long. 86 39 23 W. C.P. for a new station on frequency 2177.0H MHz toward Munising MW, Michigan on azimuth 140.1°.

644–CF–R–76 Pacific Northwest Bell Telephone Company (KPV85) 2.8 Miles South of Pomeroy, Washington. Lat. 46 26 06 N.—Long. 117 36 38 W. Application for Renewal of Radio Station License expiring August 1, 1975. TERM: August 1, 1975 to August 1, 1980.

1038–CF–P–76 RCA Global Communications, Inc. (NEW) 60 Broad Street, New York, New York. Lat. 40 42 19 N.—Long. 74 00 44 W. C.P. to add frequencies 6226.9V 6345.5V 6404.8V 6375.2H 6315.9H MHz toward a new point of communication at Green Pond, New Jersey on azimuth 312.7°.

1039–CF–P–76 Same (NEW) ½ Mile East of Green Pond, New Jersey. Lat. 41 01 05 N. Long. 74 27 38 W. C.P. for a new station on frequencies 5945.2V 6004.5V 6063.8V 6152.8H 6034.2H MHz toward 60 Broad St., New York on azimuth 132.4°, and 11265V 11345V 11525V 11585V 11665V MHz toward Vernon, New Jersey on azimuth 350.2°.

1040–CF–P–76 Same (NEW) 1.7 Miles NE of Hamburg, New Jersey. Lat. 41 12 07 N. Long. 74 31 35 W. C.P. for a new station on frequencies 11265H 11354H 11505H 11585H 11665H MHz toward Vernon, New Jersey on azimuth 137.3°.

1041–CF–P–76 Same (NEW) 1.6 Miles SW of Vernon, New Jersey. Lat. 41 10 41 N. Long. 74 29 50 W. C.P. for a new station on frequencies 10775H 10855H 10935H 11095H 11175H MHz toward Green Pond, New Jersey on azimuth 170.2°, and 10815V 10895V 10975V 11055V 11135V MHz toward Hamburg, New Jersey on azimuth 317.4°.

MULTIPOINT DISTRIBUTION SERVICE

1029–CM–P–76 American Television and Communications Corp. (New) Fresno, California. Lat. 36 46 17 N.—Long. 119 46 22 W. C.P. for a new station on 2154.75H MHz and 2150.25H MHz. (Primary Service Area: Fresno, California).

1030–CM–P–76 Teleprompter Corporation (New). Corner of 17th and High Streets, Portsmouth, Ohio. Lat 38 44 18 N.—Long 82 58 13 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Portsmouth, Ohio).

1031–CM–P–76 Same. (New). 15th Street, Holly Hill, Florida. Lat. 29 14 43 N.—Long. 81 03 38 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual). (Primary Service Area: Daytona Beach, Florida).

1032–CM–P–76 Same. (New) 2.7 Miles NNE of Gadsden, Alabama. Lat. 34 02 59 N.—Long. 85 59 19 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Gadsden, Alabama).

1033–CM–P–76 Same. (New) 3.6 Miles SSE of Eugene Courthouse, Eugene, Oregon. Lat. 44 00 04 N.—Long. 123 06 21 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Eugene, Oregon).

1034–CM–P–76 Same. (New) .75 Mile WNW of Chesapeake, West Virginia. Lat. 39 30 45 N.—Long. 80 09 45 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Fairmont, West Virginia).

1036–CM–P–76 Teleprompter Corporation (New) Off of Wertz Road, .4 Mile ESE of Stonycreek Municipal Building, Stony Creek, Pennsylvania. Lat. 40 18 06 N.—Long. 78 53 51 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area. Johnstown, Pennsylvania).

Notice: Multipoint distribution service

During the month of November 1974 the Commission conducted a radio test in New York City to determine the adjacent channel interference problems in the Multipoint Distribution Service. A summary of the data obtained from the test has been compiled in a published report entitled "Adjacent Channel Interference Test For the Multipoint Distribution Service". (FCC/CC No. 75–01). Copies are available at the Federal Communications Commission, 1919 M Street, N.W., Room 537, Washington, D.C. 20554.

Applications filed pursuant to section 214 of the Communication Act of 1934, as amended:

TELEPHONE WIRE FACILITIES

W–P–C–554 RCA Global Communications, Inc. FORMAL (Section 63.01) To supplement existing facilities by leasing and operating three (3) voice grade circuits between the San Francisco, California operating office and the proposed Chicago, Illinois and Houston, Texas operating offices. The circuits will be leased from MCI Telecommunications Corporation.

W–P–C–555 The Western Union Telegraph Company FORMAL (Section 63.01) To construct, install and operate channels of communication in underground and aerial cable along existing Western Union owned or leased routes between Chicago-Skokie-Des Plaines and Elk Grove, Illinois.

W–P–C–556 Telecommunications, Inc. INFORMAL (Section 63.03) To construct a 5Khz audio circuit from Portland, Oregon to Aberdeen, Seattle, Yakima and Spokane, Washington on behalf of the NBC Radio Network.

W–P–C–557 Telenet Communications Corporation FORMAL (Section 63.01) To supplement existing facilities by the leasing of two (2) DDS channels between Boston and Waltham, Massachusetts and by leasing four (4) Series 3002 channels, one between each of the following locations: Los Angeles and Santa Monica California; San Francisco and Santa Monica, California; New York, New York and Princeton, New Jersey; Boston, Massachusetts and Hanover, New Hampshire.

W–P–C–558 Data Transmission Company FORMAL (Section 63.01) To extend existing private line, Dataline and Switched Datadial Services to Atlanta, Georgia via St. Louis, Missouri and Washington, D.C. by leasing three (3) 56Kbps channels between each location. The circuits will be leased from AT&T.

W–P–C–559 Midwestern Relay Company INFORMAL (Section 63.03) To supplement existing facilities by construction and/or installing one (1) equivalent 75 Khz audio subcarrier channel in the unused portion of the bandwidth of an existing channel between Rubicon, Wisconsin and Madison, Wisconsin. This will provide program transmission of Station WFMR–FM to the CATV system in Madison.

W–P–C–560 Bell Telephone Company of Nevada and The Pacific Telephone and Telegraph Company INFORMAL (Section 63.03) To construct and operate 72–4Khz equivalent channels of communication between Las Vegas, Nevada and Santa Monica, California and between Reno, Nevada and Santa Monica.

W–P–C–561 Northwestern Bell Telephone Company and Wisconsin Telephone Company INFORMAL (Section 63.30) To construct and operate 12 equicalent 4Khz channels between LaCrosse, Wisconsin and Winona, Minnesota by use of "N3" type carrier channelizing on existing base facilities.

[FR Doc.75–25130 Filed 9–19–75;8:45 am]

PRIVATE LAND MOBILE ADVISORY COMMITTEE

Meeting

The next meeting of the Private Land Mobile Advisory Committee will be held on October 10, 1975, in Washington, D.C. The meeting will be held in Conference Room 6331, Federal Communications Commission, 2025 M Street, N.W., at 1:00 P.M. and will be conducted in accordance with the following agenda:

1. Call of the agenda.
2. Opening remarks of the Commission.
3. Reports from the Chairman of the Fact Finding Bodies.
4. Discussion and review of work.
5. Establish work schedule and milestones.
6. Set next meeting date.
7. Further business.
8. Adjournment.

The three Fact Finding Bodies will meet the same day in accordance with the following schedule:

1. Fact Finding Body #1 (Frequencies below 960 MHz) with Co-Chairmen; Mr. Charles White and Mr. Donald Walker will meet at 9:00 A.M. in Room 6331 at 2025 M Street, N.W., Washington, D.C.

2. Fact Finding Body #2 (Frequencies above 960 MHz) chaired by Dr. H. Staras will meet at 10:00 in Room 8009 at 2025 M Street, N.W., Washington, D.C.

3. Fact Finding Body #3 (Ad Hoc Committee) with Chairman Mr. William Borman, will meet at 9:00 A.M. at the Association of American Railroads Building, 1920 L. Street, N.W., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–25128 Filed 9–19–75;8:45 am]

SOUTHERN CALIFORNIA MARINE RADIO COUNCIL

Recognition as Frequency Advisory Committee

On May 27, 1975, the Commission recognized the Southern California Marine Radio Council as the frequency advisory committee in connection with applications for new, renewed, or modified VHF limited coast stations serving the Eleventh Coast Guard District, excluding the states of Arizona, Utah and Nevada. The land area affected is comprised of the California counties of Santa Barbara, Kern, San Bernardino, Ventura, Los Angeles, Orange, Riverside, San Diego, Imperial and the Channel Islands.

Section 81.359 of the Commission's rules requires that each application for a new VHF limited coast station license or renewal or modification of an existing license to be located in an area having a recognized frequency advisory committee shall be accompanied by a prescribed report based on a field study, or in lieu thereof, an appropriate statement from a frequency advisory committee.

Requests for frequency advisory statements from the Southern California Marine Radio Council should be addressed to:

Secretary
Southern California Marine Radio Council
1324 Amapola Avenue
Torrence, CA 90501

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–25129 Filed 9–19–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONFERENCE ON POWER PLANT PRODUCTIVITY

Meeting

Notice is hereby given that a "Conference to Discuss Power Plant Productivity," will be held from 8:30 a.m. to 5:00 p.m., October 22–23, 1975, in Room 347A of the Federal Building, 230 South Dearborn Street, Chicago, Illinois.

The purpose of the conference is to provide for an exchange of information and ideas among owner/operators of nuclear and large fossil-fired electric power generating units aimed at improving the productivity of these units.

Invitees to the Conference will be from electric utilities located in FEA Region V, i.e., Ohio, Indiana, Michigan, Illinois, Wisconsin and Minnesota, that own/operate or have under construction or in planning nuclear and 390 megawatts and larger oil or coal-fired generating units.

The agenda for the meeting is as follows:

OCTOBER 22

8:30 to 8:45 a.m.—FEA introductory remarks.
8:45 to 9:15 a.m.—FEA status report on actions to implement recommendations contained in report on improving the productivity of electric power plants.
9:15 to 12:00 p.m.—Utility statements.
12:00 to 1:30 p.m.—Lunch break.
1:30 to 4:30 p.m.—Utility statements.
4:30 to 5:00 p.m.—Summary by FEA and questions/answers.

OCTOBER 23

8:30 to 8:45 p.m.—FEA introductory remarks.
8:45 to 12:00 p.m.—Utility statements.
12:15 to 1:30 p.m.—Lunch break.
1:30 to 3:30 p.m.—Utility statements.
3:30 to 4:30 p.m.—Statements by others.
4:30 to 5:00 p.m.—Summary by FEA and questions/answers.
5:00 p.m.—Adjourn.

The meeting is open to the public. The meeting chairman is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the conference chairman will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements should inform Evan Kovacic, telephone (202) 961–6193, at least five days before the meeting and reasonable provision will be made for their appearance on the agenda. Further information concerning this meeting also may be obtained from Mr. Kovacic.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C. and Chicago, Illinois.

FEA intends to hold similar meetings in the near future in other FEA Regions. These will be announced in the FEDERAL REGISTER.

Issued at Washington, D.C., on September 16, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75–25083 Filed 9–17–75;10:05 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of Title 46 CFR and Section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01011	Aktieselskabet det Ostasiatiske Kompagni: *Siena.*
01020	Skibsaktieselskapte William Hansens Rederi II: *Hafnia.*
01022	Smedvigs Tankrederi A.S.: *Vestalis.*
01028	Flensburger Schiffsparten-Vereinigung AG.: *Stern Sirius.*
01150	Chevron Transport Corp.: *Gage Lund.*
01229	Belships Co., Ltd., Skibs A.S.: *Belocean.*
01306	Shaw Savill & Albion Co., Ltd.: *Ocean Monarch.*
01423	Charente Steamship Company Ltd.: *Defender.*
01467	Lowland Tanker Company Ltd.: *Border Laird.*
01468	Northumbrian Shipping Company, Ltd.: *Caribbean Enterprise.*
01544	Esso Societe Anonyme Franchise: *Esso Lorraine.*
01566	Giannicos Navigation Co. Ltd.: *Castalia.*
01594	Ninefo Compania Naviera S.A.: *Ninfeo.*
01722	Transworld Carriers Inc.: *Rio Caroni.*
01841	Chas. Kurz & Co., Inc.: *Sandy Lake.*
01866	Industria Armamento S.P.A.: *Integritas.*
02146	Pitteton Marine Transport Corporation: *Samuel H. Berron.*
02194	Compagnie Generale Transatlantique: *Fort D'Orleans, Fort Fleur D'Epee.*
02198	Peninsular & Oriental Steam Navigation Company: *Huntingdon.*
02248	Kloeckner & Co.: *Inge.*
02400	Rob. M. Sloman Jr. Schiffahrts K.G.: *Sloman Senior.*
02401	Rob. M. Sloman Jr.: *Sloman Alstertor.*
02428	Kinsman Marine Transit Co.: *Chicago Trader, Frank R. Denton, George D. Goble, George M. Steinbrenner, George M. Seedhouse, Harry L. Allen, Kinsman Enterprise, Henry Steinbrenner, Merle M. McCurdy, Paul L. Tietjen, Paul Thayer, William R. Roesch, Peter Robertson, C. L. Austin.*
02456	Astronorteno Compania Naviera S.A.: *Zipounas.*
02601	Caraibische Scheepvaart Maatschappij N.V.: *Tanemo.*
02736	Reichhold Chemicals, Inc.: *ETT 108, RV 10.*
02930	Compania Sud-Americana de Vapores: *Andalien.*
03214	Salenrederierna Aktiebolag: *Snow Storm, Seven Stars, Sea Saga, Snow Flake, Snow Land, Snow Hill, Snow Ball, Snow Drift, Seven Seas, Sea Sapphire, Atitlan, Sea Song, Sea Splendour, Sea Sovereign, Sea Spray, Sven Salen, Ariel.*
03216	Rederiaktiebolaget Rex: *Singo, Husaro, Segero, Atlantic Wasa, Foglaro.*
03385	Marvigia Compania Naviera S.A.: *Spalmatori Seaman.*
03422	Daiwa Kaiun Kabushiki Kaisha: *Ellice Maru.*
03484	Sanko Kisen K.K.: *Hoko Maru.*
03629	Avenier Maritime S.A.: *Stolt Atlantic.*
03837	N.M. Paterson Sons Limited: *Lachinedoc, Calgadoc.*
03964	Regent Lotus Shipping, Inc.: *Regent Lotus.*

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Certificate No.	Owner/operator and vessels
04074---	Tankore Corporation: *Santurce.*
04198---	Megeron Shipping Ltd.: *Energy.*
04218---	Agenor Shipping Co. Limited: *George N. Papalios, Mimis N. Papalios.*
04226---	National Marine Service Inc.: *LTC No. 64, LTC No. 55, LTC No. 51, Delta Cities.*
04394---	Philippine President Lines, Inc.: *President Laurel, President Garcia.*
04617---	Inland Waterways, Inc.: *Lady Slipper.*
04934---	OKC Dredging, Inc.: *Tchefuncta.*
05004---	Flowers Transportation Inc.: *Gladys Flowers, Rusty Flowers.*
05108---	Compania Naviera Pearl S.A.: *Amos.*
05110---	International Sea Traders S.A.: *Captain Michael.*
05399---	Martin Marietta Corporation: *Shirley B.*
05654---	National Sea Products Inc.: *Ocean.*
06103---	Valiant Shipping Company, Inc.: *Valiant Trader.*
06321---	Shimat Marine (Panama) S.A.: *Western Star, Royal Star, Eastern Star.*
06763---	First Spring Cloud Shipping Inc.: *Hornstern.*
06888---	Union Tanker Corporation: *Union 88.*
06896---	Halidon Canada Limited: *Ro-Ro New Brunswick.*
07017---	Coquet Shipping Co., Ltd.: *Atlantic Phoenix.*
07019---	Allied Shipping International Corporation: *Florence.*
07111---	Martimar Shipping Company Limited: *Glyfada.*
07185---	Seabird Shipping Co., Ltd.: *Elthiro.*
07374---	Ocean Tramping Company Limited: *Hemisphere.*
07399---	G. & R. Salvatori: *Avenir S.*
07531---	Seatide Shipping Company Limited: *Glenma.*
07772---	Great Eastern Maritime Co., Ltd.: *Couga.*
07903---	Overseas Marine Transport Corporation of Panama: *Arta.*
07975---	Burns & Laird Lines Limited: *Lairdsglen.*
08008---	Ordy de Navigacion S.A.: *Maya Timor.*
08020---	Maeda Kisen Kabushiki Kaisha: *Arabia Maru.*
08114---	Ken Hing Navigation Co. Ltd.: *Ken No.*
08314---	Anatolian Shipping Company Ltd.: *Marlene.*
08350---	Globtik Tankers Ltd.: *Tundra Breeze.*
08427---	Naviera Joaquin Davila & Co., S.A.: *Barron.*
08526---	Sulina Compania Naviera Corporation: *Confidence.*
08600---	Pearlstone Shipping Corporation, Mon.: *Pearlstone.*
08755---	Agence Maritime Inc.: *Inland.*
09005---	Kalogeros Compania Naviera S.A. Panama: *Nissos Kefallinia.*
09074---	Zuito Shipping Co., Ltd.: *Ryokko Maru, Amazon Maru, Shuko Maru.*
09098---	The Boswell Oil Company: *MV 284, MV 283.*
09123---	Limma-Tanker Etablissement: *July Star.*
09340---	Manhattan Navigation Co. S.A.: *Margarita M.*
09388---	Front Water Marine Services, Inc.: *Ace Barge 1927.*
09517---	Big B Barge Service, Inc.: *Jimmy M, James W Moore 100.*
09646---	Panama International Shipping Co.: *Robert Clifton.*
10032---	Dow Badische Company: *TCB-309.*
10130---	Seahorse Shipping Co. Ltd.: *Atlantic Falcon.*
10293---	South Marine Corporation: *AGP No. 75, Peru.*
10327---	James Griffiths & Sons, Inc.: *Silver Bay.*
10454---	West Coast Carriers Ltd.: *Margarita M.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25172 Filed 9-19-75;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46, CFR.

Certificate No.	Owner/operator and vessels
01278---	Leonhardt & Blumberg: *Maersk Mango.*
01529---	Oy Pulpships AB: *Forano.*
01306---	Shaw Savill & Albion Co., Ltd.: *Londis.*
01323---	Manchester Liners, Ltd.: *Cargo Vigour, Cargo Zeal.*
01513---	Rederiaktiebolaget Dalen: *Stove Ocean.*
01574---	Fearnley & Eger: *Fernlane.*
01707---	O. Ditlev Simonsen FR.: *Vesteroy.*
01935---	Partnership between Steamship Co., Svendborg, Ltd. and Steamship Co. of 1912, Ltd.: *Jane Maersk.*
02153---	Vale Do Rio Doce Navegacao S.A.: *Docepolo.*
02266---	Marina Mercante Nicaraguense S.A.: *Leon.*
02333---	Diamond Shamrock Corporation: *Star 520, DSC 555, DSC 556, DSC 557, DSC 558, DSC 559, DSC 560.*
02418---	Sidermar S.P.A.: *Aspra.*
02461---	Puget Sound Freight Lines: *Whidbey.*
02858---	Intermarine Inc.: *Tropicana.*
02918---	Tokyo Tanker Co. Ltd.: *Nisseki Maru, World Nisseki, Kingfisher.*
02949---	Valley Towing Service Inc.: *STC-2001.*
02982---	The Shipping Corporation of India, Ltd.: *Vishva Amber, Anupama.*
03018---	Federal Barge Lines, Inc.: *FBL-622.*
03640---	Pan Ocean Bulk Cariers, Ltd.: *Pan Western.*
04056---	Ugland Shipping Co. A/S Jorgenaens Rederi A/S Skibs A/S Kysten: *Rosita.*
04564---	Modern Transportation Co.: *Seaway B6*
04623---	Seaspan International Ltd.: *Crown Zellerbach No. 4.*
04768---	Texaco Overseas Tankership Ltd.: *Texaco Singapore.*
05008---	Star Kist Foods, Inc.: *Coral Star.*
05047---	PPG Industries: *ETT 110, B 128.*
05208---	Gaelic Tugboat Company: *E-17.*
05298---	Erich Drescher: *Wahehe, Wadai, Oliver Drescher.*
05472---	National Shipping Corporation: *Pussur.*
05520---	Union Carbide Corp.: *USL-603, USL-607.*
05577---	Far Eastern Shipping Co.: *Komsomolets Vladivostoka, Sungary.*
05743---	Reederei Barthold Richters: *Lloyd Jacksonville.*
05760---	Reoch Transport Limited: *Avondale, Ferndale, Leadale.*
05792---	Korea Wonyang Fisheries Co. Ltd.: *Kwang Myong 75, Kwang Myong 76, Kwang Myong 156, No. 6 Chilbosan.*
07255---	Teh Tung Steamship Co., Ltd.: *Mount Tai.*
07843---	Northland Marine Lines Inc.: *Western Trader.*
08153---	Sicula Partenopea Di Navigazione S.P.A.: *Gianni Zeta.*
08462---	Whiteline Navigation Co. Ltd.: *Maritime Gardenia, Pacific Daisy, Orchid Venture.*
08487---	Wayland T. Coppedge, Jr. d/b/a Florida Towing Company: *Passiac.*
08994---	Tranquillity Shipping and Trading Corporation S.A.: *Petrola XXXI.*
08996---	Iphigenia Shipping & Trading Corporation: *Petrola XXXVI.*
09016---	Apex Barge Company: *Apex 3507.*
09098---	The Boswell Oil Company: *BOC 14, BOC 283, BOC 284.*
09422---	Inland River Transportation Corporation: *I-50.*
09547---	J.A.R. Barge Lines: *J.A.R. 8.*
09580---	Tianna Shipping Co. Ltd.: *Sea Trader.*
09763---	Atlas Maritime Company S.A.: *Al Roudah.*
09775---	South East Shipping Co., Ltd.: *Taisei Maru.*
09880---	Onward Shipping Co. (Panama) S.A.: *Maritime Grace.*
10136---	Superior Shipping Ltd.: *Bela Kosmo.*
10221---	K/S Benargus A/S & Co.: *Nopal Lane, Nopal Branco.*
10239---	The Soo River Company: *Judith M. Pierson, Pierson Daughters.*
10258---	Societa Rimorchiatori Riuniti: *Vortice, Ciclone.*
10271---	Naviera Del Noroeste S.A.: *Banda Azul.*
10305---	Inparma Shipping (Rotterdam) B.V.: *Inparma Progress.*
10322---	Duk Soo Moolsan Co. Ltd: *Duk Soo Moolsan No. 71.*
10336---	Lumin Compania Naviera S.A.: *Atlantic Progress.*
10338---	Arnnette C. Detyens: *Captain D.*
10353---	Irving Oil Limited: *Irving Arctic.*
10373---	Glenfarg Shipping Company: *Loch Lomond.*
10407---	Tokyo Tanker Kinkai Co., Ltd: *Toh Ei Maru.*
10425---	Tamarans Tankers Limited: *Electra E.*
10431---	Parga Marine Co. Ltd.: *Andria.*
10433---	Estonian Shipping Company: *Olga Varentsova, Maksim Litvinov, Johannes Lauristin.*
10439---	Kalypso Shipping Co., S.A.: *Kalypso.*
10446---	Antar Shipping Ltd.: *Kathy C.*
10446---	Arcadian Shipping Ltd.: *Janet C.*

Certificate No.	Owner/operator and vessels
10448---	Regent Buttercup Shipping Inc.: *Regent Ruth.*
10449---	Metropolitan Ocean Carriers Corp.: *Mantinia.*
10450---	Golden Mariner Shipping S.A.: *Golden Mariner.*
10451---	Cementos Guadalajara, S.A.: *Cementos California 7.*
10453---	International Shipping, Management Inc.: *Alsharkiah.*
10454---	West Coast Carriers Ltd.: *Tere G, Margarita M.*
10457---	Glaros Shipping Corporation: *Themos.*
10458---	Starlight Reefer Vessel Co. Ltd.: *Fuente.*
10459---	Maritima Santo Domingo CXA: *Don Tabo.*
10460---	Steelside Navigation Co. Ltd. S.A.: *Diamond Eagle.*
10461---	Trawler Wave, Inc.: *Wave.*
10462---	Trawler Crest, Inc.: *Crest.*
10463---	Bayonamarin S.A. Panama: *Belgrano.*
10466---	Nordstern Reederei GMBH: *Nordwind.*
10467---	Island Reefer Carriers Ltd., S.A.: *Cherry Island.*
10469---	Majestic Tanker Corporation: *Majestic Pride.*
10471---	Pakistan Shipping Line Limited: *Bagh-E-Karachi, Bagh-E-Dacca.*
10473---	Ogden Jordan Transport Inc.: *Odgen Jordan.*
10474---	I/S Brali: *Brali.*
10475---	Anchor Maritime Corporation S.A.: *Ocean Sailor.*
10479---	Yueno Tanker Kabushiki Kaisha: *Japan Tuna.*
10480---	Portuguese American Export Line, Inc.: *Pauline Marie.*
10481---	Tracey Navigation Co., Ltd.: *Chalkis.*
10482---	Princeton Shipping Inc.: *Lord D'Orleans.*
10483---	Amherst Shipping, Inc.: *Lord Fleur D'Epee.*
10484---	Camellia Maritime Incorporated: *Eternal Green.*
10485---	Agios Nikolas Shipping Corporation: *Samjohn Mariner.*
10486---	Ever Spring Line, S.A.: *Ever Spring.*
10487---	Swire Northern Offshore Corporation: *Pacific Supplier.*
10488---	Azolla Shipping Company Limited: *Eurotrader.*

By The Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25173 Filed 9-19-75;8:45 am]

COMPAGNIE MARITIME BELGE (LLOYD ROYAL) S.A. AND NAVALE ET COMMERCIALE HAVRAISE PENINSULAIRE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularly the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edwin Longcope, Esquire, Hill, Betts & Nash, One World Trade Center, Suite 6215, New York, New York 10048.

Agreement No. 10173, between Compagnie Maritime Belge (Lloyd Royal) S.A. and Navale et Commerciale Havraise Peninsulaire covers the establishment of a rate-making arrangement in conjunction with a rationalization of sailings by the parties in the trade, eastbound and westbound, between United States Atlantic and Gulf ports and ports in the Red Sea and Persian Gulf, excluding Karachi. The arrangement is to remain in effect for three (3) years from the date of its approval, unless sooner terminated by written notice given by one party to the other. Notice of the filing of Agreement No. 10173, between the above named carriers, was previously published in the FEDERAL REGISTER of August 26, 1975, (Vol. 40, No. 166, page 37252).

By Order of the Federal Maritime Commission.

Dated: September 17, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25170 Filed 9-19-75;8:45 am]

NEDLLOYD AMERICA SERVICE AND GREEN R LINE (PTY) LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agree-

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ments, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

M. J. Alberga, Line Manager, Nedlloyd Inc., 5 World Trade Center, Suite 617, New York, New York 10048.

Agreement No. 10180 is a transshipment agreement between Nedlloyd America Service and Green R Line (Pty) Limited covering the transportation of general cargo moving under through bills of lading between United States and Canadian Pacific Coast ports and ports in Madagascar, Mauritius, Reunion & the Comores Islands with transshipment at ports in South Africa, Mocambique, Tanzania, Kenya and Mauritius in accordance with the terms and conditions set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: September 17, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25169 Filed 9-19-75;8:45 am]

[General Order 29]

MILITARY SEALIFT PROCUREMENT SYSTEM; RFP-1000, Second Cycle Uniform Capacity Utilization Factor

General Order 29, § 549.5(b)(1), states that "at least 30 days prior to the bidding date for any RFP Cycle . . . the Commission will establish a Uniform Capacity Utilization Factor for each MSC trade route. Carriers will determine cargo unit cost on the basis of such factor or of the actual number of cargo units carried, whichever is greater." The bidding date for RFP-1000, Second Cycle is October 16, 1975.

Prior to RFP-900, First Cycle, the Commission decided to use actual utilization and did not determine UCUFs. The first UCUF promulgated by the Commission was to be used in bidding for RFP-900, First Cycle. However, its implementation was stayed by the U.S. Court of Appeals for the D.C. Circuit.[1]

The UCUF for RFP-900, Second Cycle was adopted by the Commission, but was not implemented due to the prior court action. The UCUF for RFP-1000, First Cycle was adopted by the Commission on March 4, 1975 and was the first one to be implemented since the court action.

The UCUFs for RFP-1000, Second Cycle were computed from cargo statistics obtained from the carriers involved in the Military Sealift Procurement System. The data for each MSC route index[2] was based on voyages terminating between July 1, 1974 and June 30, 1975.

Separate utilization factors were computed for containerized and breakbulk cargo and have been rounded to the nearest five (5) percent. Container data was reported in 20-foot equivalent units (1,280 cu. ft.). Breakbulk utilization was requested in stowed measurement tons.

Where only one RFP carrier had an active U.S. flag service on a particular trade route, the staff believes that it is improper to issue a UCUF on that trade route as it would specifically reveal significant operating data to possible competitors. For these routes, the notation "Use actual utilization" will replace a UCUF number. There were also a number of trade routes where no RFP carriers offered active U.S. flag service and where no RFP cargo was carried. These trade routes are indicated as such in the attachments.

Notice is hereby given that pursuant to 46 CFR 549.5(b)(1), the Commission has adopted for RFP-1000, Second Cycle the UCUFs contained in Appendixes A and B of this notice.

FRANCIS C. HURNEY,
Secretary.

[1] Sea-Land Service, Inc. vs. Federal Maritime Commission and the United States of America (D.C. Cir. Docket No. 73-2014).

[2] Exclusive of Interport Routes (e.g., Hawaii to Japan).

APPENDIX A.—*Uniform capacity utilization factors*

[RFP-1000, second cycle by MSC route index and zone container carriers]

Trade route Index	Zone	Geographical description	Uniform capacity utilization factors percentage
01	A	U.S. west coast to mid-Pacific islands, Korea, Okinawa, Hong Kong and Taiwan, and Philippines.	75
01	B	U.S. west coast to Republic of Vietnam	85
01	C	U.S. west coast to Thailand	85
01	D	U.S. west coast to Pacific straits and Indonesia	85
01	E	U.S. west coast to Japan	75
01	-----	U.S. east coast to United Kingdom and Eire	80

Trade route Index	Zone	Geographical description	Uniform capacity utilization factors percentage
05	-----	U.S. east coast to continental Europe	75
06	A	U.S. east coast to western Mediterranean	75
06	B	U.S. east coast to eastern Mediterranean	70
08	A	U.S. east coast to mid-Pacific islands, Korea, Okinawa, Hong Kong, and Taiwan, and Philippines.	90
08	B	U.S. east coast to Republic of Vietnam	85
08	C	U.S. east coast to Thailand	85
08	D	U.S. east coast to Pacific straits and Indonesia	85
08	E	U.S. east coast to Japan	90
10	A	U.S. gulf coast to United Kingdom and Eire	90
11	A	U.S. gulf coast to continental Europe	80
12	A	U.S. gulf coast to western Mediterranean	90
12	B	U.S. gulf coast to eastern Mediterranean	(1)
14	A	U.S. gulf coast to mid-Pacific islands, Korea, Okinawa, Hong Kong and Taiwan, and Philippines.	85
14	B	U.S. gulf coast to Republic of Vietnam	85
14	C	U.S. gulf coast to Thailand	85
14	D	U.S. gulf coast to Pacific straits and Indonesia	85
14	E	U.S. gulf coast to Japan	85
23	-----	U.S. west coast to continental Europe	80
24	-----	U.S. west coast to United Kingdom and Eire	85
25	A	U.S. west coast to western Mediterranean	(1)
25	B	U.S. west coast to eastern Mediterranean	(2)
28	A	U.S. west coast to Canal Zone	80
37	-----	U.S. east coast to Dominican Republic	(1)
39	A	U.S. east coast to Balboa, C.Z.	75
39	B	U.S. east coast to Cristobal, C.Z.	(1)
42	-----	U.S. gulf coast to Dominican Republic	(2)
43	A	U.S. gulf coast to Balboa, C.Z.	80
43	B	U.S. gulf coast to Cristobal, C.Z.	(1)

[1] Use actual utilization.
[2] No active RFP service.

APPENDIX B.—*Uniform capacity utilization factors*

[RFP-1000, second cycle by MSC route index and zone breakbulk carriers]

Trade route Index	Zone	Geographical description	Uniform capacity utilization factors percentage
01	A	U.S. west coast to Hong Kong, Korea, mid-Pacific islands, Philippines, Okinawa, and Taiwan.	65
01	B	U.S. west coast to Republic of Vietnam	65
01	C	U.S. west coast to Thailand and Camboida	(1)
01	D	U.S. west coast to Pacific straits and Indonesia	(1)
01	E	U.S. west coast to Japan	65
04	-----	U.S. east coast to United Kingdom and Eire	(2)
05	-----	U.S. east coast to continental Europe	(2)
06	A	U.S. east coast to western Mediterranean	50
06	B	U.S. east coast to eastern Mediterranean	50
07	A	U.S. east coast to Aqaba, Red Sea, Arabian Gulf Range	(1)
07	B	U.S. east coast to Pakistan, India, Burma Range	65
08	A	U.S. east coast to Hong Kong, Korea, mid-Pacific islands, Philippines, Okinawa, Taiwan.	85
08	B	U.S. east coast to Republic of Vietnam	(1)
08	C	U.S. east coast to Thailand and Camboida	(1)
08	D	U.S. east coast to Pacific straits and Indonesia	(2)
08	E	U.S. east coast to Japan	85
10	A	U.S. gulf coast to United Kingdom and Eire	(2)
11	A	U.S. gulf coast to continental Europe	75
12	A	U.S. gulf coast to western Mediterranean	(1)
12	B	U.S. gulf coast to eastern Mediterranean	(1)
13	A	U.S. gulf coast to Aqaba, Red Sea, Arabian Gulf Range	(1)
13	B	U.S. gulf coast to Pakistan, India, Burma Range	65
14	A	U.S. gulf coast to Hong Kong, Korea, mid-Pacific islands, Philippines, Okinawa, and Taiwan.	95
14	B	U.S. gulf coast to Republic of Vietnam	95
14	C	U.S. gulf coast to Thailand and Cambodia	100
14	D	U.S. gulf coast to Pacific straits and Indonesia	(1)
14	E	U.S. gulf coast to Japan	95
25	A	U.S. west coast to western Mediterranean	(2)
25	B	U.S. west coast to eastern Mediterranean	(2)
28	A	U.S. west coast to Balboa, C.Z.	(1)
37	-----	U.S. east coast to Dominican Republic	(2)
39	A	U.S. east coast to Balboa, C.Z.	(1)
39	B	U.S. east coast to Cristobal, C.Z.	(1)
42	-----	U.S. gulf coast to Dominican Republic	(2)
43	A	U.S. gulf coast to Balboa, C.Z.	(1)
43	B	U.S. gulf coast to Cristobal, C.Z.	(1)
47	A	U.S. west coast to Aqaba, Red Sea, Arabian Gulf Range	(2)
47	B	U.S. west coast to Pakistan, India, Burma Range	(2)

[1] Use actual utilization.
[2] No active RFP service.

[FR Doc. 75-25171 Filed 9-19-75; 8:45 am]

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FEDERAL POWER COMMISSION

[Docket No. ER76-72]

ARIZONA PUBLIC SERVICE CO.

Order Rejecting Proposed Filing and Instituting Show Cause Proceeding

SEPTEMBER 12, 1975.

On August 13, 1975, Arizona Public Service Company (APS) tendered for filing the methodology APS planned to use in implementing a tax adjustment clause contained in certain of APS' contracts with jurisdictional customers. APS requests waiver of Commission's regulations to allow the change in billing to become effective July 1, 1975, the effective date of the New Mexico Electrical Energy Tax, which increase in taxes APS has proposed to recover in this filing. APS does not indicate all the wholesale customers who would be affected.

Section 205(c) of the Federal Power Act (Act) requires that notice of all rate changes be filed with the Commission thirty days before the proposed effective date. The imposition of the proposed adjustment clearly falls within the meaning of "changes" as used in Section 205. Accordingly § 35.13 of the Commission's Regulations, which sets forth the material to be submitted with proposed rate changes, must be observed. We have previously indicated to APS that the filing requirements of § 35.13 must be followed to implement a rate change pursuant to the tax adjustment clause. (See, e.g., letter dated November 8, 1963, re: APS Rate Schedule FPC Nos. 12, 13, and 17). We once again place APS on notice that the requirements of Section 205 of Act and § 35.13 of the Regulations must be observed in implementing a rate change pursuant to its tax adjustment clause.

Accordingly, we shall deny APS' request for waiver of our regulations and require APS to comply with all the requirements of § 35.13 of the Regulations in filing a proposed rate change.

The aforementioned "Electrical Energy Tax Act" provides in pertinent part (§ 3A):

For the privilege of generating electricity in this state for the purpose of sale, whether the sale takes place in this state or outside this state, there is imposed on any person generating electricity a temporary tax, applicable until July 1, 1984, of four-tenths of one mill ($.0004) on each net kilowatt hour of electricity generated in New Mexico.

This provision implies that the subject tax is applied uniformly to all electrical energy generated in New Mexico, whether sold inside or outside the State. However, Section 9B of the Act states that "On electricity generated inside this state and consumed in this state which was subject to the electrical energy tax, the amount of such tax paid may be credited against the gross receipts tax due this state." This latter provision, providing for a credit of the subject tax against the New Mexico gross receipts tax to the extent that the subject tax is imposed on electricity generated *and* consumed in New Mexico, makes the net effect of the tax applicable only to electricity generated in New Mexico and consumed *outside* the State.

A recent U.S. Supreme Court decision indicates that New Mexico's "electrical energy" tax may be unconstitutional. In *Evco* v. *Jones*, 409 U.S. 91 (1972), a case involving another New Mexico tax statute, a tax had been levied on that portion of petitioner's gross receipts derived from sales of personal property outside the state. Although the statute was upheld by the New Mexico courts, the Supreme Court reversed, holding that ". . . a tax levied on the gross receipts from the sales of tangible personal property in another State is an impermissible burden on commerce." (409 U.S. at 93). This holding is apparently applicable to sales of electricity as well, since, under the "Definitions" section of the "Gross Receipts and Compensating Tax Act", "tangible personal property" includes electricity. (§ 72-16A-3I).

Based on the foregoing, we believe that a serious question has been raised as to the constitutionality of the "Electrical Energy Tax Act." Accordingly, APS shall be ordered to show cause, within 15 days of issuance of this order, why rate increase proposals attributable to the subject tax should not be disallowed in light of the *Evco* decision and the Company's inaction in challenging said statute.

The Commission finds: (1) Good cause exists to reject APS' filing in this docket for failure to comply with the filing requirements of Section 35.13 of our Regulations.

(2) Good cause does not exist to waive the filing requirements of Section 35.13 of our Regulations.

(3) Good cause exists to order APS to show cause, within 15 days of issuance of this order, why rate increase proposals attributable to the tax levied under New Mexico's "Electrical Energy Tax Act" should not be disallowed, in light of the *Evco* decision and the Company's inaction in challenging said Act.

The Commission orders: (A) APS' filing in this docket is hereby rejected for failure to comply with the filing requirements of Section 35.13 of our Regulations.

(B) APS' request for waiver of the filing requirements of Section 35.13 of our Regulations is hereby denied.

(C) Within 15 days of issuance of this order, APS shall show cause why rate increase proposals attributable to the tax levied under New Mexico's "Electrical Energy Tax Act" should not be disallowed, in light of the *Evco* decision discussed hereinabove and the Company's inaction in challenging said Act.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25106 Filed 9-19-75;8:45 am]

[Docket Nos. CS75-448, etc.]

BAYOU LAND AND MINERAL COMPANY INC., ET AL.

Order Granting Rehearing for Purposes of Further Consideration

SEPTEMBER 12, 1975.

By letter order dated July 15, 1975, in Docket Nos. CS75-448, *et al.*, we issued temporary certificates subject to a refund condition to fifty-five small producers. On August 14, 1975, two of these small producers, Clovelly Oil Co., Inc., Docket No. CS75-473, and William Scully, Docket No. CS75-475 (Clovelly and Scully), jointly applied for rehearing of the attachment of a refund condition to their temporary certificates. Solely for the purposes of allowing us an opportunity to give full and adequate consideration to the matters set forth therein we grant the applications for rehearing.

The Commission orders: The application for rehearing filed by Clovelly and Scully on August 14, 1975, is hereby granted for the purposes of adequate consideration of the matters raised therein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25107 Filed 9-19-75;8:45 am]

[Docket No. ID-1316, etc.]

GEORGE A. CARLSON, ET AL.

Order To Show Cause

SEPTEMBER 15, 1975.

In the matter of George A. Carlson, Docket No. ID-1316; Thomas W. Sherman, Docket No. ID-1643; James F. Smith, Docket No. ID-1599; Charles H. Tenney II, Docket No. ID-1095.

By order issued October 24, 1957, George A. Carlson (Applicant) was authorized pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant Treasurer, Fitchburg Gas & Electric Light Company.
Assistant Treasurer, Rockland Light & Power Company.
Assistant Treasurer, Rockland Electric Company.
Assistant Treasurer, Pike County Light & Power Company.

By order issued November 26, 1971, Thomas W. Sherman (Applicant) was authorized pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant Treasurer, Orange & Rockland Utilities, Inc.
Assistant Treasurer, Rockland Electric Company.
Assistant Treasurer, Pike County Light & Power Company.
Assistant Treasurer, Fitchburg Gas & Electric Light Company.

By order issued August 2, 1972, James F. Smith (Applicant) was authorized pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Vice President, Treasurer, and Assistant Secretary, Orange & Rockland Utilities, Inc.
Director, Vice President, Treasurer, and Assistant Secretary, Rockland Electric Company.
Director, Vice President, Treasurer, and Assistant Secretary, Pike County Light & Power Company.
Director and Vice President, Fitchburg Gas and Electric Light Company.

By order issued February 18, 1964, Charles H. Tenney II (Applicant) was authorized pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Chairman of the Board of Directors, Director, Orange & Rockland Utilities, Inc.
Chairman of the Board of Directors, Director, Pike County Light & Power Company.
Chairman of the Board of Directors, Director, Rockland Electric Company.
Chairman of the Board of Directors, Director, Fitchburg Gas & Electric Light Company.

In each of the aforementioned orders, the Commission reserved the right to require Applicants to make further showings that neither public nor private interests would be adversely affected by the continued holding of the above-named positions.

Persons are prohibited by Section 305 (b) of the Federal Power Act from holding interlocking board of directors and officers positions in two or more utilities unless they demonstrate that such holding is not adverse to public or private interests. In the past, the Commission has generally authorized the holding of interlocking positions between companies which are under common ownership, which have adjoining territories, and which operate as a single integrated utility system, as in the case of utilities within the Orange & Rockland Group.[1] However, the Applicants hold positions which interlock both within the Orange & Rockland Group and with companies outside[2] the Orange and Rockland Group. The Commission has not granted authorization for persons to hold interlocking positions which extend outside a group of utilities which operate as an integrated utility system, except in the case of the Applicants all of whom are associated with the so called "Tenney Group".[3]

Based upon a Staff investigation of the "Tenney Group" arrangement, the Commission has determined that the present holding of interlocking positions which extend to utilities outside the Orange & Rockland Group may be adverse to public or private interests insofar as Orange & Rockland and subsidiaries are concerned because:

(1) Orange & Rockland Utilities and subsidiaries no longer should be considered a small utility and the complexity of its operation warrants full time executive management by its officers and directors;

(2) Support of offices in Boston by Orange & Rockland Utilities and subsidiaries as an integral part of sharing the talent of certain key executives appears no longer to be justified by any reciprocal benefits to Orange & Rockland and its subsidiaries;

(3) Orange & Rockland Utilities and subsidiaries while sharing its top executives with other utilities encountered serious financial problems much earlier than the onset of financial problems in the electric utility industry and these problems were attributable in part to deficiencies which relate to:

(a) Management of reported earnings beginning as early as 1968 through accounting changes while avoiding requests for rate increases;

(b) Actions related to arrangements for construction and operation of the Bowline Generating Station on a joint ownership basis with Consolidated Edison Company; and

(c) Administration of joint-use of pole arrangements with telephone utilities and cable television operators.

Notwithstanding the size and complexity of the operations of Orange & Rockland and subsidiaries, the "Tenney Group" arrangement calls for four persons in executive management positions to be located in Boston apart from Orange & Rockland's main office in Spring Valley, New York and to devote only part of their time to the affairs of Orange & Rockland and subsidiaries.

In addition, Charles H. Tenney II as Chairman of the Board of Directors for Orange & Rockland Group Companies and other Companies participating in the "Tenney Group" arrangement received in 1973 a total salary of $158,417.00, of which 42% or $65,750.00 was borne by Orange & Rockland Utilities and subsidiaries. For the year 1973 Orange & Rockland Utilities and subsidiaries had operating revenues totaling approximately $123.4 million. According to a report published by Commonwealth Management Consultants,[4] the median salary for the highest paid top executive of a company having revenues in the range of $123.4 million was between $70,000 and $80,000, or about one-half of the effective annual rate paid Charles H. Tenney II by Orange & Rockland and subsidiaries. Absent a showing of special circumstances, there would appear to be no justification for Applicant to receive a salary substantially in excess of the levels paid other utility executives reported in the survey.

The Commission finds: In view of the foregoing, it is necessary and appropriate for the purpose of administering the Federal Power Act that the Applicants show cause, if any there be, why the Commission should not terminate the present authority to hold the interlocking positions referred to above.

The Commission orders:

(A) George A. Carlson, ID-1316, shall show cause, if any there be, on or before October 17, 1975, why the Commission should not find and determine that the continued authorization to hold the following interlocking positions:

Assistant Treasurer, Fitchburg Gas & Electric Light Company.
Assistant Treasurer, Rockland Light & Power Company.
Assistant Treasurer, Rockland Electric Company.
Assistant Treasurer, Pike County Light & Power Company.

would be adverse to public or private interests and should be terminated.

(B) Thomas W. Sherman, ID-1643, shall show cause, if any there be, on or before October 17, 1975, why the Commission should not find and determine that the continued authorization to hold the following interlocking positions.

Assistant Treasurer, Orange & Rockland Utilities, Inc.
Assistant Treasurer, Rockland Electric Company.
Assistant Treasurer, Pike County Light & Power Company.
Assistant Treasurer, Fitchburg Gas & Electric Light Company.

would be adverse to public or private interests and should be terminated.

(C) James F. Smith, ID-1599, shall show cause, if any there be, on or before October 17, 1975, why the Commission should not find and determine that the continued authorization to hold the following interlocking positions:

Director, Vice President, Treasurer and Assistant Secretary, Orange & Rockland Utilities, Inc.
Director, Vice President, Treasurer and Assistant Secretary, Rockland Electric Company.
Director, Vice President, Treasurer and Assistant Secretary, Pike County Light & Power Company.
Director and Vice President, Fitchburg Gas & Electric Light Company.

would be adverse to public or private interests and should be terminated.

(D) Charles H. Tenney II, ID-1095, shall show cause, if any there be, on or before October 17, 1975, why the Commission should not find and determine that the continued authorization to hold the following interlocking positions:

Chairman of the Board of Directors, Director, Orange & Rockland Utilities, Inc.
Chairman of the Board of Directors, Director, Pike County Light & Power Company.
Chairman of the Board of Directors, Director, Rockland Electric Company.
Chairman of the Board of Directors, Director, Fitchburg Gas & Electric Light Company.

[1] Utilities involved in the Orange & Rockland Group arrangement are: Orange & Rockland Utilities, Inc., and its subsidiaries, Rockland Electric Company, and Pike County Light & Power Company. These companies are subject to Commission jurisdiction.

[2] Tenney Group companies outside the Orange & Rockland Group: Fitchburg Gas & Electric Company (subject to Commission jurisdiction), Brockton Taunton Gas Company, Concord Electric Company, Exeter and Hampton Electric Company, and Bay State Gas Company.

[3] "Tenney Group": Provides management and other services to the group of utilities listed in footnotes 1 & 2, notwithstanding the fact that the number of shares of voting stock owned directly or indirectly in each company is relatively small.

[4] The published results of a study of executive salaries by Commonwealth Management Consultants for the year 1971. The survey on which the results were based included executives in 77 electric, gas, combination and pipeline utility companies.

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would be adverse to public or private interests and should be terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25114 Filed 9-19-75;8:45 am]

[Project No. 1218]

GEORGIA POWER CO.

Issuance of Annual License

SEPTEMBER 12, 1975.

On February 26, 1970, Georgia Power Company, Licensee for Flint River Project No. 1218 located on Flint River in Dougherty and Lee Counties, Georgia, near the city of Albany, filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (Sections 16.1–16.6).

The license for Project No. 1218 was issued effective January 1, 1933 for a period ending September 16, 1971. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Georgia Power Company for continued operation and maintenance of Project No. 1218.

Take notice that an annual license is issued to Georgia Power Company (Licensee) under Section 15 of the Federal Power Act for the period September 17, 1975 to September 16, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Flint River Project No. 1218, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25103 Filed 9-19-75;8:45 am]

[Docket Nos. E-9521, E-9522, and E-9091]

GEORGIA POWER CO.

Order Accepting for Filing and Instituting Investigation, Granting Request for Waiver, Granting Interventions, and Establishing Procedure

SEPTEMBER 11, 1975.

On June 30, 1975, Georgia Power Company (Georgia Power) submitted for filing a proposed tariff (PR–1) for partial requirements service to Oglethorpe Electric Membership Corporation (Oglethorpe)[1] and a proposed transmission service tariff (TS–1) with proposed effective dates of July 1, 1975.[2] Georgia Power contends in its transmittal letters that the proposed tariffs are initial filings submitted in compliance with Section 35.12 of the Commission's Regulations.

Under the terms of the proposed partial requirements tariff, Georgia Power will provide base load capacity, intermediate load capacity, peaking load capacity, reserves for such capacity, and associated energy for all. The proposed transmission agreement provides that Georgia Power transmits Oglethorpe's bulk power resources within the State of Georgia (except for five specified counties) via an integrated transmission system. Georgia Power and Oglethorpe's respective investments in the combined transmission system will be in proportion to each party's peak load. Any disparity in their investments will be adjusted through annual payments made after the contract year and calculated according to formulae designed for each party and provided for in the agreement.[3]

On June 30, 1975, a joint motion for waiver of the notice period was filed by Georgia Power and Oglethorpe concurrently with the PR–1 Tariff in Docket No. E–9521. Both parties request that since Oglethrope must be able to receive partial requirements service no later than July 1, 1975,[4] the partial requirements tariff should be "accepted for filing on June 30, 1975, and become effective on July 1, 1975, subject to refund of any amounts collected pursuant to the rates as filed in excess of revenues which would have been produced by rates ultimately found to be just and reasonable."

In addition, on June 30, 1975, Oglethorpe filed a petition to intervene, motion to reject CWIP, and request for hearing in Docket No. E–9521. Oglethorpe contends that the rate of return sought by Georgia Power (10.03 percent with a return on common equity of 14.5 percent) is "grossly excessive". Oglethorpe further states that Georgia Power has included construction work in progress in its rate base and requests that the Commission reject that portion of the proposed rates which are based on the conclusion of CWIP and permit Georgia Power to file substitute tariff sheets reflecting exclusion of CWIP from rate base. Oglethorpe declares that if CWIP were excluded from the rate base, the overall rate of return would be 12.75 percent.

Notice of the filings was issued on July 8, 1975, with comments, protests or petitions to intervene due on or before July 24, 1975.

On July 14, 1975, Georgia Power filed its response to Oglethorpe's June 30 petition to intervene, motion to reject CWIP, and request for hearing. Georgia Power contends the Oglethorpe's petition to intervene is a "procedural anomaly" for being premature, in that no proceeding had yet been initiated in which Oglethorpe could intervene. Georgia Power continues to argue, similarly, that since they filed an initial tariff which has not yet been made the subject of a formal proceeding under Section 206 by the Commission, that a portion of that initial filing cannot be rejected for the reason its proposed rates are based upon the inclusion of CWIP in rate base. Georgia Power also points out that Oglethorpe joined with the Company on June 30 in a motion that the tariff should be accepted for filing on June 30, 1975, and become effective, as filed, on July 1, 1975. Hence, they conclude Oglethorpe waived any right to request summary action to alter the filed rates by virtue of its joining in that motion, even if the Commission had such authority regarding initial rates. Finally, Georgia Power asserts the only means available to Oglethorpe to challenge the initial rates filing is to file a complaint pursuant to Section 206(a) of the Federal Power Act and Section 1.6 of the Rules of Practice and Procedure, with which its current pleading fails to comply.

Subsequently, on July 16, 1975, Oglethorpe directed a request to the Commission that the June 30 pleading by Oglethorpe constituting a petition to intervene, motion to reject CWIP, and request for hearing filed in Docket No. E–9521 be construed as a complaint under Section 1.6 of the Commission's Rules of Practice and Procedure and filed pursuant to the Notice of July 8, incorporating that pleading by reference.

On July 14, 1975, the City of Dalton, Georgia (Dalton) filed petitions to intervene in Docket Nos. E–9521 and E–9522. Dalton states it is a wholesale customer of Georgia Power and anticipates becoming eligible to take service under the partial requirements tariff and the transmission service tariff, so that their interest in any proceeding relative to the filings by Georgia Power is direct and substantial.

On July 24, 1975, Municipal Electric Authority of Georgia (MEAG) also filed a timely petition to intervene and motion to consolidate in Docket Nos. E–9521 and E–9522. MEAG states in describing its direct and substantial interest herein, that it anticipates becoming a co-owner in Georgia Power's nuclear plant, thus rendering MEAG ineligible to receive full requirements service and, instead, qualifying it to become a partial requirements and transmission tariff customer of Georgia Power. MEAG adds that the partial requirements tariff, Rate Schedule PR–1, does not contemplate transmission service, therefore, necessitating Georgia Power's filing Rate Schedule TS–1. Since the PR–1 and TS–1 tariffs are integrally related and in the interest of conserving effort and resources MEAG moves that the Commission consolidate Docket Nos. E–9521 and E–9522.

On July 28, 1975, Georgia Power filed answers opposing Dalton's petitions to intervene in Docket No. 7–9521 and Docket No. E–9522. Georgia Power attacks Dalton's petitions to intervene for failing to state facts showing the nature of its alleged interest or position in the proceeding and asserts Dalton, in fact, has no direct interest, insofar as it only anticipates becoming eligible to take service under the tariffs. Georgia Power further maintains that this is an initial rate filing which requires the filing of a complaint pursuant to Section 206(a) of the Federal Power Act and Section 1.6 of the Rules of Practice and Procedure by a party desiring to initiate an investigation. Dalton's petition does not serve to institute a proceeding and is both premature and inadequate in the event an investigation is ordered, according to Georgia Power.

On July 29, 1975, Dalton filed its response to Georgia Power's answer in opposition to Dalton's petition to intervene and its petition for leave to amend its petition to intervene. In response, Dalton contends it has a direct interest in the outcome of the filings through incorporating by reference documents filed with the Commission which indicate Dalton's progress toward becoming co-owner in a nuclear power plant, thus qualifying them as a customer for partial requirements and transmission service from Georgia Power.

On August 7, 1975, Georgia Power filed a petition requesting that the Commission either affirm the joint motion of June 30, 1975 or issue a declaratory order setting an effective date of July 1, 1975 for the Company's partial requirements tariff PR–1, subject to refund.

On August 8, 1975, Georgia Power filed answers opposing MEAG's petition for leave to intervene and motion to consolidate. Georgia Power would have the Commission deny MEAG's petition to intervene for failing to allege facts showing a direct interest which would be affected in this proceeding. Further, Georgia Power opposes consolidation of Docket No. E–9521 and Docket No. E–9522, in that it believes MEAG has not alleged any common question of law or fact and that to do so, may impose an unnecessary burden on parties who are interested in only one of them. In Docket No. E–9522, Georgia Power additionally avers that MEAG's petition to intervene is premature and that MEAG has not indicated it opposes the transmission service provided under TS–1.

On August 13, 1975, Georgia Power filed its responses to Dalton's petition for leave to amend its previously filed petition to intervene in Docket Nos. E–9521 and E–9522. Georgia Power reiterates its position that Dalton's intervention would be without factual bases in these dockets. The documents tendered by Dalton, it alleges, do not support a finding in favor of Dalton's interest herein and, in fact, demonstrate the anticipatory or contingent nature of Dalton's interest. In Docket No. E–9522, Georgia Power again resists the motion to consolidate that proceeding with Docket No. E–9521 because it believes there is no common legal or factual question and that their consolidation might impose a burden on parties interested in but one of them.

On August 20, 1975, MEAG filed its response to Georgia Power's answer opposing MEAG's petition to intervene. MEAG alleges its interest in the filings is evident on their face due to Georgia Power and MEAG's mutual planning toward MEAG's becoming a partial requirements and transmission service customer under Georgia Power's PR–1 and TS–1 tariffs. Regarding Georgia Power's opposition to consolidating the dockets, MEAG states its belief that there are economies to be achieved in such course of action, but that it would be willing to acquiesce in separate proceedings.

Georgia Power's proposed filing in Docket No. E–9521 indicates that a measure of the rate being sought is the result of its including the item construction work in progress (CWIP) in the rate base for the partial requirements service for the test year from which their increase is derived. By order dated June 13, 1975, in Docket No. E–9446, the Commission rejected that portion of Green Mountain Power Corporation's filing which was the result of CWIP being included in the rate base based upon a test period which ended December 31, 1974, for facilities which were not placed in service during that period. There, we observed that while it has not been the policy of this Commission to permit utilities to earn a return on CWIP, that practice is being reviewed in Docket No. RM75–13;[5] and thus, it would be inappropriate for Georgia Power to reflect the inclusion of CWIP in the rate base for facilities which will not be placed into service prior to the end of the test year. Therefore, Georgia Power will be required to file substitute sheets reflecting the exclusion of such CWIP from rate base within 30 days from the date of this order.[6]

Our review of Georgia Power's filings on June 30, 1975, in Docket Nos. E–9521 and E–9522, together with the additional data tendered on August 12, 1975, indicates that the proposed initial rate schedules for partial requirements and transmission service have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall institute an investigation of the proposed initial rate schedules pursuant to the Commission's authority under Section 206 of the Federal Power Act and establish hearing procedures to determine the lawfulness of Georgia Power's filings. Further, we shall consolidate both the partial requirements tariff in Docket No. E–9521 and the transmission tariff filing in Docket No. E–9522 with Georgia Power's application for a proposed rate increase in Docket No. E–9091, which rates are currently in effect subject to refund for the purpose of hearing. The petitions to intervene by Oglethorpe, Dalton and MEAG shall be granted for these consolidated proceedings. We shall grant Georgia Power and Oglethorpe's joint motion requesting that the partial requirements tariff be permitted to become effective as of July 1, 1975, subject to refund of any amounts collected pursuant to the rates as filed in excess of revenues which would have been produced by rates ultimately found to be just and reasonable.

The Commission finds:

(1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission institute a Section 206 investigation and hearing concerning Georgia Power's filings of June 30, 1975, as supplemented August 12, 1975, in Docket No. E–9521 and Docket No. E–9522.

(2) Good cause exists to grant the joint motion of Georgia Power and Oglethorpe for waiver of the notice requirements in the Commission's Regulations and to accept the tendered sheets for filing to become effective July 1, 1975, subject to refund, as agreed by the parties.

(3) Georgia Power should be required to file within 30 days of the issuance of this order substitute sheets reflecting the exclusion of CWIP from the rate base for facilities not placed into service before the end of Period II.

(4) Good cause exists to consolidate the partial requirements tariff filing in Docket No. E–9521 and the transmission tariff filing in Docket No. E–9522 with Georgia Power's rate increase filing in Docket No. E–9091 for the purpose of hearing and decision thereon.

(5) Participation of Oglethorpe, Dalton and MEAG in this proceeding may be in the public interest.

The Commission orders:

(A) Georgia Power's partial requirements tariff filed in Docket No. E–9521 and transmission service tariff filed in Docket No. E–9522 are accepted for filing to become effective July 1, 1975, subject to refund as agreed by the parties, and subject to the provisions of Ordering Paragraph (B) below relating to CWIP.

(B) Georgia Power shall file, within 30 days of the issuance of this order, substitute tariff sheets which reflect the

[1] Oglethorpe represents 39 EMC's in the State of Georgia which are currently served as full requirements customers under Georgia Power's FPC Electric Tariff Original Volume No. 1. The 39 EMC's will commence partial requirements service through Oglethorpe, the sole customer under the proposed PR–1 tariff. Proposed designations are shown on Attachment A.

[2] The filings were completed upon receipt of certain additional data from Georgia Power on August 12, 1975.

[3] The deficient party will pay an amount equal to the excess in investment of the other party times the higher of Oglethorpe's or Georgia Power's transmission carrying charges. Such carrying charges include return, taxes, depreciation, operation and maintenance costs. In the case of Georgia Power, return will be based on current average weighted cost of debt and preferred stock and latest return on common equity as recommended by the Commission. In the case of Oglethorpe, carrying charges will include similar costs including cost of funds and income taxes, if any. The cost of funds is the product of the ratio of Oglethorpe's cost of debt for the contract year divided by the outstanding debt in the contract year multiplied by Oglethorpe's net depreciated average annual investment in transmission facilities.

[4] On July 1, 1975, Oglethorpe began receiving the output from its 30 percent ownership in Unit No. 1 of Georgia Power's Edwin I. Hatch Nuclear Plant and no longer qualifies for full requirements service under the "Applicability" provisions of Georgia Power's FPC Electric Tariff Original Volume No. 1.

[5] Notice of which was issued November 14, 1974.

[6] Our action herein disposes of MEAG's motion for summary disposition of that portion of Georgia Power's partial requirements rate reflecting the inclusion of CWIP in rate base, filed on September 11, 1975.

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exclusion of CWIP from the rate base for facilities not placed into service before the end of Period II.

(C) Georgia Power's partial requirements tariff filed in Docket No. E-9521 and transmission service tariff filed in E-9522 are hereby consolidated with Georgia Power's wholesale rate increase filed in Docket No. E-9091 for the purpose of hearing and decision thereon. Procedural dates specified hereinafter are applicable to the consolidated proceedings.

(D) Dalton, Oglethorpe and MEAG are hereby permitted to intervene in these proceedings, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be considered as recognition by the Commission that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(E) Pursuant to the authority of the Federal Power Act, particularly Section 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act, a public hearing shall be held on February 24, 1976, at 10:00 A.M. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 concerning the lawfulness of the rates, charges, classifications and services contained in Georgia Power's proposed rate schedules.

(F) On or before November 11, 1975, Georgia Power shall serve its direct testimony. On or before January 6, 1976, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before January 27, 1976. Any company rebuttal evidence shall be served on or before February 10, 1976.

(G) Georgia Power shall make timely annual filings of the undepreciated dollar investment in transmission facilities of all parties to the transmission tariff; transmission investment responsibilities; and the four year plan of additions as defined in the tariff and as applicable to the succeeding contract year; and, similarly, timely annual filings of transmission carrying charges as applicable to the proceeding contract year.

(H) In addition, Georgia Power shall include updated cost of service data as part of its November 11, 1975, submission required by paragraph (F). Such updated data shall reflect the most recent available data for calendar year 1975 and shall include actual data for not less than the first six months of 1975. In content this data shall conform to the requirements of Regulations Section 35.13(b)(4)(iii) Statements A–O including all material required to support a Period II cost of service.

(I) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(J) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Georgia Power, or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Georgia Power or any other person or party.

(K) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25105 Filed 9-19-75;8:45 am]

[Docket No. E-9425]

KENTUCKY UTILITIES CO.

Order Rejecting Filing on Initial Rate Schedule; Correction

AUGUST 14, 1975.

In the Order Rejecting Filing of Initial Rate Schedule, issued July 16, 1975, and Published in the FEDERAL REGISTER on July 22, 1975 40 FR 30753, Page 30753, footnote 1, change to "The Agreement is designated Kentucky Utilities Company Rate Schedule FPC No. 98 and Supplement No. 1 to Rate Schedule FPC No. 98.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25115 Filed 9-19-75;8:48 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Notice of Meeting and Agenda

Hearing Room "A" (2200) 2nd Floor, Federal Power Commission, Union Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426. October 20, 1975, 9:30 a.m.

Presiding: John N. Nassikas, Chairman, Federal Power Commission.

1. Introductory remarks, Chairman Nassikas.

2. Objectives and purposes of meeting:

A. General review, Dr. John J. Schanz, Jr., Chairman, Executive Advisory Committee.

B. Report on Organizational Aspects of the National Gas Survey, Mr. Frederick W. Lawrence, Director, National Gas Survey.

C. Report on Technical Aspects of the National Gas Survey, Dr. Edwin D. Goebel, Technical Director, National Gas Survey.

D. Report on the Legal Aspects of the National Gas Survey, Mr. Edward R. Minor, Office of the General Counsel.

E. Presentation of preliminary time table for completion of the survey, Mr. Frederick W. Lawrence.

F. General discussion of National Gas Survey Plans and Goals, Dr. John J. Schanz, Jr.

3. Selection of next meeting date.

4. Adjournment, Chairman Nassikas.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25104 Filed 9-19-75;8:45 am]

[Docket No. ER76-104]

NEW ENGLAND POWER SERVICE CO.

Contracts

SEPTEMBER 12, 1975.

Take notice that on August 29, 1975 New England Power Service Company (NEPCO) tendered for filing Unit Contracts with Bangor Hydro-Electric Company, Montaup Electric Company, New Bedford Gas and Electric Light Company and Vermont Electric Power Company. NEPCO states that said Contracts provide for sale of one-unit power from NEPCO's Brayton Point No. 4 Unit with deliveries to be made at the points of interconnection between the respective systems. NEPCO further states that said Contracts are substantially similar to other NEPCO one-unit contracts of this type.

NEPCO requests an effective date of December 20, 1974 for these Contracts. NEPCO further requests a waiver of the prior notice provision in accordance with Section 35.11 of the Commission's regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25109 Filed 9-19-75;8:45 am]

[Docket No. ER76-102]

OHIO POWER CO.

Proposed Change in Rates and Charges

SEPTEMBER 12, 1975.

Take notice that Ohio Power Company (Ohio Power), on September 5, 1975 tendered for filing a proposed Supplement to the Facilities and Operating Agreement dated as of May 1, 1967 between the Dayton Power and Light Company and Ohio Power Company. The proposed changes would increase revenues from jurisdictional sales and service by $3,426,517, based on the 12-month period ending December 31, 1975.

Ohio Power requests a proposed effective date of October 6, 1975.

Ohio Power states that copies of the filing were served upon The Dayton Power and Light Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25111 Filed 9-19-75;8:45 am]

[Project No. 487]

PENNSYLVANIA POWER AND LIGHT CO.

Issuance of Annual License

SEPTEMBER 12, 1975.

On December 6, 1971, Pennsylvania Power and Light Company, Licensee for Wallenpaupack Project No. 487, located on Wallenpaupack Creek in Wayne and Pike Counties, Pennsylvania, filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (sections 16.1–16.6).

The license for Project No. 487 was issued effective September 29, 1924, for a period ending September 28, 1974. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission's action thereon, it is appropriate and in the public interest to issue an annual license to Pennsylvania Power and Light Company for continued operation and maintenance of Wallenpaupack Project No. 487.

Take notice that an annual license is issued to Pennsylvania Power and Light Company (Licensee) under section 15 of the Federal Power Act for the period September 29, 1975, to September 28, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Wallenpaupack Project No. 487, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25110 Filed 9-19-75;8:45 am]

[Project No. 135]

PORTLAND GENERAL ELECTRIC CO.

Issuance of Annual License

SEPTEMBER 12, 1975.

On February 19, 1970, Portland General Electric Company, Licensee for Project No. 135, located in Clackamas County, Oregon, on the Clackamas River, filed an application for a new license under section 15 of the Federal Power Act and Commisison Regulations thereunder (sections 16.1–16.6). Licensee amended its application on November 19, 1970.

The license for Project No. 135 was issued effective September 27, 1922, for a period ending September 26, 1972. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to section 15 of the Act, pending Commission action on Licensee's amended application, it is appropriate and in the public interest to issue an annual license to Portland General Electric Company for continued operation and maintenance of Project No. 135.

Take notice that an annual license is issued to Portland General Electric Company (Licensee) under section 15 of the Federal Power Act for the period September 27, 1975, to September 26, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 135, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25112 Filed 9-19-75;8:45 am]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

Application for Use of Project Property and Application for Change in Land Rights

SEPTEMBER 12, 1975.

Public notice is hereby given that under the Federal Power Act (16 U.S.C. §§ 791–825r), South Carolina Electric & Gas Company (Correspondence to: Mr. D. G. Jeter, Vice-President, Mr. Edward C. Roberts, Senior Attorney, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218; and to Peyton G. Bowman III, Brian McManus, Reid & Priest, Attorneys at Law, 1701 K Street, NW., Washington, D.C. 20006), Licensee for Saluda Project No. 516, submitted for Commission approval: (1) An application filed June 24, 1975, requesting authorization for the stated purpose of permitting the South Carolina Highway Department to replace for safety reasons an existing substandard bridge crossing project lands and waters; and (2) an application filed July 22, 1975, requesting authorization to grant a 100-foot wide right-of-way to Central Electric Power Cooperative, Inc. (Central) for construction of three segments (total length 2.235 miles) of Central's 30 mile long Batesburg-Newberry 230 kV transmission line.

The existing 19-foot wide bridge is a woodpiling structure on State Road No. 46 crossing Big Hollow Creek at Lake Murray in Lexington County, South Carolina. The Highway Department proposes to replace the existing bridge with a 315-foot-long reinforced concrete bridge having a roadway width of 30 feet and providing two 12-foot lanes with 3-foot shoulders on each side. The approaches to the bridge would be widened to provide a 30-foot wide approach roadway with 20 feet of pavement and 5-foot shoulders. The finished grade of the new bridge and widened approaches would be raised to provide 6 feet of vertical clearance above the maximum pool elevation of Lake Murray to accommodate water traffic. The proposed improvements would be constructed within the present 66-foot right-of-way.

The proposed transmission line would parallel and lie on the eastern boundary of Central's existing 30 mile long 69 kV transmission line between Batesburg and Newberry, South Carolina. The existing right-of-way is 100 feet wide. The transmission line would cross project lands and waters of Project No. 516 in generally a north-south direction in the upper western reaches of the project reservoir (Lake Murray). The segments of transmission line within the project boundary would cross the Little Saluda, Saluda, and Bush Rivers in Saluda and Newberry Counties. H-frame wood structures would be utilized. No transmission line tower would be located below the 360 foot contour of Lake Murray.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 20, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervent in accordance with the Commission's Rules. The applications are on file with the Commission and are available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically section 1.32 (b), 18 CFR § 1.32(b) (April 1, 1975) a hearing may be held without further notice before the Commission on these applications if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader

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fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25113 Filed 9-19-75;8:45 am]

[Docket No. RP72-91 (Phase I)]

SOUTHERN NATURAL GAS CO.

Notice of Extension of Time; Correction

SEPTEMBER 8, 1975.

In the Notice of Extension of Time issued August 28, 1975, and published in the FEDERAL REGISTER on September 5, 1975, 40 FR page 41193; the second paragraph, line two, of the above notice should be corrected to read: "Request for Early Decision on Pending Exceptions to April 3, 1973 Initial Decision and Response Thereto."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25116 Filed 9-19-75;8:45 am]

[Docket Nos. RP72-91 (Phase II), et al. AP 5/16/74]

SOUTHERN NATURAL GAS CO.

Motion To Terminate Proceeding; Correction

AUGUST 29, 1975.

In the Order Granting Motion to Terminate Proceedings with Condition, issued July 29, 1975, and published in the FEDERAL REGISTER on August 5, 1975 40 FR 32877, the Docket Number on this order was incorrectly written as "RP72-91 (Phase II), et al. (AP 5/16-74). Reference to "AP 5/16/74" should be deleted from the above order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25117 Filed 9-19-75;8:45 am]

FEDERAL RESERVE SYSTEM

EXCHANGE NATIONAL BANK OF CHICAGO

Order Approving Acquisition of Shares

Exchange National Bank of Chicago, Chicago, Illinois ("ENB"), has applied for the Board's approval under Section 25 of the Federal Reserve Act to acquire up to 25 per cent of the shares of Japhet Bank Ltd., Tel Aviv, Israel ("JB"). ENB would acquire and hold shares of JB as part of a transaction involving the transfer to JB of the assets and liabilities of ENB's two branches in Israel.

The Board has received objections to consummation of the proposed transaction from a group of five directors of ENB (hereinafter collectively referred to as the "Protestants") who are also shareholders and directors of Exchange International Corporation, Chicago, Illinois, the parent bank holding company of ENB. The Board has considered all requests and issues raised by Protestants and the information submitted in support thereof, and has determined, on the basis of the record, that action on ENB's application at this time is in the public interest.

On the basis of the record, the application is approved for reasons set forth in the Board's Statement, which will be released at a later date. The Board's approval is granted subject to the condition that the dollar amount of the investment will not exceed the maximum amount specified by ENB in its application.

By order of the Board of Governors,[1] effective September 15, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25182 Filed 9-19-75;8:45 am]

FIRST NATIONAL CINCINNATI CORP.

Order Approving Acquisition of Bank

First National Cincinnati Corporation, Cincinnati, Ohio (Applicant), a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval of the Board of Governors of the Federal Reserve System, under Section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire up to 100%, less directors' qualifying shares, of the successor by acquisition of The Miami Deposit Bank, Yellow Springs, Ohio (Bank). The bank which is acquiring the assets and assuming the liabilities of Bank has no significance except as means to facilitate the acquisition of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of Bank.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with Section 3(b) of the Act (12 U.S.C. 1842(b)). The time for filing comments and views has expired and none have been timely received. The Reserve Bank has considered the application in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the tenth largest banking organization in Ohio, controls one bank with domestic deposits of $781.6 million, representing 2.65 percent of total deposits in commercial banks in the State.[2] Upon consummation of the proposal, Applicant's shares of total state deposits would increase to 2.73 percent, and it would not change its relative position in the State.

Bank, with deposits of $21.6 million, is the twelfth largest organization in the Dayton banking market[3] and controls approximately 1.4 percent of the market's deposits. The closest offices of Bank and Applicant's subsidiary bank are 53 miles apart. There is no significant competition between Applicant's subsidiary bank and Bank, and there is little likelihood for any competition to develop given the distance separating the institutions and the county-wide branching restrictions of Ohio law. While the Dayton banking market appears to be favorable for de novo entry, the acquisition of Bank by Applicant can be considered a foot hold entry. Accordingly, consummation of the proposed transaction would appear to have no adverse effects on existing or potential competition.

It appears that the banking needs of consumers in the Dayton banking market are being adequately met. However, Applicant plans to make trust services available at Bank and to broaden the scope of Bank's existing operations. Thus, factors relating to convenience and needs of the community to be served are consistent with the approval of the application. The financial and managerial resources and prospects of Applicant, its subsidiary bank, and Bank are satisfactory and consistent with approval of the application. It has been determined that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Cleveland, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective August 29, 1975.

WILLIS J. WINN,
President.

[FR Doc.75-25183 Filed 9-19-75;8:45 am]

INDUSTRIAL BANCSHARES, INC.

Order Approving Formation of Bank Holding Company and Retention of Its Insurance Agency Business

Industrial Bancshares, Inc., Kansas City, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) of formation of a bank holding company through acquisition of 80 per cent or more of the voting shares of Industrial State Bank, Kansas City, Kansas ("Bank").

Applicant has also applied, pursuant to § 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain its ownership of the insurance agency business that is presently being conducted at the offices of Bank. Applicant would continue to engage in the activity of acting as an insurance agent for the sale of credit-related insurance issued in connection with extensions of credit by Bank. Such activity has been previously determined by the Board in § 225.4(a)(9) of Regulation Y to be permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been duly published (39 FEDERAL REGISTER 45330 (1974)). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)), and the considerations specified in § 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)).

Applicant is a newly-formed corporation organized under the laws of Kansas for the purposes of acquiring the insurance agency business of Bank and becoming a bank holding company through the acquisition of Bank. Bank (deposits of $22.1 million)[1] is the 39th largest of 114 banking organizations in the relevant banking market[2] and controls approximately five-tenths of one per cent of the total deposits held by commercial banks in that market. Inasmuch as this proposal merely represents a reorganization of existing ownership interests and Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would not have any significantly adverse effect upon either existing or potential competition within the relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are dependent upon those of Bank and its insurance agency activities and are considered to be satisfactory and consistent with approval. Although Applicant will incur debt in connection with the proposal, its projected income from its insurance activities and the earnings from Bank should provide sufficient revenue to service the debt without impairing the financial condition of Bank. Applicant also proposes to sell 24.99 per cent of its voting shares and 100 per cent of its nonvoting preferred shares to Valley View Bancshares, Inc., Overland Park, Kansas, in order to enable Applicant to receive additional funding to retire its debt without impairing Bank's financial condition.[3] Although there will be no immediate changes in the operation or services of Bank as a result of this proposal, considerations relating to the convenience and needs of the communities to be served are regarded as being consistent with approval. It is the Board's judgment that consummation of the holding company formation would be consistent with the public interest and that the application to acquire Bank should be approved.

In connection with the formation of the bank holding company, Applicant has also applied to retain the insurance agency business that it currently operates upon Bank's premises. Applicant proposes to continue operating the insurance agency, pursuant to § 225.4(a)(9) of the Board's Regulation Y, by acting as an agent for the sale of credit life and credit accident and health insurance that is issued in connection with extensions of credit by Bank. It does not appear that the retention of the insurance agency business would have any significantly adverse effect upon either existing or future competition, and approval of the retention of the agency would enable Applicant to continue offering Bank's customers a convenient source of insurance services, which factor the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of this proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act, and the balance of the public interest factors the Board must consider under § 4(c)(8) of the Act, both favor approval of the Applicant's proposals.

On the basis of the record,[4] the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and to make examinations of, bank holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[5] effective September 15, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25184 Filed 9-19-75;8:45 am]

VALLEY VIEW BANCSHARES, INC.

Order Approving Acquisition of Shares of Bank Holding Company

Valley View Bancshares, Inc., Overland Park, Kansas, a registered bank holding company by virtue of its ownership of 100 per cent of the voting shares (less directors' qualifying shares) of Valley View State Bank, Overland Park, Kansas ("Valley Bank"), has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) ("Act") to acquire 24.99 per cent of the voting shares of Industrial Bancshares, Inc., Kansas City, Kansas ("Industrial"), a proposed bank holding company with respect to Industrial State Bank, Kansas City, Kansas ("State Bank").[1] By virtue of such acquisition, Applicant would also acquire an interest in Industrial's insurance activities. Accordingly, Applicant has applied for the Board's approval under § 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, to engage indirectly in the activity of acting as an agent for the sale of credit-related insurance in connection with extensions of credit made by State Bank, which is to be the sole banking subsidiary of Industrial.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (40 FEDERAL REGISTER 8125 (1975)).[2] The time for filing comments and views has expired, and all comments and views received have been considered by the Board in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)) and § 4(c)(8) of the Act (12 U.S.C. § 1843(c)).

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[1] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Governor Jackson.

[1] Banking data are as of December 31, 1974.

[2] The Dayton banking market is approximated by Montgomery and Greene Counties, the southern two-thirds of Miami County and portions of two other contiguous counties.

[1] All banking data are as of June 30, 1974 unless otherwise indicated.

[2] The relevant market is Kansas City, Kansas, and is defined as Johnson and Wyandotte Counties in Kansas, and Cass (less the cities of Archie, Drexel, Creighton, and Garden City), Clay, Jackson, and Platte Counties in Missouri.

[3] In a related matter, the Board today approved the applications of Valley View Bancshares, Inc., Overland Park, Kansas, to acquire 24.99 per cent of the voting shares of Applicant; and under § 4(c)(8) of the Act and § 225.4(b)(2) of Regulation Y to engage indirectly in Applicant's insurance agency activities. (*See* Board's Order of September 15, 1975.)

[4] Dissenting Statement of Governors Mitchell, Holland, and Coldwell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Kansas City.

[5] Voting for this action: Chairman Burns, Governors Bucher, Wallich and Jackson. Voting against this action: Governors Mitchell, Holland and Coldwell.

[1] In a related action, the Board approved today the application of Industrial to become a bank holding company through the acquisition of 80 per cent or more of the voting shares of State Bank. (*See* Board's Order of September 15, 1975.)

[2] Pursuant to the Supreme Court's holding in *Whitney National Bank of Jefferson Parish v. Bank of New Orleans and Trust Company*, 379 U.S. 411, 419 (1965), the Board may not approve an application by a bank holding company if consummation of the proposal contemplated by such application would be prohibited by a valid State law. Kansas law prohibits the formation of multi-bank holding companies. The relevant statute generally defines a bank holding company as any company that directly or indirectly owns, controls, or holds with power to vote, 25 percent or more of the voting shares of each of two or more banks; or controls in any manner the election of a majority of the directors of each of two or more banks (K.S.A. § 9-504). Notice of the subject proposal has been given

V 40 184 SEP 22 75

Applicant's subsidiary bank, Valley Bank (with deposits of $29.2 million),[3] controls approximately seven-tenths of one percent of the total deposits held by commercial banks in the relevant market and is the 29th largest of 114 banking organizations in that market.[4] While Applicant's subsidiary bank and State Bank, Industrial's proposed subsidiary, are located in the same banking market, it appears that the amount of meaningful competition that would be eliminated between the two banks would not be significant in view of some common stock ownership between directors of both Applicant and Industrial as well as the large number of banking competitors in the market. Valley Bank and State Bank hold in the aggregate only slightly more than one percent of the market's deposits. Furthermore, on the basis of the facts of record, including the distance of 8.9 miles separating Valley Bank and State Bank, as well as the number of intervening banks, it appears unlikely that significant competition between Valley Bank and State Bank would develop in the future. Accordingly, the Board concludes that consummation of the proposal would neither eliminate any significant existing or future competition nor increase the concentration of banking resources in the relevant market or in the State as a whole. Therefore, competitive considerations are consistent with approval of the applications.

The financial and managerial resources and future prospects of Applicant and its present subsidiary bank are considered satisfactory and consistent with approval. Applicant's acquisition of Industrial's shares would not adversely affect the overall financial conditions of Applicant, Valley Bank, or State Bank. On the contrary, it would have the effect of enabling Industrial to reduce somewhat the debt incurred by Industrial in connection with the acquisition of State Bank. Considerations relating to the convenience and needs of the communities to be served also appear to be consistent with approval of the application. It is the Board's judgment that the proposed transaction would be consistent with the public interest, and that the application to acquire shares of Industrial should be approved.[5]

Applicant has also applied for the Board's approval to engage indirectly in the insurance agency activity of Industrial as a result of the acquisition of shares in Industrial. The considerations and public interest factors that the Board must consider under § 4(c)(8) of the Act are the same for this application as for those specified in Industrial's application to retain its insurance agency business, and are, likewise, consistent with approval of the application.[6]

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act, and the balance of the public interest factors the Board must consider under § 4(c)(8) of the Act, both favor approval of Applicant's proposals.

On the basis of the record,[7] the application is approved for the reasons summarized above. The transaction to acquire shares of Industrial shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(a) of Regulation Y and to the Board's authority to require reports by, and to make examinations of, bank holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[8] effective September 15, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25185 Filed 9-19-75;8:45 am]

to the Kansas Banking Commissioner, as required by § 3(b) of the Bank Holding Company Act (12 U.S.C. § 1842(b)). The Banking Commissioner has indicated that consummation of the proposal, which involves Applicant's direct acquisition of 24.99 percent of the voting shares of Industrial, would not contravene the provisions of Kansas law.

[3] All banking data are as of June 30, 1974, unless otherwise indicated.

[4] The relevant market is Kansas City, Kansas, and is defined as Johnson and Wyandotte Counties in Kansas, and Cass (less the cities of Archie, Freeman, Creighton, and Garden City), Clay, Jackson, and Platte Counties in Missouri.

[5] In connection with its consideration of the subject proposal, the Board has by letter of today's date notified Applicant that, upon consummation of the proposal, the Board has determined, on the basis of the record, that Applicant would be capable of exercising a "controlling influence" over the management or policies of Industrial within the meaning of § 2(a)(2)(C) of the Act. Accordingly, upon consummation of the proposal, Applicant is required to report Industrial, as well as its subsidiaries, as subsidiaries of Applicant and to comply with the applicable provisions of the Act with respect to such subsidiaries. Applicant has waived the requirement of notice and opportunity for a hearing provided in the statute, and this determination becomes final upon consummation of the proposal.

[6] See footnote 1 *supra*.

[7] Dissenting Statement of Governors Mitchell, Holland, and Coldwell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[8] Voting for this action: Chairman Burns, Governors Bucher, Wallich and Jackson. Voting against this action: Governors Mitchell, Holland and Coldwell.

GENERAL ACCOUNTING OFFICE

FEDERAL ENERGY ADMINISTRATION

Receipt of Regulatory Reports Review Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on September 15, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments (in triplicate) must be received on or before October 10, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

Request for clearance of U309-S-0, State Energy Consumption by Sector. This is a single time report form requesting annual historical and forecast energy consumption data by sector on a state basis. The respondents are the 50 state energy offices and the estimated average number of hours required per response is 120. Response is voluntary.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-25202 Filed 9-19-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-8]

CERTAIN STAINLESS STEEL FLATWARE

Notice of Investigation and Hearing

Investigation instituted. Following receipt of a petition on August 28, 1975, filed by the Stainless Steel Flatware Manufacturers Association, Washington, D.C., the U.S. International Trade Commission on September 16, 1975, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether knives, forks, and spoons, all the foregoing not over 10.2 inches in overall length, with stainless steel handles or with such handles plated, inlaid, overlaid, or otherwise decorated or embellished with other base metals, plastics, or other materials (except precious metals), of the types provided for in items 650.08, 650.09, 650.10, 650.12, 650.21, 650.38, 650.39, 650.40, 650.42, 650.49, 650.54, 650.55, and 650.56, and, if included in sets, 651.75 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C. at 10 a.m., E.S.T., on Tuesday, December 9, 1975, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, N.W. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his offices in Washington not later than noon, Thursday, December 4, 1975.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

Issued: September 17, 1975.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-25152 Filed 9-19-75;8:45 am]

[TA-201-7]

FOOTWEAR

Notice of Investigation and Hearing

Investigation instituted. Following receipt of a petition on August 20, 1975, filed by the American Footwear Industries Association, the Boot and Shoe Workers' Union and the United Shoe Workers of America, the U.S. International Trade Commission, on September 17, 1975, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether footwear, provided for in items 700.05 through 700.85, inclusive (except items 700.51, 700.52, 700.53, and 700.60), of the Tariff Schedules of the United States, is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C., at 10 a.m., E.S.T., on Tuesday, December 2, 1975, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street, N.W. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his offices in Washington not later than noon, Wednesday, November 26, 1975.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

Issued: September 17, 1975.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-25151 Filed 9-19-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-68]

APPLICATIONS STEERING COMMITTEE, AD HOC ADVISORY SUBCOMMITTEE FOR EVALUATION OF THE APPLICATIONS EXPLORER MISSIONS—A/HEAT CAPACITY MAPPING MISSION PROPOSALS

Establishment

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, the National Aeronautics and Space Administration has determined that the establishment of the Applications Steering Committee, ad hoc Advisory Subcommittee for Evaluation of the Applications Explorer Missions—A/Heat Capacity Mapping Mission Proposals is in the public interest and is required for the performance of duties imposed upon NASA by law.

The Applications Steering Committee, under which the Subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of government employees. The Subcommittee will comprise membership from both the public and private sectors.

The intent of this ad hoc Advisory Subcommittee is to obtain the advice of the scientific community in evaluating proposals for scientific analysis of satellite acquired thermal data.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs.

SEPTEMBER 16, 1975.

[FR Doc.75-25149 Filed 9-19-75;8:45 am]

[Notice 75-67]

APPLICATIONS STEERING COMMITTEE, OCEAN DYNAMICS ADVISORY SUBCOMMITTEE

Establishment

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, the National Aeronautics and Space Administration has determined that the establishment of the Applications Steering Committee, Ocean Dynamics Advisory Subcommittee is in the public interest and is required for the performance of duties imposed upon NASA by law. The Applications Steering Committee, under which the Subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of government employees. The Subcommittee will comprise membership from both the public and private sectors.

The intent of this Subcommittee is to obtain the advice of the scientific community on the required measurements and output data in aspects of remote sensing of the ocean from space.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs.

SEPTEMBER 16, 1975.

[FR Doc.75-25148 Filed 9-19-75;8:45 am]

[Notice 75-65]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL (RTAC) AD HOC PANEL

Continuation

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, the NASA Administrator has determined that continuation of the Ad Hoc Panel on Jet Engine Hydrocarbon Fuels of the RTAC Committee on Aeronautical Propulsion is in the public interest in connection with the performance of duties imposed upon NASA by law.

The functions of this Ad Hoc Panel are to review and evaluate the jet engine hydrocarbon fuels research and technology program under way and planned in NASA in terms of its relevance, adequacy and timing with respect to military and civil aviation requirements. This Ad Hoc Panel provides recommendations and advice to NASA on the scope of its hydrocarbon fuels research program. It is being continued to insure that NASA continues to have the proper expert guidance to assist in providing the technical support needed to augment hydrocarbon fuel supplies for jet engine use.

DUWARD L. CROW,
Assistant Administrator for DoD and Interagency Affairs, National Aeronautics and Space Administration.

SEPTEMBER 16, 1975.

[FR Doc.75-25146 Filed 9-19-75;8:45 am]

[Notice (75-66)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON GUIDANCE, CONTROL AND INFORMATION SYSTEMS

Meeting

The NASA Research and Technology Advisory Council Committee on Guidance, Control and Information Systems will meet on October 15–16, 1975 at the NASA Goddard Space Flight Center, Greenbelt, Maryland 20771. The meeting will be held in the Management Conference Room on the third floor of Building 8. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 40 persons. All visitors must report to the Visitor Control Center at the Main Gate to the Goddard Space Flight Center off Greenbelt Road.

The NASA Research and Technology Advisory Council Committee on Guidance, Control and Information Systems

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serves in an advisory capacity only. The current Chairman is Dr. Barry Boehm. There are 12 members. The following list sets forth the approved agenda and schedule for the October 15–16, 1975 Committee meeting. For further information, please contact Dr. Peter R. Kurzhals, Area Code 202 755–2360.

OCTOBER 15, 1975

Time	Topic
8:30 a.m.	Center Welcome and Introductions (Purpose: To meet Goddard Space Flight Center hosts and introduce new Committee members.)
8:45 a.m.	Report of the Chairman (Purpose: To summarize information, actions and reactions from the May 1975 Council meeting.)
9:15 a.m.	Ad Hoc Review Reports (Purpose: To provide summaries of meetings attended by Committee members as ad hoc representatives of the Chairman and/or the Committee.)
9:45 a.m.	Report of the Executive Secretary (Purpose: To describe changes in NASA policy, program and organization, and review responses to Committee recommendations.)
10:30 a.m.	Flight Computer Software Technology Presentation (Purpose: To report findings of an ad hoc group established by NASA to define a NASA program plan in flight computer software technology.)
1:00 p.m.	Electronic Systems Technology Requirements Report (Purpose: To review results of the Office of Aeronautics and Space Technology (OAST) Summer Study and program planning activities in the technical disciplines of Navigation, Guidance and Control; Sensors and Data Acquisition; and Data Processing and Transfer.)
5:00 p.m.	Adjourn.

OCTOBER 16, 1975

8:30 a.m.	Electronic Systems Technology Requirements. (Purpose: To complete discussions on OAST Summer Study and program planning activities.)
10:30 a.m.	Committee Discussions and Deliberations (Purpose: To recap presentations and discussions and develop Committee positions, comments and recommendations.)
3:00 p.m.	Adjourn.

DUWARD L. CROW,
Assistant Administrator for DoD and Interagency Affairs, National Aeronautics and Space Administration.

SEPTEMBER 16, 1975.

[FR Doc.75-25147 Filed 9-19-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS MUSEUM ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Museum Advisory Panel to the National Council on the Arts will be held on October 6, 7, 1975 from 9 a.m.–5 p.m. both days at the Carnegie Museum of Natural History, Pittsburgh, Pennsylvania.

A portion of this meeting will be open to the public on October 6 from 10:30 a.m.–3 p.m. on a space available basis. Accommodations are limited. During the open session, the agenda will include the following items for discussion: (1) Open Forum; (2) Updated review of International Exhibitions Advisory Council; (3) General Operating Support and Distribution/Availability of the Arts.

The remaining sessions of this meeting on October 6 from 9 a.m.–10:30 a.m. and 3 p.m.–5 p.m.; October 7 from 9 a.m.–5 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-25141 Filed 9-19-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–63 issued to Niagara Mohawk Power Corporation (the licensee), for operation of the Nine Mile Point Nuclear Station, Unit 1, located in Oswego, New York.

The amendment would modify the provisions in the Technical Specifications relating to the reactor operating limits based upon an evaluation of the core performance characteristics anticipated during fuel Cycle 4, in accordance with the licensee's application for amendment, dated August 18, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By October 22, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Arvin E. Upton, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, N.W., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated August 18, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 10th day of September, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-25206 Filed 9-18-75;8:45 am]

[Docket No. 50-133]

PACIFIC GAS & ELECTRIC CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR–7 issued to Pacific Gas and Electric Company (the licensee) for operation of Humboldt Bay Power Plant Unit No. 3 (the facility), a boiling-water reactor located near Eureka, California and currently authorized for operation at power levels up to 220 MWt.

In accordance with the licensee's application for a license amendment dated July 28, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the facility, impose limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By October 22, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Philip A. Crane, Jr., Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 28, 1975 and (2) the Commission's "Determination of Request for Extension of Time for Submittal of Evaluations Required by Acceptance Criteria for Emergency Core Cooling Systems" (10 CFR 50.46(a)(2)(iii) dated April 1, 1975 (published in the FEDERAL REGISTER on April 9, 1975 (40 FR 16102), which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of September, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-25207 Filed 9-16-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11646; File No. SR-CBOE-1975-1]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on September 10, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

"This filing is made in respect of the proposal of Chicago Board Options Exchange, Incorporated ("CBOE") to approve the common stock of Boise Cascade Corp. ("Boise Cascade") as an underlying security for options trading on CBOE. Boise Cascade options traded on CBOE will have expiration months of November, February, May and July and will, consequently, be on the same expiration cycle as Boise Cascade options traded on the PBW Stock Exchange, Inc. ("PBW")."

STATEMENT OF BASIS AND PURPOSE

"The basis and purpose of the foregoing proposed rule change is as follows:

"The proposed rule change will enable CBOE to commence trading in options covering the common stock of Boise Cascade on the same expiration cycle as such options are currently traded on PBW.

"CBOE believes that it is consistent with the protection of investors and the public interest, as well as in the interest of the removal of impediments to and perfection of the mechanism of a free and open market and a national market system that it be able to trade Boise Cascade options in the manner stated above. CBOE's interest in opening trading in options for Boise Cascade common stock arose prior to the time such options were first traded on PBW. However, CBOE was prevented by its agreement with The Options Clearing Corporation from opening trading in such options because Boise Cascade did not meet the earnings requirements for filing on Form S–7 under the Securities Act of 1933. Through an error caused by PBW's procedural failures, Boise Cascade options were traded on PBW notwithstanding the fact that PBW was subject to the same agreement. In these circumstances, and in accordance with the determination of the Commission in its July 9 letter to the President of PBW, CBOE believes that it would be inconsistent with fair competition among exchange markets, and would therefore not be in the public interest, for PBW exclusively to trade Boise Cascade options and thereby to obtain an unfair competitive advantage

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over other exchanges authorized to trade options.

"In view of the existence of a common clearing system for options transactions and the fact that there is presently in place a common options tape and a network for consolidated options price information through interrogation devices, the opening of trading in Boise Cascade options on CBOE would be consistent with the perfection of a national market system in options.

"Comments were not, and are not intended to be, solicited with respect to the proposed rule change. Attorneys for PBW have advised counsel for CBOE that PBW would institute a law suit against CBOE in the event CBOE opens trading in Boise Cascade options.

"CBOE believes that no burden on competition will be imposed by the trading of Boise Cascade options on CBOE. On the contrary, if PBW were to be permitted exclusively to trade Boise Cascade options, free and open competition among exchanges would be limited."

If the proposed rule change of CBOE is approved by the Commission pursuant to Section 19(b) of the Securities Exchange Act of 1934 and CBOE commences trading in Boise Cascade options, this would be the first occasion, under the prevailing practices of the registered national securities exchanges, on which "dual trading" in options, *i.e.*, trading on more than one exchange of options on the same underlying security and containing the same terms and conditions, would occur.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

SEPTEMBER 12, 1975.

[FR Doc.75-24952 Filed 9-19-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 17, 1975 (44 USC 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census

Local Government Directory Survey (Counties), Form G-26, Singletime, Counties, C. A. Ellett, 395-5867.

Geographic Distribution of Selected Items—Special, Districts, Form G-31, Singletime, Multi-county Special Districts, C. A. Ellett, 395-5867.

Local Government Directory Survey (School Districts), Form G-25, Singletime, School Districts, C. A. Ellett, 395-5867.

Survey of Special Districts, Form G-24, Singletime, County Governments, C. A. Ellett, 395-5867.

Local Government Directory Survey (Special Districts), Form G-29, Singletime, Special Districts (large), C. A. Ellett, 395-5867.

Local Government Directory Survey (Special Districts), Form G-30, Singletime, Special Districts (small), C. A. Ellett, 395-5867.

Local Government Directory Survey (Municipalities and Townships), Form G-27, Singletime, Municipal and township govts., C. A. Ellett, 395-5867.

Local Government Directory Survey (Municipalities and Townships), Form G-28, Singletime, Municipal & township govts., C. A. Ellett, 395-5867.

Economic Development Administration, Office and Commercial Employer Questionnaire—CID, Kansas City, Mo., Form ED-366aq, Singletime, Small offices, Strasser, 395-5867.

DEPARTMENT OF DEFENSE

Departmental, Data Formats and Instructions for "Profit '76" Department of Defense Study, Form ----, Singletime, Defense contractors, Hulett—395-4730, Sheftel—395-5870, National Security Division—395-4734.

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Management and Budget, Questionnaire for S. 1437 Study (Recipients), Form ----, Singletime, Institutions receiving Federal assistance or support, D. P. Caywood, 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, ELSEGIS VIII Part A-4 State Fall Report on Schoolhousing, Form 2350-7, Annually, State Education Agencies, J. Turek, 395-6140.

Center for Disease Control, Health Hazard Evaluation Coke Plant Initial Survey Questionnaire—Worksheet, Form CDC-NIOSH 0911, Singletime, Representatives of Steel Producing Companies, C. A. Ellett, 395-5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-25287 Filed 9-19-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

OKLAHOMA CITY DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Oklahoma City District Advisory Council will hold a public meeting from 8:00 A.M. until 12:00 noon, Friday, October 3, 1975 in the Pawnee Room of the Southgate Inn, S.W. 52nd and I35, Oklahoma City, Oklahoma, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Truman Branscum, Suite 840, 50 Penn Place, Oklahoma City, Oklahoma 73118, (405) 231-5237.

Dated: September 11, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-25167 Filed 9-19-75;8:45 am]

PRESIDENT'S ADVISORY COMMITTEE ON REFUGEES

CANCELLATION OF PUBLIC MEETING

Notice is hereby given that the meeting of the President's Advisory Committee on Refugees, scheduled for September 24, 1975, beginning at 10:00 a.m., in Room 2008, New Executive Office Building, 17th Street and Pennsylvania Avenue NW., Washington, D.C. 20503, is hereby cancelled.

ROGER D. SEMERAD,
Executive Director, President's Advisory Committee on Refugees.

[FR Doc.75-2335 Filed 9-19-75;10:12 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

NATIONAL PLAN FOR ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION

Public Meetings

The Energy Research and Development Administration (ERDA) announces that a series of public meetings will be conducted in major cities throughout the country on the comprehensive national energy research, development and demonstration plan, *Creating Energy Choices for the Future* (ERDA-48), prepared by ERDA and submitted to the President and Congress on June 28, 1975. The purpose of these meetings is to acquaint the public with ERDA's long-term comprehensive energy plan and to elicit public comment on all aspects of Federal energy research, development and demonstration, including emerging energy technologies. It is ERDA's intent to initiate a meaningful dialogue with local, state and regional groups concerning particular regional energy issues. These meetings are considered to be the first step in that process.

In order to assure the broadest possible representation of relevant local and regional concerns, ERDA will share the responsibilities for coordinating and conducting these public meetings with appropriate local, state and regional groups and organizations.

The Southeastern regional meeting will be held in Atlanta, Georgia on October 20-21, starting at 8:30 a.m. Subsequent announcements in the FEDERAL REGISTER will give the exact location in Atlanta.

The format of the public meetings will be designed to assure a meaningful dialogue between ERDA and the concerned public in the various regions. A moderator for each public meeting will be selected from local or regional organizations. A panel composed primarily of ERDA Assistant Administrators responsible for the energy production and conservation technologies described in the National Plan will be present at each public meeting to explain the purpose and content of the Plan.

All interested parties are invited to participate in the public meetings. A notice of intent to make a presentation should be addressed to Public Meetings, Energy Research and Development Administration, 20 Massachusetts Avenue NW., Washington, D.C. 20545. This notice of intent should set forth:

1. The name and address of the participant;

2. The nature of the participant's interest in the comprehensive plan or his organizational affiliation;

3. The length of time required for the presentation; and

4. Where practicable, the text of any statements to be presented or a reasonably detailed summary thereof.

The notice to make a presentation must be received no later than one week in advance of the meeting to ensure scheduling. An effort will be made to schedule the full amount of time requested, however in order to assure all participants a fair opportunity to present their views and, in light of time constraints, the presentations may be limited in length.

Interested persons who have not filed a timely notice of intent to make a presentation may notify the moderator during the meeting of their desire to become a participant. If time permits, the moderator will allow these persons the opportunity to make a formal presentation.

Time will be allotted during each public meeting to permit members of the audience to pose appropriate questions to the panel or to those who have made presentations.

Persons who do not wish to make an oral presentation, or whose schedule does not permit appearance at the meeting, may submit a written statement to ERDA for consideration. The statements should be addressed to Public Meetings at the aforementioned address.

Meetings in Seattle, Washington and Denver, Colorado are scheduled for mid-November and mid-December respectively. Details on times and locations of these and additional regional public meetings will be published in future notices.

Requests for additional information may be sent to Public Meetings, ERDA. Copies of Volume I and II of ERDA-48 *Creating Energy Choices for the Future* will be available for public inspection at the Library of the Georgia Institute of Technology, Atlanta, Georgia.

Dated at Washington, D.C., this 19th day of September, 1975.

For the Energy Research and Development Administration.

ROBERT F. ALLNUTT,
Acting Assistant Administrator for Administration.

[FR Doc.75-25357 Filed 9-19-75;10:16 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 861]

ASSIGNMENT OF HEARINGS

SEPTEMBER 17, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 124211 Sub 255, Hilt Truck Line, Inc., now being assigned November 5, 1975 (3 days) at Chicago, Illinois; in Room 871, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-119789 (Sub-No. 248), Caravan Refrigerated Cargo, Inc., now being assigned December 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-140580 (Sub-No. 1), Earl Haines, Inc., now being assigned December 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 98952 Sub 31, General Transfer Company, A Corporation, now being assigned December 2, 1975, (3 days), at Indianapolis, Indiana, in a hearing room to be later designated.

MC 130092, Green Mountain Tours, Inc., now assigned October 7, 1975 at Newark, New Jersey; will be held in Gateway Downtowner Motor Inn, McCarter Highway & Raymond Boulevard.

MC 124211 Sub 255, Hilt Truck Line, Inc., now being assigned November 5, 1975 (3 days) at Chicago, Illinois; in Room 871 Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 119792 Sub 46, Chicago Southern Transportation Co., Inc. and MC 140509 Sub 1, Art Kohler Trucking, Inc., continued to October 29, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25198 Filed 9-19-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 17, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43047—*Prepared Animal Feed from, to and Between Points in Southwestern and WTL Territories, also to Gulf and Other Ports for Export.* Filed by Western Trunk Line Committee, Agent, (No. A-2717), for interested rail carriers. Rates on feed, animal, prepared, viz.: cat or dog food, in carloads, as described in the application, from, to and between points in southwestern and western trunk-line territories; also to Gulf and other ports for export.

Grounds for relief—Revision of rate structure.

Tariffs—Supplement 122 to Western Trunk Line Committee, Agent, tariff 120-L, I.C.C. No. A-4868, and other schedules named in the application. Rates are published to become effective on October 18, 1975.

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FSA No. 43048—*Flaked Corn for Export to Gulf Ports, Pensacola, Florida to Corpus Christi, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-560), for interested rail carriers. Rates on feed: flaked corn, toasted or not toasted (not a cereal food preparation and not fit for human consumption), in bulk or in bags in box cars, as described in the application, for export, from points in Arkansas, Colorado, Iowa, Kansas, Missouri (including East St. Louis, Illinois), Nebraska, Oklahoma, Texas and Wyoming, to Gulf Ports, Pensacola, Florida to Corpus Christi, Texas, for export.

Grounds for relief—Revision of commodity description.

Tariffs—Supplement 135 to Southwestern Freight Bureau, Agent, tariff 61-I (TLFB Series), I.C.C. No. 1137, and 8 other schedules named in the application. Rates are published to become effective on October 20, 1975 and later.

FSA No. 43049—*Lumber from Points in Arkansas.* Filed by Southwestern Freight Bureau, Agent (No. B-555), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from specified points in Arkansas, to points in official territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 145 to Southwestern Freight Bureau, Agent, tariff SW/E-110-I, I.C.C. No. 4560. Rates are published to become effective on October 23, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25194 Filed 9-19-75;8:45 am]

[AB 3 (Sub-No. 2)]

MISSOURI PACIFIC RAILROAD CO. Abandonment

In the matter of Missouri Pacific Railroad Company Abandonment between Eudora, Arkansas, and Delhi, Louisiana, in Chicot County Arkansas, and West Carroll and Richland Parishes, Louisiana.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Richland and West Carroll Parishes, La., and Chicot County, Ark., on or before October 2, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 10th day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 3 (Sub-No. 2)]

MISSOURI PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN EUDORA, ARKANSAS, AND DELHI, LOUISIANA, IN CHICOT COUNTY ARKANSAS, AND WEST CARROLL AND RICHLAND PARISHES, LOUISIANA

The Interstate Commerce Commission hereby gives notice that by order dated September 10, 1975, it has been determined that the proposed abandonment by the Missouri Pacific of its branch line extending 46.51 miles between Eudora, Ark., and Delhi, La., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because traffic volume diverted to motor carrier movement would be low, averaging approximately six trucks per day distributed throughout the region.

Attendant increases in energy consumption, air pollutants, and noise levels would similarly be distributed throughout the area. Abandonment could limit the type of industrial development occurring in tributary area and adversely affect optimal development of adjacent industrial sites. The potential for recreational development should be enhanced if Louisiana acquires the right-of-way for a tourist train operation.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 17, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25200 Filed 9-16-75;8:45 am]

[Ex Parte No. MC-96]

ENTRY CONTROL OF BROKERS

Notice of Proceeding

● Purpose: The Interstate Commerce Commission has always endeavored to review the current extent of its jurisdiction over the surface transportation industry and to propose to the Congress appropriate legislation which would alter that jurisdiction, pursuant to the provisions of the Interstate Commerce Act. The purpose of this document is to institute a proceeding to investigate the need for continued regulation of brokers of property and passengers, operating in interstate or foreign commerce, and to consider what, if any, legislative amendments of Section 211 of the Act ought to be recommended to the Congress. ●

At a general session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 11th day of September, 1975.

It is ordered, That based on the reasons set forth in the attached notice, a proceeding be, and it is hereby, instituted (1) for the purposes of investigating the present licensing requirements for brokers of property and passengers, operating in interstate or foreign commerce, and (2) for the possible formulation of legislation which would amend Section 211 of the Interstate Commerce Act for subsequent recommendation to the Congress.

It is further ordered, That all authorized brokers of property or passengers, operating in interstate or foreign commerce within the United States, be, and they are hereby, made parties to this proceeding.

It is further ordered, That the attached notice be, and it is hereby adopted and is incorporated by reference into this order.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

I. On July 7, 1975, the Interstate Commerce Commission announced the results of an internal staff study of the Agency's operations. The unprecedented "Blue Ribbon Staff Study Panel" made four reports to the Commission, including over 60 recommendations for internal, procedural, and substantive reform. Among these was the recommendation that Section 211 of the Interstate Commerce Act be amended so as to eliminate entry control requirements for broker licenses. The study panel noted that there are now approximately only 70 licensed freight brokers and five times that many passenger brokers. It also was of the view that no cogent reason existed for requiring an applicant to establish that the proposed service would be consistent with the public interest and the national transportation policy as a prerequisite to obtaining authority to operate as a broker. The study panel, therefore, concluded that the public interest would be adequately protected by having applicants for broker licenses merely demonstrate their fitness to operate in order to obtain said license, after which they would be subject to other statutory requirements of bonding, record maintenance, etc., and to Commission rules and regulations.

II. It is apparent that broker applications are not a substantial portion of this Commission's workload (in Fiscal Year 1975 only 79 such applications were filed). However, in light of the study panel's recommendation and our continuing interest in scrutinizing the scope of this Commission's regulatory jurisdiction, we deem it in the public interest to institute this proceeding to consider (1) the need for and effectiveness of Section 211 of the Interstate Commerce Act in its present form, and (2) any possible legislative amendments to that section which should be proposed to the Congress.

III. Oral hearings do not appear necessary at this time and are not contemplated. This Commission, however, would appreciate the views, comments, and suggestions of any interested parties relating to the above inquiries and to any possible, pertinent, and constructive legislation we may propose to the Congress in this area. In addition, because of their inherent interest in this matter, all brokers of property and passengers now subject to the Act are made parties to this proceeding. An original (and 15 copies whenever possible) of such views, comments, and suggestions shall be filed with this Commission on or before October 23, 1975.

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

Issued in Washington, D.C., September 11, 1975.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25201 Filed 9-19-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 17, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 2, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E75), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Such building materials* as are embraced in gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products and insulating materials (except those of unreasonable value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, those requiring special equipment, and those contaminating to other lading), (1) from points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia; (2) from points in Morris County, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee; (3) from points in Somerset County, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Tennessee; (4) from those points in Morris County, N.J., on and east of a line beginning at the Morris-Passaic County line extending along New Jersey Highway 513 to junction unnumbered highway near Dover, thence along unnumbered highway to junction New Jersey Highway 24, thence along New Jersey Highway 24 to junction unnumbered highway near Mendham, thence along unnumbered highway to Morris-Somerset County line, to points in West Virginia.

(5) From points in Morris County, N.J., to those points in West Virginia on and south of a line beginning at the Ohio-West Virginia State line extending along unnumbered highway to junction U.S. Highway 50 near Nutter Ft., thence along U.S. Highway 50 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction unnumbered highway at Orma, thence along unnumbered highway to junction unnumbered highway at Rosedale, thence along unnumbered highway to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction unnumbered highway near Birch River, thence along unnumbered highway to the Williams River, thence along William River to U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line; (6) from points in Somerset County, N.J., to those points in West Virginia east and south of a line beginning at the Pennsylvania-West Virginia State line extending along West Virginia Highway 69 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction unnumbered highway at Beverly, thence along unnumbered highway to junction West Virginia Highway 28 near Cherry Grove, thence along West Virginia Highway 28 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line; and (7) from those points in Somerset County, N.J., east of a line beginning at the Morris-Somerset County line extending along New Jersey Highway Spur 527 to junction New Jersey Highway 527, thence along New Jersey Highway 527 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Tea Street, thence along Tea Street to junction New Jersey Highway 28, thence along New Jersey Highway 28 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to the Middlesex-Somerset County line, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC 8973 (Sub-No. E76), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Passaic County, N.J., to points in that part of New Jersey on, east, and south of a line beginning at the New Jersey-Pennsylvania State line extending along U.S. Highway 206 to junction New Jersey Highway 524, thence along New Jersey Highway 524 to junction New Jersey Highway 526, thence along New Jersey Highway 526 to junction Garden State Parkway, thence along Garden State Parkway to junction New Jersey Highway 524, thence along New Jersey Highway 524 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to junction New Jersey Highway 71, thence along New Jersey Highway 71 to the Atlantic Ocean; and from points in Morris County, N.J., to points in that part of New Jersey on, east, and south of a line beginning at the Delaware River extending along Interstate Highway 295 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction unnumbered highway near Woodstown, thence along unnumbered highway to junction New Jersey Highway 561, thence along New Jersey Highway 561 to junction New Jersey Highway 542, thence along New Jersey Highway 542 to junction New Jersey Highway 563, thence along New Jersey Highway 563 to junction New Jersey Spur Highway 563, thence along New Jersey Spur Highway 563 to junction unnumbered highway,

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thence along unnumbered highway to junction New Jersey Highway 539 near Warren Grove, thence along New Jersey Highway 539 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 547, thence along New Jersey Highway 547 to junction New Jersey Highway 88, thence along New Jersey Highway 88 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 547, thence along New Jersey Highway 547 to junction New Jersey Highway 524, thence along New Jersey Highway 524 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 8973 (Sub-No. E77), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastic articles, hardware, and building materials, equipment, and supplies* (except in bulk) as are embraced in gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, and insulating materials (except in bulk), from the plantsite of Alcan Aluminum Corporation at Woodbridge, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC 3463 (Sub-No. E2), filed May 15, 1974. Applicant: A. ARNOLD AND SON TRANSFER & STORAGE CO., INC., 2600 W. Broadway, P.O. Box 11033, Louisville, Ky. 40211. Applicant's representative: A. P. Miru (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Adair, Buchanan, Jackson, St. Louis, Jasper, Butler, and Cole Counties, Mo., on the one hand, and, on the other, points in Lauderdale, Madison, Tuscaloosa, Jefferson, Russell, Mobile, Houston, and Montgomery Counties, Ala. (points in Kentucky*); (2) between points in Adair, Buchanan, Jackson, St. Louis, and Cole Counties, Mo., on the one hand, and, on the other, points in Mississippi and Crittenden Counties, Ark., and between points in St. Louis County, Mo., on the one hand, and, on the other, points in Union, Pulaski, and Miller Counties, Ark. (points in Kentucky*); between points in Adair County, Mo., on the one hand, and, on the other, points in Logan, Otero, Larimer, Arapahoe, Las Animas, Moffat, Mesa, and La Plata Counties, Colo., and between St. Louis County, Mo., on the one hand, and, on the other, points in Mesa and La Plata Counties, Colo. (Kentucky*); (4) between points in Adair, Buchanan, Jackson, St. Louis, Jasper, Butler, and Cole Counties, Mo., on the one hand, and, on the other, points in New Castle, Kent, and Sussex Counties, Del. (except between points in Buchanan County, Mo., on the one hand, and, on the other, points in Sussex County, Del.) (Kentucky*).

(5) Between points in Butler County, Mo., on the one hand, and, on the other, Scott, Lee, Allamakee, Polk, Montgomery, Woodbury, and Emmett Counties, Iowa (Kentucky*); (6) between points in Butler County, Mo., on the one hand, and, on the other, points in Riley, Cheyenne, and Steward Counties, Kans. (Kentucky*); (7) between points in Adair and St. Louis Counties, Mo., on the one hand, and, on the other, points in Caddo, Quachita, Vernon, Concordia, Calcasieu, East Baton Rouge, and Orleans Counties, La., and between points in Buchanan and Jackson Counties, Mo., on the one hand, and, on the other, points in East Baton Rouge and Orleans Counties, La., and between points in Butler and Cole Counties, Mo., on the one hand, and, on the other, points in Vernon, Concordia, Calcasieu, East Baton Rouge and Orleans Counties, La. (Kentucky*); (8) between points in Butler County, Mo., on the one hand, and, on the other, points in Delta, Cheboygan, Alpena, Mason, Iosco, Muskegon, Berrien, and Wayne Counties, Mich., and between Buchanan County, Mo., on the one hand, and, on the other, points in Cheboygan County, Mich., and between points in Jackson County, Mo., on the one hand, and, on the other, points in Alpena, Iosco, and Wayne Counties, Mich., and between points in Jasper County, Mo., on the one hand, and, on the other, points in Cheboygan, Alpena, Mason, Iosco, Muskegon, and Wayne Counties, Mich., and between points in Cole County, Mo., on the one hand, and, on the other, points in Alpena, Iosco, and Wayne Counties, Mich. (Kentucky*); (9) between points in Butler County, Mo., on the one hand, and, on the other, points in Kittson, Clay, Nobles, Koochiching, Benton, Freeborn, St. Louis, and Ramsey Counties, Minn. (Kentucky*); (10) between points in Adair, Buchanan, Jackson, St. Louis, and Cole Counties, Mo., on the one hand, and, on the other, points in Alcorn, Coahoma, Lowndes, Hinds, Lauderdale, Adams, and Harrison Counties, Miss., and between points in Jasper County, Mo., on the one hand, and, on the other, points in Alcorn, Lauderdale, and Harrison Counties, Miss., and between points in Butler County, Mo., on the one hand, and, on the other, points in Alcorn, Lowndes, Lauderdale, Adams and Harrison Counties, Miss. (Kentucky*).

(11) Between points in Butler County, Mo., on the one hand, and, on the other, points in Dakota, Douglas, Gage, Cherry, Lincoln, Dawes, and Cheyenne Counties, Nebr. (Kentucky*); (12) between points in St. Louis County, Mo., on the one hand, and, on the other, points in Choctaw and Garfield Counties, Okla., and between points in Butler County, Mo., on the one hand, and, on the other, points in Jackson and Cimarron Counties, Okla. (Kentucky*); (13) between points in St. Louis County, Mo., on the one hand, and, on the other, points in Bowie, Jefferson, Harris, Nueces, Cameron, Tarrant, Bexar, Lubbock, and El Paso Counties, Tex., and between points in Adair and Cole Counties, Mo., on the one hand, and, on the other, points in Jefferson, Harris, Nueces, and Cameron Counties, Tex., and between points in Butler County, Mo., on the one hand, and, on the other, points in Jefferson, Harris, Nueces, Cameron, Bexar, Lubbock, and El Paso Counties, Tex. (Kentucky*); (14) between points in Adair, Buchanan, Jackson, St. Louis, Jasper, Butler, and Cole Counties, Mo., on the one hand, and, on the other, points in Ashland, St. Croix, Crawford, Dane, Kenosha, Brown, Marathon, and Marienette Counties, Wis., and between points in Jasper County, Mo., on the one hand, and, on the other, points in Kenosha, Brown, and Marinette Counties, Wis. (Kentucky*); (15) between points in Cumberland, Salem, Cape May, Atlantic, Camden, Mercer, Middlesex, Essex, and Morris Counties, N.J., on the one hand, and, on the other, points in Buncombe County, N.C., and between points in Mercer and Morris Counties, N.J., on the one hand, and, on the other, points in Mecklenburg County, N.C., and between points in Essex County, N.J., on the one hand, and, on the other, points in Mecklenburg and Vance Counties, N.C. (Kentucky*).

(16) Between points in Cumberland County, N.J., on the one hand, and, on the other, points in Florence County, S.C., and between points in Camden and Morris Counties, N.J., on the one hand, and, on the other, points in Greenville and Aiken Counties, S.C., and between points in Essex County, N.J., on the one hand, and, on the other, points in Beaufort, Orangeburg, Greenville, and Aiken Counties, S.C. (Kentucky*); (17) between points in Camden County, N.J., on the one hand, and, on the other, points in Cabell County. S.C. (Kentucky*); (18) between points in Chautauqua, Erie, Monroe, Chemung, Onondaga, Broome, Clinton, Albany, and New York Counties, N.Y., on the one hand, and, on the other, points in Scott, Lee, Allamakee, Polk, Montgomery, Woodbury and Emmet Counties, Iowa (Kentucky*); (19) between points in Chautauqua, Erie, Monroe, Chemung, Onondaga, Broome, Clinton, Albany, and New York Counties, N.Y., on the one hand, and, on the other, points in Kittson, Clay, Nobel, Koochiching, Serburne, Freeborn, St. Louis, and Ramsey Counties, Minn. (Kentucky*); (20) between points in Chautauqua, Erie, Monroe, Chemung, Onondaga, Broome, Clinton, Albany, and New York Counties, N.Y., on the one hand, and, on the other, points in Buncombe County, N.C., and between points in Chautauqua Erie, and Monroe Counties, N.Y., on the one hand, and, on the other, points in Mecklenburg County, N.C., and between points in Chautauqua County, N.Y., on the one hand, and, on the other, points in Guilford County, N.C. (Kentucky*).

(21) Between points in Chautauqua, Monroe, Onondage, and Clinton Counties, N.Y., on the one hand, and, on the other, points in Beaufort, Orangeburg,

Greenville, and Aiken Counties, S.C., and between points in Chemung, Broome, and Albany Counties, N.Y., on the one hand, and, on the other, points in Greenville and Aiken Counties, S.C., and between points in Erie County, N.Y., on the one hand, and, on the other, points in Florence, Beaufort, Orangeburg, Greenville, and Aiken Counties, S.C. and between points in New York County, N.Y., on the one hand, and, on the other, points in Greenville County, S.C. (Kentucky*); (22) between points in Chautauqua, Monroe, and Clinton Counties, N.Y., on the one hand, and, on the other, points in Cabell, Mercer, Raleigh Counties, W. Va., and between points in Erie County, N.Y., on the one hand, and, on the other, points in Mercer and Raleigh Counties, W. Va., and between points in Onondaga County, N.Y., on the one hand, and, on the other, points in Cabell and Raleigh Counties, W. Va., and between points in Chemung, Broome, Albany, and New York Counties, N.Y., on the one hand, and, on the other, points in Cabell County, W. Va. (Kentucky*); (23) between points in Chemung, Broome, Clinton, Albany, and New York Counties, N.Y., on the one hand, and, on the other, points in Ashland, St. Croix, Crawford, Dana, Kenosha, Brown, Marathon, and Marinette Counties, Wis., and between points in Onondaga County, N.Y., on the one hand, and, on the other, points in Ashland, St. Croix, Crawford, Dana, Brown, Marathon, and Marinette Counties, Wis., and between points in Monroe County, N.Y.. on the one hand, and, on the other, points in Ashland, St. Croix, Crawford, Brown, Marathon, and Marinette Counties, Wis., and between points in Erie County, N.Y., on the one hand, and, on the other, points in Ashland, St. Croix, Marathon, and Marinette Counties, Wis., and between points in Chautauqua County, N.Y., on the one hand, and, on the other, points in Ashland and St. Croix Counties, Wis. (Kentucky*).

(24) Between points in Hamilton, Scioto, Darke, Franklin, Belmont, Williams, 90801 Thoren 9–18–75 D. Lino Mach 52 Lucas, Cuyahoga, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Logan, Otero, Denver, Moffat, and La Plata Counties, Colo. (Kentucky*); (25) between points in Hamilton, Scioto, Darke, and Franklin Counties, Ohio, on the one hand, and, on the other, points in Fairfield, Hartford, Litchfield, Windham, and New London Counties, Conn. (Kentucky*); (26) between points in Hamilton, Scioto, and Darke Counties, Ohio, on the one hand, and, on the other, points in Kent, New Castle, Sussex and Seaford Counties, Del., and between points in Franklin County, Ohio, on the one hand, and, on the other, points in Kent, Sussex, and Seaford Counties, Del. (Kentucky*); (27) between points in Hamilton, Scioto, Franklin, Belmont, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Scott, Lee, Allamakee, Polk, Montgomery, Woodbury, and Emmet Counties, Iowa, and between points in Darke County, Ohio, on the one hand, and, on the other, points in Allamakee, Polk, Montgomery, Woodbury, and Emmet Counties, Iowa, and between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Polk, Montgomery, Woodbury, and Emmet Counties, Iowa (Kentucky*); (28) between points in Hamilton, Scioto, Darke, Franklin, Belmont, Williams, Lucas, Cuyahoga, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Wyandotte, Neosho, Sedgwick, Riley, Cheyenne, and Seward Counties, Kans. (Kentucky*); (29) between points in Hamilton, Scioto, and Darke Counties, Ohio, on the one hand, and, on the other, points in Washington, Baltimore City, Cecil, Allegany, and Wicomico Counties, Md. (Kentucky*); (30) between points in Hamilton, Scioto, Darke, and Franklin Counties, Ohio, on the one hand, and, on the other, points in Plymouth, Hampden, Berkshire, Franklin, and Middlesex Counties, Mass. (Kentucky*).

(31) Between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Delta, Cheboygan, Alpena, Mason Iosco, Muskegon, Berrien, and Wayne Counties, Mich., and between points in Scioto County, Ohio, on the one hand, and, on the other, points in Delta, Cheboygan, Alpena, Mason, Iosco, Muskegon, and Berrien Counties, Mich., and between points in Darke, Franklin, and Belmont Counties, Ohio, on the one hand, and, on the other, points in Delta County, Mich. (Kentucky*); (32) between points in Hamilton, Scioto, Darke, Franklin, Belmont, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Kittson, Clay, Nobles, Koochiching, Sherburne, Freeborn, St. Louis, and Ramsey Counties, Minn., and between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Kittson, Clay, Nobles, Koochiching, Sherburne, and St. Louis Counties, Minn., and between points in the Lucas County, Ohio, on the one hand, and, on the other, points in Kittson County, Minn. (Kentucky*); (33) between points in Hamilton, Scioto, Darke, Franklin, Belmont, Cuyahoga, and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Dawes, Cheyenne, Douglas, Custer, Gage, and Sioux Counties, Nebr., and between points in Williams County, Ohio, on the one hand, and, on the other, points in Dawes, Cheyenne, and Gage Counties, Nebr., and between points in Lucas County, Ohio, on the one hand, and, on the other, points in Dawes, Cheyenne, Custer, and Gage Counties, Nebr. (Kentucky*); (34) between points in Hamilton, Scioto, Darke, and Franklin Counties, Ohio, on the one hand, and, on the other, points in Providence and Newport Counties, R.I. (Kentucky*).

(35) Between points in Hamilton and Scioto Counties, Ohio, on the one hand, and, on the other, points in Wood, Cabell, Mercer, Greenbrier, Randolph, Monongalia, and Raleigh Counties, W. Va., and between points in Belmont and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Cabell County, W. Va., and between points in Williams and Lucas Counties, Ohio, on the one hand, and, on the other, points in Cabell, Mercer, Greenbrier, and Raleigh Counties, W. Va., and between points in Darke County, Ohio, on the one hand, and, on the other, points in Cabell, Mercer, Greenbrier, Randolph, and Raleigh Counties, W. Va., and between points in Cabell, Mercer, Greenbrier, and Raleigh Counties, W. Va., and between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Cabell, Mercer, and Greenbrier Counties, W. Va. (Kentucky*); (36) between points in Hamilton, Scioto, Franklin, and Belmont Counties, Ohio, on the one hand, and, on the other; points in Ashland, St. Croix, Sauk, Dane, Kenosha, Brown, Marathon, and Marinette Counties, Wis., and between points in Darke County, Ohio, on the one hand, and, on the other, points in Ashland and St. Croix Counties, Wis., and between points in Trumbull County, Ohio, on the one hand, and, on the other, points in Ashland, St. Croix, Marathon, and Marinette Counties, Wis. (Kentucky*); (37) between points in Erie, Butler, Allegheny, Fayette, McKean, Blair, Lycoming, Dauphin, Lackawanna, Lehigh, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Logan, Otero, Denver, Moffatt, and Laplata Counties, Colo. (Kentucky*).

(38) Between points in Butler, Allegheny, Fayette, McKean, Blair, Lycoming, Dauphin, Lackawanna, LeHigh and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Scott, Lee, Allamakee, Polk, Montgomery, Woodbury and Emmet Counties, Iowa, and between points in Erie County, Pa., on the one hand, and, on the other, points in Lee, Polk, Montgomery, Woodbury and Emmet Counties, Iowa (Kentucky*); (39) between points in Erie, Butler, Allegheny, Fayette, McKean, Blair, Lycoming, Dauphin, Lackawanna, Lehigh, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Kittson, Clay, Noble, Koochichung, Sherburne, Freeborn, St. Louis, and Ramsey Counties, Minn. (Kentucky*); (40) between points in Erie, Butler, Allegheny, Fayette, McKean, Blair, Lycoming, Dauphin, Lackawanna, Lehigh and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Dawes, Cheyenne, Douglas, Custer, Gage and Dioux Counties, Nebr. (Kentucky*); (41) between points in Erie, Butler, Allegheny, Fayette, McKean, Blair, Lycoming, Dauphin, Lackawanna, Lehigh and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Buncombe County, N.C., and between points in Erie County, Pa., on the one hand, and, on the other, points in Mecklenburg County, N.C. (Kentucky*); (42) between points in Erie, Butler, and Allegheny Counties, Pa., on the one hand, and, on the other, points in Florence, Harry, Beaufort, Orangeburg, Greenville, and Aiken Counties, S.C., and between points in Fayette County, Pa., on the one hand, and, on the other, points in Greenville and Aiken Counties, S.C., and between points in Mc-

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Kean County, Pa., on the one hand, and, on the other, points in Beaufort, Orangeburg, Greenville and Aiken Counties, S.C., and between points in Blair County, Pa., on the one hand, and, on the other, points in Greenville County, S.C. (Kentucky*);

(43) Between points in Allegheny, Fayette, McKean, Blair, Lycoming, Lackawanna, Lehigh and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Ashland, St. Croix, Crawford, Dana, Kenosha, Brown, Marathon, and Marinette Counties, Wis., and between points in Erie County, Pa., on the one hand, and, on the other, points in Ashland and St. Croix Counties, Wis., and between points in Butler County, Pa., on the one hand, and, on the other, points in Ashland, St. Croix, Crawford, Brown, Marathon and Marinette Counties, Wis., and between points in McKean County, Pa., on the one hand, and, on the other, points in Ashland, St. Croix, Crawford, Marathon and Marinette Counties, Wis. (Kentucky*); (44) between points in Butler, Blair, Lycoming, Dauphin, Lackawanna, Lehigh and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Cabell County, W. Va., and between points in Erie County, Pa., on the one hand, and, on the other, points in Cabell, Mercer and Raleigh Counties, W. Va., and between points in McKean County, Pa., on the one hand, and, on the other, points in Cabell and Mercer Counties, W. Va. (Kentucky*); (45) between points in Sullivan and Knox Counties, Tenn., on the one hand, and, on the other, points in Mississippi, Chittenden, Union, Lawrence, Independence, Pulaski, Washington, Sebastian, and Miller Counties, Ark., and between points in Hamilton County, Tenn., on the one hand, and, on the other, points in Washington County, Ark., and between points in Maury County, Tenn., on the one hand, and, on the other, points in Union, Lawrence, Independence, Washington, Sebastian, and Miller Counties, Ark., and between points in Montgomery County, Tenn., on the one hand, and, on the other, points in Union, Independence, Pulaski, Washington, Sebastian, and Miller Counties, Ark., and between points in Dyer County, Tenn., on the one hand, and, on the other, points in Union, Washington, Sebastian and Miller Counties. Ark. (Kentucky*);

(46) Between points in Sullivan, Hamilton, Maury, Montgomery, Dyer, Shelby, and Knox Counties, Tenn., on the one hand, and, on the other, points in Logan, Otero, Denver, Moffatt, and La Plata Counties, Colo. (Kentucky*); (47) between points in Sullivan, Hamilton, Maury, Dyer, and Knox Counties, Tenn., on the one hand, and, on the other, points in Waandotte, Neosho, Sedgwick, Riley, Cheyenne, and Seward Counties, Kans., and between points in Montgomery County, Tenn., on the one hand, and, on the other, points in Neosho, Sedgwick, Riley, Cheyenne, and Seward Counties, Kans., and between points in Shelby County, Tenn., on the one hand, and, on the other, points in Cheyenne and Seward Counties, Kans. (Kentucky*); (48) between points in Hamilton, Maury, Montgomery, Dyer, Shelby, and Knox Counties, Tenn., on the one hand, and, on the other, points in Washington, Baltimore City, Cecil, Allegany, and Wicomico Counties, Md. (Kentucky*); (49) between points in Sullivan, Hamilton, Maury, Montgomery, Dyer, Shelby and Knox Counties, Tenn., on the one hand, and, on the other, points in Dawes, Cheyenne, Douglas, Custer, Gage, and Dakota Counties, Nebr. (Kentucky*); (50) between points in Maury, Montgomery, Dyer, and Shelby Counties, Tenn., on the one hand, and, on the other, points in Buncombe, Mecklenburg, Guliford, Cumberland, Vance, New Hanover, Craven, Lenoir and Pasquotank Counties, N.C., and between points in Hamilton and Knox Counties, Tenn., on the one hand, and, on the other, points in Guliford, Cumberland, Vance, New Hanover, Craven, Lenoir, and Pasquotank Counties, N.C. (Kentucky*); (51) between points in Sullivan, Hamilton, Maury, Montgomery, Dyer, and Knox Counties, Tenn., on the one hand, and, on the other, points in Washington, Tulsa, Coctaw, Garfield, Oklahoma, Carter, Cimarron, Custer, Jackson, and Comanche Counties, Okla., and between points in Shelby County, Tenn., on the one hand, and, on the other, points in Cimarron County, Okla. (Kentucky*);

(52) Between points in Roanoke, Fairfax and Frederick Counties, Va., on the one hand, and, on the other, points in Lauderdale, Madison, Tuscaloosa, Jefferson, Russell, Mobile, Houston, and Montgomery Counties, Ala., and between points in Washington County, Va., on the one hand, and, on the other, points in Mobile and Montgomery Counties, Ala., and between points in Pittsylvania County, Va., on the one hand, and, on the other, points in Lauderdale, Madison and Tuscaloosa Counties, Ala., and between points in Nansemond County, Va., on the one hand, and, on the other, points in Lauderdale, Madison, Tuscaloosa, Jefferson and Mobile Counties, Ala., and between points in Henrico County, Va., on the one hand, and, on the other, points in Lauderdale, Madison, Tuscaloosa, Jefferson, Mobile, and Montgomery Counties, Ala. (Kentucky*); (53) between points in Washington, Pittsylvania, Roanoke, Fairfax, Nansemond, Henrico, and Frederick Counties, Va., on the one hand, and, on the other, points in Alcorn, Coahoma, Washington, Lowndes, Warren, Lauderdale, Hinds, Harrison, and Forrest Counties, Ala. (Kentucky*); (54) between points in Washington County, Va., on the one hand, and, on the other, points in Florence County, S.C. (Kentucky*); (55) between points in Washington, Baltimore City, Cecil, Allegany, and Wicomico Counties, Md., on the one hand, and, on the other, points in Lauderdale, Madison, Tuscaloosa, Jefferson, Russell, Mobile, Houston and Montgomery Counties, Ala., except between points in Wicomico County, Md., on the one hand, and, on the other, points in Russell and Houston Counties, Ala. (Kentucky*);

(56) Between points in Washington, Baltimore City, Cecil, Allegany and Wicomico Counties, Md., on the one hand, and, on the other, points in Mississippi, Crittenden, Union, Lawrence, Independence, Pulaski, Washington, Sebastian, and Miller Counties, Ark. (Kentucky*); (57) between points in Washington, Baltimore City, Cecil, Allegany, and Wicomico Counties, Md., on the one hand, and, on the other, points in Scott, Lee, Allamakee, Polk, Montgomery, Woodbury and Emmett Counties, Iowa (except between points in Cecil, Allegany and Wicomico Counties, Md., on the one hand, and, on the other, points in Allamakee County, Iowa) (Kentucky*); (58) between points in Baltimore City, County, Md., on the one hand, and, on the other, points in Iosco County, Mich., and between points in Cecil County, Md., on the one hand, and, on the other, points in Delta County, Mich., and between points in Wicomico County, Md., on the one hand, and, on the other, points in Delta, Cheboygan, and Berrien Counties, Mich. (Kentucky*); (59) between points in Washington, Baltimore City, Cecil, Allegany, and Wicomico Counties, Md., on the one hand, and, on the other, points in Kittson, Clay, Nobles, Koochiching, Sherburne, Freeborn, St. Louis and Ramsey Counties, Minn. (Kentucky*); (60) between points in Washington County, Md., on the one hand, and, on the other, points in Aiken County, S.C., and between points in Allegany County, Md., on the one hand, and, on the other, points in Greenville County, S.C. (Kentucky*); (61) between points in Washington, Baltimore City, Cecil, Allegany, and Wicomico Counties, Md., on the one hand, and on the other, points in Ashland, St. Croix, Crawford, Dana, Kenosha, Brown, Marathon and Marinette Counties, Wis. (Kentucky*);

(62) Between points in the District of Columbia on the one hand, and, on the other, points in Delta, Cheboygan, Mason and Berrien Counties, Mich. (Kentucky*); (63) between points in the District of Columbia on the one hand, and, on the other, points in Ashland, St. Croix, Sauk, Dane, Brown, Marathon and Marinette Counties, Wis. (Kentucky*); (64) between points in Bristol, Barnstable, Franklin, Worcester, Hampshire and Berkshire Counties, Mass., on the one hand, and, on the other, points in Floyd, Bibb, Colquitt, Clarke, Ware and Emanuel Counties, Ga. (Kentucky*); (65) between points in Bristol, Barnstable, Franklin, Worcester, Hampshire and Berkshire Counties, Mass., on the one hand, and, on the other, points in Cook, Champaign, Winnebago, Jo Daviess, Madison, Williamson and Lawrence Counties, Ill. (Kentucky*); (66) between points in Bristol, Barnstable, Franklin, Worcester, Hampshire, and Berkshire Counties, Mass., on the one hand, and, on the other, points in Newton, Howard, Gibson, Monroe, Madison and Montgomery Counties, Ind. (Kentucky*); (67) between points in Bristol and Barnstable Counties, Mass., on the one hand, and, on the other, points in Allen, Gallia, Fayette and Butler Counties, Ohio, and between points in Franklin, Worcester, Hampshire, and Berkshire Counties, Mass., on the one hand, and, on the other, points in Gallia, Fayette and Butler Counties, Ohio (Kentucky*); (68) between points in Otsego, Clare and Chippewa Counties, Mich., on the one hand, and, on the other, points in Williamson and Lawrence Counties, Ill. (Kentucky*); (69) between points in Otsego, Wexford, Clare, Chippewa, Marquette and Gogebic Counties, Mich., on the one hand, and, on the other, points in Gibson County, Ind., and between points in Chippewa and Gogebic Counties, Mich., on the one hand, and, on the other, points in Monroe County, Ind. (Kentucky*);

(70) Between points in Otsego and Chippewa Counties, Mich., on the one hand, and, on the other, points in Pettis, Scott, Greene, and Phelps Counties, Mo., and between points in Wexford and Marquette Counties, Mich., on the one hand, and, on the other, points in Scott and Greene Counties, Mo., and between points in Clare County, Mich., on the one hand, and, on the other, points in Scott, Greene and Phelps Counties, Mo., and between points in Gogebic County, Mich., on the one hand, and, on the other, points in Greene County, Mo. (Kentucky*); (71) between points in Marquette and Gogebic Counties, Mich., on the one hand, and, on the other, points in Atlantic, Ocean, Burlington, Somerset and Passaic Counties, N.J., and between points in Chippewa County, Mich., on the one hand, and, on the other, points in Atlantic, Ocean, Burlington, and Passaic Counties, N.J., and between points in Otsego County, Mich., on the one hand, and, on the other, points in Atlantic County, N.J. (Kentucky*); (72) between points in Gogebic County, Mich., on the one hand, and, on the other, points in Franklin, Oswego, Dutchess, Warren, Courtland and Chautauqua Counties, N.Y., and between points in Marquette County, Mich., on the one hand, and, on the other, points in Dutchess County, N.Y. (Kentucky*); (73) between points in Otsego, Wexford, Clare, Chippewa and Marquette Counties, Mich., on the one hand, and, on the other, points in Gallia, Fayette, and Butler Counties, Ohio, and between points in Gogebic County, Mich., on the one hand, and, on the other, points in Wayne, Gallia, Fayette and Butler Counties, Ohio (Kentucky*).

(74) Between points in Gogebic County, Mich., on the one hand, and, on the other, points in Adams, Clinton, Bradford, Somerset, McKean and Butler Counties, Pa., and between points in Marquette County, Mich., on the one hand, and, on the other, points in Adams County, Pa., and between points in Chippewa County, Mich., on the one hand, and, on the other, points in Somerset County, Pa. (Kentucky*); (75) between points in Chippewa, Marquette and Gogebic Counties, Mich., on the one hand, and, on the other, points in the District of Columbia (Kentucky*); (76) between points in Marquette and Gogebic Counties, Mich., on the one hand, and, on the other, points in Frederick, Allegany, Baltimore, and Anne Arundel Counties, Md., and between points in Chippewa County, Mich., on the one hand, and, on the other, points in Baltimore and Anne Arundel Counties, Md. (Kentucky*); (77) between points in Beltrami, St. Louis, Crow Wing, Ottertail, Blue Earth, and Chisago Counties, Minn., on the one hand, and, on the other, points in Williamson County, Ill. (Kentucky*); (78) between points in Beltrami, St. Louis, Crow Wing, Ottertail, Blue Earth and Chisago Counties, Minn., on the one hand, and, on the other, points in Gibson County, Ind., and between points in Beltrami County, Minn., on the one hand, and, on the other, points in Monroe County, Ind. (Kentucky*); (79) between points in Beltrami, St. Louis, Crow Wing, Ottertail, Blue Earth and Chisago Counties, Minn. on the one hand, and, on the other, points in Scott County, Mo. (Kentucky*); (80) between points in Beltrami, St. Louis, Crow Wing, Ottertail, Blue Earth and Chisago Counties, Minn., on the one hand, and, on the other, points in Franklin, Oswego, Dutchess, Warren, Courtland, and Chautauqua Counties, N.Y. (Kentucky*);

(81) Between points in Beltrami, St. Louis, Crow Wing, Ottertail, Blue Earth and Chisago Counties, Minn., on the one hand, and, on the other, points in Erie, Allen, Wayne, Gallia, Fayette, and Butler Counties, Ohio (except between points in Blue Earth and Chisago Counties, Minn., on the one hand, and, on the other, points in Erie and Allen Counties, Ohio) (Kentucky*); (82) between points in Beltrami, St. Louis, Crow Wing, Ottertail, Blue Earth, and Chisago Counties, Minn., on the one hand, and, on the other, points in Adams, Clinton, Bradford, Somerset, McKean and Butler Counties, Pa. (Kentucky*); (83) between points in Beltrami, St. Louis, Crow Wing, Ottertail, Blue Earth and Chisago Counties, Minn., on the one hand, and, on the other, points in Frederick, Allegany, Baltimore and Anne Arundel Counties, Md. (Kentucky*); (84) between points in Lee, Laurel, and Jackson Counties, Miss., on the one hand, and, on the other, points in Marion, Boone, Platte Pettis, New Madrid, Greene and Phelps Counties, Mo., and between points in Leflore and Pike Counties, Miss., on the one hand and, on the other, points in Marion, Boone, Platte, Pettis, New Madrid and Phelps Counties, Mo., and between points in Adams County, Miss., on the one hand, and, on the other, points in Marion. Boone, New Madrid and Phelps Counties, Mo. (Kentucky*); (85) between points in Adams and Pike Counties, Miss., on the one hand, and, on the other, points in Henry, Davidson, Putnam and Washington Counties, Tenn., and between points in Leflore, Jones, and Jackson Counties, Miss., on the one hand, and, on the other, points in Davidson, Putnam and Washington Counties, Tenn., and between points in Lee County, Miss., on the one hand, and, on the other, points in Washington County, Tenn. (Kentucky*); (86) between points in Adams, Lee, Leflore, Jones, Jackson and Pike Counties, Miss., on the one hand, and, on the other, points in Carroll, Henry, Campbell, Augusta, Spotsylvania, James City and South Hampton Counties, Va. (Kentucky*);

(87) Between points in Adams, Lee, Leflore, Jones, Jackson and Pike Counties, Miss., on the one hand, and, on the other, points in Frederick, Allegany, Baltimore, and Anne Arundel Counties, Md. (Kentucky*); (88) between points in Kimball, Scott Bluff and Dawes Counties, Nebr., on the one hand, and, on the other, points in Gibson, Monroe, and Madison Counties, Ind., and between points in Cedar, Lancaster and Dawson Counties, Nebr., on the one hand, and, on the other, points in Gibson and Monroe Counties, Ind., and between points in Washington County, Nebr., on the one hand, and, on the other, points in Princeton County, Ind. (Kentucky*); (89) between points in Cedar, Washington, Lancaster, Dawson, Kimball, Scott Bluff and Dawes Counties, Nebr., on the one hand, and, on the other, points in Erie, Allen, Wayne, Gallia, Fayette and Butler Counties, Ohio, (Kentucky*); (90) between points in Cedar, Washington, Lancaster, Dawson, Kimball, Scott Bluff and Dawes Counties, Nebr., on the one hand, and, on the other, points in Adams, Clinton, Bradford, Somerset, McKean and Butler Counties, Pa. (Kentucky*); (91) between points in Cedar, Washington, Lancaster, Dawson, Kimball, Scott Bluff and Dawes Counties, Nebr., on the one hand, and, on the other, points in McMinn, Coffee, Madison, Henry, Davidson, Putnam and Washington Counties, Tenn. (Kentucky*); (92) between points in Caswell County, N.C., on the one hand, and, on the other, points in Oklaloosa and Bay Counties, Fla., and between points in Person County, N.C., on the one hand, and, on the other, points in Okaloosa County, Fla. (Kentucky*); (93) between points in Cabarrus County, N.C., on the one hand, and, on the other, points in Chautauqua County, N.Y. (Kentucky*);

(94) Between points in Craven, Robeson, Wayne and Cabarrus Counties, N.C., on the one hand, and, on the other, points in Erie, Allen, Fayette and Butler Counties, Ohio, and between points in Edgecombe County, N.C., on the one hand, and, on the other, points in Erie, Allen, Gallia, Fayette and Butler Counties, Ohio, and between points in Davidson County, N.C., on the one hand, and, on the other, points in Erie, Allen, Wayne, Fayette and Butler Counties, Ohio (Kentucky*); (95) between points in Henderson County, N.C., on the one hand, and, on the other, points in Washington, Lawrence, Crawford, McKena, Cambria and Lancaster Counties, Pa., and between points in Iredell County, N.C., on the one hand, and, on the other, points in Crawford County, Pa. (Kentucky*); (96) between points in Edgecombe, Craven, Robeson, Wayne and Davidson Counties, N.C., on the one hand, and, on the other, points in McMinn, Coffee, Madison, Henry, Davidson and Putnam Counties, Tenn., and between points in Cabarrus County, N.C., on the one hand, and, on the other, points in Coffee, Madison, Henry, David-

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son and Putnam Counties, Tenn. (Kentucky*); (97) between points in Pontotoc, Texas, Kay, Ottawa, Grady and Garfield Counties, Okla., on the one hand, and, on the other, points in St. Johns, Columbia, Okaloosa, Bay, Sarasota, Orange, Palm Beach and Dade Counties, Fla. (except between points in Pontotoc and Grady Counties, Okla., and points in Okaloosa and Bay Counties, Fla.) (Kentucky*); (98) between points in Pontotoc, Texas, Kay, Ottawa, Grady and Garfield Counties, Okla., on the one hand, and, on the other, points in Floyd, Bibb, Colquitt, Chatham, Clark, Ware and Emanuel Counties, Ga. (Kentucky*);

(99) Between points in Pontotoc, Texas, Kay, Ottawa, Grady and Garfield Counties, Okla., on the one hand, and, on the other, points in New Madrid County, Mo. (Kentucky*); (100) between points in Pontotoc, Texas, Kay, Ottawa, Grady and Garfield Counties, Okla., on the one hand, and, on the other, points in McMinn, Coffee, Madison, Henry, Davidson, Putnam, Washington Counties, Tenn. (Kentucky*); (101) between points in Kent and Washington Counties, R.I., on the one hand, and, on the other, points in St. John, Columbia, Okaloosa, Bay, Sarasota, Orange, Palm Beach and Dade Counties, Fla. (Kentucky*); (102) between points in Kent and Washington Counties, R.I., on the one hand, and, on the other, points in Floyd, Bibb, Colquitt, Clarke, Ware and Emanuel Counties, Ga. (Kentucky*); (103) between points in Kent and Washington Counties, R.I., on the one hand, and, on the other, points in Newton, Howard, Gibson, Monroe, Madison and Montgomery Counties, Ind. (Kentucky*); (104) between points in Kent and Washington Counties, R.I., on the one hand, and, on the other, points in Allen, Gallia, Fayette and Butler Counties, Ohio (Kentucky*); (105) between points in Anderson County, S.C., on the one hand, and, on the other, points in Atlantic County, N.J., and between points in Greenwood County, S.C., on the one hand, and, on the other, points in Atlantic, Ocean, Burlington, Somerset and Passaic Counties, N.J. (Kentucky*); (106) between points in Anderson and Greenwood Counties, S.C., on the one hand, and, on the other, points in Franklin, Oswego, Dutchess, Warren, Courtland and Chautauqua Counties, N.Y., and between points in Richland County, S.C., on the one hand, and, on the other, points in Franklin and Chautauqua Counties, N.Y., and between points in Jasper County, S.C., on the one hand, and, on the other, points in Franklin, Oswego, Courtland, and Chautauqua Counties, N.Y., and between points in Charleston County, S.C., on the one hand, and, on the other, points in Chautauqua County, N.Y. (Kentucky*);

(107) Between points in Greenwood County, S.C., on the one hand, and, on the other, points in Adams, Clinton, Bradford, Somerset, McKean, and Butler Counties, Pa., and between points in Anderson County, S.C., on the one hand, and, on the other, points in McKean and Butler Counties, Pa., and between points in Jasper County, S.C., on the one hand, and, on the other, points in Clinton, Somerset, McKean and Butler Counties, Pa., and between points in Charleston County, S.C., on the one hand, and, on the other, points in McKean and Butler Counties, Pa. (Kentucky*); (108) between points in Anderson and Greenwood Counties, S.C., on the one hand, and, on the other, points in Allegany County, Md. (Kentucky*); (109) between points in Archer, Childress, Potter and Ector Counties, Tex., on the one hand, and, on the other, points in St. Johns, Columbia, Sarasota, Orange, Palm Beach and Dade Counties, Fla., and between points in Morris County, Tex., on the one hand, and, on the other, points in Dade County, Fla., and between points in Jones County, Tex., on the one hand, and, on the other, points in St. Johns, Sarasota, Orange, Palm Beach and Dade Counties, Fla. (Kentucky*); (110) between points in Childress, Potter and Ector Counties, Tex., on the one hand, and, on the other, points in Floyd, Bibb, Colquitt, Chatham, Clarke, Ware and Emanuel Counties, Ga., and between points in Archer and Jones Counties, Tex., on the one hand, and, on the other, points in Floyd, Bibb, Chatham, Clarke, Ware and Emanuel Counties, Ga., and between points in Morris County, Tex., on the one hand, and, on the other, points in Floyd, Chatham and Clarke Counties, Ga. (Kentucky*);

(111) Between points in Morris, Ector and Jones Counties, Tex., on the one hand, and, on the other, points in Marion County, Mo., and between points in Morris, Archer, Childress, Potter, Ector and Jones Counties, Tex., on the one hand, and, on the other, points in New Madrid County, Mo. (Kentucky*); (112) between points in Mingo, Kanawha, Pocahontas, Harrison, Mineral and Ohio Counties, W. Va., on the one hand, and, on the other, points in Lake, Champaign, Winnebago, Jo Daviess, Madison, Williamson and Lawrence Counties, Ill. (Kentucky*); (113) between points in Kanawha, Mingo, Pocahontas, Harrison, Mineral and Ohio Counties, W. Va., on the one hand, and, on the other, points in Newton, Howard, Gibson, Monroe, Madison and Montgomery Counties, Ind., (except between points in Ohio County, W. Va., and points in Madison County, Ind.) (Kentucky*); (114) between points in Mingo and Kanawha Counties, W. Va., on the one hand, and, on the other, points in Atlantic, Ocean, Burlington, Somerset, and Passaic Counties, N.J. (Kentucky*); (115) between points in Mingo and Kanawha Counties, W. Va., on the one hand, and, on the other, points in Franklin, Oswego, Dutchess, Warren, Courtland and Chautauqua Counties, N.Y. (except between points in Kanawha Counties, W. Va., and points in Chautauqua County, N.Y.) (Kentucky*); (116) between points in Mingo County, W. Va., on the one hand, and, on the other, points in Erie, Allen, Wayne, Gallia, Fayette and Butler Counties, Ohio, and between points in Kanawha and Pocahontas Counties, W. Va., on the one hand, and, on the other, points in Erie, Allen, Fayette and Butler Counties, Ohio, and between points in Mineral and Ohio Counties, W. Va., on the one hand, and, on the other, points in Butler County, Ohio (Kentucky*); (117) between points in Mingo County, W. Va., on the one hand, and, on the other, points in Adams, Clinton, Bradford, Somerset, McKean and Butler Counties, Pa., and between points in Kanawha County, W. Va., on the one hand, and, on the other, points in Bradford County Pa. (Kentucky*);

(118) Between points in Mingo County, W. Va., on the one hand, and, on the other, points in Carroll, Henry, Campbell, Augusta, Spotsylvania, James City and Southampton Counties, Va. (Kentucky*); (119) between points in Mingo County, W. Va., on the one hand, and, on the other, points in the District of Columbia (Kentucky*); (120) between points in Mingo County, W. Va., on the one hand, and, on the other, points in Frederick, Allegany, Baltimore, and Anne Arundel Counties, Md. (Kentucky*); (121) between points in La Crosse, Eau Claire, Polk and Douglas Counties, Wis., on the one hand, and, on the other, points in Gibson County, Ind. (Kentucky*); (122) between points in Milwaukee County, Wis., on the one hand, and, on the other, points in New Madrid and Greene Counties, Mo., and between points in Columbia, LaCrosse, Eau Claire, Polk and Douglas Counties, Wis., on the one hand, and, on the other, points in New Madrid County, Mo. (Kentucky*); (123) between points in Milwaukee, Columbia, LaCrosse, Eau Claire, Polk and Douglas Counties, Wis., on the one hand, and, on the other, points in Franklin, Oswego, Dutchess, Warren, Courtland, and Chautauqua Counties, N.Y. (except between points in Milwaukee, Columbia and La Crosse Counties, Wis., and points in Chautauqua County, N.Y.) (Kentucky*); (124) between points in Milwaukee and Columbia Counties, Wis., on the one hand, and, on the other, points in Gallia, Fayette and Butler Counties, Ohio, and between points in La Crosse, Eau Claire, Polk and Douglas Counties, Wis., on the one hand, and, on the other, points in Wayne, Gallia, Fayette and Butler Counties, Ohio (Kentucky*); (125) between points in Milwaukee, Columbia, La Crosse, Eau Claire, Polk and Douglas Counties, Wis., on the one hand, and, on the other, points in Adams, Clinton, Bradford, Somerset, McKean and Butler Counties, Pa (except between points in Milwaukee County, Wis., and points in McKean and Butler Counties Pa.) (Kentucky*);

(126) Between points in Florida, on the one hand, and, on the other, points in the District of Columbia (Virginia*); (127) between points in Georgia, on the one hand, and, on the other, points in the District of Columbia (Virginia*); (128) between points in Illinois, on the one hand, and, on the other, points in the District of Columbia (Virginia*); (129) between points in Indiana, on the one hand, and, on the other, points in the District of Columbia (Virginia*); (130) between points in Missouri, on the one hand, and, on the other, points

in the District of Columbia (Virginia*); (131) between points in New Jersey, on the one hand, and, on the other, points in the District of Columbia (Virginia*); (132) between points in New York, on the one hand, and, on the other, points in the District of Columbia (Virginia*); (133) between points in Ohio, on the one hand, and, on the other, points in the District of Columbia (Virginia*); (134) between points in Pennsylvania, on the one hand, and, on the other, points in the District of Columbia (Virginia*); (135) between points in Tennessee, on the one hand, and, on the other, points in the District of Columbia (Virginia*); (136) between points in Georgia, on the one hand, and, on the other, points in West Virginia west of Grant and Pendleton Counties (Kentucky*); (137) between points in that part of West Virginia east of Tucker, Randolph and Pocahontas Counties (except points in Berkley and Jefferson Counties), on the one hand, and, on the other, points in Georgia (except Savannah and Chatham Counties) (Kentucky*); (138) between points in Buncombe, Mecklenburg and Cumberland, Counties, N.C., on the one hand, and, on the other, points in Ashtabula, Trumbull, Mahoning, Columbiana, Jefferson and Belmont Counties, Ohio, and between points in Forsyth County, N.C., on the one hand, and, on the other, Ashtabula, Trumbull, Mahoning and Columbiana Counties, Ohio, and between points in Guilford County, N.C., on the one hand, and, on the other, points in Ashtabula and Trumbull Counties, Ohio, and between points in Durham County, N.C., on the one hand, and, on the other, points in Ashtabula County, Ohio (Kentucky*);

(139) Between points in Dade County, Fla., on the one hand, and, on the other, points in Lauderdale County, Ala. (Kentucky*); (140) between points in Escanaba County, Fla., on the one hand, and, on the other, points in Mississippi County, Ark., and between points in Leon County, Fla., on the one hand, and, on the other, points in Mississippi, Union, Lawrence, Independence, Washington, and Sebastian Counties, Ark., and between points in Duval, Hillsborough, Brevard, Lee, and Palm Beach, Counties, Fla., on the one hand, and, on the other, points in Mississippi, Crittenden, Lawrence, Independence, Pulaski, Washington and Sebastian Counties, Ark., and between points in Palm Beach and Dade Counties, Fla., on the one hand, and, on the other, points in Miller County, Ark. (Kentucky*); (141) between points in Escanaba, Leon, Duval, Hillsborough, Polk, Brevard, Lee, Palm Beach and Dade Counties, Fla., on the one hand, and, on the other, points in Fairfield, Hartford, Litchfield, Windham, and New London Counties, Conn. (except between points in Duval County on the one hand, and, on the other, points in Litchfield County, Conn.), and between Duval, Hillsborough, Polk and Brevard Counties, Fla., on the one hand, and, on the other, points in Litchfield County, Conn. (Kentucky*); (142) between points in Escanada, Leon, Duval, Hillsborough, Polk, Brevard, Lee, Palm Beach and Dade Counties, Fla., on the one hand, and, on the other, points in Washington, Baltimore City, Newark, Alleghany, and Wicomico Counties, Md. (except between points in Duval County, on the one hand, and, on the other, points in Washington, Baltimore City and Cecil Counties, Md.), and between points in Hillsborough County, Fla., on the one hand, and, on the other, points in Baltimore City and Wicomico Counties, Md., and between points in Polk and Cocoa Counties, on the one hand, and, on the other, points in Baltimore City, Cecil and Wicomico Counties, Md., and between points in Lee, Palm Beach and Dade Counties, Fla., on the one hand, and, on the other, points in Wicomico County, Md. (Kentucky*);

(143) Between points in Escanaba County, Fla., on the one hand, and, on the other, points in Guilford, Vance and Pasquotank Counties, N.C. (Kentucky*); (144) between points in Escanaba, Leon, Duval, Hillsborough, Polk, Brevard, Lee, Palm Beach and Dade Counties, Fla., on the one hand, and, on the other, points in Osage, Choctaw, Garfield, Canadian, Carter, Cimarron, Custer, Jackson and Comanche Counties, Tex. (except between points in Escanaba County, Fla., on the one hand, and, on the other, points in Osage, Choctaw, Garfield, Canadian, Carter, Custer, Jackson, Comanche Counties, Tex.), and between points in Leon County, Fla., on the one hand, and, on the other, points in Choctaw and Carter Counties, Tex. (Kentucky*); (145) between points in Escanaba, Leon, Duval, Hillsborough, Polk, Brevard, Lee, Palm Beach and Dade Counties, Fla., on the one hand, and, on the other, points in Providence and Newport Counties, R.I. (Kentucky*); (146) between points in Leon, Duval, Hillsborough, Polk, Brevard, Lee, Palm Beach and Dade Counties, Fla., on the one hand, and, on the other, points in Dallam, Lubbock and El Paso Counties, Tex., and between points in Dade County, Fla., on the one hand, and, on the other, points in Johnson County, Tex. (except between points in Leon County, on the one hand, and, on the other, points in Lubbock County, Tex.) (Kentucky*); (147) between points in Union, Fulton, Richmond, Muscogee, Chatham, Decatur and Glynn Counties, Ga., on the one hand, and, on the other, points in Mississippi, Crittenden, Union, Lawrence, Independence, Pulaski, Washington, Sebastian and Miller Counties, Ark. (except between points in Fulton, Richmond, Muscogee, and Decatur Counties, Ga., on the one hand, and, on the other, points in Crittenden and Union Counties, Ark.), and between points in Chatham and Glynn Counties, Ga., on the one hand, and, on the other, points in Union County, Ark. (Kentucky*);

(148) Between points in Union, Fulton, Richmond, Muscogee, Chatham, Decatur, and Glynn Counties, Ga., on the one hand, and, on the other, points in Fairfield, Hartford, Litchfield, Windham and New London Counties, Conn. (except between points in Augusta County, Ga., on the one hand, and, on the other, points in Fairfield County, Conn.) (Kentucky*); (149) between points in Union, Fulton, Muscogee and Decatur Counties, Ga., on the one hand, and, on the other, points in New Caster, Kent and Sussex Counties, Del. (except between points in Decatur County, Ga., on the one hand, and, on the other, points in Sussex County, Del.) (Kentucky*); (150) between points in Union, Fulton, Muscogee and Decatur Counties, Ga., on the one hand, and, on the other, points in Washington, Baltimore, Cecil and Allegany Counties, Md., and between points in Union County, Ga., on the one hand, and, on the other, points in Wicomico County, Md., and between points in Glynn County, Ga., on the one hand, and, on the other, points in Allegany County, Md. (Kentucky*); (151) between points in Union, Fulton, Richmond, Muscogee, Decatur and Glynn Counties, Ga., on the one hand, and, on the other, points in Plymouth, Hampden, Berkshire, Franklin, and Middlesex Counties, Mass. (except between points in Glynn County, Ga., on the one hand, and, on the other, points in Hampden County, Mass.) (Kentucky*); (152) between points in Union, Fulton, Richmond, Muscogee, Chatham, Decatur and Glynn Counties, Ga., on the one hand, and, on the other, points in Washington, Tulsa, Choctaw, Garfield, Oklahoma, Carter, Cimarron, Custer, Jackson and Comanche Counties, Okla. (except between points in Muscogee County, Ga., on the one hand, and, on the other, points in Choctaw County, Okla., and except between points in Decatur County, Ga., on the one hand, and, on the other, points in Choctaw and Carter Counties, Okla.) (Kentucky*);

(153) Between points in Union, Fulton, Richmond, Muscogee, Decatur, and Glynn Counties, Ga., on the one hand, and, on the other, points in Providence and Newport Counties, R.I. (Kentucky*); (154) between points in Union and Richmond Counties, Ga., on the one hand, and, on the other, points in Bowie, Cameron, Tarrant, Bexar, Webb, Dallam, Lubbock and El Paso Counties, Tex., and between points in Fulton County, Ga., on the one hand, and, on the other, points in Tarrant, Bexar, Webb, Dallam, Lubbock and El Paso Counties, Tex., and between points in Muscogee County, Ga., on the one hand, and, on the other, points in Dallam, Lubbock and El Paso Counties, Tex., and between points in Chatham County, Ga., on the one hand, and, on the other, points in Bowie, Tarrant, Dallam, Lubbock and El Paso Counties, Tex., and between points in Decatur and Glynn Counties, Ga., on the one hand, and, on the other, points in Dallam, Lubbock and El Paso Counties, Tex. (Kentucky*); (155) between points in Cook, Vermillion, and Richmond Counties, Ill., on the one hand, and, on the other, points in Sterling, Otero, Arapahoe, Moffat, and La Plata Counties, Colo. (except between points in Cook County, Ill., on the one hand, and, on the other, points in Logan, Arapahoe, and Moffat Counties, Colo.) and between

V 40 184 SEP 2275 XUM

points in Vermillion County, Ill., on the one hand, and, on the other, points in Logan and Arapahoe Counties, Colo. (Kentucky*); (156) between points in Cook, Vermillion, Richland, Carroll, Adam, Williamson Counties, Ill., on the one hand, and, on the other, points in Kent, New Castle, and Sussex Counties, Del. (Kentucky*);

(157) Between points in Cook and Vermillion Counties, Ill., on the one hand, and, on the other, points in Seward County, Kans., and between points in Richland County, Ill., on the one hand, and, on the other, points in Sedgwick, Cheyenne and Seward Counties, Kans., and between points in Williamson County, Ill., on the one hand, and, on the other, points in Wyandotte, Neosho, Sedgwick, Riley, Cheyenne and Seward Counties, Kans. (Kentucky*); (158) between points in Cook, Vermillion, Richland, McLean, Carroll, Adam and Williamson Counties, Ill., on the one hand, and, on the other, points in Washington, Baltimore, Cecil, Allegany and Wicomico Counties, Md. (except between points in Carroll County, Ill., on the one hand, and, on the other, points in Washington and Cecil Counties, Md.) (Kentucky*); (159) between points in Illinois, on the one hand, and, on the other, points in Massachusetts (Kentucky*); (160) between points in Richland and Williamson Counties, Ill., on the one hand, and, on the other, points in Chesbogamie, Algoma, Isseo and Waine Counties, Mich. (Kentucky*); (161) between points in Richland County, Ill., on the one hand, and, on the other, points in Dawes, Cheyenne and Custer Counties, Nebr., and between points in Williamson County, Ill., on the one hand, and, on the other, points in Dawes, Cheyenne, Douglas, Custer, Gage and Dakotian Counties, Nebr. (Kentucky*); (162) between points in Cook, Vermillion, Richland, McLean, Carroll, Adam and Williamson Counties, Ill., on the one hand, and, on the other, points in Wood, Cabell, Mercer, Greenbrier, Randolph, Monongalia and Raleigh Counties, W. Va., (Kentucky*);

(163) Between points in Lake, Vigo, Vanderburgh, St. Joseph, Marion, Lawrence, Steuben, Wayne and Jefferson Counties, Ind. on the one hand, and, on the other, points in Logan, Otero, Arapahoe, Moffat and La Plata Counties, Colo. (except points in Lake County, Ind., on the one hand, and, on the other, points in Logan, Arapahoe and Moffat Counties, Colo., and except between points in St. Joseph County, Ind., on the one hand, and, on the other, points in Logan, Otero and Arapahoe Counties, Colo., and except between points in Steuben County, Ind., on the one hand, and, on the other, points in Logan County, Colo.) (Kentucky*); (164) between points in Lake, Vigo, Vanderburgh, St. Joseph, Marion, Lawrence, Wayne and Jefferson Counties, Ind., on the one hand, and, on the other, points in Fairfield, Hartford, Litchfield, Windham and New London Counties, Conn., and between points in Steuben County, Ind., on the one hand, and, on the other, points in New London County, Conn. (Kentucky*) (165) between points in Lake, Vigo, Vanderburgh, St. Joseph, Marion, Lawrence, Wayne and Jefferson Counties, Ind., on the one hand, and, on the other, points in Kent, New Castle and Sussex Counties, Del. (except between points in Wayne County, Ind., on the one hand, and, on the other, points in New Castle County, Del.) (Kentucky*); (166) between points in Vanderburgh County, Ind., on the one hand, and, on the other, points in Scott, Lee, Allamakee, Polk, Montgomery, Woodbury and Emmet Counties, Iowa, and between points in Lawrence County, Ind., on the one hand, and, on the other, points in Allamakee, Montgomery, Woodbury and Emmet Counties, Iowa, and between points in Jefferson County, Ind., on the one hand, and, on the other, points in Allamakee, Polk, Montgomery, Woodbury and Emmet Counties, Iowa (Kentucky*);

(167) Between points in Vanderburg, Lawrence and Jefferson Counties, Ind., on the one hand, and, on the other, points in Wyandotte, Neosho, Sedgwick, Riley, Cheyenne and Seward Counties, Kans., and between points in Vigo County, Ind., on the one hand, and, on the other, points in Cheyenne and Seward Counties, Kans., and between points in Marion, Steuben and Wayne Counties, Ind., on the one hand, and, on the other, points in Neosho, Sedgwick, Riley, Cheyenne and Seward Counties, Kans. (Kentucky*); (168) between points in Lake, Vigo, Vanderburg, Marion, Lawrence, Wayne and Jefferson Counties, Ind., on the one hand, and, on the other, points in Plymouth, Hampden, Berkshire, Franklin and Middlesex Counties, Mass., and between points in St. Joseph County, Ind., on the one hand, and, on the other, points in Plymouth, Hampden and Middlesex Counties, Mass., and between points in Steuben County, Ind., on the one hand, and, on the other, points in Plymouth County, Kans. (Kentucky*); (169) between points in Lake, Vigo, Vanderburg, St. Joseph, Marion, Lawrence, Steuben, Wayne and Jefferson Counties, Ind., on the one hand, and, on the other, points in Delta, Cheboygan, Alpena, Mason, Iosco, Muskegon, Berrien and Wayne Counties, Mich., and between points in Vanderburg County, Ind., on the one hand, and, on the other, points in Delta, Cheboygan, Alpena, Mason, Iosco, Muskegon and Wayne Counties, Mich., and between points in Lawrence County, Ind., on the one hand, and, on the other, points in Delta, Cheboygan, Alpena, Iosco, and Wayne Counties, Mich. (Kentucky*);

(170) Between points in Lawrence and Jefferson Counties, Ind., on the one hand, and, on the other, points in Kittson, Clay, Nobles, Koochiching, Sherburne, Freeborn, St. Louis and Ramsey Counties, Minn., and between points in Vanderburg County, Ind., on the one hand, and, on the other, points in Kittson, Clay, Koochiching, Sherburne, St. Louis and Ramsey Counties, Minn., and between points in Marion County, Ind., on the one hand, and, on the other, points in Kittson County, Minn., and between points in Wayne County, Ind., on the one hand, and, on the other, points in Kittson, Clay, and Koochiching Counties, Minn. (Kentucky*); (171) between points in Vanderburgh, Lawrence and Jefferson Counties, Ind., on the one hand, and, on the other, points in Dawes, Cheyenne, Douglas, Custer, Gage and Dakota, Counties, Nebr., and between points in Marion and Wayne Counties, Ind., on the one hand, and, on the other, points in Dawes and Cheyenne Counties, Nebr., and between points in St. Joseph County Ind., on the one hand, and, on the other, points in Cheyenne and Douglas Counties, Nebr., and between points in Vigo County, Ind., on the one hand, and, on the other, points in Cheyenne County, Nebr. (Kentucky*); (172) between points in Lake, Vigo, Vanderburgh, St. Joseph, Marion, Lawrence, Steuben, Wayne and Jefferson Counties, Ind., on the one hand, and, on the other, points in Providence and Newport Counties, R.I. (Kentucky*); (173) between points in Lake, Vigo, Vanderburgh, Marion, Lawrence, Wayne, and Jefferson Counties, Ind., on the one hand, and, on the other, points in Wood, Cabell, Mercer, Greenbrier, Randolph, Monongalia and Raleigh Counties, W. Va., and between points in St. Joseph and Steuben Counties, Ind., on the one hand, and, on the other, points in Wood, Cabell, Mercer, Greenbrier, Randolph and Raleigh Counties, W. Va. (except between points in Steuben County, Ind., on the one hand, and, on the other, points in Wood County, W. Va.) (Kentucky*);

(174) Between points in Lake, Vigo, Vanderburg, St. Joseph, Marion, Lawrence, Steuben, Wayne, and Jefferson Counties, Ind., on the one hand, and, on the other, points in Ashland, St. Croix, Crawford, Dana, Kenosha, Brown, Marathon and Marinette Counties, Wis. (except between points in Vanderburg County, Ind., on the one hand, and, on the other, points in Crawford, Dana and Kenosha Counties, Wis., and except between points in Lawrence County, Ind., on the one hand, and, on the other, points in Crawford, Dana, Kenosha and Brown Counties, Wis.) (Kentucky*); (175) between points in Franklin County, Ala., on the one hand, and, on the other, points in Sarasota, Palm Beach and Dade Counties, Fla. (Kentucky*); (176) between points in Barbour, Dallas, Clarke, Etowah, Dekalb and Franklin Counties, Ala., on the one hand, and, on the other, points in Marion, Boone, Platte, Pettis, New Madrid, Greene and Phelps Counties, Mo. (Kentucky*); (177) between points in Barbour and Clarke Counties, Ala., on the one hand, and, on the other, points in Davidson County, Tenn., and between points in Franklin County, Ala., on the one hand, and, on the other, points in Putnam and Washington Counties, Tenn. (Kentucky*); (178) between points in Dallas, Clarke, and Franklin Counties, Ala., on the one hand, and, on the other, points in Carroll, Henry, Campbell, Augusta, Spotsylvania, James City and Southampton Counties, Va., and between points in Barbour County, Ala., on the one hand, and, on the other, points in Augusta and Spotsylvania Counties, Va.,

and between points in Etowah County, Ala., on the one hand, and, on the other, points in Carroll, Campbell, Augusta, Spotsylvania and James City Counties, Va., and between points in Dekalb County, Ala., on the one hand, and, on the other, points in Campbell, Augusta, Spotsylvania, James City and Southampton Counties, Va. (Kentucky*);

(179) Between points in Barbour, Dallas, Clarke, Etowah, Dekalb and Franklin Counties, Ala., on the one hand, and, on the other, points in Frederick, Allegany, Baltimore and Anne Arundel Counties, Md. (Kentucky*); (180) between points in Washington County, Ark., on the one hand, and, on the other, points in St. Johns, Columbia, Okaloosa, Bay, Sarasota, Orange, Palm Beach and Dade Counties, Fla., and between points in Sevier County, Ark., on the one hand, and, on the other, points in St. Johns, Columbia, Sarasota, Palm Beach and Dade Counties, Fla., and between points in Pope County, Ark., on the one hand, and, on the other, points in St. Johns, Columbia, Sarasota, Orange, Palm Beach, and Dade Counties, Fla., and between points in Craighead County, Ark., on the one hand, and, on the other, points in St. Johns, Columbia, Bay, Sarasota, Orange, Palm Beach and Dade Counties, Fla., and between points in Jefferson County, Ark., on the one hand, and, on the other, points in St. Johns, Sarasota, Orange, Palm Beach and Dade Counties, Fla. (Kentucky*); (181) between points in Seiver, Washington, Pope, Craifhead, Jefferson and Chicotin Counties, Ark., on the one hand, and, on the other, Floyd, Bibb, Colquitt, Chatham, Clarke, Ware, and Emanuel Counties, Ga., and between points in Jefferson County, Ark., on the one hand, and, on the other, points in Bibb, Chatham, Clarke and Emanuel Counties, Ga. (except between points in Sevier County, Ark., and points in Colquitt County, Ga., and except between points in Pope County, Ark., and points in Floyd County, Ga.) (Kentucky*); (182) between points in Sevier, Craighead, Jefferson and Chicot Counties, Ark., on the one hand, and, on the other, points in Marion County, Mo., and between points in Sevier, Washington, Pope, Jefferson and Chicot Counties, Ark., on the one hand, and, on the other, points in New Madrid County, Mo., and between points in Jefferson and Chicot Counties, Ark., on the one hand, and, on the other, points in Phelps County, Mo. (Kentucky*);

(183) Between points in Sevier, Pope and Craighead Counties, Ark., on the one hand, and, on the other, points in McMinn, Coffee, Davidson, Putnam and Washington Counties, Tenn., and between points in Washington County, Ark., on the one hand, and, on the other, points in McMinn, Coffee, Madison, Davidson, Putnam and Washington Counties, Tenn., and between points in Jefferson County, Ark., on the one hand, and, on the other, points in McMinn, Davidson, Putnam and Washington Counties, Tenn., and between points in Chicot County, Ark., on the one hand, and, on the other, points in Davidson, Putnam and Washington Counties, Tenn. (Kentucky*); (184) between points in Las Animas and Alamosa Counties, Colo., on the one hand, and, on the other, points in Lake, Champaign, Williamson, and Lawrence Counties, Ill., and between points in El Paso and Garfield Counties, Colo., on the one hand, and, on the other, points in Champaign, Williamson and Lawrence Counties, Ill., and between points in Larimer County, Colo., on the one hand, and, on the other, points in Williamson and Lawrence Counties, Ill., and between points in Mesa County, Colo., on the one hand, and, on the other, points in Champaign, Madison, Williamson, and Lawrence Counties, Ill. (Kentucky*); (185) between points in Las Animas, El Paso, Larimer, Garfield, Mesa and Alamosa Counties, Colo., on the one hand, and, on the other, points in Newton, Howard, Gibson, Monroe, Madison and Montgomery Counties, Ind. (except between points in Larimer County, Colo., and Newton County, Ind.) (Kentucky*); (186) between points in Las Animas, El Paso, Larimer, Garfield, Mesa and Alamosa Counties, Colo., on the one hand, and, on the other, points in Scott County, Mo. (Kentucky*).

(187) Between points in Las Animas, El Paso, Larimer, Garfield, Mesa and Alamosa Counties, Colo., on the one hand, and, on the other, points in Erie, Allen, Wayne, Gallia, Fayette and Butler Counties, Ohio (except between points in Las Animas County, Colo., and points in Wayne and Fayette Counties, Ohio, and except between points in Mesa County, Colo., and points in Erie, Allen, Wayne, and Fayette Counties, Ohio) (Kentucky*); (188) between points in Las Animas, El Paso, Larimer, Garfield, Mesa and Alamosa Counties, Colo., on the one hand, and, on the other, points in Adams, Clinton, Bradford, Somerset, McKean and Butler Counties, Pa. (Kentucky*); (189) between points in Las Animas, El Paso, Larimer, Garfield, Mesa and Alamosa Counties, Colo., on the one hand, and, on the other, points in McMoinn, Coffee, Madison, Henry, Davidson, Putnam and Washington Counties, Tenn. (Kentucky*); (190) between points in New Haven County, Conn., on the one hand, and, on the other, points in St. Johns, Columbia, Okaloosa, Sarasota, Orange and Palm Beach Counties, Fla., and between points in Fairfield, New London, Litchfield, Hartford, Windham, Middlesex and Tolland Counties, Conn., on the one hand, and, on the other, points in St. Johns, Columbia, Okaloosa, Bay, Sarasota, Orange, Palm Beach and Dade Counties, Fla. (except between points in New London and Litchfield Counties, Conn., and points in Dade County, Fla.) (Kentucky*); (191) between points in New Haven, Hartford, Fairfield, New London, Litchfield, Windham, Middlesex and Tolland Counties, Conn., on the one hand, and, on the other, points in Floyd, Bibb, Colquitt, Clarke, Ware and Emanuel Counties, Ga. (except between points in Hartford County, Conn., and points in Floyd, Ware and Emanuel Counties, Ga.) (Kentucky*);

(192) Between points in New Haven, Hartford, Fairfield, New London, Litchfield, Windham, Middlesex and Tolland Counties, Conn., on the one hand, and, on the other, points in Newton, Howard, Gibson, Monroe, Madison and Montgomery County, Ind. (except between points in Hartford and Litchfield Counties, Conn., and points in Howard County, Ind.) (Kentucky*); (193) between points in Fairfield, New London, Windham, Middlesex, and Tolland Counties, Conn., on the one hand, and, on the other, points in Allen, Gallia, Fayette and Butler Counties, Ohio, and between points in Hartford County, Conn., on the one hand, and, on the other, points in Allen, Wayne, Gallia, Fayette and Butler Counties, Ohio, and between points in New Haven County, Conn., on the one hand, and, on the other, points in Wayne, Gallia, Fayette and Butler Counties, Ohio (Kentucky*); (194) between points in Kent and New Castle Counties, Del., on the one hand, and, on the other, points in Oklaloosa, Bay, Sarasota, Palm Beach and Dade Counties, Fla., and between points in Sussex County, Del., on the one hand, and, on the other, points in Okaloosa, and Bay Counties, Fla. (Kentucky*); (195) between points in Kent and New Castle Counties, Del., on the one hand, and, on the other, points in Floyd, Bibb, Colquitt and Clarke Counties, Ga., and between points in Sussex County, Del., on the one hand, and, on the other, points in Floyd County, Ga. (Kentucky*); (196) between points in Kent, New Castle, and Sussex Counties, Del., on the one hand, and, on the other, points in Lake, Champaign, Winnebago, Jo Daviess, Madison, Williamson and Lawrence Counties, Ill. (Kentucky*);

(197) Between points in Kent, New Castle and Sussex Counties, Del., on the one hand, and, on the other, points in Newton, Howard, Gibson, Monroe, Madison and Montgomery Counties, Ind. (Kentucky*); (198) between points in Kent, New Castle, and Sussex Counties, Del., on the one hand, and, on the other, points in Marion, Boone, Platte, Pettis, Scott, Greene and Phelps Counties, Mo. (Kentucky*); (199) between points in Kent and New Castle Counties, Del., on the one hand, and, on the other, points in Allen, Gallia, Fayette and Butler Counties, Ohio, and between points in Sussex County, Del., on the one hand, and, on the other, points in Gallia, Fayette and Butler Counties, Ohio, (Kentucky*); (200) between points in Webster, Cherokee, Marshall, Winneshiek and Pottawattamie Counties, Iowa, on the one hand, and, on the other, points in Gibson County, Ind. (Kentucky*); (201) between points in Wapello, Webster, Cherokee, Marshall, Winneshiek and Pottawattmie Counties, Iowa, on the one hand, and, on the other, points in Scott County, Mo. (Kentucky*); (202) between points in Wapello, Webster, Cherokee, Marshall, Winneshiek and Pottawattmie Counties, Iowa, on the one hand, and, on the other, points in Franklin, Oswego, Dutchess, Warren, Courtland and Chautauqua Counties, N.Y. (except between points in Winneshiek County, Iowa, and points in Chautauqua County, N.Y. (Kentucky*); (203) between points in Pottawattmie County, Iowa, on the

V 40 184 SEP 2275 XUM

one hand, and, on the other, points in Erie, Allen, Wayne, Gallia, Fayette and Butler Counties, Ohio, and between points in Webster, Cherokee, Marshall and Winneshiek Counties, Iowa, on the one hand, and, on the other, points in Wayne, Gallia, Fayette and Butler Counties, Ohio, and between points in Wapello County, Iowa, on the one hand, and, on the other, points in Erie, Wayne, Gallia, Fayette and Butler Counties, Ohio (Kentucky*);

(204) Between points in Wapello, Webster, Cherokee, Marshall, Winneshiek and Pottawattmie Counties, Iowa, on the one hand, and, on the other, points in Adams, Clinton, Bradford, Somerset, McKean and Butler Counties, Pa. (Kentucky*); (205) between points in Bourbon County, Kans., on the one hand, and, on the other, points in Howard and Monroe Counties, Ind., and between points in Finney and Pratt Counties, Kans., on the one hand, and, on the other, points in Howard, Gibson, Monroe, Madison and Montgomery Counties, Ind., and between points in Greeley County, Kans., on the one hand, and, on the other, points in Gibson, Monroe, Madison and Montgomery Counties, Ind., and between points in Atchison County, Kans., on the one hand, and, on the other, points in Monroe and Montgomery Counties, Ind., and between points in Barton County, Kans., on the one hand, and, on the other, points in Howard, Gibson, Monroe and Madison Counties, Ind. (Kentucky*); (206) between points in Bourbon, Finney, Pratt, Greeley, Atchison and Barton Counties, Kans., on the one hand, and, on the other, points in Erie, Allen, Wayne, Gallia, Fayette and Butler Counties, Ohio. (Kentucky*); (207) between points in Bourbon, Finney, Pratt, Greeley, Atchison and Barton Counties, Kans., on the one hand, and, on the other, points in McMinn, Coffee, Madison, Henry, Davidson, Putnam and Washington Counties, Tenn. (Kentucky*); (208) between points in Morehouse, Sabine and Rapides Counties, La., on the one hand, and on the other, points in Marion, Boone and Scott Counties, Mo., and between points in Madison and Lafayette Counties, La., on the one hand, and, on the other, points in Marion, Boone, Scott, Phelps Counties, Mo., and between points in Terrebonne County, La., on the one hand, and, on the other, points in Marion, Boone, Platte, Pettis, Scott and Phelps Counties, Mo. (Kentucky*);

(209) Between points in Madison County, La., on the one hand, and, on the other, points in McMinn, Coffee, Madison, Henry, Davidson and Washington Counties, Tenn., and between points in Morehouse, Sabine, Rapides and Terre Bone Counties, La., on the one hand, and, on the other, points in Henry, Davidson and Washington Counties, Tenn., and between points in Lafayette County, La., on the one hand, and, on the other, points in Madison, Henry, Davidson and Washington Counties, Tenn. (Kentucky*); (210) between points in St. Joseph, Kalamazoo, Kent, Muskegon, Mason, Wexford, Iosco, Grand Traverse, Otsego, Alpena, Cheboygan and Marquette Counties, Mich., on the one hand, and, on the other, points in Culpepper, Harrisonburg, Prince William and Essex Counties, Va., and between points in Calhoun and Saginaw Counties, Mich., on the one hand, and, on the other, points in Culpepper, Harrisonburg and Essex Counties, Va., and between points in Jackson, Washtenaw, Wayne, and Oakland Counties, Mich., on the one hand, and, on the other, points in Harrisonburg County, Va., and between points in Genesee, Ingham, and St. Clair Counties, Mich., on the one hand, and, on the other, points in Harrisonburg and Essex Counties, Va. (Kentucky*); (211) between points in Tennessee east of Lauderdale, Haywood and Fayette Counties, on the one hand, and, on the other, points in Texas (Kentucky*); (212) between points in Illinois, on the one hand, and, on the other, points in Arkansas (except between Carroll and Madison Counties, Ill., on the one hand, and, on the other, Washington and Sebastian Counties, Ark., and between Macon County, Ill., on the one hand, and, on the other, Washington County, Ark.) (Kentucky*);

(213) Between Independence, Sebastian, and Washington Counties, Ark., on the one hand, and, on the other, points in Winnebago, Lee, La Salle, Champaign, Effingham, Jefferson, Rock Island, Peoria, Sangamon, McLean, Marion, and Williamson Counties, Ill. (except between Washington County, Ark., on the one hand, and, on the other, points in Rock Island, Peoria, Sangamon, and McLean Counties, Ill., and between Sebastian County, Ark., on the one hand, and, on the other, points in Rock Island and Sangamon Counties, Ill.) (Kentucky*); (214) between points in Illinois, on the one hand, and, on the other, points in Texas (except points in Dallam, Childress, Dallas, Lubbock, and Grayson Counties) (Kentucky*); (215) between points in Maryland, on the one hand, and, on the other, points in Alabama (Kentucky*); (216) between points in Missouri, on the one hand, and, on the other, points in Alabama (Kentucky*); (217) between points in Rockbridge, Roanoke, Pittsylvania, Albemarle, Henrico, Spotsylvania, Fredericksburg, Fairfax, and Norfolk Counties, Va., on the one hand, and, on the other, points in Madison, Lauderdale, Jefferson, Etowah, Montgomery, Houston, Mobile, and Russell Counties, Ala. (except between Pittsylvania County, Va., on the one hand, and, on the other, points in Jefferson, Etowah, Montgomery, Houston, Mobile, and Russell Counties, Ala.,) and between Henrico and Norfolk Counties, Va., on the one hand, and, on the other, points in Houston and Russell Counties, Ala. (Kentucky*); (218) between points in Virginia, on the one hand, and, on the other, points in Mississippi (Kentucky*).

(219) Between points in Dyer County, Tenn., on the one hand, and, on the other, points in Montgomery, Houston, Mobile, and Russell Counties, Ala., and between points in Montgomery County, Tenn., on the one hand, and, on the other, points in Jefferson, Etowah, Montgomery, Houston, Mobile, and Russell Counties, Ala., and between Davidson County, Tenn., on the one hand, and, on the other, points in Houston, Mobile, and Russell Counties, Ala., and between points in Shelby, Hamilton, Dyer, Montgomery, Davidson, Knox, and Sullivan Counties, Tenn., on the one hand, and, on the other, points in Madison Lauderdale, Jefferson, Etowah, Montgomery, Houston, Mobile, and Russell Counties, Ala. (Kentucky*); (220) between points in Tennessee on and west of U.S. Highway 11E/19 from the Virginia State line to junction U.S. Highway 23, thence along U.S. Highway 23 to the North Carolina border, on the one hand, and, on the other, points in West Virginia (except between Johnson City, Tenn., on the one hand, and, on the other, points in Raleigh, Mercer, Randolph, Pocahontas, Greenbrier, Tucker, Hardy, and Berkeley Counties, W. Va., and between Bristol, Tenn., on the one hand, and, on the other, points in Kanawha, Raleigh, Mercer, Harrison, Randolph, Pocahontas, Greenbrier, Monogalia, Marion, Preston, Tucker, Mineral, Hardy, and Berkeley Counties, W. Va.) (Kentucky*); (221) between points in that part of Ohio on and west of a line beginning at Lake Erie extending along Ohio Highway 44 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in North Carolina (except points in Cuyahoga, Summit, and Stark Counties, Ohio, on the one hand, and, on the other, points in Pasquotank County, N.C.) (Kentucky*).

(222) Between points in that part of Virginia on and south of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 250 to junction Interstate Highway 64, thence along Interstate Highway 64 to the eastern coast of Virginia, on the one hand, and, on the other, points in Michigan, and between points in Winchester and Arlington Counties, Va., on the one hand, and, on the other, points in Delta, Gogebic, and Berrien Counties, Mich., and between points in Fredericksburg County, Va., on the one hand, and on the other, points in St. Joseph, Berrien, Muskegon, Grand Traverse, Otsego, Alpena, Cheboygan, Delta, Gogebic, and Marquette Counties, Mich. (Kentucky*); (223) between points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line extending along Texas Highway 36 to junction U.S. Highway 281, thence along U.S. Highway 281 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in Tennessee east of the counties of Lauderdale, Haywood, and Fayette. (Kentucky*); (224) between points in Dallam, Childress, Dallas, Lubbock, and Grayson Counties, Tex., on the one hand, and, on the other, points in Illinois on and east of a line beginning at the Wisconsin-Illinois State line extending along

Illinois Highway 26 to junction Illinois Highway 2, thence along Illinois Highway 2 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction, U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Missouri State line Kentucky*).

(225) Between points in Illinois on and east of a line beginning at the Wisconsin-Illinois State line extending along U.S. Highway 45 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Missouri State line, on the one hand, and, on the other, points in Oklahoma, and between points in Winnebago County, Ill., on the one hand, and, on the other, points in Muskagee, Choctaw, Canadian, Carter, Jackson, and Tulsa Counties, Okla., and between points in Macon County, Ill., on the one hand, and, on the other, points in Choctaw, Garfield, Carter, Cimarron, Woodward, and Jackson Counties, Okla. (Kentucky*); and (226) between points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line extending along U.S. Highway 177 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction Oklahoma Highway 377m thence along Oklahoma Highway 377 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in Illinois on and east of a line beginning at the Wisconsin-Illinois State line extending along Illinois Highway 47 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 161, thence along Illinois Highway 161 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 150, thence along Illinois Highway 150 to the Missouri-Illinois State line (except between points in Woods and Kay Counties, Okla., on the one hand, and, on the other, Winnebago County, Ill., and between points in Kay and Canadian Counties, Okla., on the one hand, and, on the other, points in Macon County, Ill.) (Kentucky*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 41406 (Sub-E11), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Indiana 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are *building and construction materials*, (a) from points in the Lower Peninsula of Michigan (except Otsego, Mont-Morency, Alpena, Presque Isle, Cheboygan, Charlevoix, and Emmet Counties), to points in Iowa west of Lee, Henry, Washington, Johnson, Linn, Buchanan, Fayette, and Winneshiek Counties, (b) from points in the Lower Peninsula of Michigan to points in Iowa on, south, and west of a line beginning at the Iowa-South Dakota border, thence east along U.S. Highway 20 to its junction with U.S. Highway 63, thence south on U.S. Highway 63 to the Iowa-Missouri border. The purpose of this filing is to eliminate the gateways of points in Chicago, Illinois, the commercial zone and the plantsite of Jones & Laughlin Steel Corporation located in Putnam County, Illinois.

No. MC 41406 (Sub-E15), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Indiana 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* as are *building and construction materials*, from those points in (northwest) Indiana within the territory bounded by a line starting at Onarga, Illinois, thence northeast to Warsaw, Indiana, thence north to Goshen, Indiana, thence northwest through Chicago, Illinois, to Winthrop Harbor, Ill., to those points in Iowa on and west of a line beginning at the Iowa-Missouri State line near Farmington, Iowa, thence north on Iowa Highway 81 to its junction with Iowa Highway 2, thence east on Iowa Highway 2 to its junction with U.S. Highway 218, thence along U.S. Highway 218 to Cedar Rapids, Iowa, thence along U.S. Highway 151 to junction 151 to junction Iowa Highway 13, thence along Iowa Highway 13 to Marquette, Iowa, to the Iowa-Wisconsin State line. The purpose of this filing is to eliminate the gateway of the plantsite of Jones & Laughlin Steel Corporation located in Putnam County, Illinois.

No. MC 41406 (Sub-E16), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Indiana 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those requiring special equipment), (a) from points in Illinois (except points in Edgar, Clark, Crawford, Edwards, White, Gallatin, Lawrence, Hardin, and Wabash Counties), to points in the Lower Peninsula of Michigan; (b) from points in Illinois to points in the Lower Peninsula of Michigan (except points in Branch, Hillsdale, Lenawee, and Monroe Counties); (c) from points in Illinois (except points in Jo Daviess, Stephenson, Winnebago, Lake, Kane, Boone, DeKalb, Ogle, Carroll, Whiteside, McHenry, Lee, Rock Island, Mercer, Henry, and Bureau Counties) to points in the Upper Peninsula of Michigan; (d) from those points in the Illinois Counties of Lake, DeKalb, McHenry, and Kane that are within 70 miles of Hammond, Indiana, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Gary, Indiana in (a), (b), and (c) above; and points in the Chicago, Illinois commercial zone, in (d) above.

No. MC 41406 (Sub-E21), filed May 15, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the Lower Peninsula of Michigan, on and west of a line beginning at the Michigan-Indiana border, thence north along U.S. Highway 31/33 to Niles, thence northeast along Michigan Highway 51 to its junction with Interstate Highway 94, thence east along Interstate Highway 94 to Michigan Highway 40, thence north on Michigan Highway 40 to Michigan Highway 118, thence east on Michigan Highway 118 to U.S. Highway 131, thence north on U.S. Highway 131 to Lake Michigan near Petoskey, to Louisville, Kentucky. The purpose of this filing is to eliminate the gateway of points in the Chicago, Ill., commercial zone.

No. MC 60014 (Sub-E126), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between those points in West Virginia south and west of a line beginning at the Pennsylvania-West Virginia State line and extending along West Virginia Highway 69, to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Interstate Highway 91, to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to the Connecticut-Rhode Island State line (New York and points in Massachusetts within 35 miles of Boston).

(2) Between points in West Virginia, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 122, to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction Ohio Highway 316, thence along Ohio Highway 316 to junction Ohio Highway 752, thence along Ohio Highway 752 to junction Ohio Highway 674, thence along Ohio Highway 674 to junction Ohio Highway 188, thence along Ohio Highway 188 to junction U.S. High-

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way 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, (except points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line, (except points in Licking County, Ohio), points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio)*, and (3) between points in West Virginia, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and Massachusetts within 35 miles of Boston, Massachusetts (New York and points in Massachusetts within 35 miles of Boston)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 60014 (Sub-E127), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Virginia, on the one hand, and, on the other points in New Hampshire, Rhode Island, those in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 32, to junction Connecticut Highway 2 thence along Connecticut Highway 2 to the Connecticut-Rhode Island State line, and between those points in Virginia on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220, to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-West Virginia State line, on the one hand, and, on the other, those points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along U.S. Highway 202, to junction U.S. Highway 6/202, thence along U.S. Highway 6/202 to junction Connecticut Highway 69, thence along Connecticut Highway 69 to junction Connecticut Highway 72, thence along Connecticut Highway 72 to junction Connecticut Highway 229, thence along Connecticut Highway 229 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Connecticut Highway 68, thence along Connecticut Highway 68 to junction Connecticut Highway 10, thence along Connecticut Highway 10 to junction Connecticut Highway 150 thence along Connecticut Highway 150 to junction Connecticut Highway 22, thence along Connecticut Highway 22 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of New York and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-E133), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, between the District of Columbia, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, those in Massachusetts, on and east of U.S. Highway 5, those in Rhode Island on and east of a line beginning at the Connecticut-Rhode Island State line and extending along Rhode Island Highway 138 to junction Rhode Island Highway 108, thence along Rhode Island Highway 108 to the Rhode Island Sound, and those in Vermont on and east of a line beginning at the New York-Vermont State line and extending along Vermont Highway 149 to junction Vermont Highway 30, thence along Vermont Highway 30 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 112, thence along Vermont Highway 112 to the Vermont-Massachusetts State line (points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston)*; and *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in Ohio (except those in Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (West Virginia and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line, except points in Licking County).†

No. MC 60014 (Sub-E137), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, between those points in Ohio on and west of a line beginning at Lake Erie and extending along Ohio Highway 91 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Ohio Highway 88, thence along Ohio Highway 88 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Connecticut, Rhode Island, Maine, those in Massachusetts on and east of U.S. Highway 5, those in New Hampshire on and east of a line beginning at the Vermont-New Hampshire State line and extending along U.S. Highway 302 to junction New Hampshire Highway 112, thence along New Hampshire Highway 112 to junction New Hampshire Highway 118, thence along New Hampshire Highway 118 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction New Hampshire Highway 3A/25, thence along New Hampshire Highway 3A/25 to junction New Hampshire Highway 3A, thence along New Hampshire Highway 3A to junction New Hampshire Highway 104, thence along New Hampshire Highway 104 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction New Hampshire Highway 10, thence along New Hampshire Highway 10 to junction New Hampshire Highway 123A, thence along New Hampshire Highway 123A to junction New Hampshire Highway 123, thence along New Hampshire Highway 123 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateway of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; Pennsylvania; points in New York, within 10 miles of Greenwich, Connecticut; Greenwich, Connecticut; and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-E138), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, between those points in Ohio on and west of a line beginning at Lake Erie and extending along Ohio Highway 19 to junction Ohio Highway 53 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 162, thence along Ohio Highway 162 to junction Ohio Highway 18, thence along Ohio Highway 18, to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Ohio Highway 82, thence along Ohio Highway 82 to Ohio Highway 305, thence along Ohio Highway 305 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, those points in Vermont on and east of a line beginning at the United States-Canada International Boundary line, and extending along U.S. Highway 5, to junction U.S. Highway 302, thence along U.S. Highway 302 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateway of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; Pennsylvania; points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-E141), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* which by reason of size or weight require the use of special equipment, from those points in Ohio on and east of a line beginning at Lake Erie and extending along Ohio Highway 58 to junction Ohio Highway 89, thence along Ohio Highway 89 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 179, thence along Ohio Highway 179, to junction Ohio Highway 39/60, thence along Ohio Highway 39/60 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 60, thence along Ohio Highway 60 to the West Virginia-Ohio State line, to points in Mississippi and Alabama. The purpose of this filing is to eliminate the gateway of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line; and Wheeling, West Virginia.

No. MC 60014 (Sub-E142), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* which by reason of size or weight require the use of special equipment, from those points in Ohio on and east of a line beginning at Lake Erie extending along Ohio Highway 237 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction Ohio Highway 57, thence along Ohio Highway 57 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 94, thence along Ohio Highway 94 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Ohio Highway 800, thence along Ohio Highway 800 to the Ohio-West Virginia State line, to points in Tennessee. The purpose of this filing is to eliminate the gateway of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line; and Wheeling, West Virginia.

No. MC 60014 (Sub-E143), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* which by reason of their size or weight require the use of special equipment, from those points in Ohio on and east of a line beginning at Lake Erie and extending along U.S. Highway 42 to junction Ohio Highway 176, thence along Ohio Highway 176 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 21, thence along Ohio Highway 21 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 78, thence along Ohio Highway 78 to the Ohio-West Virginia State line, to those points in Kentucky on and south of a line beginning at the West Virginia-Kentucky State line and extending along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 638, thence along Kentucky Highway 638 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 178, thence along Kentucky Highway 178 to junction Kentucky Highway 800, thence along Kentucky Highway 800 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction Kentucky Highway 56, thence along Kentucky Highway 56 to the Kentucky-Illinois State line. The purpose of this filing is to eliminate the gateway of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line; and Wheeling, West Virginia.

No. MC 60014 (Sub-E144), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Ohio (except those in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line, and Wheeling, West Virginia, on the one hand, and, on the other, those points in Licking County, Ohio), in that part of Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 2, to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio).

No. MC 67450 (Sub-No. E1), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9652 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Chicago, Ill., to points in Pennsylvania and to the plants, warehouses, and facilities used by General Mills, Inc., at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities used by General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E2), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from the plants and warehouses of General Mills, Inc., at West Chicago, Ill., to points in Pennsylvania, and to the plants, warehouses, and facilities used by General Mills, Inc., at Buffalo, N.Y. The purpose of this filing is to elminate the gateway of the facilities of General Mills, Inc., at Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E6), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago. Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, in bulk, in tank vehicles, from Indianapolis, Ind., to the plants, warehouses, and facilities used by General

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Mills, Inc., at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., in Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E7), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn sugar*, dry, in bulk, from Fort Wayne, Ind., to points in Iowa, Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 67450 (Sub-No. E8), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank vehicles, from Fort Wayne, Ind., to points in Pennsylvania and the plantsites, warehouses, and facilities used by General Mills, Inc., at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E9), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn sugar*, dry, in bulk, from Mount Vernon, Ind., to points in Pennsylvania and to the plants, warehouses, and facilities used by General Mills, Inc., at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E10), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn sugar*, dry, in bulk, from Kankakee, Ill., to points in Pennsylvania and the plants, warehouses, and facilities used by General Mills, Inc., at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E11), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 EWING Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Chicago, Ill., to points in Pennsylvania, and the plants, warehouses, and facilities used by General Mills, Inc., at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E12), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products*, from Chicago, Ill., to points in Pennsylvania and the plants, warehouses, and facilities used by General Mills, Inc., at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E13), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products*, from the plants and warehouses of General Mills, Inc., at West Chicago, Ill., to points in Pennsylvania, and the plants, warehouses, and facilities used by General Mills, Inc., at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E14), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products*, other than commodities in bulk, in tank vehicles, from the plantsite of General Mills, Inc., at St. Charles, Ill., to points in Pennsylvania and the plants, warehouses, and facilities used by General Mills, Inc. at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E15), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except grain products, cereal and flour preparations, and soup ingredient mixtures), from the plants and warehouses of General Mills, Inc. at Chicago, Ill., to points in Pennsylvania and the plants, warehouses, and facilities used by General Mills, Inc. at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E16), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plants and warehouses of General Mills, Inc. at West Chicago, Ill., to points in Pennsylvania, and the plants, warehouses, and facilities used by General Mills, Inc. at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilites of General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E17), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than commodities in bulk, in tank vehicles, from the plantsite of General Mills, Inc. at St. Charles, Ill., to points in Pennsylvania, and the plants, warehouses, and facilities used by General Mills, Inc. at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E18), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oat products* (other than starch), dry, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to points in Pennsylvania and the plants, warehouses, and facilities used by General Mills, Inc. at Buffalo, N.Y. The purpose of this filing is to eliminate the gateway of the facilities of General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E20), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar* and *blends* thereof, in bulk, in tank vehicles, from Louisville, Ky., to points in the Lower Peninsula of Michigan on and east of a line beginning at the Michigan-Ohio State line extending along U.S. Highway 127 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Mackinac Bridge near Mackinaw City, Mich. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 67450 (Sub-No. E21), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, in containers, from the plantsite of Lowe's, Inc., at or near Paris, Tenn., to points in Iowa, Kansas, Minnesota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in Pulaski County, Ill.

No. MC 67450 (Sub-No. E22), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, in containers, from points in Pulaski County, Ill., to points in Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming. The purpose of this filing is to eliminate the gateway of the plantsite of Lowe's, Inc., at or near Paris, Tenn.

No. MC 67450 (Sub-No. E23), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean products*, in bulk, in tank vehicles, from Ft. Wayne, Ind., to points in Missouri. The purpose of this filing is to eliminate the gateway of Champaign, Ill.

No. MC 67450 (Sub-No. E25), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products*, dry, in bulk, in tank vehicles, from Chicago, Ill., to points in Kentucky (except points in Ballard, Carlisle, Hickman, and Fulton Counties). The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 67450 (Sub-No. E26), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, in bulk (except flour to any point other than Memphis and except animal and poultry feed), from Chicago, Ill., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ind.

No. MC 67450 (Sub-No. E27), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Iowa, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 67450 (Sub-No. E28), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry corn products*, in bulk, in tank vehicles, from Ft. Wayne, Ind., to points in Iowa, Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 67450 (Sub-No. E.29), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Chester, Ill., to points in Kansas. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC 67450 (Sub-No. E30), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Chester, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 67450 (Sub-No. E31), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Chester, Ill., to points in Indiana, Ohio, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 67450 (Sub-No. E32), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Chester, Ill., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of points in Illinois and points in Ohio.

No. MC 67450 (Sub-No. E33), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank-type vehicles, from Chicago, Ill., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Chester, Ill.

No. MC 67450 (Sub-No. E34), Filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Ft. Wayne, Ind., to points in Oklahoma and Missouri (except points in Missouri north of a line beginning at the Mississippi River extending along U.S. Highway 40 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line). The purpose of this filing is to eliminate the gateway of Chester, Ill.

No. MC 67450 (Sub-No. E35), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Ft. Wayne, Ind., to points in Kansas. The purpose of this filing is to eliminate the gateways of Chester, Ill., and points in Missouri.

No. MC 67450 (Sub-No. E36), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Ft. Wayne, Ind., to points in Pennsylvania, West Virginia, North Carolina, South Carolina, Georgia, and Kentucky (except points in Kentucky on and west of Interstate Highway 75). The purpose of this filing is to eliminate the gateway of points in Ohio (except points in Ashtabula, Lake, Muskingum, Licking, and Wayne Counties).

No. MC 67450 (Sub-No. E37), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Ft. Wayne, Ind., to points in Virginia. The purpose of this filing is to eliminate the gateway of points in Ohio (except points in Ashtabula, Lake, Muskingum, Licking, and Wayne Counties).

No. MC 67450 (Sub-No. E38), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Kansas and Oklahoma. The

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purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC 67450 (Sub-No. E39), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles from Indianapolis, Ind., to points in Pennsylvania and West Virginia. The purpose of this filing is to eliminate the gateway of points in Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muckingum, Licking, Franklin and Wayne Counties).

No. MC 67450 (Sub-No. E40), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles from Indianapolis, Ind., to points in North Carolina, South Caroline, and Georgia. The purpose of this filing is to eliminate the gateway of points in Kentucky.

No. MC 67450 (Sub-No. E41), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles from Indianapolis, Ind., to points in Virginia. The purpose of this filing is to eliminate the gateway of points in Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin and Wayne Counties).

No. MC 67450 (Sub-No. E42), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Illinois, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E43), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Illinois, on the one hand, and, on the other, points in West Virginia (except points south of U.S. Highway 52). The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E44), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Illinois on and north of Interstate Highway 70. on the one hand, and, on the other, points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E46), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Indiana, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E47), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Indiana, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E48), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Indiana on and north of U.S. Highway 50, on the one hand, and, on the other, points in South Carolina and North Carolina on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E49), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Indiana on and north of Interstate Highway 74, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E50), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E51), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E52), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E53), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E54), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E55), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Illinois, on the one hand, and, on the other, points in Virginia on, east and north of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 220 to Roanoke, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E58), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Ligonier, Ind., to points in Kentucky on, south and east of U.S. Highway 460, and points in Georgia. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 67450 (Sub-No. E59), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Ligonier, Ind., to points in Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E60), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Flour, in bulk, from Ligonier, Ind., to points in *Virginia*. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E61), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Lancaster, Ohio, to points in Missouri, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 67450 (Sub-No. E62), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank or hopper-type vehicles, from Buffalo, N.Y., to points in Ohio on and west of Interstate Highway 77, and to points in Indiana, Illinois, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 67450 (Sub-No. E63), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank or hopper-type vehicles, from Buffalo, N.Y., to points in Missouri, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio, and Chester, Ill.

No. MC 67450 (Sub-No. E64), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank or hopper-type vehicles, from Buffalo, N.Y., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio and Ft. Wayne, Ind.

No. MC 67450 (Sub-No. E65), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Quincy, Mich., to points in Kansas. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC 67450 (Sub-No. E66), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Davenport and Des Moines, Iowa, to points in Indiana, Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Illinois on and north of U.S. Highway 136.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25197 Filed 9-19-75;8:45 am]

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federal register

MONDAY, SEPTEMBER 22, 1975



PART II:

FEDERAL ENERGY ADMINISTRATION

■

PETROLEUM COMPANY FINANCIAL REPORT

Proposed Report Form

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FEDERAL ENERGY ADMINISTRATION

PETROLEUM COMPANY FINANCIAL REPORT

Notice of Proposed Report

Notice is hereby given that the Federal Energy Administration proposes to issue Form FEA P324–A–O, Petroleum Company Financial Report, with schedules and instructions.

Once approved, the questionnaire will be printed and mailed to all companies conducting petroleum refining operations and a random sampling of petroleum producing and marketing companies.

The primary purpose of the Petroleum Company Financial Report is to provide the FEA with comprehensive, consistent and up-to-date financial information about the petroleum industry an dits components. This report collects new data on revenues, costs, investments and profits of companies involved in the petroleum industry. Operating data will be collected and related to fiscal data.

The report will enable the Federal Energy Administration to perform, among other things, the following:

(1) An evaluation of company profits, in total and for certain functions within each company;

(2) A determination of the cost of energy development by type of energy and by geographic area;

(3) An assessment of cash flow by company and by groups of companies in order to judge the adequacy of cash flow for investments requiring financing;

(4) An analysis of the competitive situation in various sectors of the petroleum industry; and

(5) A determination of the impact of existing or proposed regulatory and legislative policies on costs, prices and profits.

This information will make possible a comparative examination of selected aspects of the industry, in particular:

Geographic areas of operation (domestic on-shore, off-shore, Alaska and foreign)
Functional activities (exploration, development, production, refining, marketing, transportation and supply)
Non-petroleum activities Alternative sources (such as coal, synthetic fuels and nuclear)
Energy-related areas (such as petrochemical and chemical)
Non-energy endeavors (such as land-development and retailing, in aggregate)
Relationships among various factors (such as physical operating data; costs and revenues; and, cash flows and investments.)

This proposed form has been designed to obtain all necessary information with a minimum of difficulty. For example, the consolidated financial statements which the form will require are the same as those required by the Securities and Exchange Commission (SEC) in its Form 10–K filings. In addition, the FEA's proposed form has not attempted to prescribe standardized accounting practices for the petroleum industry. Rather, the form takes into account variations in accounting practices and provides options as to the manner in which information may be reported.

The report requests information on cash inflows and outflows and therefore analysis of the basis data is not influenced by accounting conventions. The report collects additional information of an accounting nature so that the report can be linked to the company's financial statements in its annual report and its submission to the Securities Exchange Commission, Form 10–K.

Form FEA P324–A–O, once finalized, will be due 135 days after the close of each fiscal year. For the year 1974, the submission will be due 90 days after receipt of the Form. In addition, FEA will require that a reduced version of this form be submitted for 1971, 1972 and 1973. FEA requests specific comments on the availability of information for the years 1971–1973.

The FEA recognizes the need for an updating of selected parts of this data between annual submissions. However, the FEA lacks precise information on the amount or type of interim-financial data available. Separate comments are solicited as to the availability of financial and operating data on a quarterly basis.

The proposed questionnaire, Form FEA P324–A–O, is issued pursuant to the information-gathering powers of § 13(c) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275) and does not constitute a rule within the meaning of § 7(i)(1) of the Federal Energy Administration Act of 1974. Thus, the rulemaking provisions of § 7(i)(1) are inapplicable. However, because of the scope of this proposed form and the FEA's desire to secure all necessary financial information with a minimum degree of difficulty, written comments will be received on the form and a public hearing will be held.

Interested persons are invited to submit data, views, or arguments with respect to this form to Executive Communications, Federal Energy Administration, Box EG, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on documents submitted to Executive Communications, FEA, with the designation "Form FEA P324–A–O." Fifteen copies should be submitted. All comments received by October 16, 1975, and all relevant information will be considered by the Federal Energy Administration.

A public hearing on the form will be held beginning at 10:00 a.m., on October 14, 1975 at 2000 M Street, N.W., Room 2105, Washington, D.C. to receive comments from interested persons. The hearing will be continued through October 15, if necessary. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA and must be received before October 2, 1975. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of the group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through October 14, 1975. Each person selected to be heard will be so notified by the FEA before October 9, 1975, and must submit 100 copies of his or her statement to Executive Communications, FEA, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461, before 4:30 p.m. e.d.t., October 10, 1975.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to Executive Communications, FEA, before 4:30 p.m., e.d.t., October 9, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Dated: September 5, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

INTRODUCTION TO THE FEDERAL ENERGY ADMINISTRATION PETROLEUM COMPANY FINANCIAL REPORTING SYSTEM

STATEMENT OF PURPOSE

To meet its legislated responsibilities under Section 5 of P.L. 93-275 (Federal Energy Administration Act of 1974) to collect information needed for the formulation of energy policy, the FEA is conducting this survey of petroleum company financial conditions pursuant to Section 13 of that Act. The instructions and forms accompanying this Statement of Purpose form the basis for the Annual Reporting Requirements for the designated companies.

REPORTING SPECIFICATIONS

A. Compatibility with the Securities and Exchange Commission Form-10K Submissions.

This report is to be based on the same basic accounting data and is to cover the same fiscal period as the consolidated financial statements and accompanying notes and schedules of SEC Form 10-K, which should be filed with this report. In addition, the company's annual report to shareholders, including supplemental material, should be filed with this report, or at such time as they become available.

The net income and total outlays provided for in this report should equal the net income and use of cash figures provided in the consolidated financial statements of SEC Form 10-K. In addition, account totals of this report should equal account totals of Form 10-K, except in those instances where the instructions for this report specifically require deviation from 10-K reporting.

For firms not required to file SEC Form 10-K, net income and cash flow of this report should equal net income and cash flow of the company's audited consolidated financial statements, which should be filed with this report. For such firms, all references to SEC Form 10-K should be interpreted as audited annual consolidated financial statements.

All items which enter into the determination of net income for the reporting company should be included within the body of this report, including items which may be set out separately for financial statement presentation purposes, such as extraordinary items and discontinued operations.

All items should be reported prior to the tax effects on the reporting company. Companywide tax effects are to be reported separately on Schedule 4 for Current Taxes and Schedule 7 for Deferred Taxes.

B. Use of Estimates for Unavailable Information.

The FEA recognizes that there is no uniform system of accounting for all companies and that reporting on this form may require some companies to use estimates for some portions of the detailed data items requested. If you do not have records showing the items requested, please use your best professional estimates. Indicate on the form, using a footnote, figures provided on an estimated basis (e.g. 1,704e and footnote e for estimated).

INTRODUCTION TO THE REPORTING FORMS

A. Introduction to the 12 Reporting Schedules.

The reporting system is structured around eleven financial schedules and one statistical schedule as follows:

Schedule 1- raw material and Product acquisitions and Dispositions
Schedule 2 - Other Revenue, Income and Costs
Schedule 3 - Sales and Retirements of Assets and
Schedule 4 - Total Energy Exploration/Development/
Schedule 5 - Other Operating and Capital Expenditures
Schedule 6 - Other Sources and Uses of Funds
Schedule 7 - Non-Cash Profit and Loss Effects
Schedule 8 - Reconciliation of Net Income and Cash Flow
Schedule 9 - Balance Sheet
Schedule 10 - Changes in Property, Plant and Equipment
Schedule 11 - Income Taxes
Schedule 12 - Statistical Data

B. Intersection of Rows and Columns.

Each schedule consists of (a) row items that call for particular categories of financial and volumetric data; and (b) columns for particular geographic classifications, functional group classifications, type of energy classifications, and corporate summaries. The overall intersection of rows and columns for the 12 schedules is shown on Table 1.

TABLE 1

	Petroleum												
	U.S. Production			U.S.		Foreign		Other Energy					
	Off-Shore	On-Shore	Alaska	Ref/Mkt/ Prod	Trans/Supply	Ref/Mkt/ Prod	Trans/Supply	U.S.	Foreign	Non-Energy	Corp	Inter. Elim	Total Companies
SCHEDULE 1 - Purchases, Sales and Inventory Change	X	X	X	X	X	X	X	X	X	X	X	X	X
SCHEDULE 2 - Other Revenue and Income													X
SCHEDULE 3 - Sales of Assets				X	X	X	X	X	X	X	X	X	X
SCHEDULE 4 - Exp./Dev./Prod. Expenditures	X	X	X	X		X		X	X				X
SCHEDULE 5 - Other Operating and Capital Expenditures					X		X	X	X	X	X	X	X
SCHEDULE 6 - Other Sources/Uses of Funds					X		X	X	X	X	X		X
SCHEDULE 7 - Non-Cash Effects					X		X	X	X	X	X		X
SCHEDULE 8 - Reconciliation													X
SCHEDULE 9 - Balance Sheet													
. Property, Plants, Equipment	X	X	X	X	X	X	X	X	X	X	X		X
. Assets				X	X	X	X	X	X	X	X		X
. Liabilities, Stockholder Equity				X	X	X	X	X	X	X	X		X
SCHEDULE 10 - Balance Sheet Changes (not reported above)													X
SCHEDULE 11 - Income Taxes													X
SCHEDULE 12 - Statistical Data	X	X	X	X	X	X	X	X	X				X

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C. Definitions of Row Entries.

The specific definitions and guidance for completing the row entries are provided in the detailed instructions accompanying each schedule.

D. Definitions of Column Headings.

The following definitions should be used for assigning the data in each row to the appropriate columns on each schedule:

Geographical Classifications - Assign geographic classification according to the physical location of operations, regardless of the 'citizenship' of materials on which the operations are performed. Exceptions are that marine vessels be classified as U.S. or Foreign according to country of registry, and that crude oil, semi-finished and finished products imported to the U.S. be classed as Foreign until title transfers to a U.S. company.

U.S. - Use the FEA definitions for U.S. geographic classification (i.e. the fifty states, including the offshore territorial waters of the fifty states, and including U.S. commonwealths, territories, and protectorates).

Onshore U.S. - Covers all U.S. operations except Alaska and Offshore as defined below.

Offshore U.S. - Covers Federal and State Offshore as defined by the State Conservation Commissions, except that Alaska offshore is to be considered with Alaska.

Alaska - Includes all Alaskan onshore and offshore operations.

Foreign - Covers all operations outside the U.S., as defined above. The memo entries on foreign operations cover the following areas: Canada; Other Western Hemisphere; Western Europe; Middle East and Africa; and Other Eastern Hemisphere.

Functional Group Classifications - (For Column breakdowns such as Exploration/Development/Production, Synfuels, Nuclear, Non-Energy, Corporate, etc.)

Functional Groups in this report are based on the nature of the operations and should be reported as defined herein regardless of the company's legal or organizational structures, management control structures, or accounting/reporting systems.

Report with each function all direct and indirect expenditures that can be identified with the particular function. However, do not allocate any expenditures to or from any group classification. Expendi- tures that cannot be identified with specific operating functions should be reported as Overall Group or Corporate expenditures on Schedule 5.

The functional groupings must represent sub-consolidations of the total company financial statements so that valid comparisons and aggregations can be made. Therefore, any consolidating entries or parts of consolidating entries necessary to present each functional group as a consolidated entity must be applied to the data in the functional columns. Only those consolidating entries that apply to inter-functional transactions or balances will be reflected in the column for Eliminations and Adjustments. Because consolidating entries normally apply to inter-affiliate transactions and balances, it is recognized that estimates and professional judgement will be necessary to complete this requirement. Individual consolidating entries should be broken down only for material amounts.

Petroleum Exploration/Development/Production - Includes the net Company interest (net of royalty oil) in all petroleum energy operations to the point of sale or transfer from the lease. Where the storage at the lease is minimal the recording of the volume and value of the production can be made at the time of sale or the physical transfer of the production from the lease. Include natural gas liquids plants and other field processing facilities. Field gathering systems can be included as either production or transportation operations in accordance with the Company's established accounting practices. Include indirect expenses that can be identified with Exploration/Development/Production operations such as Social Security taxes, but do not include general support items that cannot be specifically identified with the Petroleum Exploration/Development/Production function, such as interest costs or general corporate staff expense. Include Inter-functional transactions according to instructions for individual schedules.

Petroleum Refining, Marketing, Transportation and Supply - Includes the Company's activities in all petroleum operations other than Exploration/Development/Production. Include indirect and corporate expenses that can be identified with Refining, Marketing, Transportation and Supply, but do not include items (such as interest costs) or expenses that cannot be specifically identified with Petroleum Refining, Manufacturing, Transportation, or Supply. Include Inter-functional transactions according to instructions for individual schedules.

Other Energy - Includes all activities relating to the production of other energy, such as coal, synfuels, nuclear, geothermal and solar. Include research and development activities, including advances and contributions for research done by others.

Non-Energy - Includes all operations not related to energy, such as non-energy mineral development, land development, agriculture, insurance, retailing and manufacture of non-energy products. Also include energy-related operations which do not directly produce energy but are closely related to the energy field; for example, downstream operations on petroleum products not used for energy, (e.g. fertilizers, chemicals, plastics and synthetic rubber). Where the accounts for these activities are not directly separable from petroleum energy activities, use a consistent basis for allocating costs and enclose the basis of the allocation as a note to the appropriate schedule.

Corporate - Includes those income and expense items necessary for the general welfare and direction of the Company that cannot be assigned to specific operations without allocation. Includes Overhead items such as interest income and expense, debt discounts and expense, stock offering expense, etc. Includes expenses of corporate executives and staffs who do not have departmental responsibilities, including corporate-level legal, financial, and personnel staffs.

Eliminations and Adjustments - Includes the consolidating entries that apply to inter-functional transactions and balances. Certain other adjustments are required by the detailed instructions.

Total Company - Includes the sum of Petroleum Energy, Other Energy, Non-Energy and Corporate, less Eliminations/Adjustments. Total Company net income and cash flow of this column (reconciled in Schedule 8) should equal net income and cash flow of the consolidated financial statements of SEC Form 10-K.

DATA PREPARATION

A. Data Entry.

The reporting cells on the forms are designed for typewriter or manual preparation.

Numeric data (dollars and units) are to be presented in tenths of millions (i.e. the nearest hundred-thousand). For example, a financial statement figure of $15,608,486,000 should be reported as 15608.5. Use brackets to indicate negative amounts.

B. Quantitative Definition of Significance - Financial Data

The following standards should be used for determining significance (or materiality) for reporting information on individual entries within the individual rows and columns of each schedule:

Report if the Entry Exceeds the Following

	Significance Standard	
Schedules	$100,000	$5 Million
I	X	
II		X
III	X	
IV	X	
V	X	
VI*		X
VII*		X
IX**		X
X		X
		XI**

*For items not provided for in captions
**See instructions for significant items

The column and row totals for each schedule should be completed to within the nearest $100,000.

C. Requirements for Detailed Reporting for Other Energy and Non-Energy

Should the reporting company experience serious difficulties in compiling and reporting the details of the data for entries under the columns labeled Other Energy and Non-Energy on the Schedules, the reporting company may request a waiver of the first year's submission for the detailed entries under Other Energy and Non-Energy. In all cases, however, the reporting company is required to provide the bottom line totals for Other Energy and Non-Energy on each reporting Schedule.

ABBREVIATIONS

The following abbreviations are used to designate volumetric data on Schedules 1 and 12.

MMCF million cubic feet
BCF billion cubic feet
TCF trillion cubic feet
MMB million barrels
MBD thousand barrels per day
MT thousand short tons
MMT million short tons
M0 thousand pounds

DETAILED INSTRUCTIONS FOR EACH OF THE 12 SCHEDULES

The remainder of this section contains the detailed instructions for completing each of the 12 Schedules of the FEA Petroleum Company Financial Reporting System.

SCHEDULE 1 - RAW MATERIAL AND PRODUCT ACQUISITIONS AND DISPOSITIONS

PURPOSE:

To report the quantities and values of raw materials produced and acquired for sales and for input to refining and processing operations, and the quantities and values of semifinished and finished products purchased and sold by the reporting firm.

The purchases and sales, should reconcile with the consolidated financial statements of reporting Form 10-K of the Securities and Exchange Commission.

GENERAL INSTRUCTIONS:

Report on Schedule 1 operating sales and revenues from product operations. Include operating sales and revenues from discontinued operations. Use subsequent schedules to report other income effects such as: Schedule 2 - for non-operating and service revenues; Schedule 3 - for sales of assets, investments, and future production; Schedule 7 - for other income which is essentially non-cash; and Schedule 6 - for the cash effects, if any, of essentially non-cash transactions.

NOTE: Volumetric data is on a separate schedule. *Instructions for the volumetric data parallel those for the dollar amounts.*

NOTE: The Schedule recognizes two forms of acquisition: production and purchase. *The value of production should be reported as it is valued at the wellhead or other generally recognized first sale or valuation location used for reporting production revenues in calculating depletion and taxable income. The equivalent figure should be used for foreign production, (based on transfer prices). Purchases are acquisitions from third parties transacted at arms length prices.*

Report the purchase costs of crude oil, products, and other merchandise during the accounting period, **at the point of origin.** Report import duties and other purchase taxes (other than consumer taxes) on this schedule. Do *not* include transportation, brokerage, storage, port charges, etc., except for purchases made on a delivered basis which include costs of transportation, brokerage, storage, etc., in such a way that they cannot be readily separated and individually reported.

Do **not** report purchases of materials and supplies; these should be reported as operating expenditures on Schedules 3 or 5, as applicable.

Report purchases of crude oil and condensate, natural gas liquids, natural gas, synfuels, refinery feedstocks, semi-finished and finished products and other energy materials by all operations of the company in which these purchases are used in refining or manufacturing processes, or are purchased for resale.

Include purchases of all energy and non-energy raw materials and products for Non-Energy operations.

Report purchases and sales of oil and gas in total - without netting.

NOTE: Geographic Classification. *Domestic and Foreign source classifications in Sections A and B apply to the "citizenship" of crude and products at the time of purchase by the company. The 'citizenship' is determined by the geographical location of the last physical operation that took place upon the crude or products, excluding transportation, storage, or brokerage operations. For crude oil, condensate, natural gas, and natural gas liquids which the company or its affiliates have produced and/or have an equity interest in, the 'citizenship' of the materials (Domestic or Foreign) at the time of purchase is determined by the geographic location of the production (Domestic or Foreign). For feedstocks, semi-finished and finished products, the "citizenship" of the materials (Domestic or Foreign) is determined by the geographical location of the last manufacturing or refining operation performed upon the products prior to their purchase by the company.*

DETAILED INSTRUCTIONS:

SECTION A

Lines 1 - 14 -Crude Oil, Condensate, Natural Gas, and Natural Gas Liquids.

Report the net Company interest in the volume and value of petroleum production during the period. (working interest, production payment interest, etc.) regardless of the disposition of the production (run to own refineries, sold to others, traded, exchanged, etc.). Do **not** report volumes or value of production owned by others who have the right to take payment in kind. Report all production on the basis of production, deliveries or sales according to the Company's normal practices. Do not include reinjected gas. Value foreign production at transfer prices or actual sales prices. Revenues from net profits interests and other production operating revenues and income should be reported on Schedule 2. Do **not** include as Company production any production that others have the right or option to take in kind, whether or not such production is purchased by the Company.

Report all purchases of domestic or imported materials from third parties (outside purchases).

Report changes in inventory under the firm's current method of inventory valuation, regardless of the source or destination of the inventory items.

Report the outside sales of crude oil, condensate, natural gas and natural gas liquids.

Outside sales of natural gas liquids may be reported according to the Company's normal reporting methods and may be classified as (or split between) NGL's or natural gas in Section A or as product sales in Section B. However, upstream sales should normally be reported in Section A and downstream sales in Section B.

NOTE: Report production values that correspond to the reported volumes, valued at the lease. *Do not include revenues for transportation, storage, brokerage, etc., which should be reported with transportation or supply operations.*

Report production values before royalty payments to others, but after production payment disbursements, and net profit disbursements. Do not deduct production or severance taxes from revenues, as these should be reported as expenditures.

Classify production volumes and revenue values as U.S. or Foreign according to the geographical location of the production.

Report transactions under the Crude Equalization Program as a purchase or sale as applicable.

SECTION B

Lines 15 - 30 -Purchases and Sales of Finished and Semi-finished Petroleum Products (excluding Consumer Taxes)

Report the purchases, sales and inventory change of finished and semi-finished petroleum products, excluding consumer taxes. Report sales as occurring at the location of the purchaser.

NOTE: Use the existing FEA definitions for determining petroleum product categories.

SECTION C -Lines 31 - 39 - Other Energy Products

Report the value of production, purchases from outside sources, inventory change and sales by location of purchaser for all non-petroleum energy products.

SECTION D -Line 40 - Non-Energy Products

Report the purchases, revenues from sales and inventory change of all other non-energy materials. Include separable petro-chemical operations.

Include merchandise sales through petroleum marketing outlets (TBA, food, other merchandise). If the company's normal policy is to account for rentals of service stations and other facilities as other

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income, report this income here, otherwise, rental income of downstream operations may be netted against expenses on Schedule 5 provided this is the Company's normal reporting practice. (Do not net against revenues those operating or selling expenditures that are to be subsequently reported on Schedule 5, or those non-cash costs, such as depreciation, that are to be reported on Schedule 7).

MEMO: Customer Sales and Excise Taxes - *Report on Line 9 of Schedule 2 the amount of these taxes collected as agents for various governments.*

MEMO: Geographical Distribution of Purchases and Sales. *Report the geographical distribution of purchases (from Line 40, column 5) on Lines 10 - 14 of column 1 of Schedule 2. Report the geographical distribution of sales (from Line 40 columns 7 and 8) on Lines 10 - 14 of column 2 of Schedule 2.*

SCHEDULE 2 - OTHER REVENUE AND INCOME AND NON-PRODUCT INCOME

PURPOSE:

To report revenue and Income from non-operating or non-consolidated sources.

General Instructions:

Use this Schedule to report only those cash operating revenues not reported on either Schedules 1, 4 or 5.

Detailed Instructions:

Section A - Petroleum Production Royalties

Report income from petroleum production royalties and overriding royalty interests.

Section B - Interest and Other Royalties

Report income from royalties for all non-petroleum items received from outside parties. Report income from interest. Interest expense is reported in Schedule 5.

Section C - Refining and Processing Services

Report all revenues from the rendering of services in the processing of petroleum raw or unfinished materials into semi-finished or finished products. Report only amounts transacted for processing when the owner of the materials being processed is not affiliated with the owner of the plant and equipment providing the processing service.

Section D - Dividend Income

Report dividends from companies accounted for on the equity method on Lines 4 - 5. Include only dividends; do not report equity in undistributed earnings which should be reported on Schedule 7. Include dividends from equity method petroleum transportation companies on Line 4. Report all other dividends from equity-method companies on Line 5.

Report dividends from investments accounted for on the cost method on Line 6.

Section E - Other Operating Revenues and Income

Enter here all other operating income from services or other non-product activities not reported elsewhere on this schedule.

Schedules 1 and 2 should together contain all revenues and income received by the company from its current operations, with the exception of gains from the sale of assets and investments which appear on Schedule 3. Total revenues should agree with reported amounts on SEC Form 10-K, except for the effect of showing domestic crude oil purchases and sales before netting.

SCHEDULE 3 - SALES AND RETIREMENTS OF ASSETS AND INVESTMENTS

PURPOSE:

To report the proceeds and pre-tax gain or loss from sales and extraordinary retirements of property, plant and equipment, investments, and other assets.

GENERAL INSTRUCTIONS:

For this schedule, "sales" are disposals of assets where the company sells, donates, contributes, or otherwise conveys title to assets for which a substantial portion of the service life remains. Do not include as sales the realization of salvage value in connection with ordinary retirements of assets at the end of their service lives. Do not include transfers of property between organizational units.

Report extraordinary retirements of fixed assets which have profit or loss effects that have not been previously provided for in reserves, such as unanticipated abandonments, unusual casualties, sudden and complete obsolesence or unexpected and complete shutdown of an entire operating assembly or plant. Include abandonments of investments in non-producing acreage (or in producing acreage if applicable) for companies on the specific property abandonment method (tax accounting method). Include on this schedule charges to earnings (and proceeds if any) due to involuntary conversions not previously reserved, including nation- alization and expropriation. Ordinary retirements (that account for the majority of disposals) resulting from causes reasonably assumed to have been contemplated in prior depreciation provisions and occuring when plant or equipment reaches the end of its expected service life should not normally result in profit or loss except from unusual salvage real- izations or unusual dismantling costs. Such miscellaneous charges or credits arising from ordinary retirements should be reported where most convenient in these schedules in conformity with the company's normal accounting practices.

NOTE: Accounting for In-Kind Contributions *Test well contributions of undeveloped acreage or other assets in lieu of cash for participation in the drilling of test wells on non-company property should be reported according to the prevailing practices of the company. Also donations of land or other fixed assets for public or charitable use should be reported according to prevailing practice.*

DETAILED INSTRUCTIONS:

Report sales and retirements in the proper columns and rows, as applicable, according to operating function and geographical classification.

Report in the gain(loss) column profit or loss effects recorded in the year of sale only. Do not report gain or loss deferred to subsequent periods on this schedule.

Report sale of future production involving production payments according to the company's normal method of accounting for production payments.

Report as Proceeds cash and other consideration from sales at the net value recorded in the consolidated financial statements of SEC Form 10- K.

Report as gain/loss the pre-tax gain or loss from the sale, abandonment or retirement. Report income tax effects with Provision for Income Taxes-Current on Schedule 5, Deferred Income Taxes on Schedule 7 and on Schedule 11 - Income Taxes.

NOTE: Significance Criterion. *Report in detail on Lines 1 - 15 those sales and retirements in which either proceeds and/or gain or loss (including deferred) exceed $5 million. All non-significant sales and retirements (under $5 million) may be reported on Line 16 and should be reported in the Corporate columns. Warehouse sales should be included with operating expenditures on Schedules 4 and 5.*

SCHEDULE 4 - ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION EXPENDITURES (CAPITALIZED AND EXPENSED)

PURPOSE:

To report the net company interest in operating and capital expenditures for the exploration, development and production of petroleum and other energy materials.

GENERAL INSTRUCTIONS:

Report the net company interest in all expenditures, whether charged to current expense or capitalized in the consolidated financial statements of SEC Form 10-K.

Report in the Expensed columns exploration, development and production expenditures charged to expense during the period. Report in the Capitalized column those exploration, development and production expenditures capitalized as assets and not charged to expense during the period.

Report all outlays not specifically for oil and gas operations, such as for coal, oil shale, uranium, or other energy minerals, in the applicable Other Energy columns.

Do not allocate. Expenditures which cannot be directly attributed to the individual Exploration, Development, or Production functions should be reported with the Group General Expenditures on Lines 26 and 27. However, allocations performed at the district or field level as part of the normal reporting system are acceptable and need not be adjusted for this report.

Exclude non-cash items, such as depletion, depreciation, amortization, etc., which are reported on Schedule 7.

NOTE: Definition of Cash Expenditures for this Schedule. The term "cash expenditures" includes "non-cash" additions to property, plant and equipment acquired through acquisitions or merger, or through the issuance of debt or equity securities, as if they had been purchased for cash. The issuance or sale of securities used to acquire the assets should be reported on Schedule 6 - Other Sources and Uses of Funds. Cash expenditures (and revenues) of companies acquired through pooling of interests should be reported as if they were cash expenditures of the company for the entire accounting period.

NOTE: Classification of Exploration and Development Wells. *Exploratory and development well expenditures should be classified according to the AAPG well classifications, as follows:*

Exploratory wells include new-field wildcats, new-pool wildcats, deeper-pool tests, shallower pool tests, and outposts (extensions).

Development wells are those wells drilled to produce oil or gas from pools discovered by previous drilling.

NOTE: Classification of Completed Wells Between Oil and Gas. *Completed wells should be classified as oil or gas using the appropriate State regulatory requirements. Wells completed successfully in both oil and gas reservoirs should be classified according to the predominant production on a BTU basis.*

DETAILED INSTRUCTIONS:

SECTION A. EXPLORATION EXPENDITURES

Line 1 - Land Department, Leasing and Scouting Expenditures -

Report the net company interest in all land department, scouting and lease acquisition expenditures. (Exclude actual outlays for acquisition, land leasing and rentals, which should be reported on Lines 4 - 6.)

Line 2 - Geological and Geophysical Expenditures

Report the net company interest in all expenditures for geological and geophysical exploration. Include expenditures for capital equipment identifiable with G & G. Include expenditures for core drilling (such as some types of slim hole stratigraphic tests) where the intention in advance of drilling is not to complete the well as a producing well, and/or when such tests are drilled in such a manner that productive completion is not possible.

Lines 3 - 4 - Acquisition Expenditures for Undeveloped Acreage

Report the net company interest in direct expenditures incurred during the period for acquiring undeveloped acreage, including lease bonuses, advance initial rentals that because of unusual circumstances are actually in the nature of a bonus, and other direct outlays, such as title costs necessary to acquire leases, mineral rights, and fee lands incident to energy exploration. Do not include interest, overhead, or other allocated costs above the field or district level. Report bonus or other consideration paid to the U.S. Federal Government on Line 3. Report all other bonus payments or other consideration on Line 4. (Do not include annual rentals and minimum royalties which should be reported on Line 5.)

Line 5 - Lease Rent Expenditures

Report the net company interest in expenditures made during the period for lease rentals, shut-in royalties and other annual payments in lieu of rent to keep leases in force. (Do not include land department, leasing and scouting expenditures which should be reported on Line 1. Do not include advance rentals that are actually in the nature of a bonus which should be reported on Lines 3 and 4.)

Line 6 - Test Hole Contribution Expenditures

Report the net company interest in all contributions made toward test wells, including dry hole and bottom hole money. Report acreage contributions as they are normally reported in the company's financial statements.

Lines 7 - 10 - Expenditures for Drilling and Equipping Exploration Wells

Report the net company interest in expenditures for drilling and equipping exploratory wells, including expenditures for wells still drilling at the end of the period. (Do not include expenditures for stratigraphic tests and core drilling, which should be reported as Geological and Geophysical Expenditures on Line 2.)

Include expenditures for casing, tubing and wellhead fittings; expenditures for roads, grading, etc.; expenditures for drilling platforms; and all other direct expenditures incident to exploratory drilling. Include expenditures on successful wells for purchase and installation of equipment beyond the Christmas tree and expenditures for purchase and installation of downhole pumping and artificial lift equipment, and other expenditures to equip the well for production. (Do not include indirect or allocated costs such as interest or overhead above the field or district level.)

NOTE: For Lines 7 thru 9 report total cost of wells completed during the report period. *Include expenditures incurred during prior periods. Note that while expenditures for wells completed during the period (Lines 7 thru 9) include prior period expenditures, the Wells-in-Progress Adjustment on Line 10 provides an adjustment for prior period expenditures so that total expenditures for drilling and equipping exploration wells (the sum of Lines 7 thru 10) equals expenditures incurred during the period being reported only.*

Line 7 - Dry Holes

Report the net company working interest in drilling expenditures (reduced by the amount of outside cash contributions, such as bottom hole or dry hole money) for drilling exploratory dry holes completed during the report period.

Lines 8 - 9 - Successful Wells

Report the net company working interest in drilling and equip- ment expenditures (reduced by the amount of outside cash contributions, such as bottom hole money) for successful exploratory wells completed during the report period.

Line 8 - Oil

Report the net company interest in drilling and equipment expenditures for successful exploratory wells which found predominantly oil reserves during the period.

Line 9 - Gas

Report the net company interest in drilling and equipment expenditures for successful exploratory wells which found predominantly gas (other than casinghead gas) reserves during the period.

Line 10 - Wells-In-Progress Adjustment

Report the net company interest in drilling and equipping expenditures for exploratory Wells-In-Progress at the end of the period being reported, minus the previous period's drilling and equipping expenditures for exploratory wells completed during the period being reported. If the prior period's Wells-In-Progress exceeds the Wells-in-Progress of the period being reported, indicate a negative number.

Line 11 - Other Exploration Expenditures

Report the net company interest in all other expenditures not included on Lines 1 thru 10 which relate directly to exploration for petroleum or other energy, whether such expenditures are capitalized or expensed on the books of account. Include expenditures for exploratory capital equipment constructed or purchased. Include field overhead and all general operating and administrative expenditures above the field level which are applicable to exploration activities. Include ad valorem taxes on non-producing leases. (Do not include overhead expenditures which cannot be directly identified with exploration activities, which should be reported with Group General Expenditures on Lines 26 - 27. Do not include expenditures for Interest and Income Taxes, which are reported on Schedule 5. Do not include non-cash costs, such as De- pletion, Depreciation, and Amortization, which are reported on Schedule 7.)

SECTION B. DEVELOPMENT EXPENDITURES

Line 13 - Acquisition of Producing Acreage

Report the net company interest in direct expenditures incurred during the reporting period for acquiring developed acreage. Do not include indirect or allocated costs, such as interest or overhead above the field or district. Report proper-

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ties acquired for minerals other than oil and gas in the applicable Other Energy columns.

Lines 14 - 17 - Development Well Drilling and Equipment Expenditures

Report the net company interest in expenditures incurred during the period (reduced by the amount of outside cash contributions) for drilling and equipping new development wells, including expenditures for wells still drilling at the end of the period.

Include expenditures for old wells drilled deeper, redrilled wells and plugbacks, but do not include expenditures for well workovers, which are to be reported on Line 21. (Do not include expenditures for injection and service wells, which are to be reported with Other Develop- ment Expenditures on Line 19.)

Include expenditures for casing, tubing, and wellhead fittings; expenditures for drilling platforms and all other direct expenditures incident to development drilling. Include expenditures for purchase and installation of equipment beyond the Christmas tree and expenditures for purchase and installation of all downhole pumping and artificial lift equipment is contained in the original drilling AFE. Do not include indirect or allocated costs such as interest and overhead above the field or district level.

NOTE: For Lines 14 thru 16 report the total expenditures for drilling and equipping wells completed during the report period. *Include expenditures incurred during prior periods. Note that while expenditures for wells completed during the period (Lines 14 thru 16) include prior period expenditures, the Wells-in-Progress Adjustment on Line 21 provides an adjustment for prior period expenditures so that total expenditures for drilling and equipping development wells (the sum of Lines 14 thru 17) equals expenditures incurred during the period being reported only.*

Line 14 - Dry Holes

Report the net company working interest in expenditures (reduced by the amount of outside cash contributions, such as bottom hole or dry hole money) for drilling development dry holes completed during the report period.

Lines 15 - 16 - Successful Wells

Report the net company working interest in total drilling and equipment expenditures (reduced by the amount of outside cash contributions, such as bottom hole money) for successful development wells completed during the report period.

Line 15 - Oil

Report the net company interest in total drilling and equipment expenditures for successful development wells which found predominantly oil reserves during the period.

Line 16 - Gas

Report the net company interest in total drilling and equipment expenditures for successful development wells which found predominantly gas (other than casinghead gas) reserves during the period.

Line 19 - Wells-In-Progress Adjustment

Report the company net interest in drilling and equipping expenditures for development wells-in-progress at the end of the period being reported, minus the previous period's drilling and equipping expenditures for development wells completed during the period being reported. If the prior period's wells-in-progress exceeds the wells-in- progress of the period being reported, indicate a negative number. (Do not include expenditures for injection and service wells in progress which are to be reported with Other Development Expenditures on Line 19.)

Line 18 - Lease and Field Service Facility Equipment Expenditures

Report the net company interest in all lease and field service facility equipment expenditures beyond the Christmas tree installation, including platforms, derricks, flow lines, flow tanks, field separators, heater-treaters and related field facilities. Include expenditures for all normal pumping and other artificial lift equipment, including downhole installations required for primary production.

Include fluid injection and improved recovery programs such as gas injection, water or steam injection, miscible augmented injection, in situ combustion, etc., associated with oil and gas production. Include expenditures for procuring and installing all facilities and for drilling service wells, or converting existing wells to service wells. Facilities should include pumps, compressors, engines, tankage, gathering and injection lines, treating facilities, special downhole and surface equipment, etc. Service wells include wells used for gas injection, water injection, steam injection, air injection, and water supply for injection.

Line 19 - Other Development Expenditures

Report the net company interest in all other expenditures not included on Lines 13 thru 18 which relate directly to development operations for petroleum or other energy, whether such expenditures are capitalized or expensed on the books of account. Include expenditures for construction or purchase of natural gas liquids plants.

Include direct overhead at the field level where such overhead can be identified with the development functions, and all general operating and administrative expenditures above the field level which are applicable to development activities.

Include all development outlays not specifically devoted to oil and gas operations, such as for oil shale, uranium, or other energy minerals, in the applicable Other Energy columns.

(Do not include overhead costs which cannot be directly identified with development activities, which should be reported on Lines 26 - 29. Do not include expenditures for Interest and Income Taxes, which are reported on Schedule 5. Do not include non-cash costs, such as Depletion, Depreciation, and Amortization, which are reported on Schedule 7.)

SECTION C. PRODUCTION EXPENDITURES

Line 21 - Well Workover Expenditures

Report the net company interest in all expenditures directly related to well workovers for the period including material, contract labor, and other associated expenditures.

Line 22 - Operating and Maintenance Expenditures

Report the net company interest in normal daily operating expenditures such as wages for pumpers and other field personnel directly associated with oil and gas production, production personnel transportation expenditures, materials and supplies consumed, and field office expenditures as well as surface repair and maintenance on lease equipment such as lease tank batteries, separators, pumps, buildings, and well producing equipment. Include operating expenditures of natural gas liquids processing plants. Include direct overhead at the field level where such overhead can be identified with the production functions and all general operating and administrative expenditures above the field level which are applicable to production activities. Include profit or loss on sales of warehouse stock. Include all other production operating and maintenance expenditures except workover expenditures which are reported on Line 21.

Report expenses of other energy operations, such as oil shale, tar sands, uranium, or other energy minerals, in the applicable Other Energy columns.

(Do not include expenditures for Interest and Income Taxes, which are reported on Schedule 5. Do not include non-cash costs, such as Depletion, Depreciation, and Amortization which are reported on Schedule 7.)

Line 23 - Severance, Ad Valorem, and Other Production Taxes (excluding Income Taxes)

Report the net company interest in total payments of ad valorem, production, and severance taxes. Do not reduce the value of crude oil and natural gas produced at the wellhead by such amounts. (Do not include ad valorem taxes on undeveloped properties which should be reported on Line 11.)

Line 24 - Other Production Expenditures

Report the net company interest in all other expenditures not included on Lines 21 - 23 which relate directly to production operations for petroleum or other energy, whether such expenditures are capitalized or expensed on the books of account. Include expenditures for capital equipment constructed or purchased for purposes of petroleum or other energy production, including expenditures for support facilities such as camps and commissaries.

SECTION D. EXPLORATION/DEVELOPMENT/PRODUCTION GROUP GENERAL EXPENDITURES

Lines 26 - 27 - Group Level General Expenditures.

Report the net company interest in those expenditures within the Exploration/Development/Production group that are not assigned specifically to the Exploration, Development or Production functions because they are utilized by more than one of these functions. (Do not allocate expenditures to this group from group and corporate level expenditures that apply to more than this group such as the overall administrative costs for a combined production, refining and transportation division; these should be reported on Schedule 5.)

Line 28 - Research and Development

Report all exploration/development/production research and development expenditures on this line.

MEMO: Total Expenditures - Foreign Geographical Distribution (Lines 32 - 36). *Report the geographical distribution of foreign expenditures reported on Line 30.*

MEMO: Total Intangible Drilling Expenditures - Line 31. *Report on Line 31 the total intangible drilling expenditures for the reporting period included in Lines 1 through 25 above.*

SCHEDULE 5 - OPERATIONS AND CAPITAL EXPENDITURE (OTHER THAN EXPLORATION/DEVELOPMENT/PRODUCTION)

PURPOSE:

To report all cash operating and capital expenditures (and other additions to property, plant and equipment) other than for energy exploration development/production.

GENERAL INSTRUCTIONS:

Report all cash operating and capital expenditures that were incurred during the accounting period for all company activities other than for energy exploration/development/production, which are reported on Schedule 4. For each expenditure, report the amounts that were expensed in the current year and the amounts that were capitalized or deferred. Do **not** include raw material or product purchases or inventory variations, which are reported on Schedule 5. (However, do include the purchase of materials and supplies, including catalysts and additives, in Operating Expenditures on this schedule.) Do **not** include non-cash expenses, which are reported on Schedule 7.

Report as Expensed those amounts that entered into determination of Profit or Loss for the current period. Report as Capitalized or Deferred (columns headed 'C/D') those items that were capitalized or deferred and will enter into the determination of income in future periods. (Do **not** attempt to determine the amounts of newly capitalized or deferred expenditures depreciated or amortized in the current period. These will be combined with other non-cash expenses on Schedule 7.)

NOTE: Definition of Cash Expenditures for this Schedule. *The term "cash expenditures" includes "non-cash" additions to property, plant and equipment acquired through acquisition or merger, or through the issuance of debt or equity securities, as if they had been purchased for cash. The issuance or sale of securities used to acquire the assets should be reported on Schedule 6 - Other Sources and Uses of Funds. Cash expenditures of companies acquired through pooling of interests should be reported as if they were cash expenditures of the company for the entire accounting period.*

For each operating functional classification (Refining, Marketing, Other Operations, etc.) report as Operating Expenditures all cash expenditures not required to be reported elsewhere (such as interest, income taxes, and R and D). For example, include as Operating Expenditures such items as manufacturing expenses, maintenance expenses, selling expenses, advertising expenses and administrative expenses.

Report administrative and general expenses (other than research and development, interest, and income taxes) that can be identified with a particular operating functional classification with that classification. For example, the costs of credit card accounting and losses should be assigned to Marketing even though a particular company's practice may be to account for these expenses as corporate costs. However, do not allocate expenditures. Those expenditures that cannot be identified with specific operations should be reported as Group and Corporate Expenditures on Lines 17 - 18.

Report Research and Development expenditures (capitalized and expensed) on Line 19. Assign laboratory product testing and quality control to the appropriate functional Operating Expenditures and not to Research and Development.

Report all interest expenditures on Line 20 and not with departmental operating expenditures.

Report all expenditures for Income Taxes - Current on Lines 21 - 24 and not with departmental operating expenditures. (Deferred income taxes are reported as Non-Cash Profit and Loss Effects on Schedule 7).

Do **not** report payment of consumer taxes collected by the company as expenditures. (Consumer taxes are also excluded from sales and revenues on Schedule 1. and are reported on Line 9 of Schedule 2 as a Memo item.)

DETAILED INSTRUCTIONS:

SECTION A - Refining

Lines 1 - 3 - Refining Expenditures

Report cash operating and capital expenditures incurred during the period associated with petroleum refining operations.

Include expenditures for refining processes such as distillation, cracking, polymerization, alkylation, gas recovery, purification, stabilization, lube oil, wax and asphalt manufacture, and compounding and blending. Include utilities and service units, such as water, steam and electricity, compressed air, maintenance, technical service, etc. Include expenditures for materials receiving, warehousing, transportation, storage, packaging and shipping. Include transportation expenditures for automobiles, trucks, barges, rail cars, etc., when these are integral to the operation of the refinery. Include administrative and general expenditures such as sanitation, fire fighting, communications, medical service, cafeterias, plant security, laboratories, general plant expend- itures, furniture, fixtures and office equipment, accounting and plant management.

Include all cash operating and capital expenditures incurred during the period other than for purchases (inventory changes) of crude oil and finished and semi-finished products, which are reported on Schedule 5. Include all expenditures for property, plant and equipment. Include employees salaries, wages, and benefits. Include contracted construction and maintenance expenditures, and other purchased services. Include materials and supplies, including chemicals and additives. Include fuel consumed in operations and gasoline, distillates and lubricants used for machinery and transportation equipment. Include departmental administrative and general expenditures. Include costs incurred in processing other companies' crude oil and products and amounts paid to others to process company crude and/or products. Include operating taxes, such as real and personal property taxes, local taxes and licenses, tank car taxes and federal and state unemployment taxes.

DO NOT INCLUDE:

Petrochemical operations whose accounts are separable from refining operations -- these should be reported as Non-Energy with Other Operations on Lines 14 - 16.

Natural gas liquids plant operations that are administered by the refining department but whose accounts are separable from other refining operations -- these should be reported with Exploration/Development/ Production expenditures on Schedule 4.

Crude oil supply operating and capital expenditures whose accounts are separable from refining operations -- these should be included with Transportation and Supply on Lines 11 and 12.

Product supply operating and capital expenditures (other than for purchases of petroleum products) whose accounts are separable from refining and marketing accounts -- these should be included with Transportation and Supply on Lines 11 - 12.

SECTION B - Marketing

Lines 4 - 6 - Marketing Expenditures

Report cash operating and capital expenditures incurred during the period associated with petroleum marketing operations.

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Include expenditures for terminals, bulk plants, service stations operated by the company, service stations owned or leased by the company but leased or subleased to dealers, transportation and other service units, advertising and selling, marketing administration and general expenditures. Include utilities, repairs, warehousing and handling of materials and supplies, and laboratory services.

Include cash expenditures for property, plant and equipment. Include wages, salaries and commissions, payroll taxes and employee benefits, repairs, supplies, rentals, insurance, property taxes, motor vehicle licenses, occupation licenses, etc. Include lease payment expenditures for facilities and equipment leased from others, including lease payments under sale and leaseback arrangements. Rental income from leasing facilities and equipment to others, such as dealers and commercial, industrial and agricultural customers may be netted against lease expenditures or reported with Other Operating Revenues and Income on Schedule 1, according to the company's normal accounting practices.

DO NOT REPORT:

Expenditures for product purchases or product inventory variations on this schedule -- these should be reported on Schedule 1.

Product supply operating and capital expenditures (other than for purchases of petroleum products) whose accounts are separable from refining and marketing accounts -- these should be included with Transportation and Supply on Lines 11 - 12.

SECTION C - Transportation and Supply

Lines 11 - 13 - Transportation and Supply

Report cash operating and capital expenditures incurred during the period associated with petroleum Transportation and Supply operations.

Report expenditures included in the consolidated financial statements of SEC from 10-K. Do not report expenditures of companies accounted for on the equity or investment methods. Increases in investment in or advances to unconsolidated companies should be reported in Long-Term Investments and Receivables on Line 3 of Schedule 6 - Other Sources and Uses of Funds.

Include crude oil purchasing and supply capital (Line 11) and operating (Line 12) expenditures (other than for purchases of crude oil) where these accounts are separable from producing and refining operations.

Include product supply capital (Line 11) and operating (Line 12) expenditures (other than for purchases of petroleum products) where these accounts are separable from refining and marketing operations.

Report Plant and Equipment expenditures by type of transportation on Lines 7 - 11. Include Plant and Equipment expenditures for crude oil and product supply functions with Other on Line 14. Report operating expenditures for all Transportation and Supply functions on Line 12.

Line 7 - Plant and Equipment Expenditures - Marine

Report expenditures for property, plant and equipment associated with marine transportation of petroleum materials.

Include expenditures for equipment and facilities for both inland and waterway and ocean going marine operations. Include all facilities normally associated with marine department operations. Do not include expenditures for marine facilities normally associated with and accounted for by other departments, such as equipment used by the exploration and production departments in offshore exploration, development, and production operations, or terminals and docks normally associated with and accounted for by the refining or marketing departments.

Include expenditures for ships and boats, equipment and spare parts for ocean tankers, barges, lighters, tugs, motor boats, etc. Include expenditures for dry docks (except those associated with new ship building operations), docks and wharves, ship loading and unloading plants, communications and service equipment, shops, commissary and supply warehouses and other buildings, automobiles and trucks, office equipment, furniture and fixtures, etc. Include expenditures for reconditioning and construction in progress.

Include expenditures for bareboat charters as Plant and Equipment expenditures in the applicable Expensed Columns.

Line 8 - Plant and Equipment Expenditures - Pipeline - Crude and Products

Report expenditures for property, plant and equipment associated with pipeline transportation of crude oil and products (including liquified petroleum gases).

Include property, plant and equipment expenditures for those pipeline operations consolidated in the financial statements of the company's SEC Form 10-K.

Include expenditures for trunk and gathering lines, pump and heater stations, line and storage tanks, marine and rail delivery facilities, buildings and structures, shops, tools, automobiles and trucks, furniture and fixtures, communication systems and other service equipment.

Include expenditures for all pipeline investment normally accounted for by the transportation department. Do not include expenditures for gathering systems which are normally accounted for as part of production investment, and do not include expenditures for lines and receiving stations or terminals that are normally accounted for as part of refining or marketing investment.

Report expenditures for new or additional investment in or advances to pipeline companies accounted for on the equity method as increases in Long-Term Investments and Receivables - Affiliates on Line 3 of Schedule 6 - Other Sources and Uses of Funds.

Line 10 - Plant and Equipment Expenditures - Pipeline - Natural Gas

Report expenditures for property, plant and equipment associated with natural gas transmission operations. Do not use this classification to report gas gathering operations associated with production or natural gas liquids plants operations unless the company has an operating interest in natural gas trunkline transmission operations which are consolidated for financial reporting purposes.

Report all expenditures for property, plant and equipment associated with trunkline gas transmission including expenditures for gathering lines tied into the company's trunkline system.

Report expenditures associated with both interstate and intrastate gas transmission.

Line 11 - Plant and Equipment - Transportation and Supply - Other

Report expenditures for property, plant and equipment for the bulk transportation of petroleum materials other than by pipeline and marine operations. Also include property, plant and equipment expenditures for crude oil and product purchasing and supply operations where the accounts for these operations are separable from production, refining and marketing operations.

Include expenditures for plant and equipment accounted for as transportation department investment. Do not include expenditures for transportation equipment that is accounted for as investment in other functional areas such as production, refining or marketing departments.

Line 12 - Transportation and Supply - Operating Expenditures

Report cash operating expenditures of consolidated trans- portation and supply operations incurred during the accounting period.

Include salaries, wages, payroll taxes and benefits, materials and supplies, stores and provisions, port costs, charges for outside services, charter hire, costs of fuel and power, oil losses, maintenance and repairs, insurance, property and other taxes, and all other cash operating expenditures, including departmental administrative and general expenditures.

Include expenditures for outside freight, transportation, brokerage and storage.

Include operating expenditures for crude oil and product trading and exchanging. Include expenditures for storage and terminalling operations of the crude oil and product supply functions. Includes gains or losses for the period on crude oil and product trading and exchanging.

NOTE: Transferring Transportation and Supply Costs (or Gains) *All Transportation and Supply operating expenditures are to be reported on Schedule 5, Line 15, including outside freight and handling costs and gains or losses from trading and exchanges. Many companies charge certain of these expenditures to raw material and product purchases (reported on Schedule 1)*

in their consolidated financial statements. In order to better balance raw material and product purchases on Schedule 1 (and operating expenditures on Schedule 5), to amounts reported in their consolidated financial statements, companies may, if desired, transfer sufficient Transportation and Supply Operating Expenditures (Schedule 5, Line 12) to Raw Material, Product Purchases and Inventory Changes (Schedule 1) through entries in the Eliminations/Adjustments column on each schedule in order that the detail in the Total Company columns more closely reflects amounts in the company's consolidated financial statements.

SECTION D - Other Operations

Lines 14 - 16 - Other Operating Expenditures

Report in the appropriate column cash operating and capital expenditures associated with consolidated non-petroleum activities. Include expenditures for separable non-energy portions of consolidated petroleum activities, such as petrochemicals.

SECTION E - Group and Corporate

Lines 17 - 25 - Group and Corporate Level Expenditures

Report the Group and Corporate level operating and capital expenditures that cannot be assigned to functional or product areas without allocations. Also report all Research and Development expenditures for petroleum 'downstream' and non-petroleum activities on Line 19, according to the appropriate geographic, functional and energy column, where available. Report all basic research in the Corporate column. Report all interest expenditures as Corporate expenditures on Line 20, even through payments may be made by the operating departments and even though these expenditures may normally be accounted for as departmental expenses. Report all Provision for Income Taxes - Current as corporate expenditures on Lines 21 - 24.

MEMO: Other Operating and Capital Expenditures - Foreign Geographical Distribution (Lines 28 - 32). *Report the geographical distribution of foreign operating and capital expenditures reported in total on Line 30.*

MEMO: Research and Development Expenditures (Line 27). *Report as a memo item total expenditures which could be classed as research and development, including those classified for accounting purposes as Research and Development on Line 18 and those which may be accounted for as operating expenditures, but could be classed as R & D because of the nature of the projects.*

SCHEDULE 6 - OTHER SOURCES AND USES OF FUNDS (Sources and Uses of Funds Other Than Those Reported on Schedules 1 - 5)

PURPOSE:

To report important sources and uses of funds not directly accounted for from operations but essential for conducting business.

GENERAL INSTRUCTIONS:

Report sources and uses of funds not reported elsewhere on Schedules 1 - 5. Assets (such as acreage, capital stock, etc.) exchanged for other assets or used to reduce liabilities should be reported as if the assets had been sold for cash and the resulting cash used to acquire assets or reduce liabilities.

Do not report changes in cash or marketable securities reported as balancing items on Schedule 8.

NOTE: Significance Criterion. *Items over $5 million not provided for in the captions should be itemized on Lines 8 - 11 or 23 - 26, as applicable.*

Report significant (over $5 million) funds flows to or from unconsolidated affiliated companies or investments according to the predominant function of the unconsolidated entity, such as Petroleum, Nuclear, Non-Energy, etc.

DETAILED INSTRUCTIONS:

Line 1 - Increase(Decrease) in Current Assets (Other than Cash, Marketable Securities and Inventories)

Report the increase or (decrease) during the reporting period in Current Assets reported on Schedule 9, Section B, Lines 2 - 6.

Line 2 - Increase(Decrease) in Current Liabilities

Report the increase or (decrease) in current liabilities reported on Schedule 9, Section C, Line 18.

Line 3 - (Increase)Decrease in Long Term Investments and Receivables

Report the (increase) or decrease in long term notes or receivables, investments, and advances reported on Schedule 9, Section B, Line 23, other than changes directly related to production payments or future production.

Line 4 - Increase (Decrease) in Non-Current Portion of Long Term Debt.

Report the increase or (decrease) in the non-current portion of long term and interim debt and advances reported on Schedule 9, Section C, Line 16, other than from transactions directly related to production payments or future production; or to equity in subsidiary or affiliated companies.

Line 5 - (Purchase) of Future Production

Report the (purchase) of energy production to be produced by others and delivered to the Company in future periods. (Purchase of producing properties or of reserves in place to be produced by the Company should be reported on Schedule 4.)

Line 6 - Advances (Paid) Received for Future Production

Report advances (paid) or received for future production to be produced by others and delivered to the Company in future periods. Include only those amounts accounted for as advances (paid or received) on this line. Payments or receipts accounted for as purchases or sales should be reported elsewhere in these schedules.

Line 7 - (Reduction) of Production Payments

Report (payments) to others to reduce or retire production payments. (Applicable to companies on the 'gross' method of accounting for production payments.) (Sales of production payments should be reported on Schedule 3.)

Lines 8 - 11 - Increase (Decrease) in Other Long Term Liabilities

Report the increase or (decrease) in other long term liabilities. Significant items (over $5 million) should be itemized.

Lines 12 - 14 - Dividends (Paid)

Report dividends paid to outside stockholders. Report dividends paid to minority stockholders of consolidated subsidiaries by predominant function.

Lines 15 - 16 (Purchase) of the Company's Own Securites

Report (purchase) of the Company's own securities.

Line 17 - (Purchase) of Equity Interests in Subsidiaries and Affiliates

Report (purchase) of equity interests from outsiders in consolidated or unconsolidated subsidiary or affiliated companies. Report by predominant function, as applicable.

Lines 18 - 20 - Issuance/Sales of the Company's Own Securities

Report funds raised by issuance or sale of equity securities of the Company. Include exchanges of stock for assets or other stock as if the Company's securities had been sold and the cash realization used for the purchase of the assets or other stock.

Lines 21 - 22 - Issuance/Sales of Equity Securities of Subsidiaries

Report funds raised by issuance or sale of equity securities of consolidated subsidiaries. Report by predominant function, as applicable. Include exchanges of stock for assets or other stock as if the subsidiary company's stock had been sold and the cash realization used for the purchase of the assets or the other stock.

Lines 23 - 26 - Other Sources and (Uses) of Funds

Report other sources and uses of funds. Significant items (over $5 million) should be itemized.

SCHEDULE 7 - NON-CASH PROFIT AND LOSS EFFECTS (Other Than Retirement of Assets)

PURPOSE:

To report those profit and loss items that by the nature of the accounting entry do not entail a cash transaction during that reporting period.

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GENERAL INSTRUCTIONS:

Report those profit and loss effects contained in SEC Form 10-K that are non-cash, or essentially non-cash. Also include substantial non-cash effects of essentially cash transactions such as gain or loss on reacquired debt. (Cash effects, if any, of essentially non-cash trans- actions should be reported on Schedule 6.)

The profit and loss effects of extraordinary retirements, abandonments, and sales of assets should be reported on Schedule 3. All other substantial non-cash profit and loss effects should be reported on this schedule.

DETAILED INSTRUCTIONS:

Line 1 - Cost Depletion - Producing Leases

Report charges to income for the period for cost depletion of capitalized acquisition costs of producing properties (reported on Schedule 9, Section A, Line 4).

Line 2 - Amortization - Non-Producing Leases

Report charges to income for the period for amortization of capitalized acquisition costs of undeveloped properties (reported on Schedule 9, Section A, Line 1).

Line 3 - Amortization - Intangible Development Costs

Report charges to income for the period for amortization of capitalized intangible development costs on **producing properties** (reported on Schedule 9, Section A, Line 6). Amortization of capitalized intangible drilling costs on undeveloped properties should be reported on Line 4 of this Schedule.

Line 4

When "goodwill" is not allocated to the underlying assets, report on this line the excess of cost over net assets acquired.

Line 5 - Amortization - Other

Report all other charges to income for amortization during the period. Include amortization of Exploratory Drilling Costs (reported on Schedule 9, Section A, Line 2), Other Pre-Development Costs (Schedule 9, Section A, Line 3) and Pre-Development and Exploratory Costs (Schedule 9, Section A, Line 5).

Include all other charges or credits to income for amortization of other intangible items. Amortization of other items should be reported by function, if applicable.

Lines 6 - 17 - Depreciation

Report charges to income for depreciation of tangible plant and equipment reported on Schedule 9, Section A, Lines 8 - 16. Report depreciation by function.

Lines 18 - 20 - Deferred Income Taxes

Report charges and credits to income for the period for the net income tax effects of book/tax timing differences. Include the tax effects of tax loss carry-forwards in those instances where tax loss carry-forwards are recorded on the books of account.

Line 21 - Minority Interests in Subsidiaries Net Income

Report the portion of profit or loss of consolidated subsidiary companies for the period that is applicable to shares of capital stock owned by minority stockholders.

Line 22 - 23 - Undistributed Earning of Companies Accounted for on the Equity Method

Report the difference between the company's share of the reporting period's earnings of unconsolidated subsidiaries and affil- iates accounted for on the equity method and the dividends received. (The dividends received from companies accounted for on the equity method should be reported on Schedule 2, Lines 4 - 5).

Use Line 22 to report the share of undistributed earnings for petroleum transportation companies. Use Line 23 to report the share of all other undistributed earnings.

Lines 24 - 28 - Reserves For Contingencies and Other Non-Cash Charges (Credits)

Report all other non-cash charges and credits to income for the period on Lines 24 - 28.

Report charges or credits for foreign exchange translation gains or losses, including reserves for anticipated losses, on Line 24.

Report charges and credits for anticipated expropriation gains or losses, and adjustments, on Line 25. (Expropriation gains or losses, and proceeds if any, should be reported on Schedule 3 for the reporting period in which the transference of assets is recognized.)

NOTE: Significance Criterion. *Non-cash items exceeding $5 million should be reported separately on Lines 26 - 28. In addition, items reported separately in public financial reports such as the Annual Report to Shareholders (including supplements), SEC Form 10-K, or SEC Form S-1, should be reported separately on this schedule.*

SCHEDULE 8 - RECONCILIATION OF NET INCOME AND CASH FLOW

PURPOSE:

To reconcile Schedules 1 through 7 to SEC Form 10-K (or an equivalent consolidated annual report).

GENERAL INSTRUCTIONS:

Report on Schedule 8 the amounts from Schedules 1 through 7. indicated by the instructions on the face of Schedule 8.

After completion, there should be no differences between total net income and cash flow on Schedule 8 and SEC Form 10-K (or its equivalent). Should a difference remain, please note the discrepancy and attach a separate sheet which explains the cause for the difference.

SCHEDULE 9 - BALANCE SHEET

PURPOSE:

To report company assets and liabilities by functional groups and geographical areas and to relate these to the consolidated financial statements of SEC Form 10-K.

GENERAL INSTRUCTIONS

The applicable instructions for completing the items on this Schedule 9 - Balance Sheet, are provided under each of the three sections:

Section A: Property Plant and Equipment;
Section B: Assets Other Than Property, Plant and Equipment; and
Section C: Liabilities and Stockholders Equity.

DETAILED INSTRUCTIONS:

NOTE: Allocation of Balance Sheet Entries. *Do not allocate current assets, liabilities or stockholders equity beyond the level reported in the company's accounting records.*

NOTE: "Gross" refers to original or acquisition cost. *"Net" refers to depreciated, depleted, or amortized cost.*

SECTION A - Property, Plant and Equipment

Report the company investment in assets of a permanent nature both at cost (gross) and net of related reserves for depreciation, depletion and amortization (net).

Include oil and gas acreage and other lands and leaseholds. Include all plant and equipment, including buildings, leasehold improvements, machinery, transportation equipment, furniture and fixtures, etc. Include incomplete construction of plants, buildings, equipment, etc.

Do not include intangible assets such as patents, royalty rights (other than oil and gas), franchises, trademarks, goodwill, organization costs, etc. These should be reported with Other Assets on Schedule 9 B, Line 25.

Lines 1 - 3 - Undeveloped Acreage

Report the company investment (gross and net) in undeveloped acreage. (Properties capable of producing should be classified as producing even if the wells are shut-in.)

Line 1 - Acquisition Costs

Report the capitalized acquisition costs of undeveloped acreage (including concessions). Include the lease bonus payments or other consideration paid directly for acreage. Include on this line other capitalized direct costs such as costs of title examination, costs of defending or perfecting title and brokers commissions. Do not include capitalized geological and geological expenditures, land department costs, lease rentals, interest, or other indirect or overhead costs which should be reported with Other Pre-Development Costs on Line 3.

Include only the costs of acquiring mineral rights. Costs assigned to surface rights should be reported with Other Exploration/ Development/Production on Line 8.

Report the intangible drilling costs incurred to acquire acreage with Exploratory Drilling Costs on Line 2.

All other capitalized investment in undeveloped acreage (other than exploratory drilling costs) should be reported with Other Pre-Development Costs on Line 3.

Line 2 - Exploratory Drilling Costs

Report the company interest in the capitalized intangible drilling costs (gross and net) of drilling exploratory wells on undeveloped acreage. Include only those costs deductible as intangible drilling costs for Federal income tax purposes. Include capitalized costs of wells in progress at the end of the accounting period. Do not include any capitalized indirect or allocated costs, such as interest, overhead, etc., which should be reported with Other Pre-Development Costs on Line 3.

Line 3 - Other Pre-Development Costs

Report the company interest in all other capitalized investments on undeveloped acreage. Include capitalized shooting rights, surveys, land department, geological and geophysical expenditures, delay rentals, property taxes, minimum royalties, compensatory royalties, test well contributions, direct and indirect overhead, interest, and any other capitalized costs relating to undeveloped acreage.

Lines 4 - 7 - Producing Properties

Report the company investments (gross and net) in producing properties. Properties capable of producing should be classified as producing even if the wells are shut in.

Line 4 - Acquisition Costs

Report the company interest in capitalized acquisition costs of producing properties. Include the acquisition costs of undeveloped acreage subsequently transferred to Producing Properties. (See definition of undeveloped acreage acquisition costs on Line 1.) Also include the capitalized acreage acquisition costs from the purchase of producing or partially developed properties.

Line 5 - Pre-Development and Exploratory Drilling Costs

Report the company interest in capitalized Pre-Development and Exploratory drilling costs incurred on undeveloped acreage and subsequently transferred to Producing Properties. (See instructions for Lines 2 and 3 for definitions of these items.)

Line 6 - Intangible Development Costs

Report capitalized intangible development expenditures on producing properties. Do not include exploratory drilling costs incurred while the properties were non-producing, which should be reported above with Pre-Development and Exploratory Drilling Costs on Line 5.

Line 7 - Well, Lease, and Field Service Facility Equipment

Report investment in well, lease, and field service facility equipment on producing properties. Include expenditures for all tangible well equipment, such as platforms, derricks, casing, tubing and wellhead fittings. Include flow lines, flow tanks, field separators, heater-treaters, and related field facilities. Include all normal pumping and other artificial lift equipment, including downhole installations required for primary production. Include field service units serving more than one producing property, such as water, electric power, and fuel gas systems, salt water disposal systems, repressure, pressure maintenance and gas lift systems. Include production department investment in gas gathering systems, compressor plants, and gas delivery systems. Include production department investment in oil gathering systems, storage systems, pumping and treating plants, and loading and unloading racks.

Line 8 - Other Exploration/Development/Production Equipment

Report all other investment for Exploration/Develop- ment/Production Operations not included in Lines 1 - 7. Include drilling, workover, and cleanout tools and equipment. Include transportation equipment, such as automobiles, trucks, well service units, barges, dredges, motor boats, quarters boats, airplanes, helicopters, and related equipment. Include natural gas liquids plants. Include production department investment in engineering and construction equipment, geological and geophysical equipment, laboratories and research equipment, marine installations, office buildings and warehouses, camps and commissaries, and all other exploration/development/production property, plant and equipment, including incomplete construction.

Line 9 - Refining

Report the company investment (gross and net) in property, plant and equipment associated with the refining of petroleum materials.

Include production facilities such as units for distillation, cracking, polymerization, alkylation, hydrogenation, purification, stabilization, compounding, and blending. Include capitalized costs of catalysts. Include facilities for utilities and service units, such as water, steam and electricity, compressed air, maintenance shops, laboratories, etc. Include handling facilities for receiving materials, warehousing, transportation, storage, packaging and shipping. Include transportation facilities such as automobiles, trucks, barges, rail cars, etc. Include administrative and general facilities such as sanitation, fire fighting, communications, medical service, cafeterias, plant security, technical and laboratory expenses (other than R & D), general plant facilities, office buildings, and furniture, fixtures and equipment for accounting and for plant and departmental management.

Petrochemical operations whose accounts are separate from refining operations should be reported as Non-Energy with Other Property, Plant and Equipment on Line 16.

Natural gas liquids plant operations which are administered by the refining department but whose accounts are maintained separately from other refining operations should be reported with Other Exploration/ Development/Production on Line 8.

Line 10 - Marketing

Report the company investment (gross and net) in property, plant and equipment for marketing petroleum products and related products.

Include those facilities which are normally associated with marketing operations by the company, including those that are a normal adjunct to marketing of petroleum products, such as facilities for credit cards, TBA, car washes, convenience groceries, etc.

Include investments in terminals, bulk plants, relay stations, service stations, equipment leased or loaned to others, transportation and other service units, including marketing department rail and marine units, and the various levels of administrative offices. Include land, plant, plant equipment, motor vehicles of various types, office furniture and fixtures, office equipment, etc.

Do not include facilities for products sold directly by the production department (such as dry gas or natural gas liquids) or facilities for products sold directly from refineries, or pipeline, marine or barge terminals unless the facilities for handling these sales are normally accounted for as marketing department facilities.

Line 11 - Transportation - Marine

Report the company investment (gross and net) in property, plant and equipment associated with marine transportation of petroleum materials.

Include investment in facilities for both inland waterway and ocean going marine operations. Include all facilities normally associated with marine department operations, but do not include marine facilities normally associated with and accounted for by other departments, such as equipment used by the exploration and production departments in offshore exploration, development, and production operations, or terminals and docks normally associated with and accounted for by the refining or marketing departments.

Include investment in ships and boats, equipment and spare parts for ocean tankers, barges, lighters, tugs, motor boats, etc. Include dry docks (except those associated with new ship building operations), docks and wharves, ship loading and unloading plants, communications and service equipment, shops, commissary and supply warehouses and other buildings, automobiles and trucks, office equipment furniture and fixtures, etc. Include capitalized reconditioning costs and construction in progress.

Line 12 - 13 - Transportation - Pipeline - Crude and Products

Report the company investment (gross and net) in property, plant and equipment associated with pipeline transportation of crude oil and products (including liquified petroleum gases). Investment in natural gas, truck lines and related facilities, (other than production gathering systems) should be reported on Line 14.

Include trunk and gathering lines, pump and heater stations, line, storage tanks, marine and rail delivery facilities,

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buildings and structures, shops, tools, automobiles and trucks, furniture and fixtures, communication systems and other service equipment.

Include pipeline investment normally accounted for by the transportation department. Do not include gathering systems which are normally accounted for as part of production investment, and do not include lines and receiving stations or terminals that are normally accounted for as part of refining or marketing investment.

Line 14 - Transportation - Pipeline - Natural Gas

Report the company investment (gross and net) in property, plant and equipment associated with natural gas transmission operations. Do not use this classification to report gas gathering line investment associated with production or natural gas liquids plants operations unless the company has an operating interest in natural gas trunkline transmission operations which are consolidated for financial reporting purposes.

Line 15 - Transportation - Other

Report the company investment in property, plant and equipment for the bulk transportation of petroleum materials other than by pipeline or marine. Also include property, plant and equipment for crude oil and/or product purchasing and supply operations where the accounts for these operations are separable from production, refining and marketing operations.

Do not include investments in transportation equipment that is normally accounted for as investment of the production, refining or marketing departments, but do include investment in property, plant and equipment normally accounted for as transportation department equipment.

Line 16 - Other Property, Plant and Equipment

Report the company investment in property, plant and equipment associated with consolidated non-petroleum activities. Include separable investment in property, plant and equipment for non-energy portions of consolidated petroleum activities, such as petrochemicals. Include property, plant and equipment of group and corporate activities that cannot be assigned to specific operations.

MEMO: Total Property, Plant and Equipment -- Line 17. *Total of Lines 1 - 16. Total company columns (gross and net) should equal gross and net property, plant and equipment as reported in the consolidated financial statements of SEC Form 10-K.*

MEMO: Foreign Geographical Distribution -- Lines 18 - 22. *Report the geographical distribution of total Foreign property, plant and equipment (gross and net) reported on Line 17.*

SECTION B - Assets Other Than Property, Plant and Equipment

Use Section B to report the Company's Current Assets; Value of Inventories; Long Term Notes, Receivables, Investments and Advance; Special Deposits and Sinking Funds; Prepaid and Deferred Charges (where material); and Other Assets. At the conclusion of this section please provide as a memo entry the excess of current replacement costs over stated value of LIFO Inventories as reported in SEC Form 10-K.

Lines 1 - 6 - Current Assets

This group of accounts should include cash, trade acceptances, notes and accounts receivable from outsiders, and additional assets which may be converted into cash readily without impairing the business, such as marketable securities other than those held for purposes of control, and notes and accounts receivable from offices and employees. Also include the current portions of prepaid expenses and deferred charges.

Current assets should be reported net of any reserves for uncollectibility or decline in market values.

Do not report Inter-functional or intercompany items. Report current assets, except cash and marketable securities, by functional groups as recorded in the company's accounting records.

Line 1 - Cash and Marketable Securities

Include all bank and deposit accounts as general checking certificates of deposit, time deposits, and bankers acceptances. Include readily marketable securities such as stocks and bonds and securities of the U.S. Government or its agencies, which are considered available as current assets and are held as temporary investments of working capital.

Do not include the company's own stocks and bonds held for corporate purposes, stocks or other securities of affiliated companies, or stocks and other investments held for purposes other than the temporary investment of working capital. These should be reported as Long Term Notes, Receivables Investments and Advances on Line 19.

Do not include as Cash and Marketable Securities funds deposited in banks or with others to provide for payment of liabilities upon fulfillment of agreements made by the company. These should be reported as Special Deposits and Sinking Funds on Line 20.

Line 2 - Accounts, Notes and Other Receivables

Include current and suspended trade receivables on open account and the face amounts of all trade acceptances and notes receivable maturing within one year. Include notes and other receivables from officers and employees, and expense advances. Include current and proposed claims filed with common carriers, vendors, insurance companies and others. Include other current receivables such as other notes, accounts receivable from joint operations, accrued interest and dividends receivable, and accrued rents and royalties. Report these accounts net of applicable reserves.

Lines 3 - 6 - Other Current Assets

Include the current portion of prepaid and deferred charges (those items that will enter into the determination of net income in the subsequent year). Include prepaid interest, taxes, rentals, royalties (other than oil and gas), and insurance. Include prepaid freight and prepaid and deferred shipping charges. Include the cost of unbilled job orders if this is the company's normal accounting method. Include the current portion of the tax effects of tax loss carryforwards that will be recognized in the subsequent year in those instances where the tax loss carryforwards are recognized on the books of account. Include all other current prepaid and deferred charges contained in the company's books of account.

It is not intended that items normally classed as non-current be divided between current and non-current for this report; rather, these items should be categorized as current or non-current in their entirety in accordance with the predominant amounts of each item. For examples, items such as goodwill and organizational and start-up expense should all be classified as non-current even though a part of the amount will be amortized in the immediately succeeding year.

NOTE: Significance Criterion. *Items greater than 5% of current assets other than inventories should be reported separately in the space provided on Lines 3 - 6.*

Lines 8 - 18 - Inventories

Report end-of-period inventories classified according to the valuation methods utilized in the books of account. That is, report on the LIFO lines the valuation (and units where applicable) of inventories valued on LIFO basis in the books of account; report on the Average Cost lines the valuation (and units where applicable) of inventories valued on average cost methods in the books of account; and report on the FIFO lines the valuation (and units where applicable) of inventories valued on FIFO methods in the books of account.

Production or purchase costs for the respective periods of inventory accumulation should include relevant amounts of handling and transportation charges to points of storage and the cost of crude oil products and other materials and merchandise purchased and in transit at the close of the accounting period, for which either payment has been made or a liability has been established.

Under the LIFO system of inventory valuation in-bound in-transit cargoes at the close of an accounting period theoretically have been sold, and therefore all costs (billed and unbilled) necessary to place the cargoes in the purchasing unit's tanks (or other storage) at the receiving terminal should be included in Purchase Costs (Schedule 5), which is a component of cost of goods sold.

NOTE: Reporting Replacement Cost of LIFO Inventories. *Line 30 requires reporting the excess of current replacement cost over the stated value of the LIFO inventories, as reported in SEC Form 10-K.*

Lines 8 - 10 - Inventories - Crude Oil

Report the inventory units (thousands of barrels) and valuations of crude oil at the close of the accounting period, classified by method of inventory valuation.

Lines 11 - 13 - Inventories - Refined Products

Report the inventory units (thousands of barrels) and valuation of refined products at the close of the accounting period, classified by method of inventory valuation.

Lines 14 - 16 - Inventories - Other

Report the inventory values of other inventory (other than crude oil, refined products and materials and supplies) at the close of the accounting period, classified by method of inventory valuation.

Line 17 - Materials and Supplies

Report the cost of materials and supplies purchased or produced that are carried as stocks in warehouses, storerooms, shops, etc., and in transit at the close of accounting period. Include the estimated net condition or scrap value of machinery, equipment, materials, supplies, etc., transferred to this account from Property, Plant and Equipment.

Line 19 - Long-Term Notes, Receivables, Investments and Advances

Report investments that are not readily convertible to cash or that the company intends to hold for a relatively long period. Include the cost of securities owned in non-consolidated subsidiaries and affiliated companies. Include adjustments resulting from the equity method of accounting for investments in affiliates and non-consolidated subsidiaries. Include mortgages, promissory notes, loans, advances and accounts receivable from other than consolidated companies. Include carried interest receivables from partner's share of the cost of developing and operating properties of joint production operations which are recoverable from the partner's share of production. Include advance payments made on purchase obligations from long-term purchase contracts.

These accounts should be reported net of applicable reserves for loss.

Direct costs of acquiring investments can be included as part of the cost of the investments. Intangible costs of organizing or acquiring a company should be included with Other Assets on Lines 25 - 28.

Do not include any notes, receivables, investments or advances in any consolidated subsidiaries or any other consolidated operations, such as partnerships, joint ventures, and associations.

Report investments and advances to non-consolidated operating companies by function according to the predominant nature of the operations of the company receiving the investments or advances.

Line 20 - Special Deposits and Sinking Funds

Include cash and securities placed in sinking, redemption, reserve and other special trust funds to redeem outstanding obligations. Also include deposits on bids, permits, contracts, and other special funds set aside pending fulfillment of agreements by the company. Securities should be reported at the lower of cost or market. Report special deposits by function, where applicable.

Lines 21 - 24 - Prepaid and Deferred Charges

Report the non-current portion of payments and other charges for expenses which were incurred for the benefit of future operations beyond the next subsequent year.

Include unamortized discount and expense on long-term debt. Include the tax effect of the non-current portion of deferred income tax charges as reported in the company's consolidated financial statements. Also include the non-current portion of the tax effects of tax loss carryforwards in those instances where tax loss carry- forwards are recorded in the books of account.

Include all other non-current prepaid and deferred charges recorded in the company's books of account.

Report prepaid and deferred charges by function, where applicable.

NOTE: Significance Criterion. *Items greater than 20% of the total non-current Prepaid and Deferred Charges should be reported separately in the space provided on Lines 21 - 24. In addition, items reported separately in public financial reports, such as the Annual Report to Shareholders, SEC Form 10-K, or SEC Form S-1, should be reported separately on this schedule.*

Lines 25 - 28 - Other Assets

Report other assets not reported elsewhere on Schedule 9, Sections A and B.

Include intangible assets such as goodwill, organization costs, trademarks, patents, etc.

Report intangible and other assets net of accumulated amortization or other applicable reserves.

Report other assets by function where applicable.

NOTE: Significance Criterion. *Items that comprise more than 30% of the total Other Assets should be reported separately in the spaces provided in Lines 25 - 28. In addition, items reported separately in public financial reports, such as the Annual Report to the Shareholders, SEC Form 10-K, or SEC Form S-1, should be reported separately in this schedule.*

MEMO: Excess of Current Replacement Cost Over Stated Value of LIFO Inventories -- Line 30. *Report this item as required to be reported for SEC Form 10-K. Report by function, as applicable.*

SECTION C - Liabilities and Stockholders' Equity

Use Section C to report the Company's Current Liabilities; Long- Term and Interim Term Debt and Advances; Deferred Credits and Reserves; Minority Interest in Subsidiaries; and Stockholders' Equity. Do not allocate liabilities or stockholder's equity accounted for at the total company level.

Lines 1 - 1 - Current Liabilities

This group of accounts should include liabilities applicable to short-term loans, merchandise purchases, salaries and wages, the current portion of deferred credits and expenses, together with provisions for all other non-current liabilities which, if not definitely ascertainable, should be estimated and subsequently adjusted when the actual amounts are known.

The current portion of deferred credits should include those items that relate to a current item in the balance sheet, as well as those items that will enter into the determination of income in the subsequent year.

Report current liabilities by functional groups as recorded in the company's accounting reocrds, except for the current portion of long-term debt and income taxes, which should be reported in the Corporate column. However, do not allocate to functions items not accounted for by function. Do not include Inter-functional or intercompany items.

Line 1 - Accounts and Notes Payable

Report the amount of liabilities on open account for purchases of crude oil and gas, finished and semi-finished products, supplies, etc., and for services rendered which are vouchered or otherwise accrued but unpaid at the close of the accounting period. Include the company's liabilities for goods, freight and other services received but not invoiced at the close of the accounting period. Include the face amounts of demand and short-term promissory notes, acceptances and loans payable to trade suppliers and to banks or bankers. Include liability for dividends declared but not yet paid. Include interest, insurance, rentals and royalties (other than oil and gas) payable. Include accrued salaries, wages, and commissions of officers, employees, commission salesmen and agents. Include company liability for accrued vacation expenses, disability benefits, annuity and survivor benefits, and thrift, annuity, and savings plan contributions. The company liability for Federal or foreign social security insurance contributions should be reported in Line 5, Accrued Taxes - Other.

Do not allocate items not accounted for by function.

Line 2 - Long-Term Debt Due Within One Year

Report the amount of long-term debt payable within one year from the balance sheet date. See instructions for Line 16 for definition of long-term debt. Do not include intercompany or Inter-functional debt.

Line 3 - Accrued Taxes - Income Taxes

Report the amounts accrued for income taxes payable to national, state, provincial and local governments. Do not include deferred income tax charges or credits arising from tax allocation procedures, which should be reocrded as current or non-current deferred charges or credits, as applicable.

Line 4 - Accrued Taxes - Consumer Sales and Excise Tax

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Report the company's liability for consumer taxes collected from others.

Line 5 - 7 - Accrued Taxes - Other

Report the company's liability for all other accrued taxes. Include severance taxes, import duties, property taxes, and Federal, State and Foreign social security and unemployment contributions.

Line 8 - Other Current Liabilities

Report the current portion of deferred credits and miscellaneous current liabilities. Include the current portion of deferred income tax credits and other deferred credits. Include any other miscellaneous current liabilities not included in Lines 1 - 7. Do not allocate to functions any item not accounted for by function.

NOTE: Significance Criterion. *Items greater than 5% of total current liabilities should be reported separately on Lines 9 - 11.*

Line 13 - Long-Term and Interim Debt and Advances

Report the face amount of all obligations of the company that will not mature within one year of the balance sheet date. Include mortgage bonds, debentures, collateral trust bonds, equipment obligations, long-term notes, purchase obligations, loans and accounts payable over a period exceeding one year, and all other forms of indebtedness which may be properly classified hereunder. Do not include intercompany or Inter-functional debt.

Lines 14 - 24 - Deferred Liabilities, Credits and Reserves

Report the non-current portion of income applicable to future periods and the non-current portion of income taxes deferred until future years. Include deferred liabilities and reserves applicable to anticipated future losses. Report deferred credits and reserves by functional group, as applicable.

Line 14 - Income Taxes

Report the non-current portion of deferred income tax charges and credits when the non-current portion nets to a credit.

The non-current portion of deferred income taxes should include the tax effects due to book/tax timing differences that relate to non-current items in the balance sheet, such as the tax effects of accelerated depreciation or intangible drilling costs. Also include those items that will not enter into the determination of book income until the years following the immediately succeeding year.

Line 15 - Employee Benefits

Report amounts reserved to meet the unfunded or uninsured portions of the estimated liability for accumulated annuities and other benefits of employees and annuitants covered by company benefit plans. Include disability benefits in accordance with workmen's compensation laws.

Line 16 - Refunds

Report the net company interest in deferred liabilities or reserves for possible refunds to customers due to Federal, State, local or foreign governmental regulatory actions.

Line 17 - Sales/Advances - Future Production

Report the net company interest in deferred income or liabilities from sales or advances on crude oil and/or gas to be supplied in the future by the company. Also include deferred credits or liabilities from sales of future production of Other Energy Materials. Deferred credits or liabilities from sales of reserves in place and other assets should be reported with Other Sales on Line 18.

Line 18 - Other Sales

Report the net company interest in deferred income from sales other than future oil, gas and other energy production. Include deferred income from sales of oil and gas reserves in place and sales of other oil and gas producing assets. Include deferred income from involuntary conversions of depreciated assets, including nationalization and expropriation.

Line 19 - Foreign Exchange

Report reserves for possible future losses due to revaluation of foreign exchange.

Line 20 - Expropriation

Report amounts reserved to provide for possible future losses due to nationalization or expropriation of foreign assets.

Lines 21 - 24 - Other

Report other deferred liabilities, deferred credits, and reserves. Include amounts reserved to provide for possible uninsured losses such as fire losses, property damage losses, and marine losses. Include amounts provided for possible losses of claims and law suits.

NOTE: Significance Criterion. *Items which are greater than 20% of total deferred credits and reserves should be reported separately on lines 21 - 24.*

Line 26 - Minority Interests in Subsidiaries

Report in one sum the amounts of capital stock together with the portion of surplus of consolidated subsidiaries applicable to shares of capital stock owned by minority stockholders, where the company, although it does not own 100% of the outstanding stocks of consolidated subsidiaries, consolidates with its own accounts 100% of the assets and liabilities of such companies.

Lines 27 - 28 - Stockholders Equity

Report on Lines 27 - 28 the total stockholders equity of the company.

Line 27 - Capital

Report the total par value or the total amount designated as representing all classes of capital stock (including all preference stocks) for which shares have been issued and are outstanding at the close of the accounting period. For unincorporated businesses, report the amount permanently invested by the owners, representing either partnerships or individuals. Provided there is no conflict with the laws under which such businesses are conducted, the accumulated undivided profits should not be included in this account but reported with Retained Earnings on Line 28.

Include capital surplus arising from sources other than ordinary operations of the company, such as paid-in capital in excess of par value, revaluations of assets from reorganizations, and credits from dealing in the company's own stock.

Deduct the cost of capital stock held in the company treasury from this account.

Line 28 - Retained Earnings

Report the accumulated undistributed income from operations of the business.

SCHEDULE 10 - BALANCE SHEET CHANGES NOT REPORTED ON OTHER SCHEDULES

PURPOSE:

To report significant changes in balance sheet items that are not reported on other schedules in this report.

GENERAL INSTRUCTIONS:

Do not report changes shown elsewhere, such as those resulting from capital expenditures, depletion, depreciation, or amortization, working capital changes or sales of stock.

Report significant changes not otherwise reported on other schedules, such as transfers of non-producing properties to producing status, decreases in assets and related reserves due to sales of assets and extraordinary abandonments, increases in intangible assets (such as goodwill), changes (other than amortization) in deferred charges, deferred credits, or reserves for contingencies. Report each significant class of change as a total for the consolidated company, using the column definition for Total Company provided on p. above.

List each class of significant balance sheet changes and the dollar amount of the change on the blank portion of the form.

This should provide the vehicle for reconciling balance sheet changes not accounted for in other schedules.

SIGNIFICANT CRITERION:

Significant changes are those that, as a class, exceed $5 million.

NOTE: No printed form is provided for this schedule.

SCHEDULE 11 - INCOME TAXES

PURPOSE:

To report book/tax timing differences generating deferred income taxes, and to reconcile accrued income tax expense to the statutory federal income tax rate.

GENERAL INSTRUCTIONS:

The item captions down the left hand side of the forms are provided for comparability in terminology among the reporting firms. It is not required that all captioned items on the left hand side of the forms be completed. It is required that the maximum level of detail contained in the company's public reports be itemized

in this report. Include detail levels contained in such reports as the company's annual report to shareholders (including supplements), SEC Form 10-K (or equivalent), SEC Form S-1 (or equivalent), etc. Items discussed but not quantified in these or other public reports should be quantified for this report.

Items which are detailed in company reports but are not captioned on Schedule 11, Sections A or B, should be itemized in the applicable spaces provided.

DETAILED INSTRUCTIONS:

SECTION A

Report book/tax timing differences for each significant item that generates deferred taxes.

NOTE: Significance Criterion. *Any item that contributes 15 percent or more of the deferred tax for the reporting period should be provided individually. In addition, items reported separately in public financial reports, such as the annual report to shareholders, SEC Form 10-K, or SEC Form S-1, should be reported separately on this schedule.*

SECTION B

Report the reconciliation of accrued federal income tax expense for the accounting period to the statutory federal income tax rate. Report both in dollars and as a percent of pre-tax income. Where the reporting person is a foreign entity, the income tax rate in that person's country of domicile should normally be used in making the above computation, but different rates should not be used for subsidiaries or other segments of a reporting entity. If the rate used by a reporting person is other than the United States Federal corporate income tax rate, the rate used and the basis for using such rate shall be disclosed in an attached footnote.

SCHEDULE 12 - STATISTICAL DATA

PURPOSE:

To report statistical data not contained in the previous schedules.

GENERAL INSTRUCTIONS:

Include data relating to the company and all consolidated subsidiaries. Exclude data related to unconsolidated subsidiaries, affiliates, and investments.

DETAILED INSTRUCTIONS:

SECTION A - Net Acreage

Lines 1 - 5 - Acquired During Reporting Period

Report the net acreage acquired by the Company and its consolidated subsidiaries during the reporting period. Include all net acreage acquired without regard to acreage released.

Lines 6 - 10 - Undeveloped, Held by Leases or Options

Report the net acreage of the company and its consolidated subsidiaries at the end of the reporting period that is undeveloped and is held by leases or options for exploration of energy materials.

Lines 11 - 15 - Fully or Partially Developed, Held by Production

Report the net acreage of the company and its consolidated subsidiaries at the end of the reporting period that is fully or partially developed and, in the U.S. and Canada, is held by production of oil, gas or other energy.

SECTION B - Net Proved Underground Reserves

Lines 16 - 21

Report the net interest of the company and its consolidated subsidiaries in volumes of energy reserves at the end of the reporting period. Report those reserves which geological and engineering data indicate with a high degree of certainty to be recoverable in the future from established resevoirs (or equivalent producing structures for other energy materials) using technically proven, commercially sound operating practices.

Include all net proved reserves of consolidated subsidiaries. Exclude all reserves of unconsolidated companies.

Include company-owned royalty, overriding royalty and other ownership interest. Exclude reserves owned by joint interest owners, royalty owners, and other participants who have the right to take payment in kind.

Report reserves in units as follows:

Oil - Millions of Barrels
Gas - Trillions of Cubic Feet
Coal - Millions of Tons
Shale - Millions of Barrels
Tar Sands - Millions of Barrels
Other Energy - Indicate Units (Use six digits or less)

SECTION C - Net Wells

Lines 22 - 33

Report the net interest of the company and its consolidated subsidiaries in oil and gas wells completed during the reporting period and at the end of the reporting period. The net company interest is the sum of all fractional interests owned by the company and its consolidated subsidiaries. Exclude net wells owned by unconsolidated companies.

Multiple completions in a single hole should be counted as one well. Report net wells in whole numbers and tenths.

Lines 22 - 32 - Completed During Reporting Period

Report the net wells completed during the reporting period. The numbers of net completed wells should relate to the expenditures for completed wells on Schedule 3, Lines 7 - 9 and 14 - 16. It is understood that well counts and well expenditures may not have an exact relationship due to timing differences in booking expenditures.

Multiple completions in a single hole should be counted as one well.

Lines 28 - 29 - Capable of Producing

Report the company net interest (as defined above) in wells capable of producing. Include wells shut-in due to lack of transportation. Include wells temporarily shut-in due to workovers.

Lines 30 - 31 - Shut-in

Report the company net interest in wells capable of producing but shut-in due to lack of transportation. These wells should also be included in wells capable of producing above.

SECTION D - Refinery Runs

Lines 34 - 36

Report the refinery runs of the company and consolidated subsidiaries during the reporting period. Include both crude oil and other raw materials processed.

Report volumes to nearest tenths of millions of barrels.

Line 34 - For Company's Account

Report total crude oil processed for the company's account during the report period at refineries whose operations are consolidated in the company's books of account.

Line 35 - For Others

Report total crude oil processed for others (including unconsolidated subsidiaries, affiliates and investments) during the period which refineries whose operations are consolidated in the company's books of account.

Line 36 - By—Others For Company's Account

Report total crude oil processed by others for the company's account during the period. Include company-owned crude oil blending stocks processed by refineries operated by unconsolidated subsidiaries, affiliates and investments.

SECTION E - Refineries

Lines 37 - 38

Report data on refineries operated by the company and its consolidated subsidiary. Include total capacity of consolidated sub- sidiaries. Exclude unconsolidated subsidiaries and investments.

Line 37 - Number of Refineries

Report the number of refineries operated by the company and its consolidated subsidiaries.

Line 38 - Annual Capacity

Report the total rated annual capacity in millions of barrels (annual total, not per calendar day) at the end of the reporting period to process crude and other inputs under normal operating conditions, including allowances for down time, environmental constraints, and other processing limitations.

SECTION F - Marketing Retail Outlets

Report the number of retail outlets at the end of the period which sell products under brands owned or controlled by the company and its consolidated subsidiaries.

Lines 39 - 40 - Owned and Leased

Report the number of retail outlets selling under company brands which the company or its consolidated subsidiaries either own or are a party to leases on the outlets.

Report the number of these outlets operated by the company or its consolidated subsidiaries on Line 38. Report the number of these outlets operated by others on Line 39.

Line 4 - Other Retail Outlets

Report the number of outlets selling products under company brands which the company or its consolidated subsidiaries do not own or are not parties to any lease arrangements. /*

V 40 184 SEP 275 XUM

FEA P324-A-0

FEDERAL ENERGY ADMINISTRATION
Washington, D.C. 20461

This report is mandatory under P.L.93-275

PETROLEUM COMPANY FINANCIAL REPORT

PART I: IDENTIFICATION DATA

1. Address Label
(Please change if incorrect)

Firm Name _____
Address _____
City, State, Zip code _____

2. IRS Employer Identification Number |_|_|_|_|_|_|_|_|_|_|_|

4. Person to contact if questions arise concerning this report:

_____ _____ ___-___-____
Name Title Phone

PART II: COMPANY STATUS

1. Please designate the functional areas of the petroleum business in which your firm is represented.

	U.S.	Foreign
Exploration and production	____	____
Refining	____	____
Marketing	____	____
Pipeline	____	____
Marine	____	____

2. Are any material subsidiaries or affiliates owned more than 50% not included in the consolidated financial statements or are any 20 to 50% owned affiliates not reported on the equity method? Yes __ No __

If yes, describe each case on an attachment

3. Is equity income recognized in accounts other than Other Revenue or Other Income? Yes __ No __

If yes, describe the method on an attachment

4. If the company is engaged in exploration or production, does the company use the full cost method for financial statements? Yes __ No __

If yes, please indicate the cost center(s) used:

	U.S.	Foreign
Field	____	____
Geologic province	____	____
State	____	____
Other region (describe)	____	____
Country	____	____
Hemisphere		____
U.S. vs. Foreign		____
Worldwide		____

5. What method of determining the unrealized foreign exchange gain or loss does the company use?
Monetary/Non-monetary __
Current/Non-current __
Not applicable __

Describe any modifications to these methods that your company uses

Describe briefly how the gain or loss is treated, indicating the amortization period, if any.

6. Does the company use LIFO to value any part of its inventories?
Yes __ No __

7. Does the company capitalize IDC for Financial Statements? Yes __ No __

8. Briefly describe the financial statement treatment of each type of exchange - crude-for-crude, crude-for-product, and product-for-product.

V 40 184 SEP 22 75 XUM

SCHEDULE 1 RAW MATERIAL AND PRODUCT ACQUISITIONS AND DISPOSITIONS

VOLUMES			PRODUCTION				PURCHASES	INVENTORY CHANGES	SALES	
			DOMESTIC			FOREIGN				
			ONSHORE	OFFSHORE	ALASKA				DOMESTIC	FOREIGN
A. Crude Oil, Condensate, Natural Gas & NGL										
1. From Domestic Sources										
a. Crude and Condensate	MB	1								
b. Royalty Oil	MB	2								
c. Natural Gas	BCF	3								
d. NGL	MB	4								
e. NGL Processing		5								
2. From Foreign Sources										
a. Crude and Condensate		6								
- Equity	MB	7								
- Participation Buyback	MB	8								
- Third Party Purchases	MB	9								
b. Natural Gas	BCF	10								
c. NGL	MB	11								
3. Crude Equalization		12								
4. Import Duties		13								
Total Petroleum Raw Materials		14								
B. Semi-Finished and Finished Petroleum Products and Feedstocks										
1. From Domestic Operations										
a. Motor Gasolines	MB	15								
b. Distillates	MB	16								
c. Residuals	MB	17								
d. Other Fuel Products	MB	18								
e. Petrochemical Feedstocks	MB	19								
f. Asphalt	MB	20								
g. Other Non-Fuel Petroleum Products	MB	21								
2. From Foreign Operations										
a. Motor Gasolines	MB	22								
b. Distillates	MB	23								
c. Residuals	MB	24								
d. Other Fuel Products	MB	25								
e. Petrochemical Feedstocks	MB	26								
f. Asphalt	MB	27								
g. Other Non-Fuel Petroleum Products	MB	28								
3. Import Duties		29								
Total Petroleum Products	MB	30								
C. Other Energy Products										
1. Coal	MT	31								
2. Synfuels										
a. From Coal - Liquids	MB	32								
- Gases	MMCF	33								
b. From Shale	MB	34								
c. From Tar Sands	MB	35								
3. Nuclear										
a. Uranium	M#	36								
b. Other		37								
4. Other		38								
Total Other Energy		39								
D. Non-Energy Products		40								
* TOTAL		41								

SCHEDULE 1 RAW MATERIAL AND PRODUCT ACQUISITIONS AND DISPOSITIONS

VALUES			PRODUCTION				PURCHASES	INVENTORY CHANGES	SALES	
			DOMESTIC			FOREIGN				
			ONSHORE	OFFSHORE	ALASKA				DOMESTIC	FOREIGN
A. Crude Oil, Condensate, Natural Gas & NGL										
1. From Domestic Sources										
a. Crude and Condensate		1								
b. Royalty Oil		2								
c. Natural Gas		3								
d. NGL		4								
e. NGL Processing		5								
2. From Foreign Sources										
a. Crude and Condensate		6								
- Equity		7								
- Participation Buyback		8								
- Third Party Purchases		9								
b. Natural Gas		10								
c. NGL		11								
3. Crude Equalization		12								
4. Import Duties		13								
Total Petroleum Raw Materials		14								
B. Semi-Finished and Finished Petroleum Products and Feedstocks										
1. From Domestic Operations										
a. Motor Gasolines		15								
b. Distillates		16								
c. Residuals		17								
d. Other Fuel Products		18								
e. Petrochemical Feedstocks		19								
f. Asphalt		20								
g. Other Non-Fuel Petroleum Products		21								
2. From Foreign Operations										
a. Motor Gasolines		22								
b. Distillates		23								
c. Residuals		24								
d. Other Fuel Products		25								
e. Petrochemical Feedstocks		26								
f. Asphalt		27								
g. Other Non-Fuel Petroleum Products		28								
3. Import Duties		29								
Total Petroleum Products		30								
C. Other Energy Products										
1. Coal		31								
2. Synfuels										
a. From Coal - Liquids		32								
- Gases		33								
b. From Shale		34								
c. From Tar Sands		35								
3. Nuclear										
a. Uranium		36								
b. Other		37								
4. Other		38								
Total Other Energy		39								
D. Non-Energy Products		40								
* TOTAL		41								

SCHEDULE 2 OTHER REVENUE AND INCOME

		Domestic Revenue/ Income	Foreign Revenue/ Income
A. Petroleum Production Royalties	1		
B. Interest and Other Royalty Income	2		
C. Refining and Processing Services	3		
D. Dividend Income			
1. From Companies Accounted For On the Equity Method			
a. Transportation	4		
b. Other	5		
2. From Investments Accounted For On The Cost Method	6		
E. Other Operating Revenues and Income	7		
TOTAL	8		

		U.S.	FOREIGN
MEMO: Consumer Taxes	9		

		PURCHASES	SALES
MEMO: Geographic Detail * (For Schedule 1) *			
- Canada	10		
- Other Western Hemisphere	11		
- Western Europe	12		
- Middle East & Africa	13		
- Other Eastern Hemisphere	14		

MEMO: Percentage of Total Domestic Crude and Condensate Production Subject to Price Controls		. %

SCHEDULE 3 SALES AND RETIREMENTS OF ASSETS AND INVESTMENTS

		PETROLEUM				OTHER ENERGY			
		U.S.		FOREIGN		U.S.		FOREIGN	
		PROCEEDS	GAIN (LOSS)	PROCEEDS	GAIN (LOSS)	PROCEEDS	GAIN (LOSS)	PROCEEDS	GAIN (LOSS)
1. Investments	1								
2. Future Production	2								
3. Property, Plant and Equipment									
- Non-Producing Leases	3								
- Producing Properties	4								
- Other Exploration/Development/ Production Equipment	5								
- Refining	6								
- Marketing	7								
- Transportation - Marine	8								
- Crude & Products Pipelines	9								
- Natural Gas Pipelines	10								
- Other	11								
- Coal	12								
- Synfuels	13								
- Nuclear	14								
- Other	15								
4. Non-significant Sales & Retirements	16								
TOTAL SALES & RETIREMENTS OF ASSETS & INVESTMENTS	17								
MEMO: - Canada	18								
- Other Western Hemisphere	19								
- Western Europe	20								
- Middle East & Africa	21								
- Other Eastern Hemisphere	22								

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SCHEDULE 3 SALES AND RETIREMENTS OF ASSETS AND INVESTMENTS

		NON-ENERGY		CORPORATE		ELIMINATIONS & ADJUSTMENTS		TOTAL COMPANY	
		PROCEEDS	GAIN (LOSS)	PROCEEDS	GAIN (LOSS)	PROCEEDS	GAIN (LOSS)	PROCEEDS	GAIN (LOSS)
1. Investments	1								
2. Future Production	2								
3. Property, Plant and Equipment									
- Non-Producing Leases	3								
- Producing Properties	4								
- Other Exploration/Development/ Production Equipment	5								
	6								
- Refining	7								
- Marketing	8								
- Transportation - Marine									
- Crude & Products Pipelines	9								
- Natural Gas Pipelines	10								
- Other	11								
- Coal	12								
- Synfuels	13								
- Nuclear	14								
- Other	15								
4. Non-significant Sales & Retirements	16								
TOTAL SALES & RETIREMENTS OF ASSETS & INVESTMENTS	17								
MEMO: - Canada	18								
- Other Western Hemisphere	19								
- Western Europe	20								
- Middle East & Africa	21								
- Other Eastern Hemisphere	22								

SCHEDULE 4 EXPLORATION/DEVELOPMENT/ PRODUCTION EXPENDITURES

		PETROLEUM U. S.							
		ONSHORE		OFFSHORE		ALASKA		TOTAL U.S.	
		EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED
A. Exploration Expenditures									
1. Land Department, Leasing and Scouting Expenditures	1								
2. Geological & Geophysical Expenditures	2								
3. Acquisition Expenditures for Undeveloped Acreage - U.S. Federal	3								
- Other	4								
4. Lease Rent Expenditures	5								
5. Test Hole Contribution Expenditures	6								
6. Expenditures for Drilling and Equipping Exploration Wells									
- Dry Holes	7								
- Successful Wells - Oil	8								
- Gas	9								
- Wells in Progress Adjustment	10								
7. Other Exploration Expenditures	11								
* Total Exploration Expenditures	12								
B. Development Expenditures									
1. Acquisition of Producing Properties	13								
2. Development Well Drilling and Equipment Expenditures									
- Dry Holes	14								
- Successful Wells - Oil	15								
- Gas	16								
- Wells in Progress Adjustment	17								
3. Lease & Field Service Facilities Equipment Expenditures	18								
4. Other Development Expenditures	19								
* Total Development Expenditures	20								
C. Production Expenditures									
1. Well Workover Expenditures	21								
2. Operating and Maintenance Expenditures	22								
3. Severance, Ad Valorem and Other Production Taxes (excluding Income Taxes)	23								
4. Other Production Expenditures	24								
* Total Production Expenditures	25								
D. Group General Expenditures									
1. Plant and Equipment Expenditures	26								
2. General and Administrative Expenditures	27								
3. Research and Development	28								
* Total Group General Expenditures	29								
** TOTAL EXPLORATION/DEVELOPMENT/PRODUCTION EXPENDITURES	30								
MEMO: Total Intangible Drilling Expenditures	31								
MEMO: Total Expenditures - Canada	32								
- Other Western Hemisphere	33								
- Western Europe	34								
- Middle East & Africa	35								
- Other Eastern Hemisphere	36								

SCHEDULE 4 EXPLORATION/DEVELOPMENT/ PRODUCTION EXPENDITURES		PETROLEUM		OTHER ENERGY							
				COAL				SYNFUELS			
		FOREIGN		U.S.		FOREIGN		U.S.			
		EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED		
A. Exploration Expenditures											
1. Land Department, Leasing and Scouting Expenditures	1										
2. Geological & Geophysical Expenditures	2										
3. Acquisition Expenditures for Undeveloped Acreage - U.S. Federal	3										
- Other	4										
4. Lease Rent Expenditures	5										
5. Test Hole Contribution Expenditures	6										
6. Expenditures for Drilling and Equipping Exploration Wells											
- Dry Holes	7										
- Successful Wells - Oil	8										
- Gas	9										
- Wells in Progress Adjustment	10										
7. Other Exploration Expenditures	11										
* Total Exploration Expenditures	12										
B. Development Expenditures											
1. Acquisition of Producing Properties	13										
2. Development Well Drilling and Equipment Expenditures											
- Dry Holes	14										
- Successful Wells - Oil	15										
- Gas	16										
- Wells in Progress Adjustment	17										
3. Lease & Field Service Facilities Equipment Expenditures	18										
4. Other Development Expenditures	19										
* Total Development Expenditures	20										
C. Production Expenditures											
1. Well Workover Expenditures	21										
2. Operating and Maintenance Expenditures	22										
3. Severance, Ad Valorem and Other Production Taxes (excluding Income Taxes)	23										
4. Other Production Expenditures	24										
* Total Production Expenditures	25										
D. Group General Expenditures											
1. Plant and Equipment Expenditures	26										
2. General and Administrative Expenditures	27										
3. Research and Development	28										
* Total Group General Expenditures	29										
** TOTAL EXPLORATION/DEVELOPMENT/PRODUCTION EXPENDITURES	30										
MEMO: Total Intangible Drilling Expenditures	31										
MEMO: Total Expenditures - Canada	32										
- Other Western Hemisphere	33										
- Western Europe	34										
- Middle East & Africa	35										
- Other Eastern Hemisphere	36										

SCHEDULE 4 EXPLORATION/DEVELOPMENT/ PRODUCTION EXPENDITURES		OTHER ENERGY							
		SYNFUELS		NUCLEAR				OTHER	
		FOREIGN		U.S.		FOREIGN		U.S.	
		EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED
A. Exploration Expenditures									
1. Land Department, Leasing and Scouting Expenditures	1								
2. Geological & Geophysical Expenditures	2								
3. Acquisition Expenditures for Undeveloped Acreage - U.S. Federal	3								
- Other	4								
4. Lease Rent Expenditures	5								
5. Test Hole Contribution Expenditures	6								
6. Expenditures for Drilling and Equipping Exploration Wells									
- Dry Holes	7								
- Successful Wells - Oil	8								
- Gas	9								
- Wells in Progress Adjustment	10								
7. Other Exploration Expenditures	11								
* Total Exploration Expenditures	12								
B. Development Expenditures									
1. Acquisition of Producing Properties	13								
2. Development Well Drilling and Equipment Expenditures									
- Dry Holes	14								
- Successful Wells - Oil	15								
- Gas	16								
- Wells in Progress Adjustment	17								
3. Lease & Field Service Facilities Equipment Expenditures	18								
4. Other Development Expenditures	19								
* Total Development Expenditures	20								
C. Production Expenditures									
1. Well Workover Expenditures	21								
2. Operating and Maintenance Expenditures	22								
3. Severance, Ad Valorem and Other Production Taxes (excluding Income Taxes)	23								
4. Other Production Expenditures	24								
* Total Production Expenditures	25								
D. Group General Expenditures									
1. Plant and Equipment Expenditures	26								
2. General and Administrative Expenditures	27								
3. Research and Development	28								
* Total Group General Expenditures	29								
** TOTAL EXPLORATION/DEVELOPMENT/PRODUCTION EXPENDITURES	30								
MEMO: Total Intangible Drilling Expenditures	31								
MEMO: Total Expenditures - Canada	32								
- Other Western Hemisphere	33								
- Western Europe	34								
- Middle East & Africa	35								
- Other Eastern Hemisphere	36								

SCHEDULE 4 EXPLORATION/DEVELOPMENT/PRODUCTION EXPENDITURES

		OTHER ENERGY OTHER		ELIMINATIONS & ADJUSTMENTS		TOTAL COMPANY	
		EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED
A. Exploration Expenditures							
1. Land Department, Leasing and Scouting Expenditures	1						
2. Geological & Geophysical Expenditures	2						
3. Acquisition Expenditures for Undeveloped Acreage - U.S. Federal	3						
- Other	4						
4. Lease Rent Expenditures	5						
5. Test Hole Contribution Expenditures	6						
6. Expenditures for Drilling and Equipping Exploration Wells							
- Dry Holes	7						
- Successful Wells - Oil	8						
- Gas	9						
- Wells in Progress Adjustment	10						
7. Other Exploration Expenditures	11						
* Total Exploration Expenditures	12						
B. Development Expenditures							
1. Acquisition of Producing Properties	13						
2. Development Well Drilling and Equipment Expenditures							
- Dry Holes	14						
- Successful Wells - Oil	15						
- Gas	16						
- Wells in Progress Adjustment	17						
3. Lease & Field Service Facilities Equipment Expenditures	18						
4. Other Development Expenditures	19						
* Total Development Expenditures	20						
C. Production Expenditures							
1. Well Workover Expenditures	21						
2. Operating and Maintenance Expenditures	22						
3. Severance, Ad Valorem and Other Production Taxes (excluding Income Taxes)	23						
4. Other Production Expenditures	24						
* Total Production Expenditures	25						
D. Group General Expenditures							
1. Plant and Equipment Expenditures	26						
2. General and Administrative Expenditures	27						
3. Research and Development	28						
* Total Group General Expenditures	29						
** TOTAL EXPLORATION/DEVELOPMENT/PRODUCTION EXPENDITURES	30						
MEMO: Total Intangible Drilling Expenditures	31						
MEMO: Total Expenditures - Canada	32						
- Other Western Hemisphere	33						
- Western Europe	34						
- Middle East & Africa	35						
- Other Eastern Hemisphere	36						

SCHEDULE 5 OTHER OPERATING AND CAPITAL EXPENDITURES

		PETROLEUM U.S. REFINING, MANUFACTURING, MARKETING, TRANSPORTATION, SUPPLY		PETROLEUM FOREIGN REFINING, MANUFACTURING, MARKETING, TRANSPORTATION, SUPPLY		OTHER ENERGY COAL U.S.		OTHER ENERGY COAL FOREIGN	
		EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED
A. Refining									
1. Plant and Equipment Expenditures	1								
2. Operating Expenditures, inc. refinery fuel	2								
* Total Refining	3								
B. Marketing									
1. Plant and Equipment Expenditures	4								
2. Operating Expenditures, ex Consumer Taxes	5								
* Total Marketing	6								
C. Transportation and Supply									
1. Plant and Equipment Expenditures									
a. Marine	7								
b. Pipeline									
- Crude	8								
- Products	9								
- Natural Gas	10								
c. Other	11								
2. Operating Expenditures (inc. outside freight costs)	12								
* Total Transportation and Supply	13								
D. Other Operations									
1. Plant and Equipment Expenditures	14								
2. Operating Expenditures	15								
* Total Other Operations	16								
E. Group and Corporate									
1. Plant and Equipment Expenditures	17								
2. General and Administrative Expenditures	18								
3. Research and Development (other than Exploration/Development/Production)	19								
4. Interest & Debt Expense	20								
5. Provision for Income Taxes - Current	21								
- U.S. State and Local	22								
- U.S. Federal	23								
- Foreign	24								
* Total Group and Corporate	25								
** TOTAL OPERATING AND CAPITAL EXPENDITURES (Other than Exploration/Development/Production)	26								
MEMO: Research & Development Expenditures	27								
MEMO: Total Operating & Cap. Expend. Except Taxes									
- Canada	28								
- Other Western Hemisphere	29								
- Western Europe	30								
- Middle East & Africa	31								
- Other Eastern Hemisphere	32								
MEMO: Provision for Foreign Taxes									
- Canada	33								
- Other Western Hemisphere	34								
- Western Europe	35								
- Middle East & Africa	36								
- Other Eastern Hemisphere	37								

SCHEDULE 5 OTHER OPERATING AND CAPITAL EXPENDITURES

		SYNFUELS U.S. EXPENSED	SYNFUELS U.S. CAPITALIZED OR DEFERRED	SYNFUELS FOREIGN EXPENSED	SYNFUELS FOREIGN CAPITALIZED OR DEFERRED	NUCLEAR U.S. EXPENSED	NUCLEAR U.S. CAPITALIZED OR DEFERRED	NUCLEAR FOREIGN EXPENSED	NUCLEAR FOREIGN CAPITALIZED OR DEFERRED
A. Refining									
1. Plant and Equipment Expenditures	1								
2. Operating Expenditures, inc. refinery fuel	2								
* Total Refining	3								
B. Marketing									
1. Plant and Equipment Expenditures	4								
2. Operating Expenditures, ex Consumer Taxes	5								
* Total Marketing	6								
C. Transportation and Supply									
1. Plant and Equipment Expenditures									
a. Marine	7								
b. Pipeline									
- Crude	8								
- Products	9								
- Natural Gas	10								
c. Other	11								
2. Operating Expenditures (inc. outside freight costs)	12								
* Total Transportation and Supply	13								
D. Other Operations									
1. Plant and Equipment Expenditures	14								
2. Operating Expenditures	15								
* Total Other Operations	16								
E. Group and Corporate									
1. Plant and Equipment Expenditures	17								
2. General and Administrative Expenditures	18								
3. Research and Development (other than Exploration/Development/Production)	19								
4. Interest & Debt Expense	20								
5. Provision for Income Taxes - Current	21								
- U.S. State and Local	22								
- U.S. Federal	23								
- Foreign	24								
* Total Group and Corporate	25								
** TOTAL OPERATING AND CAPITAL EXPENDITURES (Other than Exploration/Development/Production)	26								
MEMO: Research & Development Expenditures	27								
MEMO: Total Operating & Cap. Expend. Except Taxes									
- Canada	28								
- Other Western Hemisphere	29								
- Western Europe	30								
- Middle East & Africa	31								
- Other Eastern Hemisphere	32								
MEMO: Provision for Foreign Taxes									
- Canada	33								
- Other Western Hemisphere	34								
- Western Europe	35								
- Middle East & Africa	36								
- Other Eastern Hemisphere	37								

SCHEDULE 5 OTHER OPERATING AND CAPITAL EXPENDITURES

		OTHER ENERGY OTHER U.S. EXPENSED	OTHER ENERGY OTHER U.S. CAPITALIZED OR DEFERRED	OTHER ENERGY OTHER FOREIGN EXPENSED	OTHER ENERGY OTHER FOREIGN CAPITALIZED OR DEFERRED	NON-ENERGY EXPENSED	NON-ENERGY CAPITALIZED OR DEFERRED	CORPORATE EXPENSED	CORPORATE CAPITALIZED OR DEFERRED
A. Refining									
1. Plant and Equipment Expenditures	1								
2. Operating Expenditures, inc. refinery fuel	2								
* Total Refining	3								
B. Marketing									
1. Plant and Equipment Expenditures	4								
2. Operating Expenditures, ex Consumer Taxes	5								
* Total Marketing	6								
C. Transportation and Supply									
1. Plant and Equipment Expenditures									
a. Marine	7								
b. Pipeline									
- Crude	8								
- Products	9								
- Natural Gas	10								
c. Other	11								
2. Operating Expenditures (inc. outside freight costs)	12								
* Total Transportation and Supply	13								
D. Other Operations									
1. Plant and Equipment Expenditures	14								
2. Operating Expenditures	15								
* Total Other Operations	16								
E. Group and Corporate									
1. Plant and Equipment Expenditures	17								
2. General and Administrative Expenditures	18								
3. Research and Development (other than Exploration/Development/Production)	19								
4. Interest & Debt Expense	20								
5. Provision for Income Taxes - Current	21								
- U.S. State and Local	22								
- U.S. Federal	23								
- Foreign	24								
* Total Group and Corporate	25								
** TOTAL OPERATING AND CAPITAL EXPENDITURES (Other than Exploration/Development/Production)	26								
MEMO: Research & Development Expenditures	27								
MEMO: Total Operating & Cap. Expend. Except Taxes									
- Canada	28								
- Other Western Hemisphere	29								
- Western Europe	30								
- Middle East & Africa	31								
- Other Eastern Hemisphere	32								
MEMO: Provision for Foreign Taxes									
- Canada	33								
- Other Western Hemisphere	34								
- Western Europe	35								
- Middle East & Africa	36								
- Other Eastern Hemisphere	37								

SCHEDULE 5 OTHER OPERATING AND CAPITAL EXPENDITURES		ELIMINATIONS & ADJUSTMENTS		TOTAL COMPANY	
		EXPENSED	CAPITALIZED OR DEFERRED	EXPENSED	CAPITALIZED OR DEFERRED
A. Refining					
1. Plant and Equipment Expenditures	1				
2. Operating Expenditures, inc. refinery fuel	2				
* Total Refining	3				
B. Marketing					
1. Plant and Equipment Expenditures	4				
2. Operating Expenditures, ex Consumer Taxes	5				
* Total Marketing	6				
C. Transportation and Supply					
1. Plant and Equipment Expenditures					
a. Marine	7				
b. Pipeline					
- Crude	8				
- Products	9				
- Natural Gas	10				
c. Other	11				
2. Operating Expenditures (inc. outside freight costs)	12				
* Total Transportation and Supply	13				
D. Other Operations					
1. Plant and Equipment Expenditures	14				
2. Operating Expenditures	15				
* Total Other Operations	16				
E. Group and Corporate					
1. Plant and Equipment Expenditures	17	////////	////////		
2. General and Administrative Expenditures	18	////////	////////		
3. Research and Development (other than Exploration/Development/Production)	19	////////	////////		
4. Interest & Debt Expense	20	////////	////////		
5. Provision for Income Taxes - Current	21	////////	////////		
- U.S. State and Local	22	////////	////////		
- U.S. Federal	23	////////	////////		
- Foreign	24	////////	////////		
* Total Group and Corporate	25	////////	////////		
** TOTAL OPERATING AND CAPITAL EXPENDITURES (Other than Exploration/Development/Production)	26				
MEMO: Research & Development Expenditures	27	////////	////////		
MEMO: Total Operating & Cap. Expend. Except Taxes					
- Canada	28				
- Other Western Hemisphere	29				
- Western Europe	30				
- Middle East & Africa	31				
- Other Eastern Hemisphere	32				
MEMO: Provision for Foreign Taxes					
- Canada	33				
- Other Western Hemisphere	34				
- Western Europe	35				
- Middle East & Africa	36				
- Other Eastern Hemisphere	37				

SCHEDULE 6 OTHER SOURCES AND USES OF FUNDS		PETROLEUM		COAL		OTHER ENERGY SYNFUELS		NUCLEAR	
		U.S.	FOREIGN	U.S.	FOREIGN	U.S.	FOREIGN	U.S.	FOREIGN
[Increase]/Decrease in Current Assets (other than Cash, Marketable Securities and Inventories)	1								
Increase/[Decrease] in Current Liabilities	2								
[Increase]/Decrease in Long Term Investments and Receivables	3								
Increase/[Decrease] in Non-Current Portion of Long Term Debt (Net)	4	////////	////////	////////	////////	////////	////////	////////	////////
[Purchase] of Future Production	5								
Advances [Paid]/Received for Future Production	6								
(Reduction) of Production Payments	7								
Increase/[Decrease] in Other Long Term Liabilities: (Describe Material Items)									
	8								
	9								
	10								
	11								
Dividends [Paid] - to Minority Interests	12								
- Preferred Stock	13	////////	////////	////////	////////	////////	////////	////////	////////
- Common Stock	14	////////	////////	////////	////////	////////	////////	////////	////////
Purchase of Company's Own Securities - Preferred	15	////////	////////	////////	////////	////////	////////	////////	////////
- Common	16	////////	////////	////////	////////	////////	////////	////////	////////
[Purchase] of Equity Interests in Subsidiaries & Affiliates	17								
Issuance/Sales of the Company's Own Securities: - Preferred	18	////////	////////	////////	////////	////////	////////	////////	////////
- Warrants and Rights	19	////////	////////	////////	////////	////////	////////	////////	////////
- Common	20	////////	////////	////////	////////	////////	////////	////////	////////
Issuance/Sales of Equity Securities of Subsidiaries: - Preferred	21								
- Common	22								
Other Sources and Uses of Cash: (Describe Material Items)									
	23								
	24								
	25								
	26								
** TOTAL OTHER SOURCES & USES OF FUNDS	27								

XUM

SCHEDULE 6 OTHER SOURCES AND USES OF FUNDS

		OTHER ENERGY		NON-ENERGY	CORPORATE	ELIMINATIONS & ADJUSTMENTS	TOTAL COMPANY
		OTHER U.S.	OTHER FOREIGN				
[Increase]/Decrease in Current Assets (other than Cash, Marketable Securities and Inventories)	1						
Increase/[Decrease] in Current Liabilities	2						
[Increase]/Decrease in Long Term Investments and Receivables	3						
Increase/[Decrease] in Non-Current Portion of Long Term Debt (Net)	4						
[Purchase] of Future Production	5						
Advances [Paid]/Received for Future Production	6						
(Reduction) of Production Payments	7						
Increase/[Decrease] in Other Long Term Liabilities: (Describe Material Items)							
	8						
	9						
	10						
	11						
Dividends [Paid] - to Minority Interests	12						
- Preferred Stock	13						
- Common Stock	14						
Purchase of Company's Own Securities - Preferred	15						
- Common	16						
[Purchase] of Equity Interests in Subsidiaries & Affiliates	17						
Issuance/Sales of the Company's Own Securities: - Preferred	18						
- Warrants and Rights	19						
- Common	20						
Issuance/Sales of Equity Securities of Subsidiaries: - Preferred	21						
- Common	22						
Other Sources and Uses of Cash: (Describe Material Items)							
	23						
	24						
	25						
	26						
** TOTAL OTHER SOURCES & USES OF FUNDS	27						

SCHEDULE 7 NON-CASH PROFIT AND LOSS EFFECTS
(Other than retirement of assets)

		PETROLEUM		OTHER ENERGY		NON-ENERGY	CORPORATE	TOTAL COMPANY
		U.S.	FOREIGN	U.S.	FOREIGN			
Cost Depletion of Producing Leaseholds	1							
Amortization -Non-Producing Leases	2							
-Intangible Drilling Costs	3							
-Excess Cost of Investment over Net Assets Acquired	4							
-Other	5							
Depreciation -Production & Exploration Equipment	6							
-Refining	7							
-Marketing	8							
-Transportation -Marine	9							
-Pipeline -Crude	10							
-Products	11							
-Nat. Gas	12							
-Other	13							
-Coal	14							
-Synfuels	15							
-Nuclear	16							
-Other	17							
Deferred Income Taxes -U.S. State & Local	18							
-U.S. Federal	19							
-Foreign	20							
Minority Interests in Subsidiaries' Net Income	21							
Undistributed Earnings of Companies Accounted for on Equity Method -Transportation	22							
-Other	23							
Reserves for Contingencies and Other Non-Cash Charges (Credits) -Foreign Exchange	24							
-Expropriation	25							
-Other (Describe if material)								
	26							
	27							
	28							
** TOTAL NON-CASH PROFIT AND LOSS EFFECTS (Other than Retirement of Assets)	29							
MEMO: Depletion, Depreciation and Amortization -Canada	30							
-Other Western Hemisphere	31							
-Western Europe	32							
-Middle East and Africa	33							
-Other Eastern Hemisphere	34							
MEMO: Deferred Foreign Income Taxes -Canada	35							
-Other Western Hemisphere	36							
-Western Europe	37							
-Middle East and Africa	38							
-Other Eastern Hemisphere	39							

XUM 5742 SMS 4810 V

SCHEDULE 8 - RECONCILIATION OF NET INCOME AND CASH FLOW
(From totals of previous schedules)

Schedule	Title	Total Company Net Income $	Total Company Cash Flow $
1.	Sales (Line 41, Columns 7 & 8)		
2.	Other Revenue & Income (Line 8, Columns 1 & 2)		
	(Show the same totals for both Net Income and Cash Flow effects for Schedules 1 & 2)		
3.	Sales of Assets and Investments		
	-Gain (Loss) -(Line 17, Column 8)		
	-Cash -(Line 17, Column 7)		
1.	Purchases (Line 41, Column 5)		
4.	Exploration/Development/Production Expenditures (Capitalized and Expensed)		
	- Expensed (Line 30, Column 29)		
	- Capitalized or Deferred (Line 30, Column 30)		
5.	Operating and Capital Expenditures (Other than Exploration/Development/ Production Expenditures)		
	- Expensed (Line 26, Column 27)		
	- Capitalized or Deferred (Line 26, Column 28)		
	Totals from Operations		
	- Income after Current Taxes before Minority Interest and Non Cash Effects (Total of schedules above)		
	- Cash Flow from Operations, before other Sources and Uses of Funds (Total of schedules above)		
6.	Non-Cash Profit and Loss Effects (Line 27, Column 14)		
7.	Other Sources and Uses of Funds (Line 29, Column 7)		
	Totals from Consolidated Financials		
	- Net Income (Total of Schedules above)		
	- Net Income as reported on SEC Form 10-K		
	- These Schedules more/(less) than Form 10-K		
	- Increase/(Decrease) in Cash and Temporary Investments (Total of Schedules above)		
	- Increase/(Decrease) in Cash and Temporary Investments from Consolidated Statement of Changes in Financial Position of SEC Form 10-K		
	- These Schedules more/(less) than Form 10-K		

SCHEDULE 9 BALANCE SHEET

		PETROLEUM							
		U.S. ONSHORE		U.S. OFFSHORE		U.S. ALASKA		TOTAL U.S.	
		GROSS	NET	GROSS	NET	GROSS	NET	GROSS	NET
A. Property, Plant and Equipment									
1. Undeveloped Acreage									
- Acquisition Costs	1								
- Exploration Drilling Costs	2								
- Other Pre-Development Costs	3								
2. Producing Properties									
- Acquisition Costs	4								
- Pre-Development and Exploratory Drilling Costs	5								
- Intangible Development Costs	6								
- Well, Lease and Field Service Facility Equipment	7								
3. Other Exploration/Development/Production Equipment	8								
4. Refining	9								
5. Marketing	10								
6. Transportation									
- Marine	11								
- Pipeline - Crude	12								
- Products	13								
- Natural Gas	14								
- Other	15								
7. Other Property, Plant and Equipment	16								
** TOTAL PROPERTY, PLANT AND EQUIPMENT	17								
MEMO: - Canada	18								
- Other Western Hemisphere	19								
- Western Europe	20								
- Middle East & Africa	21								
- Other Eastern Hemisphere	22								

SCHEDULE 9 BALANCE SHEET

		PETROLEUM		OTHER ENERGY					
				COAL				SYNFUELS	
		FOREIGN		U.S.		FOREIGN		U.S.	
		GROSS	NET	GROSS	NET	GROSS	NET	GROSS	NET
A. Property, Plant and Equipment									
1. Undeveloped Acreage									
- Acquisition Costs	1								
- Exploration Drilling Costs	2								
- Other Pre-Development Costs	3								
2. Producing Properties									
- Acquisition Costs	4								
- Pre-Development and Exploratory Drilling Costs	5								
- Intangible Development Costs	6								
- Well, Lease and Field Service Facility Equipment	7								
3. Other Exploration/Development/Production Equipment	8								
4. Refining	9								
5. Marketing	10								
6. Transportation									
- Marine	11								
- Pipeline - Crude	12								
- Products	13								
- Natural Gas	14								
- Other	15								
7. Other Property, Plant and Equipment	16								
** TOTAL PROPERTY, PLANT AND EQUIPMENT	17								
MEMO: - Canada	18								
- Other Western Hemisphere	19								
- Western Europe	20								
- Middle East & Africa	21								
- Other Eastern Hemisphere	22								

SCHEDULE 9 BALANCE SHEET

		OTHER ENERGY							
		SYNFUELS		NUCLEAR				OTHER	
		FOREIGN		U.S.		FOREIGN		U.S.	
		GROSS	NET	GROSS	NET	GROSS	NET	GROSS	NET
A. Property, Plant and Equipment									
1. Undeveloped Acreage									
- Acquisition Costs	1								
- Exploration Drilling Costs	2								
- Other Pre-Development Costs	3								
2. Producing Properties									
- Acquisition Costs	4								
- Pre-Development and Exploratory Drilling Costs	5								
- Intangible Development Costs	6								
- Well, Lease and Field Service Facility Equipment	7								
3. Other Exploration/Development/Production Equipment	8								
4. Refining	9								
5. Marketing	10								
6. Transportation									
- Marine	11								
- Pipeline - Crude	12								
- Products	13								
- Natural Gas	14								
- Other	15								
7. Other Property, Plant and Equipment	16								
** TOTAL PROPERTY, PLANT AND EQUIPMENT	17								
MEMO: - Canada	18								
- Other Western Hemisphere	19								
- Western Europe	20								
- Middle East & Africa	21								
- Other Eastern Hemisphere	22								

SCHEDULE 9 BALANCE SHEET		OTHER ENERGY OTHER FOREIGN		NON-ENERGY		CORPORATE		TOTAL COMPANY	
		GROSS	NET	GROSS	NET	GROSS	NET	GROSS	NET
A. Property, Plant and Equipment									
1. Undeveloped Acreage									
- Acquisition Costs	1								
- Exploration Drilling Costs	2								
- Other Pre-Development Costs	3								
2. Producing Properties									
- Acquisition Costs	4								
- Pre-Development and Exploratory Drilling Costs	5								
- Intangible Development Costs	6								
- Well, Lease and Field Service Facility Equipment	7								
3. Other Exploration/Development/Production Equipment	8								
4. Refining	9								
5. Marketing	10								
6. Transportation									
- Marine	11								
- Pipeline - Crude	12								
- Products	13								
- Natural Gas	14								
- Other	15								
7. Other Property, Plant and Equipment	16								
** TOTAL PROPERTY, PLANT AND EQUIPMENT	17								
MEMO: - Canada	18								
- Other Western Hemisphere	19								
- Western Europe	20								
- Middle East & Africa	21								
- Other Eastern Hemisphere	22								

SCHEDULE 9 BALANCE SHEET (Continued)		PETROLEUM				OTHER ENERGY			
		U.S.		FOREIGN		COAL		SYNFUELS	
		$	UNITS	$	UNITS	U.S. $	FOREIGN $	U.S. $	FOREIGN $
B. Assets other than Property, Plant and Equipment									
1. Current Assets									
a. Cash and Marketable Securities	1								
b. Accounts, Notes & Other Receivables	2								
c. Other Current Assets (Describe material items)									
	3								
	4								
	5								
	6								
* Total Current Assets (other than inventories)	7								
2. Inventories (MM BBLS.)									
a. Crude Oil - LIFO	8								
- Average Cost	9								
- FIFO	10								
b. Refined Products - LIFO	11								
- Average Cost	12								
- FIFO	13								
c. Other - LIFO	14								
- Average Cost	15								
- FIFO	16								
d. Materials and Supplies	17								
* Total Inventories	18								
3. Long Term Notes, Receivables, Investments and Advances	19								
4. Special Deposits and Sinking Funds	20								
5. Prepaid and Deferred Charges (Describe material items)									
	21								
	22								
	23								
	24								
6. Other Assets (Describe material items)									
	25								
	26								
	27								
	28								
** TOTAL ASSETS OTHER THAN PROPERTY, PLANT AND EQUIPMENT	29								
MEMO: Excess of current replacement cost over stated value of LIFO inventories.	30								

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SCHEDULE 9 BALANCE SHEET (Continued)

		PETROLEUM U.S. $	PETROLEUM FOREIGN $	COAL U.S. $	COAL FOREIGN $	OTHER ENERGY SYNFUELS U.S. $	OTHER ENERGY SYNFUELS FOREIGN $	NUCLEAR U.S. $	NUCLEAR FOREIGN $	OTHER ENERGY U.S. $	OTHER ENERGY FOREIGN $	NON-ENERGY $	CORPORATE $	ELIMINATIONS & ADJUSTS. $	TOTAL COMPANY $
B.	Assets other than Property, Plant and Equipment														
	1. Current Assets														
	a. Cash and Marketable Securities	2													
	b. Accounts, Notes & Other Receivables														
	c. Other Current Assets (Describe material items)	3													
		4													
		5													
		6													
	* Total Current Assets (Other than Inventories)	7													
	2. Inventories (MM BBLS.)														
	a. Crude Oil - LIFO	8													
	- Average Cost	9													
	- FIFO	10													
	b. Refined Products - LIFO	11													
	- Average Cost	12													
	- FIFO	13													
	c. Other - LIFO	14													
	- Average Cost	15													
	- FIFO	16													
	d. Materials and Supplies	17													
	* Total Inventories	18													
	3. Long Term Notes, Receivables, Investments and Advances	19													
	4. Special Deposits and Sinking Funds	20													
	5. Prepaid and Deferred Charges (Describe material items)	21													
		22													
		23													
		24													
	6. Other Assets (Describe material items)	25													
		26													
		27													
		28													
	** TOTAL ASSETS OTHER THAN PROPERTY, PLANT AND EQUIPMENT	29													
	MEMO: Excess of current replacement cost over stated value of LIFO inventories.	30													

SCHEDULE 9 BALANCE SHEET (Continued)

		PETROLEUM U.S. $	PETROLEUM FOREIGN $	COAL U.S. $	COAL FOREIGN $	OTHER ENERGY SYNFUELS U.S. $	OTHER ENERGY SYNFUELS FOREIGN $	NUCLEAR U.S. $	NUCLEAR FOREIGN $
C.	Liabilities and Stockholders Equity								
	1. Current Liabilities								
	a. Accounts and Notes Payable	1							
	b. Long-Term Debt Due Within One Year	2							
	c. Accrued Taxes	3							
	- Income Taxes	4							
	- Consumer Sales and Excise Taxes	5							
	- Other	6							
		7							
	d. Other Current Liabilities (Describe significant items)	8							
		9							
		10							
		11							
	* Total Current Liabilities	12							
	2. Long-Term and Interim Debt and Advances	13							
	3. Deferred Liabilities, Credits & Reserves								
	a. Income Taxes	14							
	b. Employee Benefits	15							
	c. Refunds	16							
	d. Sales/Advances-Future Production	17							
	e. Other Sales	18							
	f. Foreign Exchange	19							
	g. Expropriation	20							
	h. Other (Describe material items)	21							
		22							
		23							
		24							
	* Total Deferred Liabilities, Credits & Reserves	25							
	4. Minority Interest in Subsidiaries	26							
	5. Stockholders Equity								
	a. Capital	27							
	b. Retained Earnings	28							
	* Total Stockholders Equity	29							
	** TOTAL LIABILITIES AND EQUITY	30							

V 40 184 SEP 2275 XUM

SCHEDULE 9 BALANCE SHEET (Continued)

		OTHER ENERGY OTHER U.S. $	OTHER ENERGY OTHER FOREIGN $	NON-ENERGY $	CORPORATE $	ELIMINATIONS & ADJUSTS.	TOTAL COMPANY $
C. Liabilities and Stockholders Equity							
1. Current Liabilities							
a. Accounts and Notes Payable	1						
b. Long-Term Debt Due Within One Year	2						
c. Accrued Taxes							
- Income Taxes	3						
- Consumer Sales and Excise Taxes	4						
- Other	5						
	6						
	7						
d. Other Current Liabilities (Describe significant items)							
	8						
	9						
	10						
	11						
* Total Current Liabilities	12						
2. Long-Term and Interim Debt and Advances	13						
3. Deferred Liabilities, Credits & Reserves							
a. Income Taxes	14						
b. Employee Benefits	15						
c. Refunds	16						
d. Sales/Advances-Future Production	17						
e. Other Sales	18						
f. Foreign Exchange	19						
g. Expropriation	20						
h. Other (Describe material items)							
	21						
	22						
	23						
	24						
* Total Deferred Liabilities, Credits & Reserves	25						
4. Minority Interest in Subsidiaries	26						
5. Stockholders Equity							
a. Capital	27						
b. Retained Earnings	28						
* Total Stockholders Equity	29						
** TOTAL LIABILITIES AND EQUITY	30						

SCHEDULE 11 INCOME TAXES

A. Book/Tax Timing Differences Generating Deferred Income Taxes		U.S., STATE AND LOCAL $	U.S. FEDERAL $	TOTAL U.S. $	FOREIGN $	TOTAL $
Depreciation	1					
Amortization of Undeveloped Lease Costs	2					
Geological and Geophysical Costs	3					
Intangible Development Costs	4					
Lifting and Mining Costs Applicable to Production Payments	5					
Advance Sales	6					
Royalty Expenses	7					
Purchased Gas Costs	8					
Bad Debt Expense	9					
Litigation Costs, including Settlements	10					
Pension Costs	11					
Inventory Valuation	12					
Foreign Exchange Gain or Loss	13					
Disposal of Properties	14					
Disposal of Investments	15					
Interest Income	16					
Equity Earnings	17					
Current/Deferred reclassifications	18					
Provisions for Future Losses (describe material items)						
	19					
	20					
	21					
Reserves (describe material items)						
	22					
	23					
	24					
Other Increases (describe material items)						
	25					
	26					
	27					
Other Decreases (describe material items)						
	28					
	29					
	30					
* Total Provision for Deferred Taxes	31					

SCHEDULE 11 INCOME TAXES (continued)

Reconciliation of Accrued Federal Income Tax Expense to Statutory Federal Income Tax Rate

		$	Percent of Pretax Income
Pretax Income (Loss)	1		
Computed "Expected" Tax Provisions (Refund)	2		
Increases (Reduction) in Taxes due to:			
Foreign tax effects (net)	3		
Investment tax credits	4		
Statutory depletion	5		
Intangible drilling and development costs	6		
Depreciation	7		
Equity in undistributed earnings (net)	8		
Pension costs	9		
Statutory reserves (describe)	10		
	11		
	12		
State income taxes (net of Federal credit)	13		
Minimum tax (due to preference items)	14		
Capital Gains Taxes	15		
Other increases (Describe material items)	16		
	17		
Other reductions (Describe material items)	18		
	19		
	20		
Actual Tax Provision (Refund)	21		
Effective Tax Rate	22		

SCHEDULE 12 STATISTICAL DATA

		U.S. ONSHORE	U.S. OFFSHORE	U.S. ALASKA	TOTAL U.S.	CANADA	FOREIGN WESTERN EUROPE	FOREIGN OTHER WESTERN H'SPHERE	FOREIGN MIDDLE EAST & AFRICA
A. NET ACREAGE									
1. Acquired during reporting period									
a. Oil and gas	1								
b. Coal	2								
c. Shale	3								
d. Tar sands	4								
e. Other Energy	5								
2. Undeveloped, held by leases or options:									
a. Oil and gas rights	6								
b. Coal	7								
c. Shale	8								
d. Tar sands	9								
e. Other energy	10								
3. Fully or partially developed, held by production									
a. Oil and Gas Rights	11								
b. Coal	12								
c. Shale	13								
d. Tar Sands	14								
e. Other Energy	15								
B. NET PROVED UNDERGROUND RESERVES									
1. Crude oil and natural gas liquids	MMB 16								
2. Natural gas	TCF 17								
3. Coal	MMT 18								
4. Shale	MMB 19								
5. Tar sands	MMB 20								
6. Other energy materials (specify)	21								
C. NET WELLS									
1. Completed During Reporting Period									
a. Exploratory - Dry	22								
- Oil	23								
- Gas	24								
b. Development - Dry	25								
- Oil	26								
- Gas	27								
2. Capable of producing - Oil	28								
- Gas	29								
3. Shut in - Oil	30								
- Gas	31								
4. Service wells	32								
D. REFINERY RUNS									
1. At own refineries									
For company's account	MMB 33								
For others	MMB 34								
2. By others for company account	MMB 35								
E. REFINERIES									
1. Number	36								
2. Annual Capacity	MMB 37								
F. MARKETING RETAIL OUTLETS									
1. Owned and Leased									
- Company operated	38								
- Dealer operated	39								
2. Other	40								

V 40 184 SEP 2275 XUM

SCHEDULE 12 STATISTICAL DATA

		FOREIGN OTHER EASTERN H'SPHERE	FOREIGN TOTAL FOREIGN
A. NET ACREAGE			
1. Acquired during reporting period			
a. Oil and gas	1		
b. Coal	2		
c. Shale	3		
d. Tar sands	4		
e. Other Energy	5		
2. Undeveloped, held by leases or options:			
a. Oil and gas rights	6		
b. Coal	7		
c. Shale	8		
d. Tar sands	9		
e. Other energy	10		
3. Fully or partially developed, held by production			
a. Oil and Gas Rights	11		
b. Coal	12		
c. Shale	13		
d. Tar Sands	14		
e. Other Energy	15		
B. NET PROVED UNDERGROUND RESERVES	MMB	16	
1. Crude oil and natural gas liquids	MCF	17	
2. Natural gas	MMT	18	
3. Coal	MMB	19	
4. Shale	MMB	20	
5. Tar sands	MMB	21	
6. Other energy materials (specify)			
C. NET WELLS			
1. Completed During Reporting Period			
a. Exploratory - Dry		22	
- Oil		23	
- Gas		24	
b. Development - Dry		25	
- Oil		26	
- Gas		27	
2. Capable of producing - Oil		28	
- Gas		29	
3. Shut in - Oil		30	
- Gas		31	
4. Service wells		32	
D. REFINERY RUNS			
1. At own refineries	MMB	33	
For company's account	MMB	34	
For others	MMB	35	
2. By others for company account	MMB	36	
E. REFINERIES			
1. Number	MMB	37	
2. Annual Capacity			
F. MARKETING RETAIL OUTLETS			
1. Owned and leased		38	
- Company operated		39	
- Dealer operated		40	
2. Other			

[FR Doc.75-25010 Filed 9-16-75;3:36 pm]

federal register

MONDAY, SEPTEMBER 22, 1975

PART III:

FEDERAL ELECTION COMMISSION

■

Interim Guidelines for Tennessee Special Election

ADVISORY OPINION REQUESTS

V 40 I 184

SEP 2 2 75

XUM

Title 11—Federal Elections

CHAPTER I—FEDERAL ELECTION COMMISSION

[Notice 1975–47]

TENNESSEE SPECIAL ELECTION

Interim Guideline

The Federal Election Commission issues today a guideline with respect to the Special Election to fill the vacancy in the Office of United States Representative from the 5th Congressional District of Tennessee. The primary election is scheduled for October 9, 1975 and the general election is to be held on November 25, 1975. The guideline directs the parties involved in the Tennessee election to file with the Clerk of the House of Representatives in accordance with the Interim Guideline issued on June 2, 1975 (Notice 1975–1). The Federal Election Commission recommends that the parties involved observe the provisions of this guideline in order to assure compliance with the Federal Election Campaign Act of 1971, as amended.

Dated: September 16, 1975.

THOMAS B. CURTIS,
Chairman, for the
Federal Election Commission.

I. DEFINITIONS

For purposes of this Interim Guideline, the term

(a) "candidate" means an individual whose name will appear either on the ballot in the October 9, 1975, primary election or in the November 25, 1975, general election or a write-in candidate to fill the Tennessee 5th Congressional District vacancy.

(b) "election or special election" means either the primary election to be held on October 9, 1975, or the general election to be held on November 25, 1975, to fill the Tennessee 5th Congressional District vacancy.

(c) "political committee" means any committee, club, association or other group of persons which, during a calendar year, receives (or intends to receive) contributions in excess of $1,000 or makes (or intends to make) expenditures in excess of $1,000 with respect to either or both the October 9, 1975, primary election or the November 25, 1975, general election to fill the Tennessee 5th Congressional District vacancy.

(d) "authorized committee" means a political committee which has been actually or constructively authorized by a candidate to receive contributions or make expenditures for or in furtherance of the election of such candidate. Actual, written authorizations shall be provided to the chairman of such political committee and a copy shall be sent to the Clerk of the House of Representatives.

II. APPLICABILITY OF THE FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974.

A. *General.* All contributions received or expenditures made for either the primary or general election are subject to the limitations of 18 U.S.C. 608 and other applicable provisions of Title 18 U.S.C.

For purposes of calculating the limitations on contributions and expenditures under 18 U.S.C. 608, the Commission has set August 14, 1975, the day that the resignation of the incumbent became effective and the seat became vacant, as a cutoff date. Contributions received or promised in writing for any candidate's federal, state or local election that occurred prior to August 15, 1975, and which remained on hand as of August 14, 1975, may be transferred to the candidate or an authorized committee and may be expended for the candidate's primary and/or general election, to the extent that such contributions would be lawful under the Federal Election Campaign Act of 1971, as amended, and Title 18 U.S.C. All such contributions received by or promised to a candidate or his authorized political committee prior to August 15, 1975, must be reviewed by the candidate or the appropriate committee treasurer to determine the lawfulness of the contributions on hand. Such contributions shall be reviewed in reverse chronological order of receipt, beginning with the last contribution received prior to August 15, 1975. To the extent that any contribution exceeds the limits set by 18 U.S.C. 608, for the primary election, such excess shall be set aside and excluded for purposes of the primary election. The candidate may, however, designate such excess for use in the general election to the extent that the excess to be carried forward does not itself exceed the $ 608 limits for the general election. The balance of the excess carried forward which exceeds the $ 608 limits for the general election shall be set aside and excluded. For example, if a candidate has $4,000 of contributions on hand as of August 14, 1975, and his or her records indicate the last contribution received was $2,500 from an individual, the candidate may transfer $1,000 of the $2,500 to his or her principal campaign committee's primary election account and $1,000 to his or her committee's general election account. The remaining $500 must be set aside and excluded. If any contribution examined in reverse order of receipt would violate a provision of Title 18 U.S.C. so that the entire amount of the contribution is unlawful, such as a corporate or labor union contribution, the entire amount of such contribution shall be set aside and excluded.

This review process will continue until the sum of the contributions so examined equals the amount of the prior campaign funds on hand on August 14, 1975, at which point the non-excluded portions of the prior contributions may be transferred to or expended on behalf of the candidate for the appropriate election. If the excluded amounts, thus computed, or any portion thereof have already been transferred or expended, an equivalent sum shall be deducted from the current campaign funds of such candidate's authorized committees and transferred back to the original committee. Amounts so deducted may not be used for either the primary or general election, although such funds may be used for any other lawful purpose.

Excluded portions of contributions will not count against contribution ceilings under the 1974 Act, but non-excluded, transferred portions will count against such ceilings. For example, if the most recent contribution was $500 contributed by an individual, which is non-excluded and transferred to an authorized committee for the primary election, that individual may not contribute more than $500 additional for the primary.

B. *Prior campaign debts and obligations.* Debts and obligations of any candidate incurred with respect to any pre-1975 federal election which remain outstanding will be subject to the guidelines set forth in the Commission's Policy Statement on Pre-1975 Campaign Debts (40 FR 32952 (August 5, 1975)) and Interim Guideline on the Reporting of Debts and Obligations (40 FR 32950 (August 5, 1975)). Reference is also made to Advisory Opinions 1975–5 and 6, 40 FR 31316 (July 25, 1975).

C. *Multicandidate committees.* Section 608(b)(2) of Title 18, United States Code establishes three requirements which multicandidate committees must satisfy before they qualify as a political committee subject to the $5,000 rather than the $1,000 contribution limitation. These requirements are: (1) Registration under 2 U.S.C. 433 for a period not less than six months; (2) the receipt of contributions from more than 50 persons; and (3) except for any state political party organization, the making of contributions to five or more candidates for federal office.

For the purpose of meeting these requirements for this election only, each political committee (1) must have been registered with one of the three previous supervisory officers or the Commission for six months or more prior to the time the contribution is made, and, (2) with respect to the 1974 Congressional elections, and any 1975 special Congressional elections, each political committee must have received contributions from more than 50 persons and made contributions to five or more federal candidates. If a political committee meets these requirements, it may contribute $5,000 to a candidate in this election. If any of these requirements are not met, then the political committee is limited to a $1,000 contribution under § 608 (b)(1).

D. *Expenditures by national and state committees.* National and state committees of political parties are entitled to make the expenditures provided in 18 U.S.C. § 608(f) in connection with a general election. Section 608(f) applies to the November 25, 1975, general election.

E. *Tennessee State Committees—establishment of segregated funds.* Each Tennessee state political party committee, and each subordinate committee on such state committees which intends to solicit or receive contributions for or on behalf of, or make expenditures, or make transfers, in excess of $1,000, to or on behalf of any candidate for federal office shall:

(1) Establish a segregated federal campaign account in either a state or national bank, which account may not receive contributions other than contributions earmarked for such account and any expenditure from which must be made exclusively for a candidate or candidates for federal office. Such segregated federal account may not receive transfers from another account established by a state committee or subordinate committee of a state committee unless such state or subordinate committee account is itself a segregated federal campaign account;

(2) File with the Clerk of the House of Representatives a Statement of Organization, and reports and statements of receipts, contributions and expenditures made for such account.

III. CANDIDATE DESIGNATIONS AND REPORTING

A. *Candidate designations.* (a) Within 5 days of the publication of this guideline in the FEDERAL REGISTER each candidate shall file a Statement of Candidacy with the Clerk of the House of Representatives on which such candidate shall—

(1) designate a principal campaign committee, and

(2) designate at least one national or state bank as a campaign depository, which shall contain one or more checking accounts to be used exclusively for the primary election.

(b) Within 5 days of the date a candidate receives contributions for the general election, or makes expenditures for the general election, such candidate shall establish one or more checking accounts in his designated campaign depository to be used exclusively for the general election.

(c) Such candidate shall also file reports of personal receipts and expenditures in accordance with Section V of this interim guideline unless a waiver of personal reporting is applied for and granted by the Commission.

(d) Candidates and committees shall file separate reports for their primary election accounts and their general election accounts and shall designate on the face of each report the election to which reported receipts and expenditures pertain.

(e) Transfers of funds between primary election accounts and general election accounts shall be reported separately on reports for each election in the same manner as transfers of funds would be reported between affiliated committees of the same candidate.

B. *Waiver of candidate reporting.* (a) Upon written application to the Commission, a candidate may be relieved of the duty personally to file reports of receipts and expenditures if the candidate certifies that he will comply with the following conditions:

(1) Within five days after personally receiving any contribution the candidate will surrender possession of the entire contribution to the treasurer of his principal campaign committee without expending any of the proceeds thereof.

(2) Such candidate will not make any personal expenditure for his campaign, except that this paragraph does not preclude a candidate from conveying personal funds, or the personal funds of his immediate family, to such candidate's designated principal campaign committee so long as the amount of funds so transferred does not exceed the limit prescribed by 18 U.S.C. 608(a).

(b) After the candidate has submitted a verified statement that he will conform to the conditions specified above, the Commission after such investigation as it deems necessary, may grant a formal waiver relieving the candidate from the obligation to comply personally with the reporting requirements in 2 U.S.C. § 434. The candidate's application for a waiver will temporarily suspend the candidate's reporting obligations until he receives a formal waiver from the Commission.

(c) Such waiver will continue in effect only to the extent that the candidate complies with the conditions under which it was applied for and granted.

IV. REGISTRATION OF POLITICAL COMMITTEES

A. *Registration.* (a) Unless already registered with the Commission or with one of the previous supervisory officers, each political committee which anticipates receiving contributions or making expenditures with respect to the special election during the remainder of calendar year 1975 in an aggregate amount exceeding $1,000 shall file a Statement of Organization with the Clerk of the House of Representatives within on or before October 2, 1975, within 10 days after the date of its organization, or within 10 days after the date on which the committee has information which causes it to anticipate receiving such contributions or making such expenditures exceeding $1,000, whichever is later.

(b) Authorized committees which support only a candidate for the U.S. Representative seat, and no other candidate, shall file the Statement of Organization required by paragraph (a) of this section, and any amendment thereto, or termination thereof, with the affiliated principal campaign committee and, concurrently, shall file a copy of such Statement with the Clerk together with a copy of its written authorization.

B. *Contents of registration statements.* (a) The Statement of Organization shall be filed with the Clerk on a form which may be obtained from the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, telephone (202) 382–4733, or by a letter containing the same information. The Statement shall include the following:

(1) The name and address of the committee:

(2) The names, address, and relationships of affiliated or connected organizations (see paragraph (b) of this section);

(3) The area, scope, or jurisdiction of the committee;

(4) The name, address, and committee position of the custodian of books and accounts;

(5) The name, address, and committee position of other principal officers;

(6) The name, address, office sought, and party affiliation of (i) each candidate for federal office whom the committee is supporting and (ii) each candidate whom the committee is supporting for nomination or election to any other federal office or to any public office whatever; and, additionally, if the committee is supporting the entire ticket of any party, the name of the party;

(7) A statement whether the committee's existence will continue beyond the calendar year;

(8) The plans for the disposition of residual funds which will be made in the event of dissolution;

(9) A listing of all banks, safety deposit boxes, or other repositories used;

(10) A statement listing any reports regarding candidates for federal office filed under state or local law by the committee with state or local officers, and the names, addresses, and positions of such officers and,

(11) If the committee is not a principal campaign committee but has been authorized by a candidate to receive contributions and/or make expenditures, a copy of the authorization shall be included in the copy filed with the Clerk.

(b) Affiliated or Connected Organization includes but is not limited to (a) an organization which organized the reporting committee primarily for the purpose of influencing the nomination or election of candidates for Federal office; or (b) an organization whose primary purpose is to support the reporting committee; or (c) an organization whose membership is generally similar to that of the reporting committee. Only the principal campaign committee is required to report the names and address of all authorized committees.

C. *Change or correction in information.* Any change or correction in the information previously filed in the Statement of Organization shall be reported to the Clerk of the House of Representatives within 10 days following the date of the change or correction; it shall (1) be reported by letter to the Clerk or to the principal campaign committee (whichever is appropriate); (2) identify the form and the item or schedule containing the information to be changed or corrected; and (3) be verified in writing by the person required by law to submit such information at the time the change or correction is reported.

D. *Discontinuance of registration.* (a) Any political committee not having outstanding debts or obligations owed to or by it which, after having filed one or more Statements of Organization with the Clerk, wishes to disband or determines that it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000, shall so notify the Commission.

V 40 184 SEP 2275 XUM

(b) Such Notice of Termination shall be filed with the Clerk or the principal campaign committee, where appropriate, and shall include a statement as to the disposition of residual funds if the committee is disbanding.

E. *Identification number.* Upon receipt of a Statement of Organization under this interim guideline, the Clerk shall assign an identification number to the organization, acknowledge the receipt thereof, and notify the political committee of the number assigned. This identification number shall be entered by the political committee on all subsequent reports or statements filed with the Clerk under the Act, as well as on all communications concerning such reports or statements.

IV. Campaign Depositories

Every political committee shall inform the Clerk of the House of Representatives, or the appropriate principal campaign committee, of the national or state bank(s) designated by the authorizing candidate as its campaign depository(ies) by listing them in its Statement of Organization.

V. Reports of Receipts and Expenditures

A. *Timing of reports.* The filing deadline for campaign finance disclosure reports as prescribed by the Act for the heretofore mentioned special election are as follows:

(a) *October 9, 1975 Primary Election.* (1) *Pre-election Report (10-Day report) Filing Date:* Actual delivery to the Clerk of the House of Representatives on or by September 29, 1975, or by registered or certified mail postmarked no later than September 27, 1975. Reports mailed first class will be considered filed only upon receipt by the Clerk, regardless of date of postmark. Period Covered: From the last date of previous report filed or from date of organization through close of business September 24, 1975.

(2) *Post-election Report (30-day Report) Filing Date:* Actual delivery to the Clerk on or by November 8, 1975. Reports filed by registered or certified mail postmarked on or by such date shall be deemed filed as of the filing date. Reports mailed first class will be considered filed only upon receipt by the Clerk regardless of date of postmark.

Period Covered: From September 25, 1975 through the close of business October 29, 1975.

(3) The timely filing of a pre-election report as outlined in (a) above shall satisfy the requirements for filing a quarterly report due on October 10, 1975.

(4) Reports filed by a principal campaign committee and affiliated committees thereof before and after the primary election will contain only the receipts and expenditures pertaining to that election.

(b) *November 25, 1975 General Election*—(1) *Pre-election Report (10-Day Report) Filing Date:* Actual delivery to the Clerk of the House of Representatives on or by November 15, 1975 or by registered or certified mail postmarked no later than November 13, 1975. Reports mailed first class will be considered filed only upon receipt by the Clerk, regardless of date of postmark.

Period Covered: From date of designation of general election account through the close of business November 10, 1975.

(2) *Post-election Report (30-day Report) Filing Date:* Actual delivery to the Clerk of the House of Representatives on or by December 25, 1975. Reports filed by registered or certified mail postmarked on or by such date shall be deemed filed as of the filing date. Reports mailed first class will be considered filed only upon receipt by the Clerk, regardless of date of postmark.

Period Covered: From November 11, 1975 through the close of business December 15, 1975.

(3) Reports filed by a principal campaign committee and affiliated committees thereof before and after the general election will contain only the receipts and expenditures pertaining to that election.

(c) If a valid termination report has not been filed, candidates and committees should note that a quarterly report must be filed on or before January 31, 1976, complete as of December 31, 1975, notwithstanding the timely filing of the post-election report.

(d) If any contribution of $1,000 or more is received subsequent to the fifteenth day but more than 48 hours before 12:01 a.m. of the day on which the election is to be conducted, such information shall be reported directly to the Clerk within 48 hours of receipt thereof. For purposes of this paragraph, report means—

(a) a letter signed by the treasurer or his designee hand delivered to the Clerk within 48 hours of the receipt of the contribution, or

(b) a telegram to the Clerk followed by a letter signed by the treasurer or his designee, sent registered or certified mail and postmarked within 48 hours of the receipt of the contribution.

B. *Contents of reports.* (a) Each report of receipts and expenditures required to be filed under this interim guideline by either a candidate or political committee shall contain the information required by 2 U.S.C. § 434(b).

(b) Such reports may be filed on the Reports of Receipts and Expenditures forms issued previously by the Clerk of the House of Representatives or on forms provided by the Commission.

C. *Uniform reporting of contributions.* (a) Each contributor of an amount in excess of $100 shall be identified by full name and mailing address, and occupation, and principal place of business, if any. If a contributor's name or address is known to have changed since an earlier contribution during the calendar year, the exact name or address previously used shall be noted.

(b) In each case when a contribution received from a person in a reporting period is added to previously unitemized contributions from the same contributor and the aggregate exceeds $100 within the calendar year, the full name and mailing address and occupation, and principal place of business, if any, of that contributor shall then be listed on the prescribed reporting forms.

(c) In determining the aggregate of a person's contributions, all such contributions from the same donor shall be listed under the same name.

(d) Absent evidence to the contrary, any contribution made by check, money order, or other written instrument shall be reported as a contribution by the last person signing the instrument prior to delivery to the candidate or committee.

(e) It is recommended that a candidate or committee not accept a single check from an individual or a committee when it is the intention of the contributor that the contribution be divided between the primary and general election. Rather, we recommend that the candidate or committee request a separate check for each election.

D. *Uniform reporting of expenditures.* (a) Each expenditure by or on behalf of a candidate or committee in excess of $100 shall be itemized and shall include the full name and residence or, in the case of a recipient other than an individual, the mailing address of the recipient.

(b) In each case when an expenditure made to a recipient in a reporting period is added to previously unitemized expenditures to the same recipient and the aggregate exceeds $100 within the calendar year, the full name and residence or, in the case of a recipient other than an individual, the mailing address of that recipient shall be listed on the prescribed reporting forms.

E. *Record maintenance.* Candidates and committees should note the requirements in 2 U.S.C. 432 (b) and (c) to maintain records of contributions received and expenditures made.

F. *Allocation of expenditures.* Expenditures for goods and services used exclusively during either the primary or general election shall be attributed to the appropriate election. Expenditures made during the primary for goods and services not used until the general election shall be attributed to the general. Any goods not consumed at the end of the primary may of course be used in the general election. If the value of such nonconsumed goods exceeds $1,000, it shall be attributed to the general election as an expenditure for the general election for reporting and limitation purposes. Such attribution would be reported in the committee's general election reports as a transfer "in kind" received from the committee's primary account.

VI. Document Filing

A. *Place of Filing.* (a) All statements and reports, including any modifications or amendments thereto, required to be filed under 2 U.S.C. 433 and 2 U.S.C. 434, shall be filed in original form with the Clerk of the House of Representatives. A copy of each statement or report shall be filed with the Tennessee Secretary of State.

(b) Notwithstanding paragraph (a)—

(1) authorized committees which support only a candidate for House of Representatives, and no other candidate, shall file reports with the authorizing candidate's principal campaign committee, and shall concurrently file a copy of such report with the Clerk;

(2) authorized multicandidate committees shall file reports with the Clerk, and, in addition, shall file with the authorizing candidate's principal campaign committee the information required by 2 U.S.C. 434(b) regarding contributions received and expenditures made on behalf of the authorizing candidate;

(3) any person, including a multicandidate committee who receives contributions earmarked by a contributor for any candidate or an authorized committee thereof shall report such contribution to the Clerk and the intended recipient, pursuant to 18 U.S.C. § 608(b)(6).

VII. Formal Requirements

A. *Authentication.* Each report or statement required to be filed with the Clerk of the House of Representatives or a principal campaign committee under this interim guideline by a treasurer of a political committee, a candidate, or by any other person, shall be signed by the person filing such report or statement.

B. *Preservation of records.* (a) Every person filing a report or statement with the Clerk or with a principal campaign committee under this interim guideline shall preserve a copy thereof for a period of three years from the date of termination of the committee, but in no event for a period of more than seven years from the last day of the calendar year in which the election was held for which the reports and statements were prepared.

(b) Every candidate, political committee, or other person required to file any report or statement with the Clerk or with a principal campaign committee under this interim guideline shall maintain records with respect to the matters required to be reported, including vouchers, worksheets, receipts, bills and accounts, which will provide in sufficient detail the necessary information and data from which the filed reports and statements may be verified, explained or clarified, and checked for accuracy and completeness, and shall keep such records available for audit, inspection, or examination by the Commission or its authorized representatives, for a period of not less than three years from the date of termination of the commitee, but in no event for a period of more than seven years from the last day of the calendar year in which the election was held for which the records and statements were prepared.

C. *Effect of acknowledgment and filing by the clerk.* Any acknowledgment by the Clerk of the receipt of any statement of organization or any report or statement filed under this interim guideline is intended solely to inform the person filing the same of the receipt thereof by the Clerk, and neither such acknowledgment nor the acceptance and filing of any such report or statement by the Clerk shall constitute express or implied approval thereof, or in any manner indicate that the contents of any such report or statement fulfills the filing or other requirements of the Act or of this interim guideline.

D. *Personal responsibility of person signing statement.*

(a) Each treasurer of a political committe, each candidate, and any other person required to file any report or statement with the Clerk under these regulations and under this interim guideline shall be personally responsible for the timely and complete filing of such report or statement and for the accuracy of any information or statement contained therein.

(b) The treasurer of each candidate's principal campaign committe shall be responsible for collecting, compiling and filing with the Clerk a complete report of all contributions received or authorized expenditures made on behalf of such candidate for each election in which he is a candidate. The pre- and post-election reports filed by such treasurer shall include—

(1) With respect to the principal campaign committee, all of the information required by 2 U.S.C. 434(b), segregated by election.

(2) With respect to contributions received and expenditures made by authorized committees other than the principal campaign committee, a summary sheet setting forth the totals for all contributions received and expenditures made by such committees but need not include a copy of such authorized committee reports so long as each such authorized committee has mailed a copy of such report to the Clerk pursuant to paragraph VI(A)(b) of this interim guideline.

(c) With respect to the pre-election reports it shall be the responsibility of the treasurer of each committee other than principal campaign committee which is authorized to receive contributions or make expenditures to file a report containing the information required by 2 U.S.C. 434(b) complete as of the 15th day before the election with the treasurer of the appropriate principal campaign committee by the 12th day prior to the election.

(d) Any willfully false or fraudulent statements or representations in such a report or statement will subject the person making the same to the criminal penalties provided under 18 U.S.C. 1001.

Date: September 16, 1975.

Thomas B. Curtis,
Chairman, for the Federal Election Commission.

[FR Doc.75-25058 Filed 9-19-75;8:45 am]

V 40 184 SEP 2275 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975-48, AOR 1975-66—AOR 1975-71]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975—66 through 1975-71 are published today. Some of the requests consist of similar inquiries from several sources which have been consolidated in cases where appropriate.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before October 2, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to the specific AOR number of the Request commented upon and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-66: Transfer of Funds From An Individual's State Office Campaign Committee To His Federal Principal Campaign Committee (Request Edited by the Commission).

DEAR MR. CURTIS AND COMMISSION MEMBERS: Due to what I feel is an omission in the Federal Election Act of 1971, and its attendant amendments thereafter ratified by Congress, I request on behalf of our campaign committee an advisory opinion dealing with the following • • •:

If a candidate is presently an elected state official with a campaign Treasury designed for state legislative campaigns, how can his Federal principal campaign committee transfer funds from one effort to the other treasury?

How is the federal campaign committee supposed to report this kind of income if at all?

What should a committee do if they have used money of this nature at this juncture and now are notified that this kind of contribution is unacceptable?

Is the committee liable for past use when nothing in the Federal law prohibits such use?

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DENNIS C. MUCHMORE,
Treasurer & Reporting Officer.

Source: Dennis C. Muchmore, Treasurer & Reporting Officer, Bowman for Congress Committee, 203 Lawyers Building, Mt. Clemens, Michigan 48043. (September 2, 1975.)

AOR 1975—67: Use of Name of Campaign Committee Chairman and Treasurer on Billboard Signs (Request Edited by the Commission).

DEAR SIR: I am a candidate for the Democratic nomination for the U.S. House of Representatives and hereby request an advisory opinion • • • on the following question:

"Is it necessary under the Federal Election Campaign Act and the amendments of 1974 to place the name of the campaign committee chairman and treasurer on billboard signs?"

My signs will read merely:

VOTE DEMOCRATIC
THOMAS A. WALSH
U.S. CONGRESS

No solicitation of funds is intended or implied in this wording.

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THOMAS A. WALSH.

Source: Thomas A. Walsh, 621 Prigge Road, St. Louis County, Missouri 63138. (September 2, 1975.)

AOR 1975—68: Use of and Reporting of Funds Received After January 1, 1975 to Retire 1974 Campaign Debts Without Specific Authorization of Contributors (Request Edited and Paraphrased by the Commission).

GENTLEMEN:

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During the 1974 Congressional campaign and at the present time, the Hughes for Congress Committee was the sole campaign committee authorized to receive monies and make expenditures on behalf of the Congressional candidacy of Honorable William J. Hughes. Congressman Hughes was elected to the United States House of Representatives in the 1974 election as the Representative for the Second Congressional District of New Jersey.

As a result of the 1974 Congressional campaign and as reported on reports of the Hughes for Congress Committee filed in the Office of the Clerk of the U.S. House of Representatives, our Committee carried obligations as campaign debts arising from the 1974 campaign. Since January 1, 1975, the Committee has received substantial monies from individuals and groups not connected with any fund raising event. These monies were received prior to any of the memorandums or advisory opinions issued by your Commission in interpreting the Federal Election Campaign Law and these monies have been used to reduce the 1974 campaign debt. In addition, those who donated the monies have not designated in writing that the monies be used to defray past election debts.

Further, on May 22, 1975, the Hughes for Congress Committee sponsored a fund raising dinner as reported on the July 10, 1975 report. The purpose of this event was to raise funds to reduce the 1974 campaign debt. However, there was no formal notification on the tickets, or otherwise, that the receipts would be used to reduce the 1974 campaign debt; and, in addition, the Committee has not to date received any written document from the donors in excess of $100.00 designating that the money be used by the Committee to defray the 1974 campaign debt.

• • • I [request an advisory] opinion from the Commission [as to whether] the Committee [may] apply the monies received from that fund raising event to reduce the 1974 campaign debt without the necessity of obtaining any written authorization from individuals who contributed in excess of $100.00 for that particular dinner or [from] those who contributed to that dinner but less than $100.00 who as a result of their contribution have an aggregate year to date in excess of $100.00.

I would further appreciate your issuing an opinion regarding the monies received by the Committee from individuals and groups since January 1, 1975 but not connected with the fund raising dinner as to whether written authorizations are necessary. Since these monies were received prior to the issuance of your opinions and memorandums and have already been applied to reduce the debt, I would hope that your opinion would sanction the Committee's actions.

In addition to the above, please advise whether the contributions made in connection with the fund raising dinner and otherwise referred to above are subject to the limits in 18 U.S.C.A. 608 (b) and (c).

I would also appreciate your advising whether the Hughes for Congress Committee must submit a separate report concerning the monies received and expended since January 1, 1975 to liquidate the campaign debt. Since all receipts and expenditures have already been reported, it is my hope that the reports previously filed are sufficient.

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DONALD R. CHARLES, Jr.

Source: Donald R. Charles, Jr., Counsel, Hughes for Congress Committee, 838 Asbury Avenue, Ocean City, New Jersey 08226. (August 25, 1975.)

AOR 1975-69: Retired Loans—Effective With Respect to Contribution Limitations; Existence of a Written Instrument of Obligation (Request Edited by the Commission).

DEAR MR. CHAIRMAN: Please consider this an official request for an Advisory Opinion of the Federal Election Commission, pursuant to the provisions of 2 U.S.C. § 437f(a). I am aware that under procedures outlined in Commission Notice 1975-4 (FEDERAL REGISTER, June 24, 1975) an edited version of this request shall be published in the FEDERAL REGISTER to allow public comment.

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Question I

Does a loan from a donor to a federal officeholder's campaign committee continue to be considered a contribution after the loan has been repaid by the Committee, for purposes of 18 U.S.C. § 608?

Question II

Would such a retired loan bar acceptance of any further contributions—either gift or loan—from that same donor by the officeholder's campaign committee with respect to the same election?

Question III

Would such a retired loan (Question I) count against the donor's $25,000 election period contribution limitation?

Question IV

What effect does the existence of a written instrument of obligation have in the interpretation of the questions above?

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ALVIN BALDUS, M.C.

Source: Representative Alvin Baldus, House of Representatives, 509 Cannon House Office Building, Washington, D.C. 20515. (September 2, 1975.)

AOR 1975—70: Use of Labor Union Office Telephones to Call Members Within a Candidate's District (Request Edited by the Commission).

DEAR CHAIRMAN CURTIS: A labor union in my district has offered to make telephone calls to all its members in the district from the union office. It will necessitate adding phones and union personnel to make these calls. Since the union will be contacting its own members, will these calls, the cost of the phones or the salaries of the personnel making the calls be construed as a political contribution and reportable by the union or their political action committee? Will this be reportable by my principal campaign committee even though I have not contributed to the expense of this project?

I would appreciate an advisory opinion on this matter • • •.

GEORGE M. O'BRIEN, M.C.

Source: Representative George M. O'Brien, House of Representatives, 422 Cannon House Office Building, Washington, D.C. 20515. (August 18, 1975.)

AOR 1975-71: Transfer of Surplus Funds Solicited by a "Non-partisan" Group to a Political Committee (Request Edited and Paraphrased by the Commission).

DEAR MR. CHAIRMAN: I am advised a number of my friends and supporters, resident in my Congressional District, have organized a non-partisan group for the purpose of compiling and issuing a publication designed to reflect the results obtained in the Third West Virginia District by virtue of some of the activities I have pursued during my nine terms in the House of Representatives. This would be an ad hoc committee organized for this one purpose alone. They plan to solicit funds to pay the cost of publication and distribution and in their solicitations by mail they intend to state quite clearly whatever surplus funds may remain above and beyond the cost of this enterprise will be turned over to the Slack for Congress Committee, a strictly political campaign organization which has supervised my reelection campaigns from the very beginning.

Of course, there is no way to determine how many persons will make contributions, what amounts will be collected, or whether or not there will be any surplus remaining after the publication is issued. All solicitations, of course, will be addressed strictly to individuals.

• • • • • •

The question has been raised in connection with this planned undertaking as to whether or not this ad hoc group could at some future time, if there were a surplus after all expenses of more than $1,000, transfer such amount to the Slack for Congress Committee to be used for campaign purposes. In the original concept of this activity it was not considered this ad hoc committee would be considered a 'person' • • • and by reason of the manner of solicitation, it seems highly probable no individual contributions will be in the amount over $100 or more.

• • • • • •

Again, the original concept of this activity did not contemplate the organization of a 'political committee' • • •. In fact, the ad hoc group would contain few, if any, political activists. However, the same question raises itself: If by any chance publication contemplated draws forth such support that there is a surplus in excess of $5,000 after all expenses are paid, is it fair to presume this ad hoc group could transfer such surplus amounts to the Slack for Congress Committee for political campaign use at a later date?

• • • • • •

[Would the surplus funds forwarded by the ad hoc committee to the Slack for Congress Committee be treated as contributions from the individuals to me under 18 U.S.C. § 608 (b)(6)? Would the ad hoc committee have to report the original source and the intended recipient of such contributions to the Commission and to the intended recipient under that provision?]

• • • • • •

JOHN SLACK, M.C.

Source: Representative John Slack, House of Representatives, 2230 Rayburn House Office Building, Washington, D.C. 20515. (August 27, 1975.)

SEPTEMBER 16, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

[FR Doc.75-25061 Filed 9-19-75;8:45 am]

V 40 184 SEP 2275 XUM

federal register

MONDAY, SEPTEMBER 22, 1975



PART IV:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

Rules, Proposed Rules, and Notices of Systems of Records

V40 184 SEP 2275 XUM

Title 14—Aeronautics and Space

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1212—PROTECTION OF PERSONAL PRIVACY

Privacy Act Regulations

The National Aeronautics and Space Administration published on page 38073 of the FEDERAL REGISTER of August 26, 1975, a Notice of Proposed Rulemaking setting forth proposed regulations to implement the Privacy Act of 1974, P.L. 93-579, 88 Stat. 1896. Interested persons were given until September 15, 1975, to submit comments regarding the proposed regulations. No such comments were received.

Therefore, pursuant to the authority vested in the Administrator of the National Aeronautics and Space Administration by section 203(c) of the National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429; 42 U.S.C. 2473(c); and 5 U.S.C. 552a, the proposed NASA regulations implementing the Privacy Act and amending 14 CFR Chapter V by adding a new Part 1212 are hereby adopted with a few technical amendments and are set forth below.

Effective date: Part 1212 shall become effective on September 27, 1975.

Dated: September 15, 1975.

JAMES C. FLETCHER,
Administrator.

A new Part 1212 is added to 14 CFR Chapter V as follows:

Subpart 1—Basic Policy

Sec.
1212.100 Scope of part.
1212.101 Definitions.
1212.102 General policy.

Subpart 2—Requirements for Maintaining Systems of Records

1212.200 Publication of annual notices.
1212.201 Systems of records of the U.S. Civil Service Commission under NASA's control.
1212.202 Requirements for maintaining systems of records.
1212.203 Requirements for collecting information.
1212.204 Mailing lists.
1212.205 Social security account numbers.
1212.206 Safeguarding information in systems of records.
1212.207 Duplicate copies of records or portions of records.

Subpart 3—Responsibilities

1212.300 NASA employees.
1212.301 Associate Deputy Administrator.
1212.302 Headquarters and field or component installations.
1212.303 System manager.
1212.304 Assistant Administrator for Personnel Programs.
1212.305 Director of the Office of Inspections and Security.
1212.306 Assistant Administrator for Procurement.
1212.307 General Counsel.
1212.308 Delegation of authority.

Subpart 4—Disclosure of Records

1212.400 Restriction on disclosure.
1212.401 Accounting of certain disclosures.
1212.402 Access to disclosure accounting.
1212.403 Review of record for accuracy.
1212.404 Notification of disclosure under compulsory legal process.
1212.405 Notification to prior recipients of corrected or disputed records.

Subpart 5—Access to Records

1212.500 Information as to existence of a record.
1212.501 Right of access.
1212.502 Request for access to a record.
1212.503 Identification procedures.
1212.504 Fee schedule.
1212.505 Records of other agencies.
1212.506 Procedures for responding to requests for access.
1212.507 Medical records.
1212.508 Test materials.
1212.509 Duty hours.

Subpart 6—Corrections and Amendments to Records

1212.600 Requests for correction or amendment of a record.
1212.601 Procedures and time limits for making initial determinations.
1212.602 Request to amend records which exist elsewhere.
1212.603 Procedures and time limits for appeal of refusals to amend NASA records.
1212.604 Procedures and time limits for appeal of refusals to amend Civil Service Commission records.
1212.605 Request for further amendment to records.
1212.606 Action on appeals.
1212.607 Time extensions for good cause shown.
1212.608 Correction or amendment of record.
1212.609 Statements of dispute.
1212.610 Disclosures of disputed information.

Subpart 7—Exemptions

1212.700 Exemptions.

Subpart 8—Failure To Comply With Requirements of This Part

1212.800 Civil remedies.
1212.801 Criminal penalties.
1212.802 Litigation.

Subpart 9—Annual Report

1212.900 Requirements for annual report.

Subpart 10—Effect of Other Laws

1212.1000 Effect of Freedom of Information Act.

Subpart 1—Basic Policy

§ 1212.100 Scope of part.

This Part 1212 establishes the policies, responsibilities, and procedures for the collection, maintenance, use and dissemination by the National Aeronautics and Space Administration (NASA) of personal information contained in each NASA system of records and those systems of records of other Federal agencies which are under NASA's control. This part also establishes procedures for an individual about whom a record pertains in a system of records to have access to and request correction of information in such a record. This part applies to systems of records located at or under the cognizance of NASA Headquarters, NASA Field Installations, and NASA Component Installations, as defined in Part 1201 of this chapter.

§ 1212.101 Definitions.

For the purposes of this part, the following definitions shall apply:

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted to the United States for permanent residence. For the purposes of this part, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

(b) The term "maintain" includes maintain, collect, use or disseminate.

(c) The term "record" means any item, collection, or grouping of information about an individual, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(d) The term "system of records" means a group of any records from which information *is retrieved by* the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

(e) The term "NASA system of records" means a system of records under the control of NASA, but does not include a system of records of another agency (see, e.g., § 1212.201 relating to Civil Service Commission systems of records which are needed for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals) unless NASA has substantially supplemented the information contained in the system of records or intends to maintain the system in a manner substantially different from that described in the notice of the system published in the FEDERAL REGISTER by the other agency.

(f) The term "system manager" means the NASA official who is responsible for a system of records as designated in the system notice of that system of records published in the FEDERAL REGISTER. When a system of records includes portions located at more than one NASA installation, the term "system manager" includes any subsystem manager designated in the system notice as being responsible for that portion of the system of records located at his respective installation.

(g) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected. Disclosure of a record to those officers and employees of NASA who have a need for the record in the performance of their duties shall not be regarded as a "routine use" within the meaning of this part.

(h) The term "disclosure accounting" means the accounting of a disclosure of information from an individual's record pursuant to sections (3) through (11) of 5 U.S.C. 552a(b) (see § 1212.400).

(i) The term "working days" means all days except Saturdays, Sundays and legal public holidays.

(j) The terms "NASA employee" or "NASA official," for the purposes of this part, and particularly for the purpose of § 1212.400(b) relating to the disclosure of a record to those who have a need for the record in the performance of their duties, includes employees of a NASA contractor which operates or maintains a NASA system of records by or on behalf of NASA.

(k) The term "system notice" means the annual notice published by NASA in the FEDERAL REGISTER describing a NASA system of records (see § 1212.200).

(l) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by 13 U.S.C. 8 (relating to the Bureau of Census).

(m) The term "deciding official" refers to the NASA official who has been delegated the authority to make an initial determination on a request to correct or amend a record in a specific system of records under Subpart 6 of this part.

(n) The term "reviewing official" refers to the NASA official who has been delegated authority to make a final determination for the agency on an appeal from an initial determination, which constitutes a refusal to correct or amend a record in any NASA system of records under Subpart 6 of this part.

§ 1212.102 General policy.

In compliance with the Privacy Act of 1974, 5 U.S.C. 552a, and in accordance with the requirements and procedures of this part, NASA has a positive and continuing obligation to:

(a) Permit an individual to determine whether there are records pertaining to him in a system of records maintained by NASA;

(b) Permit an individual to prevent records pertaining to him obtained by NASA and placed in a system of records for a particular purpose from being used or made available for another purpose without his consent;

(c) Permit an individual to gain access to information pertaining to him in a NASA system of records, to have a copy made of all or any portion thereof, and, if appropriate under Subpart 6 of this part, to correct or amend such records; and

(d) Maintain any record in a system of records in a manner that assures that such action is for a necessary and lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information.

Subpart 2—Requirements for Maintaining Systems of Records

§ 1212.200 Publication of annual notices.

(a) A system notice of the existence and character of a NASA system of records shall be published annually in the FEDERAL REGISTER in the format prescribed by the General Services Administration, which notice shall include:

(1) The name and location(s) of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) Each routine use (see § 1212.101 (g)) of the records contained in the system, including the categories of users and the purpose of such use;

(5) The policies and practices of NASA regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The official title and business address of the NASA official who is the system manager responsible for the system of records and to whom inquiries concerning the system of records should be addressed; and

(7) The categories of sources of records in the system.

(b) At least 30 calendar days prior to publication of information under paragraph (a)(4) of this section, NASA shall publish in the FEDERAL REGISTER notice of any new routine use or intended routine use of the information in the system, and shall provide an opportunity for interested persons to submit written data, views, or arguments to NASA.

(c) In accordance with reporting requirements issued by the Office of Management and Budget, and following the publication of the initial notices of NASA systems of records existing on September 27, 1975, NASA shall provide to Congress, the Office of Management and Budget, and the Privacy Protection Study Commission advance notice of any proposal to establish or significantly alter any NASA system of records.

§ 1212.201 Systems of records of the U.S. Civil Service Commission under NASA's control.

(a) The U.S. Civil Service Commission has assumed the responsibility for publishing annually in the FEDERAL REGISTER a notice of all systems of records which it requires or authorizes NASA to maintain for the Commission (see 5 CFR 293.103 (b)). Any such systems of records under NASA's control are subject to the requirements of Part 293 of Title 5, Code of Federal Regulations.

(b) Any system of records maintained by NASA which is in addition to or substantially different from those described in the notice published by the Civil Service Commission under 5 CFR 293.103(b), shall be regarded as a NASA system of records subject to the requirements of this part. The system notice of such a NASA system of records, if it supplements a Civil Service Commission system of records, shall include a reference to the Civil Service Commission notice.

(c) NASA shall use a system of records described in a Civil Service Commission notice only as described in such notice. Requests for additions to routine uses for systems for which the Civil Service Commission publishes the annual system notices shall be forwarded to the Assistant Administrator for Personnel Programs for transmittal to the Commission.

§ 1212.202 Requirements for maintaining systems of records.

In maintaining NASA systems of records or those of other agencies which are under NASA's control, the following requirements shall be met:

(a) Only such information about an individual as is relevant and necessary to accomplish a purpose or to carry out a function of NASA required to be accomplished or authorized by statute or by Executive order of the President shall be maintained.

(b) All records which are used by NASA officials in making any determination about any individual shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making the determination.

(c) No record shall be maintained describing how any individual exercises rights guaranteed by the First Amendment to the U.S. Constitution unless expressly authorized by statute or by the individual about whom the record is maintained, or unless pertinent to and within the scope of an authorized law enforcement activity.

§ 1212.203 Requirements for collecting information.

In collecting information for NASA systems of records, the following requirements shall be met:

(a) Information shall be collected to the greatest extent practicable directly from the individual himself when the information may result in adverse determinations about the individual's rights, benefits, and privileges under Federal programs.

(b) Each individual who is asked to supply information shall be informed of the following, either on the form used to collect the information or on a separate form that can be retained by him:

(1) The authority (whether granted by statute, or by Executive order of the President) which authorizes the solicitation of the information;

(2) Whether disclosure of such information is mandatory or voluntary;

(3) The principal official purpose or purposes for which the information is intended to be used;

(4) The routine uses which may be made of the information, as published in system notices required under § 1212.200; and

(5) The effects on him, if any, of not providing all or any part of the requested information.

§ 1212.204 Mailing lists.

(a) NASA may maintain for official purposes lists of individuals, their addresses and telephone numbers, including, if appropriate, home addresses and telephone numbers. Any such list, as such, shall not be considered a NASA system of records for the purposes of this part.

V 40 184 SEP 22 75 XUM

(b) NASA will not sell, rent or otherwise disclose such mailing lists to anyone other than for official purposes of NASA, unless otherwise required or authorized by law or authorized under paragraph (c) of this section.

(c) NASA directories listing employees by title or organization unit and including their NASA mailing and telephone listings will continue to be made available to the public without restriction, either through sale by the Superintendent of Documents or otherwise.

§ 1212.205 Social security account numbers.

(a) It is unlawful for NASA to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number, except where:

(1) The disclosure is required by Federal statute; or

(2) The disclosure is for a system of records maintained by NASA and in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of the individual.

(b) Any time an individual is requested by NASA to disclose his social security account number, the official requesting such disclosure shall inform the individual whether that disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and what uses will be made of it.

§ 1212.206 Safeguarding information in systems of records.

(a) Safeguards appropriate for each NASA system of records shall be developed in a written plan by the system manager and approved by the installation Security Officer. The stringency of such safeguards shall be related to the nature and purpose of the records themselves, with consideration given to the number and type of personal data elements contained in the system of records. The safeguard plan shall provide for the continuous security and confidentiality of the system of records and shall contain specific procedures for the secure transmission, storage and destruction of the records. When a system of records is not under the actual custody and control of the system manager or his designee, it shall be maintained under locked conditions.

(b) Copies of records contained in a NASA system of records, or portions thereof, which are made and distributed, as authorized by this part, to persons other than those having custody of the system of records, shall be prominently identified as records protected under the Privacy Act of 1974 and shall be subject to the same safeguard, retention and disposition requirements as are applicable to the system of records.

(c) Any system of personnel records of the U.S. Civil Service Commission under NASA's control shall be subject to the safeguards prescribed by regulations of the Commission. See 5 CFR 293.108 and 293.109.

§ 1212.207 Duplicate copies of records or portions of records.

(a) NASA officials may maintain for official purposes duplicate copies of records or portions of records from a system of records for use within their organizational unit. Any such duplicate copies, as such, shall not be considered a NASA system of records for the purposes of this part. As an example, an office head or his designee may keep duplicate copies of personnel, training, or other such records on employees within his organization for office administrative convenience purposes.

(b) No disclosures shall be made outside of the organizational unit from any such duplicate copies of records or portions of records. Any requests for disclosure of such information outside of the organizational unit shall be referred to the appropriate system manager for handling in accordance with the requirements of this part.

(c) Such duplicate copies of records or portions of records are subject to the same safeguard requirements applicable to the system of records from which the duplicates are obtained (see § 1212.206), and the individual who maintains the duplicate copies shall assure that such safeguards are observed.

Subpart 3—Responsibilities

§ 1212.300 NASA employees.

(a) Each NASA employee is responsible for adhering to the requirements of this part.

(b) Each NASA employee shall observe the following standards of conduct:

(1) An employee shall not maintain or establish a system of records which contains personal information about an individual, without complying with the requirements of Subpart 2 of this part, which generally requires publication in the FEDERAL REGISTER of advance notice of the establishment of the system, together with a description of the system.

(2) In maintaining a system of records under this part, an employee shall not collect or maintain information about individuals unless it is relevant and necessary to accomplish a purpose or to carry out a function of NASA required to be accomplished or authorized by statute or by Executive order of the President.

(3) An employee shall not disclose a record from a NASA system of records without the express consent of the individual to whom the record pertains unless such disclosure is properly authorized in accordance with Subpart 4 of this part. If there is any question as to whether a disclosure is properly authorized, the employee should consult with the Office of General Counsel or Chief Counsel prior to any disclosure.

(4) An employee shall not seek or obtain access to a record in a NASA system of records or to copies of any portion of such records under false pretenses. Only those employees with an official "need to know" may seek and obtain access to records pertaining to others.

(5) Employees shall comply with the safeguard requirements applicable to documents and records subject to the provisions of the Privacy Act of 1974 and this part.

(6) Employees shall refrain from discussing or disclosing personal information about others which they have learned or seen because of their official need to know such information in the performance of their official duties.

(c) To the extent included in an individual contract which provides for the maintenance by or on behalf of NASA of a system of records to accomplish a function of NASA, the requirements of this paragraph shall apply to contractor employees who work under the contract.

(d) A NASA employee may be subject to criminal penalties under 5 U.S.C. 552a (i) (1) and (2) which provides as follows:

(1) Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by this section or by rules or regulations established thereunder, and who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e)(4) of this section [see § 1212.200] shall be guilty of a misdemeanor and fined not more than $5,000.

(e) An individual, including a NASA employee, who seeks access to a NASA record under false pretenses may be subject to criminal penalties under 5 U.S.C. 552a(i)(3) (see § 1212.801(b)).

§ 1212.301 Associate Deputy Administrator.

(a) The Associate Deputy Administrator is responsible for the following:

(1) Providing overall supervision and coordination of the implementation of the policies and procedures set forth in this Part 1212;

(2) Authorizing an extension of up to 30 days within which to make final determination on a request to correct or amend records in accordance with the procedures of Subpart 6 of this part;

(3) Approving system notices for publication in the FEDERAL REGISTER as required by § 1212.200;

(4) Authorizing exemptions under Subpart 7 of this part;

(5) After consultation with the General Counsel, making final determinations on requests to correct or amend records in accordance with the procedures of Subpart 6 of this part;

(6) Assuring that NASA employees are informed of their responsibilities under this part and that they receive appropriate training for the implementation of the requirements of this part;

(7) Preparing the annual and special reports required under this part, including establishing reporting procedures throughout NASA to facilitate the preparation of such reports;

(8) Preparing addendums to statements of dispute setting forth the agency's reasons for not correcting or amending a record (see § 1212.609(c)); and

(9) Notifying the individual when an extension of time within which to make a final determination to correct or amend a record is granted under § 1212.607.

(b) The Associate Deputy Administrator may establish a position of "NASA Privacy Officer" or designate someone to function as such an officer and delegate to that officer the functions of such paragraphs (a) (6) through (9) of this section.

§ 1212.302 Headquarters and field or component installations.

(a) The Official-in-Charge of each Headquarters Office, the Director of each NASA Field Installation, or the Official-in-Charge of each Component Installation is responsible for the following with respect to those systems of records maintained within his respective office or installation:

(1) Avoiding the establishment of new systems of records or new routine uses of a system of records without first complying with the requirements of § 1212.200;

(2) Insuring that the policies and requirements of this part and 5 U.S.C. 552a are followed by all employees within his jurisdiction;

(3) Instructing each person involved in the design, development, operation or maintenance of a system of records, or in maintaining any record therein, with respect to NASA standards of conduct relating to their activities, the requirements of this part, and the possible penalties for noncompliance;

(4) Submitting a request to the Associate Deputy Administrator for an exemption of the system under Subpart 7 of this part, setting forth the reasons for the exemption and citing the specific provision of the Act which is believed to authorize the exemption;

(5) Insuring that there is appropriate coordination within NASA before a determination is made to disclose information without the individual's consent under the authority of § 1212.400(b);

(6) After consultation with the Office of the General Counsel or the Chief Counsel, making reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(7) In accordance with the requirements of Subpart 6 of this part, making an initial determination on an individual's request to correct or amend his record;

(8) Prior to disclosure of any record about an individual, assuring that the record is first reviewed for accuracy, completeness, timeliness and relevance (see §§ 1212.202(b) and 1212.403); and

(9) Authorizing disclosures of a record from a system of records without the individual's consent under § 1212.400(b)(1) through (11).

(b) The Director of each NASA Field Installation or the Official-in-Charge of each Component Installation may establish the position of Installation Privacy Officer, or designate someone to function as such an officer, and delegate to that officer the functions of paragraphs (a)(6) through (9) of this section.

(c) The officials named in paragraph (a) of this section may delegate the functions of paragraph (a)(6) through (9) of this section to the system manager responsible for the system of records.

§ 1212.303 System manager.

In addition to any authority which may be delegated to him pursuant to § 1212.302, each system manager is responsible for the following with regard to his system of records:

(a) Complying with all requirements of this Part 1212;

(b) Responding within the requirements of § 1212.500 to an individual's request for information as to whether the system contains a record pertaining to him;

(c) In accordance with the requirements of Subpart 5 of this part, responding to an individual's request for access to and copying of his record;

(d) Correcting a record under § 1212.608, or filing in an individual's record a statement of dispute and the NASA addendum thereto, submitted in accordance with § 1212.609;

(e) Maintaining disclosure accountings in accordance with the requirements of § 1212.401;

(f) Notifying persons to whom a record has been disclosed and for which an accounting was made as to disputes and corrections involving the record in accordance with the requirements of § 1212.405; and

(g) Developing appropriate safeguards for the system of records under § 1212.206(a).

§ 1212.304 Assistant Administrator for Personnel Programs.

The Assistant Administrator for Personnel Programs is responsible for the following:

(a) Coordinating with the Associate Deputy Administrator to assure the establishment of adequate training programs for NASA employees concerning their responsibilities under this part;

(b) Submitting requests for new routine uses to the Civil Service Commission for its systems of records (see 5 CFR Part 293); and

(c) Generally coordinating with the Civil Service Commission the implementation in NASA of 5 CFR Parts 293 and 297.

§ 1212.305 Director of the Office of Inspections and Security.

The Director of the Office of Inspections and Security, acting through the Security Division, is responsible for assuring overall agency compliance and consistency in the application and implementation of the safeguard provisions of this part (see § 1212.206(a)).

§ 1212.306 Assistant Administrator for Procurement.

The Assistant Administrator for Procurement is responsible for developing appropriate procurement regulations and procedures under which NASA contracts which require the maintenance of a system of records in order to accomplish an agency function are made subject to the requirements of this part (see § 1212.300(c)).

§ 1212.307 General Counsel.

The General Counsel is responsible for the interpretation of 5 U.S.C. 552a and this part, and for the handling of litigation in connection with a court action brought under 5 U.S.C. 552a.

§ 1212.308 Delegation of authority.

Authority necessary to carry out the responsibilities specified in this subpart is delegated to the officials named in this subpart.

Subpart 4—Disclosure of Records

§ 1212.400 Restriction on disclosure.

(a) No record which is contained in a NASA system of records shall be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless the disclosure is authorized by paragraph (b) of this section.

(b) Under 5 U.S.C. 552a(b), disclosure of a record contained in a NASA system of records is authorized without the consent of the individual to whom the record pertains, if the disclosure of the record would be—

(1) To an officer or employee of NASA (see § 1212.101(j)) who has a need for the record in the performance of his duties;

(2) Required under 5 U.S.C. 552 (Freedom of Information Act) and Part 1206 of this title;

(3) For a routine use, as defined in § 1212.101(g) of this part, and described in the system notice for the system of record, published in accordance with § 1212.200;

(4) To the Bureau of Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13, United States Code;

(5) To a recipient who has provided NASA with adequate advance written assurance that the record will be used solely as a statistical record (see § 1212.101(l)), and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has suf-

V 40 184 SEP 22 75 XUM

ficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services Administration or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to NASA specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if notification of such disclosure is transmitted to the last known address of such individual;

(9) To either House of Congress or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

§ 1212.401 Accounting of certain disclosures.

(a) Except for disclosures without an individual's consent under the authority of § 1212.400(b) (1) and (2), and for disclosures made to the subject individual, each NASA system manager shall keep an accurate accounting of each disclosure of a record in a system of records under his record.

(b) The disclosure accounting required by paragraph (a) of this section shall include:

(1) The date, nature, and purpose of each such disclosure; and

(2) The name and address of the person or agency to whom the disclosure is made.

(c) The disclosure accounting required by paragraph (a) of this section shall be retained for at least five years after the disclosure for which the accounting is made or for the life of the record, whichever is longer.

(d) The disclosure accounting maintained under the requirements of this section is not a system of records within the meaning of this Part 1212.

§ 1212.402 Access to disclosure accounting.

(a) Except for disclosures made without the individual's consent under the authority of § 1212.400(b) (7) or where the system is exempt (see Subpart 7 of this part), the disclosure accounting required under § 1212.401 shall be made available by the system manager to the individual to whom the record pertains at the request of such individual.

(b) In requesting access to the disclosure accounting of a record pertaining to an individual, the individual shall follow the procedures set forth in Subpart 5 of this part, specifically § 1212.502.

§ 1212.403 Review of record for accuracy.

Prior to disclosing any record about an individual to any person other than a NASA employee, unless the disclosure is required under the Freedom of Information Act (see § 1212.400(b)(2), NASA shall make reasonable efforts to assure that such a record is accurate, complete, timely and relevant for NASA purposes (see § 1212.202(b)).

§ 1212.404 Notification of disclosure under compulsory legal process.

If a record is disclosed to any person under a compulsory legal process, the NASA system manager, after consultation with the Office of the General Counsel or the Chief Counsel, shall make reasonable efforts to serve notice on the individual to whom the record pertains when such process becomes a matter of public record. The mailing of such notice to the individual's last known address constitutes a reasonable effort to notify the individual under the requirements of this section.

§ 1212.405 Notification to prior recipients of corrected or disputed records.

If any correction or statement of dispute is made or filed in a record under Subpart 6 of this part, the NASA system manager shall notify each person or agency to whom that portion of the record had been disclosed, if an accounting of the disclosure exists under § 1212.401, as to the correction or statement of dispute (see § 1212.608).

Subpart 5—Access to Records

§ 1212.500 Information as to existence of a record.

(a) Upon request, an individual shall be informed as to whether a NASA system of records contains a record pertaining to him, which record is retrieved by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual, unless that system of records has been determined to be exempt under 5 U.S.C. 552a (j) or (k) (see Subpart 7 of this part).

(b) The individual's request shall specify the NASA system of records for which he seeks information and shall be submitted to the system manager for that system of records, as identified in the system notice for that system (see § 1212.200(a)).

(c) The system manager, upon receipt of a request for information under this section, shall promptly notify the individual as to whether such a record is contained in the system of records or as to whether the system is exempt from this requirement (see Subpart 7 of this part).

§ 1212.501 Right of access.

(a) Upon request, and under the procedures of § 1212.502, an individual to whom a record in a NASA system of records pertains, and by whose individual name or identified it is retrieved shall be granted access to such record, unless that system of records has been determined to be exempt from this requirement under 5 U.S.C. 552a (j) or (k) (see Subpart 7 of this part). The individual has the right to be accompanied by his representative, and he has the right to request copies of all or a portion of his record subject to payment of an appropriate fee (see § 1212.504). When appropriate, the individual may be required by the system manager to authorize in writing the disclosure and discussion of his record in the presence of such representative.

(b) (1) Upon the notarized written request and consent of the individual to whom a record pertains and by whose individual name or identifier it is retrieved, the individual's representative shall be granted access to the record contained in a NASA system of records specified by the individual, unless that system of records has been determined to be exempt under 5 U.S.C. 552a(j) or (k) (see Subpart 7 of this part). The representative also may request copies of all or a portion of the record subject to payment of an appropriate fee (see § 1212.504).

(2) The notarized request and consent shall contain the following:

(i) The name and address of the individual giving such consent;

(ii) The name and address of the individual to whom the consent is given; and

(iii) All other information required under § 1212.502.

§ 1212.502 Request for access to a record.

(a) An individual's request for access to his record in accordance with § 1212.501(a), or for access to a disclosure accounting of the record under § 1212.402, shall be in writing, shall be submitted to the system manager, as identified in the system notice for that system, and shall:

(1) Contain the name and address of the individual seeking access;

(2) Specify by name the system of records which contains, or is believed to contain, the record;

(3) Provide any other identifier necessary for retrieval of the record, as indicated in the system notice for that system;

(4) Identify the portion(s) of the record or disclosure accounting to which access is desired; and

(5) Identify by name and address any person accompanying the requester if access is to be in person, and give express consent for the accompanying person to see the individual's record.

(b) Where the request for access is made by the individual's representative, the request shall also include the notarized written request and consent meeting the requirements of § 1212.501(b).

(c) Where the request for access is submitted by mail, in addition to the requirements of paragraphs (a) and (b), the request shall:

(1) Be addressed to the system manager, as identified in the system notice for that system:

(2) Be identified clearly on the envelope and on the letter as a "Request for Access to a Record under the Privacy Act;"

(3) If access is to be in person, specify a proposed date and time for such access; and

(4) If access is to be by providing a copy of the record by return mail, be notarized and shall authorize NASA to place the copy in the mail.

(d) NASA need not comply with a general request for access to information concerning an individual, e.g., a request to provide copies of "all information contained in your files concerning me."

§ 1212.503 Identification procedures.

(a) In accordance with § 1212.502(c)(4), for identification purposes before a copy of documents is sent by mail to an individual under a request for access, the request must be notarized.

(b) (1) Prior to granting an individual access in person to his record or to that of a person from whom he has a written request and consent in accordance with § 1212.501(b), the requester must present appropriate and satisfactory identification, including:

(i) A valid unexpired driver's permit; or

(ii) An official employment identification card or badge; or

(iii) Any other form of identification which includes the individual's name signature, and photograph or physical description.

(2) If the individual has no suitable identification, he must, for identification purposes, sign a statement asserting his identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is a misdemeanor and punishable by a fine of up to $5,000 (see § 1212.801(b)). A form will be provided by the system manager for this purpose.

(c) No verification of identity will be requested of individuals seeking access to records which are otherwise available to any member of the public under the Freedom of Information Act (5 U.S.C. 552) and Part 1206 of this title.

(d) Identity procedures more stringent than those required in this section may be prescribed by the system manager in the system notice when the records to which access is sought are medical or other highly sensitive records.

§ 1212.504 Fee schedule.

(a) The following fee shall be charged for duplicating all or any portion of an individual's record under the provisions of this part: For copies of documents, such as letters, memoranda, statements, etc., $0.10 per copy of each page. No fee shall be charged for locating or reviewing records or the time spent duplicating the records.

(b) Ordinarily, a fee will not be charged for the first copy of a record or portion thereof or where the fee would amount to less than $3.00. Also, a fee will not be charged when a copy of a record is made as a necessary part of the process of making the record available for review (as distinguished from responding to a request by an individual for a copy of a record).

(c) In accordance with the provisions of 31 U.S.C. 483a, a charge of $1.00 shall be made for each certification of true copies of NASA records.

(d) The system manager having cognizance over the record of which copies are requested may waive all or part of a fee which would be chargeable under this section if he determines that such action is in the public interest.

(e) Fees may be paid by cash, only if paid in person; otherwise fees shall be paid by check or money order payable to the "National Aeronautics and Space Administration" and submitted to the system manager having cognizance over the record duplicated.

§ 1212.505 Records of other agencies.

The procedures concerning access to and fees to be paid for copies of records of other agencies, which records are under NASA's control, shall normally be governed by the regulations of the agency publishing the system notice for the particular system of records, unless it is determined by NASA that it would be more appropriate in any case to follow the procedures of this part. Requests for access to records meeting the requirements of this part ordinarily will be sufficient to gain access to any system of records under NASA's control.

§ 1212.506 Procedures for responding to requests for access.

(a) (1) Upon showing proper identification in accordance with § 1212.503, and, where appropriate, upon presentation of proper request and consent of the individual to whom a record pertains (see § 1212.501(b)), the system manager, in response to a request for access under this Subpart 5, shall:

(i) Notify the requester that there is no record on the individual in the system of records; or

(ii) Make the individual's record available for personal inspection in the presence of a NASA official or employee, or, upon request, promptly provide copies of the record or a portion thereof subject to the fee requirements of § 1212.504.

(2) Unless the system manager agrees to another location, personal inspection of the record shall be at the location of the record as identified in the pertinent system notice.

(b) Normally, the system manager shall respond to a request for access within ten (10) working days of receipt of the request and the access shall be provided within 30 working days of receipt of the request. Where administrative requirements necessitate a delay beyond the 30 working-day period, in either making the record available for inspection or providing the copies requested, the system manager or his designee shall notify the individual seeking access as to the length of, reason for, and nature of such delay. Such administrative requirements necessitating delay may include, but are not limited to: the need to retrieve a record from another location, the need to await access to a computer or to transfer a record from machine-readable form, the need to send a record to a duplication facility for requested copies, mechanical breakdowns or failures, etc.

(c) The provisions of paragraph (a) do not apply where the record to which access is sought is subject to additional restrictions as specified in the system notice, or if it is exempt under 5 U.S.C. 552a (j) or (k) (see Subpart 7 of this part). Under these circumstances, the system manager shall notify the requester within ten (10) working days as to the restrictions or the fact that the record is exempt from the requirement of access.

§ 1212.507 Medical records.

Normally, an individual's medical record shall be disclosed to the individual to whom the record pertains, unless, in the judgment of the system manager, in consultation with a medical doctor if the system manager is not a medical doctor, access to such record could have an adverse effect upon the individual, in which event the system manager shall allow access to the record by a medical doctor designated in writing by the requesting individual.

§ 1212.508 Test materials.

Test material and copies of certificates of eligibles and other lists of eligibles the disclosure of which is proscribed by 5 C.F.R. 294.501 shall be removed from an individual's record prior to granting access.

§ 1212.509 Duty hours.

Unless otherwise specified in the system notice, the hours during which individuals may visit the location for purpose of access to records are from 9 a.m. to 4 p.m. during all regular workdays.

Subpart 6—Corrections and Amendments to Records

§ 1212.600 Requests for correction or amendment of a record.

An individual upon whom NASA maintains a record in a NASA system of records or in a system of records over which NASA has control may request that NASA correct or amend that record. In making a request for correction, the individual has the burden of demonstrating why the correction is appropriate. Such a request shall be in writing, addressed to the system manager identified in the system notice as having cognizance over the specified system of records, and shall contain the following:

(a) A notation on the envelope and on the letter that it is a "Request for Amendment of Individual Record under the Privacy Act;"

(b) The name of the system of records;

V 40 184 SEP 2275 XUM

(c) Any information necessary to retrieve the record, as specified in the system notice for the system of records;

(d) A description of that information in the record which is alleged to be incomplete or erroneous; and

(e) The reasons for requesting the change, together with any documentary evidence or material available to support the request.

§ 1212.601 Procedures and time limits for making initial determinations.

(a) Within ten (10) working days of receipt of an individual's request to correct or amend his record in accordance with § 1212.600, the deciding official shall provide the individual with a written acknowledgment which clearly describes the request and advising when he may expect to receive a report of the action taken.

(1) If the request can be processed and a written determination sent to the individual within ten (10) working days of its receipt, then no acknowledgment under this paragraph (a) need be sent.

(2) If the expected completion date for processing the request indicated in the acknowledgment cannot be met, the individual should be advised of the delay and the new expected completion date.

(b) The deciding official shall review and process the request and provide the individual with his written determination. Whenever practicable, the determination shall be made within thirty (30) working days of receipt of the request unless unusual circumstances preclude completing action within that time.

(1) If the determination under this section is to correct the record as requested, the written determination shall inform the individual of this and indicate when he will receive notification that the correction was made.

(2) If the determination is to refuse to correct the record in accordance with the request, the written determination shall set forth the reasons for the refusal and—

(i) If the record is contained in a NASA system of records, inform the requester of the procedures to be followed to request a review of the refusal by the Administrator or his designee, including the mailing address (see § 1212.603); or

(ii) If the record is contained in a system of records of another agency, inform the requester of the procedures to be followed including the mailing address, to request a review of the refusal by the appropriate official of such other agency.

§ 1212.602 Request to amend records which exist elsewhere.

(a) If a request to amend an individual's record is received by a system manager not having cognizance of the record, the system manager receiving the request shall promptly forward it to the NASA system manager having cognizance of the record. That system manager shall promptly refer the request to the deciding official who shall acknowledge the request in accordance with § 1212.601 within ten (10) working days after the request was received by the appropriate system manager.

(b) If a request to amend a record is received by a NASA system manager for a record which is not under the control of NASA, the requester shall promptly be informed of that fact, and the request shall be returned to the requester, and, if possible, advice given as to where the request should be directed.

§ 1212.603 Procedures and time limits for appeal of refusals to amend NASA records.

(a) An individual to whom a NASA record pertains and by whose personal name or other identifier it is retrieved, who has requested amendment or correction of his record in accordance with § 1212.600, and who has received an initial determination which constitutes a refusal to correct or amend the record as requested, may appeal such adverse initial determination to the Administrator or his designee under the procedures of this section.

(b) An appeal under this section must:

(1) Be in writing and addressed to the Administrator, NASA, Washington, D.C. 20546;

(2) Be identified clearly on the envelope and in the letter as an "Appeal under the Privacy Act;"

(3) Include a copy of the request to amend the record and a copy of the adverse initial determination;

(4) State the reasons why the requester believes the adverse initial determination should be reversed; and

(5) Be sent to the Administrator within 30 calendar days of the date of receipt of the initial determination.

(c) The reviewing official may waive any of the requirements of paragraph (b) of this section, in which case the time limit for the final determination (see § 1212.606(a)) shall run from the date of such waiver.

§ 1212.604 Procedures and time limits for appeal of refusals to amend Civil Service Commission records.

If an individual disagrees with an adverse determination by NASA on his request to amend a U.S. Civil Service Commission system of records under NASA's control (see 5 CFR 293.103(b)), the individual may seek review of such adverse initial determination by the U.S. Civil Service Commission under the provisions of 5 CFR 297.112. Such an appeal should be submitted to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, Washington, D.C. 20415, under the procedures prescribed by that agency.

§ 1212.605 Request for further amendment to records.

If, upon receipt of notification that amendments or corrections have been made following a request to amend, the individual believes that the correction or amendment does not comply fully with the request, he may elect either to request additional amendment under the procedures of § 1212.600, or to file an appeal under the procedures of § 1212.603 or § 1212.604.

§ 1212.606 Action on appeals.

(a) Except as provided in § 1212.607, the reviewing official shall make a final determination on an appeal, and notify the requester thereof, within 30 working days after receipt of the appeal.

(b) If the final determination reverses in whole or in part the initial determination, the amendments or corrections ordered by that final determination shall be made promptly, as provided in the determination.

(c) If the final determination sustains in whole or in part an adverse initial determination, the final determination shall:

(1) Explain the basis on which the amendment or correction of the record (or portions thereof) will not be made;

(2) Include information as to how the requester goes about filing a statement of dispute under the procedures of § 1212.609; and

(3) Include a statement that the final determination is subject to judicial review under 5 U.S.C. 552a(g) and enclose a copy of that code provision.

§ 1212.607 Time extensions for good cause shown.

(a) When good cause is shown, the time limits for a final determination (see § 1212.606(a)) may be extended by the Administrator or his designee for 30 working days.

(b) If an extension of time under this section is granted, the reviewing official shall promptly notify the requester in writing of the reasons therefor and the date when a final determination will be sent.

§ 1212.608 Correction or amendment of record.

When any record is corrected or amended under the procedures of this subpart, the correction shall be made clearly on the record itself and all inaccurate information shall be deleted. The individual shall then be informed in writing that the correction has been made. If the inaccurate or incomplete record or portion thereof has previously been disclosed to a person or agency and an accounting of the disclosure exists in accordance with the provisions of § 1212.401, then the system manager shall notify those persons or agencies of the corrected or amended information, referencing the prior disclosures (see § 1212.405).

§ 1212.609 Statements of dispute.

(a) If upon an individual's request for review of an adverse initial determination under this subpart, the reviewing official also refuses to amend the record in whole or in part in accordance with the individual's request, the individual may file a statement of dispute.

(b) A statement of dispute under this section shall:

(1) Be in writing;

(2) Set forth the reasons for the individual's disagreement with NASA's refusal to amend the record;

(3) Be concise;

(4) Be addressed to the Administrator, NASA, Washington, D.C. 20546; and

(5) Be identified on the envelope and in the letter as a "Statement of Dispute under the Privacy Act."

(c) The statement of dispute shall be promptly transmitted to the reviewing official and an addendum to the statement explaining the basis for NASA's refusal to amend the disputed record may be added to the statement of dispute. A copy of any such addendum shall be provided to the individual. The statement of dispute and any NASA addendum shall be promptly transmitted to the appropriate system manager.

(d) Upon receipt of a statement of dispute under the provisions of this section, the system manager shall ensure that the statement is either filed with the disputed record or that a notation appears in the record clearly referencing the statement of dispute so that it may be readily retrieved.

§ 1212.610 Disclosures of disputed information.

(a) When any statement of dispute submitted by an individual under § 1212.609 is filed with the record, any subsequent disclosure of the disputed record or portion thereof shall clearly note any portion of the record which is disputed and shall be accompanied by a copy of the individual's statement of dispute and any NASA addendum to the statement.

(b) For any disclosure of a disputed record made prior to the filing of the statement of dispute with the record, the system manager shall promptly provide those persons or agencies to whom the disputed portion of the record was disclosed and for which an accounting of the disclosure exists under the procedures of § 1212.401, a copy of the statement of dispute and any NASA addendum thereto along with a statement referencing the prior disclosure (see § 1212.405). The individual to whom the record pertains shall be notified as to those individuals or agencies which are provided with the statement of dispute under this paragraph.

Subpart 7—Exemptions

§ 1212.700 Exemptions.

(a) Under the provisions of 5 U.S.C. 552a (j) and (k), the Administrator of NASA is authorized to promulgate rules to exempt certain NASA systems from portions of the requirements of this part; namely, if the system of records is:

(1) Maintained by a component of NASA which performs as its principal function any activity pertaining to the enforcement of criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities, and which consists of (i) information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (ii) information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; or (iii) reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision;

(2) Subject to the provisions of 5 U.S.C. 552(b)(1) relating to national defense or foreign policy;

(3) Investigatory material compiled for law enforcement purposes, provided that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence;

(4) Maintained in connection with providing protective services to the President of the United States or other individuals pursuant to section 18 U.S.C. 3056;

(5) Required by statute to be maintained and used solely as statistical records;

(6) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence;

(7) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(8) Evaluation material used to determine potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(b) Those NASA systems of records that are determined to be partially exempt under the provisions of this part under paragraph (a) of this section, the reasons for such determination, and a listing of the provisions of this part from which they are exempt, will be described in the system notice for the system of records after rulemaking procedures of 5 U.S.C. 553 are followed.

(c) Nothing in this part shall allow an individual access to any information compiled by NASA in reasonable anticipation of a civil action or proceeding.

Subpart 8—Failure To Comply With Requirements of This Part

§ 1212.800 Civil remedies.

Failure to comply with the requirements of this part could subject NASA to civil suit under the provisions of 5 U.S.C. 552a(g), which provides as follows:

(1) Whenever any agency

(A) makes a determination under subsection (d)(3) of this section [5 U.S.C. 552a(d)(3)] not to amend an individual's record in accordance with his request, or fails to make such review in conformity with that subsection;

(B) refuses to comply with an individual request under subsection (d)(1) of this section [5 U.S.C. 552a(d)(1)];

(C) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual; or

(D) fails to comply with any other provision of this section, or any rule promulgated thereunder, in such a way as to have an adverse effect on an individual, the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

(2)(A) In any suit brought under the provisions of subsection (g)(1)(A) of this section [5 U.S.C. 552a(g)(1)(A)], the court may order the agency to amend the individual's record in accordance with his request or in such other way as the court may direct. In such a case the court shall determine the matter *de novo*.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

(3)(A) In any suit brought under the provisions of subsection (g)(1)(B) of this section [5 U.S.C. 552a(g)(1)(B)], the court may enjoin the agency from withholding the records and order the production to the complainant of any agency records improperly withheld from him. In such a case the court shall determine the matter de *novo*, and may examine the contents of any agency records in camera to determine whether the records or any portion thereof may be withheld under any of the exemptions set forth in subsection (k) of this section [5 U.S.C. 552a(k)], and the burden is on the agency to sustain its action.

(B) The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this paragraph in which the complainant has substantially prevailed.

(4) In any suit brought under the provisions of subsection (g)(1)(C) or (D) of this section [5 U.S.C. 552a(g)(1)(C) or (D)] in which the court determines that the agency acted in a manner which was intentional or willful, the United States shall be liable

V 40 184 SEP 22 75 XUM

to the individual in an amount equal to the sum of—

(A) actual damages sustained by the individual as a result of the refusal or failure, but in no case shall a person entitled to recovery receive less than the sum of $1,000; and

(B) the costs of the action together with reasonable attorney fees as determined by the court.

(5) An action to enforce any liability created under this section may be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, without regard to the amount in controversy, within two years from the date on which the cause of action arises, except that where an agency has materially and willfully misrepresented any information required under this section to be disclosed to an individual and the information so misrepresented is material to establishment of the liability of the agency to the individual under this section, the action may be brought at any time within two years after discovery by the individual of the misrepresentation. Nothing in this section shall be construed to authorize any civil action by reason of any injury sustained as the result of a disclosure of a record prior to the effective date of this section.

§ 1212.801 Criminal penalties.

(a) A NASA employee may be subject to criminal penalties under the provisions of 5 U.S.C. 552a(i) (1) and (2), as set forth more specifically in Subpart 3 of this part.

(b) An individual who seeks access to a NASA record under false pretenses is subject to criminal penalties under 5 U.S.C. 552a(i) (3) which provides as follows:

(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000.

§ 1212.802 Litigation.

In any instance in which NASA or a NASA employee is sued in connection with any requirement or responsibility under this part, the matter shall promptly be referred to the General Counsel or a Chief Counsel together with a report on the details. Where the suit involves failure to correct or amend a record in response to an individual's request to do so, a determination under Subpart 6 of this part shall be made as soon as possible in accordance with Subpart 6, and under any special procedures prescribed by the General Counsel or Chief Counsel in each case.

Subpart 9—Annual Report

§ 1212.900 Requirements for annual report.

On or before April 30 of each year, NASA shall submit a report covering the preceding calendar year to the Office of Management and Budget (Attn: ISD) for referral by the President to the Congress. The report shall include the information requested in instructions issued by the Office of Management and Budget.

Subpart 10—Effect of Other Laws

§ 1212.1000 Effect of Freedom of Information Act.

NASA shall not rely on any exemption contained in the Freedom of Information Act (5 U.S.C. 552(b)) to withhold from an individual any record which is otherwise accessible to such individual under this part.

[FR Doc.75-24980 Filed 9-19-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NOTICE (75-64)

PRIVACY ACT OF 1974

Notices of Systems of Records

On August 26, 1975, the National Aeronautics and Space Administration ("NASA"), in accordance with 5 U.S.C. 552a (e) (4) and (11), the Privacy Act of 1974 (P.L. 93-579) ("the Act"), published on page 38083 in the Federal Register proposed notices for NASA systems of records subject to the Act. These proposed system notices also included proposed exemptions for two of the systems. Interested persons were given until September 15, 1975, to submit comments. No such comments were received.

Two proposed system notices, 22XROI LeRC Exchange Records on Individuals—NASA and 53XROI Wallops Flight Center Exchange Records on Individuals—NASA, have been consolidated into a single system notice 10XROI Exchange Records on Individuals—NASA as subsystems at Locations 8 and 12, respectively, along with subsystems at Locations 6, 7, and 9.

In addition, a new system of records, NASA73FHAP, was located. Written comments should be addressed to the NASA Privacy Officer, mail code AE, National Aeronautics and Space Administration, Washington, D.C. 20546, on or before October 17, 1975. All written comments received through that date will be considered by the National Aeronautics and Space Administration before taking final action on the system notice. Any comments received will be available for public inspection at the National Aeronautics and Space Administration, Rm. 7137, 400 Maryland Ave., SW., Washington, D.C. 20546, between the hours of 9 a.m. and 4 p.m., Monday through Friday (except holidays), until 4 p.m. on October 24, 1975. It is proposed that this system notice be effective October 27, 1975.

Accordingly, subject to the above and other minor technical and editorial changes, the proposed NASA notices of systems of records and the proposed exemptions are adopted as set forth below, effective September 27, 1975.

Dated: September 15, 1975

James C. Fletcher,
Administrator.

NASA 10ACMQ.

System name: Aircraft Crewmember Qualifications and Performance Records - NASA.

System location: Locations 1, 2, 3, 5, 6, 7, 8, 9, 10, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Crewmembers of NASA aircraft.

Categories of records in the system: System contains: (1) record of qualification, experience, and currency, e.g., flight hours (day, night, and instrument), types of approaches and landings, crew position, type aircraft, flight check ratings and related examination results, training performed and medical records; (2) flight itineraries and passenger manifests; and (3) biographical information.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for; evaluation of crewmember performance by supervisory flight operations personnel and staff; by the individuals whose records are maintained; on occasion by flight operations and safety survey teams; and by the NASA Aircraft Office. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) In cases of accident investigations, access to this system of records may be granted to federal or local agencies such as Department of Defense, Federal Aviation Administration, National Transportation Safety Board, or foreign governments; (2) To other agencies, companies, or governments requesting qualifications of crewmembers prior to authorization to participate in their flight programs; or to other agencies, companies, or governments whose crewmembers may participate in NASA's flight programs; (3) With prior approval by the individual - publicity or press releases; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, charts, punched cards, computer printouts.

Retrievability: Records are indexed by name or aircraft number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director, NASA Aircraft Office, Location 1.

Subsystem Managers: Chief, Aircraft Operations Division, Location 2; Director, Flight Operations, Location 3; Chief, Aircraft Operations Division, Location 5; Chief, Aircraft Operations Section, Location 6; Chief, Operations Branch, Flight Research Division, Location 7; Chief, Aircraft Operations Branch, Location 8; Chief, Aircraft Operations, Location 9; Chief, JPL Contract Administration, Location 10; Chief, Aeronautical Programs Branch, Location 12 (Locations are set forth in Appendix A).

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individuals, training schools or instructors, medical units or doctors.

NASA 10BRPA

System name: Biographical Records for Public Affairs - NASA.

System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Principal and prominent management and staff officials, program and project managers, scientists, engineers, speakers, etc., and other selected employees involved in newsworthy activities.

Categories of records in the system: Current biographical information about the individual with a recent photograph when available. Data items are those generally required by NASA or the news media in preparing news or feature stories about the individual and/or his activity with NASA.

Authority for maintenance of the system: 42 U.S.C 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is compiled, updated, and maintained at NASA installations for ready reference material and for immediate availability when required by the news media for news stories about the individual generally involving his participation in a major NASA activity.

The data serves as background information about the individual and is used within NASA to prepare public appearance announcements of key officials, speaking engagements, special appointments, participation in professional societies, etc.; to write news stories about special achievements, awards, participation in major NASA activities, programs, etc.; and to prepare responses to inquiries submitted to the Office of Public Affairs from the news media.

Users are the staff members of the public information office within each office of Public Affairs.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: these records are made available to professional societies, civic clubs, industrial and other organization news media representatives, researchers, authors, Congress, other agencies and other members of the public in connection with NASA public affairs activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

V 40 184 SEP 2275 XUM

Retention and disposal: Records are maintained as long as there is potential public interest in them and are disposed of when no longer required.

System manager(s) and address: The Public Affairs Officer at Location 1.

Subsystem Managers: The Public Affairs Officer at Locations 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Notification procedure: An individual desiring to find out if a Biographical System of Records contains a record pertaining to him should call, write, or visit the Office of Public Affairs at the appropriate NASA location.

Record access procedures: An individual may request access to his record by calling, writing, or visiting the Office of Public Affairs at the appropriate NASA locations. Individuals may examine or obtain a copy of their biographical record at any time.

Contesting record procedures: The information in the record was provided voluntarily by the individual with the understanding that the information will be used for public release. The individual is at liberty at any time to revise, update, add, or delete information in his biographical record to his own satisfaction.

Record source categories: Information in the biography of an individual in the system of records is provided voluntarily by the individual generally with the aid of a form questionnaire.

NASA 10EEOR.

System name: Equal Opportunity Records - NASA.

System location: Locations 1 through 12 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: Complainants and applicants.

Categories of records in the system: Complaints and applications.

Authority for maintenance of the system: 42 U. S. C. 2473; 44 U.S.C. 3101; Executive Order 11478, dated August 8, 1969; Civil Service Commission Regulations, Part 713; Equal Opportunity Act 1972, as amended (P.L. 92-261); Section 15 of the Age Discrimination in Employment Act of 1967, as amended (P.L. 93-259).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for maintaining active discrimination complaints files; to retain inactive discrimination complaints files; to analyze Headquarters workforce; to track the status of the Equal Opportunity Programs to provide CSC with budget outlays for the Civil Rights Activity Report; to provide the Congress with accomplishments in Equal Opportunity Programs; to refer applicants (minorities and females); and to determine contractors' compliance with Executive Orders 11246 and 11375 as amended.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Civil Service Commission to facilitate their processing of discrimination complaints, including investigations, hearings and reviews on appeals; (2) Responses to the Congress, other Federal agencies and other organizations having legal and administrative responsibilities related to the NASA Equal Employment Opportunity Programs and to individuals in the record; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by any combination of name, birthdate, social security number, ethnic groups, grades, topics, statistics.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access and are locked during non-duty hours.

Retention and disposal: Complaint files are maintained for seven years after each case has been closed and then retired to the appropriate Federal Records Center. Other routine office records are reviewed periodically and retired to the appropriate Federal Records Center or destroyed.

System manager(s) and address: Assistant Administrator for Equal Opportunity Programs, Location 1.

Subsystem managers: Equal Employment Opportunity Officer at Locations 1, 3, and 8; Chief, Equal Employment Opportunity Programs Office at Location 2; Director of Administration and Management at Location 4; Equal Employment Opportunity Programs Officer at Location 5; Technical Management Assistant, Manpower Office at Location 6; Head, Equal Opportunity Programs Office at Location 7; Director, Equal Employment Opportunity Office at Location 9; Staff Assistant to the Director at Location 10; Assistant Manager for Administration at Location 11; Associate Director at Location 12. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Employees, applicants, installation EEO officers, complainants, EEO counselors, EEO investigators, CSC complaints examiners, complaints coordinators, Assistant Administrator for Equal Opportunity Programs.

NASA 10EXDR

System name: Executive Development Records - NASA.

System location: Locations 1 through 12 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: Approximately 700 individuals with experience and education unique to the NASA mission in the technical and administrative fields who are considered to be replacement candidates for key positions within NASA or who are considered to be high potential candidates.

Categories of records in the system: Biographical data, education, training, government experience, other experience, military service, individual development plan data.

Authority for maintenance of the system: 42 U.S.C. 2473, 44 U.S.C. 3101, and 5 U.S.C. 4103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the identification of replacement candidates who are currently ready to assume the responsibility of a key position/positions throughout the Agency and for the identification of high potential and replacement candidates who are in need of a certain amount of training and/or experience before assuming a key position within the Agency. These candidates would then be groomed toward the identified key positions. There are no routine uses outside of NASA of the information contained in this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, on spread sheets, and will probably be stored on punched cards and magnetic tape by calendar year 1976.

Retrievability: The records are indexed alphabetically; however, once this information is stored on cards and/or tape, it may be indexed by social security number or by educational and work experience codes.

Safeguards: Records are located in a locked metal file cabinet with access limited to those whose official duties require access.

Retention and disposal: These records will be retained and updated for as long as there is a need by NASA top management to readily identify and groom replacement candidates for NASA's key positions throughout the Agency.

System manager(s) and address: Director, Office of Executive Development, Location 1.

Subsystem Managers: Directors of Locations 2 through 12 inclusive as set forth in Appendix A.

Notification procedure: Information may be obtained from the System Manager only.

Record access procedures: Requests from individuals should be addressed to the same address stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Employers, top NASA officials throughout the Agency, other persons acquainted with the work performance of the individual, and NASA personnel records.

NASA 10GMVP

System name: Government Motor Vehicle Operators Permit Records - NASA.

System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15 as set forth in Appendix A.

Categories of individuals covered by the system: NASA employees, contractor employees, other federal and state government employees.

Categories of records in the system: Name, home address, Social Security Number, physical description of individual, physical condition of individual, traffic record.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; Federal Personnel Management Manual, Chapter 930; Federal Property Management Regulations Subpart 101-39.601; NASA Management Issuance 6720.1A.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the purpose of identifying and checking record of applicant to attest to legality to operate Government vehicle. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) National Driver Register, Department of Transportation, where Form 1047 is received for check and (2) Standard routine uses 1 through 4 inclusive, as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Indexed by name.

Safeguards: Records are located in metal file cabinets with access limited to those whose official duties require access. Room is locked during non-duty hours.

Retention and disposal: Records are maintained for a period of three years when permit expires or until permit holder leaves the Agency or requests cancellation. Records are torn and deposited in wastebasket.

System manager(s) and address: Chief, Administrative Services Division, Location 1.

Subsystem Managers: Chief, Services and Support Division, Location 2; Chief, Management Support Division, Location 3; Chief, Management Services and Supply Division, Location 4; Assistant Chief for Transportation, Location 5; Chief of Transportation, Location 6; Chief, Management Support Division, Location 7; Director of Administration, Location 8; Director, Logistics Office, Location 9; Administrative Contracting Officer, Location 10; Chief of Technical Support, Location 11; Director of Administration, Location 12; Contract and Property Specialist, Location 13; Chief of Facilities, Location 15. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual NASA employees and individual contractor employees.

NASA 10HABC.

System name: History Archives Biographical Collection - NASA.

System location: Locations 1, 5, and 6 as set forth in Appendix A.

Categories of individuals covered by the system: Individuals who are of historical significance in aeronautics, astronautics, space science, and other concerns of NASA.

Categories of records in the system: Biographical data; speeches and articles by the individual.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for researching and writing official histories and answering queries from various NASA offices. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: Disclosure to scholars (historians and other disciplines) for research and writing dissertations, articles, and books, for government, commercial and non-profit publication.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are stored in file folders.

Retrievability: The records are indexed by name.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

Retention and disposal: Most biographical files are retained indefinitely, either in the archives or retired to the appropriate Federal Records Center.

System manager(s) and address: Director, History Office, Code YH, Location 1.

Subsystems Managers: Center Historian, Code BE-4, Location 5; Historian, Code PA-HIS, Location 6 (Locations are set forth in Appendix A).

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Press releases, newspapers, journals, and the individuals themselves.

NASA 10IDCF

System name: Inspections Division Case Files - NASA.

System location: National Aeronautics and Space Administration, Washington, DC 20546.

Subsystem Locations: Locations 2, 5, 6, and 9 as set forth in Appendix A.

Categories of individuals covered by the system: Current and former employees of NASA, contractors and sub-contractors, and others whose actions have affected NASA.

Categories of records in the system: Case files pertaining to matters including, but not limited to, the following classifications of cases: (1) Fraud against the Government, (2) Theft of Government property, (3) Bribery, (4) Lost or stolen lunar samples, (5) Misuse of Government property, (6) Conflict of interest, (7) Complaints of discrimination, (8) Waiver of claim for overpayment of pay, (9) Leaks of Source Evaluation Board information, (10) Improper personal conduct, (11) Irregularities in awarding contracts.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 28 U.S.C. 535 (b); 4 C.F.R. 91; Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for: (1) Providing management with information which will serve as a possible basis for appropriate administrative action or the establishment of NASA policy; (2) Providing management with information relevant to the complaint issue to provide a basis for a determination in a complaint of discrimination case; and (3) Providing the Administrator of NASA (or the Comptroller General, as appropriate) sufficient information to provide a basis for decision concerning a request for waiver of claim in the case of an erroneous payment of pay.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Responding to individual members of Congress and the White House regarding matters inquired of; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

V 40 184
SEP 2275
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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored in file folders and on index cards.

Retrievability: Information is retrieved by name of individual.

Safeguards: Information is kept in locked metal file cabinets. Access is limited to Inspections Division personnel.

Retention and disposal: Case files are transferred to the appropriate Federal Record Center 5 years after the case is closed and destroyed after 30 years.

System manager(s) and address: Director of Inspections and Security, Location 1.

Subsystem Managers: Western Regional Inspector, Western Regional Inspections Office, Location 2; Southwestern Regional Inspector, Southwestern Regional Inspections Office, Location 5; Southeastern Regional Inspector, Southeastern Regional Inspections Office, Location 6; South Central Regional Inspector, South Central Regional Inspections Office, Location 9. Locations are as set forth in Appendix A.

Notification procedure: None. System is exempt. See below.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Exempt.

Systems exempted from certain provisions of the act: The Inspections Division Case Files system of records is exempt from all sections of the Privacy Act of 1974 (5 U.S.C. 552a), EXCEPT the following:

(b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A) through (F) relating to publishing an annual system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10) and (11) relating to agency requirements for maintaining systems; and (i) relating to criminal penalties.

The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(j) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212, for the reason that the Inspections Division of the Office of Inspections and Security, NASA, is a component of NASA which performs as its principal function activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2).

NASA 10PAYS

System name: Payroll System - NASA.

System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Present and former NASA employees.

Categories of records in the system: The data contained in this system of records includes payroll, employee leave, labor and manpower distribution and overtime information.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 5 U.S.C. 5501 et seq.; 5 U.S.C. 5701 et seq.; 5 U.S.C. 6301 et seq.; General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 6; Treasury Fiscal Requirements Manual, Part III; Federal Personnel Manual; and NASA Financial Management Manual, Sections 9300 and 9600.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for maintaining the payroll records and related areas.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish to a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions for insurance data with carriers and collection agents; (3) To report to the Civil Service Commission (a) withholdings of premiums for life insurance, health benefits and retirement, and (b) separated employees subject to retirement; (4) To furnish the U. S. Treasury magnetic tape reports on net pay, net savings allotments and bond transmittal pertaining to each employee; (5) To provide the Internal Revenue Service with detail of wages taxable under the Federal Insurance Contributions Act and to furnish a magnetic tape listing on Federal tax withholdings; (6) To furnish various financial institutions itemized listings of employee's pay and savings allotments transmitted to the institutions in accordance with employee requests; (7) To provide various Federal, state, and local taxing authorities itemized listing of withholdings for individual income taxes; (8) To respond to state unemployment compensation requests for wage and separation data on former employees; (9) To report to various Combined Federal Campaign offices total contributions withheld from employee wages; (10) To furnish leave balances and activity to the Civil Service Commission upon request; (11) To report to various union offices the amount of dues withheld from employee wages; and (12) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and microfilm.

Retrievability: Records are indexed by name and/or social security number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

Retention and disposal: Records are retained for audit by the General Accounting Office and are transferred to the National Personnel Records Center, St. Louis, Missouri, anywhere from one to three years. Records are retained and destroyed in accordance with the policies and procedures outlined in NASA Records Disposition Handbook - NHB 1441.1A.

System manager(s) and address: Director, Office of Financial Management, Office of the Comptroller, Location 1.

Subsystem Managers: Chief, Financial Management Division, Locations 2, 4, 5, and 7; Financial Management Officer, Locations 3 and 11; Chief, Resources and Financial Management Office, Location 6; Director of Resources Management, Location 8; Director, Financial Management Office, Location 9; and Head, Financial Management Branch, Location 12. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual on whom the record is maintained, personnel office, and the individual's supervisor.

NASA 10SCCF.

System name: Standards of Conduct Counselling Case Files - NASA.

System location: National Aeronautics and Space Administration, Washington, DC 20546.

Categories of individuals covered by the system: Current, former, and prospective NASA employees, who have sought advice or have been counselled regarding conflict of interest requirements for government employees.

Categories of records in the system: Depending upon the nature of the problem, information collected may include employment history, financial data, and information concerning family members.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C 3101; 18 U.S.C. 201, 203, 205, 207-209; 5 U.S.C. 7324-7327; Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in the system of records is used within NASA for the purpose of counseling employees regarding conflict of interest problems. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) U. S. Civil Service Commission: for investigation of possible violations of standards of conduct which the commission directly oversees; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are documentary and maintained in loose leaf binders or file folders.

Retrievability: By name of individual.

Safeguards: Restricted access to a few authorized persons; stored in combination lock safe.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Assistant General Counsel for General Law, Code GG, NASA Headquarters, Washington, DC 20546.

Notification procedure: Information may be obtained from the System Manager.

Record access procedures: Requests from individuals should be addressed to the System Manager and must include employee's full name and NASA installation where employed.

Contesting record procedures: The NASA rules and procedures for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Information collected directly from individual and from his official employment record.

NASA 10SECR

System name: Security Records System - NASA.

System location: Locations 1 through 12 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: Employees, applicants, NASA committee members, NASA consultants, NASA experts, NASA Resident Research Associates, guest workers, contractor employees, detailees, visitors, correspondents (written and telephonic), Faculty Fellows, sources of information.

Categories of records in the system: Personnel Security Records, Criminal Matter Records, Traffic Management Records.

Authority for maintenance of the system: National Aeronautics and Space Act, P.L. 85-568; Espionage and Information Control Statutes, 18 U.S.C. 793 through 799; Sabotage Statutes, 18 U.S.C. 2151 through 2157; Conspiracy Statute, 18 U.S.C. 371; 18 U.S.C. 202-208 and 3056; Internal Security Act of 1950, 5 U.S.C. 781 through 798; Atomic Energy Act of 1954, P.L. 703; Executive Order 11653, Classification and Declassification of National Security Information and Material; Executive Order 10865, Safeguarding Classified Information Within Industry; Executive Order 10450, Security Requirements for Government Employees; P.L. 81-733; Executive Order 11490, Assigning Emergency Preparedness Functions to Federal Departments and Agencies; Federal Property Management Regulation, Subpart 101-9.5; Federal Personnel Manual, Chapters 732 and 736; Federal Register, Part 1203a, Chapter V (March 28, 1973); 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel Security Records: The information contained in this category of records is used within NASA for the purpose of granting security clearances; for determining qualifications, suitability, and loyalty to the United States Government; for determining qualifications for access to classified information, security areas, and NASA installations, and for determining qualifications to travel to Communist controlled areas.

In addition to the internal uses of the information contained in this category of records, the following are routine uses outside of NASA: (1) To determine eligibility to perform classified visits to other Federal agencies and contractor facilities; (2) To provide data to the intelligence agencies of the Department of Defense, Secret Service, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation; (3) To provide data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (4) To provide a basis for determining preliminary visa eligibility; (5) To respond to Congressional and White House inquiries; and (6) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Criminal Matter Records: The information contained in this category of records is used within NASA for providing management with information which will serve as a possible basis for administrative action. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Traffic Management Records: The information contained in this category of records is used within NASA to provide designated officials and employees with data concerning vehicle ownership, traffic accidents, violation of traffic laws, suspension of driving privileges, traffic control, vehicle parking, and car pools. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punch cards, microfilm, and film.

Retrievability: Records are indexed by name, file number, organization, place of origin, badge number, decal number, date of event, space number, payroll number, and social security number.

Safeguards: Personnel Security and Criminal Matter Records: Access to these records is controlled by Government personnel exclusively. After presenting proper identification and requesting a file or record, a person with a need-to-know and, if appropriate, a proper clearance may have access to a file or record only after it has been retrieved and approved for release by a NASA security representative. These records are secured in security storage equipment.

Traffic Management Records: Access to these records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. Access to these records is permitted after a determination has been made that the requestor has an official interest. These records are stored in locked containers.

Retention and disposal: Records, depending upon type, are retained from 6 months to 30 years before being destroyed. When current immediate need no longer exists, records are either transferred to the appropriate Federal Records Center or destroyed in accordance with records disposal instructions.

System manager(s) and address: Director of Security, Location 1.

Subsystem Managers: Chief, Security Branch, Locations 2, 4, and 5; Director, Management Support Division, Location 3; Chief, Security Office, Location 6; Security Officer, Locations 7, 8, 11, and 12; Chief, Security Division, Location 9; Chief, Safety-Security Office, Location 10; Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above. Requests must contain the following identifying data concerning the requestor: first, middle, and last name; date of birth; social security number; period and place of employment with NASA, if applicable.

Record access procedures: Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information have been exempted by the Administrator under 5 U.S.C. 522a (k) (5) from the access provisions of the Act.

Criminal Matter Records compiled for civil or criminal law enforcement purposes have been exempted by the Administrator under 5 U.S.C. 552a (k) (2) from the access provisions of the Act.

Traffic Management Records: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: For Personnel Security Records and Criminal Matters Records see Access, above. For Traffic Management Records, the NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Personnel Security Records: Exempt

Criminal Matter Records: Exempt

Traffic Management Records: Employees, civil investigative agencies, civil law enforcement agencies, Federal and local judicial systems, medical records.

Systems exempted from certain provisions of the act: Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a confidential source, are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information

V 40 184 SEP 22 75 XUM

maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (5) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

Criminal Matter: Records to the extent they constitute investigatory material compiled for law enforcement purposes are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (2) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

Records subject to the provisions of 5 U.S.C. 552 (b) (1) (required by Executive order to be kept secret in the interest of national defense or foreign policy) are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to the access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552A (k) (1) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

NASA 10SMED

System name: System of Medical Records - NASA

System location: In Health Clinics/Units at locations 1 through 14 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: NASA Civil Service employees & applicants; other Agency civil service & military employees working at NASA; visitors to field installations; on-site contractor personnel who receive job related examinations or come to clinic for emergency or first aid treatment; astronauts and their families.

Categories of records in the system: General medical records of first aid, emergency treatment, examinations, exposures, and consultations.

Information resulting for physical examinations, laboratory and other tests, and medical history forms; treatment records; screening examination results; immunization records; administration of medications prescribed by private/personal physicians; statistical records; examination schedules; daily log of patients; correspondence; radiation exposure records; alcohol/drug patient information; consultation records.

Astronauts and their families - more detailed and complex physical examinations.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; OMB Circular A-72; Public Law 92-255; Public Law 79-658; Public Law 91-66.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the following purposes: Reference by examining physicians in conduct of physical examinations; review by physicians in consideration of fitness for duty; evaluation for physical disability retirement; statistical data development; patient recall; in-space medical evaluation for astronauts; exposure data for radiation/toxic exposure limits, compliance and examinations; consultations; evaluation of employees, applicants, and contractor employees for specialized or hazardous duties.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Referral to private physicians designated by the individual when requested in writing; (2) Patient referrals; (3) Referral to CSC, OSHA and other Federal agencies as required in accordance with these special program responsibilities; (4) Referral of information to a non-NASA individual's employer; (5) Standard routine uses 1 through 4 inclusive, as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in file folders, punch cards, electrocardiographic tapes and x-rays.

Retrievability: By name, date of birth and social security number.

Safeguards: Access limited to concerned medical personnel on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

Retention and disposal: In accordance with CSC regulations and NASA Control Schedule II. Records on astronauts are retained permanently.

System manager(s) and address: Director, Office of Occupational Medicine, Location 1

Subsystem Managers: Medical Director or Medical Administrator at Locations 2 through 14 inclusive as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individuals, physicians and previous medical records of individuals.

NASA 10SPER

System name: Special Personnel Records - NASA

System location: Locations 1 through 12 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: Federal civilian, military and non-Federal candidates for and recipients of awards or NASA training; active duty military detailees to NASA; officials of unions having NASA recognition; Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; NASA contract and grant awardees and their associates having access to NASA premises and records; individuals with expressed interest in NASA personnel matter; NASA employees, prospective employees and former employees.

Categories of records in the system: Awards and training information; military status, reimbursement figure, clearances, and information on duty at NASA on military detailees; reference lists of union officials; rosters, applications, recommendations, assignment information and evaluations of Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; lists of NASA contract and grant awardees and their associates having access to NASA premises and records; correspondence and related information on individuals with expressed interest in NASA personnel matters; special planning and analysis information on prospective, current and former employees, positions and employment; all NASA maintained information of the same types as, but not included in, systems of records for which the U.S. Civil Service Commission publishes Privacy Act Notices in the FEDERAL REGISTER.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by officials and employees within NASA for preview, planning, review and management decisions regarding personnel and activities related to the records.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosures to non-NASA organizations and individuals having contract or cooperative relationships with NASA for the purpose of accomplishing contract objectives or furthering cooperative relationships; (2) Statistical or data presentations to governmental or other organizations or individuals having need of information about individuals in the records; (3) Responses to the Congress, other Federal agencies, and other organizations having legal and administrative responsibilities related to programs and individuals in the records; (4) Standard routine uses 1 through 4 as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, lists, forms, index cards, microfilm, microfiche, and/or various computer storage devices such as discs, magnetic tapes and punched cards.

Retrievability: Records are indexed by any one or a combination of name, birthdate, social security number, or identification number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

Retention and disposal: Records are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed.

System manager(s) and address: NASA Director of Personnel, Location 1

Subsystem Managers: Director, Headquarters Personnel Division, Location 1; Director of Personnel, Locations 2, 3, 4, 5, 6, 7, 8, 9, and 12; Staff Assistant to the Director, Location 10; Assistant Manager (Administration), Location 11. Locations are as set forth in Appendix A.

Notification procedure: Apply to the System or Subsystem Manager at the appropriate location above. In addition to personal identification (name, social security number, etc.), indicate the specific type of record, the appropriate date or period of time, and the specific kind of individual applying (e.g., employee, former employee, contractor employee, etc.).

Record access procedures: Same as notification procedures above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individuals to whom the records pertain, NASA employees, other Federal employees, other organizations and individuals.

NASA 10XROI

System name: Exchange Records on Individuals - NASA

Security classification: Locations 6, 7, 8, 9, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Present and former employees of, and applicants for employment with, NASA Exchanges, Recreational Associations, and Employees' Clubs at NASA installations. Individuals with active loans or charge accounts at one or more of the several organizations.

Categories of records in the system: Exchange Employees' personnel and payroll records, including injury claims, unemployment claims, biographical data, performance evaluations, annual and sick leave records, and all other employee records. Credit records on NASA employees with active accounts.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for (1) maintaining exchange employees' payroll, leave, and other records; (2) determining pay adjustment eligibility; (3) determining Federal, State, and City tax withholdings; (4) determining leave eligibility; (5) determining person to notify in emergency; (6) certification of unemployment or injury claims; (7) determining eligibility for employment and promotion; and (8) determining credit standing.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions for insurance data with carriers and collection agents; (3) To provide various Federal, State, and local taxing authorities itemized listing of withholdings for individual income taxes; (4) To respond to State employment compensation requests for wage and separation data on former employees; (5) To report previous job injuries to workmen's compensation organizations; (6) For emergency notice to person designated by employee; (7) To report unemployment record to appropriate State and local authorities; (8) When requested, provide other employers with work record; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

Retention and disposal: Exchange personnel records are permanent.

System manager(s) and address: Assistant to the Assistant Administrator for Institutional Management, Location 1.

Subsystem Managers: Chairman, Exchange Council, Locations 6 and 7; Treasurer, NASA Exchange, Location 8; Chairman, NASA Exchange, Location 9; Head, Administrative Management Branch, Location 12. Locations are as set forth in Appendix A.

Notification procedure: Individuals may obtain information from the cognizant subsystem managers listed above.

Record access procedures: Requests from individuals should be directed to the same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual on whom the record is maintained and the individual's supervisor.

NASA 51CDTS

System name: GSFC Civil Defense Training Survey Records - NASA

System location: Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, Maryland 20771.

Categories of individuals covered by the system: GSFC Civil Service personnel who indicate particular skills that could be utilized or special physical or medical needs that might have to be met in a time of national emergency or major natural disaster.

Categories of records in the system: Medical information and skills.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; Implementation of existing Readiness Planning Requirements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for providing a skills and experience inventory of resources which could be made available during a national emergency and to facilitate meeting special physical or medical needs of individuals. There are no routine uses outside of NASA of the information contained in this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name only.

Safeguards: Records are located in locked metal file cabinet in locked room with access limited to those whose official duties require access.

Retention and disposal: Records are disposed of when the employee leaves the Center.

System manager(s) and address: Chief, Health and Safety Engineering Office; address same as shown for system location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determina-

V401184 SEP 2275 XUM

tions by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Employees

NASA 51RSCR

System name: GSFC Radiation Safety Committee Records - NASA

System location: Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, Maryland 20771.

Categories of individuals covered by the system: Radiation users and custodians under GSFC cognizance.

Categories of records in the system: Employment and training history.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; USAEC License and GHB 1860.1, 'Radiation Safety Handbook'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for review and approval of custodians and users of ionizing radiation by the Radiation Safety Committee. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources; (2) Occupational Safety and Health Administration (Federal and State) may inspect records pursuant to fulfilling their responsibilities under the Occupational Safety and Health laws. (3) The Environmental Protection Agency may inspect records pursuant to fulfilling their responsibilities under the Environmental Protection laws and executive order; (4) The Food and Drug Administration, DHEW, may inspect records pursuant to fulfilling their responsibilities respecting use of lasers and x-rays; (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name only.

Safeguards: Records are located in locked metal file cabinet in locked room with access limited to those whose official duties require access.

Retention and disposal: Records are kept for two years. If employee does not wish to be renewed for position at the end of 2-year period, his record is removed and placed in inactive file.

System manager(s) and address: Chief, Health and Safety Engineering Office; address same as shown for system location.

Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Employees

NASA 53BHTR

System name: Wallops Flight Center Base Housing Tenant Record - NASA.

System location: Wallops Flight Center, National Aeronautics and Space Administration, Wallops Island, Virginia 23337

Categories of individuals covered by the system: Tenants of Wallops Housing area.

Categories of records in the system: Housing Rental Agreements, records of rent receipts and records of dormitory occupants.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for control of family housing and dormitory facilities. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) To furnish to a third party a verification of an employee's tenant status upon a written request of tenant; (2) To furnish verification of residency to various Federal, State, and local authorities; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and card files.

Retrievability: Records are indexed by name and/or room number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

Retention and disposal: Records are retained and destroyed in accordance with the policies and procedures outlined in NASA Records Disposition Handbook, NHB 1441.1A.

System manager(s) and address: Head, Administrative Management Branch, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Tenants and dormitory occupants and Administrative Management records.

NASA 62FHAP

System name: MSFC Federal Housing Administration (FHA) 809 Housing Program - NASA.

System location: George C. Marshall Space Flight Center, National Aeronautics and Space Administration, Marshall Space Flight Center, Alabama 35812.

Categories of individuals covered by the system: MSFC Civil Service and contractor personnel who have applied for FHA 809 housing.

Categories of records in the system: Contains personal (name, home address, home phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, MSFC, and FHA.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; and 12 U.S.C. 1748h-1 (Section 809, National Housing Act).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and index cards.

Retrievability: Records are indexed by certificate number and person's name.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Director, Manpower Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual on whom the record is maintained.

NASA 72XOPR

System name: JSC Exchange Activities Records - NASA.

System location: Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, Texas 77058.

Categories of individuals covered by the system: Employees and past employees of JSC Exchange Operations, applicants under the JSC Exchange Scholarship Program, and JSC employees or JSC contractor employees participating in sports or special activities sponsored by the Exchange.

Categories of records in the system: For present and past employees of the JSC Exchange Operations, the system includes a variety of records relating to personnel actions and determinations made about an individual while employed by the NASA Exchange-JSC. These records contain information about an individual relating to birth date; social security number; home address and telephone number; marital status; references; veteran preference, tenure, handicap; position description, past and present salaries, payroll deductions, leave; letters of commendation and reprimand; adverse actions, charges and decisions on charges; notice of reduction-in-force; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer and separation; minority group; records relating to life insurance, health and retirement benefits; designation of beneficiary; training; performance ratings; physical examinations; criminal matters; data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

For successful applicants under the JSC Exchange Scholarship Program, the system contains information supplied by individual Center employees who have applied for an Exchange Scholarship for their son or daughter and includes, but is not limited to, education, financial transactions or holdings, employment history, medical data and other related information.

For participants in social or sports activities sponsored by the Exchange, information includes employees' or contractors' employee identification number, organization, location, telephone number, and other information directly related to status or interest in participation in such activities.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; NASA Management Issuance 9050.6; Treasury Fiscal Requirement Manual, Part III, Payroll Deductions and Withholdings; Federal Personnel Manual; JSCM 1712, Exchange Activities Manual, dated December 1973; Exchange Operations Manual, dated February 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the following purposes: (1) With respect to past or present employees of the JSC Exchange Operations, information in the system is used to: (a) pay employees and advise employees through Leave and Earnings Statements, (b) provide for promotion opportunities, disciplinary actions, staffing controls, budget requirements, employee fringe benefits, and other related personnel managerial purposes, and (c) submit reports in accordance with legal or policy directives and regulations to center management and NASA Headquarters; (2) With respect to successful applicants under the JSC Scholarship Program, the information in the system is used to award scholarships to the sons and daughters of NASA-JSC employees; and (3) With respect to participants in the social or sports activities sponsored by the Exchange, the information maintained in the system is used to facilitate participation in such activities.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA for information maintained on JSC Exchange Operations employees only: (1) Provide information in accordance with legal or policy directives and regulations to the Internal Revenue Service, Department of Labor, Department of Commerce, Texas State Government Agencies, labor unions; (2) Provide information to insurance carriers with regard to workman's compensation, health and accident, and retirement insurance coverages; (3) Provide employment or credit information to other parties as requested by a current or former employee of the JSC Exchange Operations; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: For Exchange employees, records are maintained by name and filed as current of past employee. For Scholarship applicants, records are maintained by name. For participants in social or sports activities, records are maintained by name.

Safeguards: Records are located in locked metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: For employees of JSC Exchange Operations, Personnel Records are retained indefinitely to satisfy payroll, reemployment, unemployment compensation, tax and employee retirement purposes.

For successful applicants under the JSC Exchange Scholarship Program, records are maintained until completion of awarded scholarship and then destroyed. Records pertaining to unsuccessful applicants are returned to them.

For participants in social or sports activities, records are maintained for a stated participation period, and are then destroyed.

System manager(s) and address: Manager, Exchange Operations, NASA Exchange - JSC, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: For employees of the JSC Exchange Operations, information is obtained from the individual employee, the employee references, insurance carriers, JSC Health Services Division, JSC Security, employment agencies, Texas Unemployment Commission, credit bureaus, and creditors.

With respect to the JSC Exchange Scholarship Program, the information is obtained from the parents or guardians of the scholarship participants.

For JSC employees and JSC contractor employees participating in social or sports activities sponsored by the Exchange, information is obtained from the individual participant.

NASA 73FHAP

System name: WSTF Federal Housing Administration (FHA) 809 Housing Program - NASA.

System location: JSC White Sands Test Facility, National Aeronautics and Space Administration, P. O. Drawer MM, Las Cruces, New Mexico 88001.

Categories of individuals covered by the system: WSTF Civil Service and contractor personnel who have applied for FHA 809 housing.

Categories of records in the system: Contains personal (name, home address, home phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, WSTF, and FHA.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; and 12 U.S.C. 1748h-1 (Section 809, National Housing Act).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and index cards.

Retrievability: Records are indexed by certificate number and person's name.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

V 40 184 SEP 22 75 XUM

Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Chief, Administration Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual on whom the record is maintained.

NASA 76CSHE

System name: KSC Contractor Special and Heavy Equipment Operator Examination and Licensing Records - NASA.

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899

Categories of individuals covered by the system: Contractor personnel who have been licensed to operate special and heavy equipment. A few civil service personnel are licensed for emergencies.

Categories of records in the system: Contains name, date of birth, color of hair, color of eyes, height, weight, category of equipment, and the company by whom the person licensed is employed. Contains current state driver's license number, federal vehicle operator license number, reported violations, and report of physical fitness of the person licensed.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; and Kennedy Space Center Management Instruction 6730.3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the identification of employees who are licensed to operate special and heavy equipment at Kennedy Space Center. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To the employing contractor of an individual to facilitate performance of the contract; and (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained by Boeing Aerospace Center for Kennedy Space Center on forms, index cards, and log books.

Retrievability: Indexed by name.

Safeguards: Maintained in a locked file cabinet and office is locked during non-duty hours.

Retention and disposal: Records maintained for period the person is licensed and twelve months thereafter; then destroyed by shredding.

System manager(s) and address: Chief, Maintenance Branch, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual on whom the record is maintained; State of Florida, Department of Highway Safety and Motor Vehicles; and the KSC Occupational Health Facility.

NASA 76OSTR

System name: KSC Operations Safety Training Records - NASA

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: KSC Civil Service and KSC contractor employees who have received operational safety training.

Categories of records in the system: Operational safety training records of attendance and certifications including certification of physical ability to perform hazardous tasks.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to provide data for badging and access control to hazardous areas and operations and to determine the size of individual protective equipment.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosure is made of information on employees of KSC contractors to those contractor organizations and to the Federal Electric Corporation and the Bendix Corporation to facilitate performance of the contracts. These disclosures are made by the Training Office of the Boeing Aerospace Center which compiles these safety training records for KSC; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained for KSC by the Federal Electric Corporation on computer tape with printouts made quarterly. Complete printouts are filed in the KSC Systems Training and Employee Development Branch, the Boeing Training Office, and the KSC Security Office. Records containing raw data on course attendance and trainee statistics are maintained by the Boeing Aerospace Center for KSC.

Retrievability: Indexed by name and organization.

Safeguards: These listings are automated safety training records maintained under administrative control of responsible organization in areas that are locked when not in use. Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

Retention and disposal: Outdated records are destroyed.

System manager(s) and address: Chief, Systems Training and Employee Development Branch; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Information is obtained from class rosters, operational records, and reports of physical examination completions.

NASA 76RTES

System name: KSC Radiation Training and Experience Summary - NASA

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: Custodians or users of radioactive materials or ionizing radiation-producing devices. Applicable to all users or custodians at KSC and NASA or NASA contractor personnel at Cape Canaveral Air Force Station, Florida, or Vandenberg Air Force Base, California.

Categories of records in the system: Name and nuclear related experience.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2111, 2201, 2232, 2233, Title 10 Code of Federal Regulations, Part 33 for Federal Licensee, and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to determine the suitability of individuals for specific assignments dealing with ionizing radiation and to preclude unnecessary exposure to self and others.

In addition to the internal uses of the information contained in this system of records, routine uses outside of NASA include: (1) Disclosure to Air Force Radiation Protection Officers at Cape

Canaveral Air Force Station, Florida, and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices to facilitate protection of the individual and the public; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B; (3) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

Retrievability: Both files are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and then destroyed.

System manager(s) and address: KSC Radiation Protection Officer; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual is sole source.

NASA 76XRAD

System name: KSC USAEC Occupational External Radiation Exposure History for Nuclear Regulatory Commission Licenses - NASA.

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: KSC civil servants and KSC contractor personnel who have received exposure approximating or exceeding statutory limits.

Categories of records in the system: Name, date of birth, exposure history, name of license holder, social security number.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, and 2201; 10 C.F.R., Part 20 for Federal Licensee; and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to inform individuals of their approaching or exceeding radiation dose limits.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosure to Air Force Radiation Protection Offices at Cape Canaveral Air Force Station, Florida and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices, to facilitate the protection of individuals; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B; (3) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

Retrievability: Both files are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the FEDERAL REGISTER.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and then destroyed.

System manager(s) and address: KSC Radiation Protection Officer; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual is sole source.

APPENDIX A.

LOCATION NUMBERS AND MAILING ADDRESSES OF NASA INSTALLATIONS AT WHICH RECORDS ARE LOCATED.

Location 1.
National Aeronautics and Space Administration
Washington, DC 20546

Location 2
Ames Research Center
National Aeronautics and Space Administration
Moffett Field, CA 94035

Location 3
Flight Research Center
National Aeronautics and Space Administration
P. O. Box 273
Edwards, CA 93523

Location 4
Goddard Space Flight Center
National Aeronautics and Space Administration
Greenbelt, MD 20771

Location 5
Lyndon B. Johnson Space Center
National Aeronautics and Space Administration
Houston, TX 77058

Location 6
John F. Kennedy Space Center
National Aeronautics and Space Administration
Kennedy Space Center, FL 32899

Location 7
Langley Research Center
National Aeronautics and Space Administration
Langley Station
Hampton, VA 23665

Location 8
Lewis Research Center
National Aeronautics and Space Administration
21000 Brookpark Road
Cleveland, OH 44135

Location 9
George C. Marshall Space Flight Center
National Aeronautics and Space Administration
Marshall Space Flight Center, AL 35812

Location 10
NASA Pasadena Office
National Aeronautics and Space Administration
4800 Oak Grove Drive
Pasadena, CA 91103

Location 11
National Space Technology Laboratories
National Aeronautics and Space Administration
Bay St. Louis, MS 39520

Location 12
Wallops Flight Center
National Aeronautics and Space Administration
Wallops Island, VA 23337

Location 13
JSC White Sands Test Facility
National Aeronautics and Space Administration
P.O. Drawer MM
Las Cruces, NM 88001

Location 14
LeRC Plum Brook Station
National Aeronautics and Space Administration

V 40 184 SEP 2275 XUM

Sandusky, OH 44870
Location 15
Michoud Assembly Facility
National Aeronautics and Space Administration
P.O. Box 29300
New Orleans, LA 70129

APPENDIX B

STANDARD ROUTINE USES - NASA

The following routine uses of information contained in systems of records subject to the Privacy Act of 1974 are standard for many NASA systems. They are cited by reference in the paragraph 'Routine uses of records maintained in the system, including categories of users and the purpose of such uses' of the FEDERAL REGISTER notice on those systems to which they apply.

Standard Routine Use No. 1 - LAW ENFORCEMENT - In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Standard Routine Use No. 2 - DISCLOSURE WHEN REQUESTING INFORMATION - A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Standard Routine Use No. 3 - DISCLOSURE OF REQUESTED INFORMATION - A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Standard Routine Use No. 4 - COURT PROCEEDINGS - In the event there is a pending court or formal administrative proceeding, any records which are relevant to the proceeding may be disclosed to the Department of Justice for purposes of representing the Government, or in the course of presenting evidence, or they may be produced to parties or counsel involved in the proceeding in the course of pre-trial discovery.

[FR Doc.75-24981 Filed 9-16-75;12:25 pm]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1007]

[Ex Parte No. 316]

IMPLEMENTATION THE PRIVACY ACT OF 1974

Notice is hereby given that the Interstate Commerce Commission proposes to adopt new rules governing records concerning individuals. If adopted, the new rules will serve to implement the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) by creating a new Part 1007 of Title 49 of the Code of Federal Regulations.

SUMMARY OF PROPOSED RULEMAKING

The proposed rules generally provide for procedures to enable an individual to determine what, if any, information is being maintained by the Interstate Commerce Commission in a system or systems of records about him or her, to amend and correct any such information if the individual feels that the record is not accurate, relevant, timely, or complete, and to exercise his or her right not to have that information disseminated to unauthorized persons. The proposed rules further provide for the annual publication by the Commission of notices of each "system of records" it maintains on individuals. Any individual may review those notices and request that the Commission determine whether those systems contain any information about him or her. Requests for such determination by the Commission must follow the procedures established in the proposed rules. If it is determined pursuant to a request by an individual that a system of records does contain information about that individual, he or she may request and obtain access to those records upon showing proper identification. Further, upon payment of specified charges, the individual may obtain copies of the record.

The proposed rules restrict access by others to personal information concerning an individual that is contained in the Commission files. The information is available to members of the Commission and the Commission staff who need it in the pursuit of their duties. Disclosure of the record as required under the Freedom of Information Act (5 U.S.C. 552) is also permitted. Beyond that, a record may be disclosed only for purposes specifically authorized under the Privacy Act, or for "routine uses," which must be described and published by the Commission in the FEDERAL REGISTER for each system of records it maintains. Furthermore, the Commission is required to keep a record of each disclosure, except those made to Commission employees. Upon request, it must provide that record to the individual.

The proposed rules exempt certain kinds of records from some of the provisions of the Privacy Act. The exemptions relate primarily to investigatory material compiled for a law enforcement purpose and limited kinds of information which may be found in personnel files maintained by the Commission.

Finally, the proposed rules prescribe certain information that the Commission must give to an individual whenever the Commission requests personal information from him, and standards that the Commission will meet in maintaining its files.

Interested persons may participate in this proposed rulemaking by submitting written views and arguments to the Secretary, Interstate Commerce Commission, Twelfth Street and Constitution Avenue, NW., Washington, D.C. 20423. An original (and 15 copies whenever possible) of such views and arguments must be filed with the Secretary on or before October 22, 1975. Copies of all Comments will be available for public inspection at the Commission's offices in Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 5th day of September, 1975.

It is ordered, That based on the reasons set forth in the attached notice, a proceeding be, and it is hereby, instituted pursuant to 5 U.S.C. 552, 553 and 559 (the Administrative Procedure Act), to Implement the Requirements of the Privacy Act of 1974 (5 U.S.C. 552a) by creating a new Part 1007 of Title 49 of the Code of Federal Regulations.

It is further ordered, That the attached notice be, and it is hereby, adopted and is incorporated by reference into this order;

And it is further ordered, That notice of the institution of this proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Part 1007 as proposed reads as follows:

PART 1007—RECORDS CONTAINING INFORMATION ABOUT INDIVIDUALS

§ 1007.1 Purpose and Scope.

(a) This part contains the rules of the Interstate Commerce Commission implementing the Privacy Act of 1974 (5 U.S.C. 552a). These rules apply to all records maintained by this Commission which are not excepted or exempted as provided for in § 1007.12, insofar as they contain personal information concerning an individual, identify that individual by name or other symbol and are contained in a system of records from which information is retrieved by the individual's name or identifying symbol. Among the primary purposes of these rules are to permit individuals to determine whether information about them is contained in Commission files and, if so, to obtain access to that information; to establish procedures whereby individuals may have inaccurate and incomplete information corrected; and, to restrict access by unauthorized persons to that information.

(b) In this part the Commission is also exempting certain Commission systems of records from some of the provisions of the Privacy Act of 1974 that would otherwise be applicable to those systems.

§ 1007.2 Definitions.

As used in this part:

"Commission" means the Interstate Commerce Commission.

"Chairman" means the Presidentially appointed Commissioner who is the administrative head of the Interstate Commerce Commission.

"Privacy Officer" refers to the individual designated to process requests and handle various other matters relating to the Commission's implementation of the Privacy Act of 1974.

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

"Maintain" means the maintenance, collection, use, or dissemination (of records).

"Record" means any item, collection or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

"Statistical Record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by Section 8 of Title 13 of the United States Code.

"System of records" means a group of any records under the control of the Commission retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

"Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which the record was compiled.

"Agency" means any executive department, military department, Government corporation, Government-controlled corporation or other establishment in the Executive Branch of the Government or any independent regulatory agency.

§ 1007.3 Requests by an individual for information or access.

(a) Any individual may request information on whether a system of records maintained by the Commission contains any information pertaining to him or her, or may request access to his or her record or to any information pertaining to him or her which is contained in a system of records. All requests shall be directed to the Privacy Officer, Office of the Managing Director, Interstate Commerce Commission, Twelfth Street and Constitution Avenue, NW, Washington, D.C. 20423.

(b) A request for information or for access to records under this Part may be

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made by mail or in person. The request shall: (1) Be in writing and signed by the individual making the request; and, (2) include the full name of the individual seeking the information or record, along with his or her home and business addresses and telephone numbers.

(c) For each system of records from which information is sought, the request shall: (1) Specify the title and identifying number as it appears in the system notice published by the Commission; (2) provide such additional identifying information, if any, as may be required by the system notice; (3) describe the specific information or kind of information sought within that system of records; and, (4) set forth any unusual arrangements sought concerning the time, place, or form of access.

(d) The Commission will respond in writing to a request made under this section within ten days (excluding Saturdays, Sundays and legal public holidays) after receipt of the request. If a definitive reply cannot be given within ten days, the request will be acknowledged and an explanation will be given of the status of the request.

(e) The individual either will be notified in writing of where and when he or she may obtain access to the records requested or will be given the name, address and telephone number of the member of the Commission staff with whom he or she should communicate to make further arrangements for access.

§ 1007.4 Procedures for identifying the individual making the request.

When a request for information or for access to records has been made pursuant to § 1007.3 before information is given or access is granted pursuant to §1007.5 of these rules, the Commission shall require reasonable identification of the person making the request to insure that information is given and records are disclosed only to the proper person.

(a) An individual may establish his identity by:

(1) Submitting with his written request for information or for access to photocopy, two pieces of identification bearing his or her name and signature, one of which shall bear his or her current home or business address; or

(2) Appearing at any office of the Commission during the regular working hours for that office and presenting either:

(i) One piece of identification containing a photograph and signature, such as a driver's license or passport, or, in the case of a Commission employee, his or her ICC identification card; or

(ii) Two pieces of identification bearing the individual's name and signature, one of which shows the individual's current home or business address; and

(3) Providing such other proof of identity as the Commission deems satisfactory in the circumstances of a particular request.

(b) Nothing in this section shall preclude the Commission from requiring additional identification before granting access to the records if there is reason to believe that the person making the request may not be the individual to whom the record pertains, or where the sensitivity of the data may warrant.

(c) The requirements of this subsection shall not apply if the records involved would be available to any person under the Freedom of Information Act.

§ 1007.5 Disclosure of requested information to individuals; fees for copies of records.

(a) Any individual who has requested access to his or her record or to any information pertaining to that individual in the manner prescribed in § 1007.3 and has identified himself or herself as prescribed in § 1007.4 shall be permitted to review the record and have a copy made of all or any portion thereof in a form comprehensible to the individual, subject to fees for copying services set forth in paragraph (f) of this subsection. Upon request, persons of the individual's own choosing may accompany the individual, provided that the individual has furnished a written statement authorizing discussion of his or her record in the accompanying person's presence.

(b) Access will generally be granted in the office of the Commission where the records are maintained during normal business hours, but for good cause shown the Commission may grant access at another office of the Commission or at different times for the convenience of the individual making the request.

(c) Where a document containing information about an individual also contains information not pertaining to him or her, the portion not pertaining to the individual shall not be disclosed except to the extent the information is available to any person under the Freedom of Information Act. If the records sought cannot be provided for review and copying in a meaningful form, the Commission shall provide to the individual a summary of the information concerning the individual contained in the record or records which shall be complete and accurate in all material aspects.

(d) Where the disclosure involves medical records, any potentially harmful information may be provided only to a physician designated in writing by the individual.

(e) Requests for copies of documents may be directed to the Privacy Officer or to the member of the Commission's staff through whom arrangements for access were made.

(f) Fees for copies of records shall be charged at the rate of 10 cents per letter-size or legal-size exposure duplicated electrostatically. Fees for requests requiring the use of a computer shall be charged at the actual cost for machine time. Payment should be made by check or money order payable to the Treasury of the United States. When it is determined to be in the best interest of the public, the Privacy Officer may waive the fee provision.

(g) Nothing in this subsection or in § 1007.3 shall:

(1) Require the disclosure of records exempted under § 1007.12 of these rules, including the exemption relating to investigative records;

(2) Allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding or a criminal proceeding; or,

(3) Require the furnishing of information or records which in the regular course of business cannot be retrieved by the name or other identifier of the individual making the request.

§ 1007.6 Disclosure to third parties.

(a) The Commission shall not disclose to any agency or to any person by any means of communication a record pertaining to an individual which is contained in a system of records, except under the following circumstances:

(1) The individual to whom the record pertains has given his written consent to the disclosure;

(2) The disclosure is to officers and employees of the Commission who need it in the performance of their duties;

(3) Disclosure is required under the Freedom of Information Act (5 U.S.C. 552);

(4) Disclosure is for a routine use as defined in § 1007.2 of these rules and described in the system notice for that system of records;

(5) The disclosure is made to the Bureau of the Census for the purposes of planning or carrying out a census or survey or related activity;

(6) The disclosure is made to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(7) The disclosure is made to another agency or to an instrumentality of any Governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the Commission specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) The disclosure is made to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(9) The disclosure is made to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(10) The disclosure is made to either House of Congress, or, to the extent of matter(s) within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(11) The disclosure is made to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or,

(12) Pursuant to the order of a court of competent jurisdiction.

(b) The Commission, with respect to each system of records under its control, shall keep for at least five years an accurate accounting of certain disclosures:

(1) A record shall be kept of all disclosures made under paragraph (a) of this subsection, except disclosures made with the consent of the individual to whom the record pertains (paragraph (a)(1)), disclosures to authorize employees (subparagraph (a)(2)), and disclosures required under the Freedom of Information Act (subparagraph (a)(3)).

(2) The record shall include:

(i) The date, nature, and purpose of each disclosure of a record made to any person or to another agency;

(ii) The name and address of the person or agency to whom the disclosure was made.

(c) The accounting described in paragraph (b) will be made available to the individual named in the record upon his written request, directed to the Privacy Officer, Interstate Commerce Commission, Twelfth Street and Constitution Avenue, NW, Washington, D.C. 20423, except that the accounting will not be revealed with respect to disclosures made under paragraph (a)(7) of this § 1107.6 pertaining to law enforcement activity, and will not be maintained as to disclosures involving systems of records exempted under § 1007.12 of these rules.

(d) Whenever an amendment or correction of a record or a notation of dispute concerning the accuracy of records is made by the Commission in accordance with §§ 1007.8 and 1007.9 of these rules, the Commission will inform any person or other agency to whom the record was previously disclosed, if an accounting of the disclosure was made pursuant to the requirements of paragraph (b) of this subsection.

§ 1007.7 Content of systems or records.

(a) The Commission will maintain in its records only such information about an individual as is relevant and necessary to accomplish the purposes of the Interstate Commerce Act and other purposes required to be accomplished by statute or by Executive Order of the President.

(b) The Commission will maintain no record describing how any individual exercises rights guaranteed by the First Amendment of the United States Constitution unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(c) The Commission will collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs.

(d) The Commission will maintain all records which are used by the Commission in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.

§ 1007.8 Amendment of a record.

(a) Any individual may request amendment of information pertaining to him which is contained in a system of records maintained by the Commission and which is filed under his name or other individual identifier if he believes the information is not accurate, relevant, timely or complete. A request for amendment shall be directed to the Privacy Officer.

(b) A request for amendment may be made by mail or in person and shall: (1) Be in writing and signed by the person making the request; (2) describe the particular record to be amended with sufficient specificity to permit the record to be located among those maintained by the Commission; and, (3) specify the nature of the amendment sought and the justification for the requested change. The person making the request may be required to provide the information specified in §§ 1007.3 and 1007.4 of these rules in order to simplify identification of the record and permit verification of the identity of the person making the request for amendment.

(c) Receipt of a request for amendment will be acknowledged in writing within ten days (excluding Saturdays, Sundays and legal public holidays); except that if the individual is given notice within the ten-day period that his or her request will or will not be complied with, no acknowledgement is required.

(d) Assistance in preparing a request to amend a record may be obtained from the Privacy Officer, Office of the Managing Director, Interstate Commerce Commission, Twelfth Street and Constitution Avenue NW., Washington, D.C. 20423.

(e) Upon receipt of a request for amendment the Privacy Officer or a person designated by him shall promptly determine whether the record is materially inaccurate, incomplete, misleading, or is irrelevant or not timely, as claimed by the individual, and, if so, shall cause the record to be amended in accordance with the individual's request.

(f) If the Privacy Officer or designee grants the request to amend the record, the individual shall promptly be advised of the decision and of the action taken, and notice shall be given of the correction and its substance to each person or agency to whom the record had previously been disclosed, as shown on the record of disclosures maintained in accordance with § 1007.6(b) of these rules.

(g) If the Privacy Officer or designee disagrees in whole or in part with a request for amendment of a record, the individual shall promptly be notified of the complete or partial denial of his request and the reasons for the refusal. The individual shall also be notified of the procedures for administrative review by the Chairman of any complete or partial denial of a request for amendment, which are set forth in § 1007.9 of these rules.

(h) If a request is received for amendment of a record prepared by another agency which is in the possession or control of the Commission, the request for amendment will be forwarded to that agency. If that agency determines that the correction should be made, the Commission will amend its records accordingly and notify the individual making the request for amendment of the change. If the other agency declines to make the amendment, the Privacy Officer or designee will independently determine whether the amendment will be made to the record in the Commission's possession or control, considering any explanation given by the other agency for its decision.

§ 1007.9 Appeals to the Chairman.

(a) Any individual may petition the Chairman:

(1) To review a refusal to comply with an individual request for access to records pursuant to the Privacy Act (5 U.S.C. 552a(d)(1), and §§ 1007.3 and 1007.5 of the rules in this part;

(2) To review denial of a request for amendment made pursuant to § 1007.8;

(3) To correct any determination that may have been made adverse to the individual based in whole or in part upon inaccurate, irrelevant, untimely or incomplete information; and,

(4) To correct a failure to comply with any other provision of the Privacy Act and the rules of this Part 1007, which has had an adverse effect on the individual.

(b) The petition to the Chairman shall be in writing and shall: (1) State in what manner it is claimed the Commission or any Commission employee has failed or refused to comply with provisions of the Privacy Act or of the rules contained in this Part 1007, and (2) set forth the corrective action the petitioner wishes the Commission to take. The petitioner may, if he or she wishes, state such facts and cite such legal or other authorities as are considered appropriate.

(c) The Chairman will make a determination of any petition filed pursuant to this subsection within thirty days (excluding Saturdays, Sundays and legal public holidays) after receipt of the petition, unless for good cause shown, the Chairman extends the 30-day period. If a petition is denied, the petitioner will be notified in writing of the reasons for such denial, and the provisions for judicial review of that determination which are set forth in section 552a(g)(1)(A) and (2)(A), of Title 5 of the United States Code and the provisions for disputed records set forth in paragraph (d) of this subsection.

(d) If, after review, the Chairman declines to amend the records as the individual has requested, the individual may file with the Privacy Officer a concise statement setting forth why he or she disagrees with the Chairman's denial of the request. Any subsequent disclosure containing information about which a statement of disagreement has been filed shall clearly note the portion which is disputed and include a copy of a concise statement explaining its reasons for not

V 40 184 SEP 22 75 XUM

making the amendments requested. Prior recipients of the disputed record will be provided a copy of any statement of dispute to the extent that an accounting of disclosures was maintained.

§ 1007.10 Information supplied by the Commission when collecting information from an individual.

The Commission will inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual, of:

(a) The authority which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(b) The principal purpose or purposes for which the information is intended to be used;

(c) The routine uses which may be made of the information, as published in the FEDERAL REGISTER; and,

(d) The effects on the individual of not providing all or any part of the requested information.

§ 1007.11 Public notice of records systems.

(a) The Commission will publish in the FEDERAL REGISTER, at least annually, a notice of the existence and character of each of its system of records, which notice shall include:

(1) The name and location of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) Each routine use of the records contained in the system, including the categories of users and purpose of such use;

(5) The policies and practices of the Commission regarding storage, retrieval, access controls, retention, and disposal of the records;

(6) The title and business address of the Commission official who is responsible for the system of records;

(7) The procedures whereby an individual can be notified at his or her request if the system of records contains a record pertaining to that individual;

(8) The procedures whereby an individual can be notified at his or her request how he or she can gain access to any record pertaining to that individual contained in the system of records, and how the content of the record can be contested; and,

(9) The categories of sources of records in the system.

(b) Copies of the notices as printed in the FEDERAL REGISTER will be available in each office of the Commission. Mail requests should be directed to the Privacy Officer, Office of the Managing Director, Interstate Commerce Commission, Twelfth Street and Constitution Avenue, NW., Washington, D.C. 20423. The first copy will be provided free of charge; additional copies are subject to charge provided for in paragraph (e) of this § 1007.5.

§ 1007.12 Exemptions.

(a) Investigatory materials compiled for law enforcement purposes are exempt from portions of the Privacy Act of 1974 and of these rules on the basis and to the extent that individual access to these files could impair the effectiveness and orderly conduct of the Commission's enforcement program. Provided, however, that if any individual is denied any right, privilege, or benefit to which he or she would otherwise be entitled by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of such material, such materials shall be provided to the individual; except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

(b) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for employment with or contracts with the Commission are exempt from portions of the Privacy Act of 1974 and of these rules to the extent that it identifies a confidential source. This is done in order to encourage persons from whom information is sought to provide information to the Commission which, absent assurances of confidentiality, they might otherwise be unwilling to give. However, if practicable, material identifying a confidential source shall be extracted or summarized in a manner which protests the source, and the summary or extract shall be provided to the requesting individual.

INTERSTATE COMMERCE COMMISSION

PRIVACY ACT OF 1974

Notice of Systems of Records

As required by 5 U.S.C. 552a(e)(4), enacted into law by section 3 of the Privacy Act of 1974 (Pub. L. 930579), the Interstate Commerce Commission hereby publishes notices for each of the following systems of records:

I Operating Personnel Files
II National Defense Executive Reserve Files
III Health Unit Medical Records
IV Automated Personnel and Payroll System
V Case Status System
VI Correspondehce and Management Control System
VII Consumer Complaint System
VIII Preliminary Investigative Files
IX Investigative and Enforcement Records, Cross-indexed
X ICC Employee parking Permit Applications for Carpools
XI ICC Identification System File
XII Employee Travel Records

These systems of records are those systems maintained by the Interstate Commerce Commission which contain personal information about individuals, and from which such information can be retrieved by reference to an individual identifier. In accordance with guidance received from the Office of Management and Budget, notices of systems dealing with individuals as proprietors and of systems such as telephone directories have not been included.

The notice for each system of records states that name and location of the record system, the authority for and manner of its operation, the categories of individuals which it covers, the types of records which it contains, the sources of information in those records, and the proposed "routine use" of each system of records. Each notice also includes the business address of the ICC official who will inform interested persons of the procedures whereby they may gain access to and correct records pertaining to themselves.

As required by 5 U.S.C. 552a(e)(11). the ICC invites public comment upon the "routine use" proposed to be made of each system of records. In this context, the term "routine use" has the meaning it is given in the Privacy Act, which defines routine use, with respect to disclosure of a record, as use of a record for a purpose which is compatible with the purpose for which it was collected. Under the Privacy Act, agencies may disclose a record without the written consent of the individual to whom the record pertains, if the disclosure has been established as a "routine use" by publication for comment in the Federal Register. Agencies may also disclose a record without the consent of the individual if it falls into one of the ten remaining categories enumerated in section 3 of the Act, 5 U.S.C. 663a(b). These categories include intraagency disclosures, disclosures required by the Freedom of Information Act, certain disclosures to the Bureau of the Census, to the National Archives, to the Comptroller General, to the Congress and its committees, and to law enforcement agencies which request a record. In addition, disclosures can be made without written consent for statistical purposes, because of emergencies involving the health or safety of an individual, and pursuant to a court order.

In accordance with these provisions of the Privacy Act, the "routine uses" published for each of the following systems of records include only those uses which do not fall within one of the other ten categories of disclosures which may be made without the written consent of the individual to whom the record pertains.

Notice is hereby given that adoption of the routine uses specified in each of the following systems of records notices is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed routine uses should send them on or before October 22, 1975, to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

ICC—1

System name: Operating personnel files (Nonpermanent records), ICC

System location: ICC Headquarters Bureaus and Offices Washington, D.C., and Regional Detached Offices (49 CFR 1001)

Categories of individuals covered by the system: ICC employees

Categories of records in the system: Working papers and documents developed during the course of an individual's employment which are not permanently retained. These will include the Standard Form 7B (OF 4B), Employee Record Card, and nonofficial records generally limited to information on experience, education, training, special qualifications and skills, position descriptions, performance appraisals and conduct. The Regional Managers' files may contain duplicate copies of official documents (SF 171, SF 50, etc.)

Authority for maintenance of the system: Federal Personnel Manual Supplement 293031

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For the use of operating officials as a source of data to initiate requests for personnel actions, to plan and schedule employee training, to counsel employees on their performance, to establish a basis for proposing commendations or disciplinary actions, and to carry out their personnel management responsibilities in general. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statue, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders.

Retrievability: Indexed by name.

Safeguards: Kept in locked file cabinets under directcontrol of responsible official.

Retention and disposal: Retained until employee leaves the agency through transfer or other separation and then forward to the Personnel Office where it is screened to insure that it contains no documents that should be permanently filed in the Official Personnel Folder, and then is destroyed.

System manager(s) and address:

Administrative Officer (Assistant), ICC
Headquarters Bureaus and Officers, Washington, D.C.
Regional Managers and Officer-in-charge—Detached Offices

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employees and their supervisors

Systems exempted from certain provisions of the act: None

IICC—II

System name: National Defense Executive Reserve files, ICC

System location: Recruitment and assignment files Bureau of Operations, Interstate Commerce Commission, 12th and Constitution Avenue, Northwest, Washington, D.C. 20423 Appointment files Personnel Office, Interstate Commerce Commission, 12th and Constitution Avenue, Northwest, Washington, D.C. 20423

Categories of individuals covered by the system: Letters and/or memorandums addressed to members of the Commission's National Defense Executive Reserve or to staff involving recruitment of reservists.

Categories of records in the system: Letters, Memorandum or NDER Forms 1,2, and 3, or Form BOp D11 concerning reservists' assignments or responsibilities in connection with the National Defense Executive Reserve program, letters of appointment and statement of understanding.

Authority for maintenance of the system: EO 11179 and EO 11490

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintaining management control system of the Commission's membership and staff responsibilities in connection therewith and of individuals selected to participate in the National Defense Executive Reserve program. The

V 40 184 SEP 22 75 XUM

information in this system of records will be exchanged as a matter of routine use with the Federal Preparedness Agency, General Services Administration, in connection with both agencies' responsibilities for administering the National Defense Executive Reserve and Emergency Preparedness programs, assigned by Executive Orders Nos. 11179, dated September 22, 1964, and 11490, dated October 30, 1969. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulations, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and card file, 3 inch x 5 inch cards, basic control of quarterly computer printouts, membership listing of National Defense Executive Reserves, listing names, addresses and employment information about each reservist.

Retrievability: Files maintained by individual name.

Safeguards: Kept in locked file cabinets under control of responsible official.

Retention and disposal: Permanent for card file; correspondence and rosters, etc., three-year active file and then destroyed.

System manager(s) and address:

Recruitment and assignment files
Bureau of Operations
Assistant to the Director
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423
Appointment files
Director of Personnel
Interstate Commerce Commission
12th and Constitution Avenue, Northwest Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employee

Systems exempted from certain provisions of the act: None

ICC—III

System name: Health Unit Medical Records, ICC

System location: Occupational Health Unit, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423

Categories of individuals covered by the system: ICC employees

Categories of records in the system: Contains employee's Name, date of birth, address, telephone number, Bureau or Office where employed, name of person to contact in case of emergency, name of employee's personal physician. Nurse's Notes visits and treatment in the Health Unit, records pertaining to blood donations and individual records of physcial examinations, laboratory test results, x-rays and other individual health records with pertinent medical opinions.

Authority for maintenance of the system: Federal Personnel Manual Supplement 79201

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintained expressly for the well-being of employees in relation to work assignments. For use of Director of Personnelin providing counseling services to employees and agency officials. In the event that a system of records maintained by this agency to carry its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto. The information contained in thie system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearence process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders.

Retrievability: Indexed by name.

Safeguards: Kept in locked file, with access only by the Occupational Health Nurse and/or Physician.

Retention and disposal: Retained until one year after the employee leaves the agency, and then destroyed. Upon separation, will be given to employee at his request or to his personal physician, if so desired.

System manager(s) and address:

Occupational Health Nurse
Room 1414
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employee

Systems exempted from certain provisions of the act: None

ICC—IV

System name: Automated Personnel and Payroll System, ICC

System location: Section of Systems Development, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423

Categories of individuals covered by the system: ICC employees

Categories of records in the system: Contains the name, social security number, employee number, date of birth, employment status, leave status, pay status, tax status, insurance status, saving bond and charity deductions, time and attendance data, and the organization of each ICC employee.

Authority for maintenance of the system: 49 U.S.C. 12

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: File is used for the: Transfer of information to the Internal Revenue Service for wage, levy and tax requirements—transfer of information to the Treasury Department for completion of payroll processing—transfer of information to the American Federation of Government Employees, Graphic Arts International Union, and the Professional Association of the ICC for the processing of union dues—transfer of information to state and city revenue offices for tax unemployment processing—transfer of information to the Civil Service Commission for personnel requirements—employee separation and retirement processing—employee time attendance accounting—employee salary payment and deduction control—employee bond, charity and health benefits processing—employee leave control—employee parking assignment control—employee telephone directory—employee personnel action processing and control—Commission budget planning, monitoring and control—creation of internal management reports, summaries and work files which are located throughout the agency.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statue or particular program statue, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on magnetic tape.

Retrievability: Indexed by social security number.

Safeguards: Stored in secure computer facility under the supervision of the tape librarian.

Retention and disposal: Fifty-two week retention for files. A five-year retention period for year-end files. At the end of each of these periods, files are destroyed.

System manager(s) and address:

Chief Section of Systems Development
RoomB0411
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C.

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employee

Systems exempted from certain provisions of the act: None

ICC—V

System name: Case Status System (Formal Case Control),ICC

System location: Section of System Development, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423

Categories of individuals covered by the system: Administrative Law Judges and Attorney-Advisers who have been assigned to work on cases before the Commission—parties of record and parties to be advised of all proceedings.

Categories of records in the system: Contains the various processing stages that a case passes through as it is reviewed by the Commission—contains Administrative Law Judge and Attorney-Adviser names who are responsible for various processing stages of the case—contains the names of parties of record and parties to be advised of all proceedings—contains hearing locations, when applicable—contains carrier identity.

Authority for maintenance of the system: Commission directive

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provides identification of all pending cases before the Commission—identifies older cases to expedite processing—identifies cases which normal time allowances—provides an are being processed within inventory of pending cases by stage of processing—indentifies the responsible Administrative Law Judge or Attorney-Adviser and organizational unit responsible for various stages of case processing—identifies parties of record and parties to be advised of all proceedings for a given case—used to produce management reports located throughout the agency. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on magnetic tape and computer disk files.

Retrievability: Indexed by case and carrier identity and Administrative Law Judge or Attorney-Adviser name.

Safeguards: Stored in secure computer facility. Data base access is under the supervision of a data base administrator.

Retention and disposal: Records are maintained on each case until it has been decided. The record is then transferred to an inactive hisrory file for permanentretention.

System manager(s) and address:

Chief, Section of System Development
Room B0411
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Carrier(s) involved, and commission staff.

Systems exempted from certain provisions of the act: None

ICC—VI

System name: Correspondence and Management Control, ICC

System location: ICC Headquarters Bureaus and Offices Washington, D.C., and Regional Detached Offices (49 CFR 1001)

Categories of individuals covered by the system: Names of assignments with a control slip, including due dates for either individuals or sections within various organizational elements of the Commission covering letters, memoranda, or other inquiries for which responsibility to reply exists, normal business production transactions, time frames on special projects, and all aspects of overall correspondence and work load control, as well as individual signed records for government property accountability.

Categories of records in the system: The overall Commission performance monitoring system incorporates a series of subsystems which identify the various measurements of productivity which are implicit in the operation of the Commission. Maintenance of records on the performance and the production of Branches, Sections, Offices and individual employees is necessary to enable the Commission to effectively manage its work load. These records include the names of individuals assigned to specific activities, the dates of assignments, dates products recieved, name of signer for correspondence which is going out, and general evaluation criteria of the individual performance of the element being monitored.

Authority for maintenance of the system: 49 U.S.C. 12, 18

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of the production of the total employee force of the Interstate Commerce Commission and assurance that productivity is achieved by the employees assigned individual organizational elements. Additionally, to maintain a suspense on specific actions being levied upon an individual to assure that the response is timely, as well as qualitative. Used for control of government property assuring individual accountability.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearence process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both card, suspense special forms, and computer-related assignment records are maintained to control the overall system. Maintained in sequence by the organizational element and/or the individual assigned to a specific task, as well as cross-referenced by the number of the task involved.

Safeguards: Maintained at supervisory levels on an informal basis with access prohibited outside of the Commission.

Retention and disposal: One-year active operation and subsequently destroyed.

System manager(s) and address:

Managing Director
Interstate Commerce Commission
Room 2118
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

V 40 184 SEP 2275 XUM

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employee

Systems exempted from certain provisions of the act: None

ICC—VII

System name: Consumer Complaint System, ICC

System location: Public Information and Consumer Affairs Office, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423 Headquarters ICC Bureau and Offices and Regional Detached Offices (49 CFR 1001)

Categories of individuals covered by the system: Letters received from consumers and/or shippers regarding the operation of the ICC or carriers subject to its regulations.

Categories of records in the system: These records include letters on virtuall every subject

Categories of records in the system: These records include letters on virtually every subject. They are concentrated in three areas: complaints from individual consumers on household goods shipments, complaints from travelers on rail passenger facilities, and complaints from passenger on motor passenger facilities. Additionally, information on general subjects of the operation of the Interstate Commerce Commission and, specifically, shipper complaints against carrier practices and/or tariffs are included in overall complaint files. Files generally are accessed by name of individual complaining or subject of the complaint or name of the carrier against which the complaint is tendered. Notice is given that when complaints generate an investigative file portions of this overall file are extracted and exempted under the provisions and notice provided in the publication of ICC VIII, Preliminary Investigative Files, and ICC IX, Enforcement Files.

Authority for maintenance of the system: 49 U.S.C. 12, 18

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To respond to complaints from individuals, to correlate information received from individuals to assure policies are developed supporting the overall public interst in the regulatory process, to provide information to carries relative to shortcomings they are experiencing, and take informal compliance action, as well as to transfer the files to formal investigative or enforcement action, when justified. This is a public file available for public review under the terms of the Freedom of Information Act. Individuals submitting special complaint correspondence to the Commission, unless identifying their desire to remain anonymous, will not be protected from discosure of the information contained within the complaint letter. In the event that a system of records maintained by this agency to carry its functions indicates a violation or potenetil violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation orcharged with enforcing or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In conventional file cabinets, alphabetically, by sender, and potentially by subject of complaint, dispersed for filing to office having primary operational use.

Retrievability: Maintained in alphabetical order, by complainant, with potential cross-index for identification of entity against which the complaint has been made, and further cross-reference by subject of complaint.

Safeguards: Minimal, since the files are public in nature.

Retention and disposal: Maintained for approximately two years and then destroyed.

System manager(s) and address:
Public Information Officer, ICC
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Consumers and/or shippers

Systems exempted from certain provisions of the act: None

ICC—VIII

System name: Preliminary Investigative Files, ICC

System location: Bureau of Operations Interstate Commerce Commission 12th and Constitution Avenue, Norhtwest Washington, D.C. 20423, and Regional Detached Offices (49 CFR 1001)

Categories of individuals covered by the system: Suspected violators of the Interstate Commerce Act or ICC orders or regulations.

Categories of records in the system: These files contain information indicating or alleging that an individual or entity could be in violation of the Interstate Commerce Act. Such records could be arrest records from the various states received pursuant to Public Law 890170, which allows cooperative agreements between the states and this Commission in the provision of information. For example, these files could contain warning letters involving alleged violations, miscellaneous coorespondence, newspaper clipings, records of contacts with entities or individuals by Commission personnel, copies of preliminary investigation reports, and prior enforcement actions taken by the Interstate Commerce Commission or the courts because of violations of the Interstate Commerce Act.

Authority for maintenance of the system: 49 U.S.C. 12

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used employees of the Interstate Commerce Commission to administer the Act, increase compliance with orders, regulations and statutes for the regulationof surface transprotation, and initiate appropriate enforcement action.

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders.

Retrievability: Indexed by name of entity of individual.

Safeguards: Kept in locked file cabinets under direct control of responsible official

Retention and disposal: Maintained for a minimum of five years and then destroyed.

System manager(s) and address:
Washington, D.C.:
Director, Bureau of Operations
Room 7115
Interstate Commerce Commission
12th and Constitution Ave. N. W.
Washington, D.C. 20423
Regional Detached Offices:
Regional Managers (49 CFR 1001)
Field Offices:
Officers in Charge (49 CFR 1001)

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Author of letters

Systems exempted from certain provisions of the act: Under the provisions of Section (j)(2), this file is exempted from any part of Section 5 U.S.C. 552(a), except Subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6),(7), (9), (10), and (11), and (i). This material is collected in the process of investigating all potential

violations of the Interstate Commerce Act, whether civil or criminal, and is exempted for the reasons expressed in 5 U.S.C. 552(b)(7). Under the provisions of Section (k)(2), this file is exempted from Subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). This material is collected in the process of investigating all potential violations of the Interstate Commerce Act, whether civil or criminal, and is exempted for the reasons expressed in U.S.C. 552(b)(7).

ICC—IX

System name: Ivestigative and Enforcement Records, cross-indexed, ICC

System location: Bureau of Enforcement (cross-indexed and central file) Interstate Commerce Commission 12th and Constitution Avenue, Northwest Washington, D.C. 20423, and ICC Regional Offices (investigative files with assigned geopraphical jurisdiction)

Categories of individuals covered by the system: Individual, corporation, partnership or sole proprietorship, subject to enforcement actions being taken by the Interstate Commerce Commission as a result of preliminary investigations.

Categories of records in the system: The central cross-index contains the name and address of individual, partnership, corporation, or sole proprietorship, and includes a cross-reference to the enforcement file containing the investigative reports, as well as other information gathered as part of the criminal prosecution and/or civil forfeiture action. The basic cross reference file does not contain significant information other than the name and address of the entity involved, but the cross-reference to the investigative file, which is maintained by case number, does provide access based upon individual name, Individual investigative and enforcement files are maintained by Enforcement file number, both at Headquarters and Regions.

Authority for maintenance of the system: 49 U.S.C. 12

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to monitor and control the progress of enforcement actions, both within the Commission for civil forfeitures and in relationship with the Department of Justice on those actions that are going through the courts. The central cross index is the only practical method for access to the appropriate file based upon any individual identifier. Actual file information is used for prosecution of civil and criminal actions. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on folding 5 inch by 8 inch index cards.

Retrievability: Indexed by individual, partnership, corporation, or sole proprietorship (index). Actual files retrieved by enforcement file number.

Safeguards: Stored in a special room of the Bureau of Enforcement with Commission employees present during all duty hours (index).

Retention and disposal: Cards are maintained in the active cross-reference and indexing file while the file is open and transferred to the closed card section after the file is concluded.

System manager(s) and address:
Assistant Director
Bureau of Enforcement
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Preliminary investigative files (ICC V111)

Systems exempted from certain provisions of the act: Under the provisions of Section (j)(2), this file is exempted from any part of Section 5 U.S.C. 552(a) except Subsections (b), (c) (1) and (2), (e)(4)(A) through(F), (e)(6), (7),(9),(10) and (11), and (i). This material is collected in the process of investigating all potential violations of the Interstate Commerce Act, whether civil or criminal, and is exempted for the reasons expressed in 5 U.S.C. 552(b)(7). Under the provisions of Section (k)(2) this file is exempted from Subsections (c)(3), (d), (e)(4)(G), and (1) and (f). This material is collected in the process of investigating all potential violations of the Interstate Commerce Act, whether civil or criminal, and is exempted for the reasons expressed in 5 U.S.C. 552(b)(7).

ICC—X

System name: ICC employee parking permit applications for carpools,ICC

System location: Section of Administrative Services, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423

Categories of individuals covered by the system: All individuals applying for, or assigned, parking facilities

Categories of records in the system: ICC Form MD-21, Revised 3/75, Interstate Commerce Commission Application for Parking Space, Contents: Carpool member names, home addressed, office telephone number, bureau or office, service computation date, vehicle license number, distance between residence and ICC and the name of the employer.

Authority for maintenance of the system: FDMR Temporary Regulation D047, May 22, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Usc is to maintain control of assigned parking spaces. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statue, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order is issued pursuant thereto. The information contained this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on 5 inch by 8 inch cards.

Retrievability: Indexed by location of parking space, number of carpool members and order of parking permit number.

Safeguards: Secured in locked metal, laterial file cabinet under the supervision of the space and services unit.

Retention and disposal: Cards are maintained for a three-year period and then discarded.

System manager(s) and address:
Chief, Building Services and Space Management Branch
Room 1315
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Individuals seeking parking facilities

Systems exempted from certain provisions of the act: None

ICC—XI

System name: ICC Identification System File

System location: Interstate Commerce Commission, Section of Administrative Services, 12th and Constitution Avenue, Northwest, Washington, D.C. 20423

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Categories of individuals covered by the system: A. All ICC Headquarters employees

B. All nongovernment employees requiring access to office space occupied in the ICC Headquarters Building in Washington, D.C.

C. All ICC employees issued investigative credentials

Categories of records in the system: A. Name, date of birth, social security number

B. Name organization (firm), social security number

C. Name, title, Bureau or Office, credential number

Authority for maintenance of the system: 49 CFR 1000.5

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control of ICC Identification System. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, to relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. The information contained is this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: A. 8 inch by 10 inch log book B. 5 inch by 8 inch sheets C. 5 inch by 8 inch sheets

Retrievability: A. Indexed by date issued. B. Indexed by organization and date issued. C. Indexed by Bureau or Office and credential number.

Safeguards: All three segments of the identification system are stored in the Section of Administrative Services under the supervision of the Space and Services Unit.

Retention and disposal: A. Maintained two years after completion of log book, then destroyed. b. Maintained for two years after which cards are destroyed. C. Maintained until credential is returned and destroyed or marked retired upon separation of employee. Inactive records are stored two years and discarded.

System manager(s) and address:

Chief, Building Services Space Management Branch
Section of Administrative Services
Interstate Commerce Commission
12th and Constitution Avenue,N.W.
Washington, D.C. 20423

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Employee.

Systems exempted from certain provisions of the act: None

ICC—XII

System name: Employee Travel Records, ICC

System location: Budget and Fiscal Office, ICC 12th and Constitution Avenue, Northwest Washington, D.C. 20423

Categories of individuals covered by the system: ICC employees

Categories of records in the system: The record consists primarily of a series of Standard And Commission forms and index file cards designed to record pertinent travel information. The information usually includes the employee's name address and organization, the mode, purpose, dates and places of travel, the method and amount of reinbursement and the amount of travel advance outstanding.

Authority for maintenance of the system: 49 U.S.C. 18

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are available for any use by any person. The Commission uses these records to establish approval for travel on official business, the reinbursement of the employee for approved expenses, control of annual budget estimates, input to the Commission's internal accounting system and periodic and special and report required by agencies outside the Commission, and the compilation of information for internal management purposes, Portions of the file are made available to Commission management personnel for monitoring assigned functional and geographical areas of responsibility. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the apprppriate agency, whether Federal, state local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in that Circular.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders.

Retrievability: Indexed by employee name.

Safeguards: Kept in locked file cabinet under supervision of Budget and Fiscal Officer.

Retention and disposal: Records are destroyed in accordance with GSA retention schedules.

System manager(s) and address:

Chief, Budget and Fiscal Office
Room 1330
Interstate Commerce Commission
12th and Constitution Avenue, Northwest
Washington, D.C. 20423

Notification procedure: Same as above

Record access procedures: Same as above

Contesting record procedures: Same as above

Record source categories: Employee

Systems exempted from certain provisions of the act: None

[FR Doc.75-25075 Filed 9-19-75;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Public Law 93-579) as prescribed in 5 USC 552a(e)(4), the following notice of systems of records that are maintained by the Department of Health, Education, and Welfare is published as set forth below. Any omissions due to oversight will be published at a later date.

Prior to the final adoption of the proposed routine uses, consideration in accordance with the requirements of 5 USC 552a(e)(11) will be given to comments which are submitted in writing on or before October 22, 1975.

Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 330 Independence Ave., SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 4513, at the above address.

Preamble to Supplementary Submission 1

The Systems Notices contained in this Supplement are from the Public Health Service (PHS). For the purpose of these specific notices and those Systems Notices published in the Federal Register on August 27, the Public Health Service includes only the following components: Office of the Assistant Secretary for Health (OASH); Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA); Center for Disease Control (CDC); Health Resources Administration (HRA); Health Services Administration (HSA); and National Institutes of Health (NIH).

It should be noted that the Retrievability subsection of the Record Management Policy and Practice catgory of each system notice lists the personal identifier(s) by which an individual's record in the system is retrieved, and unless otherwise directd, it is this information that the individual will be expected to provide when requesting access to that particular system. In some cases (e.g., decentralized record systems or systems such as medical/psychological records which may contain sensitive information), additional information may be requested from individuals seeking access in order to assure definitive identification. Any such additional requirements are to be found in the Notification category of the system notice.

It should be noted that there are certain Routine Uses that apply to a substantial number of HEW systems of records and that such uses have been set forth in the following Appendix. In the various Departmental Notices of Systems of Records already published, as well as those published in the supplement, it is referred to by one of the following names: Appendix B of the Departmental Regulations (45 CFR Part 5b), PHS Preamble Appendix of Routine Uses, DHEW Routine Uses Appendix, or Appendix of Routine Uses. Whenever this Appendix is cited, however, it is only the referenced line item which supplements the routine uses described in the test of the particular system notice.

Finally, it should be noted that corrections to a few of the previously published notices are listed at the end of these supplementary notices.

Thomas S. McFee,
Acting Assistant Secretary for Administration and Management.

ADAMHA NIMH 0032.00

System name: St. Elizabeths Hospital Biometrics System - DHEW/ADAMHA/NIMH

Security classification: None.

System location:
Biometrics Branch
St. Elizabeths Hospital
Administration Building
Washington, D.C. 20032

Categories of records in the system: Patient name, hospital number, demographic and individual characteristics, tracking or patient movement and billing information.

Authority for maintenance of the system: 24 USC 161, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Distribute information to D.C. Mental Health Areas for continuity of care, after care and community follow-up. Data is provided to researchers also provided to volunteers involved in the treatment process of the Hospital.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: St. Elizabeths Hospital Forms, File Folders, punch cards and magnetic tape.

Retrievability: Hospital case number, name, pre-determined codes. Some subsystems kept in chronological order. This record is used for distribution of publications. Patient billing. To generate special and recurring reports for Administrators, Health Professionals, Managers, and Researchers for program management, Planning, Analysis, Evaluation and Research.

Safeguards: Employee training, restricted access, locked at night.

Retention and disposal: Indefinite.

System manager(s) and address:
Director, Biometrics Branch
St. Elizabeths Hospital
Wash., D.C. 20032

Notification procedure: A patient or former patient may have access to his/her record upon written request, with notarized signature, directed to:

Private Act Coordinator
Biometrics Branch
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided:

(a)Full name;
(b)Approximate dates of enrollment at Saint Elizabeths Hospital;
(c)The nature of the material desired.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Saint Elizabeths Hospital forms prepared by staff.

Systems exempted from certain provisions of the act: None.

ADAMHA NIAAA 0033.00

Security classification: None.

System location:
Intramural Research Branch
National Institute on Alcohol Abuse and Alcoholism
Saint Elizabeths Hospital
Washington, D.C. 20032

Categories of individuals covered by the system: Alcohol abusers and addicts.

Categories of records in the system: Case studies, medical records of individuals involved in studies to alcohol abuse and alcoholism; medical, non-medical, test and previous records, data from epidemiological, biochemical, and behavioral areas, and other data from investigations in medical and related sciences.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents filed in metal file cabinets and in cardboard boxes.

Retrievability: By case study number and/or by patient's last name.

Safeguards: Only authorized personnel have access to the files and the files

Retention and disposal: Case studies and patient records will be retained for five years and then transferred to the Federal Records Center.

System manager(s) and address:
Chief, Intramural Research Branch
National Institute on Alcohol Abuse and Alcoholism
Rm. 493, Wm. A. White Building
Saint Elizabeths Hospital
Washington, D.C. 20032

Notification procedure: An individual may have access to his/her record upon written request, with notarized signature, addressed to the System Manager identified above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Directly from the individual and from observation during research studies.

Systems exempted from certain provisions of the act: None.

ADAMHA 0034.00

System name: Correspondence Files - HEW/ADAMHA.

Security classification: None.

System location:
ADAMHA Executive Secretariat
Room 12-C-04, Parklawn Building
5600 Fishers Lane
Rockville, Md. 20852

Executive Secretariat, National Institute on Drug Abuse
Room 805, Rockwall Building
11400 Rockville Pike
Rockville, Md. 20852

Executive Secretariat, National Institute of Alcobol Abuse and Alcoholism
Room 16-C-02, Parklawn Building
5600 Fishers Lane
Rockville, Md. 20852

Executive Secretariat, National Institute of Mental Health
Room 17-C-25, Parklawn Building
5600 Fishers Lane
Rockville, Md. 20852

Categories of individuals covered by the system: Individuals who request information on ADAMHA programs.

Categories of records in the system: Correspondence.

Authority for maintenance of the system: 21 U.S.C. 1191; 42 U.S.C. Sections 289k-1, 3511, 4551

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in standard file folders, enclosed in steel file standing cabinets.

Retrievability: Retrieved alphabetically by name. Used by Institute staff for reference purposes, and to assure correction of problems and follow-up.

Safeguards: Maintained in steel cabinets and accessed only by Executive Secretariat personnel.

Retention and disposal: Retained for two years (current year and preceding one), then destroyed by fire.

System manager(s) and address: Same as location.

Notification procedure: Same as location. Give name and approximate data of request.

Contesting record procedures: Same as above.

Record source categories: Records are derived from incoming and outgoing correspondence.

Systems exempted from certain provisions of the act: None.

CDC OCD 0136.00

System name: Cooperative Mycoses Study - HEW/CDC/OCD.

Security classification: None.

System location:
Federal Records Center
East Point, Georgia

Categories of individuals covered by the system: Histoplasmosis, blastomycosis, coccidioidomycosis, aspergillosis, and other miscellaneous fungal infected patients who participated in the cooperative mycoses study conducted between 1947 and 1973 at the former CDC Kansas City Field Station, Ecological Investigations Division, Kansas City, Kansas

Categories of records in the system: Medical records and related papers.

Authority for maintenance of the system: Public Health Service Act, Section 301 (42 U.S.C. 241).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Cooperating facilities as follows:

Ohio State University Hospital
Tuberculosis Service
Columbus, Ohio

San Antonio State Chest Hospital
San Antonio, Texas

East Texas Chest Hospital
Tyler, Texas

Missouri State Chest Hospital
Mt. Vernon, Missouri

Mt. Vernon State Tuberculosis Sanitorium
Mt. Vernon, Illinois

Bureau of Health Services
Department of Human Resources
Frankfort, Kentucky

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and Approved FRC boxes.

Retrievability: The purpose of the study was evaluation of the treatment of systemic fungal diseases by the U. S. Public Health Service and clinicians in selected hospitals and sanitoriums. Records retrieved by name.

Safeguards: Electronic Anti-Intrusion Devices.

Retention and disposal: Schedule for disposal pending.

System manager(s) and address:
Assistant Director for Program
CDC
Bldg. 1, Room 224
Atlanta, Ga. 30333

Notification procedure:
Center for Disease Control
Attention: Privacy Act Coordinator
Management Analysis Office
Atlanta, Georgia 30333
Individuals must provide location of facility at which they participated.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Participating hospitals and sanitoriums listed above.

Systems exempted from certain provisions of the act: None.

NIH DAS 0019.00

System name: Mailing List: NIH Publications and Information. HEW/NIH/DAS

Security classification: None.

System location:
Building 31, Room B3BN-10
NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Persons who request NIH publication and informational material.

Categories of records in the system: Mailing list containing names and addresses of individuals who have requested miscellaneous NIH publications and informational material.

Authority for maintenance of the system: 42 U.S.C. 241(a)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Lists are furnished to those requesting them.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in card file.

Retrievability: Retrieved by name or title. NIH Use: Mailing of informational material and publications to people who have requested the material.

Safeguards: Routine building security.

Retention and disposal: Years at NIH: while current.

V 40 184 SEP 22 75 XUM

System manager(s) and address:
Director, DAS
Building 31, Room 1C02, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individuals.

Systems exempted from certain provisions of the act: None.

NIH OD 0048.00

System name: Administration: Employee Health Records. HEW/NIH/OD. None.

System location:
Building 10, NIH
9000 Rockville Pike
Bethesda, MD 20014
and
Rocky Mountain Laboratory
Hamilton, Montana 59840

Categories of individuals covered by the system: Employees, fellows, visiting scientists, relatives of inpatients, visitors, contractors working on site.

Categories of records in the system: Medical records.

Authority for maintenance of the system: 5U.S.C. 7901

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For adjudication of benefits under workman's compensation and for disability retirement and other separation actions: to District office of OFEC, Department of Labor with copies to CSC for disability retirement and other separation actions. Upon non-DHEW agency request, examination to determine fitness for duty with copies to requesting agency and to CSC. Records released to family physician at request of employee.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. Used by physicians and health service personnel: for medical treatment; upon researcher request, and with employee's written permission, release of record for research purposes to medical personnel; upon request by DHEW personnel offices: determination of fitness for duty, with copies to DHEW personnel offices and the Civil Service Commission.

Safeguards: Limited access by authorized personnel.

Retention and disposal: Years at NIH in Bethesda: 2. Years at FRC: 6. Years at Rocky Mountain Laboratory: Indefinitely.

System manager(s) and address:
Office Manager
Employee Health Service
Building 10, Room B5A06, NIH
9000 Rockville Pike
Bethesda, MD 20014

Administrative Officer
Rocky Mountain Laboratory
Hamilton, Montana 59840

Notification procedure: Same as System Manager at treatment location.

Record access procedures:
Medical Director
Employee Health Service
Building 10, Room B5A06, NIH
9000 Rockville Pike
Bethesda, MD 20014

Administrative Officer
Rocky Mountain Laboratory
Hamilton, Montana 59840

Contesting record procedures: Same as contest.

Record source categories: Data resulting from clinical and preventive services provided at treatment location. Data received from individual.

Systems exempted from certain provisions of the act: None.

NIH OD 0052.00

System name: Correspondence: Executive Secretariat, NIH. HEW/NIH/OD. None.

System location:
Building 12A, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Individuals who request information on NIH programs.

Categories of records in the system: Correspondence.

Authority for maintenance of the system: 5 USC 301 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: They are stored by computer index and on file folders.

Retrievability: They are retrieved by name, document number, date, and subject. Used to locte and follow-up correspondence to assure prompt reply. Forwarded to other DHEW components when a response from them is warranted.

Safeguards: Limited access by authorized personnel.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:
Director, Executive Secretariat
Building 1, Room 18, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager

Record access procedures:
Office of Director, Privacy Act Coordinator
Building 1, Room 209, NIH
9000 Rockville Pike
Bethesda, MD 20014

Contesting record procedures: Same as Access.

Record source categories: Records are derived from incoming and outgoing correspondence.

Systems exempted from certain provisions of the act: None.

NIH NINCDS 0079.00

System name: Collaborative Perinatal Project. HEW/NIH/NINCDS

Security classification: None.

System location:
Federal Building
7550 Wisconsin Avenue
Bethesda, MD 20014

Categories of individuals covered by the system: Professionals, organizations and lay individuals.

Categories of records in the system: Mailing list.

Authority for maintenance of the system: 42 U.S.C. 241(a), 289a, 289c.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. NIH Use: Purpose: for distribution of Collaborative Perinatal Project publications. Users: NINCDS personnel.

Safeguards: Limited access.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:
Supvy. Library Tech.
Perinatal Research Bch.
Federal Building
7550 Wisconsin Avenue
Bethesda, MD 20014

Notification procedure:
Head, Administration Mgmt. Section
Building 31, Room 8A47, NIH
9000 Rockville Pike
Bethesda, MD 20014

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Those wo have requested Collaborative Perinatal Project publications.

Systems exempted from certain provisions of the act: None.

NIH DPMA 0100.00

System name: Personnel: Guest Workers/Visiting Fellows/Student Scientists. DHEW/NIH/DPM.

Security classification: None.

System location: Each NIH Personnel Office.

Categories of individuals covered by the system: Individuals using NIH facilities who are not employees.

Categories of records in the system: Personal inforatmion including name, address, date and place of birth, education, employment, purpose for which NIH facilities are desired, outside sponsor, and NIH sponsor.

Authority for maintenance of the system: 42 USC 241.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To CSC for program evaluation purposes; to GAO for fund disbursement determinations; to institutions providing support; to persons representing the subject individual; to the U.S. State Department for matters related to its mission. See DHEW Appendix of Routine Uses, Item 1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: To document the individuals' presence at NIH and to record that the individual is not performing a service for the government. Retrievable by name.

Safeguards: Locked file accessible only to authorized individuals.

Retention and disposal: Number of years held at NIH: 3 years after completing visit. How destroyed: shredded.

System manager(s) and address:
Assistant Director for Operations
Bldg. 1, Rm 19
9000 Rockville Pike
Behtesda, MD 20014

Notification procedure: Chief, Personnel Communications Branch
Building 31, Room 1C31
9000Rockville Pike
Bethesda, MD 20014

Record access procedures: Same as above

Contesting record procedures: Same as above.

Record source categories: Individual, management, institution, State Department.

Systems exempted from certain provisions of the act: None.

NIH NLM 0166.00

System name: Administration: Reader Registration. HEW/NIH/NLM.

Security classification: None.

System location:
Building 38, Room 147, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Patrons of the National Library of Medicine.

Categories of records in the system: Reader registration forms, including name, occupational category, research specialty.

Authority for maintenance of the system: 42 USC 276

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in card files and in loose leaf notebooks.

Retrievability: Retrieved by name. NIH Use: Used by NLM staff to identify library patrons for follow-up reference service and to prepare statistical surveys of the Library's clientele.

Safeguards: Limited access.

Retention and disposal: Years at NIH: 1.

System manager(s) and address:
Head, Reference Section, RSD
Building 38, Room 147, NIH
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: From patron.

Systems exempted from certain provisions of the act: None.

NIH NIAID 0190.00

System name: Mailing List: Reprints. HEW/NIH/NIAID.

Security classification: None.

System location:
Rocky Mountain Laboratory
Hamilton, MT 59840

Categories of individuals covered by the system: Those requesting reprints of articles published at Rocky Mountain Laboratory.

Categories of records in the system: Names & addresses used to send reprints.

Authority for maintenance of the system: 42 U.S.C. 241(a), 289a, 289c

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders.

Retrievability: Retrieved by name. NIH Use: Used by NIAID staff to address and send out reprints.

Safeguards: Limited access.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:
Administrative Officer
Rocky Mountain Laboratory
Hamilton, MT 59840

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individual.

Systems exempted from certain provisions of the act: None.

NIH DRG 0299.00

System name: Mailing List: NIH Guide to Grants & Contracts. DHEW/NIH/DRG.

Security classification: None.

System location:
Westwood Building
5333 Westbard Ave.
Bethesda, Md. 20016

Categories of individuals covered by the system: Principal investigators of research proposals, consultants, research investigators of contracts, science administrators, and general public.

Categories of records in the system: Mailing list.

Authority for maintenance of the system: 42 U.S.C. 241(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer tape.

Retrievability: Mailing of the NIH Guide to Grants and Contracts. Employee use. Retrievable by name.

Safeguards: Available to authorized staff only.

Retention and disposal: Number of years held at NIH: 2 years. How destroyed: names eliminated from tape.

System manager(s) and address:
Chief, Distribution Center for the NIH Guide to Grants & Contracts,
Room 2 A 14, Westwood Building
5333 Westbard Ave.
Bethesda, Md. 20016

Notification procedure:
Chief Grants Inquiries Office
Div. Research Grants, NIH

V 40 184 SEP 22 75 XUM

Bethesda, Md. 20014

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Requests by individuals to be on the mailing list, lists received from various other components of NIH.

Systems exempted from certain provisions of the act: None.

NIH OD 0300.00

System name: Grants for Research, Research Training, Fellowship and Construction Applications and Awards. HEW/NIH/OD.

Security classification: None.

System location: See Appendix I.

Categories of individuals covered by the system: Grant applicants and Grantees, and Reviewers.

Categories of records in the system: Grant Applications and review history, awards, financial records and progress reports and correspondence.

Authority for maintenance of the system: 42 USC 241(c), (d), 276, 281, 287, 288, 289(a), (d), (e), (i), 289(k-2) 58 Stat. 691 (repealed).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information sent to Science Information Exchange for dissemination of science info; to Cognizant Audit Agency & GAO for auditing; to Dept. of Justice as required for litigation; to Professional, Scientific Organizations, Individual's Educational Institution for dissemination of information and used to respond to Congressional Inquiries.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored in file folders, on computer tapes and discs, cards and in notebooks.

Retrievability: Retrieved by name and grant number. Use: By staff for review, award, and administration, of grants.

Safeguards: Access limited to authorized personnel.

Retention and disposal: Years at NIH: depending on record retained 2-3 years after close-out. Years at FRC: depending on record retained 3-18 years.

System manager(s) and address: See Appendix II.

Notification procedure: See Appendix III.

Record access procedures: See Appendix IV.

Contesting record procedures: Same as System Manager.

Record source categories: Information submitted by applicant, supplemented by outside reviewers and internal staff.

Systems exempted from certain provisions of the act: None.

Appendix I System Location

National Cancer Institute
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 837, 10A15, 8A18, 805, 855, 809, 848

National Heart and Lung Institute
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 5A15

National Library of Medicine
Federal Building
7550 Rockville Pike
Bethesda, MD 20014
Room 916A

National Institute of Allergy and Infectious Diseases
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 722

National Institute of Arthritis, Metabolism, and Digestive Diseases
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 621

National Institute of Child Health and Human Development
Landow Building
7910 Woodmont Avenue
Bethesda, MD 20014
Room A621

National Institute on Aging
Landow Building
7910 Woodmont Avenue
Bethesda, MD 20014
Room A621

National Institute of Dental Research
Westwood Building
5333 Westbard AVenue
Bethesda, MD 20016
Room 510

National Institute of Environmental Health Sciences
Building 12
9000 Rockville Pike
Bethesda, MD 20014
Room 1213

National Institute of General Medical Sciences
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 938

National Institute of Neurological and Communicative Disorders and Stroke
Westwood Building
5333 Westbard Avenue
Bethesda, MD 20016
Room 748

National Eye Institute
Building 31
9000 Rockville Pike
Bethesda, MD 20014
Room 6A47

Division of Research Resources
Building 31
9000 Rockville Pike
Bethesda, MD 20014
Room 5B05

Regional Federal Records Center

Appendix II System Manager and Address

National Cancer Institute

Chief, Program Analysis & Evaluation Branch
Room 837, Westwood Building

Fellowships Officer
Room 10A15, Westwood Building

Chief, Grants Administration Branch
Room 8A18, Westwood Building

Grants Technical Assistant
Room 805, 855, Westwood Building

Referral Officer
Room 809, Westwood Building

Program Director for Review Activities
Room 805, Westwood Building

Executive Secretary, CRCRC
Room 809, Westwood Building

Associate Director for Research Programs

Room 848, Westwood Building

Review Activities Program Director
Room 809, Westwood Building

National Heart and Lung Institute
Administrative Officer, DEA
Room 5A15, Westwood Building

National Library of Medicine
Associate Director for Extramural Programs
Room 816A, Federal Building

National Institute of Allergy and Infectious Diseases
Administrative Officer, NIAID
Room 707, Westwood Building

National Institute of Arthritis, Metabolism, and Digestive Diseases
Technical Information Specialist
Room 726A, Westwood Building

National Institute of Child Health and Human Development
Chief, Office of Grants & Contracts
Room A621, Landow Building

National Institute on Aging
Grants Management Officer
Room A621, Landow Building

National Institute of Dental Research
Grants Management Officer, NIDR
Room 510, Westwood Building

National Institute of Environmental Health Sciences
Grants Management Officer
Room 1213, Building 12

National Institute of General Medical Sciences
Grants Management Officer, NIGMS
Room 938, Westwood Building

National Institute of Neurological and Communicative Disorders and Stroke
Grants Officer, Extramural Programs
Room 738, Westwood Building

National Eye Institute
Ass. Dir. for Extramural & Collaborative Programs
Room 6A04, Building 31

Division of Research Resources
Executive Officer, DRR
Room 5B05, Building 31

Appendix III Notification Procedures

National Cancer Institute
Chief, Grants Administration Branch
Room 8A18, Westwood Building

National Heart and Lung Institute
Privacy Act Coordinator, NHLI
Room 5A50, Building 31

National Library of Medicine
See Appendix II.

National Institute of Allergy and Infectious Diseases
See Appendix II.

National Institute of Arthritis, Metabolism, and Digestive Diseases
Administrative Assistant
Room 9A35, Building 31

National Institute of Child Health and Human Development
See Appendix II.

National Institute on Aging
See Appendix II.

National Institute of Dental Research
See Appendix II.

National Institute of Environmental Health Sciences
See Appendix II.

National Institute of General Medical Sciences
See Appendix II.

National Institute of Neurological and Communicative Disorders and Stroke
See Appendix II.

National Eye Institute
See Appendix II.

Division of Research Resources
See Appendix II.

Appendix IV Record Access Procedures

National Cancer Institute
Chief, Grants Administration Branch
Room 8A18, Westwood Building

National Heart and Lung Institute
See Appendix III.

National Library of Medicine
See Appendix II.

National Institute of Allergy and Infectious Diseases
Chief, Of. of Research Reporting & Public Response
Room 7A32, Building 31

National Institute of Arthritis, Metabolism, and Digestive Diseases
See Appendix III.

National Institute of Child Health and Human Development
See Appendix II.

National Institute on Aging
See Appendix II.

National Institute of Dental Research
Personnel Officer, NIDR
Room 2C23, Building 31

National Institute of Environmental Health Sciences
See Appendix II.

National Institute of General Medical Sciences
Research Reports Officer
Room 909, Westwood Building

National Institute of Neurological and Communicative Disorders and Stroke
Head, Administration Mgmt. Section
Room 8A47, Building 31

National Eye Institute
Administrative Officer
Room 6A31, Building 31

Division of Research Resources
See Appendix II.

The following are corrections to the Federal Register of Wednesday, August 27, 1975, Part II, Section 1.

ADAMHA NIMH 0008.01

System name: Saint Elizabeths Hospital Social Services Record System - HEW/ADAMHA/NIMH.

Security classification: None.

V 40 184 SEP 22 75 S XUM

System location: A widely decentralized system at Saint Elizabeths Hospital. Individual records are kept in the offices of social workers responsible for patients on the rolls of the various Hospital Divisions. Social workers' offices are located in each inpatient and outpatient division or clinic at Saint Elizabeths Hospital.

Saint Elizabeths Hospital
Washington, D.C. 20032
and Federal Records Center
Suitland Maryland

Categories of individuals covered by the system: All past and present patients on the rolls of Saint Elizabeths Hospital; home sponsors; caretakers; owners and operators of facilities providing services to patients.

Categories of records in the system: Files on inpatients and outpatients containing demographic data; Social Worker's contact with families and the community including social status marital and family status, job status; identifying information containing name, address, telephone numbers, social security numbers, Medicaid numbers, date of birth, legal status, financial information hospital number, V.A. numbers, Health Insurance numbers, Civil Service Numbers, family composition; Statement on background, names of relatives conservators with addresses and telephone numbers; correspondence sent other agencies; information regarding psychiatric and medical condition; Social histories; progress notes (carbon copies of notes placed in chart) hand written progress notes not in chart, return to hospital notes, interval histories, placement and planning notes; information regarding psychiatric and medical condition, financial resources, treatment plans, correspondence to relatives, friends other agencies, etc. Telephone interviews or conversations incident reports and copies of reportable occurrences, group therapies and individual therapies by social workers, daycare status and group activities, religious histories; intra-agency evaluative and assessment data and reports received from other sources, outside agencies that provide supportive services; essential information regarding services sought or received.

Authority for maintenance of the system: 24 USC 161, et seq.; 21 DC Code 562.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is routinely disclosed to the following sources for the purposes of obtaining financial assistance for patients, locating community recreation resources, providing job placement and training for patients, securing alternative placements in other institutions, providing education, securing living and care arrangements and aiding in follow-up care, and providing required reports to court, state government or Federal government agencies:

1. Foster home sponsors, caretakers, owners and operators of facilities providing services to patients
2. Agencies of the District of Columbia Government
3. The Superior Court for the District of Columbia
4. The United States District Court for the District of Columbia
5. The Veteran's Administration
6. The U.S. Civil Service Commission
7. Anchor Mental Health Association
8. State Departments of Social Services throughout the United States; DHEW Routine Use Appendix, Items 1,3,4,5,6,8,9, 100,101,102,103; Information disclosed routinely to persons, who are not employees of SEH, on a need to know basis, who have a responsibility for the care and treatment of patients of SEH.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards, folders, notebooks, file cabinets, desk drawers, Rolodex, Kardex, index boxes, logs, file folders, boxes, hanging desk file, manilla folders, wooden box, and vertical file.

Retrievability: By patient's name and staff's name. Records are used for:

1. Information used in planning to assess the patient's overall ability to be placed and to adjust or function in the type of environment for which he has referred.
2. Accountability to other hospital personnel and reference for recording or sharing information with staff and other necessary persons upon request.
3. To share information with team, reference for casework services and reference for completing forms.
4. To monitor patient's progress and periodically assess placement situations in outplacement facilities. To monitor outplacement facilites outside the hospital and assist in placement of patients by providing accurate up-to-date information regarding available facilities; and to determine the status of compliance of a facility with certain standards through appropriate licensing agencies. To familiarize staff with outplacement facilities. Used to assess outplacement operators, administrators or owners ability to provide the level of care needed by individual patients. To share patient's background and appropriate information with outplacement owners, operators and sponsors.
5. To expedite family involvement in planning patient care and to expedite mobilization of community resources on behalf of the patient.
6. Resource in diagnosis, treatment, planning, prognosis goals and communication with other disciplines.
7. Resource material gathered by the social workers used to prepare narrative summaries for the patient's medical records.
8. To keep informed about social services provided patients; patients problem areas in the unit for purpose of evaluating services provided and need for action, and for reporting to the Clinical Directors or person in charge of service.
9. Identifying information concerning outplacement facilities given to patients periodically who request help in locating place to live.
10. Resource material used for purpose of diagnostic planning and implementation of treatment plan - documentation of services offered.
11. For reference in order to complete summaries for medical records; to have readily available pertinent information with which to respond to personal and telephone contacts; to provide needed information to hospital staff, officials of other agencies responsible for the provision of adjunct services.
12. Provide inservice training for continued professional development.
13. Provide Hospital staff and patients with essential information for selecting appropriate living arrangements for patients in the community.
14. To expedite family involvement in planning patient care and to expedite mobilization of community resources on behalf of patients.
15. Provide nutritional information to community placement service social workers; provide nutritional guidance and support to foster home sponsors and to advise staff of dietary practices in outplacement facilities and of nutritional (above 021) and historical purposes.
16. Provide information to placing workers of approved resources in order to facilitate the matching process of patient and outplacement operator as to insure the patient's optimum adjustment to community living.
17. A uniform system for location of staff, indication of qualification and areas of responsibility.

Safeguards: Offices locked, File cabinets locked, desk drawers locked. Material available to appropriately trained staff:

Retention and disposal: Indefinite.

System manager(s) and address:

Director of Social Services
A Building
Saint Elizabeths Hospital
Washington, D.C. 20032

Notification procedure: Active or discharged patients in this system of records may have access to their records upon written request, with notarized signature if request is made by mail or with suitable identification if request is made in person, directed to:

Privacy Act Coordinator
Office of the Director of Social Services
A Building
Saint Elizabeths Hospital
Washington, D.C. 20032

Record access procedures:

Receptionist-Information Desk
Administration Building
Saint Elizabeths Hospital
Washington, D.C. 20032

All of the following information must be provided when requesting access:
(a) Full name;
(b) The approximate dates of contact with the hospital;
(c) The nature of the material desired.
(d)Hospital number, if possible.

Contesting record procedures: Same as Access.

Record source categories: Past and present patients of Saint Elizabeths Hospital, home sponsors, caretakers, owners, and operators of facilities providing services to Saint Elizabeths patients, other employees of Saint Elizabeths Hospital, employees of various agencies of the District of Columbia and the United States.

Systems exempted from certain provisions of the act: None.

ADAMHA NIMH 0027.01

System name: Maryland Psychiatric Case Register-HEW/ADAMHA/NIMH.

Security classification: None.

System location:

Division of Biometry and Epidemiology
NIMH
and
Parklawn Computer Center
5600 Fishers Lane
Rockville, Maryland 20852

Categories of individuals covered by the system: Persons who received care in psychiatric facilities in Maryland, and Maryland residents who received care in psychiatric facilities in the District of Columbia during the period July 1, 1961 - June 30, 1968.

Categories of records in the system: Information contained on admission, termination, and patient movement forms reported to Maryland Department of Mental Hygiene, including demographic, social, and psychiatric data pertaining to diagnosis, nature of problem and type of treatment. Also, death data (e.g., cause) from Baltimore and State of Maryland death certificate records. Period covered: July 1, 1961 - June 30, 1968.

Authority for maintenance of the system: Public Health Service Act Sections 301, 433(a), 455(42 U.S.C. 241, 289k, 289k-1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Authorized representatives of agencies and organizations to process data for epidemiologic and service utilization research studies and analyses based on data contained within the register or by relating or matching of register data to information from other data systems; develop methodological techniques. Results of studies and analyses appear only in group data form.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tapes, punch cards, computer printouts.

Retrievability: By register, identification number, name. The records are currently being used to develop grouped statistical data relating to: (1) social security earnings; (2) information collected in a special 1963 population census of the residents of Washington County, Maryland; (3) information from the Baltimore public school system; and (4) information from Prince Georges and Montgomery Counties' (Md.) Family Service Agencies in Maryland.

Safeguards: Only authorized research and computer staff have acces to files.

Retention and disposal: No new patients are to be added to system which will be maintained indefinitely for research and analysis purposes.

System manager(s) and address:

Chief, Applied Biometric Research Branch
Division of Biometry and Epidemiology
National Institute of Mental Health
5600 Fishers Lane (Room 18-C-18)
Rockville, Maryland 20852

Notification procedure: None.

Record access procedures: None.

Contesting record procedures: None.

Record source categories: Forms submitted by psychiatric facilities to Maryland Department of Mental Hygiene, and Baltimore Department of Mental Hygiene, and Baltimore and Maryland death certificate records. Also from (1) Social Security Administration aggregate data; (2) Johns Hopkins University (Washington County (Md.) Census Data); (3) Baltimore Public School System; and (4) Family Service Agencies of Prince Georges and Montgomery Counties (Md.).

Systems exempted from certain provisions of the act: An exemption from access and contest as a statistical record system under Section 3 (f)(k)(4) of the Privacy Act has been granted.

HSA BMS 0007.01

System name: Patients Medical Record System PHS Hospitals/Clinics HEW/HSA/BMS.

Security classification: None.

System location: See appendix 1, and 2 and Regional Federal Records Center.

Categories of individuals covered by the system: Individuals examined/treated at Public Health Service Hospitals and Clinics.

Categories of records in the system: Medical examination, diagnostic and treatment data, information for proof of eligibility, social data, disease registers, treatment logs, statistical summaries, correspondence.

Authority for maintenance of the system: Public Health Service Act, Section 321 (42 U.S.C. 248).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: Reporting results of medical examination and treatment; billing the individual or third parties for care of patient; reporting as required by state law, e.g., birth, death, communicable diseases, violent injuries, etc.; litigation in protection of the government; research study: health care evaluation program; education of health professionals. Users: any community health organization, or government agency, private physicians and/or company which had requested or arranged for an examination, treatment or care of an individual by the Bureau of Medical Services may upon request, be furnished clinical information regarding such examination, treatment or care. Army, Navy, Air Force for reports of uniformed service personnel and their dependents examination/treatment; Coast Guard for reports of uniformed Service personnel and their dependents; Coast Guard for reports of American seamen found to be suffering from conditions that render them hazardous to themselves or to others aboard ship; NOAA for reports of uniformed Service and other personnel of that agency. INS for reports of aliens examined and treated for and in behalf of that agency. Department of Justice for investigation or litigation in protection of the government. Bureau of Prisons for reports of examination and treatment of patients examined and/or treated for and on behalf of the BP. Department of Health or other agency of a state for reports required under state law or regulation. Professional Standards Review Organization of the area of the facility, U.S. Department of Labor, Office of Workers Compensation Programs, for persons claiming compensation benefits due to personal injury while employed by the government. Qualified research personnel with a research protocol approved by the Director, Division of Hospitals and Clinics, when no identification data are abstracted or when participating in an approved disease register. Accreditation and health education program agencies. Health Professionals students serving an affiliation at the institution. Non-agency physicians for continued care of the patient.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape, punch cards, microfilm.

Retrievability: Purpose: communication for patient care by health care team and related personnel. Administrative use for facility management and medical care evaluation, by medical and related staff, administrative staff of the facility. Educational uses to education and train medical and allied health personnel. Research, study of disease cause, treatment and methods of care delivery. Users: health care team and other medical personnel and allied medical personnel. Medical and allied health students. Administrative personnel for determination of eligibility for care. Reports of examination/treatment of individuals at request of DHEW-OP, CPOD. Reports of adverse drug reaction - FDA. Recover cost of care - PHS Claims Officer. Retrievability: indexed by name, register number, number control register, disease and operation.

Safeguards: Locked storage area, personnel training and instruction, PHS Policy on release of information, job description responsibility.

Retention and disposal: Numbers of years held at HSA (since 1970) - 5 years after last activity. Number of years held at Federal Record Center before disposal - 50 years active service, 25 years all

V 40 184 SEP 22 75

others. Microfilmed records prior to 1970 - permanent. How destroyed: According to FRC policy.

System manager(s) and address:

Director, Division of Hospitals and Clinics
Federal Center Building 03, 6525 Belcrest Road
Hyattsville, Maryland 20782

Notification procedure: Same as system location. Not including Regional Federal Records Centers. Individual must contact appropriate facility directly.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Individual, health care personnel, other hospitals and physicians, employers, social agencies, maritime unions, shipping companies.

Systems exempted from certain provisions of the act: None.

Appendix 1

Director, USPHS Hospital
3100 Wynam Park Drive
Baltimore, Maryland 21211

Director, USPHS Hospital
77 Warren Street
Boston (Brighton), Massachusetts 02135

Director, USPHS Hospital
4400 Avenue N
Galveston, Texas 77550

Director, USPHS Hospital
210 State Street
New Orleans, Louisiana 70118

Director, USPHS Hospital
6500 Hampton Boulevard
Larchmont
Norfolk, Virginia 23508

Director, USPHS Hospital
15th Avenue and Lake Street
San Francisco, California 94118

Director, USPHS Hospital
Box 3145 or
1132 14th Avenue South
Seattle, Washington 98114

Director, USPHS Hospital
Bay Street and Vanderbilt Avenue
Staten Island, New York 10304

Director, USPHS Hospital
Carville, Louisiana 70721

Appendix 2

Director
USPHS Outpatient Clinic
Annette Island, Alaska 99920

Director
USPHS Outpatient Clinic
1600 Clifton Road, N.E.
Atlanta, Georgia 31333

Director
USPHS Outpatient Clinic
Balboa Heights, C.Z.

Director
USPHS Outpatient Clinic
50 High Street, R. 609
Buffalo, New York 14203

Director
USPHS Outpatient Clinic
214 Federal Building
334 Meeting Street
Charleston, S. C. 29403

Director
USPHS Outpatient Clinic
P. O. Box 8
Charlotte Amalie, V. I. 00807

Director
USPHS Outpatient Clinic
1439 S. Michigan Avenue
Chicago, Illinois 60605

Director
USPHS Outpatient Clinic
P. O. and Courthouse Building
5th and Walnut Street
Cincinnati, Ohio 45202

Director
USPHS Outpatient Clinic
New P. O. Building, West 3rd Street and Prospect Ave.
Cleveland, Ohio 44115

Director
USPHS Outpatient Clinic
14700 Riverside Drive
Detroit, Michigan 48215

Director
USPHS Outpatient Clinic
Box 1410 or
591 Ala Moana Boulevard
Honolulu, Hawaii 96807

Director
USPHS Outpatient Clinic
204 U. S. Customs Building
701 San Jacinto Street
Houston, Texas 77002

Director
USPHS Outpatient Clinic
Box 4788 or 428 Federal Building
311 West Monroe Street
Jacksonville, Florida 32201

Director
USPHS Outpatient Clinic
P. O. Box 890
Juneau, Alaska 99802

Director
USPHS Outpatient Clinic
969 Madison Avenue
Memphis, Tennessee 38104

Director
USPHS Outpatient Clinic
51 S. W. 1st Avenue, Room 712
Miami, Florida 33130

Director
USPHS Outpatient Clinic
125 Federal Building
Mobile, Alabama 36602

Director
USPHS Outpatient Clinic
245 West Houston Street
New York, New York 10014

Director
USPHS Outpatient Clinic
Room 700
US Customs House
2nd & Chestnut Sts
Philadelphia, Penna. 19106

Director

USPHS Outpatient Clinic
U. S. Post Office and Courthouse
7th Avenue and Grant Street
Pittsburgh, Penna. 15219

Director
USPHS Outpatient Clinic
209 Federal Office Building
5th Street and Austin Avenue
Port Arthur, Texas 77640

Director
USPHS Outpatient Clinic
331 Veranda Street
Portland, Maine 94103

Director
USPHS Outpatient Clinic
220 Courthouse
Broadway and Main Street
Portland, Oregon 97205

Director
USPHS Outpatient Clinic
1520 Market Street
St. Louis, Missouri 63103

Director
USPHS Outpatient Clinic
2105 Fifth Avenue
San Diego, California 92101

Director
USPHS Outpatient Clinic
Box 3788
San Juan, Puerto Rico 00904

Director
USPHS Outpatient Clinic
Box 831
San Pedro, California 90733

Director
USPHS Outpatient Clinic
P. O. Box 9625
Savannah, Georgia 31402

Director
USPHS Outpatient Clinic
P. O. Box 1611
Tampa, Florida 33601

Director
USPHS Outpatient Clinic
HEW South Building
Washington, D. C. 20201

NIH NCI 0246.01

System name: Research Resources: Viral Oncology Human Specimen Program. HEW/NIH/NCI.

Security classification: None.

System location:

Landow Bldg., Rm. C-309
7910 Woodmont Avenue
Bethesda, MD 20014

Categories of individuals covered by the system: Cancer and other patients, and normal donors seen at clinically-oriented organizations that receive procurement contracts from the National Cancer Institute to supply for research purposes by-product material such as biopsy and tumor specimens that would normally be discarded.

Categories of records in the system: Medical history and diagnostic information about the donor, information on the type of specimen, location of repository (if specimen is stored before use), and distribution record.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine use: Clinical and Demographic information without personal identifiers, is provided to approved or collaborating researchers, including DHEW contractors and grantees; see PHS Preamble Appendix of Routine Uses, Item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tape, discs.

Retrievability: Retrieved by name of donor and cross-referenced by identifying number, procurement source, and various epidemiological characteristics. NIH Use: Used for cancer research to allow interpretation of experimental results, to project future research needs, to monitor and evaluate contractor procurement performance, and to monitor and evaluate the NCI distribution system to laboratory researchers.

Safeguards: Access limited to authorized personnel.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Chief, Office of Program Resources & Logistics
Building 37, Room 1A19
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Specimen Report Form filled out by the organization providing specimens.

NIH NCI 0270.01

System name: Clinical Research: Burkitt's Lymphoma Registry. HEW/NIH/NCI.

Security classification: None.

System location:

Landow Building, Room C306, NIH
7910 Woodmont Avenue
Bethesda, MD 20014

Categories of individuals covered by the system: Patients with Burkitt's Lymphoma in the registry of the National Cancer Institute.

Categories of records in the system: Clinical abstracts, pathology reports, and other laboratory correspondence with attending physicians.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. See PHS Preamble Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: They are stored in file folders.

Retrievability: They are retrieved by name. NIH Use: Epidemiologic research by research staff.

Safeguards: Access limited to authorized personnel.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Head, Clinical Studies Section
Landow Building, Room C306, NIH
7910 Woodmont Avenue
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Hospitals, Pathology Reports, Medical Histories.

NIH NCI 0273.01

System name: Clinical Research: Disseminated Breast Cancer. HEW/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20014

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Categories of individuals covered by the system: Persons with disseminated breast cancer selected for adrenalectomy or hypophysectomy at various institutions participating in this study of the National Cancer Institute.

Categories of records in the system: Summary of therapy, preoperative urinary steroid determinations, remission and survival status.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. See PHS Preamble Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: They are stored on magnetic tapes.

Retrievability: They are retrieved by patient number. NIH Use: Research to determine association between urinary steroid levels and response to adrenalectomy or hypophysectomy in treatment of advanced disseminated breast cancer.

Safeguards: Access limited to authorized personnel.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Health Statistician, End Results Section
Landow Building, Room C516, NIH
7910 Woodmont Avenue
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Medical Records, replies from principal investigators, biochemical laboratory.

NIH NCI 0293.01

System name: Clinical Research: Urinary Steroid Levels in Breast Cancer Patients. HEW/NIH/NCI.

Security classification: None.

System location:

Building 12, NIH
9000 Rockville Pike
Bethesda, MD 20014

Categories of individuals covered by the system: Women diagnosed with either benign breast lesions or with breast cancer at a hospital participating in this study of the National Cancer Institute.

Categories of records in the system: Clinical characteristics of the patients and pathological characteristics of their tumors.

Authority for maintenance of the system: 42 USC 241, 281, 282.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Clinical research data are made available to approved or collaborating researchers, including DHEW contractors and grantees. See PHS Preamble Appendix of Routine Uses, item 2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: They are stored on magnetic tapes and computer printouts.

Retrievability: They are retrieved by patient name and study number. NIH Use: Study of the relationships to recurrent disease of various clinical characteristics of the patients, pathological characteristics of the patients' tumors, and the patients' urinary steroid levels.

Safeguards: Access limited to authorized personnel.

Retention and disposal: Years at NIH: indefinitely.

System manager(s) and address:

Mathematical Statistician
Landow Building, Room C517, NIH
7910 Woodmont Avenue
Bethesda, MD 20014

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Hospital medical record, pathology and biochemistry laboratory records. /*

APPENDIX B OF THE DEPARTMENTAL REGULATIONS (45 CODE OF FEDERAL REGULATIONS PART 5b),

also referenced as

(PHS PREAMBLE APPENDIX OF ROUTINE USES, DHEW ROUTINE USES APPENDIX, OR APPENDIX OF ROUTINE USES)

ROUTINE USES APPLICABLE TO MORE THAN ONE SYSTEM OF RECORDS MAINTAINED BY HEW

(1) In the event that a system of records maintained by this agency or carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(2) Referrals may be made of assignments of research investigators and project monitors to specific research projects to the Smithsonian Institution to contribute to the Smithsonian Science Information Exchange, Inc.

(3) In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the Freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

(4) A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(5) In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statue or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(6) Where federal agencies having the power to subpoena other federal agencies' records, such as the Internal Revenue Service or the Civil Rights Commission, issue a subpoena to the Department for records in this system of records, the Department will make such records available.

(7) Where a contract between a component of the Department and a labor organization recognized under E.O. 11491 provides that the agency will disclose personal records relevant to the organization's mission, records in this system of records may be disclosed to such organization.

(8) Where the appropriate official of the Department, pursuant to the Department's Freedom of Information Regulation determines that it is in the public interest to disclose information which is otherwise exempt from mandatory disclosure, disclosure may be made from this system of records.

(9) The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating or otherwise refining data in this system. Relevant information will be disclosed to such a contractor. The contractor will be required to maintain Privacy Act safeguards with respect to such information.

(10)–(99) [Reserved]

(100) To the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

(101) To individuals and organizations, deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.

(102) To organizations deemed qualified by the Secretary to carry out quality assessment, medical audits or utilization review.

(103) Disclosures in the course of employee discipline or competence determination proceedings.

[FR Doc.75-24982 Filed 9-16-75;12:27 pm]

V 40 184 SEP 22 75 XUM

V 40 184 SEP 275 XUM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 32—National Defense (Parts 800–999)---------- $5.35

Title 36—Parks, Forests, and Public Property---------- 3.55

Title 39—Postal Service---------- 3.10

Title 41—Public Contracts and Property Management (Chapters 10–17)---------- 3.85

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

**Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402**

185

Vol.40—No.185
9-23-75
PAGES
43713-43871

federal register

TUESDAY, SEPTEMBER 23, 1975

highlights

PART I:

NATIONAL HUNTING AND FISHING DAY
Presidential proclamation 43713

VETERANS HOME LOANS
VA clarifies title restrictions applicable to condominium loans 43785

PIPELINE SAFETY
DOT/MTB proposes to amend regulations for offshore liquid pipelines; comments by 11-20-75 43740

MERCHANT MARINE ACT
FMC issues interpretive rule affecting maritime carriers 43720

FOOD DISTRIBUTION
USDA/FNS proposes to revise requirements for Federally-donated commodities processed by commercial facilities; comments by 10-31-75 43738

CONTINUED INSIDE

PART II:

SAVINGS AND LOAN ASSOCIATIONS
FHLBB proposes emendments to conflict of interest regulations; comments by 11-10-75 43831

PART III:

ELECTRIC ARC FURNACES IN THE STEEL INDUSTRY
EPA adopts performance standards effective 9-23-75 43849

PART IV:

BOATS AND RELATED EQUIPMENT
DOT/CG provides for safe loading and powering; effective 3-23-76 43855

PART V:

PRIVACY ACT OF 1974
The following agencies issue documents relating to implementation of the Act:
GSA; comments by 9-26-75 43860
Justice; comments by 10-23-75 43871
Board of Governors of the Federal Reserve System; comments by 9-28-75 43862

V40 185 SEP 2375 XUM

reminders

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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HIGHLIGHTS—Continued

UNEMPLOYMENT ASSISTANCE PROGRAMS
Labor/MA proposes amendments to tax credit reduction regulations applicable to States; comments by 10–23–75.. 43744

CONTROLLED SUBSTANCES
Justice/DEA proposes 1975 revised aggregate production quota for thebaine for conversion; comments by 10–29–75 43745
DEA issues statement of policy and interpretation on registration of importers..... 43745

BROKERS, DEALERS AND EXCHANGE MEMBERS
SEC proposes amendments to rules of the American Stock Exchange; comments by 10–23–75..... 43743

RADIAL BALL BEARINGS FROM JAPAN
Treasury Department determines sales at not less than fair value..... 43745

EMPLOYEE BENEFIT PLANS
Labor/Labor Management Services Administration and Treasury/IRS extend interim exemption from prohibitions on certain securities transactions..... 43785

NUCLEAR RESEARCH AND TEST REACTORS
NRC issues new regulatory guide..... 43777

SHIPBOARD SAFETY
DOT/CG proposes to require lined fire hoses; comments by 11–10–75..... 43739
CG issues equipment, construction, and materials approval notice 43752

FIDUCIARY RESPONSIBILITY
Labor/Employee Benefits Security Office issues temporary regulation on the calculation of employer securities value; comments by 10–23–75..... 43726

INCLUSIVE TOUR CHARTERS
CAB amends rules to delete post tour and post charter reports (2 documents); effective 9–18–75..... 43719

MEETINGS—
National Advisory Council on the Education of Disadvantaged Children (3 documents); 10–7, 10–28, 11–13, 11–14, 12–5 and 12–6–75..... 43773
DOT/FAA: Citizens Advisory Committee on Aviation, 10–27 through 10–30–75..... 43755
FRA: Railroad Operating Rules Advisory Committee, 10–9 and 10–10–75..... 43756
CG: Research Advisory Committee, 10–10–75..... 43755
HEW/NIH: National Cancer Institute Advisory Committees, 10–10 through 11–11–75..... 43750
President's Cancer Panel, 10–8–75..... 43751
EO: National Advisory Committee on the Handicapped, 10–20 through 10–22–75..... 43751
Interior/BLM: Burley District Multiple Use Advisory Board, 10–23–75..... 43746
Coos Bay District Advisory Board, 10–21 and 10–22–75 43746
GSA: Regional Public Advisory Panel on Architectural and Engineering Services, 10–6–75..... 43760
Civil Service Commission: Federal Employees Pay Council, 10–8–75..... 43758
Civil Rights Commission: Rhode Island State Advisory Committee, 10–21–75..... 43758
NASA: Research and Technology Advisory Council, 10–15 through 10–17–75 (2 documents)..... 43773
USDA: Agricultural Research Policy Advisory Committee, 11–6–75..... 43749
NRC: Nuclear Energy Center Site Survey Transmission Workshop, 10–21–75..... 43778
FS: Carrizo Grazing Advisory Board, 10–23–75..... 43748
San Isabel National Forest Grazing Advisory Board, 10–21–75 43749
DOD/Navy: Naval Research Advisory Committee, 10–9 and 10–10–75..... 43745

CANCELLED MEETING
Civil Rights Commission: New Hampshire State Advisory Committee, 9–25–75..... 43758

contents

THE PRESIDENT

Proclamations
Hunting and Fishing Day, National 43713

EXECUTIVE AGENCIES

ADVISORY COUNCIL ON HISTORIC PRESERVATION
Notices
Availability of comments..... 43756

AGRICULTURAL MARKETING SERVICE
Rules
Almonds grown in Calif..... 43715
Grapes (Tokay) grown in Calif.. 43715
Milk marketing orders:
Louisville-Lexington-Evansville marketing area..... 43716

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Animal Plant Health Inspection Service; Food and Nutrition Service; Forest Service; Soil Conservation Service.
Notices
Meetings:
Agricultural Research Policy Advisory Committee..... 43749

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Overtime services related to imports and exports; commuted traveltime allowances..... 43717

CENSUS BUREAU
Notices
Voting Rights Act amendments; partial list of determinations.. 43750

CIVIL AERONAUTICS BOARD
Rules
Inclusive tour charters; deletion of post-tour reports..... 43719
Study group charters by direct air carriers and study group charterers; deletion of postcharter reports; requirement of notice of charter cancellations..... 43719
Proposed Rules
Automation of flight schedule information; termination of rule making procedure..... 43743
Notices
Mail rates; pickup and delivery of mail in containers; clarification.. 43757
Hearings, etc.:
Allegheny Airlines, Inc..... 43756

CIVIL RIGHTS COMMISSION
Notices
Meetings, State advisory committees:
New Hampshire; cancellation.. 43758
Rhode Island..... 43758

CIVIL SERVICE COMMISSION
Notices
Meetings:
Federal Employees Pay Council.. 43758

COAST GUARD
Rules
Boats and associated equipment; safe loading and power standards 43855

V 40 185 SEP 2375 XUM

Proposed Rules
Fire hydrants and hose; lined fire hose requirements 43739
Notices
Equipment, construction and materials; approval notice 43752
Meetings:
Research Advisory Committee .. 43755

COMMERCE DEPARTMENT
See Census Bureau; Maritime Administration.

CONSUMER PRODUCT SAFETY COMMISSION
Proposed Rules
Privacy Act; correction 43743

DEFENSE DEPARTMENT
See Navy Department.

DRUG ENFORCEMENT ADMINISTRATION
Notices
Schedules of controlled substances:
Importers, registration of; statement of policy and interpretation 43745
Thebaine for conversion; proposed revised aggregate production quota for 1975 43745

EDUCATION OFFICE
Notices
Meetings:
National Advisory Committee on the Handicapped 43751

EMPLOYEE BENEFITS SECURITY OFFICE
Rules
Fiduciary responsibility; alternate method for calculation of value of employer securities 43726

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air pollution standards of performance for new stationary sources:
Electric arc furnaces in the steel industry 43850
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions; etc.:
Cross-linked nylon-type encapsulating polymer 43727
Naled 43727
Paraquat 43727
Notices
Pesticides, specific exemptions and experimental use permits:
Idaho State Department of Agriculture 43759
Massachusetts Department of Public Health 43758
New Jersey Department of Environmental Protection 43759
Rohm & Haas Co 43758
Pesticide registration applications 43760
Registration of pesticides in the U.S.; economic impact of proposed guidelines; extension of comments period 43760

FEDERAL AVIATION ADMINISTRATION
Rules
Control zones and transition areas (4 documents) 43717–43718
Microwave landing system; interim standard; correction 43719
Restricted area 43718
Notices
Meetings:
Citizens Advisory Committee on Aviation 43755

FEDERAL COMMUNICATIONS COMMISSION
Notices
Mexican broadcast station notification list 43761

FEDERAL HOME LOAN BANK BOARD
Proposed Rules
Federal Savings and Loan Insurance Corporation:
Conflict of interest 43831

FEDERAL INSURANCE ADMINISTRATION
Rules
National flood insurance program:
Areas eligible for sale of insurance 43720
Special hazard areas 43722

FEDERAL MARITIME COMMISSION
Rules
Merchant Marine Act; interpretation of section 43720
Notices
Agreements filed:
Port Authority of New York and New Jersey and Ecuadorian Line, Inc 43767
Port of Seattle and Shell Oil Co. 43767
Tampa Port Authority and Eller & Co., Inc 43767

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
American Petrofina Co. of Texas 43768
Boston Edison Co. (2 documents) 43768
East Tennessee Natural Gas Co. 43768
Getty Oil Co. et al 43769
North Penn Gas Co 43769
Northern Natural Gas Co 43769
Northern States Power Co 43769
Public Service Co. of Indiana, Inc 43769
Southern California Edison Co. 43770
Southwest Gas Corp 43771
Superior Water, Light and Power Co 43771
Vermont Electric Power Co., Inc 43771
Virginia Electric and Power Co. 43771

FEDERAL RAILROAD ADMINISTRATION
Notices
Meetings:
Railroad Operating Rules Advisory Committee 43756
Petitions for exemptions, etc.:
Norfolk and Western Railway Co 43755

FEDERAL RESERVE SYSTEM
Rules
Authority delegations:
General Counsel of the Board of Governors 43717
Notices
Applications, etc.:
Alabama Bancorporation 43772
Miami Agency, Inc 43772
Park Capital Corp 43772
Valley Bancorporation 43772
Systems of records 43862

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Transcontinental Gas Pipe Line Corp.; correction 43719

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Agassiz National Wildlife Refuge, Minn 43733
Bear River Migratory Bird Refuge, Utah 43733
Salt Plains National Wildlife Refuge, Okla.; correction 43732
Notices
Endangered species permits, applications 43747

FOOD AND DRUG ADMINISTRATION
Rules
Paraquat; tolerances for pesticides in food 43720

FOOD AND NUTRITION SERVICE
Proposed Rules
Federally-donated foods; processing by commercial facilities .. 43738

FOREST SERVICE
Notices
Environmental statements:
Boise National Forest, Idaho .. 43749
Meetings:
Carrizo Grazing Advisory Board 43748
San Isabel National Forest Grazing Advisory Board 43749

GENERAL SERVICES ADMINISTRATION
Rules
Contract financing; miscellaneous amendments 43728
Notices
Meeting:
Regional Public Advisory Panel on Architectural and Engineering Services 43760
Systems of records; correction .. 43860

GEOLOGICAL SURVEY
Notices
Geothermal resource areas:
Oregon 43748

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration; National Institutes of Health.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration.
Notices
Systems of records; correction 43751

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Geological Survey; Land Management Bureau; Mines Bureau; National Oceanic and Atmospheric Administration.

INTERNAL REVENUE SERVICE
Proposed Rules
Income taxes:
Definitions of multiemployer plan and plan administrator under Employee Retirement Income Security Act; correction 43735
Notices
Employee benefit plans; extension of interim exemption from prohibitions on certain securities transactions 43745

INTERSTATE COMMERCE COMMISSION
Notices
Abandonment of service:
Louisville and Nashville Railroad Co 43788
Car service exemptions, mandatory 43788
Hearing assignments 43787
Minneapolis-St. Paul commercial zone; redefining limits 43789
Motor carriers:
Irregular route property carriers; gateway elimination 43789
Temporary authority terminations 43788
Transfer proceedings 43787

JUSTICE DEPARTMENT
See also Drug Enforcement Administration.
Notices
Voting Rights Act amendments; partial list of determinations .. 43746
Systems of records 43871

LABOR DEPARTMENT
See also Employee Benefits Security Office; Labor-Management Services Administration; Manpower Administration.
Notices
Adjustment assistance:
Clayton Shoe Co 43786
Joslyn Manufacturing and Supply Co 43786

LABOR-MANAGEMENT SERVICES ADMINISTRATION
Notices
Employee benefit plans; extension of interim exemption from prohibitions on certain securities .. 43785

LAND MANAGEMENT BUREAU
Rules
Public Land Orders:
Wyoming; correction 43732
Proposed Rules
Acquisition requirements:
King Range National Conservation Area, Calif 43735
Notices
Applications, etc.:
New Mexico 43747
Meetings:
Burley District Multiple Use Advisory Board 43746
Coos Bay District Advisory Board 43746

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests 43780

MANPOWER ADMINISTRATION
Proposed Rules
Unemployment assistance program; tax credit reductions ... 43744

MARITIME ADMINISTRATION
Notices
Applications, etc.:
Pacific Far East Line, Inc 43750

MATERIALS TRANSPORTATION BUREAU
Proposed Rules
Offshore pipeline facilities; transportation of liquids by pipeline .. 43740

MINES BUREAU
Notices
Minerals data, availability of; schedule for prepublication release of statistical information; correction 43747

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN
Notices
Council meetings (3 documents) .. 43773

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Meetings:
NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion (2 documents) 43773

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Advisory Committees 43750
President's Cancer Panel 43751

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Rules
Financial aid program procedures:
Fishery for American lobster in the Gulf of Maine 43733
Fishery for salmon in Wash., Oreg., and Calif 43734

NAVY DEPARTMENT
Notices
Meetings:
Naval Research Advisory Committee 43745

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Arkansas Power and Light Co. (2 documents) 43774
Commonwealth Edison Co. (2 documents) 43775, 43776
Commonwealth Edison Co., et al 43776
Connecticut Yankee Atomic Power Co 43777
Gladstone Laboratories, Inc ... 43775
Northern States Power Co 43777
Public Interest Research Group, et al 43778
Southern California Edison Co., et al 43775
Virginia Electric and Power Co. 43776
Washington Public Power Supply System 43776
Meetings:
Reactor Safeguard's Advisory Committees (2 documents) .. 43779
Nuclear energy center site survey; workshops 43778
Regulatory guides; issuance and availability 43777

SECURITIES AND EXCHANGE COMMISSION
Proposed Rules
Net capital requirements to municipal securities dealers and specialists; extension of comment period 43743
Notices
Hearings, etc.:
American Stock Exchange, Inc. 43782
Midwest Stock Exchange, Inc. (8 documents) 43780–43782
Shasta Fund, Inc 43783
Tri-South Mortgage Investors .. 43783

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
Certified Grocers Investment Corp 43784

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects:
Deer Creek, Miss 43749
Farm Brook, Conn 43749
Lyons Creek, Kans 43750

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration; Federal Railroad Administration; Materials Transportation Bureau.

TREASURY DEPARTMENT
See also Internal Revenue Service.
Notices
Antidumping:
Radial ball bearings from Japan 43745

VETERANS ADMINISTRATION
Notices
Home loans; restrictions applicable to condominiums 43785

VOL 40 185 SEP 2375 XUM

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

PROCLAMATIONS:
4395 43713

7 CFR

926 43715
981 43715
1046 43716

PROPOSED RULES:
250 43738

9 CFR

97 43717

12 CFR

265 43717

PROPOSED RULES:
545 43832
561 43832
563 43832

14 CFR

71 (4 documents) 43717, 43718
73 43718
171 43719
373 43719
378 43719

PROPOSED RULES:
231 43743

16 CFR

13 43719

PROPOSED RULES:
1014 43743

17 CFR

PROPOSED RULES:
240 43743

20 CFR

PROPOSED RULES:
601 43744

21 CFR

123 43720

24 CFR

1914 43720
1915 43722

26 CFR

PROPOSED RULES:
1 43735

29 CFR

2550 43726

33 CFR

183 43856

40 CFR

60 43850
180 (3 documents) 43727

41 CFR

1–30 43728

43 CFR

PUBLIC LAND ORDER:
5531 43732

PROPOSED RULES:
2110 43735
2130 43735
2270 43735
3820 43735

46 CFR

530 43720

PROPOSED RULES:
34 43739
76 43739
95 43739
105 43739
167 43739
181 43739
193 43739

49 CFR

PROPOSED RULES:
195 43740

50 CFR

32 (3 documents) 43732, 43733
251 (2 documents) 43733, 43734

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR

410 42306

3 CFR

PROCLAMATIONS:
4313 (See EO 11878) 42731
4385 41989
4386 41991
4387 42165
4388 42167
4389 42169
4390 42315
4391 42725
4392 42727
4393 42729
4394 42849
4395 43713

EXECUTIVE ORDERS:
April 18, 1908 (Revoked in part by PLO 5528) 42362
July 2, 1910 (Revoked in part by PLO 5512) 40162
(Revoked in part by PLO 5517) 40814
1959 (Revoked in part by PLO 5515) 40811
6583 (Revoked in part by PLO 5536) 42553
7595 (Revoked in part by PLO 5515) 40811
8649 (Revoked in part by PLO 5534) 42552
8780 (Revoked in part by PLO 5534) 42552
10480 (See EO 11879) 43197
11803 (Amended by EO 11878) 42731
11804 (See EO 11878) 42731
11861 (Amended by EO 11877) 40797
11864 (Superseded by EO 11877) 40797
11876 40501
11877 40797
11878 42731
11879 43197

MEMORANDUMS:
Memorandum of August 17, 1975 40139

4 CFR

PROPOSED RULES:
410 41801

5 CFR

151 42733
213 ..... 41755, 41993, 42427, 42733–42734, 43211
338 42734
410 42734
752 42734
772 42734

7 CFR

2 ..... 41085, 41993
25 42171
25A 42171
29 42527
180 42851
210 42735
215 42735
220 42735
225 42735
246 42735

7 CFR—Continued

250 42735
270 ..... 42736, 43017, 43479
271 43017
354 ..... 41513, 43479
370 ..... 43223, 43223
725 41513
905 ..... 42317, 42318
370 43223
908 ..... 40505, 40815, 41855, 42171, 43018, 43480
910 ..... 41086, 42319, 43224
915 41993
919 41994
926 ..... 43480, 43715
927 42851
931 43480
932 41994
944 42529
945 42530
946 42530
981 ..... 43018, 43715
989 40141
993 42530
1046 43716
1421 ..... 41087, 43225
1434 41087
1801 42178
1822 ..... 42178, 42736
1832 42320
1842 42179
1843 42179

PROPOSED RULES:
1 40849
51 40522
201 40524
250 43738
906 ..... 42886, 42887
910 40528
924 43036
927 42023
931 40170
948 40528
966 42887
982 40836
989 40842
1046 ..... 40843, 42023
1250 42888
1430 42364
1464 41530

8 CFR

103 42852
341 42532

9 CFR

54 ..... 40505, 42739
73 42179
78 41516
91 40506
97 43717
112 41994
113 ..... 41088, 41994
317 42852
381 42337

PROPOSED RULES:
113 41139
317 41139
319 41139

10 CFR

20 42557
37 42558
50 40816
73 42558
204 42338
205 40141
210 40818
211 40821
212 ..... 40142, 40818, 40821, 40824
213 40143
725 43481

RULINGS:
1975–9 40826
1975–10 40826
1975–11 40827
1975–12 40828
1975–13 40831
1975–14 40833
1975–15 40832
1975–16 40834

PROPOSED RULES:
71 43517
208 42448
213 42578

11 CFR

Ch. I 40668, 43660

PROPOSED RULES:
106 43517
113 41932

12 CFR

207 43482
211 43199
213 40506
215 ..... 40506, 43199
220 43482
221 43482
226 ..... 43199, 43200
265 43717
339 43482
523 ..... 41755, 41996
544 42853
545 ..... 41756, 42853
563 41997
603 40454
701 41090
703 41997
760 41998

PROPOSED RULES:
9 40859
202 42030
208 40857
226 43516
337 ..... 40548, 41530
341 40856
545 43832
561 ..... 42371, 43832
563 ..... 42371, 42898, 43832
564 42371
569a 42371
571 42371

13 CFR

123 42180
313 43483

V 40 185 SEP 2375 XUM

14 CFR
37 42183
39 41090–41092, 41519, 42180, 42339, 42739, 42741, 42854, 43019, 43484
71 41520, 41998, 42180, 42340–42342, 42740, 42741, 43019, 43020, 43485–43487, 43717, 43718
73 41092, 43718
75 43487
95 42161
97 41092, 42342, 43020
121 42183, 42185
171 41093, 43719
241 42855
298 42855
312 43211
372a 42741
373 43719
378 43719
378a 41093
1212 43668
PROPOSED RULES:
Ch. I 42754
39 41143, 41537, 42023
67 42024
71 42025, 42364–42366
75 42756, 43036, 43513
231 43743
385 40816

15 CFR
371 40507
377 40507
903 41998
PROPOSED RULES:
80 42209

16 CFR
4 40780
13 40143–40154, 40808, 41071–41081, 41756–41758, 42201–42203, 42742, 43487, 43719
259 42003
1116 42004
PROPOSED RULES:
445 42757
453 42212, 42371
454 41144
1014 42025, 43231, 43743
1207 42562

17 CFR
17 41117
18 41117
146 41056
200 40512
201 42186
240 40512, 41520, 42343
249 40512, 41521
270 41759, 42862
PROPOSED RULES:
210 40550
230 40555
231 42212
239 42212
240 40858, 41808, 42212, 42219, 42905, 43743
241 42212
249 40858
259 42212
270 40555, 41818, 42757

18 CFR
1 42005
2 41760, 42005
3 43488
141 43488
157 41769
PROPOSED RULES:
35 42029
154 41539
157 41539
201 41539
260 41539

19 CFR
10 43021
112 41084
148 41084
171 43488
172 43026
PROPOSED RULES:
12 41118
153 43226
175 43226
201 40173
210 40173

20 CFR
200 41084
260 41084
404 42863
405 42006, 43211
450 42865
PROPOSED RULES:
405 40171, 40537, 40850
601 43744

21 CFR
Ch. I 40520, 43488
29 42866
121 40799, 41085, 42866
123 42343, 43720
431 41522
436 41522
449 41523
452 41773
510 42007, 43213, 43488
520 43488
522 42007
540 42007
556 41085
561 41773, 42343
1010 40800
1040 40800
1304 42866
PROPOSED RULES:
1 40682
2 40682
5 40682
6 40682
8 40682
10 40682
11 40682
80 40682
90 40682
100 40682
102 40682
121 40529, 40682, 41797
202 40682
310 40682, 43513
312 40682
314 40682
328 40682

21 CFR—Continued
PROPOSED RULES—Continued
330 40682
429 40682
430 40682
431 40682
433 40682
511 40682
514 40682
601 40682
640 41799
701 40682
1000 42749
1003 40682
1004 40682
1210 40682

22 CFR
42 42532
PROPOSED RULES:
6a 40456

23 CFR
450 42976, 42979
470 42344
633 42867
658 41774, 42186
710 41523
750 42842

24 CFR
25 43026
280 42061, 42007
300 43027
570 41509, 42347
888 40513
1914 41509, 42009, 42872, 43219, 43720
1915 41510, 42553, 42874, 43220, 43722
1916 42348, 42349, 43027
1917 41108–41115, 42349
1920 41115, 41116, 42557, 42743
PROPOSED RULES:
406 42560
805 43372

25 CFR
PROPOSED RULES:
33 40982
43h 42020
221 43513
233 42884
401 40982
402 40982
403 40982
404 40982
405 40982
406 42560
407 40982

26 CFR
1 42743, 43034, 43735
31 42349
PROPOSED RULES:
1 41118
31 43226

28 CFR
0 42745
2 41328

29 CFR
56 43170
57 43170
58 43170

29 CFR—Continued
570 40800
1952 40155–40157
2530 41654
2550 43726
2602 42876, 43512
2603 43213
2604 42553
2605 43509
2606 42877
PROPOSED RULES:
603 40537
608 40537
609 40537
657 40537
1910 40170, 40849, 41530, 41797
1915 41530
1916 41530
1917 41530
1918 41530
1926 40170, 41530
1952 41148

30 CFR
77 41775
PROPOSED RULES:
211 41122
216 41122
250 42559, 43036

32 CFR
197 42186
1808 42736
PROPOSED RULES:
1481 42997
1814 42444
2102 40792

32A CFR
Ch. VI 43489

33 CFR
117 41524, 42189, 43213
155 42189
183 43856
265 42652
266 42654
PROPOSED RULES:
1 42210
117 41537
183 43226
305 41636

35 CFR
296 42896
PROPOSED RULES:
10 40485

36 CFR
901 41524
1000 40802
PROPOSED RULES:
7 41138, 42364
903 41530

38 CFR
4 42535
21 42878
36 42190
PROPOSED RULES:
3 41540, 42578

39 CFR
111 42541
3002 43033

39 CFR—Continued
PROPOSED RULES:
42 43232
43 43232
44 43232
45 43232
47 43232
111 43233

40 CFR
52 40158–40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42361–42357, 42542, 42895–42896, 43214–43216
60 42194, 43850
61 42195
162 41788, 42746
180 40161, 42357, 43727
230 41292
435 42543
PROPOSED RULES:
16 40792
35 41644, 43231
52 40172, 40854–40856, 42211, 42368, 42369, 42757, 43231
60 42028
126 41649
142 40538
162 40538
172 40545
180 41538, 42757
246 42986
430 41298
435 42572

41 CFR
1–30 43728
8–1 43217
8–2 40803
8–3 40803
14–3 40517, 42746
101–26 41093
101–35 42358
101–38 42358
101–43 42361
101–44 42361
105–61 42881
114–42 40517
114–60 42746
PROPOSED RULES:
3–4 42673
14H–70 41025
51–8 42444
60–5 41149

42 CFR
110 41095
PROPOSED RULES:
36 42658
67 42890

43 CFR
3300 43489
PUBLIC LAND ORDERS:
2249 (Revoked in part by PLO 5515) 40811
4089 (Revoked in part by PLO 5515) 40811
4148 (Revoked in part by PLO 5515) 40811
4643 (Revoked in part by PLO 5511) 40162
4889 (Revoked in part by PLO 5515) 40811

43 CFR—Continued
5178 (Amended by PLO 5519) 40814
5189 (Amended by PLO 5519) 40814
5191 (Amended by PLO 5519) 40814
5398 (Amended by PLO 5519) 40814
5418 (See PLO 5519) 40814
5438 (Amended by PLO 5519) 40814
5511 40162
5512 40162
5513 40162
5514 40811
5515 40811
5516 40814
5517 40814
5518 40814
5519 40814
5520 40815
5521 40815
5522 41096
5523 41095, 43028
5524 41095
5525 41704, 43489
5526 42195
5527 42362
5528 42362
5529 42551
5530 42551
5531 42553, 43732
5532 42551
5533 42551
5534 42552
5535 42551
5536 42553
5537 43028
5538 43217
PROPOSED RULES:
4 42020
23 41122
2110 43735
2130 43735
2270 43735
3040 41122
3820 43735

45 CFR
30 40162
46 40163
100 41795
101 41795
169 40618
212 43218
220 43182
224 43182
233 43182
250 42043
1206 40805
1600 42302
PROPOSED RULES:
56 41140
160a 41670
233 41149
249 42560
706 40783
1115 42457
1602 42374

46 CFR
Ch. I 42195, 42746
32 40163
35 40163
50 40163
52 40163
53 40163
54 40163
56 40164
58 40168
63 40169

V 40 185
SEP 2375
XUM

46 CFR—Continued

146 41795
262 43490
410 41526
402 41526
580 43720

PROPOSED RULES

32 42751
34 43739
35 42751
76 43739
77 42751
78 42751
95 43739
96 42751
105 43739
167 42751
181 43739
184 42751
185 42751
193 43739
195 42751
196 42751

47 CFR

1 42882
2 40810
73 ..... 42882, 43028, 43506, 43507
74 40810
91 40169

PROPOSED RULES:

2 ..... 42028, 42577, 42897, 43037
73 ..... 40172, 42028, 42369, 42577, 42578, 43028, 43514
89 42577
91 ..... 42028, 42577

49 CFR

25 41040
171 41527
172 41527
173 41527
174 41527
175 41527
177 41527
178 41527
325 42432
385 40810
Ch. V 41796, 42013
552 42013
553 42015
555 42015
571 ..... 42746, 42897
613 42984
1033 ..... 40518, 40519
1134 42343
1306 40518
1320 41528
1322 41528

PROPOSED RULES:

10 43037
102 41537
107 41537
170 41537
171 ..... 40171, 40853, 40854, 41537
172 41537
173 41537
174 41537
175 41537
176 41537
177 41537
178 41537
179 41537
180 41537

49 CFR—Continued

PROPOSED RULES—Continued

181 41537
182 41537
183 41537
184 41537
185 41537
186 41537
187 41537
188 41537
189 41537
195 43745
215 42895
571 ..... 40537, 40853, 42756
573 43227
583 ..... 42366, 42895
1007 43689
1037 42221
1106 42578
1106 ..... 41153, 40854, 42573
1201 42899
1307 ..... 42033, 43038

50 CFR

20 ..... 41096, 42015
28 ..... 41105, 42017, 42195, 42748
32 ..... 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748, 42883, 43029, 43030, 43032, 43218, 43219, 43732, 43733
251 ..... 43508, 43733, 43734

PROPOSED RULES:

17 40521
216 ..... 41531, 42210, 43040
501 41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18
43197–43477	19
43479–43711	22
43713–43871	23

presidential documents

Title 3—The President

PROCLAMATION 4395

National Hunting and Fishing Day, 1975

By the President of the United States of America

A Proclamation

The great natural resources which belong to America meant survival to our forefathers. The abundance of fish and wildlife enabled the early settlers to withstand the first winters. Later this abundance helped pioneers to make their way across the continent.

Today, our outdoor sportsmen help to assure the survival of our natural resources. Hunters and fishermen contribute to the preservation and protection of America's fish and wildlife through their voluntary conservation efforts and by providing millions of dollars for restoration programs, acquisition and maintenance of habitat and supportive research. These funds come through the purchase of licenses and excise taxes on sporting equipment.

In recognition of the significant contributions by American hunters and fishermen, to dramatize the continued need for gun and boat safety and to promote the conservation of our resources, the Congress, by Senate Joint Resolution 34, has requested the President to declare the fourth Saturday of September 1975 as National Hunting and Fishing Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Saturday, September 27, 1975, as National Hunting and Fishing Day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75–25579 Filed 9–22–75;11:53 am]

V 40 I 185 S SEP 2375 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Tokay Grape Regulation 11, Amendment 1]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Shipment—Expiration Date Extension

This amendment, issued pursuant to the amended marketing agreement and Order No. 926, as amended (7 CFR Part 926), changes the expiration date of Tokay Grape Regulation 11 from September 30 to December 31, 1975. Said regulation became effective on August 15, 1975, and its other provisions are unchanged. Those provisions specify that all shipments of fresh Tokay grapes, grown in the production area, shall meet at least the grade and size requirements for U.S. No. 1 Table Grapes. An additional requirement is that at least 30 percent of the berries in the lower quarter of each bunch show characteristic color. One outside end of all containers of regulated grapes must be stamped with a lot number which verifies inspection by the Federal-State Inspection Service for compliance purposes.

The amended regulation is the same, other than the effective period thereof, as extant § 926.312 (Tokay Grape Regulation 11; 40 FR 33964) effective pursuant to said amended marketing agreement and order which regulate the handling of fresh Tokay grapes grown in San Joaquin County, California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment was recommended by the Industry Committee established pursuant to said marketing agreement and order. The action is necessary to assure that the fresh Tokay grapes shipped will continue to be of suitable quality and size in the interest of consumers and producers.

Notice was published in the FEDERAL REGISTER issue of August 27, 1975 (40 FR 38164), that the Department was giving consideration to a proposal to amend § 926.312 by changing the expiration date thereof from September 30 to December 31, 1975. The notice invited interested persons to submit written data, views, or arguments on the proposal not later than September 12, 1975. No such material was submitted.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Industry Committee, and other available information, it is hereby found that the limitation of handling of such grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such grapes are in progress and are expected to continue on and after the expiration date of the existing regulation and such regulation should be applicable to all shipments made during the season in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; (3) the regulatory requirements are the same as those currently in effect; (4) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (5) this regulation, as amended, was recommended by the Industry Committee members in an open meeting at which all interested persons were afforded an opportunity to submit their views.

Order. The provisions of § 926.312(a) preceding subparagraph (1) thereof are hereby amended to read as follows:

§ 926.312 Tokay Grape Regulation 11.

Order. (a) During the period August 15, 1975, through December 31, 1975, no handler shall ship: * * *

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 6010674)

Dated: September 18, 1975, to become effective September 30, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–25266 Filed 9–22–75;8:45 am]

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Salable and Reserve Percentages for the 1975–76 Crop Year

Notice of proposed salable and reserve percentage of 100 and 0 percent, respectively, for California almonds for the 1975–76 crop year was published in the August 26, 1975, issue of the FEDERAL REGISTER (40 FR 37223). The 1975–76 crop year began July 1, 1975.

The proposal was unanimously recommended by the Almond Control Board pursuant to the provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 40 FR 4416), regulating the handling of almonds grown in California. The marketing agreement and other program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No export percentage for reserve almonds was recommended by the Board because of its recommendation for a reserve percentage of 0 percent.

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. No comments were received.

In arriving at its recommendation, the Board estimated production, handler carryover as of July 1, 1975, and other factors prescribed in § 981.49 relating to the establishment of salable and reserve percentages. The Board also considered the domestic industry's need to maximize sales in both the domestic and export markets in view of current world market conditions. Hence, handlers would be provided a choice between the markets.

After consideration of the Board's recommendation and supporting information, and other available information, it is found that to establish salable and reserve percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because: (1) This action is applicable to operations under the order during the 1975–76 crop year, which began July 1, 1975; (2) this action will require not advance preparation by handlers; (3) this action places no restrictions on handlers; and (4) no useful purpose would be served by delaying this action.

Therefore, the salable and reserve percentages for almonds received by handlers for their own accounts during the 1975–76 crop year are established as follows:

Section 981.225 is added as set forth below:

§ 981.225 Salable and reserve percentages for almonds during the crop year beginning July 1, 1975.

V 40 185 SEP 2375 XUM

The salable and reserve percentages during the crop year beginning July 1, 1975 shall be 100 percent and 0 percent, respectively.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 17, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-25318 Filed 9-22-75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 46]

[Docket No. AO-123-A42]

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Order Amending Order

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1046.7, paragraphs (b) and (c) are revised as follows:

§ 1046.7 Pool plant.

* * * * * * *

(b) A country plant during any of the months of September through February from which not less than 50 percent, and during other months not less than 40 percent, of milk from persons described in § 1046.12(a)(1) and from handlers described in § 1046.9(c) that is physically received at, or diverted from such plant pursuant to § 1046.13, is transferred to and received at a city plant(s) in the form of milk or skim milk.

(c) In March through August a country plant that was a pool plant pursuant to paragraph (b) of this section each month during the preceding September through February, unless the operator of such plant notifies the market administrator in writing on or before February 15 of withdrawal of the plant from the pool for the months of March through August next following.

* * * * * * *

2. In § 1046.12, paragraphs (b) (2) and (3) are revised and a new paragraph (b)(4) is added as follows:

§ 1046.12 Producer.

* * * * * * *

(b) * * *

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1046.44(a)(8)(iii) and the corresponding step of § 1046.44(b);

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(4) A person with respect to any milk produced by him that is received at or diverted from a country plant in any month of March through August, unless at least 60 days' production from the farm of such person was producer milk during the preceding September through February or unless such country plant is a pool plant for the month pursuant to § 1046.7 (b) or (d).

3. In § 1046.13, paragraph (c) is revised as follows:

§ 1046.13 Producer milk.

* * * * * * *

(c) Diverted by a handler from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) Milk so diverted shall be deemed to have been received at the pool plant from which it is diverted;

(2) Not less than 2 days' production of a producer whose milk is diverted to a nonpool plant is physically received at a pool plant during the month;

(3) Producer milk pursuant to this paragraph shall not include the milk of any person during September through February on days that it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month; and

* * * * * * *

4. In § 1046.44, paragraph (a)(7)(v) and (vi) are revised and a new paragraph (a)(7)(vii) is added as follows:

§ 1046.44 Classification of producer milk.

* * * * * * *

(a) * * *

(7) * * *

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of milk from a dairy farmer described in § 1046.12(b)(4);

* * * * * * *

5. In § 1046.60, paragraph (d) is revised as follows:

§ 1046.60 Handler's value of milk for computing uniform price.

* * * * * * *

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1046.44(a)(7)(i) through (iv) and (vii) and the corresponding step of

§ 1046.44(b), excluding receipts of bulk fluid cream products from an other order plant;

* * * * * * *

6. In § 1046.73, paragraphs (a) and (f) are revised as follows:

§ 1046.73 Payments to producers and to cooperative associations.

* * * * * * *

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the applicable rate pursuant to paragraph (a)(1) and (2) of this section without deductions for hauling:

(1) In August through March, the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher; and

(2) In April through July, the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month minus the applicable rate per hundredweight described in § 1046.61(g), whichever is higher.

* * * * * * *

(f) Each handler shall pay to the cooperative association for milk received from it as a handler described in § 1046.9(c) as follows:

(1) On or before 2 days prior to the last day of the month for milk received during the first 15 days of the month, an amount computed at not less than the applicable rate pursuant to paragraph (a) of this section; and

(2) On or before the 10th day of the following month for milk received during the month an amount computed at not less than the value of such milk at the minimum prices for milk in each class, as adjusted by the butterfat differential specified in § 1046.74, that are applicable at the location of the receiving handler's pool plant, less the payment made pursuant to paragraph (f)(1) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: November 1, 1975.

Signed at Washington, D.C., on: September 18, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-25319 Filed 9-22-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended November 27, 1974 (39 FR 41356–41358), December 11, 1974 (39 FR 43294), January 3, 1975 (40 FR 757), February 21, 1975 (40 FR 7620), March 11, 1975 (40 FR 11346), May 8, 1975 (40 FR 20065) and July 1, 1975 (40 FR 27643), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the respective lists therein as follows:

§ 97.2 Administrative instructions prescribing commuted travel time.

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OUTSIDE METROPOLITAN AREA

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FOUR HOURS

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Juda, Wisconsin (served from Madison, Wisconsin).

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FIVE HOURS

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Juda, Wisconsin (served from Sauk City, Wisconsin).

* * * * * * *

(64 Stat. 561; 7 U.S.C. 2260.)

Effective date. The foregoing amendment shall become effective September 23, 1975.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of September, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-25267 Filed 9-22-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Delegation of Authority to General Counsel

In order to expedite and facilitate the conduct of hearings pursuant to Part 263 of this Chapter, the Board of Governors of the Federal Reserve System has amended its Rules Regarding Delegation of Authority (12 CFR Part 265) to delegate to the General Counsel of the Board authority to designate Board staff attorneys as Board counsel in such hearings.

Effective September 16, 1975, § 265.2(b)(6) is added to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal reserve banks.

* * * * * * *

(b) The General Counsel of the Board (or, in his absence, the Acting General Counsel) is authorized:

* * * * * * *

(6) Pursuant to § 263.6(d) of this Chapter, to designate Board staff attorneys as Board counsel in any proceeding ordered by the Board to be conducted in accordance with Part 263 of this Chapter.

* * * * * * *

The provisions of Section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date are not followed in connection with the adoption of § 265.2(b)(6) because the rule involved therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

By order of the Board of Governors, effective September 16, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25309 Filed 9-22-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-EA-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Plattsburgh, N.Y., Transition Area (40 FR 569).

The transition area is described, in part, by reference to the Plattsburgh, N.Y., instrument landing system outer marker (OM) facility. The United States Air Force plans to decommission the OM but will retain the instrument approach procedure serving Runway 17 at Platts-

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Tokay Grape Regulation 11, Amendment 1]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Shipment—Expiration Date Extension

This amendment, issued pursuant to the amended marketing agreement and Order No. 926, as amended (7 CFR Part 926), changes the expiration date of Tokay Grape Regulation 11 from September 30 to December 31, 1975. Said regulation became effective on August 15, 1975, and its other provisions are unchanged. Those provisions specify that all shipments of fresh Tokay grapes, grown in the production area, shall meet at least the grade and size requirements for U.S. No. 1 Table Grapes. An additional requirement is that at least 30 percent of the berries in the lower quarter of each bunch show characteristic color. One outside end of all containers of regulated grapes must be stamped with a lot number which verifies inspection by the Federal-State Inspection Service for compliance purposes.

The amended regulation is the same, other than the effective period thereof, as extant § 926.312 (Tokay Grape Regulation 11; 40 FR 33964) effective pursuant to said amended marketing agreement and order which regulate the handling of fresh Tokay grapes grown in San Joaquin County, California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment was recommended by the Industry Committee established pursuant to said marketing agreement and order. The action is necessary to assure that the fresh Tokay grapes shipped will continue to be of suitable quality and size in the interest of consumers and producers.

Notice was published in the FEDERAL REGISTER issue of August 27, 1975 (40 FR 38164), that the Department was giving consideration to a proposal to amend § 926.312 by changing the expiration date thereof from September 30 to December 31, 1975. The notice invited interested persons to submit written data, views, or arguments on the proposal not later than September 12, 1975. No such material was submitted.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Industry Committee, and other available information, it is hereby found that the limitation of handling of such grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such grapes are in progress and are expected to continue on and after the expiration date of the existing regulation and such regulation should be applicable to all shipments made during the season in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; (3) the regulatory requirements are the same as those currently in effect; (4) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (5) this regulation, as amended, was recommended by the Industry Committee members in an open meeting at which all interested persons were afforded an opportunity to submit their views.

Order. The provisions of § 926.312(a) preceding subparagraph (1) thereof are hereby amended to read as follows:

§ 926.312 Tokay Grape Regulation 11.

Order. (a) During the period August 15, 1975, through December 31, 1975, no handler shall ship: * * *

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 6010674)

Dated: September 18, 1975, to become effective September 30, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-25266 Filed 9-22-75;8:45 am]

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Salable and Reserve Percentages for the 1975–76 Crop Year

Notice of proposed salable and reserve percentage of 100 and 0 percent, respectively, for California almonds for the 1975–76 crop year was published in the August 26, 1975, issue of the FEDERAL REGISTER (40 FR 37223). The 1975–76 crop year began July 1, 1975.

The proposal was unanimously recommended by the Almond Control Board pursuant to the provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 40 FR 4416), regulating the handling of almonds grown in California. The marketing agreement and other program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No export percentage for reserve almonds was recommended by the Board because of its recommendation for a reserve percentage of 0 percent.

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. No comments were received.

In arriving at its recommendation, the Board estimated production, handler carryover as of July 1, 1975, and other factors prescribed in § 981.49 relating to the establishment of salable and reserve percentages. The Board also considered the domestic industry's need to maximize sales in both the domestic and export markets in view of current world market conditions. Hence, handlers would be provided a choice between the markets.

After consideration of the Board's recommendation and supporting information, and other available information, it is found that to establish salable and reserve percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because: (1) This action is applicable to operations under the order during the 1975–76 crop year, which began July 1, 1975; (2) this action will require not advance preparation by handlers; (3) this action places no restrictions on handlers; and (4) no useful purpose would be served by delaying this action.

Therefore, the salable and reserve percentages for almonds received by handlers for their own accounts during the 1975–76 crop year are established as follows:

Section 981.225 is added as set forth below:

§ 981.225 Salable and reserve percentages for almonds during the crop year beginning July 1, 1975.

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The salable and reserve percentages during the crop year beginning July 1, 1975 shall be 100 percent and 0 percent, respectively.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 17, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.75-25318 Filed 9-22-75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 46]

[Docket No. AO-123-A42]

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Order Amending Order

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1046.7, paragraphs (b) and (c) are revised as follows:

§ 1046.7 Pool plant.

* * * * * * *

(b) A country plant during any of the months of September through February from which not less than 50 percent, and during other months not less than 40 percent, of milk from persons described in § 1046.12(a)(1) and from handlers described in § 1046.9(c) that is physically received at, or diverted from such plant pursuant to § 1046.13, is transferred to and received at a city plant(s) in the form of milk or skim milk.

(c) In March through August a country plant that was a pool plant pursuant to paragraph (b) of this section each month during the preceding September through February, unless the operator of such plant notifies the market administrator in writing on or before February 15 of withdrawal of the plant from the pool for the months of March through August next following.

* * * * * * *

2. In § 1046.12, paragraphs (b) (2) and (3) are revised and a new paragraph (b) (4) is added as follows:

§ 1046.12 Producer.

* * * * * * *

(b) * * *

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1046.44(a)(8)(iii) and the corresponding step of § 1046.44(b);

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(4) A person with respect to any milk produced by him that is received at or diverted from a country plant in any month of March through August, unless at least 60 days' production from the farm of such person was producer milk during the preceding September through February or unless such country plant is a pool plant for the month pursuant to § 1046.7(b) or (d).

3. In § 1046.13, paragraph (c) is revised as follows:

§ 1046.13 Producer milk.

* * * * * * *

(c) Diverted by a handler from a pool plant to a nonpool plant that is not a producer-handler plant, subject to the following conditions:

(1) Milk so diverted shall be deemed to have been received at the pool plant from which it is diverted;

(2) Not less than 2 days' production of a producer whose milk is diverted to a nonpool plant is physically received at a pool plant during the month;

(3) Producer milk pursuant to this paragraph shall not include the milk of any person during September through February on days that it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month; and

* * * * * * *

4. In § 1046.44, paragraph (a)(7)(v) and (vi) are revised and a new paragraph (a)(7)(vii) is added as follows:

§ 1046.44 Classification of producer milk.

* * * * * * *

(a) * * *

(7) * * *

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vii) Receipts of milk from a dairy farmer described in § 1046.12(b)(4);

* * * * * * *

5. In § 1046.60, paragraph (d) is revised as follows:

§ 1046.60 Handler's value of milk for computing uniform price.

* * * * * * *

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1046.44(a)(7)(i) through (iv) and (vii) and the corresponding step of § 1046.44(b), excluding receipts of bulk fluid cream products from an other order plant;

* * * * * * *

6. In § 1046.73, paragraphs (a) and (f) are revised as follows:

§ 1046.73 Payments to producers and to cooperative associations.

* * * * * * *

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the applicable rate pursuant to paragraph (a) (1) and (2) of this section without deductions for hauling:

(1) In August through March, the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher; and

(2) In April through July, the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month minus the applicable rate per hundredweight described in § 1046.61(g), whichever is higher.

* * * * * * *

(f) Each handler shall pay to the cooperative association for milk received from it as a handler described in § 1046.9(c) as follows:

(1) On or before 2 days prior to the last day of the month for milk received during the first 15 days of the month, an amount computed at not less than the applicable rate pursuant to paragraph (a) of this section; and

(2) On or before the 10th day of the following month for milk received during the month an amount computed at not less than the value of such milk at the minimum prices for milk in each class, as adjusted by the butterfat differential specified in § 1046.74, that are applicable at the location of the receiving handler's pool plant, less the payment made pursuant to paragraph (f)(1) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: November 1, 1975.

Signed at Washington, D.C., on: September 18, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-25319 Filed 9-22-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended November 27, 1974 (39 FR 41356–41358), December 11, 1974 (39 FR 43294), January 3, 1975 (40 FR 757), February 21, 1975 (40 FR 7620), March 11, 1975 (40 FR 11346), May 8, 1975 (40 FR 20065) and July 1, 1975 (40 FR 27643), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the respective lists therein as follows:

§ 97.2 Administrative instructions prescribing commuted travel time.

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OUTSIDE METROPOLITAN AREA

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FOUR HOURS

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Juda, Wisconsin (served from Madison, Wisconsin).

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FIVE HOURS

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Juda, Wisconsin (served from Sauk City, Wisconsin).

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(64 Stat. 561; 7 U.S.C. 2260.)

Effective date. The foregoing amendment shall become effective September 23, 1975.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of September, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-25267 Filed 9-22-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Delegation of Authority to General Counsel

In order to expedite and facilitate the conduct of hearings pursuant to Part 263 of this Chapter, the Board of Governors of the Federal Reserve System has amended its Rules Regarding Delegation of Authority (12 CFR Part 265) to delegate to the General Counsel of the Board authority to designate Board staff attorneys as Board counsel in such hearings.

Effective September 16, 1975, § 265.2(b)(6) is added to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal reserve banks.

* * * * * * *

(b) The General Counsel of the Board (or, in his absence, the Acting General Counsel) is authorized:

* * * * * * *

(6) Pursuant to § 263.6(d) of this Chapter, to designate Board staff attorneys as Board counsel in any proceeding ordered by the Board to be conducted in accordance with Part 263 of this Chapter.

* * * * * * *

The provisions of Section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date are not followed in connection with the adoption of § 265.2(b)(6) because the rule involved therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

By order of the Board of Governors, effective September 16, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25309 Filed 9-22-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-EA-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Plattsburgh, N.Y., Transition Area (40 FR 569).

The transition area is described, in part, by reference to the Plattsburgh, N.Y., instrument landing system outer marker (OM) facility. The United States Air Force plans to decommission the OM but will retain the instrument approach procedure serving Runway 17 at Platts-

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burgh AFB. However, the procedure will be amended to provide a substitute fix for the OM facility that would be collocated with the existing OM.

Since the amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective September 23, 1975, as follows:

1. Amend § 71.161 of the Federal Aviation Regulations so as to amend the description of the Plattsburgh, N.Y. 700 foot floor Transition Area as follows:

In the text, delete, "to 12 miles north of the OM" and substitute therefor, "to 22 miles north of the Runway 17 localizer.".

(Section 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on September 11, 1975.

DUANE W. FREER,
Director,
Eastern Region.

[FR Doc.75-25283 Filed 9-22-75;8:45 am]

[Airspace Docket No. 75-SO-119]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Valdosta, Ga. (Moody AFB) control zone and the Valdosta, Ga., transition area.

The Valdosta (Moody AFB) control zone is described in § 71.171 (40 FR 354) and contains an extension predicated on the ILS localizer N course and the OM. The United States Air Force has decommissioned the OM, and it is necessary to alter the description by deleting reference to the OM.

The Valdosta transition area is described in § 71.181 (40 FR 441) and contains an incorrect longitudinal ordinate, an extension predicated on the OM, and two extensions which are no longer required. It is necessary to alter the description by correcting the longitudinal ordinate, deleting reference to the OM and by revoking the two extensions which are no longer required.

Since these amendments are less restrictive in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

1. In § 71.171 (40 FR 354) the Valdosta, Ga. (Moody AFB), control zone is amended as follows:

• • • within 1 mile each side of the ILS localizer N course, extending from the 5-mile radius zone to 1 mile north of the OM • • • is deleted.

2. In § 71.181 (40 FR 441), the Valdosta, Ga., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (latitude 30°46'58" N, longitude 83°16'44" W); within an 8.5-mile radius of Moody AFB (latitude 30°58'01" N, longitude 83°11'27" W); within 3.5-miles west and 2 miles east of the Moody VOR 007° radial, extending from the 8.5-mile radius area to 11.5 miles north of the VOR; within 2.5 miles each side of the Moody TACAN 173° radial, extending from the 8.5-mile radius area to 17.5 miles south of the TACAN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 12, 1975.

PHILLIP M. SWATEK,
Director,
Southern Region.

[FR Doc.75-25234 Filed 9-22-75;8:45 am]

[Airspace Docket No. 75-GL-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 26686 of the FEDERAL REGISTER dated June 25, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Black River Falls, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 23, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on September 9, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

BLACK RIVER FALLS, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Black River Falls Airport (Latitude 44°15'05" N., Longitude 90°51'05" W.); and within 3 miles each side of the 098° bearing from the Black River Falls Airport, extending from the 6½-mile radius area to 8 miles east of the airport.

[FR Doc. 75-25235 Filed 9-22-75;8:45 am]

[Airspace Docket No. 75-GL-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 31959 of the FEDERAL REGISTER dated July 30, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Flint, Michigan.

Interested persons were given thirty days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 23, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on September 9, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

FLINT, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the outer marker; within a 4-mile radius of Owosso City Airport, (latitude 42°59'30" N., longitude 84°08'00" W.); within a 5½ mile radius of the Price Airport, (latitude 42°48'25" N., longitude 83°46'20" W.); and within a 5-mile radius of the Davison-Genova Airport, (latitude 43°01'45" N., longitude 83°31'34" W.); excluding the portion which overlies the Detroit, Michigan transition area.

[FR Doc.75-25236 Filed 9-22-75;8:45 am]

[Airspace Docket No. 75-AL-8]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On July 14, 1975, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (40 FR 29554) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would increase the designated altitude for Restricted Area R-2206, Clear, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The one comment received did not object to the proposal.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 73.22 (40 FR 656) the designated altitudes are changed to read as follows:

Designated altitudes. Surface to 8,800 feet MSL.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 17, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-25237 Filed 9-22-75;8:45 am]

PART 171—NON-FEDERAL NAVIGATION FACILITIES

Interim Standard Microwave Landing System

Correction

In FR Doc. 75-21690 appearing on page 36109 in the issue of Tuesday, August 19, 1975, make the following correction: In § 171.265(j) on page 36114, the 1st line in column 2 should read: " . . . with the 90 and 150 Hz tone base."

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-88, Amdt. 6]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Amendment To Delete Postcharter Reports and To Require Notice of Study Group Charter Cancellations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 18, 1975.

Section 373.20 of the Board's Special Regulations (14 CFR Part 373) requires that, for Study Group Charters (SGC's), the direct air carrier and the study group charterer file a postcharter report with the Board. A similar report is required with respect to Inclusive Tour Charters (ITC's) by § 378.20(a) of the Board's Special Regulations (14 CFR Part 378). The postcharter reports indicate whether or not the charter was in fact performed and whether it differed from the operations described in the study group statement or the ITC prospectus, respectively, which is on file with the Board.

These reporting requirements were originally intended to enable the Board to monitor the performance of such charters at a time when they were the only types of charters operated under our Special Regulations, i.e., charters involving the services of indirect air carriers of passengers. However, SGC's have now been successfully operated for four years, and ITC's for eight, and they are no longer particularly "special" as types of charters involving the services of indirect air carriers. Furthermore, direct air carriers file quarterly reports with the Board showing the number of SGC and ITC flights operated.

In view of the above, we find that it is no longer necessary to monitor the operation of these charters through the filing of postflight reports by direct carriers and tour operators, and that the Board's need for information as to their operation can be satisfied by the direct carriers' periodic reports on their performance of all types of charters, including SGC's and ITC's.

However, we believe that we should be promptly advised by the direct carrier if any charter under these rules is canceled. We presently require direct carriers to so advise use with respect to ITC's (8378.20(b)), as well as for other types of more recently authorized charters,[1] but through apparent oversight, have not heretofore required that we be advised of canceled SGC's. We have therefore determined herein that, while relieving direct carriers of the requirement to join SGC operators in filing postcharter reports for all SGC's which they have operated, we shall henceforth require them to at least notify us of any SGC's which have been cancelled, in the same manner as they are required to advise us of cancellation of ITC's and other similar types of charters.

Since this amendment is procedural in nature, and its net result is to lessen a burden, the Board finds that notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 373 of its Special Regulations effective September 18, 1975, as follows:

1. Amend the Table of Contents of Part 373 by revising the caption of Subpart C to read as follows:

Subpart C—Charter Cancellation Notification

2. Amend the table of contents of Part 373 by revising the caption of 373.20 to read as follows:

373.20 Notice of charter cancellation.

3. Amend the table of contents of Part 373 by deleting "Appendix B."

4. Amend the caption of Subpart C to read as follows:

Subpart C—Charter Cancellation Notification

5. Amend § 373.20 to read as follows:

§ 373.20 Notice of charter cancellation.

The direct air carrier shall promptly notify the Board regarding any charters covered by a statement filed under § 373.10 that are later canceled.

6. Amend Part 373 by deleting Appendix B.

(Secs. 101 and 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 and 743; 49 U.S.C. 1301 and 1324)

By the Civil Aeronautics Board.

Effective: September 18, 1975.

Adopted: September 18, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25313 Filed 9-22-75;8:45 am]

[1] Travel Group Charters (§ 372a.50(b)) and One-stop-inclusive Tour Charters (§ 378a.50(b)).

[Reg. SPR-89, Amdt. 10]

PART 378—INCLUSIVE TOUR CHARTERS

Amendment To Delete Posttour Reports

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 18, 1975.

For the reasons stated in SPR-88 issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 378 of its Special Regulations (14 CFR Part 378) effective September 18, 1975, as follows:

1. Amend the Table of Contents of Part 378 by revising the caption of Subpart C to read as follows:

Subpart C—Tour Cancellation Notification

2. Amend the table of contents of Part 378 by revising the caption of § 378.20 to read as follows:

§ 378.20 Notice of tour cancellation.

3. Amend the table of contents of Part 378 by deleting "Appendix B."

4. Amend the caption of Subpart C to read as follows:

Subpart C—Tour Cancellation Notification

5. Amend § 378.20 to read as follows:

§ 378.20 Notice of tour cancellation.

The direct air carrier shall promptly notify the Board regarding any tours covered by a prospectus filed under § 378.10 that are later canceled.

6. Amend Part 378 by deleting Appendix B.

(Secs. 101 and 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 and 743; 49 U.S.C. 1301 and 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25314 Filed 9-22-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2689]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Transcontinental Gas Pipe Line Corp.

Correction

In FR Doc. 75-23542 appearing on page 41081 in the issue of Friday, September 5, 1975, the 3rd line of the authority citation should read as follows:

". . . amended; 15 U.S.C. 45; sec. 6, 38 Stat. 732; . . .".

V 40 185 SEP 2375 XUM

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 433–6; PAP5H5085/R16]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Paraquat

On May 8, 1975, notice was given (40 FR 20129) that Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond, CA 94804, had filed a food additive petition (FAP 5H5085) with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for residues of desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the bis (methyl sulfate) or dichloride salt (both calculated as the cation) in or on dried hops at 0.2 part per million resulting from application of the pesticide to growing hops. (A related document on paraquat and the establishment of pesticide tolerances also appears in today's FEDERAL REGISTER.

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the tolerance will protect the public health. Therefore, Part 123 is being amended as set forth below.

Any person adversely affected by this regulation may on or before October 23, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on September 23, 1975, Part 123, Subpart A, is amended by adding § 123.331.

(Section 409 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 348))

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 123, Subpart A, is amended by adding the § 123.331.

• • • • • •

§ 123.331 Paraquat.

A tolerance of 0.2 part per million is established for residues of the defoliant, desiccant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the bis (methyl sulfate) or dichloride salt (both calculated as the cation) in or on dried hops resulting from application of the pesticide to growing hops.

• • • • • •

[FR Doc.75-25221 Filed 9-22-75;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Interpretive Rule

Pursuant to section 19 of the Merchant Marine Act, 1920 (46 U.S.C. § 876, 41 Stat. 995) Part 530 of 46 CFR is hereby amended by adding a new interpretive rule reading as follows:

§ 530.9 Interpretation of section 19(2) of Merchant Marine Act, 1920.

(a) Section 19(2) of the Merchant Marine Act of 1920 states that:

No rule or regulation shall hereafter be established by any department, board, bureau, or agency of the Government which affects shipping in the foreign trade, except rules or regulations affecting the Public Health Service, the Counselor Service, and the Steamboat-Inspection Service until such rule or regulation has been submitted to the Board for its approval and final action has been taken thereon by the Board or the President.

The functions of the Board referred to in section 19(2) of the Merchant Marine Act of 1920 were vested in the Federal Maritime Commission by section 103(c) of the Reorganization Plan No. 7 of 1961 (75 Stat. 840).

(b) The Interstate Commerce Commission in a rulemaking proceeding, Ex Parte 261, In the Matter of Tariffs containing Joint Rates and Through Routes for the Transportation of Property between Points in the United States and Points in Foreign Countries, promulgated final rules on July 29, 1975, governing the filing of joint rate, international through route tariffs which apply to shipping in the foreign trade of the United States without the approval of the Federal Maritime Commission or by the President of the United States as required by section 19(2) of the Merchant Marine Act of 1920 (46 U.S.C. § 876, 41 Stat. 995). The Federal Maritime Commission therefore declares the Interstate Commerce Commission rules pertaining to joint rate, international through route tariffs promulgated in Ex Parte 261 as invalid for lack of compliance with the requirements of section 19(2) of the Merchant Marine Act of 1920.

By the Commission September 17, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25431 Filed 9-22-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-694]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. § 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Gila	Payson, town of	Sept. 17, 1975, emergency	Jan. 24, 1975		
Arkansas	Pope	London, town of	do	Aug. 29, 1975		
Florida	Flagler	Unincorporated areas	do	Jan. 10, 1975		
Do.	Lafayette	do	do			
Indiana	Wells	Uniondale, town of	do	Nov. 15, 1974		
Maine	Washington	Addison, town of	do	Oct. 18, 1974		
Maryland	Cecil	Rising Sun, town of	do			
New Jersey	Bergen	Washington, township of	do			
New York	Lewis	Martinsburg, town of	do	June 28, 1974		
Do.	Delaware	Masonville, town of	do	do		
North Carolina	Avery	Newland, town of	do	June 14, 1974		
Oklahoma	Greer	Granite, town of	do	June 28, 1974		
Pennsylvania	Lancaster	Colerain, township of	do	Sept. 20, 1974		
Do.	Wayne	Lake, township of	do	Nov. 29, 1974		
Do.	Wyoming	Noxen, township of	do	do		
Do.	Mercer	Pymatuning, township of	do	Nov. 15, 1974		
Colorado	Larimer	Loveland, city of	Sept. 18, 1975, emergency	Mar. 1, 1974		
Indiana	Jefferson	Brooksburg, town of	do	Nov. 29, 1974		
Maryland	Dorchester	Hurlock, town of	do			
Do.	Washington	Sharpsburg, town of	do			
Massachusetts	Worcester	East Brookfield, town of	do	June 7, 1974		
Michigan	Monroe	Ash, township of	do	June 14, 1974		
				Apr. 25, 1975		
New York	Jefferson	Evans Mills, village of	do	May 17, 1974		
Arkansas	White	Bald Knob, city of	Sept. 19, 1975, emergency	Mar. 8, 1974		
Georgia	Troup	Unincorporated areas	do			
New York	Dutchess	Fishkill, town of	do	Dec. 20, 1974		
Do.	Washington	Granville, town of	do	Nov. 22, 1974		
Do.	St. Lawrence	Hammond, town of	do	Jan. 17, 1975		
Pennsylvania	Cambria	Ebensburg, borough of	do	Nov. 22, 1974		
Do.	Northampton	Forks, township of	do	Nov. 8, 1974		
Vermont	Washington	Berlin, town of	do	Feb. 15, 1974		
Alabama	Calhoun	Unincorporated areas	Sept. 22, 1975, emergency	Nov. 29, 1974		
Arkansas	Saline	Haskell, city of	do	June 27, 1975		
New York	Broome	Lisle, town of	do	Feb. 15, 1974		
Ohio	Noble	Belle Valley, village of	do	Aug. 30, 1974		
Utah	Millard	Oak City, town of	do	Feb. 7, 1975		
Vermont	Windsor	Weathersfield, town of	do	June 14, 1974		
Virginia	Carroll	Hillsville, town of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969), as amended, 39 FR 2787, Jan. 24, 1974.)

Issued: September 12, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-25195 Filed 9-22-75;8:45 am]

V 40 185 SEP 23 75 XUM

[Docket No. FI-695]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

● **Purpose.** The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards. ●

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arizona	Graham	Pima, town of	H 040033A	Commissioner, Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Director, Arizona Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	Assistant Town Clerk, Town Hall, Pima, Ariz. 85543.	May 24, 1974.
Arkansas	Ashley	Wilmot, city of	H 050009A	Director of Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Commissioner, Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Wilmot, Ark. 71676.	Mar. 15, 1974. Oct. 3, 1975.
Do	Baxter	Cotter, city of	H 050011A 01	do	Mayor, City Hall, Cotter, Ark. 72626	June 14, 1974.
Do	Boone	Alpena, town of	H 050017A 01	do	Mayor, Town Hall, Alpena, Ark. 72611.	Aug. 30, 1974. Oct. 3, 1975.
Do	Craighead	Bono, town of	H 050046A 01	do	Mayor, Town Hall, Bono, Ark. 72416	Aug. 30, 1974.
Do	Hot Spring	Malvern, city of	H 050068A 01 through H 050068A 02	do	City Manager, City Hall, Malvern, Ark. 72104.	Nov. 16, 1973. Oct. 3, 1975.
Do	Lonoke	England, city of	H 050133A 01	do	Secretary, City Hall, 102 Ills St., England, Ark. 72046.	May 10, 1974. Oct. 3, 1975.
Do	Mississippi	Leachville, city of	H 050147A 01	do	Mayor, City Hall, Leachville, Ark. 72438.	May 10, 1974.
Do	Monroe	Clarendon, city of	H 050156A	do	Mayor, City of Clarendon, City Hall, Clarendon, Ark. 72029.	Dec. 28, 1973.
Do	Newton	Jasper, city of	H 050160A 01	do	Mayor, City Hall, Jasper, Ark. 72641	Aug. 16, 1974. Oct. 3, 1975.
Do	Phillips	Elaine, city of	H 050167A	do	Mayor, City of Elaine, City Hall, Elaine, Ark. 72333.	Mar. 29, 1974. Oct. 3, 1975.
Do	St. Francis	Colt, city of	H 050186A	do	Mayor, City Hall, Colt, Ark. 72326	Aug. 23, 1974. Oct. 3, 1975.
Do	Union	El Dorado, city of.	H 050207A	do	Mayor, City Hall, El Dorado, Ark. 71730.	May 3, 1974. Oct. 3, 1975.
California	El Dorado	Placerville, city of.	H 060041A 01 through H 060041A 03	Director, Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. Commissioner, California Insurance Department, 1407 Market St., San Francisco, Calif. 94103. Commissioner, California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Mayor, City Hall Office, 485 Main St., Placerville, Calif. 95667.	June 7, 1974. Oct. 3, 1975.
Do	Fresno	Huron, city of	H 060049A 01	do	City Administrator, City Hall, Huron, Calif. 93234.	May 17, 1974.
Do	Do	Reedley, city of	H 060053A 01	do	Administrative Officer, City Hall, 845 G St., Reedley, Calif. 93645.	Mar. 1, 1974.
Do	Glenn	Willows, city of	H 060059A	do	City Manager, P.O. Box 864, Willows, 95988.	July 26, 1974.
Do	Los Angeles	Claremont, city of	H 060109A	do	Mayor, City Hall, 207 Harvard Ave., Claremont, Calif. 91711.	May 24, 1974.
Do	Do	Hermosa Beach, city of.	H 060124A	do	Assistant City Engineer, City Hall, Civic Center, Hermosa Beach, Calif. 90254.	June 28, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Santa Fe Springs, city of.	H 060158A 01 through H 060158A 06	do	Director of Public Works, City Hall, 11710 Telegraph Rd., Santa Fe Springs, Calif. 90670.	June 28, 1974. Oct. 3, 1975.
Do	Marin	Sausalito, city of	H 060182A	do	Director of Public Works, 420 Litho St., P.O. Box 127, Sausalito, Calif. 94965.	May 17, 1974. Oct. 3, 1975.
Do	Monterey	Soledad, city of	H 060204A	do	Mayor, City Hall, 647 Front St., Soledad, Calif. 93960.	May 17, 1974.
Do	Napa	St. Helena, city of.	H 060208A	do	Director of Public Works, City Hall, 1480 Main St., St. Helena, Calif. 94574.	May 31, 1974. Oct. 3, 1975.
Do	Orange	San Juan Capristrano, city of.	H 060231A	do	Associate Civil Engineer, 32400 Paseo Adelanto, San Juan Capistrano, Calif. 92675.	May 10, 1974. Oct. 3, 1975.
Do	San Joaquin	Lodi, city of	H 060300A	do	Mayor Pro-Tem, City Hall, 221 West Pine St., Lodi, Calif. 95240.	April 5, 1974. Oct. 3, 1975.
Do	Santa Barbara	Santa Maria, city of.	H 060336A	do	Director of Public Works, 110 East Cook St., Santa Maria, Calif. 93454.	May 17, 1974.
Do	Los Angeles	La Puente, city of	H 0605039A	do	City Manager, City Hall, La Puente, Calif. 91744.	June 28, 1974. Oct. 3, 1975.
Georgia	Clarke	Unincorporated areas.	H 130243A 01 through H 130243A 10	Commissioner, Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Commissioner, Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Athens-Clarke County Planning Commission, P.O. Box 329, Athens, Ga. 30601.	Mar. 21, 1975. Oct. 3, 1975.
Illinois	Hancock	Carthage, city of	H 170269A 01	Coordinator, Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Director, Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, 542 Wabash Ave., Carthage, Ill. 62321.	June 7, 1974.
Do	Knox	Abingdon, city of	H 170348A 01	do	Mayor, 114 East Mock, Abingdon, Ill. 61410.	Do.
Do	Sangamon	Springfield, city of.	H 170604A 01 through H 170604A 18	do	Mayor, Room 200, Municipal Bldg., Springfield, Ill. 62701.	Oct. 3, 1975. June 7, 1974. Oct. 3, 1975.
Do	White	Carmi, city of	H 170981A 01 through H 170981A 02	do	Mayor, Municipal Bldg., Carmi, Ill. 62821.	Apr. 5, 1974.
Iowa	Woodbury	Sergeant Bluff, city of.	H 190297A	Director, Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Commissioner, Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Legal Council, City Hall, Sergeant Bluff, Iowa 51054.	Mar. 29, 1974. Oct. 3, 1975.
Louisiana	Evangeline	Pine Prairie, village of.	H 220068A 01	Director, State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Commissioner, Louisiana Insurance Commissioner, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village of Pine Prairie, Pine Prairie, La. 70578.	Aug. 30, 1974.
Do	Caddo	Oil City, town of	H 220262A 01	do	Mayor, City Hall, Oil City, La. 71061	Dec. 27, 1974. Oct 3, 1975.
Massachusetts	Worcester	Fitchburg, city of	H 250304A	Director, Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 01420. Commissioner, Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Planning Coordinator, City Hall, Fitchburg, Mass. 01420.	Apr. 5, 1974. Oct. 3, 1975.
Michigan	Barry	Hastings, city of	H 260314A 01 through H 260314A 03	Executive Secretary, Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Commissioner, Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Mayor, 102 South Broadway, Hastings, Mich. 49058.	Apr. 12, 1974. Oct. 3, 1975.
Minnesota	Blue Earth	Mapleton, city of	H 270032A 01	Director, Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Commissioner, Minnesota Division of Insurance, E-210, State Office Bldg., St. Paul, Minn. 55101.	Mayor, Mapleton, Minn. 56065	Apr. 25, 1975; Oct. 3, 1975.
Mississippi	Copiah	Georgetown, town of.	H 280045A	Director, Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Commissioner, Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Box 62, Georgetown, Miss. 39078.	Aug. 2, 1974.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Missouri	[illegible]	Rushville, village of.	H 260042A 01	Executive Director, Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 205 East High St., Jefferson, Mo. 65101. Superintendent, Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, Village Hall, Rushville, Mo. 64484.	Oct. 18, 1974.
Do	Cooper	Blackwater, city of.	H 290100A 01	do	Mayor, City Hall, Blackwater, Mo. 65322.	Apr. 26, 1976. Oct. 3, 1975.
Do	[illegible]	Morrison, city of.	H 290142A	do	Mayor, City Hall, Morrison, Mo. 65061.	Nov. 6, 1974. Oct. 3, 1975.
Nebraska	Platte	Humphrey, city of.	H 310361A 01	Executive Secretary, Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68509. Director, Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	City Engineer, Rystrom Engineering Co., 3002 Howard Blvd., P.O. Box 402, Columbia, Nebr. 68601.	July 11, 1975. Oct. 3, 1975.
New Hampshire	Coos	Stratford, town of.	H 330099A 01 through H 330099A 23	Acting Director, Office of Comprehensive Planning Division of Community Planning, State House Annex, Concord, N.H. 03301. Commissioner, New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Selectman, City Hall, Stratford, N.H. 03584.	July 26, 1974. Oct. 3, 1975.
New Jersey	Bergen	Teaneck, township of.	H 340075A 01 through H 340075A 15	Chief, Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. Commissioner, New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Municipal Bldg., Teaneck, N.J. 07666.	June 14, 1974. Oct. 3, 1975.
Do	[illegible]	Harrison, township of.	H 340205A 01 through H 340205A 06	do	Mayor, Bridgeton Pike, Mullica Hill, N.J. 08062.	July 26, 1974. Oct. 3, 1975.
New Mexico	Quay	Tucumcari, city of.	H 350048A 01 through H 350048A 04	State Engineer, State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. Superintendent, New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87502.	City Engineer, City of Tucumcari, City Hall, Tucumcari, N. Mex. 88401.	June 28, 1974 Oct. 3, 1975.
New York	[illegible]	Big Flats, town of.	H 360148B 01 through H 360148B 10	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. Superintendent, New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisor, 908 Sing Sing Rd., Horseheads, N.Y. 14845.	Sept. 14, 1973. Apr. 12, 1974. Oct. 3, 1975.
Do	Erie	Grand Island, town of.	H 360042A 01 through H 360042A 10	do	Town Supervisor, 225 Baseline Rd., Grand Island, N.Y. 14072.	Aug. 2, 1974. Oct. 3, 1975.
Do	Nassau	Great Neck Estates, village of.	H 360466A 01	do	Mayor, Village Hall, 4 Atwater Plaza, Great Neck, N.Y. 11021.	June 14, 1974. Oct. 3, 1975.
Do	St. Lawrence	Macomb, town of.	H 360704A 01 through H 360704A 09	do	Town Supervisor, Route 1, Rossie, N.Y. 13646.	Sept. 13, 1974. Oct. 3, 1975.
Do	Tioga	Nichols, town of.	H 360697A 01 through H 360697A 08	do	Town Supervisor, 10 Walnut St., Nichols, N.Y. 13812.	June 28, 1974. Oct. 3, 1975.
Do	Westchester	Hastings-on-Hudson, village of.	H 360812A 01 through H 360812A 02	do	Mayor, Municipal Bldg., Maple Ave., Hastings-on-Hudson, N.Y. 10706.	Nov. 8, 1974. Oct. 3, 1975.
Do	Yates	Dundee, village of.	H 360857A 01	do	Mayor, Village Hall, Dundee, N.Y. 14837.	June 28, 1974. Oct. 3, 1975.
Do	Schoharie	Sharon Springs, village of.	H 361549A 01	do	Mayor, Village Hall, Sharon Springs, N.Y. 13459.	Jan. 10, 1975.
North Dakota	Bowman	Bowman, city of.	H 380012A	Engineer-Secretary, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. Commissioner, North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	City Auditor, City Hall, Bowman, N. Dak. 58623.	Mar. 29, 1974. Oct. 3, 1975.
Ohio	Cuyahoga	South Euclid, city of.	H 390131A 01 through H 390131A 02	Director, Ohio Department of Natural Resources, Flood Insurance Coordination Bldg., Fountain Sq., Columbus, Ohio. Ohio Department of Insurance, 447 East Broad St., Columbus, Ohio 43215.	Mayor, 1349 South Green, South Euclid, Ohio 44121.	Mar. 22, 1974.
Do	Henry	Napoleon, city of.	H 390266A 01 through H 390266A 05	do	Mayor, P.O. Box 151, Napoleon, Ohio 43545.	May 31, 1974.
Do	Richland	Shelby, city of.	H 390479A 01 through H 390479A 02	do	Mayor, 23 West Main St., Shelby, Ohio 44875.	Nov. 9, 1973.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oklahoma	Alfalfa	Aline, town of.	H 400258A	Executive Director, Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73142. Commissioner, Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Chairman, Board of Trustees, Town Hall, Aline, Okla. 73716.	Feb. 14, 1975. Oct. 3, 1975.
Oregon	Morrow	Irrigon, city of.	H 410177A 01	Director, Executive Department, State of Oregon, Salem, Oreg. 97310. Commissioner, Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Irrigon, Oreg. 97844.	Nov. 29, 1974. Oct. 3, 1975.
Pennsylvania	Blair	Altoona, city of.	H 420159A 01 through H 420159A 13	Secretary, Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Commissioner, Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, City Hall, Altoona, Pa. 16603.	June 28, 1974.
Do	Centre	Port Matilda, borough of.	H 420268A 01	do	Mayor, Box 87B, Port Matilda, Pa. 16870.	Jan. 16, 1974. Oct. 3, 1975.
Do	Luzerne	Nanticoke, city of.	H 420617B 01	do	Mayor, Municipal Bldg., 1 East Ridge St., Nanticoke, Pa. 18631.	Aug. 24, 1973. Dec. 14, 1973. Oct. 3, 1975.
Do	Allegheny	Ross, township of.	H 420979A 01 through H 420979A 06	do	President of Township Supervisors, Ross Township Municipal Bldg., Perry Highway at Center Ave., Pittsburgh, Pa. 15229.	June 7, 1974. Oct. 3, 1975.
Do	Erie	Washington, township of.	H 421372A 01 through H 421372A 07	do	Township Supervisor, Rural Delivery 2, Edinboro, Pa. 16412.	Oct. 18, 1974. Oct. 3, 1975.
Do	Chester	Schuylkill, township of.	H 421459A 01 through H 421459A 03	do	Board of Supervisors Chairman, Box 296, Phoenixville, Pa. 19460.	Oct. 25, 1974. Oct. 3, 1975.
South Carolina	Florence	Timmonsville, town of.	H 450084A 01	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. Commissioner, South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Town Hall, 205 East Main St., Timmonsville, S.C. 29161.	May 24, 1974.
South Dakota	Butte	Belle Fourche, city of.	H 460012A	Commissioner, State Planning Bureau, Office of Executive Management, State Capitol, Pierre, S. Dak. 57501. Commissioner, South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	City Auditor, City Hall, Belle Fourche, S. Dak. 57717.	Nov. 2, 1973. Oct. 3, 1975.
Do	Hughes	Pierre, city of.	H 460040A 01 through H 460040A 05	do	Director of Public Works, 222 East Dakota Ave., Pierre, S. Dak. 57501.	June 7, 1974.
Texas	Montague	Bowie, city of.	H 480481A	Executive Director, Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Commissioner, Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City Attorney, P.O. Box 1382, 304 West Tarrant St., Bowie, Tex. 76230.	May 3, 1974. Oct. 3, 1975.
Utah	Sevier	Monroe City, city of.	H 490129A 01	Director, Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Commissioner, Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, P.O. Box A, 55 North Main, Monroe, Utah 84754.	June 28, 1974. Oct. 3, 1975.
Do	Summit	Coalville, city of.	H 490135A	do	Mayor, City Hall, Coalville, Utah, 84017.	Aug. 2, 1974. Oct. 3, 1975.
Virginia	Hanover	Ashland, town of.	H 510075A 01	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Commissioner, Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Town Manager, P.O. Box 271, Ashland, Va. 23005.	May 24, 1974.
Do	Pittsylvania	Hurt, town of.	H 510219A 01 through H 510219A 03	do	Mayor, P.O. Box 268, Hurt, Va. 24563.	Nov. 1, 1974.
West Virginia	Kanawha	St. Albans, city of.	H 540953A 01	Director, Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Commissioner, West Virginia Insurance Commission, 1900 Washington St., Building No. 2, Room 643, Charleston, W. Va. 25305.	Mayor, Box 468, St. Albans, W. Va. 25177.	Mar. 8, 1974. Oct. 3, 1975.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Wisconsin	Kewaunee	Luxemburg, village of.	H 550216A 01	Secretary, Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Commissioner, Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Village President, 219 Main St., Luxemburg, Wis. 54217.	May 10, 1974. Oct. 3, 1975.
Do	Manitowoc	Kiel, city of	H 550220A 03	do	Mayor, P.O. Box 98, Kiel, Wis. 53042.	Feb. 8, 1974.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: September 12, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-25196 Filed 9-22-75;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY

SUBCHAPTER F—FIDUCIARY RESPONSIBILITY UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

PART 2550—RULES AND REGULATIONS FOR FIDUCIARY RESPONSIBILITY

Employer Securities, Calculation of Value

Preamble. This document contains temporary regulations under section 407(c)(3) of the Employee Retirement Income Security Act of 1974 (the Act) (Pub. L. 93-406, 88 Stat. 898) in order to provide rules for the election by certain employee benefit plans to use an alternate method of valuation of employer securities under section 407(c) of the Act to satisfy the percentage limitations set forth in section 407(a)(3) of the Act with respect to qualifying employer securities and qualifying employer real property which may be held by a plan. Any election made by a plan under these regulations must be made by the plan administrator on behalf of the plan on or before December 31, 1975 and is irrevocable, once made. A plan may make an election under these temporary regulations only if the plan did not hold any employer real property (as defined in section 407(d)(2) of the Act) on January 1, 1975, and, after such election is made, the plan may not acquire any employer real property before January 1, 1985.

Because of the need for immediate guidance with respect to the provisions contained in this temporary regulation, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Nevertheless, it is generally the policy of the Department of Labor to solicit and consider comments on its regulations. Accordingly, comments will be considered, just as though this document were a proposal, if received by October 23, 1975. The comments received will be evaluated and, if warranted, the regulation will be amended.

Interested persons are invited to submit comments to the Office of Employee Benefits Security (DEVD—Section 407(c)), Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216. Such comments should be clearly referenced to 29 CFR 2550.407c-3. All comments will be open to public inspection at the Public Document Room, Office of Employee Benefits Security, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Accordingly, Part 2550 of Chapter XXV of Title 29 of the Code of Federal Regulations is amended by adding a new § 2550.407c-3 to read as follows:

§ 2550.407c-3 Election by plan to utilize the alternate method of calculation of value of employer securities.

(a) *In general.* If an employee benefit plan holds no employer real property (as defined in section 407(d)(2) of the Employee Retirement Income Security Act of 1974 (the "Act")) on January 1, 1975, it may elect under section 407(c)(3) of the Act to utilize the alternate method of calculation of value of employer securities set forth in section 407(c) of the Act for the purpose of satisfying the requirement of section 407(a)(3) of the Act relating to the limitation on holding by certain employee benefit plans of qualifying employer securities and qualifying employer real property.

(b) *Election is irrevocable.* An election by a plan under section 407(c)(3) of the Act shall be binding with respect to such plan and, once made, shall be irrevocable.

(c) *Procedure for making election—*(1) *Time of election.* An election under this section must be made before January 1, 1976. An election will be deemed to be timely filed only if received at the Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216 on or before 5 p.m., December 31, 1975, or, if mailed by certified or registered mail, postmarked prior to January 1, 1976.

(2) *By whom election is to be made.* The election provided by this section may be made only by the plan administrator of the plan.

(3) *Manner of making election.* The plan administrator shall file a statement containing the following information: (i) The name and address of the plan; (ii) the EIN number of the plan; (iii) the WP number of the plan (if any); (iv) the name and address of the plan administrator; (v) a statement that on January 1, 1975, the plan held no employer real property; and (vi) a statement that the plan elects to use the alternate method of valuation of employer securities provided under section 407(c)(3) of the Act.

(d) *Limitation on acquisition of employer real property.* After making an election under this section, and before January 1, 1985, the plan may not acquire any employer real property.

(Sec. 407(c)(3), Pub. L. 93-406, 88 Stat. 881 (29 U.S.C. 1107) and Sec. 505, Pub. L. 93-406, 88 Stat. 894 (29 U.S.C. 1135)).

Signed at Washington, D.C., this 18th day of September, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.75-25288 Filed 9-18-75;2:50 pm]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 433-7 PP5F1619/R54]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Paraquat

On May 8, 1975, notice was given (40 FR 20129) that Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804, had filed a petition (PP 5F1619) for pesticide tolerances with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.205 be amended to establish tolerances for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the bis (methyl sulfate) or dichloride salt (both calculated as the cation) in or on the raw agricultural commodities fresh hops at 0.1 part per million (ppm) and hop vines at 0.5 ppm. (A related document on paraquat and the establishment of a food additive tolerance also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. The desiccant is considered useful for the purpose for which tolerances are sought. The established tolerances for residues in eggs, meat, milk, and poultry are adequate to cover residues resulting from both the established and the proposed uses as delineated in § 180.6(a)(2). The tolerances established by amending § 180.205 will protect the public health.

Any person adversely affected by this regulation may, on or before October 23, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on September 23, 1975, Part 180, Subpart C, § 180.205, is amended as set forth below.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.206, is amended by (1) revising the introductory paragraph to change the chemical name from "1,1'-dimethyl-4,4'-bipyridinium" to "1,1'-dimethyl-4,4'-bipyridinium ion", (2) adding the commodity hop vines to the paragraph "0.5 part per million • • •" and (3) adding the new paragraph "0.1 part per million • • •" to include a tolerance for fresh hops after the paragraph "0.2 part per million • • •" as follows.

• • • • • •

§ 180.205 Paraquat; tolerances for residues.

Tolerances are established for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation) in or on raw agricultural commodities as follows:

• • • • • •

0.5 part per million in or on almond hulls, cottonseed, guar beans, hop vines, potatoes, sugar beets, sugar beet tops, and sugarcane.

• • • • • •

0.1 part per million in or on fresh hops.

• • • • • •

[FR Doc.75-25218 Filed 9-22-75;8:45 am]

[FRL 434-3; PP5F1614/R53]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCE FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Naled

On May 8, 1975, notice was given (40 FR 20129) that Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94904, had filed a pesticide petition (PP 5F1614) with the Environmental Protection Agency (EPA). This petition proposed the establishment of a tolerance for residues of the insecticide naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) and its conversion product 2,2-dichlorovinyl dimethyl phosphate (expressed as naled) in or on the raw agricultural commodities almond nuts and almond hulls at 0.05 part per million.

The data submitted in the petition and other relevant material have been evaluated, and the insecticide is considered to be useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in meat, milk, poultry, or eggs, and § 180.6(a)(3) applies. The tolerance established by amending 40 CFR 180.215 is adequate to cover residues on almond nuts and hulls and will protect the public health. It is, therefore, concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before Octobe. 23, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective September 23, 1975, Part 180, Subpart C, is amended by revising § 180.215 as set forth below.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 180.215 is amended by revising the paragraph "0.5 part per million • • •" to include the raw agricultural commodities almonds (nuts and hulls), to read as follows:

• • • • • •

§ 180.215 Naled; tolerances for residues.

• • • • • •

0.05 part per million (negligible residue) in or on almonds (nuts and hulls); and in eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

• • • • • •

[FR Doc.75-25293 Filed 9-22-75;8:45 am]

[FRL 434-6; PP5E1585/R51]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Cross-Linked Nylon-Type Encapsulating Polymer

On August 1, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 32348), a notice of proposed rulemaking to exempt from the requirement of a tolerance the cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylene diamine and diethylenetriamine when used as an inert encapsulating material for formulations of the insecticide methyl parathion applied before harvest to apples and pears. This notice of proposed rulemaking was published in response to a petition (PP 5E1585) submitted to the EPA by Agchem Division of Penwalt Corp., PO Box 1297, Tacoma WA 98401.

No comments or requests for referral to an advisory committee were received by the EPA with respect to this proposal, and it is concluded, therefore, that the proposed amendment to the regulation, 40 CFR 180.1028, be adopted without change.

Any person adversely affected by this regulation may, on or before October 23, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the

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objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective September 23, 1975, Part 180, Subpart D, Section 180.1028, is amended as set forth below.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart D, is amended by revising § 180.1028 to include apples and pears among those agricultural commodities on which residues of the cross-linked nylon-type encapsulating polymer used as an inert encapsulating material for formulations of methyl parathion is exempted from the requirement of a tolerance. This section is revised to read as follows.

§ 180.1028 Cross-linked nylon-type encapsulating polymer; exemption from the requirement of a tolerance.

The cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine is exempted from the requirement of a tolerance when used as an inert encapsulating material for formulations of methyl parathion applied to growing alfalfa; apples and pears; corn (field and sweet); cotton; forage grasses; soybeans; peas (applied before pods form); and barley, oats, and wheat (applied before heads form).

[FR Doc.75-25[illegible] Filed 9-22-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amendment 152]

PART 1–30—CONTRACT FINANCING

Miscellaneous Amendment

This amendment of the Federal Procurement Regulations makes changes in Part 1–30, Contract Financing. Subpart 1–30.1 covering forms of financing is amended to update the reference to Treasury Department Circular 1075 (31 CFR 205) regarding advance payments.

Subpart 1–30.2 covering basic policies for contract financing is amended (1) to require that agencies develop and maintain standards against which payment actions to contractors can be evaluated relative to the Government's prompt payment policy, (2) to add examples where timely and effective Government action is important, and (3) to reflect advance payment and letter of credit policy with respect to nonprofit educational institutions, as contained in Federal Management Circular 73–7.

Subpart 1–30.4 covering advance payments is amended to include a new § 1–30.408–1 concerning the letter of credit method of payment. Various sections in Subpart 1–30.4 are modified to reflect the use of letters of credit, including the "Findings and Determination" in § 1–30.410 and suggested contract provisions in § 1–30.414–2. Section 1–30.413(b) is amended to remove the mandatory requirement for a separate special bank account when the letter of credit financing method is utilized by an agency. Section 1–30.403 changes the basis for establishment of the interest rate on unliquidated balances of Federal funds to the rate established by the Secretary of the Treasury pursuant to Public Law 92–41 from individual agency establishment; other sections in Subpart 1–30.4 affected are modified accordingly. Section 1–30.403 also modifies the exception to the interest requirement for nonprofit educational or research institutions doing experimental, developmental, or research work by deleting the qualification that the work must be under a "nonprofit" contract; other sections in Subpart 1–30.4 affected are modified accordingly.

Subpart 1–30.5 covering progress payments based on cost is amended to codify and cancel FPR Temporary Regulation 34 (39 FR 42716, December 6, 1974) which increased the standard percentages for customary progress payments to 80 percent of total incurred costs, except that for contracts with small business concerns the percentage was increased to 85 percent. In addition, several sections of Subpart 1–30.5 are amended to parallel similar provisions in the Armed Services Procurement Regulation. However, provisions for progress payments based on direct labor and material costs have been retained since deletion could hamper capability, especially for small business concerns, to complete in the Government marketplace. Sections 1–30.503 and 1–30.504–1 are amended to reduce from a 6- to a 4-month period prior to first delivery for small business concerns as a criteria for progress payments eligibility. Sections 1–30.504–3 and 1–30.504–4 are amended to revise provisions regarding notices to bidders in regard to progress payments. Sections 1–30.503–1 and 1–30.505 are amended to remove for letter contracts the time criteria for progress payment eligibility. Section 1–30.506 is amended to provide for suspension, rather than denial, of progress payments until a contractor's accounting system and controls are deemed adequate. Section 1–30.508 is amended to allow agencies to modify the progress payment contract clauses in regard to computation of unliquidated payment amounts where a contractor is receiving both advance and progress payments. The Progress Payments Contract clauses in § 1–30.510–1 are amended to cite the increased uniform standard percentages. Other sections are modified in the interest of uniformity.

1. The table of contents for Part 1–30 is amended to revise the caption of entry § 1–30.201, to add entry § 1–30.408–1, and to revise the captions of entries §§ 1–30.503, 1–30.510–1, and 1–30.511–3, as follows:

Sec.
1–30.201 Prompt payments.
1–30.408–1 Use of letter of credit method of financing.
1–30.503 Customary progress payments and uniform standard percentages.
1–30.510–1 Total costs clauses.
1–30.511–3 Total cost basis—other percentages.

2. Section 1–30.104–1 is revised, as follows:

§ 1–30.104–1 Letters of credit.

Whenever the criteria set forth by the Department of the Treasury in Department Circular No. 1075, 3rd Revision, 38 FR 5242, February 27, 1973 (31 CFR Part 205), are met, the letter of credit method of financing advance payments must be used unless waived by the Department of the Treasury.

3. Section 1–30.201 is amended to revise the caption and to add a sentence at the end of the section, as follows:

§ 1–30.201 Prompt payments.

• • • Agencies shall develop and maintain standards and/or criteria against which agency payment actions can be evaluated relative to the Government's policy of prompt payment to contractors.

4. Section 1–30.202 is amended to designate existing text as paragraph (a) and to add a new paragraph (b), as follows:

§ 1–30.202 Timely action.

(a) • • •

(b) Whenever it appears that it will be necessary to provide additional funds on contracts, it is of great importance that there be appropriate early action to assure the availability of funds for payment of amounts earned by contractors. Significant examples of situations in which it is of particular importance that there be timely and effective action, and no unnecessary Government delay, include: (1) negotiation and agreement on amounts earned by contractors (i) pursuant to change orders or unilateral contract modifications, (ii) for other equitable adjustments pursuant to contracts, (iii) under contract provisions for price revision or fee adjustment, (iv) under contract provisions for payment for special tooling, and (v) for final payments on contract terminations; (2) finalization of actual overhead rates under contracts providing for provisional overhead billing rates; (3) contract provision to support billing and payment for (i) cost overruns properly incurred by contractors after appropriate notice in conformity to contract provisions, and (ii) spare parts deliveries effected before issuance of appropriate contract supplement; (4) definitization of letter contracts; and (5) appropriate release of any withholdings deemed unnecessary on contracts where deliveries and services have been completed and amounts are being withheld pending final settlements.

5. Section 1–30.209 is amended to revise paragraph (e) as follows:

§ 1–30.209 Order of preference.

• • • • • •

(e) *Advance payments (§ 1–30.408).* However, see "Policy on Use of Advance Payments" with respect to research contracts or grants with nonprofit educational institutions (Part IV, Attachment A to Federal Management Circular 73–7, Administration of college and university research grants, December 19, 1973).

6. Section 1–30.403 is amended to revise paragraphs (a) and (b) and to add paragraph (d), as follows:

§ 1–30.403 Interest.

(a) Interest will be charged on the unliquidated balance of all advance payments at the rate established by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97, for the Renegotiation Board. The rate in effect at the time the advance payment is authorized shall be used throughout the term of repayment for advances made under this Subpart 1–30.4. However, advance payments may be approved without interest in connection with contracts with nonprofit educational or research institutions for experimental, developmental, or research work (including studies, surveys, and demonstrations in socio-economic areas), or contracts solely for the management and operation of Government-owned plants, or, in other classes of cases when specifically authorized by agency procedure. In this connection, contracts for acquisition of facilities at cost, for Government ownership, in combination with or in contemplation of supply contracts or subcontracts, will be treated as contracts requiring interest on advance payments. This interest rate applies to increases and extensions.

(b) Contracts with interest-free advance payments should provide that the contractor will charge interest at the rate established by the Secretary of the Treasury pursuant to Pub. L. 92–41 on subadvances or downpayments to subcontractors, and that interest charged on such subadvances or downpayments will be credited to the account of the Government. However, interest need not be charged on subadvances on subcontracts with nonprofit educational or research institutions for experimental, developmental, or research work (including studies, surveys, and demonstrations in socio-economic areas).

• • • • • •

(d) Interest rates established by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97 may be obtained from the Chief, Investment Branch, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC 20220, Telephone (202) 964–5651.

7. Section 1–30.404 is amended to revise paragraph (b)(1) as follows:

§ 1–30.404 Standards—amounts—need.

• • • • • •

(b) • • • (1) contracts with nonprofit educational or research institutions for experimental, developmental, or research work, and

• • • • • •

8. Section 1–30.408 is amended to revise (a) in the second sentence, as follows:

§ 1–30.408 Uses of advance payments.

• • • (a) contracts with nonprofit educational or research institutions for experimental, developmental, or research work (see § 1–30.404),

• • • • • •

9. Section 1–30.408–1 is added, as follows:

§ 1–30.408–1 Use of letter of credit method of financing.

(a) Unless a waiver has been obtained from the Department of the Treasury, the letter of credit method of financing advance payments must be used whenever the criteria set forth in Treasury Department Circular No. 1075 (31 CFR Part 205) and promulgated in regulations contained in Part VI, Treasury Fiscal Requirements Manual, Chapter 2000 are met. The letter of credit method of financing advance payments directly by Treasury check, or drawdowns through the Federal Reserve Bank or branch serving the recipient organization's commercial bank, shall be employed in accordance with agency procedures and Department of the Treasury regulations whenever the agency has, or expects to have, a continuing relationship with a recipient organization for at least 1 year, involving annual advances aggregating at least $250,000. Agency procedures may be applicable to an entire agency, a major organizational unit of an agency (e.g. Bureau, Service or Administration), any component of a major unit or a lower tier element of such component. The single letter of credit procedures may apply to the financing of all contracts and/or grants, or classes of contracts and/or grants between a recipient organization and an agency or any of its components. Since the letter of credit method enables the recipient organization to withdraw cash from the Treasury concurrently with and as frequently as disbursements are made by the recipient organization, there need be no time lag between drawdowns from the Treasury and disbursements by the recipient organization. Therefore, there is no necessity for the recipient organization to maintain unliquidated balances of Federal cash other than small balances necessary to accommodate Treasury minimum limitations on individual drawdowns and to provide for an element of bank float.

(b) Contracts shall require such adequate security for funds advanced as may be considered appropriate for the protection of the Government under the circumstances of each case, but in any event, the financial management system of the recipient organization shall provide for effective control over and accountability for all Federal funds in accordance with governing regulations of the Treasury Department. See § 1–30.412 and 31 CFR Part 205 (also appearing as Department of the Treasury Circular No. 1075, 3rd Revision, 38 F.R. 5242, February 27, 1973).

(c) Contracts using the letter of credit method of financing should incorporate (among other provisions) paragraphs (a), (k), and (n)(3) of § 1–30.414–2 contract provisions in order to ensure that the financial management system of the contractor provides effective control over and accountability for all Federal funds.

10. Section 1–30.410 is amended (1) to revise the text of the Findings, Determinations, and Authorization for Advance Payments at paragraphs 1d and 1f of the Findings and paragraph 2 of the Notes, (2) to insert the number 3 before the text of the Authorization paragraph, and (3) to place the last sentence of the Authorization paragraph in parentheses, as follows:

§ 1–30.410 Findings, determinations, and authorization.

• • • • • •

FINDINGS

1. • • • —

d. The proposed advance payment clause contains appropriate provisions for the protection of the Government, as security for the advance payments. (These include provision that all payments will be deposited in a special bank account, and that the United States will have a paramount lien upon (1) the credit balance in the special bank account, (2) any supplies contracted for, and (3) any material or other property acquired for performance of the contract.) (The financial management system of the contractor provides for effective control over and accountability for all Federal funds in accordance with governing regulations of the Treasury Department.) (Advance payment bond is required.) Such security is deemed to be adequate.

• • • • • •

f. The Contractor is a nonprofit (educational (and) (research)) institution, and the contract is for (experimental) (,) (developmental) (,) (and) (research) work.

• • • • • •

AUTHORIZATION

3. • • •

(All prior advance payment authorizations with respect to Contract No. -------- are hereby superseded.)

(Name typed)

(Title of authorized official)

NOTES:

• • • • • •

2. Each "Findings, Determinations, and Authorization" must include paragraphs 1a, 1b, 1c, 1d, 2, and 3. Paragraph 1e should not be included in the case of contracts with a nonprofit educational or research institution for experimental, developmental, or research work, or in the case of contracts solely for the management and operation of Government-owned plants. Paragraph 1f, 1g, or 1h, as appropriate, should be included if the advance payments are to be made without interest to the Contractor. The last sentence of paragraph 2 should be included if any advance payments have previously been authorized for the contract. The numbering and lettering of the paragraphs in the completed "Findings and Determinations" will

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then run consecutively, based on the paragraphs actually used.

• • • • •

11. Section 1–30.411 is amended to revise paragraph (c) as follows:

§ 1–30.411 Application for advance payment.

• • • • •

(c) As appropriate, name and address of bank suggested as depository for the advance payment special account, or if the letter of credit financing method is proposed, the specific account with the Contractor's Commercial Bank that will be used;

• • • • •

12. Section 1–30.413 is amended to add two sentences at the end of paragraph (b) as follows:

§ 1–30.413 Security—supervision—covenants.

• • • • •

(b) • • • Where advance funding utilizes the letter of credit method of financing (see § 1–30.408–1), a separate special bank account is not required by governing Treasury Department Regulations. However, an agency may require a special bank account for an individual case, or classes of cases.

13. Section 1–30.414–2 is amended to revise the first sentence and to add a second sentence of the text appearing before the suggested contract provisions. In addition, two sentences are added to paragraph (a), and paragraphs (k) (2) and (n) (3) of the suggested contract provisions have been revised.

§ 1–30.414–2 Contract provisions for advance payments.

Suggested contract provisions for advance payments with directions for use where appropriate are set forth in this § 1–30.414–2. Where advance funding utilizes the letter of credit method of financing (see § 1–30.408–1), agencies may modify the directions for use of the suggested provisions and may utilize other contract provisions, as appropriate, provided such modifications and other contract provisions are not inconsistent with statutory requirements and policies in this Part 1–30.

(a) • • • If the letter of credit financing method for advance payments is utilized, the Contractor will (1) initiate cash drawdowns only when actually needed for its disbursements, (2) timely report cash disbursements and balances as required by the Administering Office, and (3) impose the same standards of timing and amount upon any secondary recipients including the furnishing of reports of cash disbursements and balances. Failure to adhere to these material provisions will be considered an event under the paragraph entitled *Default provisions* of this clause.

• • • • • •

(k) *Default provisions.* Upon the happening of any of the following events of default, • • • Upon the continuance of any such events of default for a period of thirty (30) days after such written notice to the Contractor, the Government may, in its discretion, and without limiting any other rights which the Government may have, take the following additional actions as it may deem appropriate in the circumstances:

• • • • •

(2) Charge interest on advance payments outstanding during the period of any such default at the rate established by the Secretary of the Treasury pursuant to Public Law 92–41, 85 Stat. 97 for the Renegotiation Board;

• • • • •

(n) • • •

(3) *Interest charge.* Interest shall be charged in the manner provided herein at the rate established by the Secretary of the Treasury pursuant to Public Law 92–41; 85 Stat. 97, for the Renegotiation Board. [In the case of advance payments made without interest, insert the following:] No interest shall be charged for advance payments made hereunder, except interest during a period of default as provided in paragraph (k)(2). The Contractor shall charge interest at the rate established by the Secretary of the Treasury pursuant to Public Law 92–41; 85 Stat. 97, for the Renegotiation Board on subadvances or downpayments to subcontractors, and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances on subcontracts with nonprofit educational or research institutions for experimental, developmental, or research work.

• • • • •

14. Section 1–30.500–1 is revised, as follows:

§ 1–30.500–1 Exclusions.

This subpart does not apply to (a) cost-reimbursement type contracts, except as to progress payments to subcontractors and suppliers thereunder (see § 1–30.514), or (b) contracts providing for progress payments based on a percentage or stage of completion.

15. Section 1–30.502 is amended as follows:

§ 1–30.502 General.

In furtherance of the basic policy expressed in § 1–30.210 that the need for financing is not to be treated as a handicap in awarding contracts to responsible contractors, progress payments may properly be used to supplement the private funds available to contractors for working capital purposes. It seldom should be necessary for progress payments based on costs to exceed the uniform standard percentages of costs of the work done under the undelivered portion of the contract (see § 1–30.503). Nothing in this Subpart 1–30.5 shall be construed to authorize payment of more than the amount obligated on a contract.

• • • • •

16. Section 1–30.503 is amended to revise the caption and paragraph (a), as follows:

§ 1–30.503 Customary progress payments and uniform standard percentages.

(a) Certain contracts may require a contractor to incur predelivery expenditures that will have a material impact on the contractor's working funds. These include (1) production contracts which involve a long "lead time" or preparatory period between the beginning of work and the first production delivery and (2) some research and development and some contracts for services which have a long time period between the beginning of work and the first opportunity to bill and receive payment for a significant element of contract performance, such periods normally involving 4 months or more for small business concerns and 6 months or more for firms which are not small business concerns. Progress payments are customary at uniform standard percentages of 80 percent of total costs or 85 percent of direct labor and material costs of the work done under the undelivered portion of the contract, except that for contracts with small business concerns (see Subpart 1–1.7 for definitions) these percentages shall be 85 percent of total costs or 90 percent of direct labor and material costs. These percentages apply to contracts, whether entered into by formal advertising or by negotiation.

• • • • •

17. Section 1–30.503–1 is revised, as follows:

§ 1–30.503–1 Applicability of percentages.

The uniform standard percentages authorized by § 1–30.503 and cited in §§ 1–30.504–1, 1–30.504–2, and 1–30.504–3 apply to: new contracts; new procurement effected by supplements, amendments, or other modifications of existing contracts; definitive contracts superseding letter contracts; contracts supersedenew procurement under basic agreements; orders or other instruments under basic ordering agreements or indefinite quantity contracts; all supplements, amendments, or other modifications which affect or provide for progress payments; and any outstanding contracts which contain optional provision as to progress payment percentages, after due notice by the contracting officer (see § 1–30.524). Length of lead time, or length of the time period within which billings for deliveries or for significant partial performance cannot be accomplished (see § 1–30.503(a)), are not factors in qualifying letter contracts and their superseding definitive contracts for customary progress payments (also see § 1–30.515 in regard to letter contracts). Higher percentages for new contracts will be regarded as unusual (§ 1–30.505) and not within the category of customary progress payments. No percentage higher than the uniform standard progress payment rates may be offered in any solicitation incident to formal advertising unless approved in advance in accordance with § 1–30.505.

18. Section 1–30.504–1 is amended to revise paragraph (a)(1)(i) and paragraph (b)(2), as follows:

§ 1–30.504–1 Progress payment provision in invitation for bids.

(a) • • •

(1) • • •

(i) Considers that the period between the beginning of work and the required first production delivery will exceed 6 months for firms which are not small business concerns and 4 months for small business concerns, or

• • • • •

(b) • • •

(2) That upon written request by the prospective contractor a progress payment clause (to be included in the invitation for bids or identified by appropriate reference therein, and to be the appropriate one of the contract clauses at uniform standard percentages as specified in § 1–30.503) will be included in the contract at the time of awards. (See § 1–30.504–4(a) for notice to bidders.) This notice to bidders may be modified as provided in paragraph (c) of this section.

• • • • •

19. Section 1–30.504–2 is revised, as follows:

§ 1–30.504–2 Small business restricted advertising.

The above policy and standards also apply to procurement by "Small Business Restricted Advertising" and for procurement pursuant to § 1–30.504–3. When progress payments are contemplated in these cases, provision will be made for progress payment percentage at 85 percent of total costs or 90 percent of costs of direct labor and material.

20. Section 1–30.504–3 is revised, as follows:

§ 1–30.504–3 Progress payments exclusively for small business.

A stated purpose of Pub. L. 85–800, 72 Stat. 966, is "to improve opportunities for small business concerns to obtain a fair proportion of Government purchases and contracts." One of the sections of the statute amended section 305 of the "Property Act" (41 U.S.C. 255) and 10 U.S.C. 2307 by providing that contracting agencies "may • • • insert in bid solicitations • • • a provision limiting to small business concerns • • • progress payments." In furtherance of the purposes of this statute, whenever provision for progress payments is to be made in invitations for bids (as provided by §§ 1–30.504–1 and 1–30.504–4), careful consideration shall be given as to whether or not the contemplated availability of progress payments should not be reasonsmall business concerns only. If it is considered by the contracting officer that progress payments should not be reasonably necessary for prospective bidders other than small business concerns, the provisions for progress payments (§ 1–30.504–1) and the notice to bidders (§ 1–30.504–4 (a) or (b)) will be supplemented by an additional notice to bidders appearing immediately adjacent thereto to the effect that the progress payment clause, if any, will be available to small business concerns only, and will not be included for contractors who are not small business concerns. (See § 1–30.504–4(c) for appropriate notice to bidders.) Also see § 1–30.504–6 when invitations for bids do not provide for progress payments at all.

21. Section 1–30.504–4 is amended to revise the caption of the notice to bidders appearing in paragraph (b) and to add a new paragraph (c), as follows:

§ 1–30.504–4 Notice to bidders.

• • • • •

(b) Those invitations for bids that make provision for progress payments pursuant to § 1–30.504–1(c) should contain the following notice to bidders:

AVAILABILITY OF PROGRESS PAYMENTS

• • • • •

(c) Those invitations for bids that make provision for progress payments pursuant to § 1–30.504–3 shall contain the following notice to bidders adjacent to the notice set forth in paragraph (a) or (b) of this section:—

PROGRESS PAYMENTS EXCLUSIVELY FOR SMALL BUSINESS

The Progress Payments clause will be available to small business concerns only, and will not be included for contractors who are not small business concerns.

(End of notice)

22. Section 1–30.505 is amended by adding a new paragraph (c), as follows:

§ 1–30.505 Unusual progress payments—standards—procedure.

• • • • •

(c) Progress payments of a class and within the limits set forth in § 1–30.503 on letter contracts and on definitive contracts superseding letter contracts are not deemed unusual.

23. Section 1–30.506 is revised, as follows:

§ 1–30.506 Accounting system and controls.

The contractor's accounting system and controls must be adequate for the proper administration of progress payments. If the contractor's accounting system and controls have been found (by experience or by audit examination) to be sufficient and reliable for segregation and accumulation of contract costs, no further examination should be necessary as long as the efficiency and reliability of the contractor's system and controls are maintained. In all doubtful cases, including contracts with contractors with whom the procuring activity has had no experience within the preceding 12 months, the adequacy of the contractor's accounting system and controls shall be determined, and any necessary changes accomplished. Until such time as the necessary changes are made, the accounting system and controls shall be deemed inadequate and progress payments suspended. For this purpose, audit examination should be utilized to the greatest extent practicable.

24. Section 1–30.508 is revised, as follows:

§ 1–30.508 Advance payments.

When advance payments and progress payments are authorized in the same contract, progress payment percentages shall not exceed the uniform standard percentages in §§ 1–30.503 and 1–30.504. In these cases, the words "less unliquidated advance payments" may be deleted from paragraph (a)(3)(ii) of the progress payment clauses (see § 1–30.510), in accordance with agency procedures.

25. Section 1–30.510–1 is amended to revise the section caption and revise paragraphs (a) and (b), and amend (j) of the contract clause set forth in paragraph (a), and revise the clause caption and amend paragraph (a) and revise (b) of the contract clause set forth in paragraph (b) of the section, as follows:

§ 1–30.510–1 Total costs clause.

(a) • • •

PROGRESS PAYMENTS

(Total Costs)

• • • • •

(a) *Computation of amounts.* (1) Unless a smaller amount is requested, each progress payment shall be (i) 80 percent of the amount of the Contractor's total costs (except that this percentage shall be 85 percent if the Contractor is a small business concern) incurred under this contract, except as provided herein with respect to costs of pension contributions, plus (ii) the amount of progress payments to subcontractors as provided in (j) below; all less the sum of previous progress payments. With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accruals of the costs of these pension contributions shall be excluded from the Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals of the costs of these pension contributions may be included in the Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within 30 days after the close of the period covered by the payment. If payments are not made to the fund within such 30-day period, pension contributions costs shall be excluded from the Contractor's total costs for progress payment purposes until payment therefor has been made. (2) • • • (3) The amount of unliquidated progress payments shall not exceed the lesser of (i) 80 percent of the costs (except that this percentage shall be 85 if the Contractor is a small business concern) mentioned in (a)(1)(i) of this clause, plus any unliquidated progress payments mentioned in item (a)(1)(ii), both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) 80 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments. (4) The aggregate amount of progress payments made shall not exceed 80 percent of the total contract price (except that this percentage shall be 85 percent if the Contractor is a small business concern).

(b) *Liquidation.* Except as provided in the clause entitled "Termination for Convenience of the Government," all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or 80 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) [see 41 CFR 1–30.513–2 for citation of lower percentages for this paragraph (b) and for (a)(3)(ii)] of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after recalculating liquida-

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tions and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly.

• • • • •

(j) *Progress payments to subcontractors.* (1) • • • (3) Subcontracts on which progress payments to subcontractors may be included in the basis for progress payments pursuant to paragraph (a) of this clause are limited to those subcontracts in which there is expected to be a long "lead time" between the beginning of work and the first delivery, approximately 4 months or more for small business concerns and 6 months or more for firms which are not small business concerns, and in which the provisions regarding progress payments (i) are substantially similar to and as favorable to the Government as this "Progress Payments" clause, no more favorable to the subcontractor than this clause is to the Contractor and on a basis of not more than 90 percent of total costs or 85 percent of direct labor and material costs (except that these percentages shall be 85 percent of total costs or 90 percent of direct labor and material costs for those subcontractors which are small business concerns), and (ii) make all rights of the subcontractor with respect to all property to which the Government has title under the subcontract subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor. (3) • • •

• • • • •

(End of clause.

(b) • • •

PROGRESS PAYMENTS

(Short Form—Total Costs)

• • • • •

(a) *Computation of amounts.* (1) Unless a smaller amount is requested, each progress payment shall be 90 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) of the Contractor's cumulative total costs under this contract, except as provided herein with respect to costs of pension contributions, less the sum of any previous progress payments. With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accruals of the costs of these pension contributions shall be excluded from the Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals of the costs of these pension contributions may be included in the Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within 30 days after the close of the period covered by the payment. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from the Contractor's total costs for progress payment purposes until payment therefor has been made.

(2) • • •

(3) At no time shall unliquidated progress payments exceed 90 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) of the total contract price of the items and services not yet delivered and invoiced to and accepted by the Government.

(4) In no event may the aggregate amount of progress payments made exceed 90 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) of the total contract price.

(b) *Recovery of progress payments.* Except as otherwise provided in this contract, payments by the Government for materials delivered, invoiced, and accepted shall be reduced by 90 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) of the contract price of such items and the amount of reduction applied against progress payments previously made until such time as the total of all progress payments has been recovered.

• • • • •

26. Section 1–30.511–2 is revised, as follows:

§ 1–30.511–2 Variation in percentages.

The percentages stated in paragraph (a) (1) of the clauses in §§ 1–30.510–1 and 1–30.510–2 are the uniform standard percentages for customary progress payments authorized by § 1–30.503. However, the clauses in § 1–30.510–2 should be modified to set forth 90 percent of direct labor and material costs if the Contractor is a small business concern. Higher percentages may be provided in the manner and to the extent authorized by § 1–30.505. Lower percentages may be used in (a) (1) of the clauses in §§ 1–30.510–1 and 1–30.510–2 when agreed, and will be used for unusual progress payments when found to be adequate in accordance with the standards set forth in § 1–30.505. Such lower percentages shall not be utilized for progress payments pursuant to § 1–30.504.

27. Section 1–30.511–3, including the caption, is revised as follows:

§ 1–30.511–3 Total cost basis—other percentages.

If a percentage other than the uniform standard percentages is specified in (a) (1) (i) of the total costs clause set forth in § 1–30.510–1(a), the percentage actually specified in (a) (1) (i) of the Progress Payments clause of the contract shall also be specified in (a) (3) (i), (a) (3) (ii), (a) (4), and (b) of the Progress Payments clause. (As to (b), see § 1–30.512.) Likewise, if a percentage other than the uniform standard percentages is specified in (a) (1) of the short form total costs clause set forth in § 1–30.510–1(b), the percentage actually specified shall also be specified in (a) (3), (a) (4), and (b) of the short form Progress Payments clause.

28. Section 1–30.515 is amended to revise paragraph (a), as follows:

§ 1–30.515 Letter contracts.

• • • • •

(a) Paragraph (a) (4) will be replaced by a provision limiting the aggregate amount of progress payments made under the letter contract to a stated amount, not exceeding the applicable uniform standard percentage of the maximum liability of the Government under the letter contract (or such lesser percentage as may be applicable in accordance with the last two sentences of § 1–30.511–4 if the clause set out in § 1–30.510–2(a) is to be used). Separate limits may be prescribed for separate parts of the work.

• • • • •

29. Section 1–30.517 is amended to revise paragraph (a) as follows:

§ 1–30.517 Contract financing office clearance.

• • • • •

(a) Those involving progress payments at rates exceeding the applicable uniform standard percentages authorized by §§ 1–30.503 and 1–30.504.

• • • • •

30. Section 1–30.524–4 is amended to add a sentence at the end, as follows:

§ 1–30.524–4 Delinquency in payment of costs of performance.

• • • The standards in paragraph (a) of the clauses set forth in § 1–30.510–1(a) and (b) for the exclusion of pension contribution costs from progress payment computations will govern a determination of delinquency in the ordinary course of business with respect to these pension contribution costs, without regard to other provisions of § 1–30.524.

31. Section 1–30.527 is amended to add a sentence at the end, as follows:

§ 1–30.527 Amendments to provide progress payments.

• • • In conformity with the standards and procedures of § 1–30.505, unusual progress payments may be provided by amendment.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective October 31, 1975, but may be observed earlier.

Dated: September 11, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–25224 Filed 9–22–75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5531; Wyoming 36479]

WYOMING

Amendment to Public Land Order No. 5427

Correction

In FR Doc. 75–24470, appearing on page 42553 in the issue for Monday, September 15, 1975, in the first line of ordering paragraph "2", the number "5247" should read "5427".

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Salt Plains National Wildlife Refuge, Oklahoma; Correction

In FR Doc. 75–23979, appearing on page 42018 of the issue for Wednesday,

September 10, 1975, subparagraph (3) under special conditions should read as follows:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

• • • • •

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

• • • • •

(3) The primitive firearms hunting season is November 8 and 9, 1975.

• • • • •

JERRY L. STEIGMAN,
Acting Regional Director,
Albuquerque, New Mexico.

SEPTEMBER 16, 1975.

[FR Doc.75–25227 Filed 9–22–75;8:45 am]

PART 32—HUNTING

Agassiz National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on September 23, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of deer of either sex is permitted by legal firearms on the Agassiz National Wildlife Refuge, Minnesota, from sunrise to sunset on November 1 and 2 or from November 5 to November 30, 1975 all dates inclusive. The individual may choose Nov. 1 and 2, 1975 in which to hunt or no more than five consecutive days in which to hunt between November 5 through November 30, 1975 all dates inclusive on all areas except those designated by closed area signs. This open area comprises 58,660 acres and is delineated on a map available at the Refuge Headquarters near Holt, Minnesota, and from the Regional Director, U.S. Fish & Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1975.

JOSEPH KOTOK,
Refuge Manager,
Agassiz National Wildlife Refuge.

[FR Doc.75–25348 Filed 9–22–75;8:45 am]

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on September 23, 1975.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of pheasants on the Bear River Migratory Bird Refuge, Utah, is permitted from November 1 through November 30, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,495 acres, is delineated on maps and shown as "Area A" which are available at refuge headquarters, Brigham City, Utah, and from the Area Office, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) *Steel Shot.* The exclusive use of steel shot is required on all days in Area "A" for the entire season. The possession of lead shot on the refuge is prohibited.

(2) *Roads.* No hunting is permitted from roadways or within 100 yards of roadways.

(3) *Hunter Check Station.* Each hunter who enters Area "A" is required to register at the checking station and check out before leaving the refuge.

(4) *Parking.* Hunters may park cars only at designated areas within the refuge.

(5) *Routes of travel.* To reach open hunting area, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1975.

NED I. PEABODY,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

SEPTEMBER 16, 1975.

[FR Doc.75–25349 Filed 9–22–75;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 251—FINANCIAL AID PROGRAM PROCEDURES

Fishery for American Lobster in the Gulf of Maine

On April 2, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 14778) stating that the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, was considering an amendment to Financial Aid Program Procedures (50 CFR Part 251) to incorporate in subpart B of Part 251 a new section to adopt the "fishery for American lobster in the Gulf of Maine" as a Conditional Fishery. This notice contained an explanatory statement describing the principal situations and conditions under consideration for determining that this fishery should be adopted as a Conditional Fishery and that the use of financial assistance programs to add vessel capacity to this fishery would not be consistent with the wise use of that fishery resource and with the development, advancement, management, conservation, and protection of that fishery. A similar notice was published on July 22, 1974, in the FEDERAL REGISTER (39 FR 26650).

Subpart A of 50 CFR Part 251 sets forth the general policy under which finapcial assistance programs for the commercial fisheries will be administered and establishes the procedure to be used in proposing and adopting a fishery as a Conditional Fishery. Each fishery adopted as a Conditional Fishery will be enumerated under Subpart B of 50 CFR Part 251. The terms under which financial assistance related to a Conditional Fishery may be approved are set forth in the regulations on procedures and administration of each financial assistance program. Consequently, in considering the adoption of a Conditional Fishery, the terms and conditions of regulations for administering the Fishing Vessel Obligation Guarantee program (50 CFR Part 255) and the Fishing Vessel Capital Construction Fund program (50 CFR Part 259) are reviewed to assure that due consideration is afforded to participants or potential participants in these programs.

In response to the proposal, comments were received from eight interested parties, including officials of the States of Maine, New Hampshire, Massachusetts, and Connecticut. The principal issues raised and the Director's conclusions follow.

The responses contained general support for the purpose of the proposed NMFS action as stated in the April 2, 1975, notice which read as follows: "It is the intent of the conditional fisheries regulatory mechanism as set forth in Part 251 of this chapter that NMFS financial assistance activities will be consistent with the wise use of the fisheries resources and with their development, advancement, management, conservation and protection. When, upon review and evaluation of situations and conditions in a fishery, it is determined that certain fisheries demonstrably do not need additional harvesting capacity to meet management needs and objectives those fisheries may be adopted as conditional fisheries. Fisheries adopted as conditional fisheries will be those in which application of NMFS financial assistance activities will be controlled in a manner which, on balance, will be consistent with the needs and objectives of

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management. Consequently, NMFS financial assistance programs will not be used to worsen conditions in those fisheries adopted as conditional fisheries. To the contrary, these programs may then be more effectively and efficiently used to assist established fishermen in all fisheries, including conditional fisheries, under terms and conditions as set forth in the cross-referenced regulations for each financial assistance program. However, this regulatory mechanism (50 CFR Part 251) is not viewed as a substitute for sound fisheries management and enforcement practices at the international, national, and state levels."

The response contained a general agreement that the fishery for American lobster in the Gulf of Maine was in need of protection from excessive fishing effort. This issue was brought forth in the explanatory statement about the fishery which was part of the April 2, 1975, notice.

Respondents correctly observed that the proposed regulation will be ineffectual in limiting or reducing the level of either domestic or foreign fishing effort in a fishery and that the proposed regulation may be circumvented through the acquisition of capital from other sources. It is, however, not the purpose of this regulatory mechanism to control fishing effort or to restrict the flow of private capital into the fisheries.

Several of the comments indicated that present participants in a fishery adopted as a conditional fishery should be assisted to replace or to recondition vessels. Provisions to assist fishermen for these purposes, while not adding vessels to that fishery, are provided for in the regulations for the Fishing Vessel Obligation Guarantee program and the Fishing Vessel Capital Construction Fund program.

Respondents commented that all lending institutions should be fully informed about the National Marine Fisheries Service's intent regarding conditional fisheries determinations that would deny prospective new entrants the use of NMFS financial assistance programs for the purpose of adding vessels to conditional fisheries. Respondents were concerned that misinterpretation of the intent of the conditional fisheries regulatory mechanism by potential lenders might adversely affect credit to existing fishermen operating in a conditional fishery. NMFS has informed the Small Business Administration and the Farm Credit Administration concerning its intent in establishing the conditional fishery regulatory mechanism. The NMFS Financial Assistance Division is responsible for providing day to day informational services to lenders regarding NMFS financial assistance programs.

Respondents suggested that NMFS develop positive programs that (1) provide funds to buy old vessels being replaced to compensate fishermen who would otherwise suffer equity losses in disposing of old vessels, (2) offer financial incentives to encourage fishermen in a conditional fishery to diversify operations, and (3) establish priorities by fisheries for allocation of limited funds. The Director concludes that new statutory authority would be needed to implement these suggestions.

Respondents proposed that other administrative methods should be found to replace the proposed regulation. These suggestions overlook the fact that in addition to administrative requirements to improve NMFS financial assistance programs, there is a legal requirement that NMFS can approve certain projects for financial assistance only after finding the project consistent with the wise use of the fisheries resources and with their development, advancement, management, conservation and protection. The conditional fisheries regulatory mechanism serves the purpose of making required findings on a class or fishery basis, rather than on a case-by-case basis, by not using these programs to add vessel capacity to fisheries already exhibiting sufficient harvesting capacity.

After due consideration of all responses and of the laws, regulations, and administrative requirements governing NMFS financial assistance programs, the Director concludes that it is not within his power to grant priorities or incentives that would discriminate between applications eligible for NMFS financial assistance programs and that the Financial Aid Program Procedures (50 CFR Part 251) provide an appropriate mechanism, at this time, for complying with requirements related to controlling NMFS financial assistance programs. The proposal to amend Part 251 of this chapter, Subpart B—Conditional Fisheries, to add a new § 251.22 is hereby adopted as set forth below. This section shall be effective September 23, 1975.

§ 251.22 Fishery for American lobster (Homarus Americanus) in the Gulf of Maine.

By order to the Administrator, National Oceanic and Atmospheric Administration.

Dated: September 17, 1975.

ROBERT M. WHITE,
Administrator.

[FR Doc.75-25339 Filed 9-22-75;8:45 am]

PART 251—FINANCIAL AID PROGRAM PROCEDURES

Fishery for Salmon in Washington, Oregon, and California

On April 2, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 14779) stating that the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, was considering an amendment to Financial Aid Program Procedures (50 CFR Part 251) to incorporate in subpart B of Part 251 a new section to adopt the "fishery for salmon in Washington, Oregon, and California" as a Conditional Fishery. This notice contained an explanatory statement describing the principal situations and conditions under consideration for determining that this fishery should be adopted as a Conditional Fishery and that the use of financial assistance programs to add vessel capacity to this fishery would not be consistent with the wise use of that fishery resource and with development, advancement, management, conservation, and protection of that fishery.

Subpart A of 50 CFR Part 251 sets forth the general policy under which financial assistance programs for the commercial fisheries will be administered and establishes the procedure to be used in proposing and adopting a fishery as a Conditional Fishery. Each fishery adopted as a Conditional Fishery will be enumerated under Subpart B of 50 CFR Part 251. The terms under which financial assistance related to a Conditional Fishery may be approved are set forth in the regulations on procedures and administration of each financial assistance program. Consequently, in considering the adoption of a Conditional Fishery, the terms and conditions of regulations for administering the Fishing Vessel Obligation Guarantee program (50 CFR Part 255) and the Fishing Vessel Capital Construction Fund program 50 CFR Part 259) are reviewed to assure that due consideration is afforded to participants or potential participants in these programs.

In response to the proposal, three comments were received from Washington fishing industry members. The principal issue raised by these comments was that NMFS should not restrict use of its financial assistance programs from adding fishing power to the salmon fishing fleet. Contentions were made that new vessels could help modernize the fleet, that more vessels, more competition and free enterprise should be encouraged and the NMFS programs could provide the opportunity for fishermen to obtain reasonable financing for better vessels. These contentions overlook the fact that in addition to administrative requirements to improve NMFS financial assistance programs, there is a legal requirement that NMFS can approve certain projects for financial assistance only after finding the project consistent with the wise use of the fisheries resources and with their development, advancement, management, conservation, and protection. In addition, the objectives of Washington's fisheries management program currently include reducing the numbers of salmon vessels, gears, and licenses in Washington through implementation of a multi-million dollar "buy-back" program to eliminate an appropriate number of such vessels, gears, and licenses from its fisheries.

After due consideration of the responses received, the Director concludes that the proposal to amend Part 251 of this Chapter, Subpart B—Conditional Fisheries, to add a new § 251.23 is hereby adopted as set forth below. This section shall be effective September 23, 1975.

§ 251.23 Fishery for salmon in Washington, Oregon, and California.

By order of the Administrator, National Oceanic and Atmospheric Administration.

Dated: September 17, 1975.

ROBERT M. WHITE,
Administrator.

[FR Doc.75-25340 Filed 9-22-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974: DEFINITIONS OF MULTIEMPLOYER PLAN AND PLAN ADMINISTRATOR

Proposed Rulemaking

Correction

In FR Doc. 75-24922, appearing at page 43034 in the issue for Thursday, September 18, 1975, in § 1.414(f)-1, in the undesignated paragraph immediately following paragraph (a)(5), in the 14th line, the reference to paragraph "(b)(4)" should read "(a)(4)".

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 2110, 2130, 2270, 3820]

KING RANGE NATIONAL CONSERVATION AREA, CALIF.

Acquisition, Exchanges, Management of Locatable Mineral Resources

Notice is hereby given that pursuant to the authority contained in R.S. 453, as amended (43 U.S.C. 2); R.S. 2478, as amended (43 U.S.C. 1201); the National Environmental Policy Act of 1969 (42 U.S.C. 4321, 4331-4335) and the Act of October 21, 1970 (16 U.S.C. 460y), it is proposed to amend Title 43, Code of Federal Regulations by adding a new paragraph (c) to § 2110.03, to add a new Part 2130, to add a new paragraph (c) to § 2273.0-3, to add a new § 2273.1-1 and to add a new Subpart 3827 to Part 3820.

The purpose of adding paragraph (c) to 2110.0-3 is to provide authority for accepting land or interest in land by donation in the King Range National Conservation Area.

The purpose of Part 2130 is to establish requirements for the acquisition of lands within the King Range National Conservation Area by purchase. The limits on the use of eminent domain are also established.

The purpose of the amendment to Subpart 2273 is to establish the specific requirements for making exchanges within the King Range National Conservation Area.

The purpose of new Subpart 3827 is to establish requirements for carrying out activities under the mining laws within the King Range National Conservation Area, to protect the scenic and esthetic values from undue impairment, and to assure against pollution of the streams and waters of the Area.

In accordance with section 102(2(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(c)), a detailed environmental statement was prepared on this action. The final statement was released on September 18, 1974.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until October 24, 1975.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Legislation and Regulatory Management, Bureau of Land Management, Room 5555, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

Chapter II, Title 43 of the Code of Federal Regulations is amended to read as follows:

PART 2110—GIFTS

1. A new paragraph 2110.0-3(c) is added to read as follows:

§ 2110.0-3 Authority.

• • • • •

(c) Section 5 of the King Range Conservation Area Act (16 U.S.C. 460y) authorizes the Secretary to accept land or interest in land within the area by donation.

2. A new Part 2130 is added to read as follows:

PART 2130—ACQUISITION OF LANDS OR INTERESTS IN LANDS BY PURCHASE OR CONDEMNATION

Sec.
2130.0-3 Authority.
2130.2 Acquisition of lands in King Range Conservation Area.
2130.2-1 Purchase.
2130.2-2 Eminent domain.

AUTHORITY: Sec. 5 of the King Range Conservation Area Act (16 U.S.C. 460y).

Subpart 2130—Acquisition of Lands or Interests in Lands by Purchase or Condemnation—General

§ 2130.0-3 Authority.

The Act of October 21, 1970, (16 U.S.C. 460y) provides for the establishment of the King Range National Conservation Area and authorizes the Secretary of the Interior to acquire by purchase any land or interest in land within the area pursuant to the Act.

§ 2130.2 Acquisition of Lands in King Range Conservation Area.

§ 2130.2-1 Purchase.

If the Secretary of the Interior determines that the acquisition of land or interest in land is desirable for consolidation of public lands within the Area he may acquire land or interest in land within the King Range National Conservation Area by purchase with donated funds appropriated specifically for that purpose.

§ 2130.2-2 Eminent Domain.

(a) *Use of eminent domain.* The power of eminent domain will only be exercised if the Secretary finds that the existing use of the land is incompatible with the purposes of the King Range National Conservation Area Act or the management plan prepared in accordance with the Act, and if efforts to acquire the land by other means have failed.

(b) *Appraisal.* Prior to initiation of condemnation proceedings, the property will be appraised pursuant to approved Bureau procedures to determine its fair market value and an offer made to purchase it at that appraised price.

PART 2270—MISCELLANEOUS EXCHANGES

3. The title of Subpart 2273 is amended to read "Exchanges: National Wild and Scenic Rivers System; National Trails System; National Conservation Areas".

4. A new paragraph (c) is added to § 2273.0-3 to read as follows:

§ 2273.0-3 Authority.

• • • • •

(c) *National conservation areas.* The Act of October 21, 1970, (16 U.S.C. 460y) provides for the establishment of the King Range National Conservation Area in the State of California and authorizes the Secretary of the Interior to acquire land or interests in land by exchange under the Act.

5. A new section § 2273.1-1 is added to Subpart 2273 to read as follows:

§ 2733.1-1 Procedures.

(a) In making exchanges within the King Range National Conservaton Area, the authorized officer may accept title to non-Federal land or interest in land within the Area defined in 16 U.S.C. 460y-8, or additions made thereto, and convey to the grantor of such land or interest in land an equal value of surveyed, unappropriated and unreserved public land or interest in land, in accordance with the following:

(1) The authorized officer shall have determined that the exchange is in the public interest.

(2) The public lands offered in exchange be in Humboldt and/or Mendocino County, California, and shall have

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been classified by the authorized officer for exchange.

(3) If the value of the offered lands or interests in land is at least equal to two-thirds of the value of the public land or interests in land, the exchange may be completed by payment of the difference in value to the Bureau of Land Management or the submittal of a cash deposit or a performance bond in an amount at least equal to the difference in value in order to assure that additional lands acceptable to the authorized officer and at least equal to the difference in value will be conveyed to the Government within a definite time to be specified by the authorized officer. If the value of the public lands offered in exchange for non-Federal lands or interests in non-Federal lands is at least equal to two-thirds of the value of the non-Federal lands, the exchange may be completed upon payment by the authorized officer of the difference in value.

(b) Either party to an exchange may reserve minerals, easements, or rights of use either for its own benefit, for the benefit of third parties, or for the benefit of the general public. Any such reservation, whether in lands conveyed to or by the United States, shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the authorized officer. When minerals are reserved in lands conveyed by the United States, any person who prospects for or acquires the right to mine and remove such reserved mineral deposits shall be liable to the surface owners according to their respective interests for any actual damage to the surface or to the improvements thereon resulting from prospecting, entering, or mining operations.

Prior to entering lands in non-Federal ownership, such person shall either obtain the surface owner's written consent or file with the authorized officer a good and sufficient bond or undertaking to the United States in an amount acceptable to the authorized officer for the use and benefit of the surface owner to secure payment of such damages as may be determined in an action brought on the bond or undertaking in a court of competent jurisdiction. Where written consent is not obtained, a letter request shall be filed with the authorized officer for a determination of the amount of the bond or undertaking. A copy of such request will be served on the surface owner or owners by certified mail.

(c) Upon acceptance of title, any lands or interests in lands acquired by the United States by exchange under the authority of Section 5 of the Act of October 21, 1970, shall become public lands, and shall become a part of the King Range National Conservation Area subject to all the laws and regulations applicable thereto without further order of the authorized officer.

(d) Any exchange transaction will be handled in a manner consistent with the authorizing law and regulations in Part 2200 of this Subchapter.

PART 3820—AREAS SUBJECT TO SPECIAL MINING LAWS

6. Part 3820 is amended to add a new Subpart 3827 to read as follows:

Subpart 3827—King Range National Conservation Area

Sec.
3827.0–1 Purpose.
3827.0–3 Authority.
3827.0–5 Definitions.
3827.0–7 Scope.
3827.1 Plan of operation.
3827.1–1 Requirements.
3827.1–2 Approval; access; inspection; noncompliance.
3827.2 Requirements for environmental protection.
3827.3 Performance bonds.
3827.4 Use of mining claims, surface resources.

AUTHORITY: Sec. 5 of the King Range Conservation Area Act (16 U.S.C. 460y).

Subpart 3827—King Range National Conservation Area

§ 3827.0–1 Purpose.

These regulations set forth rules and procedures for prospecting, location of a mining claim, annual assessment work, exploration and development and other mining operations on lands within the Area so as to minimize adverse environmental impacts, protect the scenic and esthetic values against undue impairment and assure against pollution of the streams and waters within the Area.

§ 3827.0–3 Authority.

(a) The Act of October 21, 1970, (16 U.S.C. 460–y) affirms the applicability of the United States mining laws to the federally owned lands within the Area. It also authorizes the Secretary of the Interior to prescribe regulations under which activities under the mining laws and patents issued pursuant to it shall be subject.

(b) Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) authorizes and directs that, to the fullest extent possible, the policies, regulations and laws of the United States shall be interpreted and administered in accordance with the policies of that Act.

§ 3827.0–5 Definitions.

(a) The term "Area" in this subpart means those lands and boundaries described in Vol. 39, No. 189, FR p. 34693 of September 27, 1974 which the Secretary of the Interior established as the King Range National Conservation Area and any additions thereto.

(b) *"Mining claim"* as used in this subpart means any unpatented claim, millsite, or unpatented tunnel site authorized by the Mining Law of 1872, as amended, (30 U.S.C. 22 et seq.).

(c) *"Casual use"* as used in this subpart means activity that involves practices which do not ordinarily lead to any appreciable or noticeable disturbance or damage to lands, resources, and improvements, and does not threaten public health and safety. For example, activities which do not involve cutting of vegetation, use of heavy equipment or explosives and which do not involve vehicle movement except over established roads and trails are "casual use".

(d) *"Plan of operation"* as used in this subpart means an application for authorization containing information called for in this subpart to conduct activities under the United States mining laws.

(e) *"Primitive Areas"*. Natural, wild and undeveloped areas and settings essentially removed from the effects of civilization where the natural environment has not been disturbed by commercial utilization and the areas are without mechanized transportation.

§ 3827.0–7 Scope.

(a) All prospecting commenced or conducted, and all mining claims located within the boundaries of the area after October 21, 1970, are subject to the regulations in this subpart.

(b) Rights of owners of mining claims valid on October 21, 1970, and thereafter maintained as valid mining claims are not limited or restricted by the regulations of this subpart.

(c) Any patent issued on any mining claim located after October 21, 1970, shall continue to be subject to the regulations in this subpart. This provision shall be incorporated in such patent.

§ 3827.1 Plan of operation.

§ 3827.1–1 Requirements.

(a) Prior to the commencement of any prospecting, location of a mining claim, annual assessment work, exploration and development or other mining operations any of which would involve more than casual use as determined by the Secretary of the Interior within the Area defined above, a plan of operation must be filed and approved by the authorized officer.

(b) The plan of operation shall include:

(1) A copy of all notices of mining location and notices of assessment work of the mining claims involved in the plan;

(2) The name and address of the operator(s) and the owner(s) if operations are to be conducted by other than the owner(s). If any of the foregoing are other than individual proprietors, the names and addresses of the principal officers of the business entity and the person(s) designated to represent such entity with the Department of the Interior shall be included;

(3) A description sufficient to identify the area or areas on the ground within which the operations are being conducted or are to be conducted, and the estimated period of activity;

(4) A map or sketch of access routes used or to be used and the description of the means of transportation used or to be used, submitted in compliance with the provisions of § 3827.1–2(d) of this subpart;

(5) A map or sketch showing the location of existing and proposed roads within mining claims, a description of the type and standard of such existing and proposed roads, and a description of the means of transportation used or to be used;

(6) A list of equipment and a description of facilities used or to be used in the operations;

(7) A description of the methods of operation used or to be used;

(8) A map or sketch showing the location and size of areas upon which it is expected vegetation or soil will be distributed;

(9) A description of the effects the operations are having or may have upon the environment and forest resources; and

(10) A description of the measures used or to be used to minimize the adverse environmental impacts of the operations, including the measures to be taken to meet the requirements of § 3827.2 of this Subpart.

(c) The plan of operations shall cover the requirements set forth in paragraph (a) above for the entire operation for the full estimated period of activity. However, if the development of a plan for an entire operation is not possible at the time of preparation of a plan, the operator shall file an initial plan setting forth his proposed operation to the degree reasonably foreseeable at that time, and shall thereafter file a supplemental plan or plans whenever it is proposed to undertake any operations not covered by the initial plan.

(d) At any time during operations under an initial or supplemental plan of operation if there are indications of significant adverse impacts that were not anticipated at the time the plan was prepared and approved, the authorized officer may require the operators to submit a proposed modification to the initial or supplemental plan detailing the means of minimizing unforeseen significant adverse environmental impacts.

(e) Determination as to whether an environmental impact statement will be prepared will be on a case-by-case basis and will follow the Guidelines of the Council on Environmental Quality (40 CFR 1500), with special consideration given to lands identified as "primitive" under the King Range Management Program.

(f) The existence of an approved plan of operation for prospecting or location of a claim does not preclude the authorized officer from denying approval of plans for subsequent exploration or development of that claim upon a finding that such operation will unduly impair environmental values of the area.

§ 3827.1–2 Approval; access; inspection; noncompliance.

(a) *Review of plan.* No operations, except those determined to be "casual use" as defined herein, shall be conducted unless they are in accordance with an approved plan of operation. A proposed plan of operation shall be submitted to the authorized officer, who shall promptly acknowledge receipt thereof to the operator. Within thirty (30) days of such receipt, the authorized officer shall:

(1) Notify the operator that the plan of operation is approved or rejected; or

(2) Notify the operator of any changes in, or additions to, the plan of operations deemed necessary to meet the purpose of the regulations in this part; or

(3) Notify the operator that the plan is being reviewed, but that more time, not to exceed an additional sixty (60) days, is necessary to complete such review, setting forth the reasons why additional time is needed. However, days during which the area of operations is inaccessible for inspection shall not be included when computing the sixty (60) day period; or

(4) Notify the operator that the plan cannot be approved until a final environmental statement has been prepared and filed with the Council on Environmental Quality as provided in § 3827.1–1(d) hereof.

(b) Appeal from rejection. Any rejection under § 3827.1–2(a)(1) hereof shall afford a right of appeal in accordance with 43 CFR 4.411.

(c) *Supplemental plan.* A supplemental plan or plans of operations provided for in § 3827.1–1(b) of this Subpart and a modification of an initial or supplemental plan as provided for in § 3827.1–1(c) of this Subpart shall be subject to approval in the same manner as the initial plan of operations.

(d) *Access.* An operator shall be entitled to access in connection with operations but no road or other means of access, including but not limited to landing areas for aircraft, shall be constructed or improved until the operator has received authorization in writing from the authorized officer. Application for such access shall be filed in the appropriate district office of the Bureau of Land Management and shall include a description of the type and standard of the proposed means of access, a plat showing the proposed route of access, and a description of the means of transportation to be used. Authorization for such access shall specify the location of the access route, design standards, means of transportation, and other conditions reasonably necessary to protect the environment and forest resources, including, but not limited to, vegetative screening and other measures to protect scenic values and to insure against erosion and water or air pollution. Any access granted on lands identified as "primitive areas" under the King Range Management Program shall be limited to non-mechanized means, wherever necessary in the discretion of the Secretary, to preserve environmental, primitive and scenic values.

(e) *Inspection.* Mining operations are subject to inspection to determine if the operator is complying with the regulations in this part and an approved plan of operations.

(f) *Failure to comply.* If an operator fails to comply with the regulations or his approved plan of operations, the authorized officer shall serve a notice of noncompliance upon the operator or his agent in person or by certified mail. Such notice shall describe the noncompliance and shall specify the action necessary to comply and the time within which such action must be completed, generally not to exceed thirty (30) days. The authorized officer shall require immediate suspension of operations if noncompliance is causing environmental damage.

(g) *Trespass.* Any mining operations conducted on lands within the Area without an approved plan of operations shall constitute a trespass.

§ 3827.2 Requirements for environmental protection.

All plans of operations shall contain appropriate terms and conditions for the protection of the environment including but not limited to stipulations covering air quality, water quality, solid wastes, scenic values, fishery habitat, roads, and surface reclamation and rehabilitation.

§ 3827.3 Performance bonds.

(a) To assure that an operator will faithfully comply with the regulations in this part and adhere to an approved plan of operations, a performance bond in a minimum amount of $100 will be required prior to approval of each plan of operations except where only prospecting is involved and there is no surface disturbance. In lieu of a performance bond, the operator may deposit into a Federal depository, as directed by the Bureau of Land Management, and maintain therein, cash in an amount equal to the required amount of the bond or negotiable securities of the United States having market value at the time of deposit of not less than the required dollar amount of the bond. A blanket bond covering nationwide or statewide operations may be furnished if the terms and conditions thereof are sufficient to comply with the regulations in this part.

(b) In determining the amount of the bond, consideration will be given to the nature of the reclamation and restoration requirements and the estimated costs of reclamation and restoration in the event that the operator forfeits his performance bond. This consideration will include (1) the size of the operations; (2) the estimated damage to the environment and the Area if the operator fails to comply with the regulations in this part or fails to adhere to the approved plan of operations; (3) the estimated cost of stabilizing, rehabilitating and restoring the area of operations; and (4) the type and amount of access to be constructed in connection with operations.

(c) In the event that an initial plan of operations is supplemented or modified in accordance with § 3827.1–1 (b) and (c) of this subpart, the authorized officer will review the initial performance bond for adequacy and, if necessary, will adjust the performance bond to conform to the plan of operations as supplemented or modified.

(d) When the operations have been conducted and completed in accordance with the regulations in this subpart and the approved plan of operations, the authorized officer will notify the operator that the period of liability under the bond has terminated.

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§ 3827.4 Use of mining claims, surface resources.

Restrictions on the use of unpatented mining claims in addition to the regulations in this subpart are provided in section 4 of the Act of July 23, 1955 (69 Stat. 367, 30 U.S.C. 601) and the regulations in 43 CFR 3712.1(a).

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 12, 1975.

[FR Doc.75-25345 Filed 9-22-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 250]

PROCESSING OF FEDERALLY-DONATED FOODS BY COMMERCIAL FACILITIES

Notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend the regulations governing the food distribution program to (1) revise contractual, performance, and review requirements when distributing agencies, subdistributing agencies, and recipient agencies employ commercial or institutional facilities to process or repackage Federally-donated commodities, (2) clarify the fact that processing contracts are public records, and (3) disclaim liability with respect to the provisions of such contracts or performance related thereto.

Comments, suggestions, or objections are invited. To be assured of consideration, such comments, suggestions, or objections must be delivered by October 31, 1975, to Juan del Castillo, Director, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than October 31, 1975. All written submissions received pursuant to this notice will be made available for public inspection in the Office of the Director, Food Distribution Division, during regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. In § 250.6, paragraph (m) is revised to read as follows

§ 250.6 Obligations of distributing agencies.

• • • • •

(m) *Processing and Labeling of Commodities.* (1) Distributing agencies, subdistributing agencies, or recipient agencies may employ commercial or institutional facilities to process commodities by converting them into different end products or by repackaging them. Distributing agencies or subdistributing agencies may contract for the processing of commodities and pay the processing cost or may contract for the processing of commodities on behalf of one or more recipient agencies, each of which either pays the processor directly or pays the distributing agency for the processed end product it receives. Where the recipient agency will pay the processor, the agreement of the recipient agency may be obtained by making that agency a party to the processing contract or separate contracts may be entered into between the recipient agency and the processor and the recipient agency and the distributing or subdistributing agency. Distributing or subdistributing agencies shall require recipient agencies which employ commercial or institutional facilities to process commodities to enter into written contracts with such facilities.

(2) Contracts with processing facilities shall be in writing. The distributing, subdistributing or recipient agency (contracting agency) should have an attorney prepare or review the contracts which it intends to sign to insure that such contracts conform to the requirements of local law. These processing contracts shall include the cost to the contracting agency and provide, as a minimum, that the processing facility shall (i) describe each end product to be produced and the quantity of each ingredient needed to yield a specific number of each end product, (ii) fully account for the commodities delivered into its possession by production of an appropriate number of units of end products or packages, (iii) return all commodities not so accounted for or pay the value of any such commodities which cannot be returned, (iv) use or dispose of the containers in which the commodities are received in accordance with the instructions of the distributing agency, subdistributing agency, or recipient agency, (v) apply as a credit against contract cost any funds received from the sale of containers of commodities and obliterate or remove all restrictive markings if the containers are sold for commercial reuse, (vii) apply as a credit against contract costs the market value or the price received from the sale of any by-products derived from the processing of commodities, including substituted foods which are used by the processor, and (viii) maintain records and submit reports to the distributing agency, or recipient agency pertaining to the performance of the contract.

(3) The processing contract may provide that the processor may substitute for the commodities a like quantity of the same foods of equal or better quality whenever depleted inventories of commodities would otherwise hold up production. The contract shall specify the commodities which may be substituted. Only butter, flour, rice, rolled oats, rolled wheat, nonfat dry milk, shortening, cornmeal, dried peas, lentils, dried beans, cheese, orange juice, peanut butter, raisins, and such other food as FNS specifically approves may be substituted.

(4) Distributing agencies shall review and approve processing contracts entered into by subdistributing agencies and recipient agencies prior to the delivery of commodities for processing under such contracts. The distributing agency which enters into or approves a processing contract shall provide a copy to each of the parties to the contract, forward a copy to the appropriate FNS Regional Office, and retain a copy for its files. Distributing agencies shall review and analyze reports submitted by processors to insure that performance under such contracts is in accordance with the provisions set forth in this section.

(5) When donated meat or poultry products are processed, all of the processing shall be performed in a plant or plants under continuous Federal meat or poultry inspection, or continuous State meat or poultry inspection in States certified to have programs at least equal to the Federal inspection program.

(6) When commercial or institutional facilities are employed to process commodities, the end product, if placed in containers, or the repackaged commodity, shall be plainly labeled "Contains Commodities Donated by the United States Department of Agriculture—Not To Be Sold Or Exchanged," except that, when the end product contains an authorized substitute, no legend is required. When distributing agencies, subdistributing agencies, or recipient agencies use their own facilities to process commodities, the containers shall be plainly labeled as provided above to the extent practicable and within the limitation of available funds and personnel.

(7) If the distributing agency which enters into or approves a contract for the processing of commodities for use in a child nutrition program does not also administer such programs, it shall (i) collaborate with the State agency which administers the child nutrition programs and have that agency provide technical assistance to determine whether end products to be provided under the terms of the processing contracts meet required nutritional standards for reimbursement under the regulations governing the child nutrition programs (7 CFR Parts 210, 220, and 225); (ii) furnish that agency with reports, as requested, on the number of approved processing contracts, the donated foods utilized, and the identity of the processing companies, and (iii) furnish that agency with such performance reports as are needed by that agency to assist it in evaluating use of end products by the recipient agencies.

2. In § 250.10, a new paragraph (e) is added as follows:

§ 250.10 Miscellaneous provisions.

• • • • •

(e) *Processing Contracts.* Processing contracts entered into in accordance with § 250.6(m) of this part are public records and FNS will provide copies of such contracts to any person upon request. FNS also may use copies of such contracts in developing informational releases pertaining to the processing of commodities by commercial or institutional facilities. FNS Regional Offices shall retain copies of processing contracts submitted by distributing agencies for a period of three years from the close of the Federal fiscal year to which they pertain and may review such contracts for the purpose of advising and counseling distributing agencies with respect to the provisions of such contracts. However, FNS assumes no liability with regard to the provisions of processing contracts or performance related thereto since FNS is not a party to such contracts and the contracts are not subject to FNS' approval.

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Services.)

Dated: September 18, 1975

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-25320 Filed 9-22-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 34, 76, 95, 105, 167, 181, 193]

[CGD 74-60P]

FIRE HYDRANTS AND HOSE

Proposed Requirement of Lined Fire Hose

The Coast Guard is considering amending the regulations pertaining to the type of fire hose currently required onboard vessels. These amendments will no longer allow the use of unlined hose for fire fighting purposes, except that small passenger vessels not more than 65 feet in length will continue to have the option of using ⅝ inch or greater diameter garden hose for fire fighting purposes in lieu of lined commercial fire hose.

As proposed, the amended regulations will require that each section of fire hose used onboard commercial vessels must conform to Underwriter's Laboratories, Inc., Standard 19 or Federal Specification ZZ-H-451E.

The use of unlined fire hoses that meet the requirements of Underwriter's Laboratories, Inc., Standard 18 or Federal Specification JJ-H-571 is authorized by the present regulations. Exposure to dampness will cause this type of hose to deteriorate rapidly. In fact, Standard 18 warns that an unlined hose should not be wet except when it is being used for fire fighting and, following its use, that it should be thoroughly dried. Unlined fire hoses onboard a vessel may become wet at times other than during use in fire fighting. For example; a hose may become wet due to leakage from a valve that is not fully closed or that has a faulty seat. A hose may also become wet from storage in a location exposed to dampness or the weather. The problem of drying an unlined hose and of keeping it dry is further aggravated by the dampness inherent to the marine environment. Because of the adverse effects of dampness on unlined hose and the ready availability of lined hose that fits storage racks designed for unlined hose, the Coast Guard is of the opinion that the use of unlined hose is no longer warranted. It is proposed, therefore, to amend the present regulations regarding fire hose to require the use of lined hoses for fire protection purposes.

In addition, a minor change to 46 CFR 181.15-10(d) is proposed to more adequately state the conditions under which alternatives to bronze nozzles will be considered. It is proposed that these regulations become effective on July 1, 1976.

Interested persons may submit written data, views, or arguments concerning this notice to the Commandant (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590. Written comments should include the docket number of this notice (CGD 74-60), the name and address of the person submitting the comments, the section number of the proposal to which the comment is addressed, any specific wording recommended, and the reason for any recommended change. A public hearing is not contemplated for this rulemaking, but one will be held if requested by anyone who raises a genuine issue.

Comments received on or before November 10, 1975, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8234, Commandant (G-CMC/82), U.S. Coast Guard, Department of Transportation, 400 7th Street SW., Washington, D.C., both before and after the closing date for the receipt of comments.

These amendments are proposed under the authority of 46 U.S.C. 375, 391a, 416, 489, 526; 390b, U.S.C. 1655(b); 49 CFR 1.4(a)(2), 1.46(b); and E.O. 11239 (30 FR 9671).

In consideration of the foregoing it is proposed to amend Parts 34, 76, 95, 105, 167, 181, and 193 of Chapter 1 of Title 46 of the Code of Federal Regulations as follows:

1. By revising § 34.10-10(l) to read as follows:

§ 34.10-10 Fire Station hydrants, hose and nozzles—T/ALL.

• • • • •

(l) Each section of fire hose installed or replaced after 1 July 1976, must be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ-H-451E. Hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of fire hose used after January 1, 1980 must conform to the specification required by this paragraph.

• • • • •

2. Section 76.10-10 is amended by adding paragraph (l)(3) as follows:

§ 76.10-10 Fire hydrants and hose.

(l) • • •

(3) Each section of fire hose installed or replaced after 1 July 1976, must be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ-H-451E. Hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of fire hose used after January 1, 1980 must conform to the specification required by this paragraph.

• • • • •

3. Section 95.10-10 is amended by revising paragraph (l)(4) as follows:

§ 95.10-10 Fire hydrants and hose.

(l) • • •

(4) Each section of fire hose installed or replaced after 1 July 1976, must be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ-H-451E. Hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of fire hose used after January 1, 1980 must conform to the specification required by this paragraph.

• • • • •

4. By revising paragraph (c) of § 105.35-15 Fire hose to read as follows:

§ 105.35-15 Fire hose.

• • • • •

(c) If 1½ inch diameter fire hose is used after January 1, 1980, each length of hose must:

(1) Be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ-H-451E. A hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement; and

(2) Have a combination nozzle approval by the Commandant in accordance with § 162.027-6 of this Chapter.

• • • • •

5. Section 167.45-5 is amended by revising paragraph (g) as follows:

§ 167.45-5 Steam fire pumps or their equivalent.

• • • • •

(g) Each section of fire hose installed or replaced after 1 July 1976, must be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ-H-451E. Hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of fire hose used after January 1, 1980 must conform to the specification required by this paragraph.

• • • • •

6. By revising paragraph (d) of § 181.15-10 Fire hose to read as follows:

§ 181.15-10 Fire hose.

• • • • •

(d) *S and L.* If 1½ inch diameter fire hose is used after January 1, 1980, each length of hose must:

(1) Be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc., Standard 19 or Federal Specification ZZ-H-451E. A hose that bears the Label of Underwriter's Laboratories, Inc., as lined fire hose is accepted as conforming to the requirement; and

(2) Have a nozzle that has a ½ inch solid stream orifice or a combination nozzle approved by the Commandant in accordance with § 162.027-6 of this Chapter. The nozzle must be bronze or another material that has strength and corrosion

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resistance properties equal to those of bronze.

* * * * *

7. Section 193.10–10 is amended by revising paragraph (K)(4) as follows:

§ 193.10–10 Fire hydrants and hose.

(K) * * *

(4) Each section of fire hose installed or replaced after 1 July 1976, must be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ–H–451E. Hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of fire hose used after January 1, 1980 must conform to the specification required by this paragraph.

Dated: September 17, 1975.

J. V. CAFFREY,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75-25341 Filed 9-22-75;8:45 am]

Materials Transportation Bureau

[49 CFR Part 195]

[OPSO Docket No. OPSO–35; Notice No. 75–4]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Offshore Pipeline Facilities

The safety standards in Part 195 of Title 49 of the Code of Federal Regulations govern the transportation by pipeline in interstate and foreign commerce of petroleum, petroleum products and various other hazardous materials. Part 195 presently applies to both onshore and offshore pipelines.

Exploration and development of petroleum resources in offshore areas are currently being expanded to meet increased energy needs. Additionally, plans for the construction of deepwater ports on the Outer Continental Shelf are being developed. In view of these developments the Materials Transportation Bureau (MTB) is considering amending the following sections of Part 195 to more clearly delineate the applicability of Part 195 to offshore liquid pipelines and to better assure the safe operation of such pipelines:

Section 195.1. Paragraph (b)(4) of § 195.1 presently excludes gathering lines in rural areas from the applicability of Part 195. Gathering lines are pipelines which transport a commodity from a production facility to a trunkline reception point. MTB proposes to amend § 195.1(b)(4) to make it clear that offshore gathering lines are within the coverage of Part 195. A significant percentage of existing offshore pipelines are gathering lines. MTB believes that safety requires the regulation of offshore gathering lines because of the greater likelihood of defects attributable to their being more difficult to install, monitor, maintain and repair than onshore gathering lines. Additionally, many offshore gathering lines are in areas where they are exposed to various kinds of vessel traffic and fishing operations. Moreover, the potential damage due to spillage from an offshore gathering line is greater than from an onshore gathering line because of the greater difficulty in locating and containing a spill from an offshore line.

Section 195.2. The term "offshore" as presently defined in § 195.2 means generally the areas off the coastline of the United States. MTB proposes to amend the definition of "offshore" to mean the area covered by the "outer continental shelf" and the "lands beneath navigable waters" as those terms are respectively defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331) and the Submerged Lands Act (43 U.S.C. 1301). The proposed definition of "offshore" establishes the outer margin of the continental shelf as one of the boundaries of an offshore area and includes inland navigable bodies of water such as the Mississippi River. MTB believes that many pipelines crossing inland navigable bodies of water should be subject to many of the same requirements as pipelines crossing coastal waters because of the similarity of operating conditions. At the same time, in developing the amendments proposed hereinafter MTB has taken into account the fact that many inland waters do not pose the same operating problems as coastal waters. All areas not included within this proposed definition of "offshore" would be within the meaning of the term "onshore" as it is used in the proposed amendments.

Sections 195.106 and 195.128. MTB proposes to add a new paragraph (b) to § 195.128 to require that a design factor of 0.50 or less be used in the design formula set forth in § 195.106 for offshore pipelines located on and within a 300-foot radius of an offshore platform. Section 195.106 presently requires a general design factor of 0.72 or less for all pipelines. MTB proposes to amend that section to reflect the proposed 0.50 design factor for pipelines on and near an offshore platform. MTB believes that a more stringent design factor resulting in increased wall thickness is justified because of the need to protect against the potential for greater stresses in pipelines on or near offshore platforms and because of the increased concentration of operating and maintenance personnel and equipment on an offshore platform.

Sections 195.230 and 195.232. MTB proposes to amend § 195.230 to permit repair of welds on offshore pipelines being laid from a lay barge as long as the welds are made in accordance with established written welding procedures that produce sound ductile welds pursuant to § 195.214. Section 195.230 presently prohibits repair of a weld if there are cracks in the weld or if the weld was previously repaired. It is additionally proposed that § 195.232 be amended to except offshore pipelines from the requirement that a weld must be removed whenever it contains one or more cracks or when it is unacceptable under § 195.228 and has not been or is not permitted to be repaired. MTB recognizes the many problems that may arise during the removal of welds from a pipeline being installed offshore from a lay barge. These problems include loss of tension in the pipe string, barge motion, proper alignment, and limited access to the weld joint. Considering the possibilities of damage to the pipe string, reduced weld quality, and the potential personnel hazards associated with the removal of pipe welds on board a lay barge, MTB believes that permitting the additional repair of welds in accordance with applicable welding procedures permitted by the proposed amendments is justified.

Section 195.234. Section 195.234 presently provides for the nondestructive testing of pipeline welds. Paragraph (e)(1) of § 195.234 presently requires that 100 percent of the girth welds be nondestructively tested in any location where loss of commodity could reasonably be expected to pollute bodies of water. MTB proposes to amend paragraph (e)(1) to explicitly require that 100 percent of the girth welds on pipelines located in offshore areas be nondestructively tested. The proposed amendment will continue to require the nondestructive testing of all girth welds on pipelines in any body of water which is not an offshore area but in which a loss of commodity could reasonably be expected to pollute the body of water. MTB believes that the nondestructive testing of all girth welds in such areas is justified by the obvious difficulties encountered in the repair of girth welds once they have been submerged, and by the difficulty of containing a spill from a submerged pipeline.

Sections 195.238 and 195.242. MTB proposes to amend § 195.238 to provide that a pipeline component may not be submerged unless it has an external protective coating in accordance with the standards set forth in § 195.238. MTB proposes to amend § 195.242 to provide that a cathodic protection system must be installed for all submerged pipelines to mitigate corrosion that might result in structural failure. Sections 195.238 and 195.242 presently require only buried pipelines to comply with their external coating and cathodic protection requirements. Under the proposed amendment of § 195.248 certain offshore submerged pipelines need not be buried. The proposed amendment of §§ 195.238 and 195.242 are intended to make it clear that submerged but unburied pipelines still have to comply with external coating and cathodic protection requirements.

Section 195.246. MTB proposes to add a new paragraph (b) to § 195.246 to require offshore pipelines in water depths of 200 feet or less to be installed so that the top of the pipeline is below the natural bottom. This proposed requirement would not apply, if unstable soil conditions would expose the pipeline to greater external forces than would occur

by laying the pipeline on the natural bottom, or if the pipeline is otherwise appropriately protected. In general, offshore pipelines installed in water less than 200 feet in depth are placed below the natural bottom to comply with trawling interest requests. Also, hurricanes have damaged pipelines that were not ditched in water depths up to 175 feet. The installation of pipelines below the natural bottom beyond the 200-foot water depth does not appear warranted from a cost and safety standpoint.

Section 195.248. Section 195.248 presently designates certain cover requirements for pipelines in various locations. MTB proposes to amend § 195.248 by adding a new paragraph (b) explicitly designating cover requirements for offshore pipelines. MTB proposes to require a minimum of 48 inches of cover between the top of the pipe and the natural bottom for offshore submerged pipelines located in a river, stream, harbor or deepwater port safety zone. (A deepwater port safety zone means the safety zone established around a deepwater port as determined by the Secretary of Transportation in accordance with section 10(d) of the Deepwater Port Act of 1974 (33 U.S.C. 1506).) For other offshore areas MTB proposes to require a minimum of 36 inches of cover for offshore pipelines installed under water less than 12 feet deep as measured from the mean low tide in tidal waters or from the mean low watermark in nontidal waters. The proposed new paragraph (b), like the present paragraph (a), allows less cover than the minimum required if it is impractical to provide the minimum cover and additional equivalent protection is provided.

MTB believes that a 48-inch cover requirement is justified in rivers or streams because of the underwater currents that have the potential for eroding the river or stream bottom. MTB also believes that a 48-inch cover requirement is justified in harbors and deepwater port safety zones because of the heavy shipping traffic in such areas which could result in dredging activities and heavy anchor droppings. MTB believes that a minimum 36-inch cover requirement for offshore pipelines in depths of 12 feet or less except in rivers, streams, harbors, and deepwater port safety zones is a reasonable safety requirement to protect other users of these relatively near shore offshore areas and to protect the pipelines from external damage. The proposed cover requirements are consistent with the present standards of the U.S. Army Corps of Engineers.

Section 195.258. MTB proposes to add a new paragraph (b) to § 195.258 to require that each submerged offshore valve be marked or located by conventional survey techniques to facilitate quick location when operation of the valve is required. MTB recognizes that it may be impractical to physically mark each offshore valve and proposes to allow offshore valves to be alternatively located by the use of conventional survey techniques such as triangulation to facilitate the quick location of offshore valves.

Section 195.260. Section 195.260 requires the installation of pipeline valves at certain locations. MTB proposes to amend paragraph (c) to require the installation of valves at locations on pipelines in offshore areas that will minimize damage or pollution in offshore areas. Existing paragraph (c) refers only to the prevention of damage by the appropriate location of valves in open country and near populated areas.

Section 195.306. Section 195.306 presently allows liquid petroleum to be used as a test medium in pipelines if certain conditions are met. Because of the difficulties arising from the location and containment of a spill resulting from a testing failure on underwater pipelines, MTB proposes to amend paragraph (b) of § 195.306 to prohibit the use of liquid petroleum as a test medium in offshore pipelines.

Section 195.410. Section 195.410 establishes requirements for the marking of liquid pipelines. MTB proposes to add a new paragraph (e) to § 195.410 to require that pipe risers on offshore platforms be marked to protect them from damage by vessels. Since the markers are intended to warn vessel operators of a potential danger they are constructed according to a format generally understood by vessel operators. One widely adopted format for aids to navigation is the Uniform State Waterway Marking System (USWMS) which is set forth in 33 CFR 66.10. The proposed amendment regulating the marking of risers on offshore platforms conforms to the USWMS. The intended effect of the marking requirement is not to supersede similar requirements of the U.S. Coast Guard or the U.S. Army Corps of Engineers but to be compatible with them. Thus, where a marker is required on a riser on an offshore platform or deepwater port facility by either of these agencies, a single sign that complies with the proposed § 195.410(e) can be used. The sign must be rectangular with edges colored international orange. Black block letters on a white background must be used to warn of the danger from anchoring because of the pipeline risers and to give the name and telephone number of the carrier. The sign must be visible in overcast daylight from vessels that may damage or interfere with the pipeline risers.

Section 195.412. Paragraph (b) in § 195.412 presently excepts offshore pipelines from the requirement that carriers must inspect at least once every 5 years each crossing under a navigable waterway to determine the condition of the crossing. Because of the difficulties involved in locating, containing and repairing leaks from offshore pipelines, MTB believes that offshore pipelines should be inspected more frequently so that preventive action can be taken to correct unsafe conditions. MTB proposes to revise paragraph (b) by adding a new requirement that offshore pipelines be inspected at intervals not exceeding one year.

Section 195.416. Paragraph (a) of § 195.416 requires carriers to conduct tests at intervals not exceeding 12 months on underground pipelines that are cathodically protected to determine whether the protection is adequate. Since leaks caused by corrosion as well as other leaks from offshore pipelines are more difficult to locate, contain, and repair than leaks from onshore pipelines, MTB proposes to amend paragraph (a) to require the testing of cathodically protected offshore pipelines at intervals not exceeding 6 months.

In consideration of the foregoing MTB proposes to amend Part 195 of Title 49 of the Code of Federal Regulations as set forth below:

1. In § 195.1, paragraph (b)(4) would be amended to read as follows:

§ 195.1 Scope.

(b) * * *

(4) Except for Subpart B of this part, transportation of petroleum in onshore pipelines in rural areas between a production facility and a carrier's trunkline reception point.

2. In § 195.2, the definition of "offshore" would be revised to read as follows:

"Offshore" means the area covered by the "outer continental shelf" and the "lands beneath navigable waters" as those terms are respectively defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331) and the Submerged Lands Act (43 U.S.C. 1301);

3. In § 195.106, paragraph (a) would be amended to read as follows:

§ 195.106 Internal design pressure.

(a) Internal design pressure for the pipe in a pipeline is determined in accordance with the following formula:

$$P = \frac{2\,St}{D} \times E \times F$$

P = Internal design pressure in pounds per square inch gauge.
S = Yield strength in pounds per square inch determined in accordance with paragraph (b) of this section.
t = Nominal wall thickness of the pipe in inches. If this is unknown, it is determined in accordance with paragraph (c) of this section.
D = Nominal outside diameter of the pipe in inches.
E = Seam joint factor determined in accordance with paragraph (e) of this section.
F = Except as provided in § 195.128, a design factor of 0.72, except that a design factor of 0.54 is used for pipe that has been cold worked to meet the specified minimum yield strength and is subsequently heated, other than by welding to 600° F. or more.

4. In § 195.128, the existing first paragraph would be designated as paragraph (a) and a new paragraph (b) would be added to read as follows:

§ 195.128 Station piping.

* * * * * *

(b) A design factor of 0.50 or less must be used in the design formula set forth in § 195.106, for pipelines located on an offshore platform and within 300 feet measured horizontally from an offshore platform.

5. In § 195.230, the existing introductory text would be amended and designated as paragraph (a), existing para-

V 40 I 185 SEP 23 75 XUM

graphs (a), (b), and (c) would be redesignated as paragraphs (a) (1), (a) (2), and (a) (3), and a new paragraph (b) would be added to read as follows:

§ 195.230 Welds: Repair of defects.

(a) Except as provided in paragraph (b) of this section, a weld that is found unacceptable under § 195.228 may not be repaired unless—

(1) There are no cracks in the weld;

(2) The segment of the weld to be repaired was not previously repaired; and

(3) The weld is inspected after repair to assure its acceptability.

(b) In the case of offshore pipelines, a weld on a pipeline being installed from a lay barge may be repaired if the repair is made in accordance with established written welding procedures that have been tested under § 195.214 to assure that they will produce sound ductile welds.

6. Section 195.232 would be amended to read as follows:

§ 195.232 Welds: Removal of defects.

Except for offshore pipelines being laid from a lay barge, a cylinder of the pipe containing the weld must be removed and the ends rebeveled whenever—

(a) The weld contains one or more cracks;

(b) The weld is not acceptable under § 195.228 and is not repaired; or

(c) The weld was repaired and the repair did not meet the requirements of § 195.228.

7. § 195.234, paragraph (e) (1) would be amended to read as follows:

§ 195.234 Welds: Nondestructive testing and retention of testing records.

(e) • • •

(1) In offshore areas and at any location where a loss of commodity could reasonably be expected to pollute any stream, river, lake, reservoir, or other body of water which is not an offshore area.

8. In § 195.238 paragraphs (a) and (b) would be amended to read as follows:

§ 195.238 External coating.

(a) No pipeline system component may be buried or submerged unless that component has an external protective coating that—

(1) Is designed to mitigate corrosion of the buried or submerged component;

(2) Has sufficient adhesion to the metal surface to prevent underfilm migration of moisture;

(3) Is sufficiently ductile to resist cracking;

(4) Has enough strength to resist damage due to handling and soil stress; and

(5) Supports any supplemental cathodic protection.

In addition, if an insulating-type coating is used it must have low moisture absorption and provide high electrical resistance.

(b) All pipe coating must be inspected just prior to lowering the pipe into the ditch or submerging the pipe in offshore waters and any damage discovered must be repaired.

9. In § 195.242, paragraph (a) would be amended to read as follows:

§ 195.242 Cathodic protection system.

(a) A cathodic protection system must be installed for all buried or submerged facilities to mitigate corrosion that might result in structural failure. A test procedure must be developed to determine whether adequate cathodic protection has been achieved.

• • • • • •

10. In § 195.246, the existing first paragraph would be designated as paragraph (a) and a new paragraph (b) would be added to read as follows:

§ 195.246 Installation of pipe in a ditch.

• • • • • •

(b) Unless otherwise appropriately protected, all offshore pipe in water depths of 200 feet or less, as measured from the mean low tide in tidal waters or from the mean low watermark in nontidal waters, must be installed so that the top of the pipe is below the natural bottom except where unstable soil conditions would expose the pipeline to greater external forces than would occur by laying the pipeline on the natural bottom.

11. In § 195.248, existing paragraph (b) would be redesignated as paragraph (c), paragraph (a) would be amended and a new paragraph (b) would be added to read as follows:

§ 195.248 Cover over buried pipeline.

(a) Unless specifically exempted in this subpart, all onshore pipe must be buried so that it is below the level of cultivation. Except as provided in paragraph (c) of this section, the pipe must be installed so that the cover between the top of the pipe and the ground level or road bed, as applicable, complies with the following table:

Location	Cover (inches)	
	For normal excavation	For rock excavation [1]
Industrial, commercial, and residential areas	36	30
Drainage ditches at public roads and railroads	36	36
Any other area	30	18

[1] Rock excavation is any excavation that requires blasting or removal by equivalent means.

(b) Except as provided in paragraph (c) of this section, all offshore pipe installed under water less than 12 feet deep, as measured from the mean low tide in tidal waters or from the mean low watermark in nontidal waters, must have a minimum cover of 36 inches between the top of the pipe and the natural bottom except that all offshore pipe installed under water of any depth in a river, stream, harbor or deepwater port safety zone (as defined in the Deepwater Port Act of 1974 (33 U.S.C. 1502)) must have a minimum cover of 48 inches between the top of the pipe and the natural bottom.

• • • • • •

12. In § 195.258, the existing first paragraph would be designated as paragraph (a) and a new paragraph (b) would be added to read as follows:

§ 195.258 Valves: General.

• • • • • •

(b) Each submerged offshore valve shall be marked or located by conventional survey techniques to facilitate quick location when operation of the valve is required.

13. In § 195.260, paragraph (c) would be amended to read as follows:

§ 195.260 Valves: Location.

• • • • • •

(c) On each mainline at locations along the pipeline system that will minimize damage or pollution from accidental liquid discharge, as appropriate for the terrain in open country, for offshore areas, or for populated areas.

14. In § 195.306, paragraph (b) would be amended to read as follows:

§ 195.306 Test medium.

• • • • • •

(b) Except for offshore pipelines, liquid petroleum that does not vaporize rapidly may be used as the test medium if—

(1) The entire pipeline section under test is outside of cities and other populated areas;

(2) Each building within 300 feet of the test section is unoccupied while the test pressure is equal to or greater than a pressure which produces a hoop stress of 50 percent of specified minimum yield strength;

(3) The test section is kept under surveillance by regular patrols during the test; and

(4) Continuous communication is maintained along entire test section.

15. In § 195.410, a new paragraph (e) would be added to read as follows:

§ 195.410 Line markers.

• • • • • •

(e) In the case of offshore pipelines, each riser on an offshore platform that is exposed to damage by marine traffic must be identified by a marker having the following characteristics:

(1) A sign, rectangular in shape, with a narrow strip along each edge colored international orange and the area between lettering on the sign and boundary strips colored white.

(2) Written on the sign in block style, black letters—

(i) The word "Warning," "Caution," or "Danger" followed by the words "Do Not Anchor or Moor" and the words "Petroleum Pipeline;" and

(ii) The name of the carrier and the telephone number (including area code) where the carrier can be reached at all times.

(3) In overcast daylight, the sign is visible and the writing required by (e) (2) (i) of this section is legible from approaching or passing vessels that may damage or interfere with the pipeline.

16. In § 195.412, the section heading and paragraph (b) would be revised to read as follows:

§ 195.412 Inspection of rights-of-way and offshore pipelines.

• • • • • •

(b) Each carrier shall, at intervals not exceeding one year, inspect each offshore pipeline to determine whether its condition is safe.

17. In § 195.416, paragraph (a) would be amended to read as follows:

§ 195.416 External corrosion control.

(a) Each underground onshore pipeline that is under cathodic protection must be tested at intervals not exceeding 12 months and each offshore pipeline that is under cathodic protection must be tested at intervals not exceeding 6 months to determine whether the protection is adequate.

Interested persons are invited to participate in this rule-making action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Acting Director, Office of Pipeline Safety Operations, Department of Transportation, Washington, D.C. 20590.

All communications received by October 20, 1975, will be considered by the Director of MTB before taking final action on the notice. Late filed comments will be considered so far as practicable. All comments will be available for examination by interested persons at the Office of Pipeline Safety Operations, Room 6226, 2100 Second Street SW., Washington, D.C., before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

In commenting on the proposed definition of the term "offshore," interested persons should carefully consider the various situations in which pipelines would by definition be "offshore" pipelines. MTB requests comments on whether any of the amendments proposed herein should be changed because pipeline facilities in rivers, bays and other similar protected inland waters are not designed, constructed, operated, and maintained in substantially the same way as pipelines on the Outer Continental Shelf and in the territorial seas off the coast of the United States.

Proposed effective date. MTB recognizes that the liquid pipeline industry will need a reasonable period of time in which to comply with some of the proposed amendments for offshore liquid pipelines. MTB anticipates that the proposed amendments relating to offshore pipelines will become effective in early 1976. If there are any proposed amendments in this notice with which the industry needs a long lead time in which to reasonably comply, persons should identify the proposed amendment, state why a longer lead time is needed, and state a reasonable time needed for compliance.

This notice is issued under the authority of sections 831–835 of title 18, United States Code, section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1655(e)(4)), § 1.64 of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.64), and the redelegation of authority to the Director, Office of Pipeline Safety Operations, set forth in Appendix A to Part 102 of the Regulations of the Office of the Director, Materials Transportation Bureau (49 CFR Part 102).

Issued in Washington, D.C., on September 17, 1975.

CESAR DELEON,
Acting Director,
Office of Pipeline Safety Operations.

[FR Doc.75-25230 Filed 9-22-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 231]

[EDR-279A; Docket No. 27065; Dated: September 18, 1975]

TRANSPORTATION OF MAIL; MAIL SCHEDULES; AUTOMATION OF FLIGHT SCHEDULE INFORMATION

Termination of Rule Making Proceeding

Under Part 231 of the Board's Economic Regulations (14 CFR Part 231) flight schedule information is submitted to the Board in the form of loose-leaf pages of prescribed size. Data submitted in this conventional hard-copy form can of course be converted into machine-readable form. Recently we decided to consider the possibility of modernizing our system for collecting flight schedule data by completely eliminating the use of conventional hard-copy filings, and requiring instead that carriers file this data in machine-readable form only.

Thus, by Notice of Proposed Rule Making EDR-279, dated September 30, 1974 (Docket 27065) and published at 39 FR 39076 dated October 3, 1974, the Board gave notice that it had under consideration an amendment to Part 231 to require that flight schedule information could only be filed with the Board on magnetic tape, so that we could eliminate the step of converting filed pages into machine-readable form. The proposal was also designed, incidentally, to facilitate achieving uniformity among the carriers in their reporting of flight schedule information to the Board. Recognizing that some of the smaller carriers might not have access to automatic data processing equipment, EDR-279 indicated that we would grant necessary relief by waiver, so as to enable such carriers to continue to submit flight schedule information in conventional form.

Comments in response to the notice were submitted by ten certificated route air carriers [1] and The Reuben H. Donnelly Corporation.

Upon further consideration of this matter, we have decided that it would be premature to adopt the proposal at this time.

Since it now appears that we can without a great deal of difficulty receive reliable, timely and uniform computerized flight schedule information, despite the fact that filings under Part 231 are made in hardcopy form, there appears to be no adequate justification to insist that, subject to waiver, all carriers must file this information on magnetic tape. Moreover, to the extent that the proposed rule was designed to improve uniformity in the flight schedule information being reported, we have concluded that there may be no need to amend the rule to achieve such uniformity, and that we should first try to accomplish this objective through informal means.

Accordingly, the Board hereby terminates the rule making proceeding in Docket 27065.

(Section 204(a), of the Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25310 Filed 9-22-75;8:45 am]

[1] Allegheny Airlines, Inc.; American Airlines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Kodiak-Western Alaska Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; and United Air Lines, Inc.

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1014]

PRIVACY ACT

Proposed Policies and Procedures Implementing the Privacy Act of 1974

Correction

In FR Doc. 75-23274 appearing on page 42025 in the issue of Wednesday, September 10, 1975, make the following correction: In § 1014.12 (a)(2) on page 42026, the first two lines in column one should be omitted.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Rel. No. 11556; File No. S7-573]

NET CAPITAL REQUIREMENTS TO MUNICIPAL SECURITIES DEALERS AND SPECIALISTS

Extension of Comment Period

In Securities Exchange Act Release No. 11561 (July 30, 1975); 40 FR 29795, the Commission solicited the views of all interested parties with regard to (1) any special problems which may be unique to brokers or dealers in municipal securities in anticipation of their becoming subject to Rule 15c3-1 on December 1, 1975, and (2) the appropriate capital requirements for specialists, including market makers, specialists and registered traders in options who do not deal with the public and who are not clearing members of the Options Clearing Corporation.

The Commission has received requests that the comment period be extended so that interested persons may have additional time in which to present their

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views and supporting data on these matters.

The Commission has considered these requests and has determined to extend the comment period until October 15, 1975.

Interested parties are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before October 15, 1975. Reference should be made to File No. S7-573. All comments received will be subject to public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 16, 1975.

[FR Doc.75-25282 Filed 9-22-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR Part 601]

TAX CREDIT REDUCTIONS

Proposed Rulemaking

Section 110(a) of the "Emergency Compensation and Special Unemployment Assistance Extension Act of 1975" (Public Law 94-45, approved June 30, 1975; 89 Stat. 236, 239) amended section 3302(c)(3) of the Internal Revenue Code of 1954, pertaining to the credits allowable against the federal unemployment tax (26 U.S.C. 3301 et seq.). When a repayable advance is made to a State from the Federal Unemployment Account in the Unemployment Trust Fund, pursuant to Title XII of the Social Security Act (42 U.S.C. 1321 et seq.), which remains outstanding for more than one year, section 3302(c)(3) prescribes a reduction in the tax credits otherwise allowable to taxpayers with respect to that State. Section 110(a) of the Extension Act amends section 3302(c)(3) so as to make the incremental reductions in tax credits inapplicable in taxable years 1975, 1976, and 1977 if certain conditions are met.

The amendment made by section 110(a) of the Extension Act is applicable in the case of any State only if the Secretary of Labor of the United States finds that the State has studied and taken appropriate action with respect to the financing of its unemployment programs. Any finding by the Secretary with respect to a State is required by section 110(b)(3) of the Extension Act to be published in the FEDERAL REGISTER, together with the reasons for the determination.

Under section 110(b)(2) of the Extension Act the Secretary of Labor is directed to promptly prescribe and publish in the FEDERAL REGISTER regulations setting forth the criteria for making a finding with respect to a State. The regulations in this document are proposed to effectuate the required implementation of section 110 of the Extension Act.

Interested persons are invited to submit written data, views, or arguments on the regulations in this document, to the U.S. Department of Labor, Manpower Administration, Room 7000, Patrick Henry Building, 601 "D" Street NW., Washington, D.C. 20213, on or before October 23, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

It is therefore proposed that Part 601 of Title 20, Code of Federal Regulations, be amended by adding to § 601.5 a new paragraph (f) to read as follows:

§ 601.5 Withholding payments and certifications.

* * * * *

(f) *Tax credit reductions.* (1) Section 3302(c)(3) of the Internal Revenue Code of 1954 prescribes the conditions under which the total credits otherwise allowable under section 3302 for a taxable year in the case of a taxpayer subject to the unemployment compensation law of a State shall be reduced on account of an outstanding balance of advances made to the State pursuant to Title XII of the Social Security Act. As amended by section 110(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94-45, approved June 30, 1975; 89 Stat. 236, 239), the incremental reductions in total credits will not apply to a State with respect to each of the taxable years beginning on January 1, 1975, and January 1, 1976, and January 1, 1977, if the Secretary of Labor finds as to such year or years that the State has studied and taken appropriate action with respect to the financing of its unemployment compensation program so as substantially to accomplish the purpose of restoring the fiscal soundness of the State's unemployment account in the Unemployment Trust Fund and permitting the repayment within a reasonable time of any advances made to the State's account pursuant to Title XII of the Social Security Act.

(2) The Secretary of Labor's finding with respect to a State as to any of the taxable years 1975, 1976, and 1977, will be based on his determination as to whether the State has taken appropriate action resulting in—

(i) Amendment of its unemployment compensation law, effective in or prior to the taxable year with respect to which the finding is made, or effective at the beginning of the succeeding taxable year, increasing the State's unemployment tax rate, increasing the State's unemployment tax base, or changing the State's experience rating formula, or a combination of such changes, so as to be estimated by the Secretary to achieve for the taxable year with respect to which the finding is made or for the period following the effective date of the amendment—

(A) An average employer tax rate, computed as a percentage of the total wages covered by the State's unemployment compensation law, which exceeds the State's average annual benefit cost rate, computed as a percentage of the total wages covered by the State's unemployment compensation law, for the ten calendar years immediately preceding the year with respect to which the finding is made; and

(B) An effective minimum employer tax rate which is not less than 1.0 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for the same year; and

(C) An effective maximum employer tax rate which exceeds 2.7 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for the same year, or provision for no reduced rate of contributions for any employer subject to the State unemployment compensation law; or

(ii) (A) Amendment of its unemployment compensation law increasing the State's unemployment tax rate, increasing the State's unemployment tax base, or changing the State's experience rating formula, or a combination of such changes, so as to be estimated by the Secretary of Labor to result in increasing contributions to the State's unemployment fund, for the taxable year with respect to which the finding is made, and the allocation from such increased contributions of a sum sufficient to make the repayment in the amount and within the time limit prescribed in paragraph (f)(2)(i)(B) of this section; and

(B) Repayment to the Treasury of the United States, for credit to the Federal unemployment account in the Unemployment Trust Fund, prior to November 10 of the taxable year with respect to which the finding is made, of an amount equal to the amount of the additional tax which would be payable by all taxpayers subject to the unemployment compensation law of the State for that taxable year if the reduction in total credits prescribed by section 3302(c)(3) of the Internal Revenue Code of 1954 for that taxable year was applied without regard to the amendment added by section 110(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975. The amount determined under the preceding sentence shall be reduced by the amount of any additional tax payable for that taxable year by taxpayers subject to the unemployment compensation law of the State by reason of the reduced credit provisions of section 3302(c)(3) of the Internal Revenue Code of 1954, as amended by section 110(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975.

(3) A finding by the Secretary of Labor with respect to any State shall be made as of November 10 of the taxable year with respect to which the finding is cade, and such finding shall be published in the Federal Register together with the reasons for the finding.

(Sec. 110(b)(2), Pub. Law 94-45, 89 Stat. 239; Secretary's Order 4-75, 40 FR 18515).

Signed at Washington, D.C., this 19th day of September, 1975.

WILLIAM H. KOLBERG, *Assistant Secretary for Manpower.*

[FR Doc.75-25478 Filed 9-22-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

EMPLOYEE BENEFIT PLANS

Extension of Interim Exemption From Prohibitions on Securities Transactions With Certain Broker-Dealers, Reporting Dealers and Banks Until November 1, 1975

CROSS REFERENCE: For a document issued jointly by the Labor-Management Services Administration, Department of Labor and the Internal Revenue Service, Department of the Treasury, see FR Doc. 75-25270, appearing elsewhere in this issue.

Office of the Secretary

RADIAL BALL BEARINGS FROM JAPAN

Antidumping Determination of Sales at Not Less Than Fair Value

On June 26, 1975, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" (40 FR 26284), that radial ball bearings, excluding those with integral shafts, with an outer diameter of 9 mm and over but not over 100 mm, from Japan are not being, nor are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act").

The statement of reasons for tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

After consideration of all views and arguments, I hereby determine that, for the reasons stated in the tentative determination, radial ball bearings, excluding those with integral shafts, with an outer diameter of 9 mm and over but not over 100 mm, from Japan are not being, nor are likely to be, sold at less than fair value (section 201(a) of the Act; U.S.C. 160(a)).

This determination is published pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) and § 153.33(b), Customs Regulations (19 CFR 153.33(b)), in accordance with requirements promulgated prior to the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1978, January 3, 1975).

DAVID R. MACDONALD, *Assistant Secretary of the Treasury.*

SEPTEMBER 18, 1975.

[FR Doc.75-25225 Filed 9-22-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

NAVAL RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is given that the Naval Research Advisory Committee will hold a closed meeting on October 9 and 10, 1975, at the Headquarters, Commander in Chief, U.S. Atlantic Fleet, Naval Base, Norfolk, Virginia. The agenda will consist of matters which are classified in the interest of national security, including various matters pertaining to the committee's general mission to advise on whether research and development efforts being conducted by the Department of the Navy are adequate in relation to the problems to be solved. The Secretary of the Navy for that reason has determined in writing that this meeting of the Naval Research Advisory Committee should be closed to the public because it is concerned with matters listed in section 552(b)(1) of title 5, United States Code.

Dated: September 16, 1975.

H. B. ROBERTSON, Jr., *Rear Admiral, JAGC, U.S. Navy, Judge Advocate General of the Navy.*

[FR Doc.75-25343 Filed 9-22-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

Thebaine for Conversion; Proposed Revised Aggregate Production Quota for 1975

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations and has been further delegated to the Acting Administrator by virtue of his designation as such by Order Number 607-75 of the Attorney General, dated May 30, 1975 and pursuant to the authority delegated to him by § 0.132(d) of Title 28 of the Code of Federal Regulations.

The quotas are to provide adequate supplies of each such substance for (1) the estimated medical, scientific, research, and industrial needs of the United States, (2) lawful export requirements, and (3) the establishment and maintenance of reserve stocks.

In order to accommodate new manufacturing processes of basic classes directly from Thebaine as opposed to previous processes utilizing conversion from Codeine, the Acting Administrator of the Drug Enforcement Administration does hereby propose the following change to the aggregate production quota for 1975 for Thebaine for Conversion, expressed in terms of grams of anhydrous base:

Basic class	Previously published 1975 aggregate production quota	Newly proposed revised quota	Net change
Thebaine for conversion	1,750,000	1,881,000	131,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Office of the Administrative Law Judge, Attention: Hearing Clerk, Drug Enforcement Administration, Department of Justice, 1405 Eye Street, N.W., Washington, D.C. 20537, and must be received by October 29, 1975. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Acting Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Acting Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing (which shall not be less than 30 days after the date of publication).

Dated: September 3, 1975.

HENRY S. DOGIN, *Acting Administrator, Drug Enforcement Administration.*

[FR Doc.75-25272 Filed 9-22-75;8:45 am]

REGISTRATION OF IMPORTERS

Statement of Policy and Interpretation

In the case of an application for registration or reregistration to import a basic class of any controlled substance in Schedule I or II, under the authority

V 40 I 185 SEP 23 75 XUM

of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)), the Administrator is obliged to make certain determinations with reference to the public interest, pursuant to sections 1006 and 303 of the Act (21 U.S.C. 958 and 21 U.S.C. 823). In determining the public interest, the Administrator must consider the factors set forth in § 1311.42 (b), (c), (d), (e) and (f), Title 21, Code of Federal Regulations.

Currently there are a number of firms which have applied for, and received after appropriate publication and notice of the application, registration as Schedule I and II importers. These firms maintain registration as a contingency in case of an emergency involving the domestic supply of raw material, knowing that no importation may take place until the Administrator makes an affirmative finding of one of the criteria of 21 U.S.C. 952(a)(2)(A) or (B). In 21 U.S.C. 958(h), it is provided that prior to issuing a regulation, under 21 U.S.C. 952(a), authorizing the importation of Schedule I or II substance, the Attorney General shall give manufacturers holding registration for the bulk manufacture of the substance an opportunity for a hearing, *except* in emergency situations described in 21 U.S.C. 952(a)(2)(A). Upon the finding that there is an emergency in which domestic supply is inadequate, registration may be granted expeditiously, without publication or advance notice of individual applications. Therefore, the Acting Administrator has determined that such a "contingency reserve" of registrants is unnecessary and also, administratively burdensome.

Therefore, in furtherance of these statutory and regulatory requirements, and in accordance with section 552(a)(1)(D) of the Administrative Procedure Act (5 U.S.C. 552(a)(1)(D)), and under the authority vested in the Attorney General by 1008(a) of the Controlled Substances Import and Export Act of 1970 (21 U.S.C. 958(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28, Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority delegated to the Acting Administrator by § 0.132(d) of Title 28, Code of Federal Regulations, the Acting Administrator hereby issues this statement of policy: that all applicants for registration or reregistration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Administrator or Acting Administrator of the Drug Enforcement Administration that the requirements for each registration or reregistration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (b), (c), (d), (e) and (f) are satisfied.

(Interprets 21 U.S.C. 823(a), 21 U.S.C. 952(a)(2)(B) and 21 U.S.C. 958(a)).

Effective date. This statement of policy is effective on September 23, 1975.

Dated: September 18, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-25332 Filed 9-22-75;8:45 am]

Bureau of the Census

VOTING RIGHTS ACT AMENDMENTS OF 1975

Partial List of Determinations

Section 4(b) of the Voting Rights Act of 1965, 42 U.S.C. 1973 et seq., as amended by the Voting Rights Act Amendments of 1975 (Public Law 94-73) requires that the Director of the Census determine whether, in any State or any political subdivision of a State "less than 50 percentum of the citizens of voting age were registered on November 1, 1972, or that less than 50 percentum of such persons voted in the Presidential Election of November 1972." 42 U.S.C. 1973b(b). Section 4(b) requires the Attorney General to determine whether any State or political subdivision of a State "maintained on November 1, 1972, any test or device," 42 U.S.C. 1973b(b). For purposes of this determination test or device is defined as "any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than 5 percentum of the citizens of voting age residing in such State or political subdivision are members of a single language minority." 42 U.S.C. 1973b(f)(3).

The Director of the Bureau of the Census and the Attorney General have made their respective determinations pursuant to Sections 4(b) and 4(f)(3) with regard to some States and political subdivisions. Those jurisdictions which to date have been determined to meet the requirements of Section 4(b) are listed in the following table. Determinations of coverage of additional jurisdictions under Section 4(b) will appear in later issues of the FEDERAL REGISTER.

Dated: September 18, 1975.

EDWARD H. LEVI,
Attorney General.
VINCENT P. BARABBA,
Director,
Bureau of the Census.

STATES OR POLITICAL SUBDIVISIONS COVERED UNDER SECTION 4(b) OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED BY THE VOTING RIGHTS ACT AMENDMENTS OF 1975

Specified language minority: Spanish — *State or political subdivision*
Arizona—Statewide
California:
Kings County
Merced County
Colorado:
El Paso County
Florida:
Hardee County
Hillsborough County
Monroe County
New York
Bronx County
Kings County
Texas—Statewide

[FR Doc.75-25684 Filed 9-22-75;12:15 p.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BURLEY DISTRICT MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Pub. Law 92-463 that a meeting of the Burley District Multiple Use Advisory Board will be held on October 23, 1975, at 9:30 A.M. at the District Office, 2 miles south on Highway 27, Burley, Idaho.

The agenda for the meeting will include a review of Board charter and discussion of Board function and organization; discussion of District programs which include (a) Lands—exchanges, desert land entries, etc., (b) Wildlife—habitat improvement and problems in the District, (c) Minerals—geothermal activity in Raft River Resource Area, (d) Recreation—historical and archeological studies in progress, and (e) Grazing—licenses, permits and transfers and discussion of updated range management policy as a result of court ruling. Also, there will be organization of the Board and election of officers, presentation of B.L.M. five-year goals for the Burley District, and discussion of Advisory Board funds.

The meeting will be open to the public. Any interested person wishing to make a presentation to the Board, or submit a written statement should contact the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318 (Telephone 678-5514). Minutes of the meeting will be available for public inspection and copying approximately one month after the meeting at the District office in Burley, Idaho.

NICK JAMES COZAKOS,
District Manager.

[FR Doc.75-25226 Filed 9-22-75;8:45 am]

COOS BAY DISTRICT ADVISORY BOARD

Notice of Meeting and Agenda

Notice is hereby given that the Coos Bay District Advisory Board will meet on October 21 and 22, 1975, commencing at 10:00 A.M. in the Coos Bay District Office, Bureau of Land Management, 333 South Fourth Street, Coos Bay, Oregon. The agenda for the meeting includes election of chairman and vice chairman, a general introduction to the programs and responsibilities of the Coos Bay District and a detailed presentation and discussion of the Bureau Planning System especially as it applies to this district's commercial forest land base looking toward future allowable cut determination.

The second day the board will review in the field application of Planning System decisions as they relate to on-going field operations.

The meeting will be open to the public. It will be held in a room accommodating 80 people. Persons wishing to attend the field trip should plan to furnish their own transportation and lunch. Those wishing to make oral statements should so advise the Coos Bay District Manager prior to the meeting, to aid in scheduling available time. Any interested person may file a written statement for consideration by the board by sending it to the Coos Bay District Manager, P.O. Box 1139, Coos Bay, OR 97420.

EDWARD G. STAUBER,
Coos Bay District Manager.

SEPTEMBER 15, 1975.

[FR Doc.75-25346 Filed 9-22-75;8:45 am]

[NM 26539]

NEW MEXICO

Notice of Application

SEPTEMBER 16, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a 2 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 20 S., R. 25 E.,
Sec. 24, NE¼SE¼.
T. 21 S., R. 25 E.,
Sec. 3, lots 3, 4, 6, 17.
T. 20 S., R. 26 E.,
Sec. 19, lots 3, 4, SE¼SW¼;
Sec. 29, W½SW¼, SE¼SW¼;
Sec. 33, W½SW¼, SE¼SW¼.

This pipeline will convey natural gas across 2.431 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-25347 Filed 9-22-75;8:45 am]

Bureau of Mines

AVAILABILITY OF MINERALS DATA

Schedule for Pre-Publication Release of Statistical Information

Correction

In FR Document 75-23919, appearing on page 42036 in the issue of Wednesday, September 10, 1975, on page 42038 make the following changes:

1. Under the heading "Periodicity" the fourth line reading "----" should read "--do--".

2. Under the heading "Approximate number of weeks * * *" the fourth line reading "------" should read "7-8".

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

James M. Engel, Team Leader, Indiana Bat Recovery Team, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

OMB NO. 42-R

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NECESSARY.
To conduct activities leading to the recovery of the endangered population of the Indiana bat, Myotis sodalis. Activities include collection of information on populations status & distribution, delineation of habitat, determination of adverse environmental factors. Such studies necessitate the taking as defined by Sec. 3(14) of the Endangered Species Act.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
James M. Engel, Team Leader
Indiana Bat Recovery Team
U. S. Fish & Wildlife Service
Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5' 9" WEIGHT: 170
DATE OF BIRTH: 11/2/37 COLOR HAIR: Brn. COLOR EYES: Brn.
PHONE NUMBER WHERE EMPLOYED: 612-725-3596 SOCIAL SECURITY NUMBER: 397-38-5271
OCCUPATION: Fisheries Biologist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: U. S. Fish and Wildlife Service
Department of Interior
(Appointed Team Leader of Recovery team by Director, USFWS on 1/20/75)

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NA
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Lynn A. Greenwalt, Director U.S. FWS
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Throughout geographic range of Indiana Bat (Myotis sodalis) which is inclusive of central and Eastern United States.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
NA

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: upon submission

11. DURATION NEEDED: indefinitely

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See Attachments

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): James M. Engel
DATE: 4/7/75

3-200
8/74

ISSUANCE OF AN ENDANGERED SPECIES PERMIT FOR THE INDIANA BAT RECOVERY TEAM

DATE: MARCH 28, 1975.

To: Special Agent-in-Charge, Law Enforcement District #7, Twin Cities (LE).

FROM: Team Leader, Indiana Bat Recovery Team, Twin Cities (P&A-TA).

Please consider this as a formal request for issuance of an Endangered Species Permit for the Indiana Bat Recovery Team. The permit may be issued to myself as team leader—appointed by the Director of the U.S.

V 40 185 SEP 23 75 XUM

Fish and Wildlife Service on January 20, 1975—but should have reference to other team members:

Members of the Recovery Team may, in the course of recovery efforts, find it necessary to enter caves or other habitats where known or unknown populations of the Indiana bat inhabit. There is documented evidence that noise or lights caused by man in merely entering caves disturbs *M. sodalis* and such acts required in recovery efforts may be considered harassment of the species—in violation of Section 9(b) of the Endangered Species Act of 1973.

In pursuing recovery efforts, populations and habitats of the Indiana bat must be delineated and monitored, certain biological data collected and collections of specimens (live and dead) for scientific study may be necessitated. Team members are fully cognizant of disturbances that these studies may create. In carrying out their duties as recovery team members, they will use their professional judgment to minimize adverse effects on the species.

Attached is the information required under the format established by 50 CFR 13.12.

JAMES M. ENGEL.

(1) James M. Engel, Team Leader, Indiana Bat Recovery Team, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111 (Telephone—612/725–3596).

(2) Not Applicable.

(3) Director, U.S. Fish and Wildlife Service, Lynn A. Greenwalt.

(4) The entire range of the Indiana bat, *Myotis sodalis* which is generally defined as cavernous areas of Eastern and Central United States extending from Vermont to southern Wisconsin, south to Missouri and Oklahoma, easterly to Florida and northerly to New Hampshire.

(5) Type: Scientific Permit Involving Endangered Wildlife.

A permit is requested to conduct activities leading to the recovery of the endangered population of the Indiana bat, *Myotis sodalis*. Activities include the collection of information on population status and distribution, delineation of habitat requirements, and determination of adverse environmental factors, including, but not limited to, pesticides, parasitism and species competition. Such studies necessitate the taking, as defined by Section 3(14) of the Endangered Species Act of 1973 (P.L. 93-205), of specimens (alive and dead).

This permit is necessary to carry out management practices recommended by the Indiana bat Recovery Team and concurred by the Director, U.S. Fish and Wildlife Service or his agents in the Office of Endangered Species. It is assumed that under the provisions of Section 13.25(b), persons under the direct control or under contract, including the following team members will also be covered by the permit:

James R. Messerli, U.S. Fish & Wildlife Service, Wildlife Enhancement Office, P.O. Box 18, Princeton, Indiana 47670.

Fred R. Courtsal, U.S. Fish & Wildlife Service, Agriculture Admin. Bldg., Purdue University, West Lafayette, Indiana 47907.

Thomas M. Hooper, U.S. Dept. of Agriculture, Forest Service, Ozark-St. Francis Nat'l. Forest, P.O. Box 10008, Russellville, Ark. 72801.

Leslie E. Terry, U.S. Fish & Wildlife Service, 41 Vine Street, P.O. Box 346, Elkins, West Virginia 26241.

Dr. Robert L. Martin, Dept. of Biology, Preble Hall, University of Maine, Farmington, Maine 04938.

Dr. R. E. Mumford, Forestry & Conservation, Room 116, AG Annex I, Purdue University, West Lafayette, Indiana 47907.

(6) Not Applicable. No importation or exportation is contemplated.

(7) Certification:

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Proposed effective date: Upon submission.

(9) Present Date: March 28, 1975.

(10)

JAMES M. ENGEL,
Team Leader.

INDIANA BAT RECOVERY TEAM,
Room 648, Federal Bldg., Ft. Snelling, Twin Cities, MN 55111, August 6, 1975.

DIRECTOR,
U.S. Fish and Wildlife Service,
Department of the Interior,
Washington, D.C. 20240

Attention: Law Enforcement.

DEAR SIR: In response to Agent Hester's request for additional information, several documents are attached. To answer specific questions, we submit the following:

1. Bibliographies of team members are attached.

2. The activities the team will be engaged in include: monitoring population levels and habitats, developing and initiating improved census techniques, searching for unknown populations, conducting annual or biennial surveys in caves and mines and coordinating the determination of effects of pesticides. These items are listed on page 5 of the recovery plan, which has been submitted to various states, the Fish and Wildlife Service Law Enforcement Office, the Office of Endangered Species, and individuals of the academic community. These activities may necessitate trapping, photographic work, banding or marking and handling for identification purposes. Killing specimens may be necessary to determine pesticide levels, though alternatives to killing an endangered species will be developed if possible (determining effects of pesticides on other species).

As the team will function as a coordinating body, the permit should be broad enough to take emergency actions of an unknown nature when it is advantageous to the recovery of the bat. Any such action of this "emergency" category shall be fully discussed and concurred upon by all team members prior to conducting. State agencies will be consulted prior to conducting any activities that might occur in their respective jurisdictions.

3. It may be necessary to kill bats to determine effects of pesticides (see response to question 2).

4. Taking includes the use of mist nets, Tuttle traps, and other devices commonly used by researchers of bats. The annual or biennial surveys of winter roosts may require capture (net or hand) of individuals for identification purposes.

The recovery team sincerely hopes this satisfies the request for information. Please coordinate additional requests with Agent Blazevic.

Sincerely,

JAMES M. ENGEL,
Team Leader,
Indiana Bat Recovery Team.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before October 23, 1975.

Dated: September 17, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife Service.

[FR Doc.75-25205 Filed 9-22-75;8:45 am]

Geological Survey

SUMMER LAKE HOT SPRING, OREGON

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Summer Lake Hot Spring known geothermal resources area, effective February 1, 1974: (37) Oregon.

SUMMER LAKE HOT SPRING KNOWN GEOTHERMAL RESOURCES AREA

WILLAMETTE MERIDIAN, OREGON

T. 33 S., R. 17 E.
Secs. 12, 13, 14, 15, 22, 23, 24
T. 33 S., R. 18 E.
Secs. 3, 4, 7 through 10, 14 through 23

The area described aggregates 13,631 acres, more or less.

Dated: June 13, 1975.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-25228 Filed 9-22-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CARRIZO GRAZING ADVISORY BOARD

Notice of Meeting

The Carrizo Grazing Advisory Board will meet at 10:00 a.m. on October 23, 1975, at the District Ranger's Office, 212 East 10th Street, Springfield, Colorado.

The purpose of this meeting is to discuss conversion of temporary permits to term permits on the Carrizo Unit of the Comanche National Grassland, and to discuss the proposed revision to the range management section of the Forest Service Manual.

This meeting will be open to the public. Persons who wish to attend should notify the District Ranger's Office, P.O. Box 127, Springfield, Colorado 81073 (303) 523-6591. Written statements may be filed with the board before or after the meeting.

The board has no established rules for public participation.

Dated: September 16, 1975.

R. N. RIDINGS,
Forest Supervisor.

[FR Doc.75-25334 Filed 9-22-75;8:45 am]

SAN ISABEL NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The San Isabel National Forest Grazing Advisory Board will meet at 1:00 p.m. on October 21, 1975, at the Forest Supervisor's Office, 910 Highway 50 West, Pueblo, Colorado.

The purpose of this meeting is to discuss the proposed revision of the range management section of the Forest Service Manual.

This meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor's Office, P.O. Box 5808, Pueblo, Colorado 81002, (303) 544-5277 ext. 321. Written statements may be filed with the board before or after the meeting.

The board has no established rules for public participation.

Dated: September 16, 1975.

R. N. RIDINGS,
Forest Supervisor.

[FR Doc.75-25335 Filed 9-22-75;8:45 am]

SHAFER BUTTE PLANNING UNIT

Availability of Final Environmental Statement

The review period for the final environmental statement and land use plan on the Shafer Butte Planning Unit, Boise National Forest, Idaho, has been extended. The new extension date is November 1, 1975; rather than October 9, 1975, as originally reported.

The Forest Service report number for these documents is USDA-FS-FES (Adm) R4-75-15.

Dated: September 16, 1975.

DONALD A. SCHULTZ,
Acting Director,
Regional Planning and Budget.

[FR Doc.75-25333 Filed 9-22-75;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held at 9 a.m. on Thursday, November 6, 1975 in Room 218-A of the USDA Administration Building, Independence Avenue between 12th and 14th Streets SW., Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 359-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854.

A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: September 18, 1975.

ROBERT W. LONG,
Assistant Secretary.

[FR Doc.75-25321 Filed 9-22-75;8:45 am]

Soil Conservation Service

DEER CREEK WATERSHED PROJECT, MISSISSIPPI

Notice of Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Deer Creek Watershed Project, Bolivar and Washington Counties, Mississippi, USDA-SCS-EIS-WS-(ADM)-75-4-(D)-MS.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by channel work. The channel work will involve clearing and shaping on 13.66 miles of existing channels and 36.49 miles of enlargement by excavation to provide improved water management in a Mississippi delta watershed that is 82 percent agricultural cropland and grassland. Of the 50 miles of work proposed on channels, about half will involve those with only ephemeral flow and the other half with intermittent flow.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 490 Milner Building, 310 S. Lamar Street, or P.O. Box 610, Jackson, Mississippi 39205

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. L. Heard, State Conservationist, Soil Conservation Service P.O. Box 610, Jackson, Mississippi 39205.

Comments must be received on or before November 14, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 15, 1975.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-25336 Filed 9-22-75;8:45 am]

FARM BROOK WATERSHED PROJECT, CONNECTICUT

Notice of Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Farm Brook Watershed Project, New Haven County, Connecticut, USDA-SCS-EIS-WS-(ADM)-76-1-D-CT.

The environmental impact statement concerns a plan for watershed protection, flood prevention and recreation. The planned works of improvement include conservation land treatment, channel work, a floodwater retarding structure and recreational facilities. The channel work will involve 325 feet of reinforced concrete channel, 4,750 feet of earth channel and one drop structure. The flood prevention structure consists of two dams with vegetated earth emergency spillways.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Mansfield Professional Park, Storrs, Connecticut 06268

Copies of the draft environmental impact statement have been sent for comment to various federal, state and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

V 40 185 S SEP 23 75 XUM

Comments concerning the proposed action or requests for additional information should be addressed to Robert G. Halstead, State Conservationist, Soil Conservation Service, Mansfield Professional Park, Storrs, Connecticut 06268.

Comments must be received on or before October 15, 1975 in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: August 22, 1975.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-25337 Filed 9-22-75;8:45 am]

LYONS CREEK WATERSHED PROJECT, KANSAS

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lyons Creek Watershed Project, Dickinson, Geary, Marion, and Morris Counties, Kansas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 17 floodwater retarding structures and one multipurpose structure. The multipurpose structure will provide storage for floodwater, municipal water, and recreation water; and will include basic recreation facilities.

The environmental assessment file is available for inspection during working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401

The negative declaration is available for single copy requests.

No administrative action on implementation of the proposal will be taken until October 8, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: August 21, 1975.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-25338 Filed 9-23-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-466]

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Line, Inc., has applied for amendment of its service description to permit LASH vessels of Pacific Far East Line, Inc., operating on the Operator's subsidised Trade Route 29 service to call at ports in Oregon, Washington, British Columbia, and Alaska for carriage of cargoes between those areas and Malaysia.

As information, service between the areas being herewith Noticed was included in the application of Pacific Far East Line, Inc., docketed S-443 (40 FR 21505); that application, which has been referred for hearing, has been amended to delete the Malaysia area.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on October 14, 1975, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By order of the Maritime Subsidy Board.

Dated: September 17, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-25341 Filed 9-22-75;8:45 am]

Bureau of the Census

VOTING RIGHTS ACT AMENDMENT OF 1975

Partial List of Determinations

CROSS REFERENCE: For a document issued by the Bureau of the Census, Department of Commerce and the Department of Justice, see FR Doc. 75-25584, appearing elsewhere in this issue.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL CANCER INSTITUTE ADVISORY COMMITTEES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of committee: Drug Development Contract Review Committee. Dates: October 10, 1975, 9:00 a.m. Place: Blair Building, room: Conference Room 414, National Institutes of Health. Times: Open: October 10, 9:00 a.m.-9:15 a.m. Closed: October 10, 9:15 a.m.—adjournment. Closure reason: To Review Research Contract Proposals. Executive Secretary: Mrs. Naomi FitzGibbon. Address: Blair Building, room: 5A03A, National Institutes of Health. Phone: 301/427-7337. Catalog of Federal domestic assistance number: 13.825.

Name of committee: Committee on Cancer Immunotherapy. Dates: October 23, 1975, 1:00 p.m. Place: Building 10, room: Conference Room 4B-14, National Institutes of Health. Times: Open: October 23, 1:00-1:30 p.m. Closed: October 23, 1:30 p.m.—adjournment. Closure reason: To Review Research Contract Proposals. Executive Secretary: Dr. Dorothy Windhorst. Address: Building 10, room: 4B-17, National Institutes of Health. Phone: 301/496-1791. Catalog of Federal domestic assistance number: 13.825.

Name of committee: Combined Modality Committee. Dates: October 30, 1975, 9:30 a.m. Place: Building 31A, room: Conference Room 3A47, National Institutes of Health. Times: Open: October 30, 9:30 a.m.-10:00 a.m. Closed: October 30, 10:00 a.m.—adjournment. Closure reason: To Review Research Contract Proposals. Executive Secretary: Dr. Harry Handelsman. Address: Building 37, room: 6D20, National Institutes of Health. Phone: 301/496-1774. Catalog of Federal domestic assistance number: 13.825.

Name of Committee: Breast Cancer Experimental Biology Committee. Dates: November 6, 1975, 8:30 a.m. Place: Building 31B, room: Conference Room 5, National Institutes of Health. Times: Open: November 6, 8:30 a.m.-10:00 a.m. Closed: November 6, 10:00 a.m.—adjournment. Closure reason: To Review Research Contract Proposals. Executive Secretary: Dr. D. Jane Taylor. Address: Landow Building, room: A-422, National Institutes of Health. Phone: 301/496-6718. Catalog of Federal domestic assistance number: 13.825.

Name of committee: Board of Scientific Counselors of the Division of Cancer Treatment. Dates: November 10-11, 1975, 9:00 a.m. Place: Building 31C, room: Conference Room 8, National Institutes of Health. Times: Open for the Entire Meeting. Agenda/open portion: Review of coordination of treatment activities with the Division of Cancer Treatment and review of potential new programs. Executive Secretary: Dr. Vincent T. DeVita, Jr. Address: Building 31, room: 3A52, National Institutes of Health. Phone: 301/496-4291.

Dated: September 12, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-25239 Filed 9-22-75;8:45 am]

PRESIDENT'S CANCER PANEL

Notice of Meeting

Pursuan to Public Law 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, October 8, 1975, National Institutes of Health, Building 31, Conference Room 6.

The entire meeting will be open to the public from 2:30 p.m. to adjournment, for reports from the Director, National Cancer Institute, and from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide summaries of the meeting, substantive program information, and rosters of Panel members.

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-25489 Filed 9-22-75;9:38 am]

Office of Education

NATIONAL ADVISORY COMMITTEE ON THE HANDICAPPED

Notice of Meeting

Notice of Public Meeting of the National Advisory Committee on the Handicapped.

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Committee on the Handicapped will be held on October 20-22, 1975, 8:30 a.m., at the Kings Inn, 301 West Street, Reno, Nevada.

The National Advisory Committee on the Handicapped is established under (20 U.S.C. 1233g) Section 448(b) of the General Education Provisions Act. The Committee is established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the Committee will be open to the public. The proposed agenda includes a joint session with representatives of the National Association of State Directors of Special Education, reports from subcommittees, preliminary consideration of 1976 priorities, and progress reports concerning the Committee's 1976 Annual Report. Records will be kept of all Committee proceedings and will be available for public inspection at the Office of the Deputy Commissioner, Bureau of Education for the Handicapped, located in Room 2100, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on September 15, 1975.

EDWIN W. MARTIN,
Acting Deputy Commissioner, Bureau of Education for the Handicapped.

[FR Doc.75-25344 Filed 9-22-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-75-415]

PRIVACY ACT OF 1974

Notice of Systems of Records

Correction

In FR Doc. 75-22610, filed at the Office of the Federal Register on August 27, 1975, appearing at page 39738, in the issue for Thursday, August 28, 1975, the following preamble should be added before HUD/DEPT-1.

Notice is hereby given that the Department of Housing and Urban Development, in accordance with 5 U.S.C. 552a (e)(4) and (11), Sec. 3 of the Privacy Act of 1974 (Pub. L. 93-579) ("Act"), proposes to adopt the notice of systems of records set forth below. The Act requires only publication for comment of that portion of a notice which describes the "routine uses" of the particular system of records.

Any person interested in this notice may submit written data, views, or arguments in regard to the routine uses stated therein to Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, on or before September 29, 1975. All written comments received from the public through said date will be considered by the Department before taking action on a final notice.

This notice was drafted and the files to be noticed were selected with major reliance on the "Guidelines and Responsibilities" for implementation of the Act published by the Office of Management and Budget (40 FR 28949, July 9, 1975).

The notice sets forth a statement of general routine uses applicable to all noticed systems of records and incorporated by reference into the notice of each particular system of records. The centralizing of these routine uses was occasioned by the desire to avoid unnecessary repetition which would hamper the public in its review and use of the proposed notice.

Special note should be taken that certain disclosures authorized by the Act itself are excluded from the general routine uses and the routine uses particular to each system of records. They are: Disclosure of corrected or amended records, or notations of disagreement when requested corrections or amendments are denied, under 5 U.S.C. 552a(c)(4); disclosure to, and at the request of the individual, of records which pertain to that individual under 5 U.S.C. 552a(d); disclosures to the courts under 5 U.S.C. 552a(g); disclosures to the Privacy Protection Study Commission under sec. 5(e)(2) of the Act; and disclosures to the Office of Management and Budget in the course of its assistance and oversight responsibilities under Sec. 6 of the Act. The Department submits that these disclosures are outside the provisions of 5 U.S.C. 552(b)(1) through (11), including the provision addressing routine uses.

Special note should also be taken that 5 U.S.C. 552a(b)(1) expressly permits disclosure of a record in a system of records to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties, without the prior consent of the individual to whom the record pertains. Such dis-

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closures do not fall within the "routine use" provisions of the Act.

Two basic criteria were employed to determine those records which constitute a system of records under the Act requiring publication of notice in the FEDERAL REGISTER. These are discussed in the publication of the Office of Management and Budget noted above. The first criterion is that the record be an "official" record of the Department. The second criterion is that information which pertains to an individual "is retrieved" by means of the name or other personal identifier assigned to that particular individual.

The following listings illustrate some of the kinds of records falling outside the definition of "system of records" in the Act and, for that reason, not included in the proposed notice:

Unofficial records and public references

Employee recreation associations;

Employee blood donors;

Telephone directories and address lists created and kept by individual employees at their own initiative to facilitate communications with other employees and nonemployees;

Lists are created and kept by individual employees as a service to other employees, usually within their immediate office, such as the scheduled expiration dates of driver's licenses for those employees whose position requires operation of a motor vehicle;

Directories published by commercial concerns and public agencies and held by the Department as reference tools, such as Martindale-Hubbell's lists of attorneys and the Department of Labor's list of debarred Government contractors; and,

Retrieved by other than individual

Financial statements of individuals who are officers, directors or stockholders of corporations dealing with the Department, but which are filed by corporate name or contract number; and

Correspondence filed only by date.

This notice does not include particular identification of certain systems of records, admittedly existing within the Department, due to the fact that other Federal agencies have assumed responsibility for publishing a Government-wide notice. The primary example is the publication of systems of records pertaining to Federal employee personnel records by the United States Civil Service Commission.

This notice also does not include discussion of the application of general exemptions determined by other Federal agencies to apply to records or copies of records in the possession of the Department.

Effective date. This notice shall be effective October 23, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

1. General Statement of Routine Uses.

ROUTINE USE—LAW ENFORCEMENT

In the event that a system of records maintained by this Department to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE—DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this Department may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grantor other benefit.

ROUTINE USE—DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this Department may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE—DISCLOSURE TO OMB

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Listing of Systems of Records Within Coverage of Act.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-177]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from June 23, 1975 to July 23, 1975 (List No. 17-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/30/0, Globe Guardsman Air Breathing Protector, permissible one-half hour self-contained compressed air breathing apparatus, at least one extra fully charged cylinder of breathing air to be included as part of the complete unit, MESA/NIOSH Approval No. TC-13F-43 for use only with TC-13F-43 facepiece and TC-13F-43 pressure regulator, assembly drawing No. 2540-W (Rev. C) is standard, however, the following approved models are also available: 2550-W (Rev. B) or 2526-W (Rev. B) or 2552-W (Rev. A) or 2540-B (Rev. A) or 2550-B (Rev. A) or 2526-B (Rev. A) or 2552-B (Rev. A), manufactured by Globe Safety Products, Inc., 125 Sunrise Place, Dayton, Ohio 45407, effective July 17, 1975. (It is an extension of Approval No. 160.011/30/0 dated August 18, 1970.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/91/1, lifeboat winch, Type GPD-63; approval is limited to mechanical components only and for a maximum working load of 6,300 lbs. pull at the drums (3,150 lbs. per fall); identified by gear case assembly drawing W2-F-004, revision F dated July 28, 1970, and drawing list dated August 21, 1970, approval is limited for use with Type GPD-63 gravity pivot davit (Approval 160.032/176/1), manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective July 17, 1975. (It is an extension of Approval No. 160.015/91/1 dated August 31, 1970.)

Approval No. 160.015/99/1, Carroll Type CW-75-M lifeboat winch; approval limited to mechanical components only and for a maximum working load of 7,500 lbs. pull at the drums (3,750 lbs. per fall); identified by general arrangement drawing 57804 dated June 17, 1975, and parts list PL-320204 dated June 23, 1975, approval is limited to use with Type CG-150-P gravity davit (Approval 160.032/186/1), manufactured by Lake Shore, Inc., Iron Mountain, Michigan 49801, effective July 17, 1975. (It supersedes Approval No. 160.015/99/0 dated June 8, 1972 to permit design changes.)

LIFE RAFTS FOR MERCHANT VESSELS

Approval No. 160.018/16/0, Type "B" MK2, life raft, for other than ocean and coastwise service, 9.58' x 8.0' x 2.33', 18-person capacity, with polyurethane foamed, fibrous glass reinforced plastic tanks, identified by general arrangement dwg. No. M-99-17 dated May 6, 1959, and revised September 20, 1960, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective July 18, 1975. (It is an extension of Approval No. 160.018/16/0 dated September 9, 1970.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/176/1, gravity pivot davit, Type GPD-63; approved for a maximum working load of 12,600 lbs. per set (6,300 lbs. per davit arm) using 2-part falls; identified by general arrangement drawing D1-F-053 dated April 24, 1969, and drawing list dated August 21, 1970, approval is limited for use with Type GPD-63 lifeboat winch (Approval 160.015/91/1), manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective July 17, 1975. (It is an extension of Approval No. 160.032/176/1 dated August 31, 1970.)

Approval No. 160.032/185/0, type 20-200 survival capsule launching system (winch type); approved as an alternate to a lifeboat davit for a maximum working load of 11,000 lbs. on a single fall; identified by general arrangement drawing 20-200 dated May 21, 1970, and drawing list dated September 1, 1970, approved for installation with the Type WCL-5875 lifeboat winch (Approval 160.015/98/0), made by the Speco Division, Kelsey-Hayes Company, for use only on nonself-propelled drilling rigs, artificial islands and fixed structures, manufactured by Whittaker Corporation, 5159 Baltimore Drive, La Mesa, California 92041, effective July 18, 1975. (It is an extension of Approval No. 160.032/185/0 dated October 23, 1970.)

Approval No. 160.032/186/1, gravity davit, Carroll Type CG-150-P, approved for a maximum working load of 15,000 lbs. per set (7,500 lbs. per arm) using 2-part falls; identified by general arrangement drawing WDA-9069, revision C dated June 17, 1975 and drawing list PL-320194, revision A dated July 11, 1975, approval is limited for use with Carroll Type CW-75-M lifeboat winch (Approval No. 160.015/99/1), manufactured by Lake Shore, Inc., Welin Boat & Davit Division, P.O. Box 809, Iron Mountain, Michigan 49801, effective July 21, 1975. (It supersedes Approval No. 160.032/186/0 dated May 26, 1972 to show design revisions.)

LIFEBOATS

Approval No. 160.035/110/3, 28.0' x 9.79' x 4.12' steel, motor-propelled lifeboat without radio cabin or searchlight, Class 1, 62-person capacity, identified by general arrangement and construction dwg. No. 28-001-01 Rev. A dated July 3, 1970, this boat is built with a wooden or fibrous glass reinforced plastic (FRP) removable interior, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=6320 pounds; Condition "B"=17,765 pounds, manufactured by Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, New York 11231, effective June 23, 1975. (It is an extension of Approval No. 160.035/110/3 dated July 24, 1970.)

JACKKNIFE (WITH CAN OPENER) FOR MERCHANT VESSELS

Approval No. 160.043/1/0, type S702 jackknife (with can opener), dwg. No. 1160 dated August 11, 1950, manufactured by Camillus Cutlery Company, Camillus, New York 13031, effective July 21, 1975. (It is an extension of Approval No. 160.043/1/0 dated October 7, 1970.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/33/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured in accordance with UL report file No. MQ 79, Type IV PFD, manufactured by Noble Products Company, Box 327, Caldwell, Ohio 43724, effective July 21, 1975. (It is an extension of Approval No. 160.048/33/0 dated October 12, 1970.)

Approval No. 160.048/76/2, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured in accordance with UL report file No. MQ 85, Type IV PFD, manufactured by Kent Sporting Goods Company, 710 Orange Street, Ashland, Ohio 44805, effective July 21, 1975. (It is an extension of Approval No. 160.048/76/2 dated October 21, 1970 and change of address of manufacturer.)

Approval No. 160.048/219/1, special approval for 14" x 17" x 2" rectangular, ribbed-type kapok buoyant cushion, 21-oz. kapok, dwg. No. 1, revision 1 dated October 9, 1965, manufactured in accordance with UL report file No. MQ 85, Type IV PFD, manufactured by Kent Sporting Goods Company, 710 Orange Street, Ashland, Ohio 44805, effective July 21, 1975. (It is an extension of Approval No. 160.048/219/1 dated October 21, 1970 and change of address of manufacturer.)

Approval No. 160.048/257/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured in accordance with UL report file No. MQ 78, Type IV PFD, manufactured by Hunter Outdoor Products, 234 Union Street, North Adams, Massachusetts 01247, effective July 21, 1975. (It is an extension of Approval No. 160-048/257/0 dated October 1, 1970.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/19/1, Model 712-VH-17.5 vinyl-dipped unicellular plastic foam work vest, dwg. No. 68F5210 dated June 5, 1968 revision 1 dated October 20, 1970, and Bill of Materials dated August 3, 1965, Type V PFD, approved for use on Merchant Vessels when engaged in work activities, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective July 21, 1975. (It is an extension of Approval No. 160.053/19/1 dated October 20, 1970.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/102/0, Adult-Non-Standard cloth covered unicellular plastic foam life preserver constructed in accordance with U.S. Coast Guard Specification Subpart 160.055, Coast Guard letter, file No. 5946/160.055/102 dated February 12, 1974 and Coast Guard letter, file No. 5946/160.055/102 dated July 14, 1975, Type V PFD, approved only for use by persons engaged in commercial white water service within the U.S.A., manufactured by Holcombe Industries, Inc., 1602 Tacoma Way, Redwood City, California 94063, effective July 16, 1975. (It supersedes Approval No. 160.055/102/0 dated December 17, 1974.)

Approval No. 160.055/108/0, adult, Model No. 601 vinyl coated cross-linked polyethylene foam life preserver manufactured in accordance with U.S.C.G. Specification Subpart 160.055, drawing No. 601 dated July 11, 1975 and bill of materials dated June 27, 1975, Type I PFD, manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, California 91609, effective July 16, 1975.

Approval No. 160.055/109/0, child, Model No. 603 vinyl coated cross-linked polyethylene foam life preserver manufactured in accordance with U.S.C.G. Specification Subpart 160.055, drawing No. 603 dated July 11, 1975 and bill of materials dated June 27, 1975, Type I PFD, manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, California 91609, effective July 16, 1975.

MARINE BUOYANT DEVICE

Approval No. 160.064/900/0, adult, Model No. RRV-150, cloth covered unicellular plastic foam "River Rafting Vest", manufactured in accordance with

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U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minnesota 56301, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective July 16, 1975.

Approval No. 160.064/901/0, adult, Model No. RRV–158, cloth covered unicellular plastic foam "River Rafting Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minnesota 56301, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56031, effective July 16, 1975.

Approval No. 160.064/967/0, child medium, Model No. 200–XS, vinyl dipped unicellular plastic foam, "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/968/0, child medium, Model No. 200–S, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/969/0, adult, Model No. 200–M, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MK 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N. E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/970/0, adult, Model No. 200–L, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/971/0, adult, Model No. 200–XL, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/972/0, adult, Model No. 200–XXL, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporaiton, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/981/0, adult, Model No. 780–26, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, factory location: Westex Products Company, Inc., Electra Industrial Park, Electra, Texas 76306, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective June 30, 1975.

Class A. EPIRB

Approval No. 161.011/2/0, Model CS1N–A, Class A, float free, Emergency Position Indicating Radio Beacon, FCC type acceptance issued on May 24, 1975 under 46 CFR 83, manufactured by Simrad, Inc., One Labriola Court, Armonk, New York 10504, effective June 26, 1975.

Approval No. 161.011/6/0, Model DB–2051, Class A, float free, Emergency Position Indicating Radio Beacon, FCC Type Acceptance issued on July 16, 1975 under 46 CFR 83, Jotron U.S. Agent: Anschuetz of America, 444 Fifth Avenue, New York, New York 10018, manufactured by A/S Jotron Elektronikk, P.O. Box 28, 7601 Levanger, Norway, effective July 23, 1975.

Safety Valves (Power Boilers)

Approval No. 162.001/226/2, Type Series 1811–A, consolidated carbon steel body pop safety valve, exposed spring, maximum pressure 300 and 800 p.s.i., maximum temperature 650° F., dwg. No. 315712 dated January 25, 1965, revised February 7, 1966, approved for the following sizes and type numbers: 1½"—1811 FA, 1½"—1811 HA, 2"—1811 KA, 3"—1811 MA, 4"—1811 PA, 1½"—1811 GA, 1½"—1811 JA, 2½"—1811 LA, 4"—1811 NA, manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, effective July 18, 1975. (It is an extension of Approval No. 162.001/226/2 dated August 11, 1970.)

Approval No. 162.001/227/2, Type Series 1811–B, consolidated carbon steel body pop safety valve, exposed spring, maximum pressure 300 and 800 p.s.i., maximum temperature 750° F., dwg. No. 315712 dated January 25, 1965, revised February 7, 1966, approved for the following sizes and type numbers: 1½"—1811 FB, 1½"—1811 HB, 2"—1811 KB, 3"—1811 MB, 4"—1811 PB, 1½"—1811 GB, 1½"—1811 JB, 2½"—1811 LB, 4"—811 NB, manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, effective July 18, 1975. (It is an extension of Approval No. 162.001/227/2 dated August 11, 1970.)

Approval No. 162.001/228/2, Type Series 1811–C, consolidated carbon steel body pop safety valve, exposed spring, maximum pressure 300 and 800 p.s.i., maximum temperature 900° F., dwg. No. 315712 dated January 25, 1965, revised February 7, 1966, approved for the following sizes and type numbers: 1½"—1811 FC, 1½"—1811 HC, 2"—1811 KC, 3"—1811 MC, 4"—1811 PC, 1½"—1811 GC, 1½"—1811 JC, 2½"—1811 LC, 4"—1811 NC, use of 600# ASA flange is limited to 700 p.s.i. if used at 900° F., manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, effective July 18, 1975. (It is an extension of Approval No. 162.001/228/2 dated August 11, 1970.)

Pressure Vacuum Relief-Valves for Tank Vessels

Approval No. 162.017/84/0, Model MV–250 pressure-vacuum relief valve, enclosed pattern, screwed inlet, weight loaded discs, all bronze construction, dwg. No. MV–250A dated April 18, 1960, approved for 2½" pipe size, manufactured by The Staytite Company, 3606–12 Polk Avenue, Houston, Texas 77003, effective July 18, 1975. (It is an extension of Approval No. 162.017/84/0 dated September 28, 1970.)

Safety Relief Valves, Liquefied Compressed Gas

Approval No. 162.018/71/0, Lonergan 11–W–200 BT Series safety valves for pressure-temperature limitations as specified on Lonergan dwg. No. A–1884, manufactured by J. E. Lonergan Company, Red Lion Road, West of Verree Road, P.O. Box 6167, Philadelphia, Pennsylvania 19115, effective July 18, 1975. (It is an extension of Approval No. 162.018/71/0 dated August 11, 1970.)

Backfire Flame Control, Gasoline Engines; Flame Arresters; for Merchant Vessels and Motorboats

Approval No. 162.041/124/0, Universal-Peerless Co. backfire flame arrester assembly, cast aluminum adapter, with Zenith #C–177–7 brass element assembly, manufactured by Medalist Universal Motors, 1552 Harrison Street, P.O. Box 2508, Oshkosh, Wisconsin 54901, formerly Universal Motor Division, Medalist Industries, effective July 18, 1975. (It is an extension of Approval No. 162.041/124/0 dated August 11, 1970.)

Approval No. 162.041/125/0, Universal-Peerless Co. #296981 backfire flame arrester assembly, cast aluminum adapter, with Zenith #C–177–15 aluminum element assembly, testing waived because of similarities to #288661 flame arrester assembly, U.S.C.G. Approval No. 162.041/124/0, manufactured by Medalist Universal Motors, 1552 Harrison Street, P.O. Box 2508, Oshkosh, Wisconsin 54901, formerly Universal Motor Division, Medalist Industries, effective July 18, 1975. (It is an extension of Approval No. 162.041/125/0 dated August 24, 1970.)

Deck Coverings for Merchant Vessels

Approval No. 164.006/40/0, "Hill Brothers C G Base Coat" and C G Red Top", magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–1787:FP3069 dated August 30, 1951, approved for use without other insulating material to meet Class A–60 requirements in a 1½" thickness, manufactured by Hill Brothers Chemical Company, 2150 Bay Street, Los Angeles, California 90021, effective July 18, 1975. (It is an extension of Approval No. 164.006/40/0 dated September 18, 1970.)

Incombustible Materials for Merchant Vessels

Approval No. 164.009/54/0, "Thermafiber Glass Fiber", fibrous insulation type combustible material identical to that described in National Bureau of Standards Report No. TG10210–2028:FP3461 dated August 1, 1958, approved in a density of 3 pounds per cubic foot, manufactured by United States Gypsum Company, 1000 East Northwest Highway, Des Plaines, Illinois 60016, effective July 18, 1975. (It is an extension of Approval No. 164.009/54/0 dated August 14, 1970.)

Approval No. 164.009/86/0, Porter Style CGAG woven combination Grade AAA asbestos and fibrous glass (2.5% lubricant or less) cloth type incombustible material identical to that described in H. K. Porter letter dated September 1, 1965, approved in weights ⅛ through 2.50 pounds per square yard, manufactured by H. K. Porter Company, Inc., Thermoid Division, 1250 Porter Building, Pittsburgh, Pennsylvania 15219, effective July 17, 1975. (It is an extension of Approval No. 164.009/86/0 dated August 14, 1970.)

Dated: September 17, 1975.

J. V. Caffrey,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75–25242 Filed 9–22–75;8:45 am]

[CGD 75–192]

RESEARCH ADVISORY COMMITTEE

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) of October 6, 1972 that the Research Advisory Committee (RAC) will conduct its 12th Meeting between 0830–1500 EDT on October 8th and 10th and between 0830–1700 EDT on October 9th. The meeting will be held in the Center's Conference Room located in the Administration Building, Southeastern Branch, University of Connecticut, Avery Point, Groton, Connecticut. Members of the public will be admitted to this open meeting beginning each day at 0830 EDT according to a first-come, first-served basis up to the seating capacity of the room which holds about 12 visitors.

The agenda of this meeting consists of the following topics:

(1) Old business including USCG response to recommendations of the Eleventh Meeting.

(2) USCG Research and Development (R&D) Highlights for the Period, April–October 1975.

(3) Committee new business relating to selection of new Committee Chairman for CY 1976, suggestions for new Committee members, and selection of time and place of next Committee meeting.

(4) Review of the Coast Guard's Loran-C Development Program.

(5) Review of the Technical Aspects of the Coast Guard's Proposed RDT&E Effort for Fiscal Year 1977 and Beyond.

(6) Review of Forensic Science Activities of the Coast Guard's R&D Center.

(7) Review of the Interfaces (Technical, Administrative, and Personnel) between the USCG Academy and the USCG R&D Center. (Note: This review will be conducted jointly with the Coast Guard Academy Advisory Committee which will also be in attendance for this item.)

(8) Any other business unforeseen at this time.

The Coast Guard Research Advisory Committee was originally established as the Science Advisory Committee in 1970 to provide a broad external and neutral point of view in the review of the Coast Guard's Research, Development, Test and Evaluation Effort; to make recommendations for the development of new techniques that are applicable to Coast Guard missions, new or revised approaches to scientific inquiry, more effective utilization of the Research and Development staff, and the interfacing of the Coast Guard program with other scientific and technological programs, particularly those of other elements of the Department of Transportation and the Department of the Navy; to review Coast Guard long-range Research and Development program planning, and to propose changes in Research, Development, Test and Evaluation policy, program emphasis, scope, and use of facilities.

Interested persons may seek additional information or the summary minutes of the meeting by writing to:

Miss Patricia Wright, Executive Secretary of the Research Advisory Committee, Office of Research and Development, U.S. Coast Guard (G–DS/62, TRANSPOINT), Washington, D.C. 20590.

or by calling (202–426–1037).

Dated: September 16, 1975.

A. H. Siemens,
Chief, Office of Research and Development.

[FR Doc.75–25243 Filed 9–22–75;8:45 am]

Federal Aviation Administration

CITIZENS ADVISORY COMMITTEE ON AVIATION

Notice of Meeting

Pursuant to section 10(a)(2) of Public Law 92–463, notice is hereby given that the Citizens Advisory Committee on Aviation will hold a meeting on October 27–30, 1975, at the Federal Aviation Administration Building, 800 Independence Ave., S.W., Washington, D.C.

The following agenda items are scheduled for the meeting:

a. Safety in aviation.
b. Aviation education.
c. The national airport system.

Persons interested in attending the meeting should contact Ms. Norma G. Senkow, Citizens Advisory Committee on Aviation, Office of Information Services, AIS–230, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, D.C. 20591, telephone (202) 426–3485. The meeting will be open to the public. Seating will be on a first-come, first-served basis.

Issued in Washington, D.C., on September 12, 1975.

Dennis S. Feldman,
Acting Assistant Administrator, Information Services.

[FR Doc.75–25288 Filed 9–22–75;8:45 am]

Federal Railroad Administration

[Docket No. RSPC–75–3]

PERIODIC LUBRICATION

Waiver of Petition

The Norfolk and Western Railway Company (N&W) has petitioned the Federal Railroad Administration (FRA) for permission to conduct a test program in which 968 covered hopper cars would be operated for a period not to exceed six years without compliance with the periodic lubrication required under present FRA regulations. The FRA regulations (49 CFR 215.99) presently require lubrication at intervals which may not exceed three years.

The cars are all 100-ton covered hopper cars that were constructed during 1973 and 1974. The cars bear N&W reporting marks in the series between 17000 and 178000. All cars are equipped with roller bearings designed for high speed service. The roller bearings with which these cars are equipped were produced by three different manufacturers. The manufacturers, Timken, Brenco and ND-Hyatt have all indicated to petitioner that they concur in this proposed test program.

The cars to be used in this proposed test are assigned to grain service between the middle west and the east coast of the United States. The cars operate principally on N&W lines but approximately 40 per cent of the cars do operate over the Chessie system to serve customers in

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Baltimore, Maryland and Philadelphia, Pennsylvania.

Petitioner believes that the test program is needed because of the absence of actual field test data for the lubrication of roller bearing equipped freight cars in high speed service. Under the provisions of the proposed test program a progressively increasing number of bearings would be removed and inspected between the third and final year of the test period.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to October 15, 1975. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSPC–75–3) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before October 31, 1975 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on September 17, 1975.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75–25371 Filed 9–22–75;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Thursday, October 9 and Friday, October 10, 1975.

The Committee was established to provide advice to the Federal Railroad Administration concerning solutions to problem areas involving the operating rules of the nation's railroads.

The meeting will be held at the Le Baron Hotel, 7675 Crescent Avenue, Buena Park, California 90620. The Committee is presently studying the area of employee training as it relates to a more effective operating rules program. This meeting is being held in the greater Los Angeles area so that the Committee may accept the invitation of the Southern Pacific Transportation Company to view its training facilities. The meeting will consist of a morning discussion session beginning at 9:00 a.m. on both Thursday and Friday, October 9 and 10. The afternoons will be spent at the Southern Pacific training facilities in the area where the Committee will be given a presentation describing Southern Pacific training efforts, and will view the training facilities. The agenda for the morning sessions will include discussions of the training issue and of new priority topics for study at future meetings.

The meeting will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to provide distribution to each of the Committee members. Members of the public who wish to make prepared oral presentations should inform the Office of the Chief Counsel, Federal Railroad Administration, (202) 426–8220 at least 5 days prior to the meeting if possible and reasonable provision will be made for their appearance on the agenda. Terms will also be provided on the agenda for public comments with respect to the discussions during the meeting.

Minutes of the meeting will be made available for public inspection and duplication during regular business hours in the Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 7th St. SW., Washington, D.C.

Issued in Washington, D.C. on September 19, 1975.

BRUCE M. FLOHR,
Deputy Administrator, Committee Chairman.

[FR Doc.75–25407 Filed 9–22–75;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

NOTICE OF COMMENTS

On August 12–15, 1975, pursuant to Section 106 of the National Historic Preservation Act and 36 CFR 800.6, the Advisory Council on Historic Preservation met to consider the inability of the Department of the Army to maintain and repair the Dutton Hotel, a property listed in the National Register of Historic Places, located within Hunter Liggett Military Reservation, California. The Council considered the matter in the context of the general problem confronting the Army nationwide of the treatment of properties which are not essential to its primary mission. The Council also received reports on other present uses and future plans which involve historic and cultural resources at Hunter Liggett. At the meeting, the Council adopted comments that have been transmitted to the Secretary of the Army.

The purpose of this notice is to publish these comments, in accordance with 36 CFR 800.6(d), through incorporation by reference and to apprise interested parties that copies of these comments are available on request from the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005 (202–254–3974).

Dated: September 12, 1975.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.75–25229 Filed 9–22–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 28319, 28009; Order 75–9–56]

ALLEGHENY AIR LINES, INC.

Cleveland-Toronto Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of September 1975.

Application of Allegheny Airlines, Inc., under section 401 of the Federal Aviation Act of 1958 for an amendment to its certificate of public convenience and necessity for Route 97–F authorizing foreign air transportation (Cleveland–Toronto).

On May 8, 1974, a new bilateral air transport agreement between the United States and Canada was signed. This agreement provides for a number of new routes for United States and Canadian carriers, including new U.S. nonstop authority between Cleveland and Toronto which is to become effective on April 25, 1976.[1] Air Canada is the established Canadian carrier on the route.[2]

On June 26, 1975, Allegheny Airlines, Inc. (Docket 28009) filed an application for amendment of its certificate of public convenience and necessity to include Cleveland–Toronto nonstop authority. Concurrently therewith, Allegheny filed a motion for expedited hearing.[3]

In support of its motion, Allegheny states, *inter alia*, that the Bilateral Air Transport Agreement provides for the authorization of a U.S.-flag carrier in the Cleveland–Toronto market effective April 25, 1976; that only ten months remain before U.S.-flag service can be inaugurated in this market under the amended bilateral; that Cleveland–Toronto is a short-haul 193-mile market which generated nearly 77,000 true O&D passengers during calendar year 1974;[4] that between 1968 and 1974 the average annual rate of growth for Cleveland–Toronto true O&D traffic has exceeded 7 percent, and during 1973 and 1974 alone,

[1] Allegheny is the only U.S.-flag carrier providing service in this market with 4 one-stop (via Buffalo) round trips per day. OAG, June 15, 1975.

[2] Air Canada is presently serving the market with 4 nonstop and 1 one-stop (via London, Ontario) round trips daily. OAG, June 15, 1975.

[3] Allegheny states that if its application is not afforded priority treatment, the result will be to harm U.S.-flag participation in the transborder markets and upset the balance between the U.S. and Canadian carriers intended when the bilateral was agreed upon.

[4] Source: *Statistics Canada.*

the market expanded 10 and 16 percent, respectively.

Upon consideration of the foregoing and other pertinent matters, we have determined to institute an investigation to consider whether the public convenience and necessity require nonstop service by a U.S.-flag carrier between Cleveland and Toronto.[5]

Further, we have determined that the proceeding instituted herein is by its very nature not one which would lead to a major Federal action significantly affecting the quality of the human environment "within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA)." In a case such as the instant one all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should nonstop service be authorized. In view of the size of the Cleveland–Toronto market (76,960 O&D passengers for calendar year 1973)[6] and the present level of existing service,[7] it is doubtful that there will be a significant increase in total frequencies under any candidate for the instant authority. This fact must be placed against the large overall level of traffic at Cleveland and Toronto. Cleveland ranked twenty-first among U.S. airports in air carrier passenger enplanements for the calendar year 1974.[8] In 1973 there were 258,000 aircraft operations at Cleveland's Hopkins International Airport, with 263,000 projected for 1975 and 268,000 for 1976.[9] At Toronto International Airport there is also a substantial number of aircraft operations, with 227,498 reported for 1973 and 241,735 for 1974.[10] Therefore, it is unreasonable to suppose on the face of the matter that authorization of new U.S. service in the Cleveland–Toronto market will lead to more than very minor environmental changes.

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, it is ordered, that: 1. A proceeding to be known as the *Cleveland–Toronto Route Proceeding*, Docket 28319 be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

2. The proceeding instituted in paragraph 1, above, shall include consideration of the following issues:

a. Do the public convenience and necessity require, and should the Board authorize, the certification of an air carrier or air carriers to engage in nonstop foreign air transportation between Cleveland, Ohio, on the one hand, and Toronto, Ontario, Canada, on the other?

b. If the answer to (a) is in the affirmative, (i) which air carrier(s) should be authorized to engage in such service, and (ii) what conditions, if any, should be placed on the operations of such carrier(s)?

3. The motion of Allegheny Airlines, Inc. for expedited hearing be and it hereby is granted;

4. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed 20 days from the service date of this order and answers thereto shall be filed five days thereafter; and

5. A copy of this order shall be served upon the following: The Departments of the Interior, Transportation, Commerce, and Housing and Urban Development; the National Aeronautics and Space Administration; the Federal Aviation Administration; the General Services Administration; the Environmental Protection Agency; the Department of State; Delta Air Lines, Inc.; and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–25311 Filed 9–22–75;8:45 am]

[Docket 23080–2; Order 75–9–52]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of September, 1975.

By Order 74–1–89, January 16, 1974, the Board established temporary domestic service mail rates for sack mail and standard and daylight container mail, container minimum chargeable weights, and pickup and delivery charges effective on and after March 28, 1973. The off-airport pickup and delivery charges[1] prescribed in that order are based on the charges in the carriers' freight tariff applicable to the pickup and delivery of containerized freight, on the assumption that the local cartage costs which underlie those tariff charges are the same for containers of both mail and freight.

It has come to our attention that there may be some confusion as to what the current off-airport pickup and delivery charges are. Thus, while Order 74–1–89 refers to the charges in ATP Tariff No. 3–C, C.A.B. No. 19, it does not specifically mention subsequent revision and reissues of that tariff.[2] In addition, there are several containers which, although rated for the carriage of mail,[3] have not been included in the list of containers for which off-airport pickup and delivery charges are prescribed. Also, the off-airport charges for several mail containers are based on the tariff charges applicable to different but comparably sized containers, thus suggesting that the charges for these containers may vary from the carriers' freight charges.

Since it was contemplated that the prescribed off-airport charges would be governed by the current freight charges, we shall clarify the pertinent ordering paragraph of Order 74–1–89 by providing that: (1) effective September 30, 1975, the temporary charges for off-airport pickup and delivery of all mail containers shall be equivalent to the charges in the carriers' applicable freight tariff and, (2) all subsequent revisions and reissues of that tariff are included within the scope of the temporary rate order. Since this amendment is of a clarifying and editorial nature, the Board finds that it may be adopted without further procedures.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That: 1. Subparagraph (g)(1) of Ordering Paragraph 3 of Order 74–1–89, January 16, 1974, be and it hereby is amended as follows:

"(g) On and after March 28, 1973, for the pickup and the delivery of mail in containers, for the carriers and at the points listed in subparagraph (c) above, (1) at Postal Service facilities other than the facilities mentioned in subparagraph (2) below, the charges in ATP Tariff No. 3–C, C.A.B. No. 19, including subsequent revisions and reissues thereof, applicable to the pickup and delivery of A–1, A–2, A–3, FT–B,[4] LD–1, LD–3, LD–5, LD–7, and LD–W containers in the cities listed in such tariff,[5] and, effective September 30, 1975, the charges in such tariff applicable to the pickup and delivery of the containers listed in such tariff in the

[5] While the motion of Allegheny for "expedited hearing" is granted, this means only that the proceeding will be set down for formal processing and that normal Subpart A procedures shall govern.

[6] Source: *Statistics Canada.*

[7] See fns. 1 and 2, *supra.*

[8] *Airport Activity Statistics of Certificated Route Air Carriers* (Expedited Edition), 12 months ended December 31, 1974, Table 3.

[9] *Terminal Area Forecast, 1975–1985,* Department of Transportation, FAA, Office of Aviation Economics, Aviation Forecast Division, July 1975, page GL–35. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels.)

[10] Annual report, Aircraft Movement Statistics, Aviation Statistics Center, 1974.

[1] Pickup and delivery at Postal Service facilities other than those located on or adjacent to airports.

[2] We note that the tariff has been reissued as ATP Tariff No. P.U.D. 1, C.A.B. No. 231.

[3] For example, the M–1 and LD–9 containers. See Orders 74–12–14 and 75–1–134, respectively.

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cities listed in such tariff, and (2) . . . .";

2. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 28, 1973, as may be required by the order establishing final service mail rates in Docket 23080-S; and

3. This order shall be served upon Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, and the Postmaster General.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25312 Filed 9-22-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the New Hampshire State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for September 25, 1975 has been cancelled.

Dated at Washington, D.C., September 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-25294 Filed 9-22-75;8:45 am]

RHODE ISLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m. and end at 6:00 p.m. on October 21, 1975, at the Federal Building, U.S. Post Office Exchange Terrace, Room 234, Providence, Rhode Island 02903.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is for the new rechartering committee to meet to discuss new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-25285 Filed 9-22-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, October 8, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-25268 Filed 9-22-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180052; FRL 434-1]

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

Crisis Exemption To Use DDT To Control Rabid Bats

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the Massachusetts Department of Public Health (hereafter referred to as the "Applicant") has availed itself of a crisis exemption. The Applicant used approximately eleven (11) ounces of DDT 50% WDP in residences in Randolph and Methuen, Massachusetts, to control rabid bats. This exemption is in accordance with, and subject to, the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the Applicant has submitted in writing the following certified information regarding the crisis exemption.

According to the Applicant, the residence located at 360 South Street in Randolph was the site of a positive laboratory finding of rabies in a downed bat. The residence located at Bumpy Lane in Methuen was the site of exposure to a bat found to be rabid via laboratory tests. No pesticide registered for this particular use to eradicate or control possible additional rabid bats was readily available; furthermore, the time element was so critical that there was no time to request a specific or quarantine/public health exemption. On August 4, 1975, approximately eight (8) ounces of DDT 50% WDP was dusted into two openings beside the chimney and into two openings bored into a boxed-in hollow structure running along the roof line of the Bumpy Lane residence. On August 7, 1975, approximately three (3) ounces of DDT 50% WDP was placed in an opening near the chimney of the South Street residence. Both applications were made by licensed exterminators, under the supervision of the Massachusetts Department of Environmental Quality Engineering. No further applications have been made; no adverse effects on man or the environment are anticipated.

The official file concerning this exemption is available for inspection in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

Dated: September 16, 1975.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.75-25220 Filed 9-22-75;8:45 am]

[OPP-50036; FRL 433-8]

ROHM & HAAS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Rohm & Haas Company, Philadelphia, Pennsylvania 19105. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 707-EUP-30) allows the use of 5,200 pounds of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether and its metabolite containing the diphenyl ether linkage on wheat. A total of 1,300 acres is involved; the program is authorized only in the States of California and Oregon. The

experimental use permit is effective from October 4, 1975, to October 4, 1976. Temporary tolerances have been established for residues of the active ingredient in or on wheat grain and straw.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 16, 1975.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.75-25219 Filed 9-22-75;8:45 am]

[OPP-180051; FRL 434-4]

IDAHO STATE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Control Twospotted Spider Mite in Idaho

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Idaho State Department of Agriculture (hereafter referred to as the "Applicant") to use TEPP (tetraethyl pyrophosphate) for the control of twospotted spider mites which are threatening to destroy the 4,000 acre commercial hop crop in Canyon County, Idaho. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

According to the Applicant, the twospotted spider mite (*Tetranychus urticae* Koch) has or is about to occur in hop yards in Idaho and no registered pesticide nor alternative method of control is available to suppress the mites. Although several miticides are registered for use on hops, Idaho State University entomologists alleged that none of the registered miticides were viable options for one or more of various reasons: (1) the spider mites were resistant to the other miticides; (2) aerial applications were precluded because of ineffectiveness or labeling restrictions; and/or (3) the required pre-harvest interval excluded application at the time required. Ground pesticide applications were not feasible because of damage to hop foliage, lodged hops, and irrigation equipment. TEPP has prevented economic damage to the hop crop by this pest in previous years. The Applicant has requested to treat the 4,000 acre commercial hop crop with two (2) pounds of actual TEPP per acre in a single aerial application to suppress populations of twospotted spider mite which are threatening 25 to 40% of the commercial crop in Canyon County. The pesticide will be applied by licensed aerial applicators under the Applicant's supervision between August 18 and September 30, 1975. The time interval is mandated by variation in maturation periods of the crops. A three-day pre-harvest interval will be maintained.

The State of Idaho produces 4,000 acres of the national hop crop; the U.S. hop crop is worth approximately 50 million dollars to the growers. Therefore, the anticipated loss attributable to the mites in Idaho will represent an economic loss of at least one and one half million dollars.

The Applicant cited the following factors which contribute to a relatively low probability of exposure of man to harmful residues of TEPP from hops: (1) raw hops are never consumed by humans and hops are kiln-dried following harvest; (2) one-fourth pounds of hops are added to each thirty-one (31) gallons of beer, a 1:1,000 dilution by weight; and (3) fermentation in the brewing vats results in additional breakdown of pesticide residues. However, TEPP exhibits acute toxicity to fish and wildlife species, especially avian species. Accordingly, the Fish and Wildlife Service, U.S. Department of the Interior (USDI), has suggested that the Applicant establish liaison with the Idaho State Departments of Fisheries and Game. Additionally, the Office of Endangered Species, USDI, has reported that the Arctic and American Peregrine Falcons, endangered species, are endemic within the area proposed for treatment with TEPP.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of twospotted spider mites has or is about to occur; (b) there is no pesticide presently registered and available for use to control the twospotted spider mite in Idaho; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the twospotted spider mites are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticides noted above until September 30, 1975, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

(1) Aerial applications of TEPP are limited to one (1) at the rate of two (2.0) pounds of actual ingredient per acre;

(2) Total acreage treated shall not exceed 4,000 acres;

(3) A maximum of 8,000 pounds of actual TEPP will be applied;

(4) Treatment area is limited to Canyon County;

(5) No applications may occur within three (3) days of harvest of the hops;

(6) The Applicant is responsible for supervising all aerial applications;

(7) The Applicant is advised that the Arctic and American Peregrine Falcons, endangered species, are endemic to the treatment area and are at risk. Therefore, liaison shall be established among the Idaho State Departments of Agriculture, and Fisheries and Game to minimize any adverse effects on fish and wildlife resources; and

(8) Hops with residue levels not exceeding 0.1 ppm of TEPP may be offered in interstate commerce.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 75-25300. Filed 9-22-75; 8:45 am.]

[OPP-180053; FRL 434-2]

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Crisis Exemption To Use DDT To Control Rabid Bats

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the New Jersey Department of Environmental Protection (hereafter referred to as the "Applicant") has availed itself of a crisis exemption. The Applicant used approximately ½ pound of 50WP DDT in a residence in West Caldwell, New Jersey, to control rabid bats. This exemption is in accordance with, and subject to, the provisions of §§ 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the Applicant has submitted in writing the following certified information regarding the crisis exemption.

According to the Applicant, the emergency was created by the confirmation of a rabid bat infestation in a private residence, specifically, a duplex house that contained approximately 30 bats, one of which was verified as rabid by the New Jersey State Department of Health. No pesticide registered for this particular use to eradicate or control possible additional rabid bats was readily available; furthermore, the time ele-

V 40 I 185 S EP 23 75 XUM

ment was so critical that there was no time to request a specific or quarantine/public health exemption. On August 15, 1975, approximately ½ pound of 50WP DDT was used at the entrance holes of soffits along the eaves of the duplex house located in West Caldwell, New Jersey. The single application was made by licensed applicators, under the close supervision of the Office of Pesticide Control of the State Department of Environmental Protection. The Applicant also consulted with, and obtained verbal permission from, the Center for Disease Control, Atlanta, Georgia, to treat the residence. No further applications have been made; follow-up on the results of the application are being continued. No adverse effects on man or the environment are anticipated.

The official file concerning this exemption is available for inspection in the Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E–315, Washington, D.C. 20460.

Dated September 16, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.75–25301 Filed 9–22–75;8:45 am]

[OPP–30001; FRL 434–5]

PESTICIDE PROGRAMS

Notice of Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

Zoecon Corp., 975 California Ave., Palo Alto CA 94304, has submitted an application (EPA File Symbol 20954–U) to register the pesticide product ENSTAR 5E INSECT GROWTH REGULATOR containing 65.3% of the active ingredient Kinoprene [2-propynyl (2*E*, 4*E*)-3,7-11-trimethyl - 2,4 - dodecadienoate] which was not previously registered at the time of submission. ENSTAR 5E INSECT GROWTH REGULATOR is intended for general use in the control of white flies and aphids in greenhouses. Application was made to the Environmental Protection Agency (EPA) pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of section 3(c)(4) of FIFRA [40 CFR 162.5(b)(6)] and does not indicate a decision by this Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on the application referred to in this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before October 23, 1975 and should bear the notation "EPA File Symbol 20954–U." Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the application to register this pesticide product will be announced in the FEDERAL REGISTER.

The label furnished by Zoecon Corp. for ENSTAR 5E INSECT GROWTH REGULATOR as well as all written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 15, 1975.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.75–25302 Filed 9–22–75;8:45 am]

[OPP–00012A; FRL 435–8]

PESTICIDE PROGRAMS

Economic Impact of Proposed Guidelines for Registering Pesticides in the United States; Extension of Comment Period

In compliance with the Executive Order 11821 which requires each agency to certify that the inflationary impact of any major proposed regulation has been evaluated, the Environmental Protection Agency published on August 22, 1975 (40 FR 36798), a document entitled "Economic Impact of Proposed Guidelines for Registering Pesticides in the United States". Interested persons were invited to submit written comments concerning the economic impact analysis on or before September 22, 1975.

The economic impact analysis was prepared on the basis of independent analysis by Agency staff and two contract studies, "Evaluation of the Possible Impact of Pesticide Legislation on Research and Development Activities of Pesticide Manufacturers" prepared by A. D. Little, Inc., Cambridge MA (February, 1975) and "Economic Impacts of Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as Amended" prepared by Development Planning and Research Associates, Inc., Manhattan KS (first draft June, 1975). The Agency has received a number of requests for copies of these two documents, and because of the length of time needed both to obtain the copies and to review them for the preparation of comments, several interested parties have requested additional time to submit their views on the economic impact analysis. After consideration of these requests, it has been determined that the requested additional comment time is warranted, and therefore the September 22 deadline for submission of comments is being extended until 30 days after the date of publication of this notice.

Copies of the two studies mentioned above may be obtained through the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Interested persons are once again invited to submit written comments on the "Economic Impact of Proposed Guidelines for Registering Pesticides in the United States" to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before October 23, 1975, and should bear the identifying notation (OPP–00012). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 19, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc.75–25523 Filed 9–22–75;10:15 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 8, on October 6, 1975, from 8:00 a.m. to 4:00 p.m., Room 2225, Building 41, Denver Federal Center, Denver, Colorado. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Metallurgy Research Center, Bureau of Mines, Salt Lake City, Utah. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

MICHAEL J. NORTON,
Regional Administrator.

[FR Doc.75–25245 Filed 9–22–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

NOTIFICATION LIST

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941

Mexican List No. 274 July 1975

Call letters	Location	Power watts	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of change or commencement of operation
		550 kHz							
XEACD (in operation)	Acapulco, Gro., N. 16°50'30", W. 99°50'43".	500D/250N	ND–180	U	III	148	90	23–50	
		590 kHz							
(New) (under construction)	Cd. Valles, S.L.P., *N. 21°58'34", W. 99°02'40".*	1000D/250N	DA-2	U	III				12–30–76
		600 kHz							
XEZ (*PO 1 kW, U*) (in operation).	Merida, Yuc., N. 20°52'05", W. 89°37'15".	2000	ND–175	U	III	328	180	345	
		610 kHz							
XEEL (*PO 1 kWD/0.15 kWN*) (in operation).	Fresnillo, Zac., N. 23°10'35", W. 102°51'35".	2000D/150N	ND–175	U	III	323	120	323	
		640 kHz							
XEEMM (under construction).	Salamanca, Gto., *N. 20°34'29", W. 101°11'39".*	1000	DA-D	D	II				12–30–76
		650 kHz							
XEZM (in operation)	Zambra, Mich., N. 19°58'25", N. 102°17'50".	5000	ND–182	D	II	367	120	328	
		650 kHz							
(New) (under construction)	Merida, Yuc., N. 20°59'00", W. 89°38'43".	250	ND	D	II				3–31–76
		680 kHz							
(New) (under construction)	Durango, Dgo., N. 24°01'31", W. 104°40'11"	250	ND–190	D	II				4–30–76
		680 kHz							
XEORO (*PO 0.5kWD*) (in operation).	Guasave, Sin., *N. 25°35'08", W. 108°28'10".*	1000	ND–175	D	II	318	90	341	
		690 kHz							
XEKC (under construction)	Oaxaca, Oax., *N. 17°03'45", W. 96°43'18".*	5000D/1000N	DA-2	U	II				12–30–76
		690 kHz							
XETRN (under construction).	Progreso, Yuc., N. 21°18'00", W. 89°39'30".	50,000	DA-1	U	II				3–31–76
		700 kHz							
XEDKR (in operation).	Zapopan, Jal., N. 20°43'31", W. 103°22'25".	1000D	ND–175	D	II	333	120	333	
		700 kHz							
(New) (under construction)	Tamazunchale, S.L.P.	250D	ND–190	D	II	348	180	359	12–30–76
XEZC (PO 1450 kHz)	Rio Grande, Zac.	500D/250N	ND	U	II				
		710 kHz							
XEX (under construction)	Leon, Gto., N. 21°07'22", W. 101°41'00"	500D/200N	ND	U	II				3–31–76
XEDP (under construction)	Cd. Cuauhtemoc, Chih.	710 kHz 5000	ND–190	D	II	347	120	347	3–31–76
		780 kHz							
(New) (under construction)	Coatzintla, Ver., N. 20°29'06", W. 97°26'12".	250	ND–190	D	II	315	120	315	12–31–76
		790 kHz							
XEVA (*in operation*)	Villahermosa, Tab. *N. 18°00'31", N. 92°55'34".*	5000D/200N	ND–175	U	III	213	120	312	
		810 kHz							
XEUX (*in operation*)	Tuxpan, Nay, *N. 21°58'45", W. 105°30'30".*	10,000D/850N	ND–177	U	II	299	90	299	
		810 kHz							
XEIM (under construction)	Saltillo, Coah., N. 25°26'38", W. 100°59'22".	500	ND	D	II				3–31–76
		840 kHz							
XEIO (under construction)	Tuxtla, Gutierrez, Chis., N. 16°45'20", W. 93°06'46".	10,000	ND–190	D	II	203	120	208	12–12–76
		840 kHz							
XEMY (*in operation*)	Cd. Mante, Tams., N. 22°48'54", W. 99°56'45".	1000D	ND–176	D	II	187	120	164	
		860 kHz							
XERPN (*under construction*)	Cd. Juarez, Chih., N. 31°42'18", W. 106°30'05".	1000D/500N	DA–N–175 NDD–190	U	II	195	90	286	12–30–76
		860 kHz							
XEUN (*in operation*)	Mexico, D.F., N. 19°28'57", W. 99°14'40".	45,000D/85,000N	DA-2	U	II				
		870 kHz							
(New) (*under construction*) (*change to 1040 kHz*).	Salamanca, Gto., N. 20°34'22", W. 101°11'39".	1000D	DA-D	D	II				
		870 kHz							
(New) (under construction)	Pto. Escondido, Oax.	250	ND–225	D	II	283	120	283	3–31–76
		880 kHz							
(New) (under construction)	Orizaba, Ver., N. 18°50'58", W. 97°05'47".	250	ND–190	D	II	290	120	290	3–31–76
		920 kHz							
XECQ (*in operation*)	Culiacan, Sin., N. 24°51'24", W. 107°23'47".	5000D/100N	ND–177	U	III	246	120	197	

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Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of change or commencement of operation
		860 kHz							
XETAA (*in operation*)	Tarreon, Coah., N. 25°33'16", W. 103°27'44".	1000D/300N	ND-175	U	III	241	120	197	
		860 kHz							
XEGM (PO 2.5 kW, N[illegible], U). (*in operation*).	Tijuana, B.C., N. 32°32'22", W. 116°59'02".	10,000D/5000N	DA-2	U	III	*233*	*90*	*233*	
		860 kHz							
XEFY (under construction)	Cortazar, Gto.	500D/250N	ND-190	U	III	259	120	259	12-30-76
		860 kHz							
XEMAB (*in operation*)	Cd. Del Carmen, Camp., N. 18°40'05", W. 91°49'20".	250	ND-175	U	III	*264*	*120*	*264*	
		980 kHz							
XEQO (*in operation*)	Cosamaloapan, Ver., N. 18°20'37", W. 95°47'49".	5000	ND-D-197 DA-N	U	III	315	120	328	
		980 kHz							
XEUM (*in operation*)	Valladolid, Yuc., *N. 20°40'40", W. 1000D/250N.* 88°12'32".		ND-190	U	II	*249*	*120*	*249*	
		1000 kHz							
XEMV (under construction)	Matamoros, Tams., N. 22°52'45", W. 97°21'09".	500	DA-D	D	II				12-30-76
		1010 kHz							
XEEO (under construction)	Chihuahua, Chih., N. 28°38'12", W. 106°04'42".	1000	ND-190	D	II	244	120	244	3-31-76
		1080 kHz							
(New) (under construction)	Chetumal, Q.R.	1000	ND-190	D	II	*241*	*120*	*241*	12-30-76
		1080 kHz							
XEKH (under construction)	Queretaro, Qro., N. 20°35'36", W. 100°23'11".	500	ND-190	D	II	241	120	241	12-30-76
		1080 kHz							
(New) (under construction)	Oaxaca, Oax., N. 17°03'43", W. 96°43'18".	2000	ND-190	D	II				3-31-76
		1080 kHz							
(New) (under construction)	Acapulco, Gro.	1500	ND-190	D	II				3-31-76
		1040 kHz							
(New) (under construction)	Colima, Col., N. 19°14'29", W. 103°43'47".	250	ND-190	D	II				3-31-76
		1040 kHz							
(New) (previously [illegible] 870 kHz).	Salamanca, Gto., N. 20°34'22", W. 101°11'39".	1000	ND-190	D	II	237	120	237	
		1040 kHz							
(New) (under construction)	Tlaxiaco, Oax., N. 17°15'59", W. 97°40'58".	1500	ND-175	D	II	237	120	237	12-31-76
		1070 kHz							
(New) (under construction)	Tantoyuca, Ver.	1 kW	ND	D	II				12-31-76
		1070 kHz							
(New)	Zihuatanejo, Gro.	2 kW	ND	D	II				12-31-76
		1070 kHz							
(New) (under construction)	San Luis Potosi, S.L.P., N. 22°09'10", W. 100°58'39".	250	ND-190	D	II				3-31-76
		1080 kHz							
XFDT (under construction)	Cd. Cuauhtemoc, Chih., *N. 26°24'42", W. 106°52'24".*	1000	ND-190	D	II	228	120	228	12-31-76
		1080 kHz							
XEXK (*in operation*)	Poza Rica, Ver., N. 20°32'05", W. 97°28'20".	*500*	ND-*175*	D	I-B	*197*	*90*	*194*	
		1080 kHz							
(New) (under construction)	Xicotencatl, Tams., N. 22°59'48", W. 98°56'35".	1000D	ND-175	D	II	228	90	228	12-31-76
		1080 kHz							
(New) (under construction)	Cancun, Q.R.	500	ND-175	D	II				3-31-76
(New) (under construction)	Aguascalientes, Ags., N. 21°52'43", W. 102°18'04".	250	ND-175	D	II				3-31-76
		1090 kHz							
XEHR (in operation)	Puebla, Pue., N. 19°03'30", W. 98°11'48".	500D/250N	ND-192	U	II	240	120	246	
		1090 kHz							
XEPRS (in operation)	Rosarito, B.C., N. 32°21'10", W. 117°03'40".	50,000	DA-N *ND-275*	U	I-B	*250*	*180*	*250*	
		1100 kHz							
(New)	Valladolid, Yuc., N. 20°41'24", W. 88°12'23".	2000D	ND-175	D	II	224	90	224	12-31-76
		1100 kHz							
(New) (under construction)	Naranjos, Ver.	250	ND	D	II				12-31-76
		1110 kHz							
XEJAC (*PO 1 kWD*) (in operation).	Cardenas, Tab., N. 17°59'26", W. 98°12'02".	1000D/*100N*	ND-190	U	II	221	120	221	
		1110 kHz							
(New) (under construction)	Pto. Vallarta, Jal.	1000D	ND-175	D	II	*222*	*90*	*222*	12-30-76
		1110 kHz							
(New) (under construction)	Alamo, Ver.	250	ND	D	II				12-30-76
		1110 kHz							
XEES (under construction)	Chihuahua, Chih., N. 28°38'12", W. 106°04'42".	1000	ND-190	D	II	221	120	221	12-31-76
		1130 kHz							
XFGV (under construction)	Villa Del Pueblito, Qro., N. 20°26'15", W. 100°39'30".	500	ND-190	D	II	220	120	220	3-31-76

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of change or commencement of operation
		1130 kHz							
(New) (under construction)	Melchor Ocampo de Balsas, Mich.	500	ND-190	D	II	220	120	220	3-31-76
		1130 kHz							
(New) (under construction)	Cancun, T. Q.R.	250	ND-175	D	II	C			3-31-76
		1130 kHz							
(New) (under construction)	Caborca, Son., N. 30°41'50", W. 112°09'29".	250	ND-190	D	II	220	120	220	3-31-76
		1160 kHz							
XEEA (under construction)	Cd. Cuauhtemoc, Chih., N. 26°24'42", W. 106°52'24".	1000D	ND-190	D	II	218	120	218	11-30-76
		1130 kHz							
XEHN (*in operation*)	Nogales, Son., N. 31°17'52", W. 110°57'24".	1000	ND-*175*	D	II	*217*	*120*	*197*	
		1160 kHz							
(New) (under construction)	Chilpancingo, Gro., N. 17°33'10", W. 99°30'03".	1000	ND-190	D	II	218	120	218	3-31-76
		1140 kHz							
(New)	Ixmiquilpan, Hgo., N. 20°29'04", W. 99°13'05".	250D	ND-175	D	II	178	120	173	12-30-76
		1140 kHz							
XEWI (under construction)	Tuxpan, Jal., N. 19°32'24", W. 103°20'24".	3000D	ND-D-175	D	II	*166*	*120*	*166*	12-30-76
		1150 kHz							
XEAD (*PO 0.5 kWD/0.125 kWN*) (*in operation*).	Guadalajara, Jal., N. 20°39'44", W. 103°23'47".	1000D/125N	ND-175	U	III	197	90	190	
		1160 kHz							
(New) (under construction—*previously XEWY, Alamo, Ver.*).	Tuxpan, Ver., N. 20°57'18", W. 97°23'59".	250D	ND-190	D	III	214	120	214	12-30-76
		1160 kHz							
(New)	Tehuantepec, Oax., N. 16°19'52", W. 95°13'45".	1500D	ND-175	D	II	*212*	*90*	*212*	12-30-76
		1170 kHz							
XEIB (under construction—*previously XEVO*).	Caborca, Son.	250	ND	D	II				12-30-76
		1170 kHz							
XFVL (*previously XEQV, Arcelia, Gro.*).	Iguala, Gro., N. 18°21'01", W. 99°32'24".	50000D/10000N	DA-2	U	II				
		1170 kHz							
XEEU (under construction)	Papantla, Ver., N. 20°26'53", W. 97°10'07".	250	ND-190	D	II	210	120	210	12-31-76
		1180 kHz							
(New)	Cancun, Q.R., N. 21°04'52", W. 86°46'16".	1000D	ND-175	D	II	208	120	208	12-31-76
		1190 kHz							
XECT (*in operation*)	Monterrey, N.L., N. 25°41'10", W. 100°18'08".	500	ND-*175*	D	II	*207*	*120*	*207*	
		1190 kHz							
(New) (under construction)	Tampico, Tams., N. 22°13'00", W. 97°51'19".	5000	ND	D	II				3-31-76
		1190 kHz							
XEGJ (under construction)	Arriaga, Chis., N. 16°10'46", W. 93°53'36".	250	ND-190	D	II	207	120	207	3-31-76
		1200 kHz							
XEITC (under construction)	Celaya, Gto., N. 20°32'20", W. 100°49'53".	250D	ND-175	D	II	205	90	185	12-31-76
		1200 kHz							
(New) (under construction)	Culiacan, Sin., N. 24°48'36", W. 107°23'57".	1000	ND-190	D	II				3-31-76
		1200 kHz							
(New) (under construction)	Hermosillo, Son., N. 29°04'29", W. 110°57'39".	1000	ND-190	D	II				3-31-76
		1200 kHz							
(New) (under construction)	Comalcalco, Tab., N. 18°15'54", W. 93°13'07".	250	ND-190	D	II	205	120	205	3-31-76
		1240 kHz							
XEPC (under construction)	Zacatecas, Zac., N. 22°46'30", W. 100°04'45".	1000D/150N	ND-175	U	IV	179	90	179	12-30-76
		1240 kHz							
XERAA (under construction).	Ateyne de Alvarez, Tro.	500D/250N	ND	U	IV				3-31-76
		1250 kHz							
XESC (*PO 1 kWD*) (in operation).	Sabinas, Coah., N. 27°51'13", W. 101°06'34".	1000	ND-175	U	III	177	90	177	
		1250 kHz							
XESN (under construction)	Caborca, Son., N. 30°43'08", W. 112°05'00".	500D	ND-190	D	III	197	120	197	12-30-76
		1250 kHz							
(New) (under construction)	Puruandiro, Mich., N. 20°05'21", W. 101°30'59".	250	ND-175	D	III				3-31-76
		1260 kHz							
(New) (*previously XEBSIN*)	Culiacan, Sin.	5000D/500N	ND	U	III				
		1260 kHz							
(New) (under construction)	Puerto Vallarta, Jal., N. 20°36'56", W. 105°14'42".	500	ND-175	D	III	174	90	174	3-31-76
		1260 kHz							
(New) (under construction)	Naolingo, Ver., N. 19°39'15", W. 96°51'51".	250	ND-175	D	III	177	90	177	3-31-76
		1270 kHz							
XERPL (in operation)	Leon, Gto., N. 21°04'33", W. 101°46'44".	1000D/150N	DA-D	U	III	*197*	*90*	*197*	
		1270 kHz							
XERRT	Cd. Madero, Tams., N. 22°14'30", W. 97°50'10".	*5000D*	DA	*D*	III				

V 40 I 185 SEP 23 75 XUM

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of change or commencement of operation
		1270 kHz							
(New)	Uman, Yuc., N. 20°52'30", W. 89°44'-60".	2500/500	ND-190	U	III	194	120	194	12 31 76
		1280 kHz							
(New)	Guerrero Negro, B.C.	500	ND-175	D	III	174	90	174	3 31 76
		1330 kHz							
XELK	Zacatecas, Zac., N. 22°46'30", W. 102°-34'45".	0.25D/0.25N	ND-181.5	U	III	187	90	184	3 1-76
		1220 kHz							
XEEG	Panzacola, Tlax. N. 19°08'30", W. 98°-12'00".	1000D/250N	DA-2	U	III				6-26 76
		1305 kHz							
XEDG (under construction)	Tuxtla Gutierrez, Chis., N. 16°45'20", W. 93°06'46".	1000	ND-175	D	III	*194*	*90*	*194*	12-31 76
		1500 kHz							
(New)	Buenaventura, Coah., N. 27°03'30", W. 101°33'10".	1000	ND 175	D	III	189	90	189	12 31-76
		1510 kHz							
(New) (under construction)	La Paz, B.C., N. 24°0'41", W. 110°-20'44".	10,000	ND-190	D	III	*188*	*120*	*188*	12-21 76
		1510 kHz							
(New) (under construction)	Villa de la Corregidora, Qro., N. 20°-06'10", W. 100°08'30".	1000	ND 175	D	III	167	90	167	3-31-76
		1520 kHz							
XECMQ (in operation)	Mexico, D.F., N. 19°28'50", W. 99°12'-05".	10,000D/1000N	ND-186	U	III	184	90	171	
		1360 kHz							
XEUAS (*PO 5 kWD*) (in operation).	Culiacan, Sin., N. 24°48'34", W. 107°-26'56".	5000D/1000N	DA-N ND-190	U	III	185	120	185	
		1530 kHz							
XEEV (under construction)	Izucar de Matamoros, Pue., N. 18°37'-48", W. 98°27'58".	560	ND-175	D	III	112	120	112	3-31-76
		1350 kHz							
(New) (under construction)	Manzanillo, Col., N. 19°03'15", W. 104°19'46".	500	ND-175	D	III				3-31-76
		1340 kHz							
XBPX (under construction)	Puerto Angel, Oax., N. 15°39'24", W. 96°29'39".	500D/250N	ND-175	U	IV	165	90	165	11-31-76
		1510 kHz							
XECI (*PO 0.5 kW, U*) (in operation).	Acapulco, Gro., N. 16°51'03", W. 99°-54'22".	1000D/250N	ND 158.5	U	IV	131	90	131	
		1540 kHz							
XEBCC (under construction)	Cd. Del Carmen, Camp.	250	ND	U	IV				12-31-76
		1340 kHz							
XEYR (under construction)	Teapa, Tab., N. 17°33'14", W. 92°37'-12".	*500D/150N*	ND	U	IV				3-31-76
		1310 kHz							
XEZE (under construction)	Santiago Ixcuintla, Nay.	*250D/200N*	ND	U	IV				3-31-76
		1360 kHz							
XEXM (under construction)	Jerez, Zac., N. 22°38'51", W. 102°59'48".	1000D/100N	ND-190	U	III	180	120	180	3-31-76
		1360 kHz							
(New) (under construction)	Tampico, Tams., N. 22°13'00", W. 97°51'19".	5000D/250N	DA-2	U	III				3-31-76
		1370 kHz							
XESV (under construction)	Morelia, Mich., N. 19°42'16", W. 101°11'30".	500	ND-175	D	III				3-31-76
		1380 kHz							
(New) (under construction)	Atoyac de Alvarez, Gro.	5000	ND-190	D	III	178	120	178	12-31-76
XESMR (under construction)	San Luis Potosi, S.L.P., N. 22°09'10", W. 100°58'35".	1000	ND-175	D	III	*197*	*120*	*197*	11-31-76
		1380 kHz							
XEVD (under construction)	Cd. Allende, Coah., N. 28°20'35", W. 100°51'00".	500D/100N	ND-170	U	III				3-31-76
		1380 kHz							
XETP (under construction)	Naolinco, Ver., N. 19°30'15", W. 96°51'51".	250	ND-190	D	III	178	120	178	3-31-76
		1390 kHz							
(New)	Ixmiquilpan, Hgo., N. 20°29'04", W. 99°13'05".	500	ND-175	D	III	177	90	177	12-31-76
		1390 kHz							
XEXO (in operation)	Cd. Mante, Tams., N. 22°42'49", W. 98°58'35".	5000D/100N	ND-175	U	III	*180*	*90*	*180*	
		1390 kHz							
(New) (under construction)	Tehuacan, Pue., N. 18°27'51", W. 97°23'20".	250	ND-190	D	III	177	120	177	3-31-76
		1390 kHz							
(New) (under construction)	Guamuchil, Sin.	1000D/100N	ND-190	U	III	177	120	177	3-31-76
		1400 kHz							
XEVI (*PO 0.5 KW/0.2KWN*) (in operation).	San Juan Del Rio, Qro., N. 20°23'15", W. 100°00'00".	1000D/200N	ND-162	U	IV	128	100	128	
		1400 kHz							
XEWU (in operation)	Matehuala, S.L.P., N. 23°38'47", W. 100°38'32".	250D/200N	ND-171	U	IV	*176*	90	148	
		1400 kHz							
XE1H (in operation)	Fresnillo, Zac., N. 23°11'25", W. 102°-52'55".	*800D/250N*	ND-150	U	IV	109	90	109	
		1400 kHz							
XEARO (under construction) (in operation).	Nueva Rosita, Coah.	1000D/250N	ND	U	IV				

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of change or commencement of operation
		1400 kHz							
XEOJ (under construction)	Melchor Ocampo, Mich.	1000D/100N	ND-175	U	IV				3-31-76
		1400 kHz							
(New) (under construction)	Tlapacoyan, Ver., N. 19°58'13", W. 97°12'30".	250	ND-150	D	IV	107	90	107	3-31-76
		1400 kHz							
XEFS (under construction)	Izucar de Matamoros, Pue., N. 18°36'-22", W. 98°27'32".	250	ND-150	D	IV	105	90	105	3-31-76
		1400 kHz							
XEIR (under construction)	Cd. Valles, S.L.P., N. 21°59'04", W. 99°00'58".	1000	ND-190	D	III	174	120	174	11-31-76
		1410 kHz							
XETAB (In operation)	Villahermosa, Tab., N. 18°00'31", W. 92°53'34".	5000D/500N	ND-175	U	III	213	90	157	
		1410 kHz							
XERFC (under construction).	Cordoba, Ver., N. 18°53'34", W. 96°-55'52".	500	ND-175	D	III	157	90	157	12-30-76
XEYD (*in operation*)	Francisco I. Madero, Coah., N. 25°-45'59", W. 103°16'50".	1000D/100N	ND-*175*	U	III	*174*	*120*	174	
		1410 kHz							
(New) (under construction)	Zihuatanejo, Gro., N. 17°38'14", W. 101°33'45".	500	ND-175	D	III				3-31-76
		1410 kHz							
XEMD (under construction).	Cd. Victoria, Tams., N. 23°44'06", W. 99°07'51".	1000D/150N	ND-190	U	III	174	120	174	4-30-76
		1420 kHz							
XEEY (under construction).	Jalpa, Zac., N. 21°39'56", W. 103°01'32"	250	ND-190	D	III	173	120	173	3-31-76
(New) (under construction)	San Jose Del Cabo, T. B.C., N. 23°-04'08", W. 109°40'36".	250D/250N	ND-175	U	III	156	90	156	3-31-76
		1430 kHz							
(New)	Colima, Col.	1500D/100N	ND-175	U	III				11-30-76
		1430 kHz							
XETI (in operation)	Tempoal, Ver., N. 21°31'00", W. 98°22'00".	*1000D*	ND-184	D	III	172	90	172	
		1430 kHz							
(New) (under construction)	Rio Verde, S.L.P.	250	ND-190	D	III	172	120	172	12-30-76
		1430 kHz							
(New) (under construction)	San Cristobal Las Casas, Chis.	300D/200N	ND-190	U	III	172	120	172	12-30-76
		1440 kHz							
(New) (under construction)	Uruapan, Mich., N. 19°24'56", W. 102°03'46".	5000D	ND-190	D	III	171	120	171	12-30-76
		1440 kHz							
XEOB (under construction)	Pichucalco, Chis., N. 17°31'46", W. 93°07'24".	1000D/150N	ND	U	III				3-31-76
		1440 kHz							
XEAJ (change in call letters, previously XELZ) (in operation).	Mexico, D.F., N. 19°21'10", W. 99°05'-08".	5000D/1000N	ND-184	U	III	171	90	171	
		1450 kHz							
XEPB (under construction)	Empalme, Son., N. 27°55'39", W. 110°-54'07".	250D/250N	ND-170	U	IV	*197*	*120*	*197*	12-31-76
		1450 kHz							
XEGU (under construction)	El Fuerte, Sin., N. 26°25'14", W. 108°-39'00".	1000D/250N	ND-190	U	IV	170	120	170	12-31-76
		1450 kHz							
XEZC (see assignment on 710 kHz).	Rio Grande, Zac., N. 23°52'30", W. 103°02'00".	500D/250N	ND-165	U	IV	154	90	115	
		1450 kHz							
XEIE (under construction)	Matehuala, S.L.P., N. 23°38'41", W. 100°38'29".	1000	ND	D	IV				3-31-76
		1450 kHz							
XESS (In operation)	Ensenada, B.C., N. 31°52'52", W. 116°-35'68".	1000D/200N	ND-183	U	IV	164	120	164	
		1480 kHz							
XE1IM (*in operation*)	Cd. Delicias, Chih., N. 28°41'00", W. 105°27'30".	1000	ND-191.5	D	III	174	120	174	
		1480 kHz							
(New) (under construction)	Rio Blanco, Ver.	250	ND-150	D	III	100	90	100	3-31-76
		1480 kHz							
(New) (under construction)	Uruapan, Mich., N. 19°24'56", W. 102°03'46".	500	ND-190	D	III	166	120	166	3-31-76
		1490 kHz							
XEGT (in operation)	Zamora, Mich., N. 19°58'23", W. 102°17'50".	1000D/250N	ND-*235.5*	U	IV	358	120	328	
		1490 kHz							
(New) (under construction)	Cd. Cuauhtemoc, Chih.	1000D/100N	ND-175	U	IV	149	90	149	3-31-76
		1490 kHz							
(New) (under construction)	Benjamin Hill, Son.	500D/160N	ND-175	U	IV	149	90	149	3-31-76
		1490 kHz							
XEPOP (under construction)	Puebla, Pue., *N. 19°03'04", W. 98°12'05"*	250	ND-175	U	IV	148	90	148	3-31-76
		1510 kHz							
(New) (under construction)	Puerto Vallarta, Jal., N. 20°36'56", W. 105°14'42".	500	ND-175	D	II				3-31-76
		1520 kHz							
XESZ (under construction)	Cholula, Pue., N. 19°03'45", W. 98°-18'15".	250	ND-160	D	II				3-31-76

V 40 N 185 SEP 23 75 XUM

Call letters	Location	Power watts	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of change or commencement of operation
		1580 kHz							
XECOP (under construction)	Morelia, Mich.; N. 19°43'16", W. 101°11'39".	500	ND	D	II				3-31-76
		1580 kHz							
(New) (under construction)	Guadalajara, Jal., N. 20°40'28", W. 103°20'08".	1000	ND-175	D	II				3-31-76
		1580 kHz							
XEGQ (under construction)	Los Reyes, Mich., N. 19°35'00", W. 102°28'00".	500	ND-190	D	II	161	120	161	3-31-76
		1580 kHz							
(New) (under construction)	Matehuala, S.L.P., N. 23°38'47", W. 100°38'32".	1000	ND	D	II				12-31-76
		1580 kHz							
(New) (under construction)	Panuco, Ver.	3600	ND-175	D	II	160	90	160	12-31-76
		1580 kHz							
(New) (under construction)	Durango, Dgo.	250	ND	D	II				12-31-76
		1580 kHz							
(New) (under construction)	Cd. Delicias, Chih.	1000	ND	D	II				12-31-76
		1580 kHz							
(New) (under construction)	Santa Catarina, N.L.	5000	ND	D	II				3-31-76
		1580 kHz							
(New) (under construction)	Villahermosa, Tab., N. 17°59'15", W. 92°55'00".	500	ND-175	D	II				3-31-76
		1580 kHz							
(New) (under construction)	Ciudad Hidalgo, Mich., N. 19°45'09", W. 100°40'30".	500	ND-190	D	II				3-31-76
		1580 kHz							
XEAVE (under construction)	Alvarado, Ver., N. 18°46'14", W. 95°45'56".	5000D/1000N	ND-D DA-N	U	II				4-30-76
		1580 kHz							
XEEN (under construction)	Chetumal, Q.R., N. 18°29'39", W. 88°17'56".	250	ND-190	D	II	160	120	160	3-31-76
		1580 kHz							
(New) (under construction)	Posa Rica, Ver.	1000	ND-190	D	II	160	120	160	12-31-76
		1580 kHz							
(New) (under construction—previously at Tuxpan, Jal.)	Zapopan, Jal.	500	ND-190	D	II	159	120	159	12-31-76
		1580 kHz							
(New)	Los Mochis, Sin., N. 25°47'00", W. 109°00'00".	10,000	ND-190	D	II	145	120	145	12-31-76
		1580 kHz							
(New) (under construction)	Guaymas, Son.	250	ND	D	II				
		1580 kHz							
XEHA (under construction)	Progreso, Yuc., N. 21°18'00", W. 89°39'30".	1000	ND-190	D	II	157	120	157	12-31-76
		1580 kHz							
XEDD (in operation)	Montemorelos, N.L., N. 25°11'39", W. 99°49'31".	500	ND-175	D	II	161	120	157	
		1580 kHz							
XEZW (under construction)	Cerritos, S.L.P., N. 22°24'55", W. 100°16'51".	500	ND-190	D	II	157	120	157	3-31-76
		1580 kHz							
(New) (under construction)	Arandas, Jal.	250	ND-190	D	II	158	120	158	3-31-76
		1580 kHz							
XEFF (in operation)	Tsipe, Zac., N. 21°30'37", W. 102°56'40".	1000D/280N	ND-190	U	II	156	120	156	
		1580 kHz							
XEUY (under construction)	Las Choapas, Ver., N. 17°55'53", W. 94°05'13".	250D/100N	ND-175	U	II	164	120	164	12-31-76
		1580 kHz							
(New) (under construction)	Valle de Bravo, Mex.	250	ND-175	D	II				4-30-76
		1580 kHz							
(New) (under construction)	Ensenada, B.C., N. 31°51'10", W. 116°36'08".	1000D/1000N	ND-175	U	III	197	120	197	12-31-76
		1580 kHz							
(New) (under construction)	Iraguato, Gto., N. 20°46'28", W. 101°28'51".	250	ND	D	III				3-31-76
		1580 kHz							
(New) (under construction)	Pihuamo, Jal.	500	ND-175	D	III	139	90	139	3-31-76
		1580 kHz							
XEKC (under construction)	Mexicali, B.C., N. 32°40'00", W. 115°27'00".	10,000	ND-175	D	III	148	90	148	12-31-76
		1600 kHz							
(New) (under construction)	Zihuatanejo, Gro., N. 17°38'14", W. 101°28'46".	5000D/250N	ND-175	U	III	157	120	157	12-31-76
		1600 kHz							
XERTP (in operation)	S. Martin Texmelucan, Pue., N. 19°16'36", W. 98°24'19".	500	ND-175	D	III	138	90	138	
		1600 kHz							
(New) (under construction—previously XEACS).	Acapulco, Gro., N. 16°50'21", W. 99°56'01".	500N/500D	ND-175	U	III	213	120	213	12-31-76
		1600 kHz							
(New) (under construction)	Torreon, Coah., N. 25°32'18", W. 103°27'55".	1000	ND-190	D	III				3-31-76
		1600 kHz							
(New) (under construction)	Posa Rica, Ver.	1000	ND-190	D	III	154	120	154	3-31-76

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau Federal Communications Commission.

[FR Doc.75-25132 Filed 9-22-75;8:45 am]

FEDERAL MARITIME COMMISSION

PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND ECUADORIAN LINE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 13, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Albert B. Dearden, Deputy Chief, The Port Authority of New York and New Jersey, One World Trade Center, New York, New York 10048.

Agreement No. T-3158, between the Port Authority of New York and New Jersey (Port) and Ecuadorian Line, Inc., (ELI), provides for the 8-year lease to ELI of certain premises at Port Newark, New Jersey, to be used as a marine terminal facility. As compensation for the use of the facility, ELI shall pay Port an annual rental of $100,000, with provisions for increasing the rental throughout the term of the lease.

By Order of the Federal Maritime Commission.

Dated: September 18, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25323 Filed 9-22-75;8:45 am]

PORT OF SEATTLE AND SHELL OIL CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 13, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-3154, between the Port of Seattle (Port) and Shell Oil Company (Shell), provides for the 1-year preferential berth assignment by the Port to Shell of up to one thousand (1,000) lineal feet of ship berth at Port's Terminals 18, 19, and 20, Seattle, Washington. The premises are to be used by Shell for loading and unloading petroleum products into and from tankers, barges, and other vessels and for fueling ferries owned by the State of Washington, and other vessels. As compensation, Port is to receive all tariff charges assessed pursuant to the Port's published tariff rates in effect at the time of each use, but dockage shall not be assessed against ferries owned by the State of Washington.

By Order of the Federal Maritime Commission.

Dated: September 18, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25322 Filed 9-22-75;8:45 am]

TAMPA PORT AUTHORITY AND ELLER & CO. INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 13, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Cuy N. Verger, Port Director, Tampa Port Authority, P.O. Box 2192, Tampa, Florida 33601.

Agreement No. T-3078-1, between the Tampa Port Authority (Port) and Eller & Company, Inc., (Eller), modifies the parties' basic agreement which provides for the 25-year lease to Eller of approximately 8.7 acres of land and 100 feet of public dock area located at the Holland Terminal Area, Tampa, Florida. The purpose of the modification is to provide for a Supplemental Facilities Lease to secure special purpose bonding for Eller to construct a warehouse on the leased premises, as provided for in the basic agreement. To finance the construction of the new facility, the Port shall enter into a Trust Indenture to provide for the issuance of Special Purpose Revenue Bonds in the aggregate principal amount of not exceeding $2,000,000. As compensation for the additional facilities, Eller shall pay a rental amount equal to the sum of (1) the principal and interest becoming due on the Bonds, (2) the premium and Amortization Requirement, if any, with respect to the Bonds under the Indenture which is required to be paid for the redemption of any Bonds, and (3) an amount sufficient to maintain in the Debt Service Reserve Fund created by the Indenture an amount equal to the maximum amount of principal of and interest on the Bonds and the Amortization Requirement and redemption premium applicable thereto, if any, coming due in any ensuing fiscal year of the Port. In addition, the Port shall construct 600 feet of docks, berthing space and apron area adjacent to the

V 40 185 SEP 2375 XUM

North of Berth No. 3, to be known as Berth No. 2, at Holland Terminal. This modification cancels Addendum V to the basic agreement.

By Order of the Federal Maritime Commission.

Dated: September 18, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25324 Filed 9-22-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI75-126]

AMERICAN PETROFINA COMPANY OF TEXAS

Order Granting Petition for Special Relief

SEPTEMBER 15, 1975.

On April 4, 1975, American Petrofina Company of Texas (American Petrofina) filed a petition for special relief pursuant to § 2.76[1] of the Commission's General Policy and Interpretations for a sale of natural gas to Northern Natural Gas Company (Northern) made under its FPC Gas Rate Schedule No. 39 from the Baggett No. 1 "C" Well located in the Hunt-Baggett Field, Crockett County, Texas.

American Petrofina is currently selling natural gas to Northern at a rate of 17.06 cents per Mcf at 14.65 psia pursuant to a contract dated July 19, 1961, in which American Petrofina is a successor in interest to Cosden Petroleum Corporation. It avers that this rate is inadequate inasmuch as reworking and stimulation operations are necessary to promote continued production and prevent premature abandonment. As a result, on September 18, 1974, American Petrofina and Northern negotiated an amendatory agreement providing for a rate of 35 cents per Mcf plus 1.0 cent annual escalation.[2]

Notice of the petition was issued on April 17, 1975, and appeared in the FEDERAL REGISTER on April 24, 1975, at 40 FR 18038. A timely petition to intervene was filed by Northern on April 28, 1975, in support of American Petrofina's petition.

Staff has reviewed the cost data submitted by American Petrofina and has made an extensive field audit of American Petrofina's books and records. Based thereon Staff estimates that 858,073 Mcf of reserves remain to be produced over a period of 18 years and concludes that the proposed rate is justified. After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant American Petrofina's petition.[3]

The Commission finds:

The petition for special relief filed by American Petrofina meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders:

(A) For the above-stated reasons, the petition for special relief of American Petrofina is hereby granted. American Petrofina is authorized to charge and collect from Northern a total rate of 35 cents per Mcf at 14.65 psia, for gas from the Baggett No. 1 "C" Well effective upon the date of completion of the remedial work to the satisfaction of the purchaser. This acceptance is contingent upon American Petrofina's filing:

1. A notification signed by Northern that the proposed remedial work on the subject well has been successfully completed and,

2. An appropriate rate change filing pursuant to § 154.94(f) of the Commission's Regulations.

(B) American Petrofina's September 18, 1974 contract amendment with Northern is accepted as Supplement No. 7, to American Petrofina's, FPC Gas Rate Schedule No. 39.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25252 Filed 9-22-75;8:45 am]

[Docket No. ER76-80]

BOSTON EDISON CO.

Extension of Time

SEPTEMBER 15, 1975.

On September 10, 1975, the Towns of Concord, Norwood, and Wellesley, Massachusetts, filed a motion to extend the time within which to file petitions to intervene in the above-indicated proceeding.

Notice is hereby given that the time within which to file petitions to intervene in the above-designated proceeding is extended from September 16, 1975, to and including September 19, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25253 Filed 9-22-75;8:45 am]

[Docket No. ER76-98]

BOSTON EDISON CO.

Filing of Notice of Termination

SEPTEMBER 16, 1975.

Take notice that Boston Edison Company (Edison), on September 2, 1975, tendered for filing a Notice of Termination of its Rate Schedule FPC No. 56 with Vermont Electric Power Company, Inc. (VELCO). That rate schedule terminates by its own terms on October 1, 1975. Edison requests that the Notice of Termination be permitted to become effective on September 1, 1975.

The filing indicates that a copy of the Notice of Termination was served upon VELCO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25256 Filed 9-22-75;8:45 am]

[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Order Granting Interventions

SEPTEMBER 16, 1975.

On June 30, 1975, the East Tennessee Natural Gas Company (East Tennessee) tendered for filing revised tariff sheets to the Sixth Revised Volume No. 1 of its FPC Gas Tariff. Notice of East Tennessee's filing was issued by the Commission on July 9, 1975, with protests and petitions to intervene due on or before July 23, 1975.

A timely protest and petition to intervene was filed by Chattanooga Gas Company. An untimely notice of intervention was filed by the Tennessee Public Service Commission. Having reviewed the above petition and notice to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds:

It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders:

(A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25257 Filed 9-22-75;8:45 am]

[1] 18 CFR 2.76.

[2] The rate sought by American Petrofina does not reflect any increase in tax liability resulting from repeal of the percentage depletion allowance by the Tax Reduction Act of 1975.

[3] The Commission's action in approving American Petrofina's petition for special relief constitutes acceptance only of the 35 cents per Mcf contract rate. Subsequent filings must be submitted to the Commission before any future contractually due rates may be collected.

[Docket Nos. CI75-319 et al.]

GETTY OIL CO. ET AL.

Further Rescheduling of Procedural Dates and Consolidation

SEPTEMBER 12, 1975.

	Docket No.
Getty Oil Company	CI75-319
Atlantic Richfield Company	CI75-411
Continental Oil Company	CI75-498
Getty Oil Company	CI75-516
Cities Service Oil Company	CI75-558
Texaco Inc.	CI75-614
Tenneco Oil Company	CI75-746
Tenneco Oil Company	CI75-747
Tenneco Exploration, Ltd.	CI75-748
Atlantic Richfield Company	CI76-651
Continental Oil Company	CI75-761
Getty Oil Company	CI75-769
Atlantic Richfield Company	CI76-2
Cities Service Oil Company	CI76-18
Continental Oil Company	CI76-41
Cities Service Oil Company	CI76-58
Michigan Wisconsin Pipe Line Company. CP69-240, CP70-163, CP73-65	

Notice is hereby given that the Commission has issued the following orders consolidating proceedings for hearing and decision and setting dates for submittal of prepared evidence:

Lead name	Lead docket	Date of order
Getty Oil Co.	CI75-319	June 3, 1975
Marathon Oil Co.	CI75-641	July 24, 1975
Transkline Gas Co.	CP75-273	Aug. 15, 1975
Getty Oil Co.	CI75-516	Sept. 9, 1975
Getty Oil Co. et al.	CI75-319 et al.	Sept. 10, 1975

Take further notice that due to inconsistent scheduling dates and other orders and notices issued, the following dates are established herewith for all procedures in all of the above consolidated dockets:

Service of Testimony, October 27, 1975.
Hearing, November 18, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25251 Filed 9-22-75;8:45 am]

[Docket No. RP73-8, PGA76-1]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 16, 1975.

Take notice that North Penn Gas Company (North Penn) on September 10, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective October 1, 1975. The proposed rate change will increase jurisdictional revenues based on the twelve-month period ending July 31, 1975, by $198.3 Thousand annually.

North Penn states that the PGA filing was triggered by a PGA increase filed by Consolidated Gas Supply Corporation on September 2, 1975, to become effective October 1, 1975.

Additionally, the proposed rates reflect a general rate increase from Transcontinental Gas Pipe Line Corporation (Transco) to become effective October 1, 1975, which may be subject to adjustment. North Penn has reflected herein only the rates included in Transco's original filing at Docket No. RP75-75. In the event that Transco's rates are adjusted, North Penn proposes to reflect any deficiency or excess collections in its deferred account. This will permit North Penn's customers to make timely filings with their state commissions.

North Penn is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive its suppliers' revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on October 1, 1975.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25258 Filed 9-22-75;8:45 am]

[Docket No. CP75-333]

NORTHERN NATURAL GAS CO.

Extension of Time

SEPTEMBER 15, 1975.

On September 12, 1975, Northern Natural Gas Company filed a request to extend its date to file testimony, set by order issued September 3, 1975, in the above-designated proceeding.

Notice is hereby given that the date on which Northern Natural Gas Company must file testimony in the above-indicated proceeding is extended to and including September 26, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25254 Filed 9-22-75;8:45 am]

[Docket No. ER 76-94]

NORTHERN STATES POWER CO.

Notice of Agreement

SEPTEMBER 16, 1975.

Take notice that on August 28, 1974, Northern States Power Company (Wisconsin) (NSP) tendered for filing a copy of an Agreement between NSP and the City of New Richmond, Wisconsin executed on October 8, 1973. This agreement supersedes NSP's Rate Schedule FPC No. 48 Supplement No. 3 dated April 16, 1968. NSP states that this Agreement results from an order of the Wisconsin Public Service Commission requiring a new interconnection and sale of power agreement between the parties prior to a change of delivery voltage to New Richmond. Because of construction delays, NSP requests that an effective date of August 20, 1975, be given to this Agreement, but that the term of the Agreement be based on the October 1, 1974 date set forth in the Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25259 Filed 9-22-75;8:45 am]

[Docket Nos. ER76-105, and E-7645]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Filing New Service Agreements

SEPTEMBER 16, 1975.

Take notice that on August 29, 1975, the Public Service Company of Indiana, Inc. (Indiana) tendered for filing copies of new service agreements executed under the provisions of the Company's FPC Electric Tariff Original Volume Nos. 1 and 2.

Indiana states that this filing is in full accord with the Commission's Regulations and the Commission's order of October 17, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25260 Filed 9-22-75;8:45 am]

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[Project No. 344]

SOUTHERN CALIFORNIA EDISON CO.

Order Deferring Hearing and Suspending Procedural Dates Pending Further Order

SEPTEMBER 15, 1975.

Southern California Edison Company (Edison), on April 20, 1970, filed an application for a new license for San Gorgonio Project No. 344 situated in San Bernardino and Riverside Counties, California, on the Whitewater and San Gorgonio Rivers. The Agua Caliente Band of Mission Indians (Band), on July 19, 1971, filed a petition to intervene asserting, among other matters, that a new license to Edison would have an adverse impact on the Band's claimed water rights, and we permitted intervention by order issued August 16, 1971, because it appeared that the Band's claim could be relevant to this agency's possible recommendation to Congress pursuant to Section 7(c) of the Federal Power Act that the United States take over the project. Thereafter, Edison's license for Project No. 344 expired on April 26, 1973, but Edison is continuing to operate the project under successive annual licenses pursuant to Section 15(a) of the Federal Power Act.

The Department of the Interior, by letter dated March 21, 1974, expressed its opinion that the Band possesses water rights which, although not yet adjudicated or quantified, have priority over the present non-Indian uses of the water in the San Gorgonio Basin; and in view of its opinion the Department recommended "that no license be issued and if necessary that there be a Federal takeover of Project No. 344." The Department requested a hearing on the question of whether a license should be issued in the light of the Indian water rights and, by order issued March 3, 1975, we set the matter to hearing stating, among other matters, "Jurisdiction to adjudicate and quantify Indian water rights resides in the Federal courts."

On August 21, 1975, the Band filed a motion indicating that within about 90 days the "Agua Caliente Tribal Council will initiate an action in the United States District Court for the purpose of adjudicating their water rights with respect to the Whitewater River, and upon the final disposition thereof will be in a position to provide the factual and legal assistance required by this Commission, thereby permitting an effective and correct determination of currently pending issues before the Commission." Accordingly, the Band seeks an indefinite deferral of the hearing "until after they have been able to complete said adjudication of their water entitlement respecting the Whitewater River on condition that during the interim the application of the Southern California Edison Company will only be continued under the automatic renewal provisions without any full approval of the application currently pending before this Commission", and the Band represents that the Department of the Interior has "no objection whatsoever to the requested deferment of said Hearing."

On the same day, August 21, 1975, Edison filed a response stating, among other matters, that "Edison agrees that it is neither necessary or appropriate to proceed with the hearing in this matter in light of the representation by [the Band] that it will promptly initiate an action in the United States District Court for the purpose of adjudicating water rights with respect to the Whitewater River." Edison asserts, in this connection, that such litigation will involve many novel issues and will, therefore, likely take many years. An indefinite postponement of the hearing herein until after the final disposition of the litigation would be "arbitrary and unreasonable", Edison asserts, and the Commission should, instead, rescind its orders of August 16, 1971, granting intervention, and March 3, 1975, setting the matter for hearing, and proceed to issue a new license for the project. Such action would not cause irreparable injury to the Band, according to Edison, because the Commission could, after notice and hearing, amend or modify the license consistent with the final judgment in the litigation.

On August 27, 1975, the Commission staff filed an answer which supports the Band's motion indicating that the outcome of the litigation could be germane to a Commission recommendation for Federal takeover of the project. The staff suggests, in this connection, that the public interest would best be served by maintaining the *status quo* at this juncture and that the Band should be required to file periodic reports on the progress and status of its litigation.[1]

Edison does not offer any reasons why we should proceed now to issue a new license for Project No. 344, nor does it indicate that anyone would be injured if we should hold its application proceeding in abeyance until shortly after the conclusion of the Band's prospective litigation to establish and quantify its water rights. On the other hand, it seems incumbent in the light of the present year-to-year status of the license, and the Band's imminent litigation, to hold the terms of the license open to accommodate the ultimate decision on the Band's water rights. This could be accomplished, of course, by proceeding to issue a new license to Edison for a period which is considerably shorter than the maximum fifty years authorized by Section 6 of the Federal Power Act, say, for example, one or two years. Or it could be accomplished by conditioning the license, even to provide for its termination and Federal takeover, to accommodate any ultimate decision on the Band's water rights. We believe, however, that the results of such actions would not differ significantly from the present course of annual renewals under Section 15(a) of the Federal Power Act.

The Band had indicated at a conference on February 11, 1974, that it intended to commence litigation at some future date to establish and quantify its water rights; and that was the status of its proposed litigation, so far as we were aware, when we approved the order issued March 3, 1975, setting this matter to hearing. Since the Band apparently had not gone forward with its proposed litigation, we chose to commence the development of a public record from which we could decide whether or not to recommend Federal takeover of Project No. 344 in the light of the Band's asserted but unlitigated water rights. However, in view of the Band's intent to commence definitive litigation in the forseeable future, as subsequently expressed in its motion filed August 21, 1975, we now believe that the public interest would better be served by deferring the development of such a record to enable us to consider the ultimate court decision on the Band's water rights in connection with our decision on such a recommendation. We assume, of course, that the Band will pursue its litigation diligently, and we would not preclude any motions for relief based upon changed or unanticipated circumstances.

Like Edison, we foresee lengthy litigation. Accordingly, we question the legality of, and cannot accept, the Band's condition which could conceivably be construed as precluding us from going forward with Edison's licensing proceeding, if we should grant the Band's motion, until after the conclusion of its litigation. Although we do not now envision any circumstance under which we might choose to go forward with the licensing proceeding prior to the conclusion of the litigation, we would not wish to find our hands tied if we should decide to follow such a course at some later date. Accordingly, we will neither grant nor deny the Band's motion. Instead, we will, on our own initiative, defer the hearing in this proceeding and thereby hold Edison's application for a new license in abeyance pending our further order. The staff's suggestion concerning periodic reports appears to be reasonably calculated to keep all interested persons apprised of developments, including the circumstances under which and the time when it might be appropriate to file a motion for such a further order.

The Commission orders:

(A) The public hearing required by Ordering Paragraph (A) of the order issued in this proceeding on March 3, 1975, is hereby deferred, and all procedural dates in this proceeding are hereby suspended, until further order of the Commission.

(B) Within ten days after the close of each calendar quarter, and until further order of the Commission, Intervenor Agua Caliente Band of Mission Indians shall file with the Commission and transmit to all persons to whom pleadings in this proceeding are required to be transmitted, a brief report of the progress of its water rights litigation during the preceding quarter and the status of that litigation as of the close of that quarter.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25255 Filed 9-22-75;8:45 am]

[1] On September 5, 1975, Edison filed an answer to the Commission staff's answer to the Band's motion, which filing if not authorized by our Rules of Practice and Procedure and, therefore, will not be considered.

[Docket No. RP72-121 PGA 76-2]

SOUTHWEST GAS CORP.

Filing of Tariff Sheets

SEPTEMBER 16, 1975.

Take notice that on September 8, 1975, Southwest Gas Corporation (Southwest) tendered for filing Twelfth Revised Sheet No. 3A, constituting Original PGA-1, in its FPC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to increase the rates of Southwest under its purchased gas adjustment clause in Section 9 of its General Terms and Conditions contained in its FPC Volume No. 1.

Southwest states the instant notice of change in rates is occasioned solely by, and will compensate Southwest only for, increases in the cost of purchased gas which will become effective on or before November 1, 1975, applied to the volumes purchased for the twelve (12) month period ended June 30, 1975.

Southwest has requested an effective date of November 1, 1975, and states that copies of the filing have been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and the California-Pacific Utilities Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25261 Filed 9-22-75;8:45 am]

[Docket No. ER76-20]

SUPERIOR WATER, LIGHT AND POWER CO.

Order Granting Late Intervention

SEPTEMBER 16, 1975.

On July 23, 1975, Superior Water, Light and Power Company (Superior) tendered for filing a proposed increase in rates to its single sale for resale customer, Dahlberg Light and Power Company (Dahlberg). Public notice of Superior's filing was issued on July 31, 1975, with protests or petitions to intervene due on or before August 12, 1975.

An untimely petition to intervene was filed by the Public Service Commission of Wisconsin (Public Service) on August 28, 1975. Public Service states that its intervention will not interfere with the procedural dates already scheduled in this proceeding.

The Commission finds:

It may be in the public interest for the Public Service Commission of Wisconsin to intervene in these proceedings.

The Commission orders:

(A) The Public Service Commission of Wisconsin is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25262 Filed 9-22-75;8:45 am]

[Docket No. ER76-103]

VERMONT ELECTRIC POWER COMPANY, INC.

Filing of Rate Schedule

SEPTEMBER 16, 1975.

Take notice that by letter dated August 29, 1975, the Vermont Electric Power Company, Inc., tendered for filing with the Federal Power Commission a purchase agreement for the sale by the Vermont Electric Power Company, Inc., of 10,000 kilowatts of electric power from an electric generating facility located in Bow, New Hampshire, owned by the Public Service Company of New Hampshire, designated as "Morrimack No. 2", to the Public Service Company of New Hampshire.

Service under this Rate Schedule commenced on April 30, 1975 and will terminate on October 31, 1975. Applicant estimates that the amount of power to be sold under this contract/rate schedule in the months of May, 1975 through October, 1975 will be 6,000,000 kilowatt hours per month.

Applicant additionally requests that May 1, 1975 be designated as the effective date of this rate schedule.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25263 Filed 9-22-75;8:45 am]

[Docket No. ER76-108]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Letter Agreement

SEPTEMBER 16, 1975.

Take notice that on September 8, 1975 Virginia Electric and Power Company (VEPCO) tendered for filing a letter agreement between it and Greenville Utilities Commission (GUC), dated August 14, 1975. The agreement provides for VEPCO to install, own and maintain 34.5 and 115 kv special remote metering equipment at GUC's request to provide GUC with data pulses to its equipment. VEPCO states the terms of said agreement is for an initial period of five (5) years from the time of connection. Accordingly, VEPCO requests as an effective date the time of connection, which VEPCO expects to be sometime in October, 1975. VEPCO states it will notify the Commission of the exact effective date when it becomes known.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25264 Filed 9-22-75;8:45 am]

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FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Order Denying Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to Muscle Shoals National Bank, Muscle Shoals, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest commercial banking organization in Alabama, controls 12 banks with aggregate deposits of approximately $1.4 billion, representing 16.5 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits by 0.13 percent and would not significantly increase the concentration of banking resources in Alabama although, as discussed below, the proposal would have some adverse effects on concentration in the relevant market.

Bank holds deposits of approximately $11 million, representing 4.4 percent of the total deposits in commercial banks in the relevant market, the Florence banking market, and thereby ranks as the sixth largest of eight banks operating in the market.[2] Applicant's existing subsidiary bank, Shoals National Bank of Florence ("Florence Bank"), which is also located in the relevant market, holds deposits of approximately $13 million, representing 6.6 percent of total commercial bank deposits in the market, and ranks as the fifth largest bank operating therein. Consummation of the proposal would increase Applicant's share of market deposits to a total of 11 percent, and Applicant would become the fourth largest banking organization operating in the market. In addition to the effects on concentration, it is noted that Bank and Florence Bank are four miles apart and are both located on a main traffic route with no intervening banking office along that route. As a result, there is significant overlapping of the service areas of both banks, as evidenced by the fact that Florence Bank derives a substantial amount of its loan and deposit business from the service area of Bank. Thus, approval of the application would eliminate meaningful existing competition between Applicant and Bank, as well as reduce the number of banking alternatives operating in the market. Moreover, approval of the proposed transaction would remove a viable entry vehicle for an Alabama bank holding company not currently represented in the market. This factor is even more significant when viewed in light of the fact that the market is not particularly attractive for *de novo* entry by other banking organizations seeking to gain access to the Florence market. On the basis of the foregoing and other facts of record, the Board concludes that approval of the application would result in significant adverse effects upon competition within the relevant banking market. Therefore, the competitive factors lend substantial weight toward denial of the application.

The financial condition and managerial resources of Applicant, its subsidiaries and Bank are generally satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with, but do not lend significant weight toward, approval of the application. The considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. Applicant proposes to assist Bank in establishing branch facilities by providing the necessary capital, and provide Bank with managerial expertise in the areas of dealer, floor plan and inventory loans and leveraged leasing. However, these considerations do not, in the Board's view, outweigh the substantially adverse competitive effects that would result from Bank's acquisition by Applicant. Accordingly, it is the Board's judgment that consummation of the subject proposal would not be in the public interest and that the application to acquire Bank should be denied.

On the basis of all of the facts of record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[3] effective September 17, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25305 Filed 9-22-75;8:45 am]

[1] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved through August 31, 1975.

[2] The relevant banking market for purposes of analyzing the competitive effects of the subject application is approximated by south central Lauderdale County and north central Colbert County, both in Alabama.

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich and Coldwell. Present and abstaining: Governor Jackson. Absent and not voting: Chairman Burns.

MIAMI AGENCY, INC.

Acquisition of Bank

Miami Agency, Inc., Shawnee Mission, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of State Bank of Fredonia, Fredonia, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 14, 1975.

Board of the Federal Reserve System, September 16, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25306 Filed 9-22-75;8:45 am]

PARK CAPITAL CORP.

Acquisition of Bank

Park Capital Corp., La Grange Park, Illinois has applied for the Board approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 498 (approximately 1.2 percent) of the voting shares of Bank of La Grange Park, La Grange Park, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 16, 1975.

Board of Governors of the Federal Reserve System, September 15, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25307 Filed 9-22-75;8:45 am]

VALLEY BANCORPORATION

Acquisition of Bank

Valley Bancorporation, Appleton, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of State Bank of Fredonia, Fredonia, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 14, 1975.

Board of the Federal Reserve System, September 16, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25306 Filed 9-22-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

COMMITTEE ON EARLY CHILDHOOD EDUCATION

Notice of Meeting

Notice is hereby given, pursuant to PL 92-463, that the Committee on Early Childhood Education of the National Advisory Council on the Education of Disadvantaged Children will meet in Clark County, Nevada on Thursday, November 13, and Friday, November 14, 1975.

The National Advisory Council on the Education of Disadvantaged Children is established under Section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of this visit will be to observe a Johnson O'Malley Indian Colony Project, and to review and discuss the draft Early Childhood Education Report to be included in the 1976 Annual Report.

Because of limited space, all persons wishing to attend should call for reservations by October 30, 1975, at Area Code 202/382-6945.

Records shall be kept on all Committee proceedings and shall be available upon request at the Office of the National Advisory Council on the Education of Disadvantaged Children located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C., on September 16, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-25222 Filed 9-22-75;8:45 am]

COMMITTEES ON EARLY CHILDHOOD EDUCATION AND SPECIAL CONCERNS

Notice of Meeting

Notice is hereby given, pursuant to PL 92-463, that the Committees on Early Childhood Education and Special Concerns of the National Advisory Council on the Education of Disadvantaged Children will be visiting West Chester, Pennsylvania on Monday and Tuesday, October 27-28, 1975. The purpose of this visit will be to observe Infant Development and Education Project.

Following the site visit, the Executive Committee will hold a session at the NACEDC Office on Tuesday, October 28, 1975, from 2 p.m. to 5 p.m. During this session, the Committee will outline activities and procedures for the interim period until a Chairman is named.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Because of limited space, all persons wishing to attend should call for reservations by October 22, 1975, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C., on September 16, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-25223 Filed 9-22-75;8:45 am]

COUNCIL MEETING

Notice is hereby given, pursuant to PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on December 5, 1975 from 9:00 a.m.-5:00 p.m., on December 6, 1975 from 9:00 a.m.-4:00 p.m. The meeting will be held at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting will be held to review Committee drafts and to hear Committee reports.

Because of limited space, all persons wishing to attend should call for reservations by November 28, 1975, Area Code 202—382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C.

Signed at Washington, D.C., on September 16, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-25350 Filed 9-22-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-69)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICAL PROPULSION AD HOC PANEL ON JET ENGINE HYDROCARBON FUELS

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Aeronautical Propulsion, Ad Hoc Panel on Jet Engine Hydrocarbon Fuels will meet on October 15, at the NASA Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in Conference Room 215 of the Administration Building. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 40 persons including Panel members and other participants. All visitors must report to the Lewis Research Center Receptionist in the Administration Building.

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion's Ad Hoc Panel on Jet Engine Hydrocarbon Fuels was established to advise NASA's senior management on fuels research now being initiated by NASA in the areas of petroleum base, shale oil base and coal base jet engine fuels. The Ad Hoc Panel will assess ongoing work and research plans, and will make recommendations to NASA on program content, timing and direction to insure greatest benefit to the nation. There are 11 members on the Ad Hoc Panel on Jet Engine Hydrocarbon Fuels. The current Chairman is Dr. John P. Longwell.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. Harry W. Johnson, Area Code 202, 755-3003.

OCTOBER 15, 1975

Time	*Topic*
8:30 a.m.	Report by Chairman (Purpose: To review agenda and transmit information of interest from latest meetings of the NASA Aeronautical Propulsion Committee and other pertinent government and/or industry advisory groups.)
9:00 a.m.	Report by Executive Secretary (Purpose: To brief the Ad Hoc Panel on changes in NASA organization, policies, and plans affecting the NASA fuels program and to review previous Panel recommendations and NASA responses.)
9:30 a.m.	Alternate Fuels Program Activities (Purpose: To permit Panel members and invited quests to report and comment on the status of ongoing and planned research and development activities related to alternate fuels.)

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Time	Topic
1:30 p.m.	Special Reports (Purpose: To permit Panel members to review and comment on the results from special studies conducted by the Advisory Group for Aerospace Research and Development (AGARD) and the Coordinating Research Council on the subject of fuel safety and hazards.)
2:30 p.m.	Discussions and Recommendations (Purpose: To summarize comments and prepare recommendations from this meeting for transmittal to the NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion, and to establish tentative major topics, place and date for the next Ad Hoc Panel meeting if continuation of Panel activities through FY 1976 is recommended by the Panel.)
4:00 p.m.	Adjournment

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

SEPTEMBER 17, 1975.

[FR Doc.75-25248 Filed 9-22-75;8:45 am]

[Notice (75-70)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICAL PROPULSION

Notice of Meeting

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion will meet on October 16-17, 1975, at the Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in Conference Room 215 of the Administration Building. Members of the public will be admitted on a first-come, first-served basis up to the seating capacity of the room, which is about 40 persons including Committee members and other participants. All visitors must report to the Lewis Research Center Receptionist in the Administration Building.

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion was established to advise NASA's senior management in the areas of aeronautical propulsion research and technology. The Committee studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation.

There are 13 members on the Aeronautical Propulsion Committee. The current Chairman is Mr. Hillard E. Barrett.

NOTICES

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. Harry W. Johnson, Area Code 202, 755-3003.

OCTOBER 16, 1975

Time	Topic
8:15 a.m.	Report by Chairman (Purpose: To review agenda and transmit information of interest from latest meeting of Research and Technology Advisory Council.)
8:45 a.m.	Report by Executive Secretary (Purpose: To update Committee on NASA organization, policy, current budget status and allocations, FY 1977 program plans, and to review previous Committee recommendations and NASA response.)
9:15 a.m.	Research Center Program Reports (Purpose: To review briefly, status of major programs and research highlights from Center Reports previously distributed to Committee members.)
10:45 a.m.	Special Reports (Purpose: To review the results from ad hoc panels and special intercenter groups studying hydrocarbon fuels, Aircraft Fuels, Conservation Technology, and the "Outlook for Aeronautics.")
1:15 p.m.	Advanced Propulsion Research Facilities (Purpose: To familiarize the Committee with the status and capabilities of the propulsion test facilities recently built at the Lewis Research Center.)
2:45 p.m.	Committee Discussions and Recommendations (Purpose: To discuss major issues and priorities and to summarize comments and recommendations from this meeting for transmittal to the NASA Research and Technology Advisory Council.)

OCTOBER 17, 1975

Time	Topic
8:15 a.m.	Discussions and Recommendations — Continuation (Purpose: Complete discussion items related to major issues and priorities, formalize recommendations, and establish tentative major topics, place and date for next Committee meeting.)
3:00 p.m.	Adjournment.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs National Aeronautics and Space Administration.

SEPTEMBER 17, 1975.

[FR Doc.75-25249 Filed 9-22-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-51 issued to Arkansas Power and Light Company which revised Technical Specifications for operation of the Arkansas Nuclear One—Unit 1, located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment revises: (1) The curves in Figures 2.1-2 and 2.3-2 to take credit for 100 effective full power days of fuel burnup, and (2) the curve in Figure 3.5.2-3 to conform with changes to Figure 2.3-2 described above.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated July 29, 1975, (2) Amendment No. 5 to License No. DPR-51, with Change No. 5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-25210 Filed 9-22-75;8:45 am]

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-51 issued to Arkansas Power and Light Company which revised Technical Specifications for operation of the Arkansas Nuclear One—Unit 1, located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment: (1) Incorporates provisions for the operability of the Steam Line Break Instrumentation and Control System (SLBIC) at a minimum acceptable main steam pressure and for an actuation setpoint of the SLBIC, (2) replaces the main steam line instrument channel operation requirements with the SLBIC control and logic channel operation requirements, and (3) adds surveillance requirements for the SLBIC and its safety related valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated April 17, 1975, (2) Amendment No. 4 to License No. DPR-51, with Change No. 4, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 11th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-25211 Filed 9-22-75;8:45 am]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-39 and Amendment No. 11 to Facility Operating License No. DPR-48 issued to Commonwealth Edison Company which revised Appendix C conditions for operation of the Zion Station Units 1 and 2 located in Zion, Lake County, Illinois. These amendments are effective as of the date of issuance.

In accordance with the licensee's application dated February 14, 1975, the amendments modify Appendix C to the licenses to include additional details of

the station's method of compliance with ANSIN18.17, Section 3.3.3. Section 3.3.3 deals with the requirements for and the methods of implementing surveillance of the protected areas of nuclear power plants.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30881). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

Pursuant to 10 CFR section 2.790, the licensee's letter of request and Appendix C to the Technical Specifications are withheld from public disclosure because they contain proprietary information relating to the detailed security measures for the physical protection of a licensed facility. However, 10 CFR section 2.790 (b) (2) provides that persons properly and directly concerned with the matter withheld from public disclosure may be allowed to inspect such information, as a party to a proceeding considering the matter.

For further details with respect to this action, see (1) ANSIN18.17, Section 3.3.3, (2) Amendment No. 14 to Facility License No. DPR-39 and Amendment No. 11 to Facility License No. DPR-48, and (3) the Commission's related Safety Evaluation. Items (2) and (3) are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

Copies of ANSI N18.17 may be obtained from the American Nuclear Society, 244 E. Ogden Avenue, Hinsdale, Illinois 60521. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-25212 Filed 9-22-75;8:45 am]

[Byproduct Material License No. 34-01764-02]

GLADSTONE LABORATORIES, INC.

Order Designating Prehearing Conference

The Nuclear Regulatory Commission issued a Notice of Hearing in this proceeding in response to a request by Gladstone Laboratories, Inc. (Licensee), 1034 Woodrow Street, Cincinnati, Ohio 45204, for a hearing respecting the proposed imposition of civil penalties. Pursuant to that Notice, the Licensee has filed an Answer and the Regulatory Staff of the Commission has filed a Reply.

The Notice issued by the Commission made provision for a prehearing conference. The undersigned was designated to preside and inquiry has been made, in accordance with the Commission's Rules of Practice, respecting a convenient time and place for such a conference. The Licensee and the Regulatory Staff have agreed that September 25, 1975 and Cincinnati, Ohio (whereat Licensee is located) are a convenient time and place.

Wherefore, *it is ordered*, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that a prehearing conference in this proceeding shall convene at 9:00 a.m. on Thursday, September 25, 1975, in Room 9017 of the Federal Building, 550 Main Street, Cincinnati, Ohio 45202, to consider matters specified for prehearing conferences by § 2.752 of the Commission's Rules of Practice and other matters that will lead to expeditious presentation of evidence and disposition of the proceeding.

Issued: September 16, 1975, Bethesda, Maryland.

NUCLEAR REGULATORY COMMISSION,
SAMUEL W. JENSCH,
Administrative Law Judge.

[FR Doc.75-25213 Filed 9-22-75;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Provisional Operating License No. DPR-13 issued to Southern California Edison Company and San Diego Gas and Electric Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment adds new Sections 3.12 and 4.11 to the Technical Specifications relating to required limiting conditions for operation and surveillance requirements for the control room emergency air treatment system.

The applications for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since

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the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) applications for amendment dated March 25 and May 19, 1975, (2) Amendment No. 14 to License No. DPR–13 with Change No. 34, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16th day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-25214 Filed 9-22-75;8:45 am]

[Docket Nos. 50-338, 50-339]

VIRGINIA ELECTRIC & POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Michael C. Farrar, Chairman, Dr. John H. Buck, Member, Richard S. Salzman, Member.

Dated: September 15, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-25215 Filed 9-22-75;8:45 am]

[Docket Nos. 50-460, 50-513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM (WPPSS NUCLEAR PROJECTS 1 AND 4)

Order Setting Evidentiary Hearing on Further Limited Work Authorization Activities

The U.S. Nuclear Regulatory Commission (the Commission) by its September 16, 1974 "Notice of Receipt of Amended Application for Construction Permits and Facility Licenses and Notice of Hearing on Amended Application for Construction Permits: Time for Submission of Views on Antitrust Matters" (Notice of Hearing), ordered a hearing to be held on the application by the Washington Public Power Supply System (Applicant) for construction permits for two pressurized water reactors designated as WPPSS Nuclear Projects 1 and 4.

An evidentiary hearing was held May 14–16, 1975 on environmental and site suitability issues and a Partial Initial Decision was issued on July 30, 1975 by the Atomic Safety and Licensing Board (the Board), which is composed of Dr. Marvin M. Mann and Dr. Donald P. de Sylva as technically qualified members, and Daniel M. Head as chairman. On the basis of the Partial Initial Decision, the Commission permitted the Applicant to undertake certain construction activities pursuant to a Limited Work Authorization (LWA).

The Applicant has now requested, by letter dated September 16, 1975, that a hearing be held which would permit the LWA to be extended to further construction activities. The hearing would consider whether there are any unresolved safety issues which would preclude the extension of the LWA to these further construction activities. The Board hereby grants the request for the evidentiary hearing with regard to the proposed further construction activities.

Accordingly, please take notice and *it is hereby ordered*, That an evidentiary hearing on whether there are any unresolved safety matters relating to the proposed further construction activities to be undertaken pursuant to an LWA is scheduled to begin at 10 o'clock local time on Monday, September 29, 1975 at the U.S. Tax Court, South Courtroom, Room 358, 400 Second Street, N.W., Washington, D.C. 20217.

Members of the public are invited to attend this evidentiary hearing which will run continuously until all evidence has been received on the specified issues or until continued by further order of the Board.

Dated at Bethesda, Maryland, this 16th day of September 1975.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.75-25216 Filed 9-22-75;8:45 am]

[Docket No. 50-254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR–29 issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) for operation of the Quad Cities Unit 1, located in Rock Island County, Illinois. This amendment is effective as of its date of issuance.

The amendment authorizes operation of the reactor beyond the previously analyzed end-of-cycle scram reactivity conditions in accordance with Commonwealth Edison's request dated July 25, 1975, and a supplement thereto dated September 8, 1975.

The application for this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment by Commonwealth Edison Company dated July 25, 1975, and a supplement thereto dated September 8, 1975, (2) Amendment No. 18 to License No. DPR–29, and (3) the Commission's currently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, at 504 17th Street in Moline, Illinois 60265. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, 11th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-25292 Filed 9-22-75;8:45 am]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR–39 and Amendment No. 8 to Facility Operating License No. DPR–48 issued to Commonwealth Edison Company which revised Technical Specifications for operation of the Zion Station Units 1 and 2, located in Zion, Lake County, Illinois. These amendments are effective as of the date of issuance.

These amendments temporarily change the Technical Specifications to modify to 8 days the period of time during which unit operation is permitted after discovery of an inoperable diesel generator. These amendments increase from daily to every eight hours the surveillance frequency for verifying the operability/availability of the remaining diesels and two sources of off-site power.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice

of these amendments is not required since these amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the licensee's application for amendments dated August 15, 1975, (2) Amendment No. 11 to License No. DPR–39 and Amendment No. 8 to License No. DPR–48, with Change No. 12, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th Day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-25293 Filed 9-22-75;8:45 am]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR–61 issued to Connecticut Yankee Atomic Power Company which revised Technical Specifications for operation of the Haddam Neck Plant, located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

This amendment adds limiting conditions for operation and surveillance requirements to the Technical Specifications for hydraulic shock suppressors at the Haddam Neck Plant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since this amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 15, 1975, (2) Amendment No. 4 to license No. DPR–61, with Change No. 4, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16th day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-25294 Filed 9-22-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice of Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Provisional Operating License No. DPR–22 issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility), located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment requires operability and surveillance of hydraulic snubbers required to protect the primary coolant system and all other safety related systems and components in accordance with the licensee's request dated August 15, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 15, 1975, (2) Amendment No. 12 to License No. DPR–22, with Change No. 20, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 15th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-25295 Filed 9-22-75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 2.3, "Quality Verification for Plate-Type Uranium-Aluminum Fuel Elements for Use in Research Reactors," describes a method acceptable to the NRC staff for establishing and executing a quality assurance program for verifying the quality of plate-type uranium-aluminum fuel elements used in research reactors. This guide endorses ANSI Standard N398–1974, "Quality Verification for Plate-Type Uranium-Aluminum Fuel Elements."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 2.3 will, however, be particularly useful in evaluating the need for an early revision if received by November 21, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 2 Regulatory Guides currently being developed include the following:

Development of Technical Specifications for Research Reactors.
Operation of Fast Pulse Reactors.
Performance of Critical Experiments.
Records and Reports for Research Reactors.
Review of Experiments for Research Reactors.

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(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 15th day of September, 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-25210 Filed 9-22-75;8:45 am]

NUCLEAR ENERGY CENTER SITE SURVEY (NECSS)

Transmission Workshop

In the furtherance of the provisions of section 207 of the Energy Reorganization Act of 1974 (Pub. L. 93-438) notice is hereby given that the Nuclear Regulatory Commission (NRC) staff conducting the Nuclear Energy Center Site Survey (NECSS) will hold a 2-day transmission workshop commencing at 9 a.m., Tuesday, October 21, 1975 at the Departmental Auditorium, Conference Room B, Constitution Avenue between 12th & 14th Streets, Washington, D.C. The purpose of this transmission workshop is to discuss transmission technology as it applies to investigating differences between dispersed siting and nuclear energy center siting.

Section 207 of the Energy Reorganization Act (the Act) directs the NRC to make a national survey to locate and identify possible nuclear energy center sites. The Act defines nuclear energy center sites as any site, including a site not restricted to land, large enough to support utility operations or other elements of the total nuclear fuel cycle, or both, including, if appropriate, nuclear fuel fabrication plants, nuclear fuel reprocessing facilities, retrievable nuclear waste storage facilities and uranium enrichment facilities.

The survey will include a regional evaluation of natural resources, including land, air, and water resources, available for use in connection with nuclear energy center sites; estimates of future electrical power requirements that can be served by each nuclear energy center site; an assessment of the economic impact of each nuclear energy site; and consideration of any other relevant factors, including but not limited to population distribution, proximity to electric load centers and to other elements of the fuel cycle, transmission line rights-of-way, and the availability of other fuel resources. The survey will also include an evaluation of the environmental impact likely to result from construction and operation of such nuclear energy centers and will evaluate whether such centers will result in greater or lesser environmental impact than separate siting of the reactors/and of fuel cycle facilities. Finally, the survey will consider the use of Federally-owned property and other public use lands for energy center sites.

A report on the results of the survey will be published and transmitted to the Congress and the Council on Environmental Quality. The report will include the Commission's evaluation of the results of the survey and any conclusions and recommendations which the Commission may have concerning the feasibility and practicality of locating nuclear facilities on nuclear energy center sites.

The transmission workshop is being held to review transmission investigations that have been performed for the NECSS project and related studies which have been useful in supporting these investigations; and in light of the above, review the technological considerations which have evolved as they apply to development of conclusions for the NECSS Study. The NECSS staff has invited recognized authorities in the field of transmission from industry, utilities, suppliers, representatives of the National Electric Reliability Council and the nine Electric Reliability Councils, and the academic field to participate in this workshop. The workshop will be open to public attendance and observation. In order for the NECSS staff to obtain the opinions and interactions of the invited experts the workshop will be divided into three panels: (a) Transmission analysis that was done for dispersed/nuclear energy center cases; (b) Stability and reliability criteria for nuclear energy centers/dispersed sites; and (c) Long range transmission and substation equipment developments which might affect differences between nuclear energy centers and dispersed sites.

Persons wishing further information about the Transmission Workshop or who plan to attend and observe should contact Mrs. Sandra Reed, U.S. Nuclear Regulatory Commission, Office of Special Studies—Nuclear Energy Center Site Survey, Washington, D.C. 20555, Telephone (301) 427-6346.

Dated at Bethesda, Maryland this 17th day of September 1975.

For the Nuclear Regulatory Commission.

S. H. SMILEY,
Director,
Office of Special Studies.

[FR Doc.75-25296 Filed 9-22-75;8:45 am]

[Docket No. PRM-50-14]

PUBLIC INTEREST RESEARCH GROUP, ET AL.

Filing of Petition for Rule Making

Notice is hereby given that Louis J. Sirico, Jr. and Martin H. Rogol of the Public Interest Research Group, 1832 M Street NW., Washington, D.C., by letter dated August 6, 1975, have filed with the Nuclear Regulatory Commission a petition for rulemaking on behalf of the Public Interest Research Group and 30 other specified citizen groups.

The petitioners request that the Commission amend 10 CFR Part 50 of the Commission's regulations to require nuclear facility licensees and license applicants to instruct citizens in public evacuation procedures in case of a major nuclear incident and to actually test public evacuation plans in realistic drills.

The petitioners request that the Commission issue a new section to Part 50 requiring licensees to (a) distribute instructions explaining what emergency safety steps the citizen should take in case of a nuclear incident to the public within at least a 40-mile radius of the facility; (b) disseminate information explaining these plans through educational sources and the public media; (c) conduct an actual public evacuation drill in full conformity with these plans; and (d) submit to the Commission a report demonstrating compliance with the new section.

The petitioners also request that the Commission issue a new section requiring (a) that the Commission not issue a construction permit or license or amended construction permit or amended license until the applicant has (1) distributed to the public within a 40-mile radius of the facility or proposed facility sections of its Preliminary Safety Analysis Report or Final Safety Analysis Report which discuss public evacuation plans, (2) disseminated information explaining these plans through educational sources and public media, and (3) submitted to the Commission a report demonstrating full compliance with the above requirements; and (b) that the Commission not issue a license or amended license until the applicant has (1) conducted an actual public evacuation drill in conformity with the applicant's plans for coping with emergencies affecting the public, and (2) submitted to the Commission a report demonstrating full compliance with this requirement. This section would also require that where a hearing is held, the applicant must comply with these regulations at least 50 days prior to the hearing.

Finally, the petitioners request that the Commission amend Part 50, Appendix E, Section III, to require that Final Safety Analysis Reports must include detailed emergency plans and implementation procedures. Currently Appendix E provides that details of the plan need not be included, but that the plan submitted must include a description sufficient to demonstrate that the plan provides reasonable assurance that appropriate measures can and will be taken in the event of an emergency to protect public health and safety and prevent damage to property.

The petitioners contend that in order to increase the effectiveness of the Commission's efforts to insure adequate methods for coping with public emergencies that public education is essential to making evacuation plans effective, that public discussion of evacuation plans and full-scale public drills are necessary to assure the soundness of emergency plans, and that the Commission has a special duty to minimize the damage wrought by a nuclear incident.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before November 24, 1975.

Dated at Washington, D.C. this 17th day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-25297 Filed 9-22-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE ARCHITECT-ENGINEER BALANCE OF PLANT

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act 42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Architect-Engineer Balance of Plant will hold a meeting on Oct. 8, 1975 in Room 1046 at 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to develop further information for consideration by the ACRS in its review of the application by the Stone and Webster Engineering Corporation for a preliminary design approval of its Standard Safety Analysis Report (SWESSAR).

The agenda for the subject meeting shall be as follows:

Wednesday, Oct. 8, 1975 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports submitted by the applicant and the NRC Staff regarding matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by and hold discussions with the representatives of the NRC Staff and the Stone and Webster Engineering Corp. pertaining to review of the Standard Safety Analysis Report.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice and opinions while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof, postmarked no later than Oct. 1, 1975, to Mr. John C. McKinley, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on Oct. 6 to the Office of the Executive Secretary of the Committee (telephone 202/634-1371, Attention: Mr. John C. McKinley) between 8:15 a.m. and 5 p.m., Eastern Daylight Time.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Secretary of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Employee for the meeting, Mr. John C. McKinley of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after Oct. 15, 1975, at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555 after January 8, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: September 19, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-25482 Filed 9-22-75;9:26 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON ANTICIPATED TRANSIENTS WITHOUT SCRAM

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Working Group on Anticipated Transients Without Scram (ATWS) will hold a meeting at 1 p.m. on October 8, 1975, in Room 1062, 1717 H Street N.W., Washington, D.C. 20555. This meeting will be closed to the public.

The Working Group will meet in closed session with the NRC Staff to discuss working papers and Staff recommendations for possible changes in the Staff's positions concerning ATWS requirements.

In connection with this matter, the Working Group may hold Executive

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Sessions, not open to the public or NRC Staff, prior to and at the conclusion of the meeting with the NRC Staff, to exchange opinions and formulate recommendations to the ACRS.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct this meeting in closed session to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individual's advice and opinions while this meeting is in progress is considered impractical.

Dated: September 19, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-25451 Filed 9-22-75;9:26 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 18, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the review or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Medical survey questionnaire, single-time, households in Providence Valley, Md. Elett, C. A., 395-5867.

DEPARTMENT OF COMMERCE

National Bureau of Standards: black engineers in the United States, NBS 1044, singletime, black engineers, Strasser, A., Joan Turek, 395-5867.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration: general aviation activity test survey, FAA 1800, single-time, aircraft owners, Strasser, A., 395-5867.

DEPARTMENT OF COMMERCE

Economic Development Administration: Employment and remuneration of Expediters, ED-100, occasional, applicants for EDA technical assistance, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce: Titanium metals, DIB 991, monthly, titanium melting and processing facilities, Peterson, M. O., 395-5631.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Operations Guide—Secondary Science Training Program—Cooperative College—School Science Program, NSF 418, annually, individuals, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Maritime Administration: Vessel data—vessels of 1,500 gross tons or more and vessels under 1,500 gross tons, MA 510 and 511, on occasion, shipping companies, Marsha Traynham, 395-4529.

Bureau of East-West Trade: Application for export license, DIB-622P, on occasion, commercial exporters, Marsha Traynham, 395-4529.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service:
Arrival information, N-14A, on occasion, resident aliens, Marsha Traynham, 395-4529.
Application for suspension of deportation, I-256A, on occasion, aliens requesting suspension of deportation, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-25426 Filed 9-22-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the debentures of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
American Telephone & Telegraph Co., 8.80 pct. Debentures, due May 15, 2005	7-4754
American Telephone & Telegraph Co., 8.65 pct. Debentures, due Feb. 1, 2007	7-4755
Clark Equipment Credit Corp., 10¼ pct. Debentures Series E, due Nov. 1, 1979	7-4756

Upon receipt of a request, on or before October 3, 1975, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25273 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the debentures of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Commonwealth Edison Co., 8¾ pct Mortgage Debentures Series 30 due Mar. 1, 2005	7-4757
Commonwealth Edison Co., 9 pct Mortgage Debentures Series 28, due June 15, 1979	7-4758
General Motors Corp., 8⅝ pct Sinking Fund Debentures, due Apr. 1, 2005	7-4759

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25274 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the notes of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Continental Illinois Corp., 10 pct Floating Rate Notes, due Sept. 15, 1989	7-4748
Ford Motor Co., 7.4 pct Notes, due Jan. 15, 1980	7-4749
General Motors Corp., 8.05 pct Notes, due Apr. 1, 1985	7-4750

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25275 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the debentures of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Household Finance Corp., 10.40 pct. Debentures, 1B Series, Due Sept. 15, 1981	7-4760
Indiana Bell Telephone Co., 10 pct. Debentures, due Oct. 10, 2014	7-4761
Indiana & Michigan Electric Co., 10¼ pct. Debentures, due June 1, 1982	7-4762

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25276 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in a Certain Security

SEPTEMBER 17, 1975.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the bonds of the following company, which security is listed and registered on one or more other national securities exchanges:

	File No.
Northern Illinois Gas Co., 8½ percent First Mortgage Bonds, due Apr. 1, 1983	7-4763

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25277 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the debentures of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Sears, Roebuck & Co., 7¾ pct Debentures, due Mar. 1, 1985	7-4763
Sears, Roebuck & Co., 6⅜ pct Sinking Fund Debentures, due Apr. 1, 1993	7-4764
Sears, Roebuck & Co., 8⅜ pct Debentures, due Oct. 1, 1995	7-4765

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25278 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trad-

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ing privileges in the notes of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
International Harvester Co., 9.15 pct Notes, due Mar. 1, 1982	7-4751
Standard Oil Co. (Indiana), 9.7 pct Floating Rate Notes, due Aug. 1, 1989	7-4752

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25279 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the debentures of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Standard Oil Co. (Indiana), 9.20 pct Sinking Fund Debentures, due July 15, 2004	7-4766

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25280 Filed 9-22-75;8:45 am]

[Release No. 34-11655; File No. SR-Amex-75-1]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 8, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Changes

The American Stock Exchange, Inc. ("Amex") proposes to amend Rules 184(a), 221(b) and its schedule of floor fees and charges each of which is stated below. With respect to Rules 184(a) and 221(b), brackets indicate words to be deleted and underscoring used to indicate words to be added.

(i) Rule 184(a). A specialist unit may regularly employ, subject to such rules and regulations as the Board of Governors may adopt, a clerk, or a number of clerks not exceeding the combined number of specialists in the unit and:

(1) one additional clerk for each three to four member unit,

(2) two additional clerks for each five to ten member unit,

(3) three additional clerks for each larger unit,

to aid such specialist or specialist unit on the floor of the Exchange, provided each such clerk receives the approval of the Exchange. A fee of $[120.00] *180.00* per year, payable in equal quarterly installments, shall be charged the specialist or specialist unit for each clerk. No rebate shall be given with respect to the quarterly fee in the event that a specialist or specialist unit discontinues the services of such a clerk during any quarterly period.

(ii) Rule 221(b). The provisions of this Rule shall [not] be deemed to permit two or more Regular Members having separate offices and engaging in business on the floor of the Exchange to occupy a single [telephone] booth on the floor of the Exchange [unless each such Regular Member occupying such booth pays the full booth rental fee prescribed by the Exchange] *with only one Regular Member paying the full booth rental fee as prescribed by the Exchange and the other occupant(s) paying the Order Pad Privilege Fee as prescribed by the Exchange. Members not occupying the booth, but having line connections therein, must pay the Floor Wire Privilege Fee as prescribed by the Exchange.*

(iii) Schedule of Present and Proposed Floor Fees and Charges

Description	Present annual rate	Proposed annual rate
Booths:		
Booth telephones	$90	No charge.
Manual booth	$375 to $600	$625 to $800.
Machine booth	$1,425 to $2,235.	$3,000 to $3,150.
Floor wire privilege	No charge	$150.
Order pad privilege	do	Same as booth rental.
Floor facilities:		
Floor facility fee	$300	$700.
Specialist registration	$400	$400.
Member jackets	$35	No charge.
Member storage lockers.	$12	Do.
Stationery storage	None	$120 to $600.
Posts:		
Post facility fee, per rack.	No charge	$250 (maximum $2,500).
Time clocks	$35	No charge.
Copier rental	$938	Do.
Clerks:		
Specialist clerk	$120	$180.
Telephone clerk	No charge	$180.
Relief clerk	do	$60.
Clerk jackets	$48	No charge.

Exchange's Statement of Basis and Purpose

The purpose of the amendment to Rules 184(a), 221(b) and the implementation of the revised schedule of floor fees and charges is to provide for the equitable allocation of fees and charges among those members who do business on the floor of the Exchange, as well as to increase Exchange revenues.

The proposed amendments to Rules 184(a), 221(b) and the revision of the schedule of floor fees and charges is authorized by Section 6(b)(4) of the Act. Although Section 6 of the Act, as recently amended by the Securities Acts Amendments of 1975, does not become effective until December 1, 1975, the proposed rule changes and revised schedule of floor fees and charges, if they become effective before that date, will be consistent with such section when such amendments to the Act become effective.

The proposed amendments to Rules 184(a), 221(b) and the revision of the schedule of floor fees and charges are designed to provide for the equitable allocation of such fees and charges among those members who do business on the floor of the Exchange consistent with the type of business conducted. A description of those fees or charges which are new or are higher than the current charges follows:

A. *Booth Fees.* Booth income, under the current rate schedule, is determined by the number of communication lines terminating in each booth and the number and types of users. This has led to situations in booths occupied by one tenant where rental revenue is several times the revenue from a similar booth occupied by another single tenant. Anomalies also exist in the present schedule where one firm pays more for an essentially similar facility than another.

The new schedule is designed to correct this situation. It includes a flat booth rental depending on size and location of the booth and a separate wire connection fee for all wires terminating in the booth which originates in offices of other tenants. Separate booth telephone charges which currently applied would be eliminated. Two new charges—the order pad privilege fee and the floor wire privilege fee—would be paid by a member maintaining a wire connection(s) to a booth, but who is not the primary booth lessee.

B. *Floor Facilities Fee.* The Floor Facilities Fee is a fee paid for the use of the Floor by any Floor member who does not pay other facilities fees (such as post facility fee, specialist registration or booth fee).

C. *Stationery Storage Fee.* Provision has now been made for the storage of stationery supplies for use of floor members at a location off the floor, so as to eliminate the present space and cleaning problem which exists because of the storage of these supplied on the trading floor.

D. *Post Facility Fee.* This fee will be $250 per rack at the Post—the place used for storing limit orders—with the maximum of $2,500 per specialist unit. This fee will help defray the cost of new equipment installed at the Post in recent years and continuing maintenance costs.

E. *Clerks' Fees.* The fee for a Specialist Clerk has been unchanged at $120 per annum for some time and is used to defray the costs of maintaining records and providing photo identification and a storage locker for each clerk. In raising the fee to $180, the current fee charged for clerk jackets has been incorporated into it.

No fee is now charged for Telephone Clerks but the costs are similar to those for the Specialist Clerks, and a similar new fee has been set. There are some additional costs (photo badge and records) incurred when Relief Clerks are used by member firms to replace permanent clerks during absences. No fee has been charged for Relief Clerks up to now but a new fee of $60 per annum has been set.

The Exchange administration received the comments of Exchange members individually and through the Floor Brokers Association and Specialists Association which are organizations representing many of the members doing business on the Exchange Floor. The consensus of opinion was that in view of the increased costs of goods and services, the revised schedule of floor fees and charges represented an equitable allocation of such fees and charges among the persons using the Exchange's floor facilities.

The Exchange has determined that the proposed revision of floor fees and charges described above do not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 23, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 16, 1975.

[FR Doc.75-25283 Filed 9-22-75;8:45 am]

[Rel. No. 8938; 811-2067]

SHASTA FUND, INC.

Notice of Filing of Application

SEPTEMBER 17, 1975.

Notice is hereby given that Shasta Fund, Inc. ("Applicant"), 320 Main Street, Farmington, Connecticut 06032, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified management investment company, filed an application on August 8, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act by filing its Notification of Registration on Form N-8A on June 1, 1970. Thereafter, it filed a Registration Statement under the Act on Form N-8B-1 and a Registration Statement under the Securities Act of 1933 on Form S-5. Applicant's Registration Statement under the Securities Act of 1933 became effective on January 6, 1971 and shares of Applicant were publicly offered at that time.

In April, 1973 Applicant ceased offering its shares to the public. No public offering of Applicant's securities is now being made and no such offering is presently proposed for the future. As of June 30, 1975 Applicant had only 32 stockholders and net assets of $894.00.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 8, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25281 Filed 9-22-75;8:45 am]

[File Nos. 2-42878 (22-7035), 2-46845 (22-7447); Administrative Proceeding File No. 3-4723]

TRI-SOUTH MORTGAGE INVESTORS

Application and Opportunity of Hearing

SEPTEMBER 16, 1975.

Notice is hereby given that Tri-South Mortgage Investors (the "Trust") has filed an application under Clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of United States Trust Company of New York ("U.S. Trust") under two indentures heretofore qualified under the Act, is not so likely to involve a material conflict of interest or to make it necessary in the public interest or for the protection of investors to disqualify U.S. Trust from acting as trustee under any such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a con-

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flicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) Bankers Trust Company is presently acting as Trustee under an Indenture dated as of February 15, 1972 between Bankers Trust and the Trust pursuant to which $12,278,000 principal amount of 7% Convertible Senior Subordinated Debentures due 1992 (the "Convertible Debentures") were outstanding as of June 30, 1975.

(2) Chemical Bank is presently acting as trustee under an Indenture dated as of February 15, 1973 between Chemical Bank as Trustee and the Trust pursuant to which $25,000,000 principal amount of 7¾% Senior Subordinated Debentures due 1980 (the "7¾% Debentures") were outstanding as of June 30, 1975.

(3) The 1972 Indenture and the 1973 Indenture were qualified under the Trust Indenture Act as No. 22–7035 and No. 22–7447, respectively. Each Indenture contains the provision permitted by the provision of Section 310(b)(1) of the 1939 Act.

(4) Chemical Bank has notified the Trust that it will resign as Indenture Trustee under the 1973 Indenture. United States Trust Company of New York has agreed to act as successor Indenture Trustee thereunder. The resignation of Chemical Bank will become effective after (i) execution of the First Supplemental Indenture to the 1973 Indenture which will effect changes in such Indenture consented to by holders of in excess of 66⅔% principal amount of the 7¾% Debentures and (ii) execution of appropriate documentation by the Trust, U.S. Trust and Chemical Bank.

(5) Bankers Trust has notified the Trust of its intention to resign as Indenture Trustee under the 1972 Indenture and, subject to the receipt by the Trust of an affirmative order in respect of this application, U.S. Trust has agreed to act as successor Indenture Trustee thereunder.

(6) The 1972 Indenture and the 1973 Indenture are wholly unsecured and no Event of Default, as defined, has occurred under either such Indenture. Under the express terms of the 1972 Indenture and the 1973 Indenture, the Convertible Debentures for all purposes rank equally, pari passu, with the 7¾% Debentures.

(7) The terms of the 1972 Indenture and the 1973 Indenture vary as to interest rates, maturity, sinking fund requirements, redemption dates and redemption prices, convertibility and certain events of default. In addition there are certain differences in language and effect between the various covenants by the Trust contained in the 1972 and 1973 Indentures.

(8) The Convertible Debentures are subordinated to the Superior Indebtedness of the Trust, as defined in the 1972 Indenture, and the 7¾% Debentures are subordinated to the Senior Indebtedness of the Trust, as defined in the 1973 Indenture. The definition of Senior Indebtedness in the 1973 Indenture is equivalent to the definition of Superior Indebtedness in the 1972 Indenture, with the result that the 1972 Debentures and the 1973 Debentures are both subordinated to the same indebtedness of the Trust (such indebtedness being hereinafter referred to as "Superior Indebtedness").

(9) The 1972 Indenture and the 1973 Indenture each provide that no payment on account of principal (and, in the case of the Convertible Debentures, premium, if any, Mandatory Sinking Fund, or interest on the Convertible Debentures and the 7¾% Debentures, respectively, shall be made if there exists any default, or any condition, event or Act which with notice or lapse of time or both would constitute a default, under the Trust's Superior Indebtedness. The various agreements and instruments constituting the Trust's Superior Indebtedness, in turn, uniformly provide that any event of default or any event which with notice or lapse of time or both would constitute such an event of default, under any obligation for borrowed money of the Trust constitutes an event of default thereunder.

(10) For this reason, if the Trust should default on its obligations under the 1973 Indenture, it would be in default under Superior Indebtedness; by the terms of the 1972 Indenture, the Trust would then be precluded from making any payments of any kind on the Convertible Debentures, thereby causing a default under the 1972 Indenture at the time such payment were due (after the expiration of any grace period). Conversely, if the Trust should default on its obligations under the 1972 Indenture, it would be in default on its obligations under the 1972 Indenture, it would be in default under Superior Indebtedness; by the terms of the 1973 Indenture, the Trust would then be precluded from making any payments of any kind on the 7¾% Debentures, thereby causing a default under the 1973 Indenture at the time such payments were due (after the expiration of any grace period). (Because of the cross-default provisions contained in the 1973 Indenture, a default on the 7¾% Debentures might occur prior to the time such payments were due).

(11) The existence of the implicit cross-default provisions described in paragraphs 9 and 10 above have the effect that the occurrence of a default by the Trust under the terms of the 1973 Indenture will cause a default under the 1972 Indenture, whether or not the condition, act or event creating such default would otherwise be a default under the 1972 Indenture; and the occurrence of an event of default under the terms of the 1972 Indenture will cause a default under the 1973 Indenture, whether or not the condition, act or event creating such default would otherwise be a default under the 1973 Indenture. Thus there cannot realistically be either a race of diligence or a studied or inadvertent delay which, in either case, might result in holders of the Convertible Debentures being favored or prejudiced as against holders of the 7¾% Debentures.

(12) Such differences as exist between the 1972 Indenture and the 1973 Indenture are not so likely to involve U.S. Trust in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify U.S. Trust from acting as Indenture Trustee under both Indentures.

The Trust has waived notice of hearing, hearing, and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission with respect to this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which a public document on file in the Office of the Commission's Public Reference Section at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested persons, may, not later than October 10, 1975, request in writing that a hearing be held on such matters; stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time, after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–25232 Filed 9–22–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0107]

CERTIFIED GROCERS INVESTMENT CORP.

Notice of Application

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102 (1975)) by Certified Grocers Investment Corporation, 4800 South Central Avenue, Chicago, Illinois 60638 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and shareholders are:

Robert A. Korink, President and Director, 7547 Sequoia Court, Orland Park, Illinois 60462.

Chalmer F. Dunn, Secretary, Treasurer, and Director, 1315 East Rand Street, Hobart, Indiana 46342.

Paul D. Rudnick, Assistant Secretary, 933 Skokie Ridge Drive, Glencoe, Illinois 60022.

Gaston C. Armour, Sr., Director, 7639 South King Drive, Chicago, Illinois 60619.

Philip Schneider, Director, 3505 Lakeview, Hazel Crest, Illinois 60429.

Daniel Spann, Director, 9542 N. Le Mai Avenue, Lincolnwood, Illinois 60646.

Robert Von Wahlde, Director, 713 Louise Lane, Peotone, Illinois 60468.

Peter A. Zammuto, Director, 1803 Price Street, Rockford, Illinois 61103.

Certified Grocers of Illinois, Inc., 100 percent shareholder, 4800 South Central Avenue, Chicago, Illinois 60638.

Certified Grocers of Illinois, Inc. (Certified), is a voluntary cooperative association of retail grocers which was formed and presently operates to provide cooperative purchasing, processing and other services to its members.

It is proposed that while the Applicant's financing will primarily be in retail grocery stores which are owned and operated by members of the cooperative, consideration will also be given to applications for assistance submitted by any eligible small business concern. These members through their ownership of the cooperative are the beneficial owners of 100 percent of the Applicant's common stock. As such, they would be considered an "affiliated group" beneficially owning 10 percent or more of the Applicant's common stock. Therefore, the proposed financings to member retail grocers would be subject to the provisions of § 107.1004(b)(1) of the Regulations.

It is the intent of SBA to grant the Applicant a partial exemption from the restrictions of § 107.1004(b)(1) of the Regulations in order to make it possible to finance, and thus help advance the best interests of the small retail grocers. The partial exemption would extend only to the financial assistance provided to the small retail grocers who are members of the cooperative. Any financial assistance to other Associates of the Licensee would not be exempt and would fall within the purview of § 107.1004 of the Regulations.

Further, in view of its distinctive nature, as a voluntary cooperative association of small retail grocers operated for their mutual benefit, SBA intends to grant an exemption from § 107.1001(g) of the Regulations to permit members to use up to 100 percent of the proceeds of the Applicant's financings to purchase goods and/or services from Certified.

Matters involved in SBA's consideration of the application, in view of the particular circumstances involved, include (1) the general business reputation and character of the proposed owner and management, (2) the reasonable prospects for successful operation of the new company under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing action would be in furtherance of the purposes of the Act.

Notice is further given that any person may, not later than (15) days from the date of publication of this notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Chicago, Illinois.

Dated: September 11, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75–25851 Filed 9–22–75;8:45 am]

VETERANS ADMINISTRATION

HOME LOANS

Policies and Procedures Applicable to Condominiums

Notice is hereby given of the publication of clarifying information concerning Veterans Administration policies and procedures applicable to condominium loans pursuant to 38 U.S.C. 1810 as amended by section 3 (2) and (4) of Public Law 93–569 (88 Stat. 1863). DVB Circular 20–75–46 was printed in the notices section of the FEDERAL REGISTER of May 19, 1975 (40 FR 21794).

In order to obtain the views of the public, interested persons are invited to submit written comments, suggestions, data, or arguments to the Administrator of Veterans Affairs (264), 810 Vermont Ave. NW., Washington, D.C. 20420 before October 22, 1975. Material thus submitted will be evaluated and considered in any future revision. The following policy statement concerning title restrictions is effective immediately and will remain in effect until such time as the circular is amended.

Set forth below is change 1 to DVB Circular 20–75–46; "Policies and Procedures, Condominium Loans Under 38 U.S.C. 1810(a)(6), Public Law 93–569." The numbering system used is that of the change.

Dated: September 16, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

POLICIES AND PROCEDURES
CONDOMINIUM LOANS UNDER 38 U.S.C. 1810(a)(6), Public Law 93–569

1. Numerous questions have arisen about certain title restrictions in current use. Consequently, the requirements for condominium approval set forth in DVB Circular 20–75–46, paragraph 9b, have been reviewed.

2. The following statement of policy, applicable to both existing and proposed condominiums, is made to clarify VA condominium title requirements. Condominium projects in which the following restrictions exist against the individual unit owner's right to alienate or use and enjoy his/her unit will not be acceptable to the VA:

a. Right of first refusal unless such right is in strict conformity with VA Regulation 4850(B)(5) (38 CFR 36.4850(b)(5)).

b. Right of first refusal applicable to leasing a unit.

c. Right of prior approval of either a prospective purchaser or tenant.

d. Prohibition against leasing of a unit for a period in excess of 30 days.

3. Stations will issue releases consisting of paragraphs 1 and 2 above. Copies of such releases need not be sent to Central Office.

RUFUS H. WILSON,
Chief Benefits Director.

[FR Doc.75–25316 Filed 9–22–75;8:45 am]

DEPARTMENT OF LABOR

Labor-Management Services Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EMPLOYEE BENEFIT PLANS

Extension of Interim Exemption From Prohibitions on Securities Transactions With Certain Broker-Dealers, Reporting Dealers and Banks Until November 1, 1975

Notice is hereby given of an extension of the exemption granted under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) and section 4975(c)(2) of the Internal Revenue Code of 1954 (the Code), relating to certain securities transactions between employee benefit plans subject to Title I and Title II of the Act and certain broker-dealers, reporting dealers and banks.

On February 4, 1975, notice was published in the FEDERAL REGISTER (40 FR 5201) of the granting of an interim exemption for the period from January 1, 1975, to April 30, 1975, with respect to certain transactions between employee benefit plans and broker-dealers, reporting dealers and banks which provide services to such plans. By notices published in the FEDERAL REGISTER on April 23, 1975 (40 FR 17861) and June 9, 1975 (40 FR 24578) such interim exemption was extended to September 30, 1975.

The interim exemption currently in effect is based on a record which includes written comments submitted in response to notices published in the FEDERAL REGISTER on January 13, 1975 (40 FR 2483 and 2455) and April 23, 1975 (40 FR 17861), and the testimony at a public hearing held on January 21, 1975.

As indicated in these notices, the interim exemption was granted in order (1) to prevent the harm to employee benefit plans and to the interests in plans of participants and beneficiaries which, in all likelihood, would have resulted from the immediate and full application of all of the prohibited transactions provisions set forth in Title I and Title II of the Act, and (2) to afford all interested persons an opportunity to submit proposals for permanent exemptions relating to transactions between plans and

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certain broker-dealers, reporting dealers and banks, and to provide an opportunity for the Department of Labor (the Department) and the Internal Revenue Service (the Service) to consider such proposals.

On August 8, 1975, notice was published in the FEDERAL REGISTER of a proposal to grant permanent exemptions for certain classes of transactions involving employee benefit plans and certain broker-dealers, reporting dealers and banks (40 FR 33564), and of proposals to adopt regulations under the Act and the Code designed to clarify the definition of the term "fiduciary" set forth in section 3 (21) (A) of the Act and section 4975(e) (3) of the Code (40 FR 33560 and 33561). All interested persons were invited to submit written comments on these proposals by August 29, 1975, and to testify at a public hearing with respect to these proposals held on August 26, 1975.

In order to provide an opportunity for the Department and the Service to give full and careful consideration to the written comments and testimony received with respect to the proposals published on August 8, 1975, it has been found necessary to extend the interim exemption currently in effect through September 30, 1975, so that it will be effective for the period through October 31, 1975.

Accordingly, the interim exemption published on February 4, 1975 in the FEDERAL REGISTER (40 FR 5201, FR Doc. 75-3340), as extended through September 30, 1975 by notices published on April 23, 1975 and June 9, 1975 in the FEDERAL REGISTER (40 FR 17861, FR Doc. 75-10666 and 40 FR 24578, FR Doc. 75-15120), is hereby further extended through October 31, 1975 by changing the date "September 30, 1975" in paragraph (c) of the interim exemption to read "October 31, 1975" and by changing the date "October 1, 1975" in such paragraph (c) to read "November 1, 1975."

Signed at Washington, D.C. this 17th day of September, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.75-25270 Filed 9-18-75;1:12 pm]

Office of the Secretary

[TA-W-88]

CLAYTON SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-88; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 18, 1975 in response to a worker petition received on July 11, 1975 which was filed by the Boot and Shoe Workers Union on behalf of workers formerly producing women's footwear of Clayton Shoe Company, Corning, Arkansas, a wholly owned subsidiary of Johansen Brothers Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 31053) on July 24, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Clayton Shoe Company, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, the American Footwear Association and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment declined 9.4 percent in the last quarter of 1974 compared to the last quarter of 1973. Employment declined 19.1 percent in the first six months of 1975 compared to the first six months of 1974. Average weekly hours worked dropped 23 percent in the first six months of 1975 compared to the first six months of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by Johansen Brothers Shoe Company declined 36 percent in the first half of 1975 compared to the first half of 1974. Production at the Corning plant declined 44 percent in the first half of 1975 compared to the first half of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with those produced at Clayton Shoe increased from 167,000,000 pairs in 1970 to 189,000,000 pairs in 1974.

The ratios of imports to domestic consumption and production increased from 47.4 percent and 90.2 percent, respectively in 1972 to 52.4 percent and 110.0 percent, respectively in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of women's footwear at Clayton Shoe was caused by the increase of competitive imports.

Customers reduced or discontinued purchases of Johansen Shoes in favor of lower priced imports. Reduced sales of women's footwear by Johansen led to rapidly declining production at the Clayton Shoe Company in late 1974 and the first six months of 1975. The company responded to reduced sales and production both by reducing the workforce and by reducing hours of employment in the latter part of 1974 and the first half of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at the Clayton Shoe Company contributed importantly to the total or partial separation of the workers of the firm. In accordance with the provisions of the Act I make the following certification: "All hourly, salaried and piecework employees of Clayton Shoe Company, Corning, Arkansas who became totally or partially separated from employment on or after November 30, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 12th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation.

[FR Doc.75-25303 Filed 9-22-75;8:45 am]

[TA-W-142]

JOSLYN MANUFACTURING AND SUPPLY CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Joslyn Stainless Steel Division, Fort Wayne, Indiana of Joslyn Manufacturing and Supply Company, Chicago, Illinois (TA-W-142).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel for shapes, bars, hexs, rounds, and wires produced by Joslyn Manufacturing and Supply Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25304 Filed 9-22-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 862]

ASSIGNMENT OF HEARINGS

SEPTEMBER 18, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 141008 Air Transport, Inc. now being assigned December 8, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 102616 (Sub-No. 901), Coastal Tank Lines, Inc; MC 110525 (Sub-No. 1096), Chemical Leaman Tank Lines, Inc.; MC 128642 (Sub-No. 12), Skyline Transport, Inc; MC 113828 (Sub-No. 219), O'Boyle Tank Lines, Inc.; MC 30887 (Sub-No. 204), Shipley Transfer, Inc.; and MC 107403 (Sub-No. 901), Matlack, Inc., now being assigned November 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 108461 Sub-124, Whitfield Transportation, Inc., now being assigned December 2, 1975, (14 days), at Albuquerque, NM, in a hearing room to be later designated.

MC 138896 Sub-6, Ajax Transfer Company, now being assigned December 8, 1975, (2 weeks), at St. Paul, MN, in a hearing room to be later designated.

MC-F-12519, Al Zeffiro Transfer & Storage, Inc.—Purchase (portion)—Daily Express and MC 109067 Sub 16, Al Zeffiro Transfer & Storage, Inc., now assigned October 6, 1975 at Philadelphia, Pennsylvania; hearing canceled.

MC 136786 Sub-65, Robco Transportation, Inc., now assigned November 3, 1975 at Wichita, Kansas, is canceled and the application is dismissed.

MC 61592 Sub-335, Jenkins Truck Line, Inc., now assigned September 25, 1975, at New Orleans, La., is canceled and application is dismissed.

FF-347 Sub-1, Sal, Inc. now assigned November 5, 1975, at Chicago, Ill., is canceled and application is dismissed.

MC 107295 (Sub-No. 758), Pre-Fab Transit Co.; MC 112304 (Sub-No. 99), Ace Doran Hauling & Rigging Co.; and MC 123353 (Sub-No. 73), Boyle Brothers, Inc., now being assigned November 18, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119736 (Sub-No. 53), N.A.B. Trucking Co., Inc.; 139495 (Sub-No. 46), National Carriers, Inc.; and MC 140768, American Trans-Freight, Inc.; now being assigned December 2, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135518 Sub-3, Everett Trucking, Inc., application dismissed.

MC 140897 Sub-2, Morris Kreitz & Sons, application dismissed.

MC 113658 Sub-9, Scott Truck Line, Inc., now assigned November 17, 1975 at Denver, Colorado; will be held in Room 587, 5th Floor U.S. Federal Building & Courthouse, 19th & Stout Streets.

AB 9 Sub-4, St. Louis-San Francisco Railway Company Abandonment Between Parsons and Dennis, in Labette County, Kansas, now being assigned November 11, 1975, (2 days), at Parsons, Kansas, in a hearing room to be later designated.

MC 114273 Sub 229, Crst, Inc., now assigned November 4, 1975 at Denver, Colorado; will be held in Room 587, 5th Floor, U.S. Federal Building & Courthouse, 19th & Stout Streets.

MC 14092, Denver Trans-Corp., now assigned November 6, 1975 at Denver, Colorado; will be held in Room 587, 5th Floor U.S. Federal Building & Courthouse, 19th & Stout Streets.

MC 19227 Sub-208, Leonard Bros. Trucking Co., Inc., now assigned November 10, 1975 at Denver, Colorado; will be held in Room 587, 5th Floor, U.S. Federal Building & Courthouse, 19th & Stout Sts.

MC 113855 Sub-307, International Transports, Inc., now assigned November 11, 1975 at Denver, Colorado; will be held in Room 587 5th Floor, U.S. Federal Building & Courthouse, 19th & Stout Streets.

MC 123407 Sub 224, Sawyer Transport, Inc., and MC 124947 Sub-38, Machinery Transports, Inc., now assigned November 12, 1975 at Denver, Colorado; will be held in Room 587 5th Floor, U.S. Federal Building & Courthouse, 19th & Stout Streets.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25326 Filed 9-22-75;8:45 am]

[Notice No. 82]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 23, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 13, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75858. By order of September 17, 1975, the Motor Carrier Board approved the transfer to Jim C. Schlosser Trucking, Belle Fourche, South Dakota, of Permit Nos. MC 114654 (Sub-Nos. 1 and 2), issued April 13, 1974 and June 21, 1967, respectively, to Larson and Son, Inc., Belle Fouche, South Dakota, authorizing the transportation of bentonite, from, to, and between points in Montana, Wyoming and South Dakota. Robert A. Amundson, 215 W. Main Street, Lead, South Dakota 57754, representative of applicants.

No. MC-FC-75898. By order entered September 17, 1975, the Motor Carrier Board approved the transfer to Affiliated Van Lines, Inc., Lawton, Okla., of the operating rights set forth in Certificate No. MC 56383 (Sub-No. 10), issued October 1, 1957, to Kessell Transfer & Storage Co., Inc., Colorado Springs, Colorado, authorizing the transportation of household goods, between points in Oklahoma, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Kansas, and Texas. Charles J. Kimball, 646 Metropolitan Building, Denver, Colorado 80202, attorney for applicants.

No. MC-FC-76062. By order of September 17, 1975, the Motor Carrier Board approved the transfer to Jack L. Hodges, Oran, Mo., of the operating rights in Certificate No. MC 105566 (Sub-No. 18) issued April 26, 1971, to Sam Tanksley Trucking, Inc., Cape Girardeau, Mo., authorizing the transportation of clay products, from Oran, Mo., to points 28 named states and the District of Columbia. Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150, attorney for applicants.

No. MC-FC-76066. By order of September 16, 1975, the Motor Carrier Board

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approved the transfer to Taos Transportation Company, Inc., Ft. Stockton, Tex., of the Certificate of Registration in No. MC 121754 issued April 1, 1975, to Frank Bryan, Jr., doing business as Taos Transportation Company, Ft. Stockton, Tex., evidencing a right to engage in transportation by motor vehicle in interstate or foreign commerce corresponding in scope to certificates Nos. 2605–B, 2606–B, and 4409 issued October 30, 1964, by the Railroad Commission of Texas. Mike Cotten, P.O. Box 1148, Austin, Texas 78767, attorney for applicants.

No. MC–FC–76070. By order of September 16, 1975, the Motor Carrier Board approved the transfer to XYZ Corporation, Boulder, Colo., of License No. MC 12798 issued March 15, 1963, to Denver-Boulder Bus Company, a corporation, Denver, Colo., authorizing operations as a broker at Denver, Colo., in connection with the transportation by motor vehicle of passengers and their baggage, in special and charter operations, in round-trip all expense tours, beginning and ending at Denver, Colo., and extending to points in the United States, including Alaska and Hawaii. D. B. James, 1760 14th Street, Boulder, Colo. 80302, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–25327 Filed 9–22–75;8:45 am]

[NOTICE No. 83]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Bankers Dispatch Corp., MC–114533 Sub-No. 297	MC–114533 Sub-No. 297	Feb. 5, 1975
Florida Refrigerated Service Inc., MC–120543 Sub-No. 64	MC–120543 Sub-No. 63	Mar. 2, 1971
Florida Refrigerated Service Inc., MC–120543 Sub-No. 74	MC–120543 Sub-No. 73	Oct. 31, 1973
Florida Refrigerated Service Inc., MC–120543 Sub-No. 76	MC–107515 Sub-973	Aug. 13, 1975
D.b.a. C. Ruhlman Trucking Co., MC–125518 Sub-No. 2	MC–125518 Sub-No. 4	Dec. 11, 1974
Bacon Transport Co., MC–[illegible] Sub-No. 22	MC–134406 Sub-No. 25	July 7, 1975
Joseph C. Petraitis, MC–[illegible]	MC–136608 Sub-No. 1	Mar. 15, 1975
D. M. Bowman, Inc., MC–[illegible] Sub-10	MC–138438 Sub-No. 13	Aug. 19, 1975

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–25328 Filed 9–22–75;8:45 am]

[Ex Parte No. 241; Third Revised Exemption No. 90]

AKRON, CANTON & YOUNGSTOWN RAILROAD CO. ET AL.

Mandatory Car Service Rules; Exemption

To all railroads:

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", shall be exempted from the provisions of Car Service Rules 1, 2(a), and 2(b).

The Akron, Canton & Youngstown Railroad Company Reporting Marks: ACY
Atlanta & Saint Andrews Bay Railway Company Reporting Marks: ASAB
The Baltimore and Ohio Railroad Company Reporting Marks: BO
The Chesapeake and Ohio Railway Company Reporting Marks: CO–PM
Chicago & Eastern Illinois Railroad Company Reporting Marks: C&EI–CEI
Elgin, Joliet and Eastern Railway Company Reporting Marks: EJE
Illinois Terminal Railroad Company Reporting Marks: ITC
Missouri-Illinois Railroad Company Reporting Marks: MI
Missouri-Kansas-Texas Railroad Company Reporting Marks: BKTY–MKT
Missouri Pacific Railroad Company Reporting Marks: MP
Norfolk and Western Railway Company Reporting Marks: M&W–NKP–WAB
The Pittsburgh and Lake Erie Railroad Company Reporting Marks: P&LE
Raritan River Rail Road Company Reporting Marks: RR
Sacramento Northern Railway Reporting Marks: SN
SOO Line Railroad Company Reporting Marks: SOO
The Texas and Pacific Railway Company Reporting Marks: T&P
Tidewater Southern Railway Company Reporting Marks: TS
WCTU Railway Company Reporting Marks: WCTR
Western Maryland Railway Company, Reporting Marks: WM
Deleted: WP

Effective September 15, 1975.

Expires November 15, 1975.

Issued at Washington, D.C., September 10, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75–25329; Filed 9–22–75;8:45 am]

[AB 2 (Sub–No. 4)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment of Service

SEPTEMBER 19, 1975.

In the matter of Louisville and Nashville Railroad Company, abandonment between Paoli and French Lick in Orange County, Indiana.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Orange County, Ind., on or before October 3, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 11th day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated September 11, 1975, it has been determined that the 10 mile segment of the French Lick Branch of the Louisville and Nashville Railroad Company between Paoli and French Lick, all in Orange County, Ind., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the low volume of traffic handled in the past several years and the absence of development plans dependent upon continued rail service. Therefore,

associated environmental impacts are either absent or negligible. Additionally the West Baden Springs Hotel should not be affected by the proposed abandonment since salvage operations will be contained within the right-of-way and the site is located a quarter mile from the right-of-way corridor.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 18, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75–25330 Filed 9–22–75;8:45 am]

[EX PARTE NO. MC–37 (Sub–No. 2D)]

COMMERCIAL ZONES AND TERMINAL AREAS (MINNEAPOLIS-ST. PAUL, MINN., COMMERCIAL ZONE)

Petitioner: Gopher Smelting and Refinery Company.

Petitioner's Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118.

By petition filed June 10, 1975, the above-named petitioner requests that the Commission institute a rule-making proceeding for the purpose of redefining the limits of the Minneapolis-St. Paul commercial zone, which were most recently defined on December 24, 1969, in Commercial Zones and Terminal Areas, 110 M.C.C. 872, as modified by unprinted order of April 28, 1970. The present description of the Minneapolis-St. Paul commercial zone limits can be found at 49 CFR 1048.26. Petitioner desires to change the following pertinent portion of that definition:

• • • thence south along County Highway 63 to its junction with County Highway 63A, thence west along Highway 63A to its junction with Minnesota Highway 49, thence north along Minnesota Highway 49 to its junction with County Highway 28, thence west along County Highway 28 to its junction with Minnesota Highway 13 • • •

to read as follows:

• • • thence south along County Highway 63 to its junction with Minnesota Highway 49 and Wescott Road to its junction with Eirene Avenue, thence north on Eirene Avenue to its junction with County Road 28, thence west along County Road 28 to its junction with Minnesota Highway 13 • • •

Petitioner is directed to submit a detailed street map of the areas proposed for inclusion within the proposed commercial zone. The proposed action is not expected to significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with this Commission on or before November 15, 1975. A copy of each representation should be served upon petitioner's representative. Written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–25331 Filed 9–22–75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 18, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 3, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successfully filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 564 (Sub-E79), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan, on and west of U.S. Highway 41 and points in that part of the lower peninsula of Michigan, on and west of Michigan Highway 140, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E80), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82501, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and south of a line beginning at Lake Michigan and extending along U.S. Highway 10 to intersection with Michigan Highway 25, thence along Michigan Highway 25 to Port Huron, on the one hand, and, on the other, points in that part of Montana on and west of a line beginning at the Wyoming-Montana State line, extending along U.S. Highway 212 to intersection with U.S. Highway 312, thence along U.S. Highway 312 to intersection with Interstate Highway 94, thence along Interstate Highway 94 to intersection with Montana Highway 200–S, thence along Montana Highway 200–S to its intersection with Montana Highway 13, thence along Montana Highway 13 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E82), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan, on and west of U.S. Highway 41 and points in that part of the lower peninsula of Michigan, on and west of a line beginning at the Indiana-Michigan State line and extending along Michigan Highway 40 to intersection with U.S. Highway 31, thence along U.S. Highway 31 to Lake Michigan, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E83), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan, on and west of U.S. Highway 41 and points in that part of the lower peninsula of Michigan, on and west of Michigan Highway 140, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E84), filed June 4, 1974. Applicant: DUDLEY'S TRANS-

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CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan on and west of U.S. Highway 41, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E85), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the upper peninsular of Michigan and points in that part of Michigan on and west of U.S. Highway 31, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E86), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and south of a line beginning at Lake Michigan and extending along U.S. Highway 10 to intersection with Michigan Highway 25 and thence along Michigan Highway 25 to Port Huron, Mich., on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E87), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan on and west of U.S. Highway 41, and Decatur, Mich., on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E88), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the lower peninsula of Michigan and Sault St. Marie, Mich., on the one hand, and, on the other, points in that part of Oregon on and west of U.S. Highway 97 and points in Gilliam, Grant, Umatilla, Sherman, Wheeler, and Morrow Counties, Ore. The purpose of this filing is to eliminate the gateway of points in Illinois within 150 miles of Austin, Minn.; points in Montana, and Wenatchee, Wash.

No. MC 564 (Sub-E89), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and south of a line beginning at Lake Michigan and extending along U.S. Highway 10 to intersection with Michigan Highway 25, thence along Michigan Highway 25 to Port Huron, Mich., on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E90), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and south of Interstate Highway 94, on the one hand, and, on the other, Superior, Wis. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E91), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and west of U.S. Highway 41, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E92), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan on and west of U.S. Highway 41 and Decatur, Mich., on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E93), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the lower peninsula of Michigan, on the one hand, and, on the other, points in that part of Texas, on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 271 to intersection with Texas Highway 19, thence along Texas Highway 19 to intersection with U.S. Highway 67, thence along U.S. Highway 67 to intersection with Interstate Highway 35E, thence along Interstate Highway 35 E to intersection with U.S. Highway 77, thence along U.S. Highway 77 to intersection with U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Illinois, within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E94), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska, 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the upper peninsula of Michigan, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E95), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan on and west of U.S. Highway 41 and St. Joseph, Mich., on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 564 (Sub-E96), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan on and west of U.S. Highway 41, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 564 (Sub-E97), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska, 68501. Applicant's representative: Rolland C. Dudley

(same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Iowa on and east of U.S. Highway 61, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E99), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Wisconsin, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5 and points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E100), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Oklahoma, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to intersection with Interstate Highway 80, thence along Interstate Highway 80 to intersection with Interstate Highway 71, thence along Interstate Highway 71 to intersection with Interstate Highway 76, thence along Interstate Highway 76 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Illinois, within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E101), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Maryland, on the one hand, and, on the other, points in that part of Oklahoma on and west of Interstate Highway 35. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-102), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Maine, Massachusetts, Connecticut, Rhode Island, New York and New Hampshire, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Illinois, within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E103), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Indiana on and north of U.S. Highway 30, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5; points in Iowa within 150 miles of Austin, Minn.; and points in Illinois.

No. MC 564 (Sub-E104), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 83046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Interstate Highway 80, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E106), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between the District of Columbia, on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 75 to intersection with Interstate Highway 40 to Oklahoma City, Okla., thence along Interstate Highway 35 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E107), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Delaware, on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Arkansas-Oklahoma State line and extending along Interstate Highway 40 to intersection with U.S. Highway 69, thence along U.S. Highway 69 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E108), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Minnesota within 150 miles of Austin, Minnesota, on the one hand, and, on the other, points in Oklahoma (except points in Cimarron, Beaver and Texas Counties, Okla.) The purpose of this filing is to eliminate the gateways of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E109), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Oklahoma, on the one hand, and, on the other, points in that part of Pennsylvania, on, north and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 6 to intersection with the Pennsylvania Turnpike, N. E. Extension, thence along the Pennsylvania Turnpike, N.E. Extension, to intersection with Interstate Highway 276, thence along Interstate Highway 276 to the New Jersey-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E110), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in New Jersey, on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 69 to intersection with U.S. Highway 62, thence along

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U.S. Highway 62 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in Illinois, points in that part of Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E111), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between the District of Columbia, on the one hand, and, on the other, points in Oregon (except Malheur County, Ore.). The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn.; points in Montana, and Wenatchee, Wash.

No. MC 31600 (Sub-E15), filed June 4, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Massachusetts 02154. Applicant's representative: Marshall Kragen, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid commodities* (except milk and milk products, petroleum and petroleum products, asphalt and other bituminous products, and blackstrap molasses), in bulk, in tank vehicles, from points in New Hampshire, on and east of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 18 to junction U.S. Highway 3, to the New Hampshire-Massachusetts State line, to points in Connecticut on and south and west of a line beginning at the Connecticut-Rhode Island State line and extending along Connecticut Highway 2 to junction U.S. Highway 44, to junction Connecticut Highway 8, to the Connecticut-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 60014 (Sub-E135), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 1546. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, (1) between those points in Massachusetts within 35 miles of Boston, on the one hand, and on the other, points in Delaware, New Jersey, Pennsylvania, and Virginia (New York)*; (2) between points in Maine, on the one hand, and, on the other, points in Connecticut, and Rhode Island (points in Massachusetts within 35 miles of Boston)*; and (3) between those points in Maine north and west on a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202, to junction Maine Highway 4A, thence along Maine Highway 4A to junction Maine Highway 4, thence along Maine Highway 4 to junction Maine Highway 5, thence along Maine Highway 5 to junction Maine Highway 11, thence along Maine Highway 11 to junction Maine Highway 26, thence along Maine Highway 26 to junction Maine Highway 232 thence along Maine Highway 232 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 4, thence along Maine Highway 4 to junction Maine Highway 16, thence along Maine Highway 16 to junction Maine Highway 27, thence along Maine Highway 27 to the United States-Canada International Boundary line, on the one hand, and, on the other, those points in New Hampshire east and south on a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to junction New Hampshire Highway 101, thence along New Hampshire Highway 101 to junction New Hampshire Highway 101A, thence along New Hampshire Highway 101A to junction New Hampshire Highway 111, thence along New Hampshire Highway 111 to junction Interstate Highway 93, thence along Interstate Highway 93 to junction New Hampshire Highway 97, thence along New Hampshire Highway 97 to the New Hampshire-Massachusetts State line (points in Massachusetts within 35 miles of Boston)*; and Iron and steel articles, requiring special equipment, restricts so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, from points in Maine, Connecticut, and New Hampshire, to points in Alabama, Kentucky, Mississippi, and Tennessee (points in Massachusetts within 35 miles of Boston; Greenwich, Conn.; points in New York within 10 miles of Greenwich, Conn.; and Wheeling, W. Va.)* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 96605 (Sub-E1), filed May 10, 1974. Applicant: BULLET LINE, INC., 1501 Canal Street, Tacoma, Wash. 98402. Applicant's representative: R. A. Bullet (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, not including plywood. (a) between points in Grays Harbor County, Washington, on the one hand, and, on the other, points in Curry, Josephine, Jackson, Klamath, Lake, Harney, Malheur, Grant, Baker, Morrow, Umatilla, Union, Wallowa, Deschutes, and Cook Counties, Oreg. (b) between points in Thurston County, Wash., on the one hand, and, on the other, points in Morrow, Unatilla, Union, Wallowa, Baker, Grant, Wheeler, Crook, Lane (except those points located on Interstate Highway 5 north of Eugene, Oreg.), Deschutes, Malheur, Harney, Lake, Klamath, Jackson, Douglas, Josephine, Curry, and Coos Counties, Oreg., and Newport, Oreg. (c) between points in King County, Wash., on the one hand, and, on the other, points in Oregon. (d) between Chehalis, Lewis County, Wash., and points in Lewis County located on Interstate Highway 5 north of Chehalis, on the one hand, and, on the other, points in Umatilla, Union, Wallowa, Baker, Grant, Malheur, Harney, Lake, Klamath, Jackson, Josephine, Curry, and Coos Counties, Oreg. (e) between Morton, Lewis County, Wash., and points in Lewis County located on Washington Highway 7 north of Morton, on the one hand, and, on the other, points in Oregon except points in Hood River, Clackamas, Marion, Yamhill, Tillamook, Clatsop, Columbia, Washington, and Multnomah Counties, Oreg. (f) between Packwood, Lewis County, Wash., and points in Lewis County located on U.S. Highway 12 north of Packwood, on the one hand, and, on the other, points in Oregon. (g) between Randle, Glenoma, and Kosmos, Lewis County, Wash., on the one hand, and, on the other, Astoria, Oreg., and points in Oregon except points in Clatsop, Columbia, Washington, Multnomah, Clackamas, and Hood River Counties, Oregon. The purpose of this filing is to eliminate the gateway of points in Pierce County, Washington.

No. MC 102616 (Sub-No. E5), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (A) from points in New Castle County, Del., to points in Virginia on and south of U.S. Highway 50 and east of U.S. Highway 220, except points in Arlington, Fairfax, Prince William, Accomack, in Northampton Counties, and except Alexandria, Va., and points within 20 miles thereof; and (B) from points in Delaware on and north of Delaware Highway 8 to points in Virginia on and south of U.S. Highway 50, on and east of U.S. Highway 220, and on and west of Virginia Highway 123 and Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E21), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from Wilmington, Del., to points in Pennsylvania on, west and south of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 522 to junction U.S. Highway 30, to junction U.S. Highway 220 to junction Pennsylvania Highway 36, to junction Pennsylvania Highway 53, to junction U.S. Highway 422, to the Pennsylvania-Ohio State line, and to points in West Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 33 to

the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 102616 (Sub-No. E34), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Wilmington, Del., to points in Illinois, Indiana, Michigan, Ohio and Wisconsin, points in Alabama on and west of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 231 to junction Alabama Highway 79, to junction U.S. Highway 31, to junction U.S. Highway 22, to junction Alabama Highway 41 to the Florida-Alabama State line, and points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 42 to junction U.S. Highway 70S, to junction Tennessee Highway 55, to junction U.S. Alternate Highway 41, to junction U.S. Highway 64, to junction Tennessee Highway 97 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Pittsburgh, Pa., and Congo, W. Va.

No. MC 102616 (Sub-No. E36), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the District of Columbia, to points in Illinois, Kansas, Kentucky, the Upper Peninsula of Michigan, Mackinaw City, Mich., points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 42 to junction U.S. Highway 70S, to junction Tennessee Highway 55, to junction U.S. Alternate Highway 41, to junction U.S. Highway 64, to junction Tennessee Highway 97 to the Tennessee-Alabama State line, and points in Indiana south and west of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 19 to junction U.S. Highway 33, to junction U.S. Highway 24, to junction Indiana Highway 14 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va.

No. MC 102616 (Sub-No. E41), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the District of Columbia to points in Ohio, south and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to junction Ohio Highway 13, to junction U.S. Highway 33, to junction Ohio Highway 124 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in the Granville, W. Va. Commercial Zone which are on and east of U.S. Highway 119.

No. MC 102616 (Sub-No. E42), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the District of Columbia to points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 26, to junction Indiana Highway 67, to junction Indiana Highway 32, to junction Indiana Highway 37, to junction Indiana Highway 45, to junction Indiana Highway 54, to junction U.S. Highway 231 to the Indiana-Kentucky State line (except points on, north, and east of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 13 to junction U.S. Highway 24, to junction Indiana Highway 105, to junction Indiana Highway 124, to the Indiana-Ohio State line). The purpose of this filing is to eliminate the gateways of points in the Commercial Zone of Granville, W. Va., on and east of U.S. Highway 119, and Toledo, Ohio.

No. MC 102616 (Sub-No. E46), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (A) from points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 114 to junction Illinois Highway 1, to junction Illinois Highway 17, to junction Illinois Highway 89, to junction Illinois Highway 116, to junction Illinois Highway 29, to junction Illinois Highway 9 to the Illinois-Iowa State line, to points in Brooke, Hancock, and Marshall Counties, W. Va.; and (B) from points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 1, to junction Illinois Highway 17, to junction U.S. Highway 66, to junction Illinois Highway 9 to the Iowa-Illinois State line, to points in Hampshire and Marion Counties, W. Va. The purpose of this filing is to eliminate the gateways of Kalamazoo, Mich., and Akron, Ohio.

No. MC 102616 (Sub-No. E48), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Illinois on and north of U.S. Highway 30 to points in North Carolina on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateways of Kalamazoo, Mich., Columbus, Ohio, and South Charleston or Institute, W. Va.

No. MC 102616 (Sub-No. E56), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Chicago, Ill., to points in Rhode Island and points in Massachusetts on and east of Interstate Highway 91. The purpose of this filing is to eliminate the gateway of Midland, Mich.

No. MC 102616 (Sub-No. E71), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from the plantsite of U.S.S. Chemical Co., at Lemont, Ill., to points in Delaware, Maryland, New Jersey, points in Pennsylvania on and south of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 22 to junction U.S. Highway 522, to junction U.S. Highway 15, to the New York-Pennsylvania State line, and points in New York on, east and south of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 17, to junction New York Highway 30, to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Cuyahoga, Hamilton, Mahoning, Stark, Summit, or Trumbull Counties, Ohio, and the Allied Chemical Corp., plantsites near Moundsville, W. Va.

No. MC 102616 (Sub-No. E74), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid fertilizer solutions, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plantsite of Foster Grant Co., at Peru, Ill., to points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 65 to junction Kentucky Highway 61, to junction U.S. Highway 31E, to junction Kentucky Highway 90, to junction Kentucky Highway 163 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Huntington, Ind.

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No. MC 102616 (Sub-No. E77), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid fertilizer solutions, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plantsite of Foster Grant Co., at Peru, Ill., to points in Delaware, Maryland, New Jersey, and points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 14 to junction New York Highway 13, to junction U.S. Highway 11, to junction New York Highway 13 to Lake Ontario. The purpose of this filing is to eliminate the gateways of Cuyahoga, Hamilton, Mahoning, Stark, Summit, or Trumbull Counties, Ohio, and the Allied Chemical Co., plantsites near Moundsville, W. Va.

No. MC 102616 (Sub-No. E100), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (A) from points in Indiana on and west of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 39 to junction U.S. Highway 35, to junction Indiana Highway 1, to the Indiana-Ohio State line, to points in Hampshire County, W. Va.; (2) from points in Indiana on and south of U.S. Highway 50 and on and west of U.S. Highway 231, to points in Brooke, Marshall, and Hancock Counties, W. Va.; (C) from points in Indiana on, south, and west of a line beginning at Lake Michigan and extending along U.S. Highway 41 to junction U.S. Highway 52, to junction U.S. Highway 231, to junction U.S. Highway 136, to junction Indiana Highway 267, to junction Indiana Highway 144, to junction U.S. Highway 31, to junction Indiana Highway 7 to the Indiana-Kentucky State line, to points in Marion County, W. Va.; (D) from points in Indiana to points in Kanawha County, W. Va.; (E) from points in Indiana on and south of a line beginning at the Indiana-Kentucky State line and extending along Indiana Highway 256 to junction Indiana Highway 39, to junction U.S. Highway 50 to the Indiana-Illinois State line, to points in Monongalia County, W. Va.; (F) from points in Indiana on and south of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 50 to the Illinois-Indiana State line, to points in Pleasants County, W. Va.; and (G) from points in Indiana on, south, and west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to junction U.S. Highway 231, to junction Indiana Highway 46, to junction Indiana Highway 37, to junction U.S. Highway 50, to junction Indiana Highway 7, to the Indiana-Kentucky State line, to points in Wetzel County, W. Va. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va.

No. MC 102616 (Sub-No. E106), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Princeton, Ind., to points in Florida on and east of U.S. Highway 319, points in Louisiana on, south, and west of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 71 to junction U.S. Highway 190, to junction U.S. Highway 90, to the Louisiana-Mississippi State line, points in Mississippi on and south of U.S. Highway 90, points in Missouri on, north, and west of a line beginning at the Missouri-Arkansas State line and extending along Missouri Highway 5 to junction U.S. Highway 60, to junction U.S. Highway 63, to junction Missouri Highway 17, to junction U.S. Highway 54 to the Missouri-Illinois State line, points in North Carolina on and east of U.S. Highway 220, points in South Carolina on and east of U.S. Highway 301, points in Texas on, west, and south of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 259 to junction U.S. Highway 80, to the Texas-Louisiana State line (except points in Harris County), points in Virginia on and east of U.S. Highway 220, points in West Virginia on and north of U.S. Highway 50, Connecticut, District of Columbia, Delaware, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New Hampshire, New York, Oklahoma, Pennsylvania, Rhode Island, Vermont, Wisconsin, and those points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E113), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, restricted to petroleum products, in bulk, in tank vehicles, from the plantsite of Texas Eastern Transmission Corp., near Princeton, Ind., to points in New York on and north of a line beginning at the New York-Connecticut State line and extending along U.S. Highway 44 to junction U.S. Highway 87, to junction New York Highway 23, to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateways of Illiopolis, Ill., or points within 5 miles thereof, and Lewiston, Pa.

No. MC 102616 (Sub-No. E147), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Baltimore, Md., to points in Connecticut, Massachusetts, New Jersey, Rhode Island and points in New York, on, north, and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 63, to junction U.S. Alternate Highway 20, to junction U.S. Highway 62 to Lake Erie. The purpose of this filing is to eliminate the gateway of the plant site of Tidewater Oil Company Refinery at Delaware City, Del.

No. MC 102616 (Sub-No. E160), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Ludington and Bay City, Mich., to points in Wisconsin on and south of a line beginning at Lake Michigan and extending along Michigan Highway 29 to junction U.S. Highway 53, to junction Michigan Highway 35, to junction U.S. Highway 8 to the Wisconsin-Minnesota State line, and points in Iowa, Missouri and Minnesota. The purpose of this filing is to eliminate the gateways of Kalamazoo, Mich., and Chicago, Ill.

No. MC 102616 (Sub-No. E175), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Michigan (a) in the Commercial Zone of Detroit, (b) Lincoln Park, Ecorse, River Rouge, Wayne, Dearborn, Plymouth, Farmington, Southfield, Berkeley, Royal Oak, Pleasant Ridge, Ferndale, East Detroit, and Grosse Pointe Farms, (c) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 12, (i) to junction U.S. Highway 25 to Mount Clemens; (ii) to junction U.S. Highway 10, to junction Michigan Highway 150 to Rochester; (iii) to junction U.S. Highway 127 to Jackson; and (iv) to junction U.S. Highway 23 to Ann Arbor, (d) on a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 94 to junction U.S. Highway 12, (e) on a line beginning at junction U.S. Highway 94 (i) and U.S. Highway 31 and extending along U.S. Highway 31 to Niles; and (ii) and Michigan Highway 40 and extending along Michigan Highway 40 to Niles, (f) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 94 to junction Michigan Highway 78, to junction U.S. Highway 27, to junction Michigan Highway 43, to junction unnumbered highway, to junction U.S. Highway 96 to Detroit, (g) on a line beginning at Lansing and extending along Michigan Highway 78 to juction U.S. Highway 10 to Detroit, (h) on a line beginning at junction U.S. Highways 12 and 223 and extending along U.S. Highway 223 to junction U.S. Highway 24, to junction U.S. Highway 25 to Detroit, and Dundee, Mich., (i) on U.S. Highway 23 beginning at junction U.S. Highway 12 and extending to the Michigan-Ohio State line, and (j) on U.S. Highways 24 or 25 beginning at Detroit and extending to the Michigan-Ohio State line, to points in Delaware, Maryland, New Jersey, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 219 to junction U.S. Highway 22, to junction U.S. Highway 220, to junction Interstate Highway 80 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Akron, Ohio and the Allied Chemical Co., plant sites near Moundsville, W. Va.

No. MC 102616 (Sub-E430), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *chemicals*, in bulk, in tank vehicles, from Flint, Mich., to points in Illinois on and south of Illinois Highway 15 and on and west of Illinois Highway 37. The purpose of this filing is to eliminate the gateway of Toledo, Ohio and Kalamazoo, Michigan.

No. MC 102616 (Sub-E434), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from points in Illinois on and west of U.S. Highway 66 and on and north of U.S. Highway 36, to points in Allegheny, Butler, Beaver, Cambria, Fayette, and McKean Counties, Pa., and points in Mahoning, Summit, and Trumbull Counties, Ohio and points in Stark County, Ohio on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateways of Kalamazoo, Michigan and Akron, Ohio.

No. MC 102616 (Sub-E444), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Pennsylvania on and east of U.S. Highway 222 and on and south of U.S. Highway 30, to points in West Virginia on and west of U.S. Highway 219 and on and north of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-E447), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Michigan, (a) in the commercial zone of Detroit, (b) Lincoln Park, Ecorse, River Rouge, Wayne, Dearborn, Plymouth, Farmington, Southfield, Barkeley, Royal Oak, Pleasant Ridge, Ferndale, East Detroit, and Grosse Pointe Farms, (c) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 12, (i) to junction U.S. Highway 25 to Mount Clemens; (ii) to junction U.S. Highway 10, to junction Michigan Highway 150 to Rochester; (iii) to junction U.S. Highway 127 to Jackson; and (iv) to junction U.S. Highway 23 to Ann Arbor. (d) on a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 94 to junction U.S. Highway 12. (e) on a line beginning at junction U.S. Highway 94, (i) and U.S. Highway 31 and extending along U.S. Highway 31 to Niles; and (ii) and Michigan Highway 40 and extending along Michigan Highway 40 to Niles. (f) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 94 to junction Michigan Highway 78, to junction U.S. Highway 27, to junction Michigan Highway 43, to junction unnumbered highway, to junction U.S. Highway 96 to Detroit.

(g) on a line beginning at Lansing and extending along Michigan Highway 78 to junction U.S. Highway 10 to Detroit. (h) on a line beginning at junction U.S. Highways 12 and 223 and extending along U.S. Highway 223 to junction U.S. Highway 24, to junction U.S. Highway 25 to Detroit; and Dundee, Mich. (i) on U.S. Highway 23 beginning at junction U.S. Highway 12 and extending to the Michigan-Ohio State line. (j) on U.S. Highways 24 or 25 beginning at Detroit and extending to the Michigan-Ohio State line, to points in Pennsylvania on and south of Interstate Highway 78 and on and east of Interstate Highway 81, points in Vermont on and east of U.S. Highway 5 and on and north of U.S. Highway 2, points in New Jersey, points in New York on and south of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 30, to junction New York Highway 23 to the Massachusetts-New York State line, points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 501, to junction U.S. Highway 29 to the North Carolina-Virginia State line, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 62 to junction North Carolina Highway 87, to junction Interstate Highway 95, to North Carolina Highway 41 to the South Carolina-North Carolina State line, and points in New Hampshire on, east and south of a line beginning at the Maine-New Hampshire State line and extending along New Hampshire Highway 4 to junction New Hampshire Highway 9, to junction U.S. Highway 202 to junction Interstate Highway 93 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateway of Akron, Ohio, Pittsburgh, Pa., and Congo, W. Va.

No. MC 107002 (Sub-E341), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, as defined by the Commission, from Moundville, Ala., to points in Arkansas (Washington County, Miss.; or Greenville, Crupp, or Rogersiacy, Miss.; or Union County, Miss. and Memphis, Tenn.) *; and *petroleum products*, as defined by the Commission, which are embraced within liquid chemicals, from Moundville, Ala., to points in Arkansas (Louisville, Miss.) * The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107002 (Sub-E342), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Newport, Ark., to points in Alabama, Florida, Georgia, Mississippi, those in Tennessee on, south and east of a line beginning at the Tennessee-Missouri State line and extending along Tennessee Highway 20 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Tennessee Highway 5, thence along Tennessee Highway 5 to the Tennessee-Kentucky State line (Memphis, Tenn.) *, North Carolina, and South Carolina (Memphis, Tenn., and Fox, Ala.) * The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107107 (Sub E35), filed April 25, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW 42nd Avenue, P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: meats, meat products, and meat by-products, as defined by the Commission, (1) from those points in Texas on and south of U.S. Highway 62 (except those east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 281 to junction U.S. Highway 190, to the Texas-

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Louisiana State line), to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, North Carolina, Rhode Island, Virginia, those in New York south of New York Highway 7, those in Pennsylvania east of the Susquehanna River, and the District of Columbia; (2) from those points in Texas on and south of U.S. Highway 69 and north of U.S. Highway 62, to points in Connecticut, Delaware, Massachusetts, North Carolina, Rhode Island, those in Maryland on and east of U.S. Highway 1, those in Virginia on and east of U.S. Highway 29, and the District of Columbia; (3) from those points in Texas bounded by a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 281 to junction U.S. Highway 190, to the Louisiana-Texas State line, thence along the Louisiana-Texas State line to U.S. Highway 84, to junction U.S. Highway 259, to junction Texas Highway 64, to junction U.S. Highway 271, to the Texas-Oklahoma State line, thence along the Texas-Oklahoma State line, thence along the Texas-Oklahoma State line to point of beginning; (4) from points in Moore County, Tex., to points in Virginia and those in Wicomico County, Md.; and (5) from those points in Texas north and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 271 to junction U.S. Highway 84, to the Texas-Louisiana State line, to points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, those in North Carolina on and east of U.S. Highway 29, those in Virginia on and east of U.S. Highway 15, those in Maryland on and east of U.S. Highway 1, those in Pennsylvania east of the Susquehanna River, those in New York on and south of New York Highway 7, and the District of Columbia.

No. MC 107107 (Sub-E42), filed April 22, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: meat, meat products, meat by-products, as defined by the Commission, (1) from those points in Florida east of the Ochlochnee River, to points in Colorado, Kentucky, Louisiana (except those south and east of a line beginning at the Mississippi River and extending along U.S. Highway 84 to junction U.S. Highway 165, to junction Interstate Highway 10, to the Louisiana-Texas State line), Michigan, Tennessee, Texas and those in Mississippi on and north of U.S. Highway 80; (2) from those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along Florida Highway 53 to junction U.S. Highway 27, to junction Florida Highway 51, to the Gulf of Mexico, to points in Mississippi, Louisiana, and those in Alabama north of U.S. Highway 80; (3) from those points in Florida on and south of Florida Highway 50, to those points in South Carolina north of U.S. Highway 1; (4) from those points in Florida north of a line beginning at the Florida-Georgia State line and extending along Florida Highway 50 to junction U.S. Highway 441, to junction Florida Highway 100, to junction U.S. Highway 17, to junction Florida Highway 46, to junction U.S. Highway 1, to the Atlantic Ocean, to those points in South Carolina north of Interstate Highway 85, and those in North Carolina on and west of U.S. Highway 29; and (5) from those points in Florida east of a line beginning at the Florida-Georgia State line and extending along U.S. Highway 441 to junction Florida Highway 100, to junction U.S. Highway 17, to junction Florida Highway 46, to junction U.S. Highway 1, to the Atlantic Ocean, to those points in South Carolina on and west of Interstate Highway 85, and those in North Carolina on and west of U.S. Highway 221. The purpose of this filing is to eliminate the gateways of Sylvester and Tifton, Georgia.

No. MC 108119 (Sub E36), filed May 19, 1974. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Roger S. Bond (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *commodities*, which, because of size or weight, require special handling or the use of special equipment; (2) *Related parts, materials*, and *supplies* (not requiring special handling or the use of special equipment) when the transportation of such items is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling or the use of special equipment; and (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers, (A) between points in the Commercial Zone of Chicago, Ill., on the one hand, and, on the other, points in that part of Texas on and west of a line extending southerly from the Texas-Oklahoma State line along U.S. Highway 83 to junction Texas, thence southeasterly along Interstate Highway 10 to San Antonio, Tex., thence southerly along U.S. Highway 181 to the Gulf of Mexico at Corpus Christi, Texas; (B) between points in South Dakota on and east of U.S. Highway 81, (except Union County, South Dakota), on the one hand, and, on the other, points in Alabama on and east of a line extending northerly from the Alabama-Florida State line along U.S. Highway 231 to Montgomery, Alabama thence northwesterly along U.S. Highway 82 to the Alabama-Mississippi State line, Arizona, California, Connecticut, Delaware, District of Columbia, that part of Florida, on and east of Interstate Highway 75 extending northerly from St. Petersburg, Florida to Ocala, Florida, thence northwesterly along U.S. Highway 27 to the Florida-Georgia State line, Georgia, that part of Illinois on and east of a line extending northerly from the Illinois-Kentucky State line to Bloomington, Illinois, thence northwesterly along Interstate Highway 74 to the Illinois-Iowa State line, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan (Lower Peninsula), that part of Mississippi on and north of a line beginning at the Mississippi-Alabama State line and extending westerly along U.S. Highway 82 to Columbus, Mississippi, thence northerly along U.S. Highway 45 to Tupelo, Mississippi, thence northwesterly along U.S. Highway 78 to the Mississippi-Tennessee State line, that part of Montana on and west of a line extending northerly from the Montana-Wyoming State line along U.S. Highway 87 to its junction with Montana Highway 19, thence northerly along Montana Highway 19 to its junction with U.S. Highway 191, thence northerly along U.S. Highway 191 to its junction with Montana Highway 242 at Malta, Montana, thence northerly along Montana Highway 242 to the Montana-Canadian Border, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, that part of Tennessee, on and east of U.S. Highway 51, Utah, Vermont, Virginia, West Virginia, and that part of Wyoming on and west of a line extending northerly from the Wyoming-Colorado State line along Wyoming Highway 789 to Creston, Wyoming, thence easterly along Interstate Highway 80 to Rawlins, Wyoming, thence northerly along U.S. Highway 287 to Muddy Gap, Wyoming, thence northeasterly along Wyoming Highway 220 to Casper, Wyoming, thence northerly along U.S. Highway 87 to the Montana-Wyoming State line. The operations authorized herein are restricted against the transportation of farm machinery to or from Alabama, Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming. The purpose of this filing is to eliminate the gateway of Minnesota.

No. MC 108297 (Sub-No. E1), filed May 31, 1974. Applicant: FOX TRANSPORT SYSTEM, 21 South Fifth St., Philadelphia, Pa. 19106. Applicant's representative: Frederick W. Fox, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packing-house products and by-products*, including fresh meats, and packinghouse supplies and equipment, from Chester, Pa., and Atlantic City and Bridgeton, N.J., to Binghamton, N.Y. (Philadelphia, Pa.)°. (2) *Packing-house products and by-products*, including fresh meats, and packinghouse supplies and equipment (except commodities in bulk, and those requiring special equipment), from points in Delaware on and north of Delaware Highway 8, including Little Creek, Dover, and Pearson's Corner, Del., those in Maryland in Cecil County and in Baltimore and Hartford Counties on and east of U.S. Highway 1 and those in the District of Columbia to Binghamton, N.Y. (Philadelphia, Pa.)°. (3) *Packing-house products and by-products*, including fresh meats, as is dealt in by wholesale, retail, and chain grocery and food business houses, and *packing-house supplies and equipment* (restricted to shipments moving from, to, or between plants, warehouses, retail outlets or other facilities of grocery and food business houses), from points in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties, N.J., south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., those in Delaware on and north of U.S. Highway 40, and those in Pennsylvania east of the Susquehanna River and on and south of U.S. Highway 22 to Binghamton, N.Y. (Philadelphia or Bethlehem, Pa.)°.

(4) *Fruits, vegetables, farm products, poultry*, and *seafood*, from points in Delaware, those in New Jersey on and south of U.S. Highway 22, and those in Pennsylvania south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-Maryland State line to Binghamton, N.Y. (Bethlehem or Philadelphia, Pa.)°. (5) *Packing-house products and by-products*, including fresh meats, as are dealt in by retail grocery stores, and *packing-house supplies and equipment*, from points on and south of U.S. Highway 22 in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and points in Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J., within 30 miles of Phillipsburg, N.J., and Easton, Pa., to Binghamton, N.Y. (Bethlehem, Pa.)°. (6) *Packing-house products and by-products*, including fresh meats, and *packing-house supplies and equipment* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Philadelphia and Bethlehem, Pa., to points in that part of New York on, west, and north of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 7 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 73, thence along New York Highway 73 to junction New York Highway 9N, thence along New York Highway 9N to the New York-Vermont State line (Binghamton, N.Y.)°. (7) *Packing-house products and by-products*, including fresh meats, and *packing-house supplies and equipment*, from Syracuse, Hall, and Piermont, N.Y., to Philadelphia, Pa. (Easton or Scranton, Pa.)°. (8) *Packing-house products and by-products*, including fresh meats as is dealt in by wholesale, retail, and chain grocery and food business houses, and *packing-house supplies and equipment* (restricted to shipments moving from, to, or between plants, warehouses, retail outlets, or other facilities of grocery and food business houses), from Syracuse, Hall, and Piermont, N.Y., to points in Delaware on and north of U.S. Highway 40, and those in Pennsylvania east of the Susquehanna River and on and south of U.S. Highway 22 (Easton or Scranton, Pa.)°.

(9) *Packing-house products and by-products*, including fresh meats, and *packing-house products and equipment*, as are dealt in by retail grocery stores, from Syracuse, Hall, and Piermont, N.Y., to points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J., within 30 miles of Phillipsburg, N.J., and Easton, Pa. (Easton or Scranton, Pa.)°. (10) *Packing-house products and by-products*, including fresh meats, and *packing-house supplies and equipment*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Syracuse, Hall, and Piermont, N.Y., to points in Dauphin, Lancaster, Perry, and York Counties, Pa., Allegany, Baltimore, Carroll, Cecil, Frederick, Hartford, and Washington Counties, Md., Clarke and Frederick Counties, Va., and Berkeley and Jefferson Counties, W. Va. (restricted against service at Hershey, Elizabethtown, Mt. Joy, Lititz, and Milton, Pa., and points in their respective commercial zones) (Easton or Harrisburg or Scranton, Pa.)°. (11) *Packing-house products* and *by-products*, including fresh meats, and *packing-house supplies and equipment* (except commodities in bulk, and those requiring special equipment); (a) between Mahanoy City, Pottsville, Shenandoah, and Williamsport, Pa., on the one hand, and, on the other, points in New Jersey on and south of New Jersey Highway 33, and those in Delaware on and north of Delaware Highway 8; (b) between Allentown, Easton, Hazleton, Lehighton, Scranton, and Wilkes-Barre, Pa., on the one hand, and, on the other, points in New Jersey on and south of New Jersey Highway 70, those in Delaware on and north of Delaware Highway 8, those in Cecil County, Md., those in Baltimore and Harford Counties, Md., on and east of U.S. Highway 1, and those in the District of Columbia; and (c) between Harrisburg, Pottstown, and Reading, Pa., on the one hand, and, on the other, points in the New York commercial zone as defined by the Commission, and those in New Jersey on and south of a line beginning at the New York-New Jersey State line and extending along New Jersey Highway 3 to junction New Jersey Highway 21, thence along New Jersey Highway 21 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-New Jersey State line (Philadelphia, Pa.)°.

(12) *Packing-house products and by-products*, including fresh meats, as is dealt in by retail grocery stores, and *packing-house supplies and equipment*; (a) from Atlantic City and Bridgeton, N.J., to Richmond and Fredericksburg, Va., Washington, D.C., Baltimore, Md., Geneva, N.Y., and points in Pennsylvania on and east of U.S. Highway 15, and south of a line between Williamsport and Easton, Pa., in Lycoming, Northumberland, Montour, Columbia, Luzerne, Carbon, and Northampton Counties, Pa.; and (b) from Allentown, Easton, Hazelton, Lehighton, Scranton, and Wilkes-Barre, Pa., to Richmond and Fredericksburg, Va., Washington, D.C., Baltimore, Md., and Townsend, Del. (Philadelphia, Pa.)°. (13) *Packing-house products and by-products*, including fresh meats, as is dealt in by wholesale, retail, and chain grocery and food business houses, and *packing-house supplies and equipment* (restricted to shipments moving from, to, or between plants, warehouses, retail outlets, or other facilities of grocery and food business houses), between Williamsport, Pa., on the one hand, and, on the other, points in New Jersey in and south of Warren, Somerset, Middlesex, and Monmouth Counties, N.J., south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to High Point, N.J., and those in Delaware on and north of U.S. Highway 40 (Philadelphia, Pa.)°. (14) *Fruits, vegetables, farm products, poultry*, and *seafood*, from points in Delaware, and those in New Jersey on and south of New Jersey Highway 33 to Williamsport, Pa. (Philadelphia, Pa.)° (15) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles), from Allentown, Easton, Hazleton, Lehighton, Scranton, and Wilkes-Barre, Pa., and Atlantic City, N.J., to points in Arlington, Fairfax, and Loudoun Counties, Va., and points in Delaware (plant site and facilities of The Great Atlantic & Pacific Tea Co., Inc., at Fort Washington, Montgomery County, Pa.)°.

(16) *Packing-house products and by-products*, including fresh meats, and *packing-house supplies and equipment*, between Philadelphia, Pa., on the one hand, and, on the other, points on and north of U.S. Highway 22 in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J., all within 30 miles of Phillipsburg, N.J. (Allentown or Easton, Pa.)°. (17) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from Allentown, Easton, Hazleton, Lehighton, Scranton, and Wilkes-Barre, Pa., and Atlantic City, N.J., to points in Prince William County, Va. (Fort Washington, Montgomery County, Pa.)°. (18) *Packing-house products and by-products*, including fresh meats, and *packing-house supplies and*

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equipment (except commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Harrisburg, Reading, and Pottstown, Pa., on the one hand, and, on the other, points in that part of New York on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, those in the New York, N.Y., commercial zone as defined by the Commission, those in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y., and those in that part of New Jersey on and south of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 46 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Jersey-Pennsylvania State line (points in New Jersey)*. (19) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from Allentown and Easton, Pa., and Atlantic City, N.J., to points in Allegany, Garrett, and Washington Counties, Md. (Fort Washington, Pa.)*.

(20) *Canned goods*, and *such commodities* as are dealt in by retail grocery stores (except those of unusual value, and films, commodities in bulk, and those requiring special equipment), from points and places in the New York, N.Y., commercial zone, as defined by the Commission, and those in New Jersey on and east of U.S. Highway 1 to Richmond and Fredericksburg, Va., Washington, D.C., Baltimore, Md., Townsend, Del., points in Montour, Northumberland, Columbia, Schuylkill, Berks, Chester, Delaware, Lancaster, Lebanon, Dauphin, and York Counties, Pa. and those in Adams, Cumberland, Perry, Juniata, Snyder, Union, and Lycoming Counties, Pa. which are south and east of a line beginning at the Pennsylvania-New Jersey State line and extending through Easton and Hazleton, Pa., to Williamsport, Pa., thence along U.S. Highway 15 to the Pennsylvania-Maryland State line (restricted against service from Cape May County, N.J., to Townsend, Del.) (Philadelphia, Pa.)*. (21) *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment*, *materials*, and *supplies* used in the conduct of such business (restricted to shipments moving from, to, or between plants, warehouses, retail outlets, or other facilities of grocery and food business houses (except those of unusual value, films, commodities in bulk, and those requiring special equipment), between points in Delaware on and north of Delaware Highway 8 and on and south of U.S. Highway 40 and points in Cecil County, Md., and those in Baltimore and Harford Counties, Md., on and east of U.S. Highway 1, on the one hand, and, on the other, points in Delaware, Chester, Lancaster, Dauphin, Lebanon, Berks, Bucks, Montgomery, Lehigh, Schuylkill, Northumberland, Columbia, Luzerne, Carbon, Northampton, Monroe, Pike, Wayne, Lackawanna, Susquehanna, and Wyoming Counties, Pa., that are east and south of a line beginning at the Pennsylvania-Maryland State line and extending along the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to the Delaware Water Gap (Marcus Hook or Philadelphia, Pa.)*.

(22) *Fruits, vegetables, farm products, poultry*, and *seafood* (except commodities in bulk, and those requiring special equipment); (a) from points in Delaware on and south of Delaware Highway 8 to points in the New York, N.Y., commercial zone, as defined by the Commission, and points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 1–9, thence along U.S. Highway 1–9 to the New Jersey-New York State line and on and north of U.S. Highway 30 (Marcus Hook or Philadelphia, Pa.)*. (23) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles), from points in the New York, N.Y., commercial zone, as defined by the Commission, and those in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 1–9, thence along U.S. Highway 1–9 to the New Jersey-New York State line, and on and north of U.S. Highway 30 to points in that part of Maryland on and east of Interstate Highway 81, points in Arlington, Clarke, Fairfax, Frederick, and Loudoun Counties, Va., points in Berkeley and Jefferson Counties, W. Va., and points in Delaware (plant site and facilities of the Great Atlantic & Pacific Tea Co., Inc., at Fort Washington, Montgomery County, Pa.)*. (24) *Such commodities*, as are dealt in by retail grocery stores (except those of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, films, commodities in bulk, and those requiring special equipment), between Philadelphia, Pa., on the one hand, and, on the other, points in Carbon, Lehigh, Monroe, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Morris, Somerset, Sussex and Warren Counties, N.J., within 30 miles of Phillipsburg, N.J., and Easton, Pa. (New Hope, Pa., or Lambertville N.J.)*.

(25) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk, and those requiring special equipment), from points in New York, N.Y., commercial zone, as defined by the Commission, and those in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 1–9, thence along U.S. Highway 1–9 to the New Jersey-New York State line, and on and north of U.S. Highway 30, to points in Allegany, Garrett, and Washington Counties, Md. (Fort Washington, Pa.)*.

(26) *General commodities* (except those of unusual value, Classes A, B, and other dangerous explosives, household goods as defined by the Commission, in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467; films, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (a) between points in Cecil County, Md., those on and east of U.S. Highway 1 in Baltimore and Harford Counties, Md., and those in the District of Columbia, on the one hand, and, on the other, points on and east of Monroe, Ontario, Yates, Seneca, Tompkins, and Tioga Counties, N.Y., and points in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y.; and (b) betwen points in Delaware on and north of Delaware Highway 8, on the one hand, and, on the other, points in New York, and points in Connecticut in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y. (Camden, N.J.)*. (27) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk, and those requiring special equipment), from points and places in the New York, N.Y., commercial zone, and those in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 1–9, thence along U.S. Highway 1–9 to the New Jersey-New York State line, and on and north of U.S. Highway 30, on the one hand, and, on the other, points in Dauphin, Lancaster, Perry, and York Counties, Pa., points in Allegany, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., points in Clarke and Frederick Counties, Va., and points in Berkeley and Jefferson Counties, W. Va., restricted against service at Hershey; Elizabethtown, Mt. Joy, Lititz, and Milton, Pa., and points in their respective commercial zones (Philadelphia, Pa.)*. (29) *Canned goods*, and *such commodities* as are dealt in by retail grocery stores, from Baltimore, Md., to Binghamton, N.Y. (Bethlehem or Philadelphia, Pa.)*. (30) *Canned goods*, and *such commodities* as are dealt in by retail grocery stores, from Baltimore, Md., to points in Northhampton, Carbon, Luzerne, Wyoming, Susquehanna, Lackawanna, Wayne, Pike, and Monroe Counties, Pa., that are south of a line beginning at Nescopeck, Pa., and extending along the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap., Pa. (Lancaster, Oxford, or Philadelphia, Pa.)*. (31) *Fruits, vegetables, farm products, poultry*, and *seafood*, from points in Delaware to points in Carbon, Luzerne, and Monroe Counties, Pa., that are south of a line beginning at the Delaware River and extending through Easton and Hazleton, Pa., to Williamsport, Pa. (Philadelphia, Pa.)*.

(32) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles) which are dealt in by retail grocery stores, from Philadelphia, Pa., to points in that part of Maryland on and east of Interstate Highway 81, points in Arlington, Clarke, Fairfax, Frederick, and Loudoun Counties, Va., points in Berkeley and Jefferson Counties, W. Va., and points in Delaware on and south of Delaware Highway 8 (plant site and facilities of the Great Atlantic & Pacific Tea Co., Inc., at Fort Washington, Montgomery County, Pa.)*. (33) *Such commodities* as are dealt in by retail grocery stores, from Baltimore, Md., to points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J., all within 30 miles of Phillipsburg, N.J., and Easton, Pa. (Allentown or New Hope, Pa.)*. (34) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from Philadelphia, Pa. to points in Prince William County, Va. (Fort Washington, Montgomery County, Pa.)*. (35) *Canned goods*, and *such commodities* as are dealt in by retail grocery stores (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Baltimore, Md., to points in New York (except points in Chatauqua, Cattaragus, Alleghany, Steuben, Chemung, and Schuyler Counties, N.Y.), and points in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y. (Geneva, N.Y., or Phillipsburg, N.Y.)*. (36) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from Philadelphia, Pa., to points in Allegany, Garrett, and Washington Counties, Md. (Fort Washington, Pa.)*.

(37) *Canned goods*, and *such commodities as* are dealt in by retail grocery stores (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in New Jersey in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties, N.J., south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., those in Delaware on and north of U.S. Highway 40, and those in Pennsylvania in and east of Lancaster, Dauphin, Northumberland, Montour, Columbia, Luzerne, Wyoming, and Susquehanna Counties, Pa., restricted against service at Hershey, Elizabethtown, Mt. Joy, Lititz, and Milton, Pa., and their respective commercial zones (Towson, Md.)*. (38) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles), from points in Philadelphia, Buds, Montgomery, Lehigh, Northampton, and Monroe Counties, Pa., and points in New Jersey in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties that are south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., and, in and north of Burlington County, N.J., to points in that part of Maryland on and east of Interstate Highway 81, points in Arlington, Clarke, Fairfax, Frederick, and Loudon Counties, Va., points in Berkeley and Jefferson Counties, W. Va., and points in Delaware (plant site and facilities of the Great Atlantic & Pacific Tea Co., Inc., at Fort Washington, Montgomery County, Pa.)*. (39) *Such commodities* as are dealt in by retail grocery stores, between points in New Jersey in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties that are south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., those in Delaware on and north of U.S. Highway 40, and those in Lancaster, Dauphin, Northumberland, Montour, Columbia, Luzerne, Wyoming, and Susquehanna Counties, Pa., that are east and south of a line beginning at the Pennsylvania-Maryland State line and extending north and east along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porter's Lake to the Delaware Water Gap, Pa., on the one hand, and, on the other, points in Sussex, Warren, Morris, Somerset, and Hunterdon Counties, N.J., and Pike County, Pa., all within 30 miles of Phillipsburg, N.J., and Easton, Pa. (Clinton or Phillipsburg, N.J., or Easton or Stroudsburg, Pa.)*.

(40) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from points in Philadelphia, Bucks, Montgomery, Lehigh, Northampton, and Monroe Counties, Pa., and points in and south of Warren,. Hunterdon, Somerset, Middlesex, and Monmouth Counties, N.J., that are south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., to points in Prince Williams County, Va. [Fort Washington (Montgomery County), Pa.]*.

(41) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment*, *materials*, and *supplies* used in the conduct of such business restricted to shipments moving from, to, or between plants, warehouses, retail outlets or other facilities of grocery and food business houses (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Dauphin, Lebanon, Berks, and Lancaster Counties, Pa., on the one hand, and, on the other, points in New York in and east of Oswego, Onondaga, Cortland, and Delaware Counties, N.Y., and points in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y. (Delaware Water Gap or Phillipsburg or Trenton or Camden or Pennsville, N.J.)*.

(42) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from points in Philadelphia, Bucks, Montgomery, Lehigh, Northampton, and Monroe Counties, Pa., and points in New Jersey in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties, N.J., south of a line beginning at Phillipsburg and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., to points in Alleghany, Garrett, and Washington Counties, Md. (Fort Washington, Pa.)*.

(43) *Such commodities* as are dealt in by retail grocery stores (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Berks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., within 30 miles of Easton, Pa., on the one hand, and, on the other, points in New York, New Jersey, and Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y. (Delaware Water Gap or Belvidere or Phillipsburg or Frenchtown or Lambertville, N.J.)*.

(44) *Such commodities* as are dealt in by retail grocery stores, between points in Sussex, Warren, Morris, Somerset, and Hunterdon Counties, N.J., and Pike

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County, Pa., within 30 miles of Phillipsburg, N.J., and Easton, Pa., on the one hand, and, on the other, points in Dauphin, Lancaster, Perry, and York Counties, Pa., points in Allegheny, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., points in Clarke and Frederick Counties, Va., and points in Berkeley and Jefferson Counties, W. Va., restricted against service at Hershey, Elizabethtown, Mt. Joy, Lititz, and Milton, Pa., and points in their respective commercial zones (Lambertville, N.J., or Doylestown, or Bally, or Maxatawny, or Krumsville, Pa.)*.

(45) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), in vehicles equipped with mechanical refrigeration, between points in New York in and east of Oswego, Cayuga, Cortland, and Broome Counties, N.Y., those in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y., and those in New Jersey on and north of U.S. Highway 30, on the one hand, and, on the other, points in Dauphin, Lancaster, and York Counties, Pa., points in Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., points in Clarke and Frederick Counties, Va., and points in Berkeley and Jefferson Counties, W. Va., restricted against service at Hershey, Elizabethtown, Mt. Joy, Lititz, and Milton, Pa., and points in their respective commercial zones (Delaware Water Gap or Phillipsburg or Trenton or Camden or Pennsville, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 108341 (Sub-E2), filed May 13, 1974. Applicant: MOSS TRUCKING CO. INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast stone*, which because of size or weight require the use of special equipment, and *cast stone*, which because of size or weight does not require the use of special equipment, when transported as part of the same shipment with cast stone which because of size or weight require the use of special equipment, (1) from points in Florida to points in Indiana; (2) from points in Florida in and east of Leon and Wakulla Counties, to points in Arkansas, Illinois, Kentucky, Missouri, Tennessee, and those in Alabama on and north of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 78 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Georgia State line (except those in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties); (3) from points in that part of Florida west of Leon and Wakulla Counties, to points in that part of Kentucky on and east of U.S. Highway 41; (4) from points in that part of Florida east of the Suwanee River, to points in that part of Louisiana in and north of a line beginning at the Louisiana-Texas State line and extending along Louisiana Highway 6 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Louisiana-Mississippi State line, and those in Mississippi on and north of U.S. Highway 80.

(5) From points in that part of Florida on and east of a line beginning at the Gulf of Mexico and extending along Florida Highway 24 to junction Florida Highway 121, thence along Florida Highway 121 to the Florida-Georgia State line, to points in that part of Mississippi on and north of U.S. Highway 80; (6) from those points in Georgia on and east of U.S. Highway 29 and north of Interstate Highway 20, to those points in Alabama south of U.S. Highway 278 (except those in Dale, Geneva, Henry, Houston, Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint, Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties); (7) from those points in Georgia east of Interstate Highway 75 and south of Interstate Highway 20, to those points in Alabama north of U.S. Highway 278 (except those in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties); (8) from points in Georgia (except those north of Georgia Highway 6 and west of Georgia Highway 5) to points in Illinois and those in Arkansas on and north of U.S. Highway 79; (9) from points in Georgia (except those north of U.S. Highway 78 and west of U.S. Highway 19) to points in Indiana and Missouri; (10) from points in that part of Georgia on and south of U.S. Highway 78, to points in that part of Kentucky and Tennessee on and west of Interstate Highway 65; (11) from points in that part of Georgia on and east of a line beginning at the Georgia-North Carolina State line and extending along U.S. Highway 19 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean, to points in that part of Louisiana in and north of Avoylles, Concordia, Rapids and Vernon Counties, and those in Mississippi on and south of U.S. Highway 80.

(12) From those points in North Carolina on and east of North Carolina Highway 49 and south of U.S. Highway 64, to points in Arkansas (except those east of U.S. Highway 63), Louisiana, Mississippi, and Alabama (except points in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties). (13) from points in that part of North Carolina on and east of North Carolina Highway 18, to those points in Missouri on and west of U.S. Highway 63. (14) from points in South Carolina to points in Arkansas, Illinois (except those north of Interstate Highway 74), Louisiana, Mississippi, Missouri, and Alabama (except those in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties); (15) from points in that part of South Carolina east of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 20 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line, to points in that part of Tennessee on and west of Interstate Highway 65 and that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line; (16) from points in Virgina to points in Louisiana; (17) from those points in Virginia on and east of U.S. Highway 29 to points in Arkansas, Mississippi and Alabama (except those in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties); and (18) from those points in Virginia west of U.S. Highway 29, to those points in Arkansas on and south of U.S. Highway 82, those in Mississippi on and south of Mississippi Highway 8, and those in Alabama on and south of U.S. Highway 278 (except those in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties). The purpose of this filing is to eliminate the gateway of Peachtree City, Georgia.

No. MC 108341 (Sub-E9), filed May 13, 1974. Applicant: MOSS TRUCKING CO. INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *electric controllers and instruments*, requiring special equipment or special handling by reason of size or weight, and parts and attachments thereof, which are contractors' materials, supplies, and equipment, which because of size or weight do not require the use of special equipment, when moving in connection therewith, (1) from points in the District of Columbia to points in Alabama, Arizona, Arkansas, Colorado, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wyoming; (2) from points in Delaware to Alabama, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wyoming; (3) from points in Maryland to points in Alabama, Mississippi, Louisiana, Nebraska, New Mexico, Arizona, and Wyoming; (4) from points in that part of Maryland, east of U.S. Highway 522, to points in Arkansas, Colorado, Oklahoma, and Tennessee; (5) from points in that part of Maryland east of U.S. Highway 15, to points in Kansas, Kentucky, Missouri, Nebraska, North Dakota, and South Dakota; (6) from points in that part of Pennsylvania east of Susquehanna River to points in Alabama, Arizona, Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, Texas, and those in Kansas on and south of U.S. Highway 54.

(7) From points in New Jersey to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and those in Missouri on and south of Interstate Highway 70; (8) from points in New York east of New York Highway 14, to points in Alabama, Arizona, Louisiana, Mississippi, New Mexico, Texas, and those in Tennessee on and east of U.S. Highway 41; (9) from points in Rhode Island to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wyoming; (10) from points in Connecticut to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, Tennessee, Texas, and Wyoming; and, (11) from points in Massachusetts to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, Texas, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Virginia within the District of Columbia Commercial Zone, and Roanoke County, Virginia.

No. MC 108341 (Sub-E11), filed May 13, 1974. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *transformers and switches*, which because of size or weight require the use of special equipment, and *transformers and switches* other than those described above, when transported in mixed loads with shipments of transformers and switches requiring special equipment, (1) from points in Florida to points in Maine, New Hampshire, Vermont, Ohio, Michigan, those in Pennsylvania on, north and west of a line beginning at the Pennsylvania-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, and those in Tennessee on and east of U.S. Highway 127 (except those east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 25E to junction Tennessee Highway 32, thence along Tennessee Highway 32 to the Tennessee-North Carolina State line; (2) from points in that part of Florida on and west of a line beginning at the Georgia-Florida State line and extending along Florida Highway 121 to junction Florida Highway 100, thence along Florida Highway 100 to junction U.S. Highway 17, thence along U.S. Highway 17, to junction Florida Highway 44, thence along Florida Highway 44 to the Atlantic Ocean, to points in West Virginia.

(3) From points in that part of Florida west and south of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 75 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Florida Highway 60, thence along Florida Highway 60 to the Atlantic Ocean to those points in Pennsylvania west of Susquehanna River; (4) from points in Georgia (except those in Rabun County) to points in Michigan; (5) from points in that part of Georgia on and west of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 20 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Georgia-Florida State line to points in West Virginia; (6) from points in that part of Georgia on, south and west of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 20 to junction U.S. Highway 23 in Henry County, thence along U.S. Highway 23 to the Georgia-Florida State line, to points in Ohio; (7) from points in that part of Georgia on and west of a line beginning at the Georgia-North Carolina State line and extending along U.S. Highway 23 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Georgia-Florida State line, to points in Maine, New Hampshire, Vermont, and those in Pennsylvania west of the Susquehanna River; (8) from points in Georgia (except those in Catoosa, Chattooga, Dade, Dawson, Fanin, Gilmer, Habersham, Lumpkin, Murray, Pickens, Rabun, Stephen, Towns, Union, Walker, White, and Whitfield Counties), to points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 127 to junction Tennessee Highway 28, thence along Tennessee Highway 28 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Georgia-Alabama State line.

(9) From points in Georgia on, south and west of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 20 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line, to points in Tennessee; (10) from points in that part of South Carolina on and south of a line beginning at the South Carolina-Georgia State line and extending along South Carolina Highway 72 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, to points in Michigan; (11) from points in South Carolina to those points in Tennessee on and west of U.S. Highway 41; (12) from those points in North Carolina on and east of U.S. Highway 29, to those points in Tennessee on and west of U.S. Highway 41; and (13) from those points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-District of Columbia Boundary line, to those points in Tennessee on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of the plantsite of General Electric Company at or near Rome, Ga.

No. MC 113459 (Sub-E15), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies when moving in connection therewith, restricted to commodities which are transported on trailers, between points in Iowa on and east of U.S. Highway 61, on the one hand, and, on the other, points in Utah on and south of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 50 to junction Utah Highway 26 to junction U.S. Highway 91 to junction Interstate Highway 70 to the Utah-Colorado State line. The purpose of this filing is to eliminate the gateway of Sterling, Illinois.

No. MC 113459 (Sub-E20), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies when moving in connection

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therewith, restricted to commodities which are transported on trailer, between Malvern and Jones Mills, Ark., on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 224 to junction Interstate Highway 80S to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Sterling, Illinois.

No. MC 113459 (Sub-No. E39), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINES, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, except in connection with main or trunk pipelines, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, except in connection with main or trunk pipelines; between points in Nebraska, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Nebraska west of U.S. Highway 83 and points in Colorado east of U.S. Highway 87.

No. MC 113459 (Sub-E89), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors. Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies when moving in connection therewith, restricted to commodities which are transported on trailers, (1) between points in Louisiana, on the one hand, and, on the other, points in Missouri on and east of a line beginning at the Missouri-Iowa State line, and extending along U.S. Highway 63 to junction U.S. Highway 50 to junction Missouri Highway 47, to junction Missouri Highway 21 to junction Missouri Highway 8 to junction Missouri Highway 72, to junction Missouri Highway 51 to junction Missouri Highway 91, to junction U.S. Highway 61, to junction Missouri Highway 162, to the Missouri-Tennessee State line, and (2) between points in Missouri on and east of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 63 to junction U.S. Highway 50 to junction Missouri Highway 47 to junction Missouri 21 to junction Missouri Highway 8 to junction U.S. Highway 67 to junction Missouri Highway 72 to junction Missouri Highway 51 to junction Missouri Highway 91 to junction Missouri Highway 25 to junction Missouri 61 to junction Interstate Highway 55 to junction Missouri Highway 162 to the Missouri-Tennessee State line, on the one hand, and, on the other, points in Louisiana on and east of a line beginning at the Louisiana-Missouri State line, and extending along Louisiana Highway 139 to junction U.S. Highway 165 to junction U.S. Highway 167 to junction U.S. Highway 90 to junction Louisiana Highway 24 to junction Louisiana Highway 1 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 115331 (Sub E4), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Ill. 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *lime*, in bulk, (1) from Mosher and Ste. Genevieve, Mo., to points in Michigan, (points in Indiana in the Chicago, Ill. Commercial Zone)*, Oklahoma, Texas (except Houston and points in Texas within 50 miles), and those in Mississippi bounded by a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 20 to junction Mississippi Highway 27, to junction U.S. Highway 84, to the Mississippi-Louisiana State line, to the point of beginning, and those in Mississippi south and west of a line beginning at the Mississippi-Louisiana State line and extending along Mississippi Highway 26, to junction U.S. Highway 49, to the Gulf of Mexico (Limedale, Ark)*, those in Wisconsin east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 94, to junction U.S. Highway 53, to the Wisconsin-Minnesota State line, (points in Indiana within the Chicago, Ill. Commercial Zone)*, and those in Florida on and south of Florida Highway 40, (Limedale, Ark., and Roberta, Ala.)* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 115841 (Sub-No. E32), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Allentown, Pa., to points in Louisiana, Mississippi, and points in Arkansas on and south of a line beginning at the Mississippi-Arkansas State line and extending along U.S. Highway 49 to junction Interstate Highway 40, to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., Atlanta, Ga., and Birmingham, Ala.

No. MC 115841 (Sub-No. E228), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from Brundidge, Ala., to points in North Carolina and points in South Carolina (except points in Chesterfield and Marlboro Counties; (2) from Birmingham, Ala., to points in North Carolina, points in South Carolina (except points in Chesterfield and Marlboro Counties, S.C.), and points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 221, to junction Florida Highway 361, to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 115841 (Sub-No. E232), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Mississippi on and north of a line beginning at the Alabama-Mississippi State line and extending along Mississippi Highway 30 to junction Mississippi Highway 6, to junction unnumbered Mississippi Highway at Clarksdale, to the Mississippi-Arkansas State line, points in Missouri, Oklahoma, Texas, and those points in Kansas and Nebraska on and east of U.S. Highway 81, and points in Arkansas and Iowa. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., and points in Tennessee west of the Tennessee River.

No. MC 115841 (Sub-No. E251), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Arkansas, Iowa, points in Mississippi on, north, and west of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 72 to junction Mississippi Highway 7 to junction Mississippi Highway 6, to junction U.S. Highway 61, to junction Mississippi Highway 322 to the Mississippi-Arkansas State line, points in Missouri, Oklahoma, Texas, and those points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., and points in Tennessee west of the Tennessee River.

No. MC 115841 (Sub-No. E257), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, and frozen edible meat by-products*, as defined by the Commission, in vehicles equipped in mechanical refrigeration, from Atlanta, Ga., to points in Delaware, Maryland, West Virginia, the District of Columbia, and points in Virginia on, north, and west of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 11 to junction U.S. Highway 221, to junction U.S. Highway 29, to junction Virginia Highway 3, to junction U.S. Highway 17, to junction U.S. Highway 301, to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateways of Chattanooga and Knoxville, Tenn.

No. MC 115481 (Sub-No. E258), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Arkansas, Iowa, points in Mississippi on, north, and west of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 72 to junction Mississippi Highway 7 to junction Mississippi Highway 6, to junction U.S. Highway 61, to junction Mississippi Highway 322 to the Mississippi-Arkansas State line, points in Missouri, Oklahoma, Texas, and those points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., and points in Tennessee west of the Tennessee River.

No. MC 115841 (Sub-No. E259), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible dairy products*, in vehicles equipped with mechanical refrigeration, (1) from Dubuque, Iowa, to points in South Carolina on and east of South Carolina Highway 72 (except Chesterfield and Marlboro Counties), Atlanta, Ga., and points in Alabama on, south, and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction U.S. Highway 231, to junction U.S. Highway 29, to junction Alabama Highway 55, to the Alabama-Florida State line; (2) from Hannibal, Mo., to points in South Carolina (except Chesterfield and Marlboro Counties), on and east of South Carolina Highway 72, Wilmington, N.C., and Atlanta, Ga.; (3) from Joliet, Ill., to Atlanta, Ga., and Beaufort and Augusta, S.C.; (4) from Moline, Ill., to Wilmington, N.C., Atlanta, Ga., Dothan, Eufaula, Troy, Ozark, and Dadeville, Ala., points in Henry, Houston, Geneva, Dale, Coffee, and Barbour Counties, Ala., and points in South Carolina on and east of South Carolina Highway 72 (except Chesterfield and Marlboro Counties); and (5) from Chester and Cairo, Ill., to Beaufort, S.C. The purpose of this filing is to eliminate the gateways of Knoxville, and Chattanooga, Tenn., and Atlanta, Ga.

No. MC 115841 (Sub-No. E293), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, in vehicles equipped with mechanical refrigeration, (1) from points in Chautauqua County, N.Y., to points in Louisiana, points in Mississippi on and south of Interstate Highway 20, and points in Alabama on and south of U.S. Highway 82, and on and east of U.S. Highway 31; (2) from points in New York on and west of U.S. Highway 11, and on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction Interstate Highway 90, to the United States-Canada International Boundary line, to points in Louisiana (except Metairie and Shreveport), points in Mississippi, points in Alabama on and east of U.S. Highway 31, and points in Arkansas on and south of U.S. Highway 82; and (3) from points in New York on and east of U.S. Highway 11, to points in Louisiana, (except Metairie and Shreveport), points in Mississippi, points in Alabama on and east of U.S. Highway 31, and points in Arkansas on and south of U.S. Highway 82. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Birmingham or Brundige, Ala.

No. MC 115841 (Sub-No. E342), filed May 22, 1975. Applicant: COLONIAL REFRIGERATION TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats*, in vehicles equipped with mechanical refrigeration, from Roanoke, Va., to points in Arkansas on and south of U.S. Highway 82, points in Louisiana, and points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 278 to junction Mississippi Highway 8, to the Mississippi-Arkansas State line. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn., Atlata, Ga., and Birmingham, Ala.

No. MC 117344 (Sub-E24), filed August 20, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45125. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *vegetable oils*, in bulk, in tank vehicles, from those points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 421 to junction U.S. Highway 127, to junction U.S. Highway 150, to junction U.S. Highway 27, to the Kentucky-Tennessee State line, to points in Wisconsin, (Cincinnati, Ohio)*; and *refined vegetable oils*, in bulk, in tank vehicles, from those points in Kentucky on, south, and east of U.S. Highway 127, to points in Kansas (Cincinnati, Ohio, and the site of the Manufacturing plant of Mrs. Tucker's Foods, Division of Anderson Clayton Company, near Jacksonville, Ill.)* and those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 74 to junction U.S. Highway 36, to the Indiana-Illinois State line (Cincinnati and St. Bernard, Ohio)* and from those points in Kentucky on and east of U.S. Highway 25, to those points in Missouri on, north, and west of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 66 to junction U.S. Highway 65, to the Missouri-Arkansas State line. (Cincinnati, Ohio and the site of the Manufacturing plant of Mrs. Tucker's Foods, Division of Anderson Clayton Company, near Jacksonville, Illinois.)* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 117344 (Sub-E26), filed June 2, 1974. Applicant: MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: vegetable oils, in bulk, in tank vehicles, from those points in Illinois north of U.S. Highway 52 (except Chicago), to those points in New York on, east, and south of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 7, to the New York-Vermont State line, (Cincinnati, Ohio)*, those in Ohio on, south, and east of a line beginning at the Ohio-Kentucky State line and extending along Ohio Highway 4 to junction Interstate Highway 70, to the Ohio-West Virginia State line, (those points in Hamilton County, Ohio, within the Covington, Ky., Commercial Zone)*, and those in Pennsylvania on and south of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 522, to junction U.S. Highway 11 to the Pennsylvania-New York State line, (Cincinnati, Ohio)*; (2) from those points in Indiana bounded by a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 52 to junction U.S. Highway 31, to junction U.S. Highway 35, to junction U.S. Highway 6, to the Indiana-Illinois State line, to the point of beginning (except Indianapolis), to those points in New York on, east and south of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 7, to the New York-Vermont State line, (Cincinnati, Ohio)*, those in Ohio on and south of a line beginning at

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the Ohio-Kentucky State line and extending along U.S. Highway 22 to junction Interstate Highway 70, to the Ohio-West Virginia State line (points in Hamilton County, Ohio, within the Covington, Kentucky commercial zone) *, and those in Pennsylvania on and south of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 522, to junction U.S. Highway 11, to the Pennsylvania-New York State line, (Cincinnati, Ohio *; and (3) *soya bean oil*, from Chicago, Ill., to the destinations contained in (1) above. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 118831 Sub-E22), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, North Carolina 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *dimethyl terephthlate*, in bulk, from those points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 276 to junction North Carolina Highway 280, to junction North Carolina Highway 191, to junction U.S. Highway 25, to the North Carolina-Tennessee State line, to points in Arkansas, Missouri, and those in Illinois on and west of a line beginning at the Illinois-Missouri State line and extending along Interstate Highway 57 to junction U.S. Highway 150, to junction U.S. Highway 51, to junction U.S. Highway 52, to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Spartanburg County, S.C., and Robertson County, Tennessee.

No. MC 119641 (Sub-E9), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Agricultural machinery and parts from Davenport and Bettendorf, Iowa to points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line on U.S. Highway 270, thence east to U.S. Highway 70 to Little Rock, thence northeast on U.S. Highway 67 to the Missouri-Arkansas State line; points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 40 to junction Illinois Highway 127, thence along Illinois Highway 27 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction Illinois Highway 150, thence along Illinois Highway 150 to the Missouri-Illinois State line; points in Indiana on and south of a line beginning on the Indiana-Illinois State line and extending along U.S. Highway 36 to the Indiana-Ohio State line; points in Kentucky, Mississippi, and points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to Ohio Highway 151, thence along Ohio Highway 151 to the Ohio-West Virginia State line, and points in Tennessee. The purpose of this filing is to eliminate the gateway of Shelbyville, Illinois.

No. MC 119641 (Sub-E12), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Illinois 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* (except tractors with vehicle beds, bed frames or fifth wheels or those which because of size or weight require the use of special equipment and parts therefor, when transported in the same vehicle at the same time), from New Orleans, La., to points in Minnesota (except points in Minnesota north of U.S. Highway 2) on and north of a line beginning at the Minnesota and North Dakota State line and extending along U.S. Highway 10 to Minnesota Highway 210, thence along Minnesota Highway 210 to Minnesota Highway 25, thence along Minnesota Highway 25 to Minnesota Highway 95, thence along Minnesota Highway 95 to the Minnesota-Wisconsin State line and points in Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 8 to U.S. Highway 51, thence along U.S. Highway 51 to Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 160, thence along Wisconsin Highway 160 to the Wisconsin State line on Lake Michigan. The purpose of this filing is to eliminate the gateways of Springfield, Mo., and Shelbyville, Ill.

No. MC 119641 (Sub-E15), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from Greenville, Mississippi to points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 52 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wisconsin-Illinois State line, points in Minnesota on and north of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 14, to junction U.S. Highway 10, thence along U.S. Highway 10 to the North Dakota-Minnesota State line; points in New York, points in North Dakota on and north of U.S. Highway 52; points in Pennsylvania on and north of Interstate Highway 70; and points in Wisconsin on and north of a line beginning at the Illinois-Wisconsin State line and extending along Interstate Highway 90 to junction U.S. Highway 12 and 18, thence along U.S. Highway 12 and 18 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of North Judson, Indiana.

No. MC 119641 (Sub-E16), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Farm machinery, from Racine, Wisconsin, to points in Arkansas, points in Illinois on and south of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 67 to Illinois Highway 78, thence along Illinois Highway 78 to U.S. Highway 136, thence along U.S. Highway 136 to Illinois Highway 1, thence along Illinois Highway 1 to the Illinois-Indiana State line; points in Indiana on and west of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 64 to U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line; points in Kansas on and south of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 24, to the Kansas-Missouri State line; points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 41 to U.S. Highway 60, thence along U.S. Highway 60 to U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Kentucky State line; points in Mississippi; points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along Interstate Highway 70 to Missouri Highway 140, thence along Missouri Highway 140 to the Missouri-Illinois State line; and points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 231 to U.S. Highway 70, thence along U.S. Highway 70 to U.S. Highway 127, thence along U.S. Highway 127 to U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Illinois.

No. MC 119641 (Sub-E17), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* (not including tractor with vehicle beds, bed frames, or fifth wheels), attachments therefor when moving incidental to and in the same vehicle with said tractors and parts, from Charles City, Iowa, to points in Arkansas on and east of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line; points in Illinois on and south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 66 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line, points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. highway 36, thence along U.S. Highway 36 to the Indiana-Ohio State line; points in Kentucky, Mississippi, points in Missouri on and east of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to the Missouri-Illinois State line; points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Ohio Highway 150, thence along Ohio Highway 150 to Steubenville, Ohio; and points in Tennessee. The purpose of this filing is to elminate the gateway of Shelbyville, Illinois.

No. MC 119641 (Sub-E20), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes: transporting: *Roofing and roofing material* from Lockland, Ohio, to points in Iowa within one mile of the Mississippi River from Mediapolis, Iowa to the Iowa-Minnesota State line; and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Whiting, Indiana.

No. MC 119641 (Sub-E23), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportating: *Composition building slabs*, loose or individually packaged from Post Newark, N.J., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of North Judson, Indiana.

No. MC 119641 (Sub-E24), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building slabs*, loose or individually packaged, from Carteret, N.J., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of North Judson, Indiana.

No. MC 119641 (Sub-E25), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Strip steel*, from New Castle, Pa., to points in Illinois, Iowa, Missouri, and points in Minnesota on and south of a line beginning at the Minnesota-South Dakota State line and extending along Minnesota Highway 23 to junction Minnesota Highway 48, and thence along Minnesota Highway 48 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Komo, Indiana.

No. MC 119641 (Sub-E26), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Alabama, Mississippi and Tennessee, to Bettendorf and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of Rock Island, Moline, East Moline, Silvis, Carbon Cliff, and Milan, Illinois.

No. MC 119641 (Sub-E27), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except Plywood and Veneer), from Saratoga, Warren, Hamilton, Essex and that portion of Herkimer County, New York on and north of New York Highway 287 to Bettendorf and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of Rock Island, Moline, Silvis, Carbon Cliff, and Milan, Illinois.

No. MC 119641 (Sub-E28), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *compostion building slabs*, loose or individually packaged, from Edgewater, New Jersey, to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC 119641 (Sub-E29), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard and Composition board* from Covington, Tennessee to Bettendorf and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of Rock Island, Moline, East Moline, Siluis, Carbon Cliff, and Milan, Illinois.

No. MC 119641 (Sub-E30), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition building slabs*, loose or individually packaged from Florence, Kentucky to points in Kansas on and north of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 54 thence along U.S. Highway 54 to Pratt, Kansas, thence along Kansas Highway 61 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 18, thence along Kansas Highway 18 to junction Kansas Highway 13, thence along Kansas Highway 13 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Kansas-Missouri State line; points in the Upper Peninsula of Michigan; points in Minnesota, Nebraska, North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of North Judson, Indiana.

No. MC 119641 (Sub-E38), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. BOX 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Indianapolis, Ind., to points in Iowa; and points in Missouri west of U.S. Highway 67 from Festus, Mo., to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Champaign and Vermilion Counties, Ill.

No. MC 119641 (Sub-E39), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* (except truck tractors), moving on motor vehicle equipment other than flat bed trailers, from Baltimore, Md., to points in Arkansas, points in that portion of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 60 to junction U.S. Highway 641, thence along U.S. Highway 641 to junction Kentucky Highway 94, thence along Kentucky Highway 94 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Kentucky-Tennessee State line, points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 61 to Greenville, Mississippi; points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 45W to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Illinois.

Applicant: RINGLE EXPRESS, INC., Route 1, Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractor* (not including tractors with vehicle beds, bed frames, or fifth wheels), and *attachments* therefore when transported in the same vehicle at the same time, from Detroit, Mich., to points in Arkansas, points in that portion of Illinois south and west of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 130, thence along Illinois Highway 130 to

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junction Illinois Highway 1, thence along Illinois Highway 1 to the Illinois-Indiana State line, points in that portion of Iowa on and south of Iowa Highway 2, to points in Kansas, points in Kentucky on and west of U.S. Highway 641, points in Mississippi, Missouri, points in Nebraska on and south of Nebraska Highway 2, and points in that portion of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 641 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub-No. E42), filed May 9, 1974. Applicant: RINGEL EXPRESS, INC. Route 1, Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Insulating and insulating materials*, from Joliet, Ill., to points in Iowa (except points within one mile of the Mississippi River) on and east of a line beginning at Middletown, Iowa and extending along U.S. Highway 34 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Iowa-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Lowell, Ind.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25325 Filed 9-22-75;8:45 am]

federal register

TUESDAY, SEPTEMBER 23, 1975

PART II:

FEDERAL HOME LOAN BANK BOARD

SAVINGS AND LOAN ASSOCIATIONS

Conflicts of Interest

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FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545, 561 and 563]

[No. 75-863]

SAVINGS AND LOAN ASSOCIATIONS

Conflicts of Interest

SEPTEMBER 15, 1975.

The following summary of the amendments proposed by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations. The ways in which the amendments proposed by this resolution differ from present regulations and from the amendments proposed in November, 1974, are discussed in the text of this preamble, which follows the summary. A number of these proposed amendments contain phase-in provisions.

I. GENERAL

A. The amendments proposed by this resolution would be applicable to all insured institutions.

B. Generally, the non-regulatory controls presently in effect would be stated in regulatory form, with allowances for phasing-in. Some of these requirements would be strengthened while others would be liberalized or eliminated.

C. The regulations presently applicable to Federal associations are generally limited, and a result of this proposal would be that the scope and rigor of such regulations would be generally extended. Federal regulations would be revoked to the extent they are inconsistent or redundant.

D. The regulations presently applicable to State-chartered insured institutions are more limited than those applicable to Federals, and the scope and rigor of these regulations thus would also be extended.

II. NEW INSURANCE REGULATIONS §§ 561.29, 561.30, 561.31 AND 561.32: DEFINITIONS

A. *Affiliated person.* An affiliated person of an insured institution is:

1. Any director, officer or controlling person (defined by § 561.28) of such institution;

2. A spouse of any director, officer or controlling person of such institution; and

3. A corporation, partnership or trust in which any of the persons in (1) or (2) has an equity or income beneficiary interest which exceeds 10 percent individually or 15 percent collectively.

B. *Immediate family.* A person's immediate family means:

1. Such person's spouse, father, mother, children, brothers, sisters and grandchildren;

2. The father, mother, brothers and sisters of such person's spouse; and

3. The spouse of a child, brother or sister of such person.

C. *Director.* The term "director" means any director, trustee or other person performing similar functions.

D. *Officer.* The term "officer" means the chairman of the board, the president, any vice president, (other than a second vice-president, assistant vice-president or other vice-president having similar authority) the secretary, the treasurer, the comptroller, and any other person performing similar functions.

III. NEW INSURANCE REGULATION § 563.33: DIRECTORS, OFFICERS AND EMPLOYEES

A. Sets forth restrictions concerning composition of boards of directors of insured institutions. Full compliance would be required by 1978 annual meeting. Existing directors could not assume new relationships which violates these restrictions. New directors could not be elected in violation of these restrictions. Director restrictions are:

1. A majority to live or work in institution's normal lending territory;

2. Not more than 2 (or ⅓ whichever is less) to be officers or employees of institution or an affiliate (affiliate defined in terms of 25% voting rights). This limitation does not apply to one director elected in connection with each merger until the third annual meeting after such merger, if the director was an officer or employee of the disappearing institution;

3. Not more than 2 (or ⅓, whichever is less) to be members of same immediate family;

4. Not more than 1 to be attorney with same law firm; and

5. Not more than 2 (or ⅓, whichever is less) to be directors of other financial institutions or their affiliates. Exceptions for full-time salaried officers and employees of insured institution and its affiliates, and for directors of other financial institutions and their affiliates if neither the financial institution nor any financial institution affiliate thereof has an office in any county or standard metropolitan statistical area in which the insured institution has an office. Not more than 1 to be director of same other financial institution or affiliate. None to be officers or employees of other financial institutions or affiliates. Exception to all restrictions in (5) for a financial institution and its affiliates if financial institution is an affiliate of the insured institution.

B. Precludes officers of insured institutions from being officers or employees of any other financial institution or its affiliates unless the financial institution is an affiliate of the insured institution. Same compliance provisions as for directors in A above.

C. Prohibits use of employees of an insured institution or its service corporation affiliates (defined in terms of at least 50% ownership) to do work for affiliated persons without compensation to such institution or service corporation.

D. Prohibits clearly excessive compensation to directors, officers and controlling persons of an insured institution and service corporation affiliates thereof by such institution or service corporation affiliate. Guidelines for determining clearly excessive compensation are provided.

IV. REVISED INSURANCE REGULATIONS 563.34: SELECTION OF DEPOSITORY

A. Revised regulation would prohibit an insured institution from establishing or maintaining a depository relationship with a depository with which such institution has an "interlock" unless approved in writing by the Corporation. Existing interlocks would not be not affected until 1978 annual meeting.

B. An "interlock" exists whenever a depository is an affiliated person of the insured institution, or any affiliated person of the institution is a director or officer of the depository or of an affiliate of the depository.

V. REVISED INSURANCE REGULATION § 563.35: RESTRICTIONS INVOLVING LOAN SERVICES

A. No insured institution could make a loan on condition that the borrower contract with any specific person or organization for the following:

1. Insurance services (as an agent, broker or underwriter), except insurance or guarantee provided by a government agency;

2. Building materials or construction services;

3. Legal services rendered to the borrower; or

4. Services of a real estate agent or broker.

B. Insured institutions would have to notify home borrowers ("home" defined in § 541.10-2 as 1-4 family dwelling) at or prior to commitment of their right to select person or organization rendering insurance services. However, an institution could refuse to make a loan if it believed on reasonable grounds that insurance services provided by person or organization selected by borrower would afford the institution insufficient protection.

C. An insured institution could require home borrowers to reimburse the institution for legal services rendered to the institution by its attorney, or to directly pay for such services, only if:

1. The fee was limited to legal services attributable to such loan;

2. Such fee was supported by a statement prepared by or on behalf of the attorney which described the legal services performed, set forth the time spent, and disclosed the hourly rate or other basis for determining the fee; and

3. After 1978 annual meeting, neither such attorney nor any attorney in his law firm was an affiliated person of such institution.

(D) After 1978 annual meeting, a home borrower could be required to reimburse the institution for appraisal services, or to directly pay for such services, only if neither the appraiser nor any appraiser in his firm was an affiliated person of such institution.

E. Exception from (C) and (D) for persons acting as attorneys and appraisers who are full-time salaried officers or employees of the institution, and do not receive additional compensation for such services.

VI. NEW INSURANCE REGULATION § 563.40: PAYMENT OF FEES TO AFFILIATED PERSONS

A. Prohibits affiliated persons of an insured institution from receiving, directly or indirectly, a loan procurement fee from the institution or any service corporation affiliate thereof.

B. Applies the kickback and unearned fee prohibitions in sec. 8 of the Real Estate Settlement Procedures Act of 1974 (RESPA) to all loans by insured institutions and their service corporation affiliates secured by real property, whether or not covered by RESPA. (RESPA generally covers only 1-4 family loans.)

VII. NEW INSURANCE REGULATION § 563.41: TRANSACTIONS WITH AFFILIATED PERSONS INVOLVING REAL PROPERTY

A. Prohibits insured institutions and their service corporation affiliates from purchasing from, jointly owning with, selling to or leasing from an affiliated person of such institution any interest in real property.

B. Exception for existing joint ownerships and office building leases. Existing office building leases cannot be renewed without Corporation approval. Renewals extending beyond January 1, 1980 require stricter approval standards.

VIII. NEW INSURANCE REGULATION § 563.42: OFFICE FACILITIES

A. Requires insured institutions to have independent principal and branch office quarters. Existing leases involving affiliated persons could not be renewed without Corporation approval. Renewals extending beyond January 1, 1980 require stricter approval standards.

B. Institutions not required to have quarters independent of affiliates.

IX. NEW INSURANCE REGULATION § 563.43: LOANS AND LOAN-RELATED TRANSACTIONS INVOLVING AFFILIATED PERSONS

A. Prohibits insured institutions and their service corporation affiliates from engaging in loan and other transactions with affiliated persons. Exceptions for the following types of loans:

1. Loans secured by a single-family dwelling owned and occupied as the borrower's principal dwelling place;

2. Loans for construction, adding to, improving, altering, repairing, equipping or furnishing a single-family dwelling owned and occupied as the borrower's principal dwelling place;

3. Loans secured by a mobile home owned and occupied as the borrower's principal dwelling place;

4. Loans secured by savings accounts maintained by the affiliated persons at the institution;

5. Loans for the payment of educational expenses; and

6. Consumer loans.

B. Prohibits insured institutions and their service corporation affiliates from engaging in the following types of transactions with third persons:

1. Making to or purchasing from third persons loans which are secured by property acquired directly from an affiliated person;

a. Exception from purchasing restriction for loans purchased through secondary market, such as FHLMC;

2. Making or purchasing loans secured by property in which an affiliated person has a security interest;

3. Accepting securities of an affiliated person as loan collateral;

4. Maintaining compensating balances with respect to a loan by a third party to an affiliated person; and

5. Guarantees or take-out commitments with respect to a loan by a third party to an affiliated person.

X. NEW INSURANCE REGULATION § 563.45: DISCLOSURE

A. Requires insured institutions to prepare a statement as of a date within 120 days before each annual meeting covering the preceding 12-month period, entitled "Statement of Transactions Involving Affiliated Persons", beginning with first annual meeting occurring twelve months after the effective date of the regulation. Three copies of each such statement to be filed with Supervisory Agent.

B. An insured institution would have to either (1) mail a copy of such statement to persons having voting rights in such institution at least 20 days prior to each annual meeting, (2) mail a notice by such date that such statement is available upon request at its principal and each branch office or by mail, or (3) have copies of such statement available on or near the counter where savings account deposit and withdrawal forms are kept at each such office for 20 days prior to each annual meeting, and post a conspicuous notice that copies of such statement are available.

C. Notwithstanding B above, an insured institution which mails a written notice of its annual meeting to persons having voting rights in such institution would have to include with such notice either (1) a copy of such statement, or (2) a notice that a copy of such statement is available upon request at the principal office and each branch office or by mail.

D. An insured institution would also have to promptly provide a copy of its most recent and two previous statements to persons having voting rights in such institution upon request.

E. All copies of statements required by B, C and D above would have to be provided without charge.

F. A "Statement of Transactions Involving Affiliated Persons" would have to contain information concerning loan transactions of the insured institution or any service corporation affiliate during the 12 month period covered by the statement as follows:

1. Loans aggregating more than $10,000 which were knowingly made to an affiliated person or any business entity in which an affiliated person was an officer or partner;

2. Loans in connection with which the institution or service corporation had knowledge that such an affiliated person or business entity received fees or other payments aggregating more than $10,000 for acting in one or more of the following capacities: as attorney for such institution or service corporation, appraiser, escrow agent, insurance agent/broker, real estate agent/broker, supplier of title examination or abstract services, or underwriter of title or other required insurance; and

3. Loans in connection with which the institution had knowledge that such an affiliated person or business entity received fees or other payments aggregating more than $10,000 for acting as a builder, building materials supplier or building subcontractor.

G. With respect to F.1. above, the statement would have to contain (1) the name of each such person and entity, (2) a brief summary of the loan transactions, including dollar amounts and interest rates, and (3) a description of such person's affiliation with the institution.

H. With respect to F.2. above, the statement would have to contain (1) the name of each such person and entity, (2) the aggregate fees or other compensation received by such person or entity, (3) the capacity or type of services rendered for which payments were received, (4) a description of such person's affiliation with the institution, and (5) in the case of attorneys, appraisers and escrow agents, the portion of the fees received by such person or entity in relation to total fees received for such services on all loan transactions.

I. with respect to F.3. above, the statement would have to contain (1) the name of each such person and entity, (2) the capacity and type of goods or services furnished for which payments were received, (3) the aggregate payments received by each such person or entity, and (4) a description of such person's affiliation with the institution.

J. As used in § 563.45, the term affiliated person would include the immediate families of directors, officers and controlling persons, and business entities in which immediate family members have a minimum ownership interest.

By Resolution No. 74-1219, dated November 22, 1974, the Board proposed to amend Parts 561 and 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 561 and 563) and Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) in order to regulate conflicts of interest more effectively by preventing unsafe and unsound practices. The proposal sought to accomplish this objective by restricting various types of conflict of interest practices and conditions which the Board believes are unsafe of unsound or inconsistent with economical home financing. These proposed amendments were published in the FEDERAL REGISTER on December 5, 1974 (39 FR 42382-91), for public comment until January 21, 1975. The Board subsequently extended the public comment period until February 20, 1975 (Board Resolution No. 74-1416; December 30, 1974), and notice of this extension was published in the FEDERAL REGISTER on January 6, 1975 (40

V 40 185 SEP 2375 XUM

FR 1076–77). In furtherance of the objective set forth above, the Board considers it desirable to issue a revised proposal in this area.

The amendments to Parts 561 and 563 (12 CFR Parts 561 and 563) proposed by this resolution would add ten new sections thereto and revise four existing sections thereof. The amendments to Part 545 (12 CFR Part 545) would revise seven sections thereof by revoking certain provisions in these sections to the extent that such provisions would be rendered inconsistent or redundant by the amendments to Parts 561 and 563. These conforming amendments to Part 545 will be necessary because Federal savings and loan associations are presently circumscribed in their ability to engage in some of the practices to which the proposed amendments to Parts 561 and 563 would apply different restrictions with respect to all insured institutions.

Some of these proposed amendments to Parts 561 and 563 are inconsistent with the Conditions of Insurance and Agreements for Operating Policies pursuant to which some insured institutions presently operate. In addition, some institutions are operating pursuant to Conditions of Insurance and Agreements for Operating Policies which the Board has tentatively concluded, in conjunction with proposing these amendments, are unnecessary. These provisions of Conditions of Insurance and Agreements for Operating Policies which the Board has tentatively concluded are unnecessary are discussed in this preamble as they occur). The Board plans to revise its standard Conditions of Insurance and Agreement for Operating Policies to eliminate these inconsistent and unnecessary provisions, in conjunction with this proposal. These revised standard Conditions of Insurance and Agreement for Operating Policies would be used in conjunction with applications for insurance of accounts and Federal charters filed after the adoption of the amendments proposed by this resolution. However, the Board considers it both cumbersome and superfluous to amend the Conditions of Insurance and Agreements for Operating Policies of institutions which are presently insured because all insured institutions have agreed to abide by Board regulations. Therefore, unless the amendments proposed by this resolution specify otherwise with respect to a particular regulation, no insured institution would need to continue to comply after adoption of these proposed amendments, with a Condition of Insurance or a provision of its Agreement for Operating Policies (1) which is inconsistent with such amendments, or (2) which corresponds to a provision which the Board, in conjunction with adopting such amendments, decides not to adopt.

Some of the regulations proposed by this resolution would have delayed effective dates. The purpose of these phase-in provisions is to permit existing practices to continue until a specified date in order to ensure that the new restrictions adopted by this resolution do not disrupt the orderly operation of insured institutions.

The amendments proposed by this resolution do not contain a number of the provisions contained in the November, 1974 proposal. Instead, the present proposal contains a new § 563.45, captioned *Disclosure*. This new section, which is discussed in detail under Part IIE of this preamble, generally replaces several proposed provisions which would have prohibited or restricted certain practices and relationships. The Board believes that some of the situations addressed by these proposed prohibitions and restrictions appear to be more appropriate for regulation by disclosure, but the Board may determine to impose additional restrictions or prohibitions if the disclosure provisions proposed by this resolution do not satisfactorily remedy certain past abuses with respect to insider transactions and relationships. The Board also believes that other regulations concerning disclosure, in addition to new § 563.45, may be desirable and the Board may propose such additional regulations at a later time.

In order to facilitate understanding of this complex set of proposed amendments, each proposed new and revised Insurance Regulation will be explained separately. The affected Federal Regulations will be discussed in connection with each such explanation. As an additional aid to the reader, related amendments are discussed together under the following four headings: (I) *Restrictions Concerning Composition of Boards of Directors, Officers and Other Related Matters;* (II) *Restrictions Concerning Affiliated Persons;* (III) *Restrictions Concerning Office Facilities;* and (IV) *Restrictions Concerning Loan Services.*

I. Restrictions Concerning Composition of Boards of Directors, Officers and Other Related Matters

A. New § 563.33: *Directors, officers and employees.*

Section 563.33(a) would define four terms for use in § 563.33. The term "financial institution" would be defined to mean "any savings and loan association, building and loan association, homestead association, cooperative bank, mutual savings bank, commercial bank or trust company." The definition has been clarified to exclude the Federal Home Loan Banks. An "affiliate" of any financial institution would be defined to mean "any person or company which controls, is controlled by or is under common control with, such financial institution." A person or company would be deemed to have control of an entity "if such person or company directly or indirectly or acting in concert with one or more other persons or companies, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 25 percent of the voting shares or rights of such entity; or controls in any manner the election or appointment of a majority of the directors of such entity; or is a general partner in or has contributed more than 25 percent of the capital of such entity." The term "service corporation affiliate" would have the meaning given to it by §§ 561.25, captioned *Affiliate*, 561.26, captioned *Service corporation*, and 561.27, captioned *Service corporation affiliate*. Thus, the term "service corporation affiliate", as used in § 563.33 (and elsewhere in the Insurance Regulations), would refer to a service corporation which is at least 50 percent owned by an insured institution, while an "affiliate" of a financial institution would refer to an entity which is at least 25 percent owned by such institution or its holding company parent, either directly or indirectly. A "service corporation affiliate" therefore would also be an "affiliate" of a financial institution unless specifically excepted.

Presently, the Board has no regulations concerning the composition of boards of directors of insured institutions; controls in this area are imposed through Conditions of Insurance and Agreements for Operating Policies. Section 563.33(b) of the November, 1974 proposal would have established ten regulatory limitations on the composition of insured institution boards of directors. The amendments proposed by this resolution involve a number of changes in these earlier proposed limitations, and these changes are discussed in connection with each of the limitations proposed in November, 1974.

First, § 563.33(b)(1) of the November, 1974 proposal would have required the board of directors of an insured institution to be composed of at least seven persons. Upon reconsideration, the Board has tentatively considered that it is unnecessary to impose this type of requirement, and the amendments proposed by this resolution therefore contain no such requirement. Thus, for example, a Federal association having Charter N, K or K(rev.) could have a board of directors with as few as five members. Elimination of this requirement has necessitated technical changes in some of the other limitations which would imposed by § 563.33(b), and these changes are discussed as they occur.

Second, proposed § 563.33(b)(2) of the November, 1974 proposal would have required that a majority of the directors of an insured institution live or work in one or more of the communities served by the institution. Although this requirement would have been a liberalization of the present standard Conditions of Insurance and Agreement for Operating Policies—which require a majority to both live and work in the community served by the institution, with the remainder either living or working in such community—the Board believes that the amendment proposed in November, 1974 might have unduly constrained the ability of some insured institutions in some parts of the country to obtain competent directors having diverse backgrounds. On the other hand, the Board believes that the maintenance of local thrift institutions continues to be a sound and very important concept. Proposed § 563.33(b)(2) has been modified in an attempt to balance these two concerns

by providing that a majority of the directors of an insured institution must live or work in the institution's normal lending territory. For most insured institutions, the term "normal lending territory" means the State in which an institution's principal office is located, plus any territory outside such State which is within a 100 mile radius of the principal office. This requirement concerning the geographical source of an insured institution's directors, which was proposed in November, 1974 as § 563.33(b)(2), is designated as § 563.33(b)(1).

Third, proposed § 563.33(b)(3) of the November, 1974 proposal would have provided that not more than one-third of the directors of an insured institution may be salaried officers or employees of such institution or an affiliate of such institution. This proposed one-third limitation has been revised to permit a maximum of either two or one-third, whichever is less, of the salaried officers and employees of an institution and its affiliates to be directors of that institution. This change would produce the same result as the November, 1974 proposal with respect to institutions having six, seven or eight directors. With respect to institutions having more than eight directors, the Board does not believe that the existence of a larger board necessitates the presence of additional salaried officers or employees on that board. With respect to institutions having fewer than six directors (which was not permitted under the November, 1974 proposal), permitting two salaried officers or employees to be directors could result in boards dominated by an institution's management. The purpose of a board of directors in all types of businesses is to provide independent oversight of management, and the Board believes that the "lesser of two or one-third" limitation should help to ensure that this independent oversight can occur in institutions having fewer than six directors.

The above-described revision of the proposed limitation on salaried officers and employees contains an exception in order to provide flexibility in connection with mergers. This exception would permit an institution to add an additional salaried officer or employee to its board in connection with each merger until its third annual meeting after such merger. Such additional officer or employee would have to have been an officer or employee of the disappearing institution.

The limitation concerning salaried officers and employees, which was designated as § 563.33(b)(3), in the November, 1974 proposal is now designated as § 563.33(b)(2). In connection with the revision of this limitation, it should be noted that the definition of the term "officer" in the November, 1974 proposal has been revised to include only the chairman of the board, the president, any vice-president, (other than a second vice-president, assistant vice-president, or any other vice-president having authority similar to a second or assistant vice-president), the secretary, the treasurer, the comptroller, and any other person performing similar functions. This proposed revision of the term "officer" is discussed in Part IIA of this preamble.

Fourth, § 563.33(b)(4) of the November, 1974 proposal would have provided that not more than one-third of the directors of an insured institution could be significantly engaged (other than through an affiliate of such institution) in a business materially engaged in certain designated activities. The activities set forth in the proposal were: underwriting, reinsuring, agency or brokerage services involving homeowners', credit life, credit health and accident, private mortgage or title insurance; consumer finance company activities; mobile home manufacturing or sales; building materials or supply sales; real estate development or investment; building construction; real estate sales; property management; mortgage banking; appraisals; escrow, abstract or deed of trust services; and legal services performed by attorneys regularly serving such insured institution as attorneys-at-law. Section 563.33(b)(4) of the November, 1974 proposal would also have provided that a director would be deemed to be significantly engaged in a business if the director was a salaried officer or employee, or general partner of, or had directly or indirectly a 10 percent or more equity or beneficial interest in, such business.

The amendments proposed by this resolution do not contain a limitation of the type proposed in § 563.33(b)(4). As discussed in the introductory portion of this preamble, the Board generally believes that situations involving affiliated persons having interests of the type listed above appear to be more appropriately regulated by disclosure, and the disclosure provision proposed by this resolution—§ 563.45—is discussed in Part IIE of this preamble. In addition, the November, 1974 proposal might have unduly restricted the ability of some institutions to obtain directors having the requisite expertise and business experience.

Fifth, § 563.33(b)(5) of the November, 1974 proposal would have provided that a majority of the directors of an insured institution shall be persons other than (1) those enumerated in proposed § 563.33(b)(3) and (4) thereof (insider officers and employees, and those engaged in certain businesses), and (2) those who are directors of certain other financial institutions or their affiliates. The effect of § 563.33(b)(5) of the November, 1974 proposal would have been to require a majority of the board of directors of an insured institution to be persons of basically independent judgment.

As discussed in the introductory portion of this preamble and in connection with § 563.33(b)(4) of the November, 1974 proposal, the Board generally believes that situations concerning directors having certain outside business interests appear to be more appropriately regulated by disclosure. Directors having such interests were included in the description of those who would not be considered independent for purposes of § 563.33(b)(5) of the November, 1974 proposal, and an effect of the elimination of proposed § 563.33(b)(4) is that proposed §563.33(b)(5) is no longer workable. The amendments proposed by this resolution therefore do not contain a provision of the § 563.33(b)(5) type. While the Board continues to believe that a majority of the directors of an insured institution should be persons of basically independent judgment, the Board believes that the amendments proposed by this resolution (including new § 563.45), together with subsequent amendments concerning disclosure, should help to ensure the existence of basically independent boards, and that it is therefore not presently necessary to consider a regulatory limitation of the type set forth in § 563.33(b)(5) of the November, 1974 proposal.

Sixth, proposed § 563.33(b)(6) of the November, 1974 proposal would have required that at least one-third of the directors of an insured institution be persons other than (1) those enumerated in § 563.33(b)(3) thereof (insider officers and employees), and (2) directors of affiliates of such institution other than service corporations. An effect of this provision would have been to limit the extent to which an insured institution's board of directors could be the same as that of its parent holding company. Upon reconsideration, the Board has tentatively concluded that this limitation is unnecessary, and the amendments proposed by this resolution therefore do not contain such a limitation.

Seventh, § 563.33(b)(7) of the November, 1974 proposal would have provided that not more than two directors of an insured institution may be members of the same "immediate family." The limitation concerning members of an immediate family is hereby reproposed without change, except that this limitation is now the lesser of two or one-third. This change is a result of eliminating the requirement in the November, 1974 proposal that the board of directors of an insured institution be composed of at least seven persons. The limitation concerning members of an immediate family, which was designated as § 563.33(b)(7) in the November, 1974 proposal is now designated as § 563.33(b)(3).

Eighth, § 563.33(b)(8) of the November, 1974 proposal would have provided that not more than one director of an insured institution shall be a member of the same law firm. This limitation, which is now designated as § 563.33(b)(4), is hereby reproposed without change, except that the phrase "member of the same law firm" now reads "attorney with the same law firm" in order to make clear that the proposed limitation includes both partners and non-partners.

Ninth, § 563.33(b)(9) of the November, 1974 proposal would have provided that not more than two directors of an insured institution may be directors of any other financial institution or affiliate, and that such two directors may not be directors of the same financial institution or affiliate. This restriction would not have applied to persons who were di-

V 40 I 185 SEP 23 75 XUM

rectors of affiliates (including financial institutions) of such institution. This proposed provision was intended to limit the influence over an insured institution of any other financial institution other than a financial institution affiliate.

Tenth, § 563.33(b)(10) of the November 1974 proposal would have provided that no director of an insured institution may be an officer or employee of any other financial institution or affiliate thereof. This proposed restriction would not have applied to any financial institution or affiliate which was an affiliate of such insured institution.

The amendments proposed by this resolution combine § 563.33(b)(9) and (b)(10) of the November 1974 proposal and designate the new proposed provision as § 563.33(b)(5). Said § 563.33(b)(5) differs from the November 1974 proposal in four respects, as follows:

First, the proposed limitation that not more than two directors may be directors of other financial institutions or their affiliates would be changed to the lesser of two or one-third. This change is the result of eliminating the requirement that the board of directors of an insured institution be composed of at least seven persons.

Second, § 563.33(b)(5) of the new proposal would except directors of an insured institution which are also full-time salaried officers or employees of the institution or an affiliate from the restriction that not more than two (or one-third, whichever is less) directors may be directors of other financial institutions. The theory behind this exception is that a person who is a director of two financial institutions and also an officer of one of these institutions is likely to be more concerned with the well-being of the institution of which he is an officer, and that it is therefore unnecessary to restrict the extent to which such a person can be a director of other financial institutions.

Third, § 563.33(b)(5) of the new proposal would also except directors of certain financial institutions and their affiliates from the restriction that not more than two (or one-third, whichever is less) directors may be directors of other financial institutions. The directors of a financial institution would come within this exception if neither the financial institution nor any financial institution affiliate thereof has an office located within any county (or similar political subdivision) or standard metropolitan statistical area (SMSA) in which the insured institution under consideration has an office. For this purpose, the District of Columbia would be considered to constitute one county, as well as being within the Washington SMSA. The theory behind this exception is that the primary area of competition among financial institutions is savings accounts, and that a director interlock between an insured institution and another financial institution outside the insured institution's savings market area will probably not operate to the detriment of the insured institution.

Fourth, the exception in both § 563.33(b)(9) and (b)(10) of the November, 1974 proposal for financial institutions and their affiliates which are affiliates of either the insured institution under consideration or one of its affiliates would be changed to except financial institutions and their affiliates only if such financial institutions are affiliates of the insured institution. (§ 563.33(a)(2) would define the term "affiliate" in terms of 25 percent ownership.) This exception was included in the November, 1974 proposal in recognition of the comparatively high number of director interlocks which exist within holding company systems—including savings and loan holding company systems. However, inclusion in this exception of affiliates of an insured institution which are also affiliates of other financial institutions could result in the exception's applicability to entities which are not part of the same holding company system as the insured institution. This result was not intended, and the holding company exception therefore has been limited to financial institutions and their affiliates which are affiliates of the insured institution.

Section 563.33(c) of the November, 1974 proposal would have restricted the relationships which may exist between officers of insured institutions and officers of other financial institutions in two ways. First, this section would have provided that not more than two officers of an insured institution may be officers or employees of any affiliate of such institution other than a service corporation. This would have meant, for example, that all the officers of an insured institution could not also have been officers of its parent holding company. Second, § 563.33(c) also would have provided that no officer of an insured institution may be an officer or employee of any other financial institution or affiliate thereof, unless such financial institution or affiliate is an affiliate of such insured institution.

This resolution reproposes § 563.33(c) without change, with two exceptions. First, new proposed § 563.33(c) would not limit the extent to which officers of an insured institution may be officers or employees of affiliates. This change conforms with the elimination of the proposed limitation on director interlocks within a holding company system—§ 563.33(b)(6) of the November, 1974 proposal. Second, the affiliate exception to the prohibition on interlocks with officers and employees of other financial institutions and their affiliates would be limited to financial institutions and affiliates where the financial institution is an affiliate of the insured institution. This conforms with the change made in new proposed § 563.33(b)(5) with respect to directors of other financial institutions.

Section § 563.33(d) of the November, 1974 proposal would have set forth the manner in which insured institutions would have had to comply with § 563.33(b) and (c) of that proposal, and the date by which such compliance would have had to be effected. Section 563.33(d)(2) of the November, 1974 proposal would have provided that any insured institution which is operating pursuant to an agreement with the Corporation containing a provision less restrictive than the corresponding provision in § 563.33 (b) or (c) must *at least* be in compliance with such less restrictive provision until its 1984 annual meeting. Section 563.33(d)(2) of the November, 1974 proposal would have provided further that no person may become a director of an insured institution after the effective date of the regulation (as opposed to 1984) except in compliance with § 563.33 (b) and (c). Each insured institution would have had to be in compliance with § 563.33 (b) and (c) of that proposal after its 1984 annual meeting and an insured institution would have had to continue to comply with any provisions of its Conditions of Insurance not covered by § 563.33 (b) and (c) of that proposal. Section 563.33(d)(1) of the November, 1974 proposal would have required any insured institution presently operating pursuant to Conditions of Insurance containing a provision *more* restrictive than the corresponding provision in § 563.33 (b) or (c) of that proposal to continue to comply with such more restrictive provision. However, such an institution could have requested an amendment to such Conditions of Insurance by filing an application with the appropriate Supervisory Agent.

This resolution reproposes § 563.33(d), with four changes. First, all insured institutions would have to be in compliance with new proposed § 563.33 (b) and (c) by their 1978 annual meetings. Because many of the proposed limitations in new proposed § 563.33 (b) and (c) have either been eliminated or modified, the Board does not believe it is necessary to delay compliance beyond an institution's 1978 annual meeting.

Second, new proposed § 563.33(d) has been revised to make clear that all of the provisions in that section concerning compliance with existing Conditions of Insurance would also apply to existing Agreements for Operating Policies.

Third, new proposed § 563.33(d) has been revised to make clear that an insured institution would not need to continue to comply with any provision of its Conditions of Insurance or Agreement for Operating Policies concerning composition of its board of directors or its officers unless new proposed § 563.33 (b) or (c) contains a corresponding provision. For example, an insured institution operating pursuant to Conditions of Insurance and an Agreement for Operating Policies which require that such institution's board of directors be composed of at least seven members would no longer have to comply with this requirement upon the adoption of the amendments proposed by this resolution. Insured institutions, of course, have to continue to comply with all provisions of their Conditions of Insurance and Agreement for Operating Policies not relating to composition of boards of directors or officers.

Fourth, the provision which would have permitted an insured institution

to request waiver of any existing provision of its Conditions of Insurance or Agreement for Operating Policies which was more restrictive than the corresponding provision of § 563.33 (b) or (c) of the November, 1974 proposal has been modified. Under the amendments proposed by this resolution, an institution would have to continue operating pursuant to such more restrictive provision until its 1978 annual meeting, unless it agreed to fully comply with all the provisions of new proposed § 563.33 (b) and (c). Because waiver of a more restrictive provision would be automatic if new proposed § 563.33 (b) and (c) were accepted as a package, decision is unnecessary as to whether waiver would be granted. Therefore, delegation of authority to the Supervisory Agents to make such a decision has been eliminated from § 563.33(d).

Section 563.33(e) of the November, 1974 proposal would have provided that no insured institution or service corporation affiliate thereof may permit any officer or employee to work for any affiliated person of such institution during the hours of his employment by such institution or service corporation unless such affiliated person compensated the institution or service corporation for the time during which the officer or employee was engaged in such work. This resolution reproposes § 563.33(e) without change.

Presently, § 563.17(b)—*Management and financial policies*—provides that compensation to directors, officers and employees of insured institutions and their service corporations may not to exceed that which is reasonable and commensurate with their duties and responsibilities. Said § 563.17(b) sets forth no criteria for determining "reasonable" compensation.

Section § 563.33(f) of the November, 1974 proposal was based on §563.17(b), but differed from said § 563.17(b) in three respects. First, it would have applied only to service corporation affiliates—*i.e.*, at least 50 percent owned. Second, § 563.33(f) of the November, 1974 proposal would not have applied to employees, but would have included advisory directors. Third, § 563.33(f) of that proposal would have included standards for determining the reasonableness of compensation. Thus, § 563.33(f) of the November, 1974 proposal would have clarified and liberalized § 563.17(b) in several respects.

This resolution reproposes § 563.33(f) with two changes. First, instead of requiring compensation to be reasonable and commensurate with duties and responsibilities, new proposal § 563.33(f) would prohibit compensation which is "clearly excessive." This change of approach is an attempt to make clear that the purpose of this section is not to involve the Board in the judgmental determination of appropriate salaries for such persons, but rather to prohibit such a person from receiving compensation in an amount which is so excessive as to constitute a waste of the institution's assets. Second new proposed § 563.33(f) would include controlling persons of insured institutions and their service corporation affiliates, but would exclude advisory directors. The Board believes this proposed revision more accurately reflects the operation of insured institutions and their service corporation affiliates. In connection with new proposed § 563.33(f), it should be noted that the definition of the terms "controlling person" in § 561.28 is in terms of controlling persons of insured institutions. As various sections of this proposal (including new proposed § 563.33(f)) refer to controlling persons of entities other than insured institutions, this resolution would amend that definition so as to apply to other types of entities.

B. *Revised § 563.34: Selection of depository.*

The revision of § 563.34 proposed in November, 1974 used the terms "affiliate" and "financial institution"; these terms would be defined in § 563.33 and would have the same meanings in § 563.34. As discussed in Part IA of this preamble, the definition of "financial institution" would be clarified to exclude the Federal Home Loan Banks. Section 563.34, as it would be revised by this resolution, would also use the term "affiliated person", and the new proposed definition of this term is discussed in Part IIA of this preamble.

Section 563.34(a) of the November, 1974 proposal would also have defined two additional terms for use therein. The term "depository", when used with respect to an insured institution, would mean any financial institution with which such insured institution maintains funds on deposit. An "interlock", would be deemed to exist between an insured institution and a depository whenever such depository was an affiliated person of such institution or whenever any affiliated person of such institution was a director, officer or controlling person of such depository or of an affiliate of such depository. These terms are reproposed without change except that (1) controlling persons have been added, and (2) an "interlock" would not result where an advisory director of an insured institution is a director or officer of a depository or an affiliate of a depository.

It should also be noted that the definition of "interlock" in the November, 1974 proposal differs from the present definition in § 563.34. Presently, an interlock is deemed to exist whenever an officer, director, or controlling person of an insured institution or attorney regularly serving the institution as an attorney-at-law, or a spouse of any of the foregoing, is an officer, partner, director or trustee of the depository or the owner of 10 percent or more of the depository's stock. The November, 1974 proposal would have deleted attorneys-at-law, partners, trustees and spouses from the interlock definition. The amendments proposed by this resolution follow the November, 1974 proposal in this respect, except that spouses of directors, officers and controlling persons would be included because they are affiliated persons.

Presently, § 563.34 prohibits insured institutions, except with prior written approval of the Corporation, from establishing depository relationships after July 1, 1972, but "grandfathers" relationships existing on that date, unless specifically disapproved by the Corporation. Present § 563.34 also permits an insured institution to seek approval to establish or maintain a relationship with a depository which is otherwise prohibited, and provides that Corporation approval will turn on certain considerations—*viz.*, (1) the size of the depository relative to the deposits maintained by such insured institution, (2) the degree of interlocking relationships, and (3) any other factor which is or may be detrimental to the institution or depositors therein or borrowers therefrom.

Section 563.34(b) of the November, 1974 proposal would have prohibited an insured institution from establishing a depository relationship with a depository with which it had an interlock after the effective date of § 563.34, and would have prohibited the maintenance of an existing depository relationship on and after January 1, 1976. An insured institution could have requested Corporation approval to establish or maintain a depository relationship not permitted by §563.34(b). Any such request would have had to be filed with the appropriate Supervisory Agent, and in taking action on such a request the Corporation would have considered the same factors set forth in present § 563.34.

This resolution would revise § 563.34 as proposed, with two changes. First, the effective date with respect to existing depository relationships would be changed, with the result that no relationship prohibited by proposed new § 563.34 could be maintained after an institution's 1978 annual meeting. Second, as mentioned above, the revision of § 563.34 proposed in November, 1974 would have permitted an insured institution to request permission to establish or maintain an otherwise prohibited interlock. The amendments to § 563.34 proposed by this resolution would permit such waivers, but differ from the November, 1974 proposal in that authority to approve or disapprove waiver requests would be delegated to the Principal Supervisory Agents.

II. RESTRICTIONS CONCERNING AFFILIATED PERSONS

A. *New §§ 561.29, 561.30, 561.31 and 561.32: Definitions of Affiliated Person, Immediate Family, Director and Officer.*

New §§ 563.40, captioned *Payment of fees to affiliated persons, 563.41*, captioned *Transactions with affiliated persons involving real property*, and 563.43, captioned *Loans involving affiliated persons*, would generally involve restrictions on various activities of insured institutions in which "affiliated persons" are involved. In addition, new § 563.44 would require insured institutions to disclose information concerning certain transactions in which affiliated persons are involved. Since all four of these sections would concern "affiliated persons" the proposed definition of that term, as well as the proposed definitions of "director" and "officer", will be discussed first.

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Section 561.29 of the November, 1974 proposal would have defined an affiliated person of an insured institution as: (1) Any director, member of an advisory board of directors or advisory committee, officer or controlling person of such institution, and any attorney regularly serving such institution as an attorney-at-law; (2) any member of the immediate family of any of the persons enumerated in (1); (3) any law firm regularly serving such institution; and (4) any corporation, partnership or trust in which the persons enumerated in (1), (2), and (3) have directly or indirectly (other than through the insured institution) a 10 percent or more equity or beneficial interest, either individually or collectively. An attorney or law firm would not normally have been considered to be "regularly serving" an insured institution unless such attorney or firm served as a principal counsel for such institution. Section 561.28 defines a "controlling person" of an insured institution as "any person or entity owning or holding ten percent or more of the stock or voting rights of such institution or otherwise able, directly or indirectly, to direct or cause the direction of the management or policies of the insured institution." As noted above in connection with new proposed § 563.33(f), § 561.28 would be amended so as to apply to entities other than insured institutions.

The amendments proposed by this resolution would define the term "affiliated person" much less broadly than did the November, 1974 proposal. As revised, an affiliated person of an insured institution would refer to the institution's directors, officers and controlling persons, and their spouses. Members of the "immediate family" of directors, officers and controlling persons other than spouses would not be considered affiliated persons, except in § 563.45, captioned *Disclosure*. The affiliated person definition proposed by this resolution would also exclude attorneys and law firms regularly serving an institution as attorneys-at-law. The Board believes that practices involving immediate family members of affiliated persons, attorneys and law firms appear to be more appropriate for regulation by disclosure. It should be noted however that an immediate family member, attorney or law firm could in some situations be a controlling person and therefore an affiliated person.

As in the November, 1974 proposal, the definition of "affiliated person" proposed by this resolution includes corporations, partnerships, trusts and other similar organizations in which directors, officers, controlling persons or their spouses have a minimum interest, either individually or collectively. The minimum interest in the November, 1974 proposal was 10 percent, either individually or collectively. The Board believes it is appropriate to distinguish between individual and collective interests, and the amendments proposed by this resolution therefore would change this test to include as affiliated persons those organizations in which an institution's directors, officers, controlling persons or their spouses have at least a 10 percent individual interest or a 15 percent collective interest. In addition, the amendments proposed by this resolution would modify the type of beneficial interest in a trust which would result in the trust's inclusion as an affiliated person. The Board believes that some beneficial interests in trusts, such as contingent remainders, are sufficiently remote that a trust in which an affiliated person has such an interest should not be considered an affiliated person. Therefore, the group of entities which would be considered affiliated persons would be modified to include only trusts in which affiliated persons have a minimum income interest.

As discussed above, the November, 1974 proposal would also have defined the terms "director" and "officer" in conjunction with the definition of affiliated person. Section 561.31 of the November, 1974 proposal would have defined the term "director" to mean "any director, trustee or other person performing similar functions with respect to any organization whether incorporated or unincorporated." Section 561.32 of the November, 1974 proposal would have defined the term "officer" to mean "the chairman of the board (if salaried), the president, any vice-president, the secretary, the treasurer, the principal financial officer, the comptroller, the principal accounting officer, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated." When used with respect to an insured institution, the term "officer" would also have included "any loan officer or branch manager, and any other person performing similar functions." These new definitions of director and officer proposed in November, 1974 would have been applicable throughout the Insurance Regulations.

This resolution reproposes the definition of "director" without change. This resolution also reproposes the definition of "officer", with four changes. First, the terms "principal financial officer" and "principal accounting office" would be omitted. Upon reconsideration, the Board believes it is unnecessary to include these terms because the definition would include persons performing the functions of treasurer or comptroller. Second, the chairman of the board would be considered to be an officer whether or not he received a salary. The Board believes including the chairman of an institution's board in this definition would generally reflect correctly the way in which insured institutions operate. Third, the definition of "officer" proposed by this resolution would not include loan officers or branch managers. One result of inclusion in the "officer" definition would be that such persons would be automatically affiliated persons. The Board does not believe that loan officers and branch managers normally have the type of authority which requires that a person be subject to the restrictions which would be applicable to affiliated persons. Fourth, the definition of "officer" proposed by this resolution excludes assistant vice-presidents, second vice-presidents, and other vice-presidents having authority similar to an assistant or second vice-president. As with loan officers and branch managers, the Board does not believe such vice-presidents normally have the requisite authority to warrant their being subject to the restrictions which would be applicable to affiliated persons.

Section 561.30 of the November, 1974 proposal would have defined a person's "immediate family" as (1) such person's father, mother, children, brothers, sisters, and grandchildren (whether by the full or half blood or by adoption); (2) such person's spouse; (3) the father, mother, brothers and sisters of such person's spouse (whether by the full or half blood or by adoption); and (4) the spouses of the persons in (1). The amendments proposed by this resolution would change the definition of "immediate family" to exclude the spouses of a person's grandchildren. Spouses of grandchildren are remote and their exclusion would not significantly alter the scope of the definition.

The term "service corporation affiliate"—which is presently part of the Insurance Regulations—would be used throughout §§ 563.40, 563.41 and 563.43. This term is defined in § 561.27 in terms of the § 561.25 definition of "affiliate", which is phrased in terms of 50 percent ownership.

B. *New § 563.40: Payment of Fees to Affiliated Persons.*

Presently, § 545.6–10—captioned *Initial loan charges*—prohibits directors, officers and employees of a Federal association and persons or firms regularly serving such association as attorneys-at-law from receiving loan procurement fees. Section 563.40(a) of the November, 1974 proposal, captioned *Loan procurement fees*, would have prohibited an affiliated person of an insured institution from receiving, either directly or indirectly, any fee or other compensation in connection with procurement of a loan from or by such institution or any service corporation affiliate thereof. In addition, fees could not have been received by an affiliated person from the insured institution itself or from any other source. Thus, the November, 1974 proposal would have revised § 545.6–10 in two respects and also applied it to all insured institutions. First, § 563.40(a) of that proposal would have covered affiliated persons as opposed to only directors, officers and associated attorneys; however, § 563.40(a) of that proposal would not have prohibited receipt of loan procurement fees by employees of an insured institution. Second, § 563.40(a) of the November, 1974 proposal would have applied to loans by service corporation affiliates of insured institutions as well as to the institutions themselves. The first sentence of § 545.6–10 would have been deleted by that proposal because it would have been inconsistent with § 563.40(a) of that proposal. This resolution reproposes the amendments to § 545.6–10 concerning loan procurement fees and new § 563.40(a) without change. It should be noted, however, that the revised proposed definition of affiliated person would not include attorneys unless they were officers, directors or controlling persons.

Presently, § 545.6–10 also provides that borrowers from a Federal association may be required to pay necessary initial loan charges but prohibits directors, officers, employees and persons or firms regularly serving such association as attorneys-at-law from receiving discounts, rebates or commissions on such initial loan charges. However, Federal associations are permitted to receive and retain such discounts, rebates and commissions in connection with services actually performed by their directors, officers, employees and insider attorneys.

Section 563.40(b) of the November, 1974 proposal, captioned *Discounts, rebates or commissions*, would have prohibited an affiliated person of an insured institution from receiving, either directly or indirectly, any discount, rebate or commission on any initial loan charge paid by a borrower or any other person in connection with a loan made by such institution or a service corporation affiliate thereof. Section 563.40(b) of that proposal would also have provided that no insured institution or service corporation affiliate thereof could receive, directly or indirectly, any such discount, rebate or commission unless such discount, rebate or commission represented compensation for services actually performed. Thus, § 563.40 of that proposal would have (1) extended the prohibition of the receipt of discounts, rebates and commissions to all affiliated persons of all insured institutions, and (2) made this prohibition inapplicable to employees. Section 563.40 of the November, 1974 proposal would have applied to loans by service corporation affiliates as well as to insured institutions. The provisions of § 545.6–10 concerning discounts, rebates and commissions on initial loan charges would have been deleted by that proposal because they would have been inconsistent with proposed § 563.40(b), and a conforming change would have been made in § 545.8(a). In addition, the requirement in § 545.6–10 that an association furnish a loan settlement statement to a borrower at the closing of a loan would have been deleted because this requirement is also set forth in § 563.17–1(c)(1)(viii).

The Board proposed these conflict of interest amendments—in November, 1974—before the adoption of the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93–533). Section 8 of RESPA prohibits certain kickbacks and unearned fees in connection with federally-related mortgage loans. The Board believes the effect of these provisions is to prohibit "discounts, rebates and commissions" on initial loan charges. The Board believes it would be inappropriate to impose different restrictions with respect to loans covered by RESPA, and the amendments proposed by this resolution therefore would simply apply the RESPA prohibition to such loans. In addition, proposed § 563.40(b) would be revised to also apply to loans not covered by RESPA—*i.e.*, other than "federally-related" mortgage loans. (A federally-related mortgage loan is one which is, *inter alia*, secured by a 1–4 family home.) Proposed § 563.40(b), as revised, would use the RESPA terminology. The amendments to § 545.6–10 concerning discounts, rebates and commissions and the technical amendments to § 545.8 are reproposed without change.

C. *New § 563.41: Transactions With Affiliated Persons Involving Real Property.*

Presently, the second sentence of paragraph (a) of § 545.6–5, captioned *Purchase of loans*, prohibits a Federal association from purchasing a loan from an affiliated institution and from directors, officers, employees and persons or firms regularly serving the association as attorneys-at-law. This provision would have been revoked in connection with § 563.41 of the November, 1974 proposal.

Presently, § 545.10(b) prohibits a Federal association from acquiring from some affiliated persons real estate to be used for offices and related association facilities. Said § 545.10(b) would also have been revoked by the November, 1974 proposed amendments. The reference in § 545.10(a) to § 545.10(b) would have been deleted and § 545.10(c) would have been redesignated as § 545.10(b).

Section 563.41(a) of the November, 1974 proposal would have prohibited an insured institution or service corporation affiliate thereof from engaging in any transaction with an affiliated person involving the purchase or sale of an interest in real property. Section 563.41(a) of that proposal would also have prohibited an insured institution or service corporation affiliate thereof from engaging in any transaction involving the lease of an interest in real property from an affiliated person. Insured institutions could have continued to lease real property to affiliated persons without limitation. Section 563.41(b) of the November, 1974 proposal would have excepted from the § 563.41(a) prohibition office building leases from affiliated persons in existence on the effective date of the proposed regulation. However, with respect to renewals of such leases, said proposed § 563.41(b) would have further provided that no such lease could be renewed without prior Corporation approval, and that no such approval would be granted unless its terms were fair. In addition, with respect to leases whose renewal terms would expire after January 1, 1980, an insured institution would also have had to show that there was no other suitable location for the office or that moving to a new location would cause undue hardship.

This resolution reproposes § 563.41, with four changes. First, it would be made clear that § 584.3 of the Holding Company Regulations (12 CFR 584.3) is controlling with respect to transactions between a subsidiary insured institution of a savings and loan holding company and an affiliate of such institution. Second, new proposed § 563.41 would prohibit insured institutions and their service corporation affiliates from purchasing from, selling to or leasing from an affiliated person of such institution any interest in real property. This prohibition would replace the somewhat ambiguous language of the November, 1974 proposal, which would have prohibited transactions involving purchases from, sales to or leases from affiliated persons. Third, insured institutions and their service corporation affiliates would also be prohibited from jointly owning an interest in real property with an affiliated person of such institution. However, this prohibition would not apply to existing joint-ownership arrangements. Fourth, authority to approve or disapprove renewals of existing leases would be delegated to the principal supervisory agents.

D. *New § 563.43: Loans and Loan Related Transactions Involving Affiliated Persons.*

Presently, § 545.6–8, captioned *Loans to directors, officers or employees*, prohibits a Federal association from making loans (other than own-home loans) to directors, officers, employees and persons or firms regularly serving such association as attorneys-at-law, and to partnerships in which any such person has a specified interest. Federal associations are also prohibited from making loans to corporations in which any such person has a specified interest unless the association obtains prior approval from its board of directors, and the corporation to which the loan is made is not more than 15 percent owned by any such person and is not more than 25 percent owned by any group of such persons. Presently, § 545.8, captioned *Loans without requirement of security*, permits a Federal association to make loans to directors, officers, employees and persons or firms regularly serving such association as attorneys-at-law, for the purpose of alteration, repair, improvement or equipping of a home or combination of home and business property owned and occupied, or to be owned and occupied, as a home by the borrower.

Section 563.43(b) of the November, 1974 proposal would have prohibited an insured institution or service corporation affiliate thereof from making a loan to any affiliated person of such institution and from purchasing a loan made to any such person. Insured institutions and their service corporation affiliates would also have been prohibited from investing in the securities of affiliated persons and from purchasing securities from an affiliated person under a repurchase agreement. Thus, § 563.43(b) of that proposal would have differed from § 545.6–8 in that it would have (1) prohibited own-home loans to the persons covered by § 545.6–8, (2) prohibited all loans for affiliated persons not covered by § 545.6–8, and (3) permitted loans to employees. Said § 545.6–8 would have been revoked by the November, 1974 proposal. That proposal would also have revoked § 545.8(b) and made technical conforming changes in §§ 545.6–10(a), 545.6–20(a) and 545.8–3.

This resolution reproposes § 563.43(b), except that the following types of loans to affiliated persons would be excepted from the § 563.43(b) prohibition:

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(1) loans secured by a single-family dwelling owned and occupied as the borrower's principal dwelling place, (2) loans for constructing, adding to, improving, altering, repairing, equipping, or furnishing such principal dwelling place, (3) loans secured by a mobile home owned and occupied as the borrower's principal dwelling place, (4) loans secured by savings accounts of the borrower at the institution, (5) loans for payment of educational expenses, and (6) consumer loans. In proposing to except these six types of loans from the proposed § 563.43(b) prohibition, the Board emphasizes that its action is not intended to encourage insured institutions and their service corporation affiliates to make such loans to affiliated persons. Rather, these exceptions would be included in recognition of the fact that these types of loans are less likely to be made in a manner which is unsafe or unsound than loans secured by, for example, commercial property. However, it should be noted that these excepted types of loans can be made in a manner which is unsafe or unsound, and that any such loan which is unsafe or unsound has been and continues to be a violation of § 571.7—the Board's policy statement on conflict of interest.

Section 563.43(c) of the November, 1974 proposal would have prohibited insured institutions and their service corporation affiliates from engaging, directly or indirectly, in the following loan-related transactions involving affiliated persons: (1) Making a loan to, or purchasing a loan made to, any third party (a) on the security of property acquired from any affiliated person of such institution or (b) with the knowledge that all or any portion of the proceeds of such loan would be paid to or used for the benefit of any affiliated person; (2) making a loan to, or purchasing a loan made to, any third party secured by real property with respect to which any affiliated person of such institution holds a security interest; (3) accepting the stock, bonds, notes or other securities of any affiliated person of such institution as security for a loan made by such institution or service corporation affiliate thereof to any third party; (4) maintaining a compensating balance with respect to a loan made by any third party to any affiliated person of such institution; and (5) entering into any guarantee arrangement or making any takeout commitment with respect to a loan made by any third party to any affiliated person of such institution.

This resolution reproposes § 563.43(c), with two changes. First, as discussed above, one of the provisions in § 563.43(c) of the November, 1974 proposal would have prohibited an insured institution and its service corporation affiliates from making a loan to any third party with the knowledge that all or any portion of the proceeds of such loan would be paid to or used for the benefit of any affiliated person. One effect of this proposed provision would have been to prohibit an insured institution from making loans in connection with which the institution had knowledge that an affiliated person would receive compensation for providing goods or services to the borrower—i.e., loans in connection with which an affiliated person acted, for example, as a builder, building materials supplier, building subcontractor, escrow agent, insurance agent/broker, real estate agent/broker, supplier of title examination or abstract services, or underwriter of title or other required insurance. Upon reconsideration, the Board believes that situations in which affiliated persons provide such goods or services appear to be more appropriately regulated by disclosure, and the amendments proposed by this resolution therefore would not prohibit loans to third parties in connection with which affiliated persons are known to receive a part of the loan proceeds or to otherwise derive benefit from the loan.

Second, the prohibition in the November, 1974 proposal on making a loan to or purchasing a loan made to a third party on the security of property acquired from an affiliated person of the insured institution would be modified to exclude two types of purchase transactions. First, the amendments proposed by this resolution would exclude loans on the security of property acquired from an affiliated person other than loans involving property acquired "directly" from an affiliated person. This change would eliminate the possibility that a piece of property might become tainted as a result of having once been owned by an affiliated person. This exclusion would not, of course, cover a "straw party" situation, even though the security property was not acquired "directly" from an affiliated person. Second, this proposal would exclude loans purchased in a secondary market, such as through the Federal Home Loan Mortgage Corporation. Purchasers of loans in such a secondary market do not ordinarily know the identity of borrowers whose loans they purchase, and this exclusion is intended to eliminate the possibility of unintentional violations.

Both § 563.43 (b) and (c) of the November, 1974 proposal would have been applicable to transactions by a subsidiary insured institution of a savings and loan holding company unless the provisions in § 584.3 were less restrictive. The amendments proposed by this resolution would revise this exception to provide that § 584.3 of the Holding Company Regulations (12 CFR 584.3) is controlling with respect to transactions between a subsidiary insured institution of a savings and loan holding company and an affiliate of such institution.

E. *New § 563.44: Disclosure.*

As discussed in the introductory portion of this preamble, the Board believes that certain types of practices and relationships involving affiliated persons—which were proposed as prohibitions or restrictions—are more appropriately regulated by disclosure. The Board further believes that new § 563.45 should provide accountholders and stockholders having voting rights with sufficient information to prevent unsafe and unsound practices in connection with these practices and relationships without undue expense and inconvenience to insured institutions.

The amendments proposed by this resolution would require each insured institution to prepare an annual "Statement of Transactions Involving Affiliated Persons". Each such statement would have to be prepared for a period of approximately twelve months, ending within 120 days before an institution's annual meeting. An institution would be required to prepare its first such statement with respect to its first annual meeting occurring twelve months after the effective date of the regulation. An institution could choose the most convenient date within 120 days of each such meeting as the ending date for its statement. An institution would not have to choose the same date each year, but the periods covered by an institution's statements have to be consecutive.

An institution would be required to provide a copy of its most recent statement and two preceding statements, upon request, to persons having voting rights in such institution. Institutions would have to comply with this requirement at all times. It should be noted that a copy of these statements would have to be provided to any stockholder, accountholder or borrower having voting rights in such institution who requested such information. The phrase "persons having voting rights in such institution" would not refer to persons holding proxies of those persons having voting rights.

Additional requirements would be applicable in connection with annual meetings. If an institution were not mailing written notice of an annual meeting to persons having voting rights in such institution, then such institution would have three alternatives, as follows. Such institution could, at least twenty days before such annual meeting, either mail a copy of its most recent statement to persons having voting rights in such institution, or mail a notice to each such person that such statement was available on request. The third alternative for such an institution would be to have copies of such statement available for 20 days before such meeting on or near the counter or other structure where savings account deposit and withdrawal forms are kept in its principal office and each branch office and to post a conspicuous notice in its lobby to the effect that such information is available. If an institution were mailing notice of an annual meeting, then it would have to either include a copy of its most recent statement with such notice, or else enclose a notice stating that a copy was available upon request.

All copies of such statements would have to be provided without charge. In addition, three copies of each such statement would have to be filed with the appropriate principal supervisory agent by such institution.

Each "Statement of Transactions Involving Affiliated Persons" which would be prescribed by § 563.45 would have to contain information with respect to three types of transactions—loans by an insured institution and its service corporation affiliates to affiliated persons of the institution and entities in which any affiliated person was an officer or partner, loans by such institution or service corporation in connection with which such an affiliated person or business entity received fees or other compensation aggregating more than $10,000 for acting in one or more of certain capacities (viz., as such institution's or service corporation's attorney, an appraiser, escrow agent, insurance agent/broker, real estate agent/broker, supplier of title examination or abstract services and underwriter of title or other required insurance), and loans in connection with which such an affiliated person or business entity received fees or other compensation for acting as a builder, building materials supplier or building subcontractor. An insured institution would be required to make these three types of disclosure only with respect to loans with which such institution (or service corporation, if the lender) knew or had reason to know that such a person or entity was involved, and only if the loans or fees involved total more than $10,000 with respect to a person or entity.

With respect to loans to affiliated persons and business entities in which any such person is an officer or partner, such statement would have to set forth (1) the name of each such person or entity, (2) a brief summary of each such loan transaction, including dollar amounts and interest rates, and (3) a description of such person's or entity's affiliation with the institution.

With respect to loans in connection with which the lender knows or has reason to know that such a person or business entity received fees or other compensation in one or more of the capacities listed in the first group (e.g., the institution's or service corporation's attorney), such statement would have to set forth (1) the name of each such person or entity, (2) the aggregate fees or other compensation received by each such person or entity, (3) the capacity or type of services rendered for which payments were received, (4) a description of such person's or entity's affiliation with such institution, and (5) in the case of attorneys, appraisers and escrow agents, the portion of the fees received by each such person or entity in relation to the total payments received for each such service in connection with all loans by the institution and its service corporation affiliates.

With respect to loans in connection with which the lender knows or has reason to know that such a person or business entity received fees or other payments for acting as a builder, building materials supplier or building subcontractor, such statement would have to set forth (1) the name of each such person or entity, (2) the capacity and type of goods or services furnished for which payments were received, (3) the aggregate payments received by each such person or entity, and (4) a description of such person's affiliation with the institution.

Fees or other compensation received by a person or entity acting in more than one capacity would have to be disclosed separately. However, payments for acting in more than one capacity would be aggregated for purposes of determining whether such a person or entity is exempt under the $10,000 limitation.

It should be noted that the term "affiliated person", as used in proposed § 563.45, would include members of immediate families of officers, directors and controlling persons, and business entities in which an immediate family member has 10 percent individual interest, or an interest which, together with the interests of other affiliated persons, exceeds 15 percent. Proposed § 563.45 would also make clear that the disclosure which would be required by that section would not restrict the Corporation's authority to take appropriate action as to unsafe or unsound practices, or violations of law or regulation, respecting the matters disclosed.

III. Restrictions Concerning Office Facilities

Paragraph (a)(1) of § 563.42 of the November, 1974 proposal, captioned Office facilities, would have required each principal and branch office of an insured institution to be located in quarters independent of other financial institutions and their affiliates. The term "branch office", as used in § 563.42(a), would have referred to any office of an insured institution (other than its principal office) at which savings account transactions were effected if the office occupied more than 500 square feet of floor space and had more than four teller stations which were operated by employees of such institution. The term "financial institution" would have had the same meaning as in § 563.33(a)(1) of the November, 1974 proposal—that is, savings and loan-type associations, mutual savings banks, commercial banks and trust companies and persons or companies which control, are controlled by, or are under common control with, such financial institutions, with control defined in terms of 25 percent ownership. The term "affiliate" would also have had the same meaning as in proposed § 563.33(b)(2) of that proposal—i.e., a 25 percent ownership test.

Principal and branch offices of insured institutions would also have been required to be independent of businesses—including service corporations—engaging in activities closely related to the savings and loan business. These closely related businesses were those listed in § 563.33(b)(4) of the November, 1974 proposal.

The requirements of proposed § 563.42 (a) of the November, 1974 proposal concerning the independence of office quarters would not have affected the validity of any existing lease by or from an insured institution. With respect to such leases, § 563.42(a) also would have provided that no such lease could be renewed without written approval of the Corporation and any request for such an approval would have had to be filed with the appropriate Supervisory Agent. No such approval would have been granted unless the terms of the lease were fair, regardless of when the renewal term would expire. The regulation proposed in November, 1974 set forth two further requirements—one applicable to leases by an insured institution and the other to leases from an insured institution—with respect to all leases whose renewed terms would expire on or after January 1, 1976. An insured institution seeking approval to renew a lease as a lessee would have been required to show that there was no other suitable location for the institution's office or that moving the office to another location would cause undue hardship. An institution seeking to renew a lease as lessor would have been required to show that there was either no other suitable location for the lessee, that moving to another location would cause undue hardship for the lessee, or that there was no other suitable lessee.

This resolution reproposes § 563.42(a), with six changes. First, affiliates which are service corporations, parent holding companies or affiliates of parent companies would be excepted from the requirement that the principal and all branch offices of an insured institution be located in quarters independent of other financial institutions, their affiliates, and certain businesses. The Board believes these exceptions are necessary because of the way insured institutions having such affiliates customarily operate. Second, the term "independent" would be changed so as to clarify that office of an institution would be considered independent even though it was located in the same building as an office of another financial institution, an affiliate thereof, or certain businesses. Third, the term "branch office", as used in § 563.42(a), would be changed to refer only to an office which occupies more than 1000 square feet of floor space and has at least four teller stations occupied by employees of the institution. This change would be consistent with the Board's proposed amendments concerning satellite offices of Federal associations (Board Resolution No. 75-738; August 6, 1975), which would increase the permissible amount of floor space in such an office from 500 to 1000 square feet. Fourth, because § 563.33(b)(4) of the November, 1974 proposal is withdrawn by this resolution, new proposed § 563.40(a) would now list the businesses with respect to which an insured institution should maintain independent quarters. The businesses would be the same as those listed in § 563.33(b)(4) of the November, 1974 proposal. Fifth, authority to approve or disapprove requests with respect to existing leases would be delegated to the principal supervisory agents. Sixth, the effective date would be changed to January 1, 1980, so as to correspond with the effective date of new proposed § 563.41.

Section 563.42(b) of the November, 1974 proposal would have required the principal offices of all insured institutions to be on the ground floor. An insured institution could have requested permission to locate its principal office in non-

V 40 185 SEP 23 75 XUM

ground floor quarters, but no such approval would have been given unless the quarters involved were the equivalent of ground floor (such as an elevated walkway) or the use of such quarters would not have had an adverse effect on the institution. Upon reconsideration, the Board does not believe a ground floor requirement is necessary and the amendments proposed by this resolution do not contain a provision corresponding to § 563.41(b) of the November, 1974 proposal.

IV. RESTRICTIONS INVOLVING LOAN SERVICES

Presently, § 563.35, captioned *Certain conditions prohibited*, prohibits an insured institution, and a director, officer, or employee thereof, from granting any loan on the prior condition that the borrower contract for any of the following services with any specific company, firm, agency or person: (1) Insurance (except insurance or a guarantee provided by a government agency); (2) building materials; (3) legal services, including title examination, escrow and abstract services; and (4) services of a real estate agent or broker. The application of the prohibition concerning insurance set forth in (1) above is subject to one limitation—viz., that such prohibition should not be construed to prohibit an insured institution from refusing to grant any type of loan or extend any other service if the borrower wishes, in connection with such loan or service, to contract with or select a particular company, firm, agency or person whose insurance services, in such connection, are believed by the insured institution on reasonable grounds to afford it insufficient protection. This limitation has been interpreted as requiring insured institutions to permit borrowers to select the company, firm, agency or person who is to render insurance services, except private mortgage insurance services. The November, 1974 proposal would have revised § 563.35 by adding construction services and sales or services relating to mobile homes to the list of services with respect to which tie-ins are prohibited. That proposal would also have applied the limitation on insurance to legal services, so that an institution could refuse to grant a loan if the borrower selected an attorney (as discussed in the following paragraph) which such institution believed, on reasonable grounds, afforded it insufficient protection.

Presently, § 563.35 also provides that the legal services prohibition should not be construed to prohibit an insured institution from requiring a borrower to pay an initial loan charge to reimburse such institution for legal services rendered to it by an attorney selected by such institution in connection with processing and closing a loan. The November, 1974 proposal would have completely revised this provision to prohibit an insured institution from requiring a home borrower to pay any part of the legal services performed in connection with processing and closing a loan unless such services were performed by a firm or person selected by the borrower. An insured institution, of course, would have been permitted to engage an attorney other than the attorney selected by the borrower. However, the institution could not have charged the borrower for the services performed by any such additional attorney. In conjunction with prohibiting required payment by home borrowers of legal closing fees unless performed by a borrower-selected attorney, the November, 1974 proposal also would have specifically required an insured institution to advise a borrower in writing reasonably in advance of the closing of a loan—but not later than the time of commitment to make such loan—of his right to freely select the company or person rendering legal services and insurance services. As indicated, this borrower-notice requirement and restriction concerning borrower payment would have applied only to home loans. Section 541.10–2 defines a home as "real estate upon which is located one or more single-family dwellings, or dwelling units, for not more than 4 families in the aggregate."

The amendments proposed by this resolution would significantly revise the proposed amendments to § 563.35, as follows: First § 563.35(a) would be reworded to make clear that the tie-in arrangements prohibited by that section only involve services for which the borrower contracts. In this connection, the term "insurance services" would be clarified to include services provided by an agent, broker or underwriter. The reference to "legal services" would also be shortened. In addition, the amendments proposed by this resolution do not add mobile home sales or services to the list of services with respect to which this type of tie-in arrangement is prohibited, as was proposed in November, 1974, because the Board does not believe their inclusion is necessary at the present time.

Second, insured institutions would not be required to permit home borrowers to select the institution's attorney, in order for the fee of such attorney to be paid by the home borrower. Upon reconsideration, the Board believes that a different approach will more effectively regulate unsafe and unsound practices and also eliminate some of the disadvantages of borrower-selection. The amendments proposed by this resolution would permit an insured institution to require a home borrower to pay the fee of the institution's attorney or reimburse the institution for such fee only if the following conditions are met: (1) The attorney's fee must be limited to legal services attributable to processing and closing such borrower's loan (and not unrelated services performed for the institution by the attorney), (2) the fee is supported by a statement prepared by or on behalf of the attorney which describes the legal services performed, sets forth the time spent by the attorney, and discloses the hourly rate or other basis for determining such fee, and (3) if, after an institution's 1978 annual meeting, such legal services are not rendered by an attorney who is an affiliated person of such institution or an attorney in the same law firm as an affiliated person. This provision does not apply to an attorney employed fulltime by the institution if the attorney receives no additional compensation for providing such services.

It appears to the Board that adoption of this provision will contribute to sound and economical home financing in that competition is likely to cause lower attorney fees in situations where legal closing services to insured institutions are provided by non-affiliated persons. If such services are provided by an affiliated person, such fees would have to be internalized, after the institution's 1978 annual meeting. Causing such fees to be internalized would mean that the institution's board would be under a significantly greater obligation to scrutinize the reasonableness of those fees. In addition, the market place would be likely to have a greater effect on any indirect payment resulting from the internalization of such fees which might be passed on to the borrower by points or similar charges.

Third, this resolution would amend § 563.35 to require notification to home borrowers that they may select the person or organization providing insurance services, subject to the institution's right to refuse to grant a loan if it reasonably believes that the services provided by the borrower-selected insurance company will afford it insufficient protection.

Fourth, the amendments proposed by this resolution would permit an insured institution to require a home borrower to reimburse such institution for appraisal services in connection with a home loan or to pay for such services directly, after its 1978 annual meeting, only if such services were provided by an appraiser who was neither an affiliated person of such institution nor an appraiser in the same firm as an affiliated person, unless such appraiser was employed full-time by such institution and received no additional compensation for performing appraisal services. This provision was not proposed in November, 1974 as part of the amendments to § 563.35. The Board's justification for this provision is similar to that given above for the attorney provision.

Upon consideration of the public comments on the proposal, past abuses involving matters encompassed within these revised proposed amendments and the necessity to prevent the reoccurrence of such abuses, and to prevent likely future abuses of a similar or related nature, and other relevant material, the Board has determined to propose the various provisions included in this proposal for one or more of the following reasons: (1) To safeguard and protect the insurance risk of the Federal Savings and Loan Insurance Corporation; (2) to prohibit financial, lending or managerial policies or practices of insured institutions which are detrimental to, or inconsistent with, sound and economic home-financing; (3) to prohibit unsafe or unsound practices in conducting the business of insured institutions; and (4) to delineate, and prohibit or control, transactions which are, or are likely to be, conflicts

of interest, or breaches of the fiduciary duties which officers, directors or controlling persons owe to insured institutions. The reasons and basis for proposing specific provisions of this proposal have been set forth and explained hereintofore in this preamble.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 561 by revising § 561.28 thereof and by adding §§ 561.29, 561.30, 561.31 and 561.32 thereto and proposes to amend Part 563 by revising §§ 563.17, 563.34 and 563.35 thereof and by adding §§ 563.33, 563.40, 563.41, 563.42, 563.43 and 563.45 thereto, as set forth below. The Federal Home Loan Bank Board also hereby proposes to amend Part 545 by revoking § 545.6–8 and by revising §§ 545.6–5(a), 545.6–10, 545.6–20(a), 545.8, 545.8–3 and 545.10 thereof, as set forth below. It should be noted that the amendments to § 563.17 of Part 563 and all of the above-listed amendments to Part 545 involve either deletions, redesignations of existing provisions, or alteration of references to other sections; no new substantive provisions would be added to these sections. The Federal Home Loan Bank Board also hereby withdraws Board Resolution 74–1219.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, by November 10, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

The proposed amendments to Parts 545, 561, and 563 are as follows.

PART 545—OPERATIONS

1. Section 545.6–5(a) is revised.

§ 545.6–5 Purchase of loans.

(a) *General provisions.* A Federal association may purchase any loan that it may make, unless expressly prohibited by other provisions of this part, and may also purchase any insured loan secured by a home or combination of home and business property located outside of the State (including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States) in which such association's home office is located at an investment not exceeding the sum of (1) $55,000 for each single-family dwelling, or $82,500 with respect to each such dwelling in Alaska, Guam or Hawaii, (2) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith; and (3) the percentage of value acceptable to the insuring agency of such part of the property as is not attributable to dwelling use. If a Federal association increases its savings accounts as part of the purchase of any loan, it shall obtain such approval as is required by the rules and regulations for insurance of accounts.

. . . . . .

§ 545.6–8 Loans to directors, officers or employees. [Revoked]

2. Section 545.6–8 is revoked.

3. Section 545.6–10 is revised.

§ 545.6–10 Initial loan charges.

Except as provided in §§ 563.35 (d) and (e) of this chapter, borrowers may be required to pay the necessary initial charges in connection with the making of a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, closing of the loan, and other necessary incidental services and costs in such reasonable amounts as may be fixed by the board of directors; such necessary initial charegs may be collected by the association from the borrower and paid to the persons rendering such services.

4. In § 545.6–20 the introductory text of paragraph (a) and (a)(3) are revised as follows.

§ 545.6–20 Loans guaranteed under the Foreign Assistance Act of 1961.

(a) *General.* Without regard to the provisions of any other section of this part, a Federal association which has a charter in the form of Charter K (rev.) or Charter N may invest in any of the following loans, or any interest therein:

. . . . . .

(3) Loans having the benefit of any guaranty under sections 221 or 222 of such Act, as in effect on December 30, 1969, and thereafter.

. . . . . .

5. In § 548.8, the introductory text of paragraph (a) is revised and paragraph (b) is revoked.

§ 545.8 Loans without requirement of security.

(a) Without regard to any other provision of this part except § 545.6–10, any Federal association that has amended Charter K by the addition thereto of section 14.1 and any Federal association that has a charter in the form of Charter K (rev.) or Charter N may, upon adoption of such a loan plan by its board of directors, invest in loans of the following types, but no investment shall be made under this section if immediately after such investment the outstanding aggregate of all investments of the association made under this section would exceed 20 percent of the association's assets:

. . . . . .

(b) [Revoked]

6. Section 545–8–3 is revised.

§ 545.8–3 Insured loans for title purchase.

Without regard to any other provision of this part, a Federal association which has a Charter in the form of Charter K (rev.) or Charter N may invest in loans, or interests therein, made for the purpose of financing the purchase by homeowners of the fee simple title to property on which their homes are located and as to which the association has the benefit of insurance under section 240 of the National Housing Act, as amended, or of a commitment or agreement for such insurance.

7. Section 545.10 is revised.

§ 545.10 Real estate for office and related facilities.

(a) A Federal association may invest in real estate (improved or unimproved) to be used for office and related facilities of the association, or for such office and related facilities and for rental or sale, if each such investment is made and maintained pursuant to a prudent program of property acquisition to meet ether the association's present needs or its reasonable future needs for office and related facilities. Except with the prior approval of the Board, no such investment may be made before the Board has approved an application for the establishment or maintenance of an office facility at the location of such real estate or the change of an office facility to such location, if, as a result of such investment, the outstanding aggregate book value of all such investments made before such Board approval would exceed 25 percent of the association's net worth. Except with the prior approval of the Board, no such investment may be made before or after the Board has approved an application, if any such application is required, for the establishment or maintenance of an office facility at the location of such real estate or the change of an office facility to such location, if, as a result of such investment, the outstanding aggregate book value of all such investments made before and after such Board approval would exceed the association's net worth.

(b) Requests for Board approval of exceptions. Any request by a Federal association for Board approval of an exception to the limitations contained in this section shall be transmitted to the Supervisory Agent, with a copy thereof to the Director, Office of Examinations and Supervision, 320 First Street, N.W., Washington, D.C. 20552. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of which the Federal association is a member or any other officer or employee of such bank designated by the Board as its agent pursuant to § 501.11 of this chapter.

PART 561—DEFINITIONS

8. Section 561.28 is revised.

§ 561.28 Controlling person.

A controlling person of any entity is any person or other entity owning or holding ten percent or more of the stock or voting rights of such entity or otherwise having the power, directly or indirectly, to direct or cause the direction of the management or policies of such entity.

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9. Part 561 is amended by adding §§ 561.29 through 561.32.

§ 561.29 Affiliated person.

An "affiliated person" of an insured institution refers to the following:

(a) A director, officer or controlling person of such institution;

(b) A spouse of a director, officer or controlling person of such institution; and

(c) A corporation, partnership, trust or similar organization in which a director, officer or controlling person, either directly or indirectly (other than through the insured institution), has an equity or income beneficiary interest of 10 percent or more individually or 15 percent or more collectively with other directors, officers or controlling persons of such institution. For this purpose, a director, officer or controlling person will be deemed to have an equity or income beneficiary interest in an organization in which such person's spouse has such an interest.

§ 561.30 Immediate family.

The "immediate family" of any natural person refers to the following (whether by the full or half blood or by adoption):

(a) Such person's spouse, father, mother, children, brothers, sisters and grandchildren;

(b) The father, mother, brothers, and sisters of such person's spouse; and

(c) The spouse of a child, brother or sister of such person.

§ 561.31 Director.

The term "director" means any director, trustee or other person performing similar functions with respect to any organization whether incorporated or unincorporated.

§ 561.32 Officer.

The term "officer" means the chairman of the board of directors, the president, any vice-president (other than an assistant vice-president, second vice-president or other vice-president having authority similar to an assistant or second vice-president), the secretary, the treasurer, the comptroller, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

PART 563—OPERATIONS

10. Section 563.17 is revised.

§ 563.17 Management and financial policies.

For the protection of its insured members and other insured institutions, each insured institution and service corporation thereof shall maintain safe and sound management and shall pursue financial policies that are safe and consistent with the economical home financing and the purposes of insurance of accounts and are appropriate to their respective types of operations; in implementing this regulation the Corporation will take into consideration that service corporations may be authorized to engage in activities which involve a higher degree of risk than do activities permitted to insured institutions.

11. Section 563.33 is revised.

§ 563.33 Directors, officers and employees.

(a) *Definitions*—(1) *Financial institution.* As used in this section, the term "financial institution" means any savings and loan association, building and loan association, homestead association, cooperative bank, mutual savings bank, commercial bank or trust company. Such term does not include a Federal Home Loan Bank.

(2) *Affiliate.* As used in this section, an "affiliate" of any financial institution means any person or company which controls, is controlled by or is under common control with, such financial institution.

(3) *Control.* As used in this section, a person or company will be deemed to have control of an entity if such person or company directly or indirectly or acting in concert with one or more other persons or companies, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 25 percent of the voting shares or rights of such entity; or controls in any manner the election or appointment of a majority of the directors of such entity; or is a general partner in or has contributed more than 25 percent of the capital of such entity.

(4) *Service corporation affiliate.* As used in this section, the term "service corporation affiliate" has the meaning given it by §§ 561.25, 561.26, and 561.27 of this chapter.

(b) *Directors.* The composition of the board of directors of an insured institution shall be in accordance with the following requirements:

(1) A majority of the directors of an insured institution shall live or work in the normal lending territory of such institution.

(2) Not more than two (or one-third, whichever is less) of the directors of an insured institution may be officers or employees of such institution or of any affiliate thereof. This paragraph (b)(2) does not apply to one director elected in connection with each merger until the third annual meeting following the merger, if such director was an officer or employee of the disappearing institution.

(3) Not more than two (or one-third, whichever is less) of the directors of an insured institution may be members of the same immediate family.

(4) Not more than one director of an insured institution may be an attorney with the same law firm.

(5) (i) Not more than two (or one-third whichever is less) of the directors of an insured institution may be directors of any other financial institution or affiliate thereof. The previous sentence does not apply (a) to full-time salaried officers and employees of such institution or an affiliate thereof, or (b) to a director of any other financial institution or affiliate thereof if neither such other financial institution nor any financial institution affiliate thereof has an office located within any county (or similar political subdivision) or standard metropolitan statistical area (SMSA) in which such insured institution has an office.

(ii) Not more than one director of an insured institution may be a director of the same other financial institution or affiliate thereof.

(iii) No director of an insured institution may be an officer or employee of any other financial institution or affiliate thereof.

(iv) This paragraph (b)(5) does not apply to a financial institution or affiliate thereof if such financial institution is an affiliate of such insured institution.

(c) *Officers.* No officer of an insured institution may be an officer or employee of any other financial institution or affiliate thereof unless such financial institution is an affiliate of such insured institution.

(d) *Compliance with paragraphs (b) and (c).* (1) *General requirements concerning compliance.* (i) After the effective date of this regulation, no insured institution need comply with any Condition of Insurance or provision of its Agreement for Operating Policies concerning the composition of its board of directors or its officers, pursuant to which it is presently operating, unless paragraph (b) or (c) of this section contains a corresponding type of provision.

(ii) No director or officer of an insured institution may assume any new relationship with any person or entity after the effective date of this regulation which would result in a violation of paragraph (b) or (c) of this section.

(2) *Compliance dates.* (i) No person may be elected or appointed as a director or officer of an insured institution (excluding reelections and reappointments) after the effective date of this regulation if such person's election or appointment would result in a violation of paragraph (b) or (c) of this section. (ii) All insured institutions must be in full compliance with said paragraphs (b) and (c) after such institution's 1978 annual meeting.

(3) *Compliance with inconsistent conditions of insurance and agreements for operating policies prior to 1978 annual meeting.* (i) Unless an insured institution agrees to comply fully with paragraphs (b) and (c) prior to its 1978 annual meeting, any insured institution presently operating pursuant to any Condition of Insurance or provision of its Agreement for Operating Policies concerning the composition of its board of directors which is more restrictive than the corresponding type of provision in paragraph (b) of this section shall continue to operate pursuant to such Condition or Agreement provision until such meeting. (ii) Any insured institution presently operating pursuant to any Condition of Insurance or provision of its Agreement for Operating Policies concerning the composition of its board of directors or its officers which is less restrictive than the corresponding type of provision in paragraph (b) or (c) of this section shall at least be in compliance

with such less restrictive provision until such meeting.

(e) *Other employment.* No insured institution or service corporation affiliate thereof shall permit any officer or employee to work for any affiliated person of such institution during the hours of his employment by such institution or service corporation unless such affiliated person compensates such institution or service corporation for the time during which such officer or employee is engaged in such work.

(f) *Excess compensation.* Compensation paid by an insured institution or service corporation affiliate thereof to directors, officers and controlling persons of such institution shall not be clearly excessive of that which is reasonable and commensurate with their duties and responsibilities. In determining whether the compensation of an affiliated person is clearly excessive of that which is reasonable and commensurate with his duties, the factors to be considered by the Corporation will include: (1) The compensation paid to other persons employed by such institution or service corporation; (2) the compensation paid to persons performing similar duties in comparable insured institutions or service corporations; (3) the qualifications of such person; (4) the size and complexity of such institution or service corporation, (5) the financial condition, income and growth record of such institution or service corporation; and (6) generally prevailing economic conditions.

12. Section 563.34 is revised.

§ 563.34 Selection of depository.

(a) *Definitions.* (1) The terms "affiliate" and "financial institution" as used in this section are defined in § 563.33(a). The term "affiliated person" as used in this section is defined in § 561.29.

(2) *Depository.* As used in this section, the term "depository", when used with respect to an insured institution, means any financial institution with which such insured institution maintains funds on deposit.

(3) *Interlock.* As used in this section, an "interlock" will be deemed to exist between an insured institution and a depository whenever such depository is an affiliated person of such institution or whenever any affiliated person of such insured institution is a director, officer, or controlling person of such depository or of an affiliate of such depository.

(b) *Restriction.* (1) Except with the prior written approval of the Corporation, no insured institution may establish a depository relationship with a depository with which it has an interlock after the effective date of this regulation or maintain any such depository relationship in existence on such date after its 1978 annual meeting.

(2) An insured institution may request approval from the Corporation to establish or maintain a depository relationship not permitted by paragraph (b)(1) of this section. Any such request shall be filed with a Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the principal office of such institution is located. In taking action with respect to any such request, the Corporation will consider the size of the depository relative to the deposits maintained by such insured institution, the amount of the deposits relative to the size of such institution, the degree of interlocking relationships, and any other factor which may have a detrimental effect on such institution or investors or depositors therein or borrowers therefrom.

(3) Authority to approve and disapprove requests made pursuant to paragraph (b)(2) of this section is hereby delegated to the Principal Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the principal office of the insured institution making a request is located.

13. Section 563.35 is revised.

§ 563.35 Restrictions involving loan services.

(a) *Tie-in prohibitions.* No insured institution may grant any loan on the prior condition, agreement or understanding that the borrower contract with any specific person or organization for the following:

(1) Insurance services (as an agent, broker or underwriter), except insurance or a guarantee provided by a government agency;

(2) Building materials or construction services;

(3) Legal services rendered to the borrower; or

(4) Services of a real estate agent or broker.

(b) *Notice with respect to insurance on home loans.* An insured institution shall notify the borrower of his right to freely select the person or organization rendering the insurance services in connection with a loan on a home (as defined in § 541.10–2 of this chapter) occupied or to be occupied by the borrower at or prior to the time of the commitment to make such loan.

(c) *Limitation on paragraphs (a) and (b).* Notwithstanding paragraphs (a) and (b) of this section, an insured institution may refuse to make any loan if it believes on reasonable grounds that the insurance services provided by the person or organization selected by the borrower will afford insufficient protection to such institution.

(d) *Payment of attorney's fee by home borrowers.* In connection with a loan on a home (as defined in § 541.10–2 of this chapter) occupied or to be occupied by the borrower, an insured institution may require such borrower to reimburse it for legal services rendered by its attorney, or to directly pay such attorney for such services, only if (1) such attorney's fee is limited to legal services attributable to processing and closing such loan (and not unrelated services performed for the institution by the attorney), (2) such fee is supported by a statement prepared by or on behalf of such attorney which describes the legal services performed, sets forth the time spent by such attorney and the hourly rate or other basis for determining such fee, and (3) after its 1978 annual meeting, neither such attorney nor any attorney in his law firm is an affiliated person of such institution. This paragraph (d) does not apply to an attorney employed on a full-time salaried basis by such institution if such attorney receives no additional compensation for providing such services.

(e) *Payment of appraisal fees by home borrowers.* In connection with a loan on a home (as defined in § 545.10–2 of this chapter) occupied or to be occupied by the borrower, an insured institution may require such borrower to reimburse it for appraisal services rendered by an appraiser, or to directly pay such appraiser for such services, after its 1978 annual meeting, only if neither such appraiser nor any appraiser in his appraisal firm is an affiliated person of such institution. This paragraph (e) does not apply to an appraiser employed on a full-time salaried basis by such institution if such appraiser receives no additional compensation for providing such services.

14. Section 563.40 is revised.

§ 563.40 Payment of fees to affiliated persons.

(a) *Loan procurement fees.* No affiliated person of an insured institution may receive, directly or indirectly, from such institution, or from any other source any fee or other compensation of any kind in connection with the procurement of any loan from such institution or service corporation affiliate thereof.

(b) *Kickbacks and unearned fees.* The prohibitions contained in sections 8(a) and 8(b) of the Real Estate Settlement Procedures Act of 1974 (Public Law 93–533) shall apply to any fee, kickback, thing of value, and any portion, split or percentage of any charge given to or accepted by any insured institution, or service corporation affiliate or affiliated person thereof, in connection with any loan or real property made by an insured institution or service corporation affiliate thereof, without regard to whether the loan is within the term "federally related mortgage loan", as defined in section 3 (1) of the Act.

15. Section 563.41 is revised.

§ 563.41 Transactions with affiliated persons involving real property.

(a) *Scope of section.* Section 584.3 of this chapter is controlling with respect to transactions between a subsidiary insured institution of a savings and loan holding company (see definitions in §§ 583.6, 583.11 and 583.14 of this chapter) and an affiliate of such institution (as defined in § 583.15 of this chapter).

(b) *Prohibition.* Except as provided in paragraph (c) of this section, no insured institution or service corporation affiliate thereof may, either directly or indirectly, purchase from, jointly own with, sell to or lease from an affiliated person of such institution any interest in real property.

(c) *Exception for office building leases.* The prohibition set forth in paragraph (b) of this section does not apply to a joint ownership existing on the effective

V 40 185 SEP 23 75 XUM

date of this regulation, or to any lease by an insured institution or service corporation affiliate thereof of property on which such institution or service corporation maintains an office if such lease is in existence on such date. However, no such lease may be renewed without prior written approval of the Corporation, and any request for such approval shall be filed with a Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the principal office of such institution or service corporation is located. No such approval will be granted without a showing by the insured institution or service corporation that the terms of such renewal are fair. If such lease, as so renewed, would expire on or after January 1, 1980, such institution or service corporation shall also show that there is no other suitable location for the office or that moving to another location would cause undue hardship.

(d) *Delegation to principal supervisory agents.* Authority to approve and disapprove requests made pursuant to paragraph (c) of this section is hereby delegated to the Principal Supervisory Agent of the Corporation at the Federal Home Loan Bank in the district in which the principal office of the insured institution making the request is located.

16. Section 563.42 is revised.

§ 563.42 Independent office facilities.

(a) *Terms.* (1) The terms "affiliate" and "financial institution" as used in this section are defined in § 563.33(a).

(2) For the purposes of this section, the quarters of an insured institution may be considered "independent" even though located in the same office building as the office quarters of some other financial institution or affiliate thereof, or of a business of the type described in paragraph (a)(4) of this section.

(3) For the purposes of this section, the term "branch office" refers to any office of an insured institution (other than its principal office) at which savings account transactions are effected, which occupies more than 1,000 square feet of floor space, and which has more than four teller stations operated by employees of such institution.

(4) The "businesses" referred to in paragraph (b) of this section are businesses which are materially engaged in the following activities: Underwriting, reinsuring, agency or brokerage services involving homeowners', credit life, credit health and accident, private mortgage or title insurance; consumer finance company activities; mobile home manufacturing or sales; building material or supply sales; real estate development or investment; building construction; real estate sales; property management; mortgage banking; appraisals; escrow, abstract, or deed of trust services; title examinations; and legal services. A business will be deemed materially engaged in an activity if 15 percent or more of its annual gross income is derived from such activity.

(b) *Requirements.* Each principal or branch office of an insured institution shall be located in quarters independent of other financial institutions and affiliates thereof and of the types of businesses described in paragraph (a)(4) of this section. The requirements in the previous sentence do not apply to affiliates of such insured institution which are service corporations, parent companies of affiliates of parent companies.

(c) *Exception for existing leases.* The requirements set forth in paragraph (b) of this section do not affect any lease by or from an insured institution in existence on the effective date of this regulation. However, no such lease shall be renewed without prior written approval of the Corporation and any request for such approval shall be filed with a Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the principal office of such institution is located. No such approval will be granted without a showing by the insured institution that the terms of such renewal are fair. If such a lease by an insured institution, as so renewed, would expire on or after January 1, 1980, such institution shall also show that there is no other suitable location for the office, or that moving to another location would cause undue hardship. If such a lease from an insured institution, as so renewed, would expire on or after January 1, 1980, then such institution shall also show that there is no other suitable location for the lessee, that moving to another location would cause undue hardship for such lessee, or that there is no other suitable lessee.

(d) *Delegation of authority to principal supervisory agents.* Authority to approve or disapprove requests pursuant to paragraph (c) of this section is hereby delegated to the Principal Supervisory Agent of the Corporation at the Federal Home Loan Bank in the district in which the principal office of the insured institution making the request is located.

17. Section 563.43 is revised.

§ 563.43 Loans involving affiliated persons.

(a) *Scope of section.* Section 584.3 of this chapter is controlling with respect to transactions between a subsidiary insured institution of a savings and loan holding company (see definitions in §§ 583.6, 583.11 and 583.14 of this chapter) and an affiliate of such institution (as defined in § 583.15 of this chapter).

(b) *Prohibitions concerning transactions with affiliated persons.* (1)(i) No insured institution or service corporation affiliate thereof may, either directly or indirectly, make a loan to any affiliated person of such institution or purchase such a loan.

(ii) The prohibitions in paragraph (b)(1)(i) of this section do not apply to the following types of loans:

(a) Loans secured by a single-family dwelling owned and occupied as the borrower's principal dwelling place;

(b) Loans for constructing, adding to, improving, altering, repairing, equipping, or furnishing a single-family dwelling owned and occupied as the borrower's principal dwelling place;

(c) Loans secured by a mobile home owned and occupied as the borrower's principal dwelling place;

(d) Loans secured by savings accounts maintained by the affiliated person at the institution;

(e) Loans for payment of educational expenses; and

(f) Consumer loans.

(2) No insured institution or service corporation affiliate thereof may invest, directly or indirectly, in the stock, bonds, notes or other securities of any affiliated person of such institution.

(3) No insured institution or service corporation affiliate thereof may, directly or indirectly, purchase securities under a repurchase agreement from any affiliated person of such institution.

(c) *Prohibitions concerning transactions with third persons.* No insured institution or service corporation affiliate thereof may, directly or indirectly:

(1) Make any loan to, or purchase (other than through a secondary market such as the Federal Home Loan Mortgage Corporation) any such loan made to, any third party on the security of property acquired directly from any affiliated person of such institution.

(2) Make a loan to, or purchase a loan made to, any third party secured by real property with respect to which any affiliated person of such institution holds a security interest;

(3) Accept the stock, bonds, notes or other securities of any affiliated person of such institution as security for a loan to any third party made or purchased by such institution or service corporation affiliate thereof;

(4) Maintain a compensating balance with respect to a loan made by any third party to any affiliated person of such institution; or

(5) Enter into any guarantee arrangement or make any takeout commitment with respect to a loan made by any third party to any affiliated person of such institution.

18. Section 563.45 is revised.

§ 563.45 Disclosure.

(a) *Statement of Transactions Involving Affiliated Persons.* With respect to each annual meeting held twelve months after the effective date of this section, each insured institution shall prepare a Statement of Transactions Involving Affiliated Persons clearly setting forth the information described in paragraph (b), of this section and shall provide copies of such statement to persons having voting rights in such institution and to the Principal Supervisory Agent in accordance with paragraph (c) of this section. Each such statement shall cover a period of approximately twelve months, ending within 120 days of the forthcoming annual meeting. Such statements shall be consecutive. Such statements need not include information as to any loan transaction involving an affiliated person of such institution unless the insured institution or service corporation affiliate making such loan knew or had reason to know of such person's involvement in such loan transaction.

(b) *Information to be contained in each Statement of Transactions Involving Affiliated Persons.* (1) Each Statement of Transactions Involving Affiliated Persons prepared by an insured institution shall contain the following information with respect to loans made by such institution or any service corporation affiliate thereof during the period covered by such statement to any affiliated person of such institution, or any business entity of which such person was an officer or partner:

(i) The name of each such person or entity receiving one or more loans totaling at least $10,000;

(ii) A description of the affiliation with such institution of such person or entity; and

(iii) A brief description of the loan transactions involving such person or entity, including dollar amounts and interest rates.

(2) Each Statement of Transactions Involving Affiliated Persons prepared by an insured institution shall contain the following information with respect to loans made by such institution and any service corporation affiliate thereof during the period covered by such statement in connection with which any affiliated person of such institution, or any business entity of which such person was an officer or partner, acted as attorney for such institution or service corporation, appraiser, escrow agent, insurance agent/broker, real estate agent/broker, supplier of title examination or abstract services, or underwriter of title or other required insurance:

(i) The name of each such person or entity receiving fees or other compensation totaling at least $10,000 for acting in one or more of such capacities;

(ii) A description of the affiliation with such institution of such person or entity;

(iii) Each capacity or type of service for which fees or other compensation were received by such person or entity;

(iv) The aggregate fees or other compensation received in each capacity in which such person or entity acted; and

(v) With respect to attorneys, appraisers and escrow agents, the portion of the fees and other compensation received by each such person or entity in relation to the total payments received for each such service in connection with all loans by such institution and its service corporation affiliates.

(3) Each Statement of Transactions Involving Affiliated Persons prepared by an insured institution shall contain the following inforfation with respect to loans made by such institution and any service corporation affiliate thereof during the period covered by such statement in connection with which any affiliated person of such institution, or any business entity of which such person was an officer or partner, acted as a builder, building materials supplier or building subcontractor:

(i) The name of each person or entity receiving fees or other compensation totaling at least $10,000 for acting in one or more of such capacities;

(ii) A description of the affiliation with such institution of such person or entity;

(iii) Each capacity and type of goods or services furnished for which such payments were received; and

(iv) The aggregate payments received in each capacity in which such person or entity acted.

(c) *Availability of each Statement of Transactions Involving Affiliated Persons.* (1) *General availability.* Each insured institution shall provide a copy of its most recent Statement of Transactions Involving Affiliated Persons and of the two statements immediately preceding such statement, upon request and at any time, to any person then having voting rights in such institution.

(2) *Availability in connection with annual meetings*—(i) *Persons having voting rights.* At least 20 days before each annual meeting held on or after January 1, 1978, each insured institution (other than institutions of the type described in the last sentence of paragraph (c)(2)(i) of this section) shall either:

(a) Mail a copy of its statement for the period ending within 120 days of such meeting to each person known to have voting rights in such institution at the time of such mailing, or

(b) Mail a notice to each such person that a copy of such statement is available upon request at the principal and all branch offices of such institution or by mail, or

(c) Have copies of such statement available on or near the counter or other structure where savings account deposit and withdrawal forms are kept in its principal and each branch office, continue to have copies so available until the date of such meeting, and post a conspicuous notice in the lobby of each such office to the effect that copies of such statement are available.

Each institution which sends persons having voting rights written notice by mail of an annual meeting shall include with such notice either a copy of its statement for the period ending within 120 days of such meeting, or a notice that a copy of such statement is available upon request at the principal and each branch office of such institution or by mail.

(ii) *Principal supervisory agents.* At least 120 days before each annual meeting held on or after January 1, 1978, each insured institution shall mail three copies of its statement for the period ending within 120 days of such meeting to the Principal Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the principal office of such institution is located.

(3) *Copies of statements to be provided without charge.* All copies of statements provided pursuant to this section shall be provided without charge.

(d) *Definition of affiliated person.* As used in this section, an affiliated person of an insured institution means:

(1) A director, officer or controlling person of such institution;

(2) The spouse of any such director, officer or controlling person;

(3) The immediate families of the persons listed in paragraph (c)(1); and

(4) Any corporation, partnership, trust or similar organization in which any of the persons listed in paragraphs (c)(1) or (c)(3), either directly or indirectly (other than through the insured institution), has an equity or income beneficiary interest of 10 percent or more individually or 15 percent or more collectively with any other such persons. For the purpose of this section, any person listed in paragraphs (c)(1) or (c)(3) will be deemed to have an equity or income beneficiary interest in an organization in which such person's spouse has an interest.

(e) *Effect of section.* Disclosure under this section does not restrict the Corporation's authority to take appropriate action as to unsafe or unsound practices, or violations of law or regulation, respecting the matters disclosed.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRADY PERRY, Jr.,
Acting Chairman.

[FR Doc.75-25289 Filed 9-22-75;8:45 am]

V 40 N 185 S EP 23 75 XUM

federal register

TUESDAY, SEPTEMBER 23, 1975



PART III:

ENVIRONMENTAL PROTECTION AGENCY

ELECTRIC ARC FURNACES IN THE STEEL INDUSTRY

Standards of Performance

V40 185 SEP 23 75 XUM

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 407-3]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Electric Arc Furnaces in the Steel Industry

On October 21, 1974 (39 FR 37466), under section 111 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) proposed standards of performance for new and modified electric arc furnaces in the steel industry. Interested persons participated in the rulemaking by submitting written comments to EPA. A total of 19 comment letters was received, seven of which came from the industry, eight from State and local air pollution control agencies, and four from Federal agencies. The Freedom of Information Center, Room 202 West Tower, 401 M Street, S.W., Washington, D.C., has copies of the comment letters received and a summary of the issues and Agency responses available for public inspection. In addition, copies of the issue summary and Agency responses may be obtained upon written request from the EPA Public Information Center (PM-215), 401 M Street, S.W., Washington, D.C. 20460 (specify—Public Comment Summary: Electric Arc Furnaces in the Steel Industry). The comments have been carefully considered, and where determined by the Administrator to be appropriate, changes have been made to the proposed regulation and are incorporated in the regulation promulgated herein.

The bases for the proposed standards are presented in "Background Information for Standards of Performance: Electric Arc Furnaces in the Steel Industry," (EPA-450/2-74-017a, b). Copies of this document are available on request from the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attention: Mr. Don R. Goodwin.

SUMMARY OF REGULATION

The promulgated standards of performance for new and modified electric arc furnaces in the steel industry limit particulate matter emissions from the control device, from the shop, and from the dust-handling equipment. Emissions from the control device are limited to less than 12 mg/dscm (0.0052 gr/dscf) and 3 percent opacity. Furnace emissions escaping capture by the collection system and exiting from the shop are limited to zero percent opacity, but emissions greater than this level are allowed during charging periods and tapping periods. Emissions from the dust-handling equipment are limited to less than 10 percent opacity. The regulation requires monitoring of flow rates through each separately ducted emission capture hood and monitoring of the pressure inside the electric arc furnace for direct shell evacuation systems. Additionally, continuous monitoring of opacity of emissions from the control device is required.

SIGNIFICANT COMMENTS AND CHANGES MADE TO THE PROPOSED REGULATION

All of the comment letters received by EPA contained multiple comments. The most significant comments and the differences between the proposed and promulgated regulations are discussed below. In addition to the discussed changes, a number of paragraphs and sections of the proposed regulation were reorganized in the regulation promulgated herein.

(1) *Applicability.* One commentator questioned whether electric arc furnaces that use continuous feeding of prereduced ore pellets as the primary source of iron can comply with the proposed standards of performance since the standards were based on data from conventionally charged furnaces. Electric arc furnaces that use prereduced ore pellets were not investigated by EPA because this process was still being researched by the steel industry during development of the standard and was several years from extensive use on commercial sized furnaces. Emissions from this type of furnace are generated at different rates and in different amounts over the steel production cycle than emissions from conventionally charged furnaces. The proposed standards were structured for the emission cycle of a conventionally charged electric arc furnace. The standards, consequently, are not suitable for application to electric arc furnaces that use prereduced ore pellets as the primary source of iron. Even with use of best available control technology, emissions from these furnaces may not be controllable to the level of all of the standards promulgated herein; however, over the entire cycle the emissions may be less than those from a well-controlled conventional electric arc furnace. Therefore, EPA believes that standards of performance for electric arc furnaces using prereduced ore pellets require a different structure than do standards for conventionally charged furnaces. An investigation into the emission reduction achievable and best available control technology for these furnaces will be conducted in the future and standards of performance will be established. Consequently, electric arc furnaces that use continuous feeding of prereduced ore pellets as the primary source of iron are not subject to the requirements of this subpart.

(2) *Concentration standard for emissions from the control device.* Four commentators recommended revising the concentration standard for the control device effluent to 18 mg/dscm (0.008 gr/dscf) from the proposed level of 12 mg/dscm (0.0052 gr/dscf). The argument for the higher standard was that the proposed standard had not been demonstrated on either carbon steel shops or on combination direct shell evacuation-canopy hood control systems. Emission measurement data presented in "Background Information for Standards of Performance: Electric Arc Furnaces in the Steel Industry" show that carbon steel shops as well as alloy steel shops can reduce particulate matter emissions to less than 12 mg/dscm by application of well-designed fabric filter collectors. These data also show that combination direct shell evacuation-canopy hood systems can control emission levels to less than 12 mg/dscm. EPA believes that revising the standard to 18 mg/dscm would allow relaxation of the design requirements of the fabric filter collectors which are installed to meet the standard. Accordingly, the standard promulgated herein limits particulate matter emissions from the control device to less than 12 mg/dscm.

Two commentators requested that specific concentration and opacity standards be established for emissions from scrubber controlled direct shell evacuation systems. The argument for a separate concentration standard was that emissions from scrubber controlled direct shell evacuation systems can be reduced to only about 50 mg/dscm (0.022 gr/dscf) and, thus, even with the proposed proration provisions under § 60.274(b), it is not possible to use scrubbers and comply with the proposed concentration standard. The commentators also argued that a separate opacity standard was necessary for scrubber equipped systems because the effluent is more concentrated and, thus, reflects and scatters more visible light than the effluent from fabric filter collectors.

EPA would like to emphasize that use of venturi scrubbers to control the effluent from direct shell evacuation systems is not considered to be a "best system of emission reduction considering costs." The promulgated standards of performance for electric arc furnaces reflect the degree of emission reduction achievable for systems discharging emissions through fabric filter collectors. EPA believes, however, that the regulation does not preclude use of control systems that discharge direct shell evacuation system emissions through venturi scrubbers. Available information indicates that effluent from a direct shell evacuation system can be controlled to 0.01 gr/dscf or less using a high energy venturi scrubber (pressure drop greater than 60 in. w.g.). If the scrubber reduces particulate matter emissions to 0.01 gr/dscf, then the fabric filter collector is only required to reduce the emissions from the canopy hood to about 0.004 gr/dscf in order for the emission rates to be less than 0.0052 gr/dscf. Therefore, it is technically feasible for a facility to use a high energy scrubber and a fabric filter to control the combined furnace emissions to less than 0.0052 gr/dscf. A concentration standard of 0.022 gr/dscf for scrubbers would not require installation of control devices which have a collection efficiency comparable to that of best control technology (well-designed and well-operated fabric filter collector). In addition, electric arc furnace particulate matter emissions are invisible to the human eye at effluent concentrations less than 0.01 gr/dscf when emitted from average diameter stacks. For the reasons discussed above, neither a separate concentration standard nor a separate opacity standard will be established as suggested by the commentators.

(3) *Control device opacity standard.* Four commentators suggested that the proposed control device opacity standard either be revised from less than five percent opacity to less than ten percent opacity based on six-minute average values or that a time exemption be provided for visible emissions during the cleaning cycle of shaker-type fabric filter collectors.

EPA's experience indicates that a time exemption to allow for puffing during the cleaning cycle of the fabric filter collector is not necessary. For this application, a well-designed and well-maintained fabric filter collector should have no visible emissions during all phases of the operating cycle. The promulgated opacity standard, therefore, does not provide a time exemption for puffing of the collector during the cleaning cycle.

The suggested revision of the proposed opacity standard to ten percent (based on six-minute average values) was considered in light of recent changes in Method 9 of Appendix A to this part (39 FR 39872). The revisions to Method 9 require that compliance with opacity standards be determined by averaging sets of 24 consecutive observations taken at 15-second intervals (six-minute averages). All six-minute average values of the opacity data used as the basis for the proposed opacity standard are zero percent. EPA believes that the ten percent standard suggested by the commentators would allow much less effective operation and maintenance of the control device than is required by the concentration standard. On the basis of available data, a five percent opacity standard (based on six-minute average values) also is unnecessarily lenient.

The proposed opacity standard of zero percent was revised slightly upward to be consistent with previously established opacity standards which are less stringent than their associated concentration standards without being unduly lax. The promulgated opacity standard limits emissions from the control device to less than three percent opacity (based on averaging sets of 24 consecutive observations taken at 15-second intervals). Use of six-minute average values to determine compliance with applicable opacity standards makes opacity levels of any value possible, instead of the previous method's limitation of values at discrete intervals of five percent opacity.

(4) *Standards on emissions from the shop.* Twelve commentators questioned the value of the shop opacity standards, arguing that the proposed standards are unenforceable, too lenient, or too stringent.

Commentators arguing for less stringent or more stringent standards suggested various alternative opacity values for the charging or tapping period standards, different averaging periods, and a different limitation on emissions from the shop during the meltdown and refining period of the EAF operation. Because of these comments, the basis for these standards was thoroughly reevaluated, including a review of all available data and follow-up contacts with commentators who had offered suggestions. The follow-up contacts revealed that the suggested revisions were opinions only and were not based on actual data. The reevaluation of the data bases of the proposed standards reaffirmed that the standards represented levels of emission control achievable by application of best control technology considering costs. Hence, EPA concluded that the standards are reasonable (neither too stringent nor too lenient) and that revision of these standards is not warranted in the absence of specific information indicating such a need.

Four commentators believed that the proposed standards were impractical to enforce for the following reasons:

(1) Intermingling of emissions from non-regulated sources with emissions from the electric arc furnaces would make enforcement of the standards impossible.

(2) Overlap of operations at multi-furnace shops would make it difficult to identify the periods in which the charging and tapping standards are applicable.

(3) Additional manpower would be required in order to enforce these standards.

(4) The standards would require access to the shop, providing the source with notice of surveillance and the results would not be representative of routine emissions.

(5) The standards would be unenforceable at facilities with a mixture of existing and new electric arc furnaces in the same shop.

EPA considered all of the comments on the enforceability of the proposed standards and concluded that some changes were appropriate. The proposed regulation was reconsidered with the intent of developing more enforceable provisions requiring the same level of control. This effort resulted in several changes to the regulation, which are discussed below.

The promulgated regulation retains the proposed limitations on the opacity of emissions exiting from the shop except for the exemption of one minute/hour per EAF during the refining and meltdown periods. The purpose of this exemption was to provide some allowance for puffs due to "cave-ins" or addition of iron ore or burnt lime through the slag door. Only one suspected "cave-in" and no puffs due to additions occurred during 15 hours of observations at a well-controlled facility; therefore, it was concluded that these brief uncontrolled puffs do not occur frequently and whether or not a "cave-in" has occurred is best evaluated on a case-by-case basis. This approach was also necessitated by recent revisions to Method 9 (39 FR 39872) which require basing compliance on six-minute averages of the observations. Use of six-minute averages of opacity readings is not consistent with allowing a time exemption. Determination of whether brief puffs of emissions occurring during refining and meltdown periods are due to "cave-ins" will be made at the time of determination of compliance. If such emissions are considered to be due to a "cave-in" or other uncontrollable event, the evaluation may be repeated without any change in operating conditions.

The purpose of the proposed opacity standards limiting the opacity of emissions from the shop was to require good capture of the furnace emissions. The method for routinely enforcing these capture requirements has been revised in the regulation promulgated herein in that the owner or operator is now required to demonstrate compliance with the shop opacity standards just prior to conducting the performance test on the control device. This performance evaluation will establish the baseline operating flow rates for each of the canopy hoods or other fume capture hoods and the furnace pressures for the electric arc furnace using direct shell evacuation systems. Continuous monitoring of the flow rate through each separately ducted control system is required for each electric arc furnace subject to this regulation. Owners or operators of electric arc furnaces that use a direct shell evacuation system to collect the refining and meltdown period emissions are required to continuously monitor the pressure inside the furnace free space. The flow rate and pressure data will provide a continuous record of the operation of the control systems. Facilities that use a building evacuation system for capture and control of emissions are not subject to the flow rate and pressure monitoring requirements if the building roof is never opened.

The shop opacity standards promulgated herein are applicable only during demonstrations of compliance of the affected facility. At all other times the operating conditions must be maintained at the baseline values or better. Use of operating conditions that will result in poorer capture of emissions constitutes unacceptable operation and maintenance of the affected facility. These provisions of the promulgated regulation will allow evaluation of the performance of the collection system without interference from other emission sources because the non-regulated sources can be shut down for the duration of the evaluation. The monitoring of operations requirements will simplify enforcement of the regulation because neither the enforcing agency nor the owner or operator must show that any apparent violation was or was not due to operation of non-regulated sources.

The promulgated regulation's monitoring of operation requirements will add negligible additional costs to the total cost of complying with the promulgated standards of performance. Flow rate monitoring devices of sufficient accuracy to meet the requirements of § 60.274(b) can be installed for $600–$4000 depending on the flow profile of the area being monitored and the complexity of the monitoring device. Devices that monitor

V40I185 SEP2375 XUM

the pressure inside the free space of an electric arc furnace equipped with a direct shell evacuation system are installed by most owners or operators in order to obtain better control of the furnace operation. Consequently, for most owners or operators, the pressure monitoring requirements will only result in the additional costs for installation and operation of a strip chart recorder. A suitable strip chart recorder can be installed for less than $600.

There are no data reduction requirements in the flow rate monitoring provisions. The pressure monitoring provisions for the direct shell evacuation control systems require recording of the pressures as 15-minute integrated averages. The pressure inside the electric arc furnace above the slag and metal fluctuates rapidly. Integration of the data over 15-minute periods is necessary to provide an indication of the operation of the system. Electronic and mechanical integrators are available at an initial cost of less than $600 to accomplish this task. Electronic circuits to produce a continuous integration of the data can be built directly into the monitoring device or can be provided as a separate modular component of the monitoring system. These devices can provide a continuous integrated average on a strip chart recorder.

(5) *Emission monitoring.* Three commentators suggested deletion of the proposed opacity monitoring requirements because long path lengths and multiple compartments in pressurized fabric filter collectors make monitoring infeasible. The proposed opacity monitoring requirements have not been deleted because opacity monitoring is feasible on the control systems of interest (closed or suction fabric filter collectors). This subpart also permits use of alternative control systems which are not amenable to testing and monitoring using existing procedures, providing the owner or operator can demonstrate compliance by alternative methods. If the owner or operator plans to install a pressurized fabric filter collector, he should submit for the Administrator's approval the emission testing procedures and the method of monitoring the emissions of the collector. The opacity of emissions from pressurized fabric filter collectors can be monitored using present instrumentation at a reasonable cost. Possible alternative methods for monitoring of emissions from pressurized fabric filter collectors include: (1) monitoring of several compartments by a conventional path length transmissometer and rotation of the transmissometer to other groups of collector compartments on a scheduled basis or (2) monitoring with several conventional path length transmissometers. In addition to monitoring schemes based on conventional path length transmissometers, a long path transmissometer could be used to monitor emissions from a pressurized fabric filter collector. Transmissometers capable of monitoring distances up to 150 meters are commercially available and have been demonstrated to accurately monitor opacity. Use of long path transmissometers on pressurized fabric filter collectors has yet to be demonstrated, but if properly installed there is no reason to believe that the transmissometer will not accurately and representatively monitor emissions. The best location for a long path transmissometer on a fabric filter collector will depend on the specific design features of both; therefore, the best location and monitoring procedure must be established on an individual basis and is subject to the Administrator's approval.

Two commentators argued that the proposed reporting requirements would result in excessive paperwork for the owner or operator. These commentators suggested basing the reporting requirements on hourly averages of the monitoring data. EPA believes that one-hour averaging periods would not produce values that would meaningfully relate to the operation of the fabric filter collector and would not be useful for comparison with Method 9 observations. In light of the revision of Method 9 to base compliance on six-minute averages, all six-minute periods in which the average opacity is three percent or greater shall be reported as periods of excess emissions. EPA does not believe that this requirement will result in an excessive burden for properly operated and maintained facilities.

(6) *Test methods and procedures.* Two commentators questioned the precision and accuracy of Method 5 of Appendix A to this part when applied to gas streams with particulate matter concentrations less than 12 mg/dscm. EPA has reviewed the sampling and analytical error associated with Method 5 testing of low concentration gas streams. It was concluded that if the recommended minimum sample volume (160 dscf) is used, then the errors should be within the acceptable range for the method. Accordingly, the recommended minimum sample volumes and times of the proposed regulation are being promulgated unchanged.

Three commentators questioned what methodology was to be used in testing of open or pressurized fabric filter collectors. These commentators advocated that EPA develop a reference test method for testing of pressurized fabric filter collectors. From EPA's experience, development of a single test procedure for representative sampling of all pressurized fabric filter collectors is not feasible because of significant variations in the design of these control devices. Test procedures for demonstrating compliance with the standard, however, can be developed on a case-by-case basis. The promulgated regulation does require that the owner or operator design and construct the control device so that representative measurement of the particulate matter emissions is feasible.

Provisions in 40 CFR 60.8(b) allow the owner or operator upon approval by the Administrator to show compliance with the standard of performance by use of an "equivalent" test method or "alternative" test method. For pressurized fabric filter collectors, the owner or operator is responsible for development of an "alternative" or "equivalent" test procedure which must be approved prior to the determination of compliance.

Depending on the design of the pressurized fabric filter collector, the performance test may require use of an "alternative" method which would produce results adequate to demonstrate compliance. An "alternative" method does not necessarily require that the effluent be discharged through a stack. A possible alternative procedure for testing is representative sampling of emissions from a randomly selected, representative number of compartments of the collector. If the flow rate of effluent from the compartments or other conditions are not amenable to isokinetic sampling, then subisokinetic sampling (that is, sampling at lower velocities than the gas stream velocity, thus biasing the sample toward collection of a greater concentration than is actually present) should be used. If a suitable "equivalent" or "alternative" test procedure is not developed by the owner or operator, then total enclosure of the collector and testing by Method 5 of Appendix A to this part is required.

A new paragraph has been added to clarify that during emission testing of pressurized fabric filter collectors the dilution air vents must be blocked off for the period of testing or the amount of dilution must be determined and a correction applied in order to accurately determine the emission rate of the control device. The need for dilution air correction was discussed in "Background Information for Standards of Performance: Electric Arc Furnaces in the Steel Industry" but was not an explicit requirement in the proposed regulation.

(7) *Miscellaneous.* Some commentators on the proposed standards of performance for ferroalloy production facilities (39 FR 37470) questioned the rationale for the differences between the electric arc furnace regulation and the ferroalloy production facilities regulation with respect to methods of limiting fugitive emissions. The intent of both regulations is to require effective capture and control of emissions from the source. The standards of performance for electric arc furnaces regulate collection efficiency by placing limitations on the opacity of emissions from the shop. The performance of the control system is evaluated at the shop roof and/or other areas of emission to the atmosphere because it is not possible to evaluate the performance of the collection system inside the shop. In electric arc furnace shops, collection systems for capture of charging and tapping period emissions must be located at least 30 or 40 feet above the furnace to allow free movement of the crane which charges raw materials to the furnace. Fumes from charging, tapping, and other activities rise and accumulate in the upper areas of the building, thus obscuring visibility. Because of the poor visibility within the shop, the performance of the emission collection system can only be evaluated at the point where emissions are discharged to the atmosphere. Ferroalloy electric submerged arc furnace operations do not require this large free space between the furnace and the collection device (hood). Visibility around the electric submerged arc furnace is good. Consequently, the performance of the collection device on a ferroalloy furnace may be evaluated at the collection area rather than at the point of discharge to the atmosphere.

Effective date. In accordance with section 111 of the Act, these regulations prescribing standards of performance for electric arc furnaces in the steel industry are effective on September 23, 1975, and apply to electric arc furnaces and their associated dust-handling equipment, the construction or modification of which was commenced after October 21, 1974.

Dated: September 15, 1975.

JOHN QUARLES,
Acting Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The table of sections is amended by adding subpart AA as follows:

• • • • •

Subpart AA—Standards of Performance for Steel Plants: Electric Arc Furnaces

60.270 Applicability and designation of affected facility.
60.271 Definitions.
60.272 Standard for particulate matter.
60.273 Emission monitoring.
60.274 Monitoring of operations.
60.275 Test methods and procedures.

• • • • •

2. Part 60 is amended by adding subpart AA as follows:

• • • • •

Subpart AA—Standards of Performance for Steel Plants: Electric Arc Furnaces

§ 60.270 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in steel plants: electric arc furnaces and dust-handling equipment.

§ 60.271 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) "Electric arc furnace" (EAF) means any furnace that produces molten steel and heats the charge materials with electric arcs from carbon electrodes. Furnaces from which the molten steel is cast into the shape of finished products, such as in a foundry, are not affected facilities included within the scope of this definition. Furnaces which, as the primary source of iron, continuously feed prereduced ore pellets are not affected facilities within the scope of this definition.

(b) "Dust-handling equipment" means any equipment used to handle particulate matter collected by the control device and located at or near the control device for an EAF subject to this subpart.

(c) "Control device" means the air pollution control equipment used to remove particulate matter generated by an EAF(s) from the effluent gas stream.

(d) "Capture system" means the equipment (including ducts, hoods, fans, dampers, etc.) used to capture or transport particulate matter generated by an EAF to the air pollution control device.

(e) "Charge" means the addition of iron and steel scrap or other materials into the top of an electric arc furnace.

(f) "Charging period" means the time period commencing at the moment an EAF starts to open and ending either three minutes after the EAF roof is returned to its closed position or six minutes after commencement of opening of the roof, whichever is longer.

(g) "Tap" means the pouring of molten steel from an EAF.

(h) "Tapping period" means the time period commencing at the moment an EAF begins to tilt to pour and ending either three minutes after an EAF returns to an upright position or six minutes after commencing to tilt, whichever is longer.

(i) "Meltdown and refining" means that phase of the steel production cycle when charge material is melted and undesirable elements are removed from the metal.

(j) "Meltdown and refining period" means the time period commencing at the termination of the initial charging period and ending at the initiation of the tapping period, excluding any intermediate charging periods.

(k) "Shop opacity" means the arithmetic average of 24 or more opacity observations of emissions from the shop taken in accordance with Method 9 of Appendix A of this part for the applicable time periods.

(l) "Heat time" means the period commencing when scrap is charged to an empty EAF and terminating when the EAF tap is completed.

(m) "Shop" means the building which houses one or more EAF's.

(n) "Direct shell evacuation system" means any system that maintains a negative pressure within the EAF above the slag or metal and ducts these emissions to the control device.

§ 60.272 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from an electric arc furnace any gases which:

(1) Exit from a control device and contain particulate matter in excess of 12 mg/dscm (0.0052 gr/dscf).

(2) Exit from a control device and exhibit three percent opacity or greater.

(3) Exit from a shop and, due solely to operations of any EAF(s), exhibit greater than zero percent shop opacity except:

(i) Shop opacity greater than zero percent, but less than 20 percent, may occur during charging periods.

(ii) Shop opacity greater than zero percent, but less than 40 percent, may occur during tapping periods.

(iii) Opacity standards under paragraph (a)(3) of this section shall apply only during periods when flow rates and pressures are being established under § 60.274 (c) and (f).

(iv) Where the capture system is operated such that the roof of the shop is closed during the charge and the tap, and emissions to the atmosphere are prevented until the roof is opened after completion of the charge or tap, the shop opacity standards under paragraph (a)(3) of this section shall apply when the roof is opened and shall continue to apply for the length of time defined by the charging and/or tapping periods.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from dust-handling equipment any gases which exhibit 10 percent opacity or greater.

§ 60.273 Emission monitoring.

(a) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the control device(s) shall be installed, calibrated, maintained, and operated by the owner or operator subject to the provisions of this subpart.

(b) For the purpose of reports under § 60.7(c), periods of excess emissions that shall be reported are defined as all six-minute periods during which the average opacity is three percent or greater.

§ 60.274 Monitoring of operations.

(a) The owner or operator subject to the provisions of this subpart shall maintain records daily of the following information:

(1) Time and duration of each charge;

(2) Time and duration of each tap;

(3) All flow rate data obtained under paragraph (b) of this section, or equivalent obtained under paragraph (d) of this section; and

(4) All pressure data obtained under paragraph (e) of this section.

(b) Except as provided under paragraph (d) of this section, the owner or operator subject to the provisions of this subpart shall install, calibrate, and maintain a monitoring device that continously records the volumetric flow rate through each separately ducted hood. The monitoring device(s) may be installed in any appropriate location in the exhaust duct such that reproducible flow rate monitoring will result. The flow rate monitoring device(s) shall have an accuracy of ±10 percent over its normal operating range and shall be calibrated according to the manufacturer's instructions. The Administrator may require the owner or operator to demonstrate the accuracy of the monitoring device(s) relative to Methods 1 and 2 of Appendix A of this part.

(c) When the owner or operator of an EAF is required to demonstrate compliance with the standard under § 60.272 (a)(3) and at any other time the Administrator may require (under section 114 of the Act, as amended), the volu-

V40185 SEP2375 XUM

metric flow rate through each separately ducted hood shall be determined during all periods in which the hood is operated for the purpose of capturing emissions from the EAF using the monitoring device under paragraph (b) of this section. The owner or operator may petition the Administrator for reestablishment of these flow rates whenever the owner or operator can demonstrate to the Administrator's satisfaction that the EAF operating conditions upon which the flow rates were previously established are no longer applicable. The flow rates determined during the most recent demonstration of compliance shall be maintained (or may be exceeded) at the appropriate level for each applicable period. Operation at lower flow rates may be considered by the Administrator to be unacceptable operation and maintenance of the affected facility.

(d) The owner or operator may petition the Administrator to approve any alternative method that will provide a continuous record of operation of each emission capture system.

(e) Where emissions during any phase of the heat time are controlled by use of a direct shell evacuation system, the owner or operator shall install, calibrate, and maintain a monitoring device that continuously records the pressure in the free space inside the EAF. The pressure shall be recorded as 15-minute integrated averages. The monitoring device may be installed in any appropriate location in the EAF such that reproducible results will be obtained. The pressure monitoring device shall have an accuracy of ±5 mm of water gauge over its normal operating range and shall be calibrated according to the manufacturer's instructions.

(f) When the owner or operator of an EAF is required to demonstrate compliance with the standard under § 60.272 (a)(3) and at any other time the Administrator may require (under section 114 of the Act as amended), the pressure in the free space inside the furnace shall be determined during the meltdown and refining period(s) using the monitoring device under paragraph (e) of this section. The owner or operator may petition the Administrator for reestablishment of the 15-minute integrated average pressure whenever the owner or operator can demonstrate to the Administrator's satisfaction that the EAF operating conditions upon which the pressures were previously established are no longer applicable. The pressure determined during the most recent demonstration of compliance shall be maintained at all times the EAF is operating in a meltdown and refining period. Operation at higher pressures may be considered by the Administrator to be unacceptable operation and maintenance of the affected facility.

(g) Where the capture system is designed and operated such that all emissions are captured and ducted to a control device, the owner or operator shall not be subject to the requirements of this section.

§ 60.275 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with the standards prescribed under § 60.272 as follows:

(1) Method 5 for concentration of particulate matter and associated moisture content;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis.

(b) For Method 5, the sampling time for each run shall be at least four hours. When a single EAF is sampled, the sampling time for each run shall also include an integral number of heats. Shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator. The minimum sample volume shall be 4.5 dscm (160 dscf).

(c) For the purpose of this subpart, the owner or operator shall conduct the demonstration of compliance with 60.272(a)(3) and furnish the Administrator a written report of the results of the test.

(d) During any performance test required under § 60.8 of this part, no gaseous diluents may be added to the effluent gas stream after the fabric in any pressurized fabric filter collector, unless the amount of dilution is separately determined and considered in the determination of emissions.

(e) When more than one control device serves the EAF(s) being tested, the concentration of particulate matter shall be determined using the following equation:

$$C_s = \frac{\sum_{n=1}^{N} (C_s Q_s)_n}{\sum_{n=1}^{N} (Q_s)_n}$$

where:

C_s = concentration of particulate matter in mg/dscm (gr/dscf) as determined by method 5.
N = total number of control devices tested.
Q_s = volumetric flow rate of the effluent gas stream in dscm/hr (dscf/hr) as determined by method 2.
$(C_s Q_s)_n$ or $(Q_s)_n$ = value of the applicable parameter for each control device tested.

(f) Any control device subject to the provisions of this subpart shall be designed and constructed to allow measurement of emissions using applicable test methods and procedures.

(g) Where emissions from any EAF(s) are combined with emissions from facilities not subject to the provisions of this subpart but controlled by a common capture system and control device, the owner or operator may use any of the following procedures during a performance test:

(1) Base compliance on control of the combined emissions.

(2) Utilize a method acceptable to the Administrator which compensates for the emissions from the facilities not subject to the provisions of this subpart.

(3) Any combination of the criteria of paragraphs (g)(1) and (g)(2) of this section.

(h) Where emissions from any EAF(s) are combined with emissions from facilities not subject to the provisions of this subpart, the owner or operator may use any of the following procedures for demonstrating compliance with § 60.272 (a)(3):

(1) Base compliance on control of the combined emissions.

(2) Shut down operation of facilities not subject to the provisions of this subpart.

(3) Any combination of the criteria of paragraphs (h)(1) and (h)(2) of this section.

* * * * *

(Secs. 111 and 114 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678 (42 U.S.C. 1857c-6, 1857c-9))

[FR Doc.75-25138 Filed 9-22-75;8:45 am]

federal register

TUESDAY, SEPTEMBER 23, 1975

PART IV:

DEPARTMENT OF TRANSPORTATION

Coast Guard

BOATS AND ASSOCIATED EQUIPMENT

Safe Loading and Safe Powering Standards

VOL 40 185 SEP 23 75 XUM

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-250]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Safe Loading and Safe Powering Standards

The purpose of these miscellaneous amendments to the definition section of Subpart A, the Safe Loading Standard (Subpart C), and to the Safe Powering Standard (Subpart D) in Part 183, of Title 33, Code of Federal Regulations, is to clarify certain undefined or vague terms used in the standards and to allow a more flexible application of the standards.

A notice of proposed rulemaking was published in the FEDERAL REGISTER on March 6, 1975 (40 FR 10650) proposing adoption of these miscellaneous amendments.

No public hearing was held. However, the notice did provide that any person who wished to present his comments orally and informally before an appropriate Coast Guard official at Coast Guard Headquarters could do so. A comment period was held during which any interested person could submit written comments on the proposal. The written comment period ended April 21, 1975.

During the comment period a comment was received concerning the definitions of "length" and "beam". The comment stated that the proposed definitions would impose an excessive derating of horsepower rating for applicable boats, because of the maximum of one inch restriction when including fenders, joiner strips, and extensions in the length and beam measurements. In some cases where the de-rating of the horsepower is a small increment of 5 horsepower, it may in fact result in a derating of as much as 25 horsepower because there is no motor currently available at such an intermediate horsepower. In addition, because of the large derating of the horsepower, a subsequent re-rating of the weight capacity is necessary.

The comment also stated that the "length" definition will affect the class line breakdowns for boats which could change the navigation light configuration requirements. Some boats which are presently greater than 20 feet in length would no longer be exempt from the recreational boating standards because of "shrinkage" due to re-definition of "length".

Because of these re-definitions, substantial alterations of some boats will be required from the design aspect, and also the re-rating of horsepower and load capacity will be necessary.

The Coast Guard agrees with the comment and will remove the one inch restriction from the definitions of "length" and "beam". The comment did bring to the Coast Guard's attention the length determinations for class line breakdowns for boats. Reviewing "Rules and Regulations for Uninspected Vessels", Subchapter C (Title 46 CFR Parts 24, 25, and 26) and the Federal Trade Commission's "Trade Practice Rules for the Pleasure Boat Industry" (August 4, 1961), it was obvious that the definition for "length" in 33 CFR 183.3 and in the proposed rule was not entirely consistent with the other established definitions. In order to be consistent the Coast Guard will adopt these definitions for "length" with minor additions. The definition for "beam" will reflect the same changes as for "length" with slight modification to be consistent with the "length" definition. When the horsepower capacity is determined in § 183.53 of the proposed amendments, the maximum transom width allows the one inch extension. The one inch extension limit will be removed for the final rule, and the new definition for "beam" will be adopted.

In the proposed definition for "sheer" the Coast Guard noticed that the last sentence of the definition had been excluded inadvertently. The sentence defined the conditions when a boat is horizontal. It will be included in the final rule. The Coast Guard felt there may be some confusion when using the alternate capacity plate for horsepower. The confusion may arise when the manufacturer chooses to use the alternate capacity plate, and then places only the horsepower capacity of the as shipped steering configuration on the plate, leaving the other horsepower capacity blank. When the alternate capacity plate which displays horsepower capacities for both steering configurations is used, the horsepower capacities for both steering configurations must be placed upon the plate by the manufacturer regardless of the as shipped configuration.

The Coast Guard will allow manufacturers, at their option, to use these miscellaneous amendments after publication of these amendments in the FEDERAL REGISTER as a final rule but before their effective date. During this interval, manufacturers who use the alternate methods of determining maximum displacement and display maximum weight or horsepower capacity according to the alternate methods will be considered by the Coast Guard to be in compliance with the requirements of § 183.23.

In consideration of the foregoing, Part 183 of Title 33, Code of Federal Regulations, is amended as follows:

1. By revising § 183.3 to read as follows:

§ 183.3 Definitions.

(a) "Beam" means the transverse distance between the outer sides of the boat excluding handles, and other similar fittings, attachments, and extensions.

(b) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(c) "Full transom" means a transom with a maximum width which exceeds one-half the maximum beam of the boat.

(d) "Length" means the straight line horizontal measurement of the overall length from the foremost part of the boat to the aftermost part of the boat, measured from end to end over the deck excluding sheer, and measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions are not included in the measurement.

(e) "Monohull boat" means a boat on which the line of intersection of the water surface and the boat at any operating draft forms a single closed curve. For example, a catamaran, trimaran, or a pontoon boat is not a monohull boat.

(f) "Remote steering" means any mechanical assist device which is rigidly attached to the boat and used in steering the vessel, including but not limited to mechanical, hydraulic, or electrical control systems.

(g) "Sailboat" means a boat designed or intended to use sails as the primary means of propulsion.

(h) "Sheer" means the topmost line in a boat's side. The sheer intersects the vertical centerline plane of the boat at the forward end and intersects the transom (stern) at the aft end. For the purposes of this definition, the topmost line in a boat's side is the line defined by a series of points of contact with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical plane normal to the outside edge of the boat as seen from above and which are brought into contact with the outside of the horizontal boat. A boat is horizontal when it is transversely level and when the lowest points at 40 percent and 75 percent of the boat's length behind the most forward point of the boat are level.

(i) "Transom" means the surface at the stern of a boat projecting or facing aft. The upper boundary of the transom is the line defined by a series of points of contact, with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical longitudinal plane and which are brought into contact with the stern of the horizontal boat. A boat is horizontal when it is transversely level and when the lowest points at 40 percent and 75 percent of the boat's length behind the most-forward point of the boat are level.

(j) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

2. By revising § 183.25(b)(1) to read as follows:

§ 183.25 Display of Markings.

* * * * * *

(b) * * *

(1) For outboard boats:

U.S. COAST GUARD CAPACITY INFORMATION

Maximum horsepower xxx
Maximum persons capacity (pounds) ... xxx
Maximum weight capacity (persons, motor, and gear) (pounds) xxx

or

U.S. COAST GUARD CAPACITY INFORMATION

Maximum horsepower:
With remote steering xxx
Without remote steering xxx
Maximum persons capacity (pounds) ... xxx
Maximum weight capacity (persons, motor, and gear) (pounds) xxx

* * * * * *

3. By revising § 183.33(b)(1) to read as follows:

§ 183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.

* * * * * *

(b) * * *

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

* * * * * *

4. By revising § 183.35(b)(1) to read as follows:

§ 183.35 Maximum weight capacity: Outboard boats.

* * * * * *

(b) * * *

(1) "Maximum displacement" is the weight of the volume of water displayed by the boat at its maximum level immersion in calm water without water coming aboard except for water coming through one opening in the motor well with its greatest dimension not over 3 inches for outboard motor controls or fuel lines. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

* * * * * *

5. By revising § 183.37(b)(1) to read as follows:

§ 183.37 Maximum weight capacity: Boats without mechanical propulsion.

* * * * * *

(b) * * *

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

* * * * * *

6. By revising § 183.53(a) to read as follows:

§ 183.53 Horsepower capacity.

* * * * * *

(a) Compute a factor by multiplying the boat length in feet by the maximum transom width in feet excluding handles, and other similar fittings, attachments, and extensions. If the boat does not have a full transom, the transom width is the broadest beam in the aftermost quarter length of the boat.

* * * * * *

(Secs. 5, 7, and 39, 85 Stat. 213, 215, 216, 228; 46 U.S.C. 1451, 1454, 1456, 1488)

Effective Date. This amendment is effective on March 23, 1976.

Dated: September 15, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.75-25240 Filed 9-22-75;8:45 am]

V 40 I 185 SEP 23 75 XUM

federal register

TUESDAY, SEPTEMBER 23, 1975

PART V:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

Systems of Records

V40 185 SEP 2375 XUM

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Systems of Records; Correction

In FR Doc. 75-22666 published in the Federal Register (40 FR 39137) of August 27, 1975, setting forth the systems of records prescribed by the Privacy Act of 1974 within the General Services Administration (GSA), the following systems of records were omitted due to oversight.

Included also in this notice are routine use corrections to several of the systems of records that were described in the original GSA notice in the Federal Register (40 FR 39137) on August 27, 1975. These routine uses were omitted due to oversight.

Any public comments, including written data, views or arguments concerning the following systems of records and routine use corrections should be submitted to General Services Administration (CA), Washington, D.C. 20405. Comments must be submitted on or before September 26, 1975.

GSA/FSS—14

System name: Key Personnel Directory and Key Contact Card—GSA/FSS

System location: Administrative Services Staff, Crystal Mall Building 4, Arlington, Virginia (Mail: Washington, D.C. 20406).

Categories of individuals covered by the system: Central Office and Regional Office FSS employees, branch chief and above.

Categories of records in the system: Contains the name, position, office telephone, home address and home telephone number of the individual. The purpose of this system is to provide contact points for day-to-day operations and emergencies.

Authority for maintenance of the system: The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 USC 552a(a)(7) and provided for in 5 USC 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, cards, and Vydek work processing tape.

Retrievability: Indexed by name.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Director, Administrative Services Staff, Office of the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Notification procedure: Information may be obtained from the official listed above.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting records from the official cited above.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information provided by individual.

GSA/FSS—15

System name: Foreign Gift Records—GSA/FSS

System location: General Services Administration, 7th and D Sts., SW., Washington, D.C. 20407.

Categories of individuals covered by the system: Individuals receiving gifts/decorations from foreign governments.

Categories of records in the system: Description of gifts/decorations received from foreign governments; donors. The information contained in these records is used as an accounting of those U.S. Government officials receiving gifts/decorations from foreign governments on a need-to-know basis to personnel of the GSA as may be required in the performance of their official duties.

Authority for maintenance of the system: 22 U.S.C. 2621-2625.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system is provided to the Executive Office of the President, State Department, Congress, media organizations, and general public. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Other routine uses are contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; microfilm, computer.

Retrievability: By individual name, report number, item number, nomenclature.

Safeguards: Access to records and files in the program are limited and controlled by the Commissioner, FSS. Records are maintained in security cabinets with access limited to four senior ranking employees. The building is controlled by security guards. Computer data is coded to protect privacy of individuals.

Retention and disposal: These records are retained permanently. They are retired in accordance with published schedules of the GSA. More specific information may be obtained by writing the Director, Utilization and Donation Division, Crystal Square, Building 5, Room 900, Arlington, Virginia 20406.

System manager(s) and address: Director, Utilization and Donation Division, Crystal Square, Building 5, Room 900, Arlington, Virginia 20406.

Notification procedure: Individuals who have reasons to believe GSA might have records pertaining to them should write the Commissioner, Federal Supply Service, Crystal Mall Building 4, Room 1121, Arlington, Virginia 20406. The individual must specify that he wished the record of Gift Program to be checked. At a minimum, the individual must include name, date, and place of birth; current mailing address and zip code; signature of requester; a brief description of the circumstance, including the appropriate data which gives the individual cause to believe that GSA/FSS might have records pertaining to him or her.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write the Director, Utilization and Donation Division, Crystal Square, Building 5, Room 900, Arlington, Virginia 20406.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individual; employees; public references; other officials in the GSA; other government agencies; other public and professional institutions possessing relevant information.

GSA/OAD—37

System name: Employee Credit Reports GSA/OAD

System location: The system is located in the General Services Administration, Office of Finance, Financial Management Division, Credit and Finance Branch, 18th and F Streets, NW., Washington, D.C. 20405.

Categories of individuals covered by the system: Present and former employees who have refused to abide by the terms of their training agreement and other employment related contracts, and thereby have incurred a liability to the Government. If appropriate, similar information will be gathered on spouses.

Categories of records in the system: The categories are as follows: Name and address; age; number of dependents; name of employer; nature of business; position held/length held; full time or part-time employment; prospects for continued permanent employment; net worth and what it consists of; annual earned income; additional income; reputation; credit record; financial record and personal history. Records are used in GSA to investigate employees who have defaulted on employment related contracts.

Authority for maintenance of the system: 31 U.S.C. 951-953.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to GAO. Also transferred for the routine uses listed in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records for both GSA and the contractor will be stored on paper.

Retrievability: The records within the system will be kept in alphabetical order by name.

Safeguards: All correspondence between GSA and the contractor will be secured in a locked file cabinet in the Credit and Finance Branch. Only those people designated authority will handle this data. The contractor will retain his records in a secured office.

Retention and disposal: Disposal is in accordance with HB GSA Record Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Chief, Credit and Finance Branch, Financial Management Division, Office of Finance, OAD, 18th and F Streets, NW., Washington, D.C. 20405.

Notification procedure: Information may be obtained from official listed above.

Record access procedures: Procedures for contesting records are contained in 41 CFR 105-64.

Contesting record procedures: Procedures for access to records are contained in 41 CFR 105-64.

Record source categories: Credit companies, individuals, employers/supervisors, former employers, banks and GSA contracted credit investigators.

Routine Use Corrections

1. The routine use section of the GSA systems of records GSA/OAD—15 should be deleted and changed to read as follows:

Information in this system may be disclosed to training and educational facilities outside the agency both Government and non-government. Other routine uses are as described in the Appendix following the GSA notices.

2. The following routine use is to be added to the Appendix of routine uses following the GSA notices:

Routine Use—Private Relief Legislation

The information contained in the following systems of records—GSA/OAD 1 through 37; GSA/ADTS 3, 5, 6, and 7; GSA/PBS 1 and 2; GSA/FMPO 1; GSA/FSS—8; GSA/OCR 2; and GSA/FPA 1 through 12—will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Dated: September 17, 1975.

W. E. Burton,
Temporary Chairman, GSA Privacy Board.

[FR Doc.75-25150 Filed 9-17-75;3:30 pm]

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BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Privacy Act of 1974

Proposed Notice of Systems of Records

Notice is hereby given that the Board of Governors of the Federal Reserve System, pursuant to section (e) of the Privacy Act, 5 U.S.C. Sec. 552a, proposes to adopt the following notice of the existence and character of systems of records which it maintains. Public comment is invited on these notices on or before September 28, 1975, addressed to the Secretary of the Board, Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, N.W., Washington, D.C. 20551. The Board will accept any comments received after this date in considering any future amendments to the proposed notice of systems of records.

By order of the Board of Governors.

Theodore E. Allison
Secretary of the Board

BGFRS—1

System name: FRB—Recruiting and Placement Records

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Persons who have applied for employment with or are employed by the Federal Reserve Board.

Categories of records in the system: These records may contain information relating to the education, training, employment history and earnings, appraisal of past performance, convictions for offenses against the law; results of tests, appraisal of potential, honors, awards of fellowships; military service; veteran status, school transcripts, work samples and examples; birth date; social security number; shipping authorizations; travel vouchers, offer letters and correspondence, reference checks, and home address of persons who have applied for Board employment or are employed by the Federal Reserve Board.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. To refer applicants for purposes of consideration for placement in positions for which an applicant has applied and is qualified. This includes various government organizations.

b. To refer current Board employees for consideration for reassignment and promotion within the Board.

c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research of other personnel management functions.

d. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

e. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

f. To provide information or disclose to a Federal Agency, or any other employer or prospective employer in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, microfilm, cards, lists, forms, and in folders.

Retrievability: Records are indexed by name, combination of birth date, social security account number, and identification number that is applicable.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal:

a. Files of eligibles Retained for a minimum of one year after date of determination that no suitable position exists currently.
b. Index cards Destroyed when no longer needed.
c. Cancelled and ineligible applications Same as "a" above.
d. Inquiries and replies regarding availability for appointment. Same as "a" above.

System manager(s) and address:
Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record access procedures: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualifications; and statements supplied by references.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—2

System name: FRB Personnel Background Investigation Reports

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former applicants for employment by the Board of Governors; Federal Reserve System employees considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to the Board. Individuals who are neither applicants nor employees of the Board but are or were involved in Board programs under a cooperative assignment or similar agreement; individuals who are neither applicants nor employees of the Board but are or were involved in matters related to the operation of the Board.

Categories of records in the system: These records may contain investigative information regarding an individual's character, financial responsibility, conduct, behavior; arrests and convictions for any violations against the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers; educational institutions attended; and other information developed from the above.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be disclosed to and used as follows:

a. To assist in determining the suitability for access to classified information.

b. To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, in connection with performance of a service to the Federal Government, under a contract or other agreement, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

c. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

d. To any source from which information is requested by the Board in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.

e. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing.

f. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personnel identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and index cards in steel file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed by name in alphabetical order.

Safeguards: Access to and use of these records are limited to those persons whose official duties require access and have appropriate security clearance.

Retention and disposal: The indexing cards are retained indefinitely, the reports of investigation are returned to the originating agency after separation of employment.

System manager(s) and address:
Special Assistant to the Board
Office of Board Members
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: An individual may inquire as to whether or not the system contains a record pertaining to him or to her by addressing a written request to:
Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551
The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the inquirer feels he or she fits.

Record access procedures: In response to a written request by an individual to determine whether or not the system contains a record pertaining to him or to her, the Director will set forth the procedure for gaining access to the record. If the individual desires to contest the contents of a record, he or she may do so by writing to the:
Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Record source categories: Information contained in the system is obtained from the following:

1. Applications and other personnel and security forms furnished by the individual.
2. Investigative material furnished by other Federal agencies. Notices of personnel actions furnished by other Federal agencies.
3. By personal investigation or written inquiry from sources such as:
   Employers
   Schools
   References
   Neighbors
   Associates
   Police Departments
   Courts
   Credit Bureau
   Medical Records
   Probation Officials
   Prison Officials
4. Newspapers, magazines, periodicals, and other publications.
5. Published hearings of Congressional Committees.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

System manager(s) and address:
Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record access procedures: Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record source categories:
1. The individual to whom the record pertains.
2. Personal physicians.
3. Medical institutions.
4. Official records of other Federal agencies.
5. Federal Reserve Board Official Personnel Records.
6. Federal Reserve System Personnel Management Records Systems.

BGFRS—3

System name: FRB—Medical Records

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: 1. Applicants who have been medically examined for Board employment.

2. Applicants for disability retirement under the Civil Service Retirement Law or Federal Reserve System Retirement Plan.

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3. Current and former Federal Reserve Board employees.

Categories of records in the system: 1. Information relating to an individual's medical qualifications to hold a position with the Board.

2. Medical information relating to an individual's capability (physical and mental) to satisfactorily perform the duties of the position he or she holds or held.

3. Information relating to an employee's participation in an occupational health services program.

4. Information relating to pre-employment or periodic medical examinations to assure that the incumbent is qualified (physically and mentally) to satisfactorily perform the duties of the position.

5. Information attesting to an annuitant's state of health as required for "insurable interest" survivor annuity elections.

6. Information relating to handicaps

7. Information relating to employee participation in the Federal Civilian Employee Alcoholism and Drug Abuse Programs.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. Information in these records is used to:

a. determine veteran disability status
b. support applications for Disability Retirement
c. support "insurable interest" survivor annuity elections
d. determine suitability for employment or continued employment
e. assist in medical counseling

2. Information in these records may be provided to officials of other Federal agencies responsible for Federal benefit programs administered by:

a. Office of Workmen Compensation Programs
b. Retired Military Pay Centers
c. Veterans Administration
d. Social Security Administration
e. Specific private contractors engaged in providing benefits under Federal contracts.
f. Civil Service Commission.

3. Information in these records is used:

a. to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

b. to request information from a Federal, state or local agency maintaining civil, criminal or other relevant enforcement or other pertinent information, such as a license, if necessary to obtain relevant information to the Board's decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a grant or other benefit.

c. to provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. as a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in folders.

Retrievability: Records are indexed by name, social security number, identification number, date of birth and/or claim number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Records are stored in lockable metal containers.

Retention and disposal:

a. Medical certificates and other medical records of examination used to determine an employee's fitness for a job 6 years after separation

b. Miscellaneous medical records, correspondence dispensary records and similar papers, 6 months after separation

c. Applicant's medical records, 6 years after separation

d. Disability retirement medical files, 6 years after separation

Systems exempted from certain provisions of the act: None; however, see special procedures provided at 12 CFR 261a.6.

BGFRS—4

System name: FRB—General Personnel Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former employees of and consultants to the Federal Reserve Board and the surviving spouses, and children of former Board employees, if any.

Categories of records in the system: This system of records consists of a variety of documents relating to personnel actions of the Board and its determinations made about an individual for, and during the course of his employment by the Board. These records may contain information about employees and former employees relating to employment, placement, personnel actions, performance considerations and evaluations; training and development activities and plans, background investigations; reference checks; salary history and other personnel matters. It also includes minority group designator; records relating to benefits and designation of beneficiary; emergency contact, documentation supporting personnel actions or decisions made about an individual; awards; employee parking and other information relating to the status of the individual either while considered for employment or while employed by the Board.

Authority for maintenance of the system: Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used:

a. For purposes of review in connection with appointments, transfers, promotions, reassignments, training and development needs, adverse actions, disciplinary actions, and determination of qualifications of an individual, and in assisting the individual in locating other employment.

b. For purposes of making a decision when a Board employee or former Board employee is questioning the validity of a specific document in the individual's record.

c. By the courts to render a decision.

d. To provide information to a prospective employer of a current or former Board employee.

e. To provide data for the automated Personnel records.

f. To provide information to a Federal agency, or any other employer or prospective employer, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information or other pertinent information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of contract, or the issuance of a grant or other benefit.

h. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

i. As a data source of management information for production of statistical and analytical studies and reports in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

j. Determine eligibility for coverage, benefits due, and payment of benefits under the various benefits programs available to the Board and its staff.

k. Transfer information necessary to support a claim for benefits under the various benefit programs in operation at the Federal Reserve Board.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, disc, punched cards, index cards and microfilm.

Retrievability: Records are indexed by any combination of name, date of birth, Social Security Number, or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require it.

Retention and disposal: The General Personnel Record is retained until five years after death or an individual achieves age 75 where he or she does not separate employment by retirement.

System manager(s) and address: For current and former Federal Reserve Board employees:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Inquiries, including name, date of birth, and Social Security Number should be addressed to the System Manager, address above.

Record access procedures: Current and former Federal Reserve Board employees who wish to gain access to or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security Number.

Record source categories: Information in this system of records comes from the individual to whom it applies or is derived from the information the individual supplied, except information provided by Board officials. Information is also obtained from the following sources for administration of the benefits portion of the system:

1. FRB General Personnel Records
2. CSC Personnel Management Records System
3. Personnel records of other Government agencies
4. Personnel Records of Federal Reserve Banks

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—5

System name: FRB—EEO Discrimination Complaint File

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Applicants for Board employment, current and former Board employees, and annuitants who file a complaint of discrimination or appeal a determination made by an official of the Board relating to equal employment opportunities.

Categories of records in the system: This system of records contains information or documents relating to a complaint, the decision or determination made by the Board affecting an individual under the Board's EEO regulations and procedures. The records consist of the initial complaint or appeal letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions to the Board and/or individual about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a Court subpoena and or to refer to a District court in connection with a civil suit.

d. To adjudicate an appeal, complaint, or grievance.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

g. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board when requesting access to, or contest of records.

Record source categories:

a. Individual to whom the record pertains
b. Board employees
c. Affidavits or statements from employee
d. Testimonies of witnesses
e. Official document relating to the appeal, grievance, or complaints
f. Correspondence from specific organization or persons

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(2) of the Privacy Act and the Board's regulations relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

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BGFRS—6

System name: FRB—Adverse Information and Action, Disciplinary, Outside Business Activity and Financial Responsibility Records.

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former Board employees, (including special employees) and annuitants who are involved in an Adverse Action; Board officials providing annual financial responsibility statements; employees who suffer a withholding of a Progress Step Increase; employees who file an Outside Business Activity application; and those employees who have creditors contacting the Board relative to credit problems.

Categories of records in the system: This system of records may contain information or documents relating to a determination made by the Board affecting an individual. The records consist of the letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, and related correspondence, opinions and recommendations. Also, copies of Financial Responsibility Statements and Outside Business Interest applications filed by the employee; and letters from creditors.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a court subpoena and/or to refer to a District court in connection with a civil suit.

d. To adjudicate an appeal, complaint, or grievance.

e. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel management functions.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a grant, or other benefit.

h. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

i. To identify or determine conflict of interest situations or potential conflict of interest.

j. To advise an employee of potential problems.

k. To administer various aspects of established personnel management programs.

Storage: These records are maintained in file folders, binders, index cards, magnetic tape and disk.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The records are maintained indefinitely after cessation of employment unless deemed unnecessary, and thus destroyed.

System manager(s) and address:
Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of situation with which concerned to the System Manager, address above.

Record access procedures: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of situation with which concerned to the System Manager, address above.

Record source categories: a. Individual to whom the record pertains

b. Board officials

c. Affidavits or statements from employees

d. Testimonies of witnesses

e. Official documents relating to an action, appeal, grievance, or complaints.

f. Correspondence from specific organizations or persons.

Systems exempted from certain provisions of the act: None.

BGFRS—6

System name: FRB—Payroll

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present employees and members of the Board.

Categories of records in the system: Varied payroll records including payment vouchers, comprehensive listing of employees, requests for deductions, tax forms, W-2 forms, overtime requests, leave data, workmen's compensation data.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in the preparation of Board payroll, as input to several management reports and, from time to time, input to other contributing programs and as input to Board studies, analyses, and reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On tape, disk, punched cards, index cards, folders and document files.

Retrievability: Filed by name, social security number, employee number.

Safeguards: Access is restricted to authorized personnel only. Records in cabinets, safe, and limited access to computer records by "limited access" employees.

Retention and disposal: Various: minimum of one year from date of annual audit; maximum of indefinite.

System manager(s) and address:
Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

Record access procedures: Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

Record source categories: Internal personnel forms, Federal, state, and local tax forms, employee authorizations and directive

forms, insurance forms, leave and overtime reports, Federal and state garnishment forms.

Systems exempted from certain provisions of the act: None.

BGFRS—7

System name: FRB—Leave Records

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Present employees, former employees for a period of three years following their separation from the Board.

Categories of records in the system: Contains timekeeper records, leave cards, payroll notifications, supporting memorandum, periodic leave statements, and creditable service documentation.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a data source for management information and payment of leave, for production of statistics and analytical studies in support of the function for which records are collected and maintained or for related personnel management functions and manpower studies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punched card, tape, disk, index card, folder, and print out.

Retrievability: Filed by date, but may be filed by name or identifying number.

Safeguards: Stored in locked metal file cabinets, other records stored in secured limited access computer facilities.

Retention and disposal: Detailed information destroyed after two years. Summary data is a part of permanent official personnel file.

System manager(s) and address:
Division of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security number.

Record access procedures: Individuals wishing to gain access or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security Number.

Record source categories: Records, files and forms of the Board, information provided by the employee and previous Federal Government employers.

Systems exempted from certain provisions of the act: None.

BGFRS—8

System name: FRB—Consultant File

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Individuals providing consulting services to the Board in accordance with a formal agreement.

Categories of records in the system: Documents, letters, memorandum of understanding relating to agreement, rates of pay, payment, records, vouchers, invoices, and selection; negotiation, implementation, scope and performance of work. Additional information may be found on reemployed annuitants in the FRB-General Personnel Records.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses include, but are not restricted to, selection, monitoring, evaluation and control, audit and analysis, routine management activity, and statistical use without individual indentification; verification and confirmation; and referral when used as a basis for prospective employment by other than the Board; to provide information or disclose to a Federal agency, or any other employer or prospective employer, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folder, punched card, tape, disk and index card.

Retrievability: File by name, and cross index by voucher number and date, or identifying number.

Safeguards: Stored in secured area.

Retention and disposal: Indefinite.

System manager(s) and address:
Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board when requesting access to, or contest of records.

Record source categories: Information in this system of records is obtained from the individual to whom it applies or is derived from information supplied by the individual, except information provided by Board staff, and for reemployed annuitants where the inactive General Personnel File is activated.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—9

System name: FRB—General File on Board Members

System location:
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present members of the Board of Governors.

Categories of records in the system: Biographies of past and present members of the Board, oaths of office, and miscellaneous correspondence relating to such Governors.

Authority for maintenance of the system: Section 10 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for background information to determine qualifications for appointment, reappointments, for compiling information for news releases and other publications, and for recording correspondence concerning the Governors.

V 40 I 185
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Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individuals incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—10

System name: FRB—Official General Files

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Correspondents with the Board and System Personnel.

Categories of records in the system: Incoming and outgoing correspondence concerning Board business. Records relating to System Personnel in official capacities such as instructors, consultants, and Board representatives to various committees, conferences, etc.

Authority for maintenance of the system: Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for reference purposes in preparing responses to inquiries from public and used in recording official duties of System Personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: System Manager, address above.

Record access procedures: System Manager, address above.

Record source categories: Generated by individuals incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—11

System name: FRB—Biographical File of Federal Reserve Personnel

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former Federal Reserve System officers, and their staff.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal Reserve System. These records contain information about an individual relating to birth date; education; veteran status; tenure; handicap; past and present salaries, grades, and position titles; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; photograph, awards; and other information relating to the status of the individual.

Authority for maintenance of the system: Sections 4, 11 and 22 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. By Federal Reserve System officials for purposes of review in connection with appointments, transfers, promotion, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual.

b. By the Board of Governors for purposes of making a decision when a listed employee or former listed employee is questioning the validity of a specific document in the individual's record.

c. By the courts to render a decision when the Board has refused to release to current or former System employee a record under the Freedom of Information Act.

d. To publish name and title data for the Directory of officers of Federal Reserve Banks.

e. To provide reports to Congress, agencies, and the public on characteristics of the System work force.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

g. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punched cards and disk.

Retrievability: Records are indexed by combination of name or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Inquiries, including name, date of birth, and Social Security Numbers should be addressed to the System Manager, address above.

Record access procedures: Current and former System employees who wish to gain access to and contest their records, should direct such a request in writing, including their name, date of birth, and Social Security Number to the System Manager, address above.

Record source categories: Information in this system of records comes from either the individual to whom it applies, extracted from documents he supplied, or data provided by Federal Reserve System officials and employees.

Systems exempted from certain provisions of the act: None.

BGFRS—12

System name: FRB—General File of Examiners and Assistant Examiners at Federal Reserve Banks.

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present examiners and assistant examiners at Federal Reserve Banks.

Categories of records in the system: Brief biographies of past and present examiners and assistant examiners, oaths of office, and miscellaneous correspondence.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications, and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: System Manager, as indicated above.

Record access procedures: Same as "notification" above.

Record source categories: Individuals themselves, references such as "Who's Who" and miscellaneous correspondence from system personnel and others.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—13

System name: FRB—General File of Federal Reserve Bank and Branch Directors.

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present Federal Reserve Bank and Branch Directors.

Categories of records in the system: Biographies of past and present Federal Reserve Bank and Branch Directors, oaths of office, resignations, and miscellaneous correspondence.

Authority for maintenance of the system: Sections 3, 4 and 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications, and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individuals incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—14

System name: FRB—General Files of Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

Categories of records in the system: Biographies of past and present examiners, oath of office and miscellaneous correspondence relating to such persons.

Authority for maintenance of the system: Sections 20 and 21 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for completing information for news releases and other correspondence; and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individual's incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be

V 40 185 SEP 23 75 XUM

exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—15

System name: FRB—Regulation G Reports

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Individuals other than banks, brokers and dealers who extend credit in specified amounts secured by margin securities.

Categories of records in the system: Reports filed by persons registered pursuant to Regulation G.

Authority for maintenance of the system: Sections 7, 17, and 23 of the Securities Exchange Act of 1934 and Regulation G (12 CFR 207).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Aid the Federal Reserve System in securing compliance with Regulation G, assist registrants regarding interpretation, and where this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms and files.

Retrievability: Indexed by name.

Safeguards: Retained in locked metal file cabinets. Access to Board staff on restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Director, Office of Saver and Consumer Affairs
Board of Governors
Federal Reserve System
Washington, D.C. 20551

Notification procedure:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Record access procedures: Same System Manager address above.

Record source categories: Reports and forms filed by individuals to whom records pertain.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(2) of the Privacy Act and the Board's regulations relating thereto (12 CFR 261a) certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

BGFRS—16

System name: FRB—Regulation F Ownership Reports

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Bank officers, directors and principal stockholders of state member banks registered with the Board pursuant to Regulation F and the Securities Exchange Act of 1934.

Categories of records in the system: Records of transactions by officers, directors, and principal shareholders of the bank in the banks stock.

Authority for maintenance of the system: Section 12(i) of the Securities Exchange Act of 1934 and Section 206.6 of the Board's Regulation F (12 CFR 206).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff for reconciliation of transactions in bank stock, made available for public inspection pursuant to the provisions of the Securities Exchange Act of 1934 and where this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards and paper records.

Retrievability: Indexed by name.

Safeguards: Retained in metal file cabinets.

Retention and disposal: Indefinite.

System manager(s) and address:

Director, Division of Banking Supervision and Regulation
Board of Governors
Federal Reserve System
Washington, D.C. 20551

Notification procedure:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Record access procedures: Same as "Notification" above.

Record source categories: Reports and forms filed by individuals to whom records pertain.

Systems exempted from certain provisions of the act: None.

[FR Doc.75-24588 Filed 9-11-75;3:02 pm]

DEPARTMENT OF JUSTICE

Office of the Attorney General

Order No. 621-75

PRIVACY ACT OF 1974

Notices of Systems of Records

Attached hereto is a notice of a proposed records system (which was inadvertantly omitted from the group of notices published on August 27, 1975) maintained by the Department of Justice and required to be published in the Federal Register and in annual compilation form pursuant to the provisions of the Privacy Act of 1974, P.L. 93-579.

Pursuant to 5 U.S.C. 552a (e)(11) interested persons are invited to submit written comments on those portions of the notice which describe the routine uses of the system of records listed. Comments may be submitted in writing to the individual listed under the heading "Notifications Procedure" in the record system description. All comments must be received by the thirtieth day following the date of publication of this notice.

No oral hearings are contemplated.

Dated: September 9, 1975.

Edward H. Levi,
Attorney General.

JUSTICE/ATR—007

System name: Antitrust Caseload Evaluation System (ACES)—Time Reporter

System location: U.S. Department of Justice; 10th and Constitution Avenue, NW., Washington, D.C. 20530.

Categories of individuals covered by the system: Professional Employees (Lawyers and Economists) of the Antitrust Division of the U. S. Department of Justice.

Categories of records in the system: The file contains the employee's name and allocations of his/her work time.

Authority for maintenance of the system: The file will be established and maintained pursuant to the following authorities: 28 CFR. 40(f) and 28 U.S.C. 522.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The file is used by Antitrust Division personnel as a basis for determining Antitrust Division allocations of resources (professional time) to particular products and industries (e.g., oil, autos, chemicals) and to broad categories of resource use such as civil cases, criminal cases, regulatory agency cases and Freedom of Information Act requests. In addition, the file will be employed in the preparation of reports for the Division's budget requests and to the Attorney General and Congress.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained electronically in the Economic Policy Office's ACES computerized information system and in file folders.

Retrievability: Information is retrieved by a variety of key words.

Safeguards: Information contained in the system is unclassified. It is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to the file is limited to those persons whose official duties require such access and to employees of the Antitrust Division.

Retention and disposal: Information contained in the file is retained for 14 months or the life of the matter to which the lawyer or economist is assigned whichever is longer.

System manager(s) and address: Director of the Economic Policy Office; Antitrust Division, U.S. Department of Justice, Star Building; 11th and Pennsylvania Avenue, NW., Washington, D.C. 20530.

Notification procedure: Same as System Manager.

Record access procedures: Same as Notification.

Contesting record procedures: Same as Notification.

Record source categories: Information on time allocation is provided by Antitrust Division section and field office chiefs.

Systems exempted from certain provisions of the act: None.

[FR Doc.75-25244 Filed 9-18-75;10:47 am]

V 40 185 SEP 23 75 XUM

V40-185 SEP2375 XUM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1975)

Title 21—Food and Drugs (Parts 10–199)---------- $6.75

[*A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1*]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402

V 40 | 185 SEP 23 75 XUM

186

Vol.40—No.186
9–24–75
PAGES
43873–44109

federal register

WEDNESDAY, SEPTEMBER 24, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

highlights

PART I:

OIL IMPORTS
FEA announces collection of supplemental fees for July and August 43950

PESTICIDE POLICY ADVISORY COMMITTEE
EPA announces establishment 43947

BLUEFIN TUNA
Commerce/NOAA announces closing of season on 9–22–75 43916

TRAVEL RESTRICTIONS
State limits use of U.S. passports for Cambodia, Cuba, North Korea, North and South Vietnam (5 documents); effective 9–19–75 43931

CUSTOMS VIOLATIONS
Treasury/Customs regulations relating to voluntary disclosure; effective 9–24–75 43894

HOUSING FOR ELDERLY AND HANDICAPPED
HUD invites requests for fund reservations from eligible applicants 43943

CONTINUED INSIDE

PART II:

CRIME RECORDS
Justice/LEAA proposal regulating access; hearing on 10–16–75; comments by 10–13–75 44033

PART III:

FEDERAL ELECTIONS
FEC publishes request for advisory opinion; comments by 10–6–75 44041
FEC publishes two advisory opinions 44040

PART IV:

POSTAL RATES
Postal Service proposed changes in rates and fees; petitions to intervene filed by 10–3–75 44043

PART V:

PRIVACY ACT OF 1974
SEC implementation regulations; effective 9–27–75 44068
SEC adopts exemptions; effective 9–27–75 44072
DOT publishes additional systems of records 44075

V 40 186 SEP 24 75 XUM

MULTIFAMILY HOUSING MORTGAGE INSURANCE
HUD provides coverage; effective 9–24–75 43898

OLD OIL ALLOCATION PROGRAM
FEA entitlement notice for July 1975 43948

NATURAL GAS STORAGE
FPC adopts reporting form; effective 9–15–75 43892

NATIONAL GAS SURVEY
FPC announces establishment of technical advisory committee 43956

PROPOSED RATE INCREASES
FPC changes notice requirements for filing; effective 9–16–75 43889

MEDICAID
HEW/SRS defines skilled nursing facility care; effective 11–24–75 43901

MEDICARE
HEW/SSA defines level of care qualifying an individual for benefits; effective 11–24–75 43895

MEETINGS:
Administrative Conference of the U.S./Informal Action Committee, 10–10–75 43944
USDA/FS: Ottawa National Forest Multiple Use Advisory Committee, 10–23 and 10–24–75 43935
Pacific Northwest Forestry Research Advisory Committee, 10–16–75 43935
Commerce: Economic Advisory Board, 10–29–75 43941
Commerce Technical Advisory Board, 10–22 and 10–23–75 43941
NBS: Federal Information Processing Standards Coordinating and Advisory Committee, 11–6–75 43940
NOAA: National Fishery Education Center, 10–2–75 43941
DOD: Defense Science Board, 10–15 and 10–16–75 43932
Army: Armed Forces Institute of Pathology Scientific Advisory Board, 10–16 and 10–17–75 43932
HEW/OE: National Advisory Council on Ethnic Heritage Studies, 10–16–75 43942
National Advisory Council on Vocational Education, 10–16–75 43942
Interior/BLM: Idaho State Multiple Use Advisory Board, 10–10–75 43932
Labor/OSHA: Standards Advisory Committee on Agriculture, 10–8 through 10–10–75 43962
NASA: Space Science Steering Committee, 10–15 and 10–16–75 43957
Stratospheric Research Advisory Committee, 10–14 and 10–15–75 43957
NRC: Reactor Safeguards Advisory Committee, 10–9 through 10–11–75 (2 documents) 43957, 43959
NSF: Neurobiology Advisory Panel, 10–14 and 10–15–75 43960
Oceanography Advisory Panel, 10–15–75 43961
Undergraduate Science Education Conferences, various dates in October 43961
Telecommunications Policy Office: Frequency Management Advisory Council, 10–3–75 43962

CANCELLED MEETINGS:
HEW/NIH: Virus Cancer Program Scientific Review Committee A, 10–6–75 43942

RESCHEDULED MEETINGS:
HEW/NIH: National Commission on Arthritis, Metabolism, and Digestive Diseases, 10–14–75 43941
FCC: RCC-Telephone Company Interconnection meetings, 10–6 through 10–8–75 43947

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federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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contents

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
Notices
Meeting:
Informal Action Committee 43944

AGRICULTURE DEPARTMENT
See Animal and Plant Health Inspection Service; Commodity Credit Corporation; Forest Service; Soil Conservation Service.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Meat and poultry inspection; designation of areas:
Connecticut 43916

ARMY DEPARTMENT
See also Engineers Corps.
Notices
Meetings:
Armed Forces Institute of Pathology Scientific Advisory Board 43932

CIVIL AERONAUTICS BOARD
Rules
Embargoes on property; interpretative amendment 43885
Proposed Rules
Charter transportation; reporting 43920
Notices
Hearings, etc.:
Hughes Airwest 43944
Kuehne and Nagel d/b/a 43945

COMMERCE DEPARTMENT
See also Domestic and International Business Administration; Maritime Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.
Notices
Meetings:
Economic Advisory Board 43941
Technical Advisory Board 43941

COMMODITY CREDIT CORPORATION
Proposed Rules
Support program for 1975 crop of Tung nuts 43919

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Flammable Fabrics Act; advisory committee; management 43886

COST ACCOUNTING STANDARDS BOARD
Rules
Cost accounting standards:
Definitions; composition and measurement of pension cost 43873

CUSTOMS SERVICE
Rules
Fines, penalties, and forfeitures:
Voluntary disclosure of violations of Customs laws 43894

DEFENSE DEPARTMENT
See also Army Department; Engineers Corps.
Notices
Meetings:
Science Board Task Force on Accuracy 43932

DEFENSE SUPPLY AGENCY
Notices
Proposed cancellatoin of contracts and debarment:
Hale Fire Pump Co 43946
Lone Star Steel Co 43946

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Adjustment assistance; certification of eligibility to apply for; petition:
Herr Manufacturing Co., Inc 43938
Scientific articles; duty-free entry:
Case Western Reserve University 43936
Florida State University, et al 43937
Harvard Medical School 43937
Massachusetts General Hospital 43938
Sinai Hospital of Detroit 43938
University of Oregon, et al 43939

EDUCATION OFFICE
Notices
Meetings:
Ethnic Heritage Studies, National Advisory Council 43942
Vocational Education, National Advisory Council 43942

ENGINEERS CORPS
Proposed Rules
Administrative procedures; shipping safety fairways and anchorage areas; Gulf of Mexico 43918
Notices
Applications, etc.:
Public Service Company of Colorado 43932

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Air quality implementation plans:
Colorado 43923
Pesticide tolerances and exemptions from tolerances:
Carbofurin 43924
Notices
Committee establishments:
Pesticide Policy Advisory Committee 43947
Pesticides, tolerances, etc.; petitions:
Hazleton Laboratories, Inc 43947

FEDERAL AVIATION ADMINISTRATION
Rules
IFR altitudes 43885
North Slope airways and jet routes 43885
VOR Federal airway 43885
Proposed Rules
Airworthiness directives:
Bell 43919
Air quality; EPA exhaust emission standards and FAA participation in all testing; correction 43919

FEDERAL COMMUNICATIONS COMMISSION
Proposed Rules
Government earth stations for earth-to-space transmissions for tracking, telemetry and telecommand 43924
Cable television systems:
Network exclusivity protection 43925
Notices
FCC Reports and New Index-Digests; issuance 43947
Hearings, etc.:
Watkins Glen Master Television Antenna Corp 43948
Meetings:
RCC-Telephone Company Interconnection meetings 43947

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Ohio, amended 43943

FEDERAL ELECTION COMMISSION
Notices
Advisory opinion requests 44041
Advisory opinions:
Payment of royalties by campaign committee to candidate 44039

FEDERAL ENERGY ADMINISTRATION
Notices
Entitlement notices for July 1975 43948
Supplemental fees for July and August; collection 43950

FEDERAL LABOR RELATIONS COUNCIL
Rules
Practice and procedure, review functions of Council, criteria for determining 43880

FEDERAL MARITIME COMMISSION
Proposed Rules
Rules of practice and procedure; miscellaneous amendments 43925
Notices
Agreements filed:
Port Authority of New York and New Jersey, et al; correction 43951
San Francisco Port Commission, et al 43951
State of Hawaii and Matson Terminals, Inc 43951

V 40 186 SEP 24 75 XUM

CONTENTS

FEDERAL POWER COMMISSION
Rules
Natural gas:
Change in notice requirements for filing proposed rate increases ---- 43889
Underground gas storage report ---- 43892
Notices
Committee establishments:
Gas Survey Technical Advisory Committee ---- 43956
Hearings, etc.:
Algonquin Gas Transmission Co ---- 43951
Boston Edison Co ---- 43952
Columbia Gas Transmission Corp ---- 43952
Dickhoner, William C ---- 43956
Hillin Production Co ---- 43952
Inter-City Minnesota Pipelines Limited, Inc ---- 43952
Iowa Power and Light Co ---- 43952
Michigan Consolidated Gas Co. 43953
Michigan Power Co ---- 43953
Mid Louisiana Gas Co ---- 43953
Northern Illinois Gas Co ---- 43954
Ohio Electric Co ---- 43954
Robinson Brothers Drilling Co. 43954
Southern Louisiana ---- 43952
South Texas Natural Gas Gathering Co ---- 43954
Sun Oil Co ---- 43955
Tennessee Gas Pipeline Co ---- 43955
Texaco Inc ---- 43955
Texas Eastern Transmission Corp ---- 43955
Western Gas Interstate Co ---- 43955

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Bombay Hook National Wildlife Refuge, Delaware ---- 43915
Iroquois National Wildlife Refuge, New York ---- 43916
National Wildlife Refuges, certain, Oregon ---- 43914
Notices
Endangered species permits, applications (3 documents) ---- 43933–43935

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
Vegetation Management with Herbicides in Oregon and Washington ---- 43935
Meetings:
Ottawa National Forest Multiple Use Advisory Committee ---- 43935
Pacific Northwest Forestry Research Advisory Committee ---- 43935

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; National Institutes of Health; Social and Rehabilitation Service; Social Security Administration.
Notices
Organization, functions, and authority delegations:
Education Office ---- 43942

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Disaster Assistance Administration; Housing Production and Mortgage Credit, Office of Assistant Secretary; Interstate Land Sales Registration Office.
Rules
Mortgage and loan insurance:
Multifamily housing; existing ---- 43898
Notices
Housing for the Elderly and Handicapped; invitation for requests for Section 202 Fund Reservations ---- 43943

INDIAN AFFAIRS BUREAU
Notices
Law and order determinations:
Puyallup Tribe of Washington ---- 43932

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Oceanic and Atmospheric Administration.

INTERNATIONAL TRADE COMMISSION
Notices
Hearings, etc.:
Certain non-powered hand tools from Japan; rescheduled hearing ---- 43956

INTERSTATE COMMERCE COMMISSION
Rules
Car service:
Missouri - Kansas - Texas Railroad Co., et al ---- 43914
Notices
Hearing assignments ---- 43962
Motor carriers:
Alternate route deviation notices (2 documents) ---- 43966
Applications and certain other proceedings ---- 43967
Intrastate applications ---- 43963
Irregular route property carriers; gateway elimination ---- 43974
Temporary authority applications ---- 43971
Transfer proceedings ---- 43970

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Land developers; investigatory hearings, order of suspension, etc.:
American Capital Land Corporation d/b/a Ponderosa ---- 43943

JUSTICE DEPARTMENT
See Law Enforcement Assistance Administration.

LABOR DEPARTMENT
See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU
Notices
Applications:
Wyoming ---- 43933
Meetings:
Idaho State Multiple Use Advisory Board ---- 43932

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Proposed Rules
Identifiable research and statistical information; confidentiality of ---- 44034

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ---- 43961

MARITIME ADMINISTRATION
Notices
Foreign construction cost computations:
Containerships, MA design C6–S–1x ---- 43940

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Meeting:
Space Science Steering Committee for review of proposals for a payload for the Lunar Polar Orbiter ---- 43957
Stratospheric Research Advisor Committee ---- 43957

NATIONAL BUREAU OF STANDARDS
Notices
Meetings:
Federal Information Processing Standards Coordinating and Advisory Committee ---- 43940

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
National Commission on Arthritis and Related Musculoskeletal Diseases, amended notice ---- 43941
Virus Cancer Program Scientific Review Committee, cancellation ---- 43942

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Rules
Tuna, bluefin; season closure ---- 43916
Notices
Marine mammal permit applications, etc.:
American Tunaboat Association ---- 43941
Meetings:
National Fishery Education Center ---- 43941

NATIONAL SCIENCE FOUNDATION
Notices
Meeting:
Advisory Panel for Neurobiology ---- 43960
Advisory Panel for Oceanography ---- 43961
Conferences on Undergraduate Science Foundation ---- 43961

CONTENTS

NUCLEAR REGULATORY COMMISSION
Notices
Applications, etc.:
Cincinnati Gas and Electric Co., et al ---- 43959
Meeting:
Advisory Committee on Reactor Safeguards (2 documents) ---- 43957, 43959
Regulatory guide; correction ---- 43960

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Notices
Meeting:
Standards Advisory Committee on Agriculture ---- 43962

POSTAL RATE COMMISSION
Notices
Postal rate and fee changes, 1975 ---- 44043

POSTAL SERVICE
Proposed Rules
International Special mail services; increase in fees ---- 43930

SECURITIES AND EXCHANGE COMMISSION
Rules
Privacy Act:
Implementation ---- 44068
Promulgation of exemptions ---- 44072

SOCIAL AND REHABILITATION SERVICE
Rules
Medical assistance programs:
Skilled nursing facility care; definition of ---- 43901

SOCIAL SECURITY ADMINISTRATION
Rules
Health insurance for the aged and disabled:
Post hospital extended care ---- 43895

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects:
Lost River, Indiana ---- 43936
North and South Mill Creek Subwatershed Project, West Virginia ---- 43936

STATE DEPARTMENT
Notices
Restriction of passports for travel, etc.:
Cambodia ---- 43931
Cuba ---- 43931
North Korea ---- 43931
North Vietnam ---- 43931
South Vietnam ---- 43931

TELECOMMUNICATIONS POLICY OFFICE
Notices
Meeting:
Frequency Management Advisory Council ---- 43962

TRANSPORTATION DEPARTMENT
See also Federal Aviation Administration.
Rules
Organization and delegation of powers and duties ---- 43901
Notices
Privacy Act; extra systems of records ---- 44075

TREASURY DEPARTMENT
See Customs Service.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.
A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

4 CFR
400 ---- 43873
412 ---- 43873

5 CFR
2411 ---- 43880
2413 ---- 43880

7 CFR
PROPOSED RULES:
1421 ---- 43919

9 CFR
331 ---- 43916
381 ---- 43916

14 CFR
71 (2 documents) ---- 43885
75 ---- 43885
95 ---- 43885
228 ---- 43885
PROPOSED RULES:
Ch. I ---- 43919
39 ---- 43919
217 ---- 43920
241 ---- 43920

16 CFR
1018 ---- 43886
1609 ---- 43886

17 CFR
200 (2 documents) ---- 44068, 44072

18 CFR
3 ---- 43892
154 ---- 43889
260 ---- 43892

19 CFR
171 ---- 43894

20 CFR
405 ---- 43895

24 CFR
207 ---- 43898
220 ---- 43898
227 ---- 43898
231 ---- 43898
234 ---- 43898

28 CFR
PROPOSED RULES:
22 ---- 44034

33 CFR
PROPOSED RULES:
209 ---- 43918

39 CFR
PROPOSED RULES:
42 ---- 43930
43 ---- 43930
44 ---- 43930
45 ---- 43930
47 ---- 43930

40 CFR
PROPOSED RULES:
52 ---- 43923
180 ---- 43924

45 CFR
249 ---- 43901

46 CFR
PROPOSED RULES:
502 ---- 43925

47 CFR
PROPOSED RULES:
2 ---- 43924
76 ---- 43925

49 CFR
1 ---- 43901
1033 ---- 43914

50 CFR
32 (3 documents) ---- 43914–43916
285 ---- 43916

V 40 186
SEP 24 75
XUM

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR
410 ... 42306

3 CFR
PROCLAMATIONS:
4313 (See EO 11878) ... 42731
4385 ... 41989
4386 ... 41991
4387 ... 42165
4388 ... 42167
4389 ... 42169
4390 ... 42315
4391 ... 42725
4392 ... 42727
4393 ... 42729
4394 ... 42849
4395 ... 43713
EXECUTIVE ORDERS:
April 18, 1908 (Revoked in part by PLO 5528) ... 42362
July 2, 1910 (Revoked in part by PLO 5512) ... 40162
(Revoked in part by PLO 5517) ... 40814
1959 (Revoked in part by PLO 5515) ... 40811
6583 (Revoked in part by PLO 5536 ... 42553
7595 (Revoked in part by PLO 5515) ... 40811
8649 (Revoked in part by PLO 5534) ... 42552
8780 (Revoked in part by PLO 5534) ... 42552
10480 (See EO 11879) ... 43197
11803 (Amended by EO 11878) ... 42731
11804 (See EO 11878) ... 42731
11861 (Amended by EO 11877) ... 40797
11864 (Superseded by EO 11877) ... 40797
11876 ... 40501
11877 ... 40797
11878 ... 42731
11879 ... 43197
MEMORANDUMS:
Memorandum of August 17, 1975 ... 40139

4 CFR
400 ... 43873
412 ... 43873
PROPOSED RULES:
410 ... 41801

5 CFR
151 ... 42733
213 ... 41755, 41993, 42427, 42733–42734, 43211
338 ... 42734
410 ... 42734
752 ... 42734
772 ... 42734
2411 ... 43880
2413 ... 43880

7 CFR
2 ... 41085, 41993
25 ... 42171
25A ... 42171
29 ... 42527
180 ... 42851
210 ... 42735
215 ... 42735
220 ... 42735
225 ... 42735
246 ... 42735
250 ... 42735
270 ... 42736, 43017, 43479
271 ... 43017
354 ... 41513, 43479
370 ... 43223, 43223
725 ... 41513
905 ... 42317, 42318
370 ... 43223
908 ... 40505, 40815, 41855, 42174, 43018, 43480
910 ... 41086, 42319, 43224
915 ... 41993
919 ... 41994
926 ... 43480, 43715
927 ... 42851
931 ... 43480
932 ... 41994
944 ... 42529
945 ... 42530
946 ... 42530
981 ... 43018, 43715
989 ... 40141
993 ... 42530
1046 ... 43716
1421 ... 41087, 43225
1434 ... 41087
1801 ... 42178
1822 ... 42178, 42736
1832 ... 42320
1842 ... 42179
1843 ... 42179
PROPOSED RULES:
1 ... 40849
51 ... 40522
201 ... 40524
250 ... 43738
906 ... 42886, 42887
910 ... 40528
924 ... 43036
927 ... 42023
931 ... 40170
948 ... 40528
966 ... 42887
982 ... 40836
989 ... 40842
1046 ... 40843, 42023
1250 ... 42888
1421 ... 43919
1430 ... 42364
1464 ... 41530

8 CFR
103 ... 42852
341 ... 42532

9 CFR
54 ... 40505, 42739
73 ... 42179
78 ... 41516
91 ... 40506
97 ... 43717
112 ... 41994
113 ... 41088, 41994
317 ... 42852
331 ... 43916
381 ... 42337, 43916
PROPOSED RULES:
113 ... 41139
317 ... 41139
319 ... 41139

10 CFR
20 ... 42557
37 ... 42558
50 ... 40816
73 ... 42558
204 ... 42338
205 ... 40141
210 ... 40818
211 ... 40821
212 ... 40142, 40818, 40821, 40824
213 ... 40143
725 ... 43481
RULINGS:
1975–9 ... 40826
1975–10 ... 40826
1975–11 ... 40827
1975–12 ... 40828
1975–13 ... 40831
1975–14 ... 40833
1975–15 ... 40832
1975–16 ... 40834
PROPOSED RULES:
71 ... 43517
206 ... 42448
213 ... 42578

11 CFR
Ch. I ... 40668, 43660
PROPOSED RULES:
106 ... 43517
113 ... 41932

12 CFR
207 ... 43482
211 ... 43199
213 ... 40506
215 ... 40506, 43199
220 ... 43482
221 ... 43482
226 ... 43199, 43200
265 ... 43717
339 ... 43482
523 ... 41755, 41996
544 ... 42853
545 ... 41756, 42853
563 ... 41997
603 ... 40454
701 ... 41090
703 ... 41997
760 ... 41998
PROPOSED RULES:
9 ... 40859
202 ... 42030
208 ... 40857
226 ... 43516
337 ... 40548, 41530
341 ... 40856
545 ... 43832
561 ... 42371, 43832

12 CFR—Continued
PROPOSED RULES—Continued
563 ... 42371, 42898, 43832
564 ... 42371
569a ... 42371
571 ... 42371

13 CFR
123 ... 42180
313 ... 43483

14 CFR
37 ... 42183
39 ... 41090–41092, 41519, 42180, 42339, 42739, 42741, 42854, 43019, 43484
71 ... 41520, 41998, 42180, 42340–42342, 42740, 42741, 43019, 43020, 43485–43487, 43717, 43718, 43885
73 ... 41092, 43718
75 ... 43487, 43885
95 ... 42181, 43885
97 ... 41092, 42342, 43020
121 ... 42183, 42185
171 ... 41093, 43719
228 ... 43885
241 ... 42855
298 ... 42855
312 ... 43211
372a ... 42741
373 ... 43719
378 ... 43719
378a ... 41093
1212 ... 43668
PROPOSED RULES:
Ch. I ... 42754, 43919
39 ... 41143, 41537, 42023, 43919
67 ... 42024
71 ... 42025, 42364–42366
75 ... 42756, 43036, 43513
217 ... 43920
231 ... 43743
241 ... 43920
385 ... 40818

15 CFR
371 ... 40507
377 ... 40507
903 ... 41998
PROPOSED RULES:
80 ... 42209

16 CFR
4 ... 40780
13 ... 40143–40154, 40508, 41071–41081, 41756–41758, 42201–42203, 42742, 43487, 43719
259 ... 42003
1018 ... 43886
1116 ... 42004
1609 ... 43886
PROPOSED RULES:
445 ... 42757
453 ... 42212, 42371
454 ... 41144
1014 ... 42025, 43231, 43743
1207 ... 42562

17 CFR
17 ... 41117
18 ... 41117
146 ... 41056
200 ... 40512, 44068, 44072
201 ... 42186
240 ... 40512, 41520, 42343
249 ... 40512, 41521
270 ... 41759, 42862
PROPOSED RULES:
210 ... 40550
230 ... 40555
231 ... 42212
239 ... 42212
240 ... 40858, 41808, 42212, 42219, 42905, 43743
241 ... 42212
249 ... 40858
259 ... 42212
270 ... 40555, 41818, 42757

18 CFR
1 ... 42005
2 ... 41760, 42005
3 ... 43488, 43892
141 ... 43488
154 ... 43889
157 ... 41769
260 ... 43892
PROPOSED RULES:
35 ... 42029
154 ... 41539
157 ... 41539
201 ... 41539
260 ... 41539

19 CFR
10 ... 43021
112 ... 41084
148 ... 41084
171 ... 43488, 43894
172 ... 43026
PROPOSED RULES:
12 ... 41118
153 ... 43226
175 ... 43226
201 ... 40173
210 ... 40173

20 CFR
200 ... 41084
260 ... 41084
404 ... 42863
405 ... 42006, 43211, 43895
450 ... 42865
PROPOSED RULES:
405 ... 40171, 40537, 40850
601 ... 43744

21 CFR
Ch. I ... 40520, 43488
29 ... 42866
121 ... 40799, 41085, 42866
123 ... 42343, 43720
431 ... 41522
436 ... 41522
449 ... 41523
452 ... 41773
510 ... 42007, 43213, 43488
520 ... 43488
522 ... 42007
540 ... 42007
556 ... 41085
561 ... 41773, 42343
1010 ... 40800
1040 ... 40800
1304 ... 42866
PROPOSED RULES:
1 ... 40682
2 ... 40682
5 ... 40682
6 ... 40682
8 ... 40682
10 ... 40682
11 ... 40682
80 ... 40682
90 ... 40682
100 ... 40682
102 ... 40682
121 ... 40529, 40682, 41797
202 ... 40682
310 ... 40682, 43513
312 ... 40682
314 ... 40682
328 ... 40682
330 ... 40682
429 ... 40682
430 ... 40682
431 ... 40682
433 ... 40682
511 ... 40682
514 ... 40682
601 ... 40682
640 ... 41799
701 ... 40682
1000 ... 42749
1003 ... 40682
1004 ... 40682
1210 ... 40682

22 CFR
42 ... 42532
PROPOSED RULES:
6a ... 40456

23 CFR
450 ... 42976, 42979
470 ... 42344
633 ... 42867
658 ... 41774, 42186
710 ... 41523
750 ... 42842

24 CFR
25 ... 43026
207 ... 43898
220 ... 43898
227 ... 43898
231 ... 43898
234 ... 43898
280 ... 42061, 42007
300 ... 43027
570 ... 41509, 42347
888 ... 40513
1914 ... 41509, 42009, 42872, 43219, 43720
1915 ... 41510, 42553, 42874, 43220, 43722
1916 ... 42348, 42349, 43027
1917 ... 41108–41115, 42349
1920 ... 41115, 41116, 42557, 42743
PROPOSED RULES:
406 ... 42560
805 ... 43372

25 CFR
PROPOSED RULES:
33 ... 40982
43h ... 42020
221 ... 43513
233 ... 42884
401 ... 40982

V 40 186 SEP 24 75 XUM

25 CFR—Continued
PROPOSED RULES—Continued
402 40982
403 40982
404 40982
405 40982
406 42560
407 40982

26 CFR
1 ..... 42743, 43034, 43735
31 42349
PROPOSED RULES:
1 41118
31 43226

28 CFR
0 42745
2 41328
PROPOSED RULES:
22 44034

29 CFR
56 43170
57 43170
58 43170
570 40800
1952 40155–40157
2530 41654
2550 43726
2602 ..... 42876, 43512
2603 43213
2604 42533
2605 43509
2606 42877
PROPOSED RULES:
603 40537
608 40537
609 40537
687 40537
1910 ..... 40170, 40849, 41530, 41797
1915 41530
1916 41530
1917 41530
1918 41530
1926 ..... 40170, 41530
1952 41148

30 CFR
77 41775
PROPOSED RULES:
211 41122
216 41122
250 ..... 42550, 43036

32 CFR
197 42186
1808 42736
PROPOSED RULES:
1451 42997
1814 42444
2102 40792

32A CFR
Ch. VI 43489

33 CFR
117 ..... 41524, 42189, 43213
155 42189
183 43856
265 42652
266 42654
PROPOSED RULES:
1 42210
117 41537

33 CFR—Continued
PROPOSED RULES—Continued
183 43226
209 43918
305 41636

35 CFR
253 42996
PROPOSED RULES:
10 40485

36 CFR
901 41524
1000 40802
PROPOSED RULES:
7 ..... 41138, 42364
903 41530

38 CFR
4 42535
21 42878
36 42190
PROPOSED RULES:
3 ..... 41540, 42578

39 CFR
111 42541
3002 43033
PROPOSED RULES:
42 ..... 43232, 43930
43 ..... 43232, 43930
44 ..... 43232, 43930
45 ..... 43232, 43930
47 ..... 43232, 43930
111 43232

40 CFR
52 ..... 40158–40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42542, 42895–42896, 43214–43216
60 ..... 42194, 43850
61 42195
162 ..... 41788, 42746
180 ..... 40161, 42357, 43727
230 41292
435 42543
PROPOSED RULES:
16 40792
35 ..... 41644, 43231
52 ..... 40172, 40854–40856, 42211, 42368, 42369, 42757, 43231, 43923
60 42028
126 41649
142 40538
162 40538
172 40545
180 ..... 41538, 42757, 43924
246 42986
430 41298
435 42572

41 CFR
1–30 43726
8–1 43217
8–2 40803
8–3 40803
14–3 ..... 40517, 42746
101–26 41093
101–35 42358
101–38 42358
101–43 42361

41 CFR—Continued
101–44 42361
105–61 42881
114–42 40517
114–60 42746
PROPOSED RULES:
3–4 42673
14H–70 41026
51–8 42444
60–5 41149

42 CFR
110 41095
PROPOSED RULES:
36 42658
67 42890

43 CFR
3300 43489
PUBLIC LAND ORDERS:
2249 (Revoked in part by PLO 5515) 40811
4089 (Revoked in part by PLO 5515) 40811
4148 (Revoked in part by PLO 5515) 40811
4643 (Revoked in part by PLO 5511) 40162
4889 (Revoked in part by PLO 5515) 40811
5175 (Amended by PLO 5519) 40814
5180 (Amended by PLO 5519) 40814
5191 (Amended by PLO 5519) 40814
5394 (Amended by PLO 5519) 40814
5418 (See PLO 5519) 40814
5438 (Amended by PLO 5519) 40814
5511 40162
5512 40162
5513 40162
5514 40811
5515 40811
5516 40814
5517 40814
5518 40814
5519 40814
5520 40815
5521 40815
5522 41096
5523 ..... 41095, 43028
5524 41095
5525 ..... 41794, 43489
5526 42195
5527 42362
5528 42362
5529 42551
5530 42551
5531 ..... 42553, 43732
5532 42561
5533 42551
5534 42552
5535 42551
5536 42553
5537 43028
5538 43217
PROPOSED RULES:
4 42020
23 41122
2110 43735
2130 43735
2270 43735
3040 41122
3820 43735

45 CFR
30 40162
46 40163
100 41795
101 41795
169 40518
212 43218
220 43182
224 43182
233 43182
249 43901
250 42013
1208 40805
1600 42362
PROPOSED RULES:
56 41140
160a 41670
233 41143
249 42560
706 40783
1116 42457
1602 42374

46 CFR
Ch. I 42195, 42746
32 40163
35 40163
50 40163
52 40163
53 40163
54 40163
56 40164
58 40168
63 40169
146 41795
252 43490
410 41526
402 41526
530 43720
PROPOSED RULES:
32 42751
34 43739
35 42751
76 43739
77 42751
78 42751
95 43739
96 42751
105 43739
167 42751
181 43739
184 42751
185 42751
193 43739
195 42751
196 42751
502 43925

47 CFR
1 42882
2 40810
73 ..... 42882, 43028, 43506, 43507
74 40810
91 40169
PROPOSED RULES:
2 ..... 42028, 42577, 42897, 43037, 43924
73 ..... 40172, 42028, 42369, 42577, 42578, 43028, 43514
76 43925
89 42577
91 ..... 42028, 42577

49 CFR
1 43901
25 41040
171 41527
172 41527
173 41527
174 41527
175 41527
177 41527
178 41527
325 42432
385 40810
Ch. V 41796, 42013
552 42013
553 42015
555 42015
571 ..... 42746, 42897
613 42984
1033 ..... 40518, 40519, 43914
1134 42343
1306 40518
1320 41528
1322 41528

49 CFR—Continued
PROPOSED RULES:
10 43037
102 41537
107 41537
170 41537
171 ..... 40171, 40853, 40854, 41537
172 41537
173 41537
174 41537
175 41537
176 41537
177 41537
178 41537
179 41537
180 41537
181 41537
182 41537
183 41537
184 41537
185 41537
186 41537
187 41537
188 41537
189 41537
195 43740
215 42895
571 ..... 40537, 40853, 42756
573 43227
583 ..... 42366, 42895
1007 43689
1037 42221
1106 42578
1106 ..... 41153, 40854, 42573
1201 42899
1307 ..... 42033, 43038

50 CFR
20 ..... 41096, 42015
28 ..... 41105, 42017, 42195, 42748
32 ..... 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748, 42883, 43029, 43030, 43032, 43218, 43219, 43732, 43733, 43914–43916
251 ..... 43508, 43733, 43734
285 43916
PROPOSED RULES:
17 40521
216 ..... 41531, 42210, 43040
501 41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42526	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18
43197–43477	19
43479–43711	22
43713–43871	23
43873–44109	24

V 40 I 186 SEP 24 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going into Effect Today

CAB—Implementing the National Environmental Policy Act..... 37182; 8–25–75

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
Florida oranges, tangelos, grapefruits, and tangerines; comments by 9–30–75 ..... 40522; 9–3–75
Pears (fresh) grown in Oreg. and Wash.; expenses and rates of assessment; comments by 9–30–75. 40170; 9–2–75
Tomatoes grown in Florida; expenses and rate of assessment; comments by 10–3–75 ..... 42887; 9–17–75
Animal and Plant Health Inspection Service—
Viruses, serums, toxins, and analogous products; standard requirements; extension of time; comments by 10–3–75..... 32754; 8–4–75

COMMERCE DEPARTMENT
Regional Action Planning Commissions; administrative procedures; comments by 9–30–75..... 36135; 8–19–75
National Oceanic and Atmospheric Administration proposed Key Largo Coral Reef Sanctuary; comments by 10–3–75 ..... 39538; 8–28–75

COMMODITY FUTURES TRADING COMMISSION
Margin accounts and contracts, and leverage accounts and contracts; proposal to adopt a temporary rule; comments by 10–1–75.. 38382; 8–20–75

DEFENSE DEPARTMENT
Engineer Corps—
Shipping safety fairways and anchorage areas; Gulf of Mexico; comments by 9–29–75..... 39524; 8–28–75
Navy Department—
Midway Islands code; proposed civil administrative procedures; comments by 9–30–75..... 34352; 8–15–75

ENVIRONMENTAL PROTECTION AGENCY
Drinking water standards implementation and state program grant regulations; comments by 9–29–75. 40538; 9–3–75
Experimental Use permits; comments by 10–3–75..... 40545; 9–3–75
Grants to designated area wide waste treatment management planning agencies and to state agencies; conditions, procedures, plan content and approval (2 documents); comments by 10–2–75..... 41644; 9–8–75; 41649; 9–8–75
State registration of pesticides to meet special local needs; comments by 10–3–75 ..... 40538; 9–3–75

FEDERAL COMMUNICATIONS COMMISSION
Standard FM, and television broadcast stations; multiple ownership; time extension for filing comments; 9–29–75. 40172; 9–2–75
TV broadcast stations; definition for "specialty stations" and "specialty format programming"; comments by 9–30–75 ..... 31809; 7–29–75
Use of FM Microwave by TV Translator Relay Stations; extending time for filing comments and reply comments; comments by 9–29–75..... 36389; 8–20–75

FEDERAL HOME LOAN BANK BOARD
Checking accounts for savings and loan institutions; comments by 9–29–75 ..... 42371; 9–12–75
State banking institutions; membership; comments by 9–29–75..... 40857; 9–4–75

FEDERAL RESERVE SYSTEM
Credit by brokers and dealers; uniform margin requirements for writing options; comments by 9–30–75. 36390; 8–20–75

GENERAL SERVICES ADMINISTRATION
Automated Data and Telecommunications Service—
Procurement documents for ADP systems; comments by 10–3–75. 32761; 8–4–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Food and Drug Administration—
Administrative Practices and procedures; comments by 10–3–75. 40778; 9–3–75
Tolerances for methoprene in animal feed; comments by 9–29–75. 39896; 8–29–75
Zirconium; aerosol drugs and cosmetics containing; comment period extended to 10–3–75..... 24328, 6–5–75; 36574, 8–21–75

INTERIOR DEPARTMENT
Indian Affairs Bureau—
Operation and maintenance charges for Flathead, Mont. irrigation project; comments by 9–29–75. 39871; 8–29–75
National Park Service—
National Register of Historic Places; expansion of; comments by 9–29–75..... 39875; 8–29–75

INTERNATIONAL TRADE COMMISSION
Rules of practice and procedure; proposed rulemaking; comments by 10–2–75 ..... 40173; 9–2–75

INTERSTATE COMMERCE COMMISSION
Wage statistics reports; inquiry on revisions; comments by 9–30–75. 36779; 8–22–75

LABOR DEPARTMENT
Protection of privacy in record systems; comments by 9–29–75..... 40039; 8–29–75
Occupational Safety and Health Administration—
Coke oven emissions; standard for exposure; comments by 9–30–75. 40849; 9–4–75
Standard for exposure to coke oven emissions; intent to prepare an environmental impact statement; comments by 9–30–75..... 41797; 9–9–75
Supplements to South Carolina plan; comments by 9–29–75..... 39896; 8–29–75

NATIONAL LABOR RELATIONS BOARD
Privacy Act regulations; comments by 9–29–75..... 39763; 8–28–75

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION
Privacy Act regulations; comments by 9–30–75..... 39671; 8–28–75

SECURITIES AND EXCHANGE COMMISSION
ANCSA Corporations; comments by 10–1–75..... 41818; 9–9–75
Transfer agents; registration; comments by 9–29–75 ..... 40858; 9–4–75

SMALL BUSINESS ADMINISTRATION
Privacy Act regulations; comments by 9–29–75..... 40063; 8–29–75

STATE DEPARTMENT
Privacy Act of 1974; policies and procedures; comments by 10–2–75. 40456; 9–2–75

TRANSPORTATION DEPARTMENT
Coast Guard—
Load line assignment and surveys; fees and other expenses; proposed revision of fee schedule; comments by 9–29–75..... 34407; 8–15–75

FEDERAL ENERGY ADMINISTRATION
Environmental Advisory Committee; to be held in Washington, D.C. (open), 9–29–75..... 42596; 9–15–75
Food Industry Advisory Committee; to be held in Washington, D.C. (open); 10–1–75..... 42240; 9–11–75

FEDERAL PREVAILING RATE ADVISORY COMMITTEE
To be held in Washington, D.C.; 10–2–75. 42060; 9–10–75

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
President's Committee on Mental Retardation; to be held in Atlanta, Ga. (open), 9–28 thru 9–30–75.... 33698; 8–11–75
Education Office—
Equality of Educational Opportunity, National Advisory Committee; to be held in Washington, D.C. (open), 10–3 and 10–4–75..... 36609; 8–21–75
Food and Drug Administration—
Gastrointestinal Drug Advisory Committee; to be held in Rockville, Maryland (open with restrictions), 9–29, 9–30–75.... 36408; 8–20–75
Immunology Subcommittee of the diagnostic Products Advisory Committee; to be held in Washington, D.C. (open with restrictions), 9–29, 9–30–75..... 36409; 8–20–75
Mutagenesis Subcommittee of the Science Advisory Board to the National Center for Toxicological Research; to be held in Jefferson, Arkansas (open with restrictions), 9–29, 9–30–75.... 36410; 8–20–75
Panel on Review of Miscellaneous External Drug Products; to be held in Rockville, Maryland (open with restrictions), 9–28, 9–29–75. 36408; 8–20–75
Panel on Review of Obstetrical-Gynecological Devices; to be held in Washington, D.C. (open with restrictions), 9–29, 9–30–75..... 36410; 8–20–75
Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs; to be held in Rockville, Md.; 9–29 and 9–30–75 (rescheduled from 9–18 and 9–19–75).... 8–20–75; 36403; 9–9–75; 41830
Panel on Review of Topical Analgesics; to be held in Rockville, Maryland (open with restrictions) 9–30–75 and Oct. 1, 1975.. 36410; 8–20–75
National Institutes of Health—
Behavioral Sciences Research Contract Review Committee; to be held in Bethesda, Maryland (open), 9–29, 9–30–75.. 36411; 8–20–75
Combined Modality Committee and Clinical Trials Committee, to be held in Bethesda, Md. (open with restrictions) 10–3–75..... 42384; 9–12–75
Contraceptive Development Contract Review Committee; to be held in Bethesda, Maryland (open), 9–29–75 ..... 36411; 8–20–75
Contraceptive Evaluation Research Contract Review Committee, to be held in Bethesda, Md. (open with restrictions), 10–1–75..... 34019; 8–13–75
Drug Development Committee and Developmental Therapeutics Committee; to be held in Bethesda, Md. (open), 9–30–75..... 42384; 9–12–75
Heart and Lung Research Review Committee A, to be held in Bethesda, Md. (partially open) 10–3 and 10–4–75.... 42386; 9–12–75
National Cancer Advisory Board Subcommittee on Centers; to be held in Bethesda, Md. (partially closed), 10–5–75 ..... 42387; 9–12–75
National Cancer Institute; to be held in Bethesda, Md. (open with restrictions), 9–30, 10–1–75. 36413; 8–20–75
National Cancer Institute; Cancer Research Center Review Committee; to be held in Bethesda, Md. (open with restrictions) 10–3 and 10–4–75 ..... 36412; 8–20–75
Private Research Centers Advisory Committee; to be held in Bethesda, Md. (partially closed), 10–2–75. 42388; 9–12–75
Vision Research Program Planning Subcommittee; to be held in Bethesda, Md. (open), 10–1 and 10–2–75 ..... 42388; 9–12–75
Office of Education—
National Advisory Council for Career Education; to be held in Washington, D.C. (open), 9–30–75. 36414; 8–20–75
Office of the Secretary—
President's Biomedical Research Panel; to be held in Washington, D.C. (open), 9–29 and 9–30–75. 27505; 6–30–75

INTERIOR DEPARTMENT
Bureau of Land Management—
Roseburg District Multiple Use Advisory Board; to be held in Roseburg, Oregon (open with restrictions), 10–2–75.... 41826; 9–9–75
National Parks Service—
Gateway National Recreation Area; to be held in Brooklyn, N.Y.; 10–1–75. 41826; 9–9–75
Gateway National Recreation Area; to be held in Sandy Hook, N.J.; 10–4–75 ..... 41826; 9–9–75

JUSTICE DEPARTMENT
Law Enforcement Assistance Administration—
National Advisory Committee on Criminal Justice Standards and Goals, Juvenile Delinquency Task Force; to be held in San Diego, California (open), 10–3 and 10–4–75 ..... 42582; 9–15–75

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Ad Hoc Advisory Subcommittee of the Space Science Steering Committee; to be held in Greenbelt, Md. (closed), 10–1 through 10–3–75..... 42613; 9–15–75
NASA Research and Technology Advisory Council Panel on Research; to be held in Washington, D.C. (open with restrictions), 9–29 and 9–30–75. 41856; 9–9–75

NATIONAL CREDIT UNION ADMINISTRATION
National Credit Union Board, to be held in Washington, D.C. (open), 9–30 and 10–1–75..... 40878; 9–4–75

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES
Dance Advisory Panel; to be held in Salt Lake City, Utah (partially open), 10–3, 10–4, 10–5–75..... 42798; 9–16–75
Federal Graphics Evaluation Advisory Panel; to be held in Washington, D.C. (partially open), 10–1–75..... 42798; 9–16–75
Planning Office Panel Advisory Committee, to be held in Washington, D.C. (closed), 10–2 and 10–3–75. 39563; 8–28–75
Special Projects Advisory Panel; to be held in Salt Lake City, Utah (partially open), 10–3, 10–4, 10–5–75. 42798; 9–16–75

NATIONAL SCIENCE FOUNDATION
Advisory Panel for Metabolic Biology; to be held in Washington, D.C. (closed), 10–2 and 10–3–75.. 42614; 9–15–75
Astronomy Advisory Panel; to be held in Washington, D.C.; (open); 10–2 and 10–3–75..... 42247; 9–11–75
Atmospheric Sciences Advisory Panel; to be held in Washington, D.C.; (open); 9–30 and 10–1–75.... 42246; 9–11–75

NUCLEAR REGULATORY COMMISSION
Advisory Committee on Reactor Safeguards, Subcommittee on Inspection and Enforcement Activities; to be held in Washington, D.C. (partially open), 10–1–75..... 42803; 9–16–75

SMALL BUSINESS ADMINISTRATION
Casper District Advisory Council; to be held in Laramie, Wyoming (open), 10–3–75..... 42804; 9–16–75
Jackson District Advisory Council, to be held Olive Branch, Miss., 10–3–75. 39575; 8–28–75

V 40 186 SEP 24 75 XUM

Federal Aviation Administration—
Alteration of transition area Athens, Tex.; comments by 9–29–75. 39897; 8–29–75
Alteration of transition area in Vivian, La.; comments by 9–29–75. 39897; 8–29–75
Aviation War Risk Insurance Program; study of; comments by 9–30–75. 42234; 9–11–75
Designation of transition area and control zone in Hayden, Colo.; comments by 9–29–75..... 39898; 8–29–75
Extension of area high routes; notice of proposed rulemaking; comments by 10–1–75..... 42756; 9–16–75
Processing Airport Development Actions Affecting the Environment; references to applicable procedures; comments by 10–3–75..... 36516; 8–20–75
Transition area; proposed designation; comments by 10–5–75..... 42025; 9–10–75
VOR Federal airway; extension, Pocatello, Idaho; comments by 9–29–75. 39529; 9–10–75
VOR airway; proposed extension; comments by 10–5–75..... 42025; 9–10–75

Federal Highway Administration—
Coiled nylon brake tubing; comments by 9–30–75..... 37045; 8–25–75
Materials Transportation Bureau—
Matter incorporated by reference; proposed rulemaking; comments by 9–30–75..... 40171; 9–2–75

TREASURY DEPARTMENT
Bureau of Alcohol, Tobacco and Firearms—
Wine labeling and advertising, bottles per case requirement; comments by 9–29–75..... 32129; 7–31–75
Comptroller of the Currency—
National banks and collective investment funds; fiduciary power; comments by 9–29–75..... 40859; 9–4–75

Next Week's Public Hearings

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration Proposed Key Largo Coral Reef Sanctuary; to be held in Key Largo, Florida, 9–30–75. 39538; 8–28–75

CIVIL AERONAUTICS BOARD
Domestic Night Coach Fare Investigation; to be held in Washington, D.C., 9–29–75 ..... 40193; 9–2–75

FEDERAL TRADE COMMISSION
Warranties; disclosure of terms, pre-sale disclosure, and dispute settlement (3 documents); to be held in Los Angeles, Calif. on 9–29–75..... 29892, 29894, 29895; 7–16–75

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Office of Interstate Land Sales Registration—
American Capital Land Corp.; to be held in Washington, D.C.; 10–1–75. 41830; 9–9–75
Horizon City Subdivision; to be held in Washington, D.C.; 10–2–75. 41831; 9–9–75

INTERNATIONAL TRADE COMMISSION
Certain non-powered hand tools from Japan; to be held in Washington, D.C., on 10–2–75..... 42608; 9–15–75

TRANSPORTATION DEPARTMENT
Materials Transportation Bureau—
Flammable, combustible, and pyrophoric liquids aboard vessels; to be held in Washington, D.C., on 10–1–75 ..... 41537; 9–8–75

Next Week's Meetings

ACTION
National Voluntary Service Advisory Council; to be held in Washington, D.C. (open with restrictions); 10–1 and 10–2–75..... 42235; 9–11–75

AGRICULTURE DEPARTMENT
Agricultural Marketing Service—
Raisin Advisory Board; to be held in Fresno, California (open); 10–3–75. 42763; 9–16–75
Commodity Credit Corporation—
Commodity Credit Corporation Advisory Board; to be held in Washington, D.C. (open); 9–30–75. 42227; 9–11–75
Forest Service—
Timpas Unit Grazing Advisory Board; to be held at Timpas, Colorado (open), 10–2–75..... 37243; 8–26–75
Soil Conservation Service—
Public Advisory Committee on Soil and Water Conservation; to be held in Washington, D.C. (open, with limitations) 10–1 through 10–3–75 ..... 30514; 7–21–75

CITIZENS ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY
To be held in Washington, D.C. (open), 9–29–75 ..... 39921; 8–29–75

CIVIL AERONAUTICS BOARD
Airline Operational Control Society; to be held in Washington, D.C., 10–2–75. 40572; 9–3–75

CIVIL RIGHTS COMMISSION
Indiana State Advisory Committee; to be held in Indianapolis, Ind. (open), 10–4–75 ..... 42390; 9–12–75
Maryland State Advisory Committee; to be held in Baltimore, Md. (open), 9–29 and 9–30–75.. 42390; 9–12–75
Maryland State Advisory Committee; to be held in Baltimore, Md. (open), 10–1 and 10–2–75.... 41833; 9–9–75
Massachusetts State Advisory Committee; to be held in Boston, Mass. (open), 10–2–75. .. 42390; 9–12–75

CIVIL SERVICE COMMISSION
Federal Employees Pay Council; to be held in Washington, D.C. (closed), 10–1–75 ..... 42391; 9–12–75

COMMERCE DEPARTMENT
Census Bureau—
American Economic Association Census Advisory Committee; to be held in Suitland, Maryland (open), 10–3–75..... 32861; 8–5–75
Domestic and International Business Administration—
Industry Sector Advisory Committee on Retailing for Multilateral Trade Negotiations; to be held in Washington, D.C. (open with restrictions), 9–29–75.... 37243; 8–26–75

COMMISSION OF FINE ARTS
Public projects in Washington, D.C.; to be held at Washington, D.C. 9–17–75. 39922; 8–29–75

DEFENSE DEPARTMENT
Air Force Department—
Scientific Advisory Board, USAF; Aerospace Vehicles Panel Committee; to be held in Cleveland, Ohio (closed), 10–2–75..... 42762; 9–16–75
Defense Science Board Task Force on Net Technical Assessment; to be held in Arlington, Virginia (closed); 10–1 and 10–2–75.. 41543; 9–8–75
Defense Science Board Task Force on "Systems Vulnerability"; to be held at Lawrence Livermore Laboratory, Livermore, Calif. (closed), 9–29 through 9–30–75.... 41156; 9–5–75
Defense Science Board Task Force on Theater Nuclear Forces R&D Requirements; to be held in Washington, D.C. (closed); 9–29 and 9–30–75..... 41543; 9–8–75
Office of the Secretary—
Wage Committee; to be held in Washington, D.C. (closed), 9–30–75. 33845; 8–12–75

FEDERAL COMMUNICATIONS COMMISSION
Common Carrier Bureau; to be held at 2025 M Street NW, Room 8210, Washington, D.C. 9–30–75..... 41182; 9–5–75
Common Carrier Bureau; to be held at 2025 M Street NW, Washington D.C., 10–1–75..... 41182; 9–5–75
Fixed Satellite Advisory Committee; to be held in Washington, D.C. (open) 10–3–75..... 42915; 9–17–75
Industry Advisory Committee; to be held in Washington, D.C. (open), 9–29–75. 42596; 9–15–75
PBX Technical Standards Subcommittee; to be held in Washington, D.C. on 10–2–75..... 42050; 9–10–75
PBX Technical Standards Subcommittee; to be held at Room 752, 1919 M Street NW, Washington, D.C. (open); 10–1 and 10–2–75..... 41179; 9–5–75

New York District Advisory Council; to be held in New York, N.Y. (open), 9–30–75..... 41862; 9–9–75

STATE DEPARTMENT
Agency for International Development—
Advisory Committee to United States Section, International North Pacific Fisheries Commission; to be held in Seattle, Washington (open), 9–29–75..... 33842; 8–12–75

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
Aviation war risk insurance; study of; to be held in Washington, D.C. (open), 9–30–75.. 42234; 9–11–75
Terminal Instrument Procedures (TERPS Advisory Committee, Working Group on Visibility Credits for Lights; to be held in Washington, D.C. (open with restrictions), 10–1 and 10–2–75..... 42593; 9–15–75

VETERANS ADMINISTRATION
Basic Sciences Merit Review Board; to be held in Washington, D.C. (open with restrictions), 10–2 through 10–4–75. 41862; 9–9–75
Oncology Merit Review Board; to be held in Washington, D.C. (open with restrictions), 10–1–75..... 41862; 9–9–75

Daily List of Public Laws

S.J. Res. 34..... Public Law 94–96
Joint Resolution asking the President of the United States to declare the fourth Saturday of September 1975 as "National Hunting and Fishing Day" (Sept. 18, 1975; 89 Stat. 478)
S. 907..... Public Law 94–98
An act to authorize the Smithsonian to plan museum support facilities (Sept. 19, 1975; 89 Stat. 480)
S. 331..... Public Law 94–97
An act to redesignate November 11 of each year as Veterans Day and to make such day a legal public holiday (Sept. 18, 1975; 89 Stat. 478)

V40 I186 SEP2475 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER G—COST ACCOUNTING STANDARDS

PART 400—DEFINITIONS

PART 412—COST ACCOUNTING STANDARDS FOR COMPOSITION AND MEASUREMENT OF PENSION COST

Miscellaneous Amendments

Section 400.1(a) is amended by inserting the following definitions alphabetically.

§ 400.1 Definitions.

(a) • • •

Accrued Benefit Cost Method. An actuarial cost method under which units of benefit are assigned to each cost accounting period and are valued as they accrue—that is, based on the services performed by each employee in the period involved. The measure of normal cost under this method for each cost accounting period is the present value of the units of benefit deemed to be credited to employees for service in that period. The measure of the actuarial liability at a plan's inception date is the present value of the units of benefit credited to employees for service prior to that date. (This method is also known as the Unit Credit cost method.)

• • • • • •

Actuarial Assumption. A prediction of future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, changes in values of pension fund assets.

• • • • • •

Actuarial Cost Method. A technique which uses actuarial assumptions to measure the present value of future pension benefits and pension fund administrative expenses, and which assigns the cost of such benefits and expenses to cost accounting periods.

• • • • • •

Actuarial Gain and Loss. The effect on pension cost resulting from differences between actuarial assumptions and actual experience.

• • • • • •

Actuarial Liability. Pension cost attributable, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. As of such date, the actuarial liability represents the excess of the present value of the future benefits and administrative expenses over the present value of future contributions for the normal cost for all plan participants and beneficiaries. The excess of the actuarial liability over the value of the assets of a pension plan is the Unfunded Actuarial Liability.

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Defined-Benefit Pension Plan. A pension plan in which the benefits to be paid or the basis for determining such benefits are established in advance and the contributions are intended to provide the stated benefits.

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Defined-Contribution Pension Plan. A pension plan in which the contributions to be made are established in advance and the benefits are determined thereby.

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Funding Agency. An organization or pension costs for a current or prior cost accounting period that has been paid to a funding agency or, under a pay-as-you-go plan, to plan participants or beneficiaries.

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Funding Agency. An organization or individual which provides facilities to receive and accumulate assets to be used either for the payment of benefits under a pension plan, or for the purchase of such benefits.

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Multiemployer Pension Plan. A plan to which more than one employer contributes and which is maintained pursuant to one or more collective bargaining agreements between an employee organization and more than one employer.

Normal Cost. The annual cost attributable, under the actuarial cost method in use, to years subsequent to a particular valuation date.

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Pay-As-You-Go Cost Method. A method recognizing pension cost only when benefits are paid to retired employees or their beneficiaries.

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Pension Plan. A deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement: *Provided,* That the benefits are paid for life or are payable for life at the option of the employees. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of deceased employees may be an integral part of a pension plan.

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Projected Benefit Cost Method. Any of the several actuarial cost methods which distribute the estimated total cost of all of the employees' prospective benefits over a period of years, usually their working careers.

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(84 Stat. 796, Sec. 103 (50 U.S.C. App. 2168))

The Cost Accounting Standard on Composition and Measurement of Pension Cost is one of a series being promulgated by the Cost Accounting Standards Board pursuant to section 715 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. app. 2168, which provides for the development of Cost Accounting Standards to be used in connection with negotiated national defense contracts. This Standard establishes the components of pension cost, the bases for measuring such cost, and the criteria for assigning pension costs to cost accounting periods.

As part of the Board's early research relating to the subject of pension costs, it developed an Issues Paper in August 1973, and a preliminary draft Standard in September 1974. Both the Issues Paper and preliminary Standard were sent to a large cross-section of companies, Government agencies, industry and professional associations, actuaries, and other interested individuals. The Board received responses to these research papers which were useful in identifying the key issues involved in pension cost accounting and in developing a proposed Standard which was published in the FEDERAL REGISTER of May 5, 1975, with an invitation to interested parties to submit written views and comments to the Board. The Board also supplemented the invitation in the FEDERAL REGISTER by sending copies of the proposed Standard to several hundred organizations and individuals who had provided the Board with comments on the preliminary proposal or who had otherwise expressed interest in the subject of the Standard.

The Board received 80 sets of written comments from companies, Government agencies, professional associations, industry associations, public accounting firms, universities, actuaries and others in response to the FEDERAL REGISTER proposal. All of these comments have been carefully considered by the Board. The Board's views on each of the major issues discussed by commentators are outlined below, together with explanations of the changes made in the Cost Accounting Standard being promulgated.

The Board wishes to take this opportunity to express its appreciation for the helpful suggestions and constructive criticisms it has received, and for the time devoted to assisting the Board in this endeavor by the many organizations and individuals involved.

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(1) Relationship to the Employee Retirement Income Security Act of 1974 and to Generally Accepted Accounting Principles

The Board received a variety of comments relative to the relationship between the proposed Standard, the Employee Retirement Income Security Act of 1974 (ERISA), and generally accepted accounting principles set forth in "Accounting for the Cost of Pension Plans," Opinion No. 8 by the Accounting Principles Board (APB–8). Some stated that, with the enactment of ERISA, Congress has expressed its will relative to pensions and a Cost Accounting Standard on pension costs which is different than ERISA is unnecessary. Others stated that APB–8 is a viable and proven document which provides sufficient guidance for both financial accounting and cost accounting purposes. Others stated that the combination of ERISA and APB–8 provides all the guidance needed for cost accounting purposes. Still others stated that a Standard should be deferred until the Federal regulations required by ERISA have been promulgated, and/or the Financial Accounting Standards Board (FASB) completes its reevaluation of APB–8.

The purpose of the Board in promulgating this Standard is to establish the accounting bases for measuring the proper amount of pension cost to be assigned to cost accounting periods for subsequent allocation to negotiated Government contracts.

ERISA establishes, among other things, minimum funding standards for pension plans and provisions affecting deductibility of pension costs for tax purposes. Although there is some commonality between the funding provisions of ERISA and the provisions of the Standard, ERISA does not provide for the measurement of pension costs for assignment to cost accounting periods or for the subsequent allocation of such costs to contracts. Accordingly, the Standard contains requirements, not contained in ERISA, to accomplish these purposes. Nevertheless, on the basis of its research, the Board is confident that the Standard being promulgated is compatible with the requirements of ERISA, i.e., compliance with the provisions of the Standard does not violate the provisions of ERISA, although certain provisions of the Standard are more restrictive than is permitted by ERISA.

APB–8 provides criteria for accounting for the cost of pension plans for financial accounting purposes. The Board believes that certain of these criteria are not appropriate for Government contract costing purposes. For example, a fundamental concept of APB–8 is that the annual pension cost to be charged to expense for financial accounting purposes is not necessarily determined by the funding of a pension plan. The Board believes that a requirement of law for annual minimum funding of pension costs on an irrevocable basis, is strong evidence that an obligation for at least such period that amount has been incurred for each

The Board is aware of the FASB's projects to establish financial accounting and reporting Standards for employee benefit plans and to reevaluate APB–8, as well as the need for the cognizant Government agencies to devlop regulations relative to ERISA. It is our understanding that the FASB reevaluation of APB–8 is not likely to result in a Standard that would be applicable before the end of calendar year 1976. The Board believes, however, that the issuance of a Cost Accounting Standard is needed promptly for contract costing purposes.

For example, there does not now exist any authoritative guidance which sets forth the components of pension cost that are properly includable and excludable for contract costing purposes. In addition, there are no existing criteria to resolve how the components of pension cost, once determined, shall be measured and assigned to cost accounting periods. The need for such measurement and assignment criteria for contracts is particularly critical because of the long-range projections used in computing pension cost and because the many techniques available for measuring and assigning such cost have significant impacts thereon. The significant amounts involved in annual pension cost calculations, the changes in the mix of contractors' Government and commercial business, and the settlement of individual contracts long before actual pension costs can be determined create a special need to provide criteria relative to the assignment of pension costs among cost accounting periods and the allocation of such costs to the cost objectives of the periods.

In developing the accompanying Cost Accounting Standard, the Board has attempted to stay within the general constraints of APB–8 and the funding provisions of ERISA. The Board recognizes that in the FASB's reconsideration of APB–8, the FASB could make significant changes in the manner in which pension costs are to be treated for financial accounting purposes and that the FASB's project on financial accounting and reporting for employee benefit plans may influence the conclusions reached in the reevaluation of APB–8. However, any such changes would be directed to external financial reporting and would not necessarily impact contract costing. The Board is also aware that Federal regulations which may be issued could conflict with a provision of this Standard. The Board maintains constant liaison with the FASB with regard to the two Boards' respective responsibilities for developing Standards. It also maintains liaison with the legislative and regulatory bodies responsible for developing and administering ERISA. The Board will review whatever pronouncements these bodies may issue and will make whatever revisions to the Standard it deems appropriate for contract costing purposes.

(2) Need for Two Standards Relative to Pension Cost

Several commentators suggested that this Standard should deal not only with the composition and measurement of pension cost, but also with actuarial gains and losses [1] and the allocation of pension costs. The Board believes that the development of a separate Standard covering the latter two areas is advisable. First, the development of a single Standard would result in an extremely large and complex Standard that could create many problems in implementation and administration. For example, the Issues Paper developed by the Board set forth a total of 50 distinct accounting issues requiring resolution; the Standard being promulgated covers only 24 of these issues. In addition, the Board believes that the subjects covered by the two Standards are separable; a Standard can be issued relative to the composition and measurement of pension cost without creating a concurrent need for a Standard relative to the adjustment and allocation of such costs. Moreover, in computing actuarial gains and losses, it is necessary to determine how fund assets should be valued. APB–8 does not cover this aspect of pension cost accounting. In its project on accounting for pension funds, the FASB is endeavoring to specify the manner in which assets should be valued. The Board intends, as part of its continuing liaison with the FASB on this matter, to exchange research so that any possible differences in concept or approach could be minimized or eliminated entirely.

(3) Treatment of Actuarial Gains and Losses

The Federal Register proposal noted that an adjustment for actuarial gains or losses is a component of pension cost. Several commentators expressed concern over the Board's intent. Some commentators interpreted the proposed Standard as requiring that actuarial gains and losses be spread over a number of years. Other commentators believed that the proposed Standard required the immediate recognition of actuarial gains and losses.

The Board emphasizes that the Standard does not delineate how actuarial gains and losses shall be accounted for at this time. The Standard being promulgated neither requires nor prohibits immediate recognition of gains and losses or the spreading of such gains and losses to future years. Therefore, actuarial gains and losses should be accounted for in accordance with pertinent laws and regulations, and should be consistently applied. Section 412.50(a)(5) has been amended to clarify this concept.

(4) Actuarial Cost Methods [2]

Many commentators expressed their concern over the section of the Federal Register proposal which limited acceptable actuarial cost methods to the accrued benefit cost method [3] or to a projected benefit cost method [4] which separately identifies unfunded actuarial liabilities [5] and actuarial gains and losses. This section, in effect, ruled out the use of an aggregate [6] cost method for measuring pension costs for negotiated Government contracts. Most of these commentators noted that ERISA and APB–8 permit these methods to be used.

The Board's primary reason for prohibiting the use of an aggregate cost method in the proposed Standard was because such a method does not disclose actuarial gains and losses. Any method that does not disclose actuarial gains and losses impairs the ability to determine whether actuarial assumptions [7] are reasonable. Actuarial assumptions are significant underlying factors for determining the amount of pension costs to be assigned among cost accounting periods. It is only when such assumptions are visible that a determination can be made that they are reasonable. The most appropriate means for determining such reasonableness is to compare assumed events with actual events.

Also, because most aggregate cost methods do not develop unfunded actuarial liabilities, the Government cannot ascertain the funding status of a plan, i.e., whether it is excessively funded at any point in time. Consequently, the Government could be making larger reimbursements than is required to defray its fair share of pension costs incurred by contractors. Many of the comments received acknowledge that most aggregate cost methods do not disclose overfunded situations.

Nevertheless, the Board is impressed by certain of the views of commentators who advocate the use of an aggregate method. The Board recognizes that aggregate methods are widely used and that they generally spread pension costs evenly and within the periods established in the Standard for amortizing unfunded actuarial liabilities. The Board also notes that commentators stated that a required change in actuarial cost methods may result in substantial actuarial fees and, in some cases, could result in contractors violating current labor commitments.

The Board's solution to this problem was provided generally in several of the comments received. First, several commentators who recognized that an aggregate cost method does not disclose the funding status of a plan, suggested that contractors using such a cost method develop an alternative computation to determine such status. They pointed out that such a computation is required under the full funding limitation of ERISA and is often required by the IRS when it believes a plan may be overfunded.

Other commentators suggested that contractors who use an aggregate cost method provide supplemental information identifying actuarial gains and losses that have occurred and the extent to which such gains and losses have been amortized through subsequent pension contributions or offset by gains and losses in subsequent accounting periods. These commentators informed us that the incremental costs of providing such additional information would be relatively minor.

Accordingly, the Board has added a section (412.50(b)(2)) which permits a contractor to use any projected benefit cost method if the contractor (1) makes an alternative computation (under a projected benefit cost method which separately discloses unfunded actuarial liabilities and actuarial gains and losses) to disclose the funding status of the plan and reduce pension cost as indicated by such computation, (2) provides supplemental information relative to actuarial gains and losses and gains or losses resulting from changed actuarial assumptions, and (3) uses that method in developing costs for financial accounting purposes.

The third requirement was added because the Board has tried unsuccessfully to ascertain criteria for determining the circumstances under which an aggregate cost method is a preferable method for assigning costs to cost accounting periods for Government contracting purposes.

Finally, to assure that the aggregate cost method used spreads pension costs within the time frames set forth in this Standard for other projected benefit cost methods, § 412.50(b)(2) requires that such aggregate cost methods spread the cost of future pension benefits over the average remaining working lives of the work force.

(5) Actuarial Assumptions

A large number of commentators were concerned with the manner in which the Federal Register proposal dealt with actuarial assumptions. They were particularly concerned with that provision of the proposed Standard which stated that when an actuarial assumption differs significantly from historical experience, the contractor shall provide evidence supporting its conclusion that such experience is no longer appropriate. Most commentators who objected to this provision in the Standard interpreted it as requiring separate gain and loss analyses for each assumption each time an actuarial valuation is performed. They cited the large cost of performing such analyses and noted that ERISA merely requires that actuarial assumptions be reasonable "in the aggregate."

Although the Board believes that the basis and rationale for each assumption should be made visible by contractors, it believes that the test of reasonableness of such assumptions should be applied to the end result. It is not the intent of the Board to require a separate gain or loss analysis for each assumption each time an actuarial valuation is made. Rather, the intent is that contractors not use an undocumented composite factor to represent all assumptions used in measuring pension costs, as this practice would inhibit any evaluation of the reasonableness of individual assumptions as applied to future periods. Such evaluations may be necessary when assumptions, taken in the aggregate, are found to be unreasonable, as discussed below.

Once individual actuarial assumptions have been set forth by contractors, the Board believes that the validity of these assumptions can be evaluated by the overall results obtained. Therefore, the Standard provides that the validity of the assumptions used may be evaluated in the aggregate. However, if an actuarial valuation discloses that the assumptions were not reasonable in the aggregate, the Standard requires that the contractor shall identify the major causes for the resultant actuarial gains and losses and set forth the bases and rationale used for either retaining or revising each such assumption.

In order to recognize the long-term nature of pension plans, the Standard provides in § 412.50(b)(5) that actuarial assumptions should reflect long-term trends, rather than short-term fluctuations. Also, the Standard does not specify how often determinations of actuarial gains and losses should be made. ERISA provisions require that such determinations be made not less frequently than once every three years except that more frequent determinations may be prescribed by regulation in particular cases, i.e., for plans which have sustained substantial gains or losses for several periods in succession. The Board believes that the ERISA requirements with respect to the frequency of determinations for gains and losses is equally appropriate for compliance with the provisions of the Standard at this time.

[1] "The effect on pension cost resulting from differences between actuarial assumptions and actual experience."

[2] "A technique which uses actuarial assumptions to measure the present value of future pension benefits and pension fund administrative expenses, and which assigns the cost of such benefits and expenses to cost accounting periods."

[3] "An actuarial cost method under which units of benefit are assigned to each cost accounting period and are valued as they accrue—that is, based on the services performed by each employee in the period involved. The measure of normal cost under this method for each cost accounting period is the present value of the units of benefit deemed to be credited to employees for service in that period. The measure of the actuarial liability at a plan's inception date is the present value of the units of benefit credited to employees for service prior to that date. (This method is also known as the Unit Credit cost method.)"

[4] "Any of the several actuarial cost methods which distribute the estimated total cost of all of the employees' prospective benefits over a period of years, usually their working careers."

[5] "Pension cost attributable, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. As of such date, the actuarial liability represents the excess of the present value of the future benefits and administrative expenses over the present value of future contributions for the normal cost for all plan participants and beneficiaries. The excess of the actuarial liability over the value of the assets of a pension plan is the Unfunded Actuarial Liability."

[6] As used herein, an aggregate cost method is any actuarial cost method which spreads the entire cost of future pension benefits over the average future service lives of the current work force and which does not develop actuarial gains or losses.

[7] "A prediction of future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, changes in values of pension fund assets."

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In addition to the foregoing, several commentators stated that the Standard should provide that the judgment of enrolled actuaries, as set forth in ERISA, should be determinate with respect to assumptions as well as other actuarial determinations. The Board recognizes the importance of the functions performed by enrolled actuaries with respect to actuarial determinations. However, contract terms are not imposed on actuaries; rather, it is the contractors who are parties to contracts with the Government and must bear the responsibility for compliance with the terms thereof.

(6) CALCULATIONS OF NORMAL COST

The FEDERAL REGISTER proposal provided that the calculations of normal cost should be the sum of the calculations for the individual employees in the plan, except that homogeneous groupings and averages could be used if the results substantially agree with the results based on individual employee calculations. A number of commentators objected to this provision. They said that it would appear to require that two calculations be made in order to show that the use of groupings and averages gives results that agree with the results based on individual employee calculations. Some commentators stated that this requirement is unrealistic because actuaries frequently use aggregate calculations and that such aggregations can be tested against individual company or industry-wide experience. Other commentators stated that this provision would result in a single calculation for determining the assumed entry age of planned participants.

The comments received indicate that there are divergent opinions as to how normal costs shall be calculated under projected benefit cost methods. Nevertheless, the Board concludes that the methods commonly used would not materially affect the results of normal cost calculations. Accordingly, the requirement to compute normal costs on an individual basis for projected benefit cost methods has been deleted from the Standard.

The proposed Standard provided also that the calculation of normal cost shall be based on a percentage of payroll. Many commentators stated that this requirement does not recognize the fact that many pension benefits are not related to salaries. In order to accommodate these views, the Board has revised the Standard (§ 412.50(b)(3)) to provide that the calculation of normal cost shall be based on a percentage of payroll for plans where the pension benefit is a function of salaries and wages and be based on employee service for plans where the pension benefit is not related to salaries and wages.

[1] "The annual cost attributable, under the actuarial cost method in use, to years subsequent to a particular valuation date."

(7) PAY-AS-YOU-GO PENSION METHODS[2]

Several commentators apparently assumed that the FEDERAL REGISTER proposal prohibited the recognition of pension costs of plans that provide benefits on a pay-as-you-go basis. One commentator stated that the Standard prohibited the recognition of the costs of pay-as-you-go plans which are not qualified for Federal income tax purposes.

The Board's view, as expressed in the FEDERAL REGISTER proposal, is not to prohibit recognizing the cost of pension benefits provided on a pay-as-you-go basis. Rather, the Board's intent is to specify how the cost of such benefits shall be measured and assigned among cost accounting periods. Moreover, the accounting treatment to be afforded to the costs of pay-as-you-go plans is not dependent on the Federal income tax status of the plan.

Accordingly, the Board has revised the provisions of the Standard relative to pay-as-you-go methods (§ 412.50(b)(4) and has added an illustration (§ 412.60 (b)(2)) to clarify its intent.

(8) UNALLOWABLE PENSION COSTS

The FEDERAL REGISTER proposal provided that pension costs applicable to prior years that were disallowed in accordance with then-existing Government contractual provisions should be separately identified and eliminated from any unfunded actuarial liability being amortized pursuant to the provisions of the Standard. Several commentators stated that this provision is not equitable because ERISA requires that such amounts be funded.

The Board recognizes that all elements comprising an unfunded actuarial liability, including unallowable costs included therein, are required to be amortized pursuant to the funding provisions of ERISA. However, ERISA does not deal with contract costing and therefore does not deal with unallowable contract costs. The Board believes that for contract costing purposes, pension costs which were assignable to prior periods and which were specifically determined to be unallowable under then-existing contractual provisions should not be assignable to periods subsequent to the effective date of this Standard. It should be noted that the treatment of amounts funded in excess of the pension cost for a cost accounting period is separately covered in § 412.50(c)(1).

(9) AMORTIZATION OF UNFUNDED ACTUARIAL LIABILITIES

The FEDERAL REGISTER proposal included a provision requiring contractors to establish and consistently follow a policy for selecting specific amortization periods for any unfunded actuarial liabilities. The proposed Standard stated that such policy should give consideration to the size and nature of unfunded actuarial liabilities. Several commentators stated that they did not believe that the size and nature of such liabilities should govern the choice of amortization periods. The Board's intent was to permit contractors to establish different amortization periods for different types and sizes of unfunded actuarial liabilities. The Board still believes that contractors should be permitted to establish such different amortization periods. Accordingly, the Standard has been revised (§ 412.50(a)(3)) to clarify that such determinations are permissive rather than mandatory.

[2] "A method of recognizing pension cost only when benefits are paid to retired employees or their beneficiaries."

(10) INTEREST RESULTING FROM DELAYED FUNDING OF PENSION PLANS

The FEDERAL REGISTER proposal provided that if any portion of pension cost computed for a cost accounting period is not funded by the time established by the funding provisions of the plan, an interest equivalent on the amount not funded shall not be a component of pension cost of any other cost accounting period. Several commentators stated that this provision is inequitable because, in order for a pension plan to be viable, an amount equivalent to interest should be added to pension costs to compensate the fund for interest that would have been earned if the cost had been funded in a timely manner. Some commentators added that APB–8 requires that interest equivalents be added to pension accruals under such circumstances. Still others understood the proposed Standard to say that such interest equivalent is not a cost; they therefore disagreed with the proposed Standard.

The Board agrees that an interest equivalent should be recognized in order to determine whether the plan is properly funded. However, the Board believes that interest cost resulting from the delayed funding of a pension plan is a consequence of an investment decision and is, therefore, an investment cost rather than a component of pension cost. The interest was caused by a decision of management to use its funds for other purposes; in effect, management borrowed from the pension trust fund.

Several commentators stated that they compute pension cost at the beginning of a cost accounting period and add interest at the valuation rate to the normal cost to the date of funding. They questioned whether the Standard would prohibit this practice. The Standard being promulgated does not prohibit this practice: *Provided*, That funding is made by the end of the cost accounting period. Accordingly, the Board has amended § 412.50(a)(7) to state that if any portion of the cost computed for a cost accounting period is not funded in that period an amount equivalent to interest computed on that portion beyond the end of that period shall not be a component of pension cost of the current or any future cost accounting period.

(11) ASSIGNMENT OF PENSION COST

Certain commentators expressed their disagreement with the sections of the

FEDERAL REGISTER proposal dealing with the assignment of pension costs among cost accounting periods. The concept set forth in the proposal related the assignment of costs to the validity of the liability for such costs. Commentators referred to the concept set forth in APB–8 that the accrual of pension expenses and the funding of pensions are not necessarily related. They stated that cost should be assigned to cost accounting periods irrespective of whether or when funded.

The Board believes that assigning pension costs to cost accounting periods on a cash basis is inappropriate from an accounting viewpoint and could lead to the improper assignment of pension costs among periods. The Board believes also that the concept which states that funding is unrelated to pension accruals is not appropriate for contract costing because, under such a concept, pension costs could be assigned to cost accounting periods and never be funded; yet such costs would be reimbursed by the Government.

The underlying concept of the Standard is that when a valid liability exists, the corresponding costs may be accrued irrespective of when the liability is liquidated. If the liability (to the pension fund or, for pay-as-you-go plans, to retirees) is not valid, it cannot be accrued; in order for it to be allocated to cost objectives of the current period, it must be liquidated (funded) in that period or within a reasonable period of time thereafter. In order to clarify its intent with regard to the allocation of pension costs to cost objectives of individual cost accounting periods, the Board has revised the wording of § 412.40(c) of the Standard.

In the FEDERAL REGISTER proposal, the Board noted that the requirement to fund a pension cost pursuant to ERISA made the liability valid and therefore made the cost assignable to the current period. Several commentators stated that ERISA permits such costs to be waived and funded over a 15-year period. They reasoned that under such circumstances it is no longer appropriate to assign such pension cost in the year for which such costs were computed. The Board believes that if the financial position of a contractor is such that it requests and obtains such a waiver there is doubt as to validity of the liability and therefore of the cost incurred. Accordingly, it has amended the Standard to provide, in § 412.50(c)(3), that if a contractor receives such a waiver the pension costs shall be assigned to the cost accounting periods in which the funding of such cost takes place.

(12) INSURED PLANS

Several commentators stated that the section of the FEDERAL REGISTER proposal dealing with insured plans was confusing. They stated that the definition of a "separate insurance account" set forth in the proposed Standard conflicted with this section. Commentators stated that this section would seem to eliminate from the major requirements of this Standard various forms of insured plans such as deposit administration and immediate participation guarantee contracts.

The Board's intent with regard to insured plans is to treat defined-benefits plans[10] funded exclusively by the purchase of individual or group permanent insurance contracts as defined-contribution plans.[11] The Board's view relative to such plans is consistent with ERISA whose minimum funding requirements are not applicable to these plans. All other insured pension plans are subject to the provisions of this Standard. The Board has revised § 412.50(a)(8) accordingly and has eliminated the definition of separate insurance account.

(13) DEFINITIONS

The Board has received a significant number of comments relative to the definitions used in the Standard. Some commentators stated that the Board should use the definitions contained in ERISA. Others stated that the Board should use the APB–8 definitions. Still others recommended that the Board should establish a single glossary of actuarial terms.

The Board recognizes that a major problem in the field of pension accounting has been the use of various terms which have the same meaning. For example, the term "prior service costs" used in APB–8, "past service costs" used in ASPR, "accrued liability" used in ERISA, and "supplemental liability" used by many actuaries have virtually hte same meaning. In researching the definitions currently in use, the Board noted that one factor seemed to prevail: The glossaries in use were tailor-made for the particular documents which applied to the terms. For example, the definitions in APB–8 were written in the context of the way in which the words were intended for use in that Opinion. Similarly, the definitions used in ERISA were fashioned to be in consonance with the specific provision of the Act. The Board's primary objective in developing the definitions in this Standard is similar; the definitions should help provide a clear understanding of the concept used therein, while at the same time maintaining consistency with the thrust of the definitions used in APB–8 and ERISA.

The Board received some additional comments with regard to specific definitions set forth in the FEDERAL REGISTER proposal. One commentator expressed confusion at the terms, "accrued pension liability" and "unfunded accrued pension liability" because the word "accrued" has a specific meaning in an accounting sense which is different than that intended in the Standard. The Board believes that this comment has merit and, accordingly, the Standard has been revised to use the terms "actuarial liability" and "unfunded actuarial liability."

[10] "A pension plan in which the benefits to be paid or the basis for determining such benefits are established in advance and the contributions are intended to provide the stated benefits."

[11] "A pension plan in which the contributions to be made are established in advance and the benefits are determined thereby."

Other commentators requested elaboration of the definition of a pension plan. Specifically, they questioned whether the definition is applicable to execute compensation plans, excess benefit plans, and other plans that may not be "qualified" for Federal income tax purposes. The Standard provides the accounting treatment for the cost of all pension plans which fall within the definition of a pension plan. Such accounting treatment is not contingent on the manner in which IRS may categorize plans for income tax purposes.

Several additional commentators questioned that portion of the definition of a pension plan which states that benefits shall be paid for life or be payable for life at the option of the employee. They questioned whether a life income settlement for an employee would fall within the meaning of this definition. The Board believes that such a settlement is, in effect, equivalent to a payment for life and thus falls within the intent of the definition.

(14) COSTS AND BENEFITS

The anticipated benefits of this Standard are improved cost measurement and increased consistency and uniformity in accounting for pension costs and assigning such costs to cost accounting periods, leading ot increased assurance that the measured and assigned costs will be allocated to the proper cost objectives, including Government contracts.

When the preliminary draft Standard on pension cost was submitted to a wide cross-section of companies and individuals, the recipients were specifically asked to comment on the costs of implementing the Standard. The overwhelming majority of the respondents stated that the incremental costs of implementation should be small. In commenting on the proposed Standard published in the FEDERAL REGISTER, several respondents stated that the prohibition against use of an aggregate projected benefit cost method and the requirement to make annual gain or loss analyses of each actuarial assumption would involve additional administration costs of any significance. Since the Board has essentially eliminated these problem areas in the Standard, it believes that increased administrative costs occasioned by this Standard will be minimal. In summary, the Board believes that the benefits to be derived from this Standard clearly outweigh the costs of implementation.

The Board expects that this Standard will become effective on January 1, 1976.

There is also being published today an Amendment to Part 400, Definitions, to incorporate in that part terms defined in § 412.30(a) of this Cost Accounting Standard.

Part 412—Cost Accounting Standard for Composition and Measurement of Pension Cost is added to read as follows:

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Sec.
412.10 General applicability.
412.20 Purpose.
412.30 Definitions.
412.40 Fundamental requirement.
412.50 Techniques for application.
412.60 Illustrations.
412.70 Exemptions.
412.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168)

§ 412.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

§ 412.20 Purpose.

The purpose of this Standard is to provide guidance for determining and measuring the components of pension cost. The Standard establishes the basis on which pension costs shall be assigned to cost accounting periods. The provisions of this Cost Accounting Standard should enhance uniformity and consistency in accounting for pension costs and thereby increase the probability that those costs are properly allocated to cost objectives.

§ 412.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meaning ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Accrued benefit cost method.* An actuarial cost method under which units of benefit are assigned to each cost accounting period and are valued as they accrue—that is, based on the services performed by each employee in the period involved. The measure of normal cost under this method for each cost accounting period is the present value of the units of benefit deemed to be credited to employees for service in that period. The measure of the actuarial liability at a plan's inception date is the present value of the units of benefit credited to employees for service prior to that date. (This method is also known as the Unit Credit cost method.)

(2) *Actuarial assumption.* A prediction of future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, changes in values of pension fund assets.

(3) *Actuarial cost method.* A technique which uses actuarial assumptions to measure the present value of future pension benefits and pension fund administrative expenses, and which assigns the cost of such benefits and expenses to cost accounting periods.

(4) *Actuarial gain and loss.* The effect on pension cost resulting from differences between actuarial assumptions and actual experience.

(5) *Actuarial liability.* Pension cost attributable, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. As of such date, the actuarial liability represents the excess of the present value of the future benefits and administrative expenses over the present value of future contributions for the normal cost for all plan participants and beneficiaries. The excess of the actuarial liability over the value of the assets of a pension plan is the Unfunded Actuarial Liability.

(6) *Defined-benefit pension plan.* A pension plan in which the benefits to be paid or the basis for determining such benefits are established in advance and the contributions are intended to provide the stated benefits.

(7) *Defined-contribution pension plan.* A pension plan in which the contributions to be made are established in advance and the benefits are determined thereby.

(8) *Funded pension cost.* The portion of pension costs for a current or prior cost accounting period that has been paid to a funding agency or, under a pay-as-you-go plan, to plan participants or beneficiaries.

(9) *Funding agency.* An organization or individual which provides facilities to receive and accumulate assets to be used either for the payment of benefits under a pension plan, or for the purchase of such benefits.

(10) *Multiemployer pension plan.* A plan to which more than one employer contributes and which is maintained pursuant to one or more collective bargaining agreements between an employee organization and more than one employer.

(11) *Normal cost.* The annual cost attributable, under the actuarial cost method in use, to years subsequent to a particular valuation date.

(12) *Pay-as-you-go cost method.* A method of recognizing pension cost only when benefits are paid to retired employees or their beneficiaries.

(13) *Pension plan.* A deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement, provided that the benefits are paid for life or are payable for life at the option of the employees. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of deceased employees may be an integral part of a pension plan.

(14) *Projected benefit cost method.* Any of the several actuarial cost methods which distribute the estimated total cost of all of the employees' prospective benefits over a period of years, usually their working careers.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 412.40 Fundamental requirement.

(a) *Components of pension cost.* (1) For defined-benefit pension plans, the components of pension cost for a cost accounting period are (i) the normal cost of the period, (ii) a part of any unfunded actuarial liability, (iii) an interest equivalent on the unamortized portion of any unfunded actuarial liability, and (iv) an adjustment for any actuarial gains and losses.

(2) For defined-contribution pension plans, the pension cost for a cost accounting period is the net contribution required to be made for that period, after taking into account dividends and other credits, where applicable.

(b) *Measurement of pension cost.* (1) For defined-benefit pension plans, the amount of pension cost of a cost accounting period shall be determined by use of an actuarial cost method which measures separately each of the components of pension cost set forth in paragraph (a)(1) of this section, or which meets the requirements set forth in § 412.50(b)(2).

(2) Each actuarial assumption used to measure pension cost shall be separately identified and shall represent the contractor's best estimates of anticipated experience under the plan, taking into account past experience and reasonable expectations. The validity of the assumptions used may be evaluated on an aggregate, rather than on an assumption-by-assumption, basis.

(c) *Assignment of pension cost.* The amount of pension cost computed for a cost accounting period is assignable only to that period. Except for pay-as-you-go plans, the cost assignable to a period is allocable to cost objectives of that period to the extent that liquidation of the liability for such cost can be compelled or liquidation is actually effected in that period. For pay-as-you-go plans, the entire cost assignable to a period is allocable to cost objectives of that period only if the payment of benefits earned by plan participants can be compelled. If such payment is optional with the company, the amount of assignable costs allocable to cost objectives of that period is limited to the amount of benefits actually paid to retirees or beneficiaries in that period.

§ 412.50 Techniques for application.

(a) *Components of pension cost.* (1) Any portion of an unfunded actuarial liability included as a separately identified part of the pension cost of a cost accounting period shall be included in equal annual installments. Each installment shall consist of an amortized portion of the unfunded actuarial liability plus an interest equivalent on the unamortized portion of such liability. The period of amortization shall be established as follows:

(i) If amortization of an unfunded actuarial liability has begun prior to the date that Standard first becomes applicable to a contractor, no change in the amortization period is required by this Standard.

(ii) If amortization of an unfunded actuarial liability has not begun prior to the date this Standard first becomes applicable to a contractor, the amortization period shall begin with the period in which the Standard becomes applicable and shall be no more than 30 years nor less than 10 years. However, if the plan was in existence as of January 1, 1974, the amortization period shall be no more than 40 years nor less than 10 years.

(iii) Each unfunded actuarial liability resulting from the institution of new pension plans or from adoption of improvements to pension plans subsequent to the date this Standard first becomes applicable to a contractor shall be amortized over no more than 30 years nor less than 10 years.

(2) Pension costs applicable to prior years that were specifically unallowable in accordance with then existing Government contractual provisions shall be separately identified and eliminated from any unfunded actuarial liability being amortized pursuant to the provision of paragraph (a)(1) of this section, or from future normal costs if the actuarial cost method in use does not separately develop an unfunded actuarial liability. Interest earned on funded unallowable pension costs, based on the valuation rate of return, need not be included by contractors as a reduction of future years' computations of pension costs made pursuant to this Standard.

(3) A contractor shall establish and consistently follow a policy for selecting specific amortization periods for unfunded actuarial liabilities, if any, that are developed under the actuarial cost method in use. Such policy may give consideration to factors such as the size and nature of unfunded actuarial liabilities.

(4) Actuarial assumptions used in calculating the amount of an unfunded actuarial liability shall be the same as those used for other components of pension cost. If any assumptions are changed during an amortization period, the resulting increase or decrease in an unfunded actuarial liability shall be separately amortized over no more than 30 years nor less than 10 years.

(5) Actuarial gains and losses shall be identified separately from unfunded actuarial liabilities that are being amortized pursuant to the provisions of this Standard. The accounting treatment to be afforded to such gains and losses shall be consistently applied for each pension plan.

(6) An excise tax assessed pursuant to a law or regulation because of inadequate or delayed funding of a pension plan is not a component of pension cost.

(7) If any portion of the pension cost computed for a cost accounting period is not funded in that period, no amount for interest on the portion not funded in that period shall be a component of pension cost of any future cost accounting period. Conversely, if a contractor prematurely funds pension costs in a current cost accounting period, the interest earned on such premature funding, based on the valuation rate of return, may be excluded from future years' computations of pension cost made pursuant to this Standard.

(8) For purposes of this Standard, defined-benefit pension plans funded exclusively by the purchase of individual or group permanent insurance or annuity contracts shall be treated as defined-contribution pension plans. However, all other defined-benefit pension plans administered wholly or in part through insurance company contracts shall be subject to the provisions of this Standard relative to defined-benefit pension plans.

(9) If a pension plan is supplemented by a separately-funded plan which provides retirement benefits to all of the participants in the basic plan, the two plans shall be considered as a single plan for purposes of this Standard. If the effect of the combined plans is to provide defined-benefits for the plan participants, the combined plan shall be treated as a defined-benefit plan for purposes of this Standard.

(10) A multiemployer pension plan established pursuant to the terms of a collective bargaining agreement shall be considered to be a defined-contribution pension plan for purposes of this Standard.

(11) A pension plan applicable to colleges and universities that is part of a State pension plan shall be considered to be a defined-contribution pension plan for purposes of this Standard.

(b) *Measurement of pension cost.* (1) The amount of pension cost assignable to cost accounting periods shall be measured by the accrued benefit cost method or by a projected benefit cost method which identifies separately normal costs, any unfunded actuarial liability, and periodic determinations of actuarial gains and losses, except as provided in paragraph (b)(2) of this section.

(2) Any other projected benefit cost method may be used, provided that:

(i) The method is used by the contractor in measuring pension costs for financial accounting purposes;

(ii) The amount of pension cost assigned to a cost accounting period computed under such method is reduced by the excess, if any, of the value of the assets of the pension fund over the actuarial liability of the plan as determined by a projected benefit cost method set forth in paragraph (b)(1) of this section;

(iii) The contractor accumulates supplementary information identifying the actuarial gains and losses (and, separately, gains or losses resulting from changed actuarial assumptions) that have occurred since the last determination of gains and losses and the extent to which such gains and losses have been amortized through subsequent pension contributions or offset by gains and losses in subsequent cost accounting periods, and

(iv) The cost of future pension benefits is spread over the remaining average working lives of the work force.

(3) Irrespective of the projected benefit cost method used, the calculation of normal cost shall be based on a percentage of payroll for plans where the pension benefit is a function of salaries and wages and on employee service for plans where the pension benefit is not a function of salaries and wages.

(4) The cost of benefits under a pay-as-you-go pension plan shall be measured in the same manner as are the costs of defined-benefit plans whose benefits are provided through a funding agency.

(5) Actuarial assumptions should reflect long-term trends so as to avoid distortions caused by short-term fluctuations.

(6) Pension cost shall be based on provisions of existing pension plans. This shall not preclude contractors from making salary projections for plans whose benefits are based on salaries and wages, or from considering improved benefits for plans which provide that such improved benefits must be made.

(7) If the evaluation of the validity of actuarial assumptions shows that, in the aggregate, the assumptions were not reasonable, the contractor shall (i) identify the major causes for the resultant actuarial gains or losses and (ii) provide information as to the basis and rationale used for retaining or revising such assumptions for use in the ensuing cost accounting period(s).

(c) *Assignment of pension cost.* (1) Amounts funded in excess of the pension cost computed for a cost accounting period pursuant to the provisions of this Standard shall be applied to pension costs of future cost accounting periods.

(2) Evidence that the liquidation of a liability for pension cost can be compelled includes (i) provisions of law such as the funding provisions of the Employee Retirement Income Security Act of 1974, except as provided in paragraph (c)(3) of this section, (ii) a contractual agreement which requires liquidation of the liability, or (iii) the existence of rights by a third party to require liquidation of the liability.

(3) Any portion of pension cost computed for a cost accounting period that is deferred to future periods pursuant to a waiver granted under provisions of the Employee Retirement Income Security Act of 1974, shall not be assigned to the current period. Rather, such costs shall be assigned to the cost accounting period(s) in which the funding takes place.

(4) A liability for pension cost for a cost accounting period (or, for pay-as-you-go plans, for payments to retirees or beneficiaries for a period) shall be considered to be liquidated in the period if funding is effected by the date established for filing a Federal income tax return (including authorized extensions). For contractors not required to file Federal income tax returns, the date shall be that established for filing Federal corporation income tax returns.

§ 412.60 Illustrations.

(a) *Components of pension cost.* (1) Contractor A has a defined-benefit pension plan for its employees. The con-

V 40 186 SEP 24 75 XUM

tractor's policy has been to compute and fund as annual pension cost normal cost plus only interest on the unfunded actuarial liability. Pursuant to § 412.40(a)(1), the components of pension cost for a cost accounting period must now include not only the normal cost for the period and interest on the unfunded actuarial liability but also an amortized portion of the unfunded actuarial liability. The amortization of the liability and the interest equivalent on the unamortized portion of the liability must be computed in equal annual installments.

(2) Contractor B has insured pension plans for each of two small groups of employees. One plan is funded through a group permanent insurance contract; the other plan is funded through a group deferred annuity contract. Both plans provide for defined benefits. Pursuant to § 413.50(a)(8), for purposes of this Standard the plan financed through a group permanent insurance contract shall be considered to be a defined-contribution pension plan; the net premium required to be paid for a cost accounting period (after deducting dividends and any credits) shall be the pension cost for that period. However, the group deferred annuity plan is subject to the provisions of this Standard that are applicable to defined-benefit plans.

(3) Contractor C provides pension benefits for certain hourly employees through a multiemployer defined-benefit plan. Under the collective bargaining agreement, the contractor pays six cents into the fund for each hour worked by the covered employees. Pursuant to § 412.50(a)(10), the plan shall be considered to be a defined-contribution pension plan. The payments required to be made for a cost accounting period shall constitute the assignable pension cost for that period.

(4) Contractor D provides pension benefits for certain employees through a defined-contribution pension plan. However, the contractor has a separate fund which is used to supplement pension benefits provided for all of the participants in the basic plan in order to provide a minimum monthly retirement income to each participant. Pursuant to § 412.50(a)(9), the two plans shall be considered as a single plan for purposes of this Standard. Because the effect of the supplemental fund is to provide defined-benefits for the plan's participants, the provisions of this Standard relative to defined-benefit pension plans shall be applicable to the combined plan.

(b) *Measurement of pension cost.* (1) Contractor E has a pension plan whose costs are assigned to cost accounting periods by use of an actuarial cost method which does not separately identify actuarial gains and losses or the effect on pension cost resulting from changed actuarial assumptions. If this cost method is used to measure costs for financial accounting purposes, it may be used for purposes of this Standard, provided that the contractor develops the supplementary information set forth in § 412.50(b)(2)(iii) regarding such gains and losses and changed actuarial assumptions. In addition, the contractor must develop an actuarial liability determined by a projected benefit cost method set forth in § 412.50(b)(1). If the resultant actuarial liability is less than the value of the pension fund, the pension cost computed for the cost accounting period must be reduced by that amount (§ 412.50(b)(2)(ii)).

(2) For a number of years Contractor F has had a pay-as-you-go pension plan which provides for payments of $200 a month to employees after retirement. The contractor is currently making such payments to several retired employees and charges such payments against current income as its pension cost. For the current cost accounting period, the contractor paid benefits totaling $24,000. Contractor F's method of accounting for pension cost does not comply with the provisions of this Standard relative to pay-as-you-go plans as set forth in §§ 412.40(c) and 412.50(b)(4). The contractor should:

(i) Compute, by use of an actuarial cost method, its actuarial liability for benefits earned by plan participants. This entire liability is always unfunded for a pay-as-you-go plan.

(ii) Compute a level amount which, including an interest equivalent, would amortize the unfunded actuarial liability over a period of no less than 10 or more than 40 years.

(iii) Compute, by use of the actuarial cost method selected, a normal cost for the period.

The sum of paragraphs (b)(2)(ii) and (iii) of this section represents the amount of pension cost assignable to the period. If payment of benefits earned by plan participants can be compelled, the entire amount of cost assignable to the period is allocable to cost objectives of that period. If such payments cannot be compelled, the amount of assignable cost allocable to cost objectives of that period is limited to the amount of benefits actually paid in that period ($24,000).

(3) Contractor G has two defined-benefit pension plans which provide for fixed dollar payments to hourly employees. Under one plan, the contractor's actuary believes that the contractor will be required to increase the level of benefits by specified percentages over the next several years. In calculating pension costs, the contractor may not assume future benefits greater than that currently required by the plan. With regard to the second plan, a collective bargaining agreement negotiated with the employee's labor union provided that pension benefits will increase by specified percentages over the next several years. Because the improved benefits are required to be made, the contractor can consider such increased benefits in computing pension costs for the current cost accounting period (§ 412.50(b)(6)).

(c) *Assignment of pension cost.* Contractor H has a trusteed pension plan for its salaried employees. It computes $1 million of pension cost for a cost accounting period. Pursuant to the funding provisions of the Employee Retirement Income Security Act of 1974, the company must fund at least $800,000. Because liquidation of the liability for the portion of pension cost required by law to be funded ($800,000) can be compelled, such cost is allocable to cost objectives of the period, in accordance with § 412.40(c). If Contractor H can be compelled by the trustee or the plan participants to fund the remaining $200,000, the liability therefor is also allocable to cost objectives of that period.

§ 412.70 Exemptions.

None for this Standard.

§ 412.80 Effective date.

(a) The effective date of this Standard is [reserved].

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-25464 Filed 9-23-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER XIV—FEDERAL LABOR RELATIONS COUNCIL AND FEDERAL SERVICE IMPASSES PANEL

SUBCHAPTER B—FEDERAL LABOR RELATIONS COUNCIL

PART 2411—REVIEW FUNCTIONS OF THE COUNCIL

PART 2413—CRITERIA FOR DETERMINING COMPELLING NEED FOR AGENCY POLICIES AND REGULATIONS

On May 16, 1975, there was published in the FEDERAL REGISTER (40 FR 21488) a notice of proposed adoption of amendments of Part 2411 and proposed adoption of a new Part 2413 of the Council's rules.

Interested persons were invited to submit their views and suggestions in writing on or before June 6, 1975. All relevant matter which was submitted has been carefully considered, and the Council has decided to adopt the proposed rules, with changes, as set forth below.

Accordingly, the Council amends Title 5 of the Code of Federal Regulations, Chapter XIV, Subchapter B, Part 2411, and adds a new Part 2413 to read as follows:

1. Part 2411 is revised to read as follows:

PART 2411—REVIEW FUNCTIONS OF THE COUNCIL

Subpart A—General Provisions

Sec.
2411.1 Scope.
2411.2 Coverage.
2411.3 Definitions.
2411.4 Policy questions.

Subpart B—Review of Decisions of the Assistant Secretary

2411.11 Purpose.
2411.12 Considerations governing review.
2411.13 Who may file a petition; time limits for filing; opposition; service.
2411.14 Content of petition.
2411.15 Council action on acceptance.
2411.16 Filing of briefs; Assistant Secretary as a party.
2411.17 Determinations of negotiability.
2411.18 Council decision; compliance actions.

Subpart C—Review of Negotiability Issues

2411.21 Purpose.
2411.22 Conditions governing review.
2411.23 Who may file a petition.
2411.24 Time limits for filing.
2411.25 Content of petition; service.
2411.26 Position of the agency; time limits for filing.
2411.27 Referral by the Federal Service Impasses Panel.
2411.28 Council decision.

Subpart D—Review of Arbitration Awards

2411.31 Purpose.
2411.32 Considerations governing review.
2411.33 Who may file a petition; time limits for filing; opposition; service.
2411.34 Content of petition.
2411.35 Council action on acceptance.
2411.36 Filing of briefs.
2411.37 Council decision.

Subpart E—General Requirements

2411.41 Interlocutory appeals.
2411.42 Approval of submission.
2411.43 Place and method of filing; acknowledgement.
2411.44 Number of copies.
2411.45 Time limits; computation; extension; waiver.
2411.46 Service; statement of service.
2411.47 Stay of decision or award; requests; criteria.
2411.48 Oral argument.
2411.49 Amicus curiae.
2411.50 Transfer of record.
2411.51 Matters not previously presented; judicial notice.
2411.52 Other documents.
2411.53 Advisory opinions.
2411.54 Distribution of Council decisions.

AUTHORITY: 5 U.S.C. 3301, 7301; E.O. 11491, 3 CFR 1969 Comp., p. 191, 34 FR 17605; as amended by E.O. 11616, 3 CFR 1971 Comp., p. 202, 36 FR 17319; E.O. 11636, 3 CFR 1971 Comp., p. 232, 36 FR 24901; and by E.O. 11838, 40 FR 5743 and 7391.

Subpart A—General Provisions

§ 2411.1 Scope.

This part sets forth the procedures under which the Council, as provided in section 4(c) of the order, will review decisions of the Assistant Secretary issued pursuant to section 6 of the order, negotiability issues as provided in section 11(c) of the order, and arbitration awards under the order.

§ 2411.2 Coverage.

This part applies to employees, agencies, and labor organizations covered by the order and for purposes of § 2411.49 to other interested persons.

§ 2411.3 Definitions.

In this part—

(a) "Order" means Executive Order 11491 of October 29, 1969, entitled "Labor-Management Relations in the Federal Service," as amended by Executive Order 11616 of August 26, 1971, by Executive Order 11636 of December 17, 1971, and by Executive Order 11838 of February 6, 1975.

(b) "Executive Director" means the Executive Director of the Council.

(c) "Party" means any person, employee, labor organization, or agency that participated as a party—

(1) In a matter that was decided by the Assistant Secretary under section 6 of the order; or

(2) In a matter that was decided by an agency head under section 11(c) of the order; or

(3) In a matter where the award of an arbitrator was issued under the order.

(d) "Assistant Secretary" means the Assistant Secretary of Labor for Labor-Management Relations, except that in matters arising under section 6(a) of the order involving the Department of Labor, it means the Vice Chairman of the Civil Service Commission.

(e) "Primary national subdivision" of an agency means a first-level organizational segment which has functions national in scope that are implemented in field activities.

(f) Terms defined in the order are used in this part with the meaning attached to them in the order.

§ 2411.4 Policy questions.

Notwithstanding the procedures set forth in this part, the Assistant Secretary or the Panel may refer for review and decision or general ruling by the Council any case involving a major policy issue that arises in a proceeding before either of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Council shall obtain the views of the parties and other interested persons, orally or in writing, as it deems necessary and appropriate.

Subpart B—Review of Decisions of the Assistant Secretary

§ 2411.11 Purpose.

This subpart, together with Subpart E, sets forth the procedures under which the Council will review decisions of the Assistant Secretary issued pursuant to section 6 of the order.

§ 2411.12 Considerations governing review.

A petition for review of a decision of the Assistant Secretary is not a matter of right, but of discretion, and, subject to the requirements of this part, will be granted only where there are major policy issues present or where it appears that the decision was arbitrary and capricious.

§ 2411.13 Who may file a petition; time limit for filing; opposition; service.

(a) Any party aggrieved by a final decision of the Assistant Secretary may petition the Council for review.

(b) The time limit for filing is 30 days from the date the decision was served on the party seeking review.

(c) An opposition to Council acceptance of a petition for review may be filed by any party within 30 days from the date of service of the petition.

(d) A copy of the petition for review and of any opposition to acceptance shall be served by the filing party simultaneously on the other parties and on the Assistant Secretary.

§ 2411.14 Content of petition.

A petition must be a dated, self-contained document enabling the Council to rule on acceptance for review on the basis of its content without the necessity of recourse to the record. The petition must contain:

(a) A concise statement of the grounds on which review is requested;

(b) A summary of the evidence or rulings bearing on the issues, together with a summary of the arguments; and

(c) A copy of the decision of the Assistant Secretary which is being appealed including a copy of any decision, determination, report, or recommendation issued at an earlier stage in the proceeding and considered in his decision.

§ 2411.15 Council action on acceptance.

The Council shall review the petition and, if 50 percent or more of its members determine that the matter should be considered, the petition will be accepted. The Council shall promptly notify the parties whether the petition has been accepted or rejected.

§ 2411.16 Filing of briefs; Assistant Secretary as a party.

(a) Within 30 days from the date of service by the Council of notice to the parties that the petition is accepted for review, the parties may file briefs with the Council (with specific references to the pertinent documents and, where applicable, with citations of authorities) which shall be served on the other parties.

(b) Where the Council grants review, the Assistant Secretary may, at his discretion, intervene and become a party to the proceeding.

§ 2411.17 Determinations of negotiability.

(a) Notwithstanding the procedures of this subpart, the Council, as provided in this section, will, upon an appeal by a party, review a decision of the Assistant Secretary wherein it was necessary for him to make a negotiability determination in order to resolve the merits of an unfair labor practice complaint resulting from an alleged unilateral change in established personnel policies or practices or matters affecting working conditions.

(b) A petition for review of a decision wherein such a negotiability determination is made by the Assistant Secretary may be filed by the party subject to an adverse ruling under section 11(d) of the order.

(c) The time limit for filing is 30 days from the date of service of the Assistant Secretary's decision.

(d) A copy of the petition shall be served simultaneously on the other party and on the Assistant Secretary.

(e) A petition for review shall be dated and shall contain the following:

(1) A full and detailed statement of the aggrieved party's position including reasons for disagreeing with the Assist-

V40I186 SEP2475 XUM

ant Secretary's decision as to whether a matter is negotiable under the order, without regard to the limitations in § 2411.51.

(2) A copy of pertinent documentary material including a copy of the Assistant Secretary's decision and a copy of any decision, determination, report, or recommendation issued at an earlier stage in the proceeding and considered in his decision.

(f) Within 30 days from the date of service of a petition for review of a decision wherein a negotiability determination is made by the Assistant Secretary, the other party shall file a full statement of its position on any matters relevant to the petition which it wishes the Council to consider in reaching its decision.

(g) The Assistant Secretary may, at his discretion, intervene and become a party to the proceeding.

(h) The Council shall give petitions filed under this section priority consideration.

(i) Subject to the requirements of this section, the Council shall issue its decision sustaining, setting aside in whole or in part, or remanding that portion of the decision of the Assistant Secretary wherein it was necessary for him to make a negotiability determination.

§ 2411.13 Council decision; compliance actions.

(a) A decision of the Assistant Secretary shall be sustained unless it is arbitrary and capricious or inconsistent with the purposes of the order.

(b) The Council shall issue its decision on the case sustaining, enforcing, modifying, and enforcing as so modified, setting aside in whole or in part, or remanding the decision of the Assistant Secretary.

(c) The Council has the overall responsibility to assure compliance with the Executive order and decisions rendered thereunder. However, the Council shall first remand the action to the Assistant Secretary for purposes of compliance consistent with its decision, without limitation on the power of the Council. If the Assistant Secretary finds the necessary action for compliance has not been taken, the matter shall revert to the Council for appropriate action.

Subpart C—Review of Negotiability Issues

§ 2411.21 Purpose.

This subpart, together with Subpart E, sets forth the procedures under which the Council will review negotiability issues as provided in section 11(c) of the order.

§ 2411.22 Conditions governing review.

(a) The Council will consider a negotiability issue under the conditions prescribed by section 11(c)(4) of the order, namely: If, in connection with negotiations, the head of an agency (or his designee) has determined that a proposal is contrary to law, regulation, or the order and therefore not negotiable, a labor organization may appeal to the Council for a decision when—

(1) It disagrees with the agency head's determination that the proposal would violate applicable law, regulation of appropriate authority outside the agency, or the order; or

(2) It believes that the agency's regulations, as interpreted by the agency head, violate applicable law, regulation of appropriate authority outside the agency, or the order, or are not otherwise applicable to bar negotiations under section 11(a) of the order because they do not meet the criteria established in Part 2413 of this Chapter or because they were not issued at the agency headquarters level or at the level of a primary national subdivision.

(b) The Council will review a labor organization's appeal challenging an agency head's determination that an internal agency regulation bars negotiation only if the labor organization has first requested an exception to the regulation from the agency head and that request has been denied or has not been acted upon within the time limits prescribed by § 2411.24.

§ 2411.23 Who may file a petition.

(a) A petition for review of a negotiability issue may be filed by a labor organization which is a party to the negotiations.

(b) An appeal challenging an agency regulation on grounds of failure to meet criteria established in Part 2413 or issuance below the agency headquarters or primary national subdivision level may be filed only by the national president of a labor organization (or his designee) or the president of a labor organization not affiliated with a national organization (or his designee).

§ 2411.24 Time limits for filing.

(a) The time limit for filing an appeal under § 2411.22(a)(1) is 30 days from the date the agency head's determination was served upon the labor organization.

(b) The time limit for filing an appeal under § 2411.22(a)(2) is 30 days from the date the agency head's determination was served upon the labor organization, provided, however, that if a request for an exception to an agency regulation under § 2411.22(b) was not served upon the agency head at least 15 days prior to the service of the agency head's determination on the labor organization, and was not acted upon in the agency head's determination, the time limit shall be extended a maximum of 15 days for requesting an exception to an agency regulation, and 15 days for the agency head to act upon such request for an exception.

(c) Review of a negotiability issue may be requested by a labor organization under this subpart without a prior determination by the agency head, if the agency head has not made a decision—

(1) Within 45 days after a party to the negotiations initiates referral of the issue for determination, in writing, through prescribed agency channels; or

(2) Within 15 days after receipt by the agency head of a written request for such determination following referral through prescribed agency channels, or following direct submission if no agency channels are prescribed.

§ 2411.25 Content of petition; service.

A petition for review shall be dated and shall contain the following:

(a) A statement setting forth the matter proposed to be negotiated as submitted to the agency head for determination.

(b) A copy of all pertinent material including the agency head's determination on the proposal, the labor organization's request for an exception if required by § 2411.22(b), the agency head's denial of an exception, and other relevant documentary material.

(c) A full and detailed statement of the labor organization's position and reasons for:

(1) Disagreeing with the agency head's determination that the proposal would violate applicable law, regulation of appropriate authority outside the agency, or the order; or

(2) Believing that the agency's regulations, as interpreted by the agency head, violate applicable law, regulation of appropriate authority outside the agency, or the order, or are not otherwise applicable to bar negotiations under section 11(a) of the order. The statement shall cite the particular section of any law, regulation, or the order believed to be violated by the agency's regulations or shall explain the grounds for contending the agency regulations fail to meet the criteria established in Part 2413 of this chapter or the required level of issuance of such regulations under section 11(a) of the order.

(d) A copy of the petition shall be served simultaneously on the other party.

§ 2411.26 Position of the agency; time limits for filing.

Within 30 days from the date of service of a copy of a petition for review of a negotiability issue the agency shall file a full statement of its position on any matters relevant to the petition which it wishes the Council to consider in reaching its decision.

§ 2411.27 Referral by the Federal Service Impasses Panel.

(a) Notwithstanding the procedures of this subpart, except § 2411.22, when the Panel finds that a negotiability issue is impeding the resolution of a negotiation impasse or that a negotiability issue which arose subsequent to the filing of a request to the Panel is the only issue at impasse, the Panel may refer the negotiability issue to the Council for decision.

(b) A referral by the Panel shall contain:

(1) The matter proposed to be negotiated as submitted to the agency head for determination;

(2) The agency head's determination thereon, the labor organization's request for an exception if required by § 2411.22(b), and the agency head's denial of an exception;

(3) Statements of position from each party with supporting evidence and argument; and

(4) Any other appropriate documents of record.

(c) The Panel may refer a negotiability issue for decision by the Council at any time during its consideration of a negotiation impasse.

(d) The Council will give such referrals priority consideration.

§ 2411.28 Council decision.

Subject to the requirements of this part, the Council shall issue its decision sustaining or setting aside in whole or in part, or remanding the agency head's determination.

Subpart D—Review of Arbitration Awards

§ 2411.31 Purpose.

This subpart, together with Subpart E, sets forth the procedures under which the Council will review arbitration awards under the order.

§ 2411.32 Considerations governing review.

The Council will grant a petition for review of an arbitration award only where it appears, based upon the facts and circumstances described in the petition, that the exceptions to the award present grounds that the award violates applicable law, appropriate regulation, or the order, or other grounds similar to those upon which challenges to arbitration awards are sustained by courts in private sector labor-management relations. The Council will not consider exceptions to an advisory arbitration award.

§ 2411.33 Who may file a petition; time limits for filing; opposition; service.

(a) Any party aggrieved by an arbitration award may petition the Council for review.

(b) The time limit for filing is 30 days from the date the award was served on the party seeking review.

(c) An opposition to Council acceptance of a petition for review may be filed by any party within 30 days from the date of service of the petition.

(d) A copy of the petition shall be served simultaneously on the other party.

§ 2411.34 Content of petition.

A petition must be a dated, self-contained document enabling the Council to rule on acceptance for review on the basis of its content without necessity of recourse to the record. The petition must contain:

(a) A concise statement of the grounds on which review is requested;

(b) A summary of the evidence or rulings bearing on the issues, together with a summary of the arguments; and

(c) A copy of the award of the arbitrator and other pertinent documents.

§ 2411.35 Council action on acceptance.

The Council shall review the petition and, if 50 percent or more of its members determine that the matter should be considered, the petition will be accepted. The Council shall promptly notify the parties whether the petition has been accepted or rejected.

§ 2411.36 Filing of briefs.

Within 30 days from the date of service by the Council of notice to the parties that the petition is accepted for review, the parties may file briefs with the Council (with specific reference to the pertinent documents and, where applicable, with citations of authorities) which shall be served on the other parties.

§ 2411.37 Council decision.

(a) An award of an arbitrator shall be modified, set aside in whole or in part, or remanded only on grounds that the award violates applicable law, appropriate regulation, or the order, or other grounds similar to those applied by the courts in private sector labor-management relations.

(b) The Council shall issue its decision sustaining, modifying, setting aside in whole or in part, or remanding the award.

Subpart E—General Requirements

§ 2411.41 Interlocutory appeals.

There shall be no interlocutory appeals. The Council will not consider a petition for review until a final decision or award has been rendered.

§ 2411.42 Approval of submission.

Except as provided in § 2411.23(b), the Council shall consider a petition from an agency or labor organization only when the head of the agency (or his designee), or the national president of the labor organization (or his designee), or the president of a labor organization not affiliated with a national organization (or his designee), as appropriate, has approved submission of the petition.

§ 2411.43 Place and method of filing; acknowledgment.

(a) A document submitted to the Council pursuant to this part shall be filed with the Executive Director, Federal Labor Relations Council, 1900 E Street NW., Washington, D.C. 20415.

(b) Documents shall be filed with the Council by registered mail, by certified mail, or in person.

(c) A return postal receipt may serve as acknowledgement of receipt by the Council. The Council will otherwise acknowledge receipt of documents filed only when the filing party so requests and includes an extra copy of the document or its transmittal letter which the Council will date stamp upon receipt and return. If return is to be made by mail, the filing party shall include a self-addressed, stamped envelope for the purpose.

§ 2411.44 Number of copies.

Unless otherwise provided by the Executive Director, any document filed with the Council under this part, together with any enclosure filed therewith, shall be submitted in an original and three copies.

§ 2411.45 Time limits; computation; extension; waiver.

(a) When a time limit for filing is established under this part, the document must be received in the office of the Council before the close of business of the last day of the time limit.

(b) In computing any period of time prescribed or allowed by this part, the day of the act, event, or default from or after which the designated period of time begins to run shall not be included; but the last day of the period so computed shall be included, unless it is a Saturday, Sunday, or Federal legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or Federal legal holiday. Also, when a period of time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded in the computation.

(c) Whenever a party has the right or is required to do some act pursuant to this part within a prescribed period after service of a notice or other paper upon him and the notice or paper is served on him by mail, 5 days shall be added to the prescribed period: *Provided, however,* That 5 days shall not be added if any extension of time may have been granted.

(d) Any request for the reconsideration of a decision of the Assistant Secretary, the award of an arbitrator, or the determination of an agency head shall not operate to extend the time limits established in this part.

(e) The Executive Director may extend any time limit provided in this part for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be filed in writing no later than 3 days before the established time limit for filing, shall state the position of other parties on the request for extension, and shall be served simultaneously on the other parties.

(f) The Executive Director may waive any expired time limit in this part in extraordinary circumstances. Requests for waiver of time limits shall state the position of other parties on the request for waiver and shall be served simultaneously on the other parties.

§ 2411.46 Service; statement of service.

(a) Any party filing a document as provided in this part is responsible for simultaneously serving a copy on the other parties including all representatives of other parties who entered appearances in the subject proceeding before the Assistant Secretary, the agency head, or the arbitrator, as the case may be, and on any interested person who has been granted permission by the Executive Director to present written and/or oral argument as an amicus curiae.

(b) In any matter involving review of a decision of the Assistant Secretary, the Assistant Secretary shall be served with a copy of all documents filed with the Council.

(c) Service shall be made by registered or certified mail or in person. A return post office receipt or other written receipt executed by the party or person served shall be proof of service.

(d) A signed and dated statement of service shall be submitted at the time of filing. Statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

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(e) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person, as the case may be.

§ 2411.47 Stay of decision or award; requests; criteria.

(a) A request for a stay shall be entertained only in conjunction with and as a part of a petition for review of a decision of the Assistant Secretary or an award of an arbitrator. The filing of a petition for review shall not itself operate as a stay of the decision or award involved in the proceedings.

(b) Consistent with § 2411.41, the Council will not consider a request for stay unless a final decision or award has been rendered.

(c) A request for a stay of a decision of the Assistant Secretary or of an award of an arbitrator shall contain a full statement of the grounds on which the stay is requested and shall be subject to the same time limits for filing as those established with respect to the filing of a petition for review of such decision or award.

(d) A timely request for a stay of a final decision or award shall operate as a temporary stay pending a decision by the Council on the request and such temporary stay shall be deemed effective from the date of the decision or award which is stayed.

(e) A request for stay of an Assistant Secretary's decision will be granted only where it appears, based upon the facts and circumstances presented:

(1) In a representation case, that—

(i) There is a strong likelihood of success on the merits of the appeal;

(ii) In the absence of a stay the applicant will suffer irreparable injury;

(iii) The issuance of a stay will not have a serious adverse effect on other parties to the case; and

(iv) The public interest will not be harmed by the grant of a stay.

(2) In an unfair labor practice case, that—

(i) There is a reasonable likelihood that the appeal will be accepted for review; and

(ii) A careful balancing of all the equities, including the public interest, warrants issuance of a stay.

(f) A request for stay of an arbitrator's award will be granted only where it appears, based upon the facts and circumstances presented that:

(1) There is a reasonable likelihood that the petition will be accepted for review; and

(2) A careful balancing of all the equities, including the public interest, warrants issuance of a stay.

(g) A request for a stay in other types of cases will be granted only where it appears, based upon the facts and circumstances presented, that:

(1) There is a reasonable likelihood the appeal will be accepted for review; and

(2) A careful balancing of all the equities, including the public interest, warrants issuance of a stay.

§ 2411.48 Oral argument.

The Council, in its discretion, may permit oral argument under such circumstances and conditions as it deems appropriate. Unless otherwise ordered, a hearing of oral argument shall be open to the public.

§ 2411.49 Amicus curiae.

Upon petition of an interested person, a copy of which petition shall be served on the parties, and as the Executive Director deems appropriate, the Executive Director may grant permission for the presentation of written and/or oral argument at any stage of the proceedings by an amicus curiae and the parties shall be notified of such action by the Council.

§ 2411.50 Transfer of record.

Upon request by the Council, the Assistant Secretary or the appropriate agency shall transfer the record in the case to the Council.

§ 2411.51 Matters not previously presented; judicial notice.

Consistent with the scope of review set forth in this part, the Council will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Assistant Secretary, an agency head, or an arbitrator. The Council may, however, take judicial notice of such matters as would be proper.

§ 2411.52 Other documents.

(a) The Executive Director, in his discretion, may grant leave to file other documents as he deems appropriate.

(b) A copy of such other documents shall be served simultaneously on the other parties or persons.

§ 2411.53 Advisory opinions.

The Council shall not issue advisory opinions.

§ 2411.54 Distribution of Council decisions.

Copies of decisions by the Council shall be furnished to the parties and other interested persons and made available at the office of the Council.

2. Part 2413 is added to read as follows:

PART 2413—CRITERIA FOR DETERMINING COMPELLING NEED FOR AGENCY POLICIES AND REGULATIONS

Sec.
2413.1 Purpose.
2413.2 Illustrative criteria.

AUTHORITY: 5 U.S.C. 3301, 7301; E.O. 11491, 3 CFR 1969 Comp., p. 191, 34 FR 17605; as amended by E.O. 11616, 3 CFR 1971 Comp., p. 202, 36 FR 17319; E.O. 11636, 3 CFR 1971 Comp., p. 232, 36 FR 24901; and by E.O. 11838, 40 FR 5743 and 7391.

§ 2413.1 Purpose.

Section 11(a) of Executive Order 11491 of October 29, 1969, as amended, requires, among other things, that an agency and a labor organization that has been accorded exclusive recognition, through appropriate representatives, shall meet at reasonable times and confer in good faith with respect to personnel policies and practices and matters affecting working conditions, so far as may be appropriate under applicable published agency policies and regulations for which a compelling need exists under criteria established by the Federal Labor Relations Council and which are issued at the agency headquarters level or at the level of a primary national subdivision. The purpose of this part is to establish illustrative criteria for determining when a compelling need exists for an agency policy or regulation concerning personnel policies and practices and matters affecting working conditions, within the meaning of section 11(a) of the order.

§ 2413.2 Illustrative criteria.

A compelling need exists for an applicable agency policy or regulation concerning personnel policies and practices and matters affecting working conditions when the policy or regulation meets one or more of the following illustrative criteria:

(a) The policy or regulation is essential, as distinguished from helpful or desirable, to the management of the mission of the agency or the primary national subdivision;

(b) The policy or regulation is essential, as distinguished from helpful or desirable, to the management of the agency or the primary national subdivision;

(c) The policy or regulation is necessary to insure the maintenance of basic merit principles;

(d) The policy or regulation implements a mandate to the agency or primary national subdivision under law or other outside authority, which implementation is essentially nondiscretionary in nature; or

(e) The policy or regulation establishes uniformity for all or a substantial segment of the employees of the agency or primary national subdivision where this is essential to the effectuation of the public interest.

Effective date. Part 2411 and Part 2413 shall be effective September 24, 1975, *except that* the rules which derive from the February 6, 1975, amendments to sections 11(a) and 11(c) of the order (that is, the amendments pertaining to internal agency policies and regulations which may bar negotiations) shall become effective December 23, 1975.

For the Council.

ROBERT E. HAMPTON,
Chairman.

[FR Doc.75-25231 Filed 9-23-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-SO-75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Federal Airway

On August 4, 1975, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (40 FR 32758) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-139 from Wilmington, N.C., direct to Florence, S.C.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. The only comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307, 6203, 17549) is amended as follows:

In V-139 "From Wilmington, N.C.," is deleted and "From Florence, S.C., via Wilmington, N.C.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 17, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-25399 Filed 9-23-75;8:45 am]

[Airspace Docket No. 73-AL-22A]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

North Slope Airways and Jet Routes

On January 4, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 1059) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter several VOR Federal airways, jet routes, and reporting points in Alaska.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

On October 8, 1974, a rule was published in the FEDERAL REGISTER (39 FR 36111), amending Parts 71 and 75, as proposed, with the exception of that airspace predicated on the Barrow, Alaska, VORTAC. At that time it was explained that technical difficulty caused an indefinite delay in the installation of the VORTAC. This installation has been completed and the pertinent amendments can now be made. The FAA believes that in the time intervening between the issuance of the notice and this rule no factual circumstances have occurred that would alter the need or effect of these amendments. Additionally, the floor of a segment of A-2 airway from Evansville to Browerville is amended to coincide with the same segment of V-444.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.105 (40 FR 305, 17007) is amended as follows:

In A-2 "Evansville, Alaska, NDB; 69 miles, 166 miles 95 MSL," is deleted and "Evansville, Alaska, NDB; 69 miles 12 AGL, 102 miles 95 MSL, 117 miles 12 AGL, to" is substituted therefor.

Section 71.125 (40 FR 339, 39 FR 36111) is amended as follows:

a. In V-438 "to Deadhorse, Alaska." is deleted and "Deadhorse, Alaska; to Barrow, Alaska." is substituted therefor.

b. In V-444 "From Bettles, Alaska," is deleted and "From Barrow, Alaska, 117 miles 12 AGL, 102 miles 95 MSL, 69 miles 12 AGL, Evansville, Alaska, NDB;" is substituted therefor.

c. In V-506 all after "Nome, Alaska," is deleted and "; 35 miles 12 AGL, 90 miles 55 MSL, 35 miles 12 AGL, Hotham, Alaska, NDB, including a west alternate; 69 miles 12 AGL, 129 miles 95 MSL, 98 miles 12 AGL, Barrow, Alaska." is substituted therefor.

Section 71.211 (40 FR 634) is amended by adding: "Barrow, Alaska."

Section 71.213 (40 FR 637) is amended by adding: "Barrow, Alaska."

Section 75.100 (40 FR 705, 39 FR 36111) is amended as follows:

a. In J-123 "to Browerville, Alaska, RBN." is deleted and "to Barrow, Alaska." is substituted therefor.

b. In J-507 "From Browerville, Alaska, NDB," is deleted and "From Barrow, Alaska," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 18, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-25400 Filed 9-23-75;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 14970; Amdt. No. 95-261]

PART 95—IFR ALTITUDES

Miscellaneous Changes

Correction

In FR Doc. 75-23962 appearing at page 42183 in the issue of Thursday, September 11, 1975, in the third column, the seventh paragraph, the paragraph starting with the line reading,

"In consideration of the foregoing and" should be inserted on page 42181, in the first column between the second and third paragraphs, following the line,

"§ 1655 (c)))"

and before the line,

"Section 95.47 *Green Federal Airway 7*"

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-931, Amdt. 2]

PART 228—EMBARGOES ON PROPERTY

Interpretative Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 18, 1975.

The purpose of this amendment is to clarify the relationship between Parts 205 and 228 of the Board's Economic Regulations (14 CFR Parts 205 and 228).

Under Section 401 of the Federal Aviation Act of 1958, as amended, and Part 205 of the Board's Economic Regulations, air carriers must generally obtain Board authorization to delay inauguration of or temporarily suspend certificated service to or from a point[1]. However, no prior Board approval is necessary under Part 205 where the carrier's delay or interruption of service is "involuntary" as set forth in § 205.8;[2] in such cases, special procedures are prescribed, including prompt notice to the Board.[3]

On the other hand, Part 228 governs situations which are described as "embargoes;" in these cases, air carriers are required to give public notice of the embargo[4] and to obtain Board authorization to extend the embargo beyond 30 days.[5] The definition of an embargo[6] covers, in essence, refusals to accept any

[1] Section 205.2 (14 CFR 205.2).

[2] Section 205.8(a) provides that a certificate holder need not obtain Board approval of an interruption in service "caused by conditions or events which the holder cannot reasonably be expected to foresee or control, such as rules, standards, or other action or inaction of the Administrator of the Federal Aviation [Administration] or of a foreign government, emergency measures, strikes, weather conditions, construction work on airports, or disasters • • •.".

[3] *E.g.*, § 205.8 (b) and (c).

[4] Section 228.3.

[5] Section 228.2.

[6] "Embargo" is defined in § 228.1 as "• • • the temporary refusal by an air carrier to accept for transportation over any route or segment thereof, or to or from any area or point of a connecting carrier, any commodity, type or class of property (other than passenger baggage) duly tendered, where, because of lack of facilities or personnel, or because it is required to give preference or precedence to other traffic entitled to priority, or because of other compelling reasons not within the control of the carrier, it is temporarily unable to perform all of the authorized transportation service requested of it. Refusal to accept property for transportation in accordance with restrictions and limitations in the tariff or the certificate of an air carrier shall not be deemed an embargo."

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commodity or class of property for air shipment due to compelling reasons beyond the air carrier's control. While the definition is necessarily broadly worded, the intent of Part 228, in accordance with the usual use of the term "embargo" in transportation law, is to reach situations where a carrier refuses only to transport specific goods or types of property rather than to interruptions of all service, to which Part 205 applies.

Despite the differences between situations covered by Part 205 and those covered by Part 228, it appears that some air carriers whose scheduled operations to or from a point have been temporarily interrupted for reasons "not within the control of the carrier" (*e.g.*, strikes) have improperly invoked those procedures which Part 228 provides for "embargoes," rather than those provided by Part 205.

We have concluded that it would be desirable to state explicitly that our definition of an "embargo," under Part 228, does not include situations involving delayed or interrupted service to which § 205.8 applies.

Inasmuch as the amendment is an interpretative rule, we find that notice and hearing are not required and that the amendment may become effective upon adoption.

Accordingly, in consideration of the foregoing, the Board amends Part 228 of its Economic Regulations (14 CFR Part 228), effective September 18, 1975, by amending § 228.1 as follows:

§ 228.1 Definitions.

"Embargo" means the temporary refusal by an air carrier to accept for transportation over any route or segment thereof, or to or from any area or point of a connecting carrier, any commodity, type or class of property (other than passenger baggage) duly tendered, where, because of lack of facilities or personnel, or because it is required to give preference to other traffic entitled to priority, or because of other compelling reasons not within the control of the carrier, it is temporarily unable to perform all of the authorized transportation service requested of it. As used herein, the term "embargo" does not include: (1) refusal to accept property for transportation in accordance with restrictions and limitations in the tariff or the certificate of an air carrier; or (2) an involuntary postponement or interruption of service, as described in § 205.8 of Part 205 of the Board's Economic Regulations.

(Secs. 204(a), 401(j), 403(a), and 404, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, as amended by 76 Stat. 143, 82 Stat. 867, 72 Stat. 758 as amended by 74 Stat. 445, 72 Stat. 760; 49 U.S.C. 1324, 1371, 1373, and 1374)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-25441 Filed 9-23-75;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1018—ADVISORY COMMITTEE MANAGEMENT

PART 1609—NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Promulgations of Regulations and Solicitation of Comment

In this document, the Consumer Product Safety Commission issues regulations for the establishment, operation, and administration of its advisory committees, by amending subchapter A of Chapter II of Title 16, Code of Federal Regulations to add a new Part 1018. The Advisory Committee Management regulations are issued pursuant to section 8(a) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I), Executive Order 11769 (39 FR 7125, 5 U.S.C. App. I (Supp. I 1974)), and Office of Management and Budget Circular No. A-63 (Rev.) which requires agencies to establish uniform guidelines and management controls for their advisory committees. The Commission also revokes the regulations at 16 CFR Part 1609 for the National Advisory Committee for the Flammable Fabrics Act, because the new Part 1018 applies to that advisory committee as well as to the other advisory committees of the Commission.

The Advisory Committee Management Regulations promulgated in this document become effective September 24, 1975. These regulations are not subject to the rulemaking procedures of 5 U.S.C. 553 because they are rules of agency organization, procedure or practice. However, the Commission will accept public comment on the regulations on or before October 24, 1975. The Commission may amend the regulations as a result of comments received.

Written comments and other information related to this regulation should be submitted, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 by October 24, 1975. Comments received after that date will be considered if practicable. Comments received by the Commission may be viewed during working hours in the Office of the Secretary, Room 1025, 1750 K Street, NW., Washington, D.C.

Accordingly, Title 16, Chapter II, Subchapter A of the Code of Federal Regulations is amended by adding a new Part 1018 as follows:

PART 1018—ADVISORY COMMITTEE MANAGEMENT

Subpart A—General Provisions

Sec.
1018.1 Purpose.
1018.2 Definitions.
1018.3 Policy.
1018.4 Applicability.
1018.5 Advisory Committee Management Officer.

Subpart B—Establishment of Advisory Committees

1018.11 Charters.
1018.12 Statutory advisory committees.
1018.13 Non-statutory advisory committees.
1018.14 Non-Commission established advisory committees.
1018.15 Membership selection.
1018.16 Appointments.

Subpart C—Operation of Advisory Committees

1018.21 Calling of meetings.
1018.22 Notice of meetings.
1018.23 Designated Commission employee.
1018.24 Agenda.
1018.25 Minutes and meeting reports.
1018.26 Advisory functions.
1018.27 Public participation.
1018.28 Records and transcripts.
1018.29 Appeals under the Freedom of Information Act.

Subpart D—Administration of Advisory Committees

1018.31 Support services.
1018.32 Compensation and travel expenses.
1018.33 Change of status.
1018.34 Conflict of interest.
1018.35 Termination of membership.

Subpart E—Records, Annual Reports, and Audits

1018.41 Agency records on advisory committees.
1018.42 Annual Report.
1018.43 Comprehensive review.

Subpart F—Termination and Renewal

1018.61 Statutory advisory committees.
1018.62 Non-statutory advisory committees.

AUTHORITY: Sec. 8, Pub. L. 92-463; Sec. 28, Pub. L. 92-573, 15 U.S.C. 2077; Sec. 10, Pub. L. 90-189, 15 U.S.C. 1204; Sec. 6, Pub. L. 91-601, 15 U.S.C. 1475.

Subpart A—General Provisions

§ 1018.1 Purpose.

This part contains the Consumer Product Safety Commission's regulations governing the establishment, operation, and administration of advisory committees under its jurisdiction. These regulations are issued pursuant to section 8(a) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I), and supplement Executive Order No. 11769 (39 FR 7125 (1974)) and Office of Management and Budget Circular No. A-63 (Rev.) (39 FR 12389 (1974)).

§ 1018.2 Definitions.

(a) "Advisory Committee Act or "Act" means the Federal Advisory Committee Act (Pub. L. 92-663, 5 U.S.C. App. I (1972)).

(b) "OMB Circular No. A-63" means Office of Management and Budget Circular No. A-63 (Rev.), entitled "Advisory Committee Management Guidance" (39 FR 12389, April 5, 1974), as amended by Circular No. A-63 Transmittal Memoranda Nos. 1 and 2 (July 19, 1974).

(c) "Advisory Committee" means any committee, board, Commission, council, conference, panel, task force or other similar group, or any subcommittee or other subgroup, thereof, which is established or used by the Commission in the interest of obtaining advice or recommendations and which is not composed wholly of full-time officers or employees of the federal government.

(d) "Statutory advisory committee" means an advisory committee established or directed to be established by Congress.

(e) "Non-statutory advisory committee" means an advisory committee established by the Commission including a committee which was authorized, but not established, by Congress.

(f) "Ad hoc advisory committee" means a non-continuing, non-statutory advisory committee established by the Commission for the stated purpose of providing advice or recommendations regarding a particular problem which must be resolved immediately or within a limited period of time.

(g) "Non-Commission established advisory committee" means an advisory committee established by a federal, state, or local instrumentality other than the Commission, or by a private organization or group and utilized by the Commission for advisory services.

(h) "OMB Secretariat" means the Committee Management Secretariat of the Office of Management and Budget.

(i) "Chairman" means the Chairman of the Consumer Product Safety Commission.

§ 1018.3 Policy.

In application of this part, Commission officials shall be guided by the Advisory Committee Act, the statutes creating the Commission's advisory committees, and by the directives in Executive Order No. 11769 and OMB Circular No. A-63. Principles to be followed include:

(a) Limiting the number of advisory committees to those that are essential and terminating any committee not fulfilling its purpose;

(b) Insuring effective use of advisory committees and their recommendations, while assuring that decisional authority is retained by the responsible Commission officers;

(c) Providing clear goals, standards, and uniform procedures with respect to the establishment, operation, and administration of advisory committees;

(d) Ensuring that adequate information is provided to the President, the Congress, and the public regarding advisory committees; and

(e) Ensuring adequate opportunities for access by the public to advisory committee meetings and information.

§ 1018.4 Applicability.

(a) This part shall apply to all advisory committees (whether statutory or non-statutory) subject to the jurisdiction of the Commission. This part also shall apply to ad hoc advisory committees and non-Commission established advisory committees when they are performing advisory services for the Commission.

(b) Nothing in the part shall apply to any of the following types of organizations:

(1) Any local civic group whose primary function is that of rendering a public service with respect to a federal program;

(2) Any state or local government committee, council, board, commission, or similar group established to advise or make recommendations to state or local officials or agencies;

(3) Any committee whether advisory, interagency, or intra-agency which is composed wholly of full-time officers or employees of the federal government;

(4) Persons or organizations having contractual relationships with the Commission; and,

(5) Persons or organizations developing consumer product safety standards under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056).

§ 1018.5 Advisory Committee Management Officer.

The Chairman shall designate an Advisory Committee Management Officer who shall:

(a) Exercise control and supervision over the establishment, procedures, and accomplishments of all advisory committees established or utilized by the Commission;

(b) Assemble and maintain the reports, records, and other papers of any such committee during its existence, and carry out, on behalf of the Secretary of the Commission, the provisions of section 552 of Title 5, United States Code (Freedom of Information Act) and the Commission's Procedures for Disclosure or Production of Information Under the Freedom of Information Act (16 CFR Part 1015), with respect to such reports, records, and other papers; and

(c) Perform such other functions as specified in this part.

Subpart B—Establishment of Advisory Committees

§ 1018.11 Charters.

(a) No advisory committee shall meet or take any action until its charter has been filed with the OMB Secretariat in accordance with the requirements of section 9(c) of the Federal Advisory Committee Act.

(b) The Advisory Committee Management officer shall have responsibility for the preparation and filing of charters.

§ 1018.12 Statutory Advisory Committees.

As of the effective date of this Part, the Commission has three statutory advisory committees:

(a) the Product Safety Advisory Council, established under section 28 of the Consumer Product Safety Act (Pub L. 92-573, 15 U.S.C. 2077);

(b) the National Advisory Committee for the Flammable Fabrics Act, established by the Department of Commerce pursuant to section 17 of the Flammable Fabrics Act (Pub. L. 90-189, 15 U.S.C. 1204) and transferred to the Commission on May 14, 1973 by section 30(b) of the Consumer Product Safety Act (Pub. L. 92-573, 15 U.S.C. 2079(b)); and

(c) the Technical Advisory Committee on Poison Prevention Packaging, established under Department of Health, Education and Welfare by section 6(a) of the Poison Prevention Packaging Act (Pub. L. 91-601, 15 U.S.C. 1475(a) and transferred to the Consumer Product Safety Commission on May 14, 1973 by section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 15 U.S.C. 2079(a)).

§ 1018.13 Non-Statutory Advisory Committees.

(a) In proposing to establish a non-statutory advisory committee, the Commission shall follow the procedural requirements of section 9(a)(2) of the Advisory Committee Act and section 6(a) of OMB Circular No. A-63.

(b) A non-statutory advisory committee shall not be established if the proposed function can be performed effectively by Commission, personnel, by an existing advisory committee, or by another Federal agency.

§ 1018.14 Non-Commission Established Advisory Committees.

(a) To the extent practicable, the Commission shall utilize advisory committees already established by federal, state, or local government or by private organizations, rather than establish a new advisory committee or expand the functions of an existing Commission advisory committee.

(b) In utilizing non-Commission established advisory committee, Commission officials shall follow the applicable provisions of this part and the requirements of the Advisory Committee Act.

§ 1018.15 Membership Selection.

(a) Whenever new applicants are required for a Commission advisory committee, public notice will be issued inviting individuals to submit, on or before a specified date, applications or nominations for membership. The notice shall contain an application/nomination format.

(b) An applicant for membership on an advisory committee shall disclose all affiliations, either paid or as a volunteer, that bear any relationship to the subject area of product safety or to membership on the advisory committee. This disclosure shall include both current affiliations and relevant past affiliations.

(c) The Chairman shall from time to time, appoint a Candidate Evaluation Panel consisting of qualified staff members of the Commission, including the Advisory Committee Management Officer and/or the Commission Secretary.

(d) The Candidate Evaluation Panel, using selection criteria established by the Commission, shall evaluate all candidates and submit to the Commissioners the name of those candidates it recommends for membership. Where possible, at least two candidates shall be recommended for each appointment to be made. Final selection for membership shall be made by the Commissioners.

(e) The membership of each Commission Advisory Committee shall be fairly balanced in terms of geographic location, age, sex, and race.

§ 1018.16 Appointments.

(a) The Chairman shall appoint as members to advisory committees those persons selected by the Commissioners.

V 40 186 SEP 24 75 XUM

(b) The term of appointment to an advisory committee shall be for two years, unless otherwise specified by the Commission. To promote maximum participation, an advisory committee member may serve for only one consecutive term. This subsection shall not be deemed to affect the term of appointment of any present member of an advisory committee in effect on the effective date of this part.

(c) A vacancy that occurs during the term of an appointment normally will be filled by the Commission from the applications or nominations on file. Appointment to any such vacancy will be for the unexpired portion of the original appointment.

Subpart C—Operation of Advisory Committees

§ 1018.21 Calling of meetings.

No advisory committee shall hold any meeting except at the call of or with the advance approval of the Chairman or the Commission official designated under § 1018.23(a).

§ 1018.22 Notice of meetings.

(a) Meetings shall be called by written and/or oral notice to all members of the advisory committee.

(b) Notice of each advisory committee meeting shall be published in the FEDERAL REGISTER as well as other means to give widespread public notice, at least 15 calendar days before the date of the meeting, except that shorter notice may be provided in emergency situations. Reasons for such emergency exceptions shall be made part of the meeting notice.

(c) A meeting notice shall include:

(1) The official designation of the committee;

(2) The address and site of the meeting;

(3) The time of the meeting;

(4) The purpose of the meeting, including, where appropriate, a summary of the agenda;

(5) Whether, or the extent to which, the public will be permitted to attend or participate;

(6) Reasons why any portion of the meeting is closed to the public;

(7) An explanation of how any person who wishes to do so may file a written statement with the committee before, during, or after the meeting, and

(8) The procedure by which a public attendee may present an oral statement or question to members of the committee.

§ 1018.23 Designated Commission Employee.

(a) The Chairman shall designate a member of the Commission or other Commission officer or employee to chair or attend each meeting of each advisory committee.

(b) Unless otherwise provided in the statute creating a statutory advisory committee, the committee normally will be chaired, on a rotating basis, by a member of the Commission.

(c) No advisory committee shall conduct any meeting in the absence of the officer or employee designated under paragraph (a) of this section.

(d) The officer or employee designated under paragraph (a) of this section is authorized to adjourn any advisory committee meeting whenever he or she determines adjournment to be in the public interest.

§ 1018.24 Agenda.

Prior to each advisory committee meeting, the Advisory Committee Management Officer shall prepare and, after approval by the officer or employee designated under § 1018.23(a), shall distribute to each committee member the agenda for that meeting. The agenda for a meeting shall list the matters to be discussed at the meeting and shall indicate whether and when any part of the meeting will concern matters which are exempt from public disclosure under the Freedom of Information Act (5 U.S.C. 552(b)) or section 6(a) (2) of the Consumer Product Safety Act (15 U.S.C. 2055(a) (2)).

§ 1018.25 Minutes and Meeting Reports.

(a) The Advisory Committee Management Officer shall be responsible for the preparation of detailed minutes of each meeting of each advisory committee. The minutes shall include at least the following:

(1) The time and place of the meeting;

(2) A list of advisory committee members and staff and Commission employees present at the meeting;

(3) A complete summary of all matters discussed and conclusions reached;

(4) Copies of all reports received, issued, or approved by the advisory committee;

(5) A description of the extent to which the meeting was open to the public; and,

(6) A description of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting.

(b) The chairman of the advisory committee shall certify the accuracy of the minutes.

(c) Whenever a non-Commission established committee convenes and, at the request of the Commission, a portion of the session is allocated to the rendering of advisory services to the Commission, the Advisory Committee Management Officer shall attend and prepare minutes for that portion of the meeting in accordance with this section.

§ 1018.26 Advisory functions.

(a) Unless otherwise specifically provided by statute, advisory committees shall be utilized solely for advisory functions.

(b) The Commission shall ensure that the advice and recommendations of Advisory Committees shall not be inappropriately influenced by the Commission, its staff, or by any special interest, but will be the result of the advisory committee's independent judgment.

§ 1018.27 Public participation.

(a) The Commission is committed to a policy of encouraging public participation in its activities and will hold all advisory committee meetings open to the public except as provided in subsection (b). The guidelines in section 8(c) of OMB Circular A–63 shall be followed in providing of public access to advisory committee meetings.

(b) An advisory committee meeting or portion of a meeting may be closed to the public only upon a determination that matters to be considered at the meeting are not disclosable under the Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act (16 CFR 1015). The procedures relating to the closing of advisory committee meetings contained in section 10(d) of the Advisory Committee Act and section 8(d) of OMB Circular A–63 shall be observed in making such a determination.

§ 1018.28 Records and transcripts.

(a) Subject to section 552 of Title 5, United States Code (Freedom of Information Act) and 16 CFR 1015 (Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act), the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agendas or other documents which were made available to or prepared for or by an advisory committeee shall be made available for public inspection and copying in the Commission's Office of the Secretary.

(b) Advisory Committee documents shall be made available until the advisory committee ceases to exist. Disposition of the advisory committee documents shall be determined by the Secretary of the Commission at that time.

§ 1018.29 Appeals under the Freedom of Information Act.

Appeals from the denial of access to advisory committee documents shall be considered in accordance with the Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act (16 CFR 1015).

Subpart D—Administration of Advisory Committees

§ 1018.31 Support services.

Unless the statutory authority for a particular advisory committee provides otherwise, the Advisory Committee Management Officer shall be responsible for providing and overseeing all necessary support services for each advisory committee established by or reporting to the Commission. Support services include providing committee staff, meeting rooms, supplies, and funds, including funds for the publication of reports.

§ 1018.32 Compensation and travel expenses.

A single rate of compensation will be offered to members of all advisory committees with the exception of government employees and those individuals whose company or organization prohibits such payment. This rate shall be $100 per day for each day in attendance at the meeting and for each day of travel.

(b) The Commission shall determine per diem and travel expenses for members, staffs, and consultants in accordance with section 7(d) of the Advisory Committee Act and section 11 of OMB Circular No. A–63.

(c) Members of advisory committees, while engaged in the performance of their duties away from their homes or regular place of business, may be allowed travel expenses including per diem in lieu of expenses as authorized by 5 U.S.C. 5703.

§ 1018.33 Change of status.

Any advisory committee member who changes his or her affiliation so as to actually or potentially affect his or her representational capacity on an advisory committee (upon which the member's application was based), shall immediately notify, in writing, the Advisory Committee Management Officer. Such notification shall include all relevant information concerning the change in affiliation and a statement by the member expressing his or her opinion regarding the implications of such change. The notification and any other relevant information shall be evaluated by the Commissioners to determine the appropriateness of the member's continued membership on the advisory committee.

§ 1018.34 Conflict of interest.

Committee members are not legally subject to the standards of conduct and conflict of interest statutes and regulations applicable to Commission employees. However, the avoidance of situations in which a member of an advisory committee has a conflict or an apparent conflict of interest is important. To preclude any conflict or apparent conflict of interest, committee members shall be subject to the following guidelines:

(a) Committee members should not personally participate, either for themselves or in behalf of an organization, in negotiations, or the preparation of negotiations, for contracts or grants with the Commission. Nor should committee members become personally involved, either as an individual or in behalf of an organization, in the performance of work under a contract or grant awarded by the Commission.

(b) Committee members should not become personally involved in the preparation or submission of a proposal to develop a safety standard or regulation under any of the Acts administered by the Commission.

(c) Committee members should not personally represent anyone in a proceeding before the Commission.

(d) Committee members should exercise caution to ensure that their public statements are not interpreted to be official policy statements of the Commission.

(e) No member of any Committee should accept any full or part-time employment, whether or not for compensation, which includes, directly or indirectly, the rendering of advice to or espousing of views on behalf of another when that activity would conflict or appear to conflict with the member's position on the advisory committee. This shall not, in any way, prohibit the member from expressing his or her personal views on any issue.

§ 1018.35 Termination of membership.

Advisory committee membership may be terminated at any time upon a determination by the Commission that such action is appropriate.

Subpart E—Records, Annual Reports and Audits

§ 1018.41 Agency records on advisory committees.

(a) In accordance with section 12(a) of the Advisory Committee Act, the Advisory Committee Management Officer shall maintain, in the Office of the Secretary, records which will fully disclose the nature and extent of the activities of each advisory committee established or utilized by the Commission.

(b) The records shall include a current financial report itemizing expenditures and disclosing all funds available for each advisory committee during the current fiscal year.

(c) The records shall also include a complete set of the charters of the Commission's advisory committees and copies of the annual report on advisory committees.

§ 1018.42 Annual report.

(a) The Advisory Committee Management Officer shall prepare an annual report on the Commission's advisory committees for inclusion in the President's annual report to Congress as required by section 6(c) of the Advisory Committee Act. This report shall be prepared and submitted in accordance with General Services Administration guidelines (39 FR 44814, Dec. 27, 1974).

(b) Results of the annual comprehensive review of advisory committee made under § 1018.43 shall be included in the annual report.

§ 1018.43 Comprehensive review.

A comprehensive review of all Commission established or utilized advisory committees shall be made annually in accordance with section 10 of the OMB Circular No. A–63, as amended by Transmittal Memorandum No. 2, and shall be submitted to the OMB Secretariat by November 30 of each year.

Subpart F—Termination and Renewal

§ 1018.61 Statutory advisory committees.

A new charter shall be filed for each statutory advisory committee in accordance with section 9(c) of the Advisory Committee Act and § 1018.11 upon the expiration of each successive two-year period following the date of enactment of the statute establishing or requiring the establishment of the committee.

§ 1018.62 Non-Statutory Advisory Committees.

(a) Each non-statutory advisory committee established by the Commission after the effective date of this part shall terminate not later than two years after its establishment unless prior to that time it is renewed in accordance with paragraph (c) of this section.

(b) Each non-statutory advisory committee which is renewed by the Commission shall terminate not later than two years after its renewal unless prior to that time it is again renewed in accordance with paragraph (c) of this section.

(c) Before a non-statutory advisory committee can be renewed by the Commission, the Chairman shall inform the OMB Secretariat by letter not more than 60 days nor less than 30 days before the committee expires of the following:

(1) His or her determination that renewal is necessary and is in the public interest;

(2) The reasons for his or her determination;

(3) The Commission's plan to attain balanced membership of the committee, and;

(4) An explanation of why the committee's functions cannot be performed by the Commission or by another existing advisory committee.

(d) If the OMB Secretariat concurs, the Chairman shall certify in writing that the renewal of the advisory committee is in the public interest and shall publish notice of the renewal in the FEDERAL REGISTER and shall file a new charter.

Part 1609 is removed.

PART 1609—NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT [REVOKED]

Written comments on this regulation, preferably in five copies, should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 on or before October 24, 1975. Comments received after that date will be considered if practicable. Received comments may be reviewed during working hours in the Office of the Secretary, Room 1026, 1750 K Street, NW., Washington, D.C.

Effective date. The regulation promulgated in this document shall become effective September 24, 1975.

Dated: September 19, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-25428 Filed 9-23-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

(Docket No. RM75-9; Order 535)

PART 154—RATE SCHEDULES AND TARIFFS

Change in Notice Requirements for Filing Proposed Rate Increases

SEPTEMBER 16, 1975.

On October 9, 1974, the Commission issued a notice of proposed rulemaking in this proceeding, wherein it proposed to

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amend §§ 154.38 and 154.63 of the regulations under the Natural Gas Act, relating to a change in notice requirements for filing proposed rate increases.

Fifteen responses [1] were filed with the Commission commenting on and suggesting modifications of the proposed rulemaking. In general, those pipelines and distributors commenting on our proposed rulemaking objected to the proposed changes.

We stated in the notice of proposed rulemaking issued October 9, 1974, that "we feel compelled to amend § 154.38 of the regulations in light of the District of Columbia Circuit Court of Appeals' decision in Indiana & Michigan Electric Company v. Federal Power Commission." [2] In that proceeding involving a challenge to the Commission's authority to require the prefiling of certain cost of service data 60 days prior to the proposed effective date of a rate increase, the Court declared § 35.13(b)(4)(i) of the regulations under the Federal Power Act to be invalid. The Court found that the "practical effect of the section is to impose a de facto 60-day notice requirement on utilities seeking to increase their rates." [3] Because section 205(d) of the Federal Power Act, which provides for a 30-day notice period, created not only a "minimum notice period for the utility's customers and the Commission but also a maximum waiting period for the filing utility," [4] (emphasis by the Court) the Court held that the Commission's 60-day filing requirements in § 35.13(b)(4)(i) of its Regulations "contravenes the terms of section 205(d) of the Federal Power Act." [5]

The Court concluded that "[t]hirty days is the maximum a utility can be compelled to wait from the time it files its rate changes until the date the change take effect unless the Commission properly exercises its suspension power." [6]

[1] Comments were filed by the following parties: El Paso Natural Gas Company, Interstate Natural Gas Association of America, Columbia Gas Transmission Corporation, Natural Gas Pipeline Company of America, Wyoming Industrial Gas Company, United Gas Pipeline Company, Tennessee Gas Pipeline Company, Northern Natural Gas Company, Northern Indiana Public Service Company, the City of Indianapolis, and the Public Service Company of Colorado; Joint Comments were filed by the People of the State of California and the Public Utility Commission of the State of California, Panhandle Eastern Pipeline Company and Trunkline Gas Company. A response to comments was filed by Northern Illinois Gas Company.

[2] 502 F. 2d 336 (D.C. Cir. 1974), reh. 502 F. 2d 343.

[3] 502 F. 2d at 340.

[4] 502 F. 2d at 341.

[5] 502 F. 2d at 340-341.

[6] 502 F. 2d at 341.

Because section 4(d) of the Natural Gas Act [7] contains language virtually identical to that in section 205(d) of the Federal Power Act we stated that we believe the Indiana & Michigan decision may be controlling as to our Regulations issued pursuant to section 4(d) of the Natural Gas Act. Accordingly, we proposed to amend the three Sections of the Regulations which require notification in excess of the 30-day period provided in section 4(d) of the Natural Gas Act.

§154.38(d)(4)(v) AND 154.38(d)(5)(ii)(e)

Sections 154.38(d)(4)(v) and 154.38(d)(5)(ii)(e) of the regulations under the Natural Gas Act presently provide a method for pipelines to track PGA (purchased gas adjustment) increases and R&D (research and development) increases upon a 45 day notice to the Commission of a proposed change. Our notice of proposed rulemaking proposed to shorten this 45 day period to 30 days, thereby complying with our interpretation of Indiana & Michigan.

Comments filed which addressed this point expressed the opinion that the Indiana & Michigan decision did not apply to Regulations under section 4(d) of the Natural Gas Act and that even if Indiana & Michigan did govern the filing requirements under the Natural Gas Act the holding of the case would only preclude the Commission from requiring more than 30 days' notice of a rate change. A number of those pipelines and distributors filing comments asserted that the tracking provisions of § 154.38(d)(4)(v) and § 154.38(d)(5)(ii)(e) provide an alternate way of increasing rates, since pipeline companies may include such rate increase components in a general rate case. They argue therefore that because filing pursuant to § 154.38(d) is totally optional the Commission is not effectively requiring more than 30 days' notice and Indiana & Michigan's holding is inopposite.

In support of their contention that Indiana & Michigan, a case directed to the Federal Power Act, does not apply to section 4(d) of the Natural Gas Act, those commenters in opposition to the proposed shortening of the notice period cite the Mobile [8], Memphis [9], and Placid [10] decisions, in Mobile, the Supreme Court, looking at section 4(d) of the Natural Gas Act, stated:

> Changes in previously filed rates or contracts must be filed with the Commission at least 30 days before they are to go into effect. (at 338)

and further:

> In addition, section 4(d) imposes the further requirement that the changes be filed at least 30 days before they are to go into effect. (at 342)

In Memphis, the Court, when addressing itself to Congress' concern about gas companies getting proper and adequate financing found that this was taken into account in the regulatory scheme:

> • • • by providing in section 4 for the earliest effectuation of contractually authorized or otherwise permissible rate changes consistent with appropriate Commission review. (at 114)

These extracts from Supreme Court opinions were pointed to as authority that the Commission, under the Natural Gas Act, does indeed have the authority to require notice exceeding 30 days. A review of these cases does not convince us that the Supreme Court found that the Commission can lawfully require notice exceeding 30 days. Indeed in neither of these proceedings was the Court faced with this issue. Rather the Court was addressing the pipeline company's obligation to file notice of rate changes with the Commission. The Court, in concluding that the notice requirement was quite separate from the Commission's approval or suspension power, pointed out that the Company must give at least 30 days' notice of any proposed change. The company may, therefore, voluntarily choose to give more than 30 days' notice. This issue is certainly not the same issue that faced the Circuit Court in Indiana & Michigan. In Indiana & Michigan the question to be addressed was whether the Commission had the authority to require notice exceeding 30 days, a question totally distinct from what a company's statutory obligation is.

The Placid [11] case has additionally been cited as support for the contention that the Commission may require more than 30 days' notice for a rate change. As pointed out in our notice of proposed

[7] Section 4(d) of the Natural Gas Act reads as follows: "Unless the Commission otherwise orders, no change shall be made by any natural gas company in any such rate, charge, classification, or service, or in any rule, regulations, or contract relating thereto, except after thirty days' notice to the Commission and to the public. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force and the time when the change or changes will go into effect. The Commission, for good cause shown, may allow changes to take effect without requiring the thirty days' notice herein provided for by an order specifying the changes so to be made and the time when they shall take effect and the manner in which they shall be filed and published." (15 U.S.C. 717c(d))

[8] United Gas Pipeline Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956).

[9] United Gas Pipeline Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958).

[10] Placid Oil Company v. F.P.C., 483 F. 2d 880 (5th Cir. 1973).

[11] Supra, note 10.

rulemaking, the facts of that case involve a settlement proposal and not an outright notice requirement initiated by the Commission. We therefore do not find Placid dispositive of the question of our authority to require a notice period exceeding 30 days.

Section 4(d) of the Natural Gas Act itself does not clarify our authority. Section 4(d) does indeed state that no change shall be made except after thirty days' notice "[u]nless the Commission otherwise orders." However the Section further incorporates an acceleration clause which permits the Commission, after good cause is shown, to permit rate changes to go into effect without a full 30 days' notice. Read together in the same context that "unless the Commission otherwise orders" clause appears to refer to and to incorporate the acceleration clause. Indeed it was this precise language that the Court in Indiana & Michigan was concerned with. It was the precise language to which the Court concluded that "[t]hirty days is the maximum a utility can be compelled to wait from the time it files its rate changes until the date the changes take effect unless the Commission properly exercise its suspension power." [12]

The statutory language here interpreted by the Court is identical to the language in section 4(d) of the Natural Gas Act. The Natural Gas Act cases cited by the commentors do not, we think, require a different result than that in Indiana & Michigan. Accordingly, we reaffirm our opinion that Indiana & Michigan precludes this Commission, due to the statutory limitation provided for in section 4 of the Natural Gas Act, from requiring any notice period exceeding 30 days for filing of proposed rate changes.

As a number of the commentors have expressed, it is true that a pipeline need not utilize these tracking provisions to implement rate increases but may choose to effect the same changes via complying with the full filing requirements which do include a thirty-day notice period. This alternate route does not, we think, remove these provisions from the strictures of the Court's finding in the Indiana & Michigan case. Both §§ 154.38(d)(4)(v) and 154.38(d)(5)(ii)(e) were promulgated and made part of our regulations pursuant to our authority under sections 4 and 16 of the Natural Gas Act. [13] These regulations must therefore conform to the requirements of section 4 which is identical to section 205 of the Federal Power Act. The Indiana & Michigan opinion firmly held that section 205 of the Federal Power Act precluded the promulgation of a regulation which required notice in excess of the statutory 30 days. We are convinced this finding is equally applicable to our regulations under section 4 of the Natural Gas Act, regardless of whether another conforming regulation can be found to implement the requested rate relief.

[12] 502 F. 2d at 341.

[13] See Order Nos. 452 and 452-A, 47 FPC 1049 (1972), 47 FPC 1510 (1972), and Order No. 483, 49 FPC 1054 (1973).

Because any pipeline which chooses to track increased costs associated with purchased gas and research and development expenditures under §§ 154.38(d)(4)(v) and 154.38(d)(5)(ii)(e) are presently required to give notice in excess of the statutory 30 days in contravention of section 4 of the Natural Gas Act, we shall amend those sections by reducing the 45 day notice period to 30 days, as hereinafter ordered.

§ 154.64(c)(4)

In our proposed rulemaking of October 9, 1974, we further proposed to amend § 154.63(c)(4) of our regulations by deleting the "curing period" opportunity if a pipeline's filing is found to be deficient when filed with 45 days' notice. We therefore stated our rationale as follows:

> We believe that the Indiana & Michigan decision is broad enough to further cast doubt on our authority to require a 45-day notice period under § 154.63(c)(4) in order for a pipeline to be permitted a 15-day period to cure a deficiency upon notice of that deficiency. Moreover it has become increasingly clear to us that the administrative difficulties inherent in that provision require the deletion of a curing period. Because a pipeline company's filing is often voluminous an in-depth analysis by the Commission staff to determine if a filing is deficient may take more than three weeks. If a company then does not file the material necessary to cure the deficiency until the fifteenth day of its curing period, the Staff does not have adequate time to investigate whether the company's subsequent filing is sufficient before the increase goes into effect by operation of law. Because of the inability to insure the protection of the public interest in all cases and the doubt cast upon this section by Indiana & Michigan we propose therefore to also amend § 154.63.

A number of commenters pointed out that the 45-day notice period with the curing period was a totally optional procedure and that the Indiana and Michigan case was inapplicable. We need not decide here whether that case requires us to reduce the notice period since we shall reduce the notice period and eliminate the curing period on the grounds of administrative convenience.

Our proposal to reduce the notice period in this section was not based solely on the interpretation of Indiana & Michigan, but also on the ground that the 45-day notice period with an opportunity to cure a filing deficiency often created an administrative difficulty in not providing our Staff with sufficient time to analyze a filing prior to the date it would go into effect by operation of law. We take notice that the burden so placed on the Staff has been increasing in recent years since many pipelines have filed more frequent major rate increase applications. It is therefore our opinion that the public interest is not furthered by the 45 day notice proviso in § 154.63(c)(4) and we shall therefore amend that section to delete this provision. We are cognizant that much time and effort are dedicated in the preparation of a pipeline's major rate increase application and that the loss of an originally requested effective date, due to a finding that the filing is deficient, may place some hardship on the pipeline. However, we are of the opinion that our filing regulations are sufficiently clear, and the pipelines subject to our jurisdiction possess sufficient familiarity with them that major deficiencies can and should be avoided. Furthermore, in balancing this likelihood against the likelihood of the Commission Staff's inability to sufficiently analyze a filing we believe the public interest requires us to amend our regulations in an attempt to alleviate the possibility of the latter.

We shall therefore amend § 154.63(c)(4) of our regulations, as hereinafter ordered, by deleting the provision for a 15-day period in which to cure a deficient rate increase application if such proposed rate increase were filed 45 days prior to its proposed effective date.

The Commission finds. (1) The amendments to § 154.38(d)(4)(v), 154.38(d)(5)(ii)(e), and 154.63(c)(4) of the Commission's regulations under the Natural Gas Act as hereinbefore described are necessary and appropriate for the administration of the Natural Gas Act.

(2) The notice and opportunity to participate in this rulemaking by submission in writing of data, views and comments in the manner described above are consistent and in accordance with the procedural requirements of section 553 of Title 5 of the United States Code.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly section 16 thereof (52 Stat. 830, 15 U.S.C. 717o) *orders:*

(A) Sections 154.38(d)(4)(v) and 154.38(d)(5)(ii)(e) of the Commission's regulations under the Natural Gas Act (Title 18, Chapter I of the Code of Federal Regulations) are hereby amended, effective upon issuance of this order, by changing the 45 day notice requirements contained therein to 30 day notice requirements. Sections 154.38(d)(4)(v) and 154.38(d)(5)(ii)(e) of the regulations Under the Natural Gas Act shall read as follows:

§ 154.38 **Composition of rate schedule.**

• • • • • • •

(d) *Statement of rate.* • • •

(4) • • •

(v) The company shall file with the Commission and post pursuant to § 154.16 at least (30) days prior to the date on which any change(s) in its existing rates is to become effective, a single tariff sheet, entitled Original PGA–1, which contains the information in the margins as set out and required in § 154.33(d) and which shows the following:

Notice of purchased gas cost adjustment re change at

Rate schedule	Base tariff rate [2]	Current adjustment	Cumulative adjustment	Rate after current adjustment

[2] The base tariff rate is the effective rate on file with the Commission exeluding adjustments effected pursuant to a PGA clause.

Simultaneously with the filing of the above described tariff sheet, the company shall furnish the Commission, jurisdictional customers, and interested state commissions a report containing detailed

V 40 186 SEP 24 75 XUM

computations which clearly show the derivation of the Current Adjustment to be applied to its existing rates. Exhibit A hereto details the information which is necessary for the Commission to verify the accuracy of the proposed adjustment. In the event the material submitted is deficient, the company will be notified of the deficiencies. No filing date will be assigned until the deficiencies are eliminated.

* * * * *

(5) * * *

(ii) * * *

(e) Any tariff filing made by the company to increase its rates to its customers shall meet the notice requirements of § 154.22, which provide, in pertinent part, that the filing be filed with the Commission and posted (as defined in § 154.16) at least 30 days prior to the date on which any change(s) in its existing rates is to become effective. Simultaneously with the above filing, the company shall furnish the Commission, jurisdictional customers, and interested State Commissions a report containing detailed computations which clearly show the derivation of the proposed rate adjustment. The effect upon jurisdictional rates shall be determined by computing the unit change (either increase or decrease) based upon jurisdictional sales volumes for the 12-month period ending 3 months prior to the proposed rate adjustment. Any R. & D. expenditure for which the company has been allowed to track by other regulatory body shall be clearly designated and treated in such a manner so as to avoid double recovery. Each rate adjustment shall become effective on the proposed effective date without suspension provided that any rate increase shall be subject to reduction and refund of any portion found after hearing to be unjustified by a final and nonappealable Commission order.

* * * * *

(B) Section 154.63(c)(4) of the Commission's regulations Under the Natural Gas Act (Title 18, Chapter I of the Code of Federal Regulations) is hereby amended, effective upon issuance of this order by deleting the proviso in that section. Section 154.63(c)(4) of the Commission's regulations Under the Natural Gas Act shall read in its entirety as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

* * * * *

(c) *Submission and rejection.* * * *

(4) *Rejection for noncompliance.* Where the data submitted in compliance with paragraph (b) of this section do not comply with the requirements of the rules and regulations, the rate filing is subject to rejection.

* * * * *

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25000 Filed 9-23-75;8:45 am]

[Docket No. RM75-28; Order No. 534]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Statements and Reports

SEPTEMBER 15, 1975.

Action by the Federal Power Commission In Coordination With The Federal Energy Administration And The Bureau of Mines Prescribing a reporting form for underground natural gas storage In the United States.

By notice issued June 16, 1975, and published in the FEDERAL REGISTER on June 24, 1975, at 40 FR 26569 in Docket No. RM75-28 pursuant to section 553 of Title 5 of the U.S. Code and sections 8, 10, 14, 15, and 16 of the Natural Gas Act as amended (52 Stat. 825, 826, 828, 829, 830; 76 Stat. 72; 15 U.S.C. 717g, 717i, 717m, 717n, 717o), the Commission proposed to amend § 260.11 of Part 260, Subchapter G of Chapter I, Title 18 of the Code of Federal Regulations to provide for the promulgation of a revised FPC Form No. 8, Underground Gas Storage Report, to be filed by all companies subject to FPC jurisdiction that own, operate, or lease underground natural gas storage fields in the United States.

It was proposed that the FPC Form No. 8 currently in use be revised to accommodate the needs of the Federal Energy Administration (FEA) and the Bureau of Mines (BOM) as part of a joint cooperative effort in obtaining information on our nation's natural gas storage supplies. Accordingly, the Commission proposed a revised FPC Form No. 8 consisting of three parts: Part I was to include information to identify the respondents. Part II included information concerning actual volumes of injections and withdrawals of natural gas in storage reservoirs including actual volumes of respondent's gas in its own reservoirs, customers' gas in reservoirs operated by respondent, and respondent's gas in reservoirs operated by others. Part II also was to include information concerning reservoirs in a "developmental" stage. Part III was to include the name, location and capacity of both actual and proposed underground gas storage reservoirs.

In the interim period following issuance of the notice of proposed revision to FPC Form No. 8, the Staff of the Bureau of Natural Gas of the Commission has reviewed comments filed by various companies and organizations affected by the revised form and has taken part in informal discussions held with the FEA and the BOM as part of this cooperative effort.

Felmont Oil Company (Felmont), Interstate Natural Gas Association of America (INGAA), Michigan Wisconsin Pipeline Company (Michigan Wisconsin), Natural Gas Pipeline Company of America (Natural), Panhandle Eastern Pipeline Company (Panhandle) and Panhandle's affiliate, Trunkline Gas Company (Trunkline), all filed comments prior to July 11, 1975. Illinois Power Company (Illinois Power) and the American Gas Association (AGA) filed comments late, but they were considered by the Commission in its decision to revise FPC Form No. 8 from that previously proposed.

In its comments filed herein, Felmont states that for organizational purposes it is divided into two principal divisions—an Oil and Gas Division, and a Chemical Division. On the basis of sales of natural gas made as a producer by its Oil and Gas Division to interstate pipelines, Felmont is a "natural-gas company" as defined by the Natural Gas Act. Separate and apart from the activities of the Oil and Gas Division, Felmont's Chemical Division built and now operates an ammonia plant located in Olean, New York, and is connected to a gas storage facility in Allegheny State Park of New York, fifteen miles from the ammonia plant. Felmont protests filing a Form No. 8 for this gas storage field and requests that the Commission clearly indicate that local storage fields unrelated to a natural gas company's jurisdictional activities are excluded from the storage field reporting program.

Felmont avers that such a reporting requirement would unduly burden it without any benefit to the Commission. We disagree. The FEA and the BOM have expressed a desire to receive this type of information in order to be able to assess the total amount of storage gas in the United States. As part of this cooperative effort, it is the Commission's duty to obtain this important information from all jurisdictional entities. No single entity should be permitted to be sheltered from the requirement of reporting such information by raising an internal corporate veil. In addition, it is clearly no greater burden on Felmont to file this information with the FPC rather than with the FEA.

Felmont also contends that the Commission is without statutory authority citing section 1(b) of the Natural Gas Act, to compel Felmont to file the revised FPC Form No. 8 in this case. We again disagree. Felmont overlooks the Commission's broad report and investigation powers found in section 10[1] of the Natural Gas Act. Section 10(a) states:

> Every natural-gas company shall file with the Commission such annual and other periodic of special reports as the Commission may by rules and regulations or order prescribe as necessary or appropriate to assist the Commission in the proper administration of this act. The Commission may prescribe the manner and form in which such reports shall be made, and require from such natural-gas companies specific answers to all questions upon which the Commission may need information.

The Commission's need for this information arises from both its obligation to obtain information necessary to formulating curtailment policies and its obligation to provide such information to the FEA and the BOM in order to close a gap in the reporting of all United States underground gas storage.

With a strong need thus shown, and backed by clear legislative authority under the Natural Gas Act, the Commission is unrestricted in its power to require this information of Felmont. Clearly, requiring Felmont, an admittedly jurisdictional company, to file an FPC Form No. 8, would not cause regulation of non-jurisdictional sales or transportation of natural gas, as Felmont contends in its comments, but rather would simply be a means of obtaining information from a jurisdictional company to aid in the regulation of curtailment and other related practices of jurisdictional companies and to fulfill an obligation of inter-agency cooperation in meeting the natural gas shortage that our nation is experiencing.[2] In Order No. 521,[3] the Commission required the production of data concerning non-jurisdictional sales from jurisdictional companies ot be filed on FPC Form No. 45. We find the situation here to be substantially similar and therefore conclude that the Commission is not precluded from requiring Felmont to file the revised FPC Form No. 8 promulgated herein.[4]

In their comments filed herein, Michigan Wisconsin, Natural, and Illinois Power, assert that the five-day period allowed after the first day or fifteenth day of the month reporting dates, prescribed by the Commission for filing Form 8, is inadequate. Michigan Wisconsin avers that only estimated volumes can be made within five days, and recommends extending the five-day period to at least ten days to allow the filing of factually accurate storage data. Natural suggests forty-five days as a reasonable period to file within.

The five-day period is presently being used without difficulty by allowing for the reporting of estimates that are adjusted to actual figures in subsequent filings. We intend to continue this practice. The revised FPC Form No. 8 contains a provision to allow respondents to adjust reported estimates to actuals just as they presently do.

Natural further asserts that it is impossible to certify to the accuracy of information filed within five days of the reporting dates. Natural suggests that the following certification be employed:

> I certify that the information submitted on this form is the most accurate available at this time to the best of my knowledge.

We agree that the above statement is a more accurate certification and therefore have incorporated it into the revised FPC Form No. 8. We also agree with the comments of INGAA, with which Panhandle and Trunkline concur, that the certification need only be made by an authorized or responsible official of the company who is in a position to certify as to the accuracy of the information submitted.

In their comments filed herein, INGAA, Panhandle, Trunkline, Michigan Wisconsin, and Natural express the need for clarification of reporting certain reservoir storage details. The proposed FPC Form No. 8 (Part II Gas Storage Data) include a column entitled "Native Gas * * *" Michigan Wisconsin contends that no useful purpose is served by its inclusion and recommends that a more significant breakdown of base gas would be to report "Recoverable" and 'Non-Recoverable" volumes instead of "Native Gas". Michigan Wisconsin also recommends that "Reservoir Capacity", which is defined as "storage capacity certificated by the FPC", should be redefined since certain storage reservoirs certified by the Commission do not have a certificated capacity as such, and also since the proposed form is to be utilized by the Federal Energy Administration and the Bureau of Mines for storage reservoirs not certified by the Commission. Michigan Wisconsin suggests as a definition of Reservoir Capacity "base gas plus design working storage capacity".

Natural seeks clarification of Sheet 1, Part II E of the proposed revised FPC Form No. 8 concerning "Reservoirs in Development Stage". No definition of "Reservoirs in Development Stage" was given and Natural seeks clarification of at what point a reservoir is to be considered no longer in the development stage.

In addition, INGAA, Panhandle, and Trunkline, would like to know at what point in time reservoirs become "Proposed Reservoirs". INGAA suggests striking the entire section in Part III of the initially proposed form or alternatively defining a "Proposed Reservoir" as one for which a certificate application has actually been filed with the Commission.

The reporting of "Native Gas" as defined is a detail desired by the BOM and should be retained in the form. "Reservoir Capacity" has been redefined in the revised form to account for any rare cases where certificated capacity is not available. "Reservoirs in Development Stage" have been redefined in the revised form to specify that a reservoir is no longer in the development stage when withdrawals for regular authorized service have commenced.

"Proposed Reservoirs" is no longer considered essential after due reconsideration by the Bureau of Natural Gas, the FEA, and the BOM, and therefore has been eliminated from the revised form.

In addition to the changes previously noted, the revised FPC Form No. 8 has been altered to allow for a more expanded reporting of the name, location, and capacity of underground storage reservoirs. This information, to be provided in Parts IV and V of the revised form, is required only on the initial report with any changes or additions to be reported on subsequent submissions.

Parts VI and VII have been added to provide a breakdown of co-ownership interests. Only the operator of the storage field will now be required to file FPC Form No. 8 and Parts VI and VII are required to be submitted only upon initially filing FPC Form No. 8 and thereafter only when changes or additions are necessary. In this manner, the total reporting burden caused by the revised FPC Form No. 8, shall be reduced substantially. General instructions for completing FPC Form No. 8 are included in Appendix A attached hereto.[5]

As indicated in our notice of proposed rulemaking issued June 16, 1975, in this docket, this is a cooperative effort on the part of the FPC, the FEA, and the BOM. The FEA, in line with its obligation to begin compiling natural gas storage information on a national scale, has expressed concern over the need to obtain this information far enough in advance of the coming winter heating season to be able to timely coordinate a national energy program to avert serious nationwide curtailments of natural gas. Therefore, we find that it is imperative that respondents provide the information sought in the revised FPC Form No. 8 as quickly as possible. Accordingly, we shall require all respondents to file the revised FPC Form No. 8 within the five-day period following October 1, 1975. The FEA will be seeking GAO approval of a substantially similar form that will elicit identical information from entities not subject to the jurisdiction of the Commission. A copy of each FPC Form No. 8 filed with the Commission will be routinely sent to the FEA and to the BOM.

The amendments to Parts III and 260 of Title 18, Code of Federal Regulations and FPC Form No. 8 are hereby issued under the authority granted the Commission by the Natural Gas Act, as amended, particularly sections 8, 10, 14, 15, and 16 (52 Stat. 825, 826, 828, 829, 830; 76 Stat. 72; 15 U.S.C. 717g, 717i, 717m, 717n, 717o).

The Commission finds. (1) The notice and opportunity to participate in this rulemaking are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) Good cause exists that the amendments herein adopted become effective upon issuance of this order.

(3) Adoption of the amendments hereinafter set forth are necessary and

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[1] 52 Stat. 826 (1938); 15 U.S.C. 717i.

[2] See Federal Power Commission v. Louisiana Power & Light Co., 406 U.S. 621 (1972).

[3] Investigation of Rates Charged For Non-jurisdictional Sales of Natural Gas By Natural Gas Companies Subject To The Jurisdiction Of The Federal Power Commission, Docket No. RM74-12 (issued January 9, 1975).

[4] See Conway Corp. v. Federal Power Commission, U.S. App. D.C. Reports, slip at 133 (April 4, 1975) wherein the Court of Appeals of the District of Columbia Circuit cited Panhandle Eastern Pipe Line Co. v. Federal Power Commission, 342 U.S. 635 (1945), interpreting section 5(a) of the Natural Gas Act, for the following proposition:

> That case is distinguishable, to be sure, but the underlying principle is one that permits the FPC to consider matters which would be completely non-jurisdictional taken by themselves, but are appropriate for consideration when germane to the meaningful execution of a jurisdictional function.

See also Cities Service Gas Co. v. Federal Power Commission, 424 F. 2d 411, 418 (10th Cir. 1969).

[5] Filed as part of the original document.

V 40 186 SEP 24 75 XUM

appropriate for carrying out the provisions of the Natural Gas Act and 44 U.S.C. 3501.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 8, 10, 14, 15, and 16 (15 U.S.C. 717g, 717i, 717m, 717n, 717o) orders:

(A) Section 3.170 of Part III, Organization; operation; information and requests; miscellaneous charges; ethical standards; Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is revised, effective as of the date of issuance of this order, to read as follows:

§ 3.170 Approved forms, etc.

(a) The following is a list of approved forms, statements, and reports, under the Natural Gas Act, descriptions of which have been published in Subchapter G, Parts 250 and 260 of this chapter.

• • • • • •

( ) Form No. 8, Underground Gas Storage Report (§ 260.11 of this chapter).

• • • • • •

(B) Effective upon issuance of this order, Part 260, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising § 206.11 prescribing a revised FPC Form No. 8, Underground Gas Storage Report, in the form set forth in Appendix A hereto, to read as follows:

§ 260.11 Form No. 8, Underground Gas Storage Report.

(a) The Form of Underground Gas Storage Report as FPC Form No. 8, is prescribed.

(b) Each person found by the Commission to be a natural gas company as defined by the Natural Gas Act, as amended, 52 Stat. 821, including a jurisdictional affiliate as defined in § 157.40 (a) (2) of the Commission's regulations, that operates an underground natural gas storage field located in the United States shall prepare and file with the Commission an original and four copies of Underground Gas Storage Report, FPC Form No. 8, within five days of October 1, 1975, and thereafter within five days of the following dates: the first and fifteenth day of each of the months of December through March; and the first day of the months of April through November. Parts IV, V, VI and VII (Sheet Nos. 2 and 3) of FPC Form No. 8 shall only be required to be completed upon initially filing FPC Form No. 8, and thereafter whenever any changes or additions of information initially reported therein are to be made.

(C) FPC Form No. 8, relating to underground natural gas storage in the United States, is adopted in the form set forth in Appendix A hereto.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25391 Filed 9-22-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-234]

PART 171—FINES, PENALTIES, AND FORFEITURES

Voluntary Disclosure of Violations of Customs Laws

On January 16, 1975, Treasury Decision 75-21 was published in the FEDERAL REGISTER (40 FR 2797) amending Subpart A of Part 171 of the Customs Regulations to set forth, among other matters, Customs policy in regard to voluntary disclosures of certain Customs violations. Pursuant to that policy, if it is established that a person has made a truly voluntary disclosure of a violation of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), which may result in the loss of revenue, the penalty assessable with respect to that violation is mitigated, upon the filing of a petition for relief, to an amount not exceeding the total loss of revenue, provided a tender of the actual loss of revenue accompanied the disclosure.

Although the number of voluntary disclosures of Customs violations has increased since the publication of the Customs policy in that regard, the policy has not proven to be as effective as originally contemplated. This, it has been determined, is due to the technical wording of the voluntary disclosure criteria, as set forth in § 171.1(a) (1) of the Customs Regulations (19 CFR 171.1(a) (1)), which requires that the disclosure be truly voluntary "and not prompted by a Customs inquiry • • •." This wording requires the interpretation and application of subjective criteria which do not clearly reflect the intention of the Customs Service to treat as voluntary those disclosures of violations which precede in time the initiation of a formal investigation of the transactions involving those violations by the Customs Service Office of Investigations. It is Customs policy to encourage the disclosure of such violations.

Accordingly, in order to implement the Customs voluntary disclosure policy in accordance with its original objectives and in accordance with similar policies which have been historically recognized within the Department of the Treasury, § 171.1(a) (1) of the Customs Regulations (19 CFR 171.1(a) (1)) is amended to read as follows:

§ 171.1 Special procedures for certain liabilities incurred under section 592, Tariff Act of 1930, as amended.

(a) • • •

(1) *Mitigation of statutory liability.* If appropriate investigation establishes that no Customs investigation had been initiated with respect to the disclosed information prior to such disclosure, the disclosure shall be treated as voluntary for purposes of this paragraph. For purposes of this subparagraph an investigation is considered to be initiated with respect to disclosed information:

(i) In the case of a referral by an import specialist or other Customs officer of a matter involving the disclosing party and the disclosed information for investigation of a possible violation of 19 U.S.C. 1592, on the date such matter was referred to the Office of Investigations;

(ii) In the case of a referral by an import specialist or other Customs officer of a request for value, classification or other technical investigation, on the date recorded in writing by an investigating agent as the date on which he discovered facts and circumstances which caused him to believe that the possibility of a violation of 19 U.S.C. 1592 existed with respect to the disclosing party and the disclosed information;

(iii) In the case of an investigation prompted by an individual other than a Customs officer with regard to the disclosing party and the disclosed information, on the date recorded on the Memorandum of Information Received by the Office of Investigations as the date on which such information was received;

(iv) In the case of an ongoing investigation of a possible violation of 19 U.S.C. 1592 not involving the disclosing party and the information disclosed, on the date recorded in writing by an investigating agent as the date on which he discovered facts and circumstances which caused him to believe that the possibility of a violation of 19 U.S.C. 1592 existed with respect to the disclosing party and the disclosed information;

(v) In the case of a general ongoing investigation of a specific class of goods or industry, on the date recorded by the Office of Investigations as the date on which it determined to direct its investigation specifically to the disclosing party and the disclosed information; and

(vi) In all other cases, on the date recorded in a Report of Investigation as the date on which an investigator was assigned to investigate possible violations of 19 U.S.C. 1592 by the disclosing party with respect to the disclosed information.

Although a notice of penalty shall be issued with respect to a disclosed violation, as required by law, it shall be the established policy of the Customs Service, upon the filing of a petition for relief from such penalty, to mitigate the statutory liability to an amount not to exceed one time the total loss of revenue, provided the actual loss of revenue is deposited as withheld duties, regardless of whether the disclosed violation was intentional when committed. Further mitigation beyond the foregoing maximum may be justified in individual cases on the basis of relevant circumstances, such as diligence in disclosing a violation following its discovery.

• • • • • •

(R.S. 251, as amended, secs. 592, 618, 624, 46 Stat. 750, as amended, 757, as amended, 759 (5 U.S.C. 301, 19 U.S.C. 66, 1592, 1618, 1624)).

Inasmuch as the foregoing amendment liberalizes the present provisions of the Customs Regulations and places no affirmative duty or burden on the public, good cause exists for dispensing with notice and public procedure thereon as unnecessary, and good cause is found for the amendment to become effective on the earliest date possible under 5 U.S.C. 553.

Effective date. This amendment shall become effective on September 24, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 17, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-25475 Filed 9-23-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Hospital Insurance Benefits; Posthospital Extended Care

On June 3, 1975, there was published in the FEDERAL REGISTER (40 FR 23974) a notice of proposed rule making with proposed amendments to Subpart A of Regulations No. 5 of the Social Security Administration (20 CFR Part 405), to implement section 247(a) of Pub. L. 92-603, the Social Security Amendments of 1972, approved on October 30, 1972. Section 247(a) defined the level of care required to qualify an individual for extended care benefits under title XVIII of the Social Security Act.

Prior to the enactment of section 247 (a), an individual could qualify for extended care benefits only if he needed continuing skilled nursing care for further treatment of any condition for which he received inpatient hospital services or for a condition which arose while he was in a skilled nursing facility receiving care for a condition for which he received inpatient hospital services. Effective January 1, 1973, an individual is eligible for extended care benefits if he needs skilled nursing care or other skilled rehabilitation services on a daily basis, for further treatment of any of the conditions with respect to which he received inpatient hospital services or for a condition which arose while he was in a skilled nursing facility receiving care for a condition for which he received inpatient hospital services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis. This change gives recognition to the fact that there are patients in need of daily skilled rehabilitation services (other than nursing) which are essential to their recovery from an inpatient hospital stay or to prevent their condition from worsening and which as a practical matter should be provided in an institution. Thus, patients in need of daily skilled rehabiliation services requiring institutional care, such as hip fracture patients who need daily physical therapy services after the fracture has healed to the weight-bearing stage, may now qualify for extended care benefits.

The proposed regulations: (a) Defined the term "daily basis," as requiring services on, essentially, a 7-day-a-week basis; (b) explained that, in determining when, as a "practical matter," care can only be provided in a skilled nursing facility, consideration must be given to the patient's condition and to the availability and feasibility of using more economical alternative facilities and services; (c) defined "other skilled rehabilitation services;" and (d) redefined "skilled nursing service."

In the past, a skilled nursing service has been defined in regulations of the health insurance program as one which must be furnished by or under the direct supervision of a licensed nurse (i.e., if an aide performed a skilled nursing service, a licensed nurse (R.N. or L.P.N.) had to be present at the time the service was being performed by the aide). Under the revised definition, an aide could perform skilled services under the general, rather than direct, supervision of a licensed nurse (R.N. or L.P.N.), (i.e., at the time such services are performed, the nurse must only be on the premises of the institution).

In addition, the proposed regulations provided that if a patient needs a variety of unskilled services on a regular daily basis, the patient could be considered a skilled care patient if the planning and overseeing of the unskilled services requires daily skilled assessment and management to meet his needs, promote his recovery, and/or actuate his medical safety.

In existing regulations, the sterile irrigation of a catheter is classified as a nonskilled nursing service. The proposed amendments specified that such irrigation would now be classified as a skilled nursing service.

Interested persons were given through July 3, 1975, to submit written comments or suggestions thereon. Comments and suggestions received with regard to this Notice of Proposed Rule Making and responses thereto are summarized below.

1. A substantial number of comments expressed concern over the proposed change in the type of supervision to be required of skilled nursing services when performed by aides, i.e., the change from direct supervision to general supervision. The comments stated that putting tasks which should be performed by skilled personnel in the hands of unskilled personnel would result in a downgrading of the quality of care in skilled nursing facilities. Section 405.1101(u) of existing regulations (Regulations No. 5) governing the conditions of participation for skilled nursing facilities, defines supervision as:

Authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant-level qualifications specified in these definitions.

The Department believes that that provision acts to preclude such a downgrading in the quality of care. It must be remembered that these regulations refer to eligibility requirements for posthospital extended care benefits and not to the conditions of participation which deal with the manner in which services are to be rendered; i.e., the quality of care issues. Therefore, no change has been made in the proposed supervision requirement.

2. Some of the comments received suggested that additional categories of technically and professionally trained personnel, i.e., medical social workers, clinical psychologists, therapeutic recreation specialists and audiologists, be included in § 405.127(a) of the proposed regulations. Since paragraph (c)(3) of § 405.127 of the proposed regulations referred to audiologists' services, it is felt that a reference in § 405.127(a) to audiologists would be appropriate. However, if a reference to medical social workers, clinical psychologists, or therapeutic recreation specialists were included in this section, it would be necessary to define the types of services performed by such individuals and the circumstances under which they would be considered as meeting the level of care requirement. Since such definitions would take considerable time, and would delay the adoption of the regulations, it was decided not to adopt these comments at this time. However, further consideration will be given to their possible adoption at a later date. Objections were also taken to the use of the word "trained" in the phrase "technically or professionally trained personnel." In deference to these objections, the phrase, where used, has been revised to read "technical or professional personnel."

3. Some comments which were received indicated that the requirement that rehabilitation services be required and provided on a 5 day-a-week basis is too liberal, and stated that such services should be required on a 7 day-a-week, 24 hour-a-day basis. However, most of the comments received with respect to this requirement indicated that it was too restrictive since not all skilled nursing facilities have skilled rehabilitation services available on a 5 day-a-week basis. It was also suggested that the "daily" requirement should be considered met as long as the patient receives the rehabilitation services which he needs as often as they are available, e.g., if such services are only available 3 days a week and the patient receives them 3 days a week, "the daily basis" requirement should be considered as having been met. It was also felt that, where a patient requires care only on a sporadic basis, the skilled nursing facility

V 40 I 186 SEP 24 75 XUM

care which the patient receives should be covered by the Medicare program if the needed services are not available from alternative sources of care. Inasmuch as the law requires a "daily" need for skilled services and "daily" in its commonly accepted meaning is defined as everyday or every weekday, adoption of the latter comment would be in contravention of the statute. Similarly, it is, we believe, clear from the statute and the legislative history that the law intends payment of extended care benefits only where an individual needs and receives daily skilled care which, as a practical matter, can only be furnished on an inpatient basis in a skilled nursing facility. The comment that the 5-day-a-week requirement for skilled rehabilitation services was too liberal was rejected on the basis that, since the word "daily" in its commonly accepted meaning can be defined as every "weekday" and facilities do not ordinarily furnish these services on a 7-day-a-week basis, the requirement is consistent with the statute and, at the same time, gives recognition to the manner in which such services are ordinarily furnished. To require services on a continuous 24-hour basis would, on the other hand, not be consistent with the statute and legislative intent, as the word "daily" was specifically included in the language setting forth the new level of care requirement in lieu of the prior statutory phrase "on a continuing basis."

4. A number of comments expressed the view that the factors to be considered in determining whether, as a practical matter, needed care can only be provided on an inpatient basis in a skilled nursing facility are too restrictive. The comments took particular exception to the statement that the availability of funds to pay for services furnished in alternative settings is not a factor to be considered in determining whether the care required can only be furnished on an inpatient basis in a skilled nursing facility. It was indicated in the comments that treatment can be obtained only when services are covered by the Medicare program. The comments further pointed out that, as a result, the $100 limitation placed on the services of a privately practicing physical therapist should be removed to provide an incentive for using such services as an alternative to institutionalization. These comments were not adopted since the factors cited in the proposed regulations were those stated in the legislative history of this provision as the factors to be considered in determining whether other arrangements would be practical, including the one that coverage or noncoverage of alternatives to skilled nursing facility inpatient care shall not be taken into account. Eliminating the $100 limitation or reimbursing for services would require legislation.

5. Several comments expressed the concern that the proposed regulations were so broad that they would result in residents of intermediate care facilities (ICF's) becoming entitled to skilled nursing facility benefits under title XIX of the Social Security Act and thus significantly increase costs for the States. At the time at which proposed regulations were being drafted, it was recognized that the level of care provided in a skilled nursing facility under the extended care benefit provision is expected to be of a higher level than that provided in an ICF. Upon review of the regulations in light of these comments, we believe that the proposed title XVIII regulations as written did reflect such a difference and, in fact, must do so, since title XVIII does not provide coverage for services which under title XIX would constitute an ICF level of care.

6. Several comments received recommended that final publication of these regulations be delayed until the publication of comparable Medicaid regulations. Title XIX (Medicaid) regulations are being published concurrently with these regulations.

7. Several comments which were received recommended that the proposed regulations be revised to include a reference to home health services or that comparable home health regulations be published concurrently with the skilled nursing facility regulations to avoid the possible institutionalization of patients whose needs could be met in a less intensive setting, e.g., home setting. It was also suggested that § 405.126(b)(3) of the proposed regulations be revised to indicate that skilled nursing facility care can only be covered when it is determined that the required skilled services cannot be provided as a home health or outpatient service. Since the proposed regulations related specifically to the extended care benefit provision, it would not be appropriate to include in them a reference to the home health benefit provision. A study will be conducted to determine whether it would be appropriate and consistent with the intent of the law to apply the skilled nursing guidelines established by these regulations to the home health benefit. However, to avoid delaying the adoption of the proposed regulations until completion of this study, we are not adopting these comments at this time. Moreover, the Medicare law permits coverage of inpatient skilled nursing facility care only where, as a practical matter, the needed skilled services cannot be safely and economically furnished in a less intensive setting and § 405.128(a) of the proposed regulations addressed this problem.

8. A number of comments which were received suggested that certain services be added or reclassified, e.g., that some of those services classified as "personal care services" be reclassified as constituting "skilled nursing services." Since the adoption of these suggestions would result in the coverage of custodial care which is specifically excluded from coverage by the Medicare law, these comments have not been adopted.

9. A number of editorial comments were received, some of which have been incorporated in the proposed regulations. However, others were rejected on the basis that such clarifications were unnecessary since the matters of concern were already adequately covered in other sections of the proposed regulations, would remove the flexibility required to insure proper administration of the proposed regulations, or were more appropriate for inclusion in administrative guidelines. An objection to the requirement that covered skilled nursing facility care must be preceded by a related qualifying hospital stay could not be adopted since this requirement is a specific statutory requirement.

Accordingly, with these changes and additions, the proposed amendments are adopted and are set forth below.

Effective date: These amendments shall be effective November 24 1975.

(Secs. 1102, 1814(a)(2), and 1871 of the Social Security Act, 49 Stat. 647, 79 Stat. 294, as amended, and 79 Stat. 331, (42 U.S.C. 1302, 1395f(a)(2), 1395hh.))

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: July 31, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 15, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations, as amended, is further amended as set forth below:

1. Section 405.126 is revised to read as follows:

§ 405.126 Posthospital extended care; level of care requirements.

One of the eligibility requirements for posthospital extended care benefits under title XVIII of the Act is that the beneficiary require the type and level of care which has been defined as posthospital extended care. A beneficiary who requires this level of care and meets all other eligibility requirements shall be entitled to have payment made under the health insurance program for all covered services furnished him in a skilled nursing facility (see § 405.125).

(a) *Defined.* For a beneficiary to meet the skilled nursing facility level of care, he must need, on a daily basis (see § 405.128), skilled nursing services or skilled rehabilitation services (see § 405.127), which as a practical matter (see § 405.128a) can be provided only in a skilled nursing facility on an inpatient basis, and which are for either (1) a condition for which he received inpatient hospital services (see § 405.120(c)), or (2) for a condition which arose while he was in a skilled nursing facility receiving care for a condition for which he received inpatient hospital services.

(b) *Coverage criteria.* In determining whether the services a patient requires in connection with a condition specified in paragraph (a)(1) or (a)(2) of this section constitute the level of care

covered under the extended care benefit, three criteria must be met:

(1) Skilled nursing services or skilled rehabilitation services must be required;

(2) Such services must be required on a daily basis; and

(3) As a practical matter, the service can only be provided in a skilled nursing facility (or only in such a facility or a hospital) on an inpatient basis.

2. Section 405.127 is revised to read as follows:

§ 405.127 Posthospital extended care; skilled nursing and rehabilitation services.

(a) *Defined.* Skilled nursing and/or skilled rehabilitation services are those services furnished pursuant to physician orders which.

(1) Require the skills of technical or professional personnel, e.g., registered nurse, licensed practical (vocational) nurse, physical therapist, occupational therapist, speech pathologist, audiologist, as defined in § 405.1101 (c), (k), (m), (q), and (t) and

(2) are provided either directly by or under the supervision (§ 405.1101(u)) of such personnel.

(b) *Determination of services as skilled.* In determining whether a service is skilled, the following criteria shall apply:

(1) Where the inherent complexity of a service prescribed for a patient is such that it can be safely and/or effectively performed only by or under the supervision of technical or professional personnel, the service would constitute a skilled service.

(2) The restoration potential of a patient is not the deciding factor in determining whether a service is to be considered skilled or nonskilled. Even where full recovery or medical improvement is not possible, skilled care may be needed to prevent, to the extent possible, deterioration of the condition or to sustain current capacities. For example, even though no potential for rehabilitation exists, a terminal cancer patient may require skilled services as defined in the following paragraphs of this section.

(3) A service that is generally nonskilled would be considered to be a skilled service where, because of special medical complications, its performance or supervision or the observation of the patient necessitates the use of skilled nursing or skilled rehabilitation personnel. For example, the existence of a plaster cast on an extremity generally does not indicate a need for skilled care, but a patient with a preexisting acute skin problem or a need for special traction of the injured extremity might need to have technical or professional personnel properly adjust traction or observe him for complications. In such cases, the complications and special services involved must be documented by physicians' orders and nursing and/or therapy notes.

(c) *Skilled nursing or rehabilitation services.* Some examples of skilled nursing and other skilled rehabilitation services include, but are not limited to, the following:

(1) *Services which could qualify as either skilled nursing or skilled rehabilitation services*—(i) *Overall management and evaluation of care plan.* The development, management, and evaluation of a patient care plan, based on the physician's orders constitute skilled services when, in terms of the patient's physical or mental condition, such development, management, and evaluation necessitate the involvement of technical or professional personnel to meet his needs, promote his recovery, and actuate his medical safety. This would include the management of a plan involving only a variety of personal care services where in light of the patient's condition the aggregate of such services necessitates the involvement of technical or professional personnel. For example, an aged patient with a history of diabetes mellitus and angina pectoris who is recovering from an open reduction of a fracture of the neck of the femur requires, among other services, careful skin care, appropriate oral medications, a diabetic diet, an exercise program to preserve muscle tone and body condition, and observation to detect signs of deterioration in his condition or complications resulting from his restricted, but increasing mobility. Although any of the required services could be performed by a properly instructed person, such a person would not have the ability to understand the relationship between the services and evaluate the ultimate effect of one service on the other. Since the nature of the patient's condition, his age, and his immobility create a high potential for serious complications, such an understanding is essential to assure the patient's recovery and safety. Under these circumstances, the management of such a plan of care would require the skills of a nurse even though the individual services are not skilled. Skilled planning and management activities are not always specifically identified in the patient's clinical record. In light of this, where the patient's overall condition would support a finding that his recovery and/or safety could be assured only if the total care he requires is planned, managed, and evaluated by technical or professional personnel, it would be appropriate to infer that skilled services are being provided.

(ii) *Observation and assessment of the patient's changing condition.* When the patient's condition is such that the skills of a nurse or other technical or professional person are required to identify and evaluate the patient's need for possible modification of treatment and the initiation of additional medical procedures until his condition is stabilized, such services constitute skilled services. For example, a patient with congestive heart failure may require continuous close observation to detect signs of decompensation, abnormal fluid balance, or adverse effects resulting from prescribed medication(s) which serve as indicators for adjusting therapeutic measures. Likewise, surgical patients transferred from a hospital to a skilled nursing facility while in the complicated, unstabilized postoperative period, e.g., after hip prosthesis or cataract surgery, may need continued close skilled monitoring for postoperative complications and adverse reaction. Patients who in addition to their physical problems, exhibit acute psychological symptoms such as depression, anxiety, or agitation, etc., may also require skilled observation and assessment by technical or professional personnel to assure their safety and/or the safety of others, i.e., to observe for indications of suicidal or hostile behavior. In such cases, special services required must be documented by physicians' orders and/or nursing or therapy notes.

(iii) *Patient education services.* In cases where the use of technical or professional personnel is necessary to teach a patient self-maintenance, such teaching services would constitute skilled services. For example, a patient who has had a recent leg amputation needs skilled rehabilitation services provided by technical or professional personnel to provide gait training and to teach prosthesis care. Likewise, a patient newly diagnosed with diabetes requires instruction from technical or professional personnel to learn the self-administration of insulin or foot-care precautions, etc.

(2) *Services which would qualify as skilled nursing services.* (i) Intravenous, intramuscular, or subcutaneous injections and hypodermoclysis or intravenous feeding;

(ii) Levin tube and gastrostomy feedings;

(iii) Nasopharyngeal and tracheotomy aspiration;

(iv) Insertion and sterile irrigation and replacement of catheters;

(v) Application of dressings involving prescription medications and aseptic techniques;

(vi) Treatment of extensive decubitus ulcers or other widespread skin disorder;

(vii) Heat treatments which have been specifically ordered by a physician as part of active treatment and which require observation by nurses to adequately evaluate the patient's progress;

(viii) Initial phases of a regimen involving administration of medical gases;

(ix) Rehabilitation nursing procedures, including the related teaching and adaptive aspects of nursing, that are part of active treatment, e.g., the institution and supervision of bowel and bladder training programs.

(3) *Services which would qualify as skilled rehabilitation services.* (i) Ongoing assessment of rehabilitation needs and potential: Services concurrent with the management of a patient care plan, including tests and measurements of range of motion, strength, balance, coordination, endurance, functional ability, activities of daily living, perceptual deficits, speech and language or hearing disorders;

(ii) Therapeutic exercises or activities: Therapeutic exercises or activities which, because of the type of exercises employed or the condition of the patient, must be performed by or under the supervision

V 40 186 SEP 24 75 XUM

of a qualified physical therapist or occupational therapist to ensure the safety of the patient and the effectiveness of the treatment;

(iii) Gait evaluation and training: Gait evaluation and training furnished to restore function in a patient whose ability to walk has been impaired by neurological, muscular, or skeletal abnormality;

(iv) Range of motion exercises: Range of motion exercises which are part of the active treatment of a specific disease state which has resulted in a loss of, or restriction of, motility (as evidenced by a therapist's notes showing the degree of motion lost and the degree to be restored);

(v) Maintenance therapy: Maintenance therapy, when the specialized knowledge and judgment of a qualified therapist is required to design and establish a maintenance program based on an initial evaluation and periodic reassessment of the patient's needs, and consistent with the patient's capacity and tolerance. For example, a patient with Parkinson's disease who has not been under a rehabilitation regimen may require the services of a qualified therapist to determine what type of exercises will contribute the most to the maintenance of his present level of functioning;

(vi) Ultrasound, short-wave, and microwave therapy treatments by a qualified physical therapist;

(vii) Hot pack, hydrocollator, infrared treatments, paraffin baths, and whirlpool: Hot pack, hydrocollator, infrared treatments, paraffin baths, and whirlpool, in particular cases where the patient's condition is complicated by circulatory deficiency, areas of desensitization, open wounds, fractures, or other complications, and the skills, knowledge, and judgment of a qualified physical therapist are required; and

(viii) Services of a speech pathologist or audiologist when necessary for the restoration of function in speech or hearing.

(d) *Personal care services.* Personal care services which do not require the skills of qualified technical or professional personnel are not skilled services except under the circumstances specified in paragraph (b)(3) of this section. Personal care services include, but are not limited to, the following:
ited to, the following:

(1) Administration of routine oral medications, eye drops, and ointments;

(2) General maintenance care of colostomy and ileostomy;

(3) Routine services to maintain satisfactory functioning of indwelling bladder catheters;

(4) Changes of dressings for noninfected postoperative or chronic conditions;

(5) Prophylactic and palliative skin care, including bathing and application of creams, or treatment of minor skin problems;

(6) Routine care of the incontinent patient, including use of diapers and protective sheets;

(7) General maintenance care in connection with a plaster cast;

(8) Routine care in connection with braces and similar devices;

(9) Use of heat as a palliative and comfort measure, such as whirlpool and hydrocollator;

(10) Routine administration of medical gases after a regimen of therapy has been established;

(11) Assistance in dressing, eating, and going to the toilet;

(12) Periodic turning and positioning in bed; and

(13) General supervision of exercises which have been taught to the patient; including the actual carrying out of maintenance programs, i.e., the performance of the repetitive exercises required to maintain function do not require the skills of a therapist and would not constitute skilled rehabilitation services (see paragraph (c)(3) of this section). Similarly, repetitious exercises to improve gait, maintain strength, or endurance; passive exercises to maintain range of motion in paralyzed extremities, which are not related to a specific loss of function; and assistive walking do not constitute skilled rehabilitation services.

3. Section 405.128 is revised to read as follows:

§ 405.128 Posthospital extended care; frequency of services; "daily basis."

Skilled nursing services or skilled rehabilitation services must be required and provided on a "daily basis"—i.e., on essentially a 7-day-a-week basis. However, if skilled rehabilitation services are not available on a 7-day-a-week basis, a patient whose inpatient stay is based solely on the need for skilled rehabilitation services would meet the "daily basis" requirement that skilled rehabilitation such services on at least 5 days a week. Accordingly, where a facility provides physical therapy on only 5 days a week and the patient in such a facility requires and receives physical therapy on each of the days on which such is available, the requirement that skilled rehabilitation services be provided on a daily basis would be met. The requirements that skilled rehabilitation services be required on a daily basis should not be applied so strictly that it would not be met merely because there is a break of a day or two during which no skilled rehabilitation services are furnished and discharge from the facility would not be practical. For example, a patient who normally requires skilled rehabilitation services on a daily basis exhibits extreme fatigue which results in his physician's suspending therapy sessions for a day or two. Payment would be made for these days since discharge in such a case would not be practical.

4. Section 405.128a is added to read as follows:

§ 405.128a Posthospital extended care; need for institutionalization; "practical matter."

(a) In determining whether the care needed by a beneficiary can, as a practical matter, only be provided in a skilled nursing facility on an inpatient basis, consideration must be given to the patient's condition and to the availability and feasibility of using more economical alternative facilities and services.

(b) If the needed service is not available in the area in which the individual resides and transporting him to the closest facility furnishing such services would be an excessive physical hardship, it would be appropriate to conclude that the needed care can, as a practical matter, only be provided in a skilled nursing facility. This would also be true even though the patient's condition might not be adversely affected, if it would be more economical or more efficient to provide the covered services in the institutional setting. For example, if the patient's condition was such that daily transportation by ambulance was necessary, it might be more economical to provide the needed care in an institutional setting.

(c) In determining the availability of alternative facilities and services, availability of funds to pay for the services furnished by such alternative facilities is not a factor to be considered. For instance, an individual in need of daily physical therapy might be able to receive the needed services from an independent physical therapy practitioner. The fact that reimbursement could not be made under the health insurance program for the services in a year after $100 in expenses had been incurred, would not be a basis for determining that the needed care could be provided only in a skilled nursing facility.

[FR Doc.75-25246 Filed 9-23-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER THE NATIONAL HOUSING ACT

[Docket No. R-75-320]

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

PART 227—ARMED SERVICES HOUSING—IMPACTED AREAS (SEC. 810)

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Mortgage Insurance for Existing Multifamily Housing

On March 5, 1975, the Department of Housing and Urban Development published an interim rule in the FEDERAL REGISTER (40 FR 10175-77), effective March 10, 1975, implementing section 223(f) of the National Housing Act, which was added by section 311(a) of the Housing and Community Development Act of 1974, Pub. L. 93-383, and which provided for mortgage insurance for the purchase or refinancing of existing multifamily housing projects, whether conventionally financed or subject to federally insured mortgages at the time of application for mortgage insurance. An amendment to the interim rule was published in the FEDERAL REGISTER on June 3, 1975 (40 FR 23864).

Interested persons were given the opportunity to participate in the rulemaking through the submission of comments. During the comment period, the Department received thirty-eight responses. These comments have been carefully considered, and the interim rule has been modified in several respects, either as a result of the comments or reconsideration of technical matters by the Department. All of the modifications are intended to implement the program more effectively.

Several comments contained objections to the requirement that an existing multifamily housing project must contain 25 or more rental units to be eligible for an insured loan. The first paragraph of §§ 207.32a and 207.32a(f) have been amended to reduce the minimum number of required units to 8 in order to conform with the regulations pertaining to other mortgages insured under section 207 of the National Housing Act.

Section 207.32a(a)(1) has been amended to permit an applicant in a purchase or refinancing transaction to submit an application for either a conditional or firm commitment. The interim rule restricted an applicant in a refinancing transaction to submitting an application for a firm commitment. It was brought to the attention of the Department that, contrary to our original belief, it would in many instances aid an applicant in a refinancing transaction to obtain a mortgage to be insured under this section if the applicant had a conditional commitment.

There were comments that the loan-to-value ratio be increased from 80 percent of estimated value. Section 207.32a(b)(1) has been amended to increase the loan-to-value ratio to 85 percent of the Commissioner's estimate of value of the project since it has been determined that the 80 percent loan-to-value ratio would prevent the program from being a useful financing tool for a majority of the projects which would otherwise be eligible. In order to carry out the intent of Congress by effectively implementing the program, the loan-to-value ratio was increased.

In order to clarify the "cost of acquisition", the term has been defined in § 207.32a(c) as consisting of the purchase price, an amount for the initial deposit to the Reserve Fund for Replacements, reasonable legal, organizational, title and recording expenses, fees and charges by the mortgagee, the estimated repair cost, and architect's municipal inspection and/or engineering fees, all as determined by the Commissioner.

Several comments contained suggestions that a change be made in computing the maximum amount of an insured mortgage with respect to refinancing. Section 207.32a(d) has been modified by providing that the maximum mortgage amount shall not exceed the greater of 70 percent of the Commissioner's estimate of value or the cost to refinance the existing indebtedness. The definition of the cost to refinance includes the amount of the existing indebtedness, an amount for the initial deposit for the Reserve Fund for Replacements, reasonable and customary legal, organizational, title and recording expenses, fees and charges by the mortgagee, estimated repair cost, and architect's, municipal inspection and/or engineering fees.

Several comments contained objections to the restriction prohibiting secondary financing in the program. We have modified our position in this area and secondary financing will be permitted to the extent specified in § 207.32a(j). Such financing shall be in the form of a promissory note on an FHA approved form. Such note shall not be due and payable until the maturity date of the mortgage to be insured pursuant to this section, but may be prepaid from surplus cash as that term is defined in § 207.19(b) and in accordance with the conditions prescribed in the Regulatory Agreement between the mortgagor and the Commissioner. In order to permit secondary financing, we had to amend § 207.9 to allow for liens inferior to the insured mortgage.

We received several comments which recommended that we accept applications for commitments to insure mortgages pursuant to section 223(f) on partially completed projects in order that the owner could obtain the necessary financing to complete the project. We consider that it is the authority and intent of the section 223(f) program to provide mortgage insurance for purchase or refinancing of existing housing which has been completed and which is an economically viable rental project. It was not intended that this program be used to provide financing to complete partially completed structures.

There were comments to the effect that the Department establish a uniform capitalization rate to be used to determine value on all section 223(f) projects. Because of the many variables which have to be considered in establishing a capitalization rate for a project, which include factors related to investor expectations of return to compensate for differing degrees of risk associated with property location or other investment opportunities, it would not be feasible from an underwriting standpoint to establish a national capitalization rate.

Comments were received suggesting that insurance claims under this program be paid in cash rather than in debentures. Although the Secretary has the authority to pay any claim on a mortgage insured under any section of the National Housing Act in cash or debentures, the Department's policy since January, 1966 has been to pay claims under section 207, and certain other programs in debentures. At the present time there has been no change in this policy.

The interim rules published in the FEDERAL REGISTER on March 5, 1975 (40 FR 10177) amending Subpart B of Part 207, Part 220, Part 227, Part 231, and Part 234 are hereby adopted as final rules.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability, in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1), is available for inspection at the Office of the Rules Docket Clerk, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW., Washington, D.C. 20410.

Title 24 CFR Part 207 is amended as follows:

Section 207.9 is amended by adding the following sentence at the end thereof:

§ 207.9 Covenant against liens.

* * * An inferior lien may be created on a project which is subject to a mortgage insured pursuant to § 207.32a: *Provided*, That such lien will be limited by § 207.32a(j).

The interim rule, adding § 207.32a to Part 207, published in the FEDERAL REGISTER on March 5, 1975 (40 FR 10175-77) as amended in the FEDERAL REGISTER on June 3, 1975 (40 FR 23864) is hereby amended, and adopted as a final rule, as follows:

1. The table of contents is amended to include a new section numbered 207.32a and designated, Eligibility of mortgages on existing projects, as follows:

Sec.
207.32a Eligibility of mortgages on existing projects.

2. The following new section is added and designated as § 207.32a:

§ 207.32a Eligibility of mortgages on existing projects.

Notwithstanding the generally applicable requirement that mortgages insured under this subpart be limited to projects to be constructed or substantially rehabilitated after commitment for mortgage insurance, a mortgage executed in connection with the purchase or refinancing of an existing multifamily housing project containing eight or more rental units may be insured under this subpart pursuant to section 223(f) of the Act. A mortgage insured pursuant to this section shall meet all other requirements of this subpart except as modified by this section and shall be limited as to amount, terms, and condtions for insurance as follows:

(a) *Application, commitment, inspection and required fees*—(1) *Application.* An application for a conditional or firm commitment for insurance of a mortgage on a project shall be submitted by the sponsor and an approved mortgagee. Such application shall be submitted to the local HUD office on an FHA approved

V 401186
SEP 24 75
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form. No application shall be considered unless accompanied by the exhibits required by the form. An application may, at the option of the applicant, be submitted for a firm commitment omitting the conditional commitment stage. An application may be made only for a commitment which provides for the insurance of the mortgage upon completion of the improvements.

(2) *Application fee—conditional commitment.* An application-commitment fee of $2 per thousand dollars of the requested mortgage amount shall accompany an application for conditional commitment.

(3) *Application fee—firm commitment.* An application for firm commitment shall be accompanied by an application-commitment fee of $3 per thousand dollars of the requested mortgage amount to be insured less the amount of any fee previously received for a conditional commitment.

(4) *Inspection fee.* No inspection fee will be required.

(b) *Maximum mortgage amounts—general.* In addition to the limitations in paragraphs (c) and (d) of this section a mortgage may not involve a principal obligation in excess of the lesser of the following:

(1) 85 percent of the Commissioner's estimate of value of the project;

(2) The total of the amounts per family dwelling unit (excluding exterior land improvements as defined by the Commissioner) depending on the number of bedrooms which may be:

$13,000 without a bedroom.
$18,000 with one bedroom.
$21,500 with two bedrooms.
$26,500 with three bedrooms.
$30,000 with four or more bedrooms.

(i) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher cost incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (b)(2) of this section, not to exceed:

$15,000 without a bedroom.
$21,000 with one bedroom.
$25,750 with two bedrooms.
$32,250 with three bedrooms.
$36,465 with four or more bedrooms.

(ii) *Increased mortgage amount—high cost areas.* (A) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 45 percent, the dollar amount limitations set forth in paragraphs (b)(2) and (b)(2)(i) of this section.

(B) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(c) *Maximum mortgage amounts—property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with the insured mortgage, the maximum mortgage amount shall not exceed 85 percent of the cost of acquisition as determined by the Commissioner. The cost of acquisition shall consist of the following items, the eligibility and amounts of which must be determined by the Commissioner:

(1) Purchase price as indicated in the purchase agreement,

(2) An amount for the initial deposit to the Reserve Fund for Replacements,

(3) Reasonable and customary legal, organizational, title and recording expenses, and fees including discounts charged by the mortgagee,

(4) The estimated repair cost, if any, and

(5) Architect's, municipal inspection and/or engineering fees.

(d) *Maximum mortgage amounts—property to be refinanced.* If property is to be refinanced by the insured mortgage without a change of ownership, or if property is sold to a purchaser who has an identity of interest with the seller and the purchase is to be financed with the insured mortgage, then the maximum mortgage amount shall not exceed the greater of:

(1) 70 percent of the Commissioner's estimate of value of the project, or

(2) The cost to refinance the existing indebtedness which will consist of the following items, the eligibility and amounts of which must be determined by the Commissioner:

(i) The amount required to pay off the existing indebtedness,

(ii) An amount for the initial deposit for the Reserve Fund for Replacements,

(iii) Reasonable and customary legal, organizational, title and recording expenses, and fees including discounts charged by the mortgagee,

(iv) The estimated repair cost, if any, and

(v) Architect's, municipal inspection, and/or engineering fees.

(e) *Maturity.* The term of the mortgage shall not be less than 10 years, nor shall it exceed the lesser of 35 years or 75 percent of the estimated remaining economic life of the physical improvements. The term of the mortgage shall begin on the first day of the second month following the date of initial-final endorsement of the mortgage for insurance.

(f) *Eligible property.* A mortgage given to purchase or refinance an existing project shall be eligible for insurance if such project contains at least eight dwelling units. The project shall have attained sustaining occupancy (occupancy that would produce rental income sufficient to pay operating expenses, annual debt service and reserve fund for replacement requirements), as determined by the Commissioner, prior to endorsement of the mortgage for insurance, or the mortgagor shall provide an operating deficit fund at the time of endorsement for insurance, in an amount, and under an agreement, approved by the Commissioner. In addition to the other requirements of this section, the project must also meet one of the following requirements:

(1) Prior to the time of filing an application for mortgage insurance, the project shall have been fully completed and at least three years must have elapsed from the date of completion, or initial occupancy, as determined by the Commissioner, whichever is later, or

(2) Prior to June 30, 1974, construction of the project shall have commenced, and the project shall have been fully completed prior to December 31, 1975, and after completion of the project an application for insurance shall have been filed prior to December 31, 1975.

(g) *Refinancing eligible property in older, declining urban areas.* In addition to meeting the requirement in paragraph (f)(1) of this section, and the other requirements of this section, an existing project to be refinanced in an older, declining urban area, shall comply with the following conditions:

(1) The maximum mortgage amount shall be limited by the lesser of paragraphs (b)(1), (b)(2), or (d)(2) of this section,

(2) The refinancing shall be used to lower the extent necessary to assure the continued economic viability of the project as determined by the Commissioner taking into account any rent reductions to be implemented by the mortgagor; and

(3) The mortgagor shall agree that, during the mortgage term, no rental increases shall be made except those which are necessary to offset actual and reasonable operating expense increases or other necessary expense increases approved by the Commissioner.

(h) *Occupancy requirements.* The requirements contained in § 207.20(a) shall not apply to a mortgage insured pursuant to a commitment issued in accordance with this section if the Commissioner determines that the project is intended primarily for occupancy by the elderly or handicapped and is not compatible with occupancy by families with children.

(i) *Labor standards and prevailing wage requirements.* The requirements of § 207.19(d)(1), (4), and (5) shall not be applicable to mortgages insured pursuant to a commitment issued in accordance with this section.

(j) *Secondary financing.* (1) When a loan is made to finance the purchase of an existing multifamily housing project, the mortgagor may not have any additional obligations in connection with the transaction which exceed the lesser of:

(i) Seven and one-half percent (7½%) of the Commissioner's estimate of value, or

(ii) Seven and one-half percent (7½%) of the cost of acquisition as defined in paragraph (c) of this section.

(2) When a loan is made to refinance an existing multifamily housing project, the mortgagor may not have any additional obligations in connection with the transaction which exceed the lesser of:

(i) Seven and one-half percent (7½%) of the Commissioner's estimate of value, or

(ii) Fifty percent of the difference between the cost to refinance as defined in paragraph (d)(2) of this section and the maximum mortgage amount as determined by the Commissioner.

(3) The additional obligations, if any, provided for in paragraphs (j)(1) and (2) of this section shall be represented by promissory notes on a form approved by the Commissioner. Such notes shall not be due and payable until the maturity date of the mortgage to be insured pursuant to this section, but may be prepaid from surplus cash as that term is defined in § 207.19(b) and in accordance with the conditions prescribed in the Regulatory Agreement between the mortgagor and the Commissioner.

(Sec. 7(d), Department of Housing and Urban Development; (42 U.S.C. 3535(d))).

Effective date. This amendment will be effective on September 24, 1975.

(It is hereby certified that the economic and inflationary impacts of these final rules have been carefully evaluated in accordance with OMB Circular A-107.)

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

[FR Doc.75-25395 Filed 9-23-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Definition of Skilled Nursing Facility Care

Notice of proposed rule making was published January 31, 1974 (39 FR 3961) to implement section 247(b) of Pub. L. 92-603, which sets forth a definition of skilled nursing facility care under title XIX, Social Security Act (Medicaid program). The proposal included the statutory language and provided that determinations under this section would be made in accordance with guidelines to be issued. On June 3, 1975, the Social Security Administration published proposed rule making to implement section 247(a), a parallel Medicare definition, which was transmitted to State Medicaid agencies indicating that these provisions, when final, would be applicable to both Medicare and Medicaid.

Comments received were reviewed by the Office of Nursing Home Affairs, the Social Security Administration, and the Social and Rehabilitation Service and the final regulation developed jointly. A summary of the major comments and the decisions made on them appears in the preamble to the final Medicare regulations published elsewhere in this issue. Accordingly, Medicaid regulations are being amended to implement the requirements of section 247(b) of Pub. L. 92-603 by including appropriate citations of the definitions and criteria set forth in the Medicare regulations.

Section 249.10(b)(4)(i) of Part 249, Chapter II, Title 45, Code of Federal Regulations, is revised by redesignating paragraphs (b)(4)(i)(A) and (B) as (b)(4)(i)(B) and (C), revising the introductory language and adding a new paragraph (b)(4)(i)(A) as set forth below:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * * * *

(b) *Federal financial participation.*

* * *

(4)(i) *Skilled nursing facility services (other than such services in an institution for tuberculosis or mental diseases) for individuals 21 years of age or older.* "Skilled nursing facility services" means services ordered by and under the direction of a physician provided in a skilled nursing facility (which term includes any institution located on an Indian reservation and certified by the Secretary as meeting the requirements of section 1861(j) of the Act), and which are or were:

(A) Skilled nursing or rehabilitation services, needed on a daily basis, and required to be provided on an inpatient basis, as determined in accordance with the definitions and criteria specified in 20 CFR 405.127, 405.128, and 405.128a;

* * * * * * *

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)).

Effective date: These regulations shall be effective November 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

(It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.)

Dated: August 6, 1975.

JOHN A. SVAHN,
Administrator, Social and Rehabilitation Service.

Approved: September 15, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-25247 Filed 9-23-75;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1, Amdt. 1-113]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

The purpose of this amendment is to revise Part 1, Organization and Delegation of Powers and Duties, of the Regulations of the Office of the Secretary to reflect the current status of organizational structure and nomenclature.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49 of the Code of Federal Regulations is amended to read as follows:

Subpart A—General

Sec.
1.1 Purpose.
1.2 Definitions.
1.3 Organization of the Department.
1.4 General responsibilities.

Subpart B—Office of the Secretary

1.21 Purpose.
1.22 Structure.
1.23 Spheres of primary responsibility.
1.24 Authority.
1.25 Relationships.
1.26 Secretarial succession.

Subpart C—Delegations

1.41 Purpose.
1.42 Exercise of authority.
1.43 General limitations and reservations.
1.44 Reservations of authority.
1.45 Delegations to all Administrators.
1.46 Delegations to Commandant of the Coast Guard.
1.47 Delegations to Federal Aviation Administrator.
1.48 Delegations to Federal Highway Administrator.
1.49 Delegations to Federal Railroad Administrator.
1.50 Delegations to National Highway Traffic Safety Administrator.
1.51 Delegations to Urban Mass Transportation Administrator.
1.52 Delegations to Administrator of the St. Lawrence Seaway Development Corporation.
1.53 Delegations to Director, Materials Transportation Bureau.
1.54 Delegations to all Secretarial Officers.
1.55 Delegations to Deputy Secretary.
1.56 Delegations to General Counsel.
1.57 Delegations to Assistant Secretary for Policy, Plans and International Affairs.
1.58 Delegations to Assistant Secretary for Environment, Safety and Consumer Affairs.
1.59 Delegations to Assistant Secretary for Administration.
1.60 Delegations to Assistant Secretary for Systems Development and Technology.
1.61 Delegations to Assistant Secretary for Congressional and Intergovernmental Affairs.
1.62 Delegations to Director of the Transportation Systems Center.
1.63 Delegations to Director of Public Affairs.
1.64 Delegations to Deputy Under Secretary [Reserved].
1.65 Delegations to Deputy Under Secretary for Budget and Program Review [Reserved.]

Appendix A—Delegations and Redelegations by Secretarial Officers.

AUTHORITY. Secs. 3, 9, Department of Transportation Act (49 U.S.C. 1652 and 1657(e)).

Subpart A—General

§ 1.1 Purpose.

This part describes the organization of the Department of Transportation and provides for the performance of duties imposed upon, and the exercise of powers vested, in the Secretary of Transportation by law.

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§ 1.2 Definitions.

As used in this part, "Administrator" includes—

(a) The Commandant of the Coast Guard.

(b) The Federal Aviation Administrator.

(c) The Federal Highway Administrator.

(d) The Federal Railroad Administrator.

(e) The National Highway Traffic Safety Administrator.

(f) The Urban Mass Transportation Administrator.

(g) The Administrator of the St. Lawrence Seaway Development Corporation.

§ 1.3 Organization of the Department.

(a) The Secretary of Transportation is the head of the Department.

(b) The Department is composed of the Office of the Secretary (including the Transportation Systems Center) and the following operating administrations:

(1) The U.S. Coast Guard, headed by the Commandant.

(2) The Federal Aviation Administration, headed by the Administrator.

(3) The Federal Highway Administration, headed by the Administrator.

(4) The Federal Railroad Administration, headed by the Administrator.

(5) The National Highway Traffic Safety Administration, headed by the Administrator.

(6) The Urban Mass Transportation Administration, headed by the Administrator.

(7) The St. Lawrence Seaway Development Corporation, headed by the Administrator.

(8) The Materials Transportation Bureau, headed by the Director.

(c) The Administrator of each operating administration reports directly to the Secretary.

§ 1.4 General responsibilities.

(a) *Office of the Secretary.* Provides for—

(1) Leadership in formulating and executing well-balanced national and international transportation objectives, policies, and programs;

(2) Stimulating and promoting research and development in all modes and types of transportation, with special emphasis on transportation safety;

(3) Coordinating the various transportation programs of the Federal Government;

(4) Encouraging maximum private development of transportation services;

(5) Responsive, timely, and effective liaison with Congress, and public and private organizations on transportation matters;

(6) Innovative approaches to urban transportation and environmental enhancement programs; and

(7) Effective management of the Department as a whole.

(b) *U.S. Coast Guard.* Is responsible for—

(1) Upon the high seas and waters subject to the jurisdiction of the United States—

(i) Enforcing or assistance in enforcing applicable Federal laws;

(ii) Administering laws and promulgating and enforcing regulations for promoting safety of life and property, covering all matters not specifically delegated by law to some other executive department or reserved to the States;

(iii) Developing, establishing, maintaining, and operating, with due regard to the requirements of national defense, aids to navigation, icebreaking facilities, and rescue facilities for promoting safety; and

(2) Maintaining a state of readiness to function as a specialized service in the Navy, in time of war or when the President shall direct, as provided in section 3 of title 14, United States Code.

(c) *The Federal Aviation Administration.* Is responsible for—

(1) Promulgating and enforcing regulations on all safety matters relating to the manufacture, operation, and maintenance of aircraft;

(2) Registering aircraft and recording rights in aircraft;

(3) Developing, modifying, testing, and evaluating systems, procedures, facilities, and devices needed for the safe and efficient navigation and traffic control of aircraft;

(4) Locating, constructing or installing, maintaining, and operating Federal aids to air navigation, wherever necessary;

(5) Developing air traffic regulations, and administering air traffic control of civil and military air operations within U.S. airspace;

(6) Providing grants-in-aid for developing public airports; and

(7) Promoting and encouraging civil aviation abroad through technical aviation assistance to other governments.

(d) *The Federal Highway Administration.* Is responsible for—

(1) Planning, in cooperation with the States, the national highway system;

(2) Providing for improving, in cooperation with the States, roads on the Federal-aid primary, secondary, and interstate highway systems and urban extensions thereof;

(3) Highway beautification and scenic enhancement of the Federal-aid highway systems;

(4) Surveying and constructing forest highway system roads, defense highways and access roads, and parkways and roads in national parks and other federally administered areas;

(5) Inspecting records of motor carriers operating in interstate commerce, inspecting motor carrier vehicles, and investigating accidents and reporting violations of motor carrier safety regulations; and

(6) Developing and administering uniform State standards for highway safety programs with respect to identification and surveillance of accident locations; highway design, construction, and maintenance, including highway related aspects of pedestrian safety; and traffic control devices.

(e) *The Federal Railroad Administration.* Is responsible for—

(1) Operating and managing the Alaska Railroad;

(2) Conducting research and development activity in support of improved rail transportation;

(3) Regulating safety functions pertaining to railroads, express companies, and water carriers operating in connection with railroads under a common control, management, or arrangement for continuous carriage or shipment; and

(4) Investigating and issuing reports concerning collisions, derailments, and other railroad accidents resulting in serious injury to persons or to the property of a railroad.

(f) *The National Highway Traffic Safety Administration.* Is responsible for—

(1) Promulgating uniform standards for developing State highway safety programs, except for those standards the development and administration of which are delegated to the Federal Highway Administration;

(2) Establishing, prescribing, and enforcing National standards for improving safety in the operation and performance of motor vehicles and equipment; and

(3) Informing the public of the comparative characteristics and operational cost of passenger motor vehicles and requiring display of comparative insurance costs by automobile dealers.

(g) *The Urban Mass Transportation Administration.* Is responsible for—

(1) Exercising the authority vested in the Secretary for developing comprehensive and coordinated mass transportation systems to serve metropolitan and other urban areas;

(2) Administering urban mass transportation programs and functions; and

(3) Assuring appropriate liaison and coordination with other governmental organization, with respect to the foregoing.

(h) *The St. Lawrence Seaway Development Corporation.* Is responsible for the development, operation, and maintenance of that part of the St. Lawrence Seaway within the territorial limits of the United States.

(i) *The Materials Transportation Bureau.* Is responsible for—

(1) Exercising the authority vested in the Secretary for the safe transportation of gases or hazardous liquids by pipelines; and

(2) Exercising the authority vested in the Secretary with respect to intermodal hazardous materials functions and the issuance of all hazardous materials regulations, exemptions, and registration certificates except for those regulations and exemptions governing ships' stores and supplies and the bulk transportation of hazardous materials which are loaded or carried on board a vessel without benefit of containers or labels and received or handled by the vessel carrier without mark or count.

Subpart B—Office of the Secretary

§ 1.21 Purpose.

This subpart establishes the basic organizational structure, spheres of primary responsibility, and lines of authority in the Office of the Secretary. It also describes the relationships between the Office of the Secretary and the operating administrations, and provides for succession to the position of Secretary in case of need.

§ 1.22 Structure.

The structure of the Office of the Secretary through the level of functional offices is as follows:

(a) *Secretary.* The Secretary and Deputy Secretary are assisted by the Deputy Under Secretary, Deputy Under Secretary for Budget and Program Review, the Executive Secretary, the Contract Appeals Board, the Departmental Office of Civil Rights, and the Office of Public Affairs, and the Office of Deepwater Ports, all of which report to the Secretary and Deputy Secretary. The Assistant Secretaries, the General Counsel, and the Regional Representatives of the Secretary report directly to the Secretary and the Deputy Secretary.

(b) *Deputy Under Secretary.* The Deputy Under Secretary reports to the Secretary and the Deputy Secretary with respect to those functions within his sphere of responsibility.

(c) *Deputy Under Secretary for Budget and Program Review.* The Office of Planning and Program Review and the Office of Budget report to the Deputy Under Secretary for Budget and Program Review who reports to the Secretary and the Deputy Secretary.

(d) *Office of the Assistant Secretary for Policy, Plans and International Affairs.* This office is composed of the Offices of Transportation Planning Analysis; Policy Review; Transportation Policy Development; International Programs; Transportation Energy Policy; and Aviation Economic Policy.

(e) *Office of the General Counsel.* This office is composed of the Offices of Operations and Legal Counsel; Regulation; Litigation; and Legislation.

(f) *Office of the Assistant Secretary for Environment, Safety and Consumer Affairs.* This office is composed of the Offices of Safety Affairs; Hazardous Materials Policy; Consumer Affairs; Facilitation; Transportation Security; and Environmental Affairs.

(g) *Office of the Assistant Secretary for Administration.* This office is composed of the Offices of Personnel and Training; Management Systems; Administrative Operations; Investigations and Security; Installations and Logistics; Audits; and Emergency Transportation.

(h) *Office of the Assistant Secretary for Systems Development and Technology.* This office is composed of the Transportation Systems Center and the Offices of R&D Policy; R&D Plans and Resources; Systems Engineering; Noise Abatement; and University Research.

(i) *Office of the Assistant Secretary for Congressional and Intergovernmental Affairs.* This office is composed of the Office of Congressional Relations and the Office of Intergovernmental Affairs.

(j) *Regional Representatives of the Secretary.* These officials represent the Secretary in the field and constitute a principal point of contact for the exchange of information in regional interagency and intergovernmental affairs.

§ 1.23 Spheres of primary responsibility.

(a) *Secretary and Deputy Secretary.* Overall planning, direction, and control of Departmental affairs, including civil rights, public affairs, programming, and budgeting. Both the Deputy Under Secretary and the Deputy Under Secretary for Budget and Program Review assist the Secretary and the Deputy Secretary in the performance of these responsibilities.

(b) *Assistant Secretary for Policy, Plans and International Affairs.* Domestic and international transportation policies, plans and programs; international technological cooperation; technical assistance to developing countries; transportation system assessment forecasting and planning; transportation energy policy coordination; Federal economic policy relating to transportation.

(c) *General Counsel.* Legal services as the chief legal officer of the Department, legal advisor to the Secretary and the Office of the Secretary, and final authority within the Department on questions of law; professional supervision, including coordination and review, over the legal work of the legal offices of the Department; drafting of legislation and review of legal aspects of legislative matters; exercise of functions, powers and duties as a Judge Advocate General under the Uniform Code of Military Justice (Chapter 47 of title 10, United States Code) with respect to the United States Coast Guard; advice and assistance with respect to uniform time matters; review and final action on applications for reconsideration of initial decisions not to disclose unclassified records of the Office of the Secretary requested under 5 U.S.C. 552(a)(3); promotion and coordination of efficient use of Departmental legal resources; and recommendation, in conjunction with the Assistant Secretary for Administration, of legal career development programs within the Department.

(d) *Assistant Secretary for Environment, Safety and Consumer Affairs.* Policy for safety affairs (including policy guidance for hazardous materials and pipeline safety); consumer and community affairs; transportation facilitation; transportation security; and environment enhancement programs.

(e) *Assistant Secretary for Administration.* Organization; delegations of authority; manpower control; management studies; personnel management; training; logistic and procurement policy; accounting and data systems management; financial management policy; automatic data processing management; information systems management; paperwork management; management information; investigations and security; audit; administrative support services for the Office of the Secretary and certain other components of the Department; and emergency transportation.

(f) *Assistant Secretary for Systems Development and Technology.* Research and development advancing transportation capability as to its safety, effectiveness, economy, and viability including university activities; technological input to development of transportation policy; abatement of noise generated by transportation equipment; telecommunications; and the executive direction and programmatic guidance of the Transportation Systems Center.

(g) *Assistant Secretary for Congressional and Intergovernmental Affairs.* Coordination of legislative and nonlegislative relationships; Congressional affairs; communication and coordination with Federal, State and local governments and industry and labor in developing and promoting DOT programs.

(h) *Executive Secretary.* Central facilities staff for the Immediate Office of the Secretary and the Secretarial Officers.

(i) *Contract Appeals Board.* Hearings and decisions on appeals from decisions of Departmental contracting officers and on claims for extraordinary relief under Pub. L. 85-804.

(j) *Departmental Office of Civil Rights.* DOT Director of Equal Employment Opportunity; Contracts Compliance Officer; Title VI (Civil Rights Act of 1964) Coordinator; Department-wide compliance with related laws, Executive orders, regulations, and policies; and formal complaints of discrimination.

(k) *Office of Public Affairs.* Public information and Departmental relations with the news media, the general public and selected special publics.

(l) *Office of Deepwater Ports.* Oversee the implementation of the Deepwater Port Act of 1974.

(m) *Regional Representatives of the Secretary.* Interagency, intergovernmental coordination in the field; membership on Regional Councils and Field Coordination Groups.

§ 1.24 Authority.

(a) The Deputy Secretary may exercise the authority of the Secretary, except where specifically limited by law, order, regulation, or instructions of the Secretary.

(b) The Deputy Under Secretary is authorized to act for the Secretary and the Deputy Secretary in respect to the Immediate Office of the Secretary and to represent the Secretary and the Deputy Secretary in matters assigned by them.

(c) Acting in his own name and title, each Assistant Secretary or the General Counsel, within his sphere of responsibility, is authorized to identify and define the requirements for, and to recommend to the Secretary, new or revised Departmental policies, plans, and proposals. Each of these officers is authorized to issue Departmental standards, criteria,

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systems, and procedures that are consistent with applicable laws, Executive orders, Government-wide regulations and policies established by the Secretary, and to inspect, review, and evaluate Departmental program performance and effectiveness and advise the Secretary regarding the adequacy thereof. Establishment of policy is reserved to the Secretary.

(d) Except for nondelegable statutory duties, including those which devolve as a result of succession to act as Secretary of Transportation, each Deputy Assistant Secretary and the Deputy General Counsel is authorized to act for and perform the duties of his principal in the absence or disability of the principal and as otherwise directed by the principal.

§ 1.25 Relationships.

(a) *Normal staff role.* Normally, the functions of the Assistant Secretaries are staff and advisory in nature. In performing their functions, the Assistant Secretaries are responsible for continuing liaison and coordination among themselves and with the operating administrations to—

(1) Avoid unnecessary duplication of effort by or in conflict with the performance of similar activities by the operating administrations and the other Assistant Secretaries pursuant to their Secretarial delegations of authority; and

(2) Assure that the views of the operating administrations are considered in developing Departmental policies, plans, and programs.

The Assistant Secretaries are also available to assist, as appropriate, the operating administrations in implementing Departmental policy and programs. As primary staff advisors to the Secretary, the Assistant Secretaries are concerned with transportation matters of the broadest scope, including modal, intermodal, and other matters of Secretarial interest.

(b) *Exceptions.* There are exceptions to the normal staff role described in paragraph (a) of this section. In selected instances, the Secretary has specifically delegated to Assistant Secretaries authority which they may exercise on his behalf. For example, the Secretary has delegated authority to the Assistant Secretary for Policy, Plans and International Affairs to decide on most requests to intervene or appear before administrative agencies, subject to the concurrence of the General Counsel. Also, from time to time, activities of an operational character may be delegated to an Assistant Secretary when the nature of the function or its stage of development makes it untimely to effect assignment to an administration.

§ 1.26 Secretarial succession.

The following officials, in the order indicated, shall act as Secretary of Transportation, in case of the absence or disability of the Secretary, until the absence or disability ceases, or in case of a vacancy, until a successor is appointed.

(a) Deputy Secretary.
(b) General Counsel.
(c) Assistant Secretary for Policy, Plans and International Affairs.
(d) Assistant Secretary for Environment, Safety and Consumer Affairs.
(e) Assistant Secretary for Administration.
(f) Assistant Secretary for Systems Development and Technology.
(g) Assistant Secretary for Congressional and Intergovernmental Affairs.

Subpart C—Delegations

§ 1.41 Purpose.

(a) Except as provided in paragraph (b) of this section, this subpart provides for the exercise of the powers and performance of the duties vested in the Secretary of Transportation by law.

(b) For delegations of authority vested in the Secretary by Executive Order 11652 originally to classify documents as secret or confidential, see § 8.11 of this subtitle.

§ 1.42 Exercise of authority.

In exercising powers and performing duties delegated by this subpart or redelegated pursuant thereto, officials of the Department of Transportation are governed by applicable laws, Executive orders, and regulations, and by policies, objectives, plans, standards, procedures, and limitations as may be issued from time to time by or on behalf of the Secretary, or, with respect to matters under their jurisdictions, by or on behalf of the Deputy Secretary, the Deputy Under Secretary, an Assistant Secretary, the General Counsel, or an Administrator. This includes, wherever specified, the requirement for advance notice to, prior coordination with, or prior approval by an authority other than that of the official proposing to act.

§ 1.43 General limitations and reservations.

(a) All powers and duties that are not delegated by the Secretary in this subpart, or otherwise vested in officials other than the Secretary, are reserved to the Secretary.

(b) Except as provided in § 1.42 and subject to paragraph (a) of this section and § 1.44, the Deputy Secretary, the Deputy Under Secretary, the Assistant Secretaries, the General Counsel, the Administrators, and the Director of the Transportation Systems Center exercise the powers and perform the duties delegated to them under this subpart.

§ 1.44 Reservations of authority.

The delegations of authority in §§ 1.45 through 1.53 do not extend to the following actions, authority for which is reserved to the Secretary or his delegatee within the Office of the Secretary:

(a) *General transportation matters.* (1) Transportation leadership authority under section 4(a) of the Department of Transportation Act (49 U.S.C. 1653(a)).

(2) Functions relating to transportation activities, plans, and programs under section 4(g) of the Department of Transportation Act (49 U.S.C. 1653(g)).

(3) Authority to develop, prepare, coordinate, transmit, and revise transportation investment standards and criteria under section 7 of the Department of Transportation Act (49 U.S.C. 1656).

(4) Authority relating to standard time zones and advanced (daylight) time (15 U.S.C. 260 et seq.).

(5) Authority related to national transportation policy under section 3 of the Airport and Airway Development Act of 1970 (84 Stat. 219).

(b) *Legislation and reports.* (1) Submission to the President, the Director of the Office of Management and Budget, or the Congress of proposals or recommendations for legislation, Executive orders, proclamations or reorganization plans or other Presidential action.

(2) Submission to Congress or the President of any report or any proposed transportation policy or investment standards or criteria, except with the prior written approval of the Secretary.

(c) *Budget and finance.* (1) Approval and submission to the Office of Management and Budget of original or amended budget estimates or requests for allocations of personnel ceiling (31 U.S.C. 22-24).

(2) Approval of requests for legislation which, if enacted, would authorize subsequent appropriations for the Department (31 U.S.C. 581b).

(3) Transfer of the balance of an appropriation from one operating element to another within the Department (31 U.S.C. 581c).

(4) Submission to the Director of the Office of Management and Budget of requests for the transfer of the balance or portions of an appropriation from one element to another within the Department (31 U.S.C. 665).

(d) *Interventions and appearances.* Except with respect to proceedings relating to safety fitness of an applicant (49 U.S.C. 1653(e)), the making of decisions on requests to intervene or appear before courts and administrative agencies to present the views of the Department.

(e) *Personnel.* (1) Recommendations to the Civil Service Commission of the allocation of a position to GS–16, 17, or 18 or an equivalent level (5 U.S.C. 5108).

(2) Recommendations to the Civil Service Commission of approval of the qualifications of any candidate for a position at grade GS–16, 17, or 18 or an equivalent level (5 U.S.C. 3324), or to an executive level position.

(3) Recommendations to the Civil Service Commission of a Lump-Sum Incentive Award in Excess of $5,000 (5 U.S.C. 4502).

(4) Approval of the following actions relating to Schedules A, B, and C and noncareer executive assignment positions or incumbents, except for actions under Schedules A and B limited to one year or less at grade GS–9 or lower, or an equivalent level:

(i) Establishment or abolition of positions;

(ii) Hires;

(iii) Promotions other than quality and periodic within-grade promotions;

(iv) Transfer of personnel to Schedule A, B, or C positions or non-career executive assignment positions, either permanently or on detail; and

(v) Transfer of personnel from Schedule A, B, or C or non-career executive assignment positions to career Civil Service positions.

(5) Approval of employment of experts or consultants.

(6) Authority relating to scientific and professional positions under section 6(a)(5) of the Department of Transportation Act (49 U.S.C. 1655(a)(5)).

(7) Authority to determine the maximum limit of age for appointment of air traffic controllers as provided by 5 U.S.C. 3307(b) (86 Stat. 141).

(f) *Security.* (1) Suspension or removal of an employee from a position in the Department for security reasons under Executive Order 10450 (3 CFR, 1949–53 Comp., p. 936) or the employment in the Department of a person who was previously separated for security reasons from any Federal agency.

(2) Authorizing the filling of a critical-sensitive position for a limited period by a person on whom a preappointment full field investigation has not been completed (Executive Order 10450).

(3) Requesting Presidential approval of a claim of executive privilege with respect to information requested by a congressional committee or Member of Congress.

(4) Making determinations prescribed by sections 4(a)(2)(B), 4(b)(3), 5(b), and 9 of Executive Order 10865 (3 CFR, 1959–63 Comp., p. 398) relating to the adjudication and final denial of access to classified information to industry personnel.

(5) Making those determinations or delegations prescribed by sections 2(B)(3), 5(E)(1) and (2) of Executive Order 11652 (37 FR 5209, March 10, 1972) which are reserved to the head of the Department.

(g) *Procurement.* Exercise of the extraordinary authority for defense contracts provided for in Pub. L. 85–804 (50 U.S.C. 1431–1435), and considerations and decisions on contract appeals and other matters pursuant to the Department of Transportation Contract Appeals Regulations (41 CFR Part 12–60).

(h) *Printing.* Requesting approval of the Joint Committee on Printing for any procurement or other action requiring Committee approval.

(i) *Interagency agreements.* Execution of any written interdepartmental or interagency agreement with the head of another executive department or agency.

(j) *Withholding of funds.* Withholding or suspension of Federal-Aid Highway funds on a statewide basis and the waiver or compromise of such withholding or suspension.

(k) *Alaska Railroad.* Extension or abandonment of railroad service.

(l) *National Highway Safety Advisory Committee.* Directing the National Highway Safety Advisory Committee to meet (23 U.S.C. 404(c)).

(m) *Coast Guard.* The following powers relating to the Coast Guard:

(1) Appointment of Advisory Committee to the Academy (14 U.S.C. 193).

(2) Fixing date for visit to Academy by Board of Visitors (14 U.S.C. 194(b)).

(3) Establishment of promotion zone for selection of rear admirals (14 U.S.C. 256(b)).

(4) Removal of an officer from active duty when recommended by a board convened under section 323 of title 14, United States Code (14 U.S.C. 326).

(5) Responsibility for supervising activities of Reserve components (10 U.S.C. 264(b)).

(6) Convening General Courts-Martial under the personal authority granted by law (10 U.S.C. 822(a)(2)).

(7) Approval of execution of a sentence dismissing a commissioned officer or cadet (10 U.S.C. 871(b)).

(8) Approval of vacation of a suspension of dismissal (10 U.S.C. 872(b)).

(9) Establishing procedures for the correction of military records (10 U.S.C. 1552(a)).

(10) Establishing a board of review to review discharge or dismissal of former Coast Guard members (10 U.S.C. 1553(a)).

(11) Reviewing findings of board established under section 1553(a) (10 U.S.C. 1553(b)).

(12) Reviewing findings of board established under section 1554(a) to forward requests of officers released or retired from active duty without pay for physical disability (10 U.S.C. 1554(b)).

(n) *Automatic Data Processing.* Approval authority relating to automatic data processing equipment and services as delimited by DOT 1370.2A, Procurement of Automatic Data Processing Equipment and Services, of 7.22.70.

(o) *Deepwater Ports.* The following powers and duties relating to the Deepwater Port Act of 1974 (33 U.S.C. 1501–1524):

(1) The authority to issue, transfer, amend or renew a license for the construction and operation of a deepwater port (33 U.S.C. 1503(b)).

(2) Approval of fees charged by adjacent coastal States for use of a deepwater port and directly related land based facilities (33 U.S.C. 1504(h)(2)).

(3) Consultation with the Secretary of State relating to international actions and cooperation in the economic, trade and general transportation policy aspects of the ownership and operation of deepwater ports (33 U.S.C. 1510).

(4) Prescription of regulations for the submission of notice of the commencement of a civil suit (33 U.S.C. 1515(b)(2)).

(5) Intervention in any civil action to which the Secretary is not a party (33 U.S.C. 1515(c)).

(6) Authority to recover for damages to natural resources (33 U.S.C. 1517(i)(3)).

(7) Authority to request the Attorney General to seek the suspension or termination of a deepwater port license and to initiate a proceeding before the Interstate Commerce Commission (33 U.S.C. 1507, 1511).

§ 1.45 Delegations to all Administrators.

(a) Except as otherwise prescribed by the Secretary of Transportation, each Administrator is authorized to—

(1) Exercise the authority of the Secretary over and with respect to any personnel within their respective organizations.

(2) Exercise the authority of the Secretary as executive head of a department, under any statute, Executive order or regulation.

(3) Request the Attorney General to approve the award, compromise, or settlement of any tort claim for an amount exceeding $25,000 (28 U.S.C. 2672).

(4) Carry out the functions vested in the Secretary by section 4(f) of the Department of Transportation Act, as amended (49 U.S.C. 1653(f)).

(5) Carry out the emergency preparedness functions assigned to the Secretary by Executive Order 11490 and by the Office of Preparedness, General Services Administration, as they pertain to his administration, including those relating to continuity of operations, emergency transportation service or support thereof, emergency resource management, associated Federal claimant procedures, facilities protection and warfare effects monitoring and reporting, research, stockpiling, financial aid, and training.

(6) Enter into inter- and intra-departmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686). This authority may be redelegated only to Office Directors, Regional Directors, District Commanders or other comparable levels and Contracting Officers.

(7) Determine the existence and amount of indebtedness and the method of collecting repayments from employees and members within their respective administrations and collect repayments accordingly, as provided by 5 U.S.C. 5514. Redelegation of this authority may be made only to the principal officials responsible for financial management or such officials' principal assistants.

(8) Waive claims and make refunds in connection with claims of the United States for overpayment of pay and allowances in amounts aggregating not more than $500 without regard to any repayments, as provided by 5 U.S.C. 5584 and 10 U.S.C. 2774. Redelegation of this authority may be made only to the level of Regional Director or District Commander.

(9) Settle and pay claims by employees for personal property losses as provided by 31 U.S.C. 241 (a) or (b), as appropriate. This authority may be redelegated only to Office Directors, Regional Directors, District Commanders or other comparable levels and to those individuals that report to the above officials.

(b) Except as otherwise specifically provided, each official to whom authority is granted by §§ 1.45 through 1.53 may redelegate and authorize successive redelegations of that authority within the organization under his jurisdiction.

V 40 186 SEP 24 75 XUM

§ 1.46 Delegations to Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to—

(a) Carry out the Great Lakes Pilotage Act of 1960, as amended, except the authority to enter into, revise, or amend arrangements with Canada (74 Stat. 259, 46 U.S.C. 216 et seq.).

(b) Carry out all the activities of the Coast Guard, including, but not limited to, law enforcement, safety of life and property at sea (excluding 46 U.S.C. 170 (7), (10) and (11)), aids to navigation, search and rescue, icebreaking, oceanographic research and military readiness functions (49 U.S.C. 1655(b)(1)).

(c) Carry out the following laws relating generally to water vessel anchorages, drawbridge operating regulations, obstructive bridges, pollution of the sea by oil and the locations and clearances of bridges and causeways over the navigable waters of the United States:

(1) Section 7 of the Act of March 4, 1915, as amended (38 Stat. 1053, 33 U.S.C. 471);

(2) Article 11 of section 1 of the Act of June 7, 1897, as amended (30 Stat. 98, 33 U.S.C. 180);

(3) Rule 9 of section 1 of the Act of February 8, 1895, as amended (28 Stat. 647, 33 U.S.C. 258);

(4) Rule numbered 13 of section 4233 of the Revised Statutes, as amended (33 U.S.C. 322);

(5) Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362, 33 U.S.C. 499);

(6) The Act of June 21, 1940, as amended (54 Stat. 497, 33 U.S.C. 511 et seq.);

(7) The Oil Pollution Act, 1961, as amended (75 Stat. 402, 33 U.S.C. 1001 et seq.);

(8) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151, 33 U.S.C. 401);

(9) The Act of March 23, 1906, as amended (34 Stat. 84, 33 U.S.C. 491 et seq.); and

(10) The General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525 et seq.) except sections 502(c) and 503.

(d) Carry out Reorganization Plan No. 1 of 1967, relating to ship mortgages.

(e) Request the Secretary of the Navy to build at naval shipyards Coast Guard vessels not normally or economically obtainable from private contractors (14 U.S.C. 145(a)(1)).

(f) Administer Executive Order 11459 (34 FR 5057), relating to approval of containers for transport under Customs seal.

(g) Exchange information, through the Secretary of State, with foreign governments on matters dealing with the safety of life and property at sea, other than radio communications, but not including the submission of suggestions to the Secretary of State on international collaboration and conferences (14 U.S.C. 142).

(h) Exchange personnel, vessels, facilities, and equipment with the Secretary of the Navy to facilitate operational readiness for wartime service with the Navy, and agree to undertake such assignments and functions for the mutual benefit of the Navy and Coast Guard as are necessary and advisable, except with respect to those exchanges and agreements which, in the Commandant's judgment, may have substantial political impact or adversely affect mission performance (14 U.S.C. 145(c)).

(i) Approve retention of a rear admiral on active duty for a period not exceeding one year (14 U.S.C. 290(b)).

(j) Through the Chief Counsel, U.S. Coast Guard, settle and pay claims against the United States as provided by 10 U.S.C. 2733.

(k) Award life-saving medals and military decorations (except the Medal of Honor, the Distinguished Service Medal, and the Legion of Merit) and carry out the laws and Executive orders relating to those awards (14 U.S.C. 492a, 493, 494, 496, 497, 498, 500, 501, 502; Executive Order No. 4601, Mar. 1, 1926, as amended by Executive Order No. 7786 (3 FR. 39); Executive Order No. 9158 (7 FR 3541), as amended by Executive Order No. 9242A (7 FR 7874); Executive Order No. 10637 (20 FR 7025); Executive Order No. 11016 (27 FR 4139); Executive Order No. 11046 (27 FR 8575); Executive Order No. 11448 (34 FR 915)).

(l) Carry out the functions vested in the Secretary by sections 104(i), 104(j), 311(b)(6), 311(p)(6), 312, and 402(b)(6) of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 862).

(m) Carry out the functions assigned to the Secretary by sections 2, 5, and 6 of Executive Order 11735 (33 FR 21243), assigning functions under the Federal Water Pollution Control Act, as amended (86 Stat. 862).

(n) Carry out the functions vested in the Secretary by the following statutes:

(1) Federal Boat Safety Act of 1971 (85 Stat. 213);

(2) Vessel Bridge-to-Bridge Radio-Telephone Act (85 Stat. 164);

(3) Pub. L. 92-339, relating to the licensing of personnel on certain towing vessels (86 Stat. 423);

(4) Ports and Waterways Safety Act of 1972 (86 Stat. 424), except sections 101, 102, 104, 106, and 107 to the extent that those sections pertain to the operation of the St. Lawrence Seaway;

(5) Sections 104 (a) and (g), 107(c), 108, 201, and 302(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532) relating to ocean dumping;

(6) International Voyage Load Line Act of 1973 (Pub. L. 93-115); and

(7) Intervention on the High Seas Act (Pub. L. 93-248) except section 13(a).

(o) Carry out the functions vested in the Secretary by 14 U.S.C. 475 and Executive Order 11645, 3 CFR 371 (1973), 37 FR 2923, February 10, 1972, relating to the rental of housing facilities at or near Coast Guard installations.

(p) Carry out the functions vested in the Secretary by Pub. L. 92-425 and Executive Order 11687 (37 FR 21479), relating to the Retired Serviceman's Survivor Benefit Plan.

(q) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub. L. 92-434) as it relates to navigable waterways other than the St. Lawrence River.

(r) Carry out the functions vested in the Secretary by 14 U.S.C. 657, relating to schooling and transportation to schools for dependents of Coast Guard personnel.

(s) Carry out the functions and responsibilities vested in the Secretary by the Deepwater Port Act of 1974 (33 U.S.C. 1501-1524), except as reserved by § 1.44 (o) and delegated by § 1.53(c).

(t) Carry out the functions vested in the Secretary by 49 U.S.C. 1804(a), 1806 (a) and (b), and 46 U.S.C. 170 (7), (10), and (11) to the extent they relate to regulations and exemptions governing the bulk transportation of hazardous materials which are loaded or carried on board a vessel without benefit of containers or labels, and received and handled by the vessel carrier without mark or count and regulations and exemptions governing ships' stores and supplies.

(u) Carry out the functions vested in the Secretary by 49 U.S.C. 1808(a), (b), and (c) and 1809 and 1810, relating to investigations, records, inspections, penalties, and specific relief, so far as they apply to the transportation or shipment of hazardous materials by water.

§ 1.47 Delegations to Federal Aviation Administrator.

The Federal Aviation Administrator is delegated authority to—

(a) Carry out the powers and duties transferred to the Secretary of Transportation by section 6(c)(1) of the Department of Transportation Act (49 U.S.C. 1655(c)(1)), including those pertaining to aviation safety set forth in sections 306, 307, 308, 309, 312, 313, 314, 1101, 1105, and 1111 and titles VI, VII, IX, and XII of the Federal Aviation Act of 1958, as amended.

(b) Carry out title XIII of the Federal Aviation Act of 1958, as amended (72 Stat. 800; 49 U.S.C. 1931 et seq.), relating to War Risk Insurance.

(c) Provide for guarantees of private loans for the purchase of aircraft, including consultation with the Civil Aeronautics Board under the Act of September 7, 1957, as amended (49 U.S.C. 1324 (note)), and the Department of Transportation Act (49 U.S.C. 1655(a)(3)(A) and (B)).

(d) Administer Executive Orders 11419 and 11322 relating to prohibited aviation operations and the prohibited carriage of commodities and products to and from Southern Rhodesia.

(e) Provide certain facilities and services to FAA employees and their dependents at remote locations (49 U.S.C. 1659).

(f) Carry out the functions vested in the Secretary by—

(1) The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.), except sections 3 and 4 (49 U.S.C. 1702, 1703); and

(2) Sections 208 and 209 of the Airport and Airway Revenue Act of 1970 (84 Stat. 250, 253).

(g) Carry out the functions vested in the Secretary by Part B of title II of the Clean Air Act, as amended (84 Stat. 1703).

(h) Carry out the functions of the Secretary under section 208 of the Appalachian Regional Development Act of 1965 (85 Stat. 168; 40 U.S.C. App. 208).

(i) Carry out the functions vested in the Secretary by section 902(h)(2) of the Federal Aviation Act of 1958, as amended, as it relates to enforcement of hazardous materials regulations as they apply to the transportation or shipment of such materials by air.

(j) Carry out the functions vested in the Secretary by 49 U.S.C. 1808 (a), (b), lates to the establishment of procedures for monitoring and enforcing provisions of regulations with respect to the transportation of radioactive materials on passenger-carrying aircraft.

(k) Carry out the functions vested in the Secretary by 49 U.S.C. 1808(a), (b), and (c), 1809, and 1810 relating to investigations, records, inspections, penalties, and specific relief so far as they apply to the transportation or shipment of hazardous materials by air.

§ 1.48 Delegations to Federal Highway Administrator.

The Federal Highway Administrator is delegated authority to—

(a) Investigate and report on the safety compliance records of applicants seeking operating authority, or approval of transactions involving transfer of operating authority, from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 U.S.C. 1653(e), so far as it relates to motor carriers.

(b) Administer the following sections of title 23, United States Code:

(1) (i) 101(a) (as it involves approval of boundaries of urban and urbanized areas) with the concurrence of the Urban Mass Transportation Administrator; and

(ii) 101 (b), (c), (d), and (e), except as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(2) 103, except as it involves mass transportation projects authorized by subsection (e)(4);

(3) 104, including the apportionment of funds for Federal-aid highways once Congress approves estimates submitted by the Secretary, except that subsection (f)(4) is to be administered with the concurrence of the Urban Mass Transportation Administrator;

(4) 105, except—

(i) As subsections (a) and (g) involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142 (c); and

(ii) That subsection (d) is to be administered with the concurrence of the Urban Mass Transportation Administrator; (5) 106, except—

(A) Subsections (a), (c), and (d) as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c); and

(B) That subsection (b) as it involves the Federal-aid urban system is to be administered with the concurrence of the Urban Mass Transportation Administrator;

(6) 107;

(7) 108, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(8) 109, except subsections (a), (g), and (h) as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(9) 110, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(10) 111;

(11) 112, 113, and 114, except as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(12) 115;

(13) 116, except subsections (a) and (c) as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(14) 117, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(15) 118 and 120;

(16) 121 and 122, except as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(17) 123;

(18) 124, except as it involves mass transportation projects authorized by sections 103(e)(4), 152(a)(2), or 142(c);

(19) 125, 126, and 127;

(20) 128, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(21) 129, 130, 131, and 132;

(22) 134(a), with the concurrence of the Urban Mass Transportation Administrator;

(23) 135, 136, 137, 138, and 139;

(24) 140, except subsection (a) as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(25) 141, with the concurrence of the National Highway Traffic Safety Administrator as the section relates to certification of the enforcement of speed limits;

(26) 142, except as it involves mass transportation projects;

(27) 143 and 144;

(28) 145, except as it involves mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(29) 146, 147, 148, and 149;

(30) 150, with the concurrence of the Urban Mass Transportation Administrator;

(31) 151, 152, and 153;

(32) 154, subsections (a), (b), and (d) with the concurrence of the National Highway Traffic Safety Administrator;

(33) 155;

(34) 201 through 219 (Chapter 2);

(35) 301, 302, and 303;

(36) 304, 305, and 306, except as they involve mass transportation projects authorized by section 103(e)(4), 142(a)(2), or 142(c);

(37) 307 through 314, inclusive;

(38) 315 and 317, except as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c);

(39) 318 through 322, inclusive; and

(40) 323 and 324, except as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2), or 142(c).

(c) Administer the following laws relating generally to highways:

(1) Sections 103, 104, 111(b), 128(b), 131, 133(b), 135, 136, 141, 147 (with the concurrence of the Urban Mass Transportation Administrator), 149, 154, 158, 159, 160, 161, 163, 203, 206, 401, and 402 of the Federal-Aid Highway Act of 1973, as amended (Pub. L. 93-87, 87 Stat. 250; Pub. L. 93-643, 88 Stat. 2281);

(2) The Federal-Aid Highway Act of 1970, as amended (except section 118) (84 Stat. 1713);

(3) The Federal-Aid Highway Act of 1968, as amended (82 Stat. 815);

(4) The Federal-Aid Highway Act of 1966, as amended (80 Stat. 766);

(5) The Federal-Aid Highway Act of 1962, as amended (76 Stat. 1145, 23 U.S.C. 307 note);

(6) The Federal-Aid Highway Act of 1954, as amended (68 Stat. 70);

(7) The Act of September 26, 1961, as amended (75 Stat. 670);

(8) The Highway Revenue Act of 1956, as amended (70 Stat. 387, 23 U.S.C. 120 note);

(9) The Highway Beautification Act of 1965, as amended (79 Stat. 1028, 23 U.S.C. 131 et seq., notes);

(10) The Alaska Omnibus Act, as amended (73 Stat. 141, 48 U.S.C. 21, note prec.);

(11) The Joint Resolution of August 28, 1965, as amended (79 Stat. 578, 23 U.S.C. 101 et seq., notes);

(12) Section 502(c) of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 525(c));

(13) The Act of April 27, 1962 (76 Stat. 59);

(14) Reorganization Plan No. 7 of 1949 (63 Stat. 1070); and

(15) Section 3 of the Emergency Highway Energy Conservation Act, as amended (Pub. L. 93-239, 87 Stat. 1046).

(d) Carry out sections 831-835 of title 18, United States Code, relating generally to explosives and other dangerous articles, so far as they pertain to investigations, records, inspections and penalties with respect to transportation or shipment of hazardous materials by motor carrier.

(e) Carry out section 226 of the Interstate Commerce Act, as amended (49 U.S.C. 325), relating generally to investigation of motor vehicle sizes, weights, and services of employees.

(f) Carry out sections 204(a)(1), (2), (3), (3a), and (5) of the Interstate Commerce Act, as amended (49 U.S.C. 304), relating generally to qualifications and maximum hours of service of employees and safety of operation and equipment of motor carriers.

(g) Carry out sections 221(a), 221(c), and 224 of the Interstate Commerce Act,

V 40 186 SEP 24 75 XUM

as amended (49 U.S.C. et seq.), relating generally to service of process, designation of agents to receive service of process, and identification of interstate motor vehicles, so far as they pertain to private carriers of property by motor vehicle and carriers of migrant workers by motor vehicle other than contract carriers.

(h) Exercise the administrative powers under the Interstate Commerce Act with respect to powers and duties pertaining to motor carrier safety transferred to the Secretary from the Interstate Commerce Commission (49 U.S.C. 1655(f)(2)(B)(ii)).

(i) Administer the following laws relating generally to the reasonableness of tolls:

(1) Section 4 of the Act of March 23, 1906, as amended (34 Stat. 85, 33 U.S.C. 494);

(2) Section 503 of the General Bridge Act of 1946, as amended (60 Stat. 847, 33 U.S.C. 526);

(3) Section 17 of the Act of June 10, 1930, as amended (46 Stat. 552, 33 U.S.C. 498a);

(4) The Act of June 27, 1930, as amended (46 Stat. 821, 33 U.S.C. 498b); and

(5) The Act of August 21, 1935, as amended (49 Stat. 670, 33 U.S.C. 503 et seq.).

(j) Carry out the functions of the Secretary under the Appalachian Regional Development Act of 1965 (79 Stat. 5; 40 U.S.C. App.), except section 208.

(k) Carry out section 212(a) of the Interstate Commerce Act, as amended (49 Stat. 555, 49 U.S.C. 312(a)), relating generally to the suspension, change, or revocation of motor carrier certificates, permits, or licenses.

(l) Carry out the Act of September 21, 1966, Pub. L. 89-566, relating generally to certain approvals concerned with a compact between the States of Missouri and Kansas.

(m) Carry out the law relating to the Chamizal border highway (80 Stat. 1477).

(n) Carry out the Highway Safety Act of 1966, as amended (80 Stat. 731), and Chapter 4 of title 23, United States Code, for highway safety programs, research, and development relating to highway design, construction, and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian and bicycle safety.

(o) Exercise the authority vested in the Secretary by section 204(b) of the Federal Railroad Safety Act of 1970 (84 Stat. 972; 45 U.S.C. 433(b)) with respect to the laws administered by the Federal Highway Administrator pertaining to highway safety and highway construction.

(p) Carry out the functions vested in the Secretary by subsections (b) (except as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) and (c) of section 18 of the Noise Control Act of 1972 (Pub. L. 92-574).

(q) Carry out the functions vested in the Secretary by section 5 (as it relates to Bridges, other than railroad bridges, not over navigable waterways), and sections 6 and 8(a) (as they relate to all bridges other than railroad bridges) of the International Bridge Act of 1972 (Pub. L. 92-434).

(r) Carry out the functions vested in the Secretary by Title III of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503):

(s) Carry out the functions vested in the Secretary by the following sections of the Urban Mass Transportation Act of 1964, as amended, with the concurrence of the Urban Mass Transportation Administrator:

(1) Sections 3(a)(2) and (e)(1), 4(a), and 5(g)(1) and (1) as they relate to urban planning (49 U.S.C. 1602(a)(2) and (e)(1), 1603(a), and 1604(g)(1) and (1)); and

(2) Section 5(a)(3) relating to approval of boundaries of urbanized areas (49 U.S.C. 1604(a)(3)).

(t) Exercise the authority vested in the Secretary by sections 101, 118, 119, 120(b), 123, and 124 of the Federal-Aid Highway Amendment of 1974 (Pub. L. 93-643, January 4, 1975; 88 Stat. 2281).

(u) Carry out the functions vested in the Secretary by 49 U.S.C. 1804(b) relating to consultation and cooperation with the Interstate Commerce Commission concerning regulations governing the routing of hazardous materials by highway.

(v) Carry out the functions vested in the Secretary by 49 U.S.C. 1808 (a), (b), and (c), 1809 and 1810 relating to investigations, records, inspections, penalties, and specific relief so far as they apply to the transportation or shipment of hazardous materials by highway, including the manufacture, fabrication, marking, maintenance, reconditioning, repair or test of containers which are represented, marked, certified, or sold for use in the bulk transportation of hazardous materials by highway.

§ 1.49 Delegations to Federal Railroad Administrator.

The Federal Railroad Administrator is delegated authority to—

(a) Investigate and report on safety compliance records of applicants seeking railroad operating authority from the Interstate Commerce Commission, and to intervene and present evidence concerning applicants' fitness in Commission proceedings under 49 U.S.C. 1653(e), relating to railroads.

(b) Carry out the Act of September 30, 1965, as amended (79 Stat. 893, 49 U.S.C. 1631 et seq.), relating generally to high speed ground transportation, except issuance of reports required by section 13(c) (49 U.S.C. 1643(c)).

(c) Carry out the following laws relating generally to safety appliances and equipment on railroad engines and cars, and protection of employees and travelers:

(1) The Act of March 2, 1893, as amended (27 Stat. 531, 45 U.S.C. 1 et seq.);

(2) The Act of March 2, 1903, as amended (32 Stat. 943, 45 U.S.C. 8 et seq.);

(3) The Act of April 14, 1910, as amended (36 Stat. 298, 45 U.S.C. 11 et seq.);

(4) The Act of May 30, 1908, as amended (35 Stat. 476, 45 U.S.C. 17 et seq.);

(5) The Act of February 17, 1911, as amended (36 Stat. 913, 45 U.S.C. 22 et seq.);

(6) The Act of March 4, 1915, as amended (38 Stat. 1192, 45 U.S.C. 30);

(7) Reorganization Plan No. 3 of 1965 (79 Stat. 1320, 45 U.S.C. 22 note);

(8) Joint Resolution of June 30, 1906, as amended (34 Stat. 838, 45 U.S.C. 35);

(9) The Act of May 27, 1908, as amended (35 Stat. 325, 45 U.S.C. 36 et seq.);

(10) The Act of March 4, 1909, as amended (35 Stat. 965, 45 U.S.C. 37); and

(11) The Act of May 6, 1910, as amended (36 Stat. 350, 45 U.S.C. 38 et seq.).

(d) Carry out the Act of March 4, 1907, as amended (34 Stat. 1415, 45 U.S.C. 61 et seq.), relating generally to hours of service of railroad employees.

(e) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub. L. 92-434) as it relates to railroad bridges not over navigable waterways.

(f) Carry out the functions of the Secretary under sections 831-835 of title 18, United States Code, relating generally to explosive and other dangerous articles, so far as they pertain to investigations, records, inspections and penalties with respect to the transportation or shipment of hazardous materials by railroad.

(g) Carry out section 25 of the Interstate Commerce Act, as amended (49 U.S.C. 26), relating generally to railroad safety appliances, methods, and systems.

(h) Exercise the administrative powers under the Interstate Commerce Act with respect to powers and duties pertaining to railroad safety transferred to the Secretary (49 U.S.C. 1655(f)).

(i) Operate and administer the Alaska Railroad under the Act of March 12, 1914, as amended (38 Stat. 305), and Executive Order No. 11107 (28 FR 4225 (1963)).

(j) Make individual and general changes in freight rates and passenger fares for the Alaska Railroad, without power to redelegate except with respect to individual rates and joint rates published or established with Alaska Railroad concurrence by tariff authorities other than the Alaska Railroad (49 U.S.C. 1655(i)).

(k) Promote and undertake research and development relating to rail matters generally (49 U.S.C. 1653(a), 1657(e)(1), 1657(n)(1), and 1657(q)(1)).

(l) Carry out the functions vested in the Secretary by the Rail Passenger Service Act, as amended, except that the Administrator shall serve as the alternate representative of the Secretary on the Board of Directors of the National Railroad Passenger Corporation only when so designated by the Secretary or Deputy Secretary.

(m) Exercising the authority vested in the Secretary by the Emergency Rail Services Act of 1970 (Pub. L. 91-663), except the authority to make findings required by section 3(a) of that Act and the authority to sign guarantees of certificates issued by trustees.

(n) Carry out the functions vested in the Secretary by the Federal Railroad Safety Act of 1970 (Title II of Pub. L. 91-458); 84 Stat. 971, 45 U.S.C. 421 et. seq.), except section 204(b) (84 Stat. 972, 45 U.S.C. 433(b)) with respect to highway, traffic, and motor vehicle safety and highway construction.

(o) Carry out the functions vested in the Secretary by the Emergency Rail Facilities Restoration Act of 1972 (Pub. L. 92-591).

(p) Carry out the functions vested in the Secretary by subsections (b) (except as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) and (c) of section 18 of the Noise Control Act of 1972 (Pub. L. 92-574).

(q) Carry out the functions vested in the Secretary by sections 201(l)(3); 202(b)(7); 203, as applicable (except authority to issue subpoenas); 210; 212(a); 213; 215; 402 (except subsection (g)(2)); 403; and 601; and serve as the alternate representative of the Secretary, when so designated by the Secretary or Deputy Secretary, as member of the Board of Directors and member of the Executive Committee of the Board of Directors of the United States Railway Association under sections 201(d)(2) and (h) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93-236).

(r) Carry out the functions vested in the Secretary by subsections 4 (h) and (i) of the Department of Transportation Act, except as subsection (i)(7) relates to the conduct of audits (Pub. L. 93-496; 88 Stat. 1528; 49 U.S.C. 1653 (h) and (l)).

(s) Carry out the functions vested in the Secretary by 49 U.S.C. 1804(b) relating to consultation and cooperation with the Interstate Commerce Commission concerning regulations governing the routing of hazardous materials by railroad.

(t) Carry out the functions vested in the Secretary by 49 U.S.C. 1808 (a), (b), and (c), 1809 and 1810, relating to investigations, records, inspections, penalties, and specific relief so far as they apply to the transportation or shipment of hazardous materials by railroad, including the manufacture, fabrication, marking, maintenance, reconditioning, repair or test of containers which are represented, marked, certified or sold for use in the bulk transportation of hazardous materials by railroad.

§ 1.50 Delegations to National Highway Traffic Safety Administrator.

The National Highway Traffic Safety Administrator is delegated authority to—

(a) Carry out the National Traffic and Motor Vehicle Safety Act of 1966, as amended (80 Stat. 718; 15 U.S.C. 1381 et seq.).

(b) Carry out the Highway Safety Act of 1966, as amended (80 Stat. 731) and Chapter 4 of title 23, United States Code, except for highway safety programs, research, and development relating to highway design, construction, and maintenance, traffic-control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian and bicycle safety.

(c) Exercise the authority vested in the Secretary by section 210(2) of the Clean Air Act, as amended by section 10(b) of Pub. L. 91-604 (84 Stat. 1700).

(d) Exercise the authority vested in the Secretary by section 204(b) of the Federal Railroad Safety Act of 1970 (84 Stat. 972; 45 U.S.C. 433(b)) with respect to the laws administered by the National Highway Traffic Safety Administrator pertaining to highway, traffic, and motor vehicle safety.

(e) Carry out the Act of July 14, 1960, as amended (74 Stat. 526; 23 U.S.C. 313 note).

(f) Carry out the functions vested in the Secretary by the Motor Vehicle Information and Cost Savings Act of 1972, as amended (15 U.S.C. 1902 et seq.).

(g) Carry out the functions vested in the Secretary by section 211(c) of the Highway Safety Act of 1973, Pub. L. 93-87, Title II (83 Stat. 282).

(h) Carry out the functions vested in the Secretary by section 108 of the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93-492, October 27, 1974; 88 Stat. 1482).

(i) Administer the following sections of title 23, United States Code, with the concurrence of the Federal Highway Administrator:

(1) 141, as it relates to certification of the enforcement of speed limits; and

(2) 154 (a), (b), and (d).

§ 1.51 Delegations to the Urban Mass Transportation Administrator.

The Urban Mass Transportation Administrator is delegated authority to exercise the functions vested in the Secretary by—

(a) The Urban Mass Transportation Act of 1964, as amended (78 Stat. 302, 49 U.S.C. 1601 et seq.), except that the following sections are to be administered with the concurrence of the Federal Highway Administrator:

(1) Sections 3(a)(2) and (e)(1), 4(a), and 5(g)(1) and (1) as they relate to urban planning (49 U.S.C. 1602(a)(2) and (e)(1), 1603(a), and 1604(g)(1) and (1)); and

(2) Section 5(a)(3) relating to approval of boundaries of urbanized areas (49 U.S.C. 1604(a)(3)).

(b) Section 1 of Reorganization Plan No. 2 of 1968 (82 Stat. 1369).

(c) Section 10 of the Urban Mass Transportation Assistance Act of 1970 (Pub. L. 91-453; 84 Stat. 962, 968).

(d) Sections 3 and 9 through 12 of the National Capital Transportation Act of 1969, as amended (Pub. L. 91-143; 83 Stat. 320).

(e) The National Capital Area Transit Act of 1972 (Pub. L. 92-517).

(f) The following sections of title 23, United States Code:

(1) 103 as it involves mass transportation projects authorized by subsection (e)(4).

(2) 101(a) (as it involves approval of boundaries of urban and urbanized areas), 104(f)(4), 105(d), 106(b) (as it involves the Federal-aid urban system), 134(a) and 150 with the concurrence of the Federal Highway Administrator.

(3) 101 (b), (c), (d), and (e); 105 (a) and (g); 108 (a), (c), and (d); 108; 109 (a), (g), and (h); 110; 112; 113; 114; 116 (a) and (c); 117; 121; 122; 124; 128; 140 (a); and 145 as they involve mass transportation projects authorized by sections 103(e)(4), 142(a)(2) or 142(c).

(4) 142 as it involves mass transportation projects.

(g) Sections 140, 146, 147 (with the concurrence of the Federal Highway Administrator), 164 and 165 of the Federal-Aid Highway Act of 1973, as amended (Pub. L. 93-87, Title I, 87 Stat. 250; Pub. L. 93-643, 88 Stat. 2281).

(h) Section 813 of the Housing and Community Development Act of 1974 (Pub. L. 93-383).

(i) Section 107 of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503, November 26, 1974).

(j) Title II of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503, November 26, 1974), except sections 204 and 205.

§ 1.52 Delegations to Administrator of the St. Lawrence Seaway Development Corporation.

The Administrator of the St. Lawrence Seaway Development Corporation is delegated authority to—

(a) Carry out the functions vested in the Secretary by sections 101, 102, 104, 106, and 107 of the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340) as they relate to the operation of the St. Lawrence Seaway.

(b) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub. L. 92-434) as it relates to the St. Lawrence River.

§ 1.53 Delegations to the Materials Transportation Bureau Director.

The Materials Transportation Bureau Director is delegated authority to exercise the powers and perform the duties vested in the Secretary by the following statutes:

(a) Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 et seq.).

(b) Mineral Leasing Act, as amended (Pub. L. 93-153, 30 U.S.C. 185).

(c) Deepwater Port Act of 1974 (Pub. L. 93-627) relating to the establishment, enforcement and review of regulations concerning the safe construction, operation or maintenance of pipelines on Federal lands and the Outer Continental Shelf (33 U.S.C. 1520).

(d) Section 5 of the International Bridge Act of 1972 (Pub. L. 92-434) as it

V 40 186 SEP 24 75 XUM

relates to pipelines not over navigable waterways.

(e) Title I—Hazardous Materials, Transportation Safety Act of 1974, Pub. L. 93–633 (49 U.S.C. 1801–1811), except as delegated by § 1.46 (t) and (u); 1.47 (j) and (k); 1.48 (u) and (v); and 1.49 (s) and (t).

(f) Section 170 (7), (10), and (11) of Title 46, United States Code, except as delegated by section 1.46(t).

(g) Section 831–835 of Title 18, United States Code, except as delegated by §§ 1.48(d) and 1.49(f).

(h) Sections 601(c) and 902(h)(1) of the Federal Aviation Act of 1958, as amended, as they relate to regulations governing the transportation of hazardous materials by air.

§ 1.54 Delegations to all Secretarial Officers.

(a) This section sets forth general delegations to the Deputy Secretary, the Deputy Under Secretary, the General Counsel, and the Assistant Secretaries.

(b) Each officer named in paragraph (a) of this section is delegated authority to—

(1) Redelegate and authorize successive redelegations of authority granted by the Secretary within their respective organizations, except as limited by law or specific administrative reservation, including authority to publish those redelegations in Appendix A of this part.

(2) Authorize and approve official travel (except foreign travel) and transportation for themselves, their subordinates, and others performing services for, or in cooperation with, the Office of the Secretary. This authority may be redelegated in accordance with regulations issued by the Assistant Secretary for Administration.

(3) Communicate directly with chairmen of Field Coordination Groups provided such communications are largely informational in character and do not conflict with program responsibilities of the operating administrations.

(4) Establish ad hoc committees for specific tasks within their assigned staff area.

(5) Establish, modify, extend, or terminate standing committees within their specific areas of responsibility when directed or authorized to do so by the Secretary.

(6) Designate members of interagency committees when such committees are specifically concerned with responsibilities of direct interest to their office.

(7) Exercise the following authorities with respect to executive level positions (GS–16, 17, or 18 or equivalent) within their respective areas of responsibility:

(i) Determine how executive level positions will be filled; i.e., by reassignment, promotion, appointment.

(ii) Establish selection criteria to be used in identifying eligible candidates.

(iii) Confer with the Administrators on selection criteria and canddates for an executive level position that is a counterpart of an activity or position in the Office of the Secretary.

(iv) Recommend final selection for executive level positions, subject to review by the Executive Committee of the Departmental Executive Personnel Board and approval by the Secretary and the Civil Service Commission.

(v) Serve as ad hoc member of the Departmental Executive Personnel Board at the call of the Chairman and serve on the Board's Executive Committee whenever matters involving their respective offices or a functional counterpart thereof in an operating administration are presented to the Executive Committee for its consideration.

(8) Enter into inter- and intra-departmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686). This authority may be redelegated only to office directors or other comparable levels and to contracting officers.

(9) Administer and perform the functions described in their respective functional statements.

§ 1.55 Delegations to Deputy Secretary.

The Deputy Secretary may exercise the authority of the Secretary except where specifically limited by law, order, regulations, or instruction of the Secretary. In addition, the Deputy Secretary is delegated authority to—

(a) Exercise executive control over the Departmental Planning-Programming-Budgeting System.

(b) Serve as Chairman of the Departmental Executive Personnel Board and its Executive Committee.

(c) Originate direct correspondence to chairmen of Field Coordination Groups on overall Departmental matters.

(d) Approve the establishment, modification, extension, or termination of:

(1) Department-wide (intra-department) committees affecting more than one program.

(2) OST-sponsored interagency committees.

(3) All advisory committees (including industry advisory committees) except those sponsored by field activities of the operating administrations.

(e) Approve the designation of:

(1) Departmental representatives and the chairman for interagency committees sponsored by the Office of the Secretary.

(2) Departmental representatives on all advisory committees except those sponsored by a field component of one of the operating administrations or the Materials Transportation Bureau.

(3) Departmental members for international committees.

(f) Authorize and approve official travel and transportation for himself, his subordinates and others performing services for, or in cooperation with, the Office of the Secretary; approve all requests for foreign travel within the Office of the Secretary.

(g) Serve as the representative of the Secretary on the board of directors of the National Railroad Passenger Corporation and carry out the functions vested in the Secretary as a member of the board by section 303 of the Rail Passenger Service Act of 1970 (84 Stat. 1330).

(h) Serve as the representative of the Secretary as incorporator, member of the acting board of directors, member of the board of directors, and member of the executive committee of the board of directors, of the United States Railway Association and when so serving carry out the functions vested in the Secretary in each capacity by Title II of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236).

§ 1.56 Delegations to General Counsel.

The General Counsel is delegated authority to—

(a) Conduct all rule-making proceedings, except the issuance of final rules, under specific laws relating generally to standard time zones and daylight saving (advanced standard) time.

(b) Determine the practicability of applying the standard time of any standard time zone to the movements of any common carrier engaged in interstate or foreign commerce and issue operating exceptions in any case in which he determines that it is impractical to apply the standard time.

(c) Provide and coordinate the Department's counseling service to employees on questions of conflict of interest and other matters of legal import covered by Departmental regulations on employee responsibility and conduct. Assure that counseling and interpretations on these matters are available to designated Deputy Counselors of the Department. Serve as the Department's designee to the Civil Service Commission on these matters.

(d) Serve as the alternate representative of the Secretary on the Board of Directors of the National Railroad Passenger Corporation when so designated by the Secretary or Deputy Secretary and carry out the functions vested in the Secretary as a member of the board by section 303 of the Rail Passenger Service Act of 1970 (84 Stat. 1330).

(e) Review and take final action on referrals of the findings of the Coast Guard for the Correction of Military Records and the Coast Guard Board for the Review of Discharges and Dismissals.

(f) Approve vacation of suspension of dismissal of military personnel (10 U.S.C. 872(b)).

(g) Grant permission, under specific circumstances, to deviate from a policy or procedure prescribed by Part 9 of the regulations of the Office of the Secretary (Part 9 of this subtitle) with respect to testimony of OST employees as witnesses in legal proceedings, the serving of legal process and pleadings in legal proceedings involving the Secretary or his Office, and the production of records of that Office pursuant to subpoena.

(h) Prepare proposed Executive orders and proclamations (including transmittal documents), effect appropriate Departmental coordination, and determine whether the transmittal to the Office of Management and Budget should be submitted over the Secretary's signature or the General Counsel's.

(i) Emboss and affix the official Departmental seal to appropriate documents and other materials, for all purposes for which authentication by seal is required.

(j) Except with respect to proceedings under section 4(e) of the Department of Transportation Act (80 Stat. 934) relating to safety fitness of an applicant, decide on requests to intervene or appear before courts to present the views of the Department, subject to the concurrence of other interested staff elements in the Office of the Secretary.

(k) Exercise the authority delegated to the Department by the Assistant Attorney General, Land and Natural Resources Division, in his order of October 2, 1970, to approve the sufficiency of the title to land being acquired by purchase or condemnation by the United States for the use of the Department. Redelegation and successive redelegations of this authority may only be made to attorneys within the Department.

(l) Issue regulations making editorial changes or corrections in the Regulations of the Office of the Secretary.

(m) Review and take final action on applications for reconsideration of initial decisions not to disclose unclassified records of the Office of the Secretary requested under 5 U.S.C. 552(a)(3).

(n) Serve as the alternate representative of the Secretary, when so designated by the Secretary or Deputy Secretary, as member of the Board of Directors and member of the Executive Committee of the Board of Directors of the United States Railway Association and when so serving carry out the functions vested in the Secretary in each capacity by Title II of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236).

§ 1.57 Delegations to Assistant Secretary for Policy, Plans and International Affairs.

The Assistant Secretary for Policy, Plans and International Affairs is delegated authority to—

(a) Except with respect to proceedings under section 4(e) of the Department of Transportation Act (80 Stat. 934) relating to safety fitness of an applicant, decide on requests to intervene or appear before administrative agencies to present the views of the Department subject to concurrence by the General Counsel.

(b) Carry out the functions of the Secretary pertaining to aircraft with respect to Transportation Orders T–1 and T–2 (32A, CFR, Chapter VII) under the Act of September 8, 1950, as amended (64 Stat. 798, 50 App. U.S.C. 2061 et seq.) and Executive Order 10480.

(c) Serve as Department of Transportation member of the Interagency Group on International Aviation and, pursuant to Executive Order 11382, serve as chairman of the group.

§ 1.58 Delegations to Assistant Secretary for Environment, Safety and Consumer Affairs.

The Assistant Secretary for Environment, Safety and Consumer Affairs is delegated authority to—

(a) Serve as the Department's principal point of contact in relationships with government, State, regional, local, and private groups and organizations in matters of transportation safety.

(b) Serve as the Department's point of contact in relationships with public and private organizations and groups devoted to consumer, community, and historic preservation interests, services, or affairs.

(c) Serve as coordinator for intra-departmental safety and consumer affairs programs.

(d) Serve as the Department's point of contact in relationships with government, State, regional, local, and private groups and organizations in matters relative to the Department-wide program for enhancing the safety and security of passengers and cargo in transit.

(e) Serve as official sponsor of the Department of Transportation Citizens Advisory Committee on Transportation Quality.

(f) Perform any functions of the Secretary as a member of the Migratory Bird Conservation Commission.

(g) Serve as Chairman of the National Highway Safety Advisory Committee (23 U.S.C. 404).

(h) Perform any functions of the Secretary as a member of the Advisory Council on Historic Preservation.

§ 1.59 Delegations to Assistant Secretary for Administration.

The Assistant Secretary for Administration is delegated authority for the following—

(a) *Procurement.* (1) Exercise procurement authority with respect to requirements of the Office of the Secretary, except the Transportation Systems Center.

(2) Make the required determinations with respect to mistakes in bids relative to sales of personal property conducted by the Office of the Secretary without power of redelegation.

(b) *Personnel.* (1) Administer and conduct personnel management activities for the Office of the Secretary, except as delegated to the Director, Transportation Systems Center, including but not limited to:

(i) Establishment and classification of positions at GS–1 through GS–15;

(ii) Effectuation of personnel actions to appoint, promote, demote, reassign, separate, and remove employees;

(iii) Establishment of training programs and approval of training expenses, including full-time training in excess of 90 days' duration for employees at the Transportation Systems Center; and

(iv) Evaluation of trades, labor, and manual skills positions and approval of pay schedules therefor.

(2) Administrator oaths incident to entrance on duty in the Federal service and any other oath which might be required by law in connection with employment.

(3) Coordinate Departmental requests for employment limitation relief with appropriate Secretarial Officers prior to submission to the Deputy Secretary for action, advise the Deputy Secretary on priorities, and act on requests for temporary relief through granting position advances from the Secretary's reserve pool for a period not to exceed 60 days.

(4) Exercise emergency authority to hire without the prior approval of the Deputy Secretary normally required by Departmental procedures implementing general employment limitations when in the judgment of the Assistant Secretary immediate action is necessary to effect the hire and avoid the loss of a well-qualified job applicant, and for similar reasons.

(5) Review proposals of the Office of the Secretary for each new appointment or transfer to—

(i) Verify the essentiality of the position, and

(ii) Assure compliance with the Action Plan for Equal Opportunity of the Office of the Secretary.

(6) Approve periodic accession plans for the Office of the Secretary.

(7) Serve as Vice Chairman of the Departmental Executive Personnel Board and its Executive Committee.

(8) Approve labor agreements negotiated by the Director, Transportation Systems Center.

(c) *Finance.* (1) Administer the financial and fiscal affairs of the Office of the Secretary (other than those for which the Deputy Under Secretary is responsible), in accordance with 31 U.S.C. 66a.

(2) Designate to the Treasury Department certifying officers and designated agents for the Office of the Secretary, except at the Transportation Systems Center, and imprest fund cashiers for the Departmental headquarters.

(3) In accordance with 31 U.S.C. 82a–1, grant or recommend relief from accountability for losses or deficiencies of disbursing officers, cashiers, or other accountable officers as follows:

(i) Grant relief for losses or deficiencies of less than $150 for which charges or exceptions have not been raised by the General Accounting Office.

(ii) Recommend relief by the Comptroller General for all other losses or deficiencies.

(4) Settle and pay claims by employees of the Office of the Secretary, except at the Transportation System Center, for personal property losses, as provided by 31 U.S.C. 241(b).

(5) Consider, ascertain, adjust, determine, and settle, for an amount not exceeding $25,000, any tort claim referred to, or arising from the activities of, the Office of the Secretary. Request, through the General Counsel, the approval of the Attorney General for any such award, compromise, or settlement in excess of $25,000 (28 U.S.C. 2672).

(6) Waive, in whole or in part, claims resulting from erroneous overpayment of pay to an employee of the Office of the Secretary, as provided by 4 CFR Parts 91, 92 and 93. This authority may be redelegated only to the Director of Management Systems.

(7) Compromise, suspend collection action on, or terminate claims of the United States not exceeding $20,000 which are referred to, or arise out of the activities of, the Office of the Secretary.

V 40 I 186 SEP 24 75 XUM

(8) Determine the existence and amount of indebtedness and the method of collecting repayments from employees of the Office of the Secretary and collect repayment accordingly, as provided by 5 U.S.C. 5514. This authority may be redelegated only to the Chief, Accounting Operations Center.

(9) Sign Budget Execution Reports required by OMB Circular A–34, for the Office of the Secretary.

(d) *Special funds.* Except as otherwise delegated, establish or operate, or both, such special funds as may be required by statute or by administrative determination. This includes such special funds as the Working Capital Fund (49 U.S.C. 1657(j)).

(e) *Security.* (1) Represent the Secretary on the U.S. Communications Security Board and the Interdepartmental Committee on Internal Security.

(2) Issue official credentials "By direction of the Secretary".

(3) Classify information in the interests of national defense.

(4) Take certain classified actions on behalf of the Department in connection with counter-measure programs.

(5) Authorize exceptions to investigative standards for National Defense Reservists.

(6) Determine when emergencies, other than attack on the United States, justify activation of Personnel Security National Emergency Standby Regulations.

(7) Approve exceptions to the Personnel Security Regulations issued by the Secretary.

(8) Request the Civil Service Commission to modify investigative requirements in certain areas.

(9) Approve exemptions for official identification on Government motor vehicles.

(f) *Printing.* (1) Request approval of the Joint Committee on Printing, Congress of the United States, for any procurement or other action requiring Committee approval.

(2) Certify the necessity for Departmental periodicals and request approval of the Director of the Office of Management and Budget (OMB Circular No. A–3 Revised as of Sept. 8, 1960).

(g) *Document authentication.* Emboss and affix the official Departmental seal to appropriate documents and other materials, for all purposes for which authentication by seal is required.

(h) *Reports.* Process requests for Office of Management and Budget clearance of reports covered by the Federal Reports Act of 1942.

(i) *Foreign travel.* Review written requests for modification to the Department's foreign travel plan approved by the Office of Management and Budget.

(j) *Administrative/Management matters at the Transportation Systems Center.* Provide guidance and assistance to the Transportation Systems Center on all administrative/management problems (as distinguished from purely technical matters) and make recommendations to the Deputy Secretary for their disposition.

(k) *Gifts and bequests.* Carry out the functions vested in the Secretary by section 9(m) of the Department of Transportation Act (Pub. L. 89–670).

(l) *Audit.* (1) Carry out the functions vested in the Secretary by sections 203, as applicable (except authority to issue subpoenas), 212(b), and 402(g)(2) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93–236).

(2) Carry out the functions vested in the Secretary by subsection (l)(7) of section 305(d)(1) of the Rail Passenger Service Act (45 U.S.C. 305(d)(1)(i)(7); section 6(i)(7) of Pub. L. 93–496) except the authority to prescribe records to be kept by recipients of financial assistance.

§ 1.60 Delegations to Assistant Secretary for Systems Development and Technology.

The Assistant Secretary for Systems Development and Technology is delegated authority to—

(a) Plan and recommend to the Secretary an integrated research and development program consistent with the Department's objectives and priorities of interest.

(b) Recommend to the Secretary actions to improve, modify, or disapprove elements of the research and development program as necessary to eliminate unpromising or unnecessarily duplicative projects and to initiate projects indicating promise.

(c) Recommend to the Secretary appropriate funding for the Department's research and development program as part of the planning, programming, and budgeting process.

(d) As the Secretarial Officer having cognizance over the Department's research and development program, participate fully in the planning, programming, and budgeting process whenever Departmental research and development matters are involved.

(e) Assure common use of research facilities of the Department of Transportation and the National Aeronautics and Space Administration, such as high speed ground transportation test facilities.

(f) Assure coordination of research and development efforts in the areas of aircraft noise and sonic boom to be carried out by the Department of Transportation and the National Aeronautics and Space Administration.

(g) Chair the Department of Transportation Research and Development Management Council.

(h) Exercise executive direction of the Transportation Systems Center to ensure its optimum use as a Departmental in-house research, development, and technological facility.

(i) Carry out the functions vested in the Secretary by section 17 (a) and (b) (as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) and section 18 (a) and (b) (as it relates to conducting consultations with the Administrator of the Environmental Protection Agency) of the Noise Control Act of 1972 (Pub. L. 92–574).

§ 1.61 Delegations to Assistant Secretary for Congressional and Intergovernmental Affairs.

The Assistant Secretary for Congressional and Intergovernmental Affairs is delegated authority to establish procedures for responding to congressional correspondence and review all replies on matters having policy implications, with final authority to coordinate, with other offices, any replies he deems necessary.

§ 1.62 Delegations to Director of the Transportation Systems Center.

The Director of the Transportation Systems Center is delegated authority to—

(a) Redelegate and authorize successive redelegations of authority granted by the Secretary/Deputy Secretary except as limited by law or specific administrative reservations.

(b) Administer the operation of the Transportation Systems Center and perform the functions described in his functional statement.

(c) Communicate and confer with other Government agencies, private industry, educational institutions, and the transportation community in matters related to the mission, functions and programs of the Transportation Systems Center.

(d) Negotiate with and agree upon work to be performed or services to be provided by the Transportation Systems Center, with suitable funding arrangements, for the Office of the Secretary and the operating administrations; and for other Federal agencies, with the concurrence of the Assistant Secretary for Systems Development and Technology. Such work or services shall conform to the Center's mission and comply with the program guidelines of the funding organization.

(e) Negotiate agreements, with the concurrence of the Assistant Secretary for Systems Development and Technology, for services to be provided to State governments or political subdivisions thereof, or private parties, under 42 U.S.C. 4222 or 49 U.S.C. 1657(n); and administer and use monies collected for such services, within such policies and procedures as may be established by the Assistant Secretary for Administration.

(f) Recommend to the Assistant Secretary for Administration actions for improved management through organizational changes, realignment of resources, and other innovations designed to increase the effectiveness, productivity, and economy of Center operations.

(g) Administer and conduct personnel management for the Transportation Systems Center as follows:

(1) Establish and classify positions under the General Schedule at GS–1 through GS–15.

(2) Establish and evaluate trade, craft and laboring positions under the Federal Wage System.

(3) Effectuate personnel actions to appoint, pay, promote, demote, reassign, separate and remove employees; except that all appointments to positions at grades GS–13 through GS–15 from outside the Department of Transportation and all appointments to positions in Schedules A, B, and C of the Excepted Service shall be subject to the approval of the Deputy Secretary.

(4) Approve training for employees except fulltime training in excess of 90 days' duration which shall be approved by the Assistant Secretary for Administration.

(5) Accord recognition to, consult and negotiate with certified labor organizations and administer labor agreements approved by the Assistant Secretary for Administration.

(6) Administer oaths of office under authority of 5 U.S.C. 2903 incident to entry on duty or otherwise required by law in connection with employment in the Executive Branch.

(h) Authorize and approve official travel (except overseas travel and invitational travel) and transportation for himself, his subordinates, and others performing services for, or in cooperation with, the Transportation Systems Center.

(i) Notwithstanding any other provision of this part, exercise procurement authority with respect to requirements of the Transportation Systems Center, subject to such approvals as the Assistant Secretary for Administration may prescribe for:

(1) Contractual actions involving more than $250,000;

(2) Utility contracts expected to cost $50,000 or more per year;

(3) Solicitations of any bid or proposal for support services; and

(4) Acquisition (new construction, purchase, leasing, or otherwise) and disposal of real property.

(j) Approve determinations and findings relating to advance payments to U.S. educational institutions for research projects, under Federal Procurement Regulation 1–30.405. This authority may not be redelegated.

(k) Enter into inter- and intra-departmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686), subject to such approvals as the Assistant Secretary for Administration may prescribe for actions involving more than $250,000. This authority may be redelegated only to office directors or other comparable levels and to contracting officers.

(l) Designate to the Treasury Department certifying officers, designated agents, and imprest fund cashiers, for the Transportation Systems Center.

(m) Settle and pay claims by employees for personal property losses as provided by 31 U.S.C. 241(b).

(n) Establish ad hoc committees for specific tasks within his assigned area of responsibility.

(o) Establish, modify, extend, or terminate standing committees within his specific area of responsibility when directed or authorized to do so by the Secretary.

§ 1.63 Delegations to Director of Public Affairs.

The Director of Public Affairs is delegated authority to—

(a) Except for reviewing and taking final action on applications for reconsideration of initial decisions not to disclose records of the Office of the Secretary requested under 5 U.S.C. 552(a)(3), administer regulations and procedures governing public access to the unclassified records of the Office of the Secretary, and issue supplementary policies and procedures to insure uniform Departmental implementation of related Secretarial orders and regulations.

(b) Monitor the overall public information program and review and approve Departmental informational materials having policy-making ramifications before they are printed and disseminated.

§ 1.64 Delegations to the Deputy Under Secretary. [Reserved]

§ 1.65 Delegations to the Deputy Under Secretary for Budget and Program Review. [Reserved]

APPENDIX A—DELEGATIONS AND REDELEGATIONS BY SECRETARIAL OFFICERS

1. *Director of Budget.* The Deputy Under Secretary for Budget and Program Review has redelegated to the Director of Budget authority to—

(a) Request apportionment and reapportionment of funds by the Office of Management and Budget, provided that no request for apportionment or reapportionment which anticipates the need for a supplemental appropriation shall be submitted to the Office of Management and Budget without appropriate certification by the Secretary.

(b) Issue allotments or allocations of funds to components of the Department.

2. *Chief Counsel, U.S. Coast Guard.* (a) Pursuant to the Uniform Code of Military Justice, Chapter 47 of title 10, United States Code, the Chief Counsel of the U.S. Coast Guard is authorized to exercise the powers and perform the duties, with respect to the Coast Guard, under the following sections of the Uniform Code:

(1) The authority to recommend assignment for duty of law specialists under Article 6(a), section 806(a) of title 10, United States Code.

(2) The authority to make field inspections in connection with the administration of military justice under Article 6(a) section 806(a) of title 10, United States Code.

(3) The authority to designate military judges; to make assignments of, and exercise direct responsibility for, military judges; and to assign, or approve the performance of, other duties of a judicial or nonjudicial nature by military judges under Article 26(c), section 826(c) of title 10, United States Code.

(4) The authority to forward to a Court of Military Review records that must be referred to a Court of Military Review under Article 66(b), section 866(b) of title 10, United States Code.

(5) The authority to instruct the convening authority to take action in accordance with the decision of the Court of Military Review and authority to dismiss the charges under Article 66(e), section 866(e) of title 10, United States Code.

(6) The authority to modify or vacate findings and sentences in cases not reviewed by a Court of Military Review under Article 69, section 869 of title 10, United States Code.

(7) The authority to certify counsel as competent to perform the duties of trial counsel and defense counsel of a general court-martial under 10 U.S.C. 827(b), Art. 27(b) UCMJ.

(b) The authority delegated by subparagraph (3) of paragraph (a) may be redelegated only to the Deputy Chief Counsel.

(c) The Chief Counsel shall make an annual summary report of his actions taken under subparagraph (6) of paragraph (a) of this delegation to the General Counsel of the Department of Transportation (including the number of cases subject to that authority, the number of applications for review filed, and the disposition thereof) for inclusion, as appropriate, in the Judge Advocates General and Court of Military Appeals report to Congress required by Article 67(g), section 867(g) of title 10, United States Code.

3. *Chief Counsels.* The General Counsel has delegated to the Chief Counsels the authority delegated to the General Counsel by Amendment 1–41 to Part 1 of Title 49, Code of Federal Regulations, 35 FR 17653, November 17, 1970, as follows—

Section 355 of the Revised Statutes, as amended by Pub. L. 91–393, 84 Stat. 835 (40 U.S.C. 255) authorizes the Attorney General to delegate to other departments and agencies his authority to give written approval of the sufficiency to the title to land being acquired by the United States. The Attorney General has delegated to the Assistant Attorney General in charge of the Land and Natural Resources Division the authority to make delegations under that law to other Federal departments and agencies (35 FR 16084; 28 CFR 0.66). The Assistant Attorney General, Land and Natural Resources Division, has further delegated certain responsibilities in connection with the approval of the sufficiency of the title to land to the Department of Transportation as follows:

DELEGATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE APPROVAL OF THE TITLE TO LANDS BEING ACQUIRED FOR FEDERAL PUBLIC PURPOSES

Pursuant to the provision of Pub. L. 91–393, approved September 1, 1970, 84 Stat. 835, amending R.S. 355 (40 U.S.C. 255), and acting under the provisions of Order No. 440–70 of the Attorney General, dated October 2, 1970, the responsibility for the approval of the sufficiency of the title to land for the purpose for which the property is being acquired by purchase or condemnation by the United States for the use of your Department is, subject to the general supervision of the Attorney General and to the following conditions, hereby delegated to your Department.

This delegation of authority is further subject to:

1. Compliance with the regulations issued by the Assistant Attorney General on October 2, 1970, a copy of which is enclosed.

2. This delegation is limited to:

(a) The acquisition of land for which the title evidence, prepared in compliance with these regulations, consists of a certificate of title, title insurance policy, or an owner's duplicate Torrens certificate of title.

(b) The acquisition of lands valued at $100,000 or less, for which the title evidence consists of abstracts of title or other types of title evidence prepared in compliance with said regulations.

As stated in the above-mentioned Act, any Federal department or agency which has been delegated the responsibility to approve land titles under the Act may request the Attorney General to render his opinion as to the validity of the title to any real property or interest therein, or may request the advice

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or assistance of the Attorney General in connection with determinations as to the sufficiency of titles.

The Chief Counsels of the United States Coast Guard, Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, National Highway Traffic Safety Administration, Urban Mass Transportation Administration, and the St. Lawrence Seaway Development Corporation are hereby authorized to approve the sufficiency of the title to land being acquired by purchase or condemnation by the United States for the use of their respective organizations. This delegation is subject to the limitations imposed by the Assistant Attorney General, Land and Natural Resources Division, in his delegation to the Department of Transportation. Redelegation of this authority may only be made by the Chief Counsels to attorneys within their respective organizations.

If his organization does not have an attorney experienced and capable in the examination of title evidence, a Chief Counsel may, with the concurrence of the General Counsel, request the Attorney General to (1) furnish an opinion as to the validity of a title to real property or interest therein, or (2) provide advice or assistance in connection with determining the sufficiency of the title.

4. *Chief, Accounting Operations Center.* The Assistant Secretary for Administration has redelegated to the Chief, Accounting Operations Center, authority to—

(a) Designate to the Treasury Department certifying officers and designated agents for the Office of the Secretary, except at the Transportation Systems Center, and imprest fund cashiers for the Departmental headquarters.

(b) Certify to the validity of obligations as required by 31 U.S.C. 200 and to the adequacy of bond coverage for the designations under 49 CFR 1.5(c)(2).

(c) Sign reports on budget execution as required by OMB Circular A-34.

Effective date: This amendment is effective September 24, 1975.

Issued in Washington, D.C., on September 18, 1975.

WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation.

[FR Doc.75-25476 Filed 9-23-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S. O. 1202, Amdt. 2]

PART 1033—CAR SERVICE

Missouri-Kansas-Texas Railroad Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 17th day of September 1975.

Upon further consideration of Service Order No. 1202 (39 FR 40765 and 40 FR 14318), and good cause appearing therefor:

It is ordered, That: § 1033.1202 *Service Order No. 1202* (Missouri-Kansas-Texas Railroad Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1975.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1 (10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2))).

It is further ordered, That a copy of that amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25474 Filed 9-23-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Certain National Wildlife Refuges in Oregon

On July 31, 1975, there was published in the FEDERAL REGISTER (40 FR 32125) a notice of proposed rulemaking changing Special Regulations for hunting for certain individual wildlife refuges in Oregon.

The purpose of the proposed changes was to improve the quality of the hunting experience on these refuge public hunting areas. The public was provided a 30-day comment period.

No unfavorable comments have been received. Accordingly, Chapter I of Title 50 Code of Federal Regulations is amended by revising §§ 32.12 and 32.22 to read as set forth below.

The following regulations will be effective October 11, 1975. These regulations apply to public hunting on portions of certain National Wildlife Refuges in Oregon.

General Conditions. Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651).

Ducks, geese, and coots may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Oregon 97532.

Special conditions. 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon during the authorized season only.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between September 15 and October 15, 1975.

3. Steel shot only may be possessed or used on the refuge hunting area.

4. Hunters are limited to the possession and use of twenty (20) shells per day.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oregon 97338.

Special Conditions. 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon during the authorized season only.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between September 15 and October 15, 1975.

3. Steel shot only may be possessed or used on the refuge hunting area.

4. Hunters are limited to the possession and use of twenty (20) shells per day.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special Conditions. 1. Hunting is permitted on Wednesdays, Saturdays, and Sundays from opening shooting time each day until 12 noon, during the authorized season only.

2. A Federal permit is required and will be issued on an advance reservation basis. Application for reservation will be accepted between September 15 and October 15, 1975.

3. In the designated goose hunting area "A" hunters may shoot from assigned blind sites only and are limited to the use of ten (10) shells per day.

4. Hunters are limited to the possession and use of twenty (20) shells per day on area "B".

5. The use of steel shot will be mandatory.

Ducks, geese, coots and common snipe may be hunted on the following refuges:

Klamath Forest National Wildlife Refuge (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special conditions. 1. Boats with or without motors are permitted. Airthrust, water-thrust, and sculling boats are prohibited.

2. All decoys, boats and other personal property must be removed from the refuge at the close of each day.

Upper Klamath National Wildlife Refuge (Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134).

Special conditions. 1. Boats with or without motors are permitted. Airthrust, water-thrust and sculling boats are prohibited.

2. All decoys, boats, and other personal property must be removed from the refuge at the close of each day.

Cold Springs National Wildlife Refuge, Hermiston, Oregon (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

McKay National Wildlife Refuge, Pendleton, Oregon (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

Special condition. Hunting will be permitted on Wednesdays, Saturdays, Sundays and Federal holidays.

Lewis and Clark National Wildlife Refuge, Route 1, Box 376C, Cathlamet, Washington 98612.

Special condition. Posted portions of the Lewis and Clark National Wildlife Refuge in Clatsop County will be closed to waterfowl hunting.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Special conditions. 1. Waterfowl hunting is permitted during open hours each Wednesday, Sunday and Federal holiday (except Christmas) during waterfowl season.

2. *Hunting by permit only.* Successful applicants may bring one unnamed guest and must arrive at the checking station no later than ONE HOUR before shooting time or the reservation is cancelled. Checking station will open 1½ hours before shooting time. "No-show" vacancies will be filled from a waiting line after reservations have been accommodated and just prior to shooting time.

3. Application will be accepted during two sign-up periods. Permits are nontransferrable.

4. The use of steel shot will be mandatory. Shells will not be sold at the check stand and should be obtained from a commercial source well before hunt day.

5. Waterfowl hunting will be from blinds only. Details will be available at the check stand.

6. New hunters will not be accepted on the area after the initial processing in the morning.

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720.

Special condition. Use of motors on boats is prohibited.

Mourning doves and band-tailed pigeons may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Box 198, Jefferson, Oregon 97352.

Special condition. All hunters must check in and out of the refuge daily by use of self-service permits.

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720.

Special condition. That portion of the refuge in Blitzen Valley west of Highway 205 of Diamond Lane will be open to hunting as posted.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special condition. All hunters must check in and out of the refuge daily by use of self-service permits.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game birds may be hunted on the following refuge areas:

Deer Flat National Wildlife Refuge, Snake River Sector (Headquarters: Deer Flat National Wildlife Refuge, Route 1, Box 1457, Nampa, Idaho 83651).

Hart Mountain National Antelope Range, P.O. Box 111, Lakeview, Oregon 97630.

Special condition. Quail and partridge only may be hunted.

Pheasant, quail, and partridge may be hunted on the following refuge areas:

Cold Springs National Wildlife Refuge, Hermiston, Oregon (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

Malheur National Wildlife Refuge, P.O. Box 113, Burns, Oregon 97720.

Special condition. Hunting will be permitted during the last 9 days of the State season on the upland game hunting area and during State seasons running concurrently with the waterfowl season on the waterfowl hunting area, and that portion of the refuge in the Blitzen Valley west of Highway 205 as posted.

McKay Creek National Wildlife Refuge, Pendleton, Oregon (Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882).

Special condition. Hunting is permitted on Wednesdays, Saturdays, Sundays and Federal holidays.

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882.

Special conditions. 1. Hunting will be permitted from 12:00 noon until closing time on Wednesdays, Saturdays, Sundays and Federal holidays.

2. Pheasant hunters must check in and out of the refuge daily at the refuge check station.

Pheasant and quail may be hunted on the following refuge areas:

Ankeny National Wildlife Refuge, Route 1, Box 198, Jefferson, Oregon 97352.

Special conditions. 1. No hunting permitted after November 2, 1975.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 50 at any one time.

Baskett Slough National Wildlife Refuge, Route 1, Box 709, Dallas, Oregon 97338.

Special conditions. 1. No hunting permitted after November 2, 1975.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 50 at any one time.

William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, Oregon 97330.

Special conditions. 1. No hunting permitted after November 2, 1975.

2. All hunters must check in and out of the refuge daily by use of self-service permits.

3. Hunters on the area served by each registration station will be limited to 100 at any one time.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1976.

DONALD J. HANKLA,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.75-25367 Filed 9-23-75;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period November 7, 1975 through November 12, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with shotguns on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area designated by signs as open to hunting. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977 and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions:

(1) A Federal permit is required to hunt on the Deer Hunting Area and may be obtained by applying to the Refuge Manager in writing for an advance reservation. An individual with an advance reservation will forfeit his permit if he is not present one hour prior to the start of legal shooting time on the date of the reservation. These forfeited permits not reserved by advance reservations will be awarded to standby hunters by lot one-half hour before the start of legal shooting time. Permits must be surrendered prior to departure from the refuge.

(2) The number of hunters admitted to the open area at one time will be restricted to 50.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50,

V 40 186 SEP 2475 XUM

Code of Federal Regulations, Part 32, and are effective through November 12, 1975.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 17, 1975.

[FR Doc.75-25456 Filed 9-23-75;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period October 1, 1975 through February 29, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of woodcock and crow on the Iroquois National Wildlife Refuge, New York, is permitted on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock and crow.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 29, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 17, 1975.

[FR Doc.75-25457 Filed 9-23-75;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—TUNA FISHERIES

PART 285—ATLANTIC TUNA FISHERIES

Bluefin Tuna Season Closure

On September 22, 1975, the Director, National Marine Fisheries Service, determined that the 1975 annual quota of 200 short tons of Atlantic bluefin tuna weighing in excess of 300 pounds round weight and taken by purse seining will be reached on September 1975. The quota is established in 50 CFR 285.12a(2) and includes those tuna taken incidentally as prescribed in 50 CFR 285.13(d).

As authorized by 50 CFR 285.11, notice is hereby given that the 1975 season for Atlantic bluefin tuna taken by purse seining, which weigh in excess of 300 pounds round weight, will terminate at 0001 hours, local time, in the regulatory area, September 22, 1975.

Incidental catches of Atlantic bluefin tuna weighing in excess of 300 pounds taken after September 24, 1975, may not exceed the limits prescribed in 50 CFR 285.13(c).

Issued at Washington, D.C., and dated September 24, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75-25517 Filed 9-23-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of Connecticut Under Federal Meat and Poultry Products Inspection Acts for Special Purposes

● Purpose. The purpose of this document is to notify the public that the Secretary of Agriculture hereby designates the State of Connecticut under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act. ●

Statement of Considerations. Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased livestock of specified kinds, or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified classes of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in section 11 of the Poultry Products Inspection Act (21 U.S.C. 460). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise the authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

Officials of the State of Connecticut have advised this Department that effective October 1, 1975, the State of Connecticut will no longer be in a position to continue administering authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce."

The Secretary heretofore determined that the State of Connecticut had developed and activated requirements at least equal to the requirements under sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act. However, such sections contemplate continuous ongoing programs, and in view of the termination date now applicable to the Connecticut programs, the Secretary, after consultation with the appropriate advisory committee, has now determined that Connecticut is not exercising, in a manner to effectuate the purposes of said Acts, with respect to intrastate businesses, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act, including the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, Connecticut is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

§ 331.6 [Amended]

Accordingly, the table in § 331.6 of the meat inspection regulations (9 CFR 331.6) is amended as follows:

1. In the "State" column, "Connecticut" is added immediately below "Colorado" in all three places.

2. In the "Effective date of designation" column, "October 1, 1975" is added on the line with "Connecticut" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended, 81 Stat. 584, 21 U.S.C. 621, 645; 37 FR 28464, 28477.)

§ 381.224 [Amended]

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

1. In the "State" column, "Connecticut" is added immediately below "Colorado" in both places.

2. In the "Effective date" column, "October 1, 1975" is added on the line with "Connecticut" in both places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 460(e), 463; 37 FR 28464, 28477.)

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the Acts by affording representatives of the Secretary of Agriculture access to places of business engaged in intrastate activities and otherwise facilitate the enforcement of the Acts. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Secretary. Therefore under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments and the notice given hereby shall become effective October 1, 1975.

Done at Washington, D.C., on: September 22, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-25653 Filed 9-23-75;8:45 am]

V 40 186 SEP 2475 XUM

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 209]

ADMINISTRATIVE PROCEDURES; SHIPPING SAFETY FAIRWAYS AND ANCHORAGE AREAS

Proposed in Gulf of Mexico

Notice is hereby given that pursuant to the provisions of section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. 403), and section 4 of the Outer Continental Shelf Lands Act of 7 August 1953 (67 Stat. 462; 43 U.S.C. 1333(f)), the regulations set forth below in tentative form are proposed by the Secretary of the Army (acting through the Chief of Engineers) to control the erection of structures in navigable waters and the Outer Continental Shelf. It is proposed to amend the present regulations with respect to paragraphs (d) (41) through (d) (46) in 33 CFR 209.135 to change the alignment of fairways and anchorages south of Panama City due to their interference with experimental devices in that area and to relocate the east-west fairway between Pensacola and Panama City, Florida to the north and parallel to the shore.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN–CWO–N on or before October 24, 1975.

Section 209.135 is amended by revising paragraphs (d) (41) through (46) and by adding paragraphs (d) (47) through (51) to read as follows:

§ 209.135 Shipping safety fairways and anchorage areas, Gulf of Mexico.

* * * * *

(d) * * *

(41) *Pensacola Safety Fairway.* The areas between rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°22'41"	87°14'34"	30°22'54"	87°13'53"
30°23'06"	87°13'53"	30°20'47"	87°15'45"

and rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°18'43"	87°19'24"	30°12'31"	87°18'00"
30°15'57"	87°18'19"	30°10'03"	87°18'00"
30°14'29"	87°19'05"	29°37'00"	87°18'00"

and rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°26'27"	87°08'25"	30°25'35"	87°10'30"

and rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°24'36"	87°07'07"	30°19'21"	87°14'46"
30°22'57"	87°09'38"	30°19'52"	87°17'31"
30°22'36"	87°11'50"		

and rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°19'15"	87°17'37"	30°12'33"	87°15'43"
30°16'29"	87°16'32"	29°42'30"	87°15'43"
30°14'32"	87°16'06"		

(42) *Pensacola Anchorages.* (i) The area within rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°11'49"	87°22'41"	30°10'03"	87°18'00"
30°12'31"	87°18'00"	30°09'21"	87°22'41"

(ii) The area within rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°16'32"	87°16'32"	30°15'14"	87°11'52"
30°16'25"	87°11'52"	30°14'32"	87°16'06"

(43) *Pensacola to Panama City Safety Fairway.* The area between rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°14'32"	87°16'06"	31°18'00"	86°20'00"
30°15'14"	87°11'52"	29°51'30"	85°47'33"
30°18'45"	86°50'00"		

and rhumb lines at:

Latitude	Longitude	Latitude	Longitude
30°12'32"	87°15'43"	30°16'01"	86°20'57"
30°16'44"	86°49'49"	29°48'45"	85°47'33"

(44) *Panama City Safety Fairways.* The areas between rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°09'24"	85°49'12"	30°06'32"	85°47'33"
30°09'21"	85°41'49"	29°51'30"	85°47'33"
30°07'36"	85°44'29"	29°48'45"	85°47'33"
30°06'59"	85°46'12"	29°03'30"	85°47'33"

and rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
30°08'34"	85°46'12"	29°55'39"	85°45'15"
30°07'55"	85°41'56"	29°51'39"	85°45'15"
30°05'40"	85°43'25"	29°49'15"	85°46'12"
30°05'18"	85°44'57"	30°00'00"	85°45'15"
30°04'46"	85°46'15"		

(45) *Panama City Anchorage.* The area within rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
29°55'39"	85°45'15"	29°51'39"	85°42'39"
29°55'37"	85°42'25"	29°51'39"	85°46'15"

(46) *Port St. Joe Fairway to Panama City Fairway.* The area between rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
29°49'36"	85°19'24"	29°56'36"	85°28'45"
29°56'39"	85°22'25"	29°51'39"	85°22'45"
29°53'36"	85°22'25"	29°51'39"	85°45'36"
29°54'12"	85°24'08"	30°51'30"	85°45'15"
29°54'12"	85°25'39"		

and rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
29°48'29"	85°18'12"	29°53'19"	85°25'33"
29°47'21"	85°21'09"	29°51'39"	85°28'19"
29°50'48"	85°23'31"	29°51'04"	85°29'08"
29°52'51"	85°23'36"	29°50'45"	85°23'36"
29°53'19"	85°24'18"	29°49'19"	85°45'15"

(47) *Port St. Joe Anchorage.* The area within rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
29°50'49"	85°32'39"	29°49'19"	85°28'15"
29°54'04"	85°29'09"		

(48) *Tampa Safety Fairways.* The area between rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
27°37'48"	82°43'54"	27°26'48"	83°00'00"
27°26'48"	82°58'54"	27°26'48"	84°26'18"

and rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
27°26'39"	82°43'48"	27°24'48"	83°00'00"
27°24'48"	82°56'54"	27°24'48"	84°26'00"

(49) *Tampa Anchorages.* (i) The area within rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
27°26'39"	83°00'00"	27°26'00"	82°56'54"
27°30'09"	83°00'09"	27°26'48"	82°56'54"

(ii) The area within rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
27°24'48"	83°00'00"	27°23'00"	82°56'54"
27°26'09"	83°00'09"	27°24'48"	82°56'54"

(50) *Charlotte Safety Fairway.* The area between rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
26°41'19"	82°19'09"	26°30'09"	84°26'00"

and rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
26°30'09"	82°19'09"	26°28'00"	84°21'39"
26°28'39"	82°19'54"		

(51) *Charlotte Anchorage.* The area within rhumb lines joining points at:

Latitude	Longitude	Latitude	Longitude
26°30'09"	82°19'09"	26°31'39"	82°19'15"
26°28'12"	82°18'24"	26°28'30"	82°18'54"

Dated: September 16, 1975.

MARVIN W. REES,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

[FR Doc.75-26842 Filed 9-23-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1421]

SUPPORT PROGRAM FOR 1975-CROP TUNG NUTS

Proposed Rule Making

Pursuant to sections 201 and 401 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U. S. C. 1446 and 1421), the Secretary is preparing to determine and announce the support program for 1975-crop tung nuts.

Section 201 provides that the price of tung nuts shall be supported through loans, purchases, or other operations at a level not in excess of 90 percentum nor less than 60 percentum of the parity price therefor; *Provided*, That in any crop year in which the Secretary determines that the domestic production of tung oil will be less than the anticipated domestic demand for such oil, the price of tung nuts shall be supported at not less than 65 percentum of the parity price therefor.

The program will include:

1. The level of support;
2. The method of support;
3. Conditions of eligibility;
4. Area and period of program;
5. Other program operating provisions.

Section 401 of the Act requires that, in determining the level of support in excess of the minimum level prescribed by law, consideration be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a price-support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Grains, Oilseeds and Cotton Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m.—4:45 p.m.) (7 CFR 1.27(b)). All submissions must, in order to be sure of consideration, be received by the Director on or before October 24, 1975.

Signed at Washington, D.C. on September 19, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-25445 Filed 9-23-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Ch. I]

[Docket No. 14978; Notice No. 75-84; SFAR 27]

EPA EXHAUST EMISSIONS (SMOKE) STANDARDS AND FAA PARTICIPATION IN ALL EMISSION TESTING

Proposed Compliance

Correction

In FR Doc. 75-24766 appearing at page 42754 in the issue of Tuesday, September 16, 1975, the 6½ bracket should read as set forth above.

[14 CFR Part 39]

[Airworthiness Docket No. 67-SW-68]

CERTAIN BELL MODEL HELICOPTERS

Proposed Airworthiness Directive; Extension of Comment Period

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of the tail rotor blades, P/N 47-642-117, on certain Bell Model 47 series helicopters was published in 40 FR 39896 on August 29, 1975.

By message dated August 29, 1975, the Helicopter Association of America petitioned for an extension of the closing date for comments on the notice of proposed rulemaking from September 19, 1975, to October 19, 1975. The agency recognizes and appreciates the impact of the proposed action on certain Bell Model 47 helicopter operators and believes it is in the public interest to grant the extension.

In consideration of the foregoing, the closing date for comments on the proposed airworthiness directive, published in the FEDERAL REGISTER, 40 FR 39896, is hereby extended, and all communications received on or before October 19, 1975, will be considered by the Director

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before taking action upon the proposed rule.

(14 CFR 11.55)

Issued in Fort Worth, Tex., on September 11, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-25401 Filed 9-23-75; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 217, 241]

[Economic Regulations; Docket No. 28321]

CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS; UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting of Charter Transportation

SEPTEMBER 18, 1975.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 217 and 241 of its Economic Regulations which would amend the reporting of civilian charter information by all the certificated route and supplemental air carriers and foreign direct air carriers.

The principal features of the proposed amendments are described in the attached Explanatory Statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a), 402 and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 757 and 766; 49 U.S.C. 1324, 1372 and 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding, may do so through submission of comments in letter form to the Docket Section at the above-indicated address, without the need of filing additional copies thereof. All relevant material received on or before October 24, 1975, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

To provide itself and the many interested users with data about charter markets, the Board in 1967 adopted reporting requirements (Part 217 and Schedule T-6 of Part 241 of the Economic Regulations). Since that time, the Board has adopted piecemeal amendments[1] to these regulations in an effort to keep them up-to-date by reflecting each new type of charter which we have authorized in our step-by-step development of low-cost bulk transportation.[2] During the same time the Bureau of Accounts and Statistics has made numerous and vigorous efforts (generally with the full cooperation of reporting carriers) to obtain corrections of the many reporting errors which have crept into the system, possibly due, in large part, to inadequate adjustments of the 1967 reporting concept to the growth and evolving complexity of the charter field. Among the factors contributing to this complexity, particularly from a reporting standpoint, is the fact that our rules permit the operation of split charters, thereby authorizing direct carriers to carry different groups of persons on the same flight, although such groups may be participating in charters organized by different charterers, under different charter rules, and, in some cases, with different origins and destinations.

Among the chief inadequacies and ambiguities of the requirements under the present reporting system are:

1. It provides no information on load factors for passengers. Such information would provide accurate data for market comparisons with scheduled traffic flows as well as information on the working of charter markets, particularly with regard to new fixed-price charter types.

2. It provides no information on revenue, therefore, none on market rates and yields. Seat-miles give only a very crude estimate. The current absence of revenue reporting, in situations where charter rates vary from approximately two cents a seat-mile to about five cents a seat-mile, makes it very difficult if not impossible even to approximate accurately the revenues obtained by a carrier, a class of carriers, or carriers of a particular flag. The revised form would give accurate revenue figures for bilateral market participation by flag of carrier, by class of carrier, and by individual carrier, for the Board's regulatory use and in its role in international negotiations. In addition, the Board requires better rate and yield information to judge the impact of charters on scheduled service fares. Data are needed to show by season, by origin and destination, by carrier and by type of charter, the passengers carried and the charterer's cost. Revenue data are needed also to evaluate the viability of charter service.

3. It does not give good information on the air travel origins and destinations of charter groups. On planeload charters serving points in more than one country, it is impossible to determine whether part of the traffic was enplaned or deplaned in one country, and part in another, or whether all the traffic had stopovers in each country on a circle tour, or whether the carrier is erroneously reporting technical stops as traffic stops. This would be remedied by requiring reporting by group flight leg, even if the same charterer is involved. This information is very important in accurately establishing the scope of country-pair and city-pair markets for various regulatory purposes and for international negotiations.

4. It is inadequate to monitor the relationship of charter service to scheduled service, by traffic, rates, origin, and destination. The Board, with the responsibility for gauging the impact which these two types of service have on one another, requires such data, and the proposed improved reporting would supply them.

5. It provides little or misleading information on seasonality of charter markets as well as peaking periods within weeks in given markets. These factors will be of special and increasing importance in monitoring the development of One-stop-inclusive Tour Charters.

The present proposal envisions a basic change from aggregate flight reporting to the reporting of charter group movements by flight sector. The system proposed is closely patterned after a system which Canada has had in effect for about five years. The Board staff's own experience with the Canadian reporting system, as well as many informal discussions with those responsible for the Canadian system, indicate that an adaptation of it would remedy many existing defects and improve the quality of reporting significantly. In addition, it would make available to carriers, charter organizers, and others, useful information on actual or potential markets, growth rates, volume of service, charter rates being obtained, and so forth. This would meet a substantial public need (evidenced by a large demand for the limited international charter information now made available by the Board), and would thereby promote competition in the charter market.

Four new column items designed to improve the particularization of reported charters would call for: name of charterer, flight number, aircraft type, and length of stay. These items would serve essentially to link groups to flights, flight legs to other flight legs, and flights to programs. In addition, aircraft-type information would be used with revenues,

[1] ER-710, ER-715, ER-717, ER-752, ER-765, ER-843, ER-847, ER-916 (Part 217). ER-675, ER-711, ER-738, ER-749, ER-766, ER-842, (Part 241).

[2] For example, within the past few years, the types of passenger charters authorized under our rules have rapidly expanded, so as to include Overseas Military Personnel Charters (OMPC), Travel Group Charters (TGC), and, most recently, One-stop-inclusive Tour Charters (OTC), of which Special Events Charters (SEC) are a subtype. Also, agreements with several foreign countries provide that the United States and the foreign party agree to permit charters to be operated in accordance with the applicable rules of the country where the charter originates. Thus, Advance Booking Charters (ABC), "common purpose" charters, and inclusive tour charters under foreign rules are also being operated by carriers filing reports with the Board.

carrier, capacity, market, and load for analytical purposes.

With the proposed changes, separate reports for each charter type would no longer be required. As at present, a simple "no flights operated" report would be required when no flights are operated; however, no listing of types not operated would be required. Also, any carrier which has indefinitely discontinued charter operations would be able to so indicate and would not be required to report during such suspension period.

Further minor changes proposed include a reporting of wet-lease and subservice operations by type of traffic carried, *i.e.*, the charterer to be named would be the tour organizer, affinity group, or entity, not the original contracting air carrier or foreign air carrier. Thus the character of the actual traffic, for example inclusive tour, would become known, but the inter-carrier arrangement facts would not be reported. Also, all flight legs would be reported in the quarter operated, a change from the present where the outbound leg determines the quarter in which the service is to be reported.

Finally, we are proposing to change the filing due date to 20 days after the reporting period from 40 days at present. Since the new format calls for reporting of flight sectors flown in chronological order, reports can be prepared on a continuing or intermittent basis throughout the period without the necessity to wait for the end of the period to aggregate flights as at present.

1. It is proposed to amend Part 217 of Chapter II of Title 14 of the Code of Federal Regulations by amending paragraph (b) and adding a new paragraph (c) of § 217.3 to read as follows:

§ 217.3 Report of civil aircraft charters performed by foreign air carriers.

* * * * * *

(b) Three copies of CAB Form 217[1] shall be filed for the quarters ending March 31, June 30, September 30, and December 31 of each calendar year. These reports shall be submitted to the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428, so as to be received on or before the due dates indicated below:

SCHEDULE OF DUE DATES

Filing for quarter ended:	Due date
Mar. 31	Apr. 20
June 30	July 20
Sept. 30	Oct. 20
Dec. 31	Jan. 20

Due dates falling on a Saturday, Sunday, or national holiday become effective the first following working day.

(c) If no charter flights were operated for the quarter to be reported, three copies of CAB Form 217 endorsed "no flights operated" shall nevertheless be filed. If charter flight operations have been discontinued indefinitely, three copies of CAB Form 217 endorsed "charter flight activity discontinued indefinitely" may be filed and thereafter no further quarterly reports are required until such time as any charter flight is flown, after which quarterly reporting shall be resumed.

2. Section 217.6 is revised to read as follows:

§ 217.6 Reporting instructions.

(a) A complete report shall be made on this form for the overall or system operations conducted by a foreign air carrier to or from the United States: *Provided, however*, That charter flights with small aircraft (as defined in § 217.1) shall not be reported.

(b) Reporting of passenger flights shall be on a charter group basis, by flight legs; that is, there will be a separate line of data for each flight leg of each charter group which can be distinguished from another charter group on the same flight leg by name of charterer, type of charter, origin, destination, or length of stay. All groups on the same flight must be reported on consecutive lines without intervening lines of data about groups on other flights. All flight legs should be reported in chronological order of dates of enplanement. (See item (g) below for identification of flight legs.)

(c) Data for each flight leg shall be reported for the quarter in which the flight leg began.

(d) Column (1) shall reflect the name of the charterer (group or organization). A recognizable abbreviation may be used.

(e) Column (2) shall reflect each type of charter by the following codes:

AB—Advance Booking
TG—Travel Group
PR—Pro Rata Prior Affinity
CP—Common Purpose (Canada, Yugoslavia originations)
EC—Entity—Cargo
EP—Entity—Passenger
OM—Overseas Military Personnel
SG—Study Group
SE—Special Event
OT—One-stop ITC (Part 378a of the Board's Special Regulations)
IT—ITC (Part 378 of the Board's Special Regulations)
FT—Foreign Rule ITC

(f) Charters flown for the transportation of charter traffic of another air carrier or foreign air carrier shall be reported solely by the carrier in operational control of the aircraft, naming the type of charter, traffic carried, e.g., IT, and (in column 1) the indirect air carrier or organization. Charters flown to accommodate the scheduled traffic of another direct air carrier shall be reported as entity charters, naming the other direct air carrier as charterer. Charters originating in the United States and flown to Canada with aircraft having a maximum takeoff weight greater than 18,000 pounds but not greater than 35,000 pounds shall be reported as Entity—Passenger or Entity—Cargo unless organized and operated pursuant to any Economic or Special Regulation for which the filing of preflight documentation with the Board is required. Charters originating in Canada and flown to the United States shall be identified by the codes AB, CP, EC, EP, or FT, as appropriate.

(g) Column (4) shall identify each leg by the following numbers:

1—One-way flight
2—Originating leg of round trip
3—Intermediate leg involving a stopover (Applies only where a group made a distinguishable stopover, not merely, e.g., a stop for entry inspection or refueling.)
4—Return leg of round trip.

(h) Column (6) shall reflect the number of tons (to the nearest tenth of a short ton) of property enplaned in Entity—Cargo flights only.

(i) Column (7) shall reflect any point at which a charter group, cargo load, or part of a group or load was enplaned. Departure points for ferry legs shall not be reported. Technical stops, e.g., for departure formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the actual point of enplanement shall be reported. The point of enplanement shall be identified by the three-letter airport code used in the "Official Airline Guide" (OAG). If no OAG code exists, the destination name shall be written out, in a footnote if necessary.

(j) Column (11) shall reflect any point at which a charter group, cargo load, or part of a group or load was deplaned. Arrival points for ferry legs shall not be reported. Technical stops, e.g., for entry formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the actual point of deplanement shall be reported. The point of deplanement shall be identified by the three-letter airport code used in the "Official Airline Guide" (OAG). If no OAG code exists, the destination name shall be written out, in a footnote if necessary.

(k) Column (12) shall reflect revenue in U.S. dollars only (no cents) for the flight leg being reported. For departing and returning legs of simple round trips, revenue shall be divided so that one-half of total revenue is shown for each flight leg. For open-jaw or circle-tour trips, report actual revenue for each flight leg, prorating by each leg's mileage if necessary. Where ferry mileage is charged for, prorate the ferry charge over all legs of the total program. Separate revenue entries shall be made for each enplaning charter group. Revenues shall show the price paid for air transportation by the charterer, not the charterer's price to the passenger.

(l) Column (13) shall reflect the planned length of stay in days at the deplanement point for each group on the originating leg of a round trip or on an intermediate leg involving a stopover.

(m) Column (14) shall reflect the code number for the type of aircraft operated as prescribed by the Board's Bureau of Accounts and Statistics.

(n) Column (16) shall reflect the entire capacity of the aircraft and shall be completed for Entity—Cargo charters only.

[1] CAB Form 217 may be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

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3. Amend CAB Form 217 by revising this form as shown in Exhibit A[1] attached hereto and incorporated herein as reference.

4. List of due dates for Schedule T–6 in Section 22 is revised to read as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due date: [1]	*Schedule No.*
Jan. 20	P–12, P–12(a), T–6
Jan. 30	B–1, P–1(a), T–1, T–2, T–3, T–7, T–41
Feb. 10 [2]	A, B–2, B–3, B–4, B–5, B–7, B–7(b), B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–2(a), P–3, P–3(a), P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–8, P–9.1, P–9.2, P–10, P–11(a), P–11(b)
Feb. 20	P–12, P–12(a)
Mar. 1	B–1, P–1(a), T–1, T–7
Mar. 20	P–12, P–12(a)
Mar. 30	A–2, B–1, B–41, B–43, B–44, B–46, P–1(a), G–41, G–42, G–43, G–44, T–1, T–7
Apr. 20	P–12, P–12(a), T–6
Apr. 30	B–1, P–1(a), T–1, T–2, T–3, T–7
May 10	A, B–2, B–3, B–4, B–5, B–7, B–7(b), B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–2(a), P–3, P–3(a), P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–8, P–9.1, P–9.2, P–10, P–11(a), P–11(b)
May 30	P–12, P–12(a)
June 20	B–1, P–1(a), T–1, T–7
June 30	P–12, P–12(a)
July 20	B–1, P–1(a), T–1, T–7
July 30	P–12, P–12(a), T–6
Aug. 10	B–1, P–1(a), T–1, T–2, T–3, T–7
Aug. 20	A, A–1, B–2, B–3, B–4, B–5, B–7, B–7(b), B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–2(a), P–3, P–3(a), P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–8, P–9.1, P–9.2, P–10, P–11(a), P–11(b)
Aug. 30	P–12, P–12(a)
Sept. 20	B–1, P–1(a), T–1, T–7
Sept. 30	P–12, P–12(a)
Oct. 20	B–1, P–1(a), T–1, T–7
Oct. 30	P–12, P–12(a), T–6
Nov. 10	B–1, P–1(a), T–1, T–2, T–3, T–7, T–41
Nov. 20	A, B–2, B–3, B–4, B–5, B–7, B–7(b), B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–2(a), P–3, P–3(a), P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–8, P–9.1, P–9.2, P–10, P–11(a), P–11(b)
Nov. 30	P–12, P–12(a)
Dec. 20	B–1, P–1(a), T–1, T–7
Dec. 30	P–12, P–12(a)
	B–1, P–1(a), T–1, T–7

[1] Due dates falling on a Saturday, Sunday or national holiday will become effective the first following working day.

[2] B and P reporting dates are extended to Mar. 30, if preliminary schedules are filed at the Board by Feb. 10.

5. Summary of Civil Aircraft Charters, Section 255, Schedule T–6 is revised to read as follows:

SCHEDULE T–6—REPORT OF CIVIL AIRCRAFT CHARTERS

(a) This schedule shall be filed by each route air carrier, except that intra-Alaskan charters performed by Alaskan air carriers shall not be reported.

(b) A complete report shall be made on this schedule for the overall or system operations conducted by the air carrier.

(c) Reporting of passenger flights shall be on a charter group basis, by flight legs; that is, there will be a separate line of data for each flight leg of each charter group which can be distinguished from another charter group on the same flight leg by name of charterer, type of charter, origin, destination, or length of stay. All groups on the same flight must be reported on consecutive lines without intervening lines of data about groups on other flights. All flight legs should be reported in chronological order of dates of enplanement. (See item (h) below for identification of flight legs.)

(d) Data for each flight leg shall be reported for the month in which the flight leg began.

(e) Column (1) shall reflect the name of the charterer (group or organization). A recognizable abbreviation may be used.

(f) Column (2) shall reflect each type of charter by the following codes:

AB—Advance Booking
TG—Travel Group
PR—Pro Rata Prior Affinity
CP—Common Purpose (Canada, Yugoslavia originations)
EC—Entity—Cargo
EP—Entity—Passenger
OM—Overseas Military Personnel
SG—Study Group
SE—Special Event
OT—One-stop ITC (Part 378a of the Board's Special Regulations)
IT—ITC (Part 378 of the Board's Special Regulations)
FT—Foreign Rule ITC

(g) Charters flown for the transportation of charter traffic of another air carrier or foreign air carrier shall be reported solely by the carrier in operational control of the aircraft, naming the type of charter, traffic carried, e.g., IT, and (in column 1) the indirect air carrier or organization. Charters flown to accommodate the scheduled traffic of another direct air carrier shall be reported as entity charters, naming the other direct air carrier as charterer. Charters originating in the United States and flown to Canada with aircraft having a maximum takeoff weight greater than 18,000 pounds but not greater than 35,000 pounds shall be reported as Entity—Passenger or Entity—Cargo unless organized and operated pursuant to any Economic or Special Regulation for which the filing of preflight documentation with the Board is required. Charters originating in Canada and flown to the United States shall be identified by the codes AB, CP, EC, EP, or FT, as appropriate.

(h) Column (4) shall identify each leg by the following numbers:

1—One-way flight
2—Originating leg of round trip
3—Intermediate leg involving a stopover (Applies only where a group made a distinguishable stopover, not merely, e.g., a stop for entry inspection or refueling).
4—Return leg of round trip

(i) Column (6) shall reflect the number of tons (to the nearest tenth of a short ton) of property enplaned in Entity-Cargo flights only.

(j) Column (7) shall reflect any point at which a charter group, cargo load, or part of a group or load was enplaned. Departure points for ferry legs shall not be reported. Technical stops, e.g., for departure formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the actual point of enplanement shall be reported. The point of enplanement shall be identified by the three-letter airport code used in the "Official Airline Guide" (OAG). If no OAG code exists, the destination name shall be written out, in a footnote if necessary.

(k) Column (11) shall reflect any point at which a charter group, cargo load, or part of a group or load was deplaned. Arrival points for ferry legs shall not be reported. Technical stops, e.g., for entry formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the actual point of deplanement shall be reported. The point of deplanement shall be identified by the three-letter airport code used in the "Official Airline Guide" (OAG). If no OAG code exists, the destination name shall be written out, in a footnote if necessary.

(l) Column (12) shall reflect revenue in U.S. dollars only (no cents) for the flight leg being reported. For departing and returning legs of simple round trips, revenue shall be divided so that one-half of total revenue is shown for each flight leg. For open-jaw or circle-tour trips, report actual revenue for each flight leg, prorating by each leg's mileage if necessary. Where ferry mileage is charged for, prorate the ferry charge over all legs of the total progam. Separate revenue entries shall be made for each enplaning charter group. Revenues shall show the price paid for air transportation by the charterer, not the charterer's price to the passenger.

(m) Column (13) shall reflect the planned length of stay in days at the deplanement point for each group on the originating leg of a round trip or on an intermediate leg involving a stopover.

(n) Column (14) shall reflect the code number for the type of aircraft operated as prescribed by the Board's Bureau of Accounts and Statistics.

(o) Column (14) shall reflect the code tire capacity of the aircraft and shall be completed for Entity—Cargo charters only.

6. List of due dates for Schedule T–6 in section 32 is revised to read as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due date: [1]	*Schedule No.*
Jan. 20	P–12, P–12(a), T–6
Jan. 30	B–11, T–3.1
Feb. 10 [2]	A, B–1, B–2.1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–11(a), P–11(b)

[1] Due dates falling on a Saturday, Sunday or national holiday will become effective the first following working day.

[2] B and P reporting dates are extended to Mar. 30, if preliminary schedules are filed at the Board by Feb. 10.

[1] NOTE: Exhibit A filed as part of original.

Due date:	*Schedule No.*
Feb. 20	P–12, P–12(a)
Mar. 1	B–11, T–3.1
Mar. 20	P–12, P–12(a)
Mar. 30	A–2, B–11, B–41, B–43, B–44, B–46, G–41, G–42, G–43, G–43, G–44, T–3.1
Apr. 20	P–12, P–12(a), T–6
Apr. 30	B–11, T–3.1
May 10	A, B–1, B–2.1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–11(a), P–11(b)
May 20	P–12, P–12(a)
May 30	B–11, T–3.1
June 20	P–12, P–12(a)
June 30	B–11, T–3.1
July 20	P–12, P–12(a), T–6
July 30	B–11, T–3.1
Aug. 10	A, A–1, B–1, B–2.1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–11(a), P–11(b)
Aug. 20	P–12, P–12(a)
Aug. 30	B–11, T–3.1
Sept. 20	P–12, P–12(a)
Sept. 30	B–11, T–3.1
Oct. 20	P–12, P–12(a), T–6
Oct. 30	B–11, T–3.1
Nov. 10	A, B–1, B–2.1, B–7, B–8, B–10, B–12, B–13, B–14, P–1.1, P–1.2, P–2, P–3.1, P–4, P–5.1, P–5.2, P–5(a), P–6, P–7, P–11(a), P–11(b)
Nov. 20	P–12, P–12(a)
Nov. 30	B–11, T–3.1
Dec. 20	P–12, P–12(a)
Dec. 30	B–11, T–3.1

7. Summary of Civil Aircraft Charters, Section 35, Schedule T–6 is revised to read as follows:

SCHEDULE T–6—REPORT OF CIVIL AIRCRAFT CHARTERS

(a) This schedule shall be filed by each supplemental air carrier.

(b) Reporting of passenger flights shall be on a charter group basis, by flight legs; that is, there will be a separate line of data for each flight leg of each charter group which can be distinguished from another charter group on the same flight leg by name of charterer, type of charter, traffic carried, e.g., IT, and (in column 1) the indirect air carrier or organization. Charters flown to accommodate the scheduled traffic of another direct air carrier shall be reported as entity charters, naming the other direct air carrier as charterer. Charters originating in the United States and flown to Canada with aircraft having a maximum takeoff weight greater than 18,000 pounds but not greater than 35,000 pounds shall be reported as Entity—Passenger or Entity—Cargo unless organized and operated pursuant to any Economic or Special Regulation for which the filing of preflight documentation with the Board is required. Charters originating in Canada and flown to the United States shall be identified by the codes AB, CP, EC, EP, or FT, as appropriate.

(g) Column (4) shall identify each leg by the following numbers:

1—One-way flight
2—Originating leg of round trip
3—Intermediate leg involving a stopover (Applies only where a group made a distinguishable stopover, not merely, e.g., a stop for entry inspection or refueling.)
4—Return leg of round trip

(h) Column (6) shall reflect the number of tons (to the nearest tenth of a short ton) of property enplaned in Entity-Cargo flights only.

(i) Column (7) shall reflect any point at which a charter group, cargo load, or part of a group or load was enplaned. Departure points for ferry legs shall not be reported. Technical stops, e.g., for departure formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the actual point of enplanement shall be reported. The point of enplanement shall be identified by the three-letter airport code used in the "Official Airline Guide" (OAG). If no OAG code exists, the destination name shall be written out, in a footnote if necessary.

(j) Column (11) shall reflect any point at which a charter group, cargo load, or part of a group or load was deplaned. Arrival points for ferry legs shall not be reported. Technical stops, e.g., for entry formalities or refueling, shall not be reported. Where a diversion occurs for weather or other reasons, the actual point of deplanement shall be reported. The point of deplanement shall be identified by the three-letter airport code used in the "Official Airline Guide" (OAG). If no OAG code exists, the destination name shall be written out, in a footnote if necessary.

(k) Column (12) shall reflect revenue in U.S. dollars only (no cents) for the flight leg being reported. For departing and returning legs of simple round trips, revenue shall be divided so that one-half of total revenue is shown for each flight leg. For open-jaw or circle-tour trips, report actual revenue for each flight leg, prorating by each leg's mileage if necessary. Where ferry mileage is charged for, prorate the ferry charge over all legs of the total program. Separate revenue entries shall be made for each enplaning charter group. Revenues shall show the price paid for air transportation by the charterer, not the charterer's price to the passenger.

(l) Column (13) shall reflect the planned length of stay in days at the deplanement point for each group on the originating leg of a round trip or on an intermediate leg involving a stopover.

(m) Column (14) shall reflect the code number for the type of aircraft operated as prescribed by the Board's Bureau of Accounts and Statistics.

(n) Column (16) shall reflect the entire capacity of the aircraft and shall be completed for Entity—Cargo charters only.

8. Amend Schedule T–6 of CAB Form 41 by revising this schedule as shown in Exhibit B[1] attached hereto and incorporated herein as reference.

[FR Doc.75–25442 Filed 9–23–75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 434–7]

STATE OF COLORADO

Air Quality Implementation Plan; Proposed Revisions

On May 28, 1975, the Governor of Colorado submitted to the Regional Administrator, Region VIII, of the Environmental Protection Agency, amendments to the Colorado State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards, to be proposed as SIP revisions.

The amendments consist of new Colorado Air Pollution Control Regulation 9 and amended Colorado Air Pollution Control Commission Regulations 1, 3, 6, 7, 8, and Common Provisions. The purpose of the amended regulations is to update, clarify, and streamline existing regulations. The purpose of Regulation 9 is to provide for a State program for the control of motor vehicle emissions through encouragement of mass transit as a part of Colorado's Transportation Control Plan. The types of changes consist of the following:

1. Additional definitions in the Common Provisions Regulation; designation of the control region for smoking gasoline-powered motor vehicles.

2. Amended Regulation 1 pertaining to the control of diesel-powered vehicles.

[1] NOTE: Exhibit B filed as part of original.

V40I186 SEP2475 XUM

3. Addition to Regulation 3 to provide for permit system fees for direct sources.

4. Addition to Regulation 6 to add specific industry categories to Standards of Performance of New Stationary Sources.

5. Addition to Regulation 7 to require vapor recovery measures in certain areas.

6. Addition to Regulation 8 to provide emission limitations and procedures for the hazardous pollutants: asbestos, mercury, and beryllium.

7. New Regulation 9 to encourage motor vehicle emission reductions.

On May 12, 1975, the State of Colorado certified that a public hearing in accordance with 40 CFR 51.4(b), was held for each submitted regulation on the dates and at the times and places indicated on the public hearing notices submitted as part of the SIP revision.

This notice is to advise the public of receipt of the proposed SIP revisions, and to request public comments on whether the amendments should be approved or disapproved as required by section 110 (a) (2) (A–H) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans. Only those comments submitted before October 24, 1975, will be considered.

This notice is also to advise the public that EPA intends to take the following actions, based upon our preliminary analysis, subject to receipt and consideration of public comments:

1. Approve Common Provisions Regulation additions;

2. Approve Regulation 1 amendment with certain exceptions;

3. Approve Regulation 3 addition;

4. Approve Regulation 6 addition;

5. No intent has been formulated with respect to Regulation 7;

6. Approve Regulation 8 additions;

7. Approve new Regulation 9 with certain exceptions.

The exception to the proposed approval of Regulation 1 is exemption C–3 of Section 1.I.B.4. This exemption seems unnecessarily lenient. The exception to the proposed approval of Regulation 9 relates to Section III which is of questionable enforceability. The administrator is proposing to hold approval of this Section of the Regulation in abeyance pending the outcome of public hearings by the State on amendments to Section III which would improve its enforceability.

Comments are specifically requested on several issues. Regulation 7 is being compared to existing Federal regulations but the Administrator has not yet arrived at any opinion as to its approvability. Comment on this Regulation is invited. With respect to Regulation 9, comments are solicited on the approvability of the submittal in light of its apparent lack of enforceability, but practical successes. It is the current position of Region VIII, EPA, that Transportation Control Plans designed to improve air quality are at an early stage of development and that, consistent with the purposes of the Clean Air Act, States and local governments should be given some latitude to experiment with a number of approaches. It is also the position of Region VIII, EPA, that the differences in those regulations designed to control specific point sources of pollutants and those designed to ameliorate area-wide problems through changes in general social patterns should be given great weight in the SIP approval process. Although the amendments to Regulation 1 appear to be more stringent than the previous regulation, the exceptions are now broader. (Circumstances which would allow a violation to be documented would probably rarely occur.) Public comments are specifically invited on these issues.

Copies of the proposed amendments, documents of notice of public hearing and publication, and EPA's preliminary analysis of the submittals are available for public inspection during normal business hours at the offices of the Environmental Protection Agency, Region VIII, Lincoln Tower Building, Ninth Floor, 1860 Lincoln Street, Denver, Colorado 80203; Colorado Air Pollution Control Division, Colorado Department of Health Building, 4210 East 11th Avenue, Denver, Colorado 80220; and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460. All comments should be directed to Robert R. DeSpain, Chief, Air Branch, Air and Hazardous Materials Division, EPA, Region VIII, 1860 Lincoln Street, Suite 900, Denver, Colorado 80203.

(42 U.S.C. 1857c–5)

Dated: September 16, 1975.

JOHN A. GREEN,
Regional Administrator.

[FR Doc.75–25396 Filed 9–23–75;8:45 am]

[40 CFR Part 180]

[FRL 434–8; PP5F1610/P7]

PESTICIDE CARBOFURAN

Proposed Tolerance

On May 8, 1975, notice was given (40 FR 20129) that FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105, had filed a petition (PP-5F1610) for a pesticide tolerance with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.254 be amended to increase the tolerance for residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate) in or on the raw agricultural commodity potatoes from 1 part per million (ppm) to 2 ppm of which no more than 1 ppm is carbamate.

The data submitted in the petition and other relevant material have been evaluated and it is concluded that the tolerance should be established. The pesticide is considered useful for the purpose for which the tolerance is sought. The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use, and there is no reasonable expectation of residues in eggs and poultry as delineated in 40 CFR 180.6(a)(3). It has also been concluded that the tolerance established by amending 40 CFR 180.254 will protect the public health. Therefore, pursuant to 40 CFR 180.32, it is proposed that the regulation be amended as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before October 24, 1975, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St., SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before October 24, 1975, and should bear a notation indicating the subject (PP5F1610/P7). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: September 17, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

It is proposed that Part 180, Subpart C, § 180.254, be amended by increasing the tolerance for potatoes from 1 part per million to 2 parts per million by deleting potatoes from the paragraph "1 part per million * * *" and adding the commodity to the paragraph "2 parts per million".

* * * * * *

§ 180.254 Carbofuran; tolerances for residues.

* * * * * *

2 parts per million in or on potatoes and sugar beet tops (of which no more than 1 part per million is carbamates).

1 part per million in or on peppers (of which no more than 0.1 part per million is carbamates) and rice straw (of which no more than 0.2 part per million is carbamates).

* * * * * *

[FR Doc.75–25397 Filed 9–23–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR PART 2]

[FCC 75–987; Docket No. 20586]

EARTH STATIONS

Proposed Rule Making

In the matter of amendment of Part 2 of the Commission's rules and regulations to add a new US footnote to the table of frequency allocations permitting the use of the frequency band 2025–2035 MHz by Government earth stations for earth-to-space transmissions for tracking, telemetry and telecommand at Wallops Is., Virginia; Seattle, Washington; and Honolulu, Hawaii. Adopted: September 5, 1975; Released: September 17, 1975.

1. Notice is hereby given of a proposed rule making in the above captioned matter.

2. The Commission, through the Interdepartment Radio Advisory Committee (IRAC) and the Office of Telecommunication Policy (OTP), has been requested to amend its rules to permit the use of the frequency band 2025–2035 MHz for the Geostationary Operational Environmental Satellite (GOES) System. According to a report from the National Oceanic and Atmospheric Administration (NOAA), more than a decade ago, earth-synchronous environmental satellites became part of the plan for the National Operational Meteorological Satellite System. In 1970, a contract was awarded for three such spacecraft. During the development, testing, launch and positioning of these satellites, they are under the direct control of the National Aeronautics and Space Administration (NASA) and are called Synchronous Meteorological Satellites (SMS). However, upon obtaining the desired orbit position and being fully tested, the satellites are turned over to the Department of Commerce (NOAA) and are redesignated Geostationary Operational Environmental Satellites (GOES). Present plans call for one satellite to be positioned over the Atlantic Ocean and one over the Pacific Ocean, with the remaining satellite to be an in-orbit spare. As these satellites deteriorate with age, replacement satellites will be launched.

3. GOES will be used in short-range forecasting and warning of weather, ocean and solar hazards, providing nearly continuous, detailed observations and collecting timely observations of developing hazards from instruments in remote inaccessible areas. Its objectives include providing nearly continuous observation of the earth and its environment over large areas of North and South America and the adjacent ocean areas within view of the spacecraft. In addition, GOES will provide data collection from remote observing platforms such as buoys, automatic weather stations, ships, aircraft, and balloons. Furthermore, the system will measure energetic solar particle flux, X-rays and the strength of the earth's magnetic field. And lastly, GOES can transmit centrally prepared environmental data to remote receiving stations. Like the earlier TIROS Operational Satellite (TOS), GOES spacecraft will be equipped to relay cloud-cover pictures, centrally processed weather maps, and other related information data to receiving stations within line of sight.

4. The general authority for Government operations in this band is contained in existing footnote U.S. 90 which reads:

"US90 In the band 2025–2120 MHz earth-to-space transmissions in the space research and earth exploration-satellite services by Government and non-Government stations at specific locations may be authorized subject to such conditions as may be applied on a case-by-case basis."

The footnote, as proposed, will allow three earth stations to use the frequency band 2025–2035 MHz for earth-to-space transmissions for tracking, telemetry, and telecommand, Government use will be on a coequal basis with non-Government operations in this band, which include television pickup and television studio-to-transmitter link (STL).

5. The proposed amendment to the rules, as set forth in the Appendix, is issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.145 of the Commission's rules, interested persons may file comments on or before October 22, 1975, and reply comments on or before November 3, 1975. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it in addition to the specific comments invited by the notice. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

In Part 2 of Chapter I of Title 47 of the Code of Federal Regulation, § 2.106 is amended as follows:

§ 2.106 [Amended]

1. The Table of Frequency Allocations is amended by adding a new footnote designator, US 222, to the band 2025–2035 MHz and by adding in proper numerical sequence the text of footnote US 222, following the Table, as shown below:

United States

Band (MHz)	Allocations
5	6
* * *	* * *
1850–2200	NG (US90) (US111) (US219) (US222)
* * *	* * *

US 222 In the band 2025–2120 MHz Geostationary Operational Environmental Satellite Earth stations in the Space Research and Earth Exploration-Satellite Services may be authorized on a coequal basis to use the frequency band 2025–2035 MHz for earth-to-space transmissions for tracking, telemetry, and telecommand at the sites listed below:

Wallops Island, Virginia, 37°50'48" N., 75°27'33" W.
Seattle, Washington, 47°34'15" N., 122° 33'10" W.
Honolulu, Hawaii, 21°21'12" N., 157°52'36" W.

[FR Doc.75–25411 Filed 9–23–75;8:45 am]

[47 CFR Part 76]

[Docket No. 19995; RM–2275]

PROGRAM EXCLUSIVITY PROTECTION

Extension of Time for Comments

In the matter of Amendment of Subpart F of Part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by cable television system. Order extending time [40 FR 34395] Adopted: September 15, 1975; Released: September 17, 1975.

1. Comments in the captioned proceedings are now due September 22, 1975, and reply comments are due October 7, 1975. The National Association of Broadcasters has requested that the due dates for comments and reply comments be extended 30 days. The additional time is said to be necessary to complete an in-depth study of the issues and provide meaningful data for inclusion in its comments.

2. Although it appears that good cause has been shown for a limited time extension, it would not appear that an extension of the magnitude requested is warranted. Accordingly, an extension of approximately three weeks will be granted.

Accordingly, *it is ordered*, That the dates for filing comments and reply comments in the captioned proceeding are extended to October 15, 1975, and November 5, 1975, respectively.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75–25412 Filed 9–23–75;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[General Order 16; Docket No. 75–36]

RULES OF PRACTICE AND PROCEDURE

Proposed Rulemaking

On September 16, 1974, the Commission published a number of amendments to its rules of practice and procedure in Docket No. 74–11, "Miscellaneous Amendments to Rules of Practice and Procedure," 39 FR 33221 et seq. The purpost of these amendments was to streamline and expedite proceedings before the Commission. The Commission has maintained a continuing surveillance over the operations of its rules of practice and procedure since that time in order to determine whether additional re-

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visions of the rules would be desirable to effectuate further improvements consistent with the purpose expressed in the earlier proceeding. After scrutinizing the rules, it is the opinion of the Commission that some of the rules as presently written are ambiguous and deficient in certain respects. In some instances parties are uncertain as to the rule to be applied in specific situations or the procedure to be followed and the authority of the presiding Administrative Law Judge to make corrective rulings or issue appropriate orders is unclear. In other instances the rules are not only ambiguous but deficient in that they fail to establish procedures by which delays could be avoided. The result of the above situation is unnecessary prolongation of formal proceedings, causing additional inconvenience and expense to litigants.

In order to remedy this situation the Commission proposes to amend a number of its rules by eliminating ambiguities in some instances, clarifying the authority of the presiding Administrative Law Judge in other instances, and establishing alternative remedial procedures in still other instances. Of particular importance are new provisions which would emphasize the duty of litigants to enter into stipulations and to file prehearing statements and provisions which would establish specially expedited procedures in general-revenue cases. These provisions are designed to narrow issues and reduce the time consumed by evidentiary hearings and even, if possible, avoid the need for evidentiary hearings altogether. A detailed discussion and explanation of the problems and proposed solutions with reference to particular rules affected follows.

1. DELAYS CAUSED BY LACK OF PROVISION FOR SPECIAL APPEARANCES AND BY ABSENCE OF PARTIES OR THEIR COUNSEL FROM PREHEARING CONFERENCES AND HEARINGS. RULE 2(a) (46 CFR 502.21)

The present rule makes no provision for special appearances of parties or their counsel, leaving the authority of presiding officers to permit such appearances in a doubtful status. Moreover, there is no provision governing the attendance of parties or their counsel at prehearing conferences or hearings with the result that parties or counsel often come and go as they please or fail to attend sessions without explanation. This situation not only demeans a proceeding but leads to delays in commencing or conducting sessions. The proposed additions to the present rule are similar to a corresponding rule of the Interstate Commerce Commission, Rule 71 (49 CFR 1100.71).

2. DELAYS IN FILING ANSWERS TO COMPLAINTS CAUSED BY THE FILING OF MOTIONS FOR BILLS OF PARTICULARS OR MOTIONS TO DISMISS. RULES 5(d), 5(k), AND 5(m) (46 CFR 502.64, 502.71, AND 502.73)

Under the present rules a respondent may delay the filing of an answer by filing a motion to dismiss the complaint or a motion for a bill of particulars. This may delay the proceeding unduly to await the ultimate filing of an answer, although initial pleadings in administrative proceedings are not held to be all-important or critical and the Commission's Rule 5(j) (46 CFR 502.70) permits an answer to be amended at a later date if the party acquires further information. A party may therefore file a general denial if necessary and amend his answer subsequently. Moreover, the information sought by a motion for a bill of particulars can as easily be obtained by the use of interrogatories or other discovery techniques pursuant to Subpart L procedures set forth in the Commission's rules. The revised rules as proposed would recognize this situation and, by requiring the timely filing of an answer, eliminate the use of the motions in question as devices to delay proceedings.

3. ABSENCE OF A PROCEDURE WHICH THE COMMISSION COULD UTILIZE IN ORDER TO DETERMINE ISSUES IN A GENERAL-REVENUE RATE CASE WITHIN THE FOUR-MONTH STATUTORY PERIOD OF SUSPENSION. PROPOSED RULE 5(g) (46 CFR 502.67(c)).

Although rate cases are required to be expedited by law and the Commission is restricted to a four-month period of suspension of rate increases in the domestic offshore trades, it is the experience of the Commission that general-revenue proceedings consume months and even years to complete. Sometimes evidentiary hearings have not even commenced within the four-month period. The Commission, therefore, proposes to establish a specially expedited procedure designed to avoid lengthy evidentiary hearings where it appears that issues are primarily legal rather than factual and that little purpose would be served by oral testimony and cross-examination. Even if some matters required resolution by means of an evidentiary hearing, nevertheless, the proposed rule would enable the Commission to narrow the scope of the issues to be resolved by that means, thus reducing the time spent in conducting such hearings. To the extent possible, the means to accomplish these objectives will be furnished by the parties in the form of affidavits of fact and memoranda of law. Furthermore, the carrier seeking additional revenue will be able to rely upon the accounting methodologies prescribed by applicable Commission regulations, and, in addition, the Commission may be able to render a decision without an evidentiary hearing. By these means it may be possible to preclude continual relitigation of multifarious accounting issues in lengthy evidentiary hearings.

4. UNCERTAINTY AS TO WHICH IS THE PROPER RULE TO APPLY IN THE CASE OF FILING PETITIONS AND MOTIONS NOT OTHERWISE SPECIFIED IN THE RULES. RULES 5(i) AND 5(m) (46 CFR 502.69 AND 502.73)

At present there is some overlap between Rule 5(i) governing general petitions to the Commission and Rule 5(m) governing motions not otherwise specified. It is therefore not clear to litigants which rule applies when seeking relief. It is also not explained how a motion will be processed by the presiding Administrative Law Judge if the matter is beyond his authority. The proposed amendments would clarify what is believed to be the intent of the original framers of these rules to restrict Rule 5 (i) (petitions) to situations where there are no docketed proceedings and 5(m) (motions) to docketed proceedings. Furthermore, codification is proposed for the actual practice employed by the presiding Administrative Law Judge who receives pleadings seeking relief beyond his authority to grant.

5. ABSENCE OF EFFECTIVE RULES ENCOURAGING AND REQUIRING PREHEARING STIPULATIONS AND PREHEARING STATEMENTS. PROPOSED RULES 6(e) AND 6(f) (46 CFR 502.95 AND 502.96).

Although the rules presently encourage stipulations in an effort to narrow issues and reduce the scope of evidentiary hearings (see e.g. Rule 6(d) (46 CFR 502.94) and 10(v) (46 CFR 502.162)) the Commission has observed that there is much room for improvement in this area, considering the benefits that can flow if the parties reach agreement on facts. Proposed Rule 6(e) would therefore provide additional encouragement and possible sanctions if parties do not make good-faith efforts to stipulate. Proposed Rule 6(f), furthermore, would adopt the practice observed in the courts by which trial counsel prepare pre-trial briefs outlining the issues, disputed facts, principles of law, etc. Such a practice, if observed by parties appearing before the Commission, would assist all counsel and the presiding officer to know the nature of the case, the contentions of the parties and the type of hearing that would ensue, thereby helping to confine evidentiary hearings within reasonable boundaries. Such a practice would also enable trial counsel to prepare for hearing and aid the presiding officer in making rulings during the hearing.

6. ABSENCE OF REQUIREMENT THAT REQUESTS FOR ENLARGEMENTS OF TIME TO FILE PLEADINGS OR POSTPONE HEARINGS BE MADE IN TIMELY FASHION. RULE 7 (e) (46 CFR 502.105).

Under the present rule in question, any party may communicate with the presiding officer on the very date something is scheduled to be filed or a hearing to commence. This often occurs, leaving little or no time to inform other parties that the date is to be changed and, if the request is denied, little time for the requesting party to prepare and file this pleading. The Commission proposes to require parties to make such requests no later than five days before the scheduled due date in order to overcome these problems. This period of time corresponds with similar time requirements in Rules 13(b) and 13(h) (46 CFR 502.222 and 502.228) regarding the filing of briefs and exceptions.

7. ABSENCE OF AUTHORITY FOR PARTIES TO USE MAILING DATES AS FILING DATES. RULE 8(d) (46 CFR 502.114).

Under the present rule all parties must, if they use the mail, deposit a document

in the mail in sufficient time to reach the Commission on the scheduled due date. This causes problems in the case of geographically distant parties who often receive a document only a few days before having to mail a reply. Generally, replies must be filed within fifteen days after date of service (Rule 5(n) (46 CFR 502.74)). Moreover, parties in Washington, D.C., have the advantage of additional time to prepare their responsive pleadings since they may hand-carry them to the Secretary and lose no time because of the erratic behavior of the mail. To correct this situation and to curtail the need to request enlargements of time, the present rule would be amended to permit parties to construe the date for filing to be the date on which the document is deposited in the mail or the date on which the document is physically deposited with the Secretary by a party.

8. UNNECESSARY DUPLICATION AND SERVICE OF DISCOVERY MATERIALS AND ABSENCE OF REQUIREMENT THAT ADEQUATE COPIES OF WRITTEN COMMUNICATIONS TO PRESIDING OFFICERS BE FURNISHED FOR THE OFFICIAL DOCKET. RULES 8(h) (46 CFR 502.118) AND 12(a) (46 CFR 502.201).

At present the rules are not clear as to how many copies of materials exchanged by parties in the course of discovery conducted under Subpart L procedures must be provided for the use of the Commission or the presiding officer. Many parties presently file fifteen copies unnecessarily in addition to those served on the parties and the presiding officer. Furthermore, parties who write to the presiding officer are not sure as to the number of copies which should be furnished for his use or the use of the Commission. The Commission proposes to reduce the burden of duplication by requiring that only one copy of discovery materials need be filed with the Secretary for the use of the presiding officer or the Commission by inclusion in the official docket and that in the case of letters, an original for the docket and two copies for the use of the presiding officer will suffice. Appropriate amendments to Rules 8(h) and 12(a) are proposed.

9. DELAYS CAUSED BY UNCERTAIN PROCEDURE AND UNCLEAR TIME PROVISIONS IN RULES CONCERNING APPEALS TO THE COMMISSION AND PETITIONS FOR RECONSIDERATION. RULES 10(m), 13(g), AND 16 (46 CFR 502.153, 502.227, AND 502.261).

Present Rule 10(m) is ambiguous in that it does not specify that motions for leave to appeal involve two rulings: First, a ruling by the presiding officer from which the party wishes leave to appeal; and Second, the ruling as to leave to appeal. Moreover, the rule as presently written includes not only interlocutory appeals but also appeals from rulings dismissing a proceeding in whole or in part. The latter type of appeal is more akin to the filing of exceptions to an initial decision of an Administrative Law Judge than to a true interlocutory appeal. Where a motion for leave to appeal is granted, furthermore, a party presently may be required to file not only a motion for leave to appeal but an appeal as well, reargruing the same matters which were argued in the motion before the Judge or may even argue new matters which the Judge had no opportunity to evaluate before granting leave to appeal. In some instances a party may file a petition for reconsideration of a Commission's order while a proceeding is before an Administrative Law Judge, an event which may unnecessarily delay proceedings before the Judge. In order to overcome all these problems, the rules in question would be amended to separate interlocutory appeals from final appeals, condense leave to appeal and the appeal into essentially one pleading which can be certified to the Commission for quick decision, and specify that a proceeding need not be stayed merely because a matter is before the Commission on appeal.

10. UNCLEAR APPLICABILITY OF THE NEW FEDERAL RULES OF EVIDENCE. RULE 10(p) (46 CFR 502.156).

The new Federal Rules of Evidence, Pub. L. 93–595, became effective in the courts on July 1, 1975. They represent the best thinking of judges and legal scholars and considerably liberalize rules of evidence applicable in court proceedings. Since they resolve various troublesome evidentiary problems, they can be of great use to presiding Administrative Law Judges in disposing of such problems which arise from time to time in proceedings before the Commission. Unless inconsistent with the requirements of the Administrative Procedure Act (APA), and this does not appear to be the case, the Commission believes that they can be useful tools in expediting hearings. Accordingly, the Commission proposes to amend Rule 10(p) so as to make them applicable to Commission proceedings unless inconsistent with APA requirements.

11. ABSENCE OF PROVISION WHICH WOULD EFFECTIVELY ENCOURAGE PARTIES TO STIPULATE DURING HEARINGS. RULE 10 (v) (46 CFR 502.162)

As in the case of Item No. 5 discussed above, the present rules do not provide sufficient encouragement to the parties to enter into stipulations during hearings as well as prior to commencement of hearings. There is also some uncertainty as to the use of proposed stipulations in the event that one or more parties refuse to enter into them. The Commission proposes to permit parties to propose stipulations in order to narrow issues among litigants and consequently reduce the extent and scope of cross-examination. This would be so even if not all parties enter into the proposed stipulation and would provide for possible sanctions if a party or parties refuse to stipulate without good reason by permitting the matter to be treated as requests for admissions and invoking the procedures provided by Rule 12(h) (46 CFR 502.208(c)).

12. RETENTION OF REQUIREMENT THAT PARTIES SEEKING CORRECTIONS TO TRANSCRIPTS CERTIFY AS TO THE DATE OF RECEIPT OF THE TRANSCRIPT AND FILE MOTION WITHIN 10 DAYS THEREAFTER. RULE 10(z) (46 CFR 502.166)

The present rule requiring certification by parties as to date of receipt of transcript has proved to be unworkable and in large measure is ignored by parties. In some instances parties are simply unable to recall when the transcript was received but in any event the rule causes unnecessary delay and uncertainty because of the variability of date of receipt in the mail. The Commission therefore proposes to amend the rule by permitting motions for corrections of transcripts to be filed within 20 days after date of service of the transcript without the need for certification.

13. UNDULY PROLONGED USAGE OF DISCOVERY PROCEDURES CAUSING DELAY IN COMMENCEMENT OF HEARINGS. RULE 12(a) (46 CFR 502.201).

Although the presiding officer may already be authorized to terminate the discovery phase and order the commencement of hearings before discovery has been completed, the rules do not presently indicate that such action would be desirable in the opinion of the Commission when it appears that the use of discovery procedures is unduly prolonging the proceeding. Experience has shown that parties have sometimes engaged in discovery to an excessive degree with the result that proceedings are unduly delayed and in many instances these delays could be avoided by the use of subpenas at the hearings. The Commission believes that the rules should make clear that the presiding officer is not precluded from commencing the hearing if necessary to prevent undue delay stemming from excessive usage of discovery procedures. It is recognized that ordinarily a hearing should await completion of discovery (see Rule 12(a) (46 CFR 502.201(b)(2)), but in view of the undue delay which excessive usage of discovery procedures has caused, the Commission believes that limitations on the usage of discovery should be clarified in the interest of moving a proceeding forward to hearing in a reasonably prompt fashion.

14. ABSENCE OF SPECIFIC AUTHORITY TO DRAW ADVERSE INFERENCES IN CASE OF NONCOMPLIANCE WITH ORDER TO RESPOND TO DISCOVERY REQUESTS. RULE 12(j) (46 CFR 502.210(b)).

Although the present rule in question regarding sanctions for refusal to respond to discovery requests authorizes the presiding officer to make findings as to "designated facts", the rule does not specify that the presiding officer may draw adverse inferences in cases of refusal to answer discovery requests pursuant to an order of the presiding officer. The rule may already permit this sanction but since it has proven to be effective in certain cases in eliciting the desired information, the Commission be-

V 40 I 186 SEP 24 75 XUM

lieves that the matter should be clarified. There is, moreover, judicial support for the drawing of adverse inferences in cases of refusal to furnish answers in administrative proceedings. See "International Union v. N.L.R.B.", 459 F. 2d 1329 (D.C. Cir. 1972). The Commission therefore proposes to amend Rule 12(j) by inserting necessary language providing that the drawing of adverse inferences is authorized in cases of noncompliance with orders to respond to discovery requests.

15. ABSENCE OF REQUIREMENT THAT MOTIONS SEEKING ORDERS TO COMPEL RESPONSES TO DISCOVERY REQUESTS CONTAIN ALL RELEVANT INFORMATION IN THE BODY OF THE MOTION NECESSARY TO DECIDE THE MATTER. RULES 12(j) AND 12(k) (46 CFR 502.210 AND 502.211).

Under present practice parties filing motions seeking orders to compel answers to discovery requests often submit inadequate and incomplete pleadings which do not contain within them the text of the original matters requested together with the text of answers thereto. Nor do the pleadings always provide explanations as to why responses are deemed inadequate for the purposes of the party seeking the information. This state of affairs hinders the presiding Administrative Law Judge in rendering a quick decision on the matter because he must often rummage through a myriad of other documents to piece together the controversy. In cases involving multiple parties, numerous motions may be filed, many of which fail to provide the basic information required for decision by merely referring to this information in other documents filed at various times in the past. The Commission proposes to correct these problems by requiring parties to prepare adequate, self-explanatory pleadings containing the text of the original request and text of the answer, failing which the party may suffer summary judgment denying his motion.

16. EXCESSIVE LENGTH OF BRIEFS, UNNECESSARY DUPLICATION OF MATTERS IN BRIEFS, AND FAILURE OF PARTIES TO PROVIDE INDEX AND TABLE OF AUTHORITIES CITED IN ALL BRIEFS. RULE 13(a) (46 CFR 502.221).

Although the present rules impose no limitation on the length of briefs, previous rules of the Commission imposed a 50-page limitation. See General Order 41, 2d Rev., Amdt. 4, 23 F.R. 1989, March 26, 1958. So does Rule 28(g) of the Federal Appellate Rules. Restoration of the 50-page rule would, in the opinion of the Commission, improve the quality of the briefs as well as save the time of the presiding Administrative Law Judge and the Commission in rendering decisions. Provision would be made in the proposed revision to permit longer briefs if circumstances warrant. Similarly, the present rule requires no subject index or table of authorities cited if a brief is twenty pages or less. A requirement that this information be contained in briefs of any length would not be unduly burdensome and would similarly assist the presiding Judge and the Commission in coming to a quick decision. The present rule also contains a non-sentence beginning with the words "In addition to" and ending "relied upon." Moreover, the rule provides for unnecessary duplication in the briefs since it requires a "summary of evidence" as well as "proposed findings of fact and conclusions." The Commission proposes to rewrite the rule to overcome these problems and to set forth a standardized form of opening briefs which conforms to usual practice and requires that such briefs contain serially numbered proposed findings of fact with reference to the record. Such a format greatly assists the presiding Administrative Law Judge and the Commission in making findings of fact and consequently in rendering expeditious decisions.

17. REQUIREMENT THAT PARTIES MUST NOT FILE REPLIES TO PETITIONS FOR RECONSIDERATION UNLESS PERMISSION IS GRANTED BY THE COMMISSION. RULE 16(b) (46 CFR 502.262).

Under the present rule a party is not allowed to file a reply to a petition for reconsideration unless the Commission grants reconsideration. It has been the Commission's experience that this provision has caused delay either because parties frequently file replies anyway before permission is granted or time is consumed in determining whether replies should be permitted. The Commission believes that it would be more practical and expeditious to permit replies to be filed as a matter of right and to decide the matter on the basis of both the petition and replies. The Commission proposes to amend the rule accordingly.

18. REFERENCE TO "EXAMINERS" RATHER THAN "ADMINISTRATIVE LAW JUDGES" IN DELEGATION OF AUTHORITY TO ISSUE INITIAL OR RECOMMENDED DECISIONS. RULE 13(c) 46 CFR 502.223).

In an apparent oversight, Rule 13(c), which concerns delegation of authority to Administrative Law Judges to make and serve initial or recommended decisions, incorrectly refers to "examiners" rather than to "Administrative Law Judges," the correct designation. The Commission proposes to amend the rule in question to correct the error.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 27 and 43 of the Shipping Act, 1916 (46 U.S.C. 826, 841 (a)), Part 502 of Title 46, Code of Federal Regulations, is proposed to be amended as set forth below.

1. Section 502.21 is proposed to be amended by adding new paragraphs (c) and (d) as follows:

§ 502.21 Appearance.

• • • • • •

(c) *Special requirement.* An appearance may be either general, that is, without reservation, or it may be special, that is, confined to a particular issue or question. When a party is represented by counsel or other representative and such counsel or representative enters an appearance at a hearing or prehearing conference, such counsel or representative will be expected to represent his client or principal faithfully until the completion of the proceeding in which he has been retained, or until the completion of the part of the proceeding for which he has specially appeared. A counsel or representative who has entered his appearance at the hearing or prehearing conference shall not be permitted to withdraw from the hearing or prehearing conference, or willfully to absent himself therefrom, except for good cause and, wherever practicable, only with the permission of the presiding officer. If a person desires to appear specially, he must expressly so state when he enters his appearance and at that time he shall also state the questions or issues to which he is confining his appearance; otherwise, his appearance will be considered as general.

(d) *Absence from hearing or prehearing conference.* If any person shall, after entering an appearance, attempt to withdraw from the hearing or prehearing conference in a manner other than that specified in the preceding paragraph, the presiding officer, with or without the motion of any party, may take such action as, in the interest of justice and the protection of the lawful rights of all parties to the proceeding and the circumstances of the case may warrant, including the striking out of all or any part of any pleading of the offending party, and including the possible dismissal of the proceeding, or any part thereof, the entry of an order of default against that party, or the referral of the matter to the Commission for disciplinary action pursuant to § 502.30.

§ 502.64 [Amended]

2. (a) Section 502.64 is proposed to be amended by deleting the words "or dismiss" from the first sentence.

(b) Section 502.71 is proposed to be amended by deleting the last two sentences and substituting the following language:

§ 502.71 Bill of particulars.

• • • The filing of a motion for a bill of particulars shall not stay the time for filing an answer to the complaint.

(c) Section 502.73 is proposed to be amended by adding the following language:

§ 502.73 Motions.

• • • The filing of a motion to dismiss a complaint in whole or in part shall not stay the time for filing an answer to the complaint.

3. Section 502.67 is proposed to be amended by adding a new paragraph (c) as follows:

§ 502.67 Proceedings under section 3 of the Intercoastal Act.

• • • • • •

(c) Whenever a common carrier by water subject to the provisions of section 3 of the Intercoastal Shipping Act, 1933, files a general increase in its rate schedules and the primary issue before the Commission is to determine whether the carrier needs additional revenue, the Commission may determine that the matter will be decided under a specially expedited procedure on the basis of affidavits of fact and memoranda of law when the following conditions exist:

(1) The carrier relies upon financial statements compiled in accordance with approved accounting methodologies set forth in applicable Commission regulations.

(2) The information contained in such statements demonstrates prospective losses or return on investment no greater than 7.5 percent.

(3) Protests do not significantly question the reliability or authenticity of the data contained in the statements but raise issues only concerning accounting or allocation methodologies prescribed by applicable Commission regulations.

(4) There are no material facts in dispute concerning operational matters, mismanagement, inefficiencies, traffic predictions, or other issues unrelated to accounting methodologies prescribed by applicable Commission regulations.

If the above conditions exist and the Commission determines that the specially expedited procedure is appropriate, the Commission shall serve a notice to that effect on all parties named therein and shall establish a schedule for the filing of affidavits of fact and memoranda of law. If one of the above conditions does not exist and the Commission determines that the issues raised cannot be decided in reliance upon such affidavits and memoranda, the Commission, when referring the matter to the Office of Administrative Law Judges for an evidentiary hearing, shall specify the issues to be resolved by means of such hearing and shall limit cross-examination and oral evidence accordingly.

4. (a) Section 502.69 is proposed to be amended by adding the following language to the beginning of the rule:

§ 502.69 Petitions—general.

Except when submitted in connection with a docketed proceeding, • • •

(b) Section 502.73 is proposed to be amended further by deleting the first three sentences and substituting the following language:

§ 502.73 Motions.

In any docketed proceeding, an application or request for an order or ruling not otherwise specifically provided for in the rules in this part shall be by motion. After the assignment of a presiding officer to a proceeding and before the issuance of his recommended or initial decision, all motions shall be addressed to and ruled upon by the presiding officer unless the subject matter of the motion is beyond his authority, in which event he shall refer the matter to the Commission. If the proceeding is not before him, motions shall be addressed to and passed upon by the Commission. • • •

5. (a) A new § 502.95 is proposed to be added as follows:

§ 502.95 Prehearing stipulations.

In every formal proceeding before the Commission, it shall be the duty of every party prior to hearing to make a good-faith effort to stipulate as many facts as are reasonably susceptible to stipulation and to submit such stipulations as may be reached prior to hearing at such time as may be established by the Commission or the Presiding Administrative Law Judge, if the proceeding has been referred to an Administrative Law Judge. The parties or a designated lead counsel shall, prior to hearing, file a statement certifying that the parties have communicated or conferred in an effort in good faith to stipulate to the fullest extent possible with the stipulation submitted if any. If no stipulation can be reached, a statement shall be filed certifying that no stipulation was possible despite good-faith effort to stipulate. In the event any party refuses to communicate or confer in an effort to enter into a stipulation without good reason or refuses to enter into such stipulation without good reason, the party or parties seeking the stipulation may apply to the Commission or the Presiding Administrative Law Judge for an order requesting the matter to be treated as a request for admission pursuant to § 502.208(c) and seek any order provided by that section or any other order which may be appropriate under the circumstances. A stipulation may be proposed even if not subscribed by all parties. [Rule 6(e).]

(b) A new § 502.96 is proposed to be added as follows:

§ 502.96 Prehearing statements.

(a) Unless waiver is granted by the presiding officer, it shall be the duty of all parties to a proceeding to prepare a prehearing statement or statements at a time and in the manner to be established by the presiding officer provided that there has been reasonable opportunity for discovery. To the extent possible, joint statement should be prepared.

(b) A prehearing statement shall state the name of the party or parties on whose behalf it is presented and briefly set forth the following matters, unless otherwise ordered by the presiding officer:

(1) Issues involved in the proceeding.

(2) Facts stipulated pursuant to the procedures of § 502.95.

(3) Facts in dispute.

(4) Witnesses and exhibits by which disputed facts will be litigated.

(5) A brief statement of applicable law.

(6) The conclusion to be drawn.

(7) Suggested time and location of hearing and estimated time required for presentation of the party's or parties' case.

(8) Any appropriate comments, suggestions or information which might assist the parties in preparing for the hearing or otherwise aid in the disposition of the proceeding.

(9) A statement that the party or parties have communicated or conferred in a good-faith effort to reach stipulation to the fullest extent possible.

(c) No party to a proceeding may, unless otherwise permitted by the presiding officer, introduce facts or argue points of law outside the scope of the facts and law outlined in the prehearing statement. Failure to file a prehearing statement, unless waiver has been granted by the presiding officer, may result in dismissal of a party from the proceeding, dismissal of a complaint, judgment against respondents, or imposition of such other sanctions as may be appropriate under the circumstances.

(d) Following the submission of prehearing statements the presiding officer may, upon motion or otherwise, convene a prehearing conference for the purpose of further narrowing issues and limiting the scope of the hearing if, in his opinion, the prehearing statements indicate lack of dispute of material fact not previously acknowledged by the parties or lack of legitimate need for cross-examination and is authorized to issue appropriate orders consistent with the purpose stated in this section.

6. Section 502.105 is proposed to be amended by adding the following two sentences:

§ 502.105 Waiver of rules governing enlargements of time and postponements of hearings.

• • • Requests for enlargement of time or motions to postpone or cancel a prehearing conference or hearing must be received, whether orally or in writing, at least five (5) days before the scheduled date. Failure to meet this requirement may result in summary rejection of the request.

7. Section 502.114 is proposed to be amended by terminating the last sentence of the rule after the word "prepaid" and adding the following sentence:

§ 502.114 Service by parties.

• • • The date of filing shall be either the date on which the pleading, document, or paper is physically lodged with the Secretary by a party or the date which a party certifies it to be deposited in the mail.

8. (a) Section 502.118 is proposed to be amended by designating the present rule as paragraph (a) and adding a new paragraph (b) as follows:

§ 502.118 Copies of documents for use of the Commission.

• • • • • •

(b) In the case of documents filed, served, or exchanged in connection with discovery procedures set forth in Subpart L of this part, except for motions filed pursuant to § 502.210 or § 502.211, the original shall be filed with the Secretary for the use of the Commission or the presiding officer, unless otherwise directed by the Commission or the presiding officer, and copies shall be served upon the parties as provided by the procedures set forth in Subpart L of this part. In the case of letters or other written communications to the presiding officer, an original with two copies shall be filed with the Secretary for inclusion in the public docket and for the use of the presiding officer.

(b) Section 502.201(a) is proposed to be amended by adding the following language to the end of the sentence:

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§ 502.201 General.

(a) • • • and, except in the case of motions filed pursuant to § 502.210 or § 502.211, are not governed by the requirements of § 502.118 regarding the furnishing of fifteen (15) copies for the use of the Commission.

• • • • •

9. (a) Section 502.153 is proposed to be revised to read as follows:

§ 502.153 Appeal from ruling of presiding officer other than orders of dismissal in whole or in part.

Rulings of the presiding officer may not be appealed prior to, during the course of the hearing, or subsequent thereto if the proceeding is still before the presiding officer except where the presiding officer shall find it necessary to allow an appeal to the Commission to prevent substantial delay, expense, or detriment to the public interest, or undue prejudice to a party. Any party seeking to appeal must file a motion for leave to appeal no later than fifteen days after service of the ruling in question unless the presiding officer for good cause shown enlarges or shortens the time. Any such motion shall contain not only the grounds for leave to appeal but the appeal itself. If the motion is granted, the presiding officer shall certify the appeal to the Commission. Unless otherwise provided, the certification of the appeal shall not operate as a stay of the proceeding before the presiding officer. The provisions of § 502.10 [Rule 1(j)] shall not apply to this section. [Rule 10(m).]

(b) Section 502.227 is proposed to be amended by revising the title to read as follows:

(c) Section 502.227 is proposed to be amended further by designating the present rule as paragraph (a) and adding the following new paragraph (b):

§ 502.227 Exceptions to decisions or orders of dismissal of Administrative Law Judges; replies thereto; and review of decisions or orders of dismissal by Commission.

• • • • •

(b) If an Administrative Law Judge has granted a motion for dismissal of the proceeding in whole or in part, any party desiring to appeal must file such appeal no later than fifteen days after service of the ruling on the motion in question.

(d) Section 502.261 is proposed to be amended by adding the following language to the last sentence of the rule:

§ 502.261 Petitions.

• • • or of an Administrative Law Judge if the proceeding is before him.

10. Section 502.156 is proposed to be amended by adding the following sentence:

§ 502.156 Evidence admissible.

• • • Unless inconsistent with the requirements of the Administrative Procedure Act, the Federal Rules of Evidence, Pub. L. 93-595, effective July 1, 1975, will also be applicable.

§ 502.162 [Amended]

11. (a) Section 502.162 is proposed to be amended by adding the following language to the first sentence:

• • • whether or not the parties have entered into prehearing stipulations pursuant to § 502.95. • • •

(b) Section 502.162 is proposed to be amended further by adding the following sentences at the end of the rule:

• • • A stipulation may be proposed even if not subscribed by all parties. Any party refusing to stipulate without good reason may be subject to appropriate orders as provided by § 502.95.

12. Section 502.166 is proposed to be amended by revising the second and third sentences to read as follows:

§ 502.166 Corrections of transcript.

• • • Motions made after the hearing to correct the record shall be filed with the presiding officer within twenty (20) days after service of the transcript, unless otherwise directed by the presiding officer, and shall be served on all parties. Such motions may be in the form of a letter. • • •

13. Section 502.201(b)((2) is proposed to be amended by adding the following language:

• • • • •

§ 502.201 General.

• • • • •

(b) • • •

(2) • • • Nothing herein shall be construed to preclude the presiding officer from ordering a hearing to commerce before the completion of discovery and inspection procedures conducted pursuant to Subpart L of this part.

§§ 210.210 and 502.211 [Amended]

14. Section 502.210(b)(2) is proposed to be amended by inserting the following language at the end thereof:

(b) • • •

(2) • • • or an order that with respect to matters regarding which the order was made or any other designated fact, inferences will be drawn adverse to the person or party refusing to obey such order made under paragraph (a) of this section;

• • • • •

15. Sections 502.210(a) and 502.211(a) are proposed to be amended by adding the following sentences:

Application for any order made pursuant to this section shall also set forth the text of the information as originally requested, the text of the response thereto, and the reason(s) why such response is deemed inadequate. Replies to such application shall specifically set forth the reason(s) why such response is deemed to be in full compliance with the request. Failure of either party to comply with this rule may result in summary denial or granting of the application.

16. Section 502.221 is proposed to be amended by revising the last three sentences to read as follows:

§ 502.221 Briefs; requests for findings.

• • • Unless otherwise ordered by the presiding officer, opening or initial briefs shall contain the following matters in separately captioned sections:

Introductory section describing the nature and background of the case, proposed findings of fact in serially numbered paragraphs with reference to exhibit numbers and pages of the transcript, argument based upon principles of law with appropriate citations of the authorities relied upon, and conclusions. Except for good cause shown on motion by any party, briefs shall be limited to a maximum of fifty (50) printed pages, exclusive of the table of contents, table of citation of authorities, appendix, and certificate of service. All briefs shall contain a subject index or table of contents with page references and a list of authorities cited. [Rule 13(a).]

17. Section 502.262 is proposed to be revised to read as follows:

§ 502.262 Reply.

Any party may file a reply to a petition for reconsideration within fifteen days in accordance with § 502.74 [Rule 5(n)]. The reply shall be served in conformity with Subpart H (Rule 8). [Rule 16(b).]

§ 502.223 [Amended]

18. Section 502.223 is proposed to be amended by substituting the words "Administrative Law Judges" for the words "examiners of the Office of Hearing Examiners".

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 20, 1975, an original and fifteen copies of their views or arguments pertaining to the proposed rules.

Since the proposals set forth in this rulemaking proceeding concern procedural matters limited to the conduct of formal proceedings before the Commission, their adoption could in no way be considered to result in major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Consequently no environmental assessment will be undertaken and no environmental impact statement will be issued in this proceeding.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-25434 Filed 9-23-75;8:45 am]

POSTAL SERVICE

[39 CFR Parts 42, 43, 44, 45, 47]

INTERNATIONAL SPECIAL MAIL SERVICES

Proposed Increase in Fees

Correction

In FR Doc. 75-24937 appearing on page 43232 in the issue of Friday, September 19, 1975, in § 43.3(b), immediately under the first entry in the table, insert the following:

$15.01 to $50.00	0.80

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 464]

USE OF U.S. PASSPORTS FOR TRAVEL INTO OR THROUGH CAMBODIA

Restrictions

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), the use of U.S. passports for travel into or through Cambodia is restricted. In the aftermath of the war in Cambodia, conditions in that country remain unsettled. The severe hostility of the Cambodian regime toward the United States continues, and the United States has no diplomatic relations of any kind with that regime. Nor are there any diplomatic missions in Cambodia which could provide protection on behalf of the U.S. Government. The Department of State believes that unrestricted travel by American citizens to Cambodia could be hazardous and would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall not be valid for travel into or through Cambodia unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire on March 18, 1976, unless extended or sooner revoked by public notice.

Effective Date. This notice becomes effective on September 19, 1975.

Dated: September 18, 1975.

HENRY A. KISSINGER, *Secretary of State.*

[FR Doc.75-25458 Filed 9-23-75;8:45 am]

[Public Notice 465]

USE OF U.S. PASSPORTS FOR TRAVEL INTO OR THROUGH CUBA

Restrictions

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), use of U.S. passports for travel into or through Cuba remains restricted. To permit unrestricted travel would be incompatible with the resolutions adopted at the Ninth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, of which the United States is a member. At this meeting, held in Washington from July 21 to 26, 1964, it was resolved that the governments of the American States not maintain diplomatic, consular, trade or shipping relations with Cuba under its present government. This resolution was reaffirmed in the Twelfth Meeting of Ministers of Foreign Affairs of the OAS held in September 1967, which adopted resolutions calling upon Member States to apply strictly the recommendations pertaining to the movement of funds and arms from Cuba to other American nations.

The OAS resolution of July 29, 1975, left Member States free to act to continue or terminate actions consistent with the 1964 resolution. The United States, like a number of other OAS Members, has chosen to continue to act consistently with the 1964 resolution and in that connection to maintain restrictions on travel to Cuba until developments in U.S.-Cuban bilateral relations warrant their removal.

U.S. passports shall not be valid for travel into or through Cuba unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire on or before March 24, 1976, unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on September 19, 1975.

Dated: September 18, 1975.

[SEAL] HENRY A. KISSINGER, *Secretary of State.*

[FR Doc.75-25459 Filed 9-23-75;8:45 am]

[Public Notice 466]

USE OF U.S. PASSPORTS FOR TRAVEL INTO OR THROUGH NORTH KOREA

Restrictions

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), use of U.S. passports for travel into or through North Korea remains restricted. In view of the continued hostility of the North Korean regime toward the United States, the unsettled situation along the Military Demarcation Line, and the special position of the Government of the Republic of Korea as the only movement on the Korean Peninsula recognized by the U.S., the Department of State believes that wholly unrestricted travel by American citizens to North Korea would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall not be valid for travel into or through North Korea unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire on or before March 24, 1976, unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on September 19, 1975.

Dated: September 18, 1975.

[SEAL] HENRY A. KISSINGER, *Secretary of State.*

[FR Doc.75-25460 Filed 9-23-75;8:45 am]

[Public Notice 467]

USE OF U.S. PASSPORTS FOR TRAVEL INTO OR THROUGH NORTH VIETNAM

Restrictions

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), the use of U.S. passports for travel into or through North Vietnam remains restricted. In the aftermath of the signing on January 27, 1973, of the Agreement on Ending the War and Restoring Peace in Vietnam, tensions continue to be high and conditions unsettled in the Indo-China area. The Peace Agreement envisages that the implementation of the Agreement will create conditions for establishing a new, equal and mutually beneficial relationship between the United States and North Vietnam. However, the development of such a new relationship is still in its earliest stages. In these circumstances the Department of State believes that unrestricted travel by American citizens to North Vietnam would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall not be valid for travel into or through North Vietnam unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of six months from the effective date, unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on September 19, 1975.

Dated: September 18, 1975.

[SEAL] HENRY A. KISSINGER, *Secretary of State.*

[FR Doc.75-25461 Filed 9-23-75;8:45 am]

[Public Notice 468]

USE OF U.S. PASSPORTS FOR TRAVEL INTO OR THROUGH SOUTH VIETNAM

Restrictions

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), the use of U.S. passports for travel into or through South Vietnam remains restricted. In the aftermath of the Communist takeover of South Vietnam on April 30, 1975, conditions continue to be unsettled in the Indochina area. Under these circumstances the U.S. believes that unrestricted travel by American citizens to South Vietnam would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall not be valid for travel into or through South Vietnam unless specifically validated for such travel under the authority of the Secretary of State.

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This public notice shall expire on or before March 24, 1976, unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective on September 19, 1975.

Dated: September 18, 1975.

[SEAL] HENRY A. KISSINGER,
Secretary of State.

[FR Doc.75-25461 Filed 9-23-75;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

COLORADO

Application

SEPTEMBER 8, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Public Service Company of Colorado has applied for a fuel-carrying pipeline right-of-way in, through, and across the following U.S. Government-owned lands, said lands being within the Cherry Creek Lake Project, Colorado:

ARAPAHOE COUNTY, COLORADO

T. 4 S., R. 66 W., 6th P.M.,
Secs. 30 and 31.
(Said right-of-way to consist of a strip of land ten feet in width)

The pipeline in its entirety, will convey gasoline between two points located in Aurora, Colorado.

The purpose of this notice is to inform the public that the Corps of Engineers will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Those persons who desire to make comments or objections should state their views in detail and send them to the District Engineer, Omaha District, Corps of Engineers, 6014 U.S.P.O. & Courthouse, Omaha, Nebraska 68102, on or before October 24, 1975.

RUSSELL A. GLENN,
Colonel, Corps of Engineers, District Engineer.

[FR Doc.75-25451 Filed 9-23-75;8:45 am]

Department of the Army

ARMED FORCES INSTITUTE OF PATHOLOGY SCIENTIFIC ADVISORY BOARD

Meeting

SEPTEMBER 17, 1975.

In order to comply with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the meeting of the Armed Forces Institute of Pathology's Scientific Advisory Board, October 16-17, 1975, 0830 hours in the Director's Conference Room, Armed Forces Institute of Pathology, Washington, D.C. 20306. This meeting will be open to the public.

The proposed agenda will include professional discussion of the mission of the Armed Forces Institute of Pathology relating to consultation, education, and research. The Executive Secretary from whom substantive program information may be obtained is Colonel John N. Albertson, Jr., Executive Officer, Armed Forces Institute of Pathology, Washington, D.C. 20306, telephone 576-2900.

For the director.

JOSEPH R. HENRY,
CPT, MSC, USA, Adjutant.

[FR Doc.75-25450 Filed 9-23-75;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON ACCURACY

Advisory Committee Meeting

The Defense Science Board Task Force on Accuracy will meet in closed session on October 15-16, 1975, at the offices of the Aerospace Corporation, El Segundo, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the accuracy of U.S. and Soviet strategic offensive systems to determine the confidence that can be placed in our present estimates of accuracy and it will recommend an R. & D. program which can lead to improved accuracy.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 19, 1975.

[FR Doc.75-25363 Filed 9-23-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

INDIAN TRIBES PERFORMING LAW AND ORDER FUNCTIONS

Determination; Amendment

SEPTEMBER 17, 1975.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Section 601(d), Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, places responsibility on the Secretary of the Interior to determine those Indian tribes which perform law and order functions. The listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) identified all eligible Indian tribes and the specific law and order functions they have responsibility to exercise. Determination concerning Indian tribes not listed are made on individual basis upon application by such tribes under provisions of the act of the Law Enforcement Assistance Administration, Department of Justice. The Secretary's authority to make such determinations was delegated to the Commissioner of Indian Affairs by 230 DM 1.

It has been determined by the Commissioner of Indian Affairs that the Puyallup Tribe of Washington has responsibility for exercising all of the six law and order functions shown in the published listing.

Therefore, the listing published beginning on page 13758 of the May 25, 1973, FEDERAL REGISTER (38 FR 13758) is amended by revising the entry for the Puyallup Tribe of Washington to read as follows.

Tribal entities recognized by Federal Government by State	To employ tribal police	To establish a tribal court	To adopt a tribal law and order code	To undertake correction functions	To undertake programs aimed at preventing adult and juvenile delinquency	To undertake adult and juvenile rehabilitation programs
Puyallup Tribe of Washington.	×	×	×	×	×	×

MORRIS THOMPSON,
Commissioner.

[FR Doc.75-25366 Filed 9-23-75;8:45 am]

Bureau of Land Management

IDAHO STATE MULTIPLE USE ADVISORY BOARD

Meeting

Notice is hereby given that the Idaho State Multiple Use Advisory Board of the Bureau of Land Management will meet in Owyhee Plaza, Boise, Idaho, October 10, 1975. The meeting will be devoted principally to the consideration of problems and programs associated with multiple use management of resources on the National Resource Lands in Idaho. The morning session will consist of presentations and discussions on the following topics: The role of advisory boards under the Federal Advisory Committee Act and new regulations; the Director's report; and briefings on BLM programs in Idaho.

The afternoon session will involve Board organization, consideration of 5 year goals for BLM in Idaho and committee assignments. Time will be devoted to committee work in the development of recommendations and consideration by the full Board of such recommendations.

The meeting will be open to the public. Time will be made available beginning at 4:00 p.m. on Friday, October 10, for brief statements by members of the public. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the State Director (912), Bureau of Land Management, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the State Director (912), Bureau of Land Management, 550 W. Fort Street, Boise, Idaho 83724. Further information concerning the meeting may be obtained from Mr. Fred Cook, Public Affairs Officer, Bureau of Land Management, 550 W. Fort Street, Boise, Idaho 83724. His telephone number is (208) 342-2711, ext. 2291.

WILLIAM L. MATHEWS,
State Director.

[FR Doc.75-25454 Filed 9-23-75;8:45 am]

[Wyoming 52437]

WYOMING

Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 112 W.,
Sec. 5, lot 4.

The pipeline will convey natural gas from the East LaBarge #23-5 well to an existing pipeline all in sec. 5, T. 26 N., R. 112 W., in Lincoln County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-25455 Filed 9-23-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Florida Game & Fresh Water Fish Commission
Wildlife Research Projects Office
Cross Florida Barge Canal Study Team
4005 S. Main Street
Gainesville, Florida 32601
Dr. O. Earle Frye, Jr., Director

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one) — ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Scientific investigation involving color-marking and radio-tagging of Red-cockaded woodpeckers as part of a major study to determine the impact of the Cross Florida Barge Canal project on wildlife.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Wildlife Research Projects Office
Cross Florida Barge Canal Study Team
Florida Game & Fresh Water Fish Comm.
4005 S. Main Street
Gainesville, FL 32601

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Wildlife Research
State Game and Fish Agency

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Fla. Game & Fresh Water Fish Comm.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Dr. Earle Frye, Director 378-2975

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
5.0 miles South of Eureka, Marion County, Fla. and along the proposed route of the Cross Florida Barge Canal.
(see attached map for detail)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
Banding Permit: 6672

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
Fla. Wildlife, Code para 16E-6.01

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $

10. DESIRED EFFECTIVE DATE: Aug. 15, 1975
11. DURATION NEEDED: March 1, 1976

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Section 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not)
Nicholas R. Holler
DATE
August 8, 1975

3-200 16/740 Nicholas R. Holler, Senior Project Biologist

1. Authorization is requested for the initiation of a scientific investigation of Red-cockaded woodpeckers (*Dendrocopos borealis hylonomus*) as detailed in item 8 (below). This study will involve the color-marking of up to 30 individuals and the attachment of radios to up to 12 individuals; adults and young of both sexes will be used in the study. The information gained from this study will assist us in determining the impact of the Cross Florida Barge Canal on this species.

2. The birds to be used in this study are still in the wild.

3. The woodpeckers will be captured by mist-netting at the tree cavity entrances. Care will be taken during capture and handling to avoid injury to the bird.

4. N/A.

5. N/A.

6. N/A.

7. Contract attached (for further information contact: Dr. James McCann, Chief, Division of Population Ecology, U.S. Fish and Wildlife Service Dept. of the Interior, Washington, D.C. 20240).

8 i. The woodpeckers to be studied under this permit occur in close proximity to the route of the Cross Florida Barge Canal across central Florida (see attached map). Five colonies, consisting of about 17 birds, have been located in longleaf pine (*Pinus palustris*) flatwoods habitat approximately 5 miles south of Eureka, Marion County, Florida ("A" on map). Intensive search is continuing for other colonies sites along the Barge Canal route.

We request authorization to capture, band, and color-mark up to 30 Red-cockaded woodpeckers from within the study area detailed on the map. We further request authorization to attach radio transmitters to up to 12 of these birds.

While nesting habitat requirements are fairly well known for this species, little information is available concerning home range foraging distances from the nesting site, foraging habitat requirements, and interaction between colonies. This study is designed to obtain data on these subjects so that we can make a more accurate determination of the potential impact of the Barge Canal project on this species.

ii. Up to 30 woodpeckers will be captured at tree cavity entrances using mist nets. These birds will be color-marked at the capture site using chick dye, colored leg bands and/or saflag material attached to the wing.

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tail, or back and will then be released back to the wild. A miniature radio transmitter (— 2.15 gm) will be attached to one bird. This bird will then be released and carefully monitored to determine any adverse effects of the transmitter. If this phase is successful, up to 11 additional woodpeckers will be radio-tagged. Movement and activity data will be recorded on these birds for the duration of the study. All work will be accomplished in the field and captured birds will be released as soon as possible.

iii. This study will provide data on home range, foraging distance from the nesting site, foraging habitat requirements, and interaction between colonies. This information is essential for an accurate determination of the impact of the Cross Florida Barge Canal project on this species.

iv. After data collection is complete, instrumented birds will be recaptured by mist netting, the radios removed, and the birds returned to the wild at the capture site.

RESEARCH PROPOSAL FROM THE FLORIDA GAME AND FRESH WATER FISH COMMISSION TO THE FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Title: Impact of the Proposed Cross Florida Barge Canal on Selected Potentially or Presently Endangered or Threatened Fauna or Flora in the Area of Canal Construction.

INTRODUCTION

The Florida Game and Fresh Water Fish Commission (hereinafter referred to as the Commission) is presently engaged in the study and survey of fauna and flora inhabiting the area which would be impacted by the proposed Cross Florida Barge Canal. These investigations are being supported by the U.S. Army Corps of Engineers contracts DACW17–75–C–0039 and DACW17–75–C–0041. Their purpose is to provide the information necessary for the development of an environmental impact statement on the barge canal project. One objective of these studies is to determine the effects of the barge canal project on all recognized or proposed federal and state endangered or threatened species and to identify those species that might be reduced to an endangered or threatened status as a result of environmental impact. The study plan submitted to the Corps of Engineers on March 12, 1975 provides for population surveys of these species and determination of the location and extent of existing or potential habitat for each species within the projected zone of impact. Provision was not made for (nor are funds of the contracts adequate to support) specialized studies of individual species where pertinent biological data are lacking.

The purpose of this proposal is to request funds from the Fish and Wildlife Service (hereinafter referred to as the Service) to support studies of selected proposed or recognized endangered or threatened species for which existing biological information is inadequate to permit an accurate assessment of the barge canal project on their status. Support is also requested to provide for the services of selected professionals, knowledgeable of the biology of individual species, as a means of augmenting expertise available within the Commission and the Service in assessing impact on these species. This proposal is to be considered an extension of the interagency agreement between the Service and the Commission, dated March 17, 1975, and providing for Service assistance in the Cross Florida Barge Canal studies.

OBJECTIVES

The basic objectives of this proposal is to gain biological information on selected endangered or threatened species of fauna and flora that will aid the Commission and the Service in accurately assessing the impact of the proposed barge canal project on the species. Research under this proposal will be conducted on species mutually agreed upon by the Commission and the Service and is designed to:

(1) Define the general habitat and, where possible, the critical habitat requirements for these species.

(2) Identify the extent of habitat presently utilized by the individuals of certain of these species so that a more accurate assessment may be made concerning the extent of habitat required for maintenance of a population.

(3) Determine the importance of populations to be impacted by the canal project to the overall status of the species.

Justification:

Knowledge of the biological and habitat requirements of certain endangered or threatened species is inadequate to permit assessment of the proposed Cross Florida Barge Canal project impact on these species, despite the extensive surveys presently being conducted under contract with the Corps of Engineers. The studies to be conducted under this proposal will provide information that will enable more accurate interpretation of the survey results and, therefore, a fuller evaluation of project impact. The Commission and the Service have a joint interest and responsibility in the maintenance and recovery of these species.

PROCEDURES

Commission and Service employees will jointly develop a list of recognized or proposed endangered or threatened species to be investigated under this proposal. Species of "rare" or "special concern" that have major population centers in the projected zone of barge canal impact and may become threatened or endangered as a result of the barge canal project will be added to the list for investigation as mutually agreed upon by the two agencies. The list will reflect, where appropriate, the identity of non-Commission or non-Service professionals who will be utilized as consultants during the study period.

The Commission, with guidance from Service employees and consultants, will develop and conduct specific studies to provide information presently lacking on various aspects of their life histories pertinent to assessment of canal impact on their status. The Service will be advised as to the nature and expenditure of funds required for each of these studies and the work will commence following approval by the Service Project Officer.

SCHEDULE

The optimum starting date is May 15, 1975, with a final report to be submitted by March 1, 1976.

STUDY AREA

More detailed studies will take place within the area considered to be impacted by the canal for the particular species in question. The extent of the study area will vary for different species in conformance with variations in species mobility. In some cases it will be necessary to investigate populations outside the impact area in order to determine the importance of potentially impacted populations to the species. The Service Project Officer will be advised as to the extent of the study area involved at the time approval for the study in question is required.

Respectfully submitted,

O. E. FRYE, JR.,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before October 24, 1975, will be considered.

Dated: September 18, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75–25358 Filed 9–23–75;8:45 am]

ENDANGERED SPECIES PERMITS

Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, MAY 13, 1975 (40 FR 20633–34)

Applicant: Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520. Dr. Don D. Farst, Director.

Official Action: Issued permit July 3, 1975: "May ship three female JAGUARS from Brownsville, Texas, to New York, interstate, and then export them to Gelsenkirchen, West Germany."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, MAY 14, 1975 (40 FR 20964–65)

Applicant: Oklahoma City Zoo, Route 1, Post Office Box 478, Oklahoma City, Oklahoma 73111. Lawrence Curtis, Director.

Official Action: Issued permit July 8, 1975: "May export one (1) male Lowland TAPIR (*Tapirus terrestris*), from Oklahoma City, Oklahoma, to Gelsenkirchen, West Germany."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, MAY 1, 1975 (40 FR 19024–25–26)

Applicant: Dr. James E. Deacon, Department of Biological Sciences, University of Nevada, Las Vegas, Nevada 89154.

Official Action: Issued permit July 9, 1975: "Authorized to take and study WOUNDFINS (*Plagopherus argentissimus*) from the Virgin River (in the States of Utah, Arizona, and Nevada). Fish are to be released at the taking sites, except that not to exceed 150 woundfins may be taken for study of internal organs."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, JUNE 5, 1975 (40 FR 24222)

Applicant: National Audubon Society, Post Office Box 26191, Atlanta, Georgia 30328.

Official Action: Issued permit July 11, 1975: "May capture and transport no more than 500 AMERICAN ALLIGATORS (*Alligator mississipiensis*) from the State of Louisiana's Marsh Island Refuge, Iberia Parish; Rockefeller Refuge, Cameron Parish; Vermillion Wildlife Refuge, Vermillion Parish; and the Sabine National Wildlife Refuge, Cameron Parish, to the State of Arkansas, to be released where directed by representatives of the Arkansas Game and Fish Commission."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, MAY 28, 1975 (40 FR 23097–98)

Applicant: Dr. F. Prescott Ward, Chief, Ecological Research Office, Biomedical Laboratory, Edgewood Arsenal, Aberdeen Proving Ground, Maryland 21010.

Official Action: Issued permit July 11, 1975: "Permittee is authorized to trap and capture nestling and migrant FALCONS (*Falco peregrinus tundrius* and *anatum*) for the purpose of banding with standard U.S. Fish and Wildlife aluminum leg bands, and may also use plastic color-coded leg bands."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, APRIL 21, 1975 (40 FR 17604–5–6–7)

Applicant: U.S. Department of the Interior, U.S. Fish and Wildlife Service, California Program of Animal Damage Control, Santa Barbara County, California 95825.

Official Action: Issued permit July 11, 1975: "May take ten (10) SAN JOAQUIN KIT FOXES (*Vulpes macrotis mutica*), that display symptoms of rabies, or are accidentally trapped incident to the rabies control program for grey foxes, bobcats, coyotes, bats, and striped skunks."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, MAY 13, 1975 (40 FR 20631–32)

Applicant: Savannah River Ecology Laboratory, Post Office Drawer E, Aiken, South Carolina 29801. Dr. J. Whitfield Gibbons.

Official Action: Issued permit July 14, 1975: "May conduct mark release-recapture studies for the purpose of obtaining standard length and weight measurements and sperm viability tests on ALLIGATORS. All alligators captured must be released within 24 hours at the capture site."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: September 19, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement.

[FR Doc.75–25477 Filed 9–23–75;8:45 am]

MARINE MAMMALS

Issuance of Permit

On June 27, 1975, a notice was published in the FEDERAL REGISTER (40 FR 27272–73–74) that an application had been filed with the Fish and Wildlife Service by Daniel Paul Costa, Coastal Marine Laboratory, University of California, Santa Cruz, California, for a permit to engage in sea otter scientific research.

Notice is hereby given that on August 29, 1975, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Fish and Wildlife Service issued a permit to Daniel Paul Costa, University of California, Santa Cruz, California, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Dated: September 19, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75–25476 Filed 9–23–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

OTTAWA NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Meeting

The Ottawa National Forest Multiple Use Advisory Committee will meet 1 p.m. through 5 p.m. (c.d.t.), October 23, 1975, and 8:30 a.m. through noon (c.d.t.), October 24, 1975, at the Holiday Inn on U.S. 51, Hurley, Wisconsin. The purpose of this meeting is to discuss forests management.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Ottawa National Forest, Ironwood, Michigan 49938, phone number: (906) 932–1330. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public participation will be limited to a period designated for open discussion. To the extent time permits, interested persons may be permitted by the committee chairman to present oral statements at the meeting.

JOHN C. WOLTER,
Deputy Forest Supervisor.

SEPTEMBER 16, 1975.

[FR Doc.75–25446 Filed 9–23–75;8:45 am]

Forest Service

PACIFIC NORTHWEST FORESTRY RESEARCH ADVISORY COMMITTEE

Meeting

The Pacific Northwest Forestry Research Advisory Committee will meet 8 a.m.–3:30 p.m. on Wednesday, October 15, 1975; and 8:30–11:30 a.m. on Thursday, October 16, at Hilton Inn, SEATAC International Airport, S176 Pacific Highway South, Seattle, Washington 98188.

The purpose of this meeting is to review the physical and social science aspects of research programs of the Pacific Northwest Forest and Range Experiment Station, U.S. Forest Service.

The meeting will be open to the public. Persons who wish to attend should notify Mr. Robert F. Tarrant, Pacific Northwest Forest and Range Experiment Station, U.S. Forest Service, P.O. Box 3141, Portland, Oregon 97208; telephone No. 503–234–3361, extension 4907. Written statement may be filed with the committee after the meeting.

ROBERT F. TARRANT,
Director.

SEPTEMBER 15, 1975.

[FR Doc.75–25364 Filed 9–23–75;8:45 am]

[USDA–FS–DES–R6–75–18(ADM)]

VEGETATION MANAGEMENT WITH HERBICIDES IN OREGON AND WASHINGTON

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for vegetation management with herbicides in Oregon and Washington, USDA–FS–DES–R6–75–18 (ADM).

The environmental statement concerns a proposed series of vegetation treatments on National Forest lands using the herbicides 2,4–D, 2,4,5–T, silvex, atrazine, dicamba, dalapon, amitrole, picloram, monosodium methanearsenate and cacodylic acid as a part of various resource management activities including site preparation, plantation release, thinning conifer plantations, control of noxious or poisonous plants, range revegetation and maintenance of improvement.

This draft environmental statement was transmitted to CEQ on September 16, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th & Independence Ave., SW., Washington, D.C. 20260.

USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204.

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 4623, Portland, Oregon 97208.

Copies of the draft environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments must be received by November 17, 1975 in order to be considered in the preparation of the final environmental statement. Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

CURTIS L. SWARSON,
Regional Environmental Coordinator, Planning, Programing & Budgeting.

SEPTEMBER 16, 1975.

[FR Doc.75–25365 Filed 9–23–75;8:45 am]

V40I186 SEP2475 XUM

Soil Conservation Service

LOST RIVER WATERSHED PROJECT, INDIANA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Lost River Watershed Project in Dubois, Lawrence, Martin, Orange, and Washington Counties, Indiana, USDA-SCS-EIS-WS-(ADM)-76-1-(D)-IN.

The revised environmental impact statement concerns a plan for watershed protection, flood prevention, municipal and industrial water supply, and recreation. The planned works of improvement include conservation land treatment, supplemented by channel work, eight water control structures, two multiple purpose floodwater retarding-recreational structures, and one recreational development. The channel work will involve debris and hazardous tree removal only on 36.2 miles of existing channels and 2.2 miles of channel construction, of which 0.8 mile will be new channel. The recreational development will provide 28,500 visitor-days of recreation annually.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224.

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Cletus J. Gillman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224.

Comments must be received on or before November 17, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 17, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-25447 Filed 9-23-75;8:45 am]

NORTH AND SOUTH MILL CREEK SUBWATERSHED PROJECT, WEST VIRGINIA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the North and South Mill Creek Subwatershed Project, Grant, Pendleton, and Hardy Counties, West Virginia, USDA-SCS-EIS-FP-(ADM)-75-1(F) W. Va.

The EIS concerns a plan for watershed protection, flood prevention and recreation. The planned works of improvement provide for conservation land treatment, 5 floodwater retarding structures, 1 multi-purpose reservoir with capacity for floodwater retarding and recreation water, and associated recreation facilities.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 865, Morgantown, West Virginia 26505.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 16, 1975.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-25448 Filed 9-23-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CASE WESTERN RESERVE UNIV.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00223-65-46040. Applicant: Case Western Reserve University, Dept. of Metallurgy & Molecular Science, Cleveland, Ohio 44106. Article: Electron Microscope, Model Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in the following research projects in the Department of Metallurgy and Materials Science:

1. Electron Irradiation Damage—Studies of the defect clusters induced by radiation damage, such as dislocation loops, voids, transformation products, etc. in various metals, alloys, and ceramic oxides.

2. Dislocation-Solute Atom Interactions in Alloys—Studies of dislocation and precipitate substructure in refractory metals as related to mechanical properties.

3. Dispersion-Hardened Alloys—Analysis of the distribution of particles, dislocations and grain boundaries.

4. Structure of Martensites—Analysis of the structure resulting from transformations.

5. Strengthening Mechanisms in Ceramic Oxides—Studies of dislocations, precipitate structures and ordering reactions in spinel, sapphire, garnets and other oxides.

6. Processing Studies in Non-oxide Ceramics—Studies of the configurations of grain boundaries, stacking faults, etc. as a function of processing variables in silicon nitride.

7. Electron Microscopy of Opaque Minerals—Studies of the structure and identification of phases in minerals—particularly hematite, ilmenite and magnetite.

The article will also be used to teach undergraduates and graduate students the use, theory, and applications of electron microscopy to metallurgy and materials science.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a resolution guarantee of 2 Angstroms lattice. The National Bureau of Standards (NBS) advises in its memorandum dated April 1, 1975 that the (1) lattice resolution guarantee of the article is pertinent to the applicant's intended purposes, and (2) the most closely comparable domestic instrument, the EMU-4C electron microscope manufactured by Adam David Company, does not match the lattice resolution provided by the foreign article. Accordingly, NBS advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-25419 Filed 9-23-75;8:45 am]

FLORIDA STATE UNIV., ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotimes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975). (See especially section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00485-33-46500. Applicant: Florida State University, Department of Biological Science Unit I, Tallahassee, Florida 32306. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of biological tissues; specifically brain of amphibia and mammals and sensory organs (olfactory and taste organs) of the same. Invertebrates such as molluscs will also be part of the studies specifically centering on the nervous system of these animals. The article will also be used in the course, BIO 575, Techniques in Electron Microscopy in which all aspects of electron microscopical techniques will be demonstrated. Application received by Commissioner of Customs: April 21, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 1, 1975.

Docket number: 75-00498-33-46500. Applicant: University of Pittsburgh, School of Medicine, The Montefiore Hospital, 3459 Fifth Avenue, Pittsburgh, PA 15213. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of the transport of macromolecules (tracers) across biological barriers in which normal and altered mammalian tissues, derived from animal experiments will be investigated. Ultrahistochemistry techniques will be employed, in particular, the identification of sites of enzymatic activity at the ultrastructural level. Another aspect of the research involves the transfer of large molecular weight materials across the cell membrane. Application received by Commissioner of Customs: April 29, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 1, 1975.

Commerce: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. REASONS: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is • • • a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-25424 Filed 9-23-75;8:45 am]

HARVARD MEDICAL SCHOOL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00496-33-46500. Applicant: Harvard Medical School, Department of Microbiology & Molecular Gen., 25 Shattuck Street, Bldg. D-1, Boston, Massachusetts 02115. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study the structure and morphogenesis of bacterial and animal viruses. In addition, bacterial cells, animal cells, proteins such as enzymes, nucleic acids and samples of animal tissue such as brain from virus-infected animals, will be studied by members of the Department of Microbiology and Molecular Genetics. The article will also be used in a graduate course for medical and graduate students in the Theory and Techniques of Electron Microscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide

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range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of August 1, 1975 that the higher cutting speeds of the article are pertinent to the applicant's research studies.

We therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75–25420 Filed 9–23–75;8:45 am]

Domestic and International Business Administration

HERR MANUFACTURING CO., INC.

Petition for Determination

A petition by Herr Manufacturing Company, Inc., of Tonawanda, New York, was accepted for filing on September 18, 1975, under Section 251 of the Trade Act of 1974 and in conformity with Adjustment Assistance Certification Regulations for Firms, 15 CFR, Part 350, 40 FEDERAL REGISTER 14291 (April 3, 1975) (the "Regulations"). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm. The petitioner asserts that imported articles classified in items 670.68 and 670.74 of the Tariff Schedules of the United States ("TSUS") are like or directly competitive with conical spinning and twisting rings, flyers and flyer wires, and ring travelers and traveler inserts produced by the firm.

Any party having a substantial interest in the subject matter of the proceedings (as described in § 350.40(b) of the Regulations) may request a public hearing on the matter. A request for a hearing conforming to § 350.40 of the Regulations must be received by the Director, Office of Trade Adjustment Assistance, Room 3011, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

(Catalog of Federal Domestic Assistance Program No. 11.106, Trade Adjustment Assistance.)

HAROLD A. BRATT, JR.,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.75–25360 Filed 9–23–75;8:45 am]

MASSACHUSETTS GENERAL HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00524–33–46500. Applicant: Massachusetts General Hospital, Department of Renal Biophysics, Fruit Street, Boston, Massachusetts 02114. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended for use of article: The article is intended to be used for the investigation of ultrastructural changes in the urinary bladder of amphibians under various experimental conditions. Experiments will be conducted to show structural changes in the rate-limiting tight junctions (extracellular path) with paralleled changes in the electrical characteristics of the epithelium.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of August 15, 1975 that cutting speeds greater than available on the domestic instrument are pertinent to the applicant's research studies. We therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75–25421 Filed 9–23–75;8:45 am]

SINAI HOSPITAL OF DETROIT

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00540–33–46500. Applicant: Sinai Hospital of Detroit, 6767 W. Outer Drive, Detroit, Michigan 48235. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in several research programs which involve studies of bone tumors, blood vessels, kidney, liver, lung, bone marrow, etc. These studies will include pathogenesis of atherosclerosis requiring the sectioning of aorta. Another study involves the effect of intraaortic balloon pumping on the ultrastructure of normal, ischemic and infarcted myocardium.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00118–33–46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69–00665–33–46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is • • • a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of August 22, 1975 that cutting speeds between 4 and 5 mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75–25422 Filed 9–23–75;8:45 am]

UNIVERSITY OF OREGON, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, (40 FR 12253 et seq., 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00115–01–07500. Applicant: University of Oregon, Department of Chemistry, Eugene, Oregon 97403. Article: Scanning Microcalorimeter: Manufacturer: Mashproborintorg, Russia. Intended use of article: The article is intended to be used for investigation of solvation, macromolecular conformation, small molecule(SIC), macromolecule interactions and other molecular interactions particularly important where modern calorimetric measurements have provided a powerful tool for study. Investigations in the following areas will be conducted:

(1) Anthalpy of micelle formation in various solvents.

(2) DNA-protein interactions.

(3) Changes in DNA conformation with temperature.

(4) Enthalpy changes in aqueous solutions as a function of concentration of solvent perturbants.

Application received by Commissioner of Customs: September 3, 1975.

Docket number: 76–00116–33–90000. Applicant: Long Beach Community Hospital, 1720 Termino Avenue, Long Beach, California 90801. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in development of a noninvasive technique for evaluating brain tumors and metastatic tumors to the brain. The article will also be used in following stroke patients and differentiating these from brain hemorrhages and brain tumors in the geriatric age group which is necessary in order to salvage functional capacity as well as in eliminating nonsalvageable patients and saving cost, hospitalization and utilization. Application received by Commissioner of Customs: September 3, 1975.

Docket number: 76–00117–33–46500. Applicant: University of Arkansas for Medical Sciences, Department of Pathology, 4301 West Markham Street, Little Rock, Arkansas 72201. Article: Ultramicrotome, Model LKB 8800A, with Ultrotome Table and Prymitome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on bone, parathyroid, and skin. The studies will be used to determine alterations in these tissues with growth, development and alteration in function. Application received by Commissioner of Customs: September 3, 1975.

Docket number: 76–00118–33–46500. Applicant: University of Massachusetts Medical School, Department of Pathology, 55 Lake Avenue North, Worcester, Mass. 01605. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB, Produkter AB, Sweden. Intended use of article: The article will be used for experimental investigations concerning diseases of blood vessels in such diseases as atherosclerosis and hypertension, in aging and in inflammatory processes. These experiments include the study of normal blood vessels from young and old animals in order to ascertain changes due to age; and the study of pathological changes occurring in different types of vessels in diseases such as atherosclerosis and hypertension. In addition, the article is to be used for educational purposes in the following courses:

Cellular Pathology—To teach the most-up-to date concepts and techniques in the study of diseased cells and tissues.

Electron Microscopy—To introduce selected medical students to the basic approaches of electron microscopy.

Application received by Commissioner of Customs: September 3, 1975.

Docket number: 76–00119–33–46500. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Massachusetts 02115. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the ultrastructural examination of the morphology of Beta cells within pancreatic islets of Langerhans. Both normal and pathological structure will be investigated in pancreatic tissues from patients and experimental animals in an attempt to understand the structural mechanisms involved in the cellular secretion of insulin. In addition, future ultrastructural investigations may entail the examination of normal and pathological lens, nerve, retina, and kidney tissues, which are those tissues which

V40I186 SEP2475 XUM

exhibit manifestations of diabetic complications. Application received by Commissioner of Customs: September 3, 1975.

Docket number: 76-00120-00-46500. Applicant: The University of Texas Health Science Center at Dallas, Southwestern Medical School, Department of Pathology, 5323 Harry Hines Boulevard, Dallas, Texas 75235. Article: Cryokit, Model LKB 14800-1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory to an existing ultramicrotome and will be used for the preparation of ultrathin frozen sections for analytical electron microscopic study of the content of various ions (sodium, potassium, chlorine, calcium, and magnesium), in normal heart muscle and heart muscle from subjects with heart attacks. Application received by Commissioner of Customs: September 3, 1975.

Docket number: 76-00121-98-83600. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Pulsed Platinum NMR Thermometer. Manufacturer: Instruments for Technology OY, AB, Finland. Intended use of article: The article is intended to be used to measure the temperature of ^3He in its superfluid phases. Specific experiments will include thermal conductivity measurement, heat capacity measurement, ion mobility determinations and viscosity determination. The article will also be used by graduate students in the course of their thesis work and, therefore, is instrumental in their education. Application received by Commissioner of Customs: September 3, 1975.

Docket number: 76-00122-33-90000. Applicant: Santa Rosa Medical Center, 519 W. Houston, San Antonio, Texas 78207. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to provide a computerized analysis of the absorption coefficient from tomographic slices of the brain. Some of the research projects to be conducted will include:

(1) A study to determine which children with epileptic grand mal problems are surgically remedial as opposed to those not.

(2) A study to determine any difference in the size of the cortical mantle (i.e. hydrocephalus ex vacuo) in the patients with chronic frequent seizures as versus patients who have only occasional seizures and patients without seizures.

(3) A study of epileptic children and adults with and without contrast enhancement in order to determine the number of patients with temporal lobe problems.

(4) Determination of ventricular size following neonatal meningitis and subarachnoid hemorrhage in newborn and a study to determine which of these children will benefit from ventricular shunting and the correlation of the intracranial changes on a serial basis after shunting, i.e., number of shunt failures and number of patients with good response to shunting.

(5) A study of the correlation of density of normal brain tissue as against the density of abnormal stored material in brain tissue present with inherited metabolic disorders of the brain.

(6) Study of patients with brain tumors pre and post surgery to determine the extent of removal of the tumor.

(7) Study of effects of hypersmolar therapy and steroid therapy in the treatment of closed head injuries with several contusions and edema.

The article is also intended to be used for training residents, technologists and medical students in the Department of Radiology. Application received by Commissioner of Customs: September 3, 1975.

Docket number: 76-00123-33-90000. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: X-ray Diffractometer, GX-6 (Rotating Anode), and accessories. Manufacturer: Elliot, United Kingdom. Intended use of article: The article is intended to be used for studies of structure and function of biological membranes and proteins. Application received by Commissioner of Customs: September 3, 1975.

Docket number: 76-00124-33-46040. Applicant: Ear Research Institute, 256 South Lake Street, Los Angeles, Calif. 90057. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in research to determine the causes of deafness and relate them to body chemistry in order to aim towards the preventive measures for these disease processes. Both the ultrastructural detail of the cell and the general cell organization, which are important in the normal and pathologic disease processes studied, and the nature of the intercellular organelles, cell membranes as well as the aberrations included in the disease process will be studied. The article will also be used in several courses to provide training in various aspects of Otology to medically oriented personnel. Application received by Commissioner of Customs: September 3, 1975.

Docket number: 76-00125-56-17500. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, Md. 21218. Article: (2) Recording Current Meters, Model No. 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used for the investigation of vertical and horizontal water structure of the Chesapeake Bay, estuarine circulation in the Chesapeake Bay and flow in the tributaries to the area. The basic experiment consists of placing unattended vertical arrays of these instruments, each with self-contained power supply and data logging capability on prescribed stations. Application received by Commissioner of Customs: September 3, 1975.

Docket number: 76-00126-56-17500. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, Md. 21218. Article: (4) Recording Current Meters, Model No. RCM-4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: hTe article is intended to be used for studies of the vertical and horizontal water structure of the continental shelf of Virginia, Maryland, and Delaware. The basic experiment consists of placing unattended vertical arrays of these instruments, each with a self-contained power supply data logging capability on prescribed stations. Application received by Commissioner of Customs: September 3, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-25423 Filed 9-23-75;8:45 am]

Maritime Administration

RECONSTRUCTION OF CONTAINERSHIPS BY INSTALLATION OF GANTRY CRANES

Computation of Foreign Cost; Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost for the reconstruction of two containerships, identified as MA Design C6-S-1x, by the installation of gantry cranes to enable the vessels to have self-sustaining container handling capability.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on October 3, 1975, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets NW., Washington, D.C. 20230.

Dated: September 19, 1975.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-25463 Filed 9-23-75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9 a.m. to 1 p.m. on Thursday, November 6, 1975, in Dining Rooms A & B, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Persons planning to attend should notify Robert E. Rountree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301-921-3157).

Dated: September 17, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.75-25362 Filed 9-23-75;8:45 am]

National Oceanic and Atmospheric Administration

AMERICAN TUNABOAT ASSOCIATION

Receipt of Application

Notice is hereby given that the following applicant has applied in due form to the Director, National Marine Fisheries Service, for a General Permit to take marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder. The American Tunaboat Association, 1 Tuna Lane, San Diego, California, has applied for reissuance of the General Permit entitled, "Encircling Gear: Yellowfin tuna purse-seining" to take marine mammals incidental to commercial fishing operations during 1976.

This application will be considered at a public hearing scheduled to be held on October 9, 1975, in the Civil Service Commission Auditorium, 1900 E Street, NW., Washington, D.C., beginning at 9 a.m. pursuant to the Notice of Public Hearing which appeared in the FEDERAL REGISTER on September 8, 1975 (40 FR 41531).

Copies of the application are available for review at the office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C., and the office of the Regional Director, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: September 19, 1975.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.75-25402 Filed 9-23-75;8:45 am]

NATIONAL FISHERY EDUCATION CENTER

Meeting

The Director, National Marine Fisheries Service, announces that a public meeting will be held at 9 a.m., October 2, 1975, at the Page 1 Building, Room 337, 2001 Wisconsin Avenue, NW., Washington, D.C.

The purpose of the meeting is to afford the National Marine Fisheries Service an opportunity to present a status report on the progress and plans for the Service's National Fishery Education Center.

Dated: September 18, 1975.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.75-25449 Filed 9-23-75;8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Wednesday, October 22, 1975, from 9 a.m. to 5 p.m., and Thursday, October 23, 1975, from 8:30 a.m. to 12 noon, in Room 6802, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Tentative agenda items include:

Discussion of Proposed Panel on Commercialization of R. & D.

Discussion of Regulatory Reform Concept.

Review of "Role of New Technical Enterprises in American Economy."

Discuss Experiment for Controlling Technology Democratically.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting.

Persons desiring to obtain further information concerning the Board should contact Mr. William C. Holt, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 967-2394.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

SEPTEMBER 17, 1975.

[FR Doc.75-25438 Filed 9-23-75;8:45 am]

ECONOMIC ADVISORY BOARD

Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Wednesday, October 29, 1975, from 9:30 a.m. to 3 p.m. in Room 4832, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Board was established by the Secretary of Commerce on October 5, 1967. The purpose of the Board is to advise the Secretary of Commerce on economic policy issues. The intended agenda for this meeting is as follows:

Discuss specific industry situation in terms of consumer spending, inventory, and capital spending.

Discuss monetary and fiscal policy and the near-term outlook for prices and interest rates.

Discuss the outlook for overall economic activity through 1976 in terms of output and employment.

A limited number of seats will be available to the public on a first-come, first-served basis. Public participation will be limited to requests for clarification of items under discussion. Additional statements or inquiries may be submitted to the chairman before or after the meeting. Persons desiring to attend the meeting should advise Mr. Dominic R. Quinn, telephone (202) 967-3884, by October 24, 1975.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. Dominic R. Quinn, Special Assistant to the Assistant Secretary for Economic Affairs, Room 4854, Department of Commerce, Washington, D.C., 20230, telephone (202) 967-3884.

JAMES L. PATE,
Assistant Secretary for Economic Affairs.

[FR Doc.75-25359 Filed 9-23-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

Amended Notice of Meeting

Notice is hereby given of a change in the meeting dates of the National Commission on Arthritis and Related Musculoskeletal Diseases, National Institute of Arthritis, Metabolism, and Digestive Diseases, which was published in the FEDERAL REGISTER on September 15, 1975 (40 FR 42591).

This committee was to have convened from 2:00 p.m. to 5:00 p.m. on October 13, 1975, but as this date is a Government holiday the Commission will not meet on that day but will meet on October 14, 1975 at the Penn Harris Motor Inn, Taylor Bridge and U.S. Highway 11-15, Harrisburg, Pennsylvania. From 9:30 a.m. to 1:30 p.m., the Commission will hear testimony from interested members of the public and immediately following there will be a business and planning meeting.

On October 15, from 9:30 a.m. to 1:30 p.m. the Commission will meet at the John Hancock Hall, Dorothy Quincy Suite, 180 Berkeley Street, Boston, Massachusetts, to hear public testimony.

Both meetings will be open to the public the entire time.

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25453 Filed 9-23-75;8:45 am]

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VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE

Amended Notice of Meeting—Cancellation

Notice is hereby given of the cancellation of the meeting of the Virus Cancer Program Scientific Review Committee A, Viral Oncology Division of Cancer Cause and Prevention, National Cancer Institute which was published in the FEDERAL REGISTER on September 12, 1975, Vol. 40, No. 178—page 42385.

This Virus Cancer Program Scientific Review Committee A meeting was to have convened on October 6, 1975, but has been cancelled as contracts were not ready for presentation.

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25402 Filed 9-23-75;8:45 am]

Office of Education

DIVISION OF SECONDARY OCCUPATIONAL PLANNING AND DIVISION OF POSTSECONDARY OCCUPATIONAL PLANNING

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) Section 2-B, Organization and Functions, of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to attain the purposes of Pub. L. 92-318, Title X, Part C—Establishment of Agencies, as follows:

The statement published in the FEDERAL REGISTER on April 26, 1974 at 39 FR 14738 is amended by deletion, under the heading "Bureau of Occupational and Adult Education", of the heading "Division of Occupational Planning" and the statement following immediately thereafter. The statement published at 39 FR 14738 is also amended by addition of the following new statements immediately after the statement following the heading "Bureau of Occupational and Adult Education".

Division of Secondary Occupational Planning. Directs the development of plans, strategies, and approaches for strengthening and expanding occupational education at the secondary levels. Will plan new legislative proposals and revisions to existing regulations and policies which are aimed at overcoming any present obstacles to secondary program expansion or revision, at avoiding duplication of programs, and at increasing the accessibility of occupational education for high school students who are enrolled in such programs which are designed to prepare them for advanced or highly skilled postsecondary vocational and technical education. Develop Federal education policy concerning improved and expanded programs while avoiding duplication of effort in affected Federal, State, and local agencies. Develop planning procedures, programmatic strategies, and implementation plans concerning projected educational needs. Develop procedures to insure continuous planning and evaluation, including assurance of collection and dissemination of appropriate data.

Division of Postsecondary Occupational Planning. Directs the development of plans, strategies, and approaches for strengthening and expanding occupational education at the postsecondary and adult levels. Has responsibility for relating to the coordinating planning activities with the Community College Unit located in the Bureau of Postsecondary Education. Will plan new legislative proposals and revisions to existing regulations and policies which are aimed at overcoming any present obstacles to program expansion or revision, at avoiding duplication of postsecondary programs, and at increasing the accessibility of occupational and adult education to students who have completed or left high school and who are available for study in preparation for entering the labor market and for those who have already entered the labor market and who need training and retraining to achieve stability or advancement in employment. Develop Federal education policy concerning improved and expanded postsecondary program while avoiding duplication of effort in affected Federal, State, and local agencies. Develop planning procedures, programmatic strategies, and implementation plans concerning projected educational needs.

Develop procedures to insure continuous planning and evaluation, including assurance of collection and dissemination of appropriate data.

Dated: September 12, 1975.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.75-25406 Filed 9-23-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON ETHNIC HERITAGE STUDIES

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the initial meeting of the National Advisory Council on Ethnic Heritage Studies will be held October 16, 1975, from 9:00 a.m. to 4:30 p.m. in Room 4173, Federal Office Building 6, 400 Maryland Ave., S.W., Washington, D.C.

The National Advisory Council on Ethnic Heritage Studies was established by Title IX of the Elementary and Secondary Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (P.L. 92-463). The Council shall advise the Commissioner concerning matters of general policy arising from the administration of programs in ethnic heritage studies. Functions may include determination of needs and objectives of programs in the field and provisions of support in the implementation nationally of program goals of ethnic heritage studies.

This initial meeting of the Council shall be open to the public. The meeting will be devoted to a review of the nature and scope of the program, including a consideration of its progress and present status.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Chief of the Ethnic Heritage Studies Branch, Division of International Education, located in Room 3907, ROB #3, 7th and D Streets, S.W., Washington, D.C.

Signed at Washington, D.C. on September 19, 1975.

WILLIAM H. MARTIN,
Chief, Ethnic Heritage Studies Branch.

[FR Doc.75-25425 Filed 9-23-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Closed Meeting

Notice is hereby given in accordance with provisions in section 10(d), Federal Advisory Committee Act, Pub. L. 92-463, and Title V, U.S. Code, section 552(b)(2) and (6), that the meeting of the National Advisory Council on Vocational Education will not be open to the public beginning at 9:00 a.m., local time on October 16, 1975 at the Logan Hilton, Logan International Airport, Boston, Massachusetts. The purpose of the meeting is to interview applicants for the Executive Director staff vacancy and documents will be presented which, if open to the public, would constitute a clearly unwarranted invasion of personal privacy.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act the publish and distribute the results thereof.

A summary of activities of the meeting shall be kept and shall be available for public inspection at the office of the Council's Executive Director located at 425 13th Street, NW., Suite 412, Washington, D.C. 20004.

Signed at Washington, D.C. on September 15, 1975.

REGINALD PETTY,
Acting Executive Director.

[FR Doc.75-25435 Filed 9-23-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-480-DR; NFD-298]

OHIO

Major Disaster; Amendment

Notice of Major Disaster for the State of Ohio, dated September 11, 1975, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 11, 1975:

The County of Jefferson.

Dated: September 15, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-25392 Filed 9-23-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-439]

AMERICAN CAPITAL LAND CORP. AND PONDEROSA

Hearing

In the matter of American Capital Land Corporation, OILSR No. 0-1738-48-34 Doc. 75-160-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. American Capital Land Corporation d.b.a. Ponderosa, D. C. Armbrust, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued August 15, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for American Capital Land Corporation d.b.a. Ponderosa, located in Decatur County, Tennessee, contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received September 8, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d): *It is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on October 23, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before October 9, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 17, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-25393 Filed 9-23-75;8:45 am]

Office of the Secretary

[Docket No. N-75-436]

SECTION 202 HOUSING FOR ELDERLY AND HANDICAPPED

Invitation for Requests for Fund Reservations

Notice is hereby given, pursuant to Title 24, Code of Federal Regulations, Part 885, that the Department of Housing and Urban Development will be accepting Requests for Fund Reservations from eligible Applicants (see 40 FR 36536, Part 885, Chapter VIII, Section 885.5 for the definition of "Applicant" and other terms used herein) for the provision of direct loans for the construction or substantial rehabilitation of Housing and Related Facilities (as defined) for dwelling use by Elderly or Handicapped Families (as defined) under the provisions of Section 202 of the Housing Act of 1959, as amended by the Housing and Community Development Act of 1974.

All requests for Section 202 Fund Reservations by eligible Applicants must be filed with HUD on the application Form FHA 3128-EH,[1] together with such attachments and additional information as are required by such form and § 885.210. Applicants may file such Requests for Section 202 Fund Reservations with the Assistant Secretary for Housing Production and Mortgage Credit, Department of Housing and Urban Development, Attention: Correspondence Unit, Room 6110, 451 7th Street, SW., Washington, D.C. 20410, at any time between the dates of September 23, 1975 and November 14, 1975. No Requests will be accepted after 5:15 p.m. on November 14, 1975 unless said final date for the submission of Section 202 Requests for Fund Reservations is extended by the Assistant Secretary by publication of an extension notice in the FEDERAL REGISTER.

Pursuant to § 885.205(b), this is to serve notice that:

(1) Under this Invitation for Requests for Section 202 Fund Reservations no single Applicant shall receive a reservation of loan funds in a single HUD Region in excess of that necessary to finance the construction or substantial rehabilitation of three-hundred (300) units of Housing and Related Facilities;

(2) The eligibility requirements for Applicants shall be as set forth in Part 885;

(3) Requests for Section 202 Fund Reservations shall include the information called for in § 885.210.

(4) Contract authority under Section 8 of the United States Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, will be set aside for successful Applicants in amounts sufficient rentals in a project of the size contemplated by the Section 202 fund reservation.

(5) Section 202 fund reservations will be distributed among successful Applicants in accordance with the requirements of § 885.215 (Approval of Requests for Fund Reservations) on the basis of all of the information furnished by the Applicants on the application form published herewith as Appendix A and pursuant to § 885.210 of the regulations.

Pursuant to § 885.410(e), this is to further serve notice that the Assistant Secretary hereby establishes one-half of one-percent (.5%) of the total HUD-approved § 202 construction loan amount to be the minimum capital investment for Section 202 Borrowers receiving HUD field office approval of a Request for Section 202 Construction Financing (under the provisions of § 885.400 et seq.) submitted to the appropriate HUD field offices by those Applicants/Borrowers successfully receiving Section 202 Fund Reservations under and as a result of this Invitation. Said minimum capital investment shall apply to all Section 202 projects developed as a consequence of this Invitation and shall remain in effect until altered by the Assistant Secretary by publication in the FEDERAL REGISTER of a revision to the minimum capital investment requirement. However, for Section 202 projects where Section 106(b) "seed money" loans are made pursuant to Section 106 of the Housing and Urban Development Act of 1968, the minimum capital investment required of Applicants will be 20 percent of the preconstruction costs covered by the Section 106(b) loan or one-half of one percent of the mortgage amount, whichever is larger.

Interested potential Applicants are invited to submit Requests for Section 202

[1] Form filed as a part of the original. Copies are available at HUD, Washington, D.C., Room 6110, and in each HUD Regional area and insuring office.

V 40 I 186 SEP 24 75 XUM

Fund Reservations in accordance with the above. Additional information regarding the Section 202 Program may be found in Part 885 the requiremets for the construction o substantial rehabilitation of housing for lower income families under the Section 8 Housing Assistance Payments programs are found in Parts 880 and 881.

A Finding of Inapplicability of Section 102(2)(c), National Environmental Policy Act of 1969, has been made in connection with the final Section 202 Regulations, Part 885, in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182) and governs this Notice. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Issued at Washington, D.C. September 15, 1975.

(Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q), as amended by sec. 210, Housing and Community Development Act of 1974; sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-25394 Filed 9-23-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON INFORMAL ACTION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 10:00 a.m., Friday, October 10, 1975, in the offices of Shea & Gardner, 734 15th Street, NW., Washington, DC 20005.

The Committee will meet to consider Professor Paul Verkuil's study of procedures for informal adjudicatory hearings.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee, before, during or after the meeting.

For further information concerning this Committee meeting contact June Katz (phone 202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

SEPTEMBER 22, 1975.

[FR Doc.75-25670 Filed 9-22-75;4:39 pm]

[Docket Nos. 27907, 27908; Order 75-9-69]

CIVIL AERONAUTICS BOARD

HUGHES AIRWEST

Suspension and Deletion of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of September, 1975.

In the matter of application of Hughes Airwest for deletion of Cedar City, Utah, and Page, Ariz.—Docket 27907 and application of Hughes Airwest for suspension of service at Cedar City, Utah, and Page, Ariz.—Docket 27908.

ORDER SETTING APPLICATION FOR HEARING

On June 4, 1975, Hughes Airwest (Airwest) filed an application for suspension of service at Cedar City, Utah, and Page, Ariz., for a period of 7 years or until the Board acts upon its concurrently filed application for deletion of both points from its certificate.

In support of its suspension application, Airwest alleges, *inter alia*, that: Cedar City and Page are among the lowest ranking traffic-producing cities presently served by local service air carriers, ranking number 325 and 331, respectively, out of approximately 400 cities receiving such services;[1] Cedar City and Page have, with one exception, the lowest passenger enplanements of any points on Airwest's system; in addition to being generally low generators of traffic, air service patronage at both Cedar City and Page is extremely seasonal in nature due to the large recreation and tourism emphasis in both areas; both cities have reasonable access by surface transportation to their primary communities of interest and to the national transportation system, via commuter air services;[2] combined services at Cedar City and Page generated a subsidy need of nearly $68,000 during the 12 months ended March 31, 1975; and suspension of services would result in an annual fuel savings of 131,650 gallons.

Sky West Aviation, Inc. (Sky West), a commuter air carrier, filed a response to Airwest's application, stating that its present service levels at Cedar City and Page would be adequate to serve these markets in the event Airwest's operations are suspended or deleted.[3]

The Utah Agencies, the Cedar City Corporation, and the Town of Page filed answers opposing Airwest's application. The basic contentions of these parties are that Cedar City and Page are geographically isolated from the national air transportation system and the retention of certificated air service is essential for the communities' economic wellbeing; that traffic volume has been reasonable so long as service was at satisfactory levels,[4] but that Airwest has reduced service to such an extent that traffic generation has necessarily declined; that Airwest's fares are so much higher than the commuter carrier serving the communities that passenger travel is discouraged; that neither commuter service nor surface transportation is a truly adequate substitute for certificated service; and that Airwest's savings which might result from suspending its services at Cedar City and Page are insignificant on any scale used for analysis. In addition, the Utah Agencies contend that Airwest's scheduling has left Cedar City without any possibility for its passengers to enjoy "same-day" or commuter service; that Cedar City's exceptional strength lies in the fact that it serves a broad community outside its immediate environs as well as a large visitor population which is attracted yearly to two of the Nation's more popular national parks located nearby, Zion and Bryce Canyons; that commuter service is not offered to and from Phoenix, Cedar City's second-ranking air market; that Airwest seeks to abandon the point to a commuter service without any assurance that the commuter is capable of maintaining its current levels of service; that space on commuter air services may be difficult to purchase at times because of limited size of the equipment; and that Airwest is apparently seeking suspension at Cedar City to eliminate F-27 operations and standardize the carrier's fleet. The Cedar City Corporation adds that it has made a long-term and continuing commitment to aid financially and economically in the maintenance of adequate and modern airport facilities, which includes a master plan calling for, among other things, a 1,700-foot runway extension designed to accommodate larger aircraft than currently used; and that southern Utah is a growing region and its business and recreation areas require adequate air service through the Cedar City Airport.[5] Page adds that altered schedules have thwarted or impeded service to major

[1] The applicant states that Cedar City averaged only 4.3 passengers per departure during the 13-year period 1962-74; Page averaged just over 3.2 passengers per departure during the same period.

[2] Cedar City presently receives air commuter services to and from Las Vegas (two round trips daily) and Salt Lake City (three round trips daily). Page receives commuter air service to and from Las Vegas (2½ daily round trips), Phoenix (one round trip daily), and Flagstaff (one round trip daily).

[3] Sky West later filed a motion for leave to file a late-filed document, to which was attached further information concerning its operations. We will grant the motion.

[4] The Utah Agencies indicate that the growth rate for enplanements at Cedar City averaged 14.5 percent between 1962 and 1970.

[5] The Cedar City Corporation indicates that Southern California Edison Company and associated utility companies have formed a company or consortium to develop a proposed power plant, commonly referred to as the Kaiparowits Power Plant. The billion dollar project is expected to support the city of 20,000 and to cause considerable growth in the entire southern Utah area. The project will be located 100 miles to the east and slightly south of Cedar City and it is anticipated that construction will probably begin in the next 12 to 24 months.

communities of interest for Page, a fact reflected in declining connecting as well as local traffic. All objecting parties have requested that the suspension/deletion applications be denied or, in the alternative, that a hearing on the matter be held.[6]

Airwest filed a reply to the answers, indicating, among other things, that the operation of jet aircraft into Cedar City would be very uneconomical and would involve a substantially higher subsidy need than the present service, and furthermore the installation of jet service to that point would have a seriously adverse effect on Sky West's revenues and would thereby jeopardize the multiple daily services at Cedar City to both Salt Lake City and Las Vegas. In sum, the carrier contends that the established commuter carrier services are optimally adapted to the traffic generated by Cedar City and Page, and that there is no need for a full hearing on its suspension application.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Airwest's suspension application, and to set for hearing its application for deletion of Cedar City and Page. In view of the conflicting contentions of the parties, we find that suspension *pendente lite* would be inappropriate, and that the disputed facts and issues can best be resolved on the basis of an evidentiary record after hearing.

The issues to be considered at the hearing should include the following: (a) whether Airwest's authority to serve Cedar City and Page should be deleted; (b) whether the public interest requires suspension for a temporary period rather than deletion; (c) what conditions, if any, should be attached to any suspension which may be found to be required (including a requirement for air taxi replacement service); (d) whether Airwest has downgraded service at either Page or Cedar City so as to strengthen its case for deletion or suspension; (e) whether the suspension or deletion of Airwest's services at the two points would affect the carrier's ability to adequately and economically provide service to downline points; and (f) whether the applicant should be required to provide or guarantee free, reduced-rate, or full-fare limousine service linking either Page or Cedar City to the national air transportation system at a nearby point.

Accordingly, *It is ordered*, That:

1. The application of Hughes Airwest in docket 27908 for suspension of service at Cedar City, Utah, and Page, Ariz., be and it hereby is denied;

2. The application of Hughes Airwest in docket 27907 for deletion of Cedar City and Page be and it hereby is granted; and

3. The motion of Sky West Aviation, Inc., for leave to file a late-filed document be and it hereby is granted; and

4. A copy of this order shall be served upon Hughes Airwest; Sky West Aviation, Inc.; Mayor, City of Cedar City; Mayor, City of Page; the Utah Agencies; Airport Manager, Cedar City Municipal Airport; Arizona Department of Transportation; Cedar City Corporation; Airport Manager, Page Airport; Governor, State of Utah; Governor, State of Arizona; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25440 Filed 9-23-75;8:45 am]

[Docket No. 26580; Order 75-9-68]

KUEHNE & NAGEL D/B/A KUEHNE & NAGEL AIR FREIGHT, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of September 1975.

Pursuant to Order 69-5-84 approved by the President on May 19, 1969 (Docket 20211) the Board issued a foreign indirect air carrier permit to Kuehne and Nagel d./b./a. Kuehne and Nagel Air Freight, Inc. (Air Freight) authorizing it, for a period of five years, to engage indirectly in foreign air transportation of property from any point or points in the United States to any point or points outside the United States. Pursuant to section 402 of the Federal Aviation Act of 1958, as amended, Air Freight filed a timely application for renewal of its permit for a further period of five years under the same terms and conditions prior to its expiration on May 19, 1974. The applicant's timely filing of an application for renewal permits it to continue its operation pursuant to section 9(b) of the Administrative Procedure Act (5 U.S.C. 558(c)) pending final decision of the Board on its renewal application. No person has filed an answer to the application. The Board finds that it is in the public interest to direct interested parties to show cause why the applicant's foreign indirect air carrier permit should not be renewed without hearing for a period terminating on May 19, 1979.

Air Freight commenced operations in the United States under its aforementioned foreign indirect air carrier permit and has demonstrated that it is fit, willing and able to carry on the business of an international air freight forwarder. Based on this history of operations, the Board's findings in Order 69-5-84 with respect to the public interest and the carrier's fitness, it is tentatively concluded that:

(a) Kuehne & Nagel d./b./a. Kuehne & Nagel Air Freight, Inc. is fit, willing and able properly to perform the foreign indirect air transportation authorized by the specimen permit attached hereto and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder;

(b) Kuehne & Nagel is substantially owned and effectively controlled by nationals of the Federal Republic of Germany;

(c) It is in the public interest to renew the foreign indirect air carrier permit of Kuehne & Nagel for a period terminating on May 19, 1979;

(d) The public interest requires that the exercise of the privileges granted by said permit be subject to the terms, conditions and limitations contained in the specimen permit attached hereto[1] and to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board; and

(e) A hearing on the application of Kuehne & Nagel is not required by the public interest.

All interested persons will be given 20 days following the adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific issues and to support such objections with detailed analyses. If an evidentiary hearing is requested, each objector should name the specific markets or other issues with respect to which a hearing is requested and should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. Vague, general, or unsupported objections will not be entertained.

Accordingly, *it is ordered* That: 1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein and why an order should not be issued, subject to approval by the President pursuant to Section 801 of the Act, issuing a renewed foreign air carrier permit to Kuehne & Nagel d.b.a. Kuehne & Nagel Air Freight, Inc. in the specimen form attached hereto;

2. Any interested persons having objections to the issuance of an order mak-

[6] In addition to the answers listed above, the Air Line Pilots Association, International (ALPA), filed an answer to five different docketed cases, including the present suspension application. However, the answer was directed to the issue of economic assistance for Cochise Airlines. Since the instant matter does not involve such an issue, the answer is not pertinent to Airwest's applications herein.

[1] We have included the initial tariff condition which the Board has recently included in the permits of foreign carriers. The condition permits the Board to deal with such initial tariffs as to which Board suspension power is more limited under the recent amendments to the Federal Aviation Act authorizing the Board generally to suspend rates in foreign air transportation (Pub. L. 92-259, March 22, 1972). Otherwise, the specimen permit is identical in all substantive aspects to the permit issued pursuant to Order 69-5-84.

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ing final the tentative findings and conclusions herein or to the issuance of the proposed renewed foreign air carrier permit shall, within 20 days after adoption of this order, file with the Board and serve on the persons named in paragraph 5 a statement of objections specifying the part or parts of the tentative findings or conclusions objected to, together with a summary of testimony, statistical data and such evidence as is expected to be relied upon to support the statement of objections;

3. If timely and properly supported objections hereto are filed, full consideration will be accorded the matters or issues raised therein before further action is taken by the Board: Provided that the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing; [1]

4. In the event no objections are filed to this order, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein; and

5. This order shall be served upon Kuehne & Nagel (Germany) d./b./a. Kuehne & Nagel Air Freight, Inc., the Ambassador of the Federal Republic of Germany, and the Department of State.

This order shall be published in the FEDERAL REGISTER and transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

PERMIT TO FOREIGN INDIRECT AIR CARRIER

Kuehne & Nagel (Germany) d.b.a. Kuehne & Nagel Air Freight, Inc., is hereby authorized subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, as amended, and the orders, rules, and regulations issued thereunder, to engage indirectly in foreign air transportation of property from any point or points in the United States to any point or points outside the United States.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting the right to engage in indirect air transportation of property now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Germany shall be parties.

This permit shall be subject to the condition that in the event that any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult with respect thereto and will use their best efforts to agree upon modifications thereof satisfactory to the Board and the holder.

The holder shall not commence service authorized herein except pursuant to an initial tariff setting forth rates, fares and charges no lower than rates, fares or charges that are then in effect for any U.S. air carrier engaged in the same foreign air transportation.

The exercise of the privileges granted hereby shall be subject to the terms, conditions, and limitations set forth in Order ------, dated ------ and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

This permit shall become effective on ---------- and shall terminate on May 19, 1979: *Provided, however,* that if during said period the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Germany are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the -- day of ———.

(SEAL) ----------,
Secretary.

Issuance of this permit to the holder approved by the President of the United States on ------ in Order ------.

[FR Doc.75-25439 Filed 9-23-75;8:45 am]

[1] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

DEFENSE SUPPLY AGENCY

HALE FIRE PUMP CO.

Proposed Cancellation of Contracts and Debarment; Hearing

The Executive Directorate, Contracts Compliance, Defense Supply Agency (DSA) requested and received approval from the Director, Office of Federal Contract Compliance, Department of Labor to issue a Notice of Proposed Cancellation of Contracts and Debarment to Hale Fire Pump Company for its failure to respond to the 30-day show cause letter issued to that company March 28, 1975. Hale Fire Pump Company has been given 14 days after receipt of the Proposed Cancellation and Debarment Notice to answer the allegations therein, and request a hearing on the issues with the Director, DSA.

The following letter is published in accordance with the requirements of 41 CFR 60-1.26(b)(2)(i) and (ii):

DCAS-VO SEPTEMBER 17, 1975.

MR. H. ALFRED EBERHARDT
President
Hale Fire Pump Company
706 Spring Mill Avenue
Conshohocken, Pennsylvania 19428

DEAR MR. EBERHARDT: The Hale Fire Pump Company has agreed, pursuant to the Equal Employment Opportunity clause of United States Government contracts, to comply with all provisions of Executive Order 11246, as amended, and the rules, regulations and relevant orders of the Secretary of Labor, 41 Code of Federal Regulations (CFR), Chapter 60. The Defense Supply Agency is charged with responsibility for securing compliance with the referenced Order and regulations under Department of Defense Directive No. 1100.11.

On January 29, 1975, your company submitted an Affirmative Action Program (AAP) for desk audit by the DCASR, Philadelphia Directorate of Contracts Compliance. During the course of the desk audit, the AAP was determined to be unacceptable.

The Hale Fire Pump Company is in violation of Executive Order 11246, as amended, and its implementing regulations which require contractors with 50 or more employees and a contract of $50,000 or more to develop at written AAP which is acceptable in accordance with the standards and guidelines set forth in §§ 60-2.10 through 60-2.32.

The Commander, DCASR, Philadelphia issued a show cause notice on March 28, 1975, which stated the deficiencies found to exist and offered assistance to resolve them. During the 30-day show cause period, a conciliation meeting was held with a representative of your company but it failed to yield positive results. Subsequent to the show cause period, the law firm you contacted advised DCASR, Philadelphia, that you intended to cooperate fully in developing an acceptable AAP. DCASR, Philadelphia responded by offering you any assistance needed to accomplish this goal but received no further response from you.

In view of your apparent noncompliance with the Order and applicable regulations, you are hereby notified of the proposed cancellation or termination of any existing United States Government contracts or subcontracts. It is also proposed that you be declared ineligible for further contracts and subcontracts with the United States Government. This action is pursuant to section 209 of the Order and 41 CFR 60-1.26(b). The Hale Fire Pump Company may, within 14 days after receipt of this notice, file an answer to the allegations set forth in this letter and request a hearing on the issues with the Director, Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314. The answer and request for a hearing should conform with the requirements of 41 CFR 60-1.26(b)(2)(iii).

Sincerely,

WALLACE H. ROBINSON, JR.,
Lieutenant General,
USMC Director.

[FR Doc.75-25408 Filed 9-23-75;8:45 am]

LONE STAR STEEL CO.

Proposed Cancellation of Contracts and Debarment; Hearing

The Executive Directorate, Contracts Compliance, Defense Supply Agency (DSA) requested and received approval from the Director, Office of Federal Contract Compliance, Department of Labor to issue a Notice of Proposed Cancellation of Contracts and Debarment to the Lone Star Steel Company for its failure to respond to the 30-day show cause letter issued to that company January 16, 1975. The Lone Star Steel Company has been given 14 days after receipt of the Proposed Cancellation and Debarment Notice to answer the allegations therein, and request a hearing on the issue with the Director, DSA.

Secretary.

The following letter is published in accordance with the requirements of 41 CFR 60-1.26(b)(2)(i) and (ii):

SEPTEMBER 15, 1975.

DCAS-VO
MR. GEORGE A. WILSON
Chairman of the Board
Lone Star Steel Company
2200 West Mockingbird Lane
Dallas, Texas 75235

DEAR MR. WILSON: The Lone Star Steel Company has agreed, pursuant to the Equal Opportunity clause of United States Government contracts, to comply with all provisions of Executive Order 11246, as amended, and the rules, regulations and relevant orders of the Secretary of Labor, 41 Code of Federal Regulations (CFR), Chapter 60. The Defense Supply Agency is charged with responsibility for securing compliance with the referenced Order and regulations under Department of Defense Directive No. 1100.11.

On December 19, 1974 an onsite Equal Employment Opportunity compliance review was initiated at Lone Star Steel Company, Lone Star, Texas. During the course of the review it was determined that the company did not have a current acceptable written Affirmative Action Program.

The Lone Star Steel Company is in violation of Executive Order 11246, as amended, and its implementing regulations which require contractors with 50 or more employees and a contract of $50,000 or more to develop a written Affirmative Action Program which is acceptable in accordance with the standards and guidelines set forth in 60-2.10 through 60-2.32.

The Commander, DCASR, Dallas issued a show cause notice on January 16, 1975, which stated the deficiencies found to exist and offered assistance to resolve them. During a conciliation meeting on March 26, 1975, your company agreed to submit an amended AAP for the period January 1, 1975 to December 31, 1975 which would correct all deficiencies, but as of this date the deficiencies are still outstanding.

In view of your apparent noncompliance with the Order and applicable regulations, you are hereby notified of the proposed cancellation or termination of any existing United States Government contracts or subcontracts. It is also proposed that you be declared ineligible for further contracts and subcontracts with the United States Government. This action is pursuant to Section 209 of the Order and 41 CFR 60-1.26(b). The Lone Star Steel Company may within 14 days after receipt of this notice file an answer to the allegations set forth in this letter and request a hearing on the issues with the Director, Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314. The answer and request for a hearing should conform with the requirements of 41 CFR 60-1.26(b)(2)(iii).

Sincerely,

WALLACE H. ROBINSON, JR.,
Lieutenant General,
USMC, Director.

[FR Doc.75-25409 Filed 9-23-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 435-7]

ADMINISTRATOR'S PESTICIDE POLICY ADVISORY COMMITTEE

Certification To Establish

This notice announces the establishment of the Administrator's Pesticide Policy Advisory Committee which is determined to be in the public interest in connection with the performance of duties imposed on the U.S. Environmental Protection Agency by law.

The Committee will advise, consult with, and make recommendations to the Administrator of the Environmental Protection Agency on matters of policy relating to his activities and functions under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The Committee will be composed of no less than ten and no more than 15 members, balanced fairly in terms of the points of view represented. Members will be appointed from farm organizations and other pesticides user groups, from the pesticide chemical industry, from private organizations demonstrating an interest in environmental protection; from appropriate State governmental agencies; from among persons known for their expertise in the field of health, and from the general public.

Copies of the Committee charter will be filed with appropriate standing committees of the Congress and the Library of Congress.

RUSSELL E. TRAIN,
Administrator.

SEPTEMBER 19, 1975.

[FR Doc.75-25518 Filed 9-23-75;8:45 am]

[FRL 435-1; PP1F1130/PW2]

FIKE CHEMICAL CO.

Withdrawal of Pesticide Petitions

On November 30, 1971, the Environmental Protection Agency (EPA) gave notice (36 FR 22786) that Hazleton Laboratories, Inc., 9200 Leesburg Turnpike, Vienna VA 22180, had filed a petition (PP 1F130) with the Agency. This petition proposed establishment of tolerances for negligible residues of the herbicide diethyl dithiobis (thionoformate) in or on the raw agricultural commodities onions at 0.2 part per million and lettuce and sugar beet roots and tops at 0.1 part per million. This petition was submitted in the interest of Fike Chemical Co., PO Box 546, Nitro WV 25143, who had wanted to register a product containing diethyl dithiobis (thionoformate).

Fike Chemical Co. is no longer interested in registering their product for this use and, therefore, has withdrawn this petition without prejudice in accordance with the regulations (40 CFR Part 180) pertaining to section 408 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a].

Dated: September 16, 1975.

MARTIN H. ROGOFF,
Acting Director
Registration Division.

[FR Doc.75-25398 Filed 9-23-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

FCC REPORTS AND NEW INDEX-DIGESTS

New Volumes Issued

SEPTEMBER 17, 1975.

Volumes 38, 39, and 40 of the Second Series of FCC Reports; Cumulative Index-Digest for Volumes 1-40 of the Second Series of FCC Reports, Parts 1 and 2; and Cumulative Index-Digest for Volumes 25-45 of the First Series of FCC Reports (Corrected), are now available to the Public from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

The prices of the volumes and the index-digests are $13.95 for Volume 38 (December 1, 1972-February 2, 1973, #0400-00277); $13.15 for Volume 39 (February 9-March 23, 1973, unnumbered); $14.45 for Volume 40 (March 30-June 8, 1973, unnumbered); $34.95 per set of 2 Parts for the Cumulative Index-Digest for Volumes 1-40 of the Second Series, Part 1 and Part 2 (#0400-00296); and $14.90 for the Cumulative Index-Digest for Volumes 25-45 of the First Series (Corrected Edition) (unnumbered).

A corrected copy of the defective Cumulative Index-Digest for Volumes 25-45 of the First Series of FCC Reports will be exchanged, without charge, by the Service Section, Customer Information Branch, Superintendent of Documents. Proof of purchase prior to February 1975 is required.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-25414 Filed 9-23-75;8:45 am]

RCC-TELEPHONE CO. INTERCONNECTION

Revised Schedule of Meetings

SEPTEMBER 16, 1975.

The Commission's Common Carrier Bureau has revised the previously announced schedule of meetings concerning interconnection between the wireline telephone companies and the Radio Common Carriers (RCCs), which furnish two-way radiotelephone and one-way signaling service to the public. The schedule changes were made in response to requests from both the Bell System and the National Association of Radiotelephone Systems (NARS), to which many of the RCCs belong.

The previously scheduled meetings for September 18-19 have been cancelled at the request of NARS. The September 30-October 1 meetings have been cancelled at the request of the Bell System. The schedule of meetings now is as follows:

Monday, October 6
Tuesday, October 7
Wednesday, October 8

The meetings will be held in Room 8210, 2025 M Street, N.W., Washington,

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D.C. The October 6 meeting will begin at 9:30 a.m. The starting time for each of the other meetings will be determined at the close of the preceding meeting. The first order of business at the October 6 meeting will be the scheduling of future dates for meetings. Once agreement upon a schedule has been reached, adherence to that schedule will be expected of the participants.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-25415 Filed 9-23-75;8:45 am]

[FCC 75-997; Docket No. 20587; CSC-83]

WATKINS GLEN MASTER TELEVISION ANTENNA CORP., ET AL.

Order To Show Cause

In re: WATKINS GLEN MASTER TELEVISION ANTENNA CORP. Watkins Glen, New York (NY0518); MONTOUR FALLS TV CORP. Montour Falls, New York (NY0564); Petition for Order to Show Cause; Adopted: September 5, 1975. Released: September 18, 1975.

By the Commission:

1. WENY, Inc., licensee of Station WENY-TV (ABC Channel 36), Elmira, New York, has filed the above-captioned petition requesting the Commission to order Watkins Glen Master Television Antenna Corp., operator of a cable television system at Watkins Glen, New York, and Montour Falls TV Corp., operator of a cable television system at Montour Falls, New York, to show cause why they should not be directed to cease and desist from violating the Commission's Rules. WENY, Inc. alleges that the subject systems are in violation of Sections 76.92 and 76.94 of the Rules[1] by failing to provide WENY-TV with the network program nonduplication protection which it has requested and to which it is entitled. The petition is opposed by Watkins Glen Master Television Antenna Corp.

2. It is undisputed that both the Watkins Glen and Montour Falls systems are located within WENY-TV's 35-mile zone and that network program nonduplication protection is not presently being afforded WENY-TV *vis-a-vis* the signals of lower priority duplicating stations.[2] WENY, Inc. asserts that it has furnished the subject systems with the appropriate notifications pursuant to Section 76.94 of the Commision's Rules. Copies of these notifications have been submitted with petitioner's pleadings. WENY, Inc. argues that, taken together, these facts are dispositive and justify issuance of the requested order to show cause. In its opposition Watkins Glen argues that: (a) the Watkins Glen and Montour Falls systems are separate corporate entities, each with fewer than 1,000 subscribers, and are thus within the exception to Section 76.92(a) provided in Section 76.95 (b) of the Rules,[3] and (b) WENY-TV the cable television systems should not be required to protect.

3. We are not persuaded that the Watkins Glen and Montour Falls systems should be relieved of their clear obligation to comply with the network program nonduplication requirements of Section 76.92(a). The contention that the Watkins Glen and Montour Falls systems are exempted from this obligation by the provisions of Section 76.95(b) must be rejected in that (a) both systems are commonly owned since all of the issued stock of each system is owned by identical individuals;[4] (b) the systems are technically integrated in that they are operated from a common headend facility; and (c) the combined subscribership of the subject systems exceeds the 1,000 subscriber limit set by Section 76.95(b).[5] With respect to (a) above, it should be noted that separate corporate existence does not rebut common ownership based on stock control in this case. The allegation that WENY-TV provides an inferior quality signal undeserving of protection must also be rejected in view of the total absence of substantiating evidence. It would appear, therefore, that WENY, Inc. has complied with the requirements of our Rules in requesting network program nonduplication protection pursuant to Sections 76.92 and 76.94 and that the Watkins Glen and Montour Falls cable television systems have, without apparent justification, refused to afford such protection.

Accordingly, *it is ordered*, That pursuant to Section 312 (b) and (c) and Section 409(a) of the Communications Act of 1934, as amended, 47 U.S.C. 312 (b) and (c), and 409(a), Watkins Glen Master Television Antenna Corp. and Montour Falls TV Corp. ARE DIRECTED to show cause why they should not be ordered to cease and desist from further violation of Sections 76.92 et seq. of the Commission's Rules and Regulations on their cable television systems at Watkins Glen, New York, and Montour Falls, New York, respectively.

It is further ordered, That Watkins Glen Master Television Antenna Corp. and Montour Falls TV Corp. are directed to appear and give evidence with respect to the matters described above at a hearing to be held at Washington, D.C. at a time and place and before an Administrative Law Judge to be specified by subsequent order, unless the hearing is waived, in which event a written statement may be submitted.

It is further ordered, That WENY, Inc. and the Chief, Cable Television Bureau, ARE MADE parties to this proceeding.

It is further ordered, That the Secretary of the Federal Communications Commission shall send copies of this order by certified mail to Watkins Glen Montour Falls TV Corp.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary,

[FR Doc.75-25413 Filed 9-23-75;8:45 am]

[1] While the initial petition for an order to show cause was based on alleged violation of former Sections 76.91 and 76.93 of the Rules, WENY, Inc. subsequently filed a supplementary pleading which, as required by Paragraph 91(d)(2) of the First Report and Order in Docket 19995, FCC 75-413, 52 FCC 2d 519 (1975), appropriately demonstrated the continued relevance of its original petition in view of the newly-revised network program nonduplication rules embodied in Sections 76.92 and 76.94. The instant petition will, therefore, be considered herein as grounded on alleged violation of the new provisions.

[2] In addition to the signal of WENY-TV, the Watkins Glen and Montour Falls systems carry the signals of Station WNYS-TV (ABC, Channel 9), Syracuse, New York, and Television Broadcast Station WOKR (ABC, Channel 13), Rochester, New York, both of which are of a lower priority than WENY-TV. Petitioner has submitted the unrebutted affidavit of John J. Herrick attesting to the duplication of WENY-TV network programs by WNYS-TV and WOKR on the Watkins Glen and Montour Falls systems.

[3] Section 76.95(b) provides in pertinent part:

The provisions of Sections 76.92 and 76.94 shall not apply to . . . a conglomerate of commonly owned and technically integrated systems serving fewer than 1,000 subscribers.

[4] In a letter to the Commission dated August 15, 1975, Mr. John A. Haughey, President of Watkins Glen Master Television Antenna Corp., described the ownership interests in the two corporations as follows:

In 1965, the stock of the Montour Falls TV Cable Corporation was purchased by the following: John A. Haughey, 25%; Albert P. Haughey, 25%; John Margreno, 25%; James F. Fazzary, 25%. The Watkins Glen system is owned by the following stockholders: John A. Haughey, 20%; Albert P. Haughey, 40%; John Margreno, 20%; James F. Fazzary, 20%.

[5] As of August 15, 1975, the combined subscribership of the Watkins Glen and Montour Falls systems was 1,664.

FEDERAL ENERGY ADMINISTRATION

OLD OIL ALLOCATION PROGRAM

Entitlement Notice for July 1975

In accordance with the provisions of 10 CFR 211.67 relating to FEA's old oil allocation program, the monthly notice specified in § 211.67(l) is hereby published.

Based on reports submitted to FEA by refiners as to crude oil receipts and crude oil runs to stills for July 1975 and an application of the entitlement adjustment for small refiners provided in 10 CFR 211.67(e), the adjusted national old oil supply ratio for July 1975 is calculated to be .353611.

The issuance of entitlements for the month of July 1975 to refiners is set forth in the Appendix to this notice. The Appendix lists the name of each refiner to which entitlements have been issued, the number of entitlements issued to each such refiner, and the number of barrels of old oil included in each such refiner's adjusted crude oil receipts.

Pursuant to 10 CFR 211.67(l)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of July 1975 at $8.13, which is the exact differential as reported for the month of July between the weighted average costs to refiners of old oil and of new, released, stripper well and imported crude oil.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of July 1975 than the number of barrels of old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of July 1975 equal to the difference between the number of barrels of old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of July 1975 in excess of the number of barrels of old oil included in their adjusted crude oil receipts for July 1975 shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for prior reporting errors pursuant to 10 CFR 211.67(l)(5).

The listing specifies a negative entitlement issuance as to one refiner due to corrective adjustments to that refiner's volume of crude oil runs to stills. The total number of entitlements required to be purchased by that refiner under the listing is equal to the number of barrels of old oil shown as its old oil adjusted receipts plus the negative entitlement issuance shown in the "issued" column.

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing of entitlement issuances contained in the Appendix also reflects relief granted in Decisions and Orders issued by FEA's Office of Exceptions and Appeals. The following refiners are not shown in the listing due to their having been exempted from the entitlement purchase requirements of the program under exception decisions: J&W, Laketon, Midland, OKC, Thagard and Young. The aggregate volume of old oil receipts for these firms for July 1975 was 943,819 barrels, which was not taken into account for purposes of making the calculations in the listing.

The total number of entitlements required to be purchased and sold under this notice is 17,350,014.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for July 1975 must be made by September 30, 1975. On or prior to October 10, 1975, each firm which is required to purchase or sell entitlements for the month of July shall file with FEA the monthly transaction report specified in 10 CFR 211.66 (i) certifying its purchases and sales of entitlements for the month of July. FEA will mail monthly transaction report forms for the month of July to reporting firms in September 1975. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by September 30, 1975 contact FEA at 202-634-7615 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to September 30, 1975, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(j).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 24, 1975.

Issued in Washington, D.C., on September 19, 1975.

DAVID G. WILSON,
Acting General Counsel.

APPENDIX.—*Entitlements for allocation of old oil*

Reporting firm short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
A-Johnson	0	146,483	0	146,483
Allied	64,773	77,794	0	13,021
Amer-Petrolina	1,706,390	1,881,262	0	174,872
Amerada-Hess	3,616,863	5,985,633	0	2,368,770
Amoco	11,121,394	10,680,625	440,769	0
Apco	456,512	603,781	0	147,269
Arco	6,199,281	6,945,973	0	746,692
Arizona	35,792	42,621	0	3,829
Asamera	4,654	17,003	0	12,349
Ashland	2,458,166	3,990,141	0	1,531,975
Bay	30,440	82,267	0	51,827
Bayou	42,779	33,219	10,560	0
Beacon	345,895	186,857	159,038	0
C&H	2,429	1,262	1,167	0
Calumet	0	31,761	0	31,764
Canal	81,200	56,683	25,117	0
Caribou	65,000	93,777	0	28,777
Champlin	2,028,465	1,575,562	452,903	0
Charter	1,060,013	934,597	125,416	0
Cities	3,923,185	2,588,992	1,334,193	0
Claiborne	67,071	44,477	22,594	0
Clark	465,666	1,150,145	0	684,479
Coastal	824,092	1,470,187	0	646,095
Conoco	4,635,487	3,743,990	891,497	0
Corco	0	1,075,547	0	1,075,547
CRA-Farmland	705,079	696,579	8,500	0
Cross	8,548	38,308	0	29,760
Crown	719,992	848,448	0	128,356
Crystal-Oil	175,907	177,057	0	1,150
Crystal-Ref	14,041	23,073	0	9,032
Delta	641,260	427,821	213,439	0
Diamond	640,125	603,655	36,470	0
Dorchester	1,151	13,472	0	12,321
Eddy	30,991	30,173	818	0
Edgington-Oil	349,041	318,701	30,340	0
Edgington-Oxn	11,543	11,782	0	239
Evangeline	32,094	26,213	5,881	0
Exxon	14,907,615	12,412,334	2,495,281	0
Famariss	425,001	353,663	71,338	0
Farmers-Un	359,678	420,916	0	61,238
Fletcher	364,295	330,669	43,626	0
Flint	11,466	9,838	1,628	0
Gary	415	88,187	0	87,772
Getty	509,305	611,952	0	102,647
Giant	29,452	33,119	0	3,667
Gladieux	95,677	174,102	0	78,425
Golden-Eagle	0	118,842	0	118,842
Good-Hope	354,301	199,925	154,376	0
Guam	0	329,408	0	329,408
Gulf	12,083,360	9,566,565	2,516,795	0
Gulf-Sta	19,468	28,143	0	8,675
Hirl	0	523,145	0	523,145
Howell	837,986	390,438	447,548	0
Hunt	84,321	174,878	0	90,557
Husky	548,494	573,388	0	24,894
Indiana-Farm	139,745	237,282	0	97,537
Kentucky	1,879	7,125	0	5,246
Kerr-McGee	2,195,464	1,801,996	393,468	0
Koch	702,476	1,239,614	0	537,138
Laglorie	432,081	351,863	80,218	0
Lakeside	11,400	42,036	0	30,636
Little-Amer	322,039	264,258	57,781	0
MacMillan	107,339	185,321	0	77,982
Marathon	3,907,350	2,827,671	1,079,679	0
Marion	67,250	263,538	0	196,288
Mid-Amer	0	41,913	0	41,913
Mobil	8,606,061	8,734,665	0	128,604
Mohawk	524,803	531,296	0	6,493
Monsanto	456,893	297,402	159,491	0
Morrison	6,983	7,426	0	1,343
Mountaineer	1,527	5,100	0	3,573
Murphy	1,087,120	1,113,542	0	76,722
N-Amer-Petro	177,570	117,522	60,048	0
Natl-Coop	564,234	645,966	0	81,732
Navajo	372,735	410,461	0	37,726
Newhall	140,394	132,922	7,462	0
Northland	22,676	23,534	0	858
Oil-Shale	992,653	903,473	0	10,830
Pasco	907,880	840,706	67,174	0
Pennzoil	548,178	515,363	32,815	0
Phillips	3,690,847	4,295,267	0	604,420
Pioneer	13,089	14,203	0	1,114
Placid	301,688	343,295	0	41,615
Plateau	92,015	94,944	0	2,929
Powerine	531,126	429,022	102,106	0
Pride	182,154	324,302	0	142,148
Quaker-St	9,371	268,792	0	259,421
Road-Oil	0	3,823	0	3,823

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APPENDIX.—*Entitlements for allocation of old oil*—Continued

Reporting firm short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
Rock-Island	450,713	453,841	0	3,128
Saber-Tex	44,746	114,039	0	69,293
Sabre-Cal	5,876	20,917	0	15,041
Sage-Creek	4,965	5,006	0	41
San-Joaquin	72,789	100,034	0	27,245
Seminole	7,653	42,878	0	35,226
Shell	13,240,417	—10,609,609	2,630,808	0
Signor	29,640	29,608	32	0
Skelly	826,796	816,185	10,611	0
So-Hampton	111,472	109,738	1,734	0
Socal	9,312,000	10,572,618	0	1,260,618
Sohio	2,345,797	4,451,645	0	2,102,848
Somerset	1,087	37,204	0	36,117
Sound	136,538	22,897	113,641	0
Southland	382,890	271,697	51,193	0
Sunland	74,432	110,938	0	36,506
Sunoco	4,909,596	5,481,630	0	572,032
Tenneco	823,456	1,133,708	0	310,252
Tesoro	1,185,723	787,022	398,700	0
Texaco	12,509,087	11,392,315	1,116,772	0
Texas-Asph	544	[1] —54,925	55,769	0
Texas-City	954,832	872,033	82,799	0
The-Refinery	169,935	201,826	0	31,891
Thriftway	27,631	50,693	0	23,062
Thunderbird	106,658	186,921	0	80,263
Tonkawa	26,104	53,298	0	27,194
Total-Leonard	201,626	494,743	0	293,117
Union-Oil	6,047,213	4,707,354	1,339,859	0
Union-Texas	152,643	139,779	12,864	0
Unid-Ref	82,114	381,880	0	299,766
US-Oil	111,893	165,134	0	53,241
VI-Oil	287	0	287	0
Vickers	310,126	399,017	0	88,891
Vulcan	18,773	33,773	0	15,000
Warrior	44,085	45,791	0	1,706
West-Coast	16,753	11,344	5,409	0
Western	16,678	89,589	0	72,911
Winston	51,161	192,028	0	140,867
Wireback	0	1,985	0	1,985
Witco	105,678	176,891	0	71,213
Yetter	0	1,602	0	1,602
Total	155,088,064	155,088,064	17,350,014	17,350,014

[1] Reflects a correction to this refiner's prior crude oil runs to stills volumes, resulting in a negative entitlement issuance.

[FR Doc.75-25437 Filed 9-19-75;3:43 pm]

OIL IMPORT REGULATIONS

Collection of Supplemental Fees for July and August

On August 15, 1975, the President announced that he would indefinitely suspend supplemental fees on petroleum imports if the Congress sustained his veto of S. 1849, which would have extended the Emergency Petroleum Allocation Act for six months. Thereafter, the Federal Energy Administration announced that supplemental fee payments due August 31 for imports made during July were to be deferred for up to fifteen (15) days pending congressional action on the President's veto. (40 FR 35302, August 20, 1975).

On September 10, 1975, the Senate sustained the President's veto of S. 1849. However, because the Congress shortly thereafter commenced consideration of a short-term extension of the Act to allow time to reach agreement with the President on a gradual decontrol plan, the possibility still remained that the Act might be extended beyond August 31, 1975. Pending resolution of this situation, the FEA announced that payment of supplemental fees incurred on imports in the month of July and originally due August 31 would be further deferred until September 30, 1975 (40 FR 42578, September 15, 1975).

As of today, it is still unclear whether the Emergency Petroleum Allocation Act will be extended and thus the President has made no decision on whether to suspend the supplemental fees on crude oil. However, the FEA has decided to collect supplemental fees incurred on crude oil and refined products imported during July and August, regardless of whether price and allocation controls are extended, and notice is hereby given that such payments for both months shall be due and payable on or before September 30, 1975.

This decision has been made for basically two reasons:

First, the initial decision to suspend the fees effective July 1, 1975, if they were to be suspended, was predicated upon the assumption that, if controls expired on August 31, the FEA would not issue entitlements notices for crude oil refined in July and August. Subsequently, however, the FEA has determined that it will issue such notices for those months regardless of whether price and allocation controls are extended. Since the benefits of the entitlements program will apply to crude oil purchased in July and August, there is no longer any need to make the suspension of supplemental fees, if it occurs at all, effective July 1, for the entitlements program will provide much of the economic softening effect that retroactive suspension of the fees would have produced.

Second, there is presently no assurance that Congress will clarify the price control situation in the relatively near future by either extending such controls or definitively indicating it will not extend such controls. However, prompt resolution of the issue of whether fees for July and August imports will be collected is necessary for sound administration of various FEA regulatory programs and to provide the industry with adequate guidance. For example, in order to implement the entitlements program for the month of July, the FEA must issue an entitlements notice in the month of September, specifying, among other things, the entitlements price for July 1975 transactions. Since that price is the exact differential as reported for the month of July between the weighted average costs to refiners of old oil on the one hand and of new, released, stripper well and imported crude oil (including the supplemental import fee) on the other, the uncertainty surrounding collection of supplemental fees had to be resolved in order to publish the July entitlements list.

With respect to the $2 fee on crude oil imported after September 1, 1975, the President has not yet made a decision on whether it will be suspended. That decision is still contingent on whether the Congress will extend price controls such as those in effect under the Emergency Petroleum Allocation Act.

With respect to the $0.60 supplemental fee on imports of refined petroleum products, the FEA has announced in a rulemaking issued today that, notwithstanding future congressional action on extension of price controls, this fee will be suspended indefinitely, effective September 1, 1975, pursuant to authority delegated to the FEA by section 3(a)(1)(viii) of Proclamation No. 3279, as amended.

Since the decision in "Massachusetts v. Simon" (D.C. Cir., Aug. 11, 1975), in which the Court of Appeals for the District of Columbia Circuit declared that the present Mandatory Oil Import Program exceeds the President's authority, the FEA has received numerous inquiries regarding its authority to collect import license fees. In that case, however, the Court of Appeals stayed its mandate until September 15, 1975, and on September 10, the FEA petitioned the Supreme Court for a writ of certiorari. Under Rule 41(b) of the Federal Rules of Appellate Procedure, petitioning the Supreme Court for a writ of certiorari during the pendency of such a stay automatically extends the stay until final disposition of the case by the Supreme Court. Accordingly, by virtue of this stay, the FEA continues to have full authority to collect import license fees.

Issued in Washington, D.C., September 22, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

[FR Doc.75-25585 Filed 9-22-75;12:20 pm]

FEDERAL MARITIME COMMISSION

PORT AUTHORITY OF NEW YORK AND NEW JERSEY, ET AL.

Agreements Filed

Correction

In FR Doc. 75-25042, appearing at page 43274 in the issue for Friday, September 19, 1975, on page 43275, in the first column, the agreements should read as set forth below:

Agreements Nos. T-2877-1, T-2877-2 and T-2877-3, between Port Authority of New York and New Jersey (Port) and Refrigerated Express Lines, Pty., Ltd., (REL) modifies the parties' basic agreement providing for the 5-year lease to REL of certain marine terminal facilities and related open areas at Port Newark, New Jersey, to be used as a marine terminal facility.

Agreement No. T-2877-1 provides for the assignment of the lease by REL to Reefer Terminal, Inc., (Reefer) with Port's consent.

Agreement No. T-2877-2 modifies the original premises by substituting a new Exhibit A-1 to replace Exhibit A.

Agreement No. T-2877-3 provides for the delay of the commencement and expiration of the lease without changing the length of the term.

SAN FRANCISCO PORT COMMISSION ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 14, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

SAN FRANCISCO PORT COMMISSION, PACIFIC FAR EAST LINE, INC. AND CRESCENT WHARF AND WAREHOUSE COMPANY

Notice of Agreement Filed by:

Edward L. David, Deputy Port Director, Port of San Francisco, Ferry Building, San Francisco, California 94111.

Agreement No. T-2297-3, between the San Francisco Port Commission (Port), Pacific Far East Line, Inc. (PFEL) and Crescent Wharf and Warehouse Company (Crescent), modifies the basic agreement between the Port and PFEL which provides for the 50-year lease of premises known as Pier 96. The premises will continue to be used for the docking and servicing of vessels, particularly LASH vessels and containerized vessels, and the transfer, etc., of cargo and passengers in connection therewith. The purpose of the modification is to permit Crescent to operate at Pier 96 as a terminal operator for PFEL and other steamship companies. As compensation, Crescent shall share revenues with PFEL upon mutually agreeable terms.

By order of the Federal Maritime Commission.

Dated: September 19, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25433 Filed 9-23-75;8:45 am]

STATE OF HAWAII AND MATSON TERMINALS, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 14, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. E. Alvey Wright, State of Hawaii, Department of Transportation, 869 Punchbowl Street, Honolulu, Hawaii 96813.

Agreement No. T-2171-5, between the State of Hawaii (Hawaii) and Matson Terminals, Inc., (Matson) modifies the parties' basic agreement which provides for the lease of marine terminal space by Hawaii to Matson for use primarily as a container facility. The purpose of the modification is to reduce the area of the leased premises by 2,952 square feet and to decrease the total rental in the amount of $836.40 per annum from $270,545.43 to $269,709.03 per annum.

By order of the Federal Maritime Commission.

Dated: September 19, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25432 Filed 9-23-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-88]

ALGONQUIN GAS TRANSMISSION CO.

Filing of Rate Change

SEPTEMBER 15, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on September 5, 1975, as amended on September 9, 1975, tendered for filing Eighth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that this sheet is being filed pursuant to its Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. Algonquin Gas further states that the rate change is being filed to reflect higher purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation, effective October 23, 1975. Algonquin Gas states that the instant filing will revise the rates filed in this docket which were suspended by the Commission until October 23, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25376 Filed 9-23-75;8:45 am]

V 40 186 SEP 24 75 XUM

[Docket Nos. AR61–3 and AR69–1, *et al.*]

AREA RATE PROCEEDING, ET AL.; SOUTHERN LOUISIANA AREA

Extension of Time

SEPTEMBER 12, 1975.

On September 8, 1975, Shell Oil Company[1] filed a motion to extend the time within which to comply with Order issued August 19, 1975, in the above-indicated proceeding.

Notice is hereby given that the time within which to file the report required by Ordering Paragraph (B) of Order issued August 19, 1975 is extended for all parties from September 15, 1975 to and including October 30, 1975. The time within which to file the refund plan, pursuant to Ordering Paragraph (D) of the August 19, 1975 Order is extended for all parties from November 3, 1975 to and including December 18, 1975. Any further extensions of time will be examined on an individual basis.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–25374 Filed 9–23–75;8:45 am]

[Docket Nos. E–8137 and E–8217]

BOSTON EDISON COMPANY AND NEW ENGLAND POWER SERVICE CO.

Settlement Conference on Rates and Charges

SEPTEMBER 17, 1975.

Take notice that on September 22, 1975, a conference of all parties to intervene in these consolidated proceedings, Boston Edison Company, New England Power Service Company, and Commission Staff will be held in the Commission's Conference Room No. 8402, at 825 North Capitol Street, Washington, D.C., at 10 a.m.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorized intervention as a party in the proceedings.

All parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the proposed rate increase and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Letters concerning this conference are being mailed this date to all parties to the proceeding, all of the jurisdictional customers, and all affected state commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–25383 Filed 9–23–75;8:45 am]

[Docket No. RP72–89]

COLUMBIA GAS TRANSMISSION CORP.

Extension of Time

SEPTEMBER 15, 1975.

On September 5, 1975, and on September 10, 1975, the United States Department of the Interior and Columbia Gas Distribution Companies filed motions to extend the time within which to file comments to the draft environmental impact statement issued in the above-indicated proceeding.

Notice is hereby given that the time within which to file comments in the above proceeding is extended for all parties from October 1, 1975, to and including October 20, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–25377 Filed 9–23–75;8:45 am]

[Docket No. RI76–26]

HILLIN PRODUCTION CO.

Petition for Special Relief

SEPTEMBER 17, 1975.

Take notice that on September 2, 1975, Hillin Production Company (Petitioner), Box 152, Odessa, Texas 79760, filed a petition for special relief in Docket No. RI–76–26 pursuant to Order No. 481. Petitioner proposes to workover the Smith No. 1 well located in Section 7, Block 10, H&G Railroad Company Survey, Pecos County, Texas. Petitioner seeks a price of 59.67 cents per Mcf from its current rate of 21.06 cents per Mcf at 14.65 psia for the sale of gas to El Paso Natural Gas Company from said well after workover. Petitioner also states that if relief is not granted, abandonment is imminent.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–25384 Filed 9–23–75;8:45 am]

[Docket No. RP73–66, PGA76–1]

INTER-CITY MINNESOTA PIPELINES LIMITED, INC.

Proposed Changes in FPC Gas Tariff Under Purchased Gas Adjustment Clause Provision

SEPTEMBER 15, 1975.

Take notice that Inter-City Minnesota Pipelines Limited, Inc. on September 3, 1975, tendered for filing Fifth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1 proposed to be effective November 1, 1975.

Minnesota Pipelines states that this filing is submitted in compliance with the annual filing requirements as set out in Section 18.2 of its published FPC Gas Tariff, Original Volume No. 1.

Minnesota Pipelines also states that copies of this filing have been served upon all its customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–25378 Filed 9–23–75;8:45 am]

[Docket No. ES76–10]

IOWA POWER & LIGHT CO.

Application

SEPTEMBER 15, 1975.

Take notice that on August 29, 1975, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance of 200,000 shares of Common Stock, par value $10 per share.

Applicant proposes to issue and sell for cash the aforesaid 200,000 shares of Common Stock, par value $10 per share, under an Automatic Dividend Reinvestment and Stock Purchase Plan.

The purpose for which the Common Stock is to be issued is to obtain funds to pay a portion of short-term borrowings outstanding from commercial banking institutions and commercial paper from time to time and for general corporate purposes.

Any person desiring to be heard or to make any protest with reference to such application should on or before September 26, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–25379 Filed 9–23–75;8:45 am]

[Docket No. CP76–69]

MICHIGAN CONSOLIDATED GAS CO. ET AL.

Application

SEPTEMBER 17, 1975.

Take notice that on August 29, 1975, Michigan Consolidated Gas Company (Michigan), One Woodward Avenue, Detroit, Michigan 48226, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, and Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, jointly Applicants, filed in Docket No. CP76–69 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas at an existing interconnection between the facilities of Panhandle and Great Lakes near Birch Run, Michigan, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that pursuant to a gas exchange agreement between Panhandle and Michigan which is the subject of the proceeding in Docket No. CP75–335, Michigan is to deliver to Southeastern Michigan Gas Company (Southeastern) at Adair, Michigan, for the account of Panhandle volumes of gas equivalent to those delivered to Michigan by Panhandle at Melvindale, Michigan. Applicants state that Michigan and Panhandle have determined that the contract requirements of Southeastern at the Adair Station do not provide sufficient delivery capability at all times during the period from November through February for the receipt of gas for the account of Panhandle. Therefore, Michigan and Panhandle propose an additional point for the redelivery of gas from Michigan to Panhandle.

It is stated that Michigan and Panhandle have entered into an agreement with Great Lakes dated July 15, 1975, which provides that Michigan has the right to direct Great Lakes to deliver to Panhandle up to 15,000 Mcf of gas per day for the account of Michigan. The proposed deliveries would take place at an existing interconnection between Great Lakes and Panhandle near Birch Run, Michigan. The application states that on any day Great Lakes delivers gas to Panhandle, Michigan would reduce its receipt of gas from Great Lakes to the extent that the sum of the deliveries to Michigan on such day, including the volumes delivered to Panhandle for Michigan's account, shall not exceed Michigan's total authorized entitlement for such day under a service agreement between Michigan and Great Lakes dated June 20, 1969.

It is stated that the proposed additional delivery point would not require the construction of new facilities, nor would there be an additional charge by any party.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 2, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–25385 Filed 9–23–75;8:45 am]

(Project No. 401)

MICHIGAN POWER CO.

Notice of Issuance of Annual License

SEPTEMBER 15, 1975.

On December 30, 1970, and supplemented February 1, 1971, February 23, 1973, and August 15, 1973, Michigan Power Company, Licensee for Mottville Project No. 401, located on the St. Joseph River in St. Joseph County, Michigan, filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (Sections 16.1–16.6).

The license for Mottville Project No 401 was issued effective September 19, 1923, for a period ending September 18, 1973. Since the original date of expiration, the project has been operated under annual license. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Michigan Power Company for continued operation and maintenance of Project No. 401.

Take notice that an annual license is issued to Michigan Power Company (Licensee) under Section 15 of the Federal Power Act for the period September 19, 1975, to September 18, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mottville Project No. 401 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–25380 Filed 9–23–75;8:45 am]

[Docket No. RP73–43, PGA75–5b]

MID LOUISIANA GAS CO.

Proposed Change in Rates

SEPTEMBER 15, 1975.

Take notice that on September 8, 1975, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing Second Substitute Sixteenth Revised Sheet No. 3a to be effective on August 1, 1975.

Mid Louisiana states that the modified tariff sheet is for the sole purpose of reflecting, at Commission Staff request, a reduction of the Purchased Gas Cost Surcharge included in Substitute Sixteenth Revised Sheet No. 3a to eliminate Producer prices in excess of FPC Opinion No. 699–H levels.

Mid Louisiana respectfully requests that, in consideration of the Commission's Order dated July 31, 1975, the revised tariff sheet be accepted for filing and allowed to become effective August 1, 1975 and that the provisions of Section 154.51 of the Regulations under the Natural Gas Act be waived to permit such effective date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

[1] The following motions for extensions of time in the above-indicated proceeding were also received:
Highland Resources, Inc., September 8, 1975.
Superior Oil Company, September 8, 1975.
Getty Oil Company, September 8, 1975.
Texaco, Inc., September 10, 1975.
Union Oil Company of California, September 9, 1975.
Piper Petroleum Company, September 11, 1975.
Atlantic Richfield, September 11, 1975.

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filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25369 Filed 9-23-75;8:45 am]

[Docket No. G-10632]

NORTHERN ILLINOIS GAS CO.

Application

SEPTEMBER 17, 1975.

Take notice that on September 4, 1975, Northern Illinois Gas Company (Applicant), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. G-10632 an application pursuant to Section 1(c) of the Natural Gas Act for a declaration that Applicant will continue to be exempt from the provisions of the Natural Gas Act notwithstanding Applicant's participation in a scheme with Northern Natural Gas Company (Northern) for the rescheduling of deliveries of natural gas by Northern, all as more fully set forth in the application on file with the Commission and to public inspection.

Applicant states that it has agreed with Northern to allow for Northern to reduce the deliveries that it makes to Applicant during the period of December 1, 1975, through March 31, 1976, up to a total of 4,500,000 Mcf of gas at the rate of up to 70,000 Mcf per day. The proposed reductions would be delivered to Applicant during the period of April 1 through October 31, 1976. Northern would pay Applicant a rescheduling charge of $1.02 per Mcf for the volumes by which the deliveries were reduced.

Applicant contends that the proposed arrangements are only a rescheduling of deliveries and not an exchange of gas in interstate commerce and, therefore, requests that the Commission find that Applicant will continue to remain exempt from the provisions of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 1, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25386 Filed 9-23-75;8:45 am]

[Docket No. E-8888]

OHIO ELECTRIC CO.

Filing of Rate Schedule Supplement

SEPTEMBER 12, 1975.

Take notice that Ohio Electric Company (Ohio Electric), on September 3, 1975, tendered for filing a Supplement to Rate Schedule FPC No. 1 of Ohio Electric Company for Electric Service to Ohio Power Company (Ohio Power). The filing was made in compliance with a Commission order in the proceeding issued on August 20, 1975.

Copies of the Supplement are on file with the Commission and are available for public inspection. Any person desiring to file comments should file such comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before September 30, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25375 Filed 9-23-75;8:45 am]

[Docket No. RI75-122]

ROBINSON BROTHERS DRILLING CO.

Order Granting Special Relief; Correction

AUGUST 15, 1975.

In the order granting special relief, issued August 14, 1975, and published in the FEDERAL REGISTER on September 5, 1975; Page 41192, Ordering Paragraph (D), on line 7: put period after "amendment" and delete the remainder of the sentence.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25368 Filed 9-23-75;8:45 am]

[Docket No. R-472]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Findings and Order Denying Requests for Waivers

SEPTEMBER 15, 1975.

By Order Nos. 489 and 523 issued in Docket No. R-472 on August 24, 1973, and February 6, 1975, respectively, the Commission promulgated § 260.12 of Statements and Reports (Schedules) (18 CFR 260.12) which requires interstate natural gas pipeline companies making sales of natural gas for resale in interstate commerce to file a semi-annual report of gas supply, requirements, and curtailments, designated as FPC Form No. 16.

By Order Nos. 531 and 531-A issued in Docket No. R-472 on June 25, and July 9, 1975, respectively, the Commission promulgated § 260.15 of Statements and Reports (Schedules) (18 CFR 260.15) which requires interstate natural gas pipeline companies to file quarterly reports on FPC Form No. 69 on the demand for alternate fuel by their direct end-use customers due to natural gas curtailments.

South Texas Natural Gas Gathering Company (South Texas), a class A pipeline company, has requested by a letter dated July 17, 1975, that it be granted a waiver of the reporting requirements of § 260.12.

South Texas states that the information gathered from it in FPC Form No. 16 would be supplied to the Commission by the reports of Transcontinental Gas Pipe Line Corporation (Transco) and Natural Gas Pipeline Company of America (Natural), except for a minimal sale of natural gas to a direct consumer.

It is stated in Order No. 489 that "it is necessary that the Commission be periodically informed of the actual and anticipated supply and requirements status of natural gas pipeline companies" operating in interstate commerce. The gathering of information on South Texas' gas supply and requirements from reports of its customers, Transco and Natural, through their filing of Form No. 16 will not serve the purpose of the form which is intended to secure a systematic and comprehensive picture of supply and requirements. To grant South Texas the waiver requested would destroy both the systematic nature of Form No. 15 and would deny the Commission information which is stated in Order 523 to be "essential to the public."

Further, in light of the continuing supply and curtailment situation on the system of Transco, the filing of the Form No. 16 should be required of South Texas. South Texas is a substantial supplier of natural gas to Transco, having supplied in 1974 approximately 50,290,000 Mcf of a total supply of approximately 827,000,000 Mcf of gas. Because of the importance of the gas supplied by South Texas to Transco, it should be required to file Form No. 16 with the Commission, irrespective of other filings that might reveal similar information on a non-systematic basis from Transco or Natural.

Also by a letter of July 17, 1975, South Texas states that it sold a minor amount of natural gas, 4,000 to 6,000 Mcf, to one direct customer in 1974 for irrigation purposes. South Texas requests waiver of the reporting requirements on the ground that the direct end-use consumption by this customer is de minimis. Form No. 69 is designed to obtain end-use and alternate fuel information from South Texas, regardless of the size of the customer, in a cooperative program with the Federal Energy Administration. The fact that only 4,000 to 6,000 Mcf of natural gas were so consumed is irrelevant to the purposes of the form.

The Commission finds. South Texas as failed to demonstrate good cause and for waiver of the reporting requirements under §§ 260.12 and 260.15 of Statements and Reports (Schedules) to file FPC Form No. 16 and 69, respectively.

The Commission orders. The requests by South Texas for a waiver of the reporting requirements of §§ 260.12 and

260.15 of Statements and Reports (Schedules) are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25390 Filed 9-23-75;8:45 am]

[Docket No. CI63-13]

SUN OIL CO.

Postponement of Hearing Date

SEPTEMBER 15, 1975.

On September 11, 1975, Sun Oil Company filed a motion to postpone the hearing date set by order issued July 29, 1975, in the above-indicated proceeding.

Notice is hereby given that the hearing date in the above proceeding is postponed from September 16, 1975, to September 23, 1975 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25382 Filed 9-23-75;8:45 am]

[Docket No. RP75-113]

TENNESSEE GAS PIPELINE CO.

Order Granting Interventions

SEPTEMBER 17, 1975.

On June 30, 1975, the Tennessee Gas Pipeline Company (Tennessee) tendered for filing revised tariff sheets to Ninth Revised Volume No. 1 and Sixth Revised Volume No. 2 of its FPC Gas Tariff. Notice of Tennessee's filing was issued by the Commission on July 7, 1975, with protests and petitions to intervene due on or before July 23, 1975.

Timely protests and petitions to intervene were filed by Northern Illinois Gas Company, New York State Electric and Gas Corporation, Public Service Electric and Gas Company, Central Hudson Gas & Electric Corporation, the Public Service Commission of the State of New York, Tennessee Natural Gas Lines, Inc., Midwestern Gas Transmission Company, Rhode Island Consumers' Council, East Tennessee Natural Gas Company, and Alabama-Tennessee Natural Gas Company. Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders. (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25387 Filed 9-23-75;8:45 am]

[Docket No. RP65-59]

TEXAS EASTERN TRANSMISSION CORP.

Petition for an Order Releasing Refunds Held in Escrow

SEPTEMBER 17, 1975.

Take notice that on September 5, 1975, Columbia Gas Transmission Corporation (Columbia), the legal successor to The Ohio Fuel Gas Company (Ohio Fuel), tendered for filing a petition for an order releasing refunds held in escrow by Texas Eastern Transmission Corporation (Texas Eastern) pursuant to the Commission's order of January 16, 1967 in Docket No. RP65-59. The funds so held amount to $826,490.14 plus earnings pursuant to the escrow agreement executed January 25, 1967.

In order to timely flow-through the applicable amounts to be received from Texas Eastern, Columbia requests that it be allowed to place these amounts plus accrued earnings in Account 191 when received from Texas Eastern. It also requests that Columbia be granted a waiver of the settlement obligation to invest said refund amounts in short-term government securities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25371 Filed 9-23-75;8:45 am]

[Rate Schedule No. 8]

TEXACO INC.

Rate Change Filing

SEPTEMBER 17, 1975.

Take notice that the producer listed in the Appendix attached hereto has filed a proposed increased rate to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699-H, issued December 4, 1974. Pursuant to Opinion No. 699-H the rates, if accepted, will become effective as of the date of filing.

The information relevant to this sale is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before September 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25372 Filed 9-23-75;8:45 am]

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Sept. 8, 1975	Texaco, Inc., P.O. Box 3109, Midland, Tex. 79701.	8	Northern Natural Gas Co.	Hugoton-Anadarko.

[Docket No. RP74-85 (PGA76-1)]

WESTERN GAS INTERSTATE CO.

Proposed PGA Rate Adjustment

SEPTEMBER 16, 1975.

Take notice that on August 14, 1975, as amended on September 5, 1975, Western Gas Interstate Company filed herein Second Revised Sheet No. 3A to its FPC Gas Tariff, Original Volume No. 1. Said tariff sheet is proposed to become effective on October 1, 1975.

Western states the proposed increase in rates is being filed in accordance with its tariff PGA clause, which permits the recovery of increases in the cost of gas and of unrecovered purchased gas costs. Western further states the annual effect of the gas cost adjustment is $235,887 (7.55 cents per Mcf for the Northern Division and 28.47 cents per Mcf for the Southern Division) and that the effect of the surcharge adjustment is an increase of $152,056 (7.64 cents per Mcf for the Northern Division and 13.46 cents per Mcf for the Southern Division) to be recovered over the six-month period October 1, 1975 through March 31, 1976.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance

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with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Western's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25370 Filed 9-23-75;8:45 am]

[Docket No. ID-1614]

WILLIAM H. DICKHONER

Errata Notice

AUGUST 29, 1975.

In the Notice of Supplemental Application, issued August 1, 1975, and published in the FEDERAL REGISTER on August 11, 1975, 40 FR 33734, the list of all positions to be held by Applicant pursuant to Section 305(b) of the Federal Power Act should read as follows:

President and Director, The Cincinnati Gas & Electric Company, Public Utility.
President and Director, The Union Light, Heat and Power Company, Public Utility.
President and Director, Miami Power Corporation, Public Utility.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25369 Filed 9-23-75;8:45 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEES AND TECHNICAL ADVISORY TASK FORCES

Order Establishing and Designating Initial Membership

SEPTEMBER 15, 1975.

The Federal Power Commission hereby determines that the establishment of National Gas Survey Technical Advisory Committees, functioning separately as Transmission, Distribution and Storage Technical Advisory Committee, Conservation Technical Advisory Committee, Finance Technical Advisory Committee, Curtailment Strategies Technical Advisory Committee and Research and Development Technical Advisory Committee, is in the public interest and establishes such committees as more fully identified in the attached appendix[1] in accordance with the provisions of the Commission's order issued February 23, 1971, 36 FR 3851, 53 FPC and the order issued December 31, 1974, 40 FR 2269, 52 FPC. The Federal Power Commission further determines that the establishment of National Gas Survey Technical Advisory Task Forces functioning separately as:

SUPPLY—Technical Advisory Task Force-Prospective Exploration and Development and Additions to Reserves,
SUPPLY—Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base,
SUPPLY—Technical Advisory Task Force-Nonconventional Natural Gas Resources,
SUPPLY—Technical Advisory Task Force-Foreign Gas Supply,
SUPPLY—Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels,
SUPPLY—Technical Advisory Task Force-Regulatory Aspects of Substitute Gas,
TRANSMISSION, DISTRIBUTION AND STORAGE—Technical Advisory Task Force-Rate Design,
TRANSMISSION, DISTRIBUTION AND STORAGE—Technical Advisory Task Force-Impact of Gas Shortage on Consumers,
TRANSMISSION, DISTRIBUTION AND STORAGE—Technical Advisory Task Force-Impact of Gas Shortage on Transmission, Distribution, and Storage of Gas,
CONSERVATION—Technical Advisory Task Force-Efficiency in Use of Gas,
CONSERVATION—Technical Advisory Task Force-Conservation Within the Gas Industry,
CONSERVATION—Technical Advisory Task Force-Net Energy Cost of Competitive Energy Systems,

is the public interest and establishes these task forces as more fully identified in the attached Appendix A in accordance with the provisions of the Commission's order issued February 23, 1971, 36 FR 3851, 45 FPC 338 and Commission order issued December 31, 1974, 40 FR 2269, 52 FPC.

All of the aforementioned Advisory Committees and Advisory Task Forces will continue for a period of one year from this date and terminate on a date not later than September 15, 1976.

In addition, the Executive Advisory Committee, Coordinating Committee and Supply-Technical Advisory Committee, continued by Commission order on December 31, 1974, 40 FR 2268, 52 FPC will be a part of the entire National Gas Survey Advisory Committee effort.

A notice of proposed rulemaking was published in the FEDERAL REGISTER on March 11, 1975, 40 FR 11390, requesting comments on the establishment of these Advisory Committees and Advisory Task Forces. The organization for the Survey adopted by this order reflects many of the comments received in that proceeding.

The Office of Management and Budget, Advisory Committee Management, has ascertained that the establishment of the new committees and task forces is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770.

The Commission establishes these committees and task forces in accordance with the provisions of this order, the provisions of an order of the Commission issued February 23, 1973, FR 5940, which restates for convenience purposes, the content of the aforementioned Commission's February 23, 1971, order so as to reflect, in one order format, provisions of succeeding orders of this Commission which have changed portions of the February 23, 1971, order as necessary from time to time by reason of Commission determinations and subsequently enacted Executive Orders and the Federal Advisory Committee Act, and the provisions of the Commission's General Order No. 464-A, issued August 2, 1974, 39 FR 28929. The purpose and function of these committees and task forces is set forth in Appendix A to this order. Appendix B shows initial membership of these committees and task forces. Changes in committee membership may be made by future Commission orders.

The following paragraphs of the aforementioned order of February 23, 1973, are hereby incorporated by reference herein:

2. Selection of Committee Members.
3. Conduct of Meetings.
4. Minutes and Records.
5. Secretary of the Committee.
6. Location and Time of Meetings.
7. Advice and Recommendations Offered by the Committee.

None of the committees or task forces established by this order shall be permitted to receive, compile or discuss data or reports showing the current or projected nonpublic commercial operations of identified business enterprises. Data or reports of a nonpublic nature that are requested from identified business enterprises shall be submitted directly to the Director of the National Gas Survey, or to such person on his staff as designated by the Director, and such data or reports will be composited with that submitted by other identified business enterprises and reported on a composite basis and the provisions of section 8(b) of the Natural Gas Act, 15 U.S.C. 717(g), and the Freedom of Information Act, 5 U.S.C. 552(b)(4), shall apply.

The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order, as constituting the charter of the National Gas Survey Committees as hereinabove described.

This order is effective September 15, 1975.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25389 Filed 9-23-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-149]

CERTAIN NON-POWERED HAND TOOLS FROM JAPAN

Hearing Rescheduling

The United States International Trade Commission has rescheduled from October 2, 1975, to October 22, 1975, the hearing in connection with the investigation of certain, non-powered, hand tools from Japan instituted on September 10, 1975, under section 201(a) of the Antidumping Act, 1921, as amended. The hearing will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Wednesday, October 22, 1975. Requests for appearances at the hearing should be received by the Secretary of the Commission, in writing, at his office in Washington, D.C., not later than Thursday, October 16, 1975.

By order of the Commission:

Issued: September 19, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-25430 Filed 9-23-75;8:45 am]

[1] Appendices A and B filed as part of the original document.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice No. 75-72]

AD HOC SUBCOMMITTEE OF THE SPACE SCIENCE STEERING COMMITTEE FOR REVIEW OF PROPOSALS FOR A PAYLOAD FOR THE LUNAR POLAR ORBITER

Date and Place of Meeting

The NASA Ad Hoc Advisory Subcommittee of the Space Science Steering Committee for Review of Proposals for a Payload for the Lunar Polar Orbiter will meet at the Goddard Space Flight Center in Greenbelt, Maryland on October 15, 16, and 17. The meeting will be held in Rooms 205 A and B in Building 26, from 9:00 a.m. to 5:00 p.m. on October 15 and 16 and in Room A from 9:00 a.m. to 2:00 p.m. on October 17.

The Subcommittee will discuss, evaluate, and categorize proposals for participation in the Mission Definition and Flight Program for the Lunar Polar Orbiter Mission. In the Subcommittee sessions, the professional qualifications of the proposers and their potential scientific contributions to the Lunar Polar Orbiter Mission and its Definition, as well as the merits of their proposed research, will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and the other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552(b)(6), it is hereby determined that the session should be closed to the public.

For further information please contact Dr. Franklin D. Martin at (202) 755-6280.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs.

SEPTEMBER 18, 1975.

[FR Doc.75-25417 Filed 9-23-75;8:45 am]

[Notice No. 75-71]

STRATOSPHERIC RESEARCH ADVISORY COMMITTEE

Date and Place of Meeting

The Stratospheric Research Advisory Committee will meet at the National Aeronautics and Space Administration Headquarters on October 14 and 15, 1975. The meeting will be held in Room 6004 of Federal Office Building 6, located at 400 Maryland Avenue, SW., Washington, D.C. 20546. The meeting is open to members of the public, from 9:00 am to 4:30 pm on October 14 and from 9:00 am to 3:30 pm on October 15 on a first-come, first-served basis to within the 40-seat capacity of the room. Visitors will be requested to sign a visitor's register.

The Stratospheric Research Advisory Committee serves only in an advisory capacity to NASA. The committee is concerned with the contents and direction of the NASA Stratospheric Research Program. For further information regarding the meeting, please contact Dr. David P. Cauffman, area code 202/755-3685. The agenda for the meeting is as follows:

OCTOBER 14-15, 1975 ROOM 6004 FOB #6

AGENDA

OCTOBER 14

9:00 am	Opening Remarks
9:15 am	Briefing on the High Altitude Pollution Program (HAPP)
10:15 am	Briefing on European Programs
1:30 pm	Briefing on NASA's Plan for Stratospheric Research
4:30 pm	Adjournment

OCTOBER 15

9:00 am	Round table Discussion on NASA's Plan for Stratospheric Research
1:00 pm	Action Item Responses
3:30 pm	Adjournment

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs.

SEPTEMBER 19, 1975.

[FR Doc.75-25416 Filed 9-23-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS NUCLEAR REGULATORY COMMISSION

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on October 9-11, 1975, in Room 1046, 1717 H Street, NW, Washington, DC.

The agenda for the subject meeting will be as follows:

THURSDAY OCTOBER 9, 1975

8:30 am-9:45 a.m.: Executive Session (Closed). The Committee will meet in closed Executive Session to discuss preliminary opinions and recommendations of individual members related to the procedures for conduct of ACRS meetings.

The Committee will also meet in closed executive session to discuss the evaluation of the Subcommittees and the comments and recommendations of individual members and consultants who may be present, regarding matters which should be considered during the following open meeting in order to formulate a Committee report and recommendations to the Nuclear Regulatory Commission regarding the Sterling Power Project Nuclear Unit No. 1 and the Wolf Creek Generating Station.

9:45 am-11:45 am: Sterling Power Project Nuclear Unit No. 1 (Open). The Committee will hear presentations by and hold discussions with representatives of the Applicant and the NRC Staff regarding the request for a construction permit for this project. Closed portions of this session will be held if required to discuss proprietary information related to the design, construction and/or operation of this plant. Closed portions will also be held if required to discuss security arrangements for this plant and for Committee deliberative sessions. During these deliberative sessions ACRS members and consultants present will exchange and discuss their final opinions and recommendations on this project.

11:45 a.m.-12:45 p.m. and 1:45 p.m.-2:45 p.m.: Wolf Creek Generating Staton (Open). The Committee will hear presentations by and hold discussions with representatives of the Applicant and the NRC Staff regarding the construction permit for this station. Closed sessions will be held if required to discuss proprietary information and information regarding plant security. Closed portions will also be held for Committee deliberative sessions. During these deliberative sessions ACRS members and consultants present will exchange and discuss their final opinions and recommendations on this project.

2:45 p.m.-3:45 p.m.: Executive Session (Closed). The Committee will meet in closed deliberative session to exchange individual views and opinions regarding proposed ACRS advice to NRC regarding industrial security and the qualifications of radiation protection personnel at nuclear facilities.

3:45 p.m.-5:15 p.m.: Report by Dr. Martin Biles, ERDA (Open). Dr. Biles et al. will present the following ERDA programs:

Atmospheric Release Advisory Capability
Aerial Radiation Monitoring System
Radiation Assistance Programs

FRIDAY, OCTOBER 10, 1975

8:30 a.m.-10:00 a.m.: Executive Session (Closed). The Committee will meet in closed session with the Executive Director for Operations to discuss staff policy with respect to: design of nuclear plants to preclude sabotage, assumptions regarding release of fission products, and the basis for calculation of containment design pressure for a postulated LOCA. Individual opinions of Committee mem-

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bers and NRC Staff members will be exchanged evaluating the items discussed and leading to the formulation of advice and recommendations on the part of the Committee as considered appropriate.

The Committee will also meet in closed executive session to discuss the evaluation of the Subcommittee and the comments and recommendations of individual members and consultants who may be present, regarding matters which should be considered during the following open meeting in order to formulate a Committee report and recommendations to the Nuclear Regulatory Commission regarding the Upper Head Injection System and Evaluation Model proposed by the Westinghouse Electric Corporation.

10:00 a.m.–1:00 p.m.: Westinghouse Electric Corporation Upper Head Injection System and Evaluation Model (Open). The Committee will hear presentations by and hold discussions with representatives of the Westinghouse Electric Corporation and the NRC Staff regarding the request for approval of this evaluation model. Portions of this meeting will be closed if required to discuss proprietary information and for Committee deliberative sessions. During these deliberative sessions the ACRS members and consultants who may be present will exchange and discuss their final opinions and recommendations on this matter.

2 p.m.–2:45 p.m.: Meeting with NRC Staff (Open). The Committee will hear reports on and hold discussions regarding recent reactor operating experience.

2:45 p.m.–6 p.m.: Executive Session (Closed). The Committee will meet in closed executive session to discuss the evaluation of the Subcommittee and the comments and recommendations of individual members and consultants who may be present, regarding matters which should be considered during the following meeting in order to formulate a Committee report and recommendations to the Nuclear Regulatory Commission regarding reevaluation of criteria concerning ATWS requirements.

The Committee will also hold discussions with representatives of the NRC Staff to discuss working papers and preliminary Staff recommendations for possible changes in the criteria concerning ATWS requirements. This session will consist of an exchange of individual opinions of Committee members and NRC Staff members evaluating the items discussed and leading to the formulation of advice and recommendations on the part of the Committee as considered appropriate.

SATURDAY, OCTOBER 11, 1975

8:30 a.m.–4:30 p.m.: Executive Session (Closed). The Committee will meet in closed deliberative sessions to: exchange personal opinions and recommendations regarding preparation of final advice to the Nuclear Regulatory Commission on the cases under consideration at this meeting; to provide advice and recommendations by individual members to the ACRS Subcommittee on Operating Reactors regarding matters to be examined by the Subcommittee; and to discuss potential candidates for appointment to the ACRS. This discussion will include personal and financial information, as required, the disclosure of which would clearly represent an undue invasion of privacy. Opinions and recommendations of individual members will be exchanged regarding proposed Regulatory Guides and the formulation of final recommendations to the Executive Director for Operations regarding the adequacy of these Guides. Opinions of individual members will be exchanged and discussed regarding ACRS policy in preparation of ACRS reports to NRC.

I have determined in accordance with Subsection 10(d) of Pub. L. 92–463 that it is necessary to close portions of the meeting as noted above to protect proprietary data (5 U.S.C. 552(b)(4)), to protect the free exchange of opinion during the Committee's deliberative process (5 U.S.C. 552(b)(5)), and to preclude unwarranted invasion of privacy (5 U.S.C. 552(b)(6)). These closed sessions will consist primarily of deliberative discussion among the Committee members leading to the formulation of advice and recommendations to the Nuclear Regulatory Commission. Separation of factual information from the individual advice, opinion or recommendations of ACRS members and consultants during this discussion is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than October 1, 1975, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, DC 20555 will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commissions' Public Document Room, 1717 H Street, NW, Washington, DC 20555 and at the following public document rooms:

WOLF CREEK GENERATING STATION

Coffey County Courthouse, Burlington, Kansas 66839

STERLING-POWER PROJECT NUCLEAR UNIT NO. 1

Oswego City Library, 120 East Second Street, Oswego, New York 13126

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on October 8, 1975, to the Office of the Executive Director of the Committee (telephone: 202–634–1371) between 8:15 a.m. and 5:00 p.m., Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on October 8, 1975.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information other than plant security information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., on or after November 10, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: September 22, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–25624 Filed 9–23–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Subcommittee and Full Committee Meetings

In order to provide advance information regarding proposed ACRS Subcommittee and full Committee meetings, the following preliminary schedule is being published. Those meetings that are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the October 9–11, 1975 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–1406, Attention: Mary E. Vanderholt) between 8:15 a.m. and 5 p.m., e.d.t.

SUBCOMMITTEE MEETINGS

**Wolf Creek Nuclear Power Plant*, September 26, 1975, Emporia, KA, to explore the site-related aspects of the construction permit application and to provide current information to the Subcommittee regarding the Standardized Nuclear Power Plant System (SNUPPS). Notice published in FEDERAL REGISTER Vol. 40, No. 176, Pg. 42061, September 10, 1975 and FEDERAL REGISTER Vol. 40, No. 178, Pg. 42409, September 12, 1975.

**Inspection and Enforcement Activities*, October 1, 1975, Washington, DC, to discuss third-party inspection and the roles of inspection and examination organizations in relation to nuclear safety. Notice published in FEDERAL REGISTER Vol. 40, No. 180, Pg. 42803, September 16, 1975.

**Emergency Core Cooling Systems (ECCS)*, October 4, 1975, Washington, DC, to discuss the effects of upper head injection (UHI) on the Westinghouse Electric Corporation's analytical models formulated to meet current ECCS criteria. Notice published in FEDERAL REGISTER Vol. 40, No. 180, Pg. 42799, September 16, 1975.

**Architect-Engineer Balance of Plant*, October 8, 1975, Washington, DC, to develop further information regarding the application by the Stone and Webster Engineering Corporation for a preliminary design approval of its Standard Safety Analysis Report (SWESSAR). Notice will be published on September 23, 1975.

ACRS Working Group on Anticipated Transients Without Scram (ATWS), October 8, 1975, Washington, DC, to discuss ATWS requirements. Notice will be published on September 23, 1975.

**Koshkonong Nuclear Power Plant*, October 17, 1975, Fort Atkinson, WI, to review the construction permit application.

**Plutonium Shipping Packages*, October 20, 1975, Chicago, IL, to evaluate the ability of the packages used for shipping plutonium and other comparably hazardous material to survive airplane crashes.

**Washington Public Power Supply Systems, Projects 3 and 5*, October 23, 1975, Richland, WA, to review the application of WPPSS, et al., to construct Projects 3 and 5.

**Waste Management*, October 23-24, 1975, Washington, DC, to gather further information concerning waste management procedures.

**Floating Nuclear Plants*, October 29-30, 1975, Jacksonville, FL, to review the application of Offshore Power Systems for a manufacturing license (preliminary design) for eight reactor units.

**Pilgrim Station, Unit 2*, November 4, 1975, Plymouth, MA, to review the application of Boston Edison Company for a permit to construct Unit 2.

**Regulatory Guides*, November 5, 1975, Washington, DC, to review working papers regarding future Regulatory Guides and proposed changes to existing Guides.

**Jamesport Nuclear Power Station*, November 13, 1975, Long Island, NY, to review the construction permit application.

**Diablo Canyon Reactor*, November 14, 1975, San Luis Obispo, CA, to continue the review of the application for an operating license.

**Palo Verde Nuclear Plant, Units 1, 2, and 3*, November 25, 1975, Phoenix, AZ, to review the application for a permit to construct Units 1, 2, and 3.

FULL COMMITTEE MEETINGS

October 9–11, 1975, Washington, DC:

A. *Wolf Creek Nuclear Power Plant—construction permit.

B. *Sterling Power Project Nuclear Unit No. 1—construction permit.

C. *Emergency Core Cooling Systems (Upper Head Injection) for Westinghouse PWRs.

D. Anticipated Transients Without Scram—review ATWS requirements.

November 6–8, 1975, Washington, D.C. (Agenda to be published later.)

Dated: September 22, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75–25682 Filed 9–23–75;8:45 am]

[Docket No. 50–358]

CINCINNATI GAS AND ELECTRIC CO., ET AL.

Receipt of Application for Facility Operating License; Availability of Applicants' Environmental Report; and Consideration of Issuance of Facility Operating License and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for a facility operating license from The Cincinnati Gas and Electric Company, Columbus and Southern Ohio Electric Company, and The Dayton Power and Light Company (the applicants) which would authorize The Cincinnati Gas and Electric Company, acting on behalf of itself and as agent for the Columbus and Southern Ohio Electric Company, and the Dayton Power and Light Company to possess, use, and operate the Wm. H. Zimmer Nuclear Power Station, Unit 1 a boiling water nuclear reactor (the facility), located on the applicants' site on the eastern shore of the Ohio River, one-half mile north of Moscow and about 24 miles southeast of Cincinnati, in Washington Township, Clermont County, Ohio, at a steady-state power level of 2436 megawatts thermal.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report. The report, which discusses environmental considerations related to the proposed operation of the facility, is being made available at the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments, 426 East Fourth Street, Cincinnati, Ohio 45202; and the Office of the Governor, State Clearinghouse, 62 East Broad Street, 2nd Floor, Columbus, Ohio 43215.

After the environmental report has been analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement will be prepared by the Commission's staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received.

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The draft environmental statement will focus only on any matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permit. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

The Commission will consider the issuance of a facility operating license to The Cincinnati Gas and Electric Company, acting on behalf of itself and as agent for the Columbus and Southern Ohio Electric Company, and The Dayton Power and Light Company which would authorize The Cincinnati Gas and Electric Company to possess, use, and operate the Wm. H. Zimmer Nuclear Power Station, Unit 1 in accordance with the provision of the license and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation of the application by the Office of Nuclear Reactor Regulation; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicants' application for a facility operating license by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for a facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit No. CPPR–88, issued by the Commission on October 27, 1972. Construction of the facility is anticipated to be completed by April 1, 1978.

Prior to issuance of an operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the Construction Permit. In addition, the license will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicants will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

On or before October 24, 1975, the applicants may file a request for a hearing with respect to issuance of the facility operating license and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. by October 24, 1975. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Troy B. Conner, Jr., Esq., Conner, Hadlock, and Knotts, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006, attorney for the applicants.

A petition for leave to intervene which is not timely will not be entertained absent a determination by the Board that the petitioner, in addition to the matters specified in 10 CFR 2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in filing a petition for leave to intervene, as well as the factors specified in 10 CFR 2.714(a) (1)–(4) shall be considered in making a determination whether there has been a substantial showing of good cause by the petitioner.

For further details pertinent to the matters under consideration, see the application for a facility operating license dated September 3, 1975, and the applicant's environmental report dated September 10, 1975 which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Office of Nuclear Reactor Regulation; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating license; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of the proposed operating license and the ACRS report, when available, may be obtained by request to the Director, Division of Reactor Licensing, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Office of Nuclear Reactor Regulation's safety evaluation and final environmental statement, when available, may be obtained from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Maryland this 17th day of September 1975.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch No. 2–1, Division of Reactor Licensing.

[FR Doc.75–25290 Filed 9–23–75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

Correction

FR Doc. 75–23269 first appeared on page 40593 in the issue of Wednesday, September 3, 1975, and was corrected on page 42799 in the issue of Tuesday, September 16, 1975, with the agency heading incorrect. Therefore, for the convenience of the reader, the agency heading should read as set forth above.

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR NEUROBIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

1. Name: Advisory Panel for Neurobiology.
2. Date: October 14 and 15, 1975.
3. Time: 9:00 a.m. each day.
4. Place: Rm. 321, National Science Foundation, 1800 G Street, NW., Washington, D.C.
5. Type of Meeting: Closed.
6. Contact Person: Dr. James H. Brown, Program Director, Rm. 333, NSF, 1800 G Street, NW., Washington, D.C. 20550, telephone 202/634–4036.
7. Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in Neurobiology.
8. Agenda: To review and evaluate individual research proposals.
9. Reason for Closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.
10. Authority to Close Meeting: These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation, dated February 21, 1975, pursuant to the provisions of Section 10(d) of Public Law 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

SEPTEMBER 19, 1975.

[FR Doc.75–25405 Filed 9–23–75;8:45 am]

ADVISORY PANEL ON OCEANOGRAPHY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

1. Name: Advisory Panel for Oceanography.
2. Date: October 14 and 15, 1975.
3. Time: 9:00 a.m. each day.
4. Place: Rm. 621 on October 14; Rm. 642 on October 15, National Science Foundation, 1800 G Street, NW., Washington, D.C.
5. Type of Meeting: *Part Open*—October 14—Closed; October 15—Open.
6. Contact Person: Dr. Robert E. Wall, Head, Oceanography Section, Rm. 317, National Science Foundation 20550, telephone 202/632–4227.
7. Summary Minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, Washington, D.C. 20550.
8. Purpose of Panel: To provide advice and recommendations in the evaluation of specific research proposals and to advise the Foundation on the impact of its research support program on the scientific community in oceanography.
9. Agenda: Will include:

OCTOBER 14 RM. 621, CLOSED

Review and evaluation of research proposals which have been assigned to the Oceanography Section.

OCTOBER 15 RM. 642, OPEN

9:00 Introductory Remarks and Reorganization of Oceanography at NSF.

9:30 Oceanography Section Highlights.

9:45 U.S.-L.S.S.R. Cooperative Agreement, Oceanography.

10:15 U.S. Geological Survey Program for the Outer Continental Shelf.

10:45 Status of ERDA Oceanographic Activities.

11:15 Status of NSF Polar Oceanographic Activities.

11:45 Climap Program

12:15 Lunch.

1:05 Outlook for the Academic Fleet and Special Facilities, University National Oceanographic Laboratory System (UNOLS).

2:00 Consolidation of Naval Oceanographic Research.

2:45 Discussion of Congressional Views on Oceanography.

3:30 Summary of agenda topics.

4:00 Adjourn.

10. Reason for Closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

11. Authority to Close Meeting: These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of the October 14 session is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of Section 10 (d) of Public Law 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

SEPTEMBER 19, 1975.

[FR Doc.75–25404 Filed 9–23–75;8:45 am]

CONFERENCES ON UNDERGRADUATE SCIENCE EDUCATION

Meeting

The National Science Foundation will hold a series of conferences to discuss and obtain comments from the academic community on proposal guidelines for a new program to improve undergraduate science education at colleges and universities. The program, CAUSE (for Comprehensive Assistance to Undergraduate Science Education), is designed to encourage improvement in the quality and effectiveness of undergraduate science education programs in institutions of higher learning. Foundation officials will meet with academic representatives at a series of 12 regional conferences beginning September 29.

While these ad hoc informal sessions are not considered to be a meeting of an "advisory committee" as that term is defined in section 3 of the Federal Advisory Committee Act (Pub. L. 92–463), the conferences are believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as meetings open for public attendance and participation.

The first of the conferences will be held in Atlanta, Georgia, September 29. The dates and places for the following conferences are:

October 1, Dallas, Texas
October 3, San Francisco, California
October 6, Portland, Oregon
October 7, Denver, Colorado
October 8, Kansas City, Kansas
October 9, Minneapolis, Minnesota
October 10, Chicago, Illinois
October 13, Pittsburgh, Pennsylvania
October 15, New York, New York
October 17, Boston, Massachusetts
October 20, Washington, D.C.

These sessions will be chaired by staff members of the Directorate for Science Education and will be open to the public. The agenda for the meetings is as follows:

Opening Comments—NSF Staff
Brief Background Description—NSF Staff
General Discussion—NSF Staff and Participants
Questions and Answers

Because of space limitations, members of the public who plan to attend should call (202) 282–7932 regarding locations and attendance at any of these meetings.

FRED K. MURAKAMI,
Management Analysis Officer.

SEPTEMBER 19, 1975.

[FR Doc.75–25403 Filed 9–23–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 19, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Purchasers of Bolts, Nuts, and Screws of Iron or Steel, single-time, U.S. purchasers of nuts, bolts, and screws, Evinger, S. K., 395–3710.

ENVIRONMENTAL PROTECTION AGENCY

Financial and Operations Survey of Water Companies, single-time, water companies (utilities), Lowry, R. L., 395–3772.

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DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Orchard and Vineyard Survey (New York), single-time, fruit growers, Lowry, R. L., 395–3772.
Farm Building and Fencing Material Price Survey (ERS), annually, lumber dealers and farm supply outlets, Raynsford, R., 395–3814.

DEPARTMENT OF DEFENSE

Department of the Army (excl. Def. Civil Preparedness Agcy.) Youth Opinion Survey, single-time, 14 to 21 year old males, Maria Gonzales, Harry B. Sheftel, 395–6132.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Recovery Percentage of Bituminous Coal by Surface Mining Methods, 6–PI7, single-time, producers of bituminous coal, Lowry, R. L., 395–3772.

REVISIONS

DEPARTMENT OF DEFENSE

Departmental and other:
Pre-award Patent Rights Documentation, DD 1564, on occasion, DOD contractors, Harry B. Sheftel.
Report of Inventions and Subcontracts, DD 882, on occasion, DOD contractors, Harry B. Sheftel.
Department of the Army (excl. Def. Civil Preparedness Agcy.), Army Advertising Awareness and Attitudinal Survey, 51264, single-time, 17 to 21 year old males, Harry B. Sheftel.

DEPARTMENT OF JUSTICE

Departmental and other: Law Enforcement Education Program Institutional Application, LEEP–1, annually, post secondary institutions, George Hall, 395–6140.

EXTENSIONS

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration: Repair Station Certification Procedures (Manual), on occasion, FAA certified repair stations, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–25526 Filed 9–23–75;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 10 a.m., in Room 712, Office of Telecommunications Policy, 1800 G Street, NW., Washington, D.C. on Friday, October 3, 1975.

The principal agenda items will be (1) discussion of the results of the 1975 ITU Administrative Council meeting, (2) status of preparatory work for the 1979 ITU General World Administrative Radio Conference, (3) career development in spectrum management, (4) radioastronomy spectrum usage, (5) updating report on spectrum management in the Chicago, Illinois vicinity, (6) operational testing of a high frequency selection technique.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be obtained from Mr. Jack E. Weatherford, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202–395–5623).

Dated: September 10, 1975.

BROMLEY SMITH,
Advisory Committee Management Officer.

[FR Doc.75–25361 Filed 9–23–75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Agriculture, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on October 8, 9, and 10, 1975, in Lincoln, Nebraska. The meetings on Wednesday, October 8 and Friday, October 10 will begin at 9:00 a.m. local time each day in the Platte Room of the Hilton Hotel, 9th and P Streets in Lincoln. The meeting on Thursday, October 9, will begin at 8:30 a.m. at the University of Nebraska Tractor Test Center (East Campus).

The meeting shall be open to the public. It is planned that Subgroups on the topics of Electrical Hazards, Noise, and Farm Worker Transportation will meet and that the committee will meet in full session to obtain reports on the activities of the Subgroups.

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by close of business October 8, 1975, or by filing such statements with the Committee Management Officer at the meeting. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer by close of business October 3, 1975. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such requests will be provided to the Committee Chairman for his consideration.

Communications and questions about the proceedings should be addressed to:

Jeanne C. Werner, Committee Management Officer, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N–3635, Washington, D.C. 20210, Phone: 202/523–8024.

All materials which have been submitted to or developed by the Committee since the beginning of the deliberations, as well as the official record of all Committee proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 22nd day of September, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75–25694 Filed 9–23–75;9:40 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 863]

ASSIGNMENT OF HEARINGS

SEPTEMBER 19, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107295 Sub 765, Pre-Fab Transit Co., A Corporation, now being assigned November 14, 1975 (1 day), at Kansas City, Missouri, in a hearing room to be later designated.
MC 114457 (Sub-No. 221), Dart Transit Company, now assigned November 6, 1975, at St. Paul, Minn., will be held in Court Room No. 2, Federal Building & U.S. Courthouse, 316 North Robert Street.
MC 134300 (Sub-No. 14), Pelham Produce Carriers, Inc., now assigned November 7, 1975, at St. Paul, Minn., will be held in Court Room No. 2, Federal Building & U.S. Courthouse, 316 North Robert Street.
MC 113855 Sub 311, International Transport, Inc., now assigned November 10, 1975, at St. Paul, Minn., will be held in Court Room No. 2, Federal Building & U.S. Courthouse, 316 North Robert Street.
MC 130308, Ralph Halvorson, now assigned November 12, 1975, at St. Paul, Minn., will be held in Court Room No. 2, Federal Building & U.S. Courthouse, 316 North Robert Street.
AB 1 Sub 20, Chicago and North Western Transportation Company Abandonment Between Lake Crystal and Winnebago, in Blue Earth and Faribault Counties, Minnesota; now assigned November 3, 1975, at Mankato, Minn., will be held in Law Enforcement Center, 710 South Front Street.
MC 69116 Sub 175, Spector Freight System, Inc., now being assigned November 17, 1975, (2 days), at Kansas City, Missouri, in a hearing room to be later designated.

No. 35913, Louis Dreyfus Corporation, Et Al, vs The Atchison, Topeka and Santa Fe Railway Company, Et Al, now being assigned November 19, 1975, (3 days), at Kansas City, Missouri, in a hearing room to be later designated.
MC 114273 Sub 223, Cedar Rapids Steel Transportation, Inc., continued to October 14, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 19537 Sub 6, Virgil Brooks Tucker and Marjorie Clark Tucker, d/b/a Clark Truck Line, now assigned October 20, 1975 at Jackson, Mississippi; will be held in the Grand Jury Room, U.S. Courthouse & Post Office Building, East Capitol & S.W. Street.
MC–C–8041, Garrett Freight Lines, Inc., Et Al v Puget Sound Truck Lines, Inc., now assigned October 21, 1975 at Olympia, Washington; will be held in Washington Utilities & Transportation Commission, Office Conference Room, 6th Floor, Highway & License Building, 12th & Washington.
MC–F–12371, Witte Transportation-Purchase-North St. Paul Transfer; MC–C–8408, Witte Transportation Company—Investigation and Revocation of Certificates; and MC 8964 Sub 28, Witte Transportation Company now being assigned November 17, 1975, in Room 584, Federal Building & U.S. Courthouse, 316 N. Robert Street, St. Paul, Minn.
AB 1 Sub 43, Chicago & North Western Transportation Company Abandonment between Waterville & Morristown, In Lesuer and Rice Counties, Minnesota, now being assigned November 11, 1975, in the Municipal Bldg., 201 South 3rd Street, Waterville, Minn.
MC 114457 Sub 235, Dart Transit Company, now being assigned November 13, 1975, in Room 584, Federal Bldg., & U.S. Courthouse, 316 N. Robert Street, St. Paul, Minn.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–25468 Filed 9–23–75;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 19, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55910, filed September 3, 1975. Applicant: GOLDEN CHARIOT TRUCK LINE, INC., 1950 Newton Avenue, San Diego, Calif. 92113. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities* as follows: (1) Between San Diego and Borrego Springs, serving all intermediate points on Interstate Highway 15, County Road S–4, State Highways 67, 78 and 79, and County Roads S–3 and S–22, and all points within 10 miles thereof. (2) Between San Diego and Campo, serving all intermediate points on State Highway 94, and all points within 10 miles thereof. (3) Between San Diego and the Junction of Interstate Highway 8 and Carrizo Gorge Road, serving all intermediate points on Interstate Highway 8, and all points within 10 miles thereof. Except, that pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store, and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap, or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fiberboard, or straw matting). (2) Automobiles, trucks, and buses, biz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.

(3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Portland or similar cements, in bulk or packages when loaded substantially to capacity of motor vehicle. (8) Logs. (9) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. (10) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. (11) Explosives subject to U.S. Department of Transportation Regulations governing the Transportation of Hazardous Materials. (12) Commodities of abnormal size or weight, which because of such size or weight, require the use of and are transported on low-bed equipment. Interstate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should *not* be directed to the Interstate Commerce Commission.

Florida Docket No. 750443–CCT, filed July 31, 1975. Applicant: HILL'S VAN SERVICE, INC., 416 N.W. 7th Street, Ocala, Fla. 32670. Applicant's representative: W. F. Blowers, 18 N.W. Third Avenue, Ocala, Fla. 32670. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *Part 1.* Transportation of *commodities* dealt by in wholesale grocers between, from and to, the warehouses and facilities of Certified Grocers, Inc., Ocala, Florida, on the one hand, and all points in Florida on the other hand, restricted against commodities in bulk. Applicant also seeks authority to engage in transportation in interstate and foreign commerce within the limits of the intrastate authority sought herein. *Part 2.* Transportation of *trailers*, loaded or empty, having prior or subsequent movement by rail, between railroad ramps serving Marion, Lake, Sumter, Citrus, Levy, Alachua, and Gilchrist Counties; and all points within said counties; restricted against transportation of bulk commodities and mobile homes. Applicant also seeks authority to engage in transportation in interstate and foreign commerce within the limits of the intrastate authority sought herein.

NOTE.—This filing would apply only to Part 2. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, Florida 32340 and should *not* be directed to the Intrastate Commerce Commission.

New York Docket No. T–1318, filed June 9, 1975. Applicant: CRAW CARTING, INC., 160 Dispatch Drive, P.O. Box 267, East Syracuse, N.Y. 14445. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 E. Jefferson Street, Syracuse, N.Y. 13202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Boxed and unboxed small, *electrical, household appliances, accessories and parts* therefor and *materials, equipment, supplies, and parts* used in the manufacture thereof, between shipper's consolidator's facilities in the City of New York, on the one hand, and on the other, shipper's plants and warehouse facilities in the Towns of Middlebury, Perry, and Castile, all in Wyoming County, New York. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, Building 5, State Campus, Albany, N.Y., 12226 and should *not* be directed to the Interstate Commerce Commission.

Texas Docket No. 2674 (amended) (Correction), filed August 4, 1975 published in the FEDERAL REGISTER issue of

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September 4, 1975, and republished as corrected this issue. Applicant: TEXAS TEX-PACK EXPRESS, INC., 150 E. Zavalla St., San Antonio, Tex. 78204. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of (A) *General commodities*, subject to the following restriction: No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day; and *Motion picture films and theater supplies, flowers and potted plants, magazines and newspapers*, to from and between all points along the routes set forth below, with service to all intermediate points unless otherwise specified: (1) F.M. Road 1304 between Aquilla and its intersection with I.S. 35; (2) F.M. Road 933 between Whitney and Waco; (3) F.M. Road 510 between its intersection with U.S. 77 B.R. and its intersection with State Hwy 100, near Port Isabel; (4) F.M. Road 580 between San Saba and Lampasas; (5) F.M. Road 501 and F.M. Road 581 between Lometa and Pontotoc; (6) State Hwy 22 between Laguna Park and Frost; (7) F.M. Road 667 between Italy and Frost; (8) State Hwy 72 between Tilden and Three Rivers; (9) U.S. Hwy 83 and State Hwy 55 between Uvalde and Rocksprings.

(10) State Hwy 21 between its intersection with State Hwy 80 near San Marcos and its intersection with State Hwy 71; (11) State Hwy 286 and F.M. Road 70 between Corpus Christi and the intersection of F.M. Road 70 and U.S. Hwy 77; (12) State Hwy 97 between Jourdanton and Charlotte; (13) State Hwy 7 between Kosse and its intersection with U.S. Hwy 77; (14) State Hwy 320 between its intersection with State Hwy 7 near Chilton and its intersection with State Hwy 53; (15) State Hwy 53 between Temple and Rosebud; (16) F.M. Road 140 between Charlotte and Campbellton; (17) U.S. Hwy 90 between Del Rio and Sanderson; (18) State Hwy 95 between Taylor and Elgin; (19) F.M. Road 1854 between its intersection with State Hwy 21 near Mendoza and its intersection with F.M. Road 20; (20) State Hwy 31 between Dawson and its intersection with U.S. Hwy 84; (21) State Hwy 9 and I.S. 37 between Mathis and Corpus Christi; (22) F.M. Road 1021 and F.M. Road 2644 between Eagle Pass and the intersection of F.M. Road 2644 and U.S. Hwy 277 near Carrizo Springs; (23) F.M. Road 812 between its intersection with U.S. Hwy 183 near Austin and Red Rock; (24) State Hwy 29 and F.M. Road 864 between Menard and Fort McKavett; (25) State Hwy 97 and State Hwy 72 between Cotulla and the intersection of State Hwy 72 and State Hwy 16 near Tilden; (26) State Hwy 123 between Seguin and San Marcos; (27) State Hwy 80 and State Hwy 123 between Nixon and Karnes City; (28) F.M. Road 493 between its intersection with State Hwy 107 near Elsa and its intersection with State Hwy 186; (29) F.M. Road 413 between Rosebud and Kosse; (30) F.M. Road 308 between Elm Mott and its intersection with I.S. 35 near Milford.

(31) F.M. Road 1431 between Jonestown and its intersection with U.S. Hwy. 183; (32) F.M. Road 1222 between Katemcy and its intersection with U.S. Hwy. 87 and U.S. Hwy. 377; (33) F.M. Road 471 between Natalia and its intersection with U.S. Hwy. 90; (34) F.M. Road 755 between Rio Grande City and Rachal; (35) F.M. Road 1017 between La Gloria and its intersection with U.S. Hwy. 281; (36) State Hwy. 186 between Raymondville and its intersection with U.S. Hwy. 281; (37) F.M. Road 1015 between its intersection with State Hwy. 186 near Lasara and its intersection with F.M. Road 1422; (38) F.M. Road 1422 and F.M. Road 491 between the intersection of F.M. Road 1422 and F.M. Road 88 near Monte Alto and the intersection of F.M. Road 491 and U.S. Hwy. 77 near Lyford; (39) U.S. Hwy. 83 between Uvalde and Leakey; (40) State Hwy. 127 between Sabinal and Concan; (41) F.M. Road 337 between Leakey and Camp Wood; (42) U.S. Hwy. 87 between Fredericksburg and Mason; (43) F.M. Road 1604 between Somerset and its intersection with I.S. 10 east of San Antonio; (44) State Hwy. 218 between its intersection with I.S. 35 and its intersection with F.M. 78 at Randolph Air Force Base; (45) F.M. 973 between its intersection with U.S. Hwy. 290 and its intersection with State Hwy. 71 near Del Valle; (46) State Hwy. 80 between San Marcos and Luling; (47) F.M. Road 1346 between San Antonio and its intersection with U.S. Hwy. 87 near La Vernia; (48) State Hwy. 142 between Martindale and Lockhart; (49) U.S. Hwy. 190 between its intersection with U.S. Hwy. 77 and Hearne, excluding General Commodity service to Hearne except for the purpose of interline with other carriers.

(50) U.S. Hwy. 290 between Elgin and Giddings, including the nearby points of Butler and McDade; (51) F.M. Road 86 between its intersection with U.S. 183 near Luling and its intersection with F.M. Road near Red Rock; (52) F.M. Road 20 between Fentress and its intersection with State Hwy. 71 near Bastrop; (53) F.M. Road 2028 between Melvin and its intersection with U.S. Hwy. 87; (54) F.M. Road 88 between its intersection with U.S. Hwy. 281 near Progresso and its intersection with State Hwy. 186; (55) F.M. Road 339 between its intersection with F.M. Road 308 near Birome and its intersection with State Hwy. 164 east of Mart; (56) State Hwy. 9 between its intersection with U.S. 281 near Three Rivers and its intersection with U.S. Hwy. 59 east of George West; (57) State Hwy. 72 between Kenedy and Three Rivers; (58) F.M. Road 2114 between West and its intersection with State Hwy. 171 near Hubbard; (59) F.M. Road 1427 between Penitas and its intersection with U.S. Hwy. 83; (60) F.M. Road 1825 and F.M. Road 685 between the intersection of F.M. 1825 and I.S. 35 north of Austin and the intersection of F.M. 685 and U.S. Hwy. 79 near Hutto; (61) State Hwy. 71 between Llano and its intersection with U.S. Hwy. 87 and U.S. Hwy. 377 near Brady; (62) State Hwy. 186 between Raymondville and San Perlita; (63) F.M. Road 497 between Port Mansfield and its intersection with State Hwy. 186 near San Perlita; (64) State Hwy. 342 and U.S. Hwy. 77 between Red Oak and the intersection of U.S. Hwy. 77 and I.S. 35; (65) F.M. Road 106 between Harligen and its intersection with State Hwy. 345 east of Rio Hondo; (66) State Hwy. 345 between San Benito and its intersection with F.M. 106 east of Rio Hondo; (67) F.M. Road 535 between Cedar Creek and Rosanky.

(68) State Hwy 304 between Gonzales and its intersection with State Hwy 21 and State Hwy 71 near Bastrop; (69) F.M. Road 487 between Florence and Bartlett; (70) F.M. Road 1535 between San Antonio and its intersection with F.M. 1604 near Shavano Park; (71) F.M. Road 1518 between Schertz and Lytle; (72) F.M. Road 2241 between Llano and Tow; (73) State Hwy 261 between Bluffton and its intersection with State Hwy 29 near Buchanan Dam; (74) State Hwy 359 between Mathis and Skidmore; (75) F.M. Road 187 between Sabinal and Utopia; (76) F.M. Road 1050 between Utopia and its intersection with U.S. Hwy 83; (77) F.M. Road 972 between its intersection with I.S. 35 north of Georgetown and its intersection with State Hwy 95 south of Bartlett; (78) F.M. Road 971 between Granger and its intersection with I.S. 35; (79) F.M. Road 12 between San Marcos and Wimberley; (80) F.M. Road 2200 between Devine and D'Hanis; (81) F.M. Road 462 between Hondo and Moore; (82) F.M. Road 2114 between Laguna Park and West; (83) F.M. Road 1242 between Bynum and its intersection with I.S. 35; (84) State Hwy 171 and State Hwy 14 between Coolidge and Groesbeck, excluding service to any intermediate point; (85) F.M. Road 107 between its intersection with I.S. 35 near Eddy and its intersection with U.S. Hwy 77 near Chilton; (86) State Hwy 317 between Moody and Belton; (87) State Hwy 36 between Temple and its intersection with State Hwy 317; (99) Alt. U.S. Hwy 90 between Seguin and Belmont; (89) State Hwy 97 between Gonzales and Waelder; (90) U.S. Hwy 281 between Johnson City and its intersection with State Hwy 71 near Marble Falls; (91) I.S. 10 between Kerrville and Comfort; (92) State Hwy 107 between Edinburg and Mission; and (93) State Hwy 80 between Luling and Belmont. Applicant proposes to coordinate the service proposed above with service now performed under existing authority and to interline with other carriers at appropriate interline points.

(B) *Motion picture films and theater supplies, flowers and potted plants, magazines and newspapers* to, from and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) I.S. 35 between Dallas and San Antonio (to be added to present authority over U.S. Hwy 77 and U.S. Hwy 81; (2) U.S. Hwy 79 between Hearne and Taylor; (3) U.S. Hwy 183 between Austin and Gonzales; (4) State Hwy 80 and State Hwy 97 and Alternate Route U.S. Hwy 90 between Nixon and Gonzales; (5) F.M. Road 881 between Sinton and Rockport; (6) F.M. Road 136 between Woodsboro and its intersection with F.M. Road 881; (7) U.S. Hwy 183 between Lampasas and its intersection with State Hwy 29 near Liberty Hill (8) State Hwy 29 between Llano and Mason; (9) State Hwy 71 between its intersection with U.S. Hwy 281 and Llano; (10) State Hwy 361 between Gregory and Port Aransas; (11) U.S. Hwy 77 between Waco and Victoria; (12) State Hwy 39 between Hunt and Ingram; (13) State Hwy 48, F.M. Road 1792 and State Hwy 100 between Brownsville and Port Isabel; (14) State Hwy 100 between Port Isabel and its intersection with U.S. Hwys 83 and 77 near Olmito; (15) U.S. Hwy 281, between Pharr and Brownsville, including Hidalgo; (16) F.M. Road 133 between Artesia Wells and its intersection with U.S. Hwy 83 near Catarina; (17) F.M. Road 190 between Asherton and Brundage; (18) F.M. Road 649 between Mirando City and its intersection with State Hwy 359; (19) F.M. Road 1518 between Elmendorf and its intersection with U.S. Hwy 181; (20) F.M. Road 1123 and F.M. Road 436 between Belton and Heidenheimer, via Little River.

(21) U.S. Hwy 190 and State Hwy 36 between Cameron and Temple; (22) F.M. Road 967 between Buda and its intersection with I.S. 35; (23) F.M. Road 1786 between its intersection with U.S. Hwy 79 and Alcoa; (24) F.M. Road 1786 and F.M. Road 2116 between Alcoa and Rockdale; (25) State Hwy 173 between Jourdanton and its intersection with State Hwy 16 near Kerrville; (26) State Hwy 97 between Pleasanton and its intersection with U.S. Hwy 87 near Stockdale; (27) State Hwy 46 between Seguin and its intersection with State Hwy 16 near Pipe Creek; (28) State Hwy 202 and U.S. Hwys 77A and 183 between Beeville and Refugio; (29) U.S. Hwy 290 between Fredericksburg and its intersection with State Hwy 27; (30) U.S. Hwy 290 between Austin and Johnson City; (31) State Hwy 71 between Austin and its intersection with U.S. Hwy 281 near Marble Falls; (32) U.S. Hwy 83 between Brownsville and Mission; (33) U.S. Hwy 77 between Harligen and San Benito; and (34) U.S. Hwy 281 between Edinburg and Pharr; and (35) U.S. Hwy 84 and F.M. Road 73 between Waco and Coolidge.

(C) *Motion picture films and theater supplies, flowers and potted plants, and magazines* to, from and between all points along the routes shown below serving all intermediate points thereon unless otherwise specified: (1) State Hwy 16 between Kerrville and San Antonio; (2) I.S. 10 between Kerrville and San Antonio (added to present authority over State Hwy 27 and U.S. Hwy 87); (3) U.S. Hwy 83 between Catarina and Laredo; (4) U.S. Hwy 83 between Rio Grande City and Mission, including the nearby points of Grulla, Sullivan City, Los Ebanos, and La Joya; (5) State Hwy 16 between San Antonio and Poteet; and (6) State Hwy 16 between Jourdanton and Freer; and (7) State Hwy 27, I.S. 10 and U.S. Hwy 290 between Comfort and Junction.

(D) *Motion picture films and theater supplies and magazines* to, from and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) U.S. Hwy 90 between Seguin and Luling. (2) I.S. 10 between San Antonio and Houston (added to present authority over U.S. Hwy 90 between San Antonio and Seguin, U.S. Hwy 90 between Luling and Houston, alternate authority over U.S. Hwy 90 between Seguin and Luling, and application immediately above); and (3) State Hwy 44 between Robstown and Alice.

(E) *Flowers and potted plants, magazines and newspapers* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) State Hwy 123 between Seguin and Stockdale; and (2) U.S. Hwy 87 between San Antonio and Nixon.

(F) *Flowers, potted plants and newspapers* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) U.S. Hwy 90 between Seguin and Luling; (2) U.S. Hwy 90 between Waelder and Houston; (3) I.S. 10 between San Antonio and Houston (added to present authority and that requested immediately above over U.S. Hwy 90); (4) U.S. Hwy 181 between San Antonio and Corpus Christi; (5) State Hwy 35 between Gregory and Fulton; (6) State Hwy 44 between Corpus Christi and Alice; (7) U.S. Hwy 77 between Victoria and Brownsville; (8) State Hwy 141 between Kingsville and its intersection with U.S. Hwy 281; (9) U.S. Hwy 281 between Alice and Edinburg; (10) U.S. Hwy 59 between Victoria and Houston; (11) U.S. Hwy 83 between Harlingen and Mission; and (12) State Hwy 107 between Combes and Edinburg.

(G) *Newspapers* to, from, and between all points along the routes shown below, serving all intermediate points thereon unless otherwise specified: (1) U.S. Hwy 290 between Johnson City and Fredericksburg; (2) State Hwy 16 between Fredericksburg and San Antonio; (3) State Hwy 27, I.S. 10 and U.S. Hwy 290 between Comfort and Junction; (4) U.S. Hwy 87 and I.S. 10 between Fredericksburg and San Antonio; (5) U.S. Hwy 90 between San Antonio and Del Rio; (6) U.S. Hwy 277 between Del Rio and Carrizo Springs; (7) U.S. Hwy 83 between Catarina and Mission, including the nearby points of Grulla, Sullivan City, Los Abanos, and La Joya; (8) State Hwy 85 between Carizo Springs and Dilley; (9) F.M. Road 65 between Crystal City and Brundage; (10) State Hwy 6 between Waco and Hearne, via Marlin and Calvert; (11) State Hwy 164 between Waco and Groesbeck, via Mart; (12) State Hwy 14 between Groesbeck and its intersection with State Hwy 6 south of Bremond; (13) F.M. Road 107 between Moody and Eddy; (14) State Hwy 16 between San Antonio and Freer; and (15) U.S. Hwy 87 between Nixon and Victoria, serving only the intermediate points of Smiley and Westoff. Applicant proposes to coordinate the service proposed in (B), (C), (D), (E), (F), and (G) with service presently being performed under existing authorities and to interline with other carriers at appropriate interline points.

(H) Applicant further proposes to delete the restrictions presently contained on Page 3 and Page 5 of Applicant's certificate, and substitute, in lieu thereof, the restrictions contained below.

(1) No service shall be rendered on any shipments originating in Houston and destined to Victoria, or any intermediate point located on U.S. Hwy 59 between Victoria and Houston; nor on shipments originating at Victoria destined to Houston, or any intermediate point located on U.S. Hwy 59 between Victoria and Houston; nor on shipments originating at any intermediate point located on U.S. Hwy between Victoria and Houston destined to Houston, Victoria, or any other intermediate point along said route. (2) No service shall be rendered on shipments of general commodities as described herein moving to, from, or between the following named towns: Brownsville, Olmito, San Benito, McAllen, Pharr, Alamo, Donna, Weslaco, Mercedes, LaFeria, San Juan, and Mission. (3) No service shall be rendered on shipments of general commodities as described herein moving between Harligen and Edinburg. (4) The holder of this authority is prohibited from serving LaGrange, Hallettsville, or any intermediate point on U.S. Hwy 77 between Schulenburg and Victoria. (5) The holder of this authority shall operate with closed doors in the transportation of Motion Picture films and theater supplies between Refugio and Houston, Texas, and is prohibited from transporting films originating in Dallas, Texas over the route between Houston and Refugio, and vice versa.

(7) The carrier is prohibited from transporting magazines to or from Houston, Corpus Christi, Robstown, Sinton, Odem, Woodsboro, and Refugio except in interline service with Bluebonnet Express, Inc. (8) In the transportation of Motion picture films and theater supplies, the holder of this authority shall operate with closed doors between Waelder and Houston, serving Waelder and Houston in both directions. (9) The holder of this authority is prohibited from transporting Motion picture films and theater supplies, flowers and potted plants, and magazines to or from LaGrange, Schulenburg, Victoria, or any intermediate point between Schulenburg and Victoria; and (10) The holder of this authority is prohibited from transporting Motion picture films origi-

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nating in Dallas moving through Houston to any point served by the holder hereof and vice versa, and prohibited from transporting motion picture films originating at Houston destined to Victoria or vice versa.

NOTE.—The purpose of this correction is to: (1) indicate I.S. 37, under (A)(21); (2) indicate Concan under (A)(40); (3) indicate U.S. Highway 59 under (H)(1), line 7; and (4) indicate Odem, Tex. under (H)(7), line 2. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place will be scheduled approximately 30 days after publication in the FEDERAL REGISTER. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25472 Filed 9-23-75;8:45 am]

[Notice No. 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 19, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 C.F.R. 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 637), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed September 9, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Pasadena, Calif., over Interstate Highway 210 to junction Interstate Highway 10, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Pasadena, Calif., over unnumbered highway to junction Figueroa St., thence over, Figueroa St., to Los Angeles, Calif., thence over Interstate Highway 10 to junction Interstate Highway 210 and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25473 Filed 9-23-75;8:45 am]

[Notice No. 34]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 19, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 C.F.R. 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 C.F.R. 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 C.F.R. 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Deviation No. 29), RISS INTERNATIONAL CORPORATION, P.O. Box 2809, Kansas City, Mo. 64142, filed September 5, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Effingham, Ill., over Interstate Highway 57 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Interstate Highway 40, thence over Interstate Highway 40 to Little Rock, Ark., thence over Interstate Highway 30 to Dallas, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Effingham, Ill., over U.S. Highway 40 to St. Louis, Mo., thence over U.S. Highway 66 to Vinita, Okla., thence over U.S. Highway 69 to Atoka, Okla., thence over U.S. Highway 75 to Dallas, Tex., and return over the same route.

No. MC 200 (Deviation No. 30), RISS INTERNATIONAL CORPORATION, P.O. Box 2809, Kansas City, Mo. 64142, filed September 5, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio over Interstate Highway 71 to Louisville, Ky., thence over Interstate Highway 65 to Nashville, Tenn., thence over Interstate Highway 40 to Little Rock, Ark., thence over Interstate Highway 30 to Dallas, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Columbus, Ohio over U.S. Highway 40 to St. Louis, Mo., thence over U.S. Highway 66 to Vinita, Okla., thence over U.S. Highway 69 to Atoka, Okla., thence over U.S. Highway 75 to Dallas, Tex., and return over the same route.

No. MC 200 (Deviation No. 31), RISS INTERNATIONAL CORPORATION, P.O. Box 2809, Kansas City, Mo. 64142, filed September 9, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 64 to St. Louis, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Louisville, Ky., over U.S. Highway 150 to Shoals, Ind., thence over U.S. Highway 50 to St. Louis, Mo., and return over the same route.

No. MC 10343 (Deviation No. 20), CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, Mo. 64601, filed September 10, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Springfield, Mo., over Interstate Highway 44 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Illinois Highway 59, thence over Illinois Highway 59 to junction U.S. Highway 30, thence over U.S. Highway 30 to Aurora, Ill.; (2) from Springfield, Mo., over Interstate Highway 44 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, Ill.; and (3) from Springfield, Mo., over Interstate Highway 44 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 51, thence over U.S. Highway 51 to Rockford, Ill., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Springfield, Mo., over U.S. Highway 65 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill.; and (3) from Springfield, Mo., over U.S. Highway 65 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 31, thence over Illinois Highway 31 to Aurora, Ill.

No. MC 10343 (Deviation No. 20), CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, Mo. 64601, filed September 10, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Springfield, Mo., over Interstate Highway 44 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Illinois Highway 59, thence over Illinois Highway 59 to junction U.S. Highway 30, thence over U.S. Highway 30 to Aurora, Ill.; (2) from Springfield, Mo., over Interstate Highway 44 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 51, thence over U.S. Highway 51 to Rockford, Ill., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Springfield, Mo., over U.S. Highway 65 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 31, thence over Illinois Highway 31 to Aurora, Ill.; (2) from Springfield, Mo., over U.S. Highway 65 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill.; and (3) from Springfield, Mo., over U.S. Highway 65 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Illinois Highway 96, thence over Illinois Highway 96 to Hamilton, Ill., thence across the Mississippi River to U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction Illinois Highway 2, thence over Illinois Highway 2 to Rockford, Ill., and return over the same routes.

No. MC 111231 (Deviation No. 41), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed September 8, 1975. Carrier's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St. NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over U.S. Highway 24 to junction U.S. Highway 66 to Chenoa, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 71 to Carthage, Mo., thence over U.S. Highway 66 to junction U.S. Highway 24, and return over the same route.

No. MC 111231 (Deviation No. 42), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed September 8, 1975. Carrier's representative: Kim D. Mann, 702 World Center Bldg., 918 Sixteenth St. NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Wichita, Kansas over Interstate Highway 35 to Kansas City, Mo.; and (2) from Wichita, Kans., over Interstate Highway 35 to Emporia, Kans., thence over U.S. Highway 50 to Ottawa, Kans., thence over Interstate Highway 35 to Kansas City, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Wichita, Kans., over U.S. Highway 54 to Fort Scott, Kans., thence over U.S. Highway 69 to Kansas City, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25471 Filed 9-23-75;8:45 am]

[Notice No. 75]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 19, 1975.

The following publications include motor carrier, water carrier, broker, freight forwarder and rail proceedings indexed as follows: (1) Grants of authority requiring republication prior to certification; (2) notices of filing of petitions for modification of existing authorities; (3) new operating right's applications directly related to and processed on a consolidated record with finance applications filed under sections 5(2) and 212(b); (4) notices of filing of Sections 5(2) and 210a(b) finance applications; and (5) notices of filing of section 212(b) transfer applications.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application in compliance with the requirements of 49 C.F.R. § 1100.250.

Protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice (unless otherwise specified). Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest should comply with section 247(d) or section 240(c) as appropriate of the Commission's General Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and a detailed description of the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest (except for petitions and Finance Dockets under Rule 40 requiring the original and six (6) copies of the protest) shall be filed with the Commission, and a copy shall be served concurrently upon applicant's or petitioner's representative, or applicant or petitioner if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) or section 240(c)(4) of the special rules, and shall include the certification required therein.

Nos. MC 2002 and (Sub-No. 9) (notice of filing of petition to modify certificates), filed July 31, 1975. Petitioner: PHILIPP TRANSIT LINES, INC., 1804–12 East 5th Street, P.O. Box 358, Washington, Mo. 63090. Petitioner's Representative: Warren H. Sapp, Suite 910 Farifax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Petitioner holds motor *common carrier* certificates in Nos. MC 2002 and (Sub-No. 9), issued December 12, 1955 and May 21, 1971, respectively, authorizing transportation, as pertinent, over regular routes, in MC 2002, of *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Washington, Mo., and Kansas City, Mo., serving the intermediate points of Marthasville and Warrenton, Mo., and the off-route point of Dutzow, Mo., from Washington over Missouri Highway 47 to Warrenton, Mo., thence over U.S. Highway 40 to Kansas City, and return over the same route; (2) between Washington, Mo., and Kansas City, Mo., serving the intermediate points of Hermann and New Haven, Mo., from Washington over Missouri Highway 100 to Hermann, Mo., thence over Missouri Highway 19 to Drake, Mo., thence over U.S. Highway 50 to Kansas City, and return over the same route; (3) between Warrenton, Mo., and Hannibal, Mo., serving no intermediate points and serving Hannibal for the purpose of interchange only, from Warrenton over Missouri Highway 47 to Troy, Mo., thence over U.S. Highway 61 to Hannibal, and return over the same route.

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(4) Between Washington, Mo., and St. Clair, Mo., serving the intermediate point of Union, Mo., from Washington over Missouri Highway 47 to St. Clair, and return over the same route, with routes (1) through (4) above, both inclusive, restricted against tacking or joinder with any other authority held by carrier for the purpose of providing a through service between Kansas City, Mo.-Kans., and points in the commercial zone thereof, and Hannibal, Mo., on the one hand, and, on the other, St. Louis, Mo., and points in the commercial zone thereof; and in MC 2002 (Sub-No. 9), of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading): (1) Between Union, Mo., and St. Louis, Mo., and the intermediate and off-route points of The Diamonds, Gray Summit, Hollow, Pond, Grover, Ellisville, Ballwin, Manchester, and Villa Ridge, Mo., from Union over U.S. Highway 50 to St. Louis, and return over the same route; and (2) between Sullivan, Mo., and St. Louis, Mo., and the intermediate points of Stanton and St. Clair, Mo., from Sullivan over U.S. Highway 66 to junction U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, and return over the same route.

By the instant petition, petitioner seeks to delete that part of the restriction in MC 2002 prohibiting the carrier from providing a through service between Kansas City, Mo.-Kans., and points in the commercial zone thereof, on the one hand, and, on the other, St. Louis, Mo.; or, in the alternative, to modify its authority in MC 2002 (Sub-No. 9) by adding the following phrase: The authority granted herein may be tacked and joined with routes (1) through (4) contained in carrier's certificate MC 2002 to provide a through service between Kansas City, Mo.-Kans., and points in the commercial zone thereof, on the one hand, and, on the other, St. Louis, Mo., and points in the commercial zone thereof, regardless of the restriction contained in said certificate. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 6516 and (Sub-No. 2) (Notice of filing of petition to modify commodity descriptions), filed September 5, 1975. Petitioner: TRIBORO TRUCKING, INC., 200 Raymond Boulevard, Newark, N.J. 07105. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Petitioner holds motor *common carrier* certificates in No. MC 6516 and (Sub-No. 2), issued March 8, 1968, and June 18, 1969, respectively, authorizing transportation, as pertinent, over irregular routes, in MC 6516, of *Food products, oil, seed, cocoanuts, arabic and karaya gum, paint material, enamel, lacquer, varnish, stain, paint, varnish remover,* and *printing paper,* between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 20 miles of City Hall, New York, N.Y.; and in MC 6516 (Sub-No. 2), of (1) *Grease, soap, oil, paint, varnish, disinfectant,* and *water proofing material,* from Belleville, N.J., to points in Hudson, Essex, Union, and Passaic Counties, N.J., that part of Connecticut west of the Connecticut River, those in that part of New York on and south of a line beginning at the Connecticut-New York State line and extending along U.S. Highway 6 to junction New York Highway 17M near Central Valley, N.Y., thence along New York Highway 17M to junction U.S. Highway 6 near Goshen, N.Y., thence along U.S. Highway 6 to the New York-Pennsylvania State line, and those in that part of Pennsylvania east of a line beginning at Lewisville, Pa. and extending northerly through Parkersburg, Reading, Hazleton, Tunkhannock, and Montrose, Pa., to the Pennsylvania-New York State line, including the points specified; and (2) *Such above-specified commodities* as are damaged or refused, and *empty containers* therefor, from points in the above-specified destination territory, to Belleville, N.J.

By the instant petition, petitioner seeks to delete *oil* from the above described commodity descriptions, and to substitute *oil products* in lieu thereof. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 108651 and (Sub-No. 19) (Notice of Filing of Petition to Modify Certificates), filed September 3, 1975. Petitioner: ROY B. MOORE, INC., 233 Wilcox Drive, P.O. Box 628, Kingsport, Tenn. 37662. Petitioner's representative: Daniel H. Moore (same address as petitioner). Petitioner holds motor *common carrier* certificates in No. MC 108651 and (Sub-No. 19), issued August 22, 1957, and June 13, 1975, respectively, authorizing transportation, as pertinent, over irregular routes, in MC 108651, of *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Kingsport, Tenn., and Rochester, N.Y.; and in MC 108651 (Sub-No. 19), of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Kingsport, Tenn., and Buffalo, N.Y., restricted against tacking or joinder with carrier's other irregular route authority unless specifically authorized therein. By the instant petition, petitioner seeks to eliminate the restriction against tacking or joinder contained in MC 108651 (Sub-No. 19), and to add authority to tack or join the above described authority in MC 108651 with its other irregular route authority held in MC 108651 and subs thereunder, to enable carrier to perform the following operations by tacking at Kingsport, Tenn.: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (a) Between Rochester, N.Y. and Greenland, Tenn. (b) Between Rochester, N.Y. and New Canton, Tenn.; (c) Between Buffalo, N.Y. and Greenland, Tenn.: and (d) Between Buffalo, N.Y. and New Canton, Tenn.

(2) *Cotton textiles,* from Ware Shoals, Spartanburg, Greenwood, Buffalo, Greenville, Inman, Enoree, Gaffney, Anderson, Lancaster, Rock Hill, Darlington and Clinton, S.C., and Lumberton, Rockingham, and Winston-Salem, N.C., to Buffalo and Rochester, N.Y., and Greenland and New Canton, Tenn.; (3) *Paper cones, tubes, bobbins,* and *spool heads,* Between Hartsville, S.C., and Rockingham, N.C., on the one hand, and, on the other, Buffalo and Rochester, N.Y. and Greenland and New Canton, Tenn.; (4) *Acids,* From Buffalo and Rochester, N.Y., and Greneland and New Canton, Tenn., to Taylors, S.C.; (5) *Industrial alcohol,* from Buffalo and Rochester, N.Y., and Greenland and New Canton, Tenn., to Charlotte, N.C.; (6) *Yarns* and *staple fibre,* from Buffalo and Rochester, N.Y., and Greenland and New Canton, Tenn., to Greenville, Laurens, Taylor and Anderson, S.C., and Spindale, Shelby, Cramerton, Caroleen, Red Springs, Drexel, Heldebran, Thomasville, Durham, Hickory, High Point, Greensboro, Burlington, and Spray, N.C.; and (7) *Paper products* and *pulpboard products,* From Rockingham, N.C. and Hartsville, S.C., to Buffalo and Rochester, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 124117 and (Sub-Nos. 1 and 4) (Notice of Filing of Petition To Modify Certificates), filed September 2, 1975. Petitioner: EARL FREEMAN, doing business as, MID-TENN EXPRESS, Box 101, Eagleville, Tenn. 37060. Petitioner's representative: Robert L. Baker, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Petitioner holds motor *common carrier* certificates in Nos. MC 124117 and (Sub-Nos. 1 and 4), issued July 6, 1962, February 27, 1963, and October 28, 1970, respectively, authorizing transportation, over irregular routes, in MC 124117 of *Malt beverages and related advertising materials,* from St. Louis, Mo., Peoria, Ill., Louisville, Ky., and Detroit, Mich., to points in that part of Tennessee on and west of U.S. Highway 27 and east of the western traversal of the Tennessee River (except Nashville and Chattanooga, Tenn., and their commercial zones); in MC 124117 (Sub-No. 1), of *Malt beverages and related advertising materials,* from Milwaukee, Wis., and Evansville, Ind., to points in Tennessee on and west of U.S. Highway 27 and east of the western traversal of the Tennessee River (except Nashville and Chattanooga, Tenn., and their commercial zones); and in MC 124117 (Sub-No. 4), of *Malt beverages and related advertising materials:*

(a) From Winston-Salem, N.C., to points in that part of Tennessee west of Interstate Highway 24 and east of the Tennessee River; (b) from Perry, Ga., to Cookeville, Tenn., and to points in that part of Tennessee west of Interstate Highway 24 and east of the Tennessee River, with operations authorized under the commodity description above restricted against service at Chattanooga and Nashville, Tenn., and points in their respective commercial zones as defined by the Commission; and (c) From St. Joseph, Mo., and Newport, Ky., to points in that part of Tennessee on and west of U.S. Highway 27 and east of the Tennessee River. By the instant petition, petitioner seeks (1) to eliminate the restriction "except Nashville and Chattanooga, Tenn., and their commercial zones" from MC 124117 and MC 124117 (Sub-No. 1); (2) to eliminate the restriction against service at Chattanooga and Nashville, Tenn., and points in their respective commercial zones, in MC 124117 (Sub-No. 4); and (3) to substitute points in Houston County, Ga. as the origin in lieu of Perry, Ga. in paragraph (b) of MC 124117 (Sub-No. 4). Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129973 (Sub-No. 14) (Notice of Filing of Petition To Modify Restriction), filed September 4, 1975. Petitioner: FIELD MARKETING SERVICES, INC., 241 Fifth Street, Cambridge, Mass. 02412. Petitioner's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Petitioner holds a motor *contract carrier* permit in No. MC 129973 (Sub-No. 14), issued July 17, 1975, authorizing transportation, over irregular routes, of *such merchandise, equipment, and supplies* as are sold, used or distributed by a manufacturer of household products, between points in Norfolk, Suffolk, and Middlesex Counties, Mass., on the one hand, and, on the other, points in Massachusetts, restricted against the transportation of packages weighing more than 50 pounds, under a continuing contract or contracts with Amway Corporation. By the instant petition, petitioner seeks to modify the weight restriction in the above described authority so as to read, "restricted against the transportation in one shipment of packages which in the aggregate average more than 50 pounds," or, in the alternative, that the restriction be deleted in its entirety. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition, within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134404 (Sub-No. 5) (Notice of Filing of Petition To Modify Commodity Description), filed September 8, 1975. Petitioner: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, South Bound Brook, N.J. 08880. Petitioner's representative: Bart Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds a motor *contract carrier* permit in No. MC 134404 (Sub-No. 5), issued July 11, 1974, authorizing transportation, over irregular routes, of *Cleaning products, nutritional foods and related articles,* and *materials, supplies and equipment* used in the manufacture, distribution or sale of the above commodities (except in bulk): (1) From East Stroudsburg, Pa., to Saylesville, R.I., Syracuse, N.Y., and Richmond, Va.; and (2) from Urbana, Ohio, and Franklin, Ky., to Atlanta, Ga., Detroit, Mich., East Stroudsburg, Pa., Jacksonville, Fla., Richmond, Va., Saylesville, R.I., and Syracuse, N.Y., under a continuing contract or contracts with the Drackett Products Company, a division of Bristol Myers, of Cincinnati, Ohio. By the instant petition, petitioner seeks to add *Toilet preparations* as an additional commodity authorized to be transported under the above described permit. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135760 (Sub-No. 10) (Notice of Filing of Petition To Modify Permit), filed September 8, 1975. Petitioner: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, N.C. 28445. Petitioner's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Petitioner holds a motor *contract carrier* permit in No. MC 135760 (Sub-No. 10), issued May 21, 1975 authorizing transportation, over irregular routes, of *Pork products,* in vehicles equipped with mechanical refrigeration: (1) From Detroit and Grand Rapids, Mich., to points in and east of Michigan, Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi; and (2) From Detroit and Grand Rapids, Mich., to points in California and Washington, under a continuing contract or contracts with Frederick & Herrud, Inc., of Detroit, Mich., on its behalf and on behalf of its subsidiaries, Herrud & Company, and Herrud Smoked Meats, Inc. By the instant petition, petitioner seeks to modify the authority in the above described permit so as to read, *Pork products,* in vehicles equipped with mechanical refrigeration, or in bulk, in tank vehicles. The rest of the permit will remain the same. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC-F-12610 (Correction) (MILLER TRANSPORTERS, INC.—PURCHASE (PORTION)—BULK TRANSPORT, INC.), published in the August 27, 1975, issue of the FEDERAL REGISTER on page 38226. Prior notice should be modified to exclude the phrase "from New Orleans, La.," from the commodity under cement in bulk.

No. MC-F-12632. Authority sought for control and merger by OGDEN & MOFFETT COMPANY, 1515 Busha Highway, Marysville, MI 48084, of HOOKER MOTOR FREIGHT, INC., 1545 Buchanan Ave., S.W., Grand Rapids, MI 49502, and for acquisition by NEIL M. MARSHALL III, LAWRENCE D. GAZDECKI, IRVIN R. KARON, AND LLOYD J. LEPIEN, all of 6465 Wyoming Ave., Dearborn, MI 48126, and CARL P. STOLIKER, AND ALBERT H. McNASH, of Marysville, MI 48084, of control of HOOKER MOTOR FREIGHT, INC., through the acquisition by OGDEN & MOFFETT COMPANY. Applicants' attorneys: Walter N. Bieneman, 100 W. Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013, and David Axelrod, 39 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be controlled: Under certificates of registration in Docket No. MC 121260 (Sub-No. 1), Docket No. MC 121260 (Sub-No. 2), and Docket No. MC 121260 (Sub-5), covering the transportation of freight; and Docket No. MC 121260 (Sub-No. 3) and Docket No. MC 121260 (Sub-No. 4), covering the transportation of general commodities, as common carriers, in interstate commerce, within the State of Michigan. Vendee is authorized to operate as a *common carrier* in Michigan, Indiana, Ohio, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC F 12633. Authority sought for purchase by EAGLE FOODS, INC., doing business as RUTHERFORD'S, P.O. Box 8, New Britain, PA 18901, of a portion of the operating rights CENTURY EXPRESS, LTD., OPERATOR OF LANSDALE TRANSPORTATION CO., INC., 300 S. Centre St., Pottsville, PA 17901, and for acquisition by PAUL J. KEATING, also of New Britain, PA 18901, of control of such rights through the purchase. Applicants' attorney and representative: Maxwell A. Howell, Suite 1120, Investment Bldg., 1511 K St., N.W., Washington, DC 20005, and Kenneth R. Davis, 121 S. Main St., Taylor, PA 18517. Operating rights sought to be transferred: *General commodities,* excepting among others, class A and B explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Philadelphia, Pa., and Quakertown, Pa., serving all intermediate points, the off-route point of Camden, N.J., and all points in Pennsylvania within five miles of route as described; *general commodities,* excepting among others, livestock, class A and B explosives, household goods, and commodities in bulk, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania bounded by a line beginning at New Hope, Pa., and extending along U.S. Highway 202 to Norristown,

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Pa., thence along U.S. Highway 422 to Philadelphia, Pa., and thence along the Delaware River to Point of beginning, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in New Jersey and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC F 12634. Authority sought for purchase by FORBES REFRIGERATED TRANSPORT, INC., 2001 Charleston Rd., Wilson, NC 27893, of the operating rights and property of POLAR TRANSPORT, INC., P.O. Box 1696, and for acquisition by B. J. FORBES, JR., also of Wilson, NC 27893, of control of such rights and property through the purchase. Applicants' attorney: David H. Permar, P.O. Box 527, Raleigh, NC 27602. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 120530 (Sub-No. 2), covering the transportation of solid refrigerated products, as a common carrier, in interstate commerce, within the State of North Carolina. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, South Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12635. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 676 Dartmouth St., So. Dartmouth, MA 02748, of the operating rights and property of CHAMPAGNE MOTOR EXPRESS, INC., 349 Lee St., Watertown, NY 13601, and for acquisition by GEORGE VIGEANT, 6 Stetson St., New Bedford, MA 02740, and GEORGE VIGEANT, JR., 908 Russells Mills Rd., So. Dartmouth, MA 02748, of control of such rights and property through the purchase. Applicants' attorney: Louis A. Perras, Jr., also of So. Dartmouth, MA 02748. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 82926 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in Massachusetts, Maine, Connecticut, New Jersey, New Hampshire, Vermont, New York, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 106054 (Sub-No. 49), is a matter directly related.

No. MC–F–12636. Authority sought for purchase by HRIBAR TRUCKING, INC., Route No. 1, Box 82, Caledonia, WI 53108, of the operating rights of HILLVIEW SAND & GRAVEL CORPORATION, 5013 West State Street, Milwaukee, WI 53208, and for acquisition by LEO HRIBAR, Route No. 1, Box 70, Caledonia, WI 53108, of control of such rights through the purchase. Applicants' attorney: Frank M. Coyne, 25 West Main St., Madison, WI 53703. Operating rights sought to be transferred: *Rock salt*, in bulk, as a *common carrier* over irregular routes, between Milwaukee, Wis., on the one hand, and, on the other, points in that part of Illinois on and north of U.S. Highway 6, and a point in Illinois on Calumet Expressway two miles south of U.S. Highway 6 at the junction of 167th Street and Van Damm Road. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois, Indiana, Michigan, Minnesota, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12637. Authority sought for merger by DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Ave., Newport, MN 55055, of the operating rights and property of DAHLEN TRANSPORT, INC., also of Newport, MN 55055, and for acquisition by JOHN W. DAHLEN, of control of such rights and property through the transaction. Applicants' representative and attorney: Joseph A. Eschenbacher, Jr., of Newport, MN 55055, and Leonard A. Jaskiewicz, 1730 M St., N.W., Washington, DC 20036. *Specified commodities*, as a *common carrier* over irregular routes, from, to, and between specified points in Minnesota, Wisconsin, North Dakota, Iowa, Illinois, Nebraska, South Dakota, Michigan, and New Jersey, with certain restrictions, as more specifically described in Docket No. MC 113410 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. DAHLEN TRANSPORT OF IOWA, INC., is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated June 27, 1957, in MC–F–6554, Transferee acquired control of Transferor.

No. MC–F–12638. Authority sought for purchase by JACKSON AND JOHNSON, INC., Route 3, Savannah, NY 14614, of a portion of the operating rights of BEVERAGE TRANSPORT, INC., Bankrupt James B. Doyle, Trustee, 45 Exchange St., (Room 529), Rochester, NY 14614, and for acquisition by JOHN W. JACKSON, also of Savannah, NY 14614, of control of such rights through the purchase. Applicants' attorney: Norman M. Pinsky, 345 S. Warren St., Syracuse, NY 13202. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from Newark, N.J., to Auburn, Buffalo, Geneva, Hornell, Olean, Rochester, and Waterloo, N.Y.; and *malt beverages*, in containers, from Newark, N.J., to Batavia, Canandaigua, Lakeville, Niagara Falls, and West Falls, N.Y., and return with *empty malt beverage containers; foodstuffs* (except frozen foods and commodities in bulk, in tank vehicles), from Egypt, Rushville, Red Creek, and Waterloo, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., from Waterloo, N.Y., to New York, N.Y., and to points in Westchester, Nassau, and Suffolk Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Delaware, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–25470 Filed 9–23–75;8:45 am]

[Notice No. 83]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 24, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 14, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75760. By order of September 11, 1975, Division 3 approved the transfer to J.T.L., Inc., Greenville, Rhode Island, of Permit No. MC 119552 and (Sub–Nos. 2 and 3), issued July 25, 1961, July 7, 1967 and February 27, 1969, respectively, to R. J. Snow & Son, Inc., Harmony, Rhode Island, authorizing the transportation of general commodities, with the usual exceptions, between Dexter, Mo. and Greenville, Ohio and specified points in Rhode Island, Connecticut, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, and Pennsylvania; and specified commodities, between specified points in Ohio, Rhode Island, Connecticut, Massachusetts, and New York. Ronald N. Cobert, Esquire and Robert L. Cope, Esquire, 1730 M Street, NW., Washington, D.C. 20036, attorneys for transferee.

No. MC–FC–76046. By order entered September 18, 1975, the Motor Carrier Board approved the transfer to L J P Truck Lines, Inc., Howard Beach, N.Y., of that portion of the operating rights set forth in Certificate No. MC 27965, issued August 23, 1974, to Concord Motor Lines, Inc., Brooklyn, N.Y., authorizing the transportation of general commodities, with the usual exceptions, from New York, N.Y., to Boston and Lowell, Mass. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for applicants.

No. MC–FC–76080. By order of September 19, 1975, the Motor Carrier Board approved the transfer to EJB Hauling, Inc., Pittsburgh, Pa., of the operating rights in Permit No. MC 139290 issued September 27, 1974, to Charles L. Moore, New Galilee, Pa., authorizing the transportation of (1) refractory products and materials (except in bulk, in tank or hopper type vehicles), from the plant sites of Pittsburgh Refractories, a division of Union Mining Company of Allegheny County, Inc., at or near New Galilee, Pa., to Ashland and Covington, Ky., and Clarksburg, Weirton and Wheeling, W. Va., and points in Ohio, Michigan, Illinois, New York, and Indiana, and (2) materials used in the manufacture of refractory products (except in bulk, in tank or hopper-type vehicles), from the destinations named in (1) above to the plant sites named therein. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219 Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–25467 Filed 9–23–75;8:45 am]

[Notice No. 106]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 19, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 69785 (Sub-No. 4TA), filed September 9, 1975. Applicant: F. C. DAVIS TRANSPORTATION COMPANY, INC., N. Main St., Danielson, Conn. 06239. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, From Quaker Hill, Conn., in town of Waterford to Kenyon, R.I., in town of Charlestown, for 180 days. Supporting shipper(s): Richmond Service Center, Rte. 138, Wyoming, R. I. 02898. Send protests to: District Supervisor J. D. Jerry Jr. Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High St., Hartford, Conn. 06101.

No. MC 103051 (Sub-No. 352TA), filed September 9, 1975. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, in tank or hopper type vehicles, from Columbia, Tenn. to Hopkinsville, Ky., for 180 days. Supporting Shipper(s): Phillips Products Co., Inc., 1857 Calvin Drive, Hopkinsville, Ky. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations—Interstate Commerce Commission, A–422—U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 110420 (Sub-No. 742TA), filed September 11, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock and vinegar stock concentrate*, in bulk, in tank vehicles, from Alton, Ill., Evansville, Ind., and Manitowoc, Wis., to Wichita, Kans., for 180 days. Supporting shipper(s): Standard Brand, Inc., 3638 N. Broadway, Chicago, Ill. 60603 (Earl F. Tatak, Traffic Manager). Send protests to: John E. Ryden, District Supervisor.

No. MC 114789 (Sub-No. 50TA), filed September 11, 1975. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), from the plantsite of Minnesota Mining and Manufacturing Company at Middleway, W. Va., to the sale branch warehouse of Minnesota Mining and Manufacturing Company at Dallas, Tex., under a continuing contract or contracts with Minnesota Mining and Manufacturing Company, for 180 days. Supporting shipper(s): Minnesota Mining and Manufacturing Company, 3M Center, St. Paul, Minn. 55101. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115669 (Sub-No. 150TA), filed September 8, 1975. Applicant: DAHLSTEN TRUCK LINES, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite and bentonite products*, in bulk, from the plantsites of Federal Bentonite Company, at or near Colony and Upton, Wyo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Texas, and Wisconsin, for 180 days. Supporting shipper(s): Robert F. Waterloo, Sales Manager, Federal Bentonite Company, 1019 Jericho Road, Aurora, Ill. 60538. Send protests to: District Supervisor, Max H. Johnston, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 117119 (Sub-No. 549TA), filed September 11, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and gift packages, premiums and related items* in mixed shipments with foodstuffs (except in bulk), from the plantsite of Figi's, Inc. at Marshfield, Wis., to points in Arizona, California, Colorado, Idaho, Kansas, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington, restricted to traffic originating at the origin and destined to points in the states named, for 180 days. Supporting shipper(s): Figi's, Inc., 2525 Robis Avenue, P.O. Box 10, Marshfield, Wis. 54449. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118831 (Sub-No. 125TA), filed September 5, 1975. Applicant: CENTRAL

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TRANSPORT, INCORPORATED, P.O. Box 5388, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene pellets*, in bulk, in pneumatic tanks, from Forest City, N.C., to Sunnyside and Springfield, Tenn., for 180 days. Supporting shipper(s): Polysar Plastics, Inc., P.O. Box 688, Forest City, N.C. 28043. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 123061 (Sub-No. 76TA), filed September 11, 1975. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 315 East 2nd South, Suite 400, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bags and bulk (except in liquid in tank vehicles), from points in Nye and Fresno Counties, Nev., to Moses Lake, Toppenish, Wash.; Boise, Nampa, Twin Falls, Rupert, Lincoln, Idaho; Garland and Salt Lake City, Utah; and Nyssa, Oreg., for 180 days. Supporting shipper(s): Van Waters & Rogers Division of Univar Corp., 650 West 8th South, Salt Lake City, Utah 84104. (J. R. Miller, Area Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 124221 (Sub-No. 52TA), filed September 10, 1975. Applicant: HOWARD BAER, P.O. Box 27, Rt. 98 W., Morton, Ill. 61550. Applicant's representative: Robert Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods, and advertising and display materials* when shipped in mixed loads with bakery goods, from St. Louis, Mo., to Peoria, Ill. Restricted to traffic originating at the bakery facilities of the Kroger Co. at St. Louis, Mo. and destined to the plant and storage facilities of the Kroger Distribution Center located at Peoria, Ill. Restricted to a continuing contract or contracts with the Kroger Co., for 180 days. Supporting shipper(s): The Kroger Co., Henry B. DeHaven, Manager of Distribution Systems, 1014 Vine Street, Cincinnati, Ohio 45201. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126346 (Sub-No. 16TA), filed September 9, 1975. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, Wis. 54401. Applicant's representative: Daniel C. Sullivan, Singer Sullivan & Smyth, 327 S. La Salle St., Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gear motors*; (2) *speed reducing machinery*; (3) *castings*; (4) *base plates*; (5) *gears*; (6) *weldments*; (7) *clutch and shaft couplings*; (8) *parts and attachments* for the commodities described in (1) through (7) above and (9) *equipment, materials, and supplies* used in the manufacture or distribution of the commodities described in (1) through (8) above (except commodities in bulk): From Milwaukee and Green Bay, Wis.; Chicago, Utica, and Rockford, Ill.; Portland, Ind.; Canton and Cincinnati, Ohio; Detroit, Mich.; New Britain, Conn.; and Springfield, Vt., to Auburn, Ala.; and From Auburn, Ala., to Milwaukee, Wis.; Atlanta, Ga.; Dallas, Tex.; and Reno, Nev. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Falk Corporation of Milwaukee, Wis., a subsidiary of Sundstrand Corporation, for 180 days. Supporting shipper(s): The Falk Corporation, P.O. Box 492, 270 N. 12th St., Milwaukee, Wis. 53201. Send protests to: District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 135075 (Sub-No. 3TA), filed September 11, 1975. Applicant: M. M. SMITH STORAGE WAREHOUSE, INC., P.O. Box 3535, 811 Old Wilmington Rd., Fayetteville, N.C. 28305. Applicant's representative: Vaughan Winborne, Capital Club Bldg. No. 1108, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Class A and B explosives and autos), having a prior or subsequent movement by rail, Between points in Cumberland, Hoke, Scotland, Robeson, Columbus, Mecklenburg, Johnston, and Richmond Counties, N.C.

(NOTE.—This carrier has the authority at the present time between Cumberland, Hoke, Scotland, Robeson and Columbus, and other Counties. This authority only expands the area to include Mecklenburg, Johnston and Richmond Counties), for 180 days. Supporting shipper(s): Western Publishing Co., Inc., 107 Tom Starling Rd. Fayetteville, N.C. 28306. Chicopee Manufacturing Company, P.O. Box 1151, 308 George St., New Brunswick, N.J. 08903. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 136035 (Sub-No. 5TA) (Correction), filed July 9, 1975, published in the FEDERAL REGISTER of July 22, 1975, and republished as corrected this issue. Applicant: W. S. DUNNING & SON, INC., 131 D South Balmar St., West Chester, Pa. 19380. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, from the plantsite and storage facilities of Grocery Store Products Company, at or near West Chester and Kenneth Square, Pa., to Atlanta, Ga., and its commercial zone, under a continuing contract or contracts with Grocery Store Products Company, for 180 days. Supporting shipper(s): Grocery Store Products Company, Union and Adams Streets, West Chester, Pa. 19380. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106. The purpose of this republication is to correct the territorial description.

No. MC 136343 (Sub-No. 51TA), filed September 11, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp board, wrapping paper, and woodpulp*, from the facilities of The Chesapeake Corporation of Va. at West Point, Va., to Amsterdam, Beaver Falls, Carthage, Cohoes, Fulton, Glens Falls, Hudson Falls, Limes Falls, Little Falls, Newton Falls, N.Y.; Charlemont, Fitchburg, Housatonic, Lawrence Lee, Northboro, Pepperell, Mass.; Bennington, Clarmont, Center, N.H., Cleveland, Toledo, Ohio; Tyrone, Pa., for 180 days. Supporting shipper(s): Chesapeake Corp. of Va., Box 311, West Point, Va. 23181. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 136786 (Sub-No. 84TA), filed September 10, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 3033 Excelsior Blvd., Suite 205, Minneapolis, Minn. 55416. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Partially cured rubber*, in vehicles equipped with mechanical refrigeration, from Oxford, N.C., to Chino, Calif., for 180 days. Supporting shipper(s): Bandag, Incorporated, 1056 Hershey Avenue, Muscatine, Iowa 52761. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138331 (Sub-No. 3TA), filed September 10, 1975. Applicant: ELLA BIGELOW, Box 25, Cobalt, Ontario, Canada POJ 1CO. Applicant's representative: Victor Bigelow (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grinding mill liners*, in bulk, in a flat bed trailer, From the International Boundary between the United States and Canada at International Falls, Minn., to Hibbing, Minn., under a continuing contract or contracts with The Wabi Iron Works, Limited, for 180 days. Supporting shipper(s): The Wabi Iron Works, Limited, Box 1501, New Liskeard, Ontario POJ 1PO. Send protests to: George M. Parker, District Supervisor, 910 Federal Office Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 139404 (Sub-No. 3TA) (Correction), filed August 28, 1975, published in the FEDERAL REGISTER issue of September 11, 1975, and republished as corrected this issue. Applicant: WILLIAM G. BROWN, 207 North Third St., Bardstown, Ky. 40004. Applicant's representative: Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor ing: *Wooden barrels*, set-up, (1) from vehicle, over irregular routes, transport-Memphis, Tenn., to Lawrenceburg and Meadow Lawn, Ky., and points within three miles of Meadow Lawn, Ky., and (2) from Lynchburg, Tenn., and commercial zone thereof, to Louisville, Ky., for 180 days. Supporting shippers: National Distillers Products Company, Louis P. Frazio, Traffic Manager-Rates/Intermodal, 11750 Chesterdale Road, Bldg. 20, Cincinnati, Ohio 45246 and Brown-Forman Distillers Corp., Wayne S. Franklin, Director of Traffic, 850 Dixie Highway, Louisville, Ky. 40210. Send protests to: Elbert Brown, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202. The purpose of this correction is to correct the supporting shippers.

No. MC 141309TA, filed September 8, 1975. Applicant: RANDOM ENTERPRISES, 11904 132 St., Edmonton, Alberta, Canada T5L 1P4. Applicant's representative: Warren E. Benedict (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, tansporting: *Livestock feed and feed ingredients* between points in Montana, North Dakota and Minnesota and the United States-Canada International Boundary line located at or near the ports of entry of Sweetgrass, Mont., Portal, N.D. and Noyes, Minn., restricted to traffic originating or terminating at points in the Province of Alberta, Canada, under continuing contract or contracts with D. W. Henderson Products Ltd. of Calgary, for 180 days. Supporting shipper(s): D. W. Henderson Products, Ltd., 119 Fairview Drive S.E., Calgary, Alberta, Canada T2H 1B4. Send protests to: Paul J. Labane, District Supervisor, Room 22, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 141310TA, filed September 8, 1975. Applicant: J. H. STANLEY, doing business as, J. H. STANLEY & SONS, 25 B. Street, Southfield, Mich. 48075. Applicant's representative: Alex J. Miller, Weinberg, Bloom & Miller, 26711 Northwestern Highway, Suite 528, Southfield, Mich. 48076. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used cars and used pick-up trucks*, from Flint and Taylor, Mich., to points in Ohio, Pennsylvania, New York, and New Jersey. (2) *Restyled cars* from Ferndale, Mich., to points in Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, and the District of Columbia, for 180 days. Supporting shipper(s): There are approximately nine (9) statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 141311TA, filed September 9, 1975. Applicant: ELI AVOSSO TRUCKING CORP., 7506 Avenue X, Brooklyn, N.Y. 11234. Applicant's representative: Michael R. Werner, Werner & Weiss, 2 West 45th St., New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial flowers, fruits, Christmas trees, Christmas decorations, and vases*, from points in the New York, N.Y. Commercial Zone as defined by the Commission in 24 MCC 747, to White Plains, N.Y., under contract with Corham Artificial Flower Co., for 180 days. Supporting shipper(s): Corham Artificial Flower Co., 300 Central Avenue, White Plains, N.Y. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141312TA, filed September 9, 1975. Applicant: DOKTER TRUCKING CORP., Weeping Water, Nebr. 68463. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and di-calcium phosphate*, from Weeping Water, Nebr., to points in South Dakota, Minnesota, Wisconsin, Iowa, Illinois, Kansas, Missouri, Indiana, Ohio, Kentucky, North Dakota, Montana, Arkansas, and Colorado. Restriction: Service to points in North Dakota, South Dakota, and Minnesota, and Wisconsin to be provided in pneumatic vehicles only, under a continuing contract or contracts with Texasgulf, Inc., for 180 days. Supporting shipper(s): Maurice S. Weber, Manager of Transportation, Texasgulf, Inc., P.O. Box 30321, Raleigh, N.C. 27612. Send protests to: District Supervisor Max H. Johnston, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 141314 (Sub-1TA), filed September 10, 1975. Applicant: SOMERSIDE EXPRESS, INC., 210 South Horseshoe Dr., Somerset, Ky. 42501. Applicant's representative: R. H. Kinker, 711 McClure Building, Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Upholstered furniture, furniture parts and furniture hardware*, from the plant site and warehouse facilities of Karel of Cumberland, Inc. and Cumberland Wood and Chair Corporation, at or near Somerset, Ky., to Los Angeles, Calif., under a continuing contract or contracts with Karel of Cumberland, Inc. and Cumberland Wood and Chair Corporation, for 180 days. Supporting shipper(s): Franklin D. Hill, Secretary-Treasurer (both), Karel of Cumberland, Inc., Somerset, Ky., and Cumberland Wood and Chair Corporation, Somerset, Ky. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, 216 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 141315TA, filed September 10, 1975. Applicant: LIPMAN BROS., INC., Riverside Drive, Augusta, Me. 04330. Applicant's representative: David M. Lipman, 72 Winthrop Street, Augusta, Me. 04330. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal, fish solubles and fish oil*, between points in Maine, New Hampshire, Massachusetts, Vermont, Connecticut, Rhode Island, New York, Delaware, New Jersey, Maryland and Pennsylvania, under a continuing contract or contracts with Lipman Marine Products, Inc., for 180 days. Supporting shipper(s): Lipman Marine Products, Inc., State Fish Pier, Gloucester, Mass. Send protests to: Donald G. Weiler, District Supervisor, Room 207, 76 Pearl Street, Portland, Me. 04111.

PASSENGER APPLICATIONS

No. MC 112422 (Sub-No. 8TA), filed September 12, 1975. Applicant: SAM VAN GALDER, INC., 74 Harmony Dr., Janesville, Wis. 53545. Applicant's representative: Stephen R. Van Galder, 715 S. Pearl St., Janesville, Wis. 53545. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip operations, from Beloit, Wis., to Belvidere, Ill., for 180 days. Supporting shipper(s): United Auto Workers, Local 1268, P.O. Box 433, Belvidere, Ill. 61008. Send protests to: District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 141306TA, filed September 8, 1975. Applicant: K & T TRAVEL SERVICE, INC., 22 Bohnert Drive, Hampton, Va. 23666. Applicant's representative: Patrick V. Kelly (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicles, in charter and special operations in round trip tours, Beginning and ending at points in Norfolk & Hampton, Va., and extending to points in the state of Maryland, for 180 days. Supporting shipper(s): There are twenty one (21) statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Paul D. Collins, Bureau of Operations, Interstate Commerce Commission, Room 10-502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25469 Filed 9-23-75;8:45 am]

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IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimintaion of Gateway Applications

SEPTEMBER 19, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 95540 (Sub-No. 903G), filed June 4, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, dairy products and articles* distributed by meat packinghouses, as described in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from points in Iowa, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Union City, Tenn. (2) *Meat, meat products, and meat byproducts*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles), from Omaha, Nebr. and Sioux City, Iowa and its commercial zone, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Union City, Tenn. (3) *Meat, meat products, and meat byproducts and articles* distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from Greeley, Colo., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Union City, Tenn. (b) From Greeley Colo., to points in Alabama. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

(4) *Meat, meat products and meat byproducts, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Darr, Nebr., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Union City, Tenn. (5) *Meats, meat products and meat byproducts, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and pelts, and commodities in bulk, in tank vehicles), from Madison, S. Dak., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Union City, Tenn. (6) *Frozen fruits and vegetables*, (a) from points in Florida, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (b) From points in Florida, to Minnesota. The purpose of this filing is to eliminate the gateways of Tifton, Ga. and points in Tennessee. (c) From points in Florida, to Kentucky. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (d) From points in Florida, to Oklahoma. The purpose of this filing is to eliminate the gateways of Tifton, Ga. and Florence, Ala. (e) From points in Florida, to Alabama. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

(f) From points in Florida, to Utah. The purpose of this filing is to eliminate the gateways of Tifton, Ga. and points in Tennessee. (g) From points in Florida, to Wyoming. The purpose of this filing is to eliminate the gateways of Tifton, Ga. and points in Tennessee. (h) From points in Florida, to Nevada. The purpose of this filing is to eliminate the gateways of Tifton, Ga. and points in Tennessee. (i) From points in Florida, to Texas, Colorado and Indiana. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (j) From points in Florida, to Nebraska. The purpose of this filing is to eliminate the gateways of Tifton, Ga. and points in Alabama. (k) From points in Florida, to Arkansas. The purpose of this filing is to eliminate the gateways of Tifton, Ga., Florence, Ala. and Montezuma, Ga. (l) From points in Florida, to Kansas. The purpose of this filing is to eliminate the gateways of Tifton, Ga. and points in Alabama. (7) The commodities classified as *meats, meat products, and meat byproducts* as defined in Appendix A to the report in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, from Dade City, Fla., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

(8) The commodities classified as *meats, meat products, and meat byproducts* as defined in Appendix to the report in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, from Jacksonville, Fla., to points in Ohio and North Carolina. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (9) The commodities classified as *meats, meat products, and meat byproducts* as defined in Appendix to the report in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, from Birmingham, Ala., to points in Florida. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (10) The commodities classified as *meats, meat products, and meat byproducts*, as defined in the Appendix to the report in *Modification of Permits—Packinghouse Products*, 46 M.C.C. 23, from Fremont, Nebr., to points in Florida. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (11) *Frozen Foods*, from Prattsville, N.Y., to points in Texas. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (12) *Frozen fruits, frozen berries, and frozen vegetables*, from points in Delaware, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (13) *Frozen foods*, from points in California, to points in Maryland, Pennsylvania, Massachusetts, and New York. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

(14) *Meats, meat products, and meat byproducts*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from points in California, to points in Maryland and Massachusetts. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (b) From points in California, to points in New York and Pennsylvania. The purpose of this filing is to eliminate the gateways of Tifton, Ga. and Dothan, Ala. (15) *Frozen foods, and meats, meat products, and meat byproducts* as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Buffalo, N.Y., to points in Texas. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (16) The commodities classified as *meats, meat products, and meat byproducts* as defined in Appendix A to the report in *Modification of Permits—Packinghouse Products* 46 M.C.C. 23, from Madison, Wis., to points in Florida. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (17) *Meats, meat products, and meat byproducts* as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Orangeburg, S.C., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

(18) *Canned citrus products*, in mixed loads with citrus products, not canned and not frozen (presently authorized), from points in Florida, to points in Illinois, Michigan, Arkansas, Kentucky (except Louisville, Ky. and its commercial zone), Missouri and Oklahoma. The purpose of this filing is to eliminate the gateway of Doraville, Ga. (19) *Frozen citrus products*, from points in Florida (except Jacksonville), to points in Maryland. The purpose of this filing is to eliminate the gateway of Bridgeton, N.J.

(20) *Canned goods*, from Buffalo, N.Y., to points in Texas and Louisiana. The purpose of this filing is to eliminate the gateways of Pike or Spaulding Counties, Ga. (21) *Food products*, other than frozen, in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in Texas and Arkansas. The purpose of this filing is to eliminate the gateway of Doraville, Ga. (22) *Canned goods*, from points in Maryland, Delaware and Virginia, east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Colorado, Oklahoma, Arkansas, and Kansas. The purpose of this filing is to eliminate the gateways of Pike or Spaulding Counties, Ga. (23) *Canned goods*, from points in New Jersey on and south of U.S. Highway 30, to points in Arkansas, Oklahoma, Colorado, and California. The purpose of this filing is to eliminate the gateways of Pike or Spaulding Counties, Ga.

(24) *Canned goods*, from points in Delaware (except those south of the Chesapeake and Delaware Canal), to points in Arkansas, Colorado, and Oklahoma. The purpose of this filing is to eliminate the gateways of Pike or Spaulding Counties, Ga. (25) *Meats, meat products, and meat byproducts* as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Arizona, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Dothan, Ala. (26) *Canned goods*, (a) from Bridgeton, N.J., to points in Kansas, Colorado, and Oklahoma. The purpose of this filing is to eliminate the gateways of Baltimore, Md. and Pike and Spaulding Counties, Ga. (b) From Bridgeton, N.J., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Crozet, Va. (27) *Canned goods*, from Baltimore and Aberdeen, Md., to points in Kansas. The purpose of this filing is to eliminate the gateways of Pike and/or Spaulding Counties, Ga. (28) *Canned goods*, from Baltimore, Frederick and Aberdeen, Md., to points in Colorado. The purpose of this filing is to eliminate the gateways of Pike or Spaulding Counties, Ga. (29) *Canned goods*, from Frederick, Md., to points in Kansas. The purpose of this filing is to eliminate the gateways of Pike or Spaulding Counties, Ga. (30) *Pizza, salads, and sandwich spreads*, from Greensboro, N.C., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

(31) *Dairy products*, from Hagerstown, Md., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Doraville, Ga. (32) *Frozen foods*, from Gainesville, Ga., to points in Texas. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (33) *Meats, meat products, and meat byproducts* as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Orangeburg, S.C., to points in Mississippi, Indiana, and Alabama. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (34) *Frozen packinghouse and dairy products, frozen eggs, and frozen poultry*, from Moultire, Ga., to points in West Virginia and Virginia. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C. (35) *Meates, meat products, and meat byproducts and articles* distributed by meat packinghouses as described in Section A and C of Appendix 1 to the report in Descriptions in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from Minden, Nebr., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Union City, Tenn. (36) *Butter, cheese, cream and milk; including concentrated milk*, from points in Missouri, Indiana, and Illinois, to points in Florida. The purpose of this filing is to eliminate the gateway of Moultrie, Ga.

(37) *Frozen foods*, in packages, (a) from Carrollton, Macon, Marshall, Milan, Moberly, and St. Joseph, Mo., to points in Alabama. The purpose of this filing is to eliminate the gateway of Gainesville, Ga. (b) From Carrollton, Macon, Marshall, Milan, Moberly, and St. Joseph, Mo., to points in Florida. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (38) *Canned goods*, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Alabama, North Carolina, and Georgia. The purpose of this filing is to eliminate the gateway of Delmarva Peninsula. (b) From Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Texas. The purpose of this filing is to eliminate the gateways of Delmarva Peninsula and Pike or Spaulding Counties, Ga., and Doraville, Ga. (c) From Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Louisiana. The purpose of this filing is to eliminate the gateways of Delmarva Peninsula and Pike and/or Spaulding Counties, Ga. (39) *Frozen foods*, from Pittsburgh, Pa., to points in Nevada. The purpose of this filing is to eliminate the gateways of Crozet, Va. and Kingsport, Tenn. (40) *Frozen foods*, from Erie and North East, Pa., to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Florence, Ala.

(41) *Frozen meat*, from Detroit, Mich., to points in California. The purpose of this filing is to eliminate the gateway of Florence, Ala. (42) *Frozen foods*, from Montcalm County, Mich., to points in Florida. The purpose of this filing is to eliminate the gateway of Crozet, Va. (43) *Bananas, coconuts and pineapples*, (a) from points in South Carolina, to points in Arizona, Washington, Colorado, New Mexico, Idaho, Louisiana, Utah, Oklahoma, Oregon, Nevada, and Texas. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla. and Gulfport, Miss., (b) from South Carolina, to points in Alabama. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla. (44) *Bananas, coconuts, and pineapples*, (a) from points in North Carolina, to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla. (b) From points in North Carolina, to points in Texas, Oklahoma, Colorado, Utah, Louisiana, Nevada, New Mexico, Arizona, California, and Oregon. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla. and Gulfport, Miss. (45) *Bananas, coconuts, and pineapples*, (a) from points in New Jersey, to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla. (b) From points in New Jersey, to points in Arizona, California, Texas, New Mexico, and Louisiana. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla. and Gulfport, Miss. (c) From points in New Jersey, to Las Vegas, Nev. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla. and Gulfport, Miss.

(46) *Bananas, coconuts, and pineapples*, from Milford, Pa., to points in Texas, California, Arizona and Louisiana. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla. and Gulfport, Miss. (47) *Bananas, coconuts, and pineapples*, from points in Pennsylvania, to points in Mississippi and Alabama. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla. (48) *Bananas, coconuts, and pineapples*, from points in New York, to points in Florida, Mississippi, and Alabama. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla. (b) From points in New York, to points in Louisiana, New Mexico, California, Texas, and Arizona. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla. and Gulfport, Miss. (49) *Bananas, coconuts, and pineapples*, from Brunswick, Ga., to points in Alabama. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla. (50) *Bananas, coconuts, and pineapples*, (a) from points in Georgia, to points in Wyoming, Colorado, Texas, Oklahoma, Louisiana, and Montana. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla. and Gulfport, Miss. (b) *Bananas, coconuts, and pineapples*, from points in Georgia, to points in Florida. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

(51) *Bananas, coconuts, and pineapples*, (a) from points in Virginia, to points in Alabama, Florida, and Mississippi. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla. (b) From points in Virginia, to points in Texas, Nevada, Texas, New Mexico, Arizona, and Louisiana. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla. and Gulfport, Miss. (52) *Bananas, coconuts, and pineapples and fresh fruits and vegetables*, (a) from points in Texas, to points in Georgia, North Carolina, South Carolina, Virginia, New York, Maryland, Washington, D.C., New Jersey, and Pennsylvania. The purpose of this filing is to eliminate

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the gateway of points in Florida. (b) From points in Texas, to Louisville Ky., and Cleveland, Ohio. The purpose of this filing is to eliminate the gateway of points in Florida. (53) *Bananas*, from Galveston, Tex., to points in Iowa. The purpose of this filing is to eliminate the gateway of Mobile, Ala. (54) *Frozen foods*, from Pittsburgh and Saltsburg, Pa., to points in Louisiana and Texas. The purpose of this filing is to eliminate the gateway of Richmond, Va. (55) *Meats, meat products, and meat byproducts* and articles distributed by meat packinghouses, as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C 209 and 766 (except hides and commodities in bulk), from the plant site of George A. Hormel & Co. at or near Bureau, Ill., to points in Texas. The purpose of this filing is to eliminate the gateway of Moultrie, Ga.

(56) *Empty Veneer and fiber boxes, baskets, and crates*, from Bogalusa, La., to points in Ohio. The purpose of this filing is to eliminate the gateway of Dothan, Ala. (57) *Frozen foods*, (a) from Mesa, Ariz., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Florence, Ala. (b) From Mesa, Ariz., to points in New York. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (58) *Meat, meat products, and meat byproducts*, as defined in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from points in New Mexico, to points in Pennsylvania, Virginia, New York, and New Jersey. The purpose of this filing is to eliminate the gateway of Dothan, Ala. (b) From points in New Mexico, to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Dothan, Ala. (59) The commodities classified as *meats, meat products, and meat byproducts* in Appendix 1 to the report in *Modifications of Permits—Packinghouse Products* 48 M.C.C. 628, (a) from Detroit, Mich., to points in Texas. The purpose of this filing is to eliminate the gateway of Moultrie, Ga. (b) From Detroit, Mich., to points in California. The purpose of this filing is to eliminate the gateway of points in Alabama. (c) From Detroit, Mich., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (60) *Oleomargarine*, from Detroit, Mich., to points in California. The purpose of this filing is to eliminate the gateway of points in Alabama.

(61) *Frozen commodities* classified as meats, meat products, and meat byproducts, in Appendix 1 to the report in *Modification of Permits—Packinghouse Products*, 48 M.C.C. 628, from Detroit, Mich., to points in California. The purpose of this filing is to eliminate the gateway of points in Alabama. (62) *Frozen foods*, from Russellville, Ark., to points in California. The purpose of this filing is to eliminate the gateway of points in Tennessee. (63) *Frozen foods*, (a) from Montcalm County, Mich., to points in Arkansas and California. The purpose of this filing is to eliminate the gateway of points in Alabama. (b) from Montcalm County, Mich., to points in South Carolina. The purpose of this filing is to eliminate the gateway of Crozet, Va. (64) *Fresh fruits and vegetables*, from points in Florida, to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateway of Doraville, Ga. (65) *Meats, meat products, and meat byproducts* as defined in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 208 and 766 (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Holton, Kans., to points in Louisiana. The purpose of this filing is to eliminate the gateways of Humboldt and Union City, Tenn. (66) *Frozen foods*, from Omaha, Nebr., to points in Virginia and Maryland. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

(67) *Frozen foods*, from Buffalo, N.Y., to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis). (68) *Citrus products*, not canned and not frozen, from points in Florida, to points in New Mexico, California, and Arizona. The purpose of this filing is to eliminate the gateways of Brooksville, Orlando and Winter Haven, Fla. (69) *Frozen foods*, from Pittsburgh, Pa., to points in New Mexico. The purpose of this filing is to eliminate the gateways of Crozet, Va. and Kingsport, Tenn. (70) *Unfrozen foodstuffs*, from points in Texas, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Doraville, Ga. (71) *Frozen foods*, (a) from points in Texas, to points in Illinois, Missouri, Indiana, and Michigan. The purpose of this filing is to eliminate the gateway of Florence, Ala. (b) from points in Texas, to points in New York and Pennsylvania. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C. (72) *Unfrozen meats, meat products and meat byproducts, and articles* distributed by meat packinghouses, as described in lists A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except canned goods as set forth in list C of the Appendix), from points in Ohio, to points in Texas. The purposes of this filing is to eliminate the gateway of Doraville, Ga.

(73) *Butter, cheese, cream and milk*, including concentrated milk, from points in Ohio, to points in Texas. The purpose of this filing is to eliminate the gateway of Doraville, Ga. (74) *Meats, meat products and meat byproducts, and articles* distributed by meat packinghouses as described in Section A and C of Appendix 1 to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except canned goods as set forth in list C of the Appendix), (a) from Cincinnati, Ohio, to points in Georgia. The purpose of this filing is to eliminate the gateway of Gainesville, Ga. (b) From Cincinnati, Ohio, to points in Texas. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (75) *Meats, meat products, and meat byproducts* as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from points in Arizona, to points in New York. The purpose of this filing is to eliminate the gateway of Dothan, Ala. (b) From points in Arizona, to all points in New Jersey. The purpose of this filing is to eliminate the gateway of Dothan, Ala. (76) *Frozen fruits and vegetables*, from points in Michigan, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala. (77) *Frozen fruits, frozen berries, and frozen vegetables*, from points in Maryland, to points in Texas. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (78) *Frozen fruits, frozen berries, and frozen vegetables*, from points in New Jersey, to points in Texas and Mississippi. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

(79) *Frozen fruits, frozen berries, and frozen vegetables*, from points in New York, to points in Mississippi and Texas. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (80) *Frozen fruits, frozen berries, and frozen vegetables* (a) From points in Pennsylvania, to points in Texas and Mississippi. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (b) From points in Pennsylvania, to points in Oklahoma and Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala. (c) From points in Pennsylvania, to Green Bay, Wis. and Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of points in New York. (81) *Lumber* (except plywood), from points in West Virginia, to points in Alabama, Georgia, and Tennessee. The purpose of this filing is to eliminate the gateway of points in North Carolina. (82) *Lumber* (except plywood), from Marietta, Ohio, to points in Georgia. The purpose of this filing is to eliminate the gateway of points in Tennessee. (83) *Lumber* (except plywood), from Macksburg, Ohio, to points in Alabama. The purpose of this filing is to eliminate the gateway of points in Tennessee.

(84) *Lumber* (except plywood), from Uhrichsville, Ohio, to points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Tennessee. (85) *Unfrozen dairy products*, as described in Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Walton, N.Y., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Doraville, Ga. (86) *Canned citrus products*, in mixed with citrus products, not canned and not frozen (presently authorized), from points in Florida, to points in Texas, Colorado, Illinois, Oklahoma, Arkansas, Texas, Missouri, and Kansas. The purpose of this filing is to eliminate the gateway of Doraville, Ga. (87) *Frozen foods*, from Des Moines, Ft. Dodge, and Webster City, Iowa, to points in Virginia. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C. (88) *Frozen nutria*, from points in Louisiana, to Denver, Colo. The purpose of this filing is to eliminate the gateway of Omaha, Nebr. (89) *Frozen packing house and dairy products, eggs and poultry*, from Moultrie, Ga., to points in Ohio. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

(90) *Bananas, coconuts, and pineapples*, from points in Ohio, to points in Louisiana. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla. and Gulfport, Miss. (91) *Meats, meat products and meat byproducts, and articles* distributed by meat packinghouses and described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except canned goods as set forth in Section C of the Appendix), from points in Ohio (except Columbus, Ohio), to points in Texas and Mississippi. The purpose of this filing is to eliminate the gateway of Tifton, Ga. (92) *Meats, meat products, and meat byproducts*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Sioux Falls, S. Dak., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 564 (Sub-E1), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between St. Louis, Mo., and points in Colorado, Iowa, Nebraska, and Wisconsin, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, Ohio, Indiana, Illinois, Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E2), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Montana, North Dakota, South Dakota, and Minnesota, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, Ohio, Indiana, Illinois, Connecticut, Massachusetts, New Hampshire, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Iowa within 150 miles of Austin, Minn., and points in Illinois.

No. MC 564 (Sub-E3), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Washington, on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Connecticut, Delaware, Ohio, West Virginia, Virginia, North Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.; points in Montana; and Wenatchee, Wash.

No. MC 564 (Sub-E4), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Washington on and west of a line beginning at the Oregon-Washington State line, thence along U.S. Highway 295 to junction Washington Highway 17, thence along Washington Highway 17 to junction U.S. Highway 97, thence along U.S. Highway 97 to the United States-Canada International Boundary line, on the one hand, and, on the other, Lincoln, Nebr. The purpose of this filing is to eliminate the gateways of Wenatchee, Wash., points in Montana, and points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E5), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in that part of Missouri on, south, and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 54 to its intersection with Missouri Highway 5, thence along Missouri Highway 5 to the Arkansas-Missouri State line, on the one hand, and, on the other, points in that part of Washington, on and west of a line beginning at the Oregon-Washington State line and extending along Washington Highway 125 to its intersection with U.S. Highway 12, thence along U.S. Highway 12 to intersection Washington Highway 261, thence along Washington Highway 261 to intersection Interstate Highway 90, thence along Interstate Highway 90 to intersection Washington Highway 23, thence along Washington Highway 23 to intersection with Washington Highway 28, thence along Washington Highway 28 to intersection with Washington Highway 25, thence along Washington Highway 25 to the United States-Canada International Boundary line. (Wenatchee, Wash.; points in Montana; and points in Iowa within 150 miles of Austin, Minn.)*; (2) between St. Louis, Missouri, on the one hand, and, on the other, points in that part of Washington indicated in (1) above. (Wenatchee, Wash.; points in Montana; and points in Illinois within 150 miles of Austin, Minn.)* The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 564 (Sub-E6), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Austin, Minn., and points within a 150-mile radius thereof, on the one hand, and, on the other, points in that part of Washington on and west of U.S. Highway 97. The purpose of this filing is to eliminate the gateways of points in Montana and Wenatchee, Washington.

No. MC 564 (Sub-E7) filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Illinois, on the one hand, and, on the other, points in Washington, except points east of a line beginning at the Montana-Washington State line and extending south along U.S. Highway 2 to Spokane, thence along U.S. Highway 195 to the Washington-Montana State line. The purpose of this filing is to eliminate the gateways of Wenatchee, Wash., points in Montana, points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E8), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in

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Indiana, on the one hand, and, on the other, points in that part of Washington on and west of U.S. Highway 97. The purpose of this filing is to eliminate the gateways of Wenatchee, Wash.; points in Montana; points in that part of Iowa within 150 miles of Austin, Minn.; and points in Illinois.

No. MC 564 (Sub-E9), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Washington on and west of U.S. Highway 97 on the one hand, and, on the other, points in Michigan (except those points in the upper peninsula of Michigan west of U.S. Highway 41). The purpose of this filing is to eliminate the gateways of Wenatchee, Wash.; points in Montana; and points in that part of Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E10), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Iowa within 150 miles of Austin, Minn., on the one hand, and, on the other, points in that part of Washington on and west of U.S. Highway 97 (Wenatchee, Wash., and points in Montana) *; (2) between points in that part of Iowa on and east of Interstate Highway 35, on the one hand, and, on the other, points in that part of Iowa on and east of U.S. Highway 97. (Wenatchee, Wash.; points in Montana; and points in that part of Illinois within 150 miles of Austin, Minn.) *

No. MC 564 (Sub-E11), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Washington (except Asotin, Garfield, Columbia, and Whitman Counties, Wash., on the one hand, and, on the other, points in that part of Indiana on and north of U.S. Highway 24. The purpose of this filing is to eliminate the gateways of Wenatchee, Wash., points in Montana; points in Iowa within 150 miles of Austin, Minn.; and points in Illinois.

No. MC 564 (Sub-E12), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Washington on and west of U.S. Highway 97, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of Wenatchee, Wash.

No. MC 564 (Sub-E14), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Austin, Minn., and points within 150 miles thereof, on the one hand, and, on the other, points in that part of Washington on and west of a line beginning at Oregon-Washington State line and extending along State Highway 125 to intersection with U.S. Highway 12, thence along U.S. Highway 12 to its intersection with Washington Highway 261, thence along Washington Highway 261 to its intersection with U.S. Highway 395, thence along U.S. Highway 395 to its intersection with Washington Highway 21, thence along Washington Highway 21 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of points in Montana and Wenatchee, Washington.

No. MC 564 (Sub-E15), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in New York, on the one hand, and, on the other, points in that part of Oregon on and west of U.S. Highway 395. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa and Wisconsin within 150 miles of Austin, Minn.

No. MC 564 (Sub-E16), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Klamath, Sherman, Gilliam, Morrow, Umatilla, Wallowa, and Union Counties, Oreg., and points in that part of Oregon on and west of U.S. Highway 97 (except Klamath County), on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateways of points in Iowa and Wisconsin within 150 miles of Austin, Minn., points in Montana, and Wenatchee, Wash.

No. MC 564 (Sub-E17), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Maryland, on the one hand, and, on the other, points in that part of Oregon on and west of U.S. Highway 395 and points in Morrow, Grant and Umatilla Counties, Oreg. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa or Wisconsin within 150 miles of Austin, Minn., Montana, and Wenatchee, Wash.

No. MC 564 (Sub-E18), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Maine, on the one hand, and, on the other, points in Oregon, except Ontario, Oreg. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa or Wisconsin within 150 miles of Austin, Minn., Montana and Wenatchee, Wash.

No. MC 564 (Sub-E19), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Massachusetts, on the one hand, and, on the other, points in that part of Oregon on and west of U.S. Highway 395. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa or Wisconsin within 150 miles of Austin, Minn., Montana, and Wenatchee, Wash.

No. MC 564 (Sub-E20), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Indiana, on the one hand, and, on the other, points in that part of Oregon on and west of U.S. Highway 97. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa or Wisconsin within 150 miles of Austin, Minn., Montana, and Wenatchee, Wash.

No. MC 564 (Sub-E21), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in that part of Oregon on and west of U.S. Highway 97 and points in Sherman, Gilliam, Morrow, Umatilla, Wallowa, and Union Counties, Oreg. The purpose of this filing

is to eliminate the gateways of points in Iowa within 150 miles of Austin, Minn., Montana, and Wenatchee, Wash.

No. MC 564 (Sub-E23), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Connecticut, on the one hand, and, on the other, points in Oregon, (except Ontario, Oreg., and Malheur County, Oreg.). The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., Montana, and Wenatchee, Wash.

No. MC 564 (Sub-E24), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Austin, Minn., and points within a 150-mile radius thereof, on the one hand, and, on the other, points in that part of Oregon on and west of U.S. Highway 97. The purpose of this filing is to eliminate the gateways of points in Montana and Wenatchee, Wash.

No. MC 564 (Sub-E25), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in New Jersey, New Hampshire, Pennsylvania, West Virginia, Virginia, Ohio, and North Carolina, on the one hand, and, on the other, points in that part of Oregon on and west of U.S. Highway 97 and points in Grant and Umatilla Counties, Ore. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa within 150 miles of Austin, Minn.; Montana; and Wenatchee, Wash.

No. MC 564 (Sub-E26), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Oregon (except Ontario, Oregon.), on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa within 150 miles of Austin, Minn.; Montana; and Wenatchee, Wash.

No. MC 564 (Sub-E27), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Lincoln, Nebr., on the one hand, and, on the other, points in Clatsop, Columbia, Tillamook, Washington, Yamhill, Polk, Lincoln, Marion, Clackamas, Multnomah, and Hood River Counties, Ore., and The Dalles, Ore. The purpose of this filing is to eliminate the gateways of points in Iowa within 150 miles of Austin, Minn.; Montana, and Wenatchee, Wash.

No. MC 564 (Sub-E28), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Austin, Minnesota, and points within a 150-mile radius thereof, except Worthington, Minn., on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E30), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, between points in* Texas, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E31), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Texas, on the one hand, and, on the other, Chicago, Ill., and points in Illinois on and north of Interstate Highway 80. The purpose of this filing is to eliminate the gateways of points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E32), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Maryland, on the one hand, and, on the other, points in that part of Texas on and west of U.S. Highway 277. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E33), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Massachusetts, on the one hand, and, on the other, points in Texas, except Texarkana, Tex. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E34), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Iowa within 150 miles of Austin, Minn., on the one hand, and, on the other, points in that part of Texas on and south of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E35), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between the District of Columbia, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 277 to its intersection with U.S. Highway 180, thence along U.S. Highway 180, to its intersection with Texas Highway 163, thence along Texas Highway 163 to its intersection with U.S. Highway 90, thence to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn.; and points in that part of Wisconsin south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E36), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Texas on and north of U.S. Highway 62 and El Paso, Tex., on the one hand, and on the other, points in Delaware. The purpose of this filing is to

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eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E37), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Texas, on the one hand, and, on the other, points in that part of Iowa within 150 miles of Austin, Minn. (except points west of U.S. Highway 69). The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E38), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Connecticut, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, and extending along U.S. Highway 271 to intersection with Texas Highway 19, thence along Texas Highway 19 to intersection with Texas Highway 31, thence along Texas Highway 31 to Waco, Tex., thence along U.S. Highway 77 to its intersection with Interstate Highway 37, thence along Interstate Highway 37 to Corpus Christi. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E39), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Worthington, Minn., on the one hand, and, on the other, points in that part of Texas on and south of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E40), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Texas on and west of a line beginning at the Mexico-United States International Boundary line and extending along Interstate Highway 35 to its intersection with U.S. Highway 67, thence along U.S. Highway 67 to its intersection with U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line, on the one hand, and, on the other, Newark, N.J. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E41), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to its intersection with Ohio Highway 53, thence along Ohio Highway 53 to its intersection with U.S. Highway 224, thence along U.S. Highway 224 to its intersection with Ohio Highway 83, thence along Ohio Highway 83 to Wooster, Ohio, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 271 to intersection with U.S. Highway 82, thence along U.S. Highway 82 to intersection with U.S. Highway 75 to Dallas, Tex., thence along U.S. Highway 77 to its intersection with U.S. Highway 87, thence along U.S. Highway 87 to Port Lavaca, Tex. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E42), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in New Hampshire, on the one hand, and, on the other, points in Texas (except Texarkana, Tex.). The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E43), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 90 to its intersection with U.S. Highway 6N, thence along U.S. Highway 6N to its intersection with U.S. Highway 6, thence along U.S. Highway 6 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to its intersection with Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Reading, Pa., thence along U.S. Highway 422 to the Philadelphia-New Jersey State line, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 271 to its intersection with U.S. Highway 82, thence along U.S. Highway 82 to intersection with U.S. Highway 75, thence along U.S. Highway 75 to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E44), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Rhode Island, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 271 to its intersection with U.S. Highway 82, thence along U.S. Highway 82 to its intersection with U.S. Highway 75, thence along U.S. Highway 75 to its intersection with Interstate Highway 35E, thence along Interstate Highway 35E to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to its intersection with U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, Tex. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-No. E46), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Kansas, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateways of points in Lincoln, Nebr., and points in Illinois.

No. MC 564 (Sub-No. E47), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley

(same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Kansas, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of points in Lincoln, Nebr., and points in Illinois.

No. MC 564 (Sub-No. E48), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Kansas (except Kansas City, Kans.), on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateways of points in Lincoln, Nebr., and points in Illinois.

No. MC 564 (Sub-No. E49), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Kansas on, north and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to its intersection with U.S. Highway 56, thence along U.S. Highway 56 to its intersection with U.S. Highway 81, thence along U.S. Highway 81 to its intersection with Kansas Highway 18, thence along Kansas Highway 18 to its intersection with U.S. Highway 24, thence along U.S. Highway 24 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of points in Lincoln, Nebr., and points in Illinois.

No. MC 564 (Sub-No. E52), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in that part of Kansas on, west and south of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 77 to intersection with U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateways of (1) Lincoln, Nebr., and points in Illinois within 150 miles of Austin, Minn., or (2) points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5, and points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-No. E55), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to its intersection with Illinois Highway 121, thence along Illinois Highway 121 to its intersection with U.S. Highway 136, thence along U.S. Highway 136 to the Iowa-Illinois State line, on the one hand, and, on the other, points in that part of Kansas on and west beginning at Nebraska-Kansas State line, and extending along U.S. Highway 183 to intersection with U.S. Highway 56, thence along U.S. Highway 56 to intersection with U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC 564 (Sub-No. E57), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Manhattan, Kans., on the one hand, and, on the other, points in Wisconsin (except Douglas County, Wis.). The purpose of this filing is to eliminate the gateways of points in Lincoln, Nebr., and points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-No. E58), filed June 4, 1974—Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line and extending along Kansas Highway 99 to its intersection with Interstate Highway 70; thence along Interstate Highway 70 to its intersection with U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Kansas State line, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of points in Lincoln, Nebr., and points in Illinois.

No. MC 564 (Sub-No. E60), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Kansas on and west of U.S. Highway 77, Manhattan, Kans., and Riley and Geary Counties, Kans., on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateways of (1) Lincoln, Nebr., and Illinois, or (2) points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5; points in Iowa within 150 miles of Austin, Minn., and points in Illinois.

No. MC 564 (Sub-No. E61), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Kansas on, north and west of a line beginning at the Colorado-Kansas State line and extending along Interstate Highway 70 to its intersection with Kansas Highway 99, thence along Kansas Highway 99 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in that part of Virginia on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateways of Lincoln, Nebr., and points in Illinois.

No. MC 564 (Sub-No. E62), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Kansas on and west of U.S. Highway 75, on the one hand, and, on the other, Norfolk, Va., and Princess Ann and Hampton Counties, Va. The purpose of this filing is to eliminate the gateways of Lincoln, Nebr., and points in Illinois.

No. MC 564 (Sub-No. E63), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Riley, Marshall, Geary and Pottawattamie Counties, Kans., and Manhattan, Kans., on the one hand, and, on the other, points in that part of North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 52 to intersection with U.S. Highway 64, thence along U.S. Highway 220 to intersection with U.S. Highway 74, thence along U.S. Highway 74 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Lincoln, Nebr., and Illinois.

No. MC 564 (Sub-No. E66), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle,

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over irregular routes, transporting: *Household goods*, between points in Connecticut, on the one hand, and, on the other, St. Louis, Mo. (points in Illinois)*; points in that part of Missouri on, west and north of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line (points in Illinois and points in Iowa within 150 miles of Austin, Minn.)*; points in that part of Missouri on, west and south of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to junction U.S. Highway 5, thence along U.S. Highway 5 to the Arkansas-Missouri State line (points in Illinois)*. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-No. E69), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Indiana on, south and west of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 40 to intersection with U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-No. E70), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Indiana on and west of U.S. Highway 31, on the one hand, and, on the other, points in that part of the Upper Peninsula of Michigan on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 564 (Sub-No. E71), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* between points in Massachusetts, on the one hand, and, on the other, points in that part of the Upper Peninsula of Michigan on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-No. E73), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Maine, on the one hand, and, on the other, points in that part of the Upper Peninsula of Michigan on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-No. E74), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-No. E75), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-No. E76), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Michigan, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in that part of Missouri south of U.S. Highway 54 and east of Missouri Highway 5; and points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-No. E77), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and south of Michigan Highway 46, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E112), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in New York, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to intersection with Interstate Highway 35, thence along Interstate Highway 35 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5; points in Iowa within 150 miles of Austin, Minn.; and points in Illinois.

No. MC 564 (Sub-E113), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Wisconsin within 150 miles of Austin, Minnesota, and points in that part of Wisconsin on and south of Michigan Highway 60, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E114), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Wisconsin on and south of U.S. Highway 16, on the one hand, and, on the other, points in that part of Michigan on and south of Michigan Highway 55. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E116), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Wisconsin on and south of Wisconsin Highway 60, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of points in Illinois and within 150 miles of Austin, Minn.

No. MC 564 (Sub-E117), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Missouri on, south and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to Missouri Highway 5, to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E118), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Lincoln, Nebr., on the one hand, and, on the other, points in that part of Missouri on and east of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to intersection with Missouri State line and extending along souri Highway 6 to intersection with Missouri Highway 15, thence along Missouri Highway 15 to intersection with Missouri Highway 154, thence along Missouri Highway 154 to intersection with Missouri Highway 19, thence along Missouri Highway 19 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E119), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Maryland, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Kansas-Missouri State line and extending along Missouri Highway 18 to intersection with Missouri Highway 13, thence along Missouri Highway 13 to intersection with Missouri Highway 10, thence along Missouri Highway 10 to intersection with U.S. Highway 24, thence along U.S. Highway 24 to intersection with U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateways of points in Illinois; and points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E120), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Maine, on the one hand, and, on the other, points in that part of Missouri on and east of a line beginning at the Illinois-Missouri State line and extending along Missouri Highway 32 to intersection with U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line and points in Butler, Wayne, Carter, Ripley, and Oregon Counties, Mo. The purpose of this filing is to eliminate the gateways of points in Illinois, and points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E122), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Massachusetts, on the one hand, and, on the other, St. Louis, Missouri (points in Illinois)*; and points in that part of Missouri on, north and west of a line beginning at the Illinois-Missouri State line and extending along Interstate Highway 70 to its intersection with Missouri Highway 5, thence along Missouri Highway 5 to the Arkansas-Missouri State line (points in Iowa within 150 miles of Austin, Minn.; and points in Illinois or (2) points in Ohio and points in Illinois)*. The purpose of this filing is to eliminate the gateway as marked with asterisks.

No. MC 564 (Sub-E123), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Indiana on and north of Indiana Highway 14, on the one hand, and, on the other, points in that part of Missouri on, west and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 65 to U.S. Highway 36, to Interstate Highway 35, to Missouri Highway 291, to Missouri Highway 2, to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of points in Illinois, and points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E124), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* between points in that part of Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in that part of Missouri on, west and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 65 to U.S. Highway 36, to State Highway 35, to Missouri Highway 291, to Missouri Highway 2, to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E125), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Delaware, on the one hand, and, on the other, St. Louis, Mo. (points in Illinois)*; points in that part of Missouri on, south and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to Missouri Highway 5 to the Missouri-Arkansas State line (points in Illinois and Ohio)* and points in that part of Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63, to Missouri Highway 11, to U.S. Highway 24, to Missouri Highway 41, to U.S. Highway 65, to U.S. Highway 50, to the Kansas-Missouri State line (points in Iowa within 150 miles of Austin, Minn. and points in Illinois)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 564 (Sub-E126), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Connecticut, on the one hand, and, on the other, St. Louis, Mo., (points in Illinois)* points in that part of Missouri on, south and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to Missouri Highway 5 to the Missouri-Arkansas State line, (points in Illinois and Ohio)*; and points in that part of Missouri on, west and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to U.S. Highway 50, to the Missouri-Kansas State line, (points in Iowa within 150 miles of Austin, Minn. and points in Illinois)*. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-E127), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Pennsylvania, on the one hand, and, on the other, points in that part of Missouri on, south and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to Missouri Highway 5, to the Arkansas-Missouri State line (points in Ohio and Illinois)*; points in that part of Missouri on, north and west of a line beginning at the Kansas-Missouri State line and extending along Missouri Highway 18 to Missouri Highway 13, to U.S. Highway 24, to U.S. Highway 36 to the Missouri-Illinois State line (points in Iowa within 150 miles of Austin, Minn., and points in Illinois)*; and St. Louis, Mo. (points in Illinois)*. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-E128), filed June 4, 1974. Applicant: DUDLEY'S TRANSCONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley

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(same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Missouri on, south, and east of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to Missouri Highway 5, to the Arkansas-Missouri State line (points in Iowa within 150 miles of Austin, Minn.)*; and St. Louis, Missouri (points in Illinois within 150 miles of Austin, Minn.)*, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-E129), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Rhode Island, on the one hand, and, on the other, points in that part of Missouri on, west and north of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 50 to Missouri Highway 5, to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of points in Illinois, and points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E130), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between St. Louis, Mo., and points in that part of Missouri on, south and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to Missouri Highway 5 to the Arkansas-Missouri State line (points in Illinois)*; on the one hand, and, on the other, points in Virginia; and (2) between points in that part of Missouri on and west of Interstate Highway 35, on the one hand, and, on the other, points in that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to Virginia Highway 6, to U.S. Highway 250, to the Virginia-West Virginia State line (points in Iowa within 150 miles of Austin, Minn.; and points in Illinois)*.

No. MC 564 (Sub-E131), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (asme as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between St. Louis, Mo., and points in that part of Missouri on, south and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to Missouri Highway 5, to the Missouri-Arkansas State line, on the one hand, and, on the other, points in West Virginia (points in Illinois)*; and (2) between points in that part of Missouri on and west of Interstate Highway 5, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 50 (points in Iowa within 150 miles of Austin, Minn. and points in Illinois)*. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-E133), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Arkansas, on the one hand, and, on the other, points in Iowa and Minnesota within 150 miles of Austin, Minn. The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E134), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046. Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Idaho, on the one hand, and, on the other, points in King, Pierce, Jefferson, Snohomish, Skagit, Whatcom, Mason, Thurston, Chelan, Clallam, Grays Harbor, San Juan, and Kitsap Counties, Wash. The purpose of this filing is to eliminate the gateway of Wenatchee, Wash.

No. MC 564 (Sub-E135), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Powder River, Carter, Fallon, Custer, Prairie, Wibaux, McCone, Dawson, Richland, Roosevelt, Sheridan, Daniels, and Valley Counties, Mont., on the one hand, and, on the other, points in that part of Washington on and west of a line beginning at the Oregon-Washington State line and extending along U.S. Highway 395 to Washington Highway 17, to U.S. Highway 97, to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Wenatchee, Washington.

No. MC 564 (Sub-E139), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Lincoln, Nebr., on the one hand, and, on the other, points in that part of South Dakota on and north of Interstate Highway 90. The purpose of this filing is to eliminate the gateway of points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E140), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Lincoln, Nebr., on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E141), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Chicago, Ill., on the one hand, and, on the other, points in Washington (except Clarkston, Wash.). The purpose of this filing is to eliminate the gateways of points in Iowa within 150 miles of Austin, Minn., Wenatchee, Wash., and points in Montana.

No. MC 564 (Sub-E142), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Boston, Mass., points in that part of Arkansas on, west and north of a line beginning at the Arkansas-Missouri State line and extending along Arkansas Highway 7 to Arkansas Highway 22, to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateways of Illinois; points in Iowa within 150 miles of Austin, Minn.; and ponts in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E143), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Benton, Noone, Carroll, and Washington Counties, Ark., on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E144), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box

82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between East Grand Forks, Minn., on the one hand, and, on the other, points in that part of Wsiconsin on, south, and east of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to Interstate Highway 94, to Lake Michigan. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E145), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Sheldon, Iowa, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E146), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Elkton, Md., on the one hand, and, on the other, points in Oklahoma, (except Hugo, Okla., and Choctaw County, Okla.) The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E147), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Ohio on and north of U.S. Highway 30, on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending along Oklahoma Highway 34 to Oklahoma Highway 6, to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E148), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Alexandria, Va., on the one hand, and, on the other, points in that part of Oklahoma west of Interstate Highway 35. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E149), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and north of U.S. Highway 55, on the one hand, and, on the other, points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 65 to U.S. Highway 167, to the Louisiana-Arkansas State line. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E150), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Fort Smith, Ark., on the one hand, and, on the other, points in that part of Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line and extending along U.S. Highway 5 to Connecticut Highway 2, to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateways of points in Illinois, within 150 miles of Austin, Minn., and points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E151), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Texas on and north of a line beginning at El Paso, Tex., and extending along Interstate Highway 10 to Interstate Highway 20, to U.S. Highway 277, to the Oklahoma-Texas State line, on the one hand, and, on the other, Alexandria, Va. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E152), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Arkansas on and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 65 to U.S. Highway 167, to the Louisiana-Arkansas State line and points in Searcy, Marion, and Barter Counties, Ark., on the one hand, and, on the other, points in that part of Wisconsin on and west of Wisconsin Highway 69 to U.S. Highway 151, to Wisconsin Highway 57, to U.S. Highway 41, to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn., and points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E153), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between El Paso, Tex., on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn., and points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E154), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along Kansas Highway 99 to Interstate Highway 70, to U.S. Highway 156, to U.S. Highway 56, to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in that part of North Carolina on, north and east of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 421 to U.S. Highway 601, to U.S. Highway 52 to U.S. Highway 74, to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Lincoln, Nebr., and points in Illinois.

No. MC 564 (Sub-E155), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley

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(same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in New Hampshire, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning with the Arkansas-Missouri State line and extending along Missouri Highway 5 to U.S. Highway 54, to U.S. Highway 50, to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateways of (1) points in Ohio and Illinois; or (2) points in Iowa within 150 miles of Austin, Minn. and points in Illinois.

No. MC 564 (Sub E156), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in New Jersey, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Arkansas-Missouri State line and extending along Missouri Highway 5 to U.S. Highway 24, to U.S. Highway 63, to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateways of (1) points in Iowa within 150 miles of Austin, Minn.; and points in Illinois; or (2) points in Ohio and Illinois.

No. MC 564 (Sub E157), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in New York, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Arkansas-Missouri State line and extending along Missouri Highway 5 to U.S. Highway 24, to U.S. Highway 63, to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateways of (1) points in Iowa within 150 miles of Austin, Minn.; and points in Illinois; or (2) points in Ohio and Illinois.

No. MC 564 (Sub-E158), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between St. Louis, Missouri, on the one hand, and, on the other, points in North Dakota (points in Illinois within 150 miles of Austin, Minn.)*; and (2) between points in that part of Missouri on, south, and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to Missouri Highway 5 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in North Dakota (points in Iowa within 150 miles of Austin, Minn.)* The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-E159), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in North Carolina, on the one hand, and, on the other, points in that part of Missouri on, south, and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to Missouri Highway 5 to the Missouri-Arkansas State line, (points in Illinois)*; (2) between Elizabeth City, N.C., on the one hand, and, on the other, Kansas City, Mo. (points in Illinois and points in Iowa within 150 miles of Austin, Minn.)* The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub E160), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in that part of Missouri on and west of U.S. Highway 71, and St. Joseph, Mo., on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to U.S. Highway 127 to U.S. Highway 33, to Interstate Highway 70, to the Ohio-West Virginia State line; and (2) between Kansas City, Mo., on the one hand, and, on the other, points in that part of Ohio on, north, and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to U.S. Highway 127, to U.S. Highway 33, to U.S. Highway 36 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Illinois and points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E161), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Lincoln, Nebr., on the one hand and, on the other, Eudora, Ark. The purpose of this filing is to eliminate the gateways of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5; and points in Iowa within 150 miles of Austin, Minn.

No. MC 564 (Sub-E162), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Washington and Benton Counties, Ark., on the one hand, and, on the other, Montaque, N.J. The purpose of this filing is to eliminate the gateways of points in Missouri; points south of U.S. Highway 54 and west of Missouri Highway 5; points in Iowa within 150 miles of Austin, Minn.; and points in Illinois.

No. MC 564 (Sub E163), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Crawford, Washington, Carroll, Benton, and Boone Counties, Ark., on the hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5; points in Iowa within 150 miles of Austin, Minn.; and points in Illinois.

No. MC 564 (Sub E164), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Washington and Benton Counties, Ark., on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to U.S. Highway 6, to the New Jersey-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5; points in Iowa within 150 miles of Austin, Minn.; and points in Illinois.

No. MC 564 (Sub E165), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Washington and Benton Counties, Ark., on the one hand, and, on the other, points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 15 to Interstate Highway 84 to Lake Ontario. The purpose of this filing is to eliminate the gateways of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5; points in Iowa within 150 miles of Austin, Minn.; and points in Illinois.

No. MC 564 (Sub E166), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska, 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Mississippi, Scott, Cape Girardeau, Perry, St. Genevieve, St. Francis, Washington, Jefferson, and St. Louis Counties, Mo. The purpose of this filing is to eliminate the gateway of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E168), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Iowa on and west of U.S. Highway 69 within a 150-mile radius of Austin, Minn., on the one hand, and, on the other, points in that part of Kentucky on, south, and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E169), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Worthington, Minn., on the one hand, and, on the other, points in that part of Kentucky on and south of a line beginning at the Kentucky-Illinois State line and extending along Kentucky Highway 231 to U.S. Highway 62, to U.S. Highway 60 to Kentucky Highway 15, to the Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in Missouri south of U.S. Highway, 54 and west of Missouri Highway 5.

No. MC 564 (Sub E170), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Wilmar, Minn., on the one hand, and, on the other, points in that part of Kentucky on and south of a line beginning with the Tennessee-Kentucky State line and extending along U.S. Highway 231 to U.S. Highway 62, to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub E171), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Sioux City, Iowa, on the one hand, and, on the other, points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub E172), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Liberal, Kans., on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateways of points in Illinois and Lincoln, Nebr.

No. MC 564 (Sub E173), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebr. 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Carroll, Boone, Marion, and Baxter Counties, Ark., on the one hand, and, on the other, points in Winnebago, Boone, Stephenson, Jo Davies, Carroll, and Ogle Counties, Ill. The purpose of this filing is to eliminate the gateways of points in Iowa within 150 miles of Austin, Minn.; and points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E176), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Iowa on and east of U.S. Highway 218, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E177), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Topeka, Kans., on the one hand, and, on the other, points in that part of Wisconsin on and east of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 45 to U.S. Highway 151, to Interstate Highway 90, to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateways of Lincoln, Nebr.; and points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E178), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Spencer, Iowa, on the one hand, and, on the other, points in Douglas, Osage, Miami, Franklin, Anderson, Linn, Coffey, Bourton, Allen, Greenwood, Lyon, Chase, and Morris Counties, Kans. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC 564 (Sub-E179), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Iowa on and east of U.S. Highway 61, on the one hand, and on the other, points in that part of Kansas on and west of U.S. Highway 183. The purpose of this filing is to eliminate the gateways of Lincoln, Nebraska; and points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E180), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Kansas City, Kans., on the one hand, and, on the other, Lowell and Fitchburg, Mass. The purpose of this filing is to eliminate the gateways of Lincoln, Nebr.; and points in Illinois.

No. MC 564 (Sub-E181), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Delaware, on the one hand, and, on the other, points in that part of Kansas on, south and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 75, to Interstate Highway 70, to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of points in Illinois and Lincoln, Nebr.

No. MC 564 (Sub-E182), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between St. Louis, Mo. (points in Illinois within 150 miles of Austin, Minn., points in Montana and Wenatchee, Wash.)*; and points in that part of Missouri on, south and west of a line beginning at the Missouri-Kansas State line, thence along

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U.S. Highway 54 to Missouri Highway 54 to Missouri Highway 5 to the Arkansas State line (points in Iowa within 150 miles of Austin, Minn., points in Montana and Wenatchee, Wash.) *, on the one hand, and, on the other, points in Clatsop, Columbia, Tillamook, Washington, Yamhill, Polk, Lincoln, Marion, Clackamas, Multnomah, and Hood River Counties, Ore., and The Dalles, Oreg. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC 564 (Sub-E183), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebaska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Davenport, Iowa, on the one hand, and, on the other, Norfolk, Nebr., and points in that part of Nebraska on, west and north of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 20 to U.S. Highway 183, to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E184), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Worthington, Minn., on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E185), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Minneapolis-St. Paul, Minn., on the one hand, and, on the other, Memphis, Jackson, Columbia, and Chattanooga, Tenn. The purpose of this filing is to eliminate the gateway of points in Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 3252 (Sub-No. E1), filed May 13, 1974. Applicant: MERRILL TRANSPORT CO., 1037 Forest Ave., Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 11 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings*, knocked down, or in sections, *beams, arches, and A-frames*, and *materials, supplies, and equipment* used in the installation and erection of the above-described commodities when moving in connection therewith, (a) from points in Maine on and south of a line beginning at the New Hampshire-Maine State line extending along Maine Highway 26 to junction Maine Highway 120, thence along Maine Highway 120 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 90, thence along Maine Highway 90 to the Atlantic Ocean, to points in Delaware, Maryland, the District of Columbia, points in New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line extending along New Jersey Highway 70 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Garden State Parkway, thence along Garden State Parkway to junction New Jersey Highway 528, thence along New Jersey Highway 528 to the Atlantic Ocean, points in New York on and west of Interstate Highway 81, and points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 81 to junction Pennsylvania Turnpike Extension, thence along Pennsylvania Turnpike Extension to junction Interstate Highway 276, thence along Interstate Highway 276 to junction Interstate Highway 76, thence along Interstate Highway 76 to the Pennsylvania-New Jersey State line.

(b) From points in Maine on and south of a line beginning at the New Hampshire-Maine State line extending along Maine Highway 26 to junction Maine Highway 120, thence along Maine Highway 120 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 90, thence along Maine Highway 90 to the Atlantic Ocean, and on and north of a line beginning at the Maine-New Hampshire State line extending along Maine Highway 110 to junction Maine Highway 5, thence along Maine Highway 5 to the Atlantic Ocean, to points in Connecticut, Massachusetts, Rhode Island, points in New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line extending along New Jersey Highway 70 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Garden State Parkway, thence along Garden State Parkway to junction New Jersey Highway 528, thence along New Jersey Highway 528 to the Atlantic Ocean, points in New York on and east of Interstate Highway 81, points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 81 to junction Pennsylvania Turnpike Extension, thence along Pennsylvania Turnpike Extension to junction Interstate Highway 276, thence along Interstate Highway 276 to junction Interstate Highway 76, thence along Interstate Highway 76 to the Pennsylvania-New Jersey State line, points in New Hampshire on and south of a line beginning at the New Hampshire-Maine State line extending along Maine Highway 26 to junction Maine Highway 120, thence along Maine Highway 120 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 90, thence along Maine Highway 90 to the Atlantic Ocean, points in Maine on and south of a line beginning at the New Hampshire-Maine State line extending along Maine Highway 26 to junction Maine Highway 120, thence along Maine Highway 120 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 90, thence along Maine Highway 90 to the Atlantic Ocean, to points in Connecticut, Massachusetts, Rhode Island, points in New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line extending along New Jersey Highway 70 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Garden State Parkway, thence along Garden State Parkway to junction New Jersey Highway 528, thence along New Jersey Highway 528 to the Atlantic Ocean, points in New York on and east of Interstate Highway 81, points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 81 to junction Pennsylvania Turnpike Extension, thence along Pennsylvania Turnpike Extension to junction Interstate Highway 276, thence along Interstate Highway 276 to junction Interstate Highway 76, thence along Interstate Highway 76 to the Pennsylvania-New Jersey State line, points in New Hampshire on and south of a line beginning at the Maine-New Hampshire State line extending along US Highway 4 to junction Interstate Highway 89, thence along Interstate Highway 89 to the New Hampshire-Vermont State line, and points in Vermont on and south of Interstate Highway 89.

(2) *Returned shipments* of the commodities specified in (1) above, (a) from points in Delaware, Maryland, the District of Columbia, and points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line extending along New Jersey Highway 70 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Garden State Parkway, thence along Garden State Parkway to junction New Jersey Highway 528, thence along New Jersey Highway 528 to the Atlantic Ocean, points in New York on and west of Interstate Highway 81, points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 81 to junction Pennsylvania Turnpike Extension, thence along Pennsylvania Turnpike Extension to junction Interstate Highway 276, thence along Interstate Highway 276 to junction Interstate Highway 76, thence along Interstate Highway 76 to the New Jersey-Pennsylvania State line, to points in Maine on and south of a line beginning at the New Hampshire-Maine State line extending along Maine Highway 26 to junction Maine Highway 120, thence along Maine Highway 120 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 90 to the Atlantic Ocean.

(b) From points in Connecticut, Massachusetts, Rhode Island, points in New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line extending along New Jersey Highway 70 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Garden State Parkway, thence along Garden State Parkway to junction New Jersey Highway 528, thence along New Jersey Highway 528 to the Atlantic Ocean, points in New York on and east of Interstate Highway 81, points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 81 to junction Pennsylvania Turnpike Extension, thence along Pennsylvania Turnpike Extension to junction Interstate Highway 276, thence along Interstate Highway 276 to junction Interstate Highway 76, thence along Interstate Highway 76 to the Pennsylvania-New Jersey State line, points in New Hampshire on and south of a line beginning at the Maine-New Hampshire State line extending along US Highway 4 to junction Interstate Highway 89, thence along Interstate Highway 89 to the New Hampshire-Vermont State line, and points in Vermont on and south of Interstate Highway 89, to points in Maine on and south of a line beginning at the New Hampshire-Maine State line extending along Maine Highway 26 to junction Maine Highway 120, thence along Maine Highway 120 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 90, thence along Maine Highway 90 to the Atlantic Ocean, and points on and north of a line beginning at the Maine-New Hampshire State line extending along Maine Highway 110 to junction Maine Highway 5, thence along Maine Highway 5 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of Biddeford or South Windham, Maine.

No. MC 3252 (Sub-No. E2), filed May 28, 1974. Applicant: MERRILL TRANSPORT CO., 1037 Forest Ave., Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (a) from points in Maine on, south and east of a line beginning at the Atlantic Ocean extending along Maine Highway 90 to junction U.S. Highway 1, thence along Maine Highway 1 to junction Maine Highway 19, thence along Maine Highway 19 to junction Maine Highway 9, thence along Maine Highway 9 to junction Maine Highway 115, thence along Maine Highway 115 to junction Maine Highway 35, thence along Maine Highway 35 to junction Maine Highway 117, thence along Maine Highway 117 to junction Maine Highway 112, thence along Maine Highway 112 to the Atlantic Ocean, to points in Vermont; (b) from points in Maine on and south of a line beginning at the New Hampshire-Maine State line extending along Maine Highway 26 to junction Maine Highway 120, thence along Maine Highway 120 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 90, thence along Maine Highway 90 to the Atlantic Ocean, to points in Vermont on and west of a line beginning at the Massachusetts-Vermont State line extending along Interstate Highway 91 to junction Interstate Highway 89, thence along Interstate Highway 89 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 101, thence along Vermont Highway 101 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of South Portland, Maine.

No. MC 3252 (Sub-No. E3), filed May 13, 1974. Applicant: MERRILL TRANSPORT CO., 1037 Forest Ave., Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste products of lumber*, (a) from points in Maine on and south of a line beginning at the New Hampshire-Maine State line extending along Maine Highway 26 to junction Maine Highway 120, thence along Maine Highway 120 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 90, thence along Maine Highway 90 to the Atlantic Ocean, to points in Delaware, Maryland, North Carolina, Virginia, Indiana, Kentucky, Ohio, and Michigan; (b) from points in Maine on and south of a line beginning at the New Hampshire-Maine State line extending along Maine Highway 26 to junction Maine Highway 120, thence along Maine Highway 120 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 90, thence along Maine Highway 90 to the Atlantic Ocean, and points on and north of a line beginning at the Maine-New Hampshire State line extending along Maine Highway 110 to junction Maine Highway 5 thence along Maine Highway 5 to the Atlantic Ocean, to points in Connecticut, Massachusetts, Rhode Island, points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line extending along New Jersey Highway 70 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to junction Garden State Parkway, thence along Garden State Parkway to junction New Jersey Highway 528, thence along New Jersey Highway 528 to the Atlantic Ocean, points in New York on and west of Interstate Highway 81, points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line extending along Interstate Highway 81 to junction Pennsylvania Turnpike Extension, thence along Pennsylvania Turnpike Extension to junction Interstate Highway 276, thence along Interstate Highway 276 to junction Interstate Highway 76, thence along Interstate Highway 76 to the Pennsylvania-New Jersey State line, and points in Vermont on and south of Interstate Highway 89. The purpose of this filing is to eliminate the gateway of Portland, Maine.

No. MC 3252 (Sub-No. E5), filed May 13, 1974. Applicant: MERRILL TRANSPORT CO., 1037 Forest Ave., Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, diesel fuel, and distillates*, in bulk, in tank vehicles, from points in Maine east and south of a line beginning at the Atlantic Ocean extending along Maine Highway 208 to junction Maine Highway 9, thence along Maine Highway 9 to junction Maine Highway 112, thence along Maine Highway 112 to junction Maine Highway 117, thence along Maine Highway 117 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Maine Highway 115, thence along Maine Highway 115 to junction Maine Highway 9, thence along Maine Highway 9 to junction Maine Highway 226, thence along Maine Highway 226 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 90, thence along Maine Highway 90 to the Atlantic Ocean, to points in New Hampshire on and south of New Hampshire Highway 25. The purpose of this filing is to eliminate the gateway of American Oil Company plant-site at South Portland, Maine.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25466 Filed 9-23-75;8:45 am]

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federal register

WEDNESDAY, SEPTEMBER 24, 1975



PART II:

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

CONFIDENTIALITY OF IDENTIFIABLE RESEARCH AND STATISTICAL INFORMATION

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DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

[28 CFR Part 22]

CONFIDENTIALITY OF IDENTIFIABLE RESEARCH AND STATISTICAL INFORMATION

Proposed Regulations Governing Grant Program Information

The Law Enforcement Assistance Administration proposes to issue regulations governing the confidentiality of individually identifiable research and statistical information collected under LEAA grant programs. The purpose of these regulations is to implement section 524(a) of the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197, to protect the privacy of individuals by requiring that information identifiable to a private person obtained in a research or statistical program funded by LEAA may only be used and/or revealed for the purpose for which it was obtained.

A hearing on the proposed regulations will be held on Thursday, October 16, 1975, beginning at 10 a.m. in Room 332 of the Federal Trade Commission Building, 7th and Pennsylvania Avenue, NW., Washington, D.C. Interested persons who wish to testify should notify Thomas Madden, General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue, NW., Washington, D.C. 20531, no later than October 13, 1975.

Written views on the proposed regulations should be submitted to the LEAA Office of General Counsel no later than November 10, 1975.

Pursuant to the authority vested in the Law Enforcement Assistance Administration by Sections 501 and 524 of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3701 et seq.), as amended by Pub. L. 93-83, 87 Stat. 197, it is proposed that a new Part 22 be added immediately after Part 21 of Chapter I of Title 28, Code of Federal Regulations to read as set forth below:

PART 22—CONFIDENTIALITY OF IDENTIFIABLE RESEARCH AND STATISTICAL INFORMATION

Sec.

22.1 Purpose.
22.2 Definitions.
22.20 Applicability.
22.21 Use of identifiable data.
22.22 Revelation of identifiable data.
22.23 Privacy certification.
22.24 Information transfer agreement.
22.25 Final disposition of identifiable materials.
22.26 Requests for transfer of information.
22.27 Notification.
22.28 Use of research or statistical data for judicial or administrative purposes.
22.29 Sanctions.

AUTHORITY: Pub. L. 93-83, 87 Stat. 197, (42 U.S.C. 3701, et seq.).

§ 22.1 Purpose.

The purpose of these regulations is to:

(a) Protect privacy of individuals by requiring that information identifiable to a private person obtained in a research or statistical program may only be used and/or revealed for the purpose for which obtained;

(b) Insure that such information shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any judicial or administrative proceedings;

(c) Increase the credibility and reliability of federally-supported research and statistical findings by minimizing subject concern over subsequent uses of identifiable information;

(d) Provide needed guidance to persons engaged in research and statistical activities by clarifying the purposes for which identifiable information may be used or revealed; and

(e) Insure appropriate balance between individual privacy and essential needs of the research community for data to advance the state of knowledge in the area of criminal justice.

§ 22.2 Definitions.

(a) Person—means any individual, partnership, corporation, association, public or private organization or governmental entity, or combination thereof.

(b) Private Person—means any person as defined in section 2(a) other than an agency, or department of Federal, State, or local government, or any component or combination thereof.

(c) Research or Statistical Project—means any program, project, or component thereof which is supported in whole or in part with funds appropriated under the Act and whose purpose is to develop, measure, evaluate, or otherwise advance the state of knowledge in a particular area. The term does not include "intelligence" or other information-gathering activities in which information pertaining to specific individuals is obtained for purposes directly related to enforcement of the criminal laws.

(d) Research or Statistical Information—means any information which is collected during the conduct of a research or statistical project or derived from such information, and which is intended to be utilized for research or statistical purposes. The term includes information which is collected directly from the individual or obtained from any agency or individual having possession, knowledge or control thereof.

(e) Information Identifiable to a Private Person—means information which either—

(1) Is labelled by name or other identification, or

(2) Can, by virtue of sample size or other factors, be reasonably interpreted as referring to a particular private person.

(f) Recipient of Assistance—means any recipient of a grant, contract, interagency agreement, subgrant, or subcontract under the Act effective on or after July 1, 1973, and any person employed by such recipient in connection with performances of the grant, contract, or interagency agreement.

(g) Officer or Employee of the Federal Government—means any person employed as a regular or special employee of the U.S. (including experts, consultants, and advisory board members) as of July 1, 1973, or at any time thereafter.

(h) The Act, means the Omnibus Crime Control and Safe Streets Act, 42 U.S.C. 3701 et seq., as amended by the Crime Control Act of 1973.

(i) Applicant—means any person who is authorized to apply for a grant, contract, or subgrant to be funded pursuant to the Act.

§ 22.20 Applicability.

(a) These regulations govern use and revelation of research and statistical information obtained, collected or produced either directly by LEAA or under any interagency agreement, grant, contract, subgrant, or subcontract awarded under the Act, and outstanding as of July 1, 1973, or entered into thereafter.

(b) The regulations do not apply to any records from which identifiable research or statistical information was originally obtained; or to any records which are designated under existing statutes as public.

(c) The regulations do not apply to any information which is not specifically related to the scope of the project, and would exclude information concerning activities which are extraneous to the activities under consideration.

§ 22.21 Use of identifiable data.

Research or statistical information identifiable to a private person may be used only for the purpose of attaining research or statistical objectives. Individually identifiable information may not be used to cause legal, economic, physical or social harm to the individual.

§ 22.22 Revelation of identifiable data.

Research and statistical information identifiable to a private person may be revealed on a need-to-know basis only to—

(a) Officers, employees and subcontractors of the recipient of assistance;

(b) LEAA staff; and

(c) Persons or organizations for research or statistical purposes. Information may only be transferred for such purposes upon a clear demonstration that the standards of § 22.26 have been met, except that when information is transferred to persons other than LEAA or project staff, that the transfers shall have been conditioned on compliance with a § 22.24 agreement.

§ 22.23 Privacy certification.

(a) Each applicant for LEAA support either directly or under a State plan shall submit, as a condition of approval of any grant application or contract proposal, a Privacy Certificate.

(b) The Privacy Certificate shall briefly describe the project and shall indicate whether or not research or statistical information identifiable to private individuals will be collected or produced thereunder.

(c) The Privacy Certificate shall contain assurance by the applicant that:

(1) Data identifiable to a private person will not be used, revealed or authorized for revelation pursuant to § 22.24 (2)(a), except as authorized under §§ 22.21, 22.22.

(2) Access to data will be limited to those employees having a need therefore, and that such persons shall be advised of, and agree to comply with these regulations.

(3) All subcontracts will contain conditions meeting the requirements of § 22.24.

(4) To the extent required by § 22.27 any private persons from whom identifiable data is collected or obtained, either orally or by means of written questionnaire, shall be advised of the purposes for which such data may be utilized; that compliance with requests for information is not mandatory; and that such data will not be subject to legal process without consent of the individual involved but that such protections do not extend to information which is unrelated to project research and statistical objectives.

(5) Adequate precautions will be taken to insure administrative and physical security of identifiable data;

(6) A log will be maintained indicating that identifiable data have been transmitted to persons other than LEAA or grantee/contractor staff or subcontractors, and that such data have been returned.

(7) Project plans will be designed to preserve anonymity of private persons to whom information relates, including, where appropriate, name-stripping, coding of data, or other similar procedures.

(8) Project reports will contain no data identifiable to a private individual.

(d) The applicant shall attach to the Privacy Certification a description of physical and/or administrative procedures to be followed in insuring security of information.

§ 22.24 Information transfer agreement.

Prior to the transfer of any identifiable information to persons other than LEAA or project staff, an agreement shall be entered into which shall provide, as a minimum, that the recipient of data agrees that:

(a) Information identifiable to a private individual will be used only for the purposes stated in the transfer agreement.

(b) Information identifiable to a private individual will not be revealed to any person for any purpose except where—

(1) The information has been included in research findings (and/or data bases) and is revealed on a need-to-know basis for research or statistical purposes, provided that such transfer is approved by the person providing information under the agreement, or

(2) Is authorized under § 22.24(e).

(c) Knowingly or wilfully using or disseminating information contrary to the provisions of the agreement shall constitute a violation of these regulations, punishable in accordance with the Act.

(d) Adequate administrative and physical precautions will be taken to assure security of information obtained for such purpose.

(e) Access to information will be limited to those employees or subcontractors having a need therefore in connection with performance of the activity for which obtained, and that such persons shall be advised of, and agree to comply with these regulations.

(f) Project plans will be designed to preserve anonymity of private persons to whom information relates, including, where appropriate, required name-stripping and/or coding of data or other similar procedures.

(g) Project findings and reports prepared for dissemination, will not contain information which can reasonably be expected to be identifiable to a private individual.

(h) Information identifiable to a private individual (obtained in accordance with this agreement) will, unless otherwise agreed upon, be returned upon completion of the project for which obtained.

§ 22.25 Final disposition of identifiable materials.

(a) Upon completion of a research or statistical program the security of identifiable research or statistical information shall be protected either by—

(1) Complete physical destruction of all copies of the materials or the identifiable portion of such materials,

(2) Transmission of the materials to the Law Enforcement Assistance Administration for storage in a Federal Records Center, or

(3) Removal of identifiers from data; forwarding of name code index to LEAA, and retention of data in unidentified form by grantee.

(b) Final disposition of information transferred pursuant to an agreement under § 22.24 shall be made upon return of such information.

(c) The recipient of assistance shall advise LEAA the method of disposition.

§ 226.26 Requests for transfer of information.

(a) Requests for transfer of information identifiable to an individual shall be submitted to either the person submitting the Privacy Certificate pursuant to § 22.23 or the LEAA (where records have been transmitted to LEAA).

(b) Except where information is requested by LEAA, the request shall describe the general objectives of the project for which information is requested, and specifically justify the need for such information in identifiable form. The request shall also indicate, and provide justification for the conclusion:

(1) That conduct of the project will not, either directly or indirectly cause legal, economic, physical or social harm to individuals whose identification is revealed in the transfer of information.

(2) That conduct of the project as designed would not be expected to have a detrimental effect on overall future research or statistical efforts of the Federal or State government.

(c) Data may not be transferred pursuant to this section where a clear showing of the criteria set forth above is not made by the person requesting the data.

§ 22.27 Notification.

(a) Except as noted in § 22.27(c), any person from whom information is to be obtained directly, either orally, by questionnaire or other written documents, shall be advised:

(1) Of the research or statistical purposes for which the information will be utilized;

(2) The information identifiable to a private person will not be used or revealed for any purposes unrelated to research or statistical purposes;

(3) That compliance with the request for information is entirely voluntary; and

(4) That identifiable information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings, and/or be subject to legal process or access by subpoena except that such protection does not apply to information which is unrelated to project research or statistical purposes.

(b) Except as noted in paragraph (c) of this section, where information is to be obtained through observation of individual activity or performance, such individuals shall be advised:

(1) Of the particular types of information to be collected;

(2) That the data will only be utilized for research or statistical purposes;

(3) That such information will not be used or revealed in a form identifiable to the individual for research or statistical purposes;

(4) That participation in the project in question is voluntary, and may be terminated at any time, and

(5) That identifiable information being collected under the project shall be immune from legal process, and shall not, without consent of the individual to whom such information pertains be admitted as evidence or utilized in any judicial or administrative proceedings, except that such protections shall not apply to information which does not relate to project research or statistical purposes.

(c) Disclosure, as described in paragraphs (a) and (b) of this section may be limited when, in the view of the person having program responsibility for conduct of a research or statistical program, such disclosure would have a seriously detrimental effect on subject participation or purpose of research that would make conduct of the program impossible.

§ 22.28 Use of research or statistical data for judicial or administrative purposes.

(a) Research or statistical information identifiable to an individual and/or copies thereof shall be immune from legal process and shall only be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding with consent of the individual providing such information, or, in any case in which information is obtained through means other than di-

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rect inquiry of the individual, the individual to whom the data pertains.

(b) Except as noted below consent shall:

(1) Be obtained at the time that information is sought for use in judicial or administrative proceedings;

(2) Set out specific purposes in connection with which information will be used;

(3) Limit, where appropriate, the scope of the information subject to such consent;

(4) Be drafted so as to insure that refusal to allow access shall not be considered as an admission that the individual was or was not a participant in the research or statistical project.

§ 22.29 Sanctions.

Where LEAA believes that a violation has occurred of section 524(a), these regulations, or any grant or contract conditions entered into thereunder, it may initiate administrative actions leading to termination of a grant or contract, commence appropriate personnel and/or other procedures in cases involving Federal employees, and/or undertake appropriate legal actions leading to imposition of a fine of not to exceed $10,000 against any person responsible for such violations.

RICHARD W. VELDE,
Administrator, Law Enforcement Assistance Administration.

SEPTEMBER 18, 1975.

COMMENTARY

§ 22.2 DEFINITIONS

(a) Based on Administrative Procedure Act definition.

(b) Under the proposed definition, all "individuals" are "private persons" (e.g., no distinction is made between an "individual" acting in a "private" as opposed to "official" capacity). This is consistent with the approach followed in the APA definition of "person," in which a private/public distinction is made with respect to organizations, but does not apply to "individuals." Note, therefore, that the regulations would limit use and revelation of data concerning on-duty activity of public officials, such as police officers, where such data was obtained for a research or statistical purpose.

(c) No comment.

(d) Definition follows concept used by Bureau of the Census.

(e) Definition covers subcontractors below the primary level. This is necessary to cover multi-level statistical projects.

(f) No comment.

(g) No comment.

(h) Definition based on definition used in 28 CFR 18.2(b).

§ 22.20 APPLICABILITY

Critical date for "violations" is actual date of promulgation of regulations rather than "effective date" of Act (July 1, 1973) since quasi-criminal sanction ($10,000 fine) could not be imposed retroactively prior to date of enactment.

The exemption in paragraph (b) insures that limitations on use or revelation of research or statistical data do not apply to uses of information contained in administrative files, criminal justice information systems, etc., from which data was obtained (e.g., data in such records may continue to be used for any otherwise authorized purpose) or to records which are designated as public.

The regulations in paragraph (c) exclude data concerning activities which are extraneous to the nature of activity being considered in the project, and hence should not be "protected" under the statute (e.g., "research and statistical information" would not include information re: assaults or property damage inflicted by respondents during a project involving only the questioning of individual prisoners, although such data might be included if the project objectives related to observation of prisoner interaction under varying circumstances).

§ 22.21 USE OF IDENTIFIABLE DATA

Under this provision, the limitation on use of identifiable information would be applicable—regardless of whether data collection activity was paid out of LEAA or match funds. This position is justified in the fact that section 524(a) refers to information "furnished under the Act"—rather than, to specific information which is obtained with LEAA funds.

§ 22.22 REVELATION OF IDENTIFIABLE DATA

This section would allow revelation of identifiable information to LEAA staff (including RO's); and other persons for research and statistics purposes (on condition of compliance with § 22.24 agreement). Note that identifiable information could be used or revealed for any research or statistical purpose regardless of whether or not it was related to the specific objectives in the original project.

The "need-to-know" limitation would preclude release of information in identifiable form for longitudinal or other similar studies, when the objectives of such subsequent projects could be attained through use of names stripped and/or coded data.

The "need-to-know" limitation would also prohibit inclusion of identifiable data in publications or reports.

Data could be revealed in symposia or other research-oriented meetings, however (if needed in identifiable form), provided that participants entered into § 22.24 agreements. Note that since agreements do not require LEAA review or approval the procedure should not present undue administrative burdens. (Although it should have the effect of curtailing "casual" dissemination of data and reinforcing awareness of confidentiality criteria).

§ 22.23 PRIVACY CERTIFICATION

This section roughly parallels the certification procedures required under the National Environmental Protection Act. Certificates are required to be submitted by:

(a) Primary grantees and contractors;

(b) Subgrantees;

(c) SPA's (where involved in a program—rather than administrative function). Subcontractors are not required to comply with this requirement (but are bound by agreements, as defined under § 22.24).

The provisions of the certificates are similar to recommendations contained in the HEW Task Force Report on Automated Personal Data Systems.

§ 22.24 INFORMATION TRANSFER AGREEMENT

The agreement is intended to insure that transferred data remain subject to privacy protections. (This is consistent with recommendations of HEW Task Force Report.)

Subsection (b)(1) would allow identifiable data received under the agreement to be included in (and subsequently revealed as part of) data developed in the project.

§ 22.25 FINAL DISPOSITION OF IDENTIFIABLE MATERIALS

No comment.

§ 22.26 REQUEST FOR TRANSFER OF INFORMATION

This section provides for access to information which has been transferred to LEAA pursuant to § 22.25, and would apply to requests from the original researcher and/or other persons or organizations.

Note that strict criteria for review of the project for which data is requested have been included to insure that such transfers of data ostensibly for research purposes would not harm the individual providing original data (e.g., in cases in which subsystem "research" might be conducted by a law enforcement agency).

§ 22.27 NOTIFICATION

Subsections (a) and (b) have been set out separately to distinguish between (a) projects in which data is provided in response to specific questions and (b) projects in which information is obtained through observation of subject participation in a project.

Subsection (c) represents a compromise between subjects right to be advised of the purpose for which information is given, and research problems arising where overly detailed explanations are given to subjects.

§ 22.28 USE OF RESEARCH OR STATISTICAL DATA FOR JUDICIAL OR ADMINISTRATIVE PURPOSES

Section 22.28 expands on the statutory language (which requires consent only from the individual "furnishing the information")—so as to cover the case in which data is "furnished" by a person other than the individual to whom it pertains (e.g., where data is obtained from a criminal justice information system, administrative records, etc.).

Note, however, that since the definition of "research or statistical information" is limited to information "collected or obtained during and for the purpose

of conduct of the . . . project" the regulations would not preclude the researcher or any third party from reporting and/or producing evidence with respect to "unrelated activities" which may occur during the conduct of the project (e.g., assaults/thefts which occur during a project whose objectives do not pertain to observation of individual behavior).

Note also that the privilege applies to "research or statistical information," rather than to "copies" of such information—as indicated in the Act. (i.e., the statutory reference to "copies" is interpreted as indicating that this was intended to apply to the "data" rather than to the individual revealing or utilizing such data.) This interpretation reflects the fact that distinction between oral testimony and written submissions would be inconsistent with the theory of the "privilege."

§ 22.29 SANCTIONS

Sanctions are made available against "any person responsible for violations." This would include the grantee organization, as well as particular individuals (including grantee employees) committing violations. Actions against Federal employees are based on Title 18 U.S.C. 1905 (prohibiting disclosures of confidential information). Violations of § 22.24 agreements would also be subject to sanctions since regulations require that access to data is conditioned on compliance with agreement.

[FR Doc.75-25286 Filed 9-23-75;8:45 am]

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federal register

WEDNESDAY, SEPTEMBER 24, 1975



PART III:

FEDERAL ELECTION COMMISSION

Continuous Reporting of Campaign Debts From 1972

FUNDING LIMITATIONS AND SEPARATE COMMITTEES FOR DUAL CANDIDATES

Advisory Opinions

V 40 186 SEP 24 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975-49]

ADVISORY OPINIONS

The Federal Election Commission announces the publication today of Advisory Opinions 1975-15 and 1975-35. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975-15

PAYMENT OF ROYALTIES BY CAMPAIGN COMMITTEE TO CANDIDATE

This adivsory opinion is rendered under 2 U.S.C. 437f in response to a request for an advisory opinion from Mr. Charles S. Snider, Chairman and Executive Director of the Wallace Campaign '76, Inc. (hereinafter "Campaign") and was published as AOR 1975-15 in the FEDERAL REGISTER, July 17, 1975 (40 FR 30258). Interested parties were given an opportunity to submit written comments relating to the request.

The request asks in substance whether there is any provision of Federal law within the Commission's jurisdiction which prohibits payments pursuant to a contract between George C. Wallace (hereinafter "candidate") and the Campaign. The contract provides that the candidate has granted the Campaign exclusive rights to use his photograph, facsimile signature, photo biograph, and minted likeness in books or on watches, minted medallions, and coin-like replicas. In return the Campaign has agreed to set aside a specified portion of the sales proceeds as a royalty for the candidate; to keep an account thereof; and to pay the royalties to the candidate whenever he shall choose but not to exceed $15,000 per year, regardless of the amount collected. The period of the contract is 10 years, which may be extended by mutual consent for additional 5-year periods. If not extended, any funds remaining in the royalty account would be paid to the candidate.

The Campaign has informed the Commission that all receipts and expenditures relating to the sale of the items will be disclosed in accordance with 2 U.S.C. 431, 434, and solicitations directed to the public will disclose that a portion of the purchase price is to be set aside for the candidate. The Campaign has further represented to the Commission that it is the only seller of the items described by the contract; that the Campaign considers all of the items to be campaign materials; and that the items are advertised through the Campaign's newsletter and by word of mouth.

In these circumstances, it is the Commission's view that when the Campaign sells the described items, it is engaging in an activity to raise funds and to build support for the candidate. As a general matter, a person who transmits money to a political committee or candidate—any portion of which is available to be spent for the purpose of influencing a Federal election—has made a contribution in the full amount of the funds so transmitted. 18 U.S.C. 591(e) and 2 U.S.C. 431(e). The fact that the contributor obtains an item of intrinsic value does not remove the transaction from this definition of contribution. The items offered by the Campaigns are an inducement to the contributor to give money the same as a dinner or other social event held for the purpose of fundraising. If a contributor wants the candidate to get maximum value from any contribution, then he or she may contribute money directly without putting the candidate to the expense of providing an inducement. In addition, since both the royalty payment and the cost of procuring the items from the suppliers are necessary expenses incurred to provide an inducement for the making of a contribution, they will be regarded as expenditures under 18 U.S.C. 591(f) and chargeable against the candidate's expenditure limitations in 18 U.S.C. 608(c). The Commission makes this determination in view of the admittedly political purpose underlying the procurement and sale of these items, namely to engage in a political fundraising activity and thereby build support in aid of the candidate's campaign. For the same reasons set forth above, it is also clear that all financial transactions of the Campaign related to the sale of these items to contributors, their procurement from the vendor, and the royalty payment to the candidate, are reportable under 2 U.S.C. 431 and 434.[1]

The candidate's receipt of a royalty from the campaign for the use of his photograph, signature, and minted likeness, does not, in the Commission's opinion, violate the Federal Election Campaign Act of 1971, as amended (the Act), nor any of the existing provisions of Title 18, United States Code. Before 1972, 18 U.S.C. 608(b) prohibited the purchase of goods or articles, if the proceeds "directly or indirectly inure(s) to the benefit of or for any candidate for an elective Federal office • • •". The likely effect of that provision would have precluded this royalty contract. However, the 1971 Act, in amending 18 U.S.C. 608, effectively repealed the quoted language. The Commission would be less than frank if it failed to note its disapproval in principle of any practice whereby a candidate personally profits from campaign contributions. Nonetheless, the law appears clear.

Finally, the Commission is of the opinion that, although the total amount contributed to obtain one of the items described above will be a contribution for the purposes of Titles 2 and 18, United States Code, the same treatment will not be accorded the transaction under Chapter 96 of Title 26, United States Code. The term contribution is more restrictively defined in 26 U.S.C. 9034(a) as a "gift of money." It is the Commission's view that the purchase price paid for an item with significant intrinsic and enduring value is not a contribution within this definition. Therefore, contributions raised in this manner will not be considered for the purpose of determining eligibility under 26 U.S.C. 9033 or for the purpose of entitlement under 26 U.S.C. 9034.

OFFICIALS OF POLITICAL COMMITTEES

This advisory opinion is rendered under 2 U.S.C. 437(f) in response to a request for an advisory opinion submitted by the Republican Congressional Boosters Club. The request was made public by the Commission and published in the FEDERAL REGISTER on August 20, 1975 (40 FR 36534). Interested parties were given an opportunity to submit comments to the request.

The question specifically asked was whether or not "a person serving as a member of the executive committee of the official committee of one fund-raising national committee can serve as chairman or a member of another national fund-raising committee."

The Commission is of the opinion that the Federal Election Campaign Act of 1971, as amended, would not preclude a person from serving in an official capacity with more than one political committee raising funds for Federal purposes. The Commission points out, however, that the contribution limitations in 18 U.S.C. 608(b) (1) and (2) and the expenditure limitation in 18 U.S.C. 608(c) apply to the committees which are, in fact, truly independent committees. Political committees which have the same person or persons serving as key officials or personnel may be compromising the independence of each committee. In a given case, such interconnection may lead to the legal conclusion that, for the purpose of applying the limitations, the several committees are in fact only one committee.

This advisory opinion is issued on an interim basis only pending promulgation by the Commission of rules and regulations or policy statements of general applicability.

Dated: September 18, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-25353 Filed 9-23-75;8:45 am]

[1] That such contributions and expenditures are reportable under 2 U.S.C. 434(b) was also the view of the Office of Federal Elections, United States General Accounting Office (previously responsible as a supervisory authority under the Federal Election Campaign Act of 1971), as expressed in a letter to Governor Wallace's campaign chairman on December 23, 1974.

[Notice 1975-50, AOR 1975-72]

ADVISORY OPINION REQUEST

Counsel for the Republican National Committee has authorized the Commission to consider the following as a request for an advisory opinion. The Commission intends to act upon the matter by issuing an advisory opinion in accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660).

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before October 6, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1325 K Street NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-72: Application of Contribution and Spending Limits in 18 U.S.C. 608 to Presidential Candidate's Travel for Party Purposes.

Dear Chairman Curtis: As indicated by Philip W. Buchen, Counsel to the President, on August 7, 1975, the Republican National Committee (R.N.C.) has undertaken the payment of certain expenditures incurred by the President, Vice President and their aides when engaged in National, state or local political party promotional activities. He correctly observed that these R.N.C. expenditures are within the public domain, having been filed quarterly by the R.N.C. with the Federal Election Commission, the Clerk of the House of Representatives and the Secretary of the United States Senate. This correspondence shall serve to further amplify those filings, to discuss the historical tradition associated with the President's role and obligation as head of the Republican Party, to consider alternative sources of payment for such expenditures, and, finally, to briefly categorize the items paid for by the Republican National Committee.

Mr. Buchen's letter of September 3, 1975, responded to F.E.C. Notice 1975-38 (FR 80202) wherein the Commission, "sought comments concerning a request from the Campaign Manager for Mr. Louis Wyman". Counsel's correspondence disclosed the method employed by the White House to allocate the cost of operating Government-owned aircraft on political and mixed official-political trips by the President, Vice President and their aides. Accordingly, this Memorandum will not address itself to the apportionment formula contained in Mr. Buchen's letter of September 3, 1975.

The question to be considered is: Does the Federal Election Campaign Law of 1974 have application to the historical tradition of a national political party's payment of expenses incurred by the President of the United States, the Vice President of the United States and their aides while engaged in national, state, or local party promotional activities?

The question of the Federal Election Campaign Law's application is restricted to expenses incurred for acts of the President, Vice President and their aides when engaged in Republican party political activities and is not addressed to those expenses incurred by the President, Vice President and their aides when engaged politically on behalf of any individual political candidate, including the candidacy of the President and Vice President themselves.

National political parties in the United States arose in the late Eighteenth and Nineteenth centuries. What had been largely legislative parties evolved into constituency-based parties when the states expanded male suffrage by eliminating property-owning and taxpaying qualifications for the voting franchise. Although not mentioned in the American Constitution, National political parties have historically served to effectuate, organize and promote the exercise of the franchise right by the electorate.

In the early days of the Republic, Federal candidates had no great need for funds to reach a vast popular electorate. The electorate was widely scattered, served by a primitive communication system and largely restricted in its size by racial, sexual and property holding qualifications. The typical campaign was waged, almost exclusively, in the newspapers and financed largely by the individual candidates themselves. With the abolition of voting right restrictions, a new electorate resulted. To service, to communicate and to persuade that new electorate, National political parties evolved.

The American President has traditionally served as the leader of his party. President John F. Kennedy viewed the Presidents' partisan role in the following manner: "No President, it seems to me, can escape politics. He has not only been chosen by the nation—he has been chosen by his party • • • if he neglects the party machinery and avoids his party's leadership—then he has not only weakened the political party • • • he has dealt a blow to the democratic process itself."[1]

In the minds of the public, the programs of the President are also the programs of his party; his personal success or failure becomes the party's success or failure. The Chief Executive is the embodiment of his party.

Thomas W. Madron and Carl P. Chelf, 1974 treatise titled *Political Parties in the United States*, commented on the President's role as head of the party: "Frequently the party and the executive constitute a sort of mutual accommodation society • • • the executive uses the party as a channel for interacting with other elements in the political system, while on other occasions the executive will function as a vehicle for promoting party goals."[2]

But, who shall assume the cost incurred when the executive so functions?

The Federal Election Campaign Law of 1974 reflects definitional distinctions between a "national committee" [2 U.S.C. 431(1)], a "state committee" [2 U.S.C. 431(1)], and a "political committee" [2 U.S.C. 431(d)]. The distinctions are indictative of Congress' recognition of the existence of general partisan activity conducted on an ongoing basis by National political parties when compared to those activities of a specific candidate's organization seeking election to a specific office within a specific geographical area. National and State party organizations engage in day-to-day business which, among other things, includes maintaining offices, staffs, telephones, registration drives, speaker programs, publications, research, travel, fund raising, convention arrangements and voter education in both election and nonelection years. The 1974 Act contains no limiting provision for expenditures by a National or State political party for these functions. The Act does limit the amounts that National and State parties may contribute to, or spend on behalf of, individuals seeking, "• • • Nomination for election, or for election, to Federal office • • •" (18 U.S.C. 608), but it does not impose a maximum monetary budget for the conduct of ongoing party business.

Political campaign committees accept contributions and make expenditures that are identifiable with the committee's support of its particular candidate for a particular office. National political parties, conversely, are charged with the ongoing responsibility of promoting voter registration and creating voter recognition of party identity and ideology, without reference to an individual candidate or election. A large measure of this function is performed by the President, Vice President and their aides on behalf of their National and State parties. When these party functions are performed and costs result from same, the beneficiary of those functions, i.e., the National or State political parties, should and does assume the cost incurred.

Partisan political activity is a recognized and Federally codified facet of an incumbent President's ordinary business. The purpose of the Federal Hatch Act (5 U.S.C. 7321, et seq.) is to prohibit partisan political activities by employees of the Executive Branch of the Federal Government. That prohibition excludes employees of the Office of the President and the President, himself. This statutory exclusion is a Congressional recognition of the inherent partisan nature and duties of the Presidency. It does not necessarily follow that because Congress recognized the political role of the President of the United States as head of his party, and authorized his aides to assist him in fulfilling that role, that the expenses thereby incurred should be borne by the Treasury of the United States. As suggested earlier, a more feasible and practical alternative to the taxpayer bearing these costs is that payment of these obligations be assumed by the beneficiary of the acts, i.e., the President's National Political Party.

The obligation to assume a party role for one's National Political Party is not restricted to the President of the United States. Senators and Congressmen frequently are called upon to function as spokesmen for, to aid in fund raising events of, and, generally, to represent their own National Political Party. Such a party role is often undertaken by Members of Congress after announcing their candidacy for reelection to the position they presently hold and/or after announcing their candidacy to the Office of President of the United States. The costs incurred by a United States Senator, who is an announced candidate for the Presidency, when attending a fund raising event for his National or State Party should not deplete his Ten Million Dollar ($10,000,000) Presidential primary effort. The party role performed by such individuals, acting as party spokesmen at party function, is identical to that party role of a President. Neither incurs the expenditures associated with their role in furtherance of their quest," • • • for nomination for election, or for election, to Federal office . . ." (18 U.S.C. 608). Democratic National Committee Chairman Strauss' September 5, 1975, press release reflected his disagreement with this principle and argued: "Suppose I as Chairman of the Democratic Party, should name

[1] Quoted by Stuart G. Brown, The American Presidency: Leadership, Partisanship, and Popularity (New York: The Macmillan Co., 1966) Flyleaf.

[2] Mandron and Chelf, Political Parties in the United States, Holbrook Press, 1974, at page 286.

V 40 N 186 SEP 24 75 XUM

one of our presidential candidates, or four of them, or all of them, as party leaders and sent them around the country at D.N.C. expense, without limit, and without allocating charges against their spending limits?"

Where the purpose of an expenditure is not for furthering an individual's candidacy, it is both wrong and unjust to insist that the political status of an individual's candidacy automatically denies to the National Political Parties the party services of its party spokesman. If that is to be the result, then an artificial distinction has been established which ignores the purpose of the expenditure and, at the same time, expands 18 U.S.C. § 608 to limit expenditures which are made for purposes other than those covered by the statute.

In 1975, the Republican National Committee allocated the sum of Five Hundred Thousand Dollars ($500,000 to support the activities of the President, the Vice President and their aides when engaged in a party role. This budgetary allotment is consistent with past years budgets, without regard to whether the year in question was an election or nonelection year. On September 1, 1975, the Republican National Committee had received and/or paid bills totaling Three Hundred Nine Thousand Dollars ($309,000) against the annual allotment. The National Party and various State Parties have been substantially aided financially and otherwise by this effort. The purpose of the travel associated with these payments by R.N.C. was not to further the candidacy of the incumbent President, but rather to further Republican Party interest. The Republican National Committee has filed quarterly reports reflecting its quarterly expenditures with the Federal Election Commission since the establishment of that agency. The Republican National Committee believes that it is the proper body to assume these expenditures just as the Democratic National Committee believed it was the proper body to pay the expense incurred by Democrat Presidents engaged in their National party affairs during the years 1960 through 1968.

When the President, Vice President, and their aides are engaged in political activity on behalf of their National, State or Local political parties, the R.N.C. assumes the cost of their travel and transportation, advance men expense, telephone and telegraph cost and the cost of receptions incidental to those activities. In addition, the Republican National Committee assumes the costs incurred for films and photographs taken during such Presidential travel and the expense of Presidential and Vice Presidential gifts such as cuff links, tie bars and charm bracelets picturing the Presidential or Vice Presidential seal.

The Republican National Committee does not assume the expenses resulting from Presidential travel incurred when engaged in Presidential candidacy or Presidential travel associated with the candidacy of other individuals. In those instances, the candidate's committee is primarily responsible for the payment of cost, in accordance with the structures of the Federal Election Campaign Law. With one notable exception, the R.N.C. does not pay any of the expense associated with Presidential official travel, i.e., travel undertaken by the President of the United States in his role as Chief Executive. That exception is for certain expenditures incurred by advance men in relation to official travel by the President. These expenditures, which in most cases are for persons not employed by the Government, are assumed by the R.N.C. because the Chief Executive's appearances, regardless of their purpose, further party interest. All other expenditures incurred during the Presidential official travel are borne from appropriated funds.

The differing roles of a Presidential candidate and a Presidential party leader are sometimes subtle, but, nonetheless real and subject to dispassionate analysis. The past and present system of payments by National political parties for expenses incurred by the President, Vice President and their aides for party promotional activity has the virtue of fairness. The alternatives, full payment of Presidential party promotional expenses by the taxpayers or, in those years when applicable, by the incumbent President's campaign committee, are simply not practicable. The former would constitute an improper expenditure of Government funds and the latter imposes an inequitable disadvantage upon incumbent Presidents seeking reelection, requiring them to deplete a significant amount of their Ten Million Dollar ($10,000,000) primary campaign effort. Incumbency would then become a serious political liability to an American President.

The Republican National Committee plans to continue to implement the procedures outlined in this communication. Naturally, the records of the R.N.C. reflecting these past expenditures are available for inspection by the F.E.C., should the Commission so desire. We would appreciate very much any comments or suggestions that the Commission may think appropriate to make with respect to our treatment of the payment of expenses incurred by the President, the Vice President and their aides when engaged in party promotional activities.

MARY LOUISE SMITH,
Chairman.

Source: Mary Louise Smith, Chairman, Republican National Committee, Dwight D. Eisenhower Center, 310 First Street SW., Washington, D.C. 20003 (September 15, 1975).

Dated: September 18, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-25352 Filed 9-23-75;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 24, 1975



PART IV:

POSTAL RATE COMMISSION

■

POSTAL RATE AND FEE CHARGES

Proposed Changes

V 40 186 SEP 24 75 XUM

POSTAL RATE COMMISSION

[Docket No. R76-1]

POSTAL RATE AND FEE CHANGES, 1975

Proposed Changes

SEPTEMBER 19, 1975.

Notice is hereby given that on September 18, 1975, the United States Postal Service (hereinafter Postal Service or Service) filed in Docket No. R76-1 a Request for a recommended decision on changes in fees and rates of postage for postal services, pursuant to section 3622 of the Postal Reorganization Act (39 U.S.C. 3622).

The Postal Service states that its Request is filed in accordance with the Commission's rules of practice applicable to requests for changes in postage rates and fees (39 CFR 3001.51-3001.55). It further states that these requested changes, together with further appropriations by Congress, are necessary to produce an additional $2.3 billion for Fiscal Year 1976, which the Service states is necessary so that total estimated income and appropriations will equal as nearly as practicable total estimated costs as required by 39 U.S.C. § 3621. Accordingly, this Commission is requested to submit a recommended decision to the Governors of the Postal Service's proposed rates of postage and fees for postal services.

The Postal Service's proposal is designed to generate from mail users additional revenues of approximately $2.0 billion during test year, Government Fiscal Year 1976. And the Service expects the balance of the additional revenues, in the amount of $316.1 million, to be provided by other income and Congressional appropriations (39 U.S.C. § 2401).

The Postal Service requests changes in rates of postage for all classes and subclasses of mail, except (1) business reply mail fees and (2) second-class transient rate. The specific changes in rates and fees proposed are contained in the attached schedules. (See Attachments A and B.)

If any person desires to be heard with reference to said Request and to become a party to a proceeding or to participate as a party in any hearing on the Request, that person should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before October 3, 1975, and must be in accordance with section 20 of the Commission's rules of practice (39 CFR 3001.20). The Commission also calls attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in a hearing. Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before October 3, 1975, file a written request for leave to be heard as a "limited participator," pursuant to section 19a of the Commission's rules of practice (39 CFR 3001.19a).

The Commission has determined that this case must be conducted with the utmost expedition consistent with procedural fairness. To help achieve this objective, we shall require that answers to petitions to intervene or appear as a limited participator, as permitted under 39 CFR 3001.20(d), be filed on or before October 9, 1975.

The Request of the Postal Service for a recommended decision on changes in rates of postage and fees for postal service is on file with the Commission and available for public inspection.

By the Commission.

[SEAL] JAMES R. LINDSAY, *Secretary.*

Attachment A

PRESENT AND PROPOSED RATES OF POSTAGE AND FEES FOR POSTAL SERVICES 1/

Table

1	First-class mail and airmail
2	Priority mail
3	Second-class mail - In-county and transient rates
4	Second-class mail - Publications of authorized non-profit organizations - outside county
5	Second-class mail - Publications for classroom use - outside county
6	Second-class mail - Regular-rate publications - outside county
7	Controlled-circulation mail
8	Third-class mail
9	Fourth-class mail (Current parcel post rates)
10	Fourth-class mail (Proposed parcel post rates)
11	Fourth-class mail (Current catalog rates)
12	Fourth-class mail (Proposed catalog rates)
13	Fourth-class mail (Special rate and library rate)

1/ Proposed rates of postage are those requested by the Postal Service.

V 40 186 SEP 24 75 XUM

TABLE 1

FIRST-CLASS MAIL AND AIRMAIL

Mail Class	Postage Rate Unit	Current Rates (cents)	Proposed Full Rates (cents)
(1)	(2)	(3)	(4)
First Class:			
Letters	1st. ounce	10	13
	Each add'l. ounce	9 1/	11 1/
Cards	Each	7	10
Airmail:			
Letters	1st. ounce	13	17
	Each add'l. ounce	13 2/	15 3/
Cards	Each	11	14
First-class and airmail business reply fees	Each up to 2 oz.	5	5
	over 2 oz.	8	8

1/ Rate applicable through 13 ounces. Heavier pieces are subject to priority mail rates.
2/ Rate applicable through 9 ounces. Heavier pieces are subject to priority mail rates.
3/ Rate applicable through 10 ounces. Heavier pieces are subject to priority mail rates.

TABLE 2

PRIORITY MAIL

Mail Class	Postage Rate Unit (pounds)	Current Rates 1/ (dollars)								Proposed Full Rates 1/ (dollars)							
		(1)	(2)	(3)						(4)							
		Local	Zones							Local	Zones						
		1, 2 & 3	4	5	6	7	8			1, 2 & 3	4	5	6	7	8		
Priority	1	1.25	1.25	1.25	1.30	1.30	1.30			1.56	1.58	1.60	1.62	1.64	1.67		
	1 1/2	1.50	1.54	1.60	1.68	1.75	1.82			1.73	1.77	1.84	1.90	1.97	2.07		
	2	1.75	1.83	1.83	1.95	2.06	2.20	2.34		1.89	1.96	2.07	2.18	2.29	2.46		
	2 1/2	1.93	2.03	2.03	2.17	2.31	2.48	2.65		2.05	2.15	2.29	2.43	2.59	2.78		
	3	2.11	2.23	2.23	2.39	2.56	2.76	2.96		2.21	2.33	2.50	2.68	2.88	3.09		
	3 1/2	2.29	2.43	2.43	2.61	2.81	3.04	3.27		2.37	2.51	2.70	2.91	3.15	3.38		
	4	2.47	2.63	2.63	2.83	3.06	3.32	3.58		2.53	2.69	2.90	3.14	3.41	3.67		
	4 1/2	2.65	2.83	2.83	3.05	3.31	3.60	3.89		2.68	2.86	3.09	3.35	3.65	3.94		
	5	2.33	3.03	3.03	3.27	3.56	3.88	4.20		2.83	3.03	3.27	3.56	3.88	4.20		
Over 5 Pounds:																	
Per-piece										1.33	1.33	1.42	1.46	1.53	1.60		
Per-pound										.30	.34	.37	.42	.47	.52		

1/ Exception: Parcels weighing less than 10 pounds (15 pounds under proposed rates), measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel (15-pound parcel under proposed rates) for the zone to which addressed.

SEP 24 75 XUM

TABLE 3

SECOND-CLASS MAIL
(In-County and Transient Rates)

Mail Class	Postage Rate Unit	Current Rates (cents)	Proposed Full Rates (cents)
(1)	(2)	(3)	(4)
In-County:			
Pound-rate matter	Pound	2.4	3.5
	Per-piece charge	1.7	2.1
Per-copy rate matter	Per copy	3.5 or 4.7	3.9 or 5.2
Transient rate	First 2 oz.	8.0	8.0
	Each additional oz.	4.0	4.0

TABLE 4

SECOND-CLASS MAIL
(Publications of Authorized Nonprofit Organizations-
Outside County)

Mail Class	Postage Rate Unit	Current Rates (cents)	Proposed Full Rates (cents)
(1)	(2)	(3)	(4)
Nonadvertising portion	Pound	6.2	9.0
Advertising portion: 1/			
Zones 1 & 2	Pound	9.6	11.5
Zone 3	"	10.3	12.5
Zone 4	"	11.5	13.5
Zone 5	"	13.3	15.0
Zone 6	"	15.2	17.0
Zone 7	"	17.3	19.0
Zone 8	"	19.5	21.4
Per-piece charge	Piece	2.5	3.5

1/ Not applicable to publications containing 10 percent or less advertising content.

V 40 186 SEP 24 75 XUM

TABLE 5

SECOND-CLASS MAIL
(Publications for Classroom Use-
Outside County)

Mail Class	Postage Rate Unit	Current Rates (Cents)	Proposed Full Rates (Cents)
(1)	(2)	(3)	(4)
Nonadvertising portion	Pound	3.6	5.5
Advertising portion:			
Zones 1 and 2	Pound	3.8	6.0
Zone 3	"	4.5	7.0
Zone 4	"	5.7	8.0
Zone 5	"	7.5	9.5
Zone 6	"	9.4	11.5
Zone 7	"	11.5	13.5
Zone 8	"	13.7	15.9
Per-piece charge	Piece	1.4	2.2

TABLE 6

SECOND-CLASS MAIL
(Regular-Rate Publications-
Outside County)

Mail Class	Postage Rate Unit	Current Rates (Cents)	Proposed Full Rates (Cents)
(1)	(2)	(3)	(4)
Nonadvertising portion	Pound	8.0	9.8
Advertising portion:			
Zones 1 & 2 (Science of Agriculture)	Pound	9.6	11.5
Zones 1 & 2	"	10.0	12.2
Zone 3	"	10.7	13.0
Zone 4	"	11.9	14.2
Zone 5	"	13.7	16.0
Zone 6	"	15.6	18.0
Zone 7	"	17.7	20.0
Zone 8	"	19.9	22.1
Per-piece charge 1/	"	3.5	4.3
Per-piece charge 2/	"	2.5	3.5

1/ More than 5,000 copies mailed outside county of publication.
2/ Fewer than 5,000 copies mailed outside county of publication.

V40-186 SEP 24 75 XUM

TABLE 7

CONTROLLED-CIRCULATION MAIL

Mail Class	Postage Rate Unit	Current Rates (cents)	Proposed Full Rates (cents)
(1)	(2)	(3)	(4)
Controlled circulation	Pound	18.0	13.7
	Minimum-per-piece	6.3	-
	Per piece	-	4.5

TABLE 8

THIRD-CLASS MAIL

Mail Class	Postage Rate Unit	Current Rates (cents)	Proposed Full Rates (cents)
(1)	(2)	(3)	(4)
Single piece	First 2 ounces	10	14
	Next 2 ounces	8	14
	Each additional 2 ounces	8	10
Keys and idendification devices	First 2 ounces	16	19
	Each additional 2 ounces	9	14
Regular bulk rate Circulars, etc.	Pound	32	41
	Minimum-per-piece	6.1/6.3[1/]	7.7/7.9[1/]
Books, catalogs, etc.	Pound	28	32
	Minimum-per-piece	6.1/6.3[1/]	7.7/7.9[1/]

1/ The lower minimum rate is applicable to the first 250,000 pieces mailed each year.

V 40 186 SEP 2475 XUM

TABLE 8 (continued)

THIRD-CLASS MAIL

Mail Class	Postage Rate Unit	Current Rates (cents)	Proposed Full Rates (cents)
(1)	(2)	(3)	(4)
Nonprofit bulk rate circulars, etc.	Pound	18	19
	Mininum-per-piece	3.0	3.3
Books, catalogs, etc.	Pound	16	16
	Mininum-per-piece	3.0	3.3

TABLE 9
FOURTH-CLASS MAIL
Current Parcel Post Rates

Weight 1 pound and not exceeding (pounds)	Zones							
	Local	1&2	3	4	5	6	7	8
2	$0.67	$0.79	$0.82	$0.91	$1.00	$1.12	$1.23	$1.32
3	0.72	0.86	0.90	1.01	1.13	1.29	1.45	1.58
4	0.76	0.92	0.98	1.11	1.26	1.46	1.66	1.84
5	0.81	0.99	1.06	1.21	1.39	1.63	1.88	2.10
6	0.85	1.05	1.14	1.31	1.52	1.80	2.09	2.36
7	0.90	1.12	1.22	1.41	1.65	1.97	2.31	2.62
8	0.94	1.18	1.30	1.51	1.78	2.14	2.52	2.88
9	0.99	1.25	1.38	1.61	1.91	2.31	2.74	3.14
10	1.03	1.31	1.46	1.71	2.04	2.48	2.95	3.40
11	1.08	1.38	1.54	1.81	2.17	2.65	3.17	3.66
12	1.12	1.44	1.62	1.91	2.30	2.82	3.38	3.92
13	1.17	1.51	1.70	2.01	2.43	2.99	3.60	4.18
14	1.21	1.57	1.78	2.11	2.56	3.16	3.81	4.44
15	1.26	1.64	1.86	2.21	2.69	3.33	4.03	4.70
16	1.30	1.70	1.94	2.31	2.82	3.50	4.24	4.96
17	1.35	1.77	2.02	2.41	2.95	3.67	4.46	5.22
18	1.39	1.83	2.10	2.51	3.08	3.84	4.67	5.48
19	1.44	1.90	2.18	2.61	3.21	4.01	4.89	5.74
20	1.48	1.96	2.26	2.71	3.34	4.18	5.10	6.00
21	1.53	2.03	2.34	2.81	3.47	4.35	5.32	6.26
22	1.57	2.09	2.42	2.91	3.60	4.52	5.53	6.52
23	1.62	2.16	2.50	3.01	3.73	4.69	5.75	6.78
24	1.66	2.22	2.58	3.11	3.86	4.86	5.96	7.04
25	1.71	2.29	2.66	3.21	3.99	5.03	6.18	7.30
26	1.75	2.35	2.74	3.31	4.12	5.20	6.39	7.56
27	1.80	2.42	2.82	3.41	4.25	5.37	6.61	7.82
28	1.84	2.48	2.90	3.51	4.38	5.54	6.82	8.08
29	1.89	2.55	2.98	3.61	4.51	5.71	7.04	8.34
30	1.93	2.61	3.06	3.71	4.64	5.88	7.25	8.60
31	1.98	2.68	3.14	3.81	4.77	6.05	7.47	8.86
32	2.02	2.74	3.22	3.91	4.90	6.22	7.68	9.12
33	2.07	2.81	3.30	4.01	5.03	6.39	7.90	9.38
34	2.11	2.87	3.38	4.11	5.16	6.56	8.11	9.64
35	2.16	2.94	3.46	4.21	5.29	6.73	8.33	9.90

Exceptions: a. Parcels weighing less than 15 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to a 15 pound parcel for the zone to which addressed. See 135.3 for size and weight restrictions.

b. Gold mailed within Alaska or from Alaska to other States and U. S. possessions: 2 cents each ounce or fraction, regardless of distance.

V 40 186 SEP 2475 XUM

TABLE 10

FOURTH-CLASS MAIL

Proposed Parcel Post Rates

Weight 1 pound and not exceeding (pounds)	Zones Local	1&2	3	4	5	6	7	8
1	$2.30	$3.26	$3.82	$4.61	$5.74	$7.23	$8.88	$10.32
2	2.35	3.35	3.91	4.72	5.88	7.41	9.10	10.58
3	2.39	3.42	3.99	4.82	6.01	7.53	9.32	10.84
4	2.44	3.49	4.08	4.93	6.15	7.76	9.54	11.10
5	2.48	3.56	4.16	5.03	6.28	7.93	9.76	11.36
6	2.53	3.63	4.25	5.14	6.42	8.11	9.98	11.62
7	2.57	3.70	4.33	5.24	6.55	8.28	10.20	11.88
8	2.62	3.77	4.42	5.35	6.69	8.46	10.42	12.14
9	2.66	3.84	4.50	5.45	6.82	8.63	10.64	12.40
10	2.71	3.91	4.59	5.56	6.96	8.81	10.86	12.66
11	2.75	3.98	4.67	5.66	7.09	8.98	11.08	12.92
12	2.80	4.05	4.76	5.77	7.23	9.16	11.30	13.18
13	2.84	4.12	4.84	5.87	7.36	9.33	11.52	13.44
14	2.89	4.19	4.93	5.98	7.50	9.51	11.74	13.70
15	2.93	4.26	5.01	6.08	7.63	9.68	11.96	13.96
16	2.98	4.33	5.10	6.19	7.77	9.86	12.18	14.22
17	3.02	4.40	5.18	6.29	7.90	10.03	12.40	14.48
18	3.07	4.47	5.27	6.40	8.04	10.21	12.62	14.74
19	3.11	4.54	5.35	6.50	8.17	10.38	12.84	15.00
20	3.16	4.61	5.44	6.61	8.31	10.56	13.06	15.26
21	3.20	4.68	5.52	6.71	8.44	10.73	13.28	15.52
22	3.25	4.75	5.61	6.82	8.58	10.91	13.50	15.78
23	3.29	4.82	5.69	6.92	8.71	11.08	13.72	16.04
24	3.34	4.89	5.78	7.03	8.85	11.26	13.94	16.30
25	3.38	4.96	5.86	7.13	8.98	11.43	14.16	16.56
26	3.43	5.03	5.95	7.24	9.12	11.61	14.38	16.82
27	3.47	5.10	6.03	7.34	9.25	11.78	14.60	17.08
28	3.52	5.17	6.12	7.45	9.39	11.96	14.82	17.34
29	3.56	5.24	6.20	7.55	9.52	12.13	15.04	17.60
30	3.61	5.31	6.29	7.66	9.66	12.31	15.26	17.86
31	3.65	5.38	6.37	7.76	9.79	12.48	15.48	18.12
32	3.70	5.45	6.46	7.87	9.93	12.66	15.70	18.38
33	3.74	5.52	6.54	7.97	10.06	12.83	15.92	18.64
34	3.79	5.59	6.63	8.08	10.20	13.01	16.14	18.90
35	3.83	5.66	6.71	8.18	10.33	13.18	16.36	19.16

Weight 1 pound and not exceeding (pounds)	Zones Local	1&2	3	4	5	6	7	8
2	$0.77	$ .90	$ .93	$1.04	1.15	$1.28	$1.40	$1.62
3	.82	.97	1.02	1.15	1.29	1.46	1.62	1.84
4	.86	1.04	1.10	1.25	1.42	1.63	1.84	2.06
5	.91	1.11	1.19	1.36	1.56	1.81	2.06	2.28
6	.95	1.18	1.27	1.46	1.69	1.98	2.28	2.50
7	1.00	1.25	1.36	1.57	1.83	2.15	2.50	2.72
8	1.04	1.32	1.44	1.67	1.96	2.33	2.72	2.94
9	1.09	1.39	1.53	1.78	2.10	2.51	2.94	3.16
10	1.13	1.46	1.61	1.88	2.23	2.68	3.16	3.38
11	1.18	1.53	1.70	1.99	2.37	2.86	3.38	3.60
12	1.22	1.60	1.78	2.09	2.50	3.03	3.60	3.82
13	1.27	1.67	1.87	2.20	2.64	3.21	3.82	4.04
14	1.31	1.74	1.95	2.30	2.77	3.38	4.04	4.26
15	1.36	1.81	2.04	2.41	2.91	3.56	4.26	4.48
16	1.40	1.88	2.12	2.51	3.04	3.73	4.48	4.70
17	1.45	1.95	2.21	2.62	3.18	3.91	4.70	4.92
18	1.49	2.02	2.29	2.72	3.31	4.08	4.92	5.14
19	1.54	2.09	2.38	2.83	3.45	4.26	5.14	5.36
20	1.58	2.16	2.46	2.93	3.58	4.43	5.36	6.90
21	1.63	2.23	2.55	3.04	3.72	4.61	5.58	6.12
22	1.67	2.30	2.63	3.14	3.85	4.78	5.80	6.34
23	1.72	2.37	2.72	3.25	3.99	4.96	6.02	6.56
24	1.76	2.44	2.80	3.35	4.12	5.13	6.24	7.78
25	1.81	2.51	2.89	3.46	4.26	5.31	6.46	7.00
26	1.85	2.58	2.97	3.56	4.39	5.48	6.68	7.22
27	1.90	2.65	3.06	3.67	4.53	5.66	6.90	7.44
28	1.94	2.72	3.14	3.77	4.66	5.83	7.12	8.66
29	1.99	2.79	3.23	3.88	4.80	6.01	7.34	8.88
30	2.03	2.86	3.31	3.98	4.93	6.18	7.56	8.10
31	2.08	2.93	3.40	4.09	5.07	6.36	7.78	9.32
32	2.12	3.00	3.48	4.19	5.20	6.53	8.00	9.54
33	2.17	3.07	3.57	4.30	5.34	6.71	8.22	9.76
34	2.21	3.14	3.65	4.40	5.47	6.88	8.44	9.98
35	2.26	3.21	3.74	4.51	5.61	7.06	8.66	10.20

Exceptions: a. Parcels weighing less than 15 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined, chargeable with a minimum rate equal to that for a 15 pound parcel for the zone to which addressed. See 135.3 for size and weight restrictions.

b. Sold mailed within Alaska or from Alaska to other states and U.S. possessions: 2 cents each ounce or fraction, regardless of distance.

TABLE 11

CURRENT FOURTH-CLASS CATALOG RATES

Single-Piece Rates

Weight (pounds)	Local (cents)	1 & 2 (cents)	3 (cents)	4 (cents)	5 (cents)	6 (cents)	7 (cents)	8 (cents)
1.5	34	41	42	44	46	48	51	55
2	35	43	44	47	49	52	56	61
2.5	36	45	46	50	53	56	61	67
3	38	47	49	52	56	61	66	73
3.5	39	49	51	55	60	65	71	79
4	40	51	53	58	63	69	77	86
4.5	41	52	55	61	66	73	82	92
5	42	54	57	63	70	77	87	98
6	45	58	62	69	77	86	97	110
7	47	62	66	74	83	94	107	122
8	50	66	71	80	90	103	117	134
9	52	70	75	85	97	111	128	147
10	54	73	79	91	104	119	138	159

Bulk Rates 1/

Zones	Piece rate (cents)	Bulk pound rate (cents)
Local	22	2.3
1 & 2	26	3.7
3	26	4.3
4	26	5.3
5	26	6.5
6	26	8.0
7	26	9.7
8	27	11.6

1/ Separately addressed identical pieces in quantities of not less than 300 mailed at one time. The total charge for each bulk mailing shall be the sum of the charges derived by applying the applicable pound rate to the total number of pounds and by applying the applicable piece rate to the total number of pieces.

V 40 186 SEP 24 75 XUM

TABLE 12

PROPOSED FOURTH-CLASS CATALOG RATES
Single-piece rates
(cents)

Weight not exceeding (lbs)	Local	1 & 2	3	4	5	6	7	8
1.5	52	62	64	67	70	73	78	84
2	53	65	67	71	75	79	85	93
2.5	55	68	70	75	81	86	93	102
3	57	71	74	79	86	93	101	111
3.5	59	74	78	84	91	99	109	120
4	61	77	81	88	96	105	117	131
4.5	62	79	84	93	101	111	125	140
5	64	82	87	96	106	117	132	149
6	68	88	94	105	116	131	147	167
7	71	94	100	112	126	144	163	185
8	75	100	107	120	137	157	178	204
9	79	106	114	129	147	169	194	223
10	82	111	120	138	158	181	210	242

Bulk Rates 1/

Zones	Piece rate (cents)	Bulk pound rate (cents)
Local	26	2.8
1 & 2	31	4.4
3	31	5.2
4	31	6.4
5	31	7.8
6	31	9.6
7	31	11.6
8	32	13.9

1/ Separately addressed identical pieces in quantities of not less than 300 mailed at one time. The total charge for each bulk mailing shall be the sum of the charges derived by applying the applicable pound rate to the total number of pounds and by applying the applicable piece rate to the total number of piece

TABLE 13

FOURTH-CLASS MAIL
(Special Rate and Library Rate)

Mail Class	Postage Rate Unit	Current Rates (cents)	Proposed Full Rates (cents)
(1)	(2)	(3)	(4)
Special rate	First pound	32	40
	Each additional pound through 7 pounds	10	14
	Each additional pound	10	8
Library rate	First pound	13	29
	Each additional pound	6	8

V 40 186 SEP 24 75 XUM

ATTACHMENT B

TABLE 1

Second-Class Phased Rates: In-County

Description	Postage Rate Unit	Phased Rates (cents)												
		Year												
		4	5	6	7	8	9	10	11	12	13	14	15	16
Pound-rate matter:														
Per pound	Pound	1.7	1.8	2.0	2.1	2.3	2.4	2.6	2.7	2.9	3.0	3.2	3.3	3.5
Per piece	Piece	0.4	0.5	0.7	0.8	1.0	1.1	1.2	1.4	1.5	1.7	1.8	2.0	2.1
Per-copy-rate matter:														
Issued more frequently than weekly	Copy	1.5	1.7	1.9	2.1	2.3	2.5	2.7	2.9	3.1	3.3	3.5	3.7	3.9
Issued less frequently than weekly:														
Copies weighing 2 ounces or less	Copy	1.5	1.7	1.9	2.1	2.3	2.5	2.7	2.9	3.1	3.3	3.5	3.7	3.9
Copies weighing more than 2 ounces	Copy	2.5	2.7	2.9	3.2	3.4	3.6	3.8	4.1	4.3	4.5	4.7	5.0	5.2

TABLE 2

Second-Class Phased Rates: Publications of Authorized Nonprofit Organizations, Outside County

Description	Postage Rate Unit	Phased Rates (cents)												
		Year												
		4	5	6	7	8	9	10	11	12	13	14	15	16
Per pound:														
Nonadvertising portion	Pound	3.3	3.8	4.3	4.8	5.2	5.7	6.2	6.6	7.1	7.6	8.1	8.5	9.0
Advertising portion:														
Zone: 1 & 2	Pound	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10.0	10.5	11.0	11.5
3	"	6.2	6.8	7.3	7.8	8.3	8.8	9.4	9.9	10.4	10.9	11.5	12.0	12.5
4	"	7.8	8.2	8.7	9.2	9.7	10.2	10.6	11.1	11.6	12.1	12.5	13.0	13.5
5	"	9.4	9.8	10.3	10.8	11.2	11.7	12.2	12.7	13.1	13.6	14.1	14.5	15.0
6	"	10.4	11.0	11.5	12.1	12.6	13.2	13.7	14.3	14.8	15.4	15.9	16.5	17.0
7	"	11.1	11.7	12.4	13.0	13.7	14.4	15.0	15.7	16.4	17.0	17.7	18.3	19.0
8	"	11.7	12.5	13.3	14.1	15.0	15.8	16.6	17.4	18.2	19.0	19.8	20.6	21.4
Per-piece charge	Piece	0.6	0.9	1.1	1.3	1.6	1.8	2.1	2.3	2.5	2.8	3.0	3.3	3.5

TABLE 3

Second-Class Phased Rates: Classroom Publications Outside County

Description	Postage Rate Unit	Phased Rates (cents)												
		Year												
		4	5	6	7	8	9	10	11	12	13	14	15	16
Per-pound:														
Nonadvertising portion	Pound	3.0	3.2	3.4	3.6	3.8	4.0	4.2	4.5	4.7	4.9	5.1	5.3	5.5
Advertising portion:														
Zone: 1 & 2	Pound	4.0	4.1	4.3	4.5	4.6	4.8	5.0	5.2	5.3	5.5	5.7	5.8	6.0
3	"	4.7	4.9	5.1	5.3	5.5	5.7	5.8	6.0	6.2	6.4	6.6	6.8	7.0
4	"	5.9	6.1	6.2	6.4	6.6	6.8	6.9	7.1	7.3	7.5	7.6	7.8	8.0
5	"	7.7	7.8	8.0	8.1	8.3	8.4	8.6	8.7	8.9	9.0	9.2	9.3	9.5
6	"	9.6	9.7	9.9	10.0	10.2	10.4	10.5	10.7	10.9	11.0	11.2	11.3	11.5
7	"	10.7	10.9	11.2	11.4	11.6	11.9	12.1	12.3	12.6	12.8	13.0	13.3	13.5
8	"	12.4	12.7	13.0	13.3	13.6	13.9	14.2	14.4	14.7	15.0	15.3	15.6	15.9
Per-piece charge	Piece	0.5	0.7	0.8	0.9	1.1	1.2	1.4	1.5	1.6	1.8	1.9	2.1	2.2

TABLE 4

Second-Class Phased Rates: Regular Rate Publications, Outside County

Description	Postage Rate Unit	Phased Rates (cents)												
		Year												
		4	5	6	7	8	9	10	11	12	13	14	15	16
Per pound:														
Nonadvertising portion	Pound	6.2	7.1	8.0	8.9	9.8								
Advertising portion:														
Zone: 1 & 2	Pound	8.2	9.2	10.2	11.2	12.2								
1 & 2 1/	"	5.6	6.1	6.6	7.1	7.6	8.1	8.5	9.0	9.5	10.0	10.5	11.0	11.5
3	"	9.1	10.1	11.1	12.0	13.0								
4	"	10.8	11.6	12.5	13.3	14.2								
5	"	12.8	13.6	14.4	15.2	16.0								
6	"	14.9	15.7	16.4	17.2	18.0								
7	"	16.5	17.4	18.3	19.1	20.0								
8	"	18.8	19.6	20.5	21.3	22.1								
Per piece 2/	Piece	1.5	2.2	2.9	3.6	4.3								
Per Piece 3/	Piece	0.6	0.9	1.1	1.3	1.6	1.8	2.1	2.3	2.5	2.8	3.0	3.3	3.5

1/ Science of agriculture.
2/ Publications mailing 5,000 or more copies per issue outside county of publication.
3/ Publications mailing fewer than 5,000 copies per issue outside county of publication.

XUM STANFORD 94305

TABLE 5

Controlled Circulation Phased Rates

Postage Rate Unit	Phased Rates (cents)				
	Year				
	4	5	6	7	8
Per Pound	10.1	11.0	11.9	12.8	13.7
Per Piece	3.0	3.4	3.8	4.2	4.5

TABLE 6

Third-class Phased Rates

Description	Postage Rate Unit	Phased Rates (cents)												
		Year												
		4	5	6	7	8	9	10	11	12	13	14	15	16
Nonprofit Bulk:														
Ordinary matter	Pound	12	12	13	14	14	15	16	16	17	17	18	18	19
Books, catalogs, etc.	"	10	10	11	11	12	12	13	13	14	14	15	15	16
Minimum-per-piece	Piece	1.9	2.0	2.1	2.2	2.3	2.5	2.6	2.7	2.8	2.9	3.1	3.2	3.3

XUM STANFORD 94305

TABLE 7

Fourth-Class Phase. Rates: Special and Library

Description	Postage Rate Unit	Phased Rates (cents)												
		4	5	6	7	8	9	10	11	12	13	14	15	16
Special:														
First pound	Pound	21	26	31	35	40								
Each additional pound thru 7 pounds	"	9	11	12	13	14								
Each additional pound	"	8	8	8	8	8								
Library:														
First pound	"	8	10	12	13	15	17	19	20	22	24	26	27	29
Each additional pound	"	4	4	4	5	5	5	6	6	7	7	7	8	8

[FR Doc.75-25427 Filed 9-23-75;8:45 am]

federal register

WEDNESDAY, SEPTEMBER 24, 1975

PART V:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

Rules, Proposed Rules, and Notices of Systems of Records

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

MAX 5742 PES 0681 04 V

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5618, 34-11663, 35-19177, 39-408, IC-8943, IA-474]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Adoption of Rules To Implement Provisions of the Privacy Act of 1974

On August 8, 1975, the Securities and Exchange Commission issued a notice of proposed rulemaking, proposing to amend 17 CFR Part 200 by adding Subpart H, to implement provisions of the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93–579, 88 Stat. 1896). Among other things, the proposed rules specified 1) the procedures whereby an individual can be advised whether any of the systems of records maintained by the Commission contain records that pertain to him; 2) the procedures for gaining access to those records that pertain to the individual; and 3) the procedures whereby an individual can seek to amend the contents of records that pertain to him.

The Commission invited any persons interested in the proposed regulations to submit their views and comments to the Commission on or before September 12, 1975. No comments were received. The Commission has considered the rules as proposed and has decided to adopt the rules as published in the FEDERAL REGISTER (40 FR 33418–34422), subject to some technical amendments, including the following:

Sections 200.303(a), 200.306(a) and 200.310 are amended to specify that requests by an individual for information relating to, or access to, systems of records that are maintained by the Commission, which contain information pertaining to the individual, or requests to amend records pertaining to the individual may be made by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Section 200.303(a)(2) is amended to note that on or about September 20, 1975, the Commission's Los Angeles Regional Office will be moving to 10960 Wilshire Boulevard, Los Angeles, California 90024. Its office hours will remain the same.

Sections 200.308(a)(2) and 200.308(b)(1) are amended to provide that an application by an individual for review by the Commission of an initial adverse decision of the Privacy Act Officer, and any statement of disagreement filed by an individual whose request to amend records has been denied, shall be delivered to the Securities and Exchange Commission, Public Reference Section, Room 6101, 100 L Street, NW., Washington, D.C. or mailed to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Since the following rules are procedural in nature and are essential to the implementation by the Commission of provisions of the Privacy Act, which become effective on September 27, 1975, the Commission has determined that these rules shall become effective on September 27, 1975.

Accordingly, pursuant to 5 U.S.C. 552a, the Securities and Exchange Commission hereby adopts the rules set forth below, effective September 27, 1975.

Subpart H—Regulations Pertaining to the Privacy of Individuals and Systems of Records Maintained by the Commission

Sec.

200.301 Purpose and scope.
200.302 Definitions.
200.303 Times, places and requirements for requests pertaining to individual records in a record system and for the identification of individuals making requests for access to the records pertaining to them.
200.304 Disclosure of requested records.
200.305 Special procedure: Medical records.
200.306 Requests for amendment or correction of records.
200.307 Review of requests for amendment or correction.
200.308 Appeal of initial adverse agency determination on access or correction or amendment.
200.309 General provisions.
200.310 Fees.
200.311 Penalties.

AUTHORITY: Pub. L. 93–579, sec. (f), 5 U.S.C. 552a(f).

Subpart H—Regulations Pertaining to the Privacy of Individuals and Systems of Records Maintained by the Commission

§ 200.301 Purpose and scope.

(a) The Privacy Act of 1974, Pub. L. 93–579, 88 Stat. 1896, is based, in part, on the finding by Congress that "in order to protect the privacy of individuals identified in information systems maintained by Federal agencies, it is necessary and proper for the Congress to regulate the collection, maintenance, use, and dissemination of information by such agencies." To achieve this objective the Act, among other things, provides, with some exceptions, that Federal agencies shall advise an individual upon request whether records maintained by the agency in a system of records pertain to the individual and shall grant the individual access to such records. The Act further provides that individuals may request amendments or corrections to records pertaining to them that are maintained by the agency, and that the agency shall either grant the requested amendments or set forth fully its reasons for refusing to do so.

(b) The Securities and Exchange Commission, pursuant to subsection (f) of the Privacy Act, adopts the following rules and procedures to implement the provisions of the Act summarized above, and other provisions of the Act. These rules and procedures are applicable to all requests for information, access or amendment to records pertaining to an individual that are contained in any system of records that is maintained by the Commission.

§ 200.302 Definitions.

The following definitions shall apply for purposes of this Subpart:

(a) The terms "individual," "maintain," "record," "system of records," and "routine use" are defined for purposes of these rules as they are defined in 5 U.S.C. 552a (a)(2), (a)(3), (a)(4), (a)(5), and (a)(6).

(b) "Commission" means the Securities and Exchange Commission.

§ 200.303 Times, places and requirements for requests pertaining to individual records in a record system and for the identification of individuals making requests for access to the records pertaining to them.

(a) *Place to make request.* Any request by an individual to be advised whether any system of records maintained by the Commission and named by the individual contains a record pertaining to him, or any request by an individual for access to a record pertaining to him that is contained in a system of records maintained by the Commission, shall be submitted by the individual in person during normal business hours at the Commission's Public Reference Room, which is located at 1100 L Street, NW., Washington, D.C., or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All requests will be required to be put in writing and signed by the individual making the request. In the case of requests for access that are made by mail, the envelope should be clearly marked "Privacy Access Request."

(1) *Information to be included in requests.* Each request by an individual concerning whether the Commission maintains in a system of records a record that pertains to him, or for access to any record pertaining to the individual that is maintained by the Commission in a system of records, shall include such information as will assist the Commission in identifying those records as to which the individual is seeking information or access. Where practicable, the individual should identify the system of records that is the subject of his request by reference to the Commission's notices of systems of records, which are published in the FEDERAL REGISTER, as required by section (e)(4) of the Privacy Act, 5 U.S.C. 552a(e)(4). Where a system of records is compiled on the basis of a specific identification scheme, the individual should include in his request the identification number or other identifier assigned to him. In the event the individual does not know the specific identifier assigned to him, he shall provide other information, including his full name, address, date of birth and subject matter of the record, to aid in processing his request. If additional information is required before a request can be processed, the individual shall be so advised.

(2) *Verification of identity.* When the fact of the existence of a record is not required to be disclosed under the Freedom of Information Act, 5 U.S.C. 552, as amended, or when a record as to which access has been requested is not required to be disclosed under that Act, the individual seeking the information or requesting access to the record shall be required to verify his identity before access will be granted or information given. For this purpose, individuals shall appear at the Commission's Public Reference Room located at 1100 L Street, NW., Washington, D.C., during normal business hours of 9 a.m. to 5:30 p.m. e.s.t., Monday through Friday, or at one of the Commission's Regional or Branch Offices. The addresses and business hours of those Offices are listed below:

Atlanta Regional Office, 1371 Peachtree Street, NE., Suite 138, Atlanta, Georgia 30309. Office hours—8:30 a.m.–5 p.m. e.s.t.
Boston Regional Office, 150 Causeway Street, Boston, Massachusetts 02114. Office hours—9 a.m.–5:30 p.m. e.s.t.
Chicago Regional Office, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Room 1708, Chicago, Illinois 60604. Office hours—8:45 a.m.–5:15 p.m. e.s.t.
Cleveland Branch Office, Federal Office Building, 1240 East Ninth Street, Room 899, Cleveland, Ohio 44199. Office hours—8:30 a.m.–5 p.m. e.s.t.
Denver Regional Office, Two Park Central, Room 640, 1515 Arapahoe Street, Denver, Colorado 80202. Office hours—8 a.m.–4:30 p.m. m.s.t.
Detroit Branch Office, 1044 Federal Building, Detroit, Michigan 48226. Office hours—8:30 a.m.–5 p.m. e.s.t.
Los Angeles Regional Office, U.S. Court House, 312 North Spring Street, Room 1043, Los Angeles, California 90012. Office hours—8:00 a.m.–4:30 p.m. PST. The Los Angeles Regional Office will be moving on or about September 20, 1975 to 10960 Wilshire Boulevard, Los Angeles, California 90024. Its office hours will remain the same.
Miami Branch Office, Dupont Plaza Center, 300 Biscayne Boulevard Way, Suite 701, Miami, Florida 33131. Office hours—8:30 a.m.–5 p.m. e.s.t.
New York Regional Office, 26 Federal Plaza, New York, New York 10007. Office hours—9 a.m.–5:30 p.m. e.s.t.
Philadelphia Branch Office, William J. Green, Jr. Federal Building, 600 Arch Street, Room 2204, Philadelphia, Pennsylvania 19106.
Saint Louis Branch Office, 210 North 12th Street, Room 1452, Saint Louis, Missouri 63101. Office hours—8:30 a.m.–5 p.m. e.s.t.
Salt Lake City Branch Office, Federal Reserve Bank Building, 120 South State Street, Salt Lake City, Utah 89111. Office hours—8 a.m.–4:30 p.m. m.s.t.
San Francisco Branch Office, 450 Golden Gate Avenue, Box 36042, San Francisco, California 94102. Office hours—8 a.m.–4:30 p.m. p.s.t.
Seattle Regional Office, 1411 4th Avenue Building, Room 810, Seattle, Washington 98101. Office hours—8:30 a.m.–5 p.m. p.s.t.
Washington, D.C., Regional Office, Ballston Centre Tower 3, 4015 Wilson Boulevard, Arlington, Virginia 22203. Office hours—9 a.m.–5:30 p.m. e.s.t.

None of the Commission's Offices are open on Saturday, Sunday or the following legal holidays: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Columbus Day, Thanksgiving Day or Christmas Day.

(3) *Methods for verifying identity—appearance in person.* For the purpose of verifying his identity, an individual seeking information as to records pertaining to him or access to those records shall furnish documentation that may reasonably be relied on to establish the individual's identity. Such documentation might include a valid birth certificate, driver's license, employee or military identification card, or medicare card.

(4) *Method for verifying identity by mail.* Where an individual cannot appear at one of the Commission's Offices for the purpose of verifying his identity, he shall submit, along with the request for information or access, a signed and notarized statement attesting to his identity. Where access is being sought, the sworn statement shall include a representation that the records being sought pertain to the individual and a stipulation that the individual is aware that knowingly and willfully requesting or obtaining records pertaining to an individual from the Commission under false pretenses is a criminal offense.

(5) *Additional procedures for verifying identity.* When it appears appropriate, there may be made such other arrangements for the verification of identity as are reasonable under the circumstances and appear to be effective to prevent unauthorized disclosure of, or access to, individual records.

(b) *Acknowledgement of requests for information pertaining to individual records in a record system or for access to individual records.* (1) Except where an immediate acknowledgement is given for requests made in person, the receipt of a request for information pertaining to individual records in a record system will be acknowledged within 10 days after the receipt of such request. Requests will be processed as promptly as possible and a response to such requests will be given within 30 days (excluding Saturdays, Sundays, and legal holidays) unless, within the 30 day period and for cause shown, the individual making the request is notified in writing that a longer period is necessary.

(2) When an individual appears in person at the Commission's Public Reference Room in Washington, D.C., or at one of its Regional or Branch Offices to request access to records pertaining to him, and such individual provides the required information and verification of identity, the Commission's staff, if practicable, will indicate at that time whether it is likely that the individual will be given access to the records and, if so, when and under what circumstances such access will be given. In the case of requests received by mail, whenever practicable, acknowledgement of the receipt of the request will be given within 10 days after receipt (excluding Saturdays, Sundays, and legal holidays). The acknowledgement will indicate, if practicable, whether or not access likely will be granted and, if so, when and under what circumstances.

§ 200.304 Disclosure of requested records.

(a) *Initial review.* Requests by individuals for access to records pertaining to them will be referred to the Commission's Privacy Act Officer who initially will determine whether access will be granted, *Provided, however,* That a Director of a staff Division of the Commission or Office head whose zone of responsibility relates to the record requested (see 17 CFR 200.13 et seq.), may make a determination that access is not lawfully required to be granted and should not be granted; in which case he, and not the Privacy Act Officer, shall make the required notification to the individual making the request.

(b) *Grant of request for access.* (1) If it is determined that a request for access to records pertaining to an individual will be granted, the individual will be advised by mail that access will be given at the designated Office of the Commission or a copy of the requested record will be provided by mail if the individual shall so indicate. Where the individual requests that copies of the record be mailed to him or requests copies of a record upon reviewing it at a Commission Office, the individual shall pay the cost of making the requested copies, as set forth in Section 310 of this Subpart.

(2) In granting access to an individual to a record pertaining to him, such steps shall be taken by the Commission's staff as are necessary to prevent the unauthorized disclosure at the same time of information pertaining to individuals other than the person making the request or of other information that does not pertain to the individual.

(c) *Denial of request for access.* If it is determined that access will not be granted, the individual making the request will be notified of that fact and given the reasons why access is being denied. The individual also will be advised (1) of his right to seek review by the Commission of the initial decision to deny access, in accordance with the procedures set forth in Section 308 of this Subpart; and (2) of his right ultimately to obtain judicial review pursuant to 5 U.S.C. 552a(g)(1)(A) of a final denial of access by the Commission.

(d) *Time for acting on requests for access.* Access to a record pertaining to an individual normally will be granted or denied within 30 days (excluding Saturdays, Sundays and legal holidays) after the receipt of the request for access unless the individual making the request is notified in writing within the 30 day period that, for good cause shown, a longer time is required. In such cases, the individual making the request shall be informed in writing of the difficulties encountered and an indication shall be given as to when it is anticipated that access may be granted or denied.

(e) *Authorization to allow designated person to review and discuss records pertaining to another individual.* An individual who is granted access to records pertaining to him, and who appears at a Commission Office to review the records, may be accompanied by another person of his choosing. Where the records as to which access has been granted are not required to be disclosed under provisions of the Freedom of Information Act 5 U.S.C. 552, as amended, the individual requesting the records, before being granted access, shall execute a written statement, signed by him and the person accompanying him, which specifically authorizes the latter individual to review and discuss the records. If such authorization has not been given as de-

V 40 186 SEP 24 75 XUM

scribed, the person who has accompanied the individual making the request will be excluded from any review or discussion of the records.

(f) *Exclusion for certain records.* Nothing contained in these rules shall allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 200.305 Special procedure: Medical records.

(a) *Statement of physician or mental health professional.* When an individual requests access to records pertaining to him that include medical and/or psychological information, the Commission, if it deems it necessary under the particular circumstances, may require the individual to submit with the request a signed statement by his physician or a mental health professional indicating that, in their opinion, disclosure of the requested records or information directly to the individual will not have an adverse effect on the individual.

(b) *Designation of physician or mental health professional to receive records.* If the Commission believes, in good faith, that disclosure of medical and/or psychological information directly to an individual could have an adverse effect on that individual, the individual may be asked to designate in writing a physician or mental health professional to whom he would like the records to be disclosed, and disclosure that otherwise would be made to the individual will instead be made to the designated physician or mental health professional.

§ 200.306 Requests for amendment or correction of records.

(a) *Place to make requests.* A request by an individual to amend or correct records pertaining to him may be made in person during normal business hours at the Commission's Public Reference Room located at 1100 L Street, NW., Washington, D.C., or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

(1) *Information to be included in requests.* Each request to amend or correct a Commission record shall reasonably describe the record sought to be amended or corrected. Such description should include, for example, relevant names, dates and subject matter to permit the record to be located among the records maintained by the Commission. An individual who has requested that a record pertaining to him be amended or corrected will be advised promptly if the record cannot be located on the basis of the description given and that further identifying information is necessary before his request can be processed. An initial evaluation of a request presented in person will be made immediately to ensure that the request is complete and to indicate what, if any, additional information will be required. Verification of the individual's identity as set forth in §§ 200.303(a), (2), (3), (4) and (5) may also be required.

(2) *Basis for amendment or correction.* An individual requesting an amendment or correction to a record pertaining to him shall specify the substance of the amendment or correction and set forth facts and provide such materials that would support his contention that the record pertaining to him as maintained by the Commission is not accurate, timely or complete, or that the record is not necessary and relevant to accomplish a statutory purpose of the Commission as authorized by law or by Executive Order of the President.

(b) *Acknowledgement of requests for amendment or correction.* Receipt of a request to amend or correct a record pertaining to an individual normally will be acknowledged in writing within 10 days after such request has been received. When a request to amend or correct is made in person, the individual making the request will be given a written acknowledgement when the request is presented. The acknowledgement will describe the request received and indicate when it is anticipated that action will be taken on the request. No acknowledgement will be sent when the request for amendment or correction will be reviewed, and an initial decision made, within 10 days from the date the request is received.

§ 200.307 Review of requests for amendment or correction.

(a) *Initial review.* As in the case of requests for access, requests by individuals for amendment or correction to records pertaining to them will be referred to the Commission's Privacy Act Officer for an initial determination, except that such requests may be considered by a Division Director or Office Head as set forth in section 304(a) of this Subpart.

(b) *Standards to be applied in reviewing requests.* In reviewing requests to amend or correct records, the Privacy Act Officer, or Division or Office head, will be guided by the criteria set forth in 5 U.S.C. 552a(e)(1), i.e., that records maintained by the Commission shall contain only such information as is necessary and relevant to accomplish a statutory purpose of the Commission as required by statute or Executive Order of the President and that such information also be accurate, timely, and complete. These criteria will be applied whether the request is to add material to a record or to delete information from a record.

(c) *Time for acting on requests.* Initial review of a request by an individual to amend or correct a record pertaining to him shall be completed as promptly as is reasonably possible and normally within 30 days (excluding Saturdays, Sundays and legal holidays) from the date the request was received, unless unusual circumstances preclude completion of review within that time. If the anticipated completion date indicated in the acknowledgement cannot be met, the individual requesting the amendment will be advised in writing of the delay and the reasons therefor, and also advised when action is expected to be completed.

(d) *Grant of requests to amend or correct records.* If a request to amend or correct a record is granted in whole or in part, the Privacy Act Officer will: (1) Advise the individual making the request in writing of the extent to which it has been granted; (2) amend or correct the record accordingly; and (3) where an accounting of disclosures of the record has been kept pursuant to 5 U.S.C. 552a(c), advise all previous recipients of the record of the fact that the record has been amended or corrected and the substance of the amendment or correction.

(e) *Denial of requests to amend or correct records.* If an individual's request to amend or correct a record pertaining to him is denied in whole or in part, the Privacy Act Officer will: (1) Promptly advise the individual making the request in writing of the extent to which the request has been denied; (2) state the reasons for the denial of the request; (3) describe the procedures established by the Commission to obtain further review within the Commission of the request to amend or correct, including the name and address of the person to whom the appeal is to be addressed; and (4) inform the individual that the Privacy Act Officer will provide information and assistance to the individual in perfecting an appeal of the initial decision.

§ 200.308 Appeal of initial adverse agency determination as to access or as to amendment or correction.

(a) *Administrative review.* Any person who has been notified pursuant to §200.304(c) that his request for access to records pertaining to him has been denied, or pursuant to section 307(e) of this Subpart that his request for amendment or correction has been denied in whole or in part, or who has received no response to a request for access or to amend within 30 days (excluding Saturdays, Sundays and legal holidays) after his request was received by the Commission's staff (or within such extended period as may be permitted in accordance with sections 304(d) and 307(c) of this Subpart), may appeal the adverse determination or failure to respond by applying for an order of the Commission determining and directing that access to the record be granted or that the record be amended or corrected in accordance with his request.

(1) The application shall be in writing and shall describe the record in issue and set forth the proposed amendment or correction and the reasons therefor.

(2) The application shall be delivered to the Securities and Exchange Commission, Public Reference Section, Room 6101, 1100 L Street, NW., Washington, D.C. or mailed to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

(3) The applicant, if he wishes, may state such facts and cite such legal or other authorities as he may consider appropriate in support of his application.

(4) The Commission will make a determination with respect to any appeal within 30 days after the receipt of such appeal (excluding Saturdays, Sundays and legal holidays), unless for good cause shown, the Chairman of the Commission

shall extend that period. If such an extension is made, the individual who is appealing shall be advised in writing of the extension, the reasons therefor, and the anticipated date when the appeal will be decided.

(5) In considering an appeal from a denial of a request to amend or correct a record, the Commission shall apply the same standards as set forth in § 200.307(b).

(6) If the Commission shall conclude that access should be granted, it shall issue an order granting access and instructing the Privacy Act Officer to comply with § 200.304(b).

(7) If the Commission shall conclude that the request to amend or correct the record should be granted in whole or in part, it shall issue an order granting the requested amendment or correction in whole or in part and instructing the Privacy Act Officer to comply with the requirements of Section 307(d) of this Subpart, to the extent applicable.

(8) If the Commission affirms the initial decision denying access, it shall issue an order denying access and advising the individual seeking access of A) the Commission's order; B) the Commission's reasons for denying access; and C) the individual's right to obtain judicial review of the Commission's decision pursuant to 5 U.S.C. 552a(g)(1)(B).

(9) If the Commission determines that the decision of the Privacy Act Officer denying a request to amend or correct a record should be upheld it shall issue an order denying the request and the individual shall be advised of (i) the Commission's order refusing to amend or correct the record and the reasons therefor; (ii) his right to file a concise statement setting forth his disagreement with the Commission's decision not to amend or correct the record; (iii) the procedures for filing such a statement of disagreement with the Commission; (iv) the fact that any such statement of disagreement will be made available to anyone to whom the record is disclosed, together with, if the Commission deems it appropriate, a brief statement setting forth the Commission's reasons for refusing to amend or correct; (v) the fact that prior recipients of the record in issue will be provided with the statement of disagreement and the Commission's statement, if any, to the extent that an accounting of such disclosures has been maintained pursuant to 5 U.S.C. 552a(c); and (vi) the individual's right to seek judicial review of the Commission's refusal to amend or correct, pursuant to 5 U.S.C. 552a(g)(1)(A).

(b) *Statement of disagreement.* As noted in paragraph (a)(9)(ii) of this section, an individual may file with the Commission a statement setting forth his disagreement with the Commission's denial of his request to amend or correct a record.

(1) Such statement of disagreement shall be delivered to the Securities and Exchange Commission, Public Reference Section, Room 6101, 1100 L Street, NW., Washington, D.C., or mailed to the Privacy Act Officer, 500 North Capitol Street, Washington, D.C. 20549, within 30 days after receipt by the individual of the Commission's order denying the amendment or correction. For good cause shown this period can be extended for a reasonable period.

(2) Such statement of disagreement shall concisely state the basis for the individual's disagreement. Generally a statement should be no more than two pages in length, except an individual may submit a slightly longer statement if it is necessary to set forth his disagreement effectively. Unduly lengthy or irrelevant materials will be returned to the individual by the Commission for appropriate revisions before they become a permanent part of the individual's record.

(3) The record about which a statement of disagreement has been filed will clearly note which part of the record is disputed and the Commission will provide copies of the statement of disagreement and, if the Commission deems it appropriate, provide a concise statement of its reasons for refusing to amend or correct the record, to persons or other agencies to whom the record has been or will be disclosed.

§ 202.309 General provisions.

(a) *Extensions of time.* Pursuant to sections 303(b), 304(d), 307(c) and 308(a)(4) of this Subpart, the time within which a request for information, access or amendment by an individual with respect to records maintained by the Commission that pertain to him normally would be processed may be extended for good cause shown or because of unusual circumstances. As used in these rules, "good cause" and "unusual circumstances" shall include, but only to the extent reasonably necessary to the proper processing of a particular request—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the Office processing the request. Many records of the Commission are stored in Federal Records Centers in accordance with law—including many of the documents which have been on file with the Commission for more than 2 years—and cannot be made available promptly. Other records may temporarily be located at a Regional or Branch Office of the Commission. Any person who has requested for personal examination a record stored at the Federal Records Center or temporarily located in a Regional or Branch Office of the Commission will be notified when the record will be made available to him.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which may be demanded in a single request. While every reasonable effort will be made fully to comply with each request as promptly as possible on a first-come, first-served basis, work done to search for, collect and appropriately examine records in response to a request for a large number of records will be contingent upon the availability of processing personnel in accordance with an equitable allocation of time to all members of the public who have requested or wish to request records.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more components within the Commission having substantial subject-matter interest therein.

(b) *Effective date of action.* Whenever it is provided in this Subpart that an acknowledgement or response to a request will be given by specific times, deposit in the mails of such acknowledgement or response by that time, addressed to the person making the request, will be deemed full compliance.

(c) *Records in use by a member of the Commission or its staff.* Although every effort will be made to make a record in use by a member of the Commission or its staff available when requested, it may occasionally be necessary to delay making such a record available when doing so at the time the request is made would seriously interfere with the work of the Commission or its staff.

(d) *Missing or lost records.* Any person who has requested a record or a copy of a record pertaining to him will be notified if the record sought cannot be found. If he so requests, he will be notified if the record subsequently is found.

(e) *Oral requests; misdirected written requests.*

(1) *Telephone and other oral requests.* Before responding to any request by an individual for information concerning whether records maintained by the Commission in a system of records pertain to him or to any request for access to records by an individual, such request must be in writing and signed by the individual making the request. The Commission will not entertain any appeal from an alleged denial or failure to comply with an oral request. Any person who has orally requested information or access to records pertaining to him that he believes to have been improperly denied to him should resubmit his request in appropriate written form in order to obtain proper consideration and, if need be, administrative review.

(2) *Misdirected written requests.* The Commission cannot assure that a timely or satisfactory response will be given to written requests for information, access or amendment by an individual with respect to records pertaining to him that are directed to the Commission other than in the manner prescribed in sections 303(a), 306(a), 308(a)(2), and 310 of this Subpart. Any staff member who receives a written request for information, access or amendment should promptly forward the request to the Public Reference Section. Misdirected requests for records will be considered to have been received by the Commission only when they have been actually received by the Public Reference Section or Privacy Act Officer in cases under § 200.308(a)(2). The Commission will not entertain any appeal from an alleged denial or failure to comply with a misdirected request, unless it is clearly shown that the request was in fact re-

V 40 I 186 SEP 24 75 XUM

ceived by the Public Reference Section or Privacy Act Officer.

§ 200.310 Fees.

A request by an individual for copies of a record pertaining to him that is maintained by the Commission may be made in person during normal business hours at the Public Reference Room at 1100 L Street, NW., Washington, D.C., or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. If the request is granted, there will be no charge assessed to the individual for the Commission's expense involved in searching for or reviewing the record. Copies of the Commission's records will be provided by a commercial copier or by the Commission at rates established by a contract between the copier and the Commission. Records will be copied onto 8½" x 14" pages at the cost of 15 cents per page. Copying machines are provided in the public reference rooms in the Commission's Washington, D.C., New York, Los Angeles, and Chicago Offices, where the individual may make copies at a cost of 12 cents per page.

§ 200.311 Penalties.

Title 18 U.S.C. Sec. 1001 makes it a criminal offense, subject to a maximum fine of $10,000, or imprisonment for not more than 5 years or both, to knowingly and willingly make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States. 5 U.S.C. 552a(i) makes it a misdemeanor punishable by a fine of not more than $5000 for any person knowingly and willfully to request or obtain any record concerning an individual from the Commission under false pretenses. 5 U.S.C. 552a(i) (1) and (2) provide criminal penalties for certain violations of the Privacy Act by officers and employees of the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 19, 1975.

[FR Doc.75-25644 Filed 9-23-75;8:45 am]

[Release Nos. 33-5619, 34-11664, 35-19178, 39-409, IA-475, IC-8944]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Privacy Act of 1974; Promulgation of Exemptions

On August 8, 1975, the Chairman of the Securities and Exchange Commission issued a notice that consideration was being given to exempting specified systems of records that are maintained by the Commission from provisions of the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93-579, 88 Stat. 1896). The notice indicated that, pursuant to section (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), thirty systems of records that are maintained by the Commission would be exempted from certain provisions of the Act, insofar as those thirty systems of records contained investigatory materials compiled for law enforcement purposes. The proposed exemption would be applicable except under the circumstances set forth in the proviso to section (k)(2) of the Privacy Act, 5 U.S.C. 552a (k)(2).[1]

In addition, the notice indicated that, pursuant to section (k)(5) of the Privacy Act, 5 U.S.C. 552a(k)(5), two systems of records would be exempted from the same provisions of the Privacy Act, insofar as those systems contained investigatory materials compiled solely for the purpose of determining the suitability, eligibility, or qualifications of an individual for Federal civilian employment or access to confidential information. This exemption would be applicable only to the limited extent set forth in section (k)(5), 5 U.S.C. 552a(k)(5).[2]

Pursuant to these proposed exemptions under sections (k)(2) and (k)(5) of the Act, 5 U.S.C. 552a (k)(2) and (k)(5), the thirty-two systems or records identified in the August 8, 1975 notice (which was published in 40 FR 34417-34418 (August 15, 1975)), would be exempted from sections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act, 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f). These sections generally require the Commission to notify an individual upon his request of the existence of information contained in a record pertaining to him, permit access to such record and permit amendment or correction of such record (sections 552a(d), (e)(4) (G), (H) and (I)); make available to an individual any required accounting (5 U.S.C. 552a(c)(3)); publish the sources of the information in the system of records (5 U.S.C. 552a (e)(4)(I)); and screen records to insure that only such information about an individual as is necessary and relevant to a required purpose of the Commission is maintained (5 U.S.C. 552a(e)(1)).

The Chairman invited interested persons to submit written data, views or arguments with respect to the proposed exemptions on or before September 12, 1975. Only one comment was received, and that commentator focused on the timing of the adoption of the exemptions rather than their substance.

After giving consideration to the comment received, the Chairman has decided to promulgate the exemptions, with only minor clarifying amendments, substantially as they were proposed in 40 FR 33417-34418 (August 15, 1975). Therefore, the Chairman of the Securities and Exchange Commission, with the concurrence of the Commission, hereby promulgates the following exemptions from the provisions of the Privacy Act.

Exemptions under Section (k)(2). Pursuant to section (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), the following systems of records that are maintained by the Commission shall be exempt from sections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act, 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f), and from 17 CFR 200.303, 200.304, and 200.306, which are the rules promulgated by the Commission to implement those statutory provisions.

(1) Division of Enforcement Investigative Working Files;
(2) Securities Violation Records and Bulletin;
(3) Investigatory Files—SEC;
(4) Division of Enforcement Preliminary Market Surveillance Inquiries;
(5) Atlanta Regional Office General Index of Files and Atlanta Regional Office Investigatory Files;
(6) Boston Regional Office Investigation Index File System and Boston Regional Office Investigatory Files;
(7) Chicago Regional Office Index Cards and Chicago Regional Office Investigatory Files;
(8) Cleveland Branch Office Investigatory Files and Cleveland Branch Office Index Cards;
(9) Denver Regional Office Cross-Reference Index Cards and Denver Regional Office Investigatory Files;
(10) Detroit Branch Office Investigatory Files and Detroit Branch Office Index Cards;
(11) Fort Worth Regional Office General Indices and Fort Worth Regional Office Investigatory Files;
(12) Houston Branch Office General Indices and Houston Branch Office Investigatory Files;
(13) Los Angeles Regional Office Investigative Files;
(14) Miami Branch Office General Index of Files and Miami Branch Office Investigatory Files;
(15) New York Regional Office Master Card Index and New York Regional Office Investigatory Files;
(16) New York Regional Office Index of Complaints;
(17) Philadelphia Branch Office Investigatory Files;
(18) Saint Louis Branch Office Investigative Files and Saint Louis Branch Office Inquiry, Complaint and General Reference Files;
(19) Salt Lake City Branch Office Cross-Reference Index Cards and Salt Lake City Branch Office Investigatory Files;
(20) San Francisco Branch Office Investigatory Files and San Francisco Branch Office Regulation A Files;
(21) Seattle Regional Office Master Card Index and Related Regulatory, Investigatory, and Legal Files Systems;
(22) Washington Regional Office Investigatory Files;
(23) Office of the General Counsel Working Files;
(24) Office of the Chief Accountant Working Files;
(25) Investigations and Actions Index;
(26) Complaint Processing System;
(27) Investor Service Complaint Index;
(28) Name-Relationship Index System;
(29) Rule 2(e) of the Commission's Rules of Practice—Appearing or Practicing Before the Commission;
(30) Division of Enforcement Liaison Working Files.

This exemption is applicable to these systems of records insofar as they contain investigatory material compiled for law enforcement purposes. If, however, any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he otherwise would be eligible, as a result of the maintenance of such material, such material will be provided to such individual except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source will be held in confidence.

All of the systems of records listed above may include investigatory materials that were compiled in connection with the Commission's enforcement responsibilities under the Federal securities laws. Such material may consist of unsolicited and often unversified statements concerning individuals, information received from confidential sources, as well as reports from Commission investigators and other law enforcement personnel. The Commission believes that the disclosure of the existence of such information or the identity of sources of information would seriously undermine effective enforcement of the Federal securities laws by prematurely alerting individuals to the fact that they are under investigation or by giving them access to the evidentiary bases for a Commission enforcement action. Even after enforcement action has been instituted, disclosure to an individual of all investigatory materials could seriously hamper the Commission's case in court or before an administrative law judge. Due process and the rules of criminal and civil discovery mark the bounds for the disclosure of investigatory materials during litigation.

Similarly, disclosure of the accounting required to be kept by section (c)(1) of the Privacy Act, 5 U.S.C. 522a(c)(1), may adversely affect law enforcement efforts. For example, an individual might discover in reviewing an accounting that records pertaining to him had been referred by the Commission to the Department of Justice for consideration of possible criminal prosecution. The individual may flee the jurisdiction or otherwise take some action to interfere with or frustrate a criminal proceeding.

The Commission also does not believe that it is possible to cull investigatory materials compiled for law enforcement purposes to retain only information that is necessary or relevant to the Commission's responsibilities under the Federal securities laws or an Executive Order. Often a great amount of information is gathered during the course of an investigation and it may be difficult, if not impossible, to determine at a given point in time whether a particular item of information is necessary and relevant to the matter under investigation. Even after an investigation has been completed and enforcement action concluded, it may be important to retain investigatory materials intact. For example, in cases where the Commission obtains an injunction against future violations of the Federal securities laws the investigatory file compiled in the injunctive action may be invaluable in preparing a future case for contempt of the injunctive order or to oppose a motion to vacate the injunction.

For the foregoing reasons the Commission finds that the public interest in effective enforcement of the Federal securities laws requires that the investigatory materials that are contained in the systems of records listed above be exempted from sections (c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act, 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) and 17 CFR 200.303, 200.304, and 200.306.

Exemptions under section (k)(5). In addition to exemptions described above that have been adopted pursuant to section (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), the Commission has decided, pursuant to section (k)(5) of the Privacy Act, 5 U.S.C. 552a(k)(5), to exempt the following systems of records from sections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act (H), and (I), and (f) of the Privacy Act, 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) and 17 CFR 200.303, 200.304 and 200.306.

1. Office of Personnel Code of Conduct and Employee Performance Files.
2. Personnel Security Files.

This exemption is applicable only insofar as these two systems of records contain investigatory material compiled solely for the purpose of determining an individual's suitability, eligibility, or qualifications for Federal civilian employment or access to classified information. The exemption is applicable, however, only to the extent that the disclosure of such investigatory materials would reveal the identity of a source who furnished information to the Government under an express promise that the source's identity would remain confidential or, prior to September 27, 1975, under an implied promise that the source's identity would be held in confidence.

The files contain investigatory materials that were compiled in connection with the initial appointment of an individual to the Commission's staff, as well as investigatory materials that may have been compiled in connection with a consideration of the individual's continued suitability to be employed by the Commission. These investigatory materials often consist of the statements of confidential sources, as well as reports prepared by other governmental authorities that contain information from such sources. In the Commission's view, the disclosure of the names of persons who, in confidence, gave the Commission information that bears on the qualifications and suitability of individuals who are seeking employment or are employed by the Commission could discourage the flow of such information to the Commission. The Commission is committed to maintaining the high quality of its staff. Particularly since the Commission regulates the most vital mechanism of the nation's economy, the integrity of its staff must be beyond question. It is for this reason that the Commission believes it is essential to exempt the two systems of records listed above from sections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act, 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) and 17 CFR 200.303, 200.304 and 200.306.

Section (k) of the Privacy Act, 5 U.S.C. 552a(k) provides that any exemptions adopted by the Commission shall be adopted in accordance with sections 4(a)(1), (a)(2), and (a)(3), 4(b) and 4(d) of the Administrative Procedure Act, as codified, 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e). The Commission has complied fully with these requirements. Section (k) of the Privacy Act, 5 U.S.C. 552(k), does not make applicable section 4(c) of the Administrative Procedure Act, as codified, 5 U.S.C. 553(d), which provides, with some exceptions, that substantive rules shall become effective thirty days after their adoption. Even if section 4(c) were nevertheless deemed to be applicable, the Commission finds that since (1) interested persons have had an ample opportunity to comment on the proposed exemptions and the only comment received did not relate to the substance of the exemptions; (2) the changes made in the exemptions as adopted are insubstantial, and (3) the Privacy Act becomes effective on September 27, 1975, good cause exists for declaring the foregoing exemptions effective as of September 27, 1975.

The text of the exemptions is as follows:

Subpart H—Exemptions From Provisions of the Privacy Act for Systems of Records That Are Maintained by the Securities and Exchange Commission

Sec.
200.312 Specific exemptions.

AUTHORITY: Pub. L. 93-579, sec. k, 5 U.S.C. 552a(k).

[1] Section (k)(2) of the Privacy Act provides that the head of an agency may promulgate rules exempting: "Investigatory materials compiled for law enforcement purposes * * * *Provided, however*, That if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal Law, or for which he would otherwise be eligible as a result of the maintenance of such material, such material shall be provided to such individual except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source will be held in confidence."

[2] Section (k)(5) of the Privacy Act provides that the head of an agency may promulgate rules exempting: "Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence."

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§ 200.312 Specific exemptions.

Pursuant to section (k) of the Privacy Act of 1974, the Chairman of the Securities and Exchange Commission, with the concurrence of the Commission, has deemed it necessary to promulgate the following exemptions to specified provisions of the Privacy Act:

(a) Pursuant to, and limited by 5 U.S.C. 552a(k)(2), the following systems of records maintained by the Commission shall be exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) and 17 CFR 200.303, 200.304, and 200.306, insofar as they contain investigatory materials compiled for law enforcement purposes: (1) Division of Enforcement Investigative Working Files; (2) Securities Violation Records and Bulletin; (3) Investigatory Files—SEC; (4) Division of Enforcement Preliminary Market Surveillance Inquiries; (5) Atlanta Regional Office General Index of Files and Atlanta Regional Office Investigatory Files; (6) Boston Regional Office Investigation Index File System and Boston Regional Office Investigatory Files; (7) Chicago Regional Office Index Cards and Chicago Regional Office Investigatory Files; (8) Cleveland Branch Office Investigatory Files and Cleveland Branch Office Index Cards; (9) Denver Regional Office Cross-Reference Index Cards and Denver Regional Office Investigatory Files; (10) Detroit Branch Office Investigatory Files and Detroit Branch Office Index Cards; (11) Fort Worth Regional Office General Indices and Fort Worth Regional Office Investigatory Files; (12) Houston Branch Office General Indices and Houston Branch Office Investigatory Files; (13) Los Angeles Regional Office Investigative Files; (14) Miami Branch Office General Index of Files and Miami Branch Office Investigatory Files; (15) New York Regional Office Master Card Index and New York Regional Office Investigatory Files; (16) New York Regional Office Index of Complaints; (17) Philadelphia Branch Office Investigatory Files; (18) Saint Louis Branch Office Investigative Files and Saint Louis Branch Office Inquiry, Complaint and General Reference Files; (19) Salt Lake City Branch Office Cross-Reference Index Cards and Salt Lake City Branch Office Investigatory Files; (20) San Francisco Branch Office Investigative Files and San Francisco Branch Office Regulation A Files; (21) Seattle Regional Office Master Card Index and Related Regulatory, Investigatory, and Legal Files Systems; (22) Washington Regional Office Investigatory Files; (23) Office of the General Counsel Working Files; (24) Office of the Chief Accountant Working Files; (25) Investigations and Actions Index; (26) Complaint Processing System; (27) Investor Service Complaint Index; (28) Name-Relationship Index System; (29) Rule 2(e) of the Commission's Rules of Practice—Appearing or Practicing Before the Commission; (30) Division of Enforcement Liaison Working Files.

(b) Pursuant to 5 U.S.C. 552a(k)(5), the systems of records containing the Commission's (1) Office of Personnel Code of Conduct and Employee Performance Files and (2) Personnel Security Files shall be exempt from Sections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act, 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f), and 17 CFR 200.303, 200.304, and 200.306 insofar as they contain investigatory material compiled to determine an individual's suitability, eligibility, and qualifications for Federal civilian employment or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 19, 1975.

[FR Doc.75-25443 Filed 9-23-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

PRIVACY ACT OF 1974

Addendum Notice of Systems of Records

This addendum supplements the Department of Transportation notice of systems of records published in the Federal Register dated August 27, 1975. Five systems not published in the latter are herewith published and a new paragrapgh is added to the prefatory statement defining general routine uses. The five systems not previously published may be found under the identifiers: DOT/NHTSA 453, 454, 455, 456, and 457. Any person may submit written comments on the five systems and the paragraph added by this addendum to the Privacy Act Working Group (STOP 330), Room 10317, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. All comments must be received on or before October 24, 1975.

Minor corrections and modifications to systems notices contained in the August 27, 1975, publication are also included in this addendum. These corrections and modifications do not change the general character or purpose of any previously described system.

Effective date.—This addendum notice shall be effective on September 24, 1975.

Dated:

William T. Coleman, Jr.,
Secretary of Transportation.

DEPARTMENT OF TRANSPORTATION

The following listing corrects the publication of the Department of Transportation listing of systems of records in the Federal Register, Part II Section 2, dated August 27, 1975. Notices which did not require significant correction are not republished in this listing.

NOTICE OF SYSTEMS OF RECORDS

The identification of the operating unit or units within the Department to which the particular system of records pertains appears as 'DOT/' followed by a designating abbreviation. The abbreviations and their meanings are as follows:

OST - Office of the Secretary of Transportation
CG - United States Coast Guard
FAA - Federal Aviation Administration
FHWA - Federal Highway Administration
FRA - Federal Railroad Administration
NHTSA - National Highway Traffic Safety Administration
SLS - Saint Lawrence Seaway Development Corporation
TSC - Transportation Systems Center
UMTA - Urban Mass Transportation Administration

PREFATORY STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below.

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

APPENDIX I

LOCATION OF CG DISTRICTS AND HEADQUARTERS UNITS.

1. COMMANDER
1st Coast Guard District
150 Causeway Street
Boston, MA 02114
2. COMMANDER
2nd Coast Guard District
Federal Building
1520 Market Street
St. Louis, MO 63103
3. COMMANDER
3rd Coast Guard District
Governors Island
New York, NY 10004
4. COMMANDER
5th Coast Gu-rd District
Federal Building
431 Crawford Street
Portsmouth, VA 23705
5. COMMANDER
7th Coast Guard District
51 S.W. 1st Ave.
Miami, FL 33130
6. COMMANDER
8th Coast Guard District
Customhouse
New Orleans, LA 70130
7. COMMANDER
9th Coast Guard District
1240 East 9th St.
Cleveland, OH 44199
8. COMMANDER
11th Coast Guard District
Heartwell Bldg
19 Pine Ave
Long Beach, CA 90802
9. COMMANDER
12th Coast Guard District
630 Sansome St.
San Francisco, CA 94126
10. COMMANDER
13th Coast Guard District
Federal Bldg
915 Second Ave.
Seattle, WA 98174
11. COMMANDER
14th Coast Guard District
P.O. Box 48
FPO San Francisco, CA 96610
12. COMMANDER
17th Coast Guard District
FPO Se-ttle, CA 98771
13. COMMANDER
U.S. COAST GUARD ACAdemy
New London, CT 06320
14. COMMANDING OFFICER
U.S. COAST GUARD YARD
Curtis Bay,
Baltimore, MD 21225
15. COMMANDING OFFICER
US COAST GUARD
TRAINING CENTER
Governors Island
New York, NY 10004
16. COMMANDING OFFICER
U.S. Coast Guard Training Center
Cape May, NJ 08204
17. COMMANDING OFFICER
U.S. Coast Guard Training Center
Government Island—

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Alemeda, CA 94501
18. COMMANDING OFFICER
U.S. Coast Guard
Supply Center
830 3rd Ave
Brooklyn, NY 11232
19. COMMANDING OFFICER
U.S. COAST GUARD INSTITUTE
P.O. Substation 18
Oklahoma City, OK 73169
20. COMMANDING OFFICER
U.S COAST GUARD
AIRCRAFT REPAIR & SUPPLY CENTER
Elizebeth City, NC 27909
21. COMMANDING OFFICER
U.S. Coast Guard Aviation
Training Center
Mobile, AL 36608
22. COMMANDING OFFICER
U.S. COAST GUARD RADIO
STATION NHM
7223 Telegraph Rd.
Alexandria, VA 22310
23. COMMANDING OFFICER
U.S. COAST GUARD RESERVE
TRAINING CENTER
Yorktown, VA 23490
24. OFFICER IN CHARGE
RECORD DEPOT
U.S. Coast Guard Air Station
Elizebeth City, NC 27909
25. COMMANDER, COAST GUARD
ACTIVITIES, EUROPE
London
Box 50
FPO New York, NY 09510
26. COMMANDING OFFICER
U.S. COAST GUARD
TRAINING CENTER
Petaluma, CA 94952
27. COMMANDER
U.S. COAST GUARD AIR BASE
Elizebeth City, NC 27909
28. COMMANDING OFFICER
U.S. COAST GUARD
ELECTRONICS ENGINEERING
CENTER
Wildwood, NJ 08260
29. COMMANDING OFFICER
RESEARCH & DEVELOPMENT CENTER
Avery Point
Groton, CT 06340
30. COMMANDING OFFICER
U.S. COAST GUARD OCEANOGRAPHIC UNIT
Building 159E, Navy Yard Annex
Washington, D.C., 20590

DOT/CG 507

System name: Coast Guard Supplement to the Manual of Courts Martial Investigations DOT/CG

System location: Commandant (G-L) U.S. Coast Guard Washington, D.C. 20590

Categories of individuals covered by the system: Military and civilian employees of the Coast Guard and other individuals who may be involved in any Coast Guard investigation

Categories of records in the system: Investigations into injuries to Coast Guard personnel, mishaps involving vessels, aircraft and vehicles: incidents involving fires, explosions, for loss or destruction of classified material: and circumstances involving equipment failures and property damage, loss, or destruction.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To authorized Coast Guard personnel in connection with the performance of their official duties which include, but are not limited to, Accident prevention, payment of disability benefits, and for improvement of internal Coast Guard procedures and practices. Reports are used in connection with the resolution of claims against the Coast Guard as well as claims asserted by the government. Reports are transmitted to the Veterans Administration to assist that agency in determining entitlement to benefits administered by it.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in storage cabinets in division files for two years and then forwarded fo Federal Records Depository

Retrievability: Card index maintained permitting access to individual investigations by listing identifiable data such as name of person, vessel or other facility involved in investigation.

Safeguards: Authorized personnel are granted access to these records in connection with the performance of their official duties. Records disclosed to members of the public under the provisions of the FOIA. These requests are considered on a case by case basis.

Retention and disposal: Records maintained in division files for two years and then forwarded to Federal Records Depository

System manager(s) and address: Chief Counsel, U.S. COast Guard Headquarters, Washington, D.C. 20590.

Notification procedure: Commandant (G-CMA) U.S. Coast Guard Headquarters, Washington, D.C. 20590.

Written request must be signed by the individual.

Record access procedures: All individuals whose conduct is the subject of these investigations are designated at the outset as parties to these investigations and accorded their rights as such. Following completion of the investigative reports parties will be provided with copies upon request. At all subsequent times parties may have access to the investigative records by writing Commandant (G-CMA), at address above or by visiting Coast Guard Headquarters, 400 7th Street, S.W. Washington, D.C. 20590 or the local unit to which assigned. Proof of identity may be required prior to release of records. A military identification, drivers license or similiar document will be considered suitable identification.

Contesting record procedures: A party has the right to make argument and/or submit statements on his own behalf during the course of an investigation or subsequent to its conclusion. Write or visit locations as indicated in Record Access Procedure.

Record source categories: Coast Guard investigating officers, military and civilian personnel.

DOT/CG 508

System name: Claims and Litigation DOT/CG

System location: Commandant (G-L) U.S. Coast Guard Washington, D.C. 20590

Categories of individuals covered by the system: Individuals, corporations, insurance companies, estate administrators

Categories of records in the system: Suits and claims for and against the Coast Guard

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by cognizant Coast Guard personnel, and attorneys handling cases For review purposes and determination as to the validity of claims.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Cabinets

Retrievability: Two card index files, one alphabetic and one numeric, maintained for cross reference.

Safeguards: Coast Guard and civilian employees of Claims and Litigation Division granted in connection with official duties.

Retention and disposal: Records maintained for five years and then forwarded to the Federal Records Center. Card index files retained indefinitely.

System manager(s) and address: Office of Chief Counsel, U.S. Coast Guard Headquarters, Washington, D.C. 20590

Notification procedure: Commandant (G-CMA) U.S. Coast Guard Headquarters, Washington, D.C. 20590. Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above or by visiting Coast Guard Headquarters, 400 7th Street, S.W. Washington, D.C., 20590. Proof of identity may be required prior to affording access to records a military identification card; a drivers licenses or similiar document will be considered suitable identification.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Information obtained from Coast Guard military and civilian personnel, members of the public, and Coast Guard investigating officers.

DOT/CG 510

System name: Records of trial: Special, General and Summary Courts-Martial DOT/CG

System location: Commandant (G-L) U.S. Coast Guard Washington, D.C. 20590

Categories of individuals covered by the system: Any individual who is tried by court martial in the Coast Guard

Categories of records in the system: Records of trial

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These are public records available to anyone.

Review

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in File Cabinets.

Retrievability: Filed alphabetically by name of individual

Safeguards: Maintained in file cabinets in building with limited access during non-working hours and with roving security patrol.

Retention and disposal: Retained permanently. Maintained for two years, on system manager and then transferred to Federal Records Center

System manager(s) and address: Chief Counsel, U.S. COast Guard Headquarters, Washington D.C. 20590.

Notification procedure: Commandant (G-CMA)

U.S. Coast Guard Headquarters, Washington D.C. 20590

Record access procedures: Procedures may be obtained by writing to Commandant (G-CMA) at address above or by visiting U.S. Coast Guard Headquarters, 400 7th Street, S.W., Washington, D.C.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Trial proceedings and subsequent statutory reviews - court of military review, court of military appeals and Chief Counsel of the Coast Guard.

DOT/CG 511

System name: Legal Assistance Case File System. DOT/CG

System location: Commandant (G-L) U.S. Coast Guard Headquarters, COast GUard district legal offices; or legal offices, USCG units. See appendix I for addresses.

Categories of individuals covered by the system: Clients of officers assigned to render legal assistance regarding the personal affairs of Coast Guard military members.

Categories of records in the system: Records contain information concerning the matters handled by these officer for clients.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information used on behalf of client in providing legal assistance. These records are also used to prepare statistical reports concerning a legal officer's time utilization.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Normally, written records kept in file folders.

Retrievability: Alphabetical indexes by name of member

Safeguards: Kept in office space or filing cabinets which are normally locked during non-working hours. Building patrolled by roving security guards after duty hours.

Retention and disposal: Records retained as long as needed to serve client or as long as deemed necessary by the legal officer. Disposal is by whatever means considered appropriate by the legal officer, depending on the contents of the record involved.

System manager(s) and address: Chief Counsel, U.S. COast Guard Headquarters, Washington, D.C. 20590 or district or unit legal offices

Notification procedure: Requests for determination whether this system contains records concerning an individual should be made in writing to: Commandant (G-CMA) U.S. Coast Guard Headquarters, Washington, D.C. 20590

Record access procedures: These records are available in the Office of Chief Counsel at Coast Guard Headquarters or within the legal offices in the various Coast Guard districts or units- depending where legal assistance was rendered. A military identification card or other comparable identification will be required to be shown by persons seeking access to their legal assistance records.

Contesting record procedures: The agency's rules for contesting the contents of these records or for appealing initial determinations by the custodian therof not to disclose any part of these records shall be controlling. These rules may be obtained by writing: Commandant (G-CMA) at the address listed in Notification Procedure.

Record source categories: Information in this record system is obtained from the client involved nd as a result of any subsequent investigation by the legal officer on behalf of the client.

DOT/CG 516

System name: Coast Guard Military Discrimination Complaints. DOT/CG

System location:

Commandant (G-H) U.S. Coast Guard
Washington, DC 20590
Each District Office and Headquarter Unit-Addresses in Appendix 1

Categories of individuals covered by the system: Coast Guard Military Personnel

Categories of records in the system: Files contain discrimination complaints filed by Coast Guard military personnel or their representatives and correspondence resulting therefrom.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Department of Transportation, Office of Civil Rights - used for investigations of complaints and arriving at decisions for resolution of complaints. Coast Guard Headquarters Military Personnel Office - used for information in making personnel administration decisions, Coast Guard Headquarters Commandant, Vice Commandant, Congressional Liaison - used to answer correspondence being sent to Congressional representatives, federal and state officials, and nationally recognized organizations who are representing the individual. Coast Guard Headquarters, Office of Civil Rights and the Military Equal Opportunity Division - used to take care of discrimination complaints and the correspondence precipitated therefrom and maintain a file on it. All Coast Guard commands used to bring a complaint to a satisfactory conclusion, where possible.

See Prefatory Statement of Geneneral Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders kept in file cabinets.

Retrievability: System is kept by alphabetical file, service number and/or social security number, rank/rate, and Coast Guard unit.

Safeguards: During normal working hours access to records is controlled by office personnel, during non-working hours the building is guarded by a roving security patrol.

Retention and disposal: Files are kept permanently.

System manager(s) and address: Chief, Office of Civil Rights, U.S. Coast Guard Headquarters, Washington, DC 20590

Notification procedure: Commandant (G-CMA)

U.S. Coast Guard Headquarters, Washington, DC 20590.
Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) address above or by visiting Coast Guard Headquarters, 400 7th St. SW, Washington, DC or the local office where the record is filed. Prior written notification of personal visits is required to insure that the records will be available at the time of visit. Proof of identity will be required prior to affording access to records. A military identification, driver's license or similar document will be considered suitable identification.

Contesting record procedures: Same as record access procedures.

Record source categories: From individuals of their representatives submitting complaints congressional correspondence; personnel service records; Coast Guard Headquarters and Coast Guard units correspondence; individuals and organizations volunteering information pertinent ot complaints.

DOT/CG 526

System name: Adjudication and Settlement of Claims System DOT/CG

System location:

Commandant (G-FP)
U.S. Coast Guard
Washington, D.C. 20590
District and Headquarters Units - See Appendix I for locations

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Categories of individuals covered by the system: Active duty military members; reserve military members; retired military members; and civilian employees

Categories of records in the system: Claims arising out of disputes concerning amounts of pay received.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To reach a final decision as to entitlements of claimants; to use as precedential data in the resolution of similar questions in the future. Used by authorized Coast Guard Officials and Officials of the IRS, GAO, and the Civil Service Commission, as required.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored manually in file folders.

Retrievability: Claims in the file are filed and retrieved by claimant name.

Safeguards: Access is limited to Authorized Officials by screening of personnel. Maintained in Government building having roving security guards after duty hours.

Retention and disposal: After adjudication and settlement, most submissions are disposed of. A limited number of such submissions are retained for precedential value, as required.

System manager(s) and address: Chief, Office of Comptroller, U.S. Coast Guard

Washington D.C., 20590

Notification procedure: Commandant (G-CMA), U.S. Coast Guard Headquarters, Washington, D.C. 20590. Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting Coast Guard Headquarters, 400 7th Street, S.W. Washington, D.C., or the local Coast Guard District or Unit administrative officer for the area in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Sources include: the individual, CG payroll offices, legal staff, investigators, Office of Personnel, Comptroller General (GAO) and congressional correspondence.

DOT/CG 527

System name: Allotment System (Military) DOT/CG Commandant (G-FP)

System location: U.S. Coast Guard Washington, D.C. 20590 District and Headquarters Unit see Appendix I for location.

Categories of individuals covered by the system: Active Duty Military Members Retired Military Members

Categories of records in the system: Allotment deductions from active duty military pay and retired military pay.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Authorized Personnel to Prepare tapes and vouchers for cutting checks for submission to: banks CG Welfare charity organizations Credit Union, dependents or other instituition as authorized by individuals accounting for funds expended. Transaction report monthly to all authorized certifying officers.

See Prefatory Statement of General Routine Uses..

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Main records are maintained on microfilm, others are filed manually in file folders.

Retrievability: Microfilm records are indexed by alpha/SSN, file folders by ACO number and alpha. Retreived by Name/Number

Retention and disposal: Files are maintained until individual is discharged from service, Records are then shipped to a Federal Records Center.

System manager(s) and address: Chief, Office of Comptroller, U.S. Coast Guard Washington, D.C. 20590.

Notification procedure: Commandant (G-CMA), U.S. Coast Guard Headquarters, Washington, D.C. 20590. Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting Coast Guard Headquarters, 400 7th Street, S.W., Washington, D.C. or the local Coast Guard District or unit for the area in which an individual's duty station is located. Proof of identity will be requird prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

Contesting record procedures: Same as Record Access Procedure

Record source categories: Sources include: the individual, Field Payroll Offices and Headquarters Payroll Office.

DOT/CG 528

System name: Centralized Reserve Pay and Retirement System DOT/CG

System location: Commandant (G-FP) U.S. Coast Guard District and Headquarters Units. See Appendix for locations.

Categories of individuals covered by the system: USCG Reserve Members

Categories of records in the system: Master Pay and Refirement Point Credits Record Master Personnel Data Accounting Record

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to prepare monthly payroll and all associated listings; used in the preparation of budgets, for accounting purposes, pay and points, and in the compilation of data, permanent pay and points records (retirement data); W-2 wage and federal tax reporting; and to report earnings to state and city taxing authorities. Used by authorized Coast Guard, IRS, GAO, and other Agency Officials as required.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm of payroll retained in Reserve Pay Branch & Districts. Records are filed manually in filing cabinet.

Retrievability: Records are indexed alphabetically by name of Reservist and CG Unit Number. Records are retrieved by name/number.

Safeguards: Access is limited to user staff members. Stored in secured building after duty hours.

Retention and disposal: Microfilm and records are retained until member is discharged or retired. Three years subsequent to retirement or discharge, records are transferred to a Federal Records Center.

System manager(s) and address: Chief, Office of Comptroller, U.S. Coast Guard, Washington, D.C. 20590.

Notification procedure: Commandant (G-CMA), U.S. Coast Guard Headquarters, Washington, D.C. 20590. Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting Coast Guard Headquarters, 400 7th Street, S.W. Washington D.C., or the local Coast Guard District or Unit administrative officer for the area in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Sources include: the individual, Unit Co, District Commander and Office of Reserve.

DOT/CG 530

System name: Closed Out Military Pay Record System DOT/CG

System location: Commandant (G-FP) U. S. Coast Guard, Washington, D.C. 20590

Categories of individuals covered by the system: Active duty military members, retired military members, and separated military members.

Categories of records in the system: Closed out active duty pay records of active duty members, retired members, and separated members; correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by authorized Coast Guard and Other Agency Personnel for Auditing and settlement of claims (over/under payments); source of data permitting responses to general and and Congressional inquiries and for submitting reports to the general Accounting Office. See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are filed manually in file folders

Retrievability: Records are indexed and retreived by Name/Number

Safeguards: Access is limited to Authorized Coast Guard or other Agency Personnel - Record Stored in Building having roving Security Guards.

Retention and disposal: Pay records of retirees and seperated members maintained separately for one year after date of retirement or separation, then transferred to a Federal Records Center for retention until records become disposable 10 years after final separation or retirement of member.

System manager(s) and address: Chief, Office of Comptroller, U.S. Coast Guard Washington, D.C., 20950.

Notification procedure: Commandant (G0CMA), U.S. Coast Guard Headquaters, Washington, D.C. 20950. Written request must be signed by the individual.

Record access procedures: Procedure may be obtained by writing Commandant (G-CMA), at address above, or by visiting Coast Guard Headquarters, 400 7th Street, S.W. Washington, D.C., or the local Coast Guard District or Unit administrative office, for the area in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Sources include; the individual CG payroll offices, responsible agencies and congressional correspondence.

DOT/CG 531

System name: Custody and Safekeeping of Savings Bonds DOT/CG

System location: Commandant (G-FP) U.S. Coast Guard Washington, D.C. 20950

Categories of individuals covered by the system: Active Duty Military Members Retired Military Members

Categories of records in the system: U.S. Savings Bonds Correspondence

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Safekeeping function Advice/consent of safekeeping

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manually stored in combination lock filing cabinet.

Retrievability: System indexed by Social Security Number. Retreived by Number/Name.

Safeguards: Access to locked filing cabinet is limited to authorized individuals. Building has roving security guards after duty hours.

Retention and disposal: Held until member requests release of bonds.

System manager(s) and address: Chief, Office of Comptroller, U.S. Coast Guard Washington, D.C. 20590.

Notification procedure: Commandant (G-CMA), U.S. Coast Guard Headquarters, Wahington, D.C. 20590. Written request for must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting Coast Guard Headquarters, 400 7th Street, S.W. Washington, D.C., Proof of identity will be required prior to affording an indiviual access to records. A military identification card, a driver's license, or similar document will be considered suitable identificatin.

Contesting record procedures: Same as Above 'Record Access Procedure'

Record source categories: Sources include: the individual, Field Payroll Offices and Hdgs. Payroll Office

DOT/CG 532

System name: FICA Wage and Tax System for Military Pay DOT/CG

System location: Commandant (G-FP) U.S. Coast Guard, Washington, D.C. 20590 Each District and Headquarters Unit see Appendix I for Locations

Categories of individuals covered by the system: Active duty military members

Categories of records in the system: Wages paid and federal taxes witheld, FICA wages witheld;

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Control processing and reporting of FICA to SSA; W-2 wage and tax data to IRS are forwarded using magnetic tapes in reporting purposes. Information as used by authorized Coast Guard personnel.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Record listings are filed manually semi-annually. Magnetic tapes are filed in tape library.

Retrievability: Listings are indexed by date; tapes are indexed by tape number. Retreived by Name/Number

Safeguards: Access is limited to user staff members maintained in Building secured after duty hours.

Retention and disposal: Listings retained for 2 years, then transferred to a Federal Records Center.

System manager(s) and address: Chief, Office of Comptroller, U.S. Coast Guard Washington, D.C. 20590.

Notification procedure: Commandant (G-CMA), U.S. Coast Guard Headquarters, Washington, D.C. 20590. Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting Coast Guard Headquarters, 400 7th Street, S.W. Washington, D.C.,or the local Coast Guard District or unit office for the area in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

Contesting record procedures: All Individuals Same as Record Access Procedure.

Record source categories: Source include: The individual and CG payroll offices

DOT/CG 533

System name: Retired Pay and Personnel System DOT/CG

System location: Commandant (G-FP) U.S. Coast Guard Washington, D.C. 20590

Categories of individuals covered by the system: Annuitants
Lighthouse Keeper Retirees
Honorary Retirees
USCG Retirees

Categories of records in the system: Pay personnel data of military retirees, pay personnel data of annuitants, pay and personnel data of lighthouse keepers, personnel data of honorary retirees, accounts receivable and accounts payable.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Checks, W-2 wage and federal tax reporting, report of earnings to state and city taxing authorities, listing of currently retiring officers, report to Civil Service Commission on Lighthouse Keepers and mailing labels used by Authorized Coast Guard Personnel, state and city tax officials, Civil Service Commission and Internal Revenue Service.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are filed manually in file folders. Check tapes are filed in tape library.

Retrievability: Records are indexed by alpha, check tapes are indexed by tape number. Retrieved by Name/Number.

Safeguards: Access is limited to user staff members under supervisory control. Stored in government building having roving security guard after duty hours.

Retention and disposal: Records are retained in the Retired Pay Branch for 3 years subsequent to retiree's or annuitants death, then forwarded to a Federal Records Center. Magnetic tapes are retained 18 months as microfilm for 6 years (required by GA0) then destroyed.

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System manager(s) and address: Chief, Office of Comptroller, U.S. Coast Guard
Washington, D.C. 20590

Notification procedure: Commandant (G-CMA), U.S. Coast Guard Headquarters, Washington, D.C. 20590.

Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting Coast Guard Headquarters, 400 7th Street, S.W. Washington, D.C. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Sources include: the individual, Coast Guard personnel offices and Coast Guard payroll offices.

DOT/CG 535

System name: Nonappropriated Fund System (NAFA) DOT/CG

System location: Commandant U.S. Coast Guard (G-FER)
Washington, DC 20590 District and Headquarters Units See Appendix I for Location.

Categories of individuals covered by the system: Civilian Employees, Active Duty Military Members, Retired Military Members and Military Dependents.

Categories of records in the system: Payroll; accounting records for NAFA loans; purchase slips for articles sold in Base Exchange (BX) that cost more than

25; listing of bad checks; lay away purchase list; job applications; personnel records; credit books kept by ships and isolated shore units; correspondence; membership applications; accounts receivable; investigatory reports involving abuse of facilities; purchase listings and sales slips for specific items.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payroll for NAFA employees; personnel actions; accounting; budget and inventory controls; officials, used by members and employees of USCG in the performance of their official duties related to the management, supervision and administration of nonappropriated funds; officials and employees of other agencies, attorney generals office or Congress in the performance of their official duties related to the management, supervision and administration of nonappropriated funds; billing, reservations, protection of funds.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Automated records may be stored on tape, disc, drums and punched cards. Manual records may be stored in file folders and/or credit ledgers; card files; notebook.

Retrievability: Records are indexed by alpha, social security number, membership number or unit number.

Safeguards: Access is limited to authorized personnel. Secured Building after duty hours

Retention and disposal: Records are retained until usefulness has expired and then destroyed.

System manager(s) and address: Chief, Office of Comptroller, U.S. Coast Guard Washington, D.C. 20590.

Notification procedure: Commandant (G-CMA), U.S. Coast Guard Headquarters, Washington, D.C. 20590. Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting the Coast Guard Headquarters, 400 7th Street, S.W., Washington, D.C. or the local Coast Guard District or Unit office, for the area in which an individual's work station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

Contesting record procedures: Same as in 'Record Access Procedure'

Record source categories: Sources include: the individual; previous employees; educational institutions; employment agencies; civilian and military investigative reports; general correspondence.

DOT/CG 536

System name: Contract and Real Property File System DOT/CG

System location: Commandant U.S. Coast Guard(G-F)
Washington, D.C. 20590 District and Headquarters Units See Appendix I for Locations

Categories of individuals covered by the system: Individuals or companies doing business with Coast Guard; employees of prime and sub-contractors; individuals requiring use of CG property; military members and civilian employees.

Categories of records in the system: Contracts and related files; real property and leased family housing files; bidders list; minority compliance records; payment schedule records; witness fees records; various payment files relating to Admiralty and Tort claims; personnel claims; collection register; correspondence files; vendor lists; open purchase order file; information on employees of contractors, job level and pay of these employees; permits, licenses and easements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to determine compliance of contractors with minimum wages for certain skills and trades on government contracts, used to aid in record keeping of payments and collections; used to determine potential for contracting with the government used to record issuance of personal property and maintain inventories; and to determine contractor responsibilities and responsibility. Used by Coast Guard officials of the General Accounting Office (GAO) in performance of duties.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manually filed in file folder; maintained on tape/card; three ring binders; hard cover books.

Retrievability: Retrieved by Individual/Company Name, number;construction job; and/or location

Safeguards: Access restricted to authorized personnel only; some records in locked safe and/or filing cabinet. Maintained in Government Building having roving Security Guard after duty hours

Retention and disposal: Some records retained indefinitely; some retained 3, 4 or 6 years, then destroyed or forwarded to a Federal Records Center for an additional 7 years Chief, Office of Comptroller, U.S. Coast Guard

System manager(s) and address: Washington, D.C. 20590.

Notification procedure: Commandant (G-CMA), U.S. Coast Guard Headquarters, Washington, D.C. 20590. Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting Coast Guard Headquarters, 400 7th street, S.W. Washington, D.C., or the local Coast Guard District or Unit office for the area in which contract was submitted or property is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a Same as Above 'Record Access Procedure'

Contesting record procedures: driver's license, or similar document will be considered suitable identification.

Record source categories: Sources include: individuals; contractors; contract employees; bidders; financial institutions; insurance companies; community association; other agencies; bills; letters; collection receipts; EAM listings.

DOT/CG 561

System name: Port Safety Reporting System Individual Violation Histories DOT/CG

System location: Commandant (G-WLE-1) U.S. Guard, Washington, D.C. 20590. Offices of the District Commanders. Addresses are in Appendix I,

Categories of individuals covered by the system: Masters, operators, owners, agents, shippers, charterers and/or pilots of commercial vessels, barges, dock and waterside facilities reported for violations of U.S. port safety regulations.

Categories of records in the system: Computerized listings, by name, giving specific violations, date, place and penalty assessed.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Determining penalties to be assessed by Coast Guard hearing officers; execution of judgments by U. S. attorneys as necessary.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape or disc

Retrievability: By name

Safeguards: Restricted access data processing area. Program access by password. Source documents and printouts are stored in locked rooms or file cabinets.

Retention and disposal: Disposed of 3 years after final disposition of case. Paper files destroyed by mutilation, shredding or burning. Magnetic tape are obliterated by writing over magnetic surface till content is rendered useless and unreadable.

System manager(s) and address: Cheif, Office of Marine Environment and Systems U.S. Coast Guard Headquarters, Washington, D.C. 20590.

Notification procedure: Commandant (G-CMA) U.S. Coast Guard Headquarters Washington, D.C. 20590 Written request must be signed by the Individual the cognizant district at the addresses listed in Appendix I, Sections B:A and B:C.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above or by visiting Coast Guard Headquarters 400 7th St., Washington, D.C. 20590 or the local Coast Guard District or Unit office where the violation occurred.

Contesting record procedures: Same as above.

Record source categories: Report of Violation, Form CG-2636 prepared by Coast Guard officials.

Systems exempted from certain provisions of the act: Portions of this system may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provide in part, that investigatory material complied for law enforcement purposes may be witheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarnatee that his identity would be held in confidence, or prior, to the effective date of this section, of the source received an implies promise that his identity would be held in confidence.

DOT/CG 562

System name: Puget Sound Vessel Traffic System Regulations Violations DOT/CG

System location: Commander Thirteenth Coast Guard District, Federal Bldg., 915 Second Ave., Seattle, Wash. 98174

Categories of individuals covered by the system: Masters and/or pilots found in violation of Puget Sound Vessel Traffic System regulations.

Categories of records in the system: Name of violator, name of vessel, name of company, nature of violation, amplifying information received from the Coast Guard units involved correspondence relating to the case, record of any informal hearing.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Assessment of penalties by authorized Coast Guard Officials.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Loose leaf binder, 3x5 file cards

Retrievability: By name, type of case

Safeguards: File cabinets; access limited to personnel involved with enforcement of regulations

Retention and disposal: Retained for 3 years then destroyed.

System manager(s) and address: Same as System Location.

Notification procedure: Same as System Location.

Record access procedures: Same as System Location.

Contesting record procedures: Same as above.

Record source categories: Information derived from CG-408 Merchant Vessels of the United States, reports from vessel traffic system, reports from other involved Coast Guard units and information obtained at informal hearings, if any.

DOT/CG 563

System name: Marine Pollution Case Files DOT/CG

System location: Commander (G-W) U.S. Coast Guard, Washington, D.C. Each District and Headquarters Unit Office. Addresses are in Appendix I,

Categories of individuals covered by the system: Owner/operator and/or person in-charge of a vessel, a facility, or other persons, found in violation of marine environmental protection regulations.

Categories of records in the system: Reports, statements, photographs and other documentation containing names, addresses, occupation, description of facility nature of violation, financial status of offender where pertinent, penalty proceedings records and final disposition action.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Penalty assessment by Authorized Agency Official

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders/cabinets

Retrievability: By name, case file number

Safeguards: Access is limited to personnel involved in operational and administrative marine environmental protection functions; Locked file cabinets are maintained offices and buildings, patrolled, guarded on secured facilities.

Retention and disposal: Retained for 3 years then destroyed

System manager(s) and address: Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C. 20590.

Notification procedure: Commandant (G-CMA) U.S. Coast Guard Headquarters Washington, D.C 20590. Written request must be signed by the individual.

Record access procedures: Procedure may be obtained by writing Commandant (G-CMA) at address above, or by visitive Coast Guard Headquarters, 400 7th Street., Washington, D.C. 20590 or the local Coast Guard District or Unit Office where the incident occurred Proof of indentity will be required prior to granting access, a Military identification, Driver's license or similar document or suitable identification.

Contesting record procedures: Same as above

Record source categories: Violation reports, investigatory reports, informal hearings, lab analysis.

Systems exempted from certain provisions of the act: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552 a (k)(2), which provides, in part that investigatory material complied for law enforcement purposes may be witheld from disclosure to the extent that the identity of the source if the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or prior, to the effective date of this section, of the source recieved an implied promise that his identity would be held in confidence.

DOT/CG 571

System name: Physical Disability Separation System DOT/CG

System location: Commandant (G-KMA)
U.S. Coast Guard
Washington, D.C. 20590

Categories of individuals covered by the system: USCG active duty personnel and USCG personnel separated or retired for physical disability.

Categories of records in the system: Central Physical Evaluation Board files; Formal Physical Evaluation Board files; Physical Review Council files; Physical Disability Appeal Board files

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Coast Guard officials in connection with physical disability separation and retirement proceedings; used by the Veterans Administration for assistance in determining the elgibility of individuals for benefits administered by that agency and available to USPHS or DOD medical personnel in connection with the performance of their official duties.

See Prefatory Statement of General Routine Use.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders

Retrievability: By name of individual

Safeguards: Roving guard patrol. Restricted personnel access by screening.

Retention and disposal: Retained two years after disposition then transferred to Federal Records Center, St. Louis, MO.

System manager(s) and address: Chief, Office of Health Services
U.S. Coast Guard Headquarters

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Washington, D.C. 20590

Notification procedure: Commandant (G-CMA)
U.S. Coast Guard Headquarters
Washington, D.C. 20590
Written request must include a notarized statement attesting that the individual requesting the notification is in fact the individual about whom information is requested.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above or by visiting Coast Guard Headquarters, 400 7th St. S.W., Washington, D.C. Refer to Appendix II for details relating to release of medical records.

Contesting record procedures: Same as above.

Record source categories: Information in records developed through proceedings of administrative bodies listed in 'Categories of Records', above.

DOT/CG 572

System name: USCG Military Personnel Health Record System DOT/CG

System location: Commandant (G-KPS)
U.S. Coast Guard Headquarters
Washington, D.C. 20590

Categories of individuals covered by the system: USCG active duty personel, USCG active duty personnel dependents, DOD active duty personnel, DOD active duty personnel dependents, USCG and DOD retired personnel and their dependents, Members of USCG Reserve

Categories of records in the system: Records of medical and dental treatment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by medical staff in affording medical and dental treatment of personnel listed in 'Categories of individuals' above. Provided to the Veterans Administration. for use in determining an individuals's entitlement to benefits administered by that agency. Records are available to the Public Health Service or DOD medical personnel in connection with medical treatment of individuals at USPHS or DOD facilities.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders

Retrievability: Name and military identification number.

Safeguards: Roving guard patrol. Room in which records located is locked when unattended. Access limited to these records at all times by personnel screening.

Retention and disposal: Retained so long as individual assigned to area. Transmitted to new duty station upon transfer of member/sponsor. Incorporated into personnel record file system upon transfer, separation, or retirement.

System manager(s) and address: Chief, Office of Health Services
U.S. Coast Guard Headquarters
Washington D.C. 20590

Notification procedure: Commandant (G-CMA)
US Coast Guard Headquarter
Washington, D.C. 20590
Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above or by visiting Coast Guard Headquarters, 400 7th Street, S.W., Washington, D.C. or the local District or Headquarters Unit Office for the area in which assigned. See Appendix II for details pertaining to release of medical records.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Medical facilities where treatment received and from the individual.

All Field Units with Medical Personnel assigned. See Appendix I for location.

DOT/CG 573

System name: U.S. Public Health Services (USPHS) Commissioned Officer Corps Staffing and Recruitment Files DOT/CG

System location: Commandant (G-KMA)
U.S. Coast Guard Headquarters
Washington, D.C. 20590

Categories of individuals covered by the system: Personnel records of USPHS commissioned officers assigned to duty with the Coast Guard

Categories of records in the system: Personnel records, Commissioning applications, assignment preference, reference questionaires, background information.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to assist administrators in assigning personnel to area requiring their specific skills. Used to monitor career development of personnel assigned to program.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders

Retrievability: By name of individuals

Safeguards: During working hours access is controlled by office personnel; during non-working hours building is patrolled by roving security patrol.

Retention and disposal: Records are retained during period of an individuals assignment to the Coast Guard. Thereafter records are destroyed by shredding.

System manager(s) and address:
Chief, Office of Health Services
U.S. Coast Guard Headquarters
Washington, D.C. 20590

Notification procedure: Commandant (G-CMA) U.S. Coast Guard Headquarters, Washington, D.C. 20590 Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above or by visiting Coast Guard Headquarters, 400 7th St. S.W., Washington, D.C. 20590. Proof of identity will be required prior to release of records. A military identification card, driver's license or similiar document will be considered suitable identification.

Contesting record procedures: Same as above.

Record source categories: Previous employers, educational institutions, references, Coast Guard Medical Administrators and the individual.

DOT/CG 589

System name: U. S. Merchant Seamen's Records

System location:
Commandant (G-MVP)
U. S. Coast Guard
Washington, D.C. 20590
Portions of these records may be located at the Marine Inspection Office or the Marine Safety Office when the seaman was documented.

Categories of individuals covered by the system: U. S. Merchant Seamen

Categories of records in the system:
Personnel File
Shipping Articles
Locator List
Log Books
Seamen's License Records
Fingerprint Records
Disciplinary Records
Security Records

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to determine qualification of individuals for issuance of Merchant Mariners Documents. Used by individual seamen, seamen's representives, seaman's next of kin, law enforcement agencies, other government agencies, attorneys, welfare agencies and limited use by the general public.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder

Retrievability: By name and cross indexed under ID (i.e. 'Z', 'Bk', or Social security number)

Safeguards: Security records are maintained in locked file cabinets. Other records are filed in unlocked file cabinets with the majority filed in open-shelf files. Access limited during working hours by Personnel screening, after work hours room is locked and building maintains roving security guard.

Retention and disposal:
Personnel files - Held 3 years after last activity - transferred to a Federal Records Center where they may be destroyed after 60 years of inactivity.
Shipping Articles - Held 3 years - transferred to a Federal Records Center where they are considered historical data and are not destoryed.
Locator List - New list furnished weekly; old list destroyed.
Log Books - For vessels discharged in U. S. ports; books are retained by the Shipping Commissioner for 3 years and then forwarded to a Regional Federal Records Center.
For vessels discharged in foreign ports; books are sent to Headquarters where they are maintained for 5 years and then sent to a Federal Records Center.
Log Books are of historical value and are not destroyed.
Seaman's License Records (Card index) - Maintained at Coast Guard Headquarters for 10 years after activity and then forwarded to a Federal Records Center. May be destroyed after 60 years.
Fingerprint Records - Upon receipt, are forwarded to F. B. I. for disposition.
Disciplinary Records
Examiner's Decision and Orders and Appeal File - Transferred to a Federal Records Center after 5 years.
Commandant's Decision on Appeal and National Transportation Safety Board Decisions and Orders - Retain
Disciplinary Record Cards - Transfer to Personnel File Jacket upon notice of death.
Statistical reports of marine investigations, hearings, shipment and discharges containing records of merchant vessel personnel actions with related summaries - Dispose of after 10 years.
Security Records (i.e. summaries of hearings, etc.) - Retain

System manager(s) and address:
Chief, Office of Merchant Marine Safety
U. S. Coast Guard Headquarters
Washington, D.C. 20590

Notification procedure: Contact Commandant (G-CMA/83) U.S. Coast Guard Headquarters, Washington, D.C. 20590. In order to determine if a record for an individual exists, it is necessary that he furnish the complete name in which the document was issued, the serial number of the document (i.e. 'Z', 'BK', and/or Social Security Number), and his date and place of birth. Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above or by visiting Coast Guard Headquarters, 400 7th Street, S.W., Washington, D.C., or the Marine Inspection office or Marine Safety Office where the document was issued for locally maintained portions.

Contesting record procedures: Same as Record Access Procedure.

Record source categories:
Personnel File - Data furnished by seaman, Marine Inspection Office, U. S. Public Health Service, F.B.I. and masters of vessels.
Shipping Articles - Vessels' operators, masters of vessels, State Department, and Shipping Commissioners.
Locator List - Current listing of seamen employed on vessels prepared by Information Systems Division from engagement records of shipping articles.
Log Books - Prepared by Masters of vessels.
Seamen's License Records (Card index) - Prepared by Marine Inspection Office from records of licenses issued at that particular facilty.
Fingerprint Records - Seamen's fingerprints are taken by the Marine Inspection Office in order to complete character check prior to issuance of documents (i.e., Merchant Mariner's Document and/or licenses).
Disciplinary Records - Furnished by Investigating Officers at the various Marine Inspection Offices.
Security Records - Obtained during character investigation, under Executive Order 10173, by Coast Guard Intelligence Officials.

Systems exempted from certain provisions of the act: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(2), which provide, in part, that investigatory material complied for law enforcement purposes may be witheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 590

System name: Merchant Vessel Casualty Reporting System DOT/CG

System location:
Commandant (G-MVI) U.S. Coast Guard, Washington, D.C., 20590
District and Headquarters Units-see Appendix 1 for addresses.

Categories of individuals covered by the system: The categories of individuals included in this system of records are persons who have been involved in vessel casualtics categories include: deceased persons, injured persons, witnesses, vessel pilots, vessel masters, vessel crew members and vessel owners.

Categories of records in the system:
Investigative reports of vessel casualties
Investigative reports of deaths aboard vessels
Investigative reports of personnel injuries Note: Vessels included in this system include commercial U. S. vessels, foreign vessels using the territorial waters of the U. S., and other vessels involved in a casualty with a U. S. commerical vessel.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine Use and Purposes include:
Evaluation by Coast Guard personnel for corrective safety measures, and law enforcement purposes;
Evaluation by other agencies, state, local and foreign governments for purposes of safety, law enforcement, and other purposes for which the agency may deem necessary for their missions; Civil litigation; For insurance purposes;
Use by Congressional representatives for possible legislative action or to provide information to a constituent.
Use by shipping concerns such as owners, operators, and charterer for safety; protection against law suits and general background;
Use by research groups for safety purposes or any other purpose;
Use by the general public
See Prefatory Statement for General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and magnetic tape.

Retrievability: Vessel casualty records are filed by vessel name, type of casualty and date of casualty. Retrieved by a combination of above information.
Personal injuries and deaths are filed by individual name and date of injury or death. Retrieved by date/name.

Safeguards: Personnel screening. Building secured after duty hours and patrolled by roving security patrol.

Retention and disposal: Marine Boards of Investigation. Transfer to Federal Records Center after five years.
Vessel Casualties transferred to FRC after two years, and disposed after twenty-five years.
District Offices Records disposed of after five years.
Officers in Charge, Marine Inspection Office; Commanding Officers, Marine Safety Office; Merchant Marine Details Transfer to FRC after five years. Dispose after ten years.

System manager(s) and address: Chief, Office of Merchant Marine Safety
U.S. Coast Guard Headquarters
Washington, DC 20590

Notification procedure: Commandant (G-CMA)
U.S. Coast Guard Headquarters
Washington, D.C. 20590
Written request must be signed by the individual

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Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting Coast Guard Headquarters, 400 7th Street, S.W., Washington, D.C., or the local Coast Guard District or Unit office in which the casualty occurred.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Persons directly involved in the casualty, e.c., vessel master, pilot, crewmembers.

Vessel owners
Witnesses to casualty
Coast Guard personnel
Manufacturers
Investigations by other law enforcement agencies.

Systems exempted from certain provisions of the act: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(2), which provide, in part, that investigatory material compiled for law enforcement purposes may be witheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 592

System name: Registered/Applicant Pilot Eligibility Folder DOT/CG

System location:

Great Lakes Pilotage Staff
Ninth Coast Guard District
1240 East Ninth Street
Cleveland, Ohio 44199

Categories of individuals covered by the system: United States registered piolots and applicant pilots suitably registered to perform pilotage duties aboard foreign vessels on the Great Lakes.

Categories of records in the system: Application for registration, renewal of registration, annual report of physical examination, Coast Guard license data, examination for registration.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Department of Transportation, U. S. Coast Guard, F.B.I. pilot associations and corporations for pilot registration, training program needs, retirements, statistical compilations, and negotiations with Canadian authorities to assure equitable participation by U. S. registered pilots with Canadian registered pilots.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders

Retrievability: By name and pilot registration number

Safeguards: Screened by Office personnel prior to use. Locked in cabinets during non-working hours.

Retention and disposal: Permanent

System manager(s) and address: Chief, Great Lakes, Pilotage Staff

Ninth Coast Guard District
1240 East Ninth Street
Cleveland, Ohio 44199

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individual's original application for U.S. pilot's registration and individual's yearly report of medical examination.

DOT/CG 611

System name: Intelligence and Security Investigative Case System DOT/CG

System location: Commandant (G-01S), and district offices - Addresses Washington, D.C. 20590. listed in Appendix I.

Categories of individuals covered by the system: U. S. Coast Guard military personnel, merchant marine personnel, port And-dock workers, and persons under investigations for violations of laws and regulations administered by the Coast Guard.

Categories of records in the system: Personnel security investigations, national agency check results, criminal investigations, counterintelligence investigations, computerized case control system.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by authorized Coast Guard personnel for Security clearances, actions by commanders inder the uniform Code of Military Justice, career advancement of U. S. Coast Guard miitary personnel, approval of merchant seamen documents, and access of individuals to port facilities used by Appropriate Federal State or Local Agencies for crinimal law enforcement and prosecution by the United States government, national agency checks and back ground investigations.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Investigative dossiers and 3x5 card retrieval system.

Retrievability: By name and/or case number

Safeguards: Alarm controlled spaces, locked and/or limited access file cabinets and office spaces. Release of dossiers to accredited personnel or 'need-to-know' basis only. Using receipt control, Automatic data processing (ADP) system cannot by penetrated for data through terminals, or otherwise, located outside U. S. Coast Guard computer center. without use proper administration controls.

Retention and disposal: Dossiers retained 50 years from date of birth. Deceased, retirees and others separated care held one year from separation. Dossiers retired to Washington National Federal Records Center for further retention of 30 years. 3x5 cards are annotated to recall retired dossiers if necessary. Computer printouts retained for 10 years then destroyed.

System manager(s) and address:

Chief, Office of Operations
U. S. Coast Guard Headquarters
Washington, D.C. 20590

Notification procedure: Commandant (G-CMA), U.S. Coast Guard Headquarters, Washington, D.C. 20590. Written request must be singed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting Coast Guard Headquarters, 400 7th St. S.W. Washington, D.C. or the local Coast Guard District office,for the area in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

Contesting record procedures: Same as above.

Record source categories: National Agency Checks, background investigations, criminal investigations, interviews, records, checks, observations, statements.

Systems exempted from certain provisions of the act: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provides in part that investigatory material complied for law enforcement purposes may be witheld from disclosure to the extent the identity of the osuce of the information would be revealed by disclosing the investgatory record, and the source has received an express effective date of this section, if the source recieved as implied promise that his identity would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisons of 5 USC 552a(k)(2) , which provides, in part, that investagatory material compiled soley for the purpose of determining suitability, eligibility, or qualifications for Federal civilaian employment, military service, Federal contracts, or access to classified information' may be witheld from disclosure but only to the extent that the disclosure of such to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective data of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 612

System name: Port Security Card System DOT/CG

System location: Commandant (G-01S), U.S. Coast Guard Washington, D.C. 20590. Each District Office

Categories of individuals covered by the system: Persons regularly employed on vessels and water front facilities, or persons having

regular public or private business with the operation, maintenance, /or administration of vessels and cargoes or waterfront facilities.

Categories of records in the system: Applications for port security cards awaiting processing; processed applications indicating those granted or denied port security cards.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Authorized Coast Guard officials to determine eligibility for Issuance of Port Sercurity Cards

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files, 3x5 cards

Retrievability: By name

Safeguards: Maintain in File cabinets in secure areas. Personal Screening prior to granting access

Retention and disposal: Retained for 8 years then destroyed by mutilating, shredding or burning

System manager(s) and address:

Chief, Office of Operations
U.S. Coast Guard Headquarters
Washington, D.C. 20590

Notification procedure: Commandant (G-CMA/83) U. S. Coast Guard Headquarters, Washington, D.C. 20590. Written request must be signed by the individual

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or

Contesting record procedures: by visiting Coast Guard Headquarters, 400 7th street, S.W. Washington, D.C.,or the local Coast Guard District or unit office for the area in which The application filed. Proof of identity will be required prior to affording an individual access to records. A military identification card, a dirver's license, or similar document will be considered suitable identification.

Record source categories: Individual and applications, National Agency checks, other records already at Coast Guard Headquarters if any.

Systems exempted from certain provisions of the act: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(2), which provide, in part, that investgatory material compiled for law enforcement purposes may be witheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investgatory record, and the source has received an express guarantee that his identity would be held in confidence or prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 621

System name: Detainee's Log DOT/CG

System location:

Commanding Officer
U.S. Coast Guard Training Center
Cape May, N.J. 08204

Categories of individuals covered by the system: Military personnel detained at Coast Guard Training Center, Cape May, N.J.

Categories of records in the system: Photographs of persons detained, detention orders, release orders, inventory of personal effects, data card, request and receipt for health and comfort supplies, work and training report, conduct record, medical log, official travel orders (if applicable), mail and visiting list, court orders or orders of a convening authority (if applicable).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Protect rights of individual, monitor behavior patterns of the individual in order serving terms of nonjudicial punishment of correctional custody to effect rehabilitation, prevent suicide attempts, protect the property rights of the individual, insure that health needs of the individual are met and recorded, in general, all relevant facts pertaining to the individual's detention or period in correctional cusody. Records are used by the commanding officer, executive officer, legal officer, personnel officer, medical offic, and personnel assigned to the provost department.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Handwritten and typewritten forms and notebooks, stored in file folders.

Retrievability: By name.

Safeguards: Locked rooms and/or file cabinets. Content of Records accessed by screened personnel only.

Retention and disposal: Informal log entries are retained for six months at the Training Center. unless they are relevant to pending disciplinary actions. Formal records are retained at the Training Center for one year. All records are disposed of by burning.

System manager(s) and address:

Chief, Office of Personnel
U. S. Coast Guard Headquarters
Washington, D.C. 20590

Notification procedure: Commandant (G-CMA) Same address as above. Written requests must be signed by the individual.

Record access procedures: Procedures may be obtained by writting Commandant, (G-CMA) address above or by visiting Coast Guard Headquarters, 400 Seventh Street, S.W. Washington, D.C. or by writing or visiting Commanding Officer, U.S. Coast Guard Training Center, Cape May, N.J. 08204. Prior written notification of personal visits is required to insure that the records will be available at the time of visit. Proof of identity will be required prior to release of records. A military identification card, drivers license or similiar document will be considered suitable identification.

Contesting record procedures: Same as 'Record Access Procedure'

Record source categories: Record of proceedings under Article 15, UCMJ; Records of Civil arrest or apprehension by Military Direct observations by watchstanders. Some information is provided by clearance.

DOT/CG 622

System name: Military Training and Education Records DOT/CG

System location: Commandant (G-PTE) U.S. Coast Guard

Washington, D.C. 20590
District and Headquarters Unit. See Appendix 1 for locations.

Categories of individuals covered by the system: Coast Guard Military Personnel

Categories of records in the system: General Service Correspondence Course

Off-Duty Education Records
Professional Training Records
Non-traditional Educational Support Records
Achievement and Aptitude Test Results
Academic Performance Records
Correspondence Course Rate Advancement Records
Military Performance Records

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Evaluation and measurement of training performance,

Statistical summaries,
Input to personnel records,
Partial criteria for selection and admission to service/professional schools,
Partial criteria for selection to postgraduate education programs,
Criteria for admission to the Coast Guard,
Criteria for retention in service schools, and
Criteria for promotion
The above information is used by authorized Coast Guard personnel in performance of official duties.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders stored in file cabinets

Retrievability: Retrieved by name, rate, class number

Safeguards: Records are kept in file cabinets in offices that are locked during off-duty hours. Access to the records is limited to authorized yeomen and training administrators.

Retention and disposal: Personal history, service history and school conduct and military performance records are kept for one year. Academic and correspondence course records are kept for five years. Aptitude and Achievement Test results as a part of training and education records are kept for five years. Records are destroyed by mutilating shredding or burning.

System manager(s) and address: Chief, Office of Personnel

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U.S. Coast Guard Headquarters
Washington, DC 20590

Notification procedure: Commandant (G-CMA)

U.S. Coast Guard Headquarters
Washington, DC 20590
Written request signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) address above or by visiting Coast Guard Headquarters, 400 7th Street, SW, Washington, D.C. 20590, or by visiting the local activity where assigned for training. Prior written notification of personal visits is required to insure that the records will be available at the time of visit. Proof of identity will be required prior to release of records. A military identification card, driver's license, or similiar document will be considered suitable identification.

Contesting record procedures: Same as 'Record Access Procedures'.

Record source categories: Official military personnel records, test results, instructions and supervisors.

DOT/CG 628

System name: Officer, Enlisted, and Recruiter Selection Test File DOT/CG

System location: Commandant (G-PMR), U.S. Coast Guard, Washington, DC 20590

Categories of individuals covered by the system: Civilian or military personnel who have taken the following tests:

U.S. Navy Officer Qualification (OQT)
U.S. Navy and U.S. Marine Corps Aviation Selection (AST)
U.S. Navy Basic Test Battery (BTB) (retests)
The Cooperative Tests for Advanced Electronic Training (AET TESTS)
The 16 Personality Factor Test used for screening of enlisted personnel for recruiting duty.
Professional Examination for Merchant Mariners.

Categories of records in the system: Card files, Answer sheets.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are kept to provide the test results if an applicant (civilian or military) applies for an officer program or is already in military if interested in certain training programs.

Internal Users
Officer Recruiting, Enlisted Recruiting, Enlisted Personnel, Training Programs, Merchant Marine, Commanding Officer, Enlisted Personnel District, Personnel offices, Training Centers and Academy.
Other Government Agencies
U.S. Navy Recruiting, U.S. Marine Corps, U.S. Navy Bureau of Medicine and Surgery.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders, Case Files

Retrievability: By name.

Safeguards: Combination - type safe, Locked files, Test results are given only on a need to know basis to authorized personnel. Only custodian of safes and alternate custodian have access.

Retention and disposal: Test answer sheets destroyed after 2 years.

Card File - Destroyed after 4 years.

System manager(s) and address: Chief, Office of Personnel

U.S. Coast Guard Headquarters
Washington, DC 20590

Notification procedure: Commandant (G-CMA)

U.S. Coast Guard Headquarters
Washington, DC 20590

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) address above, or by visiting, Coast Guard Headquarters, 400 7th Street, S.W., Washington, D.C. Proof of identity will be required prior to release of records. A military identification, drivers license or similiar document will be considered sutiable identification.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Individuals concerned, U.S. Coast Guard recruiting officials,

U.S. Marine Corps Officials, and
U.S. Navy Bureau of Medicine Surgery Officials

Systems exempted from certain provisions of the act: Subsection (k) (6) Testing exemptions.

U.S. Navy Recruiting Officials, Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552(k)(6), which provides in part that testing or examination material used solely to determine individual qualificatioas for appointment or promotion in the Federal service may be witheld from disclosure to the extent that disclosure of these records would compromise the objectivity of fairness of the testing or examination process.

DOT/CG 629

System name: Enlisted Personnel Record System DOT/CG

System location: US Coast Guard Headquarters, Washington, D.C. 20590. Each District Office and Headquarters Unit, use appendix 1 for locations.

Categories of individuals covered by the system: All enlisted members of the Coast Guard now serving on active duty (including enlisted members of the Reserve on extended active duty), and members who have been temporarily or permanently retired or discharged.

Categories of records in the system: Enlisted contract package, record of emergency data, leave records, performance ratings, administrative remarks, medical records. All other requisite Coast Guard personnel forms, and pertinent miscellaneous correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use in formulating all Coast Guard personnel actions including, but not limited to, assignment, promotion, re-enlistment, retirement, discharge, determination of entitlement to pay and allowances, correction of records, and disciplinary actions, to the VA for determination of an individual's eligibility for benefits administered by that agency, to medical facilities maintained by DHEW in conjunction with medical treatment afforded an individual.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in enlisted files record jackets.

Retrievability: Records are retrievable by name of individual or the last three digits of the individual's social security number.

Safeguards: Records maintained at Coast Guard Headquarters are located in a central storage area, locked behind two separate doors during non-working hours, in building with roving security patrol. Records at field units are maintained in Government office building with off duty hours security during working hours access to records is controlled by office personnel.

Retention and disposal: Individual records are maintained at CG Headquarters until six months after an enlisted member is discharged, permanently retired for physical disability, or retired for years service, after which they are transmitted to the National Personnel Records Center, (Military Personnel Records), GSA, 9700 Page Boulevard, St. Louis, Missouri, where it is permanently stored. In the case members transferred to the Reserve their records are sent to Commandant (G-RA-2/82) after separation documents are received.

System manager(s) and address: Chief, Office of Personnel, US Coast Guard, Headquarters, Washington, DC 20590

Notification procedure: Commandant (G-CMA) US Coast Guard Headquarters, Washington, DC 20590. Written request must be signed by individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting Coast Guard Headquarters, 400 7th St, SW, Washington, DC or the local Coast Guard District or unit administrative officer for the area in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

Contesting record procedures: Same as record access procedures.

Record source categories: Information is obtained from the individual, and Coast Guard Officials.

Systems exempted from certain provisions of the act: Portions of this system of records may be exempt from disclosure under the

provisions of 5 USC 552a(k)(5), which provides, in part, that investigatory material complied solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be witheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence of this section under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be witheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the soruce would be held in confidence.

DOT/CG 633

System name: Coast Guard Personnel Security Program DOT/CG

System location: Commandant (G-PS/6) U.S. Coast Guard
Washington, D.C. 20590
Each District Office and Headquarters Unit use Appendix 1 for locations.

Categories of individuals covered by the system: Coast Guard Military Personnel.

Coast Guard Civilian Personnel
Applicants for military enlistment or appointment
Applicants for civilian positions.

Categories of records in the system: Records of security clearance granted. Correspondence and requests concerning personnel security actions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For use in determining eligibility for access to classified information under Executive Order 11652 and suitability for sensitive positions. Categories of users include use by Coast Guard employees in performance of official duties and use by investigative agents of other federal agencies.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder - 3x5 Index cards.

Retrievability: Records are retrieved by name of individual.

Safeguards: Records are kept in locked cabinets and safes. Individual identification is required for users of records.

Retention and disposal: Upon termination of employment investigative files for civilians, which serve as a basis for security clearances, are returned to the Civil Service Commission. Military clearances based on documents held in the official service records. A name record of type of investigation is kept for 5 years and then destroyed by burning.

System manager(s) and address: Chief, Office of Personnel, U.S. Coast Guard Headquarters, Washington, D.C., 20590.

Notification procedure: Commandant (G-CMA)

U.S. Coast Guard Headquarters
Washington, D.C. 20590
Written request must be assigned by individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above, or by visiting U.S. Coast Guard Headquarters, 400 7th Street, S.W., Washington, D.C. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Civilian Personnel - Civil Service Investigative Reports, Personnel Security Clearance requests and forms SF-85, SF-86 and SF-171. Military Personnel Forms DD-398, DD-365 and CG 2765.

Systems exempted from certain provisions of the act: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provides, in part, that investigatory material complied solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be witheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 637

System name: Appointment of Trustee or Guardian for Mentally Incompetent Personnel DOT/CG

System location: Commandant (G-PS)

U.S. Coast Guard
Washington D.C.
Each District and Headquarters Unit use Appendix 1 for locations.

Categories of individuals covered by the system: Active duty and retired Coast Guard military personnel.

Categories of records in the system: Case files containing information relating to the mental incompetency of certain Coast Guard personnel Records used to assist Coast Guard Officials in appointing trustees for mentally incompetent Coast Guard persons.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Authorized Coast Guard employees in performance of their duties, prospective appointees, including but not limited to relatives, lawyers, physicians or other designated respresentatives. Veterans Administration upon request for the determination of eligibility for benefits administered by that agency.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked file cabinet.

Retrievability: Alphabetical listing.

Safeguards: Stored in locked file cabinets. Access restricted to representatives of incompetent. Identification required such as a military identification card, valid state driver's license, or other picture identification card.

Retention and disposal: Maintained for 5 years after action is completed then destroyed.

System manager(s) and address: Chief, Office of Personnel

U.S. Coast Guard Headquarters
Washington, D.C., 20590

Notification procedure: Commandant (G-CMA)

U.S. Coast Guard Headquarters
Washington, D.C., 20590
Written request must be signed by trustee or guardian.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at address above or by visiting Coast Guard Headquarters, 400 7th Street, S.W., Washington, D.C. or the local Coast Guard District or unit having custody of the records.

Contesting record procedures: Same as record access procedures.

Record source categories: Coast Guard officials, legal representatives of individuals and/or individuals concerned, and complainants.

DOT/CG 638

System name: Drug and Alcohol Abuse Prevention Program Record System DOT/CG

System location: Commandant (G-PS)

U.S. Coast Guard
Washington, D.C., 20590
All Coast Guard units have portions of duplicate case folders on individuals involved in the program. See Appendix 1 for addresses.

Categories of individuals covered by the system: Active duty Coast Guared officers, enlisted personnel and reserve personnel; retired and separated Coast Guard personnel.

Categories of records in the system: Annotations on file cards of drug abuse, drug exemptions, drug rehabilitation, alcohol rehabilitation and waiver for enlistment in the Coast Guard cases.

V 40 186 SEP 24 75 UM

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to determine extent of drug and alcohol problem in the Coast Guard; to evaluate program effectiveness; to maintain the integrity of the Coast Guard drug exemption program by authorized Coast Guard employees in performance of their official duties; to assist the U.S. Navy Department in consonance with inpatient treatment at Navy Rehabilitation Center.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on file cards (5'x8') and message file.

Retrievability: File cards are indexed by name; message file by date/time group.

Safeguards: Files are stamped 'For Official Use Only' and maintained in locked filing cabinet.

Retention and disposal: Disposal schedules are under development and will be in accord with disposal schedules of the Military Personnel Record System.

System manager(s) and address: Chief, Office of Personnel
U.S. Coast Guard Headquarters
400 7th Street, S.W.
Washington, D.C., 20590

Notification procedure: Commandant (G-CMA)
U.S. Coast Guard Headquarters
Washington, D.C. 20590
Written request must be signed by individual.

Record access procedures: Procedures may be obtained by writing Commandant (G-CMA) at above address or by visiting Coast Guard Headquarters, 400 7th Street, S.W., Wshington, D.C., or the local Coast Guard District or unit office for the area in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Reports of drug exemption; reports civil and military offenses involving drugs or alcohol; reports of Coast Guard Intelligence Investigation, recommendation for inpatient drug or alcohol rehabilitation. and From individual personnel, medical, and security records.

DOT/CG 671

System name: Biographical Statement DOT/CG

System location:
Commandant (G-A)
U. S. Coast Guard
Washington, D.C. 20590

Categories of individuals covered by the system: Key DOT officials, USCG officers

Categories of records in the system: Individual biographical data

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
Public Affair Staff - uses records for publicity. The
Personnel Office - uses records for promotion.
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms and correspondence are stored in filing cabinets

Retrievability: By name

Safeguards: Personal screening prior to granting access. Stored in building having roving security guards during non-working hours.

Retention and disposal: Transferred to historical file upon termination of active duty

System manager(s) and address:
Chief, Office of Public and International Affairs
U. S. Coast Guard Headquarters
Washington, D.C. 20590

Notification procedure: Commandant (GCMA)
U.S. Coast Guard Headquarters
Washington, D.C. 20590. Written request must be signed by individual.

Record access procedures: Procedures may be obtained by writing Commandant, (G-CMA) at address above or by visiting Coast Guard Headquarters, 400 7th St., S.W. Washington, D.C. 20590. Proof of identity will be required prior to granting access. A military identification card, drivers license, or similar document will be considered suitable identification.

Contesting record procedures: Same as 'Record Access Procedure'

Record source categories: Individual named in file

DOT/CG 676

System name: Official Coast Guard Reserve Service Record DOT/CG

System location: COMDT (G-RA), U.S. Coast Guard, Washington, D.C. 20590.
National Personnel Records Center (Military Personnel Records) GSA, 9700 Page Blvd., St. Louis, MO 63132 (For official records on discharge retired, and separated former members)
Each Coast Guard District (r) office (for district records)

Categories of individuals covered by the system: Reserve officer and enlisted personnel (not on extended active duty) in an active, inactive, retired, discharged, separated or former member status; including those Reservists released from extended active duty to fulfill a specified term of obligated inactive reserve service.
Enrolled and disenrolled members of the Temporary Coast Guard Reserve.

Categories of records in the system: Official career history of each Reservist including (as applicable): Enlistment contract or Oath of Office, Record of Emergency Data, Training Courses/Educational achievements, Rate/Grade/Rating qualifications, leave record, performance of duty marks/fitness reports, medals and commendations, record of sea duty/duty outside continental United States, statements of creditable and former service, including pay base date, statements and computations of retirement points, official orders, and correspondence pertaining to any/all of the above.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
Fulfilment of normal administrative personnel procedures including examining and screening for completeness and accuracy of records and correspondence pertaining thereto.
Screening of service records for advancement, promotion, or retention of individual Reservists by various Reserve Boards.
Answering of Congressional and personal inquiries initiated by the individual whose record is concerned.
Preparation of forms, statements, compilations and computations necessary in the daily personnel administration of each individual entering, reentering or leaving the Coast Guard Reserve. (Routine personnel administration requires copies of this and other service record material to be included in administrative files physically separated from the record; however, the original copy of this material will be included in the official service record maintained at Coast Guard Headquarters.
Furnishing of information (authorized and specified by the individual concerned) to other agencies or individuals (specified by the individual concerned) normally concerned with employment, educational or Veterans benefits, claims, or applications.
Furnishing specified material in a Reservist's service record pursuant to the order of a court of competent jurisdiction.
Used by:
Individual upon whom records are kept (personal review).
File clerks and personnel from the Office of Reserve, Administration, Training, and Programs DIvisions in the normal performance of their duties.
Other personnel within the Coast Guard in the normal performance of their duties, as authorized by the Chief, Reserve Administration Division or his designated representative.
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained on paper assembled and filed in one official service record per member.

Retrievability: Individual Service Records are indexed and retrievable by name and/or triple terminal digit of member's service number.

Safeguards: Service records are maintained in a central storage area locked behind two separate doors. During non-working hours the building security consists of roving and static security patrols. During working hours physical access to records is controlled by Records Control Branch personnel.

Retention and disposal: Individual records are maintained at CG Headquarters until six months after an enliste member's separation from the service (three months for officers), after which it is transmitted to the (MPRC) Military Personnel Record Center National Personnel Records Center (NPRC), 9700 Page Blvd., St. Louis, MO where it is permanently stored. In the case of retired members, the service record is shipped to NPRC upon retirement.

System manager(s) and address:
Chief, Office of Reserve (G-R)
U.S. Coast Guard Headquarters
400 7th Street S.W.
Washington, D.C. 20590

Notification procedure: Inquiry requests for determination whether this system contains records on an individual should be made by that individual, in person or in writing to Commandant (G0CMA) USGC Headquarters Washington D.C. 20590. Written requests must be signed by the individual and must include the member's name, social security number and/or reserve number.

Record access procedures: Procedures for access may be obtained from Commandant (G-CMA) at the address above, or by visiting Coast Guard Headquarters, 400 7th St. S.W. in which an individual's duty station is located. Proof of identity will be required prior to affording an individual access. And may consist of a military identification, drivers license, or other suitable identification.

Contesting record procedures: same as Record Access Procedure.

Record source categories: Information contained in a member's service record is obtained from the individual concerned, C.G. Headquarters, District offices and other C.G. units. Washington, D.C. or the local Coast Guard District for the area

Systems exempted from certain provisions of the act: Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k) (5), which provide, in part, that investigatory material complied solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be witheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section under an implied promise that the identity of the source would be held confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k) (7), which provides, in part, that evaluation material used to determine potential for promotion in the armed services may be witheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effectiveness date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 677

System name: Coast Guard Reserve Personnel Mobilization System DOT/CG

System location: COMDT (G-RP/82), Washington, D.C. 20590.
Commander (r) in each Coast Guard District Office (except 17th). Each District and Headquarters Unit in Appendix I for locations.

Categories of individuals covered by the system: Reserve officer and enlisted personnel (not on extended active duty) in an Active or Retired status; including those Reservists released from extended active duty to fulfill a specified term of obligated inactive Reserve service.

Categories of records in the system:
Mobilization and qualification cards and orders.
Initial, Annual, and Retired Screening and Qualification Questionaires.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Fulfillment of normal administrative procedures including the examining and screening for completeness and accurancy of records, correspondence pertaining thereto as a basis for assignment to active duty for training; special active duty for training or extended active duty and mobilization billets. Users of these Records are Coast Guard employees in performance of official duties.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained on paper, punched cards and magnetic tape

Retrievability: Individual Reservists are indexed by name and/or Social Security Account number

Safeguards: Safeguards and controls afforded this system of records are similar to those normally employed 'For Official Use Only' material, both at Headquarters and District Offices. i.e. Records are maintained in locked secure areas when not in use and personnel screening prior to granting access.

Retention and disposal: Individual records are maintained at CG Districts and at Headquarters throughout the members active Reserve status and during any period in a Retired Status thereafter (as applicable), and for as long as that member is considered a mobilizable resource). Also 'dead file' is often maintained for those Reservists transferred, discharged, or otherwise separated. This procedure varies from District to District.

The majority of records in this system (in any form) are generally destroyed immediately after the expiration of their useful life, except those retained in the aforementioned 'dead files' (which are subsequently destroyed one year after placement in the file). The major exceptions to this policy are the Screening and Qualification Questionaires, which are filed in the Reservists District Service Record. Records are destroyed by mutilating, shredding r burning.

System manager(s) and address:
Chief, Office of Reserve (G-R)
U.S. Coast Guard Headquarters
Washington, D.C. 20590

Notification procedure: Commandant (G-CMA)
U.S. Coast Guard Headquarters
Washington, D.C. 20590
Written request must be signed by the individual

Record access procedures: Individual should contact Commandant (G-CMA) for access to Headquarters maintained records or if record location is unknown. For records maintained at the District individual should contact the Commander (r) at the District to which the individual is assigned. Refer to appendix I for address.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Information contained in this system of records is obtained from the following sources: the individual himself, CG Headquarters, and CG District Offices.

DOT/CG 678

System name: Reserve Master Personnel File (Automated) DOT/CG

System location: Commandant (G-RA/82), U.S. Coast Guard, Washington, D.C. 20590.

Categories of individuals covered by the system: Reserve officers and enlisted personnel in an active and inactive status, with the exception of Retired Reserve, including those Reservists released from extended active duty to fulfill a specified term of inactive obligated service.

Categories of records in the system: Record of various personnel accounting data including: name, social security account number, service number, educational background, district and unit assignment and date assigned, status, date of birth, dates of enlistment, appointment, or extension, expiration of obligation, anniversary year, data on pay base date, aviation pay, training rating, Reserve category and class, training/pay category, number of dependents, Federal witholding exemptions, Selective Service induction certification, completion of correspondence courses, Ready Reserve obligation, officer designator, last screening date, civilian occupation, date of last National Agency check, date last physical, immunization dates, date of completion of extended active duty, and annual training date.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used for Reserve personnel administration purposes.

See Prefatory Statement of General Routine Uses.

V 40 186 SEP 24 75 XUM

Records are used by authorized Coast Guard employees in performance of official duties in maintaining the system through routine personnel transaction inputs, updates, and corrections.

Used by:

Personnel from the Office of Reserve Administration, Training, and Programs Divisions in the normal performance of their duties, as authorized by the Chief, Reserve Administration Division or his designated representative.

Personnel within Coast Guard Headquarters in the normal performance of their duties, as authorized by the Chief, Reserve Administration Division or his designated representative.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained on magnetic tape

Retrievability: Individuals in the system are indexed/retrieved by name and/or triple terminal digit of member's service number.

Safeguards: Magnetic tapes are stored in locked storage area when not in use and are accountable and accounted for at all times during actual use. Personnel screening.

Retention and disposal: Magnetic tapes are used, corrected and updated until the tape becomes physically deteriorated after which it is destroyed.

System manager(s) and address:

Chief, Office of Reserve (G-R)
U.S. Coast Guard Headquarters
Washington, D.C. 20590

Notification procedure: Requests to determine whether this system contains information on any individual should be made in person or in writing to Commandant (G-CMA). U.S. Coast Guard Headquarters, Washington, D.C. Written request must be signed by individual.

Record access procedures: Procedure may be obtained by writing Commandant (G-CMP) at address above, or by visiting Coast Guard Headquarters 7th St., S.W. Washington, D.C. or the local Coast Guard District for the area which can individuals duty station is located. Proof of identity will be required prior to affording an individual access to records. A military identification card, a drivers license or similar document will be considered suitable identification.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Information contained in a member's service record is obtained from the following sources: the individual himself, CG Headquarters and CG District Offices and various operating units of the Coast Guard.

DOT/CG 686

System name: Coast Guard Motor Vehicle Operator Permit DOT/CG

System location: District and Headquarters Unit Safety Offices, See Appendix I, for location

Categories of individuals covered by the system: Licensed Coast Guard employees

Categories of records in the system: Statement of driving history and drive test results

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by authorized Coast Guard Officials for licensing Coast Guard employees to enable them to drive on Coast Guard property.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Applications (CG 3308) are stored in file cabinets.

Retrievability: Retrieved by name/service number

Safeguards: Locked files

Retention and disposal: 5 years

System manager(s) and address: Chief, Safety Programs Division
U.S. Coast Guard Headquarters
Washington, D.C. 20590

Notification procedure: Contact Commandant (G-CMA), US Coast Guard Headquarters, Washington, D.C. 20590. Written request must be signed by the individual.

Record access procedures: Procedures may be obtained by writing Commandant, (G-CMA) at address above or by visiting Coast Guard Headquarters, 400 7th St. S.W., Washington, D.C. 20590 or the local Coast Guard District or unit office for the area in which duty station is located. Proof of identity will be required prior to granting access. A military identification card, driver's license or similiar document is considered suitable identification.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Individual submission, accident experience, and driver's examination.

DOT/FAA 827

System name: Environmental Litigation Files DOT/FAA

System location: Located in the Office of Chief Counsel, FAA, Washington, D.C.

Categories of individuals covered by the system: Litigants, witnesses, plaintiff's attorney, FAA atorney, Department of

Categories of records in the system: Litigation, pleadings, discovery material related documents Justice Attorney, etc. (including background data on individual involved), memoranda, correspondence, and other material necessary to respond to claim or prepare for litigation or hearings.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Litigation; documents are produced or used in and for litigation disclosure to the Department of Justice.

See prefatory statement of general routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders stored in locked and unlocked file cabinets and individual attorney's offices.

Retrievability: Retrieved by caption of the particular litigation.

Safeguards: Access by Office of Chief Counsel personnel only.

Retention and disposal: Files are kept for two years after case has been closed and then sent to Records Center.

System manager(s) and address: Chief, Environmental Staff, Office of Chief Counsel, FAA, 800 Independence Avenue, SW, Washington, DC, 20591.

Notification procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

Record access procedures: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

Contesting record procedures: Individuals who desire to contest information about themselves contained in this system or records should contact or address their inquiries to the: Administrator or his delegatee, 800 Independence Ave., S. W., Washington, D. C. 20591

Record source categories: Federal courts, individuals and their attorneys, FAA records, litigation files, etc.

DOT/FAA 900

System name: Aviation Medical Certification System. DOT/FAA

System location: Aeromedical Certification Branch, Aeronautical Center, Oklahoma City, Oklahoma 73126. Regional Flight Surgeons in all regional headquarters.

Categories of individuals covered by the system: Current certificated airmen, airmen whose certificates have expired, airmen rejected for medical certification, airmen with special certification, airmen who are deceased.

Categories of records in the system: This system consist of a variety of records that are required to determine the physical condition of an individual with respect to the medical standards established by the FAA. These files contain medical examination by an Aviation Medical Examiner, X-Rays, EKG's, lab reports hospital records, treating or examining physician reports, consultant reports, copies of correspondence, worksheets, summaries, petitions for review by the National Transportation Safety Board, medical exemption records, letters of appeals for exemptions, Air Traffic Controller psychological tests, medical history tapes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or may be used:

By agency officials for purposes of review in connections with appeals and petitions for waiver of medical standards.

By agency officials for purpose of reviewing applicants request for FAA employment that require medical certifications, such as air traffic controllers, FAA pilots, etc.

To provide data for the Automated Medical Certification data base.

To provide data for the Automated Comprehensive Airman Information System. (CAIS)

To provide statistical reports for internal use, to Congress, other Federal agencies and the public on the characteristics of the pilot population.

To provide information for Federal, state and local agencies maintaining civil, criminal or other relevant information or other pertinent operational purposes, such as validating airman qualification by supplies relevant information to an agency concerning the hiring or retention of an employee or the issuance of a grant or other benefit

To refer where there is an indication of a violaton, or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, state or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained.

To respond to general request for statistical information under the Freedom of Information Act, or to locate specific individual for a variety of personnel management function.

To provide data to the Automated Medical History tape system.

See prefatory statement of general routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets, punch cards, and magnetic tape files.

Retrievability: Records are indexed by name, date of birth, and sex - Special cases are indexed and retrieved by Pathological number.

Safeguards: Records are maintained in steel file cabinets and electrievers which are locked when not in use. All files are maintained in a secured work room limited to those whose duties require access.

Tape and punch cards are maintained in secured computer center. When not in use, tapes are stored in fire proof tape libary within the center; punch cards are stored in steel file cabinets in work area.

Retention and disposal: Medical Examination paper records are retained for one year past date of examination. The last two examination records are retained on magnetic tape. As a new record is received, the oldest record is put on to the history file. All Pathological records are retained indefinitely.

System manager(s) and address: Records from Master Files: Chief, Aeromedical Certification Branch, Aeronautical Center, Oklahoma City Oklahoma, 73126

Records from Regional Files: Regional flight surgeon within Region where examination was conducted.

Notification procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

Record access procedures: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

Contesting record procedures: Individuals who desire to contest information about themselves contained in this system or records should contact or address their inquiries to the: Administrator or his delegatee, 800 Independence Ave., S. W., Washington, D. C. 20591

Record source categories: Information is obtained from Aviation Medical Examiners, individuals themselves, consultant, hospitals, treating or examining physicians, other government agencies, tests taken by individual, special studies such as blood test, and in some rare cases, records supplied by other persons or agencies.

DOT/FAA 801

System name: Aircraft Registration System DOT/FAA

System location: Aircraft Registration Branch, Aeronautical Center, Oklahoma City Oklahoma 73126. Portions of these records are located in General Aviation District Office (GADO's) in Air Carrier District Offices (ACDO's), and in Flight Standards District Offices (FSDO's).

Categories of individuals covered by the system: This system identifies aircraft owners, partners, corporations, lien holders, operators, and lessees.

Categories of records in the system: This system consists of a series of records that identify aircraft types, current certification status and ownership of registered aircraft, aircraft to be registered, or aircraft that have been registered and are now temporarily deregistered. These records contain information about N - Number assignment, airworthness of aircraft, bills of sale, application for certification of amateur aircraft, major repairs and alterations maintenance inspection formss, revalidation and use form, lien and collateral documents.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine that aircraft are registered in accordance with the provision of the Federal Aviation Act of 1958.

To support investigative efforts of investigation and law enforcement agencies of Federal, state, and foreign governments.

To serve as a repository of legal documents used by individuals and title search companies to determine the legal ownership of an aircraft.

To provide aircraft owners and operators information about potential mechnical defects or unsafe conditions of their aircraft in the form of airworthiness directives.

To provide supportative information in court cases concerning liability of individual in law suits.

To serve as a data source for management information for production of summary descriptive statistics and analytical studies in support of agency functions for which the records are collected and maintained.

To respond to general requests from the aviation community or the public for statistical information under the Freedom of Information Act or to locate specific individuals or specific aircraft for accident investigation, violation, or other safety related requirements.

To provide data for the automated aircraft registration master file.

To provide documents for microfiche backup record.

To provide data for development of the aircraft registration statistical system.

To prepare an Aircraft Registry in magnetic tape and publication form required by ICAO agreement containing information on aircraft owners by name, address, N-Number and type aircraft used for internal FAA safety program purposes and also available to the public (individuals, aviation organizations, direct mail advertisers, State and local governments, etc.) upon payment of user charges reimbursing the the Federal Government Government for its costs.

See prefatory statement of general routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punch cards, and on microfiche.

Retrievability: Records are filed by aircraft N - Number, but may and are quite frequently retrieved by name of the individual aircraft owners or operators.

Safeguards: Records are stored in open shelves in a room that is open only to authorized employees and by special permission. Magnetic tapes are maintained in secure data processing area accessed by pass only. Backup copies of microfiche are kept in a fire proof vault and storage room.

Retention and disposal: Punch cards are kept in file in working area, destroyed after magnetic tape is complete. Microfiche is retained indefinitely. Aircraft registration files are retained until deregistered, held in N - Number file system for two years, then sent to storage in Fort Worth Federal Records Center. Destruction is not authorized.

System manager(s) and address: For official agency records, contact: Chief, Aircraft Registration Branch, Aeronautical Center, Oklahoma City, Oklahoma 73126, or Chief of the nearest GADO, ACDO, or FSDO.

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Notification procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

Record access procedures: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

Contesting record procedures: Individuals who desire to contest information about themselves contained in this system or records should contact or address their inquiries to the: Administrator or his delegatee, 800 Independence Ave., S. W., Washington, D. C. 20591

Record source categories: Information is collected from individuals, manufacturer's of aircraft, maintenance inspectors, mechanics, and FAA officials.

DOT/FAA 803

System name: General Aviation Medical Accident System DOT/FAA

System location: Aeromedical Certification Branch, Aeronautical Center Oklahoma City, Oklahoma, 73126

Categories of individuals covered by the system: Pilots involved in aircraft accidents

Categories of records in the system: Reports of fatal accidents, autopsies, toxological studies, AME's reports, medical record print outs, nonfatal reports, injury reports, accident name cards, magnetic tape records of fatal accidents. Psychological autopsy, consulting pathologist summary of findings.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To identify and monitor airman having accidents or incidents, analyze medical data for regulatory purposes, research studies of causes of accidents, promote aviation safety.

Data is supplied to the National Transportation Safety Board (NTSB) under requirements of FAA accident investigation authority delegated to it by the Board.
Supportative information in court cases concerning individual medical fitness or medical mishap that may or may not relate to the cause of the accident.
Repository of legal documents that relate to individual's physical status or condition used to determine statistically the validity of FAA Medical Standards.
As a data source for management information for producing summary descriptive statistics and analytical studies in support of agency functions for which the records are collected.
Used in developing professional papers that are distributed to various aviation and medical groups for evaluation and study. To inform the aviation community of medical findings related to flight saftey.
To provide data for the automated Medical Accident System.
See prefatory statement of general routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintain in file folders punch cards and on magnetic tape.

Retrievability: Records are filed by accident number cross referenced by name of pilot. Punch cards are maintained in name order. Magnetic tapes are filed in accident number order and are Cross referenced by name, Records are quite often retrieved by name.

Safeguards: Records are stored in lockable file cabinet in secured work area, Punch cards are maintained in metal file drawers in secured area, Magnetic tape is retained in a secured automatic data processing facility.

Retention and disposal: Records of fatal accidents are transferred to Fort Worth Federal Records Center when three years old and destroyed when 10 years old. Accident name card destruction is not authorized. Magnetic tape record - destruction not authorized.

System manager(s) and address: For offical medical accidents records contact: Chief, Aeromedical Certification Branch, Aeronautical Center, Oklahoma City, Oklahoma, 73126.

Notification procedure: Individuals wishing to see their records may appear in person or submit in writing a request identifying records desired. For Identification an individual must submit his or her other name, date of birth, sex, social security number and/or Airman number. Letter should be addressed to Chief, Aeromedical Certification Branch, Aeronautical Center, Oklahoma City, Oklahoma, 73126.

Record access procedures: Individuals who desire to access information about themselves in the system records should contact or address their inquiries to: Chief, Aeromedical Certification Branch, Aeronautical Center, Oklahoma City, Oklahoma, 73126.

Contesting record procedures: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegee, 800 Independence Avenue, S. W., Washington, D. C. 20591.

Record source categories: Information is obtained from aviation medical examiners AME), pathologists, accident investigation medical laboratories, law enforcement officials and FAA employees.

DOT/FAA 807

System name: Police Warrant File and Central Files DOT/FAA

System location: Police Branches, Washington National and Dulles International Airports

Categories of individuals covered by the system: Individual failing to pay Violation Notice and individual involved in a situation requiring a police report.

Individuals having criminal records.

Categories of records in the system: Individual Case File, File Cards with warrant numbers, arrest records, traffic accident records, injury reports, loss, thif and complaints Report, traffic violations notice files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used to carry out such required functions as:

Check for wanted individuals and vehicles
Vehicle registration information
Prior offense status, to testify in court hearings, to assest in case Preparation by U.S. Attorney's Office
In the event that a system of records maintained by FAA to carry out its functions indiciates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued prusuant, thereto, the relevant records in the system or records may be referred, as a routine use, to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuring such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.
See prefatory statement of general routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders. Stored in metal file cabinets.

Retrievability: Data is retrievable by individual name crossed referenced to a warrant number as a case file number.

Safeguards: Files are retained in a secured work area accessable only by consent of guard on duty.

Retention and disposal: Warrants are disposed of when warrant has been paid, case file are kept permanently.

System manager(s) and address: Director, Metropolitan Washington Airport Service, Washington National Airport Hangar 9 Washington, D.C. 20001

Notification procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

Record access procedures: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

Contesting record procedures: Individuals who desire to contest information about themselves contained in this system or records should contact or address their inquiries to the: Administrator or his delegatee, 800 Independence Ave., S. W., Washington, D. C. 20591

Record source categories: Agency employees, arresting officers, investigating officers, other agencies, witnesses.

DOT/FAA 808

System name: Imprest Fund System DOT/FAA

System location: Accounting Operations Division, Washington, D.C., and Accounting Divisions in Region and Center Offices

Categories of individuals covered by the system: Employees submitting vouchers for cab fare small purchases, vendors, paid as a result of small purchases of FAA Employees

Categories of records in the system: This system contains records of cash advancement by disbursing office to cashier. Statement of each verification. Imprest Fund records (transactions, etc.) Imprest fund cashier changes

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event that a system of records maintained by the Federal Aviation Administration to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system or records may be referred, as a routine use, to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Permits Government Employee to make small purchases on inexpensive payments for goods and services that are required on very short notices.
See prefatory statement of general routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders and secure files

Retrievability: These records are indexed by name of individuals, and are vendors and are retrieved by name of individual requesting payment.

Safeguards: Access to and use of these files are limited to those persons whose official duties require such access.

Retention and disposal: These records are retained for two years, transferred to Federal Record Center then destroyed after four years

System manager(s) and address:

Chief, Accounting Operations Division
Federal Aviation Administration
800 Independence Ave., S.W.
Washington, D.C. 20591.
or to the FAA Region or Center Accounting Division where transaction was made.

Notification procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

Record access procedures: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

Contesting record procedures: Individuals who desire to contest information about themselves contained in this system or records should contact or address their inquiries to the: Administrator or his delegatee, 800 Independence Ave., S. W., Washington, D. C. 20591

Record source categories: Employees requesting cash disbursement

DOT/FAA 812

System name: System Error Reporting Program DOT/FAA

System location: FAA, Air Traffic Service, Evaluation Staff, Washington, D.C. Regional Air Traffic Division, and all Air Traffic field facilities.

Categories of individuals covered by the system: Any Air Traffic Control Specialist involved in a system error

Categories of records in the system: Computer printout which can contain; name of controller, performance appraisal data, disciplinary actions, age, grade, date of birth, physical examination, medical information, home address

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Statistical analysis for policy development and release to the public under the Freedom of Information Act. Released for investigative purposes to the NTSB in the case of accident/ incident/or violation.

See prefatory statement of general routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All data is stored on magnetic tape or disk file and file folders.

Retrievability: Data is filed in random order within the computer with selections being on name of the indivdual. File folders are retrieved by name.

Safeguards: Security code for computer program is limited to those who have a need to know.

Retention and disposal: Records are maintained as active files for 10 years then stored on magnetic tapes indefinitely.

System manager(s) and address: Chief, System Effectiveness Branch, AAT-23, Air Traffic Service, FAA Washington, D. C., and the chiefs of field facilities where error occurred.

Notification procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

Record access procedures: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

Contesting record procedures: Individuals who desire to contest information about themselves contained in this system or records should contact or address their inquiries to the: Administrator or his delegatee 800 Independence Avenue, S. W., Washington, D. C. 20591

Record source categories: FAA Form 8020-7, System Error Report Form

FAA Form 8020-8, ATS Personnel Report Form

DOT/FAA 813

System name: Civil Aviation Security System DOT/FAA

System location: These records are maintained at FAA Air Transportation Security Field Offices, regional Air Transportation Security Divisions and at the Civil Aviation Security Service in Washington, D.C.

Categories of individuals covered by the system: This system of records contains information regarding hijackers, potential hijackers, extortionists, terrorists, and other individuals who have been involved or might be involved in crimes against civil aviation.

Categories of records in the system: This system of records contains information regarding hijacking incidents, potential or suspected hijackers, explosives or devices found on aircraft or at airports, attempts to board aircraft with concealed weapons, and other civil aviation criminal acts.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event that a system of records maintained by the Federal Aviation Administration to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by order issued pursuant thereto, the relevant records in the system or records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule regulation or order issued pursuant thereto. Source of data regarding air piracy threats for dissemination to airport and air carrier security officers.

Preparation of Alerts and Bulletins on threats to civil aviation.
Preparation of summaries for development/change of security procedures in civil aviation.
Respond to authorized inquiries.
Preparation of analytical and statistical studies and reports.
See prefatory statement of general routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in approved security files and containers.

Retrievability: These records are indexed by name and or incident.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are maintained up to four years after which they are updated, revised, retired, or destroyed.

System manager(s) and address: Chief, Operations Liaison Staff, ACS-20

Civil Aviation Security Service

V 40 N 186 SEP 24 75 XUM

Federal Aviation Administration
800 Independence Ave., S.W.
Washington, D.C. 20591

Notification procedure: Individuals wishing to see their records may appear in person or or submit in writing a request identifying record desired. For identification an individual must submit his or her name to the System Manager.

Record access procedures: Individuals who desire information about themselves in this system of records should contact or address their inquiries to the System Manager

Contesting record procedures: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee, 800 Independence Avenue, S. W., Washington, D. C. 20591

Record source categories: Information contained in this system comes from other FAA records; Federal, State or local agencies; foreign sources; public record sources;ar and third parties.

DOT/FAA 814

System name: Equal Employment Opportunity Minority/Female Statistical Reporting System DOT/FAA

System location: These records are maintained at FAA regional and center Civil Rights Offices and at the FAA Office of Civil Rights in Washington, D.C.

Categories of individuals covered by the system: This system of records contains information on all FAA employees.

Categories of records in the system: This system of records contains information (87 data elements) such as name, organization, social security number, racial backgroun, etc.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Monitor and evaluate status and progress of minority/femal employment.

Preparation of analytical and statistical studies and reports.
See prefatory statement of general routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are in the form of magnetic tape and computer listings and are stored in magnetic tape security areas and in file cabinets.

Retrievability: These records are retrieved by name

Safeguards: Access to data in this system is limited to the Director, Office of Civil Rights, or to those authorized by him.

Retention and disposal: This system is updated monthly and the replaced master tape is reused in the normal data processing manner.

System manager(s) and address: Director, Office of Civil Rights
FAA
800 Independence Ave., S.W.
Washington, D.C. 20591.

Notification procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

Record access procedures: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

Contesting record procedures: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee 800 Independence Ave., S. W., Washington, D. C. 20591

Record source categories: Personal Observation
Self Identification
Manpower records
Organization Records

DOT/FAA 815

System name: Investigative Record System. DOT/FAA

System location: These records are maintained at FAA regional and center Air Transportation Security Divisions and Investigations and Security Division, Aeronautical Center; Office of Investigations and Security in Washington, DC; and Federal Records Centers.

Categories of individuals covered by the system: Current and former applicants for FAA employment
Current and former FAA employees
Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs.
Aircraft owners
Flight Instructors
Pilots
Mechanics
Designated FAA representatives
Other individuals certificated by FAA
Individuals involved in tort claims against the FAA

Categories of records in the system: Results of investigations and inquiries conducted by the Office of Investigations and Security; FAA regional and center Air Transportation Security Divisions and Investigations and Security Division, Aeronautical Center; reports of investigations conducted by Federal, state, and local investigative agencies which relate to the mission and function of the Office of Investigations and Security and field elements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing such referral shall also include, and be deemed to authorize,

(1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and
(2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties.

To authorized officers and employees of FAA and other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

Officials from FAA and DOT administrative, operating and regulatory components who require access to the case file to fullfill their responsibilities contained in Executive Orders, Civil Service Commission Regulations, Federal Aviation Regulations and Orders or Federal statutes.

Authorized representatives of Federal agencies and departments who require access to the file pursuant to an investigation or inquiry conducted under appropriate statutes, Executive Orders or administrative procedures of Federal Government. This can include investigations completed by FAA and referred to other Federal agencies for further investigation, prosecution or administrative action.

To authorized officers and employees of FAA having the responsibility to grant security clearance, make determinations regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performace of a service to the Federal Government under a contract or other agreement.

As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals).

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in approved security file cabinets and containers.

Retrievability: These records are indexed alphabetically by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are retired to the Federal Records Center four years after close of case and retained indefinitely.

Any records authorized for destruction are destroyed by approved methods.

System manager(s) and address: The FAA investigative Record System is decentralized and requests for such records should be directed to the appropriate system manager as follows:

For the Washington Metropolitan area, excluding Eastern Region jurisdiction: Director of Investigations and Security, 800 Independence Avenue, SW, Washington, D.C. 20591.
For the geographical area under the jurisdiction of the various regions: Chief, Air Transportation Security Division, of the appropriate region.
For the jurisdiction of the National Aviation Facilities Experimental Center (NAFEC): Chief, Air Transportation Security Division, NAFEC, Atlantic City, New Jersey, 08405.
For the jurisdiction of the Aeronautical Center: Chief, Investigations and Security Division, Aeronautical Center, Oklahoma City, Oklahoma, 73126.

Notification procedure: An individual may inquire as to whether or not the system contains a record pertaining to him or to her by addressing a written request to any of the systems managers identified above. The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the requester feels he or she fits.

Record access procedures: Individuals who wish to gain access to such records should contact the system manager. However investigative data compiled for law enforcement purposes may be exempt from the access provision pursuant to 5 U.S.C. 552a(k)(2) and (k)(5).

Contesting record procedures: Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee 800 Independence Avenue, S. W., Washington, D. C. 20591

Record source categories: These records contain information obtained from interviews, review of records and other authorized, applicable investigative techniques.

DOT/FAA 827

System name: Environmental Litigation Files DOT/FAA

System location: Located in the Office of Chief Counsel, FAA, Washington, D.C.

Categories of individuals covered by the system: Litigants, witnesses, plaintiff's attorney, FAA atorney, Department of

Categories of records in the system: Litigation, pleadings, discovery material related documents Justice Attorney, etc. (including background data on individual involved), memoranda, correspondence, and other material necessary to respond to claim or prepare for litigation or hearings.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Litigation; documents are produced or used in and for litigation disclosure to the Department of Justice.

See prefatory statement of general routine uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders stored in locked and unlocked file cabinets and individual attorney's offices.

Retrievability: Retrieved by caption of the particular litigation.

Safeguards: Access by Office of Chief Counsel personnel only.

Retention and disposal: Files are kept for two years after case has been closed and then sent to Records Center.

System manager(s) and address: Chief, Environmental Staff, Office of Chief Counsel, FAA, 800 Independence Avenue, SW, Washington, DC, 20591.

Notification procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

Record access procedures: Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

Contesting record procedures: Individuals who desire to contest information about themselves contained in this system or records should contact or address their inquiries to the: Administrator or his delegatee, 800 Independence Ave., S. W., Washington, D. C. 20591

Record source categories: Federal courts, individuals and their attorneys, FAA records, litigation files, etc.

DOT/FRA 101

System name: Alaska Railroad Personnel and Pay Management Information System DOT/FRA

System location:
The Alaska Railroad
Pouch 7-2111
Anchorage, Alaska 99510

Categories of individuals covered by the system: Alaska Railroad officials and employees

Categories of records in the system:
Time, attendance and leave
Payroll data
Payroll computation and history
Personnel records
Personnel Management Records

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
Personnel Status Reports
Personnel Strength Reports
Payroll computation and related reports
Record of leave accrued and used
Labor distribution and accounting reports
Personnel management and budget reports
Reports to IRS, U.S., Treasury, CSC, etc.
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Integrated data based on mag-tape

Retrievability: By Name or I.D. Number

Safeguards: Access to the data base is limited to computer programs. Outputs from computer programs are disclosed only to employees or officials in discharge of their official duties. Primary control is achieved through a separation of functions wherein no one person is responsible for the input processing and auditing of any given transaction.

Retention and disposal: Individual records are deleted from the automated data base at the end of the calendar year in which Alaska Railroad employment is terminated. Input document and printed outputs are disposed of by destruction or transfer to a records center in accordance with established records disposition schedules.

System manager(s) and address:
General Manager
The Alaska Railroad
Pouch 7-2111
Anchorage, Alaska 99510

Notification procedure: The individual who feels that this system of records pertains to him may present himself to the General Manager, The Alaska Railroad requesting confirmation.

Record access procedures: Contact the system manager for access.

Contesting record procedures: In case of contest employee is instructed to first contact the immediate supervisor. Procedures are established which permit an employee to pursue an appeal to the General Manager, The Alaska Railroad, then to U.S. Civil Service Commission.

Record source categories:
Official Personnel Folders
Time, attendance and leave records
Organizational code structure
Computations and historical record of pay

DOT/FRA 102

System name: Alaska Railroad Security and Freight Claims Investigatory Files DOT/FRA

System location:
The Alaska Railroad
Pouch 7-2111
Anchorage, Alaska 99510

Categories of individuals covered by the system: Employees of the Alaska Railroad

Categories of records in the system: Investigatory Files

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used in routine investigatory work for DOT/Alaska Railroad Security and Freight Claims.
Review by General Manager or his designee.
Review by General Counsel, Alaska Railroad
May be forwarded to U.S. Attorney to assist in prosecution where warranted.
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked in fire class C Safe with combination lock.

Retrievability: By name

Safeguards: In addition to the combination safe only two officials of the railroad maintain the combination.

Retention and disposal: Records are maintained in the official safe for two years, then transferred to secured holding area for two years and then destroyed.

System manager(s) and address:

Chief, Security and Claims
The Alaska Railroad
Pouch 7-2111
Anchorage, Alaska 99510

Notification procedure: Individuals may confirm through the System Manager whether or not the System contains records on him.

Record access procedures: Access of records requires the individual to contact in person or in writing the System Manager. The records in this system are exempted by Section 552(k) (2) if investigatory matter is being pursued in a court case.

Contesting record procedures: However, contest procedures through the System Manager and the the General Manager are available if the investigatory files are maintained for general purposes. Confidentiality of sources will be maintained.

Record source categories:

Personal information provided by individual.
Confidential Statements
Photographs

Systems exempted from certain provisions of the act: This system of records is exempted under Section 552a(1) (2); 'investigatory material compiled for law enforcement purposes other than material within the scope of subsection (j)(2) of this section: Provided, however, that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal Law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.'

DOT/FRA 104

System name: Confidential Statement of Employment and Financial Interest DOT/FRA

System location:

Office of the Chief Counsel
Federal Railroad Administration
Room 5101, Nassif Building
Washington, D.C. 20590

Categories of individuals covered by the system: FRA Permanent Employees GS-13 and above, supervisors and procurement personnel.

Categories of records in the system: Standard Form on Employment and Financial Interest

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Review of Financial Interest to Employment
Administrative References
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All records are maintained on standard form in a locked file cabinet located in the Chief Counsel's Office.

Retrievability: Records are indexed by name.

Safeguards: Physical security consists of locked file cabinet; records provided to individuals only after physical screening.

Retention and disposal: Records are maintained for a one year period. Upon receipt of new statements old records are removed and destroyed.

System manager(s) and address:

Chief Counsel
Office of Chief Counsel
Federal Railroad Administration
Room 5101, Nassif Building
Washington, D.C. 20590

Notification procedure: Requests for information about this system should be addressed to the System Manager either in person or in writing. Prior employees must provide notorized signature or provide valid social security number.

Record access procedures: Access to records requires the individual to contact in person or write the System Manager.

Contesting record procedures: Contest of a record is also through the System Manager. If a change is valid after agency review it will be made as requested.

Record source categories: Information is provided by the individual on Standard Form DOT F 3700.1, Confidential Statement of Employment and Financial Interest.

DOT/FRA 106

System name: Occupational Safety and Health Reporting System DOT/FRA

System location:

Office of Administrative Operations, RAD-40
Office of Administration
Federal Railroad Administration
Room 4504
Trans Point Building
2100 2nd Street, S.W.
Washington, D.C. 20590

Categories of individuals covered by the system:

FRA employees (injury-illnesses)
FRA employees involved in government property accidents

Categories of records in the system:

Federal Occupational Injuries and Illnesses Survey (Standard Form OSHA-102)
Departmental Accident/Injury Reports DOT Forms 3902.1-8

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Maintain accident records per departmental orders
Provide data to Office of the Secretary
Develop causative trends
Use for corrective accident prevention
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: maintained on copies of basic documents

Retrievability: by name

Safeguards: Physical security consists of file drawer with data; records provided to authorized individuals by FRA Safety Manager after physical screening

Retention and disposal: Records are retained for five years. Documents are then destroyed by shredding or burning

System manager(s) and address:

FRA Safety Manager
Office of Administrative Operations, RAD-40
Office of Administration
Federal Railroad Administration
Trans Point Building
2100 2nd Street, S.W.
Washington, D.C. 20590

Notification procedure: Inquiries may be addressed to the Systems Manager either in person or in writing. If written the individual must provide a notarized signature, or provide a valid social security number.

Record access procedures: Access to records requires the individual to contact in person or write the System Manager.

Contesting record procedures: Contest of a record is also through the System Manager. If a change is valid after System Manager review it will be made as requested. If resolvement is not possible at this level an appeal in writing can be made to:

Office of Chief Counsel
Federal Railroad Administration
Room 5101
400 7th and D Streets, S.W.
Washington, D.C. 20590

Record source categories: Documents provided by the individual

DOT/FRA 113

System name: Regional Personnel Convenience Files DOT/FRA

System location:

Region 2, Federal Railroad Administration
Room 1020
Independence Building
434 Walnut Street
Philadelphia, Pennsylvania 19106
Region 3, Federal Railroad Administration
1568 Willingham Drive
College Park, Georgia 30337
Region 4, Federal Railroad Administration
536 South Clark Street
Chicago, Illinois 60605
Region 5, Federal Railroad Administration
Room 11A23
819 Taylor Street
Fort Worth, Texas 76102
Region 6, Federal Railroad Administration
450 Multnomah Building
319 S. W. Pine Street
Portland, Oregon 97204
Region 7, Federal Railroad Administration
2 Embarcadero, Suite 630
San Francisco, California 94111
Region 8, Federal Railroad Administration
911 Walnut Street
Kansas City, Missouri 64106

Categories of individuals covered by the system:

Federal Supervisory Inspectors
Federal Safety Inspectors
Federal Clerical Personnel
Regional Director

Categories of records in the system:

Standard Form 52
Standard Form 171
Performance Evaluations
Within Grade Increases
Travel Authority and Vouchers
Use of Government-owned vehicles and Authority
Training Records
Payroll and Leave Records
Copies of Commendations and Awards
Work Measurement Records

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For the individual's use
Schedule training
Statistics to recommend personnel actions
Administrative reference material
Budgetary information material
Technical information material
Work Territory assignments
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained from copies of original documents.

Retrievability: The system is indexed by name.

Safeguards: Physical security is maintained by locked file cabinets.

Any individual requesting data is screened by Regional Director's Secretary.

Retention and disposal:

Personnel records are retained until employee is terminated, retired, or transferred
Records are then disposed of as trash
Records used for budgetary purposes are retained for 1 year then disposed of.

System manager(s) and address: The responsible System Manager for each regional system is the Regional Director. The location is identical to those previously listed.

Notification procedure: The individual may present himself to the Regional Office (Regional Director) to inquire about whether this system of records applies to him either in person or in writing.

Record access procedures: An individual may gain access to his records by request to the System Manager.

Contesting record procedures: Contest of these records will be at the Regional level, if resolvement is not satisfactory to the individual at that level appeals will be filed in writing to:

Office of the Chief Counsel
Federal Railroad Administration
Room 5101
400 7th and D Streets, S.W.
Washington, D.C. 20590

Record source categories:

Informational copies provided by the individual.
Informational copies provided by Office of Personnel.
Informational copies generated by on-going work programs.

DOT/FRA 113

System name: Regional Personnel Convenience Files DOT/FRA

System location:

Region 2, Federal Railroad Administration
Room 1020
Independence Building
434 Walnut Street
Philadelphia, Pennsylvania 19106
Region 3, Federal Railroad Administration
Room 679
P.O. Box 20636
Atlanta, Georgia 30320 or;
3400 Whipple Street
East Point, Georgia 30044
Region 4, Federal Railroad Administration
536 South Clark Street
Chicago, Illinois 60605
Region 5, Federal Railroad Administration
Room 11A23
819 Taylor Street
Fort Worth, Texas 76102
Region 6, Federal Railroad Administration
450 Multnomah Building
319 S. W. Pine Street
Portland, Oregon 97204
Region 7, Federal Railroad Administration
450 Golden Gate Avenue
San Francisco, California 94102
Region 8, Federal Railroad Administration
911 Walnut Street
Kansas City, Missouri 64106

Categories of individuals covered by the system:

Federal Supervisory Inspectors
Federal Safety Inspectors
Federal Clerical Personnel
Regional Director

Categories of records in the system:

Standard Form 52
Standard Form 171
Performance Evaluations
Within Grade Increases
Travel Authority and Vouchers
Use of Government-owned vehicles and Authority
Training Records
Payroll and Leave Records
Copies of Commendations and Awards
Work Measurement Records

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For the individual's use
Schedule training
Statistics to recommend personnel actions
Administrative reference material

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Budgetary information material
Technical information material
Work Territory assignments
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained from copies of original documents.

Retrievability: The system is indexed by name.

Safeguards: Physical security is maintained by locked file cabinets.

Any individual requesting data is screened by Regional Director's Secretary.

Retention and disposal:

Personnel records are retained until employee is terminated, retired, or transferred
Records are then disposed of as trash
Records used for budgetary purposes are retained for 1 year then disposed of.

System manager(s) and address: The responsible System Manager for each regional system is the Regional Director. The location is identical to those previously listed.

Notification procedure: The individual may present himself to the Regional Office (Regional Director) to inquire about whether this system of records applies to him either in person or in writing.

Record access procedures: An individual may gain access to his records by request to the System Manager.

Contesting record procedures: Contest of these records will be at the Regional level, if resolvement is not satisfactory to the individual at that level appeals will be filed in writing to:

Office of the Chief Counsel
Federal Railroad Administration
Room 5101
400 7th and D Streets, S.W.
Washington, D.C. 20590

Record source categories:

Informational copies provided by the individual.
Informational copies provided by Office of Personnel.
Informational copies generated by on-going work programs.

DOT/FHWA 202

System name: University and Industry Programs Coding and Filing System DOT/FHWA

System location: National Highway Institute - Room 4207 Nassif Building

Categories of individuals covered by the system: Current and prior year candidates for FHWA fellowships/scholarships - employees of FHWA and State and local transportation agencies.

Categories of records in the system: Applications for fellowships. Transcripts of grades. Study progress reports. Follow-up evaluation reports.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Applications and transcripts used by fellowship selection panel. Study progress reports and follow-up evaluation reports used by the National Highway Institute in program evaluation.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders

Retrievability: Name

Safeguards: Stored in file cabinets

Retention and disposal: 5 years - discarded in trash

System manager(s) and address: Administrative Assistant, Room 4206 Nassif Building, 400 7th St., S.W., Washington, D.C. 20590

Notification procedure: Any individual that has applied for a fellowship/scholarship may obtain such information by written request to the Institute. The requestor should know the year of his application.

Record access procedures: Administrative Assistant, Room 4206 Nassif Building, 400 7th St., S.W., Washington, D.C. 20590

Contesting record procedures: Administrative Assistant, Room 4206 Nassif Building, 400 7th St., S.W., Washington, D.C. 20590

Record source categories: The information comes from individual applications, reports prepared by the individuals and their faculty advisors, and college transcripts.

DOT/FHWA 208

System name: Application for U.S. Government Motor Vehicle Operator's Identification Card (U.S. Government Drivers License). DOT/FHWA

System location: FHWA, Office of Management Systems, HMS-4
400 7th Street, SW
Nassif Building, Room 4317
Washington, D.C. 20590
All FHWA Regional and Division Offices (See 49 CFR Part 7 Appendix D for addresses)

Categories of individuals covered by the system: FHWA employees who have applied for Federal Government Drivers License.

Categories of records in the system: Application for Operator's Identification card, form FHWA-133, and Physical Fitness Inquiry for Motor Vehicle Operators, Standard form 47.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of FHWA drivers, and qualification of the driver.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in a file cabinet in folders.

Retrievability: The system is indexed alphabetically by name of applicant.

Safeguards: Personnel screening.

Retention and disposal: Records are retained until expiration of licensing period.

System manager(s) and address: Occupational Safety Engineer
400 7th Street, SW
Room 4317, Nassif Building
Washington, D.C. 20590
Executive Officer in Regions Administrative Managers in Division (See 49 CFR Part 7 Appendix D for addresses)

Notification procedure: The requester must provide his name, organizational element, and proper identification to address in System Manager.

Record access procedures: Same as 'System Manager'

Contesting record procedures: Same as 'System Manager'

Record source categories: The information is provided by the individual on his application for an FHWA U.S. Government drivers license.

DOT/FHWA 209

System name: Driver Accident Record Cross-Reference File DOT/FHWA

System location: FHWA Regional Office
Bureau of Motor Carrier Safety
Room 210, Mohawk Building
222 SW Morrison Street
Portland, Oregon 97204

Categories of individuals covered by the system: All Motor Carrier drivers who have had commercial accidents in the Region 10 geographic area and drivers from motor carriers based in Region 10 who have had commercial accidents anywhere in the United States.

Categories of records in the system: Card file cross-referenced to motor carrier files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To identify commercial drivers who have been involved in one or more commercial accidents.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on 3x5 index cards.

Retrievability: Filed alphabetically by driver's name.

Safeguards: Personnel screening of those individuals requesting driver accident information.

Retention and disposal: Retained indefinitely until driver discontinues his line of work. Discarded in a trash receptacle.

System manager(s) and address:

FHWA Regional Director
Bureau of Motor Carrier Safety
Room 210, Mohawk Building
222 SW Morrison Street
Portland, Oregon 97204

Notification procedure: May be obtained upon request by supplying their name to address in System Manager.

Record access procedures: Same as System Manager

Contesting record procedures: Same as System Manager

Record source categories: Accident information on the cards are transposed from the Motor Carier Safety Accident Forms (MCS 50-T) and State Police Accident Reports.

DOT/FHWA 210

System name: Occupational Safety and Health Accident Reporting System. DOT/FHWA

System location: FHWA, Office of Management Systems, HMS-4
400 7th Street, SW
Room 4317 Nassif Building
Washington, D.C. 20590 Duplicate copies may be retained in Regional and Division offices (See 49 CFR Part 7 Appendix D for addresses)

Categories of individuals covered by the system: Any FHWA employee involved in an occupational accident.

Categories of records in the system: The system contains all type of occupational accidents such as, employees' injuries, occupational illnesses, motor vehicle, property damage, fire and explosion, vessel, train, and incidents not resulting in injuries or property damage.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The use and purpose of the information is to obtain information for accident prevention.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in a file cabinet in folders.

Retrievability: The system is indexed by organizational element and name.

Safeguards: Personnel screening.

Retention and disposal: Records are retained for five years as required by Occupational Safety and Health Act of 1970, as amended, Title 29, U.S.C., Part 1960, Safety and Health Provisions for Federal Employees. The records are then forwarded to the Records Center of Archives and Records Services, GSA.

System manager(s) and address: Occupational Safety Engineer
400 7th Street, SW
Room 4317, Nassif Building
Washington, D.C. 20590

Notification procedure: The requester must provide his name, organizational element, and/or date of the accident, and proper identification to address in System Manager.

Record access procedures: Same as 'System Manager'

Contesting record procedures: Same as 'System Manager'

Record source categories: The information is obtained from individuals involved in the accident, and by investigation by the individual's supervisors. Management obtains the information throught investigation.

DOT/FHWA 213

System name: Driver Waiver File DOT/FHWA

System location: FHWA, Bureau of Motor Carrier Safety
400 7th Street, SW., Nassif Building
Room 3404 - Driver Requirements Branch
Washington, DC 20590

Categories of individuals covered by the system: Operator of Interstate Commercial Vehicle

Categories of records in the system: Application for waiver (usually involving physical disability), Field Investigator's report, staff recommendations, and final disposition of request for waiver.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Research purposes and control of physically impaired operators of commercial motor vehicles.

See Prefatory Statement for General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder, entire File Cabinet.

Retrievability: Information retained by name.

Safeguards: File is classified as non-confidential. Accessible to any employee of Regulations Division, Bureau of Motor Carrier Safety

Retention and disposal:

System manager(s) and address: Chief, Driver Requirements Branch
FHWA, Bureau of Motor Carrier Safety
400 7th Street, S.W. Room 3404
Nassif Building
Washington, D.C. 20590

Notification procedure: Same as System Manager.

Record access procedures: Requests for information should be made in writing to Chief, Driver Requirements Branch, giving name of individual.

Contesting record procedures: Same as System Manager.

Record source categories: Information obtained from Application for Waiver.

DOT/FHWA 214

System name: Investigations Case File System DOT/FHWA

System location: FHWA, Office of Program Review and Investigations
400 7th Street, SW
Room 4203, Nassif Building
Washington, D.C. 20590

Categories of individuals covered by the system: Any individuals, including Federal Highway Administration (FHWA) employees, State and other political subdivision personnel, contractors and contractor employees who were the subjects of investigation based on allegations of wrongdoing relating to the Federal-aid highway program.

Categories of records in the system: Records of investigation conducted by the Office of Program Review and Investigations of allegations of irregularities, fraud, bribery, false statements, and other improprieties. Reports of violation of or noncompliance with administrative rules and regulations pertaining to programs administered by the FHWA.

Reports of investigation from State and Federal agencies, including the FBI, relating to the Federal-aid highway program.
Newspaper clippings containing articles relating to questionable or ethical conduct, irregularities, investigations, indictments, and convictions of individuals, and officials who are or might be involved in Federal-aid highway programs or related fields.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reports of investigation that contain information indicating a possible violation of Federal or State criminal or civil laws are referred to the appropriate prosecutive authorities for their evaluation of prosecution.

Results of investigation are evaluated for the purpose of making recommendations to the Federal Highway Administrator and other officials for their use in determining the action to be taken regarding procedural deficiencies or unacceptability action against an individual under Title 23, Code of Federal Regulations, Part 16.
Reports of investigation are furnished to State highway departments to aid them in correcting procedural deficiencies that were disclosed.
Reports are furnished to Members of Congress, upon their request for specific information.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: System is indexed by the name of individuals.

Safeguards: Records are maintained in locked file cases and are released only to authorized personnel with a followup system for prompt return.

Retention and disposal: Files are kept until they are three years old and then transferred to the Federal Records Center. They are destroyed when 15 years old.

System manager(s) and address: Chief, Investigations and Special Inquiry Division

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400 7th Street, SW
Room 4203, Nassif Building
Washington, DC 20590

Notification procedure: Individuals wishing to know whether information about them is maintained in this system should address inquiries to the

Office of Program Review and Investigations
FHWA, 400 7th Street, SW
Nassif Building, Room 4203
Washington, DC 20590

Record access procedures: Individuals who desire access to or to contest information about them in this system of records should contact or address their inquiries to the

Office of Program Review and Investigations
FHWA, 400 7th Street, SW
Nassif Building, Room 4203
Washington, DC 20590

Contesting record procedures: Same as Record Access Procedure.

Record source categories: The information contained in our investigatory records was obtained through investigations, interviews of various individuals, examination of official and public records, and information from State and Federal agencies. Information is also received from identified private citizens, anonymous sources and newspaper articles.

Systems exempted from certain provisions of the act: Pursuant to (k) (2) of 5 U.S.C. 552a this system of records is exempt from subsections (c)(3), (d),(e)(1), (e)(4)(G),(H), and (I) and(f).

DOT/FHWA 216

System name: Travel Voucher - Change of Duty Station DOT/FHWA

System location:

Federal Highway Administration
Office of Fiscal Services
400 7th Street, S.W.
Washington, D.C. 20590

Categories of individuals covered by the system: Employees reimbursed for change of duty station travel.

Categories of records in the system: Record of travel expenses claimed for change of duty station.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Record of travel expenses for change of duty station.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on a 8 x 10 inch form.

Retrievability: Indexed by name.

Safeguards: Supervised by the Chief, Voucher Review & Disbursements Section

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Schedule 9, Travel and Transportation Records, of the General Records Schedules (FPMR 101-11.4)

System manager(s) and address: Chief, Voucher Review & Disbursements Section

Federal Highway Administration
Office of Fiscal Services
400 7th Street, S.W.
Washington, D.C. 20590

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individual on whom the record is maintained.

DOT/FHWA 217

System name: Accounts Receivable DOT/FHWA

System location: Federal Highway Administration

Office of Fiscal Services
400 7th Street, S.W.
Washington, D.C. 20590

Categories of individuals covered by the system: Individuals indebted to the Federal Highway Administration.

Categories of records in the system: Amount of indebtedness

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To control accounts receivable.

See Prefatory Statement for General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in indexed loose leaf book

Retrievability: By name.

Safeguards: Supervised by Chief, General Ledger and Funds Control Section

Retention and disposal: Schedule 7, Expenditure Accounting Records, of General Records Schedules (FPMR-101-11.4)

System manager(s) and address: Chief, General Leger & Funds Control Section

Federal Highway Administration
Office of Fiscal Services
400 7th Street, S.W.
Washington, D.C. 20590

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Employer

DOT/FHWA 218

System name: Memorandum of Monthly Performance of Keypunch Operators DOT/FHWA

System location: Transportation Computer Center

Operations Division - Data Section
Room 2101 and 2401, Nassif Building
400 7th Street, SW
Washington, D.C. 20590

Categories of individuals covered by the system: Keypunch and key-to-tape operators

Categories of records in the system: The System consists of a Computer Printout Report containing various production information.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is used as a measurement of employee performance and equipment utilization by TCC managers.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The report is in the form of a computer printout.

Retrievability: System is indexed by employee number. Employee's name does not appear on report.

Safeguards: Report is returned and filed in a folder by Chief, Data Section in a locked file drawer.

Retention and disposal: The reports are kept for a period of one year at which time they are disposed of by a shredding process.

System manager(s) and address: Chief, TCC Operations Group A

Transportation Computer Center
400 7th Street, SW
Room 2401, Nassif Building
Washington, D.C. 20590
Chief, TCC Operations Group B
Transportation Computer Center
400 7th Street, SW
Room 2101, Nassif Building
Washington, DC 20590

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: The information comes from an employee utilization form filled out by each operator for each job keyed.

DOT/FHWA 220

System name: Payroll Administration DOT/FHWA

System location: FHWA Region 10

Office of Federal Highway Projects
610 E. Fifth Street

Vancouver, Washington 98661
P.O. Box 25246, Building 40 FHWA/Region 8
Denver, Federal Center
Denver, Colorado 80225
Federal Highway Administration
Office of Fiscal Services
400 7th Street, SW
Nassif Building
Washington, D.C. 20590

Categories of individuals covered by the system: All Employees - Department of Transportation, Office of the Secretary of Transportation. Federal Highway Administration, Federal Railroad Administration Federal Railroad Administration, National Highway Traffic Safety Administration Urban Mass Transportation Administration, National Transportation Safety Board. FHWA Employees in Regions 8 and 10

Categories of records in the system: Contains all data relative to payrolling employees. Includes time, attendnce, leave, gross pay and payroll deduction records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payrolling and Leave Administration

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders

Retrievability: By name.

Safeguards: Supervised by Chief, Payroll & Employee Records Section

Retention and disposal: Schedule 2 of General Records Schedules Payrolling and Pay Administration Records (FPMR 101-11.4)

System manager(s) and address: Chief, Payroll & Employee Records

Section Federal Highway Administration
Office of Fiscal Services
400 7th Street, S.W. Nassif Building
Washington, DC 20590
Appropriate Fiance Officer in Region 8 or 10.

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Individual on whom the record is maintained, Office of Personnel and Training; Federal, State and City Tax Regulations.

DOT/NHTSA 432

System name: EEO Counseling Program and Discrimination Complaint File DOT/NHTSA

System location: Room 5312, DOT Headquarters Building Washington, D.C. 20590

Categories of individuals covered by the system: NHTSA personnel or those seeking employment with NHTSA (Clerical and professional)

Categories of records in the system:

- Detailed description of alleged discrimination
- Background a support material
- Transcripts of hearings
- personnel evaluation forms
- record of interviews

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

- EEO Counselors have access to the file
- EEO Officer
- Used for reference, EEO investigations

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet

Retrievability: Subject, name

Safeguards: Personnel Screening; Locked files

Retention and disposal: Indefinitely

System manager(s) and address:

Director, Office of Civil Rights
Room 5312, DOT Headquarters Building
Washington, D.C. 20590

Notification procedure: Room 5312, DOT Headquarters Building Washington, D.C. 20590

Record access procedures: Office of Public Affairs and Consumer Services Room 5232, DOT Headquarters Building Washington, D. C. 20590

Contesting record procedures: Same as 'Record Access Procedures'

Record source categories: From interviews with the complainants, others involved in the alleged discrimination action.

DOT/NHTSA 432

System name: EEO Counseling Program and Discrimination Complaint File DOT/NHTSA

System location: Room 5312, DOT Headquarters Building Washington, D.C. 20590

Categories of individuals covered by the system: NHTSA personnel or those seeking employment with NHTSA (Clerical and professional)

Categories of records in the system:

- Detailed description of alleged discrimination
- Background a support material
- Transcripts of hearings
- personnel evaluation forms
- record of interviews

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

- EEO Counselors have access to the file
- EEO Officer
- Used for reference, EEO investigations

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet

Retrievability: Subject, name

Safeguards: Personnel Screening; Locked files

Retention and disposal: Retained indefinitely

System manager(s) and address:

Director, Office of Civil Rights
Room 5312, DOT Headquarters Building
Washington, D.C. 20590

Notification procedure: Room 5312, DOT Headquarters Building Washington, D.C. 20590

Record access procedures: Office of Public Affairs and Consumer Services Room 5232, DOT Headquarters Building Washington, D. C. 20590

Contesting record procedures: Same as above

Record source categories: From interviews with the complainants, others involved in the alleged discrimination action.

DOT/NHTSA 438

System name: Idaho Traffic Records System Accident Component - Driver Component DOT/NHTSA

System location:

Accident Component
Idaho Transportation Department
P.O. Box 7129
Boise, ID 83707
Driver Component
Department of Law Enforcement
P.O. Box 31
Boise, ID 83707

Categories of individuals covered by the system: Accident Component - Information on all motor vehicle accidents, not identified by individual name

Driver Component - All individuals who have a motor vehicle operatorslicense

Categories of records in the system: Accident Componetn - Includes information relating to vehicle accidents which have been reported on the motor vehicle accident report form

Driver Component - Includes driver history including license application information, convictions, suspensions, accident occurrence

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Accident Component - Used by Division of Highways to analyze high accident locations to determine need of correction. Used by State Police to guide them in enforcement routes. Used by Traffic Safety Commission to determine problems to be corrected through safety programs.

Driver Component - Used by all law enforcement agencies to determine background of individuals they apprehend and if there are outstanding warrants. Used by Department of Law Enforcement to determine drivers needing to be counseled or have licenses suspended due to point violation accumulation.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both systems are maintained on disk packs

Retrievability: Accident Component - Location, driver number, accident number, vehicle identification number (VIN)

Driver Component - Name, driver identification number

Safeguards: The program specification block in the data base controls who can access the data base. Since all material is on the data base this limits and safeguards the security of the system. The current separate driver component also has coded access.

Retention and disposal: The records are maintained for 5 years on the data base. At that time the information is spooled off onto a tape prior to purging from system. This spooled off information is maintained approximately one year and is destroyed by erasing or reusing tape.

System manager(s) and address:

Accident Component
Steve Noyce
Systems and Data Processing Manager
Idaho Transportation Department
P.O. Box 7129
Boise, ID 83707
Driver Component
Ron Bruckner
Data Processing
Department of Law Enforcement
P.O. Box 31
Boise, ID 83707

Notification procedure: Department of Transportation
National Highway Traffic Safety Administration
Room 5301 N 48-30
400 7th Street, S.W.
Washington, D.C. 20590

Record access procedures: See address in Notification Procedure.

Contesting record procedures: See address in Notification Procedure.

Record source categories: Accident Component - Information comes from Official Motor Vehicle Accident Report Form or from Individual Motor Vehicle Accident Report Form.

Driver Component - Information on driver comes from driver license application form. Information on convictions are from the courts. Information on accidents comes from accident report forms.

DOT/NHTSA 441

System name: In-depth Accident Investigation DOT/NHTSA

System location: Pennsylvania Department of Transportation
Bureau of Traffic Engineering
1014 Transportation & Safety Building
Harrisburg, Pennsylvania 17120

Categories of individuals covered by the system: None

Categories of records in the system: Data file of accident investigations including information on roadways, vehicles, operator interviews, causative factors and recommendations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used on a random basis to develop recommendations for improvements to such items as driver training procedures, driver licensing procedures, vehicle safety features, and highway design and maintenance features.

The users are all staff members of the project.
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape

Retrievability: By a 6-digit identification number

Safeguards: No direct storage of names, access only through project personnel, random identification number, court rulings, and Department policies prohibiting disclosure.

Retention and disposal: Records are maintained indefinitely and are not destroyed.

System manager(s) and address: Bureau of Traffic Engineering
Pennsylvania Department of Transportation
1014 Transportation & Safety Building
Harrisburg, Pennsylvania 17120

Notification procedure: Department of Transportation
National Highway Traffic Safety Administration
Room 5301 - N48-30
400 Seventh Street, S.W.
Washington, D.C. 20590

Record access procedures: See address in Notification Procedure.

Contesting record procedures: See address in Notification Procedure.

Record source categories: Vehicle inspections
Highway inspections
Operator Interviews
Operator Driving Records
Police Reports
Coroner Reports
Hospital Records

DOT/NHTSA 445

System name: Motor Vehicle Accident and Claim Reporting System. Federal Register Identifier: GSA/FSS-6 DOT/NHTSA

System location: Motor Equipment Management Division
Office of Transportation and Public Utilities
Federal Supply Service
General Services Administration
Washington, D.C. 20406
Regional Directors, Motor Equipment Services Division at the following locations:
Region 1
Office and Courthouse
Post Office Square
Boston, Massachusetts 02109
Region 2
26 Federal Plaza
New York, New York 10007
Region 3
7th and D Streets, SW
Washington, DC 20407
Region 4
1776 Peachtree Street, NW
Atlanta, Georgia 30309
Region 5
219 South Dearborn Street
Chicago, Illinois 60604
Region 6
1500 E. Bannister Road
Kansas City, Missouri 64131
Region 7
819 Taylor Street
Fort Worth, Texas 76102
Region 8
Building 41 - Denver Federal Center
Denver, Colorado 80225
Region 9
525 Market Street
San Francisco, California 94105
Region 10
GSA Center
Auburn, Washington 98002
In addition to the above locations, portions of the system of records described in this notice are maintained at Interagency Motor Pools and Minuteman Interagency Support Systems throughout the regions. The addresses of these locations can be obtained from the Regional Directors listed above or from the Motor Equipment Management Division, Washington, DC 20406.

Categories of individuals covered by the system: Operators of government motor vehicles, third parties, and witnesses involved in accidents.

Categories of records in the system: Operators report of motor vehicle accident, investigation report, statement of witness, notices of injury, action taken on the accident reports, police reports, photographs, and doctor certifications.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Agency officials with a need to know Regional Counsels for ascertaining appropriate claims in favor of the Government, against the government, agency liability and third party claims. Inter-agency officials of operator involved. State, county or municipal authorities as required by law. Third parites and their insurance carriers. Claims for Damage, injury or death may be provided to U.S. Attorneys Office.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms.

Retrievability: Indexed by name.

Safeguards: Released only to authorized officials. Information stored in locked cabinets when not in use.

Retention and disposal: Cut off annually following completion of case, hold 2 years, and retire. Destroy after 4 additional years.

System manager(s) and address: Director, Motor Equipment Management Division
Federal Supply Service
Washington, DC 20406
Regional Directors of the Motor Equipment Services Divisions at the addresses shown under the location portion of this notice.

Notification procedure: The address of the agency offices to which inquiries should be addressed and addresses of locations at which the individual may present a request as to whether a system contains records pertaining to himself is the same as that shown under the location portion of this notice. Individual should provide his name, social security number, data of accident, drivers license number, and, if a government employee, the agency employed at to assist the office in locating the record.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting records from the applicable Director of the Motor Equipment Services Division shown under the location information requests should be submitted to the Director, Motor Equipment Management Division, Crystal Mall Building 4, Washington DC 20406 or the Office of the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, DC 20406.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Accident reports filed by individuals involved, police reports, witness reports, supervisors reports, and doctor certificates.

DOT/NHTSA 451

System name: Medical Records and Research Data DOT/NHTSA

System location: Naval Aerospace Medical Research Laboratory, Pensacola, Florida 32512 and NAMRL Detachment, New Orleans, LA

Categories of individuals covered by the system: Military research subjects

Categories of records in the system: Medical Histories, results of physical examinations, psuchological testing, electrocardiograms, audiograms, x-rays, and miscellaneous clinical laboratory results.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used for screen research subjects and for statistical purposes by military and civilian personnel employed at this activity.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The Records are maintained in file folders, magnetic tape and punch cards.

Retrievability: The key for retrieval is name or Social Security number.

Safeguards: Records are not sent to records center because they are considered raw scientific data. They are destroyed by burning when research projects are completed. the military health records are sent to Naval Manpower Center, Bainbridge, Maryland when an active duty member completes his tour of service.

System manager(s) and address: Commanding Officer, Naval Arospace Medical Research Laboratory, Pensacola, Florida 32512

Notification procedure: Dept. of Transportation, National Highway Safety Administration, Room 5301-N48-30, 400 Seventh Street, S.W., Washington, D.C. 20590, Attn: Director, office of Contracts and Procurement

Record access procedures: See address under Notification Procedure.

Contesting record procedures: See address under Notification Procedure.

Record source categories: Personal medical history, personal responses to test, medical examinations, and results of experimental data.

DOT/NHTSA 453

System name: Cooperative Agreement Number DOT-HS-5-01057 Motor Vehicle Diagnostic Inspection Investigation DOT/NHTSA

System location:
State Inspection
600 North 40th Street, Phoenix, Arizona 85008
4040 East 29th Street, Tucson, Arizona 85711
COMCO Public Relations
4747 North 16th Street, Phoenix, Arizona 85016
Terrazas & Terrazas
801 Home Federal Savings Tower
32 North Stone Avenue
Tucson, Arizona 85701

Categories of individuals covered by the system: Individuals are classified as VIP (Vehicle Inspection Program) volunteer participants and are categorized as 'treatment' or 'control'.

Categories of records in the system: The type of information collected in the system on the volunteer participants is as follows:
Vehicle owner
Name
Address
Telephone (day or night)
VIN (vehicle identification number)
LICENSE PLATE NUMBER
Matrix - make/model/year of car and code
County - Maricopa or Pima
VIP number
Inspection status
Needs first inspection
Needs reinspection
Passed
Dropped
Surplus
Involved in accident
Title transfer

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: System is used for acquisition of test vehicles and follow-up of volunteer participants.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape and printed forms

Retrievability: By vehicle owner name or VIP number.

Safeguards: Under lock and key at locations listed in Location. The State facilities at Phoenix and Tucson also have burglar alram systems. The subcontractor (COMCO) has signed a Confidentiality and Disclosure of Records clause as part of the subcontract and only authorized personnel have access to records.

Retention and disposal: Records will be retained on magnetic tape for three years following last contract payment.

System manager(s) and address: Project Director
Arizona Department of Health Services
1740 West Adams Street
Phoenix, Arizona 85007

Notification procedure:
Department of Transportation
National Highway Traffic Safety Administration
Room 5301 - N48-30
400 Seventh Street, S.W.
Washington, D.C. 20590

Record access procedures: See address in Notification Procedure.

V 40 186 SEP 24 75 XUM

Contesting record procedures: See address in Notification Procedure.

Record source categories: Sources of records in the system are:
MVD (Motor Vehicle Division) file
Volunteer participants' applications

DOT/NHTSA 454

System name: Alcohol Behavior Research DOT/NHTSA

System location: 11766 S. Hawthorne Blvd.
Hawthorne, California 90250

Categories of individuals covered by the system: Male, heavy drinkers

Categories of records in the system: Self Professed drinking ability, medical condition, personality traits, experimental drinking data, experimental performance data.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Experimenters' selection of subjects for alcohol and automobile control behavior research.
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders are kept in the technical library.

Retrievability: System is indexed by subject's name.

Safeguards: Accessible by the experimenter from the locked storage cabinet.

Retention and disposal: Depend on the success and longevity of the particular line of research.

System manager(s) and address: Staff Engineer Research

Notification procedure: Department of Transportation
National Highway Traffic Safety Administration
Room 5301, N48-30
400 Seventh Street, S.W.
Washington, D.C. 20590

Record access procedures: See address in Notification Procedure.

Contesting record procedures: See address in Notification Procedure.

Record source categories: Written examination filled out by the individual and experimental data collected during tests.

DOT/NHTSA 455

System name: Debt Complaint File DOT/NHTSA

System location:
Office of Personnel Management
Room 5306, Nassif Building
400 7th Street, S.W.
Washington, D.C. 20591

Categories of individuals covered by the system: Employee of the NHTSA on whom the Agency has received contacts from creditors indebtedness

Categories of records in the system: Letters and other correspondence from creditors, collection agents, and State and local tax supported institutions with claims upon employees of the NHTSA. System also contains copies of Agency responses, employee statements of intention to pay debts, and other related correspondence.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system may be used by officials of the Agency to determine an employee's suitability for continued employment. Documents in file may be used to substantiate displinary actions related to indebtedness. Material in file may be used to verify prior debt complaints from the same creditor on the same individual in order to respond to the creditor's current correspondence. See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records stored in file folders.

Retrievability: Indexed by name.

Safeguards: Records are located in lockable file cabinets with access limited to individuals with an official need to know.

Retention and disposal: Retained in file for 6 months following spearation or transfer of employee unless documents become part of disciplinary or appeal files covered by CSC regulations

System manager(s) and address: Director, Office of Personnel Management
Room 5306, Nassif Building
400 7th Street, S.W.
Washington, D.C. 20590

Notification procedure: Individuals desiring to review information about them in the system of records should address inquiries to System Manager. Individuals requesting the information should provide their full name, date of birth, and social security number.

Record access procedures: Individuals desiring to access information in this system should address inquiries to the System Manager.

Contesting record procedures: Individuals desiring to contest information in this system of records should address inquiries to the System Manager.

Record source categories:
The individual to whom the record applies
Creditors
Tax supported institutions
Courts

DOT/NHTSA 456

System name: Emergency Medical Information System DOT/NHTSA

Security classification:
Philadelphia Health Management Corporation
Attention: Director of Emergency Medical Service
530 Walnut Street, 13th Floor
Philadelphia, Penna. 19106
Department of Public Health
City of Philadelphia
Division of Emergency Medical Service
500 S. Broad Street
Philadelphia, Pa. 19146
Emergency Operations Center
City of Philadelphia
3rd and Spring Garden Streets
Philadelphia, Penna. 19123
Finance Department
City of Philadelphia
Municipal Services Building
Philadelphia, Penna. 19102

Categories of individuals covered by the system:
Users of central emergency access phone system (9.1.1)
Users of Fire Rescue Service and other emergency medical transport systems.
Users of hospital emergency departments under contract to the City of Philadelphia.
Special studies of serious medical emergency categories.

Categories of records in the system: Statistical, management and evaluation information on the utilization and cost of the Philadelphia emergency services system; billing information to be processed for indiviudal hospital; 9.1.1 central medical emergency dispatch records, ambulance encounter record, hospital emergency department record summaries.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Periodic and special planning, management, system evaluation and billing reports and studies of emergency departments, ambulances, geographic areas, training requirements and other aspects of the Emergency Medical Service System.
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: This function is currently being planned; magnetic tape and discs are most likely.

Retrievability: Billing will be done with data provided by hospitals; all other data except for possibly high risk file will not be patient specific, but will be by diagnosis, rescue unit, time, place, treatment given, severity, response, process, outcomes, etc.; high use file would be by person identifier if accepted (it is now only being explored).

Safeguards: This area is currently in planning, however, we will use a veriety of mechanisms including soft ware design, personnel screening and training, physical plant design and other state of the art measures to assure security of the system.

Retention and disposal: This area is currently in the planning phase, however, it is clear that with the possible exception of high risk files patient specific information will not be maintained.

System manager(s) and address:
Director of Emergency Medical Services
Philadelphia Health Management Corporation
530 Walnut Street, 13th Floor
Philadelphia, Penna. 19106

Notification procedure:
Department of Transportation
National Highway Traffic Safety Administration
Room 5301 -N48-30
400 Seventh Street, SW
Washington, D.C. 20590
Attention: Director, Office of COntracts & Procurement

Record access procedures: See address in Noticfication Procedure.

Contesting record procedures: See address in Notification Procedure.

Record source categories:
9.1.1 central medical emergency dispatch records
Ambulance records
Hospital emergency department forms
Special studies
Philadelphia Health Management Corporation data base.

DOT/NHTSA 457

System name: Suitability Files DOT/NHTSA

System location: Office of Personnel Management
Room 5306, Nassif Building
400 7th Street, S.W.
Washington, D. C. 20590

Categories of individuals covered by the system: Employees of the National Highway Traffic Safety Administration

Categories of records in the system: File consists of reference checks, medical examination reports, and fitness for duty medical examination reports.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system may be used by officials of the Agency to determine employee's suitability for employment and continued employment. Documents in the file may be utilized as basis for separation actions after appointment.
See Prefatory Statement of General Routine Uses

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in lockable file cabinets in Manila envelopes.

Retrievability: Records are retrievable by employee name.

Safeguards: Records are maintained in lockable file cabinets. Access is limited to those whose official duties require access.

Retention and disposal: Files are maintained during period of employment. Except for medical examination reports which will be transferred to another agency if employee transfers, the records in the file are destroyed upon employee separation. Medical examination records are destroyed, however, when inter-agency transfer is not the basis for separation.

System manager(s) and address: Director, Office of Personnel Management
Room 5306, Nassif Building
400 7th Street, S.W.
Washington, D.C. 20590

Notification procedure: Inquiries about the System of Records should be directed to the System Manager. Individuals requesting information should provide their name, mailing address, and social security number.

Record access procedures: Individuals who desire access to or to contest information about them in this system of records should contact the System Manager.

Contesting record procedures: Same as Record Access Procedure.

Record source categories:
Previous Employers
Medical Practitioners
Employee to whom the record pertains

DOT/OST 005

System name: Citizens' Advisory Committee on Transportation Quality DOT/OST

System location: Office of Consumer Affairs
Room 9424
Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590

Categories of individuals covered by the system: Present Members of the Citizens' Advisory Committee
Past Members of the Citizens' Advisory Committee
Individuals interested in being considered for appointment but were not selected.

Categories of records in the system: Biographic Sketches and Travel Records (includes travel orders, travel vouchers, claim for reimbursement).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Sketches used in connection with appointing members to the committee.
Maintaining travel expenses.
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in official filing system.

Retrievability: Records indexed alphabetically by name.

Safeguards: Records are kept in unlocked credenza files - no physical security maintained.

Retention and disposal: Retained until expiration of term then sent to storage after inventory of files.

System manager(s) and address: Director, Office of Consumer Affairs, TES-40
Room 9424
Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Notification procedure: The individual may present himself in person or in writing to the System manager where files are beld to inquire about whether records apply to him.

Record access procedures: The individual may gain access to his records upon his request to the System Manager.

Contesting record procedures: Contest of these records will be in writing to the System Manager, listed above. If request is not resolved, the individual may file an appeal to:
Office of General Counsel
Department of Transportation
Room 10428
400 Seventh Street, S.W.
Washington, D.C. 20590

Record source categories:

DOT/OST 011

System name: Discrimination Complaint Investigative Files DOT/OST

System location:
Department Office of Civil Rights
Complaints Division
2100 Second St., S.W., Rm 5300
Washington, D.C. 20590

Categories of individuals covered by the system: Complaints of discrimination by employees of, and applicants to, the Department. Complaints of discrimination by individuals affected by departmental programs for which the Department has compliance responsibility.

Categories of records in the system:
Formal complaint
Personnel record information
Racial-ethnic data
Investigative reports
Affidavits
Departmental decision
Hearing transcript, if hearing is held

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:
Internal Complaints:
Adjudication of complaint by the Departmental Office of Civil Rights
Referral to the General Counsel and, upon request, to the appropriate U.S. Attorney's Office, if complainant files suit in court.

V 40 186 SEP 2475 XUM

Referral to the Civil Service Commission (CSC) if complainant requests a hearing or appeals a Departmental decision
Referral to the CSC for investigation of a complaint by an employee of the Office of the Secretary
Information copies to the Civil Rights Office of the employee's administration and to the employee
External Complaints:
Referral to Office of Federal Contract Compliance (OFCC) of discrimination complaints relating to employment.
Referral to operating administration with compliance responsibility of class-action complaints, for purpose of a compliance review
Investigation by Departmental Office of Civil Rights personnel of Title VI complaints
Referral, upon request, to Department of Justice, which has overall program responsibility for Title VI enforcement
Referral to General Counsel when conciliation fails and sanction action is anticipated
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders

Retrievability: Alphabetically within operating administration

Safeguards: Maintained in locked file cabinets in a locked room

Retention and disposal: Maintained three years, then retired to NARS

System manager(s) and address:

Director of Civil Rights
Office of the Secretary
400 7th St., S.W.
Washington, D.C. 20590

Notification procedure: Inquiries should be directed to the System Manager.

Record access procedures: Contact System Manager for information on procedures for gaining access to records.

Contesting record procedures: Contact System Manager for information on procedures for gaining access to records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

Record source categories:

Information provided by the complainant
Personnel files and employment records
Interviews with witnesses

DOT/OST 014

System name: Employment Applications Files DOT/OST

System location: The following Secretarial Offices located at 400-7th St. S.W., Washington, D.C. 20590:

Special Assistant to the Secretary, S-3
Special Assistant to the Secretary, S-4
White House Fellow, S-9
Office of the Deputy Under Secretary, S-5
Office of the Deputy Under Secretary for Budget and Program Review, S-6
Office of the Executive Secretary, S-10
Contract Appeals Board, S-20
Office of Public Affairs, S-80

Categories of individuals covered by the system:

Prospective employees

Categories of records in the system: Resumes, Employee applications, Samples of work and Letters of recommendation and referral. (Note: Not all items are held in all offices.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Consideration for in-house employment
Where appropriate, referral to other offices and agencies for consideration of employment.
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders

Retrievability: Filed by name

Safeguards: Files are accessible only with the permission of each system manager.

Retention and disposal: Files are retained as long as position(s) for which individual is (are) being considered remain(s) viable.

System manager(s) and address: Senior official of each office listed.

Notification procedure: Inquiries should be directed to the System Manager.

Record access procedures: Contact System Manager for information on procedures for gaining access to records.

Contesting record procedures: Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportaion, if request for modification or deletion is denied.

Record source categories:

Applicant
Referring individual
Other agencies, including the Civil Service Commission
DOT officials
Office of Personnel Operations
(Note: Not all sources are used by all offices.)

DOT/OST 025

System name: Parking permit management system. DOT/OST

System location: OST Parking Management Office, TAD-444.3, Room 2322, DOT Headquarters Building, 400 7th Street, S.W., Washington, D.C. 20590

Categories of individuals covered by the system: Dot parking permit holders (Washington Headquarters) and DOT carpool members (Washington Headquarters)

Categories of records in the system: Status record (of permits) and member record (of Carpools)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Report and listing production. Used by parking vendor (for billings) and parking management office only.

See prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Two operators enter data with password control

Retrievability: Indexed sequentially by permit number.

Safeguards: Only parking mgmt. personnel have access to listings

Retention and disposal: Data is deleted and not retained on ADP once individual leaves system.

System manager(s) and address: Chief Transportation Branch, TAD-444, Room 2318, 400 7th St. S.W., Washington, D.C. 20590

Notification procedure: Individual may review data upon presentation of valid DOT ID card.

Record access procedures: Same as Notification Procedure.

Contesting record procedures: No contest - individual can change data at will.

Record source categories: Only source is from parking permit application.

DOT/OST 039

System name: Safety Management Information System (SMIS) DOT/OST

System location:

Transportation Computer Center
U.S. Dept. of Transportation
Room 2401
Nassif Building
400 7th Street, S.W.
Washington, D.C. 20590

Categories of individuals covered by the system:

Federal Civilian/Military Employees of the U.S. Dept. of Transportation:
Contractors working on DOT Premises;
DOT Real & Personal Property.

Categories of records in the system: Accident Reporting Records

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Issue automated records to the U.S. Dept. of Labor, OSHA.
Submit quarterly accident statistics data to DOT operating administrations.

Developes statistical summeries & special analysis listings for use in programming safety management functions, departmental level budget function as it relates to OWCP, and maintains 5 year OSHA requirement for accident record retension.
See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic Tapes and Disks.

Retrievability: Name/Social Security Number/Accident Report Number/Special Project Data Programming.

Safeguards: Transportation Computer Center maintains both physical security and personnel security. Retrieve/access procedures. The records are disposed of by blanking/erasing the magnetic tape on disk.

Retention and disposal: Kept 5 years then destroyed.

System manager(s) and address:

Director of Personnel and Training
Office of the Secretary TAD 10
400 7th Street, S.W.
Washington, D.C. 20590

Notification procedure: Quarterly management analysis delivered to safety managers or all operative administrators. Special data may be provided by request in written form to

Director TAD 10
The Office of Personnel & Training at the above address

Record access procedures: An individual may gain access to his record by request to the System Manager.

Contesting record procedures: Contest of these records will be to the Office of Personnel and Training. If resolution is not satisfactory for the individual, an appeal may be submitted to:

General Counsel
Office of the Secretary
Room 10728
400 7th Street, S.W.
Washington, D.C. 20590

Record source categories:

DOT Form 3902.1
DOT Form 3902.2
DOT Form 3902.3
DOT Form 3902.4
DOT Form 3902.5
DOT Form 3902.6
DOT Form 3902.7
DOT Form 3902.8

DOT/OST 040

System name: Security Management Records. DOT/OST

System location:

Office of Emergency Transportation (OET)
Room 9114, 400 7th St. S.W. Washington, D.C. 20590

Categories of individuals covered by the system: All members of OET.

Categories of records in the system: Jacket file of all security clearance records of all personnel

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Management by Director OET and Security Officer of security classification levels required by missions and functions of OET

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in single folder with all pertinent items included alphabetically

Retrievability: Alphabetically by name

Safeguards: Restricted to use by Director and Security Officer. File maintained in a locked 3-combination safe

Retention and disposal: Retained during period of employment. Transferred with the individual or returned to Security Office of OST.

System manager(s) and address:

Director of Emergency Transportation
Department of Transportation
Washington, D.C. 20590

Notification procedure: Inquiries may be addressed to the office listed under System Location. Individuals requesting such information must sign the request personally. Alternatively personal visits to the above location with presentation of necessary identification will enable individual to have access to his record and to actions to contest it.

Record access procedures: Individual may secure information on procedures for gaining access to records by (1) addressing a written query to the office cited under System Location above or (2) presenting himself in person to that office.

Contesting record procedures: Same as 'Record Access Procedures'.

Record source categories: Date from individual, and from Director of Investigation and Security Department of Transportation 2

DOT/OST 042

System name: Technical Pipeline Safety Committee DOT/OST

System location: Room 6226
2100 Second Street, S.W.
Washington,D.C. 20590

Categories of individuals covered by the system: Members of Technical Pipeline Safety Standards Committee- intermittent consultant.

Categories of records in the system: Biographical data in support of member's nomination.

Letters and news releases for member's appointment/reappointment.
Personnel Actions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General reference purposes for support functions

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders.

Retrievability: Alphabetically by name within subject area.

Safeguards: Room locked after hours, most information is public knowledge.

Retention and disposal: Kept indefinitely.

0 Department
Materials Transportation Bureau
Director of Pipeline Safety Operations,MTP-1
2100 Second Street,S.W.,Washington,DC 20590
1 Address in
2 Informatio
3 Same as fo
4 Personnel
Travel Vouchers (SF 1012)
Certificate of Consultant's Services
Press Releases
Administrative Correspondence/Memorandums

DOT/OST 045

System name: Unsolicited contract or research and development proposals embodying claims of proprietary rights. DOT/OST

System location:

Department of Transportation
Office of the Secretary
Office of the General Counsel
Room 10424
Washington, D.C. 20590

Categories of individuals covered by the system: Individuals who believe they have original and innovative ideas in the field of transportation.

Categories of records in the system: Copies of descriptions of proposed innovations or inventions and methods of carrying out the proposal. Evaluations by Patent Counsel of the adequacy and propriety of restrictive markings on the proposals and correspondence of the Patent Counsel pertaining thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a record of Patent Counsel's action in individual unsolicited proposal cases.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders stored in file cabinets (Conserv-a-File).

V 40 186 SEP 24 75 XUM

Retrievability: Indexed individually by name and subject in alphabetical sequence.

Safeguards: Records are disclosed only in accordance with the terms of restrictive markings agreed upon between submitter and DOT.

Retention and disposal: Transfer to storage when three years old; Destroy after six years.

System manager(s) and address:

Patent Counsel
Office of the Assistant General Counsel for Operations and Legal Counsel
Office of the Secretary, Office of the General Counsel
Department of Transportation
400 Seventh Street, S.W., Room 10424
Washington, D.C. 20590

Notification procedure:

Department of Transportation
Office of the Secretary
Office of the General Counsel
Office of Patent Counsel
Room 10424
400 Seventh Street, S.W.
Washington, D.C. 20590

Record access procedures:

Patent Counsel
Office of the Assistant General COunsel for Operations and Legal Counsel
Office of the Secretary, Office of the General Counsel
400 Seventh Street, S.W., Room 10424
Washington, D.C. 20590

Contesting record procedures: Same as 'Record Access Procedure'.

Record source categories: Forwarded by individual or by the DOT office to whom unsolicited proposal was addressed.

DOT/OST 048

System name: Transportation Research Activities Information Service (TRAIS) DOT/OST

System location:

Transportation Systems Center (TSC)
Cambridge, Massachusetts

Categories of individuals covered by the system: Program/Project Manager

Categories of records in the system: Notification of Technical Research and Development

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information on on-going and completed research and development accomplishments.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer magnetic tape

Retrievability: Retrievable by a unique accession number assigned by Data Base Administrator, batch process or on-line interaction

Safeguards: Physical security - user identification and passwords

Retention and disposal: Up to three-year retention and then tape is reused which destroys previous data

System manager(s) and address:

DOT/TST-25.1 R&D Information Officer
Washington, DC 20590

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Contract Awards from Contracting Offices, Publication of Technical Report

DOT/OST 049

System name: Transportation Research Information Service on line (TRIS-on-line) DOT/OST

System location:

Battelle Laboratories
Columbus, Ohio

Categories of individuals covered by the system: Program/Project Manager

Categories of records in the system: Notification of Technical Research

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information on on-going and completed research and development accomplishments.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer magnetic tape

Retrievability: Retrievable by a unique accession number assigned by Data Base Administrator, batch or on-line interaction

Safeguards: Physical security - User identification keywords and passwords.

Retention and disposal: Up to three year accessibility, tape is reused which destroys previous data

System manager(s) and address: DOT/TST-25.1 R&D Information Officer
Washington, DC 20590

Notification procedure: Same as System Manager

Record access procedures: Same as System Manager

Contesting record procedures: Same as System Manager

Record source categories: Contract awards received from Contracting Offices, Publication of Technical Reports.

DOT/OST 050

System name: Executive Team Cadre Listings for Continutiy of Operations Plan of the Office of the Secretary, DOT/OST

System location: Office of Emergency Transportation (OET)(TAD-80) Department of Transportation, Washington, DC 20590

Regional Emergency Transportation Coordinator (RETCO)
Regions 1 and 2, 150 Causeway Street, Boston, MA 02114
RETCO, REgion 3, 31 Hopkins Plaza, Baltimore, MD 21201
RETCO, Region 4, FAA Southern Region, P.O. Box 20636, Atlanta, GA 30320
RETCO, REgion 5, 18209 Dixie Highway, Homewood, IL 60430
RETCO, Region 6, FAA Southwest Region, P.O. Box 1689, Ft. Worth TX 76101
RETCO, REgion 7, P.O. Box 7186, Country Club Station, Kansas City, MO 64113
RETCO, Region 8, Denver Federal Center, Denver, CO 80225
RETCO, Region 9, 630 Sansome Street, San Francisco, CA 94126
RETCO, Region 10, Federal Building, Room 3590, 915 Second Avenue, Seattle, WA 98174
RETCO, Alaska Region, FAA Alaskan Region, 632 Sixth Avenue, Anchorage, AK 99501

Categories of individuals covered by the system: Professional and Clerical employees of the U.S. Government who have been given emergency billet assignments within the Department of Transportation Emergency Structure.

Categories of records in the system: Record consists of a pamphlet (DOT P 1915.4A w/supplement I) periodically showing office and agency listings of current staffing patterns and elements, current position numbers or routing symbols, emergency assignments, emergency position numbers and cadre membership. The supplement contains listings of individual names identified by DOT office symbol, emergency position numbers and cadre designation. In addition similar listings are maintained in all Federal Standard Regions and in Alaska

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For identification of individuals required to insure viability of DOT in the immediate preattack - transattack - immediate postattack period of a national defense emergency. Available to the Secretarial Officers, heads of operating administrations or designated subordinates (national and regional) and to individuals listed.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Publication is maintained in Stock in listings in each office of record in standard filing equipment

Retrievability: Manually by position listing

Safeguards: Metal file containers or other standard office equipment

Retention and disposal: Retained until republished then destroyed

System manager(s) and address: Director of Emergency, Office of the Secretary of Transportation, TAD-80; Department of Transportation, Washington, D.C. 20590

Notification procedure: Inquiries may be addressed to any of the offices listed under 'System Locations'. Individuals requesting such information msut sign the request personally and include in the text of the request card number of his or her Federal Emergency Assignee Identification Card (CD Card)(SF 138). Alternatively personal visits to the above locations with presentation of the above credentials will enable individual to learn of and have access to his or her record.

Record access procedures: Individual may secure or obtain information on procedures for gaining access to records by (1) referral to the information sheet issued to him or (2) addressing a written query to the offices cited under System Location (except the Administrative Communications Office, U.S. Department of Commerce, Box 688, Greensboro, NC 27402 who maintains duplicate files in storage only) or (3) presenting himself to those offices

Contesting record procedures: Same as 'Record Access Procedures'

Record source categories: Office or Agency of employment

DOT/TSC 703

System name: Occupational Safety & Health Reporting System DOT/TSC

System location:

Department of Transportation
Transportation Systems Center
Management Services Division
Code 810
Kendall Square
Cambridge, MA 02142

Categories of individuals covered by the system: TSC employees, in-house contractor personnel and visitors who have occupational illnesses, injuries or are involved in Government property accidents.

Categories of records in the system: Federal Occupational Injuries & Illnesses Survey form; etc.); DOT Accident/Injury Reports, DOT forms 3902.1 through 8; Department of Labor, for payment of medical bills and workmen's compensation, as applicable.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The general purposes of these records are intended for internal management and control, and also for accident prevention. The routine uses of the Department of Labor forms are for (1) submission to doctors and medical institutions rendering services to individuals and (2) to the Office of Employees Compensation, Department of Labor, for payment of medical bills and workmen's compensation, as applicable.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms and other paper records.

Retrievability: Indexed by individual's name.

Safeguards: Records are maintained in locked file cabinets and folders are stamped 'For Official Accident Prevention Use Only.'

Retention and disposal: Records are retained for five (5) years and then destroyed by shredding.

System manager(s) and address:

Department of Transportation
Transportation Systems Center
Management Services Division/Code 810
Kendall Square
Cambridge, MA 02142

Notification procedure: Information may be obtained from the System Manager.

Record access procedures: Requests from individuals should be addressed to the System Manager. An individual may gain access to his records by written request.

Contesting record procedures: Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing through the Assistant Secretary for Administration to the Secretary of Transportation.

Department of Transportation
Office of the Secretary
400 Seventh Street, S.W.
Washington, D.C. 20590

Record source categories: Documents provided by the individual concerned and immediate supervisor.

DOT/TSC 710

System name: Personnel Management Convenience Files DOT/TSC

System location:

Department of Transportation
Transportation Systems Center
Director, Operating Directors
Staff Officers, Division & Branch Chief Offices
Kendall Square
Cambridge, MA 02142

Categories of individuals covered by the system: All TSC Employees

Categories of records in the system: Duplicate copies of records maintained in the Official Personnel Folder (OPF), such as SF 52, SF 171, Performance Evaluations, Training Records, Payroll and leave Records, etc. Personnel information such as copies of Travel Orders/Vouchers, Applicant Profiles, Biographical Sketches, Ranking Data, Address files, I.D. Photos and other personnel related data.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The general purposes of these files are intended for internal management and control including:

Administrative reference material
Supervision and management
Scheduling of work projects travel and training.

See Prefatory Statement of General Routine Uses.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms, card files, logs, ADP printouts, and other paper records.

Retrievability: Indexed by employee's name and Standard Subject Classification System of filing, i.e., 3410, Training, etc.

Safeguards: Records are maintained in locked file cabinets or locked desk drawers.

Retention and disposal: Records are maintained until the individual terminates employment with TSC. Records are then destroyed by shredding.

System manager(s) and address: Director, Operating Directors, Staff Officers and Division Chiefs, at the address under 'System Location'.

Notification procedure: Information may be obtained from the System Manager.

Record access procedures: Requests from individuals should be addressed to the same address as referenced in the Notification above.

Contesting record procedures: An individual may gain access to his records by written request. Contest of these records will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing through the Assistant Secretary for Administration to the Secretary of Transportation.

Department of Transportation
Office of the Secretary
400 Seventh Street, SW
Washington, DC 20590

Record source categories: Duplicate copies provided by the Personnel & Training Division

Supervisor
Individual employee on whom record is maintained. /*

[FR Doc.75-24710 Filed 9-12-75;3:19 pm]

V 40 186
SEP 24 75
XUM

V 40 1 186 SEP 24 75 XUM

NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

- - - -

187

Vol.40—No.187
9–25–75
PAGES
44111–44301

federal register

THURSDAY, SEPTEMBER 25, 1975

highlights

PART I:

ENDANGERED SPECIES
Interior/FWS adds to list of threatened fauna; effective 10–28–75 44149

ENERGY CONSERVATION GOALS
HUD proposes implementation of policies in PHA-owned housing projects; comments by 10–29–75 44159

EDUCATIONAL PROGRAMS
HEW/OE sets closing dates for receipt of applications for programs for the gifted and talented and ethnic heritage studies (2 documents) 44176, 44177

MILK AND MILK PRODUCTS
USDA/APHIS places restrictions on importation; effective 9–25–75 44123

MARIHUANA
Justice/DEA issues notice on scheduling 44164

FREEDOM OF INFORMATION
USDA proposes to amend regulations; comments by 10–24–75 44157

CONTINUED INSIDE

PART II:

AIRCRAFT NOISE
DOT/FAA publishes proposed regulations submitted by EPA; comments by 11–26–75 44255
Hearing scheduled for 11–5–75 44184

PART III:

METAL AND NONMETAL MINING
Interior/MESA proposes new and revised health and safety standards, comments by 11–10–75 44271

PART IV:

PRIVACY ACT OF 1974
The following agencies issue documents relating to the implementation of the Act and/or notices of Systems of Records:
National Transportation Safety Board 44301
Federal Power Commission 44288
DOD/National Security Agency 44294
Veterans Administration 44298

V 40 187 SEP 25 75 XUM

reminders

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

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INTERNATIONAL MAIL
Postal Service proposes to change certain rates; comments by 10–24–75 ... 44203

COOPERATIVE HOUSING PROJECTS
FHLBB adopts regulations on loans; effective 10–28–75 ... 44125

FARMS AND ALLOTMENTS
USDA/ASCS revises regulations on reconstitution; effective 9–25–75 ... 44112

REAL ESTATE SETTLEMENTS
HUD issues interpretation requiring disclosures by seller ... 44129

COTTON TEXTILES
CITA announces import levels for products from Haiti; effective 10–1–75 ... 44185

MEETINGS—
Commission of Fine Arts, 10–15–75 ... 44185
USDA/FS: Nebraska National Forest Livestock Advisory Board, 10–22–75 ... 44173
Rio Grande National Forest Grazing Advisory Board, 10–8–75 ... 44173
Paonia Area Forest Grazing Advisory Board, 10–23–75 ... 44173
Norwood District Advisory Board, 10–16–75 ... 44173
National Forest Advisory Boards, 10–21–75 ... 44173
Gunnison Valley Forest Grazing Board, 10–23–75 ... 44172
Bighorn National Forest Grazing Advisory Board, 10–29–75 ... 44172
Interior/NPS: Ozark National Scenic Riverways Advisory Commission, 10–17–75 ... 44171
National Capital Memorial Advisory Committee, 10–20–75 ... 44171
Sleeping Bear Dunes National Lakeshore Advisory Commission, 10–24–75 ... 44171
Midwest Regional Advisory Committee, 10–24–75 ... 44171
HEW: National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 10–11–75 ... 44184
NIH: NANCDS Council Planning Subcommittee, 11–6–75 ... 44174
Division of Cancer Cause and Prevention, Lung Cancer Branch, 11–20 and 11–21–75 ... 44176
Pulmonary Specialized Centers of Research ad hoc Review Committee, 10–16 and 10–17–75 ... 44176
Virus Cancer Program Conference, 11–3 and 11–4–75 ... 44176
National Cancer Advisory Board Subcommittee on National Organ Site Programs, 10–31–75 ... 44175
National Cancer Advisory Board, 11–16–75 ... 44175
National Advisory Research Council, Division of Research Resources, 11–20 and 11–21–75 ... 44175
National Advisory Council on Aging, 11–20 thru 11–22–75 ... 44175
National Advisory Child Health and Human Development Council, 11–17 and 11–18–75 ... 44174
OE: National Advisory Council on Indian Education, 10–16 thru 10–18–75 ... 44177
CDC: Coal Mine Health Research Advisory Committee, 10–23–75 ... 44174
VA: Veterans Administration Wage Committee, 10–75, 11–75, 12–75 ... 44208
Administrator's Education and Rehabilitation Advisory Committee, 10–17–75 ... 44208
SBA: Columbus District Advisory Council, 10–23–75 ... 44207
San Diego District Advisory Council, 10–15–75 ... 44207
Portland District Advisory Council, 10–23–75 ... 44207
Lubbock District Advisory Council, 10–17–75 ... 44207
Denver District Advisory Council, 10–17–75 ... 44207
OMB: Commission on Federal Paperwork, 10–3–75 ... 44202
CPSC: National Advisory Committee for the Flammable Fabrics Act, 10–28 and 10–29–75 ... 44186
State: National Committee for the International Radio Consultative Committee, Study Groups CMTT, 1, 10 and 11 (3 documents), 10–15, 10–21, and 11–25–75 ... 44163
Treasury: Debt Management Advisory Committees, 10–21 and 10–22–75 ... 44163
Legal Services Corporation: Board of Directors, 10–4 and 10–5–75 ... 44213
Committee on By-Laws and Regulations, 10–4–75 ... 44213
Committee on Appropriations and Audit, 10–4–75 ... 44213

contents

AGRICULTURAL MARKETING SERVICE
Rules
Hops of domestic production; marketing ... 44121
Lemons grown in Calif. and Ariz.; standards and expenses (2 documents) ... 44120
Oranges (Valencia) grown in Ariz. and Calif. ... 44119
Tobacco inspection ... 44112

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Farm and allotment reconstitutions ... 44112
Proposed Rules
Tobacco, flue-cured; marketing quotas and acreage allotments; extension of time ... 44157

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Forest Service; Rural Electrification Administration.
Rules
Authority delegations by Secretary and General Officers:
Under Secretary, Assistant Secretaries, and Director of Agricultural Economics; collection of certain data ... 44111
Proposed Rules
Freedom of information; fee schedule ... 44157

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Milk and milk products; restrictions on importation ... 44123

CIVIL AERONAUTICS BOARD
Rules
Authority delegations:
Director, Bureau of Operating Rights; one-stop inclusive tour charters and special event charters; correction (2 documents) ... 44128

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Agriculture Department ... 44111
Veterans readjustment appointments; correction ... 44111

V 40 I 187 SEP 25 75 XUM

COMMISSION OF FINE ARTS
Notices
Meeting ---- 44185

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Cotton textiles, import restrictions:
Haiti ---- 44185

COMMODITY CREDIT CORPORATION
Rules
Barley; support rates for shipment ---- 44121
Corn; uniform grain storage agreement rates; deletion ---- 44122
Rye; loan purchase rates for Wash. and W. Va ---- 44122
Notices
Monthly sales lists, FY ending June 30, 1976 (2 documents) ---- 44172

CONSUMER PRODUCT SAFETY COMMISSION
Notices
Meetings:
National Advisory Committee for the Flammable Fabrics Act ---- 44186

CUSTOMS SERVICE
Rules
Merchandise, entry of; Dairy products from France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium ---- 44128

DEFENSE DEPARTMENT
Rules
Contractors receiving negotiated contract awards; list ---- 44135
Privacy Act of 1974 ---- 44294

DISEASE CONTROL CENTER
Notices
Meetings:
Coal Mine Health Research Advisory Committee ---- 44174

DRUG ENFORCEMENT ADMINISTRATION
Notices
Marihuana; scheduling ---- 44164

EDUCATION OFFICE
Notices
Applications, closing dates:
Ethnic Heritage Studies Program ---- 44176
Program for the Gifted and Talented ---- 44177
Meetings:
National Advisory Council on Indian Education ---- 44177

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Pesticide programs:
Chemicals; tolerances, etc.; State issuance of experimental use permits; correction ---- 44162
State registration to meet special local needs; correction ---- 44162
Notices
Pesticides, specific exemptions and experimental use permits:
Texas State Department of Health ---- 44187
Pesticides, tolerances, etc.; petitions:
PPG Industries Inc ---- 44186
University of Arkansas ---- 44186

FEDERAL AVIATION ADMINISTRATION
Rules
Control areas ---- 44127
Standard instrument approach procedures ---- 44127
Transition areas ---- 44127
VOR Federal airways ---- 44126
Proposed Rules
Noise abatement standards; proposals submitted to FAA by EPA ---- 44255
Notices
Noice abatement standards; hearing ---- 44184

FEDERAL COMMUNICATIONS COMMISSION
Rules
Stations in the Maritime services; editorial amendments ---- 44142

FEDERAL ENERGY ADMINISTRATION
Notices
Petroleum company annual report form; corrections to procedural dates ---- 44188

FEDERAL HOME LOAN BANK BOARD
Rules
Federal Savings and Loan System: Cooperative housing projects ---- 44125

FEDERAL INSURANCE ADMINISTRATION
Rules
Federal Crime Insurance Program ---- 44130

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
Martime Service Corp ---- 44188

FEDERAL POWER COMMISSION
Rules
Privacy Act of 1974 ---- 44288
Notices
Project licenses; expiration ---- 44195
Hearings, etc.:
Appalachian Power Co ---- 44188
Arkansas Power and Light Co ---- 44189
Black Hills Power and Light Co ---- 44189
Eascogas LNG, Inc., et al ---- 44189
El Paso Natural Gas Co ---- 44189
Florida Gas Transmission Co ---- 44190
Florida Power and Light Co ---- 44190
Illinois Power Co ---- 44190
Indiana & Michigan Electric Co ---- 44191
Lands withdrawn in power site classification ---- 44192
Michigan Wisconsin Pipe Line Co ---- 44193
Minnesota Power and Light Co ---- 44193
Public Service Company of Indiana (4 documents) ---- 44193, 44194
Public Service Company of New Hampshire ---- 44194
Puget Sound Power & Light Co ---- 44194
Texas Gas Pipeline Corp ---- 44195
Transwestern Pipeline Co ---- 44195
Upper Peninsula Power Co. (2 documents) ---- 44195
Yankee Atomic Electric Power Co. and Public Service Company of New Hampshire ---- 44195

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
Bankinvestors, Inc ---- 44197
One Corp ---- 44197
Valparaiso Enterprises, Inc ---- 44197

FISH AND WILDLIFE SERVICE
Rules
Endangered and threatened wildlife:
Fauna ---- 44149
Fishing:
Long Lake National Wildlife Refuge, N. Dak ---- 44155
Hunting:
Bitter Lake National Wildlife Refuge, N. Mex ---- 44155
Bombay Hood National Wildlife Refuge, Del. (2 documents) ---- 44151, 44154
Certain National Wildlife Refuges in Calif ---- 44155
Crab Orchard National Wildlife Refuge, N.J ---- 44151
Great Swamp National Wildlife Refuge, N. Jersey ---- 44154
Iroquois National Wildlife Refuge, N.Y. (2 documents) ---- 44152, 44154
Kirwin National Wildlife Refuge, Kans ---- 44153
Missisquoi National Wildlife Refuge, Vt. (2 documents) ---- 44152, 44154
Montezuma National Wildlife Refuge, N.Y. (3 documents) ---- 44152, 44153, 44155
Prime Hook National Wildlife Refuge, Del ---- 44153

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
East Deer Creek Planning Unit, Colville National Forest ---- 44172
West Kootenai Planning Unit ---- 44173
Meetings:
Bighorn National Forest Grazing Advisory Board ---- 44172
Gunnison Valley Forest Grazing Advisory Board ---- 44172
National Forest Advisory Boards ---- 44173
Nebraska National Forest Livestock Advisory Board ---- 44173
Norwood District Advisory Board ---- 44173
Paonia Area Forest Grazing Advisory Board ---- 44173
Rio Grande National Forest Grazing Advisory Board ---- 44173

GENERAL SERVICES ADMINISTRATION
Rules
Procurement:
Federal (2 documents) ---- 44136, 44137

GEOLOGICAL SURVEY
Notices
Coal land classification order:
Wyoming ---- 44169

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Disease Control Center; Education Office; National Institutes of Health.
Notices
Meetings:
National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research ---- 44184
Organization and functions:
Office of the Regional Director, Region I ---- 44177

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Federal Insurance Administration; Housing Management, Office of Assistant Secretary.
Rules
Real estate settlement procedures; interpretation requiring disclosures by seller ---- 44129

HOUSING MANAGEMENT, OFFICE OF ASSISTANT SECRETARY
Proposed Rules
PHA-owned projects; project management ---- 44159

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Geological Survey; Land Management Bureau; Mining Enforcement and Safety Administration; National Park Service.

INTERSTATE COMMERCE COMMISSION
Rules
Car service orders:
Lehigh Valley Railroad Co ---- 44148
Reading Co ---- 44148
Notices
Hearing assignments (2 documents) ---- 44214
Motor carrier, broker, water carrier, and freight forwarder applications ---- 44214
Motor carriers:
Irregular route property carriers; elimination of gateways ---- 44231
Transfer proceedings (3 documents) ---- 44214

JUSTICE DEPARTMENT
See Drug Enforcement Administration.

LABOR DEPARTMENT
See also Occupational Safety and Health Administration; Wage and Hour Division.
Notices
Adjustment assistance certification:
Abscold, Inc ---- 44208
Billig Shoe Co ---- 44211
Florsheim Shoe Co ---- 44209
GTE Sylvania, Inc ---- 44212
Lebow Brothers, Inc ---- 44209
Michigan Plating and Stamping Co ---- 44212
Progressive Service Co ---- 44209
Rogers Flies and Lurers ---- 44210
Stackpole Carbon Co ---- 44211
Stillwater Associates ---- 44211
St. Marys Carbon Co ---- 44210
Wilson Sporting Goods Co ---- 44211

LAND MANAGEMENT BUREAU
Rules
Public land order:
Idaho ---- 44141
Notices
Applications, etc.:
Wyoming ---- 44169
Opening of public lands:
Alaska ---- 44168
Withdrawal and reservation of lands, proposed, etc.:
Paiute Primitive Area, Arizona ---- 44168

LEGAL SERVICES CORPORATION
Notices
Meetings:
Board of Directors ---- 44213
Committee on Appropriations and Audit ---- 44213
Committee on By-Laws and Regulations ---- 44213

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ---- 44202
Meetings:
Federal Paperwork Commission ---- 44202

MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Proposed Rules
Metal and nonmetal mine health and safety standards ---- 44271

NATIONAL INSTITUTES OF HEALTH
Notices
Meetings:
Advisory Committees (9 documents) ---- 44171–44176

NATIONAL PARK SERVICE
Notices
Master plan workshops, etc.:
Pine Spring Canyon, Texas ---- 44170
Meetings:
Midwest Regional Advisory Committee ---- 44171
National Capital Memorial Advisory Committee ---- 44171
Ozark National Scenic Riverways Advisory Commission ---- 44171
Sleeping Bear Dunes National Lakeshore Advisory Commission ---- 44171

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Accident report; safety recommendations and responses; availability and receipt ---- 44198
Privacy Act of 1974; systems of records ---- 44301

NUCLEAR REGULATORY COMMISSION
Rules
Energy reorganization act; organizational and procedural changes ---- 44124
Notices
Applications, etc.:
Arizona Public Service Co ---- 44199
Arkansas Power and Light Co (2 documents) ---- 44201
Connecticut Light and Power Co. et al ---- 44199
Georgia Power Co ---- 44199
Northern States Power Co ---- 44199
Nuclear Fuel Services, Inc ---- 44200
Power Authority of the State of New York ---- 44201
Virginia Electric and Power Co ---- 44202
Regulatory guides; issuance and availability ---- 44199

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Rules
State plans for enforcement of standards:
Connecticut ---- 44130
Michigan State Poster ---- 44131
South Carolina ---- 44132
Washington ---- 44133
Proposed Rules
State plans for enforcement of standards:
Connecticut ---- 44157
Nevada ---- 44158

POSTAL SERVICE
Notices
International mail; rates and fees; proposed changes ---- 44203

RURAL ELECTRIFICATION ADMINISTRATION
Notices
Environmental statements, availability, etc:
Arizona Electric Power Cooperative, Inc ---- 44173

V40I187 SEP2575 XUM

SECURITIES AND EXCHANGE COMMISSION
Rules
Privacy Act of 1974 ... 44128
Notices
Hearings, etc.:
Davidge Capital Fund, Inc. ... 44204
Equity Progress Fund, Inc. ... 44205
Hedge Fund of America, Inc. ... 44204
Louisiana Power and Light Co. ... 44205
Lutheran Brotherhood Fund, Inc., et al. ... 44206
PBW Stock Exchange, Inc. ... 44205

SMALL BUSINESS ADMINISTRATION
Notices
Applications, etc.:
Cardon Capital Corporation ... 44206
Tax/Investments Concepts, Inc. ... 44207
Disaster areas:
Ohio ... 44207
West Virginia ... 44208
Wisconsin ... 44208

Meetings, Advisory Councils:
Columbus ... 44207
Denver ... 44207
Lubbock ... 44207
Portland ... 44207
San Diego ... 44207

STATE DEPARTMENT
Notices
Meetings:
National Committee for the International Radio Consultative Committee (3 documents) ... 44163

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration.

TREASURY DEPARTMENT
See also Customs Service.
Notices
Meetings:
Debt Management Advisory Committees ... 44163

VETERANS ADMINISTRATION
Notices
Meetings:
Administrator's Education and Rehabilitation Advisory Committee ... 44208
Wage Committee ... 44208
Privacy Act of 1974; employee policy and procedure ... 44298

WAGE AND HOUR DIVISION
Rules
Child labor; employment of minors between 14 and 16 years in work experience and career exploration programs ... 44130
Proposed Rules
Special Industry Committee for American Samoa; hearing on wage rates ... 44159

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR
213 ... 44111
307 ... 44111

7 CFR
2 ... 44111
29 ... 44112
719 ... 44112
908 ... 44119
910 (2 documents) ... 44120
991 ... 44121
1421 (3 documents) ... 44121, 44122
PROPOSED RULES:
1 ... 44157
725 ... 44157

9 CFR
94 ... 44123

10 CFR
2 ... 44124
10 ... 44125
25 ... 44125
95 ... 44125

12 CFR
541 ... 44125
545 ... 44125

14 CFR
71 (3 documents) ... 44126, 44127
97 ... 44127
385 (2 documents) ... 44128
PROPOSED RULES:
91 ... 44256

17 CFR
275 ... 44128

18 CFR
3b ... 44288

19 CFR
141 ... 44128

24 CFR
82 ... 44129
1930 ... 44130
1931 ... 44130
PROPOSED RULES:
865 ... 44159

29 CFR
570 ... 44130
1952 (4 documents) ... 44130–44133
PROPOSED RULES:
697 ... 44159
1952 (2 documents) ... 44157, 44158

30 CFR
PROPOSED RULES:
55 ... 44272
56 ... 44272
57 ... 44272

32 CFR
166 ... 44135
299a ... 44294

40 CFR
PROPOSED RULES:
162 ... 44162
172 ... 44162

41 CFR
1–1 (2 documents) ... 44136, 44137
1–2 ... 44138
1–3 ... 44138
1–4 ... 44139
1–6 ... 44140
1–7 ... 44140
1–8 ... 44140
1–11 ... 44140
1–12 ... 44140
1–14 ... 44141
1–16 (2 documents) ... 44137, 44141
1–18 ... 44141
1–30 ... 44141

43 CFR
PUBLIC LAND ORDERS:
5539 ... 44141

47 CFR
81 ... 44142
83 ... 44142

49 CFR
1033 (2 documents) ... 44148

50 CFR
17 ... 44149
32 (14 documents) ... 44151–44155
33 ... 44155

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR
410 ... 42306

3 CFR
PROCLAMATIONS:
4313 (See EO 11878) ... 42731
4385 ... 41989
4386 ... 41991
4387 ... 42165
4388 ... 42167
4389 ... 42169
4390 ... 42315
4391 ... 42725
4392 ... 42727
4393 ... 42729
4394 ... 42849
4395 ... 43713
EXECUTIVE ORDERS:
April 18, 1908 (Revoked in part by PLO 5528) ... 42362
July 2, 1910 (Revoked in part by PLO 5512) ... 40162
(Revoked in part by PLO 5517) ... 40814
1959 (Revoked in part by PLO 5515) ... 40811
6583 (Revoked in part by PLO 5536 ... 42553
7595 (Revoked in part by PLO 5515) ... 40811
8649 (Revoked in part by PLO 5534) ... 42552
8780 (Revoked in part by PLO 5534) ... 42552
10480 (See EO 11879) ... 43197
11803 (Amended by EO 11878) ... 42731
11804 (See EO 11878) ... 42731
11861 (Amended by EO 11877) ... 40797
11864 (Superseded by EO 11877) ... 40797
11876 ... 40501
11877 ... 40797
11878 ... 42731
11879 ... 43197
MEMORANDUMS:
Memorandum of August 17, 1975 ... 40139

4 CFR
400 ... 43873
412 ... 43873
PROPOSED RULES:
410 ... 41801

5 CFR
151 ... 42733
213 ... 41755, 41993, 42427, 42733–42734, 43211, 44111
307 ... 44111
338 ... 42734
410 ... 42734
752 ... 42734
772 ... 42734
2411 ... 43880
2413 ... 43880

7 CFR
2 ... 41085, 41993, 44111
25 ... 42171
25A ... 42171

7 CFR—Continued
29 ... 42527, 44112
180 ... 42851
210 ... 42735
215 ... 42735
220 ... 42735
225 ... 42735
246 ... 42735
250 ... 42735
270 ... 42736, 43017, 43479
271 ... 43017
354 ... 41513, 43479
370 ... 43223, 43223
719 ... 44112
725 ... 41513
905 ... 42317, 42318
908 ... 40505, 40815, 41855, 42171, 43018, 43480, 44119
910 ... 41086, 42319, 43224, 44120
915 ... 41993
919 ... 41994
926 ... 43480, 43715
927 ... 42851
931 ... 43480
932 ... 41994
944 ... 42529
945 ... 42530
946 ... 42530
981 ... 43018, 43715
989 ... 40141
991 ... 44121
993 ... 42530
1046 ... 43716
1421 ... 41067, 43224, 44121, 44122
1434 ... 41087
1801 ... 42178
1822 ... 42178, 42736
1832 ... 42320
1842 ... 42179
1843 ... 42179
PROPOSED RULES:
1 ... 40849, 44157
51 ... 40822
201 ... 40524
250 ... 43738
725 ... 44157
906 ... 42886, 42887
910 ... 40528
924 ... 43066
927 ... 42023
931 ... 40170
948 ... 40528
968 ... 42887
982 ... 40836
989 ... 40842
1046 ... 40843, 42023
1250 ... 42888
1421 ... 43919
1430 ... 42364
1464 ... 41630

8 CFR
103 ... 42852
341 ... 42532

9 CFR
54 ... 40505, 42739
73 ... 42179

9 CFR—Continued
78 ... 41516
91 ... 40506
94 ... 44123
97 ... 43717
112 ... 41994
113 ... 41088, 41994
317 ... 42852
331 ... 43916
381 ... 42337, 43916
PROPOSED RULES:
113 ... 41139
317 ... 41139
319 ... 41139

10 CFR
2 ... 44124
10 ... 44125
20 ... 42557
25 ... 44125
37 ... 42558
50 ... 40816
73 ... 42558
95 ... 44125
204 ... 42338
205 ... 40141
210 ... 40818
211 ... 40821
212 ... 40142, 40818, 40821, 40824
213 ... 40143
725 ... 43481
RULINGS:
1975–9 ... 40826
1975–10 ... 40826
1975–11 ... 40827
1975–12 ... 40828
1975–13 ... 40831
1975–14 ... 40833
1975–15 ... 40832
1975–16 ... 40834
PROPOSED RULES:
71 ... 43517
206 ... 42448
213 ... 42578

11 CFR
Ch. I ... 40668, 43660
PROPOSED RULES:
106 ... 43517
113 ... 41932

12 CFR
207 ... 43482
211 ... 43199
213 ... 40506
215 ... 40506, 43199
220 ... 43482
221 ... 43482
226 ... 43199, 43200
265 ... 43717
339 ... 43482
523 ... 41755, 41996
541 ... 44125
544 ... 42853
545 ... 41756, 42853, 44125
563 ... 41997
603 ... 40454
701 ... 41090
703 ... 41997
760 ... 41998

V40|187 SEP 25 75 XUM

12 CFR—Continued

PROPOSED RULES:

9 ... 40859
202 ... 42030
208 ... 40857
226 ... 43516
337 ... 40548, 41530
341 ... 40656
545 ... 43832
561 ... 42371, 43832
563 ... 42371, 42896, 43832
564 ... 42371
569a ... 42371
571 ... 42371

13 CFR

123 ... 42180
313 ... 43483

14 CFR

37 ... 42183
39 ... 41090–41092, 41519, 42180, 42339, 42739, 42741, 4285–, 43019, 43484
71 ... 41520, 41998, 42180, 42340–42342, 42740, 42741, 43019, 43020, 43485–43487, 43717, 43718, 43885, 44126, 44127
73 ... 41092, 43718
75 ... 43487, 43885
95 ... 42181, 43885
97 ... 41093, 42342, 43020, 44127
121 ... 42183, 42185
171 ... 41093, 43719
228 ... 43885
241 ... 42855
298 ... 42855
312 ... 43211
372a ... 42741
373 ... 43719
378 ... 43719
378a ... 41093
385 ... 44128
1212 ... 43668

PROPOSED RULES:

Ch. I ... 42754, 43919
39 ... 41193, 41537, 42023, 43919
67 ... 42024
71 ... 42025, 42364–42366
75 ... 42756, 43036, 43513
91 ... 44256
217 ... 43920
231 ... 43743
241 ... 43920
385 ... 40816

15 CFR

371 ... 40507
377 ... 40507
903 ... 41998

PROPOSED RULES:

80 ... 42209

16 CFR

4 ... 40760
13 ... 40143–40154, 40506, 41071–41081, 41756–41758, 42201–42203, 42742, 43467, 43719
259 ... 42003
1018 ... 43686
1116 ... 42004
1009 ... 43686

16 CFR—Continued

PROPOSED RULES:

445 ... 42757
453 ... 42212, 42371
454 ... 41144
1014 ... 42025, 43231, 43743
1207 ... 42562

17 CFR

17 ... 41117
18 ... 41117
146 ... 41056
200 ... 40512, 44068, 44072
201 ... 42186
240 ... 40512, 41520, 42343
249 ... 40512, 41521
270 ... 41759, 42862
275 ... 44128

PROPOSED RULES:

210 ... 40550
230 ... 40555
231 ... 42212
239 ... 42212
240 ... 40858, 41808, 42212, 42219, 42905, 43743
241 ... 42212
249 ... 40858
259 ... 42212
270 ... 40555, 41818, 42757

18 CFR

1 ... 42005
2 ... 41760, 42005
3 ... 43488, 43892
3b ... 44288
141 ... 43488
154 ... 43889
157 ... 41769
260 ... 43892

PROPOSED RULES:

35 ... 42029
154 ... 41539
157 ... 41539
201 ... 41539
260 ... 41539

19 CFR

10 ... 43021
112 ... 41084
141 ... 44128
148 ... 41084
171 ... 43488, 43894
172 ... 43026

PROPOSED RULES:

12 ... 41118
153 ... 43226
175 ... 43226
201 ... 40173
210 ... 40173

20 CFR

200 ... 41084
260 ... 41084
404 ... 42863
405 ... 42006, 43211, 43895
450 ... 42865

PROPOSED RULES:

405 ... 40171, 40537, 40850
601 ... 43744

21 CFR

Ch. I ... 40520, 43488
29 ... 42866
121 ... 40799, 41085, 42866
123 ... 42343, 43720
431 ... 41522
436 ... 41522
449 ... 41523
452 ... 41773
510 ... 42007, 43213, 43488
520 ... 43488
522 ... 42007
540 ... 42007
556 ... 41085
561 ... 41773, 42343
1010 ... 40800
1040 ... 40800
1304 ... 42866

PROPOSED RULES:

1 ... 40682
2 ... 40682
5 ... 40682
6 ... 40682
8 ... 40682
10 ... 40682
11 ... 40682
80 ... 40682
90 ... 40682
100 ... 40682
102 ... 40682
121 ... 40529, 40682, 41797
202 ... 40682
310 ... 40682, 43513
312 ... 40682
314 ... 40682
328 ... 40682
330 ... 40682
429 ... 40682
430 ... 40682
431 ... 40682
433 ... 40682
511 ... 40682
514 ... 40682
601 ... 40682
640 ... 41799
701 ... 40682
1000 ... 42749
1003 ... 40682
1004 ... 40682
1210 ... 40682

22 CFR

42 ... 42532

PROPOSED RULES:

6a ... 40456

23 CFR

450 ... 42976, 42979
470 ... 42344
633 ... 42867
658 ... 41774, 42186
710 ... 41523
750 ... 42842

24 CFR

25 ... 43026
82 ... 44129
207 ... 43898
220 ... 43898
227 ... 43898
231 ... 43898
234 ... 43898
280 ... 42061, 42007
300 ... 43027

24 CFR—Continued

570 ... 41509, 42347
888 ... 40513
1914 ... 41509, 42009, 42872, 43219, 43720
1915 ... 41510, 42553, 42874, 43220, 43722
1916 ... 42348, 42349, 43027
1917 ... 41108–41115, 42349
1920 ... 41115, 41116, 42557, 42743
1930 ... 44130
1931 ... 44130

PROPOSED RULES:

406 ... 42560
805 ... 43372
865 ... 44159

25 CFR

PROPOSED RULES:

33 ... 40982
43b ... 42020
221 ... 43513
233 ... 42884
401 ... 40982
402 ... 40982
403 ... 40982
404 ... 40982
405 ... 40982
406 ... 42560
407 ... 40982

26 CFR

1 ... 42743, 43034, 43735
31 ... 42349

PROPOSED RULES:

1 ... 41118
31 ... 43226

28 CFR

0 ... 42745
2 ... 41328

PROPOSED RULES:

22 ... 44034

29 CFR

56 ... 43170
57 ... 43170
58 ... 43170
570 ... 40800, 44130
1952 ... 40155–40157, 44130–44133
2530 ... 41654
2550 ... 43726
2602 ... 42876, 43512
2603 ... 43213
2604 ... 42533
2605 ... 43509
2606 ... 42877

PROPOSED RULES:

603 ... 40537
608 ... 40537
609 ... 40537
687 ... 40537
697 ... 44159
1910 ... 40170, 40849, 41530, 41797
1915 ... 41530
1916 ... 41530
1917 ... 41530
1918 ... 41530
1926 ... 40170, 41530
1952 ... 41148, 44157, 44158

30 CFR

77 ... 41775

PROPOSED RULES:

55 ... 44272
56 ... 44272

30 CFR—Continued

PROPOSED RULES—Continued

57 ... 44272
211 ... 41122
216 ... 41122
250 ... 42559, 43036

32 CFR

166 ... 44135
197 ... 42186
299a ... 44294
1806 ... 42736

PROPOSED RULES:

1481 ... 42997
1814 ... 42444
2102 ... 40792

32A CFR

Ch. VI ... 43489

33 CFR

117 ... 41524, 42189, 43213
155 ... 42189
183 ... 43856
265 ... 42652
266 ... 42654

PROPOSED RULES:

1 ... 42210
117 ... 41537
183 ... 43226
209 ... 43918
305 ... 41636

35 CFR

253 ... 42996

PROPOSED RULES:

10 ... 40485

36 CFR

901 ... 41524
1000 ... 40802

PROPOSED RULES:

7 ... 41138, 42364
903 ... 41530

38 CFR

4 ... 42535
21 ... 42878
36 ... 42190

PROPOSED RULES:

3 ... 41540, 42578

39 CFR

111 ... 42541
3002 ... 43033

PROPOSED RULES:

42 ... 43232, 43930
43 ... 43232, 43930
44 ... 43232, 43930
45 ... 43232, 43930
47 ... 43232, 43930
111 ... 43232

40 CFR

52 ... 40158–40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42542, 42895–42896, 43214–43216
60 ... 42194, 43850
61 ... 42195
162 ... 41788, 42746
180 ... 40161, 42357, 43727

40 CFR—Continued

230 ... 41292
435 ... 42543

PROPOSED RULES:

16 ... 40792
35 ... 41644, 43231
52 ... 40172, 40854–40856, 42211, 42368, 42369, 42757, 43231, 43923
60 ... 42028
126 ... 41649
142 ... 40538
162 ... 40538, 44162
172 ... 40545, 44162
180 ... 41536, 42757, 43924
246 ... 42986
430 ... 41298
435 ... 42572

41 CFR

1-1 ... 44136, 44137
1-2 ... 44138
1-3 ... 44138
1-4 ... 44139
1-6 ... 44140
1-7 ... 44140
1-8 ... 44140
1-11 ... 44140
1-12 ... 44140
1-14 ... 44141
1-16 ... 44137, 44141
1-18 ... 44141
1-30 ... 43728, 44141
8-1 ... 43217
8-2 ... 40803
8-3 ... 40803
14-3 ... 40517, 42746
101-26 ... 41093
101-35 ... 42358
101-38 ... 42358
101-43 ... 42361
101-44 ... 42361
105-61 ... 42881
114-42 ... 40517
114-60 ... 42746

PROPOSED RULES:

3-4 ... 42673
14H-70 ... 41025
51-8 ... 42444
60-5 ... 41149

42 CFR

110 ... 41095

PROPOSED RULES:

36 ... 42658
67 ... 42890

43 CFR

3300 ... 43489

PUBLIC LAND ORDERS:

2249 (Revoked in part by PLO 5515) ... 40811
4089 (Revoked in part by PLO 5515) ... 40811
4148 (Revoked in part by PLO 5515) ... 40811
4643 (Revoked in part by PLO 5511) ... 40162
4889 (Revoked in part by PLO 5515) ... 40811
5175 (Amended by PLO 5519) ... 40814
5180 (Amended by PLO 5519) ... 40814

V 40 187 SEP 25 75 XUM

43 CFR—Continued

5191 (Amended by PLO 5519) 40814
5384 (Amended by PLO 5519) 40814
5418 (See PLO 5519) 40814
5438 (Amended by PLO 5519) 40814
5511 40162
5512 40162
5513 40162
5514 40811
5515 40811
5516 40814
5517 40814
5518 40814
5519 40814
5520 40815
5521 40815
5522 41096
5523 ..... 41095, 43028
5524 41095
5525 ..... 41794, 43489
5526 42195
5527 42362
5528 42362
5529 42551
5530 42551
5531 ..... 42553, 43732
5532 42551
5533 42551
5534 42552
5535 42551
5536 42553
5537 43028
5538 43217
5539 44141

PROPOSED RULES:

4 42020
23 41122
2110 43735
2130 43735
2270 43735
3040 41122
3820 43735

45 CFR

30 40162
46 40163
100 41796
101 41795
169 40518
212 43218
220 43182
224 43182
233 43182
249 43901
250 43013
1208 40805
1600 42362

PROPOSED RULES:

56 41140
160a 41670
233 41143
249 42560
706 40783
1115 42457
1602 42374

46 CFR

Ch. I 42195, 42746
32 40163
35 40163
50 40163
52 40163
53 40163
54 40163
56 40164
58 40168
63 40169
146 41795
252 43490
410 41526
402 41526
530 43720

PROPOSED RULES:

32 42751
34 43739
35 42751
76 43739
77 42751
78 42751
95 43739
96 42751
105 43739
167 42751
181 43739
184 42751
185 42751
193 43739
195 42751
196 42751
502 43925

47 CFR

1 42882
2 40810
73 ..... 42882, 43028, 43506, 43507
74 40810
81 44142
83 44142
91 40169

PROPOSED RULES:

2 ..... 42028, 42577, 42897, 43037, 43924
73 ..... 40172, 42028, 42369, 42577, 42578, 43028, 43514
76 43925
89 42577
91 ..... 42028, 42577

49 CFR

1 43901
25 41040
171 41527
172 41527
173 41527
174 41527
175 41527
177 41527
178 41527
325 42432
385 40810
Ch. V 41796, 42013

49 CFR—Continued

552 42013
553 42015
555 42015
571 ..... 42746, 42897
613 42984
1033 ..... 40518, 40519, 43914, 44148
1134 42343
1306 40518
1320 41528
1322 41528

PROPOSED RULES:

10 43037
102 41537
107 41537
170 41537
171 ..... 40171, 40853, 40854, 41537
172 41537
173 41537
174 41537
175 41537
176 41537
177 41537
178 41537
179 41537
180 41537
181 41537
182 41537
183 41537
184 41537
185 41537
186 41537
187 41537
188 41537
189 41537
195 43740
215 42895
571 ..... 40537, 40853, 42756
573 43227
583 ..... 42366, 42895
1007 43689
1037 42221
1106 42578
1106 ..... 41153, 40854, 42573
1201 42899
1307 ..... 42033, 43038

50 CFR

17 44149
20 ..... 41096, 42015
28 ..... 41105, 42017, 42195, 42748
32 ..... 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748, 42883, 43029, 43030, 43032, 43218, 43219, 43732, 43733, 43914–43916, 44151–44155
33 44155
251 ..... 43508, 43733, 43734
285 43916

PROPOSED RULES:

17 40521
216 ..... 41531, 42210, 43040
501 41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	*Date*
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18
43197–43477	19
43479–43711	22
43713–43871	23
43873–44109	24
44111–44301	25

V 40 I 187 SEP 25 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 is amended to show that professional and clerical positions in the Farmers Home Administration concerned with providing financial assistance in the Trust Territory of the Pacific Islands are excepted under Schedule A.

Effective on September 25, 1975, § 213.3113(e)(6) is added as set out below:

§ 213.3113 Department of Agriculture.

• • • • • •

(e) *Farmers Home Administration.*

• • •

(6) Professional and clerical positions in the Trust Territory of the Pacific Islands when occupied by indigenous residents of the Territory to provide financial assistance pursuant to current authorizing statutes.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-25524 Filed 9-24-75;8:45 am]

PART 307—VETERANS READJUSTMENT APPOINTMENTS

Correction

In the FEDERAL REGISTER of July 7, 1975 (FR Doc. 75-17447) appearing on page 28445, § 307.101 was amended by showing a change in paragraph (c). Section 307.101 should have been further amended by revoking paragraph (d).

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-25525 Filed 9-24-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Collection of Certain Data

Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended to delegate responsibilities relating to the collection of certain data relating to sugar, and to amend the delegation relating to the administration of the Sugar Act of 1948, as follows:

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Director of Agricultural Economics

1. Section 2.17(a) is amended by adding a new subparagraph (5) to read as follows:

§ 2.17 Delegations of Authority to the Assistant Secretary for Marketing and Consumer Services.

• • • • • •

(a) • • •

(5) Collect, summarize, and publish data on the production, distribution, and stocks of sugar.

• • • • • •

2. Section 2.21 is amended by revising paragraph (a)(18), by repealing and reserving paragraph (a)(19), and by adding new paragraphs (d) (24) and (25) to read as follows:

§ 2.21 Delegations of Authority to the Assistant Secretary for International Affairs and Commodity Programs.

• • • • • •

(a) • • •

(18) Liquidate obligations incurred under the Sugar Act of 1948, as amended (7 U.S.C. 1100 *et seq.*).

• • • • • •

(19) [Reserved]

• • • • • •

(d) • • •

(24) Conduct economic analyses pertaining to the foreign sugar situation.

(25) Exercise the Department's functions with respect to the International Sugar Agreement or any such future agreements.

• • • • • •

3. Section 2.27 is amended by adding new paragraphs (b)(11) and (c)(7) to read as follows:

§ 2.27 Delegations of Authority to the Director of Agricultural Economics.

• • • • • •

(b) • • •

(11) Conduct economic analyses pertaining to the domestic and foreign sugar industries, and collect and publish data relating to the returns, costs, and profits of the domestic sugar industry.

(c) • • •

(7) Collect and publish data related to farm acreage, yield, production, and prices paid to farmers for sugarcane and sugar beets, and factory production of sugar and molasses together with associated data including polarization, sucrose, and purity.

• • • • • •

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Consumer Services

4. Section 2.50 is amended by adding a new paragraph (a)(6) to read as follows:

§ 2.50 Administrator, Agricultural Marketing Service.

(a) • • •

(6) Collect, summarize, and publish data on the production, distribution, and stocks of sugar.

• • • • • •

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

5. Section 2.65(a) is amended by revising paragraph (18) and repealing and reserving paragraph (19) to read as follows:

§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.

(a) • • •

(18) Liquidate obligations incurred under the Sugar Act, as amended (7 U.S.C. 1100 *et seq.*).

(19) [Reserved]

• • • • • •

6. Section 2.68 is amended to add a new paragraphs (a)(25) and (26) to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) • • •

(25) Conduct economic analyses pertaining to the foreign sugar situation.

(26) Exercise the Department's functions with respect to the International Sugar Agreement or any such future agreements.

• • • • • •

Subpart K—Delegations of Authority by the Director of Agricultural Economics

7. Section 2.86 is amended to add a new paragraph (a)(10) to read as follows:

§ 2.86 Administrator, Economic Research Service.

(a) • • •

(10) Conduct economic analyses pertaining to the domestic and foreign sugar industries, and collect and publish data relating to the returns, costs, and profits of the domestic sugar industry.

• • • • • •

8. Section 2.87 is amended to add a new paragraph (a)(7) to read as follows:

V 40 I 187 SEP 25 75 XUM

§ 2.87 Administrator, Statistical Reporting Service.

(a) • • •

(7) Collect and publish data related to farm acreage, yield, production, and prices paid to farmers for sugarcane and sugar beets, and factory production of sugar and molasses together with associated data including polarization, sucrose, and purity.

Signature page for delegation relating to the administration of the Sugar Act of 1948.

Effective date. These amendments shall be effective September 25, 1975.

SEPTEMBER 4, 1975.

For Subpart C.

EARL BUTZ,
Secretary of Agriculture.

SEPTEMBER 19, 1975.

For Subpart F.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

SEPTEMBER 19, 1975.

For Subpart H.

RICHARD E. BELL,
Assistant Secretary for International Affairs and Commodity Programs.

SEPTEMBER 19, 1975.

For Subpart K.

DON PAARLBERG,
Director of Agricultural Economics.

SEPTEMBER 19, 1975.

For All Parts.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75-25655 Filed 9-24-75;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, PRACTICES), DEPARTMENT OF AGRICULTURE

PART 29—TOBACCO INSPECTION

Regulations Governing the Inspection of Tobacco Under the Tobacco Inspection Act

Notice was published in the FEDERAL REGISTER issue of July 16, 1975, that the U.S. Department of Agriculture has under consideration the amendment of Subparts B and F, of 7 CFR Part 29, relating to fees and charges for permissive inspection under the regulations governing the inspection of tobacco pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration. The Department is amending "Subpart B—Regulations", relating to fees and charges for services performed other than under an agreement (21 FR 3669, May 30, 1956; and 25 FR 4949, June 4, 1960). The Tobacco Inspection Act authorizes official inspection and grading of tobacco. Such inspection and grading service is either mandatory or permissive. Mandatory inspection, as defined in 7 CFR 29.71, consists of inspecting and certifying tobacco, free of charge, on designated markets (as defined in 7 CFR 29.1(e), before it is offered for sale. Permissive inspection, as defined in 7 CFR 29.56, consists of inspecting, including sampling and weighing, and certificating, and is made available to interested parties on a fee basis. The Act requires such fees to be reasonable, and as nearly as possible, to cover the cost of performing the services.

Section 29.122 is amended to delete the second sentence which reads: "Charges as computed in accordance with this part shall be increased by 8 percent to cover administrative expenses."

The current regulations, 7 CFR 29.123, provide that fees and charges for permissive inspection services performed other than under an agreement shall comprise the cost of travel expense, per diem allowance and salaries (21 FR 3669, May 30, 1956; and 25 FR 4949, June 4, 1960). Section 123 is revised to provide that the fee for such service include the cost of related expenses, as well as the cost of salaries, travel, and per diem. This charge will increase the fees for such service to more nearly cover the Department's cost of performing the service. Additionally, a standard hourly rate of compensation is used, rather than a fee based on the salary of the specific inspector who performed the service and that fee is based on the actual time required to render the service calculated to the nearest 30-minute period. Therefore, the base hourly rate is $12.60; the overtime hourly rate for service performed outside the inspector's regularly scheduled tour of duty is $15.00; and the hourly rate for services performed on Sundays or holidays is $18.85. This uniform rate of calculation will substantially reduce administrative record keeping and eliminate the possibility of error caused by the charging of different hourly rates based on the varying GS grades of inspectors as was done heretofore.

The Department is also amending § 29.9252 of 7 CFR Part 29, appearing in Subpart F, which establishes the fees and charges for the permissive inspection of nonquota Maryland tobacco, U.S. Type 32, produced and marketed in a quota area. Heretofore, the regulations, 7 CFR 29.9252, provided that fees and charges for inspection and certification services at receiving points comprise the cost of travel expenses, per diem allowances, and salaries (38 FR 27817, October 9, 1973). Section 29.9252 is amended to provide that the fees charged for such inspection are the same as the fees charged in the amendment to 7 CFR 29.123 discussed above.

Interested persons desiring to submit written data, views, or arguments in connection with the proposed revisions were given until August 15, 1975, to do so. No comments were received. After consideration of all relevant facts, the proposed regulations are hereby adopted without change.

Sections 29.122, 29.123, and 29.9252 are revised as follows:

§ 29.122 Fees and charges for inspection other than under an agreement.

Fees or charges for inspection service shall be fixed in accordance with § 29.123.

§ 29.123 Fees and charges.

The fees and charges for inspection other than under an agreement are as follows:

(a) Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly rate shall be $12.60. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $15.00. The rate of $18.85 shall be charged for work performed on Sundays or holidays.

(b) The fees or charges for hogshead, bale or case inspection shall comprise the same costs as provided in paragraph (a) of this section.

(c) The fees or charges for sample inspection shall comprise the same costs as provided in paragraph (a) of this section.

§ 29.9252 Fees and charges for inspection and certification services other than under an agreement.

Fees and charges for inspection and certification services at receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly rate shall be $12.60. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $15.00. The rate of $18.85 shall be charged for work performed on Sundays or holidays.

Done at Washington, D.C., this 19th day of September, 1975.

WILLIAM H. WALKER, III,
Deputy Administrator, Progam Operations.

[FR Doc.75-25533 Filed 9-24-75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

PART 719—RECONSTITUTION OF FARMS AND ALLOTMENTS

On July 28, 1975 there was published in the FEDERAL REGISTER (40 FR 31609) a notice of proposed rulemaking revising the regulations governing the reconstitution of farms and allotments. Interested parties were given the opportunity to submit, not later than August 27, 1975 comments on the proposed revision.

No comments were received pursuant to the notice, and the revision as so proposed is hereby adopted without change. The revised regulations are set forth below.

Effective date: September 25, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

Sec.

719.1 Applicability.
719.2 Definitions.
719.3 Farm constitution.
719.4 Guides for determining the land constituting a farm.
719.5 County committee action to reconstitute a farm.
719.6 Farm corporations and trusts.
719.7 Reconstitution of farm allotments and history acreages.
719.8 Rules for determining allotments where reconstitution is made by division.
719.9 Rules for determining farm allotments and history acreages where reconstitution is by combination.
719.10 Preservation of cropland and allotment acreage.
719.11 Eminent domain acquisitions.
719.12 Exempting Federal prison farms and Federal wildlife refuges.
719.13 Supervisory authority of State ASC committee.
719.14 Transfer of allotments—State public lands.

AUTHORITY: Secs. 375, 378, 379, 52 Stat. 66, as amended, 72 Stat. 995, as amended, 79 Stat. 1211, 7 U.S.C. 1375, 1378, 1379; secs. 601, 602, 706, 79 Stat. 1206, as amended, 1210, 7 U.S.C. 1801 note, 1838, 1305; sec. 105, 84 Stat. 1368, 87 Stat. 230, 7 U.S.C. 1441 note.

§ 719.1 Applicability.

The provisions of this part apply to reconstitution of farms and allotments for 1975 and subsequent years under any program administered by the Agricultural Stabilization and Conservation Service through State and county committees. The provisions of §§ 719.1 to 719.15 (36 FR 11271, 36 FR 11802, 37 FR 5481, 37 FR 19340, and 38 FR 7564) are superseded.

§ 719.2 Definitions.

In determining the meaning of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The following terms shall have the following meanings:

(a) *Allotment.* Acreage allocated to a farm for a year for cotton, peanuts, rice, tobacco, corn, grain sorghum, barley (when designated by the Secretary), or wheat, pursuant to the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended.

(b) *Combination.* Consolidation of two or more farms or parts of farms into one farm.

(c) *Committees*—(1) *Community committee.* Persons elected within a community as the community committee under the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees in Part 7 of Subtitle A of this title.

(2) *County committee.* Persons elected within a county as the county committee under the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees in Part 7 of Subtitle A of this title, except that for Puerto Rico and the Virgin Islands, the Caribbean Area Agricultural Stabilization and Conservation Committee shall, insofar as applicable, perform the functions of the county committee.

(3) *State committee.* Persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, except that for Puerto Rico and the Virgin Islands, the Caribbean Area Agricultural Stabilization and Conservation Committee shall, insofar as applicable, perform the functions of the State committee.

(d) *County.* County or parish of a State except that for Alaska, Puerto Rico and the Virgin Islands, county shall be an area designated by the State committee with the concurrence of the Deputy Administrator.

(e) *County Executive Director.* Person employed by the county committee to execute the policies of the county committee and be responsible for day-to-day operations of the ASCS county office or the person acting in such capacity.

(f) *Cropland.* Land which the county committee determines meets any of the following conditions:

(1) Is currently being tilled for the production of a crop for harvest.

(2) Has been tilled and is currently devoted to legumes or grasses which were established by a producer.

(3) Is suitable for crop production and although not currently tilled it can be established that the land has been tilled in a prior year.

(4) Has been tilled and is currently devoted to vineyards, orchards, or one-row shelter belt planting (excluding abandoned orchards or vineyards).

(5) Is preserved as cropland under § 719.10. Land classified as cropland shall be removed from such classification upon a determination by the county committee that the land (i) is removed from agricultural production: (ii) is no longer suitable for production of crops; (iii) is devoted to trees (other than orchards or one-row shelter belt plantings) which were planted in the preceding year except that land planted to trees in the fall of the preceding year will retain its cropland classification for the succeeding year; or (iv) is no longer preserved as cropland under the provisions of § 719.10 and does not meet the conditions in subparagraphs (1) through (4) of this paragraph.

(g) *Current year.* Calendar year for which the applicable allotment, base acreage, history acreage, yields, marketing quota penalties, or other program determinations are established or considered.

(h) *Department.* U.S. Department of Agriculture.

(i) *Deputy Administrator.* Deputy Administrator, or acting Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(j) *Division.* Dividing a farm into two or more farms or parts of farms.

(k) *Farm number.* Serial number assigned to a farm by the county committee for the purpose of identification.

(l) *Federally owned land.* Land owned by the Federal Government or any department, bureau, or agency thereof, or any corporation whose stock is wholly owned by the Federal Government.

(m) *Landlord.* A person who rents or leases farmland to another person.

(n) *OGC representative.* Appropriate Regional Attorney or Attorney-in-Charge, Office of the General Counsel, U.S. Department of Agriculture, or other authorized representative of the Office of the General Counsel.

(o) *Operator.* Person who is in general control of the farming operations on the farm during the program year.

(p) *Owner.* A person who has legal ownership of farmland, including a person who is buying farmland under a purchase agreement.

(q) *Person.* Individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(r) *Preceding year.* Calendar year immediately preceding the current year.

(s) *Producer.* Person who as owner, landlord, tenant or sharecropper, is entitled to share in the crops available for marketing from the farm or in the proceeds thereof.

(t) *Reconstitution.* Change in the land constituting a farm as a result of combination or division.

(u) *Representative of the State committee.* Member of the State committee or any employee of the State committee.

(v) *Secretary.* Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority is delegated to act in his stead.

(w) *Sharecropper.* A producer who performs work in connection with the production of a crop under the supervision of the operator and who receives a share of such crop for his labor.

(x) *State executive director.* Person employed by the State committee to execute the policies of the State committee and to be responsible for the day-to-day operations of the State ASCS office, or the person acting in such capacity.

(y) *Tenant.* (1) A person usually called a "cash tenant," "fixed-rent tenant," or "standing-rent tenant," who rents land from another for a fixed amount of cash or a fixed amount of a commodity to be paid as rent; or (2) a person, other than a sharecropper, usually called a "share tenant," who rents land from another person and pays as rent a share of the crops or proceeds therefrom.

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(2) *Representative of the county committee.* A member of the county committee or any employee of the county committee.

§ 719.3 Farm reconstitution.

(a) *Farms constituted under prior regulations.* Land which has been properly constituted under prior regulations shall remain so constituted until a reconstitution is required under paragraph (d) of this section.

(b) *Farms constituted for the first time or reconstituted hereafter.* With respect to the constitution and identification of land as a farm for the first time or the reconstitution of farms made hereafter, a farm shall include all land operated by one person as a single farming unit except that it shall not include land under any of the following conditions:

(1) Land under separate ownership unless the owners agree in writing;

(2) Field-rented tracts under a short-term agreement of 1 year or less (such tracts shall remain with the farm of which they are a part);

(3) Federally owned land except land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession.

(4) Federal- and State-owned wildlife land unless the former owner has possession of the land under a leasing agreement.

(5) Land covered by a whole farm cropland conversion program agreement unless all the other land included in the farm is also covered by a whole farm cropland conversion program agreement;

(6) Land covered by a cropland adjustment or cropland conversion program agreement unless (i) the specific commodity diverted under the agreement is also diverted under a cropland adjustment or cropland conversion program agreement covering the other land and having the same expiration date, or (ii) the other land does not have an allotment of the same commodity or (iii) the farm operator agrees to a zero permitted acreage for the commodity under agreement.

(7) Land constituting a farm which is declared ineligible to participate in a program under the regulations governing the program.

(c) *Location of farm for administrative purposes.* (1) If all land in the farm is located in one county, the farm shall be administratively located in such county.

(2) If the land in the farm is located in more than one county, the farm shall be administratively located in either of such counties as the county committee of the receiving county and the farm operator agree. The receiving county is the county in which the farm operator requests that the farm be located. If no agreement can be reached, the farm shall be administratively located in the county (i) where the principal dwelling is situated, or (ii) where the major portion of the farm is located, if there is no dwelling.

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, if the land in the farm is part of an Indian reservation and is operated by a grazing association, the farm may be administratively located in the county where such grazing association has its headquarters if the county committees involved and the farm operator agree to such location, provided the persons using the land do not reside thereon and the geographic features are such that administrative access would be more practical.

(d) *Required reconstitutions.* A reconstitution of a farm either by division or by combination shall be required whenever:

(1) A change has occurred in the operation of the land after the last constitution or reconstitution and as a result of such change the farm does not meet the conditions for constitution of a farm as set forth in paragraph (b) of this section: *Provided,* That no reconstitution shall be made if the county committee determines that the primary purpose of the change in operation is to establish eligibility to transfer allotments subject to sale or lease;

(2) The farm was not properly constituted under the applicable regulations in effect at the time of the last constitution or reconstitution;

(3) An owner requests in writing that his land no longer be included in a farm which is composed of tracts under separate ownership;

(4) The county committee determines that the farm was reconstituted on the basis of false information furnished by the owner or farm operator; or

(5) The county committee determines that the tracts of land included in a farm are not being operated as a single farming unit.

§ 719.4 Guides for determining the land constituting a farm.

(a) *General.* In determining the constitution of a farm, consideration shall be given to provisions such as ownership and operation. A brief explanation of these provisions is outlined in this section to assist committees in properly determining what land is to be included in a farm.

(b) *Ownership.* The county committee shall require specific proof where there is doubt as to ownership.

(c) *Family members.* Land owned by different members of an immediate family living in the same household and operated as a single farming unit shall be considered as being under the same ownership in determining a farm.

(d) *Parent corporations and subsidiaries.* All land which is operated as a single farming unit and which is owned and operated by a parent corporation and subsidiary corporations of which the parent corporation owns more than 50 percent of the value of the outstanding stock (or which is owned and operated by such subsidiary corporations) shall be constituted as one farm.

(e) *Single farming unit.* Land which the committee determines is being operated by one person with cropping practices, equipment, labor, accounting system, and management substantially separate from that of any other unit shall be considered to constitute a single farming unit.

(f) *Operation.* In determining the constitution of a farm, the county committee shall satisfy itself that the operator will be in general control of the farming operations on the farm for the program year.

§ 719.5 County committee action to reconstitute a farm.

Action to reconstitute a farm may be initiated by the county committee, the farm owner, or the operator of the farm. Any request for a farm reconstitution shall be filed with the county committee. The county committee shall act on each proposed reconstitution. All interested operators shall be notified of the action taken by the county committee. All interested owners shall also be notified provided the State committee determines such notification is desirable and this policy is applicable to all counties in the State. If the proposed reconstitution is approved, the notcie shall show the program year in which the reconstitution will become effective for each allotment and program.

§ 719.6 Farm corporations and trusts.

Notwithstanding any other provision of this part, whenever the county committee has reason to believe a farm corporation(s) or trust(s) is formed primarily for the purpose of obtaining additional program benefits under this Title 7, the farm or farms shall not remain as presently constituted, or be reconstituted, when owned and operated, by corporations or trusts listed below without approval of the State committee and concurrence by the Deputy Administrator: (a) Corporations in which more than 50 percent of the shares of stock is owned by members of the same family living in the same household; (b) corporations in which more than 50 percent of the shares of stock is owned by stockholders common to more than one of the corporation; (c) trusts in which the beneficiaries and the trustee are family members living in same household.

§ 719.7 Reconstitution of farm allotments, and history acreages.

(a) *When to reconstitute.* Farms shall be reconstituted as soon as it is determined that the land areas are not properly constituted and, to the extent practicable, shall be based on the facts and conditions existing at the time the change requiring the reconstitution occurred. For each farm reconstituted, the farm allotments and history acreages shall also be reconstituted in accordance with the provisions of this part. County office records shall be corrected as necessary to reflect properly the basic data for each farm as reconstituted.

(b) *Effective date of reconstitutions.* The effective date of the reconstitution shall be as follows:

(1) *Allotment crops.* (i) The reconstitution shall be effective for an allotment crop for the current program year if such reconstitution is initiated before such crop is or would have been planted.

(ii) The reconstitution may be made effective for the current program year after the crop has been or would have been planted if the county committee determines that no adverse effect to the program will result and the farm owner(s) and operator(s) agree to make the reconstitution effective for such year.

(2) *Cropland Conversion and Cropland Adjustment Programs.* The reconstitution shall be effective for purposes of the Cropland Conversion and Cropland Adjustment Program (CCP and CAP) for the current program year unless the reconstitution would cause noncompliance with the contract or agreement.

(3) *Agricultural Conservation Program.* The reconstitution shall not be effective for purposes of the Agricultural Conservation Program (ACP) for the current program year if the county committee has approved cost-sharing for a producer on the farm for the current program year unless (i) the parent farm on which cost-sharing was approved was not properly constituted at the time of approval, or (ii) the county committee determines that some producer on the farm would not be eligible to participate in the ACP if the reconstitution is not made effective.

(4) *Misrepresentation.* Notwithstanding any other provision of this section, if the county committee determines that the farm was or was not reconstituted because of a misrepresentation by a producer, the farm shall be properly reconstituted, and the effective date of such reconstitution for all purposes shall be retroactive to the date the farm was improperly constituted.

(c) *Maximum and minimum provisions, adjustments, and release and reapportionment.* Allotments for reconstituted farms resulting from the divisions or combinations of parent farms in accordance with this part are subject to maximum and minimum allotment provisions and to adjustments from allotment reserves for the commodity and released farm allotments as provided in the regulations governing the determination of allotments for the commodity.

(d) *Continuous application.* Where a farm reconstitution for the current year is made before the current year's allotments are determined, the history acreages and other basic data for the reconstituted farms shall be used to establish the current year's allotments: *Provided,* That where the current year's preliminary allotment on one or more parent farms involved in a proposed combination would be reduced for underplanting, the allotment shall be determined as follows: (1) The current year's allotment for each parent farm shall be established separately, and then (2) the current year's allotment for the combined farm shall be determined by adding the allotments established for the parent farm.

§ 719.8 Rules for determining allotments where reconstitution is made by division.

The methods for dividing allotments in order of precedence are estate, designation by landowner, contribution (including contribution-cropland and contribution-history), cropland, and history.

(a) *Estate method.* The estate method is the proration of the allotments for a parent farm among the heirs in settling an estate. If the estate sells a tract of land before the farm is divided among the heirs, the allotments for the tract shall be determined by using one of the methods provided in paragraphs (b) through (f) of this section. The allotments shall be divided among the heirs in settling an estate as follows:

(1) In accordance with a will by the testator if the county committee determines that the terms of the will are such that a division can reasonably be made on this basis.

(2) If the provisions of subparagraph (1) of this paragraph are not applicable, the allotments shall be apportioned in the manner agreed to in writing by all interested heirs. An agreement by the administrator or executor shall not be accepted in lieu of an agreement by the heirs.

(3) If the provisions of subparagraphs (1) and (2) of this paragraph do not apply, the allotments shall be divided pursuant to paragraphs (c) through (f) of this section, as applicable.

(b) *Designation of allotments by landowner.* If the ownership of a tract of land is transferred from a parent farm, the county committee shall at the request of the transferring owner divide the allotments between the parent farm and the transferred tract, or between the applicable tracts if the entire farm is sold to two or more purchasers, in the manner designated by the owner of the parent farm subject to conditions set forth in this paragraph. If the county committee determines that the allotments cannot be divided in the manner designated by the owner because of the conditions set forth in this paragraph, the owner shall be notified and permitted to revise the designation so as to meet the conditions in this paragraph. If the owner does not furnish a revised designation of allotments within a reasonable time after such notification or if the revised designation does not meet the conditions of this paragraph, the county committee shall make the proration of allotments in accordance with paragraphs (c) through (f) of this section. If a parent farm is composed of tracts under separate ownership, each separately owned tract being transferred in part shall be considered a separate farm and shall be constituted separately from the parent farm using the rules in paragraphs (c) through (f) of this section, as applicable, prior to application of the provisions of this paragraph. The eligibility conditions that shall be complied with for applying this method of division are:

(1) The interested owners (seller and purchaser) shall file a memorandum of understanding of the designation with the county committee. The heirs of an estate may use this method to designate the allotments for allocation to a tract of land sold prior to dividing the parent farm among the heirs in settling an estate: *Provided, however,* That designation by the administrator or executor shall not be accepted in lieu of designation by the heirs.

(2) Where the land of the parent farm is subject to a deed of trust, lien, or mortgage, the holder of the deed of trust, mortgage, or lien must agree to the division of allotments.

(3) Neither the tract transferred from the parent farm nor the remaining portion of the parent farm shall receive allotments in excess of allotments for similar farms in the same area having allotments of the commodity or commodities involved and such allotments shall be consistent with good land use.

(4) Where the part of the farm from which the ownership is being transferred was owned for a period of less than 3 years, the provisions of this paragraph shall not be applicable to such transfer unless the State committee finds that the primary purpose of the ownership transfer was not to retain or sell an allotment. In the absence of such a finding, and if the farm contains land which has been owned for a period less than 3 years, that part which has been owned for less than 3 years shall be considered as a separate farm and the allotments shall be assigned to that part using the rules in paragraphs (c) through (f) of this section, as applicable. Such apportionment shall be made prior to any designation of allotments with respect to the part which has been owned for 3 years or more.

(5) This method is not applicable to Burley tobacco.

(6) The land for which ownership is being transferred to a Federal, State, or other agency was not or could not have been acquired under the right of eminent domain. If eminent domain is applicable, the provisions of § 719.11 shall apply.

(c) *Contribution method.* The contribution method for dividing allotments is the proration of the parent farm's allotments to each identical tract separated from the parent farm in the same proportion that each tract contributed to the allotments at the time of combination. Unless the provisions of paragraph (a) or (b) of this section are applicable this method shall be used to divide allotments for a farm which resulted from a combination that became effective during the 6-year period immediately prior to the current year. This method for dividing allotments shall be used beyond the 6-year period if records are available to show the contribution of the separate tracts at the time of combination unless the county committee determines with the concurrence of a representative of the State committee that the use of the contribution method would not result in an equitable distribution of the allotments considering available land, cultural operations, and changes in type of farming. The contribution method shall not be used in cases involving the division for any commodity for which there was no allotment established at the time of com-

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bination, and a parent farm, in the case of rice, which includes one or more tracts on which an established crop rotation system was being carried out at the time of the combination.

(d) *Contribution-Cropland or Contribution-History method.* In cases where the allotments are divided by the contribution method pursuant to paragraph (c) of this section and a further division of an identical tract is required, the allotments shall first be apportioned to the identical tracts and then apportioned among the parts of the identical tracts by the cropland or history method pursuant to paragraph (e) or (f) of this section, as applicable.

(e) *Cropland method.* The cropland method for dividing allotments is the proration of allotments to the tracts being separated from the parent farm in the same proportion that the cropland acreage for each such tract bears to the cropland for the parent farm. For rice, the acreage of cropland that is available for the production of rice shall be used to make the proration. The county committee shall verify or redetermine, if considered necessary, the cropland on each of the tracts of the parent farm prior to making the proration. This method shall be used if the provisions of paragraphs (a) through (c) of this section are not applicable unless the county committee determines that a division by the history method would result in allotments more representative of the operation normally carried out on each tract during the respective base period for the commodities. Notwithstanding any other provision of this paragraph, the allotments shall be apportioned on the basis of the cropland available for and adapted to the production of the allotment crop on each tract when the owners file with the county office a written agreement as to the amount of available and adapted cropland and the county committee approves such agreement.

(f) *History method.* The history method of division of allotments is the proration of allotments to the tracts being separated from the parent farm on the basis of the acreage determined to be representative of the operations normally carried out on each tract during the respective base period for the commodities. The history method shall be used when the county committee determines that division by the cropland method should not be used.

(g) *Variation in reconstituted allotments.* Allotments apportioned among the divided tracts, pursuant to paragraphs (c) through (f) of this section, may be increased or decreased by as much as 10 percent of the allotment or base established for the parent farm if (1) the interested owners agree in writing, and (2) the county committee determines that the method used did not provide an equitable distribution concerning available land, cultural operations and changes in type of farming. Any increase in an allotment on a tract pursuant to this paragraph shall be offset by a corresponding decrease on the other tract and all variations between tracts must be compensating.

(h) *Adjustments in conserving bases.* Conserving bases for farms divided pursuant to paragraphs (c) through (f) of this section, and apportioned among the tracts, may be adjusted by the county committee taking into consideration the physical location of conserving use acreages, the allotments apportioned to the reconstituted farms, and changes in type of farming. Any decrease in the conserving base on a tract must be offset by a corresponding increase on the other tract and all conserving base adjustments must be compensating.

(i) *Divided history acreage and other data.* The history acreage and other basic data, except commodity yields and minimum allotments, for divided farms shall be determined by using the same percentage figure as was used to apportion the allotment crop for the respective commodity. For commodity yields and minimum allotments applicable commodity regulations shall apply.

§ 719.9 Rules for determining farm allotments and history acreages where reconstitution is by combination.

If two or more farms or tracts are combined for the current year, the current year's allotments, history acreages, planted acreages, and acreages considered planted for the years in the base period for the respective commodities for the reconstituted farm shall be the sum of the allotments, history acreages, planted acreages, and acreages considered planted for each of the tracts comprising the combination, subject to the provisions of § 719.7(c).

§ 719.10 Preservation of cropland and allotment acreage.

(a) *Definitions.* Notwithstanding the definitions in § 719.2, for the purposes of this section, the following terms shall have the following meanings:

(1) *Final acreage.* The actual crop acreage, plus any additional acreage considered planted to the crop under applicable commodity regulations.

(2) *Underplanted acreage.* The acreage by which the allotment for a commodity exceeds the final acreage of the commodity.

(b) *Preservation of cropland and acreage available for diversion credit.*—(1) CAP, CCP, CRP, GPCP, *and* RCP. Cropland acreage established and maintained in vegetative cover under the Cropland Adjustment Program, Cropland Conversion Program, Conservation Program, and Regional Conservation Program, shall retain its cropland classification for the period of time the contract or agreement is in effect plus the period of time thereafter that the cover is maintained. Cropland acreage established in trees under one of the programs listed in this section shall retain its cropland classification for the period of time the contract or agreement is in effect plus an equal period thereafter provided the practice is maintained. All acreage under this subparagraph shall be available for diversion credit to the extent of the underplanted acreage of an allotment crop where needed to protect the history for such crop.

(2) *RECP-REAP-ACP and comparable practices carried out without Federal cost-sharing.* Cropland acreage established and maintained in vegetative cover (excluding trees) under the Rural Environmental Conservation Program, the Rural Environmental Assistance Program, the Agricultural Conservation Program, or comparable practices carried out without Federal cost-sharing including approved volunteer cover shall retain its cropland classification for the period of time that the cover is maintained. To qualify for diversion credit under this subparagraph (2), the following conditions shall be met:

(i) Acreage must be in excess of the sum of the conserving base and set-aside acreage requirements under other adjustment programs.

(ii) The practice must have been established and carried out in accordance with good farming practices.

(iii) The producer must report the conserving crop acreage each year preservation credit is desired by a date approved by the Deputy Administrator.

(c) *Termination of diversion credit.* Acreage shall cease to be available for diversion credit when:

(1) The approved vegetation is destroyed or not properly maintained.

(2) The additional period of protection in the case of trees established under a conservation program listed in paragraph (b) of this section expires or the trees are destroyed.

(d) *Diversion credit for divided farms.* When a parent farm is reconstituted by division, future diversion credit shall accrue to the farm or tract on which the vegetative cover is physically located.

(e) *Use of diversion credit.* The diversion credit determined under the provisions of this section for each underplanted allotment crop shall be considered as acreage devoted to the crop and shall be utilized in the establishment of future State, county, and farm allotments.

§ 719.11 Eminent domain acquisitions.

(a) *Commodities covered.* This section provides a uniform method for handling farm allotments for extra long staple cotton, upland cotton, peanuts, rice in farm States, tobacco, wheat, corn, grain sorghums and barley (when designated by the Secretary) on land involved in an eminent domain acquisition. If eligible for pooling under this section, such allotments are pooled for the benefit of the owner who is displaced from his farm by an eminent domain acquisition. Such pooling is for a 3-year period from the date of displacement and during such period the owner so displaced may request transfers of allotments from the pool to other farms in the United States owned by him.

(b) *Eminent domain acquisition.* An eminent domain acquisition is a taking of title to land, or the taking of an impoundment easement to impound water on the land, or the taking of a flowage easement to intermittently flood the land, consumated with respect to land which is, or could be, so taken under the power of eminent domain by a Federal, State,

or other agency. Such acquisition may be by court proceedings to condemn the land or by negotiation between the agency and the owner. Any acquisition by an agency with respect to land not subject to the agency's power of eminent domain shall not be an eminent domain acquisition for purposes of this section. All land acquired by an agency for the intended project, including surrounding land not needed for the project but acquired as a package acquisition, shall be considered to be in the eminent domain acquisition if the agency expended funds for the package acquisition on the basis of its power of eminent domain. For example, a governmental agency acquires 150 acres of land from an owner as a package acquisition and requires 130 acres for the public purpose but supports the expenditure of funds for the unneeded 20 acres on the grounds that no additional cost resulted, or that avoidance of condemnation proceedings warranted the package acquisition.

(c) *Owner.* For purposes of this section, owner means the person, or persons in a joint ownership, having title to the land for a period of at least 12 months immediately prior to the date of transfer of title or grant of impoundment or flowage easement under the eminent domain acquisition. If such person or persons have owned the land for less than such 12-month period, they may, nevertheless, be considered the owner if the State committee determines that such person or persons acquired the land for the purpose of carrying out farming operations and not for the purpose of obtaining status as an owner under this section. However, no person shall be considered the owner if he acquired the land subject to an eminent domain acquisition under an outstanding contract to an agency or an option by an agency or subject to pending condemnation proceedings. In any case where the current titleholders cannot be considered the owner for the purposes of this section, the State committee shall determine the person or persons who previously had title to the land and who qualify for status as the owner under the criteria in this paragraph.

(d) *Displacement.* The owner shall be considered displaced from a farm covered by an eminent domain acquisition on the date (1) the right to produce an allotment crop is relinquished voluntarily even though the owner is not required to give up possession of the land; or (2) in the case of a flowage easement the owner determines it is no longer practical to conduct farming operations on the land; or (3) the owner loses possession of the land as owner or as lessee under a lease from the agency or its designee if the lease provided unbroken possession to the owner from the date of acquisition to the end of the lease or extensions of the lease. In cases where the agency and the owner have executed a binding contract for acquisition of the farm, the owner may be considered displaced prior to completion of the acquisition if he wishes to plant the commodity on other land he owns or buys.

(e) *Notice of displacement.* The owner shall notify the county committee in writing of the eminent domain acquisition and furnish the date of displacement as soon as possible so that the allotments may be pooled in accordance with this section. Failure to so notify the county committee shall not operate to extend the 3-year period of the pool.

(f) *Pool.* Whenever the county committee determines, by notice from the owner or otherwise, that an owner has been displaced, the county committee shall establish in a pool for a 3-year period, beginning on the date of displacement, the allotments eligible for pooling under this section. Pooled allotments shall be considered fully planted and for each year in the pool, shall be established in accordance with applicable commodity regulations.

(g) *Cases where pooling not permitted or required.*—(1) *Agency has authority to continue crop production.* If the county committee determines that an agency has authority under its eminent domain powers to acquire a farm for the continued production of an allotment crop and does so acquire a farm only for such purpose and files a written notice with the county committee of the county in which the farm is located within 30 days after the date of acquisition designating the allotment crops to be produced on the farm, there shall be no pooling for such crops, but farm allotments shall be established in accordance with applicable commodity regulations.

(2) *Owner waives right to have pooling.* If the owner files written notice with the county committee of intention to waive his right to have all the allotments, or any part thereof, pooled and the county committee determines that the owner fully understands his right to have allotments pooled and has not been coerced to waive his right, the allotments shall be retained on the agency acquired land.

(3) *Less than 15 percent of cropland acquired.* If an agency acquires part of a farm for nonfarming purposes and the cropland on the land so acquired represents less than 15 percent of the total cropland on the farm, the allotments shall be retained on the portion of the farm not acquired by the agency and shall not be pooled.

(4) *15 percent or more of cropland acquired.* If an agency acquires part of a farm for nonfarming purposes and the cropland on the land so acquired represents 15 percent or more of the total cropland on the farm, the allotments attributable to the acquired land shall be retained on the portion of the farm not acquired by the agency if the owner files a written request with the county committee for such retention. However, only such amounts of allotments may be retained as can be supported on the available cropland and which will not exceed the allotments established on similar farms in the area, taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices and other physical factors affecting production. Allotments not retained shall be pooled.

(5) *In-county transfer upon displacement.* If, prior to pooling, an owner files a request to transfer the allotments to other farms which he owns in the same county, the county committee may approve a direct transfer without formal establishment in the pool. Such transfer shall be subject to the requirements of paragraph (j) of this section.

(h) *Release of pooled allotments.* Pooled allotments may be released on an annual basis by the owner to the county committee during any year for which the allotments are pooled and not otherwise transferred from the pool. The county committee may reapportion such released allotments to other farms in the same county having allotments for such commodity. Pooled allotments shall not be released on a permanent basis or surrendered after release to the State committee for reapportionment in other counties. Reapportionment shall be on the basis of past acreage of the commodity, land, labor, and equipment available for the production of the commodity, crop rotation practices and soil and other physical facilities affecting the production of the commodity. Released pooled allotments shall be regarded as fully planted in the pool and not on the farm receiving reapportionment. This paragraph shall govern the release and reapportionment of pooled allotments notwithstanding other procedures contained in applicable commodity regulations.

(i) *Sale, lease, and owner transfers.* Pooled allotments for which there is statutory authority implemented in the applicable commodity regulations for transfer of allotments on a permanent or temporary basis by sale, lease, or by owner (within the meaning of owner for such purposes) may be transferred permanently from the pool by the owner or temporarily for the life of the pooled allotment, subject to the terms and conditions in the applicable commodity regulations for such transfers.

(j) *Regular transfers from pool.*—(1) *General rule.* The owner may request transfer of all or part of the pooled allotments to any farm in the United States of which he is the bona fide owner: *Provided,* That there are farms in the receiving county with allotments for the particular commodity, or if there are no such farms, the county committee determines that farms in the receiving county are suitable for the production of the commodity. For purposes of this paragraph:

(i) Receiving farm means the farm to which transfer from the pool is to be made:

(ii) Receiving State and county committees mean those committees for the State and county in which the receiving farm is located; and

(iii) Transferring State and county committees mean those committees for the State and county in which the agency acquired farm is located.

(2) *Application for transfer.* The owner shall file with the receiving county committee written application for transfer of allotment from the pool within 3 years after the date of displacement. The application shall contain a certification

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by the owner that he has made no side agreement with any person for the purpose of obtaining an allotment from the pool for a person other than himself. The owner shall attach to the application all pertinent documents pertaining to his ownership or purchase of land and any leasing arrangements as for example, the deed of trust or mortgage, warranty deed, note sales agreement, and lease.

(3) *Action by receiving county committee.* The receiving county committee shall consider such application and determine whether the transfer from the pool shall be approved. Before an application is acted upon by the receiving county committee, the owner shall personally appear before the receiving county committee after reasonable notice, bring any additional pertinent documents as may be requested for examination by the receiving county committee, and answer all pertinent questions bearing on the proposed transfer: *Provided,* That the personal appearance requirement may be waived if the receiving county committee determines from facts presented to it on behalf of the owner that such personal appearance would unduly inconvenience the owner on account of illness or other good cause and such personal appearance would serve no useful purpose. Any action by the receiving county committee shall be subject to the approval required under subparagraph (5) of this paragraph.

(4) *Elements of bona fide ownership.* The receiving county committee shall approve the transfer from the pool only where the documents and other evidence presented by the owner show conclusively that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations. The elements of such an acquisition shall include, but are not limited to, the following conditions:

(i) Appropriate legal documents must establish title to the receiving farm;

(ii) If the owner was the operator of the acquired farm at the date of displacement, such owner shall personally operate and be the operator of the receiving farm for the first year that the allotment is transferred;

(iii) If the owner was not the operator of the acquired farm at the date of displacement and he was not a producer because the leasing or rental agreement provided for cash, fixed rent, or standing-rent payment, such owner shall not be required to personally operate and be the operator of the receiving farm but at least 75 percent of the allotment for the receiving farm shall be planted on the receiving farm for the first year;

(iv) If the owner was not the operator of the acquired farm at the date of displacement but he was a producer on the acquired farm at the date of displacement by virtue of receiving a share of the crops produced on the acquired farm, such owner shall not be required to be the operator of the receiving farm but he shall be a producer on the receiving farm the first year that an allotment is transferred;

(v) The contractual arrangements between the owner and the seller of the receiving farm shall not contain a requirement that the receiving farm be leased to the seller or a person designated by or subject to the control of the seller nor shall the seller or a person designated by or subject to the control of the seller lease the receiving farm for the first year the allotment is transferred even though such contractual arrangements are silent as to any lease; and

(vi) Contractual arrangements under which the receiving farm was purchased or leased are customary in the community where the receiving farm is located with respect to purchase price, size of payments due, time when payments are due, and size of rental payments, if any.

(5) *Action of receiving State Committee.* The approval of a transfer from the pool under this paragraph by the receiving county committee shall be effective upon concurrence by the receiving State committee. Notwithstanding any other provision of this section, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the eligibility requirements of subparagraph (4) (ii), (iii), or (iv) of this paragraph cannot be met without creating a hardship because of illness, old age, multiple farm ownership, or lack of a dwelling on the farm to which allotment is to be transferred. Notwithstanding any other provisions of this section and particularly subparagraph (4) (v) of this paragraph, the receiving State committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations although the farm is leased to the seller of the farm for the first year the allotment is transferred.

(6) *Amount of allotment available for transfer.* Upon completion of all necessary approvals under this paragraph, the receiving county committee shall issue an appropriate allotment notice under the applicable commodity regulations, taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices, and the soil and other physical factors affecting the production of the commodity. For purposes of determining the amount of allotment available for transfer, the receiving county committee shall consider the receiving tract as a separate farm when such tract is in combination with land under separate ownership. The acreage transferred from the pool shall not exceed the allotment most recently established for the acquired farm and placed in the pool. When all or part of the allotment placed in the pool is transferred and used to establish or increase the allotment for other farms owned or purchased by the owner, all or the proportionate part of the past acreage history for the acquired farm shall be transferred to and considered for purposes of future allotments to have been planted on the receiving farm for which an allotment is established or increased under this section. If only a part of the available allotment is transferred from the pool, the remaining part of the allotment and past acreage history shall remain in the pool for transfer to other farms of the owner until all such allotment acreage has been transferred or until the period of eligibility for establishing or increasing allotments under this section has expired.

(7) *Cancellation of transfers.* If any allotment is transferred under this paragraph and it is later determined by the receiving county or State committee, or the Deputy Administrator, that the transfer was obtained by misrepresentation by or on behalf of the owner, or the conditions applicable under subparagraph (4) of this paragraph are not met, the allotment for the receiving farm shall be reduced for each year the transfer purportedly was in effect by the amount attributable to the acreage transferred from the pool; and if the time for withdrawal from the pool has not expired, the amount of acreage initially transferred from the pool shall be returned to the pool after the period of time has expired in which the producer could exercise his rights of review and court action. Any cancellation of transfer of allotment by the receiving county committee shall be subject to approval by the receiving State committee. The receiving county committee shall issue any notice of marketing quota and penalty as may be required in accordance with applicable commodity regulations.

(8) *Effect of release of pooled allotment.* Notwithstanding the provisions prescribed in this paragraph, if the displaced owner files a request for the transfer of a pooled allotment within the prescribed period for filing such request but his request for transfer is filed during a year in which all or a part of the pooled allotment was released to the transferring county committee pursuant to paragraph (h) of this section, the application for transfer will be processed in the usual manner but the amount of the commodity released shall not be effective on the receiving farm until the succeeding year. When a request for transfer of a pooled allotment involves a transfer from one State to another the receiving State committee shall obtain information from the transferring State committee as to whether any part of the allotment for which the transfer is requested has been released to the transferring county committee for the current year.

(k) *Constitution of acquired land.* (1) Where the owner leases part but not all of the agency acquired land, such part shall be constituted as a separate farm on the date of his displacement from the land not so leased.

(2) If a parent farm consists of separate ownership tracts, each such tract being acquired in whole or in part shall be considered as a separate farm for purposes of paragraphs (g) (3) and (4) of this section.

(3) If part of a farm is acquired by an agency and the owner is displaced therefrom, such part shall be constituted as a separate farm on the date of displacement unless the allotments are retained on the part not acquired as provided in paragraphs (g) (3) and (4) of this section, in which case the farm shall not be reconstituted but the farmland and cropland data shall be corrected on all appropriate records for the parent farm.

(l) *Successors in interest—(1) Designation of beneficiary.* The owner may file with the county committee a written designation of beneficiary of his rights in the allotments attributable to the acquired land in the event of his death and may revise such designation from time to time. The beneficiary of a deceased owner may exercise the right to continue a lease or to negotiate a lease with the agency or its designee and exercise the regular transfer rights with respect to farms owned by such beneficiary and may also exercise the release and sale, lease and owner transfer rights under this section.

(2) *Cases where no beneficiary designated.* If the owner does not file a designation of beneficiary under subparagraph (1) of this paragraph and the owner dies before displacement or after pooling occurs, the following persons shall be considered the beneficiary with the rights as provided under subparagraph (1) of this paragraph:

(i) The surviving joint owner of the farm where two persons own the farm as joint tenants with right of survivorship under which title passes to the survivor;

(ii) The person(s) who succeed to the deceased owner's interest under a will or by intestate succession. However, in the case of intestate succession, such person(s) shall be limited to surviving spouse, mother, father, brothers, sisters, or children of the deceased owner. In the settlement of the estate of the deceased owner, the heirs may file a written agreement with the county committee for the division of the deceased owner's rights under this section.

(m) *Limitations on transfers from pool.* (1) No transfer from the pool under paragraph (h), (l), or (j) of this section shall be approved if there remains unpaid any marketing quota penalty due with respect to the marketing of the commodity from the acquired farm or by the displaced owner; or if any of the commodity produced on the acquired farm has not been accounted for as required under applicable commodity regulations.

(2) If the tobacco or peanut allotment for an acquired farm next established after the date of displacement would have been reduced because of false or improper identification of the commodity produced on or marketed from the farm or due to a false acreage report, the allotment shall be reduced in the pool in accordance with the applicable regulations.

§ 719.12 Exempting Federal prison farms and Federal wildlife refuges.

No marketing penalty shall be assessed or entered on the county or State office debt record for excess acreage of any commodity which may be produced on a Federal prison farm or Federal wildlife refuge: *Provided, however,* That this exception does not apply to penalties incurred by an individual who has a separate interest in a crop which is subject to marketing quotas and which was produced on such Federal prison farms and Federal wildlife refuges.

§ 719.13 Supervisory authority of State ASC committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations of this part, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this part.

§ 719.14 Transfer of allotments—State public lands.

(a) *General authority.* Section 706 of the Food and Agriculture Act of 1965 (79 Stat. 1210, 7 U.S.C. 1305) enacted November 3, 1965, authorizes the Secretary to permit transfers of allotments between farms in the same county where both farms are composed of public lands of the State. Such transfers shall be permitted in accordance with the conditions prescribed by this section.

(b) *Applications for transfer.* An application in writing requesting the transfer of one or more of the allotments on a farm entirely composed of public lands of a State shall be filed with the county committee by the agency of the State charged with the administration of the land in such farms. The application shall identify the farms as being within the same county, show that each farm is entirely composed of public lands of the State, and list the acreages requested to be transferred. Additional information as to the present operations on the farms, including all leasing arrangements, shall also be set forth in the application.

(c) *Closing date for filing applications.* The State committee shall establish the closing date for filing applications under paragraph (b) of this section for each year which shall be no later than the date when planting of the commodity involved in the transfer becomes general in the county.

(d) *Productivity adjustments in allotments, and history acreages.* Each transfer of allotment under this section shall be adjusted for differences in farm productivity if the yield (projected for the year the transfer is to take effect) for the farm to which transfer is made exceeds the yield (projected for the year the transfer is to take effect) for the farm from which transfer is made by more than 10 percent. The county committee shall determine the amount of allotment to be transferred where productivity adjustment is required by dividing (1) the product of the yield for the farm from which transfer is made and the acreage to be transferred from such farm, by (2) the yield for the farm to which transfer is made. History acreage for the farm receiving allotment shall be adjusted by the same percentage as the allotment being transferred is adjusted. The amount of allotment and related farm history acreage transferred from the farm from which the transfer is made with respect to that farm shall be the full amount but the amount of allotment and related farm history acreage for the farm to which the transfer is made shall be the adjusted amount. The county acreage history, if applicable, shall be reduced to correspond with the adjusted history transferred to the farm. The history remaining unassigned to the county as a result of such productivity adjustments shall be tabulated by the State committee and included with the sum of county history acreages for purposes of determining the State history acreage.

(e) *Limitation on acreages to be transferred.* The amount of allotment on a farm after a transfer under this section is made shall not exceed the average amount of allotment of at least three but not more than five farms with acreages of cropland similar to the farm receiving the transfer in the community having the applicable allotment on these farms.

(f) *Permanent vegetative cover requirement.* Each transfer of any allotment shall be subject to the condition that an acreage equal to the allotment transferred (before any productivity adjustment) shall be devoted to and maintained in permanent vegetative cover on the farm from which the transfer is made.

(g) *County committee action.* The county committee shall approve transfer under this section only if it determines that a timely filed application has been received, that the conditions of this section have been met, and a representative of the State committee has approved the transfer. The county committee shall issue revised notices of allotments for each farm affected by the transfer. If a county committee obtains evidence that the conditions applicable to any transfer under this section have not been met, a report of the facts shall be made to the State committee. The State committee shall determine whether such conditions have been met and if not met, shall require that the transfer be cancelled and retransferred to the original farm. Where cancellation and retransfer is required, the county committee shall issue revised notices of allotment showing the reasons for cancellation of the transfer.

[FR Doc.75-25535 Filed 9-24-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 517]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sep.

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26–Oct. 2, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.817 Valencia Orange Regulation 517.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges has weakened noticeably since last week. Prices f.o.b. averaged $4.00 per carton on a reported sales volume of 796,000 cartons last week, compared with an average f.o.b. price of $3.67 per carton and sales of 695,000 cartons a week earlier. Track and rolling supplies at 389 cars were up 20 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 23, 1975.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 26, 1975, through October 2, 1975, are hereby fixed as follows:

(i) District 1: 217,000 cartons;

(ii) District 2: 483,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 24, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–25823 Filed 9–24–75;11:46 am]

PART 910—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment

This document authorizes expenses of $324,000 for the Lemon Administrative Committee, under Marketing Order No. 910, for the 1975–76 fiscal year and fixes a rate of assessment of $0.027 per carton of lemons handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On September 3, 1975, notice of proposed rule making was published in the FEDERAL REGISTER (40 F.R. 40528) regarding proposed expenses and the proposed rate of assessment, pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the States of California and Arizona. This notice allowed interested persons until September 18, 1975, during which they could submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice, which were submitted the Lemon Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 910.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Lemon Administrative Committee during the period August 1, 1975, through July 31, 1976, will amount to $324,000.

(b) *Rate of assessment.* The rate of assessment for said period payable by each handler in accordance with § 910.41, is fixed at $0.027 per assessable carton of lemons.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of lemons grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable lemons handled during the aforesaid period, and (3) such period began on August 1, 1975, and said rate of assessment will automatically apply to all such lemons beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 19, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–25531 Filed 9–24–75;8:45 am]

[Lemon Reg. 11]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Minimum Size Requirements

This regulation continues the minimum size requirements currently in effect through September 27, 1975, during the period September 28, 1975, through September 25, 1976. The minimum size requirements for lemons are continued at 1.82 inches in diameter (size 235's in cartons). The requirements are those which have been found to provide consumers

with lemons of acceptable size, maturity, and juice content.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lemon Administrative Committee reflect its appraisal of the crop and current and prospective marketing consideration of factors having a bearing thereon as required by said marketing agreement and order. The committee estimates that the 1975–76 season crop of lemons will be 46,830 carlots, 11,415 less than the 1974–75 crop. It further estimates that regulated fresh market channels will require about 27 percent of this volume, and the remaining 73 percent will be available for utilization in processing, export, and other outlets. The volume and size composition of the crop is expected to be such that ample supplies will be available in a broad range of sizes to satisfy demand in regulated channels and in other markets. The committee advises that lemons smaller than 235's have negligible sales opportunity in fresh form, because they are costly to prepare for market and have lower juice yield than larger lemons. The minimum size requirements are designed to assure consumers of ample supplies of fruit of acceptable sizes, maturity, and juice content and to improve returns to growers consistent with the declared policy of the act.

(3) It is hereby found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). Shipments of lemons grown in the production area are currently being regulated as to size by the provisions of Lemon Regulation 656, which, unless continued, will expire on September 27, 1975. The minimum size requirements prescribed by this regulation are the same as those currently in effect, and to be of maximum benefit in the current season such requirements should be continued in effect during the period September 28, 1975, through September 25, 1976. Notice of rule making concerning this regulation, with an effective period as herein specified, was published in the FEDERAL REGISTER (40 F.R. 39882) and no objection to either this regulation or such effective period was received. Compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

§ 910.311 Lemon Regulation 11.

Order. (a) From September 28, 1975, through September 25, 1976, no handler shall handle any lemons grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

(b) As used in this section "handle", "handler", and "District 1", "District 2", and "District 3" each shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

It is hereby certified that the economic and inflationary impact of regulations of lemons throughout the 1975–76 season in the form of minimum size has been carefully evaluated in accordance with OMB Circular A–107.

Dated, September 19, 1975, to become effective September 26, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75–25532 Filed 9–24–75;8:45 am]

PART 991—HOPS OF DOMESTIC PRODUCTION

Expenses of the Hop Administrative Committee and Rate of Assessment for the 1975–76 Marketing Year

Notice of proposed expenses of the Hop Administrative Committee, and rate of assessment, for the 1975–76 marketing year was published in the August 28, 1975, issue of the FEDERAL REGISTER (40 FR 39525). This action is pursuant to §§ 991.55 and 991.56 of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The amended order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. No comments were received.

The proposal was based on a unanimous recommendation of the Hop Administrative Committee. Expenses of the Committee for the 1975–76 marketing year were proposed at $194,040. The assessment rate was proposed at 0.3 cent per pound of salable hops handled by each handler during the 1975–76 marketing year.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Hop Administrative Committee, and other available information, it is found that Subpart—Administrative Rules and Regulations shall be amended.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the amended marketing order require that the rate of assessment fixed for a particular marketing year shall be applicable to all salable hops handled during such year; and (2) the current marketing year began on August 1, 1975, and the rate of assessment herein fixed will automatically apply to all such hops beginning with that date.

Subpart—*Administrative Rules and Regulations* is amended by revising § 991.310 as follows:

§ 991.310 Expenses of the Hop Administrative Committee and rate of assessment for the 1975–76 marketing year.

(a) *Expenses.* Expenses in the amount of $194,040 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1975 for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56 is fixed at 0.3 cent per pound of salable hops.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C 601–674)

Dated: September 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75–25651 Filed 9–24–75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Barley Supplement, Amdt. 5]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Adjustment in Support Rates for Shipment

The regulations issued by the Commodity Credit Corporation (CCC), published in the FEDERAL REGISTER at 35 FR 11166 and 11902, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of barley are further amended as follows:

Section 1421.54(d) is revised, to delete "at not to exceed the UGSA rates", to read as follows:

§ 1421.54 Warehouse receipts.

* * * * * *

(d) *Liens.* Warehouse receipts and the barley represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement

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(hereinafter called "UGSA") may be subject to liens only for warehouse handling charges. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the barley when CCC is holder of the warehouse receipt.

• • • • •

Since storage is no longer on a uniform-rate basis, it is desirable to delete references to "computed rates" applicable under the Uniform Grain Storage Agreement (UGSA) and to insert "truck receiving and rail loading-out charges in effect for the shipping warehouse." Accordingly, § 1421.58(b) is revised to read as follows, and section 1421.58(c)(2)(i) is revised, to increase the add-on rate for grain stored within the switching limits of designated terminal markets, to read as follows:

§ 1421.58 Support rates.

• • • • •

(b) *Basic support rates for warehouse-stored barley received by rail or utilizing combination barge-rail rates—(1) When shipped by rail and stored in-transit at interior locations.* The applicable basic support rate for warehouse-storage loans on barley which was received by rail and stored in an approved warehouse at other than a port terminal market shall be determined by adding to the basic support rate established for the county from which the barley was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse. The freight rate paid into the storage point shall not exceed the lowest rate which will permit the storage in-transit privilege and protect the lowest single car rate applying from origin through point of storage to a terminal market designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the barley is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to a designated terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(2) *When shipped by rail and stored at designated port terminal market locations.* The applicable basic support rate for warehouse-storage loans on barley which was received by rail and stored in an approved warehouse at a port terminal market designated in paragraph (c)(2)(iii) of this section shall be determined by adding to the basic support rate established for the county from which the barley was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse. The freight rate paid into the storage point shall not exceed the lowest applicable freight rate to the port terminal market that would be used in commercial channels of trade.

(3) *When shipped utilizing combination barge-rail rates.* The applicable basic support rate for warehouse storage loans on barley which was shipped utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission and stored in an approved warehouse shall be determined by adding to the basic support rate established for the county from which the barley was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse. The freight rate paid into the storage point shall not exceed a rate which will permit the storage intransit privilege and protect the lowest single car or barge freight rate applying from origin through point of storage to one of the interior or port terminal markets designated in paragraph (c)(2) of this section that would be used in commercial channels of trade. If the barley is stored in an approved warehouse at a transit point which takes a penalty by reason of backhaul or out-of-line movement when destined to the designated interior or port terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(c) *Basic support rates for warehouse-stored barley received by truck or non-tariff barge.* • • •

(2) *Stored within the switching limits of designated terminal markets.* (i) The applicable basic county support rate for warehouse-storage loans on barley which was received by truck, or by barge not utilizing combination barge-rail freight rates, and stored in an approved warehouse located within the switching limits of a terminal market designated in paragraph (c)(2)(ii) or (iii) of this section shall be determined by adding eight cents per bushel to the basic county support rate established for the county (or city) in which the terminal is located.

• • • • •

Inasmuch as barley is currently being harvested in many parts of the barley-producing area, compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 Note and 1421))

Effective date: September 25, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-25540 Filed 9-24-75;8:45 am]

[CCC Grain Price Support Regs, 1970 and Subsequent Crops Corn Supplement, Amdt 5]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Deletion of Uniform Grain Storage Agreement Rates

The regulations issued by the Commodity Credit Corporation (CCC), published in the FEDERAL REGISTER at (35 FR 13969), as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of corn are further amended as follows:

Section 1421.94(d) is revised as set forth below, to delete all references to computed rates applicable under the Uniform Grain Storage Agreement.

§ 1421.94 Warehouse receipts.

• • • • •

(d) *Liens.* Warehouse receipts and corn represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the corn when CCC is the holder of the warehouse receipt.

• • • • •

Inasmuch as corn is currently being harvested in many parts of the corn-producing area, compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 107, 401, 63 Stat. 1051, as amended (7 U.S.C. 1445a, 1421).)

Effective date: September 25, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-25538 Filed 9-24-75;8:45 am]

[CCC Grain Price Support Regs., 1975 Crop Rye Loan and Purchase Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Correction of Loan and Purchase Rates for Washington and West Virginia

The regulations issued by the Commodity Credit Corporation (CCC), published in the FEDERAL REGISTER at 40 FR 23284 and 24717 containing provisions applicable to the 1975 crop of rye are amended as follows:

Section 1421.353 is amended to correct the loan rates shown for Washington and West Virginia.

§ 1421.353 Loan and purchase rates.

• • • • •

WASHINGTON

County:	Rate per bushel
Clark	$1.16
Cowlitz	1.16
King	1.16
Pierce	1.16
All other counties	1.03

WEST VIRGINIA

County:	Rate per bushel
All counties	$1.02

• • • • •

Since the amendment is necessary to carry out the rye loan and purchase program more effectively, compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended, 15 U.S.C. 714b and c; secs. 105 and 401, 63 Stat. 1051, as amended, 7 U.S.C. 1441 Note and 1421)

Effective date: September 24, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-25539 Filed 9-24-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Restrictions on Importation of Milk and Milk Products

Statement of considerations. Existing regulations in 9 CFR Part 94 provide a general prohibition against the importation of fresh, chilled, or frozen milk, cream, or other milk products originating in any country considered to be infected with rinderpest or foot-and-mouth disease. There is no provision in the regulations with respect to the import eligibility status of milk and milk products, including those articles and items generally classed as dairy products, which have been subjected to one or more processing procedures, which remove them from the category of fresh, chilled, or frozen.

Research has shown that the virus of rinderpest and foot-and-mouth disease is present in the milk of infected ruminants. Pasteurization is a procedure commonly used in the processing of milk, cream, and most dairy products. While it is known that the application of heat is detrimental to virus survival, scientists of this Department have advised that modern methods of pasteurization cannot be relied upon to provide an acceptable degree of protection if the product reaches susceptible livestock.

Accordingly, on September 6, 1973, there was published in the FEDERAL REGISTER (38 FR 24219–24220) a proposal to regulate the importation of certain milk and milk products in order to prevent the introduction or dissemination of livestock diseases, especially rinderpest and foot-and-mouth disease. A period of 30 days was allowed for submission of comments by interested persons. Based on a review of the many comments received and consideration of additional pertinent information, it appeared that cheese, butter, and butteroil should be exempt from such import restrictions and also consumer size packages containing dry milk products or any formulations thereof provided that such packages were identified thereon as articles prepared for retail sale as human food.

On March 6, 1974, there was published in the FEDERAL REGISTER (39 FR 8619–8620) for further consideration, a new proposal in which such exemptions were provided. In response to publication of this proposal 19 written comments were received, four of which supported the proposal with 15 opposing it.

Among the opposing comments, three respondents indicated an erroneous assumption that existing regulations would be weakened; three were concerned that the regulation may not provide adequate protection to the livestock industry from rinderpest and foot-and-mouth disease; five indicated apprehension that the proposal would severely restrict the importation of certain milk products or constitute a barrier to international trade in such products; and four were opposed pending further clarification of application of the proposal to certain milk products.

After due consideration of all relevant material available to the Department, including that submitted in connection with such notices, the proposal of March 6, 1974, is hereby adopted with the following changes to afford greater protection to the livestock industry from livestock diseases: (1) the provision exempting consumer size packages of dry milk products from import restrictions is deleted since it has been concluded that adequate controls could not be exercised to insure that such product or containers thereof would not reach livestock susceptible to diseases that could be transmitted thereby; (2) in § 94.16, paragraph (b)(2) which made provision for the unrestricted importation of sterilized milk processed in a specified manner is deleted and that category of milk product has been added to the group of products eligible for importation when authorized by the Deputy Administrator, Veterinary Services, under restrictions in specific cases; (3) also deleted is the provision in § 94.16(b)(6) which would have permitted the importation for personal consumption of small quantities of milk products under certain restrictions; and (4) paragraphs 94.16(b)(3), (4), and (5) are redesignated as paragraphs (b)(2), (3), and (4), respectively. Additional information relative to methods of processing sterilized milk was received following publication of the proposed amendment. This information indicated that the proposal was based on an understanding that was not technically correct, so that application of the proposal would be impractical, and that the intent and purpose of the provision could best be accomplished by including this product under the proposed § 94.16(b)(3). It was concluded that the reasons for deletion of the exemption for consumer size packages of dry milk products were also applicable to warrant deletion of the exemption that would have permitted small amounts of milk products to be imported for personal consumption. Other changes are made for clarity and consistency in wording with other sections of Part 94 including the application of specified restrictions to the described products if they are shipped from or transit the designated countries, in addition to those products that originate in such countries. These changes are necessary to prevent the introduction or dissemination of livestock diseases into the United States.

Accordingly, Part 94, Title 9, Code of Federal Regulations is hereby amended in the following respects:

1. Section 94.2 and the heading thereof is revised to read as follows:

§ 94.2 Fresh, chilled, or frozen products (other than meat), and milk and milk products of ruminants and swine.

(a) The importation of fresh, chilled, or frozen products (other than meat and milk and milk products) derived from ruminants or swine, originating in, shipped from, or transiting any country designated in § 94.1(a) as a country infected with rinderpest or foot-and-mouth disease is prohibited, except as provided in § 94.3 and Parts 95 and 96 of this chapter.

(b) The importation of milk and milk products of ruminants and swine originating in, shipped from, or transiting any country designated in § 94.1(a) as a country infected with rinderpest or foot-and-mouth disease is prohibited, except as provided in § 94.16.

§ 94.15 [Reserved]

2. Section 94.15 is reserved and a new § 94.16 is added to read:

§ 94.16 Milk and milk products.

(a) The following milk products are exempt from the provisions of this Part: cheese, butter, and butteroil.

(b) Milk and milk products originating in, or shipped from, any country designated in § 94.1(a) as a country infected with rinderpest or foot-and-mouth disease may be imported into the United States if they meet the requirements of paragraph (b)(1), (2), or (3) of this section:

(1) They are in a concentrated liquid form and have been processed by heat by a commercial method in a container hermetically sealed promptly after filling but before such heating, so as to be shelf stable without refrigeration.

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(2) They are dry milk or dry milk products, including dry whole milk, nonfat dry milk, dried whey, dried buttermilk, and formulations which contain any such dry milk products, and are consigned directly to an approved establishment[8] for further processing for human food in a manner approved by the Deputy Administrator, Veterinary Services as adequate to prevent the introduction or dissemination of livestock diseases into the United States. However, in specific cases, upon request by the importer to the Deputy Administrator, Veterinary Services, and approval by the Deputy Administrator, they may be stored for a temporary period in an approved warehouse[8] under the supervision of an inspector of the Animal and Plant Health Inspection Service pending movement to an approved establishment. Such products shall be transported from the United States port of first arrival to an approved establishment[8] or an approved warehouse,[8] and from an approved warehouse[8] to an approved establishment[8] only under Department seals or seals of the U.S. Customs Service. Such seals shall be broken only by such an inspector or other person authorized to do so by the Deputy Administrator, Veterinary Services. Such products shall not be removed from the approved warehouse[8] or approved establishment[8] except upon special permission by the Deputy Administrator, Veterinary Services, and upon compliance with all the conditions and requirements specified by him for such movement in each specific case.

[8] Information as to the identity of approved establishments, warehouses or manner of processing may be obtained from, and request for approval of any such establishment, warehouse or manner of processing may be made to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782. Any establishment or warehouse will be approved for the purpose of this section only if the operator has provided the Deputy Administrator, Veterinary Services, with satisfactory evidence that the establishment or warehouse has the equipment, facilities, and capability to store, handle and process the imported dry milk or dry milk product subject to § 94.16(b) (2) in a manner which will prevent the introduction or dissemination of livestock diseases into the United States. Similarly, processing methods will be approved only if the Deputy Administrator determines they are adequate to prevent the introduction or dissemination of such diseases into the United States. Approval of any establishment or warehouse or processing method may be refused or withdrawn by the Deputy Administrator only after the operator thereof has been given notice of the proposed action and has had an opportunity to present his views thereon, and upon a determination by the Deputy Administrator that the conditions for approval are not met. Approval of an establishment or warehouse may also be withdrawn after such notice and opportunity if the Deputy Administrator determines that such imported dry milk or milk products have been stored, handled, or processed by the operator thereof other than at an approved establishment or warehouse or other than in an approved manner.

(3) Milk and milk products not exempted under paragraph (a) and not of classes included within the provisions of paragraphs (b) (1) or (2) of this section may be imported if the importer first applies to and receives written permission from the Deputy Administrator, Veterinary Services, authorizing such importation. Permission will be granted only when the Deputy Administrator determines that such action will not endanger the health of the livestock of the United States. Products subject to this provision include but are not limited to condensed milk, long-life milks such as sterilized milk, casein and caseinates, lactose, and lactalbumin.

(4) Small amounts of milk and milk products subject to the restrictions of this Part may in specific cases be imported for purposes of examination, testing, or analysis, if the importer applies to and receives written approval for such importation from the Deputy Administrator, Veterinary Services. Approval will be granted only when the Deputy Administrator determines that such action will not endanger the health of the livestock of the United States.

(c) Milk and milk products originating in and shipped from countries listed in § 94.1(a)(2) as free of rinderpest and foot-and-mouth disease but which have entered a port or otherwise transited any country designated in § 94.1(a)(1) as a country infected with rinderpest or foot-and-mouth disease shall not be imported into the United States unless:

(1) The product was transported under serially numbered official seals applied at the point of origin of the shipment by an authorized representative of the country of such origin.

(2) The numbers of such seals are listed on, or are on a list attached to, the bill of lading or similar document accompanying the shipment.

(3) Upon arrival of the carrier at the United States port, an inspector of the Animal and Plant Health Inspection Service determines that the seals are intact and that their numbers are in agreement with the numbers appearing on the accompanying document.

(21 U.S.C. 111; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendments shall become effective September 25, 1975, except with respect to shipments of milk and milk products consigned to the United States on or before that date. Such shipments so consigned and regulated under the amendments shall upon arrival in the United States be allowed entry only under such specific requirements or be disposed of in such manner as the Deputy Administrator, Veterinary Services, may determine in each specific case to be necessary and adequate to safeguard against the introduction or dissemination of livestock diseases into the United States.

The amendments impose restrictions on the importation of milk and milk products which are necessary in order to prevent the introduction and dissemination of rinderpest and foot-and-mouth disease and other livestock diseases from foreign countries into the United States. It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective as provided in this document less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22nd day of September, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.75-25652 Filed 9-24-75;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

ENERGY REORGANIZATION ACT

Organizational and Procedural Changes; Correction

In FR Doc. 75-5205, appearing at pages 8774-8794 in the issue for Monday, March 3, 1975, the following amendments were inadvertently omitted. The omitted material, as set forth below, should appear where indicated.

PART 2—RULES OF PRACTICE

1. The following text should be inserted on page 8777 in column three immediately following § 2.785(d).

32a. In § 2.905, paragraphs (a), (e), and (h) are revised to read as follows:

§ 2.905 Access to restricted data for parties; security clearances.

(a) *Access to restricted data introduced into proceedings.* (1) Restricted data introduced into a proceeding subject to this part will be made available to any interested party having the required security clearance; to counsel for an interested party provided the counsel has the required security clearance; and to such additional persons having the required security clearance as the Commission or the presiding officer determines are needed by such party for adequate preparation or presentation of his case. Where the interest of such party will not be prejudiced, the Commission or presiding officer may postpone action upon an application for access under this subparagraph until after a notice of hearing, answers and replies have been filed.

(2) Any party desiring access to Restricted Data introduced into the record of a proceeding subject to this part should file an application for order granting access pursuant to this section.

* * * * *

(e) *Application granting access to restricted data.* An application under this section for orders granting access to restricted data will normally be acted upon by the presiding officer, or if a proceeding is not before a presiding officer, by the Commission.

* * * * *

(h) *Refusal to grant access to restricted data.* The Commission may refuse to grant access to restricted data on a determination that the granting of access will be inimical to the common defense and security.

§ 2.914 [Removed]

32b. § 2.914 is deleted.

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION

2. The following amendments to 10 CFR Part 10 should be inserted on page 8781 in column three in the appropriate numerical order:

§ 10.1 [Amended]

71a. In § 10.1, the words "access permittees" are deleted.

71b. In paragraph (b) of § 10.2, the words "Access permittees and" are deleted. As so amended, paragraph (b) reads as follows:

§ 10.2 Scope.

* * * * *

(b) Licensees of the NRC and their employees (including consultants) and applicants for employment; and

* * * * *

§ 10.5 [Amended]

71c. In paragraph (a) of § 10.5, the words "access permittees" are deleted.

PART 25—[REMOVED]

3. The following text should be inserted on page 8784 in column one immediately preceding Part 30.

112a. Part 25, Permits for Access to Restricted Data, is deleted.

PART 95—[REMOVED]

4. The following text should be inserted on page 8793 in column three immediately preceding Part 100.

252a. Part 95, Safeguarding of Restricted Data, is deleted.

Dated at Washington, D.C. this 19th day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-25488 Filed 9-24-75;8:45 am]

Title 12—Banks and Banking

[No. 75-834]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

PART 541—DEFINITIONS

PART 545—OPERATIONS

Loans on Cooperative Housing Projects

SEPTEMBER 8, 1975.

The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

I. *Previous situation.* Conventional loans by Federal associations to housing cooperatives were governed solely by § 545.6-1(b) and limited thereby to a loan-to-value ratio no greater than 80 percent.

II. *Proposed amendment.* Would authorize under certain conditions conventional loans to cooperative housing projects up to 95 percent of value.

III. *Final amendent.* Same as proposal, with the following modifications.

1. Non-profit sponsorship requirement deleted, 90 percent pre-sale requirement added.

2. Non-shareholder cooperatives included in definition of "cooperative housing project"

The Federal Home Loan Bank Board, by Resolution No. 75-206, dated March 5, 1975, proposed to amend Parts 541 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 541 and 545) to add thereto provisions which would, respectively, define the term "cooperative housing project" and liberalize under certain conditions the loan-to-value ratios of conventional loans on cooperatives. The purpose of the new provisions was to authorize conventional loans of up to 95 percent loan-to-value ratios on certain cooperatives, defined as "cooperative housing projects", on a basis analogous to loans which Federal associations are authorized to make on condominiums. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on April 4, 1975 (40 FR 15096-15097), with an invitation for interested persons to submit written comments by May 5, 1975.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it advisable to amend Parts 541 and 545 as proposed, with certain modifications, to read as set forth below, effective October 28, 1975.

The amendments comprise three parts: a new "cooperative housing project" definition added at § 541.10-4, a new specific provision for cooperative loans added to § 545.6-1(b) (loans on "other dwelling units"), and a conforming amendment to § 545.6-7(b) (loan percentage-limitations categories).

New § 541.10-4, defining "cooperative housing project", modifies the proposed provision in two respects. Ownership of the project must be in a nonprofit organization, rather than the more restrictive nonprofit stock-issuing corporation provided for in the proposal. Additionally, the nonprofit sponsorship requirement of the proposed definition is deleted, in recognition that the cooperative entity is already in existence (and the sponsorship at an end) by the time the permanent financing is made available.

Revised § 545.6-1(b)(1) is divided into three parts, for (i) regular 80 percent multi-unit loans, (ii) insured or guaranteed loans, and (iii) the new cooperative housing project loans. The latter provision authorizes 90 and 95 percent loan-to-value ratios to cooperative housing projects which are 90 percent presold, provided that the requirements of §§ 545.6-1(a) (4) and (5) for 90 and 95 percent loans on single-family dwellings are met. These requirements include completed construction, limits on loan amounts, prepaid monthly charges, owner-occupancy certifications, percentage-of-asset limitations (all high-ratio loans, including cooperative housing project loans, share the same percentage limitation categories), and, in the case of 95 percent loans, qualified private mortgage insurance or specific reserves. (It is noted that, to the extent that qualified private residential mortgage insurance companies are not permitted under State law to insure loans of cooperative housing projects because they are treated as multi-family housing thereunder, loans in excess of 90 percent loan-to-value ratio on cooperative housing projects will require use of the specific-reserve alternative.) In addition, § 545.6-1(b)(1)(iii) requires maintenance of such reserves as are required for comparable housing project loans insured by the Federal Housing Administration.

The pre-sale requirement of § 545.6-1(b)(1)(iii) is new; its purpose is to preclude association investment in unmarketable projects, and compares with the Federal Housing Authority's successful pre-sale cooperative housing program.

A cooperative housing project loan, like any other loan under § 545.6-1(b)(1), could be combined with a construction loan into a single loan, but under § 545.6-1(a) (4) and (5), as incorporated into § 545.6-1(b)(1)(iii), no disbursement of the permanent financing funds over 80 percent could be made until completion of construction, sale to the cooperative organization, and pre-sale of 90 percent of the cooperative to members.

The maximum amount which may be invested in a cooperative loan is computed by locating the appropriate regulatory provision for a single-family dwelling loan in § 545.6-1(a), and then multiplying the limit provided for therein by the number of units in the cooperative. For example, a 95 percent loan on a

V401875 SEP 2575 XUM

50-unit co-op may not exceed 50 times $42,000 ($50,000 in Alaska, Guam, or Hawaii) which is the loan limit for 95 percent single-family-dwelling loans under § 545.6–1(a)(5)(i)(a). A further limitation on the maximum amount of the loan is a "per unit" ceiling for allocation of loan proceeds which provides that the amount of the loan to be applied to any individual unit may not exceed the regulatory dollar limit.

Cooperative housing loans under § 545.6–1(b) are treated as multi-family dwelling loans for percentage-of-asset-limitation purposes under revised § 545.6–7(b); such loans may be released from the percentage-limitation categories of §§ 545.6–1(a)(4) and (5) when the balances are reduced to 80 percent of value, but continue to be included in the appropriate categories under § 545.6–7(c).

It is noted that both newly-built and converted cooperative housing projects are eligible under the new §545.6–1(b)(1)(iii) lending authority.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 541 by adding thereto a new § 541.10–4 as set forth below and amends Part 545 by revising §§ 545.6–1(b)(1) and 545.6–7(b) to read as set forth below, effective October 28, 1975.

1. A new § 541.10–4 is added to read as follows:

§ 541.10–4 Cooperative housing project.

The term "cooperative housing project" means real estate comprising dwelling units for more than four families in the aggregate, designed primarily for residential use, which is owned by a nonprofit organization whose members certify that they in good faith intend to occupy the project as their principal dwelling.

2. Section 545.6–1(b)(1) is revised to read as follows:

§ 545.6–1 Lending powers under sections 13 and 14 of charter K.

• • • • • •

(b) • • •

(1) *Monthly installment loans.* Subject to the limitations of § 545.6–7, monthly installment loans may be made on other dwelling units or combinations of dwelling units, including homes, and business property involving only minor or incidental business use, or cooperative housing projects, for amounts not in excess of:

(i) 50 percent (or if authorized by the members of such an association, not in excess of 80 percent) of the value thereof, repayable within 30 years;

(ii) The maximum percentage of value acceptable to the insuring or guaranteeing agency, in the case of an insured or guaranteed loan, and a repayment period acceptable to such agency; or

(iii) The amounts authorized in paragraphs (a)(4) and (5) of this section, and the repayment periods authorized in those paragraphs, in the case of cooperative housing project loans where dwelling units equalling 90 percent of the value or purchase price of the project, whichever is greater, are presold to bona fide purchasers: Provided, That all the requirements of such paragraphs are met; and provided further, that such cooperative housing projects shall be required to maintain at least such reserves as are required for comparable cooperative housing projects insured by the Federal Housing Administration. For purposes of compliance with this paragraph (b)(1)(iii), the term "single-family dwelling" in paragraph (a)(4)(i) of this section shall read "cooperative housing project"; the words "borrower is", in paragraph (a)(4)(iv)(b) of this section, shall read "members of the cooperative housing project are"; and the loan limits of $55,000, or $68,750 in Alaska, Guam and Hawaii, in paragraph (a)(4)(ii)(a) of this section, and $42,000, or $50,000 in Alaska, Guam and Hawaii, in paragraph (a)(5)(i)(a) of this section, shall read "$55,000, or $68,750 with respect to dwelling units in Alaska, Guam and Hawaii, multiplied by the number of dwelling units" and "$42,000, or $50,000 with respect to dwelling units in Alaska, Guam and Hawaii, multiplied by the number of dwelling units", respectively: *Provided*, That the amount of the loan to be applied to any one dwelling unit may not exceed the applicable limitation per dwelling unit.

• • • • • •

3. Section 545.6–7(b) is revised to read as follows:

§ 545.6–7 Percentage limitations on real estate loan investments.

• • • • • •

(b) *Percentage limitations for specific types of loans.* Real estate loan investments made under the authority of sections which contain specific percentage limitations shall be subject to those limitations. Sections which contain specific limitations are: § 545.6–14 (land acquisition and development loans), § 545.6–16 (loans for housing for the aging), § 545.6–18 (urban renewal loans), § 545.6–20 (Foreign Assistance Act loans), § 545.6–3(c) (developed building lot loans), § 545.6–1(a)(4) and (5) (loans on single-family dwellings in excess of 80 percent of value), § 545.6–1(a)(3)(iii) (loans to facilitate trade-in or exchange of homes), and § 545.6–26 (non-conforming secured loans). However, whenever the terms of a loan investment under §§ 545.6–16, 545.6–18, or 545.6–26 meet the requirements for a loan under § 545.6–1, the loan may be released from the percentage-limitation category in §§ 545.6–16 or 545.6–18 or 545.6–26 and allocated within an applicable percentage-limitation category in paragraph (c) of this section or released from allocation to any percentage-limitation category if it is a loan specified under paragraph (a) of this section. A loan investment under § 545.6–1(a)(4) or (5) (a loan on a single-family dwelling in excess of 80 percent of value) within the association's regular lending area may be released from its percentage-limitation category when the loan balance has been reduced to not more than 80 percent of value. A loan investment under § 545.6–1(b)(1)(iii) on a cooperative housing project may be released from the percentage-limitation categories of § 545.6–1(a)(4) or (5) when the loan balance has been reduced to not more than 80 percent of value, but shall at all times be included in an appropriate percentage-limitation category of paragraph (c) of this section.

• • • • • •

(Sec. 5, 48 Stat., 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., 1071).

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.75–25638 Filed 9–24–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75–WE–21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Realignment of Federal Airways Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the west alternate segment of VOR Federal Airway No. 107 between Los Angeles, Calif., and Fillmore, Calif., VORTACs and realign VOR Federal Airway No. 299 between Los Angeles, Calif., and Fillmore, Calif., VORTACs.

Since this amendment changes the name of existing Airways and is a minor matter on which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended as follows: In V–107 "Fillmore, including a W alternate from Los Angeles to Fillmore via INT Los Angeles 291° and Fillmore 163° radials and Ventura, Calif.," is deleted and "Fillmore;" is substituted therefor.

In V–299 "Fillmore; Gorman, Calif." is deleted and "Ventura, Calif.; Fillmore; to Gorman, Calif." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 19, 1975.

EDWARD J. MALO,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–25520 Filed 9–24–75;8:45 am]

[Airspace Docket No. 75–NW–9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Additional Control Area

On May 30, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 23474) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Omak, Wash., additional control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.163 (40 FR 346) the description of Omak, Wash., is revised to read as follows:

OMAK, WASHINGTON

That airspace extending upward from 5500 feet MSL within 5 miles each side of a line extending from the Omak RBN to the Ephrata VOR; that airspace extending upward from 8500 feet MSL bounded on the north by the U.S./Canadian border, on the east by Longitude 119°00′ W., on the south by Latitude 48°00′ N., and on the west by a line from Latitude 48°00′ N., Longitude 120°30′ W.; to Latitude 49°00′ N., Longitude 120°00′ W., excluding that airspace below 1200 feet AGL.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 19, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–25521;Filed 9–24–75;8:45 a.m.]

[Airspace Docket No. 75–SO–49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On May 16, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 21484), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tri-City, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Tri-City, Tenn., transition area is amended as follows: "• • • Virginia Highlands Airport • • •" would be deleted and "• • • Virginia Highland Airport; within an 8.5-mile radius of Hawkins County Airport, Rogersville, Tenn. (latitude 36°27′27″ N, longitude 82°53′05″ W) • • •"

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 16, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75–25522 Filed 9–24–75;8:45 am]

[Docket No. 14980; Amdt. No. 987]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS–230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective November 6, 1975.*

Bartlesville, OK—Frank Phillips Arpt., VOR Rwy 17, Amdt. 7
Bartlesville, OK—Frank Phillips Arpt., VOR/DME Rwy 35, Amdt. 2
Ellensburg, WA—Bowers Field, VOR–A, Amdt. 1
Fredericksburg, VA—Shannon Arpt., VOR Rwy 23, Amdt. 3
Grain Valley, MO—East Kansas City Arpt., VOR–A, Amdt. 1
Lampasas, TX—Lampasas Arpt., VOR/DME–A, Orig.
Mason, TX—Mason County Arpt., VOR/DME–A, Orig.
Missoula, MT—Johnson-Bell Field, VOR/DME–A, Amdt. 9
Muleshoe, TX—Edward Warren Field, VOR/DME–A, Orig.
New Orleans, LA—Lakefront Arpt., VOR–B, Amdt. 3
Plymouth, MA—Plymouth Municipal Arpt., VOR/DME Rwy 15, Orig., Canceled
Plymouth, MA—Plymouth Municipal Arpt., VOR Rwy 15, Amdt. 2, Canceled
St. Petersburg-Clearwater, FL—St. Petersburg-Clearwater Int'l Arpt., VOR Rwy 17L, Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective November 6, 1975.*

Anniston, AL—Anniston-Calhoun County Arpt., LOC Rwy 5, Amdt. 5

. . . . *effective September 12, 1975*

Richmond, VA—Richard Evelyn Byrd Int'l Arpt., LOC(BC) Rwy 15, Orig., Canceled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective November 6, 1975.*

Anniston, AL—Anniston-Calhoun County Arpt., NDB Rwy 5, Amdt. 11
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional Arpt., NDB Rwy 17L, Amdt. 1
Dallas-Ft. Worth, TX—Dallas-Ft. Worth Regional Arpt., NDB Rwy 35R, Amdt. 1
New Orleans, LA—New Orleans Int'l (Moisant Field), NDB Rwy 10, Amdt. 19
St. Petersburg-Clearwater, FL—St. Petersburg-Clearwater Int'l Arpt., NDB Rwy 17L, Amdt. 16

. . . . *effective October 2, 1975*

Cadiz, OH—Harrison County Arpt., NDB Rwy 18, Orig.
Milwaukee, WI—General Mitchell Field, NDB Rwy 1L, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective November 6, 1975.*

Dallas-Ft. Worth, TX—Dallas-Fort Worth Regional Arpt. ILS Rwy 17L, Amdt. 4
Dallas-Ft. Worth, TX—Dallas-Fort Worth Regional Arpt., ILS Rwy 17R, Amdt. 4
Dallas-Ft. Worth, TX—Dallas-Fort Worth Regional Arpt., ILS Rwy 31R, Amdt. 1
Dallas-Ft. Worth, TX—Dallas-Fort Worth Regional Arpt., ILS Rwy 35L, Amdt. 4
Dallas-Ft. Worth, TX—Dallas-Fort Worth Regional Arpt., ILS Rwy 35R, Amdt. 4
New Orleans, LA—New Orleans Int'l (Moisant Field), ILS Rwy 1, Amdt. 2
St. Petersburg-Clearwater, FL—St. Petersburg-Clearwater Int'l Arpt., ILS Rwy 17L, Amdt. 14

. . . *effective October 9, 1975*

Atlanta, GA—The William B. Hartsfield Atlanta Int'l Arpt., ILS Rwy 8, Amdt. 47

. . . *effective October 2, 1975*

Milwaukee, WI—General Mitchell Field, ILS Rwy 1L, Orig.

V40I187 SEP 2575 XUM

New York, NY—John F. Kennedy Int'l Arpt., ILS Rwy 22L, Amdt. 18

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective November 6, 1975.*

Portland, OR—Portland Int'l Arpt., Radar 1, Amdt. 19

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective November 6, 1975.*

Pittsburgh, PA—Greater Pittsburgh Int'l Arpt., RNAV Rwy 5, Amdt. 2, Canceled
Pittsburgh, PA—Greater Pittsburgh Int'l Arpt., RNAV Rwy 23, Amdt. 2, Canceled
Aurora, IL—Aurora Municipal Arpt., RNAV Rwy 9, Amdt. 3

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 18, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.75-25319 Filed 9-24-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation OR-99, Amdt. 47]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NON-HEARING MATTERS

Delegations of Authority to Director, Bureau of Operating Rights, Concerning One-Stop-Inclusive Tour Charters and Special Event Charters

Correction

In FR Doc. 75-23451 appearing on page 40816 in the issue for Thursday, September 4, 1975, in the preamble, middle column, fourteenth line, the parenthetical material which presently reads "(§ 386.13 (ff))" should read "(§ 385.13(ff))".

[Regulation OR-99; Amdt. No. 47]

PART 385—DELEGATION AND REVIEW OF ACTION UNDER DELEGATION; NON-HEARING MATTERS

Delegations of Authority to Director, Bureau of Operating Rights, Concerning One-Stop-Inclusive Tour Charters and Special Event Charters; Correction

In FR Doc. 75-23451 appearing on page 40816, second column, the last line of paragraph (v) under the heading § 385.13 Delegation to the Director, Bureau of Operating Rights should read as follows: "this chapter, respectively;" and the second line of paragraph (v)(2) of § 385.13 should read as follows: "spective filing-time requirements of Parts".

By the Civil Aeronautics Board.

Effective: September 13, 1975.

Adopted: August 29, 1975.

Dated: September 18, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25315 Filed 9-24-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IA-472]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Adoption of New Instructions To Comply With Privacy Act of 1974 to To Make Social Security Numbers Optional

On September 11, 1975, the Securities and Exchange Commission adopted a new instruction, and amended an existing instruction, to the registration form for investment advisers under the Investment Advisers Act of 1940 ("Advisers Act") [15 U.S.C. 80b-1, et seq.]. Form ADV, promulgated pursuant to Rule 203-1 [17 CFR 275.203-1], is used for application for registration as an investment adviser and for amendments to such registration statement [17 CFR 279.1]. The new instruction, in the form of a legend on the instruction sheet to Form ADV, serves to:

(1) advise applicants that disclosure of social security numbers is no longer mandatory; and

(2) make certain disclosures to applicants required by the Privacy Act of 1974 [5 U.S.C. 552a, et seq.].

The amendment to Instruction 6 is intended to make that instruction consistent with the new instruction.

Inasmuch as the new instruction and the amendment of existing instruction 6 to Form ADV will serve to make disclosures required by the Privacy Act and to relieve applicants from the present mandatory requirement to disclose social security numbers on Form ADV, the Commission finds that notice and public procedure and publication not less than 30 days prior to effectiveness, ordinarily required by the Administrative Procedure Act [5 U.S.C. 553, et seq.] are unnecessary.

The new instruction, and a minor addition to an existing instruction made necessary thereby, are adopted, effective September 27, 1975, pursuant to Sections 203(c), 204, and 211(a) of the Advisers Act [15 U.S.C. 80b-3(c), 80b-4, 80b-11(a)].

The following new instruction will appear in the form of a new, unnumbered legend on the Form ADV instruction sheet:

Under sections 203(c), 204, and 211(a) of the Investment Advisers Act of 1940 and the rules and regulations thereunder, the commission is authorized to solicit the information required by this form from applicants for registration as investment advisers. Disclosure of the information specified on this form is mandatory prior to processing of such applications, except social security numbers, disclosure of which is voluntary. The information will be used for the principal purpose of determining whether the commission should grant or deny registration to an applicant. Social security numbers, if furnished, will assist the commission in identifying applicants and, therefore, in promptly processing applications. Information supplied on this form will be included routinely in the public files of the commission and will be available for inspection by any interested person.

In addition, the following italicized material is added to existing Instruction 6 on the Form ADV Instruction Sheet:

6. If Form ADV is being filed as an application for registration, all applicable items *except social security numbers* must be answered in full. If any "item" is not applicable, indicate by "none" or "N/A" as appropriate. Items requiring information relating to the business activities of applicant should be answered to disclose what such activities will be when registration becomes effective.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 12, 1975.

[FR Doc.75-25623 Filed 9-24-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-239]

PART 141—ENTRY OF MERCHANDISE

Additional Information for Certain Classes

On June 3, 1975, there was published in the FEDERAL REGISTER (40 FR 23874), a notice of a proposed amendment to § 141.89 of the Customs Regulations (19 CFR 141.89), which would require that invoices for certain dairy products imported from France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium, contain (1) in the case of cheese, the generic name of the cheese or, if processed, grated, or powdered, the name or type of cheese from which it was derived, and (2) the 6-digit code number which corresponds to the description for the product in the Common Customs Tariff of the European Communities and is published from time to time in the *Official Journal of the European Communities*. This additional information would facilitate the identification of those products subject to the export refunds referred to in Article 17 of Regulations (EEC) No. 804/68 of 27 June 1968 of the Commission of the European Communities.

Interested persons were given 30 days from the date of publication of the notice to submit relevant data, views, or arguments regarding the proposed amendment to the Regulations. After further

study of the proposal and careful consideration of the comments received, the proposed amendment has been modified by the inclusion of additional clarifying language to provide that, in the case of dairy product importations other than cheese, the invoice shall show the name and/or description of the product which corresponds to the description of the product as it is set forth in the Common Customs Tariff of the European Communities.

Accordingly, § 141.89 of the Customs Regulations (19 CFR 141.89) is amended by adding a new paragraph, in alphabetical sequence, to read as follows:

§ 141.89 Additional information for certain classes of merchandise.

* * * * *

Dairy products from France, the United Kingdom, West Germany, Luxembourg, Ireland, the Netherlands, Denmark, Italy, and Belgium, classifiable under schedule 1, part 4, subparts A, B, C, and D, and item 184.75, Tariff Schedules of the United States (19 U.S.C. 1202)—(1) In the case of cheese, the generic name of the cheese or, if processed, grated, or powdered, the name or type of cheese from which it was derived, and in the case of other dairy products, the name and/or description of the product which corresponds to the description of the product as it is set forth in the Common Customs Tariff of the European Communities; and (2) the 6-digit code number which corresponds to the description for the product in the Common Customs Tariff of the European Communities and is published from time to time in the *Official Journal of the European Communities* in matters pertaining to the export refund.

* * * * *

(R.S. 251, as amended, secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759 (19 U.S.C. 66, 1481, 1484, 1624))

Effective date. This amendment shall become effective October 28, 1975.

W. A. MAGEE, Jr.,
Acting Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Approved: September 22, 1975.

[FR Doc.75-25781 Filed 9-24-75;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-318]

PART 82—REAL ESTATE SETTLEMENT PROCEDURES

Interpretation Requiring Disclosures by Seller; RESPA Legal Opinion No. 2

In the matter of application of Real Estate Settlement Procedures Act of 1974, section 7.

24 CFR Part 82 is amended by adding a new Appendix D to read:

[RESPA Legal Opinion No. 2]

APPENDIX D—INTERPRETATION REQUIRING DISCLOSURES BY SELLER

This RESPA Legal Opinion No. 2 is an interpretation under section 18(b) of the Real Estate Settlement Procedures Act of 1974 (RESPA) and under Regulation X, 24 C.F.R., Part 82. This RESPA Legal Opinion No. 2 is issued to reflect the views of the Department of Justice and the Department of Housing and Urban Development, and is issued after consultation with the Administrator of Veterans' Affairs, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Home Loan Mortgage Corporation, the Department of Agriculture, the Federal Reserve Board, and the National Credit Union Administration.

Section 7(a) of RESPA provides as follows:

SEC. 7. (a) No lender shall make any commitment for a federally related mortgage loan on a residence on which construction has been completed more than twelve months prior to the date of such commitment unless it has confirmed that the following information has been disclosed in writing by the seller or his agent to the buyer—

(1) the name and address of the present owner of the property being sold;

(2) the date the property was acquired by the present owner (the year only if the property was acquired more than two years previously); and

(3) if the seller has not owned the property for at least two years prior to the date of the loan application and has not used the property as a place of residence, the date and purchase price of the last arm's length transfer of the property, a list of any subsequent improvements made to the property (excluding maintenance repairs) and the cost of such improvements.

1. *Two year and residence rules of section 7(a)(3).* Section 7(a)(3) does not apply unless both the requirement that the seller has not owned the property for at least two years prior to the date of loan application, and the requirement that the seller has not used the property as a place of residence, are met.

2. *Place of residence.* The requirement in Section 7(a)(3) regarding whether seller has used the property "as a place of residence" refers to use by the seller (or at least one of the sellers if there are more than one) as his, her or their place of place of residence.

3. *Multiple sellers, purchasers.* Disclosures required by Section 7 may be made by one seller where there are more than one seller. Disclosures under Section 7 may be made to one purchaser, where there are more than one purchaser. Disclosures under Section 7 may be made by the legal agent of a seller, provided the disclosure states that the person signing the disclosure is the duly authorized agent of the seller.

4. *Good faith estimates.* Where it is not possible for the seller to ascertain the precise cost of an improvement required under Section 7(a), a good faith estimate of the cost of such improvement may be used together with a clear statement that the cost of such item is a good faith estimate.

5. *Acceptance of affidavit.* The lender may accept, in lieu of a copy of a disclosure required by Section 7, an affidavit or affidavits from each and every purchaser which sets forth (a) the specific attempts by the purchaser to obtain the required disclosure from the seller, (b) a statement that the seller has failed or refused to give the required disclosure, and (c) a statement that the purchaser or purchasers desire to proceed to consummate the purchase.

6. *Assumptions not covered.* Section 7(a) prohibits lenders from making any commitment for a federally related mortgage loan in certain circumstances. Section 7 does not apply to approval or any other action (including but not limited to change in interest rate or change of other terms) by a lender with respect to an assumption of, novation, of or sale subject to, an existing mortgage loan except where the lender advances additional funds.

7. *Purchase at forced sales; court-approved sale.* Section 7 does not apply to a commitment to make a mortgage loan for the purpose of financing the purchase of a property at a public foreclosure sale, a public execution sale to enforce a judgment, a tax sale, a public bankruptcy sale, or other similar public forced sale. Section 7 does not apply to a commitment to make a mortgage loan for the purpose of financing a court-approved sale such as a court-approved sale by a guardian ad litem of an infant.

8. *Estates.* For purposes of Section 7(a)(3), where the seller is the executor, administrator or other legal representative of the estate or trustee of a testimentary trust of a decedent, the seller shall be considered to have "owned the property for at least two years prior to the date of the loan application" if the decedent acquired ownership of the property at least two years prior to the date of the loan application and owned the property to the time of his or her death (whether or not the date of death is more than two years prior to the date of loan application). Ownership by an estate or trust for more than two years will satisfy the two year test independent of the previous sentence. For purposes of Section 7(a)(3), the seller shall be considered to have "used the property as a place of residence" if during the decedent's ownership of the property, the decedent used the property as his or her residence. In a disclosure as to sale of a property of a decedent, the name of the decedent may be stated as the owner where there is difficulty ascertaining the names of the legal owners. (If a sale is court-approved, see paragraph 7, above).

9. *Co-owners transfers.* Section 7 does not apply to mortgage loans made to finance the purchase by or transfer to one joint tenant of the interest of another joint tenant in a property, the purchase by or transfer to one tenant in common of the interest of another tenant in common in a property, or the purchase by or transfer to one tenant by the entirety of the interest of another tenant by the entirety in a property.

10. *Newly constructed housing not covered.* Based upon the terms and the intent of the statute and the incongruous result which would otherwise obtain, Section 7(a)(3) is interpreted not to apply to newly constructed housing as to which "construction has been completed" (Section 7(a)) more than twelve months prior to the date of loan commitment but as to which there has not been a previous arm's length transfer to a person for occupancy.

11. *Condominium and cooperatives conversion.* Section 7 is interpreted to cover a mortgage to finance the sale of a unit pursuant to condominium and cooperative conversions of existing properties, with or without substantial rehabilitation. Where there has been no prior arm's length transfer of

V 40 N 187 SEP 25 75 XUM

the individual unit being transferred pursuant to the conversion, the following disclosures will satisfy the requirements of Section 7(a)(3):

(a) the date(s) and aggregate purchase price of the last arm's length transfer of the project of which the unit is a part;

(b) a list of all improvements made to such project subsequent to such last arm's length transfer and the cost thereof (see paragraph 4, above, regarding good faith estimates of the cost of an improvement);

(c) one or more good faith allocations to the unit of a portion of such price and cost of improvements in proportion to (i) the formula for relative assessments for common charges, or a similar formula or formulae used in the legal documents with respect to the project, or (ii) the relative initial offering price of the unit in relation to the total offering prices of all units; and

(d) a statement of the method or methods used to make such allocation or allocations to the unit.

The seller may in addition disclose other factual information regarding previous transfers or transactions involving the property or other factual information which may be of interest. The disclosures described above comply with Section 7(a)(3); no opinion is expressed as to whether any other alternative types of disclosure comply with Section 7(a)(3).

12. *Lender reliance on copy of waiver.* Section 7(b) provides that the "obligations imposed upon a lender by this section shall be deemed satisfied and a commitment for a federally related mortgage loan may thereafter be made if the lender receives a copy of the written statement provided by the seller to the buyer supplying the information required by subsection (a)." Under subsection (b), the lender, in determining whether the copy of the written statement contains the information required by subsection (a) may rely upon representations set forth in the copy of the written statement as to: (a) whether or not construction has been completed more than twelve months prior to the date of commitment; (b) whether the seller has not owned the property for at least two years prior to the date of the loan application; and (c) whether or not the seller has used the property as a place of residence.

Issued at Washington, D.C. on September 12, 1975.

ROBERT R. ELLIOTT,
General Counsel.

[FR Doc.75-25611 Filed 9-24-75;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-109]

PART 1930—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS

PART 1931—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

The purpose of this revision to Parts 1930, and 1931, is to update § 1930.6 and § 1931.1, to provide a current list of servicing companies for the Federal Crime Insurance Program and to update the list of States eligible for the sale of crime insurance.

On the basis of the Administrator's continuing review of the crime insurance availability situation in the various States, and on the basis of findings and recommendations by the Governor and the Commissioner of Insurance, it has been determined that a critical market unavailability situation exists in the States set forth in revised § 1931.1 and that as of the effective date of this regulation these States will be made eligible for the sale of crime insurance, or continue to be eligible for such sale. Because the sale of crime insurance is beneficial to the public, it is unnecessary to provide for notice and public procedure, and good cause exists for making these amendments effective on September 15, 1975.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability is available for public inspection during regular business hours at the following address:

Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW. Washington, D.C. 20410.

Accordingly, Subchapter C of Chapter X of Title 24 is amended as follows:

1. Section 1930.6 is revised to read as follows:

§ 1930.6 Names and addresses of servicing companies.

The following companies have been designated to act as servicing companies for the Federal Crime Insurance Program in the State indicated:

Colorado, Connecticut, District of Columbia, Georgia, Illinois, Kansas, Maryland, Missouri, Ohio, Rhode Island, and Tennessee: Safety Management Institute, Federal Crime Insurance, P.O. Box 41033, Washington, D.C. 20014. SMI toll-free number is 800-638-8780. In D.C. or Md., 301-652-2637. In Md., call collect if outside Metro. Wash. Area.

Delaware: Insurance Company of North America, 303 East Fayette Street, Baltimore, Maryland 21202 (302-656-8345).

Florida: Aetna Casualty and Surety Company, 5200 Kennedy Boulevard, Tampa, Florida 33609 (813-871-2640).

Massachusetts: Insurance Company of North America, 1 Center Plaza, Boston, Massachusetts 02108 (617-227-7300).

New Jersey: Aetna Casualty and Surety Company, 494 Broad Street, Newark, New Jersey 07102 (201-624-1900).

New York: Insurance Company of North America, 79 John Street, New York, New York 10038 (212-233-5010).

Pennsylvania: Insurance Company of North America, 625 Walnut Street, Philadelphia, Pa. 19105 (215-925-8330).

2. Paragraph (b) of § 1931.1 is revised to read as follows:

§ 1931.1 States eligible for sale of crime insurance.

* * * * * *

(b) On the basis of the information available, the Administrator has determined that the States set forth in this paragraph have an unresolved critical market availability situation that requires the operation of the Federal Crime Insurance Program therein. Accordingly, the program is in operation in the following states:

Colorado	Maryland
Connecticut	Massachusetts
Delaware	Missouri
District of Columbia	New Jersey
Florida	New York
Georgia	Ohio
Illinois	Pennsylvania
Kansas	Rhode Island
	Tennessee

* * * * *

(Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); Sec. 1103, 82 Stat. 566, 12 U.S.C. 1749bbb-17.)

Effective date: September 15, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-25612 Filed 9-24-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION DEPARTMENT OF LABOR

PART 570—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Employment of Minors Between 14 and 16 Years of Age in Work Experience and Career Exploration Programs; Correction

In FR Doc. 75-23431 appearing at page 40800 in the FEDERAL REGISTER of Thursday, September 4, 1975, the following changes should be made:

1. In paragraph (a) of § 570.35a appearing at page 40801 in the thirteenth line, the word "the" to read "this";

2. In paragraph (b)(2) of § 570.35a appearing at page 40801 in the ninth line, appearing at page 40801 in the ninth line the word "aplication" to read "application";

3. In paragraph (b)(4)(i) of § 570.35a appearing at page 40801 in the third line the word "once" to read "one";

4. In paragraph (c)(3) of § 570.35a appearing at page 40802 in the third line, the word "arrival" to read "approval."

Signed at Washington, D.C. this 22nd day of September, 1975.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.75-25668 Filed 9-24-75;8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Connecticut Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(b) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. *Notice of Connecticut operational agreement.* (a) In accordance with the provisions of § 1954.3 of this chapter, notice is hereby given that it has been determined that Connecticut has met the following conditions for operational status:

(1) Enactment of the Connecticut Occupational Safety and Health Act (hereinafter referred to as the Connecticut Act) (substitute House Bill No. 8210, Public Act No. 73-379) effective July 2, 1973, and which was approved as part of the Connecticut Plan (39 FR 1012). Legislative amendments (substitute House Bill No. 5432, Public Act No. 74-137) were enacted and became effective May 8, 1974;

(2) The State, after publication in the Connecticut Law Journal, adopted the Federal standards contained in 29 CFR Part 1910 dated October 18, 1972; and 29 CFR Part 1926 dated December 16, 1972, which became State standards effective September 11, 1974;

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system: namely, twenty-five (25) safety compliance officers and three (3) health compliance officers as of January 10, 1975;

(4) Operation since January 13, 1975, of a review and appeals system under rules and regulations promulgated effective August 20, 1974, which provide an avenue for employers and employees to contest enforcement actions and/or abatement periods;

(5) State enforcement since January 13, 1975, of the State standards described in (2) above, monitored under Subpart C of 29 CFR Part 1954.

(b) In addition, the State has provided under its plan for:

(1) Occupational accident and illness recordkeeping and reporting by employers covered under the plan,

(2) The display of the Federal poster by employers considered to be in compliance with the Connecticut Act until the State poster, submitted as a developmental plan change in accordance with 29 CFR Part 1953 which is approved as recommended by the Assistant Regional Director.

(3) Responding to complaints filed with the Connecticut Department of Labor for violation of the prohibition against employer discrimination against employees for exercising their rights under the Connecticut Act. Section 31-379 of the amended Connecticut Act provides provisions identical to those contained in sections 11(c)(1), (2), and (3) of the Federal Act.

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective June 25, 1975, and incorporated as part of the Connecticut plan has been entered into between Frank Santaquida, Commissioner of the Connecticut Department of Labor, and Vernon A. Strahm, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement activity under section 18(c) of the Act will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Parts 1910, 1915, 1916, 1917, 1918, 1919, and 29 CFR Part 1926 where Connecticut occupational safety and health standards are in effect and operational, except as provided below.

Also, in the event that a State inspector makes an inspection of an employer formerly inspected by a Federal Compliance Safety and Health Officer and observes a condition which has not been corrected pursuant to a prior Federal citation, the State inspector shall refer the violation to the Federal OSHA Area Office in Hartford, Connecticut, for appropriate action.

Under the agreement, Federal responsibility under the Act will continue to be exercised, among other things, with regard to complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of Federal temporary emergency standards until such time as the State shall have adopted such standards, in accordance with 29 CFR Part 1953; enforcement of standards contained in 29 CFR Parts 1915, 1916, 1917, 1918, and 1919, on the U.S. navigable waters including dry docks, graving docks and marine railways; abatement dates established in OSHA-issued citations, which extend beyond the date of State assumption of inspection responsibility; and investigations and inspections for the purposes of evaluating the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fail in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of June 25, 1975, Subpart X of 29 CFR Part 1952 is hereby amended as set forth below.

Section 1952.302 is revised to read as follows:

§ 1952.302 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) and § 1954.3 of this chapter under which an agreement has been entered into with Connecticut, effective June 25, 1975, and based on a determination that Connecticut is operational in issues covered by the Connecticut occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 665(c)), in the issues covered under the plan and the agreement until such time as Connecticut shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; Standards in 29 CFR Parts 1915, 1916, 1917, 1918, and 1919 on the U.S. navigable waters including dry docks, graving docks and marine railways; and investigations and inspections for the purpose of the evaluation of the Connecticut plan under section 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Connecticut.

(Secs. 8(g)(2), 18, Pub. L. 91-956, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 22nd day of September 1975.

[SEAL] JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25659 Filed 9-24-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Michigan State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act), for review of

V 40 187 SEP 25 75 XUM

changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On October 3, 1973, a notice was published in the FEDERAL REGISTER (38 FR 27388) of the approval of the Michigan plan and of the adoption of Subpart T of Part 1952 containing the decision of approval. On July 1, 1975, the State of Michigan submitted a supplement to the plan involving the completion of a developmental step (see Subpart B of 29 CFR Part 1953).

2. *Description of the supplement.* The supplement concerns the Michigan State poster which is to be posted at all covered workplaces in the State. Among other things, the poster contains provisions notifying employees of their obligations and protections under the Michigan Act, their right to request workplace inspections and their right to remain anonymous as a result, their protection against discharge or discrimination under both Federal and State laws for the exercise of their rights under the Federal and State laws and their right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program. The poster also notifies employers of their rights and responsibilities under the law, including their right to accompany a State inspector on an inspection and their obligation to post the poster.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the poster, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N3603, 200 Constitution Avenue NW, Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 3259, 230 South Dearborn Street, Chicago, Illinois 60604; Michigan Department of Labor, Bureau of Safety and Regulation, 2nd Floor, 300 East Michigan Avenue, Lansing, Michigan 48926; Michigan Department of Public Health, Bureau of Industrial Health, 3500 North Logan Street, Lansing, Michigan 48914.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Michigan poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39306, Nov. 5, 1974). Accordingly, it is believed that further public comment and notice is unnecessary.

5. *Decision.* After careful consideration, the Michigan plan supplement outlined above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart T of 29 CFR Part 1952 is amended to reflect the completion of a developmental step upon the approval of the State poster. Accordingly, Subpart T of Part 1952 is amended as follows:

In §1952.264, the following paragraph (c) is added:

§ 1952.264 Completed developmental steps.

* * * * *

(c) In accordance with the requirements of § 1952.10, the Michigan State poster was approved by the Assistant Secretary on September 22, 1975.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 22nd day of September 1975.

[SEAL] JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25660 Filed 9-24-75;8:45 am]

PART 1952—APPROVED STATE PLAN FOR ENFORCEMENT OF STATE STANDARDS

South Carolina; Completion of Developmental Steps

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, a notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina Plan and adoption of Subpart C of Part 1952 containing the decision and describing the plan.

The approval notice stated that the South Carolina plan provides for an approved merit system covering employees. The State Division of Occupational Safety and Health personnel was brought under a State merit system effective May 31, 1973. Revised appendices showing amendments to the organization and workflow charts were submitted in May 1974 (Appendices 8a, 8b, and 8c). An amendment to section 7.07 of the plan narrative was submitted in April 1975, as further documentation of merit system coverage of occupational safety and health personnel.

On January 23, 1975, notice of submission of a number of South Carolina plan supplements involving developmental and State-initiated changes was published in the FEDERAL REGISTER (40 FR 3606). These supplements are described below.

2. *Description of the supplements.* (a) Legislative amendments. In accordance with the commitment expressed in 29 CFR 1952.103(a), the State submitted amendments to its enabling legislation (§§ 40-257.1 through 40-274, South Carolina Code of Laws, 1962) which were designed to bring the plan into conformity with the requirements of 29 CFR Part 1902. The legislation was enacted by the South Carolina Legislature during its 1973 session and became effective on June 12, 1973. The legislation provides for the following:

(1) Employer and employee duties (§ 40-257.1);

(2) Provision for informing employees of their protections and obligations under the State Act (§ 40-257.2);

(3) Provision for public participation in the promulgation, modification or revision of rules and regulations (§ 40-262);

(4) Procedures for the granting or denial of temporary variances (§40-264);

(5) Procedures for the granting or denial of permanent variances (§ 40-265);

(6) Provision for the right of entry of inspectors to workplaces (§ 40-266);

(7) Provision for the posting of citations (§ 40-268);

(8) Procedures governing imminent danger situations (§ 40-269);

(9) Procedures for the right of review of citations, penalties, abatement periods or other actions of the Commissioner of Labor by employers and employees (§ 40-271);

(10) Civil penalties for violations of rules and regulations (§ 40-273);

(11) Monitoring and measuring employee exposure to potentially toxic materials or harmful physical agents (§ 40-258);

(12) Provision for employee participation in inspections by accompanying the inspector, and prohibition against loss of wages because of such participation (§ 40-6.1); and

(13) Prohibition against employee discrimination because of the exercise of rights under the State Act (§§ 40-453, 453.2, 453.3).

(b) Regulations. Amendments to State administrative regulations in response to previous commitments and to achieve compatibility with revised enabling legislation as described in (a) above were adopted as follows:

(1) Temporary variance procedures (Article II, sec. 2.06);

(2) Permanent variance procedures (Article II, sec. 2.07);

(3) Employee complaint procedures (Article V, sec. 5.08);

(4) Employee walkaround procedures (Article V, sec. 5.06);

(5) Prohibition of advance notice of inspections (Article V, sec. 5.04); and

(6) Recording and Reporting of Occupational Injuries and Illnesses (Article III).

(c) Voluntary Compliance Program. The program, to be known as the Taxpayers' Assistance Program, includes both on-site and off-site consultation and employer-employee training and education. As originally submitted, staffing would be by three (3) Safety and Health Assistance Officers under the direction of the Chief Standards Officer.

(d) Plan narrative amendments. As a result of certain administrative actions, the following changes were made in the South Carolina plan narrative:

(1) South Carolina Department of Labor to assume responsibilities originally intended to be delegated to the State Fire Marshal (secs. 7.03 and 8.02-3);

(2) South Carolina Department of Labor to assume responsibilities originally intended to be delegated to the State Liquefied Petroleum Gas Board (secs. 7.04, 8.01-3, and 8.02-4);

(3) South Carolina Department of Labor to assume responsibilities originally intended to be delegated to the State Department of Agriculture (secs. 7.05 and 11.02);

(4) Standards Advisory Council disbanded as unnecessary since the State is adopting Federal standards; and

(5) Total number of safety inspectors reduced to twenty-nine (29) and industrial hygienists to six (6) (Appendix 7-a).

(e) Occupational Health. New sections 7.02-1 through 7.02-3 describing the State's occupational health program as performed by the Division of Occupational Health, Department of Health and Environmental Control, were added to the plan narrative. A staff of six (6) industrial hygienists will be responsible for compliance activities. An agreement was entered into on July 1, 1974, between the South Carolina Departments of Labor and Health and Environmental Control which formalizes the delegation of certain occupational health responsibilities and establishes methods of coordination between the departments and is included as part of the Plan change.

Interested persons were afforded thirty (30) days from the date of publication to submit written comments concerning these supplements. Interested persons were also afforded an opportunity to request an informal hearing with respect to the supplements.

In addition, on April 10, 1975, a notice was published in the FEDERAL REGISTER (40 FR 16257) concerning the approval of the revised South Carolina standards by the Assistant Regional Director of the Occupational Safety and Health Administration, Region IV.

3. *Issues.* No public comments or requests for a hearing were received in response to the January 23, 1975, notice of South Carolina Plan changes.

The legislative amendments as enacted by South Carolina were fully responsive to developmental commitments as contained in the approved State plan. The wording of the amendments is not identical to that proposed, but in all cases more closely reflects the parallel Federal provision. However, sections 40-453.2, and 453.3 which establish a prohibition against employee discrimination for exercising rights under the South Carolina Act, fail to set a time limit for action by the Commissioner of Labor in considering such complaints. Through an additional plan amendment dated August 6, 1975, (plan narrative sec. 3.06) Edgar L. McGowan, South Carolina Commissioner of Labor, assures that all such complaints will be acted on within 90 days.

Amended South Carolina legislation (section 40-264) and administrative regulation (Article II, section 2.06) establish authority and procedures for the granting of temporary variances. As in the Federal system an initial temporary variance may be for no more than one year with the possibility of two renewals. However, where the Federal Act limits renewals to 180 days each, the South Carolina Act contains no such limitation. Through additional plan amendments dated August 6, and August 11, 1975, Commissioner Edgar L. McGowan has modified Article II, section 2.09 to limit any renewals of temporary variances to 180 day durations, and has modified sections 2.06 and 2.07 to clarify the requirements that employers notify authorized employee representatives of any variance application.

Subsequent to the publication of notice in January 1975, on these South Carolina plan supplements a number of minor modifications were made in several of the change documents: (a) Voluntary Compliance Program. Staffing for the Taxpayers' Assistance Program has been revised by amendment dated April 1975, to show two (2) assistance officers under the direction of the Director of the Office of Education and Training. (b) Occupational Health Program. Rather than developing an independent target health hazard program, South Carolina, by amendment dated April 1975, will utilize the Federal target health hazard substances as part of their priority system for scheduling health inspections. (c) Recordkeeping Regulations. Effective January 1, 1975, with additional amendment in June 1975, the South Carolina recordkeeping and reporting regulations (Article III) were rewritten and repromulgated to more closely reflect the parallel Federal regulations (29 CFR Part 1904). South Carolina has included in its regulations an exemption for employers of 10 or fewer employees from maintaining injury/illness records unless notified of their inclusion in the annual survey. A similar exemption is currently in effect Federally as a result of a restriction on the fiscal 1975 appropriations bill, but not as a provision of 29 CFR Part 1904. South Carolina both in the approved plan and in a supplementary letter dated July 15, 1975, has assured that recordkeeping and reporting requirements will be identical to those in effect federally and that any modification to the Federal small employer exemption policy will be promptly reflected in South Carolina's rules and regulations.

4. *Decision.* The assurances provided by the State concerning discrimination complaints, temporary variances, the Taxpayers' Assistance Program and the recordkeeping regulations correct any deficiencies identified in the submitted plan supplements. Based on determinations for national staffing, the present State staff of trained safety and health officers under the State merit system appears to be sufficient to provide coverage for the enforcement of State standards under the continuing "at least as effective as" criteria, subject to Federal monitoring. Several additional minor changes to the supplements in question are consistent with commitments contained in the approved plan and do not constitute substantive modification of original intentions. Therefore, after careful consideration the South Carolina plan supplements as amended and outlined herein, as well as the plan narrative on the State merit system and the revised appendices of the organization and workflow charts, are hereby approved under 29 CFR Part 1953.

Further, Subpart C of 29 CFR Part 1952 is hereby amended as appropriate, to reflect several of these approved plan changes as completion of certain developmental steps by adding a new § 1952.104, as follows:

§ 1952.104 Completed developmental steps.

(a) In accordance with § 1952.103(a) legislative amendments were introduced into the 1973 South Carolina General Assembly and were enacted effective June 12, 1973. The amendments have been supplemented by State commitments to (1) take action on all employee discrimination complaints within 90 days, and (2) limit the duration of temporary variances to a maximum of two years, inclusive of any renewals.

(b) In accordance with § 1952.103(b) the South Carolina occupational safety and health standards, identical to Federal standards (through December 3, 1974), have been promulgated and were approved by the Assistant Regional Director for Occupational Safety and Health effective April 10, 1975 (40 FR 16257).

(c) In accordance with § 1952.103(d) a voluntary compliance program, to be known as the Taxpayers' Assistance Program, has been developed.

(d) In accordance with § 1952.103(f) coverage of agricultural workers began on July 1, 1973, and was initiated directly by the South Carolina Department of Labor. (The State plan has been amended to delete the proposal to delegate such responsibility to the State Department of Agriculture.)

(e) In accordance with § 1952.103(g) the State plan has been amended to show extensions of merit system coverage to the South Carolina Department of Labor, Division of Occupational Safety and Health. Agreement with the Department of Health and Environmental Control requires that all health personnel cooperating in the State occupational safety and health program be likewise covered by the State merit system.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C., this 22d day of September 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25661 Filed 9-24-75;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Washington Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Oc-

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cupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel and provisions for review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibilities is to be published in the FEDERAL REGISTER.

2. *Notice of Washington operational agreement.* (a) In accordance with the provisions of § 1954.3(f) of this chapter, notice is hereby given that it has been determined that Washington has met the following conditions for operational status:

(1) Enactment of the Washington Industrial Safety and Health Act of 1973, hereinafter referred to as WISHA, (Senate Bill No. 2346, RCW Chapter 49.17, effective June 1, 1973) which was approved as completion of a developmental step July 10, 1974 (39 FR 25325);

(2) Promulgation of State standards covering all issues as defined by Subpart B through S of 29 CFR Part 1910 and by 29 CFR Part 1926 which were found in the professional judgment of the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) to provide overall protection equal to the comparable Federal standards in such issues;

Promulgation of revisions and additions to existing State standards to cover issues defined by Subparts D through F and H through Q of 29 CFR Part 1910 which was completed by June 7, 1973;

Promulgation of other necessary revisions and additions to State standards to cover all other issues which was completed by October 20, 1974;

(3) A sufficient number of qualified safety and health personnel who are enforcing State standards in accordance with the State's legislation: namely, sixty-nine (69) safety inspectors and ten (10) health inspectors as of November 30, 1974;

(4) A review and appeals system before the Board of Industrial Insurance Appeals, providing the mechanism for employers and employees to contest enforcement actions and/or abatement dates, which became effective June 7, 1973 (Washington Administrative Code, Chapter 263–12);

(5) State enforcement since June 7, 1973, of the State standards, which was monitored under Subpart C of 29 CFR Part 1954, including three on-site evaluations, covering the period from June 7, 1973 to November 30, 1974.

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees since June 7, 1974, of their rights and responsibilities under WISHA, by requiring display in all work places covered by the plan of a State job safety poster which was recommended for approval by the Assistant Regional Director on November 6, 1974;

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan, which became effective January 1, 1975 (Washington Administrative Code, Chapter 296–27);

(3) Responding to complaints filed with or referred to the Board of Industrial Insurance Appeals for violation of the prohibition against employer discrimination against employees for exercising their rights under WISHA (RCW 49.17.160);

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations.

Pursuant to this finding, an agreement effective May 30, 1975, and incorporated as part of the plan has been entered into between William C. Jacobs, Director, Washington Department of Labor and Industries, and James W. Lake, Assistant Regional Director for Occupational Safety and Health for the U.S. Department of Labor, providing that Federal enforcement authority under section 18(e) of the Act will not be initiated with regard to Federal occupational safety and health standards in the issues covered by Subparts B through S of 29 CFR Part 1910, including 29 CFR Parts 1915 through 1918 and Part 1926, where State standards are in effect and operational.

Under the agreement, Federal responsibilities under the Act will continue to be exercised, among other things, with regard to complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards contained in the issues covered by 29 CFR Part 1910, Subpart B—Ship repairing, Shipbuilding, Shipbreaking, and Longshoring, as they relate to employment under the exclusive jurisdiction of the Federal Government on the navigable waters of the United States, including dry docks, graving docks and marine railways; and investigations and inspections for the purpose of evaluation of the State plan under section 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fall in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of May 30, 1975, Subpart F of 29 CFR Part 1952 is hereby amended, as set forth below:

Section 1952.122 is revised to read as follows:

§ 1952.122 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(iii) and 1954.3 of this chapter under which an agreement has been entered into with Washington, effective May 30, 1975, and based on a determination that Washington is operational in the issues covered by the Washington occupational safety and health plan, the U.S. Department of Labor will continue to exercise authority, among other things, with regard to: Federal standards promulgated subsequent to the agreement where necessary to protect employees as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)) in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926, until such time as Washington shall have adopted equivalent standards in accordance with 29 CFR Part 1953, Subpart C; Federal standards contained in the issues covered by Subpart B—Ship repairing, Shipbuilding, Shipbreaking and Longshoring, 29 CFR 1910.13 through 1910.16, as they relate to employment under the exclusive jurisdiction of the Federal government on the navigable waters of the United States, including dry docks and marine railways; complaints about violations of the discrimination provisions of section 11 (c) of the Act (29 U.S.C. 660(c)); and investigations and inspections for the purpose of evaluation of the Washington plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in the State of Washington.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608; (29 U.S.C. 657(g), 667))

Signed at Washington, D.C., this 22nd day of September 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25662; Filed 9-24-75;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

PART 166—REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

The purpose of this Amendment to Part 166(d) is to update the list of DoD Contractors Receiving Negotiated Contract Awards of $10,000,000 or More for FY 1975.

Section 166.11 has been amended by the addition of a new paragraph (d) as follows:

§ 166.11 DOD contractors receiving negotiated contract awards of $10 million or more.

* * * * * *

(d) *Fiscal Year 1975*

AAI Corp.
Adobe Refining Co.
Aerojet Electrosystems Co.
Aerojet General Corp.
Aeronutronic Ford Corp.
Aerospace Corp. (The)
Amerada Hess Corp.
American Airlines, Inc.
American Export Isbrandsten Lines
American Petrofina Co. of Texas
American President Lines, Ltd.
American Telephone & Telegraph Co.
Amoco Oil Co.
Amron Corp.
Amstar Corp.
ARO, Inc.
Ashland Oil, Inc.
Atlantic Richfield Co.
Automation Industries, Inc.
Avco Corp.
Ayers, N. W., & Son, Inc.
Baltimore Gas & Electric Co.
Basin Products, Inc.
Bath Iron Works Corp.
Battelle Memorial Institute
Beech Aircraft Corp.
Bell & Howell Co.
Bendix Corp.
Bethlehem Steel Co.
Blair, Algernon, Inc.
Blue Ribbon Frozen Food Corp.
Boeing Co.
Boeing International Corp.
Boeing Vertol Co.
Bolt, Beranek & Newman, Inc.
Booz, Allen & Hamilton, Inc.
Borden, Inc.
Brown & Williamson Tobacco Corp.
Brunswick Corp.
Bunker Ramo Corp.
Burlington Industries, Inc.
Burroughs Corp.
Bush Organization (The)
CCI Corp.
California Physicians Service
California, University of
Calspan Corp.
Caltex Oil Products Co.
Campbell Soup Co.
Carnation Co.
Caterpillar Tractor Co.
Celesco Industries
Chamberlain Mfg. Corp.
Charles Stark Draper Laboratories, Inc.
Chesapeake & Potomac Telephone Co.
Chevron Oil Co.
Chromalloy American Corp.
Chrysler Corp.
Cincinnati Electronics Corp.
Cities Service Oil Co.
City Public Service Board
Coastal States Marketing, Inc.
Computer Sciences Corp.
Condec Corp.
Continental Oil Co.
Control Data Corp.
Cooper Airmotive Corp.
Cubic Corp.
Curtiss Wright Corp.
Cutler Hammer, Inc.
Day & Zimmerman, Inc.
DeLaval Turbine, Inc.
Delta Refining Co.
Donovan Construction Co. of Minnesota
Douglas Oil Co. of California
Dubuque Packing Co.
Dynalectron Corp.
ESL, Inc.
E Systems, Inc.
Eastman Kodak Co.
Ecoscience & Ft. Campbell Assoc. (Joint Venture)
Edgington Oil Co.
Edo Corp.
Electronic Communications, Inc.
Emerson Electric Co.
Exxon Corp.
FMC Corp.
Fairchild Camera & Instrument Corp.
Fairchild Industries, Inc.
Federal Cartridge Corp.
Federal Electric Corp.
Flinchbaugh Products, Inc.
GTE Sylvania, Inc.
Garrett Corp.
General Dynamics Corp.
General Electric Co.
General Foods Corp.
General Mills, Inc.
General Motors Corp.
General Research Corp.
Getty Oil Co.
Global Associates
Gold Pak Meat Co., Inc.
Golden Eagle Refining Co., Inc.
Goodrich, B.F., Co. (The)
Goodyear Aerospace Corp.
Goodyear Tire & Rubber Co.
Gould, Inc.
Grey Advertising, Inc.
Grumman Aerospace Corp.
Guam Oil & Refining Co., Inc.
Gulf & Western Industries, Inc.
Gulf Oil Corp.
HITCO
Hamilton Technology, Inc.
Harris Corp.
Harsco Corp.
Hawaiian Independent Refinery, Inc.
Hayes International Corp.
Hazeltine Corp.
Hercules, Inc.
Hess Oil Virgin Island Corp.
Hewlett Packard Co.
Hoffman Electronics Corp.
Honeywell, Inc.
Honeywell Information Systems, Inc.
Hudson Waterways Corp.
Hughes Aircraft Co.
Hydrosystems, Inc.
ICI United States, Inc.
IIT Research Institute
ITT Arctic Services
ITT Gilfillan, Inc.
ITT World Communications, Inc.
International Business Machines Corp.
International Telephone & Telegraph Corp.
Interstate Electronics Corp.
Island Creek Coal Co.
Itek Corp.
Jacksonville Shipyards, Inc.
Johns Hopkins University
Kaman Aerospace Corp.
Kentron Hawaii, Ltd.
Kings Point Mfg. Co.
Kraftco Corp.
LTV Aerospace Corp.
Lear Siegler, Inc.
Libby Welding Co.
Litton Industries, Inc.
Litton Systems, Inc.
Lockheed Aircraft Corp.
Lockheed Electronics Co., Inc.
Lockheed Missiles & Space Co., Inc.
Lockheed Shipbuilding & Construction Co.
Logicon, Inc.
Loral Corp.
Lykes Bros. Steamship Co., Inc.
Magnavox Co.
Marathon Oil Co.
Maremont Corp.
Marion Corp.
Martin Marietta Aluminum Sales, Inc.
Martin Marietta Corp.
Mason & Hanger-Silas Mason Co.
Massachusetts Institute of Technology
Mayer, Oscar, & Co., Inc.
McDonnell Douglas Corp.
Menasco Mfg. Co., Inc.
Mitre Corp.
Mobil Oil Corp.
Morrison Knudsen & Ecoscience (Joint Venture)
Motorola, Inc.
Mutual of Omaha Insurance Co.
National Presto Industries, Inc.
Navajo Refining Co.
Newport News Shipbuilding & Dry Dock Co.
Norris Industries, Inc.
Northrop Corp.
Northrop Worldwide Aircraft Services, Inc.
Northwest Airlines, Inc.
Ocean Technology, Inc.
Okmulgee Refining Co.
Olin Corp.
Oshkosh Motor Truck, Inc.
Overseas National Airways, Inc.
PRD Electronics, Inc.
Pacific Architects & Engineers, Inc.
Pan American World Airways, Inc.
Perkin Elmer Corp.
Philip Morris, Inc.
Phillips Petroleum Co.
Pittston Coal Sales Corp.
Planning Research Corp.
Powerine Oil Co.
Pride Refining, Inc.
Proctor & Gamble Distributing Co.
Prudential Grace Lines, Inc.
RCA Corp.
RCA Global Communications, Inc.
RAND Corp.
Raytheon Co.
Reflectone, Inc.
Remington Arms Co.
Reynolds, R. J., Industries, Inc.
Rochester, University of
Rockwell International Corp.
Rohr Industries, Inc.
Sanders Associates, Inc.
Science Applications, Inc.
Sea Land Service, Inc.
Seaboard World Airlines, Inc.
Shell Oil Co.
Sierra Research Corp.
Singer Co.
Southern Air Transport, Inc.
Sparton Corp.
Sperry Rand Corp.
Standard Oil Co. of California
Stanford Research Institute
Steuart Petroleum Co.
Stevens Foods, Inc.
Summa Corp.
Sun Oil Co.
Sundstrand Corp.
Supreme Beef Co., Inc.
Swift & Co.
System Development Corp.
Systems Consultants, Inc.
Systems Research Laboratories, Inc.

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TRW, Inc.
Teledyne CAE
Teledyne, Inc.
Teledyne Industries, Inc.
Tesoro Alaskan Petroleum Corp.
Tesoro Petroleum Corp.
Texaco Export, Inc.
Texaco, Inc.
Texas Instruments, Inc.
Texas, University of
Textron, Inc.
Thiokol Corp.
Tiger International, Inc.
Titan Atlantic Construction Corp.
Tonkawa Refining Co.
Towne Realty, Sperfel Corp., Etal (Joint Venture)
Tracor, Inc.
Trans International Airlines Corp.
Trans World Airlines, Inc.
Union Carbide Corp.
Union Oil Co. of California
Uniroyal, Inc.
United States Lines Co.
United Technologies Corp.
United Technology Laboratories
Varian Associates
Varo, Inc.
Watkins Johnson Co.
Western Electric Co., Inc.
Western Union International, Inc.
Western Union Telegraph Co.
Westinghouse Electric Corp.
Williams Research Corp.
Wilson & Co., Inc.
World Airways, Inc.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 22, 1975.

[FR Doc.75-25771 Filed 9-24-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 154]

SMALL BUSINESS SIZE STANDARDS

This amendment of the Federal Procurement Regulations changes Subparts 1-1.7, Small Business Concerns, and 1-16.4, Forms for Advertised Construction Contracts, to provide new and revised definitions of small business concerns for Government procurement purposes. The changes reflect similar revisions by the Small Business Administration of its regulations in 13 CFR Part 121.

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

Section 1-1.701-1 is amended to change paragraphs (b)(1), (b)(2), (f), and (g)(3) as follows:

§ 1-1.701-1 Small business concern (for Government procurement).

(b) • • •

(1) *General.* As small if its average annual receipts for its preceding 3 fiscal years do not exceed $12 million: *Provided, however,* That if 75 percent or more (by value) of the work called for by the contract is classified in one of the industries, subindustries, or class of products set forth in this paragraph, it is small if it does not exceed the size standard established therein for that industry. (Notwithstanding the above proviso, for a period of 1 year from September 4, 1975, any concern which from March 18, 1973, to March 18, 1974, was primarily engaged in performing small business set-aside contracts, is small for the purpose of any contract covered by the proviso if its average annual receipts for its preceding 3 fiscal years did not exceed $7.5 million. For the purpose of this rule, a concern was primarily engaged in performing small business set-aside contracts if 50 percent or more of its receipts, including receipts of its affiliates, were attributable to such contracts.) Where a concern which has 50 percent or more of its annual sales or receipts attributable to business activities within Alaska, then, whenever the term "annual sales or annual receipts" is used in any size definition contained in this section, the dollar limitation is increased by 25 percent of the amount set forth therein:

• • • • • •

(2) *Dredging.* As small if it is bidding on a contract for dredging and (i) its average annual receipts for its preceding 3 fiscal years do not exceed $9.5 million (except that if the concern is located in Alaska, such receipts do not exceed $11,875,000), and (ii) it performs the dredging of at least 40 percent of the yardage advertised in the plans and specifications with dredging equipment owned by the bidder or obtained from another small business dredging concern.

• • • • • •

(f) *Services.* Any concern bidding on a contract for services is classified:

(1) *General.* As small if it is bidding on a contract for services (including but not limited to services set forth in Division I, Services, of the Standard Industrial Classification Manual) not elsewhere defined in this section and its average annual receipts for its preceding 3 fiscal years do not exceed $2 million ($2,500,000 if the concern is located in Alaska).

(2) *Engineering.* As small if it is bidding on a contract for engineering services other than marine engineering service and its average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million ($9,375,000 if the concern is located in Alaska.)

(3) *Motion pictures.* As small if it is bidding on a contract for motion picture production or motion picture services and its average annual receipts for its preceding 3 fiscal years do not exceed $8 million ($10,000,000 if the concern is located in Alaska).

(4) *Janitorial and custodial.* As small if it is bidding on a contract for janitorial and custodial services and its average annual receipts for its preceding 3 fiscal years do not exceed $4.5 million ($5,625,000 if the concern is located in Alaska).

(5) *Base maintenance.* As small if it is bidding on a contract for base maintenance and its average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million ($9,375,000 if the concern is located in Alaska).

(6) *Marine cargo handling.* As small if it is bidding on a contract for marine cargo handling services and its average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million ($9,375,000 if the concern is located in Alaska).

(7) *Naval architectural and marine engineering.* As small if it is bidding on a contract for naval architectural and marine engineering services and its average annual receipts for its preceding 3 fiscal years do not exceed $9 million ($11,250,000 if the concern is located in Alaska).

(8) *Food services.* As small if it is bidding on a contract for food services and its average annual receipts for its preceding 3 fiscal years do not exceed $5.5 million ($6,875,000 if the concern is located in Alaska).

(9) (i) *Laundry.* As small if it is bidding on a contract for laundry services including linen supply, diaper services, and industrial laundering and its average annual receipts for its preceding 3 fiscal years do not exceed $4 million ($5,000,000 if the concern is located in Alaska).

(ii) *Cleaning and dyeing.* As small if it is bidding on a contract for cleaning and dyeing (including rug cleaning) services and its average annual receipts for its preceding 3 fiscal years do not exceed $1.5 million ($1,875,000 if the concern is located in Alaska).

(10) *Computer programing.* As small if it is bidding on a contract for computer programing services and its average annual receipts for its preceding 3 fiscal years do not exceed $4 million ($5,000,000 if the concern is located in Alaska).

(11) *Flight training.* As small if it is bidding on a contract for flight training services and its average annual receipts for its preceding 3 fiscal years do not exceed $7 million ($8,750,000 if the concern is located in Alaska).

(12) *Motorcar and truck rental and leasing.* As small if it is bidding on a contract for motorcar rental and leasing services or truck rental and leasing services and its average annual receipts for its preceding 3 fiscal years do not exceed $7 million ($8,750,000 if the concern is located in Alaska).

(13) *Tire recapping.* As small if it is bidding on a contract for tire recapping services and its average annual receipts for its preceding 3 fiscal years do not exceed $4 million ($5,000,000 if the concern is located in Alaska). This paragraph applies only to procurements requiring the services of tire retreading and repair shops (Standard Industrial Classification Industry No. 7534, Tire Retreading and Repair Shops) and not to procurements for the repairing and/or retreading of pneumatic aircraft tires which, by reason of the extent and nature of the equipment and operations required, are considered for size standards purposes to be manufactured within the meaning of Standard Industrial Classification Industry No. 3011, Tires and Inner Tubes (see § 1-1.701-1(h)).

(14) *Data processing.* As small if it is bidding on a contract for data processing services and its average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million ($9,375,000 if the concern is located in Alaska).

(15) *Computer maintenance.* As small if it is bidding on a contract for computer maintenance services and its average annual receipts for its preceding 3 fiscal years do not exceed $7 million ($8,750,000 if the concern is located in Alaska).

(16) *Helicopters or fixed-wing aircraft.* As small if it is bidding on a contract for services requiring the use of one or more helicopters or fixed-wing aircraft and its average annual receipts for its preceding 3 fiscal years do not exceed $3.5 million ($4,375,000 if the concern is located in Alaska).

(g) • • •

(3) *Trucking.* As small if it is bidding on a contract for trucking (local and/or long distance), warehousing, packing and crating, and/or freight forwarding, and its annual receipts do not exceed $7 million ($8,750,000 if the concern is located in Alaska).

• • • • • •

PART 1-16—PROCUREMENT FORMS

Subpart 1-16.4—Forms for Advertised Construction Contracts

Section 1-16.401 is amended by revising paragraph (c) as follows:

§ 1-16.401 Forms prescribed.

• • • • • •

(c) Representations and Certifications (Construction Contract) (Standard Form 19-B, October 1969 edition). Pending the publication of a new edition of the form, the present provision of Item 1 shall be deleted and the following provision substituted therefor:

1. Small business.

He ☐ is, ☐ is not, a small business concern. (A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field or operations in which it is bidding on Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria as prescribed by the Small Business Administration. For additional information see governing regulations of the Small Business Administration (13 CFR Part 121)).

• • • • • •

Subpart 1-16.7—Forms for Negotiated Architect Engineer Contracts

§ 1-16.701 [Amended]

Section 1-16.701 is amended to delete paragraph (c)(3) in its entirety.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective for invitations for bids and requests for proposals issued on or after September 4, 1975.

Dated: September 16, 1975.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-25546 Filed 9-24-75;8:45 am]

[FPR Amendment 153]

SMALL PURCHASES

This amendment of the Federal Procurement Regulations implements to the maximum extent practicable at this time Pub. L. 93-356, dated July 25, 1974, which amended the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.) and other statutes to increase the authority to negotiate small purchases from $2,500 to $10,000. This increased negotiation authority for small purchases will make it possible to achieve significant economies in the use of simplified small purchase procedures. However, the full potential for savings will not be completely realized until additional changes are made in a number of other statutes and regulations which impose thresholds less than $10,000 and are related to procurement in the price range between $2,500 and $10,000. This amendment also reflects certain organizational changes and editorial corrections.

PART 1-1—GENERAL

The table of contents for Part 1-1 is amended to add the following new entry:

Sec.
1-1.1002-2 Publicizing proposed small purchases.

Subpart 1-1.3—General Policies

Section 1-1.305-2 is amended to change paragraph (b) as follows:

§ 1-1.305-2 Exceptions to mandatory use of federal specifications.

• • • • • •

(b) The total amount of the purchase does not exceed $10,000. (Multiple small purchases of the same item shall not be made for the purpose of avoiding the intent of this exception.)

• • • • • •

Subpart 1-1.5—Contingent Fees

Section 1-1.507-3 is amended to change paragraph (b) as follows:

§ 1-1.507-3 Exceptions.

• • • • • •

(b) Any negotiated contract in which the aggregate amount involved does not exceed $10,000.

• • • • • •

Subpart 1-1.7—Small Business Concerns

1. Section 1-1.710-2 is revised as follows:

§ 1-1.710-2 Small business subcontracting program.

The Government's small business subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with small business concerns. In contracts which range from $10,000 to $500,000, the contractor undertakes the obligation of accomplishing the maximum amount of small business subcontracting which is consistent with the efficient performance of the contract. This undertaking is set forth in the contract clause prescribed in § 1-1.710-3(a). In contracts which may exceed $500,000, the contractor is required, pursuant to the clause set forth in § 1-1.710-3(b), to undertake a number of specific responsibilities designed to assure that small business concerns are considered fairly in the subcontracting role and to impose similar responsibilities on major subcontractors. (The liaison officer required by the latter clause may also serve as liaison officer for labor surplus area and minority business enterprise matters.)

2. Section 1-1.710-3 is amended by revising the introductory language of paragraph (a) as follows:

§ 1-1.710-3 Required clauses.

(a) The Utilization of Small Business Concerns clause, set forth in this § 1-1.710-3, shall be included in all contracts in amounts which may exceed $10,000 except (1) contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico, and (2) contracts for services which are personal in nature.

UTILIZATION OF SMALL BUSINESS CONCERNS

• • • • • •

Subpart 1-1.8—Labor Surplus Area Concerns

1. Section 1-1.802-2 is amended by revising the introductory text as follows:

§ 1-1.802-2 Specific policies.

To further the general policy, the following specific policies shall be applied to procurements which are estimated to exceed $10,000:

• • • • • •

2. Section 1-1.805-2 is revised as follows:

§ 1-1.805-2 Labor surplus area subcontracting program.

The Government's labor surplus area subcontracting program requires Government prime contractors to assume an affirmative obligation with respect to subcontracting with labor surplus area concerns. In contracts which range from $10,000 to $500,000, the contractor undertakes the obligation of using his best efforts to place his subcontracts with concerns which will perform such subcontracts substantially in areas of labor surplus, where this can be done consistent with the efficient performance of the contract and at prices no higher than are obtainable elsewhere. This undertaking is set forth in the contract clause prescribed in § 1-1.805-3(a). In contracts which may exceed $500,000, the contractor is required, pursuant to the clause set forth in § 1-1.805-3(b), to undertake a number of specific responsibilities designed to assure achievement of the objectives referred to above and to impose similar responsibilities on major subcontractors.

3. Section 1-1.805-3 is amended by revising the introductory text of paragraph (a) and amending the contract clause as follows:

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§ 1–1.805–3 Required clauses.

(a) The Utilization of Labor Surplus Area Concerns clause, set forth below, shall be inserted in all contracts in amounts which may exceed $10,000 except:

• • • • • •

UTILIZATION OF LABOR SURPLUS AREA CONCERNS

(a) • • •

• • • • • •

Subpart 1–1.10—Publicizing Procurement Actions

Section 1–1.1002–2 is added as follows:

§ 1–1.1002–2 Publicizing proposed small purchases.

Procuring activities shall ensure that proposed small purchases are publicized to the maximum extent practicable consistent with the dollar value of the actions and any time constraints applicable to the purchases. One or more of the following methods of publicizing shall be used:

(a) Displaying on bulletin boards in the purchasing office and/or other public places.

(b) Preparing periodic handouts listing proposed purchases, and displaying these lists as in (a) above.

(c) Publicizing in local newspapers or other mass communication media.

(d) Encouraging and assisting local area trade associations in disseminating small purchase information to their members.

Subpart 1–1.13—Minority Business Enterprises

§ 1–1.1310–2, paragraph (a) is amended as follows:

§1–1.1310–2 Required clauses.

(a) The Utilization of Minority Business Enterprises clause set forth in this § 1–1.1310–2(a) shall be included in all contracts in amounts which may exceed $10,000 except (1) contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico, and (2) contracts for services which are personal in nature.

UTILIZATION OF MINORITY BUSINESS ENTERPRISES

• • • • • •

Subpart 1–1.16—Reports of Identical Bids

Section 1–1.1603–1 is revised as follows:

§ 1–1.1603–1 Cases to be reported.

(a) A report shall be submitted by executive agencies to the Attorney General as provided in this § 1–1.1603 whenever (1) the total bid value of all line items covered by an invitation for bids issued under formal advertising procedures, or under small business restricted advertising procedures (see § 1–1.701–9), exceeds $10,000, and (2) identical bids have been received on at least one line item having a bid value of more than $10,000. However, a report will not be submitted where bids are received only from foreign sources in response to invitations for bids requiring delivery and performance outside the United States, its possessions, and the Commonwealth of Puerto Rico.

(b) Reports are required on reportable identical bids regardless of whether an award is made on the line item, the invitation is canceled, or some other disposition is made after bid opening. Line items on which identical bids are received are not reportable if the bid value of the line item is $10,000 or less. Likewise, line items on which no identical bids are received are not reportable.

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.2—Solicitation of Bids

Section 1–2.201 is amended to delete the text and notices in subparagraphs (a)(29) and (a)(30) and to provide that the subparagraphs are reserved as follows:

§ 1–2.201 Preparation of invitations for bids.

• • • • • •

(a) • • •

(29) [Reserved]

(30) [Reserved]

• • • • • •

PART 1–3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 1–3 is amended to change the entry for § 1–3.203 to read as follows:

Sec.

1–3.203 Purchases not in excess of $10,000.

Subpart 1–3.1—Use of Negotiation

Section 1–3.101 is amended by revising paragraph (a), as follows:

§ 1–3.101 General requirements for negotiation.

(a) No procurement in excess of $10,000 shall be made by negotiation if the use of formal advertising is possible and practicable under the existing conditions and circumstances even though such conditions and circumstances would otherwise satisfy the requirements of Subpart 1–3.2.

• • • • • •

Subpart 1–3.2—Circumstances Permitting Negotiation

Section 1–3.203 is revised as follows:

§ 1–3.203 Purchases not in excess of $10,000.

Pursuant to the authority of section 302(c)(3) of the Act (41 U.S.C. 252(c)(3)), purchases and contracts may be negotiated without formal advertising if "the aggregate amount involved does not exceed $10,000."

(a) *Application.* Contracts or purchases aggregating $10,000 or less shall be made under the authority of this § 1–3.203 rather than under any of the other sections in this Subpart 1–3.2. In arriving at the "aggregate amount involved," there must be included all property and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurements were being effected by formal advertising. Procurements aggregating more than $10,000 shall not be broken down into separate procurements of less than $10,000.

(b) *Procedure.* Purchases and contracts aggregating not more than $10,000 shall be made in accordance with Subpart 1–3.6.

Subpart 1–3.6—Small Purchases

1. Section 1–3.600 is revised as follows:

§ 1–3.600 Scope of subpart.

This subpart prescribes policies and procedures for the purchasing of supplies and nonpersonal services from commercial sources when the aggregate amount involved in any one transaction does not exceed $10,000. Such purchases shall be termed "small purchases." This subpart is not applicable to the procurement of supplies and services initially estimated to exceed $10,000 even though awards under such procurements do not exceed $10,000.

2. Section 1–3.602 is amended by revising paragraph (d) as follows:

§ 1–3.602 Policy.

• • • • • •

(d) In arriving at the aggregate amount involved in any one transaction, there must be included all supplies and services which would properly be grouped together in a single transaction and which would be included in a single advertisement for bids if the procurement were being effected by formal advertising. Requirements aggregating more than $10,000 shall not be broken down into several purchases which are less than $10,000 merely for the purpose of permitting negotiation or utilizing the small purchase methods authorized under this Subpart 1–3.6.

• • • • • •

3. Section 1–3.603–1 is amended by revising paragraphs (a) and (d) as follows:

§ 1–3.603–1 Solicitation.

(a)(1) Reasonable competition shall be obtained in making small purchases in excess of $500. As used in this § 1–3.603, reasonable competition means obtaining a sufficient number of quotations from qualified sources of supply to assure that the procurement is fair to the Government, price and other factors considered, including the administrative cost of the purchase. In arriving at the number of quotations to be solicited, due consideration should be given to the administrative costs associated with the proposed solicitation in relation to the potential benefits to be derived by the Government, consistent with good business practices. See § 1–1.1002–2 for the requirements regarding publicizing small purchases.

(2) Small purchases not in excess of $500 may be accomplished without securing competitive quotations if the prices quoted are considered to be reasonable. Such purchases shall be distributed equitably among qualified suppliers. When practicable a quotation should be solicited from other than the previous supplier prior to placing a repeat order. The administrative cost of verifying the reasonableness of the price of purchases not in excess of $500 may more than offset potential savings in detecting instances of overpricing; therefore, action to verify the reasonableness of the price need be taken only when the buyer or contracting officer suspects that, or has information to indicate that, the price may not be reasonable, e.g., comparison to previous price paid, personal knowledge of the item involved, comparison to similar items.

• • • • • •

(d) Solicitation of quotations may be effected orally for purchases estimated not to exceed $5,000. Written solicitations shall be used for all purchases estimated to exceed $5,000, and should be used for purchases not in excess of $5,000 in such circumstances as where (1) the suppliers are located outside the local area, (2) special specifications are involved, (3) a large number of items are included in a single proposed procurement, or (4) obtaining oral quotations is not considered efficient. Standard Form 18, Request for Quotations, shall be used for written solicitation of quotations in accordance with § 1–16.201.

• • • • • •

4. Section 1–3.604–1 is revised as follows:

§ 1–3.604–1 General.

This § 1–3.604 prescribes policies and procedures for making small purchases of supplies and nonpersonal services through the use of imprest funds. Related policies and regulations concerning the establishment of and accounting for imprest funds are contained in Part IV of the Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies.

5. In § 1–3.604–4 paragraph (a)(6) is added as follows:

§ 1–3.604–4 Use of imprest funds.

• • • • • •

(a) • • •

(6) Expenses incident to travel and emergency travel advances (in accordance with Part IV of the Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies, Section 3040).

• • • • • •

6. Section 1–3.604–5(a) is revised as follows:

§ 1–3.604–5 Limitations.

(a) Small purchases made pursuant to imprest fund procedures may not exceed $150 for any one transaction, except that under emergency conditions the amount for any one transaction may be increased not to exceed $300. Exceptions or additions needed in connection with procurement matters described in §1–3.604–4, as well as the maximum dollar limitation for any one procurement transaction, should be addressed to the Treasury Department pursuant to Part IV of the Treasury Fiscal Requirements Manual for Guidance of Departments and Agencies. The granting of any such exceptions or additions will be coordinated with the Administrator of General Services or his designee. Approved exceptions now existing will automatically be continued without specific request from the agency to which exceptions have been granted.

• • • • • •

7. Section 1–3.605–2 is amended by revising paragraph (a)(3)(i) and adding new paragraphs (b)(3) and (b)(4) as follows:

§ 1–3.605–2 Standard Forms 147 and 148, Order for Supplies or Services.

(a) • • •

(3) • • •

(i) A purchase order for small purchases not in excess of $10,000.

• • • • • •

(b) • • •

(3) The following terms and conditions shall be added or incorporated by reference whenever Standard Form 147 is used for small purchases in excess of $2,500:

(i) *Employment of the Handicapped.* Section 1–12.1304–1.

(ii) *Contract Work Hours and Safety Standards Act—Overtime Compensation.* Section 1–12.303.

(4) The following terms and conditions shall be added or incorporated by reference whenever required by these regulations:

(i) *Service Contract Act of 1965.* Section 1–12.904–1 (Service contracts in excess of $2,500.)

(ii) *Service Contract Act of 1965.* Section 1–12.904–2 (Service contracts not exceeding $2,500.)

• • • • • •

8. Section 1–3.606–5 is amended by revising paragraph (f) and to add a new paragraph (i) as follows:

§ 1–3.606–5 Agency implementation.

• • • • • •

(f) The use of a blanket purchase arrangement does not authorize purchases not otherwise authorized by law or regulation. For example, the blanket purchase arrangement, being a method of simplifying the making of individual small purchases, shall not be used to avoid the $10,000 limitation.

• • • • • •

(i) Individual purchases under blanket purchase arrangements shall not be in excess of $5,000.

Subpart 1–3.8—Price Negotiation Policies and Techniques

1. Section 1–3.805–1 is amended by revising the opening statement and paragraph (a)(1) as follows:

§ 1–3.805–1 General.

The procedures set forth in this § 1–3.805–1 are generally applicable to negotiated procurement. However, they are not applicable where their use would be clearly inappropriate. While the lowest price or lowest cost to the Government is properly the deciding factor in source selection in many instances, award of a contract properly may be influenced by the proposal which promises the greatest value to the Government in terms of possible performance, ultimate producibility, growth potential, and other factors as may be the case, for example, when procuring research and development, special or professional services (such as architect-engineer services) or when cost-reimbursement type contracting is anticipated (see § 1–3.805–2).

(a) • • •

(1) Procurements not in excess of $10,000 in accordance with small purchase procedures (see subpart 1–3.6);

• • • • • •

2. Section 1–3.814–2 is amended by revising paragraph (c) as follows:

§ 1–3.814–2 Audit and records.

• • • • • •

(c) Except as otherwise provided in Subpart 1–6.10 of this chapter, or when independent authority exists for the omission of such clause, the clause in §§ 1–7.103–3 and 1–7.602–7 shall be inserted in all negotiated fixed-price contracts in excess of $10,000, including contracts awarded under a total set-aside smal business restricted advertising, as defined in § 1–1.701–9 or a partial small business restricted advertising set-aside (see §§ 1–1.706 and 1–1.804), and a clause containing substantially the same provisions shall be included in all other negotiated contracts in excess of $10,000 ,the clause prescribed by § 1–7.103–3 of this chapter satisfies this requirement). In addition, the right of the contracting agency to inspect the plant and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a cost-type contract shall be expressly reserved in any such contract. The audit clause inthis § 1–3.814–2(a) may be used for that purpose.

PART 1–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1–4.4—Public Utilities

1. Section 1–4.404 is amended by revising paragraph (b) as follows:

§ 1–4.404 GSA assistance.

• • • • • •

(b) Agencies not having personnel technically qualified to deal with specialized utilities problems and requiring GSA technical assistance, and other agencies having technically qualified personnel but desiring GSA consulting assistance should obtain assistance from the Federal Supply Service of GSA in Washington, D.C., at the address listed below in § 1–4.405, or in the nearest of the ten GSA regional offices through the Federal Supply Service Regional Commissioner.

2. Section 1–4.405 is revised as follows:

§ 1–4.405 Submission of information.

All information required by GSA under this Subpart 1–4.4, except where otherwise specified, shall be addressed to the General Services Administration, Federal Supply Service, Public Utilities Management Division, Washington, D.C. 20406.

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3. Section 1–4.410–2 is amended by revising paragraph (d) as follows:

§ 1–4.410–2 Documentation of procurements from regulated utility suppliers.

• • • • •

(d) A proposed connection charge for connecting the using agency's facilities to the supplier's facilities, a termination liability for discontinuance of service or removal of facilities, the purchase cost or cumulative leasing cost of special facilities, or any other facilities charge to be paid by the agency (whether or not refundable) is estimated to exceed a total of $10,000.

• • • • •

4. Section 1–4.410–3 is amended by revising paragraphs (c) and (d) as follows:

§ 1–4.410–3 Documentation of procurements from unregulated utility suppliers.

• • • • •

(c) The annual cost of the service to be procured is estimated by the using agency, at the time of initiation of the service or annual review of the expenditure, to be over $10,000.

(d) A proposed connection charge for connecting the using agency's facilities to the supplier's facilities, a termination liability for discontinuance of service or removal of facilities, the purchase cost or cumulative leasing cost of special facilities, or any other facilities charge to be paid by the agency (whether or not refundable) is estimated to exceed a total of $10,000.

• • • • •

5. Section 1–4.411–1 is amended by revising paragraph (a) (2) as follows:

§ 1–4.411–1 General.

(a) • • •

(2) A proposed connection charge, termination liability, or any other facilities charge to be paid by the agency (whether or not refundable) is estimated to exceed a total of $10,000.

• • • • •

PART 1–6—FOREIGN PURCHASES

Subpart 1–6.8—Balance of Payments Program

Section 1–6.805 is amended by revising paragraph (a) (2) and deleting the text and reserve paragraph (a) (3), as follows:

§ 1–6.805 Exceptions.

(a) • • •

(2) Where the estimated cost of the product does not exceed $10,000.

(3) [Reserved]

• • • • •

PART 1–7—CONTRACT CLAUSES

Subpart 1–7.1—Fixed-Price Supply Contracts

1. Section 1–7.102–19 is revised as follows:

§ 1–7.102–19 Termination for convenience of the Government.

Insert the clause set forth in § 1–8.701 in fixed-price supply contracts in excess of $10,000 except as permitted by § 1–8.700–2(a)(2) for contracts not in excess of $100,000.

2. Section 1–7.103–3 is amended as follows:

§ 1–7.103–3 Examination of records by Comptroller General.

The following clause shall be included in fixed-price negotiated contracts and may be included in other than fixed-price negotiated contracts, as provided in 1–3.814–2(c). When contracts involve the use of Standard Forms 2–A and 2–B the clause may be amended to provide for the use of the term "lessor" in lieu of the term "contractor."

EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $10,000 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(c) • • • The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $10,000 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

• • • • •

Subpart 1–7.6—Fixed-Price Construction Contracts

Section 1–7.602–7 is revised as follows:

§ 1–7.602–7 Examination of records by Comptroller General.

The clause set forth in § 1–7.103–3 shall be included in all negotiated fixed-price contracts in excess of $10,000.

Subpart 1–7.7—Transportation Contracts

1. Section 1–7.703–1 is revised as follows:

§ 1–7.703–1 Definitions.

Insert the clause set forth in § 1–7.102–1.

2. Section 1–7.703–3 is revised as follows:

§ 1–7.703–3 Extras.

Insert the clause set forth in § 1–7.102–3.

3. Section 1–7.703–7 is revised as follows:

§ 1–7.703–7 Examination of records by Comptroller General.

Insert the clause set forth in § 1–7.103–3 under the conditions contained therein.

4. Section 1–7.703–9 is revised as follows:

§ 1–7.703–9 Disputes.

Insert the clause set forth in § 1–7.102–12.

5. Section 1–7.703–12 is revised as follows:

§ 1–7.703–12 Officials not to benefit.

Insert the clause set forth in § 1–7.102–17.

PART 1–8—TERMINATION OF CONTRACTS

Subpart 1–8.7—Clauses

Section 1–8.700–2 is amended by revising paragraph (a) (1) as follows:

§ 1–8.700–2 Applicability.

(a) • • •

(1) The clause set forth in § 1–8.701 shall be used, except as otherwise permitted by § 1–8.700–2(a)(2), in any fixed-price contract in excess of $10,000 for (i) supplies, or (ii) experimental, developmental, or research work where a profit is contemplated, when the contract is entered into by formal advertising or by negotiation.

• • • • •

PART 1–11—FEDERAL, STATE, AND LOCAL TAXES

Subpart 1–11.4—Contract Clause

Section 1–11.401–1 is amended to add a reference to subpart 1–3.6 in paragraph (a) (4), which reads as follows:

§ 1–11.401–1 Advertised and certain

(a) • • •

(4) At the discretion of the contracting officer in negotiated fixed-price type contracts in excess of $2,500 but not in excess of $10,000. However, this clause shall not be used in purchases made pursuant to Subpart 1–3.6.

• • • • •

PART 1–12—LABOR

Subpart 1–12.8—Equal Opportunity in Employment

Section 1–12.803–10 is amended to delete paragraph (b) and to reserve the paragraph as follows:

§ 1–12.803–10 Elimination of segregated facilities.

• • • • •

(b) [Reserved]

• • • • •

Subpart 1–12.11—Listing of Employment Openings

Section 1–12.1102–2 is amended as follows:

§ 1–12.1102–2 Clause.

Unless otherwise provided in this subpart, executive agencies shall include, either directly or by reference, the contract clause prescribed by this § 1–12.1102–2 in (a) all invitations for bids and requests for proposals for the procurement of personal property and nonpersonal services (including construction), and (b) all contracts for the procurement of personal property and nonpersonal services (including construction), including contracts resulting from unsolicited proposals, where it is anticipated that a contract will be in an amount of $10,000 or more.

LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR 50–250 if this contract is for $10,000 or more.)

(a) The Contractor agrees, in order to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such reports to such local office regarding employment openings and hires as may be required. *Provided*, That if this contract is with a State or local government the reports set forth in paragraphs (c) and (d) are not required.

• • • • •

§ 1–16.804–3 Standard Form 37, Report on Procurement by Civilian Executive Agencies.

(c) • • •

(1) Procurements awarded by the reporting agency, with breakouts indicating the dollar amounts for advertised and negotiated contracts. The dollar amounts for small purchases under $10,000 may be developed by generally accepted statistical sampling methods in accordance with agency procedures, and purchases under $100 may be excluded.

• • • • •

(e) *Instructions for preparation of Standard Form 37.* Instructions for preparation of Standard Form 37 are provided on the reverse side of the form, which is illustrated in § 1–16.901–37. Pending the publication of a new edition of the form, instruction B of I. GENERAL INSTRUCTIONS may be modified by deleting the amount "$2,500" and substituting "$10,000".

• • • • •

PART 1–18—PROCUREMENT OF CONSTRUCTION

The table of contents for Part 1–18 is amended by revising the entry for § 1–18.302 to read as follows:

Sec.
1–18.302 Contracts estimated not to exceed $10,000.

Subpart 1–18.3—Negotiations

Section 1–18.3—is revised as follows:

§ 1–18.302 Contracts estimated not to exceed $10,000.

Section 302(c) (3) of the Act authorizes the use of negotiation for contracts which do not exceed $10,000. Policies and procedures for the implementation of that authority are prescribed in Subpart 1–3.6, Small Purchases. Notwithstanding the provisions of Subpart 1–3.6, the policies and procedures contained therein shall not be applied to construction contracts estimated to exceed $2,000. However, this prohibition does not apply to the negotiation of a contract where the estimated contract price is $2,0000 or less but the contract price which ultimately is negotiated exceeds that amount. In such cases, if the price does not exceed $10,000, award may be made pursuant to the policies and procedures in Subpart 1–3.6 and the authority in section 302(c) (3) of the Act. If the price exceeds $10,000, other authority for negotiation must be found.

PART 1–30—CONTRACT FINANCING

Subpart 1–30.4—Advance Payments

Section 1–30.419 is revised as follows:

§ 1–30.419 Excluded advance payments.

This Subpart 1–30.4 does not apply to advances authorized by law for payment of rent; payment of tuition; payment of authorized insurance premiums; expenses of investigations in foreign countries; extension or connection of public utilities for Government buildings or installations; subscriptions to newspapers, magazines, periodicals, and other publications; small purchases of goods or services in foreign countries, when the purchase price does not exceed $10,000 (or equivalent amount of applicable foreign currency) and advance payment of the purchase price or a part thereof is required by and made in compliance with the laws or ministerial, i.e., governmental, regulations of the foreign country concerned; and the enforcement of the customs or narcotics laws.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective November 17, 1975, but may be observed earlier.

Dated: September 12, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.75–25545 Filed 9–24–75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5539; Idaho 8412]

IDAHO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The departmental order dated April 30, 1951, which withdrew lands for the Mountain Home Project, is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

T. 1 S., R. 1 W.,
Sec. 26, N½, N½S½;
Sec. 27, N½, NE¼SE¼;
Sec. 28, NE¼.

The area described contains 1,000 acres in Ada County.

2. This revocation is made in furtherance of a private exchange under section 8 of the Taylor Grazing Act of June 28, 1934, 43 U.S.C. 315g (1970), by which the offered lands will benefit a Federal land program.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 18, 1975.

[FR Doc.75–25549 Filed 9–24–75;8:45 am]

V 40 I 187 SEP 25 75 XUM

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket 19715]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Editorial Amendments

In the Matter of General editorial amendments to Parts 81 and 83 of the FCC Rules and Regulations.

1. By this Order, it is intended to editorially update, through the deletion of transpired dates and their appropriate rules provisions or parts thereof, Parts 81 and 83 of the rules. Additionally, obsolete terminologies have been deleted and appropriate substitutions made therefor. Where necessary, individual rule sections have been rephrased only to reflect current context and usage.

2. Authority for these amendments appear in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's Rules and Regulations. Since the amendments are editorial in nature, intended only to delete obsolete dates and their rules provisions or parts thereof, as well as obsolete terminologies, as described above, the prior notice, procedure and effective date provisions of 5 U.S.C. 553 are not applicable.

3. In view of the above, IT IS ORDERED, That the rule amendments as set forth below shall be adopted effective September 30, 1975.

Adopted: September 10, 1975.

Released: September 18, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] R. D. LICHTWARDT,
Executive Director.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. Part 81, Stations on Land in the Maritime Services and Alaska-Public Fixed Stations, is amended as follows:

§ 81.2 [Amended]

1. Section 81.2(a) is amended by the deletion of the reference "Geneva, 1959."

§ 81.9 [Amended]

2. Section 81.9(a) is amended by substituting "International Radio Regulations" for "Geneva Radio Regulations, 1959" as it appears in the definition of Alaska area.

3. Section 81.9(b) is amended by the deletion of the phrase "Effective July 14, 1969," appearing in the first sentence thereof and the deletion in its entirety, of the second sentence of the section, to read as follows:

§ 81.21 Authorization required.

• • • • • •

(b) A construction permit shall not be required prior to the issuance of a license for the operation of any station subject to this part.

• • • • • •

§ 81.32 [Amended]

4. Section 81.32(d) is amended by substituting "Federal Aviation Administration" for "Federal Aviation Agency" at the end of the section.

§ 81.103 [Amended]

5. Sections 81.103(a) and (b) are amended by deleting the phrase, "subsequent to January 1, 1952," where it appears in both sections. Section 81.103(c) is amended by the deletion of the phrase, "subsequent to July 1, 1952."

6. Section 81.110(b) is amended by the deletion in its entirety, of the proviso appearing at the end of the paragraph to read as follows:

§ 81.110 Maintenance of transmitting power.

• • • • • •

(b) Each radio transmitter (other than those using single sideband and independent sideband emissions) rated by the manufacturer as being capable of a plate input power in excess of 200 watts or carrier power in excess of 100 watts shall be fitted with the instruments necessary to determine the transmitter power during its operation.

• • • • • •

§ 81.113 [Amended]

7. Section 81.131(b) is amended by the deletion of the footnote citations [1] and [2] and the deletion of footnotes [1] and [2]; Section 81.131(c) is amended by the deletion of footnote citation [1] and the deletion of footnote [1]; Section 81.131(d) is amended by the deletion of footnote citation [1] and the deletion of footnote [1]; Section 81.131(g) is amended by the deletion of footnote citation [1] and footnote [1] is designated [Reserved].

§ 81.132 [Amended]

8. Section 81.132(a) is amended by the deletion of the footnote citations [1] and [2] and the deletion of footnotes [1] and [2].

9. Section 81.133(a) is amended by the deletion in footnote [4] thereof, of the phrase "after January 1, 1972,"; Section 81.133(c)(3) is amended by the deletion of the terminology "a frequency deviation of 15 kHz may be employed until March 1, 1969; after March 1, 1969,"; to read as follows:

§ 81.133 Authorized bandwith.

(a) • • •

[4] Transmitters type accepted prior to December 31, 1969, for emissions A3A, A3H and A3J and an authorized bandwidth of 3.5 kHz may continue to be operated. These transmitters will not be authorized in new installations.

• • • • • •

(c) • • •

(3) For stations operating in the frequency band 156–162 MHz a deviation of 5 kHz shall be employed.

• • • • • •

10. Section 81.134(d) is amended by the deletion of the second sentence of the footnote to the table therein; Section 83.134(e) is amended by the deletion of footnote citation [1] and the deletion of footnote [1] and further amended to read as follows:

§ 81.134 Transmitter power.

• • • • • •

(d) • • •

[1] Higher power may be authorized where a satisfactory showing of need has been made.

(e) For marine fixed and marine receiver-test stations, transmitter power shall not exceed 150 watts for A3A, A3H (available on 2182 kHz only), and A3J emissions and 50 watts for F3 emissions.

• • • • • •

11. Section 81.136(d) is amended by the deletion of the obsolete reference to § 2.579(f)(1), to read as follows:

§ 81.136 Acceptance of transmitters for licensing.

• • • • • •

(d) Equipment to be type accepted under this part shall be tested with ambient temperature variation from −20° to +50° centigrade.

• • • • • •

§ 81.137 [Amended]

12. Section 81.137(d) is amended by the deletion of the phrase "after January 1, 1971".

13. Section 81.142 is amended by revising paragraph (d) to delete obsolete dates. Section 81.142(j) is amended by the deletion of obsolete footnote citation [1]. Footnote [1] following Section 81.142 is deleted in its entirety, as follows:

§ 81.142 Modulation requirements.

• • • • • •

(d) Until further notice, transmitters with A3J capability which were type accepted prior to December 31, 1969, but not type accepted for operation in all three modes (A3A, A3H and A3J), may continue to operate on the frequencies listed in § 81.361. These transmitters will no longer be authorized in new installations.

• • • • • •

(j) Each transmitter operated in the band 156–162 MHz shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radiofrequency) stage and, at audio frequencies between 3 kHz and 20 kHz shall have an attenuation greater than the attenuation at 1 kHz by at least $60\log_{10}(f/3)$ decibels, where "*f*" is the audio frequency in kHz. At audio frequencies above 20 kHz the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

§ 81.182 [Amended]

14. Section 81.182 is amended by deleting the phrase "Geneva, 1959" in the Note following the section.

§ 81.184 [Amended]

15. Section 81.184 is amended by deleting the phrase "Geneva, 1959" in the Note following the section.

§ 81.187 [Amended]

16. Section 81.187(a) is amended by deleting in the first sentence thereof, the phrase "Radio Regulations, Geneva, 1959" and substituting therefor, "International Radio Regulations."

§ 81.191 [Amended]

17. Section 81.191(d)(3) is amended by deleting, in the first sentence thereof, the phrase "after January 1, 1973."

§ 81.209 [Amended]

18. Section 81.209 is amended by deleting, in the first sentence thereof, the phrase "Geneva, 1959."

§ 81.212 [Amended]

19. Sections 81.212 (b) and (c) are amended by deleting the reference to "Geneva, 1959" where it appears at the end of both sections.

20. Section 81.304(a) is amended as shown. Section 81.304(b) is amended by deleting obsolete subparagraphs 7, 14, 18, 28, 47, 48, 49 and 60 and designating them [Reserved]. Subparagraphs (11), (12), (13) and (23) contain transpired dates and are amended accordingly. Section 81.304(d) is amended by deleting transpired dates in subsections (1), (3) and (5) and by deleting subsections (2), (4) and (6) in their entirety and designating them [Reserved], as follows:

§ 81.304 Frequencies available.

(a) The following table indicates the frequencies which may be the authorized carrier frequencies for use by public coast stations, along with their specific conditions of use. The conditions of use consist of the pertinent section reference(s) and the specific assignment limitations, which are enumerated in paragraph (b) of this section. For single sideband radiotelephone emission, the assigned frequency will be 1.4 kHz above the authorized carrier frequency.

Carrier frequency (kHz)	Conditions of Use: Section	Limitations
1619	81.307	29, 43, 45, 50.
1622	81.307	13, 23, 29, 36, 43, 50.
1643	81.308	29, 40, 45.
1646	81.308	13, 23, 29, 30, 33, 35, 37, 42.
1649	81.308	29, 35, 45.
1652	81.308	13, 23, 29, 31, 34, 41.
1705	81.308	29, 39, 40, 45.
1708	81.308	17, 23, 29, 32, 33.
1709	81.308	29, 37, 45.
1712	81.308	13, 23, 29, 30, 34, 41.
2003	81.308	29, 41, 45, 52.
2006	81.308	13, 23, 29, 30, 37, 52.
2086	81.306(c)	8, 24.
2115	81.308	29, 35, 45.
2118	81.308	13, 23, 29, 31, 33, 40, 58.
2182	81.101, 81.305	1, 29, 36, 45, 44, 46.
2309	81.306(d)	29, 45.
2312	81.306(d)	13, 23, 29.
2379	81.307	29, 43, 45.
2382	81.307	13, 23, 29, 36, 43, 50.
2397	81.306(d)	29, 45.
2400	81.306(d)	13, 23, 29.
2400	81.306(c)	23.
2419	81.308	29, 37, 45.
2422	81.308	13, 23, 29, 30, 32, 39.
2427	81.308	29, 40, 45.
2430	81.308	13, 23, 29, 31, 33, 34, 38, 41, 59.
2442	81.306(b)	23.
2447	81.308	29, 40, 45.
2450	81.308	13, 23, 29.
2450	81.306(b)	23.
2466	81.306(b)	23.
2479	81.308	29, 39, 45.
2482	81.308	13, 23, 29, 32, 33, 35, 40, 42, 54, 59.
2482	81.306(b)	23.
2490	81.306(b)	23.
2506	81.308	13, 29, 34, 35, 41, 42, 55.
2506	81.306(a)(b)	23.
2509	81.308	29, 38, 40, 45.
2512	81.308	13, 23, 29, 30, 31, 32, 33, 37, 39.
2514	81.306(b)	2, 23.
2522	81.306(b)	23.
2530	81.306(a)(b)	23.
2535	81.308	29, 39, 45.
2538	81.308	13, 23, 29, 31, 32, 36.
2538	81.306(b)	23.
2550	81.306(b)	2, 23.
2558	81.306(b)	23.
2563	81.308	29, 40, 45.
2566	81.308	13, 23, 29, 30, 33, 34, 37, 41
2566	81.306(b)	23.
2572	81.306(b)	23.
2582	81.306(b)	2, 23.
2585	81.306(b)	21.
2590	81.306(a)(b)	23.
2598	81.306(b)	23.
2616	81.308	13, 23, 29, 30, 37, 52, 56.
2638	81.306(b), 81.306(b)	8, 23.
2738	81.306(e), 81.306(b)	23.
2782	81.306(e)	23.
2784	81.306(c)	23
2265	81.308	29, 41, 45, 57.
3261	81.308	13, 23, 29, 30, 33, 34, 37, 40, 57.
4089.2	81.306(e)	3, 5, 12.
4072.4	81.306(e)	5, 12.
4063.4	81.306(e)	3, 5, 12, 37.
4067.8	81.306(e)	3, 5, 12.
4071.0	81.306(a)(b)(e)	5, 12.
4080.6	81.307	27, 29, 51, 61.
4088.8	81.307	9, 11, 29, 51, 61.
4097.6	81.306(c)	3, 5, 27.
4080.2	81.306(a)(b)	11.
4080.8	81.306(a)(b)	12.
4090.8	81.308	27, 29, 61.
4403.0	81.306(a)(b)	11.
4403.0	81.308	11, 29, 61.
4412.6	81.306(b)	12
4415.8	81.306(a)(b)	11.
4419.0	81.306(a)	12.
4422.2	81.306(a)	11.
4425.4	81.306(a)	12.
4425.4	81.308	27, 29, 61.
4428.6	81.306(a)	11.
4428.6	81.308	11, 29, 61.
6147.5	81.306(c)	3, 5, 12.
6200.8	81.306(c)	5, 27.
6451.9	81.306(c)	3, 4, 5, 12.
6455.0	81.306(c)	3, 4, 5, 12.
8207.6	81.306(c)	3, 4, 12.
8210.8	81.306(c)	3, 4, 12.
8246.0	81.306(c)	3, 5, 27.
8735.2	81.306(a)	12.
8738.4	81.306(a)	11.
8748.0	81.306(a)	12.
8751.2	81.306(a)	11.
8754.4	81.306(a)	12.
8757.6	81.306(a)	11.
8773.6	81.306(a)	12.
8776.8	81.306(a)	11.
8780.0	81.306(c)	3, 5, 27.
8783.2	81.306(b)	11.
8792.8	81.306(a)	12.
8796.0	81.306(a)	11.
12370.0	81.306(c)	3, 5, 27.
13137.0	81.306(a)	12.
13140.5	81.306(a)	11.
13151.0	81.306(a)	12.
13154.5	81.306(a)	11.
13158.0	81.306(c)	3, 5, 27.
13161.5	81.306(a)	11.
13172.0	81.306(a)	12.
13175.5	81.306(a)	11.
16488.0	81.306(c)	3, 5, 27.
17269.0	81.306(a)	12.
17272.5	81.306(a)	11.
17283.0	81.306(c)	3, 5, 27.
17286.5	81.306(a)	11.
17304.0	81.306(a)	12.
17307.5	81.306(a)	11.
17318.0	81.306(a)	12.
17321.5	81.306(a)	11.
22653.5	81.306(a)	12.
22657.0	81.306(a)	11.
22667.5	81.306(a)	12.
22671.0	81.306(a)	11.
22668.5	81.306(a)	12.
22662.0	81.306(a)	11.
MHz 156.750	81.304	26.
156.800	81.304	25.
161.800	81.304	22, 24.
161.825	81.304	22, 24.
161.850	81.304	22, 24.
161.875	81.304	22, 24.
161.900	81.304	22.
161.925	81.304	22.
161.950	81.304	22.
161.975	81.304	22.
162.000	81.304	22.

(b) • • •

(7) [Reserved]

• • • • • •

(11) Emission A3A and A3J: *Provided, however,* That until January 1, 1978, emission A3H may be used with foreign ship stations not equipped for single sideband operation.

NOTE: Authorization to use emissions A3B is withdrawn effective January 1, 1978.

(12) Emissions 2.8A3A and 2.8A3J.

(13) Use of DSB emission will not be permitted.

(14) [Reserved]

• • • • • •

(18) [Reserved]

• • • • • •

(23) Until January 1, 1977, emissions 2.8A3A, 2.8A3H, and 2.8A3J; after January 1, 1977, emissions 2.8A3A and 2.8A3J.

• • • • • •

(28) [Reserved]

• • • • • •

(47) [Reserved]

(48) [Reserved]

(49) [Reserved]

• • • • • •

(60) [Reserved]

• • • • • •

(d) • • •

(1) Transmission of DSB emissions will not be permitted.

(2) [Reserved]

(3) Except as provided in 81.142(d), the capability of using A3A, A3H and A3J is required.

(4) [Reserved]

(5) Public coast stations are required to have the capability to receive SSB full carrier and DSB emission on 2182 kHz.

(6) [Reserved]

• • • • • •

21. Section 81.306(b) is amended by revising its table through the deletion of obsolete columns (3) and (7) and Notes 1 and 2. Columns (2) and (6) are combined with Columns (4) and (8), respectively. The remaining data has been placed in proper numerical sequence, as follows:

§ 81.306 Frequencies available below 27.5 MHz.

• • • • • •

(b) • • •

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Coast stations located in the vicinity of—	Coast station transmitting carrier frequency (kilohertz)[1]		Associated coast station receiving carrier frequency (kilohertz)[1]	
	Note 1	Conditions of use, Note 2	Note 1	Conditions of use, Note 2
(1)	(2)	(3)	(4)	(5)
Boston, Mass.	2450	None	2366	None
	2508	None	2408	None
	2568	5, 9	2368	5, 9
New York, N.Y.	2482	6	2382	6
	2522	None	2126	None
	2538	None	2166	None
	2590	None	2198	None
	4390.2	29, 32	4091.6	33
	4403.0	29, 32	4104.4	33
	4422.2	30, 33	4123.6	33
	4428.6	7, 10, 29, 32	4130.0	3, 7, 10, 33
Wilmington, Del.	2536	None	2166	None
Baltimore, Md.	2558	None	2166	None
Norfolk-Quantico, Va.	2538	None	2142	None
	2450	5, 9	2366	5, 9
Charleston, S.C.-Jacksonville, Fla.	2568	None	2380	None
Lake Allatoona-Lake Sidney Lanier, Ga.	2450	5	2366	5
Miami, Fla.	2442	9	2406	9
	2490	8	2031.5	None
	2514	5, 11	2118	10
	2550	12	2138	12
	4371.0	31, 32	4072.4	33
	4403.2	29, 32	4104.4	33
	4422.2	30, 33	4123.6	33
Tampa, Fla.	2466	None	2030	None
	2550	10	2158	10
	4419.0	32, 34	4120.4	33
Mobile, Ala.	2572	None	2430	None
	4412.6	32, 35	4114.0	33
New Orleans, La.	2506	None	2206	None
	2558	9, 14	2166	9
	2482	None	2382	None
	4419.0	32, 34	4120.4	33
Delcambre, La.	2506	5, 9	2458	5, 9
	4412.6	32, 35	4114.0	33
Galveston, Tex.	2530	None	2134	None
	2450	9, 16	2366	9, 15
	4425.4	32, 36	4126.8	33
Corpus Christi, Tex.	2538	13	2142	17
	4425.4	32, 36	4126.8	33
Ponce, P.R.	2585	None	2046	None
San Juan, P.R.	2530	None	2134	None
Great Lakes	2514	32	2118	None
	2550	32	2158	None
	2582	32	2206	19
	4415.8	33	4117.2	33
	4428.6	32	4130.0	3, 33
	8783.2	32	8249.2	33
Los Angeles-San Diego, Calif.	2566	None	2009	None
	2466	21	2382	20
	2508	22	2206	22
	2522	22	2126	22
San Francisco-Eureka, Calif.	2450	24	2003	23
	2506	None	2406	None
	4371.0	31, 32	4072.4	33
	4390.2	29, 32	4091.6	33
	4399.8	31, 32	4101.2	33
Astoria, Oreg.	2442	5, 9	2009	5, 9
Astoria-Portland, Oreg.	2598	None	2206	None
Coos Bay, Oreg.	2566	22	2031.5	5, 22
Seattle, Wash.	2522	None	2126	None
	2462	25	2430	25
Kahuku, Hawaii	2530	None	2134	None
	4415.8	32	4117.2	33
Hilo, Hawaii	2582	None	2198	None
Palmyra Island, Hawaii	2530	27	2134	26
St. Thomas Island, Virgin Islands	2506	28	2009	28

[1] In the table for duplex working on frequencies above 2850 kHz, coast station transmitting carrier frequencies appear in col. (2); ship station transmitting carrier frequencies appear in col. (4). Coast and ship station frequencies appearing on the same line are paired as follows: Col. (2) is paired with col. (4).

NOTES.—1: Frequencies above 2850 kHz are available for 2.8A3A and/or 2.8A3J emissions. 2: The conditions of use referred to in cols. (3) and (5) are set forth below the table.

* * * * * * *

§ 81.308 [Amended]

22. In § 81.308(a), Footnote [2] to Table 2 is revised to read as follows:

§ 81.356 [Amended]

23. In § 81.356(b), subparagraph (13) is revised to read as follows:

(13) Available on an equal-status basis with 156.300 MHz.

24. Section 81.708(a) is amended as shown.

[2] Emissions 2.8A3A and 2.8A3J

§81.708(b) is amended by deleting subparagraphs (1), (2), (3), (4), (5), (6), (9), (31) and (32) and designating them [Reserved]. Section 81.708(b) is also amended by the editorial revision of subparagraphs (7), (10), (12) and (14), to read as follows:

§ 81.708 Frequencies available.

(a) The following table indicates the frequencies which may be the authorized carrier frequencies for use by Alaska-public fixed stations, along with their specific conditions of use. The conditions of use consist of the pertinent section reference(s) and the specific assignment limitations, which are enumerated in paragraph (b) of this section. For single sideband radiotelephone emission, the assigned frequency will be 1.4 kHz above the authorized carrier frequency.

Carrier frequency (kHz)	Conditions of Use	
	Section	Limitations
149.6	81.709	13.
1643	81.710	11.
1646	81.710	7, 10.
1649	81.710	11.
1652	81.710	7, 10.
1657	81.710	11.
1680	81.710	7, 10, 21.
1705	81.710	11.
1708	81.710	7, 10, 45.
1709	81.710	11.
1712	81.710	7, 10, 22.
2003	81.710	11; 23.
2006	81.710	7, 10, 23, 24.
2115	81.709	11.
2118	81.709	7, 11, 12.
2253	81.711, 81.713	10, 33.
2256	81.711, 81.713	10, 14, 38.
2312	81.712, 81.713	7, 11, 12, 44.
2408	81.712, 81.713	7, 11, 12, 44.
2419	81.710	11.
2422	81.710	7, 10.
2427	81.710	11, 24.
2430	81.710	7, 10, 24, 30.
2447	81.710	11.
2460	81.710	7, 10, 24.
2463	81.711, 81.713	10, 34, 43.
2466	81.711, 81.713	10, 14, 34, 42.
2471	81.711, 81.713	10, 35, 43.
2474	81.711, 81.713	10, 14, 43.
2479	81.710	11, 24, 30.
2482	81.710	7, 10, 24, 30.
2506	81.710	7, 10, 27.
2509	81.710	11.
2512	81.710	7, 10.
2535	81.710	11, 24.
2538	81.710	7, 10, 24.
2563	81.710	11.
2566	81.710	7, 10, 24.
2601	81.712, 81.713	10.
2604	81.712, 81.713	10, 14.
2616	81.710	7, 10, 24.
2629	81.711, 81.713	10, 36, 43.
2632	81.711, 81.713	10, 14, 36, 42.
2991	81.711, 81.713	10, 37.
2994	81.711, 81.713	10, 14, 37.
2773	81.711	10, 38.
2776	81.711, 81.713	10, 14, 38.
2781	81.712, 81.713	10.
2784	81.712, 81.713	10, 14.
3164.5	81.712, 81.713	10.
3167.5	81.712, 81.713	10, 14.
3180	81.712, 81.713	10.
3183	81.712, 81.713	10, 14.
3196	81.709	11, 17.
3201	81.709	8, 11, 15, 17.
3238	81.712, 81.713	10.
3241	81.712, 81.713	10, 14.
3258	81.710	11, 29.
3361	81.710	7, 10, 29.
3303	81.712, 81.713	10, 14, 45.
3354	81.711, 81.713	10, 39.
3357	81.711, 81.713	10, 14, 39.
3362	81.711, 81.713	10, 40.
3365	81.712, 81.713	10, 14, 40.
4035	81.712, 81.713	10, 14, 45.
4791.5	81.710	20.
5134.5	81.711, 81.713	10, 41, 43.
5137.5	81.711, 81.713	10, 14, 43.
5164.5	81.709	11, 18.
5167.5	81.709	11, 15, 16, 18.
5204.5	81.711, 81.713	10, 42, 43.
5207.5	81.711, 81.713	10, 14, 42, 43.
5207.5	81.711, 81.713	10, 14, 42, 43.
5370	81.712, 81.713	10, 14.
6948.5	81.710	20.
7368.5	81.710	20.
8067	81.709	11, 19.
8070	81.709	11, 15, 16, 19.
11,437.0	81.710	20.
11,601.5	81.710	20.

(b) * * *

(1) [Reserved]
(2) [Reserved]
(3) [Reserved]
(4) [Reserved]
(5) [Reserved]
(6) [Reserved]

(7) Except as provided in 81.142(d), the capability of using SSB emissions A3A, A3H and A3J is required on frequencies shared with the maritime mobile service below 4000 kHz.

* * * * * * *

(9) [Reserved]

(10) Available for use with emissions 2.8A3A and 2.8A3J.

* * * * * * *

(12) Available for use with emissions 2.8A3A, 2.8A3H and 2.8A3J until January 1, 1977.

* * * * * * *

(14) Except as provided in Section 81.142(d), the capability of using SSB emissions A3A, A3H and A3J is required, (i) on frequencies above 4000 kHz which are not shared with the maritime mobile service; and (ii) those available for common carrier use.

* * * * * * *

(31) [Reserved]
(32) [Reserved]

* * * * * * *

§ 81.710 [Amended]

25. Section 81.710 is amended by the deletion of all footnote citations [1] appearing in Table 2 thereof. Footnote [1] appearing under Table 2 is deleted.

§ 81.711 [Amended]

26. Section 81.711 is amended by the deletion of the frequency 2240 kHz as it appears in the table, contained therein.

27. Section 81.804 is revised to read as follows:

§ 81.804 Topographical Data.

In the preparation of profile graphs and in determining the location and height above sea level of the antenna site, the elevations or contour intervals shall be taken from U.S. Geological Survey topographic quadrangle maps, or, if not published, U.S. Army Corps of Engineers maps or Tennessee Valley Authority maps, whichever is the latest, for all areas for which such maps are available. If such maps and not published for the area in question, the next best topographic information should be used. Topographic data may sometimes be obtained from State and municipal agencies. Data from sectional aeronautical charts (including bench marks) or railroad depot elevations and highway elevations from roadmaps may be used where no better information is available. In cases where limited topographic data is available use may be made of an altimeter in a car driven along roads extending generally radially from the transmitter site. The maps used must include the principle area to be served. If it appears necessary, additional data may be requested. U.S. Geological Survey topographic quadrangle maps may be obtained from the Branch of Distribution, U.S. Geological Survey, 1200 South Eads Street, Arlington, VA 22202, for maps of areas east of the Mississippi River, including Minnesota, Puerto Rico, and the Virgin Islands, and from the Branch of Distribution, U.S. Geological Survey, Federal Center, Denver, CO 80225, for maps of areas west of the river, including Alaska, Hawaii, Louisiana, Guam and America Samoa. Sectional aeronautical charts are available from the Distribution Division, National Ocean Survey, Riverdale, MD 20840.

B. Part 83—Stations on Shipboard in the Maritime Services—is amended as follows:

§ 83.2 [Amended]

1. Section 83.2(a) is amended by the deletion of the reference "London, 1960." Section 83.2(b) is amended by deleting the reference "Geneva, 1959." Section 83.2(c) is amended by deleting the reference "Geneva, 1959" where it appears at the end of the section. Section 83.2(d) is amended by deletion of the phrase "which came into force on November 13, 1954" as it appears at the end of the section. Section 83.2(t) is amended by substituting "International Radio Regulations" for "Geneva Radio Regulations, 1959" as it appears in the definition of the Alaska area.

§ 83.3 [Amended]

2. Section 83.3(f), subsection (2), subparagraphs (ii) and (iii) are amended by substituting "International Radio Regulations" for "Radio Regulations, Geneva, 1968", where it appears in both subparagraphs.

§ 83.105 [Amended]

3. Section 83.105(c) is amended by the deletion of the reference "Geneva, 1959."

§ 83.106 [Amended]

4. Section 83.106(b), subparagraph (5) is amended by the deletion, in its entirety of the obsolete Note following the section.

5. Section 83.110(b) is amended by the deletion, in its entirety, of the proviso appearing at the end of the section to read as follows:

§ 83.110 Maintenance of transmitter power.

* * * * * * *

(b) Except for transmitters using single sideband and independent sideband emissions, each radio transmitter rated by the manufacturer as being capable of a plate input power in excess of 200 watts or carrier power in excess of 100 watts shall be fitted with the instruments necessary to determine the transmitter power during its operation.

* * * * * * *

§ 83.131 [Amended]

6. Section 83.131(b) is amended by the deletion of the obsolete Note following the section; Section 83.131(c) is amended by the deletion of the footnote citation [1] and the deletion of footnote.[1]

§ 83.133 [Amended]

7. Section 83.133(a) is amended by the deletion in footnote [4] thereof, of the phrase "after January 1, 1972."

8. Section 83.134(d) is amended by the deletion of the obsolete references to Sections 83.351(a)(4) and 83.354(a)(2), and the addition of references to Sections 83.360 and 83.351. Section 83.134(d) is further amended by the editorial revision of footnotes [1] and [2]; Section 83.134(e) is deleted in its entirety and designated [Reserved], as follows:

§ 83.134 Transmitter Power.

* * * * * * *

(d) Other than for the frequencies specified in § 83.360 and as may be specified in § 83.351, transmitter power for telephony on frequencies below 27.5 MHz shall not exceed the following values in watts:

Area	Frequency band	Class of emission	Transmitter power
Great Lakes area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2 to 27.5 mHz.	Any	150
Other than the above.	2 to 4 MHz.	Ship to shore: A3_____	[1] 400
		A3H, A3A.	[1] 150
		Ship to ship: A3_____	150
		A3H, A3A, A3J.	150
	4 to 27.5 MHz.	Any	[2] 1000

[1] Except for distress, urgency, and safety communications, the maximum power which may be used on 2170.5, 2182, and 2191 kHz is as follows: DSB carrier power and SSB PEP is 150 W.

[2] Except as set forth in footnote 1 to this table, passenger vessels of 5,000 gross tons and over may employ a carrier power of 1,000 W.

[3] For passenger vessels of 5,000 gross tons and over this value is 2,000 W.

(e) [Reserved]

* * * * * * *

9. Section 83.136(c) is amended by deleting obsolete subparagraphs (1), (2) and (3), to read as follows:

§ 83.136 Emission limitations.

* * * * * * *

(c) The requirements of paragraph (a) of this section shall be applicable to radiotelegraph transmitters operating on any frequency below 27.5 MHz.

10. Section 83.137 is amended by revising Section 83.137(d) to delete obsolete dates. Section 83.137(h) is amended by the deletion of obsolete footnote citation.[1] Footnote [1] following Section 83.137 is deleted in its entirety, as follows:

§ 83.137 Modulation requirements.

* * * * * * *

(d) Until further notice, transmitters with A3J capability which were type accepted prior to December 31, 1969, but not type accepted for operation in all three modes (A3A, A3H and A3J), may continue to operate on the frequencies to which § 83.351(b)(13) is applicable. These transmitters will no longer be authorized in new installations.

* * * * * * *

(h) Each transmitter operated in the band 156–162 MHz shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radiofrequency) stage and, at audio frequencies between 3 kHz and 20 kHz shall have an attenuation greater than the attenuation at 1 kHz by at least 60 log $_{10}$ (f/3) decibels, where "f"

V 40 I 187 SEP 25 75 XUM

is the audio frequency in kHz. At audio-frequencies above 20 kHz the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

• • • • •

11. Section 83.139(c) is amended by deleting the phrase "Effective January 1, 1972," contained in the first sentence thereof, and by deleting the phrase "expires or" in subparagraph (3), thereof, Section 83.139(d) is amended by deleting the phrase "Effective January 1, 1972," appearing in the first sentence thereof, and by deleting in its entirety the proviso appearing at the end of the section; Section 83.139(e) is amended by deleting all obsolete dates, as follows:

§ 83.139 Acceptability of transmitters for licensing.

• • • • •

(d) DSB transmitters operating in the band 4000–27,500 kHz are not authorized for installations made aboard ship stations.

(e) All radiotelegraph transmitters operating in the band 535–27,500 kHz shall be of a type which has been type accepted by the Commission.

• • • • •

12. Section 83.140(c) is amended by the deletion of the obsolete reference to § 2.579(f)(1) to read as follows:

§ 83.140 Type acceptance of equipment.

• • • • •

(c) Equipment to be type accepted under this part shall be tested with ambient temperature variation from −20° to +50° centigrade.

§ 83.221 [Amended]

13. Section 83.221 is amended by the deletion of the parenthetical phrase "(including maintenance of the watch on 143 kHz as provided by § 83.222)."

§ 83.231 [Amended]

14. Section 83.231 is amended by the deletion of the reference "Geneva, 1959."

§ 83.325 [Amended]

15. Section 83.325 is amended by the deletion of the reference "Geneva, 1959."

16. Sections 83.326 (b) and (c) are amended by deleting the reference to "Geneva, 1959" where it appears at the end of both sections. Section 83.328(d) is amended by substituting "International Radio Regulations" for "ITU Radio Regulations, as amended by Geneva, 1967", to read as follows:

§ 83.328 Radiotelegraph operating procedure.

• • • • •

(d) Operation on frequencies set forth in § 83.315(e) shall, in addition to other applicable provisions, conform to the special calling procedure set forth in Article 29 of the International Radio Regulations.

17. In Section 83.351, paragraphs (a) and (b) are amended as shown. Section 83.351(c)(3)(i) is amended by the deletion of the phrase "on January 1, 1974," contained in the Note following the section.

§ 83.351 Frequencies available.

(a) The following indicates the carrier frequencies available for assignment to ship stations together with their specific conditions of use. The conditions of use consist of the pertinent section reference(s) and the specific assignment limitations, which are given in paragraph (b) of this section:

Carrier frequency (kHz)	Conditions of Use	
	Section	Limitations
1619	83.370	35.
1622	83.370	7, 30.
1643	83.372	35.
1646	83.372	7, 30.
1649	83.372	35.
1652	83.372	7, 30.
1705	83.372	35.
1708	83.372	15, 24.
1709	83.372	7, 30.
1712	83.372	34, 60.
2003	83.366, 83.354	7, 30.
2065	83.372	35, 62.
2069	83.368	7, 30, 40.
2006	83.372	7, 30, 62.
2009	83.354	7, 30.
2031.5	83.354	7, 30.
2065.0	83.362	23, 25.
2079.0	83.362	23, 25.
2082.5	83.358, 83.362	25, 28.
2086.0	83.354	3, 25.
2093.0	83.362	25, 28.
2096.5	83.360	25.
2115	83.372	35.
2118	83.354	7, 30.
2118	83.372	7, 30.
2126	83.354	7, 30.
2131	83.370, 83.371	35, 37.
2134	83.354	7, 30.
2134	83.370, 83.371	7, 37, 39.
2142	83.354	7, 30.
2142	83.358	7, 8, 30, 40.
2158	83.354	7, 30.
2168	83.354	7, 30.
2182	83.109, 83.360	1, 45.
	83.365.	
2198	83.354	7, 30.
2200	83.366	25, 30, 40.
2201	83.364	7, 30.
2216	83.362	30.
2227	83.370, 83.371	35, 37.
2240	83.370, 83.371	7, 37, 39.
2366	83.354	7, 30.
2379	83.370	35.
2282	83.354	7, 30.
2382	83.370	7, 30.
2200	83.354	7, 30.
2400	83.354	7, 30.
2406	83.354	7, 30.
2419	83.372	35.
2422	83.372	7, 30.
2427	83.372	35.
2439	83.364	7, 30.
2430	83.372	7, 30, 61.
2447	83.372	35.
2460	83.372	7, 30.
2468	83.364	7, 30, 53.
2479	83.372	35.
2482	83.372	7, 30.
2068	83.372	7, 30, 67.
2509	83.372	35.
2512	83.372	7, 30.
2514		2, 7.
2535	83.372	35.
2538	83.372	7, 30, 68.
2550		2, 7.
2563	83.372	35.
2566	83.372	7, 30.
2582		2, 7.
2016	83.372	7, 30, 62, 70.
2638	83.358	7, 30, 40.
2670	83.358, 83.363	7, 30.
2738	83.354	7, 30.
2738	83.358	7, 30, 40.
2738	83.362	7, 30, 42.
2753	83.354	7, 30.
2764	83.354	7, 30.
2830	83.358, 83.362	7, 30, 40.
3258	83.372	35, 71.
3261	83.372	7, 30, 68, 71.
4000.2	83.364	3, 15.
4072.6	83.354	15.
4085.4	83.354	3, 65.
4097.6	83.354	14.
4101.2	83.354	15.
4109.4	83.354	14.
4074.8	83.356	15.
4117.2	83.364	14.
4130.4	83.364	15.
4123.6	83.354	14.

Carrier frequency (kHz)	Conditions of Use	
	Section	Limitations
4126.8	83.354	15.
4130.0	83.354	14, 15.
4136.3	83.360	15.
4139.5	83.360	13.
4367.8	83.354	3, 15.
4360.6	83.370	15.
4363.8	83.370	15, 26.
4367.0	83.354	3, 66.
4399.8	83.372	15.
4403.0	83.372	15, 60.
4425.4	83.372	15.
4428.6	83.372	15, 60.
4434.9	83.360	13.
6147.6	83.354	3, 5, 15.
6200.8	83.354	5, 15.
6210.4	83.360	13.
6218.5	83.360	13.
6651.9	83.354	3, 5, 15.
6455.0	83.354	3, 4, 15.
6518.6	83.360	13, 16.
8201.2	83.358	15.
8204.4	83.355	14.
8207.6	83.354	3, 15.
8210.8	83.354	3, 15, 26.
8214.0	83.355	15.
8217.2	83.355	14.
8220.4	83.355	15.
8223.6	83.355	14.
8239.6	83.355	15.
8242.8	83.355	14.
8246.0	83.354	3, 66.
8249.2	83.354, 83.355	14.
8258.8	83.355	15.
8262.0	83.355	14, 15.
8281.2	83.360	13.
8284.4	83.360	13.
8780.0	83.354	3, 66.
12,358.0	83.355	15.
12,361.5	83.355	14.
12,372.0	83.355	15.
12,375.5	83.355	14.
12,379.0	83.354	3, 66.
12,382.5	83.355	14.
12,389.0	83.355	15.
12,396.5	83.365	14.
12,421.0	83.360	13.
12,424.5	83.360	13.
12,426.0	83.360	13.
13,158.0	83.354	3, 66.
16,474.0	83.365	15.
16,477.5	83.355	14.
16,488.0	83.354	3, 66.
16,491.5	83.355	14.
16,509.0	83.355	15.
16,512.5	83.355	14.
16,523.0	83.355	15.
16,526.5	83.355	14.
16,565.0	83.360	13.
16,569.5	83.360	13.
16,572.0	83.360	13.
17,283.0	83.354	3, 66.
22,028.0	83.355	15.
22,031.5	83.355	14.
22,042.0	83.355	15.
22,045.5	83.355	14.
22,063.0	83.355	15.
22,066.5	83.365	14.
22,084.5	83.360	13.
22,088.0	83.360	13.
22,101.5	83.360	13.
22,105.0	83.360	13.
22,109.5	83.360	13.

(MHz)

156.275	80.359	40, 41, 45.
156.300	80.104, 83.359	24, 40, 44.
156.325	83.359	40, 41, 45.
156.350	83.359	40, 41, 48.
156.375	83.359	40, 49.
156.400	83.359	40, 49.
156.425	83.359	40, 41, 50, 54.
156.450	83.359	40, 41, 49, 56.
156.475	83.359	41, 50, 53.
156.500	83.359	40, 41, 49.
156.525	83.359	40, 50, 52.
156.550	83.359	40, 41, 48.
156.575	83.359	41, 50, 53.
156.600	83.359	40, 41, 45.
156.625	83.359	40, 50, 52.
156.650	83.359	40, 41, 46, 59.
156.675	83.359	35, 40, 41, 45.
156.700	83.359	40, 41, 46.
156.725	80.359	35, 40, 45, 46.
156.750	83.359	42, 47, 58.
156.800	83.106, 83.235, 83.359.	40, 41, 62.
156.850	83.359	41, 48, 57.
156.875	83.359	40, 49.
156.900	83.359	40, 41, 49.
156.925	83.359	41, 50, 58.
156.950	83.359	40, 41, 49.
156.975	83.359	40, 41, 48.
157.000	83.359	40, 48, 45.
157.025	83.359	48, 45, 49.
157.100	83.359	6, 40, 41.
157.200	83.359	38, 41, 51.
157.225	83.359	38, 41, 51.

Carrier frequency (kHz)	Conditions of Use	
	Section	Limitations
157.250	83.359	38, 41, 51.
157.275	83.359	38, 41, 51.
157.300	83.359	38, 41, 51.
157.325	83.359	38, 51.
157.350	83.359	38, 41, 51.
157.375	83.359	38, 51.
157.400	83.359	38, 41, 51.
157.425	83.359	40, 49, 56.

(b) • • •

• • • • • •

(9) [Reserved]
(10) [Reserved]
(11) [Reserved]
(12) [Reserved]

• • • • • •

(14) Use is limited to emissions 5.6A3B, 2.8A3A, and 2.8A3J: *Provided, however,* That authorization to use emission A3B is withdrawn effective January 1, 1978.

• • • • • •

(16) [Reserved]
(17) [Reserved]
(18) [Reserved]
(19) [Reserved]
(20) [Reserved]
(21) [Reserved]
(22) [Reserved]

• • • • • •

(27) [Reserved]
(28) [Reserved]

• • • • • •

(31) [Reserved]
(32) [Reserved]
(33) [Reserved]

• • • • • •

(64) [Reserved]
(65) [Reserved]

(66) Limited to emissions 2.8A3A and 2.8A3J, this frequency is available for assignment on a simplex basis in the Mississippi River System.

• • • • • •

(72) [Reserved]

• • • • • •

18. Section 83.354(b) is amended by revising its table through the deletion of obsolete columns (3) and (7) and Notes 1 and 2. Columns (2) and (6) are combined with columns (4) and (8), respectively. Footnote 1 is editorially amended by the deletion of obsolete dates. The remaining data has been placed in proper numerical sequence, to read as follows:

§ 83.354 Frequencies below 5000 kHz for public correspondence.

(b) • • •

Coast stations located in the vicinity of—	Mobile station transmitting carrier frequency (kiloherts)[1]		Associated coast station transmitting carrier frequency (kiloherts)[1]	
	Note 1	Conditions of use, Note 2	Note 1	Conditions of use, Note 2
(1)	(2)	(3)	(4)	(5)
Boston, Mass	2808	None	2460	None
	2828	None	2548	None
	2830	5, 9	2546	5, 9
New York, N.Y.	2382	6	2482	6
	2126	None	2522	None
	2166	None	2558	None
	2196	None	2598	None
	4091.6	33	4390.2	29, 32
	4104.4	33	4402.0	29, 32
	4123.6	33	4422.2	32, 33
	4130.0	3, 10, 33	4425.6	10, 33
Wilmington, Del.	2166	None	2598	None
Baltimore, Md.	2165	None	2558	None
Norfolk-Quantico, Va.	2142	None	2536	None
	2822	5, 9	2450	5, 9
Charleston, S.C.-Jacksonville, Fla.	2390	None	2566	None
Lake Allatoona-Lake Sidney Lanier, Ga.	2306	5	2450	5
Miami, Fla.	2406	9	2442	9
	2031.5	None	2490	5
	2118	10	2514	5, 11
	2158	12	2550	13
	4072.4	33	4371.6	31, 32
	4104.4	32	4402.6	30, 32
	4123.6	33	4422.6	30, 33
Tampa, Fla.	2009	None	2466	None
	2158	16	2550	16
	4120.4	33	4419.6	32, 34
Mobile, Ala.	2430	None	2572	None
	4114.0	33	4412.6	32, 35
New Orleans, La.	2206	None	2598	None
	2168	9	2558	9, 14
	2382	None	2482	None
	4120.4	33	4419.0	32, 34
Delcambre, La.	2458	5, 9	2506	5, 9
	4114.0	33	4412.6	32, 35
Galveston, Tex.	2134	None	2530	None
	2366	9, 15	2458	5, 15
	4126.8	33	4425.4	32, 36
Corpus Christi, Tex.	2142	17	2538	18
	4126.8	33	4425.4	32, 36
Ponce, P.R.	2086	None	2582	None
San Juan, P.R.	2134	None	2530	None
Great Lakes	2118	None	2514	22
	2158	None	2550	22
	2206	19	2602	22
	4117.2	33	4415.8	22
	4130.0	3, 33	4428.6	22
	8280.2	33	8783.2	22
Los Angeles-San Diego, Calif.	2009	None	2566	None
	2382	20	2466	21
	2206	22	2506	22
	2126	22	2622	22
San Francisco-Eureka, Calif.	2003	23	2450	24
	2406	None	2506	None
	4072.4	33	4371.6	31, 32
	4091.6	33	4390.2	29, 32
	4101.2	33	4399.8	29, 32
Astoria, Oreg.	2009	5, 9	2442	5, 9
Astoria-Portland, Oreg.	2206	None	2566	None
Coos Bay, Oreg.	2031.5	5, 22	2566	23
Seattle, Wash.	2126	None	2522	None
	2430	25	2622	25
Kahuku, Hawaii	2124	None	2530	None
	4117.2	33	4415.8	33
Hilo, Hawaii	2196	None	2582	None
Palmyra Island, Hawaii	2134	26	2530	27
St. Thomas Isl., Virgin Islands	2009	28	2506	28

[1] In the table, for duplex working on frequencies above 2850 kHz, mobile station transmitting carrier frequencies appear in col. (2); coast station transmitting carrier frequencies appear in col. (4). Coast and ship station frequencies appearing on the same line are paired as follows: Col. (2) is paired with col. (4).

NOTE 1.—Frequencies above 2850 kHz are available for 2.8A3A and/or 2.8A3J emissions.

NOTE 2.—The conditions of use referred to in cols. (3) and (5) are set forth below the table.

§ 83.372 [Amended]

19. Section 83.372 is amended to delete transpired dates and obsolete frequencies appearing in Table 2, as follows:

TABLE 2

[In kiloherts]

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
4403.0	4428.6	4399.8	4425.4	4428.6	4428.6

V 40 I 187
SEP 25 75
XUM

§ 83.444 [Amended]

20. Section 83.444(c) is amended by deleting, in the first sentence thereof, the phrase "and B emission within the band 485–515 kHz."

§ 83.446 [Amended]

21. Section 83.446(a)(4) is amended by deleting, in the first sentence thereof, the phrase "and B emission within the band 485–515 kHz."

§ 83.453 [Amended]

22. Section 83.453(b) is amended by deleting obsolete subparagraph (1) and designating it [Reserved].

23. Section 83.486 is amended by the deletion of the proviso, appearing at the end of the section, to read as follows:

§ 83.486 Automatic radiotelephone alarm signal generator.

The transmitter provided as a component of the radiotelephone station shall be equipped with a device, of a type approved by the Commission pursuant to § 83.142, capable of automatically generating the international radiotelephone alarm signal.

24. Section 83.713(b) is amended by the deletion, in its entirety of the proviso, contained therein, to read as follows:

§ 83.713 Bridge to Bridge transmitter.

(a) • • •

(b) Each non-portable transmitter shall have a carrier power of at least 8 watts. Each portable transmitter shall have a carrier power of at least 0.75 watt. Each non-portable transmitter, and each portable transmitter having more than 1 watt carrier power shall have provision for readily reducing the carrier power to a value not less than 0.75 watt and not more than 1 watt. The maximum power of all transmitters shall not be more than 25 watts.

§ 83.721 [Amended]

25. Section 83.721 is amended by the deletion of the phrase "Effective January 1, 1974," appearing in the first sentence thereof.

[FR Doc.75-25410 Filed 9-24-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Service Order No. 1220]

PART 1033—CAR SERVICE

Reading Co.

At a Session of the INTERSTATE COMMERCE COMMISSION, held in Washington D.C., on the 19th day of September, 1975.

It appearing, That the Lehigh and New England Railway Company (LNE) has notified the Commission that it is unable to transport traffic offered to it because of a lack of sufficient operating funds; that cessation of operations by the LNE would deprive shippers located adjacent to its line of essential railroad services and would result in the closing of certain industries, reduce employment and cause serious economic hardship in the area served by the LNE; that the Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees (Rdg) has consented to operate certain portions of the LNE subject to terms and conditions mutually agreed upon between the parties; that the LNE has consented to use of its tracks by the Rdg; that operation by the Rdg over the aforementioned tracks of the LNE is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1220 Service Order No. 1220.

(a) *Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees, Authorized to Operate over certain portions of Lehigh and New England Railway Company.* The Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees (Rdg), be, and it is hereby authorized to operate over tracks of that portion of the Lehigh and New England Railway Company (LNE), extending between Tamaqua, Pennsylvania, and Hauto, Pennsylvania and known as the Tamaqua Branch.

(b) The operation over the aforementioned portions of the LNE by the Rdg shall be subject to such terms and conditions as have been mutually agreed to by the parties.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) *Effective date.* This order shall become effective at 11:59 p.m., September 21, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 1, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25675 Filed 9-24-75;8:45 am]

[Service Order No. 1219]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Co.

At a Session of the INTERSTATE COMMERCE COMMISSION, held in Washington, D.C., on the 19th day of September, 1975.

It appearing, That the Lehigh and New England Railway Company (LNE) has notified the Commission that it is unable to transport traffic offered to it because of a lack of sufficient operating funds; that cessation of operations by the LNE would deprive shippers located adjacent to its line of essential railroad services and would result in the closing of certain industries, reduce employment and cause serious economic hardship in the area served by the LNE; that the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) (LV) has consented to operate certain portions of the LNE subject to terms and conditions mutually agreed upon between the parties; that the LNE has consented to use of its tracks by the LV; that operation by the LV over the aforementioned tracks of the LNE is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1219 Service Order 1219.

(a) *Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) authorized to operate over certain portions of Lehigh and New England Railway Company.* The Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) (LV) be, and it is hereby authorized to operate over tracks of the Lehigh and New England Railway Company (LNE), except that portion of the LNE extending between Tamaqua, Pennsylvania, and Hauto, Pennsylvania and known as the Tamaqua Branch.

(b) The operation over the aforementioned portions of the LNE by the LV shall be subject to such terms and conditions as have been mutually agreed to by the parties.

(2) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) *Effective date.* This order shall become effective at 11:59 p.m., September 21, 1975.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 1, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25676 Filed 9-24-75;8:45 am]

ice Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25676 Filed 9-24-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 17—ENDANGERED AND THREATENED WILDLIFE

Listing of Endangered and Threatened Fauna

In the FEDERAL REGISTER of April 21, 1975 (40 FR 17590), there was published a notice of proposed listing of the following species of fauna as endangered species and threatened species as defined by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884): Scioto madtom (*Noturus trautmani*); United States population of the American crocodile (*Crocodylus acutus*); Mexican wolf (*Canis Lupus baileyi*); Cedros Island mule deer (*Odocoileus hemionus cerrosensis*); peninsular pronghorn antelope (*Antilocapra americana peninsularis*); Hawaii creeper (*Loxops maculata mana*); po'o uli (*Melamprosops phaeosoma*); Newell's Manx shearwater (*Puffinus puffinus newelli*); Bayou darter (*Etheostoma rubrum*); and gray bat (*Myotis grisescens*).

Supporting data were on file and interested persons were given until July 21, 1975, to submit written comments, suggestions, objections, and factual information regarding these proposed listings. The governors of the States of Alabama, Arizona, Arkansas, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Mississippi, Missouri, New Mexico, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, and West Virginia were notified with respect to this proposed rulemaking and requested to submit comments and recommendations. The Fish and Wildlife Service also consulted with the government of Mexico.

However, with respect to the gray bat (*Myotis grisescens*), the Service inadvertently failed to notify Oklahoma along with the other states. The governor of that State has subsequently been notified and the 90-day comment period has had to be extended accordingly. Therefore, a final rulemaking on the gray bat will be issued at a later date.

Further, with respect to the Mexican wolf (*Canis Lupus baileyi*), the government of Mexico has notified the Service that it wishes to comment and intends to submit a prepared opinion with support data. Therefore, the Service has determined not to take further action on the Mexican wolf at this time.

SUMMARY OF COMMENTS

Seventeen comments were received as follows: (a) The Environmental Defense Fund supported listing of the above animal species as endangered or threatened species, as appropriate.

(b) Ohio concurred with the listing of the Scioto madtom (*Noturus trautmani*) as an endangered species, and noted that this species is included on Ohio's list of endangered species.

(c) Fourteen persons, including the National Wildlife Federation and the International Union for Conservation of Nature and Natural Resources, completely supported listing of the United States population of the American crocodile (*Crocodylus acutus*) as an endangered species. Six of these comments were from scientists, two of whom studied the American crocodile in its habitat over a period of years and included extensive reports containing valuable scientific data. One of these scientists, whose field work has been primarily on the crocodilians of Mexico, Central America, and the West Indies, suggested that the rulemaking go still further, to extend the protection of the Endangered Species Act to *Crocodylus acutus* throughout its range. The State of Florida "heartily" concurred in the listing of the American crocodile as an endangered species.

(d) The governor of Hawaii expressed general agreement with the proposed listing of the Hawaii creeper and the Po'o uli as endangered species, and the Newell's Manx shearwater as a threatened species. However, a promised official response based on a status review was not received by the Director.

(e) Mississippi supported listing of the Bayou darter (*Etheostoma rubrum*) as an endangered species, and noted that its Game and Fish Commission has taken official action to place this species on the State list of endangered species.

ENDANGERED SPECIES

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an endangered species, or a threatened species, because of any of five factors.

The Director has considered the above comments as well as the evidence accompanying such comments. The Director has also considered other information obtained by the Service both before and after the proposed rulemaking, and has determined that the following species of fauna should indeed be listed as endangered species, for the reasons discussed hereafter.

DISCUSSION

1. THE PRESENT OR THREATENED DESTRUCTION, MODIFICATION, OR CURTAILMENT OF ITS HABITAT OR RANGE

Scioto madtom. This fish is known only from one locality in the lower portion of Big Darby Creek, tributary to the Scioto River, Pickaway County, Ohio. In Big Darby Creek the species has been taken in a riffle area with moderate to fast current, where the bottom consists of gravel, sand, silt, and boulders. The Scioto madtom is endangered because of the pollution and siltation of its habitat, and by two proposed impoundments on Big Darby Creek.

American crocodile. This reptile once was a common species in southern Florida, and is known to have bred as far north as Lake Worth. There also are scattered records suggesting its occasional presence considerably farther to the north, both on the Atlantic and Gulf Coasts. By the early Twentieth Century the crocodile still was common throughout Biscayne Bay, as well as along the shores of Florida Bay and in the Florida Keys.

Subsequently, intensive human development of southern Florida eliminated much habitat and also led to excessive killing by man. In the 1950's there still was significant nesting on Key Largo and on islands to the south of Florida Bay, but human pressure has eliminated most of this activity. The last suitable areas on Key Largo are rapidly being destroyed by commercial development. At present there are thought to be only about 10 to 20 breeding females in Florida, with most of these concentrated along the northeast shore of Florida Bay.

Cedros Island mule deer. This deer is known only from Cedros Island off the western coast of Baja California. Currently only a few, perhaps less than a dozen, are thought to survive in restricted sections of the island.

Peninsular pronghorn antelope. This animal once inhabited most of Baja California, but has been greatly reduced in range, and currently only two or three small remnant groups survive.

Hawaii creeper. This bird was endemic to the island of Hawaii, and reportedly was common through the 1890's. Subsequent habitat alteration, and other factors, restricted it primarily to a small area of forest between 5,000 and 6,000 feet elevation, where it is rare and vulnerable to further environmental disruption.

Po'o uli. This species of bird was discovered only in 1973 and is restricted to a small area of forest on the northeastern slope of Haleakala volcano on the island of Maui. Its past history is unknown, but presumably its decline was caused in part by habitat alteration.

2. OVERUTILIZATION FOR COMMERCIAL, SPORTING, SCIENTIFIC, OR EDUCATIONAL PURPOSES

Scioto madtom. Not applicable.

American crocodile. Poaching for skins and eggs still sometimes occurs, and crocodiles occasionally are shot for "sport" from passing boats.

Cedros Island mule deer. Excessive killing has been an important factor in the decline of this deer; illegal poaching continues.

Peninsular pronghorn antelope. Excessive hunting, some of it by visitors from the United States, also seems to have been an important factor in the decline of this animal.

V 40 187 SEP 25 75 XUM

Hawaii creeper. Not applicable.
Po'o uli. Not applicable.

3. DISEASE OR PREDATION

Scioto madtom. Not applicable.
American crocodile. Raccoons prey heavily on the eggs and young of crocodiles, and probably destroy the great majority of the annual increment. Raccoon numbers are thought to have increased considerably after man largely eliminated natural predators, including the crocodiles themselves.
Cedros Island mule deer. Predation by feral dogs is thought to have been a major factor in the decline of this deer.
Peninsular pronghorn antelope. These factors are not known to be applicable.
Hawaii creeper. This bird is thought to have declined through transmission of avian diseases by the introduced mosquito *Culex pipiens quinquefasciatus*, and predation by rats.
Po'o uli. The history of this species is unknown, but it probably declined because of the same factors that affected the Hawaii creeper.

4. THE INADEQUACY OF EXISTING REGULATORY MECHANISMS

Scioto madtom. Not applicable.
American crocodile. Although crocodiles are protected by State law, and by Federal law in Everglades National Park where most of the population occurs, enforcement is difficult. Most nest sites and adult crocodiles are found in exposed areas that cannot be constantly guarded in the face of increasing human presence. Furthermore, present regulations do not restrict the destruction of habitat outside the Park.
Cedros Island mule deer. Although it is illegal to hunt this deer, poaching continues.
Peninsular pronghorn antelope. It also is illegal to hunt this animal, but poaching is a problem.
Hawaii creeper. Not applicable.
Po'o uli. Not applicable.

5. OTHER NATURAL OR MANMADE FACTORS AFFECTING ITS CONTINUED EXISTENCE

Scioto madtom. Not applicable.
American crocodile. The possibility of a hurricane or other major natural disaster is a real threat to such a small, isolated population. The restriction of the flow of fresh water to the Everglades, because of increasing human developments in southern Florida, may affect the crocodiles as well as the entire ecosystems of the area. It is known that the young crocodiles swim up streams and depend for a period on water with low salt content.
Cedros Island mule deer. Not applicable.
Peninsular pronghorn antelope. Competition with domestic livestock for forage has been a factor in the decline.
Hawaii creeper. Competition with introduced birds probably contributed to the decline of this native species.
Po'o uli. This species also may have been affected by competition with nonnative birds.

THREATENED SPECIES

The Director has determined that the Newell's Manx shearwater should indeed be listed as a threatened species. In light of evidence received subsequent to the proposed rulemaking, the Director has determined that the Bayou darter should also be listed as a threatened species, not as an endangered species as originally proposed, for the reasons discussed hereafter.

1. *Present or threatened destruction, modification, or curtailment of habitat or range.*
Newell's Manx shearwater. This bird probably once bred on all of the main Hawaiian islands, but now is known to breed only on a very restricted part of Kauai. Nonetheless, it is thought to number in the low thousands, and does not appear in immediate danger of extinction.
Bayou darter. This fish is known only from Bayou Pierre drainage, a small river tributary to the Mississippi River in west Mississippi. In Bayou Pierre the Bayou darter inhabits most clean, silt-free gravel riffle areas in the lower portion of Turkey, White Oak and Fosters creeks and the main channel from Dentville downstream nearly to Port Gibson, Mississippi. In recent years gravel-pit operations and poor agricultural practices have adversely altered the habitat resulting in a reduction in the population of Bayou darters. The Soil Conservation Service has proposed a watershed project which would result in further degradation of the habitat of the Bayou darter. The proposed project would adversely alter the water chemistry and contribute an additional silt load to the stream. This project, if constructed as proposed, would pose a serious threat to continued existence of the Bayou darter.

The Fish and Wildlife Service is convinced that only the combined effect of both the gravel-pit operations and the watershed project would place the Bayou darter in danger of extinction throughout all or a significant portion of its range. However, the Soil Conservation Service is currently reviewing the environmental impacts of the proposed watershed project. This review could result in modifications to the project which would significantly reduce the threat to the Bayou darter as previously understood when it was proposed on April 21, 1975, to be listed as endangered. Because the threat to the continued existence of the Bayou darter is not as immediate and may not be as significant as earlier believed, listing it as an endangered species would be premature at this time. The Act defines a "threatened species" as one which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Fish and Wildlife Service has determined that threatened is a more appropriate description of the Bayou darter's status, at least pending the outcome of the Soil Conservation Service's impact study which may result in modification to the project as originally conceived.

2. *Overutilization for commercial, sporting, scientific or educational purposes.*
Newell's Manx shearwater. Not applicable.
Bayou darter. Not applicable.
3. *Disease or predation.*
Newell's Manx shearwater. Predation by introduced species such as mongooses, dogs, pigs, and rats may have exterminated this species from most of its range.
Bayou darter. Not applicable.
4. *The inadequacy of existing regulatory mechanisms.*
Newell's Manx shearwater. Not applicable.
Bayou darter. Not applicable.
5. *Other natural or manmade factors affecting its continued existence.*
Newell's Manx shearwater. Attraction to lights causes considerable mortality from collisions with cars and lighted towers.
Bayou darter. Not applicable.

NEW FORMAT

In the near future, it is possible that these regulations will be republished in a new format, without substantive change. This new format has been proposed along with the proposal to reclassify the American alligator (40 FR 28712; July 8, 1975). The new format would provide greater ease of reference for all endangered and threatened species, and would consolidate and clarify a number of existing provisions. At the time that that proposal comes into effect, assuming that it does become effective, it will incorporate a republication, in the new format, of this regulation.

FINAL RULEMAKING

For the reasons stated above, it is hereby determined that the Scioto madtom (*Noturus trautmani*), American crocodile (*Crocodylus acutus*), Cedros Island mule deer (*Odocoileus hemionus cerrosensis*), peninsular pronghorn antelope (*Antilocapra americana peninsularis*), Hawaii creeper (*Loxops maculata mana*), and po'o uli (*Melamprosops phaeosoma*) are "endangered species" as defined by the Endangered Species Act of 1973.

It is hereby further determined that the Newell's Manx shearwater (*Puffinus puffinus newelli*) and the Bayou darter (*Etheostoma rubrum*) are "Threatened Species" within the meaning of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and that the following regulations are deemed necessary and advisable for the conservation of such species.

Accordingly, Part 17 of Chapter I, Title 50, Code of Federal Regulations, is amended as set forth below.

These amendments will be effective on October 28, 1975.

Dated:

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

1. Section 17.12 is amended by adding the following, in alphabetical order:

§ 17.12 Endangered native wildlife.

Common name	Scientific name	Range	Portion of range where endangered
Fishes:			
Madtom, Scioto;	*Noturus trautmani.*	(Range: Big Darby Creek, Ohio; Portion of range where endangered: Entire range.)	
Reptiles and amphibians:			
Crocodile, American;	*Crocodylus acutus.*	(Range: Florida, West Indies, Central America, South America; Portion of range where endangered: Florida.)	
Birds:			
Creeper, Hawaii;	*Loxops maculata mana.*	(Range: Island of Hawaii; Portion of range where endangered; Entire range.)	
Po'o uli;	*Melamprosops phaeosoma.*	(Range: Island of Maui; Portion of range where endangered: Entire range.)	
Mammals:			
Antelope, peninsular pronghorn;	*Antilocapra americana peninsularis.*	(Range: Baja, California; Portion of range where endangered: Entire range.)	
Deer, Cedros Island mule,	*Odocoileus hemionus cerrosensis.*	(Range: Cedros Island, Mexico; Portion of range where endangered: Entire range.)	

2. In § 17.32, (b) (1) (i) and (d) (4) (i) are revised to read as follows:

§ 17.32 Threatened wildlife list.

Common name	Scientific name	Range	Portion of range where threatened
(b) Birds:			
(1) Newell's Manx shearwater.	*Puffinus puffinus newelli*	Hawaiian Islands	Entire range.

(i) All prohibitions listed in section 9(a)(1) of the Endangered Species Act of 1973 (16 USC 1531–1543) shall apply to the Newell's Manx shearwater.

Common name	Scientific name	Range	Portion of range where threatened
(d) Fishes:			
(4) Bayou darter.	*Etheostoma rubrum*	Bayou Pierre drainage in Mississippi.	Entire range.

(i) *Prohibitions.* All prohibitions listed in section 9(a)(1) of the Endangered Species Act of 1973 (16 USC 1531–1543) shall apply to the Bayou darter, except that they may be taken in accordance with State law.

[FR Doc.75-25481 Filed 9-24-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period November 1, 1975 through January 31, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Bombay Hook National Wildlife Refuge, Delaware, is permitted on areas designated by signs as open to hunting including the South Waterfowl Hunting Area, the West Waterfowl Hunting Area, the Young Waterfowlers Area, and the South Upland Hunting Area. These open areas are delineated on maps available at the refuge headquarters, Smyrna, Delaware, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Hunting is permitted on the West Waterfowl Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays during the goose season.

(2) Hunting in the South and West Waterfowl Areas and Young Waterfowlers Area shall be from existing numbered blinds. The possession of a loaded gun or shooting while outside of a blind is prohibited on these areas.

(3) No person shall have in their possession or use in one day more than 10 shells on the West Waterfowl Hunting Area or 15 shells on the Young Waterfowlers Hunting Area.

(4) Hunting is permitted in the South Waterfowl Hunting Area only during the State duck season.

(5) The necessary permit to enter the South Waterfowl Hunting Area will be issued each hunting day by a ticket-lottery system at 1½ hours before legal shooting time at the checking station at Port Mahon. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis until 3:00 p.m. Permits will be surrendered at the checking station within one-half hour after sunset. The necessary permit to enter the West Waterfowl Hunting Area may be obtained by applying to the Refuge Manager for advance reservation. The permits for advance reservations wil be canceled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lot on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(6) Each hunting permittee using the West Waterfowl Hunting Area will pay a recreation fee of $10.00 on the day of the hunt. A recreation fee of $2.00 per hunter will be charged on the South Waterfowl Hunting Area.

(7) Not more than four persons may occupy a blind at any one time on the West Waterfowl Hunting Area nor more than three on the South Waterfowl Hunting Area.

(8) The Young Waterfowlers Area will be open on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths, accompanied by an instructor who may not discharge a firearm, may use one blind.

(9) On Wednesdays, Fridays and Saturdays on the South Waterfowl Hunting Area and Tuesdays and Saturdays on the West Waterfowl Hunting Area, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot. Ammunition will be provided by the refuge at a charge of not less than $0.20 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(10) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25550 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on September 25, 1975.

V 40 I 187 SEP 25 75 XUM

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Crab Orchard National Wildlife Refuge, Illinois, is permitted from October 22, 1975, 12:00 Noon c.s.t., through December 7, 1975. The hunting of geese is permitted from November 24, 1975 through January 30, 1976. The area open to hunting is designated by green public hunting signs. This open area is delineated on a map available at refuge headquarters, Carterville, Illinois 62918 and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Season for hunting geese will be closed when a kill quota of 22,000 geese is reached. Hunting will be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—the building of permanent blinds of any kind or other structural works on the refuge public hunting area is prohibited. All blinds must be of a portable nature or constructed with dead vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt. Blinds may not be constructed beyond the shoreline on refuge waters.

(2) All waterfowl hunting at the Grassy Point and Carterville Beach areas shall be from blind sites established by the Project Manager.

(3) All blinds located on the following islands will be filled by public drawing prior to each day's hunt. Grassy Island, Turkey Island, Sawmill Island and Orchard Island. This drawing will be conducted two hours prior to legal shooting time during each day of goose season. No blinds may be constructed on these islands. Only the blinds furnished and located by the refuge staff may be used.

(4) No goose pits may be built on the refuge public hunting area.

(5) It is unlawful for any person to establish or use any blind for the taking of migratory waterfowl within 100 yards of any other blind on the refuge public hunting area.

(6) All persons hunting geese on the refuge public hunting area must register before entering and upon leaving the area and must register any geese taken on the area at the locations designated by the Project Manager.

(7) Hunting will not be permitted at the Carterville Beach area as posted by the Project Manager.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1976.

GLEN L. BUTERBAUGH,
Acting Regional Director.

[FR Doc.75-25559 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period October 8, 1975 through November 15, 1975.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of migratory waterfowl on the Iroquois National Wildlife Refuge, New York, is permitted in designated areas. Information on this program is available at refuge headquarters, Basom, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory waterfowl subject to the following special conditions:

(1) Waterfowl hunting is by permit only.

(2) Hunting is permitted on Monday, Tuesday, Thursday and Saturday.

(3) On Tuesdays and Thursdays, migratory waterfowl will be hunted with 12 gauge shotguns using steel shot ammunition available at the refuge permit station at a charge of not less than $0.20 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(4) Prior registration is required for opening day, and the first two Saturdays. On other hunt days permits are issued on the basis of a daily drawing held prior to legal opening time. On prior registration days, hunters will draw for hunting sites on the morning of the hunt. On other hunt days, hunters will have a choice of available hunting sites as their names are drawn.

(5) All hunting ends each day at 12 noon local time, and all hunters must check out and present harvested game at the permit station on Casey Road, not later than 1:00 p.m. local time.

(6) No loaded guns are permitted beyond a 50-foot radius of the hunting stand marker and no more than two hunters are permitted to each stand.

(7) Hunters will be limited to 15 shells each with lead shot size not larger than #2 and steel shot not larger than #1.

(8) Disorderly conduct, intoxication, high shooting or otherwise unsportsmanlike conduct will not be tolerated and the permittee will be ejected from the area.

(9) A hunter who leaves his stand must have permission from official personnel to return.

(10) Hunters who have completed the New York State Waterfowl Hunter Training Course will be given preference for permits on Tuesdays.

(11) No person shall use or hunt from a boat.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25556 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued and is effective during the period September 30, 1975 through December 31, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas delineated on maps available at refuge headquarters, RD 2, Swanton, Vermont 05488, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds subject to the following special condition:

(1) In the open area south and west of State Route 78, with the exception of the lakeshore marsh along Maquam Bay, no permanent blinds are allowed. All material used in blind construction must be removed from the area daily.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

SEPTEMBER 19, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-25562 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period October 9, 1975 through December 31, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of migratory waterfowl on the Montezuma National Wildlife Refuge, New York, is permitted on the areas designated by the signs as open to waterfowl hunting. The waterfowl hunting area known as the Tachache Pool comprises 1,340 acres and is delineated on maps available at refuge headquarters, Seneca Falls, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory waterfowl subject to the following special conditions:

(1) Hunting is permitted on Tuesdays, Thursdays, and Saturdays.

(2) On Tuesdays and Saturdays, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot ammunition available at the refuge at a charge of not less than $0.20 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(3) Applications for hunting reservations received no later than September 25 will be accepted. Reservations for permits for hunting from October 9 through November 15 will be selected by a random drawing. Successful applicants must appear in person at the refuge waterfowl Check Station prior to one hour before legal shooting time on the date reserved. Unreserved and forfeited permits will be awarded by a drawing on the morning of the hunt to hunters without reservations.

(4) The first two Saturdays of the season will be reserved for the Young Waterfowler's Training Program hunt. A brochure describing this program is also available.

(5) No more than two persons per permit will be allowed.

(6) Hunters will be limited to 15 shells each, with shot size no larger than #1 fine shot.

(7) All hunting ends each hunting day at 12 noon local time, and all hunters must check out at the waterfowl Check Station no later than 1:00 p.m. local time.

(8) Hunters who have completed the New York State Waterfowl Hunter Training Course will be given preference for permits on Tuesdays.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25558 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period November 1, 1975 through January 31, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Prime Hook National Wildlife Refuge, Delaware, is permitted on the Waterfowl Hunting Area. This 1,180-acre open area is delineated on maps available at the refuge headquarters, Milton, Delaware, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Permits will be issued by a ticket-lottery system at 2 hours before legal shooting time. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis until 3:00 p.m. Permits will be surrendered at the checking station within one hour after sunset.

(2) Hunting shall be only from blinds at locations designated by refuge personnel. The possession of a loaded gun or shooting outside of a blind while hunting waterfowl and coots is prohibited. Three hunters per blind permitted.

(3) The Area is open each day of the duck hunting season.

(4) Access to the waterfowl hunting area will be at designated boat access points.

(5) On Wednesdays, Fridays, and Saturdays, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot. Ammunition will be provided by the refuge at a charge of not less than $0.20 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(6) Hunters, when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25552 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on September 25, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, quail, cottontail rabbits, and fox squirrels on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, cottontail rabbits, and fox squirrels subject to the following special conditions.

(1) The open season for hunting pheasants on the refuge extends from November 8, 1975, through January 11, 1976, inclusive.

(2) The open season for hunting quail on the refuge extends from November 8, 1975, through January 11, 1976, inclusive.

(3) The open season for hunting cottontail rabbits and fox squirrels on the refuge shall be only on those days during the open season for the hunting of pheasants and quail.

(4) Shotguns and bow and arrows are legal weapons. Rifles or handguns will not be permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1976.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kansas.

SEPTEMBER 8, 1975.

[FR Doc.75-25554 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period December 21, 1975 through February 29, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MONTEZUMA NATIONAL WILDLIFE REFUGE

NEW YORK

The public hunting of gray squirrels, cottontail rabbits, raccoons, foxes, and unprotected mammals is permitted from December 21, 1975 through February 29,

V 40 187 SEP 25 75 XUM

1976, inclusive, in the Montezuma National Wildlife Refuge, New York except on areas designated by signs as closed. The open area, comprising 5,285 acres, is delineated on maps available at refuge headquarters, 5 miles east of Seneca Falls, New York; and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all other applicable State regulations governing the hunting of the above mammals.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 29, 1976.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25561 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period October 24, 1975 through October 25, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with primitive weapons on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977 and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions:

(1) Hunting with primitive weapons on the Deer Hunting Area is permitted only on October 24 through October 25.

(2) The number of hunters admitted to the Deer Hunting Area at any one time will be restricted to 50.

(3) Permits are required for the Deer Hunting Area and will be issued on a first-come, first-served basis one hour before shooting time.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must show proof of completion of a weapons qualification test. This test will consist of placing three consecutive rounds in a 12-inch circle at 50 yards, firing from the offhand position. The type of weapon used for the qualification test must be the same type that is to be used for the hunt—percussion or flintlock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 25, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 18, 1975.

[FR Doc.75-25551 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Great Swamp National Wildlife Refuge, New Jersey

The following special regulation is issued and is effective during the period December 9, 1975 through December 17, 1975.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Public hunting of deer of either sex with shotguns on the Great Swamp National Wildlife Refuge, New Jersey, is permitted, except on areas designated by signs as closed, during the period of December 9, 1975, to December 13, 1975, inclusive, and December 17, 1975. Hunting of deer with firearms shall be in accordance with all applicable state and Federal Regulations subject to the following special conditions:

Deer may be taken throughout the hunt between the hours of 7 a.m. e.s.t. and 5 p.m. e.s.t. Participation will be limited to the 400 hunter permittees randomly selected for the special Great Swamp hunt. Only 150 hunters will be allowed to hunt on any given day during the hunt period. Armbands and parking area permits will be issued and must be displayed as designated. Armbands and permits must be surrendered prior to departure from the refuge. Hunters must furnish and wear a minimum of 200 square inches of blaze or hunter orange. All deer taken must be checked out at the refuge check station. Vehicles are restricted to public roads and areas designated by parking permits.

A shotgun not smaller than 12 gauge will be permitted for hunting deer, and buckshot not smaller than Number 4 nor larger than Number 000 will be permitted in possession during the hunt. Hunter permittees will be required to have shotguns and loads certified prior to the hunt. Target practice or test firing is not permitted, and guns must be unloaded when in areas posted as "closed". Baiting or hunting with the aid of bait is prohibited.

Regulations, summaries, maps delineating open hunting areas, and shotgun and load certification forms and requirements are available at refuge headquarters, R.D. 1, Box 148, Basking Ridge, New Jersey 07920, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Other than on the days of the hunt, entry is permitted only on approved Public Use Areas as designated by signs.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in 50 CFR, Part 32, and are effective through December 17, 1975.

SEPTEMBER 19, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

[FR Doc.75-25555 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period October 1, 1975 through December 31, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons except on areas designated by signs as closed. This open area is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 25, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25557 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

§ 32.32 Special regulations: big game; for individual wildlife refuge areas.

VERMONT

The following special regulation is issued and is effective during the period October 11, 1975 through December 31, 1975.

MISSISQUOI NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas delineated on maps available at refuge headquarters, RD 2, Swanton, Vermont 05488, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special condition:

(1) During the regular season, shotguns only may be used on that part of the refuge lying east of the Missisquoi River.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25561 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period November 17, 1975 through December 9, 1975.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Montezuma National Wildlife Refuge, New York, is permitted except on the areas designated by signs as closed. The open area, comprising 3,874 acres, is delineated on maps available at refuge headquarters, 5 miles east of Seneca Falls, New York; and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) The open season is Monday through Friday from November 17, 1975 to December 9, 1975, inclusive. Actual dates open are November 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, December 1, 2, 3, 4, 5, 8, and 9.

(2) Only longbows may be used. No gun hunting will be allowed.

(3) Successful hunters must register their kill at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 19, 1975.

[FR Doc.75-25560 Filed 9-24-75;8:45 am]

PART 32—HUNTING

Correction

In FR Doc. 75-24117 beginning on page 42197 in the issue of Thursday, September 11, 1975, the heading: "§ 32.32 Special regulations; big game; for individual wildlife refuge areas" appearing in column one on page 42197 should be removed. The insertion of the citation of § 32.32 in the text of this document is in error.

R. KAHLER MARTINSON,
Regional Director,
Fish and Wildlife Service.

[FR Doc.75-25563 Filed 9-24-75;8:45 am]

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Bitter Lake National Wildlife Refuge, New Mexico

The following special regulations are issued and are effective on September 25, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

The public hunting of mourning and white-winged doves on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted from November 27 through December 28, 1975, inclusive, but only on the areas designated by signs as open to hunting. These areas consist of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of doves.

In addition, steel (iron) shot shotgun ammunition *only* may be used for the taking of doves on the South Refuge Unit (Area C) during this season. Steel (iron) shot shotgun ammunition is available from two (2) commercial outlets in Roswell, New Mexico.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 26, 1975.

The public hunting of ducks, geese, coots and lesser sandhill cranes on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted as follows: Ducks, geese and coots, from October 28, 1975 through January 18, 1976, inclusive; and lesser sandhill cranes, from October 25, 1975 through January 25, 1976, inclusive, but only on the areas designated by signs as open to hunting. These areas consist of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots and lesser sandhill cranes.

In addition, steel (iron) shot shotgun ammunition *only* may be used for the taking of ducks, geese, coots and lesser sandhill cranes on the South Refuge Unit (Area C) during the duck season, October 28, 1975 through January 18, 1976, inclusive. Steel (iron) shot shotgun ammunition is available from two (2) commercial outlets in Roswell, New Mexico.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 25, 1976.

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

The public hunting of ring-necked and white-winged pheasants, quail and rabbits on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted as follows: Pheasants, from December 13 through December 16, 1975, inclusive; quail, from November 27, 1975 through January 25, 1976, inclusive; and rabbits, from October 28, 1975 through January 18, 1976, inclusive, but only on the areas open to waterfowl hunting. These areas consist of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail and rabbits.

In addition, steel (iron) shot shotgun ammunition *only* may be used for the taking of pheasants, quail and rabbits on the South Refuge Unit (Area C) during the duck season, October 28, 1975 through January 18, 1976, inclusive. Steel (iron) shot shotgun ammunition is available from two (2) commercial outlets in Roswell, New Mexico.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 25, 1976.

JERRY L. STEGMAN,
Acting Regional Director,
Albuquerque, New Mexico.

SEPTEMBER 18, 1975.

[FR Doc.75-25650 Filed 9-24-75;8:45 am]

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on September 25, 1975.

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§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, Moffit, North Dakota is permitted on refuge waters. These open areas, comprising 3,625 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for winter sport fishing on the refuge extends from December 16, 1975 to March 29, 1976.

The provisions of this special regulation supplement the regulations which govern fishing on Wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 29, 1976.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 19, 1975.

[FR Doc.75-25658 Filed 9-24-75;8:45 am]

Office of the Secretary

[7 CFR Part 1]

FREEDOM OF INFORMATION

Appendix A—Fee Schedule

Notice is hereby given that the Department of Agriculture (USDA) proposes to amend the fee schedule set forth in 7 CFR, Part 1, Subpart A, 40 FR 7344 on February 19, 1975.

Interested persons may submit written comments on the proposed amendments to: Director, Office of Operations, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 24, 1975. All comments submitted will be available for public inspection in Room 131-W, Agriculture Administration Building, 14th and Jefferson Drive, S.W., Washington, D.C. from 8:30 a.m. until 5:00 p.m., Monday-Friday (7 CFR 1.27(b)).

The amendments are as follows:

APPENDIX A

1. By revising Section 5b. to read as follows:

Sec. 5. *Limitations of copies.* • • •

b. Single or multiple copies of transcripts, provided the Department under a reporting service contract, may be obtained from the contractor at a cost not to exceed the cost per page charged to the Department for extra copies. The contractor may add a postage charge when mailing orders to the public but no other charge may be added.

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2. By revising Section 16(c) to read as follows:

SEC. 16. *Photographic reproduction prices.* • • •

• • • • •

c. *Aerial photographic reproductions.* No minimum charge on aerial photographic reproductions. All prints are furnished unmounted and untrimmed.

1. *Contact prints.* The prices for contact prints are set forth below. The size refers to the approximate size of the contact print.

	Each
Size 9 by 9 in on commercial grade paper	$2.00

For polyester base paper, add $0.75 per contact print (available from ASCS only).

	Each
Size 70 mm contact prints	$1.50
Size 70 mm contact transparencies	3.00

2. *Enlargements* (projection prints). The prices for enlargements of various sizes are set forth below. The size in each case refers to the approximate size of paper required to produce the enlargement ordered.

Size:	Price each
9 by 9 in (from 70 mm)	$3.00
13 by 13 in	4.00
17 by 17 in	5.00
24 by 24 in	6.50
38 by 38 in	13.00

For larger size reproductions, add $2.00 for each additional 12 inches or fraction thereof, linear measurement.

3. *Aerial photo-index sheets.* Size 20 by 24 inches.

Quantity:	Price each
Any quantity	$5.00

4. *Film positives.* Contact printed from aerial negatives, size 9 by 9 inches.

Quantity:	Price each
Any quantity	$3.00

5. *Copy negatives.* On film, aerial exposures, size 9 by 9 inches.

Quantity:	Price each
Any quantity	$3.00

6. *Aperture Cards and Printouts.*

	1st unit	Each additional unit
Duplicate of an aperture card	$1.00	$0.10
Aperture card from photoindex sheet	1.00	.25
Printout from aperture card	1.00	.50

7. *Color Photography.* Furnished only by the Regional Forest Service Aerial Photography Laboratories at Ogden, Utah and San Francisco, California, and the Agricultural Stabilization and Conservation Service Aerial Photography Field Office in Salt Lake City, Utah.

Positive contact print made from negative	$7.00
Transparency 9 by 9 in	12.00
Enlargements:	
13 by 13 in	12.00
17 by 17 in	15.00
24 by 24 in	20.00
38 by 38 in	40.00

8. *Landsat/Skylab Imagery.* Furnished only by the Agricultural Stabilization and Conservation Service Aerial Photography Field Office in Salt Lake City, Utah.

	Black and white	Color
Contact print (70 mm)	$1.50	
Transparencies (70 mm)	3.00	$5.00
Contact print 9 by 9	3.00	7.00
Transparencies 9 by 9	5.00	12.00
Enlargements 12 by 12	6.00	15.00
Enlargements 17 by 17	8.00	20.00
Enlargements 24 by 24	15.00	25.00
Enlargements 38 by 38	25.00	40.00
Composite negative 9 by 9		16.00

9. *Special Needs.* For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in Section 10a or the Coordinator, Aerial Photographic Work of the Department of Agriculture, ASCS, Aerial Photography Field Office, USDA-ASCS-AS Division, 2505 Parley's Way, Salt Lake City, Utah 84109.

(5 USC 301; 5 USC 552; 31 USC 483a; and 7 CFR 2.79(a)(3)(iii))

Done at Washington, D.C., this 22nd day of September 1975.

GEORGE C. KNAPP,
Acting Director.

[FR Doc.75-25656 Filed 9-24-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

CONNECTICUT PLAN SUPPLEMENTS

Proposed Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Determinations on Marketing Quotas for the 1976-77 Marketing Year; Extension of Time

Notice was given in the FEDERAL REGISTER of August 26, 1975, (40 FR 37221) that the Secretary is preparing to determine and announce the amount of the national marketing quota, the national average yield goal and the national acreage allotment for flue-cured tobacco for the 1976-77 marketing year.

The notice provided that consideration would be given to data, views, and recommendations pertaining to the proposed determinations which are received by the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250 no later than September 25, 1975.

A meeting of the National Tobacco Advisory Committee was held August 29 to discuss the supply and demand outlook. It was the consensus that the 1976 crop quota should not be determined before the middle of November to provide later data pertaining to supply and demand. Accordingly, the time for the receipt of data, views and recommendations pertaining to such determinations is hereby extended to October 14, 1975.

Signed at Washington, D.C., September 19, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-25534 Filed 9-25-75;8:45 am]

V 40 187 SEP 25 75 XUM

1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974, a notice was published in the Federal Register of the approval of the Connecticut plan and of the adoption of Subpart X of Part 1952 containing the decision (39 FR 1010). On January 30, 1975, the State of Connecticut submitted a supplement to the plan involving a developmental change (see Subpart B of 29 CFR Part 1953). The supplement consists of the statewide Affirmative Action plan.

2. *Issues.* Connecticut's Affirmative Action Plan is in response to the commitment made in the timetable in Appendix IV of its 18(b) plan to implement the Governor's Executive Order Number Eighteen. The Executive Order reaffirms the State's intention to provide equal employment opportunity within the State service for all its citizens. The affirmative Action Plan, among other things, identifies the organization responsible for developing programs, defines specific areas of concern, delegates responsibilities for assessing needs and compiling data, and outlines provisions for monitoring and evaluating the program.

The Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) has reviewed the supplement and hereby gives notice that its approval is in issue before him.

3. *Location of the supplement for inspection and copying.* A copy of the plan and the supplement may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N-3112, 200 Constitution Ave. NW., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, 16 Oliver Street, Fifth Floor, Boston, Massachusetts 02110; and Department of Labor, 200 Folly Brook Blvd., Wethersfield, Connecticut 06109.

4. *Public participation.* Interested persons are hereby given until October 27, 1975, in which to submit written data, views and arguments concerning whether the supplement should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Secretary for Regional Programs. If in the opinion of the Assistant Secretary substantial objections are filed which warrant further public discussion a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this approval and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart X of Part 1952 and initiate appropriate further proceedings if necessary.

Signed at Washington, D.C., this 22nd day of September 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25663 Filed 9-24-75;8:45 am]

[29 CFR Part 1952]

NEVADA PLAN

Proposed Supplements

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On January 4, 1974, a notice was published in the FEDERAL REGISTER (39 FR 1008) concerning the approval of the Nevada Plan and of the adoption of Subpart W of Part 1952 containing the decision. Section 1952.293 of Subpart W sets forth the developmental schedule under which the plan will meet the criteria of section 18(c) of the Act and Part 1902 within three years following commencement of operations under the plan. On June 18, 1975, the State of Nevada submitted a supplement to the plan involving an evaluation change and State initiated changes (see Subparts D and E of 29 CFR Part 1953).

The supplements submitted by Nevada concern the establishment of a separate training and consultation staff, additions and transfers of personnel, as well as the upgrading of personnel qualification standards. Nevada's plan called for 19 State safety inspectors and did not provide for a separate consultative staff. The State attempted to meet consultation needs with the inspection staff. The new organization would provide for a separate training and consultation staff to be divided between the Reno and Las Vegas offices serving under a Training and Consultation Chief located in Carson City. The consultation staff would be provided by reducing the number of inspectors to 15 and utilizing four inspectors as trainers/consultants.

Additional personnel are proposed for the administration of the program, raising the total number of administrative personnel from one to three. The two new positions would be that of Principal Safety Officer to provide field coordination and standards interpretations and as Administrative Assistant (Safety Technician) who would have responsibility for federal reporting, personnel coordination, and editing of legislative changes and publications.

The position of Standards Officer is proposed for elimination due to the lack of standards activity. Any remaining standards work would be assumed by the Principal Safety Engineer. The position of statistical clerk is proposed to be changed to Principal Clerk Typist due to the lack of involvement with the Bureau of Labor Statistics' OSH Annual Survey.

The first and second Federal evaluation reports on the Nevada program recommended the upgrading of qualifications of field personnel to increase technical competence at the entry level. The revised job descriptions were drawn in November of 1974 and approved by the Nevada State Personnel Advisory Commission on April 4, 1975.

2. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N3620, Washington, D.C. 20210; Office of the Assistant Regional Director for Occupational Safety and Health, Federal Office Building, 450 Golden Gate Avenue, Room 9410, San Francisco, California 94102; Department of Occupational Safety and Health, Nevada Industrial Commission, Room 311, 515 East Musser Street, Carson City, Nevada 89701.

3. *Public participation.* Interested persons are hereby given until October 27, 1975 in which to submit written data, views, and arguments concerning whether the supplement should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3608, Washington, D.C. 20210.

Any interested person may request an informal hearing concerning the proposed supplements by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments, and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart W of Part 1952, and initiate further appropriate proceedings if necessary.

(Secs. 8(g), 18, Pub. L. 91-956, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C., this 22nd day of September, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25664 Filed 9-24-75;8:45 am]

Wage and Hour Division

[29 CFR Part 697]

[Administrative Order No. 640]

SPECIAL INDUSTRY COMMITTEE FOR ALL INDUSTRY IN AMERICAN SAMOA

Appointment; Convention; Notice of Hearing

Pursuant to sections 5 and 6(a)(3) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205, 206(a)(3)), and Reorganization Plan No. 6 of 1950 (3 CFR, 1949-53 Comp., p. 1004), I hereby appoint Special Industry Committee No. 12 for American Samoa. Pursuant to section 6(a)(3) and section 8 of the Act, as amended (29 U.S.C. 206(a)(3), 208) and Reorganization Plan No. 6 of 1950, I hereby convene this committee, refer to it the question of the minimum wage rate or rates for all industry in American Samoa to be paid under section 6(a)(3) of the Act, as amended, and give notice of the hearing to be held by it.

The Committee shall meet in executive session to commence its investigation at 9:00 a.m. and begin its public hearing at 11:00 a.m. on February 2, 1976, in the Conference Room of the Lyndon B. Johnson Tropical Medical Center, Faga'alu, American Samoa. The industry committee shall investigate conditions in such industry and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum rate or rates of wages for such industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industry, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa. The committee shall not, however, recommend minimum wage rates in excess of those under the Fair Labor Standards Act for classifications in the United States, as provided in section 6 of the Act.

Thus, for employees covered by the Act prior to the 1966 amendments, the rates recommended shall not exceed those specified in section 6(a)(1), namely $2.30 an hour; and for those employees brought within the purview of the Act by the Fair Labor Amendments of 1966, title IX of the Education Amendments of 1972, or the Fair Labor Standards Amendments of 1974, the rates shall not exceed those specified in section 6(b) of the Act, $2.20 an hour through December 31, 1976; and $2.30 an hour after December 31, 1976.

Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in such industry than may be determined for other employees in such industry, the committee shall recommend such reasonable classifications within such industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it, under the principles set forth herein, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards.

The Administrator of the Wage and Hour Division, U.S. Department of Labor, shall prepare an economic report containing the information he has assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, as soon as it is completed. The committee will take official notice of the facts stated in this report. Parties, however, shall be afforded an opportunity to refute such facts by evidence received at the hearing.

The procedure of this industry committee will be governed by the provisions of Title 29, Code of Federal Regulations, Part 511. Copies of this part of the regulations will be available at the Office of the Governor in Pago Pago, American Samoa, and at the National Office of the Wage and Hour Division. The proceedings will be conducted in English but in the event a witness should wish to testify in Samoan, an interpreter will be provided. As a prerequisite to participation as a party, interested persons shall file six copies of a prehearing statement at the aforementioned Office of the Governor of American Samoa and six copies at the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210. Each prehearing statement shall contain the data specified in § 511.8 of the regulations and shall be filed not later than January 12, 1976. If such statements are sent by airmail between American Samoa and the mainland, such filing shall be deemed timely if postmarked within the time provided.

Signed at Washington, D.C., this 19th day of September 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-25499 Filed 9-24-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[24 CFR Part 865]

[Docket No. R-75-854]

PHA-OWNED PROJECTS—PROJECT MANAGEMENT

Notice of Proposed Rulemaking

The Department proposes to amend Title 24 by adopting a new Part 865 PHA-Owned Projects—Project Management, a new Subpart D—Utilities, and a new § 865.401 through § 865.406 Individual Metering of Utilities for Existing PHA-Owned Projects. This amendment would implement HUD policies in support of national energy conservation goals by reducing energy consumption with consequent reduction of operating costs for housing units in existing PHA-owned projects assisted under the United States Housing Act of 1937, by requiring that, to the extent practicable, all Utilities consumed directly by tenants shall be individually metered.

Where a Public Housing Agency (PHA) obtains Utility service from a supplier under a Mastermeter System and tenant usage is not measured by Checkmeters, its tenants receive Utility service as a part of their contract rents, whether their Utility consumption is large or small. Under either the Checkmeter or Retail Service System, a PHA provides a reasonable Utility allowance to its tenants, and the tenants must pay for Utilities consumed in excess of those covered by their allowances.

The proposed rule provides that individual metering may be accomplished either by (1) direct billing of charges to tenants by the Utility supplier and with tenants receiving a reasonable allowance from the PHA for tenant-supplied Utilities or (2) by utilizing a Mastermeter System with Checkmeters operated by the PHA and with tenants Surcharged for Utility consumption in excess of a reasonable allowance.

The proposed rule further provides that conversion of an existing Utilities System either to direct Retail Utility Service to tenants or to measurement of tenant use by Checkmeters will be made only where such conversion is cost effective. A conversion to either Retail Service or the installation of Checkmeters will be cost effective if the cost of (a) debt service (interest and amortization on any attendant capital expenditures); (b) the operating costs in the case of Checkmeters and (c) any adjustment in Utility rates will be less than the amount of PHA Utility expenditures under the existing Mastermeter System. HUD studies demonstrate that, on a national basis, individual metering results in savings from 10 to 30 percent in energy consumption. These studies, which are documented in HUD Bulletin No. LR-11 "Selection of Utilities Low-Rent Housing", an official HUD technical bulletin published in 1962, are confirmed by studies performed within the past two years and

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form the basis for the factors set forth in the proposed rule to represent savings in Utility consumption as the result of change to individual metering. Accordingly, a Benefit/Cost analysis will be undertaken in all cases where Mastermetering Systems are utilized to determine whether a change to individual metering will be cost effective. The proposed rule specifies the order in which conversions to individually metered Utility Service shall be accomplished.

The proposed rule also contains provisions with respect to revision of rent schedules when the tenants are to be furnished Retail Service by the Utility supplier, for changes in tenant leases, for participation of tenant organizations for planning for Utility Service conversions and for a transition period in implementing a Checkmeter System.

Interested persons are invited to participate in the making of this rule by furnishing written comments, data and suggestions. All such materials should refer to the Docket No. and should be filed with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. All comments received on or before October 30, 1975 will be considered before adoption of a final rule in this matter. Copies of all comments will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

A finding of Inapplicability of section 102(2)(C), National Environmental Policy Act of 1969, has been made in connection with these regulations, in accordance with HUD procedures set forth in HUD Handbook 1390.1 (38 FR 19182). A copy of this Finding of Inapplicability is available for public inspection at the above address.

Accordingly, it is proposed to amend Title 24 by adding a new Part 865, PHA-owned Projects—Project Management to Chapter VIII to read as follows:

PART 865—PHA-OWNED PROJECTS—PROJECT MANAGEMENT

Subpart D—Utilities

INDIVIDUAL METERING OF UTILITIES FOR EXISTING PHA-OWNED PROJECTS

Sec.

865.401 Purpose.
865.402 Definitions.
865.403 Individually metered service.
865.404 Benefit/Cost Analysis.
865.405 Funding.
865.406 Order of conversion.
865.407 Actions affecting tenants.
865.408 Compliance schedule.

AUTHORITY: Section 6(a)(4) United States Housing Act of 1937 (42 U.S.C. 1437d); section 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart D—Utilities

INDIVIDUAL METERING OF UTILITIES FOR EXISTING PHA-OWNED HOUSING PROJECTS

§ 865.401 Purpose.

The purpose of §§ 865.401–865.408 of this subpart is to implement HUD policies in support of national energy conservation goals by reducing energy consumption with consequent reduction of operating costs for existing PHA-owned housing projects assisted under the United States Housing Act of 1937, (the Act), by requiring that, to the extent practicable, all Utilities consumed directly by tenants shall be individually metered. Such individual metering will be accomplished either by (a) direct billing of charges to tenants by the Utility supplier with tenants receiving a reasonable allowance from the PHA for the tenant-supplied Utilities; or (b) utilizing a Mastermeter system with Checkmeters operated by the PHA and with tenants Surcharged for Utility consumption in excess of reasonable requirements.

§ 865.402 Definitions.

(a) "Benefit/Cost Analysis" means a direct comparison of the present worth of any savings generated by a given system with the cost of the change.

(b) "Checkmeter" means a device for measuring Utility consumption within each individual dwelling unit where the Utility Service is supplied to the PHA through a Mastermeter. The PHA then ascertains from its reading of the Checkmeter it has installed the amount of tenant usage and Surcharges the tenants for excess usage.

(c) "HUD Field Office" means the HUD Regional, Area or Insuring Office which has been delegated authority under the United States Housing Act of 1937 to perform functions pertaining to this Subpart for the area in which the PHA is located.

(d) "Mastermeter System" means a Utility distribution system in which a PHA is supplied Utility Service by a Utility supplier through a system meter or meters and distributes the Utility Service to its tenants.

(e) "Meter Loops" means a device provided to accommodate future installation of a Utility meter.

(f) "Minimum Loan Interest Rate" means the rate of interest determined periodically by HUD applicable to loans and loan commitments made by HUD to PHAs.

(g) "Modernization Program" means the provision of financial assistance to PHAs under the Act for the purpose of upgrading living conditions, correcting serious physical deficiencies and achieving operating efficiency and economy with respect to PHA-owned housing assisted under the Act.

(h) "Retail Service" means purchase of Utility Service by PHA tenants directly from the Utility supplier.

(i) "Surcharge" means the amount charged to tenants for consumption of Utilities in excess of a reasonable allowance therefor, based on Utility use determined by means of a Checkmeter.

(j) "Utilities or Utility Service" means electricity, gas, heating fuel and water.

§ 865.403 Individually metered services.

(a) All Utility Service shall be individually metered to tenants, either through provision of Retail Service to the tenants by the Utility supplier or through the use of Checkmeters, unless:

(1) Individual Metering is impracticable, such as in the case of a central heating system in an apartment building;

(2) Change from a Mastermetering System to individual meters would not be financially justified based upon a Benefit/Cost Analysis; or

(3) Checkmetering is not permissible under state or local law, or under the policies of the particular Utility Supplier or public service commission.

(b) If Checkmetering is not permissible, Retail Service must be considered. Where Checkmetering is permissible the type of individual metering offering the most savings to the PHA shall be selected.

§ 865.404 Benefit/Cost Analysis.

(a) A Benefit/Cost Analysis shall be made to determine whether a change from a Mastermetering System to individual meters will be cost effective, except as otherwise provided in § 865.407. In making this analysis the following percentage factors shall be used to estimate the Utility consumption resulting from changes from a Mastermeter System without Checkmeters to systems with individual meters.

[In percent]

Utility function	Tenant retail service	Checkmeters
Lighting and refrigeration	75	85
Cooking	75	85
Domestic hot water	75	85
Space heating	65	75

(b) Proposed installation of Checkmeters must be justified on the basis that the cost of debt service (interest and amortization) of the estimated installation costs plus the operating costs of the Checkmeters will be more than offset by reduction in future Utilities expenditures to the PHA under the Mastermeter System. The following steps will normally be performed in making this analysis:

(1) Ascertain current Utility cost in terms of consumption by tenants and the applicable rate utilizing monthly billings and data from the Utility supplier. The monthly average should be based on data for the preceding 12-month period.

(2) Estimate changes in consumption after installation of Checkmeters utilizing the table set forth in paragraph (a) of this section.

(3) Compute Utility cost after installation of Checkmeters using the applicable rate.

(4) Compute the gross annual savings resulting from use of Checkmeters.

(5) Estimate the costs of operation of the Checkmeter System, including maintenance, repairs, meter reading, and billing.

(6) Compute the net annual savings.

(7) Compute the present worth of savings for a 20-year period using the current Minimum Loan Interest Rate.

(8) Estimate costs of Checkmeter purchase and installation, including cost of meters, meter loops, labor, and materials.

(9) Compare paragraphs (b), (7) and (8) of this section. If paragraphs (b), (7) of this section are greater than paragraphs (b), (8) of this section the conversion is cost effective.

Example:

1. Electricity is used for tenant lighting and refrigeration in a 210-unit family project. Average monthly billing is $3,120 for 120,000 Kwh. Annual cost of electricity is: $3,120 × 12 = $37,400.

2. After installation of Checkmeters (with surcharging of tenants for excess consumption) tenant electric consumption will be reduced to 85% of consumption under Mastermetering without Checkmeters. Estimated consumption, 120,000 Kwh × 0.85 = 102,000 Kwh.

3. Compute expense of electricity after installation of Checkmeters. Applicable electric rate schedule, obtained from electric company is:

Energy charge—
3.50¢ per Kwh first 20,000 Kwh.
2.50¢ per Kwh next 30,000 Kwh.
1.50¢ per Kwh next 50,000 Kwh.
1.00¢ per Kwh all additional.

Fuel adjustment is 0.6¢ Kwh for all power sold. Application of the above light and power rate, computed on the basis of consumption is:

20,000 Kwh at 3.5¢ per Kwh, $700.
30,000 Kwh at 2.5¢ per Kwh, $750.
50,000 Kwh at 1.5¢ per Kwh, $750.
2,000 Kwh at 1.0¢ per Kwh, $20.

Fuel adjustment—
102,000 Kwh at 0.6¢ per Kwh, $612.

Average monthly expense, $2,832.

Total annual expense for electricity after installation of Checkmeters is: $2,832 × 12, $33,984.

4. Gross annual savings is: $37,440 − $33,984 = $3,456.

5. Cost of operating Checkmeters is estimated to be $683 annually.

6. Net annual savings: $3,456 − $683 = $2,773.

7. Compute present worth of savings using present worth factor from interest tables (present worth factor used is for a 5% Minimum Loan Interest Rate and a 20-year period). $2,773 × 12.462 = $34,557.

8. Estimated installation cost of Checkmeters is $10,500.

9. (7) is greater than (8) therefore conversion is cost effective.

(c) Proposed conversion to Retail Service must be justified on the basis of net savings to the PHA. This determination involves making a comparison between the reduction in Utility expense obtained through eliminating the expense to the PHA for PHA-supplied Utilities compared to the resultant allowance for tenant-supplied Utilities based on the cost of Utility Service to the tenants after conversion. The following steps will normally be performed in making this analysis:

(1) Ascertain current Utility costs in terms of consumption by tenants and the applicable rate utilizing monthly billings and data from the Utility supplier, based on data for the preceding 12-month period.

(2) Estimate annual cost of maintenance and repair of existing Utility system for the same 12-month period.

(3) Compute total annual expense of Utility service (sum of paragraphs (c)(1) and (2)) of this section.

(4) Estimate changes in consumption after conversion to Retail Service, utilizing the table set forth in paragraph (a) of this section.

(5) Compute Utility cost after conversion to Retail Service using the applicable Retail Service schedule.

(6) Compare paragraphs (c)(3) and (5) of this section. If paragraph (c)(3) of this section is greater, conversion to Retail Service will be cost effective.

Example:

1. Electricity is used for tenant lighting and refrigeration for a 505-unit family project. Average monthly billing is $7,807 for 237,400 Kwh. Annual cost of electricity is: $7,807 × 12 = $93,684.

2. Estimated average cost of maintenance and repair to the Mastermeter System is $754 per month. (Assume the system can be converted to Retail Service without cost to the PHA). Annual expense is: $754 × 12 = $9,048.

3. The total annual expense of Utility service is: $93,684 + $9,048 = $102,732.

4. The estimated average tenant monthly consumption after conversion to Retail Service is 75% of consumption under Mastermetering without Checkmeters: (237,400 Kwh × 0.75) ÷ 505 = 353 Kwh.

5. Applicable residential electric rate schedule obtained from power company is:

$2.00 for first 10 Kwh.
5.0¢ per Kwh per next 40 Kwh.
4.0¢ per Kwh for next 50 Kwh.
2.5¢ per Kwh for all additional.
Fuel adjustment is 0.5¢ per Kwh for all power sold.

6. Annual cost of electricity based on foregoing schedule and estimated average tenant monthly consumption is: $14.10 × 12 × 505 is cost effective.

7. Since (3) is larger than (6) conversion is cost effective.

§ 865.405 Funding.

The cost to change Mastermeter Systems to individual metering of tenant consumption including the costs of Benefit/Cost Analysis, and installation of Checkmeters shall be funded from operating funds of the PHA to the extent feasible. When sufficient operating funds are not available for this purpose, such costs are eligible for inclusion in a Modernization Program.

§ 865.406 Order of conversion.

Conversions to individually metered Utility Service shall be accomplished in the following order where a PHA has projects of two or more of the designated categories, unless otherwise approved by the HUD Field Office:

(a) In projects where Retail Service is provided by the Utility supplier and the PHA is paying all the individual Utility bills, no Benefit/Cost Analysis is necessary and tenants shall be billed directly after the PHA adopts revised rent schedules providing appropriate allowances for tenant-supplied utilities.

(b) In projects where Checkmeters have been installed but are not being utilized as the basis for determining Utility charges to tenants, no Benefit/Cost Analysis is necessary and the Checkmeters shall be utilized as the basis for such charges, and tenants shall be Surcharged for excess Utility use.

(c) Projects where Meter Loops have been installed for utilization of Checkmeters, shall be analyzed both for the installation of Checkmeters and for conversion to Retail Service.

(d) Low or medium rise family units with a Mastermeter System should be analyzed for both Checkmetering and conversion to Retail Service, because of their large potential for energy savings.

(e) Low or medium rise housing for elderly should next be analyzed for both Checkmetering and conversion to Retail Service, since the potential for energy saving is less than for family units.

(f) Electric Service under Mastermeters for high rise buildings, including projects for the elderly, should be analyzed for both use of Retail Service and of Checkmeters.

§ 865.407 Actions affecting tenants.

(a) Prior to making any conversion to Retail Service the PHA shall adopt revised rent schedules providing appropriate allowances for the tenant-supplied Utilities resulting from the conversion.

(b) Prior to implementing any modifications to Utility Services arrangements with the tenants or charges with respect thereto, the requisite changes shall be made in tenant dwelling leases in accordance with the requirements of 24 CFR Part 866.

(c) To the extent practicable, PHAs should work closely with tenant organizations in making plans for conversion of Utility Service to individual metering, explaining the national policy objectives of energy conservation, the changes in charges and rent structure which will result, and the goals of achieving an equitable structure which will be advantageous to tenants who conserve energy.

(d) A transition period of at least six months shall be provided in the case of initiation of Checkmeters during which tenants will be advised of the charges but during which no Surcharge will be made, based on such readings. This trial period will afford tenants ample notice of the effects the Checkmetering System will have on their individual Utility charges and also afford a test period for the adequacy of the Utility allowances established.

§ 865.408 Compliance schedule.

(a) PHAs shall complete Benefit/Cost Analysis for all Mastermetered projects within eighteen (18) months after the effective date of the final rule.

(b) Mastermetered projects determined to be cost effective for conversion to Retail Service or Checkmetering shall be so converted within thirty (30) months after issuance of the final rule unless the HUD Field Office determines that funds are not available for this purpose.

Issued at Washington, D.C., September 19, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-25613 Filed 9-24-75;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162]

[OPP-30003A; FRL 435-2]

PESTICIDE PROGRAMS

Regulations for State Registration of Pesticides To Meet Special Local Needs; Correction

In FR Doc. 75-23350 appearing at page 40538 in the issue of September 3, 1975, the following changes should be made.

On page 40543, the last phrase in the second line in the first column should read "§ 162.158(c)" instead of "§ 162.58 (c)".

On page 40544, the last line of the first paragraph in the second column should read "(pur-)suant to § 162.155(e) of this Subpart);" instead of "(pur-)suant to § 162.155(e);"

Dated: September 19, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-25502 Filed 9-24-75;8:45 am]

[40 CFR Part 172]

[OPP-50006A; FRC 435-3]

PESTICIDE PROGRAMS

Regulations for State Issuance of Experimental Use Permits; Corrections

In FR Doc. 75-23349 appearing at page 40545 in the issue of September 3, 1975, the following changes should be made.

On page 40546, the fourth line of the third paragraph, first column, should read "(cate-)gories established by 40 CFR 162.153(b)" instead of "(cate-) gories established by 40 CFR 162.53(b)".

On that same page, in the third column, beginning with the sixth line of the section entitled "Public Comment", the sentence should read "Comments should be filed in triplicate and addressed to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room E-401, 401 M St., S.W., Washington, D.C. 20460." The remainder of that section is correct as published.

Dated: September 19, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-25503 Filed 9-24-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Pub. Notice CM-5/100]

STUDY GROUP CMTT OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group CMTT of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on October 21, 1975, at 10 a.m. in Room 7071, ComSat Headquarters, 950 L'Enfant Plaza South, SW., Washington, D.C.

Study Group CMTT deals with technical standards for telecommunication systems to permit the transmission of sound and television programs over long distances. The purpose of the meeting on October 21 is to review the work under way in preparation for the international meeting of CMTT in 1976.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: September 17, 1975.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.75-25577 Filed 9-24-75;8:45 am]

[Public Notice CM-5/101]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 1 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on November 25, 1975, in Room 6802, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C., at 8:30 a.m.

Study Group 1 deals with: Matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting will be a review of the work programs of U.S. Study Group 1 in preparation for the international meeting of Study Group 1 in May–June 1976.

Members of the general public may attend the meetings and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Date: September 18, 1975.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.75-25578 Filed 9-24-75;8:45 am]

[Public Notice CM-5/98]

STUDY GROUPS 10 AND 11 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet jointly on October 15, 1975, under the chairmanship of Mr. Harold L. Kassens. The meeting will convene at 9 a.m., in Room 8210, Federal Communications Commission, 2025 M Street NW., Washington, D.C.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The agenda for the meeting is:

1. Approval of the agenda.
2. Approval of minutes of September 16 meeting.
3. Reports on preparations for the 1976 meetings of the international Study Groups 10 and 11.
4. Any further business.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Dated: September 16, 1975.

GORDON L. HUFFCUTT,
Chairman, U.S. CCIR National Committee.

[FR Doc.75-25576 Filed 9-24-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Notice of Meetings and Determination

Notice is hereby given, pursuant to section 10 of Public Law 92-463, that meetings will be held in Washington on October 21 and 22, 1975, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.
Securities Industry Association, Government Securities and Federal Agencies Committee.

The agenda for the meetings will include a briefing for the advisory committees by Treasury staff on current debt management problems, deliberations by the two committees, and reports to the Secretary of the Treasury and Treasury staff.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Public Law 92-463 and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552 (b)(4) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of this office. When so utilized they are recognized to be advisory committees under Public Law 92-463. The advice provided consists of commercial and financial information given and received in confidence in order to avoid adverse effects of premature disclosure on the financial markets and the economy. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552(b)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

The Special Assistant to the Secretary (Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the provisions of 5 U.S.C. 552(b)(4).

EDWIN H. YEO III,
Under Secretary for Monetary Affairs.

SEPTEMBER 19, 1975.

[FR Doc.75-25639 Filed 9-24-75;8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MARIHUANA

Scheduling

This matter concerns the scheduling of marihuana under the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801 et seq. It involves a rulemaking proceeding conducted pursuant to the remand of the United States Court of Appeals for the District of Columbia Circuit in The National Organization for the Reform of Marijuana Laws (NORML) et al., Petitioners v. John E. Ingersoll et al., Respondents, 497 F. 2d 654.

The responsibility of the Acting Administrator of the Drug Enforcement Administration (DEA) is twofold. First, the record of the proceeding must be considered to determine if there has been compliance with the directions of the court. Second, if the terms of the remand have been met, the record must be considered to determine if the recommended decision of the administrative law judge shall be accepted or rejected in the light of all the evidence.

I. The Remand and the Record

PHASE I

On January 15, 1974, the decision of the Court of Appeals was published. Since the opinion by Circuit Judge Leventhal sets forth the history of the proceedings to that date, it need not be detailed here. Suffice it to say that the court ordered the Bureau of Narcotics and Dangerous Drugs (a predecessor agency of the Drug Enforcement Administration) to hold an administrative hearing on the petition of NORML and other organizations to remove marihuana from control of the Act or, in the alternative, to transfer marihuana from Schedule I to Schedule V. The petition had previously been rejected by the Director, BNDD, on the ground that marihuana was included in an international treaty to which the United States was a signatory. That treaty—The Single Convention on Narcotic Drugs, 1961, 18 U.S.T. 1407 (1967)—imposed certain obligations on the United States concerning marihuana and thus, the Director contended, control of marihuana was governed by Section 201(d) of the Act, 21 U.S.C. 811(d), which provides that "if control is required by United States obligations under international treaties . . . the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations . . . ." It should be noted that as to substances not covered by international treaty the Act sets forth certain criteria for placement in one of the five schedules of the Act and requires the Attorney General to request from the Secretary of Health, Education, and Welfare "a scientific and medical evaluation and his recommendations as to whether such drug or other substance should be so controlled . . . ." (Sections 201 (a) and (b), 21 U.S.C. 811 (a) and (b))

The principal contrary position asserted by the petitioners, as seen by the court, was that "the Single Convention on Narcotic Drugs does not regulate marihuana as such, that it regulates 'cannabis' and 'cannibis resin' and these are carefully defined so as to be inapplicable to the *leaves* of the cannabis plant." (Italics in opinion.)

The court took no position on the merits. It called for a focused consideration of the issues and outlined the nature and extent of that consideration. Since the fulcrum of the contest was an international treaty the court called for "the views of sources in the State Department and the international organizations involved." Then the court said, "if it should develop as petitioners suggest, that there is latitude in treaty obligations depending on the country's assessment of the health aspects of the problem involved, a substantial question would arise whether the Department of Justice may insist on making these determinations without obtaining the appraisal of the Department of Health, Education, and Welfare."

The court proposed a rulemaking proceeding in phases:

> In the first phase the Department of Justice could consider whether there is any latitude consistent with treaty obligations and herein receive expert testimony limited to this treaty issue.
>
> The second phase would arise only if some latitude were found and would consider how the pertinent executive discretion should be exercised.

The following series of events occurred subsequent to the remand:

1. On June 26, 1974, the Administrator published a notice in the FEDERAL REGISTER announcing that DEA was "prepared to hold a hearing limited to the petitioners or any of them, for the purpose of receiving factual evidence and expert opinion on the issue and by the method described by the court as 'whether there is any latitude (on the scheduling of marihuana under the Controlled Substances Act) consistent with treaty obligations, and herein receive expert testimony limited to this treaty issue.'" The notice included a lengthy letter addressed to the Chief Counsel, DEA, by the Assistant Legal Adviser of the Department of State setting forth in detail that Department's position on the obligations imposed by the Single Convention on the United States in regard to marihuana. Certain United Nations documents on the subject were attached to the original letter and these were identified in the notice and subsequently made available to the petitioners. (39 FR 23072–75)

2. By letter dated July 19, 1974, two of the original three petitioners, NORML and the American Public Health Association, responded to the notice by requesting an administrative hearing. The letter observed that "the issue as framed in the notice will focus entirely on the treaty issue—whether the Administrator of DEA has any discretion, under the Single Convention, to remove marijuana from Schedule I." Petitioners saw "three specific subparts" to this issue:

(a) Whether there is any discretion to remove marihuana from Schedule I.

(b) Whether there is any discretion to remove the leaves or seeds of the plant from Schedule I.

(c) Whether there is any discretion to remove marihuana from the Act insofar as marihuana is privately possessed and used.

On the last point petitioners contended that if the Single Convention was construed to require a criminal sanction for private possession and use of marihuana such a treaty obligation would be void as "repugnant to the United States Constitution, especially the Right of Privacy." (The issue set forth in this last subpart had not been designated for consideration by the remand. Further, an administrative law judge or an agency head has no authority (even assuming the competency) to resolve constitutional issues).

3. Pursuant to an order of Administrative Law Judge Lewis F. Parker, counsel for petitioners and counsel for the government met in the absence of the judge on September 18, 1974. Prehearing conferences, presided over by Judge Parker, took place on September 23, 1974 and October 23, 1974. At the September 23, 1974 conference, petitioners sought to clarify the issues. It was their position that "the medical-pharmacological aspects of marihuana" should not be considered; that the hearing should be concerned only with "interpreting a treaty." Judge Parker and the government agreed with this position.

4. An administrative hearing was held before Judge Parker from January 28 through January 30, 1975. On April 18, 1975, the government submitted Government Exhibit 79 which was received without objection by the petitioners. Extended oral argument covering the entire record then followed.

5. The record of the administrative hearing and the findings of fact, conclusions of law, and reply briefs submitted by the parties have been reviewed to determine if they reached the issue of whether the Single Convention provided any latitude in U.S. control of marihuana.

Petitioners' two witnesses, Lawrence Hoover, a former State Department legal adviser, and Dr. Joel Fort, a former consultant to the World Health Organization, were qualified as experts to give their opinions on this question as was Donald E. Miller, Chief Counsel of DEA and a State Department consultant on narcotics and dangerous drugs, who testified for the government. Other government testimony was received from Philip P. Porto, Director of DEA's Northeastern Regional Laboratories, on the composition of marihuana in the illicit traffic in the United States and from Dr. Carlton E. Turner whose testimony was addressed to the component parts of the marihuana plant and the various preparations which can be derived from each part. Dr. Turner is Director of the National Institute on Drug Abuse Marihuana Project.

In addition the record, beginning with the Federal Register notice which set forth the views of the Department of State, is replete with documents on the Single Convention and the positions of international organizations and foreign governments. I conclude, therefore, that the administrative proceeding met the "first phase" direction of the court.

II. The Remand and the Record

PHASE 2

The question then becomes whether the administrative hearing did more than comply with the "first phase" direction. As noted above the court questioned whether, if it should develop there was latitude in treaty obligations, the Department of Justice could determine the scheduling of marihuana absent the appraisal of the Department of Health, Education, and Welfare. To that question the court suggested a "second phase" which would arise "only if some latitude were found and would consider how the pertinent executive discretion should be exercised."

On January 29, 1975, Dr. Joel Fort testified for the petitioners. As a former consultant to the World Health Organization and the United Nations Division on Narcotic Drugs, Dr. Fort was qualified to express opinions on the Single Convention and marihuana control and he did so. But Dr. Fort exceeded this "first phase" question. On direct examination he was permitted to testify on whether marihuana now has, or could have, a currently accepted medical use in treatment in the United States.

Attorney for the government, DEA's Deputy Chief Counsel Robert J. Rosthal, pointed out that such testimony was not strictly relevant to the first phase of the hearing as had been agreed by all parties during the prehearing conference of September 23, 1974. Judge Parker, however, allowed the witness to describe numerous illnesses and diseases for which, in the witness's opinion, marihuana could usefully be prescribed.

At this point the hearing had gone far beyond the "phase one" issue and had entered the "medical-pharmacological aspects of marihuana" which petitioners had earlier stated should not be the subject of that phase.

On April 18, 1975, there was received in evidence Government Exhibit 79. In introducing the exhibit Mr. Rosthal noted that it was intended to counter the testimony of Dr. Fort which had created "a medical issue that I was not prepared to discuss at the time of the hearing because NORML after asking for the stipulation violated it, and they were permitted to violate it."

Government Exhibit 79, consists of a letter dated April 17, 1975, addressed to Peter H. Meyers, counsel for the petitioners, by Mr. Rosthal, enclosing a copy of a letter dated April 14, 1975 addressed to then DEA Acting Deputy Administrator Jerry N. Jenson by Dr. Theodore Cooper, then Acting Assistant Secretary for Health, Department of Health, Education, and Welfare. Mr. Rosthal's letter offered to join petitioners in a motion for postponement of oral argument to give petitioners additional time to consider Dr. Cooper's letter.

Dr. Cooper's letter reads as follows:

APRIL 14, 1975.

JERRY N. JENSON,
Acting Deputy Administrator, Drug Enforcement Administration, Department of Justice, 1405 I Street NW., Washington, D.C. 20537.

DEAR MR. JENSON: At your request, we have prepared the following statement giving our position on the medical uses of Cannabis sativa L. (marihuana).

There is currently no accepted medical use of marihuana in the United States. There is no approved New Drug Application for Cannabis sativa L. (marihuana) or tetrahydrocannabinol, the active principle in marihuana. There are Investigational New Drug Applications on file to determine possible therapeutic uses and potential toxic effects of the substance.

We have included for your information a copy of the most recent report on these studies and a copy of the FDA policy regarding clinical studies with marihuana.

Sincerely yours,

THEODORE COOPER, M.D.,
Acting Assistant Secretary for Health.

This letter resolves the "substantial question" which the court found might exist if the Single Convention permitted latitude and the Attorney General acted to control marihuana "without obtaining the appraisal of the Department of Health, Education, and Welfare." It is unnecessary to decide whether Section 201(d) requires the Attorney General to seek the views of HEW on a substance included in an international treaty. In the instance of marihuana he has done so and he has received a reply.

Three federal statutes are noted at this point. Title 21 U.S.C. 812(b) defines the five schedules of controlled substances established by the Comprehensive Drug Abuse Prevention and Control Act of 1970. Only Schedule I is reserved for substances which have no currently accepted medical use in treatment in the United States. Title 21 U.S.C. 355(a) prohibits the introduction into interstate commerce of any new drug unless that drug has received an approved New Drug Application from HEW and Section 355(d) provides, in pertinent part, that to receive a New Drug Application a drug must be effective for a particular medical purpose and safe for use.

III. Findings of the Administrative Law Judge

"Cannabis" (marihuana) is defined in the Single Convention as "the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops) from which the resin has not been extracted." "Cannabis resin" is defined as "the separated resin, whether crude or purified obtained from the cannabis plant."

As to these defined substances the Single Convention imposes certain obligations on the United States:

(a) To limit the use of cannabis and cannabis resin to medical and scientific research or to medical and scientific purposes;

(b) To report estimates of cannabis and cannabis resin to be consumed in the next year and statistics on those drugs for the past year;

(c) To establish quotas for cannabis and cannabis resin;

(d) To establish a national cannabis agency;

(e) To license producers of cannabis and cannabis resin;

(f) To control domestic and international distribution of cannabis and cannabis resin; and

(g) To provide a penalty scheme for violation of the treaty and seize drugs used in such violations.

As noted, the seeds and leaves of the cannabis plant are included in the definition of "cannabis" when they accompany "the flowering or fruiting tops" of the plant. The leaves or seeds are excluded from the definition when they are entirely separated from the tops.

1. *Judge Parker found* that "when the leaves and seeds of cannabis accompany the tops, they come within the definition of cannabis adopted by the Single Convention, are subject to the same controls as the tops, and the United States has an obligation under the Convention to control them."

The Acting Administrator accepts this finding.

Seeds not accompanied by tops are not specifically controlled by the Single Convention.

2. *Judge Parker found* that "if the United States decided to decontrol cannabis seeds, that action would not violate any existing international obligations."

The Acting Administrator does not accept this finding since it is obvious that the seeds of a plant can be used to grow other plants. A finding that the Single Convention intended to ignore separated seeds capable of germination does not comport with the treaty's direction in Article 2, paragraph 8 which specifies "the parties shall use their best endeavors to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of drugs, such measures of supervision as may be practicable." The Acting Administrator finds that the rigid controls imposed by the Single Convention on seeds when they accompany the tops do not apply to separated seeds which are capable of germination. He finds further that the Single Convention intended that such separated seeds be controlled.

With regard to leaves not accompanied by the tops the Single Convention directs that "the parties shall adopt such measures as may be necessary to prevent the misuse of, and illicit traffic in, the leaves of the cannabis plant."

3. *Judge Parker found* that "while the United States is obligated by the Single Convention to adopt specific controls over cannabis and cannabis resin . . . the Convention, in Article 28, paragraph 3, contains only a general admonition with respect to leaves." However, the article "does not give the parties the option of deciding *not* to control cannabis

V 40 187 SEP 25 75 XUM

leaves, and I find that it imposes an obligation on all parties to apply some measure of control, however slight, to prevent misuse of, and illicit traffic in, the leaves." (Word within quotation italicized by Judge Parker.)

The Acting Administrator accepts the substance of this finding but not the suggestion implicit in its language. The Acting Administrator construes Article 28, paragraph 3 as more than an "admonition." It intends that the United States make a full effort, in good faith, to prevent misuse of, or illicit traffic in, separated leaves. A "slight" effort or even a less than our best effort would denigrate the Single Convention.

4. *Judge Parker found* that the Single Convention does not apply to artificial cannabis.

The Acting Administrator finds that "artificial cannabis" does not exist and what the judge intended is synthetic tetrahydrocannabinol. This manufactured substance is not covered by the Single Convention and is not at issue in this proceeding.

The administrative hearing developed certain facts which were not included in Judge Parker's findings:

1. The plant material of what is commonly called marihuana in the United States consists of a mixture of crushed leaves, flowers and twigs of the Indian Hemp plant, an annual belonging to the single species of Cannabis sativa.

2. Resin is found in all parts of the cannabis plant including the leaves and the psychoactive element tetrahydrocannabinol (THC) is found in all parts of the plant. It is possible to extract THC from a separated cannabis leaf to make hash oil—a highly potent drug. THC is controlled in Schedule I of the Act.

3. It is the position of the Department of State, as set forth in the FEDERAL REGISTER notice of June 26, 1974, that "the Department of State is vitally interested in the effective enforcement of all the international obligations undertaken by the United States under the Single Convention on Narcotic Drugs, to which the United States became a party on June 24, 1967, and continues to be a party. The United States gave its consent to be bound by the Single Convention without any reservations or conditions and, accordingly, undertook to abide by all the obligations of that Convention."

4. It is the position of the Department of State, as set forth in the FEDERAL REGISTER notice of June 26, 1974, that the flowering or fruiting tops of the cannabis plant and cannabis resin must be included in Schedule I or Schedule II of the Act since these schedules are the only ones providing sufficient controls to meet the obligations which the Single Convention imposes as to those substances. The Department further considers that the Single Convention requires control of the leaves of the plant and that "the practice of mixing the flowering or fruiting tops, cannabis resin, (sometimes referred to as hashish), or a concentrated cannabis extract with the leaves, seems to present a serious problem of determining whether one level of control can be applied to the leaves alone when other more potent substances are mixed with them which at the present time seems to be impossible except in a laboratory."

In discussing "the seriousness of the international situation with respect to illicit traffic in substances derived from the marihuana plant" the Department of State cites the statements made in the Report for 1973 of the International Narcotic Control Board (the control organ under the Single Convention) to the United Nations Economic and Social Counsel. This report, issued on February 22, 1974 states:

> The Board notes in its report that cannabis continues to be the most prevalent drug in the illicit traffic. While there have been many seizures of substantial quantities of cannabis in 1973, the stream of the drug from countries where it is grown to countries where it is consumed has apparently not significantly diminished. The problem is exacerbated by the appearance of stronger concentrated forms which are easier to transport and are more potentially dangerous to the user. The Board is encouraged by the increase in basic research on cannabis, and calls for further studies on the effects of long-term consumption.

It is apparent that Judge Parker did not make these findings because of his understanding of the "first phase." He writes, "the only issue which must be decided is whether there is any latitude with respect to the scheduling of marihuana, consistent with treaty obligations. If there is, the extent to which such latitude permits descheduling or rescheduling is an issue which would more properly be decided in the second phase proceeding after the views of the Secretary of Health, Education, and Welfare are considered by the Acting Administrator of DEA."

The Acting Administrator does not interpret the "first phase" as limited to a sterile reading of the treaty's words and phrases. To discuss "flowering or fruiting tops", "seeds and leaves", "resin" without knowing what they are and how they are used is to ignore why they appear in the Single Convention at all. Also, the court called for "the views of sources in the State Department and the international organizations involved" and since those views appeared in detail in the FEDERAL REGISTER notice of June 26, 1974, they require the closest attention. Accordingly, while the four findings immediately above were not "found" by the administrative law judge, they are "found" by the Acting Administrator.

Finally, the Acting Administrator finds that it is the position of the Secretary of Health, Education, and Welfare that "there is no currently accepted medical use of marihuana in the United States. There is no approved New Drug Application for Cannabis sativa L. (marihuana). There are Investigational New Drug Applications on file to determine possible therapeutic uses and potential toxic effects of the substance." The "substance" referred to by Dr. Cooper in his letter of April 14, 1975, to Mr. Jenson is the substance defined in Section 102 (15) of the Act, 21 U.S.C. 802(15). Here marihuana is described as "all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin." Excluded from the definition are seeds incapable of germination and certain other parts of the plant and products which may be derived from the plant. These parts and products are not pertinent to this discussion.

Congress placed all parts of marihuana as defined in the Act under Schedule I of the Act.

Comparing the description of "marihuana" in the Act with the description of "cannabis" in the Single Convention it is noted that the Act applies complete and equal coverage to flowering or fruiting tops, to seeds capable of germination and leaves whether or not accompanied by the tops, and to resin, while the Convention applies specific controls to the tops and to the seeds and leaves when they accompany the tops and to resin. The Convention assigns nonspecific controls to leaves and to seeds capable of germination when separated from the tops.

IV. The Recommended Decision of the Administrative Law Judge

Judge Parker's recommended decision reads as follows:

> The United States is not required by any treaty, convention, or protocol to control cannabis seeds or artificial cannabis (Findings 22, 25 and 26(b) (1), (2)). Therefore, I recommend that the Administrator, pursuant to § 201(b) of the Controlled Substances Act, 21 U.S.C. 811(b), request from the Secretary of Health, Education, and Welfare a scientific and medical evaluation and the Secretary's recommendation as to the appropriate schedule in which cannabis seeds and artificial cannabis should be placed or whether these drugs should be removed from the schedules as controlled substances. After receiving these recommendations, the Administrator should hold hearings pursuant to § 201(a).
>
> The United States is required by the Single Convention to control cannabis, cannabis resin, and cannabis leaves (Findings 21, 23, 24 and 26(a) (1) and (2)). However, its obligations thereunder can be satisfied if cannabis and cannabis resin are placed, in Schedule II of the Controlled Substances Act and if cannabis leaves are placed in Schedule V of the Act. Therefore, I recommend that the Administrator, pursuant to § 201(b), 21 U.S.C. 811(b), of the Controlled Substances Act, request from the Secretary of Health, Education, and Welfare a scientific and medical evaluation and the Secretary's recommendation as to the appropriate schedule (within the limits of the United States' treaty obligations)* in which cannabis, cannabis resin and cannabis leaves should be placed. After receiving these recommendations, the Administrator should hold hearings pursuant to § 201(a).

*This phrase is included to make it clear that the Secretary, while he might recommend it, could not bind the Attorney General to place cannabis and cannabis resin in Schedules III–V or decontrol cannabis leaves since such action would violate the United States' treaty obligations.

V. Acting Administrator's Discussion of the Recommended Decision

The Acting Administrator agrees that "artificial cannabis" (actually synthetic tetrahydrocannabinol) is not controlled by any treaty to which the United States is a signatory. Therefore, U.S. control of synthetic tetrahydrocannabinol is not an issue in this proceeding.

The recommendation concerning "cannabis seeds" is confusing since it does not differentiate between seeds capable of germination and those which are not. As to those capable of germination, the Acting Administrator, as noted above, considers them covered by the treaty. Seeds incapable of germination are not controlled by either the Convention or the Act and are not an issue in this proceeding.

The Acting Administrator agrees that the Single Convention requires the United States to control cannabis, cannabis resin, and cannabis leaves. He agrees that the control mechanisms of the Act relating to Schedule I or Schedule II are sufficient to meet the requirements of the Single Convention as to cannabis and cannabis resin. (These requirements are listed above as (a) through (g) in the second paragraph under "Findings of the Administrative Law Judge")

So that there be no confusion, the term "cannabis" includes the seeds and leaves when they accompany the tops and Judge Parker's reference to "cannabis leaves" is taken to mean leaves which do not accompany, and are entirely separated from the tops. As to such separated leaves, the judge believes the control mechanisms of Schedule V to be sufficient. If the Acting Administrator were faced with this question in the framework of an academic discussion, he might agree that Schedule V controls could technically so limit separated leaves (and seeds capable of germination) as to meet the bare bones language of the treaty.

However, marihuana in the illicit traffic is a mixture of crushed leaves, flowers, and twigs, and THC can be extracted from the leaves to make hash oil. Thus, the misuse to which the leaves can be put and the form in which marihuana appears illicitly, make it obvious that Schedule V controls, which permit over-the-counter sales for a "medical purpose" would fall far short of the contemplated restrictions and purposes of the Single Convention and the intent of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Having found that the Single Convention obligates the United States to control cannabis, and cannabis resin and that this obligation could be met by placement in Schedule II, Judge Parker appears to recommend that, under Section 201(b) of the Act, the Acting Administrator request a scientific and medical evaluation from the Secretary, HEW, and then hold a hearing under Section 201(a). The identical procedural recommendation appears to be made as to leaves entirely separated from the tops.

The Acting Administrator uses the phrase "appears to recommend" because under Judge Parker's total recommendation the Secretary of HEW is not really to be permitted to make the medical and scientific evaluation contemplated by Section 201(b). As the footnote to the recommendation shows, the Secretary is to make an evaluation limited by legal interpretations of an international treaty. This situation demonstrates the problem which faced the Congress on the subject of drugs which are controlled by domestic law *and* international agreement.

The solution, as Congress resolved it, was to place in the Attorney General the ability to resolve the mixed questions of law and science and medicine. What the Court of Appeals feared was that this official conceivably might act without due regard for the views of other officials with an interest in the subject matter and in a special position to offer him advice. The court did not repeal Section 201(d). It referred to it as "establishing a basis for control under the Act if required by treaty obligations" and it strongly suggests that the Attorney General employ the appropriate talents available in the federal government in reaching a decision. In short, as the court projected Phase II, there would be a "pertinent executive discretion" when latitude exists as to a drug controlled by treaty. Judge Parker sees this executive discretion as a Section 201(a) hearing surrounded by a thicket of international legal inhibitions. If the court intended this result it might well have written, "the second phase would arise only if some latitude were found and would consist of a hearing under Section 201(a)."

Judge Parker's refusal to weigh the impact of Dr. Cooper's letter, or even to recognize that it exists in the record, is not explained. He may consider as mandatory the court's suggestion that the rulemaking proceed in two phases even where, as here, the second phase has been permitted to invade the first. The Acting Administrator does not regard the remand as an exercise in form. The court ordered the resolution of *issues*.

Whether Judge Parker has followed the logical extension of his recommendations does not appear, but in any hearing pursuant to Section 201(a), Dr. Cooper's letter would permeate the proceedings. First, under Section 201(b) it would represent the position of the Secretary of HEW on a medical-scientific matter. From that position would flow the statutory domestic prohibitions on marihuana as a drug without a New Drug Application. Second, since the Attorney General would be bound by the Secretary's position he could issue no order at the conclusion of a hearing inconsistent with it (unless of course, as Judge Parker footnotes, the Secretary's position is inconsistent with the Single Convention). Thus, no matter the weight of the scientific or medical evidence which petitioners might adduce, the Attorney General could not remove marihuana from Schedule I. That schedule is the only schedule reserved for drugs without a currently accepted medical use in treatment in the United States. Dr. Cooper's letter states that marihuana, as defined in the Act, has no currently accepted medical use in treatment in the United States.

Conceivably, Judge Parker foresaw the Section 201(a) hearing as a forum for resolving conflicting medical and scientific views in which petitioners' experts would so overwhelm the government's that the Secretary of HEW would change his mind on marihuana. Such a forum exists but not within the Drug Enforcement Administration.

Dr. Cooper's letter refers to "Investigational New Drug Applications on file to determine possible therapeutic uses and potential toxic effects of the substance." Clearly then there are ongoing studies aimed at demonstrating that all or part of the plant Cannabis sativa L. may be effective for a particular medical purpose and safe for use. Should these studies result in the granting of a New Drug Application by HEW, the Acting Administrator could move promptly to determine the proper schedule for the drug, consistent with federal law and the Single Convention.

VI. Summary of the Acting Administrator's Findings

Based on the record,[1] the Acting Administrator concludes as follows:

1. There is currently no accepted medical use of any part of the cannabis plant or of marihuana in the United States; there are studies in progress, authorized by HEW, to determine the possible therapeutic uses and potential toxic effect of the substance.

2. Under the Comprehensive Drug Abuse Prevention and Control Act of 1970, five schedules for controlled substances are established. Of these, only Schedule I is reserved for substances having no accepted medical use in the United States. Congress placed marihuana, as described in the Act, in Schedule I.

3. The Single Convention obligates the United States to control the flowering or fruiting tops of the plant from which the resin has not been extracted, the separated resin (whether crude or purified), the seeds capable of germination and the leaves. Therefore, none of these materials may be decontrolled.

4. The control mechanisms of the Act for Schedule I or Schedule II are sufficient to meet the obligations of the

[1] By a written communication dated June 13, 1975, counsel for petitioners asked the Acting Administrator to overrule the Administrative Law Judge's ruling admitting certain government exhibits into evidence. These exhibits consisted of cannabis materials and photographs and slides of various cannabis materials. The Acting Administrator has not found it necessary to consider these exhibits.

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Single Convention as to the flowering or fruiting tops, seeds, and leaves when they accompany such tops, and resin.

5. The control mechanisms of the Act for Schedule III or Schedule IV are sufficient to meet the obligations of the Single Convention as to leaves which are capable of germination.

6. The United States Department of State interprets the Single Convention to require U.S. control of the flowering or fruiting tops of the cannabis plant and cannabis resin in Schedule I or Schedule II of the Act. The Department further interprets the Single Convention to require U.S. control of the leaves of the plant and it questions whether it is practical to apply one level of control to the leaves alone and another level of control when other parts of the cannabis plant are mixed with the leaves.

7. The International Narcotics Control Board report to the United Nations Economic and Social Counsel issued February 22, 1974, finds that cannabis is the most prevalent drug in the illicit traffic. It has appeared recently in stronger concentrated forms which are easier to transport and are potentially more dangerous to the user.

8. Seeds capable of germination are controlled by the Single Convention and the Act.

9. Synthetic tetrahydrocannabinol and seeds incapable of germination are not controlled by the Single Convention and therefore are not issues to be considered by the Acting Administrator.

VII. Exercise of the Pertinent Executive Discretion

This second phase would arise only if some latitude were found and would consider how the pertinent executive discretion should be exercised.

Congress enacted the Comprehensive Drug Abuse Prevention and Control Act of 1970 with the Single Convention on Narcotic Drugs, 1961, firmly in mind. (See the following sections of Title 21, United States Code in which the treaty is considered: Section 801(7), Section 811(d), Section 812(b), Section 823(a), Section 953(a) C, Section 953(b), Section 958(a)).

The Act then is the cutting edge of federal law which enforces the treaty as Congress sees the treaty. Whenever the federal law meets an obligation imposed by the treaty, the federal law has been designed to meet that obligation. In short, Congress intended (and must have believed) that the Act and the treaty would be *consistent*.

This is not to say that the Act is merely a restatement of the treaty in statutory language. Domestic considerations of public health and safety and criminal conduct intrude. The consistency sought by Congress was consistency within the framework of our own national problems, interests, and policies. Therefore the pertinent executive discretion cannot be exercised in the light of the Single Convention alone. It is required that the treaty and the Act be considered always together.

To find that the control mechanisms of Schedule I or II are sufficient to meet the obligations imposed on the United States by the treaty as to flowering or fruiting tops, seeds and leaves when they accompany the tops, and resin, is not to find that Schedule I and II are equally acceptable under the Act. Similarly, to find that the control mechanisms of Schedule III, Schedule IV, or even Schedule V are sufficient to meet the obligations imposed on the United States by the treaty as to leaves entirely detached from the tops and separated seeds capable of germination is not to find each of these three schedules equally acceptable (or acceptable at all) under the Act. The available discretion does not permit violation of the treaty or violation of the Act.

Looking first at the treaty, there is no latitude to decontrol any part of the cannabis plant, except seeds incapable of germination. Turning to the Act, Schedule II, Schedule III, Schedule IV and Schedule V are confined to drugs having a currently accepted medical use in treatment in the United States. Seeking now the appraisal of the Secretary of Health, Education, and Welfare, we are instructed that there is no part of the cannabis plant which has such use. Placement of marihuana in Schedule I is therefore less discretionary than mandatory. Considering the Single Convention and the Act together there is in fact no discretion unless the appraisal of the Secretary, HEW, can be ignored. The Court of Appeals indicates that it should not be ignored and we have not done so here.

The conclusion now reached may be altered by time. Congress may amend the Drug Abuse Prevention and Control Act of 1970. Certainly petitioners and others have the right to seek a hearing from HEW under the Federal Food, Drug, and Cosmetic Act to demonstrate that all or part of the cannabis plant has a particular medical usefulness and that it is safe for that use.

Order

Under the authority vested in the Attorney General by Section 201(d), of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 USC 811(d), and redelegated to the Acting Administrator of the Drug Enforcement Administration by Section 0.100, as amended, Title 28, Code of Federal Regulations, and having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General dated May 30, 1975, in accordance with the authority stated therein and pursuant to the authority delegated to the Acting Administrator by Section 0.132(d) of Title 28, Code of Federal Regulations, *and*

Having considered the recommended decision of the Administrative Law Judge, the Single Convention on Narcotic Drugs, 1961, the applicable statutes, the findings of fact and conclusions of law, and the record of the hearing which includes the views of the Secretary of Health, Education, and Welfare, the Department of State, and international organizations, it is *Ordered* that the petition of the National Organization for the Reform of Marijuana Laws (NORML) and the American Public Health Association dated May 18, 1972 is, in all respects, denied.

Dated: September 22, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-25677 Filed 9-24-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Power Project 2405]

ALASKA

Opening of Lands

SEPTEMBER 17, 1975.

1. In order issued September 3, 1975, the Federal Power Commission partially vacated the power withdrawal created by the filing of an application by the City of Anchorage for a preliminary permit for Project No. 2405 (proposed Eagle River Project). The withdrawal was vacated as to the following described lands:

T. 14 N., R. 2 W., Seward Meridian, Alaska.
Section 13: Those portions of the NW¼NE¼ and N½NW¼ included in highway right-of-way application AA-9101 (Bureau of Land Management serial number).
Containing approximately 6.67 acres.

2. The State of Alaska, Department of Highways has filed an application with the Bureau of Land Management (serial No. AA-9101) for a highway right-of-way pursuant to the act of August 27, 1958 (72 Stat. 885), that includes the above-described lands. Pursuant to section 11(a)(1) of the Alaska Native Claims Settlement Act (85 Stat. 688), the lands described in paragraph 1 are withdrawn for selection by the village of Eklutna and the Cook Inlet Region, Inc.

In accordance with section 22(1) of the Alaska Native Claims Settlement Act, the Secretary has interim administration of the lands described in paragraph 1, including the authority to grant rights-of-way. After December 18, 1975, any of the lands described in paragraph 1 not selected by the village or regional corporation shall be withdrawn by Public Land Order No. 5418 of March 29, 1974, as modified or amended, for classification and protection of the public interest.

CURTIS V. MCVEE,
State Director.

[FR Doc.75-25649 Filed 9-24-75;8:45 am]

[Serial No. A-8918]

ARIZONA

Designation of Paiute Primitive Area

Pursuant to the authority in 43 CFR, Subpart 2070, and authorization from the Director dated August 18, 1975, I hereby designate the National Resource Lands in the following described area as the Paiute Primitive Area:

GILA AND SALT RIVER MERIDIAN, ARIZONA—MOHAVE COUNTY

T. 39 N., R. 14 W.,
Sec. 2: W½NW¼, NW¼SW¼;
Sec. 3: All;
Sec. 4: All;
Sec. 5: All;
Sec. 6: All;
Sec. 7: E½, lots 1, 2, 3, and 4, E½NW¼, NE¼SW¼;
Sec. 8: All;
Sec. 9: All;
Sec. 17: NE¼NE¼, W½NE¼, NW¼;
Sec. 18: E½, E½SW¼;
Sec. 19: N½.
T. 39 N., R. 15 W.,
Sec. 1: All;
Sec. 2: All;
Sec. 3: All;
Sec. 4: SE¼;
Sec. 9: E½;
Sec. 10: All;
Sec. 11: All;
Sec. 12: All;
Sec. 13: NE¼, W½, NW¼SE¼;
Sec. 14: All;
Sec. 15: All;
Sec. 16: E½;
Sec. 21: N½NE¼, SE¼NE¼;
T. 39 N., R. 15 W., (cont.)
Sec. 22: N½, N½SE¼, NE¼SW¼;
Sec. 23: N½, N½SW¼, NW¼SE¼;
Sec. 24: N½NW¼, SW¼NW¼.
T. 40 N., R. 14 W.,
Sec. 3: W½;
Sec. 4: All;
Sec. 5: S½, lots 1, 2, and 3;
Sec. 6; SE¼, E½SW¼, lots 4, 5, 6, 7, 8, and 9;
Sec. 7: All;
Sec. 8: All;
Sec. 9: All;
Sec. 10: W½;
Sec. 15: NW¼NE¼, S½NE¼, NW¼, S½;
Secs. 16 through 22: All;
Secs. 27 through 34: All;
Sec. 35: W½.
T. 40 N., R. 15 W.,
Sec. 1: lots 1, 2, and 3, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 11: SE¼, SE¼NE¼;
Sec. 12: All;
Sec. 13: All;
Sec. 14: E½;
Sec. 23: E½, SW¼;
Sec. 24: All;
Sec. 25: All;
Sec. 26: All;
Sec. 34: E½;
Sec. 35: All;
Sec. 36: All.
T. 41 N., R. 14 W.,
Sec. 31: lots 3 and 4, E½SW¼, W½SE¼;
Sec. 33: SE¼, SE¼NE¼;
Sec. 34: S½, S½N½.

The area described aggregates about 35,092 acres of National Resource Lands. The Paiute Primitive Area is Class V Primitive Area under the Bureau of Outdoor Recreation system of classification. This Paiute Primitive Area will be managed pursuant to the provisions of 43 CFR, Subpart 6221.

ROBERT O. BUFFINGTON,
State Director.

SEPTEMBER 15, 1975.

[FR Doc.75-25547 Filed 9-24-75;8:45 am]

[Wyoming 52260]

WYOMING

Notice of Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Mountain Fuel Supply Company has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 104 W.,
Sec. 32.

The pipeline will convey natural gas from the Polumbus Well 31-1 in sec. 31 to the applicant's existing pipeline in sec. 29, all in T. 18 N., R. 104 W., in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

GLENNA M. LANE,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-25548 Filed 9-24-75;8:45 am]

Geological Survey

[Coal Land Classification Order Wyoming No. 152]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 21 N., R. 80 W.,
Sec. 3, lot 3, SE¼NW¼, E½SW¼;
Sec. 6, lots 3 to 7, inclusive, SE¼NW¼, E½SW¼;
Sec. 7, lots 1 and 2;
Sec. 10, SE¼NE¼;
Sec. 13, NW¼SE¼;
Sec. 32, SE¼SW¼.
T. 21 N., R. 81 W.,
Sec. 3, lots 2 to 4, inclusive, SW¼NW¼;
Sec. 4, lots 1 to 4, inclusive, S½N½, N½SW¼;
Sec. 5;
Sec. 6, lots 1 to 5, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 15, SW¼SW¼;
Sec. 16, SE¼SE¼;
Sec. 21, NW¼NE¼, E½NW¼, NW¼SW¼.
T. 21 N., R. 82 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½;
Sec. 2, lots 1 to 4, inclusive, S½N½;
Sec. 5, lots 2 to 4, inclusive, SW¼NE¼.
T. 21 N., R. 84 W.,
Sec. 14, SW¼SW¼, NW¼SE¼;
Sec. 23, NE¼NE¼.
T. 22 N., 79 W.,
Sec. 9, SE¼SW¼, SW¼SE¼;
Sec. 15, SW¼SW¼;
Sec. 16, W½NE¼, W½, SE¼;
Sec. 17, E½E½, SW¼SE¼;
Sec. 20, NE¼, N½SE¼, SE¼SE¼;
Sec. 21;
Sec. 22, SE¼NE¼, W½NE¼, W½, SE¼;
Sec. 27, N½, N½SW¼, NW¼SE¼;
Sec. 28, N½N½, S½NE¼, SE¼NW¼, N½SE¼;
Sec. 29, NE¼NE¼.
T. 22 N., R. 80 W.,
Sec. 1, SW¼SW¼;
Sec. 2, S½SE¼;
Sec. 4, lots 3 and 4, S½NW¼, NW¼SW¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, SW¼N½SE¼, SW¼SE¼;
Sec. 6;
Sec. 7, lots 1 and 2, N½NE¼, NE¼NW¼;
Sec. 8, NW¼NW¼, S½SE¼, NE¼SE¼;
Sec. 9, SW¼NW¼, SW¼;
Sec. 11, E½, E½W½;
Sec. 12, W½NW¼, NE¼SW¼;
Sec. 14, NW¼NE¼, NE¼NW¼, SW¼NW¼;
Sec. 15, NE¼SE¼;
Sec. 17, E½NW¼, W½SW¼;
Sec. 19, E½NE¼, SE¼;
Sec. 20, W½NW¼;
Sec. 22, SE¼SE¼;
Sec. 23, S½S½;
Sec. 24, W½E½, SE¼NW¼, SW¼;
Sec. 25, W½E½, E½W½, W¼NW¼;
Sec. 26, N½NE¼, NW¼NW¼;
Sec. 27, NE¼, W½SE¼;
Sec. 30, W½NE¼, SE¼NW¼, E½SW¼;
Sec. 31, SE¼NW¼, E½SW¼, SE¼SE¼;
Sec. 34, SW¼NE¼, NW¼SE¼;
Sec. 36, W½NE¼, E½NW¼, NE¼SW¼.
T. 22 N., R. 81 W.,
Sec. 1;
Sec. 2, E½SE¼;
Sec. 6, lots 4, 5 and 7, SE¼SW¼;
Sec. 11, E½, SE¼NW¼, SW¼;
Sec. 12, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 13, NW¼NE¼, W½;
Sec. 14;
Sec. 15, SE¼NE¼, E½SW¼, SE¼;
Sec. 21, SE¼SE¼;
Sec. 22;
Sec. 23;
Sec. 24, W½NW¼, NW¼SW¼;
Sec. 26, E½NE¼, W½E½, W½;
Sec. 27, N½, E½SW¼, SE¼;
Sec. 28, E½NE¼, SE¼SW¼;
Sec. 31, lots 2 to 4, inclusive, SE¼NW¼, E½SW¼;
Sec. 32, S½SE¼;
Sec. 33, E½, E½W½, NW¼NW¼, W½SW¼;
Sec. 34;
Sec. 35, NW¼NE¼, E½NW¼, W½W½, NE¼SW¼.
T. 22 N., R. 82 W.,
Sec. 1, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, SE¼SW¼, NW¼SE¼;
Sec. 12, SE¼NW¼;
Sec. 26, SW¼NE¼;
Sec. 30, lots 3 and 4, E½SW¼, SW¼SE¼;
Sec. 31, lots 1 and 2, NE¼, E½NW¼, NE¼SW¼, SE¼;
Sec. 32, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 35, W½NE¼, SE¼NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 36, SE¼.
T. 22 N., R. 83 W.,
Sec. 7, lot 4, SE¼SW¼;
Sec. 17, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 18;
Sec. 19, lots 1 and 2, NE¼, E½NW¼, N½SE¼;
Sec. 20;
Sec. 21, S½NE¼, W½, SE¼;
Sec. 22, NW¼SW¼, S½S½;
Sec. 23, SW¼SW¼;
Secs. 25 to 27, inclusive;
Sec. 28, N½, N½SE¼;
Sec. 29, N½NE¼;
Sec. 31, lot 1;
Sec. 34, N½NE¼;
Sec. 35, N½N½, S½NE¼;
Sec. 36, N½.

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T. 22 N., R. 84 W.,
Sec. 2, lot 4, SW¼NW¼, SW¼, S½SE¼;
Sec. 3;
Sec. 10, NE¼, E½NW¼, N½SE¼;
Sec. 11;
Sec. 12, NW¼NW¼, S½NW¼, S½;
Sec. 13;
Sec. 14, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 24, N½NE¼;
Sec. 36, N½N½E¼.
T. 23 N., R. 80 W.,
Sec. 3, SW¼SW¼;
Sec. 4, W½, W½SE¼, SE¼SE¼;
Sec. 5, E½, E½W½, NW¼SW¼;
Sec. 6, lot 2, E½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, N½, NE¼SW¼, SE¼;
Sec. 10, E½NW¼, W½W½, NE¼SW¼;
Sec. 15, W½NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 16, NE¼;
Sec. 18, N½NE¼, NE¼NW¼;
Sec. 21, E½E½;
Sec. 22, N½, SW¼, W¼SE¼;
Sec. 28, E½E½, SW¼NE¼, SE¼SW¼, W½SE¼;
Sec. 31, lot 4, SE¼SW¼, SE¼;
Sec. 32, NE¼NE¼, S½NE¼, SE¼NW¼, S½;
Sec. 33, N½, N½E½W¼, SW¼SW¼.
T. 23 N., R. 81 W.,
Sec. 4, lots 1 and 2;
Sec. 5, lots 2 to 4, inclusive, S½NW¼, SW¼, S½SE¼;
Sec. 6;
Sec. 18, lots 2 to 4, inclusive, E½SW¼, SW¼SE¼;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½, W½SE¼, SE¼SE¼;
Sec. 20, SW¼NE¼, S½NW¼;
Sec. 28, SE¼SW¼;
Sec. 30, N½NE¼, E½NE¼;
Sec. 36, S½SE¼.
T. 23 N., R. 82 W.,
Sec. 1;
Sec. 2, lots 1 and 2, S½N½, S½;
Sec. 3, SE¼SE¼;
Sec. 10, E½E½, W½SE¼;
Sec. 11, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 12, W½SW¼, SE¼SW¼;
Sec. 13;
Sec. 14;
Sec. 15, E½, E½W½, W½SW¼;
Sec. 21, E½E½, SE¼SW¼, W½SE¼;
Secs. 22 to 24, inclusive;
Sec. 25, SW¼NE¼, W½, W½SE¼;
Sec. 26;
Sec. 27;
Sec. 28, N½, N½SE¼, SE¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, N½N½, S½NE¼, NE¼SE¼;
Sec. 36.
T. 23 N., R. 83 W.,
Sec. 3, lots 3 and 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 4;
Sec. 5, lot 1, S½N½, S½;
Sec. 6, SE¼NE¼;
Sec. 7, E½NE¼, SW¼NE¼, E½NW¼, N½SE¼;
Sec. 8, N½NW¼, SW¼NW¼;
Sec. 9, E½, E½W½, NW¼NW¼;
Sec. 10, SE¼NE¼, W½NE¼, NW¼, S½;
Sec. 14, SW¼NW¼;
Sec. 15, N½NE¼, SE¼NE¼, W½;
Sec. 16, E½E½, W½NE¼, NE¼NW¼;
Sec. 21, SE¼NE¼, NE¼SE¼, SW¼SE¼;
Sec. 22, NW¼NW¼;
Sec. 23, E½W½, SW¼SW¼.
T. 23 N., R. 84 W.,
Sec. 2, lot 4, SW¼NW¼, W½SW¼;
Sec. 3, lot 1, S½N½, E½SW¼, SE¼;
Sec. 9, E½SE¼;
Sec. 10;
Sec. 11, NE¼NW¼, W½W½;
Sec. 14, W½W½, E½SW¼;
Sec. 15;
Sec. 16, E½E½;
Sec. 21, E½E½;
Sec. 22;
Sec. 23, NE¼NW¼, W½W½;
Sec. 26, W½W½;
Sec. 27;
Sec. 28, E½E½;
Sec. 34;
Sec. 35, NW¼SW¼.
T. 23 N., R. 85 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, N½S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, N½S½;
Sec. 3, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 10, SE¼SW¼, S½SE¼;
Sec. 11, S½SW¼, SW¼SE¼;
Sec. 13, SW¼NW¼, W½SW¼;
Sec. 14, N½, E½SW¼, SE¼;
Sec. 15, N½NE¼;
Sec. 22, W½W½;
Sec. 23, NE¼, E½NW¼, SW¼NW¼, NE¼SW¼, W½SE¼, NE¼SE¼;
Sec. 24, W½W½;
Sec. 26, W½NE¼;
Sec. 27, W½NW¼.
T. 24 N., R. 80 W.,
Sec. 30, lots 3 and 4, E½SW¼, S½SE¼;
Sec. 31, lot 1, E½, E½NW¼;
Sec. 32, W½W½, SE¼NW¼, E½SW¼, W½SE¼, SE¼SE¼.
T. 24 N., R. 81 W.,
Sec. 25, S½NW¼, N½S½, SW¼SW¼;
Sec. 26, S½N½, S½;
Sec. 27, S½NE¼, S½;
Sec. 28, S½SW¼, SE¼;
Sec. 29, S½SE¼;
Sec. 31, lots 3 and 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 32;
Sec. 33, N½, W½SW¼, SE¼SW¼, NW¼SE¼;
Sec. 34, N½N½, SW¼NE¼, S½NW¼;
Sec. 35, N½NW¼.
T. 24 N., R. 82 W.,
Sec. 7, SW¼SE¼;
Sec. 9, NE¼, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 10, W½NW¼;
Sec. 16, NW¼NW¼;
Sec. 17, N½N½;
Sec. 18, lot 1, N½NE¼, NE¼NW¼;
Sec. 36, SE¼SW¼, NE¼SE¼, S½SE¼.
T. 24 N., R. 83 W.,
Sec. 7, lots 2 to 4, inclusive, E½, SE¼NW¼, E½SW¼;
Sec. 8;
Sec. 9, S½NE¼, W½, SE¼;
Sec. 10, S½NW¼, S½;
Sec. 11, SW¼, W½SE¼, SE¼SE¼;
Sec. 12, S½S½;
Sec. 13, N½N½;
Sec. 16, N½NW¼, SW¼SW¼;
Sec. 17, N½, N½S½;
Sec. 18, lot 1, N½NE¼, NE¼NW¼;
Sec. 19, lots 2 to 4, inclusive, E½, E½W½;
Sec. 20, N½, N½SW¼, SW¼SW¼;
Sec. 21, W½NE¼, NW¼, N½SW¼, SE¼SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, NW¼SE¼, SE¼SE¼.
T. 24 N., R. 84 W.,
Sec. 10, E½, N½NW¼;
Sec. 11, S½N½, S½;
Sec. 12, SE¼NE¼, SE¼NW¼, S½;
Sec. 13, N½N½;
Sec. 14, N½N½;
Sec. 15, N½NE¼;
Sec. 19, lot 4;
Sec. 24, S½SE¼, NE¼SE¼;
Sec. 25, NE¼, E½NW¼, S½;
Sec. 26, SE¼SE¼;
Sec. 30, lots 1 to 4, inclusive, E½W½, W½SE¼;
Sec. 31, lots 1 to 4, inclusive, W½NE¼, E½W½, NW¼SE¼;
Sec. 35, NE¼, SE¼NW¼, SW¼SW¼;
Sec. 36, N½NW¼, SW¼NW¼.

The area described aggregates 74,514 acres, more or less, of which all are classified as coal.

W. A. RADLINSKI,
Acting Director.

SEPTEMBER 18, 1975.

[FR Doc.75-25564 Filed 9-24-75;8:45 am]

National Park Service

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, October 20, 1975, in Room 234 at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Mr. Gary E. Everhardt (Chairman), Director, National Park Service, Washington, D.C.
Mr. George M. White, Architect of the Capitol, Washington, D.C.
General Mark W. Clark, Chairman, American Battle Monuments Commission, Washington, D.C.
Mr. J. Carter Brown, Chairman, Fine Arts Commission, Washington, D.C.
Mr. David Childs, Chairman, National Capital Planning Commission, Washington, D.C.
Honorable Walter E. Washington, Mayor of the District of Columbia, Washington, D.C.
Mr. Larry F. Roush, Commissioner, Public Buildings Service, Washington, D.C.

The purpose of the meeting is to consider:

H.R. 3685—To authorize the Secretary of the Interior to establish a National Law Enforcement Heroes Memorial within the District of Columbia, and for other purposes;

H.R. 7711—To authorize the construction and maintenance of the General Draza Mihailovich Monument in Washington, District of Columbia, in recognition of the role he played in saving the lives of approximately five hundred United States airmen in Yugoslavia during World War II;

H.R. 3710—To authorize the One Hundred and First Airborne Division Association to erect a memorial in the District of Columbia or its environs;

S. 64—Addition of names of the States of Alaska and Hawaii on the walls of the Lincoln Memorial;

S. 1847—To authorize the One Hundred and First Airborne Division Association to erect a memorial in the District of Columbia or its environs;

and the planting of memorial trees in the Nation's Capital.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at area code 202–426–6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: September 16, 1975.

ABNER M. BRADLEY,
Acting Director,
National Capital Parks.

[FR Doc.75-25631 Filed 9-24-75;8:45 am]

OZARK NATIONAL SCENIC RIVERWAYS ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Ozark National Scenic Riverways Advisory Commission will be held on Friday, October 17, 1975 at 10:00 a.m., at the Welch Spring Education Center, one-quarter mile off State Route K, 24 miles southwest of Salem in Shannon County, Missouri.

The Commission was established by Public Law 88-492 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Ozark National Scenic Riverways.

The members of the Commission are as follows:

Mr. William C. Schock, St. Louis, Missouri; Mr. Kirby Hart, Houston, Missouri; Mr. Robert O. Kelley, Eminence, Missouri; Mr. Carlton E. Bay, Salem, Missouri; Mr. Edward Hodge, Eminence, Missouri; Lt. Col. William Moore, USAR Ret., Ellington, Missouri; Mr. James Grassham, Van Buren, Missouri.

The purpose of the meeting is to consider the following agenda items:

1. Review of the draft master plan and environmental impact statement.

2. Progress report covering current problems and major activities.

3. Progress report on research programs.

The meeting will be open to the public. However, facilities and space of accommodating members of the public are limited and it is expected that not more than 15 persons will be able to attend the session. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Randall R. Pope, Superintendent, Ozark National Scenic Riverways at (314) 323–4236. Minutes of the meeting will be available four weeks after the meeting at the office of Ozark National Scenic Riverways, Van Buren, Missouri 63965.

Dated: September 17, 1975.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.75-25632 Filed 9-24-75;8:45 am]

MIDWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Midwest Regional Advisory Committee will be held beginning at 8:30 a.m. (CDT) on Wednesday, October 22, 1975, and continuing until approximately 12 noon (CST) on Friday, October 24, 1975, at Welch Cave Environmental Center, Ozark National Scenic Riverways, Missouri. Welch Cave is approximately 17 miles south of Salem, Missouri. It may be reached via State Highway 19, turning west on County Road J and continuing on County Road KK to a junction with County Road K at Akers Ferry. Welch Cave is a short distance north of the intersection on K.

The Committee was established pursuant to Public Law 91-383 to provide for free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Midwest Region of the National Park Service.

The members of the committee are:

Honorable Robert W. Berry III (Chairman), Mrs. Mildred Curtis, Mr. Norman G. Duke, Mr. John J. Franke, Jr., Mr. Glenn C. Gregg, Mr. Fred D. Hartley, Mr. Lewis W. Jones, Mr. William L. Lieber, Mr. Erwin D. Sias.

The committee plans to devote as much of Wednesday, October 22, as necessary to discussion of testimony taken in Minnesota public meetings concerning the draft master plan for Voyageurs National Park. Other matters to be discussed at the meeting include:

1. Concession management.
2. River running.
3. The National Park Service land acquisition program.
4. The Youth Conservation Corps program.

The meeting will be open to the public. It is expected that in addition to the committee and staff about 20 persons will be able to attend. Any member of the public may file with the committee a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Bill W. Dean, Associate Regional Director, Cooperative Activities, Midwest Regional Office at Area Code 402, 221-3481. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Midwest Region, 1709 Jackson Street, Omaha, Nebraska 68102.

Dated: September 11, 1975.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.75-25635 Filed 9-24-75;8:45 am]

PINE SPRING CANYON, GUADALUPE MOUNTAINS NATIONAL PARK, TEXAS

Proposed Development Concept Plan

Public workshops will be held beginning at 7 p.m. on November 5, 1975 in the Rodeway Inn, 3804 National Parks Highway at Carlsbad, New Mexico and at 7 p.m. on November 6 in the Howard Johnson's Motor Lodge, 8887 Gateway West (Interstate 10 at Hawkins Road) at El Paso, Texas, to elicit the public's views on alternative development plans for the Pine Spring Canyon area of Guadalupe Mountains National Park.

The purpose of the workshop is to inform the public about the several alternative plans under consideration by the National Park Service for providing visitor facilities and a park headquarters facilities in the Pine Spring Canyon area. One of the main issues is a means of access to the higher portions of the park.

An environmental assessment of alternatives for development of the area is available at the following locations: Southwest Regional Office, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, New Mexico, 87501; Guadalupe Mountains National Park, 3225 El Paso Road, Carlsbad, New Mexico, 88220; and Chamizal National Memorial, Room 620, Southwest National Bank Building, 300 East Main Drive, El Paso, Texas, 79901.

Dated: September 9, 1975.

JOSEPH C. RUMBURG, JR.,
Regional Director,
Southwest Region.

[FR Doc.75-25633 Filed 9-24-75;8:45 am]

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 1 p.m., October 24, 1975, Veterans of Foreign Wars Hall, 1144 Beulah Highway, Beulah, Michigan.

The Commission was established by Public Law 91-479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and develop-

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ment of the Sleeping Bear Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. John B. Daugherty, Mr. Noble D. Travis, Mr. William B. Britton, Mr. Samuel Eberly, Mr. Carl T. Johnson, Mr. John A. Stahlin, Mr. John D. Stanz, Mr. Louis F. Twardzik, Mrs. Charles R. Williams, Mr. Charles H. Yeates.

The matters to be discussed at this meeting include:

1. Identification and swearing in of new Commission members.
2. Status of Lakeshore land acquisition program.
3. Superintendent's report.
4. Advisory Commission Committee reports.
5. Review of 1975 seasonal operation.
6. Response to written statements as submitted by public attendees.

The meeting will be open to the public. It is expected 100 members of the public will be able to attend the session. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact J. A. Martinek, Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan, at 616-352-9611. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent, Sleeping Bear Dunes National Lakeshore, 400½ Main Street, Frankfort, Michigan 49635.

Dated: September 17, 1975.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.75-25636 Filed 9-24-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1976); Butter

The CCC Monthly Sales List for the fiscal year ending June 30, 1976, published at FR 30510 is amended by adding section 29 as follows:

29. *Butter—Unrestricted use sales.* Market price but not less than 10½ cents per pound over CCC's purchase price at each location. Sales are in carlots only instore at storage location of products. Sales are made under Announcement MP-14.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427))

Effective Date: 9:05 a.m. (EDT), August 12, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-25536 Filed 9-24-75;8:45 am]

[Amdt. 3]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1976); Deletion of Rice

The Commodity Credit Corporation Monthly Sales List for the fiscal year ending June 30, 1976, published at 40 FR 30510, as amended at 40 FR 34621 is amended by deleting the provisions of Section 25 entitled "Rice, rough—Unrestricted use sales—FOB warehouse."

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427))

Effective Date: 2:30 p.m. (EDT) August 29, 1975.

Signed at Washington, D.C. on September 17, 1975.

E. J. PERSON,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-25537 Filed 9-24-75;8:45 am]

Forest Service

BIGHORN NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Bighorn National Forest Grazing Advisory Board will meet at 10:00 a.m. on October 29, 1975, at the Trails End Motel meeting room in Sheridan, Wyoming.

The purpose of the meeting is to elect officers and to consider and discuss:

1. The operation and function of the board;
2. Committee rules for public participation;
3. A draft of the revised Forest Service Manual on National Forest grazing practices and policies.

The meeting will be open to the public. Persons who wish to attend may notify Jack Booth, Bighorn National Forest Supervisor, Sheridan, Wyoming 82801 (phone 307-672-2457). Written statements may be filed with the Advisory Board before or after the meeting.

JAMES R. SCHOENBAUM,
Acting Forest Supervisor.

SEPTEMBER 19, 1975.

[FR Doc.75-25644 Filed 9-24-75;8:45 am]

EAST DEER CREEK PLANNING UNIT LAND USE PLAN, COLVILLE NATIONAL FOREST

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the East Deer Creek Planning Unit Land Use Plan, USDA-FS-R6-DES (Adm.) 75-20.

The environmental statement concerns a proposal land use plan for the East Deer Creek Watershed which provides municipal water for the unincorporated town of Orient, Ferry County, Washington. The land use plan identifies eight management areas and outlines broad management guidelines for each area. General policies and guidelines for water quality protection are proposed that permit limited development and logging within the unit.

This draft environmental statement was transmitted to CEQ on September 19, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Oregon 97204.
Colville National Forest, 695 S. Main, Colville, WA 99114.

A limited number of single copies are available upon request to: Robert B. Terrill, Forest Supervisor, Colville National Forest, Federal Building, Colville, Washington 99114.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies, which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Robert B. Terrill, Colville National Forest, Federal Building, Colville, Washington 99114. Comments must be received by November 18, 1975 in order to be considered in the preparation of the final environmental statement.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing & Budgeting.

SEPTEMBER 19, 1975.

[FR Doc.75-25543 Filed 9-24-75;8:45 am]

GUNNISON VALLEY FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Gunnison Valley Forest Grazing Advisory Board will meet at 1:30 P.M., October 23, 1975, at the Cebolla and Taylor River District Office, Gunnison, Colorado.

The purpose of this meeting is to (1) review the revision of the range portion of the Forest Service Manual and (2) review any other recommendations concerning management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify Donald M. Smith, Forester, 216 North Colorado, Gunnison, Colorado 81230, telephone 303-641-0471. Written statements may be filed with the committee before or after the meeting.

JIMMY R. WILKINS,
Forest Supervisor.

SEPTEMBER 19, 1975.

[FR Doc.7-25645 Filed 9-24-75;8:45 am]

NATIONAL FOREST ADVISORY BOARDS

Notice of Meeting

The Miguel District Advisory Board and the Ouray District Advisory Board will meet at 7:00 P.M., October 21, 1975, at the Shavano Building, 101 North Uncompahgre Avenue, Montrose, Colorado.

The purpose of this meeting is to (1) review the revision of the range portion of the Forest Service Manual, (2) elect officers, (3) review any other recommendations concerning management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify the Miguel District Ranger or the Ouray District Ranger, 101 North Uncompahgre, Montrose, Colorado 81401, telephone number 303-249-3711. Written statements may be filed with committee before or after the meeting.

JIMMY R. WILKINS,
Forest Supervisor.

SEPTEMBER 19, 1975.

[FR Doc.75-25646 Filed 9-24-75;8:45 am]

NEBRASKA NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Meeting

The Nebraska National Forest Livestock Advisory Board will meet at 8:00 P.M., CDT, October 22, 1975, at the Forest Service Office, Halsey, Nebraska.

The purpose of this meeting is to review and comment on the draft copy of the revised instructions on Range Management to be issued by the Chief of the Forest Service.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Bessey Ranger District, Halsey, Nebraska 69142, phone (308) 533-2257.

The Committee has established the following rules for public participation:

1. Members of the public may present oral statements at any time during discussions.
2. Any member of the public who wishes to do so should file a written statement with the Committee, either before or after the meeting.

LAWRENCE C. SUTTON,
Forest Supervisor.

SEPTEMBER 18, 1975.

[FR Doc.75-25541 Filed 9-24-75;8:45 am]

NORWOOD DISTRICT ADVISORY BOARD

Notice of Meeting

The Norwood District Advisory Board will meet at 7:30 P.M., October 16, 1975 at the Norwood District Office.

The purpose of this meeting is to (1) review the revision of the range portion of the Forest Service Manual, (2) elect officers, (3) review any other recommendations concerning management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Norwood Ranger District, P.O. Box 388, Norwood, Colorado 81423, telephone number 327-4343. Written statements may be filed with the committee before or after the meeting.

JIMMY R. WILKINS,
Forest Supervisor.

SEPTEMBER 19, 1975.

[FR Doc.75-25647 Filed 9-24-75;8:45 am]

PAONIA AREA FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Paonia Area Forest Grazing Advisory Board will meet at 7:30 P.M., October 23, 1975 at the Paonia District Office.

The purpose of this meeting is to (1) review the revision of the range portion of the Forest Service Manual, (2) elect officers, (3) review any other recommendations concerning management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Norwood Ranger District, P.O. Box 388, Norwood, Colorado 81423, telephone number 327-4343. Written statements may be filed with the committee before or after the meeting.

JIMMY R. WILKINS,
Forest Supervisor.

SEPTEMBER 19, 1975.

[FR Doc.75-25648 Filed 9-24-75;8:45 am]

RIO GRANDE NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Rio Grande National Forest Grazing Advisory Board will meet at 7:30 p.m. on October 8, 1975 at the Forest Supervisor's Office, Monte Vista, Colorado.

The purpose of this meeting is to review and receive recommendations on proposed changes to instructions contained in the grazing section of the Forest Service Manual.

The meeting will be open to the public and written statements may be filed with the board before or after the meeting. Persons who wish to attend should contact Forest Supervisor James R. Mathers, telephone 303-852-5941, or Board Chairman Axiell Byles, Del Norte, Colorado. Participation by the public during the meeting will be at the pleasure of the board chairman.

RONALD R. SCHULZ,
Acting Forest Supervisor.

SEPTEMBER 17, 1975.

[FR Doc.75-25542 Filed 9-24-75;8:45 am]

WEST KOOTENAI PLANNING UNIT MULTIPLE USE PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement for West Kootenai Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) R1-76-6.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the West Kootenai Planning Unit, Rexford Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 68,976 acres of National Forest lands which have been stratified into nine management situations or units with similar resource implications.

This draft environmental statement was filed with CEQ on September 16, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, MT 59801.

Supervisor's Office, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923.

USDA, Forest Service, Rexford Ranger District, Eureka Ranger Station, Eureka, MT 59917.

A limited number of single copies are available upon request to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Floyd J. Marita, Kootenai National Forest, 418 Mineral Avenue, Libby, MT 59923. Comments must be received by November 17, 1975, in order to be considered in the preparation of the final environmental statement.

FLOYD J. MARITA,
Forest Supervisor, Kootenai National Forest, Northern Region.

[FR Doc.75-25643 Filed 9-24-75;8:45 am]

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection

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with a proposed loan application for Arizona Electric Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602. This loan application, together with funds from other sources, includes financing for two (2) 175 MW coal-fired generating units, approximately 56 miles of 230 kV transmission line with related substation facilities, and approximately 23 miles of 345 kV transmission line with related substation facilities.

Additional information may be secured by request submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator-Electric, at the address given above. Comments must be received within sixty (60) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 18th day of September, 1975.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.75-25654 Filed 9-24-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

COAL MINE HEALTH RESEARCH ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Coal Mine Health Research Advisory Committee.

Date: October 23, 1975.

Place: Room 138, ACOSH Building, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Time: 9 a.m.

Type of Meeting: Open: 9 a.m. to 2:15 p.m. Closed: Remainder of meeting.

Contact Person: Jack Butler, M.D., Interim Executive Secretary, Park Building, Room 3-30, NIOSH, 5600 Fishers Lane, Rockville, Maryland 20852. Phone: 301-443-6437.

Purpose: The Committee is charged with advising the Secretary, Department of Health, Education, and Welfare on matters involving or relating to coal mine health research, including grants and contracts for such research.

Agenda: Agenda items for the open portion of the meeting will include announcements, consideration of minutes of previous meeting, administrative and staff reports, summary of the American College of Radiology Pneumoconiosis Conference, and Review of Research Projects FY-76. During the closed session beginning at 2:15 p.m., the Committee will be performing the final review of coal research grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552(b)(4), (5), and (6), Title 5, U.S. Code, and the Determination by the Director, Center for Disease Control, pursuant to Public Law 92-463.

Agenda items are subject to change as priorities dictate.

The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 16, 1975.

DAVID J. SENCER,
Director,
Center for Disease Control.

[FR Doc.75-25722 Filed 9-24-75;8:45 am]

National Institutes of Health

NANCDS COUNCIL PLANNING SUBCOMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the NANCDS Council Planning Subcommittee, November 6, 1975, at 8:30 A.M. in the Connecticut Room, Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland. The meeting will be open to the public from 8:30 A.M. to 10:30 A.M. on November 6, 1975, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)((4), 552(b)(5), and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public from 10:30 A.M. on November 6, 1975, to adjournment on November 6, 1975 for the review, discussion and evaluation of individual initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with applications for research grants.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Building 31, Room 8A03, NIH, NINCDS, Bethesda, Maryland, phone: (301) 496-5751, will furnish summaries of the meeting and rosters of committee members.

Dr. O. Malcolm Ray, Executive Secretary of the Committee, Room 7A18A, Westwood Building, NIH, NINCDS, Bethesda, Maryland, phone: (301) 496-7220, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.851, 13.852, 13.853, 13.854, National Institutes of Health.)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25516 Filed 9-24-75;8:45 am]

NATIONAL ADVISORY CHILD HEALTH AND HUMAN DEVELOPMENT COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council, November 17-18, 1975, Building 31, Conference Room 10, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on November 17 from 9:00 a.m. to 5:00 p.m. with current status reports, a scientific presentation, and review of the Mental Retardation Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 18 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Council Secretary, NICHD, Building 31, Room 2A-04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1848, will provide summaries of meetings and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health.)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25515 Filed 9-24-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON AGING

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Council on Aging, November 20-22, 1975, at the National Institutes of Health, Bethesda, Maryland. On November 20 the meeting will be held in Building 31, Conference Room 5, and on November 21-22 the meeting will convene in Building 31, Conference Room 8. The meeting will be open to the public on November 20 from 9:00 a.m. to 5:00 p.m. and on November 22 from 9:00 a.m. to adjournment for current status reports and discussion of the development of the research plan. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 21 from 9:00 a.m. to 5:00 p.m. for the review, discussion, and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting will involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Michael Machesko, Administrative Officer, National Institute on Aging, Building 31, Room 4B-63, National Institutes of Health, Bethesda, Maryland, Aread Code 301, 496-5345, will provide summaries of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25514 Filed 9-24-75;8:45 am]

NATIONAL ADVISORY RESEARCH RESOURCES COUNCIL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, November 20-21, 1975, Conference Room #9, Building 31, Bethesda, Maryland 20014.

The meeting will be open to the public from 9:00 a.m. to recess on November 20 for: the conduct of Council business; the report of the Director, DRR; the report of the Assistant Director, DRR; a discussion of the President's Biomedical Research Panel; a status report on the DRR Scientific Mission Study; a status report on the Biomedical Research Support/Biomedical Research Development Program; and a review of the functions of the Office of the Director, DRR. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting of the Council will be closed to the public on November 21 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual initial pending, supplemental, renewal grant applications, and individual and institutional fellowship applications. The closed portions of the meeting involve solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, National Institutes of Health, Room 5B39, Building 31, Bethesda, Maryland 20014, (301) 496-5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Assistant Director, Division of Research Resources, National Institutes of Health, Room 5B03, Building 31, Bethesda, Maryland 20014, (301) 496-5611, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.371, 13.375, National Institutes of Health.)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25508 Filed 9-24-75;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, November 17-18, 1975, National Institutes of Health, Building 31, Conference Room 6. The Board Subcommittees on Diagnosis and Treatment and Carcinogenesis and Prevention will also meet November 16, 1975, at 4:00 p.m., National Institutes of Health, Building 31, Conference Rooms 6 and 8, respectively.

The Board meeting will be open to the public on November 17 from 9:00 a.m. to 9:15 a.m. and on November 18 from 9:00 a.m. to 12:00 noon. Reports will be presented by the Chairman, President's Cancer Panel and the Director, National Cancer Program, NCI. Various NCI activities will also be discussed. The Board Subcommittees will be open to the public on November 16 from 4:00 p.m. to 4:30 p.m. to review administrative details. Attendance by the public at these meetings will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the Board meeting will be closed to the public on November 17 from 9:15 a.m. to 5:00 p.m. and on November 18 from 1:30 p.m. to adjournment, and the Subcommittee meetings on November 16 from 4:30 p.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portions of the meetings involve solely the internal expression of views and judgments of Board members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications. During the closed session of the Board meeting, the National Cancer Institute budget for fiscal year 1977 will be reviewed, in accordance with the provisions of Section 552(b)(5) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide summaries of the meetings, substantive program information, and rosters of Board members.

(Catalog of Federal Domestic Assistance Program Nos. 13.312; 13.314; 13.391; 13.392, National Institutes of Health)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-25509 Filed 9-24-75;8:45 am]

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON NATIONAL ORGAN SITE PROGRAMS

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on National Organ Site Programs, National Cancer Institute, October 30-31, 1975, National Institutes of Health, Building 31, Conference Room 5, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m.-2:00 p.m., on October 31, 1975, to review the National Organ Site Programs. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting of the Subcommittee will be closed to the pub-

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lic on October 30 from 9:00 a.m. to 5:00 p.m., for the review, discussion and evaluation of renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and roster of committee members.

Dr. David L. Jones, Executive Secretary, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20014, (301/496-7194) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.391)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-25511 Filed 9-24-75;8:45 am]

PULMONARY SPECIALIZED CENTERS OF RESEARCH (SCOR) AD HOC REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Pulmonary Specialized Centers of Research (SCOR) *ad hoc* Review Committee, National Heart and Lung Institute, October 16-17, 1975, National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public on October 16, 1975, from 8:00 a.m. to approximately 8:30 a.m. to discuss administrative details and the criteria to be used in the review of the Pulmonary SCOR applications. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting of the Pulmonary Specialized Centers of Research (SCOR) *ad hoc* Review Committee will be closed to the public on October 16, 1975, from 8:30 a.m. until the adjournment on October 17, 1975, for the review, discussion, and evaluation of individual initial, pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLI, NIH, Building 31, Room 5A21, Bethesda, Maryland 20014, telephone 301/496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Robert C. Stroud, Executive Secretary, NHLI, NIH, Westwood Building, Room 552, telephone 301/496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health.)

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-25513 Filed 9-24-75;8:45 am]

RETINOIDS AND CANCER PREVENTION

Meeting

Notice is hereby given of a workshop discussion on the subject of "Retinoids and Cancer Prevention," Lung Cancer Branch, Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute, to be held on November 20 and 21, 1975, Building 31, A Wing, Conference Room 4.

This meeting will be open to the public from 8:45 a.m. to 5:00 p.m. on November 20 and 21, 1975. Attendance by the public will be limited to space available.

For additional information, please contact: Dr. Michael B. Sporn, Building 37, Room 3C-09, Lung Cancer Branch, Cancinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, 301/496-5391.

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-25512 Filed 9-24-75;8:45 am]

VIRUS CANCER PROGRAM JOINT WORKING CONFERENCE

Meeting

Notice is hereby given of the Tenth Annual Joint Working Conference of the Virus Cancer Program, Hershey Motor Lodge, Hershey, Pennsylvania, November 3, 4, 5, 1975.

This meeting will be open to the public from 9:00 a.m. to 5:30 p.m. November 3 and 4 and from 9:00 a.m. to 12:30 p.m. November 5, 1975 for presentation of scientific papers. Attendance by the public will be limited to space available.

For additional information, please contact: Louis R. Sibal, Ph.D., Building 37, Room 1A15, Division of Cancer Cause and Prevention, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-2796.

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-25510 Filed 9-24-75;8:45 am]

Office of Education

ETHNIC HERITAGE STUDIES PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Title IX of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 900 to 900a-5), applications are being accepted from public and private nonprofit educational agencies, institutions, and organizations for grants under the Ethnic Heritage Studies Program. Process of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before December 8, 1975.

A. *Application sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.549. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than December 3, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Ethnic Heritage Studies Branch, Division of International Education, Bureau of Postsecondary Education, Office of Education, Room 3907, 7th and D Streets SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the Ethnic Heritage Studies regulations published in the FEDERAL REGISTER on May 20, 1975 at 21954. (20 U.S.C. 900 to 900a-5)

(Catalog of Federal Domestic Assistance Number 13.549; Ethnic Heritage Studies Program)

Dated: September 19, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

[FR Doc.75-25617 Filed 9-24-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting and Agenda

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held October 16, 17, 18, and 19, 1975, at 9 a.m. at the University Tower Hotel, 4507 Brooklyn Avenue NE., Seattle, Washington 98105.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (Pub. L. 92-318, Title IV, 20 U.S.C. 1221 g). The Council, among other things, is directed to:

(1) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including sections 241aa to 241ff and 887c of this title and with respect to adequate funding thereof;

(2) Review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) Evaluate program and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of the Indian children;

(5) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 241bb(b) of this title; and

(6) Submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meetings on October 16, 17, 18, and 19, 1975, will be open to the public beginning at 9:00 AM. These meetings will be held at the University Tower Hotel.

The proposed agenda includes:

October 16, 1975: (1) Committee discussions.

October 17, 18, 19, 1975:

(1) Executive director report.

(2) Planning future NACIE activities.

(3) Regular council business.

(4) Committee reports.

(5) On-site visitation title IV project.

Records shall be kept of all Council proceedings (and shall be available for public inspection) at the Office of the National Advisory Council on Indian Education located at 425 13th Street NW., Suite 326, Washington, D.C. 20004.

Signed at Washington, D.C. on September 12, 1975.

LINCOLN C. WHITE,
Executive Director, NACIE.

[FR Doc.75-25507 Filed 9-24-75;8:45 am]

PROGRAM FOR THE GIFTED AND TALENTED

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 404, Pub. L. 93-380, Education Amendments of 1974 (20 U.S.C. 1863), the U.S. Commissioner of Education has established closing dates for receipt of applications for grants for the Program for the Gifted and Talented as follows:

Grants to institutions of higher education and other appropriate non-profit institutions or agencies to provide training to leadership personnel for the education of gifted and talented children and youth through graduate training programs, internships, and training institutes under Section 404(e) of the Act, November 14, 1975.

Applications for grants to State and local educational agencies for programs and projects designed to meet the special educational needs of gifted and talented children at the preschool and elementary and secondary school levels under Section 404(c) of the Act, and grants to State educational agencies for training programs under Section 404(d) of the Act, November 24, 1975;

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.562 (Gifted and Talented). An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than November 19, 1975, for State and local education agency programs, or November 10, 1975, for training programs, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mailrooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Further information and forms may be obtained from Office of Gifted and Talented, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. (Telephone 202-245-2482.)

D. *Applicable regulations.* Proposed regulations for the Program for Gifted and Talented were published in the FEDERAL REGISTER on July 22, 1975, at 40 FR 30662. Subject to revision, when these proposed regulations are published as a final rule, they will govern operation of the program, including grants made under the above noted closing dates. If substantive changes are made in the final regulation affecting the preparation of applications, applicants will be afforded additional time to respond to such changes.

In addition, awards under the Program for the Gifted and Talented will be governed by the Office of Education General Provisions Regulation (45 CFR Part 100a).

(Catalog of Federal Domestic Assistance No. 13.562, Gifted and Talented)

Dated: September 19, 1975.

DUANE J. MATTHEIS,
(Acting) U.S. Commissioner of Education.

[FR Doc.75-25618 Filed 9-24-75;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL DIRECTOR, REGION I, BOSTON, MASS.

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to delete Chapters 1E (35 FR 13546), 8/25/70, and 1E8109 (39 FR 20713) 6/13/74. Chapter 1E85, Assistant Regional Director for Human Development (38 FR 17262) 6/29/73, is retained and redesignated 1R95. New sections are added for the several regions. Chapter 1E81 reflects the official organization of the Office of the Regional Director, Region I, whose headquarters is Boston, Massachusetts. The new Chapter reads as follows:

Section 1E81.00 Mission. The Regional Director represents the Secretary in his Region. Under his direction, the Office of the Regional Director provides leadership and coordination in various Department programs and activities within the Region and represents the

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Department in direct official dealings with State and other governmental units, representatives of the Congress, and the general public.

Section 1E81.10 Organization. The Office of the Regional Director, Region I, is under the direction and control of the Regional Director who reports directly to the Secretary and Under Secretary, and consists of the following:

Regional Director.
Deputy Regional Director.
Office of the Regional Attorney.
Office of Equal Employment Opportunity.
Executive Secretariat.
Office for Civil Rights.
Office of Audit.
Office of Assistant Regional Director (ARD) for Public Affairs.
Office of ARD for Planning and Evaluation.
Office of ARD for Intergovernmental Affairs.
Office of ARD for Financial Management.
Office of ARD for Administration and Management.
Office of ARD for Human Development.
Office of Long Term Care Standards Enforcement.
Special Assistant for External Affairs.

Section 1E81.20 Functions. A. Regional Director (1E8101). The functions of the Regional Director are:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.

2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunities in the region, so that efforts and resources may be brought to bear on them. Formulates regional plans for each priority and assures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exchange of significant management information.

3. Exercises general coordination and supervision of personnel and activities in the region to ensure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.

4. Assures that staff offices provide full support to agency operating programs.

5. Provides coordination of the activities of the principal representatives of the principal operating components who are stationed in or detailed to the region, including determination of regional program priorities and official communications with representatives of State or other Federal agencies.

6. Through coordination and superabout necessary awareness of the vision, exercises leadership in bringing status of programs of the Regional Office, and fosters cooperative relationships among program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.

7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a Regionwide information and public information program.

8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Provides guidance to regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the Region; through the medium of Regional Councils seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers the child development programs in the region, including the Head Start program. Makes certain Head Start grants and takes other grants actions, as required.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office with regional office activities.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters; maintains a plan for regional response to natural disasters, including emergencies and major disasters under the Disaster Relief Act of 1974 (Public Law 93-288); takes all necessary and appropriate action in connection with disaster situations and reports thereon.

15. In accordance with regulations and guidelines established at headquarters, administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to participation by Skilled Nursing Facilities in the Medicare (Title XVIII) and Medicaid (Title XIX) programs and participation by Intermediate Care Facilities in the Medicaid program.

B. *Deputy Regional Director (1E8102).* Assists in the performance of the Regional Director's functions, carrying out the full range of such functions in the absence of the Regional Director, while at other times focusing on such program coordination, administrative operations, or other management functions as the Regional Director specifies.

C. *Executive Secretariat (1E8105).* Assists the Regional Director and Deputy Regional Director to discharge the full range of their responsibilities, as follows:

1. Identifies policy and procedural problems which require attention and prepares analyses and recommendations.

2. Represents the Regional Director in maintaining liaison with senior Washington officials and with other Regional Directors, and in discussions and negotiations on sensitive matters with a wide range of individuals and groups.

3. Helps the Regional Director and Deputy Regional Director to divide functions and manage their personal schedules so that all essential activities are carried out on a timely basis.

4. Prepares correspondence and other materials in all areas of the Regional Director's responsibilities, including action memoranda on decisions made by the Regional Director or Deputy Regional Director, and provides administrative support to other parts of the Regional Office as determined necessary by the Regional Director.

5. Promotes open communications between the Regional Director/Deputy Regional Director and other senior staff members in the Regional Office, assuring that the Regional Director and Deputy Regional Director respond promptly to problems of concern to senior staff members.

6. Interprets the objectives, priorities and standards set by the Regional Director to individuals and offices involved in the preparation of correspondence and other assignments.

7. Screens Regional Director's correspondence and filters out those items which require immediate attention by the Regional Director, Deputy Regional Director, and Regional Director's staff, as well as the assignment of time deadlines for Regional Director's action items. Takes appropriate action to clarify issues and instructions before a request for information is forwarded to the appropriate action office. Provides current and consolidated information or indicates where such information may be obtained for all policy issues and projects in the Region.

8. Operates a comprehensive system for tracking action items and ensures that the Regional Director has timely and quality input from all appropriate offices on which to base his decisions. Assures that all outgoing correspondence are quality products that represent the best possible presentation of the Regional Director's views; synthesizes detailed responses from various offices into a single document for out-going correspondence going to the Secretary and other headquarters units, and for Regional Director's decision memoranda.

9. Provides for feedback to the Regional Director on the impact of his decisions. By obtaining periodic status reports on selected key issues and projects, ensures proper compliance with past decisions, highlights problem areas for renewed Regional Director's attention, and develops an ever current supply of data for management conferences and for responding to incoming request from the Secretary, various elected officials, and regional staff.

D. *Office of the Regional Attorney (1E8103).* The functions of the Office of the Regional Attorney are as follows:

1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities within the Region. On all matters within the competence of the legal profession the Regional Attorney is subject to the supervision of the General Counsel; on all other matters he is subject to the supervision of the Regional Director.

2. As requested by the Regional Director, assists in legal aspects of program development and of policy problem solution.

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports, and interpretive analyses.

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature.

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs, as requested by the Regional Director.

6. As requested by the General Counsel, prepares for and conducts administrative hearings, aids the U.S. Attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel.

7. Seeks to so order his time and workload priorities as to meet the needs of the Regional Office as determined by the Regional Director.

8. Subject to final approval by the Regional Director, selects, promotes, and takes all personnel actions with respect to his professional and clerical staff, in accordance with the personnel policies of the Office of the General Counsel.

E. *Office of Equal Employment Opportunity (1E8104).* Serves as the Regional Director's staff for the establishment and maintenance of a positive program of non-discrimination in Departmental employment in the Region. Has responsibility for the Regional HEW Federal Women's Program and the Regional Spanish-Surnamed Program. Monitors the OS EEO complaint system and issues proposed dispositions on all OS formal complaints. Prepares the Regional Annual Affirmative Action Plan.

F. *Office of Long Term Care Standards Enforcement (1E8171).* Performs functions as follows:

1. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Title XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and the Title XIX certification include: the Issuance of Title XVIII time limited agreements; for homes participating under Title XVIII or under both Titles XVIII and XIX, the approval of corrective plans of action for deficiencies in SNFs which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other provisions of physical environment standards as they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code; and granting waivers, under specified circumstances, of the requirement that a SNF have on duty more than one registered nurse more than 40 hours per week.

2. Establishes and maintains close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of and assistance to SNFs and Intermediate Care Facilities (ICFs). Performs evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs; and the State agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitors States' Implementation of the ICF regulations.

3. Participates in the negotiations of budgets with State survey agencies for their services and reviews those portions of the State agency budget relative to SNF/ICF certification and the provision of state consultative services to SNFs and ICFs and recommends to the Social Security Administration (SSA), Regional Commissioner, and to the Social and Rehabilitation Service (SRS), Regional Commissioner, amounts that should be approved for SNF and ICF certification and certification-related activities.

4. Participates with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participate in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency).

5. Develops and implements procedures to assure the timely and effective conduct of the following: (a) State surveys of individual SNFs and ICFs, (b) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal direct validation surveys of selected SNF and ICF facilities.

6. Provides technical assistance for the professional training of State agency personnel on their duties in survey/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

7. Assists State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICFs on highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

8. Assists States, provider organizations, and educational institutions in the stimulation, development, and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

9. Reviews complaints received by the Regional Director concerning State agency and SNF/ICF activities and initiates appropriate action for investigation and resolution.

10. With SSA, SRS and the Public Health Service (PHS), as appropriate, provides information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations, and other health and welfare groups.

11. Based on regional conditions and trends related to SNFs and ICFs, makes recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS, and SRS, as appropriate, on revisions to present program policies criteria, standards or procedures.

12. Provides data and reports to ONHA on SNF/ICF survey/certification activities on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provides reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

13. Works with and provides information as requested to the Social Security Administration, on the following SNF related activities:

a. Utilization review processes of SNFs;

b. Change of Provider status in the Medicare program (e.g., change of ownership, termination because of failure to provide proper financial information or, because of requests for payment substan-

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tially in excess of costs or for improper or unnecessary services, or withdrawal from program);

c. Certification of SNFs as a "distinct part" of another facility; and

d. Requests for hearings on terminated SNFs participating in Medicare.

14. Works with, and provides information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities:

a. Utilization and periodic medical review procedures for SNFs;

b. Utilization and independent professional review procedures for ICFs;

c. Level of care determinations;

d. Recipient eligibility issues; and

e. Cost-sharing requirements.

15. Works with, and provides information as requested to, the Public Health Service on the following SNF and ICF related activities:

a. Health care standards development efforts of the Bureau of Quality Assurance;

b. Utilization review determinations under Professional Standards Review Organizations;

c. Provider improvement program initiatives of the Health Resources Administration;

d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and

e. Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institute of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinates with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinates with the Office for Civil Rights in monitoring the implementation of Title VI of the Civil Rights Act of 1964 with respect to SNFs and ICFs.

18. Coordinates with regional personnel of the Regional Office, Division of Regional Operations for Facilities Engineering and Construction, on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinates with the Department of Housing and Urban Development in implementation of Public Law 93-204.

G. *Office of the Assistant Regional Director for Public Affairs (1E8151).* 1. Serves as a principal advisor to Regional Director in formulation of policies, approaches, and procedures in the field of public information and in the formulation of approaches to major policy issues and has a broad range of responsibility in developing overall strategies and techniques for long range Public Affairs activities, in line with the Secretary's policy and the trend toward interagency coordination and Departmental control.

2. Provides briefing material and other intelligence for visits to the region by the President, Vice President, the Secretary, the Under Secretary, and other top officials, including members of Congress.

3. Maintains close liaison with groups outside the Federal government—national media, publication houses, constituent agencies in State and Local government, major health/education/welfare organizations, governors' offices, and mayors of various cities.

4. Advises key officials of the Regional Office, including the Regional Director and agency representatives on public information, public reporting, and related aspects of program matters.

5. Serves as a central point of communication with the press, radio and TV news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental headquarters.

6. Is responsible for overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for illustrations and related materials.

7. Prescribes procedures for planning, production, clearance, release, and distribution of all material prepared with the Region for release through Government channels.

8. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

9. Serves as the initial denial authority for all regional documents requested under the Freedom of Information Act.

H. *Office of the Assistant Regional Director for Planning and Evaluation* (1E8161). 1. Serves as a principal advisor to the Regional Director in identifying and directing activities to meet the needs and requirements for the planning and evaluation of HEW and related Federal, State, local, and private human resources programs within the Region.

2. Identifies needs, opportunities, and mechanisms for Regional Office interagency coordination in planning and evaluation activities, in order to better accomplish Regional Office goals and objectives.

3. Establishes and maintains an intergovernmental issues identification and a resolution process, in coordination with the Assistant Regional Director, Intergovernmental Affairs (ARD/IGA). In this regard:

a. Coordinates identification and analysis of HEW-related issues needing policy clarification, and facilitates resolution of such issues; and

b. Identifies on a geographic basis needs and problems in the Region, and compiles information and analyzes resources available to respond to those problems.

4. Establishes with the ARD/IGA an intergovernmental review and comment process in order to:

a. Disseminate proposed National policies, legislation, and regulations within the Region;

b. Analyze these proposals for Regional implications, especially in light of regional observations of needs; and

c. Participates in Master Planning Calendar activities, including the forward planning process and development of model State legislation.

5. Coordinates an evaluation planning and management process which:

a. Provides an interface with central office evaluation planning process;

b. Identifies information needs for Regional decisionmaking, and prepares a Regional Office plan for developing, implementing, and utilizing evaluation results;

c. Develops instrument and techniques for measuring progress in reaching program goals; and

d. Ensures for all DHEW programs dissemination of evaluation results within the Region.

6. Works with Regional Agencies, the Audit Agency, and other Regional Office components to improve evaluation and monitoring capabilities within the Region.

7. Develops and monitors implementation of a Regional capacity-building plan, in coordination with ARD/IGA and Regional Agencies. Identifies and assesses the constraints which impede current and/or potential participants from preparing effective program designs. Develops strategies for eliminating constraints and improving capacities. Plans for and monitors the provisions of technical or financial assistance to general purpose governments in the development of integrated services and management systems.

8. Develops procedural and substantive criteria for the management review of project grants covered by the Regional Director Review and Sign-off System (RDRS); coordinates reviews of proposed grants and contracts and recommends positions to be taken by the Regional Director thereon.

9. Manages the Regional Director's Operational Planning System (OPS); recommends priorities; coordinates development of proposed work-plans; reviews progress; develops reports for the Regional Director and Office of the Secretary.

I. *Office of the Assistant Regional Director for Intergovernmental Affairs (1E8141).* 1. Serves as a principal representative to the Regional Director and supervises a staff unit to help accomplish the Department's Intergovernmental, technical assistance and program coordination mission in the Region.

2. Serves as the Regional Director's representative in establishing and maintaining systematic contacts with the office of governors, Congressmen, State legislators, county executives and mayors. Recommends alternative methods

for achieving goals and objectives, exercising priorities and implementing policies pertaining to relationships with State and local general purpose governments.

3. Establishes and maintains a process for the identification of intergovernmental issues; refers these issues to the Regional Director, Assistant Regional Director, Planning and Evaluation (ARD/P&E), and the regional agency heads for analysis and resolution; and coordinates the dissemination of information on problems that have been resolved to State and local governments and representatives of private interest groups.

4. In cooperation with the ARD/P&E and regional agency heads, coordinates and monitors procedures for securing timely State and local GPG review and comment on appropriate policies, legislation and regulations; keeps Regional Office and Headquarters Staff informed about current developments concerning major new human resource legislation and policies at the State and local levels.

5. Identifies and brings to the attention of the ARD/P&E problems and issues in the States that may be amenable to DHEW evaluation efforts; facilitates in coordination with the ARD/P&E, the dissemination of significant human resource evaluation, and monitoring findings to and from State and local governments.

6. Ensures that the Regional Office role in the implementation of DHEW policies, through such systems as OPS, is clearly spelled out to State and local general purpose governments. In cooperation with the ARD/P&E, develops a process for disseminating information on operational objectives to State and local governments and special concerns groups. In cooperation with the ARD/P&E and the regional agency heads, attempts to ensure that State and local governments institute adequate mechanisms for implementing major common operational objectives. Provides for an exchange of information and interfaces with other Departments where interdepartmental efforts are required to implement policies.

7. Coordinates the planning and delivery of technical assistance to assist States and local general purpose government in the accomplishment of common program objectives.

8. Develops and monitors, in coordination with ARD/P&E and Regional Agencies, implementation of efforts to help State and local governments strengthen their capacities for planning and management of human services programs. Identifies and assesses the constraints which impede current and/or potential participants from developing effective delivery systems. Develops strategies for eliminating constraints and improving capacities. Plans for and monitors the provision of technical or financial assistance to general purpose governments in the development of integrated services and management systems.

9. Participates in interagency or interdepartmental studies with responsibility for fact-finding, analysis, and making recommendations to top level policy making officials about National and intergovernmental program planning.

10. Provides supplemental staff support to the Federal Regional Council (FRC) in coordination with the Special Assistant to the Regional Director for FRC matters. Coordinates Regional participation on the Federal Executive Board, its committees and task forces.

11. Has leadership responsibility for carrying out the Regional Office responsibilities for the Comprehensive Employment and Training Act (CETA) programs. Administers and assures that the Regional Office CETA work plan is being accomplished. Participates actively in the implementation of Departmental policy for CETA through the Regional Office Manpower Coordinator and regional agency program-related staff. Assures and identifies the interrelationships of DHEW CETA activities with related Departmental initiatives such as capacity building and services integration.

12. Works closely with the Special Assistant to the Regional Director for Education and Special Concerns in providing as much assistance as possible to racial and ethnic minority groups, and to assure that both HEW and State and local orginzations which administer HEW resources have open, continuous communications with such groups.

13. Provides staff support for & coordinates performance of the Regional Director's emergency preparedness and disaster response functions.

J. *Office of the Assistant Regional Director for Financial Management (1E8121).* 1. Provides financial management support to the Regional Director and regional agency heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and work with state and local government and HEW grantees to include indirect cost negotiation, single letter-of-credit implementation, technical assistance, and audit follow-up.

2. On behalf of the Regional Director provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs regional accounting and reporting activities: accounting, controlling, fiscal services, and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services.

5. Performs budget activities as follows: prepares the regional budget for activities for which the Regional Director has delegated authority and assists other regional staffs in developing their budgets; prepares consolidated regional budget estimates and justifications and assists the Regional Director and regional agency heads in advocating program budget priorities for centralized and decentralized programs based on regional needs and characteristics; supervises budget execution in the region, including the recording and distribution of budget resources based on allocations, allotments and allowances for regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other regional activities, reviews these plans, and provides comments to the Regional Director and other regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information on fund availability for regional programs; and receives regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries on cost allocation and payment systems activities as follows: Pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including state and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures, provides financial management technical assistance to state and local governments and to other HEW grantees and contractors; assists the Regional Director and regional agency heads in assuring effective follow-up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

K. *Office of the Assistant Regional Director for Administration and Management (1E8111).* 1. Serves as the principal advisor to the Regional Director on and directs or participates actively in all aspects of administrative management, including organization, procedures, management systems, delegations of authority, management surveys and studies, and paperwork management.

2. Serves as the principal advisor to the Regional Director on matters of administrative management. Administers the regional personnel program, including the position management classification of positions, the merit promotion program, the processing of appointments, and selected training and career development activities.

3. Provides the leadership in the establishment, maintenance, and effective use of management information and the system related thereto.

4. The Division of Federal Property Assistance, under a Director who reports to the Assistant Regional Director for Administration and Management, is responsible for:

a. Serving as principal advisor in the Region on all matters relating to Federal surplus property, real and personal;

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b. Allocating Federal surplus personal property to State agencies for distribution to eligible institutions and organizations;

c. Transferring Federal surplus real property to eligible education and health organizations;

d. Exercising compliance responsibility of the donee for both personal and real property transfers;

e. Providing technical assistance and direction to State agencies under the Federal Property Assistance Program, including the approval of State plans of operation.

5. Establishes a system of effective property management, including the maintenance of item and financial property accounts.

6. Conducts periodic inspections of regional space and facilities to assure the application of optimum standards and practices related to physical and personnel safety and security.

7. Provides office services to all activities in and near the regional headquarters location, including mail pick-up and delivery; procurement, stocking, and distribution of common supplies; maintenance of the official regional files; printing and reproduction services, moving and storage services.

8. Coordinates the delivery of architectural engineering services in support of regional program operations, including property management activities for HEW owned and utilized facilities.

9. Insures regional office compliance with the National Environmental Policy Act, National Historic Preservation Act, National Archeological Preservation Act, related laws, executive orders, regulations and guidelines. Recommends regional office policy and develops procedures to insure a coordinated and interdisciplinary approach to assist programs in the conduct of environmental analysis and preparation of documents for activities subject to the above-mentioned requirements in accordance with Departmental procedures. Identifies and advises the Regional Director as to a recommended course of action with respect to emerging environmental issues of concern to the Department and coordinates environmental reviews by regional program staff in response to other Federal agency requests for input. Apprises general purpose government, Federal Regional Councils, clearinghouses and other concerned organizations with respect to HEW NEPA requirements and proposed actions impacting on the community. Serves as the principal regional contact point with the Department's Chief Environmental Officer and notifies him of key issues and emerging problems on which the Secretary should be advised. Participates in and coordinates regional input to environmentally related interagency studies and task forces.

L. *Office of the Assistant Regional Director for Human Development.* (See Chapter 1R95, HEW Organization Manual (38 FR 17282 6/29/73) (formerly numbered as 1E90).) [1E81311]

M. *Special Assistant for External Affairs (1E8101).* Serves as liaison to special interest groups, key institutions and organizations, and private citizens with specific needs, facilitating the dissemination of information of Departmental plans and program developments of concern to them. Maintains contact with community organizations and particular target populations, insuring that there is an adequate mechanism for exchange of ideas on current issues. Frequently serves as point of contact for community leaders and public and private agencies. Serves as expediter in carrying out ad hoc assignments, particularly those that cut across agency or programmatic lines.

Section 1E81.30 Relationships to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff. Agency regional staffs and Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organizations. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from him and his staff. The functional statements for these offices are to be found with the statements of their parent organizations.

Section 1E81.40 Order of Succession. In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence or disability of both the Regional Director and the Deputy Regional Director and where there is a vacancy in both positions, the Secretary or Under Secretary will designate the acting Regional Director.

Section 1E81.50 Delegations of Authority. The delegations of authority of the Regional Director are:

A. *Surplus Property Utilization.* 1. Regional Directors have been delegated certain authority which may not be redelegated as follows:

a. *Real Property.* This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set forth in applicable regulations of the Department is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement cost of property was less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Federal Property Assistance specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. *Personal Property.* To act or designate a member of his staff (other than the Director, Division of Federal Property Assistance, to act as reviewing officer to approve or disapprove determinations by the Director, FPA, authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the Director, Division of FPA, as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal Agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction;

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(c) above;

(4) To execute instruments of transfer relative to property described in a(1)a above; except in those cases provided for in a(1)a(3);

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Federal Property Assistance specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), a(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

FEDERAL RESERVE SYSTEM

BANKINVESTORS, INC.

Formation of Bank Holding Company

Bankinvestors, Inc., Lakewood, Colorado, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Jefferson Bank South, Lakewood, Colorado. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1975.

Board of Governors of the Federal Reserve System, September 17, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25614 Filed 9-24-75;8:45 am]

ONE CORP.

Order Denying Formation of Bank Holding Company

One Corporation, New Richmond, Wisconsin has applied for the Board's approval under § 3(a)(1) of formation of a bank holding company through acquisition of 87.8 per cent or more of the voting shares of The First National Bank of New Richmond, New Richmond, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized under the laws of Wisconsin for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with deposits of $11.9 million,[1] is the fourth largest of ten banking organizations in the relevant banking market[2] and holds approximately 15 per cent of total commercial bank deposits in the market. Inasmuch as this proposal represents merely a reorganization of existing ownership interests, and since Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would not have any significantly adverse effect upon either existing or potential competition within the relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The board has indicated on previous occasions that it believes that a holding company should provide a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of the Applicant in each case with this consideration in mind. In connection with this proposal, Applicant would incur a sizeable acquisition debt which Applicant proposes to service over an eleven-and-one half year period through Bank dividends and the tax benefit accruing from filing consolidated income tax returns.[3] In the Board's view, the debt retirement program, which contemplates significant dividends from Bank, does not provide Applicant with the necessary financial flexibility to service the acquisition debt while maintaining Bank's capital at an acceptable level. Furthermore, the financial requirements imposed upon Applicant as a result of the debt could prevent it from resolving any unforeseen problems that may arise at Bank and thereby impair Bank's ability to continue to serve the community as a viable banking organization.

On the basis of the above and other facts of record, the Board is of the view that it would not be in the public interest to approve the formation of a bank holding company with an initial debt structure that could result in impairing Bank's overall financial condition. Accordingly, the Board concludes that the considerations relating to the banking factors weigh against approval of the application.

As indicated above, the proposed formation essentially involves the reorganization of the ownership interest of Bank without any significant changes in Bank's operations or the services offered to customers of Bank. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application.

On the basis of the circumstances concerning this application, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial condition and prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the facts of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[4] effective September 17, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25615 Filed 9-24-75;8:45 am]

[1] All banking data are as of December 31, 1974.

[2] The relevant banking market is approximated by boundaries of St. Croix County, Wisconsin.

[3] In addition to a cash purchase of Bank shares, Applicant proposes to exchange nonvoting, nonconvertible preferred shares of Applicant for shares of Bank presently held by two individuals. The agreement between these two individuals and Applicant provides that the individuals will not redeem the stock for a period of twelve years. However, the agreement also contains provision for redemption upon the occurrence of events beyond the control of the two individuals. In view of the possibility that the preferred stock may be redeemed, the Board considers it appropriate for purposes of the proposed acquisitions to treat the preferred stock as acquisition debt.

[4] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns.

VALPARAISO ENTERPRISES, INC.

Formation of Bank Holding Company

Valparaiso Enterprises, Inc., West Point, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 99.4 per cent of the voting shares of Oak Creek Valley Bank, Valparaiso, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Valparaiso Enterprises, Inc., West Point, Nebraska, has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire Valparaiso Insurance Agency, Valparaiso, Nebraska. Notice of the application was published on July 17, 1975 in The Wahoo Newspaper, a newspaper circulated in Wahoo County, Nebraska, which includes Valparaiso, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community with a population of less than 5,000. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or

V 40 N 187 SEP 25 75 XUM

tially in excess of costs or for improper or unnecessary services, or withdrawal from program);

c. Certification of SNFs as a "distinct part" of another facility; and

d. Requests for hearings on terminated SNFs participating in Medicare.

14. Works with, and provides information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities:

a. Utilization and periodic medical review procedures for SNFs;

b. Utilization and independent professional review procedures for ICFs;

c. Level of care determinations;

d. Recipient eligibility issues; and

e. Cost-sharing requirements.

15. Works with, and provides information as requested to, the Public Health Service on the following SNF and ICF related activities:

a. Health care standards development efforts of the Bureau of Quality Assurance;

b. Utilization review determinations under Professional Standards Review Organizations;

c. Provider improvement program initiatives of the Health Resources Administration;

d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and

e. Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institute of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinates with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinates with the Office for Civil Rights in monitoring the implementation of Title VI of the Civil Rights Act of 1964 with respect to SNFs and ICFs.

18. Coordinates with regional personnel of the Regional Office, Division of Regional Operations for Facilities Engineering and Construction, on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinates with the Department of Housing and Urban Development in implementation of Public Law 93-204.

G. *Office of the Assistant Regional Director for Public Affairs (IE8151).* 1. Serves as a principal advisor to Regional Director in formulation of policies, approaches, and procedures in the field of public information and in the formulation of approaches to major policy issues and has a broad range of responsibility in developing overall strategies and techniques for long range Public Affairs activities, in line with the Secretary's policy and the trend toward interagency coordination and Departmental control.

2. Provides briefing material and other intelligence for visits to the region by the President, Vice President, the Secretary, the Under Secretary, and other top officials, including members of Congress.

3. Maintains close liaison with groups outside the Federal government—national media, publication houses, constituent agencies in State and Local government, major health/education/welfare organizations, governors' offices, and mayors of various cities.

4. Advises key officials of the Regional Office, including the Regional Director and agency representatives on public information, public reporting, and related aspects of program matters.

5. Serves as a central point of communication with the press, radio and TV news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental headquarters.

6. Is responsible for overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for illustrations and related materials.

7. Prescribes procedures for planning, production, clearance, release, and distribution of all material prepared with the Region for release through Government channels.

8. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

9. Serves as the initial denial authority for all regional documents requested under the Freedom of Information Act.

H. *Office of the Assistant Regional Director for Planning and Evaluation* (1E8161). 1. Serves as a principal advisor to the Regional Director in identifying and directing activities to meet the needs and requirements for the planning and evaluation of HEW and related Federal, State, local, and private human resources programs within the Region.

2. Identifies needs, opportunities, and mechanisms for Regional Office interagency coordination in planning and evaluation activities, in order to better accomplish Regional Office goals and objectives.

3. Establishes and maintains an intergovernmental issues identification and a resolution process, in coordination with the Assistant Regional Director, Intergovernmental Affairs (ARD/IGA). In this regard:

a. Coordinates identification and analysis of HEW-related issues needing policy clarification, and facilitates resolution of such issues; and

b. Identifies on a geographic basis needs and problems in the Region, and compiles information and analyzes resources available to respond to those problems.

4. Establishes with the ARD/IGA an intergovernmental review and comment process in order to:

a. Disseminate proposed National policies, legislation, and regulations within the Region;

b. Analyze these proposals for Regional implications, especially in light of regional observations of needs; and

c. Participates in Master Planning Calendar activities, including the forward planning process and development of model State legislation.

5. Coordinates an evaluation planning and management process which:

a. Provides an interface with central office evaluation planning process;

b. Identifies information needs for Regional decisionmaking, and prepares a Regional Office plan for developing, implementing, and utilizing evaluation results;

c. Develops instrument and techniques for measuring progress in reaching program goals; and

d. Ensures for all DHEW programs dissemination of evaluation results within the Region.

6. Works with Regional Agencies, the Audit Agency, and other Regional Office components to improve evaluation and monitoring capabilities within the Region.

7. Develops and monitors implementation of a Regional capacity-building plan, in coordination with ARD/IGA and Regional Agencies. Identifies and assesses the constraints which impede current and/or potential participants from preparing effective program designs. Develops strategies for eliminating constraints and improving capacities. Plans for and monitors the provisions of technical or financial assistance to general purpose governments in the development of integrated services and management systems.

8. Develops procedural and substantive criteria for the management review of project grants covered by the Regional Director Review and Sign-off System (RDRS); coordinates reviews of proposed grants and contracts and recommends positions to be taken by the Regional Director thereon.

9. Manages the Regional Director's Operational Planning System (OPS); recommends priorities; coordinates development of proposed work-plans; reviews progress; develops reports for the Regional Director and Office of the Secretary.

I. *Office of the Assistant Regional Director for Intergovernmental Affairs (IE8141).* 1. Serves as a principal representative to the Regional Director and supervises a staff unit to help accomplish the Department's Intergovernmental, technical assistance and program coordination mission in the Region.

2. Serves as the Regional Director's representative in establishing and maintaining systematic contacts with the office of governors, Congressmen, State legislators, county executives and mayors. Recommends alternative methods

for achieving goals and objectives, exercising priorities and implementing policies pertaining to relationships with State and local general purpose governments.

3. Establishes and maintains a process for the identification of intergovernmental issues; refers these issues to the Regional Director, Assistant Regional Director, Planning and Evaluation (ARD/P&E), and the regional agency heads for analysis and resolution; and coordinates the dissemination of information on problems that have been resolved to State and local governments and representatives of private interest groups.

4. In cooperation with the ARD/P&E and regional agency heads, coordinates and monitors procedures for securing timely State and local GPG review and comment on appropriate policies, legislation and regulations; keeps Regional Office and Headquarters Staff informed about current developments concerning major new human resource legislation and policies at the State and local levels.

5. Identifies and brings to the attention of the ARD/P&E problems and issues in the States that may be amenable to DHEW evaluation efforts; facilitates in coordination with the ARD/P&E, the dissemination of significant human resource evaluation, and monitoring findings to and from State and local governments.

6. Ensures that the Regional Office role in the implementation of DHEW policies, through such systems as OPS, is clearly spelled out to State and local general purpose governments. In cooperation with the ARD/P&E, develops a process for disseminating information on operational objectives to State and local governments and special concerns groups. In cooperation with the ARD/P&E and the regional agency heads, attempts to ensure that State and local governments institute adequate mechanisms for implementing major common operational objectives. Provides for an exchange of information and interfaces with other Departments where interdepartmental efforts are required to implement policies.

7. Coordinates the planning and delivery of technical assistance to assist States and local general purpose government in the accomplishment of common program objectives.

8. Develops and monitors, in coordination with ARD/P&E and Regional Agencies, implementation of efforts to help State and local governments strengthen their capacities for planning and management of human services programs. Identifies and assesses the constraints which impede current and/or potential participants from developing effective delivery systems. Develops strategies for eliminating constraints and improving capacities. Plans for and monitors the provision of technical or financial assistance to general purpose governments in the development of integrated services and management systems.

9. Participates in interagency or interdepartmental studies with responsibility for fact-finding, analysis, and making recommendations to top level policy making officials about National and intergovernmental program planning.

10. Provides supplemental staff support to the Federal Regional Council (FRC) in coordination with the Special Assistant to the Regional Director for FRC matters. Coordinates Regional participation on the Federal Executive Board, its committees and task forces.

11. Has leadership responsibility for carrying out the Regional Office responsibilities for the Comprehensive Employment and Training Act (CETA) programs. Administers and assures that the Regional Office CETA work plan is being accomplished. Participates actively in the implementation of Departmental policy for CETA through the Regional Office Manpower Coordinator and regional agency program-related staff. Assures and identifies the interrelationships of DHEW CETA activities with related Departmental initiatives such as capacity building and services integration.

12. Works closely with the Special Assistant to the Regional Director for Education and Special Concerns in providing as much assistance as possible to racial and ethnic minority groups, and to assure that both HEW and State and local orginzations which administer HEW resources have open, continuous communications with such groups.

13. Provides staff support for & coordinates performance of the Regional Director's emergency preparedness and disaster response functions.

J. *Office of the Assistant Regional Director for Financial Management (IE-8121).* 1. Provides financial management support to the Regional Director and regional agency heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and work with state and local government and HEW grantees to include indirect cost negotiation, single letter-of-credit implementation, technical assistance, and audit follow-up.

2. On behalf of the Regional Director provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs regional accounting and reporting activities: accounting, controlling, fiscal services, and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services.

5. Performs budget activities as follows: prepares the regional budget for activities for which the Regional Director has delegated authority and assists other regional staffs in developing their budgets; prepares consolidated regional budget estimates and justifications and assists the Regional Director and regional agency heads in advocating program budget priorities for centralized and decentralized programs based on regional needs and characteristics; supervises budget execution in the region, including the recording and distribution of budget resources based on allocations, allotments and allowances for regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other regional activities, reviews these plans, and provides comments to the Regional Director and other regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information on fund availability for regional programs; and receives regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries on cost allocation and payment systems activities as follows: Pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including state and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures, provides financial management technical assistance to state and local governments and to other HEW grantees and contractors; assists the Regional Director and regional agency heads in assuring effective follow-up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

K. *Office of the Assistant Regional Director for Administration and Management (IE8111).* 1. Serves as the principal advisor to the Regional Director on and directs or participates actively in all aspects of administrative management, including organization, procedures, management systems, delegations of authority, management surveys and studies, and paperwork management.

2. Serves as the principal advisor to the Regional Director on matters of administrative management. Administers the regional personnel program, including the position management classification of positions, the merit promotion program, the processing of appointments, and selected training and career development activities.

3. Provides the leadership in the establishment, maintenance, and effective use of management information and the system related thereto.

4. The Division of Federal Property Assistance, under a Director who reports to the Assistant Regional Director for Administration and Management, is responsible for:

a. Serving as principal advisor in the Region on all matters relating to Federal surplus property, real and personal;

V 40 187 SEP 25 75 XUM

b. Allocating Federal surplus personal property to State agencies for distribution to eligible institutions and organizations;

c. Transferring Federal surplus real property to eligible education and health organizations;

d. Exercising compliance responsibility of the donee for both personal and real property transfers;

e. Providing technical assistance and direction to State agencies under the Federal Property Assistance Program, including the approval of State plans of operation.

5. Establishes a system of effective property management, including the maintenance of item and financial property accounts.

6. Conducts periodic inspections of regional space and facilities to assure the application of optimum standards and practices related to physical and personnel safety and security.

7. Provides office services to all activities in and near the regional headquarters location, including mail pick-up and delivery; procurement, stocking, and distribution of common supplies; maintenance of the official regional files; printing and reproduction services, moving and storage services.

8. Coordinates the delivery of architectural engineering services in support of regional program operations, including property management activities for HEW owned and utilized facilities.

9. Insures regional office compliance with the National Environmental Policy Act, National Historic Preservation Act, National Archeological Preservation Act, related laws, executive orders, regulations and guidelines. Recommends regional office policy and develops procedures to insure a coordinated and interdisciplinary approach to assist programs in the conduct of environmental analysis and preparation of documents for activities subject to the above-mentioned requirements in accordance with Departmental procedures. Identifies and advises the Regional Director as to a recommended course of action with respect to emerging environmental issues of concern to the Department and coordinates environmental reviews by regional program staff in response to other Federal agency requests for input. Apprises general purpose government, Federal Regional Councils, clearinghouses and other concerned organizations with respect to HEW NEPA requirements and proposed actions impacting on the community. Serves as the principal regional contact point with the Department's Chief Environmental Officer and notifies him of key issues and emerging problems on which the Secretary should be advised. Participates in and coordinates regional input to environmentally related interagency studies and task forces.

L. *Office of the Assistant Regional Director for Human Development.* (See Chapter 1R95, HEW Organization Manual (38 FR 17262 6/29/73) (formerly numbered as 1B90).) [1E8131]

M. *Special Assistant for External Affairs.* (*1E8101*). Serves as liaison to special interest groups, key institutions and organizations, and private citizens with specific needs, facilitating the dissemination of information of Departmental plans and program developments of concern to them. Maintains contact with community organizations and particular target populations, insuring that there is an adequate mechanism for exchange of ideas on current issues. Frequently serves as point of contact for community leaders and public and private agencies. Serves as expediter in carrying out ad hoc assignments, particularly those that cut across agency or programmatic lines.

Section 1E81.30 Relationships to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff. Agency regional staffs and Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organizations. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from him and his staff. The functional statements for these offices are to be found with the statements of their parent organizations.

Section 1E81.40 Order of Succession. In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence or disability of both the Regional Director and the Deputy Regional Director and where there is a vacancy in both positions, the Secretary or Under Secretary will designate the acting Regional Director.

Section 1E81.50 Delegations of Authority. The delegations of authority of the Regional Director are:

A. *Surplus Property Utilization.* 1. Regional Directors have been delegated certain authority which may not be redelegated as follows:

a. *Real Property.* This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set forth in applicable regulations of the Department is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement cost of property was less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Federal Property Assistance, specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. *Personal Property.* To act or designate a member of his staff (other than the Director, Division of Federal Property Assistance, to act as reviewing officer to approve or disapprove determinations by the Director, FPA, authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the Director, Division of FPA, as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal Agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction;

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(c) above;

(4) To execute instruments of transfer relative to property described in a(1)a above; except in those cases provided for in a(1)a(3);

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Federal Property Assistance specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), a(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to the General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the FPA Director; the latter may likewise redelegate in writing the authority to the Deputy Director, Division of FPA; Deputy Director, Division of FPA may also redelegate in writing to his allocator(s) the authority stipulated in a(1)(a), a(1)(b), and a(1)(e), insofar as a(1)(e) pertains to a(1)(a) and a(1)(b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated be-
and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in possession of State agencies for subsequent donation for education, public health, and civil defense purposes;

(a) To effect redistribution of usable and needed property to other State Agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acqusition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State Agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes;

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, revision of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State Agencies for surplus property: Provided, however, that disapproval of a State plan in whole or in part is concurred in by the Director, Office of Federal Property Assistance.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for surplus property of such States, either individually or collectively.

B. *Human Development.* 1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under section 222(a)(1) of the Economic Opportunity Act of 1964 (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. Under the general policies and in such form as prescribed by the Director of the Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants under section 4(b)(1) of the Child Abuse Prevention and Treatment Act of 1974. This authority may be redelegated.

d. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants and contracts and administer the urban Indian projects of the Office of Native American Programs, pursuant to the authorities under section 222(a) of the Economic Opportunity Act of 1964. This authority may not be redelegated without prior approval by the Assistant Secretary for Human Development.

e. To make, amend, suspend, and cancel the grants and contracts authorized in "a", "b", "c", and "d" above and to issue audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

C. *Long Term Care Standards Enforcement.* 1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. To approve or disapprove certifications made by State Agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 28 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of section 1864(a), that State Agency

V 40 187 SEP 25 75 XUM

survey reports (including reports of follow-up reviews), and statements of deficiencies based upon official survey reports, relating to the certification of skilled nursing facilities for compliance with the applicable provisions of section 1861 are final and official. This includes the authority to: (1) Assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunity to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as amended, which pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15) of the Social Security Act.

d. Authority vested in the Secretary under section 1905(c) of the Social Security Act to certify intermediate care facilities located on Indian reservations.

e. Authority vested in the Secretary under section 1908(b) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

D. *Environmental Affairs.* Under the authority of the National Environmental Policy Act of 1969 (NEPA), Regional Directors are authorized:

a. To issue Determinations of Inapplicability and Marginal Impact Statements, based on the application of the appropriate criteria, for individual actions which you have the authority to take.

b. To approve Determinations of Inapplicability for all decentralized Departmental and agency individual actions, based on the Initial Criteria.

c. To issue Marginal Impact Statements (MIS) for all decentralized Departmental and agency individual actions which meet the Initial Criteria, but do not meet the Significance Criteria.

d. To approve the issuance of a MIS for actions which are not decentralized but are locale specific.

e. To recommend to the AS/AM the issuance of draft EIS's for:

(1) Those actions for which you have the delegation of authority.

(2) Those individual Department and agency actions which have been decentralized.

f. To receive, distribute for review, and issue DHEW comments on externally developed environmental statements concerning effects which are specific to each Regional Director's region, except for those kinds of actions otherwise designated by the Assistant Secretary for Administration and Management.

g. To monitor the extent and quality of compliance with the Act and the Departmental procedures within the regional offices and agency regional offices and institute such procedures as may be necessary to insure compliance.

2. This authority may be redelegated except that part involving coordination and approval which would be redelegated only to an individual within the immediate office of the Regional Director.

Dated: September 11, 1975.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.75-25637 Filed 9-24-75;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Notice of Meeting

Notice is hereby given that the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on October 11, 1975, in the Terrace Room at the Holiday Inn of Waltham, 455 Totten Pond Road, Waltham, Massachusetts 02154. The meeting will convene at 9 a.m. and will be open to the public, subject to the limitation of available space.

On October 10, 1975, the Commission will make a site visit to the Walter E. Fernald State School in Waltham. The Commission will not hold a meeting during the site visit, which will be conducted in a manner to insure the privacy of the patients at the school. Discussion of the site visit and other matters identified in the legislative mandate to the Commission under P.L. 93-348 will be included in the agenda for the public meeting on October 11.

Requests for information should be directed to Ms. Anne Ballard (301) 496-7776, Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: September 18, 1975.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.75-25686 Filed 9-24-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 15026; Reference Notice No. 75-35]

AIRCRAFT NOISE ABATEMENT APPROACH PROCEDURES FOR TURBOJET ENGINE-POWERED AIRCRAFT; REDUCED FLAP SETTING, VISUAL TWO-SEGMENT, AND TWO-SEGMENT ILS PROCEDURES

Public Hearing

The Federal Aviation Administration will hold a public hearing November 5, 1975, on proposed amendments to the Federal Aviation Regulations (14 CFR Chapter I) submitted to the FAA by the Environmental Protection Agency (EPA) under Section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). This hearing will afford interested persons the opportunity to present views, data, and arguments regarding the substance and issues raised in the proposals contained in Notice 75-35 (published elsewhere in this issue of the FEDERAL REGISTER), which contains the following three EPA proposals:

EPA Proposal I—"Reduced Flap Setting Noise Abatement Approach for Turbojet Engine-Powered Airplanes."

EPA Proposal II—"Visual Two-Segment Noise Abatement Approach for Turbojet Engine-Powered Airplanes."

EPA Proposal III—"Two-Segment ILS Noise Abatement Approach for Turbojet Engine-Powered Airplanes."

The hearing will be conducted in the Auditorium on the 3rd Floor of the Federal Aviation Administration Building, 800 Independence Avenue SW., Washington, D.C., convening at 9:00 a.m. In the event that response to this notice exceeds the time allotted to the hearing, it will be continued to 9:00 a.m., November 6, 1975, in the FAA Auditorium.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator under 14 CFR 11.33. At the hearing, FAA spokesmen will make a brief opening statement regarding the proposals contained in the notice. Since the hearings will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given an opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearings and to participate by making oral or written statements concerning the respective proposals. Written statements should be submitted in duplicate and will be made a part of the regulatory docket. Persons wishing to make oral statements at the hearings must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard should be addressed:

PUBLIC HEARING ON NOTICE NO. 75-35,

ATTENTION: CHIEF, SAFETY REGULATIONS DIVISION (AFS-900), FLIGHT STANDARDS SERVICE,

FEDERAL AVIATION ADMINISTRATION,

800 INDEPENDENCE AVENUE, SW.,

WASHINGTON, D.C. 20591

or telephone: (202) 426-7815.

In addition to material presented for the purpose of the hearings, persons not participating in the hearings are invited to submit relevant written comments to the regulatory docket established for the notice of proposed rule making. As stated in the notice, such written comments should identify the notice or docket number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. The closing date for submitting written comments is November 26, 1975. All comments will be available for examination in the FAA Rules Docket both before and after the closing date for comments.

Notice No. 75-35 was issued by the FAA in accordance with § 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). The notice contains proposed regulations submitted to the FAA by EPA to provide such control and abatement of aircraft noise as EPA determines is necessary to protect the public health and welfare. The notice presents EPA's analysis of the background of the respective proposals and contains the material that is the subject of the public hearings. While all relevant comments are of interest, the FAA specifically invites relevant statements or comments concerning the following:

(a) Available data relating to aircraft noise, including the results of research, development, testing, and related evaluation activities.

(b) The views and positions of other Federal, State, and interstate agencies.

(c) Whether the proposed regulations would be consistent with the highest degree of safety in air commerce and air transportation in the public interest.

(d) Whether the proposed regulations would be—

(1) economically reasonable;

(2) technologically practicable; and

(3) appropriate for the particular types of aircraft, aircraft engines, appliances, or certificates to which they would apply.

(e) The extent to which the proposed regulations would contribute to providing protection to the public health and welfare by carrying out the purposes of § 611 of the Federal Aviation Act of 1958, as amended.

(f) The overall environmental impacts of the proposed regulations (including environmental factors other than noise).

(g) The economic (inflationary) impact that might result because of adoption of the proposed rules.

Before taking further action under § 611(c) of the Federal Aviation Act of 1958, the FAA will consider all statements presented at the hearings and all written statements and comments submitted to the regulatory docket. The specific terms and substance of proposals contained in the notice may be changed in the light of those statements and comments presented.

Transcripts of the hearings will be made and anyone may purchase copies from the reporter. A transcript of each hearing will be available for examination in the Rules Docket.

(Secs. 307, 313(a), 601, 603, and 611(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1423, and 1431(c)); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 44 U.S.C. 1508)

Issued in Washington, D.C., on September 24, 1975.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

[FR Doc.75-25812 Filed 9-24-75;11:09 am]

COMMISSION OF FINE ARTS

MEETING

SEPTEMBER 19, 1975.

The Commission of Fine Arts will meet on Wednesday, October 15, 1975, at 11:00 a.m. in the Commission offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various public projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda or requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at 708 Jackson Place, NW., Washington, D.C. 20006, 202-343-5324.

Signed,

CHARLES H. ATHERTON,
Secretary.

[FR Doc.75-25544 Filed 9-24-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entrance of Withdrawal from Warehouse for Consumption

SEPTEMBER 22, 1975.

On November 3, 1971, the United States Government concluded a comprehensive Bilateral Cotton Textile Agreement with the Government of Haiti concerning exports of cotton textiles and cotton textile products from Haiti to the United States over a five-year period beginning on October 1, 1971, and extending through September 30, 1976. The agreement was amended by an exchange of notes dated November 13 and 23, 1973. Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 categories; within the aggregate limit, specific limits on Categories 39, 51, 53, and 63; and consultation levels for Categories 45, 46, 47, 52, and 62, among others, for the agreement year beginning on October 1, 1975.

There is published below a letter of September 22, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories, produced or manufactured in Haiti, which may be entered or withdrawn from warehouse for consumption in the United States during the twelve-month period beginning October 1, 1975, and extending through September 30, 1976, be limited to the designated levels.

The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 22, 1975.

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1975, and for the twelve-month period extending through September 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of

V 40 N 187 SEP 25 75 XUM

cotton textiles and cotton textile products in Categories 1 through 64 and in individual Categories 39, 45, 46, 47, 51, 52, 53, 62, and 63, produced or manufactured in Haiti, in excess of the following levels of restraint:

Category:	Twelve-Month Level of Restraint
1 through 64 square yards equivalent	5,469,779
39 dozen pairs	243,101
45 dozen	19,175
46 do	17,395
47 do	19,175
51 do	61,948
52 do	29,279
53 do	22,807
62 pounds	92,484
63 do	431,412

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti, which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than a certain percentage; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by further letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti with respect to imports of cotton textiles and cotton textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-25857 Filed 9-24-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Meeting

Notice is given that a meeting of the National Advisory Committee for the Flammable Fabrics Act will be held on Tuesday, October 28, 1975 (10:00 a.m. to 5:00 p.m.) and Wednesday, October 29 (9:00 a.m. to 2:00 p.m.) in the 6th Floor Conference Room, Consumer Product Safety Commission, 1750 K Street, N.W., Washington, D.C.

The National Advisory Committee provides advice and recommendations on the Commission's proposals and plans for reducing the frequency and severity of burn injuries involving flammable fabrics.

This meeting will be devoted primarily to a briefing/orientation for new committee members on the activities of the Consumer Product Safety Commission under the Flammable Fabrics Act.

Persons wishing to make oral or written presentations to the National Advisory Committee should notify the Secretary at least 5 days in advance of the meeting.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and specific agenda topics may be obtained from the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7700.

Dated: September 22, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-25073 Filed 9-24-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[PP4G1511/T13 (FRL 435-5)]

COLLETOTRICHUM GLOEOSPORIOIDES

Renewal of Temporary Exemption from Requirement of a Tolerance for Microbial Pesticide

On September 27, 1974, the Environmental Protection Agency (EPA) gave notice (39 FR 34706) that the University of Arkansas, Fayetteville AR 72701, had been granted a temporary exemption from the requirement of a tolerance for residues of the mycoherbicide *Colletotrichum gloeosporioides f. sp. aeschynomene* (ATCC #20358) in or on rice when used as a herbicide to control northern jointvetch (*Aeschynomene Virginica*). This temporary exemption was scheduled to expire September 23, 1975.

The petitioner has requested a 99 day extension of the temporary exemption from the requirement of a tolerance to permit continued testing to obtain additional data, and to permit the marketing of rice treated with the mycoherbicide in accordance with an experimental use permit that is being renewed concurrently for the University of Arkansas under the Federal Insecticide, Fungicide, and Rodenticide Act.

Based on a review of the reported scientific data, it is concluded that a renewal of the temporary exemption from the requirement of a tolerance will protect the public health. The temporary exemption, therefore, is being renewed for *Colletotrichum gloeosporioides f. sp. aeschynomene* on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active mycoherbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. The University of Arkansas must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The University must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires December 31, 1975. Residues remaining in or on the above raw agricultural commodity after the expiration of this temporary exemption will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary exemption from the requirement of a tolerance.

Dated: September 19, 1975.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-25505 Filed 9-24-75;8:45 am]

[PP5G1626/T12 (FRL 435-6)]

SODIUM AZIDE

Establishment of Temporary Tolerance

PPG Industries Inc., Biochemicals Inc., One Gateway Center, Pittsburgh PA 15222, submitted a pesticide petition (PP 5G1626) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for residues of the fungicide sodium azide (expressed as the azide ion (N_3)) in or on the raw agricultural commodities green beans (pole and snap), tomatoes, and potatoes at 0.1 part per million.

This temporary tolerance will permit the marketing of the above raw agricultural commodities treated in accordance with an experimental use permit which is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

The data submitted in the petition and other relevant material have been evaluated, and it has been determined that the tolerance is adequate to cover residues resulting from the proposed experimental use, and that such tolerance will protect the public health. The temporary tolerance is, therefore, established for sodium azide on condition that the insecticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active fungicide to be used must not exceed the quantity authorized by the experimental use permit.

2. PPG Industries, Inc. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized

officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires September 19, 1976. Residues not in excess of this temporary tolerance remaining in or on the above raw agricultural commodities after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provisions of the experimental use permit and temporary tolerance. The temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Dated September 19, 1975.

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-25506 Filed 9-24-75;8:45 am]

[OPP 180042 (FRL 435-4)]

TEXAS STATE DEPARTMENT OF HEALTH

Issuance of Specific Exemptions To Control Rabid Skunks in Mason and Uvalde Counties

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted specific exemptions to the Texas State Department of Health (hereafter referred to as the "Applicant") to use strychnine alkaloid or strychnine sulfate baits to suppress rabid skunks in defined areas in Mason and Uvalde Counties, Texas. The control program is designed to reduce the probability of exposure of domestic animals and man to rabies. These exemptions were granted in accordance with, and are subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions. The section 18 regulations provide that the Administrator may grant an emergency exemption to a Federal or State agency when the following conditions exist:

"(a) A pest outbreak has or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without the use of the pesticide, and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use." 40 CFR 166.1.

The exemption is also subject to the provisions of 40 CFR Part 164, specifically, the new Subpart D, published in the FEDERAL REGISTER on March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the request is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. Therefore, the exemption cannot be granted without the requirement of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 6 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

"(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and

(2) That there is no other feasible solution to such risk; and

(3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by section 164.131; and

(4) That the public interest requires the granting of the requested use as soon as possible." 40 CFR 164.133.

The primary objective of the requested strychnine bait programs is the reduction of the skunk population. Secondary target species in the areas capable of rabies transmission are: bobcats, coyotes, foxes, opossums, raccoons, and ringtail cats. According to the U.S. Department of the Interior, no endangered species are known to occur in either Mason or Uvalde County. A report entitled "Control of Rabies", published by the National Academy of Sciences, indicates that a distinctive feature of rabies epidemics in wildlife is the tendency to be limited to a single species population in a given geographical area. Although interspecies transmission does occur, endemic rabies tends to be confined to a single reservoir species in a given area and appears to become established in other species only after prolonged exposure. However, studies by the Center for Disease Control, Atlanta, Georgia, identified six areas in the United States where interspecific rabies transmission from bats to carnivores is important—four in Texas and two in New Mexico. Two of these areas (caves), Mason and Frio Caves, are located in Mason and Uvalde Counties, respectively.

Mason County. During the month of January 1975, six (6) cases of laboratory-confirmed rabies were found in a 12,000 acre area in Mason County (two skunks, two foxes, one dog, and one cow). Five (5) persons were exposed to the infected cow and received post-exposure immunization treatment. The control program was completed by June 30, 1975. The total amount of strychnine used was approximately eight (8) ounces; the total number of baits used in the area designated in the application did not exceed 2,250.

Uvalde County. Since January 1975, four (4) cases of rabies have been confirmed in a 7,000 acre area in Uvalde County (two foxes, one bobcat, and one bat). Human exposure in these incidents, including one bovine rabies case in 1974, resulted in eight (8) persons receiving post-exposure immunization treatment. This control program was completed by July 31, 1975. The total amount of strychnine used was approximately seven (7) ounces; the total number of baits used in the area designated in the application did not exceed 2,000.

The areas in each county were treated within a seven (7) day period. Because of the short treatment period, it is likely that any mortality incurred by non-target species will be compensated by normal reproduction and migration cycles. Exposure time at any one bait site ranged from a minimum of three (3) to a maximum of five (5) days. Each bait station was placed so as to minimize exposure of non-target species; no bait station was placed within 300-500 yards of any area of human habitation.

Bait stations contained pork tallow baits treated with not more than one-fourth grain of strychnine sulfate or strychnine alkaloid. Application was by experienced personnel of the Texas State Department of Health. All persons residing on treated properties were notified of the day bait would be placed, in order to assure the protection of domestic pets and small children. Warning signs were posted at each entrance to baited property from public roads and at each bait station. All bait stations were mapped and marked to monitor effectiveness and to account for all of the toxicant used. Each landowner or his representative accompanied the baiter on his property to ensure the property owners' awareness of the locations of baits; each property owner ensured that his property would be surveyed daily for kills. A thorough documentation of the bait effects was recorded for each bait site and premises. Finally, all unused poison bait and recovered bait was destroyed by incineration.

In light of the above and pursuant to the controlling regulations, the Administrator determined that (a) a pest outbreak of rabid skunks had occurred; (b) there was no pesticide presently registered for use in suppressing populations of rabid skunks in Texas; (c) the application presented a situation involving a need to use the pesticide as requested to prevent an unacceptable risk to human health; (d) there was no other feasible solution to such human risk; (e) the time available to avert the risk to human health was not sufficient to convene a hearing; and (f) the public interest required the granting of the requested use as soon as possible. Accordingly, the Applicant was granted specific exemptions to use the pesticide noted above in defined areas in Mason and Uvalde Counties to the extent and in the manner set forth in this issuance. The Applicant has

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satisfied the requirements of Section 166.5, "Procedure to be followed upon approval of a specific exemption".

This notice contains a summary of certain information set forth in the applications for the specific exemptions. For more detailed information, interested parties are referred to the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room 315, Washington, D.C. 20460.

Dated September 19, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-25594 Filed 9-24-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

PETROLEUM COMPANY FINANCIAL REPORT

Notice of Proposed Report

Correction to Procedural Dates

In FR Doc. 75-25016, appearing on page 43611 in the issue for Monday, September 22, 1975 the following changes should be made:

The date in the 12th line of the 5th full paragraph of the middle column on page 43612, now reading "October 16, 1975", should read "October 24, 1975".

The date in the 2nd line of the 6th full paragraph of the middle column on page 43612, now reading "October 14, 1975" should read "October 20, 1975".

The date in the 6th line of the 6th full paragraph of the middle column on page 43612, now reading "October 15,", should read "October 21".

The date in the 16th line of the 6th full paragraph of the middle column on page 43612, now reading "October 2, 1975," should read "October 3, 1975".

The date in the 10th line of the third column on page 43612, now reading "October 14, 1975" should read "October 20, 1975".

The date in the 13th line of the third column on page 43612, now reading "October 9, 1975", should read "October 10, 1975".

The date in the 17th line of the third column on page 43612, now reading "October 10, 1975", should read "October 16, 1975".

The date in the 5th line of the 3rd full paragraph of the third column on page 43612, now reading "October 9, 1975", should read "October 16, 1975".

FEDERAL MARITIME COMMISSION

MARITIME SERVICE CORP.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 15, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by

Messrs. John Mason and Paul McElligott, Ragan & Mason, The Farragut Building, 900 Seventeenth Street NW., Washington, D.C. 20006.

By order dated January 14, 1975, the Commission approved Agreement No. DC-79 for a period of one year. The agreement, which is between Sea-Land Service, Inc., Seatrain Lines, Inc., Transamerican Trailer Transport, Inc., and Gulf Puerto Rico Lines, Inc., is a cooperative working arrangement which provides for the continuation of the Maritime Service Corporation (MSC), the purposes of which are to perform the billing, collecting and enforcing of demurrage accrued pursuant to tariffs filed in the Puerto Rico ocean carriage trade.

Current Commission approval of the Agreement No. DC-79 will expire January 14, 1976. MSC has reported to us, however, that termination of all pending legal actions for the collection of outstanding past due demurrage is not likely by that date, despite the progress made so far towards realizing that goal. At this point, MSC advises us that it is unable to determine precisely how long of an extension would be necessary to liquidate remaining demurrage and has accordingly requested that this Commission grant further approval to Agreement No. DC-79 for as long as is needed to liquidate past due demurrage.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: September 22, 1975.

[FR Doc.75-25630 Filed 9-24-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-7775, E-9101, and E-9518]

APPALACHIAN POWER CO.

Order Denying Application for Rehearing

SEPTEMBER 16, 1975.

On August 18, 1975, Appalachian Power Company (APCO) filed an Application for Rehearing (Application) of our order of July 18, 1975, in the instant dockets. APCO limits its application for rehearing to "the apparent failure of the Commission * * * to treat APCO's filing [in Docket No. E-9518] totally and separately apart from the proceeding in Docket Nos. E-7775 and E-9101 * * *", (APCO Application at 1) and, presumably, the Commission's failure to grant APCO's request that its rates for service to Virginia Polytechnic Institute and State University (VPI) be permitted to become effective without refund obligation.[1]

In the first instance, we did treat the request for elimination of the refund condition for rates and charges for service by APCO to VPI separately and apart from the proceedings in Docket Nos. E-7775 and E-9101. We denied that request.[2] Our reasons for denying the request are, however, related to the profrom the proceedings in Docket Nos. E-9101.

The rates in question are currently in effect, subject to refund, pending a hearing and decision as to their justness and reasonableness in Docket Nos. E-7775 and E-9101. We continue to believe that the appropriate forum to test the justness and reasonableness of these rates is in the hearing established in these proceedings. The filing of a cost of service study which purports to demonstrate that the rates are just and reasonable is not sufficient to remove the current refund obligation. Instead, APCO should go forward with whatever evidence it believes is convincing at the hearing. Its evidence would therein be subject to cross-examination and contrary showings by VPI, our Staff, or other interested parties. The just and reasonable rates would then be established based on the evidence adduced at the hearing and not on the basis of the untested data filed by APCO. Accordingly, APCO's Application for Rehearing must be denied. The just and reasonable rates would then be established based on the evidence adduced at the hearing and not on the basis of the untested data filed by APCO.

[1] APCO's pleading is confusing in this regard. The language of limitation is as quoted. This language is followed by a declaratory sentence arguing that APCO's request for elimination of the refund obligation was consistent with its filing for reasons sufficient to APCO. However, the final paragraph of the application states that the Commission erred "in not permitting the rates proposed by Appalachian Power Company to become effective without suspension, without a hearing and without a refund obligation" (Application at 3).

[2] Paragraph B of our order of July 18, 1975.

The Commission finds:

APCO's Application for Rehearing raises no new issues of fact or law to justify granting rehearing of our order of July 18, 1975.

The Commission orders:

(A) APCO's Application for Rehearing is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25586 Filed 9-24-75;8:45 am]

[Docket No. ER76-110]

ARKANSAS POWER & LIGHT CO.

Change in Rates and Charges

SEPTEMBER 17, 1975.

Take notice that Arkansas Power & Light Company (AP&L), on September 8, 1975, tendered for filing proposed changes in its rates for service to municipally owned and privately owned electric distribution systems, presently served under AP&L's Rate Schedule U3; rural electric cooperatives, presently served under AP&L's Rate Schedule B1; and a proposed rate change amendment to the January 23, 1973 contract between AP&L and the City Water & Light Plant of the City of Jonesboro, Arkansas. The proposed changes would increase revenues from jurisdictional sales and service by $8,411,559.13 based on the 12-month period ending October 8, 1976.

AP&L states that copies of applicable portions of the filing were served upon its jurisdictional customers and the Public Service Commissions of Arkansas, Louisiana, and Tennessee.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25587 Filed 9-24-75;8:45 am]

[Docket No. ER76-99]

BLACK HILLS POWER AND LIGHT CO.

Cancellation

SEPTEMBER 17, 1975.

Take notice that on August 29, 1975, the Black Hills Power and Light Company (the Company) tendered for filing a notice of cancellation, effective October 1, 1975, of its FPC Rate Schedule No. 13. The cancellation would terminate the agreement, dated August 25, 1961, to interconnect the Company with the Nebraska Public Power District at the Nebraska-South Dakota, state line near Chadron, Nebraska.

The Company states that the interconnection is being terminated because the Company's electrical system is being placed to the west of the so-called East-West tie.

Notice of this proposed cancellation has been served upon the Public Service Commission of Wyoming, the Public Utilities Commission of South Dakota, and the Nebraska Public Power District.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25588 Filed 9-24-75;8:45 am]

[Docket No. CP73-47, etc.]

EASCOGAS LNG, INC. ET AL.

Extension of Time

SEPTEMBER 17, 1975.

In the matter of Eascogas LNG, Inc., et al., Docket Nos. CP73-47, etc.; and Distrigas Corporation, et al., Docket Nos. CP73-132, etc.

On September 8, 1975, the Nuclear Regulatory Commission filed a request to extend the time within which to file comments on the supplement to the Draft Environmental Impact Statement for the construction and operation of an LNG import terminal at Raccoon Island, Gloucester County, New Jersey, in the above-designated proceeding.

Notice is hereby given that the time within which to file comments on the supplement to the Draft Environmental Impact Statement in the above matter is extended for all parties from September 15, 1975, to and including September 30, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25589 Filed 9-24-75;8:45 am]

[Docket No. CP76-75]

EL PASO NATURAL GAS CO.

Application

SEPTEMBER 17, 1975.

Take notice that on September 4, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-75 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the relocation of its existing City of Morton, Texas (Morton), meter station, and the establishment of an additional delivery point in Hocking County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that natural gas sold to Morton is presently being transported by Morton through approximately 18 miles of 3½-inch pipeline which has deteriorated and results in large unaccounted-for gas loss, lack of ability to meet required capacity due to operating pressure limitations, and failure to meet safety standards of the Department of Transportation. Applicant states further that Morton has requested that Applicant relocate its meter station from milepost 87.6 to milepost 90.1 on Applicant's Dumas-Eunice pipeline in Hocking County, Texas, from which point Morton is constructing a new pipeline. It is stated that Morton estimates that the cost of a pipeline along the route from the proposed location of the meter station would be $300,130, compared to $411,404 for replacing the pipeline on the old route. Cost of the proposed relocation is estimated at approximately $5,450 by Applicant, which cost would be reimbursed by Morton.

In addition to the relocation of the Morton meter station, Applicant proposes to utilize one existing tap and valve assembly at the existing meter station to deliver gas to Morton for resale to Mr. E. C. White, Jr. Mr. White would continue to be served by a two-mile segment of the existing pipeline which is said to be safe for such purpose.

It is proposed that Morton's maximum contract volumes of 1,012 Mcf of gas per day be apportioned between the two delivery points, with 1,001 Mcf being delivered to the proposed meter station and 11 Mcf being delivered to the existing tap and valve assembly. Applicant states that the additional delivery point would not enable Morton to obtain more natural gas than it is presently entitled, but would only allow Applicant to continue its service to Morton.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25590 Filed 9-24-75;8:45 am]

[Docket No. CP76-71]

FLORIDA GAS TRANSMISSION CO.

Application

SEPTEMBER 18, 1975.

Take notice that on September 2, 1975, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32789, filed in Docket No. CP76-71 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the receipt of natural gas in the Vatican Field, Lafayette Parish, Louisiana, from Washington Gas Light Company (WGL) and authorizing the transportation of natural gas for WGL from said point to Vermillion Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct on its 18 and 22-inch East White Lake lateral pipeline in the Vatican Field a line tap and appurtenant facilities. The estimated cost of the facilities is approximately $3,800, which cost WGL would reimburse Applicant.

The transportation service proposed by Applicant in the instant application is stated to be pursuant to a gas transportation contract between it and WGL dated June 24, 1975. The contract is said to provide that Applicant would transport for WGL up to 5,000 Mcf of gas per day at 15.025 psia and that WGL would pay Applicant 2.0 cents per Mcf of gas transported. The proposed point of delivery by WGL to Applicant is the tap in the Vatican Field, and the point of redelivery is on the 18 and 30-inch Central Louisiana lateral pipeline of Transcontinental Pipe Line Corporation (Transco) in Vermillion Parish, Louisiana, from which point Transco would transport the gas for WGL to Fairfax County, Virginia. The gas which would be transported is said to be produced by Crab Run Gas Company, a wholly owned subsidiary of WGL, and is said to be owned by WGL at the time of delivery to Applicant.

The gas transported would increase the amount of gas available for resale in the interstate market and would not preempt Applicant's pipeline capacity otherwise available for high priority use, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25600 Filed 9-24-75;8:45 am]

[Docket Nos. E-8769, E-8770 and E-9119]

FLORIDA POWER AND LIGHT CO.

Further Extension of Procedural Dates

SEPTEMBER 18, 1975.

On September 15, 1975, Florida Power and Light Company filed a motion to extend the procedural dates fixed by order issued July 3, 1975, as most recently modified by notice issued August 13, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Testimony, November 21, 1975.

Service of Staff Testimony, January 20, 1976.

Service of Intervenor Testimony, February 3, 1976.

Service of Company Rebuttal, February 13, 1976.

Hearing, March 2, 1976, (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25601;Filed 9-24-75;8:45 a.m.]

[Docket No. ER76-109]

ILLINOIS POWER CO.

Filing of Interconnection Agreement

SEPTEMBER 17, 1975.

Take notice that on September 8, 1975, Illinois Power Company tendered for filing an Interconnection Agreement dated July 25, 1975, between Illinois Power Company and Western Illinois Power Cooperative, Inc.

The purpose of the Interconnection Agreement is to seek and realize all benefits practicable which can be effected through coordination in the operation and development of the parties respective electric systems. The principal benefits envisioned are deferral of the installation of new generating capacity and a reduction in power production costs through the interchange of power.

Article IV, Sections 1 through 7, of the proposed Interconnection Agreement specifies the types of service and rates of compensation contemplated. Both service and rates are the same as those contained in Illinois Power Company's Rate Schedule FPC No. 50, previously accepted for filing by the Commission. Also, the Agreement includes Exhibit A, which sets forth the points of interconnection between the parties' systems (which consist of one 138 Kv connection scheduled for operation in 1978), and the facilities to be provided by each party.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-25591 Filed 9-24-75;8:45 am]

[Docket No. E-9239]

INDIANA & MICHIGAN ELECTRIC CO.

Order Denying Applications for Rehearing, Amending Prior Order, and Reestablishing Procedural Dates

SEPTEMBER 17, 1975.

On June 20, 1975, Indiana & Michigan Electric Company (I&M) tendered for filing proposed changes in its wholesale for resale rate to Richmond Power & Light of the City of Richmond, Indiana (Richmond).[1] Such filing had the effect of: (1) placing a surcharge of 27.52% on all charges, exclusive of fuel cost adjustment, then being collected from Richmond; (2) replacing the then-effective 100% minimum billing demand provision (100% ratchet) with a 60% minimum billing demand provision (60% ratchet); and (3) revising the then-effective fuel clause for service to Richmond.[2]

I&M stated that the proposed revisions were intended to track revisions in I&M's retail Tariff IP which became effective pursuant to May 28, 1975, and June 4, 1975, orders of the Public Service Commission of Indiana (PSCI).

In its June 20, 1975, filing, I&M contended that the net effect of the 27.52% surcharge and the substitution of the 100% ratchet with a 60% ratchet is to reduce charges to Richmond by $208,392 annually, based on comparisons of rate levels for the 12-month period ended December 31, 1974. Further, I&M requested that such filing be made effective for all service rendered Richmond on and after May 28, 1975, the date on which the subject revisions became effective to I&M's retail Tariff IP customers.

In response to public notice of I&M's filing, Richmond timely filed a petition to intervene, together with a motion to reject or, in the alternative, for suspension of the proposed tariff revisions.[3]

By order issued July 18, 1975, we accepted for filing I&M's proposed revisions for service to Richmond, suspended their use for one day, and established hearing procedures to determine the justness and reasonableness of the proposed rates, charges, terms and conditions of service. Construing I&M's request for a retroactive effective date as an application for waiver of our 30-day notice requirement,[4] we granted such application to permit the proposed changes to become effective, subject to refund, on June 21, 1975, one day after the date of filing. In addition, Richmond's petition to intervene was granted, and I&M was ordered to submit, within 45 days, testimony and exhibits supporting the proposed rates, charges, terms and conditions.

On August 18, 1975, both I&M and Richmond filed applications for rehearing of our July 18, 1975, order. On August 22, I&M moved to defer the procedural dates established in said order.[5] Also on August 22, Richmond filed a "Motion for Leave to File Limited Response to Application for Rehearing." On August 29, I&M filed a response to Richmond's August 22 pleading.[6]

The first contention set forth in I&M's application for rehearing is that we erred in refusing to permit the June 20, 1975, filing to become effective retroactively as of May 28, 1975, the date the proposed revisions were permitted to become effective in Indiana. We disagree for the reasons set forth in our orders of November 2, 1973, and December 28, 1973, in *Indiana & Michigan Electric Company*, Docket No. E-7740. Moreover, since those orders and our decisions therein have been affirmed in *Indiana & Michigan Electric Company* v. *Federal Power Commission*, — F. 2d — (D.C. Cir. Case Nos. 73-2193, et al., decided March 13, 1975), we believe that further discussion of this issue is unnecessary.

I&M also contends that we erred in characterizing the 60% ratchet included in its June 20, 1975, filing as a "proposed" provision, since a similar provision was previously accepted by this Commission for service to the Cities of Anderson and Auburn, Indiana. Because of such previous acceptance, I&M argues, "• • • neither testimony nor other support [for the 60% ratchet] is required in this Docket."[7] Notwithstanding these arguments, the fact remains that the 60% ratchet contained in I&M's June 20, 1975, filing was intended to replace the previously-effective 100% ratchet applicable to service to Richmond. Thus, the ratchet included in the instant filing is clearly a change in the terms and conditions of service to Richmond. Even though a 60% ratchet is obviously less burdensome than a 100% ratchet, we, nevertheless, believe that the 60% ratchet should be subjected to the scrutiny of a formal hearing to determine its justness and reasonableness as applied to Richmond. Accordingly, we affirm the findings of our July 18 order that the 60% ratchet constitutes a proposed change, and that the justness and reasonableness of said ratchet should be an issue at the hearing ordered in this docket.

The third argument set forth in I&M's application for rehearing is that we erred in imposing a refund obligation with respect to I&M's collections from Richmond under the revised rate schedule filed June 20, 1975. Because the net effect of that filing is a rate *decrease*, I&M contends that no refund obligation attaches under section 205(e) of the Federal Power Act, since that section permits the imposition of a refund obligation only in cases of rate *increases*.

It is clear that the filing in question results in a decrease in the rate level previously applicable to Richmond. However, the rate level previously applicable to Richmond was itself being collected subject to refund, pending final disposition of proceedings in Docket No. E-7740. Thus, the rates derived from the instant filing may eventually prove to be greater than the rates ultimately found to be just and reasonable in Docket No. E-7740. In this context, then, we believe that I&M's submittal in the instant docket is a "proposed increased rate" within the meaning of section 205 (e) of the Act, and, that the refund obligation imposed in our July 18 order is lawful and necessary to protect Richmond from potentially excessive rates and charges.

Lastly, I&M notes that on July 18, 1975, the date of issuance of the order of which rehearing is now sought, I&M filed a response to Richmond's July 7, 1975, pleading in this docket. Because our July 18 order made no reference to I&M's responsive pleading filed the same day, I&M states that it "• • • would wish that the record reflect the filing of its July 18, 1975 response, and the reasons for the Commission's failure to refer to that response in its July 18, 1975 order."[8]

Under section 205 of the Federal Power Act, a proposed rate change becomes effective without refund obligation unless this Commission suspends its effectiveness within 30 days of the filing thereof. In the instant case, I&M's proposed rate change was filed on June 20, 1975. Thus, July 18, 1975, was the last date on which we could suspend the effectiveness of the filing and make revenues derived therefrom subject to refund. Accordingly, having determined that the filing *should* be suspended, we were required to act on or before July 18, 1975, to preserve the refund obligation. As a practical matter, it was not possible to consider in that order I&M's pleading which was not filed until that same date. Since that time, however, we have reviewed the subject pleading but have found nothing therein which warrants modification or amendment of our July 18 order.

In its application for rehearing of our July 18 order, Richmond contends that I&M's filing did not comply with the fil-

[1] The proposed revised rate schedule is designated Supplement No. 8 to FPC Rate Schedule No. 58.

[2] Revenues derived from application of the then-effective fuel clause and 100% ratchet were being collected, subject to refund, pending final disposition of proceedings in Docket No. E-7740.

[3] For a detailed analysis of Richmond's arguments in support of its motion to reject as well as our reasons for rejecting such arguments, see our order issued July 18, 1975, in the subject docket, *mimeo* at 3-4.

[4] See Section 205(d) of the Federal Power Act and Sections 35.3 and 35.11 of our Regulations.

[5] By notice issued August 28, 1975, I&M's motion was granted and procedural dates in the subject docket were deferred "pending further action by the Commission." See Ordering Paragraph "C", *infra*, wherein procedural dates for this docket are reestablished.

[6] Section 1.34(d) of our Rules of Practice and Procedure provides that "No answers to petitions for rehearing will be entertained by the Commission." Accordingly, Richmond's August 22 pleading and I&M's August 29 response thereto will not be entertained.

[7] I&M's application for rehearing, at page 4.

[8] *Id.* at p. 5.

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ing requirements of section 35.13 of our Regulations. Accordingly, Richmond asserts, such filing should have been rejected.

Richmond's arguments that the subject filing does not comply with our filing requirements were contained in its July 7, 1975, pleading in this docket, and such arguments were considered and rejected for the reasons given in our July 18 order.[9] Our findings in that order are hereby affirmed.

Richmond also contends that I&M's filing fails to substantially comply with our filing requirements because of the absence of testimony and exhibits supporting the cost of service study. However, as noted in our July 18 order, such testimony and exhibits are required to meet our filing requirements only where "* * * the rate schedule provides for an *increase* in rate which exceeds $50,000 in revenues for the test period * * *." As noted above, the net effect of the instant filing is a rate *decrease* for the test period in question. Acordingly, we believe I&M was entitled to rely upon a literal interpretation of the above-quoted regulation in choosing not to tender estimony and exhibits with its filing. However, as hereinafter ordered, I&M shall be required to submit such testimony and exhibits within 45 days of issuance of this order to permit all parties to prepare for the hearing in this docket.

Finally, Richmond alleges that it is "experiencing undue discrimination by being charged higher rates and being subjected to unreasonably different and more restrictive terms and conditions than NIPSCO [Northern Indiana Public Service Company, another wholesale customer of I&M] enjoys."[11] The alleged discrimination would be demonstrated, argues Richmond, by a comparative billing analysis as required by section 35.13 (b) (2) of our Regulations.

In choosing not to file the comparative billing analysis suggested by Richmond, I&M apparently believes that its service to NIPSCO is not a "similar wholesale for resale * * * service" as that rendered Richmond, and that section 35.13 (b) (2) is, therefore, inapplicable to the instant filing. While we shall accept what appears to be I&M's belief in this regard for purposes of determining compliance with our filing requirements, we, nevertheless, believe that this is an issue which should be resolved in the hearing procedures established in this docket. Accordingly, we shall amend our July 18, 1975, order to make the question "whether the rate charged Richmond is unduly discriminatory vis-a-vis the rate charged NIPSCO" an issue to be resolved in this proceeding.

As noted above, procedural dates in this docket were previously deferred "pending further action by the Commission." Accordingly, as hereinafter ordered, procedural dates shall be reestablished.

The Commission finds:

(1) Richmond's August 22, 1975, pleading in this docket, and I&M's August 29 response thereto, should not be entertained in light of the specific prohibition of such pleadings set forth in section 1.34(d) of our rules of practice and procedure.

(2) Good cause exists to reestablish procedural dates in this docket, such dates having previously been deferred pending our action herein.

(3) Good cause exists to require I&M to file, within 45 days of issuance of this order, prepared testimony and exhibits in support of the rates, charges, terms and conditions proposed in its June 20, 1975, filing in this docket.

(4) I&M's and Richmond's August 18, 1975, applications for rehearing of our July 18, 1975, order in this docket present no facts or principles of law which would provide an appropriate basis for any modification or amendment of said order.

(5) Good cause exists to amend our July 18, 1975, order in this docket to make the question "whether the rate charged Richmond is unduly discriminatory vis-a-vis the rate charged NIPSCO" an additional issue to be resolved in this proceeding.

The Commission orders:

(A) Richmond's August 22, 1975, pleading in this docket and I&M's August 29, 1975, response thereto shall not be entertained by this Commission.

(B) Within 45 days of issuance of this order, I&M shall submit testimony and exhibits supporting the rates, charges, terms and conditions proposed in this docket.

(C) Procedural dates for this docket which were previously deferred are hereby reestablished as follows: The Commission Staff shall serve its prepared testimony and exhibits on or before December 16, 1975. Intervenor's prepared testimony and exhibits shall be served on or before January 6, 1976. I&M's rebuttal, if any, shall be served on or before January 20, 1976. The public hearing previously ordered shall be held on February 3, 1976, at 10 a.m., prevailing local time, in a hearing room at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the justness and reasonableness of the proposed rates, charges, terms and conditions included in I&M's June 20, 1975, filing in this docket.

(D) I&M's application for rehearing of our July 18, 1975, order in this docket is hereby denied.

(E) Richmond's application for rehearing of our July 18, 1975, order in this docket is hereby denied.

(F) The question "whether the rate charged Richmond is unduly discriminatory vis-a-vis the rate charged NIPSCO" is hereby designated as an additional issue to be resolved in this proceeding.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25592 Filed 9-24-75;8:45 am]

[9] See n. 3, *supra*.

[10] See section 35.13(b)(5)(i) of our regulations.

[11] Richmond's application for rehearing, at page 3.

[Docket No. DA-1120-California U.S. Forest Service]

LANDS WITHDRAWN IN POWER SITE CLASSIFICATION NO. 168 AND PROJECT NO. 818

Finding and Order Vacating Land Withdrawal

SEPTEMBER 17, 1975.

In order to effectuate a proposed land exchange, the Forest Service, United States Department of Agriculture, has requested the revocation of the power withdrawals affecting the following described lands, thereby requiring Commission consideration under section 24 of the Federal Power Act:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 16 N., R. 14 E.,
Sec. 14, N½SW¼;
Sec. 22, N½NW¼, SW¼NW¼.
(Approximately 200 acres.)

The subject lands in section 14 are withdrawn in Power Site Classification No. 168, approved February 9, 1927, while those in section 22 are withdrawn pursuant to the filing on June 21, 1927, of an application for preliminary permit for Project No. 818 which application was rejected. Both withdrawals were made in connection with an extensive plan of development which, among other things, contemplated construction of a diversion dam on the North Fork American River above Royal Gorge with a 7-mile-long tunnel to convey flows by gravity to the Middle Fork American River above French Meadows.

The subject tract in section 14 lies near the proposed North Fork diversion site and was withdrawn for possible flowage use; however, current topographic mapping shows that this tract lies a minimum of 200 feet above the river and would not be affected by such development. The lands in section 22 were withdrawn for possible tunnel location which would be flexible.

Diversion of the North Fork American River as proposed in Project No. 818 is considered unlikely because of:

1. The small amount of water available (the annual runoff at the diversion site is estimated to be about 60,000 acre-feet, most of which occurs during the spring).

2. The absence of feasible reservoir sites to regulate the irregular flow of this reach of the North Fork American River.

3. The high cost of tunneling.

In addition, wild and scenic river legislation was enacted by the State in 1972 with respect to this reach of the North Fork American River.

The U.S. Geological Survey has recommended that Power Site Classification No. 168 and the withdrawal for Project No. 818 be revoked insofar as they pertain to the subject lands.

The Commission finds:

It has no objection to the revocation of Power Site Classification No. 168 insofar as it pertains to the subject lands in section 14.

The Commission orders:

The withdrawal for Project No. 818 is hereby vacated insofar as it pertains to the subject lands in section 22.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25593 Filed 9-24-75;8:45 am]

[Docket No. CP74-157]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

SEPTEMBER 18, 1975.

Take notice that on September 3, 1975, Michigan Wisconsin Pipe Line Company (Petitioner), one Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-157 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing continued sales for resale of natural gas in interstate commerce to Northern Indiana Fuel and Light Company, Inc. (Northern Indiana), and West Ohio Gas Company (West Ohio) with changes in rate schedule, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that Northern Indiana is filing a petition with the Public Service Commission of Indiana to merge Consumers Natural Gas Corp. (Consumers Natural), its wholly-owned subsidiary, effective as of September 1, 1975. Petioner states further that both Northern Indiana and Consumers Natural are presently served by Petitioner under Rate Schedule SGS-1 which limits a buyer's maximum daily quantity (MDQ) to 6,000 Mcf. As a result of the merger the two separate 6,000 Mcf MDQ contracts would be combined into a new ACQ-1 contract with an MDQ of 12,000 Mcf and with an annual volume entitlement of 2,112,000 Mcf for Northern Indiana.

Petitioner further states that West Ohio Gas Company (West Ohio) has informed Petitioner it desires to receive service under Rate Schedule ACQ-1 and ACQ-2 in lieu of under its two presently effective service agreements under Rate Schedule SGS-1 as summarized below:

Rate schedule	MDQ (thousand cubic feet)	Annual volume entitlement (thousand cubic feet)
Present:		
SGS-1	4,700	868,000
SGS-1	3,190	606,100
Total	7,890	1,498,100
Proposed:		
ACQ-1	7,883	1,897,408
ACQ-2	7	777
Total	7,890	1,898,185

According to Petitioner, West Ohio is desirous of making this change to the ACQ rate schedules to make it possible to have one service agreement cover all delivery points and to give West Ohio greater operating flexibility among delivery points, resulting in a more effective utilization of the total MDQ from Petitioner.

Petitioner further states that because the modifications requested provide for increased operating efficiencies within the customer companies and would not result in any increase in peak day or annual entitlement, Petitioner has consented to the changes.

Any person wishing to become a party to make any protest with reference to said petition to amend should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a part to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25602 Filed 9-24-75;8:45 am]

[Docket No. ER76-101]

MINNESOTA POWER AND LIGHT CO.

Supplement

SEPTEMBER 17, 1975.

Take notice that on August 29, 1975, the Minnesota Power and Light Company tendered for filing Supplement No. 8 to its Transmission Service Agreement[1] with the United Power Association. The effective date of this supplement is July 9, 1975.

Supplement No. 8 provides for a change in the delivery point by discontinuation of the Two Harbors delivery point and the addition of a Waldo delivery point.

Copies of this filing have been sent to the United Power Association.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25594 Filed 9-24-75;8:45 am]

[1] Minnesota Power and Light Company Rate Schedule FPC No. 80.

[Docket No. ER76-113]

PUBLIC SERVICE COMPANY OF INDIANA

New Delivery Point

SEPTEMBER 18, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana, Inc., tendered for filing its agreement dated June 1, 1974, with Jackson County Rural Electric Membership Corporation, which supplements the contract between the above two parties dated December 1, 1973, by the addition of reference to a new delivery point designated as the Spurgeon's Corner delivery point.

This new delivery point is presently not in service and the service commencement date is still to be determined.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25603 Filed 9-24-75;8:45 am]

[Docket No. ER76-116]

PUBLIC SERVICE COMPANY OF INDIANA

New Delivery Point and Termination of Old One

SEPTEMBER 18, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana tendered for filing its agreement dated March 1, 1974, with Clark County Rural Electric Membership Corporation which supplements the contract between the above two parties dated December 1, 1973, by the addition of reference to a new delivery point designated as the Speed delivery point, by the deletion of reference to the existing Perry delivery point, and by a change in description of the location of the point of delivery to the existing Sellersburg delivery point.

Service commenced at the Speed delivery point and was terminated at the Perry delivery point on March 6, 1975.

Any person desiring to be heard or to protest said filing should file a petition

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to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25604 Filed 9-24-75;8:45 am]

[Docket No. ER76-118]

PUBLIC SERVICE COMPANY OF INDIANA

New Delivery Point

SEPTEMBER 18, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana tendered for filing its agreement dated December 1, 1974, with Carroll County Rural Electric Membership Corporation which supplements the contract between the above two parties, dated December 1, 1973, by the addition of reference to a new delivery point designated as the Andersons-69 delivery point.

Service commenced at the Andersons-69 delivery point on August 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25605 Filed 9-24-75;8:45 am]

[Docket No. ER76-121]

PUBLIC SERVICE COMPANY OF INDIANA

Termination

SEPTEMBER 18, 1975.

Take notice that on September 12, 1975, the Public Service Company of Indiana tendered for filing 2 notices of termination of the service agreement dated May 6, 1968, between the Town of Paragon, Indiana and Public Service Company of Indiana, Inc., effective January 1, 1968.

Service under the agreement was terminated on November 11, 1971, when Public Service Company of Indiana, Inc. purchased from the Town of Paragon its entire distribution system.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25606 Filed 9-24-75;8:45 am]

[Docket No. ER76-111]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Tariff Change

SEPTEMBER 18, 1975.

Take notice that Public Service Company of New Hampshire (Public Service) of Manchester, New Hampshire, on September 10, 1975, tendered for filing increased rates to all of its firm wholesale for resale customers. The affected customers and the FPC rate schedule designations of their contracts are as follows:

Concord Electric Company FPC No. 24.
Town of Ashland, New Hampshire FPC No. 28.
The New Hampton (New Hampshire) Village Precinct FPC No. 29.
Exeter & Hampton Electric Company FPC No. 35.
New Hampshire Electric Cooperative, Inc., FPC Nos. 50 and 71.
Town of Wolfeboro, New Hampshire FPC No. 72.

The proposed changes would increase revenues from the affected jurisdictional sales and service by $945,343 or 5.61% based on the 12 month period ended December 31, 1975. Public Service requests that the increase be allowed to become effective on October 11, 1975.

The filing would increase the energy charge in the affected rates from 0.73 cents per kwh to 0.85 cents per kwh. While the filing would also increase the minimum charge from $200 to $300, Public Service states that no customer would be currently affected by this change because the minimum charge is applied only if it exceeds the billing demand charge and the billing demand charge of each customer exceeds $300. Finally, the filing eliminates a provision in Rate Schedule FPC No. 50 applicable to the New Hampshire Electric Cooperative which required that customer to pay a special monthly charge of $71.33 to cover the carrying charges on certain equipment which formerly was used exclusively by that customer. According to Public Service, the filing proposes no change in rate design and continues the currently effective fuel clause.

Public Service states that its existing firm power wholesale for resale rates are significantly deficient and that it has filed the proposed rates in order to bring up its revenues from the affected customers more closely to the cost incurred in rendering them service.

Public Service avers that a copy of the filing has been mailed to each of its customers affected by the proposed change and to the New Hampshire Public Utilities Commission and the Vermont Public Service Board.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25607 Filed 9-24-75;8:45 am]

[Docket No. ER76-107]

PUGET SOUND POWER & LIGHT CO.

Initial Rate Filing for Sale of Surplus Energy

SEPTEMBER 17, 1975.

Take notice that on September 8, 1975, Puget Sound Power & Light Company (Company) tendered for filing an initial rate schedule relating to the terms and conditions under which Company will sell nonfirm energy at a rate determined on the share-the-savings method. Generally, under this method, the rate will be equal to the Company's incremental costs of generation (Seller's Base Rate) plus one-half of the difference between the Seller's Base Rate and what the purchaser's costs of generation (Customer's Generation Costs) would have been but for the energy deliveries under this filing.

Company requests an effective date of September 4, 1975 so that service may begin immediately under the proposed schedule.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 27, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25595 Filed 9-24-75;8:45 am]

[Docket No. RP75-56]

TEXAS GAS PIPELINE CORP.

Further Extension of Procedural Dates

SEPTEMBER 17, 1975.

On September 12, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 7, 1975, as most recently modified by notice issued July 15, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, October 14, 1975.
Service of Intervenor Testimony, October 28, 1975.
Service of Company Rebuttal, November 13, 1975.
Hearing, December 2, 1975 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25596 Filed 9-24-75;8:45 am]

[Docket No. RP75-74]

TRANSWESTERN PIPELINE CO.

Further Extension of Procedural Dates

SEPTEMBER 17, 1975.

On September 15, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 30, 1975, as most recently modified by notice issued August 18, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, November 6, 1975.
Service of Intervenor Testimony, November 26, 1975.
Service of Company Rebuttal, December 12, 1975.
Hearing, January 6, 1976 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25597 Filed 9-24-75;8:45 am]

[Docket No. E-9200]

UPPER PENINSULA POWER CO.

Filing of Settlement Agreement

SEPTEMBER 18, 1975.

Take notice that on September 12, 1975, Upper Peninsula Power Company (UPPCO) tendered for filing in this docket a settlement agreement which proposes to settle all issues in this proceeding.

This proceeding arose by UPPCO's filing of December 30, 1975, which proposed changes in the rate schedules for service to the Alger-Delta Cooperative Electric Association, the Ontonagon County Rural Electrification Association, the Village of Baraga, the City of Gladstone, the Village of L'Anse, the City of Negaunee, and the Wisconsin Michigan Power Company. The proposed changes would increase revenues by $287,079, based on the 12-month period ended July 31, 1974.

The proposed settlement would increase UPPCO's rates by $200,020.

Copies of the settlement are on file with the Commission and are available for public inspection. Any person desiring to comment upon such matters contained in the settlement should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 14, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25608 Filed 9-24-75;8:45 am]

[Docket No. ER76-100]

UPPER PENINSULA POWER CO.

Submission of Cost Support for Rates Subsequent to May 31, 1975

SEPTEMBER 17, 1975.

Take notice that on September 3, 1975, Upper Peninsula Power Company (UPPCO) submitted cost support information ordered by the Commission in its letter of October 30, 1974 with respect to the proposed energy charges for the periods subsequent to May 31, 1975.

The information purports to show that the rate established by the contract amendment accepted for filing by the Commission on October 30, 1974 is fully cost-justified. The rate established in the contract for the year beginning June 1, 1975 is 12.29 mils per kwh. In addition, the contract provides for adjustments for increases in cost of fuel at the Escanaba plant above $0.31 per million btu. The fuel cost adjustment during May, 1975 was 17.65 mils per kwh.

In addition, UPPCO requests that the requirement for billing data be waived, since UPPCO states that it is not possible to estimate the transactions which may take place pursuant to this contract during the year ending May 31, 1976. UPPCO also requests that the Commission waive the requirements of Section 35.3 of its regulations under the Federal Power Act and permit this increase in rates to become effective as of June 1, 1975, the beginning of the current contract year.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 8, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25598 Filed 9-24-75;8:45 am]

[Docket Nos. E-9420 and E-9421]

YANKEE ATOMIC ELECTRIC POWER CO. AND PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Extension of Procedural Dates

SEPTEMBER 17, 1975.

On September 15, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 12, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, October 24, 1975.
Service of Intervenor Testimony, November 14, 1975.
Service of Company Rebuttal, November 28, 1975.
Hearing, December 9, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25599 Filed 9-24-75;8:45 am]

[Project No. 405, etc.]

PROJECT LICENSES

Notice of Expiration

So that the Congress may have an adequate opportunity to decide whether upon the expiration of the licenses, to take over the projects under section 14 of the Federal Power Act, as amended (16 U.S.C. 807), and that the Licensees for the projects and others may have adequate notice and opportunity to file timely application for new licenses under section 15 of the Act, as amended (16 U.S.C. 808), public notice is hereby given that the license issued for the designated and described projects on the appended tables will expire on the dates specified.

KENNETH A. PLUMB,
Secretary.

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TABLE 1.—*Projects for which licenses will expire between Jan. 1, 1976 and Dec. 31, 1981, inclusive, which are subject to relicensing or takeover* [1]

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Feb. 19, 1976	The Susquehanna Power Co. and Philadelphia Electric Power Co.	405	Maryland and Pennsylvania.	Cecil, Harford, Md., York, Lancaster, Pa.	Susquehanna	474,480	Dam, reservoir, powerhouse, and transmission line.	50
Feb. 24, 1976	Union Electric Co.	459	Missouri	Miller, Morgan, and Camden.	Osage	172,000	Dams, reservoir, powerhouse, and transmission line.	50
June 3, 1976	Crown Zellerbach Corp.	588	Washington	Clallam	Elwha	12,000	Dam, reservoir, powerhouse, and transmission line.	50
Aug. 18, 1976	Kentucky Utilities Co.	539	Kentucky	Mercer	Kentucky	2,040	Powerhouse and transmission line.	50
Nov. 22, 1976	Carolina Power & Light Co.	432	North Carolina	Haywood	Big Pigeon	108,000	Dam, reservoir, and powerhouse.	50
Aug. 4, 1977	South Carolina Electric & Gas Co.	516	South Carolina	Lexington, Richland, Newberry, and Saluda Counties.	Saluda River	208,750	do	50
July 19, 1977	Wisconsin Power & Light Co.	710	Wisconsin	Shawano County	Wolf River	640	Dam, reservoir, powerhouse, and transmission line.	50
Oct. 7, 1977	San Juan Fishing & Packing Co.	2251	Alaska	Evans Island	San Juan Lake and stream.	100	3 dams, reservoir	20
Aug. 31, 1979	Utah Power & Light Co.	811	Utah	Beaver	Beaver River and tributaries.	3,000	Dam, reservoir, and powerhouse.	50
Dec. 11, 1979	Pacific Power & Light Co.	935	Washington	Clark and Cowlitz	Lewis River	135,000	do	50
Apr. 10, 1980	Consumers Power Co.	785	Michigan	Allegan	Kalamazoo River	2,550	Dam, reservoir, powerhouse, and transmission line.	50
Apr. 21, 1980	Safe Harbor Water Power Corp.	1025	Pennsylvania	York and Lancaster Counties.	Susquehanna River	196,000	Dam and powerhouse	50
May 22, 1980	The Montana Power Co.	5	Montana	Flathead and Lake Counties.	Flathead Lake and River.	168,000	Dam, reservoir, 2 penstocks, powerhouse, and transmission lines.	50
June 30, 1980	Moon Lake Electric Association.	190	Utah	Duchesne County	Polecreek Uinta River.	1,200	Dam, canal, diversion dam, powerhouse, and a transmission line.	50
June 30, 1981	Appalachian Power Co.	739	Virginia	Pulaski County	New River	77,400	Dam, reservoir, powerhouse, and transmission line.	50

[1] Sec. 14 of the Federal Power Act (16 U.S.C. 807), reserving the right to the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to sec. 10(i) to the act (16 U.S.C. 803(i)). Sec. 14 is not applicable to any project owned by a State or municipality, pursuant to act of Aug. 15, 1953 (67 Stat. 587).

TABLE 2.—*Projects for which licenses will expire between Jan. 1, 1976 and Dec. 31, 1981, inclusive, which are not subject to takeover* [1]

License expiration date	Licensee	Project No.	State	County or town	Stream	Installation (kilowatts)	Facilities under license	Period of license (years)
Feb. 15, 1976	Monroe City, Utah	632	Utah	Sevier	Monroe Creek	[2] 100	Diversion dam, pipeline, powerhouse, and transmission line.	50
Apr. 1, 1976	South Carolina Public Service Authority.	199	South Carolina	Orangeburg, Berkeley, and Charleston.	Santee and Cooper Rivers.	134,520	Dams, reservoirs, 2 powerhouses and transmission lines.	50
May 7, 1976	Public Utility District No. 1 of Chelan County.	637	Washington	Chelan	Chelan River	48,000	Dam, reservoir, tunnel, and powerhouse.	50
July 15, 1976	Town of Highlands	693	North Carolina	Macon	Cullasaja Creek	[2] 200	Dam, reservoir, powerhouse, and transmission line.	50
Oct. 27, 1977	The City of Seattle	553	Washington	Whatcom County	Skagit River	623,100	3 dams, 3 reservoirs, 3 powerhouses, transmission lines.	50
Aug. 29, 1977	Community Utilities, Inc. (Alaska Power & Telephone Co.)	1051	Alaska	Skagway Recording District.	Upper and lower Dewey Lake, Ice Lake, Reid Falls, and Synder Creek.	[2] 375	Dam, reservoir, and powerhouse.	47½
Aug. 9, 1978	Crisp County Power Commission.	659	Georgia	Crisp, Dooly, Lee, Sumter, and Worth.	Flint River	15,700	Dam, powerhouse, storage reservoir, and transmission line.	50
Nov. 6, 1978	Puerto Rico Water Resources Authority.	663	Puerto Rico	Mayaguez Municipality.	Blanco River and tributaries.	5,000	4 diversion dams, conduits, powerhouse, and transmission line.	50
Mar. 31, 1979	Citizens Utilities Co.	912	Idaho	Wallace, Shoshone County.	Placer Creek	[2] 298	Dam, reservoir, and powerhouse.	50
Nov. 26, 1979	Hyrum City Corp.	946	Utah	Cache	Blacksmith Fork	[2] 450	Dam, reservoir, powerhouse and transmission line.	50
Jan. 20, 1980	Public Utility District No. 1 of Chelan County and Puget Sound Power & Light Co.	943	Washington	Chelan, Ephrata, Rock Island, Waterville, and Wenatchee, Chelan, and Douglas Counties.	Columbia River	195,000	Dam, reservoir, 2 powerhouses, and transmission lines.	50
Apr. 10, 1980	City of Ottumwa	925	Iowa	Wapello County	Des Moines River	3,150	Dams and powerhouse	50
May 1, 1980	New England Fish Co.	1299	Alaska	Kodiak Island	One Mile Creek	[3] 53	Diversion dam, pipeline, and 2 turbines.	10

[1] Sec. 14 of the Federal Power Act (16 U.S.C. 807) reserving the right to the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to sec. 10(i) to the Act (16 U.S.C. 803(i)) Sec. 14 is not applicable to any project owned by a State or municipality, pursuant to Act of Aug. 15, 1953 (67 Stat. 587).

[2] Minor license.
[3] Includes equivalent kilowatt for 60 hp (mechanical).

[FR Doc.75-25373 Filed 9-24-75;8:45 am]

FEDERAL RESERVE SYSTEM

BANKINVESTORS, INC.

Formation of Bank Holding Company

Bankinvestors, Inc., Lakewood, Colorado, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Jefferson Bank South, Lakewood, Colorado. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 15, 1975.

Board of Governors of the Federal Reserve System, September 17, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25614 Filed 9-24-75;8:45 am]

ONE CORP.

Order Denying Formation of Bank Holding Company

One Corporation, New Richmond, Wisconsin has applied for the Board's approval under § 3(a)(1) of formation of a bank holding company through acquisition of 87.8 per cent or more of the voting shares of The First National Bank of New Richmond, New Richmond, Wisconsin ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized under the laws of Wisconsin for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, with deposits of $11.9 million,[1] is the fourth largest of ten banking organizations in the relevant banking market[2] and holds approximately 15 per cent of total commercial bank deposits in the market. Inasmuch as this proposal represents merely a reorganization of existing ownership interests, and since Applicant has no present banking subsidiaries, the acquisition of Bank by Applicant would not have any significantly adverse effect upon either existing or potential competition within the relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The board has indicated on previous occasions that it believes that a holding company should provide a source of financial and managerial strength to its subsidiary bank(s), and that the Board will closely examine the condition of the Applicant in each case with this consideration in mind. In connection with this proposal, Applicant would incur a sizeable acquisition debt which Applicant proposes to service over an eleven-and-one half year period through Bank dividends and the tax benefit accruing from filing consolidated income tax returns.[3] In the Board's view, the debt retirement program, which contemplates significant dividends from Bank, does not provide Applicant with the necessary financial flexibility to service the acquisition debt while maintaining Bank's capital at an acceptable level. Furthermore, the financial requirements imposed upon Applicant as a result of the debt could prevent it from resolving any unforeseen problems that may arise at Bank and thereby impair Bank's ability to continue to serve the community as a viable banking organization.

On the basis of the above and other facts of record, the Board is of the view that it would not be in the public interest to approve the formation of a bank holding company with an initial debt structure that could result in impairing Bank's overall financial condition. Accordingly, the Board concludes that the considerations relating to the banking factors weigh against approval of the application.

As indicated above, the proposed formation essentially involves the reorganization of the ownership interest of Bank without any significant changes in Bank's operations or the services offered to customers of Bank. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application.

On the basis of the circumstances concerning this application, the Board concludes that the banking considerations involved in this proposal present adverse factors bearing upon the financial condition and prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits that would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the facts of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[4] effective September 17, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25615 Filed 9-24-75;8:45 am]

[1] All banking data are as of December 31, 1974.
[2] The relevant banking market is approximated by boundaries of St. Croix County, Wisconsin.
[3] In addition to a cash purchase of Bank shares, Applicant proposes to exchange nonvoting, nonconvertible preferred shares of Applicant for shares of Bank presently held by two individuals. The agreement between these two individuals and Applicant provides that the individuals will not redeem the stock for a period of twelve years. However, the agreement also contains provision for redemption upon the occurrence of events beyond the control of the two individuals. In view of the possibility that the preferred stock may be redeemed, the Board considers it appropriate for purposes of the proposed acquisitions to treat the preferred stock as acquisition debt.
[4] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns.

VALPARAISO ENTERPRISES, INC.

Formation of Bank Holding Company

Valparaiso Enterprises, Inc., West Point, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 99.4 per cent of the voting shares of Oak Creek Valley Bank, Valparaiso, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Valparaiso Enterprises, Inc., West Point, Nebraska, has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire Valparaiso Insurance Agency, Valparaiso, Nebraska. Notice of the application was published on July 17, 1975 in The Wahoo Newspaper, a newspaper circulated in Wahoo County, Nebraska, which includes Valparaiso, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community with a population of less than 5,000. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or

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at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 22, 1975.

Board of Governors of the Federal Reserve System, September 19, 1975.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25626 Filed 9-24-75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[F-AR 75-25]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft Accident Report. The National Transportation Safety Board has released its report of the midair collision near Kingston, Utah, November 12, 1974, between a Rockwell Turbo Commander, Model 680, and a U.S. Air Force F-111A. The report, No. NTSB-AAR-75-12, was released September 15. The Board determined that the probable cause of this accident was the F-111A pilot's misidentification of the Turbo Commander as a refueling tanker with which he intended to rendezvous. His failure to use prescribed procedures and techniques during rendezvous with a tanker aircraft for refueling contributed to the misidentification, the Board held. Last February 25, the Board issued three safety recommendations to the Federal Aviation Administration, A-75-11 through 13, and two recommendations to the Department of Defense, A-75-14 and 15. The recommendations, reproduced in the report, sought greater airspace separation between military aircraft in aerial refueling areas and VFR traffic beneath, better information for civilian pilots on refueling track locations, and improved military aircraft lighting. FAA (letter of March 6, 1975) is complying with the Board's pilot information recommendations, and is working with DOD to increase such airspace separation. DOD noted (letter of July 23, 40 FR 33288) that its military aircraft lighting meets FAA requirements, and FAA said it believes those requirements are satisfactory.

Safety Recommendations. Four Class I recommendations (urgent action requested) were made public last week by the Board. One recommendation was made to the National Highway Traffic Safety Administration following the investigations of two separate schoolbus accidents. Three recommendations were made to the Federal Railroad Administration.

H-75-22, issued September 18, recommended that NHTSA initiate a program of dynamic rollover testing of schoolbuses to provide data, in combination with data already obtained from static testing, to be used to develop a performance requirement that will insure reasonable structural integrity in rollover environments.

R-75-39 through 41, issued September 19, recommended that FRA (1) require the Massachusetts Bay Transportation Authority to insure, immediately, that all of its rail rapid transit cars are capable of the decelerations specified in their designs for emergency braking; (2) require the Massachusetts Bay Transportation Authority to check periodically to insure that the specified emergency braking capability is maintained; and (3) determine whether this problem of inadequate emergency braking systems may exist in similar rapid transit cars in other parts of the country and take whatever corrective action is necessary. These recommendations were prompted by the Board's on-going investigation of the collision of three Massachusetts Bay Transportation Authority transit trains in Boston, Massachusetts, August 1, 1975.

Responses to Safety Recommendations. During the past week, four letters were received from the Federal Aviation Administration in response to earlier Board recommendations:

A-75-28 (40 FR 16233). In its response dated September 8, FAA notes issuance of GENOT 8320.183 on May 21 to determine the need for airworthiness directive action on the Boeing 727 as well as other aircraft. FAA inspectors were requested to investigate and report on the adequacy of "the operators' servicing and maintenance practices pertinent to the prevention of an in-flight overboard fluid leakage" and to report on implementation of satisfactory procedures in response to previously issued GENOT 8320.168. The letter adds that all airlines established increased surveillance after issuance of GENOT 8320.168, and that "FAA and airlines maintenance inspectors are now intensely aware of the potential safety implications which could result from inadequate and careless servicing of external service drains."

A-75-43 and 44 (40 FR 22324). FAA states in its September 5 letter, "Our investigation revealed that in the seven trunnion failures to date, safety was not impaired by the failures, and issuance of an airworthiness directive is not justified. All fractures which have occurred resulted in the trunnion being trapped by the upper flange of the main landing gear beam, thus preventing collapse of the landing gear and separation from the airplane." With reference to reassessment of the landing gear manufacturer's quality control procedures and elimination of deficiencies which enabled an improperly machined part to enter service, FAA comments, "This has already been accomplished. The manufacturer's drawings and process specifications were reviewed and changes made to specify that blemishes are not permissible in this area of the trunnion. This change in quality control specifications should eliminate deficiencies in this area."

A-75-62 (40 FR 43097). While concurring with the intent of the recommendation, FAA's September 5 letter states that "responsibility for the technical accuracy of information contained in Part 1 of the Airman's Information Manual (AIM) is assigned to the contributing Services. This assures attention by specialists in each of the many technical areas in the AIM." FAA has made the Air Traffic Service, Flight Services Division, responsible for editing and correlating all future data requested to be put in the AIM.

A-75-66 and 67 (40 FR 36628). By letter of September 4, FAA proposes "to issue a General Aviation Inspection Aid which would bring to the operators' attention the need for proper inspection and maintenance of emergency, quick-release, door systems." The issue of an airworthiness directive is not considered appropriate since there are no design deficencies involved, FAA commented. With reference to recommendation A-75-67, FAA plans to evaluate the feasibility of using the Citabria's left front side window as an alternate emergency exit.

The Federal Railroad Administration, by letter of September 8, 1975, provided comments on two recommendations, R-72-9 and R-75-15, reiterated in the Board's report, NTSB-RAR-75-6, on the collision of two St. Louis-San Francisco Railway trains at Mustang, Oklahoma, September 1, 1974 (40 FR 28139). Concerning R-72-9, FRA states that the Operating Rules Advisory Committee has approved a text prepared by FRA regarding the use of radio in railroad operations and that the FRA Safety Committee has also reviewed and approved the proposed regulation, soon to be published in the FEDERAL REGISTER. Concerning R-75-15, FRA states, "The Operating Rules Advisory Committee has approved a revised revision of Rules 34 and recommended that FRA forward the draft to the Association of American Railroads and the American Short Line Railroad Association asking that they solicit comments from their membership and advise."

The aviation accident report and the safety recommendation letters are available to the general public; single copies may be obtained without charge. A $4.00 user-service charge will be made for each recommendation response, in addition to a charge of 10¢ per page for reproduction. All requests must be in writing, addressed to: Publications Unit, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.

SEPTEMBER 22, 1975.

[FR Doc.75-25629 Filed 9-24-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-528, STN 50-529, STN 50-530]

ARIZONA PUBLIC SERVICE CO.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed construction of Palo Verde Nuclear Generating Station, Units 1, 2, and 3, by the Arizona Public Service Company in Maricopa County, Arizona, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Phoenix Public Library, Science & Industry Section, 12 East McDowell Road, Phoenix, Arizona. The Final Environmental Statement is also being made available at the Arizona State Clearinghouse, 1624 West Adams Street, Phoenix, Arizona, and at the Maricopa Association of Governments, 1820 West Washington Street, Phoenix, Arizona.

The notice of availability of the Draft Environmental Statement for the Palo Verde Nuclear Generating Station, Units 1, 2, and 3, and requests for comments from interested persons was published in the FEDERAL REGISTER on April 15, 1975 (40 FR 16888). The comments received from Federal, State, and local agencies and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-75/078) may be purchased, at $8.50 for printed copies and $2.25 for microfiche, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Rockville, Maryland, this 22nd day of September, 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-25683 Filed 9-24-75;8:45 am]

[Docket No. 50-336]

CONNECTICUT LIGHT AND POWER COMPANY ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-65 issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (licensees). This amendment is effective as of the date of issuance.

The amendment (1) grants an increase in the flow rate required for operation of the enclosure building filtration system during certain modes of plant operation, (2) revises the specification regarding main steam line safety valve operability to delete the action statement allowing plant operation with inoperable steam generator safety valves, and (3) corrects proofreading errors.

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated September 9, 1975 and September 12, 1975, (2) Amendment No. 3 to License No. DPR-65, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 19th day of September 1975.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors Project Branch 1-3, Division of Reactor Licensing.

[FR Doc.75-25625 Filed 9-24-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Power Plant Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to (1) revise the surveillance requirements for temperature monitoring during reactor coolant heatup and cooldown, and (2) complete the pressure versus minimum temperature curves for the reactor pressure vessel regions remote from the core beltline.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated March 25, 1975, (2) Amendment No. 15 to License No. DPR-57, with Change No. 15 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of September, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75-25626 Filed 9-24-75;8:45 am]

[Docket Nos. 50-282, 50-306]

NORTHERN STATES POWER CO.

Order Regarding Prairie Island Nuclear Generating Plant, Units 1 and 2

SEPTEMBER 22, 1975.

The evidentiary hearing which was ordered in ALAB-284 (August 11, 1975) on the unresolved steam generator tube issue will be held in the Courtroom of the United States Court of Appeals for the Eighth Circuit, 5th floor, U.S. Federal Building and Courthouse, 316 North Robert Street, St. Paul, Minnesota.

As provided by this Board's September 11, 1975 order, the hearing will commence at 9 a.m. (CDT) on Tuesday, October 21, 1975 and will continue (if necessary) at least through Thursday, October 23, 1975.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-25627 Filed 9-24-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued two guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts

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of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.84, Revision 3, "Code Case Acceptability—ASME Section III Design and Fabrication," and Regulatory Guide 1.85, Revision 3, "Code Case Acceptability—ASME Section III Materials," list those Code Cases that are generally acceptable to the NRC staff for implementation in the licensing of light-water-cooled nuclear power plants. The revisions of these two guides update the listings of Code Cases and reflect comments received from the public and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
Protection Against Postulated Events and Accidents Outside of Containment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
Design Load Combinations for Component Supports.
Interim Guide on Tornado Missiles.
Criteria for Plugging Steam Generator Tubes.
Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
Overhead Crane Handling Systems for Nuclear Power Plants.
Recommended Procedure for Reinstering Test to Monitor Densification Stability of Production Fuel.
Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure.
Posttensioned Prestressing Systems for Concrete Reactor Vessels and Containment.
Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement.
Loose Parts Monitoring Program for the Primary System.
Tornado Design Classification.
Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
Protective Coatings for Light-Water Reactor Containment Facilities.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.
Fire Protection Criteria for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fuel Oil Systems for Standby Diesel Generators.
Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Containment Isolation Provisions.
Instrument Spans and Setpoints.
Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
Periodic Testing of Diesel Generators.
Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
Testing of Nuclear Air Cleaning Systems.
Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
Design Criteria for Overload Protection of Motor-Operated Valves.
Identification of Materials, Parts, and Components for Nuclear Power Plants.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Protection of Nuclear Power Plants Against Industrial Sabotage.
Emergency Planning for Nuclear Power Plants.
Control Room Manning.
Flood Protection for Nuclear Power Plants.
Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
Spill Analysis—Dispersion and Dilution in Surface and Ground Water.
Design Objectives for LWR Spent Fuel Facilities.
Design Objectives for LWR Fuel Handling Systems.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 18th day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-25626 Filed 9-24-75;8:45 am]

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC.

Notice of Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. CSF-1 issued to Nuclear Fuel Services, Inc., and the New York State Atomic and Space Development Authority (the licensees), for operation of the West Valley Reprocessing Plant located in the Western New York Nuclear Service Center in the town of Ashford, near Riceville, Cattaraugus County, New York, about thirty miles from Buffalo.

The proposed amendment would revise the provisions in Technical Specification 4.3 relating to canister loading and spacing in accordance with the licensees' application for amendment, dated August 4, 1975. The proposed amendment would establish new limits governing spent fuel distribution and thereby allow greater spent fuel storage capacity in the Storage Pool located at the West Valley Plant.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By October 28, 1975, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by October 28, 1975. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Washington, D.C. 20036, attorneys for Nuclear Fuel Services, Inc., and to Debevoise, Plimpton, Lyons & Gates, 299 Park Avenue, New York, N.Y. 10017, ATTN: Oscar M. Ruebhausen, Esq., attorneys for New York State Atomic and Space Development Authority.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated August 4, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Memorial Library of Little Valley, Main Street, Little Valley, New York, and at the Town of Concord Public Library, 23 North Buffalo Street, Springville, New York. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Materials and Fuel Cycle Facility Licensing.

Dated at Bethesda, Maryland, this 17th day of September 1975.

For the Nuclear Regulatory Commission.

JAMES R. MILLER,
Chief, Fuel Cycle Licensing Branch 2, Division of Materials and Fuel Cycle Facility Licensing.

[FR Doc.75-25291 Filed 9-24-75;8:45 am]

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR-51 issued to Arkansas Power & Light Company which revised Technical Specifications for operation of the Arkansas Nuclear One, Unit 1 located on the northern shores of Lake Dardanelle, in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment modifies the current procedure for monitoring fish impingements and would incorporate requirements for two special study programs which are designed to provide information necessary to determine the environmental impact of winter impingement losses of threadfin shad. In addition, the amendment will incorporate changes: (1) in thermal monitoring requirements to reflect the relocation of the thermal sensor in the discharge flume; (2) in radiological effluent monitoring requirements to reflect the current Commission's staff position on the types, frequencies, and sensitivities of methods used to monitor radiological effluents; (3) in specifying milk sampling locations to reflect current staff practice of specifying criteria for establishing milk sample locations rather than predesignated locations; and (4) of a clarifying and editorial nature.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated January 17, 1975, April 11, 1975, two letters dated April 17, 1975 and July 11, 1975, (2) Amendment No. 3 to License No. DPR-51, with Change No. 3, (3) the Commission's related Negative Declaration printed concurrently with this notice; and (4) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 18th day of September 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch 2, Division of Reactor Licensing.

[FR Doc.75-25484 Filed 9-24-75;8:45 am]

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Negative Declaration Regarding Proposed Change to the Appendix B Technical Specifications of License DPR-51

The Nuclear Regulatory Commission (the Commission) has considered the issuance of changes to the Appendix B Technical Specifications of Facility Operating License No. DPR-51. These changes would modify current procedures for monitoring fish impingements and would incorporate requirements for two special study programs which are designed to provide information to determine the environmental impact, if any, of winter impingement losses of threadfin shad. In addition, the amendment will incorporate changes: (1) in thermal monitoring requirements to reflect the relocation of the thermal sensor in the discharge flume; (2) in radiological effluent monitoring requirements to reflect the current Commission's staff position on the types, frequencies, and sensitivities of analytical methods used to monitor radioactive effluents, (3) in specifying milk sampling locations to reflect current staff practice of specifying criteria for establishing milk sample locations rather than predesignated locations; and (4) of a clarifying and editorial nature.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing, has prepared an environmental impact appraisal for the proposed changes to the Appendix B Technical Specifications of License No. DPR-51, Arkansas Nuclear One Unit 1, described above. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted since there will be no environmental impact attributable to the proposed action other than that which has already been predicted and described in the Commission's Final Environmental Statement for Arkansas Nuclear One Unit 1, published in February 1973.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Arkansas Polytechnic College, Russellville, Arkansas.

Dated at Rockville, Maryland, this 18th day of September 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Division of Reactor Licensing.

[FR Doc.75-25485 Filed 9-24-75;8:45 am]

[Docket No. 50-549]

POWER AUTHORITY OF THE STATE OF NEW YORK, GREENE COUNTY NUCLEAR POWER PLANT

Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, the Power Authority of the State of New York has filed an environmental report, dated September 12, 1975 in support of their application to construct and operate the Greene County Nuclear Power Plant to be located in Greene County, New York. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Catskill Public Library, Franklin Street, Catskill, New York. Copies of the report are also being made available at New

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York State Office of Planning Services, 488 Broadway, Albany, New York.

After the environmental report has been analyzed by the Commission's Division of Reactor Licensing staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Rockville, Maryland, this 16th day of September 1975.

For the Nuclear Regulatory Commission.

OLIVER D. T. LYNCH, Jr.,
Acting Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-25486 Filed 9-24-75;8:45 am]

[Docket Nos. 50-280, 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company which revised Technical Specifications for operation of the Surry Power Station Units 1 and 2, located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments make administrative changes to Technical Specification Section TS 4.13, Non-radiological Environmental Monitoring Program, to improve continuity and clarity and to update organizational designations.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. The Commission has evaluated the potential impact of operating the plant in accordance with the amendments and has concluded that there will be no change in effluent types or amounts nor an increase in power level, as previously evaluated in the Final Environmental Statement for Surry Power Station Units 1 and 2 dated June 1972, and will not result in any significant enviromental impact. Having made this determination, the Commission has further concluded pursuant to 10 CFR 51.5(d)(4), that an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of these amendments. Prior public notice of these amendments is not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated July 17, 1975, (2) Amendment No. 10 to License Nos. DPR-32 and DPR-37 with Change No. 25. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555, and at the Swem Library, College of William and Mary, Williamsburg, Virginia, 23185.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Reactor Licensing.

[FR Doc.75-25487 Filed 9-24-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

COMMISSION ON FEDERAL PAPERWORK

Public Meeting

Pursuant to a determination by the Temporary Chairman, Commission on Federal Paperwork, notice is hereby given of the first meeting of the Commission to be held in Room S-407, The Capitol, on October 3, 1975 at 9:00 a.m. to 12:00 noon and reconvene at 2:00 p.m.

The meeting will be partially open to public observation and participation. The open portion of this meeting will commence at 9:00 a.m. and continue until 12:00 noon to outline the Commission's work plans and their organizational structure. At the conclusion of this agenda, the meeting will reconvene at 2:00 p.m. and will be closed to the public to discuss matters related solely to its internal personnel practices as authorized by 5 U.S.C. 552(b)(2), and it will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy within the meaning of 5 U.S.C. 552(b)(6).

Anyone wishing to attend this open portion of the meeting should contact the Commission on Federal Paperwork, Room 200, 1111 20th Street, N.W., Washington, D.C. 20036, telephone (202) 254-6920.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

[FR Doc.75-25527 Filed 9-24-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 22, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Honey Purchases by Color, single-time, honey packers, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Fertility Values and Family Growth, NIH-CH-33, single-time, married women with 0, 1, 2, children in Philadelphia, Pa. SMSA, George Hall, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Elderly and Handicapped Diagnostic Interview, single-time, Syracuse, N.Y., elderly and handicapped, community & veterans affairs division, Sunderhauf, M. B. 395-3532.

Equal Opportunity, Monthly Rental Report—HUD rental housing programs on occasion, developers and sponsors using HUD rental housing programs, community & veterans affairs division, Sunderhauf, M. B., 395-3532.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Potato Stocks Inquiry (growers), other (see SF-83), potato growers, Lowry, R. L., 395-3772.

Statistical Reporting Service, Wheat and Barley Feed Survey (Montana), quarterly, feed mills, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Daily Warehouse Sales Summary (sale days), MQ80 other (see SF-83), tobacco auction warehouse operators, Marsha Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Mechanic School Certification Procedures (manual), on occasion, FAA certificated aviation maintenance, technical schools, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-25698 Filed 9-24-75;8:45 am]

POSTAL SERVICE

INTERNATIONAL POSTAL RATES AND FEES

Proposed Changes

Pursuant to its authority under 39 U.S.C. 407, the Postal Service proposes to change, after Christmas 1975 certain rates of postage and fees on international mail to the levels indicated in the tables below.

Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments and the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirement of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites interested persons to submit written data, views, or arguments concerning the proposed changes in rates of postage and fees for international mail.

Send such materials to the Director, Office of Rates, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. All comments received on or before October 24, 1975, will be considered by the Postal Service prior to taking action on the proposed changes.

(39 U.S.C. 401, 403, 404(2), 407, 410(a))

ROGER P. CRAIG,
Deputy General Counsel.

I. CANADA AND MEXICO

A. REGULAR SURFACE RATES

1. *Letter mail.* 13 cents first ounce; 11 cents each additional ounce up to 13 ounces; eight-zone priority-mail rates for heavier weights.

2. *Post and postal cards.* 9 cents each.

3. *Printed matter and small packets.*

Ounces	Printed matter	Small packets
2	$0.13	$0.13
4	.24	.24
6	.34	.34
8	.45	.45
10	.56	.56
12	.66	.66
14	.77	.77
16	.88	.88
32	1.15	[1] 1.15
64	1.44	.....
Each additional 4 oz	.98	.....

[1] To Mexico only.

4. *Parcel post.* $1.75 for the first 2 pounds and 50 cents for each additional pound or fraction.

B. EXCEPTIONAL SURFACE RATES FOR PRINTED MATTER

1. Canada:

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2	$0.30	$0.05	$0.06
4	.30	.09	.11
8	.30	.17	.20
16	.30	.30	.37
32	.51	.51	.61
64	.72	.72	.86
Each additional 32 oz	.46	.46	.55

2. *Mexico:*

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2	$0.26	$0.04	$0.06
4	.26	.08	.11
8	.26	.14	.20
16	.26	.26	.37
32	.43	.43	.61
64	.61	.61	.86
Each additional 32 oz	.39	.39	.55

C. AIRMAIL RATES

1. *Letter mail.* 17 cents first ounce; 15 cents each additional ounce.

2. *Post and postal cards.* 14 cents each.

3. *Printed matter, matter for the blind, and small packets.*

(i) To Canada. Letter mail rates.

(ii) To Mexico. 60 cents for the first 2 ounces and 16 cents for each additional 2 ounces.

4. *Air parcel post.*

(i) To Canada. Letter mail rates.

(ii) To Mexico. $1.77 for the first 4 ounces and 35 cents each additional 4 ounces.

II. COUNTRIES OTHER THAN CANADA AND MEXICO

A. REGULAR SURFACE RATES

1. Letter mail, printed matter, and small packets:

Ounces	Letter mail	Printed matter	Small packets
1	$0.18	$0.13	$0.24
2	.31	.13	.24
4	.41	.24	.24
8	.62	.45	.45
16	1.58	.77	.77
32	2.75	[1] 1.15	1.15
64	4.46	1.44	.....
Each additional 32 oz	.....	.98	.....

2. *Post and postal cards.* 12 cents each.

3. *Parcel post.*

(i) Central America, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon: $1.75 for the first 2 pounds and 50 cents for each additional pound or fraction.

(ii) Other countries: $1.90 for the first 2 pounds and 57 cents for each additional pound or fraction.

B. EXCEPTIONAL SURFACE RATES

1. *Postal Union of the Americas and Spain (PUAS) countries:*

Ounces	Books and sheet music [1] [2]	Publishers' second class [1]	Publishers' controlled circulation
2	$0.26	$0.04	$0.06
4	.26	.08	.11
8	.26	.14	.20
16	.26	.26	.37
32	.43	.43	.61
64	.61	.61	.86
Each additional 32 oz	.39	.39	.55

[1] Except Canada.
[2] Except Spain and Spanish possessions.

2. *Other countries:*

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2	$0.30	$0.05	$0.06
4	.30	.09	.11
8	.30	.17	.20
16	.30	.30	.37
32	.51	.51	.61
64	.72	.72	.86
Each additional 32 oz	.46	.46	.55

C. AIRMAIL

1. *Letter mail.*

(i) Central America, Colombia, Venezuela, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon: 25 cents per half-ounce up to and including 2 ounces, 21 cents each additional half-ounce.

(ii) Other countries. 31 cents per half-ounce up to and including 2 ounces, 26 cents each additional half-ounce.

(iii) As an exception to (ii) above airmail letters from American Samoa to Western Samoa and from Guam to the Philippines: 25 cents per half-ounce up to and including 2 ounces, 21 cents each additional half-ounce.

2. *Air post and postal cards.* 21 cents each.

3. *Aerogrammes.* 22 cents each.

4. *Airmail other articles* (printed matter, matter for the blind, and small packets).

(i) Central America, Colombia, Venezuela, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon: 60 cents for the first 2 ounces and 16 cents for each additional 2 ounces.

(ii) South America (except Colombia and Venezuela) Europe (except Estonia, Latvia, Lithuania, and U.S.S.R.), and Mediterranean Africa: 73 cents for the first 2 ounces and 29 cents each additional 2 ounces.

(iii) Other countries: 86 cents for the first 2 ounces and 42 cents for each additional 2 ounces.

5. *Air parcel post.* Individual country rates increased by 24 percent (rounded up to the nearest cent).

III. FEES

A. RECALL AND CHANGE OF ADDRESS

The fee will be increased to $1.00.

B. INTERNATIONAL REPLY COUPONS

Price will be increased to 42 cents.

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C. RETURN RECEIPTS

(i) Requested at the time of mailing. Beginning January 1, 1976, all return receipts will be returned by air mail. The fee will be 32 cents.

(ii) Requested after mailing. This service will be eliminated on January 1, 1976. Such requests will be handled under the existing inquiry procedures.

D. CUSTOMS CLEARANCE AND DELIVERY

Fee for *all mail items* on which customs duty or internal revenue tax is collected will be increased to $1.00.

E. STORAGE CHARGES

1. On parcels under $10,000 value: 20 cents per day for the first 10 days, and 35 cents per day thereafter.

2. On parcels of $10,000 or more value:

Number of storage charge days	Rate	Total	Number of storage charge days	Rate	Total
1	$0.20	$0.20	31	$2.40	$31.40
2	.20	.40	32	2.50	33.90
3	.20	.60	33	2.60	36.50
4	.20	.80	34	2.70	39.20
5	.20	1.00	35	2.80	42.00
6	.20	1.20	36	2.90	44.90
7	.20	1.40	37	3.00	47.90
8	.20	1.60	38	3.10	51.00
9	.20	1.80	39	3.20	54.20
10	.20	2.00	40	3.30	57.50
11	.40	2.40	41	3.40	60.90
12	.50	2.90	42	3.50	64.40
13	.60	3.50	43	3.60	68.00
14	.70	4.20	44	3.70	71.70
15	.80	5.00	45	3.80	75.50
16	.90	5.90	46	3.90	79.40
17	1.00	6.90	47	4.00	83.40
18	1.10	8.00	48	4.10	87.50
19	1.20	9.20	49	4.20	91.70
20	1.30	10.50	50	4.30	96.00
21	1.40	11.90	51	4.40	100.40
22	1.50	13.40	52	4.50	104.90
23	1.60	15.00	53	4.60	109.50
24	1.70	16.70	54	4.70	114.20
25	1.80	18.50	55	4.80	119.00
26	1.90	20.40	56	4.90	123.90
27	2.00	22.40	57	5.00	128.90
28	2.10	24.50	58	5.10	134.00
29	2.20	26.70	59	5.20	139.20
30	2.30	29.00	60	5.30	144.50

[FR Doc.75-25660 Filed 9-24-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 8945; (811-2276)]

DAVIDGE CAPITAL FUND, INC.

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 19, 1975.

Notice is hereby given that Davidge Capital Fund, Inc., c/o Calvin H. Cobb, Jr., 1250 Connecticut Avenue NW., Washington, D.C. 20036 ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, filed an application on March 26, 1975, for an order pursuant to Section 8(f) of the Act declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was organized under the laws of the District of Columbia on February 24, 1972, with an authorized capital of 5,000,000 shares at par value of 10 cents each, of which 74,052 shares were issued and outstanding at November 1, 1974. At a Special Meeting of Shareholders held December 11, 1974, pursuant to a recommendation by Applicant's Board of Directors, Applicant's shareholders adopted a Plan of Dissolution.

The application states that Articles of Dissolution were filed with the District of Columbia Recorder of Deeds on December 30, 1974, and that the dissolution took effect upon the acceptance of the subject Articles of Dissolution and the issuance by the Recorder of Deeds of a Certificate of Dissolution on March 6, 1975.

As of December 30, 1974, Applicant had liquidated its entire portfolio of securities, and except for a reserve in the initial amount of $12,000, had distributed all the proceeds of the sale of such assets to its shareholders. The balance remaining if any, of such reserve will be distributed to shareholders of record as of November 8, 1974.

Section 8(f) provides in substance that whenever the Commission on its own motion or upon application finds that a registered investment company has ceased to be an investment company it may so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Applicant represents that dissolution terminates its corporate existence and any business in which it is presently engaged. It also represents that since its corporate existence has been terminated, the continuation of its registration is no longer necessary for the protection of investors and an order may be appropriately issued under Section 8(f).

Notice is hereby further given that any interested person may, not later than October 14, 1975, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the persons being served are located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of any attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25621 Filed 9-24-75;8:45 am]

[Rel. No. 8946; (811-1549)]

HEDGE FUND OF AMERICA, INC.

Application Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 19, 1975.

Notice is hereby given that Hedge Fund of America, Inc., 1010 Fidelity Union Tower, Dallas, Texas 75201 (the "Applicant"), registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end management investment company filed an application on August 20, 1975, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Delaware corporation on October 10, 1967, and registered under the Act by filing a Notification of Registration on Form N-8A with the Commission on October 19, 1967.

Applicant represents that pursuant to a plan of reorganization approved by a majority of its shareholders at a meeting held on August 6, 1975, it transferred substantially all of its assets on August 13, 1975, to Oppenheimer A.I.M. Fund, Inc. ("AIM"), a registered investment company, in exchange for common stock of AIM. Applicant further represents that it has filed a Certificate of Dissolution with the Secretary of State of the State of Delaware, and that it has ceased conducting the business for which it was organized.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 14, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25620 Filed 9-24-75;8:45 am]

[Rel. No. 19179; (70-5735)]

LOUISIANA POWER & LIGHT CO.

Proposal To Amend Articles of Incorporation and Solicit Proxies in Connection Therewith

SEPTEMBER 19, 1975.

Notice is hereby given that Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174 ("Louisiana"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 12 of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested parties are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

Louisiana's Articles of Incorporation presently empower the Board of Directors to establish various series of preferred stock, and to fix and determine the relative rights and preferences, as to which there may be variations between different series, but the Articles do not presently allow Louisiana to issue shares of new series of its preferred stock with the benefit of a sinking fund. Louisiana proposes to authorize, by amendment to the Articles of Incorporation, the issuance of new series of its preferred stock with the benefit of a sinking fund and to empower the Board of Directors to fix and determine the sinking fund provisions, if any, for the redemption or purchase of shares of any series.

In furtherance of this proposal Louisiana proposes to solicit proxies from the holders of its outstanding stock in connection with the special meeting of shareholders to be called to take action upon the proposal.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $18,000, including fee for solicitation of proxies of $5,000 and legal fee of $6,000. It is stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 14, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25619 Filed 9-24-75;8:45 am]

PBW STOCK EXCHANGE, INC.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 19, 1975.

The above named national securities exchange had filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

National Patent Development Corporation, File No. 7-4767, Common Stock, 1¢ par value.

Upon receipt of a request, on or before October 5, 1975, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25622 Filed 9-24-75;8:45 am]

[Rel. No. 8939 (811-2498)]

EQUITY PROGRESS FUND, INC.

Notice of Filing of Application

SEPTEMBER 17, 1975.

NOTICE IS HEREBY GIVEN that Equity Progress Fund, Inc. ("Applicant"), 2777 Allen Parkway, Houston, Texas 77019, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on August 13, 1975 for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On August 1, 1975, pursuant to a Plan and Articles of Merger, Applicant was merged with and into Equity Growth Fund of America, Inc. ("Growth"), also an open-end, diversified management investment company registered under the Act. All of the outstanding shares of capital stock of the Applicant were converted into a proportionate number of shares of Growth, and the separate existence of Progress was terminated by operation of law.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

NOTICE IS FURTHER GIVEN that any interested person may, not later than October 13, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law pro-

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posed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25529 Filed 9-24-75;8:45 am]

[Rel. No. 8940 (812-3806)]

LUTHERAN BROTHERHOOD FUND, INC. ET AL.

Notice of an Application

SEPTEMBER 18, 1975.

NOTICE IS HEREBY GIVEN that Lutheran Brotherhood Fund, Inc., Lutheran Brotherhood Income Fund, Inc., Lutheran Brotherhood U.S. Government Securities Fund, Inc. (collectively referred to as "Funds"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, each of which is a diversified, open-end, management investment company registered under the Investment Company Act of 1940 (the "Act"), and Lutheran Brotherhood Securities Corp., 701 Second Avenue South, Minneapolis, Minnesota 55402, principal underwriter for the Funds (collectively referred to with the Funds as "Applicants"), have filed an application pursuant to Section 6(c) of the Act for an order by the Commission which would exempt Applicants from the provisions of Section 22(d) of the Act and the rules and regulations thereunder to the extent necessary to permit the reduction of sales loads where certain proceeds of certain insurance products are used to purchase shares of the Funds under described circumstances. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations therein, which are summarized below.

Lutheran Brotherhood is a fraternal benefit insurance society offering life insurance and annuity contracts exclusively to Lutherans and individuals affiliated with Lutheran Church organizations.

Lutheran Brotherhood Securities Corp., acts as principal underwriter for sale of the Funds' shares to those persons qualified under the Fund's prospectuses. Lutheran Brotherhood owns 51% of the outstanding shares of Lutheran Brotherhood Securities Corp. and Federated Investors, Inc. of Pittsburgh, Pennsylvania, owns 49%. Shares of each Fund are offered to the public at a price based on net asset value plus a sales charge that varies with the quantity of securities purchased. The current sales charge is as follows:

Amount Invested:	*Sales Charge as Percentage of Offering Price Percent*
Less than $10,000	8½
$10,000 but less than $25,000	7½
$25,000 but less than $50,000	6
$50,000 but less than $100,000	4
$100,000 but less than $250,000	2
$250,000 but less than $500,000	1
$500,000 or more	½

Applicants request an exemption from Section 22(d) of the Act and the rules and regulations thereunder to permit the application of all or any portion of the monies derived from death claims and matured endowments of life insurance and annuity contracts issued by Lutheran Brotherhood, and of lump sum cash options available to beneficiaries of Lutheran Brotherhood insurance and annuity contracts, to the purchase of shares of the Funds, individually or a combination thereof, within the first 90 days after the date of a check issued in payment of such insurance proceeds, at a reduced sales charge that would be one-half the sales charge otherwise applicable.

Applicants assert that the selling effort and expenses involved in sales of this type will be less than those entailed in making an initial sale of such shares, and that one-half the normal sales charge appropriately reflects the selling efforts and expense involved. In addition, Applicants assert that premiums paid on such contracts include a sales expense component which in most cases will have been larger than the sales charge applicable to purchases of shares of the Funds.

Section 22(d) provides, in part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Section 6(c) provides that the Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 14, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25530 Filed 9-24-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0188]

CARDON CAPITAL CORP.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (SBICs) (13 CFR Section 107.102 (1975)), under the name of Cardon Capital Corporation, 134 W. Broadway, Mesa, Arizona 85202, for a license to operate in the State of Arizona as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors, and principal stockholders are:

Wilford A. Cardon, 523 S. Esquire Way, Mesa, Arizona 85202; President, Director; 33.3 percent.

Elijah A. Cardon, 2550 N. 87th Street, Mesa, Arizona 85207; Vice President, Director; 33.3 percent.

Craig A. Cardon, 626 S. Esquire Way, Mesa, Arizona 85202; Secretary-Treasurer, Director; 33.3 percent.

The company will begin operations with an initial capitalization of $300,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily in the State of Arizona.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than fifteen days from the date of publication of this Notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Phoenix, Arizona.

Dated: September 16, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-25575 Filed 9-24-75;8:45 am]

COLUMBUS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Columbus District Advisory Council will hold a public meeting from 9:30 a.m. until 3 p.m., Eastern Daylight Time, Thursday, October 23, 1975, at the Imperial House-Arlington, 1335 Dublin Road, Columbus, Ohio, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call Frank D. Ray, 34 North High Street, Columbus, Ohio 43215, (614) 469–7310.

Dated: September 18, 1975.

THOMAS S. MCFEE,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-25568 Filed 9-24-75;8:45 am]

DENVER DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Denver District Advisory Council will hold a public meeting at 9 a.m., Mountain Daylight Time, Friday, October 17, 1975, at the U.S. Custom House, 721 19th Street, Room 422, Denver, Colorado, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call Donna R. Harrigan, 721 19th Street, Room 426, Denver, Colorado 80202, (303) 837–3673.

Dated: September 18, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-25567 Filed 9-24-75;8:45 am]

LUBBOCK DISTRICT ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Lubbock District Advisory Council will hold a public meeting at 8:45 a.m., Mountain Daylight Time, Friday, October 17, 1975, at Mesa Inn, 4151 N. Mesa, El Paso, Texas, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call Thomas A. Linguist, 712 Federal Office Building and U.S. Courthouse, 1205 Texas Avenue, Lubbock, Texas 79401, (806) 762–7462.

Dated: September 18, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-25568 Filed 9-24-75;8:45 am]

[Declaration of Disaster Loan Area No. 1175]

OHIO

Declaration of Disaster Area

As a result of the President's declaration, I find that Belmont, Cuyahoga, Jefferson, and adjacent counties within the State of Ohio, constitute a disaster area because of damage resulting from heavy rains and flash flooding, beginning about August 24, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 10, 1975, and for economic injury until the close of business on June 11, 1976, at:

Small Business Administration, District Office, AJC Federal Building, Room 317, 1240 East Ninth Street, Cleveland, Ohio 44199.
Small Business Administration, District Office, 34 North High Street, Columbus, Ohio 43215.

or other locally announced locations.

Dated: September 15, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-25571 Filed 9-24-75;8:45 am]

PORTLAND DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Portland District Advisory Council will hold a public meeting at 9:30 a.m., Daylight Saving Time, Thursday, October 23, 1975, at the Ramada Inn of Portland, Oregon, to discuss such business as may be presented by members, staff of the Small Business Administration, and others attending.

For further information, write or call A. E. Lofstrand, 700 Pittock Block, 921 Southwest Washington Street, Portland, Oregon 97205, (503) 221–3461.

Dated: September 18, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-25569 Filed 9-24-75;8:45 am]

SAN DIEGO DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration San Diego District Advisory Council will hold a public meeting at 3:30 p.m., Pacific Daylight Time, Wednesday, October 15, 1975 in the SBA Conference Room at 110 W. "C" Street, Suite 705, San Diego, California 92101, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call F. D. Sergent, 110 West "C" Street, Suite 705, San Diego, California 92101, (714) 293–5430.

Dated: September 17, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy, Small Business Administration.

[FR Doc.75-25570 Filed 9-24-75;8:45 am]

TAX/INVESTMENTS CONCEPTS, INC.

[License No. 06/06-0178]

Notice of Issuance of License to Operate as a Small Business Investment Company

On June 25, 1975, a notice was published in the FEDERAL REGISTER (40 FR 26738) stating that Tax/Investments Concepts, Inc., 2200 Classen Boulevard, Suite 550, Oklahoma City, Oklahoma 73106, had filed an application with the Small Business Administration (SBA), pursuant to Section 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1975)), for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business July 10, 1975, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 06/06-0178 to Tax/Investments Concepts, Inc., pursuant to Sec-

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tion 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: September 16, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-25570 Filed 9-24-75;8:45 am]

[Declaration of Disaster Loan Area #1176]

WEST VIRGINIA

Declaration of Disaster Area

As a result of the President's declaration, I find that Marshall, Ohio, and adjacent counties within the State of West Virginia, constitute a disaster area because of damage resulting from heavy rains and flooding beginning about August 31, 1975. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on November 13, 1975, and for economic injury until the close of business on June 12, 1976, at:

Small Business Administration, District Office, 109 North Third Street, Clarksburg, W. Va. 26301.

or other locally announced locations.

Dated: September 16, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-25571 Filed 9-24-75;8:45 am]

[Declaration of Disaster Loan Area #1177]

WISCONSIN

Declaration of Disaster Area

As a result of the President's declaration I find that Buffalo, Pepin, Pierce, and Trempealeau, and adjacent counties within the State of Wisconsin, constitute a disaster area because of damage resulting from heavy rains, tornadoes and flash flooding beginning about August 21, 1975. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on November 14, 1975, and for economic injury until the close of business on June 15, 1976, at:

Small Business Administration, District Office, 122 West Washington Avenue, Room 713, Madison, Wisconsin 53703.

or other locally announced locations.

Dated: September 18, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-25573 Filed 9-24-75;8:45 am]

VETERANS ADMINISTRATION

ADMINISTRATOR'S EDUCATION AND REHABILITATION ADVISORY COMMITTEE

Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Education and Rehabilitation Advisory Committee, authorized by section 1792, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C., on October 17, 1975, at 9:30 a.m. The meeting will be for the purposes of reviewing the Veterans Administration's educational program and actions taken to eliminate program abuse.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Mr. C. L. Dollarhide, Deputy Director, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2152), prior to October 14.

Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

Dated: September 18, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-25501 Filed 9-24-75;8:45 am]

VETERANS ADMINISTRATION WAGE COMMITTEE

Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, October 9, 1975
Thursday, October 23, 1975
Thursday, November 6, 1975
Thursday, November 20, 1975
Thursday, December 4, 1975
Thursday, December 18, 1975

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are concerned with matters listed under section 552(b), Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 USC 552(b)(2)), and those involving trade secrets and commercial or financial information obtained from a person privileged or confidential (5 USC 552(b)(4)).

Accordingly, I hereby determine that the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue NW., Washington, D.C.

Dated: September 18, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-25500 Filed 9-24-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-149]

ABSOCOLD, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Furniture Workers of America on behalf of the workers and former workers of Absocold, Incorporated, Ionia, Michigan (TA-W-149). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with compact refrigerators produced by Absocold, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25492 Filed 9-24-75;8:45 am]

[TA-W-81]

FLORSHEIM SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-81; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 14, 1975, in response to a worker petition received on July 11, 1975, which was filed by the Boot and Shoe Workers Union on behalf of workers formerly producing women's footwear at the New Athens, Illinois plant of Florsheim Shoe Company, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30765) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Florsheim Shoe Company, its customers, U.S. International Trade Commission, U.S. Department of Commerce, American Footwear Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the New Athens plant declined 31 percent from the third quarter of 1974 to the fourth quarter of 1974. All employment at the plant was terminated in December 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Florsheim group sales of women's footwear declined 31 percent in the fourth quarter of 1974 from the same period in 1973. After increasing 26 percent from the second quarter of 1974 to the third quarter of 1974, production at the New Athens plant declined sharply in the fourth quarter of the year. The plant closed in December 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with footwear produced at Florsheim's New Athens plant increased from 167 million pairs in 1970 to 189 million pairs in 1974. The ratios of imports to domestic consumption and production increased from 47 percent and 90 percent respectively in 1972, to 52 percent and 110 percent respectively in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of women's footwear at New Athens was caused by the increase of competitive imports. The company was forced to close because it could not compete at a profitable level with imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at the New Athens, Illinois plant of Florsheim Shoe Company contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act I make the following certification:

All hourly, piecework, and salaried workers employed at the New Athens, Illinois plant of Florsheim Shoe Company who became totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-25490 Filed 9-24-75;8:45 am]

[TA-W-143]

LEBOW BROTHERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Lebow Brothers, Incorporated, Baltimore, Maryland, a subsidiary of After Six, Incorporated, Philadelphia, Pennsylvania (TA-W-143). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sportcoats, and pants produced by Lebow Brothers, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25493 Filed 9-24-75;8:45 am]

[TA-W-80]

PROGRESSIVE SERVICE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of

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Labor herein presents the results of TA-W-80: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 14, 1975, in response to a worker petition received on July 11, 1975, which was filed by the International Association of Machinists (AFL-CIO) on behalf of workers formerly producing shoe cutting dies at the St. Louis, Missouri plant of Progressive Service Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30767) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Progressive Service Company, the U.S. International Trade Commission, the U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

Employment in the first six months of 1975 decreased 1.2 percent from the same period in 1974. Average hours worked in the first six months of 1975 were 2.5 percent below the average level of hours worked in the first six months of 1974.

Sales or Production, or Both, Have Decreased Absolutely

Sales at the St. Louis plant declined 1 percent from 1973 to 1974. Sales declined 5 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly

While imports of articles like or directly competitive with those produced at Progressive Service Company increased from 2,300 units in 1973 to 2,700 units in 1974, they have been an insignificant factor in the U.S. market, comprising less than two tenths of one percent of total domestic consumption and production during the period.

Increased imports of shoes and decreases in total domestic production of footwear have resulted in reduced demand for domestically produced shoe cutting dies. Reduced orders for shoe cutting dies resulted from decreased purchases due to declining shoe production rather than increases of imports of shoe cutting dies.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shoe cutting dies produced at Progressive's St. Louis, Missouri plant did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 12th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-25491 Filed 9-24-75;8:45 am]

[TA-W-144]

ROGERS FLIES AND LURERS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Rogers Flies and Lurers, Lamar, Missouri, a subdivision of G & R Industries, Purdy, Missouri (TA-W-144). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with crappie stopper and spinner baits produced by Rogers Flies and Lurers or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firms or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25494 Filed 9-24-75;8:45 am]

[TA-W-147]

ST. MARYS CARBON CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio, and Machine Workers on behalf of the workers and former workers of St. Marys Carbon Company, St. Marys, Pennsylvania (TA-W-147). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with automotive starter and generator replacement brushes produced by St. Marys Carbon Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25495 Filed 9-24-75;8:45 am]

[TA-W-150]

STACKPOLE CARBON CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio, and Machine Workers on behalf of the workers and former workers of Stackpole Carbon Company, Kane, Pennsylvania (TA-W-150). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with resistors, ferrites, brushes, and anodes produced by Stackpole Carbon Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25496 Filed 9-24-75;8:45 am]

[TA-W-145]

STILLWATER ASSOCIATES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Stillwater Associates, East Freetown, Massachusetts, a division of Pneumo Corporation, Boston, Massachusetts (TA-W-145). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with stainless steel fasteners produced by Stillwater Associates or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25497 Filed 9-24-75;8:45 am]

[TA-W-146]

WILSON SPORTING GOODS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Milwaukee Wisconsin plant of Wilson Sporting Goods Company, River Grove, Illinois (TA-W-146). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with athletic footwear produced by Wilson Sporting Goods Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25498 Filed 9-24-75;8:45 am]

Office of the Secretary

[TA-W-148]

BILLIG SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of Billig Shoe Company, Peckville, Pennsylvania, a subdivision of E.V.Y. Footwear Company, New York, New York (TA-W-148). Accordingly, the Acting Director, Office

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of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Billig Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25665 Filed 9-24-75;8:45 am]

[TA-W-151]

GTE SYLVANIA, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of GTE Sylvania, Incorporated, Batavia, New York (TA-W-151). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with black and white television sets produced by GTE Sylvania, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25666 Filed 9-24-75;8:45 am]

[TA-W-152]

MICHIGAN PLATING AND STAMPING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Auto Workers on behalf of the workers and former workers of Michigan Plating and Stamping Company, a division of Gulf and Western Manufacturing Company, Grand Rapids, Michigan (TA-W-152). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with automobile bumpers produced by Michigan Plating and Stamping Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25667 Filed 9-24-75;8:45 am]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

Meeting

The next meeting of the Board of Directors of the Legal Services Corporation will be held on October 4 and 5, 1975, in Room 426 of the Cloyd Heck Marvin Center of George Washington University. The Marvin Center is located at 800 21st Street NW., Washington, D.C. (Enter at 21st Street).

The meetings will begin at 12:15 p.m. on Saturday October 4, 1975, and 9:00 a.m. on Sunday, October 5, 1975, and will be for the purpose of considering reports from the Committee on Administration, the Committee on Presidential Search, the Committee on By-laws and Regulations, the Committee on Appropriations and Audit, and recommendations to the Board with respect to alternative delivery systems, state advisory councils and the orderly continuation of support center activities.

Dated: September 24, 1975.

ROGER C. CRAMTON,
Chairman.

[FR Doc.75-25820 Filed 9-24-75;11:41 am]

COMMITTEE ON BY-LAWS AND REGULATIONS

Meeting

The next meeting of the Committee on By-laws and Regulations of the Board of Directors of the Legal Services Corporation will be held on Saturday, October 4, 1975, in the New York Room (Second Floor) of the Statler Hilton Hotel at 16th and K Streets NW., Washington, D.C.

The meeting will begin at 9:00 a.m. and will be for the purpose of considering proposed by-laws which were printed in the FEDERAL REGISTER on August 11, 1975 (40 FR 33751-55), and comments filed with the Corporation after September 8, 1975, and before September 11, 1975; considering proposed Freedom of Information Act regulations which were printed in the FEDERAL REGISTER on September 12, 1975 (40 FR 42374-77), and comments filed with the corporation on or before date of meeting; and discussing Committee staffing arrangements and a schedule for issuing future regulations.

Dated: September 24, 1975.

ROGER C. CRAMTON,
Chairman.

[FR Doc.75-25821 Filed 9-24-75;11:41 am]

COMMITTEE ON APPROPRIATIONS AND AUDIT

Meeting

SEPTEMBER 24, 1975.

The next meeting of the Committee on Appropriations and Audit of the Board of Directors of the Legal Services Corporation will be held on Saturday, October 4, 1975, in Room 426 of the Cloyd Heck Marvin Center of George Washington University. The Marvin Center is located at 800 21st Street NW., Washington, D.C. (Enter at 21st Street)

The meeting will begin at 9:00 a.m. and will be for the purpose of considering the selection of a Comptroller for the Corporation and discussing the FY 1976 appropriation, the FY 1976 supplemental appropriation request and the status of the FY 1977 budget justification.

ROGER C. CRAMTON,
Chairman.

[FR Doc.75-25822 Filed 9-24-75;11:41 am]

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INTERSTATE COMMERCE COMMISSION

[Notice No. 864]

ASSIGNMENT OF HEARINGS

SEPTEMBER 22, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 126899 Sub 82, Usher Transport, Inc., now assigned September 26, 1975, at Chicago, Ill., is canceled and application is dismissed.

MC-C-7925, Southeastern Freight Lines, et Al-V-Crescent Motor Line, Inc., now assigned October 22, 1975 at Columbia, S.C.; will be held in the Municipal Courthouse, Courtroom 4, 2nd Floor, 811 Washington Street.

MC 130279, Four Winds Travel, Inc., now assigned November 19, 1975 at New York, N.Y. is postponed indefinitely.

MC 125777 Sub-147, Jack Gray Transport, Inc., MC 125777 Sub-149, Jack Gray Transport, Inc., and MC 125777 Sub-153, Jack Gray Transport, Inc., now being assigned December 2, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135414 Sub-2, Longer Truck Line, Inc., now assigned October 21, 1975, at Springfield, Mo., will be held in Room B-25B, Missouri State Capitol Building.

MC-C-8555, S. & C. Corporation, d.b.a. Piedmont Tours, Mrs. Charles Hodgens, Individual, d.b.a. Tour of the Month Club, now assigned October 24, 1975, at Columbia, S.C., will be held in Courtroom 4, 2nd Floor Municipal Courthouse, 811 Washington Street.

MC 19227 Subs-207 & 209, Leonard Bros, Trucking Co., Inc., now being assigned November 10, 1975 (1 day) at Denver, Colorado; in Room 587 5th Floor, U.S. Federal Building & Courthouse, 19th & Stout Streets.

MC 139973 Sub-3, J. H. Ware Trucking, Inc., now assigned November 11, 1975 at Washington, D.C. is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 75-25674 Filed 9-24-75;8:45 am]

[Notice No. 865]

ASSIGNMENT OF HEARINGS

SEPTEMBER 22, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC-F-12333, Ehrlich-Newmark Trucking Co., Inc.—Purch. (Port.)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC-F-12334, Tredways Express, Inc.—Purch. (Port.)—Empire Carriers Corporation, MC-F-12345, Hempstead Delivery Co., Inc.—Purch. (Port.)—Empire Carriers Corporation, MC 3497? Sub-9, Tredways Express, Inc., and *directly related cases MC 76065 Sub-24, Ehrlich-Newmark Trucking Co., Inc. and MC 121393 Sub-5, Hempstead Delivery Co., Inc.*, now assigned October 6, 1975 at New York, New York, will be held in Room A-238, U.S. Court of Claims, 26 Federal Plaza. The directly related cases (*underscored*) were erroneously omitted from Notice No. 855, published September 16, 1975, page 42809.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25673 Filed 9-24-75;8:45 am]

[Notice No. 84]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 25, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76100. By application filed September 16, 1975, JAMES M. GIBNEY, doing business as GIBNEY'S TRANSPORTATION, 1 Fourth Avenue, Haverhill, MA., 01830, seeks temporary authority to lease the operating rights of ALBERT E. HUSSEY, SR., doing business as RELIABLE AIR FREIGHT TRUCKING, 355 Bennington Street, East Boston, MA., 02128, under section 210a(b). The transfer to GIBNEY'S TRANSPORTATION, of the operating rights of RELIABLE AIR FREIGHT TRUCKING, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc 75-25672 Filed 9-24-75;8:45 am]

[Notice No. 85]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 25, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 15, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76084. By order of September 19, 1975, the Motor Carrier Board approved the transfer to World Transport, Inc., Hanover, Mass., of Certificate of Registration No. MC 98589 (Sub-No. 1) issued by the Commission May 18, 1964, evidencing authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority in Irregular Route Common Carrier Certificate No. 5282 issued by the Massachusetts Department of Public Utilities January 23, 1953, and reissued October 29, 1963. Kenneth B. Williams, Esq., 84 State Street, Boston, Mass. 02109.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25671 Filed 9-24-75;8:45 am]

[Notice No. 86]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 25, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76007. By application filed September 18, 1975, CHARLES HARRIS & SONS TRANSPORT LIMITED, 1436 Plains Road, West P.O. Box 4, Burlington, Ontario, Canada, seeks temporary authority to lease the operating rights of KRAUS TRANSPORT LIMITED, 7215 Torbraum Road, Mississauga, Ontario, Canada, under section 210a(b). The transfer to CHARLES HARRIS & SONS TRANSPORT LIMITED, of the operating rights of KRAUS TRANSPORT LIMITED, is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25670 Filed 9-25-75;8:45 am]

[Notice No. 76]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 19, 1975.

The following applications are governed by Special Rule 1100 247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must

be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonabe compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2202 (Sub-No. 493), filed August 20, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of KWS Manufacturing Co., Inc., located at or near Joshua, Tex., as an off-route point in connection with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 2229 (Sub-No. 191), filed August 26, 1975. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., P.O. Box 47407, Dallas, Tex. 75247. Applicant's representative: Gary L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Potlatch Corporation located in Desha County, Ark., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or Lewiston, Idaho.

No. MC 2770 (Sub-No. 17), filed August 27, 1975. Applicant: SANBORN'S MOTOR EXPRESS, INC., 550 Forest Avenue, Portland, Maine 04101. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between New York, N.Y., and Philadelphia, Pa., serving points in Burlington, Essex, Hudson, Middlesex, Monmouth, Mercer, Ocean, Bergen, Pacific, Somerset and Union Counties, N.J., as intermediate and off-route points: (A) from New York over U.S. Highway 1 to Philadelphia and return over the same route; and (B) from New York over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Portland, Maine.

No. MC 11722 (Sub-No. 46), filed August 22, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East "D" Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers or can ends;* and *sheet iron or steel*, (1) from Moses Lake, Wash., to points in Oregon and Idaho; and (2) from Walla Walla, Wash., to Seattle and Vancouver, Wash., restricted to traffic having a subsequent movement by water.

NOTE.—Applicant holds contract carrier authority in MC 124658 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 20916 (Sub-No. 17), filed August 21, 1975. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete, and precast concrete products*, from the facilities of Smith Cattleguard, Inc., at Midland, Va., to points in Indiana and Ohio.

NOTE.—Applicant holds contract carrier authority in MC 134427 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25708 (Sub-No. 27), filed August 25, 1975. Applicant: LANEY TANK LINES, INC., P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Francis W. McInerny, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, between points in York County, S.C., on the one hand, and, on the other, points in Tennessee and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 25798 (Sub-No. 277), filed August 22, 1975. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and ceramic accessories and materials and supplies* used in the application thereof, from Lexington and

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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Mount Gilead, N.C., to points in Alabama, Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Mexico, Ohio, Oregon, Tennessee, Texas, Utah, Washington, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla., or Charlotte, N.C.

No. MC 28478 (Sub-No. 45), filed August 25, 1975. Applicant: GREAT LAKES EXPRESS CO., 1150 North Niagara Street, Saginaw, Mich. 48602. Applicant's representative: LaVerne L. Adsit (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and facilities of Western Electric Company located at the junction of New York Highway 422 and Maple Street, Elma Township, Erie County, N.Y., as an off-route point in conjunction with applicant's authorized regular route operations to and from Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Buffalo, N.Y. or Detroit, Mich.

No. MC 31389 (Sub-No. 205), filed August 21, 1975. Applicant: MCLEAN TRUCKING COMPANY, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Bohelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the Allen Creek Nuclear Project of the Houston Lighting & Power Company, located at or near Wallis, Tex., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or Washington, D.C.

No. MC 32882 (Sub-No. 76), filed August 29, 1975. Applicant: MITCHELL BROS. TRUCK LINES, P.O. Box 17039, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Author sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors, construction and mining machinery, equipment and parts;* and (2) *materials* and supplies used in the manufacture and distribution of the commodities described in (1) above, between points in Bannock County, Idaho, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at or destined to the plantsites or warehouse facilities of Bucyrus-Erie Company located at or near Pocatello, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg. and Seattle, Wash.

No. MC 35628 (Sub-No. 375), filed August 27, 1975. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Ave. SW., Grand Rapids, Mich. 49502. Applicant's representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plant site and warehouse facilities of MacMillan Arts & Crafts, Inc., located at or near Savage, Md., as an off-route point in connection with carrier's existing regular-route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 41406 (Sub-No. 51), filed August 21, 1975. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission), between Southwind Maritime Centre, located at or near Mt. Vernon, Posey County, Ind., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Ohio, Missouri, Arkansas, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., Indianapolis, Ind., or Washington, D.C.

No. MC 42011 (Sub-No. 17), filed August 18, 1975. Applicant: D. Q. WISE & CO., INC., 13309 E. Apache St., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Liberty County, Tex., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Texas, Utah, Wisconsin, and Wyoming, restricted to traffic originating at the plant sites and warehouse facilities of National Pipe & Tube Co.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated hearing with other similar applications of H. J. Jeffries and Wales Transportation held at St. Louis, Mo.

No. MC 51146 (Sub-No. 444), filed August 25, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, publications, and exempted printed matter*, as described in Section 203(b)(7) of the Act, as amended, when transported at the same time and in the same vehicle with printed matter, (1) from the plant and warehouse facilities of Henry Wurst, Inc., located at or near North Kansas City, Mo., and the plant and warehouse facilities of Rigby Corporation located at or near Lenexa, Kans., to points in Omaha, Nebr., and points in Missouri, Illinois, Indiana, Iowa, Wisconsin, Minnesota, Ohio, Kentucky, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Michigan, Vermont, New Hampshire, Maine, Massachusetts, and the District of Columbia; and (2) from Omaha, Nebr., to points in the above destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 445), filed August 27, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wisc. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wisc. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products*, from Watertown, Wisc., and Manchester and Monticello, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies*, used in the manufacture and distribution of plastic products, from points in the United States (except Alaska and Hawaii), to Watertown, Wisc., and Manchester and Monticello, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52704 (Sub-No. 121), filed August 20, 1975. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and their equipment of caps and lids*, from Okmulgee, Okla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59135 (Sub-No. 30), filed August 15, 1975. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED doing business as RED STAR EXPRESS LINES, 24-50 Wright Avenue, Auburn, N.Y. 13021. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, and those requiring special equipment), serving the plant site of Western Electric Company, Incorporated at the junction of New York Highway 422 and Maple Street, Elma Township (Erie County), N.Y., as an additional off-route point in connection with applicant's present regular route authority between Jamestown, and Troy, N.Y.

NOTE.—Applicant has authorized regular route authority between Jamestown and Troy, N.Y. as filed for reference in public docket. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Syracuse, N.Y. or Washington, D.C.

No. MC 59583 (Sub-No. 150), filed August 21, 1975. Applicant: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Robert G. Olterman, P.O. Box 343, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, and brick related masonry construction materials* (except commodities in bulk) from the plantsites and storage facilities of General Shale Products Corporation located at Cordova, Chattanooga, Johnson City, Kingsport, Knoxville and McMinnville, Tenn.; Coral Ridge, Ky.; Barnes, Marion and Glasgow, Va.; Cohutta, Ga.; Huntsville, Ala.; Evansville and Mooresville, Ind., to points in the United States in and east of Louisiana, Arkansas, Missouri, Iowa and Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Knoxville, Tenn., or Washington, D.C.

No. MC 61592 (Sub-No. 364), filed August 20, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. No. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Ave., Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log and wood buildings*, knocked down, and *components, accessories, materials, and supplies* used in the manufacture, construction, installation and erection thereof, between the facilities of Real Log Homes at or near Missoula, Mont., on the one hand, and on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 61788 (Sub-No. 33), filed August 29, 1975. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION COMPANY, 1541 Reeves St., P.O. Box 2268, Dothan, Ala. 36302. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Mobile, Ala. and Biloxi, Miss. over U.S. Highway 90 and/or Interstate Highway 10, serving all intermediate points but serving Gulfport, Miss. as an off-route point.

NOTE.—The purpose of this application is to (1) convert the present irregular route authority between Bay Minette, Ala. and Biloxi, Miss. to regular route authority and (2) serve Gulfport, Miss. as an off-route point. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Gulfport, Miss. or Mobile, Ala.

No. MC 82841 (Sub-No. 161), filed August 18, 1975. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of Nucor Steel located at or near Jewett, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 83539 (Sub-No. 413), filed August 18, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, in truckaway or tow-away service, from the plantsite and warehouse facilities of the J. H. Holland Co. located at or near Norman, Okla., to points in the United States including Alaska, but excluding Hawaii and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla. or Dallas, Tex.

No. MC 87379 (Sub-No. 17) (Correction), filed July 17, 1975, published in the FEDERAL REGISTER issue of August 7, 1975, republished as corrected this issue. Applicant: C. H. HOOKER TRUCKING CO., 1475 Roanoke Avenue, P.O. Box 150, Uhrichsville, Ohio 44683. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* (except earthenware, pottery, stoneware, and chinaware), from Junction City, Ohio, to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NOTE.—The purpose of this republication is to indicate the gateway as being Tuscarawas County, Ohio in lieu of Junction City, Ohio which was previously published in error. Applicant holds contract carrier authority in MC 126851 Subs 2 and 3, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 94201 (Sub-No. 135), filed August 6, 1975. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Route 1: Between Atlanta, Ga. and Greenville, S.C.: (a) From Atlanta over Interstate Highway 85 and/or U.S. Highway 29 to Greenville, and return over the same route; and (b) From Atlanta over U.S. Highway 23 to Cornelia, Ga., thence over U.S. Highway 123 to Greenville, and return over the same route. Route 2: Between Athens, Ga. and Greenwood, S.C.: From Athens over Georgia Highway 72 to the Georgia-South Carolina State Boundary line, thence over South Carolina Highway 72 to Greenwood, and return over the same route. Route 3: Between Augusta, Ga. and Greenville, S.C.: From Augusta over U.S. Highway 25 to Greenville, and return over the same route. Route 4: Between Columbia, S.C. and Athens, Ga.: From Columbia, S.C. over U.S. Highway 378 to Washington, Ga., thence over U.S. Highway 78 to Athens, and return over the same route. Route 5: Between Augusta, Ga. and Charleston, S.C.: From Augusta over U.S. Highway 78 to Charleston, and return over the same route.

Route 6: Between Charleston, S.C. and Spartanburg, S.C.: (a) From Charleston over U.S. Highway 176 to Spartanburg, and return over the same route; and (b) From Charleston over Interstate Highway 26 to junction U.S. Highway 221, at or near Moore, S.C., thence over U.S. Highway 221 to Spartanburg, and return over the same route. Route 7: Between Columbia, S.C. and Greenville, S.C.: From Columbia over U.S. Highway 76 to Laurens, S.C., thence over U.S. Highway 221 to junction U.S. Highway 276, thence over U.S. Highway 276 to Greenville, and return over the same route. Route 8: Between Charleston, S.C. and Florence, S.C.: From Charleston over U.S. Highway 52 to Florence, and return over the same route. Route 9: Between Savannah, Ga. and Atlanta, Ga.: (A) from Savannah over U.S. Highway 80 to Macon, Ga., thence over U.S. Highways 41 and also 23 to Atlanta, and return over the same routes; and (b) From Savannah over Interstate Highway 16 to Macon, Ga., thence over Interstate Highway 75 to Atlanta, and return over the same route. Route 10: Between Augusta, Ga. and junction U.S. Highways

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25 and 80, near Statesboro, Ga.: From Augusta over U.S. Highway 25 to junction U.S. Highway 80, near Statesboro, and return over the same route. Route 11: Between Adrian, Ga. and Atlanta, Ga.: From Adrian, over Georgia Highway 15 to Sandersville, Ga., thence over Georgia Highway 24 to junction Georgia Highway 22, thence over Georgia Highway 22 to Milledgeville, Ga., thence over U.S. Highway 441 to Madison, Ga., thence over U.S. Highway 278 and/or Interstate Highway 20 to Atlanta, and return over the same route.

Route 12: Between Macon, Ga. and Warrenton, Ga.: From Macon over Georgia Highway 49 to Milledgeville, Ga., thence over Georgia Highway 22 to Sparta, Ga., thence over Georgia Highway 16 to Warrenton, and return over the same route. Route 13: Between Atlanta, Ga., and Cedartown, Ga.: From Atlanta over U.S. Highway 278 to Cedartown, and return over the same route. Route 14: Between Rome, Ga. and junction U.S. Highway 411 and Interstate Highway 75, near Cartersville, Ga.: From Rome over U.S. Highway 411 to junction Interstate Highway 75, near Cartersville, and return over the same route. Route 15: Between Augusta, Ga. and Madison, Ga.: From Augusta over U.S. Highway 278 and/or Interstate Highway 20 to Madison, and return over the same route. Route 16: Between Augusta, Ga. and Athens, Ga.: From Augusta over U.S. Highway 78 to Athens, and return over the same route. Route 17: Between Cusseta, Ga. and Macon, Ga.: From Cusseta over Georgia Highway 26 to junction Georgia Highway 49, thence over Georgia Highway 49 to Macon, and return over the same route. Route 18: Between Atlanta, Ga. and the Georgia-Tennessee Boundary State Line: From Atlanta over U.S. Highway 41 and/or Interstate Highway 75 to the Georgia-Tennessee State Boundary line, and return over the same route. Route 18–A: Between Atlanta, Ga. and Birmingham, Ala.: From Atlanta over U.S. Highway 78 and/or Interstate Highway 20 to Birmingham, Ala. and return over the same route. Route 19: Between Greenville, S.C. and the South Carolina-North Carolina State Boundary Line: (a) From Greenville over U.S. Highway 25 to the South Carolina-North Carolina State Boundary Line, and return over the same route; and (b) From Greenville over U.S. Highway 29 and/or Interstate Highway 85 to the South Carolina-North Carolina State Boundary line, and return over the same route.

Route 20: Between Georgetown, S.C. and the South Carolina-North Carolina State Boundary Line: From Georgetown over U.S. Highway 701 to the South Carolina-North Carolina State Boundary line, and return over the same route. Route 21: Between Jacksonville, Fla. and the South Carolina-North Carolina State Boundary Line: From Jacksonville over U.S. Highway 17 to Savannah, Ga., thence over U.S. Highway 321 to Columbia, South Carolina, thence over U.S. Highway 21 to the South Carolina-North Carolina State Boundary line, and return over the same route. Route 22: Between Augusta, Ga. and the South Carolina-North Carolina State Boundary line: (a) From Augusta over U.S. Highway 1 to the South Carolina-North Carolina State Boundary line; and (b) From Augusta over U.S. Highway 25 to junction Interstate Highway 20, approximately 10 miles north of Augusta, thence over Interstate Highway 20 to Interstate Highway 95, near Florence, S.C., thence over Interstate Highway 95 to the South Carolina-North Carolina State Boundary line, and return over the same route. Route 23: Between Savannah, Ga. and the South Carolina-North Carolina State Boundary line: (a) From Savannah over U.S. Highways 17 and 17A to the South Carolina-North Carolina State Boundary line, and return over the same route; and (b) From Savannah over U.S. Highway 321 to junction Interstate 95, at or near Hardeeville, S.C., thence over Interstate 95 to the South Carolina-North Carolina State Boundary line, and return over the same route.

Route 24: Between Cedartown, Ga. and Mobile, Ala.: From Cedartown over U.S. Highway 278 to Piedmont, Ala., thence over Alabama Highway 21 to Talladega, Ala., thence over U.S. Highway 231 and/or 231–A to Montgomery, Ala., thence over Interstate Highway 65 and/or U.S. Highway 31 to Mobile, and return over the same route. Route 25: Between Cedartown, Ga. and Scottsboro, Ala.: From Cedartown over U.S. Highway 27 to Summerville, Ga., thence over Georgia Highway 48 to Alabama-Georgia State Boundary line, thence over Alabama Highway 117 to Hammondville, Ala., thence over Alabama Highway 40 to junction Alabama Highway 35, near Scottsboro, Ala., thence over Alabama Highway 35 to junction U.S. Highway 72, thence over U.S. Highway 72 to Scottsboro, and return over the same route. Route 26: Between Cedartown, Ga. and Brewton, Ala.: From Cedartown over U.S. Highway 27 to LaGrange, Ga., thence over U.S. Highway 29 to Brewton, and return over the same route. Route 27: Between Cedartown, Ga. and Montgomery, Ala.: From Cedartown over U.S. Highway 27 to junction Interstate Highway 85, at or near LaGrange, Ga., thence over Interstate Highway 85 to Montgomery, and return over the same route. Route 28: Between Cedartown, Ga. and Mobile, Ala.: From Cedartown over U.S. Highway 278 to Piedmont, Ala., thence over Alabama Highway 21 to junction U.S. Highway 78 and/or Interstate Highway 20, at or near Oxford, Ala., thence over U.S. Highway 78 and/or Interstate Highway 20 to junction U.S. Highway 231 at or near Pell City, Ala., thence over U.S. Highway 231 to Harpersville, Ala., thence over Alabama Highway 25 to junction Alabama Highway 5, at or near Centreville, Ala., thence over Alabama Highway 5 to junction U.S. Highway 43, near Thomasville, Ala., thence over U.S. Highway 43 to Mobile, and return over the same route.

Route 29: Between Tuscaloosa, Ala. and Mobile, Ala.: (a) From Tuscaloosa over U.S. Highway 11 to York, Ala., thence over Alabama Highway 17 to junction U.S. Highway 45 at a point approximately 1 mile north of Deer Park, Ala., thence over U.S. Highway 45 to Mobile, and return over the same route; and (b) From Tuscaloosa over U.S. Highway 43 to Mobile, and return over the same route. Route 30: Between Birmingham, Ala. and Tuscaloosa, Ala.: From Birmingham over U.S. Highway 11 and/or Interstate Highway 20 and Interstate Highway 59 to Tuscaloosa, and return over the same route. Route 31: Between Tuscaloosa, Ala. and Winfield, Ala.: From Tuscaloosa over U.S. Highway 43 to Winfield, and return over the same route. Route 31–A: Between Atlanta, Ga. and LaGrange, Ga.: From Atlanta over U.S. Highway 29 and/or Interstate Highway 85 to LaGrange and return over the same route. Route 32: Between Cullman, Ala. and Hamilton, Ala.: From Cullman over U.S. Highway 278 to Hamilton, and return over the same route. Route 33: Between Summerville, Ga. and Miami, Fla.: (a) From Summerville over U.S. Highway 27 to Carrollton, Ga., thence over U.S. Highway 27–A to junction Georgia Highway 16, near Newnan, Ga., thence over Georgia Highway 16 to junction U.S. Highway 41 at Griffin, Ga., thence over U.S. Highway 41 to Barnesville, Ga., thence over U.S. Highway 341 to junction Interstate Highway 75, at or near Perry, Ga., thence over Interstate Highway 75 to junction Florida Highway 44, near Wildwood, Fla., thence over Fla. Highway 44 to junction U.S. Highway 27, at or near Leesburg, Fla., thence over U.S. Highway 27 to Miami, and return over the same route; (b) From Summerville over the above-described route in 33(a) to junction Interstate Highway 75 and U.S. Highway 41 at or near Perry, Ga., thence over U.S. Highway 41 to junction U.S. Highway 441 at or near Lake City, Fla., thence over U.S. Highway 441 to Miami, Fla., and return over the same route; and (c) From Summerville over the above described routes in 33(a) and 33(b) to Griffin, Ga., thence over U.S. Highway 41 to Miami, Fla., and return over the same route.

Route 34: Between Summerville, Ga. and Tampa, Fla.: (a) From Summerville over U.S. Highway 27 to Carrollton, Ga., thence over U.S. Highway 27–A to junction Georgia Highway 16, near Newnan, Ga., thence over Georgia Highway 16 to junction U.S. Highway 41 at Griffin, Ga., thence over U.S. Highway 41 to Barnesville, Ga., thence over U.S. Highway 341 to junction Interstate Highway 75 at or near Perry, Ga., thence over Interstate Highway 75 to Tampa, and return over the same route; and (b) From Summerville over the above described route in 33(a) to Perry, Ga., thence over U.S. Highway 41 to Tampa, Fla., and return over the same route. Route 35: Between Summerville, Ga. and St. Petersburg, Fla.: From Summerville over the above described routes in 34 (a) and (b) to Tampa, Fla., thence over U.S. Highway 92 and/or Interstate Highway 4 to St. Petersburg, and return over the same route. Route 36: Between Cedartown, Ga. and St. Petersburg, Fla.: From Cedartown, Ga. over U.S. Highway 278 and

Atlanta, Ga., thence over U.S. Highway 19 to St. Petersburg, and return over the same route. Route 37: Between Summerville, Ga. and High Springs, Fla.: From Summerville over U.S. Highway 27 to High Springs, and return over the same route. Route 38: Between Summerville, Ga., and junction U.S. Highways 331 and 98 at a point approximately 27 miles east of Fort Walton Beach, Fla.: From Summerville over U.S. Highway 27 to junction Interstate Highway 85 at or near LaGrange, Ga., thence over Interstate Highway 85 to Montgomery, Ala., thence over U.S. Highway 331 to junction U.S. Highway 98 at a point approximately 27 miles east of Fort Walton Beach, and return over the same route.

Route 39: Between Summerville, Ga. and Jacksonville, Fla: From Summerville over U.S. Highway 27 to Cedartown, Ga., thence over U.S. Highway 278 to Atlanta, Ga., thence over U.S. Highways 23, 41 and/or Interstate Highway 75 to Macon, Ga., thence over U.S. Highway 23 to Jacksonville, and return over the same route, Route 40: Between Summerville, Ga. and Panama City, Fla.: (a) From Summerville over U.S. Highway 27 to junction Georgia Highway 100, approximately 3 miles south of Cedartown, Ga., thence over Georgia Highway 100 to junction U.S. Highway 78, thence over U.S. Highway 78 to Hefin, Ala., thence over Alabama Highway 9 to junction U.S. Highway 231, near Wetumpka, Ala., thence over U.S. Highway 231 to Panama City, and return over the same route; and (b) From Summerville over U.S. Highway 27 to Columbus, Ga., thence over U.S. Highway 431 to Dothan, Ala., thence over U.S. Highway 231 to Panama City, and return over the same route. Route 41: Between Birmingham, Ala. and Lake City, Fla.: From Birmingham over U.S. Highway 280 to Cusseta, Ga., thence over Georgia Highway 55 to Albany, Ga., thence over U.S. Highway 82 to Tifton, Ga., thence over U.S. Highway 41 and/or Interstate Highway 75 to Lake City, and return over the same route. Route 42: Between Decatur, Ala. and Pensacola, Fla.: (a) From Decatur over U.S. Highway 31 to Flomaton, Ala., thence over U.S. Highway 29 to Pensacola, and return over the same route. (b) From Decatur over Interstate Highway 65 to junction Alabama Highway 21, near Atmore, Ala., thence over Alabama Highway 21 to junction Florida Highway 97 at the Alabama-Florida State Boundary line, thence over Florida Highway 97 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, and return over the same route. (c) From Decatur over the above described routes in 42 (a) and (b) to Evergreen, Ala., thence over U.S. Highway 31 to Brewton, Ala., thence over U.S. Highway 29 to Pensacola, and return over the same route; and (d) From Decatur over the above described routes in 42(c) to Brewton, Ala., thence over Alabama Highway 41 to the Alabama-Florida State Boundary line, thence over Florida Highway 87 to junction U.S. Highway 90 at or near Milton, Fla., thence over U.S. Highway 90 to Pensacola, and return over the same route.

Route 43: Between Mobile, Ala. and Perry, Fla.: From Mobile over U.S. Highway 98 to Perry, and return over the same route. Route 44: Between Tampa, Fla. and Vero Beach, Fla.: From Tampa over Florida Highway 60 to Vero Beach, and return over the same route. Route 45: Between Jacksonville, Fla. and Miami, Fla.: From Jacksonville over U.S. Highway 1 and/or Interstate Highway 95 to Miami, and return over the same route. Route 46: Between Tampa, Fla. and junction U.S. Highway 1, and Interstate Highway 4, at or near Daytona Beach, Fla.: From Tampa over Interstate Highway 4 to junction U.S. Highway 1, at or near Daytona Beach, and return over the same route. Route 47: Between Mobile, Ala. and Jacksonville, Fla.: From Mobile over U.S. Highway 90 and/or Interstate Highway 10 to Jacksonville, and return over the same route. Route 48: Between Cedartown, Ga. and Nashville, Tenn.: (a) From Cedartown over U.S. Highway 27 to Chattanooga, Tenn., thence over U.S. Highway 41 and Interstate Highway 59 to Junction Interstate Highway 24, thence over Interstate Highway 24 to Nashville, and return over the same route; and (b) From Cedartown over U.S. Highway 27 to Rome, Ga., thence over Georgia Highway 20 to the Georgia-Alabama State Boundary line, thence over Alabama Highway 9 to junction Alabama Highway 35, at or near Lawrence, Ala., thence over Alabama Highway 35 to junction U.S. Highway 72, at or near Scottsboro, Ala., thence over U.S. Highway 72 to Huntsville, Ala., thence over U.S. Highway 431 (also over U.S. Highway 231 to Shelbyville, Tenn., thence over alternate U.S. Highway 41), and U.S. Highway 231 to Murfreesboro, Tenn., thence over U.S. Highway 41 to Nashville, and return over the same route.

Route 49: Between Jackson, Tenn. and junction U.S. Highway 45–W and 45–E at a point in Tennessee approximately 1 mile south of Fulton, Ky.: From Jackson over U.S. Highway 45 to intersection U.S. Highway 45–E and 45–W, approximately 6 miles southeast of Humboldt, Tenn., thence over U.S. Highway 45–W to the junction of U.S. Highway 45–E and 45–W at a point in Tennessee approximately 1 mile below Fulton, and return over the same route. Route 50: Between Birmingham, Ala. and Memphis, Tenn.: From Birmingham over U.S. Highway 78 to Memphis, and return over the same route. Route 51: Between Cullman, Ala. and Memphis, Tenn.: From Cullman over Alabama Highway 157 to junction U.S. Highway 72 at Tuscumbia, Ala., thence over U.S. Highway 72 to Memphis, Tenn., and return over the same route. Route 52: Between Chattanooga, Tenn. and Decatur, Ala.: From Chattanooga over U.S. Highway 64 to junction U.S. Highway 72, near South Pittsburgh, Tenn., thence over U.S. Highway 72 to Huntsville, Ala., thence over alternate U.S. Highway 72 to Decatur, and return over the same route. Route 53: Between Birmingham, Ala. and Bristol, Tenn.: (a) From Birmingham over U.S. Highway 11 to Knoxville, Tenn., thence over U.S. Highway 11–W to Bristol, and return over the same route; and (b) From Birmingham over Interstate Highway 59 to Chattanooga, Tenn., thence over Interstate Highway 75 to Knoxville, Tenn., thence over Interstate Highway 40 to junction Interstate Highway 81, approximately 12 miles northwest of Newport, Tenn., thence over Interstate Highway 81 to Bristol, and return over the same route.

Route 54: Between Birmingham, Ala. and the Tennessee-Kentucky State Boundary Line: (a) From Birmingham over U.S. Highway 31 and/or Interstate Highway 65, thence over Interstate Highway 65 to Nashville, Tenn., thence over Alternate U.S. Highway 41–A to the Tennessee-Kentucky State Boundary line, and return over the same route. (b) From Birmingham over U.S. Highway 31 and/or Interstate Highway 65 to Nashville, Tenn., thence over U.S. Highway 31–W Alternate and/or Interstate Highway 65 to the Tennessee-Kentucky State Boundary line, and return over the same route. (c) From Birmingham over U.S. Highway 11 and/or Interstate Highway 59 to Chattanooga, Tenn., thence over U.S. Highway 27 and/or Interstate Highway 75 to the Tennessee-Kentucky State Boundary line, and return over the same route; and (d) From Birmingham over U.S. Highway 78 to Jasper, Ala., thence over Alabama Highway 5 to Bear Creek, Ala., thence over Alabama Highway 237 to Spruce Pine, Ala., thence over U.S. Highway 43 to Florence, Ala., thence over U.S. Highway 72 to Corinth, Miss., thence over U.S. Highway 45 to Jackson, Tenn., thence over U.S. Highway 45–E to the Tennessee-Kentucky State Boundary line, and return over the same route; and Route 55: Between Greenville, S.C. and Memphis, Tennessee: From Greenville, S.C. over U.S. Highway 25 to Asheville, N.C., thence over Interstate Highway 40 to Memphis, Tenn. and return over the same route. Service, in connection with Routes 1 through 55, is authorized to and from all intermediate points and all off-route points in Alabama, Florida, Georgia, Tennessee and South Carolina. Restriction: (1) Restricted against the movement of traffic between points in Alabama, South of U.S. Highway 80, on the one hand, and, on the other, points in Georgia south of U.S. Highway 80 and points in Florida—unless such traffic moves through Cedartown, Lindale, Mt. Berry, Rome or Summerville, Georgia; (2) Restricted against the movement of traffic between points in Georgia south of U.S. Highway 80, on the one hand, and, on the other, points in Alabama south of U.S. Highway 80 and points in Florida—unless such traffic moves through Lindale, Cedartown, Mt. Berry, Rome or Summerville, Georgia; and further (3) Restricted against the movement of traffic between points in Florida, on the one hand, and, on the other, points in Georgia and Alabama south of U.S. Highway 80—unless such traffic moves via Cedartown, Lindale, Mt. Berry, Rome, Summerville or Atlanta, Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 94350 (Sub-No. 359), filed August 25, 1975. Applicant: TRANSIT

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HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pneumatic guns*, mounted on wheeled undercarriages, with hitchball coupler, from Allentown, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 100666 (Sub-No. 306), filed September 2, 1975. Applicant: MELTON TRUCK LINES, INC., 1129 Grimmett Drive, P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N. W. 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products*, from points in Portage and Wood Counties, Wis., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or New Orleans, La.

No. MC 103498 (Sub-No. 45), filed August 18, 1975. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Drawer C, DeQueen, Ark. 71832. Applicant's representative: Bruce J. Kinnee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Miami, Okla., to points in Arkansas, Tennessee, Georgia, Louisiana, Alabama, Mississippi, Missouri, Kansas, Ohio, Illinois, Texas, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 106165 (Sub-No. 5), filed August 25, 1975. Applicant: CLARK BROS. TRANSFER, INC., 800 North First Street, P.O. Box 388, Norfolk, Nebr. 68701. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 767, from the plantsite and warehouse facilities of Nucor Corporation located at or near Norfolk, Nebr., to points in Colorado, Iowa, Kansas, South Dakota, Wyoming and points in Missouri on and north of Interstate Highway 70, restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 106674 (Sub-No. 169), filed August 21, 1975. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible flour* (except commodities in bulk), (1) from the plant site of Modern Maid Products, Inc., located at or near Evansville, Ind., to points in California, Delaware, Georgia, Idaho, Illinois, Kansas, Kentucky, Missouri, New York, Ohio, Oregon, Washington, and Wisconsin; and (2) from the plant site of Modern Maid Products, Inc., located at or near Jamaica, N.Y., to Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 107107 (Sub-No. 442), filed August 7, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave. (LeJeune Road), P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from points in North Carolina, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Texas, Oklahoma, and points in Virginia on and south of a line extending from Bristol, Va., over U.S. Highway 11 to Lexington, thence over U.S. Highway 60 to the Atlantic Ocean.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 107107 (Sub-No. 443), filed September 2, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave. (LeJeune Road), P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from La Fargeville, Arkport, and Binghamton, N.Y., to points in North Carolina, South Carolina, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 772), filed August 27, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products and materials and supplies*, used in the installation thereof, from Philadelphia, Pa., to points in Michigan, Illinois and Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107481 (Sub-No. 2), filed August 29, 1975. Applicant: GUY E. WILSON, INC., 156 Porter Place, Rutland, Vt. 05701. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Swimming pool molds*, from the facilities of Almo Pools located at or near Mays Landing, N.J., to the facilities of Pettit Bros., Inc. located at or near Rutland, Vt.; and (2) *swimming pools and accessory equipment, materials and supplies*, from the facilities of Pettit Bros., Inc. located at or near Rutland, Vt., to points in Connecticut, Maine Massachusetts, New Hampshire, Rhode Island, Vermont, and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montpelier, Vt. or Boston, Mass.

No. MC 107487 (Sub-No. 5), filed August 27, 1975. Applicant: COLUMBIA CITY FREIGHT LINES, INC., P.O. Box 328, Columbia City, Ind. 46725. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commision, commodities in bulk and commodities requiring special equipment), serving Bristol, Ind., as an offroute point in connection with carrier's otherwise authorized operations between Middlebury and Fort Wayne, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 107496 (Sub-No. 1005), filed August 26, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50304. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 in bulk, from Spencer, Iowa to points in Illinois, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; (2) *lime*, from Superior, Wis., to points in Minnesota, Michigan, North Dakota, South Dakota, and Iowa; (3) *weed killing compounds*, in bulk, from Lafayette, Ind., to points in Kansas, Missouri, North Dakota, Minnesota, Nebraska, Ohio, Kentucky, Michigan, and Wisconsin; and (4) *cement*, (a) from Laramie, Wyo., to points in Nebraska and (b) from Boetcher, Colo., to points in Wyoming, Nebraska and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 110098 (Sub-No. 156), filed August 21, 1975. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Rd., P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *bananas*, when transported in mixed loads with commodities exempt from economic regulation under Section 203 (b)(6) of the Interstate Commerce Act, from points in Cameron, Starr, Zapata, Webb, Maverick, Hidalgo, and Willacy Counties, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nevada, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Antonio, or Dallas, Tex.

No. MC 110191 (Sub-No. 25), filed August 21, 1975. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Avenue, P.O. Box 1006, Norfolk, Va. 23501. Applicant's representative: D. L. Turner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, between Exmore, Va. points in and North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111401 (Sub-No. 452), filed August 25, 1975. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the facilities of Economics Laboratory, Inc., located at or near Joliet, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 111729 (Sub-No. 570), filed August 26, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Business papers, records, and audit and accounting media of all kinds;* and (b) *emergency repair parts*, restricted against the transportation of packages or articles weighing more than 60 pounds in the aggregate from one consignor to one consignee in any one day, between Youngstown, Ohio and Weirton, W. Va.; and (2) (a) *processed film, proofs, and advertising material;* and (b) *business papers, records, audit and accounting media* of all kinds, between Carol Stream, Ill., on the one hand, and, on the other, St. Louis, Mo.; Omaha, Nebr.; and points in Indiana, Iowa, Michigan, Ohio, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 387), filed August 25, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Genglz M. Nazim (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite and facilities of Southwest Forest Industries, Inc., located at or near Flagstaff, Ariz., to points in Missouri, New Mexico, Colorado, Kansas, Oklahoma, Texas, Nebraska, Wyoming, Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Phoenix, Ariz. or Albuquerque, N. Mex.

No. MC 113459 (Sub-No. 101), filed August 18, 1975. Applicant: H. J. JEFFERIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Liberty County, Tex., to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the plant sites and warehouse facilities of National Pipe & Tube Company.

NOTE.—If a hearing is deemed necessary, applicant requests a consolidated record with similar applications of D. Q. Wise and Wales Transportation, to be held at St. Louis, Mo.

No. MC 113627 (Sub-No. 12), filed August 29, 1975. Applicant: COLUMBIA MOTOR FREIGHT, INC., 85 Kendall Street, New Haven, Conn. 06512. Applicant's representative: John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recycled materials*, between points in the United States (except Alaska and Hawaii), under contract with Southern Connecticut Resource Recovery Center, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 114045 (Sub-No. 425), filed August 25, 1975. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Finley & Belt Line Rd., Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *bananas*, when transported in mixed loads with commodities exempt from economics regulation under Section 203 (b)(6) of the Interstate Commerce Act, from points in Cameron, Hidalgo, Starr, Webb, Willacy, and Zapata Counties, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex. or Chicago, Ill.

No. MC 115491 (Sub-No. 129), filed August 22, 1975. Applicant: COMMERCIAL CARRIER CORPORATION, P.O. Drawer 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds and supplements* therefore, (a) between points in North Carolina and Tennessee on the one hand, and, on the other, points in Florida; (b) between Mobile, Ala., and points in Bibb, Blount, Cullman, Jefferson, Saint Clair, Shelby, Talladega, Tuscaloosa and Walker Counties, Ala., on the one hand, and, on the other, points in Florida; and (c) from Noralyn, Bonne, and Tampa, Fla., to points in Alabama and Mississippi; and (2) *processed clay*, from Langley, S.C., to points in Hillsborough County, Fla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla.

No. MC 115691 (Sub-No. 33), filed August 25, 1975. Applicant: MURPHY TRANSPORTATION, INC., 1414 Crawford Ave., Anniston, Ala. 36201. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Untreated lumber*, from the plantsite of Hammermill Paper, Inc., Southern Forest Products Division, located at or near Maplesville, Ala., to points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 115975 (Sub-No. 21), filed August 25, 1975. Applicant: C. B. W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, Ill. 62095. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oils and grease*, in bulk, in tank vehicles, from the plantsites and storage facilities of Texaco, Inc. located in Jefferson County, Tex., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Texaco, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo. or Washington, D.C.

No. MC 116063 (Sub-No. 140), filed August 25, 1975. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2929 West Fifth Street, P.O. Box 270, Fort Worth, Tex. 76101. Applicant's repre-

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sentative: Leroy Hallman, 4544 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint*, in bulk, in tank vehicles, from Garland, Tex., to Norfolk, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 116254 (Sub-No. 152), filed August 22, 1975. Applicant: CHEM HAULERS, P.O. Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten aluminum*, in crucibles, from Rockvale, Tex., to Wilson Springs, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Nashville, or Memphis, Tenn.

No. MC 116340 (Sub-No. 19), filed September 2, 1975. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, Miss. 39635. Applicant's representative: Harold D. Miller, Jr., 1700 Deposit Guaranty Plaza, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed, liquid feed supplements, and molasses*, in bulk, in tank vehicles, from points in Pike County, Miss., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 116763 (Sub-No. 320), filed August 18, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products* (except in bulk, in tank vehicles), from Mounds, Ill., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 321), filed August 25, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lighting fixtures*, and *parts* thereof, from Crawfordsville, Ind., to points in the United States (except Alaska and Hawaii); and (b) *materials, equipment and supplies* used in the manufacture and distribution of lighting fixtures (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Crawfordsville, Ind., restricted to traffic originating at or destined to the plantsite of Lithonia Lighting Division of National Service Industries, Inc., located at or near Crawfordsville, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with Southwest Equipment Rental Inc. dba Southwest Motor Freight, MC 138157 Sub 21 at Chicago, Ill., or Atlanta, Ga.

No. MC 116763 (Sub-No. 322), filed August 25, 1975. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H.M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lighting fixtures*, and *parts thereof*, from Cochran and Conyers, Ga., to points in Alabama, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and (b) *materials, equipment and supplies* used in the manufacture and distribution of lighting fixtures (except commodities in bulk), from points in Alabama, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, to Cochran and Conyers, Ga., restricted to traffic originating at or destined to the plantsite of Lithonia Lighting Division of National Service Industries, Inc., at or near Cochran or Conyers, Ga.

NOTE.—If a hearing is deemed necessary the applicant requests it be held on a consolidated record with Southwest Equipment Rental, Inc., dba Southwest Motor Freight, MC 138157 Sub-No. 20 at Atlanta, Ga. or Washington, D.C.

No. MC 117370 (Sub-No. 27), filed August 25, 1975. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, Wis. 53122. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from points in Columbia County, Wis., to points in Michigan, Illinois, Iowa, Indiana, Minnesota, North Dakota, and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis., or Minneapolis-St. Paul, Minn.

No. MC 117395 (Sub-No. 24), filed August 18, 1975. Applicant: SOUTHERN CEMENT TRANSPORT, INC., P.O. Box 188, Okay, Ark. 71854. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from Okay Junction, Ark. (1) to points in Louisiana in and south of Beauregard, Allen, and Evangeline Parishes, La.; (2) to points in Texas in, west, and south of Cooke, Denton, Tarrant, Ellis, Navarro, Freestone, Anderson, Houston, Angelina, San Augustine, and Sabine Counties, Tex.; and (3) to points in Fayette, Haywood, Hardeman, Shelby, and Tipton Counties, Tenn., under a continuing contract or contracts with Ideal Basic Industries, Inc., Cement Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 117416 (Sub-No. 51), filed August 20, 1975. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Ave. NW., Knoxville, Tenn. 37921. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, (except in bulk, in tank vehicles), from Sandersville, Ga., to points in Ohio, Indiana, Michigan, Illinois, Kentucky, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Knoxville, Tenn.

No. MC 11740 (Sub-No. 167), filed August 21, 1975. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale, and chain grocery food business houses (except commodities in bulk and frozen foods), from Biglerville and Gardners, Pa., and Inwood, W. Va., to points in Delaware, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 114789 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Baltimore, Md.

No. MC 118038 (Sub-No. 11), filed August 25, 1975. Applicant: EASLEY HAULING SERVICE, INC., P.O. Box 1261, Gun Club Road, Yakima, Wash. 98907. Applicant's representative: Charles C. Flower, 303 East "D" Street, Suite 2, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cans and can ends* (1) between Lacey, Moses Lake, Walla Walla, and Yakima, Wash., and Junction City, Portland, and Salem, Oreg.; and (2) between Lacey, Moses Lake, Walla Walla, and Yakima, Wash., and Junction City, Portland, and Salem, Oreg., on the one hand, and, on the other, points in Idaho, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Yakima, Wash.; Portland, Oreg., or Seattle, Wash.

No. MC 118202 (Sub-No. 50), filed August 25, 1975. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes, and potato products*, from Fairmont, Minn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Denver, Colo., and the District of Columbia, restricted to traffic originating at the warehouse and storage facilities utilized by Midwest Food Corporation, at or near Fairmont, Minn.

NOTE.—Applicant holds contract carrier authority in MC 134631 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118745 (Sub-No. 16), filed August 26, 1975. Applicant: JOHN PFROMMER, INC., P.O. Box 307, Douglassville, Pa. 19518. Applicant's representative: Theodore Polydoroff, 1250 Conn. Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime, limestone, and limestone products*, from points in Charlestown, East Whiteland, and Tredyfrinn Townships (Chester County), Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract or contracts with the Warner Co.; and (2) *Limestone, in dump vehicles*, from the facilities of G. & W. H. Corson, Inc., located at or near Myerstown, Pa., to points in Delaware, Maryland, and New Jersey, under a continuing contract or contracts with G. & W. H. Corson, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 118959 (Sub-No. 126), filed August 21, 1975. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard, fiberboard products and accessories and supplies*, used in the installation thereof, *and hemicellulose extract*, in bags, from the plantsites of Masonite Corporation, at Laurel, Miss., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plantsites of Masonite Corporation, at Laurel, Miss.; and (2) *materials and supplies*, used in the manufacture and installation of fiberboard and fiberboard products, from points in the United States (except Alaska and Hawaii), to the plantsites of Masonite Corporation, at Laurel, Miss., restricted to traffic destined to the plantsites of Masonite Corporation, at Laurel, Miss.

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119493 (Sub-No. 140), filed August 25, 1975. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour* (except in bulk), (a) from McPherson, Kans. to points in Missouri on and north of U.S. Highway 50; points in Mississippi on and north of U.S. Highway 80; points in that part of Tennessee west of U.S. Highway 27 and Cleveland and Boyce, Tenn.; points in Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 280 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean and Tifton, Ga.; points in Alabama, Florida, Kentucky, Virginia, West Virginia, Indiana, North Carolina, South Carolina, and Texas, (b) from Buhler and Inman, Kans., to points in Mississippi on and north of U.S. Highway 80; points in Illinois, Alabama, Florida, Georgia, Kentucky, points in that part of Tennessee west of U.S. Highway 27 and Cleveland and Boyce, Tenn.; points in Virginia, West Virginia, and points in that part of Missouri on and north of U.S. Highway 50; points in Indiana, North Carolina, South Carolina, and Texas. (2) *manufactured animal and poultry feeds and ingredients* (except in bulk) (a) from Red Bay, Ala., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; and (b) from Tupelo, Miss., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico (except Missouri, Iowa, Oklahoma, Kansas, Nebraska, and Illinois).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Memphis, Tenn.

No. MC 119632 (Sub-No. 62), filed August 25, 1975. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between Lancaster, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119834 (Sub-No. 2), filed August 20, 1975. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 South George Street, York, Pa. 17403. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417 Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets and components*, in specialized trailers equipped with padded shelves, protective equipment, and mechanical loading and unloading devices, from the plantsites of the York Hoover Corporation located at or near Emigsville and York, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 123407 (Sub-No. 261), filed August 25, 1975. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite of Publishers Paper Company, Clad Wood Division, located at or near Virginia, Minn., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 124211 (Sub-No. 269), filed August 15, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Regular routes: *Malt beveages, empty malt beverage containers*, and *related advertising matter*, serving points in St. Joseph and Vigo Counties, Ind., and Dubuque and Scott Counties, Iowa, as intermediate and off-route points in connection with carrier's presently regular route operations. (2) Irregular routes: (a) *Zinc oxide*, from St. Josephtown, Pa., to points in the United States (except Alaska and Hawaii), (b) *alcoholic beverages, condiments*, and *foodstuffs*, and *materials, equipment*, and *supplies* (except commodities in bulk), between points in New Jersey, and New York, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

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No. MC 125483 (Sub-No. 10), filed August 22, 1975. Applicant: PERISHABLE SERVICES, INC., 770 Springdale Road, Waukesha, Wis. 53187. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail food houses, (1) from Beaver Dam, Wis., to points in Illinois, Iowa, Minnesota and the Upper Peninsula of Michigan, under contract with Beaver Dam Wholesale Company, Beaver Dam, Wis. and (2) from Waukesha, Wis., to points in Indiana, under contract with Milwaukee Cheese Company, Waukesha, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126276 (Sub-No. 136), filed September 2, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Lima, Ohio, to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Oregon, Nevada, New Mexico, Utah, Washington, and Wyoming), under a continuing contract or contracts with Continental Can Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago Ill., or Washington, D.C.

No. MC 127739 (Sub-No. 46), filed August 29, 1975. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Avenue, East, Tacoma, Wash. 98424. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A. located at Tracy and Stockton, Calif., to points in Montana, Arizona, Nevada, Oregon, and Washington, restricted to traffic originating at the above-named origins and destined to the above-named destination states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 127751 (Sub-No. 29), filed August 20, 1975. Applicant: EVERETT G. ROEHL, INC., East 29th St., P.O. Box 7, Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden doors*, from the facilities of Graham Manufacturing Corp., located at or near Marshfield, Wis., to points in Iowa, Minnesota, Ohio, Colorado, Kansas and Nebraska, under a continuing contract or contracts with Graham Manufacturing Corp. located at the above-named state and Mobile Plywoods, Inc., a Subsidiary of Pluswood, Inc., located at or near Oshkosh, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Madison, Wis., or Minneapolis-St. Paul, Minn.

No. MC 128375 (Sub-No. 135), filed August 22, 1975. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Aurora, Ill., to Kansas City, Mo., Lincoln and Omaha, Nebr., Des Moines, Iowa and points in Kansas; and (2) from South Bend, Ind. and Plymouth, N.C., to points in Kansas and Missouri, under a continuing contract or contracts with Western Paper Co., division of Hammermill Paper Group.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo., or Lincoln, Nebr.

No. MC 128735 (Sub-No. 9), filed August 18, 1975. Applicant: ALVIN E. GOLNIK, doing business as GOLNIK TRUCKING, R.D. No. 1, Box 13, New Galilee, Pa. 16141. Applicant's representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water purifying treatment tanks, slide gates, grating, troughs, equipment, instruments, valves*, and *venturis*, and components of the foregoing commodities, from the plant sites of F. B. Leopold Co./Division of Sybron Corporation located in Zelienople, Pa., to points in Mississippi, Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Vermont, Maine, Rhode Island, North Carolina, Ohio, Oklahoma, Oregon, Tennessee, Texas, South Carolina, Virginia, Washington, Wisconsin, and the District of Columbia, restricted against the transportation of any commodities in bulk in tank vehicles; (2) *glazed clay filter tile*, from East Canton, Ohio, to the above said plant sites in Zelienople, Pa., under a continuing contract or contracts with F. B. Leopold Co./Division of Sybron Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Pittsburgh, Pa.

No. MC 128866 (Sub-No. 55) (Correction), filed August 4, 1975, published in the FEDERAL REGISTER issue of September 4, 1975, republished as corrected this issue. Applicant: B & B TRUCKING, INC., 9 Brade Lane, P.O. Box 128, Cherry Hill, N.J. 08034. Applicant's representative: J. Michael Farrell, 1725 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil*, (A) from the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., to the plant site of Penny Plate, Inc. located at Deerfield, Ill.; (B) from the plant site of Penny Plate, Inc., located at Deerfield, Ill., to the plant site of Penny Plate, Inc., (C) located at Cherry Hill, N.J., and Searcy and Atkins, Ark.; (D) from the plant site of Penny Plate, Inc., located at Searcy, Ark., to the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., and Deerfield, Ill.; and (E) from the plant site of Penny Plate, Inc., located at Atkins, Ark., to the plant site of Penny Plate, Inc., located at Cherry Hill, N.J. and Deerfield, Ill.; (2) *Scrap aluminum*, (A) from the plant site of Penny Plate, Inc., located at Cherry Hill, N.J., to the plant site of Penny Plate, Inc., located at Deerfield, Ill., Atkins and Searcy, Ark.; (B) from the plant site of Penny Plate, Inc., located at Deerfield, Ill., to the plant site of Penny Plate, Inc., located at Atkins and Searcy, Ark.; (C) from the plant site of Penny Plate, Inc. located at Searcy, Ark., to the plant site of Penny Plate, Inc. located at Deerfield, Ill.; and (D) from the plant site of Penny Plate, Inc. located at Atkins, Ark., to the plant site of Penny Plate, Inc. located at Deerfield, Ill. and Cherry Hill, N.J.; (3) *Dies* used in the manufacture of aluminum food containers, (A) from the plant site of Heraldize, Inc. located at Fort Wayne, Ind. and the plant site of Four Penny, Inc. located at Berlin, N.J., to the plant site of Penny Plate, Inc. located at Cherry Hill, N.J., Deerfield, Ill. and Atkins and Searcy, Ark.; (B) from the plant site of Penny Plate, Inc. located at Cherry Hill, N.J., to the plant site of Penny Plate, Inc. located at Atkins and Searcy, Ark. and Deerfield, Ill.; (C) from the plant site of Penny Plate, Inc. located at Deerfield, Ill., to the plant site of Penny Plate, Inc. located at Cherry Hill, N.J. and Atkins and Searcy, Ark.; (D) from the plant site of Penny Plate, Inc. located at Atkins and Searcy, Ark., to the plant site of Penny Plate, Inc. located at Deerfield, Ill. and Cherry Hill, N.J., parts (1), (2) and (3) above are under a continuing contract or contracts with Penny Plate, Inc.

NOTE.—The purpose of this republication is to correct the requested authority in this proceeding. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 129401 (Sub-No. 4), filed August 28, 1975. Applicant: DOUGLAS & BESS, INC., Route 5, Box 238, Statesville, N.C. 28677. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture parts*, from Statesville, N.C., to points in California; and (2) *damaged or, rejected shipments of new furniture and furniture parts*, from points in California, to Statesville, N.C., under a continuing contract with Blackwelder Furniture Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 129516 (Sub-No. 39), filed August 15, 1975. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices* and *fruit drinks*, from points in California, to the port of entry located on the International Boundary line between the United States and Canada, located at or near Oroville, Wash., restricted to traffic moving to points in Canada.

NOTE.—Applicant holds contract carrier authority in MC 138820 Subs 1 and 2 pending, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 129759 (Sub-No. 9), filed August 25, 1975. Applicant: TRIANGLE TRUCKING COMPANY, P.O. Box 490, McKees Rock, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire and wire products*, from the plantsite and shipping facilities of National Wire Products Corporation located at Baltimore, Md.; Toledo, Ohio; Tampa, Fla.; Atlanta, Ga.; Savannah, Ga. and Kearny, N.J., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of wire and wire products, from points in the United States (except Alaska and Hawaii) to the plantsite and shipping facilities of National Wire Products Corporation located at Baltimore, Md.; Toledo, Ohio.; Tampa, Fla.; Atlanta, Ga.; Savannah, Ga., and Kearny, N.J., under a continuing contract or contracts with National Wire Products Corporation. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133095 (Sub-No. 84), filed August 22, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, (except in bulk), from Red Bay, Ala., and Tupelo, Miss., to points in the United States on and east of U.S. Highway 85.

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133095 (Sub-No. 85), filed August 22, 1975. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 46039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal and charcoal briquetts*, from Paris, Ark., and Jacksonville, Tex., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment*, used in the manufacture of charcoal briquetts, from points in the United States (except Alaska and Hawaii), to Paris, Ark., and Jacksonville, Tex.

NOTE.—Applicant holds contract carrier authority in MC 136032 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133542 (Sub-No. 8), filed August 29, 1975. Applicant: FLOYD WILD, INC., P.O. Box 91, Marshall, Minn. 56258. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets and vanity sets*, from Cottonwood, Minn., to points in Illinois, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin, under contract with Midcontinent Millwork, at Cottonwood, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 133614 (Sub-No. 5), filed August 18, 1975. Applicant: PAPPAS TRUCKING, INC., P.O. Box 8, Gering, Nebr. 69341. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products*, and *building materials* (except iron and steel and iron and steel articles and commodities in bulk), from points in Montana, Oregon, Washington, Idaho and California, to points in Colorado, Kansas, Nebraska, and Wyoming, restricted to a transportation service to be performed under a continuing contract or contracts with Alpine Veneers, Inc.

NOTE.—Applicant holds common carrier authority in MC 123628 and subs thereunder, therefore dual operations may be involved.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 133666 (Sub-No. 13), filed August 18, 1975. Applicant: JACOBSON TRANSPORT, INC., P.O. Box 368, Wheaton, Minn. 56296. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc., at or near Glenwood, Minn., to points in North Dakota, South Dakota, Minnesota, Iowa, and Wisconsin; (2) *anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc., at or near Grand Forks, N. Dak., to points in Montana, North Dakota, South Dakota, and Minnesota; and (3) *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from the storage facilities of CF Industries, Inc., located at or near Grand Forks, N. Dak., to points in Montana, North Dakota, South Dakota and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., St. Paul, Minn., or Chicago, Ill.

No. MC 133684 (Sub-No. 17), filed August 21, 1975. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98422. Applicant's representative: Michael D. Duppenthaler, Room 515, Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between Vancouver, Wash., and points in the Los Angeles and San Francisco, Calif. Commercial Zones.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 134068 (Sub-No. 21), filed August 25, 1975. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), from the plantsites and facilities utilized by Minnesota Mining and Manufacturing Company, at or near Cordova, Ill., Knoxville, Iowa and Norfolk, Nebr., to points in California, Oregon, and Washington, restricted to traffic originating at the named origins.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 134922 (Sub-No. 148), filed August 12, 1975. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or rubber articles* (except commodities in bulk, and those which because of size or weight require the use of special equipment), from Thorofare and Trenton, N.J., to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Little Rock, Ark.

No. MC 135078 (Sub-No. 2), filed August 18, 1975. Applicant: AMERICAN TRANSPORT, INC., 6850 F St., Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Abrasive coated cloth, abrasive cut-off-blades, abrasive discs-abrasive wheels, diamond wheels; blades, drive chains, valves, alloy, bronze globe gate, check plug and cock and cast iron pipes, clamps, connectors, couplings, fittings, joints, sleeves and tees for pipes,*

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fire hydrants, actuators, conveyors, chain links, drive type chain crushers, loaders, pulleys, motors, pulverizers, restricted against those items which because of their size and weight require the use of special equipment, from the facilities utilized by Dresser Industries located at Westboro, Mass., Hartford, Stratford and Newtown, Conn., Bradford, Pa., and Columbus, Ohio, to points in Pennsylvania, New York, Wisconsin, Kentucky, Ohio, Indiana, Illinois and Michigan, restricted to traffic originating at the facilities utilized by Dresser Industries, Inc., and destined to the above-named destination points.

NOTE.—Applicant holds contract carrier authority in MC 135007 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Ohama, Nebr., or Chicago, Ill.

No. MC 135078 (Sub-No. 3), filed August 18, 1975. Applicant: AMERICAN TRANSPORT, INC., 6850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Socket sets, pliers, wrenches, screwdrivers, torque wrenches, multipliers, testers, electric air and manual hoists, abrasive grinding wheels, fire hydrants, gasoline, natural gas, and propane engines, compressors,* all types; *blowers,* all types; *exhausters, pumps, vacuum systems, gear motors, gear reducers, power transmission equipment, and transmission and electric sets,* restricted against those items which because of their size and weight require the use of special equipment, from the facilities utilized by Dresser Industries at Chicago, Franklin Park and Downers Grove, Ill., to points in Missouri, Nebraska, Arkansas, Oklahoma, Texas, New Mexico, Arizona, California, Colorado, Kansas, Iowa, Tennessee, Utah, and Nevada, restricted to traffic originating at the facilities utilized by Dresser Industries, Inc., and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in MC 135007 Sub 1 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135078 (Sub-No. 4), filed August 18, 1975. Applicant: AMERICAN TRANSPORT, INC., 6850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Abrasive coated cloth, abrasive cut-off blades, abrasive discs, abrasive wheels, diamond wheels, blades, drive chains, valves, alloy, bronze globe gate, check plug and cock and cast iron, pipes,* from the facilities utilized by Dresser Industries at Westboro, Mass.; Hartford, Stratford, and Newtown, Conn., to points in Pennsylvania, Maryland, Georgia, Alabama, Arkansas, Louisiana, Tennessee, Texas, Mississippi, and Oklahoma, restricted to traffic originating at the facilities utilized by Dresser Industries, Inc., and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in MC 135007 Sub 1 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135078 (Sub-No. 5), filed August 18, 1975. Applicant: AMERICAN TRANSPORT, INC., 6850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough forgings* of flat wrenches and *unfinished* and *blank sockets,* (1) from Johnson City, Tenn., and Defiance, Ohio, to Chicago and Franklin Park, Ill.; and (2) from Johnson City, Tenn., to Defiance, Ohio, (1) and (2) restricted to traffic originating at the facilities utilized by Dresser Industries, Inc., and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in MC 135007 Sub 1 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135539 (Sub-No. 3), filed August 25, 1975. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, 4505 Pollack, Evansville, Ind. 47715. Applicant's representative: Margie Market, P.O. Box 154, Marengo, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabs and gas tanks,* for construction and agricultural equipment, from the plantsite of Stolper Industries, at Menomonee Falls, Wis., and DeWitt, Iowa, to points in the United States (except Alaska and Hawaii), under contract with Stolper Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135739 (Sub-No. 2), filed August 21, 1975. Applicant: JOHN J. CLARK, doing business as DOUBLE J MACHINERY TRANSPORT, Route 2 Napoleon, Ohio. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveyor and fabricated machinery*, the transportation of which, because of size or weight, requires the use of special equipment, from the plantsite of Automatic Feed Co. located at or near Napoleon, Ohio, to points in the United States (except Alaska and Hawaii); (2) *conveyors*, the transportation of which because of size or weight requires the use of special equipment, (a) from the plantsite of P.W.F. Corporation located at or near Barrington, Ill., to points in the United States (except Alaska and Hawaii); (b) from the plantsite of Transcon, Inc. located at or near Mentor, Ohio, to points in the United States (except Alaska and Hawaii); (4) *pressed machinery*, the transportation of which because of size or weight requires the use of special equipment, from the plantsite of Dries & Krump Manufacturing Co. located at or near Chicago, Ill., to points in the United States (except Alaska and Hawaii), restricted to service performed under a continuing contract or contracts with Automatic Feed Co.; P.W.F. Corporation; Transcon, Inc.; and Dries & Krump Manufacturing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136032 (Sub-No. 15), filed August 21, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2803 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is ordinarily dealt in by retail auto and home supply stores and *materials, equipment, and supplies* utilized in the distribution thereof, between points in Mississippi, on the one hand, and, on the other, points in and east of Alabama, Tennessee, Kentucky, West Virginia, and Pennsylvania, under a continuing contract or contracts with Western Auto Supply Co.

NOTE.—Applicant holds common carrier authority in MC–133095 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 136318 (Sub-No. 34), filed August 29, 1975. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Lenoir, Shelby, Statesville, and Troutman, N.C., to points in Arizona and Nevada, under contract with Bernhardt Furniture, restricted (1) to traffic originating at or destined to the plantsites and facilities of Bernhardt Furniture Company; and (2) to transportation of commodities under a continuing contract or contracts with Bernhardt Furniture Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Winston-Salem, or Charlotte, N.C.

No. MC 136318 (Sub-No. 35), filed August 29, 1975. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, 306 Cedar Lodge Road, Thomasville, N.C. 27360. Applicant's representative: David R. Parker, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Lenoir, Pleasant Garden, Thomasville, and Winston-Salem, N.C. and Appomattox, Va., to

points in Kansas, Nebraska, Oklahoma, and Texas, restricted to traffic to originate at or destined to the plantsites and facilities of Thomasville Furniture Industries, Inc. and further restricted to transportation of commodities under a continuing contract or contracts with Thomasville Furniture, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Winston-Salem, or Charlotte, N.C.

No. MC 138018 (Sub-No. 24), filed August 21, 1975. Applicant: REFRIGERATED FOODS, INC., 1420 33rd St., P.O. Box 1018, Denver, Colo. 80201. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, from Downs, Kans., to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 138258 (Sub-No. 4), filed August 18, 1975. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 2141, 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal building materials*, (a) from Spokane, Wash., to points in Minnesota, Texas, Illinois, Iowa, Nebraska, Wisconsin, and Missouri; (b) from Denver, Colo., to points in Wisconsin and Missouri, (a) and (b) above are under a continuing contract or contracts with ASC Industries, Inc.; and (c) from Tacoma, Wash., to points in Minnesota, Texas, Illinois, Iowa, Nebraska, Wisconsin, and Missouri; (d) from Los Angeles, Calif., to points in Wisconsin and Missouri, (c) and (d) above are under a continuing contract or contracts with ASC Pacific, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138375 (Sub-No. 18), filed August 25, 1975. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 396, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vacuum cleaners*, from Old Greenwich, Conn., to Los Angeles and Daly City, Calif. and Portland, Oreg., under a continuing contract or contracts with Electrolux.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis or Kansas City, Mo.

No. MC 138732 (Sub-No. 4), filed August 18, 1975. Applicant: OSTERKAMP TRUCKING, INC., 1049 No. Glassell, Orange, Calif. 92666. Applicant's representative: Michael R. Eggleton, 764 N. Cypress Street, Orange, Calif. 92666. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soil amendments;* and (2) *bark*, in mixed shipments with the above named commodity, from Fredonia, Ariz., to points in California.

NOTE.—Applicant holds contract carrier authority in MC 133926 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Phoenix, Ariz.

No. MC 138831 (Sub-No. 2), filed August 22, 1975. Applicant: JOHNNY JOHNS, doing business as J & J HAULING, 3 Midland Ave., Elmwood Park, N.J. 07407. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, materials, equipment and supplies*, used in the manufacture, use and sale thereof (except commodities in bulk), (1) between Champlain, N.Y., on the one hand, and, on the other, Bensonville, Ill.; Secaucus, N.J.; Westwood, Mass., and Enid, Okla.; and (2) between Enid, Okla., and points in the New York, N.Y., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Delaware, New Jersey, New York, Pennsylvania, Ohio, Michigan, Connecticut, Rhode Island, Massachusetts, Maryland, Virginia, West Virginia, North Carolina, Kentucky, Indiana, Illinois, Tennessee, Iowa, Missouri, Kansas, Arkansas, and Oklahoma, under a continuing contract with Raleigh Industries of America, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 139091 (Sub-No. 11), filed August 26, 1975. Applicant: LOGAN MOTOR LINES, INC., Rt. 2, Box 174–A, Canyon, Tex. 79015. Applicant's representative: Clayton J. Logan, P.O. Box 4265 CDU, Amarillo, Tex. 79105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities used by Swift Fresh Meats Company, at or near Cactus (Moore County), Tex., to points in the United States (except Alaska and Hawaii; and (2) *such commodities as are used by meat packers in the conduct of their business*, as described in Section D of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of Swift Fresh Meats Company, at or near Cactus (Moore County), Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Amarillo, Tex.

No. MC 139495 (Sub-No. 86), filed August 26, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, Liberal, Kans. 67901. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the shipping facilities of Heinz U.S.A., at Tracy and Stockton, Calif., to points in Idaho, Montana, Wyoming, Utah, Oregon, Washington, Arizona, and Nevada, restricted to traffic originating at the above-named origin and destined to the above-named destination states.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 139858 (Sub-No. 2), filed July 28, 1975. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Avenue, Hamilton, Ohio 45015. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Folding or rolling doors or partitions; fabric covered wall panels, and wall cloth and related equipment and supplies*, (a) from the plantsite and warehouse facilities of Modernfold Company (an American Standard Company), at New Castle, and North Manchester, Ind., to points in the United States (except Alaska, Hawaii and Indiana); and (b) between the plantsites of Modernfold Company (an American Standard Company), at Dyersville, Iowa and New Castle, Ind., and American Standard's Corporate Distribution Center, at Hamilton, Ohio; and (2) *materials, equipment, supplies, and accessories*, used in the manufacture and distribution of the above-mentioned commodities (except commodities in bulk, and those which because of size or weight require the use of special equipment), from points in (a) California and Minnesota, to North Manchester, Ind.; (b) Illinois, Indiana, and Pennsylvania, to Dyersville, Iowa; and (c) New Jersey, New York, Ohio, Pennsylvania, and South Carolina to New Castle, Ind., under contract with Modernfold Company (an American Standard Company).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 140244 (Sub-No. 3), filed August 22, 1975. Applicant: MARGIE L. BERRIE, Route 2, Arkansas City (Cowley County), Kans. 67005. Applicant's representative: Tom L. Schwinn, Box 549, Wellington, Kans. 67152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients*, including *alfalfa pellets, and fertilizer*, dry, in bulk, from Sumner and Cowley Counties, Kans., to Payne County, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita or Topeka, Kans., or Oklahoma City or Tulsa, Okla.

No. MC 140452 (Sub-No. 3), filed August 27, 1975. Applicant: ROSE BROTHERS TRUCKING, INC., R.R. 31, Box 9,

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Terre Haute, Ind. 47803. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Fountain and Warren Counties, Ind., to points in Macon and Piatt Counties, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or St. Louis, Mo.

No. MC 140540 (Sub-No. 1), filed August 25, 1975. Applicant: ROADHOUND TRUCK COMPANY, 811 Hale St., Osceola, Ark. 72370. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (a) from Calvert City, Ky., to points in Tennessee and Arkansas; and (b) from points in Tennessee and Arkansas to Calvert City, Ky.; (2) *materials and supplies* used in the manufacture of iron and steel articles, (a) from Hope, Ark., to points in Tennessee and Mississippi; and (b) from points in Tennessee and Mississippi to Hope, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn. or Little Rock, Ark.

No. MC 140617 (Sub-No. 2), filed August 21, 1975. Applicant: ROBERT F. KAZIMOUR, 1200 Norwood Drive, SE., P.O. Box 2011, Cedar Rapids, Iowa 52403. Applicant's representative: J. L. Kazimour (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet tissue* and *related items*, from Bellingham, Wash., to points in Arizona and California.

NOTE.—Applicant holds contract carrier authority in MC 138503 and Subs 2 and 6, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cedar Rapids, Iowa or Bellingham, Wash.

No. MC 140700 (Sub-No. 2), filed August 29, 1975. Applicant: ALVIN V. GREEN, Route 1, Lynchburg, S.C. 29080. Applicant's representative: John H. Lumpkin, Jr., 1250 SCN Center, Columbia, S.C. 29201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bags, between the plantsite of Kaiser Agricultural Chemical Company located near Riegelwood, N.C., on the one hand, and, on the other, the warehouse and locations of Kaiser in Clarendon, Florence, Lee, Sumter, Williamsburg, Darlington, Kershaw, and Georgetown Counties, S.C., under a continuing contract or contracts with Kaiser Agricultural Chemicals.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at (1) Columbia, S.C. (2) Charlotte, N.C. or (3) Atlanta, Ga.

No. MC 141085 (Sub-No. 2), filed August 27, 1975. Applicant: ROBERT DWIGHT MARTIN, doing business as DWIGHT MARTIN TRUCKING SERVICE, 561 Broadway, Hamilton, Ill. 62341. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Crushed stone*, in bulk, for the account of Dallas City Ready-Mix Concrete Corp., from points in Clark and Lewis Counties, Mo., to points in Hancock County, Ill.; and (2) *sand*, in bulk, for the account of Dallas City Ready-Mix Concrete Corp., from points in Lee County, Iowa and Lewis County, Mo., to points in Hancock County, Ill., under a continuing contract with Dallas City Ready-Mix Concrete Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 141074 (Sub-No. 2), filed August 21, 1975. Applicant: DONALD WHEATLEY, doing business as DONALD WHEATLEY TRUCKING COMPANY, P.O. Box 447, Sharptown, Md. 21861. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and* piling (untreated), from Sharptown, Md., and points within two miles thereof, to points in Virginia, Delaware, Pennsylvania, New Jersey, New York, Ohio, Connecticut, Massachusetts, Rhode Island, North Carolina, Maryland, New Hampshire, and Vermont, under contract with J. V. Wells Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 141194 (Sub-No. 1), filed August 22, 1975. Applicant: THE DEMPSEY BROTHERS CARTAGE AND WAREHOUSING CORPORATION, 1034 Avenue M, Grand Prairie, Tex. 75050. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery* (except in bulk) in tank vehicles and *advertising materials* related thereto, in vehicles equipped with mechanical refrigeration, from the plantsites and/or warehouse facilities of Pangburn Company, Inc., in Dallas and Fort Worth, Tex. and Atlanta, Ga., Selma, Ala., and Alexandria, La., to points in Florida, service from Selma, Ala., Atlata, Ga., and Alexandria, La., restricted to the transportation of shipments moving in vehicles that are transporting shipments from Dallas and/or Fort Worth, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex. or Washington, D.C.

No. MC 141229, filed July 31, 1975. Applicant: G. M. BROWN & SONS, INC., Route #3, Caldwell, Idaho 83605. Applicant's representative: Dorsey Campbell (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes and sheets, fibreboard and pulpboard*, corrugated, from plantsite of Boise Cascade Corporation located near Nampa, Idaho, to points in Malheur County, Oreg., under a continuing contract or contracts with Boise Cascade Corp.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Blise, Idaho, or Salt Lake City, Utah.

No. MC 141245, filed August 21, 1975. Applicant: BARRETT TRUCKING CO., INC., Austin Drive, Burlington, Vt. 05401. Applicant's representative: John R. Bagileo, 918 16th St. N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Syracuse and Utica, N.Y., to Barre and Burlington, Vt.; and (2) *empty malt beverage containers*, from the above-named destinations to the above named origins.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Albany, N.Y. or Washington, D.C.

No. MC 141249 (Sub-No. 2), filed August 27, 1975. Applicant: PAT WEEKS, doing business as WEEKS CARTAGE, 6803 West Beaver Street, Jacksonville, Fla. 32205. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers and trailers (except commodities in bulk and commodities requiring heavy hauling), between points in Jacksonville, Fla. and its Commercial Zone (except Yulee and Fernandina Beach, Fla.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 141260 (Sub-No. 1), filed August 25, 1975. Applicant: SIDLES TRANSPORTATION, INC., 7302 Pacific Street, Omaha, Nebr. 68114. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, appliances, carpeting and floor coverings, and materials, equipment, and supplies* used in the installation and repair of carpeting and floor coverings, between Omaha, Nebr., on the one hand, and, on the other, points in Des Moines, Iowa, and Denver, Colo., under a continuing contract or contracts with Sidles Distributing Company; Midlands Automotive Warehouse, Inc. and Herregan Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 141268, filed August 25, 1975. Applicant: PARKVIEW TOWING CORP., 173–19 Liberty Avenue, Jamaica, N.Y. 11433. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, including buses and trucks, and replacements thereof*, by use of wreckers and/or tow equipment, between points in New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, North Carolina, South Carolina, Georgia, Alabama, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141272, filed August 21, 1975. Applicant: JOVE TRANSPORT CORP., 3703 Provost Ave., Bronx, N.Y. 10466. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastics, plastic articles and resins* (except in bulk, in tank vehicles), between the facilities of V.C.A. and V.C.A. De Puerto Rico, located at or near Pittsfield, Mass.; Bridgeport, Fairfield and Stamford, Conn., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut, under a continuing contract or contracts with V.C.A. and V.C.A. De Puerto Rico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York or Washington, D.C.

No. MC 141292 (Sub-No. 1), filed September 2, 1975. Applicant: MICHAEL J. LIPARI, doing business as LIPARI TRUCKING CO., 314 Glen Ridge Avenue, Temple Terrace, Fla. 33617. Applicant's representative: John C. Vogt, Jr., 523 E. Madison Street, Tampa, Fla. 33602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recycled waste paper and related waste materials*, from points in Florida to points in Georgia, North Carolina, South Carolina, Alabama, Mississippi, and Tennessee, under contract with Durbin Paper Co., at Tampa, Miami, and Jacksonville, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 141301, filed September 2, 1975. Applicant: EMIL A. JOHNSON, doing business as CHIEF TRUCKING CO., 1767 South Redwood Street, Escondido, Calif. 92025. Applicant's representative: William J. Monheim, P.O. Box 1756, 15942 Whittier Blvd., Suite 106, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from points in Gillespie County, Tex., to Escondido and Riverside, Calif., the National Quarries plantsite near San Marcos, Calif., and the Bruner Pacific Marble & Granite, Inc., plantsite near Cucamonga, Calif., under contract with Robert N. Johnson and Emil A. Johnson, doing business as, National Quarries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 141307 (Correction), filed July 31, 1975, published in the FEDERAL REGISTER issue of August 21, 1975, under MC 136337 (Sub-No. 3), and republished as corrected this issue. Applicant: RICHARD D. PEASE, doing business as R. P. TRUCKING, Route 2, Box 14, Warrens, Wis. 54666. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Dorchester, Wis., to points in Tennessee, Alabama, Mississippi, Georgia, North Carolina, and South Carolina.

NOTE.—The purpose of this republication is to indicate that applicant seks common carrier authority in lieu of contract carrier authority on a portion of the previously noticed request for authority. Part (1) of the previous notice is deleted from applicant's request for authority. If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis., or Minneapolis or St. Paul, Minn.

PASSENGER APPLICATIONS

No. MC 141113 filed July 3, 1975. Applicant: MONSEY TRANSPORTATION CORP., 94 Washington Avenue, New Square, Spring Valley, N.Y. 10977. Applicant's representative: Harvey L. Strelzin, 253 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special and charter operations with Chassidic Jews and religious groups, organizations, congregations, congregations and synagogues of the Chassidic Jewish Sect., (1) From New York City, N.Y. (Borough of Brooklyn) to Monsey, N.Y.: (A) From junction 49th Street and 15th Avenue over 49th Street to junction Fort Hamilton Parkway, thence over Fort Hamilton Parkway to junction MacDonald Avenue, thence Terrace Place, thence over Terrace Place to junction 18th Street, thence over 18th Street to junction Prospect Expressway, thence over Prospect Expressway to junction Gowanus Expressway, thence over Gowanus Expressway to junction Brooklyn-Queens Expressway, thence over Brooklyn-Queens Expressway to Flushing Avenue exit, thence over the Flushing Avenue exit to junction Classon Avenue, thence over Classon Avenue to junction Kent Avenue, thence over Kent Avenue to junction Williamsburg Street East, thence over Williamsburg Street East to junction Bedford Avenue, thence over Bedford Avenue to junction Taylor Street, thence over Taylor Street to junction Roebling Street, thence over Roebling Street to junction Division Avenue, thence over Division Avenue to junction Havemeyer Street, thence over Havemeyer Street to junction South 4th Street, thence over South 4th Street to junction Williamsburg Bridge.

Thence across the bridge to exit leading to Delancey Street, thence over Delancey Street to junction Allen Street, thence over Allen Street (which becomes First Avenue), to junction 49th Street, thence over 49th Street to junction Ninth Avenue to the Lincoln Tunnel, thence through the Lincoln Tunnel to junction New Jersey Turnpike, thence over the New Jersey Turnpike to junction New Jersey Highway 80, thence over New Jersey Highway 80 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction Garden State Parkway, thence over the Garden State Parkway to junction New York Thruway, thence over the New York Thruway to the Nanuet exit, thence over the Nanuet exit to junction Pascack Road, thence over Pascack Road to junction Pipetown Hill Road, thence over Pipetown Hill Road to junction Central Avenue, thence over Central Avenue to junction New York Highway 59, thence over New York Highway 59 to junction Monsey Boulevard, thence over Monsey Boulevard to junction Maple Avenue, thence over Maple Avenue to junction Main Street, thence over Main Street to junction Maple Avenue, thence over Maple Avenue (which becomes West Maple Avenue) to junction Carlton Road, thence over Carlton Road to junction Blauvelt Road, thence over Blauvelt Road to junction Cedar Lane, Monsey, N.Y., serving the intermediate points at the junctions of Lee Avenue and Wilson Street; Delancey Street and Allen Street; 49th Street and Fifth Avenue; Maple Avenue and Main Street; Maple Avenue and Carlton Road: and Carlton Road and Blauvelt Road: (B) From junction 187th Street and Amsterdam Avenue over Amsterdam Avenue to junction George Washington Bridge, thence over the George Washington Bridge to junction New Jersey Highway 4, thence over New Jersey Highway 4 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction Garden State Parkway, thence over Garden State Parkway to Exit 172 at Pipetown Hill Road, thence over Pipetown Hill Road to junction New York Highway 45, thence over New York Highway 45 to junction Old Nyack Turnpike, thence over Old Nyack Turnpike to junction Kennedy Drive, thence over Kennedy Drive to junction New York Highway 59, thence over New York Highway 59 to junction Monsey Boulevard, thence over Monsey Boulevard to junction Maple Avenue.

Thence over Maple Avenue (which becomes West Maple Avenue) to junction Boxwood Lane, thence over Boxwood Lane to junction Remsen Avenue, thence over Remsen Avenue to junction Barbara Lane, thence over Barbara Lane to junction College Road, thence over College Road to junction Highview Avenue, thence over Highview Avenue to junction Windover Lane, thence over Windover Lane to junction Carlton Road, thence over Carlton Road to junction Blauvelt Road, thence over Blauvelt Road to junction Cedar Lane, thence over Cedar Lane to junction Blauvelt Road in Monsey, N.Y., serving the intermediate points at the junctions of Old Nyack Turnpike and Kennedy Drive; Monsey Boulevard and Maple Avenue; Boxwood Lane and

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Remsen Avenue; Barbara Lane and College Road, and Windover Lane and Carlton Road; and (3) From Monsey, N.Y., to New York City, N.Y. (Borough of Brooklyn): From junction Cedar Lane and New York Highway 306 over Cedar Lane to junction Blauvelt Road, thence over Blauvelt Road to junction Carlton Road, thence over Carlton Road to junction West Maple Avenue, thence over West Maple Avenue to junction Monsey Boulevard, thence over Monsey Boulevard to junction Pipetown Hill Road, thence over Pipetown Hill Road to junction New York Highway 59, thence over New York 59 to junction New York State Thruway, thence over the New York Thruway to junction Garden State Parkway, thence over the Garden State Parkway to Exit 163, thence over Exit 163 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New Jersey Highway 80, thence over New Jersey Highway 80 to junction New Jersey Turnpike, thence over the New Jersey Turnpike to junction Lincoln Tunnel, thence through the Lincoln Tunnel to the exit leading to Tenth Avenue, thence over Tenth Avenue to junction 50th Street, thence over 50th Street to junction Lexington Avenue, thence over Lexington Avenue to junction 29th Street, thence over 29th Street to junction Broadway, thence over Broadway to junction Houston Street, thence over Houston Street to junction Delancey Street, thence over Delancey Street to junction Williamsburg Bridge.

Thence across Williamsburg Bridge to exit leading to Roebling Street, thence over Roebling Street to junction Division Avenue, thence over Division Avenue to junction Wilson Street, thence over Wilson Street to junction Lee Avenue, thence over Lee Avenue to junction Williamsburg Street West, thence over Williamsburg Street West to junction Brooklyn-Queens Expressway, thence over the Brooklyn-Queens Expressway to junction Gowanus Expressway, thence over Kowanus Expressway to junction Prospect Expressway, thence over Prospect Expressway to junction Tenth Avenue, thence over Tenth Avenue to junction MacDonald Avenue, thence over MacDonald Avenue to junction Fort Hamilton Parkway, thence over Fort Hamilton Parkway to junction 50th Street, thence over 50th Street to junction 15th Avenue, N.Y.; serving all intermediate points between the junctions of Carlton Avenue and West Maple Avenue, inclusive; those between Maple Avenue and Monsey Boulevard, inclusive, those between 50th Street and Sixth Avenue; and Allen Street and Delancey Street inclusive; and those at the junction of Wilson Street and Lee Avenue, under a continuing contract or contracts with Beth Medrosh Elyon, Monsey, N.Y., Community Synagogue of Monsey, Monsey, N.Y., Congregation Beth Israel, Monsey, N.Y., Congregation Temech David of New Square, Spring Valley, N.Y., Mesifta Nechas Yakov, Brooklyn, N.Y., and Yeshiva Wiznitz, Monsey, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 141210 (Sub-No. 1), filed August 7, 1975. Applicant: SWARTZ & SONS, INC., doing business as Service Cab Company, 910 North Broadway, Pittsburg, Kans. 66762. Applicant's representative: K. I. Loy, 108 West Fourth, P.O. Box 566, Pittsburg, Kans. 66762. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* both in special and charter operations, between points in Pittsburg, Mulberry, Fort Scott and Kansas City, Kans.; Asbury, Joplin, Tipton Ford, Neosho, Dalby, McElhaney, Goodman, Anderson, Lanagan, Noel, Mulberry, Eve, Hume, Grandview, Drexel, Cleveland and Kansas City, Mo.; Gravette and Gentry, Ark.; and Watts and Heavener, Okla., under a continuing contract or contracts with Kansas City Southern Railway Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141271 filed August 22, 1975. Applicant: ROYAL COACHMAN LIMITED, 504 Bloomfield Avenue, Verona, N.J. 07044. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, in nonscheduled door-to-door service, limited to the transportation of not more than eight (8) passengers in any one vehicle, not including the driver, between points in Morris, Sussex, Somerset, and Middlesex Counties, N.J., on the one hand, and, on the other, LaGuardia Airport and John F. Kennedy International Airport, located in New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

BROKER APPLICATIONS

No. MC 12763 (Sub-No. 3), filed June 18, 1975. Applicant: UNIVERSAL TRAVEL AGENCY, INC., 540 Audubon Bldg., 931 Canal St., New Orleans, La. 70112. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, La. 70130. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New Orleans, La., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter conducted educational and sightseeing tours, by motor carrier, beginning and ending at points in Louisiana and Mississippi on and south of a line drawn from the Louisiana-Texas State Boundary line over Louisiana Highway 8 to intersection Louisiana Highway 28, thence over Louisiana Highway 28 to intersection Louisiana Highway 112, thence over Louisiana Highway 112 to intersection U.S. Highway 71, thence over U.S. Highway 71 to intersection Louisiana Highway 115, thence over Louisiana Highway 115 to intersection Louisiana Highway 114, thence over Louisiana Highway 114 to intersection Louisiana Highway 1, thence over Louisiana Highway 1 to intersection Louisiana Highway 15, thence over Louisiana Highway 15 to intersection U.S. Highway 84, thence over U.S. Highway 84 to the Mississippi-Alabama State Boundary line, and Hazlehurst, Miss., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New Orleans, Baton Rouge, La., or Jackson, Miss.

No. MC 130334 filed August 12, 1975. Applicant: CHRISTOPHERSON TRAVEL SERVICE, INC., P.O. Box 43, Provo, Utah 84601. Applicant's representative: John L. Weenig (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Provo, Utah, to sell or offer to sell the transportation of *passengers and their baggage* in the same vehicle with passengers in charter operations, by motor, rail, water and air carriers, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Provo or Salt Lake City, Utah.

No. MC 130336 filed August 18, 1975. Applicant: NEW MEXICO DIVISION AAA, a division of American Automobile Ass'n, a Connecticut Corp., 2201 San Pedro Street, NE., Albuquerque, N. Mex. 87110. Applicant's representative: Morris J. Levin, 1620 Eye Street, NW., Washington, D.C. 20006. Authority sought to engage in operations, in interstate or foreign commerce, as a *broker* at Albuquerque, Santa Fe, Roswell, Las Cruces, Farmington, and Clovis, N. Mex., to sell or offer to sell the transportation of *individual passengers and groups of passengers and their baggage*, in special and charter operation, by motor carriers, (1) between points in New Mexico; and (2) between points in New Mexico and points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

FREIGHT FORWARDERS APPLICATION

No. FF-474 filed July 7, 1975. Applicant: PITTSBURGH WAREHOUSE AND VAN CO., INC., doing business as PLYMOUTH INTERNATIONAL TRANSPORTATION CORP., 4437 Hawley Street, Pittsburgh, Pa. 15224. Applicant's representative: Robert J. Gallagher, 1776 Broadway Street, New York, N.Y. 10019. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (a) *Used household goods and unaccompanied baggage*, and (b) *used automobiles*, between points in the United States, including Hawaii, but excluding Alaska, restricted in (b) to the transportation of import-export traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25465 Filed 9-24-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

SEPTEMBER 22, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before October 28, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 107064 (Sub-No. 108G), filed June 3, 1974. Applicant: STEERE TANK LINES, INC., 2806 Fairmount Street, P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (a) from points in New Mexico and those in Texas on and west of U.S. Highway 83 to points in the United States (except Alaska and Hawaii), and (b) from Kansas City, Kansas, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways at Etter, Dimmitt, Plainview, Sheerin, Slaton, Brownfield, Lubbock, Lehman, Big Spring, Odessa, and Colorado City, Tex.; the plantsite and storage facilities of Occidental Chemical Company of Texas in Hale County, Tex., the plantsite of Nipak, Inc., at or near Kerens, Tex.; the site of the Shamrock Oil and Gas Corporation plant about 11 miles from Dumas, Tex.; Monument, N. Mex.; points in Ector, Howard, Hale, Hutchinson, Moore, Terry, Lubbock, Hale, Deaf Smith, and Lamb Counties, Tex.; and points in Texas on and west of U.S. Highway 83; (2) *anhydrous ammonia*, in bulk, in tank vehicles, from points in New Mexico and those in Texas on and west of U.S. Highway 83 to points in Arizona, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, Mississippi, Missouri, Alabama, Georgia, South Carolina, Tennessee (except Kingsport), Arkansas, Kentucky, Indiana, Illinois, and Iowa. The purpose of this filing is to eliminate the gateways at Plainview, Dimmitt, Big Spring, and Odessa, Tex.; points in Hutchinson and Moore Counties, Tex.; and points in Texas on and west of U.S. Highway 83.

(3) *Petro-chemicals*, in bulk, in tank vehicles, from points in New Mexico and those in Texas on and west of U.S. Highway 83 to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Wyoming, Mississippi, Alabama, Georgia, South Carolina, Tennessee (except Kingsport), Kentucky, Indiana, Illinois, and Iowa. The purpose of this filing is to eliminate the gateways at Odessa, Tex., and points within 10 miles thereof; the plantsite and storage facilities of Occidental Chemical Company of Texas in Hale County, Tex.; and points in Texas on and west of U.S. Highway 83; (4) *such potash, potash products, and potash byproducts as are chemicals*, in bulk, from Eddy and Lea Counties, New Mexico to points in Wyoming and Louisiana. The purpose of this filing is to eliminate the gateway at the plantsite and storage facilities of Occidental Chemical Company of Texas in Hale County, Tex.; (5) *potash, potash products, and potash byproducts when shipped as fertilizer*, in bulk, from points in Eddy and Lea Counties, New Mexico, to points in South Carolina, Georgia, Tennessee, Texas, Alabama, Kentucky, Louisiana, and Indiana. The purpose of this filing is to eliminate the gateway at Dimmitt, Tex.; (6) *sulphuric acid*, in bulk, in tank vehicles, from points in New Mexico and those in Texas on and west of U.S. Highway 83 to points in Utah. The purpose of this filing is to eliminate the gateway at Plainview, Tex.; and points in Texas on and west of U.S. Highway 83; (7) *sulphur* and *sulphur products*, in bulk, in tank or hopper vehicles, from points in New Mexico and those in Texas on and west of U.S. Highway 83 to points in Mississippi, Missouri, Louisiana, Alabama, Georgia, Arizona, Colorado, South Carolina, Tennessee, Arkansas, New Mexico, Texas, Kentucky, Indiana, Illinois, Iowa, Nebraska, Kansas, and Oklahoma. The purpose of this filing is to eliminate the gateways at Dimmitt, Tex.; and points in Cochran County, Tex.

(8) *Salt*, when used as feed ingredient, from points in New Mexico to points in Utah. The purpose of this filing is to eliminate the gateway at points in Catron County, N. Mex.; (9) *blackstrap molasses*, when used as feed or feed ingredient, in bulk, in tank vehicles, from New Orleans, Louisiana, to points in Arizona, New Mexico, Colorado, Oklahoma, Kansas, and those in Texas on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway at Farmington, N. Mex.; (10) *feed* and *feed ingredients* (except animal fats, vegetable oils and salt), between points in Texas on and west of U.S. Highway 83, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway at Texas City, Okla.; (11) *livestock feedstuffs* (except cottonseed products, animal fats and vegetable oils), in bulk, from points in Arizona, New Mexico, Colorado, Oklahoma, Kansas, and those in Texas on and west of U.S. Highway 83 to points in Arizona, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Missouri, Alabama, and Florida. The purpose of this filing is to eliminate the gateways at Amarillo and Hereford, Tex.

(12) *Fertilizer* and *fertilizer ingredients* (except potash), from points in Texas on and west of U.S. Highway 83 to points in Nevada, Arizona, New Mexico, Colorado, Wyoming, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateways at Plainview, Dimmitt, Big Spring, Odessa, Sheerin and Etter, Tex.; Monument, N. Mex.; the plantsite of Nipak, Inc., at or near Kerens, Tex.; the plantsite and storage facilities of Occidental Chemical Company of Texas in Hale County, Tex.; points in Lamb, Hale, Moore, Terry, Lubbock, and Deaf Smith Counties, Tex.; and points in Texas on and west of U.S. Highway 83.

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 22, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 5101 (Sub-No. E1), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 15, 1975. Applicant: SREIN FURNITURE CARRIERS, INC. (2307 Bristol Pike, Croydon, Pa. 19020. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate

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as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture*, uncrated and *parts* and *materials* used in the manufacture thereof; (a) between points in New Jersey on and south of New Jersey Highway 33, on the one hand, and, on the other, points in New York (except between points in New York on and south of a line beginning at U.S. Highway 44 at the New York-Connecticut State line, thence along U.S. Highway 44 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction New York Highway 52, thence along New York Highway 52 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line at or near Hancock, N.Y., including points on the portions of the specified highways in New York, on the one hand, and, on the other, points in New Jersey north of New Jersey Highway 70 and south of New Jersey Highway 33); (b) between points in New Jersey, on and north of a line beginning at Gloucester City, N.J., thence along unnumbered highway to Camden, N.J., thence along New Jersey Highway 70 to junction New Jersey Highway 72 to Long Beach Island, on the one hand, and, on the other, points in Delaware; (3) *Metal sink tops and metal table tops, porcelain coated, uncrated;* * * *. The purpose of this filing is to eliminate the gateway of Philadelphia Pa. The purpose of this partial correction is to correct the territorial description and to correct the commodity description in (3) above. The remainder of this letter-notice remains as previously published.

No. MC 8973 (Sub-No. E68), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods, as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) from points in Hudson County, N.J., to points in Ohio, Delaware, Maryland, Virginia, and the District of Columbia; (2) from points in Hudson County, N.J., to those points in New York on, north and west of a line beginning at the New York-Pennsylvania State line extending along New York Highway 282 to junction New York Highway 17C, thence along New York Highway 17C to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 221, thence along New York Highway 221 to junction unnumbered highway, thence along unnumbered highway to junction New York Highway 26, thence along New York Highway 26 to junction US Highway 20, thence along US Highway 20 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 171, thence along New York Highway 171 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 29A, thence along New York Highway 29A to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 39N, thence along New York Highway 39N to junction Interstate Highway 87, thence along Interstate Highway 87 to junction US Highway 9, thence along US Highway 9 to junction New York Highway 149, thence along New York Highway 149 to the New York-Vermont State line.

(3) From points in Hudson County, N.J., to points in Massachusetts on and east of a line beginning at Buzzards Bay extending along unnumbered highway to junction Massachusetts Highway 28, thence along Massachusetts Highway 28 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction unnumbered highway, thence along unnumbered highway to Cape Cod Bay, and points on, north and east of a line beginning at Massachusetts Bay extending along Massachusetts Highway 127 to junction Massachusetts Highway 97, thence along Massachusetts Highway 97 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Massachusetts Highway 133, thence along Massachusetts Highway 133 to junction Massachusetts Highway 28, thence along Massachuetts Highway 28 to the Massachusetts-New Hampshire State line; (4) from Bayonne (Hudson County), N.J., to points in Massachusetts; (5) from points in Hudson County, N.J., to points in New Hampshire on and north of a line beginning at the Vermont-New Hampshire State line extending along New Hampshire Highway 123 to junction New Hampshire Highway 31, thence along New Hampshire Highway 31 to junction New Hampshire Highway 47, thence along New Hampshire Highway 47 to junction New Hampshire Highway 136, thence along New Hampshire Highway 136 to junction New Hampshire Highway 13, thence along New Hampshire Highway 13 to junction unnumbered highway, thence along unnumbered highway to junction New Hampshire Highway 121, thence along New Hampshire Highway 121 to junction unnumbered highway, thence along unnumbered highway to junction New Hampshire Highway 107, thence along New Hampshire Highway 107 to the Atlantic Ocean; (6) from Kearny, Harrison, East Newark, Bayonne, and Jersey City (Hudson County), N.J., to points in New Hampshire and Vermont.

(7) From points in Hudson County, N.J., to points in Vermont on and north of a line beginning at the Vermont-New York State line extending along Vermont Highway 149 to junction Vermont Highway 30, thence along Vermont Highway 30 to junction unnumbered highway, thence along unnumbered highway at Paweet to junction U.S. Highway 7, thence along U.S. Highway 7 to junction unnumbered highway, thence along unnumbered highway at North Shrewsbury to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 11, thence along Vermont Highway 11 to junction Vermont Highway 121, thence along Vermont Highway 121 to junction Interstate Highway 91, thence along Interstate Highway 91 to the Vermont-New Hampshire State line; (8) from Bayonne and Hudson County, N.J., to points in Rhode Island; and (9) from points in Hudson County, N.J., to those points in Pennsylvania on, south and west of a line beginning at the Pennsylvania-New York State line extending along Interstate Highway 81 to junction Pennsylvania Highway 435, thence along Pennsylvania Highway 435 to junction unnumbered highway, thence along unnumbered highway to junction Pennsylvania Highway 115 near Stoddardsville, thence along Pennsylvania Highway 115 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike, to junction Pennsylvania Highway 248, thence along Pennsylvania Highway 248 to junction Pennsylvania Highway 873, thence along Pennsylvania Highway 873 to junction Interstate Highway 78, thence along Interstate Highway 78 to junction Pennsylvania Highway 863, thence along Pennsylvania Highway 863 to junction Pennsylvania Highway 29, thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 63, thence along Pennsylvania Highway 63 to junction Pennsylvania Highway 463, thence along Pennsylvania Highway 463 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 332, thence along Pennsylvania Highway 332 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 29886 (Sub-No. E52), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER March 25, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (other than truck tractors), which are contractors' equipment; (1) from those points in Pennsylvania on, south, and west of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, to points in Washington, Idaho, Oregon, California, Nevada, Utah, Arizona, and those in Montana on and west of U.S. Highway 80; and (2) from those points in Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, to points in Washington, Idaho, Montana, Oregon,

Wyoming, California, Nevada, Utah, Arizona, New Mexico, Vermont, Maine, New Hampshire, Massachusetts, and those in Colorado on and west of a line beginning at the Colorado-Nebraska State line and extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Batavia, N.Y. The purpose of this correction is to correct the whole letter-notice.

No. MC 2986 (Sub-E110), filed May 23, 1974. Applicant: DALLAS & MAVIS FOWARDING CO., INC., 400 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *trucks and truck chassis*, in initial movements, in truckaway service, from points in Macomb County, Mich., south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, Mich.), to points in Alabama, Georgia, Florida, Mississippi, Louisiana, and Wyoming (South Bend, Ind.)* and *new trucks*, equipped with camper or office facilities, in initial movements, from South Bend, Ind., to points in the United States (except those in Indiana, those in Ottawa, Allegan, Van Buren, Berrien, and Cass Counties, Mich., and those in Vermilion, Iroquois, Kankakee, Will, Kendall, Kane, DuPage, Cook, and Lake Counties, Ill.) (Elkhar, Ind.)* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 29886 (Sub-E111), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, which are contractors' machinery and equipment, from those points in Iowa on and north of Interstate Highway 80, to those points in Tennessee east of Macon, Smith, DeKalb, White, Van Buren, Bledsoe, Hamilton, and Bradley Counties, Tennessee. The purpose of this filing is to eliminate the gateway of points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, Mich., thence on and west of a line extending along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion U.S. Highway 127) to junction U.S. Highway 12, near Somerset Center, Mich., thence along U.S. Highway 12 to junction U.S. Highway 127, to the Michigan-Ohio State line, and Churubuscon, Ind.

No. MC 29886 (Sub-E112), filed May 31, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *front end shovel loaders*, assembled, and *industrial lift trucks*, assembled, which because of size or weight require special equipment, (1) between points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, and New York, on the one hand, and, on the other, points in Washoe, Storey, Lyon, Ormsby, Douglas, and Mineral Counties, Nev., those in Polk, Lincoln, Benton, Linn, Lane, Douglas, Coos, Klamat, Curry, Josephine, and Jackson Counties, Oreg., and those in California on, north and west of a line beginning at the Pacific Ocean and extending along California Highway 55 to junction California Highway 57, to junction Interstate Highway 210, to junction California Highway 39, to junction California Highway 2, to junction California Highway 138, to junction U.S. Highway 395, to junction U.S. Highway 6 to the California-Nevada State line; (2) between points in West Virginia, Virginia, North Carolina, Maryland, Delaware, and the District of Columbia, on the one hand, and, on the other, points in California (except those in Inyo, Tulare, San Bernardino, Kern, Ventura, Los Angeles, Riverside, Orange, San Diego, and Imperial), those in Washoe, Storey, Lyon, Ormsby, Douglas, and Mineral Counties, Nev., and those in Marion, Polk, Lincoln, Benton, Linn, Lane, Douglas, Klamath, Cass, Curry, Josephine, Jackson, and Lake Counties, Oreg.; and (3) between points in Kentucky, Tennessee, Alabama, Mississippi, on the one hand, and, on the other, points in California (except those in Mono, Inyo, Tulare, Kern, Ventura, Los Angeles, Orange, San Diego, Riverside, Imperial, Santa Barbara, and San Bernardino), those in Washoe, Storey, Lyon, Ormsby, and Douglas Counties, Nev., and those in Lake, Klamath, Jackson, Josephine, Curry, Coos, Douglas, Lane, Benton, Lincoln Counties, Oreg. The purpose of this filing is to eliminate the gateway of San Leandro, Calif.

No. MC 29886 (Sub-E113), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks*, in secondary movements, in driveaway service, (1) from points in Maryland, New Jersey, New York, Pennsylvania, West Virginia, those in the lower peninsula of Michigan in and east of Hilldale, Calhoun, Eaton, Ionia, Montcalm, Newago, and Oceana Counties, those in North Carolina on and east of U.S. Highway 21, those in Ohio on, north and east of U.S. Highway 33, and the District of Columbia, to points in Colorado; (2) from points in Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, West Virginia, and the District of Columbia, to points in Utah (Detroit, Mich.)*; (3) from points in Maryland, New Jersey, New York, Pennsylvania, those in the Lower Peninsula of Michigan on, north and east of Branch, Calhoun, Eaton, Ionia, Montcalm, Mecosta, Osceola, Wexford, and Manistee Counties, those in Ohio in, north, and east of Williams, Henry, Hancock, Wyandot, Marion Morrow, Knox, Coshocton, Tuscarawas, Harrison, and Jefferson Counties, and the District of Columbia, to points in Arkansas; (4) from points in Maryland, New Jersey, New York, Pennsylvania, West Virginia, those in Fulton and Henry Counties, Ohio on and east of Ohio Highway 108, and those in Ohio in and north of Hancock, Wyandot, Marion, Morrow, Knox, Licking, Mushingum, Noble, and Monroe Counties, those in North Carolina on and east of U.S. Highway 25, and the District of Columbia, to points in Iowa.

(5) From points in Maryland, New Jersey, New York, North Carolina, Pennsylvania, West Virginia, those in the Lower Peninsula of Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 25, those in Ohio in and east of Williams, Defiance, Putnam, Allen, Hardin, Union, Franklin, Pickaway, Hocking, Vinton, Jackson, and Lawrence Counties, those in North Carolina on and east of U.S. Highway 21, and the District of Columbia, to points in Nebraska; (6) from points in Maryland, New Jersey, New York, Pennsylvania, those in Ohio in and east of Defiance, Putnam, Allen, Harding, Union, Delaware, Licking, Perry, Morgan, and Washington Counties, (those in Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 25)*; and the District of Columbia, to points in Kansas; (7) from points in Maryland, New Jersey, New York, Pennsylvania, those in Michigan on and east of U.S. Highway 23 and on and south of Michigan Highway 25, those in Ohio in and north of Paulding, Putnam, Allen, Hardin, Marion, Delaware, Licking, Perry, Morgan, and Washington, and the District of Columbia, to points in Oklahoma; (8) from points in Maryland, New Jersey, New York, Pennsylvania, those in the Lower Peninsula of Michigan, those in Ohio in and north of Paulding, Putnam, Allen, Hardin, Marion, Delaware, Licking, Perry, Morgan, and Washington Counties, and the District of Columbia, to points in Texas; and (9) from points in Maryland, New Jersey, New York, North Carolina, Pennsylvania, West Virginia, those in Ohio in and east of Lucas, Wood, Hancock, Hardin, Union, Madison, Fayette, Ross, Pike, and Scioto Counties, and the District of Columbia, to points in Wisconsin (Toledo, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 35358 (Sub-No. E41), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER June 13, 1975. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 MacAlaster Drive, NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First Nat'l Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle,

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over irregular routes, transporting: *Caskets*, from points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line and extending along Interstate Highway 90 to junction Interstate Highway 94, thence along Interstate Highway 94 to Lake Michigan, to points in Montana, North Dakota, and points in South Dakota on and north of a line beginning at the South Dakota-Minnesota State line and extending along U.S. Highway 14 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn. The purpose of this correction is to correct the origin territory.

No. MC 35359 (Sub-No. E63), (Correction), filed February 27, 1975, published in the FEDERAL REGISTER June 18, 1975. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 MacAlaster Drive, NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First Nat'l Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) Phonograph and tape players and recorders, radio and television receivers, and accessories of the named commodities, all uncrated, from points in New York, New Jersey, and Pennsylvania to points in Washington, Oregon, California, Idaho, Nevada, Arizona, Utah, Wyoming, points in Colorado on and west of U.S. Highway 25 and points in Minnesota (except points east of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 63 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Minnesota-Iowa State line, not including points in the Commercial Zones of Rochester and Austin, Minn.); and (C) *Phonograph and tape players and recorders, radio and television receivers and accessories* of the named commodities, from points in New York, Pennsylvania, and New Jersey to points in North Dakota, South Dakota, and Montana. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn. The purpose of this partial correction is to: in (A) above, to correct the destination points, and to include (C) above. The remainder of this letter-notice remains as previously published.

No. MC 45736 (Sub-E18), filed June 3, 1974. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, Suite 1032, 13th and Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, from Detroit, Mich., (1) (A) to points in North Carolina within 125 miles of Concord, N.C., which are on and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 258 to junction U.S. Highway 158, to junction U.S. Highway 64, to junction U.S. Highway 221 to the North Carolina-South Carolina State line; (B) to points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 29 to the South Carolina-Georgia State line; (C) to points in Georgia within 225 miles of Concord, N.C., which are on and east of U.S. Highway 29 (Concord, N.C.)*; (2) to Savannah, Ga. (Concord, N.C. and Sumter County, S.C.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 52565 (Sub-No. E1), filed June 4, 1974. Applicant: MYERS TRANSFER & STORAGE COMPANY, 418 Third Ave., Huntington, W. Va. 25701. Applicant's representative: Bob E. Myers (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Household goods*, as defined by the Commission, (1) between points in the Lower Peninsula of Michigan on and east of Interstate Highway 75, on the one hand, and, on the other, points in Virginia on and south of Interstate Highway 64, and points in North Carolina, and points in Tennessee on and east of Interstate Highway 75 (Huntington, W. Va., and points in Gallia and/or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*); (2) between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Virginia on and south of Interstate Highway 64, and points in North Carolina (Huntington, W. Va., and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*); (3) between points in Indiana on and north of Interstate Highway 70, on the one hand, and, on the other, points in Virginia on, east and south of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 21 to the West Virginia-Virginia State line, thence along the West Virginia-Virginia State line extending along Interstate Highway 64 to the Atlantic Ocean, and points in North Carolina on and east of U.S. Highway 21 (Huntington, W. Va., and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*).

(4) Between points in Indiana on and south of Interstate Highway 70, on the one hand, and, on the other, points in New Jersey, Pennsylvania on and east of Interstate Highway 81, New York, N.Y., Maryland on and east of Interstate Highway 81, points in Virginia on and east of Interstate Highway 77, points in North Carolina on and east of Interstate Highway 77, and the District of Columbia (Huntington, W. Va., and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio; (5) between points in Indiana on, north and east of a line beginning at the Ohio-Indiana State line extending along Interstate Highway 70 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Indiana-Illinois State line, on the one hand, and, on the other, points in South Carolina, Georgia on and east of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 25 to the Atlantic Ocean, and points in Florida on and south of Interstate Highway 4 (Cabell or Wayne Counties, W. Va., or Boyd County, Ky., or Lawrence County, Ohio*); (6) between points in Indiana on and south of Interstate Highway 70 and on and north of U.S. Highway 50, on the one hand, and, on the other, points in South Carolina on and east of U.S. Highway 321 (Cabell or Wayne Counties, W. Va., or Boyd County, Ky., or Lawrence County, Ohio*); (7) between points in Pennsylvania on and east of Interstate Highway 81, on the one hand, and, on the other, points in Tennessee on and west of Interstate Highway 75 (points in Huntington, W. Va., commercial zone in Ohio, and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*); (8) between points in Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Georgia and Florida (Cabell or Wayne Counties, W. Va., or Boyd County, Ky., or Lawrence County, Ohio*).

(9) Between points in New York on and east of Interstate Highway 87, on the one hand, and, on the other, points in Georgia on, north and west of a line beginning at the Georgia-North Carolina State line extending along U.S. Highway 19 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-Alabama State line, points in Florida on and west of a line beginning at the Florida-Georgia State line extending along Interstate Highway 75 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction U.S. Highway 1, thence along U.S. Highway 1 to Key West (points in the Huntington, W. Va., commercial zone which are within 125 miles of Mansfield, Ohio*); (10) between points in New York on, west and north of New York Highway 7, on the one hand, and, on the other, points in Florida, and points in Georgia on and west of Interstate Highway 75 (Cabell or Wayne Counties, W. Va., or Boyd County, Ky., or Lawrence County, Ohio*); (11) between points in Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., points in New Jersey, points in Pennsylvania on, south and east of a line beginning at the New Jersey-Pennsylvania State line extending along Interstate Highway 78 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-Maryland State line, points in Maryland on and east of Interstate Highway 81, and points in the District of Columbia, Virginia and North Carolina (Huntington, W. Va., and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*).

(12) Between points in Illinois on and south of Interstate Highway 80 and on and north of Interstate Highway 70, on the one hand, and, on the other, points in New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., points in New Jersey, points in Pennsylvania on, south and east of a line beginning at the Pennsylvania-New Jersey State line extending along Interstate Highway 78 to junction Interstate Highway 81, thence along Interstate Highway 80 to the Pennsylvania-Maryland State line, points in Maryland on and east of Interstate Highway 81, points in the District of Columbia, points in Virginia on and east of U.S. Highway 21, and points in North Carolina on and east of U.S. Highway 21 (Huntington, W. Va., commercial zone in Ohio and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*); (13) between points in Illinois on and south of Interstate Highway 70, on the one hand, and, on the other, points in New Jersey, points in the District of Columbia, points in New York on and east of Interstate Highway 81, points in Pennsylvania on and east of Interstate Highway 81, points in Maryland on and east of Interstate Highway 81, points in Virginia on and east of Interstate Highway 81, and points in North Carolina on and east of U.S. Highway 220 (points in Huntington, W. Va., commercial zone in Ohio, and points in Gallia or Scioto Counties, Ohio, within 125 miles of Mansfield, Ohio*); (14) between points in Illinois on and south of Interstate Highway 70, and on and north of U.S. Highway 50, on the one hand, and, on the other, points in South Carolina on and east of Interstate Highway 95 (Cabell or Wayne Counties, W. Va., or Boyd County, Ky., or Lawrence County, Ohio*).

(B) *Uncrated new furniture, and uncrated new household, office, and store appliances and equipment*, (1) from points in Virginia on and north of Interstate Highway 64, to points in Ohio on and south of U.S. Highway 52 (Huntington, W. Va.*); (2) from points in Virginia within an area bounded by a line beginning at the West Virginia-Virgina State line extending along U.S. Highway 60 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to junction U.S. Highway 21, thence along U.S. Highway 21 to the West Virginia-Virginia State line, to points in Ohio on, north and west of Interstate Highway 71 (Huntington, W. Va.*); (3) from points in North Carolina on and east of U.S. Highway 1, to points in Ohio on and west of Interstate Highway 75 (Huntington, W. Va.*); (4) from points in North Carolina on and west of U.S. Highway 21, to points in Ohio on and north of Interstate Highway 70 and points in Pennsylvania on and west of U.S. Highway 19 (Huntington, W. Va.*); (5) from points in North Carolina on and east of U.S. Highway 21 and on and west of U.S. Highway 1, to points in Ohio on and west of Interstate Highway 77 (Huntington, W. Va.*); (6) from points in Illinois on and south of Interstate Highway 70 and on and north of U.S. Highway 50, to points in Pennsylvania on and east of Interstate Highway 81, points in Virginia on and east of Interstate Highway 81, and points in North Carolina on and east of U.S. Highway 220 (Huntington, W. Va.*).

(7) From points in Illinois on and south of Interstate Highway 80 and on and north of Interstate Highway 70, to points in Pennsylvania on, south and east of a line beginning at the Pennsylvania-New Jersey State line extending along Interstate Highway 78 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-Maryland State line, points in Virginia on and east of U.S. Highway 21 and points in North Carolina on and east of U.S. Highway 21 (Huntington, W. Va.*); (8) from points in Illinois on and north of Interstate Highway 80 to points in Pennsylvania beginning at the New Jersey-Pennsylvania State line extending along Interstate Highway 78 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-Maryland State line, and points in Virginia and North Carolina (Huntington, W. Va.*); (9) from points in New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., to points in Ohio on, south and west of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 23 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Indiana State line, points in Tennessee on and west of Interstate Highway 75, and points in Kentucky (Huntington, W. Va.*); (10) from points in Indiana on and south of U.S. Highway 30 and on and north of Interstate Highway 70, to points in Virginia on and east of U.S. Highway 220 and points in North Carolina on and east of U.S. Highway 21 (Huntington, W. Va.*).

(11) From points in Indiana on and north of U.S. Highway 30, to points in Virginia on and south of Interstate Highway 64, and points in North Carolina on and east of U.S. Highway 21 (Huntington, W. Va.*); (12) from points in the Lower Peninsula of Michigan on and west of a line beginning at the Michigan-Indiana State line extending along Interstate Highway 69 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to Mackinaw City, to points in Virginia on and south of Interstate Highway 64, and points in North Carolina (Huntington, W. Va.*); (13) from points in Maryland on and east of Interstate Highway 81 to points in Ohio on and south of U.S. Highway 52, points in Tennessee on and west of Interstate Highway 65, and points in Kentucky (Huntington, W. Va.*); (14) from points in Pennsylvania on and south of Interstate Highway 76 to points in Kentucky on and south of Interstate Highway 64, and points in Tennessee on and west of U.S. Highway 27 (Huntington, W. Va.*); and (15) from points in Ohio, on and east of a line beginning at the West Virginia-Ohio State line extending along Interstate Highway 77 to Akron, thence along Ohio Highway 91 to Lake Erie, to points in Kentucky south and east of a line beginning at the West Virginia-Kentucky State line extending along Interstate Highway 64 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line, and points in Tennessee on and east of Interstate Highway 75 (Huntington, W. Va.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 52657 (Sub-No. E25), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 3, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, between points in Oklahoma, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina (except that portion southwest of a line beginning at the Virginia-North Carolina State line near Gatewood, N.C., extending along North Carolina Highway 86 to junction U.S. Highway 70, thence along U.S. Highway 70 to Cherry Point, N.C., Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin (except that portion north and west, * * *. The purpose of this filing is to eliminate the gateway of Matoon, Ill. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 52657 (Sub-No. E36) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 3, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies;* (2) between points in Washington, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana (except that part north and west of a line beginning at the Arkansas State line and Louisiana Highway 159 near Shongaloo, La., thence along Louisiana Highway 159 to junction Louisiana Highway 7, thence along Louisiana Highway 7 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi River near Logansport, La.), Mississippi, Missouri (except that part west of a line beginning at the Illinois State line and U.S. Highway 36 near Hannibal, Mo., extending along U.S. Highway 36 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri Highway 28, thence along Missouri Highway 28 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 95, thence along Missouri Highway 95 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Arkansas State line near Gainesville, Mo.), South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateways of Matoon, Ill. The purpose of this partial cor-

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rection is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 52657 (Sub-No. E41) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 8, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies;* (1) between points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia (except that portion south of a line beginning at the West Virginia-Virginia State line near Rawley Springs, Va., thence along U.S. Highway 33 to junction U.S. Highway 60, thence along U.S. Highway 60 to Williamsburg, Va.), West Virginia. The purpose of this filing is to eliminate the gateway of Matoon, Ill. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 52861 (Sub-E25), filed May 22, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Berry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, between points in Ohio south of U.S. Highway 24, on the one hand, and, on the other, those points in Monroe, Washtenaw, and Wayne Counties, Mich., within 40 miles of Monroe, Mich, restricted against the transportation of the above commodities from the facilities of the Electro-Metallurgical Company (Division of Union Carbide and Carbon Corporation) near Marietta, Ohio, to those points in Monroe, Washtenaw, and Wayne Counties, Mich., within 40 miles of Monroe, Mich. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 52861 (Sub-E26), filed May 22, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Beery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recarbonizing coke*, in bulk, from those points in Wayne County, Mich., within 40 miles of Monroe, Mich., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 52861 (Sub-E27), filed May 22, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Berry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro Alloys*, in bulk, in dump vehicles, between those points in Wayne and Monroe Counties, Mich., within 40 miles of Monroe, Mich., on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 52932 (Sub-No. E1), filed May 16, 1974. Applicant: NORTH PENN TRANSFER, INC., Route 63 and 202, P.O. Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in that part of New Jersey north of U.S. Highway 1 (except Phillipsburg, N.J., and points on U.S. Highway 202 between the New Jersey-Pennsylvania State line and junction U.S. Highway 22, and points on U.S. Highway 22 between junction U.S. Highway 202 and U.S. Highway 1), on the one hand, and, on the other, points in that part of New Jersey on and west of New Jersey Highway 47, (2) between points in that part of New Jersey on, north and west of a line beginning at the New Jersey-Pennsylvania State line extending along U.S. Highway 22 to junction Interstate Highway 287, thence along Interstate Highway 287 to the New York-New Jersey State line (except Phillipsburg, N.J.), on the one hand, and, on the other, points in that part of New Jersey on and south of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of points in Pennsylvania within 10 miles of Lansdale, Pa. (not including Norristown, Pa.), that are in the Philadelphia, Pa., commercial zone.

No. MC 59393 (Sub-No. E4), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line extending along Arkansas Highway 8 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Tennessee State line, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., and points in Delta, Fannier, Laviar or Red River Counties, Tex.

No. MC 59393 (Sub-No. E5), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas (except points in Baxter, Benton, Boone, Carrol, Conway, Crawford, Franklin, Fulton, Izard, Logan, Madison, Marion, Searcy, Stone, Johnson, Van Buren, and Washington Counties), on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Delta, Fannin, Laviar or Red River Counties, Tex., and points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E6), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and north of Interstate Highway 40, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E7), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and south of Interstate Highway 40 (except points in Little River, Miller, Lafayette, Columbia, and Union Counties), on the one hand, and, on the other, points in Texas in and west of Wichita, Archer, Throckmorton, Shackelford, Callahan, Brown, McCulloch, Menard, Kimble, Real, Uvalde, and Maverick Counties. The purpose of this filing is to eliminate the gateway of points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E8), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., or those within 20 miles of Hobart, Okla., and Delta, Fannin, Laviar, or Red River Counties, Tex.

No. MC 59393 (Sub-No. E9), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., Delta, Fannin, Laviar, or Red River Counties, Tex., and Bradley County, Tex.

No. MC 59393 (Sub-No. E10), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado on and west of Interstate Highway 25, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., and Delta, Fannin, Laviar, or Red River Counties, Tex., and Bradley County, Ark.

No. MC 59393 (Sub-No. E11), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado (except Baca County), on the one hand, and, on the other, points in Texas on and south of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa or Tillman Counties, Okla.

No. MC 59393 (Sub-No. E12), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in New Mexico (except those in Lea and Eddy Counties). The purpose of this filing is to eliminate the gateway of points in Delta, Fannin, Laviar, or Red River Counties, Tex., and points within 50 miles of Kiowa or Tillman Counties, Okla.

No. MC 59393 (Sub-No. E13), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in Tillman, Jackson, Kiowa, Wichita, Custer, Dewey, Major, and Alfalfa Counties, Okla. The purpose of this filing is to eliminate the gateway of points in Delta, Fannin, Laviar, or Red River Counties, Tex., and those within 50 miles of Tillman County, Okla., or within 20 miles of Hobart, Okla.

No. MC 59393 (Sub-No. E14), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Bradley County, Ark., Delta, Fannin, Laviar, or Red River Counties, Tex., and those points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E15), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., Delta, Fannin, Laviar, Red River Counties, Tex., and Bradley County, Ark.

No. MC 60014 (Sub-E118) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER July 9, 1975. Applicant: AERO TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, which by reason of size or weight require the use of special equipment, from points in Pennsylvania, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Wheeling, W. Va. The purpose of this correction is to indicate Mississippi as a destination State. The remainder of the letter-notice remains as previously published.

No. MC 61231 (Sub-E33), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: Wm. L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, (1) from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota border, thence over U.S. Highway 169 to Iowa Highway 175, to U.S. Highway 69, to junction Iowa Highway 163, to U.S. Highway 63, to U.S. Highway 34, to U.S. Highway 61, to Ft. Madison, thence over Iowa Highway 2 to the Mississippi River; to points in that part of Nebraska on and north and west of a line beginning at the Nebraska-Iowa Border, thence over Nebraska Highway 51 to U.S. Highway 275, to U.S. Highway 81, to Nebraska Highway 91, to Nebraska Highway 2, to U.S. Highway 83, to the Nebraska-Kansas State line. (2) from points in that part of Iowa on, north and east of a line beginning at the Illinois-Iowa State line thence, along U.S. Highway 30 to U.S. Highway 14 to junction U.S. Highway 218, to the Iowa-Minnesota Border; to points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line, thence over Nebraska Highway 91 to U.S. Highway 77, to U.S. Highway 30, to U.S. Highway 283, to the Kansas-Nebraska State line. (3) from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota border, thence over U.S. Highway 169 to Iowa Highway 175, to U.S. Highway 63, to Iowa Highway 8, to U.S. Highway 218, to U.S. Highway 30, to the Mississippi River, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 61231 (Sub-E52), filed June 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, (1) from points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota border, thence over Minnesota Highway 86 to junction Minnesota Highway 60, to junction U.S. Highway 71, to junction U.S. Highway 212, to junction U.S. Highway 59, to the United States-Canada International Boundary line. (2) from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence over U.S. Highway 71 to junction Interstate Highway 80, to junction Iowa Highway 25, to junction U.S. Highway 34, to junction U.S. Highway 169, to the Iowa-Missouri State line, to points in Colorado. (3)(a)(1) From points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 136 to junction Illinois Highway 121, to junction Interstate Highway 70, to the Illinois-Indiana State line, to points in Colorado. (3)(a)(2) From points in that part of Illinois on, north, and east of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 36, to junction Illinois Highway 104, to junction Illinois Highway 4, to junction U.S. Highway 50 to the Illinois-Indiana State line, to points in that part of Colorado on and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 50, to junction U.S. Highway 350, to junction Interstate Highway 25, to the Colorado-New Mexico State line. (3)(b) From points in Illinois south and west of a line beginning at the Illinois-Iowa State line, thence over U.S. Highway 36 to junction Illinois Highway 104, to junction Illinois Highway 4, to junction U.S. Highway 50, to the Illinois-Indiana State line, to points in that part of Colorado, on, north, and west of a line

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beginning at the Kansas-Colorado State line, thence over U.S. Highway 36 to junction Colorado Highway 71, to junction U.S. Highway 24, to junction Interstate Highway 25, to junction U.S. Highway 160, to junction U.S. Highway 550, to the Colorado-New Mexico State line. Restriction: The operations authorized in (2) above are restricted against the transportation of shipments originating at the plantsite of United States Gypsum Company at Fort Dodge, Iowa. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa or Des Moines, Iowa.

No. MC 61825 (Sub-E122), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and south of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 16 to junction U.S. Highway 58, thence east along U.S. 58 to junction U.S. Highway 221, thence east along U.S. Highway 221 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 20, thence east along Virginia Highway 20 to junction Virginia Highway 613, thence southeast along Virginia Highway 613 to junction Virginia Highway 208, thence east along Virginia Highway 208 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 17 Bypass, thence east along U.S. Highway 17 Bypass to junction U.S. Highway 17, thence east along U.S. Highway 17 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Rappahannock River, thence south along the Rappahannock River to junction U.S. Highway 360, thence east along U.S. Highway 360 to junction Virginia Highway 203, thence east along Virginia Highway 203 to Kinsale, thence to the Potomac River, thence east along the Potomac River to the Chesapeake Bay, thence east across the Chesapeake Bay to the Maryland-Virginia State line, and thence along the Maryland-Virginia State line to the Atlantic Ocean to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E123), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending southeast along Virginia Highway 311 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 20, thence east along Virginia Highway 20 to junction Virginia Highway 613, thence southeast along Virginia Highway 613 to junction Virginia Highway 208, thence east along Virginia Highway 208 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 17 Bypass, thence east along U.S. Highway 17 Bypass to junction U.S. Highway 17, thence east along U.S. Highway 17 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Rappahannock River, thence south along the Rappahannock River to junction U.S. Highway 360, thence east along U.S. Highway 360 to junction Virginia Highway 203, thence east along Virginia Highway 203 to Kinsale, thence to the Potomac River, thence northwest along the Potomac River to junction Virginia Highway 630 near Brooke, thence west along Virginia Highway 630 to junction Virginia Highway 616, thence north along Virginia Highway 616 to junction Virginia Highway 28, thence southwest along Virginia Highway 28 to junction U.S. Highway 29, thence southwest along U.S. Highway 29 to junction U.S. Highway 522, thence northwest along U.S. Highway 522 to junction U.S. Highway 211, thence west along U.S. Highway 211 to junction U.S. Highway 11, thence southwest along U.S. Highway 11 to the Shenandoah-Rockingham County line to the Virginia-West Virginia State line, thence southwest along the Virginia-West Virginia State line to the Highland-Augusta County line, thence southwest along the Highland-Augusta County line to the Highland-Bath County line, thence west along the Highland-Bath County line to the Virginia-West Virginia State line, and thence southwest along the Virginia-West Virginia State line to point of beginning, to points in Wisconsin on and northwest of a line beginning at the Minnesota-Wisconsin State line and extending east along U.S. Highway 16 to junction Wisconsin Highway 27, thence north along Wisconsin Highway 27 to junction Wisconsin Highway 95, thence northeast along Wisconsin Highway 95 to Highway 73, thence north along Wisconsin Highway 73 to Highway 10, thence east along 10 to junction Wisconsin Highway 13, thence north along Wisconsin Highway 13 to junction Wisconsin Highway 97, thence north along Wisconsin Highway 97 to junction Wisconsin Highway 29, thence east along Wisconsin Highway 29 to junction Wisconsin Highway 52, thence northeast along Wisconsin Highway 52 to junction Wisconsin Highway 32, thence north along Wisconsin Highway 32 to junction U.S. Highway 8 and thence northeast along U.S. Highway 8 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E124), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 460 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction Virginia Highway 311, thence northwest along Virginia Highway 311 to the Virginia-West Virginia State line thence southwest along the Virginia-West Virginia State line to point of beginning to points in Wisconsin on and northwest of a line beginning at the Minnesota-Wisconsin State line and extending east along U.S. Highway 12 to junction Wisconsin Highway 29, thence east along Wisconsin Highway 29 to junction U.S. Highway 53, thence north along U.S. Highway 53 to junction Wisconsin Highway 178, thence northeast along Wisconsin Highway 178 to junction Wisconsin Highway 64, thence east along Wisconsin Highway 64 to junction Wisconsin Highway 27, thence north along Wisconsin Highway 27 to junction U.S. Highway 8, thence east along U.S. Highway 8 to junction Wisconsin Highway 17, thence north along Wisconsin Highway 17 to junction Wisconsin Highway 70, thence east along Wisconsin Highway 70 to junction Wisconsin Highway 139, and thence north along Wisconsin Highway 139 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E125), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and south of a line beginning at the North Carolina-Virginia State line and extending northeast along U.S. Highway 221 to junction Virginia Highway 94, thence north along Virginia Highway 94 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 460, thence north along U.S. Highway 460 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 658, thence northeast along Virginia Highway 658 to junction Virginia Highway 611, thence northeast along Virginia Highway 611 to junction Virginia Highway 617, thence northeast along Virginia Highway 617 to junction Virginia Highway 616, thence northeast along Virginia Highway 616 to junction U.S. Highway 60 at Clifton Forge, Va., thence east along U.S. Highway 60 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 257, thence south along Virginia Highway 257 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Virginia Highway 256, thence

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rection is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 52657 (Sub-No. E41) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 8, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies;* (1) between points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia (except that portion south of a line beginning at the West Virginia-Virginia State line near Rawley Springs, Va., thence along U.S. Highway 33 to junction U.S. Highway 60, thence along U.S. Highway 60 to Williamsburg, Va.), West Virginia. The purpose of this filing is to eliminate the gateway of Matoon, Ill. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 52861 (Sub-E25), filed May 22, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Berry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, in bulk, in dump vehicles, between points in Ohio south of U.S. Highway 24, on the one hand, and, on the other, those points in Monroe, Washtenaw, and Wayne Counties, Mich., within 40 miles of Monroe, Mich, restricted against the transportation of the above commodities from the facilities of the Electro-Metallurgical Company (Division of Union Carbide and Carbon Corporation) near Marietta, Ohio, to those points in Monroe, Washtenaw, and Wayne Counties, Mich., within 40 miles of Monroe, Mich. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 52861 (Sub-E26), filed May 22, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Beery (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recarbonizing coke*, in bulk, from those points in Wayne County, Mich., within 40 miles of Monroe, Mich., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 52861 (Sub-E27), filed May 22, 1974. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland, Ohio 44113. Applicant's representative: Paul F. Berry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro Alloys*, in bulk, in dump vehicles, between those points in Wayne and Monroe Counties, Mich., within 40 miles of Monroe, Mich., on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 52932 (Sub-No. E1), filed May 16, 1974. Applicant: NORTH PENN TRANSFER, INC., Route 63 and 202, P.O. Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in that part of New Jersey north of U.S. Highway 1 (except Phillipsburg, N.J., and points on U.S. Highway 202 between the New Jersey-Pennsylvania State line and junction U.S. Highway 22, and points on U.S. Highway 22 between junction U.S. Highway 202 and U.S. Highway 1), on the one hand, and, on the other, points in that part of New Jersey on and west of New Jersey Highway 47, (2) between points in that part of New Jersey on, north and west of a line beginning at the New Jersey-Pennsylvania State line extending along U.S. Highway 22 to junction Interstate Highway 287, thence along Interstate Highway 287 to the New York-New Jersey State line (except Phillipsburg, N.J.), on the one hand, and, on the other, points in that part of New Jersey on and south of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of points in Pennsylvania within 10 miles of Lansdale, Pa. (not including Norristown, Pa.), that are in the Philadelphia, Pa., commercial zone.

No. MC 59393 (Sub-No. E4), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line extending along Arkansas Highway 8 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Tennessee State line, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., and points in Delta, Fannier, Laviar or Red River Counties, Tex.

No. MC 59393 (Sub-No. E5), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas (except points in Baxter, Benton, Boone, Carrol, Conway, Crawford, Franklin, Fulton, Izard, Logan, Madison, Marion, Searcy, Stone, Johnson, Van Buren, and Washington Counties), on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Delta, Fannin, Laviar or Red River Counties, Tex., and points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E6), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and north of Interstate Highway 40, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E7), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas on and south of Interstate Highway 40 (except points in Little River, Miller, Lafayette, Columbia, and Union Counties), on the one hand, and, on the other, points in Texas in and west of Wichita, Archer, Throckmorton, Shackelford, Callahan, Brown, McCulloch, Menard, Kimble, Real, Uvalde, and Maverick Counties. The purpose of this filing is to eliminate the gateway of points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E8), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa or Tillman Counties, Okla.

No. MC 59393 (Sub-No. E9), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in Tillman, Jackson, Kiowa, Wichita, Custer, Dewey, Major, and Alfalfa Counties, Okla. The purpose of this filing is to eliminate the gateway of points in Delta, Fannin, Laviar, or Red River Counties, Tex., and those within 50 miles of Tillman County, Okla., or within 20 miles of Hobart, Okla.

No. MC 59393 (Sub-No. E10), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado on and west of Interstate Highway 25, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., and Delta, Fannin, Laviar, or Red River Counties, Tex., and Bradley County, Ark.

No. MC 59393 (Sub-No. E11), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado (except Baca County), on the one hand, and, on the other, points in Texas on and south of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to junction U.S. Highway 83, thence along U.S. Highway 83 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa or Tillman Counties, Okla.

No. MC 59393 (Sub-No. E12), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in New Mexico (except those in Lea and Eddy Counties). The purpose of this filing is to eliminate the gateway of points in Delta, Fannin, Laviar, or Red River Counties, Tex., and points within 50 miles of Kiowa or Tillman Counties, Okla.

No. MC 59393 (Sub-No. E13), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in Tillman, Jackson, Kiowa, Wichita, Custer, Dewey, Major, and Alfalfa Counties, Okla. The purpose of this filing is to eliminate the gateway of points in Delta, Fannin, Laviar, or Red River Counties, Tex., and those within 50 miles of Tillman County, Okla., or within 20 miles of Hobart, Okla.

No. MC 59393 (Sub-No. E14), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Bradley County, Ark., Delta, Fannin, Laviar, or Red River Counties, Tex., and those points within 50 miles of Tillman or Kiowa Counties, Okla.

No. MC 59393 (Sub-No. E15), filed June 5, 1974. Applicant: BESTWAY VAN LINES, Lawton, Okla. Applicant's representative: E. K. Willis, Jr., P.O. Box 309, Lancaster, Tex. 75146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points within 50 miles of Kiowa County, Okla., Delta, Fannin, Laviar, Red River Counties, Tex., and Bradley County, Ark.

No. MC 60014 (Sub-E118) (Correction), filed June 4, 1974. Published in the FEDERAL REGISTER July 9, 1975. Applicant: AERO TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, which by reason of size or weight require the use of special equipment, from points in Pennsylvania, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Wheeling, W. Va. The purpose of this correction is to indicate Mississippi as a destination State. The remainder of the letter-notice remains as previously published.

No. MC 61231 (Sub-E33), filed May 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: Wm. L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, (1) from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota border, thence over U.S. Highway 169 to Iowa Highway 175, to U.S. Highway 69, to junction Iowa Highway 163, to U.S. Highway 63, to U.S. Highway 34, to U.S. Highway 61, to Ft. Madison, thence over Iowa Highway 2 to the Mississippi River; to points in that part of Nebraska on and north and west of a line beginning at the Nebraska-Iowa Border, thence over Nebraska Highway 51 to U.S. Highway 275, to U.S. Highway 81, to Nebraska Highway 91, to Nebraska Highway 2, to U.S Highway 83, to the Nebraska-Kansas State line. (2) from points in that part of Iowa on, north and east of a line beginning at the Illinois-Iowa State line thence, along U.S. Highway 30 to U.S. Highway 14 to junction U.S. Highway 218, to the Iowa-Minnesota Border; to points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line, thence over Nebraska Highway 91 to U.S. Highway 77, to U.S. Highway 30, to U.S. Highway 283, to the Kansas-Nebraska State line. (3) from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota border, thence over U.S. Highway 169 to Iowa Highway 175, to U.S. Highway 63, to Iowa Highway 8, to U.S. Highway 218, to U.S. Highway 30, to the Mississippi River, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 61231 (Sub-E52), filed June 15, 1974. Applicant: ACE LINES, INC., 4143 East 43rd St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, (1) from points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota border, thence over Minnesota Highway 86 to junction Minnesota Highway 60, to junction U.S. Highway 71, to junction U.S. Highway 212, to junction U.S. Highway 59, to the United States-Canada International Boundary line. (2) from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence over U.S. Highway 71 to junction Interstate Highway 80, to junction Iowa Highway 25, to junction U.S. Highway 34, to junction U.S. Highway 169, to the Iowa-Missouri State line, to points in Colorado. (3) (a) (1) From points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 136 to junction Illinois Highway 121, to junction Interstate Highway 70, to the Illinois-Indiana State line, to points in Colorado. (3) (a) (2) From points in that part of Illinois on, north, and east of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 36, to junction Illinois Highway 104, to junction Illinois Highway 4, to junction U.S. Highway 50 to the Illinois-Indiana State line, to points in that part of Colorado on and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 50, to junction U.S. Highway 350, to junction Interstate Highway 25, to the Colorado-New Mexico State line. (3) (b) From points in Illinois south and west of a line beginning at the Illinois-Iowa State line, thence over U.S. Highway 36 to junction Illinois Highway 104, to junction Illinois Highway 4, to junction U.S. Highway 50, to the Illinois-Indiana State line, to points in that part of Colorado, on, north, and west of a line

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beginning at the Kansas-Colorado State line, thence over U.S. Highway 36 to junction Colorado Highway 71, to junction U.S. Highway 24, to junction Interstate Highway 25, to junction U.S. Highway 160, to junction U.S. Highway 550, to the Colorado-New Mexico State line. Restriction: The operations authorized in (2) above are restricted against the transportation of shipments originating at the plantsite of United States Gypsum Company at Fort Dodge, Iowa. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa or Des Moines, Iowa.

No. MC 61825 (Sub-E122), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and south of a line beginning at the North Carolina-Virginia State line and extending along Virginia Highway 16 to junction U.S. Highway 58, thence east along U.S. 58 to junction U.S. Highway 221, thence east along U.S. Highway 221 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 20, thence east along Virginia Highway 20 to junction Virginia Highway 613, thence southeast along Virginia Highway 613 to junction Virginia Highway 208, thence east along Virginia Highway 208 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 17 Bypass, thence east along U.S. Highway 17 Bypass to junction U.S. Highway 17, thence east along U.S. Highway 17 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Rappahannock River, thence south along the Rappahannock River to junction U.S. Highway 360, thence east along U.S. Highway 360 to junction Virginia Highway 203, thence east along Virginia Highway 203 to Kinsale, thence to the Potomac River, thence east along the Potomac River to the Chesapeake Bay, thence east across the Chesapeake Bay to the Maryland-Virginia State line, and thence along the Maryland-Virginia State line to the Atlantic Ocean, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E123), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending southeast along Virginia Highway 311 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 250, thence east along U.S. Highway 250 to junction Virginia Highway 20, thence east along Virginia Highway 20 to junction Virginia Highway 613, thence southeast along Virginia Highway 613 to junction Virginia Highway 208, thence east along Virginia Highway 208 to junction Interstate Highway 95, thence south along Interstate Highway 95 to junction U.S. Highway 17 Bypass, thence east along U.S. Highway 17 Bypass to junction U.S. Highway 17, thence east along U.S. Highway 17 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Rappahannock River, thence south along the Rappahannock River to junction U.S. Highway 360, thence east along U.S. Highway 360 to junction Virginia Highway 203, thence east along Virginia Highway 203 to Kinsale, thence to the Potomac River, thence northwest along the Potomac River to junction Virginia Highway 630 near Brooke, thence west along Virginia Highway 630 to junction Virginia Highway 616, thence north along Virginia Highway 616 to junction Virginia Highway 28, thence southwest along Virginia Highway 28 to junction U.S. Highway 29, thence southwest along U.S. Highway 29 to junction U.S. Highway 522, thence northwest along U.S. Highway 522 to junction U.S. Highway 211, thence west along U.S. Highway 211 to junction U.S. Highway 11, thence southwest along U.S. Highway 11 to the Shenandoah-Rockingham County line to the Virginia-West Virginia State line, thence southwest along the Virginia-West Virginia State line to the Highland-Augusta County line, thence southwest along the Highland-Augusta County line to the Highland-Bath County line, thence west along the Highland-Bath County line to the Virginia-West Virginia State line, and thence southwest along the Virginia-West Virginia State line to point of beginning, to points in Wisconsin on and northwest of a line beginning at the Minnesota-Wisconsin State line and extending east along U.S. Highway 16 to junction Wisconsin Highway 27, thence north along Wisconsin Highway 27 to junction Wisconsin Highway 95, thence northeast along Wisconsin Highway 95 to junction Wisconsin Highway 73, thence north along Wisconsin Highway 73 to junction U.S. Highway 10, thence east along U.S. Highway 10 to junction Wisconsin Highway 13, thence north along Wisconsin Highway 13 to junction Wisconsin Highway 97, thence north along Wisconsin Highway 97 to junction Wisconsin Highway 29, thence east along Wisconsin Highway 29 to junction Wisconsin Highway 52, thence northeast along Wisconsin Highway 52 to junction Wisconsin Highway 32, thence north along Wisconsin Highway 32 to junction U.S. Highway 8 and thence northeast along U.S. Highway 8 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E124), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 460 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction Virginia Highway 311, thence northwest along Virginia Highway 311 to the Virginia-West Virginia State line thence southwest along the Virginia-West Virginia State line to point of beginning to points in Wisconsin on and northwest of a line beginning at the Minnesota-Wisconsin State line and extending east along U.S. Highway 12 to junction Wisconsin Highway 29, thence east along Wisconsin Highway 29 to junction U.S. Highway 53, thence north along U.S. Highway 53 to junction Wisconsin Highway 178, thence northeast along Wisconsin Highway 178 to junction Wisconsin Highway 64, thence east along Wisconsin Highway 64 to junction Wisconsin Highway 27, thence north along Wisconsin Highway 27 to junction U.S. Highway 8, thence east along U.S. Highway 8 to junction Wisconsin Highway 17, thence north along Wisconsin Highway 17 to junction Wisconsin Highway 70, thence east along Wisconsin Highway 70 to junction Wisconsin Highway 139, and thence north along Wisconsin Highway 139 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E125), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 460 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction Virginia Highway 311, thence northwest along Virginia Highway 311 to the Virginia-West Virginia State line thence southwest along the Virginia-West Virginia State line to point of beginning to points in Wisconsin on and northwest of a line beginning at the Minnesota-Wisconsin State line and extending east along U.S. Highway 12 to junction Wisconsin Highway 29, thence east along Wisconsin Highway 29 to junction U.S. Highway 53, thence north along U.S. Highway 53 to junction Wisconsin Highway 178, thence northeast along Wisconsin Highway 178 to junction Wisconsin Highway 64, thence east along Wisconsin Highway 64 to junction Wisconsin Highway 27, thence north along Wisconsin Highway 27 to junction U.S. Highway 8, thence east along U.S. Highway 8 to junction Wisconsin Highway 17, thence north along Wisconsin Highway 17 to junction Wisconsin Highway 70, thence east along Wisconsin Highway 70 to junction Wisconsin Highway 139, and thence north along Wisconsin Highway 139 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E126), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending southeast along Virginia Highway 311 to junction Virginia Highway 611, thence northeast along Virginia Highway 611, to junction Virginia Highway 617, thence northeast along Virginia Highway 617 to junction Virginia Highway 616, thence northeast along Virginia Highway 616 to junction U.S. Highway 60 at Clifton Forge, thence east along U.S. Highway 60 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 257, thence south along Virginia Highway 257 to junction U.S. Highway 11, thence south along U.S. Highway 11 to junction Virginia Highway 256, thence east along Virginia Highway 256 to junction U.S. Highway 340, thence north along U.S. Highway 340 to junction U.S. Highway 33, thence east along U.S. Highway 33 to junction Virginia Highway 230, thence northeast along Virginia Highway 230 to junction U.S. Highway 29, thence northeast along U.S. Highway 29 to junction Virginia Highway 3 to junction Virginia Highway 218, thence east along Virginia Highway 218 to junction U.S. Highway 301, thence north along U.S. Highway 301 to the Potomac River, thence southeast along the Potomac River to the Chesapeake Bay, thence east across the Chesapeake Bay to the Maryland-Virginia State line, thence east along the Maryland-Virginia State line to the Atlantic Ocean, to points in Iowa. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E127), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 460 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 460, thence north along U.S. Highway 460 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 658, thence northeast along Virginia Highway 658 to junction Virginia Highway 311, thence north along Virginia Highway 311 to junction Virginia Highway 18, thence northeast along Virginia Highway 18 to junction Virginia Highway 616, thence northeast along Virginia Highway 616 to junction U.S. Highway 60 at Clifton Forge, thence east along U.S. Highway 60 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction U.S. Highway 11 at Harrisonburg, thence northeast along U.S. Highway 11 to junction U.S. Highway 211, thence east along U.S. Highway 211 to junction Virginia Highway 236, thence east along Virginia Highway 236 to Alexandria, thence to the Potomac River, thence southeast along the Potomac River to the Chesapeake Bay, thence east across the Chesapeake Bay to the Maryland-Virginia State line, and thence east along the Maryland-Virginia State line to the Atlantic Ocean, to points in Missouri. The purpose of this is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E129), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in Virginia on and bounded by a line beginning at Pulaski, Va., and extending south along U.S. Highway 11 to junction Interstate Highway 81, thence east along Interstate Highway 81 to junction U.S. Highway 11 at Christiansburg, thence west along U.S. Highway 11 to point of beginning, to points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending south along the Des Moines River to the Mississippi River, thence south along the Mississippi River to junction U.S. Highway 50, thence west along U.S. Highway 50 to junction U.S. Highway 67, thence south along U.S. Highway 67 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E130), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in Virginia on and bounded by a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 460 to junction Virginia Highway 100, thence south along Virginia Highway 100 to junction U.S. Highway 11, thence east along U.S. Highway 11 to junction U.S. Highway 460, thence north along U.S. Highway 460, thence north along U.S. Highway 460 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 658, thence northeast along Virginia Highway 658 to junction Virginia Highway 311, thence north along Virginia Highway 311 to junction Virginia Highway 18, thence northeast along Virginia Highway 18 to junction Virginia Highway 616, thence northeast along Virginia Highway 616 to junction U.S. Highway 60 at Clifton Forge, thence east along U.S. Highway 60 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction U.S. Highway 11 at Harrisonburg, thence northeast along U.S. Highway 11 to junction U.S. Highway 211, thence east along U.S. Highway 211 to junction Virginia Highway 236, thence east along Virginia Highway 236 to Alexandria, thence to the Potomac River, thence southeast along the Potomac River to the Chesapeake Bay, thence east across the Chesapeake Bay to the Maryland-Virginia State line, and thence east along the Maryland-Virginia State line to the Atlantic Ocean, to points in Missouri. The purpose of this is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E128), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in Virginia on and south of a line beginning at the North Carolina-Virginia State line and extending north along Virginia Highway 89 to junction U.S. Highway 221, thence northeast along U.S. Highway 221 to junction Virginia Highway 100, thence north along Virginia Highway 100 to junction Virginia Highway 693, thence northeast along Virginia Highway 693 to junction U.S. Highway 11, thence east along U.S. Highway 11 to junction U.S. Highway 460, thence north along U.S. Highway 460 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction Virginia Highway 658, thence northeast along Virginia

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to junction Virginia Highway 18, thence northeast along Virginia Highway 18 to junction Virginia Highway 616, thence northeast along Virginia Highway 616 to junction U.S. Highway 60 at Clifton Forge, thence east along U.S. Highway 60 to junction Virginia Highway 42, thence northeast along Virginia Highway 42 to junction U.S. Highway 33 at Harrisonburg, Virginia, thence northwest along U.S. Highway 33 to the Virginia-West Virginia State line, thence southwest along the Virginia-West Virginia State line to point of beginning, to points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending south along U.S. Highway 69 to junction Missouri Highway 13, thence south along Missouri Highway 13 to junction U.S. Highway 50, thence east along U.S. Highway 50 to junction U.S. Highway 65, thence south along U.S. Highway 65 to junction Missouri Highway 38, Thence southeast along Missouri Highway 38 to junction Missouri Highway 95, thence south along Missouri Highway 95 to junction U.S. Highway 60, thence east along U.S. Highway 60 to junction U.S. Highway 63, thence south along U.S. Highway 63 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E131), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending east along U.S. Highway 33 to junction U.S. Highway 11, thence northeast along U.S. Highway 11 to junction U.S. Highway 211, thence east along U.S. Highway 211 to junction Virginia Highway 236, thence east along Virginia Highway 236 to Alexandria, and, thence to the Potomac River, to points in Missouri on and south of a line beginning at the Mississippi River and extending south along Missouri Highway 51 to junction Missouri Highway 72, thence west along Missouri Highway 72 to junction Missouri Highway 21, thence south along Missouri Highway 21 to junction Missouri Highway 106, thence west along Missouri Highway 106 to junction Missouri Highway 17, thence west along Missouri Highway 17 to junction U.S. Highway 63, thence south along U.S. Highway 63 to junction U.S. Highway 60, thence west along U.S. Highway 60 to junction U.S. Highway 160, thence north along U.S. Highway 160 to junction U.S. Highway 66, thence west along U.S. Highway 66 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-E132), filed May 13, 1975. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Products*, between points in Allegheny County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Ohio *except* points in Ashtabula, Columbiana, Geauga, Lake, Mahoning, Portage, and Trumbull Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E133), filed May 13, 1975. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel products*, between points in Greene County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Ohio except points in Athens, Belmont, Gallia, Guernsey, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Scioto, Vinton, and Washington Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E134), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Products*, between points in Fayette County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and on the other, points in Ohio except points in Belmont, Monroe, and Washington Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E135), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Products*, between, points in Washington County, Pa., on the one hand, and, on the other, points in Ohio except points in Belmont and Monroe Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E136), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Products*, between points in Beaver County, Pa., on the one hand, and, on the other, points in Ohio *except* points in Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Oberlin, Portage, Stark, Summit, Trumbull, and Wayne Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E137), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel Products*, between points in Lawrence County, Pa., on the one hand, and, on the other, points in Adams, Allen, Athens, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Meigs, Mercer, Miami, Morgan, Montgomery, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Van Wert, Vinton, and Warren Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-E138), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* between Johnson City, Tenn., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at the Mexico-United States international boundary line at New Mexico Highway 11 and extending northwest to junction U.S. Highway 180, thence northwest along U.S. Highway 180 to junction N. Mexico Highway 61, thence north along N. Mexico Highway 61 to junction New Mexico Highway 32, thence north along New Mexico Highway 32 to junction U.S. Highway 66, thence east along U.S. Highway 66 to junction N. Mexico Highway 57, thence north along N. Mexico Highway 57 to junction New Mexico Highway 17, thence east along New Mexico Highway 17 to junction U.S. Highway 84, thence north along U.S. Highway 84 to the New Mexico-Colorado State line, thence north along U.S. Highway 84 to junction U.S. Highway 160, thence east along U.S. Highway 160 to junction Colorado Highway 112, thence east along Colorado Highway 112 to junction U.S. Highway 285, thence north along U.S. Highway 285 to junction Colorado Highway 9, thence northeast along Colorado Highway 9 to junction Interstate Highway 70, thence east along Interstate Highway 70 to junction U.S. Highway 40, thence north along U.S. Highway 40 to junction Colorado Highway 125, thence northwest along Colorado Highway 125 to junction Colorado Highway 14, thence east along Colorado Highway 14 to junction U.S. Highway 87, thence north along U.S. Highway 87 to the Colorado-Wyoming State line, thence north along U.S. Highway 87 to junction U.S. Highway 85, thence north along U.S. Highway 85 to junction U.S. Highway 18, thence east along U.S. Highway 18 to the Wyoming-South Dakota State line, thence east along U.S. Highway 18 to junction South Dakota Highway 79, thence north along South Dakota Highway 79 to junction U.S. Highway 212, thence northeast along U.S. Highway 212 to junction South Dakota Highway 73, thence north along South Dakota Highway 73 to junction U.S. Highway 12, thence east along U.S. Highway 12 to the North Dakota-South Dakota State line to junction North Dakota Highway 49, thence north along North Dakota Highway 49 to junction North Dakota Highway 200, thence northeast along North Dakota Highway 200 to junction U.S. Highway 83, thence north along U.S. Highway 83 to the United States-Canadian International Boundary line. The purpose of this filing is to eliminate the gateways of Pulaski, Lynchburg, and points in Smyth County, Va.

No. MC 61825 (Sub-No. E495), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Butler County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Adams, Allen, Athens, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Drake, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Gallia, Greene, Hamilton, Hancock, Hardin, Henry, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Morgan, Morrow, Muskingum, Paulding, Perry, Pickaway, Pike, Putnam, Preble, Ross, Scioto, Shelby, Union, Van Wert, Vinton, Warren, Williams, and Wyandot Counties, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E496), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between those points in Westmoreland County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Ohio (except points in Ashtabula, Columbiana, Geauga, Lake, Mahoning, Portage, and Trumbull Counties, Ohio). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E497), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Boone, Brooke, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbriar, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, McDowell, Marshall, Mason, Mercer, Mingo, Monroe, Nicholas, Pleasants, Pocahontas, Putnam, Raleigh, Ritchie, Roane, Summers, Tyler, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E498), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Green County, Pa., on the one hand, and, on the other, points in Boone, Cabell, Jackson, Kanawha, Lincoln, Logan, McDowell, Marshall, Mercer, Mingo, Pleasants, Putnam, Raleigh, Roane, Tyler, Wayne, Wetzel, Wirt, Wood, and Wyoming. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E499), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Fayette County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, Boone, Brooke, Cabell, Hancock Jackson, Kanawha, Lincoln, Logan, Marshall, Mason, Mingo, Ohio, Pleasants, Putnam, Roane, Tyler, Wayne, Wetzel, Wirt, and Wood Counties W. Va. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E500), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Steunville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Washington County, Pa., on the one hand, and, on the other, points in Boone, Brooke, Cabell, Hancock, Jackson, Kanawha, Lincoln, Logan, Mason, Marshall, Mingo, Ohio, Pleasants, Putnam, Ritchie, Roane, Tyler, Wayne, Wetzel, Wirt, and Wood. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E501), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Beaver County, Pa., on the one hand, and, on the other, points in West Virginia (except Hancock and Mineral Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E502), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Lawrence County, Pa., on the one hand, and, on the other, points in West Virginia (except points in Hancock County). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E503), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Butler County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in West Virginia (except points in Berkeley, Grant, Hampshire, Hancock, Hardy, Jefferson, Marion, Mineral, Monongalia, Morgan, Preston, and Taylor Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E504), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Allegheny County, Pa., on the one hand, and, on the other, points in New York (except points in Allegany, Cattaragus, Chautauqua, Chemung, Erie, Steuben, Tioga, and Wyoming Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E505), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Greene County, Pa., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E506), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Fayette

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County, Pa., within 50 miles of Steubenville, Ohio, on the one hand, and, on the other, points in New York (except points in Allegany, Broome, Chemung, Delaware, Orange, Steuben, Sullivan, and Tioga Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E507), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Washington County, Pa., on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E508), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products*, between points in Beaver County, Pa., on the one hand, and, on the other, points in New York (except points in Allegany, Broome, Cattaragus, Chautauqua, Chemung, Erie, Genesee, Livingston, Niagara, Orleans, Steuben, Tompkins, Wyoming, and Yates Counties). The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E509), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Lawrence County, Pa., on the one hand, and, on the other, points in Albany, Bronx, Clinton, Columbia, Dutchess, Essex, Franklin, Fulton, Greene, Kings, Montgomery, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, St. Lawrence, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester Counties, N.Y. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 61825 (Sub-No. E527), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning on Lake Erie near Ashtabula, Ohio, thence along the Ashtabula River to junction Ohio Highway 46, thence along Ohio Highway 46 to junction Ohio Highway 5, thence along Ohio Highway 5 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 644, thence along Ohio Highway 644 to junction Ohio Highway 164, thence along Ohio Highway 164 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 149, thence along Ohio Highway 149 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 145, thence along Ohio Highway 145 to junction Ohio Highway 821, thence along Ohio Highway 821 to junction Ohio Highway 60, thence along Ohio Highway 60 to the Ohio River to points in Mississippi on and south of U.S. Highway 84. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E528), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio south and west of a line beginning near Van Wert, Ohio, thence along U.S. Highway 30 to junction Ohio Highway 66, thence along Ohio Highway 66 to junction Ohio Highway 197, thence along Ohio Highway 197 to junction Ohio Highway 198, thence along Ohio Highway 198 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Ohio Highway 235, thence along Ohio Highway 235 to junction Ohio Highway 29, thence along Ohio Highway 29 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River, to points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line near Savannah, Ga., thence along U.S. Highway 17 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 521, thence along U.S. Highway 521 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E529), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on, east, and north of a line beginning at the Indiana-Ohio State line near Van Wert, Ohio, thence along U.S. Highway 30 to junction Ohio Highway 66, thence along Ohio Highway 66 to junction Ohio Highway 197, thence along Ohio Highway 197 to junction Ohio Highway 198, thence along Ohio Highway 198 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Ohio Highway 235, thence along Ohio Highway 235 to junction Ohio Highway 29, thence along Ohio Highway 29 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River, to points in South Carolina on and east of a line beginning at the Georgia-South Carolina State line near Clark Hill Lake, S.C., thence along U.S. Highway 221 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction South Carolina Highway 67, thence along South Carolina Highway 67 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction South Carolina Highway 248, thence along South Carolina Highway 248 to junction South Carolina Highway 34, thence along South Carolina Highway 34 to junction South Carolina Highway 39, thence along South Carolina Highway 39 to junction South Carolina Highway 56, thence along South Carolina Highway 56 to junction South Carolina Highway 66, thence along South Carolina Highway 66 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction South Carolina Highway 215, thence along South Carolina Highway 215 to junction South Carolina Highway 419, thence along South Carolina Highway 419 to junction U.S. Highway 321, thence along U.S. Highway 321 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E530), filed May 13, 1974, Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on, east, and north of a line beginning on the Michigan-Ohio State line near Toledo, Ohio, thence along U.S. Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 19, thence along Ohio Highway 19 to junction Ohio Highway 162, thence along Ohio Highway 162 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 103, thence along Ohio Highway 103 to junction Ohio Highway 602, thence along Ohio Highway 602 to junction Ohio Highway 96, thence along Ohio Highway 96 to junction Ohio Highway 598, thence along Ohio Highway 598 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 314, thence along Ohio Highway 314 to junction Ohio Highway 97, thence along Ohio Highway 97 to junction Ohio Highway 546, thence along Ohio Highway 546 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 586, thence along Ohio Highway 586 to junction Ohio Highway 146, thence along Ohio Highway 146 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 339, thence along Ohio Highway 339 to the Ohio River to points in South Carolina on, east, and south of a line beginning at the Georgia-South Carolina State line near Clark Hill Lake, S.C., thence along U.S. Highway 221 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction South Carolina Highway 67, thence along South Carolina Highway 67 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction South Carolina Highway 248, thence along South Carolina Highway 248 to junction South Carolina Highway 34, thence along South Carolina Highway 34 to junction South Carolina Highway 39, thence along South Carolina Highway 39 to junction South Carolina Highway 56, thence along South Carolina Highway 56 to junction South Carolina Highway 66, thence along South Carolina Highway 66 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction South Carolina Highway 215, thence along South Carolina Highway 215 to junction South Carolina Highway 419, thence along South Carolina Highway 419 to junction U.S. Highway 321 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E531), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on, east, and north of a line beginning on the Michigan-Ohio State line near Toledo, Ohio, thence along U.S. Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 19, thence along Ohio Highway 19 to junction Ohio Highway 162, thence along Ohio Highway 162 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 103, thence along Ohio Highway 103 to junction Ohio Highway 602, thence along Ohio Highway 602 to junction Ohio Highway 96, thence along Ohio Highway 96 to junction Ohio Highway 598, thence along Ohio Highway 598 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 314, thence along Ohio Highway 314 to junction Ohio Highway 97, thence along Ohio Highway 97 to junction Ohio Highway 546, thence along Ohio Highway 546 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 586, thence along Ohio Highway 586 to junction Ohio Highway 146, thence along Ohio Highway 146 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 339, thence along Ohio Highway 339 to the Ohio River, to points in South Carolina on and east of U.S. Highway 29. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E532), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on, north, and east of a line beginning at the Indiana-Ohio State line near Union City, Ohio, thence along Ohio Highway 571 to junction Ohio Highway 49, thence along Ohio Highway 49 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 23, thence along U.S. Highway 23 to Ohio River and points located west of a line beginning on Lake Erie near Toledo, Ohio, thence along the Maumee River to Interstate Highway 75, thence along Interstate Highway 75 to junction Interstate Highway 80/90, thence along Interstate Highway 80/90 to junction Ohio Highway 420, thence along Ohio Highway 420 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 423, thence along Ohio Highway 423 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction Ohio Highway 327, thence along Ohio Highway 327 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 233, thence along Ohio Highway 233 to junction Ohio Highway 141, thence along Ohio Highway 141 to junction Ohio Highway 775, thence along Ohio Highway 775 to the Ohio River and points located west of a line beginning on Lake Erie near Lorain, Ohio, thence along Ohio Highway 57 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 301, thence along Ohio Highway 301 to junction Ohio Highway 302, thence along Ohio Highway 302 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River, to points in Georgia on, east, and south of a line beginning at the Florida-Georgia State line near Bainbridge, Ga., thence along the Flint River to Georgia Highway 37, thence along Georgia Highway 37 to junction Georgia Highway 91, thence along Georgia Highway 91 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Ohio Highway 257, thence along Ohio Highway 257 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 96, thence along Ohio Highway 96 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Ohio Highway 243, thence along Ohio Highway 243 to junction Ohio Highway 29, thence along Ohio Highway 29 to junction Ohio Highway 22, thence along Ohio Highway 22 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Ohio Highway 43, thence along Ohio Highway 43 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E533), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning on Lake Erie near Lorain, Ohio, thence along Ohio Highway 57 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 301, thence along U.S. Highway 301 to junction Ohio Highway 302, thence along Ohio Highway 302 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction Ohio Highway 35, thence along Ohio Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River and points located west of a line beginning at Lake Erie in Cleveland, Ohio, thence along the Cuyahoga River to junction Ohio Highway 8, thence along Ohio Highway 8 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line to points in Georgia on, east,

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and south of a line beginning at the Alabama-Georgia State line near Columbus, Ga., thence along U.S. Highway 27 to junction Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to junction Georgia Highway 36, thence along Georgia Highway 36 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E534), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning at Lake Erie in Cleveland, Ohio, thence along the Cuyahoga River to Ohio Highway 8, thence along Ohio Highway 8 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line to points in Georgia on, east, and south of a line beginning at the Alabama-Georgia State line near Roanoke, Ala., thence along Georgia Highway 34 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 76, thence along U.S. Highway 76 to the Chattooga River, thence along the Chattooga River to the Georgia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E535), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning at Lake Erie in Cleveland, Ohio, thence along the Cuyahoga River to Ohio Highway 8, thence along Ohio Highway 8 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line to points in Alabama on, east, and south of a line beginning at the Georgia-Alabama State line near Roanoke, Ala., thence along Alabama Highway 22 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway 50, thence along Alabama Highway 50 to junction Alabama Highway 229, thence along Alabama Highway 229 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 73, thence along Alabama Highway 73 to junction Alabama Highway 8, thence along Alabama Highway 8 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 225, thence along Alabama Highway 225 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Alabama Highway 70, thence along Alabama Highway 70 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E536), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and east of a line beginning at Lake Erie near Lorain, Ohio, thence along Ohio Highway 57 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 301, thence along Ohio Highway 301 to junction Ohio Highway 302, thence along Ohio Highway 302 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 35, thence along Ohio Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River, to points in Florida. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E538), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio east of a line beginning at Lake Erie near Toledo, Ohio, thence along the Maumee River to U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 72, thence along Ohio Highway 72 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio River and points located west of a line beginning on Lake Erie near Lorain, Ohio, thence along Ohio Highway 57 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 301, thence along Ohio Highway 301 to junction Ohio Highway 302, thence along Ohio Highway 302 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 35, thence along Ohio Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to the Ohio River, to points in Florida on and east of a line beginning at the Georgia-Florida State line near Tallahassee, Fla., thence along U.S. Highway 19 to junction Florida Highway 257, thence along Florida Highway 257 to the Aucilla River, thence along the Aucilla River to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E539), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in Ohio on and west of a line beginning on Lake Erie near Toledo, Ohio, thence along the Maumee River to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 72, thence along Ohio Highway 72 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio River, to points in Florida on, east, and south of a line beginning at the Atlantic Ocean near Daytona Beach, Fla., thence along U.S. Highway 92 to junction Interstate Highway 4, thence along Interstate Highway 4 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Ohio Highway 544, thence along Ohio Highway 544 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Ohio Highway 64, thence along Ohio Highway 64 to Myakka Head, thence along unnumbered highway to Myakka City, Fla., thence along Ohio Highway 70 to Verna, Fla., thence along unnumbered highway to junction Ohio Highway 780, thence along Ohio Highway 780 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 61825 (Sub-No. E540), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORP., P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Joe Clyde Wilson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of furniture, from points in New Jersey on and west of a line beginning at the Hudson River near Fort Lee, N.J., thence along Interstate Highway 95 to junction New Jersey Highway 3, thence along New Jersey Highway 3 to junction New Jersey Highway 17, thence along New Jersey Highway 17 to junction New Jersey Highway 7, thence along New Jersey Highway 7 to junction New Jersey Highway 21, thence along New Jersey Highway 21 to junction New Jersey Highway 506 Spur, thence along New Jersey Highway 506 Spur to junction Garden State Parkway, thence along Garden State Parkway to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 91, thence along New Jersey Highway 91 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Delaware River to points in Kentucky on and south of a line beginning at the West Virginia-Kentucky State line near Lovely, Ky., thence along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky Highway 21, thence along Kentucky Highway 21 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 78, thence along Kentucky Highway 78 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 54, thence along Kentucky Highway 54 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 56, thence along Kentucky Highway 56 to the Ohio River. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC 65941 (Sub-No. E18), filed May 13, 1974. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va., Applicant's representative: Geo. V. Thieroff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in containers, from Winston-Salem, N.C., to points in Pennsylvania on, south and west of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 422 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in West Virginia bounded by a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 60 to junction U.S. Highway 119, thence to the West Virginia-Pennsylvania State line, thence to junction U.S. Highway 30, thence to junction West Virginia Highway 2, thence to junction West Virginia Secondary Highway 3, thence to junction West Virginia Highway 66, thence to junction U.S. Highway 30, thence to the West Virginia-Ohio State line, to points of beginning, including points on the indicated portions of U.S. Highways 60 and 119, but not on the indicated portions of the other highways specified (except Charleston).

No. MC 66886 (Sub-No. E55), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight requires the use of special equipment, between points in Oklahoma, on the one hand, and, on the other, points in Alabama, Idaho, Washington, Montana, Wyoming, California, Arizona, Oregon, Utah, New Mexico, Nevada, Ohio, Massachusetts, Kentucky, Mississippi, Tennessee, Maryland, New York, Vermont, Delaware, New Hampshire, New Jersey, Florida, North Carolina, West Virginia, Virginia, Maine, Michigan, Louisiana, Minnesota, Rhode Island, Pennsylvania, Georgia, South Carolina, Connecticut, and Indiana. The purpose of this filing is to eliminate the gateway of Kansas or Texas.

No. MC 66886 (Sub-No. E61), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight requires the use of special equipment, between points in Colorado, on the one hand, and, on the other, points in Maine, Florida, Michigan, Wisconsin, Mississippi, Alabama, Ohio, Kentucky, Indiana, Georgia, New York, Tennessee, Arkansas, Louisiana, Minnesota, North Carolina, South Carolina, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Kansas.

No. MC 66886 (Sub-No. E62), filed July 28, 1975. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut St., Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing and publishing equipment*, which because of size or weight requires the use of special equipment, between those points in New Mexico on and south of U.S. Highway 70, on the one hand, and, on the other, those points in Colorado on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 67450 (Sub-No. E3), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn sugar*, dry, in bulk, from Chicago, Ill., to points in Kentucky on, south and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to Elizabethtown, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to Owensboro, thence along U.S. Highway 231 to the Kentucky-Indiana Stateline, and points in Tennessee on and east of a line beginning at the Tennessee-North Carolina State line extending along Inter-

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state Highway 40 to junction U.S. Highway 25–E, thence along U.S. Highway 25–E to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Ct. Vernon, Ind.

No. MC 67450 (Sub-No. E4), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above.) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn sugar*, dry, in bulk, from the plants and warehouses of General Mills, Inc., at West Chicago, Ill., to points in Kentucky on, south, and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 127 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to Elizabethtown, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to Owensboro, thence along U.S. Highway 231 to the Kentucky-Indiana State line, and points in Tennessee on and east of a line beginning at the Tennessee-North Carolina State line extending along Interstate Highway 40 to junction U.S. Highway 25–E, thence along U.S. Highway 25–E to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ind.

No. MC 67450 (Sub-No. E5), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn Sugar*, dry, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Iowa, Minnesota, Wisconsin, and that part of Illinois on, east and north of a line beginning at Chicago extending along Interstate Highway 57 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 24, thence along U.S. Highway 24 to the junction with Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 67450 (Sub-No. E19), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends* thereof, in bulk, in tank vehicles, from Louisville, Ky., to the plants, warehouses, and facilities used by General Mills, Inc., at Buffalo, N.Y., and to points in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line extending along U.S. Highway 422 to junction Pennsylvania Highway 85, thence along Pennsylvania Highway 85 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Reading, thence along Pennsylvania Highway 10 to junction U.S. Highway 30, thence along U.S. Highway 30 to Philadelphia. The purpose of this filing is to eliminate the gateway of the facilities used by General Mills, Inc., in the Toledo, Ohio, commercial zone.

No. MC 67450 (Sub-No. E24), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Missouri and points in Wisconsin, on, north and west of a line beginning at the Illinois-Wisconsin State line extending along Interstate Highway 90 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 18, thence along U.S. Highway 18 to Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of Champaign, Ill.

No. MC 67450 (Sub-No. E45), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Illinois on and north of a line beginning at the Illinois-Indiana State line extending along Interstate Highway 74 to junction Illinois Highway 116, thence along Illinois Highway 116 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Georgia. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E56), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Indiana, on the one hand, and, on the other, points in Virginia on, east and north of a line beginning at the Virginia-North Carolina State line extending along U.S. Highway 220 to Roanoke, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in Ohio.

No. MC 67450 (Sub-No. E57), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular-routes, transporting: *Flour*, in bulk, from Ligonier, Ind., to points in Oklahoma, Kansas, and Missouri (except points north and east of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 36 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Iowa State line). The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 67450 (Sub-No. E81), filed May 15, 1974. Applicant: PETERLIN CARTAGE COMPANY, 9651 Ewing Ave., Chicago, Ill. 60617. Applicant's representative: Frank Peterlin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from points in Indiana to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Chester, Ill.

No. MC 76677 (Sub-No. E1), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER August 20, 1975. Applicant: HALLAMORE MOTOR TRANSPORTATION, INC., 795 Plymouth St., Holbrooke, Mass. 02343. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Plant, office, and store equipment, and supplies*, requiring specialized handling or rigging because of size or weight; (2) between points in Vermont, on the one hand, and, on the other, points in Massachusetts on and east of U.S. Highway 3 beginning at the New Hampshire-Massachusetts State line, thence along U.S. Highway 3 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Interstate Highway 290, thence along Interstate Highway 290 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line; (7) between points in New Hampshire, on the one hand, and, on the other, points in Massachusetts on, south, and east of the Cape Cod Canal; (11) between points in Maine, on the one hand, and, on the other, points in New York on, south, and west of a line beginning at the Massachusetts-New Jersey State line at Interstate Highway 90 and extending along Interstate Highway 90 to junction New York Highway 31, thence along New York Highway 31 to Lake Ontario; (12) between points in New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line at Interstate Highway 93, thence along Interstate Highway 93 to the New Hampshire-Vermont State line, on the one hand, and, on the other, points in Pennsylvania and Connecticut.

(20) Between points in Rhode Island, on the one hand, and, on the other, points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line at Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line; (21) between points in Connecticut on, south, and east of Connecticut Highway 12 beginning at the Connecticut-Massachusetts State line to junction Connecticut Highway 32, thence along Connecticut Highway 32 to junction Connecticut Highway 213, thence along Connecticut Highway 213 to Ocean Beach, Conn., on the one hand, and, on the other, points in New York on and west of a line beginning at Wallington, N.Y., and extending along New York Highway 14 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 371, thence along New York Highway 371 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to Carol, N.Y.; (B) *road-building machinery and contractors' equipment*, requiring specialized handling or rigging, because of size or weight; (7) between points in Vermont, on the one hand, and, on the other, points in Massachusetts on and east of U.S. Highway 3, beginning at the New Hampshire-Massachusetts State line, thence along U.S. Highway 3 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Interstate Highway 290, thence along Interstate Highway 290 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line; (C) *road-building contractors' materials and supplies*, when transported together with road-building contractors' machinery and equipment requiring special handling or rigging because of size or weight, restricted against the transportation of commodities in bulk, in tank vehicles; (7) between points in Vermont, on the one hand, and, on the other, points in Massachusetts on and east of U.S. Highway 3 beginning at the New Hampshire-Massachusetts State line, thence along U.S. Highway 3 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction Interstate Highway 290, thence along Interstate Highway 290 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line; and

(10) Between points in New Hampshire, on the one hand, and, on the other, points in New York on, south, and west of a line beginning at the Massachusetts-New York State line at Interstate Highway 90 and extending along Interstate Highway 90 to junction New York Highway 31, thence along New York Highway 31 to Lake Ontario. The purpose of this filing is to eliminate the gateways of: Massachusetts within 50 miles of Boston, Mass., in (A) (2) and (7) above; points in Massachusetts within 35 miles of Brockton, Mass., in (11) and (12), (20) and (21) above; and points in Massachusetts within 50 miles of Boston, Mass. The purpose of this partial correction is to correct the territorial descriptions in (A) (2), (7), (11), (12), (20), (21), (B) 7, and (C) 7; and to include (C) (10) above, and to delete (B) (10). The remainder of this letter-notice remains as previously published.

No. MC 78842 (Sub-No. E2), filed May 16, 1974. Applicant: DALEY AND WANZER, INC., 821 Nantasket Ave., Hull, Mass. 02045. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Florida and Alabama, on the one hand, and, on the other, points in Connecticut east of a line beginning at the Massachusetts-Connecticut State line extending along U.S. Highway 7 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Connecticut Highway 8, thence along Connecticut Highway 8 to junction Connecticut Highway 34, thence along Connecticut Highway 34 to the Long Island Sound; (2) between points in Georgia, on the one hand, and, on the other, points in Connecticut east of a line beginning at the Massachusetts-Connecticut State line extending along U.S. Highway 202 to junction Connecticut Highway 4, thence along Connecticut Highway 4 to junction Connecticut Highway 72, thence along Connecticut Highway 72 to junction Connecticut Highway 17, thence along Connecticut Highway 17 to junction Connecticut Highway 79, thence along Connecticut Highway 79 to the Long Island Sound. The purpose of this filing is to eliminate the gateway of points within 5 miles of Quincy, Mass.

No. MC 83539 (Sub-No. E158), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, require the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; New York; Braddock, Pa.; and Illinois. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E159), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Kansas and Louisiana. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; New York; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E161), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; New York; Braddock, Pa.; and Illinois. The purpose of this correction is to correct the territorial description.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25669 Filed 9-24-75;8:45 am]

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federal register

THURSDAY, SEPTEMBER 25, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

PART II:

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

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NOISE ABATEMENT

Proposal Submitted to FAA by EPA

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 91]

[Docket No. 15000; Notice No. 75-35]

NOISE ABATEMENT

Regulations Submitted by EPA to FAA

SEPTEMBER 11, 1975.

Proposed regulations submitted to the FAA by the Environmental Protection Agency:

I. Reduced flap setting noise abatement approach for turbojet engine-powered airplanes.

II. Visual two-segment noise abatement approach for turbojet engine-powered airplanes.

III. Two-segment ILS noise abatement approach for turbojet engine-powered airplanes.

This notice of proposed rule making contains proposed regulations submitted by the Environmental Protection Agency (EPA) to the Federal Aviation Administration (FAA), pursuant to § 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). Section 611(c)(1) of the Federal Aviation Act of 1958 provides that EPA shall submit to the FAA proposed regulations to provide such control and abatement of aircraft noise and sonic boom as EPA determines is necessary to protect the public health and welfare. That section also provides that the FAA "shall consider such proposed regulations submitted by EPA under this paragraph and shall, within thirty days of its submission to the FAA, publish the proposed regulations in a notice of proposed rulemaking." This notice is published pursuant to this provision of law.

This notice of proposed rule making (NPRM) contains three separate proposals submitted by the EPA regarding noise abatement approach procedures applicable to turbojet engine-powered airplanes. For ease of reference, the proposals are identified as "EPA Proposal I," "EPA Proposal II," and "EPA Proposal III," respectively, as follows:

EPA Proposal I, entitled "Reduced Flap Setting Noise Abatement Approach for Turbojet Engine-Powered Airplanes," proposes to amend § 91.85 of the Federal Aviation Regulations (14 CFR Part 91) to "provide noise relief to communities in the vicinity of airports by prescribing reduced flap setting procedures for civil turbojet powered airplanes."

EPA Proposal II, entitled "Visual Two-Segment Noise Abatement Approach for Turbojet Engine-Powered Airplanes," proposes to amend § 91.87 of the Federal Aviation Regulations (14 CFR Part 91) to "provide noise relief to communities in the vicinity of airports by prescribing a two-segment approach under visual conditions for civil turbojet engine-powered airplanes." EPA's transmittal stated that, in EPA's opinion, the rule, if adopted, "could be made effective in the near future, applying to airports equipped with co-located ILS and Distance Measuring Equipment (DME) ground facilities, as it does not require any additional airborne equipment." As stated by the EPA in its proposal, this proposed rule would "require the use of a two-segment approach with glide angles of approximately 6 and 3 degrees for the first and second segments, respectively, for operations under specifically defined visual weather conditions only, which are more restrictive than VFR."

EPA Proposal III, entitled "Two-Segment ILS Noise Abatement Approach for Turbojet Engine-Powered Airplanes," proposes to "provide noise relief to communities in the vicinity of airports by prescribing a two-segment instrument landing system (ILS) approach for civil turbojet engine-powered airplanes." The EPA states, with respect to this proposal, that "if the two-segment ILS approach rule discussed herein is promulgated and implemented—including the necessary airborne glideslope computer installations on all affected aircraft—it would supersede the two-segment visual approach rule, since it would require use of a two-segment approach under both VFR and IFR conditions."

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. Comments on the overall environmental aspects of the proposed rules are specifically invited. Information on the economic impact that might result because of the adoption of the proposed rules is also requested. All communications received by the FAA on or before November 26, 1975, will be considered by the FAA Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the FAA Rules Docket for examination by interested persons. The EPA has requested that additional information copies of public comments be sent to: Environmental Protection Agency, Office of Noise Control Programs, AW-571, 401 M Street, SW., Washington, D.C. 20460. However, to ensure consideration as part of the regulatory processes of the FAA, each comment must be submitted to the above listed FAA Rules Docket.

A separate notice of hearing, published today in the "NOTICES" section of the FEDERAL REGISTER, announces that, pursuant to § 611(c) of the Federal Aviation Act of 1958, as amended, the FAA will conduct a public hearing in Washington, D.C., on November 5, 1975, to receive oral, as well as written, comments regarding the proposals contained in this notice of proposed rule making.

The following EPA opinions, conclusions, and proposed regulatory language are published verbatim as received from EPA by the FAA on August 29, 1975. Since the three separate proposals submitted by EPA are closely related in their substance and each involves proposed regulations regarding noise abatement approach procedures applicable to turbojet engine-powered airplanes, they have been consolidated for publication and hearing. In order to present each EPA proposal exactly as submitted to the FAA, a verbatim presentation of each proposal is contained herein, notwithstanding the resulting repetition of some material. However, EPA's non-regulatory recommendations under headings entitled "Thrust Reversers" and "4 Degree Glide Angle," which were duplicated in each EPA proposal, are published herein following EPA Proposal I only.

EPA PROPOSALS AS SUBMITTED TO FAA

EPA PROPOSAL I: REDUCED FLAP SETTING NOISE ABATEMENT APPROACH FOR TURBOJET ENGINE-POWERED AIRPLANES

Under the requirements of Section 7(a) of the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234) the Administrator of the Environmental Protection Agency conducted a study of aircraft and airport noise and submitted a report thereon to the Congress. (Report on Aircraft/Airport Noise, Senate Committee on Public Works, Serial No. 93-8, Aug. 1973 Reference 1). Under Section 611 of the Federal Aviation Act, as amended by the Noise Control Act of 1972, the Administrator of the EPA is also required, not earlier than the date of submission of his report to the Congress, to submit to the Federal Aviation Administration proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or air transportation or over aircraft or airport operations) as the Administrator of the EPA determines is necessary to protect the public health and welfare. In accordance with the foregoing requirement, the EPA published in the Federal Register on February 19, 1974, (39 F.R. 6142) a "Notice of Public Comment Period" containing a synopsis of the proposed rules it is considering to achieve a satisfactory level of aircraft noise control and abatement for the protection of the public health and welfare.

The proposed rules and the type of control which each rule would implement are as follows:

FLIGHT PROCEDURE NOISE CONTROL

(1) Takeoff procedures.
(2) Approach procedures.
(3) Minimum altitudes.

SOURCE NOISE CONTROL

(4) Retrofit/fleet noise level.
(5) Supersonic civil aircraft noise.
(6) Modifications to Part 36 of the Federal Aviation Regulations.
(7) Propeller driven small airplanes.
(8) Short haul aircraft.

AIRPORT OPERATIONS NOISE CONTROL

(9) Airport goals, mechanisms and procedures by which noise exposure of communities around airports can be limited to levels consistent with public health and welfare requirements.

This proposal is identified as the reduced flap setting procedures portion of Item (2), above.

REFERENCES

In the development of this proposed rule the EPA evaluated several pertinent studies made by Federal agencies and private persons. Those studies are listed herein for the information of all interested persons and are available for examination at the FAA Rules Docket Office, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590, or Environmental Protection Agency, Office of Noise Control Programs, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460.

(1) "Report on Aircraft/Airport Noise", Report of the Administrator of the Environmental Protection Agency in compliance with Public Law 92-574, Senate Committee on Public Works, Serial No. 93-8, August 1973.

(2) "Note on Effect of Thrust and Altitude on Noise in Steep Approaches", NASA, LWP-283, September 14, 1966.

(3) "Flight Investigations of Methods for Implementing Noise Abatement Landing Approaches", "Progress of NASA Research Relating to Noise Alleviation of Large Subsonic Jet Aircraft", NASA SP-189, October 8-10, 1968.

(4) "Flight and Simulation Investigation of Methods for Implementing Noise Abatement Landing Approaches", NASA TN D-5781, May, 1970.

(5) "Noise Measurement for a Three-Engine Turbo-Fan Transport Airplane During Climbout and Landing Approach Operations", NASA TN D-61337, May 1971.

(6) "Measurement and Analysis of Noise from Four Aircraft During Aproach and Departure Operations (727, KC-135, 707-320B, and DC-9)", FAA Report FAA-RD-71-84, September 1971.

(7) "Preliminary Results on Two-Segment Noise Abatement Studies", NASA TM X-62, 098, September 22, 1971.

(8) "Noise Reductions Achieved on a 720-320 B Aircraft Using a Two-Segment Approach", NASA CR-14417, December, 1971.

(9) "Flight Evaluation of Two-Segment Approaches for Jet Transport Noise Abatement", American Airlines NASA Contractor Report, prepared under Contract No. NAS 2-6501, June 1973.

(10) "Aircraft Noise Reduction Technology", Report by the National Aeronautics and Space Administration to the Environmental Protection Agency for the Aircraft/Airport Noise Study, 30 March 1973.

(11) "Initial Flight and Simulator Evaluation of Head-Up Display for Standard and Noise Abatement Visual Approaches", NASA, TM S-62, 187, February 1973.

(12) "NBAA Noise Abatement Program", National Business Aircraft Association, Report SRT 67-12, June 1967.

(13) "Effects of Aircraft Operations on Community Noise", The Boeing Company, Commercial Airline Group, June 1971.

(14) "A Comparison of Aircraft Approach Angles at Los Angeles and San Diego International Airports", City of Inglewood, California, June 1972.

(15) "Operations Analysis Including Monitoring, Enforcement, Safety, and Cost", Report of Task Group 2, EPA NTID 73.3, 27 July, 1973.

(16) "Field Evaluation of 3000 Ft. Glideslope Intercept Program", Report No. FAA AT-72-1, March 1972.

(17) "Glideslope Angles at Airports", FAA Report, December 1971.

(18) "Research and Technology for Aircraft Noise Abatement", statement by Deputy Associate Administrator, NASA, before Subcommittee on Aviation, Committee on Commerce, U.S. Senate, July 1973.

(19) "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety," EPA Technical Document 550/9-74-004, March 1974.

(20) B. Bartel, L. C. Sutherland and L. Simpson, "Airport Noise Reduction Forecast", DOT Report DOT-TST-75-3, October 1974.

(21) J. E. Wesler, "Airport Noise Abatement—How Effective Can It Be?", *Sound and Vibration*, February 1975, pp. 16-21.

(22) R. H. Peterson and R. F. Burke, "Studies of Methods for Reducing Community Noise Around Airports", Nielsen Engineering and Research Inc., Report NEAR TR 73, prepared under contract no. NAS2-8190 for NASA/Ames, August 1974.

(23) "Approach and Landing Procedures for Noise Control", EPA Project Report, 1 July 1975.

REDUCED-FLAP APPROACH AND LANDING

As shown in the foregoing list of references numerous studies have been conducted to determine the noise reduction potential that can be achieved by the use of certain procedures for approaches and landings. It has been concluded from a review of these studies that an approach made with less than full landing flaps reduces aircraft noise as compared to a full flap approach, since the airframe drag with reduced settings is less and lower power is thereby required. The results of the studies show that a noise reduction of approximately 2 to 3 EPNdB can be achieved for various types of turbojet powered airplanes under a reduced flap procedure. For example, a B-727 with an approach flap setting of 30 degrees requires an average net thrust per engine (Fn) of about 4600 lb and produces an Effective Perceived Noise Level (EPNL) on the flight track 3 dB lower than the same airplane using 40 degrees flaps, requiring an Fn of about 6,600 lb. The area within the 90 EPNdB contour is approximately 4.2 square miles at 30 degrees flaps, compared to 7.5 square miles at 40 degrees flaps, a decrease of 44 percent in area. A reduction similar in magnitude is achieved in the area within the 80 EPNdB contour. For a B-737, the improvement is about a 2 dB reduction on the flight track and about a 30% reduction in the 90 EPNdB area. The benefit obtained with a B-707, using flaps at 40 degrees in lieu of 50 degrees, is somewhat lower, but still useful—about 1.5 dB reduction in EPNL in the flight track and a reduction of about 10 percent in the area within the 90 EPNdB contour.

The Airplane Flight Manual for many types of airplanes (B-707, B-727, B-737, B-747, DC-10, L-1011) shows more than one certificated flap setting for landing. Several air carriers, including United, American and Northwest Air Lines, have standardized on a flap setting for landing that is less than the maximum certificated flap setting; some use an even lower flap setting during the early approach phase. For example, one air carrier's procedures provide for using a flap setting during the approach of one notch less than the planned flap setting for landing which generally is less than the maximum certificated flap setting. The procedure provides for the flaps to be lowered to final setting at an altitude sufficient to allow the aircraft to become stabilized in the landing configuration prior to reaching an altitude of 500 feet above the runway elevation. Approximately 200 to 300 feet of altitude are required to stabilize an aircraft following a configuration, airspeed, or power change during approach.

In addition to the present use of a reduced flap approach procedure by certain air carriers, the Air Transport Association recommended continuation of the reduced flap approach across the board now in response to the invitation for comments to the two-segment ILS approach provisions proposed in ANPRM 74-12 (39 FR 11193, Mar. 26, 1974). Since the procedure is considered safe and will achieve an appreciable reduction in noise caused by civil turbojet engine-powered airplanes, it is proposed to make the use of a reduced flap procedure mandatory for all civil turbojet engine-powered airplanes.

In addition to the noise reduction benefits obtained with reduced flap approach, there is also a slight decrease in fuel consumption, owing to the lower engine thrust used in such an approach. minor negative factor is a small increase in approach speed required to obtain the necessary lift at the lower flap setting, coupled with a small increase in the time needed to increase engine thrust to maximum if the landing has to be aborted. However, the changes involved are small, and well within the limits of safe operation.

The reduced flap procedure for each type of turbojet engine-powered airplane would consist of the lowest flap setting shown in the Airplane Flight Manual that is appropriate and safe for landing based upon such factors as load, weather, runway conditions, etc. However, since this proposal relates to noise abatement rather than safety, it would expressly recognize that each pilot in command of an airplane covered by the proposal has the final authority and responsibility for the safe operation of his airplane. Therefore, if he determines in the interest of safety that a higher flap setting for that airplane should be used for a particular approach and landing he may do so. The authority for alternative procedures is presently provided under the noise abatement runway system requirements in § 91.87(g) and would be equally appropriate for the noise abatement flap reduction procedures proposed herein.

HEALTH AND WELFARE CONSIDERATION

The EPA Report to Congress on Aircraft and Airport Noise (Reference 1) indicated that large numbers of persons are subjected to levels of cumulative noise exposure due to aircraft operations which have a potential for producing a permanent impairment of hearing, interference with speech, and the generation of annoyance. That report estimated that in 1972, 16 million persons in the United States were subjected, due to aircraft operations, to a Day-Night Average Sound Level of 60 dB or greater. The Day-Night Average Sound Level, Ldn is the measure used by the EPA to express quantitatively the cumulative noise exposure of a population.

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Information presented in the Report to Congress (Reference 1) further indicated that, based on available data in the scientific literature, at Ldn values of 60 dB there is about a 25 percent occurrence of speech interference and about 23 percent of the exposed population is highly annoyed. Further, the EPA "Levels Document" (Reference 19) specifically identified two long-term average levels of noise exposure which should not be exceeded in order to protect the public health and welfare with an adequate margin of safety:

A Day-Night Level (Ldn) no greater than 55 dB, to protect against annoyance (including interference with speech communication);

An Equivalent Noise Level (Leq) no greater than 70 dB, to protect against significant adverse effects on hearing.

As pointed out in EPA's "Levels Document" the phrase "health and welfare" is taken to mean "complete physical, mental and social well-being and not merely the absence of disease and infirmity". It is clear from the foregoing data that noise due to aircraft operations represents a significant hazard to the health and welfare of millions of persons.

As set forth in the Report to Congress, the EPA has determined that, in order to protect the public health and welfare from aircraft noise, it is necessary that regulations be proposed to the FAA, for promulgation, in the eight subject areas of aircraft noise control listed earlier in this preamble.

The intent of those aircraft noise regulations is to produce a substantial reduction in the number of persons subjected to cumulative noise levels that are considered hazardous to their health and welfare, i.e., in the terms outlined in the foregoing paragraphs, to Ldn values of 55 dB or greater. Although theoretically it might be considered desirable to reduce the day-night level due to aircraft noise to less than 55 dB for all persons, this is an unrealistic goal. As reported in the Levels Document, Reference 19, some 63 million persons in the United States are estimated to be exposed to Ldn 60 or greater due simply to vehicular traffic noise, and some 75 percent of the urban population are estimated to be exposed to ambient sound levels averaging Ldn 55 or greater. Present technology does not provide the capability of reducing cumulative noise due to aircraft operations to Ldn 55 for all persons without essentially destroying the national air-carrier system, with all its attendant benefits to the public health and welfare. And even if aircraft noise were completely eliminated, many millions of persons still would be subjected to cumulative noise in excess of Ldn 55 due to other sources, mainly motor vehicles. Consequently, the EPA has a more modest and realistic goal, namely, to achieve the maximum reduction of cumulative noise due to aircraft operations that is technologically feasible to obtain without exorbitant costs. This is a position consistent with the requirements under the Noise Control Act that EPA, as well as the FAA, must meet in developing and promulgating noise control regulations which are within their respective areas of responsibility.

The EPA believes that the succeeding paragraphs quantify the environmental noise impact associated with aircraft and airport operations. This is done for both a defined baseline situation and for hypothetical situations in which it is assumed that one or more of the proposed aircraft noise regulations has been implemented. Comparison of the various sets of figures provides reasonable estimates of the noise reduction benefits to be gained by implementation of the various regulatory proposals for the control of aircraft noise.

ASSESSMENT OF NOISE IMPACT DUE TO AIRCRAFT OPERATIONS

This section deals with the health and welfare effects of environmental noise in terms of noise impact assessment, which is a methodology for quantifying the extensiveness and severity of noise impact by a single number. An explanation of Noise Impact Methodology has been presented in various EPA publications, including Reference 23. In brief, this methodology comprises the following steps, for each specified environmental noise situation.

1. Determine (or estimate) the number of persons [P(i)] exposed to various ranges of Day-Night Equivalent Sound Level (Ldn) (e.g., 8.5 million persons between Ldn 60 and 65; 4.1 million between Ldn 65 and 70, etc.).

2. Assign to each Ldn range a Fractional Impact value [FI(i)] appropriate to the criterion under consideration. For purposes of this analysis, Ldn 55 is considered to represent a zero impact [FI=0], and Ldn 75 an impact of 1.0 [FI=1.01. For Ldn 60–65, FI(1) is 0.375; for Ldn 65–70, FI(2) is 0.625; for Ldn 70–75, FI(3) is 0.875, etc.

3. For each range of Ldn values, determine the Noise Impact Contribution as the product of number of persons exposed and fractional impact, or

$$NI(i) = [FI(i)] \times [P(i)]$$

4. Calculate the Equivalent Noise Impact, ENI, as the sum of the Individual Noise Impact contributions, or

$$EN = \Sigma(i)\ [FI(i)]\ [P(i)]$$

This quantity may be interpreted as the equivalent number of persons "fully impacted" by the noise in the given situation. For residential land use affected by noise, the ENI value is the equivalent number of persons exposed to Ldn 75.

To obtain an estimate of the noise impact reduction resulting from some action, such as implementation of aircraft noise regulation, one would estimate the ENI values for the baseline condition and for the condition existing as a result of the action taken. The result could be expressed as a change in absolute value, or as a ratio, of the baseline Equivalent Noise Impact.

1. *Baseline Noise Impact—Aircraft Operations.* For this analysis, the baseline year of 1972 is used, mainly because the best available analyses of aircraft environmental noise have been premised on a 1972 baseline (References 20–22). Since the Noise Control Act was enacted into law in 1972, this baseline seems quite appropriate.

Of the three references listed, Reference 20, "Aircraft Noise Reduction Forecast", also known as the DOT "23-Airport Study", is the most widely known. It provides the basic data and point of departure for the others. In terms of the individual elements of EPA's proposed regulatory package, Reference 21, which extended the analysis of Reference 20 to cover additional options of noise reductions, seems most nearly oriented towards evaluation of the effects of the various options considered. Consequently, the calculations and results presented in this section are based largely on the data of Reference 21, with key data points confirmed by Reference 20. This latter report adduced that the 23 airports studied accommodated approximately half of the operations nationally of air-carrier jet aircraft. In terms of total impact, however, independent analyses by EPA and its consultants indicated that the population impacted by the operations to and from the 23 airports represented about 63% of the national impacted population. The results presented herein are based on that premise.

On the basis of the information discussed in the previous paragraphs, the EPA has estimated that for the 1972 baseline condition, the national population exposed to Ldn 65 or greater is 7,925,000 persons, and to Ldn 75 or greater is 792,000 persons. This corresponds to an Equivalent Noise Impact (ENI) (considering the population exposed to Ldn 65 or greater) of approximately 5,800,000 persons. By extrapolating the population data, a rough estimate can be obtained of the baseline population exposed to Ldn 60 or greater. This rough estimate is about 25,000,000 persons; the corresponding ENI, considering the population exposed to Ldn 60 or greater, is about 12,000,000 persons.

2. *Noise Impact—Projected Fleet of the late 1970's, with several Noise Control Options Applied.* Summarized below are the estimates of the effects of several of the noise control options that would be undertaken if the regulations package proposed by EPA were promulgated and implemented. The results for the late 1970's, are given in terms of reduction in numbers of persons exposed to Day-Night Equivalent Levels of 65 or greater, and 75 or greater, respectively, and corresponding changes in Noise Impact, taking into account the change in air-carrier fleet mix and number of operations projected for that period.

The conditions considered are the following:

1978 Baseline Fleet (this reflects the introduction of new, less noisy aircraft that meet or better FAR 36 noise limits, and the phasing out of old, noisier aircraft).
Two-Segment Approach.
Noise Abatement Takeoff.
Quiet Nacelle (QN) also referred to as Sound Absorption Material (SAM) Retrofit.

The estimated data on numbers of people affected in various Ldn ranges, and the corresponding changes in Noise Impact, are tabulated below.

1978 BASELINE FLEET (RELATIVE TO 1972 BASELINE):

Population exposed to Ldn 65 or greater reduced by 2,520,000.
Population exposed to Ldn 75 or greater reduced by 287,000.
Severity and extensiveness of impact reduced by 33.6 percent.

TWO-SEGMENT APPROACH (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 570,000.
Population exposed to Ldn 75 or greater reduced by 54,000.
Severity and extensiveness of impact reduced by 10.4 percent.

NOISE ABATEMENT TAKEOFF (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 1,050,000.
Population exposed to Ldn 75 or greater reduced by 102,000.
Severity and extensiveness of impact reduced by 19.1 percent.

QUIET NACELLE RETROFIT (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 1,600,000.
Population exposed to Ldn 75 or greater reduced by 283,000.
Severity and extensiveness of impact reduced by 32.3 percent.

EPA has estimated that reduced flap approach, if universally applied, is about 30 percent as effective as two-segment approach in reducing noise impact. Accordingly, the EPA believes that adoption of the regulation proposed herein would result in a reduction of about 3 percent in the severity and extensiveness of airplane noise impact. Based on an estimated current population of about 6.7 million people exposed to Ldn 65 or greater and about 650,000 people exposed to Ldn 75 or greater, this would mean a reduction of about 200,000 in the number of persons exposed to Ldn 65 or greater, and a reduction of about 20,000 in the number of persons exposed to Ldn 75 or greater. This would be a significant contribution to the protection of the public health and welfare, and would be essentially cost-free.

THRUST REVERSERS

The EPA Report to the Congress in respect to aircraft noise ("Report on Aircraft/Airport Noise", Senate Committee on Public Works, Serial No. 93–8, August 1973) observed, among other things, that thrust reverse noise on landing contributes to noise annoyance at some airports. This noise depends on the amount of the reverse power applied and varies over an extremely wide range, from idle thrust (no appreciable thrust reversal) to almost takeoff power. On the average, thrust reverse noise is approximately 10 EPNdB lower than takeoff noise. The effect of thrust reverse noise on cumulative noise exposure (e.g., Ldn) is often negligible because of its lower level and short duration compared to sideline takeoff noise.

One unpleasant characteristic of thrust reverse noise, however, is its sharp application, making it especially annoying, particularly at night. During that time, takeoff noise is louder at most locations in the community, but the sound builds up gradually. But, in the case of thrust reversal there may be a "startle" effect associated with the noise which becomes a problem when there are people living in the vicinity of an operational runway.

Thrust reversal is used on landing to slow the aircraft at high speeds since the high kinetic energy of the aircraft can cause excessive heating and wear of the wheel brakes at such speeds. As the airplane slows down, the relative effectiveness of the brakes increases while that of the reverse thrust decreases; below about 60 knots, the reverse thrust has very little effect compared to the brakes. However, the use of thrust reversal generally is not necessary even at high speeds for transport category aircraft. Such aircraft have a certificated runway length in which they can safely land and stop without the use of thrust reversers and in all cases that distance is considerably shorter than the runway length available at the airports used by those aircraft. In general, the use or non-use of thrust reversal for a particular landing is situation-dependent and from a safety standpoint it may desirable to deploy thrust reversers on some relatively short runways. However, when landing on a long, dry runway, with no air traffic control urgency, the thrust reverse noise is more detrimental to the public welfare than the additional ground taxi noise that results from the non-use of thrust reversers.

In accordance with the recommendations of the EPA Aircraft/Airport Noise Study Task Group Two Report, it is proposed that the FAA prepare and issue an Advisory Circular which would discuss the appropriate use of thrust reversal and which would encourage pilots to minimize the use of thrust reverse where it does not adversely affect the safety of the landing. The fact that reduced flap settings result in slightly increased landing speeds should also be taken into consideration in that circular.

4-DEGREE GLIDE ANGLE

As pointed out earlier, the EPA is submitting two proposals for rulemaking concerned with two-segment approaches, in addition to the rule discussed herein. Another method of abating approach noise which could provide much of the noise-reduction benefit of the two-segment approach while avoiding some of the costs and complications is the use of a conventional single-segment approach using a glide angle of 4 degrees, instead of the conventional 3 degrees or less.

Conceptually, introduction of a 4 degree glide angle ILS approach would be simple, requiring no change in airborne avionics nor in the basic approach and landing technique now in use. It could be accomplished by a mechanical adjustment of the ground-based ILS glide slope transmitter from a 3-degree to a 4-degree angular orientation above horizontal and appropriate relocation of the marker beacons. For visual approach guidance, the Visual Approach Slope Indicators (VASI) would also have to be modified for the new glide angle, which may involve substantial repositioning of the light bars.

Although a small number of airports now have approach glide path angles greater than 3 degrees, there has not been a thorough systematic program of development testing and in-service evaluation to establish the practical acceptability for all or most airports of a 4-degree glide angle approach. Consequently, it is not proposed herein to initiate rulemaking regarding such an approach. However, the EPA strongly recommends that appropriate studies be initiated to determine both the practical benefits to be gained and the effects, if any, on airplane operation and safety as well as pilot reaction, of a 4° glide angle approach.

THE PROPOSED RULE

In consideration of the foregoing, it is proposed to amend § 91.85 by adding a new paragraph (c) to read as follows:

§ 91.85 Operating on and in the vicinity of an airport; general rules.

* * * * * *

(c) When approaching for a landing, each person operating a civil turbojet engine-powered airplane shall use the minimum certificated flap setting set forth in the Airplane Flight Manual that is appropriate to each phase of that approach and landing. However, each pilot in command has final authority and responsibility for the safe operation of his airplane and he may use a different flap setting approved for that airplane if he determines that it is necessary in the interest of safety.

EPA PROPOSAL II: VISUAL TWO-SEGMENT NOISE ABATEMENT APPROACH FOR TURBOJET ENGINE-POWERED AIRPLANES

Under the requirements of Section 7 (a) of the Noise Control Act of 1972 (Pub. L. 92–574, 86 Stat. 1234) the Administrator of the Environmental Protection Agency conducted a study of aircraft and airport noise and submitted a report thereon to the Congress. ("Report on Aircraft/Airport Noise", Senate Committee on Public Works, Serial No. 93–8, August 1973, Reference 1). Under Section 611 of the Federal Aviation Act, as amended by the Noise Control Act of 1972, the Administrator of the EPA is also required, not earlier than the date of submission of his report to the Congress, to submit to the Federal Aviation Administration proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or air transportation or over aircraft or airport operations) as the Administrator of the EPA determines is necessary to protect the public health and welfare. In accordance with the foregoing requirement, the EPA published in the FEDERAL REGISTER on February 19, 1974 (39 F.R. 6142), a "Notice of Public Comment Period" containing a synopsis of the proposed rules it is considering to achieve a satisfactory level of aircraft noise control and abatement for the protection of the public health and welfare. The proposed rules and the type of control which each rule would implement are as follows:

FLIGHT PROCEDURES NOISE CONTROL

(1) Takeoff procedures.
(2) Approach procedures.
(3) Minimum altitudes.

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SOURCE NOISE CONTROL

(4) Retrofit/fleet noise level.
(5) Supersonic civil aircraft noise.
(6) Modifications to Part 36 of the Federal Aviation Regulations.
(7) Propeller driven small airplanes.
(8) Short haul aircraft.

AIRPORT OPERATIONS NOISE CONTROL

(9) Airport goals, mechanisms and procedures by which noise exposure of communities around airports can be limited to levels consistent with public health and welfare requirements.

This proposed rule is identified as the visual two-segment noise abatement approach portion of Item (2) above.

REFERENCES

In the development of this proposed rule the EPA evaluated several pertinent studies made by Federal agencies and private persons. Those studies are listed herein for the information of all interested persons and are available for examination at the FAA Rules Docket Office, GC–24, 800 Independence Avenue SW., Washington, D.C. 20590, or the Environmental Protection Agency, Office of Noise Control Programs, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460.

(1) "Report on Aircraft/Airport Noise", Report of the Administrator of the Environmental Protection Agency in Compliance with Public Law 92–574, Senate Committee on Public Works, Serial No. 93–8, August 1973.

(2) "Operations Analysis Including Monitoring, Enforcement, Safety and Cost", Report of Task Group 2, EPA NTID 73.3, 27 July 1973.

(3) "Operational Noise Abatement Procedures Designed to Limit the Amount of Disturbance Caused by Aircraft Taking Off, In Flight, or Landing", International Conference on the Reduction of Noise and Disturbance Caused by Civil Aircraft, London, November 1966.

(4) "Note on Effect of Thrust and Altitude on Noise in Steep Approaches", NASA, LWP–263, September 14, 1966.

(5) "Flight Investigations of Methods for Implementing Noise Abatement Landing Approaches", "Progress of NASA Research Relating to Noise Alleviation of Large Subsonic Jet Aircraft", NASA SP–189, October 8–10, 1968.

(6) "Flight and Simulation Investigation of Methods for Implementing Noise Abatement Landing Approaches", NASA TN D–5761, May 1970.

(7) "Measurement and Analysis of Noise from Four Aircraft During Approach and Departure Operations (727, KC–135, 707–320B, and DC–9)", FAA Report FAA–RD–71–84, September 1971.

(8) "Preliminary Results on Two-Segment Noise Abatement Studies", NASA TM X–62, 066, September 22, 1971.

(9) "Noise Reductions Achieved on a 720–023B Aircraft Using a Two-Segment Approach", NASA CR–114417, December 1971.

(10) "Flight Evaluation of Two-Segment Approaches for Jet Transport Noise Abatement", American Airlines NASA Contractor Report, prepared under Contract No. NAS 2–6501, June 1972.

(11) "Aircraft Noise Reduction Technology", Report by the National Aeronautics and Space Administration to the Environmental Protection Agency for the Aircraft/Airport Noise Study, March 30, 1973.

(12) D. G. Dwyer, et al, "Status Report on NASA Two-Segment Approach Program", Paper 750694, presented at the SAE Air Transportation Meeting, Hartford, Conn., May 6–8, 1975.

(13) "Research and Technology for Aircraft Noise Abatement", statement by Deputy Associate Administrator, NASA, before Subcommittee on Aviation, Committee on Commerce, U.S. Senate, July 1973.

(14) "Initial Flight and Simulator Evaluation of a Head-Up Display for Standard and Noise Abatement Visual Approaches", NASA, TM X–62, 187, February 1973.

(15) "NBAA Noise Abatement Program", National Business Aircraft Association, Report SR 67–12, June 1967.

(16) "Effects of Aircraft Operations on Community Noise", The Boeing Company, Commercial Airplane Group, June 1971.

(17) "A Comparison of Aircraft Approach Angles at Los Angeles and San Diego International Airports", City of Inglewood, California, June 1972.

(18) "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety", EPA Technical Document 550/9–74–004, March 1974.

(19) C. Bartel, L. C. Sutherland and L. Simpson, "Airport Noise Reduction Forecast", DOT Report DOT–TST–75–3, October 1974.

(20) J. E. Wesler, "Airport Noise Abatement—How Effective Can It Be?", *Sound and Vibration*, February 1975, pp. 16–21.

(21) R. H. Peterson and R. F. Burke, "Studies of Methods for Reducing Community Noise Around Airports", Nielsen Engineering and Research, Inc., Report NEAR TR 73, prepared under contract no. NAS2–8190 for NASA/Ames, August 1974.

(22) "Field Evaluation of 3000 Ft. Glideslope Intercept Program", Report No. FAA AT–72–1, March 1972.

(23) "Approach and Landing Procedures for Noise Control", EPA Project Report, 1 July 1975.

REGULATORY HISTORY

Advance Notice of Proposed Rule Making (ANPRM) 74–12 (39 FR 11193), issued by the FAA on March 20, 1974, proposed regulations that would require aircraft landing at specified airports to use a two-segment Instrument Landing System (ILS) approach in order to reduce the noise impact on persons or property underlying the approach path. The proposed regulations would apply to all civil turbojet engine-powered airplanes conducting an ILS approach to over 100 ILS equipped runways located at 58 major airports in the U.S. The 55 airports, identified in ANPRM 74–12, listed by state, that are under consideration for implementation of the two-segment ILS noise abatement approach are repeated herein for the information of all interested persons.

Arizona (Sky Harbor (Phoenix), Tucson International);
California (Fresno Air Terminal, Hollywood-Burbank, Lindberg Field (San Diego), Long Beach, Oakland International, Los Angeles International, Ontario International, Orange County (Santa Ana), San Jose Municipal, San Francisco International);
Colorado (Stapleton International (Denver));
Connecticut (Bradley International (Windsor Locks));
Florida (Miami International, Tampa International);
Georgia (Atlanta Hartsfield International);
Illinois (Chicago-Midway, Chicago-O'Hare International);
Iowa (Des Moines Municipal);
Kentucky-Ohio (Greater Cincinnati, Standiford Field (Louisville));
Louisiana (New Orleans International);
Maine (Bangor International, Portland International);
Massachusetts (Barnstable Municipal (Hyannis), Logan International (Boston));
Michigan (Detroit-Wayne County Metropolitan);
Minnesota (Minneapolis-St. Paul International);
Missouri (Lambert International (St. Louis));
Nebraska (Eppley Airfield (Omaha));
New Jersey (Atlantic City, Mercer County (Trenton), Morristown Municipal, Newark);
New York (Albany County, J. F. Kennedy International (New York), LaGuardia (New York), Stewart (Newburgh), Westchester County (White Plains));
Ohio (Cleveland-Hopkins International, Dayton Municipal, Port Columbus International);
Oklahoma (Tulsa International, Will Rogers World (Oklahoma City));
Pennsylvania (Philadelphia International);
Rhode Island (T. F. Green (Providence));
Texas (Dallas-Ft. Worth Regional, Houston Intercontinental, San Antonio International);
Vermont (Burlington International);
Virginia (Dulles International (D.C.), Washington National (D.C.));
Washington (Lewiston Nez Perce, Seattle-Tacoma International); and
Wisconsin (Madison Municipal).

As in the case of other noise reduction proposals, comments received from persons residing in the vicinity of the airports concerned generally favored the two-segment ILS approach. The comments received from the American Association of Airport Executives (AOCI) also favored the proposal as an effective means of reducing the impact of flight operations in the approach area. In the opinion of one major West Coast airport operator the proposal would, if adopted, result in a very great cost benefit for the entire aviation industry. The operator stated that at his airport alone the potential liability for noise is in excess of $3 billion and that a reduction of the 90 EPNdB impact area in each approach zone from 18 square miles to 3.7 square miles is a very dramatic and helpful improvement that could be of great significance in that liability. It should be pointed out here that this estimate of the improvement obtainable with two-segment approach is over-optimistic; a 30 to 60% reduction in the 90 EPNdB area is more typical.

Conversely, however, the aircraft operators were generally opposed to the two-segment ILS approach. The Airline Pilots Association (ALPA and IFALPA), speaking for its members, stated that the two-segment ILS approach. The Airline ceptable to the pilot community and as proposed, it leaves many questions still unresolved. As an optional method of reducing noise the pilot associations suggest quieter airplanes and retrofit. The Air Transport Association (ATA), on the other hand, speaking on behalf of the air carrier members, believes the benefits of a two-segment approach are overstated and the costs understated. Moreover, it believes the two-segment ILS approach is not yet adequately proved in service to introduce as a mandatory procedure.

The National Business Aircraft Association (NBAA), speaking on behalf of its members who use aircraft in the conduct of their business, stated that the two-segment ILS approach under IFR was not warranted at this time on the combined grounds of possible degradation of safety, small noise reduction potential, and high cost. The Aircraft Owners and Pilots Association (AOPA) were also opposed to the use of a two-segment approach and raised the issue of safety in regard to wake turbulence.

INTRODUCTION AND BASIS

As stated in the previous notice (ANPRM 74–12), that rule would require an ILS approach and landing to be conducted at those airports designated above. The approach would consist of a two-part descent with the upper segment glide angle flown at 5 to 6 degrees, depending on the type of aircraft, and with the second segment being flown using the existing ILS glide slope angle. Transition between upper and lower segments would be accomplished far enough from touchdown to allow stabilized conditions by 700 feet height above airport (HAA). Normally, the transition would begin approximately three nautical miles from runway threshold and be completed by two nautical miles from threshold. The regulation would allow a stable, controlled approach down to the Category I weather minimums in the standard instrument approach procedures issued under Part 97 of the Federal Aviation Regulations. The regulation would apply to all civil turbojet airplanes.

It is to be noted that some persons, who did not favor the two-segment approach under IFR, were not opposed to such an approach under visual weather conditions. As a matter of fact, such approach procedures under visual weather conditions are being used by certain air carriers at some airports with B–727 and B–737 airplanes. One operator has used the visual two-segment approach at the San Diego International Airport for over a decade using aircraft types as large as DC–8s. Based upon the studies and tests described and referred to herein, the EPA believes that a two-segment ILS approach under visual conditions would provide significant noise relief. Moreover, it may be immediately useful during visual weather conditions at most major airports that have Distance Measuring equipment colocated with the ILS installation (ILS/DME). Reference (2) indicates that visual weather conditions (in accordance with the visual critera discussed herein) prevail about 70 percent of the time at a number of the major airports in the United States.

The NASA and FAA began research work on steep single-segment and two-segment approaches early in the 1960's. The results indicate that the noise reduction aspects of the two-segment approach procedure holds substantial promise for significant noise reduction without degradation of safety, especially for turbojet powered airplanes.

In 1966, the FAA installed an experimental dual ILS glide path system at Dulles Airport that provided guidance for a two-segment approach. The first and second segment approach angles were 5.5 and 2.5 degrees, respectively. The transition point from the first to the second segment occurred at approximately 1,140 ft altitude, 827 ft HAA) and 3.1 nautical miles from the runway threshold (827 ft/3.1 nm). With the use of these approach procedures, as reported in Reference (3), a noise reduction of 10 dB (overall sound pressure level) was reported at a distance of 26,000 ft (4.3 nm) from the runway threshold.

As shown in the NASA study reported in Reference (4), the noise reduction due to steeper approaches is caused by two factors, the increased altitudes and the reduced power setting. For the four engine turbojet airplane used in that study, increasing the glide slope angle from 3 to 6 degrees reduced the overall sound pressure level under the flight track by 11.5 to 13.5 dB, of which approximately 7 dB was due to thrust reduction, the remainder being due to increased altitude.

NASA studies [References (5) and (6)] were also conducted to determine the requirements that would enable pilots to fly two-segment approach profiles with the precision common to conventional instrument landing approaches, without an increase in pilot workload. The approach profiles were evaluated by eleven pilots using a research four-engine turbojet powered airplane which had a flight director modified for two-segment approaches, an autothrottle, and both longitudinal and lateral directional stability augmentation. The studies concluded that a two-segment approach could be flown in the modified airplane with the same precision as a conventional instrument landing approach without a significant increase in pilot workload in the nearly ideal conditions of the tests.

The NASA tests reported in Reference (6) used a B–727 three-engine aircraft to fly 6/3 degrees two-segment approaches with transition starting at 1,115 ft/3.4 nm and completed by 722 ft/2.6 nm. Test results for these approaches indicated a noise reduction of 6 EPNdB at 3 nm and 10 EPNdB at 4.5 nm from threshold.

The FAA tests reported in Reference (7) studied nine approach noise abatement procedures for four different types of aircraft (B–727, KC–135, B–707–320B, and DC–9). The weather conditions for the tests varied considerably, a situation typical of actual line operations and, therefore, considerable scatter was evident in the data. Nevertheless, the report concluded that a "two-segment approach can achieve significant reductions in noise along the ground". Both procedures used an initial intercept height of 3,000 ft HAA and full flaps. The results of these tests also indicated a noise reduction averaging 10 to 14 EPNdB at 5 to 7 nautical miles from the runway threshold achieved by the use of the two-segment approach.

The studies reported in References (8) through (10) were conducted by NASA with American Airlines and Hydrospace Research Corporation as contractors. In these studies, two-segment approaches (6/2.5 degrees with transition at 400 ft/1.5 nm) were evaluated during 75 hours of flight in a B–720 four engine turbojet powered aircraft. A total of 28 pilots (2 project pilots and 26 guest pilots representing air carriers, FAA, ALPA, APA and NASA) flew 234 two-segment approaches and 34 normal ILS approaches. All the tests were made during the daytime and in calm, VFR weather conditions.

The results of the tests were then presented to advisory committees, composed of individuals representing the airlines, airframe manufacturers, avionics suppliers, ATA, ALPA, and the Government who agreed that the two-segment approach appeared operationally feasible, but warranted additional evaluation under representative operational conditions in other types of aircraft. The committees recommended that one of the aircraft should be a B–727 because that type of aircraft accounts for the largest number of arrivals and departures and is used by more air carriers than any other type of aircraft. The committee also recommended that another type of aircraft to be used in the tests should be a long-range type of aircraft such as the DC–8 or B–707 because those aircraft differ significantly from the B–727 type of aircraft and have a larger noise footprint.

In accordance with recommendations of the advisory committee, the B–727 on-line flight test was conducted by United Airlines under contract to NASA and the DC–8 on-line flight tests (also conducted by United Airlines) were recently completed [References (11–13) above]. The conclusions reached in those tests will be carefully considered in any final rulemaking action based upon this notice of proposed rulemaking.

The NASA tests reported in Reference (14) evaluated thirty-three approaches with a B–747 aircraft equipped with a cockpit "head-up" display Visual Approach Monitor (VAM) to aid the pilot in transitioning to a normal glide path from either a higher or a lower position. When compared with a standard 3 degrees approach, noise measurements made during those approaches again indicate considerable noise reductions. The reductions ranged from 6 EPNdB at 1 nm (from threshold) to 11 EPNdB at 5 nm for a 6/3 degrees approach with transition at 660 ft/2.1 nm. Since a 6 degrees upper segment with 25 degrees flaps was slightly too steep for the B–747 aircraft, use of 30 degrees flaps and/or 5 degrees upper segment was recommended for future tests.

In addition to the studies conducted by NASA and FAA, it is to be noted that air carriers, aircraft manufacturers and aeronautical associations have made studies regarding the feasibility of the two-segment approach, and in some cases, air carriers are using such approaches. For example, in a report dated 12 June 1967, the National Business Aircraft Association recommended the use of two-segment approaches in VFR conditions [see Reference (15) listed above].

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The Boeing Company in a report issued in June, 1971 [see Reference (16)], investigated the reduction of noise by the use of the two-segment approach. For a 6/3 degrees approach with transition at 1,000 ft/3 nm, the Boeing report predicted a noise reduction ranging from 5.5 EPNdB at 3 nm to 9.5 EPNdB at 6 nm for its B-727 aircraft. Using electronic guidance and a transition (250 ft HAA) closer to the airport, the report also predicted a noise reduction ranging from 5.2 EPNdB at 1 nm to 13 EPNdB at 6 nm.

In 1967, National Airlines began using a two-segment approach at Miami International Airport with weather minimums of 300 ft. ceiling and 5 miles visibility. In 1972, Pacific Southwest Airlines started to use a visual two-segment approach at airports used by that airline in California. In the same year, Air California also started to use a visual two-segment decelerating approach with B-737 type aircraft. The two-segment approach is also used by aircraft as large as a DC-8 at the San Diego International Airport. Most of the approaches at this airport are made over high terrain to the east of the runway which necessitates a steep approach. This approach may be either a 4.5 degree single-segment [a nonstandard Visual Approach Slope Indicator (VASI) at this angle provides a visual reference], or a two-segment approach with a close-in transition, i.e., closer than 1 nm from runway threshold [Reference (17) above].

As distinguished from the two-segment approach procedure in the Advance Notice of Proposed Rulemaking, 74-12, issued on March 20, 1974, (39 F.R. 11193), the two-segment approach procedure in this notice would apply only to an approach conducted in visual weather conditions as set forth herein. Moreover, it would be limited to civil turbojet powered airplanes.

A two-segment approach under IFR conditions as proposed in the ANPRM 74-12 would require an electronic equipment retrofit for all U.S. and foreign aircraft using the 58 airports in the United States having a noise sensitive area within 3 to 8 miles from the runways under the approach path. In the case of air carrier aircraft the time required for the installation of guidance equipment concurrent with scheduled aircraft down time is estimated to be approximately 3 to 4 years for a normal schedule, and approximately 2½ to 3 years for an accelerated schedule [Reference (2), above].

In addition to the substantial cost, as discussed below under "Cost Consideration" and the time required for the installation of the airborne equipment and ground facilities needed to properly conduct a two-segment ILS approach, it appears that a generally accepted total system (airborne equipment, ground facilities and flight tested procedures) for an ILS two-segment approach is not available at the present time. Notwithstanding the fact that the FAA and NASA flight tests described herein were conducted with equipment which enables the pilots to safely conduct a guided ILS two-segment approach, it should be noted that most of the tests were made with experimental equipment or procedures and under ideal weather conditions. Only the NASA/United Airlines tests were in actual line operations. Although ground facilities and airborne equipment are now available,

(1) ILS colocated with DME (ILS/DME) and glideslope computer, and Very High Frequency Omnidirectional Range colocated with Tactical Air Navigation (VORTAC) and 3-Dimensional Area Navigation (3D-RNAV) equipment, or in the research phase,

(2) Microwave Landing Systems (MLS), approved procedures have not yet been established with this equipment for a two-segment ILS approach for routine commercial operations.

An additional uncertainty at present regarding two-segment approaches is the possibility of wake turbulence. However, as reported in Reference (11), the two-segment approach apparently presents no greater problem in regard to wake turbulence than does the conventional approach. As stated in the ANPRM 74-12, the FAA and NASA are conducting experiments to define this problem more precisely. Pending the results of that study, however, the EPA believes that under the visual conditions proposed herein, small aircraft not subject to this proposal can maintain a flight path above the turbojet powered airplanes by visual reference without any additional hazard.

In view of the foregoing, complete implementation of a two-segment ILS approach as proposed in the ANPRM 74-12 would not be achieved for several years. As an interim measure, the EPA believes that a two-segment approach under the visual conditions described herein, using ILS and colocated DME, is technically feasible at this time, well within the safe operating performance of turbojet powered airplanes, and is capable of being standardized for use at any airport having those facilities. Consequently, a two-segment visual approach, if introduced now, would achieve significant noise reductions at those airports having the necessary ground facilities (ILS and colocated DME), without the delay that would be required for the installation of airborne equipment needed for a two-segment ILS approach. If the two-segment visual approach were adopted, it could then be implemented at other airports as rapidly as the necessary ground facilities are installed at those airports.

Accordingly, in order to protect the health and welfare of those persons living in the noise sensitive areas of the airports at which the rule would apply, it is proposed to require all civil turbojet powered airplanes to use an approved visual two-segment approach when approaching for a landing at those airports under the weather and other conditions set forth in this proposal. If the ILS two-segment approach regulation also were promulgated, to take effect at an appropriate date in the future, the regulation could incorporate both approaches, prescribing the visual two-segment approach, as an interim measure, at those airports with the necessary ILS/DME facilities, to be superseded by the ILS two-segment approach when that is effectuated.

HEALTH AND WELFARE CONSIDERATIONS

The EPA Report to Congress on Aircraft and Airport Noise (Reference 1) indicated that large numbers of persons are subjected to levels of cumulative noise exposure due to aircraft operations which have a potential for producing a permanent impairment of hearing, interference with speech, and the generation of annoyance. That report estimated that in 1972, 16 million persons in the United States were subjected, due to aircraft operations, to a Day-Night Average Sound Level of 60 dB or greater. The Day-Night Average Sound Level, Ldn is the measure used by the EPA to express quantitatively and cumulative noise exposure of a population.

Information presented in the Report to Congress (Reference 1) further indicated that, based on available data in the scientific literature, at Ldn values of 60 dB there is about a 2.5 percent occurrence of speech interference and about 23 percent of the exposed population is highly annoyed. Further, the EPA "Levels Documents" (Reference 18) specifically identified two long-term average levels of noise exposure which should not be exceeded in order to protect the public health and welfare with an adequate margin of safety:

A Day-Night Level (Ldn) no greater than 55 dB, to protect against annoyance (including interference with speech communication);

An Equivalent Noise Level (Leq) no greater than 70 dB, to protect against significant adverse effects on hearing.

As pointed out in EPA's "Levels Document" the phrase "health and welfare" is taken to mean "complete physical, mental and social well-being and not merely the absence of disease and infirmity". It is clear from the foregoing data that noise due to aircraft operations represents a significant hazard to the health and welfare of millions of persons.

As set forth in the Report to Congress, the EPA has determined that, in order to protect the public health and welfare from aircraft noise, it is necessary that regulations be proposed to the FAA, for promulgation, in the eight subject areas of aircraft noise control listed earlier in this preamble.

The intent of those aircraft noise regulations is to produce a substantial reduction in the number of persons subjected to cumulative noise levels that are considered hazardous to their health and welfare, i.e., in the terms outlined in the foregoing paragraphs, to Ldn values of 55 dB or greater. Although theoretically it might be considered desirable to reduce the day-night level due to aircraft noise to less than 55 dB for all persons, this is an unrealistic goal. As reported in the Levels Document, Reference 18, some 62 million persons in the United States are estimated to be exposed to Ldn 60 or greater due simply to vehicular traffic noise, and some 75 percent of the urban population are estimated to be exposed to ambient sound levels averaging Ldn 55 or greater. Present technology does not provide the capability of reducing cumulative noise due to aircraft operations to Ldn 55 for all persons without essentially destroying the national air-carrier system, with all its attendant benefits to the public health and welfare. And even if aircraft noise were completely eliminated, many millions of persons still would be subjected to cumulative noise in excess of Ldn 55 due to other sources, mainly motor vehicles. Consequently, the EPA has a more modest and realistic goal, namely, to achieve the maximum reduction of cumulative noise due to aircraft operations that is technologically feasible to obtain without exorbitant costs. This is a position consistent with the requirements under the Noise Control Act that EPA as well as the FAA, must meet in developing and promulgating noise control regulations which are within their respective areas of responsibility.

The EPA believes that the succeeding paragraphs quantify the environmental noise impact associated with aircraft and airport operations. This is done for both a defined baseline situation and for hypothetical situations in which it is assumed that one or more of the proposed aircraft noise regulations has been implemented. Comparison of the various sets of figures provides reasonable estimates of the noise reduction benefits to be gained by implementation of the various regulatory proposals for the control of aircraft noise.

ASSESSMENT OF NOISE IMPACT DUE TO AIRCRAFT OPERATIONS

This section deals with the health and welfare effects of environmental noise in terms of noise impact assessment, which is a method for quantifying the extensiveness and severity of noise impact by a single number. An explanation of Noise Impact Methodology has been presented in various EPA publications, including Reference 23. In brief, this methodology comprises the following steps, for each specified environmental noise situation.

1. Determine (or estimate) the number of persons [P(i)] exposed to various ranges of Day-Night Equivalent Sound Level (Ldn). (e.g., 8.5 million persons between Ldn 60 and 65; 4.1 million between Ldn 65 and 70, etc.)

2. Assign to each Ldn range a Fractional Impact value [FI(i)] appropriate to the criterion under consideration. For purposes of this analysis, Ldn 55 is considered to represent a zero impact [FI=0], and Ldn 75 an impact of 1.0 [FI=1.0]. For Ldn 60-65, FI(1) is 0.375; for Ldn 65-70, FI(2) is 0.625; for Ldn 70-75, FI(3) is 0.875; etc.

3. For each range of Ldn values, determine the Noise Impact Contribution as the product of number of persons exposed and fractional impact, or

$$NI(i) = [FI(i)] \times [P(i)]$$

4. Calculate the Equivalent Noise Impact, ENI, as the sum of the individual Noise Impact contributions, or

$$ENI = \Sigma(i)\,[FI(i)]\,[P(i)].$$

This quantity may be interpreted as the equivalent number of persons "fully impacted" by the noise in the given situation. For residential land use affected by noise, the ENI value is the equivalent number of persons exposed to Ldn 75.

To obtain an estimate of the noise impact reduction resulting from some action, such an implementation of aircraft noise regulation, one would estimate the ENI values for the baseline condition and for the condition existing as a result of the action taken. The result could be expressed as a change in absolute value, or as a ratio, of the baseline Equivalent Noise Impact.

1. *Baseline Noise Impact—Aircraft Operations.* For this analysis, the baseline year of 1972 is used, mainly because the best available analyses of aircraft environmental noise have been premised on a 1972 baseline (References 19-21). Since the Noise Control Act was enacted into law in 1972, this baseline seems quite appropriate.

Of the three references listed, Reference 19, "Aircraft Noise Reduction Forecast", also known as the DOT "23-Airport Study", is the most widely known. It provides the basic data and point of departure for the others. In terms of the individual elements of EPA's proposed regulatory package, Reference 20, which extended the analysis of Reference 19 to cover additional options of noise reduction, seems most nearly oriented towards evaluation of the effects of the various options considered. Consequently, the calculations and results presented in this section are based largely on the data of Reference 20, with key data points confirmed by Reference 19. This latter report adduced that the 23 airports studied accommodated approximately half of the operations nationally of air-carrier jet aircraft. In terms of total impact, however, independent analyses by EPA and its consultants indicated that the population impacted by the operations to and from the 23 airports represented about 63% of the national impacted population. The results presented herein are based on that premise.

On the basis of the information discussed in the previous paragraphs, the EPA has estimated that for the 1972 baseline condition, the national population exposed to Ldn 65 or greater is 7,925,000 persons, and to Ldn 75 or greater is 792,000 persons. This corresponds to an Equivalent Noise Impact (ENI) (considering the population exposed to Ldn 65 or greater) of approximately 5,800,000 persons. By extrapolating the population data, a rough estimate can be obtained of the baseline population exposed to Ldn 60 or greater. This rough estimate is about 25,000,000 persons; the corresponding ENI, considering the population exposed to Ldn 60 or greater, is about 12,000,000 presons.

2. *Noise Impact—Projected Fleet of the late 1970's, with several Noise Control Options Applied.* Summarized below are the estimates of the effects of several of the noise control options that would be undertaken if the regulations package proposed by EPA were promulgated and implemented. The results, for the late 1970's, are given in terms of Reduction in numbers of persons exposed to Day-Night Equivalent Levels of 65 or greater, and 75 or greater, respectively, and corresponding changes in Noise Impact, taking into account the change in air-carrier fleet mix and number of operations projected for that period.

The conditions considered are the following:

1978 Baseline Fleet (this reflects the introduction of new, less noisy aircraft that meet or better FAR 36 noise limits, and the phasing out of old, noisier aircraft).
Two-Segment Approach.
Noise Abatement Takeoff.
Quiet Nacelle (QN) also referred to as Sound Absorption Material (SAM) Retrofit.

The estimated data on numbers of people affected in various Ldn ranges, and the corresponding changes in Noise Impact, are tabulated below.

1978 BASELINE FLEET (RELATIVE TO 1972 BASELINE)

Population exposed to Ldn 65 or greater reduced by 2,520,000.
Population exposed to Ldn 75 or greater reduced by 287,000.
Severity and extensiveness of impact reduced by 33.6%.

TWO-SEGMENT APPROACH (RELATIVE TO 1978 BASELINE)

Population exposed to Ldn 65 or greater reduced by 570,000.
Population exposed to Ldn 75 or greater reduced by 54,000.
Severity and extensiveness of impact reduced by 10.4%.

NOISE ABATEMENT TAKEOFF (RELATIVE TO 1978 BASELINE)

Population exposed to Ldn 65 or greater reduced by 1,050,000.
Population exposed to Ldn 75 or greater reduced by 102,000.
Severity and extensiveness of impact reduced by 19.1%.

QUIET NACELLE RETROFIT (RELATIVE TO 1978 BASELINE)

Population exposed to Ldn 65 or greater reduced by 1,600,000.
Population exposed to Ldn 75 or greater reduced by 263,000.
Severity and extensiveness of impact reduced by 32.3%.

Although adoption of visual two-segment approach would not provide as much benefit as a completely instrumented (e.g., ILS) two-segment approach, substantial improvement, nevertheless, would be expected. For example, introduction of visual two-segment approach at ten of the nation's busiest airports would be expected to result in a reduction in Noise Impact of more than one-third the total national reduction estimated for the ILS two-segment approach, taking into account the population exposed to airplane noise around those airports and the requirement for specified daylight visual conditions.

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Although not all of the EPA proposed regulations for control of aircraft noise can be quantified directly in terms of the reduction in Equivalent Noise Impact, it is apparent from the foregoing discussion that a serious noise impact now exists, and prompt action is necessary to protect the public health and welfare. It also is apparent that, although the expected evolution of the fleet will reduce the noise impact significantly, implementation and promulgation of aircraft noise regulations is a necessary and important part of the action that needs to be taken, and will yield substantial benefits in reducing the number of persons seriously impacted by noise.

COST CONSIDERATIONS

The visual two segment noise abatement approach procedures proposed in this notice, will not place any additional airborne equipment requirements upon the aircraft operators concerned. However, it is anticipated that there would be a change in the operational costs for the aircraft involved. As previously explained, steeper approach procedures reduce the noise exposure area due to their inherently higher approach altitudes and required lower power settings. These lower power settings in the approach phase of a flight directly translate into fuel savings. Conversely, higher approach altitudes induce higher operational costs due to:

(a) The decreased practical capacity of an airport;

(b) The increased delay times resulting from the dynamics of flight control at an airport; and

(c) The increased maneuver distances associated with the geometry of two-segment approaches.

It is estimated that the minimum increase, due to the above factors, for a 3000 ft glide slope intercept procedure, is roughly $8.5 per flight [Reference (22), above]. However, countering that cost increase is reduced fuel consumption due to the lower power settings. That fuel saving is estimated to be about 380 pounds (or some 58 gallons) per landing for a B-727 aircraft when compared to a conventional approach. On a per landing basis, saving 58 gallons of fuel at 25 cents per gallon translates into an operational cost savings of $14.50. This saving will continue to increase in accordance with the increase in the cost of aviation fuel. Since per landing savings exceed the potential induced costs, adoption of the proposed procedures is economically reasonable in respect to the operators of the airplane to which the procedures would apply.

If a consistent intercept point for the visual two-segment approach is desired, it is necessary to have DME colocated with the ILS. This proposed alteration to the ATC system will take time and money to implement. Of the over 100 ILS approaches to which this rule would apply, very few have colocated DME. It is estimated that it will cost approximately $50,000 per installation and the total cost to the FAA for 100 installations would be approximately 5 million dollars. However, a large proportion of the total potential benefit could be achieved by installation of colocated ILS and DME at a small number of airports in the largest cities, and instituting the two-segment visual approach at selected runways at those airports. For example, implementation of two-segment visual approach at Los Angeles International Airport (LAX), which already has ILS/DME, would result in a reduction of 72 percent of the population exposed to Ldn 65 or greater [Reference (19)]. This signifies a decrease at that airport from about 293,000 persons in 1972 to 81,000 persons in 1978 exposed to Ldn 65. This would correspond approximately to a reduction in Equivalent Noise Impact (ENI) of more than 36,000 persons attributable solely to implementation of visual two-segment approach at LAX, in addition to a reduction in ENI of about 156,000 persons due to the assumed changes in the air-carrier fleet. The economic reasonableness of the cost for the total installation may be presumed from these figures and the corresponding fact that use of the proposed visual two-segment approach would achieve much of the national reduction in ENI of 432,000 persons estimated for two-segment ILS approach.

EXCEPTIONS

Under the provisions of this proposal, each pilot in command of an aircraft to which the rule applies is expressly given final authority and responsibility for the safe operation of his airplane. If he determines in the interest of safety that a procedure other than the two-segment visual approach should be used for a particular approach and landing, he may use another approved procedure upon notice thereof to Air Traffic Control (ATC). The authority for alternative procedures is presently provided under the noise abatement runway system requirements of § 91.87(g) and would be equally appropriate for the noise abatement procedure requirements proposed herein. Since the proposed two-segment approach would apply to those approaches made under visual weather conditions it would also except those approaches that could not be conducted in accordance with the applicable VFR distance from cloud criteria.

NOISE ABATEMENT PROCEDURE CRITERIA

If the two-segment approach under visual conditions is made mandatory, it is proposed to apply the criteria set forth below for the use of such facilities. Comments in regard to those, or other criteria deemed necessary or desirable for the use of a two-segment approach under visual conditions should also be submitted by interested persons for consideration by the FAA and EPA in conjunction with the adoption of the visual two-segment approach.

VISUAL WEATHER CONDITIONS

(1) Daylight hours.
(2) Ceiling at or above 3,000 ft HAA in the approach area.
(3) Flight visibility at or greater than 5 nm in the approach area.

LANDING AIDS

(1) Operative ILS glide slope with appropriately located DME.

FLIGHT PROFILE

(1) At or above 3,000 ft HAA at flight path distances of 7 nm or more from the runway threshold.

(2) The first segment at a glide angle of 5 to 6 degrees with the initial intercept at 3,000 ft/7 nm, transitioning to the second segment along the ILS glide slope (nominally, 3 degrees). Initial intercept at 3,000 ft/6 nm also may be considered, although, as shown below, this would result in an undesirably low transaction altitude for a first segment glide angle of 5 degrees. The following table shows the flight profile transition points for the 6 and 7 nm entry points and first segment angles of 5 and 6 degrees.

ENTRY AT 3,000 FT/6 NM

(1) 6/3 degrees, transition at 930 ft/2.7 nm
(2) 5/3 degrees, transition at 400 ft/1.1 nm

ENTRY AT 3,000 FT/7 NM

(1) 6/3 degrees, transition at 1,570 ft/4.7 nm
(2) 5/3 degrees, transition at 1,200 ft/3.6 nm

For the majority of the turbojet powered airplanes, under most conditions, the entry at 3,000 ft/6 nm would permit transition to be initiated at 1,000 ft. and completed prior to 500 ft. However, for certain low drag airplanes, such as the DC-8, a 5 degrees upper segment is more appropriate than 6 degrees, and this would result in a very low transition altitude. The use of a 3,000 ft/7 nm entry point not only accommodates such low drag but also allows for unusual variations in tailwind, airspeed, wind shear, or other factors that may make the 6 nm entry point marginal under some conditions.

Any two-segment visual approach procedure approved by the Administrator for the use of a particular runway, including the conditions and limitations appropriate for its use, would be established by him under procedures similar to those now used for the establishment of standard instrument approach procedures prescribed in Part 97. However, to distinguish the two-segment approach procedures from the standard instrument approach procedures they would be placed in a separate Part 98 and portrayed on appropriate aeronautical charts in addition to being published in the Airman's Information Manual.

THE PROPOSED RULE

In consideration of the foregoing, it is proposed to amend § 91.87 of the Federal Aviation Regulations as follows:

1. By striking the word "and" appearing at the end of paragraph (e)(1) and adding a semicolon and the word "and" at the end of paragraph (e)(2).

2. By adding a new subparagraph (e)(3) to read as follows:

§ 91.87 Operation at airports with operating control towers.

* * * * * *

(e) *Approaches.* * * *

(3) A civil turbojet engine-powered airplane shall, when making an approach for a landing under visual weather conditions on a runway having an approved visual two-segment approach procedure prescribed in Part 98 of this Chapter, use that procedure unless he notifies ATC that he finds it necessary in the interest of safety, or compliance with the applicable distance from cloud criteria, to use a different procedure approved for an approach and landing on that runway. As used in this subparagraph, "visual weather conditions" means during daylight hours when the ceiling and visibility in the approach are are 3,000 ft HAA and 5 nautical miles from the runway threshold, respectively.

EPA PROPOSAL III: TWO-SEGMENT ILS NOISE ABATEMENT APPROACH FOR TURBOJET ENGINE-POWERED AIRPLANES

Under the requirements of Section 7 (a) of the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234) the Administrator of the Environmental Protection Agency conducted a study of aircraft and airport noise and submitted a report thereon to the Congress. (Report on Aircraft/Airport Noise, Senate Committee on Public Works, Serial No. 93-8, Aug. 1973, Reference 16). Under Section 611 of the Federal Aviation Act, as amended by the Noise Control Act of 1972, the Administrator of the EPA also is required, not earlier than the date of submission of his report to the Congress, to submit to the Federal Aviation Administration proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations) as the Administrator of the EPA determines is necessary to protect the public health and welfare. In accordance with the foregoing requirement, the EPA published in the Federal Register on February 19, 1974, (39 FR 6142) a "Notice of Public Comment Period" containing a synopsis of the following rules it is considering in its efforts to achieve a satisfactory level of aircraft noise control and abatement for the protection of the public health and welfare. The proposed rules and the type of control which each rule would implement are as follows:

FLIGHT PROCEDURES NOISE CONTROL

(1) Takeoff procedures.
(2) Approach procedures.
(3) Minimum altitudes.

SOURCE NOISE CONTROL

(4) Retrofit/fleet noise level.
(5) Supersonic civil aircraft noise.
(6) Modifications to Part 36 of the Federal Aviation Regulations.
(7) Propeller driven small airplanes.
(8) Short haul aircraft.

AIRPORT OPERATIONS NOISE CONTROL

(9) Airport goals, mechanisms and procedures by which noise exposure of communities around airports can be limited to levels consistent with public health and welfare requirements.

This proposed rule is identified as the two-segment ILS noise abatement approach portion of item (2) above.

REFERENCES

In the development of this proposed rule the EPA evaluated several pertinent studies made by Federal agencies and private persons. Those studies are listed herein for the information of all interested persons and are available for examination at the FAA Rules Docket Office, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590, or Environmental Protection Agency, Office of Noise Control Programs, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460. Copies of those studies prepared by Government Agencies are also for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(1) "Operational Noise Abatement Procedures Designed to Limit the Amount of Disturbance Caused by Aircraft Taking Off, In Flight, or Landings", International Conference on the Reduction of Noise and Disturbance Caused by Civil Aircraft, London, November, 1966.

(2) "Note on Effect of Thrust and Altitude on Noise in Steep Approaches", NASA, LWP-283, September 14, 1966.

(3) "Flight Investigations of Methods for Implementing Noise Abatement Landing Approaches", "Progress of NASA Research Relating to Noise Alleviation of Large Subsonic Jet Aircraft", NASA SP-189, October 8-10, 1968.

(4) "Flight and Simulation Investigation of Methods for Implementing "Noise Abatement Landing Approaches", NASA TN D-5781, May 1970.

(5) "Noise Measurement for a Three-Engine Turbo-Fan Transport Airplane During Climbout and Landing Approach Operations", NASA TN D-6137, May 1971.

(6) "Measurement and Analysis of Noise from Four Aircraft During Approach and Departure Operations (727, KC-135, 707-320B, and DC-9)", FAA Report FAA-RD-71-84, September 1971.

(7) "Preliminary Results on Two-Segment Noise Abatement Studies", NASA TM X-62, 098, September 22, 1971.

(8) "Noise Reductions Achieved on a 720-023B Airfcraft Using a Two-Segment Approach", NASA CR-14417, December 1971.

(9) "Flight Evaluation of Two-Segment Approaches for Jet Transport Noise Abatement", American Airlines NASA Contractor Report, prepared under Contract No. NAS 2-6501, June 1973.

(10) "Aircraft Noise Reduction Technology", a report by the National Aeronautics and Space Administration to the Environmental Protection Agency for the Aircraft/Airport Noise Study, March 30, 1973.

(11) D. G. Denery, et al., "Status Report on NASA Two-Segment Approach Program", Paper 750594, presented at the SAE Air Transportation Meeting, Hartford, Conn., May 6-8, 1975.

(12) "Initial Flight and Simulator Evaluation of a Head-Up Display for Standard and Noise Abatement Visual Approaches", NASA, TM X-62, 167, February 1973.

(13) "NBAA Noise Abatement Program", National Business Aircraft Association, Report SR 67-12, June 1967.

(14) "Effects of Aircraft Operations on Community Noise", The Boeing Company, Commercial Airplane Group, June 1971.

(15) "A Comparison of Aircraft Approach Angles at Los Angeles and San Diego International Airports", City of Inglewood, California, June 1972.

(16) "Report on Aircraft/Airport Noise", Report of the Administrator of the Environmental Protection Agency in Compliance with Public Law 92-574, Senate Committee on Public Works, Serial No. 93-8, August 1973.

(17) "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety", EPA Technical Document 550/9-74-004, March 1974.

(18) C. Bartel, L. C. Sutherland and L. Simpson, "Airport Noise Reduction Forecast", DOT Report DOT-TST-75-3, October 1974.

(19) J. E. Wesler, "Airport Noise Abatement—How Effective Can It Be?", *Sound and Vibration*, February 1975, pp. 16-21.

(20) R. H. Peterson and R. F. Burke, "Studies of Methods for Reducing Community Noise Around Airports", Nielsen Engineering and Research, Inc., Repart NEAR TR 73, prepared under contract No. NAS2-8190 for NASA/Ames, August 1974.

(21) G. D. Adams, "Let-Down Guidance System", FAA Report No. FAA-RD-70-6, April 1970.

(22) Joseph D. Blatt, letter to Steven Starley, Office of Noise Abatement and Control, Environmental Protection Agency, March 31, 1975.

(23) "Field Evaluation of 3000 Ft-Glideslope Intercept Program," Report No. FAA AT-72-1, March 1972.

(24) "Noise Measurement Evaluation of Takeoff and Approach, Profiles Optimized for Noise Abatement", NASA TN D-6244, March 1971.

(25) "Recommended Steps for Noise Abatement Approach", Informal Paper Submitted to EPA by ATA, received March 5, 1973.

(26) "Operations Analysis Including Monitoring, Enforcement, Safety, and Cost," Report of Task Group 2, EPA NTID 73.3, 27 July 1973.

(27) "Approach and Landing Procedures for Noise Control", EPA Project Report, 1 July 1975.

REGULATORY HISTORY

Advance Notice of Proposed Rule Making (ANPRM) 74-12 (39 FR 11103), issued by the FAA on March 20, 1974, proposed regulations that would require aircraft landing at specified airports to use a two-segment ILS approach in order to reduce the noise impact on persons or property underlying the approach path. The proposed regulations would apply to all civil turbojet engine-powered airplanes conducting an ILS approach to over 100 ILS equipped runways located at 58 major airports in the U.S. The 55 airports, listed by state, that were identified in ANPRM 74-12 as being under consideration for implementation of the two-segment ILS noise abatement approach are repeated herein for the information of all interested persons.

Arizona (Sky Harbor (Phoenix), Tucson International);
California (Fresno Air Terminal, Hollywood-Burbank, Lindberg Field (San Diego), Long Beach, Los Angeles International, Oakland

V401187 SEP2575 XUM

International, Ontario International, Orange County (Santa Ana), San Jose Municipal San Francisco International);
Colorado (Stapleton International (Denver));
Connecticut (Bradley International (Windsor Locks));
Florida (Miami International, Tampa International);
Georgia (Atlanta Hartsfield International);
Illinois (Chicago-Midway, Chicago-O'Hare International)
Iowa (Des Moines Municipal);
Kentucky-Ohio (Greater Cincinnati, Standiford Field (Louisville));
Louisiana (New Orleans International);
Maine (Bangor International, Portland International);
Massachusetts (Barnstable Municipal (Hyannis), Logan International (Boston));
Michigan (Detroit-Wayne County Metropolitan);
Minnesota (Minneapolis-St. Paul International);
Missouri (Lambert International (St. Louis));
Nebraska (Eppley Airfield (Omaha));
New Jersey (Atlantic City, Mercer County (Trenton), Morristown Municipal, Newark);
New York (Albany County, J.-F. Kennedy International (New York), La Guardia (New York), Stewart (Newburgh), Westchester County (White Plains));
Ohio (Cleveland Hopkins International, Dayton Municipal, Port Columbus International);
Oklahoma (Tulsa International, Will Rogers World (Oklahoma City));
Pennsylvania (Philadelphia International);
Rhode Island (T. F. Green (Providence));
Texas (Dallas-Ft. Worth Regional, Houston Intercontinental, San Antonio International);
Vermont (Burlington International);
Virginia (Dulles International (D.C.), Washington National (D.C.));
Washington (Lewiston Nez Perce, Seattle-Tacoma International); and
Wisconsin (Madison Municipal).

As in the case of other noise reduction proposals, the comments received from persons residing in the vicinity of the airports concerned generally favored the proposal. The comments received from the American Association of Airport Executives (AAAE) also favored the proposal as an effective means of reducing the impact of flight operations in the approach area. In the opinion of one major West Coast airport operator the proposal would, if adopted, result in a very great cost benefit for the entire aviation industry. The operator stated that at his airport alone the potential liability for noise is in excess of $3 billion and that a reduction of the 90 EPNdB impact area in each approach zone from 18 square miles to 3.7 square miles is a very dramatic and helpful improvement that could be of great significance in that liability. It should be pointed out here that this estimate of the improvement obtainable with two-segment approach is over-optimistic; a 30 to 60% reduction in the 90 EPNdB impact area is more reasonable.

Conversely, the aircraft operators were generally opposed to the two-segment ILS approach. The Airline Pilots Association (ALPA and IFALPA), speaking for its members, stated that the two-segment ILS approach is not acceptable to the pilot community and as proposed, it leaves many questions still unresolved. As an optional method of reducing noise the pilot associations suggest quieter airplanes and retrofit. The Air Transport Association (ATA), on the other hand, speaking for its air carrier members, believes the benefits of a two-segment approach are overstated and the costs understated. Moreover, it believes the two-segment ILS approach is not yet adequately proved in service to introduce as a mandatory procedure.

The National Business Aircraft Association (NBAA), speaking on behalf of its members who use aircraft in the conduct of their business, stated that the two-segment ILS approach under IFR was not warranted at this time on the combined grounds of possible degradation of safety, small noise reduction potential, and high cost. The Aircraft Owners and Pilots Association (AOPA) were also opposed to the use of a two-segment approach and raised the issue of safety in regard to wake turbulence.

INTRODUCTION AND BASIS

Notwithstanding the foregoing comments in opposition to the two-segment ILS approach, the EPA believes that the use of a two-segment ILS approach for civil turbojet engine-powered airplanes can provide significant noise abatement within existing technology and pilot capability without degradation of safety. Since the FAA has not taken additional rule making action in regard to ANPRM 74–12, the EPA has submitted this recommended notice of proposed rule making for the consideration of the FAA Administrator under the mandates of Section 611 of the Federal Aviation Act of 1958 as amended. It is published herein for the information and comments of all interested persons. In the preparation of those comments it is to be noted that the EPA has also submitted separate noise reduction proposals for a two-segment ILS approach under visual conditions and for the use of reduced flap settings during the approach and landing. Both of these proposals apply to civil turbojet engine-powered airplanes and may be issued in separate rule making actions by the FAA under the provisions of section 611 of the Federal Aviation Act.

As stated in the previous notice (ANPRM 74–12), the two-segment ILS approach rule would require an ILS approach and landing to be conducted at those airports designated above. The approach would consist of a two-part descent with the upper segment glide angle flown at 5 to 6 degrees, depending on the type of aircraft, and with the second segment being flown using the existing ILS glide slope angle. Transition between upper and lower segments would be accomplished far enough from touchdown to allow stabilized conditions by 700 feet height above airport (HAA). Normally, the transition would begin approximately three nautical miles from runway threshold and be completed by two nautical miles from threshold. The regulation would allow a stable, controlled approach down to the Category I weather minimums in the standard instrument approach procedures issued under Part 97 of the Federal Aviation Regulations. The regulation would apply to all civil turbojet airplanes.

The two-segment noise abatement approach technique has been under development over the past several years and has progressed from the engineering and development phase to operational evaluation under actual operating conditions in the national airspace system. Several variations of the two-segment approach have been examined and one airline has adopted a two-segment approach procedure under visual conditions with conventional cockpit instrumentation.

The National Aeronautics and Space Administration (NASA) and FAA began research work on steep single-segment and two-segment approaches early in the 1960's. It appears that, of the various approach procedures studied, the two-segment approach holds the most promise for significant noise relief without impairment of safety, especially for turbojet engine-powered airplanes.

In 1966, the FAA installed an experimental dual ILS glide path system at Dulles Airport that provided guidance for a two-segment approach. The first and second segment approach angles were 5.5 and 2.5 degrees, respectively. The transition point from the first to the second segment occurred at approximately 1,140 ft altitude (827 ft HAA) and 3.1 nautical miles from threshold (827 ft/3.1 nm). With the use of these approach procedures, as reported in Reference (1), a noise reduction of 10 dB (overall sound pressure level) was observed at a distance of 26,000 feet (4.3 nm) from the runway threshold.

As shown in the NASA study reported in Reference (2), the noise reduction due to steeper approaches is caused by two factors, the increased altitudes and the reduced power setting. For the four engine turbojet airplane used in that study, increasing the glide slope angle from 3 to 6 degrees reduced the overall sound pressure level under the flight track by 11.5 to 13.5 dB, of which approximately 7 dB was due to thrust reduction, the remainder being due to increased altitude.

NASA studies [References (3) and (4)] were also conducted to determine the requirements that would enable pilots to fly two-segment approach profiles with the precision common to conventional instrument landing approaches, without an increase in pilot workload. The approach profiles were evaluated by 11 pilots using a research four-engine turbojet powered airplane which had a flight director modified for two-segment approaches, an autothrottle, and both longitudinal and lateral directional stability augmentation. The studies concluded that a two-segment approach could be flown in the modified airplane with the same precision as a conventional one-segment instrument landing approach without a significant increase in pilot workload in the nearly ideal conditions of the tests.

The NASA tests reported in Reference (5) used a B–727 three-engine aircraft to fly 6/3 degrees two-segment approaches with transition starting at 1,115 ft/3.4 nm and completed by 722 ft/2.6 nm. Test results for these approaches indicated a noise reduction of 6 EPNdB at 3 nm and 10 EPNdB at 4.5 nm from threshold.

The FAA tests reported in Reference (6) studied nine approach noise abatement procedures for four different types of aircraft (B–727, KC–135, B–707–320B, and DC–9). The weather conditions for the tests varied considerably, a situation typical of actual line operations and, therefore, considerable scatter was evident in the data. Nevertheless, the report concluded that a "two-segment approach can achieve significant reductions in noise along the ground". Both procedures used an initial intercept height of 3,000 feet HAA and full flaps. The results of these tests also indicated a noise reduction averaging 10 to 14 EPNdB at 5 to 7 nautical miles from the runway threshold achieved by the use of the two-segment approach.

The studies reported in References (7) through (9) were conducted by NASA with American Airlines and Hydrospace Research Corporation as contractors. In these studies, two-segment approaches (6/2.5 degrees with transition at 400 ft/1.5 nm) were evaluated during 75 hours of flight in a B–720 four engine turbojet powered aircraft. A total of 28 pilots [2 project pilots and 26 guest pilots representing air carriers, FAA, ALPA, Allied Pilots Association (APA) and NASA] flew 234 two-segment approaches and 34 normal ILS approaches. All the tests were made during the daytime and in calm visual conditions.

The results of the tests were then presented to advisory committees, composed of individuals representing the airlines, airframe manufacturers, avionics suppliers, ATA, ALPA, and the Government, who agreed that the two-segment approach appeared operationally feasible, but warranted additional evalution under representative operational conditions in other types of aircraft. The committees recommended that one of the aircraft should be a B–727 because that type of aircraft accounts for the largest number of arrivals and departures and is used by more air carriers than any other type of aircraft. The committee also recommended tht another type of aircraft to be used in the tests should be a long-range type of aircraft such as the DC–8 or B–707 in order to extend the applicability to the data, as those aircraft differ significantly from the B–727 type of aircraft and have a larger noise footprint. In accordance with recommendations of the advisory committee, on-line flight evaluations were conducted with B–727 and DC–8 airplanes by United Airlines under contract to NASA, Reference (10).

The results of the UAL investigation and tests under this NASA contract were discussed at a recent status reporting session held by NASA (Reference 11). The key points presented are summarized below:

Two-Segment avionics have been developed and certified for airline use.
These avionics make use of contemporary ground navigational aids.
Crew procedures have been developed to be nearly identical to those in use by the air carriers.
Procedures and equipment are being evaluated under a wide variety of operational conditions: Usable under VFR & IFR conditions; Compatible with ATC (based on 727 tests); Normal ILS approach should be used during icing or in extreme tail winds.
Noise reduction has been measured.
System costs have been estimated.
Adaptability to the entire fleet has been shown.

The UAL researchers indicated that some problems and uncertainties remained unresolved. However, most of the factors identified as problems reside largely in the fact that two-segment approach has not been in widespread use, and they would be resolved as the necessary hardware and techniques were introduced into the air-carrier system.

The NASA tests reported in Reference (12) evaluated thirty-three approaches with a B–747 aircraft equipped with a cockpit "head-up" display Visual Approach Monitor (VAM) to aid the pilot in transitioning to a normal glide path from either a higher or a lower position. When compared with a standard 3 degrees approach, noise measurements made during those approaches again indicated considerable noise reductions. The reductions ranged from 6 EPNdB at 1 nm (from runway threshold) to 11 EPNdB at 5 nm for a 6/3 degree approach with transition at 660 ft/2.1 nm. Since a 6 degrees upper segment with 25 degrees flaps was slightly too steep for the 747 aircraft, use of 30 degree flaps and/or 5 degrees upper segment was recommended for future tests.

In addition to the studies conducted by NASA, EPA and the FAA, it is to be noted that air carriers, aircraft manufacturers and aeronautical associations have made studies regarding the feasibility of the two-segment approach, and in some cases, air carriers are using such approaches. For example, in a report dated 12 June 1967, the National Business Aircraft Association (NBAA) recommended the use of two-segment approaches in VFR weather conditions [Reference (13) listed above]. The Boeing Company in a report issued in June, 1971,–Reference (14), investigated the reduction of noise by the use of the two-segment approach. For a 6/3 degrees approach with transition at 1,000 ft/3 nm, the Boeing report predicted a noise reduction ranging from 5.5 EPNdB at 3.5 nm to 9.5 EPNdB at 6 nm from threshold for its B–727 aircraft. Using electronic guidance and a transition (250 ft HAA) closer to the airport, the report also predicted a noise reduction ranging from 5.2 EPNdB at 1 nm to 13 EPNdB at 6 nm.

In 1967, National Airlines began using a two-segment approach at Miami International Airport with weather minimums of 3,000 feet ceiling (above ground) and five nautical miles visibility. In 1972, Pacific Southwest Airlines started to use a visual two-segment approach at airports used by that airline in California. In the same year, Air California also started to use a visual two-segment decelerating approach with B–737 type aircraft. The two-segment approach is also used by aircraft as large as a DC–8 at the San Diego International Airport. Most of the approaches at this airport are made over high terrain to the east of the runway which necessitates a steep approach. This approach may be either a 4.5 degrees single-segment [a non-standard Visual Approach Slope Indicator (VASI) at this angle provides a visual reference], or a two-segment approach with close-in transition, i.e., closer than 1 nm from runway threshold [Reference (15), above].

HEALTH AND WELFARE CONSIDERATIONS

The EPA Report to Congress on Aircraft and Airport Noise (Reference 16) indicated that large numbers of persons are subjected to levels of cumulative noise exposure due to aircraft operations which have a potential for producing a permanent impairment of hearing, interference with speech, and the generation of annoyance. That report estimated that in 1972, 16 million persons in the United States were subjected, due to aircraft operations, to a Day-Night Average Sound Level of 60 dB or greater. The Day-Night Average Sound Level, Ldn is the measure used by the EPA to express quantitatively the cumulative noise exposure of a population.

In formation presented in the Report to Congress (Reference 16) further indicated that, based on available data in the scientific literature, at Ldn values of 60 dB there is about a 2.5 percent occurrence of speech interference and about 23 percent of the exposed population is highly annoyed. Further, the EPA "Levels Document" (Reference 17) specifically identified two long-term average levels of noise exposure which should not be exceeded in order to protect the public health and welfare with an adequate margin of safety:

A Day-Night Level (Ldn) no greater than 55 dB, to protect against annoyance (including interference with speech communication);

An Equivalent Noise Level (Leq) no greater than 70 dB, to protect against significant adverse effects on hearing.

As pointed out in EPA's "Levels Document" the phrase "health and welfare" is taken to mean "complete physical, mental and social well-being and not merely the absence of disease and infirmity." It is clear from the foregoing data that noise due to aircraft operations represents a significant hazard to the health and welfare of millions of persons.

As set forth in the Report to Congress, the EPA has determined that, in order to protect the public health and welfare from aircraft noise, it is necessary that regulations be proposed to the FAA, for promulgation, in the eight subject areas of aircraft noise control listed earlier in this preamble.

The intent of those aircraft noise regulations is to produce a substantial reduction in the number of persons subjected to cumulative noise levels that are considered hazardous to their health and welfare, i.e., in the terms outlined in the foregoing paragraphs, to Ldn values of 55 dB or greater. Although theoretically

V 40 187 S SEP 25 75 XUM

it might be considered desirable to reduce the day-night level due to aircraft noise to less than 55 dB for all persons, this is an unrealistic goal. As reported in the Levels Document, Reference 17, some 62 million persons in the United States are estimated to be exposed to Ldn 60 or greater due simply to vehicular traffic noise, and some 75 percent of the urban population are estimated to be exposed to ambient sound levels averaging Ldn 55 or greater. Present technology does not provide the capability of reducing cumulative noise due to aircraft operations to Ldn 55 for all persons without essentially destroying the national air-carrier system with all its attendant benefits to the public health and welfare. And even if aircraft noise were completely eliminated, many millions of persons still would be subjected to cumulative noise in excess of Ldn 55 due to other sources, mainly motor vehicles. Consequently, the EPA has a more modest and realistic goal, namely, to achieve the maximum reduction of cumulative noise due to aircraft operations that is technologically feasible to obtain without exorbitant costs. This is a position consistent with the requirements under the Noise Control Act that EPA, as well as the FAA, must meet in developing and promulgating noise control regulations which are within their respective areas of responsibility.

The EPA believes that the succeeding paragraphs quantify the environmental noise impact associated with aircraft and airport operations. This is done for both a defined baseline situation and for hypothetical situations in which it is assumed that one or more of the proposed aircraft noise regulations has been implemented. Comparison of the various sets of figures provides reasonable estimates of the noise reduction benefits to be gained by implementation of the various regulatory proposals for the control of aircraft noise.

ASSESSMENT OF NOISE IMPACT DUE TO AIRCRAFT OPERATIONS

This section deals with the health and welfare effects of environmental noise in terms of noise impact assessment which is a methodology for quantifying the extensiveness and severity of noise impact by a single number. An explanation of Noise Impact Methodology has been presented in various EPA publications, including Reference 27. In brief, this methodology comprises the following steps, for each specified environmental noise situation.

1. Determine (or estimate) the number of persons [P(i)] exposed to various ranges of Day-Night Equivalent Sound Level (Ldn) (e.g., 8.5 million persons between Ldn 60 and 65; 4.1 million between Ldn 65 and 70, etc.)

2. Assign to each Ldn range a Fractional Impact value [FI(i)] appropriate to the criterion under consideration. For purposes of this analysis, Ldn 55 is considered to represent a zero impact [FI=0], and Ldn 75 an impact of 1.0 [FI=1.01. For Ldn 60–65, FI(1) is 0.375; for Ldn 65–70 FI(2) is 0.625; for Ldn 70–75, FI(3) is 0.875; etc.

3. For each range of Ldn values, determine the Noise Impact Contribution as the product of number of persons exposed and fractional impact, or

$$NI(i) = [FI(i)] \times [P(i)]$$

4. Calculate the Equivalent Noise Impact, ENI, as the sum of the individual Noise Impact contributions, or

$$ENI = \Sigma(i)\ [FI(i)]\ [P(i)].$$

This quantity may be interpreted as the equivalent number of persons "fully impacted" by the noise in the given situation. For residential land use affected by noise, the ENI value is the equivalent number of persons exposed to Ldn 75.

To obtain an estimate of the noise impact reduction resulting from some action, such as implementation of aircraft noise regulation, one would estimate the ENI values for the baseline condition and for the condition existing as a result of the action taken. The result could be expressed as a change in absolute value, or as a ratio, of the baseline Equivalent Noise Impact.

1. *Baseline Noise Impact—Aircraft Operations.* For this analysis, the baseline year of 1972 is used, mainly because the best available analyses of aircraft environmental noise have been premised on a 1972 baseline (References 18–20). Since the Noise Control Act was enacted into law in 1972, this baseline seems quite appropriate.

Of the three references listed, Reference 18, "Aircraft Noise Reduction Forecast", also known as the DOT "23-Airport Study", is the most widely known. It provides the basic data and point of departure for the others. In terms of the individual elements of EPA's proposed regulatory package, Reference 19, which extended the analysis of Reference 18 to cover additional options of noise reduction, seems most nearly oriented towards evaluation of the effects of the various options considered. Consequently, the calculations and results presented in this section are based largely on the data of Reference 19, with key data points confirmed by Reference 18. This latter report adduced that the 23 airports studied accommodated approximately half of the operations nationally of aircarrier jet aircraft. In terms of total impact, however, independent analyses by EPA and its consultants indicated that the population impacted by the operations to and from the 23 airports represented about 63% of the national impacted population. The results presented herein are based on that premise.

On the basis of the information discussed in the previous paragraphs, the EPA has estimated that for the 1972 baseline condition, the national population exposed to Ldn 65 or greater is 7,925,000 persons, and to Ldn 75 or greater is 792,000 persons. This corresponds to an Equivalent Noise Impact (ENI) (considering the population exposed to Ldn 65 or greater) of approximately 5,800,000 persons. By extrapolating the population data, a rough estimate can be obtained of the baseline population exposed to Ldn 60 or greaer. This rough estimate is about 25,000,000 persons; the corresponding ENI, considering the population exposed to Ldn 60 or greater, is about 12,000,000 persons.

2. *Noise Impact—Projected Fleet of the late 1970's, with several Noise Control Options Applied.* Summarized below are the estimates of the effects of several of the noise control options that would be undertaken if the regulations package proposed by EPA were promulgated and implemented. The results, for the late 1970's, are given in terms of Reduction in numbers of persons exposed to Day-Night Equivalent Levels of 65 or greater, and 75 or greater, respectively, and corresponding changes in Noise Impact, taking into account the change in aircarrier fleet mix and number of operations projected for that period.

The conditions considered are the following:

1978 Baseline Fleet (this reflects the introduction of new, less noisy aircraft that meet or better FAR 36 noise limits, and the phasing out of old, noisier aircraft).
Two-Segment Approach.
Noise Abatement Takeoff.
Quiet Nacelle (QN) also referred to as Sound Absorption Material (SAM) Retrofit.

The estimated data on numbers of people affected in various Ldn ranges, and the corresponding changes in Noise Impact, are tabulated below.

1978 BASELINE FLEET (RELATIVE TO 1972 BASELINE):

Population exposed to Ldn 65 or greater reduced by 2,520,000.
Population exposed to Ldn 75 or greater reduced by 287,000.
Severity and extensiveness of impact reduced by 33.6 percent.

TWO-SEGMENT APPROACH (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 570,000.
Population exposed to Ldn 75 or greater reduced by 54,000.
Severity and extensiveness of impact reduced by 10.4 percent.

NOISE ABATEMENT TAKEOFF (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 1,050,000.
Population exposed to Ldn 75 or greater reduced by 102,000.
Severity and extensiveness of impact reduced by 19.1 percent.

QUIET NACELLE RETROFIT (RELATIVE TO 1978 BASELINE):

Population exposed to Ldn 65 or greater reduced by 1,600,000.
Population exposed to Ldn 75 or greater reduced by 283,000.
Severity and extensiveness of impact reduced by 32.3 percent.

Although not all of the EPA proposed regulations for control of aircraft noise can be quantified directly in terms of the reduction in Equivalent Noise Impact, it is apparent from the foregoing discussion that a serious noise impact now exists, and prompt action is necessary to protect the public health and welfare. It also is apparent that, although the expected evolution of the fleet will reduce the noise impact significantly, implementation and promulgation of aircraft

noise regulations is a necessary and important part of the action that needs to be taken, and will yield substantial benefits in reducing the number of persons seriously impacted by noise.

COST CONSIDERATIONS

A two-segment ILS approach as proposed in the ANPRM 74–12 and in this notice would require an electronic equipment retrofit for all U.S. and foreign aircraft using the 58 airports in the United States having a noise sensitive area within 3 to 8 miles from the runways under the approach path. On the basis that the equipment required is a glide slope computer such as that used in the tests, the cost to be borne by the operator of the airplane has been estimated in ANPRM 74–12 and by NASA to be between $35,000 and $37,000 per airplane, including labor, interface equipment and wiring modifications, parts and spares. The corresponding total cost for the approximately 2000 airplanes of the U.S. air-carrier fleet would be about $70 million.

There are alternative means by which two-segment approach capability can be obtained, and these alternatives have a direct bearing on how much of the cost of the capability can be charged to noise abatement. One such alternative is to utilize electronic systems which include the glide slope computer function even though the system was not designed for the purpose of noise abatement. A second alternative is to utilize a single purpose system designed specifically for noise abatement. Finally, although it would offer no near term relief, another alternative should address incorporation of the two-segment approach capability into future aircraft guidance and air traffic control systems. In the interests of brevity, the three alternative methods of achieving a two-segment approach capability will be referred to as the multi-purpose system, single purpose system, and future system.

A multi-purpose system which includes necessary glide slope computer function does exist (Reference 11) since the FAA Western Region issued a Supplemental Type Certificate (STC SA2865WE dated June 7, 1974) which permits in-service use of the ANS–70A area navigation (RNAV) system to fly two-segment approaches. The cost implications for noise abatement which derive from the avallability of an RNAV system that includes the glide slope computer function are not clear, e.g., if the RNAV system were installed for area navigation, then the incremental cost for two-segment approach capability would be modest. Even if the system were purchased because two-segment approaches are required and the RNAV capability is a desirable rather than a required item, only a portion of the system cost should be charged off against noise abatement, since it does not appear reasonable that a full-function RNAV system would be purchased only for its two-segment approach capability. Whereas it may be difficult to apportion the costs of a two-segment approach capable RNAV system to both noise abatement and air navigation, no such problem exists for the single-purpose system. Single purpose systems have been built and demonstrated by both the FAA and NASA.

In 1970, the National Aviation Facilities Experimental Center (NAFEC) of the FAA designed and demonstrated a "Let Down Guidance System" for two-segment approaches (Reference 21). The NAFEC unit is a small airborne analog computer which converts distance and barometric altitude inputs into vertical guidance signals which are presented on a conventional crosspointer instrument. In Reference 22, it is estimated that the current cost of an Airborne Glide Slope Computer of the NAFEC type would be between $2,000 and $5,000, assuming that the aircraft is equipped with DME and a satisfactory altimeter system. The actual cost of the installed system, within the range indicated here, would depend upon the sophistication desired and the number of units as well as the kind and amount of interface hardware and engineering required.

The previously-mentioned NASA estimate of $37,000 (Reference 11) concerned a two-segment approach system which was based on the NAFEC type of airborne computer but which incorporates the attributes necessary for certification for use in air-carrier aircraft. This estimate was based upon certain assumptions as to number of units manufactured and existing instrumentation on board the aircraft. A detailed review of the NASA estimates indicates some possible conservatism in the cost-influencing assumptions with respect to the need for new DME, cost-quantity relations, spares allowance, and installation labor. With different assumptions, the cost estimate could be significantly lower.

With respect to future systems such as the Microwave Landing System (MLS), a two-segment approach capability essentially exists within the current system design concepts. If the MLS were fully developed with an explicit two-segment approach capability, the costs chargeable against noise abatement would undoubtedly be considerably lower than those discussed here for ILS/DME systems.

In the case of air carrier aircraft, the time required to complete the installation of all needed guidance equipment, concurrent with scheduled aircraft down-time, is estimated to be approximately 3 to 4 years for a normal schedule, and approximately 2½ to 3 years for an accelerated schedule.

In respect to the ground facilities needed for the two-segment approach, it is anticipated as stated in ANPRM 74–12 that the cost of installing Distance Measuring Equipment (DME) would be approximately $50,000 each or a total of $5 million for the 100 DME installations located at the 58 airports having noise sensitive areas. However, the proposed DME installations would provide increased air navigational capabilities over and above that needed for noise abatement, and the DME costs should be apportioned among the several uses of the facility.

In the use of the two-segment approach it is anticipated that there would be a change in the operational costs for the aircraft involved. As previously explained, steeper approach procedures reduce the noise exposure area due to their inherently higher approach altitudes and required lower power settings. Economically, these lower power settings in the approach phase of a flight directly translate into fuel savings. On the other hand, higher approach altitudes may induce higher operational costs due to the effects of longer flight paths on—

(a) The decreased practical capacity of an airport;

(b) The increased delay times resulting from the dynamics of flight control at an airport; and

(c) The increased maneuver distances associated with the geometry of two-segment approaches.

It is estimated that the minimum increase, due to the above factors, for a 3,000 ft glide slope intercept procedure, is roughly $8.55 per flight [Reference 23, above]. However, countering that cost increase is reduced fuel consumption due to the lower power settings. For example, that fuel saving is estimated to be about 380 pounds (or some 58 gallons) per landing for a B–727 aircraft when compared to a conventional approach. On a per landing basis, saving 58 gallons of fuel at 25 cents per gallon translated into an operational cost savings of $14.50. This saving will continue to increase in accordance with the increase in cost of aviation fuel. Since per landing savings exceed the potential induced costs, adoption of the proposed procedures is economically reasonable in respect to the operators of the airplane to which the procedures would apply.

If a consistent intercept point for the visual two-segment approach is desired, it is necessary to have DME colocated with the ILS (ILS/DME). This proposed alteration to the Air Traffic Control (ATC) system will take time and money to implement. Of the over 100 ILS equipped runways to which this rule would apply, only seven now have colocated DME. It is estimated that it will cost approximately $50,000 per installation and the total cost to the FAA would be approximately 5 million dollars.

EXCEPTIONS

Under the provisions of this proposal, each person operating an aircraft to which the rule applies is expressly given final authority and responsibility for the safe operation of his airplane. Therefore, if he determines in the interest of safety that an approved instrument approach procedure other than a two-segment ILS approach should be used for a particular approach and landing, he may use the other procedure upon notice thereof to Air Traffic Control (ATC). The authority for alternative procedures is presently provided under the noise abatement runway system requirements of § 91.87(g) and would be equally appropriate for the two-segment noise abatement procedure requirements proposed herein.

V 40 I 187 SEP 25 75 XUM

NOISE ABATEMENT PROCEDURE CRITERIA

If the two-segment ILS approach is made mandatory, it is proposed to use the criteria set forth below for the use of such facilities. Accordingly, comments in regard to these criteria or other criteria deemed necessary or desirable for the use of a two-segment ILS approach may also be submitted by any interested person.

ENTRY AT 3000 FT/6 NM

(1) 6/3 degrees, transition at 930 ft/2.7 nm.
(2) 5/3 degrees, transition at 400 ft/1.1 nm.

ENTRY AT 3000 FT/7 NM

(1) 6/3 degrees, transition at 1,570 ft/4.5 nm.
(2) 5/3 degrees, transition at 1,200 ft/3.6 nm.

For the majority of the turbojet engine-powered airplanes under most conditions, the entry at 3,000 ft/6 nm would permit transition to be initiated at 1,000 ft. HAA and completed prior to 500 ft. HAA. However, for certain low drag airplanes, such as the DC-8, a 5 degrees upper segment is more appropriate than 6 degrees, and this would result in a very low transition altitude. The use of a 3,000 ft/7 nm entry point not only accommodates such low drag but also allows for unusual variations in tailwind, airspeed, wind sheer, or other factors that may make the 6 n.m. entry point marginal under some conditions.

Any two-segment ILS approach procedure approved by the Administrator for the use of a particular runway, would be established by him under procedures similar to those now used for the establishment of standard instrument approach procedures prescribed in Part 97. However, to distinguish the two-segment ILS approach procedures from the standard one-segment instrument approach procedures they would be placed in a separate Part 98, and portrayed on appropriate aeronautical charts, in addition to being published in the Airman's Information Manual.

THE PROPOSED RULE

In consideration of the foregoing, it is proposed to amend § 91.87 of the Federal Aviation Regulations as follows:

1. By striking the word "and" appearing at the end of paragraph (e)(1) and adding a semicolon and the word "and" at the end of paragraph (e)(2).

2. By adding a new subparagraph (e)(3) to read as follows:

§ 91.87 Operation at airports with operating control towers.

* * * * *

(e) *Approaches.* * * *

(3) A civil turbojet engine-powered airplane shall, when making an approach for a landing on a runway having an approved ILS two-segment approach procedure, prescribed in Part 98 of this Chapter, use that procedure unless he notifies ATC that he finds it necessary in the interest of safety to use a different procedure approved for an approach and landing on that runway.

These amendments are proposed under the authority of §§ 307, 313(a) 601, 603, and 611(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348, 1354(a), 1421, 1423, and 1431(c)); § 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. § 4321 et seq.); and Executive Order 11514, March 5, 1970.

Issued in Washington, D.C., on September 24, 1975.

RICHARD P. SKULLY,
Acting Director, Flight Standards Service.

[FR Doc.75-25811 Filed 9-24-75; 11:08 am]

V 40 187 SEP 25 75 XUM

federal register

THURSDAY, SEPTEMBER 25, 1975



PART III:

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

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HEALTH AND SAFETY STANDARDS

V 40 187
SEP 25 75
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DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 55, 56, 57]

NEW AND REVISED HEALTH AND SAFETY STANDARDS

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725) to develop, revise, and promulgate health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in metal and nonmetal mines and mills, it is proposed to amend Parts 55, 56, and 57, Subchapter N, Chapter I, Title 30, Code of Federal Regulations by revising certain existing standards and adding certain new definitions, deleting or revising certain advisory standards and making them mandatory, and revising and adding new mandatory standards relating to fire prevention and control; air quality, ventilation, radiation, and physical agents; explosives; loading, hauling, dumping; use of equipment; travelways and escapeways; man hoisting; and gassy mines. These standards have been developed after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee appointed pursuant to section 7 of the Act (30 U.S.C. 726).

Each standard which is to be a mandatory standard is so designated by the word "Mandatory" which appears at the beginning of the subsection in which the standard is prescribed. If the Federal Metal and Nonmetal Mine Safety Advisory Committee has recommended a mandatory standard, the standard is preceded by the word "Mandatory" and the letters "MNMSAC" in this manner "Mandatory. MNMSAC.—".

Subject to the provisions of subsection (e) of section 6 (30 U.S.C. 725(e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)) on or before the last day of the period herein fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which is designated as a mandatory standard under subsections (b) and (c) of section 6 of the Act (30 U.S.C. 725 (b) and (c)), which has not been recommended as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee, may file with the Secretary written objections stating the grounds for such objections and requesting a public hearing subject to the provisions of the Administrative Procedure Act (5 U.S.C. 556, 557) on such objections.

Pursuant to the provisions of subsection (e) of section 6 of the Act proposed mandatory standards which have been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee are not subject to public hearings.

The Mining Enforcement and Safety Administration (MESA) and the Occupational Safety and Health Administration (OSHA) entered into a Memorandum of Understanding on April 22, 1974, to (1) clarify the jurisdictional responsibility of each agency and (2) provide a procedure for the coordination and adoption of safety standards which have significant application to working conditions in mines and mills subject to the Federal Metal and Nonmetallic Mine Safety Act. The Memorandum of Understanding was published in the Federal Register on Friday, July 26, 1974 (39 FR 27382–27384).

In accordance with the requirements of Article D1 (a) and (b) of the Memorandum, MESA personnel consulted with representatives of OSHA regarding those OSHA standards promulgated by the Secretary of Labor as of April 22, 1974 which may have a significant application to mines and mills subject to the Federal Metal and Nonmetallic Mine Safety Act, and are not covered by mandatory standards promulgated by the Secretary of the Interior prior to the effective date of the Memorandum. After such consultations held on June 13 and October 4, 1974, MESA submitted a list identifying those OSHA standards that are not covered by mandatory standards applicable to metal and nonmetal mining and milling operations other than coal and lignite mining.

The proposed new and revised mandatory standards published below were in the process of development by MESA prior to the effective date of the Memorandum of Understanding. While certain proposed standards may be construed as satisfying the intent of the Memorandum, these proposed standards were developed independently and prior to the Memorandum and are not modifications or revisions of OSHA standards in effect on April 22, 1974; therefore, a statement of the reasons for differences in wording between MESA and OSHA standards prescribed in Article D1(c)(2) of the Memorandum are not included in this notice of proposed rulemaking.

The Department of the Interior is proceeding with the development of mandatory standards in accordance with section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725).

Interested persons may submit, on or before November 6, 1975, written data, views, arguments, and objections, including a request for public hearing to the Administrator, Mining Enforcement and Safety Administration, Department of the Interior, Room 618, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

In consideration of the foregoing, it is proposed to amend Parts 55, 56, and 57 of Chapter I, Subchapter N, Title 30, Code of Federal Regulations, as set forth below.

It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with OMB Circular A–107.

Dated: September 19, 1975.

JACK W. CARLSON,
Assistant Secretary of the Interior.

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

A. Section 55.2 *Definitions*, is proposed to be amended as follows:

1. It is proposed to revise the definition of the "American Table of Distances" as follows: "American Table of Distances" means the "American Table of Distances for Storage of Explosives," as revised and approved for the Institute of Makers of Explosives—November 5, 1971, and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials 1973, NFPA No. 495, pages 59 through 62, with the exception of the definitions of the terms explosives, blasting agents, detonator, magazine and inhabited building as defined in Notes 2, 3, 4, 5, and 9 on page 61, and Note 14 on page 62, and which is hereby incorporated by reference and made a part hereof. The Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials NFPA No. 495—1973 may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration or may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210. The terms explosives, blasting agents, detonator, magazine and inhabited building as used in this Part are defined elsewhere in this § 55.2.

2. It is proposed to revise the definition of "Blasting agents" as follows:

"Blasting agents" means any material or mixture, consisting of fuel and oxidizer intended for blasting and not otherwise defined as an explosive, and in which none of the ingredients is classified as an explosive either under this § 55.2, or classified as an explosive by the Department of Transportation in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof, provided that the finished product, as mixed and packaged for use or shipment, cannot be initiated by a No. 8 test detonator, or equivalent, when unconfined. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

3. It is proposed to revise the definition of "Blasting cap" as follows:

"Blasting cap" means a detonator which is initiated by a safety fuse.

4. It is proposed to revise the definition of "Blasting circuit" as follows:

"Blasting circuit" means the electrical circuit used to fire one or more electric blasting caps.

5. It is proposed to add a definition of "Booster" as follows:

"Booster" means any unit of explosive or blasting agent to be used in a charged hole for the purpose of perpetuating or intensifying the initial detonation.

6. It is proposed to revise the definition of "Capped fuse" as follows:

"Capped fuse" means a length of safety fuse to which a blasting cap has been attached.

7. It is proposed to add a definition of "Charged hole" as follows:

"Charged hole" means any hole containing explosives, on blasting agents with a primer.

8. It is proposed to add a definition of "Delay connector" as follows:

"Delay connector" (MNMSAC) means a nonelectric short interval delay device for use in delaying blasts which are initiated by detonating cord.

9. It is proposed to revise the definition of "Detonator" as follows:

"Detonator" means any device containing a detonating charge that is used to initiate detonation of an explosive and includes blasting caps, electric blasting caps, and nonelectric delay blasting caps.

10. It is proposed to revise the definition of "Detonating cord" as follows:

"Detonating cord" means a flexible cord containing a full core of high explosives.

11. It is proposed to revise the definition of "Electric blasting cap" as follows:

"Electric blasting cap" means a detonator designed for and capable of being initiated by means of an electric current.

12. It is proposed to revise the definition of "Explosive" as follows:

"Explosive" means either any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; or, any compound, mixture, or device that is classified as an explosive by the Department of Transportation in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof. Explosive shall not include any material or mixture that is defined as a blasting agent under this § 55.2. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

13. It is proposed to add a definition of "Fire-retardant wood" as follows:

"Fire-retardant wood" means wood meeting the requirements for a Class A Fire-Retardant Pressure-Impregnated wood as specified in NFPA No. 703, Standard for Fire-Retardant Treatments of Building Materials, Chapter I, in Volume 11 of the National Fire Code, 1975, pages 703–3 and 703–4, except that the second sentence in paragraph 141 shall read as follows: "The rating shall be certified by a nationally recognized testing laboratory and each piece of wood shall be so identified." Chapter 1 as revised herein is hereby incorporated by reference and made a part hereof. NFPA No. 703 is available for public inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the National Fire Protection Association International, 470 Atlantic Avenue, Boston, MA 02210.

14. It is proposed to add a new definition of "Inhabited building" as follows:

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where persons are accustomed to assemble. An inhabited building also shall include any office, shop, mill, wash and changehouse, and any stationary equipment, structure, or facility used in the mine operations including ventilation fans, fan housings, mine openings, dams, and electrical transformer or substation installations.

15. It is proposed to add a definition of "Magazine" as follows:

"Magazine" means a facility that is suitable for the storage of explosives, blasting agents, or detonators.

16. It is proposed to add a definition of "Nonelectric delay blasting cap" as follows:

"Nonelectric delay blasting cap" (MNMSAC) means a detonator with an integral delay element and capable of being initiated by miniaturized detonating cord.

17. It is proposed to add a definition of "Portable fire extinguisher" as follows:

"Portable fire extinguisher":

(a) When used underground means a multipurpose dry-chemical extinguisher approved by the Underwriter's Laboratories, Inc., or Factory Mutual Research Corp., and having a minimum rating of 2A 10BC by the National Fire Protection Association.

(b) When used on the surface means an extinguisher approved by the National Fire Protection Association.

18. It is proposed to revise the definition of "Primer or Booster" as follows:

"Primer" means a unit, package, or cartridge of explosives containing a detonator or detonating cord which is used to transmit detonation to other explosives or blasting agents.

19. It is proposed to revise the definition of "Safety fuse" as follows:

"Safety fuse" means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps or a black powder charge.

20. It is proposed to add a definition of "Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" as follows:

"Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" (MNMSAC) means the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents as revised and approved by the National Fire Protection Association and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials 1973, NFPA No. 495, pages 63 and 64, which is hereby incorporated by reference and made a part hereof. NFPA No. 495 may be examined at any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration and may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

21. It is proposed to add a definition of "Water gel" or "Slurry" (as applied to blasting) with a cross reference as follows:

"Slurry" (as applied to blasting). See "Water gel."

"Water gel" or "Slurry" (as applied to blasting) means an explosive or blasting agent containing substantial portions of water and other ingredients.

B. Section 55.4 *Fire Prevention and Control*, is proposed to be amended as follows:

22. It is proposed to revise advisory standard 55.4–24 and make it mandatory as follows:

55.4–24 *Mandatory.* MNMSAC. Fire extinguishers and fire suppression devices shall be:

(a) Of the appropriate type for the particular fire hazard involved.

(b) Adequate in number and size for the particular fire hazard involved.

(c) Replaced with a fully charged extinguisher or device, or recharged immediately, after any discharge is made from the extinguisher or device.

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Mining Enforcement and Safety Administration.

23. It is proposed to renumber advisory standard 55.4–27 to 55.4–39.

24. It is proposed to add a new mandatory standard 55.4–28 as follows:

55.4–28 *Mandatory.* MNMSAC. Welding, cutting, arc-welding or soldering shall be performed by a competent person.

25. It is proposed to add a new mandatory standard 55.4–35 as follows:

55.4–35 *Mandatory.* MNMSAC. Before any heat is applied to pipelines or containers which have contained flammable or combustible substances, they shall be drained, ventilated, thoroughly cleaned of residual substances and filled with either an inert gas or, where compatible, filed with water.

26. It is proposed to add a new mandatory standard 55.4–36 as follows:

55.4–36 *Mandatory.* Where welding or cutting with an arc or open flame or soldering with an open flame in an active working containing combustible or flammable materials, 2 portable fire extinguishers and a second person shall be present. Where welding or cutting with an arc or open flame or soldering with an open flame in other areas, 1 portable fire extinguisher shall be present.

V 40 187 SEP 25 75 XUM

27. It is proposed to renumber advisory standard 55.4–12 as follows:

55.4–49 MNMSAC. Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

C. Section 55.5 *Air quality and physical agents* is proposed to be amended as follows:

28. It is proposed to add a new center heading entitled "Air Quality" immediately below the section heading entitled "§ 55.5 Air quality and physical agents."

29. It is proposed to add a new center heading entitled "Physical Agents," preceding standard 55.5–50.

D. Section 55.6 *Explosives* is proposed to be amended as follows:

30. It is proposed to add a new center heading entitled "Miscellaneous" and reserve numbers 55.6–251 through 55.6–300, and to renumber and revise mandatory standard 55.6–6 as follows:

55.6–250 *Mandatory*. Smoking, matches, lighters, and open flames shall not be permitted within 50 feet of explosives, detonators, or blasting agents, except for the use of suitable devices for igniting safety fuse.

31. It is proposed to revoke mandatory standards 55.6–92 and 55.6–95.

32. It is proposed to revoke advisory standards 55.6–9 and 55.6–10, and to revise advisory standard 55.6–7 and make it mandatory as follows:

55.6–7 *Mandatory*. Explosives, detonators, and related materials such as safety fuse and detonating cord shall be:
(a) Stored in a manner to facilitate use of oldest stocks first.
(b) Stored according to brand and grade.
(c) Stored with their top sides up.
(d) Stacked not more than six (6) feet high.

33. It is proposed to add a new mandatory standard 55.6–11 as follows:

55.6–11 *Mandatory*. Containers of explosives and detonators shall be securely closed while being stored.

34. It is proposed to revoke advisory standard 55.6–45, and to revise advisory standard 55.6–48 and make it mandatory as follows:

55.6–48 *Mandatory*. Explosives and blasting agents shall be transported without undue delay, and over routes and at times that expose a minimum number of persons.

35. It is proposed to revoke advisory standard 55.6–49 MNMSAC.

36. It is proposed to revise mandatory standard 55.6–92 as follows:

55.6–92 *Mandatory*. Damaged or deteriorated explosives and blasting agents shall be destroyed in a safe manner under the supervision or instructions of the explosives manufacturer.

37. It is proposed to revised mandatory standard 55.6–97 as follows:

55.6–97 *Mandatory*. Primers shall be made up only at the time of charging and as close to the blasting area as conditions allow.

38. It is proposed to revise advisory standard 55.6–98 and make it mandatory as follows:

55.6–98 *Mandatory*. Primers:
(a) Containing a detonator shall be prepared with the detonator contained securely and completely within the explosive charge.
(b) Using detonating cord shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in intimate contact with, the explosive charge.

39. It is proposed to revise mandatory standard 55.6–100 as follows:

55.6–100 *Mandatory*. MNMSAC. Tamping poles shall be of wood or other material acceptable to the Mining Enforcement and Safety Administration. Couplers of tamping poles shall be of nonsparking materials.

40. It is proposed to revise mandatory standard 55.6–101 as follows:

55.6–101 *Mandatory*. Tamping shall not be done directly on a primer.

41. It is proposed to revise advisory standard 55.6–106 and make it mandatory as follows:

55.6–106 *Mandatory*. Faces and muck piles shall be examined by a competent person for undetonated explosives or blasting agents after each blast. Any undetonated explosives or blasting agents found shall be disposed of before any other work is done in the immediate vicinity of such explosives.

42. It is proposed to revoke advisory standard 55.6–167 and to revise advisory standard 55.6–109 and make it mandatory as follows:

55.6–109 *Mandatory*. Safety fuse, igniter cord, and detonating cord shall not be used if they have been kinked, bent sharply, or otherwise damaged.

43. It is proposed to revise advisory standard 55.6–118 and make it mandatory as follows:

55.6–118 *Mandatory*. When using safety fuse, timing shall be such that all fuses are burning within the holes before any hole fires.

44. It is proposed to revise advisory standard 55.6–121 and make it mandatory as follows:

55.6–121 *Mandatory*. When blasting electrically, a blasting galvanometer, or other instruments that are specifically designed for testing blasting circuits, shall be used to test:
(a) Electric blasting caps for continuity prior to the addition of stemming to the borehole.
(b) Electric blasting cap series for resistance.
(c) Blasting lines for circuit continuity.
(d) Blasting circuits for resistance and continuity prior to connection to the power source.

45. It is proposed to revise advisory standard 55.6–132 and make it mandatory as follows:

55.6–132 *Mandatory*. MNMSAC. Delay connectors shall be treated and handled with the same safety precautions as detonators.

46. It is proposed to revise advisory standard 55.6–136 and make it mandatory as follows:

55.6–136 *Mandatory*. MNMSAC. Black powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

47. It is proposed to renumber mandatory standard 55.6–166 as follows:

55.6–115 *Mandatory*. MNMSAC. All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

48. It is proposed to remember and revise advisory standard 55.6–169 and make it mandatory as follows:

55.6–138 *Mandatory*. Explosives or blasting agents shall not be loaded into drilled or sprung holes that will result in premature detonation from heat.

49. It is proposed to add a new mandatory standard 55.6–139 as follows:

55.6–139 *Mandatory*. Blasting areas shall not be reentered after firing until dangerous concentrations of smoke, dust, and fumes have been reduced to safe limits.

50. It is proposed to add new mandatory standard 55.6–140 as follows:

55.6–140 *Mandatory*. Electric blasting caps and blasting circuits shall be isolated from sources of static electricity and stray current, and from any extraneous electrical contact.

51. It is proposed to renumber and revise mandatory standard 55.6–170 as follows:

55.6–126 *Mandatory*. Electrical circuits shall be deenergized within 50 feet of boreholes containing electrical detonators and the power circuits shall not be reenergized until the shots are fired. Stray current tests shall be conducted, and the maximum stray current that shall be tolerated is 0.05 amperes.

52. It is proposed to add a new mandatory standard 55.6–93 as follows:

55.6–93 *Mandatory*. MNMSAC. Blast holes shall be cleaned before charging is begun.

E. Section 55.9 *Loading, hauling, dumping* is proposed to be amended as follows:

53. It is proposed to revise advisory standard 55.9–1 and make it mandatory as follows:

55.9–1 *Mandatory*. Mobile equipment that is to be used during a shift shall be inspected by the equipment operator before being placed in operation. Equipment defects affecting safety shall be reported to, and recorded by, the mine operator. The records shall be maintained at the mine or nearest mine office for at least 2 years from the date the defects are recorded. Such records shall be made available for inspection by the Secretary of the Interior or his duly authorized representative.

54. It is proposed to revise mandatory standard 55.9–9 as follows:

55.9–9 *Mandatory*. MNMSAC. Operators shall sound warning before starting trains and when trains approach crossings, other trains on adjacent tracks, persons, and any place where vision is obscured.

55. It is proposed to revise advisory standard 55.9–17 and make it mandatory as follows:

55.9–17 *Mandatory*. MNMSAC. Equipment operating speeds shall be consistent with conditions of roadways, grades, clearance, visibility, traffic, and the type of equipment used.

56. It is proposed to revise advisory standard 55.9–19 and make it mandatory as follows:

55.9–19 *Mandatory*. MNMSAC. Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

57. It is proposed to revoke advisory standard 55.9–21. MNMSAC.

58. It is proposed to add a new mandatory standard 55.9–26 as follows:

55.9–26 *Mandatory*. MNMSAC. A quick-close type air valve shall be provided on each piece of pneumatic-powered loading, hauling, and dumping equipment. The valve shall be closed except when the equipment is being operated.

59. It is proposed to revise advisory standard 55.9–34 and make it mandatory as follows:

55.9–34 *Mandatory*. Haulage equipment shall not be loaded in excess of bulk or rated weight capacity.

60. It is proposed to revise mandatory standard 55.9–37 as follows:

55.9–37 *Mandatory*. MNMSAC. Mobile equipment shall not be left unattended unless the brakes are set. Mobile equipment with wheels or tracks, when parked on a grade, shall be either blocked or turned into a bank or rib; and the bucket or blade lowered to the ground to prevent movement.

61. It is proposed to revoke mandatory standards 55.9–33 and 55.9–43, and to revise mandatory standard 55.9–40 as follows:

55.9–40 *Mandatory*. MNMSAC. Men shall not be transported:
(a) In or on dippers, forks, clamshells, beds of trucks unless special provisions are made for their safety, or buckets except shaft buckets.
(b) On top of loaded haulage equipment.
(c) Outside the cabs and beds of mobile equipment, except trains.
(d) Between cars of trains.
(e) In conveyances equipped with unloading devices unless means are provided to prevent accidental starting of the unloading mechanism.

62. It is proposed to revised advisory standard 55.9–42 and make it mandatory as follows:

55.9–42 *Mandatory*. MNMSAC. Rocker-bottom or bottom-dump rail cars shall be equipped with locking devices.

63. It is proposed to revoke advisory standard 55.9–86, and to revise advisory standard 55.9–49 and make it mandatory as follows:

55.9–49 *Mandatory*. MNMSAC. When in the dark or under conditions of limited visibility, all vehicles, carrying loads which project beyond the sides or more than four feet beyond the rear of the vehicles shall display a red light at the end of the projection; or in the light, a red flag not less than 12 inches square shall be displayed at the end of the projection.

64. It is proposed to revise advisory standard 55.9–53 and make it mandatory as follows:

55.9–53 *Mandatory*. MNMSAC. Water, debris or spilled material which create hazards to moving equipment shall be removed.

65. It is proposed to revise advisory standard 55.9–55 and make it mandatory as follows:

55.9–55 *Mandatory*. MNMSAC. Where there is evidence that the ground at a dumping place may fail to support the weight of a vehicle, loads shall be dumped back from the edge of the bank.

66. It is proposed to revise mandatory standard 55.9–64 as follows:

55.9–64 *Mandatory*. Facilities and installations used for loading and unloading muck and materials shall be constructed so that persons in attendance are not required to be in a hazardous location or position.

67. It is proposed to revise advisory standard 55.9–65 and make it mandatory as follows:

55.9–65 *Mandatory*. MNMSAC. Cars shall not be coupled, or uncoupled, manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from manual coupling.

68. It is proposed to add a new mandatory standard 55.9–66 as follows:

55.9–66 *Mandatory*. MNMSAC. When a locomotive on one track is used to move equipment on a different track, a suitable chain or drawbar shall be used.

69. It is proposed to revoke advisory standard 55.9–84 and to make advisory standard 55.9–71 mandatory as follows:

55.9–71 *Mandatory*. MNMSAC. Traffic rules including speed, signals, and warning signs shall be standardized at each mine and posted.

70. It is proposed to revise mandatory standard 55.9–85 as follows:

55.9–85 *Mandatory*. MNMSAC. Tools, materials and equipment shall not be transported with persons in vehicles, rail cars, and other conveyances unless means have been provided to make such transportation safe.

71. It is proposed to renumber and revise advisory standard 55.9–4 and make it mandatory as follows:

55.9–87. *Mandatory*. MNMSAC. Heavy duty mobile equipment shall be provided with audible warning devices. When the operator of such equipment has an obstructed view to the rear, the equipment shall have either an automatic reverse signal alarm which is audible above the surrounding noise level or an observer to signal when it is safe to back up.

F. Section 55.19 *Man hoisting* is proposed to be amended as follows:

72. It is proposed to revoke advisory standard 55.19–23, and to revise advisory standard 55.19–22 and make it mandatory as follows:

55.19–22 *Mandatory*. MNMSAC. The end of the rope at the drum shall make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and shall be fastened securely by means of rope clips or clamps. There shall be three full turns of cable or rope on the hoisting drum when the cable or rope is extended to its maximum working length. This standard does not apply to friction hoists.

73. It is proposed to revise advisory standard 55.19–63 and make it mandatory as follows:

55.19–63 *Mandatory*. MNMSAC. Only authorized persons shall be in hoist rooms.

74. It is proposed to revise advisory standard 55.19–78 and make it mandatory as follows:

55.19–78 *Mandatory*. All buckets shall be stopped after being raised about 3 feet above the shaft bottom. A bucket shall be stabilized before a hoisting signal is given to continue hoisting the bucket to the crosshead. After a hoisting signal is given, hoisting to the crosshead shall be at the minimum speed. The signaling device shall be attended constantly until a bucket reaches the guides. When persons are hoisted, the signaling devices shall be attended until the crosshead has been engaged.

75. It is proposed to revise advisory standard 55.19–95 and make it mandatory as follows:

55.19–95 *Mandatory*. MNMSAC. Hoisting signal devices shall be positioned within easy reach of persons on the shaft bottom or constantly attended by a person stationed on the lower deck of the sinking platform.

76. It is proposed to revise advisory standard 55.19–103 and make it mandatory as follows:

55.19–103 *Mandatory*. MNMSAC. Dumping facilities and loading pockets shall be constructed so as to minimize spillage into the shaft.

G. Section 55.20 *Miscellaneous* is proposed to be amended as follows:

77. It is proposed to revise advisory standard 55.20–8 and make it mandatory as follows:

55.20–8 *Mandatory*. At least 1 toilet within 10 minutes accessibility shall be provided for each 10 male workers or less. At least 1 toilet within 10 minutes accessibility shall be provided for each 10 female workers or less. Toilets for male and female workers shall be separate, properly supplied, clean and sanitary. Toilets shall be chemical types, water closets, or equivalent facilities approved by the District Manager, Metal and Nonmetal Mine Health and Safety, for the district in which the mine is located. Such facilities shall be protected from the elements and serviced when full, but not less frequently than weekly. Toilet waste shall be disposed of in accordance with State and local laws and regulations.

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

H. Section 56.2 *Definitions* proposed to be amended as follows:

1. It is proposed to revise the definition of the "American Table of Distances" as follows:

"American Table of Distances" means the "American Table of Distances for Storage of Explosives", as revised and approved by the Institute of Makers of Explosives—November 5, 1971, and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials 1973, NFPA No. 495, pages 59 through 62, with the exception of the definitions of the terms explosives, blasting agents, detonator, magazine and inhabited building as defined in Notes 2, 3, 4, 5, and 9 on page 61, and Note 14 on page 62, and which is hereby incorporated by reference and made a part hereof. The Code for the Manufacture, Transportation, Storage and Use of Explosive Materials NFPA No. 495—1973 may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration or may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210. The terms explosives, blasting agents, detonator, magazine and inhabited building as used in

V 40 N 187 SEP 25 75 XUM

this Part are defined elsewhere in this Section 56.2.

2. It is proposed to revise the definition of "Blasting agents" as follows:

"Blasting agents" means any material or mixture, consisting of fuel and oxidizer intended for blasting and not otherwise defined as an explosive, and in which none of the ingredients is classified as an explosive either under this § 56.2, or classified as an explosive by the Department of Transportation in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof, provided that the finished product, as mixed and packaged for use or shipment, cannot be initiated by a No. 8 test detonator, or equivalent, when unconfined. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

3. It is proposed to revise the definition of "Blasting cap" as follows:

"Blasting cap" means a detonator which is initiated by a safety fuse.

4. It is proposed to revise the definition of "Blasting circuit" as follows:

"Blasting circuit" means the electrical circuit used to fire one or more electric blasting caps.

5. It is proposed to add a definition of "Booster" as follows:

"Booster" means any unit of explosive or blasting agent to be used in a charged hole for the purpose of perpetuating or intensifying the initial detonation.

6. It is proposed to revise the definition of "Capped fuse" as follows:

"Capped fuse" means a length of safety fuse to which a blasting cap has been attached.

7. It is proposed to add a definition of "Charged hole" as follows:

"Charged hole" means any hole containing explosives, or blasting agents with a primer.

8. It is proposed to add a definition of "Delay connector" as follows:

"Delay connector" (MNMSAC) means a nonelectric short interval delay device for use in delaying blasts which are initiated by detonating cord.

9. It is proposed to revise the definition of "Detonator" as follows:

"Detonator" means any device containing a detonating charge that is used to initiate detonation of an explosive and includes blasting caps, electric blasting caps, and nonelectric delay blasting caps.

10. It is proposed to revise the definition of "Detonating cord" as follows:

"Detonating cord" means a flexible cord containing a full cord of high explosives.

11. It is proposed to revise the definition of "Electric blasting cap" as follows:

"Electric blasting cap" means a detonator designed for and capable of being initiated by means of an electric current.

12. It is proposed to revise the definition of "Explosive" as follows:

"Explosive" means either any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; or, any compound, mixture, or device that is classified as an explosive by the Department of Transportation, in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof. Explosive shall not include any material or mixture that is defined as a blasting agent under this § 56.2. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

13. It is proposed to add a definition of "Fire-retardant wood" as follows:

"Fire-retardant wood" means wood meeting the requirements for a Class A Fire-Retardant Pressure-Impregnated wood as specified in NFPA No. 703, Standard for Fire-Retardant Treatments of Building Materials, Chapter 1, in Volume 11 of the National Fire Code, 1975, pages 703–3 and 703–4, except that the second sentence in paragraph 141 shall read as follows: "The rating shall be certified by a nationally recognized testing laboratory and each piece of wood shall be so identified." Chapter 1 as revised herein is hereby incorporated by reference and made a part hereof. NFPA No. 703 is available for public inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the National Fire Protection Association International, 470 Atlantic Avenue, Boston, MA 02210.

14. It is proposed to add a new definition of "Inhabited building" as follows:

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where persons are accustomed to assemble. An inhabited building also shall include any office, shop, mill, wash and changehouse, and any stationary equipment, structure, or facility used in the mine operation including ventilation fans, fan housings, mine openings, dams, and electrical transformer or substation installations.

15. It is proposed to add a definition of "Magazine" as follows:

"Magazine" means a facility that is suitable for the storage of explosives, blasting agents, or detonators.

16. It is proposed to add a definition of "Nonelectric delay blasting cap" as follows:

"Nonelectric delay blasting cap" (MNMSAC) means a detonator with an integral delay element and capable of being initiated by miniaturized detonating cord.

17. It is proposed to add a definition of "Portable fire extinguisher" as follows:

"Portable fire extinguisher":

(a) When used underground means a multipurpose dry-chemical extinguisher approved by the Underwriters Laboratories, Inc., or Factory Mutual Research Corp., and having a minimum rating of 2A 10BC by the National Fire Protection Association.

(b) When used on the surface means an extinguisher approved by the National Fire Protection Association.

18. It is proposed to revise the definition of "Primer or Booster" as follows:

"Primer" means a unit, package, or cartridge of explosives containing a detonator or detonating cord which is used to transmit detonation to other explosives or blasting agents.

19. It is proposed to revise the definition of "Safety fuse" as follows:

"Safety fuse" means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps or a black powder charge.

20. It is proposed to add a definition of "Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" as follows:

"Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" (MNMSAC) means the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents as revised and approved by the National Fire Protection Association and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosive materials 1973, NFPA No. 495, pages 63 and 64, which is hereby incorporated by reference and made a part hereof. NFPA No. 495 may be examined at any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration and may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

21. It is proposed to add a definition of "Water gel" or "Slurry" (as applied to blasting) with a cross reference as follows:

"Slurry" (as applied to blasting). See "Water gel."

"Water gel" or "Slurry" (as applied to blasting) means an explosive or blasting agent containing substantial portions of water and other ingredients.

I. Section 56.4. *Fire Prevention and Control* is proposed to be amended as follows:

22. It is proposed to revise advisory standard 56.4–24 and make it mandatory as follows:

56.4–24 *Mandatory.* MNMSAC. Fire extinguishers and fire suppression devices shall be:

(a) Of the appropriate type for the particular fire hazard involved.

(b) Adequate in number and size for the particular fire hazard involved.

(c) Replaced with a fully charged extinguisher or device, or recharged immediately, after any discharge is made from the extinguisher or device.

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Mining Enforcement and Safety Administration.

23. It is proposed to renumber advisory standard 56.4–27 to 56.4–39.

24. It is proposed to add a new mandatory standard 56.4–28 as follows:

56.4–28 *Mandatory.* MNMSAC. Welding, cutting, arc welding or soldering shall be performed by a competent person.

25. It is proposed to add a new mandatory standard 56.4–35 as follows:

56.4–35 *Mandatory.* MNMSAC. Before any heat is applied to pipelines or containers which have contained flammable or combustible substances, they shall be drained, ventilated, thoroughly cleaned of residual substances and filled with either an inert gas or, where compatible, filled with water.

26. It is proposed to add a new mandatory standard 56.4–36 as follows:

56.4–36 *Mandatory.* Where welding or cutting with an arc or open flame or soldering with an open flame in an active working containing combustible or flammable materials, 2 portable fire extinguishers and a second person shall be present. Where welding or cutting with an arc or open flame or soldering with an open flame in other areas, 1 portable fire extinguisher shall be present.

27. It is proposed to renumber advisory standard 56.4–12 as follows:

56.4–49 MNMSAC. Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

J. Section 56.5 *Air quality and physical agents* is proposed to be amended as follows:

28. It is proposed to add a new center heading entitled "Air Quality" immediately below the section heading entitled "§ 56.5 Air quality and physical agents."

29. It is proposed to add a new center heading entitled "Physical Agents," preceding standard 56.5–50.

K. Section 56.6 *Explosives* is proposed to be amended as follows:

30. It is proposed to add a new center heading entitled "Miscellaneous" and reserve numbers 56.6–251 through 56.6–300, and to renumber and revise mandatory standards 56.6–52 and 56.6X95.

56.6–250 *Mandatory.* Smoking, matches, lighters, and open flames shall not be permitted within 50 feet of explosives, detonators, or blasting agents, except for the use of suitable devices for igniting safety fuse.

31. It is proposed to revoke mandatory standards 56.6–52 and 56.6–95.

32. It is proposed to revoke advisory standards 56.6–9 and 56.6–10, and to revise advisory standard 56.6–7 and make it mandatory as follows:

56.6–7 *Mandatory.* Explosives, detonators, and related materials such as safety fuse and detonating cord shall be:

(a) Stored in a manner to facilitate use of oldest stocks first.

(b) Stored according to brand and grade.

(c) Stored with their top sides up.

(d) Stacked not more than six (6) feet high.

33. It is proposed to add a new mandatory standard 56.6–11 as follows:

56.6–11 *Mandatory.* Containers of explosives and detonators shall be securely closed while being stored.

34. It is proposed to revoke advisory standard 56.6–55, and to revise advisory standard 56.6–48 and make it mandatory as follows:

56.6–48 *Mandatory.* Explosives and blasting agents shall be transported without undue delay, and over routes and at times that expose a minimum number of persons.

35. It is proposed to revoke advisory standard 56.6–49. MNMSAC.

36. It is proposed to revise mandatory standard 56.6–92 as follows:

56.6–92 *Mandatory.* Damaged or deteriorated explosives and blasting agents shall be destroyed in a safe manner under the supervision or instructions of the explosives manufacturer.

37. It is proposed to revise mandatory standard 56.6–97 as follows:

56.6–97 *Mandatory.* Primers shall be made up only at the time of charging and as close to the blasting area as conditions allow.

38. It is proposed to revise advisory standard 56.6–98 and make it mandatory as follows:

56.6–98 *Mandatory.* Primers:

(a) containing a detonator shall be prepared with the detonator contained securely and completely within the explosive charge.

(b) Using detonating cord shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in intimate contact with, the explosive charge.

39. It is proposed to revise mandatory standard 56.6–100 as follows:

56.6–100 *Mandatory.* MNMSAC. Tamping poles shall be of wood or other material acceptable to the Mining Enforcement and Safety Administration. Couplers of tamping poles shall be of nonsparking materials.

40. It is proposed to revise mandatory standard 56.6–101 as follows:

56.6–101 *Mandatory.* Tamping shall not be done directly on a primer.

41. It is proposed to revise advisory standard 56.6–106 and make it mandatory as follows:

56.6–106 *Mandatory.* Faces and muck piles shall be examined by a competent person for undetonated explosives or blasting agents after each blast. Any undetonated explosives or blasting agents found shall be disposed of before any other work is done in the immediate vicinity of such explosives.

42. It is proposed to revoke advisory standard 56.6–167 and to revise advisory standard 56.6–109 and make it mandatory as follows:

56.6–109 *Mandatory.* Safety fuse, igniter cord, and detonating cord shall not be used if they have been kinked, bent sharply, or otherwise damaged.

43. It is proposed to revise advisory standard 56.6–118 and make it mandatory as follows:

56.6–118 *Mandatory.* When using safety fuse, timing shall be such that all fuses are burning within the holes before any hole fires.

44. It is proposed to revise advisory standard 56.6–121 and make it mandatory as follows:

56.6–121 *Mandatory.* When blasting electrically a blasting galvanometer, or other instruments that are specifically designed for testing blasting circuits, shall be used to test:

(a) Electric blasting caps for continuity prior to the addition of stemming to the borehole.

(b) Electic blasting cap series for resistance.

(c) Blasting lines for circuit continuity.

(d) Blasting circiuts for resistance and continuity prior to connection to the power source.

45. It is proposed to revise advisory standard 56.6–132 and make it mandatory as follows:

56.6–132 *Mandatory.* MNMSAC. Delay connectors shall be treated and handled with the same safety precautions as detonators.

46. It is proposed to revise advisory standard 56.6–136 and make it mandatory as follows:

56.6–136 *Mandatory.* MNMSAC. Black powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

47. It is proposed to renumber mandatory standard 56.6–166 as follows:

56.6–115 *Mandatory.* MNMSAC. All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

48. It is proposed to renumber and revise advisory standard 56.6–169 and make it mandatory as follows:

56.6–138 *Mandatory.* Explosives or blasting agents shall not be oladed into drilled or sprung holes that will result in premature detonation from heat.

49. It is proposed to add a new mandatory standard 56.6–139 as follows:

56.6–139 *Mandatory.* Blasting areas shall not be reentered after firing until dangerous concentrations of smoke, dust, and fumes have been reduced to safe limits.

50. It is proposed to add a new mandatory standard 56.6–140 as follows:

56.6–140 *Mandatory.* Electrical blasting caps and blasting circuits shall be isolated from sources of static electricity and stray currents, and from any extraneous electrical contact.

51. It is proposed to renumber and revise mandatory standard 56.6–170 as follows:

56.6–126 *Mandatory.* Electrical circuits shall be deenergized within 50 feet of boreholes containing electrical detonators and the power circuits shall not be reenergised until the shots are fired. Stray current tests shall be conducted, and the maximum stray current that shall be tolerated is 0.05 amperes.

52. It is proposed to add a new mandatory standard 56.6–93 as follows:

56.6–93 *Mandatory.* MNMSAC. Blast holes shall be cleaned before charging is begun.

L. Section 56.9 *Loading, hauling, dumping* is amended as follows:

dumping is proposed to be amended as follows:

V 40 187 SEP 25 75 XUM

53. It is proposed to revise advisory standard 56.9–1 and make it mandatory as follows:

56.9–1 *Mandatory.* Mobile equipment that is to be used during a shift shall be inspected by the equipment operator before being placed in operation. Equipment defects affecting safety shall be reported to, and recorded by, the mine operator. The records shall be maintained at the mine or nearest mine office for at least 2 years from the date the defects are recorded. Such records shall be made available for inspection by the Secretary of the Interior or his duly authorized representative.

54. It is proposed to revise mandatory standard 56.9–9 as follows:

56.9–9 *Mandatory.* MNMSAC. Operators shall sound warning before starting trains and when trains approach crossings, other trains on adjacent tracks, persons, and any place where vision is obscured.

55. It is proposed to revise advisory standard 56.9–17 and make it mandatory as follows:

56.9–17 *Mandatory.* MNMSAC. Equipment operating speeds shall be consistent with conditions of roadways, grades, clearance, visibility, traffic, and the type of equipment used.

56. It is proposed to revise advisory standard 56.9–19 and make it mandatory as follows:

56.9–19 *Mandatory.* MNMSAC. Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

57. It is proposed to revoke advisory standard 56.9–21 MNMSAC.

58. It is proposed to add a new mandatory standard 56.9–26 as follows:

56.9–26 *Mandatory.* MNMSAC. A quick-close type air valve shall be provided on each piece of pneumatic-powered loading, hauling, and dumping equipment. The valve shall be closed except when the equipment is being operated.

59. It is proposed to revise advisory standard 56.9–34 and make it mandatory as follows:

56.9–34 *Mandatory.* Haulage equipment shall not be loaded in excess of bulk or rated weight capacity.

60. It is proposed to revise mandatory standard 56.9–37 as follows:

56.9–37 *Mandatory.* MNMSAC. Mobile equipment shall not be left unattended unless the brakes are set. Mobile equipment with wheels or tracks, when parked on a grade, shall be either blocked or turned into a bank or rib; and the bucket or blade lowered to the ground to prevent movement.

61. It is proposed to revoke mandatory standards 56.9–33 and 56.9–43, and to revise mandatory standard 56.9–40 as follows:

56.9–40 *Mandatory.* MNMSAC. Men shall not be transported:

(a) In or on dippers, forks, clamshells, beds of trucks unless special provisions are made for their safety, or buckets except shaft buckets.

(b) On top of loaded haulage equipment.

(c) Outside the cabs and beds of mobile equipment, except trains.

(d) Between cars of trains.

(e) In conveyances equipped with unloading devices unless means are provided to prevent accidental starting of the unloading mechanism.

62. It is proposed to revise advisory standard 56.9–42 and make it mandatory as follows:

56.9–42 *Mandatory.* MNMSAC. Rocker-bottom or bottom-dump rail cars shall be equipped with locking devices.

63. It is proposed to revoke advisory standard 56.9–86, and to revise advisory standard 56.9–49 and make it mandatory as follows:

56.9–49 *Mandatory. MNMSAC.* When in the dark or under conditions of limited visibility, all vehicles carrying loads which project beyond the sides or more than four feet beyond the rear of the vehicles shall display a red light at the end of the projection; or in the light, a red flag not less than 12 inches square shall be displayed at the end of the projection.

64. It is proposed to revise advisory standard 56.9–53 and make it mandatory as follows:

56.9–53 *Mandatory.* MNMSAC. Water, debris or spilled material which create hazards to moving equipment shall be removed.

65. It is proposed to revise advisory standard 56.9–55 and make it mandatory as follows:

56.9–55 *Mandatory.* MNMSAC. Where there is evidence that the ground at a dumping place may fail to support the weight of a vehicle, loads shall be dumped back from the edge of the bank.

66. It is proposed to revised mandatory standard 56.9–64 as follows:

56.9–64 *Mandatory.* Facilities and installations used for loading and unloading muck and materials shall be constructed so that persons in attendance are not required to be in a hazardous location or position.

67. It is proposed to revise advisory standard 56.9–65 and make it mandatory as follows:

56.9–65 *Mandatory.* MNMSAC. Cars shall not be coupled, or uncoupled, manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from manual coupling.

68. It is proposed to add a new mandatory standard 56.9–66 as follows:

56.9–66 *Mandatory.* MNMSAC. When a locomotive on one track is used to move equipment on a different track, a suitable chain or drawbar shall be used.

69. It is proposed to revoke advisory standard 56.9–84 and to make advisory standard 56.9–71 mandatory as follows:

56.9–71 *Mandatory.* MNMSAC. Traffic rules including speed, signals, and warning signs shall be standardized at each mine and posted.

70. It is proposed to revise mandatory standard 56.9–85 as follows:

56.9–85 *Mandatory.* MNMSAC. Tools, materials and equipment shall not be transported with persons in vehicles, rail cars, and other conveyances unless means have been provided to make such transportation safe.

71. It is proposed to renumber and revise advisory standard 56.9–4 and make it mandatory as follows:

56.9–87 *Mandatory.* MNMSAC. Heavy duty mobile equipment shall be provided with audible warning devices. When the operator of such equipment has an obstructed view to the rear, the equipment shall have either an automatic reverse signal alarm which is audible above the surrounding noise level or an observer to signal when it is safe to back up.

M. Section 56.19 *Man hoisting* is proposed to be amended as follows:

72. It is proposed to revoke advisory standard 56.19–23, and to revise advisory standard 56.19–22 and make it mandatory as follows:

56.19–22 *Mandatory.* MNMSAC. The end of the rope at the drum shall make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and shall be fastened securely by means of rope clips or clamps. There shall be three full turns of cable or rope on the hoisting drum when the cable or rope is extended to its maximum working length. This standard does not apply to friction hoists.

73. It is proposed to revise advisory standard 56.19–63 and make it mandatory as follows:

56.19–63 *Mandatory.* MNMSAC. Only authorized persons shall be in hoist rooms.

74. It is proposed to revise advisory standard 56.19–78 and make it mandatory as follows:

56.19–78 *Mandatory.* All buckets shall be stopped after being raised about 3 feet above the shaft bottom. A bucket shall be stabilized before a hoisting signal is given to continue hoisting the bucket to the crosshead. After a hoisting signal is given, hoisting to the crosshead shall be at the minimum speed. The signaling device shall be attended constantly until a bucket reaches the guides. When persons are hoisted, the signaling devices shall be attended until the crosshead has been engaged.

75. It is proposed to revise advisory standard 56.19–95 and make it mandatory as follows:

56.19–95 *Mandatory,* MNMSAC. Hoisting signal devices shall be positioned within easy reach of persons on the shaft bottom or constantly attended by a person stationed on the lower deck of the sinking platform.

76. It is proposed to revise advisory standard 56.19–103 and make it mandatory as follows:

56.19–103 *Mandatory.* MNMSAC. Dumping facilities and loading pockets shall be constructed so as to minimize spillage into the shaft.

N. Section 56.20 *Miscellaneous* is proposed to be amended as follows:

77. It is proposed to revise advisory standard 56.20–8 and make it mandatory as follows:

56.20–8 *Mandatory.* At least 1 toilet within 10 minutes accessibility shall be provided for each 10 male workers or less. At least 1 toilet within 10 minutes accessibility shall be provided for each 10 female workers or less. Toilets for male and female workers shall be separate, properly supplied, clean and sanitary. Toilets shall be chemical types, water closets, or equivalent facilities approved by the District Manager, Metal and Nonmetal Mine Health and Safety, for the district in which the mine is located. Such facilities shall be protected from the elements and serviced when full, but not less frequently than weekly. Toilet waste shall be disposed of in accordance with State and local laws and regulations.

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

O. Section 57.2 *Definitions* is proposed to be amended as follows:

1. It is proposed to revise the definition of the "American Table of Distances" as follows:

"American Table of Distances" means the "American Table of Distances for Storage of Explosives", as revised and approved by the Institute of Makers of Explosives—November 5, 1971, and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials 1973, NFPA No. 495, pages 59 through 62, with the exception of the definitions of the terms explosives, blasting agents, detonator, magazine and inhabited building as defined in Notes 2, 3, 4, 5, and 9 on page 61, and Note 14 on page 62, and which is hereby incorporated by reference and made a part hereof. The Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials NFPA No. 495—1973 may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration or may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210. The terms explosives, blasting agents, detonator, magazine and inhabited building as used in this Part are defined elsewhere in this § 57.2.

2. It is proposed to revise the definition of "blasting agents" as follows:

"Blasting agents" means any material or mixture consisting of fuel and oxidizer intended for blasting and not otherwise defined as an explosive, and in which none of the ingredients is classified as an explosive either under this Section 57.2, or classified as an explosive by the Department of Transportation in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof, provided that the finished product, as mixed and packaged for use or shipment, cannot be initiated by a No. 8 test detonator, or equivalent, when unconfined. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

3. It is proposed to revise the definition of "Blasting cap" as follows:

"Blasting cap" means a detonator which is initiated by a safety fuse.

4. It is proposed to revise the definition of "Blasting circuit" as follows:

"Blasting circuit" means the electrical circuit used to fire one or more electric blasting caps.

5. It is proposed to add a definition of "Booster" as follows:

"Booster" means any unit of explosive or blasting agent to be used in a charged hole for the purpose of perpetuating or intensifying the initial detonation.

6. It is proposed to revise the definition of "Capped fuse" as follows:

"Capped fuse" means a length of safety fuse to which a blasting cap has been attached.

7. It is proposed to add a definition of "Charged hole" as follows:

"Charged hole" means any hole containing explosives, or blasting agents with a primer.

8. It is proposed to add a definition of "Delay connector" as follows:

"Delay connector" (MNMSAC) means a nonelectric short interval delay device for use in delaying blasts which are initiated by detonating cord.

9. It is proposed to revise the definition of "Detonator" as follows:

"Detonator" means any device containing a detonating charge that is used to initiate detonation of an explosive and includes blasting caps, electric blasting caps, and nonelectric delay blasting caps.

10. It is proposed to revise the definition of "Detonating cord" as follows:

"Detonating cord" means a flexible cord containing a full core of high explosives.

11. It is proposed to revise the definition of "Electric blasting caps" as follows:

"Electric blasting cap" means a detonator designed for and capable of being initiated by means of an electric current.

12. It is proposed to revise the definition of "Explosive" as follows:

"Explosive" means either any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; or, any compound, mixture, or device that is classified as an explosive by the Department of Transportation in 49 CFR Parts 170–189, revised as of October 1, 1974, and which is made a part hereof. Explosive shall not include any material or mixture that is defined as a blasting agent under this Section 57.2. Title 49 of the Code of Federal Regulations, Parts 170–189, revised as of October 1, 1974, is available for inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

13. It is proposed to add a definition of "Fire-retardant wood" as follows:

"Fire-retardant wood" means wood meeting the requirements for a Class A Fire-Retardant Pressure-Impregnated wood as specified in NFPA No. 703, Standard for Fire-Retardant Treatments of Building Materials, Chapter 1, in Volume 11 of the National Fire Code, 1975, pages 703–3 and 703–4, except that the second sentence in paragraph 141 shall read as follows: "The rating shall be certified by a nationally recognized testing laboratory and each piece of wood shall be so identified." Chapter 1 as revised herein is made a part hereof. NFPA No. 703 is available for public inspection at each Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration, and may be obtained from the National Fire Protection Association International, 470 Atlantic Avenue, Boston, MA 02210.

14. It is proposed to add a new definition of "Inhabited building" as follows:

"Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where persons are accustomed to assemble. An inhabited building also shall include any office, shop, mill, wash and changehouse, and any stationary equipment, structure, or facility used in the mine operation including ventilation fans, fan housings, mine openings, dams, and electrical transformer or substation installations.

15. It is proposed to add a definition of "Magazine" as follows:

"Magazine" means a facility that is suitable for the storage of explosives, blasting agents, or detonators.

16. It is proposed to add a definition of "Nonelectric delay blasting cap" as follows:

"Nonelectric delay blasting cap" (MNMSAC) means a detonator with an integral delay element and capable of being initiated by miniaturized detonating cord.

17. It is proposed to add a definition of "Portable fire extinguisher" as follows:

"Portable fire extinguisher":

(a) When used underground means a multipurpose dry-chemical extinguisher approved by the Underwriter's Laboratories, Inc., or Factory Mutual Research Corp., and having a minimum rating of 2A 10BC by the National Fire Protection Association.

(b) When used on the surface means an extinguisher approved by the National Fire Protection Association.

18. It is proposed to revise the definition of "Primer or Booster" as follows:

"Primer" means a unit, package, or cartridge of explosives containing a detonator or detonating cord which is used to transmit detonation to other explosives or blasting agents.

19. It is proposed to revise the definition of "Safety fuse" as follows:

"Safety fuse" means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing blasting caps or a black powder charge.

20. It is proposed to add a definition of "Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" as follows:

"Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents" (MNMSAC) means the Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents as revised and approved by the National Fire Protection Association and published in the Code for the Manufacture, Transportation, Storage, and Use of Explosives Materials 1973, NFPA No. 495, pages 63 and 64, which is made a part hereof. NFPA No. 495 may be examined at any Metal and Nonmetal Mine

V 40 187 SEP 25 75 XUM

Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration and may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

21. It is proposed to add a definition of "Water gel" or "Slurry" (as applied to blasting) with a cross reference as follows:

"Slurry" (as applied to blasting). See "Water gel."

"Water gel" or "Slurry" (as applied to blasting) means an explosive or blasting agent containing substantial portions of water and other ingredients.

P. Section 57.4 *Fire Prevention and Control* is proposed to be amended as follows:

22. It is proposed to revise advisory standard 57.4–24 which is applicable to surface and underground and make it mandatory as follows:

57.4–24 *Mandatory.* MNMSAC. Fire extinguishers and fire suppression devices shall be:

(a) Of the appropriate type for the particular fire hazard involved.

(b) Adequate in number and size for the particular fire hazard involved.

(c) Replaced with a fully charged extinguisher or device, or recharged immediately, after any discharge is made from the extinguisher or device.

(d) Inspected, tested, and maintained at regular intervals according to the manufacturer's recommendations.

(e) Approved by the Underwriter's Laboratories, Inc., or other competent testing agency acceptable to the Mining Enforcement and Safety Administration.

23. It is proposed to add a new mandatory standard 57.4–28 which is applicable to surface and underground as follows:

57.4–28 *Mandatory.* MNMSAC. Welding, cutting, arc welding or soldering shall be performed by a competent person.

24. It is proposed to add a new mandatory standard 57.4–35 which is applicable to surface and underground as follows:

57.4–35 *Mandatory.* MNMSAC. Before any heat is applied to pipelines or containers which have contained flammable or combustible substances, they shall be drained, ventilated, thoroughly cleaned of residual substances and filled with either an inert gas or, where compatible, filled with water.

25. It is proposed to add a new mandatory standard 57.4–36 which is applicable to surface and underground as follows:

57.4–36 *Mandatory.* Where welding or cutting with an arc or open flame or soldering with an open flame in an active working containing combustible or flammable materials, 2 portable fire extinguishers and a second person shall be present. Where welding or cutting with an arc or open flame or soldering with an open flame in other areas, 1 portable fire extinguisher shall be present.

26. It is proposed to renumber advisory standard 57.4–1 and make it applicable to surface only as follows:

57.4–49 MNMSAC. Combustible materials, grease, lubricants, or flammable liquids should not be allowed to accumulate where they can create a fire hazard.

27. It is proposed to add a new mandatory standard 57.4–50 which is applicable to underground only as follows:

57.4–50 *Mandatory.* MNMSAC. All flammable and combustible waste materials, grease, lubricants or flammable liquids shall not be allowed to accumulate where they can create a fire hazard.

28. It is proposed to revise mandatory standard 57.4–65 which is applicable to underground only as follows:

57.4–65 *Mandatory.* After welding or cutting with an arc or open flame or soldering with an open flame in areas containing combustible or flammable materials, a fire patrol of affected areas shall be made continuously for the first hour and thereafter at hourly intervals for at least a period of 8 hours.

29. It is proposed to add a new mandatory standard 57.4–76 which is applicable to underground only as follows:

57.4–76 *Mandatory.* Where thawing pipe with an open flame in areas containing combustible or flammable materials two portable fire extinguishers and a second person shall be present. A fire patrol shall be made for at least one hour after thawing pipe with an open flame. Where thawing pipe electrically one portable fire extinguisher and at least one person shall be present.

30. It is proposed to add a new mandatory standard 57.4–77 which is applicable to underground only as follows:

57.4–77 *Mandatory.* Before and after welding and cutting with an arc or open flame or soldering with an open flame, timber and other combustible material shall be wetted down for a distance of at least 25 feet in all directions from such operation, or installed timber shall be wetted down and other timber and combustible material removed to a distance of at least 25 feet.

31. It is proposed to add a new mandatory standard 57.4–78 which is applicable to underground only as follows:

57.4–78 *Mandatory.* When welding or cutting with an arc or open flame or soldering with an open flame in a shaft, raise, winze or other active workings where sparks and heated material may fall, the opening immediately below the operation shall be covered or bulkheaded with a noncombustible material.

32. It is proposed to transfer reserved number 57.4–39 from under the center subheading entitled "General—Surface and Underground" to immediately under the center subheading entitled "Surface Only," to renumber advisory standard 57.4–27 to 57.4–39 and make it only applicable to "Surface Only", and to add a new mandatory standard 57.4–79 which is applicable to underground only as follows:

57.4–79 *Mandatory.* Each electrically powered vehicle which does not use hydraulic fluid or which uses fire-resistant hydraulic fluid shall be equipped with at least one portable fire extinguisher.

33. It is proposed to add a new mandatory standard 57.4–85 which is applicable to underground only as follows:

57.4–85. *Mandatory.* MNMSAC. Stationary diesel equipment shall not be supported on a combustible base.

34. It is proposed to add a new mandatory standard 57.4–86 which is applicable to underground only as follows:

57.4–86 *Mandatory.* MNMSAC. Stationary diesel equipment shall be provided with a thermal sensor which automatically stops the diesel engine should overheating occur.

Q. Section 57.5 *Air quality, ventilation, radiation and physical agents* is proposed to be amended as follows:

35. It is proposed to add a new center heading entitled "Air Quality" immediately below the section heading entitled "§ 57.5 Air quality, ventilation, radiation, and physical agents."

36. It is proposed to revise advisory standard 57.5–15 which is applicable to underground only and make it mandatory as follows:

57.5–15 *Mandatory.* Air in all active workings shall contain at least 19.5 volume percent oxygen.

37. It is proposed to add new center subheadings and to transfer reserved numbers and place them under such centered subheadings in § 57.5 as follows:

(a) A new center subheading entitled "General—Surface and Underground" immediately below the center heading entitled "Ventilation."

(b) Transfer the reserved number 57.5–18 and place it under the new center subheading in item (a) above and to replace this number with the series of numbers 57.5–18A through 57.5–18Z, and to reserve numbers 57.5–18A, 57.5–18C and 57.5–18E through 57.5–18Z.

(c) A new center subheading entitled "Surface Only" immediately below proposed reserved number 57.5–18Z.

(d) Transfer the reserved number 57.5–19 and place it under the new center subheading in item (c) above and to replace this number with the series of reserved numbers 57.5–19A through 57.5–19Z.

(e) Revise the entry "57.5–16 through 57.5–19 [Reserved]" to read "57.5–16 and 57.5–17 [Reserved]" and the revision is to remain under its present center subheading.

38. It is proposed to add a new mandatory standard 57.5–18B which is applicable to surface and underground as follows:

57.5–18B *Mandatory.* Combustible materials shall not be allowed to accumulate in areas surrounding main and booster fans located either on the surface or underground for a distance of at least 100 feet in all directions, except that fire-retardant material may be used for ground support.

39. It is proposed to add a new mandatory standard 57.5–18D which is applicable to surface and underground as follows:

57.5–18D *Mandatory.* All main and all booster fans of the mine shall be operated continuously while persons are underground. In the event of fan failure, scheduled maintenance, or fan adjustments:

(a) The air in the affected active workings shall be monitored by a competent person for compliance with requirements of the standards in this section 57.5 until normal ventilation is restored, or

(b) All persons, except those working on the fan, shall be withdrawn, the ventilation shall be restored to normal and the air in the affected active workings shall be tested by a competent person to assure that the air meets the requirements of the standards in this section 57.5 before any other persons are permitted to enter the affected active workings.

40. It is proposed to add a new mandatory standard 57.5–20 which is applicable to underground only as follows:

57.5–20 *Mandatory.* A ventilation plan, and revisions thereof, suitable to the conditions and the mining system of the mine shall be set out by the operator in written form and submitted for review, comments, and approval to the District Manager, Metal and Nonmetal Mine Health and Safety, of the district in which the mine is located. The Plan shall be reviewed, updated and resubmitted by the operator to the District Manager for review, comments, and approval at least every 12 months from the date of the last submittal. The Plan shall, where appropriate, contain the following:

(a) The mine name.

(b) A current mine map or series of mine maps of a scale not greater than 500 feet to the inch showing:

(1) Locations of all active workings;
(2) Locations of all airways;
(3) Locations of main and booster fans;
(4) Directions of airflow in all airways;
(5) Quantity of airflow in each airway;
(6) Locations of seals used to isolate an abandoned working;
(7) Locations of all unventilated areas;
(8) Locations of ventilation and fire doors;
(9) Locations of air regulators and stoppings;
(10) Locations of overcasts, undercasts, and other airway crossover devices;
(11) Designations of escapeways;
(12) Locations of refuge chambers;
(13) Locations of any known oil or gas wells;
(14) Locations of underground mine openings adjacent to the mine; and
(15) Locations of underground shops, diesel fuel storage, oil storage, substations, battery charging stations, hoist rooms, compressors, and explosives storage facilities.

(c) Mine fan data for all main and booster fans including manufacturer's name, type, size, speed, water gage, air quantity capabilities, blade setting at present operating point, and fan motor name plate data.

(d) The procedure for reversing main fans.

(e) Descriptions and sketches as to how face ventilation is accomplished in each type of working place and the approximate quantity of air provided.

(f) The number and type of internal combustion engine powered units used underground including make and model of unit, type of engine, make and model of engine, horsepower rating of engine, approval number, and the number of units by type that operate in each active working.

(g) The locations of remote controls and operation indicators for all main and booster fans.

41. It is proposed to add a new mandatory standard 57.5–24 which is applicable to underground only as follows:

57.5–24 *Mandatory.* Intake airways, excluding auxiliary fan systems, shall be separated from exhaust airways to prevent recirculation.

42. It is proposed to add a new mandatory standard 57.5–31 which is applicable to underground only as follows:

57.5–31 *Mandatory.* MNMSAC. Ventilation doors shall be:

(a) Substantially constructed.
(b) Covered with fire-retardant material, if constructed of wood.
(c) Maintained in good condition.
(d) Self-closing, if manually operated.
(e) Equipped with audible and visual warning devices, if mechanically operated.

43. It is proposed to add a new mandatory standard 57.5–32 which is applicable to underground only as follows:

57.5–32 *Mandatory.* MNMSAC. When ventilation control doors are opened as a part of the normal mining cycle, they shall be closed as soon as possible to re-establish normal ventilation to working places.

44. It is proposed to add a new mandatory standard 57.5–34 which is applicable to underground only as follows:

57.5–34 *Mandatory.* Auxiliary fans shall be operated continuously while persons are in working places ventilated by the fans. In event of auxiliary fan failure, scheduled maintenance, or fan adjustments, a competent person shall test the air quality at least every two hours until ventilation is restored; or all persons, except those working on the fan, shall be withdrawn from the affected active workings. If persons are withdrawn, the ventilation shall be restored to normal and the quality of air in the affected active workings tested by a competent person before any other persons are permitted to enter the affected active workings.

45. It is proposed to revise mandatory standard 57.5–37 which is applicable to underground only as follows:

57.5–37 *Mandatory.* In all mines:

(a) At least one mine air sample shall be taken in exhaust air by a competent person to determine if concentrations of radon daughters are present. Sampling shall be done using equipment and procedures described in section 14.3 of ANSI N13.8–1973, entitled "American National Standard Radiation Protection in Uranium Mines," approved July 18, 1973, pages 13–15, by the American National Standards Institute, Inc., which is hereby incorporated by reference and made a part hereof. This publication may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office, Mining Enforcement and Safety Administration or may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018. Thereafter—

(1) Except where uranium is mined—when radon daughter concentrations between 0.1 and 0.3 WL are found in active workings, radon daughter concentration measurements shall continue to be determined within 90 days from the date of the last sample, or until such time as the radon daughter concentrations are below 0.1 WL, and annually thereafter.

(2) Where uranium is mined—radon daughter concentrations shall be sampled within 30 days from the date of the last sample in all working places, travelways, haulageways, shops, stations, lunch rooms, magazines, and any other place or location where persons work, travel or congregate.

(b) The sample date, location, and results obtained under (a) above shall be recorded and retained at the mine site or nearest mine office for at least two years and shall be made available for inspection by the Secretary of the Interior or his duly authorized representative.

46. It is proposed to revise mandatory standard 57.5–38 which is applicable to underground only as follows:

57.5–38 *Mandatory.* MNMSAC. No person shall be permitted to receive an exposure in excess of 4 WLM in any calendar year.

47. It is proposed to revise mandatory standard 57.5–39 which is applicable to underground only as follows:

57.5–39 *Mandatory.* MNMSAC. Except as provided by standard 57.5–5, persons shall not be exposed to air containing concentrations of radon daughters exceeding 1.0 WL in active workings.

48. It is proposed to revise mandatory standard 57.5–40 which is applicable to underground only as follows:

57.5–40 *Mandatory.* When concentrations of radon daughters are found in excess of 0.3 WL in any active working:

(a) The operator shall sample the air within the breathing zones of persons working in stopes and drift headings, and sample the air in all travelways, haulageways, shops, stations, lunchrooms, magazines, and any other place or location where persons work, travel or congregate. Sampling shall be performed at least weekly at random times during regular work shifts, and shall be done by a competent person using equipment and procedures described in section 14.3 of ANSI N13.8–1973, entitled "American National Standard Radiation Protection in Uranium Mines," approved July 18, 1973, pages 13–15, by the American National Standards Institute, Inc., which is hereby incorporated by reference and made a part hereof. This publication may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration or may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(b) The operator shall keep records of individual exposure to concentrations of radon daughters for all persons working underground. These records shall include the individual's time in each working place and each active working, and the average concentration of airborne alpha radiation for each working place and each active working.

(c) The operator shall maintain a "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8, or Form Y–4000–8s for mines located in States with State Plans) and a "Record of Individual Exposure to Radon Daughters" (Form X–4000–9 or Form X–4000–9s for mines located in States with State Plans), or equivalent reporting forms that are acceptable to the Administrator, Mining Enforcement and Safety Administration, on which there shall be entered and recorded specific information with respect to each person's average exposure to concentrations of radon daughters. Form Y–4000–8 or Y–4000–8s shall also include any measurements taken by Federal and State representatives and reported to the operator. Such Federal and State measurements shall be clearly identified.

(1) For mines located in a State with a State Plan approved by the Secretary of the Interior under section 16 of the Federal Metal and Nonmetallic Mine Safety Act, the "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8s) and the "Record of Individual Exposure to Radon Daughters" (Form X–4000–9s) shall consist of an original of each form for the operator's records and a first and second copy of each form for use by the Mining Enforcement and Safety Administration and the State, respectively. Operators shall retain the original and mail or deliver a clear, legible copy of each form, or acceptable equivalent reporting form to the State agency responsible for administering the State Plan on behalf of the State in which the mine is located, and to:

Data Management—Attn: MCS System
Mining Enforcement and Safety Administration
603 Miller Court
Lakewood, Colorado 80215

Such forms shall be mailed or delivered no later than 14 days following a reporting

V 40 I 187 SEP 25 75 XUM

period covering each four week period, or part thereof, beginning with the first Sunday of the calendar year and continuing into the following year to include all days to the first Sunday of the following calendar year.

(2) For mines located in a State without a State Plan, the "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8) and the "Record of Individual Exposure to Radon Daughters" (Form X–4000–9) shall consist of an original of each form for the operator's records and a carbon copy of each form, for use by the Mining Enforcement and Safety Administration. Operators shall retain the original and mail or deliver a clear, legible copy of each form, or acceptable equivalent reporting form, to the Mining Enforcement and Safety Administration, address given in (b)(1) above, no later than 14 days following a reporting period covering each four week period, or part thereof, beginning with first Sunday of the calendar year and continuing into the following year to include all days to the first Sunday of the following year.

(3) Errors detected by the operator shall be corrected, and a corrected copy of the reporting form, or acceptable equivalent, shall identify the error and indicate the date the correction was made. The corrected copy or acceptable equivalent shall be immediately mailed or delivered to the Mining Enforcement and Safety Administration, address given in (b)(1) above and, if applicable, to the State agency.

(4) The operator's records of individual exposure to concentrations of radon daughters and copies of "Record of Work Area Radon Daughter Concentration," and "Record of Individual Exposure to Radon Daughters" or true legible facsimiles thereof (microfilm or other), shall be retained at the mine or nearest mine office for a period of 2 years from the date the records are mailed or delivered to the Mining Enforcement and Safety Administration. These records shall be open for inspection by the Secretary of the Interior, his duly authorized representative, and authorized representatives of the official mine inspection agency of the State in which the mine is located.

(5) Upon written request from a person who is a subject of these records, copies of such records applicable to that person shall be provided to the person, or to whomever such person designates.

(6) The forms entitled "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8, or Y–4000–8s) and the "Record of Individual Exposure to Radon Daughters" (Form X–4000–9, or X–4000–9s) may be obtained on request from any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration.

NOTE. To calculate an individual's exposure in WLM for a given period of time in each working place or each active working, as applicable, multiply the total exposure time (hours to the nearest half hour) in a working place or an active working, as applicable, by the average concentration of airborne alpha radiation for the applicable working place or active working (average working level calculated to the nearest hundredth working level), and divide the product by the constant, 170 hours per month.

An average airborne alpha radiation concentration for a designated working place or active workings shall be determined by averaging all sampling results for the applicable working place or active working during the week that the person is present in that designated working place or active working.

An individual's exposure for an extended period of time is the sum of the individual's exposure calculated each week, or part thereof, for all working places and active workings where the individual has worked during that period of time.

49. It is proposed to revise mandatory standard 57.5–41 which is applicable to underground only as follows:

57.5–41 *Mandatory.* MNMSAC. Smoking shall be prohibited in all areas of a mine where exposure records are required to be kept in compliance with standard 57.5–40.

50. It is proposed to add a new center heading entitled "Physical Agents", and thereunder and preceding standard 57.5–50, add a new center subheading entitled "General—Surface and Underground".

R. Section 57.6 *Explosives* is proposed to be amended as follows:

51. It is proposed to add a new center heading entitled "Miscellaneous", a new center subheading entitled "General—Surface and Underground", and reserve numbers 57.6–251 through 57.6–300 and to renumber and revise mandatory standard 57.6–6 which is applicable to surface and underground as follows:

57.6–250 *Mandatory.* Smoking, matches, lighters, and open flames shall not be permitted within 50 feet of explosives, detonators, or blasting agents, except for the use of suitable devices for igniting safety fuse.

52. It is proposed to revoke mandatory standards 57.6–52 and 57.6–95.

53. It is proposed to revoke advisory standards 57.6–9 and 57.6–10, and to revise advisory standard 57.6–7 which is applicable to surface and underground and make it mandatory as follows:

57.6–7 *Mandatory.* Explosives, detonators, and related materials such as safety fuse and detonating cord shall be:

(a) Stored in a manner to facilitate use of oldest stocks first.
(b) Stored according to brand and grade.
(c) Stored with their top sides up.
(d) Stacked not more than six (6) feet high.

54. It is proposed to add a new mandatory standard 57.6–11 which is applicable to surface and underground as follows:

57.6–11 *Mandatory.* Containers of explosives and detonators shall be securely closed while being stored.

55. It is proposed to revoke advisory standard 57.6–55, and to revise advisory standard 57.6–48 which is applicable to surface and underground and make it mandatory as follows:

57.6–48 *Mandatory.* Explosives and blasting agents shall be transported without undue delay, and over routes and at times that expose a minimum number of persons.

56. It is proposed to revoke standard 57.6–49. MNMSAC.

57. It is proposed to revise mandatory standard 57.6–92 which is applicable to surface and underground as follows:

57.6–92 *Mandatory.* Damaged or deteriorated explosives and blasting agents shall be destroyed in a safe manner under the supervision or instructions of the explosives manufacturer.

58. It is proposed to revise mandatory standard 57.6–97 which is applicable to surface and underground as follows:

57.6–97 *Mandatory.* Primers shall be made up only at the time of charging and as close to the blasting area as conditions allow.

59. It is proposed to revise advisory standard 57.6–98 which is applicable to surface and underground and make it mandatory as follows:

57.6–98 *Mandatory.* Primers:

(a) Containing a detonator shall be prepared with the detonator contained securely and completely within the explosive charge.
(b) Using detonating cord shall be prepared with the detonating cord threaded through, attached securely to, or otherwise in intimate contact with, the explosive charge.

60. It is proposed to revise mandatory standard 57.6–100 which is applicable to surface and underground as follows:

57.6–100 *Mandatory.* MNMSAC. Tamping poles shall be of wood or other material acceptable to the Mining Enforcement and Safety Administration. Couplers of tamping poles shall be of nonsparking materials.

61. It is proposed to revise mandatory standard 57.6–101 which is applicable to surface and underground as follows:

57.6–101 *Mandatory.* Tamping shall not be done directly on a primer.

62. It is proposed to revise advisory standard 57.6–106 which is applicable to surface and underground and make it mandatory as follows:

57.6–106 *Mandatory.* Faces and muck piles shall be examined by a competent person for undetonated explosives or blasting agents after each blast. Any undetonated explosives or blasting agents found shall be disposed of before any other work is done in the immediate vicinity of such explosives.

63. It is proposed to revoke advisory standard 57.6–107 and to revise advisory standard 57.6–109 which is applicable to surface and underground and make it mandatory as follows:

57.6–109 *Mandatory.* Safety fuse, ignitor cord, and detonating cord shall not be used if they have been kinked, bent sharply, or otherwise damaged.

64. It is proposed to revise advisory standard 57.6–118 which is applicable to surface and underground and make it mandatory as follows:

57.6–118 *Mandatory.* When using safety fuse, timing shall be such that all fuses are burning within the holes before any hole fires.

65. It is proposed to revise advisory standard 57.6–121 which is applicable to surface and underground and make it mandatory as follows:

57.6–121 *Mandatory.* When blasting electrically, a blasting galvanometer, or other instruments that are specifically designed for testing blasting circuits, shall be used to test:

(a) Electric blasting caps for continuity prior to the addition of stemming to the borehole.
(b) Electric blasting cap series for resistance.
(c) Blasting lines for circuit continuity.
(d) Blasting circuits for resistance and continuity prior to connection to the power source.

66. It is proposed to revise advisory standard 57.6–132 which is applicable to surface and underground and make it mandatory as follows:

57.6–132 *Mandatory.* MNMSAC. Delay connectors shall be treated and handled with the same safety precautions as detonators.

67. It is proposed to revise advisory standard 57.6–136 which is applicable to surface and underground and make it mandatory as follows:

57.6–136 *Mandatory.* MNMSAC. Black powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

68. It is proposed to renumber mandatory standard 57.6–166 which is applicable to surface only and make it applicable to surface and underground as follows:

57.6–115 *Mandatory.* MNMSAC. All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

69. It is proposed to renumber and revise advisory standard 57.6–169 which is applicable to surface only and make it mandatory and applicable to surface and underground as follows:

57.6–138 *Mandatory.* Explosives or blasting agents shall not be loaded into drilled or sprung holes that will result in premature detonation from heat.

70. It is proposed to renumber and revise advisory standard 57.6–176 which is applicable to underground only and make it mandatory and applicable to surface and underground as follows:

57.6–139 *Mandatory.* Blasting areas shall not be reentered after firing until dangerous concentrations of smoke, dust, and fumes have been reduced to safe limits.

71. It is proposed to renumber and revise advisory standard 57.6–180 which is applicable to underground only and to make it mandatory and applicable to surface and underground as follows:

57.6–140 *Mandatory.* Electric blasting caps and blasting circuits shall be isolated from sources of static electricity and stray currents, and from any extraneous electrical contact.

72. It is proposed to renumber and revise mandatory standard 57.6–170 which is applicable to surface only and make it applicable to surface and underground as follows:

57.6–126 *Mandatory.* Electrical circuits shall be deenergized within 50 feet of boreholes containing electrical detonators and the power circuits shall not be reenergized until the shots are fired. Stray current tests shall be conducted, and the maximum stray current that shall be tolerated is 0.05 amperes.

73. It is proposed to revoke advisory standard 57.6–197. MNMSAC.

74. It is proposed to renumber and revise advisory standard 57.6–179 and make it mandatory and applicable to surface and underground as follows:

57.6–93 *Mandatory.* MNMSAC. Blast holes shall be cleaned before charging is begun.

S. Section 57.9 *Loading, hauling, dumping* is proposed to be amended as follows:

75. It is proposed to revise advisory standard 57.9–1 which is applicable to surface and underground and make it mandatory as follows:

57.9–1 *Mandatory.* Mobile equipment that is to be used during a shift shall be inspected by the equipment operator before being placed in operation. Equipment defects affecting safety shall be reported to, and recorded by, the mine operator. The records shall be maintained at the mine or nearest mine office for at least 2 years from the date the defects are recorded. Such records shall be made available for inspection by the Secretary of the Interior or his duly authorized representative.

76. It is proposed to revise mandatory standard 57.9–9 which is applicable to surface and underground as follows:

57.9–9 *Mandatory.* MNMSAC. Operators shall sound warning before starting trains and when trains approach crossings, other trains on adjacent tracks, persons, and any place where vision is obscured.

77. It is proposed to revise advisory standard 57.9–17 which is applicable to surface and underground and make it mandatory as follows:

57.9–17 *Mandatory.* MNMSAC. Equipment operating speeds shall be consistent with conditions of roadways, grades, clearance, visibility, traffic, and the type of equipment used.

78. It is proposed to revise advisory standard 57.9–19 which is applicable to surface and underground and make it mandatory as follows:

57.9–19 *Mandatory.* MNMSAC. Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

79. It is proposed to revoke advisory standard 57.9–21. MNMSAC.

80. It is proposed to renumber and revise advisory standard 57.9–100 and make it mandatory and applicable to surface and underground as follows:

57.9–26 *Mandatory.* MNMSAC. A quick-close type air valve shall be provided on each piece of pneumatic-powered loading, hauling, and dumping equipment. The valve shall be closed except when the equipment is being operated.

81. It is proposed to revise advisory standard 57.9–34 which is applicable to surface and underground and make it mandatory as follows:

57.9–34 *Mandatory.* Haulage equipment shall not be loaded in excess of bulk or rated weight capacity.

82. It is proposed to revise mandatory standard 57.9–37 which is applicable to surface and underground as follows:

57.9–37 *Mandatory.* MNMSAC. Mobile equipment shall not be left unattended unless the brakes are set. Mobile equipment with wheels or tracks, when parked on a grade, shall be either blocked or turned into a bank or rib; and the bucket or blade lowered to the ground to prevent movement.

83. It is proposed to revoke advisory standard 57.9–38. MNMSAC.

84. It is proposed to revoke advisory standard 57.9–44 and mandatory standards 57.9–33, 57.9–43 and 57.9–117, and to revise mandatory standard 57.9–40 which is applicable to surface and underground as follows:

57.9–40 *Mandatory.* MNMSAC. Men shall not be transported:

(a) In or on dippers, forks, clamshells, beds of trucks unless special provisions are made for their safety, or buckets except shaft buckets.
(b) On top of loaded haulage equipment.
(c) Outside the cabs and beds of mobile equipment, except trains.
(d) Between cars of trains.
(e) In conveyance equipped with unloading devices unless means are provided to prevent accidental starting of the unloading mechanism.

85. It is proposed to revise advisory standard 57.9–42 which is applicable to surface and underground and make it mandatory as follows:

57.9–42 *Mandatory.* MNMSAC. Rocker-bottom or bottom-dump rail cars shall be equipped with locking devices.

86. It is proposed to revoke advisory standard 57.9–86, and to revise advisory standard 57.9–49 which is applicable to surface and underground and make it mandatory as follows:

57.9–49 *Mandatory.* MNMSAC. When in the dark or under conditions of limited visibility, all vehicles carrying loads which project beyond the sides or more than four feet beyond the rear of the vehicles shall display a red light at the end of the projection; or in the light, a red flag not less than 12 inches square shall be displayed at the end of the projection.

87. It is proposed to revise advisory standard 57.9–53 which is applicable to surface and underground and make it mandatory as follows:

57.9–53 *Mandatory.* MNMSAC. Water, debris, or spilled material which create hazards to moving equipment shall be removed.

88. It is proposed to revise advisory standard 57.9–55 which applies to surface and underground and make it mandatory as follows:

57.9–55 *Mandatory.* MNMSAC. Where there is evidence that the ground at a dumping place may fail to support the weight of a vehicle, loads shall be dumped back from the edge of the bank.

89. It is proposed to revise mandatory standard 57.9–64 which is applicable to surface and underground as follows:

57.9–64 *Mandatory.* Facilities and installations used for loading and unloading muck and materials shall be constructed so that persons in attendance are not required to be in a hazardous location or position.

90. It is proposed to revise advisory standard 57.9–65 which is applicable to surface and underground and make it mandatory as follows:

57.9–65 *Mandatory.* MNMSAC. Cars shall not be coupled, or uncoupled, manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from manual coupling.

91. It is proposed to revise advisory standard 57.9–66 which is applicable to surface and underground and make it mandatory as follows:

57.9–66 *Mandatory.* MNMSAC. When a locomotive on one track is used to move equipment on a different track, a suitable chain or drawbar shall be used.

V 40 I 187 SEP 25 75 XUM

92. It is proposed to renumber advisory standard 57.9–84 and make it mandatory and applicable to surface and underground as follows:

57.9–71 *Mandatory.* MNMSAC. Traffic rules including speed, signals, and warning signs shall be standardized at each mine and posted.

93. It is proposed to revise mandatory standard 57.9–85 which is applicable to surface only as follows:

57.9–85 *Mandatory.* MNMSAC. Tools, materials and equipment shall not be transported with persons in rail cars and other vehicles and conveyances unless means have been provided to make such transportation safe.

94. It is proposed to renumber and revise advisory standard 57.9–4 and make it mandatory and applicable to surface only as follows:

57.9–87 *Mandatory.* MNMSAC. Heavy duty mobile equipment shall be provided with audible warning devices. When the operator of such equipment has an obstructed view to the rear, the equipment shall have either an automatic reverse signal alarm which is audible above the surrounding noise level or an observer to signal when it is safe to back up.

95. It is proposed to revise advisory standard 57.9–96 which is applicable to underground only and make it mandatory as follows:

57.9–96 *Mandatory.* MNMSAC. Tools or materials, except properly located and secured rerailing devices, shall not be carried on top of locomotives. Tools or materials shall not be carried in the cab if they would interfere with the operation of the locomotive.

96. It is proposed to revise advisory standard 57.9–104 which is applicable to underground only and make it mandatory as follows:

57.9–104 *Mandatory.* Warning devices or conspicuous markings shall be installed where chute lips, air doors, and obstructions create a hazard to persons.

97. It is proposed to revoke advisory standard 57.9–109. MNMSAC.

98. It is proposed to revise advisory standard 57.9–111 which is applicable to underground only and make it mandatory as follows:

57.9–111 *Mandatory.* MNMSAC. Shelter holes shall be at least 4-feet wide, marked conspicuously with lights or reflective signs or reflective tape or reflectors or luminous paint, provide a minimum of 40-inch clearance from the farthest projection of moving equipment, and shall not be used for storage of timber, tools, or other materials unless a 40-inch clearance is maintained.

T. Section 57.11. *Travelways and escapeways* is proposed to be amended as follows:

99. It is proposed to add a new mandatory standard 57.11–59 which is applicable to underground only as follows:

57.11–59 *Mandatory.* Hoists located underground which are a part of the mine escape and evacuation plan required under standard 57.11–53 shall be provided with suitable enclosures with a respirable atmosphere to protect the hoist operators. These enclosures shall be equipped with:

(a) A positive-pressure ventilation system that will provide the hoist operator with a respirable atmosphere independent of the mine atmosphere and that is operated either continuously or is capable of being activated immediately from within the enclosure during an emergency evacuation. Air for the independent ventilation system shall be provided by at least one of the following—

(1) Air coursed from the surface through a borehole into the hoist enclosure;

(2) Air supplied by air compressors located on the surface and coursed through metal pipe into the enclosure; and

(3) Air coursed from the surface through metal duct work into the enclosure. This duct work shall not be located in timber supported active workings.

(b) If the positive-pressure independent ventilation system is not routed through a borehole directly from the surface to the enclosure, a backup system shall be provided in addition to either independent system (a) (2) or (a) (3) specified above. This backup system shall consist of compressed air stored in containers connected to the enclosure. This system shall provide and maintain a respirable atmosphere in the enclosure for a period of time equal to at least twice the time necessary to complete the evacuation of all persons designated to use that hoist as prescribed in the mine escape and evacuation plan required under standard 57.11–53.

(c) An approved and properly maintained 2-hour self-contained breathing apparatus shall be kept in the operator's enclosure to provide a safe means of escape for the operator after the hoisting duties have been completed as prescribed in the mine escape and evacuation plan for that hoist.

U. Section 57.19 *Man hoisting* is proposed to be amended as follows:

100. It is proposed to revoke advisory standard 57.19–23, and to revise advisory standard 57.19–22 and make it mandatory as follows:

57.19–22 *Mandatory.* MNMSAC. The end of the rope at the drum shall make at least one full turn on the drum shaft, or a spoke of the drum in the case of a free drum, and shall be fastened securely by means of rope clips or clamps. There shall be three full turns of cable or rope on the hoisting drum when the cable or rope is extended to its maximum working length. This standard does not apply to friction hoists.

101. It is proposed to revise advisory standard 57.19–63 and make it mandatory as follows:

57.19–63 *Mandatory.* MNMSAC. Only authorized persons shall be in hoist rooms.

102. It is proposed to revise advisory standard 57.19–78 and make it mandatory as follows:

57.19–78 *Mandatory.* All buckets shall be stopped after being raised about 3 feet above the shaft bottom. A bucket shall be stabilized before a hoisting signal is given to continue hoisting the bucket to the crosshead. After a hoisting signal is given, hoisting to the crosshead shall be at the minimum speed. The signaling device shall be attended constantly until a bucket reaches the guides. When persons are hoisted, the signaling devices shall be attended until the crosshead has been engaged.

103. It is proposed to revise advisory standard 57.19–95 and make it mandatory as follows:

57.19–95 *Mandatory.* MNMSAC. Hoisting signal devices shall be positioned within easy reach of persons on the shaft bottom or constantly attended by a person stationed on the lower deck of the sinking platform.

104. It is proposed to revise advisory standard 57.19–103 and make it mandatory as follows:

57.19–103 *Mandatory.* MNMSAC. Dumping facilities and loading pockets shall be constructed so as to minimize spillage into the shaft.

V. Section 57.20 *Miscellaneous* is proposed to be amended as follows:

105. It is proposed to revise advisory standard 57.20–8 which is applicable to surface and underground and make it mandatory as follows:

57.20–8 *Mandatory.* At least 1 toilet within 10 minutes accessibility shall be provided for each 10 male workers or less. At least 1 toilet within 10 minutes accessibility shall be provided for each 10 female workers or less. Toilets for male and female workers shall be separate, properly supplied, clean and sanitary. Toilets shall be chemical types, water closets, or equivalent facilities approved by the District Manager, Metal and Nonmetal Mine Health and Safety, for the district in which the mine is located. Such facilities shall be protected from the elements and serviced when full, but not less frequently than weekly. Toilets shall be removed to the surface for cleaning, recharging, disposal (as applicable); or toilet waste transfer tanks and transfer equipment shall be provided with fittings to permit complete transfer of waste without spillage. Toilet waste shall be disposed of in accordance with State and local laws and regulations.

W. Section 57.21 *Gassy mines* is proposed to be amended as follows:

106. It is proposed to revise mandatory standard 57.21–2 as follows:

57.21–2 *Mandatory.* MNMSAC. Flammable gases detected only while unwatering mines or flooded sections of mines or during other mine reclamation operations shall not be used to permanently classify a mine gassy. During such periods that any flammable gas is present in the mine, the affected areas of the mine shall be operated in accordance with appropriate standards in this Section 57.21.

107. It is proposed to revise mandatory standard 57.21–20 as follows:

57.21–20 *Mandatory.* MNMSAC. Main fans shall be:

(a) Installed on the surface.

(b) Installed to permit prompt reversal of airflow.

(c) Powered electrically.

(d) Installed in noncombustible housing provided with noncombustible air ducts.

(e) Offset not less than 15 feet from the nearest side of the mine opening to which the fan is connected. The fan installation shall be equipped with explosion-doors or a weak-wall having an area at least equivalent to the cross-sectional area of the airway. Such doors or weak-wall shall be in direct line with possible explosion forces.

(f) Provided with an automatic signal device to give warning or alarm should the fan system malfunction. The signal device shall be so located that it can be seen or heard by a responsible person at all times when persons are underground.

108. It is proposed to revise advisory standard 57.21–21 and make it mandatory as follows:

57.21–21 *Mandatory.* Main fans shall be:

(a) Operated continuously while persons are underground; in the event of fan maintenance and/or fan adjustments, all persons, except those working on the fan, shall be withdrawn from the affected active workings, and the main power in those active workings, shall be deenergized.

(b) Provided with pressure-recording gages which shall be examined daily for good operating condition. The charts of such gages shall be changed after completing one revolution.

(c) Inspected daily and logs kept of such inspections and of fan maintenance.

(d) Charts and logs shall be retained for a minimum of one year. Such records and charts shall be available for inspection by the Secretary of the Interior or his duly authorized representative.

109. It is proposed to revise mandatory standard 57.21–24 as follows:

57.21–24 *Mandatory.* When a main fan stops, the operator shall take the following immediate actions:

(a) Withdraw all persons from the affected active workings.

(b) Deenergize the power in affected active workings.

(c) Withdraw all persons from the mine when a 1.0 percent concentration of methane in air is measured in any active working.

If ventilation has been interrupted for more than 15 minutes, all working places and active workings where methane may accumulate shall be examined by a competent person(s). The power shall not be restored or persons permitted to reenter the affected active workings until the competent person(s) has determined the methane concentration in such active workings is less than 1.0 percent.

110. It is proposed to revise advisory standard 57.21–25 and make it mandatory as follows:

57.21–25 *Mandatory.* When there has been a failure of mine ventilation other than a failure of a main fan as described in standard 57.21–24, the operator shall take the following immediate actions:

(a) Withdraw all persons from the affected active workings.

(b) Deenergize the power in affected active workings. The power shall not be restored or persons permitted to reenter the affected active workings until a competent person(s) has determined that the methane concentration in such active workings is less than 1.0 percent.

111. It is proposed to revise mandatory standard 57.21–28 as follows:

57.21–28 *Mandatory.* Booster fans shall be:

(a) Operated by permissible drive units maintained in permissible condition.

(b) Operated only in air containing less than 1.0 percent methane.

(c) Kept in continuous operation when persons are in active workings of the mine affected by such fans.

112. It is proposed to revise mandatory standard 57.21–29 as follows:

57.21–29 *Mandatory.* MNMSAC. Booster fans shall be:

(a) Provided with an automatic signal device to give warning or alarm should the fan system malfunction. The signal device shall be so located that it can be seen or heard by a responsible person at all times when persons are underground.

(b) Equipped with a device that automatically deenergizes the power in affected active workings should the fan system malfunction.

(c) Provided with air locks, the doors of which open automatically should the fan stop.

(d) Equipped with two sets of controls capable of starting, stopping, and reversing the fans. One set of controls shall be located at the fans. A second set of controls shall be at another location remote from the fans.

113. It is proposed to add a new mandatory standard 57.21–64 as follows:

57.21–64 *Mandatory.* Each operator shall use permissible devices accepted by the Secretary of the Interior for detecting flammable gases, oxygen deficiency, carbon monoxide, and other air contaminants. Such permissible devices shall be provided and maintained in serviceable and permissible condition. In the detection of flammable gases, a permissible flame safety lamp may be used only as a supplementary testing device.

114. It is proposed to add a new mandatory standard 57.21–67 as follows:

57.21–67 *Mandatory.* MNMSAC. All gassy mines shall be ventilated mechanically.

115. It is proposed to add a new mandatory standard 57.21–68 as follows:

57.21–68 *Mandatory.* MNMSAC. Airflow shall be maintained in all intake and return air courses of a mine. When multiple main fans are used, such ventilation systems shall not develop neutral areas (areas without perceptible air movement).

116. It is proposed to add a new mandatory standard 57.21–69 as follows:

57.21–69 *Mandatory.* MNMSAC. In mines ventilated by a combination of multiple blowing or multiple exhausting main fans, each mine fan installation shall be equipped with noncombustible doors designed and positioned so that, in the event of failure of a main fan, these doors will automatically close to prevent air reversal through the fan. The doors shall be located so that they are not in direct line with forces which would come out of the mine, should an explosion occur.

117. It is proposed to add a new mandatory standard 57.21–80 as follows:

57.21–80 *Mandatory.* A methane monitoring device (methane monitor), approved by the Secretary of the Interior, shall be installed and properly maintained on all continuous miner and longwall face equipment. The sensing unit of the methane monitor shall be positioned as close to the working face as practicable. When the concentration of methane is 1.0 percent or more, the monitor shall give a warning and deenergize the equipment automatically. The methane monitor also shall deenergize such equipment automatically when the monitor is not functioning properly.

[FR Doc.75–25526 Filed 9–24–75;8:45 am]

SEP 25 75 XUM

federal register

THURSDAY, SEPTEMBER 25, 1975

PART IV:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

V 40 187 SEP 25 75 XUM

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM76-4; Order No. 536]

PART 3b—COLLECTION, MAINTENANCE, USE, AND DISSEMINATION OF RECORDS OF IDENTIFIABLE PERSONAL INFORMATION

SEPTEMBER 23, 1975.

On August 13, 1975, the Commission issued a Notice proposing the adoption of rules governing records of identifiable personal information. The notice was published in the FEDERAL REGISTER on August 20, 1975 (40 FR 36545) with opportunity for public comment by September 22, 1975. The rules provide, among other things, the standards for the collection and maintenance of Commission records containing identifiable personal information, and procedures for the notification of, access to, and amendment of such records and for disclosure of such records to individuals other than those to whom the records pertain. The purpose of the adoption of the rules is to conform Commission procedures to the requirements of the Privacy Act of 1974, Pub. L. No. 93-579, 88 Stat. 1896.

No major changes have been made to the notice of proposed rulemaking.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions are in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) In view of the intent of Pub. L. No. 93-579 that the rules adopted herein become effective on September 27, 1975, good cause exists for making them effective on that date.

(3) The adoption of the rules as prescribed herein are necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309 (49 Stat. 858-859; 16 U.S.C. 825h), the Natural Gas Act, as amended, particularly Section 16 (52 Stat. 830; 15 U.S.C. 717o), and Pub L. No. 93-579 (88 Stat. 1896) *orders:*

(A) Part 3b, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is adopted to read as follows:

Subpart A—General

Sec.
3b.1 Purpose.
3b.2 Definitions.
3b.3 Notice requirements.
3b.4 Government contractors.
3b.5 Legal guardians.

Subpart B—Standards for Maintenance and Collection of Records

3b.201 Content of records.
3b.202 Collection of information from individuals concerned.
3b.203 Rules of conduct.
3b.204 Safeguarding information in manual and computer-based record systems.

Subpart C—Rules for Disclosure of Records

3b.220 Notification of maintenance of records to individuals concerned.
3b.221 Access of records to individuals concerned.
3b.222 Identification requirements.
3b.223 Fees.
3b.224 Requests to amend records and disputes thereon.
3b.225 Written consent for disclosure.
3b.226 Accounting of disclosures.
3b.227 Mailing lists.

Subpart D—Rules for Exemptions

3b.250 Specific exemptions.

Subpart A—General

§ 3b.1 Purpose.

Part 3b describes the Federal Power Commission's program to implement the provisions of the Privacy Act of 1974 (Pub. L. No. 93-579, 88 Stat. 1896) to allow individuals to have a say in the collection and use of information which may be used in determinations affecting them. The program is structured to permit an individual to determine what records pertaining to him and filed under his individual name, or some other identifying particular, are collected, maintained, used or disseminated by the Commission, to permit him access to such records, and to correct or amend them, and to provide that the Commission collect, use, maintain and disseminate such information in a lawful manner for a necessary purpose.

§ 3b.2 Definitions.

In this part:

(a) "Agency", as defined in 5 U.S.C. 551(1) as "* * * each authority of the Government of the United States, whether or not it is within or subject to review by another agency, * * *", includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency [5 U.S.C. 552(e)];

(b) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) "Maintain" includes, maintain, collect, use, or disseminate;

(d) "Record" means any item, collection or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(e) "System of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(f) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13 of the United States Code;

(g) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected; and

(h) "Disclosure" means either the transmittal of a copy of a record or the granting of access to a record, by oral, written, electronic or mechanical communication.

§ 3b.3 Notice requirements.

(a) The Commission will publish at least annually in the FEDERAL REGISTER a notice identifying the systems of records currently maintained by the Commission. For each system of records, the notice will include the following information:

(1) The name and location of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) The specific statutory provision or executive order, or rule or regulation issued pursuant thereto, authorizing the maintenance of the information contained in the system;

(5) Each routine use of the records contained in the system, including the categories of users and the purposes of such use;

(6) The policies and practices regarding the storage, retrievability, access controls, and retention and disposal of the records;

(7) The title and business address of the Commission official who is responsible for the system of records;

(8) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(9) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its contents; and

(10) The categories of sources of records in the system.

(b) At least thirty days prior to its operation, the Commission will publish in the FEDERAL REGISTER a notice of its intention to establish a new system of records reciting the information required pursuant to paragraphs (a) (1)-(10) of this section and notice of any major change to an existing system.

(c) The Commission will publish in the FEDERAL REGISTER a notice of its intention to establish any new or intended routine use of the information in an existing system of records at least thirty days prior to the disclosure of the record for that routine use. A new routine use is one which involves disclosure of records for a new purpose compatible with the purpose for which the record is maintained or which involves disclosure to a new recipient or category of recipients. At a minimum, the notice will contain the following information:

(1) The name of the system of records for which the routine use is to be established;

(2) The authority authorizing the maintenance of the information contained in the system;

(3) The categories of records maintained in the system;

(4) The proposed routine use(s);

(5) The categories of recipients for each proposed routine use; and

(6) Reference to the public notice in the FEDERAL REGISTER under which the existing system had already been published.

§ 3b.4 Government contractors.

Systems of records operated by a contractor, pursuant to a "contract," on behalf of the Commission, which are designed to accomplish a Commission function, are considered, for the purposes of this part, to be maintained by the Commission. A "contract" covers any contract, written or oral, subject to the Federal Procurement Regulations. The contractual instrument will specify, to the extent consistent with the Commission's authority to require it, that the systems of records be maintained in accordance with the requirements of this part.

§ 3b.5 Legal guardians.

For the purposes of this part, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

Subpart B—Standards for Maintenance and Collection of Records

§ 3b.201 Content of Records.

(a) All records which are maintained by the Commission in a system of records will contain only such information about an individual that is relevant and necessary to accomplish a purpose of the Commission as required to be accomplished by statute or by executive order of the President. Pursuant to section 3b.3 (a) (4) of this part, the Commission will identify in the FEDERAL REGISTER the specific provisions in law which authorize it to maintain information in a system of records. In determining the "relevance" and "necessity" of records, the following considerations will govern:

(1) Whether each item of information relates to the purposes, in law, for which the system is maintained;

(2) The adverse consequences, if any, of not collecting the information;

(3) Whether the need for the information could be met through the maintenance of the information in a non-individually identifiable form;

(4) Whether the information in the record is required to be collected on every individual who is the subject of a record in the system or whether a sampling procedure would suffice;

(5) The length of time it is necessary to retain the information;

(6) The financial cost of maintaining the record as compared to the adverse consequences of not maintaining it; and

(7) Whether the information, while generally relevant and necessary to accomplish a statutory purpose, is specifically relevant and necessary only in certain cases.

(b) All records which the Commission maintains in a system of records and which are used to make a determination about an individual will be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination. Where practicable, in questionable instances, reverification of pertinent information with the individual to whom the record pertains may be appropriate. In pursuit of "completeness" in the collection of information, the Commission will limit its records to those elements of information which clearly bear on the determination for which the records are intended to be used, assuring that all elements necessary to the determination are present before the determination is made.

(c) Prior to disseminating any records in a system of records, the Commission will make reasonable efforts to assure that such records are as accurate, relevant, timely, and complete as appropriate for the purposes for which they are collected and/or maintained, except when they are disclosed to a member of the public under the Freedom of Information Act, 5 U.S.C. 552, as amended, or to another agency.

(d) No records of the Commission in a system of records shall describe how any individual exercises his First Amendment rights unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity. The exercise of these rights includes, but is not limited to, religious and political beliefs, freedom of speech and of the press, and freedom of assembly and petition. In determining whether or not a particular activity constitutes the exercise of a right guaranteed by the First Amendment, the Commission will apply the broadest reasonable interpretation.

§ 3b.202 Collection of information from individuals concerned.

(a) Any information collected by the Commission for inclusion in a system of records which may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs, will, to the greatest extent practicable, be collected directly from the subject individual [see paragraph (d) of this section].

(b) The Commission will inform each individual whom it asks to supply information about himself, on the form which it uses to collect the information, or on a separate sheet that can be easily retained by the individual, in language which is explicit, informative, and easily understood, and not so lengthy as to deter an individual from reading it, of:

(1) The specific provision of the statute or executive order of the President, including the brief title or subject of that statute or order which authorizes the solicitation of the information; whether disclosure of such information is mandatory or voluntary; and whether the Commission is authorized or required to impose penalties for failing to respond;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses which may be made of the information, as described in the FEDERAL REGISTER in the notice of the system of records in which the information is maintained, and which are relatable and necessary to a purpose described pursuant to paragraph (b) (2) of this section; and

(4) The effects (beneficial and adverse) on the individual if any, of not providing all or any part of the requested information.

(c) Social security numbers will not be required from individuals whom the Commission asks to supply information unless the disclosure of the number is required by Federal statute or unless disclosure is to the Commission maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required pursuant to a statute or regulation adopted prior to such date to verify the identity of an individual. When an individual is requested to disclose his social security number to the Commission, he will be informed under what statutory or other authority such number is solicited, what uses will be made of it, whether disclosure is mandatory or voluntary, and if it is mandatory, under what provisions of law or regulation.

(d) The use of third-party sources to collect information about an individual may be appropriate in certain circumstances. In determining when the use of third-party sources would be appropriate, the following considerations will govern:

(1) When the information needed can only be obtained from a third party;

(2) When the cost of collecting the information directly from the individual concerned far exceeds the cost of collecting it from a third party;

(3) When there is little risk that the information proposed to be collected from the third party, if inaccurate, could result in an adverse determination about the individual concerned.

(4) When there is a need to insure the accuracy of information supplied by an individual by verifying it with a third party, or there is a need to obtain a qualitative assessment of the individual's capabilities or character; or

(5) When there are provisions for verifying any third-party information with the individual concerned before making a determination based on that information.

40 FR 44287
SEP 25 75
XUM

Third party sources, where feasible, will be informed of the purposes for which information which they are asked to provide will be used. In appropriate circumstances, pursuant to 5 U.S.C. 552a (k) (2), (5), and (7), the Commission may assure a third party that his identity will not be revealed to the subject of the collected information.

§ 3b.203 Rules of conduct.

(a) The Executive Director of the Commission has the overall administrative responsibility for implementing the provisions of the Privacy Act of 1974 and overseeing the conduct of all Commission employees with respect to the Act.

(b) It is the responsibility of the Comptroller of the Commission, under the guidance of the Executive Director, to prepare the appropriate internal administrative procedures to assure that all persons involved in the design, development or operation of any system of records, or in collecting, using, or disseminating any individual record, and who have access to any system of records, are informed of all rules and requirements of the Commission to protect the privacy of the individuals who are the subjects of the records, including the applicable provisions of the FPC Standards of Conduct for Employees, Special Government Employees and Commissioners, specifically 18 CFR 3.207(e) and 3.228 (d).

(c) The Director, Office of Personnel Programs, is responsible for establishing and conducting an adequate training program for such persons whose official duties require access to and collection, maintenance, use, and dissemination of such records.

(d) The General Counsel of the Commission is responsible for providing legal interpretation of the Privacy Act of 1974, and for preparing all agency rules and notices for official publication in compliance with the Act.

(e) Commission employees will be informed of all the implications of their actions in this area, including especially:

(1) That there are criminal penalties for knowing and willful unauthorized disclosure of material within a system of records; for willful failure to publish a public notice of the existence of a system of records; and for knowingly and willfully requesting or obtaining records under false pretenses;

(2) That the Commission may be subject to civil suit due to failure to amend an individual's record in accordance with his request or failure to review his request in conformity with § 3b.224; refusal to comply with an individual's request of access to a record under § 3b.221; willful or intentional failure to maintain a record accurately pursuant to § 3b.201(b) and consequently a determination is made which is adverse to the individual; or willful or intentional failure to comply with any other provision of the Privacy Act of 1974, or any rule promulgated thereunder, in such a way as to have an adverse effect upon an individual.

§ 3b.204 Safeguarding information in manual and computer-based record systems.

(a) The administrative and physical controls to protect the information in the manual and computer-based record systems from unauthorized access or disclosure will be specified for each system in the FEDERAL REGISTER. The system managers, who are responsible for providing protection and accountability of such records at all times and for insuring that the records are secured in proper containers whenever they are not in use or under direct control of authorized persons, will be identified for each system of records in the FEDERAL REGISTER.

(b) Whenever records in the manual or computer-based record systems, including input and output documents, punched cards, and magnetic tapes or disks, are not under the personal control of an authorized person, they will be stored in lockable containers and/or in a secured room, or in alternative storage systems which furnish an equivalent or greater degree of physical security. In this regard, the Commission may refer to security guidelines prepared by the General Services Administration, the Department of Commerce (National Bureau of Standards), or other agencies with appropriate knowledge and expertise.

(c) Access to and use of records will only be permitted to persons pursuant to §§ 3b.221, 3b.224, and 3b.225. Access to areas where records are stored will be limited to those persons whose official duties require work in such areas. Proper control of data, in any form, associated with the manual and computer-based record systems will be maintained at all times, including maintenance of an accounting of removal of the records from the storage area.

Subpart C—Rules for Disclosure of Records

§ 3b.220 Notification of maintenance of records to individuals concerned.

(a) Upon written request, either in person or by mail, to the appropriate system manager specified for each system of records, an individual will be notified whether a system of records maintained by the Commission and named by the individual contains a record or records pertaining to him and filed under his individual name, or some other identifying particular.

(b) The system manager may require appropriate identification pursuant to § 3b.222, and if necessary, may request from the individual additional information needed to locate the record which the individual should reasonably be expected to know, such as, but not limited to, date of birth, place of birth, and a parent's first name.

(c) When practicable, the system manager will provide a written acknowledgement of the inquiry within ten days of receipt of the inquiry (excluding Saturdays, Sundays and legal public holidays) and notification of whether or not a system of records maintained by the Commission and named by the individual contains a record pertaining to him and filed under his individual name or some other identifying particular. If the system manager is unable to provide an answer within the ten-day period, he will so inform the individual in writing, stating the reasons therefor (for good cause shown), and when it is anticipated that notification will be made. Such an extension will not exceed fifteen days from receipt of the inquiry (excluding Saturdays, Sundays, and legal public holidays).

(d) "For good cause shown", as used in all sections of this part, includes circumstances such as the following: where a search for and/or collection of requested records from inactive storage, field offices, or other establishments is required; where a voluminous amount of data is involved; where information on other individuals must be separated or expunged from the record; or where consultations are required with other agencies or with others having a substantial interest in the determination of the request.

§ 3b.221 Access of records to individuals concerned.

(a) Upon written request, either in person or by mail, to the appropriate system manager specified for each system of records, any individual may gain access to records or information in a system of records pertaining to him and filed under his individual name, or some other identifying particular, to review and to have a copy made of all or any portion thereof in a form comprehensible to him.

(b) A person of his own choosing may accompany the individual to whom the record pertains when the record is disclosed [see § 3b.222(e)].

(c) Before disclosure, the following procedure may apply:

Medical or psychological records will be disclosed directly to the individual to whom they pertain unless, in the judgment of the system manager, in consultation with a medical doctor or a psychologist, access to such records could have an adverse effect upon the individual. When the system manager and a doctor determine that the disclosure of such information could have an adverse effect upon the individual to whom it pertains, the system manager may transmit such information to a medical doctor named by the requesting individual.

(d) The system manager will provide a written acknowledgement of the receipt of a request for access within ten days of receipt (excludihg Saturdays, Sundays, and legal public holidays). Such acknowledgement may, if necessary, request any additional information needed to locate the record which the individual may reasonably be expected to know, and may require appropriate identification pursuant to § 3b.222 of this part. No acknowledgment is required if access can be granted within the ten-day period.

(1) If access can be granted, the system manager will notify the individual, in writing, as to when, and whether

access will be granted in person or by mail, so that access will be provided within twenty days of the receipt of the request (excluding Saturdays, Sundays, and legal public holidays). If the system manager is unable to provide access within twenty days of receipt of the request, he will inform the individual in writing as to the reasons therefor (for good cause shown), and when it is anticipated that access will be granted. If the expected date of access indicated in the written notification to the individual cannot be met, the system manager will advise the individual in writing of the delay, the reasons therefor (for good cause shown), and of a revised date when access will be granted. Such extensions will not exceed thirty days from receipt of the request (excluding Saturdays, Sundays, and legal public holidays).

(2) If access cannot be granted, the system manager will inform the individual, in writing, within twenty days of receipt of the request (excluding Saturdays, Sundays, and legal public holidays) of the refusal of his request; the reasons for the refusal; the right of the individual, within thirty days of receipt of the refusal, to request in writing a review of the refusal by the Chairman of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, or by an officer designated by the Chairman pursuant to § 3b.224(f); and the right of the individual to seek advice or assistance from the system manager in obtaining such a review.

(e) The Chairman, or officer designated pursuant to § 3b.224(f), not later than thirty days (excluding Saturdays, Sundays, and legal public holidays) from the date of receipt of the individual's request for review will complete such review, unless, for good cause shown, the Chairman, or designated officer, extends the thirty-day period in writing to the individual with reasons for the delay and the approximate date on which the review is expected to be completed. Such an extension will not exceed thirty-five days from receipt of the request for review (excluding Saturdays, Sundays and legal public holidays). The Chairman, or designated officer, will make one of the following determinations:

(1) Grant the individual access to the requested record and notify the individual, in writing, as to when, and whether access will be granted in person or by mail; or

(2) Inform the individual in writing of the refusal, the reasons therefor, and the right of the individual to seek judicial review of the refusal of his request for access.

(f) (1) The Commission will deny an individual access to the following records pertaining to him:

(i) Information compiled in reasonable anticipation of a civil action or proceeding;

(ii) Records listed in the FEDERAL REGISTER as exempt from certain provisions of the Privacy Act of 1974, pursuant to subpart D of this part; and

(iii) Records which may be required to be withheld under other statutory provisions.

(2) The Commission will not deny an individual access to a record pertaining to him because that record is permitted to be withheld from members of the public under the Freedom of Information Act, 5 U.S.C. 552, as amended.

(g) Disclosure of an original record will take place in the presence of the Commission representative having physical custody of the record.

§ 3b.222 Identification requirements.

The appropriate system manager specified for each system of records will require reasonable identification from individuals to assure that records in a system of records are disclosed to the proper person. Identification requirements will be consistent with the nature of the records being disclosed.

(a) Disclosure of records to the individual to whom the record pertains, or under whose name or some other identifying particular the record is filed, in person, requires that the individual show an identification card. Employee identification, a Medicare card, or a driver's license are examples of acceptable identification. Documents incorporating a picture and signature of the individual are preferred.

(b) For records disclosed by mail, the system manager will require certain minimum identifying information: name, date of birth, or the system's personal identifier if known to the individual. A comparison of the signatures of the requester and those in the record will be used to determine identity.

(c) If the system manager determines that the data in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual involved, a signed notarized statement asserting identity or some other reasonable means to verify identity will be required.

(d) If an individual can provide no suitable information or documents for identification, the system manager will require a signed statement from the individual asserting his identity and stipulating that the individual understands that knowingly or willfully seeking or obtaining access to records about an individual under false pretenses is a misdemeanor punishable by a fine of up to $5,000.

(e) The system manager will require an individual who wishes to be accompanied by another person when reviewing his records to furnish a signed written statement authorizing discussion of his records in the presence of the accompanying person.

(f) The appropriate identification requirements of this section may be required by a system manager from an individual to whom a record does not pertain who seeks access to the record pursuant to section 3b.225 of this part.

(g) No individual will be denied notification of maintenance of a record pursuant to § 3b.220 or access to a record pursuant to §§ 3b.221 and 3b.224 for refusing to disclose a social security number.

(h) No verification of identity will be required of individuals seeking notification of or access to records which are otherwise available to a member of the public under the Freedom of Information Act, 5 U.S.C. 552, as amended.

§ 3b.223 Fees.

(a) Fees will be charged for the direct cost of duplication of records in a system of records when copies are requested by the individual seeking access to the records. Any person may obtain a copy of the Commission's schedule of fees by telephone, by mail or by coming in person to the office of the appropriate system manager who is responsible for the protection and accountability of the desired record. Requests for copies of requested records and payment therefor must be made to the system manager. Fees will only be charged for costs of $2 or more.

(b) Where practicable, self-service duplication of requested documents may also be made on duplicating machines by the person requesting the records, on a reimbursable basis to the system manager, in the presence of the Commission representative having physical custody of the record. Where data has been extracted from one of the Commission's systems of records on magnetic tape or disks, or computer files, copies of the records of these files may be secured on a reimbursable basis upon written request to the appropriate system manager. The fee will vary for each requirement, depending on size and complexity.

(c) No fee will be charged in the following instances: (1) when the system manager determines that he can grant access to records only by providing a copy of the record through the mail because he cannot provide reasonable means for the individual to have access in person; (2) for search and review of requested records to determine if they fall within the disclosure requirements of this part; and (3) when the system manager makes a copy of the record as a necessary part of the process of making it available for review.

(d) Except for requests made by Government agencies, certification of copies of any official Commission record shall be accompanied by a fee of $2 per document.

§ 3b.224 Requests to amend records and disputes thereon.

(a) Upon written request, either in person or by mail, to the appropriate system manager specified for each system of records, any individual may amend records in a system of records pertaining to him and filed under his individual name or some other identifying particular. Such requests should contain identifying information needed to locate the record, a brief description of the item or items of information to be amended, and information in support of the request for amendment. The individual may obtain assistance in preparing his request to amend a record from the appropriate system manager.

(b) The system manager will provide a written acknowledgement of the receipt of a request to amend within ten days of receipt (excluding Saturdays,

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Sundays, and legal public holidays). Such an acknowledgement may, if necessary, request any additional information needed to make a determination which the individual may reasonably be expected to know, and verification of identity consistent with § 3b.222. The acknowledgement will clearly describe the request and advise the individual requesting the amendment when he may expect to be notified of action taken on the request. No acknowledgement is required if the request can be reviewed, processed, and the individual notified of compliance or denial within the ten-day period.

(c) The system manager will complete the review and advise the individual in writing of the results within twenty days of the receipt of the request (excluding Saturdays, Sundays, and legal public holidays). If the system manager is unable to complete the review within twenty days of the receipt of the request, he will inform the individual in writing as to the reasons therefor (for good cause shown) and when it is anticipated that the review will be completed. If the completion date for the review indicated in the acknowledgement cannot be met, the system manager will advise the individual in writing of the delay, the reasons therefor (for good cause shown), and of a revised date when the review may be expected to be completed. Such extensions will not exceed thirty days from receipt of the request (excluding Saturdays, Sundays, and legal public holidays). The system manager will take one of the following actions:

(1) Make the requested correction or amendment; so advise the individual in writing; and, where an accounting of the disclosure of the record was made pursuant to § 3b.226, advise all previous recipients of the record in writing of the fact that the amendment was made and the substance of the amendment [see § 3b.225(d)]; or

(2) Inform the individual in writing of the refusal to amend the record in accordance with the request; the reasons for the refusal including any of the standards which were employed pursuant to paragraph (d) of this section in conducting the review; the right of the individual, within thirty days of receipt of the refusal, to request in writing a review of the refusal by the Chairman of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, or by an officer designated by the Chairman pursuant to paragraph (f) of this section; and the right of the individual to seek advice or assistance from the system manager in obtaining such a review.

(d) In reviewing a record in response to a request to amend, the system manager and the Chairman, or the officer he designates pursuant to paragraph (f) of this section, shall assess the accuracy, relevance, timeliness and completeness of the record. They shall consider the record in terms of the criteria established in section 3b.201 of this part.

(e) The Chairman, or officer designated pursuant to paragraph (f) of this section, not later than thirty days (excluding Saturdays, Sundays, and legal public holidays) from the date of receipt of the individual's request for review, will complete such review, unless, for good cause shown, the Chairman, or designated officer, extends the thirty-day period in a writing to the individual with reasons for the delay and the approximate date on which the review is expected to be completed. Such an extension will not exceed thirty-five days from receipt of the request for review (excluding Saturdays, Sundays, and legal public holidays). The Chairman, or designated officer, will make one of the following determinations:

(1) Make the correction in accordance with the individual's request and proceed as in subsection (c)(1) of this section; or

(2) Inform the individual in writing of (i) the refusal to amend the record in accordance with the request, (ii) the reasons therefor, including any of the standards which were employed pursuant to paragraph (d) of this section in conducting the review; (iii) the right of the individual to file with the Chairman, or designated officer, a concise written statement setting forth the reasons for his disagreement with the decision; (iv) the fact that the statement of disagreement will be made available to anyone to whom the record is subsequently disclosed, together with the portion of the record which is disputed clearly noted, and, with, at the discretion of the Chairman, or designated officer, a brief statement by the Chairman, or designated officer, summarizing the reasons for refusing to amend the record; (v) where an accounting of the disclosure of the record was made pursuant to section 3b.226 of this part, the fact that prior recipients of the disputed record will be provided a copy of the individual's statement of disagreement, with the portion of the record which is disputed clearly noted, and, at the Chairman's or designated officer's discretion, the statement summarizing the refusal to amend [see § 3b.225(d)]; and (vi) the individual's right to seek judicial review of the refusal to amend.

(f) The Chairman may designate, in writing, another officer of the Commission to act in his capacity for the purposes of this part. The officer will be organizationally independent of or senior to the system manager who made the initial determination and will conduct a review independent of the initial determination.

§ 3b.225 Written consent for disclosure.

(a) The Commission will not disclose any record which is contained in a system of records by any means of communication to any person, or to any other agency, unless it has the written request by, or the prior written consent of, the individual to whom the record pertains and under whose individual name, or some other identifying particular, the record is filed. The written request or consent should include, at a minimum, the general purposes for or the types of recipients to whom disclosure may be made. The fact that an individual is informed of the purposes for which information will be used when information is collected pursuant to § 3b.202(b)(2) will not constitute consent.

(b) A written request or consent is not required if the disclosure is:

(1) To those officers and employees of the Commission who have a need for the record in the performance of their duties;

(2) Required under the provisions of the Freedom of Information Act, 5 U.S.C. 552, as amended;

(3) For a routine use as defined in subsection 3b.2(g) of this part and as described in the public notice for each system of records;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13 of the United States Code;

(5) To a recipient who has provided the appropriate system manager specified for each system of records with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable. The written statement of assurance should include at a minimum:

(i) A statement of the purpose for requesting the record; and

(ii) Certification that the record will only be used for statistical purposes.

In addition to stripping personally identifying information from records released for statistical purposes, the system manager will ensure that the identity of the individual cannot reasonably be deduced or determined by combining various statistical records, or by reference to public records or other available sources of information;

(6) To the National Archives of the United States, pursuant to 44 U.S.C. 2103, as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for the evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality, or his delegated official, has made a written request to the appropriate system manager specifying the particular portion of the record desired and the law enforcement activity for which the record is being sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual (not necessarily the individual to whom the record pertains), if, upon disclosure, notification of such is sent to the last known address of the individual to whom the record pertains;

(9) To either House of Congress, or to any committee or subcommittee thereof, on a matter within its jurisdiction;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(c) When a record is disclosed under compulsory legal process and such process becomes a matter of public record, the system manager will make reasonable efforts to notify the individual to whom the record pertains. A notice will be sent to the individual's last known address noted in the Commission's files.

(d) The appropriate system manager shall notify all prior recipients of records, disclosure to whom an accounting was made pursuant to § 3b.226, of any amendments made to the records, including corrections, amendments and notations of dispute made pursuant to §§ 3b.224(c)(1) and 3b.224(e)(1) and (2)(v), within ten days of receipt of the corrected information or notation of dispute (excluding Saturdays, Sundays, and legal public holidays), except under unusual circumstances [see circumstances described in § 3b.220(d)].

(e) The content of the records disclosed under this section shall be maintained pursuant to the standards established in § 3b.201(c).

§ 3b.226 Accounting of disclosures.

(a) The appropriate system manager specified for each system of records will keep an accurate written account of all disclosures of records made to any person or to any other agency with the written consent or at the written request of the individual to whom the record pertains and pursuant to §§ 3b.225(b)(3)–(11). The account will include the following information:

(1) The date, nature, and purpose of each disclosure;

(2) The name and address of the person or agency to whom the disclosure is made; and

(3) A reference to the justification or basis upon which the release was made, including reference to any written document required as when records are released for statistical or law enforcement purposes pursuant to §§ 3b.225(b)(5) and (7).

(b) Each system manager will retain the accounting made under paragraph (a) of this section for at least five years from the date of disclosure for which the accounting is made, or the life of the record, which ever is longer.

(c) Except for disclosures made for law enforcement purposes pursuant to § 3b.225(b)(7), and unless the system of records has been exempted from this provision pursuant to subpart D of this part, each system manager will make the accounting made under paragraph (a) of this section available to the individual named in the record at his written request.

(d) The accounting of disclosures is not a system of records under the definition in § 3b.2(e) and no accounting will be maintained for disclosure of the accounting of disclosures.

§ 3b.227 Mailing lists.

An individual's name and address maintained by the Commission will not be sold or rented for commercial or other solicitation purposes not related to the purposes for which the information was collected, unless such sale or rental is specifically authorized by law. This provision shall not be construed to require the withholding of names or addresses otherwise permitted to be made public, as pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Subpart D—Rules for Exemptions

§ 3b.250 Specific exemptions.

Any system of records maintained by the Commission may be exempt from certain provisions of the Privacy Act of 1974, and the appropriate sections of this part promulgated pursuant thereto, if the following requirements are met:

(a) The system of records falls within one or more of the following categories:

(1) Records subject to the provisions of 5 U.S.C. 552(b)(1) as classified material;

(2) Investigatory material compiled for law enforcement purposes [except to the extent that the system is more broadly exempt under 5 U.S.C. 552a(j)(2) covering records maintained by an agency whose principal function pertains to the enforcement of criminal laws] provided, however, that is such record is used as a basis for denying an individual any right, privilege, or benefit to which the individual would be entitled in the absence of that record, the individual must be granted access to that record except to the extent that access would reveal the identity of a confidential source who furnished the information to the Government under an express promise that his identity would be held in confidence, or, prior to September 27, 1975, under an implied promise that his identity would be held in confidence;

(3) Records maintained to provide protective services to the President of the United States or other individuals pursuant to 18 U.S.C. 3056;

(4) Records required by statute to be maintained and used solely as statistical records;

(5) Investigatory material compiled solely for determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that his identity would be held in confidence, or, prior to September 27, 1975, under an implied promise that his identity would be held in confidence;

(6) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process; or

(7) Material used to evaluate potential for promotion in the armed services, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that his identity would be held in confidence, or, prior to September 27, 1975, under an implied promise that his identity would be held in confidence;

(b) Publication in the FEDERAL REGISTER is made in accordance with the requirements (including general public notice) of the Administrative Procedure Act, 5 U.S.C. 553, to include, at a minimum:

(1) The name of the system of records;

(2) The specific provision or provisions of the Privacy Act of 1974, and the appropriate sections of this part promulgated pursuant thereto, from which the system is to be exempted; and

(3) The reasons for the exemption; and

(c) The system of records is exempted from one or more of the following provisions of the Privacy Act and the appropriate sections of this part promulgated pursuant thereto:

(1) 5 U.S.C. 552a(c)(3); 18 C.F.R. 3b.226(c)—Making the accounting of disclosures available to the individual named in the record at his request;

(2) 5 U.S.C. 552a(d); 18 C.F.R. 3b.221, 3b.224—Granting an individual the right of access to his records and permitting him to request amendment of such;

(3) 5 U.S.C. 552a(e)(1); 18 C.F.R. 3b.201(a)—Requiring maintenance of relevant and necessary information in a system of records as required by statute or executive order of the President;

(4) 5 U.S.C. 552a(e)(4)(G); 18 C.F.R. 3b.3(a)(8)—Requiring a description of procedures for determining if a system contains a record on an individual in the public notice of the system of records;

(5) 5 U.S.C. 552a(e)(4)(H); 18 C.F.R. 3b.3(a)(9)—Requiring a description of procedures for gaining access to and contesting the contents of a record in the public notice of the system of records;

(6) 5 U.S.C. 552a(e)(4)(I); 18 C.F.R. 3b.3(a)(10)—Requiring a description of the categories of the sources of records in the public notice of the system of records; and

(7) 5 U.S.C. 552a(f); 18 C.F.R. 3b.220–3b.224—Requiring agency rules for determining if an individual is the subject of a record, for handling requests for access, for granting requests for access, for amending records, and for fees.

(B) The rules adopted herein shall be effective as of September 27, 1975.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25715 Filed 9-24-75;8:45 am]

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Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

PART 299a—PRIVACY ACT SYSTEMS OF RECORDS—DISCLOSURES AND AMENDMENT PROCEDURES—SPECIFIC EXEMPTIONS, NATIONAL SECURITY AGENCY

Notice was published in the FEDERAL REGISTER of 26 August 1975 (published at 40 FR 37579), that the National Security Agency (NSA) proposed adoption of rules to provide for disclosure and amendment with respect to records on individuals contained in systems of records for which notice had been published pursuant to 5 U.S.C. 552a, subsection (e)(4) and to designate such systems of records for exemption. Notices of NSA systems of records were first published in the FEDERAL REGISTER on 19 August 1975, at pages 35741–48. Interested persons desiring to submit written data, views or arguments in connection with the proposed rules were given until 12 September 1975, to do so. Due to the tremendous volume of rules and systems notices, however, the NSA rules were not published until 26 August 1975. Only one comment, a request for an extension from 12 September to 26 September, was received. The request for extension was granted but comments have not been received by the required publication time.

During the period between publication of the proposed rules and the system of records notices, the question was raised as to the need to include within each authority for maintenance of the system section of system of records notices a citation of section 3103 of Title 44 of the U.S. Code. Although it was not considered necessary to so state in each system notice, a statement to the effect that each system notice includes implied authority pursuant to section 3103 of Title 44 has been added to § 299a.1(b) Purpose and Scope of this Part. The only other change is § 299a.10, Specific exemptions, paragraph (b)(10), Authority, to correct the omission of (k)(5). A justification for the (k)(5) exemption was included in the original notice.

After consideration of the relevant facts the proposed rules are hereby adopted with the changes noted. The rules are set forth below.

Effective date: 17 September 1975.

Part 299a is added as follows below:

Sec.

299a.1 Purpose and scope.
299a.2 Definitions.
299a.3 Procedures for requests concerning individual records in a system of records.
299a.4 Times, places and procedures for disclosure of records to individuals.
299a.5 Medical or psychological records—special procedures.
299a.6 Parents or legal guardians acting on behalf of minor applicants.
299a.7 Procedures for amendment.
299a.8 Appeal.
299a.9 Fees.
299a.10 Specific exemptions.

AUTHORITY: 5 U.S.C. 552a, the Privacy Act of 1974; 5 U.S.C. 552, the Freedom of Information Act as amended by Pub. L. 93–502; Pub. L. 86–36, Pub. L. 88–290 and 18 U.S.C. 798.

§ 299a.1 Purpose and scope.

(a) The purpose of this rule is to comply with and implement title 5 U.S.C. 552a, sections (f) and (k), hereinafter identified as the Privacy Act. It establishes the procedures by which an individual may be notified whether a system of records contains information pertaining to the individual; defines times, places and requirements for identification of the individual requesting records, for disclosure of requested records where appropriate; special handling for medical and psychological records; for amendment of records; appeal of denials of requests for amendment; and provides a schedule of fees to be charged for making copies of requested records. In addition, this rule contains the exemptions promulgated by the Director, NSA, pursuant to 5 U.S.C. 552a(k), to exempt Agency systems of records from subsections (c)(3); (d); (e)(1); (e)(4)(G)(H), (I); and (f) of section 552a.

(b) The procedures established and exemptions claimed apply to systems of records for which notice has been published in the FEDERAL REGISTER pursuant to the Privacy Act. Requests from individuals for records pertaining to themselves will be processed in accordance with these procedures and consistent with the exemptions claimed. Requests for records which do not specify the statute pursuant to which they are made but which may be reasonably construed to be requests by an individual for records pertaining to that individual will also be processed in accordance with these procedures and consistent with exemptions claimed. To the extent appropriate, these procedures apply to records maintained by this Agency pursuant to system of records notices published by the Civil Service Commission. The primary category of records affected by a Commission notice is that maintained in conjunction with the CSC system identified as "CSC-Retirement Life Insurance and Health Benefits Records System." Authority pursuant to 44 U.S.C. 3101 to maintain each system of records for which notice has been published is implied in each "authority for maintenance of a system" of each systems notice.

§ 299a.2 Definitions.

(a) *Access to the NSA headquarters:* means current and continuing daily access to those facilities making up the NSA headquarters.

(b) *Individual:* means a natural person who is a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) *Request:* means a request in writing for records pertaining to the requester contained in a system of records and made pursuant to the Privacy Act or if no statute is identified considered by the Agency to be made pursuant to that Act.

(d) *System of Records:* means a grouping of records maintained by the Agency for which notice has been published in the FEDERAL REGISTER pursuant to section 552a(e)(4) of title 5 U.S.C.

§ 299a.3 Procedures for requests concerning individual records in a system of records.

(a)(1) *Notification:* Any individual may be notified in response to a request if any system of records contains a record pertaining to the requester by sending a request addressed to: Information Officer, National Security Agency, Fort George G. Meade, Maryland 20755. Such request shall be in writing, shall be identified on the envelope and the request as a "Privacy Act Request," shall designate the system or systems of records using the names of the systems as published in the system notices, shall contain the full name, present address, date of birth, social security number and dates of affiliation or contact with NSA/CSS of the requester and shall be signed in full by the requester.

(2) A request pertaining to records concerning the requester which does not specify the Act pursuant to which the request is made shall be processed as a Privacy Act request. A request which does not designate the system or systems of records to be searched shall be processed by checking the following systems of records: Applicants; Personnel; Health, Medical and Safety.

(b)(1) *Identification:* Any individual currently not authorized access to the National Security Agency headquarters who requests disclosure of records shall provide the following information with the written request for disclosure: full name, present address, date of birth, social security number, and date of first affiliation or contact with NSA/CSS and date of last affiliation or contact with NSA/CSS.

(2) Any individual currently authorized access to the National Security Agency headquarters shall provide the following information with the request for notification: full name, present organizational assignment, date of birth, social security number.

(3) Such request shall be treated as a certification of the requester that the requester is the individual named. Individuals should be aware that the Privacy Act provides criminal penalties for any person who knowingly and willfully requests or obtains any records concerning an individual under false pretenses.

§ 299a.4 Times, places and procedures for disclosures.

(a) Individual not currently affiliated with NSA:

(1) *Request procedure:* Any individual currently not authorized access to the National Security Agency headquarters shall make the request for notification in writing and shall include the required identifying data. Upon verification of the existence in systems of records of records pertaining to the requester, a copy of the records located shall be mailed to the requester subject to appropriate specific exemptions, applicable Public Laws, special procedures pertaining to medical records, including psychological records, and the exclusion for information compiled in reasonable anticipation of a civil action or proceeding. If the request cannot be processed within ten working days from the time of receipt of the request, an acknowledgement of receipt of the request will be sent to the requester.

(2) *Appointment of other individual:* If a requester wishes another individual to obtain the requested records on his behalf, the requester shall provide a written, signed, notarized statement appointing that individual as his representative, certifying that the individual appointed may have access to the records of the requester and that such access shall not constitute an invasion of the privacy of the requester nor a violation of his rights under the Privacy Act of 1974.

(b) *Individual currently affiliated with NSA:* (1) *Request procedure:* Any individual currently authorized access to the National Security Agency headquarters may make the request for notification to the appropriate official delegated responsibility for a system of records pursuant to internal agency regulations pertaining to the Privacy Act of 1974. In the alternative, such individual may direct the request to the NSA Information Officer in writing in the same form and including the data required in paragraph 4(a)(1) above. In the case of any denial of notification by officials delegated responsibility for a system the request shall be referred to the NSA Information Officer for review.

(2) *Appointment of other individual:* If the requester makes a request pursuant to this paragraph and wishes to designate another individual to accompany him, the same procedures as provided in § 299a.4(a)(2) above apply. If the individual appointed is currently authorized access to the National Security Agency headquarters, he may accompany the requester. If the individual appointed is not currently authorized access, a copy of the records located may be mailed to the appointed individual subject to appropriate specific exemptions, applicable Public Laws, special procedures pertaining to medical records including psychological records, and the exclusion for information compiled in reasonable anticipation of a civil action or proceeding.

§ 299a.5 Medical or psychological records.

If the request includes records of a medical or psychological nature, and if an Agency doctor makes the determination that the records requested contain information which would have an adverse effect upon the requester, the requester will be advised to appoint a medical doctor in the appropriate discipline to receive the information. The appointment of the doctor shall be in the same form as that indicated in § 299a.4(a)(2) above and shall include a certification that the doctor appointed is authorized to practice the appropriate specialty by virtue of a license to practice same in the state which granted the license.

§ 299a.6 Parents or legal guardians acting on behalf of minor applicants and and employees.

Parents or Legal Guardians acting on behalf of minors who request records concerning NSA/CSS applicants or employees who are minors shall be subject to the same requirements contained in § 299a.4(a)(1) Appointment of Other Individuals, including the requirement for written authorization. Requests by parents or legal guardians acting on behalf of minors will be processed in the same manner and in accordance with the procedures established herein for individuals not currently authorized access to the NSA headquarters.

§ 299a.7 Procedures for amendment.

(a) *Request procedure:* Any request for amendment of a record or records contained in a system of records shall be in writing addressed to the Information Officer, National Security Agency, Fort George G. Meade, Md. 20755, Attention: Privacy Act Amendment, and shall contain sufficient details concerning the requested amendment, justification for the amendment, and a copy of the record(s) to be amended or sufficient identifying data concerning the affected record(s) to permit its timely retrieval. Such requests may not be used to accomplish actions for which other procedures have been established such as grievances, performance appraisal protests, etc. In such cases the requester will be advised of the appropriate procedures for such actions.

(b) *Initial determination:* The NSA Information Officer may make an initial determination concerning the requested amendment within ten working days or shall acknowledge receipt of the amendment request within that period if a determination cannot be completed. The determination shall advise the requester of action taken to make the requested amendment or inform the requester of the rejection of the request, the reason(s) for the rejection and the procedures established by the Agency for review of rejected amendment requests.

(c) *Request on appeal:* A requester may appeal the rejection by the NSA Information Officer of a request for amendment to the Executive for Staff Services. Such appeal shall be in writing, addressed to the Executive for Staff Services, National Security Agency, Fort George G. Meade, Md 20755, Attention: Privacy Act Amendment Appeal.

§ 299a.8 Appeal determination.

The Executive for Staff Services shall acknowledge receipt of the appeal within ten working days. A determination concerning the appeal shall be provided to the requester within 30 working days, unless the Director, National Security Agency, extends the period for good cause. The Executive for Staff Services shall advise the requester of the action taken to make the requested amendment or inform the requester of the rejection of the appeal, the right to submit for incorporation in the file containing the disputed record(s) a concise statement of disagreement, and notify the requester of the right of judicial review of the denial pursuant to subsection (g)(1)(A) of 5 U.S.C. 552a.

§ 299a.9 Fees.

A fee may be charged for the reproduction of copies of any requested records, provided one copy is made available without charge where access is limited to mail service only. Fees shall be charged in accordance with The Uniform Schedule of Fees established by the Department of Defense pursuant to Pub. L. 93–502.

§ 299a.10 Specific exemptions.

(a)(1) The following National Security Agency systems of records, published in the FEDERAL REGISTER, are specifically exempted from the provisions of 5 U.S.C. 552a, subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) pursuant to subsection (k) of Section 552a to the extent that each system contains individual records or files within the category or categories provided by subsection (k). Notice is hereby given that individual records and files within each NSA system of records may be subject to specific provisions of Pub. L. 86–36, Pub. L. 88–290 and Title 18 U.S.C. 798 and other laws limiting access to certain types of information or application of laws to certain categories of information.

(2) In addition, those records maintained pursuant to notice of systems of records published by the CSC are exempted pursuant to Title 5 U.S.C. 552a(k)(1) to the extent that they contain classified information in order to protect such information from unauthorized disclosure. Such records may also be subject to other specific exemptions pursuant to rules promulgated by the CSC.

(b) Systems of records subject to specific exemptions:

(1) *System name:* NSA/CSS Access, Authority and Release of Information File.

(i) *Exemption:* This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted, not otherwise protected from unauthorized disclosure, and which would not undermine the integrity of the controlled access system.

(2) *System name:* NSA/CSS Applicants

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

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Authority: 5 U.S.C. 552a(k)(1), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purposes of determining suitability; eligibility; qualifications for Federal civilian employment; Federal contracts; or access to classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not subject to this exemption, nor otherwise protected from unauthorized disclosure.

(3) *System name:* NSA/CSS Correspondence, Cases, Complaints, Visitors, Requests

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(2), (k)(4), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(2) to protect from unauthorized disclosure individual records and files which constitute investigatory material compiled for law enforcement purposes pursuant to a lawful national security intelligence investigation and maintain the integrity of the personnel security system required by Pub. L. 88-290. The exemption does not limit access to that portion of the records in the system which are not investigatory material which are not exempted or otherwise protected from unauthorized disclosure.

This system is exempted from all subsections cited pursuant to exemption (k)(4) where individual records and files are maintained and used solely for statistical records in accordance with statutory requirements to insure compliance with those requirements with a minimum of administrative burden and expense.

This system is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability; eligibility; qualifications for Federal civilian employment, Federal contracts; or access to classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not subject to this exemption or otherwise protected from unauthorized disclosure.

(4) *System name:* NSA/CSS Cryptologic Reserve Mobilization Designee List

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to prevent the unauthorized disclosure of classified information concerning anticipated personnel assignments to sensitive cryptologic positions during periods of national emergency or war requiring reserve mobilization.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for designation for mobilization to fill a sensitive cryptologic position or access to classified material as a result of designation for mobilization.

(5) *System name:* NSA/CSS Equal Employment Opportunity Data

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(2), (4)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(4) to protect the integrity of those statistical records compiled for Equal Employment Opportunity purposes.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(2) to the extent that individual records and files are related to investigations to enforce the provisions of Pub. L. 92-261 and consistent with the provisions of that statute with respect to individual access to such records. The purpose of the exemption is to protect the integrity of investigations conducted pursuant to Pub. L. 92-261.

(6) *System name:* NSA/CSS Health, Medical and Safety Files

Exemption: This system of records is exempted from sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5), (k)(6).

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(6) to protect those testing or examination materials used solely to determine individual qualifications for employment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(7) *System name:* NSA/CSS Motor Vehicles and Carpools

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure any and all classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

(8) *System name:* NSA/CSS Payroll and Claims

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(2)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up this system: The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(2) to protect investigatory materials related to the enforcement of laws with respect to claims against the Government. The exemption does not limit access to that portion of the records in the system not related to investigations of claims or otherwise protected from unauthorized disclosure.

(9) *System name:* NSA/CSS Personnel File

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the statutory limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(5), (k)(6)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(6) to protect those testing or examination materials used solely to determine individual qualifications for employment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

(10) *System name:* NSA/CSS Personnel Security File

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1), (k)(2), (k)(5)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(2) to protect investigatory materials compiled for purposes of enforcement of Pub. L. 88-290 and title 18 U.S.C. 798 as well as other appropriate criminal and civil laws related to the protection of sensitive cryptologic information. Both statutes cited require the Director, NSA, to observe special procedures and standards in permitting access to sensitive cryptologic information and provide statutory authority to act when those standards are breached. The materials contained in this system are of an investigatory nature, are maintained on a continuing basis and are used to insure compliance with and enforcement of the cited statutes.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

(11) *System name:* NSA/CSS Time, Attendance, and Absence

Exemption: This system of records is exempted from the sections of title 5 U.S.C. 552a cited in paragraph 299a.10(a) and is subject to the limitations noted in that paragraph.

Authority: 5 U.S.C. 552a(k)(1)

Reasons: This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(6) to protect those testing or examination materials used solely to determine individual qualifications for employment in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

Dated: September 22, 1975.

LEW ALLEN, JR.
Lieutenant General, USAF,
Director, NSA/Chief, CSS.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

SEPTEMBER 23, 1975.

[FR Doc.75-25716 Filed 9-24-75;8:45 am]

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VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Employee Policy and Procedure Directive

MP–1, Part II, General Administrative, is an internal manual of the Veterans Administration. The material contained in Chapter 21, "Access to Veterans Administration Systems of Records Under the Privacy Act of 1974," is considered to be of sufficient interest to warrant partial publication in the FEDERAL REGISTER. Appendix A is excluded because it consists only of the Privacy Act of 1974, Pub. L. 93–579 (88 Stat. 1896). Appendix B is excluded because it consists only of the proposed systems of records of the Veterans Administration. This was published in the FEDERAL REGISTER on August 26, 1975 (40 FR 38095). Appendix C is excluded because it is merely a cross index of the systems of records for optional use by employees and considered to be of internal interest only. Forms and form letters referred to, including figure 1, which is a pattern letter to use in certain situations, are also excluded as being of internal interest only. Therefore Chapter 21, less the material excluded for the reasons given, is set forth below. Any of the excluded material, however, may be examined, copied, or obtained in accordance with the provisions of §§ 1.550 through 1.559, title 38, Code of Federal Regulations (40 FR 12656, March 26, 1975).

Approved: September 19, 1975.

R. L. ROUDEBUSH,
Administrator.

SEPTEMBER 27, 1975.

CHAPTER 21. ACCESS TO VETERANS' ADMINISTRATION SYSTEMS OF RECORDS UNDER THE PRIVACY ACT OF 1974

1. *Purpose and scope.* a. This manual of procedures is published pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(f). (See Pub. L. 93–579, appendix A.) It establishes or advises of procedures whereby an individual can:

(1) Request notification of whether the VA maintains or has disclosed a record pertaining to him or her in any system of records;

(2) Requests a copy or other access to such record or to an accounting of its disclosure;

(3) Request that the record be amended; and

(4) Appeal any initial adverse determination of any such request.

b. The procedures specified herein apply only to a request by an individual and govern only records containing personal information maintained in the following systems of records:

(1) The systems of VA records listed in appendix B, of which notice has been published in the FEDERAL REGISTER pursuant to section 552a(e)(4) of the Privacy Act;

(2) Those records contained in systems of VA records which are not contained in governmentwide systems of personnel records of which notice has been published in the FEDERAL REGISTER by the Civil Service Commission. (NOTE.—Requests for notification, access and amendment of personnel records maintained by the VA, which are contained in systems of records of which notice has been given by the Civil Service Commission, are governed by the Commission's notices.)

(3) Regulations promulgated pursuant to drug and alcohol abuse legislation, published in the FEDERAL REGISTER of July 1, 1975 (40 FR 27802) by the Public Health Service, Department of Health, Education, and Welfare, will take precedence over the Privacy Act in matters dealing with confidentiality of alcohol and drug abuse records, until such time as VA regulations are promulgated.

2. *Definitions.* a. The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

b. The term "maintain" includes maintain, collect, use or disseminate.

c. The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Agency, including, but not limited to, his or her education, financial transactions, medical history; and that contains his or her name, or identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

d. The term "system of records" means a group of any records under the control of the Agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

3. *Procedures for requests pertaining to individual records in a specific record system.* a. Individuals may request to be informed whether they are included in any system of VA records of which the existence and character have been published as a notice in the FEDERAL REGISTER. However, an individual has the right of access, under the Privacy Act, only to records which are contained in these systems of VA records and must be given access only to information which is retrievable based on the individual's own identifiers.

b. For records in a specific system of VA records of which notice has been published in the FEDERAL REGISTER and listed in appendix B, an individual may:

(1) Obtain notification of whether the VA maintains a record pertaining to him or her in such a system;

(2) Obtain notification of whether and to whom the VA has disclosed a record for which an accounting of disclosure is required to be kept and made available to him or her;

(3) Obtain a copy of a record pertaining to him or her or the accounting of its disclosure;

(4) Review a record pertaining to him or her or the accounting of its disclosure with or without a person of the individual's own choosing to accompany him of her;

(5) Request correction or amendment to his or her specific record.

c. An individual wanting such notification or access as indicated in subparagraph 3b above should mail or deliver a request to the office concerned. Although VA Regulation 579(B), (38 CFR 1.579(b)), states that such requests should be made to the "office having jurisdiction over the system or systems of records," individuals should be encouraged to follow the supplemental instructions shown in "Notice of Systems of Records" (app. B). Each specific system in this records inventory contains a "Notifications" and "Access" section which indicates the official to whom requests should be directed. Requests can be acted on more promptly and thoroughly when addressed to a local VA station, when so indicated. If the individual does not know the "office concerned" or so prefers, the request may be addressed to the Director or Veterans Services Officer of the nearest or any VA field station or to the Administrator of Veterans Affairs (271A), Veterans Administration Central Office, Washington, D.C. 20420. Mail requests received in an office other than the office of jurisdiction will be forwarded promptly to the office of jurisdiction, clearly identified as "Privacy Act Request," and the requester will be so notified. VA Form Letter 07–17, "Acknowledgment of Request Under the Privacy Act," may be used.

(1) Individuals who seek access to VA records under the Privacy Act should specify the system of records by the name under which it was published in the FEDERAL REGISTER. In order to identify the specific system with the pertinent VA records as they are known internally within the Agency, VA personnel may wish to refer to the "Cross-Reference Index of System Names" (app. C). This index shows the names of VA records as they are known familiarly within the Agency and the corresponding formal names as published in the FEDERAL REGISTER.

(2) Requests for access to VA records in a specific system must be in writing, must contain the printed or typewritten name of the individual to whom the records pertain, and if filed by the legal guardian of an incompetent person, the printed or typewritten name of the legal guardian and a statement of the relationship between such person and the individual to whom the record pertains, the signature of the person making the request and the address to which a reply should be sent.

(3) Each request should state the nature of the information or action desired and should identify to the extent feasible the record and system of records which are the subject of the request.

d. Some individuals will request to be informed whether the VA maintains any records on them. A request may read: "Does the VA have any records on me? If so, what are they?" Such requests, when received in field stations, will be referred to the organizational element designated by the Director (e.g., Veterans Services Officer, Chief Administrative Officer, Privacy Act Officer). Requests received in Central Office will be referred to the Supervisor, Central Office Veterans Services Unit 372/(271A).

(1) If the individual has identified himself/herself with a VA file number, social security number, military service number, or other identifying data, the request will be indexed by input of an IDXIDX type transaction to BIRLS (Beneficiary Identification and Records Locator Subsystem).

(a) When the BIRLS reply message shows the existence of a VA file number (C or SS) and location of the related claims folder, the folder will be reviewed to determine which program record(s) (e.g., compensation and pension, education, hospitalization) are maintained on the individual. If the claims folder is located in another office, a teletype message will be dispatched to that office requesting such review and reply by teletype. At the discretion of management, particularly if a non-specific request is received in Central Office or in a health care facility, such request may be referred for this action to the office having possession of the claims folder.

(b) If the BIRLS reply message contains an indication of an active or inactive insurance record, it may be assumed that the VA maintains an insurance record on the individual.

(c) Identified requests will be answered to the effect that:

The Veterans Administration is maintaining records concerning you in the following system(s) of records: (list the specific system(s), using the system title(s) as published in the Federal Register (app. B)). If you believe the VA may have records concerning you in any other system of records, we will be glad to check further for you if you identify the system and provide the information stated in the "Notification" section of the system listing.

(2) If the BIRLS response is negative or if the request contains insufficient identifying information for input to BIRLS, the individual will be advised of the requirements for individual identification and that he or she should indicate the specific program records (e.g., loan guaranty, insurance, education, hospitalization) for which notification is requested.

4. *Times, places, and requirements for identification of individuals making requests.* a. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 a.m. to 4:30 p.m., Monday through Friday for VA Central Office and most field stations.

b. Identification of the individual requesting the information will be required (except in cases where the information requested would be available to the public under the Freedom of Information Act, 5 U.S.C. 552) consisting of name, signature, address, and claim, insurance or other identifying file number, if any, as a minimum. Additional identifying data or documents may be required where the information involves sensitive medical, psychological or other material. (See par. 6g).

c. If the individual elects to inspect a record in person and desires to be accompanied by not more than one other person, the individual will present to the VA official concerned, a signed statement authorizing disclosure in the presence of the accompanying-named person. VA Form 07–5571, "Authorization To Disclose a Record in the Presence of a Third Party," may be used. One VA official must also be present at all times during a personal review of a record to insure the integrity of the record.

5. *Disclosure of requested information to individuals.* a. Responses to requests pursuant to paragraph 3 above normally will be made within ten days of receipt (excluding Saturdays, Sundays and legal public holidays). If unable to do so, an acknowledgement of written requests will be sent within ten days of receipt (excluding Saturdays, Sundays, and legal public holidays). VA Form Letter 07–17 is available for this purpose.

b. If a form letter response is in order, rather than a routine acknowledgment, VA Form Letter 07–18, "Reply to Request Under the Privacy Act," may be used to:

(1) Indicate when and where the records will be available for personal inspection;

(2) Transmit a copy of the information requested;

(3) Indicate whether the copy will be held pending receipt of fees to cover the cost of copying documents;

(4) Advise that the system of records named by the individual does or does not contain a record pertaining to him or her;

(5) Advise of acceptance of an amendment to an individual's records.

c. When an individual presents a request in person, that individual will be told whether he or she can be granted immediate access and the location at which he or she will be granted access.

6. *Special procedures: sensitive information—medical, psychological, and other.* a. Sensitive information is information which may have an adverse effect on an individual, a member of the individual's family, or a VA employee. It may be: information that could be prejudicial to a person's mental or physical health; information that an individual could not be expected to fully understand or accept because it is contrary to his or her own views; information which contains implications requiring explanation or interpretation by an intermediary, to assist in its acceptance and assimilation in order to preclude misinterpretation and adverse reactions or retaliatory consequences toward others; or information which could be construed as personally embarrassing to an individual or family member. There are four principal categories of sensitive information:

(1) Medical, including alcohol and drug abuse information, social disease information, or similar professional or technical information;

(2) Psychological information acquired by either a DM&S or DVB psychologist;

(3) Information in criminal, civil, or administrative records;

(4) Information regarding discharges from the Armed Forces under conditions other than honorable.

b. An individual wanting to review records in a health care facility medical file, a personnel health record or medical portion of a claims folder will be permitted to do so and, on request, will be furnished a copy of all or any portion of the records that are non-sensitive.

c. When a request involves medical information in a claims folder and the responsible regional office personnel believe that the information is sensitive, the request and related record will be referred to the appropriate VA health care facility for decision concerning the appropriate method of disclosure and processing by professional medical staff.

d. A request for disclosure of sensitive medical information will be referred to a physician or other professional person with the necessary professional qualifications to properly interpret and communicate the information desired. This professional person may be selected by the individual provided the selectee meets VA professional standards or is licensed in the appropriate professional specialty.

e. When a request involves phychological data and testing materials, the request and records will be referred to a professional psychologist for decision concerning the appropriate method of disclosure and processing. The psychologist may be selected by or from VA or by the individual provided the selectee meets VA professional standards or is licensed in the specialty.

f. When a request involves sensitive nonmedical or non-psychological information, the request and records will be referred to the department, staff office, or field station head or designee for review and decision concerning the appropriate type of disclosure.

g. When medical or other sensitive information is to be released, the individual will be required to submit additional information as determined necessary to verify identity and to provide assurance that the individual is not improperly requesting or obtaining access to records pertaining to someone else. The verification of identity will consist of a signed statement asserting the individual's identity. The signed statement will also include the stipulation that the individual understands that knowingly or willfully seeking or obtaining access to records about someone else under false pretenses is punishable by a fine up to $5,000. A notarized statement or other reasonable means of verification will be accepted when determined appropriate.

7. *Request for correction or amendment to record.* a. An individual may request amendment of a record pertaining to him or her in a specific VA system of records by mailing or delivering the request to the office concerned (see par. 3c above).

b. Such request must be in writing and must conform to the requirements in paragraph 3c above. It must also state the nature of the information in the record the individual believes to be inaccurate, irrelevant, untimely, or incomplete and the amendment desired. It must state concisely why it is believed to be inaccurate, irrelevant, untimely, or incomplete.

c. The requester will be advised of the title and address of the VA official who can assist in preparing the request to amend the record, if assistance is desired.

8. *Agency review of request for correction or amendment to record.* a. Not later than 10 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of a request to amend a record, the VA official concerned will acknowledge in writing such receipt and, if a determination has not been made, inform the individual when he or she may expect to be advised of action taken on the request. VA Form Letter 07–17 may be used for this purpose.

b. Where the VA agrees with the individual's request to amend his or her record(s) the mandates of VA Regulations 576(C)(4) and 577(B), (38 CFR 1.576(c)(4) and 1.577(b)), will be followed. The record(s) will be corrected promptly and the individual will be advised promptly of the correction. VA Form Letter 07–18 may be used for this purpose. If the record has previously been disclosed to any person or agency, and an accounting of the disclosure was made, prior recipients of the record will be informed of the correction. VA Form Letter 07–19, "Notification to Other Person or Agency of Amendment to a Record," may be used.

c. If the field station director, or the department or staff office head or designee determines not to grant all or any portion of the request to amend a record, the official will promptly notify the individual in writing. The notice will specify the reasons therefor, and will advise that the denial may be appealed to the Administrator of Veterans Affairs and of the procedures for such an appeal. VA Form Letter 07–20, "Notification of Initial Refusal To Amend a Record," may be used.

9. *Appeal of initial adverse agency determination on correction or amendment.* a. After receipt by an individual of an adverse determination concerning any request made under paragraph 8 above, the individual may appeal to the Administrator of Veterans Affairs. The appeal should be by letter, mailed or delivered to the Office of the Administrator of Veterans Affairs, 810 Vermont Ave., NW., Washington, D.C. 20420. The letter of appeal should state clearly the reasons why the adverse determination should be reversed. It should also include any additional pertinent information.

b. The determination on such appeal will be made not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date the individual's letter of appeal is received, unless the Administrator or Deputy Administrator, for good cause shown, extends such 30 day period. If the 30 day period is so extended, the individual will be notified promptly of the reasons for the extension and the date on which a final determination may be expected. The final determination in such appeals will be made by the Administrator or Deputy Administrator.

c. If the Administrator or Deputy Administrator finds that the adverse determination should be reversed, appropriate action will be taken and the individual will be notified promptly in writing of the corrective action. Previous recipients of the record will be informed of the correction.

d. If the Administrator or Deputy Administrator determines that the adverse determi-

V 40 187 SEP 25 75 XUM

nation will not be reversed, the individual will be notified promptly in writing of that determination, the reasons therefor, and of his or her right to seek judicial review of the decision pursuant to section 3 of the Privacy Act (5 U.S.C. 552a(g)). Figure 1 contains guide paragraphs which may be used or adapted as appropriate.

e. If the adverse determination is sustained by the Administrator or Deputy Administrator, the individual will also be advised promptly of his or her right to file a concise statement of reasons for disagreeing with the refusal to amend. The statement may contain information which the individual believes should be substituted.

f. When an individual files a statement disagreeing with the Agency's decision not to amend a record, the record will be clearly annotated so that the fact that the record is disputed is apparent to anyone who may subsequently access, use or disclose it. When the disputed record is disclosed to persons or other agencies, the fact of the dispute will be clearly noted. Copies of the statement of disagreement will be provided as well as copies of a concise statement of the reasons of the Agency for not making the amendments requested.

g. A decision by either the Administrator or the Deputy Administrator pursuant to subparagraph (d) above is final and will not be subject to petition or administrative reconsideration. It is subject to judicial review in the district court of the United States in which the complainant resides, or has his or her principal place of business, or in which the VA records are located, or in the District of Columbia.

h. The complainant will be advised of the title and address of the VA official who will advise him or her of the provisions for judicial review, if such assistance is desired.

10. *Disclosure of record to person other than the individual to whom it pertains.* a. The Veterans Administration will not disclose any record contained in a system of VA records by any means of communication to any person or any other agency except by written request of or prior written consent of the individual to whom the record pertains unless such disclosure is permitted under VA Regulation 576 (38 CFR 1.576). VA Form Letter 07–21, "Request for Individual's Consent to Disclose Records," may be used to request consent.

b. If the request for access is made orally by a person other than the individual to whom the record pertains, a VA Form 119, "Report of Contact," will be prepared. A copy will be enclosed with VA Form Letter 07–21.

c. As noted in paragraph 4c above, a VA official must be present at all times during a personal review of a record to insure the integrity of the record.

d. The Privacy Act of 1974 does not authorize disclosure of a record to members of Congress acting in their individual capacities without the consent of the individual to whom the record pertains. However, when an individual member of Congress requests disclosure of a constituent's record and encloses a letter (or copy) from the constituent which requests the Congressman's assistance, such inquiry to the Congressman will be construed as written consent of the individual to whom the record pertains.

e. An accounting is required for disclosures outside the Agency, even when such disclosure is at the request of the individual, except when disclosure is to VA employees who have a need for access in the performance of their official duties or when disclosure would be required under the Freedom of Information Act. A separate accounting in each individual record is not required in such actions as transfer of payroll or benefit check data to the Treasury Department provided the accounting information can be constructed when requested by the individual. The accounting will consist of the date, nature, and purpose of each disclosure, and the name and address of each person or agency to whom the disclosure is made. The accounting record may be maintained on VA Form 07–5572, "Record of Disclosure of Information Under Privacy Act," by creation of extra copies of the written transactions, on appropriately adapted data sheets, or in any other manner that will constitute a record. The accounting of disclosure will be retained for at least 5 years after the disclosure for which the accounting is made or the life of the record, whichever is longer.

11. *Fees.* a. No fee will be charged for any search or review of the record.

b. No fee will be charged an individual for making a single copy of ten or less pages of the individual's record. A fee of 5 cents per reproduction image will be charged for all reproductions from all types of copying processes if more than ten pages are requested.

c. No fee will be charged for making copies as a necessary part of the process of making the record available for review. Computer printouts or printouts from microforms, for example, will be provided free when there are no reasonable means for access by the individual by use of computer terminals or microform readers.

d. No fee will be charged for copies when it is determined that access can be reasonably granted only by providing copies in such situations, for example, as when individuals cannot be expected to visit an office in person because of physical condition or geographical location.

e. Nonpayment of a fee because of stated inability to pay or other reasons considered acceptable to a department, staff office, or field station head or designee will not be a bar to furnishing copies.

f. When an individual requests such services as certification, authentication, or other special services not required under the Privacy Act, fees in addition to those required for copying will be assessed in accordance with VA Regulation 879(E)(2) (38 CFR 1.579(e)(2)).

12. *Penalties.* a. Any VA officer or employee who, by virtue of his or her employment or official position has possession of or access to VA records which contain individually identifiable information; the disclosure of which is prohibited by VA Regulation 576(E) (38 CFR 1.576(e)), knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

b. Any VA officer or employee who willfully maintains a system of records without meeting the notice requirements of VA Regulation 578(D) (38 CFR 1.578(d)) shall be guilty of a misdemeanor and fined not more than $5,000.

c. Any person who knowingly and willfully requests or obtains any record concerning an individual from the VA under false pretenses shall be guilty of a misdemeanor and fined not more than $5,000.

d. When a court finds that an agency has acted willfully or intentionally in violation of the Privacy Act in such a manner as to have an adverse effect upon an individual (there was injury or harm to the individual), the United States will be required to pay actual damages or $1,000, whichever is greater, and court costs and attorney fees.

[FR Doc.75–25565 Filed 9–24–75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

IMPLEMENTATION OF PRIVACY ACT OF 1974

Supplemental Notice of Systems of Records and Proposed Routine Uses Thereof

Pursuant to the requirements of the Privacy Act of 1974 (Pub. L. 93-579) as prescribed in 5 U.S.C. 552a(e)(4), notice is hereby given of the existence and character of two additional systems of records maintained by the National Transportation Safety Board and of the routine uses thereof. The two systems of records, and routine uses thereof, hereby added are: "Equal Employment Opportunity Complaint Records" and "Privacy Act Requests Records."

Public comment is solicited. Comments should be submitted on or before October 22, 1975, to the General Counsel, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

September 22, 1975.

25Fritz L. Puls,

26General Counsel.

NTSB—7

System name: Equal Employment Opportunity Complaint Records—NTSB.

System location: National Transportation Safety Board
800Independence Avenue, S.W.
Washington, D.C. 20594

Categories of individuals covered by the system: Employees of the Board or job applicants who file complaints of discrimination with the Board.

Categories of records in the system: Investigative files pertaining to equal employment opportunity complaints and problems.

Authority for maintenance of the system: Executive Order 11478; Pub. L. 92-261; Civil Service Regulations (5 CFR Part 713); Federal Personnel Manual, Chapter 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Director of Equal Employment Opportunity, EEO counselors, investigators, and other agency employees and their representatives where appropriate to resolve discrimination complaints. When appeals are taken, may be reviewed by officials of Civil Service Board of Appeals and Review, officers of the courts, and attorneys for the parties.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in individual file folders.

Retrievability: Indexed by name of complainants.

Safeguards: Folders are located in lockable metal file cabinets to which access is controlled by a Board employee.

Retention and disposal: Files are retained and disposed of in accordance with general records disposal schedules prescribed by the General Services Administration.

System manager(s) and address: Director of Equal Employment Opportunity
National Transportation Safety Board
800Independence Avenue, S.W.
Washington, D.C. 20594

Notification procedure: Address inquiries to Systems Manager.

Record access procedures: Procedures are detailed in NTSB regulation, 49 CFR Part 802 (40 FR 40134, August 29, 1975).

Contesting record procedures: Same as above

Record source categories: Persons filing complaints, their representatives, EEO officials, and persons affected by or having an involvement in the area covered by the complaint.

NTSB—8

System name: Privacy Act Request Records—NTSB.

System location: National Transportation Safety Board
800 Independence Avenue, S.W.
Washington, D.C. 20594

Categories of individuals covered by the system: Individuals who have requested personal information from the records systems of the Safety Board.

Categories of records in the system: Requests from the individual, and related correspondence and memoranda.

Authority for maintenance of the system: 5 U.S.C. 552a, sec. 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Safety Board employees to record and efficiently process requests made under the Privacy Act of 1974. Users are each system manager for a record system covered by the Privacy Act, and those employees under his supervision who maintain and control the files for which a request is made under the provisions of the Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in individual file folders.

Retrievability: Indexed by name of requester.

Safeguards: Folders are located in lockable metal file cabinets to which access is controlled by a Board employee assigned such responsibility.

Retention and disposal: Files are retained and disposed of in accordance with general records disposal schedules prescribed by the General Services Administration.

System manager(s) and address: Director of Administration
National Transportation Safety Board
800 Independence Avenue, S.W.
Washington, D.C. 20594

Notification procedure: Address inquiries to Systems Manager.

Record access procedures: Procedures are detailed in NTSB regulation, 49 CFR Part 802 (40 FR 40134, August 29, 1975).

Contesting record procedures: Same as above.

Record source categories: Individuals requesting access to records and employees processing such requests.

[FR Doc.75–25641 Filed 9–24–75;8:45 am]

V 40 I 187 SEP 25 75 XUM

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V 40 187 SEP 25 75 XUM

188

Vol.40—No.188
9–26–75
PAGES
44303–44535

federal register

FRIDAY, SEPTEMBER 26, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

highlights

PART I:

OUTER CONTINENTAL SHELF OIL AND GAS
Interior announces status of proposal to accelerate OCS leasing nationwide 44344

LOW-INCOME HOUSING PROJECTS
HUD issues interim rules on rents; effective 9–26–75 44323

MEDICARE
HEW/SSA issues rules on coverage of outpatient physical therapy and speech pathology services; effective 10–28–75 44320

PUBLIC ASSISTANCE PROGRAMS
HEW/SRS amends its rules on reconsideration of disallowance of Federal financial participation 44326

CONTINUED INSIDE

PART II:

ENDANGERED AND THREATENED WILDLIFE AND PLANTS
Interior/FWS changes status of American alligator and amends other miscellaneous regulations 44411

PART III:

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION
Labor/ESA issues general wage determination decisions 44431

PART IV:

PRIVACY ACT
The following agencies issue documents relating to implementation and systems of records:

ACTION 44530
Agriculture Department 44480
Defense Intelligence Agency 44489, 44516
Federal Communications Commission 44512
Federal Home Loan Bank Board 44524
General Services Administration 44502, 44529
Immigration and Naturalization Service 44481
Interior Department 44504, 44517, 44521
National Science Foundation 44510
National Transportation Safety Board 44529
Nuclear Regulatory Commission 44483, 44516, 44532, 44535
Panama Canal Company 44498
Selective Service System 44495

V40 I188 SEP2675 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

Interior/BIA—Regulation of Business practices on Navajo, Hopi and Zuni reservations..... 39835; 8–29–75

Rules Going Into Effect September 27, 1975

Commodity Futures Trading Commission—Records maintained on individuals. 41056; 9–4–75

DOT/FAA—Special use airspace; alteration of restricted areas..... 38146; 8–27–75

FHLBB—Privacy Act of 1974; implementation..... 39371; 8–27–75

FMC—Privacy Act regulations..... 40036; 8–29–75

POSTAL RATE COMMISSION—Privacy Act rules; practice and procedure; routine uses for systems of records..... 38154; 8–27–75

VA—General provisions; safeguarding personal information in records..... 33944; 8–12–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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HIGHWAY SAFETY FUNDS
DOT/FHWA prescribes procedures for identifying and reporting public road mileage; effective 10–6–75..... 44322

FREEDOM OF INFORMATION
International Boundary and Water Commission, United States and Mexico, proposes policies and procedures; comments by 10–28–75..... 44336

OIL IMPORTS
FEA reduces supplemental fee on unfinished oils and finished products; effective 9–1–75..... 44306

FULL-TIME STUDENTS
Labor/W&H authorizes employment at subminimum wages by institutions of higher education..... 44369

DRUGS FOR HUMAN USE
HEW/FDA proposes revised procedures for filing new drug applications over protest; comments by 11–25–75..... 44335

ENDANGERED AND THREATENED WILDLIFE
Interior/FWS proposes to add 216 species to list; comments by 11–25–75..... 44329

UPLAND COTTON
USDA/ASCS announces program changes for 1975 crop year; effective 9–26–75..... 44303

TEXTILE PRODUCTS FROM KOREA
CITA exempts certified Judo and Karate (Taekwondo) suits from levels of restraint..... 44348

CERTIFICATES OF REGISTRATION
Treasury/Customs issues rules on forms used for articles exported for exhibition purposes and returned; effective 9–26–75..... 44319

ANTIDUMPING
Treasury tentatively discontinues investigation on water circulating pumps, wet motor type, from Sweden..... 44340

RURAL TELEPHONE PROGRAM
USDA/REA proposes specifications for filled telephone cables; comments by 10–28–75..... 44334

PLEASURE BOATS
Treasury/Customs announces change regarding determination of dutiable value..... 44339

ADJUSTMENT ASSISTANCE FOR FIRMS AND COMMUNITIES
Commerce/EDA amends application policies and procedures; effective 10–26–75..... 44308

MEETINGS—
DOD: Advisory Group on Electron Devices (2 documents), 10–16 and 10–24–75..... 44341
Army: Ballistic Research Laboratories Scientific Advisory Committee, 10–31–75..... 44340
DOT/NHTSA: National Highway Safety Advisory Committee, 10–14 and 10–15–75..... 44346
EPA: State-Federal FIFRA Implementation Advisory Committee, Working Group on Certification, 10–22 and 10–23–75..... 44351
GSA: Regional Public Advisory Panel on Architectural and Engineering Services, 10–10–75..... 44361
HEW/OE: National Advisory Council on Vocational Education (2 documents), 10–16–75..... 44345, 44346
Joint meeting of National and State Advisory Councils on Vocational Education, 10–17 and 10–18–75..... 44346
Interior/NPS: Historic American Engineering Record Advisory Committee, 10–16–75..... 44343
Legal Services Corp.: Committee on Presidential Search, 10–3–75..... 44369
National Foundation on the Arts and the Humanities: Theatre Advisory Panel, 10–11 and 10–12–75..... 44362
NSF: Advisory Panel for Developmental Biology, 10–17 and 10–18–75..... 44362
State: U.S. National Committee for the Prevention of Marine Pollution, 10–16–75..... 44339

contents

ACTION
Notices
Privacy Act of 1974; systems of records ---------- 44530

AGRICULTURAL MARKETING SERVICE
Rules
Avocados grown in south Florida; maturity requirements---------- 44305
Grapefruit grown in Florida----- 44305
Lemons grown in Calif. and Ariz... 44304
Proposed Rules
Avocados grown in South Fla---- 44334
Grapefruit, imports---------- 44334
Tangerines and Tangelos grown in Fla. ---------- 44333

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Cotton (upland); 1974 and succeeding crop years---------- 44303

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Forest Service; Rural Electrification Administration; Soil Conservation Service.
Rules
Privacy Act of 1974; implementation ---------- 44480

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Exportation and importation of animals; additions to list of ports of entry:
San Diego, Calif---------- 44306

ARMY DEPARTMENT
Notices
Environmental statements:
Military housing construction; Ft. Belvoir, Va---------- 44340
Meeting:
Army Ballistic Research Laboratories Scientific Advisory Committee ---------- 44340

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc:
Flying Tiger Line Inc---------- 44347

COMMERCE DEPARTMENT
See Domestic and International Business Administration; Economic Development Administration.

V 40 188 SEP 26 75 XUM

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Man-made textiles; import restrictions:
Korea, Republic of ... 44348

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED
Notices
Procurement list ... 44348

COMMODITY CREDIT CORPORATION
Rules
Cotton; 1975 crop; supplement to loan program ... 44306

COMMUNITY SERVICES ADMINISTRATION
Rules
Community action programs:
Emergency energy conservation program; correction ... 44327
Grants, general conditions; correction ... 44327

CUSTOMS SERVICE
Rules
Articles conditionally free, etc.:
Certificates of registration; articles exported for exhibition ... 44319
Notices
Pleasure boats, dutiable value of; change in determination ... 44339

DEFENSE DEPARTMENT
See also Army Department; Defense Intelligence Agency.
Notices
Meetings:
Advisory Group on Electron Devices (2 documents) ... 44341

DEFENSE INTELLIGENCE AGENCY
Rules
Privacy Act of 1974; implementation ... 44489
Proposed Rules
Privacy Act of 1974; implementation; correction ... 44516

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Organization and functions:
Directorate of Administrative Management ... 44345

ECONOMIC DEVELOPMENT ADMINISTRATION
Rules
Adjustment assistance for firms and communities; application procedure and miscellaneous amendments ... 44306

EDUCATION OFFICE
Notices
Meetings:
National Advisory Council on Vocational Education (3 documents) ... 44345, 44346

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Minimum wages for Federal and federally assisted construction; general wage determination decisions, modifications, and supersedeas decisions ... 44431

ENVIRONMENTAL PROTECTION AGENCY
Notices
Marine sanitation device standard for California ... 44350
Meeting:
State-Federal FIFRA Implementation Advisory Committee Working Group on Certification ... 44351

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental statements:
Availability ... 44349

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
North Dakota ... 44344
South Carolina ... 44344

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Beech ... 44310
Federal airways, reporting points and jet routes ... 44310
Proposed Rules
Airworthiness directives:
Boeing Model 747 ... 44335
Jet routes ... 44335

FEDERAL COMMUNICATIONS COMMISSION
Rules
Authority delegation:
Chief of Common Carrier Bureau and staff; correction ... 44327
Privacy Act of 1974; implementation ... 44512
Notices
Common carrier services; domestic public radio services; applications accepted for filing ... 44352
Standard broadcast applications ready and available for processing (2 documents) ... 44354, 44359
Hearings, etc.:
CBS Inc. & First Delaware Valley Citizens Television, Inc ... 44351
Stereo Broadcasters, Inc ... 44355

FEDERAL ENERGY ADMINISTRATION
Rules
Oil import regulations:
Reduction of supplemental fee on unfinished oils and finished products ... 44306
Supplemental fee payments originally due August 31, 1975; further deferral; correction ... 44308

FEDERAL HIGHWAY ADMINISTRATION
Rules
Public road mileage for apportionment of highway safety funds ... 44322

FEDERAL HOME LOAN BANK BOARD
Notices
Privacy Act of 1974; system of records; correction ... 44524

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Amoco Production Co., et al ... 44360
Wagner, Evelyn H., et al ... 44361

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Borg-Warner Corp ... 44311
Commercial Services Co., Inc., et al ... 44312
Epshtein Trading Corp., et al ... 44316
Free Enterprise Uranium-Radon Mine, et al ... 44315
House of Schiller, Inc., et al ... 44317
Melmar Industries, Inc., et al ... 44313
Spiegel, Inc ... 44317
State Credit Association, Inc., et al ... 44318

FISCAL SERVICE
Notices
Surety companies acceptable on Federal bonds:
Summit Insurance Co. of New York ... 44339

FISH AND WILDLIFE SERVICE
Rules
Endangered and threatened wildlife and plants:
Reclassification of American alligator and other amendments ... 44411
Hunting:
Erie National Wildlife Refuge, Pa. (2 documents) ... 44328
Proposed Rules
Endangered and threatened wildlife:
Proposed status for 216 species ... 44329
Notices
Endangered species permits, applications ... 44342

FOOD AND DRUG ADMINISTRATION
Proposed Rules
New drug application, procedure for filing over protest ... 44335

FOREST SERVICE
Notices
Environmental statements:
Nezperce National Forest, Idaho ... 44344

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports, review; proposals; approvals, etc ... 44348

GENERAL SERVICES ADMINISTRATION
Rules
Privacy Act of 1974; implementation ... 44502
Notices
Meetings:
Regional Public Advisory Panel on Architectural and Engineering Services ... 44361
Systems of records; correction ... 44529

GEOLOGICAL SURVEY
Notices
Geothermal resource areas:
Nevada ... 44343

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
Rules
List of attorneys-in-fact; correction ... 44323

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration; Social and Rehabilitation Service; Social Securities Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Rules
Low income housing projects; minimum and maximum rent-income ratios and minimum rent requirements ... 44323

IMMIGRATION AND NATURALIZATION SERVICE
Rules
Privacy Act of 1974; implementation ... 44481

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service.
Rules
Privacy Act of 1974; implementation ... 44505
Notices
Outer continental shelf oil and gas; status of program to accelerate OCS leasing nationwide ... 44344
Privacy Act of 1974; systems of records (2 documents) ... 44517, 44521

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)
Notices
Applications, etc.:
Indian Head Mining Co ... 44361

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO
Proposed Rules
Freedom of Information Act; compliance ... 44336

INTERSTATE COMMERCE COMMISSION
Notices
Hearing assignments ... 44390
Motor carriers:
Irregular route property carriers; gateway elimination ... 44370

JUSTICE DEPARTMENT
See also Immigration and Naturalization Service.
Rules
Authority delegation:
First Deputy Assistant Attorney General, et al ... 44326

LABOR DEPARTMENT
See also Employment Standards Administration; Manpower Administration; Wage and Hour Division.
Notices
Adjustment assistance:
Harrisburg Manufacturing Co ... 44367
Leda Shoes, Inc ... 44368
L. J. O'Neill Shoe Co ... 44367
Pan American World Airways, Inc ... 44368
Western Supplies Co ... 44368

LAND MANAGEMENT BUREAU
Notices
Designation of primitive areas:
Chemise Mountain, Calif ... 44341
Withdrawal and reservation of lands, proposed, etc.:
Wisconsin ... 44341

LEGAL SERVICES CORPORATION
Notices
Meetings:
Committee on Residential Search ... 44369

MANPOWER ADMINISTRATION
Notices
Employment transfer and business competition determinations; financial assistance applications ... 44366

MATERIALS TRANSPORTATION BUREAU
Rules
Shippers and shipping container specifications; radioactive materials; correction ... 44327
Proposed Rules
Hazard information systems; postponement of comment date ... 44336

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
Notices
Meetings:
Theatre Advisory Panel ... 44362

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Meetings:
National Highway Safety Advisory Committee ... 44346

NATIONAL PARK SERVICE
Notices
Meetings:
Historic American Engineering Record Advisory Committee ... 44343

NATIONAL SCIENCE FOUNDATION
Rules
Privacy Act of 1974; implementation ... 44510
Notices
Meetings:
Advisory Panel for Developmental Biology ... 44362

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Privacy Act of 1974; systems of records ... 44529

NUCLEAR REGULATORY COMMISSION
Rules
Privacy Act of 1974; implementation ... 44483
Proposed Rules
Privacy Act of 1974; implementation; exemptions ... 44516
Notices
Applications, etc.:
Carolina Power and Light Co ... 44362
Consolidated Edison Company of New York, Inc ... 44362
Industrial Reactor Laboratories ... 44363
N. L. Industries, Inc ... 44363
Northern States Power Co ... 44363
Vermont Yankee Nuclear Power Corp ... 44364
Privacy Act of 1974; systems of records (2 documents) ... 44532, 44535

PANAMA CANAL
Rules
Privacy Act of 1974; implementation ... 44498

RURAL ELECTRIFICATION ADMINISTRATION
Proposed Rules
Rural telephone program; specification for filled telephone cables ... 44334

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Conglomerate Fund of America, Inc ... 44364
Ohio Power Co ... 44364
USM International Finance Corp ... 44365

V 40 I 188 S EP 26 75 XUM

CONTENTS

SELECTIVE SERVICE SYSTEM
Rules
Privacy Act of 1974; implementation ---- 44495

SOCIAL AND REHABILITATION SERVICE
Rules
Grants to states for public assistance programs; procedures for reconsidering disallowance of Federal financial participation ---- 44326

SOCIAL SECURITY ADMINISTRATION
Rules
Health insurance for aged and disabled:
Outpatient physical therapy and speech pathology services ---- 44320

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects:
Pott-Sem-Turkey, Okla. ---- 44345

STATE DEPARTMENT
Notices
Meetings:
National Committee for the Prevention of Marine Pollution ---- 44339

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; Federal Highway Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See also Customs Service, Fiscal Service.
Notices
Antidumping:
Water circulating pumps from Sweden ---- 44340

WAGE AND HOUR DIVISION
Notices
Students, full-time; certificates authorizing employment at subminimum wages ---- 44369

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.
A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR
1 ---- 44480
722 ---- 44303
910 ---- 44304
913 ---- 44305
915 ---- 44305
1427 ---- 44306
PROPOSED RULES:
905 ---- 44333
915 ---- 44334
944 ---- 44334
1701 ---- 44334

8 CFR
103 ---- 44481

9 CFR
92 ---- 44306

10 CFR
9 ---- 44483
213 (2 documents) ---- 44306, 44308
PROPOSED RULES:
9 ---- 44516

13 CFR
315 ---- 44308

14 CFR
39 ---- 44310
71 ---- 44310
75 ---- 44310
PROPOSED RULES:
39 ---- 44335
75 ---- 44335

16 CFR
13 (6 documents) ---- 44311–44318

18 CFR
PROPOSED RULES:
901 ---- 44336

19 CFR
10 ---- 44319

20 CFR
405 ---- 44320

21 CFR
PROPOSED RULES:
314 ---- 44335

23 CFR
460 ---- 44322

24 CFR
300 ---- 44323
860 ---- 44323

28 CFR
0 ---- 44326

32 CFR
292a ---- 44489
1608 ---- 44495
PROPOSED RULES:
292a ---- 44516

35 CFR
10 ---- 44498

41 CFR
1–1 ---- 44502
1–4 ---- 44504
1–7 ---- 44504

43 CFR
2 ---- 44505

45 CFR
201 ---- 44326
613 ---- 44510
1061 ---- 44327
1067 ---- 44327

47 CFR
0 ---- 44512
1 ---- 44327

49 CFR
173 ---- 44327
178 ---- 44327
PROPOSED RULES:
170 ---- 44336
171 ---- 44336
172 ---- 44336
173 ---- 44336
174 ---- 44336
175 ---- 44336
176 ---- 44336
177 ---- 44336
178 ---- 44336
179 ---- 44336
180 ---- 44336
181 ---- 44336
182 ---- 44336
183 ---- 44336
184 ---- 44336
185 ---- 44336
186 ---- 44336
187 ---- 44336
188 ---- 44336
189 ---- 44336

50 CFR
17 ---- 44412
32 (2 documents) ---- 44328
PROPOSED RULES:
17 ---- 44329

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR
410 ---- 42306

3 CFR
PROCLAMATIONS:
4313 (See EO 11878) ---- 42731
4385 ---- 41989
4386 ---- 41991
4387 ---- 42165
4388 ---- 42167
4389 ---- 42169
4390 ---- 42315
4391 ---- 42725
4392 ---- 42727
4393 ---- 42729
4394 ---- 42849
4395 ---- 43713
EXECUTIVE ORDERS:
April 18, 1908 (Revoked in part by PLO 5528) ---- 42362
July 2, 1910 (Revoked in part by PLO 5512) ---- 40162
(Revoked in part by PLO 5517) ---- 40814
1959 (Revoked in part by PLO 5515) ---- 40811
6583 (Revoked in part by PLO 5536 ---- 42553
7595 (Revoked in part by PLO 5515) ---- 40811
8649 (Revoked in part by PLO 5534) ---- 42552
8780 (Revoked in part by PLO 5534) ---- 42552
10480 (See EO 11879) ---- 43197
11803 (Amended by EO 11878) ---- 42731
11804 (See EO 11878) ---- 42731
11861 (Amended by EO 11877) ---- 40797
11864 (Superseded by EO 11877) ---- 40797
11876 ---- 40501
11877 ---- 40797
11878 ---- 42731
11879 ---- 43197
MEMORANDUMS:
Memorandum of August 17, 1975 ---- 40139

4 CFR
400 ---- 43873
412 ---- 43873
PROPOSED RULES:
410 ---- 41801

5 CFR
151 ---- 42733
213 ---- 41755, 41993, 42427, 42733–42734, 43211, 44111
307 ---- 44111
338 ---- 42734
410 ---- 42734
752 ---- 42734
772 ---- 42734
2411 ---- 43880
2413 ---- 43880

7 CFR
1 ---- 44480
2 ---- 41085, 41993, 44111
25 ---- 42171
25A ---- 42171
29 ---- 42527, 44112
180 ---- 42851
210 ---- 42735
215 ---- 42735
220 ---- 42735
225 ---- 42735
246 ---- 42735
250 ---- 42735
270 ---- 42736, 43017, 43479
271 ---- 43017
354 ---- 41513, 43479
370 ---- 43223, 43223
719 ---- 44112
722 ---- 44303
725 ---- 41513
905 ---- 42317, 42318
908 ---- 40505, 40815, 41855, 42171, 43018, 43480, 44119
910 ---- 41086, 42319, 43224, 44120, 44304
913 ---- 44305
915 ---- 41993, 44305
919 ---- 41994
926 ---- 43480, 43715
927 ---- 42851
931 ---- 43480
932 ---- 41994
944 ---- 42529
945 ---- 42530
946 ---- 42530
981 ---- 43018, 43715
989 ---- 40141
991 ---- 44121
993 ---- 42530
1046 ---- 43716
1421 ---- 41067, 43224, 44121, 44122
1427 ---- 44306
1434 ---- 41087
1801 ---- 42178
1822 ---- 42178, 42736
1862 ---- 42320
1842 ---- 42179
1843 ---- 42179
PROPOSED RULES:
1 ---- 40849, 44157
51 ---- 40528
201 ---- 40524
250 ---- 42738
795 ---- 44157
905 ---- 44333
906 ---- 42886, 42887
910 ---- 40528
915 ---- 44334
924 ---- 43036
927 ---- 42023
931 ---- 40170
944 ---- 44334
948 ---- 40528
966 ---- 42887
982 ---- 40836
989 ---- 40842
1046 ---- 40843, 42023
1250 ---- 42888
1421 ---- 43919
1430 ---- 42364
1464 ---- 41530
1701 ---- 44334

8 CFR
103 ---- 42852, 44481
341 ---- 42532

9 CFR
54 ---- 40505, 42739
73 ---- 42179
78 ---- 41516
91 ---- 40506
92 ---- 44306
94 ---- 44123
97 ---- 43717
112 ---- 41994
113 ---- 41988, 41994
317 ---- 42852
331 ---- 43916
381 ---- 42337, 43916
PROPOSED RULES:
113 ---- 41139
317 ---- 41139
319 ---- 41139

10 CFR
2 ---- 44124
9 ---- 44483
10 ---- 44125
20 ---- 42557
25 ---- 44125
37 ---- 42558
50 ---- 40816
73 ---- 42558
95 ---- 44125
204 ---- 42338
205 ---- 40141
210 ---- 40818
211 ---- 40821
212 ---- 40142, 40818, 40821, 40824
213 ---- 40143, 44306, 44308
725 ---- 43481
RULINGS:
1975–9 ---- 40826
1975–10 ---- 40826
1975–11 ---- 40827
1975–12 ---- 40828
1975–13 ---- 40891
1975–14 ---- 40833
1975–15 ---- 40892
1975–16 ---- 40834
PROPOSED RULES:
9 ---- 44516
71 ---- 43517
206 ---- 42448
213 ---- 42578

11 CFR
Ch. I ---- 40668, 43660
PROPOSED RULES:
106 ---- 43517
113 ---- 41932

12 CFR
207 ---- 43482
211 ---- 43199
213 ---- 40506
215 ---- 40506, 43199
220 ---- 43482
221 ---- 43482
226 ---- 43199, 43200

V 40 I 188 SEP 26 75 XUM

12 CFR—Continued
265 43717
339 43662
523 41755, 41996
541 44125
544 42853
545 41756, 42853, 44125
563 41997
603 40454
701 41090
703 41997
760 41998

PROPOSED RULES:
9 40859
202 42030
208 40657
226 43516
337 40548, 41530
341 40856
545 43832
561 42371, 43832
563 42371, 42898, 43832
564 42371
569a 42371
571 42371

13 CFR
123 42180
313 43483
315 44308

14 CFR
37 42183
39 41090–41092, 41515, 42180, 42339, 42739, 42741, 42854, 43019, 43484, 44310
71 41520, 41998, 42181, 42340–42342, 42740, 42741, 43019, 43020, 43485–43487, 43717, 43718, 43885, 44126, 44127, 44310
73 41092, 43718
75 43487, 43885, 44310
95 42181, 43885
97 41091, 42342, 43020, 44127
121 42183, 42185
171 41093, 43719
228 43885
241 42855
298 42855
312 43211
372a 42741
373 43719
376 43719
378a 41093
385 44128
1212 43668

PROPOSED RULES:
Ch. I 42754, 43919
39 41143, 41527, 42023, 43919, 44335
67 42024
71 42025, 42364–42366
75 42746, 43036, 43513, 44335
91 44256
217 43920
231 43743
241 43920
385 40816

15 CFR
371 40507
377 40507
903 41998

PROPOSED RULES:
[illegible] 42209

16 CFR
4 40780
13 40143–40154, 40508, 41071–41081, 41756–41758, 42201–42203, 42742, 43487, 43719, 44311–44318
259 42003
1018 43886
1116 42004
1609 43886

PROPOSED RULES:
445 42757
453 42212, 42371
454 41144
1014 42025, 43231, 43743
1207 42562

17 CFR
17 41117
18 41117
146 41056
200 40512, 44068, 44072
201 42186
240 40512, 41520, 42343
249 40512, 41521
270 41759, 42862
275 44128

PROPOSED RULES:
210 40550
230 40555
231 42212
239 42212
240 40858, 41808, 42212, 42219, 42905, 43743
241 42212
249 40858
259 42212
270 40555, 41818, 42757

18 CFR
1 42005
2 41760, 42005
3 43488, 43892
3b 44288
141 43488
154 43889
157 41769
260 43892

PROPOSED RULES:
35 42029
154 41539
157 41539
201 41539
260 41539
901 44336

19 CFR
10 43021, 44319
112 41084
141 44128
148 41084
171 43488, 43894
172 43026

PROPOSED RULES:
12 41118
153 43226
175 43226
201 40173
210 40173

20 CFR
200 41084
260 41084
404 42863
405 42006, 43211, 43895, 44320
450 42865

PROPOSED RULES:
405 40171, 40537, 40850
601 43744

21 CFR
Ch. I 40520, 42488
29 42866
121 40799, 41085, 42866
123 42343, 43720
431 41522
436 41522
449 41523
452 41773
510 42007, 43213, 43488
520 43488
522 42007
540 42007
556 41085
561 41773, 42343
1010 40800
1040 40800
1304 42866

PROPOSED RULES:
1 40682
2 40682
5 40682
6 40682
8 40682
10 40682
11 40682
80 40682
90 40682
100 40682
102 40682
121 40529, 40682, 41797
202 40682
310 40682, 43513
312 40682
314 40682, 44335
328 40682
330 40682
429 40682
430 40682
431 40682
433 40682
511 40682
514 40682
601 40682
640 41799
701 40682
1000 42749
1003 40682
1004 40682
1210 40682

22 CFR
42 42532

PROPOSED RULES:
0a 40456

23 CFR
450 42976, 42979
460 44322
470 42344
633 42867
658 41774, 42186
710 41523
750 42842

24 CFR
25 43026
82 44129
207 43898
220 43898
227 43898
231 43898
234 43898
280 42061, 42007
300 43027, 44323
570 41509, 42347
860 44323
888 40513
1914 41509, 42009, 42872, 43219, 43720
1915 41510, 42553, 42874, 43220, 43722
1916 42348, 42349, 43027
1917 41108–41115, 42349
1920 41115, 41116, 42557, 42743
1930 44130
1931 44130

PROPOSED RULES:
406 42560
805 43372
865 44159

25 CFR
PROPOSED RULES:
33 40982
43h 42020
221 43513
233 42884
401 40982
402 40982
403 40982
404 40982
405 40982
406 42560
407 40982

26 CFR
1 42743, 43034, 43735
31 42349

PROPOSED RULES:
1 41118
31 43226

28 CFR
0 42745, 44326
2 41328

PROPOSED RULES:
22 44034

29 CFR
56 43170
57 43170
58 43170
570 40800, 44130
1952 40155–40157, 44130–44133
2530 41654
2550 43726
2602 42876, 43512
2603 43213
2604 42533
2605 43509
2606 42877

PROPOSED RULES:
603 40537
608 40537
609 40537
687 40537
697 44159
1910 40170, 40849, 41530, 41797
1915 41530
1916 41530
1917 41530

29 CFR—Continued
PROPOSED RULES—Continued
1918 41530
1926 40170, 41530
1952 41148, 44157, 44158

30 CFR
77 41775

PROPOSED RULES:
55 44272
56 44272
57 44272
211 41122
216 41122
250 42559, 43036

32 CFR
166 44135
197 42186
292a 44489
299a 44294
1608 44495
1808 42736

PROPOSED RULES:
292a 44516
1481 42997
1814 42444
2102 40792

32A CFR
Ch. VI 43489

33 CFR
117 41524, 42189, 43213
155 42189
183 43856
265 42652
266 42654

PROPOSED RULES:
1 42210
117 41537
183 43226
209 43918
305 41636

35 CFR
10 44498
253 42996

PROPOSED RULES:
10 40485

36 CFR
901 41524
1000 40802

PROPOSED RULES:
7 41138, 42364
903 41530

38 CFR
4 42535
21 42878
36 42190

PROPOSED RULES:
3 41540, 42578

39 CFR
111 42541
3002 43033

PROPOSED RULES:
42 43232, 43930
43 43232, 43930
44 43232, 43930
45 43232, 43930
47 43232, 43930
111 43232

40 CFR
52 40158–40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42542, 42895–42896, 43214–43216
60 42194, 43850
61 42195
162 41788, 42746
180 40161, 42357, 43727
230 41292
435 42543

PROPOSED RULES:
16 40792
35 41644, 43231
52 40172, 40854–40856, 42211, 42368, 42369, 42757, 43231, 43923
60 42028
126 41649
142 40538
162 40536, 44162
172 40545, 44162
180 41536, 42757, 43924
246 42986
430 41298
435 42572

41 CFR
1–1 44136, 44137, 44502
1–2 44138
1–3 44138
1–4 44139, 44504
1–6 44140
1–7 44140, 44504
1–8 44140
1–11 44140
1–12 44140
1–14 44141
1–16 44137, 44141
1–18 44141
1–30 43728, 44141
8–1 43217
8–2 40803
8–3 40803
14–3 40517, 42746
101–26 41093
101–35 42358
101–38 42358
101–43 42361
101–44 42361
105–61 42881
114–42 40517
114–60 42746

PROPOSED RULES:
3–4 42673
14H–70 41025
51–8 42444
60–5 41149

42 CFR
110 41095

PROPOSED RULES:
36 42658
67 42890

43 CFR
2 44505
3300 43489

PUBLIC LAND ORDERS:
2249 (Revoked in part by PLO 5515) 40811
4089 (Revoked in part by PLO 5515) 40811

V40I188 SEP2675 XUM

43 CFR—Continued

4148 (Revoked in part by PLO 5515)---- 40811
4643 (Revoked in part by PLO 5511)---- 40162
4889 (Revoked in part by PLO 5515)---- 40811
5175 (Amended by PLO 5519)---- 40814
5180 (Amended by PLO 5519)---- 40814
5191 (Amended by PLO 5519)---- 40814
5394 (Amended by PLO 5519)---- 40814
5418 (See PLO 5514)---- 40814
5438 (Amended by PLO 5519)---- 40814
5511---- 40162
5512---- 40162
5513---- 40162
5514---- 40811
5515---- 40811
5516---- 40814
5517---- 40814
5518---- 40814
5519---- 40814
5520---- 40815
5521---- 40815
5522---- 41096
5523---- 41095, 43028
5524---- 41095
5525---- 41794, 43489
5526---- 42195
5527---- 42362
5528---- 42362
5529---- 42551
5530---- 42551
5531---- 42553, 43732
5532---- 42551
5533---- 42551
5534---- 42552
5535---- 42551
5536---- 42553
5537---- 43028
5538---- 43217
5539---- 44141

PROPOSED RULES:

4---- 42020
23---- 41122
2110---- 43735
2130---- 43735
2270---- 43735
3040---- 41122
3820---- 43735

45 CFR

30---- 40162
46---- 40163
100---- 41795
101---- 41795
169---- 40518
201---- 44326
212---- 43218
220---- 43182
224---- 43182
233---- 43182
249---- 43901
250---- 42013
613---- 44510
1061---- 44327
1067---- 44327
1208---- 40805
1600---- 42362

45 CFR—Continued

PROPOSED RULES:

56---- 41140
160a---- 41670
233---- 41143
249---- 42560
706---- 40783
1115---- 42457
1602---- 42374

46 CFR

Ch. I---- 42195, 42746
32---- 40163
35---- 40163
50---- 40163
52---- 40163
53---- 40163
54---- 40163
56---- 40164
58---- 40168
63---- 40169
146---- 41795
252---- 43490
402---- 41526
530---- 43720

PROPOSED RULES:

32---- 42751
34---- 43739
35---- 42751
76---- 43739
77---- 42751
78---- 42751
95---- 43739
96---- 42751
105---- 43739
167---- 42751
181---- 43739
184---- 42751
185---- 42751
193---- 43739
195---- 42751
196---- 42751
502---- 43925

47 CFR

0---- 44512
1---- 42882, 44327
2---- 40810
73---- 42882, 43028, 43506, 43507
74---- 40810
81---- 44142
83---- 44142
91---- 40169

PROPOSED RULES:

2---- 42028, 42577, 42897, 43037, 43924
73---- 40172, 42028, 42369, 42577, 42578, 43028, 43514
76---- 43925
89---- 42577
91---- 42028, 42577

49 CFR

1---- 43901
25---- 41040
171---- 41527
172---- 41527
173---- 41527, 44327
174---- 41527
175---- 41527
177---- 41527
178---- 41527, 44327
325---- 42432
385---- 40810
Ch. V---- 41796, 42013
552---- 42013
553---- 42015
555---- 42015
571---- 42746, 42897
613---- 42984
1033---- 40518, 40519, 43914, 44148
1134---- 42343
1306---- 40518
1320---- 41528
1322---- 41528

PROPOSED RULES:

10---- 43037
102---- 41537
107---- 41537
170---- 41537, 44336
171---- 40171, 40853, 40854, 41537, 44336
172---- 41537, 44336
173---- 41537, 44336
174---- 41537, 44336
175---- 41537, 44336
176---- 41537, 44336
177---- 41537, 44336
178---- 41537, 44336
179---- 41537, 44336
180---- 41537, 44336
181---- 41537, 44336
182---- 41537, 44336
183---- 41537, 44336
184---- 41537, 44336
185---- 41537, 44336
186---- 41537, 44336
187---- 41537, 44336
188---- 41537, 44336
189---- 41537, 44336
195---- 43740
215---- 42895
571---- 40537, 40853, 42756
573---- 43227
583---- 42366, 42895
1007---- 43689
1037---- 42221
1106---- 42578
1106---- 41153, 40854, 42573
1201---- 42899
1307---- 42033, 43038

50 CFR

17---- 44149, 44412
20---- 41096, 42015
28---- 41105, 42017, 42195, 42748
32---- 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748, 42883, 43029, 43030, 43032, 43218, 43219, 43732, 43733, 43914–43916, 44151–44155, 44328
33---- 44155
251---- 43508, 43733, 43734
285---- 43916

PROPOSED RULES:

17---- 40521, 44329
216---- 41531, 42210, 43040
501---- 41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18
43197–43477	19
43479–43711	22
43713–43871	23
43873–44109	24
44111–44301	25
44303–44535	26

V 40 I 188 SEP 26 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—Upland Cotton Program for 1974 and Succeeding Crops

MISCELLANEOUS AMENDMENTS

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970 and the Agriculture and Consumer Protection Act of 1973. (Pub. L. 91-524, 84 Stat. 1358; Pub. L. 93-86, 87 Stat. 233.) Major purposes of this amendment are as follows:

1. To provide that land owned by the Federal Government is eligible to participate in the program except under certain conditions.

2. To provide for the 1975 disaster payment rate.

3. To change the method of computing payment when substitution between wheat, feed grain, and upland cotton is applicable.

4. To provide that destroyed immature cotton acreage which is in excess of the disaster allotment shall be excluded from coverage and the potential production from the acreage shall not be counted in determining eligibility for and the amount of a low yield payment.

Since farmers and local State and county ASC committees need to know the provisions of the program for the 1975 crop as soon as possible, it is hereby found and determined that compliance with the notice and public procedure requirement of 5 U.S.C. 533 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective on September 26, 1975.

1. The table of contents is revised by changing the title of § 722.808 as follows:

722.808 Filing requirements.

2. Section 722.802 is amended by redesignating paragraphs (d) through (j) as (e) through (k), and adding a new paragraph (d) as follows:

§ 722.802 Definitions.

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(d) "Disaster Allotment" means the effective upland cotton allotment adjusted downward to the extent it is underplanted or upward to the extent it is overplanted as a substitute for an underplanted feed grain or wheat allotment established for the farm: *Provided*, That such overplanted cotton shall not be credited to underplanted feed grains or wheat if already credited to feed grain or wheat under parts 728 and 775 of this chapter as amended.

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3. Paragraph (b) of § 722.804 is revised to read as follows:

§ 722.804 Requirements for eligibility.

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(b) *Farm requirement.* (1) To obtain a disaster payment, a Report of Acreage (herein called "Form 580"), an Application for Disaster Credit (herein called "Form 574"), and an Application for Payment (herein called "Form 516") shall be filed as prescribed in § 722.808. The farm operator shall also file a record of production acceptable to the county committee in such manner as the committee prescribes. Such production record shall be filed within the period authorized by the Deputy Administrator.

(2) To obtain a deficiency payment, the operator must file Forms 580 and 516 as prescribed in § 722.808.

(3) In the case of any farm participating in the CAP or CCP, the acreage of upland cotton and other nonconserving crops shall not exceed the number of acres of nonconserving crops permitted under the CAP or CCP.

(4) Land owned by the Federal Government shall be ineligible for participation in the program if it is occupied without a lease, permit, or other right of possession.

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4. Section 722.805 is amended by revising paragraph (b)(2) to read as follows:

§ 722.805 Farm yield and payment rates.

• • • • • •

(b) *Payment rates.* • • •

• • • • • •

(2) *Disaster payment rate.* The per pound disaster payment rate for upland cotton shall be equal to the larger of the deficiency payment rate or one-third of the established price. The disaster payment rate for: (i) 1974 is 12.7 cents per pound, and (ii) 1975 is 12.7 cents per pound.

• • • • • •

5. Section 722.808 is revised to read as follows:

§ 722.808 Filing requirements.

(a) *Who may file.* Forms 516 and 580 must be filed by the farm operator for a deficiency payment and Forms 516, 574, and 580 (if not already filed for a deficiency payment) must be filed by the farm operator for a disaster payment.

(b) *Where to file.* The required forms shall be filed with the office of the county committee having jurisdiction over the county where the farm is located.

(c) *When to file.* The required forms shall be filed within the period authorized by the Deputy Administrator.

(d) *Revision.* Forms 516, 574, 580 filed for a farm prior to the farm being reconstituted shall be cancelled and the farm operator notified of the cancellation. He may file new forms by the later of (1) the date authorized under paragraph (c) or (2) 15 days after the mailing date of such notice of reconstitution.

6. Section 722.809 is amended by changing Form 580-2 to Form 516 in paragraph (a), revising paragraph (b), deleting paragraph (e), redesignating paragraphs (f) through (k) as (e) through (j) respectively, revising the last sentence of the new paragraph (f), and revising the new paragraphs (j). The revised provisions read as follows:

§ 722.809 Payments.

• • • • • •

(b) Except as otherwise provided herein and in Part 791 of this chapter, as amended, payment shall not be made for a farm or to a producer when there is failure to comply fully with the regulations in this subpart and in Part 718 of this chapter.

• • • • • •

(f) • • • The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any feed grain or wheat payments for the farm or receives an unearned payment through no fault of his own.

• • • • • •

(j) A farm shall not be deemed to have suffered a loss which qualifies it for a low yield payment unless the current year production of cotton is less than the disaster allotment multiplied by the yield established as provided in § 722.805(a) and by a factor furnished to the county committee in accordance with instructions issued by the Deputy Administrator. The factor shall be determined by dividing the 10-year average county actual yield by the current county average payment yield and multiplying the result by two-thirds: *Provided*, That if county actual yields are available for less than 10 years the factor shall be based on the number of years available: *Provided further*, That if county actual yields are available for less than 5 years the factor shall be based on a 10-year average State yield if such computation would result in a smaller factor. No county factor shall exceed 0.6667. If a natural disaster

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condition exists on a farm at the time of filing an application for increased allotment by transfer or reapportionment and such national disaster condition continues through the normal planting period and the producer nevertheless plants cotton, he will be ineligible for a low yield payment for loss of production on any acres in excess of the larger of the farm's basic allotment prior to any increase, or the normal harvested acreage as established by the county committee not to exceed the effective allotment unless the county committee determines that the loss resulted from a natural disaster other than the one existing during the normal planting period. A farm may qualify for a low yield payment even though it does not qualify by using the established yield times the factor if (1) the provisions of § 722.805(a) do not result in a reduction in the established yield and (2) the current year production is less than two-thirds of what the production would be if computed by multiplying the smaller of the allotment or planted acres by one of the following:

(1) The actual unadjusted average yield for the preceding three years; or

(2) The applicable yield established as provided in § 722.805(a) if there is convincing proof that the loss was due to a sudden and identifiable destruction of the crop, part of the acreage is substantially unaffected by the disaster, all of which averages at least two-thirds of the established yield, the county committee determines that but for the disaster the per acre yield for the farm would have been at least two-thirds of the established yield, and the payment is approved in writing by a representative of the State committee. Destroyed immature cotton acreage which is in excess of the disaster allotment, shall be disregarded for the purpose of determining the eligibility for and the amount of low yield payments. Cotton acreage not disregarded shall be appraised and the appraised production shall be added to the actual production for the purpose of determining eligibility for and the amount of low yield payments, in accordance with instructions issued by the Deputy Administrator. Any cotton acreage destroyed without opportunity for appraisal for which the production was not disregarded shall be charged with the larger of the established yield or the per acre yield from the harvested acres. Low yield payments shall be determined by multiplying the disaster allotment by the applicable yield established as provided in § 722.805(a), subtracting the determined production therefrom, and multiplying the result by the disaster payment rate provided in § 722.805(b).

7. Section 722.813 is revised to read as follows:

§ 722.813 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any producer whose name appears on Form 516, the payment due him shall be made to his successor, as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who had an interest as a producer of cotton or would have had an interest as a producer if cotton had been planted (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after Form 516 has been filed, the payment to the predecessor and successor shall be divided between them on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the payment, a fair and equitable division shall be determined by the county committee.

(c) In any case where any payment due any successor producer has previously been paid to the producer who filed Form 516, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

(Sec. 103, 84 Stat. 1374, 87 Stat. 233, (7 U.S.C. 1444)).

Effective date: September 26, 1975.

Signed at Washington, D.C. on September 19, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-25785 Filed 9-25-75;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 13]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Sept. 28-Oct. 4, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.313 Lemon Regulation 13.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is unchanged this week. Average f.o.b. price was $8.30 per carton the week ended September 20, 1975, compared to $8.30 per carton the previous week. Track and rolling supplies at 61 cars were down 23 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 23, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 28, 1975, through October 4, 1975, is hereby fixed at 225,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 24, 1975.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-26066 Filed 9-25-75;8:45 am]

[Grapefruit Reg. 63]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Interior grapefruit that may be shipped to fresh market during the weekly regulation period September 29–October 5, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 913. The quantity of grapefruit produced in the Interior District in Florida so fixed was arrived at after consideration of the total available supply of Florida Interior grapefruit, the quantity currently available for market, the fresh market demand for Florida Interior grapefruit, Interior grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 913.363 Grapefruit Regulation 63.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of Interior District grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Interior District grapefruit industry. The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Florida Interior District Grapefruit is weak. Average f.o.b. prices per 4/5 bushel carton were $2.68 for white seedless and $3.01 for pink seedless during the week ended September 21, 1975. Shipments for the week ended September 21 and for the previous week were 414 carlots and 382 carlots, respectively. On September 21, 1975, there were approximately 11,004 carlots of Interior District grapefruit remaining for interstate shipments while 996 carlots had been shipped to that date. Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 23, 1975.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period September 29, 1975, through October 5, 1975, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 25, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-26070 Filed 9-25-75;12:27 pm]

[Avocado Reg. 17, Amd. 11]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment revises the maturity requirements for the Waldin, Booth 7, Hickson, Blair, and Marcus varieties of Avocados. These varieties will mature one to two weeks sooner than they currently can be shipped at specified minimum weights or diameters. Unseasonal growing conditions in the production area have caused avocados to mature earlier than in prior seasons. Weights or diameters and picking dates are indices used at harvest to assure that avocados are mature and will ripen satisfactorily after picking.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the amendment stems from the current avocado crop maturity situation. Maturity studies on the specified varieties completed recently indicate that avocados of such varieties will be mature at the hereinafter specified dates, minimum weights, or diameters.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of the amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of specified varieties of avocados.

Order. The provisions of paragraph (a) (2) of § 915.317 (Avocado Regulation 17; 40 FR 24006; 26501; 28048; 29068; 29812; 30793; 32823; 33963; 38145; 41993) are amended by revising in Table I the dates applicable to the Waldin, Booth 7, Hickson, Blair, and Marcus varieties so that after such revision the portion of Table I relating to such varieties of avocados reads as follows:

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§ 915.31

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Waldha	8-11-75	18 oz	8-26-75	14 oz	9- 8-75	12 oz	9-22-75
		2 9/16 in		2 5/16 in		2 5/16 in	
Booth 7	9-22-75	15 oz	10- 6-75	14 oz	11-10-75		
		2 9/16 in		2 5/16 in			
Hiekson	9-23-75	12 oz	10-12-75	10 oz	10-27-75		
		2 5/16 in		2 1/16 in			
Blair	9-15-75	15 oz	9-22-75	14 oz	10-25-75		
				2 5/16 in			
Marens	9-22-75	40 oz	10- 6-75	32 oz	11-17-75		

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 22, 1975, to become effective September 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-26709 Filed 9-25-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1975 Crop Supplement to Cotton Loan Program Regulations

Correction

In FR Doc. 75-18934, appearing at page 30795 in the issue for Wednesday, July 23, 1975, on page 30797 in the table in § 1427.102 under the grade "Light spotted", in the category "SLM", for the staple length (inches) "1 1/8", change the entry reading "-235" to read "-255".

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Addition to List of Ports of Entry for Commercial Birds

● The purpose of this amendment is to add San Diego, California, to the list of ports of entry for the importation of commercial birds. ●

Statement of considerations. Commercial birds imported into the United States through California ports of entry must now be subjected to veterinary inspection at the ports of entry located at San Ysidro, Los Angeles, or San Francisco, California. Air shipments of commercial birds arriving from or through Mexico destined for the San Diego area cannot be handled expeditiously at the Customs port of entry at San Ysidro, California because of lack of adequate commercial airport facilities. To overcome this situation, San Diego, California, which has an airport where facilities and personnel are available to conduct the required inspections, is added to the list of Customs ports of entry through which commercial birds may be imported.

§ 92.8 [Amended]

Accordingly, in § 92.8(b), "San Diego, California," is added immediately after the reference to "El Paso, Texas;".

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, and 134f; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective September 26, 1975.

The amendment relieves certain restrictions by permitting the entry of commercial birds through an additional Customs port of entry and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in the rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23rd day of September, 1975.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.75-25784 Filed 9-25-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 213—OIL IMPORT REGULATIONS

Reduction of the Supplemental Fee on Unfinished Oils and Finished Products

Under Proclamation No. 3279, as amended, which established the Mandatory Oil Import Program, the Administrator of the Federal Energy Administration (FEA) is authorized, with respect to imports other than (A) any material imported for refining that qualifies for inclusion in a refiner's crude oil runs to stills under the Old Oil Allocation Program or (B) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, to reduce the $2.00 supplemental fee on petroleum imports by $1.40, or "by such other amount as he may determine to be necessary to achieve the objectives of the Proclamation and the Emergency Petroleum Allocation Act." In accordance with this authority, the supplemental fee on products other than those excepted from reduction has been $0.60. FEA has now decided to reduce the supplemental fee on products to zero effective September 1, 1975.

With expiration of the Emergency Petroleum Allocation Act on August 31, 1975, a certain confusion has been created in the marketplace. The uncertainty of the legislative situation coupled with other factors is apparently causing importers to withhold fuel oil from the domestic market pending a decision on the application of fees to such imports. Removal of the $0.60 fee will ensure that imports of heating oil are not disrupted.

In addition, a study recently undertaken by FEA indicates that interaction of the Mandatory Oil Import Program with the Old Oil Allocation Program established pursuant to the Emergency Allocation Act may have contributed to harmful distortions in the United States residual fuel oil market and, further, that these distortions could affect product importers generally if the Act, now expired, is extended by Congress.

Accordingly, FEA hereby amends § 213.35 of its regulations to reduce from $0.60 to zero, effective September 1, 1975, the supplemental fee on all unfinished oils and finished products except those refined in a refinery outside of the customs territory as to which the crude oil runs to stills would qualify a refiner to receive entitlements. The detailed rationale for this amendment is described below.

It should be noted that this fee reduction will remain in effect regardless of whether price controls are reimposed.

BACKGROUND

In order to place this amendment in its proper perspective, it is necessary to consider the interaction of the 60¢ product import fee with certain other FEA programs implemented under the EPAA, which would automatically be reinstituted should Congress retroactively extend the Act.

OLD OIL ALLOCATION PROGRAM

This program was adopted, pursuant to the Emergency Petroleum Allocation Act, in an effort to alleviate significant crude oil cost disparities among domestic refiners, which resulted from the extent to which particular refiners had access to price controlled domestic crude oil ("old oil"), and thereby to help insure the continuing competitive viability of those refiners that did not have access to old oil. When in effect, this program operates as follows. Entitlements are issued each month, based on the volume of a refiner's runs to stills, in order to assure each refiner supplies of old oil equal to the national average supply level. A refiner with supplies of old oil in excess of the national average is required to purchase a number of entitlements to cover that excess amount. A refiner with supplies of old oil below the national average is permitted to sell a number of entitlements in the amount of its deficiency.

The price of entitlements is set monthly and approximates the difference between the average prices of old oil and of uncontrolled oil used in United States refineries. This value has risen from $5.00 per barrel for November 1974 to $8.13 during the July 1975 transaction period.

When the Old Oil Allocation Program was initially adopted for refiners, limited benefits under the program were also extended to importers of residual fuel oil and No. 2 heating oil. This aspect of the program was discontinued, though the benefits derived therefrom were integrated into the Mandatory Oil Import Program.

OIL IMPORT PROGRAM

Subsequent to the implementation of the Old Oil Allocation Program, the President determined that in order to achieve a demand reduction in petroleum products, which in turn would reduce petroleum imports, $1.00 per barrel supplemental fee would be imposed, effective February 1, 1975, in addition to the existing fee on imported crude oil ("base fee"). At the same time, it was determined that the benefits of the entitlement program for product importers could be much more easily administered through adjustments in the supplemental fee, rather than through the entitlements program. The supplemental fees on product imports were therefore adjusted to maintain parity with the crude oil import fees, and to take into account entitlement benefits as follows:

Each $1.00 per barrel increase in the import fee affected, directly or indirectly, the cost of all crude oil refined domestically other than the then 40 percent which consisted of old oil, and therefore a $1.00 fee on crude oil imports was equivalent to approximately a $.60 increase in the average cost of all domestically refined product. Thus, in order to maintain parity between imported product and domestically refined product, a $0.60 increase in product import fees had to correspond to each $1.00 increase in crude oil import fees. Moreover, since entitlement benefits for imported products had been set at approximately $.60 per barrel when the entitlements program was instituted in November 1974, a compensatory reduction in the import fee otherwise applicable to imported products was necessary in that amount when entitlement benefits for product importers were discontinued in February 1975. The net effect, then, was that on February 1, 1975, the crude oil import fee was increased $1.00; the import fee on products was not increased, and the entitlements program was discontinued for product imports.

On June 1, 1975, the import license fee on crude oil was increased to $2.00 per barrel, after a three-month extension of its original implementation date. In accordance with the coordination of entitlement benefits, outlined above, parity between imported product and domestically refined product was achieved by setting the fee on imported product at $0.60. (This reduction from the $2.00 fee applied to all unfinished oils and finished product, except those refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements.)

In addition to imposing the supplemental fee, the President also accelerated the existing base fees to the maximum levels of $0.21/bbl. on crude oil and $0.63/bbl. on product. Under various fee-exempt allocations, established to protect investments when the base fee replaced the quota, about 30% of residual fuel oil and 50% of distillate is exempt from the base fee, though virtually all gasoline imports are subject to the fee. These exemptions decline to zero by mid-1980.

CAUSES OF COST DISPARITIES AMONG PRODUCT IMPORTERS

Since the Old Oil Allocation Program, when in effect, applies only with respect to United States refineries (i.e., those located in Districts I–V, and United States territories and possessions), companies which market imported petroleum products but have no domestic refining capacity do not have access to the benefits of the program. Hence, their costs are higher. Likewise, marketers supplied by refiners without domestic refining capacity incur greater costs. Companies falling into these categories are primarily small, independent marketers, who often buy on the spot market.

As the world price of crude, and hence the value of entitlements, increases, the competitive disadvantage of product importers unable to benefit from the Old Oil Allocation Program will become more pronounced. Furthermore, relative to increased product costs, the value of fee-exempt allocations will decline.

The financial burden of this problem can be illustrated as follows:

	Crude imports	Product imports
Base fee	$0.21	$0.63
Entitlement value	[1] (2.84)	0
Supplemental fee	2.00	.60
Net burden	(.63)	1.23
Net advantage for imported crude		[2] 1.86

[1] Assumes July national old oil supply ratio of 0.35 and entitlement value of $8.13.
[2] Assuming fee-exempt allocations in both cases, the net advantage for imported crude is $1.44.

Because of the interaction of the Mandatory Oil Import Program with the Old Oil Allocation Program, product importers are disadvantaged by as much as $1.86 as compared with crude oil importers receiving entitlements.

When the base fee was imposed in May, 1973, the differential in favor of imported crude oil, that is, the amount deemed necessary to offset the cost advantages of locating refinery capacity abroad, was $0.42. This amount may now be low, and FEA has undertaken a study to determine the appropriate amount. In any case, however, the $1.86 advantage for refiners now existing is too high to be in keeping with an equitable, consistent long-term policy to encourage domestic refining. Indeed, when the base fee was originally imposed, Secretary of the Treasury Simon stated that:

• • • [O]ur new policy recommendations would have to satisfy consumer interests in reasonable prices and sufficient supplies without straining or disrupting the complex mechanism known as the oil industry. We knew that *each segment of the industry must continue to be viable in order to meet the supply needs of the nation* both in the near and longer term. The formidability of this task is obvious when you realize that the oil industry is composed of companies that vary in size from global to local and from integrated majors to independent producers, refiners, marketers and jobbers. [emph. supp.]

Therefore, in order to meet domestic needs until a final determination is made of the proper level of incentive needed for domestic refining, FEA is reducing the present burden on product imports by approximately one-third, by reducing the supplemental fee on products from $0.60 to zero.

THE FEE REDUCTION

In accordance with the foregoing, FEA is amending § 213.35(d)(1)(ii), retroactive to September 1, 1975, to provide that the fee on imports entered into United States customs territory on or after that date, other than (A) ethane, propane, butanes, and asphalt, (B) any material imported for refining that qualifies for inclusion in a refiner's crude oil runs to stills under the Old Oil Allocation Program, or (C) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, be reduced to zero from the present level of $0.60. Any overpayments received by FEA will be refunded as soon as practicable.

FEA has concluded that in order not to deter necessary imports of heating oil during the coming weeks, and its distribution in time for the beginning for the beginning of winter, and in order to prevent further erosion of the financial viability of product importers in competition with refiners, the foregoing amendments must be made effective immediately. If FEA were to fail to revise its regulations immediately, potential importers could not be certain until final action whether the proposed reduction would be adopted. Such uncertainty could encourage them to postpone importation during this crucial period, and the consequent reduction in the supply of heating oil, especially in areas which rely heavily on imports, could cause serious hardships. In order to avoid such hardships, these amendments are effective immediately.

V 40 I 188 SEP 26 75 XUM

The provisions of Section 7(i)(1)(B) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), with respect to notice and opportunity to comment are hereby waived upon a finding that strict compliance would seriously injure the public health, safety, and welfare. However, FEA will receive public comments on the amendments issued today.

Interested persons are invited to submit written data, views, or arguments with respect to these amendments to Executive Communications, Room 3309, Federal Energy Administration, Box EI, The Federal Building, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Reduction of Supplemental Fee on Unfinished Oils and Finished Products." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., October 15, 1975, will be considered by the Federal Energy Administration in evaluating the revisions and amendments.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Public hearings with respect to these amendments, will be held beginning at 9:30 a.m., e.d.s.t., on October 17, 1975, in Room 2105, 2000 M Street NW., Washington, D.C. Any person who has an interest in these changes, or who is representative of a group or class of persons which has such an interest, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.s.t., October 9, 1975. Such a request may be hand delivered to Room 3309, The Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through October 15, 1975. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.s.t., October 13, 1975, and must submit 100 copies of his statements to Executive Communications, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. 20461, before 4:30 p.m., e.d.s.t., October 15, 1975.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings; and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings to Executive Communications, FEA, before 4:30 p.m., e.d.s.t., October 16, 1975. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection in the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue NW., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

The Administrator of the Environmental Protection Agency (EPA) has reviewed this amendment in accordance with the review provisions of section 7(c)(2) of the Federal Energy Administration Act of 1974. He has advised FEA that he has no comment.

Finally, this amendment has been reviewed in accordance with Executive Order 11821 and OMB Circular No. A-107 and has been determined not to require evaluation of its inflationary impact as provided therein.

(Federal Energy Administration Act of 1974, Pub. L. 93275; E. O. 11790, 39 FR 23185; Trade Expansion Act of 1962, Pub. L. 87794, as amended; Proclamation No. 3279, 24 FR 1781, as amended by Proclamation No. 4210, 38 FR 9645, Proclamation No. 4227, 38 FR 16198, Proclamation No. 4317, 38 FR 35103, Proclamation No. 4341, 40 FR 3956, Proclamation No. 4355, 40 FR 10437, Proclamation No. 4370, 40 FR 19421, and Proclamation No. 4377, 40 FR 23420)

In consideration of the foregoing, Part 213 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective September 1, 1975.

Issued in Washington, D.C., September 22, 1975.

ROBERT E. MONTGOMERY, JR.
General Counsel,
Federal Energy Administration.

In § 213.35, paragraphs (d)(1)(i) (*1*) and (*2*) are revised and a new paragraph (d)(1)(i)(*3*) is added as follows:

§ 213.35 Allocations and Fee-Paid Licenses for Imports of Crude Oil, Unfinished Oils, and Finished Products.

* * * * *

(d)(1) * * *
(ii) * * *

(*1*) For imports entered into United States customs territory during the period February 1, 1975 through May 31, 1975, $0.00/bbl.;

(2) For imports entered into United States customs territory during the period June 1, 1975 through August 31, 1975, $0.60/bbl; and

(3) For imports entered into United States customs territory on September 1, 1975, and thereafter, $0.00/bbl.

* * * * *

[FR Doc.75-25679 Filed 9-23-75;8:45 am]

PART 213—OIL IMPORT REGULATIONS

Supplemental Fee Payments Originally Due August 31, 1975; Notice of Further Deferral

Correction

FR Doc. 75-24663, appearing at page 42578 in the issue for Monday, September 15, 1975, which extends the deferral of supplemental fee payments on imports in the month of July as set forth in a document published August 20, 1975 (40 FR 36302), was inadvertently published as a proposed rule. It should have been published as a rule document.

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 315—ADJUSTMENT ASSISTANCE FOR FIRMS AND COMMUNITIES

Application Procedure and Miscellaneous Amendments

Pursuant to the authority vested in it by section 262 of the Trade Act of 1974, and by section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration hereby amends 13 CFR Part 315. The purpose of these amendments is to provide additional information regarding the steps which must be taken and the materials which must be submitted before a firm's application for adjustment assistance will be accepted for filing. As amended, the regulations provide that EDA shall have five working days after an application is submitted to determine whether it has been properly prepared and contains all necessary information. The Assistant Secretary, as required by the Trade Act, shall make a determination on the project application within 60 days after it has been accepted for filing. Other changes include the addition of the Clean Air Act and the Federal Water Pollution Control Act to the list of general requirements in § 315.3, and the addition of minority representation on Trade Impacted Area Councils in § 315.61.

In that the following regulations are interpretative rules and because the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable. In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data or arguments to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. by October 28, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, the amendments to 13 CFR Part 315 as set forth below shall remain in effect, thus permitting the public business to proceed more expeditiously.

In consideration of the foregoing, 13 CFR Part 315 is amended as follows:

1. Section 315.3 is amended by revising paragraph (a) to read as follows:

§ 315.3 General requirements.

* * * * *

(a) The project for which assistance is sought complies with the conditions set forth in 13 CFR §§ 309.9, 309.11, 309.14, 309.15, 309.18, Part 310 of these regulations, the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.

* * * * *

2. Section 315.20 is revised to read as follows:

§ 315.20 Application for assistance.

(a) A firm certified under 15 CFR Part 350 as eligible to apply for adjustment assistance may, at any time within two years after the date of such certification, file an application with the Assistant Secretary for adjustment assistance under this subpart. Applications shall be made on forms provided by the Assistant Secretary and shall contain such financial and supportive information as the Assistant Secretary may require.

(b) Such application, except in the case of an application for technical assistance to be used for preparing an adjustment proposal, shall include a proposal for the economic adjustment of such firm. The adjustment proposal shall contain the following information:

(1) *Material contribution to economic adjustment.* An adjustment proposal must demonstrate that the assistance sought therein will be a constructive aid to the firm in establishing a competitive position in the same or a different industry. Unless otherwise advised by the Assistant Secretary, the firm shall provide information with respect to its productive capacity, market share position in its present industry, market potential in any new industry, availability of raw material and energy, and financial and production information with respect to present and forecasted product lines.

(2) *Consideration to the interests of workers.* An adjustment proposal must give adequate consideration to the interests of the workers of such firm adversely affected as the result of the serious injury or threat thereof to such firm. Among reasonable alternatives, adjustment proposals that provide for the rehiring of such workers who have been laid off due to the increased imports are preferred. Efforts by the firm to find new employment for such laid off workers or assistance rendered to such workers under Government programs will also be taken into account in evaluating a proposal.

(3) *Reasonable efforts by the firm to use its own resources.* An adjustment proposal must demonstrate that the firm will make maximum use of its own resources and that any funds requested are not otherwise available to the firm, from sources other than the Federal Government, on reasonable terms. The firm's own resources include the total resources available from all affiliated firms or related entities under the ownership and control of substantially the same persons. Under certain circumstances, as in the case of a closely held corporation, the firm's resources may extend to the personal resources of shareholders. A determination that such funds are not otherwise available to the firm shall be made in accordance with the provisions of 13 CFR 306.8 (a), (b), and (c).

(c) The Assistant Secretary may furnish technical assistance to any firm which has been certified as eligible to apply for adjustment assistance under this subpart in order to assist it in preparing a viable adjustment proposal.

3. Section 315.21 is revised to read as follows:

§ 315.21 Approval of applications.

(a) An application for adjustment assistance will be accepted for filing only if it has been properly prepared and contains an adequate adjustment proposal and such other information as may be required by the Assistant Secretary under § 315.20. EDA shall have five working days from the date on which it receives the application to determine whether the application has been properly prepared and can be accepted for filing. Immediately after the five working days have elapsed, the Assistant Secretary shall notify the applicant that the application has been received, and advise the applicant that:

(1) The application has been accepted for filing, or

(2) The application may be resubmitted when the specified deficiencies have been corrected.

(b) The Assistant Secretary shall make a final determination on the prospective project within 60 days after a proper application has been accepted for filing.

4. Section 315.25 is amended by revising paragraph (a) as follows:

§ 315.25 Eligibility for financial assistance.

(a) No financial assistance shall be provided under § 315.24 unless the Assistant Secretary determines:

(1) That the funds are not available from the firm's own resources;

(2) That in accordance with the provisions of 13 CFR § 306.8 (a), (b), and (c), the firm has no reasonable access to financing through the private capital market; and

(3) That there is reasonable assurance of repayment of the loan. For this purpose, the applicant shall comply with the provisions of 13 CFR § 306.9 except that the requirement in paragraph (a)(6) pertaining to the repayment of debt principal within three years shall not apply to Trade Act assistance.

* * * * *

5. § 315.34 is revised to read as follows:

§ 315.34 Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants.

(a) No adjustment assistance under this part shall be extended to any firm unless the owners, partners, or officers of the firm certify to the Assistant Secretary the names of any attorneys, agents, or other persons engaged by or on behalf of the firm for the purpose of expediting applications for such adjustment assistance, and the fees paid or to be paid to any such persons.

(b) No financial assistance under this part shall be extended to any firm unless the owners, partners, or officers of the firm execute an agreement to refrain from employing, tendering any office or employment to, or retaining for professional services any person, who, on the date such financial assistance or any part thereof was provided, or within one year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Assistant Secretary shall have determined involved discretion with respect to the provision of such financial assistance.

6. § 315.61 is amended by revising paragraph (c) to read as follows:

§ 315.61 Trade Impacted Area Councils.

* * * * *

(c) The Council shall include representatives of certified communities and representatives of labor, industry and the general public (including appropriate minority representation) located in the trade impacted area covered by the Council.

* * * * *

(Sec. 701, Pub. L. 89-136 (August 26, 1965) (42 U.S.C. 3211); 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970) as amended (35 FR 5070 as amended at 40 FR 12632). Sec. 271-274; Pub. L. 93-618 (January 3, 1975) (19 U.S.C. 2371-2374); 88 Stat. 2035-2040.)

Effective date: This amendment becomes effective on September 26, 1975.

V 40 I 188 SEP 26 75 XUM

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

Dated: September 18, 1975.

WILLIAM D. MIZELL,
Assistant Secretary for Economic Development.

[FR Doc.75–75733 Filed 9–25–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–CE–24–AD; Amdt. 39–2374]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model B24R Airplanes

An Airworthiness Directive (AD) was adopted on September 12, 1975, and made effective immediately upon receipt by air mail letter to all known owners of certain serial numbers of Beech Model B24R airplanes. This AD was issued because propeller governor malfunctions have occurred as a result of varnish deposits attributable to the Rust Ban Preservative Oil installed by the manufacturer. These malfunctions result in the inability to change propeller governor speeds.

Since it was found that immediate corrective action was required, notice and public procedure hereon were impracticable and contrary to the public interest and good cause existed for making this AD effective immediately to the owners of Beech Model B24R (serial numbers listed hereinafter) airplanes. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons who did not receive the letter notification.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Model B24R (Serial Numbers MC–151 thru MC–302, MC–304, MC–307, MC–309, MC–310, MC–312 thru MC–315, MC–317, MC–324, MC–328, MC–333, MC–336, MC–344, MC–345, MC–347 thru MC–357, MC–359 and MC–361 thru MC–364) airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude the possibility of propeller governor failure, accomplish the following:

(1) Unless previously accomplished, prior to further flight, drain the Rust Ban Preservative Oil installed by the airplane manufacturer and refill with SAE 30 or SAE 50 straight mineral oil or the type and grade of oil recommended by the engine manufacturer.

(2) If the airplane has less than 25 hours' total time in service, prior to further flight, remove the propeller governor and replace with a new or serviceable P/N A210490 propeller governor.

(3) Aircraft may be flown to a place where the AD can be accomplished in accordance with FAR 21.197 providing the propeller governor is found to govern engine RPM properly during pre-flight runup.

Beechcraft Service Instruction No. 0765–254 pertains to this subject.

This amendment becomes effective October 3, 1975, to all persons except those to whom it was made effective earlier by airmail letter issued September 15, 1975.

This amendment is made under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on September 19, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75–25728 Filed 9–25–75;8:45 am]

[Airspace Docket No. 75–SO–59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH POINTS

Alteration of Federal Airways, Reporting Points and Jet Routes

On August 18, 1975, a Notice of Proposed Rule Making (NPRM) appeared in the FEDERAL REGISTER (40 FR 34006) advising that the Federal Aviation Administration (FAA) was considering changes to airspace descriptions near Atlanta, Ga. Interested persons were invited to comment on the proposal.

The Department of the Army objected to the realignment of J–14 to overlie restricted area R–2102 unless suitable agreement could be reached to the effect that the route would not be used below FL250 during the time that R–2102 is in use. A Letter of Agreement between the Army representative and the Atlanta ARTC Center has satisfied the objection. The only other comment was favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

§ 71.123 [Amended]

1. § 71.123 (40 FR 307, 4121, 4300, 16650, 18414, 26020, 39 FR 39261, 40847) is amended as follows:

a. In V–5 "INT Athens 339° and Anderson, S.C., 274° radials;" is deleted and "INT Athens 340° and Anderson, S.C., 274° radials;" is substituted therefor.

b. In V–18 "INT Talladega 083° and Rex, Ga., 270° radials; Rex.; INT Rex 090° and Augusta, Ga., 278° radials" is deleted and "Atlanta, Ga.; INT Atlanta 089° and Augusta, Ga., 278° radials" is substituted therefor. Also "INT Anderson 274° and Athens 339° radials," is deleted and "INT Anderson 274° and Athens, Ga., 340° radials," is substituted therefor.

c. In V–20 "INT Columbus 068° and Athens, Ga., 192° radials;" is deleted and "INT Columbus 068° and Athens, Ga., 195° radials;" is substituted therefor. Also "INT Montgomery 028° and Talladega, Ala., 083° radials, INT Chattanooga, Tenn., 190° and Rome, Ga., 252° radials, Rome," is deleted and "INT Montgomery 029° and Chattanooga, Tenn., 189° radials; INT Chattanooga 189° and Rome, Ga., 252° radials; Rome;" is substituted therefor.

d. In V–35 "Albany, Ga.; Macon, Ga.; Athens, Ga.;" is deleted and "Albany, Ga.; Macon, Ga.; including a west alternate via INT Albany 014° and Macon 240° radials; INT Macon 005° and Athens, Ga., 195° radials; Athens;" is substituted therefor.

e. In V–51 "INT Athens 339° and Harris, Ga., 149° radials;" is deleted and "INT Athens, Ga., 340° and Harris, Ga., 148° radials;" is substituted therefor. Also, "INT Anderson, S.C., 274° and Athens 339° radials" is deleted and "INT Anderson, S.C., 274° and Athens 340° radials" is substituted therefor.

f. In V–56 "Macon, Ga.;" is deleted and "INT Columbus 087° and Macon, Ga., 266° radials; Macon;" is substituted therefor.

g. In V–66 "INT La Grange 112° and Columbus, Ga., 068° radials; INT Columbus 068° and Athens, Ga., 192° radials;" is deleted and "INT La Grange 120° and Columbus, Ga., 068° radials; INT Columbus 068° and Athens, Ga., 195° radials;" is substituted therefor.

h. In V–97 "INT Albany 352° and Atlanta, Ga., 180° radials; Atlanta; INT Atlanta 003° and Knoxville, Tenn., 197° radials;" is deleted and "Atlanta, Ga.; INT Atlanta 001° and Knoxville, Tenn., 197° radials;" is substituted therefor.

i. In V–142 "Atlanta, Ga., 117°" is deleted and "Atlanta, Ga., 128°" is substituted therefor.

j. In V–155 "From Augusta, Ga.," is deleted and "From Columbus, Ga., via Augusta, Ga.;" is substituted therefor.

k. In V–179 all after "Dublin, Ga.," is deleted and "to INT Dublin 309° and Augusta, Ga., 263° radials." is substituted therefor.

l. In V–222 all between "La Grange, Ga.;" and "Sugarloaf Mountain, N.C.;" is deleted and "to INT La Grange 048° and Columbus, Ga. 010° radials. From INT Toccoa, Ga., 222° and Harris, Ga. 187° radials via Toccoa;" is substituted therefor.

m. In V–241 all after "Columbus, Ga.;" is deleted and "to the INT Columbus 010° and La Grange, Ga. 048° radials; including a west alternate from Dothan via INT Dothan 002° and La Grange 191° radials, and La Grange." is substituted therefor.

n. In V–243 "INT Vienna 305° and La Grange, Ga., 112° radials; La Grange; INT La Grange 342° and Chattanooga, Tenn., 190° radials;" is deleted and "La Grange.; INT La Grange 342° and Chattanooga, Tenn., 189° radials;" is substituted therefor.

o. In V–267 "INT Athens 339° and Harris, Ga., 149° radials;" is deleted and "INT Athens 340° and Harris, Ga., 148° radials;" is substituted therefor.

p. V–281 is deleted.

q. In V–311 all before "Anderson;" is deleted and "From the INT of Harris, Ga., 187° and Toccoa, Ga., 222° radials, via INT Toccoa 222° and Anderson, S.C. 274° radials;" is substituted therefor.

r. In V–321 "INT La Grange 342° and Gadsden, Ala., 122° radials;" is deleted and "INT La Grange 342° and Gadsden, Ala., 124° radials;" is substituted therefor.

s. In V–323 "to INT Macon 331° and Atlanta, Ga., 117° radials." is deleted and "INT Macon 341° and Dublin, Ga., 309° radials; to INT Dublin 309° and Augusta, Ga., 263° radials." is substituted therefor.

t. In V–325 all before "Muscle Shoals, Ala.," is deleted and "From Columbia, S.C.; Athens, Ga.; INT Athens 288° and Toccoa, Ga., 222° radials to INT Toccoa 222° and Harris, Ga., 187° radials. From INT Gadsden, Ala. 091° and Rome, Ga. 133° radials via Gadsden;" is substituted therefor.

u. In V–333 "From INT Rome, Ga. 135° and Gadsden, Ala., 094° radials" is deleted and "From INT Rome, Ga., 133° and Gadsden, Ala., 091° radials;" is substituted therefor.

v. In V–454 "and Athens, Ga., 192° radials; INT Athens 192° and" is deleted and "and Athens, Ga., 195° radials; INT Athens 195° and" is substituted therefor.

w. In V–463 "From Norcross, Ga.," is deleted and "From INT Harris, Ga., 187° and Toccoa, Ga. 222° radials," is substituted therefor.

§ 71.203 [Amended]

2. § 71.203 (40 FR 621) is amended as follows:

a. In GRANT: the text is deleted and "INT Columbus, Ga., 068° and Albany, Ga., 357° radials," is substituted therefor.

b. In HEFIN: "INT Rex, Ga., 270°" is deleted and "INT Talladega, Ala., 087°" is substituted therefor.

c. In MADDI: the text is deleted and "INT Greenwood, S.C., 240° and Athens, Ga., 195° radials." is substituted therefor.

d. In NELLO: "INT Atlanta, Ga., 003°," is deleted and "INT Atlanta, Ga., 001°," is substituted therefor.

§ 75.100 [Amended]

3. § 75.100 (40 FR 705) is amended as follows:

a. In J–4 "Atlanta, Ga.; Augusta, Ga.;" is deleted and "INT Montgomery 051° and Augusta, Ga., 273° radials; Augusta;" is substituted therefor.

b. In J–14 "Spartanburg, S.C.;" is deleted and "INT Atlanta, Ga., 092° and Spartanburg, S.C., 234° radials; Spartanburg;" is substituted therefor.

c. In J–40 all before "Charleston, S.C.;" is deleted and "From Montgomery, Ala., via Macon, Ga.;" is substituted therefor.

e. In J–45 "Alma, Ga.;" is deleted and "Alma, Ga.; Macon, Ga.;" is substituted therefor.

f. In J–89 "Alma, Ga.;" is deleted and "Alma, Ga.; Macon, Ga.;" is substituted therefor.

These amendments are made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 22, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75–25730 Filed 9–25–75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C–2716]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Borg-Warner Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets; 13.5–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Sta. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

In the Matter of Borg-Warner Corporation, a corporation.

Consent order requiring a Chicago, Ill., automotive parts manufacturer, among other things to divest itself, within 18 months, of all assets acquired as a result of its acquisition with Unit Parts Company, reestablishing Unit Parts as a competitor. Further, respondent is required to obtain Commission approval before acquisition of any automotive parts rebuilder for a period of 10 years.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered*, That Borg-Warner Corporation, (hereinafter "B–W") within a period not exceeding eighteen (18) months from the effective date of this Order, shall divest, by sale, or by public offering or spinoff of the stock of a new corporation formed for such purpose, subject to prior approval of the Federal Trade Commission, all assets, properties, rights and privileges, tangible and intangible, including, but not limited to, all plants, equipment, machinery, inventory, customer lists, trade names, trademarks and goodwill, acquired by B–W as a result of its acquisition of Unit Parts Company (hereinafter "U–P") together with all additions and improvements to such assets and properties.

In the event that a new corporation is established as provided herein, B–W shall make available to such new corporation adequate administrative, sales and service personnel to carry on the business to be transferred to the new corporation.

II. *It is further ordered*, That none of the assets, properties, rights or privileges to be divested, as described in Part I of this Order, shall be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of or under the control or direction of, B–W or any of B–W's subsidiary or affiliate corporations, or anyone who owns or controls, directly or indirectly, more than 1 percent of the outstanding shares of common stock of B–W, or to anyone who is not approved in advance by the Federal Trade Commission.

III. *It is further ordered*, That if B–W divests the assets, properties, rights and privileges, described in Part I of this Order, to a new corporation or corporations, the stock of each of which is wholly owned by B–W, and if B–W then distributes all the stock, in said corporation or corporations to the stockholders of B–W, in proportion to their holdings of B–W stock, Part II of this order shall be inapplicable, and the following Parts IV and V shall take force and effect in its stead.

IV. *It is further ordered*, That no person who is an officer, director, or executive employee of B–W, or who owns or controls, directly or indirectly, more than 1 percent of the stock of B–W, shall contemporaneously therewith be an officer, director, or executive employee of any new corporation or corporations described in Part III, or shall contemporaneously therewith own or control, directly or indirectly, more than 1 percent of the stock of any new corporation or corporations described in Part III.

V. *It is further ordered*, That any person who must sell or dispose of a stock interest in B–W or the new corporation or corporations, described in Part III, in order to comply with Part IV of this Order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of B–W.

VI. *It is further ordered*, That, pending divestiture, B–W shall not make or permit any deterioration in any of the plants, machinery, buildings, equipment or other property or assets of the company to be divested which may impair its present capacity or market value.

VII. *It is further ordered*, That, pending divestiture, and for ten (10) years from the date this Order becomes final as provided in Part I of this Order, B–W shall not acquire, directly or indirectly, without the prior approval of the Commission, the share capital or assets (other than products acquired for use or resale in the ordinary course of B–W's business, or other than the acquisition by B–W of the share capital or assets of any corporation not organized in the United States of which B–W owns more than 50 percent of the issued and outstanding share capital as of the effective date of this Order) of any rebuilder of automotive parts having direct sales of rebuilt parts in the United States.

Direct sales shall include all sales to purchasers for those purchasers' subsequent use in the United States or those purchasers' subsequent resale in the United States.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

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No acquisition made by B–W shall be deemed immune or exempt from the antitrust laws by reason of anything contained in this Order.

VIII. *It is further ordered*, That, pending divestiture, and for ten (10) years from the date this Order becomes final as provided in Part I of this Order, B–W shall notify the Commission at least sixty (60) days in advance of any acquisition, directly or indirectly of the share capital or assets (other than products acquired for use or resale in the ordinary course of B–W's business, or other than the acquisition by B–W of the share capital or assets of any corporation not organized in the United States of which B–W owns more than 50 percent of the issued and outstanding share capital as of the effective date of this Order) of any manufacturer of automotive parts having direct sales of such automotive parts in the United States for which prior Commission approval is not required.

Direct sales shall include all sales to purchasers for those purchasers' subsequent use in the United States or those purchasers' subsequent resale in the United States.

IX. *It is further ordered*, That B–W shall, within six (6) months after the effective date of this Order, and every six (6) months thereafter, until B–W has fully complied with Part I of this Order, submit to the Federal Trade Commission a detailed written report of its actions, plans and progress in complying with the provisions of Part I of the Order.

With respect to Parts VII and VIII of this Order, B–W shall, on the first anniversary date of the divestiture provided for in Part I of this Order and on each anniversary date thereafter, to and including the tenth anniversary date, submit a report, in writing, setting forth in detail the manner and form in which B–W intends to comply, is complying and has complied with Parts VII and VIII of this Order.

X. *It is further ordered*, That B–W notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in B–W which may affect compliance obligations arising out of this Order, such as dissolution.

The Decision and Order was issued by the Commission, Aug. 20, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-25747 Filed 9-25-75;8:45 am]

[Docket No. C-2717]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Commercial Service Co., Inc., et al.

Subpart—Coercing and intimidating: § 13.356 Delinquent debtors. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–70 Vacate court action(s). Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Commercial Service Company, Inc., a corporation, and Commercial Collectors, a partnership, and Glen B. Faulk and Richard R. Swaffield, individually, as co-partners doing business as Commercial Collectors, and as officers of said corporation, and Vincent A. Retacco, an individual.

Consent order requiring a Seattle, Wash. debt collection agency and as affiliated firm, among other things to cease filing suits in courts located in counties other than those in which defendants reside or signed the contract sued upon; failing to disclose clear explanations of what their summons mean and how a defendant should respond to avoid a default judgment; and misrepresenting that letters and forms come from an attorney when such is not the case.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

It is ordered, That respondents Commercial Service Company, Inc. (CSC), a corporation, its successors and assigns, and its officers, and Commercial Collectors, a partnership, and Glen B. Faulk and Richard R. Swaffield, individually, as co-partners doing business as Commercial Collectors, or under any name(s), and their successors and assigns, and as officers of CSC, and respondents' agents, representatives and employees, hereinafter collectively "respondents," directly or through any corporation, subsidiary, division or other device, in connection with the collection of credit obligations of individuals, excluding individual obligations for corporate debts, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Instituting suits except in the county where defendant resides at the commencement of the action, or in the county where the defendant signed the contract sued upon. This provision shall not preempt any rule of law which further limits choice of forum or which requires, in actions involving real property or fixtures attached to real property, that suit be instituted in a particular county.

It is further ordered, That where respondents learn subsequent to institution of suit that the preceding Paragraph has not been complied with, they shall forthwith terminate the suit and vacate any default judgment entered thereunder.

In lieu of such termination, respondents may effect a change of forum to a county permitted by the preceding Paragraph, provided that respondents give defendants notice of such action and opportunity to defend equivalent to that which defendants would receive if a new suit were being instituted. In all cases respondents shall provide defendants with a clear explanation of the action taken and of defendants' rights to appear, answer and defend in the new forum.

It is further ordered, That, where respondents terminate a suit or vacate a judgment pursuant to the preceding Paragraph, they shall give notice of such termination or vacation to each "consumer reporting agency," as such term is defined in the Fair Credit Reporting Act (15 U.S.C. Section 603), which respondents have been informed or have reason to know has recorded the suit or judgment in its files. Additionally, respondents shall furnish such notice to any other such person or organization upon request of the defendant.

It is further ordered, That when respondents institute suit in any superior court in Washington state, they shall attach, to any summons served upon defendants, a notice which gives defendants adequate directions as to the proper procedure for responding to the suit and avoiding default. The notice shall use clear and unconfusing language, and appear clearly, conspicuously, and in type at least as large as typewriter pica type. Should superior court rules or procedures change respondents shall forthwith modify the notice accordingly. The initial form and adequacy of the notice has been approved, and any modifications thereof shall be subject to approval, by authorized representatives of the Federal Trade Commission.

It is further ordered, That respondents prepare and maintain a summary of superior court suits instituted, pending or terminated, in which CSC is a plaintiff. This summary shall contain each defendant's name, address and county of residence; county where the contract sued upon was signed by the defendant, if the suit was not instituted in the residence county; county where served; date served, date filed; docket number; name and location of court in which filed; name of original creditor; amount claimed; and whether or not a default judgment has been entered. Where a suit has been instituted in a county other than where defendant resides or signed the contract, the reason for this choice of forum shall be explained. This summary shall cover a continuous two-year period commencing with service upon respondents of this order. A copy of this summary shall be submitted to the Federal Trade Commission on a quarterly basis.

In subsequent paragraphs "respondents" shall include the above-named respondents and Vincent A. Retacco, an individual, and his agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

It is further ordered, That respondents do forthwith cease and desist from representing in writing, orally, visually or in any other manner, directly or by implication, that:

1. An account has been referred to an attorney until and unless such representation is true.

2. Communications to an alleged debtor are from an attorney when such is in fact not true.

3. That any files have been removed, transferred, or reviewed, or directions issued, or other action requested, authorized or directed, to or by an attorney, when such is in fact not true.

It is further ordered, That respondents shall forthwith deliver a copy of this order to each of their subsidiaries, operating divisions and employees.

It is further ordered, That respondents notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment, in the event of such discontinuance or affiliation. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission August 20, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-25748 Filed 9-25-75;8:45 am]

[Docket No. C-2719]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Melmar Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.70 Fictitious or misleading guarantees; § 13.73 Formal regulatory and statutory requirements; 13.73–92 Truth in Lending Act; § 13.75 Free goods or services; § 13.155 Prices; 13.155–5 Additional charges unmentioned; 13.155–10 Bait; 13.155–15 Comparative; 13.155–35 Discount savings; 13.155–70 Percentage savings; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; 13.155–100 Usual as reduced, special, etc.; § 13.160 Promotional sales plans, § 13.205 Scientific or other relevant facts; § 13.240 Special or limited offers. Subpart—Contracting for sale in any form binding on buyer prior to specified time period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Delaying or withholding corrections, adjustments of action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 Free goods or services; § 13.1647 Guarantees; § 13.1740 Scientific or other relevant facts; § 13.1747 Special or limited offers.—Prices: § 13.1779 Bait; § 13.1800 Demonstration reductions; § 13.1823 Terms and conditions; 13.1823–20 Truth in Lending Act; § 13.1825 Usual as reduced or to be increased. —Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1855 Identity; § 13.1857 Instruments' sale to finance companies; § 13.1892 Sales contract, right-to-cancel provision; 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1955 Free goods; § 13.1980 Guarantee, in general; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, *et seq*)

In the Matter of Melmar Industries, Inc., a New Jersey corporation, Melmar Industries, Inc., a Pennsylvania corporation, Prestige Industries Incorporated, a corporation, Gold Bond Industries, Inc., a corporation, and Marc Wolf, individually and as an officer of said corporations.

Consent order requiring four affiliated swimming pool firms located in Cherry Hill, N.J., and Philadelphia, Pa., among other things to cease using bait and switch tactics, misleading pricing claims and other deceptive selling practices; and to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

ORDER

PART I

It is ordered, That respondents Melmar Industries, Inc., a New Jersey corporation, Melmar Industries, Inc., a Pennsylvania corporation, Prestige Industries Incorporated, a corporation, Gold Bond Industries, Inc., a corporation, their successors and assigns, and their officers, and Marc Wolf, individually and as an officer of the aforesaid corporations, and any subsidiary or affiliated company, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the advertising, offering for sale, sale or distribution of swimming pools, swimming pool accessories or any other home improvement products, at retail, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any advertising, sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the purchase of swimming pools, swimming pool accessories or any other home improvement products at retail from respondents or any of them.

2. Making representations purporting to offer swimming pools, swimming pool accessories or any other home improvement products for sale at retail when the purpose of the representation is not to sell the advertised products but to obtain leads or prospects for the sale of other such products at higher prices.

3. Disparaging in any manner, or refusing to sell any swimming pool, swimming pool accessory or any other home improvement product which is offered for sale at retail.

4. Representing, directly or by implication, that any swimming pool, swimming pool accessory or any other home improvement product is offered for sale when such offer is not a bona fide offer to sell such product at retail.

5. Representing, directly or by implication, that the price for any swimming pool, swimming pool accessory or any other home improvement product sold by respondents at retail is a special or sale price, when such price does not constitute a significant reduction from an established selling price at which such product has been sold in substantial quantities by respondents in the recent, regular course of their retail business.

6. (a) Representing that by purchasing any of said swimming pools, swimming pool accessories or other home improvement products, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such swimming pools, swimming pool accessories or other home improvement products have been sold or offered for sale at retail in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of business.

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(b) Representing that by purchasing any of said swimming pools, swimming pool accessories or other home improvement products, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said swimming pools, swimming pool accessories or other home improvement products at retail in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said swimming pools, swimming pool accessories or other home improvement products at the compared price or some higher price.

(c) Representing that by purchasing any of said swimming pools, swimming pool accessories or other home improvement products, at retail, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable products unless substantial sales of such products of like grade and quality are being made at retail in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained representative samples of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with swimming pools, swimming pool accessories or other home improvement products of like grade and quality.

7. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of swimming pools, swimming pool accessories or any other home improvement products sold at retail by respondents.

8. Failing to maintain adequate records (a) which disclose the facts upon which any savings claim, including former pricing claims and comparative value claims and similar representations of the type described in paragraphs 5, 6(a)–(c) and 7 of this order are based, and (b) from which the validity of any savings claim, including former pricing claims and comparative value claims and similar representations of the type described in paragraphs 5, 6(a)–(c) and 7 of this order may be determined.

9. Representing, directly or by implication, that a purchaser of products sold by respondents at retail will receive a "free" television set, pool furniture or any other prize or award unless all conditions, obligations or other prerequisites to the receipt of such television set, pool furniture or other prize or award are clearly and conspicuously disclosed.

10. Representing, directly or by implication, that any swimming pool, swimming pool accessory or any other home improvement product is guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

11. Failing to incorporate the following statement on the face of all sales contracts, all notes or other instruments of indebtedness executed by or on behalf of respondents' customers with such conspicuousness and clarity as is likely to be read and understood by the purchaser:

NOTICE

If you are obtaining credit in connection with this purchase, you will be required to sign a promissory note, a sales contract or other instrument of indebtedness which may be purchased from the seller by a bank, finance company or any other third party. If such is the case, you will be required to make your payments to someone other than the seller. You should be aware that if this happens you may have to pay the note, contract or other instrument of indebtedness in full to its new owner even if your purchase contract is not fulfilled.

12. Misrepresenting, directly or indirectly, that the swimming pools of any of respondents' purchasers or prospective purchasers will be used for any type of advertising or demonstration purpose or as a model pool or that as a result of such use, respondents' purchasers will be granted reduced prices or will receive discounts, referral fees or allowances of any type.

13. Contracting for any retail sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

14. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

15. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "NOTICE OF CANCELLATION", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

(enter date of transaction)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property trade in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation.

If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice or send a telegram, to ----------
(Name of seller)

At ----------
(address of seller's place of business)

Not later than midnight of ----------
(date)

I hereby cancel this transaction.

(date)

(Buyer's signature)

Provided however, that the "Notice of Cancellation" required by this Paragraph need not be furnished in those transactions in which respondents have timely furnished the buyer with the notice of the right of rescission required by Paragraph 11 of Part II of this Order.

16. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

17. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

18. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

19. Misrepresenting in any manner the buyer's right to cancel.

20. Failing or refusing to honor any valid notice of cancellation by a buyer and within 10 business days after receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

21. Negotiating, transferring, selling or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

22. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or abandon any shipped or delivered goods.

Provided, however, that nothing contained in this order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon showing, shall make such modifications as may be warranted in the premises.

PART II

It is further ordered, That respondents Melmar Industries, Inc., a New Jersey corporation, Melmar Industries, Inc., a Pennsylvania corporation, Prestige Industries Incorporated, a corporation, Gold Bond Industries, Inc., a corporation, their successors and assigns, and their officers, and Marc Wolf, individually and as an officer of the aforesaid corporations, and any subsidiary or affiliated company, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the arrangement, extension or advertisement of consumer credit in connection with the retail sale of swimming pools, swimming pool accessories or any other home improvement products, as "advertisement" and "consumer credit" are defined in §§ 226.2(b) and 226.2(k), respectively, of Regulation Z of (12 CFR 226) of the Truth in Lending Act (15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Causing to be disseminated to the public in any manner whatsoever, any advertisement, for the purposes of aiding, promoting or assisting, directly or indirectly, any extension of consumer credit unless such advertisement states all of the following items prescribed under Section 226.8 of Regulation Z, in the manner and form required by § 226.10 (d)(2) of Regulation Z:

(a) The cash price or the amount of the loan, as applicable;

(b) The amount of the downpayment required or that no downpayment is required as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

2. Failing to employ the term "annual percentage rate" as required by § 226.8 (b)(2) of Regulation Z.

3. Failing to disclose the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as required by § 226.6(a) of Regulation Z.

4. Including the amount of the finance charge in the computation of the amount financed, contrary to the requirements of § 226.8(c)(7) of Regulation Z.

5. Failing to include the charge for credit life insurance, when not required to be placed within the finance charge, within the amount financed, as required by §§ 226.4(a)(5) and 226.8(c)(4) of Regulation Z.

6. Failing to disclose the annual percentage rate with an accuracy to the nearest quarter of one percent, as required by § 226.5(b)(1) of Regulation Z.

7. Failing to employ the term "cash downpayment" to describe the downpayment in money, as required by § 226.8(c)(2) of Regulation Z.

8. Failing to employ the term "unpaid balance of cash price" to describe the difference between the cash price and the cash downpayment, as required by § 226.8(c)(3) of Regulation Z.

9. Failing to make a clear identification of the property in which a security interest is obtained and held as required by § 226.8(b)(5) of Regulation Z.

10. Failing to notify the buyer of said buyer's right to rescind the contract, as provided for by § 226.9 of Regulation Z.

11. Failing to provide each buyer who has the right to rescind with two copies of the notice prescribed by § 226.9(b) of Regulation Z, as required by that Section.

12. Failing, in any consumer credit transaction or advertisement, to make all the disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

PART III

It is further ordered, That respondents distribute a copy of this order to all operating divisions of said corporations and also distribute a copy of this order to all personnel, agents or representatives concerned with the promotion, sale and distribution of swimming pools, swimming pool accessories or any other home improvement products at retail and secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, or any of them, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The Decision and Order was issued by the Commission August 22, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-25752 Filed 9-25-75;8:45 am]

[Docket No. C-2721]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Free Enterprise Uranium-Radon Mine, et al.

Subpart—Advertising falsely or misleading: § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or prop properties of product or service: 13.170–52 Medicinal, therapeutic, healthful, etc.; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.–533–45 Maintain records: 13.533–45 (k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties; § 13.–1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Elkhorn Mining Company, a corporation dba Free Enterprise Uranium-Radon Mine, and Radon Research Foundation, a corporation, and John T. Lewis, individually and as an officer of Elkhorn Mining Company.

Consent order requiring a Boulder, Mont., owner and operator of a uranium mine, among other things to cease misrepresenting the curative or physiological effect of Radon gas on disease; and failing to disclose to prospective customers that Radon gas has any provable physiological effect on disease, including arthritis, sinusitus, eczema, and asthma.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Elkhorn Mining Company, a corporation

[1] Copies of the Complaint, Decision and Order, filed with the original document.

V401788 SEP 2675 XUM

dba Free Enterprise Uranium-Radon Mine, Radon Research Foundation, a corporation, their successors and assigns, and their officers, and John T. Lewis, individually and as an officer of Elkhorn Mining Company, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from representing directly or by implication, that:

A. Radon gas or the Free Enterprise Uranium-Radon Mine has any curative or physiological effect upon any disease or bodily condition, including arthritis, sinusitus, eczema or other skin afflictions, or asthma.

B. Radon gas has any beneficial effect on the autonomic nervous system, the circulatory state, the removal of waste, or the utilization of oxygen by defense cells of the body.

C. There is a single cause of arthritis or that the cause or causes of arthritis are known.

D. Arthritis is caused by or has any relationship to stress, either internal or external.

E. Arthritis or any form of joint disease is caused by hormone deficiencies of any type.

F. Arthritis is caused by underproduction of ACTH or any hormone associated with the pituitary gland or the adrenal gland.

G. Radon gas increases production of ACTH, hydrocortisone, or any other hormone.

H. Exposure to any radioactive gas has any physiological effect on any disease or bodily condition.

I. ACTH or hydrocortisone, no matter how administered, results in anything but temporary symptomatic relief of arthritis.

J. The use of radon gas represents a scientific breakthrough.

K. Improvements in condition claimed to result from visits to the Free Enterprise Uranium-Radon Mine are neither psychosomatic nor the result of coincidental remission of a disease.

It is further ordered, That respondents shall clearly and conspicuously (a) include in all advertising and promotional materials for radon gas or the Free Enterprise Uranium-Radon Mine, and (b) provide by means of a separate written statement furnished to each prospective customer prior to the time he or she pays for the Free Enterprise Uranium-Radon Mine visit, the following form of notice:

NOTICE

Neither radon gas nor the Free Enterprise Uranium-Radon Mine has any provable physiological effect on any disease or bodily condition, including arthritis, sinusitus, eczema or other skin afflictions, or asthma.

You are advised to consult with your doctor before and/or after going to the Free Enterprise Uranium-Radon Mine. You may be missing the benefits of known and medically approved forms of treatment. Lack of medically accepted treatment of arthritis may result in greater pain and possible permanent disability.

This notice is made pursuant to order of the Federal Trade Commission.

In addition to the above, the separate written statement shall set forth the following language:

I have read and understand the above information.

Name (please print)	Signature
Address (please print)	Date

Respondents shall retain for their records, for a period of at least three years, copies of such written statements which have been signed and dated by the customers.

It is further ordered, That respondents shall forthwith distribute a copy of this complaint and order to each of their employees and shall continue such distribution to each new employee for a period of two years from the date this order becomes effective.

It is further ordered, That respondents shall maintain such records as will fully disclose the manner and form of their compliance with this order.

It is further ordered, That the corporate respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as description of his duties and responsibilities.

The Decision and Order was issued by the Commission August 5, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-25749 Filed 9-25-75;8:45 am]

[Docket No. C-2720]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Epshtein Trading Corp., et al.

Subpart—Invoicing products falsely: § 13.1108 Invoicing products falsely; 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat 179; 15 U.S.C. 45, 69f)

In the Matter of Epshtein Trading Corporation, a corporation, and Jacob L. Epshtein, individually and as an officer of said corporation.

Consent order requiring a New York City importer and distributor of furs and fur products, among other things to cease falsely invoicing its merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents Epshtein Trading Corporation, a corporation, its successors and assigns, and its officers, and Jacob L. Epshtein, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with the introduction, or importing for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of furs or fur products, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur or fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur or fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur.

3. Setting forth on an invoice pertaining to such fur or fur product the name or names of any animal or animals other than the name of the animal producing the fur as specified in the Fur Products Name Guide.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission August 25, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-25750 Filed 9-25-75;8:45 am]

[Docket No. C-2723]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

House of Schiller, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.135 Nature of product or service; § 13.155 Prices; 13.155–10 Bait; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–40 Furnishing information to media; § 13.533–45 Maintain records; 13.533–45(a) Advertising substantiation; 13.–533–45(c) Complaints. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 Disparaging products, merchandise, services, etc. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1740 Scientific or other relevant facts.—Prices: § 13.1779 Bait.—Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of The House of Schiller, Inc., a corporation, and Lawrence Kane and Donald Sherman, individually and as officers of said corporation.

Consent order requiring a Long Island City, N.Y., manufacturer and distributor of plastic slip covers, among other things to cease using bait and switch tactics in the sale of its merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

It is ordered, That respondents The House of Schiller, Inc., a corporation, its successors and assigns, and its officers, and Lawrence Kane and Donald Sherman, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale and distribution of plastic slip covers or other merchandise to the public at retail, in or affecting commerce, as "commerce" is defined in the Federal Trade Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of plastic slip covers or other merchandise or services.

2. Making representations, directly or indirectly, orally, or in writing, purporting to offer merchandise or services for sale when the purpose of the representation is not to sell the offered merchandise or services but to obtain leads or prospects for the sale of other merchandise or services at a higher price.

3. Disparaging in any manner, or discouraging the purchase of any merchandise or services which are advertised or offered for sale.

4. Representing, directly or indirectly, orally or in writing, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales made of the advertised product or service at the advertised price; and

c. A computation of the net profit from the sales of each advertised product or service at the advertised price.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and instore solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of plastic slip covers and other merchandise, or utilized in the advertising, promotion or sale of plastic slip covers and other merchandise.

It is further ordered, That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of plastic slip covers and other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents who are engaged in the offering for sale and sale of respondents' products, or in any aspect of preparation, creation, or placing of advertising and that respondents secure a signed statement acknowledging receipt of said order from each such person and that respondents distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents maintain full and complete records of all complaints and correspondence received from customers, or any memoranda in connection therewith, for a period of two years after receipt.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business addresses and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That no provision of this Order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this Order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by, the Federal Trade Commission.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission August 27, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-25751 Filed 9-25-75;8:45 am]

[Docket No. 8860]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Spiegel, Inc.

Subpart—Coercing and intimidating: § 13.358 Delinquent debtors. Subpart—Corrective actions and/or requirements:

[1] Copies of the Complaint, Decision and Order, filed with the original document.

V 40 I 188 SEP 26 75 XUM

§ 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45 (k) Records, in general; 13.533–70 Vacate court action(s). Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Spiegel, Inc., a corporation.

Order requiring a Chicago, Ill., catalog retailer, among other things to bring collection law suits only in a court in the county where the defendant resides or the debt was incurred.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

The final order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

FINAL ORDER

This matter having been heard by the Commission upon the appeal of respondent from the initial decision, and upon briefs and oral argument in support thereof and opposition thereto, and the Commission for the reasons stated in the accompanying Opinion, having denied the appeal in principal part:

It is ordered, That the initial decision of the administrative law judge be, and it hereby is, adopted as the Findings of Fact and Conclusions of Law of the Commission, to the extent not inconsistent with the accompanying Opinion.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to cease and desist be, and it hereby is, entered:

ORDER

I. For the purposes of this Order, the term "respondent" means "Spiegel, Inc., a corporation, and its successors, assigns, officers, agents, representatives and employee, acting directly or through any corporation, subsidiary, division, or other device, including any collection agency."

II. *It is ordered*, That respondent, in connection with the collection of retail credit accounts in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from instituting suits except in the county where the defendant resides at the commencement of the action, or in the county where the defendant signed the contract sued upon. This provision shall not preempt any rule of law which further limits choice of forum or which requires, in actions involving real property or fixtures attached to real property, that suit be instituted in a particular county.

III. *It is further ordered*, That, where respondent learns subsequent to institution of a suit that the preceding Paragraph (II) has not been complied with, it shall forthwith terminate the suit and vacate any default judgment entered thereunder. In lieu of such termination, respondent may effect a change of forum to a county permitted by the preceding paragraph, provided that respondent gives defendant notice of such action and opportunity to defend equivalent to that which defendant would receive if a new suit were being instituted. In all cases respondent shall provide defendants with a clear explanation of the action taken and of the defendants' right to appear, answer and defend in the new forum.

IV. *It is further ordered*, That where respondent terminates a suit or vacates a judgment pursuant to the preceding Paragraph (III) it shall give notice of such termination or vacation to each "consumer reporting agency," as such term is defined in the Fair Credit Reporting Act (15 U.S.C. Section 603), which it has been informed or has reason to know has recorded the suit or judgment in its files. Additionally, respondent shall furnish such notice to any other person or organization upon request of the defendant.

V. *It is further ordered*, That respondent prepare and maintain a summary of suits instituted, pending, terminated, or acted upon subsequent to judgment, involving the collection of retail credit accounts by respondent. This summary shall contain each defendant's name, address, and county or residence; county where the contract was signed by the defendant, if the suit was not instituted in the residence county; county where served; date served; date filed; docket number; name and location of court in which filed; name of plaintiff (if a collection agency suing in its own name); amount claimed; and disposition (including garnishment or execution, if any). Where a suit has been instituted in a county other than where defendant resides or signed the contract sued upon, the reason for this choice of forum shall be explained. This summary shall cover the two years immediately following effective date of this order. A copy of this summary shall be submitted to the Federal Trade Commission on a quarterly basis.

VI. *It is further ordered*, That Spiegel, Inc., shall forthwith deliver a copy of this order to each of its subsidiaries and operating divisions, to each collection agency currently collecting any of Spiegel's retail credit accounts, and to any other collection agency prior to referral to it of any of Spiegel's retail credit accounts. Spiegel, Inc., shall obtain and preserve signed and dated statements from each collection agency, acknowledging receipt of the order and willingness to comply with it.

It is further ordered, That respondent shall notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty days and at the end of six months after the effective date of the order served upon it, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with the order to cease and desist.

Opinion of the Commission by Commissioner Dixon.

Concurring Statement by Commissioner Nye.

The Final Order was issued by the Commission August 18, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-25753 Filed 9-25-75;8:45 am]

[1] Copies of the Complaint, Decision, Opinion and Final Order filed with the original document.

[Docket No. C-2722]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

State Credit Association, Inc., et al.

Subpart—Coercing and intimidating: § 13.356 Delinquent debtors. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 Business methods, policies, and practices. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Threating suits, not in good faith: § 13.2264 Delinquent debt collection; § 13.2265 Threatening infringement suits, not in good faith.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of State Credit Association, Inc., a corporation, and D. Keith Lasswell, individually and as an officer of said corporation.

Consent order requiring a Seattle, Wash., debt collection agency, among other things to cease misrepresenting the attachment, garnishment or foreclosure of any assets, wages, or property without making various disclosures to the alleged debtor, and instituting suits in counties other than where the defendant resides or the debt was incurred. Further, respondent is required to comply with the F.T.C.'s "Guides Against Debt Collection Deception."

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

I. *It is ordered*, That respondents State Credit Association, Inc., a corporation, its successors and assigns, and its officers, and D. Keith Lasswell, individually and as an officer of SCA, and respondents' agents, representatives and employees, hereinafter collectively "respondents," directly or through any corporation, subsidiary, division or other device, in connection with the collection of money obligations or any other form of obligation or claim in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from representing in writing, orally, visually or in any other manner, directly or by implication, that:

A. Respondents can or will attach, garnish, foreclose, or in any manner take possession of any part of the assets, wages or other property of anyone, or initiate any legal action unless (a) at the time of such representation, respondents have a present legal right to take such action, (b) respondents specify truthfully, in immediate conjunction with such representation, how soon such action will be taken if payment of the obligation is not made, and (c) respondents regularly take such action within the specified time period when no payment is made.

B. Any allegedly unpaid obligation has been referred to an attorney unless such is the fact.

C. An attorney is actively involved in pursuing or reviewing a collection matter in preparation for initiation of legal action unless such is the fact.

D. Legal action on an allegedly unpaid obligation has been or is being initiated unless such is the fact.

E. Respondents engage in credit reporting activities of any kind or engage in providing information to credit-reporting agencies.

F. The existence of an allegedly unpaid obligation has impaired or will impair any person's credit standing or credit privileges or that only payment to respondents can correct or avoid any credit impairment.

II. *It is further ordered*, That respondents, in any communication with any person or firm during any part of collection activities, refrain from engaging in any representations which disguise, obscure, or detract from respondents' true identity or the true purpose of the communication.

III. *It is further ordered*, That respondents, when speaking to persons present in the alleged debtor's home other than the debtor himself or herself, do forthwith cease and desist from attempting to obtain any information other than (1) whether the caller may speak to the debtor and, if the debtor is not present, (2) when the debtor is expected to be home, and (3) whether there is a telephone number where the debtor can be reached. When speaking to persons under the age of twelve (which respondents may verify by direct question if necessary), respondents cannot attempt to obtain any information other than whether the caller may speak to an adult.

IV. *It is further ordered*, That respondents comply with all provisions of the Federal Trade Commission's "Guides Against Debt Collection Deception" existing at the time this Order is finally accepted.

V. *It is further ordered*, That respondents do forthwith cease and desist from instituting suits except in the county where the defendant resides at the commencement of the action, or in the county where the defendant signed the contract sued upon, or, if there was no written contract, where the obligation was incurred. This provision shall not preempt any rule of law which further limits choice of forum or which requires, in actions involving real property or fixtures attached to real property, that suit be instituted in a particular county.

VI. *It is further ordered*, That when respondents institute suit in any superior court in Washington state, they shall attach, to any summons served upon defendants, a notice which gives defendants adequate directions as to the proper procedure for responding to the suit and avoiding default. The notice shall use clear and unconfusing language, and shall appear clearly, conspicuously, and in type at least as large as typewriter pica type. Should superior court rules or procedures change respondents shall forthwith modify the notice accordingly. The initial form of the notice, and any modifications thereof, shall be subject to approval by authorized representatives of the Federal Trade Commission. Respondents shall not make any representation in writing, orally, visually or in any other manner, directly or by implication, which disguises, obscures, or detracts from the proper procedure for responding to the suit or for avoiding default.

VII. *It is further ordered*, That respondents shall forthwith deliver a copy of this order to each of their subsidiaries, operating divisions and employees engaged in collection activities.

VIII. *It is further ordered*, That respondents notify the Commission at least thirty days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

IX. *It is further ordered*, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment or of his affiliation with a new business or employment in the debt collection industry, in the event of such discontinuance or affiliation. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

X. *It is further ordered*, That the respondents herein shall within sixty days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission August 27, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-25754 Filed 9-25-75; 8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75-235]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Certificates of Registration

Customs Form 3329, formerly used as an importer's declaration for free entry of articles exported for exhibition purposes, has been abolished, having been consolidated with Customs Form 4455 into a revised Customs Form 4455, entitled Certificate of Registration. Consequently, §§ 10.66(a)(3) and 10.66(c) of the Customs Regulations (19 CFR 10.66(a)(3), 10.66(c)), which provide that in connection with the entry of articles, including livestock or other animals, exported for temporary exhibition and returned and claimed to be exempt from duty under item 802.20 or item 802.30, Tariff Schedules of the United States (19 U.S.C. 1202), a declaration of the importer shall be filed on Customs Form 3329, must be amended to provide for the use of revised Customs Form 4455.

Accordingly, §§ 10.66 (a)(3) and (c) of the Customs Regulations (19 CFR 10.66 (a)(3), 10.66(c)) are revised to read as follows:

§ 10.66 Articles exported for temporary exhibition and returned; procedure on entry.

(a) • • •

(3) A declaration of the importer on Customs Form 4455 for articles of either domestic or foreign origin; and

• • • • • •

(c) Articles claimed to be exempt from duty under item 802.20 or item 802.30, Tariff Schedules of the United States (19 U.S.C. 1202), may be returned free of duty without formal entry and without regard to the requirements of paragraphs (a) or (b) of this section if:

(1) Prior to the exportation of such articles, an application on Customs Form 4455 (accompanied by an appropriate inventory, when required by law or by the district director) is filed with a declaration thereon that:

(i) Any right to drawback of Customs duties with respect to that shipment was waived;

(ii) Any internal revenue tax due has been paid and no refund thereof will be sought; and

(iii) The merchandise was identified, registered, and exported in accordance with the regulations set forth in §§ 10.8 (d), (f), (g), and (h), governing the exportation of articles sent abroad for repairs, and

(2) Upon return, a duplicate Customs Form 4455 (with accompanying inventory where one was required) is filed.

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(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Because this amendment merely conforms the Customs Regulations with certain administrative changes, notice and public procedure thereon are found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective September 26, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 18, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-25782 Filed 9-25-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965——)

Outpatient Physical Therapy and Speech Pathology Services

On January 6, 1975, there was published in the FEDERAL REGISTER (40 FR 1067) a notice of proposed rulemaking and proposed amendments to Regulations No. 5 relating to the coverage of outpatient physical therapy and speech pathology services under the Medicare program. The proposed amendments implement sections 251(b) and 283 of Public Law 92-603, the Social Security Amendments of 1972, to reflect the option available to patients under a home health plan to have speech pathology services reimbursed under either the home health benefit or outpatient speech pathology benefit, just as physical therapy services may be reimbursed under either the outpatient physical therapy benefit or the home health benefit, and set forth physician certification and plan of treatment requirements for outpatient physical therapy and speech pathology services.

Interested parties were given the opportunity to submit in writing on or before February 5, 1975, any data, views, or arguments pertaining to the proposed amendments. Comments were received from a variety of sources including representatives of national, state, and local organizations. The comments and suggestions subsequently received, responses thereto, and changes made in the regulations as proposed are discussed below.

A majority of the comments received object to the requirements that outpatient speech pathology services be furnished under a written plan established and periodically reviewed by a physician that prescribes the type, amount, frequency, and duration of the speech pathology services to be furnished the individual and that a physician periodically recertify as to the patient's continuing need for such services. The comments received state that patient referrals made by physicians to speech pathologists are on a nonprescription basis. It is indicated that the determination as to whether speech pathology services will contribute to the patient's improved communication skills is exclusively the speech pathologist's, as are decisions regarding the amount, type, frequency, and duration of the speech pathology services to be rendered, and to place such determinations with the physician misrepresents both the past and present common practice. The requirements in question derive their basis from the statute itself. Section 1861(p) of the Social Security Act, as amended (42 U.S.C. 1395x(p)), specifically requires that the patient be under the care of a physician and that the services required be furnished pursuant to a plan of treatment established and periodically reviewed by a physician which sets out the type, amount, and duration of the services to be provided. Similarly, section 1835(a)(2)(D) of the Act (42 U.S.C. 1395n(a)(2)(D)) specifically requires that the physician certify and periodically recertify that ". . . in the case of outpatient speech pathology services, (i) such services are or were required because the individual needed speech pathology services, (ii) a plan for furnishing such services has been established and is periodically reviewed by a physician, and (iii) such services are or were furnished while the individual is or was under the care of a physician." Accordingly, legislative action would be required to effect a change in these requirements. However, it was felt it would be consistent with the law and meet some of the concerns expressed if the regulations provided that the required plan will be established by the physician after any necessary consultation with the speech pathologist or physical therapist, as appropriate, and the regulations have been so revised.

Comments were also received which suggested that the subject regulations were incomplete since, although they provide that outpatient physical therapy services include such services rendered by physical therapists in independent practice, they do not indicate that outpatient speech pathology services include the services of speech pathologists in independent practice. The services of speech pathologists in independent practice cannot be included under the regulations because section 1861(p) of the Social Security Act limits outpatient speech pathology services to such services furnished by or under arrangements with a provider of services, a clinic, rehabilitation agency, or a public health agency. A change in the law would be required to provide coverage under the Medicare program for outpatient speech pathology services rendered by a speech pathologist in independent practice.

Suggestions were made that the terminology used to describe "speech pathology services" and the professionals who provide them should be consistent throughout the regulations and that this phrase should be substituted for the term "speech therapy." The changes in section 1861(p) of the Act resulting from Public Law 92-603 which provided for the coverage of outpatient speech pathology services used the term "speech pathology" to describe the services. However, although the Senate Finance Committee in its report on H.R. 1, the Social Security Amendments of 1972, stated that its provision for outpatient speech pathology services covered "the same services now covered as speech therapy services . . .," Public Law 92-603 did not change other sections of the Act where the term "speech therapy" was used. Since the term "speech therapy" where used in these regulations relates to provisions of the law which use this term rather than the term "speech pathology" we believe the reference should be to the term used in the law.

Comments were also received that the provisions in § 405.1634(b), which added the specific requirements regarding physician certification and recertification of outpatient physical therapy and speech pathology services, including the requirement that the physician recertify at least once every 30 days that there is a continued need for such services, mark an abrupt departure from the previous regulatory position and are unnecessary. Section 405.1634(a) currently reflects the physician certification requirements for "merical and other health services" furnished by a provider of services as they apply to other than outpatient physical therapy and speech pathology services. The Social Security Amendments of 1967 (Public Law 90-248 enacted January 2, 1968), which provided for the outpatient physical therapy benefit, as well as the provisions of the Social Security Amendments of 1972 (Public Law 92-603 enacted October 30, 1972), which added the outpatient speech pathology benefit, established separate physician certification and recertification requirements for outpatient physical therapy and speech pathology services apart from medical and other health services. Since the new material being included in § 405.1634(b) reflects changes required by the statute, this comment cannot be adopted.

Similarly, the requirement that a physician recertify at least once every 30 days that there is a continued need for such services not only implements the authority contained in the law to provide for the frequency of physician recertifications by regulations when services are furnished over a period of time, but also complements the requirement in law that a physician periodically review the plan of treatment. Since the professional advice we have received is that at least a 30-day review is a reasonable period and appropriate for patients who continue to require these services, such requirement is being retained in the regulations despite the comments objecting thereto.

Comments were received that the word "frequency" should be deleted from § 405.250a(b) which provides that "the plan must prescribe the type, amount, frequency, and duration of the physical therapy or speech pathology services that are to be furnished the individual. . . ." because the law does not specifically state that the frequency of services must be shown as part of the plan of treatment. While the word "frequency" does not appear in the law as one of the elements that must be included in the plan of treatment, it is felt that a natural by-product of "amount" and "duration" is "frequency." Therefore, this term was included in the regulations to make sure there is a proper understanding of the relationship of the terms "amount" and "duration."

Comments were received that the language in § 405.750a(b) was ambiguous because it permitted an interpretation that persons other than the physician could make changes in the plan of treatment if they were approved by the physician. The language in this section has been revised to make it clear that only a physician may order such changes, but other professional persons may receive and record the changes when the physician gives them orally.

Comments were received suggesting that the regulations be revised to reflect coverage of outpatient occupational therapy services and aural rehabilitation services by an audiologist on the same basis as outpatient physical therapy and speech pathology services. Since the law does not presently provide a basis for such coverage, it was not possible to adopt these suggestions.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

(Sections 1102, 1835, 1861, and 1871 of the Social Security Act, as amended, 49 Stat. 647, as amended, 79 Stat. 303, as amended, 79 Stat. 313, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395n, 1395x, and 1395hh.)

Effective date. These amendments shall be effective October 28, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance of the Aged—Supplementary Medical Insurance.)

Dated: June 26, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 23, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as follows:

Subpart B—Supplementary Medical Insurance Benefits; Enrollment, Coverage, Exclusions, and Payment

1. Paragraphs (a)(2) and (a)(5) of § 405.230 are revised to read as follows:

§ 405.230 Supplementary medical insurance benefits.

(a) *Benefits provided.* Any individual who is enrolled under the supplementary medical insurance plan established by Part B of title XVIII of the Act is, subject to the conditions, limitations, and exclusions described in this Part 405, entitled to have:

. . . . . .

(2) Payment made to him, or on his behalf, for medical and other health services other than outpatient physical therapy and speech pathology services (see § 405.231(l) and (m)) furnished by other than a participating provider of services (in the case of certain nonparticipating hospitals which have elected to claim payment with respect to emergency outpatient services—see § 405.249);

. . . . . .

(5) Payment made on his behalf to a participating clinic, rehabilitation agency, public health agency, or other provider of services (see § 405.231 (l) and (m)) for outpatient physical therapy services furnished to him after June 30, 1968, and for outpatient speech pathology services furnished to him after December 31, 1972. .

. . . . . .

2. In § 405.231, paragraph (l) is revised and new paragraph (m) is added to read as follows:

§ 405.231 Medical and other health services; included items and services.

Subject to the conditions, limitations, and exclusions set forth in § 405.232, the term "medical and other health services" means the following items or services:

. . . . . .

(l) Outpatient physical therapy services which are furnished:

(1) By or under arrangements made by a participating clinic, rehabilitation agency, public health agency (see Subpart Q of this part) or other provider of services (see Subparts J, K, and L of this part), or

(2) After June 30, 1973, by or under the direct supervision of a qualified physical therapist in independent practice in his office or in the individual's home (see § 405.232(e)(2)); or

(3) By or under arrangements made by a hospital or skilled nursing facility (see Subparts J and K of this part) to its inpatients (see § 405.232(e)(3)); and

(m) Outpatient speech pathology services which are furnished:

(1) By or under arrangements made by a participating clinic, rehabilitation agency, public health agency (see Subpart Q of this part), or other provider of services (see Subparts J, K, and L of this part) to an individual as an outpatient; and

(2) By or under arrangements made by a hospital or skilled nursing facility (see Subparts J and K of this part) to its inpatients (see § 405.232(j)).

3. In § 405.232, paragraph (e) is revised and new paragraph (j) is added to read as follows:

§ 405.232 Medical and other health services; conditions, limitations, and exclusions.

In addition to the general exclusions described in Subpart C of this part, the following conditions, limitations, and exclusions shall apply with respect to the "medical and other health services" described in § 405.231:

. . . . . .

(e) *Outpatient physical therapy services.* (1) There shall be excluded from the outpatient physical therapy services described in § 405.231(l)(1) any item or service which:

(i) Is furnished before July 1, 1968 (with respect to services furnished before such date, see § 405.231(c)); or

(ii) Would not be included as inpatient hospital services if furnished to an inpatient of a hospital.

(2) The outpatient physical therapy services described in § 405.231(l)(2) shall include only those items and services:

(i) The incurred expenses for which do not exceed $100 in any calendar year; and

(ii) Furnished by a physical therapist in independent practice, i.e., he renders services on his own responsibility and free of the administrative and professional control of an employer; the individuals he treats are his own patients and he has the right to collect the fee or other compensation for the services he renders; he maintains at his own expense an office or office space and the necessary equipment to provide an adequate program of physical therapy; he is engaged in such practice on a regular basis; and

(iii) Furnished by a physical therapist licensed by the State in which the items and services were furnished and who meets the other qualifications set out in § 405.1720(e).

(3) There shall be excluded from the outpatient physical therapy services described in § 405.231(l)(3) any item or service which is furnished before October 30, 1972.

. . . . . .

(j) *Outpatient speech pathology services.* There shall be excluded from the outpatient speech pathology services described in § 405.231(m)(1) and (2) any item or service which:

(1) Is furnished before January 1, 1973 (with respect to services furnished before such date—see § 405.231(c)); or

(2) Would not be included as inpatient hospital services if furnished to an inpatient of a hospital.

4. Paragraph (b) of § 405.236 is revised to read as follows:

§ 405.236 Home health services; items and services included.

Subject to the provisions described in § 405.237, "home health services" means the following items and services furnished to an individual in accordance with §§ 405.234 and 405.235:

. . . . . .

(b) Physical, occupational, or speech therapy (see § 405.239);

. . . . . .

5. Section 405.239 is revised to read as follows:

V 40 I 188 SEP 26 75 S XUM

§ 405.239 Option available to patients under a home health plan who require physical therapy or speech therapy services.

A patient under a home health plan may elect to receive required physical or speech therapy services (also known as speech pathology services) as a "medical and other health service" (see § 405.231 (l) and (m)) rather than as a home health service (see § 405.236(b)) and thereby save home health visits for other covered home health services.

6. Paragraph (b)(3) of § 405.250 is revised to read as follows:

§ 405.250 Procedures for payment; medical and other health services furnished by participating provider; home health services.

Payment for medical and other health services (see §§ 405.230.(a)(3), 405.231, and 405.232), and for home health services (see §§ 405.230(a)(4), 405.233 through 405.236), furnished by a participating provider of services is made to such provider only if:

* * * * *

(b) A physician certifies, and recertifies (see Subpart P of his part) when required, that: * * *

(3) In the case of outpatient physical therapy and speech pathology services:

(i) Such services were required because the individual needed physical therapy or speech pathology services (and with respect to outpatient physical therapy services furnished before October 30, 1972, such services were required because the individual needed physical therapy services on an outpatient basis—see § 405.231(l)(1)); and

(ii) A written plan for furnishing such services has been established, and is periodically reviewed, by a physician (see § 405.250a) and

(iii) Such services were furnished while the individual was under the care of a physician.

7. Following § 405.250, a new § 405.250a is added to read as follows:

§ 405.250a Outpatient physical therapy and speech pathology services furnished by participating provider; plan of treatment requirements.

Outpatient physical therapy and speech pathology services furnished by a participating provider of services (see § 405.230(a)(5) and § 405.231(l)(1), (l)(3), and (m)), must be furnished under a written plan established and periodically reviewed by a physician after any necessary consultation with the physical therapist or speech pathologist, as appropriate, which meets the following requirements:

(a) The plan must be established (i.e., put into writing) before treatment is begun and promptly signed by the ordering physician; and

(b) The plan must prescribe the type, amount, frequency, and duration of the physical therapy or speech pathology services that are to be furnished the individual and indicate the diagnosis and anticipated goals. Any changes to this plan must be made in writing and signed by the physician. Changes to the plan may also be made pursuant to the oral orders given by the physician to a qualified physical therapist, a qualified speech pathologist, a registered professional nurse, or a physician on the staff of the provider. Such changes must be immediately recorded in the patient's records and signed by the individual receiving the orders; and

(c) The plan must be reviewed by the physician, at such intervals as the severity of the individual's condition requires, but at least once every 30 days. Each review of the plan should contain the initials of the physician and the date performed.

Subpart P—Certification and Recertification; Requests for Payment

8. Section 405.1634 is revised to read as follows:

§ 405.1634 Medical and other health services covered by the supplementary medical insurance program furnished by a provider of services; certification and recertification.

(a) Except as provided in paragraphs (b) and (c) of this section, the certification statement should indicate that the medical and other health services furnished by, or under arrangements made by, the provider were medically required, and should be signed by a physician who has knowledge of the case. The certification may be made on a record retained by the provider, or a special form may be used; also a physician's written order designating the medical and other health services required would be acceptable. The certification statement should be obtained at the time covered medical and other health services are furnished, or as soon thereafter as is reasonable and practicable. No recertification of the continued need for covered services is required. Where covered services are provided on a continuing basis, the physician certification can be obtained either at the beginning or end of the series of visits.

(b) With respect to outpatient physical therapy and speech pathology services described in paragraphs (l)(1), (l)(3), and (m) of § 405.231:

(1) The required physician's statement should certify that:

(i) outpatient physical therapy or speech pathology services were required because the individual needed such services; (ii) a plan for furnishing such services was established and periodically reviewed by the physician; and (iii) such services were furnished while the patient was under the care of a physician. The certification statement should be obtained at the time the plan of treatment is established or as soon thereafter as possible, and should be signed by the same physician who establishes the plan of treatment (see § 405.250a).

(2) When outpatient physical therapy or speech pathology services are continued under the same plan of treatment for a period of time, a recertification of the continued need for such services is required. The recertification statement should contain the following information: (i) that there is a continuing need for such services; and (ii) an estimate of how long the services will be required. The physician must recertify at intervals of at least once every 30 days and the recertification should be made at the same time the plan of treatment is reviewed. The same physician who reviews the plan of treatment must sign the recertification.

(c) Certification with respect to the medical and other health services described in § 405.231(c) and (k) is not required for such services furnished on or after June 30, 1968.

[FR Doc.75-25772 Filed 9-25-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—PLANNING

PART 460—PUBLIC ROAD MILEAGE FOR APPORTIONMENT OF HIGHWAY SAFETY FUNDS

● **Purpose. The purpose of this amendment to the regulations of the Federal Highway Administration is to prescribe policies and procedures followed in identifying and reporting public road mileage for utilization in the statutory formula for the apportionment of highway safety funds under 23 U.S.C. 402(c).** ●

The Federal Highway Administration is amending Chapter I of Title 23, Code of Federal Regulations, by adding a new Part 460—Public Road Mileage for Apportionment of Highway Safety Funds. The new Part 460 codifies material formerly contained in Federal Highway Administration Instructional Memorandum 50-7-71, dated August 20, 1971, and now contained in Volume 4, Chapter 5, Section 3, of the Federal-Aid Highway Program Manual.

Since this amendment relates to grants and benefits within the purview of 5 U.S.C. 553(a)(2), notice and public procedure thereon are unnecessary, and it is effective on the date of issuance set forth below.

Effective Date: October 6, 1975.

Issued on September 18, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

23 CFR Chapter I is amended by adding a new Part 460, reading as follows:

Sec.
460.1 Purpose.
460.2 Definitions.
460.3 Procedures.

AUTHORITY: 23 U.S.C. § 315, 402(c); 49 CFR 1.48.

§ 460.1 Purpose.

The purpose of this part is to prescribe the policies and procedures followed in identifying and reporting public road mileage for utilization in the statutory formula for the apportionment of highway safety funds under 23 U.S.C. 402(c).

§ 460.2 Definitions.

As used in this part:

(a) "Public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel.

(b) "Public authority" means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality thereof, with authority to finance, build, operate or maintain toll or toll-free highway facilities.

(c) "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates.

(d) "Maintenance" means the preservation of the entire highway, including surfaces, shoulders, roadsides, structures, and such traffic control devices as are necessary for its safe and efficient utilization.

(e) "State" means any one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa. For the purpose of the application of 23 U.S.C. 402 on Indian reservations, "State" and "Governor of a State" include the Secretary of the Interior.

§ 460.3 Procedures.

(a) *General requirements.* 23 U.S.C. 402(c) provides that funds authorized to carry out Section 402 shall be apportioned according to a formula based on population and public road mileage of each State. Public road mileage shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State or his designee and subject to the approval of the Federal Highway Administrator.

(b) *State public road mileage.* Each State must annually submit a certification of public road mileage within the State to the Federal Highway Administration Division Administrator by the date specified by the Division Administrator. Public road mileage on Indian reservations within the State shall be identified and included in the State mileage and in computing the State's apportionment.

(c) *Indian reservation public road mileage.* The Secretary of the Interior or his designee will submit a certification of public road mileage within Indian reservations to the Federal Highway Administrator by June 1 of each year.

(d) *Action by the Federal Highway Administrator.* (1) The certification of Indian reservation public road mileage, and the State certifications of public road mileage together with comments thereon, will be reviewed by the Federal Highway Administrator. He will make a final determination of the public road mileage to be used as the basis for apportionment of funds under 23 U.S.C. 402(c). In any instance in which the Administrator's final determination differs from the public road mileage certified by a State or the Secretary of the Interior, the Administrator will advise the State or the Secretary of the Interior of his final determination and the reasons therefor.

(2) If a State fails to submit a certification of public road mileage as required by this part, the Federal Highway Administrator may make a determination of the State's public road mileage for the purpose of apportioning funds under 23 U.S.C. 402(c). The State's public road mileage determined by the Administrator under this subparagraph may not exceed 90 percent of the State's public road mileage utilized in determining the most recent apportionment of funds under 23 U.S.C. 402(c).

[FR Doc.75-25770 Filed 9-25-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SUBCHAPTER A—INTRODUCTION

[Docket No. R-75-210]

PART 300—GENERAL

List of Attorneys-in-Fact

Correction

In FR Doc. 75-24841, appearing at page 43027 in the issue for Thursday, September 18, 1975, the following corrections should be made.

1. On page 43027, in the third column, in the paragraph numbered "1", the second name should read "Robert P. Atkinson".

2. In the same column, in the paragraph numbered "2", the following entry should be inserted immediately below the entry for Vincent C. Hehl:

"Linda S. Heintz.....Philadelphia, Pa."

CHAPTER VIII—LOW-INCOME HOUSING

[Docket No. R-75-345]

PART 860—INCOME LIMITS WITH RESPECT TO, ADMISSION TO, AND OCCUPANCY OF, LOW-INCOME HOUSING OWNED BY PUBLIC HOUSING AGENCIES OR LEASED BY PUBLIC HOUSING AGENCIES FROM PRIVATE OWNERS

Subpart D—Minimum and Maximum Rent-Income Ratios, and Minimum Rent Requirements

INTERIM RULE

Notice is hereby given that the Department of Housing and Urban Development (HUD) is adopting an interim rule amending Chapter VIII of Title 24 by adding Part 860, Subpart D. Subpart B was published at 40 FR 33445, August 8, 1975.

The interim rule implements the provisions of the United States Housing Act of 1937 as amended by the Housing and Community Development Act of 1974 that are applicable to rents to be charged tenants in low-income housing projects with the exception of certain programs. The interim rule supersedes Circular RHM 7465.2, dated March 19, 1970, titled "Implementation of Sections 212 and 213 of the Housing and Urban Development Act of 1969"; Circular HM 7465.10, dated March 16, 1971, and amended April 4, 1972, titled "New Definition of Income—Implementation of Section 208 of the Housing and Urban Development Act of 1970"; and Circular HM 7465.13, dated January 18, 1972, titled "Implementation of Section 9, PL 92-213-Public Housing Rent Reductions, Welfare Families".

The interim rule defines "income" for the purposes of the provision contained in section 3(1) of the United States Housing Act as amended by the Housing and Community Development Act of 1974 which restricts rents to be charged public housing tenants to one-fourth of the family's income as defined by the Secretary. The interim rule also defines other terms employed by public housing agencies (PHAs) in fixing rents, by HUD in approving rents, and in rent schedules. The amendment to the United States Housing Act contained in section 3(1) of the Housing and Community Development Act of 1974 codifies the Secretary's definition of "income" under the one-fourth of income limitation that was contained in Circular HM 7465.10 and adds an exemption from income for the care of foster children not found in Circular HM 7465.10. The interim rule incorporates the codification and additional exemption and makes some additional editorial changes.

The definitions of other terms contained in the interim rule in the main are identical to the definitions in use by PHAs and HUD continuously since enactment of the United States Housing Act of 1937. The interim rule makes some editorial changes in the definitions, the most important being an editorial change in the definition of "contract rent". While the use of furniture has never been included in "contract rent", but has always been the subject of an additional PHA charge, a recent court decision permitted inclusion of a charge for the use of furniture as part of the contract rent. The interim rule specifically provides that the use of furniture is not included in the contract rent.

The interim rule implements the minimum rent to income ratio, minimum rent, and maximum rent to income ratio requirements of the Act as amended by the Housing and Community Development Act of 1974, and provides, as a condition precedent to operating subsidies, that the aggregate rental required to be paid in any year by families in occupancy shall not be less than an amount equal to one-fifth of the sum of the "family income" of all such families. The interim rule also provides for certification by PHAs of compliance with the above condition precedent.

The interim rule provides a schedule for increases in rent resulting from the rent provisions of the Housing and Community Development Act of 1974. The in-

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terim rule also provides that the effective date of section 3(1) of the United States Housing Act of 1937 as amended by the Housing and Community Development Act of 1974 shall be the date that these regulations are published.

Because the financial position of PHAs requires that their rental income be augmented as provided in the Housing and Community Development Act of 1974 as soon as practicable, this interim rule is effective September 26, 1975. Interested persons are invited to submit written suggestions with respect to final regulations concerning the subject matter of the interim rule to the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. All relevant material received by October 31, 1975, will be considered before adoption of final regulations. A copy of each communication will be available for public inspection during regular business hours at the above address.

The Secretary has determined that this amendment does not have a substantial environmental impact and a finding of inapplicability is available for public inspection in the office of the Rules Docket Clerk at the above address.

It is hereby certified that the economic and inflationary impacts of this proposed regulations have been carefully evaluated in accordance with OMB Circular A–107.

Accordingly, Part 860 of Title 24 of the Code of Federal Regulations is amended by adding a new Subpart D—Minimum and Maximum Rent-Income Ratio and Minimum Rent Requirements to read as follows:

Subpart D—Minimum and Maximum Rent-Income Ratios and Minimum Rent Requirements

Sec.

860.401 Purpose.
860.402 Applicability.
860.403 Definitions.
860.404 Minimum rent to income ratio and minimum rent.
860.405 Maximum rent to income ratio.
860.406 Required percentage of very low income families in occupancy in projects placed under an annual contributions contract after the effective date of this subpart.
860.407 Minimum aggregate rent to income required for operating subsidies.
860.408 Schedules for increases in rent.
860.409 Effective date of section 3(1) of the United States Housing Act of 1937, as amended.

AUTHORITY: Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

§ 860.401 Purpose.

The purpose of this subpart is to establish minimum and maximum rent to income ratios and minimum rents to be charged in low income housing; to establish minimum rent to income ratios necessary to entitle public housing agencies (PHAs) to operating subsidies; to define income and rent for making determinations of rent to income ratios and rent in accordance with the United States Housing Act of 1937, as amended; to establish the required percentage of very low income families in projects placed under annual contributions contracts after the effective date of this Subpart; to establish criteria for scheduling of rent increases; and to establish the effective date of section 3(1) of the Act.

§ 860.402 Applicability.

This subpart is applicable to all dwelling units assisted under the United States Housing Act of 1937 in projects owned by or leased to PHAs and leased or subleased by PHAs to tenants, and is not applicable to the section 8 Housing Assistance Payments Program where owners enter into leases directly with the tenants. This subpart is not applicable to the Mutual Help Homeownership Opportunities Program.

§ 860.403 Definitions.

For the purpose of this subpart the following terms shall have the following meaning:

(a) *Contract rent.* Contract rent means the rent charged a tenant for the use of the dwelling accommodation and equipment (such as ranges and refrigerators but not including furniture), services, and reasonable amounts of utilities determined in accordance with the PHA's schedule of allowances for utilities supplied by the project. Contract rent does not include charges for utility consumption in excess of the public housing agency's schedule of allowances for utility consumption, or other miscellaneous charges. This definition of contract rent is not the same as contract rent for purposes of Parts 880 to 889 of Title 24.

(b) *Disabled person.* Disabled person means a person who is under a disability as defined in section 223 of the Social Security Act or in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 or is handicapped as defined in this section. Section 223 of the Social Security Act defines disability as:

(A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or

(B) in the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

Section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 defines disability as:

> • • • a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary. [of Health, Education, and Welfare] to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

(c) *Displaced family.* Displaced family means a person or a family displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(d) *Elderly family.* Elderly family means a family whose head or spouse or whose sole member is at least sixty-two years of age, or disabled as defined in this section or handicapped as defined in this section, and may include two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

(e) *Family.* The term family shall be defined by the PHA in accordance with applicable law, but with respect to single persons, such definition shall include only an elderly family as defined in this section, or a displaced family as defined in this section, or the remaining member of a tenant family.

(f) *Family income.* Family income means total family income less the following:

(1) A deduction of five percent of total family income, except that the deduction shall be ten percent in the case of an elderly family.

(2) A deduction for extraordinary medical expenses, defined for this purpose to mean medical expenses in excess of three percent of total family income, where not compensated for or covered by insurance.

(3) A deduction of amounts for unusual occupational expenses not compensated for by the employer, such as special tools and equipment, but only to the extent to which such expenses exceed normal and usual expenses incidental to the type of employment engaged in by the employee.

(4) A deduction of amounts paid by the family for the care of children or sick or incapacitated family members when determined to be necesary to employment of the head or spouse, except that the amount deducted shall not exceed the amount of income received by the family member thus released.

(5) An exemption of the first $300 of the income of a secondary wage-earner who is the spouse of the head of the household.

(6) An exemption of $300 for each member of the family residing in the household (other than the head or spouse) who is under eighteen years of age or who is eighteen years of age or older and disabled, handicapped or a full-time student.

(7) An amount equal to the sums received by the head of the household or his spouse from, or under the direction of, any public or private nonprofit child-placing agency for the care and maintenance of one or more persons who are under eighteen years of age and were placed in the household by such agency.

No person in the family shall be entitled to more than one exemption.

(g) *Full-time student.* Full-time student means a person who is carrying a subject load which is considered full-time for day students under the standards and practices of the educational institution attended.

(h) *Gross income.* Gross income means total family income as defined in this section.

(i) *Gross rent.* Gross rent means contract rent plus the PHA's estimate of the cost to the tenant of reasonable quantities of utilities determined in accordance with the PHA's schedule of allowances for such utilities, where such utilities are purchased by the tenant and not included in the contract rent. This definition of gross rent is not the same as gross rent for the purposes of Parts 880–889 of Title 24.

(j) *Handicapped person.* Handicapped person means a person having an impairment which (1) is expected to be of long-continued and indefinite duration, (2) substantially impedes his ability to live independently, and (3) is of such a nature that such disability could be improved by more suitable housing conditions.

(k) *Head of the household.* Head of the household means the family member who is held responsible and accountable for the family.

(l) *Rent.* Rent means gross rent as defined in this section.

(m) *Spouse.* Spouse means the husband or wife of the head of the household.

(n) *Temporary, nonrecurring or sporadic income.* Temporary, nonrecurring or sporadic income includes the following income:

(1) Casual, sporadic and irregular gifts, and amounts which are specifically received for, or are a reimbursement of, the cost of illness or medical care.

(2) Lump-sum additions to family assets, such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for personal or property losses.

(3) Amounts of educational scholarships paid directly to the student or to the educational institution and amounts paid by the United States Government to a veteran for use in meeting the cost of tuition, fees and books, to the extent that such amounts are so used.

(4) Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(5) The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1964.

(6) Payments received by participants or volunteers in programs pursuant to the Domestic Volunteer Service Act of 1973.

(7) Payments received by participants in other publicly-assisted programs as reimbursement for out-of-pocket expenses incurred (special equipment, clothing, transportation, reimbursement for child care, and so forth, which are made solely to allow participation in a specific program and cannot be used for other purposes).

(o) *Total family income.* Total family income means income from all sources of (1) the head of the household and spouse, and (2) each additional member of the family residing in the household who is at least eighteen years of age, anticipated to be received during the twelve months following admission or reexamination of family income, exclusive of the income of full-time students (other than the head or spouse) and income which is temporary, nonrecurring or sporadic as defined in this section. Total family income shall include that portion of the income of the head of the household or spouse temporarily absent which, in the determination of the PHA, is (or should be) available to meet the family's needs. Total family income includes, but is not limited to, the following:

(i) The full amount, before any payroll deduction, of wages and salaries, including compensation for overtime and other compensation for personal services (such as commissions, fees, tips, and bonuses).

(ii) Net income from operation of a business or profession (expenditures for business expansion or amortization of capital indebtedness shall not be deducted to determine net-income from a business).

(iii) Interest, dividends, and net income of any kind from real or personal property.

(iv) The full amount received from annuities, periodic payments from insurance policies, retirement income, pensions, periodic benefits for disability or death, and other similar types of periodic receipts.

(v) Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and dismissal wages.

(vi) Welfare assistance payments.

(vii) Periodic and determinable allowances, such as alimony and regular contributions or gifts, including amounts received from any persons not residing in the dwelling.

(viii) All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances, allowances for dependents, etc.), received by a member of the Armed Forces.

(ix) Payments to the head of the household for support of a minor, or payments nominally to a minor for his support but controlled for his benefit by the head of the household or a resident family member other than the head, who is responsible for his support.

(p) *Utilities.* Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection and sewerage services. Telephone service is not included as a utility.

(q) *Very low-income family.* Very low-income family means a family whose total family income does not exceed 50 percent of the median total family income for the area, with adjustments for smaller and larger families, as determined by the Secretary.

§ 860.404 Minimum rent to income ratio and minimum rent.

The rent for any dwelling unit shall not be less than the higher of (a) 5 percent of the gross income of the family occupying the dwelling unit, or (b) if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated. For the purpose of ascertaining the higher of paragraphs (a) and (b) of this section, the rent under paragraph (b) of this section shall be established by a finding thereof by the Secretary of HUD. In the absence of such finding, the rent shall be the fair market rent established by the Secretary pursuant to Part 888 of this chapter. If the rent established by the Secretary exceeds the maximum dollar payment for shelter and utilities permitted by the welfare agency, the rent shall be established as the maximum dollar payment payable by the welfare agency for shelter and utilities.

§ 860.405 Maximum gross rent to income ratio.

Subject to the provisions of § 860.404, the rent for any dwelling unit shall not exceed one quarter (25%) of family income as defined in this Subpart.

§ 860.406 Required percentage of very low income families in occupancy of projects placed under annual contributions contract after the effective date of this subpart.

At least 20 percent of the dwelling units in any project placed under annual contributions contract in any fiscal year beginning after the effective date of this subpart shall be occupied by very low-income families as defined in this Subpart.

§ 860.407 Minimum aggregate rent to income ratios required for payment of operating subsidies.

(a) For the purpose of eligibility to receive annual contributions for operation of low-income housing projects (operating subsidies), the aggregate rentals required to be paid in any year by families residing in the dwelling units in projects to which the operating subsidy applies shall not be less than an amount equal to one-fifth of the family income of all such families.

(b) A certificate of compliance with subparagraph (a) of this paragraph of subparagraph (a) of this paragraph on a form prescribed by HUD shall be adopted by the PHA and incorporated in the PHA's operating budget in any instance where the operating budget indicates expectation of receipt of operating subsidies by the PHA. The certificate of compliance shall:

V 40 I 188 SEP 26 75 XUM

(1) Be prepared on a date six months prior to the beginning of the PHA fiscal year to which the operating budget applies;

(2) Be based upon the latest rent and family income determinations available to the PHA.

(c) If the PHA cannot certify compliance with the provisions of subparagraph (a) of this paragraph at the timeof submission of the PHA's operating budget, the operating subsidy shall not be paid, except that:

(1) If, prior to the commencement of the fiscal year to which the operating budget relates, the PHA certifies compliance with paragraph (a) of this section, the full approved operating subsidy shall be paid; and

(2) If, at any time during the fiscal year to which the operating budget relates, the PHA certifies compliance with paragraph (a) of this section, the approved operating subsidy shall be paid in a *pro rata* amount for each day of the fiscal year remaining commencing with the date of receipt of the certification at the appropriate HUD office.

(d) Each PHA shall retain in its files documentation supporting the certification. The documentation, at a minimum, shall include the record of annual family income and monthly rent for each family in residence upon which the certification is based.

(e) The requirements of this paragraph shall be effective for fiscal years commencing not earlier than six months after the effective date of these regulations and for all subsequent fiscal years.

§ 860.408 Schedules for increases in rent.

(a) For families moving into low income housing projects after the effective date of this subpart, the minimum rent to income ratio or minimum rent, respectively, determined in accordance with § 860.404 of this subpart shall be effective immediately.

(b) For tenants in occupancy on the effective date of this Subpart, increases in rent resulting from the implementation of this Subpart shall be made in accordance with the following schedule:

(1) For tenants whose minimum rent is determined in accordance with § 860.404(b) of this subpart, the rent shall be effective on the first of the month following such effective date or as soon thereafter as PHAs have obtained necessary statements and verifications from local welfare agencies and can effect the increase simultaneously for all tenants receiving specific categories of welfare assistance.

(2) For all other tenants, PHAs shall recompute rent at the next reexamination and redetermination of income in accordance with PHA policy which occurs not earlier than six months after the effective date of this subpart.

(i) If the reexamination and redetermination of income results in a determination that an increase of $5 or less is required, the increase shall be effective on the first of the month following.

(ii) If the reexamination and redetermination of income results in a determination that an increase greater than $5 is required as a result of the provisions of this Subpart, the rent shall be increased by $5 on the first of the month following. The remainder of any required increase shall take effect in $5 increments at six-month intervals thereafter. At any subsequent six-month interval before the full rental increase is effective, if the family's income or composition changes so that a reduction rather than an increase is warranted, such reductions shall be made, and the remaining unpaid portions of the increase resulting from the reexamination and redetermination of income required by this Subpart shall be waived. At any subsequent six-month interval if the family's income has increased, increments resulting from the implementation required by this Subpart shall be limited to $5 increments. Increases attributable to changes in the family's income or composition shall be effective in full on dates established in accordance with PHA policy.

(iii) For families not receiving welfare assistance at the time of the reexamination and recomputation of income required by this Subpart who later become welfare recipients, the minimum rent in accordance with § 860.404 of this Subpart shall be effective on the first of the following month.

§ 860.409 Effective date of section 3(1) of the United States Housing Act of 1937, as amended.

The effective date of section 3(1) of the United States Housing Act of 1937, as amended, shall be the date that these regulations are published in the FEDERAL REGISTER (September 26, 1975).

Effective date. This subpart is effective September 26, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.75-25721 Filed 9-25-75;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Civil Rights Division Memorandum 75-2]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Delegation of Authority Respecting Denials of Freedom of Information Act Requests

This memorandum delegates the authority previously granted the Assistant Attorney General, Civil Rights Division, to deny requests made under the Freedom of Information Act, 5 U.S.C. 552(a).

Pursuant to the authority vested in me by Subpart J of Part O of Chapter I of Title 28, Code of Federal Regulations, I issue the following memorandum as an appendix to Subpart J of Part O of Chapter I of Title 28, Code of Federal Regulations, making the following delegation of authority within the Civil Rights Division:

1. The Deputy Assistant Attorney General, Civil Rights Division, who is authorized to assume the responsibilities of the Assistant Attorney General in his absence (the First Deputy Assistant Attorney General) will assume the duties and responsibilities previously assigned to the Assistant Attorney General by 28 CFR 16.5 (b) and (c) (as amended March 1, 1975), and defined in those sections, for denying requests and obtaining extensions of time under the Freedom of Information Act, 5 U.S.C. 552 et seq.

2. In the absence or unavailability of the First Deputy Assistant Attorney General, the Chief of the Appellate Section or, in his absence or unavailability, the Deputy Chief of the Appellate Section, is authorized to assume the duties and responsibilities described in paragraph 1.

3. The First Deputy Assistant Attorney General, Chief of the Appellate Section, or Deputy Chief of the Appellate Section, who signs a denial of a request for records made under the Freedom of Information Act, shall be the "person responsible for the denial" within the meaning of 5 U.S.C. 552(a).

Dated: September 16, 1975.

J. STANLEY POTTINGER,
Assistant Attorney General, Civil Rights Division.

[FR Doc.75-25769 Filed 9-25-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 201—GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

Procedures for Reconsidering Disallowance of Federal Financial Participation; Correction

FEDERAL REGISTER Document 75-21666, published at page 34596 in the issue dated Monday, August 18, 1975, is revised to correct the effective date to read August 18, 1975 and to revise the order of paragraphs (d)(12), (d)(13) and (e) to read as set forth below:

§ 201.14 Reconsideration under section 1116(d) of the Act.

* * * * * * *

(d) *Reconsideration procedures.* * * *

(12) Either the state or the Regional Commissioner may request from the Administrator, for good cause, an extension of any of the time limits specified in this section.

(13) No section of this regulation shall be interpreted as waiving the Department's right to assert any provision or exemption in the Freedom of Information Act.

(e) *Implementation of the decision.* If the decision requires an adjustment in the Federal share, either upward or downward, this will be reflected in subsequent grant awards.

Approved: September 22, 1975.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.75-25771 Filed 9-25-75;8:45 am]

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Emergency Energy Conservation Program; Correction

In FR Doc. 75-19456 appearing at pages 31602 through 31604 in the FEDERAL REGISTER of July 28, 1975, the section numbers published as § 1061.20-1 through § 1061.20-10 are corrected to read § 1061.30-1 through § 1061.30-10.

Dated: September 22, 1975.

ARTHUR J. REID, Jr.
Deputy General Counsel.

[FR Doc.75-25696 Filed 9-25-75;8:45 am]

PART 1067—FUNDING OF COMMUNITY ACTION PROGRAMS

General Conditions Governing CSA Grants Funder Under Titles II, III-B, and VII of the EOA of 1964 as Amended (Including Amendments Made by the Community Services Act of 1974); Correction

In FR Doc. 75-17607 appearing at pages 27030 through 27034 in the FEDERAL REGISTER of June 26, 1975, the section numbers published as § 1067.4-1 through § 1067.4-3 are corrected to read § 1067.5-1 through § 1067.5-3.

Dated: September 22, 1975.

ARTHUR J. REID, Jr.,
Deputy General Counsel.

[FR Doc.75-25697 Filed 9-25-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 1—PRACTICE AND PROCEDURE

Designation of Decision-Making Personnel; Correction

In the order in the above-entitled matter, FCC 75-519, released May 12, 1975; and published in the FEDERAL REGISTER May 20, 1975 at 40 FR 21958, in § 1.1209 the introductory text and paragraph (d) should read as set forth below.

Adopted: September 17, 1975.

Released: September 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

§ 1.1209 Decision-making Commission personnel (restricted rule making proceedings).

The following categories of persons are designated as decision-making Commission personnel in restricted rule making proceedings:

* * * * * * *

(d) The Chief of the Common Carrier Bureau and his staff; *Provided, however,* That in any restricted rulemaking proceeding where the Commission directs a separated trial staff to participate, the Chief, Hearing and Legal Division of the Common Carrier Bureau shall be a party in the proceeding and he and his staff shall be non-decision-making personnel. In such cases the Chief of the Hearing and Legal Division and his staff will be separated from the Commission, the presiding Administrative Law Judge, the Office of the General Counsel, and the Chief and Deputy Chief and all division Chiefs of the Common Carrier Bureau, but are unrestricted in their access to all other Commission personnel.

NOTE: Notwithstanding the requirements of § 1.1221 or any other provision of this chapter to the contrary. In restricted rulemaking proceedings, the Chief, Hearing and Legal Division and his staff shall be separated from decision making personnel only to the extent indicated in this paragraph.

* * * * * * *

[FR Doc.75-25735 Filed 9-25-75;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION, MATERIALS TRANSPORTATION BUREAU

SUBCHAPTER B—HAZARDOUS MATERIALS

[Docket No. HM-111; Amdt. Nos. 171-28, 173-90, 174-25, 175-12, 177-32, 178-35]

PART 173—SHIPPERS

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Radioactive Materials; Miscellaneous Amendments; Corrections

On December 31, 1974, the Hazardous Materials Regulations Board published extensive miscellaneous amendments to the Hazardous Materials Regulations relating to radioactive materials (39 FR 45238). Since that time, various errors in amendments 173-90 and 178-35 have been brought to the attention of this Bureau.

Since these errors are editorial in nature, or revisions that are necessary for clarification, the amendments are corrected as follows:

1. In § 173.396 paragraph (b)(6) Table, the last two entries are revised, footnotes 2 and 3 are added; in paragraph (b)(7) Table, the third column heading is amended by changing "II" to read "III"; in paragraph (b)(8) Table, the headings of the last three columns are revised; in paragraph (c)(1), the first sentence is amended by deleting "uranium-233" in the third line; in paragraph (c)(2)(ii) Table, the first two column headings are revised; paragraph (f)(2) is revised to read as follows:

§ 173.396 Fissile radioactive material.

* * * * * * *

(b) * * *

(6) * * *

*	*	*	*	*	*	*
21PF-1[1]	30	78	4,950	2,247	5.0	5.0
	30	78	5,020	2,279	5.0	5.0
21PF-2[2]	30	78	4,950	2,247	5.0	5.0
	30	78	5,020	2,279	5.0	5.0
*	*	*	*	*	*	*

[1] Model 30A inner cylinder (Reference: ORO-651);
[2] Model 30B inner cylinder (Reference: ORO-651);

* * *

(8) * * *

Maximum "heel" weight per cylinder			
UF6		(U [3])	
Pounds	Kilograms	Kilograms	
*	*	*	*
(c) * * *			
(2) * * *			
(ii) * * *			
Uranium-233 [5]		Uranium-235 [4] [7]	
*	*	*	*

(f) * * *

(2) Fissile Class III packages, which have been assigned a transport index for nuclear criticality control purposes in accordance with Fissile Class II criteria, may be combined with other Fissile Class III packages of the same or different design for which a transport index has been so assigned for nuclear criticality control purposes, and may be combined with Fissile Class II packages, in a Fissile Class III shipment under the conditions prescribed in paragraph (g) of this section, Provided:

* * * * * * *

§ 178.34-4 [Amended]

2. § 178.34-4 paragraph (a)(2)(ii) Table is amended by changing the bolt circle diameter for a flange closure on a 3-inch diameter pipe from "½" to "6".

§ 178.103-3 [Amended]

3. § 178.103-3 paragraph (c)(5) is amended by changing number "27" in the eighth line to read "2.7".

§ 178.104-3 [Amended]

4. § 178.104-3 paragraph (a) is amended by changing the number "51" in the 14th line to read "57"; paragraph (a)(2) is amended by changing the first sentence to read as follows: "Each drum must have at least four 1.2 centimeter (0.5-inch) diameter vents near the top, each covered with a weatherproof tape or fusible plug; or equivalent device." * * *; paragraph (b) is amended by changing the material shown within the first set of parentheses to read: * * * "(cast iron or brass are prohibited)" * * *

Effective: These corrections are effective September 26, 1975.

(Transportation of Explosives Act (18 U.S.C. 831-835); section 9 of the Department of Transportation Act (18 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958, (49 U.S.C. 1421-1430, 1472 (h) and 1655(c)).

Issued in Washington, D.C. on September 19, 1975.

HERBERT H. KAISER, Jr.,
Acting Director, Materials Transportation Bureau.

[FR Doc.75-25692 Filed 9-25-75;8:45 am]

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Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective during the period September 30, 1975 through March 15, 1976.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of migratory game birds on the Erie National Wildlife Refuge is permitted in accordance with all applicable State and Federal regulations. Such hunting is permitted only on the designated area, as delineated on maps available at refuge headquarters, Guys Mills, Pennsylvania, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 22, 1975.

[FR Doc.75-25766 Filed 9-25-75;8:45 am]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective during the period September 30, 1975, through January 31, 1976.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Erie National Wildlife Refuge, Pennsylvania, is permitted. The open hunting area is delineated on maps available at refuge headquarters, Guys Mills, Pennsylvania, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

HOWARD N. LARSEN,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 22, 1975.

[FR Doc.75-25767 Filed 9-25-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE

Proposed Endangered Status for 216 Species Appearing on Convention on International Trade

Relative to a request of May 22, 1975 by the Fund for Animals, Inc., the U.S. Fish and Wildlife Service hereby proposes to list as Endangered Species, pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, 87 Stat. 884), those species which appear on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and which do not already appear on the U.S. Lists of Endangered Wildlife. The Fund contends that signature and ratification of the Convention acknowledged the Endangered status of these species and that they therefore should appear on the Lists of Endangered Wildlife promulgated pursuant to the Endangered Species Act of 1973.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora established a system of regulations to prevent the overexploitation of the world's natural biota. Species of concern are listed in three appendices, which include provisions for periodic amendments. Differing levels of trade regulation are provided for species on each appendix depending, in part, upon the degree to which such forms are threatened with extinction and the contribution trade or international traffic makes to such a threat.

Appendix I, which contains the most critical listing, includes all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species will be subject to particularly strict regulation to guard against further jeopardizing their survival. Exceptions will be allowed in only a few circumstances. Trade that is allowed will require both an export permit from the country of origin and an import permit from the country of destination.

Appendix I presently consists of 375 faunal and 45 floral taxa. Approximately 50 percent of the fauna on Appendix I already are on the U.S. List of Endangered Wildlife, as published in the FEDERAL REGISTER. Those species are not duplicated below.

Variations between Appendix I and the following proposed plant lists are: (1) "Cattleya jongheana" was a typographical error that has been properly corrected as *Laelia jongheana* and, (2) *Lycaste virginalis* var. *alba*, as listed in Appendix I, is referred to below as *Lycaste virginalis*.

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior or the Secretary of Commerce may determine a species to be an endangered species, or a threatened species, because of any of five factors. These factors are the following:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range;*

(2) *Overutilization for commercial, sporting, scientific, or educational purposes;*

(3) *Disease or predation;*

(4) *Inadequacy of existing regulatory mechanisms;*

(5) *Other natural or manmade factors affecting its continued existence.*

With regard to each of the species proposed for endangered status herein, there appears to have been a decline in numbers, due either to factors 2 or 4 above, or to a combination of both. Some of these species, such as the clouded leopard, have been exposed to overutilization for commercial purposes involving the fur trade; others, such as the sable antelope, have been exploited for food and sport. All of the species on Appendix I have been recognized by the Convention as being in international trade or as having the potential of entering into international trade. Given the precarious position of each species, international trade could be detrimental to the survival of the species, but presently no satisfactory mechanism to control or regulate such trade is in effect. The Convention has now been ratified by a sufficient number of nations to make it operational. In the future, as more nations ratify, it could provide a satisfactory international regulator. Until such time, however, the inadequacy of existing regulatory mechanisms continues to be a factor in the endangerment of the species on Appendix I.

During the period between publication of this proposed rulemaking and the final rulemaking, a thorough status survey will be conducted on each species or groups of like species to determine the extent to which international trade has been a factor in their endangerment. It will also be determined for all of them whether any of the other five factors required for listing of a species as endangered are operational.

Supporting data for the above proposal were presented in the petition or are on file with the Fish and Wildlife Service, Washington, D.C. The final rulemaking on these species will be a large undertaking, involving (1) the preparation of necessary status information on these species, (2) the preparation of environmental assessments and (3) consultations with States, foreign countries and others as required by the Endangered Species Act. The final listing process will thus be quite extensive and it will take many months to complete. It should also be noted that the Fish and Wildlife Service probably will not publish a final rulemaking which will list all of these species at once. Rather, as status reports and Impact Assessments on certain groups of species are completed, those species will be listed before proceeding to other groups of species.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than October 28, 1975, will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

Dated: September 19, 1975.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

1. Add to the list of endangered species in Part 17, the following:

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Common name	Scientific name	Range	Portion of range where endangered
Plants:			
(1)	*Alocasia sanderiana*	Malaya, Philippines	Entire range.
(1)	*Alocasia zebrina*	Philippines	Do.
(1)	*Caryocar costaricense*	Costa Rica	Do.
(1)	*Gymnocarpos przewalskii*	Mongolia, Tibet, Tian-shan	Do.
(1)	*Melandrium mongolicum*	Mongolia	Do.
(1)	*Silene mongolica*	do	Do.
(1)	*Stellaria pulvinata*	do	Do.
Alerce	*Fitzroya cupressoides*	Chile, Argentina	Do.
White alerce	*Pilgerodendron uviferum*	Southern Chile	Do.
Bread-palms	*Encephalartos spp.*	Tropics, South Africa	Do.
(1)	*Microcyas calocoma*	Cuba	Do.
(1)	*Stangeria eriopus*	Southeast Africa	Do.
(1)	*Prepusa hookeriana*	Brazil	Do.
(1)	*Vanilanea barbouri*	Costa Rica	Do.
(1)	*Engelhardia pterocarpa*	do	Do.
(1)	*Ammopiptanthus mongolicus*	Mongolia, Western China	Do.
(1)	*Cynometra hemitomophylla*	Costa Rica	Do.
(1)	*Platymiscium pleiostachyum*	do	Do.
(1)	*Tachigalia versicolor*	do	Do.
(1)	*Aloe altilda*	Transvaal, Republic of South Africa	Do.
(1)	*Aloe pillansii*	South Africa	Do.
Spiral aloe	*Aloe polyphylla*	Lesotho	Do.
(1)	*Aloe thorncroftii*	Transvaal, Republic of South Africa	Do.
(1)	*Aloe vossii*	do	Do.
(1)	*Tacsisiera itamlana*	Brazil	Do.
(1)	*Guarea longipetiola*	Panama	Do.
(1)	*Batocarpus costaricensis*	Costa Rica	Do.
(1)	*Cattleya skinneri*	Southern Mexico to Costa Rica, Trinidad.	Do.
(1)	*Cattleya trianae*	Colombia	Do.
(1)	*Didiciea cunninghamii*	Eastern India	Do.
(1)	*Larlia lobata*	Brazil	Do.
(1)	*Larlia jongheana*	do	Do.
(1)	*Lycaste virginalis*	Mexico, Guatemala, Honduras	Do.
Holy Ghost Orchid	*Peristeria elata*	Costa Rica, Panama, Colombia, Venezuela.	Do.
Guatemalan fir	*Abies guatemalensis*	Western Guatemala	Do.
(1)	*Abies nebrodensis*	Northern Sicily	Do.
(1)	*Podocarpus costalis*	Philippines, Taiwan	Do.
Parlatore's podocarp	*Podocarpus parlatorei*	Southern Peru, Bolivia, Northern Argentina.	Do.
Marsh-rose	*Orothamnus zeyheri*	South Africa	Do.
(1)	*Protea odorata*	do	Do.
(1)	*Balmea stormae*	Mexico	Do.
(1)	*Ribes sardoum*	Italy: Sardinia	Do.
(1)	*Celtis aetnensis*	Sicily: Mount Etna	Do.
Welwitschia	*Welwitschia bainesii*	Angola, South-West Africa	Do.
Philippine garland-flower.	*Hedyotheim philippinense*	Philippines	Do.
Molluscs:			
Birdwing pearly mussel.	*Conradilla caelata*	Powell and Clinch Rivers in Virginia and Tennessee, Duck River in Tennessee.	Do.
Dromedary pearly mussel.	*Dromus dromas*	Powell and Clinch Rivers in Virginia and Tennessee.	Do.
Curtis' pearly mussel.	*Epioblasma (=Dysnomia) florentina curtisi.*	Black River in Missouri	Do.
Yellow-blossom pearly mussel.	*Epioblasma (=Dysnomia) florentina florentina.*	Duck River in Tennessee	Do.
Sampson's pearly mussel.	*Epioblasma (=Dysnomia) sampsoni.*	Wabash River in Indiana and Illinois	Do.
White cat's paw pearly mussel.	*Epioblasma (=Dysnomia) sulcata perobliqua.*	Detroit River in Michigan and the St. Joseph River in Ohio, Michigan, and Indiana.	Do.
Green-blossom pearly mussel.	*Epioblasma (=Dysnomia) torulosa gubernaculum.*	Clinch River in Virginia and Tennessee.	Do.
Tuberculed-blossom pearly mussel.	*Epioblasma (=Dysnomia) torulosa torulosa.*	Lower Ohio River in Kentucky and Illinois, Nolichucky River, Tennessee and Kanawha River, West Virginia.	Do.
Turgid-blossom pearly mussel.	*Epioblasma (=Dysnomia) turgidula.*	Duck River in Tennessee.	Do.
Brown-blossom pearly mussel.	*Epioblasma (=Dysnomia) walkeri.*	Lower Red River in Kentucky and Tennessee, Holston River in Virginia and Tennessee, Stones River in Tennessee, Duck River in Tennessee, and Clinch River in Virginia and Tennessee.	Do.
Fine-rayed pigtoe pearly mussel.	*Fusconaia cuneolus*	Clinch River in Virginia and Tennessee, Powell River in Virginia and Tennessee, and Paint Rock River in northern Alabama.	Do.
Shiny pigtoe pearly mussel.	*Fusconaia edgariana*	Powell River in Virginia and Tennessee, Clinch River in Virginia and Tennessee, Paint Rock River in Alabama, and Holston River in Virginia.	Do.
Higgins' eye pearly mussel.	*Lampsilis higginsi*	Mississippi River in Minnesota, Wisconsin, Illinois, Meramec River in Missouri, St. Croix River in Wisconsin, Minnesota.	Do.
Pink mucket pearly mussel.	*Lampsilis orbiculata orbiculata*	Green River, Kentucky, Kanawha River in West Virginia, Tennessee River in Tennessee and Alabama, Muskingum River, Ohio.	Do.
Plain pocketbook	*Lampsilis satura*	Sabine River System, Texas and Louisiana, Trinity River, Texas, San Jacinto River, Texas.	Do.
Alabama lamp pearly mussel.	*Lampsilis virescens*	Paint Rock River System in Alabama.	Do.
White wartyback pearly mussel.	*Plethobasis cicatricosus*	Tennessee River, Tennessee and Alabama.	Do.
Orange-footed pimpleback.	*Plethobasis cooperianus*	Tennessee River, Tennessee and Alabama.	Do.
Rough pigtoe pearly mussel.	*Pleurobema plenum*	Tennessee River, Tennessee, Green River, Kentucky, Clinch River, Virginia and Tennessee.	Do.

Common name	Scientific name	Range	Portion of range where endangered
Fat pocketbook pearly mussel.	*Potamilus (=Proptera) capax*	White River, Arkansas, St. Francis River, Arkansas and Missouri.	Do.
Cumberland monkeyface pearly mussel.	*Quadrula intermedia*	Powell and Clinch Rivers, Virginia and Tennessee, Duck River, Tennessee.	Do.
Appalachian monkeyface pearly mussel.	*Quadrula sparsa*	Powell and Clinch Rivers, Virginia and Tennessee.	Do.
Pale lilliput pearly mussel.	*Toxolasma (=Carunculina) cylindrella.*	Duck River, Tennessee, Paint Rock River, Alabama.	Do.
Nicklin's pearly mussel.	*Unio* (possibly *Megalonaias*) *nickliniana.*	Mexico	Do.
Tampico pearly mussel.	*Unio* (possibly *Lampsilis*) *tampicoensis tecomatensis.*	do	Do.
Cumberland bean pearly mussle.	*Villosa (=Micromya) trabilis*	Cumberland and Rockcastle Rivers, Kentucky.	Do.
Fish:			
Asian bonytongue	*Scleropages formosus*	Borneo, Banka, Sumatra, Malaya, Thailand.	Do.
Ikan temolek	*Probarbus jullieni*	Menam River (Thailand), Mekong River (Cambodia, Laos, and Vietnm), Pahang River (Malaya).	Do.
Reptiles:			
Chinese alligator	*Alligator sinensis*	Lower Yangtze River drainage of China.	Do.
Black caiman	*Melanosuchus niger*	Amazon basin	Do.
Apaporis River caiman.	*Caiman crocodilus apaporiensis*	Apaporis River of Columbia	Do.
Broad-snouted caiman.	*Caiman latirostris*	Brazil, Uraguay, Argentina, Paraguay.	Do.
Tomistoma	*Tomistoma schlegelii*	Borneo, Sarawak, Sumatra, Southern Malay Peninsula.	Do.
African dwarf crocodile.	*Osteolaemus tetraspis tetraspis*	West Africa	Do.
Congo dwarf crocodile.	*Osteolaemus tetraspis osborni*	Congo River drainage	Do.
African slender-snouted crocodile.	*Crocodylus cataphractus*	Western and Central Africa	Do.
Siamese crocodile	*Crocodylus siamensis*	Southeast Asia, Malay Peninsula	Do.
Mugger crocodile	*Crocodylus palustris palustris*	India, Pakistan, Bangladesh, Iran	Do.
Ceylon mugger crocodile.	*Crocodylus palustris kimbula*	Ceylon	Do.
Philippine crocodile	*Crocodylus novaeguineae mindorensis?*	Philippine Islands	Do.
Spotted pond turtle	*Geoclemmys (-Damonia) hamiltonii.*	Northern India, Pakistan	Do.
Three-keeled Asian turtle.	*Geoemyda (-Nicoria) tricarinata*	Central India to Bangladesh and Assam.	Do.
Indian sawback turtle.	*Kachuga tecta tecta*	Ganges, Brahmaputra, and Indus drainages of India.	Do.
Burmese peacock turtle.	*Morenia ocellata*	Southern Burma	Do.
Geometric turtle	*Geochelone (-Testudo) geometrica*	Cape Province, South Africa	Do.
Angulated tortoise	*Geochelone (-Testudo) yniphora*	do	Do.
Indian flap-shell tortoise.	*Lissemys punctata punctata*	Ganges and Indus drainages of India, Pakistan, and Bangladesh.	Do.
Cuatro Cienegas softshell turtle.	*Trionyx atr*	Cuatro Cienegas basin, Mexico	Do.
Black softshell turtle.	*Trionyx nigricans*	Pond near Chittatong, East Pakistan	Do.
Indian softshell turtle.	*Trionyx gangeticus*	Pakistan, India, Bangladesh and Nepal.	Do.
Peacock softshell turtle.	*Trionyx hurum*	Ganges and Brahmaputra drainages of India and Bangladesh.	Do.
Komodo Island monitor.	*Varanus komodoensis*	Komodo, Rintja, Pader, and western Flores Islands of Indonesia.	Do.
Yellow monitor	*Varanus flavescens*	West Pakistan through India to Bangladesh.	Do.
Bengal monitor	*Varanus bengalensis*	Persia, Afganistan, India, Ceylon, Burma, Thailand, South Vietnam, Malay Peninsula, Java.	Do.
Desert monitor	*Varanus griseus*	North Africa to Nearest, Caspian Sea through U.S.S.R. to West Pakistan, Northwest India.	Do.
Indian python	*Python molurus molurus*	Ceylon and India	Do.
Amphibians:			
Japanese giant salamander.	*Andrias (=Megalobatrachus) davidianus japonicus.*	Honshu and Kyushu Islands, Japan	Do.
Chinese giant salamander.	*Andrias (=Megalobatrachus) davidianus davidianus.*	Western China	Do.
Cameroon toad	*Bufo superciliaris*	Equatorial Africa	Do.
Monteverde toad	*Bufo periglenes*	Monteverde, Costa Rica	Do.
African viviparous toads.	*Nectophrynoides spp.*	Tanzania, Guinea, Africa	Do.
Panamanian golden frog.	*Atelopus varius zeteki*	Panama	Do.
Birds:			
Solitary tinamou	*Tinamus solitarius*	Brazil, Paraguay, Argentina	Do.
Abbott's booby	*Sula abbotti*	Christmas Island in Indian Ocean	Do.
Frigate bird	*Fregata andrewsi*	East Indian Ocean Islands	Do.
Campbell Island flightless teal.	*Anas aucklandica nesiotis*	Campbell Island, New Zealand	Do.
Marianas mallard	*Anas oustaleti*	Islands of Guam, Saipan, Tinian, Marianne.	Do.
Pink-headed duck	*Rhodonessa caryophyllacea*	India	Do.
Harpy eagle	*Harpia harpyja*	Mexico, Central America, Bolivia, Brazil, Argentina.	Do.
Greenland white-tailed eagle.	*Haliaeetus albicilla groenlandicus*	Greenland and adjacent Atlantic Islands.	Do.
Peregrine falcon	*Falco peregrinus peregrinus*	Europe, Russia	Do.
Do	*Falco peregrinus babylonicus*	Central deserts and steppes of Asia	Do.
Black-fronted piping-guan.	*Pipile jacutinga*	Argentina	Do.

V 40 I 188 SEP 26 75 XUM

Common name	Scientific name	Range	Portion of range where endangered
Mitu	*Mitu mitu mitu*	Amazonian Columbia, Brazil, Peru, and Bolivia.	Do.
Himalayan monal	*Lophophorus impejanus*	Himalayas	Do.
Elliot's pheasant	*Syrmaticus ellioti*	Southeastern China	Do.
Tibetan snowcock	*Tetraogallus tibetanus*	Sino-Himalayas	Do.
Montezuma quail	*Cyrtonyx montezumae mexicani*	Mexico	Do.
Cuba sandhill crane	*Grus canadensis nesiotes*	Cuba, Isle of Pines	Do.
Black-necked crane	*Grus nigricollis*	Tibet	Do.
White-naped crane	*Grus vipio*	Mongolia	Do.
Lord Howe wood rail.	*Tricholimnas sylvestris*	Lord Howe Island	Do.
Bengal florican	*Eupodotis bengalensis*	Pakistan, Bhutan, Nepal	Do.
Nordmann's greenshank.	*Tringa guttifer*	Assam, Pakistan, Sakhalin Island, Siberia, Ussuriland, Japan, Korea, Malaya, Burma.	Do.
Khar turuut	*Larus relictus*	India, China, Tibet, South America	Do.
takhhai.			
Mindoro zone-tailed pigeon.	*Ducula mindorensis*	Philippines	Do.
Red-spectacled parrot.	*Amazona pretrei pretrei*	Brazil, Argentina	Do.
Vinaceous breasted parrot.	*Amazona vinacea*	Brazil	Do.
Glaucous macaw	*Anodorhynchus glaucus*	Paraguay, Uruguay, Brazil	Do.
Indigo macaw	*Anodorhynchus leari*	do	Do.
Little blue macaw	*Cyanopsitta spixii*	do	Do.
Red-capped parrot	*Pionopsitta pileata*	do	Do.
Golden parakeet	*Aratinga guaruba*	do	Do.
New Zealand parakeet.	*Cyanoramphus novaezelandiae*	New Caledonia, Norfolk Island, New Zealand.	Do.
Principe parrot	*Psittacus erithacus princeps*	Africa	Do.
Hook-billed hermit	*Ramphodon dohrnii*	Brazil	Do.
Resplendent quetzel	*Pharomachrus mocinno mocinno*	Central America	Do.
Do	*Pharomachrus mocinno costaricensis.*	Costa Rica	Do.
Giant scops owl	*Otus gurneyi*	Islands of Mariduque and Mindnao, Philippines.	Do.
Helmeted hornbill	*Rhinoplax vigil*	Malaya, Sumatra, Borneo	Do.
Banded cotinga	*Cotinga maculata*	Brazil	Do.
White-winged cotinga.	*Xipholena atro-purpurea*	do	Do.
Koch's pitta	*Pitta kochi*	Philippines	Do.
Western rufous bristlebird.	*Dasyornis broadbenti litoralis*	Australia	Do.
White-breasted silvereye.	*Zosterops albogularis*	Norfolk Island	Do.
Red siskin	*Spinus cucullatus*	South America	Do.
Mammals:			
Lemur	*Allocebus* spp	Madagascar	Do.
Howler monkey	*Alouatta palliata (villosa)*	Mexico, Ecuador, Colombia	Do.
Golden langur	*Presbytis geei*	Assam, Bhutan	Do.
Langur	*Presbytis pileatus*	Assam, India, Burma	Do.
Langur	*Presbytis entellus*	Tibet, India, Nepal, Ceylon, Pakistan, Kashmir, Sikkim, Bangladesh.	Do.
Proboscis monkey	*Nadalis larvatus*	Borneo	Do.
Gibbons	*Hylobates* spp	China, Burma, India, Assam, Thailand, Sumatra, Java.	Do.
Siamang	*Symphalangus syndactylus*	Malay peninsula, Sumatra	Do.
Giant armadillo	*Priodontes giganteus (=maximus).*	Venezuela, Guyana, Argentina	Do.
Scaly anteater	*Manis temminckii*	Africa	Do.
Hispid hare	*Caprolagus hispidus*	India, Nepal	Do.
Beaver	*Castor fiber birulaia*	Mongolia	Do.
Mexican Beaver	*Castor canadensis mexicanus*	New Mexico, Texas, Mexico	Do.
Australian native mouse.	*Zyzomys pedunculatus*	Australia	Do.
Do	*Notomys aquilo*	do	Do.
Chinchilla	*Chinchilla brevicaudata boliviana*	Bolivian Andes	Do.
Gray wolf	*Canis lupus monstrabilis*	Texas, New Mexico, Mexico	Do.
Spotted linsang	*Prionodon pardicolor*	Nepal, Assam, Burma, Indochina	Do.
Glacier bear	*Ursus americanus emmonsii*	Alaska, British Columbia	Do.
Brown bear	*Ursus arctos pruinosus*	Tibet	Do.
Do	*Ursus arctos*	Italy	Do.
Long-tailed otter	*Lutra longicaudis*	South America	Do.
Marine otter	*Lutra felina*	Peru, Chiloe Island, Straits of Magellan.	Do.
Southern river otter	*Lutra provocax*	Chile, Argentina	Do.
Southern sea otter	*Enhydra lutris nereis*	Waters off California from Santa Barbara to Santa Cruz counties.	Do.
Flat-headed cat	*Felis planiceps*	Malay Peninsula, Borneo, Sumatra	Do.
Black-footed cat	*Felis nigripes*	Southern Africa	Do.
Costa Rican puma	*Felis concolor costaricensis*	Nicaragua, Costa Rica, Panama	Do.
Temminck's cat	*Felis temminckii*	Tibet, Sumatra	Do.
Leopard cat	*Felis bengalensis bengalensis*	Eastern Asia	Do.
Jaguarundi	*Felis yagouaroundi cacomitli*	Mexico	Do.
Do	*Felis yagouaroundi fossata*	Mexico, Nicaragua	Do.
Do	*Felis yagouaroundi panamensis*	Nicaragua, Costa Rica, Panama	Do.
Do	*Felis yagouaroundi tolteca*	Mexico	Do.
Marbled cat	*Felis marmorata*	Nepal, Mayala, Burma, Sumatra, Borneo.	Do.
Andean cat	*Felis jacobita*	Chile, Peru, Bolivia, Argentina	Do.
Bobcat	*Felis (Lynx) rufus escuinapae*	Central Mexico	Do.
Clouded leopard	*Neofelis nebulosa*	Southeast Asia	Do.
Asian elephant	*Elephas maximus*	India, Burma, Thailand, Indochina, Malay Peninsula, Sumatra, Ceylon.	Do.
Przewalski's horse	*Equus przewalskii*	Mongolia	Do.
Mountain zebra	*Equus zebra zebra*	Southern Africa	Do.
Asian tapir	*Tapirus indicus*	Burma, Thailand, Indochina, Sumatra.	Do.

Common name	Scientific name	Range	Portion of range where endangered
Babirousa	*Babyrousa babyrussa*	North Celebes, Togian Islands, Buru Island, Sula Island.	Do.
Bactrian camel	*Camelus bactrianus*	Mongolia, China	Do.
Musk deer	*Moschus moschiferus moschiferus*	South-central Asia	Do.
Hog deer	*Axis (Hyelaphus) porcinus annamiticus.*	India, Thailand, Indochina	Do.
Philippine deer	*Axis (Hyelaphus) calamianensis*	Calamian Islands in Philippines	Do.
South Andean huemal.	*Hippocamelus bisulcus*	Chile, Argentina	Do.
North Andean huemal.	*Hippocamelus antisiensis*	Ecuador, Peru, Bolivia, Chile, Argentina.	Do.
Pampas deer	*Ozotoceras bezoarticus*	Brazil, Parsguay, Uruguay, Argentina.	Do.
Pudu	*Pudu pudu*	Southern South America	Do.
Mountain anoa	*Bubalus (Anoa) quarlesi*	Celebes	Do.
Lechwe	*Kobus leche*	Southwest Africa	Do.
Sable antelope	*Hippotragus niger variani*	Southern Africa	Do.
Dorcas gazelle	*Damaliscus dorcas dorcas*	South Africa	Do.
Saiga antelope	*Saiga tatarica mongolica*	Mongolia	Do.
Goral	*Naemorhedus goral*	East Asia	Do.
Sumatran serow	*Capricornis sumatraensis*	Sumatra	Do.
Chamois	*Rupicapra rupicapra ornata*	Italy	Do.
Straight-horned markhor.	*Capra falconeri jerdoni*	Pakistan-Afghanistan border	Do.
Kabal markhor	*Capra falconeri megaceros*	Afghanistan, Pakistan	Do.
Chiltan markhor	*Capra falconeri chiltanensis*	Pakistan	Do.
Urial	*Ovis orientalis ophion*	Cyprus	Do.
Argali	*Ovis ammon hodgsoni*	Tibet	Do.
Shapo	*Ovis vignei*	Kashmir	Do.

[1] None in common usage.

[FR Doc.75-25479 Filed 9-25-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Handling Regulation

These proposals would extend through September 26, 1976, current grade and size requirements applicable to domestic and export shipments of Florida oranges, grapefruit, tangerines, and tangelos as set forth in the following table:

Variety	Domestic regulations		Export regulations	
	Minimum grade	Minimum diameter in inches (count size in ⅘ bu. carton)	Minimum grade	Minimum diameter in inches (count size in ⅘ bu. carton)
Oranges:				
Early-midseason	U.S. No. 1	2⅛ (size 125)	U.S. No. 1	2⅛ (size 163).
Navel	U.S. No. 1 Golden	do	U.S. No. 1 Golden	Do.
Temple	U.S. No. 1	do	U.S. No. 1	Do.
Murcott honey	Florida No. 1	2⅛ (size 120)	Florida No. 1	2⅛ (size 150).
Valencia	U.S. No. 1	2⅛ (size 125)	U.S. No. 1	2⅛ (size 163).
Grapefruit:				
Seeded	do	3⅛ (size 40)	do	3⅛ (size 48).
Seedless	Improved No. 2	3⅛ (size 48)	Improved No. 2	3⅛ (size 64).
Tangerines	U.S. No. 1	2⅛ (size 210)	U.S. No. 1	2⅛ (size 246).
Tangelos	do	2⅛ (size 125)	do	2⅛ (size 163).

Such shipments of Florida oranges, grapefruit, tangerines, and tangelos are currently regulated through October 26, 1975, pursuant to Orange Regulation 74, Grapefruit Regulation 76, Tangerine Regulation 47, and Tangelo Regulation 47. The proposed extension of the effective period of such regulations is designed to promote orderly marketing and provide consumers with an ample supply of acceptable-quality fruit.

All persons who desire to submit written data, views, or arguments in connection with the proposed action should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 10, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendments were proposed by the Growers Administrative Committee and Shippers Advisory Committee, established under said amended marketing agreement and order.

The proposed amendents reflect the committees' appraisal of the need for regulation of shipments of the specified varieties of oranges, grapefruit, tangerines, and tangelos during the period October 27, 1975, through September 26, 1976, based on the available supply and current and prospective market conditions. The amendments are designed to continue shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The proposed action is designed to maintain orderly marketing conditions by preventing the adverse effect on the market caused by shipment of lower-quality and smaller-size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed amendments are consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

The regulatory proposals are as follows:

Order. 1. In § 905.560 (Orange Regulation 74; 40 FR 42318) the introductory texts of paragraphs (a) and (b) are revised to read as follows:

§ 905.560 Orange Regulation 74.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * * *

(b) During the period October 27, 1975, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

* * * * * *

2. In § 905.563 (Grapefruit Regulation 76; 40 FR 42317) the introductory texts of paragraphs (a) and (b) are revised to read as follows:

§ 905.563 Grapefruit Regulation 76.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * * *

(b) During the period October 27, 1975, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

* * * * * *

3. In § 905.561 (Tangerine Regulation 47; 40 CFR 42318) the introductory texts of paragraphs (a) and (b) are revised to read as follows:

§ 905.561 Tangerine Regulation 47.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * * *

(b) During the period October 27, 1975, through September 26, 1976, no

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handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

• • • • •

4. In § 905.562 (Tangelo Regulation 47; 40 FR 42334) the introductory texts of paragraphs (a) and (b) are revised to read as follows:

§ 905.562 Tangelo Regulation 47.

(a) During the period October 27, 1975, through September 26, 1976, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

• • • • •

(b) During the period October 27, 1975, through September 26, 1976, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

• • • • •

Dated: September 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-25711 Filed 9-25-75;8:45 am]

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Handling Regulation

This notice invites written comment relative to a proposal to add a new section to the Rules and Regulations currently in effect under Marketing Order No. 915. The new section would require each handler, who has delinquent assessments, to pay to the Avocado Administrative Committee interest of one percent per month on any unpaid assessment balance beginning 30 days after date of billing.

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of the Rules and Regulations (7 CFR Part 915.110–915.150; Subpart—Rules and Regulations) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of the said rules and regulations was proposed by the Avocado Administrative Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The amendment would add thereto a new section as follows:

§ 915.155 Delinquent assessments.

Each handler shall pay interest of one percent per month on any unpaid assessment balance beginning 30 days after date of billing.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 15, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-25712 Filed 9-25-75;8:45 am]

[7 CFR Part 944]

IMPORTED GRAPEFRUIT

Proposed Grade and Size Requirements

This proposal would extend through September 26, 1976, current grade and size requirements applicable to imported grapefruit as follows: Imported seeded grapefruit—U.S. No. 1 and 3 1/16 inches in diameter; imported seedless grapefruit—Improved No. 2 and 3 1/16 inches in diameter. The requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 10, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Notice is hereby given that the Department is considering a proposal, as hereinafter set forth, which would regulate the importation of any grapefruit into the United States, pursuant to Part 944—Fruits, Import Regulations (7 CFR Part 944).

The proposal is as follows:

Order. In § 944.112 (Grapefruit Regulation 16; 40 FR 42529) the introductory text of paragraph (a) preceding subparagraph (1) thereof is revised to read as follows:

§ 944.112 Grapefruit Regulation 16.

(a) During the period October 27, 1975, through September 26, 1976, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

• • • • •

Dated: September 22, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.75-25710 Filed 9-25-75;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

REA Specification for Filled Telephone Cables

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue revisions to REA Bulletin 345–67 to announce changes in REA Specification PE–39 for filled telephone cables. On issuance of the revised REA Bulletin 345–67, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised pages of REA Specification PE–39 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of revised REA Bulletin 345–67 announcing revisions in the specification is as follows:

BULLETIN 345–67

SUBJECT: Revised Pages of REA Specification PE–39.

I. *Purpose:* To announce the issuance of revised pages to REA Specification PE–39 for Filled Telephone Cables.

II. *General:* The present REA Specification PE–39 for Filled Telephone Cables has no requirement for determining the residual antioxidant activity after a cable has been processed in the factory. Without this requirement the amount of antioxidant for protection against copper catalysis and heat aging is not defined. The lack of this protection may subject the cable insulation to embrittlement and cracking.

The test procedure, set forth in a new paragraph 3.76 *Test for Residual Antioxidant Activity After Processing*, is included as a means for determining residual antioxidant activity in a finished cable. The new requirement is described on pages 5, 5A, and 5B dated September 1975 attached to this bulletin. Pages 5 and 6 of PE–39 dated December 1972 should be removed and replaced with the new pages. This change becomes effective on March 1, 1976.

III. *Availability of Specification:* Copies of the revised pages to PE–39 will be furnished by REA upon request. Questions concerning the revised pages may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447–3827.

Dated: September 19, 1975.

C. R. BALLARD,
Assistant Administrator, Telephone.

[FR Doc.75-25786 Filed 9-25-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 314]

[Docket No. 75N–0249]

NEW DRUG APPLICATIONS

Procedure for Filing Over Protest

The Commissioner of Food and Drugs is proposing to revise § 314.110(d) (21 CFR 314.110(d)) to provide for new procedures for filing a new drug application (NDA) over protest. Interested persons may submit comments on or before November 25, 1975.

Section 314.110(d) (21 CFR 314.110(d)) establishes a procedure whereby a new drug applicant who disputes the finding by the Food and Drug Administration (FDA) that his NDA is incomplete or inadequate may make written request that his application be filed over protest. The application is then reevaluated, and within 90 days of the date of receipt of such written request, or an additional period agreed to by the parties, the application is to be approved or the applicant given written notice of an opportunity for a hearing on the question whether the application is approvable.

A request that an NDA be filed over protest, like other correspondence pertaining to an NDA, is now ordinarily submitted directly to the Bureau of Drugs, Food and Drug Administration. Since such requests may result in publication in the FEDERAL REGISTER of a notice of opportunity for a hearing, and since it is very important to assure timely processing of such requests, the Commissioner has concluded that requests that NDA's be filed over protest should be submitted to the Hearing Clerk's office, where other similar matters are now filed. The Commissioner is aware that this will result in public disclosure of the existence of the pending NDA somewhat before this information would be disclosed by publication of the FEDERAL REGISTER notice of opportunity for hearing or by public notice that the application is the subject of an approvable letter.

In addition, experience with this regulation has demonstrated that the requirement that the agency act within 60 days to reevaluate and approve the NDA, or give written notice of an opportunity for a hearing on the question whether the application is approvable, is unrealistic and in most cases impossible to meet, even with expedited handling of the request. The Commissioner, therefore, is also proposing that the 60-day limit be extended to 90 days, which is a more reasonable period in which to process applications.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 314 be amended in § 314.110 by revising paragraph (d) to read as follows:

§ 314.110 Reasons for refusing to file applications.

• • • • •

(d) If an applicant disputes the finding that his application is incomplete or inadequate, he may make written request that his application be filed over protest. In such case, the application shall be reevaluated, and within 90 days of the date of receipt of such written request, or such additional period as may be agreed upon by the parties, the application shall be approved, or the applicant shall be given written notice of an opportunity for a hearing on the question whether the application is approvable. Such written request that an application be filed over protest shall be submitted to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Interested persons may, on or before November 25, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments should be filed in quintuplicate (except that individuals may submit single copies), and should be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: September 19, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-25699 Filed 9-25-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75–NW–27–AD]

BOEING MODEL 747 SERIES AIRPLANES

Proposed Airworthiness Directive

Amendment 39–2371 AD 75–20–05 requires modification and inspection of certain flap components on Boeing 747 series airplanes. After issuing Amendment 39–2371, additional service experience has revealed that replacement of certain flap components should be accomplished. Therefore, the agency is considering amending Amendment 39–2371 to require replacement of the fore flap airload rollers and fore flap fittings and to specify the lubricant to be used in the airload rollers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional Counsel, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before November 1, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations, Amendment 39–2371 as follows:

1. Delete paragraph C and add a new paragraph C as follows:

C. 1. Replace all fore flap airload rollers with redesigned rollers on or before August 1, 1976. The new rollers are to be lubricated at the operators' FAA approved maintenance intervals with MIL–G–23827 grease. Any replacement bearings of the redesigned type, Boeing Part Numbers 60B00176–630, 60B00176–626, and 60B00176–629, which were installed prior to the effective date of this AD and were not lubricated with MIL–G–23827 grease since installed, must be replaced. Roller P/N 60B00176–630 replaces roller P/N BACB10BP–16, roller P/N 60B00176–626 replaces roller P/N BACB10B–139, and roller P/N 60B00176–629 replaces roller P/N BACB10B–140. This constitutes terminating action for the inspections required by paragraph A1.

2. Replace all trailing edge fore flap attach fittings on or before August 1, 1976, in accordance with Boeing Service Bulletin 747–57–2119, Revision 2, and Boeing Service Bulletin 747–57–2088, Revision 2, or later FAA approved revisions, for the inboard fittings, and with Boeing Service Bulletin 747–57–2126, Revision 2, or later FAA approved revisions, for the outboard fittings, or replace fittings in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. This constitutes terminating action for the inspections required by paragraphs A2 and A3.

2. Add new paragraph E as follows:

E. Within the next 100 flights, unless already accomplished, cut inspection holes in the mid-flaps in accordance with Boeing Service Bulletin 747–57–2107.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, September 18, 1975.

J. H. TANNER,
Acting Director, Northwest Region.

[FR Doc.75-25720 Filed 9-25-75;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 75–NW–21]

JET ROUTE

Proposed Designation

Correction

In FR document 75–24783, appearing on page 43036 in the issue for Thursday

V 40 I 188 SEP 26 75 XUM

September 18, 1975, in the fifth line, the word "Europe" should read "Eugene".

Materials Transportation Bureau

[49 CFR Parts 170 through 189]

[Docket No. HM-126]

HAZARD INFORMATION SYSTEMS

Postponement of Date for Filing Comments

By petition dated August 19, 1975, the Hazardous Materials Advisory Committee (HMAC), an independent organization under the aegis of the Transportation Association of America, has requested an extension from November 5, 1975 to January 5, 1976 of the comment period on various hazard information systems.

On June 25, 1975, the Hazardous Materials Regulations Board (the Board) published a notice (40 FR 26688) under Docket No. HM-126 soliciting comments concerning the merits of various hazard information systems. The petitioner points out that development and preparation of comments in response to the notice is a herculean task and in all fairness impossible to accomplish within the time frame indicated in the Docket. Also, petitioner states that an extension of time for study and comment now will lead to a sounder set of regulations.

In consideration of the petitioner's request, a portion of which is discussed above, the comment period is extended from November 5, 1975 to February 5, 1976 for the submission of views and recommendations on hazard information systems under Docket No. HM-126 as published (40 FR 26688) on June 25, 1975.

Interested persons are reminded of two statements made by the Board in the June 25, 1975 issue of the FEDERAL REGISTER. One was, "All other proposals made under Notice 75-10, including revisions to the placarding requirements, are still under active consideration by the Board" (Docket HM-103; 40 FR 26687) and the other, "It is the Board's position that any alpha/numeric/symbolic hazard information system adopted in the future be compatible with and adaptable to the placards it adopts under Docket HM-103" (Docket HM-126; 40 FR 26688). This reiteration is provided in case there is some confusion relative to the various systems described in the Notice under Docket HM-126, and the fact that it was not the Board's intent to delay further the adoption of uniform placarding requirements.

(18 U.S.C. 831-835; sec. 6 of Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655); Title VI and sec. 902(h) of Pub. L. 85-726 (49 U.S.C. 1421-1431, 1472(h))

Issued in Washington, D.C. on September 18, 1975.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.75-25[illegible] Filed 9-25-75;8:45 am]

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

[18 CFR Part 901]

FREEDOM OF INFORMATION ACT

Proposed Regulations for Compliance

Notice is hereby given that the United States Section proposes to adopt the following regulations entitled regulations for compliance with Freedom of Information Act which will implement the Freedom of Information Act, 5 U.S.C. 552, as amended on November 21, 1974, by Pub. L. 93-502.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to Frank P. Fullerton, Special Legal Assistant, United States Section, International Boundary and Water Commission, Room 122 IBWC Building, 4110 Rio Bravo, El Paso, Texas 79998 on or before October 28, 1975. All written comments received from the public through the above referenced 30-day period will be considered by the Section in formulating final regulations.

PART 901—FREEDOM OF INFORMATION

Sec.

901.1 Purpose.
901.2 Definitions.
901.3 Procedures for requesting access to records or information.
901.4 Schedule of fees and method of payment for services rendered.
901.5 The Section's determination.
901.6 Exemptions.
901.7 Annual report to Congress.
901.8E Examination of records.

AUTHORITY: (5 U.S.C. 552), Pub. L. 93-502.

§ 901.1 Purpose.

The purpose of these regulations is to prescribe rules, guidelines and procedures to implement the Freedom of Information Act, 5 U.S.C. 552, as amended on November 21, 1974, by Pub. L. 93-502.

§ 901.2 Definitions.

(a) "The Section" means United States Section, International Boundary and Water Commission, United States and Mexico.

(b) "Act" means the Freedom of Information Act, as amended, 5 U.S.C. 552.

(c) "Records" and/or "information" are defined as all books, papers, manuals, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Section under the Federal law or in connection with the transaction of public business or in carrying out its treaty responsibilities and obligations, and preserved or appropriate for preservation by the Section as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them, but does not include books, magazines or other material acquired solely for library purposes and through other sources, and does not include analyses, computations, or compilations of information not extant at the time of the request. The term "records" does not include objects or articles such as structures, furniture, paintings, sculptures, three-dimensional models, vehicles and equipment.

(d) "Request" means a letter or other written communication seeking records or information under the Freedom of Information Act.

(e) "Person" includes any individual, firm, corporation, organization or other entity.

(f) All terms used in these regulations which are defined in 5 U.S.C. 551 shall have the same meaning herein.

§ 901.3 Procedures for requesting access to records or information.

(a) A request for any information or records shall be addressed to the Comptroller, United States Section, International Boundary and Water Commission, Room 212 IBWC Building, 4110 Rio Bravo, El Paso, Texas 79998. The envelope and the letter shall be clearly marked "Freedom of Information Request" or "Request for Records," or the equivalent, to distinguish it from other mail to the Section. If the request is not so marked and addressed, the 10-day time limit described in the Act will not begin to run until the request has been received by the Comptroller in the normal course of business. In each instance where a request is received in the normal course of business, the Comptroller shall notify the requester that its request was improperly addressed and the date the request was received.

(b) In order for the Section to locate records or information and make them available, it is necessary that it be able to identify the specific record or information sought. Persons wishing to inspect or obtain copies of records or information should, therefore, seek to identify them as fully and accurately as possible. In cases where requests are submitted which are not sufficient to permit identification, the Comptroller will endeavor to assist the persons seeking the records or information in filling in necessary details. In most cases, however, persons seeking records or information will find that time taken in trying to identify materials in the beginning is well worth their while in enabling the Section to respond promptly to their request.

(c) A person submitting a request should—

(1) Indicate the specific event or action, if any or if known, to which the request has reference.

(2) Designate the Division, Section, Branch, or Project of the Section which may be responsible for or may have produced the record or information requested.

(3) Furnish the date of the record or information or the date or period to which it refers or relates, if known.

(4) Name the character of record or information, such as a contract, an application, or a report.

(5) List the Section's personnel who may have prepared or have knowledge of the record or information.

(6) Furnish the reference material such as newspapers or publications which are known to have made a reference to the record or information desired.

(7) If the request relates to a matter in pending litigation or one which has been litigated, supply the Court location and case style and number.

(8) Describe, when the request includes more than one record or source of information, specifically each record or information so that availability may be separately determined.

(9) Clearly indicate whether the request is an initial request or an appeal from a denial of a record or information previously requested.

(10) Identify, when the request concerns a matter about the Section's personnel, the person as follows: First name, middle name or initial and surname; date and place of birth; and social security account number, if known.

(d) No particular format is needed for the request, except that it (1) must be in writing; (2) must describe the records or information sought with sufficient detail to permit identification; (3) should state willingness to pay fees, if any; and (4) must include the name, address and telephone number of the person submitting the request.

§ 901.4 Schedule of fees and method of payment for services rendered.

(a) The following specific fees shall be applicable with respect to services rendered to members of the public under this part.

(1) Searching for records, per hour or fraction thereof per individual:	
(i) Professional	$11.00
(ii) Clerical	6.00
Search costs are due and payable even if the records or information which were requested cannot be located after all reasonable efforts have been made, or if the Section determines that a record which has been requested, but which is exempt from disclosure under these regulations, is to be withheld.	
(2) Computer service charges per second for actual use of the computer central process unit	0.25
(3) Copies made by photostat or otherwise (per page) maximum of 5 copies will be provided	Actual cost
(4) Certification of each record as a true copy	1.00
(5) Certification of each record as a true copy under official seal	1.50
(6) For each signed statement of negative result of search for record	1.00
(7) For each signed statement of nonavailability of record	No fee
(8) Duplication of architectural photographs and drawings:	
(i) From available tracing or reproducible, per square foot	0.10
(ii) If intermediate negative and reproducible required	2.00
Plus for tracing, per square foot	1.00
(9) Postage and handling	Actual costs

It will be up to the person requesting the records or information to designate how the material is to be mailed or shipped. In the absence of such instruction, no records or information will be sent to a foreign address and records and information will be sent to domestic addresses utilizing first class certified mail, return receipt requested.

(b) If records or information requested are stored elsewhere than the headquarters of the Section at El Paso, Texas, the special costs of returning such records to the headquarters office shall be included in the search costs. These costs will be computed at the actual cost of transportation and other incidental expenses incurred in order to obtain the requested records or information from the place where they are stored and to the Section's headquarters. The most economical means of transportation available and consistent with the purpose of incurring special costs shall be utilized. Special costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the Section determines that a record which has been requested, but which is exempt from disclosure, is to be withheld.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than $25 and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases, an advance deposit may be required.

(d) When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or size or type thereof, the Comptroller is authorized to establish an appropriate fee pursuant to the criteria established in Bureau of Budget Circular No. A-25, entitled "User Charges."

(e) Fees must be paid in full prior to issuance of requested copies.

(f) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, a postal money order, or cash. Remittances shall be made payable to the order of the Treasury of the United States and mailed to the Comptroller, United States Section, International Boundary and Water Commission, Room 212 IBWC Building, 4110 Rio Bravo, El Paso, Texas 79998. The Section will assume no responsibility for cash which is lost in the mail. Notwithstanding the foregoing, materials may be furnished without charge or a reduction in charge to foreign governments, other Government agencies or units, non-profit educational organizations, or any other applicant whenever the Comptroller determines that such action is considered as primarily benefitting the general public.

§ 901.5 The Section's determination.

Upon receipt of any request for records or information under the Act the following guidelines shall be followed:

(a) The Comptroller will determine within 10 days (excepting Saturdays, Sundays and legal holidays) after the receipt of any such request whether to comply with such request and will immediately notify the person making such request of such determination, the reasons therefor, and of the right of such person to appeal to the United States Commissioner any adverse determination.

(b) All appeals should be addressed to the United States Commissioner, International Boundary and Water Commission, P.O. Box 20003, El Paso, Texas 79998, and should be clearly identified as such on the envelope and in the letter of appeal by using the marking "Freedom of Information Appeal" or "Appeal for Records" or the equivalent. Failure to properly address an appeal may defer the date of receipt by the Section to take into account the time reasonably required to forward the appeal to the United States Commissioner. In each instance when an appeal is incorrectly addressed to the United States Commissioner, he shall notify the person making the appeal that his appeal was improperly addressed and of the date the appeal was received by the United States Commissioner. The United States Commissioner will make a determination with respect to any appeal within 20 days (excepting Saturdays, Sundays, and legal holidays) after the receipt of an appeal. If on appeal the denial of the request is in whole or in part upheld, the United States Commissioner will notify the person making such request of the provisions for judicial review under the Act. An appeal must be in writing and filed within 30 days from receipt of the initial determination (in cases of denials of an entire request), or from receipt of any records being made available pursuant to the initial determination (in case of partial denials). In those cases where a request or appeal is not addressed to the proper official, the time limitations stated above will be computed from the receipt of the request or appeal by the proper official.

(c) In unusual circumstances, as set forth in Item (d) below, the time limits for responding to the original request or the appeal may be extended by not more than an additional 10 working days by written notice to the person making a request. This notice must be sent within either the 10- or 20-day time limit and will specify the reason for the extension and the date on which a determination is expected to be dispatched. The extension may be invoked only once during the consideration of a request, either during the initial consideration

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period or during consideration of an appeal, but not both.

(d) The unusual circumstances are:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(e) If the Comptroller receives a request which is of proper concern of an agency or entity outside the Section, it will be returned to the person making the request, advising the requester to refer it to the appropriate agency or entity if requester desires, and providing the requester with the name or title, address and other appropriate information. An information copy of the request and the letter of referral will be forwarded promptly to the agency or entity outside the Section that may expect the request. In the event the Comptroller receives a request to make available a record or provide information which is of interest to more than one agency (Federal, State, municipal, or legal entity created thereby), the Comptroller will retain and act upon the request if the Section is one of the interested agencies and if its interest in the record is paramount.

(f) The United States Commissioner's determination on an appeal shall be in writing and when it denies records in whole or in part, the letter to the person making a request shall include:

(1) Notation of the specific exemption or exemptions of the Act authorizing the withholding; a brief explanation of how the exemption applies, and, when relevant, a statement as to why a discretionary release is not appropriate.

(2) A statement that the decision is final for the Section.

(3) Advice that judicial review of the denial is available in the district in which the person making the request resides or has his principal place of business, the district in which the Section's records are situated, or the District of Columbia.

(4) The names and titles or positions of each official responsible for the denial of a request.

(g) In those cases where it is necessary to find and examine records before the legality or appropriateness of their disclosure can be determined, and where after diligent effort this has not been achieved within the required period, the Comptroller may advise the person making the request that a determination to presently deny the request has been made because the records or information have not been found or examined, that the determination will be reconsidered when the search or examination is completed and the time within which completion is expected, but that the person making the request may immediately file an administrative appeal to the United States Commissioner.

§ 901.6 Exemptions.

The provisions of the Act which require that agencies make their records available to public inspection and copying do not apply to matters which are:

(a) (1) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (2) are in fact properly classified pursuant to such Executive Order.

(b) Related solely to the internal personnel rules and practices of an agency.

(c) Specifically exempted from disclosure by statute.

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(e) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.

(f) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel.

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(i) Geological and geophysical information and data, including maps, concerning wells.

§ 901.7 Annual report to Congress.

(a) On or before March 1 of each calendar year the United States Commissioner shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report shall include:

(1) The number of determinations made by the Section not to comply with request for records made to the Section under the Act and these regulations and the reasons for each such determination.

(2) The number of appeals made by persons under the Act and these regulations, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information.

(3) The names and titles or positions of each person responsible for the denial of records requested under the Act, and the number of instances of participation for each.

(4) The results of each proceeding conducted pursuant to 552(a)(4)(F) of the Act, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

(5) A copy of these regulations.

(6) A copy of the fee schedule and the total amount of fees collected by the Section for making records available under the Act.

(7) Such other information as indicates efforts to administer fully the Act.

(b) A copy of each such report to the Congress made pursuant to paragraph (a) of this section will be made available for public inspection and copying in the office of the Comptroller, United States Section, International Boundary and Water Commission, 212 IBWC Building, 4110 Rio Bravo, El Paso, Texas.

§ 901.8 Examination of records.

When a request to examine records is approved by the Comptroller, every reasonable effort will be made to provide facilities for the purposes of such examination. "On the spot" copying will be available if the Comptroller decides there will be no interference with ordinary activities or routine business of the Section.

Dated: September 15, 1975.

FRANK P. FULLERTON,
Special Legal Assistant.

[FR Doc.75-25681 Filed 9-25-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM-5/103]

SHIPPING COORDINATING COMMITTEE; NATIONAL COMMITTEE FOR THE PREVENTION OF MARINE POLLUTION

Meeting

The working group on segregated ballast and existing tankers of the US National Committee for the Prevention of Marine Pollution, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Thursday, October 16, 1975, in Room 6200 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The meeting is primarily concerned with preparation for implementation of the International Convention for Marine Pollution from Ships, 1973.

Requests for further information on the meeting should be directed to Captain F. B. Schubert, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2010.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

SEPTEMBER 23, 1975.

[FR Doc.75-25792 Filed 9-25-75;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 75-236]

PLEASURE BOATS

Notice of Change Regarding the Determination of the Dutiable Value of Boats

SEPTEMBER 18, 1975.

The United States Customs Service ruled in Treasury Decision 45431, dated January 29, 1932, that the dutiable value of imported motor boats of five net tons or over shall be determined by deducting from their appraised value the value of the legitimate equipment of such boats which shall not be landed or delivered therefrom.

It has been determined that admitting the legitimate equipment of such motor boats without the assessment of duty is contrary to the provisions of items 696.05 and 696.10 of the Tariff Schedules of the United States (19 U.S.C. 1202), relating to the dutiable status of yachts and pleasure boats.

Accordingly, pursuant to the provisions of R.S. 251, as amended (19 U.S.C. 66), and sections 502, 624, 46 Stat. 731, as amended, 759 (19 U.S.C. 1502, 1624), notice is hereby given that on October 28, 1975, Treasury Decision 45431, dated January 29, 1932, shall be revoked and the United States Customs Service shall include in the dutiable value of yachts and pleasure boats the value of the legitimate equipment of such boats.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-25783 Filed 9-25-75;8:45 am]

Fiscal Service

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS; NOTICE OF LIQUIDATION

Summit Insurance Company of New York

Summit Insurance Company of New York (principal administrative office, Houston, Texas) formerly held a Certificate of Authority as an acceptable surety on Federal bonds. The company was last listed as an acceptable surety at 39 FR 26369, July 18, 1974. The company's authority was terminated by the Department of the Treasury effective February 4, 1975. Notice of the termination was published in the FEDERAL REGISTER of February 13, 1975, on page 6691. As indicated in that notice, the company was placed in rehabilitation under the New York Insurance Department effective February 4, 1975.

There is reprinted below a copy of a notice dated June 2, 1975, issued by the New York Insurance Department, indicating the company is now being liquidated. Please note the notice stipulates liabilities are fixed as of June 27, 1975, (November 28, 1975 for bail bonds), and that all claims against the company must be filed by May 28, 1976.

Questions concerning claims against the company may be directed to the Liquidation Bureau, State of New York Insurance Department, at the address given in the notice. Copies of the Proof-of-Claim form, mentioned in paragraph VI of the notice, may be obtained from the same office.

Questions concerning this notice may be directed to Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226, Telephone (202) 964-5284. An information notice containing additional information concerning filing claims, as well as a copy of the Proof-of-Claim form, will be distributed to Federal agencies by the same office.

Dated: September 18, 1975.

DAVID MOSSO,
Fiscal Assistant Secretary.

STATE OF NEW YORK

Insurance Department Liquidation Bureau

To the Debtors, Creditors, Policyholders, Stockholders, Persons having claims against Policyholders, and all Other Persons Interested in the Affairs of SUMMIT INSURANCE COMPANY OF NEW YORK.

Notice is hereby given: I. JOHN P. GEMMA, Acting Superintendent of Insurance of the State of New York has been directed by an order of the Supreme Court, New York County, made and entered on May 28, 1975, to take possession of the property of SUMMIT INSURANCE COMPANY OF NEW YORK and to liquidate its business pursuant to Article XVI of the Insurance Law of the State of New York. The undersigned has, pusuant to said Article, appointed JAMES W. DOWLING, Special Deputy Superintendent of Insurance and LEONARD H. MINCHES, Assistant Special Deputy Superintendent of Insurance, as his agents, to liquidate the business of said company at the office of said Deputies, 116 John Street, Borough of Manhattan, City and State of New York, 10038.

II. Pursuant to the aforesaid order, the proceeding for rehabilitation of SUMMIT INSURANCE COMPANY OF NEW YORK, heretofore commenced, has been terminated, its charter has been forfeited, surrendered, and annulled and the company is dissolved. The rights and liabilities of said company and of all persons under insurance obligations of the said company, *except bail bonds*, will cease and are fixed as of June 27, 1975 12 o'clock midnight, Eastern Daylight Savings Time. To have continuing coverage, all persons whose policies are now in force are required to replace such policies in another company before June 27, 1975.

III. The Liquidation Order further provides that the rights and liabilities of said Company and of all persons under BAIL BONDS, issued by the said Company, will cease and are fixed as of November 28, 1975 12:00 o'clock Midnight, Eastern Standard Time. To have continuing BAIL BOND coverage, all persons whose BAIL BONDS are now in force, are required to replace such BAIL BONDS in another Company before November 28, 1975.

IV. The Liquidation Order further provides that all other subsisting contracts and other obligations of the company terminate, and all other liability thereunder cease and be fixed as of May 28, 1975.

V. All persons indebted to or having any property of said company in their possession are hereby required forthwith to render an account of said indebtedness and to pay the same and deliver such property to the Liquidator at his office above stated.

VI. All creditors of SUMMIT INSURANCE COMPANY OF NEW YORK and all persons having any unsatisfied claims or demands against it or its policyholders are hereby required to present the same in writing duly subscribed and affirmed by him as true to JAMES W. DOWLING at his office above stated ON OR BEFORE May 28, 1976, WHICH IS THE LAST DAY SET BY COURT ORDER FOR THE FILING OF CLAIMS IN THE LIQUIDATION PROCEEDING. A form of proof of claim is furnished herewith.

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VII. ALL POLICYHOLDERS ARE URGED TO FILE A CLAIM FOR THEIR POLICY PROTECTION WHETHER OR NOT A CLAIM HAS BEEN FILED AGAINST THE POLICYHOLDER IN THE SAME FORM AS SET FORTH IN PARAGRAPH VI. OF THIS NOTICE.

VIII. The attention of policyholders, who are defendants in actions on account of claims arising out of motor vehicle accidents and who are defendants in actions on account of claims arising out of occurrences in connection with all the kinds of insurance with respect to coverage of property or risks located or resident in the State of New York, all of which come within the provisions of Sections 330, 333 or 334 of the Insurance Law, IS PARTICULARLY DIRECTED TO THE ADDITIONAL ENCLOSED NOTICE AFFECTING SUCH PERSONS.

IX. All persons and policyholders against whom actions are now pending who do not come within the provisions of Sections 330, 333 or 334 of the New York Insurance Law, concerning which the company may be liable on its policies or contracts and which have been defended up to the date of the order of liquidation on their behalf by an attorney employed or retained by the company, are advised that the employment or retention of said attorney has been terminated by the entry of the order of liquidation. EACH SUCH PERSON IS THEREFORE ADVISED TO EITHER RETAIN THE SAID ATTORNEY AS HIS ATTORNEY TO CONTINUE TO REPRESENT HIM IN THE ACTION OR TO SUBSTITUTE AN ATTORNEY OF HIS OWN CHOICE, AT HIS OWN EXPENSE. Reasonable and necessary expenses in relation thereto may be included and be the part of the subject matter of your claim in the Liquidation Proceeding.

X. Liabilities will be determined as to all claims duly presented and all assets will be distributed in accordance with the Insurance Law of the State of New York without further notice to persons failing to present claims within the aforesaid time.

XI. All communications and transactions relating to the company and to the liquidation thereof should be addressed to said James W. Dowling at his office above stated.

Dated: New York, N.Y. June 2, 1975.

JAMES W. DOWLING,
Special Deputy Superintendent of Insurance

LEONARD H. MOSCHEN,
Asst. Special Deputy Superintendent and Attorney for Superintendent, as Liquidator.

JOHN P. GEMMA
Acting Superintendent of Insurance of the State of New York, as Liquidator.

Policy No. or Bond No. _____
Claim No. _____
To: _____

[FR Doc.75-25736 Filed 9-25-75;8:45 am]

Office of the Secretary

WATER CIRCULATING PUMPS, WET MOTOR TYPE, SUITABLE FOR USE IN RESIDENTIAL AND COMMERCIAL HYDRONIC HEATING SYSTEMS, FROM SWEDEN

Notice of Tentative Discontinuance of Antidumping Investigation

Information was received on February 25, 1975, from Taco, Incorporated, of Cranston, Rhode Island, that water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from Sweden, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of March 26, 1975 (40 FR 13321).

Tentative Discontinuance of Antidumping Investigation. On the basis of the information developed in Customs' investigation, and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby tentatively determine that the antidumping investigation concerning water circulating pumps, wet motor type, suitable for use in residential and commercial hydronic heating systems, from Sweden, should be discontinued.

Statement of Reasons. The reasons and bases for the above tentative discontinuance of the antidumping investigation are as follows:

a. Scope of the Investigation. It was determined that all known imports of the subject merchandise from Sweden were manufactured by Sundstrand Hydraulic A/B, of Huddinge, Sweden. Therefore, the investigation was limited to this one manufacturer.

b. Results of the Investigation. The investigation revealed that the manufacture of this merchandise in Sweden by Sundstrand Hydraulic A/B ceased in mid-1974, and that exports of this merchandise from Sweden were terminated in January 1975. The investigation further disclosed that equipment previously employed in the manufacture of this merchandise in the facilities of Sundstrand Hydraulic A/B has been sold to a company located in the United Kingdom and has been dismantled for the purpose of exportation from Sweden to the United Kingdom.

c. Submission of Formal Assurances. Written statements of assurances pursuant to § 153.15(a) (2) of the Customs Regulations (19 CFR 153.15(a)(2)) have been received from Sundstrand International Corporation S.A., a corporation of Switzerland and the parent company of Sundstrand Hydraulic A/B, and from Sundstrand Corporation of Rockford, Illinois. These assurances state that sales to the United States of water circulating pumps manufactured in Sweden have terminated and will not be resumed.

Presentation of Views and Arguments. In accordance with sections 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office on or before October 6, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before October 28, 1975.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a notice of final discontinuance of the investigation will be published.

This notice of tentative discontinuance of antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

SEPTEMBER 22, 1975.

[FR Doc.75-25726 Filed 9-25-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

MILITARY FAMILY HOUSING, FT. BELVOIR, VA.

Filing of Draft Environmental Impact Statement

SEPTEMBER 17, 1975.

In compliance with the National Environmental Policy Act of 1969, the Army is filing with the Council on Environmental Quality a Draft Environmental Impact Statement concerning the construction of 2,300 military housing units in the Fort Belvoir, Virginia, Military Reservation.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested individuals may obtain copies from the Office of the US Army Engineer District, Norfolk, ATTN: NAOEN-D, 803 Front Street, Norfolk, Virginia 23510. In the Washington area, inspection copies can be seen in the Environmental Office, Assistant Chief of Engineers, Room 1E676, Pentagon Building, Washington, D.C. 20310. (Telephone: (202) 694-1163).

CHARLES R. FORD,
Deputy Assistant Secretary of the Army (Civil Works).

[FR Doc.75-25746 Filed 9-25-75;8:45 am]

U.S. ARMY BALLISTIC RESEARCH LABORATORIES SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following Committee meeting:

Name of committee: U.S. Army Ballistic Research Laboratories Scientific Advisory Committee.

Date of meeting: October 31, 1975.

Place: U.S. Army Ballistic Research Laboratories, Aberdeen Proving Ground, Maryland 21005.

Time: 1300 hours.

Proposed agenda: Review of the proposed FY 1976 research program—a critique.

This meeting is closed to the public since the information is classified and is specifically required by Executive Order to be kept Secret in the interest of the national defense or foreign policy in accordance with Section 552, paragraph (4)(b)(1), title 5, U.S.C., The Freedom of Information Act.

Dated: September 22, 1975.

By authority of the Secretary of the Army:

PAUL L. O'DONNELL,
Major, U.S. Army, Programs Officer, TAGCEN.

[FR Doc.75-25896 Filed 9-25-75;8:45 am]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group C (Mainly Imaging & Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, NY 10014 on 24 October 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as Infra Red and Night Vision Sensors. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decision or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In Accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 23, 1975.

[FR Doc.75-25718 Filed 9-25-75;8:45 am]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at the Naval Electronics Laboratory Center, 271 Catalina Boulevard, San Diego, California 92152, on 16 October 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The low power devices area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decisions or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 23, 1975.

[FR Doc.75-25773 Filed 9-25-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 3202]

CALIFORNIA

Designation of Chemise Mountain Primitive Area

SEPTEMBER 19, 1975.

Pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director dated August 18, 1975, I hereby designate the public lands in the following described area as the Chemise Mountain Primitive Area:

HUMBOLDT MERIDIAN

T. 5 S., R. 1 E.,
Sec. 13, N½NW¼, excepting therefrom those portions lying north of the south right-of-way boundary of the county road from Shelter Cove to Four Corners and north of Bear Creek; S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 14, E½;
Secs. 23, 24 and 25.
T. 5 S., R. 2 E.,
Sec. 18, lots 11, 12, 13 and 14, excepting therefrom those portions lying north and east of Bear Creek;
Sec. 19, lots 17 through 33 inclusive and SE¼SW¼, excepting therefrom that portion of lot 24 lying easterly of the west right-of-way boundary of the county road from Shelter Cove to Four Corners.
Sec. 30, lots 15 through 31, inclusive, and E½NE¼;
Sec. 31, lot 6;
All unsurveyed lands omitted from survey approved July 26, 1883, due to erroneous meander survey of Pacific Ocean.

The area described aggregates about 3,941 acres of which approximately 3,621 acres are national resource lands.

The Chemise Mountain Primitive Area is a "Class V—Primitive Area" under the Bureau of Outdoor Recreation system of classification. This primitive area will be managed to protect and enhance primitive values pursuant to the provisions of 43 CFR, Subpart 6221.

ED HASTEY,
State Director.

[FR Doc.75-25764 Filed 9-25-75;8:45 am]

[ES 1254, ES 1262]

WISCONSIN

Proposed Withdrawal and Reservation of Lands

SEPTEMBER 19, 1975.

The National Park Service, United States Department of the Interior, has filed applications ES 1254 and ES 1262 for the withdrawal of the lands within the boundaries of the Apostle Islands National Lakeshore described below. The lands were reserved for lighthouse purposes by Executive Order of April 26, 1859. The Coast Guard, Department of Transportation, has relinquished the land for return to the public domain.

The applicant desires the land to be added to the Apostle Islands National Lakeshore, and for administration and preservation of the Lakeshore in accordance with the Act of September 26, 1970, (43 U.S.C. 460w).

All persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing on or before October 28, 1975, to the undersigned officer of the Eastern States Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

The Department's regulations (43 CFR 2351) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicants, to eliminate lands needed for purposes more essential than the applicants, and to reach agreement

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on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary and the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 52 N., R. 3 W., Bayfield County
Sec. 18: Lots 1 and 2
Sec. 19: Lots 1, 2 and 3
T. 52 N., R. 4 W., Bayfield County
Sec. 24: Lots 1 and 2 less and excepting a tract 900 square feet in area described by metes and bounds surrounding a lighthouse, and a visual easement for the lighthouse together with rights of ingress and egress.
T. 53 N., R. 1 E., Ashland County
Sec. 17: Lot 2
Sec. 18: Lot 4 less and excepting a tract 900 square feet described by metes and bounds surrounding a lighthouse together with rights of ingress and egress.
T. 53 N., R. 1 W., Ashland County
Sec. 13: Lots 1, 2, 3 and 4

The areas described aggregate approximately 573.67 acres.

CLAUDE A. MARTIN,
Acting Director,
Eastern States.

[FR Doc.75-25765 Filed 9-25-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Dr. Ralph W. Schreiber,
Seabird Research, Inc.,
11008 Teegreen Drive,
Tampa, Florida 33612.

DWN NO. 42-81670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ REPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Collection of Brown Pelican (Pelecanus occidentalis) eggs (not more than 25 per year) and various aged individuals (not more than 10 per year), and salvaging of dead individuals found on beaches and in mangrove: These individuals will all be used to collect basic biological information necessary for determining wise conservation policy.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Ralph W. Schreiber
Seabird Research, Inc.
11008 Teegreen Drive
Tampa, Fla. 33612

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
SEX: M ☐ F ☐ | HEIGHT: 6'4" | WEIGHT: 100 Kilo.
DATE OF BIRTH: 8 July 1942 | HAIR COLOR: Bn | EYES COLOR: Bn
PHONE NUMBER WHERE EMPLOYED: 813-974-2668 | SOCIAL SECURITY NUMBER: 291-38-2181
OCCUPATION: Research Ornithologist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Educational, research organization specializing in marine birds.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Dr. Ralph W. Schreiber, Founder.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Florida

6. LOCATION WHERE PERMITTED ACTIVITY IS TO BE CONDUCTED
Florida, coastal reaches.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
Banding Permit 9312.

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
State of Florida collecting permit Number 172.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $0

10. DESIRED EFFECTIVE DATE: 1 Aug. 1975
11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE FOLLOWING INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(b)) MUST BE ATTACHED, IT BECOMES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE: Ralph W. Schreiber, PhD
DATE: 28 June 1975

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APPLICATION FOR SCIENTIFIC COLLECTING PERMIT

1. Applicant's Name: Dr. Ralph W. Schreiber, Seabird Research, Inc., 11008 Teegreen Drive, Tampa, Florida 33612. Phone: 813-933-1646 or 974-2668.

2. Location of Anticipated Collections: Selected locations in the State of Florida: specifically, these collections will be made on a comparative basis primarily on the west coast of the state between Tampa Bay and Charlotte Harbor. Studies will be concentrated on Bush Key, Johns pass, Bird Key, Useppa Island, Hemp Key, Venice Airport island, Hall Island, and Rio Mar Island.

3. Permit is requested under 50 CFR part and section: 17.23—Endangered Wildlife Permit: Scientific Purposes; 21.23—Migratory Bird Permit: Scientific Collecting.

Additional information required by 17.23 and 21.23 above:

a. Common and Scientific name: Brown Pelican (*Pelecanus occidentalis*).

b. Statement of intent:

I am presently involved in a long term study on the biology of the Brown Pelican in Florida. This study involves all aspects of the species biology, and especially information that is absolutely necessary for determining a wise conservation policy relevant to this species. I have been involved in this work in Florida since January 1969, after having discovered the breeding failure of the Brown Pelicans on the Channel Islands of California in 1968. My research to date has resulted in more than 20 scientific papers and numerous popular and newspaper articles, including an article entitled *Bad Days for the Brown Pelican*, published in the National Geographic Magazine in January 1975 and the status report on pelicans for the Florida Committee on Endangered Plants and Animals. In addition, it was my research efforts communicated to Dr. John Aldrich in the late 1960s and early 1970s that resulted in the Brown Pelican being placed on the Endangered Species List.

I am presently funded by a three year research grant from the National Audubon Society. This study has its major emphasis to establish the present status of the Brown Pelican in Florida with work being concentrated on measuring reproductive success and correlating this information on productivity and mortality with man originating pollution factors, specifically chlorinated hydrocarbon residues. The analysis of residue levels in eggs, birds, and food items (fish) is an integral portion of our study. The residue studies are being carried out by Dr. J. L. Lincer of the *Mote Marine Laboratory*, Sarasota, Florida. In order to carry out our research, we must collect a small number of eggs (10 from each of 5 colonies) and also collect not more than 10 known aged individual pelicans. Also we need to collect or salvage individuals found dead or dying. All egg shells and specimens will be deposited in the zoological collections of the University of South Florida. The specimens will be prepared as museum skins, complete skeletons will be prepared, the gonads measured and preserved in proper fixatives, and organs and tissues preserved for future studies.

c. Address of Institution where Wildlife will be used:

Mote Marine Laboratory, 9501 Blind Pass Road, Sarasota, Florida 33581, and Department of Biology, Science Center 108, University of South Florida, Tampa, Fla. 33620.

d. Issuance Criteria:

In that the director shall consider the potential effects of the above collections on the endangered species, it is important to point out that the Florida breeding population of Brown Pelicans has beeding stable for the past years (Schreiber and Schreiber, 1973, American Birds). My research indicates that while the population as a whole has been stable in Florida, environmental pertubations are in force that must be monitored. This species is long-lived, exhibits deferred maturity and a low reproductive potential. It is imperative that long-term monitoring programs accompany our intensive field observations which will contribute to correct management decisions relative to this species. The collection of a minimum number of eggs and specimens as outlined above will have no (NO) effect on the species as a whole and will contribute significantly to our understanding of the biology of this species.

e. State permit: State of Florida collecting permit 172 presently valid.

4. Certification:

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chaper 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

5. Desired Effective Date: 1 August 1975.

6. Date: 8 July 1975.

7. Applicant's Signature:

RALPH W. SCHREIBER,
Ph. D., Ornithologist.

SEABIRD RESEARCH, INC.,
11008 Teegreen Drive,
Tampa, Florida 33612, August 23, 1975.

Mr. C. R. BAVIN,
Chief, Division of Law Enforcement,
Fish and Wildlife Service,
Washington, D.C. 20240.

DEAR CLARK: Thank you for your note of 30 July asking for more information according to 50 CFR 17.22. The following is the additional information requested, not including information already enclosed in my application of 28 June 1975:

17.22: (2) the wildlife sought are presently in the wild.

(3) A large number of Brown Pelicans are housed at and are frequently brought to animal hospitals around the state of Florida. Most of these birds are permanent cripples who will never return to the wild to breed and thus for all intents and purposes are dead individuals. A significant portion of these birds are banded, and thus are of known age and invaluable to my research on the basic biology that is directed toward devising a wise conservation policy for the species. Since the keeping of these birds in captivity for even a short period of time changes their natural biology, and since they are going to be dependent for their continued existance on human care in captivity, I believe that my obtaining these banded birds for my studies is an excellent option and way to obtain individuals without having to sacrifice a healthy individual.

(8) In order to complete studies on the biology of pelicans—such as mortality rates and especially the age at which the birds first breed, information absolutely essential to constructing life tables for the species, I must obtain known aged individuals that were banded as nestlings, as almost all pelicans in Florida have been. Instead of collecting wild banded birds, I wish to obtain on a priority basis, any banded bird that is brought to a bird hospital with injuries, starving, or in monofilament line. I would then be able to use the individuals who are permanent cripples for my research. This work will be carried out through close association with the individual people who run the bird hospitals in the state. The information obtained from the study of these birds will allow us to better implement policy to conserve the species in Florida. All specimens will be deposited at the Vertebrate Collection of the University of South Florida, Tampa, Florida 33620.

I believe that this answers the new regulations governing Endangered Species Permits. I look forward to receiving this permit so that I may continue my research on Brown Pelicans. This research has recently become more critical since I have been appointed to the Recovery Team for this species.

Sincerely,

RALPH W. SCHREIBER,
Ph. D., Ornithologist.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: September 22, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, Fish and Wildlife Service.

[FR Doc.75-25720 Filed 9-25-75;8:45 am]

Geological Survey

SAN EMIDIO DESERT, NEVADA

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), the delegations of authority in 220 Departmental Manual 4.1H, Geological Survey Manual § 220.2.3, and Conservation Division Supplement (Geological Survey Manual) § 220.2.1G, the following described lands are hereby defined as the San Emidio Desert known geothermal resources area, effective March 1, 1974.

(28) NEVADA

SAN EMIDIO DESERT KNOWN GEOTHERMAL RESOURCES AREA; MT. DIABLO MERIDIAN, NEVADA

Protraction Diagram #297

Unsurveyed:
T. 29 N., R. 23 E.,
Sec. 4: All;
Sec. 5: All;
Sec. 6: All;
Sec. 7: All;
Sec. 8: All;
Sec. 9: All;
Sec. 16: All;
Sec. 17: All;
Sec. 18: All;
Sec. 19: All;
Sec. 20: All;
Sec. 21: All;

The above area aggregates 7,678.0 acres (3,071.2 hectares) more or less.

Dated: August 7, 1975.

WILLARD C. GERE,
Conservation Manager,
Western Region.

[FR Doc.75-25768 Filed 9-25-75;8:45 am]

National Park Service

HISTORIC AMERICAN ENGINEERING RECORD ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Historic American Engineering Record Advisory Committee will be held on October 16, in Room 5125, 1100 L Street NW., Washington, D.C., between the hours of 8:30 a.m. and 4 p.m.

The purpose of the Historic American Engineering Record Advisory Committee is to render advice on matters relating to the task of recording the historic engineering and industrial monuments of the country.

The members of the Advisory Committee are as follows:

Professor John W. Briscoe (Chairman), University of Illinois, Urbana, Illinois.
Mr. Eugene S. Ferguson, University of Delaware, Newark, Delaware.
Mr. Waldo G. Bowman, New York, New York.
Dr. John G. Burke, University of California, Los Angeles, California.
Dr. Emory L. Kemp, West Virginia University, Morgantown, West Virginia.
Mr. Neal FitzSimons, American Society of Civil Engineers, Washington, D.C.
Librarian of Congress, Washington, D.C.
Dr. A. R. Mortensen, National Park Service, Washington, D.C.

The matters to be discussed include the following:

HAER Editorial Projects and Publications Program, HAER Inventory, 1974–75 Projects, Discussion of Current Problems.

The meeting is open to the public, but facilities and space are limited. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wanting further information concerning this meeting, or who wish to file written statements, may contact the Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. (202) 523-5275. Minutes of the meeting will be made available for public inspection five weeks after the meeting at the office of the Historic American Engineering Record, 1100 L Street NW., Washington, D.C.

Dated: September 12, 1975.

A. R. MORTENSEN,
Director, Office of Archeology and Historic Preservation.

[FR Doc.75-25725 Filed 9-25-75;8:45 am]

V40I188 SEP2675 XUM

Office of the Secretary

OUTER CONTINENTAL SHELF POTENTIAL OIL AND GAS LEASING

Status of Proposed Program To Accelerate Outer Continental Shelf (OCS) Oil and Gas Leasing Nationwide

The Department of the Interior has prepared a final environmental impact statement (FEIS) for the proposed program to accelerate OCS oil and gas leasing nationwide. This statement was submitted to the Council on Environmental Quality and made available to Federal, State, and local agencies and interested members of the public on July 11, 1975. In a news release of the same date, the Department announced that it was providing a 60-day public review and comment period on this FEIS. The Interior announcement stated that no decision would be made regarding the proposal covered by the FEIS during the 60-day period. The review and comment period ended on September 9, 1975.

At the present time, the Bureau of Land Management is evaluating the comments received on the FEIS from Federal, State, and local agencies and interested members of the public. Departmental staff is also preparing a program decision option document (PDOD) for the proposal. This document will be a part of the deliberative process within the Department and will describe and discuss the various options open to the Secretary in arriving at a decision on the proposal and alternatives to the proposal. When completed, these documents will be submitted to the Acting Secretary for his consideration and evaluation in conjunction with the OCS programmatic FEIS.

Although the FEIS description of the proposal and the procedures being followed by Interior in considering it did not state that the public would have an opportunity to review the PDOD, a response by Departmental staff to one of the comments received by the Department inadvertently indicated that the public would have that opportunity. (Vol. 2, p. 1033). The Department of the Interior advises that it does not propose to make the PDOD available for comment by the public. This is in keeping with the Department's traditional procedures regarding decision making on Interior proposals.

No decision has been made as yet by the Acting Secretary as to whether or not to adopt the proposal to accelerate OCS oil and gas leasing nationwide and, if so, in what manner to carry out such acceleration. A decision on the proposal is expected shortly.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

SEPTEMBER 25, 1975.

[FR Doc.75-[illegible] Filed 9-25-75;9:48 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A259]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Grant County, North Dakota, as a result of a natural disaster consisting of a blizzard and freeze January 10 and 11, 1975; a severe snowstorm March 22 to April 8, 1975; excessive rainfall April 15 to May 10, 1975; and on June 29, 1975, a severe storm consisting of wind, hail, rain, and a tornado.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 10, 1975, for physical losses and June 14, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 22nd day of September, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-25713 Filed 9-25-75;8:45 am]

[Notice of Designation Number A256]

SOUTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in South Carolina: Lexington and Orangeburg.

The Secretary has found that this need exists as a result of a natural disaster consisting of hail and a windstorm May 10, 1975, and excessive rainfall and hail May 10 to 20, in Lexington County; and excessive rainfall and hail May 10, 1975, in Orangeburg County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James B. Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 3, 1975, for physical losses and June 3, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 22nd day of September, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-25714 Filed 9-25-75;8:45 am]

Forest Service

RAINY DAY PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Rainy Day Planning Unit, Report Number USDA-FS-FES (ADM) R1-75-6.

The environmental statement concerns future land management practices for the Rainy Day Planning Unit. The Unit comprises 61,700 acres in the Elk City Ranger District, Nezperce National Forest, Idaho County, Idaho.

The final environmental statement was transmitted to CEQ on September 19, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA Forest Service, Northern Region, Federal Building, Missoula, MT 59801.
USDA Forest Service, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530.
USDA Forest Service, Elk City Ranger District, Elk City, ID 83525.

A limited number of single copies are available upon request to Forest Supervisor, Don Biddison, 319 East Main, Grangeville, ID 83530.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

DON BIDDISON,
Forest Supervisor, Nezperce National Forest, Northern Region.

SEPTEMBER 19, 1975.

[FR Doc.75-25743 Filed 9-25-75;8:45 am]

Soil Conservation Service

POTT-SEM-TURKEY WATERSHED PROJECT, OKLAHOMA

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Pott-Sem-Turkey watershed project, Pottawatomie and Seminole Counties, Oklahoma, USDA-SCS-EIS-WS-(ADM)-75-1(F)OK.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment and 11 floodwater retarding structures.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

Dated: September 18, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904. National Archives Reference Services.)

[FR Doc.75-25744 Filed 9-25-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order no. 42-1 (Amdt. 1)]

DIRECTORATE OF ADMINISTRATIVE MANAGEMENT

Organization and Functions

This order effective September 1, 1975, amends the material appearing at 40 FR 12694 of March 20, 1975.

DIBA Organization and Function Order 42-1, February 28, 1975, is hereby amended, as follows:

Section 7, *Office of Budget*, is revised to read, as follows:

SEC. 7. *Office of Budget*

.01 The Office of Budget shall be headed by a *Director* who shall be the DIBA Budget Officer and who shall plan, coordinate, and direct the budget and program planning functions of DIBA including the obligation and expenditure of DIBA appropriations and funds; the collection of contributions and receipts, approval of reimbursable agreements and agreements for special statistical studies; establish standards, criteria, and procedures for the preparation of budget estimates; interpret budgetary and financial procedures established by higher authority and maintain liaison with counterpart budget, program analysis and fiscal offices in the Office of the Secretary, the Office of Management and Budget, and, as necessary other Federal agencies. The Director will head the following operating units:

.02 The *Program Planning and Analysis Division* which shall: analyze and evaluate DIBA programs and program plans; assist DIBA organizations to develop and improve program plans, including statements of objectives, descriptions of projects and indicators of outputs, results or workload and accomplishments; coordinate and oversee the DIBA MBO process and the development of long-range DIBA goals and objectives; coordinate or prepare program issue and evaluation studies and analyses; assist the Budget Formulation and Operations Division in the identification of major issues and problems to be addressed in program proposals and budget requests; and maintain a tracking system for legislative proposals which may have budgetary impact.

.03 The *Budget Formulation and Operations Division* which shall: provide continuous liaison with DIBA program managers and technical assistance to operating units on all budget matters; participate in the identification of major issues and problems to be addressed in program proposals and budget requests; participate in the review of legislative proposals affecting DIBA's plans and programs; examine and analyze all budget proposals in terms of effective allocation of DIBA resources, conformance to policies, adequacy of justification and appropriation language, existence of statutory authorization, feasibility, and economy of operations and accuracy and consistency of budget and accomplishment schedules; prepare Preview Estimates and the Secretarial, OMB, and Congressional budget justifications; prepare witnesses to testify on budget requests and complete materials for hearing transcripts; analyze fiscal and program plans and reprogramming proposals for conformance to Departmental and DIBA policies and commitments, and maintain a continuous review of the status of obligations, expenditures, and program progress by organization and budget structure; and review and evaluate DIBA's program structure and recommend modifications as necessary.

.04 The *Funds Management and Reports Division* which shall: develop and maintain instructions governing the operation of DIBA's budgetary processes; prepare technical and other supporting schedules and review such schedules, as well as budget justifications for conformance with Departmental and OMB instructions governing submission of budget estimates; assure administrative control over the obligation and expenditure of DIBA appropriations and other funds; assure validity of planned and actual data included in financial reports; prepare special reports or briefings for the Office of the Secretary, the Assistant Secretary for Domestic and International Business, and DIBA program managers regarding significant fiscal, budget, and program execution related problems, incorporating materials provided by other Divisions of the Office of Budget; prepare overseas direct project budget authorizations and advices of fund availability, and collect and deposit contributions and receipts; negotiate and prepare reimbursable agreements and billings related thereto; maintain liaison with the Central Accounting Division of the Department of Commerce's Office of Financial Management Services; coordinate the Office of Budget's participation in DIBA's Program Management Information System; and maintain DIBA's budget history."

DONALD E. JOHNSON,
Acting Assistant Secretary for Domestic and International Business.

[FR Doc.75-25745 Filed 9-25-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next regular meeting of the National Advisory Council on Vocational Education will be held on October 16, 1975, from 2:00 P.M. to 5:00 P.M., local time, at the Sheraton-Boston, Boston, Massachusetts.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the Administration of preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

OCTOBER 16, 1975:

Discussion of proposed Council report draft
School-to-Work Project presentation
Discussion of articulation research project
Discussion of proposed conference
Program Review Committee report
Research Committee report

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the

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Council's Executive Director, located in Suite 412, 425 13th Street, N.W., Washington, D.C. 20004.

Signed at Washington, D.C. on September 22, 1975.

REGINALD PETTY,
Acting Executive Director.

[FR Doc.75-25706 Filed 9-25-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Closed Meeting

Notice is hereby given in accordance with provisions in Section 10(d), Federal Advisory Committee Act, Pub. L. 92-463, Title V, U.S. Code, Section 552(b)(2) and (6), that the meeting of the National Advisory Council on Vocational Education will not be open to the public on October 16, 1975, from 9:00 A.M. to 2:00 P.M., local time at the Logan Hilton, Logan International Airport, Boston, Massachusetts. The purpose of the meeting is to interview applicants for the Executive Director Staff vacancy and documents will be presented which, if open to the public, would constitute a clearly unwarranted invasion of personal privacy.

The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

A summary of activities of the meeting shall be kept and shall be available for public inspection at the office of the Council's Executive Director located at 425 13th Street, NW., Suite 412, Washington, D.C. 20004.

Signed at Washington, D.C. on September 22, 1975.

REGINALD PETTY,
Acting Executive Director.

[FR Doc.75-25705 Filed 9-25-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, a joint meeting of the National and State Advisory Councils will be held on October 17, 1975, from 9:00 A.M. to 4:30 P.M., local time and on October 18, 1975 from 7:45 A.M. to 2:50 P.M., local time at the Sheraton Boston, Boston, Massachusetts.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The joint meeting of the National and State Advisory Councils on Vocational Education shall be open to the public. The proposed agenda includes:

OCTOBER 17, 1975

AM General Session
Panel Presentations:
Student Needs
Handicapped/Disadvantaged Concerns
Urban/Rural Concerns
Open Discussion by Audience with Panelists
PM Luncheon with Speaker
Round Table Discussions on Panel Issues
Regional Meetings

OCTOBER 18, 1975

AM National Advisory Council Report
Repeat of Round Tables
General Business Session
Luncheon with Speaker

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425-13th Street, N.W., Washington, D.C. 20004.

Signed at Washington, D.C. on September 17, 1975.

REGINALD PETTY,
Acting Executive Director.

[FR Doc.75-25707 Filed 9-25-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

On October 14 and 15, 1975, the National Highway Safety Advisory Committee will hold open meetings at the Department of Transportation headquarters building, 400 Seventh Street, S.W., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

On October 14 at 8:30 a.m. in room 2230 the full Committee will meet with the following agenda:

National Transportation Policy
Impact Assessment of 402 Highway Safety Funds
Highway Safety Forecast for 1985
Highway Trust Fund
402 Program Strategy and Legislation
Highway Safety Standards Revision
55 MPH Speed Limit: State Enforcement and Certification
Heavier Truck Safety Issues:
  Evaluation of FMVSS 121 Truck Brake Standard
  Status Report on FHWA Heavy Truck Safety Studies

On October 15 at 8:30 a.m. in room 3200 the Driver Subcommittee will meet with the following agenda:

55 MPH Speed Limit Enforcement
Safety Belt Usage Program
  Child Restraints
Alcohol Standard—BAC Testing of Drivers in Fatal Crashes
New Business

Also on October 15 at 8:30 a.m. in room 3442 the Highway Environment Subcommittee will meet with the following agenda:

Adequacy of Highway Safety Construction Guidelines
Funding for Highway Safety Programs
Status of Railroad Grade Crossing Programs
New Business

At 10:30 a.m. on October 15 in room 4436 the Vehicle Subcommittee will meet with the following agenda:

Discussion of Heavier Truck Safety Issues
  Brake Standard Applicability (FMVSS 121)
  Safety Studies
New Business

In room 3200 at 10:30 a.m. on October 15 the Adjudication Task Force will meet with the following agenda:

Plans for Future Activities

At 2:00 p.m. on October 15 in room 2230 the full Committee will meet with the following agenda:

Swearing In of New Members
Report by Governor's Highway Safety Representative
Report of Subcommittees
Trip Reports
Old Business
New Business
Future Meetings

The above meetings are subject to the approval of the Secretary.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: September 22, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-25691 Filed 9-25-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26838; Order 75-9-82]

FLYING TIGER LINE INC.

Priority Reserved Air Freight Rates Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of September, 1975.

By tariff revisions[1] posted August 21 and marked to become effective October 5, 1975, The Flying Tiger Line Inc. (Tiger) proposes to establish by tariff rule an online priority freight service. The proposed rates are 130 percent of the carrier's otherwise applicable local general commodity bulk rates, and the minimum charge per shipment would be 130 percent of the carrier's local general commodity minimum charge. Premium-rated commodities will be accorded priority service upon request at the rates for such commodities in standard freight service, or at the priority rates for general commodities, whichever is greater. The rule is marked to expire February 29, 1976.

The proposed service contains the following features:

1. Priority air freight will be boarded ahead of all other freight;

2. Subject to advance confirmation, a shipper may reserve online space on a specific flight; and

3. Transportation is guaranteed aboard the confirmed flight, subject to a refund of the premium if the shipment is not transported as stipulated.

The reservation for a shipment must be requested of the carrier not less than 6 hours nor more than 48 hours prior to the scheduled departure of the designated flight. The shipment must be tendered to the carrier's air freight terminal at least 90 minutes prior to the scheduled departure of the flight on which the shipper requests the shipment be transported. The rates will apply airport-to-airport, with standard pickup and delivery services available at additional charges.

In support of its proposal, Tiger asserts, *inter alia*, that its proposal is similar in format to that in effect for United Air Lines, Inc. (United), with the primary distinction that United permits application of the 30 percent premium to specific commodity rates, whereas, under Tiger's proposal, the priority rate for all traffic will be 130 percent of the general commodity rate. According to Tiger, such a provision as United's presents a situation where, since many specific commodity rates are substantially below the general commodity level in the same market, a large share of specific commodity priority traffic could travel with a higher preference than general commodity traffic, yet at rates lower than the standard nonpriority general commodity rate, thereby receiving more valuable service at lower cost. Tiger believes that priority air freight rates should be so structured as to attract traffic that is "basically service-sensitive," while the primary motivation for the establishment of specific commodity rates is to attract traffic to fill capacity voids by offering rates below full costs, recognizing the limited value of service of the commodities involved.

There are significant questions, however, as to the level and structure of rates resulting from the proposal, and whether the proposal, both as to rates and service, is consistent with the Board's finding that the carrier is under an obligation to offer highly expedited intercarrier priority service as a replacement for air express service (Order 73-12-36). Consequently, upon consideration of all relevant factors, the Board finds that Tiger's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. This investigation will be consolidated into the *Priority Reserved Air Freight Rates Investigation*, Docket 26838, which embraces priority rates in effect for other carriers.

The Board is particularly concerned with the premiums for specific commodity rates which will be in excess of 30 percent, ranging as high as over 400 percent.[2]

We have previously suspended carrier proposals for priority service which would apply premiums in excess of the otherwise applicable rate by more than 30 percent[3] and have dismissed a complaint against a failure to apply a premium of 30 percent of the general commodity rate for the same weight in the same market to specific commodity rates.[4]

The charging of such high premiums for specific commodities when they require unusually expeditious service may result in unreasonably high rates; and, in view of all relevant circumstances, we shall suspend the proposal pending investigation. Although the Board's action would not permit any part of Tiger's proposal to become effective during the suspension period and pending investigation, it is not practicable to suspend only the portion of the proposal involving premiums above 30 percent.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. An investigation is instituted to determine whether the rates, charges, and provisions in Rule No. 77 on 2nd and 3rd Revised Pages 42-A and 2nd and 3rd Revised Pages 42-B of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions in Rule No. 77 on 2nd and 3rd Revised Pages 42-A and 2nd and 3rd Revised Pages 42-B of Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169, are suspended and their use deferred to and including January 2, 1976, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The investigation instituted herein is hereby consolidated into Docket 26838, *Priority Reserved Air Freight Rates Investigation;* and

4. Copies of this order shall be filed with the tariff and served upon The Flying Tiger Line Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25780 Filed 9-25-75;8:45 am]

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 169.

[2] No cost justification has been presented for such a price differential between standard and priority services. In some instances, reduced specific commodity rates are established to reflect lower costs because of relatively high density and favorable handling characteristics, and because they typically involve eastbound movements, which are opposite to the predominant traffic flow. Justification of such high premiums for priority service would be most difficult for this traffic. Moreover, the Board recognizes that there may be situations in which priority service is selected to assure the movement of specific commodity traffic in peak traffic periods, such as prior to Christmas, Easter, etc., when there may be backlogs of traffic.

[3] Order 74-12-126, December 31, 1974; Order 75-1-80, January 20, 1975; and Order 75-3-116, March 28, 1975.

[4] See Order 75-6-34, adopted May 6, 1975, in which the Board dismissed Tiger's complaint against a proposal by United, applying only a 30 percent priority premium on specific as well as general commodities.

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GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 22, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the CAB submissions are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before October 14, 1975 and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request for clearance of application and reporting requirements contained in a new Special Regulation, 14 CFR Part 378a, which establishes a new class of charters, called One-Stop-Inclusive Tour Charters (OTC's) and a subcategory of OTC's—the Special Event Charters (SEC's). The purpose of establishing this new type of charter is to increase the availability of low-cost charter air travel.

Certain forms are required to be filed by Tour Operators and Direct Air Carriers engaged in OTC's. One of the forms required to be filed is CAB Form 378a-1, CAB One-Stop-Inclusive Tour Charter Passenger Name List. CAB estimates that the number of respondents will be 100, and that each respondent will file 50 reports annually. Respondent burden is estimated to average 1 hour per response.

Another form to be filed is CAB Form 378a-2, One-Stop-Inclusive Tour Charter Report. It is estimated that the number of respondents will be 100, and that each respondent will file 12 reports annually. Respondent burden is estimated to average 30 minutes per response.

The third form which must be filed under Part 378a is CAB Form 85, Application for Statement of Authorization for a Special Event Charter. CAB estimates the number of respondents to be 15, and that each respondent will file 3 reports annually. Respondent burden is estimated to average 1 hour per response.

Request for clearance of a recordkeeping requirement contained in an Amendment to Part 249 of the Board's Economic Regulations, Preservation of Air Carrier Accounts, Records, and Memoranda. The Amendment to section 249.9 paragraph (a) provides for the preservation of records by One-Stop-Inclusive Tour Charter Operators. Every tour operator conducting a tour or a series of tours under 14 CFR Part 378 or Part 378a is required to retain for two years after completion of a tour or a series of tours true copies of certain related documents at its principal or general office in the U.S., and is required to make them available upon request by an authorized representative of the Board.

NORMAN P. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-25794 Filed 9-25-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL, AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 22, 1975.

Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea, the Government of the Republic of Korea has undertaken to limit its exports of cotton, wool, and man-made fiber textile products to the United States to certain designated levels. Pursuant to this agreement, the Governments of the United States and the Republic of Korea have established an administrative mechanism intended to exempt Taekwondo (Karate) and Judo uniforms from the provisions of the agreement.

The purpose of this notice is to announce that, effective on September 29, 1975, and until further notice, shipments of Taekwondo (Karate) and Judo uniforms, produced or manufactured in the Republic of Korea, will not be subject to the levels of restraint established under the aforementioned bilateral agreement when certified by the Government of the Republic of Korea. The certification will be the same as that previously established for the exemption of traditional "Korean Items." (38 FR 23357)

Accordingly, there is published below a letter of September 22, 1975, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing the administrative mechanism.

Effective date: September 29, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of May 19, 1972, which established an export visa requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products produced or manufactured in the Republic of Korea; and it further amends, but does not cancel, the directive of August 22, 1973, which established an administrative mechanism to exempt certain items from levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, pursuant to paragraph 12(a) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on Sept. 29, 1975, and until further notice, to permit entry of shipments of Judo and Karate (Taekwondo) uniforms (T.S.U.S.A. No. 380.3982) which have been certified by the Government of the Republic of Korea.

Shipments of Judo and Karate (Taekwondo) uniforms (T.S.U.S.A. No. 380.3982) shall be accompanied by certifications issued by the Government of the Republic of Korea in accordance with the procedure established for exempt items in the directive of August 22, 1973. In the space following the word "Item" on each certifying stamp the Government of the Republic of Korea will indicate "Taekwondo or Judo Suit." The official authorized to issue certifications will be the same as the one authorized to issue certifications for exempt items.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool, and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-25700 Filed 9-25-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Notice of Proposed Addition

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7530

Paper, Teletypewriter (in rolls) 7530-00-223-7966 GSA Regions 4, 5, 6.

Tape, Paper, Computing Machine (50% of Government requirements):

7530-00-286-9052
7530-00-222-3455
7530-00-286-9053
7530-00-286-9064
7530-00-238-8352
7530-00-222-3456
7530-00-286-9055

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this Federal Register.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-25724 Filed 9-25-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from September 15 through September 19, 1975. The date of receipt for each statement is noted in the statement summary. Under Council guidelines the *minimum* period for public review and comment on draft environmental impact statements on or before November 10, 1975. The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

West Slope of the Tetons, Targhee National Forest, Idaho and Wyoming, September 16: The statement concerns the land use plan for the 297,000 acre West Slope of the Tetons Planning Unit of the Targhee National Forest in Teton and Fremont Counties, Idaho, and Teton County, Wyoming. The major adverse environmental impacts will be those on soil, water, vegetation, wildlife, and esthetics caused by road building, timber harvests, livestock grazing, recreation use and mineral activity. Approximately 167,000 acres of the unit were selected as a wilderness study area. (ELR Order No. 51338.)

West Kootenai Planning Unit, Lincoln County, Mont., September 18: The action involves the implementation of a revised multiple use plan for the 68,996 acre West Kootenai Planning Unit, Kootenai National Forest. The plan emphasizes recreation, production of forest products, and an increased transportation system. Implementation of the program will result in development of natural areas, temporary acceleration of soil and vegetation disturbance, and noise and air pollution. (ELR Order No. 51402.)

SOIL CONSERVATION SERVICE

Draft

South Tyger River Watershed, Greenville County, S.C., September 15: The statement concerns a revised project for watershed protection, flood prevention, municipal and industrial water storage and recreation in Greenville County, South Carolina. Conservation land treatment systems will be installed on 1,200 acres of cropland to reduce sediment runoff. The two structural measures remaining to be installed will inundate 853 acres, temporarily flood 1,030 acres, and utilize a total area of 1,936 acres requiring 719 acres to be cleared of trees. The ambient air quality and water quality will be degraded for a short period during construction. (ELR Order No. 51386.)

Final

Pott-Sem-Turkey Watershed, Seminole and Pottawatomie Counties, Okla., September 19: The statement refers to the Pott-Sem-Turkey Watershed protection and flood prevention project in Pottawatomie and Seminole Counties, Oklahoma. Project measures include accelerated application of land measures for 22,247 acres of agricultural land and installation of 11 floodwater retarding structures for the reduction of floodwater sediment, and erosion damages on 2,564 acres of flood plain land. Adverse impacts include the use of 110 acres of farmland for dams and spillways, the permanent inundation of 297 acres, the intermittent inundation of 833 acres, the disturbance or destruction of 16 archeological sites, and temporary construction disturbances. Comments made by: COE, DOI, EPA, State and regional agencies, National Audubon Society. (ELR order No. 51405.)

North and South Mill Creek Subwatershed, Grant, Pendleton, and Hardy Counties, W. Va., September 17: Proposed is the construction of 5 single-purpose floodwater retarding dams and one multi-purpose floodwater retarding and recreation dam for purposes of flood control and recreation. The project will inundate 102 acres of farm land and 1.9 miles of stream. Comments made by: COE, DOI, DOT, EPA, AHP, and State agencies. (ELR order No. 51401.)

ARCHITECT OF THE CAPITOL

Contact: Mr. George M. White, Architect of the Capitol, United States Capitol, Room SB 15, Washington, D.C. 20515 (202) 225-1200.

Final

Capitol Power Plant, District of Columbia, September 19: The statement refers to the proposed construction of a refrigeration plant building which is to be the first module of a long range expansion program for the Capitol Power Plant. The Plant presently produces steam for heating and chilled water for air conditioning for the Capitol, the two Senate Office Buildings, the three House Office Buildings, the Supreme Court Building, and the two Library of Congress Buildings; and steam heat alone for several other buildings. No significant adverse impact is expected from the action. (ELR order No. 51406.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 100 Independence Avenue, SW., Washington, D.C. 20314, (202) 693-6795.

Draft

San Leandro Marina, Alameda County, Calif., September 16: Proposed is the construction of a riprap protective breakwater near the entrance to San Leandro Marina. The purpose of the breakwater is to provide safe navigation and to protect existing and planned marina development from damage due to storm winds and waves entering the marina from the south. Temporary construction disruption will result. (San Francisco.) (ELR order No. 51392.)

Bassett Creek Watershed, Hennepin County, Minn., September 15: The proposed action for the Bassett Creek Watershed includes structural measures involving a 1.5 mile underground conduit and deep tunnel, temporary storage areas, one permanent impoundment, channel modifications, embankments, floodwalls, and culverts and weirs. Non-structural measures are floodplain evacuation, flood proofing and continuation of the existing floodplain regulation and flood insurance programs. The channel modifications, embankments and the permanent impoundment would result in adverse impacts on existing vegetation and aquatic ecosystems. (St. Paul District.) (ELR order No. 51387.)

Mississippi Army Ammunition Plant, Hancock County, Miss., September 16: Proposed is the construction of a modern integrated ammunition plant to manufacture an improved type of 155 mm artillery ammunition. The site selected is an undeveloped section of the NASA National Space and Technology Laboratory. The project will result in a projected population increase of 1700 persons (450 of these school-age children). Long term environmental impacts include addition of sanitary landfill operation and discharge of treated wastes into Pearl River with the possibility of using some natural stream assimilative capacity. (ELR order No. 51389.)

Vermilion Harbor, O&M, Erie County, Ohio, September 15: The statement concerns the dredging of about 24,000 cubic yards of sediment from the Vermilion Harbor area approximately once every three years and maintenance of existing harbor structures. Harbor dredgings suitable for open-lake disposal will be deposited in a designated open-lake site in Lake Erie. Dredgings not suitable for open-lake disposal will be transported approximately 10 miles to Huron Harbor and deposited in a diked disposal area. The project will result in the disturbance of benthic communities, air and water pollution, and increased turbidity. (Buffalo District.) (ELR order No. 51385.)

Charleston Harbor, Ashley River, Cooper River Dredging, Charleston and Berkeley Counties, S.C., September 16: Proposed is the maintenance dredging of channels and turning basins in the Charleston Harbor, Shipyard River, Ashley River, Navy Channel, and Navy piers and slips. Adverse impacts include the possible loss of organisms through leaching of toxic substances from upland disposal areas, the possible reduction in dissolved oxygen levels as a result of the dredge disturbing organic materials undergoing anaerobic decomposition, possible displacement of wildlife species, alteration of existing vegetation in disposal areas, and an increase in the local mosquito population. (Charleston District.) (ELR order No. 51390.)

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Red River Chloride Control, Texas and Oklahoma, September 17: Proposed is the construction of four low-flow dams, three brine dams, six subsurface cut-off walls, six shallow well collection systems, and installation of associated pumps and pipelines for collecting, transporting and storing brine-laden waters. There will be a total of about 8,000 acres of land eventually inundated with brine. The brine will cause a progressive degradation of the soil and vegetation, causing displacement of land animals. The aesthetic conditions surrounding the brine pools may be regarded as an encroachment upon a wild landscape by manmade features. (Tulsa District.) (ELR order No. 51400.)

Final

Great Lakes-St. Lawrence Seaway; Navigation Season, September 15: The FY 1976 Navigation Season Extension Program is part of an ongoing investigation to demonstrate the practicability of certain enabling measures for extending the commercial navigation season on the Great Lakes-St. Lawrence Seaway System. The activities proposed, including bubbler-flusher systems, are expected to have minimal impact if any. (Detroit District.) Comments made by: DOI, EPA, DOC, ASC, USDA, FPC, CEQ, NOAA, State and local agencies, and private organizations. (ELR order No. 51394.)

East Moline, Flood Protection System, Illinois, September 16: The statement refers to the proposed East Moline, Illinois, Flood Protection System. The recommended plan consists of constructing two levees, with a total length of 27,100 ft. designed to protect 3,000 acres within the project study area against Mississippi and Rock River Design floods (200-year frequency). Additional structures, ramps, closures, ponding areas, and pumping areas will be provided. Adverse impacts are use of 20 acres for levees, local air, water and noise pollution during construction, and the secondary effects of replacement of agricultural land with urban land use as urbanization takes place. (Rock Island District.) Comments made by: EPA, HUD, DOI, DOC, DOT, USDA, AHP, and State agencies. (ELR order No. 51391.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, (202) 692-3227.

Draft

NAS Miramar, Restrictive Use Easements, California, September 19: The proposed program involves acquisition of restrictive use easements on 69 vacant parcels covering 1,660 acres as part of the (AICUZ) program at Naval Air Station Miramar, San Diego, California. Easements will prevent development of noise sensitive uses and impose occupancy density limitations on the properties. Land use in the area will be changed from residential and commercial uses to low density industrial uses. The growth rate of the project area will be slowed, some parcels remaining in open space uses over a considerable length of time due to lack of demand for property with restrictions imposed by easements. (ELR order No. 51404.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Coal Mining Regulations, September 16: Proposed are new BLM coal leasing, permitting and licensing regulations and revised GS coal exploration, mining operating, and reclamation regulations as they apply to all aspects of coal operations on public and acquired lands. Regulations and revision are included to: expand Federal scope of authority to private surface over federally owned minerals; require submission of detailed exploration and/or mining plans prior to operations; and require reclamation as an integral part of mining operations. The more stringent environmental standards may result in slightly increased expenses to operators and consumers and the closing of some small mines. (ELR order No. 51399.)

Final

Proposed Coal Leasing Program, September 19: The statement refers to a program resuming nationwide coal leasing by the Bureau of Land Management, utilizing the Energy Mineral Allocation Recommendation System. The program primarily involves 85 million acres of identified coal reserves in the Northern Great Plains, and northward along the continental divide from New Mexico and Arizona through Montana. Extraction of the coal would create a wide range of social, economic, and environmental impacts. Comments made by: USDA, ABC, EPA, CEQ, DOI, TVA, and State agencies. (ELR Order No. 51403.)

BUREAU OF OUTDOOR RECREATION

Draft

Bruneau Wild and Scenic River, Idaho, September 16: The statement concerns a study recommending the inclusion of 121 miles of the Bruneau and its Sheep Creek and Jarbridge tributaries in the National Wild and Scenic River System. Boundaries would extend from canyon rim to canyon rim along legal subdivisions and encompass approximately 57,000 acres. Existing uses of the area, chiefly livestock grazing, would continue. Commercial and residential uses that might otherwise occur would be curtailed. (ELR order No. 51395.)

BONNEVILLE POWER ADMINISTRATION

Draft

Hot Springs-Bell 500-kV line, Washington, Idaho, and Montana, September 16: Proposed is the construction of between 146 and 165 miles of 500-kV transmission line between Hot Springs, Montana, and Bell Substation, immediately north of Spokane, Washington. Right-of-way for the line and 15 to 70 miles of new access road would be required. The project would also require the clearing of 2,153 to 2,503 acres of land and the removal of 3 to 4 acres of farm land. Wildlife habitat would be disturbed. (ELR order No. 51396.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Hilo Bayfront Highway, FAP 19, Hawaii, September 16: The statement concerns the construction of a 1.3 mile segment of the 4-lane, divided Hilo Bayfront Highway (FAP 19) from west of the Wailoa River to the junction of Kalanianaole Avenue and Silva Street. One family and an unspecified number of businesses will be displaced. A 4(f) statement is included concerning Hoolulu Park, Banyon Banyon Drive Golf Course, and the Hilo Bay Open Area. (ELR order No. 51397.)

Final

Alabama Route 59, Baldwin County, Ala., September 16: The statement refers to the construction of Alabama Route 59 for approximately 21 miles from south of Foley to I-10 north of Loxley. The acquisition of farmland for highway right-of-way and economic effects to businesses and trade in the 4 towns that will be bypassed by the proposal are adverse effects of the project. Comments made by: USDA, HEW, and State agencies. (ELR order No. 51393.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-25719 Filed 9-25-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 436-2]

MARINE SANITATION DEVICE STANDARD FOR CALIFORNIA

Receipt of Petition

Notice is hereby given that the State of California has petitioned the Administrator of the U.S. Environmental Protection Agency to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for upper and lower Newport Bays, Sunset Bay inland of the Pacific Coast Highway Bridge, and Huntington Harbor. This action is requested pursuant to section 312(f)(3) of Pub. L. 92-500.

The petition states that pump-out facilities are located (1) on a dock adjacent to the Orange County Harbors, Beaches and Parks/Harbormaster/Coast Guard docks in Newport Bay, and (2) on a dock near the launch ramp at Sunset Aquatic Park Marina in Sunset Bay. Service boats equipped to pump out holding tanks are available through Sea Lancers, Greg Boston Associates, and California Recreation Co. Some recently constructed docks and many now under construction, particularly in the Huntington Harbor area, are equipped with direct sewer connections. On-board pumps are used to empty holding tanks into the sewers. Marine service stations (gas docks) may also provide pump-out service at various locations. The convenient locations, the 24-hour/day availability, the fact that no charge is made for pump-out service, and the observed 5-minute pump-out time for most boats demonstrate that the service is readily available and adequate. For those boat owners who do not care to utilize the dockside pump-out stations, the private service boats will pump out holding tanks for a fee. Those boats with access to slip-side sewer connections can empty their holding tanks at their own convenience.

Comments and views regarding this requested action may be filed on or before November 10, 1975. Such communications or requests for a copy of the applicant's petition, should be addressed to the Director, Criteria and Standards Division (WH-551), Office of Water Planning and Standards, OWHM, Room 737, East Tower, Waterside Mall, Washington, D.C. 20460.

Dated: September 22, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-25689 Filed 9-25-75;8:45 am]

[OPP-00014; FRL 436-1]

STATE-FEDERAL FIFRA IMPLEMENTATION ADVISORY COMMITTEE WORKING GROUP ON CERTIFICATION

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a two-day meeting of the State-Federal FIFRA Implementation Advisory Committee's Working Group on Certification will be held on October 22-23 in Denver, Colorado.

This is the first meeting of the Working Group on Certification under SFFIAC auspices. The purpose of the meeting is to discuss current aspects of pesticide applicator certification with the intent of reporting to the full committee, so that the latter will be able to advise EPA on certification at its next regular meeting, currently scheduled for November 19.

This meeting is open to the public. For details as to the time and place, please contact P. H. Gray, Jr., Acting Chief, Program Support and Special Projects Branch, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755-8053.

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-25690 Filed 9-25-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75R-352; Docket Nos. 20010, 20011; File Nos. BRCT-12, BPCT-4540]

CBS INC. (WCAU-TV) AND FIRST DELAWARE VALLEY CITIZENS TELEVISION, INC.

Applications for Renewal and Construction

By the Review Board: 1. The above-captioned mutually exclusive applications were designated for hearing by Commission Order, 39 FR 15155, published May 1, 1974. Now before the Review Board is a sixth motion to enlarge issues, filed July 3, 1975, by CBS Inc. (WCAU-TV) (CBS),[1] requesting the addition of a Rule 1.65 issue against First Delaware Valley Citizens Television, Inc. (First Delaware).

2. In support of its motion to enlarge issues, CBS alleges that First Delaware has violated § 1.65 by failing to amend its application to reflect a change in its basic financial plan. Specifically, CBS contends that although First Delaware continues to propose to meet its estimated costs of prosecution with existing capital and stock subscription contributions, it also intends to rely on an additional unreported source of financing for this purpose, namely, an extension of credit by its former communications counsel. This alleged intention, according to CBS, is suggested by material which First Delaware recently submitted to the Commission in connection with a petition for leave to amend. CBS directs the Board's attention to a June 16, 1975 supplement to First Delaware's May 19, 1975 petition for leave to amend which contains an affidavit executed by Harold E. Kohn, treasurer and a principal stockholder of the applicant. According to CBS, that affidavit reveals that in March of 1975, First Delaware was considering an increase in existing capitalization in order to meet certain increased expenses associated with the prosecution of the application,[2] but that any such plan was abandoned in April when Edward P. Morgan, a First Delaware stockholder associated with the law firm serving as the applicant's then communications counsel, withdrew from First Delaware. The affidavit further reveals, movant suggests, that in connection with the withdrawal of Morgan, First Delaware was relieved of the obligation to pay "currently" certain legal fees which had previously been due and payable. As additional indication of an agreement to this effect, CBS refers to an April 30, 1975 balance sheet attached to First Delaware's May 19 amendment which reflects that $154,206 in outstanding liabilities, previously (as of December 31, 1974) classified as current accounts payable, had been reclassified as long term "other liabilities". In sum, CBS contends that a question has been raised as to whether First Delaware failed to amend its application to report an apparent agreement with Morgan, whereby the applicant was relieved of the obligation to currently pay some $150,000 in legal fees which had previously been due and payable on such a basis.

3. In opposition, First Delaware argues that CBS' motion is untimely since it is based upon a comparison of two First Delaware balance sheets, both of which have been in the movant's possession since May 19, 1975. However, the motion is procedurally defective in two more significant respects, the applicant maintains; rather than comporting with the specificity and support requirements of § 1.229(c), the motion is based upon clearly insufficient speculation and innuendo. Turning to the merits of the request, First Delaware asserts that "no agreements or understandings of any kind whatever have been made between Mr. Morgan's law firm and First Delaware with regard to the disposition of that firm's outstanding bill." On the contrary, First Delaware continues, as explained in an attached affidavit of Harold E. Kohn, the amount of the bill is disputed and First Delaware "does not presently intend to pay it." First Delaware concludes that since no agreement has been reached with the law firm and no significant change in its financial plan has thereby occurred, there has been no violation of § 1.65.

4. In reply, CBS alleges that the contents of First Delaware's opposition establish the clear necessity for expanding its request to encompass an inquiry into whether or not First Delaware made a deliberate misrepresentation to the Commission. Thus, CBS asserts that the statements made in the two Kohn affidavits—the one filed with First Delaware's June 16 supplement and that filed with its present opposition—simply cannot be reconciled.[3] In so arguing, CBS reasons that Kohn's prior statement that "the obligation to pay certain legal expenses currently was being reduced" necessarily indicates that some agreement or understanding with Morgan's firm had been reached. And, movant concludes, this implication is in marked contrast to Kohn's more recent statement that there has never been any agreement or understanding, but rather that First Delaware has unilaterally determined that, since it disputes the amount of legal fees incurred, it does not presently intend to pay the amount billed.[4] As further evidence of First Delaware's deception, CBS asserts that the April 30 balance sheet submitted to the Commission differs from the balance sheets prepared by First Delaware's accountants; CBS explains that the actual April 30 balance sheet continues to show the $154,206 owed to Morgan's firm as an account payable,[5] whereas in the balance sheet submitted to the Commission, this amount is reclassified, without explanation, as a long term "other liability".

5. First Delaware, in its comments,[6] contends that, aside from the fact that the two Kohn affidavits are concerned with two limited and dissimilar topics,[7] its obligation to pay certain legal expenses currently "could be reduced with-

[1] The Board also has before it the following related pleadings: (a) opposition, filed July 14, 1975, by First Delaware; (b) opposition, filed July 14, 1975, by the Broadcast Bureau; (c) reply, filed July 24, 1975, by CBS; (d) motion for leave to file comments, filed August 6, 1975, by First Delaware; (e) comments, filed August 6, 1975, by First Delaware; (f) comments on (c) and (d), filed August 12, 1975, by the Broadcast Bureau; and (g) comments on (d) and (e), filed August 13, 1975, by CBS.

[2] In this connection, CBS submits that as of April 30, 1975, First Delaware had incurred expenses of $645,094 or 86% of the $400,000 originally projected as the cost of the entire proceeding.

[3] CBS also notes that since its motion is based in part upon the Kohn affidavit submitted with First Delaware's June 16 supplement, the applicant's argument of untimeliness may be rejected.

[4] As a related matter, CBS appears to question the propriety of converting the sum in question from current to long term liabilities on the basis of a unilateral determination by the applicant.

[5] CBS does note, however, that the "actual" balance sheet prepared by the accountants explains that the $154,206 amount was in dispute.

[6] Since First Delaware's comments are responsive to CBS' request for the addition of a misrepresentation issue, which is contained in its reply pleading, the comments will be accepted.

[7] First Delaware asserts that the first was concerned primarily with the facts and circumstances surrounding the decision to add another major shareholder, whereas the second was concerned with the question of whether an agreement had been reached with respect to the payment of legal fees.

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out an agreement to that effect since Morgan's firm is no longer counsel in the proceeding and will not continue to render legal services to the applicant." Moreover, First Delaware argues, contrary to CBS' suggestion, it would have been misleading had it not signified the recent business judgment of the corporation with respect to legal fees to the Commission in an effort to accurately reflect the corporation's financial condition. And, in this regard, First Delaware argues that the "difference in terminology" employed in the actual balance sheet prepared by the accountants and that submitted to the Commission "reflects only a difference in presentation of one item. . . ."

6. In the Board's view, a substantial question has been raised as to whether First Delaware fully and/or accurately informed the Commission of a substantial and significant change in its financial position. First Delaware submitted to the Commission a balance sheet reflecting the reclassification of $154,206 from current liabilities to "other liabilities". No explanation or substantiation of the change was provided at that time. Since it is now clear that the reclassification merely represented First Delaware's unilateral determination not to pay certain legal fees, a question is raised as to the propriety of the entry, particularly since the change was reflected in the balance sheet prepared by First Delaware's accountants by entering it under both current liabilities and other liabilities and providing an explanation for the entries. Moreover, if the reclassification constituted an attempt by First Delaware to lower its financial requirement by approximately $154,000, its failure to inform the Commission of the exact nature of the change or provide some explanation raises a question as to whether the applicant was attempting to mislead the Commission as to its financial requirements. Under these circumstances, the Board believes that an evidentiary inquiry into this matter is warranted.

7. We do not agree with CBS' contention, however, that a misrepresentation issue could be predicated upon any alleged inconsistencies in Kohn's affidavits. In this regard, we note that, but for the extraction of an unarguably incomplete statement contained in the initial Kohn affidavit before us,[1] CBS has presented no documentation which would tend to support its supposition that First Delaware contemplated—let alone entered into—an agreement with Morgan or his firm with respect to the deferral of legal fees. Thus, there is no basis for questioning Kohn's subsequent averment that the reclassification of fees was the direct result of the applicant's judgment that the billed amount was in dispute and its consequent decision to withhold payment.

8. Accordingly, it is ordered, That the motion for leave to file comments, filed August 6, 1975, by First Delaware Valley Citizens Television, Inc., is granted, and the comments are accepted; and

9. It is further ordered, That the sixth motion to enlarge issues, filed July 3, 1975, by CBS Inc. (WCAU–TV), is granted to the extent indicated herein, and IS DENIED in all other respects; and

10. It is further ordered, That the issues in this proceeding are enlarged to include the following:

To determine whether First Delaware Valley Citizens Television, Inc. failed to fully and accurately report to the Commission the circumstances surrounding its reclassification of $154,206 in legal fees from current to other liabilities, and, if so, the effect thereof on its basic and/or comparative qualifications to be a Commission licensee; and

11. It is further ordered, That the burden of proceeding under the issue added herein shall be on CBS Inc. (WCAU–TV), and the burden of proof shall be on First Delaware Valley Citizens Television, Inc.

Adopted: September 18, 1975.

Released: September 23, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–25736 Filed 9–25–75;8:45 am]

[Report No. 772]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

SEPTEMBER 22, 1975.

By the Chief, Common Carrier Bureau. Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATION ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE SERVICE:

20482–CD–P–76 General Telephone Company of the Northwest, Inc. (KTS239) C.P. to relocate facilities operating on 454.40 MHz and change antenna system located Corner 222nd St. and 58th Ave., SW, Lynnwood, Washington.

20483–CD–P–76 General Telephone Company of the Northwest, Inc. (KTS244) C.P. to change antenna system operating on 454.–575 MHz located 13013 N.E. 65th Street, Kirkland, Washington.

20484–CD–P–76 Anserfone of St. Lucie County, Inc. (KIG838) C.P. to change antenna system operating on 152.15 MHz located 200 South 7th Street, Fort Pierce, Florida.

20485–CD–P–75 Curry County Communications (KTS241) C.P. to change frequency from 152.12 to 152.18 MHz at Loc. #1 located Edson Butte, 10 miles NE of Port Orford, Oregon.

20486–CD–P–76 Burling Brighton and Wheatland Telephone Company (KUC636) C.P. for additional facilities to operate on 158.10 MHz to be located 2.2 miles Northeast of Footville, Wisconsin.

20487–CD–P–76 Anserfone of St. Lucie County, Inc. (KUC847) C.P. to change antenna system operating on 158.70 MHz located 200 South 7th Street, Fort Pierce, Florida.

20488–CD–P–76 Mobile Telephone Service of Southern (KUS296) C.P. to change antenna system operating on 152.24 MHz located Red Hills, St. George, Utah.

20489–CD–P–TC–(2)–76 Ram Broadcasting of Arkansas, Inc. Consent to Transfer of Control from Ram Broadcasting Corporation TRANSFEROR to Otis L. Hale TRANSFEREE KUC964 Forrest City Arkansas and KUC963 Blytheville, Arkansas.

20491–CD–P–76 Westcol Radio Dispatch (KTS263) C.P. to change antenna system operating 152.24 MHz located 241 South 14th Street, Grand Junction, Colorado.

[1] A full reading of the first affidavit reveals that, although Kohn stated that the applicant was being relieved of its obligation, he did not indicate how this had been accomplished or who was involved in the determination. In our view, therefore, Kohn's subsequent affidavit must be regarded as an amplification of the first, rather than a contradiction thereof.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

20492–CD–P–(2)–75 Lubbock Radio Paging Service, Inc. (KKE970) C.P. to relocate and change antenna system operating on 454.–275 and 454.350 MHz located Metro Tower, Broadway and Avenue L, Lubbock, Texas.

20494–CD–P–TC–76 General Communications Company Consent to Transfer of Control from John B. Hanway and James C. Thompson TRANSFEROR to Margaret J. Hanway TRANSFEREE KUC849 Fairmont West Virginia.

20495–CD–P–76 Radiocall, Inc. (KIR305) C.P. for additional facilities to operate on 152.06 MHz located 347 College Street, Macon, Georgia.

20496–CD–P–76 Massachusetts-Connecticut Mobile Telephone Company (KQZ747) C.P. to add transmitter operating on 158.70 MHz located Brushy Hill Road, Danbury, Connecticut.

Correction

20341–CD–P–(4)–76 The Ohio Bell Telephone Company (KQD314) Correct entry to indicate that additional facilities as Loc. #1 will operate on 152.84 MHz rather than 35.50 MHz. All other particulars as previously reported on PN #769, dated September 2, 1975.

20177–CD–P–(3)–76 Commercial Radio Inc. (KJU796) Correct to read C.P. to relocate base facilities operating on 152.03 and 152.18 MHz at NE Corner of South and Fourth Avenue, Waycross, Georgia; Also to add new facilities to operate on 454.050 MHz (base) at aforementioned location. (Major Action under Section 1.1305 of the Commission's Rules).

Major amendments

20617–CD–P–75 Island Telepage System (New) Oak Harbor, Washington change frequency for Blyn and Lummi Island location from 454.300 & 459.300 MHz to 454.–025 & 459.025 MHz. All other particulars to remain the same as reported on PN–#726 dated November 4, 1974.

21267–CD–P–75 & 21299–CD–P–75 General Communications Company (KLF509) Amend to change the base frequencies to 35.24 MHz. All other particulars shall remain as reported on March 24, 1975 & March 31, 1975. PN.

6118–C2–P–72 Delaware Mobile Telephone Company (New) Amend base frequency 454.350 to read 454.150 MHz. All other particulars are to remain the same as reported PN dated 6/19/72.

20228–CD–P–76 The Monon Telephone Co., Inc. (New) Amend to change the Base frequency to 152.84 MHz. All other particulars shall remain as reported on PN #768 dated August 25, 1975.

Informative

The following Application is a Major Action as defined by Section 1.1305 of the Commission's Rule concerning the implementation of the National Environmental Policy Act of 1969 and may be subject to Petitions to Deny on Environmental ground pursuant to Section 1.1311 of the Commission's Rules.

20179–CD–P–76 Commercial Radio, Inc. (New) Waycross, Georgia.

RURAL RADIO

60171–CR–P–76 The Mountain State Telephone and Telegraph Company (KZS33) C.P. to relocate facilities operating on 459.40 MHz located 26.6 miles west of Casper, Wyoming.

60172–CR–P–76 The Mountain States Telephone and Telegraph Company (New) C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 MHz located 32.1 miles South of Bitter Creek, Wyoming.

60173–CR–P/L–76 Continental Telephone Company of California (New) C.P. for a new Rural Subscriber-Fixed station to operate on 157.89 MHz located U.S. Department of Interior, Bureau of Land Management, Chimney Peak station, California.

Correction

60047–CR–P–76 Arvig Telephone Company (WSN61) Correct entry to change file number from 60049–CR–P–76 to 60147–CR–P–76. All other particulars to remain as previously reported on PN 769 dated September 2, 1975.

60048–CR–P/L–76 The Mountain States Telephone and Telegraph Company (New) Correct entry to change file number from 60048–CR–P/L–76 to 60148–CR–P/L–76. All other particulars to remain as previously reported on PN number 769 dated September 2, 1975.

60049–CR–P–76 Continental Telephone Company of Utah (New) Correct entry to change file number from 60049–CR–P–76 to 60148–CR–P–76. All other particulars to remain as previously reported on PN #769 dated September 2, 1975.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1042–CF–P–76 United States Transmission Systems, Inc. (New) 1.3 Miles North of Rockville, (Montgomery) Maryland. Lat. 30 06 10 N., Long. 77 09 16 W. C.P. to add 5945.2H towards a new point of communication at Middleburg, Virginia on 244.8 degrees.

1043–CF–MP–76 Same (WAH502) 5.3 Miles SSE of Middleburg, (Prince William) Virginia. Lat. 38 54 45 N., Long. 77 40 06 W. Mod. C.P. to replace transmitter, change antenna system and to change coordinates; to add 6226.9H towards Rockville, Maryland on 64.5 degrees and 6236.9V towards Alanthus, Virginia on 209.7 degrees.

1044–CF–P–76 Same (New) 3.4 Miles NNW of Brandy Station (Culpeper) Virginia. Lat. 38 32 00 N., Long. 77 56 37 W. C.P. for a new station on 5945.2V towards Middleburg, Virginia on 29.5 degrees and 5945.2H towards Unionville, Virginia on 187.7 degrees.

1045–CF–MP–76 Same (WAH503) 4.0 Miles North of Unionville (Orange) Virginia. Lat. 38 18 56 N., Long. 77 58 51 W. Mod. C.P. to replace transmitter, change coordinates, replace antenna system and to add 6226.9H towards Alanthus, Virginia on 7.7 degrees and 6236.9V towards Whitlock, Virginia on 219.3 degrees.

1046–CF–P–76 Same (New) 5.7 Miles SE of Gordonsville (Louisa) Virginia. Lat. 38 03 55 N., Long. 78 14 24 W. C.P. for a new station on 5945.2V towards Unionville, Virginia on 39.1 degrees and 6094.5H towards Covesville, Virginia on 251.2 degrees.

1047–CF–MP–76 Same (WAH504) 3.4 Miles NW of Covesville (Albermarle) Virginia. Lat. 37 55 47 N., Long. 78 44 23 W. Mod. C.P. to change 6375.2V to 6236.9V towards Appomattox, Virginia on 70.9 degrees and to add 6226.9H towards Whitlock, Virginia on 190.3 degrees; replace transmitters, replace antenna systems.

1048–CF–MP–76 Same (WAH505) 3.0 Miles WSW of Appomattox, Virginia. Lat. 37 20 36 N., Long. 78 52 25 W. Mod. C.P. to change frequency 6063.6H to 5945.2V towards Covesville, Virginia on 10.2 degrees and to add 5974.8 towards a new point of communication at Kingston, Virginia on 242.1 degrees and 6152.8V towards a new point of communication at Lynchburg, Va. on 280.8 degrees.

1049–CF–P–76 Same (New) 1.0 Miles NNW of Kingston, (Campbell) Virginia. Lat. 37 12 46 N., Long. 79 10 50 W. C.P. for a new station on 6197.3V towards Appomattox, Virginia on 61.9 degrees and 6236.9V towards Gretna, Virginia on 237.2 degrees.

1050–CF–MP–76 Same (WAH506) 4.3 Miles NE of Penhook, (Pittsylvania) Virginia. Lat. 37 00 37 N., Long. 79 34 17 W. Mod. C.P. to replace transmitter, change antenna system, and to add 5945.2V towards Kingston, Virginia on 57.0 degrees and 5974.8V towards Glady Fork, Virginia on 199.2 degrees.

1051–CF–P–75 United States Transmission Systems, Inc. (New) Glady Fork Mountain, Glady Fork (Henry) Virginia. Lat. 36 44 18 N., Long. 79 41 22 W. C.P. for a new station on 6197.2V towards Gretna, Virginia on 19.2 degrees and 6197.2H towards Reidsville, North Carolina on 195.0 degrees.

1052–CF–MP–76 Same (WAH507) Reidsville (Rockingham) North Carolina. Lat. 36 20 36 N., Long. 79 49 12 W. Mod. C.P. to add 6034.2H towards a new point of communication at 6034.2H towards Glady Fork, 14.9 degrees; 5945.2V towards Greensboro, North Carolina on 174.1 degrees and to change 6152.8V to 5974.8V towards Winston Salem, North Carolina on 229.9 degrees.

1053–CF–P–76 Same (New) McAdoo Avenue, Greensboro (Guilford) North Carolina. Lat. 36 04 05 N., Long. 79 47 07 W. C.P. for a new station on 6197.2H towards Reidsville, North Carolina on

1054–CF–P–76 Same (New) Oak Street, Lynchburg (Campbell) Virginia. Lat. 37 22 59 N. Long. 79 08 15 W. C.P. for a new station on 6404.8H towards Appomattox, Virginia on 100.6 degrees.

1055–CF–P–76 General Telephone Company of Indiana, Inc. (KSG61) 302 East Berry Street, Fort Wayne, Indiana. Lat. 41 04 49 N., Long. 85 08 11 W. C.P. to replace antenna and change frequencies 6197.8H 6115.7H MHz to 6019.3V MHz toward Leo, Indiana on azimuth 33° 28'; replace transmitters and change power.

1056–CF–P–76 Same (KSN95) Main Street, Leo, Indiana. Lat. 41 13 25 N., Long. 85 00 39 W. C.P. to replace antenna and change frequencies 6189.8H 6367.7H MHz to 6271.4V MHz toward Fort Wayne, Indiana on azimuth 213° 33'; replace transmitters and change power; change azimuth to Butler, Indiana to read 23° 02'.

1057–CF–P–76 Frank K. Spain d/b/a Microwave Service Company. (New) Pioneer Tower Bldg., Platteville, Wisconsin. Lat. 42 43 57 N., Long. 90 29 09 W. C.P. for a new station on 6212.0H toward Asbury, Iowa, on azimuth 221.4 degrees.

1058–CF–P–76 Same. (New) 5.0 Miles West of Dubuque, Iowa. Lat. 42 30 52 N., Long. 90 44 42 W. C.P. for a new station on 6212.0H toward Platteville, Iowa, on azimuth 41.2 degrees.

1025–CF–P–76 Video Service Company. (KVD52) 1.8 Miles NW of Peru, Indiana. Lat. 40 46 32 N., Long. 86 05 32 W. C.P. to add 6167.6V MHz toward Huntington, Indiana, on azimuth 73.8 degrees.

1026–CF–P–76 Same. (WBA765) 1.5 Mile NW of Huntington, Indiana. Lat. 40 54 10 N., Long. 85 31 11 W. C.P. to add 6375.2H MHz toward New Haven, Indiana, on azimuth 65.3 degrees.

Major amendment

4569–CF–P–75 Penn Service Microwave Company (KGO20) Bears Head Mtn., 1.0 Mile North of Delano, Pennsylvania. Lat. 40 51 00 N., Long. 76 04 48 W. Application amended to change frequency from 6271.4V MHz to 6305.0V MHz toward Bald Eagle Mtn., Pennsylvania, on azimuth 299° 00'.

SEP 26 75

Corrections

1039–CP–P–76 RCA Global Communications, Inc. (NEW) ¼ Mile East of Green Pond, New Jersey. CORRECT entry to read frequency 11606V instead of 11626V, toward Vernon, New Jersey. All other particulars remain as reported in Public Notice No. 771, dated September 15, 1975.

BROADCAST DISTRIBUTION SERVICE

1059–CM–P–76 Teleprompter Corporation (New) 9.0 Miles South of Miss. R., Dubuque, Iowa. Lat. 42 24 22 N.—Long. 90 34 09 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Dubuque/Galena, Iowa).

1060–CM–P–76 Teleprompter Corporation (New) 5.0 Miles North of Walla Walla, Washington. Lat. 46 04 55 N.—Long. 118 20 04 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Walla Walla, Washington).

1061–CM–P–76 Same. (New) NE of Horton Rd., at Bemus, Ellicott Township, New York. Lat. 42 [illegible] 58 N.—Long. 79 13 20 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Jamestown, New York).

1062–CM–P–75 Same. (New) Ridge View Rd. East, LaCrosse, Wisconsin. Lat. 43 49 00 N.—Long. 91 [illegible] 16 W. C.P. for a new station on frequencies 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: LaCrosse, Wisconsin).

1063–CP–P–75 Teleprompter Corporation (New) Old Webb Road, Dothan, Alabama. Lat. 31 14 20 N.—Long. 85 11 10 W. C.P. for a new station on 2150.25V (Aural) and 2154.75V (Visual) MHz. (Primary Service Area: Dothan, Alabama.)

1094–CM–MP–76 Dayton Communications Corp. (WPFB) Columbus, Ohio. Lat. 39 57 46 N.—Long. 83 00 06 W. Mod. of C.P. to change antenna location and change station location to foregoing coordinates. (Primary Service Area: Columbus, Ohio).

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED:

TELEPHONE WIRE FACILITIES

W–P–C–569 The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Virginia *INFORMAL* (Section 63.03) To supplement existing facilities by constructing and operating 48—4 KHz channels from LaPlata, Maryland to Columbia Pike, Virginia and Arlington, Virginia. It is initially planned to establish the proposed channels by use of T type carrier.

W–P–C–570 The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company *INFORMAL* (Section 63.03) To supplement further facilities by the construction and operation of 48 equivalent 4 KHz telecommunications channels between Woodlawn, Maryland and Washington, D.C. for furnishing private line service. It is initially planned to establish the proposed channels by the use of T type carrier.

W–P–C–571 RCA Alaska Communications, Inc. *INFORMAL* (Section 63.03) To construct and operate eight (8) circuits to provide both telegraph and telephone service between Port Clarence, Alaska and Teller, Alaska.

W–P–C–572 Microwave Communications, Inc. *INFORMAL* (Section 63.03) To supplement existing facilities between Chicago, Illinois and St. Louis, Missouri by constructing and operating 240 equivalent 4 KHz channels.

W–P–C–573 Southwestern Bell Telephone Company *FORMAL* (Section 63.01) To install two sections of buried long distance telephone cable and to reassign three (3) interstate circuits on three (3) new "N" carrier systems between Atwood and St. Francis, Kansas. The construction of one (1) section of 1- 50 pair, 19 gauge cable is proposed between Atwood and Bird City, Kansas, another section of 1- 25 pair, 19 gauge cable is proposed between Bird City, and St. Francis, Kansas.

Corrections

W–P–C–565 MCI Telecommunications Corporation *FORMAL* (Section 63.02) To extend specialized voice and low data circuits from San Francisco to Hayward, California by leasing one (1) equivalent 4KHz channel from American Telephone and Telegraph Company. (Correction to Public Notice entry dated September 15, 1975 Miemo: 55003)

W–P–C–566 MCI Telecommunications Corporation *FORMAL* (Section 63.02) To extend specialized voice and/or data circuits from San Diego to Brawley, California by leasing one (1) equivalent 4KHz channel from American Telephone and Telegraph Company. (Correction to Public Notice entry dated September 15, 1975 Miemo: 55003)

W–P–C–567 MCI Telecommunications Corporation *FORMAL* (Section 63.02) To extend specialized voice and/or data circuits from Philadelphia to Reading, Pennsylvania by leasing one (1) equivalent 4KHz channel from the Bell Telephone Company of Pennsylvania. (Correction to Public Notice entry dated September 15, 1975 Miemo: 55003)

[FR Doc.75–25740 Filed 9–25–75;8:45 am]

STANDARD BROADCAST APPLICATIONS

Ready and Available for Processing

By the Chief, Broadcast Bureau: notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on October 31, 1975, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. These applications were filed prior to the effective date of the recent amendments to the Commission's acceptance criteria[1], and were acceptable under the standards in force at the time they were tendered. Therefore, they are not subject to the restrictions, imposed by the Commission's Memorandum Opinion and Order[2] in Docket No. 20265, against cutting off applications filed under the amended rules. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 30, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on October 30, 1975. The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: September 17, 1975.

Released: September 22, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

BP–19800 NEW, Dayton, Tenn.
Rhea County Broadcasting Co.
Req: 1520 kHz, 5 kW (500 W–CH), D.

BP–19806 KMFB, Mendocino, Calif.
Mathew V. & Maria J. Huber
Has: 1300 kHz, 1 kW, D.
Req: 1300 kHz, 5 kW, D.

BP–19808 NEW, Beulah, N. Dak.
Mercer Broadcasting, Inc.
Req: 1410 kHz, 1 kW, D.

BP–19839 NEW, Penuelas, P.R.
Penuelas Broadcasters
Req: 1380 kHz, 500 W, D.

BP–19864 KOZY, Grand Rapids, Minn.
Itasca Broadcasting Co.
Has: 1490 kHz, 250 W, 1 kW–LS, U
Req: 1320 kHz, 5 kW, DA–N, U.

BP–19923 NEW, Roosevelt, Utah
Golden Circle Broadcasting, Inc.
Req: 1250 kHz, 5 kW, D.

BP–19926 NEW, Hardy, Ark.
Glenwood Vance
Req: 1570 kHz, 250 W, D.

BP–19942 NEW, Port Gibson, Miss.
South-West Mississippi Broadcasting Co., Inc.
Req: 1520 kHz, 250 W, D.

BP–19949 NEW, Green River, Wyo.
Wycom Corp.
Req: 1490 kHz, 250 W, 1 kW–LS, U

BP–19973 NEW, Sonora, Tex.
Sonora Broadcasting Co., Inc.
Req: 980 kHz, 1 kW, D.

BP–19979 NEW, Lares, P.R.
Jose David Soler
Req: 1200 kHz, 250 W, D.

BP–19981 WBON, Barceloneta, P.R.
Angel M. Rivera
Has: 1160 kHz, 250 W, DA–2, U
Req: 1160 kHz, 1 kW, DA–2, U.

BP–20003 NEW, Barrow, Alaska
Silakkuagvik / Communications, Inc.
Req: 680 kHz, 5 kW, 10 kW–LS, U.

Application deleted from Public Notice of December 20, 1973 (Mimeo No. 12759) (38 FR 35351)

BP–19411 NEW, Green River, Wyo.
Wycom Corp.
Req: 970 kHz, 500 W, DA–1, U.
(Assigned new file number BP–19949)

[FR Doc.75–25739 Filed 9–25–75;8:45 am]

[1] These amendments were adopted by Report and Order in Docket No. 20265, FCC 75–974, released July 14, 1975.

[2] FCC 75–974, released August 20, 1975. This Memorandum Opinion and Order denied a motion to stay the effective date of the amended rules.

[FCC 75–1027; Docket No. 20590, File No. BRH–970]

STEREO BROADCASTERS, INC.

Application for Renewal of License

By the Commission: 1. The Commission has before it for consideration: (1) the above-captioned application for renewal of license for Station WLIR(FM), Garden City, New York, filed March 7, 1972, by Stereo Broadcasters, Inc. (hereinafter Stereo); (2) a petition to deny the application filed by Mr. Franklin M. Wolfe, individually and as president of A.M.S. Radio, a competing applicant for a broadcast station license on the same frequency (hereinafter Petitioner); and (3) various other related pleadings.[1] Petitioner raises issues in the general areas of unauthorized transfer of control, unauthorized change of format, ascertainment, programming and character.

UNAUTHORIZED TRANSFER OF CONTROL

2. Petitioner alleges that Mr. John C. Rieger, President of Stereo Broadcasters, Inc., transferred operating control of WLIR to Mr. Nathan Zalayet, without making proper application to the Commission. The alleged unauthorized transfer of control is said to have been accomplished under the guise of an employment contract by which near unlimited powers were afforded to Zalayet, thereby effectively transferring all control over the station. Sworn statements of Mr. Robert Jewell and Ms. Florence Craig, who were employed at WLIR during the period in question, accompanied Petitioner's pleadings, purporting to show how Rieger sought clandestinely to transfer control of the station to Zalayet by carefully wording the agreement to make it appear as if it were an employment contract. The Jewell and Craig allegations were repeated and enlarged by an additional affidavit submitted by Mr. Melvin Rosen, another WLIR employee, who testified under oath that Rieger, between July and September of 1971, abdicated control of WLIR.[2] According to Rosen, Zalayet was left entirely unfettered in his operation of the station. Petitioner states that additional evidence of Rieger's *de facto* abdication of control is manifested by the fact that Rieger, through his attorney, moved to implead Zalayet as a third-party defendant in a lawsuit involving an alleged copyright infringement by Stereo.[3] The reasons stated for joining Zalayet were that he was "in complete charge of the broadcasting and business. John R. Rieger and [his wife] were inactive in management." Rieger pleaded that if broadcasting was performed that infringed any copyright, it was done without his and Stereo's knowledge and consent. Thus, Petitioner concludes Stereo effectively relinquished all control in fact, if not in law. The challenger adds that the agreement between Rieger and Zalayet was not filed with the Commission until approximately one year later and then only because of pressure brought upon Stereo by Petitioner's actions.[4]

3. Stereo, in opposition, contends that the agreement between Rieger and Zalayet did not constitute a transfer of control, but rather a delegation of managerial authority to Zalayet. Although it is conceded that, pursuant to the agreement, Zalayet was appointed vice president of Stereo Broadcasters, Inc., "with full authority to conduct the Inc., "with full authority to conduct the normal business of the station," Stereo notes that the terms of the document, however, state that "the absolute control of the station" remains with Rieger, and also set forth the various restrictions on Zalayet's authority. For example, he was allowed to employ only personnel who were "properly licensed to comply with the requirements of the FCC," and he was specifically prohibited from taking any action concerning other major matters.

4. Stereo states further that Petitioner's assumption that Rieger relinquished control when he became "inactive in management" is ill founded. It is claimed to be common practice in broadcasting, as in other industries, for the party or parties who hold ultimate control to delegate day-to-day management tasks to a general manager, and such delegation of authority does not in any way reflect abdication of the responsibilities and rights of ownership and control. In fact, continues Stereo, Rieger's retention of control is clearly manifested by certain memoranda which demonstrate that at all times Zalayet was responsible to Rieger and that Rieger retained ultimate control over the station. Attached to Stereo's pleadings is a memorandum, dated September 2, 1971, from Zalayet to the WLIR staff, which was subsequently countermanded by Rieger. Also attached is another memorandum, dated September 7, 1971, in which Rieger suspended Zalayet and replaced him with a new general manager. Stereo asserts that the two memoranda rebut any suggestion by Petitioner that Rieger abandoned control of WLIR.

5. In answer to Petitioner's allegation that licensee did not timely file the agreement, Stereo admits that it was delinquent in submitting the agreement to the Commission. It explains that Rieger, at the time the agreement was executed, was unaware of the Commission's filing requirements, and that he was acting without the benefit of counsel. This fact notwithstanding, Stereo asserts that Rieger had full knowledge of and respect for the Commission's substantive requirements. It notes that the agreement twice made specific references to the Commission's rules and requirements.

6. Section 310 of the Communications Act of 1934, as amended, states in part: "No . . . station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntary or involuntary, directly or indirectly, or by transfer of control of any corporation holding such . . . license to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby." This statutory provision, however, does not exhaust the reasons for our concern over the record before us.[5] For it appears that the allegations in the Rosen and second Jewell affidavits, particularly, must be considered not only with respect to the issue of unauthorized transfer of control but also upon the question of the licensee's supervision of its employees and agents. Failure adequately to control the operation of a broadcast facility may cast doubt upon a licensee's fitness to remain the trustee of a scarce frequency. See *Vinita Broadcasting Co.*, 30 FCC 2d 458 (1971).

7. It is well settled that "control," as used in the Act and pertinent Commission rules, encompasses all forms of control, actual or legal, direct or indirect, negative or affirmative, and that the passage of *de facto* as well as *de jure* control demands the prior consent of the

[1] Stereo filed a motion for extension of time on May 11, 1972. Petitioner filed an opposition to the motion for extension of time on May 25, 1972. An opposition to the petition to deny was filed by Stereo on June 13, 1972. Petitioner filed a reply on June 21, 1972. On June 16, 1972, Petitioner filed a motion to strike the opposition to the petition to deny. An opposition to the motion to strike was filed on June 20, 1972, by Stereo. A supplement to the petition to deny was filed by Petitioner on June 26, 1972. A motion to strike was filed by Petitioner on July 6, 1972. Petitioner, on July 10, 1972, filed a motion to strike material contained in a June 22, 1972 amendment to the renewal application. A supplement to the motion to strike was filed on July 20, 1972, by Petitioner. An opposition to the supplement to the petition to deny was filed on July 24, 1972, by Stereo. Petitioner filed on August 4, 1972, a motion for extension of time. On August 17, 1972, a reply to the opposition to the supplement to the petition to deny was filed by Petitioner. A second supplement to the petition to deny was filed by Petitioner on September 14, 1972. Petitioner, on September 18, 1972, filed a motion to strike material contained in a July 24, 1972, amendment to the application. Then, on February 3, 1975, Stereo filed a supplemental renewal application (file No. BRH–970 and BRSCA–150). Petitioner responded on April 21, 1975, by filing a petition to deny the supplemental renewal application in which it incorporates by reference its pending petition to deny.

[2] Jewell and Craig submitted expanded second affidavits (Para. 9, *infra*).

[3] The case is styled *Appleseed Music et al., v. Stereo Broadcasters, Inc.*, No. 72 C 199 (E.D. N.Y.).

[4] Section 1.613 of the Rules require that copies of such agreements must be filed with Commission within 30 days of their execution. The record indicates that the agreement was executed on July 1, 1971, and that the filing took place on May 26, 1972. It also indicates that Petitioner filed a competing application and a Petition to Deny on April 28, 1972.

[5] Although the pleadings before us are numerous and disputed (see Note 1), we believe that both the lapse of time since this contest began, and the public interest in paring down the issues which would be examined in any comparative hearing between the incumbent and the challenger, A.M.S. (Note 4, *supra*), require our examination of the entire record on the merits.

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Commission. *WWIZ, Inc.*, 36 FCC 561, 2 RR 2d 169 (1964), and cases cited therein; *aff'd sub nom. Lorain Journal Co. v. FCC*, 351 F. 2d 824 D.C. Cir. (1965), *cert. den.* 383 U.S. 967(1966), *rehearing den.* 384 U.S. 947 1966). It has been stated many times that the Commission is not bound by any exact formula in its determination of whether control of a broadcast licensee has been transferred in violation of section 310(b) of the Communications Act. Indeed, the Act does not spell out a formula which shall govern in such cases. The ascertainment of control in most instances must of necessity transcend formulas, for it involves an issue of fact which must be resolved by the special circumstances presented. Therefore, the search for control necessarily calls for an investigation beyond stock ownership in order to determine effectively where actual control resides. There can be a transfer of control or an assignment of a license even where no legal rights pass, if actual control is transferred. Prime importance remains attached to ownership. It is the owner of legal control who has the right to exercise or delegate actual control. See, *e.g. In re Western Gateway Broadcasting Corp.*, 6 RR 1325(1951); *In re Press-Union Publishing Co.*, 7 RR 88 (1951).

8. Initially, we cannot agree with Petitioner's assertion that the written agreement between Rieger and Zalayet, on its face, constituted an effective transfer of control. The wording of the agreement is clear and unequivocal—"the absolute control of the station remains with [Rieger] the President and Chairman of the Board." Thereafter the document specifically sets forth terms which rebut any presumption that control of the station was vested in Zalayet by the agreement itself. Rieger's prior authorization was required before Zalayet could make a major purchase, enter into a long term contract, change the format, or financially obligate the station. Moreover, there is no indication that Zalayet was personally responsible for either the replacement of technical equipment or the station's liabilities. Furthermore, he was paid a monthly salary, rather than being remunerated by such profits as he could make from the station's operation. See *KPSR, Inc.*, 33 FCC 391(1962); *WDUL Television Corp.*, 33 FCC 149 (1962).

9. Beyond the four corners of the Rieger-Zalayet agreement, however, the record is mixed. On the one hand, there is the Rieger-countermanded Zalayet memo of September 2, 1971, together with the Rieger memo of September 7, 1971 (Para. 4, *supra*), submitted by licensee to show Rieger's retention of control and authority, even up to the point of suspending Zalayet in favor of a new general manager. On the other hand, we must consider Petitioner's introduction of Rieger's self-exculpatory statement in defense against the copyright infringement suit (Para. 2, *supra*), as well as certain matters raised in the Rosen, Jewell and Craig affidavits of June 27, 1972.[6] It seems undisputed that Rieger was rarely present at WLIR during July and August of 1971, while Zalayet was the authorized general manager; and that when Rieger did show up, he tended to refer problems to Zalayet, or to take no action at all. For instance, Rosen recalled that Rieger failed to take any corrective action when the affiant advised him that Zalayet was improperly logging commercials as promos. On another occasion, Rieger allegedly shrugged off Rosen's warning that one of WLIR's programs was possibly illegal by referring him to Zalayet who "was in charge." On yet another occasion, Rosen, after being advised that the station was experiencing a technical malfunction and that the Commission's rules required it to cease broadcasting, informed Zalayet of the necessity to go off the air. Zalayet refused and Rosen turned to Rieger, advising him of the FCC requirement. Reiger reportedly answered: "I can't really tell you to do that if Zaylet (sic) says not to do it because Zalyet is over me." In addition, the record contains an uncontradicted statement by Jewell, WLIR's chief engineer from October 1965 through November 1971, that he was told by Rieger and Zalayet: ". . . Mr. Zalyet (sic) was in the process of—he was, in effect, leasing the station, where he had an option to buy the radio station from Mr. Rieger." Thereafter, Jewell continued, he advised Rieger of the illegality of such a transaction and Rieger allegedly replied that he would word the contract to obscure the fact that it was a lease agreement. Jewell's assertions are foreshadowed in an earlier affidavit from Florence Craig, WLIR's secretary, who allegedly transcribed the Rieger-Zalayet contract. She recalls that the men worded the agreement to "go around the FCC requirements" and that Rieger was paid monthly for leasing the station. Finally, there exists an unchallenged assertion that Stereo violated § 1.613 of the Commission's rules in failing to report timely the management contract with Zalayet. While such a failure, by itself, would not call for hearing into the licensee's qualifications, it must be examined in light of an alleged concealment of unauthorized transfer of control.

10. We conclude that Petitioner's allegations have raised substantial and material questions of fact concerning licensee's qualifications, and that these questions must be explored further in an evidentiary hearing. Whether the qualifications issue to be designated against Stereo is labelled "unauthorized transfer of control" or "failure of licensee supervision" is secondary to our primary concern for a resolution of the factual questions raised by the record before us.

[6] These documents are so far from models of succinctness in pleading as to require a strong public-interest basis for our even entertaining them. That basis, as noted above, is a desire to make up for the delay already plaguing this case and to expedite any comparative hearing which may follow resolution of the petition to deny.

Accordingly, we will frame an appropriately flexible designation order.

CHANGE OF FORMAT

11. Petitioner charges that Stereo should not be allowed to renew its license because it substantially changed its program without supplying the Commission with notification of the change. Petitioner states that Stereo assured the Commission, in its 1969 application for a broadcast license, that its proposed format would consist of 15 percent talk, 18 percent classical music and 67 percent standard music, and that this would be in the listening public's best interest since the format would contribute to overall diversity of programming in WLIR's service area. On July 1, 1970, however, says Petitioner, WLIR changed its format to contemporary folk/rock music, without notice to the Commission and without benefit of any survey demonstrating the need for such a change.

12. In response, Stereo readily concedes that it committed a technical transgression when it changed the music portion of WLIR's format from "middle-of-the-road and classical" to "soft rock and folk music" without notifying the Commission. Unfortunately, according to Rieger, at the time the change was implemented, he was acting without the assistance of counsel and was unaware of the Commission's policy requiring an interim notification of such change. Thereafter Stereo states that lack of knowledge was the only reason for Rieger's failure to notify the Commission, since the change in WLIR's format was, in fact, a matter of public knowledge.

13. Stereo adds that (notwithstanding Rieger's failure to give notification of the change in programming, the new format is contributing substantially to the program diversification in the area of Long Island served by the station. Stereo contends that WLIR, by switching its entertainment programming, has provided a unique format, since it is the sole local station broadcasting "folk/rock" in an area which still has a substantial amount of "middle-of-the-road and classical music" on the FM radio band. Moreover, says the licensee, the change in WLIR's format has been enthusiastically received and accepted by all age groups in the area. Listener support allegedly has encouraged Stereo to become innovative in programming primarily directed toward the community's young adults. The station has experimented with live broadcasts of rock concerts, which are now scheduled on a weekly basis. This innovation has attracted the attention of the *New York Times*, *Newsday*, and *Broadcasting Magazine*, each of which has published articles describing WLIR's efforts in this connection and the live concerts also have been covered on WCBS–TV news. Stereo concludes by assuring the Commission that Rieger now is fully aware of the requirements concerning format changes, and that the Commission's policies will be scrupulously followed hereafter.

14. Clearly, the Commission should have been advised of the change, and

thus Stereo did in fact violate Commission policy. *Report and Order*, 1 FCC 2d 439, 441 (1965). The record, however, is devoid of any evidence that this breach of duty was in any way intentional or otherwise was in derogation of the public interest. Accordingly, while we cannot condone Stereo's failure to advise the Commission, it does not raise a substantial and material question of fact warranting exploration of Stereo's character qualifications in a hearing.

15. Although the Commission does have some responsibility for programming content under its public interest mandate, it is primarily interested in the programming presented to meet the problems faced by a station's service area. See *Citizens Committee to Save WEFM* v. *FCC*, 505 F 2d 246 (D.C. Cir. 1974). The vast majority of entertainment format changes are therefore left to the forces of the market place and to the business judgment of the licensee. It is only when a unique entertainment format is abandoned, prompting significant complaint, that a hearing on the public interest in the change may be required. *Citizens Committee to Keep Progressive Rock* v. *FCC*, 156 U.S. App. D.C. 16, 478 F 2d 926 (1973), *Citizens Committee to Save WEFM* v. *FCC*, *supra*. This governmental intrusion into the content of programming has been justified on the ground that the public has a substantial interest in the diversity of available formats, since it is only through diverse programming that the listening public can be afforded the maximum benefits of the broadcasting media. See *National Broadcasting Co.* v. *United States*, 319 U.S. 190, 216–17 (1943). In the instant case, however, the record undisputedly reflects that the entire area served by WLIR is served by other "middle-of-the-road" music stations.[7] Accordingly, we find that no substantial question of fact requiring a hearing on the format issue has been raised by Petitioner.

ASCERTAINMENT

16. Petitioner alleges that Stereo's efforts to ascertain its community's needs, interests and problems, as originally set forth in its application for license renewal, are fatally inadequate. Petitioner takes exception to Stereo's determination of its service area's composition, claiming that the material contained in Stereo's analysis of Garden City and Hempstead, New York, is inaccurate. Among the inaccuracies alleged by Petitioner are the number and type of department stores located in each city, the number of governmental agencies in the communities and the total of professional organizations. On April 25, 1972, the Commission informed Stereo, via letter, of the inadequacy of its attempt to discover and meet the problems, needs and interests of its community, and at the same time referred Stereo to the 1971 *Primer*, 27 FCC 2d 650, as a guide to the prescribed methods of conducting a proper ascertainment. In response thereto, Stereo undertook substantial additional work in the area of ascertainment, and amended its application, as the courts have permitted even after challenge. Section 1.522(a) of the Rules; *Stone* v. *FCC*, 466 F 2d 316, 331, 332 (D.C. Cir. 1972). The amendment indicates that 50 community leaders in Garden City, Hempstead, and Nassau County were personally interviewed by the owners of WLIR. In addition, a random telephone survey of some 200 members of the general public was conducted. Stereo explains that its choice of community leaders was made on the basis of an analysis of the station's community of license, Garden City, and of the principal community within its service area (in which its main studio is located), Hempstead. Significant groups represented in the community leader survey were: business, government, education, religion, professional, ethnic, eleemosynary, political, youth, women, media, cultural, recreational, and civic. In connection with the telephone survey of the general public, approximately 150 calls were made to residents of Garden City and 50 calls were made to residents of Hempstead. The interviews were selected at random from local telephone directories.

17. Unlike Stereo's initial survey, this effort properly and exclusively dealt with community problems. It appears that the compositional study was comprehensive enough to meet *Primer* standards, despite the insubstantial questions raised by Petitioner, in its Motions to Strike of July 6, 10, and 20, as to numbers of department stores, government agencies, and professional organizations in Garden City and Hempstead. Each community leader interviewed was asked the following questions: (a) "In your opinion, what are the most important problems faced in Garden City-Hempstead?" (b) "What do you consider the major problems insofar as they effect your group or organization?" The general public interviewees on the other hand, were asked to identify one or two of the most significant problems or needs of the community and how they thought WLIR could help meet those needs.

18. Stereo then identified the more significant problems of its community which it proposed to treat through programming. In accordance with the *Primer*, programs were proposed to meet the selected problems. In view of the foregoing, we are of the opinion that Stereo did meet its obligation of assuring the Commission that WLIR will be operated to serve the public interest during the forthcoming license term. Accordingly, it is concluded that Petitioner has failed to raise a substantial and material question of fact concerning Stereo's overall ascertainment efforts.

[7] More specifically, at the time the petition to deny was filed the entertainment programming of four out of Nassau County's five commercial radio stations was very similar to WLIR's abandoned format.

were only two hours of public affairs programming in composite week of past programming in the pending renewal application, according to Petitioner. Further-

PROGRAMMING

19. Petitioner alleges that Stereo has failed to fulfill the wishes of its listeners in the area of news programming.[8] It states that a survey made on behalf of Petitioner revealed that 91 percent of the general public, and all the community leaders interviewed, "listed local Long Island and community news a service highly desired from a local radio station." Petitioner then charged that Stereo's application falsely indicated that approximately 35 percent of its news coverage is local whereas, in fact, often there is no local news at all. In support of the charge, Petitioner informs us that a monitoring of Stereo's broadcasts disclosed that only 21.8 percent of the station's newscasting was devoted to local and regional coverage.[9]

20. Petitioner next points out that Stereo also failed to live up to the promise it made in 1969, when it proposed in its application for license renewal that a typical broadcast week would contain four hours and five minutes of public affairs programming.[10] However, there more, during the week monitored by Petitioner, only 1 hour and 37 minutes of

[8] It should be noted that WLIR committed a typographical error while completing its renewal application. The licensee mistakenly stated that it would air 3 hours and 25 minutes of news programming during the next license, term, when it intended to propose 13 hours and 25 minutes of news. WLIR corrected the error immediately after it was brought to the licensee's attention.

[9] The Commission is informed additionally that although Stereo, in its composite week, designated 8.3 percent of its total programming as news, Petitioner's monitoring revealed that only 5.5 percent of WLIR's airtime was allotted exclusively to news programming. Petitioner's monitoring of Stereo's broadcasts was conducted by three individuals under the direction of Mr. Jeffrey C. Kraus, a principal of AMS and an experienced broadcaster. The monitoring took place over a two-week period, during which seven days of WLIR's broadcasts were analyzed. The exact dates were: Saturday, June 24, 1972; Sunday, June 25, 1972; Monday, July 3, 1972; Tuesday, June 27, 1972; Wednesday, July 5, 1972; Thursday, June 29, 1972; and Friday, June 30, 1972.

[10] Among the programs Stereo classified under the heading of public affairs is *The Public Watermelon*, a wide ranging presentation with emphasis given to audience participation via telephone. Petitioner, in its September 18 Motion to Strike, takes issue with Stereo's classification on the ground that one of the programs it monitored was concerned with "the moon and its relationship to your psyche." We do not share Petitioner's point of view. Although the topic may seem somewhat esoteric it, nevertheless, falls within the parameters articulated in Section 73.282 of the Rules. Furthermore, a review of the topics aired on *Watermelon* reveals that the majority deal with more conventional public affairs subjects, viz., problems of old age, elections, and the energy crisis.

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public affairs programming reportedly was carried—almost half of which amount was aired between the hours of 6:30 and 9:00 A.M. on Sunday morning.

21. In response to Petitioner's allegation of insufficient local and regional news programming, Stereo argues that Petitioner's figure is not an entirely accurate reflection of WLIR's news coverage of the Long Island scene. The local content of a given newscast can and often does vary, notes the licensee, depending on what transpires during that day or at that specific hour. Stereo explains:

> For example, a fast breaking event such as the recent shooting of Governor George Wallace of Alabama might dominate a newscast and, conversely, a particular local event such as a visit by the governor to the area might dominate. Some recent instances when local news may have exceeded 35 percent include stories on the veto of the abortion bill; aid to private schools; the veto of the wetlands bill, which was of direct interest to Long Island residents; and such particular local affairs as the school budget hearings and student protests at Hofstra University.

The 35 percent figure is, therefore, an average, and Stereo steadfastly contends that this average is maintained on WLIR.

22. Stereo continues the defense of its local news programming by explaining that it subscribes to the United Press International (UPI) wire service specifically because UPI offers a local news split, which furnishes the station with items of interest and importance to the citizens of the Long Island area. Stereo adds that although the wire service is a valuable source of local news, it is by no means WLIR's sole supplier. In addition to the UPI local wire, regular contact is maintained with various local agencies. Press releases concerning the Long Island area are received daily. They are then reviewed by Mrs. Rieger and, when appropriate, they are further edited by the staff and incorporated in news broadcasts. Other media such as *Newsday* are also utilized as sources of local news. Furthermore, local news is a principal feature of WLIR's "New Generation News," a series created in order to reach the station's young adult audience, which is aired approximately 15 times weekly. We are informed that in 1971, it was first runnerup in its category for Columbia University's Major Armstrong Award. In conclusion, Stereo submits that the preceding clearly illustrates its commitment to provide as much local and regional news coverage as is feasible for a station of its size.

23. The Commission long has held that a licensee's program proposals are not rigidly binding. Instead, the licensee is given the right and duty to exercise considerable flexibility and discretion in serving the public interest. *RadiOhio, Inc.*, 38 FCC 2d 731, 738(1973), *aff'd sub nom. Columbus Broadcasting Coalition v. FCC*, 505 F 2d 320 (D.C. Cir. 1974). As a general rule, the Commission will not require a hearing on the question of promise versus performance absent an unexplained showing of substantial variation between a licensee's promise and what it subsequently performs. *RadiOhio, supra* at 743. It is a fact of broadcasting life, that the airtime utilized for a given type of program may vary considerably from day to day. This is quite evident in the case of local news programming, where a licensee has virtually no way of knowing how many newsworthy events will transpire on any particular day. Therefore, licensees are not required to satisfy their projected programming percentages on a daily or even weekly basis. *Tri-Counties Communications, Inc.*, 31 FCC 2d 83, 22 RR 2d 768(1971).

24. One of the questions on Stereo's 1971 application for license renewal requests from the licensee an estimate of the percentage of news program time it has devoted to local and regional news.[11] Stereo's response was:

> We would estimate that on the whole, about 65% of our [n]ews is [n]ational and international and approximately 35% is local. This, of course, can vary with the day and the happenings.

Stereo's explanation appears consistent with the representation which it made in its renewal application. Further, Petitioner erred in its allegation that Stereo, during the seven days it was monitored by Petitioner, devoted only 21.8 percent of its news broadcasting to items of purely local and regional concern. An analysis of the data presented to the Commission discloses that, by Petitioner's own figures Stereo did in fact allot approximately 35 percent of its newscasts to local and regional news.[12] Furthermore, the truthfulness of Stereo's statement that the quantity of any particular type of news might vary from day to day is borne out by Petitioner's figures. Local and regional news comprised a low of 25 percent of the daily news broadcast on Sunday, June 25, 1972, and a high of 50 percent on Friday, June 30, 1972.

25. We are also of the opinion that no substantial question is presented by Stereo's failure to comply with its 1969 public affairs programming proposals (Paragraph 18, *supra*). The variation between Stereo's 1969 public affairs proposals (4:05 hours) and the amount of such programming in its composite week (2:00 hours) is certainly more than nominal. On the other hand, we believe Stereo does provide a valuable public service by devoting a substantial percentage of its airtime to non-entertainment programming (news, public affairs and "all other").[13] In view of this high level of informational programming—delivered substantially as promised, overall—we see no need for further specific inquiry at this time.

26. The fact that much of Stereo's public affairs programming was broadcast between the hours of 6:30 and 9:00 A.M. on Sunday morning does not change our conclusion. The Commission repeatedly has held that it will not inquire into a licensee's program scheduling absent a specific showing that the licensee could not reasonably expect that its broadcasts would be effective. *RadiOhio, Inc., supra* at 739; *National Broadcasting Co., Inc.*, 47 FCC 2d 803. While it seems that Stereo has not always broadcast its public affairs programming on the days or at the times preferred by Petitioner, there is no showing that Stereo failed to make good-faith judgments in determining how and when to deal with community problems, needs and interests. *Primer, supra.*

CHARACTER

27. Petitioner contends that Stereo lacks the requisite character qualifications which the public interest requires of a licensee, resting its contentions on the following allegations: (a) Franklin M. Wolfe, President of the Long Island Chapter of the Administrative Management Society, Inc., and a partner in A.M.S. Radio, made a formal complaint to the Village of Hempstead Police Department on July 15, 1971, because Stereo failed to return certain tapes that it had rented from Petitioner; (b) Mrs. Dorothea Rieger, 49 percent owner of the stock of Stereo, collected unemployment insurance from the New York State Unemployment Service, while still listed as Public Affairs Director of WLIR, and Secretary-Treasurer of Stereo; (c) Mr. John Rieger, President and owner of 51 percent of the stock of Stereo, is under investigation by the Securities and Exchange Commission for dealing short on the stock market; (d) The American Society of Composers, Authors and Publishers (ASCAP) is suing Stereo for continuing to play ASCAP-licensed music after their license to do so was cancelled for non-payment; (e) Mr. Robert Jewell, former Chief Engineer for WLIR, and other WLIR personnel were forced to sue in the Small Claims section of Nassau District Court for back wages; (f) eleven separate court judgments are outstanding against Stereo and/or John Rieger.[14]

28. We agree with Stereo that Petitioner's allegations range from the unspecific to the irrelevant. With regard to Petitioner's first allegation, Stereo readily admits that certain tapes are missing, but it gives assurance that the Riegers have never failed to return to Mr. Wolfe any tapes of his found on the premises. Licensee emphatically denies that the station ever refused to return the Administrative Management Society tapes

[11] FCC Form 303, Question 5B, Section IV–A.

[12] Apparently Petitioner had classified weather reports as national and international news rather than as local news. Weather reports are, of course, correctly classified as news. Sec. 73.282 of the Rules (Note 1).

[13] Total non-entertainment proposed, 13.9 percent; performed, 12.4 percent.

[14] Petitioner lists the following as those outstanding judgments: 1–5–72, Stereo Broadcasters, Inc., with assignment, $190; 7–2–70, Thompson Concrete Corp., $824; 7–26–7(?), Broadcast Music, Inc., $2,122.21; 8–9–71, Michael S. Schuberg, 8–9171(?); 10–26–71, Broadcast Music, Inc., $2,122.21; 11–30–71, Radio Advertisers, Inc., $475; 12–27–71, Steven Sunshine, $140; Robert Jewell, $125; 1–17–72, Zaltyrow Tube Corp., $4,316.94; 2–14–69, Garden City Hotel, Inc., $2,063.00.

to Mr. Wolfe. Stereo explains that the procedure at the station was for the tapes to be delivered to Ms. Florence Craig, who was responsible for distributing the tapes for programming. After the tapes were used, they were to be placed in the "Refile Slot" to be picked up by Ms. Craig and eventually returned to Mr. Wolfe. At the time of Stereo's opposition, the Riegers and Ms. Craig were ignorant of the tapes' whereabouts. Although the subject of a report to Hempstead police, this particular allegation—without more—reflects no adverse light upon Stereo's character qualifications since there has been no showing that the disappearance of the tapes was the produce of any devious scheme or artifice, much less any criminal conviction. See, *e.g., Tri-Cities Broadcasting Co.*, 4 RR 2d 642 [Rev. Bd. 1965].

29. The allegation that Stereo has failed to meet the Commission's character requirements because Mrs. Rieger received unemployment compensation without first divesting herself of the stock she held in the licensee corporation is without merit. Petitioner has failed to come forward with the specific support of and affidavit by a person with personal knowledge of the events as they transpired. Instead, we have Stereo's assurances that Mrs. Rieger was not on its payroll during the period that she received funds from the New York State Unemployment Service. See *KSAY Broadcasting Co.*, 47 FCC 2d 564, 30 RR 2d 936 (1974). Furthermore, Petitioner has not cited any legislative enactment requiring that a recipient of unemployment compensation divest himself of any corporate stock that he might own.

30. In answer to the allegation that John Rieger is under investigation by the S.E.C. for his dealings on the stock market, Stereo advises that Rieger is unaware of any investigation or reasons therefor, and that Rieger has not "dealt" on the stock market at all, much less dealt "short". Furthermore, the only stock that Rieger has ever owned is his holding in Stereo. Continuing, Stereo states that a formal inquiry could be made of the S.E.C. to clear Mr. Rieger's name, but then adds that it is felt that Petitioner's allegations are not sufficiently credible to warrant taking such action. Petitioner's reply adds nothing to the information before us, and we must conclude that its allegation fails the statutory test of specificity. 47 U.S.C. 309(d).

31. Petitioner's remaining three allegations, like those previously discussed, fail to raise substantial character questions. The record reflects that, at the time of the filing of the Petition to Deny, all judgments against Stereo, including those by ASCAP, had been fully satisfied. Therefore, we are of the opinion that further inquiry is not warranted. See, *e.g., United Arts Broadcasting, Inc.*, 7 RR 2d 7 (1966); *Tri-Cities Broadcasting Co., supra.*

ULTIMATE CONCLUSION

32. In the judgment of the Commission, substantial and material questions of fact have been raised concerning the possible unauthorized transfer of control of Station WLIR and/or the failure of the licensee to exercise adequate control and supervision over the station. We are therefore, unable to make the statutory finding that a grant of the renewal application for Station WLIR is consistent with the public interest, convenience, and necessity, and we are of the opinion that the foregoing matters should be explored in an evidentiary hearing.

33. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned license renewal application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether the license for Station WLIR was transferred, assigned or disposed of, by transfer of control of WLIR, without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of section 310 of the Communications Act, as amended.

(2) To determine whether Stereo Broadcasters, Inc., failed to exercise adequate control and supervision over the station or to maintain appropriate safeguards to insure its operation in the public interest.

(3) To determine, in light of the evidence adduced under the preceding issues, whether the applicant made misrepresentations to the Commission or was lacking in candor.

(4) To determine, in light of the evidence adduced under the preceding issues, whether the applicant has the requisite qualifications to remain a Commission licensee, and whether a grant of the application would serve the public interest, convenience and necessity.

34. It is further ordered, That the petition to deny the above-captioned license renewal application and 1975 supplement thereto, filed by Mr. Franklin M. Wolfe, individually and as President of A.M.S. Radio, IS granted to the extent indicated above, and is DENIED in all other respects.

35. It is further ordered, That Mr. Franklin M. Wolfe and A.M.S. Radio are made parties to the hearing ordered herein.

36. It is further ordered, That in accordance with Section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence upon issues (1)–(3) shall be on the petitioners, Mr. Franklin M. Wolfe and A.M.S. Radio, and the burden of proof shall be on the applicant, Stereo Broadcasters, Inc., with respect to all issues herein.

37. It is further ordered, That the "Motions to Strike" filed June 16, 1972, July 6, 1972, July 10, 1972, and September 18, 1972, ARE DENIED.

38. It is further ordered, That, to avail themselves of the opportunity to be heard, Stereo Broadcasters, Inc., and the petitioners shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in the Order.

39. It is further ordered, That Stereo Broadcasters, Inc., shall, pursuant to section 311(a)(2) of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 9, 1975.

Released: September 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-25737 Filed 9-25-75;8:45 am]

TV AND FM TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on November 6, 1975, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 5, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on November 5, 1975.

The attention of any party in interest desiring to file pleadings concerning and pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: September 16, 1975.

Released: September 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

FM TRANSLATOR APPLICATIONS

BPFT–241	NEW, Kanab, Utah Kanab Lions T.V. Req: Channel 232, 94.3 MHz, 10 W Primary: KALL–FM, Salt Lake City, Utah.
BPFT–242	NEW, Panguitch, Utah Panguitch Lions Club Req: Channel 224, 92.7 MHz, 10 W Primary: KALL–FM, Salt Lake City, Utah.

V 40 I 188 SEP 26 75 XUM

BPFT-243 K221AT, White Sulphur Springs, Fort Logan, Mont. Tru Vue Television Association, Inc.
Req: Change to 252, 98.3 MHz, 1 W
Primary: KGVW-FM, Belgrade, Mont.

BPFT-244 K237AT, Teasdale and Torrey, Utah
County of Wayne
Req: Change to 257, 99.3 MHz, 10 W
Primary: KALL-FM, Salt Lake City, Utah.

BPFT-245 NEW, Circle, Mont.
Christian Enterprises, Inc.
Req: Channel 249, 97.7 MHz, 10 W
Primary: KIVE(FM), Glendive, Mont.

BPFT-246 NEW, Big Timber, Mont.
Christian Enterprises, Inc.
Req: Channel 252, 98.3 MHz, 10 W
Primary: KURL(FM), Billings, Mont.

BPFT-247 NEW, Winona, Minn.
Winona Good News Translator, Inc.
Req: Channel 252, 98.3 MHz, 10 W
Primary: WWIB(FM), Ladysmith, Wis.

BPFT-248 NEW, Grants and Milan, N. Mex.
Hubbard Broadcasting, Inc.
Req: Channel 249, 97.7 MHz, 1 W
Primary: KOB-FM, Albuquerque, N. Mex.

BPFT-249 NEW, Orderville, Utah
Long Valley T.V.
Req: Channel 232, 94.3 MHz, 1 W
Primary: KALL-FM, Salt Lake City, Utah.

BPFT-250 NEW, Long Valley Junct. and Surrounding Homes, Utah
Long Valley T.V.
Req: Channel 296, 107.1 MHz, 10 W
Primary: KALL-FM, Salt Lake City, Utah.

BPFT-251 NEW, Glenwood Springs, West Glenwood, No Name Canyon, Colo.
Marc A. Adler and Marvin L. Schaffer
Req: Channel 292, 106.3 MHz, 10 W
Primary: KQIX(FM), Grand Junction, Colo.

BPFT-252 NEW, Price Utah and Rural Carbon County, Utah
Carbon County
Req: Channel 280, 103.9 MHz, 10 W
Primary: KLUB(FM), Salt Lake City, Utah.

BPFT-255 NEW, Ft. Chaffee Refugee Center, Ark.
Catholic Committee for Refugees National Catholic Welfare Conference
Req: Channel 224, 92.7 MHz, 10 W
Primary: KFPW(FM), Ft. Smith, Ark.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5367 K11GD, Fort Goff, Happy Camp and North Indian Creek, Calif.
Siskiyou Butte Translator Co.
Req: To delete Fort Goff, Calif., 5 W
Primary: KVIQ(TV), Eureka, Calif.

BPTTV-5370 K06FM, Navajo Lake Resort and Surrounding Homes, Utah
Long Valley T.V.
Req: Change principal community to Long Valley Junction and Surrounding Homes, Utah, 10 W
Primary: KCPX-TV, Salt Lake City, Utah.

BPTTV-5371 K07HY, Navajo Lake Resort and Surrounding Homes, Utah
Long Valley T.V.
Req: Change principal community to Long Valley Junction and Surrounding Homes, Utah, 5 W
Primary: KUTV(TV), Salt Lake City, Utah.

BPTTV-5372 NEW, Hanna and Tabiona, Utah
Duchesne County
Req: Channel 7, 1 W
Primary: KCPX(TV), Salt Lake City, Utah.

BPTTV-5373 NEW, Hanna and Tabiona, Utah
Duchesne County
Req: Channel 9, 1 W
Primary KUTV(TV), Salt Lake City, Utah.

BPTTV-5374 NEW, Hanna and Tabiona, Utah
Duchesne County
Req: Channel 11, 1 W
Primary: KSL-TV, Salt Lake City, Utah.

UHF TV TRANSLATOR APPLICATIONS

BPTT-2900 NEW, Long Valley Region, Calif.
Mono County Service Area No. 1
Req: Channel 56, 20 watts
Primary: KCRA(TV), Sacramento, Calif.

BPTT-2902 NEW, Lima, Ohio
Springfield Television Broadcasting Corp.
Req: Channel 43, 1000 W
Primary: WKEF(TV), Dayton, Ohio.

BPTT-2903 NEW, Lima Ohio
Springfield Television Broadcasting Corp.
Req: Channel 44, 1000 W
Primary: WKEF(TV), Dayton, Ohio.

BPTT-2904 K70DJ, Romeo, LaJara, Manassa, Antonito and Alamosa, Colo.
San Luis Valley Television, Inc.
Req: Change frequency to channel 63, 764–770 MHz.

BPTT-2905 K76AX, Romeo, LaJara, Manassa, Antonito and Alamosa, Colo.
San Luis Valley Television, Inc.
Req: Change frequency to channel 65, 776–782 MHz.

BPTT-2906 NEW, Monticello and Blanding, Utah
University of Utah
Req: Channel 59, 100 W
Primary: KUED(TV), Salt Lake City, Utah.

[FR Doc.75-25741 Filed 9-25-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI63-1200, et al.]

AMOCO PRODUCTION CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 18, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 8, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI63-1200	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Northern Natural Gas Co., North Puckett Field, Pecos County, Tex.	[1] 51.0	14.73
CI75-605 F 4-10-75 [2]	Skelly Oil Co., (Successor to General American Oil Co. of Texas), P.O. Box 1650, Tulsa, Okla. 74102.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	[3] 17.952	15.025
CI76-116 A 8-18-75	Helmerich & Payne, Inc., 1579 East 21 St., Tulsa, Okla. 74114.	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Field, Beaver County, Okla.	[1] [3] 60.32	14.73
CI76-119 A 8-21-75	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., Parkway Morrow Field, Eddy County, N. Mex.	[1] 51.0	14.73
CI76-125 A 8-28-75	Chevron Oil Co., Western Division, P.O. Box 599, Denver, Colo. 80201.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Spearhead (Bear Creek) Area, Converse County, Wyo.	[4] 74.3060	15.025
CI76-126 (CI66-537) B 9-2-75	Texaco, Inc., P.O. Box 60252, New Orleans, La. 70160.	Columbia Gulf Transmission Co., Hollywood Field, Terrebonne Parish, La.	Depleted	.....
CI76-127 (CI73-794) B 9-2-75	McCulloch Oil Corp., 10880 Wilshire Blvd., Suite 1600, Los Angeles, Calif. 90024.	Natural Gas Pipeline Co. of America, Erick Field, Beckham County, Okla.	(?)	.....
CI76-128 A 9-2-75	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Hay Hollow-Strawn Field, Eddy County, N. Mex.	[1] [3] 1.10	14.73
CI76-129 A 9-2-75	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Southern Natural Gas Co., Main Pass Block 140 Area, Federal offshore, Louisiana.	[1] [3] 1.00	15.025
CI76-130 A 9-2-75	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	Cities Service Gas Co., North Waterloo Field, Logan County, Okla.	[3] 63.6753	14.65
CI76-131 A 9-2-75	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., Buffalo Wallow-Granite Wash Field, Hemphill County, Tex.	[1] [3] 85.0	14.65
CI76-132 A 9-2-75	Mesa Petroleum Co	Northern Natural Gas Co., Buffalo Wallow-Granite Wash Field, Hemphill County, Tex.	[1] [3] 85.0	14.65

[1] Subject to upward and downward British thermal unit adjustment.
[2] Being renoticed to reflect a higher price per amendment of July 3, 1975.
[3] Applicant is willing to accept a certificate in accordance with section 2.56a of the Commission's General Policy and Interpretations.
[4] Includes 16.4608¢ M ft³ upward British thermal unit adjustment.
[5] Subject to upward British thermal unit adjustment; estimated adjustment is 2.6¢ M ft³.
[6] Includes 3.7828¢ M ft³ upward British thermal unit adjustment and 3.8925¢ M ft³ tax reimbursement.
[7] Applicant has transferred its interest to Hadson Ohio Oil Company and William C. Bradford.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.75-25609 Filed 9-25-75;8:45 am]

[Docket No. CS76-93, et al.]

EVELYN H. WAGNER ET AL.

Notice of Applications for "Small Producer" Certificates [1]

SEPTEMBER 18, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS76-93	Aug. 22, 1975	Evelyn H. Wagner, c/o Leon L. Hoyt, Jr., P.O. Box 2211, Amarillo, Tex. 79105.
CS76-94	do	Joe E. Wyant, P.O. Box 2211, Amarillo, Tex. 79105.
CS76-95	Aug. 25, 1975	ABCO Petroleum Corp., P.O. Box 6155, Bossier City, La. 71010.
CS76-96	do	Pittman Oil Co., P.O. Box 2015, Hattiesburg, Miss. 39401.
CS76-97	do	L.L.B. Ventures Co., 2925 Charing Cross Dr., Oklahoma City, Okla. 73120.
CS76-98	do	The Harlow Corp., 501 Petroleum Bldg., Amarillo, Tex. 79101.
CS76-99	do	Ralston Oil and Gas Co., 1660 South Albion St., Denver, Colo. 80222.
CS76-100	Aug. 26, 1975	L. Alice Callister, 5320 East 4th Ave., Denver, Colo. 80220.
CS76-101	Aug. 25, 1975	W. H. Simms, Jr., 826 Fair Foundation Bldg., Tyler, Tex. 75701.
CS76-102	do	R. B. Powers, P.O. Box 3564, Tyler, Tex. 75701.
CS76-103	do	E. B. Armstrong, 3900 Belmead Lane, Tyler, Tex. 75701.
CS76-104	do	W. E. Florey, Jr., P.O. Box 806, Tyler, Tex. 75701.
CS76-105	do	A. C. DeMoss, 104 West Hoyt Dr., Longview, Tex. 75601.
CS76-106	do	Thomas N. Ferrell, 1423 Hawthorne Ave., Tyler, Tex. 75701.
CS76-107	do	Eugene L. Jeffers, P.O. Box 2318, Tyler, Tex. 75701.
CS76-108	do	C. O. Pollard, 1123 Powers Dr., Tyler, Tex. 75701.

[FR Doc.75-25610 Filed 9-25-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 1, Oct. 10, 1975, from 10:00 a.m. to 5:00 p.m., Room 711, J. W. McCormack Post Office and Courthouse, Boston, Mass. The meeting will be concerned with the review of the conceptual design for the Federal Building, Pittsfield, Mass. Frank and open critical analysis of the proposed design is essential to insure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

ALAN E. GORHAM,
Acting Regional Administrator.

[FR Doc.75-25984 Filed 9-25-75;9:31 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ELECTRIC FACE EQUIPMENT STANDARD

Application for Renewal Permit; Opportunity for Public Hearing

Application for a renewal permit for noncompliance with the electric face equipment standard prescribed by the Federal Coal Mine Health and Safety

V 40 I 188 SEP 26 75 XUM

Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4291-000, INDIAN HEAD MINING COMPANY, Indian Head Mine No. 3, Mine ID No. 15 02378 0, Hazard, Kentucky, ICP Permit No. 4291-005-R-2 (Porter End Dump Battery Buggy, I.D. No. B-5).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before October 14, 1975. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

SEPTEMBER 22, 1975.

[FR Doc.75-25701 Filed 9-25-75;8:45 am]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts

THEATRE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Theatre Advisory Panel to the National Council on the Arts will be held on October 11, 12, 1975 from 9:15 a.m.–5 p.m. at the Marriott Essex House in New York City.

A portion of this meeting will be open to the public on October 11 from 9:15–11 a.m. and from 1 p.m.–5 p.m., and on October 12 from 9:15 a.m.–5 p.m. on a space available basis. Accommodations are limited. During the open session, there will be introductory remarks, a review of theatre programs and policy discussions on October 11. On October 12, there will be policy discussions.

The remaining sessions of this meeting on October 11 from 11 a.m.–12 noon are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 10, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b), (4) and (5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer,
National Endowment for the Arts.

[FR Doc.75-25734 Filed 9-25-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR DEVELOPMENTAL BIOLOGY

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

1. Name: Advisory Panel for Developmental Biology.
2. Date: October 17 and 18, 1975.
3. Time: 9:00 a.m. each day.
4. Place: Rm. 642, National Science Foundation, 1800 G Street NW., Washington, D.C.
5. Type of meeting: Closed.
6. Contact person: Dr. Melvin Spiegel, Program Director for Developmental Biology, Rm. 326, National Science Foundation, Washington, D.C. 20550, (202) 632-7324.
7. Purpose of advisory panel: To provide advice and recommendations concerning support for research in Developmental Biology.
8. Agenda: To review and evaluate individual research proposals.
9. Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.
10. Authority to close meeting: These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation, dated February 21, 1975, pursuant to the provisions of Section 10(d) of Public Law 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

SEPTEMBER 23, 1975.

[FR Doc.75-25724 Filed 9-25-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-62 issued to Carolina Power & Light Company for operation of the Brunswick Steam Electric Plant, Unit 2, located in Brunswick County, North Carolina. The amendment is effective as of the date of issuance.

This amendment requires that the reactor not be made critical unless both recirculation loops are in service; requires that the plant be shut down within 24 hours in the event one recirculation loop becomes out of service while the reactor is operating; and permits testing with one or both recirculation loops out of service for a period not to exceed 24 hours.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 11, 1975, (2) Amendment No. 6 to License No. DPR-62, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 22nd day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-25634 Filed 9-25-75;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-26 issued to Consolidated Edison Company of New York, Inc. (the licensee) for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility), a pressurized-water reactor located in Buchanan, Westchester County, New York, and currently authorized for operation at power levels up to 2758 MWt.

In accordance with the licensee's application for a license amendment dated July 9, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation

of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to the facility, terminate the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By October 28, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Leonard M. Trosten, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW., Washington, D.C. 20036, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 9, 1975 and (2) the Commission's Order dated December 27, 1974 (published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1764)), which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this September 19, 1975.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Reactor Licensing.

[FR Doc.75-25685 Filed 9-25-75;8:45 am]

INDUSTRIAL REACTOR LABORATORIES, INC. AND N. L. INDUSTRIES, INC.

[Docket No. 50-17]

Order Authorizing Dismantling of Facility

By application dated June 12, 1975, Industrial Reactor Laboratories, Inc. and N. L. Industries, Inc. requested authorization to dismantle the Industrial Reactor Laboratory Research Reactor (the facility, located in Plainsboro Township, Middlesex County, New Jersey, in accordance with their Dismantling Plan. Operation of the facility has been discontinued and all fuel has been removed and shipped from the site.

The Nuclear Regulatory Commission (the Commission) has reviewed the application in accordance with the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts in accordance with the licensee's Dismantling Plan will be accomplished in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the Safety Evaluation by the Office of Nuclear Reactor Regulation dated September 12, 1975.

The Commisison has evaluated the potential for environmental impact associated with the above action and based on an Environmental Impact Appraisal has issued a Negative Declaration dated July 3, 1975.

Accordingly, it is hereby ordered that Industrial Reactor Laboratories, Inc. and N. L. Industries, Inc. may dismantle the Industrial Reactor Laboratory Research Reactor covered by Facility Operating License No. R-46, as amended, in accordance with their Dismantling Plan and the Commission's regulations.

After completion of the dismantling and decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the Dismantling Plan and inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License No. R-46.

Dated at Bethesda, Maryland, this 12th day of September, 1975.

For the Nuclear Regulatory Commission.

KARL R. GOLLER,
Assistant Director, for Operating Reactors, Division of Reactor Licensing.

[FR Doc.75-25686 Filed 9-25-75;8:45 am]

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES RESEARCH REACTOR

Negative Declaration Regarding Facility Operating License R-46

The U.S. Nuclear Regulatory Commission (the Commission) has considered the Order Authorizing Dismantling of Facility for the Industrial Reactor Laboratories Research Reactor operated under Facility Operating License R-46. The Order authorizes the decommissioning of the research reactor.

The U.S. Nuclear Regulatory Commission, Division of Reactor Licensing has prepared an environmental impact appraisal for this research reactor. On the basis of this appraisal, we have concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 3rd day of July, 1975.

For the Nuclear Regulatory Commission.

O. D. T. LYNCH, Jr.,
Acting Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-25687 Filed 9-25-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the

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Commission) has issued Amendment No. 11 to Provisional Operating License No. DPR–22 issued to the Northern States Power Company (the licensee) for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance, except as noted in the next paragraph of this notice.

The amendment revises the license and appended Technical Specifications to: (1) Incorporate operating limits and surveillance for the Monticello reactor vessel based on Appendix G of 10CFR Part 50, (2) substitute a more generalized approach to the licensing of the by-product, source, and special nuclear materials and incorporate leak testing and related surveillance and reporting requirements for the sealed radioactive sources, (3) revise specifications associated with the Augmented Off-Gas System to incorporate planned modifications to equipment and procedures to be implemented within thirty days after the Fall 1975 startup, and (4) revise the radioactive iodine (131) release limits based on Regulatory Guide 1.42 ("Interim Licensing Policy on As Low As Practicable for Gaseous Radiolodine Releases from Light Water Cooled Nuclear Power Reactors") and the dispersion factors calculated by the NRC staff. Item (4) would be effective when the modifications to the Augmented Off-Gas System are complete and the system determined to be fully operational.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the applications for amendment dated August 16, 1974 and July 1, 1975, (2) Amendment No. 11 to License No. DPR–22, with Change No. 19, and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at The Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55414. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 17th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75–25699 Filed 9–25–75;8:45 am]

[Docket No. 50–271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order for Modification of License

Correction

In FR Doc. 75–23267, appearing at page 40881 of the issue for Thursday, September 4, 1975, the figure in the seventh line of the first paragraph presently reading "1953" is changed to read "1593".

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 8950; 811–1598]

CONGLOMERATE FUND OF AMERICA, INC.

Filing of Application

SEPTEMBER 22, 1975.

Notice is hereby given that Conglomerate Fund of America, Inc. ("Applicant"), c/o Ira M. Belfer, Belfer & Bogart, 60 East 42nd Street, New York, New York 10017, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified management investment company, filed an application on August 14, 1975, and an amendment thereto on August 21, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized on February 1, 1968, under the laws of the State of New York and registered under the Act by filing its Notification of Registration on Form N–8A on February 7, 1968.

Applicant represents that its Board of Directors, on January 15, 1973, adopted a resolution authorizing Applicant to enter into an Agreement and Plan of Reorganization ("Plan") pursuant to which Churchill Fund, Inc. ("Churchill") an open-end, non-diversified management investment company, would acquire the property and assets of Applicant. Applicant states that at a special meeting of its shareholders, held on January 18, 1973, the Plan was approved and adopted and that on January 30, 1973, pursuant to the Plan, Applicant transferred its property and assets to Churchill in exchange for shares of Churchill, which shares were distributed pro rata to Applicant's shareholders. Applicant states that it has been completely liquidated and no longer conducts any business. Applicant states further that it no longer has any assets or shareholders.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 21, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–25702 Filed 9–25–75;8:45 am]

[Rel. No. 19181; 70–5737]

OHIO POWER CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

SEPTEMBER 22, 1975.

Notice is hereby given that Ohio Power Company ("Ohio"), 301 Cleveland Avenue SW., Canton, Ohio 44701, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transaction.

Ohio proposes to issue and sell $25,000,000 aggregate principal amount of its First Mortgage Bonds, ——% Series to mature in not less than 5 and not more than 30 years. The interest rate (which shall be a multiple of ⅛ of 1%) and the price (which shall be not less than 100%, unless Ohio shall authorize a lower percentage not less than 99%, and shall not exceed 102.75%) will be determined by competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust dated as of October 1, 1938, between Ohio and Manufacturers Hanover Trust Company, Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated as of November 1, 1975, and which includes, with certain exceptions, a prohibition until November 1, 1980, against refunding the issue with proceeds of funds borrowed at a lower effective interest cost. Ohio shall notify prospective bidders no later than 72 hours prior to the time designated for the submission of bids of the maturity date of the bonds.

The proceeds from the sale of the bonds will be applied, together with the proceeds of the sale by Ohio to AEP of 1,000,000 shares of its common stock, no par value, $15 per share (for total cash consideration of $15,000,000), to the payment of unsecured short-term indebtedness of Ohio. As of August 31, 1975, there was $63,781,000 aggregate amount of note payable to banks outstanding and $79,875,000 principal amount of commercial paper outstanding. The estimated cost of Ohio's construction program for 1975 is $133,000,000 and for 1976 is $137,000,000.

The fees and expenses to be incurred by Ohio in connection with the issue and sale of the bonds and the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that The Public Utilities Commission of Ohio has jurisdiction over the proposed transaction and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 17, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–25703 Filed 9–25–75;8:45 am]

[Rel. No. 8948; 812–3823]

USM INTERNATIONAL FINANCE CORP.

Notice of Filing of Application

SEPTEMBER 22, 1975.

Notice is hereby given that USM International Finance Corporation ("Applicant"), 140 Federal Street, Boston, Massachusetts 02107, a Delaware corporation, has filed an application, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, is a wholly-owned subsidiary of USM Corporation ("USM"), a New Jersey corporation. USM engages, directly or through its subsidiary corporations, in the manufacture and distribution of a wide variety of products such as shoe machinery, rubber and plastics mixing machinery, machine tools and chemical and fastener products.

The Applicant was organized in August 1968 in order to raise funds abroad for use in financing USM's expanding foreign operations. In December 1968, Applicant issued outside the United States debt obligations with an aggregate face value of 60,000,000 Swiss Francs. Such obligations are in the form of guaranteed bearer bonds due in 1983. The bonds were offered at 99 percent of face value to individual and institutional investors in Europe through an underwriting group consisting of Credit Suisse (Zurich), Societe de Banque Suisse (Basle), and Union de Banque Suisse (Zurich), during the period beginning on December 3, 1968 and ending on December 9, 1968. The aggregate face value of the bonds is divided into bearer bonds of 1,000 Swiss Francs and 5,000 Swiss Francs, each of which bear an interest rate of 5½ percent per annum. The bonds are unconditionally guaranteed by USM and are not convertible into the stock of any corporation. At the present time, the bonds are listed on the stock exchanges in Basle, Zurich, Geneva, Berne, and Lausanne.

By financing its foreign operations through Applicant rather than through USM, it was possible for USM to obtain such funds through the issuance and sale of debt securities outside the United States in a manner consistent with the voluntary cooperation program to improve the balance of payments of the United States, which was instituted by President Johnson in February, 1975, while at the same time obtaining for Applicant certain tax advantages which would not have been available to USM had it obtained these funds through the issuance of its own debt obligations. One of the conditions imposed by Congress on the availability of such tax incentives was a requirement that at least 80% of the gross income of companies such as Applicant had to be derived from sources outside the United States. Because of subsequent changes in the tax laws, however, it is no longer necessary for Applicant to meet this foreign income requirement to assure the continuing availability of these tax benefits.

Since Applicant is no longer prevented by the tax laws from doing so, it now wishes to be in a position to lend a portion or all of its assets to USM as well as to other members of the USM Group, part or all of whose business is conducted in the United States. Funds loaned to USM for investment in the USM Group would be retained for use by USM or invested in other members of the USM Group, either as loans or as equity investments. Applicant states that this would permit maximization of the investment and credit potential of Applicant's cash resources by enabling USM to deploy the assets of all members of the USM Group in the most efficient manner, instead of requiring Applicant to make such investments or loans for USM.

Rule 6c–1 under the Act, exempts from all provisions of the Act a domestic subsidiary of a corporation organized to finance the foreign operations of the corporation, provided various conditions are met.

Paragraph (b)(6) of the Rule requires that, upon completion of the long term investment program of a finance subsidiary, at least 80% of its assets, exclusive of U.S. Government securities and cash items, will consist of investments in or loans to foreign companies (or domestic companies, substantially all of the business of which is conducted outside the United States). Paragraph (b)(7) of the Rule requires that at least 90% of the assets of the finance subsidiary, exclusive of United States Government securities and cash items and short term foreign investments, be invested in or loaned to companies at least 10% of the equity securities of which are owned by the parent company of the finance subsidiary.

Applicant states that while it presently meets all of these conditions, it will not meet these conditions in the future if it lends part or all of its assets to USM or members of the USM Group. It argues that since the proceeds of the bonds which Applicant proposes to invest were borrowed outside the United States in a manner which improved the balance of payments position of the United States, and since the Internal Revenue Code no longer requires that 80% of Applicant's

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gross income be derived from sources outside the United States, it perceives no policy reason for continuing to insist upon compliance with such a requirement in order to be entitled to an exemption from the Act. Moreover, Applicant asserts, no policy reason exists for not permitting USM, which is the guarantor of the payment of the bonds, to receive assets of Applicant for retention or distribution.

USM and Applicant represent that the Applicant's bonds were issued in accordance with the requirements of Rule 6c–1 and that they have no reason to believe any of the bonds are presently owned by a citizen, national or resident of, or a corporation or partnership created or organized in, the United States of America or its territories or possessions.

Applicant intends that all its assets (exclusive of United States Government securities and cash items and short-term investments in foreign government and commercial paper) will be invested in or loaned to companies which are primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities and which will be members of the USM Group, and Applicant states that it will not acquire the securities representing its loans or investments for the purpose of resale and will not trade in such securities.

Applicant further represents that (1) Applicant will not deal or trade in securities; (2) the public policy underlying the Act is not applicable to it; (3) the security holders of Applicant do not require the protection of the Act because the payment of the bonds does not depend on the operations or investment policy of Applicant, but rather, since the payment of the bonds is guaranteed by USM, the bondholders look primarily to the business enterprise of USM; (4) none of the equity securities of Applicant will be held by any person other than USM or other members of the USM Group; (5) the bonds were offered and sold abroad to foreign nationals under circumstances which were intended to preclude any re-offering or resale in the United States, its territories or possessions or to any United States national, citizen, or resident, and, to the best of Applicant's knowledge, no bond is owned by any United States national, citizen, or resident; and (6) it is irrelevant for purposes of the Act whether investments in members of the USM Group are made through advances to USM or by direct loans to or investments in other members of the USM Group.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant agrees and consents that, if the Commission grants an order exempting it from all provisions of the Act, such order shall be subject to the following conditions:

(1) Applicant will comply with all the requirements of subparagraphs (1)–(5) and (8) of paragraph (b) of Rule 6c–1;

(2) At least 90 percent of the assets of Applicant, exclusive of United States Government securities and cash items and short-term investments in foreign government and commercial paper, will be invested in or loaned to its parent company or companies at least 10 percent of the equity securities or which are, or at the completion of the investment will be, owned, directly or indirectly, by the parent company; and any assets of Applicant not invested in its parent company or such companies will only be invested in or loaned to companies which are customers or suppliers of the parent company or a subsidiary of the parent company; and any of the assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly-owned subsidiaries of the parent company; and

(3) In the event the Interest Equalization Tax is not reenacted, or is reenacted and expires or is repealed or the rate thereof is reduced to zero and such tax is not replaced by another tax providing a comparable deterrent to the purchase of Applicant's securities by United States persons, Applicant will not issue (except to USM or another member of the USM Group which is not an investment Company) any securities without a further order of the Commission; provided, however, that in the event that Applicant becomes exempt from each and every provision of the Act, or the Commission adopts, amends, or interprets a Rule under the Act which would exempt Applicant from each and every provisions of the Act, nothing contained in the order requested by this application, or the conditions to which it may be subject, shall preclude Applicant from being exempt from the Act by virtue solely of the applicability of said Rules or interpretation.

Notice is further given that any interested person may, not later than October 17, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–25704 Filed 9–25–75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the appendix below have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4383). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 22nd day of September 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending Sept. 19, 1975

Name of applicant	Location of enterprise	Principal product or activity
A. B. & J. R. Hodgkins, Bar Harbor	Bar Harbor, Maine	Nursing care.
Morris H. Miller	Morgantown, W. Va	Leasehold and equipment rental to restaurant franchise.
Derrick Heights Realty Co	Oil City, Pa	Extended nursing care.
Fallston General Hospital, limited partnership.	Fallston, Md	Health care services.
Palmetto Bay Commercial Development Co., Inc.	Hilton Head Island, S.C.	Businesses constructed for lease.
INRYCO (formerly Inland-Ryerson) (tenant to city of Cullman).	Cullman, Ala	Fabrication of metal preengineered building systems.
Coulbourn Lumber Co., Inc	Windsor, N.C	Sawmill.
Taylor Craft, Inc. (tenant to city of Burkesville).	Burkesville, Ky	Fiberglass boats.
A. B. C. Chetek, Ink	Chetek, Wis	Wood furniture and TV and stereo cabinets.
Arcadia Valley Hospital	Pilot Knob, Mo	Hospital.
Hillsboro Industries, Inc. (tenant of Hillsboro).	Hillsboro, Kans	Manufacture goosenceck trailers, truckbodies, tandem drill hitches.
Liberty Manufacturing, Inc. (tenant of Liberty County).	Libert County, Mont.	Sweep shovel factory.
Cascade Sun Mobile Estates, Inc	White City, Oreg	Mobile home park.
Delbert Allen Piper	Heppner, Oreg	Retail grocery and clothing.

[FR Doc.75–25742 Filed 9–25–75;8:45 am]

Office of the Secretary

[TA–W–155]

HARRISBURG MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 18, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Shoes Workers of America on behalf of the workers and former workers of Harrisburg Manufacturing Company, Harrisburg, Arkansas, a wholly owned subsidiary of Johansen Brothers Shoe Company, St. Louis, Missouri (TA–W–155). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Harrisburg Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75–25776 Filed 9–25–75;8:45 am]

[TA–W–91]

L. J. O'NEILL SHOE CO. AND FLORSHEIM SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–91; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 23, 1975 in response to a worker petition received on July 17, 1975 which was filed by the Boot and Shoe Workers Union on behalf of workers formerly producing women's footwear at the L. J. O'Neill Shoe Company, St. Louis, Missouri of the Florsheim Shoe Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 32391) on August 1, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Florsheim Shoe Company, its customers, U.S. International Trade Commission, U.S. Department of Commerce, American Footwear Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Average quarterly employment declined 11 percent from the third quarter of 1974 to the fourth quarter of 1974. All production employment was terminated in January 1975.

Sales or Production, or Both, Have Decreased Absolutely. Florsheim group sales declined 31 percent from fourth quarter 1973 to fourth quarter 1974. Production at the L. J. O'Neill plant declined 27 percent in fourth quarter 1974 when compared with fourth quarter 1973. All production ceased in January 1975.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at L. J. O'Neill increased from 167,000,000 pairs in 1970 to 189,000,000 pairs in 1974. Imports decreased 4 percent and U.S. production decreased 25 percent in the first two months of 1975 compared with the same period of 1974. The ratios of imports to domestic consumption and production increased from 47.4 percent and 90.2 percent, respectively in 1972 to 52.4 percent and 110 percent in 1974.

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The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of women's footwear at L. J. O'Neill was caused by the increase of competitive imports. The company was forced to close because it could not compete at a profitable level with imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at L. J. O'Neill Shoe Company contributed importantly to the total or partial separation of the workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker who separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act I make the following certification:

"All hourly, piecework, and salaried workers employed at the L. J. O'Neill Shoe Company, St. Louis, Missouri who become totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 15th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-25774 Filed 9-25-75;8:45 am]

[TA-W-154]

LEDA SHOES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 18, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Leda Shoes, Incorporated, Doigeville, New York, a division of Genesco, Incorporated, Nashville, Tennessee (TA-W-154). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Leda Shoes, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25777 Filed 9-25-75;8:45 am]

[TA-W-153]

PAN AMERICAN WORLD AIRWAYS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 18, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Brotherhood of Teamsters on behalf of the workers and former workers of Pan American World Airways, Incorporated, New York, New York (TA-W-153). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with transportation services provided by Pan American World Airways, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 6, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25778 Filed 9-25-75;8:45 am]

[TA-W-96]

WESTERN SUPPLIES CO., ST. LOUIS, MISSOURI

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-96: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 24, 1975 in response to a worker petition received on July 23, 1975 by the International Association of Machinists (AFL-CIO) on behalf of workers formerly producing shoe cutting dies at the St. Louis, Missouri plant of Western Supplies Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 32392), on August 1, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Western Supplies Company, its customers, the International Trade Commission, the Department of Commerce, and Department files. In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations. Employment in the first six months of 1975 decreased 16 percent from the same period in 1974. Average hours worked in the first six months of 1975 were 11 percent below the average level of hours worked in the first six months of 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the St. Louis plant declined 24 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly. While imports of articles like or directly competitive with those produced at Western Supplies Company increased from 2300 units in 1973 to 2700 units in 1974, they have been an insignificant factor in the U.S. market, comprising less than two tenths of one percent of total domestic consumption and production during the period.

Increased imports of shoes and decreases in total domestic production of footwear have resulted in reduced demand for domestically produced shoe cutting dies. Reduced orders for shoe cutting dies resulted from declining shoe production rather than from increased imports of shoe cutting dies.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shoe cutting dies produced at Western's St. Louis, Missouri plant did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 18th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75-25775 Filed 9-25-75;8:45 am]

Wage and Hour Division

INSTITUTIONS OF HIGHER EDUCATION

Certificates Authorizing Employment of Full-Time Students at Subminimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended, the regulation on employment of full-time students at subminimum wages (29 CFR 519), and Administrative Order No. 621 (36 FR 12819), the institutions of higher education listed in this notice have been granted authority to employ their full-time students outside of the individual student's regularly scheduled hours of instruction at hourly rates not less than 85 percent of the applicable statutory minimum rate specified under section 6 of the Act.

The regulation provides for the authority to be effective on the date a properly completed application is forwarded to the Wage and Hour Division provided applicable conditions of the regulation are met. After review by the Division, the authority may be continued in effect for up to one year from the date the application was forwarded to the Division. Since there was insufficient time before the effective date of the Fair Labor Standards Amendments of 1974 for application forms to be distributed, completed, and acted on, a grace period through August 31, 1974, permitted authority to be effective May 1, 1974, provided the specific conditions of the grace period were met and a proper application was made to the Division before the end of the grace period. The expiration date of the authority granted to a particular institution of higher education listed in this notice occurs between May 30, 1975, and August 31, 1975.

The terms and conditions of the regulation further limit the authority to employ full-time students at subminimum wages to not more than 20 hours per week when school is in session, prohibit subminimum wage employment in unrelated trades or businesses such as apartment houses, stores, or other businesses not primarily catering to the students of the institution, and prohibit the hiring of full-time students at subminimum wages for work in a unit or units of the campus where abnormal labor conditions, such as a strike or lockout exist. The authority does not excuse noncompliance with higher standards applicable to full-time students under any other Federal law, State law, local ordinance, or union or other agreement.

Akron, The University of, Akron, OH.
Alverno College, Milwaukee, WI.
Ashland College, Ashland, OH.
Baldwin-Wallace College, Berea, OH.
Bluffton College, Bluffton, OH.
Bowling Green State University, Huron, OH.
Carroll College, Waukesha, WI.
Case Western Reserve University, Cleveland, OH.
Cedarville College, Cedarville, OH.
Cincinnati, University of, Cincinnati, OH.
The Cincinnati Bible Seminary, Cincinnati, OH.
Circleville Bible College, Circleville, OH.
Clermont General and Technical College, Batavia, OH.
Cleveland State University, Cleveland, OH.
College of Mount St. Joseph, Mount St. Joseph, OH.
Cuyahoga Community College: Cleveland, OH; Parma, OH; Warrensville Township, OH.
Defiance College, Defiance, OH.
Denison University, Granville, OH.
Edgecliff College, Cincinnati, OH.
Edgewood College, Madison, WI.
Findlay College, Findlay, OH.
Heidelberg College, Tiffin, OH.
Hocking Technical College, Nelsonville, OH.
John Carroll University, Cleveland, OH.
Kent State University: Ashtabula, OH; Canton, OH; Chardon, OH; East Liverpool, OH; Kent, OH; New Philadelphia, OH; Salem, OH; Warren, OH.
Kenyon College, Gambier, OH.
Lake Erie College, Painesville, OH.
Lakeland College, Sheboygan, WI.
Lawrence University, Appleton, WI.
Malone College, Canton, OH.
Marietta College, Marietta, OH.
Marquette University, Milwaukee, WI.
Mary Manse College, Toledo, OH.
Miami-Jacobs Junior College of Business, Dayton, OH.
Miami University: Hamilton, OH; Middletown, OH; Oxford, OH.
Milton College, Milton, WI.
Mount Union College, Alliance, OH.
Mt. Vernon Academy, Mount Vernon, OH.
Muskingum Area Technical College, Zanesville, OH.
Muskingum College, New Concord, OH.
Notre Dame College, Cleveland, OH.
Ohio College of Applied Science, Cincinnati, OH.
Ohio University, Athens, OH.
Ohio Wesleyan University, Delaware, OH.
Otterbein College, Westerville, OH.
Raymond Walters General and Technical College, Cincinnati, OH.
Ripon College, Ripon, WI.
St. Norbert College, De Pere, WI.
Silver Lake College of the Holy Family, Inc., Manitowoc, WI.
Steubenville, The College of, Steubenville, OH.
Toledo, The University of, Toledo, OH.
Walsh College, Canton, OH.
Wayne General & Technical College, Orrville, OH.
Wilmington College Main Campus, Wilmington, OH.
Wisconsin, University of: Menomonie; Oshkosh; River Falls and Stevens Point, WI.
Wittenberg University, Springfield, OH.
Wright State University, Dayton, OH.
Xavier University, Cincinnati, OH.
Youngstown State University, Youngstown, OH.

The authority has been granted to each institution of higher education upon the representations of the institution which, among other things, were that employment of full-time students at subminimum wages is necessary to prevent curtailment of opportunities for employment, the hiring of full-time students at subminimum wages will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under the authority, and such authority will not result in a reduction of the wage rate paid to a current employee. The authority may be annulled or withdrawn in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the granting of the authority to any of the institutions listed may seek a review or reconsideration thereof on or before November 10, 1975.

Signed at Washington, D.C. this 22nd day of September, 1975.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.75-25695 Filed 9-25-75;8:45 am]

LEGAL SERVICES CORPORATION

COMMITTEE ON PRESIDENTIAL SEARCH

Notice of Meeting

The Committee on Presidential Search of the Board of Directors of the Legal Services Corporation will meet at 1:30 p.m. on Friday, October 3, 1975 at the Statler Hilton Hotel, Washington, D.C., and at 5:30 p.m. on Saturday, October 4, 1975 at the Marvin Center, Washington, D.C.

The meetings will be in Executive Session for the purpose of interviewing can-

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didates for President of the Corporation. Representatives of specific organizations will be invited to attend portions of the meetings.

Dated: September 25, 1975.

ROGER C. CRAMTON,
Chairman.

[FR Doc.75-26069 Filed 9-25-75;12:06 pm]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

SEPTEMBER 23, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before October 28, 1975. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 15643 (Sub-No. 6G), filed June 4, 1974. Applicant: FOUR WINDS VAN LINES, INC., 7035 Convoy Court, San Diego, Calif. 92138. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, Pennsylvania, New Jersey, New York, Ohio, Michigan, Illinois, Indiana, North Carolina, Maryland, Missouri, Virginia, West Virginia, Wisconsin, Rhode Island, Maine, New Hampshire, Vermont, Massachusetts, Oklahoma, Colorado, Louisiana, Arkansas, Kansas, Texas, New Mexico, District of Columbia, Alabama, Florida, Georgia, South Carolina, Tennessee, Kentucky, and Delaware. The purpose of this filing is to eliminate the gateways of Boston, Mass. and points within 25 miles, points in Oklahoma, North Carolina, Tennessee, Kentucky, Delaware, and Missouri, and points in Cleveland, Mc Claine, and Beckham Counties, Okla.

No. MC 21998 (Sub-No. 9G), filed June 4, 1974. Applicant: STARCK VAN LINES, INC., R.D. No. 1, Burgettstown, Pa. 15021. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Connecticut, Delaware, Massachusetts, North Carolina, Rhode Island, Tennessee, on the one hand, and, on the other, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia and the District of Columbia, (2) between points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (3) between points in Florida, Georgia, Oklahoma, South Carolina, and Texas, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maine, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (4) between points in Connecticut and Delaware, on the one hand, and, on the other, points in North Carolina, Rhode Island, and Tennessee, and (5) between points in Rhode Island, on the one hand, and, on the other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. and points in Pennsylvania within 100 miles of Pittsburgh and points in West Virginia and points in Brook and Hancock Counties, W. Va. and points within 125 miles of said counties.

No. MC 22988 (Sub-No. 9G), filed April 22, 1974. Applicant: K. G. MOORE, INC., 16 Progress Avenue, Nashua, N.H. 03060. Applicant's representative: Robert G. Parks, 189 Neholden Street, Needham, Mass. 02192. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between those points along Massachusetts Highway 9 within 10 miles of Boston, Mass., on the one hand, and, on the other, points in Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway at Manchester, N.H.

No. MC 111956 (Sub-No. 30G), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Glassware, glass containers, and caps, stoppers, and covers*, therefor, in cartons, from Lancaster, Ohio, to points in Allegheny, Fayette, Greene, Washington, and Westmorland Counties, Pa. and points in Pennsylvania within 50 miles of Bedford, Pa.; Keene, N.H.; Boston and Cambridge, Mass.; Clinton, Conn.; Wilmington, Del.; and points in New York, Maryland, New Jersey, and Rhode Island. The purpose of this filing is to eliminate the gateways at Bedford, Pa., Connellsville, Pa. and Washington, Pa. (b) from Salem, N.J., to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. and points in Pennsylvania within 50 miles of Bedford, Pa.; those points in Ohio (except Cleveland, Ohio), Chicago, Ill., and those points in that part of Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago. The purpose of this filing is to eliminate the gateways at Connellsville, Pa. and Washington, Pa.

(c) From points in Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., and points in Bedford, Blair, Fulton, Franklin, and Huntingdon Counties, Pa. and points in that part of Pennsylvania within 50 miles of Bedford, Pa., to points in Ohio, and Chicago, Ill. and those points in Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago. The purpose of this filing is to eliminate the gateways at Bedford, Pa. and Washington, Pa. (2) *Glassware, glass containers and caps, stoppers and covers*, from Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa., to Boston and Cambridge, Mass., Keene, N.H., Clinton, Conn. and those points in Rhode Island and New York. The purpose of this filing is to eliminate the gateway at Washington, Pa. (3) *Glass containers and caps* for glass containers, from Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., to points in West Virginia. The purpose of this filing is to eliminate the gateway at Connellsville, Pa.

No. MC 119864 (Sub-No. 61G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Connecticut, Delaware, Massachusetts, North Carolina, Rhode Island, Tennessee, on the one hand, and, on the other, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia and the District of Columbia, (2) between points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (3) between points in Florida, Georgia, Oklahoma, South Carolina, and Texas, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maine, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (4) between points in Connecticut and Delaware, on the one hand, and, on the other, points in North Carolina, Rhode Island, and Tennessee, and (5) between points in Rhode Island, on the one hand, and, on the other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. and points in Pennsylvania within 100 miles of Pittsburgh and points in West Virginia and points in Brook and Hancock Counties, W. Va. and points within 125 miles of said counties.

No. MC 22988 (Sub-No. 9G), filed April 22, 1974. Applicant: K. G. MOORE, INC., 16 Progress Avenue, Nashua, N.H. 03060. Applicant's representative: Robert G. Parks, 189 Neholden Street, Needham, Mass. 02192. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between those points along Massachusetts Highway 9 within 10 miles of Boston, Mass., on the one hand, and, on the other, points in Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway at Manchester, N.H.

No. MC 111956 (Sub-No. 30G), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Glassware, glass containers, and caps, stoppers, and covers*, therefor, in cartons, from Lancaster, Ohio, to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. and points in Pennsylvania within 50 miles of Bedford, Pa.; Keene, N.H.; Boston and Cambridge, Mass.; Clinton, Conn.; Wilmington, Del.; and points in New York, Maryland, New Jersey, and Rhode Island. The purpose of this filing is to eliminate the gateways at Bedford, Pa., Connellsville, Pa. and Washington, Pa. (b) from Salem, N.J., to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. and points in Pennsylvania within 50 miles of Bedford, Pa.; those points in Ohio (except Cleveland, Ohio), Chicago, Ill., and those points in that part of Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago. The purpose of this filing is to eliminate the gateways at Connellsville, Pa. and Washington, Pa.

(c) From points in Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., and points in Bedford, Blair, Fulton, Franklin, and Huntingdon Counties, Pa. and points in that part of Pennsylvania within 50 miles of Bedford, Pa., to points in Ohio, and Chicago, Ill. and those points in Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago. The purpose of this filing is to eliminate the gateways at Bedford, Pa. and Washington, Pa. (2) *Glassware, glass containers and caps, stoppers and covers*, from Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa., to Boston and Cambridge, Mass., Keene, N.H., Clinton, Conn. and those points in Rhode Island and New York. The purpose of this filing is to eliminate the gateway at Washington, Pa. (3) *Glass containers and caps* for glass containers, from Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., to points in West Virginia. The purpose of this filing is to eliminate the gateway at Connellsville, Pa.

No. MC 119864 (Sub-No. 61G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Connecticut, Delaware, Massachusetts, North Carolina, Rhode Island, Tennessee, on the one hand, and, on the other, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia and the District of Columbia, (2) between points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (3) between points in Florida, Georgia, Oklahoma, South Carolina, and Texas, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maine, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (4) between points in Connecticut and Delaware, on the one hand, and, on the other, points in North Carolina, Rhode Island, and Tennessee, and (5) between points in Rhode Island, on the one hand, and, on the other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. and points in Pennsylvania within 100 miles of Pittsburgh and points in West Virginia and points in Brook and Hancock Counties, W. Va. and points within 125 miles of said counties.

No. MC 22988 (Sub-No. 9G), filed April 22, 1974. Applicant: K. G. MOORE, INC., 16 Progress Avenue, Nashua, N.H. 03060. Applicant's representative: Robert G. Parks, 189 Neholden Street, Needham, Mass. 02192. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between those points along Massachusetts Highway 9 within 10 miles of Boston, Mass., on the one hand, and, on the other, points in Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway at Manchester, N.H.

No. MC 111956 (Sub-No. 30G), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Glassware, glass containers, and caps, stoppers, and covers*, therefor, in cartons, from Lancaster, Ohio, to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. and points in Pennsylvania within 50 miles of Bedford, Pa.; Keene, N.H.; Boston and Cambridge, Mass.; Clinton, Conn.; Wilmington, Del.; and points in New York, Maryland, New Jersey, and Rhode Island. The purpose of this filing is to eliminate the gateways at Bedford, Pa., Connellsville, Pa. and Washington, Pa. (b) from Salem, N.J., to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. and points in Pennsylvania within 50 miles of Bedford, Pa.; those points in Ohio (except Cleveland, Ohio), Chicago, Ill., and those points in that part of Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago. The purpose of this filing is to eliminate the gateways at Connellsville, Pa. and Washington, Pa.

(c) From points in Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., and points in Bedford, Blair, Fulton, Franklin, and Huntingdon Counties, Pa. and points in that part of Pennsylvania within 50 miles of Bedford, Pa., to points in Ohio, and Chicago, Ill. and those points in Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago. The purpose of this filing is to eliminate the gateways at Bedford, Pa. and Washington, Pa. (2) *Glassware, glass containers and caps, stoppers and covers*, from Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa., to Boston and Cambridge, Mass., Keene, N.H., Clinton, Conn. and those points in Rhode Island and New York. The purpose of this filing is to eliminate the gateway at Washington, Pa. (3) *Glass containers and caps* for glass containers, from Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., to points in West Virginia. The purpose of this filing is to eliminate the gateway at Connellsville, Pa.

No. MC 119864 (Sub-No. 61G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Connecticut, Delaware, Massachusetts, North Carolina, Rhode Island, Tennessee, on the one hand, and, on the other, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia and the District of Columbia, (2) between points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (3) between points in Florida, Georgia, Oklahoma, South Carolina, and Texas, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maine, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, (4) between points in Connecticut and Delaware, on the one hand, and, on the other, points in North Carolina, Rhode Island, and Tennessee, and (5) between points in Rhode Island, on the one hand, and, on the other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa. and points in Pennsylvania within 100 miles of Pittsburgh and points in West Virginia and points in Brook and Hancock Counties, W. Va. and points within 125 miles of said counties.

No. MC 22988 (Sub-No. 9G), filed April 22, 1974. Applicant: K. G. MOORE, INC., 16 Progress Avenue, Nashua, N.H. 03060. Applicant's representative: Robert G. Parks, 189 Neholden Street, Needham, Mass. 02192. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between those points along Massachusetts Highway 9 within 10 miles of Boston, Mass., on the one hand, and, on the other, points in Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway at Manchester, N.H.

No. MC 111956 (Sub-No. 30G), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Glassware, glass containers, and caps, stoppers, and covers*, therefor, in cartons, from Lancaster, Ohio, to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. and points in Pennsylvania within 50 miles of Bedford, Pa.; Keene, N.H.; Boston and Cambridge, Mass.; Clinton, Conn.; Wilmington, Del.; and points in New York, Maryland, New Jersey, and Rhode Island. The purpose of this filing is to eliminate the gateways at Bedford, Pa., Connellsville, Pa. and Washington, Pa. (b) from Salem, N.J., to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa. and points in Pennsylvania within 50 miles of Bedford, Pa.; those points in Ohio (except Cleveland, Ohio), Chicago, Ill., and those points in that part of Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago. The purpose of this filing is to eliminate the gateways at Connellsville, Pa. and Washington, Pa.

(c) From points in Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., and points in Bedford, Blair, Fulton, Franklin, and Huntingdon Counties, Pa. and points in that part of Pennsylvania within 50 miles of Bedford, Pa., to points in Ohio, and Chicago, Ill. and those points in Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago. The purpose of this filing is to eliminate the gateways at Bedford, Pa. and Washington, Pa. (2) *Glassware, glass containers and caps, stoppers and covers*, from Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa., to Boston and Cambridge, Mass., Keene, N.H., Clinton, Conn. and those points in Rhode Island and New York. The purpose of this filing is to eliminate the gateway at Washington, Pa. (3) *Glass containers and caps* for glass containers, from Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., to points in West Virginia. The purpose of this filing is to eliminate the gateway at Connellsville, Pa.

No. MC 119864 (Sub-No. 61G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio

43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Foodstuffs*, (a) from Chicago, Freeport, Joliet, and Marshall, Ill., to points in Indiana and (b) from points in Indiana, to points in Illinois and St. Louis, Mo. and (2) *foodstuffs* (except frozen), from Chicago, Freeport, Joliet, and Marshall, Ill., and points in Indiana, to points in Michigan north of Michigan Highway 21. The purpose of this filing is to eliminate the gateway of Archbold, Ohio. (B) (1) *Dairy products, canned goods, packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, restricted to shipments of foodstuffs, from St. Louis, Mo. and points in Illinois, to points in Indiana and (2) *dairy products, canned goods, packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, restricted to shipments of foodstuffs, (not frozen), from points in Illinois, to points in Michigan north of Michigan Highway 21. The purpose of this filing is to eliminate the gateways of Chicago, Ill., Gary, Ind., and Archbold, Ohio.

No. MC 119864 (Sub-No. 63G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, from points in Illinois, to points in Ohio starting at the State line of Ohio-Michigan at U.S. Highway 127, thence south on U.S. Highway 127 to West Unity, Ohio, thence south on State Highway 191 to junction U.S. Highway 6, thence east on U.S. Highway 6 to Fremont, Ohio, thence east on U.S. Highway 20 to Elyria, Ohio, thence east on State Highway 82 to junction U.S Highway 42, thence southwest on U.S. Highway 42 to Delaware, Ohio, thence west on U.S Highway 36 to the Ohio-Indiana State line, thence north along the Ohio-Indiana State line to the junction of the Ohio-Michigan State line, thence east along the Ohio-Michigan State line to point of beginning, including points on the highways specified. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Gary, Ind.

No. MC 119864 (Sub-No. 64G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, from points in Ohio starting at the State line of Ohio-Michigan at U.S. Highway 127, thence south on U.S. Highway 127 to West Unity, Ohio, thence south on State Highway 191 to junction U.S. Highway 6, thence east on U.S. Highway 6 to Fremont, Ohio, thence east on U.S. Highway 20 to Elyria, Ohio, thence east on State Highway 82 to junction U.S Highway 42, thence southwest on U.S. Highway 42 to Delaware, Ohio, thence west on U.S Highway 36 to the Ohio-Indiana State line, thence north along the Ohio-Indiana State line to the junction of the Ohio-Michigan State line, thence east along the Ohio-Michigan State line to point of beginning, including points on the highways specified. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Gary, Ind.

No. MC 119864 (Sub-No. 63G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, from points in Illinois, to points in Ohio starting at the State line of Ohio-Michigan at U.S. Highway 127, thence south on U.S. Highway 127 to West Unity, Ohio, thence south on State Highway 191 to junction U.S. Highway 6, thence east on U.S. Highway 6 to Fremont, Ohio, thence east on U.S. Highway 20 to Elyria, Ohio, thence east on State Highway 82 to junction U.S Highway 42, thence southwest on U.S. Highway 42 to Delaware, Ohio, thence west on U.S Highway 36 to the Ohio-Indiana State line, thence north along the Ohio-Indiana State line to the junction of the Ohio-Michigan State line, thence east along the Ohio-Michigan State line to point of beginning, including points on the highways specified. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Gary, Ind.

No. MC 119864 (Sub-No. 64G), filed June 3, 1974. Applicant: CRAIG TRANSPORTATION CO., a Corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Dairy products, canned goods, packinghouse products and by-products, and materials and supplies* used in the operation and maintenance of packinghouses, from points in Ohio starting at the State line of Ohio-Michigan at U.S. Highway 127, thence south on U.S. Highway 127 to West Unity, Ohio, thence south on State Highway 191 to junction U.S. Highway 6, thence east on U.S. Highway 6 to Fremont, Ohio, thence east on U.S. Highway 20 to Elyria, Ohio, thence east on State Highway 82 to junction U.S Highway 42, thence southwest on U.S. Highway 42 to Delaware, Ohio, thence west on U.S Highway 36 to the Ohio-Indiana State line, thence north along the Ohio-Indiana State line to the junction of the Ohio-Michigan State line, thence east along the Ohio-Michigan State line to point of beginning, including points on the highways specified. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Gary, Ind.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 83539 (Sub-No. E162) (Correction), filed May 23, 1974. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Illinois, Indiana, North Carolina, Maryland, Missouri, Virginia, West Virginia, Wisconsin, Rhode Island, Maine, New Hampshire, Vermont, Massachusetts, Oklahoma, Colorado, Louisiana, Arkansas, Kansas, Texas, New Mexico, District of Columbia, Alabama, Florida, Georgia, South Carolina, Tennessee, Kentucky, and Delaware. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; New York; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E165) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Vermont, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of Worcester, Minn.; East Port Chester, Conn.; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E169) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; New York; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E176) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateways of Worcester, Minn.; East Port Chester, Conn.; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E178) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Iowa, Minnesota, and Missouri. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; East Port Chester, Conn.; New York; Braddock, Pa.; and Illinois. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E179) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size

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or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Kansas, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; East Port Chester, Conn.; New York; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E180) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; East Port Chester, Conn.; New York; Braddock, Pa.; and Illinois. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E183) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of Worcester, Mass.; East Port Chester, Conn.; New York; and Braddock, Pa. The purpose of this correction is to correct the territorial description.

No. MC 83539 (Sub-No. E186) (Correction), filed May 23, 1974, published in the FEDERAL REGISTER July 21, 1975. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in Vermont, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of East Port Chester, Conn.; Braddock, Pa.; and Illinois. The purpose of this correction is to correct the territorial description.

No. MC 88368 (Sub-No. E40), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in Ohio in and east of Cuyahoga, Medina, Wayne, Holmes, Coshocton, Guernsey, Noble, and Washington Counties, to point in Arkansas on and south of a line beginning at the Arkansas-Texas State line near De-Queen extending along U.S. Highway 70 to Brinkley, thence along U.S. Highway 49 to the Arkansas-Mississippi State line, (2) from points in Ohio to points in Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 82 to Tuscaloosa, thence along U.S. Highway 11 to the Alabama-Georgia State line, (3) from points in Ohio on and east of a line beginning at Cleveland extending along Ohio Highway 21 to junction Ohio Highway 18, thence along Ohio Highway 18 to Akron, thence along Interstate Highway 77 to Cambridge, thence along U.S. Highway 40 to Zanesville, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to Athens, thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to Gallipolis, to points in Alabama.

(4) From points in Ohio to points in California on, north and west of a line beginning at Eureka extending along California Highway 299 to Redding, thence along Interstate Highway 5 to Weed, thence along U.S. Highway 97 to the California-Oregon State line, (5) from points in Ohio, to points in Idaho on, north and west of a line beginning at the Idaho-Montana State line extending along U.S. Highway 91 to Pocatello, thence along U.S. Highway 30 to Twin Falls, thence along U.S. Highway 93 to the Idaho-Nevada State line, (6) from points in Ohio on and east of U.S. Highway 23 to points in Louisiana, (7) from points in Jefferson County, Ohio, to points in New York in, east and south of Orange, Ulster, Greene, Albany, Schenectady, Montgomery (on and east of New York Highway 30), Saratoga Counties, and points on and east of Interstate Highway 87 from Saratoga County to the United States-Canada International Boundary line, (8) from points in Ohio, to points in Louisiana in, south and east of Califcasieu, Jefferson Davis, Acadia, Lafayette, St. Martin, Iberville, Pointe Coupee and West Feliciana Parishes, (9) from points in Ohio to points in Mississippi on and south of U.S. Highway 80, (10) from points in Ohio on and east of Interstate Highway 77 including Cambridge, Ohio, to points in Mississippi, (11) from points in Ohio to points in Missouri in, north and west of Howell, Texas, Dent, Washington, and Jefferson Counties, (12) from points in Ohio on and north of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 22 to Eaton, thence along U.S. Highway 35 to Dayton, thence along Ohio Highway 4 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Pennsylvania State line, to points in Missouri.

(13) From points in Ohio in and south of Preble, Montgomery, Clark, Madison, Franklin, Licking, Coshocton, Tuscarawas, Harrison, and Jefferson Counties, to points in Montana in and west of Toole, Teton, Cascade, Meagher, Wheatland, Golden Valley, Yellowstone, and Carbon Counties, (14) from points in Ohio on, south and east of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 122 to Eaton, thence along U.S. Highway 35 to Dayton, thence along Ohio Highway 4 to Sandusky, to points in Nebraska on, south and west of a line beginning at the Nebraska-Kansas State line near McCook extending along U.S. Highway 83 to North Platte, thence along U.S. Highway 30 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line, (15) from points in Ohio to points in Oregon on and west of a line beginning at the Oregon-California State line near Lakeview extending along U.S. Highway 395 to Pendleton, thence along Oregon Highway 11 to the Oregon-Washington State line, (16) from points in Ohio, to points in Cherokee County, Tex., (17) from points in Ohio on, north and west of a line beginning at the Ohio-Kentucky State line near Cincinnati extending along Interstate Highway 71 to Columbus, thence along Interstate Highway 70 to the Ohio-West Virginia State line, to points in Texas on and west of a line begining at Laredo extending along U.S. Highway 81 to Hillsboro, thence along U.S. Highway 77 to Dallas, thence along U.S. Highway 75 to the Texas-Oklahoma State line.

(18) From points in Ohio on, south and east of a line beginning at the Ohio-Indiana State line near Greenville extending along U.S. Highway 36 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line, to points in Wyoming on, south and west of a line beginning at the Wyoming-Nebraska State line near Torrington extending along U.S. Highway 26 to Casper, thence along U.S. Highway 87 to the Wyoming-Montana State line. The purpose of this filing is to eliminate the gateways of Bledsoe, Ky., and Florence, Ala., in (1) above; Harland, Bledsoe, and Molus, Ky., in (2) above; Harland and Bledsoe, Ky., in (3) above; Clinton, Ill., Newton, Kans., Sterling, Colo., Dalesport, Wash., in (4) above; Clinton, Ill., Newton, Kans., Sterling, Colo., and Monida, Mont.; in (5) above; Bledsoe, Ky., Florence, Ala., Molus, Ky., and Birmingham, Ala., in (6) above; Philadelphia, Pa., in (7) above; Bledsoe, Ky., Florence, Ala., and Molus, Ky., and Birmingham, Ala., in (8) above; Molus, Ky., Huntsville Ala., and Bledsoe, Ky., in (9) above; Bledsoe, Ky., and Florence, Ala., in (10) above; Clinton, Ill., in (11) above; Clinton, Ill., in (12) above; Clinton, Ill., Newton, Kans., Sidney, Nebr., Casper, Wyo., and Sheridan, Wyo., in (13) above; Goessel Kans., Clinton, Ill., and Newton, Kans., in (14) above; Clinton, Ill., Newton, Kans., Sterling, Colo., Dalesport, Wash., and Walla Walla, Wash., in (15) above; Pototoc, Miss., Bledsoe, Ky., Florence, Ala., Shreveport, La., and Harlan, Ky., in (16) above; Clinton, Ill., Cowley City, Kans., and Arkansas City, Kans., in (17) above; and Clinton, Ill., Goessel, Kans., and Sidney, Nebr., in (18) above.

No. MC 102616 (Sub E68), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from Crossville, Ill., to points in New Hampshire, Vermont and Maine. The purpose of this filing is to eliminate the gateway of Granger, Ind. and Bay City or Ludington, Mich.

No. MC 102616 (Sub-No. E255), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles; (a) from points in Ohio on and south of U.S. Highway 35 to points in Delaware and points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 151, thence along Maryland Highway 151 to the Chesapeake Bay; (b) from points in Hamilton, Clermont, Warren, and Butler Counties, Ohio, to points in North Carolina on and east of U.S. Highway 301, and points in Virginia on and south of U.S. Highway 60, on and east of U.S. Highway 220, and on and north of U.S. Highway 460; (c) from points in Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 35 to junction Ohio Highway 72, thence along Ohio Highway 72 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Indiana-Ohio State line, to the District of Columbia; (d) from points in Ohio south of a line beginning at the West Virginia-Maryland State line and extending along U.S. Highway 35 to junction Ohio Highway 776, thence along Ohio Highway 776 to junction Ohio Highway 124, thence along Ohio Highway 124 to junction Ohio Highway 41, thence along Ohio Highway 41 to the Ohio-Indiana State line, to points in Maryland on and east of Interstate Highway 81 and on and west of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Maryland-District of Columbia border line;

(e) From points in Ohio north and east of a line beginning at the Ohio-Kentucky State line and extending along Ohio Highway 73 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 49, thence along Ohio Highway 49 to junction Ohio Highway 571, thence along Ohio Highway 571 to the Indiana-Ohio State line, to points in North Carolina on and west of U.S. Highway 321; (f) from points in Ohio to points in North Carolina on and east of U.S. Highway 321 and on and west of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 39 to junction U.S. Alternate Highway 70, thence along U.S. Alternate Highway 70 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 117, thence along U.S. Highway 117 to the Atlantic Ocean; (g) from points in Ohio on and west of a line beginning at the West Virginia-Ohio State line and extending along Ohio Highway 800 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Interstate Highway 77, thence along Interstate Highway 77 to Lake Erie, to points in North Carolina on and east of a line beginning at the Atlantic Ocean and extending along U.S. Highway 117 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 39, thence along North Carolina Highway 39 to the Virginia-North Carolina State line; (h) from points in Ohio on and north of U.S. Highway 30 to points in North Carolina on and east of U.S. Highway 21 and on and west of U.S. Highway 70 and U.S. Highway 501; (i) from points in Ohio on and west of a line beginning at the Ohio-Kentucky State line and extending along Interstate Highway 71 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 57, thence along Ohio Highway 57 to Lake Erie, to points in Virginia on and west of U.S. Highway 60 and on and east of U.S. Highway 1; and (j) from points in Franklin, Delaware, Licking, and Fairfield Counties, Ohio, to points in Mecklenburg, Union, Stanly, Cabarrus, Lincoln, Gaston, Cleveland, Catawba, and Iredell Counties, N.C. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va.

No. MC 102616 (Sub-No. E373), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Rd., Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles; (a) from Freedom, Pa., to points in Ohio on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, points in Michigan on and west of Interstate Highway 75 and on and north of U.S. Highway 10, and points in Indiana on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 40 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 18, thence along Indiana Highway 18 to the Indiana-Illinois State line; (b) from Hays and Neville Island, Pa., to points in Ohio on and west of Interstate Highway 77 and on and south of U.S. Highway 40, and points in Michigan on and north of Michigan Highway 21 and on and west of Michigan Highway 66; (c) from Delmont, Pa., to points in Ohio on, south, and west of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction Ohio Highway 19, thence along Ohio Highway 19 to Lake Erie, points in Indiana and Michigan; and (d) from Freedom, Hays, Delmont, and Neville Island, Pa., to points in Illinois and Missouri. The purpose of this filing is to eliminate the gateway of the Allied Chemical plant sites near Moundsville, W. Va.

No. MC 102616 (Sub-No. E395) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER July 29, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly) (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Virginia to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of South Charleston or Institute, W. Va., and Chicago, Ill. The purpose of this correction is to clarify the destination points and to include the origin point.

No. MC 103993 (Sub-No. E59), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment* and *materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such commodities and *equipment* incidental to the handling of such commodities from (1) all points in Mississippi, to all points in Delaware, Maryland, and Washington, D.C., (2) all points in Alabama, to points in Garrett, Allegany, Washington, Frederick, Carroll, Baltimore, Harford and Cecil Counties, Md. (except Baltimore City, Md.), and New Castle County, Del.; and (3) all points in Alabama (except points in Russell, Macon, Montgomery, Lowndes, Butler, Crenshaw, Pike, Bullock, Barbour, Henry, Houston, Dale, Coffee, Geneva, and Covington Counties,

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Ala.), to all points in Delaware, Maryland, and Washington, D.C. The purpose of this filing is to eliminate the gateway of the plantsite of Walker-Parkersburg, a division of Textron, Inc., at Parkersburg, W. Va.

No. MC 103993 (Sub-No. E60), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections and *equipment* and *materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such buildings and *commodities* and *equipment* incidental to the handling of such commodities from (1) all points in Iowa and Minnesota, to all points in Virginia, North Carolina, and South Carolina; and (2) all points in Wisconsin on and west of a line beginning at the Wisconsin-Michigan State line and U.S. Highway 45, thence along U.S. Highway 45 to its junction with Wisconsin Highway 153, thence along Wisconsin Highway 153 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to its junction with Wisconsin Highway 78, thence along Wisconsin Highway 78 to its junction with the Wisconsin-Illinois State line, to all points in Virginia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Monticello, Iowa.

No. MC 103993 (Sub-No. E61), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment* and *materials* incidental to the erection and completion of such buildings when shipped therewith, and rejected shipments of such commodities and equipment incidental to the handling of such commodities, from all points in that part of Florida in and east of Jefferson County, Fla., to (1) all points in Alaska, California, Colorado (except Las Animas, Baca, Prowers, Bent, Otero, Crowley, and Kiowa Counties, Colo.), Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota (except Lake, Moody, McCook, Minnehaha, Hutchison, Turner, Lincoln, Bon Homme, Yankton, Clay, and Union Counties, S. Dak.), Utah, Washington, and Wyoming; and (2) all points in New Mexico on and west of a line beginning at the junction of the New Mexico-Colorado State line and New Mexico Highway 3, thence along New Mexico Highway 3 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Pinellas County, Fla.

No. MC 103993 (Sub-No. E62), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections and *equipment* and *materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such buildings and *commodities* and *equipment* incidental to the handling of such commodities from all points in Wisconsin (except points in Douglas, Washburn, Burnett, Polk, Barron, Saint Croix, Dunn, Pierre and Pepin County, Wisc.), points in that part of Illinois on and north of Interstate Highway 80, and points in the Upper Peninsula of Michigan to all points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateway of Monticello, Iowa.

No. MC 103993 (Sub-No. E64), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment* and *materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such commodities and *equipment* incidental to the handling of such commodities from points in Michigan and Ohio (except points in Preble, Butler, Hamilton, Montgomery, Warren, Clermont, Greene, Clinton, Brown, Highland, Adams, Pike, Sciota, and Lawrence Counties, Ohio), to all points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Walker-Parkersburg, a division of Textron at Parkersburg, W. Va.

No. MC 103993 (Sub-No. E65), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment* and *materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such commodities and *equipment* incidental to the handling of such commodities from (1) points in Tennessee to all points in Connecticut, Massachusetts, Rhode Island, and points in that part of New York, south of New York Highway 7; and (2) points in Tennessee (except points in and east of Bradley, McMinn, Loudon, Knox, Grainger, and Hancock Counties, Tenn.), to points in New Jersey and points in that part of Pennsylvania south of a line beginning at the Pennsylvania-Ohio State line, thence along Interstate Highway 80 to the junction of Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of the plant site of Walker-Parkersburg, a division of Textron, Inc., at Parkersburg, W. Va.

No. MC 103993 (Sub-No. E69), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections and *equipment* and *materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such buildings and *commodities* and *equipment* incidental to the handling of such commodities from (1) points in Illinois on and south of Interstate Highway 80, and in that part of Iowa south and east of a line beginning at the Iowa-Missouri State line, thence along Interstate Highway 35 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line to points in North Dakota and South Dakota, and (2) from all points in Illinois to points in North Dakota and South Dakota on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Polk County, Iowa.

No. MC 103993 (Sub-No. E70), filed May 25, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and *equipment* and *materials* incidental to the erection and completion of such buildings when shipped therewith, and *rejected shipments* of such buildings and *commodities* and equipment incidental to the handling of such commodities from all points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Ohio, Tennessee, West Virginia, points in that part of Michigan on and south of U.S. Highway 10, and points in that part of Missouri on and east of U.S. Highway 63, to all points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of the plantsite or facilities of the Binkly Co., in Warren County, Mo.

No. MC 106603 (Sub-No. E20), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, as described by the Commission, which are building contractors' material and supplies, from points in Ohio on and south of U.S. Highway 30 to those points in the Upper Peninsula of Michigan west of a line beginning at the Michigan-Wisconsin State line and extending along Michigan Highway 35 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Superior. The purpose of this filing is to eliminate the gateways of Whiting, Ind., and Wilmington, Ill.

No. MC 106603 (Sub-No. E21), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, as described by the Commission, which are contractors' materials and supplies, from those points in Ohio north of U.S. Highway 30 to those points in the Upper Peninsula of Michigan south of a line beginning at Lake Michigan and extending along U.S. Highway 2 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Superior. The purpose of this filing is to eliminate the gateways of Whiting, Ind., and Wilmington, Ill.

No. MC 106603 (Sub-No. E22), filed May 4, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing* and *roofing materials*, as described by the Commission, which are building contractors' materials and supplies, from those points in Ohio south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 7, thence along Ohio Highway 7 to the Ohio-West Virginia State line, to those points in the Lower Peninsula of Michigan north of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction U.S. Highway 31, thence along U.S. Highway 31 to Lake Michigan. The purpose of this filing is to eliminate the gateway of South Bend, Ind.

No. MC 106603 (Sub-No. E23), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing* and *roofing materials*, which are building contractors' equipment, materials, and supplies, from those points in Ohio south of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 39 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 229, thence along Ohio Highway 229 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Ohio Highway 7, thence along Ohio Highway 7 to the Ohio-West Virginia State line, to those points in the Lower Peninsula of Michigan north and west of a line beginning at Lake Michigan and extending along U.S. Highway 10 to junction U.S. Highway 131, thence along U.S. Highway 131 to Lake Michigan. The purpose of this filing is to eliminate the gateway of South Bend, Ind.

No. MC 106603 (Sub-No. E25), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing* and *roofing materials*, and *insulating brick siding*, which are building contractors' materials, from those points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. 51 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, to those points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 127 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Whiting or Lowell, Ind.

No. MC 106603 (Sub-No. E26), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing* and *roofing materials* and *insulated brick siding*, which are building contractors' materials, from those points in Illinois south of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 34 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 140, thence along Illinois Highway 140 to the Illinois-Missouri State line, to points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S; thence along U.S. Highway 30S to junction Illinois Highway 95, thence along Illinois Highway 95 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Whiting or Lowell, Ind.

No. MC 106603 (Sub-No. E27), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing* and *roofing materials*, and insulating brick siding, which are building contractors' materials, from those points in Illinois on, north, and west of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 51 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 127 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 48, thence along U.S. Highway 48 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 140, thence along Illinois Highway 140 to the Missouri-Illinois State line, to those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Ohio Highway 39, thence along Ohio Highway 39 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Whiting or Lowell, Ind.

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No. MC 106603 (Sub-No. E29), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated brick siding*, which is building contractors' materials and supplies, from those points in Illinois bounded on the west by a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Illinois Highway 127, thence along Illinois Highway 127 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Interstate Highway 57, thence along Interstate Highway 57 to the Illinois-Missouri State line, and on the east by a line beginning at the Illinois-Kentucky State line and extending along Interstate Highway 24 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to those points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 6 ot junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Lowell, Ind.

No. MC 107002 (Sub-E30), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, as described by the Commission, in bulk, in tank vehicles, from the plantsites and storage facilities utilized by American Mineral Spirits Company at Birmingport, Ala., to points in Arkansas (Tupelo and Friars Point, Miss., or Tupelo, Miss., Union County, Miss., and Memphis, Tenn.) *, Louisiana (Tupelo and Vicksburg, Miss., or Tupelo and Lamberton, Miss.) *, Oklahoma, Missouri (Tupelo and Washington County, Miss.) *, and those in Illinois on and south of a line beginning at Chester and extending along Illinois Highway 150 to junction Illinois Highway 154, to junction U.S. Highway 51, to Ashley, thence along U.S. Highway 460, to the Illinois-Indiana State line, restricted against the transportation of (a) asphalt to points in Illinois; (b) asphalt and liquefied petroleum gas to points in Missouri and Oklahoma, and (c) liquefied petroleum gas to points in Sevier, Howard, Little River, Hempstead, Miller, Lafayette, Nevada, and Columbia Counties, Ark., points in that part of Ouachita County, Ark., lying west of the Ouachita River, and points in that part of Union County, Ark., lying west of a line extending along Arkansas Highway 7 to El Dorado Ark., and thence along U.S. Highway 167 to the Arkansas-Louisiana State line; and (2) liquid petrochmeicals, as defined by the Commission, in bulk, in tank vehicles, from the plantsites and storage facilities utilized by American Mineral Spirits Company at Birmingport, Ala., to Iowa, Kansas, Wisconsin (Tupelo, Miss., points in Mississippi within the Memphis, Tenn. Commercial Zone, and Barfield, Ark., and points within 10 miles thereof) *, Illinois (Tupelo, Miss., and points in Mississippi within the Memphis, Tenn. Commercial Zone) *, Minnesota, and those in Michigan on and north of Interstate Highway 94 (Cedartown, Ga.) *. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107107 (Sub-No. E38), filed April 18, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, meats, meat products, and meat by-products*, as defined by the Commission, from Philadelphia, Pa., to those points in Louisiana on and south of U.S. Highway 80, and those in Mississippi on and south of U.S. Highway 98 (Sylvester, Ga.) *; (2) *meats, meat products, and meat by-products*, as defined by the Commission, from Philadelphia, Pa., to those points in Texas on and south of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-New Mexico State line (Sylvester, Ga.) *; (3) *fresh meats*, from Philadelphia, Pa., to those points in Texas north of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Texas-New Mexico State line, and south of a line beginning at the Texas-Oklahoma State line and extending along the Red River to U.S. Highway 287, to junction U.S. Highway 66, thence along U.S. Highway 66 to the Texas-New Mexico State line (Florida) *; (4) *frozen foods*, from Philadelphia, Pa., to those points in Texas on and south of a line beginning at the Texas-Oklahoma State line and extending along the Red River to U.S. Highway 287, to junction U.S. Highway 66, thence along U.S. Highway 66 to the Texas-New Mexico State line (Florida) *.

(5) *Candy and confectionery and related advertising and promotional materials*, from Philadelphia, Pa., to those points in Georgia on and south of a line beginning at the Atlantic Ocean and extending along Georgia Highway 99 to junction Georgia Highway 23, thence along Georgia Highway 23 to junction U.S. Highway 341, thence along U.S. Highway 341 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Georgia Highway 257, thence along Georgia Highway 257 to junction Georgia Highway 91, thence along Georgia Highway 91 to the Georgia-Alabama State line (Jacksonville, Fla.) *; (6) *candy and confectionery*, from Philadelphia, Pa., to points in Louisiana, those in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Mississippi State line, and those in Mississippi on and south of U.S. Highway 80 (Pensacola and Tallahassee, Fla.) *; and (7) *canned tomato products, cheese and spices*, from Philadelphia, Pa., to those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 84 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Baldwin-Escambia County line, thence along the Baldwin-Escambia County line to the Baldwin-Monroe County line, thence along the Baldwin-Monroe County line to the Baldwin-Clarke County line, thence along the Baldwin-Clarke County line to the Baldwin-Washington County line, thence along the Baldwin-Washington County line to the Mobile-Washington County line, thence along the Mobile-Washington County line to the Alabama-Mississippi State line, those in Mississippi on and south of U.S. Highway 84, and those in Louisiana south and west of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 84 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Louisiana-Texas State line (Jacksonville, Fla.) *. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107295 (Sub-No. E58), filed May 9, 1974. Applicant: PRE FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring*, from White Lake, Wis., to points in Arizona, points in California in and south of Monterey, San Benito, Fresno, Tulare, and San Bernardino Counties, points in New Mexico in, west, and south of San Juan, McKinley, Valencia, Bernalillo, Torrance, Lincoln, De Baca, Roosevelt, and Curry Counties. The purpose of this filing is to eliminate the gateway of Warren, Ark.

No. MC 107295 (Sub-No. E62) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER March 10, 1975. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection with the transportation of such buildings, *component parts* thereof and *equipment* and *materials* incidental to the erection and completion of such buildings: * * * (4) from points in that part of Pennsylvania located in, west, and south of Mercer, Butler, Armstrong, Indiana, Cambria, Blair, Huntingdon, and Franklin Counties to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (5) from points in that part of Pennsylvania located in, west, and south of Mercer, Venango, Clarion, Jefferson, Clearfield, Centre, Mifflin, Juniata, Perry, Dauphin, and Lancaster Counties to points in Maine. The purpose of this filing is to eliminate the gateways of: In (4) above, Baltimore, Md.; and in (5) above, Baltimore, Md. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 107295 (Sub-No. E76), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Chicago, Ill., to points in Alabama in and south of Choctaw, Marengo, Wilcox, Dallas, Lowndes, Montgomery, Macon, and Russell Counties, points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Trumann, Ark.

No. MC 107295 (Sub-No. E149), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Chicago, Ill., to points in New Mexico in and south of McKinley, Valencia, Socorro, Lincoln, De Baca, Roosevelt, and Curry Counties. The purpose of this filing is to eliminate the gateway of Camden, Ark.

No. MC 107295 (Sub-No. E190), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors* and *door sections*, from Columbus, Ohio, to points in North Carolina in and east of Caswell, Alamance, Chatham, Lee, Moore, and Richmond Counties, and points in Virginia in and east of Highland, Bath, Rockridge, Bedford, and Pittsylvania Counties. The purpose of this filing is to eliminate the gateway of Harrisonburg, Va.

No. MC 107993 (Sub-No. E1), filed June 4, 1974. Applicant: J. J. WILLIS TRUCKING COMPANY, P.O. Box 20096, Dallas, Tex. 75220. Applicant's representative: Joseph P. Willis (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum and their products and by-products, *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (I) (A) between points in Arizona, on the one hand, and, on the other, points in Arkansas; (B) (1) between points in Pueblo, Larimer, Otero, Las Animas, and Denver Counties, Colo., on the one hand, and, on the other, points in Pima, Santa Cruz and Yuma Counties, Ariz.; (2) between points in Moffat County, Colo., on the one hand, and, on the other, points in Santa Cruz County, Ariz.; (3) between points in Otero and Las Animas Counties, Colo., on the one hand, and, on the other, points in Gila, Yavapai, and Maricopa Counties, Ariz.; (4) between points in Logan, Washington, Sedgwick, Phillips, Yuma, Lincoln, Kit Carson, Cheyenne, Kiowa, Crowley, Bent, Prowers, and Baca Counties, Colo., on the one hand, and, on the other, points in Maricopa, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma Counties, Ariz., and that part of Arizona on and south of U.S. Highway 66 in Coconino County, Ariz.; (5) between points in Greenlee, Graham, and Cochise Counties, Ariz., on the one hand, and, on the other, points in that part of Colorado on, and north and east of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 550 to Montrose, thence along U.S. Highway 50 to the Colorado-Utah State line.

(C) Between points in Arizona, on the one hand, and, on the other, points in Kansas; (D) between points in Arizona, on the one hand, and, on the other, points in Oklahoma; (E) (1) between points in Cochise County, Ariz., on the one hand, and, on the other, points in Wyoming; (2) between points in Pima, Pinal, and Santa Cruz Counties, Ariz., on the one hand, and, on the other, points in Sheridan, Johnson, Natrona, Carbon, Campbell, Converse, Albany, Crook, Weston, Niobrara, Platte, Laramie, and Goshen Counties, Wyo.; (3) between points in Yuma County, Ariz., on the one hand, and, on the other, Campbell, Converse, Albany, Crook, Weston, Niobrara, Platte, Laramie, and Goshen Counties, Wyo.; (4) between points in Greenlee, Graham, Gila, Maricopa, Yuma, Pinal, Pima, Cochise, and Santa Cruz Counties, Ariz., on the one hand, and, on the other, points in Campbell County, Wyo.; (5) between points in Greenlee, Graham, Gila, Pima, Pinal, Cochise, and Santa Cruz Counties, Ariz., on the one hand, and, on the other, Sheridan County, Wyo. (II) (A) (1) between points in Benton, Carroll, Boone, Washington, Madison, Newton, Crawford, Franklin, Johnson, Pope, Sebastian, Logan, Yell, Scott, Polk, Montgomery, Garland, Howard, Pike, Clark, Hot Spring, Sevier, Hempstead, Nevada, Little River, Miller, and Lafayette Counties, Ark., on the one hand, and, on the other, points in that part of Caddo Parish, La., south of U.S. Highway 80, De Soto, Red River, Sabine, Natchitoches, Vernon, Rapides, Beauregard, Allen, Evangeline, Saint Landry, Calcasieu, Jefferson Davis, Acadia, Lafayette, Saint Martin, Iberville, Ascension, Cameron, Vermilion, Iberia, Saint Mary, part of Saint Martin, Assumption, Saint James, Saint John the Baptist, Lafourche, Saint Charles, Orleans, Terrebonne, Jefferson, Plaquemines, and Saint Bernard Parishes, La.

(2) Between points in Benton, Carroll, Boone, Washington, Madison, Newton, Crawford, Franklin, Johnson, Pope, Sebastian, Logan, Yell, Scott, Polk, Montgomery, Garland, Howard, Pike, Clark, Hot Spring, Sevier, Hempstead, Nevada, Little River, Miller, and Lafayette Counties, Ark., on the one hand, and, on the other, points in Ouachita Parish, La.; (3) between points in Benton, Carroll, Boone, Washington, Madison, Newton, Crawford, Franklin, Johnson, Pope, Sebastian, Logan, Yell, Scott, Polk, Montgomery, Garland, Howard, Pike, Clark, Hot Spring, Sevier, Hempstead, Nevada, Little River, Miller, and Lafayette Counties, Ark., on the one hand, and, on the other, points in Beauregard, Allen, Evangeline, Saint Landry, Pointe Coupee, West Feliciana, East Feliciana, Saint Helena, Tangipahoa, Washington, Calcasieu, Jefferson Davis, Acadia, Lafayette, Saint Martin, Iberville, West Baton Rouge, East Baton Rouge, Livingston, Saint Tammany, Cameron, Vermilion, Iberia, Saint Mary, part of Saint Martin, Assumption, Ascension, Saint James, Saint John the Baptist, Lafourche, Terrebonne, Saint Charles, Orleans, Jefferson, Plaquemines, and Saint Bernard Parishes, La.; (B) between points in Arkansas, on the one hand, and, on the other, points in New Mexico; (C) between points in Arkansas, on the one hand, and, on the other, points in that part of Texas west and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 80 to junction U.S. Highway 54, thence along U.S. Highway 54 to El Paso, Tex., thence along U.S. Highway 80 to Abilene, thence along U.S. Highway 84 to the Texas-Louisiana State line, including points on the indicated portions of the highways specified, and points in Lea and Eddy Counties, N. Mex.

(III) (A) Between points in Colorado, on the one hand, and, on the other, points

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in Louisiana; (3) (1) between points in Moffat, Routt, Jackson, Larimer, Boulder, Weld, Logan, Sedgwick, Morgan, Phillips, Washington, Yuma, Adams, Denver, Arapahoe, Douglas, Elbert, Lincoln, Kit Carson, El Paso, Cheyenne, Pueblo, Crowley, Kiowa, Otero, Bent, Prowers, and Baca Counties, Colo., on the one hand, and, on the other, points in Quay, De Baca, Curry, Roosevelt, Chavis, Grant, Sierra, Otero, Hidalgo, Luna, and Dona Ana Counties, N. Mex.; (2) between points in Moffat, Routt, Jackson, Larimer, Boulder, Weld, Logan, Sedgwick, Morgan, Phillips, Washington, Yuma, Adams, Denver, Arapahoe, Douglas, Elbert, Lincoln, Kit Carson, El Paso, Cheyenne, Pueblo, Crowley, Kiowa, Otero, Bent, Prowers, Baca, Rio Blanco, Garfield, Eagle, Grand, Summit, Gilpin, Jefferson, Clear Creek, Mesa, Pitkin, Lake, Park, Delta, Gunnison, Chaffee, Fremont, Saguache, Custer, Huerfano, and Las Animas Counties, Colo., on the one hand, and, on the other, points in Hidalgo and Quay Counties, N. Mex.; (3) between points in Logan, Sedgwick, Phillips, Washington, Yuma, Kit Carson, Cheyenne, Kiowa, Bent, Prowers and Baca Counties, Colo., on the one hand, and, on the other, points in Bernalillo, Torrance, and Socorro Counties, N. Mex.; (4) between points in Kit Carson County, Colo., on the one hand, and, on the other, points in McKinley, Sandoval, Los Alamos, and Santa Fe Counties, N. Mex.; (5) between points in Mesa County, Colo., on the one hand, and, on the other, points in Otero County, N. Mex.; (C) between points in Colorado, on the one hand, and, on the other, points in that part of Texas west and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 80 to junction U.S. Highway 54, thence along U.S. Highway 54 to El Paso, thence along U.S. Highway 80 to Abilene, thence along U.S. Highway 84 to the Texas-Louisiana State line, including points on the indicated portions of the highways specified and points in Lea and Eddy Counties, N. Mex.

(IV) (A) Between points in Kansas on the one hand, and, on the other, points in Louisiana; (B) between points in Phillips, Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Rooks, Osborne, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Ottawa, Lincoln, Shawnee, Wabaunsee, Wyandotte, Ellis, Russell, Dickinson, Geary, Douglas, Johnson, Saline, Ellsworth, Morris, Osage, Lyon, Franklin, Miami, Rush, Barton, McPherson, Marion, Rice Chase, Coffey, Anderson, Linn, Pawnee, Stafford, Reno, Harvey, Greenwood, Edwards, Butler, Woodson, Allen, Bourbon, Sedgwick, Pratt, Kiowa, Kingman, Wilson, Neosho, Crawford, Elk, Ford, Meade, Clarke, Comanche, Barber, Harper, Sumner, Cowley, Labette, Cherokee, Seward, and Chautauqua Counties, Kans., on the one hand, and, on the other, points in Colfax, Union, Mora, Harding, McKinley, Sandoval, Los Alamos, Santa Fe, San Miguel, Valencia, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, De Baca, Curry, Lincoln, Roosevelt, Chaves, Sierra, Otero, Lea, Grant, Hidalgo, Luna, Dona Ana, and Eddy Counties, N. Mex. (V) (A) between points in Louisiana, on the one hand, and, on the other, points in Oklahoma; (B) between points in Louisiana, on the one hand, and, on the other, points in Utah; (C) between points in Louisiana, on the one hand, and, on the other, points in Wyoming.

(VI) (A) Between points in New Mexico (except points in Union County), on the one hand, and, on the other, points in Oklahoma (except points in Cimarron County); (B) (1) between points in Quay, Curry, Roosevelt, Chaves, Otero, and Dona Ana Counties, N. Mex., on the one hand, and, on the other, points in Utah; (2) between points in Hidalgo and Colfax Counties, N. Mex., on the one hand, and, on the other, points in Cache County, Utah; (3) between points in Hidalgo County, N. Mex., on the one hand, and, on the other, points in Utah and Unitah Counties, Utah; (4) between points in Colfax County, N. Mex., on the one hand, and, on the other, points in Iron County, Utah; (C) (1) between points in Quay, Curry, De Baca, Roosevelt, Chaves, Lincoln, Otero, Dona Ana, Luna and Hidalgo Counties, N. Mex., on the one hand, and, on the other, points in Wyoming; (2) between points in Bernalillo and Socorro Counties, N. Mexico, on the one hand, and, on the other, points in Teton, Yellowstone National Park, Park, Hot Springs, Washakie, Big Horn, Sheridan, Johnson, Campbell, Converse, Crook, Weston, Niobrara, Platt, and Goshen Counties, Wyo.; (3) between points in Santa Fe County, N. Mex., on the one hand, and, on the other, points in Sheridan County, Wyo. (VII) (A) between points in that part of Texas west and south of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 80 to junction U.S. Highway 54, thence along U.S. Highway 54 to El Paso, thence along U.S. Highway 80 to Abilene, thence along U.S. Highway 84 to the Texas-Louisiana State line, including points on the indicated portions of the highways specified, and points in Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate the gateway of points in that part of Texas east and north of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 80 to junction U.S. Highway 54, thence along U.S. Highway 54 to El Paso, thence along U.S. Highway 80 to Abilene, thence along U.S. Highway 84 to the Texas-Louisiana State line, including points on the indicated portions of the highways specified, and points in Lea and Eddy Counties, N. Mex.

No. MC 108207 (Sub-No. E35) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER December 12, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and dairy products*, from Columbus Junction, Iowa, to points in New Mexico, Arizona, California, Texas, Louisiana, Mississippi, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of points in Texas, Oklahoma, and Arkansas. The purpose of this correction is to correct the above gateway.

No. MC 108676 (Sub-No. E1), filed September 14, 1974. Applicant: A. J. METTLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, Tenn. 37917. Applicant's representative: A. A. Metler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble and iron and steel articles*, the transportation of which, because of size or weight, requires the use of special equipment or special handling, and when moving in connection therewith, *related marble and iron and steel articles*, the transportation of which, because of size or weight, does not require the use of special equipment or handling; (A) (1) between points in Lancaster, Kershaw, Lee, Chesterfield, Marlboro, Spartanburg, Cherokee, Darlington, York, Chester, Fairfield, Richland, Sumter, Florence, Marion, Dillon, and Horry Counties, S.C., on the one hand, and, on the other, points in Lauderdale and Colbert Counties, Ala., (2) between points in Lancaster, Kershaw, Lee, Chesterfield, Marlboro, Darlington, Dillon, Spartanburg, Cherokee, York, Chester, Lancaster, Kershaw, Sumter, Florence, Marion, and Horry Counties, S.C., on the one hand, and, on the other, points in that part of Alabama on, west, and north of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 231 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Mississippi-Alabama State line, and (3) between points in Spartanburg, Cherokee, York, Lancaster, Chesterfield, Darlington, Marlboro, Dillon, Marion, Florence, and Horry Counties, S.C., on the one hand, and, on the other, points in that part of Alabama on, west, and north of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 231 to junction Alabama Highway 20, thence along Alabama Highway 20 to junction Alabama Highway 24, thence along Alabama Highway 24 to the Alabama-Mississippi State line.

(B) (1) Between points in Alabama located in and west of Jackson, Marshall, Blount, Jefferson, Tuscaloosa, Hale, Marengo, Clarke, and Washington Counties, Ala., on the one hand, and, on the other, points in North Carolina (except Cherokee, Clay, Macon, Graham, Swain, Jackson, Transylvania, Henderson, Polk, Rutherford, Cleveland, Lincoln, and Gaston Counties, N.C.); (2) between points in Alabama located in, north, and west of Cherokee, Etowah, Blount, Walker, Tuscaloosa, Hale, Marengo, Clarke, and Washington Counties, on the one hand, and, on the other, points in North Carolina (except Cherokee, Graham, Swain, Clay, Macon, Jackson, Transylvania, Henderson, Polk, Rutherford, Cleveland, Lincoln, Gaston, Mecklenburg, Cabarrus, Stanly, Montgomery, Orrien, Arison, Richmond, and Scotland Counties, N.C.); (3) between points in that part of Alabama in, north, and west of a Cherokee, Etowah, Blount, Jefferson, Shelby, Bibb, Perry, Dallas, Wilcox, Monroe, and Baldwin Counties, on the one hand, and, on the other, points in that part of North Carolina north and east of Graham, Swain, Jackson, Transylvania, Henderson, Rutherford, Cleveland, Lincoln, Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Hoke, Robeson, Columbus, and Brunswick Counties; (4) between points in that part of Alabama in and west of Jackson, De Kalb, Cherokee, Cleburne, Talladega, Shelby, Chilton, Dallas, Wilcox, Monroe, and Baldwin Counties, on the one hand, and, on the other, points in that part of North Carolina north of Graham, Swain, Jackson, Transylvania, Henderson, Rutherford, Cleveland, Lincoln, Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Hoke, Robeson, Bladen, and Pender Counties; (5) between points in that part of Alabama in and west of Jackson, De Kalb, Cherokee, Cleburne, Randolph, Clay, Coosa, Elmore, Montgomery, Lowndes, Wilcox, Monroe, and Baldwin Counties, on the one hand, and, on the other, points in that part of North Carolina north of Graham, Swain, Jackson, Transylvania, Henderson, Rutherford, Cleveland, Lincoln, Mecklenburg, Cabarrus, Stanly, Montgomery, Moore, Lee, Harnett, Sampson, Duluth, Onslow, and Carteret Counties.

(6) Between points in that part of Alabama located in and west of Jackson, De Kalb, Cherokee, Cleburne, Randolph, Clay, Coosa, Elmore, Montgomery, Crenshaw, and Covington Counties, on the one hand, and, on the other, points in that part of North Carolina in, east, and north of Madison, Buncombe, McDowell, Burke, Catawba, Iredell, Rowan, Davidson, Randolph, Chatham, Wake, Franklin, Nash, Wilson, Edgecombe, Pitt, and Craven Counties; (7) between points in Alabama (except Russell, Barbour, Henry, Dale, Geneva, and Houston Counties), on the one hand, and, on the other, points in that part of North Carolina on and north of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 441 to junction U.S. Highway 19 and 23, thence along U.S. Highway 19 and 23 to junction Blue Ridge Parkway, thence along Blue Ridge Parkway to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction North Carolina Highway 98, thence along North Carolina Highway 98 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean; (8) between points in Alabama (except Russell, Barbour, and Henry Counties), on the one hand, and, on the other, points in that part of North Carolina on, north, and east of a line beginning at the Tennessee-North Carolina State line extending along U.S. Highway 441 to junction U.S. Highway 19 and 23, thence along U.S. Highway 19 and 23 to junction Blue Ridge Parkway, thence along Blue Ridge Parkway to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction North Carolina Highway 86, thence along North Carolina Highway 86 to the Virginia-North Carolina State line; (9) between points in Alabama (except points in Henry, Dale, Geneva, and Houston Counties), on the one hand, and, on the other, points in that part of North Carolina located in and north of Watauga, Wilkes, Yadkin, Stokes, Rockingham, Caswell, Person, Granville, Vance, and Warren Counties; and (10) between points in Alabama, on the one hand, and, on the other, points in Watauga, Wilkes, Surry, Allegheny, and Ashe Counties, N.C.

(C) Between points in Alabama, on the one hand, and, on the other, points in Virginia; (D) (1) between points in Barbour County, Ala., on the one hand, and, on the other, points in that part of Kentucky in and east of Daviess, Ohio, Butler, Edmonson, Barren, and Monroe Counties, (2) between points in Houston, Henry, Barbour, Dale, and Geneva Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Hancock, Breckinridge, Grayson, Edmonson, Barren, and Monroe Counties, (3) between points in that part of Alabama located in, east, and north of Covington, Crenshaw, Pike, and Barbour Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Meade, Hardin, Larue, Green, Adair, and Cumberland Counties; (4) between points in that part of Alabama located in or east of Chambers, Tallapoosa, Elmore, Montgomery, Butler, Covington, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Jefferson, Spencer, Nelson, Marion, Taylor, Adair, and Cumberland Counties; (5) between points in that part of Alabama located in and south of Cleburne, Calhoun, Talladega, Coosa, Chilton, Dallas, Marengo, and Choctaw Counties, on the one hand, and, on the other, points in Kentucky located in and east of Carroll, Henry, Franklin, Anderson, Washington, Marion, Casey, Pulaski, and McCreary Counties; (6) between points in Alabama located in and south of Cherokee, Etowah, Saint Claire, Jefferson, Tuscaloosa, and Pickens Counties, on the one hand, and, on the other, points in that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 27 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Ohio State line.

(7) Between points in Alabama (except Lauderdale, Colbert, Lawrence, and Franklin Counties), on the one hand, and, on the other, points in that part of Kentucky east of a line beginning at the Tennessee-Kentucky State line, thence along Interstate Highway 75 to junction Kentucky Highway 627, thence along Kentucky Highway 627 to Winchester, Ky., thence along Kentucky Highway 227 to Paris, Ky., thence along U.S. Highway 27 to the Kentucky-Ohio State line; (8) between points in Alabama, on the one hand, and, on the other, points in that part of Kentucky in and east of Boyd, Lawrence, Johnson, Magoffin, Breathitt, Owsley, Jackson, Laurel, and Whitley Counties; (E) (1) between points in that part of Alabama in and south of Barbour, Pike, Crenshaw, Butler, Conecuh, Escambia, Baldwin, and Mobile Counties, on the one hand, and, on the other, points in that part of Tennessee on, east, and north of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 127 to Crossville, Tenn., thence along U.S. Highway 70 to the Tennessee-North Carolina State line;

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(2) between points in Alabama, on the one hand, and, on the other, points in that part of Tennessee in, east, and north of Campbell, Anderson, Knox, and Sevier Counties; (F) (1) between points in that part of Georgia east and south of U.S. Highway 411, on the one hand, and, on the other, points in that part of North Carolina in and east of Watauga, Wilkes, Alexander, Iredell, Rowan, Davidson, Randolph, Chatham, Lee, Harnett, Cumberland, and Robeson Counties; (2) between points in that part of Georgia west and north of a line beginning at the Georgia-Tennessee State line, thence along U.S. Highway 411 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Georgia Highway 61, thence along Georgia Highway 61 to Villa Rila, Ga., thence along U.S. Highway 78 to the Georgia-Alabama State line, on the one hand, and, on the other, points in that part of North Carolina located in, west, and south of Watauga, Wilkes, Alexander, Iredell, Rowan, Davidson, Randolph, Chatham, Wake, Johnston, Wayne, Duplin, and Onslow Counties.

(3) Between points in that part of Georgia located in, east, and south of Union, Fannin, Gilmer, Gordon, Bartow, Paudling, and Haralson Counties, on the one hand, and, on the other, points in that part of North Carolina east and north of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 301 to Rocky Mount, thence along U.S. Highway 64 to Williamston, thence along U.S. Highway 17 to New Bern, thence along U.S. Highway 70 to the Atlantic Ocean; (G) (1) between points in that part of Georgia in and west of Murray, Gordon, Bartow, Paudling, Douglas, Coweta, Merriwether, Harris, Muscogee, and Chattahoochee Counties, on the one hand, and, on the other, points in Virginia; (2) between points in that part of Georgia in and west of Union, Fannin, Gilmer, Pickens, Bartown, Paulding, Douglas, Coweta, Merriwether, Harris, Muscogee, and Chattahoochee Counties, on the one hand, and, on the other, points in Virginia (except points in and south of Patrick, Franklin, Pittsylvania, Halifax, and Becklenburg Counties, Va.); (3) between points in that part of Georgia in and west of Union, Lumpkin, Dawson, Forsyth, Fulton, Fayette, Merriwether, Harris, Muscogee and Chattahoochee Counties, on the one hand, and, on the other, points in that part of Virginia located in, west, and north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomatox, Buckingham, Cumberland, Powhattan, Chesterfield, Charles City, James City, and York Counties (except Northampton and Accomack Counties); (4) between points in that part of Georgia in and west of Union, Lumpkin, Dawson, Forsyth, Fulton, Fayette, Merriwether, Harris, Muscogee, Chattahoochee, Stewart, Randolph, Calhoun, Baker, and Decatur Counties, on the one hand, and, on the other, points in that part of Virginia in, west, and north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomatox, Buckingham, Cumberland, Powhattan, Chesterfield, Charles City, New Kent, King and Queen, and Middlesex Counties.

(5) Between points in that part of Georgia in and west of Union, Lumpkin, Dawson, Forsyth, Fulton, Fayette, Pike, Upson, Taylor, Schley, Sumter, Worth, Colquitt, and Thomas Counties, on the one hand, and, on the other, points in that part of Virginia in, west, and north of Carroll, Floyd, Roanoke, Bedford, Campbell, Appomatox, Buckingham, Cumberland, Fluvanna, Louisa, Spotsylvania, Caroline, Essex, and Westmoreland Counties; (6) between points in that part of Georgia in and west of Towns, White, Hall, Gwinnett, Dekalb, Henry, Spalding, Pike, Upson, Taylor, Schley, Sumter, Worth, Colquitt, and Thomas Counties, on the one hand, and, on the other, points in that part of Virginia in, west, and north of Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Botetourt, Rockbridge, Amherst, Lynchburg, Nelson, Albemarle, Fluvanna, Louisa, Spotsylvania, and King George Counties; (7) between points in that part of Georgia in and west of Towns, White, Hall, Gwinnett, Rockdale, Newton, Jasper, Jones, Twiggs, Houston, Dooly, Crisp, Turner, Tift, Cook, and Lowndes Counties, on the one hand, and, on the other, points in that part of Virginia in, west, and north of Washington, Smyth, Wythe, Pulaski, Montgomery, Roanoke, Botetour, Rockbridge, Nelson, Albemarle, Fluvanna, Louisa, Spotsylvania, and Stafford Counties; (8) between points in that part of Georgia in and west of Towns, White, Hall, Gwinnett, Rockdale, Newton, Jasper, Putnam, Baldwin, Wilkinson, Bleckley, Pulaski, Wildox, Turner, Tift, Cook, and Lowndes Counties, on the one hand, and, on the other, points in that part of Virginia in and west of Alleghany, Rockbridge, Augusta, Rockingham, Page, Warren, and Clarke Counties; (9) between points in that part of Georgia in and west of Towns, White, Hall, Gwinnett, Rockdale, Newton, Jasper, Jones, Twiggs, Laurens, Wheeler, Telfair, Coffe, Atkinson, Lanier, and Lowndes Counties, on the one hand, and, on the other, Bristol and Winchester, Va.

(10) Between points in that part of Georgia in and west of Towns, White, Hall, Jackson, Clarke, Oconee, Morgan, Putnam, Baldwin, Wilkinson, Twiggs, Houston, Dooly, Crisp, Turner, Tift, Cook, and Lowndes Counties, on the one hand, and, on the other, points in that part of Virginia on, north, and west of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 250 to junction Interstate Highway 81, thence along Interstate Highway 81 to the West Virginia-Virginia State line; and (11) between points in that part of Georgia on and west of a line beginning at the North Carolina-Georgia State line, thence along U.S. Highway 441 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Georgia-Florida State line, on the one hand, and, on the other, Winchester, Va.; (H) (1) between points in that part of Georgia in and east of Union, White, Habershaw, Stephens, Franklin, Hart, Elbert, Wilkes, Taliaferro, Warren, Glascock, Jefferson, Emanuel, Toombs, Appling, Baton, Ware, Atkinson, Berrien, Cook, Colquitt, and Thomas Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Lawrence, Johnson, Magoffin, Breathitt, Owsley, Clay, and Bell Counties; (2) between points in Georgia (except points in and west of Fannin, Gilmer, Pickens, Cherokee, Fulton, DeKalb, Henry, Butts, Lamar, Upson, Talbot, and Harris Counties), on the one hand, and, on the other, points in that part of Kentucky in and east of Daviess, Ohio, Grayson, Hart, Barriern, and Monroe Counties, and on and west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties; (3) between points in Georgia (except points in and north of Haralson, Paulding, Cobb, Fulton, Clayton, Fayette, Merriwether, Harris, Muscogee, and Chattahoochee Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Bullitt, Hardin, Larue, Taylor, Casey, Pulaski, and McCreary Counties and in and west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties; (4) between points in Georgia (except points in and west of Murray, Gordon, Bartow, and Polk Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Hancock, Breckinridge, Hardin, Larue, Green, Adair, and Cumberland Counties and in and west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties; (5) between points in Georgia (except points in and east of Hart, Elbert, Oglethorpe, Taliaferro, Warren, Glascock, Jefferson, Burke, Jenkins, and Screven Counties, on the one hand, and, on the other, points in that part of Kentucky in and east of Martin, Floyd, Knott, Perry, Leslie, and Harlan Counties; and (6) between points in Georgia, on the one hand, and, on the other, points in that part of Kentucky in and east of Jefferson, Spencer, Washington, Marion, Casey, Pulaski, and McCreary Counties and in and west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties.

(I) (1) Between points in Chatham, Effingham, Bryan, and Liberty Counties, Ga., on the one hand, and, on the other, points in that part of Tennessee in and west of Claiborne, Grainger, Hamblen, Jefferson, and Sevier Counties and in and north of Lauderdale, Haywood, Madison, Henderson, Decatur, Peny, Lewis, Maury, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, Meigs, McMinn, and Monroe Counties; (2) between points in Fannin, Union, and Towns Counties, Ga., on the one hand, and, on the other, points in that part of Tennessee in and west of Henry, Carroll, Henderson, Chester, and McNairy Counties, and in and east of Scott, Anderson, Knox, and Sevier Counties; (3) between points in that part of Georgia in and east of Columbia, Richmond, Burke, Screven, Effingham, and Chatham Counties, on the one hand, and, on the other, points in that part of Tennessee in and north and west of Dyer, Gibson, Carroll, Benton, Humphreys, Dickson, Cheatham, Davidson, Wilson, Cannon, Warren, Van Buren, Cumberland, Morgan, Anderson, Knox, Union, and Claiborne Counties; (4) between points in that part of Georgia in and east of Columbia, Richmond, Burke, Screven, Effingham, Bryan, Liberty, McIntosh, Glynn, and Camden Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Montgomery, Cheatham, Davidson, Wilson, Smith, Putnam, Cumberland, Morgan, Anderson, Knox, Union, and Claiborne Counties; (5) between points in that part of Georgia located in and east of Union, Towns, Habersham, Stephens, Franklin, Hart, Elbert, Wilkes, McDuffie, Richmond, Burke, Screven, Effingham, and Chatham Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Dyer, Crockett, Madison, Carroll, and Henry Counties, and points in Knox and Anderson Counties, Tenn.; (6) between points in that part of Georgia in and east of Columbia, Richmond, Burke, Emanuel, Toombs, Appling, Bacon, Ware, Clinch, Lanier, and Lowndes Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Montgomery, Robertson, Sumner, Trousdale, Smith, Putnam, Cumberland, Morgan, Anderson, Knox, Union, and Claiborne Counties.

(7) Between points in that part of Georgia in and east of Union, Towns, Habersham, Stephens, Franklin, Hart, Elbert, Wilkes, McDuffie, Richmond, Burke, Emanuel, Toombs, Appling, Bacon, Ware, Clinch, Lanier, and Lowndes Counties, on the one hand, and, on the other, points in Weakley, Henry, Anderson, and Knox Counties, Tenn.; (8) between points in that part of Georgia in and west of Union, Fannin, Dawson, Forsyth, Fulton, Clayton, Henry, Butts, Monroe, Bibb, Twiggs, Bleckley, Pulaski, Wilcox, Ben Hill, Irwin, Berrien, and Lowndes Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Campbell, Anderson, Knox, and Sevier Counties; (9) between points in that part of Georgia in and east of Hart, Madison, Clarke, Oglethorpe, Wilkes, McDuffie, Jefferson, Emanuel, Treutlen, Wheeler, Telfair, Ben Hill, Irwin, Tift, Worth, Dougherty, Baker, Miller, and Seminole Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Macon, Jackson, Putnam, Cumberland, Morgan, Anderson, Knox, Union, and Campbell Counties; (10) between points in that part of Georgia in and east of Hart, Madison, Clarke, Oconee, Greene, Putnam, Baldwin, Wilkinson, Laurens, Dodge, Wilcox, Crisp, Lee, Dougherty, Baker, Miller, and Seminole Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Pickett, Fentress, Cumberland, Morgan, Anderson, Knox, Union, and Campbell Counties; (11) between points in that part of Georgia in and west of Union, Lumpkin, Hall, Gwinnett, De Kalb, Henry, Butts, Monroe, Bibb, Twiggs, Bleckley, Dodge, Telfair, Ben Hill, Irwin, Berrien, and Lowndes Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Campbell, Anderson, Knox, and Sevier Counties and in or west of Greene and Sullivan Counties.

(12) Between points in that part of Georgia in and west of Union, Lumpkin, Hall, Gwinnett, Dekalb, Henry, Butts, Jasper, Putnam, Baldwin, Wilkinson, Laurens, Wheeler, Jeff Davis, Bacon, and Ware Counties, on the one hand, and, on the other, points in that part of Tennessee in and north of Campbell, Anderson, Knox, Grainger, Hamblen, and Hawkins Counties and that part of Sullivan County, Tenn., on and west of U.S. Highway 23; (13) between points in Georgia (except points in that part of Georgia in and east of Lincoln, Wilkes, McDuffie, Jefferson, Burke, Jenkins, and Screven Counties), on the one hand, and, on the other, points in Campbell, Anderson, Knox, Grainger, Hamblen, Hancock, Claiborne, and Union Counties, Tenn.; (14) between points in Georgia, on the one hand, and, on the other, points in Knox, Anderson, Campbell, and Union Counties, Tenn.; (J) (1) between points in Jasper, Hampton, Colleton, Dorchester, Charleston, and Beaufort Counties, S.C., on the one hand, and, on the other, points in Kentucky; (2) between points in that part of South Carolina in and south of Coonee, Anderson, Abbeville, Greenwood, Saluda, Lexington, Richland, Calhoun, Orangeburg, Dorchester, and Charleston Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Boyd, Carter, Elliott, Morgan, Wolfe, Breathitt, Owsley, Clay, and Bell Counties; and (3) between points in South Carolina, on the one hand, and, on the other, points in that part of Kentucky in and west of Mason, Robertson, Nicholas, Bourbon, Fayette, Madison, Rock Castle, Laurel, Knox, and Bell Counties; (K) (1) between points in South Carolina, on the one hand, and, on the other, points in that part of Tennessee west and north of Claiborne, Grainger, Jefferson, Cocke, Lincoln, Bedford, Coffee, Grundy, Sequatchie, Bledsoe, Rhea, Meigs, McMinn, Monroe, Blount, and Sevier Counties; (2) between points in that part of South Carolina located in, north, and east of Greenville, Spartanburg, Union, Fairfield, Richland, Calhoun, Orangeburg, Colleton, and Jasper Counties, on the one hand, and, on the other, points in Tennessee (except points in and east of Claiborne, Grainger, Jefferson, and Sevier Counties, and points in Marion, Sequatchie, Hamilton, Bradley, and Polk Counties).

(3) Between points in that part of South Carolina in and east of Spartanburg, Union, Fairfield, Richland, Sumter, Clarendon, Berkeley, and Charleston Counties, on the one hand, and, on the other, points in that part of Tennessee in and west of Campbell, Anderson, Knox, and Blount Counties; and (4) between points in that part of South Carolina on and east of U.S. Highway 601, on the one hand, and, on the other, points in Tennessee in, west, and north of Claiborne, Grainger, Hamblen, Jefferson, Knox, Roane, Cumberland, Van Buren, Warren, Cannon, Rutherford, Marshall, and Giles Counties; (L) (1) between points in that part of North Carolina in, east, and south of Gaston, Lincoln, Catawba, Alexander, Iredell, Davie, Davidson, Guilford, and Rockingham Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Pendleton, Harrison, Bourbon, Clark, Madison, Rock Castle, Laurel, Knox, and Bell Counties; (2) between points in that part of North Carolina in, south, and east of Robeson, Bladen, Pender, Onslow, Carteret, Craven, Beaufort, Martin, Bertie, and Hertford Counties, on the one hand, and, on the other points in that part of Kentucky in and west of Campbell, Pendleton, Harrison, Bourbon, Clark, Powell, Wolfe, Breathitt, Owsley, Clay, Knox, and Bell Counties; (3) between points in North Carolina (except points in that part of North Carolina in and north of Watauga, Wilkes, Yadkin, Forsyth, Guilford, Alamance, Caswell, Person, Granville, Vance, Warren, Halifax, and Bertie Counties), on the one hand, and, on the other, points in that part of Kentucky in and west of Mason, Fleming, Bath, Menifee, Powell, Estill, Jackson, Lauren, and Whitley Counties; and (4) between points in North Carolina, on the one hand, and, on the other, points in that part of Kentucky in and west of Campbell, Pendleton, Harrison, Bourbon, Clark, Powell, Estill, Jackson, Laurel, and Whitley Counties; (M) (1) between points in that part of North Carolina in, east, and south of Vance, Franklin, Nash, Wilson, Wayne, Sampson, Cumberland, Hoke, and Scotland Counties, on the one hand, and, on the other, points in that part of Tennessee in and west of Claiborne, Grainger, Hamblen, Jefferson, and Sevier Counties; and (2) between points in that part of North Carolina in and east of Madison, Buncombe, and Rutherford Counties, on the one hand, and, on the other, points in that part of Tennessee in and west of Claiborne, Union, Knox, and Blount Counties.

(N) (1) Between points in Northampton County, Va., on the one hand, and, on the other, points in that part of Kentucky in and west of Kenton, Grant, Scott, Fayette, Madison, Estill, Lee, Breathitt, Owsley, Clay and Bell Counties; (2) between points in that part of Virginia in, east, and south of Henry, Franklin, Roanoke, Bedford, Campbell, Appomattox, Prince Edward, Nottoway, Dinwiddie, Prince George, James City, Gloucester, and Northampton Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Gallatin, Owen, Scott, Fayette, Madison, Jackson, Laurel, and McCreary Counties; (3) between points in Virginia in, north, and east of Augusta,

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Albemarle, Fluvanna, Cumberland, Amelia, Nottoway, and Brunswick Counties, and in and south of Mecklenberg, Halifax, and Pittsylvania Counties, on the one hand, and, on the other, points in that part of Kentucky in, west, and south of Hardin, Larue, Marion, Casey, Pulaski, Laurel, Knox, and Bell Counties; (4) between points in that part of Virginia in and south of Washington, Smythe, Wythe, Pulaski, Montgomery, Roanoke (including Roanoke), Bedford (including Lynchburg), Campbell, Appomatox, Prince Edward, Amelia, Powhattan, Henrico, New Kent, Gloucester, and Northampton Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Carroll, Henry, Franklin, Anderson, Washington, Marion, Taylor, Adair, Russell, and Clinton Counties; (5) between points in that part of Virginia in, south, and east of Washington, Smythe, Wythe, Pulaski, Montgomery, Roanoke (including Roanoke), Bedford (including Lynchburg), Campbell, Appomatox, Prince Edward, Amelia, Powhattan, Henrico, Hanover, Spotsylvania, Culpeper, and Stafford Counties, on the one hand, and, on the other, points in that part of Kentucky in and west of Jefferson, Bullitt, Nelson, Marion, Taylor, Adair, Russell, and Clinton Counties; (6) between points in that part of Virginia east of Giles, Pulaski, Floyd, and Patrick Counties, on the one hand, and, on the other, points in that part of Kentucky in, west, and south of Hardin, Larue, Marion, Casey, Pulaski, Laurel, and Whitley Counties.

(7) Between points in that part of Virginia east of Giles, Pulaski, Wythe, and Grayson Counties, on the one hand, and, on the other, points in that part of Kentucky in, west, and south of Hardin, Larue, Marion, Casey, Pulaski, and McCreary Counties; (8) between points in that part of Virginia, on the one hand, and, on the other, points in that part of Kentucky in and west of Hardin, Larue, Marion Taylor, Adair, Russell, and Clinton Counties; (O)(1) between points in that part of Virginia in and east of Frederick, Warren, Rappahannock, Madison, Greene, Albemarle, Fluvanna, Goochland, Powhattan, Amelia, Nottoway, and Brunswick Counties, on the one hand, and, on the other, points in that part of Tennessee in and west of Claiborne, Grainger, Hamble, and Cocke Counties; and (2) between points in Virginia, on the one hand, and, on the other, points in that part of Tennessee in and west of Scott, Anderson, Knox, and Blount Counties; (P)(1) between points in that part of Kentucky in, west, and south of Jefferson, Bullitt, Hardin, Grayson, Edmonson, Barren, Monroe, Cumberland, and Clinton Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Hawkins, Grainger, Knox, and Blount Counties; (2) between points in that part of Kentucky in and west of Jefferson, Bullitt, Hardin, Grayson, Edmonson, Warren, and Allen Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Hancock, Grainger, Union, Anderson, Knox, and Blount Counties; (3) between points in that part of Kentucky in Trimble, Henry, Franklin, Anderson, Washington, Marion, Nelson, Bullitt, Jefferson, Oldham, Shelby, and Spencer Counties and in and west of Hancock, Daviess, McLean, Hopkins, Caldwell, Lyon, Marshall, and Calloway Counties, on the one hand, and, on the other, points in that part of Sullivan County, Tenn., on and east of U.S. Highway 19 and 19E, and points in, south, and east of Johnson, Carter, Washington, Greene, Hamblen, Jefferson, Knox, Anderson, Loudon, McMinn, and Monroe Counties.

(4) Between points in Franklin, Owen, Gallatin, Carroll, Trimble, and Henry Counties, Ky., on the one hand, and, on the other, points in Sullivan County, Tenn., and east of U.S. Highway 19 and 19E, and points in, south, and east of Johnson, Carter, Washington, Greene, Hamblen, Jefferson, Knox, Anderson, Roane, Meigs, and Hamilton Counties; (5) between points in that part of Kentucky in Jefferson County and in and west of Hancock, Daviess, McLean, Hopkins, Caldwell, Lyon, Marshall, and Calloway Counties, on the one hand, and, on the other, points in that part of Tennessee in, south, and east of Johnson, Sullivan, Washington, Greene, Hamblen, Jefferson, Knox, Anderson, Loudon, McMinn, and Monroe Counties; (6) between points in that part of Kentucky in and east of Mason, Robertson, Nicholas, Bourbon, Fayette, Madison, Rock Castle, Pulaski, and McCreary Counties, on the one hand, and, on the other, points in Knox, Blount, Monroe, McMinn, and Loudon Counties, Tenn.; (7) between points in Fayette County, Ky., on the one hand, and, on the other, points in that part of Tennessee in, south, and east of Unicoi, Washington, Greene, Hamblen, Jefferson, Knox, Anderson, Roane, Meigs, and Hamilton Counties; (8) between points in that part of Kentucky in and east of Boyd, Lawrence, Elliott, Morgan, Wolfe, Lee, Jackson, Laurel, and Whitley Counties, on the one hand, and, on the other, points in Shelby, Knox, Sevier, Blount, Monroe, McMinn, and Loudon Counties, Tenn.; (9) between points in Mason, Lewis, Greenup, Carter, and Boyd Counties, Ky., on the one hand, and, on the other, points in that part of Tennessee in, south, and east of Cocke, Hamblen, Jefferson, Knox, Anderson, Roane, Cumberland, Bledsoe, Sequatchie, Grundy, Coffee, and Franklin Counties; (10) between points in that part of Kentucky in, south, and east of Pike, Floyd, MaGoffin, Breathitt, Owsley, and Jackson Counties, Laurel and Whitley Counties, on the one hand, and, on the other, points in that part of Tennessee located in, south, and east of Blount, Knox, Roane, Cumberland, Van Buren, Warren, Coffee, and Franklin Counties and in Tipton, Haywood, Madison, Hardeman, Fayette, and Shelby Counties, Tenn.

(11) Between points in Boyd County, Ky., on the one hand, and, on the other, points in that part of Tennessee in Shelby County and in, south, and east of Cocke, Hamblen, Jefferson, Knox, Anderson, Roane, Cumberland, Van Buren, Warren, Grundy, and Marion Counties; (12) between points in that part of Kentucky in, south, and east of Pike, Floyd, Magoffin, Breathitt, Perry Leslie, and Bell Counties, on the one hand, and, on the other, points in that part of Tennessee in and south of Blount, Knox, Anderson, Roane, Cumberland, White, DeKalb, Cannon, Rutherford, Marshall, Maury, Hickman, Perry, Decatur, Henderson, Madison, Gibson, and Dyer Counties; (13) between points in Pike, Knott, Perry, Leslie, Bell, Harlan, and Letcher Counties, Ky., on the one hand, and, on the other, points in that part of Tennessee in and south of Blount, Knox, Anderson, Morgan, Cumberland, Putnam, DeKalb, Wilson, Davidson, Williamson, Hickman, Perry, Decatur, Henderson, Madison, Gibson, and Dyer Counties; and (14) between points in Harlan and Bell Counties, Ky., on the one hand, and, on the other, points in that part of Tennessee in and south of Blount, Knox, Anderson, Morgan, Cumberland, Putnam, DeKalb, Wilson, Davidson, Cheatham, Montgomery, Stewart, Henry, Weakley, Obion, and Lake Counties; (Q) between points in that part of Kentucky in, south, and west of Livingston, Lyon, Trigg, and Christian Counties, on the one hand, and, on the other, points in that part of Kentucky in and south of Bell, Harlan, Fletcher, and Pike Counties; (R)(1) between points in that part of Tennessee in and west of Henry, Carroll, Madison, Haywood, Tipton, and Shelby Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Campbell, Anderson, Knox, Loudon, McMinn and Monroe Counties.

(2) Between points in that part of Tennessee in and west of Montgomery, Dickson, Hickman, Maury, and Giles Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Campbell, Anderson, Knox, and Blount Counties; (3) between points in that part of Tennessee in and west of Pickett, Fentress, Morgan, Anderson, Knox, and Blount Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Hancock, Grainger, Jefferson, and Cocke Counties; (4) between points in that part of Tennessee in and south of Bradley, McMinn, Loudon, Blount, Sevier, and Cocke Counties, on the one hand, and, on the other, points in Scott and Campbell Counties, Tenn.; and (5) between points in that part of Tennessee in and south of Hamilton, Meigs, Loudon, Blount, and Sevier Counties, on the one hand, and, on the other, points in Campbell and Claiborne Counties, Tenn.; and (6) between points in that part of Virginia in and west of Buchanan, Russell, and Washington Counties, on the one hand, and, on the other, points in Graham, Cherokee, and Clay Counties, N.C. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 109478 (Sub-No. E17) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER January 22, 1975. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products* (except frozen foods), in bulk, in tank vehicles, from Lawton, Mich., to Fall River, Boston, New Bedford, and Taunton, Mass., Jersey City, N.J., and those points in New Jersey within 25 miles thereof, Swedesboro, N.J., Providence, R.I., all points in New York and points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line; and (2) *Preserved foodstuffs* (except frozen foods), in bulk, in tank vehicles, from Lawton, Mich., to the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) Geneva, Ohio and LeRoy, N.Y., and points within 50 miles thereof, and (2) Geneva, Ohio, and LeRoy or Mt. Morris, or Oakfield, N.Y. The purpose of this correction is to clarify the filing.

No. MC 109478 (Sub-No. E18) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER January 22, 1975. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods), in bulk, in tank vehicles, from Boston and Waban, Mass., Jersey City, N.J., and points in New Jersey within 25 miles thereof, points in New York, Geneva, Ohio, Philadelphia, and Erie County, Pa., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Brocton, N.Y., Genesee and Monroe Counties, N.Y., LeRoy, N.Y., and points within 50 miles thereof and Erie County, Pa. The purpose of this correction is to clarify the filing.

No. MC 109478 (Sub-No. E21), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in bulk, in tank vehicles, from Boston and Waban, Mass., to points in New York on and west of a line beginning at Lake Ontario and extending along New York Highway 14 to junction New York Highway 230, thence along New York Highway 230 to junction New York Highway 54, thence along New York Highway 54 to the New York-Pennsylvania State line; and (2) *Foodstuffs*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Chautauqua, Erie, Livingston, Niagara, Orleans, Wayne, and Wyoming Counties, N.Y., and points in Ontario County, N.Y., on and west of New York Highway 21. The purpose of this filing is to eliminate the gateways of Genesee and Monroe Counties, N.Y.

No. MC 109478 (Sub-No. E22), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrall, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in bulk, in tank vehicles, from points in New York on and west of a line beginning at Lake Ontario and extending along New York Highway 14 to junction New York Highway 230, thence along New York Highway 230 to junction New York Highway 54, thence along New York Highway 54 to the New York-Pennsylvania State line to Fall River, Boston, New Bedford, and Taunton, Mass., and Providence, R.I.; and (2) *Foodstuffs*, in bulk, in tank vehicles, from points in Chautauqua, Erie, Livingston, Niagara, Orleans, Wayne, and Wyoming Counties, N.Y., and points in Ontario County, N.Y., on and west of New York Highway 21 to Jersey City, N.J., and points in New Jersey within 25 miles thereof and Swedesboro, N.J. The purpose of this filing is to eliminate the gateways of Monroe and Genesee Counties, N.Y.

No. MC 109478 (Sub-No. E23), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fruit and vegetable juices*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan to Fall River, Boston, New Bedford, and Taunton, Mass., Jersey City, N.J., and points in New Jersey within 25 miles thereof, Swedesboro, N.J., points in New York and Pennsylvania and Providence, R.I.; and (2) *Preserved fruit and vegetable juices*, in bulk, in tank vehicles, from points in the Lower Peninsula of Michigan and Ohio to Baltimore, Md., and the District of Columbia. The purpose of this filing is to eliminate the gateways of: (1) Westfield, N.Y., LeRoy, N.Y., and 50 miles thereof, Genesee and Monroe Counties, N.Y., Geneva, Ohio, Erie County, Pa., Chautauqua and Erie Counties, N.Y.; and (2) Westfield, N.Y., North East, Pa., Erie County, Pa., Geneva, Ohio, LeRoy, Mt. Morris, and Oakfield, N.Y.

No. MC 109478 (Sub-No. E26), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and preserved fruits and vegetables*, and *fruit and vegetable juice*, from points in New York on and west of a line extending from Lake Ontario south along New York Highway 250 to junction New York Highway 104, thence along New York Highway 104 to junction New York Highway 350, thence along New York Highway 350 to junction New York Highway 31, thence along New York Highway 31 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line, to points in Allegheny, Beaver, Butler, Crawford, Erie, Fayette, Greene, Lawrence, Mercer, Somerset, Venango, Washington, and Westmoreland Counties, Pa. The purpose of this filing is to eliminate the gateways of Chautauqua and Erie Counties, N.Y.

No. MC 109478 (Sub-No. E30) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER January 22, 1975. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice or grape juice concentrates*, in bulk, in tank vehicles, . . . The purpose of this correction is to reflect the correct commodity description. The remainder of the letter-notice remains as previously published.

No. MC 109478 (Sub-No. E31) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER January 22, 1975. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 W. 10th St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice and grape juice concentrates*, from points in Erie County, N.Y., within 50 miles of LeRoy, N.Y., to points in Massachusetts, Rhode Island, and Connecticut; and (2) *Grape juice*, from Chautauqua and Erie Counties, N.Y., and Erie County, Pa., to points in Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) Brocton and Westfield, N.Y., and (2) Brocton and Westfield, N.Y., and North East, Pa. The purpose of this correction is to clarify the filing.

No. MC 109478 (Sub-No. E34), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine;* (a) from Boston and Waban, Mass., and

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Jersey City, N.J., and points in New Jersey within 25 miles thereof to points in Illinois, Indiana, Ohio, and points in the Lower Peninsula of Michigan; (b) from Philadelphia, Pa., to points in Illinois, Indiana, the Lower Peninsula of Michigan and points in Ohio on, north, and west of a line extending from the Pennsylvania-Ohio State line extending along Interstate Highway 90 to junction Interstate Highway 271, thence along Interstate Highway 271 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 224, thence along U.S. Highway 224 to Findlay, Ohio, thence along Interstate Highway 75 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line; (c) from points in New York on, south, and west of a line beginning at Lake Ontario and extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line to points in Illinois, Indiana, Ohio, and points in the Lower Peninsula of Michigan; and (d) from Erie County, Pa., to points in Illinois on, north, and west, and south of a line extending from Lake Michigan, thence along Illinois Highway 22 to junction Illinois Highway 59, thence along Illinois Highway 59 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Illinois-Indiana State line. (2) *Wine* (except in bulk), from Crawford County, Pa., to points in Illinois. The purpose of this filing is to eliminate the gateways of: in (1) (a) and (b), Brocton, N.Y.; in (1) (c), North East, Pa.; and in (1) (d) and (2), Westfield, N.Y.

No. MC 109478 (Sub-No. E35), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine* (a) from Lawton and Mattawan, Mich., to points in Massachusetts, Rhode Island, New York, Connecticut, New Jersey, Delaware, and the District of Columbia, and points in Maryland and Pennsylvania on, north, and east of a line extending from the Ohio-Pennsylvania State line along U.S. Highway 6 to Meadville, Pa., thence along U.S. Highway 322 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to Altoona, Pa., thence along U.S. Highway 220 to Bedford, Pa., thence along U.S. Highway 30 to junction Pennsylvania Highway 16, thence along Pennsylvania Highway 16 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Virginia State line; and (b) from Geneva, Ohio, to points in Massachusetts, Rhode Island, New York, Connecticut, New Jersey, Delaware, and the District of Columbia, and points in Maryland and Pennsylvania on, north, and east of a line extending from the New York-Pennsylvania State line along U.S. Highway 62 to Warren, Pa., thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 322, thence along U.S. Highway 322 to Harrisburg, Pa., thence along U.S. Highway 15 to the Maryland-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Brocton and Westfield, N.Y., and Northeast, Pa.

No. MC 109478 (Sub-No. E36), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrall, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, (a) from North East, Pa., to points in Massachusetts, Connecticut, Rhode Island, that part of New York on and east of a line beginning at Lake Erie and extending along U.S. Highway 17 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line, New Jersey, Delaware, Maryland, West Virginia, the District of Columbia, Indiana, Illinois, the lower Peninsula of Michigan, and that part of Ohio on, west, and south of a line extending from Cleveland, Ohio, along Interstate Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Ohio-Pennsylvania State line; (b) from points in Chautauqua County, N.Y., within five miles of the shore of Lake Erie to points in Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, the District of Columbia, Indiana, Illinois, the Lower Peninsula of Michigan, and points in Ohio on and south of a line extending from Cleveland, Ohio, along Interstate Highway 77 to junction Interstate Highway 80, and thence along Interstate Highway 80 to the Ohio-Pennsylvania State line; and (c) from Erie, Pa., to points in Massachusetts, Connecticut, Rhode Island, points in New York on and east of a line extending from Lake Erie along U.S. Highway 17 to junction U.S. Highway 62, thence along U.S. Highway 62 to the New York-Pennsylvania State line (except New York City), Connecticut, New Jersey, Delaware, Maryland, points in West Virginia on and south of a line extending from the Ohio-West Virginia State line along U.S. Highway 50 to the West Virginia-Maryland State line, the District of Columbia, Indiana, Illinois, the Lower Peninsula of Michigan, and points in Ohio on and south of a line extending from the Ohio-West Virginia State line along U.S. Highway 50 to Athens, Ohio, thence along U.S. Highway 33 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Ohio Highway 109, thence along Ohio Highway 109 to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateways of: in (a) and (b) above, Brocton or Westfield, N.Y.; and (c) Westfield, N.Y.

No. MC 109478 (Sub-No. E57), filed May 15, 1974. Applicant: WORSTER MOTOR LINES, INC., Gay Rd., P.O. Box 110, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth St., Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Preserved food products* (other than frozen or in bulk, in tank vehicles); (a) from Crawford County, Pa., to Connecticut, Delaware, Massachusetts, New Jersey, New York, and Rhode Island; and (b) from Cambridge Springs, Pa., to Baltimore, Md., and Washington, D.C. (2) *Food products* (other than frozen or in bulk, in tank vehicles); (a) from Crawford County, Pa., to points in Illinois, New Hampshire, Vermont, and points in Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 2 to Bangor, Maine, thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine; and (b) from Cambridge Springs, Pa., to points in Indiana located on and west of U.S. Highway 31. (3) *Foodstuffs* (other than frozen or in bulk, in tank vehicles), from points in Crawford County, Pa., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and points in New Jersey (except New Brunswick, N.J., and points in Bergen, Essex, Hudson, Middlesex, Morris, Somerset, Passaic, and Union Counties, N.J.). (4) *Grape juice, tomato juice, honey, jams, jellies*, and *preserves*, and *frozen fruits, frozen fruit juices*, and *frozen tomato juice*, from LeRoy, N.Y., and points within 50 miles thereof to points in Illinois.

(5) *Grape juice, tomato juice, jams, jellies*, and *preserves* (other than frozen or in bulk, in tank vehicles), from points in New York to points in Indiana. (6) *Preserved foodstuffs*, in vehicles equipped with mechanical refrigeration (other than frozen or in bulk, in tank vehicles), from points in New York within 50 miles of LeRoy, N.Y., to points in Indiana. (7) *Food products* (other than frozen or in bulk, in tank vehicles); (a) from points in New York on, north, and east of a line beginning at Lake Ontario and extending along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line to points in the Lower Peninsula of Michigan; and (b) from points in New York) except points in Allegany, Cattaraugus, Chautauqua, Erie, Wyoming, and Steuben Counties, N.Y.), to points in Ohio. (8) *Preserved fruits and vegetables* and *fruit or vegetable juices* (other than frozen or in bulk, in tank vehicles); (a) from points in Allegany, Cattaraugus, Steuben, and Wyoming Counties, N.Y., to points in Ohio; (b) from points in Genesee, Livingston, Monroe, Niagara, Orleans, Wayne, and Wyoming Counties, N.Y., to points in Pennsylvania on and south of Interstate Highway 80 and on and west of Interstate Highway 81; (c) from points in Genesee, Niagara, and Orleans Counties, N.Y., to points in Pennsylvania on and west of Interstate Highway 81; and (d) from points in New York (except points in Chantauqua and Erie Counties, N.Y.), located on, west, and north of a line

extending from Lake Ontario east along New York Highway 13 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 20, thence along U.S. Highway 20 to Erie County, N.Y., to points in Pennsylvania on, west, and north of a line extending from the New York-Pennsylvania State line along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-Ohio State line.

(9) *Preserved foodstuffs* and *canned fruit and vegetable juices* (other than frozen or in bulk, in tank vehicles), from points in New York located on and north of U.S. Highway 20 and points in Chautauqua, Erie, Livingston, Onondaga, Ontario, Wyoming, and Yates Counties, N.Y., to points in West Virginia. (10) *Food products* (other than frozen or in bulk, in tank vehicles); (a) from Boston and Waban, Mass., to points in Wayne County, N.Y., that part of New York located on, west, and north of a line extending from Lake Ontario along New York Highway 14 to junction New York Highway 17, thence along New York Highway 17 to Lake Erie, and points in Ohio; (b) from Boston and Waban, Mass., to points in Pennsylvania on, west, and north of a line extending from the New York-Pennsylvania State line along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line; (c) from Boston and Waban, Mass., to points in West Virginia located on, west, and north of a line extending from the Ohio-West Virginia State line along West Virginia Highway 2 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line; (d) from Philadelphia, Pa., to Wayne, Ontario, Livingston, Wyoming, Erie, and Chautauqua Counties, N.Y.; and (e) from Boston and Waban, Mass., and Philadelphia, Pa., to points in the Lower Peninsula of Michigan. (11) *Preserved fruits and vegetables* and *fruit and vegetable juices*, from Philadelphia, Pa., to points in Ohio located on and north of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line.

(12) *Frozen prepared foodstuffs;* (a) from Detroit, Mich., to points in Massachusetts, New Jersey, Baltimore, Md., and Washington, D.C., and points in Pennsylvania located on and north of a line extending from the Delaware-Pennsylvania State line along Pennsylvania Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 125, thence along Pennsylvania Highway 125 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line; (b) from Cleveland, Ohio, to points in New Jersey and Massachusetts and points in Pennsylvania located on, east, and north of a line extending from the Delaware-Pennsylvania State line along Pennsylvania Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 125, thence along Pennsylvania Highway 125 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line; (b) from Cleveland, Ohio, to points in New Jersey and Massachusetts and points in Pennsylvania located on, east, and north of a line extending from the Delaware-Pennsylvania State line along Pennsylvania Highway 41 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 72, thence along Pennsylvania Highway 72 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 125, thence along Pennsylvania Highway 125 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Pennsylvania Highway 147 and 405 to Lewisburg, Pa., and thence along U.S. Highway 15 from Lewisburg, Pa., to the Pennsylvania-New York State line. (13) *Preserved food products* (except commodities in bulk), frozen or refrigerated; (a) from Crawford, Pa., to points in Massachusetts, New York, New Jersey, and Pennsylvania; and (b) from Cambridge Springs, Pa., to Baltimore, Md., and Washington, D.C.

(14) *Frozen food products;* (a) from Boston and Waban, Mass., LeRoy, N.Y., and points in New York within 50 miles thereof to points in Crawford County, Pa., points in Ohio and the Lower Peninsula of Michigan; (b) from Jersey City, N.J., and points in New Jersey within 25 miles thereof to points in Crawford County, Pa., the Lower Peninsula of Michigan and points in Ohio located on and north of a line extending from the Ohio-Pennsylvania State line along Ohio Highway 82 to junction Ohio Highway 5, thence along Ohio Highway 5 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Ohio Highway 585, thence along Ohio Highway 585 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Interstate Highway 71, and thence along Interstate Highway 71 to the Ohio-Kentucky State line; and (c) from Philadelphia, Pa., to points in Ohio located on and north of a line extending from the Pennsylvania-Ohio State line along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 75, thence along Ohio Highway 29 to the Ohio-Indiana State line.

(15) *Frozen prepared foodstuffs;* (a) from Dedham, Mass., to points in Ohio; (b) from points in New York on and north of a line extending from Hancock, N.Y., along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to Kingston, N.Y., and junction with New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line to points in Ohio; (c) from points in New York on and south of a line extending from Hancock, N.Y., east along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to Kingston, N.Y., and junction with New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 44, and thence along U.S. Highway 44 to the New York-Connecticut State line to points in Ohio located on and north of a line beginning at the Kentucky-Ohio State line, and extending north and east along Interstate Highway 71 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 5, thence along Ohio Highway 5 to the Ohio-Pennsylvania State line; (d) from Secaucus, N.J., to points in Ohio located on and north of a line beginning at the Kentucky-Ohio State line, and extending along Interstate Highway 71 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 5, thence along Ohio Highway 5 to the Ohio-Pennsylvania State line; and (e) from Philadelphia, Pa., to points in Ohio located on and north of a line extending from the Pennsylvania-Ohio State line along U.S. Highway 20 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 29, thence along Ohio Highway 29 to the Ohio-Indiana State line.

(16) *Food products*, refrigerated (except frozen foods and commodities in bulk; (a) from Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Wayne, and Wyoming Counties, N.Y., to points in Connecticut; (b) from points in New York (other than the above-described counties in (a)), located on and west of a line extending from Lake Ontario along New York Highway 14 to junction New York Highway 54, thence along New York Highway 54 to the New York-Pennsylvania State line to points in Connecticut located on and east of a line beginning at Bridgeport, Conn., and extending along Connecticut Highway 8 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Interstate Highway 91, thence along Interstate Highway 91, to the Connecticut-Massachusetts State line; and (c) from points in New York located on and west of a line extending from Lake Ontario

V401188 SEP2675 XUM

along New York Highway 14 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 15, and thence along U.S. Highway 15 to the New York-Pennsylvania State line to points in Rhode Island.

(17) *Frozen fruits, frozen berries, and frozen vegetables;* (a) from points in New York and points in Pennsylvania located on, east, and north of a line extending from the Ohio-Pennsylvania State line east and south along Pennsylvania Highway 51 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line to points in Illinois; (b) from points in Pennsylvania to points in Illinois on and north of a line extending from the Indiana-Illinois State line along U.S. Highway 24 to junction Illinois Highway 116, and thence along Illinois Highway 116 to the Illinois-Iowa State line; (c) from points in New York and Pennsylvania to points in Indiana located on, west, and north of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 19 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 119, thence along Indiana Highway 119 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction U.S. Highway 24, and thence along U.S. Highway 24 to the Indiana-Illinois State line; (d) from points in Pennsylvania located on, east, and north of a line extending from the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, and thence along U.S. Highway 522 to the Pennsylvania-Maryland State line to points in Indiana; (e) from points in Erie, Crawford, and Warren Counties, Pa., to points in West Virginia; and (f) from points in Cattaraugus, Chautauqua, Erie, Livingston, Ontario, Seneca, Wyoming, and Yates Counties, N.Y., and other points in New York located on and north of a line extending from the Massachusetts-New York State line along U.S. Highway 20 to junction U.S. Highway 20A, thence along U.S. Highway 20A to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Massachusetts State line to points in West Virginia. (19) *Frozen food products* (except commodities in bulk), from Philadelphia, Pa., to points in Illinois, and those points in Indiana on, north, and west of a line extending from the Ohio-Indiana State line along U.S. Highway 224 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Kentucky State line at New Albany, Ind. (20) *Fresh preserved foodstuffs*, frozen or refrigerated (other than in tank vehicles), from Lawton and Mattawan, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia, and points in Pennsylvania in and east of Blair, Clearfield, Crawford, Elk, Erie, Fulton, Huntingdon, McKean, and Warren Counties, Pa. (21) *Preserved food products*, frozen or refrigerated (other than in bulk, in tank vehicles), from the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hartford, Bailey, and Grawn, Mich., to the District of Columbia. (22) *Frozen fruits and vegetables* and *frozen fish* (other than in bulk, in tank vehicles), from Boston, Dedham, and Waban, Mass., to points in Illinois, Indiana, and West Virginia.

(23) *Frozen fruits and vegetables* (other than in bulk, in tank vehicles), from Jersey City, N.J., and New Jersey points within 25 miles thereof to points in Illinois and Indiana. (24) *Preserved food products* (other than frozen or in bulk, in tank vehicles); (a) from points in Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Wayne, and Wyoming Counties, N.Y., to Baltimore, Md., and the District of Columbia. (25) *Food products* (other than frozen or in bulk, in tank vehicles); (a) from points in Allegany, Cattaraugus, Chautauqua, Genesee, Livingston, Monroe, Niagara, Orleans, and Wayne Counties, N.Y., to points in Connecticut; (b) from points in Allegany, Cattaraugus, Chautauqua, Genesee, Livingston, Monroe, Niagara, Orleans, and Wayne Counties, N.Y., to points in Massachusetts and Rhode Island; (c) from points in Chautauqua, Erie, Genesee, Monroe, Niagara, Orleans, and Wayne Counties, N.Y., to points in Pennsylvania on and east of Interstate Highway 81; and (d) from points in Chautauqua, Erie, Genesee, Monroe, Niagara, Ontario, Orleans, and Wayne Counties, N.Y., to points in New Jersey.

The purpose of this filing is to eliminate the gateways of: in (1) above, Chautauqua County, N.Y.; in (2)(a) above, Chatham and Westfield, N.Y.; in (2)(b) above, Westfield, N.Y.; in (3) above, Chautauqua County, N.Y., and Hamlin, Holley, and Williamson, N.Y.; in (4) and (5) above, Erie County, N.Y., and North East, Pa., or Westfield, N.Y.; in (6) above, points in Chautauqua County, N.Y., within five miles of Lake Erie and Erie, Pa.; in (7)(a) above, Hamlin, Holley, and Williamson, N.Y., and points in New York within 50 miles of LeRoy, N.Y.; in (7)(b) above, Hamlin, Holley, and Williamson, N.Y.; in (8)(a) above, Erie County, N.Y.; in (8)(b) above, Chautauqua and Erie Counties, N.Y., and Hamlin, Holley, and Williamson, N.Y.; in (8)(c) above, Erie County, N.Y., and Holley, N.Y.; in (8)(d) above, Chautauqua and Erie County, N.Y., and Hamlin, Holley, and Williamson, N.Y.; in (9) above, points in Chautauqua County, N.Y., located within five miles of Lake Erie, and Hamlin, Holley, and Williamson, N.Y.; in (10)(a)–(c) above, Hamlin, Holley, and Williamson, N.Y., and Genesee and Monroe Counties, N.Y.; in (10)(d) above, Brocton, N.Y., and Genesee and Monroe Counties, N.Y.; in (10)(e) Genesee and Monroe Counties, N.Y.; in (11) above, Brocton, N.Y.; in (12) and (13) above, that part of Chautauqua County, N.Y., within five miles of the shore of Lake Erie; in (14)(a) above, Brocton, N.Y., Chautauqua County, N.Y., and Linesville, Pa.; in (14)(b) and (c) above, Brocton, N.Y., and Linesville, Pa.; in (15) above, Westfield, N.Y.; in (16) above, Hamlin, Holley, and Williamson, N.Y.; in (17)(a)–(e) above, Linesville, Pa.; in (17)(f) above, North Girard, Pa., Linesville, Pa.; in (18) above, Erie County, N.Y. within 50 miles of LeRoy, N.Y., and Linesville, Pa.; in (19) above, Brocton, N.Y., and Linesville, Pa.; in (20) above, North East, Pa., and Westfield, N.Y.; in (21) above, Bergen, Hamlin, Holley, N.Y., and LeRoy, Mt. Morris and Oakfield, N.Y.; in (22) above Linesville, Pa.; in (23) above, North Girard, Pa.; in (24) above, LeRoy, Mt. Morris, and Oakfield, N.Y.; and in (25) above, Brocton, Hamlin, and Williamson, N.Y., and Genesee and Monroe Counties, N.Y.

No. MC 109637 (Sub-No. E31) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 3, 1975. Applicant's representative: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Madison, Ind., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, Texas, and points in Florida on and south of Florida Highway 40 and points in Escambia and Santa Rosa Counties, Fla. The purpose of this filing is to eliminate the gateway of Calvert City, Ky. The purpose of this correction is to correct the "E" number, previously published as E37.

No. MC 109637 (Sub-No. E40), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from West Point, Ky., to points in Alabama, Mississippi, points in South Carolina on and south of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 76 to junction South Carolina Highway 34, thence along South Carolina Highway 34 to the Atlantic Ocean, points in Arkansas on and south of U.S. Highway 64, and points in Georgia on and south of U.S. Highway 76. The purpose of this filing is to eliminate the gateways of Floyd County, Ind., and Robertson County, Tenn.

No. MC 109637 (Sub-No. E58), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from points in Maryland and Pennsylvania to Tullahoma, Tenn., and points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Ashland, Ky.

No. MC 109637 (Sub-No. E59), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, restricted to the transportation of traffic having an immediate prior movement by water, from points in New Jersey, Delaware, New York, and points in Virginia on and south of U.S. Highway 211 to points in Illinois. The purpose of this filing is to eliminate the gateway of Lawrenceburg, Ind.

No. MC 109637 (Sub-No. E61), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Crossville, Ill., to points in Kentucky east of U.S. Highway 61. The purpose of this filing is to eliminate the gateways of Daviess County, Ky., and Troy, Ind.

No. MC 109637 (Sub-No. E81), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide residue, fly ash, plastic granules and resin powder*, in bulk, in tank vehicles, from Ironton and South Point, Ohio to points in Missouri and points in Tennessee west of Tennessee Highway 56. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 111401 (Sub-No. E51) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER May 2, 1975. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Kingsport, Tenn., to points in Colorado, Oklahoma west of U.S. Highway 81 and on and north of U.S. Highway 60 and Texas located on and north of U.S. Highway 66 and on and east of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of Longview, Tex. The purpose of this correction is to correct the destination territory.

No. MC 111823 (Sub-No. E86) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 19, 1975. Applicant: SHERWOOD VAN LINES, INC., 4322 Milling Road, San Antonio, Tex. 78219. Applicant's representative: Robert J. Gallagher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between the Pentagon, Arlington Hall Station, Henderson Hall, and Navy Security Station, District of Columbia area, Bolling Air Force Base, Fort McNair, Walter Reed Army Medical Center, and Naval Station, District of Columbia, Andrews Air Force Base, Camp Springs, Md., National Naval Medical Center, Bethesda, Md., Fort Myer, Arlington, Va., and Cameron Station, Alexandria, Va., on the one hand, and, on the other, Craig Air Force Base, Selma, Ala., Redstone Arsenal, Huntsville, Ala., Blytheville Air Force Base, Blytheville, Ark., Little Rock Air Force Base, Jacksonville, Fla., Ent Air Force Base and Peterson Field, Colorado Springs, Colo., Fitzsimons General Hospital, Denver, Colo., U.S. Air Force Academy, Colorado Springs, Colo., Chanute Air Force Base, Rantoul, Ill., Fort Sheridan, Highland Park, Ill., Joliet Army Ammunition Depot, Joliet, Ill., Savanna Army Depot, Savanna, Ill., Naval Air Station, Glenview, Ill., Naval Training Center, Great Lakes, Ill., Scott Air Force Base, Belleville, Ill., Grissom Air Force Base, Peru, Ind., Fort Benjamin Harrison, Indianapolis, Ind., Naval Ammunition Depot, Crane, Ind., Forbes Air Force Base, Topeka, Kans., Fort Leavenworth, Leavenworth, Kans., Fort Riley, Junction City, Kans., McConnell Air Force Base, Wichita, Kans., Fort Campbell, Hopkinsville, Ky., Fort Knox, Fort Knox, Ky., Barksdale Air Force Base, Shreveport, La., England Air Force Base, Alexandria, La., Fort Polk, Leesville, La., Naval Air Station, New Orleans, La., Kincheloe Air Force Base, Sault Ste. Marie, Mich., K. I. Sawyer Air Force Base, Gwinn, Mich., Selfridge Air National Guard Base, Mount Clemens, Mich., Wurtsmith Air Force Base, Oscoda, Mich., Duluth International Airport, Duluth, Minn., Columbus Air Force Base, Columbus, Miss., Keesley Air Force Base, Biloxi, Miss., Naval Air Station, Meridian, Miss., Naval Construction Battalion, Gulfport, Miss., Fort Leonard Wood, Waynesville, Mo., Richards-Gebaur Air Force Base, Kansas City, Mo., Whiteman Air Force Base, Knob Noster, Mo., Offutt Air Force Base, Omaha, Nebr., Grand Forks Air Force Base, Emerado, N. Dak., Minot Air Force Base, Minot, N. Dak., Lockbourne Air Force Base, Columbus, Ohio, Wright-Patterson Air Force Base, Dayton, Ohio, Altus Air Force Base, Altus, Okla., Fort Sill, Lawton, Okla., Tinker Air Force Base, Oklahoma City, Okla., Vance Air Force Base, Enid, Okla., Ellsworth Air Force Base, Rapid City, S. Dak., Arnold Air Force Base, Tullahoma, Tenn., Naval Air Station Memphis, Millington, Tenn., Bergstrom Air Force Base, Austin, Tex., Brooks Air Force Base, San Antonio, Tex., Carswell Air Force Base, Fort Worth, Tex., Dyess Air Force Base, Abilene, Tex., Ellington Air Force Base, Houston, Tex., Naval Air Station, Dallas, Tex., Fort Bliss, El Paso, Tex., Fort Hood, Killeen, Tex., Fort Sam Houston, San Antonio, Tex., Fort Wolters, Mineral Wells, Tex., Goodfellow Air Force Base, San Angelo, Tex., Kelly Air Force Base, San Antonio, Tex., Laredo Air Force Base, Laredo, Tex., Laughlin Air Force Base, Del Rio, Tex., Naval Air Station, Corpus Christi, Tex., Naval Air Station Chase Field, Beeville, Tex., Naval Air Station, Kingsville, Tex., Randolph Air Force Base, Universal City, Tex., Reese Air Force Base, Lubbock, Tex., Sheppard Air Force Base, Wichita Falls, Tex., Webb Air Force Base, Big Spring, Tex., and Camp McCoy, Sparta, Wis. The purpose of this filing is to eliminate the gateway of St. Louis, Mo., or Louisville, Ky., or that part of Ohio, Indiana, and Illinois on and north of a line beginning at the Pennsylvania-Ohio State line, and extending along U.S. Highway 422 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Missouri State line. The purpose of this correction is to correct the "E" number, which was previously published as E60.

No. MC 112304 (Sub-No. E1), filed May 14, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require special handling and the use of special equipment; (A)(1) between points in Maryland, Virginia, the District of Columbia, and points in Pennsylvania east of U.S. Highway 15, on the one hand, and, on the other; (a) points in Michigan (Clarksburg, W. Va., or points within 50 miles thereof)*; (b)

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points in Wisconsin (points within 50 miles of Clarksburg, W. Va., and Ohio) *; (A) (2) between points in Maryland, the District of Columbia, points in Pennsylvania east of U.S. Highway 15, and points in Virginia on and east of U.S. Highway 220, on the one hand, and, on the other; (a) points in Indiana and Ohio (Clarksburg, W. Va., or points within 50 miles thereof) *; (b) points in Illinois (points within 50 miles of Clarksburg, W. Va., and Ohio) *; (B) between points in the Lower Peninsula of Michigan on and east of a line beginning at Lake Michigan and extending along U.S. Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Illinois (Ohio) *, points in Illinois; (C) between points in West Virginia and points in Kentucky on and east of U.S. Highway 127, on the one hand, and, on the other, points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line, and points in Wisconsin (Ohio) *;

(D) Between points in Indiana, Kentucky, and Michigan, on the one hand, and, on the other, points in New Jersey, New York, Maryland, points in Pennsylvania on and east of U.S. Highway 15, and the District of Columbia (Clarksburg, W. Va., and points within 50 miles thereof, and Ohio) *; (E) between points in Kentucky on and west of U.S. Highway 127, on the one hand, and, on the other, points in Virginia north and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway 29, thence along U.S. Highway 20 to the Virginia-District of Columbia State line (Clarksburg, W. Va., and points within 50 miles of Clarksburg) *; (F) between points in the Lower Peninsula of Michigan on and bounded by a line beginning at Clare, Mich., and extending along U.S. Highway 10 to junction Michigan Highway 25, thence along Michigan Highway 25 to junction Michigan Highway 29, thence along Michigan Highway 29 to junction Michigan Highway 25, thence along Michigan Highway 25 to the Michigan-Ohio State line to junction U.S. Highway 27, thence along U.S. Highway 27 to point of beginning, on the one hand, and, on the other, points in Wisconsin on and south of a line beginning at Lake Michigan and extending along U.S. Highway 18 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Minnesota State line (Ohio) *; (G) between points in Indiana on and east of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 327 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Illinois and Wisconsin (Ohio) *;

(H) Between points in West Virginia on, west, and north of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 65, thence along West Virginia Highway 65 to the West Virginia-Kentucky State line, on the one hand, and, on the other, points in New York, points in New Jersey on and north of New Jersey Highway 33, points in Pennsylvania bounded on, south, and east of a line beginning at the Pennsylvania-New York State line, and extending along U.S. Highway 15 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 276, thence along U.S. Highway 276 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Pennsylvania-New Jersey State line (Ohio) *; (I) between points in Pennsylvania on and west of a line beginning at Lake Erie and extending along U.S. Highway 19 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in New Jersey and points in New York on and east of U.S. Highway 81 (except Onandago and Oswego Counties) (Ohio) *; (J) between points in Hancock, Brooke, Ohio, and Marshall Counties, W. Va., on the one hand, and, on the other, points in New Jersey, New York, and points in Pennsylvania on and east of U.S. Highway 15 (Ohio) *; (2) *Iron and steel articles*, which because of size or weight requires the use of special equipment; (A) from points in Indiana, the Lower Peninsula of Michigan, Ohio, Kentucky, West Virginia, Pennsylvania, New York, New Jersey, Virginia, Maryland, and the District of Columbia, to points in Texas (Daviess County, Ky.) *;

(B) (1) From points in New York west and north of a line beginning at Lake Ontario and extending along New York Highway 98 to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 20, thence along U.S. Highway 20 to the New York-Pennsylvania State line; (2) from points in that portion of Pennsylvania on and north of U.S. Highway 90; (3) from points in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 90 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line to points in that portion of Tennessee on and west of Interstate Highway 65 from the Kentucky-Tennessee State line to the Tennessee-Alabama State line (Oakland or Wayne Counties, Mich.) *; (3) *Aluminum products*, which because of size or weight require the use of special equipment, from points in Indiana on and east of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 327 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State line, Maryland, the Lower Peninsula of Michigan, Ohio, Pennsylvania, West Virginia, and the District of Columbia, to points in Missouri, Arkansas, Kansas, Colorado, Oklahoma, Texas, and New Mexico (Murphysboro, Ill.) *; (4) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; (A) between points in the Lower Peninsula of Michigan on and east of a line beginning at Lake Michigan and extending along U.S. Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, on the one hand, and, on the other, points in Illinois (Ohio) *; (B) between points in Kentucky on and east of U.S. Highway 127 and points in West Virginia, on the one hand, and, on the other, points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line, and points in Wisconsin (Ohio) *;

(C) Between points in Indiana, Kentucky, Michigan, and points in West Virginia on, west, and north of a line beginning at the West Virginia-Pennsylvania State line and extending along West Virginia Highway 3 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 65, thence along West Virginia Highway 65 to the West Virginia-Kentucky State line, on the one hand, and, on the other, points in New York, points in New Jersey and New York, and points in Pennsylvania on and east of U.S. Highway 15 (Ohio) *; (D) between points in the Lower Peninsula of Michigan on and bounded by a line beginning at Clare, Mich., and extending along U.S. Highway 10 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Michigan Highway 29, thence along Michigan Highway 29 to junction U.S. Highway 25, thence along U.S. Highway

25 to the Michigan-Ohio State line, to junction U.S. Highway 27, thence along U.S. Highway 27 to the point of beginning, on the one hand; and, on the other, points in Wisconsin on and south of a line beginning at Lake Michigan and extending along U.S. Highway 18 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 94, thence along U.S. Highway 94 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Minnesota State line (Ohio) *; (E) between points in Indiana on and east of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 327 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Illinois and Wisconsin (Ohio) *; (5) *Uncrated new office and institutional furniture, fixtures, and equipment, uncrated cooling or freezing boxes and refrigerators*, and *uncrated new store fixtures and equipment*, which, because of size or weight, require the use of special equipment, between points in Kentucky on and west of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 27 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, and Vermont (Norwood, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 112963 (Sub-No. E3), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry di-calcium phosphate*, in bulk, in tank vehicles, from points in New Jersey to points in Maine. The purpose of this filing is to eliminate the gateways of Peabody, Mass.

No. MC 112963 (Sub-No. E4), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except liquid propane gas), in bulk, in tank vehicles, from New York, N.Y., to points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateways of points in Massachusetts (except Worcester, Boston, and points within 25 miles of the State House in Boston), and Everett, Mass.

No. MC 112963 (Sub-No. E5), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except liquid propane gas), in bulk, in tank vehicle, from points in Massachusetts to points in Maine. The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 112963 (Sub-No. E6), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except liquid propane gas), in bulk, in tank vehicles, from points in New Jersey to points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 112963 (Sub-No. E7), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except liquid propane gas), in bulk, in tank vehicles, from Barnstable, Bristol, Norfolk, Plymouth, and Suffolk Counties, Mass., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 112963 (Sub-No. E8), filed March 4, 1975. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except liquid propane gas), in bulk, in tank vehicles, from points in Barnstable, Bristol, Norfolk, Plymouth, and Suffolk Counties, Mass., to points in Vermont. The purpose of this filing is to eliminate the gateway of Everett, Mass.

No. MC 113459 (Sub-No. E113), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies when moving in connection therewith, restricted to commodities which are transported on trailers, (1) between points in Louisiana, on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 65, and (2) between points in Missouri on and west of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 19 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 17, thence along Missouri Highway 17 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 71 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 23, thence along Louisiana Highway 23 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 113843 (Sub-No. E92) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER June 12, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (2) between those points in Berkshire County, Mass., on the one hand, and, on the other, those points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 14 to junction U.S. Highway 15, thence along U.S. Highway 15 to Williamsport, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line; (4) between those points in Bristol County, Mass., on the one hand, and, on the other, Lewistown and State College, Pa., and those points in Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along Pennsylvania Highway 281 to Somerset, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to Williamsport, thence along U.S. Highway 15 to the Pennsylvania-New York State line; (5) between those points in Plymouth, Essex, Norfolk, and Suffolk Counties, Mass., on the one hand, and, on the other, Lewistown, State College, Mifflinburg, and Lewisburg, Pa., and those points in Pennsylvania, . . . The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this partial correction is to correct the highway description in (3) above; correct the territorial description in (4) above; and correct a typographical error in (5) above. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E388) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER June 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods;* (1) (b) from Havre de Grace, Md., to points in Nebraska, North Dakota, South Dakota, and those points in Iowa on, north, and west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 218 to Charles City, Iowa, thence along U.S. Highway 218 to

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junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 147, thence along Iowa Highway 147 to Rockford, Iowa, thence along Iowa Highway 147 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 18 to Mason City, Iowa, thence along U.S. Highway 18 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line, those in Kansas on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 77 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, . . . The purpose of this filing is to eliminate the gateways of Hamlin, Holley, and Williamson, N.Y., for points in Michigan, and the plant sites and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, Holley, and Williamson, N.Y., for points in Iowa, Nebraska, Kansas, North Dakota, South Dakota, Minnesota, Wisconsin, and Missouri. The purpose of this partial correction is to correct the highway description in (1)(b) above. The remainder of this letter-notice remains as previously published.

No. MC 113843 (Sub-No. E820) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER June 19, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to points in Illinois, those in Kentucky on and west of U.S. Highway 45, and those in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 14 to junction Interstate Highway 69, thence along Interstate Highway 69 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Indiana-Illinois State line, and those in Indiana on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateways of points in the Lower Peninsula of Michigan. The purpose of this correction is to correct the territorial description.

No. MC 113843 (Sub-No. E1040) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER July 10, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to Calais, Maine, and points in Aroostook County, Maine. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct a typographical error above.

No. MC 113855 (Sub E99), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Commodities* (except boats) the transportation of which, because of their size or weight, require the use of special equipment, and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (b) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities transported on trailers), (A) between points in Washington, on the one hand, and, on the other, points in South Dakota east of Missouri River. (Montana) * (B) between points in Pacific, Wahkiakum, Cowlitz and Clark Counties, Wash., on the one hand, and, on the other, points in South Dakota west of the Missouri River and south of U.S. Highway 212. (Utah) * (C) between points in Skamania, Klickitat, Yakima, Benton, Franklin, Whatcom and Walla Walla Counties, Wash., on the one hand, and, on the other, points in Pennington, Custer, Fall River, Shannon, Bennett, Washabaugh, Jackson, Haakon, Stanley, Jones, Lyman, Mellette, Todd, Tripp and Gregory Counties, S.D. (Utah) *.

(D) Between points in Skagit, Snohomish, King, Pierce, Thurston, Lewis, Grays, Harbor, Mason, Jefferson, Clallam and Kitsap Counties Wash., on the one hand, and, on the other, points in Fall River, Shannon, Bennett, Washabaugh, Melette, Todd, Tripp and Gregory Counties, S.D. (Utah) * (2) (a) heavy machinery and other contractors' materials, supplies, and equipment, which because of size or weight require the use of special equipment, (b) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities transported on trailers), between points in Washington, on the one hand, and, on the other, points in South Dakota on and east of South Dakota Highway 73. (Montana) * The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub E107), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minnesota 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, between points in Minnesota on and west of U.S. Highway 71, on the one hand, and, on the other, points in Iowa on, west and south of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 71 to junction U.S. Highway 20, to junction Interstate Highway 35, to junction Interstate Highway 80, to junction U.S. Highway 63, to junction U.S. Highway 34, to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Minnesota within 50 miles of Sioux Falls, S.D.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25790 Filed 9-25-75;8:45 am]

[Notice No. 868]

ASSIGNMENT OF HEARINGS

SEPTEMBER 23, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 51312 Sub 14, Bowling Green Transfer Inc., now assigned November 14, 1975 at Chicago, Illinois; is canceled and the application is dismissed.

MC 116763 Sub 313, Carl Subler Trucking, Inc., now being assigned November 14, 1975 (1 day) at Chicago, Illinois; in a hearing room to be designated later.

MC 82492 Sub 118, Michigan & Nebraska Transit Co., Inc. and MC 106920 Sub 61, Leonard Bros. Trucking Co., Inc. now being assigned December 5, 1975 (1 day) at Chicago, Illinois; in a hearing room to be designated later.

MC–F 12438, Neuendorf Transportation Company —Purchase—Charles A. Groepepper, d.b.a. Badger Truck Line, Inc., now being assigned December 8, 1975 (1 week) at Chicago, Illinois; in a hearing room to be designated later.

MC 4405 Sub 520, Dealers Transit, Inc., now assigned October 24, 1975, at Atlanta, Ga., is canceled and application dismissed.

AB–1 Sub 18, Chicago and North Western Transportation Company Abandonment Between Clutier and Buckingham, in Tama County, Iowa, now being assigned December 2, 1975 (2 days) at Traer, Iowa; in a hearing room to be designated later.

MC 114457 Sub 235, Dart Transit Company, now assigned November 13, 1975, at St. Paul, Minn., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25791 Filed 9-25-75;8:45 am]

federal register

FRIDAY, SEPTEMBER 26, 1975

PART II:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Reclassification of American Alligator and Other Amendments

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Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Reclassification of the American Alligator and Other Amendments

On July 8, 1975, the Service proposed certain changes in regulations on endangered and threatened wildlife (40 FR 28712). The proposal would reclassify the American alligator, removing it completely from an endangered or threatened status in a portion of its range. It also would add new provisions to Part 17 on similarity of appearance, on captive, self-sustaining populations, and on interpretations of prohibitions applicable to endangered and threatened wildlife. Finally, the proposal would establish a new format for lists of endangered and threatened wildlife. With the changes noted in this preamble, this rulemaking adopts the proposal, effective September 26, 1975.

In response to comments received during the comment period, it has been determined to retain the alligator in the endangered status in all of its range except Cameron, Vermilion and Calcasieu Parishes in Louisiana. Alligators in those three parishes will be listed as threatened, due to their similarity in appearance to the endangered alligators. The Service will re-study the distribution and density of alligator populations in the southeastern coastal areas and the problems of enforcement and administration. Based on this study, the Service will soon propose a reclassification of the endangered populations into threatened and endangered, with a new boundary line separating the classifications.

Background

In 1967, the U.S. Department of the Interior determined the American alligator to be an endangered species throughout its entire range. This determination expressed concern for alligator populations which had become drastically reduced after many years of excessive exploitation and habitat usurpation by man. Within recent years, however, alligators have increased considerably in some areas, mainly in response to intensive State and Federal protection. In 1972 and 1973, the State of Louisiana was able to allow a limited commercial hunting season on the species.

On December 28, 1973, the new Endangered Species Act (16 U.S.C. 1531–1543, 87 Stat. 884) went into effect. This Act made it a violation of Federal law to take any species listed as endangered, except under permit for scientific purposes or to enhance the propagation or survival of the species. The Act also established a new "threatened" classification, and authorized the Secretary of the Interior to issue such regulations as he deemed necessary and advisable for the conservation of such species.

On March 29, 1974, Governor Edwin Edwards of Louisiana submitted a petition to the Secretary of the Interior requesting that "in southwestern coastal marshes (Chenier Plain) in the parishes of Cameron, Vermilion, and Calcasieu of Louisiana, the American alligator be removed from the Secretary of the Interior's list of threatened and endangered species; that in the southcentral and southeastern coastal Louisiana marshes, the American alligator be classified as a threatened species; and that throughout the remainder of the State, the classification of the American alligator remain unchanged."

This petition, as amplified by other available information, was found by the Director to present substantial information warranting a review of the status of the alligator throughout its range. A notice to that effect was placed in the FEDERAL REGISTER on July 16, 1974 (39 FR 26050). Simultaneously, Governors of States in which alligators are resident were notified of the review and requested to supply data relative to the status of the species in their respective States.

This review produced evidence that the American alligator is making encouraging gains in population over much of its known historical range. Population levels in parts of South Carolina, Georgia, Florida, Louisiana, and Texas are high, and, in many areas over these regions are considered to be ecologically secure. Increasing urbanization and development is resulting in more frequent human-alligator conflicts, and control of certain populations is needed to minimize public hostility toward the species. Even though actual numerical levels of alligators may be below the biotic carrying capacity in most habitats, socioeconomic factors must be considered in setting management goals to maximize public interest in, and acceptance of, coexistence with this potentially troublesome but ecologically important species.

Available data indicate that the primary threats to alligator populations in areas named above are not biotic, but rather the absence of adequate regulatory and enforcement mechanisms (1) to prevent malicious and illicit commercially-oriented killing, and (2) to control illegal commerce in products. Malicious killing stems to a large degree from public hostility and fear, and to some extent could be ameliorated through public education. Illegal commercial killing currently is being held at a tolerable level by rigid enforcement programs. These programs, however, are inadequate in the face of burgeoning alligator populations and increasing human-alligator conflicts. Reorientation of enforcement efforts toward effective control of commerce in parts and products of legally taken alligators would permit the initiation of practicable management programs and a realistic reappraisal of the population status of the species. Some populations in States named above now are at the point where the species could be best served by more flexible management programs.

Public Comments

The proposed rulemaking was published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28712). Interested persons were invited to submit written comments to the Director until September 8, 1975. The written responses are summarized, essentially, as follows:

(1) 26 Responses supported the proposed rulemaking;

(2) 17 Responses opposed any change in current classification of the American alligator as endangered throughout its entire range;

(3) 24 Responses generally approved the proposed rulemaking, but recommended one or more changes to reflect the writer's position;

(4) 4 Responses generally opposed the proposed rulemaking, unless one or more changes are made in the final rules; and

(5) 17 Responses either were totally irrelevant or merely acknowledged receipt of the proposed rules and their transmittal to an appropriate official for further response.

Despite reservations on the part of some responders with respect to impact of a classification change on welfare of the American alligator, and on other endangered wildlife which also may be reclassified at some future date, the sum of all responses reflects a preponderance of opinion in general support of the proposed rulemaking. Several significant issues of major concern to responders are referred to below.

(1) Extent to which the alligator has recovered from previously depressed population numbers and restricted occupation of its range, and sufficiency of data to verify its recovery. Information available to the Director confirms such substantial and sufficient increase in the American alligator since 1967 throughout the important habitat of its range to allow utilization of the species within the constraints imposed, with confidence that its welfare currently and in the future will not be jeopardized by the management programs afforded by these rules.

(2) Adequacy of controls to protect alligators from unlawful take and commercial utilization. The proposed rules were adjusted to eliminate objectionable features in the system of controls applicable to the taking, inventory, accountability, and disposition of alligators and products made from their hides so that effective protection of the species can be accomplished.

(3) Need for an Environmental Impact Statement. An environmental assessment was prepared which indicates that an Environmental Impact Statement is not prerequisite to accomplishing the changes contemplated by the proposed rulemaking. This assessment is on file at the Office of Endangered Species, U.S. Fish and Wildlife Service, in Suite 1100 at 1612 K Street, N.W., Washington, D.C., and is available for inspection during regular working hours.

(4) Failure to invoke "similarity of appearance" provisions against importation of products of all crocodilian species. This is acknowledged as a valid consideration which would enhance capability to effectively administer the degree of protection to American alligators anticipated under these rules. A change in the final rules to accommodate this provision is not possible, however, since the proposed rulemaking failed to include such a requirement. The Service intends to initiate further action at an early date to effect this desirable change.

Description of the Rulemaking

Following careful review and consideration of all written comments, the proposed rulemaking is modified to include more definitive population data in support of reclassification of the American alligator, and to accommodate other substantive changes as described below. Finally, extensive editorial and format changes were made to correct incongruity in statements and other grammatical deficiencies, and to facilitate readability and understanding.

(1) *Population estimates of the American alligator.* Following is a summary of population estimates pertaining to the status of the alligator in Cameron, Vermilion, and Calcasieu Parishes in Louisiana: 77,300 alligators in 1226 square miles of suitable habitat in Cameron Parish, Louisiana (density of 63/mi²); 20,851 alligators in 562 square miles of suitable habitat in Vermilion Parish (density of 37/mi²); 400 alligators in 15 square miles of suitable habitat in Calcasieu Parish (density of 27/mi²). In these three parishes, population densities may have reached maximum carrying capacity.

(2) *Changes from the proposal.* Generally speaking, there is only one major change from the proposal, dealing with the status of the alligator. However, there are a number of editorial revisions for clarity, and some minor substantive changes to further define concepts set out in the proposal. Also, the drafting and typographical errors in the proposal have been corrected. The differences between the proposal and this final rulemaking will be discussed subpart by subpart, below.

Subpart A (Introduction and General Provisions)

In the proposal, Subpart A contained a series of definitions necessary for proper implementation of the Act. Especially notable were the definitions of "industry and trade", which clarified the scope of some of the interstate commerce prohibitions, and of "harass", which clarified the scope of the prohibition on taking. The definition of "harass" has been retained in a modified form in this final rulemaking, to make it applicable to actions or omissions with the potential for injury. The concept of environmental damage being considered a "taking" has been retained, but is now found in a new definition, of the word "harm". "Harm" covers actions or omissions which actually, (as opposed to potentially), cause injury. In addition, the definition of "harass" has been modified by restricting its application to acts or omissions which are done intentionally or negligently. In the proposal, "harass" would have applied to any action, regardless of intent or negligence. Also, definitions of "endangered" and "threatened" have been added.

By moving the concept of environmental degradation to the definition of "harm", potential restrictions on environmental modifications are expressly limited to those actions causing actual death or injury to a protected species of fish or wildlife. The actual consequences of such an action upon a listed species is paramount.

These environmental restrictions represent a reasonable response to the habitat needs of listed species. Congress specifically acknowledged these needs by stating in the "Purposes" subsection of the Act: "The purposes of this Act are to provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved . . ." (87 Stat. 885, Section 2(b), 16 U.S.C. 1531 (b)). Furthermore, Congress acknowledged that a rational relationship existed between the protection of the needs of listed species and the public welfare: "The Congress finds and declares that . . . (3) these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational and scientific value to the Nation and its people . . ." (87 Stat. 884, Section 2(a)(3), 16 U.S.C. Section 1541(3)).

It should be noted that this definition of "harm" which includes significant environmental modification, does not permanently limit the environmental modifications that are permissible for the habitat of a listed species of fish or wildlife. If the species was originally classified as endangered and made a significant recovery, it could be down-listed to threatened with regulations that don't prohibit "takings". Second, the species could recover completely and be delisted altogether. Finally, the species in question could abandon its use of the area. In all of these situations, the limited restrictions on environmental modification under the definition of "harm" would be removed.

Subpart A, as proposed, also contained rules on the exemption for Alaskan natives, of pre-Act wildlife, on the new concept of captive, self-sustaining populations, and on the similarity-of-appearance provisions in the Act. All of these rules have been retained without substantial change. They have been edited somewhat for clarity and consistency. The rules on similarity-of-appearance have been moved to subpart E (Similarity of Appearance). This was done to improve the organization and clarity of the rules, by grouping all of the similarity-of-appearance provisions in one place, and cutting down the need for cross-referral in reading the rules.

Subpart B (Lists)

This subpart has been changed by consolidating the lists in Sections 17.11, 17.12, and 17.13 into one list, appearing in Section 17.11. In addition, several species have been included which have previously been listed under the Act (kangaroos, grizzly bears, American crocodile, Cedros Island mule deer, several trout, and other species). As indicated above, the proposed reclassification of alligators has been temporarily withdrawn, pending further study, except for the alligators in the parishes of Cameron, Vermilion, and Calcasieu in Louisiana. This is reflected in changes in the listing in Section 17.11.

The inclusion of the species which were previously listed, brings together in one place all of the endangered and threatened species. This will be more convenient for all users of the regulations. It will also avoid an apparent conflict in drafting that would otherwise have occurred because the previous listings utilized a Section 17.32 for the list of threatened species, but this proposal uses the same section number for a different purpose.

The listing of the alligator in this final rulemaking differs from the proposal in several respects. First, as mentioned above, the alligator will retain its endangered status in all places except Cameron, Vermilion, and Calcasieu Parishes in Louisiana. Second, captive alligators will be treated as threatened due to their similarity of appearance to endangered alligators. (This is indicated on the list in § 17.11(i) by the entry "T(S/A)" in the "status" column. The decision to change the status of only the alligators in the three parishes in Louisiana is explained elsewhere in this preamble.

There are two "populations" of alligators which are treated as threatened species because of their similarity of appearance to endangered alligators. These are (i) the alligators in Cameron, Vermilion and Calcasieu Parishes in Louisiana, and (ii) alligators in captivity. These populations clearly meet the criteria for "similarity of appearance" treatment set out in the Act and in these regulations.

The Act requires three things:

(i) that the species be substantially difficult to distinguish, at the point in question, for law-enforcement personnel;

(ii) that this difficulty is an additional threat to the endangered or threatened species; and

(iii) that the treatment of the similar species as threatened or endangered will facilitate enforcement.

The regulations expand upon these criteria to a certain degree, especially by making it clear that the difficulty in distinction can arise between two different geographic "populations" of the same taxonomic species, as well as between different species. The regulations also make it clear that one method of facilitating law enforcement can be by providing a system of controls to distinguish the similar species from the endangered or threatened.

The designation of these two populations as threatened species, due to their similarity in appearance, fits the criteria very well. First, alligators in the three

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parishes or in captivity are impossible to distinguish from endangered alligators since they are, in fact, taxonomically and morphologically identical. Especially when it comes to the identification of products, distinction between the various populations is impossible, without some controls. Second, a major factor in the threat to the alligator's existence is the illegal killing of alligators in order to put alligator hide products on the commercial market. Once a legal market is established for one of the populations, that market may in fact serve as "screen" for products of alligators taken from the other populations. Without being able to identify one alligator population as opposed to another, there is no way for enforcement officers to prevent this misuse of the legal market. Third, the controls established by this rulemaking will provide a practicable, enforceable, method for distinguishing between the various populations of alligators. It is based on a series of marking and tagging requirements which provide what nature could not—a reliable method for identifying an alligator, throughout the processing and marketing chain, to the population from which it was taken. Any alligator which cannot be identified, by this method, to the "legal" population for taking, is then automatically suspect.

The editorial revisions in § 17.11 (formerly § 17.13) are intended to clarify the meaning of the different entries on the list of species. This new format of listing is designed to provide all users of these regulations with one, easy-to-use source of information on endangered and threatened species.

SUBPART C (ENDANGERED WILDLIFE)

The major changes in Subpart C from the proposal have been the revision of the exception to the taking prohibition, the addition of a law enforcement exception to the prohibition on the possession, transportation, etc. of unlawfully taken wildlife, and editorial revisions of the permit provisions.

The proposed exception in Section 17.21(c)(2) to the taking prohibition to allow State, local and Federal employees to "take" endangered wildlife in emergency situations has been revised substantially. It now includes an exception applicable to the general public for takings in self defense or defense of the lives of others. Although most endangered species would not pose a threat to human life, there are some, such as alligators in certain areas, that could be dangerous. A reporting requirement has been added to help assure that this provision is not abused. In addition, the disposition of the specimen must be under the guidance of the Service. The language in the exception with actions by State, local and Federal employees has been revised. The types of persons covered by this provision have been defined, and are now limited to those whose duties include the handling of wildlife, and who work for agencies which normally become involved with wildlife in the course of their land management activities. Also, the reporting and disposition requirements described above apply to actions by State and Federal employees under this exception.

An exception has been added to § 17.21(d), to authorize the possession, transportation, etc. of endangered wildlife as necessary to perform law enforcement functions. While this activity is authorized by law, it was felt to be useful to state it expressly, and thereby avoid confusion, and avoid misapprehensions on the part of State personnel.

The provisions on permits have been adopted substantially as they were proposed, with some editorial revisions. A similar proposal for permit provisions was made on May 20, 1975 (40 F.R. 21977), in conjunction with the proposal to designate certain sea turtles as threatened species (40 F.R. 21974). The May 20 proposal regarding permit provisions is hereby rescinded, and this final rulemaking will serve instead.

SUBPART D (THREATENED WILDLIFE)

A number of significant changes have been made in this subpart. First, the adoption of the general prohibitions, in § 17.31, has been modified to make it clear that all of the provisions of § 17.21, including the exceptions, are adopted for threatened species. Thus, a threatened specimen may be taken by a State wildlife officer if it has been orphaned or injured, for example. In addition, there is a special rule authorizing certain Federal and State personnel to take threatened wildlife in the course of research or conservation programs, provided (in the case of a State) that a cooperative agreement is in effect.

Section 17.31 has also been changed by the addition of paragraph (c), which states that when a special rule is in effect, it completely supersedes the general rules set out in paragraphs (a) and (b) of § 17.31. This change clarifies what was proposed, and is the cornerstone of the system for regulating threatened wildlife. To restate it, the general prohibitions and exceptions stated in § 17.31 apply to any wildlife designated as threatened, unless that species is subject to a special rule. Likewise, the general permits available under § 17.32 apply (as further exceptions to the actions prohibited by § 17.31), unless a special rule is in effect for that species. When a special rule is in effect for a particular species, it will contain all the prohibitions, exceptions and permits applicable to that species. The special rule will be referred to in the "special rules" column in § 17.11(i) (the endangered and threatened wildlife list).

Section 17.32, on general permits for threatened wildlife has been editorially revised. The information requirements for permit applicants have been included in their entirety, rather than simply by reference back to § 17.21. The applicant must submit all information relevant to the purpose for which he is seeking a permit, but need not submit information which does not appear relevant.

A new § 17.33, providing special permits for transactions with specimens of captive, self-sustaining populations, has been inserted. The application requirements for this permit have been refined, from the proposal, to deal specifically with these permits. An example has been added to clarify the role of these permits, and the flexibility available with them. Specific reporting and recordkeeping requirements will be set out in the permits themselves. The Service is considering several different methods, and will endeavor to cut out all unnecessary paperwork.

In order to incorporate previous rulemakings on threatened species in this republication, the rules pertaining to 3 species of kangaroos, to grizzly bears, and to 3 western species of trout have been put into the appropriate sections for special rules. These rules have been incorporated without substantive change.

The special rule for the American alligator has been changed significantly in form, but not in substance. First, the exemptions to the taking provisions which were proposed in § 17.35 (a) (1) for "nuisance" animals and for research and conservation programs have been redrafted to be consistent with the same provisions in §§ 17.21 and 17.31, discussed above.

Second, the application of each prohibition to American alligators has been specified and clarified. Thus, users of these regulations will be able, without cross references, to find all the rules relating to threatened alligators in one place.

Third, the rules which were found in the "similarity-of-appearance" subpart in the proposal are now moved to the special rule on threatened alligators. This is appropriate, since § 4(e) of the Act provides that species which are similar in appearance shall be treated as endangered or threatened species. Thus, the alligators in the three parishes in Louisiana are treated as threatened. The actual rules for the marketing of hides have been reviewed for consistency with the proposed Louisiana regulations for the taking and tagging of alligators. The provisions for permits for buyers, tanners and fabricators have been edited to correct drafting errors in the proposal.

The controls over the marketing of the hides of American alligators in these regulations are based on the implementation and enforcement of Louisiana's regulations. If at any time the Director finds that the program in Louisiana is unsatisfactory, he will re-designate the alligator, in the three parishes in Louisiana where it will be "de-listed", as threatened or endangered, by emergency rulemaking.

SUBPART E (SIMILARITY OF APPEARANCE)

This subpart has been substantially redrafted and reorganized, but there have been no significant changes in substance. The material from § 17.7 in the proposal has been inserted in § 17.50, instead of the material originally in Section 17.50 as proposed. Thus all the rules pertaining to the determination that a species is similar in appearance to an endangered or threatened species, and pertaining to the treatment applied to such species, are now found in one subpart.

Generally, the similar species will be treated as endangered, and all the rules in Subpart C (Endangered Wildlife) will apply to it, or as threatened, in which case all the rules in Subpart D (Threatened Wildlife), including special rules, will apply. In addition, a special permit is available to distinguish a specimen of a "similar" species from the endangered or threatened species. A new provision has been added to that permit section, indicating that the availability of this permit could be nullified by a special rule. Such special rules could appear in Subpart C (Endangered Wildlife) as well as Subpart D (Threatened Wildlife). They would be used where there is no reliable way to distinguish the "similar" specimens, or, as in the case of the American alligator (see § 17.42(a)(3)(ii)), where a different system is provided to distinguish the "similar" specimen from the threatened specimens.

FUTURE RULEMAKINGS

As indicated at the beginning of this preamble, a proposed rulemaking will be issued shortly to reclassify the American alligator. As soon as the Service completes a reevaluation of the data, it intends to propose the reclassification of certain populations to the threatened status. This proposal will contain a new boundary between the endangered and threatened populations.

The list of endangered and threatened wildlife will, of course, be subject to continual revision. All new proposals for additions, deletions, or changes in status of species will be done in the format established by this rulemaking.

New regulations in further implementation of the Act, particularly in the area of the licensing of importers and exporters of wildlife, will be forthcoming. Also, the Service is studying revisions of the Declaration for the Importation of Wildlife (Form 3–177). These rules will probably appear in Part 14 (Import, Export, and Interstate Transportation of Wildlife) rather than this Part 17 (Endangered Wildlife), since they relate generally to all wildlife transactions.

The Service also intends to follow this rulemaking, very shortly, with a proposal to treat the products of all crocodilians as similar in appearance to the American alligator and to several other protected forms of crocodilians (such as the Nile crocodile). This is necessary to enhance the controls over the commerce in endangered and threatened crocodilians.

ADOPTION AND EFFECTIVE DATE

Having considered public comments on the proposed rulemaking of July 8, 1975 (40 F.R. 28712), affecting Part 17, the Service deems it appropriate to adopt the proposal, with modifications discussed above. Based on this proposal, the State of Louisiana issued proposed rules for an alligator hunt in Calcasieu, Cameron, and Vermilion Parishes, to begin September 20, 1975. It was necessary for the State to act in advance of adoption of final Federal rules to satisfy its own legal requirements for appropriate procedures. Additionally, September is an approximate time for such hunting when the weather is still warm and alligators are still feeding actively.

For these reasons, the Service finds there is good cause to make these rules effective September 26, 1975.

It was noted above that several species which were recently added to the regulations have been included in the new consolidated listing in § 17.11(i). This has been done for the convenience of the users of the regulations. However, the effective date of the addition of some of those species is later than the effective date of this rulemaking. Therefore, to avoid any inconsistency, the effective date of the portion of this regulation which lists those eight species has been delayed to coincide with the effective date shown in the final rulemaking document for those species (see 40 FR 44149).

Accordingly, Part 17 of Chapter I, Title 50, Code of Federal Regulations, is amended as set forth below. This amendment is effective on September 26, 1975, except that the insertion of the following species in § 17.11(i) shall be effective on "October 28, 1975: (i) Peninsular pronghorn antelope (*Antilocapra americana peninsularis*), (ii) Cedros Island mule deer (*Odocoileus hemionus cerrosensis*), (iii) Hawaiian creeper (*Loxops maculata mana*), (iv) Po'o uli (*Melamprosops phaesoma*), (v) Newell's Manx Shearwater (*Puffinus puffinus newelli*), (vi) American crocodile (*Crocodylus acutus*), (vii) Bayou darter (*Etheostoma rubrum*), and (viii) Scioto madtom (*Noturus trautmani*).

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

Part 17, Title 50, Code of Federal Regulations, is amended and republished as follows:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Subpart A—Introduction and General Provisions

Sec.
17.1 Purpose of regulations.
17.2 Scope of regulations.
17.3 Definitions.
17.4 Pre-Act wildlife.
17.5 Alaska natives.
17.6 State cooperative agreements [Reserved].
17.7 Captive, self-sustaining populations.

Subpart B—Lists

17.11 Endangered and threatened wildlife.
17.12 Endangered and threatened plants [Reserved].
17.13 Amendments to the lists.

Subpart C—Endangered Wildlife

17.21 Prohibitions.
17.22 Permits for scientific purposes, or for the enhancement of propagation or survival.
17.23 Economic hardship permits.

Subpart D—Threatened Wildlife

Sec.
17.31 Prohibitions.
17.32 Permits—general.
17.33 Permits—captive, self-sustaining populations.
17.34 Permits. [Reserved]
17.35 Permits. [Reserved]
17.36 Permits. [Reserved]
17.37 Permits. [Reserved]
17.38 Permits. [Reserved]
17.39 Permits. [Reserved]
17.40 Special rules—mammals.
17.41 Special rules—birds. [Reserved]
17.42 Special rules—reptiles.
17.43 Special rules—amphibians. [Reserved]
17.44 Special rules—fishes.
17.45 Special rules—mollusks. [Reserved]
17.46 Special rules—crustaceans [Reserved]
17.47 Special rules—insects. [Reserved]
17.48 Special rules—other forms. [Reserved]

Subpart E—Similarity of Appearance

17.50 General.
17.51 Treatment as endangered or threatened.
17.52 Permits—similarity of appearance.

AUTHORITY: Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Subpart A—Introduction and General Provisions

§ 17.1 Purpose of regulations.

(a) The regulations in this part implement the Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531–43.

(b) The regulations identify those species of wildlife and plants determined by the Director to be endangered or threatened with extinction under section 4(a) of the Act and also carry over the species and subspecies of wildlife designated as endangered under the Endangered Species Conservation Act of 1969 (83 Stat. 275, 16 U.S.C. 668cc–1 to 6) which are deemed endangered species under section 4(c)(3) of the Act.

§ 17.2 Scope of regulations.

(a) The regulations of this part apply only to endangered and threatened wildlife and plants.

(b) By agreement between the Service and the National Marine Fisheries Service, the jurisdiction of the Department of Commerce has been specifically defined to include certain species, while jurisdiction is shared in regard to certain other species. Such species are footnoted in Subpart B of this part, and reference is given to special rules of the National Marine Fisheries Service for those species.

(c) The provisions in this part are in addition to, and are not in lieu of, other regulations of this Subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife.

(d) The examples used in this part are provided solely for the convenience of the public, and to explain the intent and meaning of the regulation to which they refer. They have no legal significance.

§ 17.3 Definitions.

In addition to the definitions contained in Part 10 of this subchapter, and unless the context otherwise requires, in this Part 17:

"Act" means the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884);

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act [43 U.S.C. section 1603(b) (85 Stat. 588)] as a citizen of the United States who is of one-fourth degree or

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more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part;

"Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 28, 1973, and (b) are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such as sewing machines or modern techniques at a tannery registered pursuant to § 18.23(c) of this subchapter (in the case of marine mammals) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching, sewing, lacing, beading, drawing, and painting. The formation of traditional native groups such as cooperatives, is permitted so long as no large scale mass production results;

"Endangered" means a species of wildlife listed in § 17.11 or a species of plant listed in § 17.12 and designated as endangered.

"Harass" in the definition of "take" in the Act means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering.

"Harm" in the definition of "take" in the Act means an act or omission which actually injures or kills wildlife, including acts which annoy it to such an extent as to significantly disrupt essential behavioral patterns, which include, but are not limited to, breeding, feeding or sheltering; significant environmental modification or degradation which has such effects is included within the meaning of "harm";

"Industry or trade" in the definition of "commercial activity" in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit;

"Native village or town" means any community, association, tribe, clan or group;

"Population" means a group of fish or wildlife in the same taxon below the subspecific level, in common spatial arrangement that interbreed when mature;

"Specimen" means any animal or plant, or any part, product, egg, seed or root of any animal or plant;

"Subsistence" means the use of endangered or threatened wildlife for food, clothing, shelter, heating, transportation and other uses necessary to maintain the life of the taker of the wildlife, or those who depend upon the taker to provide them with such subsistence, and includes selling any edible portions of such wildlife in native villages and towns in Alaska for native consumption within native villages and towns;

"Threatened" means a species of wildlife listed in § 17.11 or plant listed in § 17.12 and designated as threatened.

"Wasteful manner" means any taking or method of taking which is likely to result in the killing or injury of endangered or threatened wildlife beyond those needed for subsistence purposes, or which results in the waste of a substantial portion of the wildlife, and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of the wildlife, or which is not immediately followed by a reasonable effort to retrieve the wildlife.

§ 17.4 Pre-Act wildlife.

(a) The prohibitions defined in Subparts C and D of this Part 17 shall not apply to any activity involving endangered or threatened wildlife which was held in captivity or in a controlled environment on December 28, 1973: *Provided*,

(1) That the purposes of such holding were not contrary to the purposes of the Act; and

(2) That the wildlife was not held in the course of a commercial activity.

Example 1. On January 25, 1974, a tourist buys a stuffed hawksbill turtle (an endangered species listed since June, 1970), in a foreign country. On December 28, 1973, the stuffed turtle had been on display for sale. The tourist imports the stuffed turtle into the United States on January 26, 1974. This is a violation of the Act since the stuffed turtle was held for commercial purposes on December 28, 1973.

Example 2. On December 27, 1973 (or earlier), a tourist buys a leopard skin coat (the leopard has been listed as endangered since March 1972) for his wife in a foreign country. On January 5, he imports it into the United States. He has not committed a violation since on December 28, 1973, he was the owner of the coat, for personal purposes, and the chain of commerce had ended with the sale on the 27th. Even if he did not finish paying for the coat for another year, as long as he had possession of it, and he was not going to resell it, but was using it for personal purposes, the Act does not apply to that coat.

Example 3. On or before December 28, 1973, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in March 1974. The importation is not subject to the Act. The hunter has not engaged in a commercial activity, even though he bought the services of a guide, outfitters, and a taxidermist to help him take, preserve, and import the leopard. This applies even if the trophy was in the possession of the taxidermist on December 28, 1973.

Example 4. On January 15, 1974, a hunter kills a leopard legally in Africa. He has the leopard mounted and imports it into the United States in June 1974. This importation is a violation of the Act since the leopard was not in captivity or a controlled environment on December 28, 1973.

(b) Service officers or Customs officers may refuse to clear endangered or threatened wildlife for importation into or exportation from the United States, pursuant to § 14.53 of this subchapter, until the importer or exporter can demonstrate that the exemption referred to in this section applies. Exempt status may be established by any sufficient evidence, including an affidavit containing the following:

(1) The affiant's name and address;

(2) Identification of the affiant;

(3) Identification of the endangered or threatened wildlife which is the subject of the affidavit;

(4) A statement by the affiant that to the best of his knowledge and belief, the endangered or threatened wildlife which is the subject of the affidavit was in captivity or in a controlled environment on December 28, 1973, and was not being held for purposes contrary to the Act or in the course of a commercial activity;

(5) A statement by the affiant in the following language:

The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to recognize an exempt status regarding (*insert description of wildlife*), under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(6) As an attachment, records or other available evidence to show:

(i) That the wildlife in question was being held in captivity or in a controlled environment on December 28, 1973;

(ii) The purpose for which the wildlife was being held; and

(iii) The nature of such holding (to establish that no commercial activity was involved).

(c) This section applies only to wildlife born on or prior to December 28, 1973. It does not apply to the progeny of any such wildlife born after December 28, 1973.

§ 17.5 Alaska natives.

(a) The provisions of Subpart C of this part relating to the importation or the taking of endangered wildlife, and any provision of Subpart D of this part relating to the importation or the taking of threatened wildlife, shall not apply to:

(1) Any Indian, Aleut, or Eskimo who is an Alaskan native and who resides in Alaska; or

(2) Any non-native permanent resident of an Alaskan native village who is primarily dependent upon the taking of

wildlife for consumption or for the creation and sale of authentic native articles of handicrafts and clothing:

if the taking is primarily for subsistence purposes, and is not accomplished in a wasteful manner.

(b) Edible portions of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in native villages or towns in Alaska for native consumption within native villages and towns in Alaska.

(c) Non-edible by-products of endangered or threatened wildlife taken or imported pursuant to paragraph (a) of this section may be sold in interstate commerce when made into authentic native articles of handicrafts and clothing.

§ 17.6 State cooperative agreements. [Reserved]

§ 17.7 Captive, self-sustaining populations.

(a) Whenever the Director determines that a captive, self-sustaining population of otherwise endangered wildlife exists within the United States, such population may be treated as threatened and may be listed in § 17.11. Each such listing shall bear the notation "(C/P)" following the designation of status, to indicate that the reason for treating it as threatened rather than endangered was the attainment of a captive, self-sustaining population within the United States.

(b) The listing of species as threatened because they are captive, self-sustaining populations within the United States shall follow the same procedures as required in section 4(f) of the Act for the listing of endangered or threatened species, except that captive wildlife shall not be considered to be "resident" wildlife within the meaning of section 4(b)(1) of the Act.

(c) In determining whether to list a species as threatened because it is a captive, self-sustaining population, the Director shall consider the following factors:

(1) The approximate number of specimens of that species that exist in captivity in the United States;

(2) The age and sex ratios of such captive specimens;

(3) The number of persons who have successfully propagated the species in captivity;

(4) The number of generations of the species that have been successfully propagated in captivity;

(5) The likelihood that persons owning or controlling such captive specimens will cooperate in insuring the continued existence of and reproduction among such captive specimens;

(6) The number of requests to take or import wild specimens of the same species received during the 24 months immediately prior to the date consideration of the species was undertaken;

(7) The ratio of wild born versus captive born specimens of the species in captivity in the United States; and

(8) Such other factors as he deems appropriate.

(d) Permits shall be available pursuant to § 17.33 for persons who wish to engage in otherwise prohibited activities with specimens of wildlife listed as threatened under this section.

Example. Although the XY pheasant is endangered in the wild and has been determined to be an endangered species, the Director determines that there exists in the United States a captive, self-sustaining population of the pheasant which constitutes no drain on the wildlife population. After following the proper procedures, the pheasant would be listed in § 17.11 as follows:

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Populations	Known Distribution	Portion of Range Where Endangered or Threatened			
XY pheasant	*Gigantus smallus*	N/A	Southeast Asia	Entire	E	6	N/A
Do	do	In captivity in U.S.	N/A	Entire	T(C/P)	6	N/A

Subpart B—Lists

§ 17.11 Endangered and threatened wildlife.

(a) The list in this section contains all the species of wildlife which are determined by the Director or by the Secretary of Commerce to be endangered or threatened. It also contains species of wildlife treated as endangered or threatened because they are similar in appearance to an endangered or threatened species (see Subpart E) or because they constitute a captive, self-sustaining population (see § 17.7).

(b) The columns entitled "Common name", "Scientific name" and "Population" define the "species" of wildlife within the meaning of the Act. Thus, two different geographic populations of the same subspecies or species will be identified by their differing geographic boundaries, even though the common and scientific names are identical for both entries. The same is true for two different color phases, identified by their unique colors. The prohibitions in the Act and in this Part 17 apply to all specimens of the "species" listed, wherever they are found, and to their progeny. Although common names are included, they cannot be relied upon for identification of any specimen, since they vary greatly in local usage.

(c) If the "status" column has an "E", that species is thereby designated as endangered. If the "status" column has a "T", that species is thereby designated as threatened. The addition of the letters "S/A" in parentheses indicates that the reason for designating the species as endangered or threatened is its similarity in appearance. The addition of the letters "C/P" in parentheses indicates that the reason for designating the species as threatened is that it constitutes a captive, self-sustaining population.

(d) For information purposes only, the "known distribution" column will indicate the normal, known distribution of a species, subspecies, or a smaller taxon. This column does not imply any limitation on the application of the prohibitions in the Act and in this Part 17. Such prohibitions apply to all specimens of the species, wherever found.

(e) The column entitled "Portion of the range where endangered or threatened" designates that portion of the range of the species over which it is endangered or threatened. The Act requires that the species must be endangered or threatened over all or a significant portion of its range in order to be listed. When a species is listed because it is similar in appearance to an endangered or threatened species, this requirement does not apply. Therefore, the notation "N/A" (not applicable) will appear in this column.

(f) For information purposes only, the "When listed" column provides a footnote reference to the date and location of the FEDERAL REGISTER publication actually listing the species. That publication will include a statement indicating the basis for the current status.

(g) The "special rules" column is a reference to any special rules. The letters "N/A" (not applicable) appearing in this column indicate that there are no such special rules which apply to that species. However, all other appropriate rules in this Part 17 still apply to that species. In addition, there may be other rules in this Subchapter B (Parts 10–22) that also relate to such wildlife, such as port-of-entry requirements, etc. It is not intended that the references in the "Special rules" column list all the regulations of the Service which might apply to the wildlife in question, or the regulations of other Federal, State or local agencies.

(h) The listing of a particular taxonomic group includes all lower taxonomic groups. Example: If the genus *Felis* was listed, all species, subspecies, races, and populations of that genus are considered to be listed. If the species *Felis concolor* was listed, all subspecies, races, and populations of that species are considered to be listed.

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SPECIES			RANGE				
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
MAMMALS:							
Anoa	*Anoa depressicornis*	N/A	Indonesia	Entire	E	3	N/A
Armadillo, Pink Fairy	*Chlamyphorus truncatus*	N/A	Argentina	Do	E	3	N/A
Ass, African Wild	*Equus asinus*	N/A	Ethiopia, Somalia, Sudan	Do	E	3	N/A
Ass, Asian Wild	*Equus hemionus*	N/A	Southwestern and Central Asia	Do	E	3	N/A
Avahis	*Avahi* spp. (all species)	N/A	Malagasy Republic (Madagascar)	Do	E	4	N/A
Aye-aye	*Daubentonia madagascariensis*	N/A	Do	Do	E	3	N/A
Bandicoot, Barred	*Perameles bougainville*	N/A	Australia	Do	E	4	N/A
Bandicoot, Desert	*Perameles eremiana*	N/A	Do	Do	E	6	N/A
Bandicoot, Rabbit	*Macrotis lagotis*	N/A	Do	Do	E	4	N/A
Bandicoot, Lesser Rabbit	*Macrotis leucura*	N/A	Do	Do	E	4	N/A
Bandicoot, Pig-footed	*Chaeropus ecaudatus*	N/A	Do	Do	E	4	N/A
Banteng	*Bibos banteng*	N/A	Southeast Asia	Do	E	4	N/A
Bat, Hawaiian Hoary	*Lasiurus cinereus semotus*	N/A	USA (Hawaii)	Entire	E	2	N/A
Bat, Indiana	*Myotis sodalis*	N/A	Eastern and Midwestern USA	Do	E	1	N/A
Bear, Grizzly	*Ursus arctos horribilis*	USA (48 conterminous States)	USA (Montana, Idaho, Wyoming)	Do	T	9	17.40(b)
Bear, Mexican Grizzly	*Ursus arctos nelsoni*	N/A	Mexico	Do	E	3	N/A
Bison, Wood	*Bison bison athabascae*	N/A	Canada	Do	E	2	N/A
Cat, Tiger	*Felis tigrina*	N/A	Costa Rica to Northern South America	Do	E	4	N/A
Cheetah	*Acinonyx jubatus*	N/A	Africa to India	Do	E	3,5	N/A
Colobus, Red	*Colobus badius rufomitratus*	N/A	Kenya	Do	E	4	N/A
Colobus, Zanzibar Red	*Colobus badius kirkii*	N/A	Tanzania (Zanzibar)	Do	E	4	N/A
Cougar, Eastern	*Felis concolor cougar*	N/A	Eastern USA	Do	E	6	N/A
Deer, Bawean	*Helaphus kuhli* (*Cervus kuhli*)	N/A	Indonesia	Do	E	3	N/A
Deer, Brow-antlered, Eld's	*Cervus eldi*	N/A	India, Southeast Asia	Do	E	4	N/A
Deer, Cedros Island Mule	*Odocoileus hemionus cerrosensis*	N/A	Mexico (Cedros Island)	Entire	E	10	N/A
Deer, Columbian White-tailed	*Odocoileus virginianus leucurus*	N/A	USA (Oregon, Washington)	Do	E	1	N/A
Deer, Key	*Odocoileus virginianus clavium*	N/A	USA (Florida)	Do	E	1	N/A
Deer, Marsh	*Blastocerus dichotomus*	N/A	Argentina, Uruguay, Paraguay, Brazil	Do	E	4	N/A
Deer, McNeill's	*Cervus elaphus macneilli*	N/A	China, Tibet	Do	E	4	N/A
Deer, Persian Fallow	*Dama dama mesopotamica*	N/A	Iraq, Iran	Do	E	3	N/A
Deer, Swamp	*Cervus duvaucelli*	N/A	India, Nepal	Do	E	4	N/A
Dibatag (see Gazelle, Clark's)							
Dibbler	*Antechinus apicalis*	N/A	Australia	Do	E	4	N/A
Dog, Asiatic Wild (Dhole)	*Cuon alpinus*	N/A	USSR, India	Do	E	4	N/A
Dugong	*Dugong dugon*	N/A	East Africa to Ryukyu Islands	Do	E	4	N/A
Ferret, Black-footed	*Mustela nigripes*	N/A	Western USA and Western Canada	Do	E	1,3	N/A
Forester, Tasmanian (Kangaroo)	*Macropus giganteus tasmaniensis*	N/A	Australia	Do	E	6	N/A
Fox, Northern Kit	*Vulpes velox hebes*	N/A	Canada	Do	E	3	N/A
Fox, San Joaquin Kit	*Vulpes macrotis mutica*	N/A	USA (California)	Do	E	1	N/A
Gazelle, Clark's (Dibatag)	*Ammodorcas clarkii*	N/A	Somalia, Ethiopia	Do	E	3	N/A
Gazelle, Cuvier's	*Gazella cuvieri*	N/A	Morocco, Tunisia	Do	E	4	N/A
Gazelle, Mhorr	*Gazella dama mhorr*	N/A	Morocco	Do	E	4	N/A
Gazelle, Moroccan (Dorcas)	*Gazella dorcas massacesyla*	N/A	Morocco, Algeria	Do	E	4	N/A
Gazelle, Rio de Oro Dorcas	*Gazella dama lozanoi*	N/A	Spanish Sahara	Do	E	4	N/A
Gazelle, Slender-horned (Rhim)	*Gazella leptoceros*	N/A	Sudan, Algeria, Egypt, Libya	Do	E	4	N/A
Gibbon, Kloss	*Hylobates klossi*	N/A	Indonesia	Do	E	4	N/A
Gibbon, Pileated	*Hylobates pileatus*	N/A	Laos, Thailand, Cambodia	Do	E	4	N/A
Gorilla	*Gorilla gorilla*	N/A	Central and Western Africa	Do	E	4	N/A
Hartebeest, Swayne's	*Alcelaphus buselaphus swayni*	N/A	Ethiopia	Do	E	4	N/A
Hog, Pygmy	*Sus salvanius*	N/A	India Nepal, Bhutan, Sikkim	Do	E	4	N/A
Hyaena, Barbary	*Hyaena hyaena barbara*	N/A	Morocco	Do	E	4	N/A
Hyaena, Brown	*Hyaena brunnea*	N/A	South Africa	Do	E	4	N/A
Ibex, Pyrenean	*Capra pyrenaica pyrenaica*	N/A	Spain	Do	E	3	N/A
Ibex, Walia	*Capra walie*	N/A	Ethiopia	Do	E	3	N/A
Impala, Black-faced	*Aepyceros melampus petersi*	N/A	Southwest Africa, Angola	Do	E	4	N/A
Indris	*Indri* spp (all species)	N/A	Malagasy Republic (Madagascar), Do Comoro I.	Do	E	3,4	N/A
Jaguar	*Panthera onca*	N/A	Central and South America	Do	E	4	N/A
Kangaroo, Eastern Gray (see also Forester, Tasmanian)	*Macropus giganteus* (all subspecies except *tasmaniensis*)	N/A	Australia	Do	T	7	17.40(a)
Kangaroo, Red	*Megalcia rufa*	N/A	Australia	Do	T	7	17.40(a)
Kangaroo, Western Gray	*Macropus fuliginosus*	N/A	Australia	Do	T	7	17.40(a)
Kouprey	*Bos sauveli*	N/A	Cambodia	Do	E	3	N/A
Langur, Douc	*Pygathrix nemaeus*	N/A	Indochina, China (Hainan)	Entire	E	4	N/A
Langur, Pagi Island	*Simias concolor*	N/A	Indonesia	Do	E	4	N/A
Lechwe, Black	*Kobus leche smithemani*	N/A	Zambia	Do	E	4	N/A
Lemurs	*Lemuridae*; all members of the Genera *Lemur*, *Hapalemur*, *Lepilemur*, *Cheirogaleus*, *Microcebus*, *Phaner*	N/A	Malagasy Republic (Madagascar) and Comoro Islands	Do	E	3,4	N/A
Leopard	*Panthera pardus*	N/A	Africa and Asia	Do	E	3,5	N/A
Leopard, Formosan Clouded	*Neofelis nebulosa brachyurus*	N/A	Taiwan	Do	E	4	N/A
Leopard, Snow	*Panthera uncia*	N/A	Central Asia	Do	E	5	N/A
Lion, Asiatic	*Panthera leo persica*	N/A	India	Do	E	3	N/A
Lynx, Spanish	*Felis lynx pardina* (*Felis pardina*)	N/A	Spain	Do	E	3	N/A
Macaque, Lion-tailed	*Macaca silenus*	N/A	India	Do	E	3	N/A
Manatee, Amazonian	*Trichechus inunguis*	N/A	South America: Amazon River Basin	Do	E	3	N/A
Manatee, West Indian (Florida)	*Trichechus manatus*	N/A	USA (Florida), Caribbean, South America	Entire	E	1,3	N/A
Mangabey, Tana River	*Cercocebus galeritus galeritus*	N/A	Kenya	Do	E	3	N/A
Margay	*Felis wiedii*	N/A	Central and South America	Do	E	5	N/A
Marmoset, Goeldi's	*Callimico goeldii*	N/A	Brazil, Colombia, Ecuador, Peru	Do	E	4	N/A
Marmoset, Golden (see Tamarin)							
Marsupial, Eastern Jerboa	*Antechinomys laniger*	N/A	Australia	Do	E	4	N/A
Marsupial-mouse, Long-tailed Desert	*Smithopsis psammophila*	N/A	Australia	Do	E	4	N/A
Marsupial-mouse, Long-tailed	*Smithopsis longicaudata*	N/A	Australia	Do	E	4	N/A
Marten, Formosan Yellow-throated	*Martes flavigula chrysospila*	N/A	Taiwan	Do	E	4	N/A
Monk-seal (See Seal, Mediterranean Monk).							
Monkey, Spider	*Ateles geoffroyi frontatus*	N/A	Costa Rica, Nicaragua	Do	E	3	N/A
Monkey, Spider	*Ateles geoffroyi panamensis*	N/A	Costa Rica, Panama	Do	E	3	N/A
Monkey, Red-backed Squirrel	*Saimiri oerstedii* (*Saimiri sciureus oerstedii*.	N/A	Costa Rica, Panama	Do	E	3	N/A

SPECIES			RANGE				
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Monkey, Woolly Spider	*Brachyteles arachnoides*	N/A	Brazil	Entire	E	4	N/A
Mouse, Field's	*Pseudomys fieldi*	N/A	Australia	Do	E	4	N/A
Mouse, Gould's	*Pseudomys gouldii*	N/A	Do	Do	E	6	N/A
Mouse, New Holland	*Pseudomys novaehollandiae*	N/A	Do	Do	E	4	N/A
Mouse, Salt Marsh Harvest	*Reithrodontomys raviventris*	N/A	USA (California)	Do	E	2	N/A
Mouse, Shark Bay	*Pseudomys praeconis*	N/A	Australia	Do	E	4	N/A
Mouse, Shortridge's	*Pseudomys shortridgei*	N/A	Do	Do	E	4	N/A
Mouse, Smoky	*Pseudomys fumeus*	N/A	Do	Do	E	4	N/A
Mouse, Western	*Pseudomys occidentalis*	N/A	Do	Do	E	4	N/A
Native-cat, Eastern	*Dasyurus viverrinus*	N/A	Do	Do	E	6	N/A
Numbat	*Myrmecobius fasciatus*	N/A	Do	Do	E	6	N/A
Ocelot	*Felis pardalis*	N/A	Central and South America	Do	E	5	N/A
Orangutan	*Pongo pygmaeus*	N/A	Indonesia, Malaysia, Brunei	Entire	E	3	N/A
Oryx, Arabian	*Oryx leucoryx*	N/A	Arabian Peninsula	Do	E	3	N/A
Otter, Cameroon Clawless	*Paraonyx microdon*	N/A	Cameroons	Do	E	4	N/A
Otter, Giant	*Pteronura brasiliensis*	N/A	South America	Do	E	3	N/A
Otter, La Plata	*Lutra platensis*	N/A	Uruguay, Argentina, Bolivia, Brazil	Do	E	4	N/A
Panther, Florida	*Felis concolor coryi*	N/A	USA (Florida)	Do	E	1	N/A
Planigale, Little	*Planigale subtilissima*	N/A	Australia	Do	E	4	N/A
Planigale, Southern	*Planigale tenuirostris*	N/A	Do	Do	E	4	N/A
Porcupine, Thin-spined	*Chaetomys subspinosus*	N/A	Brazil	Do	E	3	N/A
Possum, Mountain Pygmy	*Burramys parvus*	N/A	Australia	Do	E	4	N/A
Possum, Scaly-tailed	*Wyulda squamicaudata*	N/A	Do	Do	E	4	N/A
Prairie Dog, Mexican	*Cynomys mexicanus*	N/A	Mexico	Do	E	4	N/A
Prairie Dog, Utah	*Cynomys parvidens*	N/A	USA (Utah)	Entire	E	6	N/A
Pronghorn, Peninsular	*Antilocapra americana peninsularis*	N/A	Mexico (Baja California)	Do	E	10	N/A
Pronghorn, Sonoran	*Antilocapra americana sonoriensis*	N/A	USA (Arizona) Mexico	Do	E	1,3	N/A
Quokka	*Setonix brachyurus*	N/A	Australia	Do	E	6	N/A
Rabbit, Volcano	*Romerolagus diazi*	N/A	Mexico	Do	E	4	N/A
Rat, Morro Bay Kangaroo	*Dipodomys heermanni morroensis*	N/A	USA (California)	Do	E	2	N/A
Rat, Stick-nest	*Leporillus conditor*	N/A	Australia	Do	E	6	N/A
Rat, False Water	*Xeromys myoides*	N/A	Do	Do	E	4	N/A
Rat-kangaroo, Brush-tailed	*Bettongia penicillata*	N/A	Do	Do	E	4	N/A
Rat-kangaroo, Gaimard's	*Bettongia gaimardi*	N/A	Do	Do	E	6	N/A
Rat-kangaroo, Hesueur's	*Bettongia lesueur*	N/A	Do	Do	E	4	N/A
Rat-kangaroo, Plain	*Cataprymnus campestris*	N/A	Do	Do	E	4	N/A
Rat-kangaroo, Queensland	*Bettongia tropica*	N/A	Australia	Entire	E	4	N/A
Rhim (see Gazelle, Slender-horned)							
Rhinoceros, Great Indian	*Rhinoceros unicornis*	N/A	India, Nepal	Do	E	4	N/A
Rhinoceros, Javan	*Rhinoceros sondaicus*	N/A	Indonesia, Burma, Thailand	Do	E	3	N/A
Rhinoceros, Northern White	*Ceratotherium simum cottoni*	N/A	Zaire, Uganda, Sudan, Central African Republic	Do	E	4	N/A
Rhinoceros, Sumatran	*Didermoceros sumatrensis*	N/A	Bangladesh to Viet-Nam to Indonesia (Borneo)	Do	E	3	N/A
Saki, White-nosed	*Chiropotes albinasus*	N/A	Brazil	Do	E	4	N/A
Seal, Mediterranean Monk	*Monachus monachus*	N/A	Mediterranean, Northwest African Coast and Black Sea.	Do	E	3	N/A
Seledang (Gaur)	*Bos gaurus*	N/A	India, Southeast Asia, Bangladesh.	Do	E	4	N/A
Serval, Barbary	*Felis serval constantina*	N/A	Algeria	Do	E	4	N/A
Shou	*Cervus elaphus wallichi*	N/A	Tibet, Bhutan	Do	E	4	N/A
Sifakas	*Propithecus* spp. (all species)	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A
Sloth, Brazilian Three-toed	*Bradypus torquatus*	N/A	Brazil	Do	E	4	N/A
Snow Leopard (see Leopard)							
Solenodon, Cuban	*Atopogale cubana*	N/A	Cuba	Do	E	4	N/A
Solenodon, Haitian	*Solenodon paradoxus*	N/A	Dominican Republic, Haiti	Do	E	4	N/A
Squirrel, Delmarva Peninsula Fox	*Sciurus niger cinereus*	N/A	USA (Maryland)	Do	E	1	N/A
Stag, Barbary	*Cervus elaphus barbarus*	N/A	Tunisia, Algeria	Do	E	3	N/A
Stag, Kashmir	*Cervus elaphus hanglu*	N/A	India (Kashmir)	Do	E	3	N/A
Tamaraw	*Anoa mindorensis*	N/A	Philippines	Do	E	4	N/A
Tamarin, Golden-rumped (Golden-headed Tamarin; Golden-lion Marmoset)	*Leontideus* spp. (all species)	N/A	Brazil	Do	E	3	N/A
Tapir, Brazilian	*Tapirus terrestris*	N/A	Venezuela, Argentina, Brazil, Colombia	Do	E	4	N/A
Tapir, Central American	*Tapirus bairdii*	N/A	Southern Mexico to Colombia and Ecuador	Do	E	4	N/A
Tapir, Mountain	*Tapirus pinchaque*	N/A	Colombia	Do	E	4	N/A
Thylacine (See Tiger, Tasmanian)							
Tiger	*Panthera tigris*	N/A	Temperate and Tropical Asia	Entire	E	3,5	N/A
Tiger, Tasmanian (Thylacine)	*Thylacinus cynocephalus*	N/A	Australia	Do	E	3	N/A
Uakari	*Cacajao* spp. (all species)	N/A	Peru, Colombia, Brazil, Venezuela, Ecuador	Do	E	3	N/A
Vicuna	*Vicugna vicugna*	N/A	Peru, Bolivia, Argentina	Do	E	3	N/A
Wallaby, Banded Hare	*Lagostrophus fasciatus*	N/A	Australia	Do	E	4	N/A
Wallaby, Brindled Nail-tail	*Onychogalea frenata*	N/A	Do	Do	E	4	N/A
Wallaby, Crescent Nail-tail	*Onychogalea lunata*	N/A	Do	Do	E	4	N/A
Wallaby, Parma	*Macropus parma*	N/A	Do	Do	E	4	N/A
Wallaby, Western Hare	*Lagorchestes hirsutus*	N/A	Do	Do	E	4	N/A
Wallaby, Yellow-footed Rock	*Petrogale xanthopus*	N/A	Do	Do	E	6	N/A
Whale, Blue	*Balaenoptera musculus*	N/A	Oceanic	Do	E	4	N/A
Whale, Bowhead	*Balaena mysticetus*	N/A	Oceanic	Entire	E	4	N/A
Whale, Finback	*Balaenoptera physalus*	N/A	Do	Do	E	4	N/A
Whale, Gray	*Eschrichtius gibbosus*	N/A	Do	Do	E	4	N/A
Whale, Humpback	*Megaptera novaeangliae*	N/A	Do	Do	E	4	N/A
Whale, Right	*Eubalaena* spp (all species)	N/A	Do	Do	E	4	N/A
Whale, Sei	*Balaenoptera borealis*	N/A	Do	Do	E	4	N/A
Whale, Sperm	*Physeter catodon*	N/A	Do	Do	E	4	N/A
Wolf, Eastern Timber	*Canis lupus lycaon*	N/A	USA (Minnesota, Michigan), Eastern Canada	Do	E	1	N/A
Wolf, Maned	*Chrysocyon brachyurus*	N/A	Argentina, Bolivia, Brazil, Paraguay.	Do	E	4	N/A
Wolf, Northern Rocky Mountain	*Canis lupus irremotus*	N/A	USA (Wyoming, Montana)	Do	E	6	N/A
Wolf, Red	*Canis rufus*	N/A	USA (Texas, Louisiana)	Do	E	2	N/A
Wombat, Barnard's	*Lasiorhinus barnardi*	N/A	Australia	Do	E	4	N/A
Wombat, Queensland Hairy-nosed	*Lasiorhinus gillespiei*	N/A	Australia	Do	E	6	N/A
Yak, Wild	*Bos grunniens mutus*	N/A	Tibet, India	Entire	E	4	N/A

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SPECIES			RANGE				
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
BIRDS:							
Akepa, Hawaii (Honeycreeper)	*Loxops coccinea coccinea*	N/A	USA (Hawaii)	Entire	E	2	N/A
Akepa, Maui (Honeycreeper) (Akepaupe)	*Loxops coccinea ochracea*	N/A	USA (Hawaii)	Entire	E	2	N/A
Akialoa, Kauai (Honeycreeper)	*Hemignathus procerus*	N/A	USA (Hawaii)	Entire	E	1	N/A
Akiapolaau (Honeycreeper)	*Hemignathus wilsoni*	N/A	USA (Hawaii)	Entire	E	1	N/A
Albatross, Shortnailed	*Diomedea albatrus*	N/A	Japan	Entire	E	3	N/A
Bobwhite, Masked (quail)	*Colinus virginianus ridgwayi*	N/A	USA (Arizona, New Mexico, Northern Mexico	Entire	E	1, 3	N/A
Bristlebird, Western (Flycatcher)	*Dasyornis brachypterus longirostris*	N/A	Australia	Entire	E	1	N/A
Bulbul, Mauritius Olivaceous	*Hypsipetes borbonicus olivaceus*	N/A	Mauritius	Entire	E	3	N/A
Bullfinch, Sao Miguel (Finch)	*Pyrrhula pyrrhula murina*	N/A	Eastern Atlantic Ocean: Portugal (Azores)	Entire	E	3	N/A
Bustard, Great Indian	*Choriotis nigriceps*	N/A	India, Pakistan	Entire	E	3	N/A
Cahow (Bermuda Petrel)	*Pterodroma cahow*	N/A	Western Atlantic Ocean: Bermuda	Entire	E	4	N/A
Condor, Andean	*Vultur gryphus*	N/A	Colombia to Chile and Argentina	Entire	E	4	N/A
Condor, California	*Gymnogyps californianus*	N/A	USA (California)	Entire	E	1	N/A
Coot, Hawaiian	*Fulica americana alai*	N/A	USA (Hawaii)	Entire	E	2	N/A
Crane, Hooded	*Grus monacha*	N/A	Japan, USSR	Entire	E	4	N/A
Crane, Japanese	*Grus japonensis*	N/A	China, Japan, Korea, USSR	Entire	E	4	N/A
Crane, Mississippi Sandhill	*Grus canadensis pulla*	N/A	USA (Mississippi)	Entire	E	6	N/A
Crane, Siberian White	*Grus leucogeranus*	N/A	Siberia to India	Entire	E	4	N/A
Crane, Whooping	*Grus americana*	N/A	Canada, USA	Entire	E	1, 3	N/A
Creeper, Hawaii	*Loxops maculata mana*	N/A	USA (Hawaii)	Entire	E	10	N/A
Creeper, Molokai (Kakawahie) (Honeycreeper)	*Loxops maculata flammea*	N/A	USA (Hawaii)	Entire	E	2	N/A
Creeper, Oahu (Alauwahio) (Honeycreeper)	*Loxops maculata maculata*	N/A	USA (Hawaii)	Entire	E	2	N/A
Crow, Hawaiian (Alala)	*Corvus tropicus*	N/A	USA (Hawaii)	Entire	E	1	N/A
Cuckoo-shrike, Mauritius	*Coracina typica*	N/A	Mauritius	Entire	E	3	N/A
Cuckoo-shrike Reunion	*Coracina newtoni*	N/A	Indian Ocean: France (Reunion I.)	Entire	E	3	N/A
Curassow, Red-billed	*Crax blumenbachii*	N/A	Brazil	Entire	E	4	N/A
Curassow, Trinidad White-headed	*Pipile pipile pipile*	N/A	West Indies: Trinidad	Entire	E	3	N/A
Curlew, Eskimo	*Numenius borealis*	N/A	Canada to Argentina	Entire	E	1, 3	N/A
Dove, Cloven-feathered	*Drepanoptila holosericea*	N/A	Southwest Pacific Ocean: New Caledonia	Entire	E	4	N/A
Dove, Grenada	*Leptotila wellsi*	N/A	West Indies: Grenada	Entire	E	4	N/A
Dove, Palau Ground	*Gallicolumba canifrons*	N/A	West Pacific Ocean: Palau Islands	Entire	E	4	N/A
Duck, Hawaiian (Koloa)	*Anas wyvilliana*	N/A	USA (Hawaii)	Entire	E	1	N/A
Duck, Laysan	*Anas laysanensis*	N/A	USA (Hawaii)	Entire	E	1	N/A
Duck, Mexican	*Anas diazi*	N/A	USA (Texas, Arizona), Mexico	Entire	E	1	N/A
Duck, White-winged Wood	*Cairina scutulata*	N/A	India, Burma, Thailand, Malaysia, Indonesia	Entire	E	3	N/A
Eagle, Monkeyeating	*Pithecophaga jefferyi*	N/A	Philippines	Entire	E	3	N/A
Eagle, Southern Bald	*Haliaeetus leucocephalus leucocephalus*	N/A	USA (South of the 40th Parallel)	Entire	E	1	N/A
Eagle, Spanish Imperial	*Aquila heliaca adalberti*	N/A	Spain, Morocco, Algeria	Entire	E	4	N/A
Egret, Chinese	*Egretta eulophotes*	N/A	China, Korea	Entire	E	4	N/A
Falcon, American Peregrine	*Falco peregrinus anatum*	N/A	Canada, USA, Mexico	Entire	E	2, 3	N/A
Falcon, Arctic Peregrine	*Falco peregrinus tundrius*	N/A	Canada, USA, Greenland to South America	Entire	E	2, 4	N/A
Finches, Laysan and Nihoa (Honeycreepers)	*Psittirostra cantans*	N/A	USA (Hawaii)	Entire	E	1	N/A
Flycatcher, Chatham Island Robin	*Petroica traversi*	N/A	New Zealand	Entire	E	4	N/A
Flycatcher, Euler's (Tyrant)	*Empidonax euleri johnstonei*	N/A	West Indies: Grenada	Entire	E	3	N/A
Flycatcher, Grey-necked Rock-fowl	*Picathartes oreas*	N/A	Cameroon	Entire	E	3	N/A
Flycatcher, Palau Fantail	*Rhipidura lepida*	N/A	West Pacific Ocean: Palau Islands	Entire	E	4	N/A
Flycatcher, Scarlet-breasted Robin (Tyrant)	*Petroica multicolor multicolor*	N/A	Australia (Norfolk I.)	Entire	E	3	N/A
Flycatcher, Seychelles Black	*Terpsiphone corvina*	N/A	Indian Ocean: Seychelles	Entire	E	4	N/A
Flycatcher, Tahiti	*Pomarea nigra nigra*	N/A	South Pacific Ocean: Tahiti	Entire	E	3	N/A
Flycather, White-necked Rock-fowl	*Picathartes gymnocephalus*	N/A	Africa: Togo to Sierra Leone	Entire	E	3	N/A
Fody, Seychelles (Weaver-finch)	*Foudia sechellarum*	N/A	Indian Ocean: Seychelles	Entire	E	3	N/A
Gallinule, Hawaiian	*Gallinula chloropus sandvicensis*	N/A	USA (Hawaii)	Entire	E	1	N/A
Goose, Aleutian Canada	*Branta canadensis leucopareia*	N/A	Western USA, Japan	Entire	E	1, 4	N/A
Goose, Hawaiian (Nene)	*Branta sandvicensis*	N/A	USA (Hawaii)	Entire	E	1	N/A
Goshawk, Christmas Island	*Accipiter fasciatus natalis*	N/A	Indian Ocean: Australia (Christmas I.)	Entire	E	3	N/A
Grackle, Slender-billed	*Cassidix palustris*	N/A	Mexico	Entire	E	4	N/A
Grass-wren, Eyrean (Flycatcher)	*Amytornis goyderi*	N/A	Australia	Entire	E	4	N/A
Grebe, Atitlan	*Podilymbus gigas*	N/A	Guatemala	Entire	E	3	N/A
Guan, Horned	*Oreophasis derbianus*	N/A	Guatemala, Mexico	Entire	E	3	N/A
Gull, Audouin's	*Larus audouinii*	N/A	Mediterranean Sea and adjacent lands	Entire	E	3	N/A
Hawk, Anjouan Island Sparrow	*Accipiter francesii pusillus*	N/A	Indian Ocean: Comoro Islands	Entire	E	3	N/A
Hawk, Galapagos	*Buteo galapagoensis*	N/A	Ecuador (Galapagos Islands)	Entire	E	3	N/A
Hawk, Hawaiian (Io)	*Buteo solitarius*	N/A	USA (Hawaii)	Entire	E	1	N/A
Honeycreeper, Crested (Akohekohe)	*Palmeria dolei*	N/A	USA (Hawaii)	Entire	E	1	N/A
Honeyeater, Helmeted	*Meliphaga cassidix*	N/A	Australia	Entire	E	4	N/A
Ibis, Japanese Crested	*Nipponia nippon*	N/A	China, Japan, Korea, USSR	Entire	E	3	N/A
Kagu (Rail)	*Rhynochetos jubatus*	N/A	Southwest Pacific Ocean: New Caledonia	Entire	E	3	N/A
Kakapo (Owl Parrot)	*Strigops habroptilus*	N/A	New Zealand	Entire	E	4	N/A
Kestrel, Mauritius	*Falco punctatus*	N/A	Mauritius	Entire	E	3	N/A
Kestrel, Seychelles	*Falco araea*	N/A	Indian Ocean: Seychelles	Entire	E	3	N/A
Kite, Cuba Hook-billed	*Chondrohierax wilsonii*	N/A	Cuba	Entire	E	4	N/A
Kite, Grenada Hook-billed	*Chondrohierax uncinatus mirus*	N/A	West Indies: Grenada	Entire	E	4	N/A
Kite, Florida Everglade (Snail Kite)	*Rostrhamus sociabilis plumbeus*	N/A	USA (Florida)	Entire	E	1	N/A
Kokako (Wattlebird)	*Callaeas cinerea*	N/A	New Zealand	Entire	E	3	N/A
Magpie-robin, Seychelles (Thrush)	*Copsychus sechellarum*	N/A	Indian Ocean: Seychelles	Entire	E	3	N/A
Malkoha, Redface	*Phaenicophaeus pyrrhocephalus*	N/A	Sri Lanka	Entire	E	3	N/A
Megapode, La Perouse's	*Megapodius laperouse*	N/A	Western Pacific Ocean: Palau Islands, Mariana Islands	Entire	E	4	N/A

SPECIES			RANGE				
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Megapode, Maleo	*Macrocephalon maleo*	N/A	Indonesia (Celebes)	Entire	E	4	N/A
Millerbird, Nihoa (Warbler)	*Acrocephalus kingi*	N/A	USA (Hawaii)	Do	E	1	N/A
Monals (see Pheasant)							
Monarch, Tinian (Tyrant Flycatcher)	*Monarcha takatsukasae*	N/A	Western Pacific Ocean: Manana Islands (Tinian)	Do	E	3	N/A
Nukupuus, Kauai & Maui (Honeycreeper)	*Hemignathus lucidus*	N/A	USA (Hawaii)	Do	E	2	N/A
Oo, Kauai (Oo Aa) (Honeyeater)	*Moho braccatus*	N/A	USA (Hawaii)	Do	E	1	N/A
Ostrich, Arabian	*Struthio camelus syriacus*	N/A	Jordan, Saudi Arabia	Do	E	3	N/A
Ostrich, West African	*Struthio camelus spatzi*	N/A	Spanish Sahara	Do	E	4	N/A
Ou (Honeycreeper)	*Psittirostra psittacea*	N/A	USA (Hawaii)	Do	E	1	N/A
Owl, Anjouan Scops	*Otus rutilus capnodes*	N/A	Indian Ocean: Comoro Islands	Do	E	3	N/A
Owl, Palau	*Otus podargina*	N/A	Western Pacific Ocean: Palau Islands	Entire	E	4	N/A
Owl, Seychelles	*Otus insularis*	N/A	Indian Ocean: Seychelles	Do	E	3	N/A
Owlet, Mrs. Morden's	*Otus irenaee*	N/A	Kenya	Do	E	3	N/A
Palila (Honeycreeper)	*Psittirostra bailleui*	N/A	USA (Hawaii)	Do	E	1	N/A
Parakeet, Forbes'	*Cyanoramphus auriceps forbesi*	N/A	New Zealand	Do	E	4	N/A
Parakeet, Golden-shoulderd	*Psephotus chrysopterygius*	N/A	Australia	Do	E	4	N/A
Parakeet, Mauritius Ringnecked	*Psittacula krameri echo*	N/A	Mauritius	Do	E	4	N/A
Parakeet, Ochre-marked	*Pyrrhura cruentata*	N/A	Brazil	Do	E	4	N/A
Parakeet, Orange-bellied	*Neophema chrysogaster*	N/A	Australia	Do	E	4	N/A
Parakeet, Paradise	*Psephotus pulcherrimus*	N/A	Australia	Do	E	4	N/A
Parakeet, Scarlet-chested	*Neophema splendida*	N/A	Australia	Entire	E	4	N/A
Parakeet, Turquoise	*Neophema pulchella*	N/A	Australia	Do	E	4	N/A
Parrot, Bahamas	*Amazona leucocephala bahamensis*	N/A	Western Atlantic Ocean: Bahamas	Do	E	3	N/A
Parrot, Ground	*Pezoporus wallicus*	N/A	Australia	Do	E	6	N/A
Parrot, Imperial	*Amazona imperialis*	N/A	West Indies: Dominica	Do	E	4	N/A
Parrot, Night	*Geopsittacus occidentalis*	N/A	Australia	Do	E	3	N/A
Parrot, Puerto Rican	*Amazona vittata*	N/A	USA (Puerto Rico)	Do	E	1	N/A
Parrot, Red-browed	*Amazona rhodocorytha*	N/A	Brazil	Do	E	4	N/A
Parrot, St. Lucia	*Amazona versicolor*	N/A	West Indies: St. Lucia	Do	E	4	N/A
Parrot, St. Vincent	*Amazona guildingii*	N/A	West Indies: St. Vincent	Do	E	4	N/A
Parrot, Thick-billed	*Rhynchopsitta pachyrhyncha*	N/A	Mexico, USA (Arizona, New Mexico)	Entire	E	3	N/A
Parrotbill, Maui (Honeycreeper)	*Pseudonestor xanthophrys*	N/A	USA (Hawaii)	Do	E	1	N/A
Pelican, Brown	*Pelecanus occidentalis*	N/A	USA, West Indies, Central and South America: Coastal	Do	E	2, 4	N/A
Penguin, Galopagos	*Spheniscus mendiculus*	N/A	Ecuador (Galapagos Islands)	Do	E	2, 4	N/A
Petrel, Hawaiian Dark-rumped	*Pterodroma phaeopygia sandwichensis*	N/A	USA (Hawaii)	Do	E	1	N/A
Pheasant, Bar-tailed	*Syrmaticus humiae*	N/A	Burma, China	Do	E	3	N/A
Pheasant, Blyth's Tragopan	*Tragopan blythii*	N/A	Burma, China, India	Do	E	3	N/A
Pheasant, Brown-eared	*Crossoptilon mantchuricum*	N/A	China	Do	E	3	N/A
Pheasant, Cabot's Tragopan	*Tragopan caboti*	N/A	China	Do	E	3	N/A
Pheasant, Chinese Monal	*Lophophorus thuysii*	N/A	China	Do	E	3	N/A
Pheasant, Edward's	*Lophura edwardsi*	N/A	Vietnam	Entire	E	3	N/A
Pheasant, Imperial	*Lophura imperialis*	N/A	Vietnam	Do	E	3	N/A
Pheasant, Mikado	*Syrmaticus mikado*	N/A	Taiwan	Do	E	4	N/A
Pheasant, Palawan Peacock	*Polyplectron emphanum*	N/A	Philippines	Do	E	3	N/A
Pheasant, Sclater's Monal	*Lophophorus sclateri*	N/A	Burma, China, India	Do	E	3	N/A
Pheasant, Swinhoe's	*Lophura swinhoii*	N/A	Taiwan	Do	E	3	N/A
Pheasant, Western Tragopan	*Tragopan melanocephalus*	N/A	India, Pakistan	Do	E	3	N/A
Pheasant, White-eared	*Crossoptilon crossoptilon*	N/A	China (Tibet), India	Do	E	4	N/A
Pigeon, Azores Wood	*Columba palumbus azorica*	N/A	East Atlantic Ocean: Portugal (Azores)	Do	E	3	N/A
Pigeon, Chatham Island	*Hemiphaga novaeseelandiae chathamensis*	N/A	New Zealand	Do	E	4	N/A
Pigeon, Puerto Rican Plain	*Columba inornata wetmorei*	N/A	USA (Puerto Rico)	Entire	E	2	N/A
Pioplo (Wattlebird)	*Turnagra capensis*	N/A	Indian Ocean: France (Reunion Island)	Do	E	3	N/A
Prairie Chicken, Attwater's Greater	*Tympanuchus cupido attwateri*	N/A	USA (Texas)	Do	E	1	N/A
Plover, New Zealand Shore	*Thinornis novae-seelandiae*	N/A	New Zealand	Do	E	4	N/A
Po'o Uli	*Melamprosops phaeosoma*	N/A	USA (Hawaii)	Do	E	10	N/A
Rail, Ankland Island	*Rallus pectoralis muelleri*	N/A	New Zealand	Do	E	3	N/A
Rail, California Clapper	*Rallus longirostris obsoletus*	N/A	USA (California)	Do	E	2	N/A
Rail, Light-footed Clapper	*Rallus longirostris levipes*	N/A	Mexico, USA (California)	Do	E	2	N/A
Rail, Yuma Clapper	*Rallus longirostris yumanensis*	N/A	Mexico, USA (Arizona, California)	Do	E	1	N/A
Rhea, Darwin's	*Pterocnemia pennata*	N/A	Argentina, Bolivia, Peru, Uruguay	Do	E	4	N/A
Roller, Long-tailed Ground	*Uratelornis chimaera*	N/A	Malagasy Republic (Madagascar)	Entire	E	4	N/A
Scrub-bird, Noisy	*Atrichornis clamosus*	N/A	Australia	Do	E	3	N/A
Shama, Cebu Black (Thrush)	*Copsychus niger cebuensis*	N/A	Philippines	Do	E	3	N/A
Shearwater, Newell's Manx	*Puffinus puffinus newelli*	N/A	USA (Hawaii)	Do	T	10	N/A
Sparrow, Cape Sable	*Ammospiza maritima mirabilis*	N/A	USA (Florida)	Do	E	1	N/A
Sparrow, Dusky Seaside	*Ammospiza maritima nigrescens*	N/A	USA (Florida)	Do	E	1	N/A
Sparrow, Santa Barbara	*Melospiza melodia graminea*	N/A	USA (California)	Do	E	6	N/A
Starling, Ponape Mountain	*Aplonis pelzelni*	N/A	Western Pacific Ocean: Caroline Islands (Ponape)	Do	E	4	N/A
Starling, Rothschild's (Myna)	*Leucopsar rothschildi*	N/A	Indonesia (Bali)	Do	E	4	N/A
Stilt, Hawaiian	*Himantopus himantopus knudseni*	N/A	USA (Hawaii)	Do	E	2	N/A
Stork, White Oriental	*Ciconia ciconia boyciana*	N/A	China, Japan, Korea, USSR	Entire	E	4	N/A
Tern, California Least	*Sterna albifrons browni*	N/A	Mexico, USA	Do	E	2, 4	N/A
Thrasher, White-breasted	*Ramphocinclus brachyurus*	N/A	West Indies: Martinique, St. Lucia	Do	E	3	N/A
Thrush, Large Kauai	*Phaeornis obscurus myadestina*	N/A	USA (Hawaii)	Do	E	2	N/A
Thrush, Molokai (Olomau)	*Phaeornis obscurus rutha*	N/A	USA (Hawaii)	Do	E	2	N/A
Thrush, Small Kauai (Pualohi)	*Phaeornis palmeri*	N/A	USA (Hawaii)	Do	E	1	N/A
Tragopans (see Pheasants)							
Trembler, Martinique Brown	*Cinclocerthia ruficauda gutturalis*	N/A	West Indies: Martinique	Do	E	3	N/A
Wanderer, Plain	*Pedionomus torquatus*	N/A	Australia	Do	E	6	N/A
Warbler (Wood), Bachman's	*Vermivora bachmanii*	N/A	Cuba, USA (Southeastern)	Do	E	1, 4	N/A
Warbler (Wood), Barbados Yellow	*Dendroica petechia petechia*	N/A	West Indies Barbados	Entire	E	4	N/A
Warbler, (Wood) Kirtland's	*Dendroica kirtlandii*	N/A	USA, West Indies: Bahamas	Do	E	1, 4	N/A
Warbler, Reed	*Acrocephalus luscinia*	N/A	Western Pacific Ocean: Mariana Islands	Do	E	3	N/A
Warbler, Rodrigues	*Bebrornis rodericanus*	N/A	Mauritius (Rodrigues I.)	Do	E	3	N/A
Warbler, Semper's	*Leucopeza semperi*	N/A	West Indies: St. Lucia	Do	E	3	N/A

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SPECIES			RANGE				
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Warbler, Seychelles	*Bebrornis sechellensis*	N/A	Indian Ocean: Seychelles	Do	E	3	N/A
Whipbird, Western (Tarnish)	*Psophodes nigrogularis*	N/A	Australia	Do	E	4	N/A
Whip-poor-will, Puerto Rican	*Caprimulgus noctitherus*	N/A	USA (Puerto Rico)	Do	E	6	N/A
White-eye, Ponape Great	*Rukia sanfordi*	N/A	Western Pacific Ocean: Caroline Islands (Ponape)	Do	E	4	N/A
White-eye, Seychelles	*Zosterops modestus*	N/A	Indian Ocean: Seychelles	Do	E	4	N/A
Woodpecker, Imperial	*Campephilus imperialis*	N/A	Mexico	Entire	E	3	N/A
Woodpecker, Ivory-billed	*Campephilus principalis*	N/A	Cuba; USA (South Central and Southeast)	Do	E	1, 3	N/A
Woodpecker, Red-cockaded	*Dendrocopos borealis*	N/A	USA (South Central and Southeast)	Do	E	2	N/A
Woodpecker, Tristram's	*Dryocopus javensis richardsi*	N/A	Korea	Do	E	3	N/A
Wren, Guadeloupe House	*Troglodytes aedon guadeloupensis*	N/A	West Indies: Guadeloupe	Do	E	3	N/A
Wren, New Zealand Bush	*Xenicus longipes*	N/A	New Zealand	Do	E	3	N/A
Wren, St. Lucia	*Troglodytes aedon mesoleucus*	N/A	West Indies: St. Lucia	Do	E	3	N/A
REPTILES:							
Alligator, American	*Alligator mississippiensis*	Wherever found in the wild, except in Cameron, Vermilion, and Calcasieu Parishes in Louisiana.	Southeastern USA	Entire	E	11	N/A
Alligator, American	*Alligator mississippiensis*	In the wild in Cameron, Vermilion, and Calcasieu Parishes in Louisiana	USA (Cameron, Vermilion, Calcasieu Parishes in Louisiana)	N/A	T(S/A)	11	17.42(a)
Alligator, American	*Alligator mississippiensis*	In captivity, wherever found	Worldwide	N/A	T(S/A)	11	N/A
Boa, Puerto Rican	*Epicrates inornatus*	N/A	Puerto Rico	Entire	E	2	N/A
Boa, Jamaican	*Epicrates subflavus*	N/A	Jamaica	Entire	E	1	N/A
Crocodile, American	*Crocodylus acutus*	Florida	USA (South Florida and Florida Keys)	Entire	E	10	N/A
Crocodile, Cuban	*Crocodylus rhombifer*	N/A	Cuba	Entire	E	4	N/A
Crocodile, Morelet's	*Crocodylus moreletii*	N/A	Mexico, British Honduras	Entire	E	4	N/A
Crocodile, Nile	*Crocodylus niloticus*	N/A	Africa	Entire	E	4	N/A
Crocodile, Orinoco	*Crocodylus intermedius*	N/A	South America: Orinoco River Basin	Entire	E	1	N/A
Gavial (Gharial	*Gavialis gangeticus*	N/A	Pakistan, India, Burma, Bangladesh	Entire	E	4	N/A
Gecko, Day	*Phelsuma inexpectata*	N/A	Mauritius	Entire	E	4	N/A
Gecko, Round Island Day	*Phelsuma guentheri*	N/A	Do	Entire	E	4	N/A
Iguana, Anegada Ground	*Cyclura pinguis*	N/A	Virgin Islands: Anegada Island	Entire	E	3	N/A
Iguana, Barrington Land	*Conolophus pallidus*	N/A	Ecuador: Galapagos Islands	Entire	E	4	N/A
Lizard, Blunt-nosed Leopard	*Crotaphytus silus*	N/A	USA: California	Entire	E	1	N/A
Snake, San Francisco Garter	*Thamnophis sirtalis tetrataenia*	N/A	USA: California	Entire	E	1	N/A
Terrapin, River (Painted)	*Batagur baska*	N/A	Burma, India, Indonesia, Malaysia, Bangladesh	Entire	E	1	N/A
Tortoise, Galapagos	*Testudo elephantopus*	N/A	Ecuador: Galapagos Islands	Entire	E	4	N/A
Tortoise, Madagascar Radiated	*Testudo radiata*	N/A	Madagascar Republic (Madagascar)	Entire	E	4	N/A
Tortoise, Short-necked or Swamp	*Pseudomydura umbrina*	N/A	Australia	Entire	E	1	N/A
Tuatara	*Sphenodon punctatus*	N/A	New Zealand	Entire	E	4	N/A
Turtle, Aquatic Box	*Terrepene coahuila*	N/A	Mexico	Entire	E	6	N/A
Turtle, Atlantic Ridley	*Lepidochelys kempii*	N/A	Do	Entire	E	4	N/A
Turtle, Hawksbill	*Eretmochelys imbricata*	N/A	Tropical Seas	Entire	E	3	N/A
Turtle, Leatherback	*Dermochelys coriacea*	N/A	Tropical and Temperate Seas	Entire	E	3	N/A
Turtle, South American	*Podocnemis expansa*	N/A	South America: Orinoco and Amazon River Basins	Entire	E	3	N/A
Turtle, South American	*Podocnemis unifilis*	N/A	Do	Entire	E	1	N/A
Yacare (Caiman)	*Caiman yacare*	N/A	Bolivia, Argentina, Peru, Brazil	Entire	E	3	N/A
AMPHIBIANS:							
Frog, Israel Painted	*Discoglossus nigriventer*	N/A	Israel	Entire	E	1	N/A
Frog, Stephen Island	*Leiopelma hamiltoni*	N/A	New Zealand	Do	E	4	N/A
Salamander, Desert Slender	*Batrachosaps aridus*	N/A	USA (California)	Do	E	5	N/A
Salamander, Santa Cruz Long-toed	*Ambystoma macrodactylum croceum*	N/A	Do	Do	E	1	N/A
Salamander, Texas Blind	*Typhlomolge rathbuni*	N/A	USA (Texas)	Do	E	1	N/A
Toad, Houston	*Bufo houstonensis*	N/A	Do	Do	E	2	N/A
FISHES:							
Ala Balik	*Salmo platycephalus*	N/A	Turkey	Entire	E	3	N/A
Aynmodoki	*Hemitrapha curta*	N/A	Japan	Do	E	3	N/A
Blindcat, Mexican	*Prietella phreatophila*	N/A	Mexico	Do	E	3	N/A
Bonytail, Pahranagat	*Gila robusta jordani*	N/A	USA (Nevada)	Do	E	2	N/A
Catfish	*Pangasius sanitwongsei*	N/A	Thailand	Do	E	3	N/A
Catfish, Giant	*Pangasianodon gigas*	N/A	Do	Do	E	3	N/A
Chub, Humpback	*Gila cypha*	N/A	USA (Arizona, Utah, Wyoming)	Do	E	1	N/A
Chub, Mohave	*Siphateles mohavensis*	N/A	USA (California)	Do	E	2	N/A
Cisco	*Acanthaxidius handlirschi*	N/A	Turkey	Do	E	3	N/A
Cisco, Longjaw	*Coregonus alpenae*	N/A	USA (Lakes Michigan, Huron, and Erie)	Do	E	1	N/A
Cui-ui	*Chasmistes cujus*	N/A	USA (Nevada)	Do	E	1	N/A
Dace, Kendall Warm Springs	*Rhinichthys osculus thermalis*	N/A	USA (Wyoming)	Do	E	2	N/A
Dace, Moapa	*Moapa coriacea*	N/A	USA (Nevada)	Do	E	1	N/A
Darter, Bayou	*Etheostoma rubrum*	N/A	USA (Mississippi)	Do	T	10	N/A
Darter, Fountain	*Etheostoma fonticola*	N/A	USA (Texas)	Entire	E	2	N/A
Darter, Maryland	*Etheostoma sellare*	N/A	USA (Maryland)	Do	E	1	N/A
Darter, Okaloosa	*Etheostoma okaloosae*	N/A	USA (Florida)	Do	E	6	N/A
Darter, Watercress	*Etheostoma nuchale*	N/A	USA (Alabama)	Do	E	2	N/A
Gambusia, Big Bend	*Gambusia gaigei*	N/A	USA (Texas)	Do	E	1	N/A
Gambusia, Clear Creek	*Gambusia heterochir*	N/A	Do	Do	E	1	N/A
Gambusia, Pecos	*Gambusia nobilis*	N/A	Do	Do	E	2	N/A
Killifish, Pahrump	*Empetrichthys latos*	N/A	USA (Nevada)	Do	E	1	N/A
Madtom, Scioto	*Noturus trautmani*	N/A	USA (Ohio)	Do	E	10	N/A

SPECIES			RANGE				
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Threatened or Endangered	Status	When Listed	Special Rules
Nekogigi	*Coreobagrus ichikawai*	N/A	Japan	Do	E	3	N/A
Pike, Blue	*Stizostedion vitreum glaucum*	N/A	USA (Lakes Erie and Ontario)	Do	E	1	N/A
Pupfish, Comanche Springs	*Cyprinodon elegans*	N/A	USA (Texas)	Do	E	1	N/A
Pupfish, Devil's Hole	*Cyprinodon diabolis*	N/A	USA (Nevada)	Do	E	1	N/A
Pupfish, Owens River	*Cyprinodon radiosus*	N/A	USA (California)	Do	E	1	N/A
Pupfish, Tecopa	*Cyprinodon nevadensis calidae*	N/A	USA (California)	Do	E	2	N/A
Pupfish, Warm Springs	*Cyprinodon nevadensis pectoralis*	N/A	USA (Nevada)	Do	E	2	N/A
Squawfish, Colorado River	*Ptychocheilus lucius*	N/A	USA (Colorado River System)	Do	E	1	N/A
Stickleback, Unarmored Threespine	*Gasterosteus aculeatus williamsoni*	N/A	USA (California)	Do	E	2	N/A
Sturgeon, Shortnose	*Acipenser brevirostrum*	N/A	Atlantic Coast of USA and Canada	Do	E	1	N/A
Tango, Miyako	*Tanakia tanago*	N/A	Japan	Do	E	3	N/A
Topminnow, Gila	*Poeciliopsis occidentalis*	N/A	USA (Arizona), Mexico	Do	E	1	N/A
Trout, Arizona (Apache)	*Salmo apache*	N/A	USA (Arizona)	Do	T	8	§ 17.44(a)
Trout, Gila	*Salmo gilae*	N/A	USA (New Mexico)	Do	E	1	N/A
Trout, Greenback Cutthroat	*Salmo clarki stomias*	N/A	USA (Colorado)	Do	E	1	N/A
Trout, Lahontan Cutthroat	*Salmo clarki henshawi*	N/A	USA (California, Nevada)	Do	T	8	§ 17.44(a)
Trout, Paiute Cutthroat	*Salmo clarki seleniris*	N/A	USA (California)	Entire	T	8	§ 17.44(a)
Woundfin	*Plagopterus argentissimus*	N/A	USA (Utah)	Do	E	2	N/A
SNAILS:							
Snail, Manus Island Tree	*Papustyla pulcherrina*	N/A	Admiralty Islands (Manus I.)	Do	E	4	N/A
MOLLUSKS: [reserved]							
INSECTS: [reserved]							
OTHER FORMS: [reserved]							

1—32 FR 4001; March 11, 1967
2—35 FR 16047; October 13, 1970
3—35 FR 8491; June 2, 1970
4—35 FR 18319; December 2, 1970
5—37 FR 6476; March 30, 1972
6—38 FR 14678; June 4, 1973
7—39 FR 44090; December 30, 1974
8—40 FR 23863; June 14, 1975
9—40 FR 31734; July 28, 1975
10—40 FR 44149; Sept. 25, 1975
11—40 FR 44412; Sept. 26, 1975

§ 17.12 Endangered and threatened plants [Reserved]

§ 17.13 Amendments to the lists.

(a) The lists in §§ 17.11 and 17.12 may be revised from time to time, in accordance with the procedures specified in the Act, as additional data become available which show, to the Director's satisfaction, that a species should be added to or removed from the list, or changed in status.

(b) At any time, any interested person may petition the Director to review the status of any species, with a view to taking one of the actions described in paragraph (a) of this section. Such petitions must be dated and in writing, and must be submitted to the Director (FWS/SE). The petition must contain the following information:

(1) Name and address of the person making the request;

(2) Association, organization, or business, if any, represented by the person making the request;

(3) Reasons why the person making the request, or the person he represents, should be considered to be an "interested person";

(4) Designation of the particular species in question by common and scientific names;

(5) Narrative explanation of the request for review and justification for a change in the status of the species in question.

(6) Scientific, commercial, or other data believed to support the request; and

(7) Signature of the person making the request.

If it is determined that substantial evidence has been presented which warrants a review, a finding to that effect shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to comment and to submit additional data and information.

Subpart C—Endangered Wildlife

§ 17.21 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c) (1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c) (1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or

(ii) Dispose of a dead specimen; or

(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c) (2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by

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transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d) (1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carriers a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

§ 17.22 Permits for scientific purposes or for the enhancement of propagation or survival.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.21, in accordance with the issuance criteria of this section, for scientific research or for enhancing the propagation or survival of endangered wildlife. (See § 17.32 for permits for threatened species.)

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity prohibited by § 17.21. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include as an attachment, all of the following information:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) was born in captivity;

(3) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(4) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was raised in captivity, the country and place where such wildlife was born;

(5) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(6) If the applicant seeks to have live wildlife covered by the permit,

(i) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(ii) A brief resume of the technical expertise of the persons who will care for such wildlife including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(iii) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook;

(iv) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period; and

(v) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the applicant, if any (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the wildlife sought to be covered by the permit; and

(iv) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(5) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated in the permit.

(3) The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.23 Economic hardship permits.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.21, in accordance with the issuance criteria of this section in order to prevent undue economic hardship.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited by § 17.21. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, all of the information required in § 17.22 plus the following additional information:

(1) The possible legal, economic or subsistence alternatives to the activity sought to be authorized by the permit;

(2) A full statement, accompanied by copies of all relevant contracts and correspondence, showing the applicant's involvement with the wildlife sought to be covered by the permit (as well as his involvement with similar wildlife), including, where applicable, that portion of applicant's income derived from the taking of such wildlife, or the subsistence use of such wildlife, during the calendar year immediately preceding either the notice in the FEDERAL REGISTER of review of the status of the species or of the proposal to list such wildlife as endangered, whichever is earliest;

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the wildlife sought to be covered by the permit;

(ii) Became binding prior to the date when the notice of a review of the status of the species or the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued under any of the three categories of economic hardship, as defined in section 10(b) (2) of the Act. In making his decisions, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is being requested is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) The economic, legal, subsistence, or other alternatives or relief available to the applicant;

(4) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which;

(i) Deals specifically with the wildlife sought to be covered by the permit; and

(ii) Became binding prior to the date when the notice of proposed rulemaking proposing to list such wildlife as endangered was published in the FEDERAL REGISTER.

(5) The severity of economic hardship which the contract or other binding legal obligation referred to in paragraph (b) (4) of this section would cause if the permit were denied;

(6) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and the relationship of that portion to the balance of his income;

(7) Where applicable, the nature and extent of subsistence taking generally by the applicant; and

(8) The likelihood that applicant can reasonably carry out his desired activity within one year from the date a notice is published in the FEDERAL REGISTER to review status of such wildlife, or to list such wildlife as endangered, whichever is earlier.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated in the permit.

(d) Duration of permits issued under this section shall be designated on the face of the permit. No permit issued under this section, however, shall be valid for more than one year from the date a notice is published in the FEDERAL REGISTER to review status of such wildlife, or to list such wildlife as endangered, whichever is earlier.

Subpart D—Threatened Wildlife

§ 17.31 Prohibitions.

(a) Except as provided in Subpart A of this Part, or in a permit issued under this Subpart, all of the provisions in § 17.21 shall apply to threatened wildlife.

(b) In addition to any other provisions of this Part 17, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take any threatened wildlife to carry out scientific research or conservation programs.

(c) Whenever a special rule in §§ 17.40 to 17.48 applies to a threatened species, none of the provisions of paragraphs (a) and (b) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions.

§ 17.32 Permits—general.

Upon receipt of a complete application the Director may issue a permit for any activity otherwise prohibited with regard to threatened wildlife. Such permit shall be governed by the provisions of this section unless a special rule applicable to the wildlife, appearing in §§ 17.40 to 17.48, below, provides otherwise. Permits issued under this section must be for one of the following purposes: scientific purposes, or the enhancement of propagation or survival; or economic hardship; or zoological exhibition; or educational purposes; or management by State conservation agencies; or special purposes consistent with the purposes of the Act. Such permits may authorize a single transaction, a series of transactions, or activities over a specific period of time.

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the prohibited activity. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, as much of the following information which relates to the purpose for which the applicant is requesting a permit:

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce, etc.);

(2) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) was born in captivity;

(3) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife;

(4) If the wildlife sought to be covered by the permit was raised in captivity, the country and place where such wildlife was born;

(5) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed, or maintained;

(6) If the applicant seeks to have live wildlife covered by the permit,

(i) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(ii) A brief resume of the technical expertise of the persons who will care for such wildlife including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(iii) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data to a studbook;

(iv) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period; and

(v) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities; and

(8) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

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(i) The details of the activities sought to be authorized by the permit;

(ii) The details of how such activities will be carried out;

(iii) The relationship of such activities to scientific objectives or to objectives enhancing the propagation or survival of the wildlife sought to be covered by the permit; and

(iv) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit;

(2) The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit;

(3) Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed;

(4) Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit;

(5) The opinions or views of scientists or other persons or organizations having expertise concerning the wildlife or other matters germane to the application; and

(6) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) In addition to any reporting requirements contained in the permit itself, the permittee shall also submit to the Director a written report of his activities pursuant to the permit. Such report must be postmarked or actually delivered no later than 10 days after completion of the activity.

(2) The death or escape of all living wildlife covered by the permit shall be immediately reported to the Service's office designated on the permit.

(3) The carcass of any dead wildlife covered by the permit shall be stored in a manner which will preserve its use as a scientific specimen.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.33 Permits—captive, self-sustaining populations.

Upon receipt of a complete application, the Director may issue a permit authorizing delivery, receipt, carriage, transportation or shipment in interstate commerce, in the course of a commercial activity, or sale or offer for sale in interstate commerce, of specimens of a captive, self-sustaining population (see § 17.7). Such species are listed in § 17.11 with the notation "T (C/P)" in the "current status" column. Such permits may authorize all of the above activities relating to interstate commerce during the duration of the permit. These permits will not be issued for importation and exportation.

Example: A breeder of exotic endangered pheasants wants to buy and sell captive-reared endangered birds for the purpose of propagation. The species he has have all been determined to have captive, self-sustaining populations pursuant to § 17.7, and such captive populations have been listed as threatened [T (C/P)]. He now may apply for a permit to authorize the interstate sale under this § 17.33. If his permit is issued, and is valid for 2 years, it would cover all transactions of the type for which it was issued (such as sales in interstate commerce) for that period. A separate permit and application fee is not required for each transaction. Individual transactions are accounted for by the reporting and recordkeeping requirements in the regulations, and those specified on the face of the permit. At the end of the 2-year period, the permit may be renewed by following the renewal procedures in Part 13 (General Permit Procedures), § 13.24 (Renewal).

(a) *Application requirements.* Applications for permits under this section shall be submitted to the Director by the intended recipient of the wildlife. Each such application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, the following information:

(1) The common and scientific names of the species sought to be covered by the permit, and the activity sought to be authorized (such as selling in interstate commerce);

(2) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for;

(3) A brief resume of the technical expertise of the persons who will care for such wildlife, including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife;

(4) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data on a studbook; and

(5) A detailed description of the type, size and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period;

(6) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the applicant (or any other wildlife of the same genus or family), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

(7) A full statement of the reasons why the applicant is justified in obtaining the permit, including:

(i) The details of the activities sought to be authorized by the permit;

(ii) The planned disposition of such wildlife upon termination of the activities sought to be authorized.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the proposed use of the wildlife would probably result, directly or indirectly, in the death, injury or reduction of the reproductive ability of the wildlife;

(2) Whether the ability of the captive population in question to sustain itself will be substantially impaired by the proposed activities;

(3) Whether the expertise, facilities or other resources available to the applicant appear adequate to accomplish the objectives stated in the application;

(4) Whether the applicant has a recordkeeping system adequate to insure that wildlife obtained under the permit can be distinguished from wildlife obtained from the wild or otherwise;

(5) Whether the purpose for which the permit is sought would establish, complement or otherwise enhance the status of the species in captivity; and

(6) Such other factors as he deems relevant.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall, unless otherwise authorized on the face of the permit, be subject to the condition that the permittee may not transfer any wildlife held or obtained under the permit except to another holder of a permit issued under this section.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

§ 17.34 Permits. [Reserved]

§ 17.35 Permits. [Reserved]

§ 17.36 Permits. [Reserved]

§ 17.37 Permits. [Reserved]

§ 17.38 Permits. [Reserved]

§ 17.39 Permits. [Reserved]

§ 17.40 Special rules—mammals.

(a) *Kangaroo; Eastern Gray (Macropus giganteus), Red (Megalia rufa), and Western Gray (Macropus fuliginosus)*—(1) *Prohibitions.* The following prohibitions apply to the Eastern Gray, Red and Western Gray kangaroos:

(i) *Import.* (A) Except as permitted in paragraph (a)(1)(i)(B) below, or in paragraph (a)(2) of this section, it shall be unlawful to import any such wildlife for commercial purposes.

(B) Upon receiving from the Australian Government a certificate that (*1*) a particular Australian State has developed an effective sustained-yield program for such wildlife, and (*2*) the taking of such wildlife in that State will not be detrimental to the survival of the species or subspecies of which such wildlife is a part, the Director may, consistent with the purposes of the act, permit by publication of a notice in the FEDERAL REGISTER the commercial importation of any such wildlife originating from that State, upon proof that such wildlife is lawfully taken and exported from that State: *Provided*, That if the Director determines from all the evidence that a previously certified Australian State no longer maintains an effective sustained yield program for such wildlife, he may

(ii) *Unlawfully imported kangaroos.* It shall be unlawful, in the course of a commercial activity, to deliver, receive, carry, transport, or ship in interstate or foreign commerce any such wildlife imported unlawfully.

(iii) *Commercial transactions.* It shall be unlawful to sell or offer for sale in interstate or foreign commerce any such wildlife imported unlawfully.

(2) *Permits.* The following permits are available for the Eastern Gray, Red and Western Gray kangaroos:

(i) *Economic hardship.* (A) The Director may grant permits for the importation of such wildlife to prevent economic hardship. The provisions of § 17.23 (with the exception of §§ 17.23(b)(4), 17.23(b)(8), and 17.23(d)), shall apply to the issuance of such permits. In addition, the requirements of section 10(b) of the Endangered Species Act of 1973 (16 U.S.C. 1539(b)) regarding hardship exemptions for endangered species shall apply to applications for hardship exemptions under this section as if such wildlife were classified "endangered:" and the applicant for an exemption under this section must submit all information required by section 10(b).

(B) The duration of any economic hardship permit issued for such wildlife under this provision will be limited by section 10(b) of the Endangered Species Act of 1973 as if those species were listed as "endangered" under the act.

(b) *Grizzly bear (Ursus arctos horribilis)*—(1) *Prohibitions.* The following prohibitions apply to the grizzly bear:

(i) *Taking.* (A) Except as provided in paragraphs (b)(1)(i)(B) through (F), of this section no person shall take any grizzly bear in the 48 conterminous states of the United States.

(B) Grizzly bears may be taken in self-defense, or in defense of others, but any such taking shall be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, and to appropriate State officials, within 5 days after it occurs.

(C) *Removal of nuisance bears.* A grizzly bear constituting a demonstrable but non-immediate threat to human safety, or committing significant depredations to lawfully present livestock, may be taken, but only if:

(*1*) it has not been reasonably possible to eliminate such threat or depredation by live-capturing and releasing unharmed in a remote area the grizzly bear involved; and

(*2*) the taking is done in a humane manner by authorized Federal or State employees; and

(*3*) the taking is reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, and to appropriate State officials, within 5 days after it occurs.

(D) *Federal or State scientific or research activities.* Federal or State employees may pursue, capture, or collect grizzly bears for scientific or research purposes.

(E) *Northwestern Montana.* If it is not contrary to the laws and regulations of the State of Montana, a person may hunt grizzly bears in the Flathead National Forest, the Bob Marshall Wilderness Area, and the Mission Mountains Primitive Area of Montana: *Provided*, That if in any year in question, 25 grizzly bears have already been killed for whatever reason in that part of Montana, including the Bob Marshall Wilderness Area and the Mission Mountains Primitive Area, which is bounded on the north by the United States-Canadian Border, on the east by U.S. Highway 91, on the south by U.S. Highway 12, and on the west by Montana-Idaho State line, the Director shall post and publish a notice prohibiting such hunting, and any such hunting for the remainder of that year shall be unlawful: *Provided further*, That any taking of a grizzly bear, for whatever reason, in the above-described portion of Montana shall be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, and to the Montana Department of Fish and Game, within 5 days after the taking occurs; and except that any taking on an Indian reservation within the above-described area shall be so reported only to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036.

(F) *National Parks.* The regulations of the National Park Service shall govern all taking of grizzly bears in National Parks.

(ii) *Unlawfuly taken grizzly bears.* (A) Except as provided in paragraph (b)(1)(ii)(B) of this section, no person shall possess, deliver, carry, transport, ship, export, or sell grizzly bear taken unlawfully.

(B) Federal or State employees may for scientific or research purposes possess, deliver, carry, transport, ship, or export unlawfully taken grizzly bears.

(iii) *Import or export.* (A) Except as provided in this paragraph (b)(1)(iii)(A), below, no person shall import any grizzly bear into the United States.

(*1*) *Federal or State scientific or research activities.* Federal or State employees may import grizzly bears into the United States for scientific or research purposes.

(2) *Public zoological institutions.* Public zoological institutions (see 50 CFR 10.12) may import grizzly bears into the United States.

(B) Except for public zoological institutions (see 50 CFR 10.12), no person shall, in the course of a commercial activity, export any grizzly bear from the United States.

(iv) *Commercial transactions.* (A) Except for public zoological institutions (see 50 CFR 10.12), no person shall, in the course of a commercial activity, deliver, receive, carry, transport, or ship in interstate or foreign commerce any grizzly bear.

(B) Except for public zoological institutions (see 50 CFR 10.12) dealing with other public zoological institutions, no person shall sell or offer for sale in interstate or foreign commerce any grizzly bear.

(v) *Other violations.* No person shall attempt to commit, cause to be committed, or solicit another to commit any act prohibited by paragraph (a)(4)(ii) of this section.

(2) *Definitions.* As used in paragraph (b) of this section the term "grizzly bear" means any member of the species, *Ursus arctos horribilis* of the 48 conterminous states of the United States, including any part, offspring, dead body, part of a dead body, or product of such species.

§ 17.41 Special rules—birds. [Reserved]

§ 17.42 Special rules—reptiles.

(a) *American alligator (Alligator mississippiensis).*—(1) *Prohibitions.* The following prohibitions apply to the American alligator.

(i) *Taking.* Except as provided in this paragraph (a)(1)(i) of this section, no person may take American alligators.

(A) Any person may take American alligators in defense of his own life or the lives of others.

(B) Any employee or agent of the Service, any other Federal land management agency, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take American alligators without a permit if such action is necessary to:

(*1*) Aid a sick, injured or orphaned specimen; or

(2) Dispose of a dead specimen; or

(3) Salvage a dead specimen which may be useful for scientific study; or

(*4*) Remove specimens which constitute a demonstrable but non-immediate threat to human safety. The taking must be done in a humane manner, and may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and

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releasing the specimen unharmed, in a remote area.

(C) Any taking pursuant to paragraphs (a)(1)(i)(A) and (B) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(D) Any employee or agent of the Service or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take American alligators to carry out scientific research or conservation programs.

(E) Any person may take American alligators in Cameron, Vermillion and Calcasieu parishes in accordance with the laws and regulations of the State of Louisiana, including that State's marking and tagging requirements: *Provided*, That the hides of such alligators are only sold or offered for sale to a person holding a valid Federal license, issued under this subsection, as a buyer of hides; and that the meat and other parts are not sold or offered for sale.

(F) When American alligators are taken by Service or State officials in accordance with paragraph (a)(1)(i)(D) of this section the hides may be sold by State or Federal officials: *Provided*, That the hides have first been tagged by the State of origin with a noncorrosable numbered tag inserted no more than six inches from the tip of the tail; the tag number and a description of the hide, including its length and the date and place of taking are recorded; and a shipping tag or label is affixed to the outside of any packages showing the name and address of the consignor and consignee, identifying the contents as alligator hides, and showing the number of hides in the package: *Provided further*, That such hides may be sold only to a person holding a valid Federal license, issued under this subsection, as a buyer of hides; and that the meat and other parts are not sold or offered for sale.

(ii) *Unlawfully taken alligators.* No person may possess, sell, deliver, carry, transport, or ship, by any means whatsoever, American alligators taken unlawfully.

(iii) *Import or export.* No person may import or export any American alligator.

(iv) *Commercial transactions.* Except as otherwise provided in this subsection or as may be authorized by a permit issued under authority of § 17.32, no person may deliver, receive, carry, transport, ship, sell, or offer to sell in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any American alligator: *Provided*, That the hides of American alligators lawfully obtained from the State of Louisiana prior to December 28, 1973, may be sold or offered for sale in interstate (not foreign) commerce if the Director of the State wildlife conservation agency certifies to the Director that all such hides were lawfully obtained and can be identified; and such hides are sold, offered for sale, delivered, carried, transported, or shipped only to a person holding a valid Federal license, issued under this subsection, as a buyer of hides.

(2) *Definitions.* For the purposes of this paragraph (a)

(i) "Buyer" shall mean a person engaged in the business of buying and selling hides of American alligators in the wholesale market. A buyer may also be a tanner and a fabricator;

(ii) "Tanner" shall mean a person engaged in the business of processing green, untanned hides of American alligators into leather. A tanner may also be a buyer and a fabricator;

(iii) "Fabricator" shall mean a person engaged in the business of manufacturing products from American alligator leather. A fabricator may also be a buyer and a tanner.

(iv) "American alligator" shall mean any member of the species *Alligator mississippiensis* which is designated as threatened in § 17.11, and any part, offspring, dead body, part of a dead body or product of such species.

(3) *Permits and licenses.* (i) All permits available under § 17.32 (General permits—threatened wildlife) are available in relation to threatened American alligators. All the terms and provisions of § 17.32 apply to such permits issued under the authority of this paragraph (a)(3)(i).

(ii) This paragraph (a)(3) of this section applies instead of the permits available under § 17.52 (similarity of appearance). Therefore, permits issued under § 17.52 are not available in relation to threatened American alligators.

(iii) Upon receipt of a complete application, the Director may issue a license, in accordance with the issuance criteria of this paragraph (a)(3)(iii), for each of the categories defined in paragraph (a)(2) of this section.

(A) *Application requirements.* Applications for licenses under this subparagraph must be submitted to the Director by the person who wishes to engage in the activities described in paragraph (a)(2) of this section (buyer, tanner, or fabricator). Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, all of the following information:

(*1*) The category (buyer and/or tanner and/or fabricator) for which the license is desired;

(*2*) A description of the applicant's business organization, including; a description of the physical plant; the method of operation of the business; experience, if any, over the previous five years; all shareholders, partners, directors, officers or other parties in interest in the business organization;

(*3*) A description, including samples, of the applicant's present or proposed system of inventory control and bookkeeping capable of insuring accurate accounting for all American alligator hides and tags dealt with;

(*4*) A statement detailing any convictions or civil penalties under State or Federal laws for taking or trafficking in wildlife within the previous five years for the applicant, or any shareholder, partner, director, officer, principle, employee or agent.

(B) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a)(3)(iii)(A) of this section, the Director will decide whether or not a license for one or more of the three categories in paragraph (a)(2) should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the applicant's reliability and apparent ability and willingness to maintain accurate inventory and bookkeeping records of all American alligator hides and State tags dealt with.

(c) *Special conditions.* In addition to the general conditions set forth in Part 13 of the subchapter, licenses issued under this provision shall be subject to the following special conditions:

(*1*) Licensees may not buy, tan or fabricate any American alligator hide except one which was taken, sold, offered for sale, delivered, carried, transported or shipped in accordance with paragraph (a)(1)(i) of this section;

(*2*) A buyer must leave all tags and shipping labels on the hides, unless the shipments are broken apart, in which case the shipping tags or labels must be removed, recorded, and returned to the issuer;

(*3*) If a buyer has broken apart original shipments and removed the shipping tags or labels as provided in (a)(3)(iii)(c)(*2*) of this section, he must affix a shipping tag or label to the outside of each new shipment of hides, showing the name and address of the consignor and consignee, identifying the contents of the shipment as American alligator hides, and showing the number of hides in the shipment;

(*4*) A tanner must leave all tags on the hides, but must collect, record, and return to the issuer all shipping tags;

(*5*) A fabricator must remove, record, and return to the issuer all tags;

(*6*) Every licensee must maintain complete and accurate records of all American alligator hides including all State tags, and the stub of the verification tag; capacity.

(*7*) Fabricators shall in addition maintain complete and accurate records showing the relationships of American alligator hides processed to finished American alligator products;

(*8*) Fabricators must affix, under the supervision of the Service, a mark provided by the Service to each product made of American alligator hides.

(4) Manufactured products of American alligators which have been marked by a licensed fabricator in accordance with paragraph (a)(3)(iii)(C)(*8*) may be transported, shipped, delivered, carried or received in interstate commerce in the course of a commercial activity, and may be sold or offered for sale in interstate commerce.

(5) No person shall, except as authorized pursuant to paragraph (a) duplicate or apply any mark used to identify products of American alligator hides produced by a fabricator licensed under this section.

§ 17.43 Special rules—amphibians. [Reserved]

§ 17.44 Special rules—fishes.

(a) Lahontan cutthroat trout, Paiute cutthroat trout, and Arizona trout (*Salmo clarki henshawi, Salmo clarki seleniris*, and *Salmo apache*).

(1) All the provisions of § 17.31 apply to these species, except that they may be taken in accordance with applicable State law.

(2) Violation of State law will also be a violation of the Act.

(b) Bayou darter (*Etheostoma rubrum*).

(1) All the provisions of § 17.31 apply to this species, except that they may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

§ 17.45 Special rules—mollusks. [Reserved]

§ 17.46 Special rules—crustaceans. [Reserved]

§ 17.47 Special rules—insects. [Reserved]

§ 17.48 Special rules—other forms. [Reserved]

Subpart E—Similarity of Appearance

§ 17.50 General.

(a) Whenever the Director determines that a species which is not endangered or threatened closely resembles an endangered or threatened species, such species shall be treated as either endangered or threatened, pursuant to section 4(e) of the Act. Such species shall appear in the list in § 17.11 with the notation "S/A" in the "status" column, following either a letter "E" or a letter "T" to indicate whether the species is being treated as endangered or threatened.

(b) In determining whether to treat a species as endangered or threatened due to similarity of appearance, the Director shall consider the following factors in addition to the criteria in section 4(e) of the Act:

(1) The degree of difficulty which law enforcement personnel would have in distinguishing the species in question from an endangered or threatened species especially where: (i) The distinction between the endangered or threatened species and other species is based upon geographical boundaries; (ii) the normal morphological or other differentiating characteristics of the species are minute, or can be easily masked, or would not be apparent when products are processed.

(2) The additional threat posed to the endangered or threatened species by the loss of control occasioned because of the similarity of appearance; and

(3) The amount of control over transactions involving endangered or threatened species to be gained either by: (i) Imposing the same prohibitions on the species which is similar, as apply to the endangered or threatened species, or (ii) providing, where the species is treated as threatened, special rules in Subpart D of this part to distinguish the similar species from the endangered or threatened species.

Example 1. The ABC sparrow is endangered wildlife. The ABD sparrow is a subspecies that is so similar to the ABC sparrow that when found outside their normal habitat, the two cannot readily be distinguished by law enforcement personnel. The ABD sparrow is listed in § 17.11, after following the proper procedures as follows:

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Endangered or Threatened			
ABC sparrow	*ABCus*	N/A	North America	Entire	E	T N/A	
ABD sparrow	*ABDus*	N/A	North America	N/A	E(S/A)	T N/A	

Example 2. Suppose the ABC sparrow is listed as endangered in only a portion of its range. Within the meaning of the Act, the ABC sparrow as defined by geographic boundaries is a "species." The ABC sparrow which occurs beyond those boundaries is a different "species", even though it is identical, except in location, to the listed "species." If the criteria of this section were met, the two "species" could be listed as follows:

SPECIES			RANGE		Status	When Listed	Special Rules
Common Name	Scientific Name	Population	Known Distribution	Portion of Range Where Endangered or Threatened			
ABC sparrow	*ABCus*	Idaho	Idaho	Entire	E	7 N/A	
Do	do	N/A	U.S.	N/A	E(S/A)	7 N/A	

§ 17.51 Treatment as endangered or threatened.

(a) Any species listed in § 17.11, pursuant to § 17.50, shall be treated as endangered or threatened, as indicated in the "status" column.

(b) All of the provisions of Subparts C (Endangered Wildlife) and D (Threatened Wildlife) shall apply to any such species of wildlife; as appropriate.

§ 17.52 Permits—similarity of appearance.

Upon receipt of a complete application, and unless otherwise indicated in a special rule, the Director may issue permits for any activity otherwise prohibited with a species designated as endangered or threatened due to its similarity of appearance with an endangered or threatened species (see Subpart E—Similarity of appearance).

(a) *Application requirements.* Applications for permits under this section must be submitted to the Director by the person who wishes to engage in the activity with the similar species. Each application must be submitted on an official application form (Form 3–200) provided by the Service, and must include, as an attachment, all of the following information: Documentary evidence, sworn affidavits, or other information to show species identification and the origin of the wildlife (or if born in captivity, the place where born) of the wildlife in question. This information may be in the form of hunting licenses, hide seals, official stamps, export documents, expert opinion, bills of sale, or other appropriate information.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria, in § 13.21(b) of this subchapter, the following factors:

(1) Whether the information submitted by the applicant appears reliable:

(2) Whether the information submitted by the applicant adequately identifies the wildlife in question so as to distinguish it from any endangered or threatened wildlife.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the wildlife, and remain for the time designated in the permit;

(2) A copy of the permit must accompany the wildlife at all times.

(d) *Duration of permits.* The duration of permits issued under this section shall be designated on the face of the permit.

[FR Doc.75–25480 Filed 9–25–75;8:45 am]

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federal register

FRIDAY, SEPTEMBER 26, 1975



PART III:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Pre-determination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISION

New Jersey	NJ75-3098

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

California:	
CA75-5085; CA75-5086	July 25, 1975.
Hawaii:	
HI75-5098	Aug. 1, 1975.
Indiana:	
IN75-2088	June 27, 1975.
IN75-2089	July 3, 1975.
Missouri:	
MO75-4144; MO75-5145	Aug. 1, 1975.
New Jersey:	
NJ75-3049	June 20, 1975.
NJ75-3050	July 11, 1975.
Ohio:	
AR-3047	Aug. 23, 1974.
Oregon:	
OR75-5111	Sept. 5, 1975.
Tennessee:	
TN75-1070	July 18, 1975.
Virginia:	
AP-494	Mar. 23, 1973.
Washington:	
WA75-5113	Sept. 12, 1975.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL75-1056 (AL75-1086)	May 30, 1975.
District of Columbia:	
DC75-3061 (DC75-3099)	June 20, 1975.
Kentucky:	
AR-4047 (KY75-1100)	Nov. 1, 1974.
AR-4056 (KY75-1096)	Nov. 8, 1974.
Mississippi:	
MS75-1013 (MS75-1099)	Jan. 31, 1975.
Pennsylvania:	
PA75-3021 (PA75-3093)	Mar. 28, 1975.
Rhode Island:	
RI75-2090 (RI75-2111)	July 3, 1975.
RI75-2091 (RI75-2112)	July 11, 1975.
South Dakota:	
SD75-5112 (SD75-5119)	Sept. 5, 1975.
Tennessee:	
AQ-4128 (TN75-1098)	June 28, 1974.
Virginia:	
MD75-3062 (MD75-3100)	June 20, 1975.

Signed at Washington, D.C., this 19th day of September 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

Page 2

NEW DECISION							
STATE: NEW JERSEY							
LOCATION: BERGEN, ESSEX, HUDSON & PASSAIC COUNTIES							
DECISION NO.: NJ75-3098							
DATE: DATE OF PUBLICATION							
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.							
	Basic Hourly Rates	Fringe Benefits Payments					
		H & W	Pensions	Vacation		App. Tr.	
ASBESTOS WORKERS	$ 9.202	.5803	4.97¢				
BOILERMAKERS	9.48	8%	19%				
BRICKLAYERS	8.95	8%	19%				
CEMENT MASONS & PLASTERERS:							
Bergen (North Arlington, Lyndhurst - east of Ridge Rd. and north to Rutherford Ave. and Berry's Creek west of the Hackensack River), Essex (except Millburn Twp.) & Hudson (that portion west of the Hackensack River) Counties	10.35	.60	.70				
Bergen (except Wallington, part of Paterson, Garfield, Lodi, North Arlington, part of Lyndhurst and part of Ridgewater) County	9.70	.97	.70				
Bergen (remainder of county) & Passaic Counties	9.80	.84	.65				
Hudson (remainder of county) County:							
Bricklayers & Stone Masons	10.58	.87	.75				
Cement Masons & Plasterers	8.50	1.00	.50				
Essex (Millburn Twp.) County	10.15	.50	.50				
CARPENTERS, INSULATORS & MILLWRIGHTS:							
Bergen (Cliffside, Fort Lee, Grantwood, Palisades Park, Ridgefield, Edgewater, Fairview, Leonia & Coytesville) & Essex (east of the Hackensack River) Counties	9.05	8%	8%+.40				
Essex (except Millburn Twp.) & Hudson (remainder of county) Counties:							
Carpenters & Insulators	10.13	6%	6%				
Millwrights	10.38	6%	6%				
DECISION NO.: NJ75-3098							
CARPENTERS, INSULATORS & MILLWRIGHTS: (Cont'd)							
Bergen (remainder of county), Essex (Millburn Twp.) & Passaic Counties:							
Carpenters & Insulators	$ 9.73	6%	6%				
Millwrights	9.98	6%	6%				.02
DRYWALL TAPERS & FINISHERS	10.25	.50	.50				.02
ELECTRICIANS & CABLE SPLICERS:							.10
Essex County	10.80	6%	8%	10%			½ of 1%
Bergen & Hudson County	11.23	3%	6%+.58				1.5%
Passaic County	11.00	4%	6%	10%			
ELEVATOR CONSTRUCTORS:							
Construction:							
Mechanics		.445	.29+a	b+c			.02
Helpers	9.52	.445	.29+a	b+c			.02
Probationary Helpers	7.14						
Modernization:	4.76						
Mechanics	8.75	.445	.29+a	b+c			.02
Helpers	6.56	.445	.29+a	b+c			.02
Probationary Helpers	4.76						
Contract Repairs:							
Mechanics	7.90	.445	.29+a	b+d			.02
Helpers	5.92	.445	.29+a	b+d			.02
Probationary Helpers	4.76						
GLAZIERS:							
Bergen & Passaic Counties	9.27	.45	1.00				.01
Essex & Hudson Counties	10.80	.70	.65				.05
IRONWORKERS:							
Structural, Reinforcing & Ornamental	10.19	7%	23%	10%			1%
LABORERS:							
Bergen (Carfield, Passaic & Wallington Twps., Lodi, Iodi Boro, & East Paterson) & Passaic Counties:							
Laborers, Air Tool Operators (Jackhammers, vibrators), Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay) & Plasterer Tenders	6.85	.50	.70				

V 40 I 188 SEP 26 75 XUM

Page 3

DECISION NO. NJ75-3098

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bergen & Hudson Counties:					
Linemen, Cable Splicers, Equipment Operators & Groundmen	$11.23	3%	6% + .50		½ of 1%
MARBLE SETTERS, TERRAZZO WORKERS, & TILE SETTERS:					
Marble Setters	7.80	.78	.94	f	
Terrazzo Workers	9.10	1.09	1.50		
Tile Setters	8.40	.75	1.95		
MARBLE SETTERS, TERRAZZO WORKERS, & TILE SETTERS HELPERS					
Marble Setters Helpers	7.33	.74	.88	f	
Terrazzo Workers Helpers	7.43	.985	.475		
Tile Setters Helpers	8.45	6%	7%		
PAINTERS:					
Bergen & Passaic Counties:					
New & old construction of one & two family houses:					
Painters & Taper	8.80	.90	1.35		.06
Otherwise Identified Construction:					
Painters & Tapers	9.05	.90	1.35		.06
Essex & Hudson (west half of county) Counties:					
Painters on New Construction and Major Alterations	8.90	.55	.50	.15	.05
Painters on Repaint Work	8.50	.59	.50	.15	.05
Spraying or application of hazardous or dangerous materials on repaint work	9.10	.55	.50	.15	.05
Exterior work exceeding 3 stories in height for painting of open structural steel and on interior work which requires painting higher than 20' above the ground or floor	9.05	.55	.50	.15	.05
Repaint work as described above	8.65	.55	.50	.15	.05
Spraying or application of hazardous or dangerous materials	9.50	.55	.50	.15	.05

Page 4

DECISION NO. NJ75-3098

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Essex (City of East Orange, Twp. of South Orange & Maplewood) County:					
Regular Laborers	7.45	.45	.30		
Mortar Mixers, Scaffold Men & Pneumatic Hammer Operators	7.70	.45	.30		
Essex (Orange and Montclair) County:					
Common Laborers	7.35	.40	.30		
Essex (Hillburn Twp.) County:					
Common Laborers	6.95	.60	.50		
Essex (remainder of county) & Hudson (Kearny, East Newark & Harrison) Counties:					
Common Laborers, Air Tool Operators, Mason Tenders, Mortar Mixers & Pipelayers (concrete & clay)	7.20	.40	.45		
Hudson (remainder of county) County:					
Common Laborers	6.80	.60	.60		.35
LATHERS	9.10	.35	.25		e
LEADBURNERS	9.25	.35			
LINE CONSTRUCTION:					
Essex County:					
Linemen, Cable Splicers, Line Equipment Operators, Line Truck Operators, Groundmen & Welders	10.80	6%	8%		10%
Passaic County:					
Linemen & Equipment Operators	11.00	4%	6%		10%
Cable Splicers	11.95	4%	6%		10%
Groundmen	7.70	4%	6%		10%

Page 5

DECISION NO. NJ75-3098

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Hudson (remainder of county) County:					
Painters & Paperhangers Exterior Scaffold work (except 1 & 2 family houses)	$ 6.75	.70	1.15	.30	.02
PILEDRIVERMEN & BOOMBUILDERS	7.25	.70	1.15	.30	.02
PIPEFITTERS:	9.86	.95	1.63	.61	.02
Bergen & Hudson Counties	10.00	.60	.80	1.00	.25
PLASTERERS:					
ZONE 1	9.30	.60	.65	1.00	.03
ZONE 2	9.40	.60	.55	1.00	.02
ZONE 3	10.85	.70	1.00		.10

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Bergen (Alpine, Bergenfield, Bogota, Carlstadt, Closter, Creskill, Demarest, Dumont, East Rutherford, Emerson, Englewood Cliffs, Fair Harrington Park, Haworth, Hillsdale, Leonia, Little Ferry, Lyndhurst, Maywood, Montvale, Moonachie, North Arlington, Northvale, Old Tappan, Oradell, Palisades Park, Ramsey, Rochelle Park, Rockleigh, Rutherford, Saddle River, South Hackensack, Teaneck, Tenafly, Wesehawken and River Edge, Rivervale, Rochelle Park, Paramus, Park Ridge, Ridgefield Park, River, Warren Point, Washington Twp., Westwood, Woodcliff Lake and Ridge) County.

ZONE 2 - Bergen (Cliffside Park, Edgewater, Fairview, Fort Lee, Ridgefield) and Hudson (Guttenborg, North Bergen, Secaucus, Weehawken, West New York) Counties.

ZONE 3 - Hudson (Cities of Hoboken, Bayonne and Jersey City) County.

PLUMBERS & GASFITTERS:					
Essex (except all of the Oranges, Livingston & Maplewood) & Hudson (Harrison, East Newark & Kearny) Counties	10.825	.60	.90	.75	.10

Page 6

DECISION NO. NJ75-3098

PLUMBERS & PIPEFITTERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1	$ 9.83	.60	.90	10%	.05
ZONE 2	8.95	.475	1.16	1.00	.04

AREA COVERED BY PLUMBERS AND PIPEFITTERS ZONES

ZONE 1 - Essex (Orange, West Orange, East Orange, South Orange, Maplewood and Livingston) County

ZONE 2 - Bergen (East Paterson, Fairlawn, Glen Rock, Ridgewood, Midland Park, Hohokus, Waldwick, Allendale, Upper Saddle River Twp., Ramsey, Oakland, Franklin Lakes and Mahaweh) & Passaic (Paterson, West Paterson, Little Falls, Totowa Boro., Wayne, North Haledon, Haledon, Hawthorne, Pompton Lakes, West Milford Twp., Ringwood Boro, Boro of Wanaque, Bloomingdale, Mountain View, Part of Clifton and Clinton) Counties.

PLUMBERS & STEAMFITTERS:					
Bergen (Lodi, Garfield & Wallington) & Passaic (Passaic) Counties:	9.865	.60	.90	1.00	
Steamfitters	10.21	.505	.90	1.00	
Essex (Short Hills & Millburn) County	9.97	.60	.90	.75	.10
Essex (remainder of county) County:					
Steamfitters	9.85	6%	7%	10%	½ of 1%

V 40 | 188 SEP 2675 XUM

DECISION NO NJ75-3098

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$11.28	7%	15%	6	3%
GROUP 2	10.40	7%	15%	6	3%
GROUP 3	10.20	7%	15%	6	3%
GROUP 4	9.51	7%	15%	6	3%
GROUP 5	9.36	7%	15%	6	3%
GROUP 6	9.31	7%	15%	6	3%
GROUP 7	8.50	7%	15%	6	3%
GROUP 8	8.45	7%	15%	6	3%
GROUP 9	8.15	7%	15%	6	3%
GROUP 10	9.46	7%	15%	6	3%
GROUP 11	8.05	7%	15%	6	3%
GROUP 12	10.50	7%	15%	6	3%
GROUP 13	8.96	7%	15%	6	3%
GROUP 14	12.88	7%	15%	6	3%
GROUP 15	9.76	7%	15%	6	3%
GROUP 16	10.65	7%	15%	6	3%

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types); backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill)), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (copilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP 2 - "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry picker (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (roes & similar types), winch trucks (hoisting)

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS (Cont'd)

GROUP 3 - Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, (except Chicago boom type), elevators by manual valve, skip hoist

GROUP 4 - Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjuction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and accoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic (mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintaine), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP 5 - Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100 constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP 6 - Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

DECISION NO. NJ75-3098

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 7 - Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP 8 - Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP 9 - Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP 10 - Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP 11 - Water Operations: Deckhand

GROUP 12 - Pump (staging)

GROUP 13 - Rollers (grade fill or stone base), tractors under D-8

GROUP 14 - Helicoptere (pilot/engineer)

GROUP 15 - Asphalt spreaders, bridge deck finisher, grader finish only

GROUP 16 - Roller blacktop

DECISION NO. NJ75-3098

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Bergen & Passaic Counties:					
Composition	$10.35	.68	1.00		
Slate & Tile	8.96	.60	1.00		
Slate & Tile Helpers	7.21	.60	1.00		
Essex & Hudson Counties:					
Composition, Damp & Water-proofing:					
Essex & Hudson (west of the Hackeneseck River) Counties	10.71	.70	.50		
Hudson (remainder of county) County	8.84	12%	2.20	.63	
Slate & Tile	10.40	.70	.30		
Slate & Tile Helpers	9.30	.70	.30		
SHEET METAL WORKERS:					
Essex & Passaic Counties	10.53	4%+.09	4%+.055	8%	.03
Bergen & Hudson Counties	9.70	5%+.06+h	5%	4%+.06	.02
SOFT FLOOR LAYERS	8.67	6%	5%+.50		
SPRINKLER FITTERS	11.03	.50	.80		.07
TRUCK DRIVERS:					
Bergen, Hudson & Passaic Counties:					
GROUP 1	7.27	.68	.75	i+j	
GROUP 2	7.50	.68	.75	i+j	
GROUP 3	7.55	.68	.75	i+j	
GROUP 4	7.65	.68	.75	i+j	
GROUP 5	7.75	.68	.75	i+j	
Essex County:					
GROUP 1	7.27	k	.81	i+j	
GROUP 2	7.50	k	.81	i+j	
GROUP 3	7.55	k	.81	i+j	
GROUP 4	7.65	k	.81	i+j	
GROUP 5	7.75	k	.81	i+j	
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.					

NOTICES 44436 NOTICES 44437

CLASSIFICATION DEFINITIONS

ZONE 1 - Mechanic Helper

ZONE 2 - Drivers on the following type vehicles: Straight Dumps, Flats, Floats, Pickups, Container Haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Bead, Hot Pass, Bus, Dumpcrete, Transit Mixers, Agitator Mixer, Half Truck, Winch Truck, Side-o-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All Dual Purpose Trucks, Trucks with mechanical tail gates, Asphalt Distributor, Batch Trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intransit), Parts Chaser, Escort, Scissor, Hi-lift, Telescope, Concrete Breaker, Gin Pole, Stone, Sand, Asphalt Distributor & Spreader, Nipper, Fuel Trucks (drivers on Fuel Trucks including handling of hose & nozzle-entire unit), Team Drivers, Vacuum or Vac-all Trucks (entire unit), Skid Truck (debris container - entire unit), concrete Mobile Trucks (entire unit), Expediter (parts chaser), Beltcrete Trucks, Pump Crete Trucks, Line Truck, Reel Truck, Wreckers, Utility Trucks, Pack Trucks, Warehousemen, Warehouse Parts-Man, Yardmen, Lift Truck in Warehouse; Helper when required on Lift Truck in Warehouse, Warehouse Clerk, Parts Man, Material Checkers, Receivers, Shippers, Binning Man (Materials), Cardex Man, Helper when required on Broyhill Coal Tar Epoxy Truck & Asphalt & Bituminous Distributor Truck, Drivers on the following type vehicles: Broyhill Coal Tar Epoxy Trucks, Little-Ford Bituminous Distributor, Slurry Seal Truck or Vehicle, Thickol Track Master Pickup (Swamp Cat Pickup), Bucket Loader Dump Truck & any Rubber Tired Tractor used in pulling & towing Farm Wagons & Trailers of any description, similar type vehicles, Off-site & On-site Repair Shop.

ZONE 3 - Drivers on straight 3-Axle Materials: Trucks & Floats.

ZONE 4 - Drivers on all Euclid Type Vehicles: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors & Wagons, Dumptors, Straight, Bottom, Rear & Side Dumps, Carryalls & Scrapers (not self loading-loading over the top), Water Sprinkler Trailers, Water Pulls & similar types of Vehicles; Drivers on Tractors & Trailer type vehicles: Flat, Floats, I-Beams, Low Beds, Water Sprinkler, Bituminous Transit Mix, Road Oil, Fuel, Bottom Dump Hopper, Rear Dump, Office, Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole, Spread, Bituminous Distributor, Water Pulls (entire unit) (Tractor Trailer), Reel Trailer, and similar types of vehicles.

ZONE 5 - Winch Trailers Drivers

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day per employee to an Annuity Fund.

b. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day & Armistice Day.

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.

d. Employees with 6 months of service but less 5 years of service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 or more years of service receive 4 weeks.

e. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regularly scheduled work days immediately preceeding and following the holiday.

f. Paid Holiday: St. Patrick's Day.

g. Paid Holidays: A through F; plus Washington's Birthday, Presidential Election Day and Veterans' Day providing the employee works any of the 3 days in the 5 days preceeding the holiday and the first work day after the recognized holiday.

h. Employer contribution of 3% based on the basic hourly rate plus health & welfare plus pension plus vacation fringes.

i. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

j. Employees working or receiving pay for 80 days within a year receive one week's vacation (40 hours); 126 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160 hours).

k. Employer contribution of $83.00 per month per employee to Health & Welfare Funds.

NOTICES

DECISION #CA75-5085 - Mod. #2
(40 FR 31457 - July 25, 1975)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers; Stonemasons: Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	$10.30	.55	.60	1.00	
Carpenters: Carpenters	10.70	.74	1.26	.75	.04
Hardwood floorlayers; Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	10.85	.74	1.26	.75	.04
Millwrights	11.20	.74	1.26	.75	.04
Drywall Installers	10.97	.74	1.26	.75	.07
Electricians: Alameda County Electricians	11.41	.70	1%+.50		.03
Cable Splicers	12.84	.70	1%+.50		.03
Monterey County Electricians	12.10	.60	1%		.01
Cable Splicers	13.37	.60	1%		.01
Lathers: Butte, Colusa, Glenn, Humboldt, Lake (That portion of County from Lakeport up to County Line), Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Counties	10.10	.48	.50		.01

DECISION #CA75-5085 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Line Construction: Monterey County Groundmen	$9.08	.60	1%		.01
Linemen; Technicians	12.11	.60	1%		.01
Cable Splicers	13.38	.60	1%		.01
Plumbers; Steamfitters: Marin, Mendocino, San Francisco and Sonoma Counties	11.015	1.70	1.15	1.11	.15
San Mateo County	11.04	.95	1.65	1.20	.25
Lake Tahoe Area	10.99	.58	.60	1.95	.10
Roofers: Del Norte and Humboldt Cos. Amador, Sacramento and Yolo Counties	9.32	.40	.75	.35	
Roofers (slate, tile and composition)	9.36	.82	1.10		.04
Enameler and Pitch	10.36	.82	1.10		.04
Sheet Metal Workers: Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma and Trinity Counties	10.86	.48	1.20		10%
San Mateo County	11.76	.48	1.61		.12
Tile Setters: Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	9.17	.55	.30	1.00	
Butte, Colusa, Eldorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.70	.70	.90	.90	.025

NOTICES

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DECISION #CA75-5086 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Roofers:					
Del Norte and Humboldt Cos. Amador, Sacramento and Yolo Counties	$9.32	.40	.75	.35	
Roofers	9.36	.82	1.10		.04
Shingle Helpers and Pitch Del Norte, Humboldt, Marin, San Francisco and Sonoma Counties	10.36	.82	1.10		.04
San Mateo County	10.86	.48	1.20		10%
Tile Setters:	11.76	.48	1.61		.12
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	9.17	.55	.30	1.00	
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Cos.	9.70	.70	.90	.90	.025

DECISION #H175-5098 - Mod. #1
(40 FR 32555 - August 1, 1975)
Statewide, Hawaii

Change:

Carpenters: Hardwood Floor-layers; Patent Scaffold Erectors; Piledrivermen; Pneumatic Nailers; Shinglers	$7.83	.49	.95	.42	.06
Millwrights	8.08	.49	.95	.42	.06
Power Saw Operator (2 HP and above)	7.98	.49	.95	.42	.06
Drywall Applicator	7.93	.49	.95	.42	.06
Electricians:					
Groundmen	6.75	.57	12%+1.74	11%	.20
Line Equipment Men	8.10	.57	12%+1.74	11%	.20
Electricians; Linemen	9.00	.57	12%+1.74	11%	.20
Technicians	9.27	.57	12%+1.74	11%	.20
Cable Splicers	9.90	.57	12%+1.74	11%	.20
Ironworkers:					
Bridge; Ornamental; Reinforcing; Structural	8.65	.45	.55	.40	.05
Painters:					
Brush	7.91	.42	.50		.04
Tapers	8.11	.42	.50		.04
Spray	8.41	.42	.50		.04
Plasterers	8.74	.65	.75		.16

DECISION #CA75-5086 - Mod. #2
(40 FR 31418 - July 25, 1975)
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Stonemasons:					
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	$10.30	.55	.60	1.00	
Carpenters	10.70	.74	1.26		.75
Carpenters:					
Hardwood floorlayers; Power saw operator; Saw fliers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	10.85	.74	1.26		.75
Millwrights	11.20	.74	1.26		.75
Drywall Installers	10.97	.74	1.26		.75
Electricians:					
Alameda County	11.41	.70	12%+.50		
Electricians	12.84	.70	12%+.50		
Cable Splicers	12.10	.60	12%		
Monterey County	13.37	.60	12%		
Electricians					
Cable Splicers					
Lathers:					
Humboldt, Nevada, Shasta and Tehama Counties	10.10	.48	.50		
Plumbers; Steamfitters:					
Marin, San Francisco and Sonoma Counties	11.015	1.70	1.15		1.11
San Mateo County	11.04	.95	1.65		1.20
Lake Tahoe Area	10.99	.58	.60		1.95

DECISION NO. IN75-2088 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians:					
Allen County	$9.60	.25	12%+.30		.06
Benton & Tippecanoe Counties	9.60	.40	12%		½ of 12
Delaware County	9.30	.40	12%+.30		.2%
Grant County	9.45	.40	12%+.30		.2%
Monroe County	9.15	.30	12%+.40		.02
Ironworkers:					
Benton & Tippecanoe Counties	9.49	.65	.90		.02
Lathers:					
Dearborn County	11.145		.25		.025
Painters:					
Monroe County:					
Brush, Drywall, Paperhanging; Roller & Vinyl	7.90			.30	
Structural steel	8.65			.30	
Sandblasting; Spray	8.90			.30	
Pipefitters; Steamfitters:					
Dearborn County	10.80	.70	.975		.06
Plumbers; Steamfitters:					
Grant County	9.65	.40	.55		.05
Monroe County	10.15	.40	.70		.10
Roofers:					
Bartholomew, Marion, Monroe Counties:					
Composition; Waterproofers	9.49	.30	.30		
Slate, Tile, Asbestos, & precast slab	9.74	.30	.30		
Helpers	7.99	.30	.30		
Dearborn County	10.745		.85		.01
Delaware County	7.45	.25	.10		
Sheetmetal workers:					
Bartholomew, Delaware, Marion & Monroe Counties	9.91	.50	.55		.06
Sprinkler fitters	10.55	.50	.80		.08
Omit:					
Carpenters:					
Bartholomew County (Camp Atterbury) & Marion County:					
Piledrivermen	9.45	.47	.50		.06
Soft floor layers	7.55	.47			.06
Add:					
Terrazzo workers' helpers: Bartholomew, Delaware, Grant, Marion, Monroe, Tippecanoe, & Vigo Counties	7.95				

DECISION NO. IN75-2088 - Mod. #2
(40 FR 27422 - June 27, 1975)
Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers:					
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Counties	$10.31	.35	.35		
Dearborn County	9.96	.45	.85		
Vanderburgh County	10.09	.35	.30		
Bricklayers:					
Bartholomew, & Monroe Counties:					
Bricklayers; Marble setters; Stonemasons; Terrazzo Workers; & Tile setters	8.50	.30	.30		
Benton & Tippecanoe Counties:					
Bricklayers; Marble setters & Stonemasons	8.85	.48	.35		
Terrazzo workers; & Tile setters	8.85	.48	.35		
Marion County:					
Bricklayers; & Stonemasons Marble setters; & Tile setters	9.90	.30	.20		
Carpenters:	9.41	.30	.20		
Bartholomew County(Camp Atterbury); & Marion County:					
Carpenters; Millwrights	9.95	.47	.50		
Benton; & Tippecanoe Counties:					
Carpenters; & Soft floor layers	8.41	.40	.20		
Millwrights; & Piledrivermen	8.76	.40	.20		
Grant County:					
Carpenters	8.13	.45	.45		
Piledrivermen	8.33	.45	.45		
Millwrights	8.63	.45	.45		
Cement masons:					
Benton & Tippecanoe Counties	8.10	.45	.40		
Vanderburgh County	8.55	.45	.40		

V40I188 SEP2675 XUM

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #MO73-4144 - Mod. #1 (40 FR 32611 - August 1, 1975) Cass, Clay, Jackson, Platte and Ray Counties, Missouri and Johnson and Wyandotte Counties, Kansas, Missouri					
CHANGE:					
BOILERMAKERS	$9.43	.70	1.00		.02
GLAZIERS	9.23	.40	.40	14%	.03
LATHERS	9.70	.50			
PIPEFITTERS	10.42	.52	1.05		1%
PLUMBERS	10.69	.60	.70		.10
TERRAZZO WORKERS	9.93	3.65%	3.25%		
DECISION #MO4145 - Mod. #1 (40 FR 32616 - August 1, 1975) Cass, Clay, Jackson, Platte and Ray Counties, Missouri and Johnson and Wyandotte Counties, Kansas, Missouri					
CHANGE:					
BOILERMAKERS	$9.43	.70	1.00		.02
GLAZIERS	9.23	.40	.40	14%	.03
LATHERS	9.70	.50			
PIPEFITTERS	10.42	.52	1.05		1%
PLUMBERS	10.69	.60	.70		.10
TERRAZZO WORKERS	9.93	3.65%	3.25%		

MODIFICATION P. 7

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Decision #: [illegible] - Mod. #2 (40 FR 28746 - July 7, 1975) Lake, LaPorte, Porter, & St. Joseph Counties, Indiana					
Change:					
Bricklayers:					
Lake & Porter Counties:					
Bricklayers; Marble setters; Stonemasons; & Terrazzo workers	10.05	.45	.55		.02
St. Joseph County:					
Bricklayers; Stonemasons	10.04	.50	.35		.03
Marble setters	8.70	.40	.35		.01
Carpenters:					
Lake, LaPorte, & Porter Counties:					
Carpenters; Millwrights; Piledrivermen; Soft floor layers	10.51	.50	.57		.05
Electricians:					
Lake County	10.30	5%	6.3%	4%	.7%
LaPorte & Porter Counties	10.30	3½%	5½%	4%	.2%
Roofers:					
Lake & Porter Counties:					
Composition, Damp & waterproof workers; Slate, Tile & Asbestos	11.34	.47	.35		.03
LaPorte & St. Joseph Counties:					
Composition, Damp & waterproof	8.75	.40	.30		.03
Slate, Tile & Asbestos	8.90	.40	.30		.03
Helpers	5.00	.40	.30		.03
Sprinkler fitters:					
Lake County (Remainder of Co.), LaPorte, Porter, & St. Joseph Counties	10.55	.50	.80		.08
Laborers (Heavy & Highway Construction)					
Lake County					
Group I	6.90	.35			.07
Group II	7.05	.35			.07
Group III	7.80	.35			.07
Laborers (Heavy & Highway Construction)					
LaPorte, Porter, & St. Joseph Cos.					
Class I	6.20	.35			.07
Class II	6.35	.35			.07
Class III	8.45	.35			.07

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. NM75-3049 (Cont'd)					
Laborers, Heavy & Highway Construction (Cont'd).					
Zone 2					
Group 1	$ 8.25	.60	.95	d	
Group 2	8.10	.60	.95	d	
Group 3	7.85	.60	.95	d	
Group 4	7.80	.60	.95	d	
Group 5	7.70	.60	.95	d	
Group 6	7.60	.60	.95	d	
Group 7	7.35	.60	.95	d	
Group 8	7.20	.60	.95	d	
Group 9	7.15	.60	.95	d	
Free Air Tunnel Jobs					
Group 1	8.62	.60	.95	d	
Group 2	8.22	.60	.95	d	
Group 3	8.06	.60	.95	d	
Group 4	7.55	.60	.95	d	
Laborers, Asphalt Construction:					
Street:					
Head Rakers	7.40	.60	.95	d	
Rakers & Screed Men	7.25	.60	.95	d	
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	7.00	.60	.95	d	
Plant:					
Scale Mixer & Burner Men	7.25	.60	.95	d	
Feeders & Dust Men	7.00	.60	.95	d	
Painters:					
Zone 2					
Painters on New Construction and Major Alterations	8.90	.55	.50	.15	.05
Painters on Repaint Work Spraying or Application of Hazardous or dangerous Materials on Repaint Work	8.50	.55	.50	.15	.05
Exterior work exceeding 3 stories in height for painting of open steel work or steel end tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall	9.10	.55	.50	.15	.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #NJ75-3049 - Mod. #2 (40 FR 28219 - June 20, 1975) Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties, New Jersey					
Change:					
Bricklayers, Stone Masons, Marble Masons, Cement Masons, Plasterers, Tile Setters & Terrazzo Workers:					
Zone 4	$ 9.60	.60	1.00		
Electricians & Cable Splicers:					
Zone 1	11.45	4%	1%+.30		
Laborers, Building Construction:		-			
Zone 1					
Laborers, Mason Tenders & Plasterer Tenders	6.85	.55	.40		
Air, Gas, Electric Tool Ops.	7.10	.55	.40		
Concrete Men	7.25	.55	.40		
Zone 2					
Laborers, Brick Tenders, Motor Tenders, Scaffold Builders (brick), Hod Carriers (brick) & Power Tool Ops.	7.20	.40	.55		
Jack Hammer Ops., Berko Thumper Ops., Concrete Vibrator Ops. (over 27 lbs.)	7.45	.40	.55		
Motorized Buggy Ops., Burners Nozzlemen (gunnite work)	7.325	.40	.55		
Plaster & Lather Tenders	7.60	.40	.55		
Laborers, Heavy & Highway Construction:					
Zone 1					
Group 1	7.75	.60	.95		
Group 2	7.45	.60	.95		
Group 3	7.40	.60	.95		
Group 4	7.25	.60	.95		
Group 5	7.15	.60	.95		
Group 6	6.90	.60	.95		
Group 7	6.65	.60	.95		
Group 8	6.75	.60	.95		

V 40 I 188 SEP 26 75 XUM

MODIFICATION P. 12

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
DECISION #NJ75-3050 - Mod. #2 (40 FR 29501 - July 11, 1975) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union & Warren Counties, New Jersey					
Changes:					
Bricklayers, Stone Masons, Cement Masons & Plasterers:					
Zone 8	$10.19	.45	.45		.02
Carpenters, Insulators & Millwrights:					
Zone 2					
Carpenters & Insulators	10.13	6%	6%		1/of1%
Millwrights	10.38	6%	6%		1/of1%
Laborers, Building Construction:					
Zone 2	6.80	.60	.60		.02
Zone 7	6.80	.60	.60	.35	.02
Zone 10	7.40	.45	.45		.02
Zone 11	7.30	.50	.50		.02
Zone 12	7.30	.50	.50		.02
Zone 15	7.20	.55	.55		.02
Zone 16	7.00	.70	.60		.02
Laborers, Heavy & Highway Construction:					
Group 1	8.25	.60	.95		
Group 2	8.10	.60	.95		
Group 3	7.85	.60	.95		
Group 4	7.80	.60	.95		
Group 5	7.70	.60	.95		
Group 6	7.60	.60	.95		
Group 7	7.35	.60	.95		
Group 8	7.20	.60	.95		
Group 9	7.15	.60	.95		
Laborers, Free Air Tunnel Jobs:					
Group 1	8.62	.60	.95		
Group 2	8.22	.60	.95		
Group 3	8.06	.60	.95		
Group 4	7.55	.60	.95		

MODIFICATION P. 11

DECISION NO. NJ75-3050 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Painters (Cont'd)					
not be applicable to machinery or equipment located therein) Repaint Work as described above On Bridges, Television and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over), Smoke Stacks, Water Towers, Sandblasting, Steamcleaning, Spraying or application of hazardous materials	$ 9.05 8.65	.55 .55	.50 .50	.15 .15	.05 .05
Plumbers & Pipefitters:					
Zone 3	9.50	.55	.50	.15	.05
Zone 4	9.65 10.94	.74 .57	.77 .85	1.10	.09 .05
Roofers:					
Zone 4					
Composition, Waterproofing, Slate and Asphalt Shingle	10.15	.50	.60		
Add:					
Ironworkers - Structural, Ornamental & Reinforcing:					
Monmouth and Ocean (northern half of county) Counties	10.19	7%	23%	10%	1%

MODIFICATION P. 14

DECISION NO. NJ75-3050 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Omit:					
Ironworkers-Structural, Reinforcing & Ornamental:					
Middlesex County	$ 9.62	7%	23%	10%	1%
Add:					
Ironworkers-Structural, Reinforcing & Ornamental: Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Sussex & Union Counties	10.19	7%	23%	10%	1%
DECISION #AR-30147 - Mod. #2 (39 FR 30800 - August 23, 1974) Trumbull County, Ohio					
Changes:					
Painters:					
Commercial & Residential:					
Brush, Paperhanging, waterproofing, and Wall washing	$ 9.865	.60	.40		
Drywall Taping	10.015	.60	.40		
Spray	10.365	.60	.40		
Industrial:					
Brush & Bridges	10.07	.60	.40		
Spray & Sandblasting	10.17	.60	.40		

MODIFICATION P. 13

DECISION NO. NJ75-3050 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Laborers, Asphalt Construction:					
Zone 1					
Street:					
Head Rakers	$ 7.70	.61	.69		e
Rakers & Screed Men	7.55	.61	.69		e
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	7.30	.61	.69		e
Plant:					
Scale Mixer & Burner Men	7.55	.61	.69		e
Feeders & Dust Men	7.30	.61	.69		e
Zone 2					
Street:					
Head Rakers	7.40	.60	.95		e
Rakers & Screed Men	7.25	.60	.95		e
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	7.00	.60	.95		e
Plant:					
Scale Mixer & Burner Men	7.25	.60	.95		e
Feeders & Dust Men	7.00	.60	.95		e
Line Construction:					
Zone 1					
Operators & Equipment Operators Groundmen & Line Truck Operators	11.29	4%	1$+.50		
Painters:	9.74	4%	1$+.50		
Zone 1					
Commercial, Industrial & Tapers	9.05	.90	1.35		
Steel Outside	10.05	.90	1.35		
Spray	11.55	.90	1.35		
Plumbers:					
Zone 5	9.94	.695	.795	1.19	.08
Plumbers & Steamfitters:					
Zone 3	10.94	.57	.85		
Zone 4	9.65	.74	.77	1.10	
Roofers:					
Zone 2					
Composition, Waterproofing, Slate & Asphalt Shingle	10.15	.50	.60		
Zone 5					
Slate & Tile	10.40	.70	.30		
Slate & Tile Helpers	9.30	.70	.30		
Sprinkler Fitters:					
Zone 2	11.25	.50	.80		

V 40 I 188 SEP 26 75 XUM

MODIFICATION P. 15

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
DECISION #0075-5111 - Mod. #1 (40 FR 41371 - September 5, 1975) Basic Hourly Rates					
Sheet Metal Workers	$10.55	.50	.80	/	.08
Change: Sprinkler Fitters					
DECISION #TN75-1070 - Mod. #1 (40 FR 30435 - July 18, 1975) Shelby County, Tennessee					
CHANGE: Ironworkers					
Steamfitters, air conditioning mechanics and pipefitters	$ 9.15 10.47	.35 .30	.60 .30		.125
DECISION #AP-494 - Mod. #1 (38 FR 7693 - March 23, 1973) The Independent Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth & Virginia Beach, Virginia					
Change: Electricians	$8.00	5%	6%		17
DECISION #WA75-5113 - Mod. #1 (40 FR 42507-September 12, 1975) Statewide, Washington					
Change: Sprinkler Fitters: Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Counties	$12.26	.50	.80		.09
Remaining Counties	10.55	.50	.80		.08

FEDERAL REGISTER, VOL. 40, NO. 188—FRIDAY, SEPTEMBER 26, 1975

SUPERSEDEAS DECISION

STATE: Alabama
DECISION NUMBER: AL75-1086
Supersedes Decision No.: AL75-1056 dated May 30, 1975 in 40 FR 23452
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

COUNTIES: Jefferson & Shelby
DATE: Date of Publication in FR
AL75-1086 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
Truck Drivers (Cont'd)					
3 tons but not including 5 tons	6.20	.20			
5 tons and over including special equipment	6.35	.20			
Heavy Duty - off the road trucks	6.45	.20			
Welders, riggers, riveters - receive rate prescribed for craft performing operation to which welders, riggers and riveters are incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day
Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. 6 paid holidays: A through F.
b. Employer contributes 1% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
Asbestos workers	8.61	.30	.30		.05
Boilermakers	7.50	.40	.90		.02
Bricklayers: pointers; caulkers; stonemasons	8.75	.25	.25		.05
Carpenters:					
Carpenters: soft floor layers	7.75	.40	.25		.06
Millwrights	9.15				.06
Pile drivermen	7.95	.40	.25		.06
Cement masons	7.33	.50		3%+b	3%
Electricians:				3%+b	3%
Electricians	8.50	.30	1%		3%
Cable splicers	8.75	.30	1%		3%
Elevator constructors	8.02	.445	.29	3%+b	3%
Elevator constructors helpers	5.61	.445	.29	3%+b	3%
Elevator constructors helpers (Prob.)	4.01	.40	.40		.01
Glaziers	7.33	.40	.595		.04
Ironworkers	8.25	.55	.01		.01
Lathers	6.90				3%
Linemen:					3%
Linemen	7.15	.20	1%		3%
Groundmen under one year	3.44	.20	1%		3%
Groundmen one year and over	4.04	.20	1%		3%
Hole and ditch digging equipment, tractor with winch and derrick, truck with winch and derrick	6.08	.20	1%		3%
Tractor with towing machine, truck with winch only	5.01	.20	1%		3%
Truck without winch	4.29	.20	1%		3%
Marble setters	5.85				3%
Painters:					
Brush	7.45		.40		.07
Spray; Structural steel	7.95		.40		.10
Paperhangers	7.60		.40		.05
Plasterers	7.47	.50			.08
Plumbers: Pipefitters	9.40	.40	.40		
Roofers	6.80	.45	.20		
Sheet metal workers	9.00	.45	.40		
Sprinkler fitters	8.75	.50	.70		
Terrazzo workers; Tile setters	7.60		.30		
Tile, Marble terrazzo helpers	5.30				
Truck Drivers:					
Up to but not including 1½ tons	5.75	.20			
1½ to but not including 3 tons	5.95	.20			

FEDERAL REGISTER, VOL. 40, NO. 188—FRIDAY, SEPTEMBER 26, 1975

V40|188 SEP 26 75 XUM

AL75-1086 (Cont d)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GROUP A	5.55	.20	.30		.03
GROUP B	5.50	.20	.30		.03
GROUP C	5.45	.20	.30		.03
GROUP D	5.40	.20	.30		.03
GROUP E	5.80	.20	.30		.03
GROUP F	6.25	.20	.30		.03
GROUP G	6.15	.20	.30		.03
GROUP H	6.20	.20	.30		.03
GROUP I	6.10	.20	.30		.03
GROUP J	5.95	.20	.30		.03

GROUP A
Air or electric tool operators and asphalt rakers

GROUP B
Vibrator operators, chain saw ope., of mechanical equipment which replaces (wheelbarrows or buggies), power mowers, mortar mixers, pipe layers, cono. & clay and muckers

GROUP C
Plasterers' tenders & hod carriers

GROUP D
Mason tenders, building laborers and wagon drill operators' helpers

GROUP E
Burners on demolition, wagon drill operators and tunnel laborers

GROUP F
Powderman

GROUP G
Caisson-driller

GROUP H
Tunnel miner

GROUP I
Pneumatic concrete gun operator and nozzleman

GROUP J
Chuck tender

AL75-1086 - (Cont d)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP A	8.14	.30	.20		.10
GROUP B	7.91	.30	.20		.10
GROUP C	7.14	.30	.20		.10
GROUP D	8.84	.30	.20		.10
GROUP E	8.43	.30	.20		.10
GROUP F	7.27	.30	.20		.10

GROUP A
Asphalt plant; boom tractor; bulldozer; cableways; core driller; compressors (2 or more); crane-derrick-dragline; dinky locomotive; dredges; fork lift; front end loader; gradall; heavy duty mechanic; hoist (1 drum or more); mixers; push tractor; scrapers; shovels; trenching machine (and all similar equipment); winch trucks; motor graders; concrete pump; pile-driver; rotary drill

GROUP B
Air compressor (over 125); asphalt spreaders; blade graders (pull type); boat operator; conveyor (2 or more up to 4); crawler tractor; distributors (bituminous surface); farm tractors; finishing machine; pumps over 4 inches; rollers; welding machine (4 or more)

GROUP C
Air compressor (125 & under); oilers-firemen; conveyor (1) tended by oiler); pumps (under 4 inches); welding machines (3 or under); mechanic helpers

GROUP D
ON STEEL ERECTION: Crane; dragline, derrick; hoist; piledriver; winch truck; fork lift; tower cranes; climbing cranes; cherry picker; mechanics; locomotives; tug boat

GROUP E
Tractors; welding machine; gas or diesel driven welding machine (4 or more); air compressors over 125 (2 or less); power generating units (gas or diesel)

GROUP F
Gas or diesel driven welding machine (3 or less); mechanic helper, air compressor 125 and under (2 or less); oiler; fireman; small boat

SUPERSEDEAS DECISION

STATE: Washington, D. C. DATE: Date of Publication
DECISION NO.: DC-75-3099
Supersedes Decision No. DC-75-3061, dated June 20, 1975, in 40 FR 26242.
DESCRIPTION OF WORK: Building (excluding single family houses and garden type apartments, up to and including 4 stories), Heavy (excluding Metro Projects), and Highway Construction, Demolition and Sewer and Water Lines.

1-D. C. 1-2-

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.45	.45	.55		.015
BOILERMAKERS - Blacksmiths	9.40	.60	.90		.02
BRICKLAYERS	9.85	.60	.60		.10
CARPENTERS	9.55	.50	.49		.07
CEMENT MASONS:					
Cement Masons	9.65	.485	.45		.11
Grinding Machine	9.90	.485	.45		.11
ELECTRICIANS	10.10	.35	1%+.75		.10
ELEVATOR CONSTRUCTORS	9.775	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.84	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	4.89				
GLAZIERS	9.03	.56	.40		.05
IRONWORKERS:					
Structural, Ornamental and Chain Link Fence	9.55	.30	.60		.05
Reinforcing	10.00	.35	.60		.03
LABORERS:					
Common Laborers, Landscapers	7.71	.35	.40		.05
Acetylene Burners Used on Wrecking	8.21	.35	.40		.05
Air Tool Operator; Scaffold Builder, Paving Breakers; Powdermen; Buggy Mobiles; Spaders; Mortarmen and Scootcretes	7.86	.35	.40		.05
Pipelayers	7.86	.35	.40		.05
Plasterers' Tenders	7.03	.32	.35		.05
Plumbers' Laborers	6.93	.30	.40		.05
Powdermen	8.885	.35	.40		.05
Powersaw, Well Points	7.96	.35	.40		.05
LATHERS	8.73	.50	.50		.025
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen, Cable Splicers, Equipment Operators	10.86	.35	1%		1/4%
Truck with Winch, Truck Pole or Steel handling	7.18	.35	1%		1/4%
Groundmen (0 to 1 year)	5.76	.35	1%		1/4%
Groundmen (1 to 2 years)	6.67	.35	1%		1/4%
Groundmen (over 2 years)	6.92	.35	1%		1/4%

DECISION NO. DC-75-3099 BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS	$10.80	.45	.30		.05
MARBLE SETTERS' HELPERS	7.35				
MILLWRIGHTS	9.99	.50	.49		.07
PAINTERS:					
Brush, Spray, Paperhangers, Tapers	9.44	.41	.18		.06
Steel, Sandblasting, Swing Stage, Power Brushing	9.94	.41	.18		.06
CARPET LAYERS	6.07	.30			.05
PILEDRIVERMEN	9.75	.50	.49		.07
PLASTERERS	9.80	.45	.25		.06
PLUMBERS	9.43	.58	.55		18
ROOFERS:					
Composition	7.51	.42	.20		
Slate, Tile, Mopmen, Waterproofers, Sprayers, Sprandrel and Ironite	8.07	.42	.20		
Helpers	5.48	.42	.20		
SHEET METAL WORKERS	9.26	.64	.74		.12
SOFT FLOOR LAYERS	9.33	.50	.49		.07
SPRINKLER FITTERS	10.60	.50	.80		.08
STEAMFITTERS, REFRIGERATION and Air Conditioning Mechanic	9.45	.52	.65		.12
STONE MASONS	10.80	.45	.30		.05
STONE CUTTERS:					
Fitters and trimmers	9.90	.18	.20		
Ornamental Carvers	9.49	.18	.20	h	
Figure Carvers	10.11	.18	.20	h	
TERRAZZO and MOSAIC WORKERS	9.33	.40	.30		
TERRAZZO WORKERS' HELPERS	8.05	.40	.30		
TILE SETTERS	9.33	.40	.30		
TILE SETTERS' HELPERS	8.05	.40	.30		
TRUCK DRIVERS:					
Boom Trucks	6.40	.25	f	g+j	
Small Dump, Water Sprinkler, Grease and Oil	6.15	.25	f	g+j	
Flat, Pick-up Hauling Materials, Small Euclids, Dump over 8 wheels	6.25	.25	f	g+j	
Trailers, Low Boys, Tractor Pulls	6.45	.25	f	g+j	
Helpers	6.00	.25	f	g+j	

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BUILDING & HEAVY CONSTRUCTION

DECISION NO. DC-75-3099

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Euclid Water Sprinkler, Tunnel Work under ground	$6.55	.25	f	g+j	
Mechanics	6.30	.25	f	g+j	
RIGGERS and WELDERS - Receive rates prescribed for crafts performing operations to which rigging and welding are incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A Through F.
b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday).
f. $8.00 per week when employee has worked 90 days and works 3 days in a work week.
g. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday).
h. Five Paid Holidays: Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and New Year's Day.
j. One week's paid vacation providing employee has worked 3 years and a minimum of 1450 hours during any calendar year.

DECISION NO. DC-75-3099

DEMOLITION (excluding Metro Projects)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers	$5.62	.28	.25		.03
Burners	6.12	.28	.25		.03
Power Equipment Operators:					
Cranes	9.695	.50	.55		.12
Loaders	9.295	.50	.55		.12
Truck Drivers	4.00				

DECISION NO DC-75-3099

2-D.C. - PFO-1-2-R

BUILDING & HEAVY CONSTRUCTION

Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$10.45	.50	.55		.12
GROUP 2	10.20	.50	.55		.12
GROUP 3	9.82	.50	.55		.12
GROUP 4	10.05	.50	.55		.12
GROUP 5	9.87	.50	.55		.12
GROUP 6	9.80	.50	.55		.12
GROUP 7	9.79	.50	.55		.12
GROUP 8	9.62	.50	.55		.12
GROUP 9	9.80	.50	.55		.12
GROUP 10	9.60	.50	.55		.12
GROUP 11	8.74	.50	.55		.12

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS
GROUP 1 - 35 ton cranes and above, tower and climbing cranes
GROUP 2 - Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent), paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops and scrapers (50 cu. yds, struck capacity or above), multiple concrete conveyors, front end loader (over 3-1/2 cu. yds.)
GROUP 3 - Mechanic, mechanic welder, welders
GROUP 4 - Hydraulic backhoes, under 1/2 yd., mounted on tractors, front end loader (over 2-3/4 cu. yds., to and including 3-1/2 cu. yds.)
GROUP 5 - Air compressors (on steel)
GROUP 6 - Front end loaders (hi-lift), fork lifts
GROUP 7 - Boilers (skeleton), trenching machines, tug boats, well drilling machines
GROUP 8 - Air compressors (except on steel), concrete mixers, mechanics and maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points
GROUP 9 - Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders
GROUP 10 - Power driven wheel scoops and scrapers (under 50 cu. yds., struck capacity), blade graders, bulldozers, motor graders
GROUP 11 - Firemen

DECISION NO. DC-75-3099

1 of 3

SEWER and WATER LINES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$9.85	.45	.45		.10
CARPENTERS	9.55	.50	.49		.07
CEMENT MASONS	9.65	.485	.45		.11
IRONWORKERS; Reinforcing	10.00	.35	.60		.03
PILEDRIVERMEN	9.75	.50	.49		.07
PLUMBERS	9.43	.58	.55		.18
POWER EQUIPMENT OPERATORS:					
Backhoes, Cable ways, Cranes, Draglines power shovels, Tunnel Shovels, Tunnel mucking machines, Derricks, 1 cu. yd. and over	7.64	.35	.35		.05
Backhoes, Cableways, Cranes Derricks, Dragline, Tunnel Shovels, Tunnel mucking machines up to 1 cu. yd., Boom cats, Elevating graders, Hoists, Paving mixers, Piledriving engines, Batch Plants, Concrete pumps	7.39	.35	.35		.05
Trenching Machines (above 8'3")	7.19	.35	.35		.05
Backhoes (hydraulic, under ¼ c.y.)	7.27	.35	.35		.05
Trenching machines (up to 8'3"), Boilers skeleton, Well drilling machines	7.09	.35	.35		.05
Air Compressors, tunnel	7.06	.35	.35		.05
Front end loaders (high lift), Bulldozers	7.04	.35	.35		.05
Concrete mixers, Power sheel scoops and scrapers, Mortor graders, Tunnel motor men, blade Graders, tunnel mechanics	6.94	.35	.35		.05
Mechanics	6.92	.35	.35		.05
Bulldozer, Hydraulic tampers	6.84	.35	.35		.05
Roller	6.74	.35	.35		.05
Air Compressors, Pump, Welding machine well points	6.665	.35	.35		.05
Apprentice Engineers:					
Firemen	6.20	.35	.35		.05
Truck crane oilers	6.05	.35	.35		.05
Oilers	6.00	.35	.35		.05
TRUCK DRIVERS:					
Dump trucks	2.75	.12	c		

XUM 57 6 2 9 7 5 8 8 1 0 4 V

Page 7

DECISION NO. DC-75-3099

2 of 3

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd)					
Dump trucks over 8 wheels	$2.85	.12	c		
Flat trucks	2.85	.12	c		
Trailers	2.95	.12	c		
Fuel and Oil trucks	2.75	.12	c		
Euclids	3.10	.12	c		
LABORERS:					
Open Cut:					
Laborers, Jackhammer, Rammers and Spaders	5.78	.28	.25		.03
Timbermen, Sheeting-men, Shoring men, Caulkers, Pipelayers' Helpers	5.93	.28	.25		.03
Bottom Man	5.83	.28	.25		.03
Wagon Drillers, Air Track Drillers	6.13	.28	.25		.03
Pipelayers	6.13	.28	.25		.03
Rock Drillers	5.88	.28	.25		.03
Tunnel:					
Brakemen, Bull Gang, Dumper, Trackmen, Concrete Man	6.415	.28	.25		.03
Chuck Tender, Powder in Prime House, Form Setters and Movers, Nippers, Cablemen, Hosemen, Grout Men, Bell or Signal Men, TTop or Bottom, Vibrator Operator, Caulkers' Helpers	6.715	.28	.25		.03
Miners, Rodmen, Re-bar underground, Concrete or Gunite Nozzlemen, Powermen, Timberman and Retimberman wood or steel including liner plate or any other support material, motorman, Caulkers, Diamond Drill, Riggers, Cement Finishers (underground), Welders and Burners, Shield Driver	7.365	.28	.25		.03
Mucking machine Operator (air)	7.615	.28	.25		.03

FOOTNOTES:
a. Employer contributes $2.24 per day to Health and Welfare.
b. Employer contributes $2.00 per day to Pension.
c. $4.00 per week when employee has worked 40 days and work three days in any work week.

COMPRESSED AIR: (All rates per day)

Gauge Pressure Pounds	Work Period				
From 1 to 14	7 hours	72.74	a	b	.03
From 14 to 18	6 hours	76.08	a	b	.03
From 18 to 22	5¼ hours	79.41	a	b	.03
From 22 to 26	5 hours	82.76	a	b	.03
From 26 to 32	4 hours	86.09	a	b	.03
From 32 to 38	3 hours	89.44	a	b	.03
From 38 to 44	2½ hours	92.77	a	b	.03

5-D.C.-3- V Page 9

DC-75-3099

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.	Others
HIGHWAY CONSTRUCTION						
Asphalt shoveler	$6.30	.22	.25			
Asphalt raker	6.50	.22	.25			
Asphalt tamper	6.40	.22	.25			
Brick layers	9.85	.60	.60			
Carpenters	8.75	.30	.49		.10	
Cement masons	8.75	.22	.25		.07	
Concrete saw operator	6.50	.22	.25			
Concrete shoveler	6.40	.22	.25			
Form setter	6.75	.22	.25			
Laborers:						
Laborers	6.25	.22	.25			
Jackhammer	6.45	.22	.25			
Hand burner operator	6.40	.22	.25			
Power Equipment Operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	6.50	.22	.25			
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanic or welder, rubber tired backhoe (over 1-½ cu. yds.)	6.70	.22	.25			
Asphalt spreader, tractor, backhoe (½ cu.yds. or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)	6.75	.22	.25			
Crane operator, concrete paving op.	6.90	.22	.25			
Shovel operator	7.00	.22	.25			
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	7.65	.22	.25			
G-1000 Gradall operator (over 1-½ cu.yds.)	7.90	.22	.25			
Power broom, oiler	6.40	.22	.25			
Sand setter	6.75	.22	.25			
Truck Drivers:						
Truck drivers (standard)	6.25	.22	.25			
Tandem	6.37	.22	.25			
Tractor trailer (capable of moving heavy equipment)	6.75	.22	.25			

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SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: KY75-1100
Supersedes Decision No. AR-4047 dated November 1, 1974, in 39 FR 38824
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

COUNTY: Boyd
DATE: Date of Publication

Page 2

KY75-1100 (Cont d)

	Basic Hourly Rates	Fringe Benefits Payments		
		H&W	Pensions	Vacation	App Tr
PLUMBERS and STEAMFITTERS:					
Within a 5 mile radius of 17th Street and Winchester Avenue, Ashland	$8.91	.50	.85	c+1.00	.10
Over 5 mile and within a 15 mile radius of 17th Street and Winchester Avenue, Ashland	9.11	.50	.85	c+1.00	.10
Over 15 and within 30 mile radius of 17th and Winchester Avenue, Ashland	9.31	.50	.85	c+1.00	.10
Over 30 miles radius of 17th Street and Winchester Avenue, Ashland	9.41	.50	.85	c+1.00	.10
ROOFERS	8.82	.45	.40		.05
SHEET METAL WORKERS	9.32	.45	.40		.05
SOFT FLOOR LAYERS	8.91	.40	.50		.08
SPRINKLER FITTERS	10.55	.50	.80		
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:
a. Six Paid Holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vadation Pay Credit for employee who worked in business less than 5 years.

c. Two Paid Holidays: C and F.

d. Nine Paid Holidays: A through F, plus Washington's Brithday, Good Friday and Christmas Eve providing employed has worked 45 full days during the 120 calender days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H&W	Pensions	Vacation	App Tr
ASBESTOS WORKERS	$10.65	.35	.35		
BOILERMAKERS-Blacksmiths	8.55	.60	.80		
BRICKLAYERS:					
Brick Layers	9.86				.03
Stone Masons	9.86				.02
CARPENTERS:					
Carpenters	8.91	.40	.50		
Millwrights	9 98	.40	.37		
Piledrivermen	9.20	.40	.50		
CEMENT MASONS	10.11				
ELECTRICIANS:					
Electricians	9.80	.30	17+.32	1.02	.04
Cable Splicers	9.79	.30	17+.32	1.02	.04
Linemen	8.31	.25	17+.27	1.02	.02
Groundmen	6.65	.25	17+.27	1.02	.02
Cable Splicers	9.14	.24	17+.27	1.02	.02
ELEVATOR CONSTRUCTORS	9.38	.445	17+.27	1.02	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	1+wkb	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR		.29	1+wkb	.02
IRONWORKERS:					
Structural, Ornamental,	10.26	.65	.70		.01
Reinforcing	7.865		.10		
LATHERS	8.25	.30			.01
PAINTERS:					
Commercial:					
Brush	6.97				
Roller	7.13				
Spray	7.49				
Industrial:					
Brush	7.24				
Spray	7.44				
PLASTERERS	10.11				

Page 3

KY75-1100 (Cont d)

	Basic Hourly Rates	Fringe Benefits Payments			
		H&W	Pensions	Vacation	App Tr
LABORERS:	$6.57	.25	.25		
Group 1	6.72	.25	.25		
Group 2	6.74	.25	.25		
Group 3	6.77	.25	.25		
Group 4	6.82	.25	.25		
Group 5	7.01	.25	.25		
Group 6	7.27	.25	.25		
Group 7	7.77	.25	.25		
Group 8					

LABORERS

Group 1: Laborers, Carpenters' Helpers, Concrete Men, Wreckers, Wall Men, Handlers of empty oxygen and acetylene bottles

Group 2: Hod Carriers, Mortar Men, Cement Finishers' Helpers, Lathers and Plasterers' Tenders

Group 3: Wrapping, Heating and Applying hot and cold tar on all pipes, Applying tape on pipes and operating of Tester

Group 4: Deck Hand and Scow Men

Group 5: Jackhammer and Electrical, gas or air power driven tools, Burning Torch, Wagon Drill Operators and Tile Layers, Handling or all creosote material, Signal Men, Tool Room Men, Asphalt Raker and Sandblasters

Group 6: Rock and Powdermen

Group 7: Sand Hog or Mucker, Tunnel Miners

Group 7: Caisson Workers

Page 4

KY75-1100 (Cont d)

	Basic Hourly Rates	Fringe Benefits Payments			
		H&W	Pensions	Vacation	App Tr
POWER EQUIPMENT OPERATORS:	$9.20	.30	.30		.05
Class A	7.06	.30	.30		.05
Class B	6.48	.30	.30		.05
Class C					

POWER EQUIPMENT OPERATORS

Class A: Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Central Compressor Plant, Clamshell, Concrete Mixer (21 cu. ft. or over), Concrete Pump, Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Dredge Operator, Dredge Engineer, Elevating Grader and all types of Loaders, Hoetype Machine, Hoisting Engine (2 or more drums) Locomotive, Motor Scraper, Carry-all Scoop, Bulldozer, Heavy Duty Welder, Mechanic, Orangepeel Bucket, Pile Driver, Power Blade, Motor Grader, Roller (bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Winch Truck, Push Dozer, Highlift, Forklift (regardless of lift height), all types of Boom Cats, Core Drill, Hopto, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradeall, Hoist, Hyster, Pumpcrete, Rosa Carrier, Side Boom, Tail Boom Rotary Drill, Hydro Hammer, Mucking Machine, Rock Spreader attached to equipment, Scoopmobile, KeCal Loader, Tower Cranes (French, German and other types), Hydro Crane, Backfiller, Gurries, Sub-grader

Class B: All Air Compressors, (600 cu. ft. per min. or greater capacity), Bituminous Mixer, Joint Sealing Machine, Concrete Mixer (under 21 cu. ft.), Form Grader, Roller (rock), Tractor (50 HP.P and over) Bull Float, Finish Machine Outboard Motor Boat, Flexoplane, Piteman, Boom type Tamping Machine, Truck Crane Oiler, Greaser on grease facilities servicing heavy equipment, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, self-propelled Compactor, Tractair and Road Widening Trencher and Farm Tractor with attachments except Backhoe, Highlift and End Loader, Elevator (regardless of ownership when used for hoisting any building material), Hoisting Engine (one drum or buck hoist), Well Points, Grout Pump, Throttle-valve Man, Tugger, Electric Vibrator Compactor

Class C: Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Roller (earth), Tamping Machine, Tractair (under 50 HP.P.), Vibrator, Oiler, Concrete Saw, Burlap and Curing Machine, Hydro-seeder, Power Form Handling equipment, Deckhand Oiler, Hydraulic Post Driver and Drill Helper

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KY75-1100 (Cont d)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Group 1	$7.57	a	b	.50	
Group 2	7.67	a	b	.50	
Group 3	7.82	a	b	.50	
Group 4	7.87	a	b	.50	
Group 5	8.22	a	b	.50	
Group 6	7.97	a	b	.50	
Group 7	7.92	a	b	.50	

TRUCK DRIVERS

Group 1: Warehousemen, Yardmen, Truck Helpers, Pickups, Station Wagons, Panel Trucks, Flatbody material trucks (straight jobs), Greasers, Washers, Tiremen, Gas Pump Attendants, Dump Trucks (up to 5 cu. yds.)

Group 2: Tank Trucks (straight)

Group 3: Dump Trucks (5 cu. yds. or over), Semi-dump Trucks, Semitrailers whether Flat, Rack or Pole and hauling or pushed by trucks or tractors, Agitator or Mixer Trucks (up to 5 cu. yds.), Farm type Tractors, Tank Truck (semi)

Group 4: Lowboys Trailers, Winch Trucks, Fork Trucks, Distributors Trucks (front and back end), Truck Cranes, Monorail

Group 5: Euclids, Dumpsters, Turnarockers, Ross Carriers, Athey Wagons or similar equipment, A-Frame, Hydro-lifts, Dual purpose trucks and Mechanics

Group 6: Agitators or Mixer Trucks (5 cu. yds. and over)

Group 7: Material Checkers and Receivers Mechanics Helpers

FOOTNOTES:
a. $58.50 per month for employees employed over 30 days or more.
b. $34.67 per month for employees employed over 30 days or more.

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: See Below*
DECISION NUMBER: KY75-1096 DATE: Date of Publication
Supersedes Decision No.: AR-4056 dated November 8, 1974 in 39 FR 39703
DESCRIPTION OF WORK: Heavy and Highway Construction

*Counties:
Boone, Campbell, Kenton, and Pendleton

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	10.895	.45	.35		.01
Carpenters	10.55	.45	.55		.025
Cement masons	8.83	.50			.02
Electricians:					
Wiremen, Linemen	10.80	.40	1%+.50		½ of 1%
Cable splicers	10.80	.40	1%+.50		½ of 1%
Groundmen	8.10	.40	1%+.50		½ of 1%
Ironworkers:					
Structural and ornamental	10.545	.65	.70		.03
Reinforcing	10.545	.65	.70		.03
Painters:					
Brush and roller	9.95		.15		
Sandblasting	10.60		.15		
Spray	10.20		.15		
Painters, bridge:					
Brush, roller	10.10		15		
Sandblasting, hoppertender and waterblasting	10.60		.15		
Bridges, when highest point of clearence is 60 ft. or more	11.10		.15		
Sandblasting, hoppertender, waterblasting (bridges when highest point of clearence is 60 ft. or more)	11.60		.15		
Piledrivermen	10.55	.45	.55		.025
Pipefitters	10.70	.50	1.25		.05
Plumbers	10.92	.40	1.15		.05
Sprinkler fitters	10.55	.50	.80		.08

KY75-1096 - Cont' d)

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	7.12	.55	.40		.05
GROUP 2	7.245	.55	.40		.05
GROUP 3	7.32	.55	.40		.05
GROUP 4	7.47	.55	.40		.05
GROUP 5	7.77	.55	.40		.05

GROUP 1: Laborers (construction), plant laborers or yardmen, right-of-way laborer, landscape laborer, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector

GROUP 2: Asphalt raker, concrete puddler, kettle man (pipeline), all machine driven tools (gas, electric, air), mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power buggy or power wheelbarrow

GROUP 3: Form setter, bottom man, welder helper (pipeline), concrete saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, cleaning, repairing and reconditioning), tunnel laborer (without air) and caisson, cofferdam (below 25 feet deep), air track and wagon drill

GROUP 4: Blaster and powder man, muckers, wrencher (mechanical joints and utility pipeline), yarner, top lander

GROUP 5: Curb setter and cutter, miner (without aid), concrete crew in tunnels utility pipeline tapper, gunnite nozzle man, waterline caulker

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P.1

KY75-1096 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
CLASS A	9.64	.46	.80		.11
CLASS B	8.58	.46	.80		.11
CLASS C	8.16	.46	.80		.11
CLASS D	8.05	.46	.80		.11
CLASS E	6.84	.46	.80		.11

CLASS A - Power Equipment Operators: Air compressor on steel erection, boiler operator on compressor or generator when mounted on 3 1/2, cableway, combination crane and clamshell, tower crane, crane on rails, derrick, concrete batch plant, crane (all types, including 2-drum boom trucks, clamshell buckets), derricks, dragline, dredge (dipper, clam or suction), elevating grader or euclid loader, floating equipment (all types), helicopter crew (operator-hoist or winch), hoes (all types), hoisting engine or shaft or tunnel work, hoisting engine, industrial type tractor, jet engine dryer (D8 or D9) diesel tractor, locomotives (standard gauge), maintenance operator class A mixer, paving (single or double drum), mucking machines, multiple scraper, pile driving machines (all types), power shovels, Quad 9 (double pusher), refrigerating machine (freezer operation), Rotary drill on caisson work, slip-form paver, survey crew party chief, tower derricks, tree shredder, trench machines (over 24" wide), truck mounted concrete pump tug boat, tunnel machine, wheel excavator

CLASS B - Asphalt paver, automatic subgrader machine, self-propelled (CMI type), bulldozers, endloader, Koman loader (production type - Dirt), lead grease man, maintence operators Class B, power grader, power scoops and scrapers, push cat, trench machines (24" wide and under).

CLASS C - Air compressor on tunnel work (low pressure), asphalt plant engineer, batch operator, concrete pump (over 4 cu. yd. per hour on bag capacity), mixers, one bag capacity, (side loader), pavers (under 25 lb. pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers (asphalt, utility operator (small equipment), welding machines and generators

CLASS D - Bakofillers, bar, joint and mesh installing chines, batch plant, bull floats, burpal and curing machine, compressor (portable, sewer, heavy and highway), concrete plant (capacity 4 yd and under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill, highway (with integral power), farm type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenchers, hydro seeders, plant mixers, post driver, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grader, macadam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, survey instrument man, tractor (pulling sheetfoot roller or grader), vibratory compactors (with integral power

CLASS E - Drum fireman (asphalt plant), helpers, inboard-outboard motor boat-launch, oil heaters (asphalt plants), oilers, power-driven heaters, pumps (under 4" discharge), signalmen, survey rodmen or chainmen tire repairmen

P.3

KY75-1096 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
CLASS A	9.64	.46	.80		.11
CLASS B	8.58	.46	.80		.11
CLASS C	8.16	.46	.80		.11
CLASS D	8.05	.46	.80		.11
CLASS E	6.84	.46	.80		.11

CLASS A - Power Equipment Operators: Air compressor on steel erection, boiler operator on compressor or generator when mounted on 3 1/2, cableway, combination crane and clamshell, tower crane, crane on rails, derrick, concrete batch plant, crane (all types, including 2-drum boom trucks, clamshell buckets), derricks, dragline, dredge (dipper, clam or suction), elevating grader or euclid loader, floating equipment (all types), helicopter crew (operator-hoist or winch), hoes (all types), hoisting engine or shaft or tunnel work, hoisting engine, industrial type tractor, jet engine dryer (D8 or D9) diesel tractor, locomotives (standard gauge), maintenance operator class A mixer, paving (single or double drum), mucking machines, multiple scraper, pile driving machines (all types), power shovels, Quad 9 (double pusher), refrigerating machine (freezer operation), Rotary drill on caisson work, slip-form paver, survey crew party chief, tower derricks, tree shredder, trench machines (over 24" wide), truck mounted concrete pump tug boat, tunnel machine, wheel excavator

CLASS B - Asphalt paver, automatic subgrader machine, self-propelled (CMI type), bulldozers, endloader, Koman loader (production type - Dirt), lead grease man, maintence operators Class B, power grader, power scoops and scrapers, push cat, trench machines (24" wide and under).

CLASS C - Air compressor on tunnel work (low pressure), asphalt plant engineer, batch operator, concrete pump (over 4 cu. yd. per hour on bag capacity), mixers, one bag capacity, (side loader), pavers (under 25 lb. pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers (asphalt, utility operator (small equipment), welding machines and generators

CLASS D - Bakofillers, bar, joint and mesh installing chines, batch plant, bull floats, burpal and curing machine, compressor (portable, sewer, heavy and highway), concrete plant (capacity 4 yd and under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill, highway (with integral power), farm type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenchers, hydro seeders, plant mixers, post driver, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grader, macadam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, survey instrument man, tractor (pulling sheetfoot roller or grader), vibratory compactors (with integral power

CLASS E - Drum fireman (asphalt plant), helpers, inboard-outboard motor boat-launch, oil heaters (asphalt plants), oilers, power-driven heaters, pumps (under 4" discharge), signalmen, survey rodmen or chainmen tire repairmen

P. 2

MS75-1099 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
Laborers (Cont'd):					
Asphalt rakers, mason tenders, mortar mixers, masonry cleaners, pipelayers, power saw oper., pipe wrapping, power post hole digger, railroad men, sandblasting, and vibrator-jackhammer; plasterer tender	4.65	.15	.10		.01
Lathers	6.00		.10		
Line Contruction:					
Linemen	8.55	.25	19%+.20		1/8%
Cable splicers	8.80	.25	19%+.20		1/8%
Painters (Jackson County):					
Commercial:					
Brush	5.83				.05
Roller	6.00				.05
Spray	6.68				.05
Industrial:					
Brush	6.55				.05
Spray & Sandblasting	7 80				.05
Painters (Hancock, Harrison, & Pearl River Counties):					
Commercial:					
Brush & roller	5.30				.03
Spray	6.55				.03
Structural steel under 30':					
Brush & roller	5.55				.03
Spray	6.55				.03
Piledrivermen	8.63	.30	.35		
Pilemasters on creosote material	8.88	.30	.35		
Plumbers & steamfitters	8.35	.31	.25		.01
Roofers:					
Roofers	6.55		.15		
Helpers	4.00				
Kettlemen	4.00				
Sheet metal workers	7.3375	.25	.40	.25	.10
Sprinkler fitters	8.60	.50	.70		.08

P.3

SUPERSEDEAS DECISION

STATE: Mississippi

COUNTIES: Harrison, Hancock, Jackson, & Pearl River

DECISION NO.: MS75-1099

DATE: Date of Publication

Supersedes Decision No.: MS75-1013 dated January 31, 1975 in 40 FR 4054.

DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), and heavy construction.

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.
Asbestos workers (Pearl River and Hancock)	7.25	.40	.90		
Asbestos workers (Jackson and Harrison)	8.60	.395	.75	c	.02
Boilermakers	7.50	.40	.90		.02
Bricklayers:					
Bricklayers	7.90		.15		
Blockmasons	7.90		.15		
Caulkers & Pointers	7.90		.15		
Marble Masons	7.90		.15		
Stonemasons	7.90		.15		
Plasterers	7.80		.15		
Terrazzo workers	7.80		.15		
Tile setters	7.80		.15		
Cement masons	7.28				
Carpenters:					
Carpenters	7.15		.20		
Soft floor layers	7.15		.20		
Millwrights	7.47		.20		
Electricians:					
Electricians	8.55	.25	7%+.20		1/8%
Cable splicers	8.80	.25	7%+.20		1/8%
Elevator constructors:					
Elevator constructors	6.89	.445	.29	2%+sub	.015
Helpers (probationary)	4.82	.445	.29	2%+sub	.015
Glaziers	3.445				
Ironworkers:	5.00				
Jackson & Harrison Cos. (Ex. 1/3 of Harrison Co. incl. Biloxi, Keesler AFB, & towns of Pass Christian & Long Beach):					
Structural, Ornamental, & Reinforcing	8.77	.30	.35		
Ironworkers:					
Hancock & Pearl River Counties & remaining portions of Harrison County:					
Structural, Ornamental & Reinforcing	8.98	.30	.35		
Laborers:					
Laborers	4.50	.15	.10		

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MS75-1099 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

PAID HOLIDAYS:
A-New Year's Day B-Memorial Day C-Independence Day
D-Labor Day E-Thanksgiving Day F-Christmas Day

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: Labor Day, Mardi Gras Day, provided the employee works at least one day out of the 3 workdays prior to the paid holiday, and the first workday after the paid holiday.

MS75-1099 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
GROUP I	6.20	.30	.35		
GROUP II	6.78	.30	.35		
GROUP III	8.06	.30	.35		
GROUP IV	8.76	.30	.35		
GROUP V	5.43	.30	.35		
GROUP VI	6.20	.30	.35		
GROUP VII	6.51	.30	.35		

GROUP I: Truck drivers on equipment up to but not including 1½ tons, station wagons, jeeps and automobiles, truck spotters, general warehousemen.

GROUP II: Truck drivers on equipment 1½ tons and up to but not including 5 tons.

GROUP III: Truck drivers on equipment rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss or corning wagons, dumpsters, semi-drivers, agitators, rose carriers, demsey dumps, euclid trucks, forklift trucks in warehouse and similar equipment such as tractors, 10 wheelers, jeeps or dump trucks or pickup trucks pulling two or four wheel trailers hauling equipment.

GROUP IV: Mechanics

GROUP V: Truck helpers

GROUP VI: Truck helpers when unloading creosote or Coppertox Materials

GROUP VII: Mechanics helpers

MS75-1099 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.25	.30	.30		
GROUP 2	7.30	.30	.30		
GROUP 3	7.05	.30	.30		
GROUP 4	6.50	.30	.30		
GROUP 5	5.70	.30	.30		
GROUP 6	5.70	.30	.30		

GROUP 1:
Engineer - operating under air pressure

GROUP 2:
Mechanic

GROUP 3:
Air tugger (2 drum), asphalt plant, bakchoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick boat, derrick car, dragline, dredge, elevating grader, excavator (power belt), forklift, hoist (2 drum) locomotive engineer, marine engineer (chief), master pilot, mixermobile, motor patrol & similar type equipment, paver (21 C.F. or larger), piledriver, recharger, roaming greaser (1st), scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), tournapull, DW-10 & similar pulltype scrapers, traxavator and similar endloaders, welder, welding machines or S/W pumps (2 to 6), well driller, well point pumps

GROUP 4:
Air tugger, asphlat spreader (bituminous distributor) asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, heating plant, hoist, marine engineer (assistnat), mixer, payloader, and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machine (18" or smaller bucket line width), tugboat, well driller (1st helper), winch truck

GROUP 5:
Air compressor, form grader, locomotive hostler, mechanic helper, oiler (truck crane) pump, roughneck, tractor (without attachments), welding machine

GROUP 6:
Batch scale, deckhand, motorboat (in or outboard), oiler, scowman

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SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Cameron, Clarion, Clearfield and Jefferson

DECISION NO. PA75-3093

DATE: Date of Publication

Superseded Decision No. PA75-3021, dated March 28, 1975, in 40 FR 12947.

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

DECISION NO PA75-3093 Page 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.92	.35	.70		.01
BOILERMAKERS	9.07	7%	7%		*
BRICKLAYERS & STONEMASONS:					
Cameron County	9.755	.45	.70		.20%of1%
Remaining Counties	9.65	.45	.45	6%	
CARPENTERS & SOFT FLOOR LAYERS	8.65	5%	7%		1%
CEMENT MASONS	9.35	6%	10%		.05
ELECTRICIANS:					.02
Cameron County	9.05	.45	12%+25		.02
Remaining Counties	10.10	.35	20+1%	.60	
ELEVATOR CONSTRUCTORS	9.54	.445	.29	3%+b+c	
ELEVATOR CONSTRUCTORS HELPERS	6.68	.445	.29	3%+b+c	
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	4.77				
IRONWORKERS:					.03
Clarion County	9.05	.45	12%+25		.04
Remaining Counties	9.545	.785	.905		
LABORERS:	9.08	.70	.81		
Clearfield County:					
Building Laborer	6.78	.40	.50		
Plasterer tender	6.83	.40	.50		
Cameron County:					
Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building material handlers (Loading and Unloading), concrete pitman, puddler, mason tender	7.42	.40	.50		1%
Mechanical tampers (power) powered wheelbarrows and buggies & worklifts, sweepers and similar motorized hand operated units, and brick, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper					

DECISION NO PA75-3093 Page 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (CONT'D):					
Wet brick buggy or similar (self-propelled), power wheelbarrows & buggies, walk behind forklift or similar (self-propelled), wagon drill helper, drill runner, drill runner's helper, (incl. drill mounted on truck, track or similar), Blaster's helpers, all operators of compacting equipment, pipe layer, burner, jackhammerman, concrete buster	7.525	.40	.50		
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, inc. starting & stopping), grout machine feeder & power operators	7.70	.40	.50		
Concrete saw operators	7.70	.40	.50		
Gunnite nozzleman	7.90	.40	.50		
Blaster & wagon drill operators	7.95	.40	.50		
LEAD BURNERS	9.25	.35		d	
LINE CONSTRUCTION:					
Cameron County					
Lineman, dynamite man, heavy equipment operator	9.50	.20	1%		
Groundman-Truck Driver	6.74	.20	1%		
Remaining Counties:					
Linemen	10.82	.30	1%		
Winch truck operator	7.57	.30	1%		
Groundman	6.49	.30	1%	26%	
MILLWRIGHTS	8.33	5%	3% + .25	26%	

DECISION NO PA75-3093 Page 4

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Jefferson County					
Brockway	$ 6.75			e	
Brush	7.25			e	
Spray					
Beaver Ringgold, and Porter Twp					
Commercial Brush	7.59	.60	.40		.12
Commercial Spray	8.09	.60	.40		.12
Industrial Brush	8.44	.60	.40		.12
Industrial Spray	9.65	.60	.40		.12
Remaining of Counties plus Remaining Twps in Jefferson County					
Commercial Brush	8.20	.45	.60		.01
Commercial Spray	9.20	.45	.60		.01
Industrial Brush	8.90	.45	.60		.01
Industrial Spray	9.90	.45	.60		.01
PILEDRIVERMEN	10.07	5%	8%		.50of1%
PLASTERERS:					
Clarion County	9.65	.45	.45		
Clearfield and Jefferson Co	9.39	.37	.70		
PLUMBERS & STEAMFITTERS:					
Clarion County	9.47	.30	.25		.04
Remaining Counties	9.32	.65	.65		
ROOFERS COMPOSITION	9.76	.62	1.50		.06
SHEET METAL WORKERS:					
Cameron and Clearfield Cos.	9.58	.75	.80		.055
Remaining Counties	9.58	.75	.90		.03
SPRINKLER FITTERS	10.75	.50	.80		.08
TRUCK COUNTY:					
Clarion County:					
Class 1	6.96	6.5%	5.6%	f	
Class 2	7.01	6.5%	5.6%	f	
Class 3	7.05	6.5%	5.6%	f	
Class 4	7.12	6.5%	5.6%	f	
Class 5	7.03	6.5%	5.6%	f	
Class 6	7.32	6.5%	5.6%	f	
Class 7	7.14	6.5%	5.6%	f	
Class 8	7.30	6.5%	5.6%	f	

V40|188 SEP 26 75 XUM

Page 5

DECISION NO. PA75-3093

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

CLASSIFICATIONS DEFINITIONS

Class 1: Warehouseman, Chauffeur, and Ambulance Driver, Service Truck (pickup, Jeep, Busses, Station Wagon, Panel truck, Escort Vehicle, including Fuel and Water Trucks)

Class 2: Dump and Flat Top (including Fuel and Water Trucks, Fork Lift in Warehouse or job site storage area and single Axle Trucks with power tailgate); Distributor Truck over 33,000 lbs. gross weight (Oil, Tar Asphalt products Two man operation, Both men)

Class 3: Transit Mix, Single Axle

Class 4: Transit Mix, Tandem

Class 5: Heavy Duty Tractor and Trailer with High Bed, 4 wheels

Class 6: Heavy Duty Tractor and Trailer with Low Bed, 6 to 16 Wheels and Pole Trailer and Wide Load

Class 7: Distributor Truck up to 33,000 lbs. gross weight (Oil, Tar Asphalt products) One Man Operation; Truck with Dolly and Scissor Truck; Truck with Dump Trailer or Tandem, including Fuel and Water, Tandem Axle Truck with power Tailgate and Scissor Truck; Euclids or Equivalent, Tri-axle including Mixer, drivers towing equipment

Class 8: Winch Truck and Form Truck

Page 6

DECISION NO PA75-3093

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK COUNTY (CONT'D)					
Cameron County:					
Trucks up to 30,000 lbs. (includes pickups, fuel and water trucks), warehousemen	$ 7.20	.20	.20		
Trucks over 30,000 lbs. (includes fuel and water trucks	7.30	.20	.20		
Tri-Axle Trucks over 30,000 lbs. (includes fuel and water tri trucks	7.40	.20	.20		
Low Boy	7.50	.20	.20		
Concrete Mixer Trucks	7.35	.20	.20		
Concrete Mixer Trucks (Tri-Axle)	7.45	.20	.20		
Semi-Trailer	7.40	.20	.20		
Earth Moving Equipment up to 35 Ton (Belly Dump, Side Dump, End Dump, etc.)	7.70	.20	.20		
Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.	7.80	.20	.20		
A-Frame and Winch Trucks (when used for Hauling material on bed of truck)	7.45	.20	.20		
Distributor Truck (Oil, Tar, Asphalt, etc.)	7.70	.20	.20		
Clearfield and Jefferson:					
Service, dump, flat top, jeep, fuel and water	5.46	g	h		
Transit mix, dump trailer, winch truck	5.54	g	h		
Euclids, & tractor trailer	5.61	g	h		
Helper	5.36	g	h		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

Page 7

DECISION NO. PA75-3093

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving F-Christmas Day.

FOOTNOTES:

a. Employer contributes $45.00 per year.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid holidays: A through F.

d. Nine paid holidays: A through F and Washington's Birthday; Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holidays.

e. Paid holiday Labor Day provided the employee has worked six calendar months. and appears on the payroll during the pay period in which the Holiday occurs.

f. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

g. $37.61 per month.

h. $8.00 per week.

DECISION NO. PA-75-3093 PAGE R

PA-42-PEO-1-I

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS 1	$10.625	.50	.60		.09
CLASS 1-A	10.875	.50	.60		.09
CLASS 1-B	11.125	.50	.60		.09
CLASS 1-C	11.375	.50	.60		.09
CLASS 2	11.475	.50	.60		.09
CLASS 3	9.35	.50	.60		.09
CLASS 4	8.70	.50	.60		.09
CLASS 5	7.65	.50	.60		.09
CLASS 6	7.95	.50	.60		.09
CLASS 6-A	8.05	.50	.60		.09
CLASS 6-B	8.20	.50	.60		.09

CLASS 1: Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caieson drill, central mix plant, cranes (exluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist and (2 drums up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, metro ohip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), mutiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete-mobile or similar type, Quad Nine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhole attached), tug boat, Whirley

CLASS 1A: Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure

CLASS 1B: Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead

CLASS 1C: Cranes (boom or mast over 200 ft.)

CLASS 2: Asphalt plant op., athey loader, auger-truck, truck or tractor mounted, back-filling machine, boat-material or personnal carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, comapctor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and scrooning plants, drillcore (truck or skid mounted) drill-Davey or similar type, drill-well & core (truck mounted), elevator euclid loader, excavating equipment (all other), grader, grader-elevating, greaser-equipment (hand), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving masking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpkrete machine op., (stationary), tire repairman, welder (repairman)

CLASS 3: Oiler, compactor (ridden or silf-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well and horizontal (self-propelled and self-contained. elevator. forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self propelled or ridden), pipe dream, roller saw concrete. soil stabilizer (pump type), stone crusher, stone spreader self-propelled tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other equipment

CLASS 4: Ballast regulator. boring machines, broom power (except push type), compressor-single (regardless of power used), convoyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used) hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge, regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) [illegible] or industrial air or stream valve

CLASS 5: Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine. pin puller (powered), pulverizor. pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oilertruck crane 50 ton or over

CLASS 6: Brake man, deck hand, helicoptor, signalman, oiler, mechanical helper

CLASS 6A: Crane truck oiler and fireman

CLASS 6B: Oiler - truck crane 50 ton or over

SUPERSEDEAS DECISION

STATE: Rhode Island COUNTY: Newport
DECISION NUMBER: RI75-2111 DATE: Date of Publication
Supersedes Decision No. RI75-2090, dated July 3, 1975 in 40 FR 28365.
DESCRIPTION OF WORK: Building (including residential), Heavy, Highway and Marine Construction.

3-RI-1-N 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.32	.71	.83		
Boilermakers	10.00	.60	10%		.01
Bricklayers, stonemasons	9.15	.65	.55		.01
Carpenters:					
Little Compton, Tiverton:					
Carpenters & soft floor layers	8.95	.50	.65		.02
	8.75	.60	.50		.07
Remainder of County:					
Carpenters and soft floor layers	8.48	.60	.40		.02
Millwrights and piledriverman	9.08	.60	.40		.02
Cement masons	8.85	.50	.35		
Electricians:					
Little Compton, Tiverton, N.Tiverton	9.00	1%	1%+.25	1%	3%
Remainder of County:					
Building	9.40	.48	1%+.90		.02
Residential- up to and including 3 stories	6.00	.38	1%		.02
Elevator constructors	9.39	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR	.445	.29	3%+a+b	.02
Glaziers	8.68	.47	.40+.25		.01
Ironworkers:					
Str., Orn., & reinforcing	8.73	.55	.90+.50		.05
Laborers:					
Laborers, Building:					
Laborers, Carpenters tender, cement finisher tender, mason tender	7.50	.50	.45		.10
Jackhammers, paving breaker, chain saw Pipelayers, mechanical grinder, all other pneumatic tools, barco type jumping tampers	7.75	.50	.45		.10
Air track, block paver, rammers, curbsetters	8.00	.50	.45		.10
Powdermen and blasters	8.25	.50	.45		.10
Laborers, signalmen (wrecking)	7.00	.50	.45		.10
Adzman, burner, jackhammer (wrecking)	7.25	.50	.45		.10
Lathers	9.25	.45	.55		
Line Construction:					
Linemen	9.36	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operator	8.34	.30	1%	d	
Driver groundman	7.77	.30	1%	d	

RI75-2111

3-RI-1-N 2 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Marble setters, terrazzo worker and tile setters	$ 9.35	.65	.55		
Marble, tile and terrazzo helpers	7.23		.50		
Lead burners	9.25	.35		o	.01
Painters:					
Little Compton & Tiverson Twps.:					
Brush	7.78	.62	.45		.04
Structural steel & str. steel spray	10.88	.62	.85		.04
Spray (other than steel)	8.78	.62	.45		.04
Remainder of County:					
Brush and roller	8.65	.55	.55		
Structural steel & steam cleaning	8.90	.55	.55		
Spray & sand or water blasting and Pot man	9.65	.55	.55		
Air power burah	9.15	.55	.55		
Plasterers	8.85	.50	.35		
Plumbers	9.94	.75	.70		.07
Roofers:					
Composition, waterproofers	9.20	.45	.25		
Slate, tile, precast concrete	9.40	.45	.25		
Helpers, Class "A"	8.35	.45	.25		
Helpers, Class "A"	7.80	.45	.25		
Sheet metal workers	9.53	.66	.75		.04
Sprinkler fitters	9.64	.50	.70		.01
Steamfitters	9.85	.70	.91		.07
Truck Drivers, Building:					
Dumps & 2-axle equipment	7.05	.48	.525		
Trailers & 3-axle equipment	7.13	.48	.525		
Low bed trailers (24 tons & over, I-Beam trailers, Special earth moving equipment (Euclid type)	7.38	.48	.525		
Euclid type equipment over 35 ton capacity	7.63	.48	.525		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar Days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

HEAVY, HIGHWAY & MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers, stone masons, catch basin, manhole builders	$ 8.67	.55	.40		.01
Carpenters, dock builders, pile-drivers:					
Little Compton, Tiverton	8.85	.30	.30		
Remainder of County	8.75	.25	.25		.01
Cement masons	7.25	.50	.35		
Electricians:					
Little Compton, Tiverton	9.00	4%	7%+.25	4%	2%
Remainder of County	8.80	.38	7%+.50		.02
Ironworkers: Str., Orna. & Reinf.	8.73	.55	.90+.50		.03
Laborers:					
Laborers, carpenter & cement finisher tenders & wrecking laborers	7.50	.50	.45		.10
Adzemen, asphalt rakers, barrotype jumping tampers, chain saw operators concrete and power buggy operators, concrete saw operators demolition burners fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill ops., wood chipper operators	7.75	.50	.45		.10
Air track drill op.	8.00	.50	.45		.10
Blasters & powdermen	8.25	.50	.45		.10
Pavers, rammers, curb setters	8.00	.50	.45		.10
Lane Construction:					
Linemen	9.36	.30	7%	a	
Groundman	6.39	.30	7%	a	
Equipment operator	8.34	.30	7%	a	
Driver groundman	7.77	.30	7%	a	
Painters:					
Little Compton & Tiverton Twps:					
Brush	7.78	.62	.4		.04
Structural Steel	10.88	.62	.85		.04
Spray (other than steel)	8.78	.62	.45		.04
Remainder of County:					
Brush & Roller	8.15	.50	.50		
Spray & Pot man	9.15	.50	.50		
Structural steel & steam cleaning	8.40	.50	.50		
Air power brush	8.65	.50	.50		

NOTICES

44468

HEAVY, HIGHWAY & MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers	$ 9.94	.75	.70		.07

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, Columbus Day provided the employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

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HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class I	$6.68	.45	.50	a+b	
Class II	6.83	.45	.50	a+b	
Class III	6.88	.45	.50	a+b	
Class IV	6.98	.45	.50	a+b	
Class V	7.08	.45	.50	a+b	
Class VI	7.33	.45	.50	a+b	
Class VII	7.58	.45	.50	a+b	

Class I
Pick-up trucks, Station Wagons and Panel Trucks
Class II
Two Axle, Helpers on Low Beds
Class III
Three Axle Equipment and ready mix equipment
Class IV
Four & Five Axle Equipment
Class V
Low Bed Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul
Class VI
Special Earth Moving Equipment over 35 tons
Class VII
Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day; V-J Day providing employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive 1 week's vacation; 5 years or more - 2 weeks vacation.

NOTICES

44469

XUM 57692 88104 V

R175-2111

RI-1-PEO-1-P

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers, and front-end loaders 3 yds. and over	$ 9.825	.50	.85		.075	
Economobile type equipment	9.375	.50	.85		.075	
Fork lift	9.175	.50	.85		.075	
Firemen and Oilers	7.625	.50	.85		.075	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.175	.50	.85		.075	
Pippin type backhoes	8.525	.50	.85		.075	
Maintenance Engineers	8.125	.50	.85		.075	
Well-point Installation	8.25	.50	.85		.075	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.175	.50	.85		.075	

RI-1-PEO-2-4-P

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front-end loaders, 3 yds, and over	10.325	.50	.85		.075	
Firemen and Oilers	8.20	.50	.85		.075	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds	8.875	.50	.85		.075	
Maintenance Engineers	9.025	.50	.85		.075	
Well-point Installation Crews	9.05	.50	.85		.075	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants	8.625	.50	.85		.075	
Boat and Tug Operators	9.95	.50	.85		.075	
Apprentices (Deckhands)	8.35	.50	.85		.075	

R175-2111

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HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$9.45	.50	.85		.075
Class II	8.57	.50	.85		.075
Class III	7.95	.50	.85		.075
Class IV	6.95	.50	.85		.075
Class V	7.90	.50	.85		.075
Class VI	8.02	.50	.85		.075
Class VII	8.00	.50	.85		.075
Class VIII	7.65	.50	.85		.075
Class IX	7.77	.50	.85		.075
Class X	6.80	.50	.85		.075
Class XI	6.25	.50	.85		.075
Class XII	7.85	.50	.85		.075
Class XIII	9.92	.50	.85		.075
Class XIV	10.17	.50	.85		.075

CLASSIFICATIONS

Class I Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers, front end loaders 3 to 4 Yds., economobile, ross carriers
Class II Fork lifts
Class III Firemen
Class IV Oilers
Class V Bulldozers, spreader, roller, front end loader less than 3 Yds., tractors
Class VI Scrapers, graders, dozer pusher operator
Class VII Pippin type backhoe operator
Class VIII Maintenance engineer
Class IX Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps
Class X Test boring machine operator
Class XI Test boring machine assistant
Class XII Well point installation crews
Class XIII Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet
Class XIV Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

SUPERSEDEAS DECISION

STATE: Rhode Island County: Washington
DECISION NUMBER: RI75-2112 DATE: Date of Publication
Supersedes Decision No. RI75-2091, dated July 11, 1975 in 40 FR 29523.
DESCRIPTION OF WORK: Building (including Residential), Heavy, Highway and Marine Construction

5-RI-I-I 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.32	.71	.73		
Boilermakers	10.00	.60	10%		.01
Bricklayers and Stone masons: Westerly, Hopkington, S. Kingstown Charlestown, Richmond, Wakefield Peace Dale, Kingston	9.15	.65	.55		
Exeter, Johnson, No. Kingstown, Narragansett (Including the Pier of Point Judith)	9.15	.65	.55		.01
Carpenters, soft floor layers & piledrivermen	9.00	.60	.40		.05
Carpenters, Residential	7.05	.50	.35		.05
Millwrights	9.06	.50	.35		.05
Cement masons: Westerly, Hopkington, So. Kingstown Charlestown, Richmond, Wakefield, Peace Dale, Kingston	8.85	.55	.45		
Exeter, Narragansett, No. Kingstown, Gould	8.85	.50	.35		
Electricians: Westerly Township	9.95	.75	1%+.40		3%
Westerly Township Residential	5.50	.75	1%+.45		3%
Remainder of County: Building	9.40	.48	1%+.90		.02
Residential- up to and including 3 stories	6.00	.38	1%		.02
Elevator constructors	9.39	.445	.29	3%+a	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a	.02
Elevator constructors' helpers (prob.)	50%JR	.445	.29	3%+a	.02
Glaziers	8.68	.47	.40+.25		.01
Ironworkers: Structural, ornamental, & reinforcing	8.73	.55	.90+.50		.05
Laborers, Building: Laborers, Carpenters' tenders, cement finisher tenders mason tenders	7.50	.50	.45		.10
Jackhammer, paving breaker, chain saw, pipelayers, mechanical grinder, all other pneumatic tools barco type jumping tampers	7.75	.50	.45		.10
Air track ops, block pavers, rammers, & curb setters	8.00	.50	.45		.10

DECISION NO. RI75-2112

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plasterers' tenders	$ 7.75	.50	.45		.10
Powdermen blasters	8.25	.50	.45		.10
Laborers, Wrecking: Laborers, signalmen	7.00	.50	.45		.10
Adzman, burner, jackhammer	7.25	.50	.45		.10
Lathers	9.25	.45	.55		.01
Leadburners	9.25	.35		c	.01
Line Construction: Linemen	9.36	.30	1%	d	
Driver Groundman	7.77	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operator	8.34	.30	1%	d	
Marble, Tile and Terrazzo workers: Exeter, N. Kingstown, Narragansett, (Including the Pier of Point Judith)	9.35	.65	.55		
Marble, Tile and Terrazzo helpers	7.23		.50		
Painters: Brush & Roller	8.65	.55	.55		
Structural steel & Steam cleaning	8.90	.55	.55		
Spray & sand or Water blasting & Potman	9.65	.55	.55		
Air power brush	9.15	.55	.55		
Plasterers: Exeter, Narragansett, N. Kingston	8.85	.50	.35		
Plasterers (Westerly, Hopkington, S. Kingston, Charlestown, Richmond, Wakefield and Peace Dale)	8.85	.55	.45		
Plumbers	9.94	.75			.07
Roofers: Composition, waterproofers	9.20	.45	.25		
Slate, Tile precast concrete	7.40	.45	.25		
Helpers, Class "A"	8.35	.45	.25		
Helpers, Class "B"	7.80	.45	.25		
Sheet metal workers	9.53	.66	.75		.04
Sprinkler fitters	9.64	.50	.70		.01
Steamfitters	9.85	.70	.91		.07
Truck Drivers: Building					
Two-axle; dumps	7.05	.48	.525		
Three-axle; trailers	7.13	.48	.525		
Low-bed trailers (24 tons & over), Trailers (I-beam), specialized earth moving equipment (Euclid type)	7.38	.48	.525		
Euclid type equipment over 35 ton capacity	7.63	.48	.525		

XUM 5 7 6 5 2 5 8 8 1 0 4 V

Page 3

DECISION RI75-2112

PAID HOLIDAYS:
A. New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F; employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years as vacation pay credit.

b. Holidays: A through F, Washington's Brithday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday

c. Holiday; A through F; Columbus Day, providing employee has been employed 5 working days prior to the holiday and provided employee works the scheduled work days immediately preceding and following the holiday.

RI75-2112, P. 4

5-RI-2-3-4-5 1 of 2

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers, Stone masons, catch basin, manhole builders	$ 9.10	.55	.45		.01
Carpenters, piledrivermen, N. Kingstown	9.11	.60	.40		.05
Cement masons - finishers	7.25	.50	.35		
Electricians:					
Westerly	9.95	.75	1%+.40		1%
Remainder of County	8.80	.38	1%+.90		.02
Ironworkers, struc., orn, reinf.	8.73	.55	.90+.50		.05
Laborers:					
Laborers	7.50	.50	.45		.10
Adzemen, asphalt raker, barcotype jumping tampers, chain saw operators, concrete and power buggy operators, concrete saw operators demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, setters of metal forms for roadways, stumper operators, tree-toppers, tree trimmers wagon drill operators, wood chipper operators	7.75	.50	.45		.10
Air track operator	8.00	.50	.45		.10
Blasterers and powdermen	8.25	.50	.45		.10
Pavers, rammers and curb setters	8.00	.50	.45		.10
Line Construction:					
Linsmen	9.36	.30	1%	a	
Equipment operator	8.34	.30	1%	a	
Groundman	6.37	.30	1%	a	
Driver froundman	7.77	.30	1%	a	
Painters:					
Brush & roller	8.15	.50	.50		
Structural steel & steam oleaning	8.40	.50	.50		
Spray & Pot men	9.15	.50	.50		
Air Power Brush	8.65	.50	.50		
Plumbers	9.64	.75	.60		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

RI75-2112 P. 5

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

RI75-2112, P. 6

RI-1-PEO-1-P 1 of

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds, and over	$9.60	.50	.85		.075
Economobile type equipment	9.375	.50	.85		.075
Fork lift	9.175	.50	.85		.075
Firemen and Oilers	7.625	.50	.85		.075
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.175	.50	.85		.075
Pippin type backhoes	8.525	.50	.85		.075
Maintenance Engineers	8.125	.50	.85		.075
Well-point Installation	8.25	.50	.85		.075
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.175	.50	.85		.075

RI-1-PEB-2-4-P

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders, 3 yds, and over	10.325	.50	.85		.075
Firemen and Oilers	8.20	.50	.85		.075
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds	8.875	.50	.85		.075
Maintenance Engineers	9.025	.50	.85		.075
Well-point Installation Crews	9.05	.50	.85		.075
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants	8.625	.50	.85		.075
Boat and Tug Operators	9.95	.50	.85		.075
Apprentices (Deckhands)	8.35	.50	.85		.075

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R175-2112, P. 7

R. I. 1-PEO-3 R

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Class I	$9.12	.50	.85		.075
Class II	[illegible]	[illegible]	[illegible]		.075
Class III	7.95	.50	.85		.075
Class IV	6.95	.50	.85		.075
Class V	7.90	.50	.85		.075
Class VI	8.02	.50	.85		.075
Class VII	8.00	.50	.85		.075
Class VIII	7.65	.50	.85		.075
Class IX	7.77	.50	.85		.075
Class X	6.80	.50	.85		.075
Class XI	6.25	.50	.85		.075
Class XII	7.85	.50	.85		.075
Class XIII	9.92	.50	.85		.075
Class XIV	10.17	.50	.85		.075

CLASSIFICATIONS

Class I Digging machines, cranes, piledrivers, lighters, locomotives, derricks, hoists, pavers, front end loaders 3 to 4 Yds., economobile, rock carriers

Class II Fork lifts

Class III Firemen

Class IV Oilers

Class V Bulldozers, spreader, roller, front end loader less than 3 Yds., tractors

Class VI Scrapers, graders, dozer pusher operator

Class VII Pippin type backhoe operator

Class VIII Maintenance engineer

Class IX Gas & electric driven heaters, pumps, concrete mixers, stone crusher, air compressor, light plants, welding machines, concrete pumps

Class X Test boring machine operator

Class XI Test boring machine assistant

Class XII Well point installation crews

Class XIII Operators of truck cranes with booms of 130 to 150 feet, operators of cat cranes with booms of 150 to 180 feet

Class XIV Operators of truck cranes with booms over 150 feet, operators of cat cranes with booms over 180 feet

R175-2112, P. 8

RHODE ISLAND-1-TD-2-3-J

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class I	$6.68	.45	.50	a+b	
Class II	6.81	.45	.50	a+b	
Class III	6.88	.45	.50	a+b	
Class IV	6.98	.45	.50	a+b	
Class V	7.08	.45	.50	a+b	
Class VI	7.33	.45	.50	a+b	
Class VII	7.58	.45	.50	a+b	

Class I
Pick-up trucks, Station Wagons and Panel Trucks

Class II
Two Axle, Helpers on Low Beds

Class III
Three Axle Equipment and ready mix equipment

Class IV
Four & Five Axle Equipment

Class V
Low end Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul

Class VI
Special Earth Moving Equipment over 35 tons

Class VII
Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day; V-J Day provided employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive : 1 week's vacation; 5 years or more - 2 weeks vacation.

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD75-5119 DATE: Date of Publication
Supersedes Decision No. SD75-5112 dated September 5, 1975, in 40 FR 41381
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.53	.35	.40		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	7.60				
CARPENTERS:					
Carpenters, Acoustical and Drywall Applicators	8.26		.30		.05
Piledrivermen	8.51		.30		.05
Millwrights	8.76		.30		.05
CEMENT MASONS	6.175	.20			
ELECTRICIANS:					
Within 15 miles radius of Rapid City Post Office					
Electricians	7.85	.30	1%	6%	1½%
Cable Splicers	8.40	.30	1%	6%	1½%
Outside of 15 miles radius of Rapid City Post Office					
Electricians	8.25	.30	1%	6%	1½%
Cable Splicers	8.80	.30	1%	6%	1½%
IRONWORKERS:					
Fence Erectors; Ornamental; Reinforcing; Sheeter; Structural	7.10	.40	.65		.10
LABORERS:					
Laborers, Flagman, Signalman; Power Tool Operator of all Mechanical Air, Gas, Electrical Tools, including self-propelled Buggies, Wagon and Air Track Drills; Pipe Layer (non-metallic); Sandblasting; Mortar Mixer; Mason Tender; Plaster Tender; Cement Mixer; Air Compressor up to 210; Masonry Fork Lift	5.40	.35	.05		
Gunnite Nozzlemen; Powdermen; Miner; Timberman; Jackhammer, Pavement Breaker or Drills of 65 lbs. or over	5.90	.35	.05		

Page 2

DECISION NO. SD75-5119

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush	$5.25				.005
Drywall Finishers and Tapers	5.40				.005
All painting over 30 ft.; Paint Mitt; Sandblasting; Spray Steel (Structural); Swing Stage; Windowjack	5.75				.005
PLASTERERS	6.55				
PLUMBERS; Steamfitters	8.53	.30	.20		.03
SHEET METAL WORKERS	7.64				.005
SPRINKLER FITTERS	8.75	.50	.80		.08
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

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SUPERSEDEAS DECISION

STATE: TENNESSEE
DECISION NUMBER: TN75-1098
Supersedes Decision Nos.: AQ-4128 dated June 28, 1974 in 39 FR 24198

COUNTY: *See below
DATE: Date of Publication

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Carter, Sullivan	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Accoustical Tile Mechanics	$3.50				
Air Conditioning Mechanics	3.00				
Bricklayers	6.00				
Carpenters	4.07				
Cement Masons	4.25				
Electricians	4.76				
Drywall Finishers	4.50				
Drywall Hangers	4.50				
Ironworkers, ornamental	2.75				
Ironworkers, reinforcing	4.70				
Insulation Installers	3.20				
Laborers:					
Laborers	2.50				
Mason Tenders	2.75				
Mortar Mixers	2.75				
Pipelayers	3.00				
Lathers	5.15				
Painters, brush	3.00				
Plasterers	4.75				
Plumbers	4.04				
Roofers	3.00				
Sheet Metal Workers	3.00				
Soft Floor Layers	3.30				
Tile Setters	3.00				
Truck Drivers	2.57				
Power Equipment Operators:					
Air Compressor	3.55				
Backhoe	3.50				
Bulldozer	3.50				
Front End Loader	3.75				
Grader	3.55				
Highlift	3.62				
Shovel	3.00				

SUPERSEDEAS DECISION

STATE: Maryland and Virginia

COUNTIES: Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the city of Alexandria and Dulles International Airport, Virginia

DECISION NO.: MD-75-3100
DATE: Date of Publication
Supersedes Decision No. MD-75-3062, dated June 20, 1975, in 40 FR 26203.
DESCRIPTION OF WORK: Building Construction(excluding all residential projects.)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.45	.45	.55		.015
BOILERMAKERS - Blacksmiths	9.40	.60	.90		.02
BRICKLAYERS	9.85	.60	.60		.10
CARPENTERS	9.55	.50	.49		.07
CEMENT MASONS:					
Cement Masons	9.65	.485	.45		.11
Grinding Machine	9.90	.485	.45		.11
ELECTRICIANS	10.10	.35	1%+.75		.10
ELEVATOR CONSTRUCTORS	9.775	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	6.84	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	4.89				
GLAZIERS	9.03	.56	.40		.05
IRONWORKERS:					
Structural, Ornamental and Chain Link Fence	9.55	.50	.60		.05
Reinforcing	10.00	.35	.60		.03
LABORERS:					
Common Laborers, Landscapers	7.71	.35	.40		.05
Acetylene Burners Used on Wrecking	8.21	.35	.40		.05
Air Tool Operator; Scaffold Builders; Paving Breakers; Townmasters; Buggy Mobiles; Spaders; Mortarmen and Scootcretes	7.86	.35	.40		.05
Pipelayers	7.86	.35	.40		.05
Plasterers' Tenders	7.03	.32	.35		.05
Plumbers' Laborers	6.93	.30	.40		.05
Powdermen	8.885	.35	.40		.05
Powersaw, Well Points	7.96	.35	.40		.05
LATHERS	8.73	.50	.50		.025
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen, Cable Splicers, Equipment Operators	10.86	.35	1%		1/4%
Truck with Winch, Truck Pole or Steel handling	7.18	.35	1%		1/4%
Groundmen (0 to 1 year)	5.76	.35	1%		1/4%
Groundmen (1 to 2 years)	6.67	.35	1%		1/4%
Groundmen (over 2 years)	6.92	.35	1%		1/4%

DECISION NO : MD-75-3100

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS	$10.80	.45	.30		.05
MARBLE SETTERS' HELPERS	7.35				
MILLWRIGHTS	9.99	.50	.49		.07
PAINTERS:					
Brush, Spray, Paperhangers, Tapers	9.44	.41	.18		.06
Steel, Sandblasting, Swing Stage, Power Brushing	9.94	.41	.18		.06
CARPET LAYERS	6.07	.30			.05
PILEDRIVERMEN	9.75	.50	.49		.07
PLASTERERS	9.80	.45	.25		.06
PLUMBERS	9.43	.58	.55		18
ROOFERS:					
Composition	7.51	.42	.20		
Slate, Tile, Mopmen, Waterproofers, Sprayers, Sprandrel and Ironite	8.07	.42	.20		
Helpers	5.48	.42	.20		
SHEET METAL WORKERS	9.26	.64	.74		.12
SOFT FLOOR LAYERS	9.55	.50	.49		.07
SPRINKLER FITTERS	10.60	.50	.80		.08
STEAMFITTERS, REFRIGERATION and Air Conditioning Mechanic	9.45	.52	.65		.12
STONE MASONS	10.80	.45	.30		.05
STONE CUTTERS:					
Fitters and trimmers	9.90	.18	.20		
Ornamental Carvers	9.49	.18	.20	h	
Figure Carvers	10.11	.18	.20	h	
TERRAZZO and MOSAIC WORKERS	9.33	.40	.30		
TERRAZZO WORKERS' HELPERS	8.05	.40	.30		
TILE SETTERS	9.33	.40	.30		
TILE SETTERS' HELPERS	8.05	.40	.30		
TRUCK DRIVERS:					
Boom Trucks	6.40	.25	f	g+j	
Small Dump, Water Sprinkler, Cresse and Oil	6.15	.25	f	g+j	
Flat, Pick-up Hauling Materials, Small Euclids, Dump over 8 wheels	6.25	.25	f	g+j	
Trailers, Low Boys, Tractor Pulls	6.45	.25	f	g+j	
Helpers	6.00	.25	f	g+j	

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Page 3

DECISION NO MD-75-3100

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
Carryalls, Large Euclids, Euclid Water Sprinkler, Tunnel Work under Ground	$6.55	.25	f	g+j	
Mechanics	6.30	.25	f	g+j	
RIGGERS and WELDERS - Receive rates prescribed for crafts performing operations to which rigging and welding are incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A Through F.
b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided an employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday)
f. $8.00 per week when employee has worked 90 days and works 3 days in a work week.
g. Holidays: A-D-E and F (provided the employee works the regularly scheduled work days immediately preceding and following the holiday)
h. Five Paid Holidays: Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and New Year's Day.
j. One week's paid vacation providing employee has worked 3 years and a minimum of 1450 hours during any calendar year.

PAGE 4

P-D.C. - 1110-1-2- R

DECISION NO MD-75-3100

BUILDING CONSTRUCTION

Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App Tr
GROUP 1	$10.75	.50	.55		.12
GROUP 2	10.20	.50	.55		.12
GROUP 3	9.82	.50	.55		.12
GROUP 4	10.05	.50	.55		.12
GROUP 5	9.87	.50	.55		.12
GROUP 6	9.80	.50	.55		.12
GROUP 7	9.79	.50	.55		.12
GROUP 8	9.62	.50	.55		.12
GROUP 9	9.40	.50	.55		.12
GROUP 10	9.60	.50	.55		.12
GROUP 11	8.74	.50	.55		.12

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS
GROUP 1 - 35 ton cranes and above, tower and climbing cranes
GROUP 2 - Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent), paving mixers, piledriving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops and scrapers (50 cu. yds, struck capacity or above), multiple concrete conveyors, front end loader (over 3-1/2 cu. yds.)
GROUP 3 - Mechanic, mechanic welder, welders
GROUP 4 - Hydraulic backhoes, under 1/2 yd., mounted on tractors, front end loader (over 2-3/4 cu. yds., to and including 3-1/2 cu. yds.)
GROUP 5 - Air compressors (on steel)
GROUP 6 - Front end loaders (hi-lift), fork lifts
GROUP 7 - Boilers (skeleton), trenching machines, tug boats, wall drilling machines
GROUP 8 - Air compressors (except on steel), concrete mixers, mechanics and maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points
GROUP 9 - Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders
GROUP 10 - Power driven wheel scoops and scrapers (under 50 cu. yds., struck capacity), blade graders, bulldozers, motor graders
GROUP 11 - Firemen

[FR Doc.75-25418 Filed 9-25-75;8:45 am]

FEDERAL REGISTER, VOL. 40, NO. 188—FRIDAY, SEPTEMBER 26, 1975

federal register

FRIDAY, SEPTEMBER 26, 1975

PART IV:

PRIVACY ACT OF 1974

Implementation

VARIOUS AGENCIES

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

XUM 5762ES 8810401 V

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

Subpart G—Privacy Act Regulations

Subpart G, Part 1, Subtitle A of 7 CFR is amended by adding Appendix A setting forth internal procedures for compliance by agencies of the United States Department of Agriculture (USDA) with the provisions of the Privacy Act of 1974 (5 U.S.C. 552a).

Subpart G published on August 28, 1975, 40 FR 39519, prescribed the procedures whereby individuals can request information about, access to, or amendments of, records pertaining to them which are contained in a system of records maintained by an agency of USDA; and the procedures for handling of these requests by agencies of USDA. The Appendix added by this docket provides further guidance to the agencies of USDA concerning their responsibilities and obligations under the Privacy Act with regard to systems and records they maintain.

Since these regulations constitute internal agency directives and thus are matters of agency management, the notice and public procedure requirements of 5 U.S.C. 553 are inapplicable. Accordingly, 7 CFR, Part 1, Subpart G, is amended by adding Appendix A, reading as follows:

APPENDIX A—INTERNAL DIRECTIVES

SECTION 1 *General Requirements.* Each agency that maintains a system of records subject to 5 U.S.C. 552a and the regulations of this Subpart shall:

(a) Maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by executive order of the President;

(b) Collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;

(c) Inform each individual whom it asks to supply information, on the form which it uses to collect the information, or on a separate form that can be retained by the individual:

(1) the authority (whether granted by statute, or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(2) the principal purpose or purposes for which the information is intended to be used;

(3) the routine uses which may be made of the information, as published pursuant to paragraph (d)(4) of this section; and

(4) the effects on him, if any, of not providing all or any part of the requested information;

(d) Subject to the provisions of section 2 of this Appendix, prepare for publication in the FEDERAL REGISTER at least annually a notice of the existence and character of each system it maintains, which notice shall include:

(1) the name and location(s) of the system;

(2) the categories of individuals on whom records are maintained in the system;

(3) the categories of records maintained in the system;

(4) each routine use of the records contained in the system, including the categories of uses and the purpose of such use;

(5) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) the title and business address of the agency official who is responsible for the system of records;

(7) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(8) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(9) the categories of sources of records in the system;

(e) Maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;

(f) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to 5 U.S.C. 552a(b)(2), make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

(g) Maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained, or unless pertinent to and within the scope of an authorized law enforcement activity;

(h) Make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;

(i) Establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

(j) Establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

SEC. 2 *Amendment of routine uses for an existing system of records, or establishment of a new system of records.*

(a) Any agency which intends to add a routine use, or amend an existing one, in a system of records it maintains, shall, in accordance with 5 U.S.C. 552a(e)(11), insure that 30 days advance notice of such action is given by publication in the Federal Register and an opportunity provided for interested persons to submit written data, views or arguments to the agency.

(b) Any agency which intends to establish a new system of records, or to alter any existing system of records, shall insure that adequate advance notice is provided to Congress and the Office of Management and Budget to permit an evaluation of the probable or potential effect of such action on the privacy and other personal or property rights of individuals or the disclosure of information relating to such individuals, and its effect on the preservation of the constitutional principles of federalism and separation of powers. Such notice is required for any new system of records and for any alteration in an existing one which will:

(1) Increase the number or types of individuals on whom records are maintained;

(2) Expand the type or amount of information maintained;

(3) Increase the number or categories of agencies or other persons who may have access to those records;

(4) Alter the manner in which the records are organized so as to change the nature or scope of those records (e.g., the combining of two or more existing systems);

(5) Modify the way the system operates at its location(s) in such a manner as to alter the procedures which individuals can exercise their rights under this Subpart; or

(6) Change the equipment configuration on which the system is operated so as to create the potential for greater access (e.g., adding a telecommunications capability).

SEC. 3 *Accounting of Certain Disclosures.* Each agency, with respect to each system of records under its control, shall:

(a) Except for disclosures made under 5 U.S.C. 552a(b)(1) and (2), keep an accurate account of:

(1) the date, nature, and purpose of each disclosure of a record to any person or agency outside the Department; and

(2) the name and address of the person or agency to whom the disclosure is made;

(b) Retain the accounting made under paragraph (a) of this section for the longer of a period of five years, after the date of the disclosure for which the accounting is made, or the life of the record disclosed;

(c) Except for disclosures made under 5 U.S.C. 552a(b)(7), make the accounting above available to the individual named in the record at his request.

SEC. 4. *Government Contractors.* When an agency within the Department provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this Subpart to be applied to such system. For purposes of 5 U.S.C. 552a(i) any such contractor or any employee of such contractor, if such contract is agreed to on or after September 27, 1975, shall be considered to be an employee of an agency and therefore subject to the criminal penalties set forth in that section.

SEC. 5 *Mailing Lists.* No agency within the Department shall sell or rent any individual's name and address unless such action is specifically authorized by law. This section shall not be construed to require, or to authorize, the withholding of names and addresses whose disclosure is required by 5 U.S.C. 552.

SEC. 6 *Social security account numbers.* (a) No agency shall deny, or permit any State or local government with whom it is involved in a cooperative venture to deny, to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(b) The provisions of paragraph (a) of this Section shall not apply with respect to:

(1) any disclosure required by Federal statute; or

(2) any disclosure to any agency relating to a system of records it maintained prior to January 1, 1975, if such disclosure was required under statute or regulation adopted prior to that date, to verify the identity of an individual.

(c) Any agency in the Department which requests an individual to disclose his social security account number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory or other authority the number is solicited, and what uses will be made of it. The agency shall also insure that this information is provided by a State or local government with whom it is involved in a cooperative agreement.

SEC. 7. *Annual report.* Each agency in the Department shall submit to the Office of the General Counsel prior to March 30 of each year (beginning March 30, 1976) a report containing the following information related to implementation of 5 U.S.C. 552a:

(a) a summary of major accomplishments;

(b) a summary of major plans for activities in the upcoming year;

(c) a list of the systems which were exempted during the year from any of the operative provisions of this Subpart pursuant to 5 U.S.C. 552a (j) and (k), whether or not the exemption was effected during that year, the number of instances with respect to each system exempted in which the exemption was invoked to deny access, and the reasons for invoking the exemption;

(d) a brief summary of changes to the total inventory of personal data system subject to this Subpart including reasons for major changes; and

(e) a general description of operational experiences including estimates of the number of individuals (in relation to the total number of records in the system):

(1) requesting information on the existence of records pertaining to them;

(2) refusing to provide information;

(3) requesting access to their records;

(4) appealing initial refusals to amend records; and

(5) seeking redress through the courts.

SEC. 8 *Effect of 5 U.S.C. 552.* No agency in the Department shall rely on any exemption in 5 U.S.C. 552 to withhold from an individual any record which is otherwise accessible to such individual under the provisions of 5 U.S.C. 552a and this Subpart.

(5 U.S.C. 301, 552a).

Effective date: September 27, 1975.

Done at Washington, D.C., this 23rd day of September 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-25795 Filed 9-25-75;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Implementation of Privacy Act of 1974

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER of August 27, 1975 (40 FR 39423) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed amendments to 8 CFR Part 103 in implementation of the Privacy Act of 1974 (P. L. 93-579), including provisions for individuals to seek access to records pertaining to them contained in the system of records of the Service and to seek correction or amendment of those records. These regulations are intended to be read as a supplement to the regulations of the Department of Justice in implementation of the Privacy Act of 1974.

No representations were received in response to the proposed rules of August 27, 1975. In addition to numerous nonsubstantive changes of an editorial or clarifying nature, the proposed rules have been modified in the following respects for the purpose of conforming Service regulations to the regulations of the Department of Justice in implementation of the Privacy Act of 1974:

1. Proposed § 103.21(b)(2) is amended by adding the words "place of birth," immediately following the words "date of birth,".

2. In proposed § 103.21(c), the first sentence is amended to modify the meaning of parent and child. The terms parent and child are no longer restricted to the definitions of those terms as contained in the Immigration and Nationality Act. Proposed § 103.21(c) is also amended to provide that a parent or guardian of a child or of a person judicially determined to be incompetent, shall establish his own identity, as well as the identity of the child or other person he represents. Proposed § 103.21(c) is further amended by deleting the last sentence thereof which reads: "In the case of a stepchild or illegitimate child, sufficient evidence must be presented to establish the relationship.

3. Proposed § 103.22(a) is amended by adding "or (k)(3) or (k)(4)" immediately following "5 U.S.C. 552a(j)".

4. The last sentence of proposed §§ 103.22(b) (2) and (3) is revised to read as set forth below.

5. Proposed § 103.23(a) has been revised in its entirety to read as set forth below.

6. In proposed § 103.28(a), the first sentence is amended by inserting at the beginning thereof, the clause: "Unless a record is exempted from correction,".

7. In proposed § 103.28(f), the first sentence is revised to read as set forth below.

8. In proposed § 103.30(b), the last sentence is deleted.

The proposed rules, as modified and as set forth below, are hereby adopted:

In Part 103, new §§ 103.20 through 103.36 are added to read as follows:

§ 103.20 Purpose and scope.

(a) Sections 103.20 through 103.36 comprise the regulations of the Service implementing the Privacy Act of 1974, P.L. 93-597. The regulations apply to all records contained in systems of records maintained by the Service which are identifiable by individual name or identifier and which are retrieved by individual name or identifier, except those personnel records governed by Civil Service Commission regulations. The regulations set forth the procedures by which individuals may seek access to records pertaining to themselves and request correction of those records. The regulations also set forth the requirements applicable to Service employees maintaining, collecting, using or disseminating such records.

(b) The Associate Commissioner, Management, shall provide that the provisions of §§ 103.20 through 103.36 of this chapter and 28 CFR 16.40 through 16.56, and any revisions thereof, shall be brought to the attention of and made available to:

(1) Each employee at the time of issuance of the aforesaid regulations and any amendment thereto; and

(2) Each new employee at the time of employment.

(c) The Associate Commissioner, Management, shall be responsible for insuring that employees of the Service are trained in the obligations imposed by the Privacy Act of 1974 and by these regulations.

§ 103.21 Access by individuals to records maintained about them.

(a) *Access to available records.* An individual seeking access to records about himself in a system of records, which have not been exempted from access pursuant to the Privacy Act of 1974, shall present his request in person or in writing to the manager of the particular system of records to which he seeks access. Systems managers are identified in the "Notice of Systems of Records" published by the National Archives and Records Service, General Services Administration. Access to records in multiple systems of records shall be addressed to the Office of the Associate Commissioner, Management, which shall assist the requester in identifying his request more precisely and shall be responsible for forwarding the request to the appropriate system managers.

(b) *Verification of identity.* The following standards are applicable to any individual who requests records concerning himself, unless other provisions for identity verification are specified in the published notice pertaining to the particular system of records.

(1) An individual seeking access to records about himself in person shall establish his identity by the presentation of a single document bearing a photograph (such as a passport, alien registration receipt card or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear both a name and address (such as a driver's license, or credit card).

(2) An individual seeking access to records about himself by mail shall establish his identity by a signature, address, date of birth, place of birth, alien or employee identification number, if any, and one other identifier such as a photocopy of an identifying document.

(3) An individual seeking access to records about himself by mail or in person who cannot provide the necessary documentation of identification may provide a notarized statement swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001. Forms for such notarized statements may be obtained on request

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from the office of the system manager of a system of records at a system location listed in the "Notice of Systems of Records" published in the FEDERAL REGISTER.

(c) *Verification of guardianship.* The parent or guardian of a child or of a person judicially determined to be incompetent and seeking to act on behalf of such child or incompetent, shall, in addition to establishing his own identity, establish the identity of the child or other person he represents as required in paragraph (b) of this section, and establish his own percentage or guardianship of the subject of the record by furnishing either a copy of a birth certificate showing parentage or a court order establishing the guardianship.

(d) *Accompanying persons.* An individual seeking to review records pertaining to himself may be accompanied by another individual of his own choosing. Both the individual seeking access and the individual accompanying him shall be required to sign the required form indicating that the Service is authorized to discuss the contents of the subject record in the presence of both individuals.

(e) *Specification of records sought.* Requests for access to records, either in person or by mail, shall describe the nature of the records sought, the approximate dates covered by the record, the system in which it is thought to be included as described in the "Notice of Systems of Records" published in the FEDERAL REGISTER, and the identity of the individual or office of the Service having custody of the system of records. In addition, the published "Notice of Systems of Records" for individual systems may include further requirements of specification, where necessary, to retrieve the individual record from the system.

§ 103.22 Records exempt in whole or in part.

(a) When an individual requests records about himself which have been exempted from individual access pursuant to 5 U.S.C. 552a(j) or (k)(3) or (k)(4) or which have been compiled in reasonable anticipation of a civil action or proceeding either in a court or before an administrative tribunal, the Service will neither confirm nor deny the existence of the record but shall advise the individual only that there is no record which is available to him pursuant to the Privacy Act of 1974.

(b) Individual requests for access to records which have been exempted from access pursuant to 5 U.S.C. 552a(k) shall be processed as follows:

(1) Requests for information classified by the Service pursuant to Executive Order 11652 require the Service to review the information to determine whether it continues to warrant classification under the criteria of sections 1 and 5(B), (C), (D), and (E) of the Executive Order. Information which no longer warrants classification under these criteria shall be declassified and made available to the individual, if not otherwise exempt. If the information continues to warrant classification, the individual shall be advised that the information sought is classified; that it has been reviewed and continues to warrant classification; and that it has been exempted from access pursuant to 5 U.S.C. 552a(k)(1). Information which has been exempted pursuant to 5 U.S.C. 552a(j) and which is also classified shall be reviewed as required by this paragraph but the response to the individual shall be in the form prescribed by paragraph (a) of this section.

(2) Requests for information which has been exempted from disclosure pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (a) of this section unless a review of the information indicates that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under Federal law. In that event, the individual shall be advised of the existence of the record and shall be provided the information except to the extent it would identify a confidential source. If and only if information identifying a confidential source can be deleted or the pertinent parts of the record summarized in a manner which protects the identity of the confidential source, the document with deletions made or the summary shall be furnished to the requester.

(3) Information compiled as part of an employee background investigation which has been exempted pursuant to 5 U.S.C. 552a(k)(5) shall be made available to an individual upon request except to the extent that it identifies a confidential source. If and only if information identifying a confidential source can be deleted or the pertinent parts of the record summarized in a manner which protects the identity of the confidential source, the document with deletions made or the summary shall be furnished to the requester.

(4) Testing or examination material which has been exempted pursuant to 5 U.S.C. 552a(k)(6) shall not be made available to an individual if disclosure would compromise the objectivity or fairness of the testing or examination process but shall be made available if no such compromise possibility exists.

(5) The Service records which are exempted and the reasons for the exemptions are enumerated in 28 CFR 16.99.

§ 103.23 Special access procedures.

(a) *Records of other agencies.* When information sought from a system of records of the Service includes information:

(1) That has been classified pursuant to Executive Order 11652, the request shall be referred to the appropriate classifying authority pursuant to 28 CFR 17.61 and the individual requesting the record shall be so advised unless the record is also exempt from disclosure pursuant to 5 U.S.C. 552a (j) or (k);

(2) That has been furnished by another component of the Department of Justice, the request shall be referred to the component originating the information for a decision as to access or correction;

(3) That has been furnished by another agency, the Service shall consult the other agency before granting access or making a correction and may refer the request to the other agency if referral will provide more expeditious access or correction, but the requester shall be notified of the referral.

(b) *Medical records.* When an individual requests medical records concerning himself, which are not otherwise exempt from disclosure, the system manager shall, if deemed necessary, advise the individual that records will be provided only to a physician designated in writing by the individual. Upon receipt of the designation, the system manager will permit the physician to review the records or to receive copies of the records by mail, upon proper verification of identity. The determination of which records should be made available directly to the individual and which records should not be disclosed because of possible harm to the individual shall be made by the physician.

§ 103.24 Requests for accounting of record disclosure.

At the time of his request for access or correction or at any other time, an individual may request an accounting of disclosures made of his record outside the Department of Justice. Requests for accounting shall be directed to the appropriate system manager listed in the "Notice of Systems of Records". Any available accounting, whether kept in accordance with the requirements of the Privacy Act or under procedures established prior to September 27, 1975, shall be made available to the individual except that an accounting need not be made available if it relates to: (a) A disclosure with respect to which no accounting need be kept (see § 103.30(c) of this part); (b) A disclosure made to a law enforcement agency pursuant to 5 U.S.C. 552a(b)(7); (c) An accounting which has been exempted from disclosure pursuant to 5 U.S.C. 552a (j) or (k).

§ 103.25 Notice of access decisions; time limits.

(a) *Responsibility for notice.* The system manager of the system from which information is sought or his delegate has responsibility for determining whether access to records is available under the Privacy Act and for notifying the individual of that determination in accordance with these regulations. If access is denied because of an exemption, the responsible person shall notify the individual that he may appeal that determination to the Deputy Attorney General within thirty working days of the receipt of the determination.

(b) *Time limits for access determinations.* The time limits provided by 28 CFR 16.45 shall be applicable to requests for access to information pursuant to the Privacy Act of 1974.

§ 103.26 Fees for copies of records.

The fees charged by the Service under the Privacy Act shall be those specified in 28 CFR 16.46. Remittances shall be made in accordance with § 103.7(a) of this part.

§ 103.27 Appeals from denials of access.

An individual who has been denied access by the Service to the records concerning him may appeal that decision in the manner prescribed in 28 CFR 16.47.

§ 103.28 Requests for correction of records.

(a) *How made.* Unless a record is exempted from correction, an individual may request amendment or correction of a record concerning him by addressing his request to the system manager of the system in which the record is maintained either in person or by mail, his identity to be established as provided in § 103.21 of this part. The request must indicate the particular record involved, the nature of the correction sought, and the justification for the correction or amendment. Requests made by mail should be addressed to the system manager at the address specified in the "Notice of Systems of Records" published by the General Services Administration and shall be clearly marked on the request and on the envelope "Privacy Correction Request." Where the individual cannot determine the precise system manager or believes that the same record appears in more than one system, he may address his request to the office of the Associate Commissioner, Management, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, which shall assist him in identifying the system or systems in which the record is located.

(b) *Initial determination.* Within 10 working days of the receipt of the request, the appropriate Service official shall advise the individual that his request has been received. If the record is to be amended or corrected, the system manager may so advise the individual but if correction is refused, in whole or in part, it must be done by the head of the component in which the record is located, or his designee. If a correction is to be made, the individual shall be advised of his right to obtain a copy of the corrected record upon payment of the standard fee, established in 28 CFR 16.46. If a correction or amendment is refused, in whole or in part, the individual shall be so advised, shall be given reasons for the refusal, and shall be advised of his right to appeal to the Deputy Attorney General in accordance with the procedures set forth in 28 CFR 16.48.

(c) *Appeals.* A refusal, in whole or in part, to amend or correct a record may be appealed as provided in 28 CFR 16.48.

(d) *Appeal determinations.* 28 CFR 16.48 provides for appeal determinations.

(e) *Statements of disagreement.* Statements of disagreement may be furnished by the individual in the manner prescribed in 28 CFR 16.48.

(f) *Notices of correction or disagreement.* When a record has been corrected, the system manager shall, within thirty working days thereof, advise all prior recipients of the record whose identity can be determined pursuant to the accounting required by the Privacy Act or any other accounting previously made, of the correction. Any dissemination of a record after the filing of a statement of disagreement shall be accompanied by a copy of that statement. Any statement of the Service giving reasons for refusing to correct shall be included in the file.

§ 103.29 Records not subject to correction.

The following records are not subject to correction or amendment by individuals:

(a) Transcripts or written statements made under oath;

(b) Transcripts of Grand Jury Proceedings, judicial or quasi-judicial proceedings which form the official record of those proceedings;

(c) Pre-sentence reports comprising the property of the courts but maintained in Service files; and

(d) Records duly exempted from correction by notice published in the FEDERAL REGISTER.

§ 103.30 Accounting for disclosures.

(a) As soon as possible, but not later than September 27, 1975, the Service shall establish a system of accounting for all disclosures of records, either orally or in writing, made outside the Department of Justice. Accounting procedures may be established in the least expensive and most convenient form that will permit the system manager to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed.

(b) Accounting records, at a minimum, shall include the identification of the particular record disclosed, the name and address of the person or agency to which disclosed, and the date of the disclosure. Accounting records shall be maintained for at least 5 years, or until the record is destroyed or transferred to the Archives, whichever is later.

(c) Accounting is not required to be kept for disclosures made within the Department of Justice or disclosures made pursuant to the Freedom of Information Act.

§ 103.31 Notices of subpoenas and emergency disclosures.

(a) *Subpoenas.* When records concerning an individual are subpoenaed by a Grand Jury, court, or a quasi-judicial agency, the official served with the subpoena shall be responsible for assuring that notice of its issuance is provided to the individual. Notice shall be provided within 10 days of the service of the subpoena or, in the case of a Grand Jury subpoena, within 10 days of its becoming a matter of public record. Notice shall be mailed to the last known address of the individual and shall contain the following information: the date the subpoena is returnable, the court in which it is returnable, the name and number of the case or proceeding, and the nature of the information sought. Notice of the issuance of subpoenas is not required if the system of records has been exempted from the notice requirement pursuant to 5 U.S.C. 552a(j), by a Notice of Exemption published in the FEDERAL REGISTER.

(b) *Emergency disclosures.* If information concerning an individual has been disclosed to any person under compelling circumstances affecting health or safety, the individual shall be notified at his last known address within 10 working days of the disclosure. Notification shall include the following information: the nature of the information disclosed, the person or agency to whom it was disclosed, the date of the disclosure, and the compelling circumstances justifying the disclosure. Notification shall be given by the officer who made or authorized the disclosure.

§ 103.32 Information forms.

(a) *Review of forms.* The Service shall be responsible for the review of forms it uses to collect information from and about individuals.

(b) *Scope of review.* The Service Forms Control Unit shall review each form to assure that it complies with the requirements of 28 CFR 16.52.

§ 103.33 Contracting Record Systems.

Any contract by the Service for the operation of a record system shall be in compliance with 28 CFR 16.53.

§ 103.34 Security of Records Systems.

The security of records systems shall be in accordance with 28 CFR 16.54.

§ 103.35 Use and collection of Social Security numbers.

The use and collection of Social Security numbers shall be in accordance with 28 CFR 16.55.

§ 103.36 Employee standards of conduct with regard to privacy.

Service employee standards of conduct with regard to privacy shall be in compliance with 28 CFR 16.56.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to set forth the procedures by which individuals may seek access to records pertaining to themselves and request correction of those records, as well as set forth the requirements applicable to Service employees maintaining, collecting, using or disseminating such records, in implementation of the Privacy Act of 1974.

Compliance with the provisions of 5 U.S.C. 553 as to delayed effective date is impracticable because these regulations are in implementation of the Privacy Act of 1974 (Pub. L. 93–579) which becomes effective September 27, 1975.

Effective date. These regulations shall become effective September 27, 1975.

Dated: September 23, 1975.

L. F. CHAPMAN, Jr.
Commissioner of Immigration and Naturalization

[FR Doc.75-25779 Filed 9-25-75;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 9—PUBLIC RECORDS

Privacy Act Regulations

Notice is hereby given that the Nuclear Regulatory Commission has adopted amendments to its regulations in 10 CFR Part 9, Public Records, set forth below to implement the provisions of the Privacy Act of 1974, Public Law 93–579,

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enacted December 31, 1974, including, in particular, those provisions of the Privacy Act which require the promulgation of agency rules.

On August 12, 1975, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (40 FR 33833–33838) for public comment, proposed amendments to 10 CFR Part 9, Public Records. Interested persons were invited to submit comments or suggestions for consideration in connection with the proposed amendments by September 12, 1975. Two responses concern § 9.95 of the regulations which relates to specific exemptions. A clarifying change in the wording of § 9.95 suggested by one commenter has been adopted in substance. A suggestion that § 9.95 be revised to describe the exemptions in each of the systems of records affected with greater specificity and that the revision be renoticed for further public comment has not been adopted. The Commission is of the opinion that it is impractical at this time to specify the exempt portions of records more precisely. In addition, the Commission has also made a number of minor clarifying changes in the text of the amendments. These changes are more particularly described as follows:

1. In § 9.54, the heading of paragraph (c) is changed to read "Verification of parentage or guardianship" in order to identify the subject of the paragraph more precisely. For purposes of further clarifying the text of paragraph 9.54(c), the word "legal" is inserted immediately before the word "guardian" where the latter word first appears and the word "of" is inserted immediately before the words "an individual judicially determined to be incompetent." The typographical errors in this paragraph are also corrected.

2. The following changes are made in § 9.65 for the purposes of accuracy and completeness. In paragraph (a), the last sentence is revised by inserting the words "or deny" between the words "grant access" and by changing the term "30 days" to read "30 working days." In the first sentence of paragraph (b), the term "30 days" is changed to read "30 working days." In paragraph (c)(1), the phrase "The Executive Director for Operations" is changed to read "The Executive Director for Operations, or his designee,". In paragraph (c)(2) the phrase "Executive Director for Operations" is changed to read "Executive Director for Operations, or his designee," wherever it appears.

3. In § 9.66, immediately following the first sentence in paragraph (a)(1), a new sentence is added for consistency which reads, "Unless the request presents unusual difficulties or involves extensive numbers of records, individuals shall be notified of determinations to authorize or refuse correction or amendment of a record within 30 working days after receipt of the request."

4. In paragraph 9.66(b) the term "30 days" is changed to read "30 working days".

5. The following changes are made in paragraph 9.66(c) for purposes of consistency and completeness. In paragraph 9.66(c)(1), the phrase "The Executive Director for Operations" is changed to read "The Executive Director for Operations, or his designee,". Paragraph 9.66(c)(2) is redesignated as paragraph 9.66(c)(3), and the phrase "the Executive Director for Operations" in that paragraph is changed to read "the Executive Director for Operations, or his designee,". Immediately following paragraph 9.66(c)(1), a new paragraph (c)(2) is added which reads as set forth below.

6. In paragraph (a) of § 9.67, the term "30 days" is changed to read "30 working days".

7. For purposes of clarification and accuracy, paragraph (a) of § 9.69 is revised to read as set forth below.

8. In § 9.80, in the last sentence of paragraph (a)(7), the words "or if" immediately following the words "FEDERAL REGISTER" are deleted and are replaced by the word "and".

9. A centerhead "FEES" is inserted immediately preceding "§ 9.85 Fees."

10. In § 9.90, a typographical error in paragraph (a) is corrected.

11. For purposes of clarification and accuracy, the following changes are made in § 9.95. In the first sentence, the phrase "and from the provisions of this part other than § 9.61:" is reworded to read "and are subject to the provisions of § 9.61 of this part:" In paragraphs (a), (b), (d), (f) and (j) the names of the systems of records are corrected to read as set forth below.

In accordance with the requirements of the Privacy Act of 1974, the amendments adopted herein must be in effect on or before September 27, 1975. In view of these requirements and in view of the fact that the amendments do not impose obligations on persons other than the Commission, the Commission has found that good cause exists for making the amendments effective without the customary 30 day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, the amendments to Title 10, Chapter I, Code of Federal Regulations, Part 9, set forth below are published as a document subject to codification.

EFFECTIVE DATE. These amendments become effective on September 27, 1975.

Dated at Bethesda, Maryland, this 19th day of September, 1975.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

1. The table of contents, citation of authority and §§ 9.1 and 9.2 are revised and a new § 9.1a is added, to read as follows:

PART 9—PUBLIC RECORDS

Sec.
9.1 Scope.
9.1a Subparts.
9.2 Definitions.

Subpart A—Freedom of Information Act Regulations

Sec.
9.3 Scope of subpart.
9.3a Definitions.
9.4 Availability of records.
9.5 Exemptions.
9.6 Deletion of identifying details.
9.7 Publicly available records.
9.8 Requests for records.
9.9 Initial determination.
9.10 Form and content of responses.
9.11 Appeal from initial determination.
9.12 Production or disclosure of exempt records.
9.13 Extension of time for response.
9.14 Charges for production of records.
9.15 Committees, boards, panels, and offices reporting to the Commission.
9.16 Annual report to Congress.

Subpart B—Privacy Act Regulations

9.50 Scope of subpart.
9.51 Definitions.

PROCEDURES APPLICABLE TO REQUESTS BY INDIVIDUALS FOR INFORMATION, ACCESS OR AMENDMENT OF RECORDS MAINTAINED ABOUT THEM

PRESENTATION OF REQUESTS

9.52 Types of requests.
9.53 Requests; how and where presented.
9.54 Verification of identity of individuals making requests.
9.55 Specification of records.
9.56 Accompanying persons.

NRC PROCEDURES FOR PROCESSING REQUESTS

9.60 Acknowledgment of requests.
9.61 Procedures for processing requests for records exempt in whole or in part.
9.62 Special procedures.

DETERMINATIONS AND APPEALS

9.65 Access determinations; appeals.
9.66 Determinations authorizing or denying correction of records; appeals.
9.67 Statements of disagreement.
9.68 NRC statements of explanation.
9.69 Notices of correction or dispute.

DISCLOSURE TO OTHERS OF RECORDS ABOUT INDIVIDUALS

9.80 Disclosure of record to persons other than the individual to whom it pertains.
9.81 Notices of subpoenas.
9.82 Notices of emergency disclosures.

FEES

9.85 Fees.

ENFORCEMENT

9.90 Violations.

EXEMPTIONS

9.95 Specific exemptions.

APPENDIX A—REQUESTS FOR DECLASSIFICATION REVIEW

AUTHORITY: Sec. 161, Pub. L. 83–703, 68 Stat. 948, (42 U.S.C. 2201); Sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841); Subpart A also issued under 5 U.S.C. 552; Subpart B also issued under 5 U.S.C. 552a.

§ 9.1 Scope.

The regulations in this part implement: (a) The provisions of the Freedom of Information Act, 5 U.S.C. 552, with respect to the availability to the public of Nuclear Regulatory Commission records for inspection and copying; and (b) the provisions of the Privacy Act of 1974, Pub. L. 93–579, with respect to disclosure and availability of certain

Nuclear Regulatory Commission records maintained on individuals.

§ 9.1a Subparts.

Subpart A sets forth special rules applicable to matters pertaining to the Freedom of Information Act. Subpart B sets forth special rules applicable to matters pertaining to the Privacy Act of 1974.

§ 9.2 Definitions.

As used in this part:

(a) "NRC" means the Nuclear Regulatory Commission, established by the Energy Reorganization Act of 1974.

(b) "NRC personnel" means employees, consultants, and members of advisory boards, committees and panels of the NRC; members of boards designated by the Commission to preside at adjudicatory proceedings; and officers or employees of Government agencies, including military personnel, assigned to duty at the NRC.

(c) "Commission" means the commission of five members or a quorum thereof sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974.

(d) "Government agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

(e) "Working days" means Monday through Friday, except legal holidays.

2. A new subpart heading is added following § 9.2, § 9.3 is revised and a new § 9.3a is added, to read as follows:

Subpart A—Freedom of Information Act Regulations

§ 9.3 Scope of subpart.

This subpart prescribes procedures under which NRC records are made available to the public for inspection and copying pursuant to the provisions of 5 U.S.C. 552. This subpart does not affect the dissemination or distribution of NRC originated, or NRC contractor originated, information to the public pursuant to any NRC public, technical, or other information program or policy, nor is it intended to restrict or limit the free flow of information between the NRC and its contractors and subcontractors, or between the NRC and a Government agency. Except where specifically noted otherwise, this subpart applies to all records whether they predate or postdate July 4, 1967.

§ 9.3a Definitions.

As used in this subpart:

(a) "Office", unless otherwise indicated, means all offices and divisions of the NRC reporting to or through the Executive Director for Operations, except for the Office of the Executive Legal Director.

(b) "Record" means any book, paper, map, photograph, brochure, punch card, magnetic tape, paper tape, sound recording, pamphlet, slide, motion picture, or other documentary material regardless of form or characteristics, made by, in the possession of, or under the control of the NRC pursuant to Federal law or in connection with the transaction of public business as evidence of NRC organization, functions, policies, decisions, procedures, operations, programs or other activities. "Records" do not include objects or articles such as structures, furniture, tangible exhibits or models, or vehicles and equipment.

3. A new subpart B following § 9.16 is added to read as follows:

Subpart B—Privacy Act Regulations

§ 9.50 Scope of subpart.

This subpart implements the provisions of section 3 of the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a, with respect to (a) the procedures by which individuals may determine the existence of, seek access to and request correction of NRC records concerning themselves, and (b) the requirements applicable to NRC personnel with respect to the use and dissemination of such records. The regulations in this subpart apply to all records which are retrievable from a system of records under the control of the Nuclear Regulatory Commission by the use of an individual's name or of an identifying number, symbol, or other identifying particular assigned to such individual. Except where specifically provided otherwise, this subpart applies to all NRC records maintained on individuals whether they predate or postdate September 27, 1975.

§ 9.51 Definitions.

As used in this subpart:

(a) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) The term "maintain" includes maintain, collect, use or disseminate.

(c) "Record' means any item, collection or grouping of information about an individual that is maintained by the NRC, including, but not limited to, his education, financial transactions, medical history, employment history or criminal history, and that contains the individual's name, or the identifying number, symbol or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(d) "System manager" means the NRC official responsible for maintaining a system of records.

(e) "Systems of records" means a group of records under the control of the NRC from which information is retrieved by the name of an individual or by an identifying number, symbol, or other identifying particular assigned to an individual.

(f) "Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by the Census Act, 13 U.S.C. 8.

(g) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected, as described in a notice published in the FEDERAL REGISTER.

PROCEDURES APPLICABLE TO REQUESTS BY INDIVIDUALS FOR INFORMATION, ACCESS OR AMENDMENT OF RECORDS MAINTAINED ABOUT THEM

PRESENTATION OF REQUESTS

§ 9.52 Types of requests.

(a) Individuals may make the following requests respecting records about themselves maintained by NRC in a system of records subject to the provisions of the Privacy Act of 1974:

(1) Request a determination whether a record about the individual is contained in a system of records.

(2) Request access to a record about the individual. Access requests may include requests to review the record and to have a copy made of all or any portion thereof in a form comprehensible to the individual.

(3) Request correction or amendment of a record about the individual.

(b) *Requests for accounting of disclosures.* Individuals may, at any time, request an accounting by NRC of disclosures to any other person or Government agency of any record about themselves contained in a system of records controlled by NRC, except the following: (1) Disclosures made pursuant to the Freedom of Information Act, 5 U.S.C. 552; (2) disclosures made within the Nuclear Regulatory Commission; (3) disclosures made to another Government agency or instrumentality for an authorized law enforcement activity pursuant to 5 U.S.C. 552a(b)(7); (4) disclosures expressly exempted by NRC regulations from the requirements of 5 U.S.C. 552a(c)(3) pursuant to 5 U.S.C. 552a(k).

§ 9.53 Requests: how and where presented.

(a) Requests may be made in person or in writing. Assistance regarding requests or other matters relating to the Privacy Act of 1974 may be obtained by writing to the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Requests relating to records in multiple systems of records should be made to the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. The Director, or his designee, shall assist the requestor in identifying his request more precisely and shall be responsible for forwarding the request to the appropriate system manager.

(b) All written requests shall be made to the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and shall clearly state on the envelope and on the letter, as appropriate: "Privacy Act Request", "Privacy Act Disclosure Accounting Request", "Privacy Act Correction Request".

(c) Requests may be made in person during official hours at the U.S. Nuclear Regulatory Commission office where the record is located, as listed in the "Notice of System of Records" for the system in which the record is contained.

V 40 188 SEP 26 75 XUM

§ 9.54 Verification of identity of individuals making requests.

(a) Identification requirements in paragraphs (a) (1) and (2) of this section are applicable to any individual who makes requests respecting records about himself, except that no verification of identity shall be required if the records requested are available to the public under the provisions of the Freedom of Information Act. With respect to certain sensitive records, additional requirements for verification of identity stated in the appropriate published "Notice of System of Records" may be imposed.

(1) *Written requests.* An individual making a written request respecting a record about himself may establish his identity by a signature, address, date of birth, employee identification number if any, and one other item of identification such as a photocopy of a driver's license or other document.

(2) *Requests in person.* An individual making a request in person respecting a record about himself may establish his identity by the presentation of a single document bearing a photograph (such as a passport or identification badge) or by the presentation of two items of identification which do not bear a photograph but do bear a name, address and signature (such, as a driver's license or credit card).

(b) *Inability to provide requisite documentation of identity.* An individual making a request in person or in writing respecting a record about himself who cannot provide the necessary documentation of identity may provide a notarized statement, swearing or affirming to his identity and to the fact that he understands that penalties for false statements may be imposed pursuant to 18 U.S.C. 1001, and that penalties for obtaining a record concerning an individual under false pretenses may be imposed pursuant to 5 U.S.C. 552a(i)(3). Forms for such notarized statements may be obtained on request from the Director, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(c) *Verification of parentage or guardianship.* In addition to establishing the identity of the minor, or other individual he represents as required in paragraph (a) of this section, the parent or legal guardian of a minor or of an individual judicially determined to be incompetent shall establish his status as parent or guardian by furnishing a copy of a birth cerificate of the minor showing parentage or a copy of a court order establishing guardianship.

§ 9.55 Specification of records.

(a)(1) Requests relating to records shall, insofar as practicable, specify the nature of the record sought, the approximate dates covered by the record, the system of records in which the record is thought to be included and the system manager having custody of the record system as shown in the annual compilation, "Notices of Records Systems", published by the General Services Administration. Requests shall, in addition, comply with any additional specification requirements contained in the published "Notice of System of Records" for that system.

(2) Requests for correction or amendment of records shall, in addition, specify the particular record involved, state the nature of the correction or amendment sought and furnish justification for the correction or amendment.

(b) Requests which do not contain information sufficient to identify the record requested will be returned promptly to the requestor, with a notice indicating what information is lacking. Individuals making requests in person will be informed of any deficiency in the specification of records at the time the request is made. Individuals making requests in writing will be notified of any such deficiency when their request is acknowledged.

§ 9.56 Accompanying persons.

An individual requesting access to records about himself may be accompanied by another individual of his own choosing. Both the individual requesting access and the individual accompanying him shall sign the required form indicating that the Nuclear Regulatory Commission is authorized to discuss the contents of the subject record in the presence of both individuals.

NRC PROCEDURES FOR PROCESSING REQUESTS

§ 9.60 Acknowledgment of requests.

(a) Written requests by individuals to verify the existence of, obtain access to or correct or amend records about themselves maintained by NRC in a system of records subject to the provisions of the Privacy Act of 1974, shall be acknowledged in writing by the Director, Office of Administration, or his designee, within ten working days after date of actual receipt. The acknowledgment shall advise the requestor if any additional information is needed to process the request. Wherever practicable, the acknowledgment shall notify the individual whether his request to obtain access to the record or to correct or amend the record has been granted or denied.

(b) When an individual requests access to records or permission to correct or amend records in person, every effort will be made to make an immediate determination as to whether access or correction or amendment should be granted. If an immediate determination cannot be made, the request will be processed in the same manner as a written request. Records will be made available for immediate inspection whenever possible.

§ 9.61 Procedures for processing requests for records exempt in whole or in part.

(a) When an individual requests information concerning the existence of, or access to, records about himself which have been compiled in reasonable anticipation of a civil action or proceeding in either a court or before an administrative tribunal, the NRC shall advise the individual only that no record available to him pursuant to the Privacy Act of 1974 has been identified.

(b) *Specific exemptions pursuant to 5 U.S.C. 552a(k).* Individual requests for access to records which have been exempted from access pursuant to the provisions of 5 U.S.C. 552a(k) and § 9.95 shall be processed as follows:

(1) *Information classified pursuant to Executive Order 11652 and exempted pursuant to 5 U.S.C. 552a(k)(1).* Requested information classified by NRC will be reviewed by the responsible official of the NRC to determine whether it continues to warrant classification under the criteria of sections 1 and 5 (B), (C), (D), and (E) of Executive Order 11652. Information which no longer warrants classification under these criteria shall be declassified and made available to the individual. If the requested information has been classified by another agency, the responsible official of the NRC will request the classifying agency to review the information to ascertain if classification is still warranted. If the information continues to warrant classification, the individual shall be advised that the information sought is classified, that it has been reviewed and continues to warrant classification, and that it has been exempted from access pursuant to 5 U.S.C. 552a(k)(1).

(2) *Investigatory material compiled for law enforcement purposes exempted pursuant to 5 U.S.C. 552a(k)(2).* Requests shall be responded to in the manner provided in paragraph (a) of this section unless a review of the information indicates that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under Federal law. In that event, the individual shall be advised of the existence of the information and shall be provided the information except to the extent it would reveal the identity of a confidential source. Information that would reveal the identity of a confidential source shall be extracted or summarized in a manner which protects the source and the summary or extract shall be provided to the requesting individual.

(3) *Material within a system of records required by statute to be maintained and used solely as statistical records and exempted pursuant to 5 U.S.C. 552a(k)(4).* The exempted information requested will be reviewed by the responsible official of the NRC to determine whether it continues to warrant exemption. Information which no longer warrants exemption shall be made available to the individual. If the information continues to warrant exemption, the individual shall be advised that the information sought is exempt from disclosure, that it has been reviewed and continues to warrant exemption, and that it has been exempted from access pursuant to 5 U.S.C. 552a(k)(4).

(4) *Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information and exempted pursuant to 5 U.S.C. 552a(k)(5).* Information exempted pursuant to 5 U.S.C. 552a(k)(5) shall be made available to an individual upon request except to the extent that the information would reveal the identity of a confidential source. Material that would reveal the identity of a confidential source shall be extracted or summarized in a manner which protects the source and the summary or extract shall be provided to the requesting individual.

(5) *Testing or examination material exempted pursuant to 5 U.S.C. 552a(k)(6).* Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service which has been exempted pursuant to 5 U.S.C. 552a(k)(6) shall not be made available to an individual if disclosure would compromise the objectivity or fairness of the testing or examination process but may be made available if no possibility of such compromise exists.

§ 9.62 Special procedures.

(a) *Medical records under the control of NRC.* Requests received by NRC pertaining to medical records under the control of NRC, with the exception of radiation exposure records, will be made available to a physician of the requesting individual's choosing. Both the physician and the requestor shall first sign the required form indicating that NRC is authorized to disclose the contents of the record to the physician. Radiation exposure records will be made available directly to the requesting individual pursuant to § 19.13 of this chapter.

(b) *Records under the control of another government agency.* (1) *Medical records.* Requests received by NRC pertaining to medical records under the control of the U.S. Public Health Service or another Government agency will either be referred to the appropriate agency or returned to the requestor with the name of the controlling Government agency, if known, within ten working days after receipt by NRC. NRC will inform the requestor of any referral of his request to another Government agency at the time the referral is made.

(2) *Nonmedical records.* Requests received by NRC pertaining to nonmedical records under the control of another Government agency will be returned to the requestor with the name of the controlling Government agency, if known, within ten working days after receipt by NRC.

DETERMINATION AND APPEALS

§ 9.65 Access determinations; appeals.

(a) *Initial determinations.* The Director, Office of Administration, or his designee, with the advice of the system manager having control of the record to which access is requested, shall determine whether access to the record is available under the Privacy Act and notify the requesting individual in person or in writing of that determination. Unless the request presents unusual difficulties or involves extensive numbers of records, individuals shall be notified of determinations to grant or deny access within 30 working days after receipt of the request.

(1) Notices granting access shall inform the individual when and where the requested record may be seen, how copies may be obtained, and of any fees or anticipated charges which may be incurred pursuant to § 9.85 of this subpart.

(2) Notices denying access shall state the reasons for the denial, and advise the individual that he may appeal the denial to the Executive Director for Operations in accordance with the procedures set forth in this section.

(b) *Appeals from denials of access.* Within 30 working days of the receipt of an initial determination denying access to a record, an individual may request a final review and determination of his request by the Executive Director for Operations. Requests for final review shall be in writing, shall be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and shall be clearly marked on the request and on the envelope "Privacy Act Appeal—Denial of Access".

(c) *Final determinations.* (1) The Executive Director for Operations, or his designee, shall make a final determination within 30 working days of receipt of the request for final review, unless he extends the time for good cause shown such as the need to obtain additional information, the volume of records involved or the complexity of the issue. The extension of time shall not exceed 30 additional working days. The requestor shall be advised in advance of any extension of time and of the reasons therefor.

(2) If the Executive Director for Operations, or his designee, determines that access was properly denied because the information requested has been exempted from disclosure, he shall undertake a review of the exemption to determine whether the information should continue to be exempt from disclosure. The Executive Director for Operations, or his designee, shall notify the individual in writing of his final determination to grant or deny the request for access. Notices denying access shall state the reasons therefor and shall advise the individual of his right to judicial review pursuant to 5 U.S.C. 552a(g).

§ 9.66 Determinations authorizing or denying correction of records; appeals.

(a) *Initial determinations.* (1) The Director, Office of Administration, or his designee, with the advice of the system manager having control of the record, shall determine whether to authorize or refuse correction or amendment of a record. Unless the request presents unusual difficulties or involves extensive numbers of records, individuals shall be notified of determinations to authorize or refuse correction or amendment of a record within 30 working days after receipt of the request. In making this determination, the Director, or his designee, shall be guided by the following standards:

(i) Records shall contain only such information about an individual as is relevant and necessary to accomplish an NRC function required to be accomplished by statute or by executive order of the President;

(ii) Records used by NRC in making any determination about any individual shall be as accurate, relevant, current, and complete as is reasonably necessary to assure fairness to the individual in the determination;

(iii) No record shall describe how any individual has exercised rights guaranteed by the First Amendment unless such record is expressly authorized by statute or by the individual about whom the record is maintained, or is pertinent to and within the scope of an authorized law enforcement activity.

(2) If correction or amendment of a record is authorized, the Director, Office of Administration, or his designee, shall correct or amend the record, notify the requesting individual in writing that the correction or amendment has been made and provide the individual with a courtesy copy of the corrected record.

(3) If correction or amendment of a record is refused, the Director, Office of Administration, or his designee, shall notify the requesting individual in writing of the refusal and the reasons therefor, and shall advise the individual of his right to request a review of the refusal by the Executive Director for Operations in accordance with the procedures set forth in this section.

(b) *Appeals from initial adverse determinations.* Within 30 working days of the receipt of an initial determination of refusal to amend or correct a record in whole or in part, an individual may request a final review and determination of his request by the Executive Director for Operations. Requests for final review shall be in writing, shall be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and shall be clearly marked on the request and on the envelope "Privacy Act Correction Appeal". Requests for final review shall set forth the specific item of information sought to be corrected or amended and the individual's documentation justifying the correction or amendment.

(c) *Final determinations.* (1) The Executive Director for Operations, or his designee, shall make a final determination within 30 working days of receipt of the request for final review unless, for good cause shown such as the need to obtain additional information, the volume of records involved or the complexity of the issue, he extends the time for making the final determination. The extension of time shall not exceed 30 additional working days. The requestor shall be advised in advance of any extension of time and the reasons therefor.

(2) If the Executive Director for Operations, or his designee, makes a final determination that an amendment or correction of the record is warranted on the facts, he shall notify the Director, Office of Administration, to correct or amend the record pursuant to the procedures in § 9.66(a)(2).

(3) If the Executive Director for Operations, or his designee, makes a

V 40 I 188 SEP 26 75 XUM

final determination that an amendment or correction of the record is not warranted on the facts, he shall notify the individual in writing of his refusal to authorize correction or amendment of the record in whole or in part, and of the reasons therefor, and shall advise the individual of his right to provide a "Statement of Disagreement" for the record and of his right to judicial review pursuant to 5 U.S.C. 552a(g).

§ 9.67 Statements of disagreement.

(a) Written "Statements of Disagreement" may be furnished by the individual within 30 working days of the date of receipt of the final adverse determination of the Executive Director for Operations. "Statements of Disagreement" shall be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and shall be clearly marked on the statement and on the envelope "Privacy Act Statement of Disagreement".

(b) The Executive Director for Operations, or his designee, shall be responsible for ensuring that: (1) The "Statement of Disagreement" is included in the system or systems of records in which the disputed item of information is maintained; and (2) the original record is marked to indicate the information disputed, the existence of a "Statement of Disagreement", and the location of the "Statement of Disagreement" within the system of records.

§ 9.68 NRC Statements of Explanation.

The Executive Director for Operations, or his designee, may, if he deems it appropriate, prepare a concise statement of the reasons why the requested amendments or corrections were not made. Any NRC "Statement of Explanation" shall be included in the system of records in the same manner as the "Statement of Disagreement". Courtesy copies of the NRC statement and of the notation of dispute as marked on the original record shall be furnished to the individual who requested correction or amendment of the record.

§ 9.69 Notices of correction or dispute.

(a) When a record has been corrected upon request or when a "Statement of Disagreement" has been filed, the Director, Office of Administration, or his designee, shall, within 30 working days thereof, advise all prior recipients of the affected record whose identity can be determined pursuant to an accounting of disclosures required by the Privacy Act or any other accounting previously made, of the correction or of the filing of the "Statement of Disagreement".

(b) Any disclosure of disputed information occurring after a "Statement of Disagreement" has been filed shall clearly identify the specific information disputed and be accompanied by a copy of the "Statement of Disagreement" and a copy of any NRC "Statement of Explanation".

DISCLOSURE TO OTHERS OF RECORDS ABOUT INDIVIDUALS

§ 9.80 Disclosure of record to persons other than the individual to whom it pertains.

(a) NRC Commissioners and NRC personnel shall not disclose any record which is contained in a system of records maintained by NRC by any means of communication to any person, or to another Government agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record is:

(1) To NRC Commissioners and NRC personnel who have a need for the record in the performance of their duties;

(2) Required under 5 U.S.C. 552;

(3) For a routine use published in the FEDERAL REGISTER;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and the record is transferred in a form that is not individually identifiable. The advance written statement of assurance shall (i) state the purpose for which the record is requested, and (ii) certify that the record will be used only for statistical purposes. Prior to release for statistical purposes in accordance with the provisions of this paragraph, the record shall be stripped of all personally identifying information and reviewed to ensure that the identity of any individual cannot reasonably be determined by combining two or more statistical records;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or to the Administrator of General Services or his designee for evaluation to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the NRC specifying the particular portion of the record desired and the law enforcement activity for which the record is sought. A record may be disclosed to a law enforcement agency at the initiative of the NRC if criminal conduct is suspected, provided that such disclosure has been established as a routine use by publication in the FEDERAL REGISTER, and the instance of misconduct is directly related to the purpose for which the record is maintained;

(8) To any person upon a showing of compelling circumstances affecting the health or safety of any individual;

(9) To either House of Congress or, to the extent of matter within its jurisdiction, to any committee or subcommittee thereof or to any joint committee of the Congress or to any subcommittee of such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

§ 9.81 Notices of subpoenas.

When records concerning an individual are subpoenaed or otherwise disclosed pursuant to court order, the NRC officer or employee served with the subpoena shall be responsible for assuring that the individual is notified of the disclosure within five days after such subpoena or other order becomes a matter of public record. The notice shall be mailed to the last known address of the individual and shall contain the following information: (1) The date the subpoena is returnable; (2) the court in which it is returnable; (3) the name and number of the case or proceeding; and (4) the nature of the information sought.

§ 9.82 Notices of emergency disclosures.

When information concerning an individual has been disclosed to any person under compelling circumstances affecting health or safety, the NRC officer or employee who made or authorized the disclosure shall notify the individual at his last known address within five days of the disclosure. The notice shall contain the following information: (a) The nature of the information disclosed; (b) the person or agency to whom the information was disclosed; (c) the date of the disclosure; and (d) the compelling circumstances justifying the disclosure.

FEES

§ 9.85 Fees.

(a) *When charged.* Fees shall not be charged for search for or review of records requested pursuant to this subpart or for making copies or extracts of records in order to grant access to records and make them available for review. Fees established pursuant to 31 U.S.C. 483a and 5 U.S.C. 552a(f)(5) shall be charged according to the schedule contained in paragraph (b) of this section for actual copies of records requested by individuals pursuant to the Privacy Act of 1974, unless the Director, Office of Administration, or his designee, waives the fee because of the inability of the individual to pay. Fees shall not be charged where they would amount, in the aggregate, to less than $3.

(b) *Schedule of fees.* Fees may only be assessed for reproduction charges for actual copies of records requested by individuals pursuant to the Privacy Act of 1974 in accordance with the following schedule:

(1) Record sizes up to 8½ x 14 inches made on office copying machines—$0.10 per page copy.

(2) Record sizes greater than 8½ x 14 inches—$0.10 for each 8½ x 14 inch unit or fraction thereof per page copy.

(3) Microfiche—8½ x 11 inches—$0.15 per page copy.

(4) The charge for reproducing records other than those specified above will be computed on the basis of NRC's direct costs.

(c) *Notice of anticipated charges.* When it is anticipated that fees chargeable under this section will amount to more than $3, and the requestor has not indicated in advance his willingness to pay fees as high as are anticipated, the requestor shall be notified of the amount of the anticipated cost before copies are made. The notification shall offer the requestor the opportunity to confer with NRC personnel with the object of reformulating the request to meet the requestor's needs at lower cost.

(d) *Form and place of payment.* Fee payments shall be by check, draft or money order payable to the U.S. Nuclear Regulatory Commission. No employee of NRC is authorized to accept payment of fees in cash.

(e) *Advance deposit.* Where the anticipated fee chargeable under this section exceeds $25, an advance deposit of 25% of the anticipated fee or $25, whichever is greater, may be required. Where a requestor has previously failed to pay a fee under this section, an advance deposit of the full amount of the anticipated fee may be required.

ENFORCEMENT

§ 9.90 Violations.

(a) An injunction or other court order may be obtained pursuant to 5 U.S.C. 552a(g)(1-3) to compel NRC to permit an individual to review, amend or copy a record pertaining to him, or to be accompanied by someone of his own choosing when he reviews his record. A court order may be obtained for the payment of a civil penalty imposed pursuant to 5 U.S.C. 552a(g)(4) if NRC intentionally or willfully fails to maintain a record accurately, or fails to comply with any provision of 5 U.S.C. 552a, or any provision of this subpart, if such failure results in an adverse determination or has an adverse effect on an individual. Court costs and attorney's fees may be awarded in civil actions.

(b) Any officer or employee of NRC who willfully maintains a system of records without meeting the notice requirements of 5 U.S.C. 552a(e)(4), or who willfully discloses information knowing such disclosure to be prohibited by 5 U.S.C. 552a or by any rules or regulations issued thereunder, may be guilty of a criminal misdemeanor and upon conviction may be fined up to $5000. Any person who knowingly and willfully requests or obtains any record concerning an individual from NRC under false pretenses may be convicted of a criminal misdemeanor and upon conviction may be fined up to $5000.

EXEMPTIONS

§ 9.95 Specific exemptions.

Pursuant to 5 U.S.C. 552a(k), portions of the following NRC systems of records are exempt from 5 U.S.C. 552a (c)(3); (d); (e)(1); (e)(4) (G), (H) and (I) and (f) and are subject to the provisions of § 9.61 of this part:

(a) Contracts Records Files

(b) Office of Inspector and Auditor Index File and Associated Records

(c) Development and Advancement for Regulatory Employees (DARE) Records

(d) Equal Employment Opportunity Records Files

(e) General Personnel Records (Official Personnel Folder and Related Records)

(f) Personnel Security Files and Associated Records

(g) Personnel Performance Appraisals

(h) Personnel Research and Test Validation Records

(i) Recruiting, Examining and Placement Records

(j) Secretariat Records Facility Files.

[FR Doc.75-25759 Filed 9-25-75;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

PART 292a—PRIVACY ACT OF 1974

Adoption of Rules

In FR Doc. 75-22203 published in the FEDERAL REGISTER (40 FR No. 166, 37509 thru 37516) of August 26, 1975, the Defense Intelligence Agency, set forth the Proposed Rulemaking, prescribed by the Privacy Act of 1974, within the Defense Intelligence Agency. The Director, Defense Intelligence Agency, after providing due time for public comment and in accordance with 5 U.S.C. 553, subsections 3 and 4 of the Administrative Procedures Act and the Privacy Act of 1974; and, after receiving no public participation in the proposed rulemaking either in person or through the mail, written data, views or arguments, does hereby adopt and implement title 32 of the Code of Federal Regulations, Part 292a, effective September 27, 1975.

Dated: SEPTEMBER 18, 1975.

DANIEL O. GRAHAM,
Lieutenant General, USA
Director.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

SEPTEMBER 18, 1975.

PART 292a—PRIVACY ACT OF 1974

Subpart A—Implementation of the Privacy Act of 1974

Sec.
292a.1 Purpose.
292a.2 References.
292a.3 Applicability.
292a.4 Policy.
292a.5 Requests for records procedures.
292a.6 Schedule of fees.
292a.7 Disclosure of records.
292a.8 Deputy Directors' responsibilities for accounting for certain disclosures.
292a.9 Individual request for amendment of personal information.
292a.10 DIA requirements.
292a.11 Privacy Act exemptions.
292a.12 Appeal for refusal to amend or release a record.
292a.13 Responsibilities.
292a.14 DIA Privacy Act officer.
292a.15 Safeguarding personal information in records systems.
292a.16 Disposition and destruction.
292a.17 System of records content.
292a.18 Annual report requirements.
292a.19 Agency fees for duplication under the Privacy Act of 1974.
292a.20 Federal Register annual notice.
292a.21 Rules of conduct.

Subpart B—Exemptions

292a.22 General information.
292a.23 Specific exemptions.

AUTHORITY: 5 U.S.C. 522a (f), (j), and (k).

Subpart A—Implementation of the Privacy Act of 1974

§ 292a.1 Purpose.

To implement the "Privacy Act of 1974," 5 U.S.C. 552a and DoD Directive 5400.11, "Personal Privacy and Rights of Individuals Regarding Their Personal Records," within the DIA and outline policy and procedures governing the release of information maintained in records on individuals (a U.S. citizen or an alien lawfully admitted for permanent residence).

§ 292a.2 References.

(a) 5 U.S.C. 552a (Privacy Act of 1974).

(b) 5 U.S.C. 552 (Freedom of Information Act).

(c) 13 U.S.C. section 8.

(d) 18 U.S.C. section 3056.

(e) DoD Directive 5400.9, "Publication of Proposed and Adopted Regulations Affecting the Public," 23 December 1974.

(f) DOD Directive 5400.11, "Personal Privacy and Rights of Individuals Regarding Their Personal Records," 4 August 1975.

(g) DoD 5200.1-R, "Information Security Program Regulation," November 1973.

(h) DoD Directive 5400.7, "Availability to the Public of Department of Defense Information," 14 February 1970.

(i) DoD Directive 7650.1, "General Accounting Office, Comprehensive Audits," 9 July 1958.

(j) Federal Personnel Manual.

(k) Executive Order 9397, 22 November 1943.

(l) DIAR 12-27, "Control and Protection of 'For Official Use Only' Information."

(m) DIAR 12-39, "Availability to the Public of Department of Defense Information."

§ 292a.3 Applicability.

This regulation applies to all DIA elements and governs the collection, use, maintenance, storage, destruction, amendment, appeal procedures, and release of records containing personal information. This regulation is effective 27 September 1975.

§ 292a.4 Policy.

Upon receipt of a written request, the DIA will release to individuals those records or reasonably segregable portions of records which are rightfully information which is releasable and applicable to the individual making the request. Generally, information, other than that exempted

V 40 188 SEP 26 75 XUM

in § 292a.11, will be provided to the individual.

(a) In determining whether documentary material qualifies as a "record," 5 U.S.C. 552a will be used as a guide. The statute defines the term "record" as: "Any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, criminal or employment history, and that contains his name, or an identifying number, symbol or other identifying particular assigned to the individual, such as a finger or voice print or a photograph." The applicability of the Privacy Act of 1974 depends on the existence of an identifiable record.

(b) Records include data on individuals stored in computers.

(c) Initial availability, releasability, and cost determinations will normally be made within 10 working days of the date on which a written request for any identifiable record is received by DIA and acknowledgment sent to the individual. If, due to unusual circumstances, additional time is needed, a written notification of the delay will be forwarded to the requester within the 10 working-day period. This notification will briefly explain the circumstances for the delay and indicate the anticipated date for a substantive response. Normally, access to records or a copy will be provided within 30 working days of receipt of the request.

(d) Records containing information/documents provided by another agency will not be released. The individual will be notified that a request should be sent to that identified agency concerning information in our records obtained from other agencies.

(e) In addition to the provisions of the Privacy Act and DoD Directive, 5400.11, the instructions issued by an activity responsible for a system of records (i.e., Civil Service Commission) will be complied with in granting access to such records.

§ 292a.5 Requests for record procedures.

(a) Requests to obtain copies of records or reasonably segregable portions thereof must be made in writing. The request should contain at least the following information:

(1) Reasonable identification including the first name, middle name, or initial, surname, date of birth, and social security number (SSN) of the individual concerned, if known. Where the sensitivity of the data warrants it, a signed notarized statement may be required to verify identification.

(2) Request should state that whatever cost is involved is acceptable or acceptable up to a specified limit.

(b) Requests for records review where the individual will be accompanied by a person of his own choosing, must furnish a written statement authorizing discussion of the individual's record in the accompanying person's presence.

(c) Individuals desiring records should direct inquiry to:

Defense Intelligence Agency, ATTN: SC(PA 1974), Washington, D.C. 20301.

(d) Personnel of DIA, both civilian and military, have always had the prerogative to review and annually update their personnel files, and correct administrative errors thereto. This regulation does not change or alter in any way nor does it impose any requirement in contradiction of those in existence concerning review and annually updating, except when a prohibition may exist which is invalidated by the Privacy Act of 1974 and this regulation.

(e) This regulation does not require that a record be created or that an individual be given access to records which are not retrieved by name or other individual identifier.

(f) If providing a copy is the only means whereby access to the record can be accomplished, reproduction fees will not be assessed. This applies when a copy/extract must be made in order to delete information contained in the record pertaining to another individual or under the exemptions in § 292a.11.

(g) The individual requesting access does not have to justify a need to gain access.

(h) An individual will not be denied access to his file or record for refusing to disclose his SSN unless the disclosure of the SSN is required by statute or by regulation adopted prior to 1 January 1975.

(i) Individuals may not be denied access to a record pertaining to themselves because those records are exempted from disclosure under the Freedom of Information Act.

(j) Any request from an individual for access to or for copies of his own records will be processed in accordance with this regulation and not the Freedom of Information Act.

§ 292a.6 Schedule of fees.

Fees will be collected only for making copies of records but not for costs of search and review of the record.

(a) Fees will not be waived except when:

(1) Payment of the full costs or fee would not be in the interest of the program. Employees, currently in status with DIA, will not be charged for the first copy of a record provided by the Agency.

(2) Ordered by a court to amend the record.

(3) DIA makes a copy of the record as a necessary part of the review process in determining availability of the record or parts thereof for release to the subject.

(b) Normally, collection of fees will be made at the time of conveying the copy of the record. In some instances fees will be paid in advance. In the absence of an agreement to pay required anticipated costs, the time for responding to a request begins on resolution of this agreement to pay.

(c) The schedule of fees chargeable is contained in § 292a.19.

(d) Remittances will be by personal check, bank draft on a U.S. bank or by U.S. postal money order made payable to "The Defense Intelligence Agency." Remittances will be forwarded to the office designated in § 292a.5(c).

§ 292a.7 Disclosure of records.

The DIA will not disclose any record to any person or agency except by written request or prior written consent of the subject of the record unless the disclosure of the record is required by law or by the following:

(a) Officers and employees of the DIA and DoD who either maintain the record and/or have a need for the record in the performance of their duties.

(b) Required under 5 U.S.C. 552 (the Freedom of Information Act).

(c) Routine use which is compatible with the purpose for which the record was collected.

(d) Bureau of the Census pursuant to the provisions of Title 13 for purposes of planning or carrying out a census, survey, or related purpose.

(e) A recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and that the record is to be transformed in a form that is not individually identifiable.

(f) National Archives of the United States as a record having sufficient historical or other value to warrant its continued preservation by the U.S. Government, or by evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(g) Another agency or instrumentality of any governmental jurisdiction within or under the control of the United States or a civil or criminal law enforcement activity if such is authorized by law and if the head of the agency or instrumentality has made a written request to the DIA specifying the particular portion desired and the law enforcement activity for which the record is required.

(h) A person showing a compelling circumstance affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of the subject.

(i) Either House of Congress or to congressional committees having jurisdiction in a specific matter.

(j) The Comptroller General or authorized representatives in the course of the performance of duties of the General Accounting Office.

(k) Pursuant to the order of a court of competent jurisdiction.

§ 292a.8 Deputy Directors' responsibilities for accounting for certain disclosures.

(a) Except for disclosures made under § 292a.7 (a) and (b), maintain an accurate accounting of:

(1) Date, nature, and purpose of each disclosure of a record to any person or agency under § 292a.7 (c) through (k).

(2) Name and address of the person or agency to whom the disclosure is made.

(b) Retain the accounting of disclosures for at least 5 years or the life of the record, whichever is longer.

(c) The accounting of disclosures will be available for review by the subject at his request except for disclosures made under § 292a.7 (a) and (g). A separate disclosure form will be kept for actions specified in § 292a.7(g).

(d) Inform any person or agency of any correction or notation of dispute made by the DIA in accordance with procedures of § 292a.10(c) if an accounting of the disclosure was made.

(e) A form (which will be published later) need not be used for the accounting of disclosures provided that the office can construct from its system a document listing all disclosures for an individual record. For example, payroll, tax, bond, social security, retirement, and similar records transferred to the proper office outside the Agency do not require the separate accounting form, provided that the accounting may be reconstructed when requested by the individual or when necessary to inform previous recipients of any corrected or disputed information.

§ 292a.9 Individual request for amendment of personal information.

(a) An individual may request, either in person or through the mail, that his record be amended; however, such request will be made in writing and addressed to:

Defense Intelligence Agency, ATTN: SC(PA 1974), Washington, D.C. 20301.

Requests should contain as a minimum, identifying information to locate the record, a description of the items to be amended and the reason amendment is being requested. A request will not be rejected or required to be resubmitted unless additional information is essential to process the request. Incomplete or inaccurate requests will not be rejected categorically; the individual will be asked to clarify the request as needed. Individuals will be required to provide verification of identity as in § 292a.5(a)(1) to assure that the requester is seeking to amend records pertaining to him and not, inadvertently or intentionally, the records of another individual. A written request is not required when individuals indicate amendments during routine annual review and updating of records programs conducted by the Agency for civilian personnel and the Services for military personnel.

(b) A written acknowledgment of the receipt of a request for amendment of a record must be provided to the individual within 10 working days (excluding Saturdays, Sundays, and legal public holidays) after receipt by the proper office. The acknowledgment will clearly identify the request and advise the individual when he may expect to be advised of action taken on the request. Whenever practicable, the decision will be made within 30 working days. No separate acknowledgment of receipt is necessary if the request can be either approved or denied, and the individual advised within the 10-day period. For requests presented in person, written acknowledgment may be provided at the time the request is presented. The annual report will indicate the number of cases which DIA was unable to complete within the 30-day requirement.

(c) If the DIA agrees with any portion or all of the individual's request to amend a record, the Agency will promptly advise the individual and amend the record accordingly. If a disclosure accounting has been made, the DIA will advise all previous recipients of the record that the amendment has been made and the substance of the correction

(d) If DIA disagrees with all or any portion of a request to amend a record, it will promptly:

(1) Advise the individual of its refusal and the reasons therefor;

(2) Inform the individual that he may request a further review by the Director, DIA, or his designee; and

(3) Describe the procedures for requesting such a review, including the name and address of the official to whom the request should be directed as contained in § 292a.12.

(e) A review of the initial refusal to amend a record will be made if requested by the individual.

(1) The Director (DR), DIA, or his official designee will make a review of the initial determination.

(2) If, after conducting the review, the reviewing official also refuses to amend the record in accordance with the individual's request, the individual will be notified:

(i) Of the refusal and the reasons therefor.

(ii) Of the right to file a concise statement of reasons for disagreeing with the decision of the Agency.

(iii) That he may file a statement of disagreement; and that such statement will be made available to anyone to whom the record is subsequently disclosed. Statements should be addressed as in § 292a.9(a).

(iv) That prior recipients of the disputed record will be provided a copy of the statement of disagreement to the extent that an accounting of disclosures is maintained.

(v) Of his right to seek judicial review of the Agency's refusal to amend a record.

(3) If the reviewing official determines that the record should be amended in accordance with the request, the DIA will amend the record, advise the individual, and inform previous recipients where an accounting of disclosure has been maintained.

(4) A final determination on the individual's request for a review of an initial refusal to amend a record must be completed within 30 working days after receipt by the proper office unless the Director, DIA, determines that a fair and equitable review cannot be completed in that time. If additional time is required, the individual will be informed in writing of the reasons for the delay and of the approximate date on which the review is expected to be completed.

(f) When an individual files a statement of dispute, the DIA will clearly annotate the record so that the dispute is apparent to anyone who may subsequently grant access to, use or disclose the record. The notation itself will be integral to the record. Where an accounting of disclosure has been made, the Agency will advise previous recipients that the record has been disputed and will provide a copy of the individual's statement.

(1) The individual's statement of dispute need not be filed as an integral part of the record to which it pertains. It will, however, be maintained in such a manner as to permit ready retrieval whenever the disputed portion of the record is to be disclosed. When information which is the subject of a statement of dispute is subsequently disclosed, the DIA will note which information is disputed and provide a copy of the individual's statement.

(2) DIA may include a brief summary of its reasons for not making an amendment when disclosing disputed information. Summaries normally will be limited to the reasons stated to the individual. The summary will be treated as part of the individual's record; however, it will not be subject to the amendment procedures.

§ 292a.10 DIA requirements.

(a) Maintain in the records only such information about an individual as is relevant and necessary to accomplish a purpose required by statute or by Executive Order of the President.

(b) Collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determination about an individual's rights, benefits, and privileges under Federal programs.

(c) Inform each individual, who is requested to provide information of: (DIA Form 973, Standardized Privacy Act Statement, will be used to fulfill these requirements during the interim phase).

(1) The authority (statute, Executive Order or Agency Directive/Regulation) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary.

(2) The principal purpose for which the information will be used.

(3) The routine use which may be made of the information as published in the FEDERAL REGISTER.

(4) The effects on him, if any, of not providing all or any part of the requested information.

(d) Publish in the FEDERAL REGISTER at least annually a notice of the existence and character of the system of records.

(e) Maintain all records which are used by the DIA in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual.

(f) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to 5 U.S.C. 552, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for DIA purposes.

(g) Maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the subject of the record or unless pertinent

V40I188 SEP2675 XUM

to and within the scope of an authorized law enforcement activity.

(h) Make reasonable efforts to serve notice on an individual when any record on him is made available to any person under compulsory legal process when such process becomes a matter of public record.

(i) At least 30 days prior to establishing a new use of information, publish in the FEDERAL REGISTER a notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the DIA.

(j) Requests for disclosure of the individual's SSN must inform the individual (1) whether that disclosure of the SSN is mandatory or voluntary; (2) by what statutory or other authority such number is solicited; and (3) what uses will be made of it.

(k) If disclosure of the SSN is not required by Federal Statute or is not for a system of records in existence and operating prior to 1 January 1975, the DIA is not precluded from requesting it. However, the separate Privacy Act Statement for the SSN alone or a merged Privacy Act Statement, covering not only the SSN but also other items of personal information must make clear that the disclosure of the SSN is voluntary. If, in such instances, the individual refuses to disclose the SSN, DIA elements must be prepared to identify him by alternate means.

§ 292a.11 Privacy Act exemptions.

(a) Officers and employees of the DIA or DoD who have a need for the record in the routine performance of their duties are exempt from disclosure accountability.

(b) Access to investigative material held by the DIA which is compiled solely for the purpose of determining suitability for employment and for access to classified information will be denied only when it would reveal the identity of a source who furnished information to the Government under an express promise of confidence or, prior to 27 September 1975, under an implied promise of confidence. Generally all investigative reports will be examined to determine if reasonably segregable portions may be released without unwarranted invasion of third party privacy, or when the meaning of these portions is not distorted and it reasonably can be assured that a skillful and knowledgeable person could not reconstruct the exempt information.

(c) The categories of sources of information of records in the system are exempt from disclosure if the information is received from anyone, including an individual, a foreign national, an international organization, a state or local government, or corporation or any other organization, with the understanding, expressed or implied, that the information will be retained on a privileged or confidential basis under criteria contained in Executive Order 11652 and DoD 5200.-1–R.

(d) Notices in the FEDERAL REGISTER for exempted records systems must provide basic information in accordance with § 292a.20; however, they may be exempted from the Notification, Access, Contest and Source requirements. All systems exempted should specify the reasons for claiming the exemption. Failure to publish an exempted notice when required by the Act constitutes a criminal violation.

(e) A system of records specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy, and which are in fact properly classified pursuant to such Executive Order, are exempt.

(f) The Inspector General files on complaints and investigations are partially exempt from disclosure under 5 U.S.C. 552a(k) (1) and (2). The exemption of the individual's right of access to the complete record is based on confidentiality and privacy of individuals related to the investigation or complaint. However, the individual may have access only to that information provided by himself.

(g) The regulation does not entitle an individual to have access to any information compiled in reasonable anticipation of a civil action or proceeding.

(h) Copies of investigatory records compiled by an investigative organization, but in the temporary custody of an element requesting the record for purposes of adjudication or other personal action, are the records of the originating investigative organization. Individuals seeking access to such records will be directed to the originating investigative organization and should be instructed to direct all requests submitted under the Privacy Act of 1974 to that organization. Records concerning the adjudication, or other personnel actions based on the investigative records, originated by the organization using the investigation, are the records of the using organization which will respond to all other requests under the Privacy Act of 1974 concerning them.

(i) All systems of records maintained by the DIA will be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k) (1) to the extent that the system contains any information properly classified under Executive Order "Classification and Declassification of National Security Information Material," 8 March 1972 (37 FR 10053, 19 May 1972), and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions as published in the FEDERAL REGISTER may contain isolated items of information which have been properly classified.

§ 292a.12 Appeal for refusal to amend or release a record.

(a) Procedures to amend a record are contained in § 292a.10. If the Agency refuses to amend the record, the individual may file suit against the DIA in any district court. The court may order the Agency to amend the individual's record in accordance with his request or as directed by the court.

(b) The District courts have jurisdiction in suits filed when a record is withheld and the individual files civil suit. In such cases the court will determine the matter de novo and may examine the contents of DIA records in camera.

(c) A requestor may appeal an initial decision to withhold a record or amend a record. Appeals should be addressed to:

Director, Defense Intelligence Agency, ATTN: SC (PA 1974), Washington, D.C. 20301.

(d) Final determination on appeal, concerning the release of the record, will normally be made within 30 days of the receipt of the appeal.

(e) When an appeal is denied, the requester will be apprised of the following:

(1) Applicable exemptions and the significant and legitimate governmental purpose served by the denial.

(2) Name and title of position of the official responsible for the denial and of the provision for judicial review of the denial.

§ 292a.13 Responsibilities.

When a request for release of a record or amendment of a record is received:

(a) Chief of Staff/Deputy for Management and Plans (CS/DP):

(1) Exercises overall staff supervision of the Privacy Act of 1974 activities within the Agency.

(2) Acts as the responsible official for all final denials to release individual records and/or amendments to individual records.

(b) The Secretariat (SC):

(1) Receives all requests and assigns tasking except for the annual updating of records program conducted by the Deputy Director for Personnel, Career Development and Training (PM).

(2) Forwards payments received to the Reference Library Branch (DS–4A) for processing.

(3) Maintains appropriate suspenses and authorizes all extensions of response time.

(4) Acts as the responsible official for all initial denials of access or amendment to the individual's record after complete coordination with all offices concerned.

(c) General Counsel (GC):

(1) Insures uniformity in the Privacy Act of 1974 legal positions within the DIA and DoD.

(2) Secures coordination with the DoD General Counsel on denial for release of individual records or for amendments to individual records.

(3) Acts as the focal point in all judicial actions.

(4) Reviews all initial and final denials for release of records or amendments to records.

(d) DS–4A, Central Reference Division, Director for Support:

(1) Acts as the responsible operating office for all Agency actions related to requests under the Privacy Act of 1974.

(2) Responds on:

(i) Obtaining supplemental information from the requester.

(ii) Informing the requester of any required fees and processing such fees for delivery to the Comptroller.

(iii) The transfer to another component or agency of the initial request after collaboration with other directorates.

(3) Fulfills the annual reporting requirements in conjunction with the DIA Privacy Act Officer (Records Management Officer) and maintains appropriate records.

(4) Drafts for SC:

(i) Notification of an extension of response time.

(ii) A documented response in all cases of denial of release and/or amendment of records.

(iii) Response for release of individual records.

(e) The Deputy Director for Information Systems (SO):

(1) Formulates policies to insure that ADP systems contain appropriate safeguards to protect personal privacy in accordance with current directives.

(2) Maintains an ADP file on all FEDERAL REGISTER notices for all systems of records reported by the DIA to the DoD Privacy Board.

(3) Provides an annual automated printout of updated FEDERAL REGISTER notices.

(f) PM:

(1) Monitors all personnel records to insure compliance with the Act.

(2) Plans, develops, present, and monitors the DIA training program to insure adequate training of personnel having access to personal information in the course of their official duties.

(3) Establishes a general orientation program for all DIA personnel not covered by (2) above.

(g) All DIA elements will:

(1) When identified by DS–4A as an Office of Primary Interest (OPI):

(i) Review records for possible release within the time constraints assigned.

(ii) Prepare a documented response to DS–4A in all cases of non-release and/or denial of amendment of a record.

(iii) Provide to DS–4A all reasonable segregable portions of records for release to the individual and state generally the nature of or fact that other information was not released and the reasons for denial.

(iv) Inform DS–4A of any documents contained in OPI's file that belong to other elements of DIA and/or other governmental agencies in order that DS–4A can take proper action to obtain their possible release or notify the individual of location of additional information.

(v) Provide to DS–4A information as required by paragraph § 292a.18.

(2) Require DIA personnel including newly-assigned personnel to read this regulation to insure familiarity with the requirements of the Privacy Act of 1974 as implemented. All personnel are to comply with the Rules of Conduct.

§ 292a.14 The DIA Privacy Act Officer.

A DIA Privacy Act Officer position is established as an additional duty for the purpose of insuring the preservation of individual's privacy within the DIA. The officer will develop privacy policies and programs in accordance with guidance and directives issued by the Defense Privacy Board. The DIA Privacy Act Officer will:

(a) Be the Records Management Officer.

(b) In conjunction with the representatives of all major staff elements, identify all systems of records affected by the Act.

(c) Obtain all data required by the Act concerning each records system so identified.

(d) Review policies, practices, and procedures relating to each identified system of records to insure they conform with the Act.

(e) Review for conformity with the Act, all procedures, including forms, which require the individual to furnish information and assist the appropriate staff element to formulate corrections or supplementary provisions, as necessary.

(f) Supervise and coordinate the preparation for publication in the FEDERAL REGISTER of all required information on systems of records affected by the Act.

(g) In conjunction with PM, insure development within the DIA of an appropriate training program for all personnel whose duties involve responsibility for systems of records affected by the Act.

(h) In conjunction with DS–4A, refer to the DIA GC for resolution any requests for information from an individual which do not appear to be clearly authorized by law or Executive Order.

(i) Maintain contact with the Defense Privacy Board and submit annually the required DIA Federal Register notices to the Board.

(j) Review annually and continuously monitor DIA regulations implementing the Privacy Act.

(k) Act as the DIA primary point of contact with DoD on all Privacy Act problems except legal requirements which will be handled by the DIA GC.

§ 292a.15 Safeguarding personal information in records systems.

(a) Minimum standards for physical safeguarding of personal information from unauthorized or unintentional access, disclosure, modification, or destruction requires that personal information be stored in a locked container or room. This minimum standard is prescribed for non-duty hours as well as for duty time when there is no requirement for use of the files.

(b) Personnel handling personal information during routine use will insure that the information is properly controlled to prevent unintentional or unauthorized disclosure. Such information will be used, held, or stored only where facilities or conditions are adequate to prevent unauthorized or unintentional disclosure.

(c) All DIA supervisors, maintaining any records which contain personal information, are charged with the responsibility to insure proper safeguarding and accounting for all such records.

(d) Access to personal information will be restricted to those persons whose official duties require access during routine use and the individual concerned.

§ 292a.16 Disposition and destruction.

(a) Disposition of records containing personal information will be accomplished in accordance with approved record disposition standards as established in DIAM 13–1, "Records Maintenance and Disposition."

(b) To prevent unauthorized disclosure, personal information will be destroyed in such a manner that will prevent the contents from being disclosed. Examples are:

(1) Tearing, shredding, pulping, macerating, or burning depending on volume or the availability of equipment.

(2) Through a waste paper contractor, provided the contract prohibits resale of the records as documents and a Federal official witnesses the destruction.

(3) By burial provided the records are chemically treated to facilitate decomposition.

(4) By degaussing, in the case of magnetic tapes and discs.

§ 292a.17 System of records content.

(a) Each staff element will maintain in its records system only such information as is relevant and necessary to accomplish a purpose or mission required by statute or Executive Order of the President.

(b) Each staff element will identify the specific provision of law, or Executive Order, which provides authority for the maintenance of information in each system of records.

(c) Statutory or regulatory authority to establish and maintain a system of records does not convey unlimited authority to collect and maintain all information which may be useful or convenient to have. Staff elements maintaining records will evaluate each category of information in a system for both necessity and relevance. In performing this evaluation the following will be considered:

(1) Relationship of each item of information to the statutory or regulatory purpose for which the system is maintained.

(2) Specific adverse consequence of not collecting each category of information.

(3) Possibility of obtaining the information requested through use of information not individually identifiable or through sampling techniques.

(4) Length of time that the information is needed and where appropriate, techniques for purging parts of the records.

(5) Financial cost of information maintenance compared to risk or adverse consequence of not maintaining it.

(6) Necessity and relevance of this information to all individuals included in the system.

(d) Collection will be discontinued for each category or item of information which after the above evaluation does

V40I188 SEP2675 XUM

not appear to be fully justifiable. Moreover, such information will be withdrawn and destroyed provided it can be economically segregated from the necessary and relevant information.

(e) The evaluation prescribed above will be performed by each staff element maintaining a system of records of subject to the test.

(1) During the design phase of a new system of records or a change in an existing system of records.

(2) Annually, prior to the republication of all system notices in the FEDERAL REGISTER.

§ 292a.18 Annual report requirements RCS DD(A) 1379.

(a) Each DIA element maintaining records which are subject to the Privacy Act will submit an annual report to DS-4A. Two copies of the report will be furnished by 1 March of each year.

(b) The annual report will contain the following:

(1) The number of records in any system of records exempted from the provisions of the Act and the reasons why the systems were exempted.

(2) The number of systems of records changed, the number of new systems, and a brief summary of the reasons for major changes.

(3) A brief summary of major accomplishments, including training provided and any other significant efforts undertaken to comply with the Act.

(4) Problems in complying with the Act and recommendations for solutions to problems or other changes.

(5) Report of available data on costs of administering the Act. Reports of manhours (by grade) expended and other costs are to be reported.

(c) DS-4A will consolidate the information provided by all staff elements and prepare a brief general description of operational experiences, including estimates of the number of individuals exercising their rights under the Act (compared to the number of records in the system), requesting information on the existence of records pertaining to them, refusing to provide information, requesting access to their records and appealing initial refusals to amend records, and the seeking of redress through the courts.

§ 292a.19 Agency fees for duplication under the Privacy Act of 1974.

General Fees

Minimum fee, per request plus	$2.00
Forms, per copy	.05
Publications, per printed page	.01
Microfiche, per fiche	.06
Reports, per printed page	.05

(Examples: Cost of 20 forms, $3.00; cost of a printed publication with 100 pages, $3.00; cost of a microfiche publication consisting of 10 fiche, $2.60.)

Office Copy Reproduction (when shelf stock is not available).

Minimum charge up to 6 reproduced pages	$2.00
Minimum charge, 1st fiche	5.00
Each additional page	.05
Each additional fiche	.10
Other Issuances	
Minimum charge up to 6 pages	$2.00
Each additional page	.05

§ 292a.20 Federal Register annual notice.

The annual notice published in the FEDERAL REGISTER must include information on the existence and character of the system of records and will include the following:

(a) Name and location of the system.

(b) The categories of records maintained in the system.

(c) Each routine use of the records contained in the system, including categories of users and the purpose of such use.

(d) The policies and practices of the Agency regarding storage, retrievability, access controls, retention, and disposal of the records.

(e) The title and business address of the Agency official who is responsible for the system of records.

(f) The Agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him.

(g) The Agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records and how he can contest its content.

(h) The categories of sources of records in the system (may be exempt by the DR).

§ 292a.21 Rules of conduct.

(a) Purpose. To prescribe the rules of conduct relating to the possible conflict between official use and dissemination of information from all files and systems of records reported under the Privacy Act of 1974, and the unofficial disclosure of such information by personnel having access to such files on a routine-use basis. Close adherence to these rules will insure compliance with the high ethical standards demanded of all DIA employees. Violations of these rules may cause the individual to be found guilty under the civil and/or criminal penalties set forth in the Privacy Act of 1974. Appropriate disciplinary action may also be imposed or recommended by the Director, DIA for violation of these rules of conduct. All military and civilian employees will familiarize themselves thoroughly with the rules of conduct.

(b) Scope. The rules of conduct apply to all military and civilian employees of the DIA and cover all files, records, or systems of records containing identifiable personal information as covered by the provisions of the Privacy Act of 1974.

(c) Ethical Standards of Conduct. DIA personnel will refrain from any disclosure of personal information, except those official disclosures covered as routine use as published in the Federal Register notices on systems of records. All other disclosures must be authorized by the individual who is the subject of the record. Unauthorized disclosures place the DIA employee in a position of conflict and jeopardize the privacy of the individual who may seek legal relief for such actions.

(d) Unauthorized Release of Personal Information. It is the individual responsibility of all personnel, both military and civilian, of the DIA to refrain from releasing to any individual or business concern or its representatives any personal information from files maintained by DIA.

(e) Considerations of Disclosure.

(1) DIA personnel will not knowingly provide personal information to military or civilian personnel, or former military or civilian personnel, of the Government if such action will result in a violation of the Privacy Act.

(2) All DIA personnel who are members or officers of non-governmental associations or organizations must avoid the use of disclosure of personal information gained through official duties or position for use of the association or organization for whatever stated purpose.

(3) DIA personnel are prohibited from personal use of private information for commercial solicitation and sale. Information obtained through official duties will not be sold, rented, or passed to commercial enterprises.

(4) DIA personnel having access to personal information will avoid any action which might result in or create an appearance of giving preferential treatment to any persons which could be based on knowledge obtained from official DIA files.

(5) All DIA employees should avoid any action or activity relating to the privacy of an individual which could adversely affect the confidence of the public in the integrity of the DIA or the Government in the management of personal information.

(6) All DIA employees should avoid the solicitation, acceptance, or agreement to accept anything of value in return for providing personal information.

(f) Information to Personnel. Information to clarify these rules of conduct and case determinations as to legality of proposed actions will be referred to the DIA GC for resolution.

(g) Reporting Suspected Violators. DIA personnel who have information which causes them to believe that there has been a violation of the Privacy Act of 1974 or of this regulation will promptly report such incidents to their immediate supervisor. If the supervisor believes there has been a violation, it will be reported to the DR for appropriate action. Any question or doubt on the part of the immediate supervisor will be resolved in favor of reporting the matter. A brief of the circumstances of the violation will be submitted in writing with a comment that the alleged violator has been advised of the violation. Supervisors should recommend action and route the documents through DIA GC for legal determination in order to provide the DR with staff recommendations.

§ 292a.22 General information.

(a) The Director, Defense Intelligence Agency proposes to designate the following systems of records listed in 32 CFR, Part 292a.24 which are maintained by the DIA for exemptions under the specified provisions of the Privacy Act of 1974 (Public Law 93-579).

(b) Any person interested in the exemptions proposed herein may participate in this proposed rulemaking by submitting, either in person or through the mail, written data, views or arguments on the proposed exemptions to the Defense Intelligence Agency, ATTN: SC (PA 1974), The Pentagon, Washington, D.C. 20301, on or before September 27, 1975.

(c) All systems of records maintained by the DIA will be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 11652, "Classification and Declassification of National Security Information and Material," 8 March 1972 (37 FR 10053, 19 May 1972), and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions herein may contain isolated items of information which have been properly classified.

(d) Although the Defense Intelligence Agency is not a law enforcement agency, there are incidents when law enforcement information is developed concerning an individual. All such information, developed in the course of investigative procedures within DIA, will be exempt from the requirements of 5 U.S.C. 552a (d) pursuant to 5 U.S.C. 552a(j)(2). Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in concealment, destruction, or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and investigative personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources, and methods used during investigations and could result in the invasion of the privacy of individuals only incidentally related to the investigations. The exemption of the individual's right of access to his records and the reasons therefore necessitate the exemption of this information from the requirements of the other cited provisions.

§ 292a.23 Specific exemptions.

(a) ID—Manual L DIA 0800.

(1) Sysname. Project Files.

(2) Exemption. This system of records is exempt from the following provisions of Title 5, U.S.C. Section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(3) Authority. 5 U.S.C. 522a(k)(1).

(4) Reasons. These files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of national defense or foreign policy.

(b) ID—Automated L DIA 0802.

(1) Sysname. Project files.

(2) Exemption. This system of records is exempt from the following provisions of Title 5, U.S.C., Section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(3) Authority. 5 U.S.C. 552a(d)(1).

(4) Reasons. These files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of defense or foreign policy.

(c) ID—Manual L DIA 530.

(1) Sysname. Intelligence collection records.

(2) Exemption. This system of records is exempt from the following provisions of Title 5, U.S.C., Code 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(3) Authority. 5 U.S.C. 552a(k)(1).

(4) Reasons. These files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of national defense or foreign policy.

(d) ID—Manual L DIA 0272.

(1) Sysname. Complaints.

(2) Exemption. This system of records is exempt from the following provisions of Title 5, U.S.C., Section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(3) Authority. 5 U.S.C. 552a(k)(1) and (2).

(4) Reasons. Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in concealment, destruction or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources, and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation.

(i) The exemption of the individual's right of access to the complete record and the reasons therefore necessitate the exemption of this system of records from the requirements of the other cited provisions. However, the individual may have access only to that information provided by himself. These files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of national defense or foreign policy.

(e) ID—Manual L DIA 0271.

(1) Sysname. Investigations.

(2) Exemption. This system of records is exempt from the following provisions of Title 5, U.S.C., Section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(3) Authority. 5 U.S.C. 552a(k)(1) and (2).

(4) Reasons. Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation.

(i) The exemption of the individual's right of access to the complete record and the reasons therefore necessitate the exemption of this system of records from the requirements of the other cited provisions. However, the individual may have access only to that information provided by himself. The files contain properly classified information under Executive Order 11652 and are required by the Executive Order to be kept secret in the interest of national defense.

[FR Doc.75-25429 Filed 9-25-75;8:45 am]

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1608—PUBLIC INFORMATION

Miscellaneous Amendments

Whereas, on August 22, 1975, the Director of Selective Service published a notice of proposed amendments of Selective Service Regulations, 40 FR 36887 of August 22, 1975; and

Whereas more than thirty days have elapsed subsequent to such publication during which period no comments from the public have been received, the proposed amendments are being made effective without change.

The revision of Part 1608 places at the beginning of that part, renumbered as sections 1608.1 through 1608.9, the currently effective sections of Part 1608 constituting the regulations having particular applicability to availability and access to public information required by Pub. L. 93-502. The provisions of these sections are not changed in substance but are rearranged for clarity and convenience in use.

The revision institutes in Part 1608 beginning at section 1608.10 and continuing through 1608.22, a new subpart subtitled Protection of Privacy. The regulation in this subpart comprise the agency rules having particular applicability to the Privacy Act of 1974 and required to be established by Section 3, 5 U.S.C. 552a(f), of that Act.

The revised and renumbered section on fees, section 1608.22, conforms to the requirements of both the Freedom of In-

VOL 1888 SEP 2675 XUM

formation Act, as amended, and the Privacy Act of 1974.

Now therefore by virtue of the authority invested in me by the Military Selective Service Act, as amended (50 U.S.C. App. section 451 et seq.) and 32 CFR 1604.1, the Selective Service Regulations, are hereby amended, effective 11:59 p.m. e.d.t. on September 26, 1975, as follows:

PART 1608—PUBLIC INFORMATION

Sec.

1608.1 Public information policy.
1608.2 Definitions.
1608.3 General policy on disclosure of information.
1608.4 Available information.
1608.5 Places where information may be obtained.
1608.6 Rules governing the obtaining of information.
1608.7 Identification of information requested.
1608.8 Request for information not authorized to be disclosed.
1608.9 Review of denials of requests for information.

PROTECTION OF PRIVACY

1608.10 Protection of privacy procedure—purpose and scope.
1608.11 Procedure for requests pertaining to an individual record in a system.
1608.12 Times, place and requirements for identification of individuals making requests.
1608.13 Disclosure of requested information to individuals.
1608.14 Special procedure—medical records [reserved].
1608.15 Request for correction or amendment to record.
1608.16 Agency review of request for correction or amendment of record.
1608.17 Appeal of initial adverse agency determination on correction or amendment.
1608.18 Disclosure of record to person other than the individual to whom it pertains.
1608.19 Waiver of confidential nature of information on registrants files.
1608.20 Subpoena of records.
1608.21 Demands of courts or other authorities for records or information protected by these regulations.
1608.22 Fees.

AUTHORITY: Military Selective Service Act (50 U.S.C. App. sec. 451 et seq.), 32 CFR 1604.1.

§ 1608.1 Public information policy.

The Selective Service System has a positive public information policy under which information is brought to the attention of the public. The Selective Service System brings to the public, through news releases, pamphlets, educational material for distribution to high schools, and other documents, information concerning important events, and the functions of the Selective Service System.

§ 1608.2 Definitions.

When used in this part, the following words shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean an oral or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office of the local board or appeal board as the case may be.

(d) "Information" shall mean all the data in a record or records including those items on standard forms left blank, marked "Not Applicable" or the equivalent

§ 1608.3 General policy on disclosure of information.

(a) It is the general policy of the Selective Service System to make information available to the public unless the disclosure thereof is prohibited by law.

(b) Technical instructions pertaining to automatic data processing, memoranda, correspondence, opinions, data, staff studies, information received in confidence, and similar documentary material prepared for the purpose of internal communication within the Selective Service System or between the Selective Service System and other organizations or persons generally are not information available to the public.

(c) Lists of registrants may be furnished only in accordance with written instructions from the Director of Selective Service.

§ 1608.4 Available information.

(a) Upon request, current documents specifically identified as being printed for free distribution to the general public will be furnished without charge. Each individual requesting such documents shall be entitled to only one copy of each document.

(b) The Registrants Processing Manual is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Selective Service Regulations appear in Chapter XVI of title 32, Code of Federal Regulations.

(c) The Registrants Processing Manual may be inspected at the office of any local board, the office of the State Director of Selective Service for any State or at the National Headquarters, Selective System.

(d) Each local board maintains a Classification Record (SSS Form 102) which contains the name, selective service number, and the current and past classifications for each person registered with that board. Information in this record may be inspected at the local board at which it is maintained.

(e) Any compensated employee of the Selective Service System may disclose to the former employer of a registrant who is serving in or who has been discharged from the Armed Forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the Armed Forces.

(f) The names, position titles, grades, salaries, and duty stations of employees of the Selective Service System are public information.

(g) The names of local board members and the names and addresses of advisors to registrants will be posted in an area available to the public at each board office to which such personnel are assigned.

(h) Personal data concerning board members that relate to their legal qualifications for appointment and/or continuation in office are a matter of official record. Upon request, the executive secretary or clerk of a local board or appeal board will verify that a member of that board was legally qualified for appointment and for continuation in office without disclosing the personal data pertaining to such member without the member's consent.

§ 1608.5 Places where information may be obtained.

(a) Requests for information concerning a registrant should be directed to the local board where he is registered.

(b) Requests for information concerning the national administration of the Military Selective Service Act should be directed to the National Headquarters, Selective Service System, 1724 F Street NW., Washington, D.C. 20435.

(c) Requests for information concerning the administration of the Military Selective Service Act within a particular State should be directed to the State Director of Selective Service of that state.

§ 1608.6 Rules governing the obtaining of information.

(a) A request for information under this part should be made orally or in writing during business hours at the appropriate selective service office. When information to be furnished is not readily available, the employee responsible for obtaining the information shall advise the requester how and where it may be obtained.

(b) Although the time period allowed for inspection of documents must be sufficient to allow hand copying, the activity should not interfere with the daily business activities of the selective service office. Accordingly, the selective service employee handling the request for information or inspection should arrange for inspection of files and documents during specified hours of the business week.

(c) Any person entitled under the provisions of this part to examine any record or information shall be permitted to copy it by hand, to photograph it or to copy it by using portable copying equipment so long as the use of such equipment does not disrupt the normal operations of the office.

§ 1608.7 Identification of information requested.

(a) Any person who requests information under these regulations shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. Information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information may be declined.

(b) If the description is insufficient, the employee processing the request will notify the requester and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought. Records will not be withheld merely because it is difficult to find them.

(c) When a request is received at an office not having charge of the records, it shall promptly forward the request to the proper office and notify the requester of the action taken.

§ 1608.8 Request for information not authorized to be disclosed.

Whenever an employee receives a request for information or documents the disclosure of which is not clearly authorized by the provisions of this part that request will be immediately reported by telephone to the General Counsel, Selective Service System, for instruction as to its disposition.

§ 1608.9 Review of denials of requests for information.

(a) Complaints concerning possible abuse of discretion granted Selective Service employees under this part or failure to respond to inquiries shall be directed to the state director in the case of state headquarters or local board employees and to the Director in the case of National Headquarters employees.

(b) A requester whose request for information or documents has not been satisfied may appeal to the Director of Selective Service, 1724 F Street NW., Washington, D.C. 20435.

PROTECTION OF PRIVACY

§ 1608.10 Protection of privacy procedure—Purpose and scope.

(a) The purpose of this subpart is to provide that records of the Selective Service System are maintained as required by the provisions of the Privacy Act of 1974 (P.L. 93-579). The provisions hereof extend to records and systems of records defined in that Act as being subject thereto.

(b) The Selective Service System will not disclose any record in a system of records pertaining to an individual maintained by the Selective Service System except (1) pursuant to the provisions of the Privacy Act of 1974 (P.L. 93-579), 5 U.S.C. 552a, and (2) the provisions of this subpart.

§ 1608.11 Procedure for requests pertaining to an individual record in a system.

A request by an individual that he be informed if a system of records named by him contains a record pertaining to him should be directed to the Selective Service System office responsible for maintaining such system of records. If the request is not directed to the proper office, it will be referred by the office which receives such request to the proper office of the Selective Service System. Such office will promptly ascertain if the system of records named by the individual making the request contains a record pertaining to such individual and, thereafter, promptly inform the requester in writing of the existence or nonexistence of such record.

§ 1608.12 Times, place and requirements for identification of individuals making requests.

An individual requesting a record or information pertaining to him must make such request orally or in writing during business hours at the Selective Service System office where such record is maintained. The requester shall submit appropriate evidence to the employee responsible for maintaining such record sufficient to identify the requester as the individual to whom the requested record or information pertains. If the requester is a registrant, he should provide his Selective Service Number or date and place of registration if such number is for some reason unavailable.

§ 1608.13 Disclosure of requested information to individuals.

(a) Information contained in records maintained on a specific individual and the records pertaining to such individual may be disclosed or furnished to or examined, without charge, by the individual concerned, and any person having current written authority dated and signed by the individual concerned.

(b) A copy or copies of such records will be provided to the individuals to whom the records pertain, and to any other requester referred to in (a) above upon payment of the fees prescribed in Section 1608.22 of this part.

§ 1608.14 Special procedure—medical records. [Reserved]

§ 1608.15 Request for correction or amendment to record.

An individual shall be permitted to request amendment of a record pertaining to him and such record shall be amended as hereinafter provided. A request for amendment of a record shall be made in writing to the employee responsible for maintaining such record or information. Receipt of such request will be acknowledged in writing to the requester not later than 10 days (excluding Saturdays, Sundays and legal public holidays) after the date of the receipt of such request. Unless it is determined that the request for amendment should be refused, the responsible employee will promptly accomplish the amendment of the record or information by placing in the file the documentation submitted to support the amendment requested and taking appropriate action for the corresponding amendment of all records derived from such file. The requester will be notified of the action for amendment of his record. Notification of the amendment will be made to any known agency or person who had been furnished information from the record prior to its amendment.

§ 1608.16 Agency review of request for correction or amendment of record.

If for any reason it is determined that a request for amendment of a record or records must be refused, the individual making the request will be notified of the refusal, of the reason for such refusal, and the procedures established for the individual to request a review of the refusal by the officer designated by the Director of Selective Service for such review and the name and business address of that officer.

§ 1608.17 Appeal of initial adverse agency determination on correction or amendment.

(a) An initial determination to refuse to amend a local board or state record may be appealed in writing by the individual making the request for amendment to the State Director of Selective Service having supervision over the employee who made such determination. An initial determination to refuse to amend a National Headquarters record may be appealed in writing to the National Headquarters Division Manager having responsibility for supervision of such records.

(b) If after review the State Director or National Headquarters Division Manager concerned also refuses to amend the record, the individual making the request will be permitted to file a concise statement setting forth the reasons for his disagreement with the refusal. After such statement has been filed, the request and all relevant documentation will be forwarded promptly for final review to the Director of Selective Service whose decision will be the final action of the Selective Service System.

§ 1608.18 Disclosure of record to person other than the individual to whom it pertains.

Information contained in records in a registrant's file and records pertaining to a specific individual may be disclosed or furnished to, or examined by, the following:

(a) Any person or other agency upon submission to the employee responsible for the system of records of the prior written consent of the individual to whom the record pertains. The consent authorization must bear a current date and the signature of the individual concerned.

(b) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System who have a need for the record in the performance of their duties.

(c) In the case of registrants, a U.S. Attorney and his duly authorized representatives, including agents of the Federal Bureau of Investigation, whenever the registrant has been reported to the U.S. Attorney as a violator for prosecution for violating the Military Selective Service Act or the rules, regulations, or directions made pursuant thereto.

(d) Any other agency, official, or employee, or class or group of officials or employees of the United States upon written request in individual cases, but only when and to the extent specifically authorized in writing by the Director of Selective Service.

(e) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as entitled to obtain such information.

§ 1608.19 Waiver of confidential nature of information on registrants files.

The making or filing by or on behalf of a registrant of a claim or action for

V 40 N 188 SEP 26 75 XUM

damages against the Government or any person, based on acts in the performance of which the record of a registrant or any part thereof was compiled, or the institution of any action against the Government or any representative thereof by or on behalf of a registrant involving his classification, selection, or induction, shall constitute a waiver of the confidential nature of all Selective Service records of such registrant, and, in addition, all such records shall be produced in response to the subpoena or summons of the tribunal in which such claim or action is pending.

§ 1608.20 Subpoena of records.

(a) In the prosecution of a registrant or any other person for a violation of the Military Selective Service Act, the Selective Service Regulations, any orders or directions made pursuant to such act or regulations, or for perjury, all records of the registrant shall be produced in response to the subpoena or summons of the court in which such production or proceeding is pending. Any officer or employee of the Selective Service System who produces the records of a registrant in court shall be considered the custodian of such records for the purpose of this section.

(b) Except as provided in paragraph (a) of this section, no officer or employee of the Selective Service System shall produce a registrant's file, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpoena or summons of any court without the consent, in writing, of the registrant concerned or of the Director of Selective Service.

(c) Whenever, under the provisions of this section, a registrant's file, or any part thereof, is produced as evidence in the proceedings of any court, such file shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original file, to substitute a copy of the file with the court.

§ 1608.21 Demands of courts or other authorities for records or information protected by these regulations.

No officer or employee of the Selective Service System will comply with a request, demand or order of a court or other authority to produce information the disclosure of which is prohibited or restricted by the provisions of this part without the prior approval of the Director of Selective Service.

§ 1608.22 Fees.

Fees for copies of records are the following:

(a) Search of records is made by compensated employees of the Selective Service System without charge.

(b) The charge for copies of documents and records prepared on Selective Service System equipment is 25 cents per page.

(c) Copies will not be released to any requester until the required fee is paid in full by cash, check or money order. Checks and money orders should be made payable to the Selective Service System.

(d) Documents will be furnished without charge or at a reduced charge where it is determined that the waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(e) Where a registrant has been charged under the Military Selective Service Act and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, the Selective Service System will furnish to him, or to any person he may designate, one copy of his Selective Service file free of charge.

BYRON V. PEPITONE,
Director.

SEPTEMBER 23, 1975.

[FR Doc.75-25805 Filed 9-25-75;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 10—ACCESS TO INFORMATION CONCERNING INDIVIDUALS

Adoption of Regulations Implementing the Privacy Act of 1974

On August 28, 1975, notice appeared in the FEDERAL REGISTER of proposed rules implementing section 3 of the Privacy Act of 1974 (5 U.S.C. 552a). Those proposed rules, which would constitute a new Part 10 in Title 35, Code of Federal Regulations, were published in the FEDERAL REGISTER on September 2, 1975 (40 FR 40485–89). Interested parties were given the opportunity to submit data, views, and arguments concerning the proposed regulations on or before September 20, 1975.

No unfavorable comments have been received. The proposed rules are hereby adopted with the two following changes:

1. Paragraph (b) of § 10.6 appearing on page 40486 is corrected in the second from the last line by substituting the word "effect" for the word "affect".

2. Paragraph (b) (5) of § 10.14 appearing on page 40488–89 is amended by adding as a new subparagraph (x) Recruiting and Placement Records, PCC–CZG/PR–5. This additional exemption has been determined to be desirable in order to protect the identity of confidential sources who may provide information on applicants for positions which are not under the Canal Zone Merit System and whose identities are therefore not protected from disclosure under the exemptions provided for Merit System records.

Accordingly, 35 CFR Chapter I, is amended by adding thereto a new part designated Part 10, Access to information concerning individuals, which reads as set forth below.

Effective date. This regulation is effective September 27, 1975.

(2 C.Z.C. §§ 33, 66, 76A Stat. 7, 11; 5 U.S.C. 552a)

Dated: September 22, 1975.

[SEAL] H. R. PARFITT,
Governor of the Canal Zone,
President, Panama Canal Company

Sec.
10.1 Purpose and scope.
10.2 Definitions.
10.3 Procedures for requests pertaining to individual records in a record system.
10.4 Times, places, and requirements for identification of individuals making requests.
10.5 Disclosure of requested information to individuals.
10.6 Special procedures: Medical records.
10.7 Request for correction or amendment to record.
10.8 Agency review of request for correction or amendment of record.
10.9 Appeal of initial adverse agency determination on correction or amendment.
10.10 Disclosure of record to person other than the individual to whom it pertains.
10.11 Fees.
10.12 Penalties.
10.13 General exemptions.
10.14 Specific exemptions.
Appendix A—General Routine Uses.

AUTHORITY: 5 U.S.C. 552a, 88 Stat. 1897.

§ 10.1 Purpose and scope.

(a) The purpose of this part is to establish policies and procedures for implementing the Privacy Act of 1974 (Pub. L. 93–579), and particularly the provisions of 5 U.S.C. 552a as enacted thereby.

(b) The procedures specified in this part apply only to information concerning individuals which is maintained under the control of the Panama Canal Company or the Canal Zone Government or both, in a system of records the existence and character of which has been disclosed by publication in the FEDERAL REGISTER. Where another agency has published notice of the existence and character of a system of records which is partially under the control of the Panama Canal Company or Canal Zone Government, the regulations of the agency publishing the notice take precedence over these regulations.

(c) For purposes of these regulations and the provisions of 5 U.S.C. 552a, all systems of records maintained by either the Panama Canal Company or the Canal Zone Government are deemed to be systems of records maintained by both agencies, and officers or employees of either agency who have need for a record in the performance of their duties are deemed to be employees of the agency which maintains the record within the meaning of 5 U.S.C. 552a(b)(1). Implementation of the provisions of the Privacy Act by the Canal Zone Government is not intended to waive any exemption to which the agency is entitled under 5 U.S.C. 551(1)(C) as the government of a territory or possession of the United States.

§ 10.2 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the meanings set forth therein.

(b) As used in this part:

"Agency Records Officer" means the Chief, Administrative Services Division.

"System manager" means the official designated as such in the most recent Notice of Systems of Records published in the FEDERAL REGISTER.

§ 10.3 Procedures for requests pertaining to individual records in a record system.

(a) An individual wishing to determine whether a particular system of records contains information pertaining to him shall:

(1) Apply either in person or in writing to the system manager designated in the Notice of the System of Records or to the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone;

(2) Reasonably identify the system or systems of records to which the request pertains; and

(3) Adequately identify himself to the official to whom the request is made. If the request is made in person, display of a proper employee identification card, driver's license, or other photo identification card shall be sufficient. If the request is made in writing, the individual shall supply such information as may assist in verifying his identity (e.g., signature, employee identification number, date and place of birth) and may be required to provide the certificate of a notary public or other official authorized to administer oaths.

(b) An inquiry which is submitted in writing shall be clearly marked, on the envelope and in the text, with the words "Privacy Act Inquiry".

(c) The official to whom an inquiry is directed shall acknowledge its receipt promptly, but in no case later than 10 work days. The individual shall be notified:

(1) That a record is maintained on him in the system of records specified, and the conditions under which it may be reviewed;

(2) That no record is maintained on him in the system of records specified; or

(3) That no answer to the inquiry can be given because the system of records or the individual has not been adequately identified, the system of records is exempt from disclosure, or the record or system of records in question is not within the agency's control.

§ 10.4 Times, places, and requirements for identification of individuals making requests.

(a) An individual who desires to inspect his record or information pertaining to him shall present himself during regular working hours at the location specified in the Notice of the System of Records or at the office of the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. He shall identify himself to the system manager or the Agency Records Officer (or a person designated by them) by displaying at least one identification document containing his picture (e.g., employee identification card, driver's license, passport) or at least two identification documents containing his signature, or other documentation suitable to the official concerned.

(b) An individual purporting to act on behalf of another individual, as the parent of a minor or as the legal guardian of an individual who has been declared to be incompetent, shall (after satisfactorily identifying himself) present evidence that he is entitled to act on the other individual's behalf. A parent shall display a certified or authenticated copy of the minor's birth certificate and a legal guardian shall display a certified or authenticated copy of the court order establishing guardianship. In addition, in appropriate cases the parent or legal guardian of a minor may be requested to provide evidence that the minor is in his custody, that the minor has consented to disclosure of certain information to him, or otherwise that he has authority to act on the minor's behalf.

(c) An individual who desires to inspect his record or information pertaining to him but who cannot appear in person during regular working hours shall contact the system manager or the Agency Records Officer, by telephone or by letter, to establish the procedures to be followed in verifying the individual's identity and in granting him access to the record or records in question. An individual who is unable to appear in person shall normally be required to have his identity verified by a notary public or equivalent officer empowered to administer oaths.

(d) When for any reason an individual is unable to establish his identity to the satisfaction of the system manager or Agency Records Officer, such individual may be requested to furnish a signed statement asserting his identity and stipulating that he understands that knowingly and willfully requesting or obtaining access to any record concerning another individual under false pretenses is a misdemeanor punishable by a fine of up to $5,000.

§ 10.5 Disclosure of requested information to individuals.

(a) When a system manager has determined, in response to a request, that information pertaining to an individual is contained in a system of records under his control and is not exempt from disclosure to that individual, and when the individual has satisfactorily identified himself, immediate access to the record or records in question will normally be provided. When for any reason immediate access cannot be provided, the system manager shall arrange with the individual for access at a mutually acceptable time and place or for copying of the record or records in question. In the event that access cannot be granted within 10 working days following a request, the individual shall be advised in writing of the circumstances causing the delay.

(b) Illustrative of the circumstances that can reasonably be anticipated to cause delay in granting an individual access to his records or information pertaining to him are: physical inaccessibility of the record, volume of material involved, number of requests pending with the system manager, need to extract from a record information which is exempt from disclosure or which pertains to other individuals, and need to consult with other agencies having a substantial interest in determinations involved with the request.

(c) The decision by a system manager to deny an individual access to his record or to information pertaining to him shall not be considered a final agency decision unless it has been reviewed and confirmed in writing by the Agency Records Officer.

(d) An individual who is granted access to his record or to information pertaining to him may, upon request, be accompanied by a person of his choosing provided he has furnished the system manager with a written statement authorizing disclosure of the record or information to such person.

(e) An individual may be granted access to copies of a record rather than to the record itself when such record is not maintained at, or cannot be transferred to, a location which is accessible to the individual. Copies prepared at the request of the individual are subject to payment of the fees prescribed in § 10.11. No fee will be charged the individual for copies prepared at the election of the agency unless the individual declines to return such copies at the agency's request.

(f) No individual shall be permitted to inspect original agency records except under the immediate supervision of the system manager or his designee.

§ 10.6 Special procedures: Medical records.

(a) Medical records pertaining to an individual, including psychological records which are not subject to paragraph (b) of this section, may be disclosed to the individual only after the Health Director or his designee has determined that such disclosure would not be likely to have an adverse effect upon the individual to whom they pertain. Upon written request from an individual, however, medical records which are not otherwise exempt from disclosure may be reviewed by a licensed medical practioner designated by the individual.

(b) Psychological records which are maintained on students by the Division of Schools may be disclosed to the individual to whom they pertain, or to the parent or legal guardian of such individual, only to the extent that the Superintendent of Schools or his designee determines that such disclosure would not be likely to have an adverse effect upon the individual to whom they pertain.

§ 10.7 Request for correction or amendment to record.

After an individual has inspected a record pertaining to him, he may apply in writing to the Agency Records Officer,

V 40 I 188 SEP 26 75 XUM

Box M, Balboa Heights, Canal Zone, for the correction or amendment of any portion of such record which he believes is not accurate, timely, relevant, or complete. The envelope and the letter containing such request shall be clearly marked with the words "Privacy Act Request for Amending Records" and the letter shall set forth with reasonable specificity the record or portion of the record concerned, the correction or amendment desired, and the reasons therefor, together with any other information which may be necessary for proper processing of the request.

§ 10.8 Agency review of requests for correction or amendment of record.

(a) Within 10 working days after receipt of a request for correction or amendment of a record, the Agency Records Officer or his designee shall acknowledge receipt of the request and advise the individual making the request of either (1) the initial agency decision or (2) the date by which an initial agency decision can be expected.

(b) When all or part of the individual's request is approved, the Agency Records Officer or the system manager will so advise the individual. The system manager will be responsible for correcting the record and, where an accounting of disclosures has been maintained, for advising all previous recipients of the record that the correction has been made.

(c) Where after initial review all or part of the individual's request is disapproved, the Agency Records Officer or the system manager will:

(1) Advise the individual of this determination and the reasons therefor, including any criteria for determining accuracy which were employed in the review;

(2) Inform the individual that he may request a further review by the Lieutenant Governor of the Canal Zone (Vice President, Panama Canal Company) or by some other specified official in cases where the initial determination is based upon advice from another agency; and

(3) Describe the procedures to be followed in obtaining such review.

§ 10.9 Appeal of initial adverse agency determination on correction or amendment.

(a) An individual whose request for correction or amendment of a record has been denied in whole or in part may obtain review of such denial by the Lieutenant Governor of the Canal Zone (Vice President, Panama Canal Company). Requests for review must be in writing and must be clearly marked on the exterior and in the text with the words "Privacy Act Appeal".

(b) Following receipt of a request, the Lieutenant Governor-Vice President shall direct such review as he deems appropriate and shall make a final agency determination within 30 working days from the date of the request.

(c) If the Lieutenant Governor-Vice President concurs in the refusal to amend the record, he will advise the individual of such refusal and the reasons therefore, and that:

(1) Such determination is a final agency action;

(2) The individual may file a concise statement setting forth his reasons for disagreeing with the determination, and any procedures to be followed in submitting such a statement;

(3) Such statement, if submitted, will be made available to anyone to whom the record is subsequently disclosed and to any prior recipients of the disputed record (to the extent that an accounting of disclosures has been maintained), together with any summary of the agency's position which is considered appropriate; and

(4) The individual may seek judicial review of the agency's refusal to amend a record, in accordance with 5 U.S.C. 552 a(g).

(d) If the Lieutenant Governor-Vice President determines that the record should be amended in accordance with the individual's request, he will so advise the individual. The system manager will be responsible for correcting the record and, where an accounting of disclosures has been maintained, for advising all previous recipients of the record that such correction has been made.

(e) The 30-day period specified in paragraph (b) of this section may be extended by the Governor for good cause shown. When additional time is required, the individual shall be advised in writing of the reason for the delay and the approximate date on which the review will be completed.

(f) When an individual elects to file with the agency a statement of disagreement with the denial of his request for amendment of a record, the system manager shall cause the disputed portion of the record to be clearly marked. Thereafter, copies of the statement of disagreement shall be provided to anyone to whom the record is subsequently disclosed and to any prior recipients of the disputed record (to the extent that an accounting of disclosures has been maintained), together with any summary of the agency position which is deemed appropriate.

§ 10.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Except as provided in this section or as required by other applicable law, information on an individual which is maintained in a system of records under the control of the Panama Canal Company and Canal Zone Government may not be released to anyone other than the individual to whom it pertains without the prior written consent of that individual.

(b) Pursuant to 5 U.S.C. 552a, information pertaining to an individual may be disclosed:

(1) Upon written request by the individual (5 U.S.C. 552a(b));

(2) To the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, where such person is acting on the individual's behalf (5 U.S.C. 552a(h));

(3) To officers and employees of the Panama Canal Company and Canal Zone Government having a need for such information in the performance of their duties (5 U.S.C. 552a(b)(1));

(4) As required under the Freedom of Information Act (5 U.S.C. 552)(5 U.S.C. 552a(b)(2));

(5) For a routine use as described for all systems of records in Appendix A and for specific systems of records in the Notice of Systems of Records published in the FEDERAL REGISTER (5 U.S.C. 552a(b)(3));

(6) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13, U.S. Code (5 U.S.C. 552a(b)(4));

(7) To a recipient who has provided advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable (5 U.S.C. 552a(b)(5));

(8) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value (5 U.S.C. 552a(b)(6));

(9) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request specifying the particular portion desired and the law enforcement activity for which the record is sought (5 U.S.C. 552a(b)(7));

(10) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual (5 U.S.C. 552a(b)(8));

(11) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee (5 U.S.C. 552a(b)(9));

(12) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office (5 U.S.C. 552a(b)(10));

(13) Pursuant to the order of a court of competent jurisdiction (5 U.S.C. 552a (b)(11)).

(c) The system manager or his designee shall maintain an accounting of each disclosure of personal information from a system of records under his control, except where such disclosure is made pursuant to paragraphs (b)(3) or (b)(4) of this section. Such accounting shall include the date, nature, and purpose of each such disclosure and the name and address of the person or agency to whom the disclosure is made. This accounting shall be retained for the life of the record, but in no instance for less

than five years following the disclosure. Except with respect to disclosures made pursuant to paragraph (b)(9) of this section, the accounting shall be made available to an individual named in the record to which it pertains, in accordance with the procedures specified in § 10.5, unless the record is exempt from disclosure pursuant to § 10.13 or § 10.14.

§ 10.11 Fees.

(a) The fee for the first copy of a record or any portion thereof furnished an individual pursuant to a request under this part shall be that provided in § 9.5 (a)(1) of this title for copies of documents furnished under the Freedom of Information Act. Additional copies of a record or any portion thereof shall be provided at the photocopy reproduction rate set forth in the official tariff of the Panama Canal Company and the Canal Zone Government.

(b) The cost of regular or airmail postage, insurance, and special delivery or certified mail fees may also be charged to the individual where transmission of records to places off the Isthmus is required and where such cost exceeds $1.00.

(c) A request for copies of records or portions thereof which is expected to involve fees in excess of $50 will not be deemed to have been received until the requester has been advised of the anticipated cost and has agreed in writing to pay it.

§ 10.12 Penalties.

Subsections (g) and (i) of 5 U.S.C. 552a provide civil remedies and criminal penalties for noncompliance with provisions of the Privacy Act of 1974 (Pub. L. 93–579) or regulations promulgated thereunder. Adverse or disciplinary action also may be taken against any officer or employee who willfully or negligently fails to comply with the requirements of the act or the regulations in this part.

§ 10.13 General exemptions.

(a) Activities pertaining to the enforcement of criminal laws are performed as the principal function of the Internal Security Office and the following components of the Civil Affairs Bureau: Canal Protection Division, Customs Division, Police Division, and Probation and Parole Unit. Identification of individuals who are (or are not) the subjects of investigative files, disclosure to such individuals of the contents of such files and of the persons or agencies to whom such contents may have been transmitted, and the imposition of certain restrictions on the manner in which investigatory data is collected, verified, or retained could be expected to preclude the apprehension or the successful prosecution of persons engaged in criminal activity. Accordingly, the following systems of records maintained by the aforementioned agency components shall be exempt, pursuant to 5 U.S.C. 552a(j), from subsections (c)(3) and (4), (d), (e)(1) through (3), (e)(4)(G) through (I), (e)(5), (e)(8), (f) through (h), and (o) of 5 U.S.C. 552a and from the procedures for access and contest set forth in §§ 10.3 through 10.9 of this part:

(1) Vital Installation Access Files, PCC–CZG/CACP–1;

(2) State Department Visa Lookout Book, PCC–CZG/CACU–1;

(3) Immigration and Naturalization Service Lookout Book, PCC–CZG/CACU–2;

(4) Customs Fugitive Records, PCC–CZG/CACU–3;

(5) Cardex File—Smuggling; Narcotics; Violators or Suspects and Fugitives, PCC–CZG/CACU–4;

(6) Cardex File—Vehicle Exporters, PCC–CZG/CACU–5;

(7) Cardex File—Contraband Violations, PCC–CZG/CACU–6;

(8) Seamen's Locator List, PCC–CZG/CACU–7;

(9) Law Enforcement Case Report Files, PCC–CZG/CAPL–1;

(10) Police Headquarters Confidential Files, PCC–CZG/CAPL–2;

(11) Detective Confidential Files, PCC–CZG/CAPL–3;

(12) Convict Files, PCC–CZG/CAPL–4;

(13) Prisoner Record Cards, PCC–CZG/CAPL–5;

(14) Police Photo Files, PCC–CZG/CAPL–6;

(15) Fingerprint File, PCC–CZG/CAPL–7;

(16) Pending Detective Investigation Records, PCC–CZG/CAPL–8;

(17) Informant Name File, PCC–CZG/CAPL–9;

(18) Master Name File, PCC–CZG/CAPL–10;

(19) Youth Unit Drug Abuse File, PCC–CZG/CAPL–11;

(20) Youth Unit Name Index File, PCC–CZG/CAPL–12;

(21) Probation and Parole Unit Child Custody Reports, PCC–CZG/CAPR–1;

(22) Presentence and Pre-parole Investigative Reports, PCC–CZG/CAPR–2;

(23) Probation and Parole Unit Statistical File, PCC–CZG/CAPR–3;

(24) Personnel Security Files, PCC–CZG/ISO–1;

(25) Confidential Sources and Contacts, PCC–CZG/ISO–2;

(26) Card Index System, PCC–CZG/ISO–3;

(27) Index of Contractor Employees, PCC–CZG/ISO–4;

(28) Biographical Data Cards, PCC–CZG/ISO–5;

(29) Biographical Data Files, PCC–CZG/ISO–6;

(b) Individuals may not obtain access under this part to information contained in any system of records when such information is identified as having been obtained from a system of records that has been exempted by any agency from the provisions of 5 U.S.C. 552a(d) by authority of 5 U.S.C. 552a(j).

§ 10.14 Specific exemptions.

(a) The following systems of records shall be exempt, pursuant to 5 U.S.C. 552 a(k), from subsections (c)(3), (d), (e)(1), (e)(4)(G) through (I), and (f) of 5 U.S.C. 552a and from the procedures for access and contest set forth in §§ 10.3 through 10.9 of this part;

(1) **Systems containing material which has been properly classified in accordance with Part 60 of this title, because its disclosure could reasonably be expected to cause damage to the national security:**

(i) **Personnel Security Files, PCC–CZG/ISO–1;**

(ii) **Confidential Sources and Contacts, PCC–CZG/ISO–2;**

(iii) **Card Index System, PCC–CZG/ISO–3;**

(iv) **Biographical Data Files, PCC–CZG/ISO–6.**

(2) **Systems consisting of investigatory material compiled for law enforcement purposes, because disclosure could be expected to impede the investigatory process, reveal the identities of confidential sources, or prevent the detection of unlawful actions:**

(i) **Board of Registration for Architects and Professional Engineers Reference Files, PCC–CZG/BRAE–1;**

(ii) **Vital Installation Access Files, PCC–CZG/CACP–1;**

(iii) **State Department Visa Lookout Book, PCC–CZG/CACU–1;**

(iv) **Immigration and Naturalization Service Lookout Book, PCC–CZG/CACU–2;**

(v) **Customs Fugitive Records, PCC–CZG/CACU–3;**

(vi) **Cardex File—Smuggling; Narcotics; Violators or Suspects and Fugitives, PCC–CZG/CACU–4;**

(vii) **Cardex File—Vehicle Exporters, PCC–CZG/CACU–5;**

(viii) **Cardex File—Contraband Violations, PCC–CZG/CACU–6;**

(ix) **Seamen's Locator List, PCC–CZG/CACU–7;**

(x) **Driver's License Investigatory File, PCC–CZG/CALS–7;**

(xi) **Law Enforcement Case Report Files, PCC–CZG/CAPL–1;**

(xii) **Police Headquarters Confidential Files, PCC–CZG/CAPL–2;**

(xiii) **Detective Confidential Files, PCC–CZG/CAPL–3;**

(xiv) **Convict Files, PCC–CZG/CAPL–4;**

(xv) **Prisoner Record Cards, PCC–CZG/CAPL–5;**

(xvi) **Police Photo Files, PCC–CZG/CAPL–6;**

(xvii) **Fingerprint File, PCC–CZG/CAPL–7;**

(xviii) **Pending Detective Investigation Records, PCC–CZG/CAPL–8;**

(xix) **Informant Name File, PCC–CZG/CAPL–9;**

(xx) **Master Name File, PCC–CZG/CAPL–10;**

(xxi) **Youth Unit Drug Abuse File, PCC–CZG/CAPL–11;**

(xxii) **Youth Unit Name Index File, PCC–CZG/CAPL–12;**

(xxiii) **Probation and Parole Unit Child Custody Reports, PCC–CZG/CAPR–1;**

(xxiv) **Presentence and Pre-parole Investigative Reports, PCC–CZG/CAPR–2;**

(xxv) **Probation and Parole Unit Statistical File, PCC–CZG/CAPR–3;**

(xxvi) **Mail Covers, PCC–CZG/CAPS–1;**

(xxvii) **Claims Investigation Files,**

V 40 I 188 S EP 26 75 XUM

PCC–CZG/CAPB–2;

(xxviii) Personnel Investigation Records, PCC–CZG/CZPB–3;

(xxix) Embezzlements, Burglaries, and Cash Shortages, PCC–CZG/FVAC–1;

(xxx) Claims Files, PCC–CZG/FVAK–1;

(xxxi) Cash Audit Files, PCC–CZG/FVGA–1;

(xxxii) EEO Counselling and Investigation File, PCC–CZG/GVEO–2;

(xxxiii) Medical Administration System—Exempt, PCC–CZG/HL–2;

(xxxiv) Personnel Security Files, PCC–CZG/ISO–1;

(xxxv) Confidential Sources and Contacts, PCC–CZG/ISO–2;

(xxxvi) Card Index System, PCC–CZG/ISO–3;

(xxxvii) Index of Contractor Employees, PCC–CZG/ISO–4;

(xxxviii) Biographical Data Cards, PCC–CZG/ISO–5;

(xxxix) Biographical Data Files, PCC–CZG/ISO–6;

(xl) Housing Complaint File, PCC–CZG/SC–2.

(3) [Reserved]

(4) Systems used only for statistical research or reporting purposes and not used in making any determinations about identifiable individuals:

(i) Minority Group Designator Records, PCC–CZG/PR–11.

(5) Systems consisting of investigatory material compiled to determine suitability, eligibility or qualifications for employment, security clearance, or participation in Federal contracts, to the extent that disclosure would reveal the identity of confidential sources:

(i) Merit System Recruiting, Examining, and Placement Records, PCC–CZG/CZPB–1;

(ii) Appeals, Grievances, Complaints, and Requests for Assistance, PCC–CZG/CZPB–2;

(iii) Personnel Investigation Records, PCC–CZG/CZPB–3;

(iv) Embezzlements, Burglaries, and Cash Shortages, PCC–CZG/FVAC–1;

(v) Personnel Security Files, PCC–CZG/ISO–1;

(vi) Confidential Sources and Contacts, PCC–CZG/ISO–2;

(vii) Card Index System, PCC–CZG/ISO–3;

(viii) Index of Contractor Employees, PCC–CZG/ISO–4;

(ix) Biographical Data Files, PCC–CZG/ISO–6;

(x) Recruiting and Placement Records, PCC–CZG/PR–5.

(6) Systems containing testing or examination material used to determine individual qualifications for appointment or promotion, the disclosure of which would compromise the objectivity or fairness of the testing or examination process:

(i) Board of Registration for Architects and Professional Engineers Reference Files, PCC–CZG/BRAE–1;

(ii) Merit System Recruiting, Examining, and Placement Records, PCC–CZG/CZPB–1;

(iii) Marine License Files, PCC–CZG/MRBLI–1;

(iv) Admeasurer Examination File, PCC–CZG/MRPA–1.

(b) Information in any other system of records which meets one or more of the criteria for exemption specified in paragraph (a) of this section or in subsection (k) of 5 U.S.C. 552a shall be deemed to be part of a system of records which is exempt from disclosure pursuant thereto.

(c) Information contained in a system of records listed under paragraph (a)(2) of this section which is used to deny to an individual any right, privilege, or benefit to which he would otherwise be entitled by law or for which he would otherwise be eligible shall be disclosed to such individual pursuant to §§ 10.5 or 10.6 except to the extent that such disclosure would reveal the identity of a confidential source.

APPENDIX A—GENERAL ROUTINE USES

Information pertaining to individuals which is maintained in any system of records under the control of the Panama Canal Company or Canal Zone Government is subject to disclosure, as a routine use of such information, to any of the following persons or agencies under the circumstances described:

1. Information indicating a violation or potential violation of law (whether civil, criminal, or regulatory in nature, and whether involving a statute or regulation or a rule or order issued pursuant thereto) may be referred to the federal, state, local, foreign, or international agency charged with investigating or prosecuting such violations or charged with implementing or enforcing the particular statute, or regulations, rule, or order, which is pertinent thereto.

2. Information which has a bearing on matters which may be in dispute may be disclosed in the course of presenting evidence or argument to a court or administrative tribunal, a judicial official, or counsel for a party in connection with litigation or administrative proceedings in which the agency, or its officers or employees, are or may become involved.

3. Information may be provided to persons or agencies from whom information is solicited, to the extent necessary to elicit facts which may be relevant to a financial audit or an agency decision to hire or retain an employee, issue a security clearance, award a contract, grant a license, or otherwise provide a benefit or incur an obligation.

4. Information may be disclosed to a federal agency, in response to its request in a particular case or in a category of cases, in connection with that agency's (a) decision in a personnel matter; (b) financial audits and accounting; (c) issuance of a security clearance; (d) investigation of an individual employed or formerly employed by the Panama Canal Company or Canal Zone Government; or (e) decision to award a contract, grant a license, or otherwise provide a benefit or incur an obligation.

5. Information may be supplied in response to an inquiry from a Member of Congress on behalf of an individual or, at any stage of the legislative coordination and clearance process, to the Office of Management and Budget in connection with the review of private relief legislation.

6. Information which has a bearing on the qualifications of professional personnel (such as architects, attorneys, engineers, medical practitioners, pilots, and teachers) who have been employed by the agency or have had professional dealings with the agency may be provided to the appropriate authorities such as professional licensing and certifying boards and grievance committees.

[FR Doc. 75-25806 Filed 9-25-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 155]

PROTECTION OF PRIVACY IN THE PROCUREMENT PROCESS

This amendment of the Federal Procurement Regulations provides policies, procedures, a solicitation notification, and a contract clause which implement the Privacy Act of 1974, (Pub. L. 93–579, December 31, 1974, 5 U.S.C. 552a), and OMB Circular No. A–108. The amendment concerns the application of the Privacy Act to the design, development, or operation of any system of records on individuals to accomplish an agency function when the operation of the system is undertaken by a contractor under a contract with a Government agency.

PART 1–1—GENERAL

The table of contents for Part 1–1 is amended by adding the following entries:

Subpart 1–1.3—General Policies

* * * * * *

Sec.

1–1.324 [Reserved]
1–1.325 [Reserved]
1–1.326 [Reserved]
1–1.327 Protection of the privacy of individuals.
1–1.327–1 General.
1–1.327–2 Definitions.
1–1.327–3 Statutory requirements.
1–1.327–4 Applicability.
1–1.327–5 Procedures.

Subpart 1–1.3—General Policies

Subpart 1–1.3 is amended by adding the following sections:

§ 1–1.324 [Reserved]

§ 1–1.325 [Reserved]

§ 1–1.326 [Reserved]

§ 1–1.327 Protection of the privacy of individuals.

§ 1–1.327–1 General.

This section implements the Privacy Act of 1974 (Pub. L. 93–579, December 31, 1974; 5 U.S.C. 552a), and OMB Circular No. A–108, July 9, 1975. In enacting this legislation, Congress stated that "the right to privacy is a personal and fundamental right protected by the Constitution of the United States." The Privacy Act concerns rights of a citizen or a resident alien under the Act and does not extend to the rights of proprietorships in their business capacity, partnerships, businesses, or corporations.

§ 1–1.327–2 Definitions.

As used herein, the following terms have the meanings set forth below:

(a) The term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) The term "maintain" includes maintain, collect, use, or disseminate.

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(e) The term "system of records on individuals" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(f) The term "operation of a system of records" means performance of any of the activities associated with maintaining the system of records, including the collection, use, and dissemination of records.

(g) The term "the Act" means the Privacy Act of 1974 (Pub. L. 93–579, December 31, 1974).

§ 1–1.327–3 Statutory requirements.

(a) The purpose of the Act as it pertains to Government contracts is to guard the individual's right of privacy whenever an agency system of records on individuals is operated under contract and not by the agency. The individual's privacy is ensured by requiring the contractor to observe all the rules on privacy that apply to the agency which awards the contract. Except as otherwise provided by law, Federal agencies must maintain (see § 1–1.327–2(c)) any record of identifiable information on individuals in a manner that meets the following criteria. The action must be for a necessary and lawful purpose, the information must be current and accurate for its intended use, and adequate safeguards must be provided to prevent misuse of such information. Each agency that maintains a system of records on individuals is required, among other things, to establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records on individuals, or in maintaining any record. Further, each agency is required to instruct each person involved regarding the rules and requirements of Section 3 of the Act (5 U.S.C. 552a), including any rules and procedures adopted by the agency pursuant to Section 3 and the civil and criminal penalties for noncompliance.

(b) The paragraph in Section 3 of the Act which pertains to Government contracts states as follows:

(m) GOVERNMENT CONTRACTORS.—When an agency provides by a contract for the operation by or on behalf of the agency of a system of records to accomplish an agency function, the agency shall, consistent with its authority, cause the requirements of this section [Section 3 of the Privacy Act and the agency's implementing regulations] to be applied to such system. For purposes of subsection (i) of this section [the criminal sanctions set forth in 5 U.S.C. 552a(i)], any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this section [September 27, 1975], shall be considered to be an employee of an agency.

However, the criminal penalties of the Act do not extend to contractors or their employees who design or develop systems of records pursuant to a Government contract.

(c) An agency which, within the limits of its authority, fails to require that systems of records on individuals operated on its behalf under contracts be maintained in accordance with the Act may be civilly liable to individuals injured as a consequence of any subsequent failure to maintain records in conformance with the Act. Any officer or employee of the agency may be criminally liable for violations of the Act. The reference in the Act to the contractor and his employees as employees of the agency is intended only for the purposes of the criminal penalties of the Act and not to suggest that, by virtue of this language, they are employees for any other purposes.

§ 1–1.327–4 Applicability.

(a) Whenever a Federal agency contracts for the design, development, operation, or maintenance of a system of records on individuals on behalf of the agency in order to accomplish an agency function, the agency must apply the requirements of the Act to the contractor and his employees working on that contract. Systems of records on individuals operated under a contract which are designed to accomplish an agency function are deemed to be maintained by the agency and are subject to Section 3 of the Act.

(b)(1) In order to establish the applicability of the clause in § 1–1.327–5, it is necessary for the agency awarding a contract to determine whether a purpose of any system of records on individuals which may be involved is to accomplish an agency function. For the Act to be applicable, the contract need not have as its sole purpose the design, development, or operation of such a system of records, but the contract should specifically state whether it involves the design, development, or operation of a system of records. The Act is not applicable to a system of records used by a contractor as a result of his management discretion. For example, it is not applicable to systems of personnel records maintained by contractors on their own behalf.

(2) Illustrations of systems of records to which the Act applies include the following:

(i) The determinations on benefits are made by Federal agencies;

(ii) Records are maintained for administrative functions of a Federal agency, such as personnel and payroll; or

(iii) Health records are maintained by an outside contractor engaged to provide health services to agency personnel.

(3) Illustrations of systems of records to which the Act does not apply include the following:

(i) Records are maintained by the contractor on individuals whom the contractor employs in the process of providing goods and services to the Federal government; or

(ii) An agency contracts with a State or private educational organization to provide training, and the records generated on contract students pursuant to their attendance (admission forms, grade reports) are similar to those maintained on other students and are commingled with their records on other students.

§ 1–1.337–5 Procedures.

(a) All procurement requirements shall be reviewed to determine whether the design, development, or operation of a system of records on individuals to accomplish an agency function will be required, and the related contract shall identify specifically which of those functions is to be performed by the contractor. If the design, development, or operation of such a system is required, related solicitations and contracts shall include the notification set forth in § 1–1.337–5 (b) and the clause set forth in § 1–1.337–5(c). Pertinent implementing agency rules and regulations shall be made available in accordance with agency procedures. All contract work statements shall specifically identify (1) the system or systems of records and (2) the work to be performed by the contractor in terms of any one of the following: (i) design, (ii) development, or (iii) operation.

(b) The following notification shall be included in every solicitation and resulting contract, and in every contract awarded without a solicitation, when the statement of work requires the design, development, or operation of a system of records on individuals for an agency function:

PRIVACY ACT NOTIFICATION

This procurement action requires the contractor to do one or more of the following: design, develop, or operate a system of records on individuals to accomplish an agency function in accordance with the Privacy Act of 1974, Public Law 93–579, December 31, 1974 (5 U.S.C. 552a) and applicable agency regulations. Violation of the Act may involve the imposition of criminal penalties.

(c) The following clause shall be included in every solicitation and resulting contract, and in every contract awarded without a solicitation, when the statement of work requires the design,

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development, or operation of a system of records on individuals to accomplish an agency function.

PRIVACY ACT

(a) The contractor agrees:

(1) To comply with the Privacy Act of 1974 and the rules and regulations issued pursuant to the Act in the design, development, or operation of any system of records on individuals in order to accomplish an agency function when the contract specifically identifies (i) the system or systems of records and (ii) the work to be performed by the contractor in terms of any one or combination of the following: (A) design, (B) development, or (C) operation;

(2) to include the solicitation notification contained in this contract in every solicitation and resulting subcontract and in every subcontract awarded without a solicitation when the statement of work in the proposed subcontract requires the design, development, or operation of a system of records on individuals to accomplish an agency function; and

(3) to include this clause, including this paragraph (3), in all subcontracts awarded pursuant to this contract which require the design, development, or operation of such a system of records.

(b) In the event of violations of the Act, a civil action may be brought against the agency involved where the violation concerns the design, development, or operation of a system of records on individuals to accomplish an agency function, and criminal penalties may be imposed upon the officers or employees of the agency where the violation concerns the operation of a system of records on individuals to accomplish an agency function. For purposes of the Act when the contract is for the operation of a system of records on individuals to accomplish an agency function, the contractor and any employee of the contractor is considered to be an employee of the agency.

(c) The terms used in this clause have the following meanings:

(1) "Operation of a system of records" means performance of any of the activities associated with maintaining the system of records including the collection, use, and dissemination of records.

(2) "Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(3) "System of records" on individuals means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

PART 1–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1–4.4—Public Utilities

Section 1–4.410–5 is amended by adding paragraph (b)(3) as follows:

§ 1–4.410–5 Uniform clauses for utility service contracts.

• • • • • •

(b) • • •

(3) Privacy Act. (see § 1–1.327–5(c)).

• • • • •

PART 1–7—CONTRACT CLAUSES

The table of contents for Part 1–7 is amended to add new entries as follows:

Sec.
1–7.103–29 Privacy Act.
• • • • • •
1–7.203–24 Privacy Act.
• • • • • •
1–7.303–65 Privacy Act.
• • • • • •
1–7.403–59 [Reserved]
• • • • • •
1–7.403–60 Privacy Act.
• • • • • •
1–7.703–24 Privacy Act.

Subpart 1–7.1—Fixed-Price Supply Contracts

Section 1–7.103 is amended to add § 1–7.103–29 as follows:

§ 1–7.103 Clauses to be used when applicable.

• • • • • •

§ 1–7.103–29 Privacy Act.

Insert the clause prescribed by § 1–1.327–5 under the conditions set forth therein.

Subpart 1–7.2—Cost-Reimbursement Type Supply Contracts

Section 1–7.203 is amended to read as follows:

§ 1–7.203 Clauses to be used when applicable.

• • • • • •

§ 1–7.203–24 Privacy Act.

Insert the clause prescribed by § 1–1.327–5 under the conditions set forth therein.

Subpart 1–7.3—Fixed-Price Research and Development Contracts

Section 1–7.303 is amended to read as follows:

§ 1–7.303 Clauses to be used when applicable.

• • • • • •

§ 1–7.303–65 Privacy Act.

Insert the clause prescribed by § 1–1.327–5 under the conditions set forth therein.

• • • • • •

Subpart 1–7.4—Cost-Reimbursement Type Research and Development Contracts

Section 1–7.403 is amended to read as follows:

§ 1–7.403 Clauses to be used when applicable.

• • • • • •

§ 1–7.403–59 [Reserved]

§ 1–7.403–60 Privacy Act.

Insert the clause prescribed by § 1–1.327–5 under the conditions set forth therein.

Subpart 1–7.7—Transportation Contracts

Section 1–7.703 is amended to read as follows:

§ 1–7.703 Required clauses in transportation contracts.

• • • • • •

§ 1–7.703–24 Privacy Act.

Insert the clause prescribed by § 1–1.327–5 under the conditions set forth therein.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective September 27, 1975.

Dated: September 23, 1975.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A–107.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–25793 Filed 9–25–75;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 2—RECORDS AND TESTIMONY

Privacy Act Regulations

On August 26, 1975, the Department of the Interior published in the FEDERAL REGISTER (40 FR 37216–37223) proposed regulations to implement section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. Interested persons were given until September 17, 1975, to submit comments on the proposed regulations.

No comments on the regulations have been received and, pursuant to the authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the regulations are hereby adopted with the following editorial corrections:

1. The cross reference in § 2.47 to 2.46(f)(1) has been corrected to read § 2.46(f).

2. The second sentence of § 2.63(b)(4) was garbled in printing and has been corrected to read as follows: A request which does not state the amount of fees the requester is willing to pay will be treated as a request to inspect the requested records.

3. Section 2.79(b)(6) listed the system number for the Special Investigations, Coal Mine Health and Safety System as Interior/MESA—3. The system number for this system should have been Interior/MESA—10 and the paragraph has been accordingly corrected.

4. Miscellaneous spelling and punctuation errors have been corrected.

The regulations, as adopted, are set forth below.

SEPTEMBER 20, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

Subpart D—Privacy Act

Sec.
2.45 Purpose and scope.
2.46 Definitions.
2.47 Records subject of Privacy Act.
2.48 Standards for maintenance of records subject to the Act.

Sec.
2.49 Reserved.
2.50 FEDERAL REGISTER notices describing systems of records.
2.51 Assuring integrity of records.
2.52 Conduct of employees.
2.53 Government contracts.
2.54 Reserved.
2.55 Reserved.
2.56 Disclosure of records.
2.57 Accounting for disclosures.
2.58 Reserved.
2.59 Reserved.
2.60 Request for notification of existence of records: Submission.
2.61 Request for notification of existence of records: Action on.
2.62 Requests for access to records.
2.63 Requests for access to records; Submission.
2.64 Requests for access to records: Initial decision.
2.65 Requests for notification of existence of records and for access to records: Appeals.
2.66 Requests for access to records: Special situations.
2.67 Reserved.
2.68 Reserved.
2.69 Reserved.
2.70 Amendment of records.
2.71 Petitions for amendment: Submission and form.
2.72 Petitions for amendment: Processing and initial decision.
2.73 Petitions for amendments: Time limits for processing.
2.74 Petitions for amendment: Appeals.
2.75 Petitions for amendment: Action on appeals.
2.76 Reserved.
2.77 Statements of disagreement.
2.78 Reserved.
2.79 Exemptions.

AUTHORITY: 5 U.S.C. 301, 552 and 552a; 31 U.S.C. 483a; and 43 U.S.C. 1460.

Subpart D—Privacy Act

§ 2.45 Purpose and scope.

This subpart contains the regulations of the Department of the Interior implementing section 3 of the Privacy Act. Sections 2.47 through 2.57 describe the procedures and policies of the Department concerning maintenance of records which are subject to the Act. Sections 2.60 through 2.66 describe the procedure under which an individual may determine whether a system of records subject to the Act contains a record relating to him and the procedure under which he may seek access to that record, if one should exist. Sections 2.70 through 2.77 describe the procedure under which an individual may petition for amendment of a record subject to the Act relating to him. Section 2.79 lists records systems partially exempt from the Act.

§ 2.46 Definitions.

(a) *Act.* As used in this subpart, "Act" means section 3 of the Privacy Act, 5 U.S.C. 552a.

(b) *Bureau.* For purposes of this subpart, a "bureau" is any constituent bureau or office of the Department, including the Office of the Secretary and any other Departmental office.

(c) *Individual.* As used in this subpart, "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(d) *Maintain.* As used in this subpart, the term "maintain" includes maintain, collect, use or disseminate.

(e) *Record.* As used in this subpart, "record" means any item, collection, or grouping of information about an individual that is maintained by the Department or a bureau thereof, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.

(f) *System of records.* As used in this subpart, "system of records" means a group of any records under the control of the Department or a bureau thereof from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(g) *Medical records.* As used in this subpart, "medical records" means records which relate to the identification, prevention, cure or alleviation of any disease, illness or injury including psychological disorders, alcoholism and drug addiction.

(h) *Civil Service Commission personnel records.* As used in this subpart, "Civil Service Commission personnel records" means records maintained for the Civil Service Commission by the Department and used for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals.

(i) *Statistical records.* As used in this subpart, "statistical records" means records in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual.

(j) *Routine use.* As used in this subpart, "routine use" means a use of a record for a purpose which is compatible with the purpose for which it was collected.

(k) *System notice.* As used in this subpart, "system notice" means the notice describing a system of records required by 5 U.S.C. 552a(e)(4) to be published annually in the FEDERAL REGISTER.

(l) *System manager.* As used in this subpart, "system manager" means the official designated in a system notice as having administrative responsibility for a system of records.

(m) *Departmental Privacy Act Officer.* As used in this subpart, "Departmental Privacy Act Officer" means the official in the Office of the Assistant Secretary-Management charged with responsibility for assisting the Assistant Secretary-Management in carrying out the functions which he is assigned in this subpart and for coordinating the activities of the bureaus of the Department in carrying out the functions which they are assigned in this subpart.

(n) *Bureau Privacy Act Officer.* As used in this sub-part, "Bureau Privacy Act Officer" means the official within each bureau assigned responsibility for bureau implementation of the Act and the regulations of this subpart.

§ 2.47 Records subject to Privacy Act.

The Privacy Act applies to all "records," as that term is defined in § 2.46(e), which the Department maintains in a "system of records," as that term is defined in § 2.46(f).

§ 2.48 Standards for maintenance of records subject to the Act.

(a) *Content of records.* Records subject to the Act shall contain only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive Order of the President.

(b) *Standards of accuracy.* Records subject to the Act which are used in making any determination about any individual shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in making the determination.

(c) *Collection of information.* (1) Information which may be used in making determinations about an individual's rights, benefits, and privileges under Federal programs shall, to the greatest extent practicable, be collected directly from that individual.

(2) In deciding whether collection of information from an individual, as opposed to a third party source, is practicable, the following factors, among others, may be considered:

(i) Whether the nature of the information sought is such that it can only be obtained from a third party;

(ii) Whether the cost of collecting the information from the individual is unreasonable when compared with the cost of collecting it from a third party;

(iii) Whether there is a risk that information collected from third parties, if inaccurate, could result in an adverse determination to the individual concerned;

(iv) Whether the information, if supplied by the individual, would have to be verified by a third party; or

(v) Whether provisions can be made for verification, by the individual, of information collected from third parties.

(d) *Advice to individuals concerning uses of information.* (1) Each individual who is asked to supply information about himself which will be added to a system of records shall be informed of the basis for requesting the information, how it may be used, and what the consequences, if any, are of not supplying the information.

(2) At a minimum, the notice to the individual must state:

(i) The authority (whether granted by statute or Executive Order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(ii) The principal purpose or purposes for which the information is intended to be used;

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(iii) The routine uses which may be made of the information; and

(iv) The effects on him, if any, of not providing all or any part of the requested information.

(3) (i) When information is collected on a standard form, the notice to the individual shall be on the form or on a tear-off sheet attached to the form or on a separate sheet, whichever is most practical.

(ii) When information is collected by an interviewer, the interviewer shall provide the individual with a written notice which the individual may retain. If the interview is conducted by telephone, however, the interviewer may summarize the notice for the individual and need not provide a copy to the individual unless the individual requests that a copy be mailed to him.

(iii) An individual may be asked to acknowledge, in writing, that he has been afforded the notice required by this section.

(e) *Records concerning activity protected by the First Amendment.* No record may be maintained describing how any individual exercises rights guaranteed by the First Amendment to the Constitution unless (1) expressly authorized by statute or by the individual about whom the record is maintained or (2) pertinent to and within the scope of an authorized law enforcement activity.

§ 2.49 [Reserved]

§ 2.50 Federal Register notices describing systems of records.

(a) The Privacy Act requires annual publication of a notice in the FEDERAL REGISTER describing each system of records subject to the Act. 5 U.S.C. 552a(e)(4).

(b) Each bureau shall notify the Departmental Privacy Act Officer, no later than August 1 of each year, of any modifications or amendments which are required in the then-current notice describing the system for which he is responsible.

(c) A bureau desiring to establish a new system of records or a new use for an existing system of records shall notify the Departmental Privacy Act Officer, no fewer than seventy-five (75) calendar days in advance.

§ 2.51 Assuring integrity of records.

(a) *Statutory requirement.* The Privacy Act requires that records subject to the Act be maintained with appropriate administrative, technical and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained. 5 U.S.C. 552a(e)(10).

(b) *Records maintained in manual form.* When maintained in manual form, records subject to the Privacy Act shall be maintained, at a minimum, subject to the following safeguards, or safeguards affording comparable protection:

(1) Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons. The warning shall also summarize the requirements of § 2.52 and state that the Privacy Act contains a criminal penalty for the unauthorized disclosure of records to which it applies.

(2) During working hours, (i) the area in which the records are maintained or regularly used shall be occupied by authorized personnel or (ii) access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(3) During non-working hours, access to the records shall be restricted by their storage in locked metal file cabinets or a locked room.

(4) Where a locked room is the method of security provided for a system, the bureau responsible for the system shall, no later than December 31, 1976, supplement that security by (i) providing lockable file cabinets or containers for the records or (ii) changing the lock or locks for the room so that they may not be opened with a master key. For the purposes of this paragraph, a master key is a key which may be used to open rooms other than the room containing records subject to the Privacy Act, unless those rooms are utilized by officials or employees authorized to have access to the records subject to the Privacy Act.

(c) *Records maintained in computerized form.* When maintained in computerized form, records subject to the Privacy Act shall be maintained, at a minimum, subject to safeguards based on those recommended in the National Bureau of Standard's booklet "Computer Security Guidelines for Implementing the Privacy Act of 1974" (May 30, 1975), and any supplements thereto, which are adequate and appropriate to assuring the integrity of records in the system.

(d) *Civil Service Commission personnel records.* A system of records made up of Civil Service Commission personnel records shall be maintained under the security requirements set out in 5 CFR 293.108.[1]

(e) *Bureau responsibility.* (1) The bureau responsible for a system of records shall be responsible for assuring that specific procedures are developed to assure that the records in the system for which it is responsible are maintained with security meeting the requirements of the Act and this section.

(2) These procedures shall be in writing and shall be posted or otherwise periodically brought to the attention of employees working with the records contained in the system.

§ 2.52 Conduct of employees.

(a) *Handling of records subject to the Act.* Employees whose duties require handling of records subject to the Privacy Act shall, at all times, take care to protect the integrity, security and confidentiality of these records.

(b) *Disclosure of records.* No employee of the Department may disclose records subject to the Privacy Act unless disclosure is permitted under § 2.56 or is to the individual to whom the record pertains.

(c) *Alteration of records.* No employee of the Department may alter or destroy a record subject to the Privacy Act unless (1) such alteration or destruction is properly undertaken in the course of the employee's regular duties or (2) such alteration or destruction is required by a decision under §§ 2.70–2.75 or the decision of a court of competent jurisdiction.

(d) *Bureau responsibility.* The bureau responsible for a system of records shall be responsible for assuring that employees with access to the system are made aware of the requirements of this section and of 5 U.S.C. 552a(i)(1), which imposes criminal penalties for knowingly and willfully disclosing a record about an individual without the written request or consent of that individual unless disclosure is permitted under one of the exceptions listed in § 2.56 (b) and (c).

§ 2.53 Government contracts.

(a) *Required contract provisions.* When a contract provides for the operation by or on behalf of the Department of a system of records to accomplish a Department function, the contract shall, consistent with the Department's authority, cause the requirements of 5 U.S.C. 552a and the regulations contained in this subpart to be applied to such system.

(b) *System manager.* The head of the bureau responsible for the contract shall designate a regular employee of the bureau to be the manager for a system of records operated by a contractor.

§§ 2.54—2.55 [Reserved]

§ 2.56 Disclosure of Records.

(a) *Prohibition of disclosure.* No record contained in a system of records may be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains.

(b) *General exceptions.* The prohibition contained in paragraph (a) does not apply where disclosure of the record would be:

(1) To those officers or employees of the Department who have a need for the record in the performance of their duties; or

(2) required by the Freedom of Information Act, 5 U.S.C. 552.

(c) *Specific exceptions.* The prohibition contained in paragraph (a) does not apply where disclosure of the record would be:

(1) for a routine use as defined in § 2.46(j) which has been described in a systems notice published in the FEDERAL REGISTER;

(2) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of title 13, United States Code.

(3) to a recipient who has provided the System Manager responsible for the system in which the record is maintained with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(4) to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(5) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department specifying the particular portion desired and the law enforcement activity for which the record is sought;

(6) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(7) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(8) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(9) pursuant to the order of a court of competent jurisdiction.

(d) *Reviewing records prior to disclosure.* (1) Prior to any disclosure of a record about an individual, unless disclosure is required by the Freedom of Information Act, reasonable efforts shall be made to assure that the records are accurate, complete, timely and relevant for agency purposes.

(2) When a record is disclosed in connection with a Freedom of Information request made under Subpart B of this part and it is appropriate and administratively feasible to do so, the requester shall be informed of any information known to the Department indicating that the record may not be fully accurate, complete, or timely.

§ 2.57 Accounting for disclosures.

(a) *Maintenance of an accounting.* (1) Where a record is disclosed to any person, or to another agency, under any of the specific exceptions provided by § 2.56 (c), an accounting shall be made.

(2) The accounting shall record (i) the date, nature, and purpose of each disclosure of a record to any person or to another agency and (ii) the name and address of the person or agency to whom the disclosure was made.

(3) Accountings prepared under this section shall be maintained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(b) *Access to accountings.* (1) Except for accountings of disclosures made under § 2.56(c)(5), accountings of all disclosures of a record shall be made available to the individual to whom the record relates at his request.

(2) An individual desiring access to accountings of disclosures of a record pertaining to him shall submit his request by following the procedures of § 2.63.

(c) *Notification of disclosure.* When a record is disclosed pursuant to § 2.56(c)(9) as the result of the order of a court of competent jurisdiction, reasonable efforts shall be made to notify the individual to whom the record pertains as soon as the order becomes a matter of public record.

§§ 2.58–2.59 [Reserved]

§ 2.60 Request for notification of existence of records: Submission.

(a) *Submission of requests.* (1) (i) An individual desiring to determine under the Privacy Act whether a system of records contains records pertaining to him shall address his inquiry to the system manager having responsibility for the system unless the system notice describing the system prescribes or permits submission to some other official or officials.

(ii) If a system notice describing a system requires that an individual contact more than two officials concerning the existence of records in the system, an individual desiring to determine whether the system contains records pertaining to him may contact the system manager for assistance in determining which official is most likely to be in possession of records pertaining to that individual.

(2) If an individual desires to determine whether records pertaining to him are maintained in two or more systems, he shall make a separate inquiry concerning each system.

(b) *Form of request.* (1) An inquiry to determine whether a system of records contains records pertaining to an individual shall be in writing.

(2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT INQUIRY."

(3) The request shall state that the individual is seeking information concerning records pertaining to himself and shall supply such additional identifying information, if any, as is called for in the system notice describing the system.

(4) If an individual has reason to believe that information pertaining to him or her may be filed under a name other than the name he or she is currently using (e.g., a maiden name), he or she shall include this information in the request.

§ 2.61 Requests for notification of existence of records: Action on.

(a) *Decisions on Request.* (1) An individual inquiring to determine whether a system of records contains records pertaining to him shall be promptly advised whether or not the system does contain records pertaining to him unless (i) the records were compiled in reasonable anticipation of a civil action or proceeding or (ii) the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking.

(2) If the records were compiled in reasonable anticipation of a civil action or proceeding or the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking, the individual will be promptly notified that he is not entitled to notification of whether the system contains records pertaining to him.

(b) *Authority to deny requests.* A decision to deny a request for notification of the existence of records shall be made by the system manager responsible for the system of records concerning which inquiry has been made and shall be concurred in by the bureau Privacy Act officer for the bureau which maintains the system, provided, however that the head of a bureau may, in writing, require (1) that the decision be made by the bureau Privacy Act officer and/or (2) that his (the bureau head's) own concurrence in the decision be obtained.

(c) *Form of decision.* (1) No particular form is required for a decision informing and individual whether or not a system of records contains records pertaining to him.

(2) A decision declining to inform an individual whether or not a system of records contains records pertaining to him shall be in writing and shall state the basis for denial of the request and shall advise the individual that he may appeal the declination to the Assistant Secretary-Management pursuant to § 2.65 by writing to the Privacy Act Officer, Office of the Assistant Secretary-Management, U.S. Department of the Interior, Washington, D.C. 20240, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

§ 2.62 Requests for access to records.

The Privacy Act permits an individual, upon his request, to gain access to his record or to any information pertaining to him which is contained in a system and to review the record and have a copy made of all or any portion thereof in a form comprehensive to him. 5 U.S.C. 552a(d)(1). A request for access shall be submitted in accordance with the procedures in this subpart.

§ 2.63 Requests for access to records: Submission.

(a) *Submission of requests.* (1) (i) Requests for access to records shall be submitted to the system manager having responsibility for the system in which the records are maintained unless the system notice describing the system prescribes or permits submission to some other official or officials.

(ii) If a system notice describing a system requires that an individual contact more than two officials concerning

[1] [Text of 5 CFR 293.108 will be set out when that section is finalized by the Civil Service Commission.]

V 40 I 188 SEP 26 75 XUM

access to records in the system, an individual desiring to request access to records pertaining to him may contact the system manager for assistance in determining which official is most likely to be in custody of records pertaining to that individual.

(2) If an individual desires access to records maintained in two or more separate systems, he shall submit a separate request for access to the records in each system.

(b) *Form of request.* (1) A request for access to records subject to the Privacy Act shall be in writing.

(2) To insure expeditious handling, the request shall be prominently marked, both on the envelope and on the face of the request, with the legend "PRIVACY ACT REQUEST FOR ACCESS."

(3) The request shall specify whether the requester seeks all of the records contained in the system which relate to him or only some portion thereof. If the requester seeks only a portion of the records which relate to him, the request shall reasonably describe the specific record or records sought.

(4) If the requester seeks to have copies of the requested records made, the request shall state the maximum amount of copying fees which the requester is willing to pay. A request which does not state the amount of fees the requester is willing to pay will be treated as a request to inspect the requested records. Requesters are further notified that under § 2.64(d) the failure to state willingness to pay fees as high as are anticipated by the Department will delay processing of a request.

(5) The request shall supply such identifying information, if any, as is called for in the system notice describing the system.

(6) Requests failing to meet the requirements of this paragraph shall be returned to the requester with a written notice advising the requester of the deficiency in the request.

§ 2.64 Requests for access to records: Initial decision.

(a) *Decisions on requests.* A request made under this subpart for access to a record shall be granted promptly unless (1) the record was compiled in reasonable anticipation of a civil action or proceeding or (2) the record is contained in a system of records which has been excepted from the access provisions of the Privacy Act by rulemaking.

(b) *Authority to deny requests.* A decision to deny a request for access under this subpart shall be made by the system manager responsible for the system of records in which the requested record is located and shall be concurred in by the bureau Privacy Act officer for the bureau which maintains the system, provided, however, that the head of a bureau may, in writing, require (1) that the decision be made by the bureau Privacy Act officer and/or (2) that his (the bureau head's) own concurrence in the decision be obtained.

(c) *Form of decision.* (1) No particular form is required for a decision granting access to a record. The decision shall, however, advise the individual requesting the record as to where and when the record is available for inspection or, as the case may be, where and when copies will be available. If fees are due under § 2.64(d), the individual requesting the record shall also be notified of the amount of fees due or, if the exact amount has not been determined, the approximate amount of fees due.

(2) A decision denying a request for access, in whole or part, shall be in writing and shall state the basis for denial of the request. The decision shall also contain a statement that the denial may be appealed to Assistant Secretary-Management pursuant to § 2.65 by writing to Privacy Act Officer, Office of Assistant Secretary-Management, U.S. Department of the Interior, Washington, D.C. 20240, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(d) *Fees.* (1) No fees may be charged for the cost of searching for or reviewing a record in response to a request made under § 2.63.

(2) Fees for copying a record in response to a request made under § 2.63 shall be charged in accordance with the schedule of charges contained in Appendix A to this Part, unless the official responsible for processing the request determines that, in his opinion, reduction or waiver of fees is appropriate.

(3) Where it is anticipated that fees chargeable in connection with a request will exceed the amount the person submitting the request has indicated he is willing to pay, the official processing the request shall notify the requester and shall not complete processing of the request until the requester has agreed, in writing, to pay fees as high as are anticipated.

§ 2.65 Requests for notification of existence of records and for access to records: Appeals.

(a) *Right of appeal.* If an individual has been notified that he is not entitled to notification of whether a system of records contains records pertaining to him or has been denied access, in whole or part, to a requested record, that individual may appeal to the Assistant Secretary-Management.

(b) *Time for appeal.* (1) An appeal must be received by the Privacy Act Officer no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the initial decision on a request.

(2) The Assistant Secretary-Management may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the initial decision of the request.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial request and the decision on the request.

(2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the initial request to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Office of the Assistant Secretary-Management, U.S. Department of the Interior, Washington, D.C. 20240.

(d) *Action on appeals.* (1) Appeals from decisions on initial requests made pursuant to §§ 2.61 and 2.63 shall be decided for the Department by the Assistant Secretary-Management after consultation with the Solicitor.

(2) The decision on an appeal shall be in writing and shall state the basis for the decision.

§ 2.66 Requests for access to records: Special situations.

(a) *Medical records.* (1) Medical records shall be disclosed to the individual to whom they pertain unless it is determined, in consultation with a medical doctor, that disclosure should be made to a medical doctor of the individual's choosing.

(2) If it is determined that disclosure of medical records directly to the individual to whom they pertain could have an adverse effect on that individual, the individual may designate a medical doctor to recieve the records and the records will be disclosed to that doctor.

(b) *Inspection in presence of third party.* (1) An individual wishing to inspect records pertaining to him which have been opened for his inspection may, during the inspection, be accompanied by a person of his own choosing.

(2) When such a procedure is deemed appropriate, the individual to whom the records pertain may be required to furnish a written statement authorizing discussion of his record in the accompanying person's presence.

§§ 2.67–2.69 [Reserved]

§ 2.70 Amendment of records.

The Privacy Act permits an individual to request amendment of a record pertaining to him if he believes the record is not accurate, relevant, timely or complete. 5 U.S.C. 552a (d)(2). A request for amendment of a record shall be submitted in accordance with the procedures in this subpart.

§ 2.71 Petitions for amendment: Submission and form.

(a) *Submission of petitions for amendment.* (1) A request for amendment of a record shall be submitted to the system manager for the system of records containing the record unless the system notice describing the system prescribes or permits submission to a different official or officials. If an individual wishes to request amendment of records located in more than one system, a separate petition must be submitted to each system manager.

(2) A petition for amendment of a record may be submitted only if the individual submitting the petition has previously requested and been granted access to the record and has inspected or been given a copy of the record.

(b) *Form of petition.* (1) A petition for amendment shall be in writing and shall specifically identify the record whose amendment is sought.

(2) The petition shall state, in detail, the reasons why the petitioner believes the record, or the portion thereof objectionable to him, is not accurate, relevant, timely or complete. Copies of documents or evidence relied upon in support of these reasons shall be submitted with the petition.

(3) The petition shall state, specifically and in detail, the changes sought in the record. If the changes involve rewriting of the record or portions thereof or involve adding new language to the record, the petition shall propose specific language to implement the changes.

§ 2.72 Petitions for amendment: Processing and initial decision.

(a) *Decisions on petitions.* In reviewing a record in response to a petition for amendment, the accuracy, relevance, timeliness and completeness of the record shall be assessed against the criteria set out in § 2.48. In addition, personnel records shall be assessed against the criteria for determining record quality published in the Federal Personnel Manual and the Departmental Manual addition thereto.

(b) *Authority to decide.* An initial decision on a petition for amendment may be made only by the system manager responsible for the system of records containing the challenged record and must, if he declines to amend the record as requested, be concurred in by the bureau Privacy Act officer for the bureau which maintains the system, provided, however, that the head of a bureau may, in writing, require (1) that the decision be made by the bureau Privacy Act officer and/or (2) that his (the bureau head's) own concurrence in the decision be obtained.

(c) *Acknowledgement of receipt.* Unless processing of a petition is completed within ten (10) days (Saturdays, Sundays and public legal holiday excepted), the receipt of the petition for amendment shall be acknowledged in writing by the system manager to whom it is directed.

(d) *Inadequate petitions.* (1) If a petition does not meet the requirements of § 2.71, the petitioner shall be so advised and shall be told what additional information must be submitted to meet the requirements of § 2.71.

(2) If the petitioner fails to submit the additional information within a reasonable time, his petition may be rejected. The rejection shall be in writing and shall meet the requirements of paragraph (e) of this section.

(e) *Form of decision.* (1) A decision on a petition for amendment shall be in writing and shall state concisely the basis for the decision.

(2) If the petitioned for amendment is rejected, in whole or part, the decision shall advise the petitioner that the rejection may be appealed to the Assistant Secretary-Management by writing to the Privacy Act Officer, Office of the Assistant Secretary-Management, U.S. Department of the Interior, Washington, D.C. 20240, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(f) *Implementation of initial decision.* If a petitioned for amendment is accepted, in whole or part, the bureau maintaining the record shall:

(1) Correct the record accordingly and,

(2) Where an accounting of disclosures has been made pursuant to § 2.57 advise all previous recipients of the record that the correction was made and the substance of the correction.

§ 2.73 Petitions for amendments: Time limits for processing.

(a) *Acknowledgement of receipt.* The acknowledgement of receipt of a petition required by § 2.72(c) shall be dispatched not later than ten (10) days (Saturdays, Sundays and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record, unless a decision on the petition has been previously dispatched.

(b) *Decision on petition.* A petition for amendment shall be processed promptly. A determination whether to accept or reject the petitioned for amendment shall be made within no more than thirty (30) days (Saturdays, Sundays and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record.

(c) *Suspension of time limit.* The thirty (30) day time limit for a decision on a petition shall be suspended if it is necessary to notify the petitioner, pursuant to § 2.72(d), that additional information in support of the petition is required. Running of the thirty (30) day time limit shall resume on receipt of the additional information by the system manager responsible for the system containing the challenged record.

(d) *Extensions of time.* (1) The thirty (30) day time limit for a decision on a petition may be extended if the official responsible for making a decision on the petition determines that an extension is necessary for one of the following reasons:

(i) A decision on the petition requires analysis of voluminous record or records;

(ii) Some or all of the challenged records must be collected from facilities other than the facility at which the official responsible for making the decision is located.

(iii) Some or all of the challenged records are of concern to another bureau of the Department or another agency of the Federal Government whose assistance and views are being sought in processing the request.

(2) If the official responsible for making a decision on the petition determines that an extension is necessary, he shall promptly inform the petitioner of the extension and the date on which a decision is expected to be dispatched.

§ 2.74 Petitions for amendment: Appeals.

(a) *Right of appeal.* Where a petitioned-for amendment has been rejected, in whole or part, the individual submitting the petition may appeal the denial to Assistant Secretary-Management.

(b) *Time for appeal.* (1) An appeal must be received no later than twenty (20) days (Saturdays, Sundays and public legal holidays excepted) after the date of the decision on a petition.

(2) The Assistant Secretary-Management may, for good cause shown, extend the time for submission of an appeal if a written request for additional time is received within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision on a petition.

(c) *Form of appeal.* (1) An appeal shall be in writing and shall attach copies of the initial petition and the decision on that petition.

(2) The appeal shall contain a brief statement of the reasons why the appellant believes the decision on the petition to have been in error.

(3) The appeal shall be addressed to Privacy Act Officer, Office of the Assistant Secretary-Management, U.S. Department of the Interior, Washington, D.C. 20240.

§ 2.75 Petitions for amendment: Action on appeals.

(a) *Authority.* Appeals from decisions on initial petitions for amendment shall be decided for the Department by the Assistant Secretary-Management, after consultation with the Solicitor, unless the record challenged by the initial petition is a Civil Service Commission personnel record maintained for the Commission by the Department. Appeals from decisions on initial petitions requesting amendment of Civil Service Commission records maintained for the Commission by the Department shall be transmitted by the Assistant Secretary-Management to the Director, Bureau of Manpower Information System, U.S. Civil Service Commission, for decision.

(b) *Time limit.* (1) A final determination on any appeal shall be made within thirty (30) days (Saturdays, Sundays and legal public holidays excepted) after receipt of the appeal.

(2) The thirty (30) day period for decision on an appeal may be extended, for good cause shown, by the Secretary of the Interior. If the thirty (30) day period is extended, the individual submitting the appeal shall be notified of the extension and of the date on which a determination on the appeal is expected to be dispatched.

(c) *Form of decision.* (1) The final determination on an appeal shall be in writing and shall state the basis for the determination.

(2) If the determination upholds, in whole or part, the initial decision rejecting the petitioned for amendment, the determination shall also advise the individual submitting the appeal:

V 40 188 SEP 26 75 XUM

(i) Of his or her right to file a concise statement of the reasons for disagreeing with the decision of the agency;

(ii) Of the procedure established by § 2.77 for the filing of the statement of disagreement;

(iii) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Department, a brief statement by the Department summarizing its reasons for refusing to amend the record;

(iv) That prior recipients of the challenged record will be provided a copy of any statement of dispute to the extent that an accounting of disclosure was maintained; and

(v) Of his or her right to seek judicial review of the Department's refusal to amend the record.

(3) If the determination reverses, in whole or part, the initial decision rejecting the petitioned for amendment, the system manager responsible for the system containing the challenged record shall be directed to:

(i) Amend the challenged record accordingly; and

(ii) If an accounting of disclosure has been made, advise all previous recipients of the record which was amended of the amendment and its substance.

§ 2.76 [Reserved]

§ 2.77 Statements of disagreement.

(a) *Filing of statements.* If the determination of the Assistant Secretary-Management under § 2.75 rejects in whole or part, a petitioned for amendment, the individual submitting the petition may file with the system manager for the system containing the challenged record a concise written statement setting forth the reasons for his disagreement with the determination of the Department.

(b) *Disclosure of statements.* In any disclosure of a record containing information about which an individual has filed a statement of disagreement under this section occurring after the filing of the statement, the disputed portion of the record will be clearly noted and the recipient shall be provided copies of the statement of disagreement. If appropriate, a concise statement of the reasons of the Department for not making the requested amendments may also be provided to recipient.

(c) *Maintenance of statements.* System managers shall develop procedures to assure that statements of disagreement filed with them shall be maintained in such a way as to assure dissemination of the statements to recipients of the records to which they pertain.

§ 2.78 [Reserved]

§ 2.79 Exemptions.

(a) *Criminal law enforcement records exempt under 5 U.S.C. 552a(j)(2).* Pursuant to 5 U.S.C. § 552a(j)(2) the following systems of records have been exempted from all of the provisions of 5 U.S.C. 552a and the regulations in this subpart except subsections (b), (c)(1), and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in this subpart implementing these subsections:

(1) Investigative Case File System, Interior/FWS–20.

(2) Law Enforcement Services System, Interior/BIA–18.

(3) Law Enforcement Statistical Reporting System, Interior/NPS–19.

(b) *Law enforcement records exempt under 5 U.S.C. 552a (k)(2).* Pursuant to 5 U.S.C. 552a(k)(2), the following systems of records have been exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these subsections:

(1) Investigative Records, Interior/Office of the Secretary–6.

(2) Permits System, Interior/FWS–21.

(3) Criminal Case Investigation System, Interior/BLM–18.

(4) Civil Trespass Case Investigations, Interior/BLM–19.

(5) Employee Conduct Investigations, Interior/BLM–20.

(6) Special Investigations, Coal Mine Health and Safety, Interior/MESA–10.

(7) Employee Conduct Investigations, Interior/MESA–4.

(8) Employee Financial Irregularities, Interior/NPS–17.

(9) Trespass Cases, Interior/Reclamation–37.

(10) Litigation, Appeal and Case Files System, Interior/Office of the Solicitor–1 to the extent that it consists of investigatory material compiled for law enforcement purposes.

(c) *Investigatory records exempt under 5 U.S.C. 552a(k)(5).* Pursuant to 5 U.S.C. 552a(k)(5), the following systems of records have been exempted from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these subsections:

(1) Applicant Files System, Interior/Office of the Secretary—29.

(2) National Research Council Grants Program, Interior/GS–9.

[FR Doc.75–25580 Filed 9–25–75;8:45 am]

Title 45—Public Welfare
CHAPTER VI—NATIONAL SCIENCE FOUNDATION
PART 613—PRIVACY ACT REGULATIONS
Implementation

This addition to Chapter VI of Title 45 of the Code of Federal Regulations implements 5 USC 552a(f) by setting forth rules and procedures for notification of the existence of records, obtaining copies of records and correction of records under the Privacy Act of 1974. A proposed regulation was published for comment in the FEDERAL REGISTER on July 29, 1975, 40 FR 31811, but no comments were received from members of the public. Any changes from the proposed regulation are editorial in nature, except that a few minor revisions have been made to § 613.3(a), including some changes in the list of systems requiring positive identification.

Section 613.6 exercises the Foundation's right to exempt certain investigatory materials from disclosure. The Foundation is claiming an exemption under 5 USC 552a(k)(5) with respect to the identity of persons supplying references for applicants for various types of NSF fellowships. Fellowships are considered to fall within the class of activities described in 5 USC 552a(k)(5), and it is considered imperative that reference reports be provided on a confidential basis. In practice, the exercise of this exemption will often require the withholding of the actual reference reports since the comments will in many cases reflect the identity of the reference. Confidentiality is needed to ensure that references are given with complete candor.

The Foundation is also claiming an exemption with respect to the identity of references of persons seeking employment with the Foundation. The reasons for this are substantially the same as maintaining fellowship references in confidence—the need for candor in response.

These regulations shall be effective on September 27, 1975.

Chapter VI of Title 45 of the Code of Federal Regulations is amended as follows:

1. The table of parts is revised to add the following entry: "613 Privacy Act Regulations"

2. Part 613 is added to read as follows:

Sec.
613.1 Purpose and scope.
613.2 Procedures for notification of existence of records pertaining to Individuals.
613.3 Procedures for requests for access to or disclosure of records pertaining to an individual.
613.4 Correction of records.
613.5 Disclosure of records to agencies or persons other than the individual to whom the record pertains.
613.6 Exemptions.

AUTHORITY: 5 USC 552a(f).

§ 613.1 Purpose and scope.

This part sets forth the National Science Foundation procedures under the Privacy Act of 1974 as required by 5 USC 552a(f). Internal guidance for NSF staff and other regulations implementing the Privacy Act are contained or will be contained in NSF Circulars.

§ 613.2 Procedures for notification of existence of records pertaining to individuals.

(a) The systems of records, as defined in the Privacy Act of 1974, maintained by the National Science Foundation are listed annually in the FEDERAL REGISTER as required by that Act. Any person who wishes to know whether a system of records contains a record pertaining to him may either appear in person at the NSF Management Analysis Office at 1800 G St., NW., Washington, D.C. 20550, on work days between the hours of 8:30 a.m. and 5:00 p.m. or may write to the NSF Privacy Act Officer, Assistant Director for Administration, National Science Foundation, Washington, D.C. 20550. It is recommended that requests be made in writing, since in many cases it will take several days to ascertain whether a record exists.

(b) Requests for notification of the existence of a record should specifically identify the system of records involved and should state, if the requester is other than the individual to whom the record pertains, the relationship of the requester to that individual. (Note that requests will not be honored by the Foundation pursuant to the Privacy Act unless made (1) by the individual to whom the record pertains, (2) by such individual's parent if the individual is a minor, or (3) by such individual's legal guardian if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction). In cases where the NSF Notice of the System appearing in the Federal Register states that the system location is decentralized the special instruction in such notice pertaining to "Notification" and "Access" and "Content" must be followed.

(c) The Foundation will attempt to respond to a request as to whether a record exists within 10 working days from the time it receives the request or from the time any required identification is established, whichever is later.

§ 613.3 Procedures for requests for access to or disclosure of records pertaining to an individual.

(a) Any person may request review of records pertaining to him by appearing at the NSF Management Analysis Office at 1800 G Street, NW, Washington, D.C. on work days between the hours of 8:30 a.m. and 5:00 p.m. or by writing to the NSF Privacy Act Officer, Assistant Director for Administration, NSF, Washington, D.C. 20550. (See (b) and (c), below, for identification requirements.) The request should specifically identify the systems of records involved, and the request should include any special information specified in the notice of the system under "Notification" and "Access and Contest." The Foundation will strive either to make the record available within 15 working days of the request or to inform the requester of the need for additional identification or the tendering of fees (as specified in § 613.4(e)) within 15 working days; except that if the request for access was not preceded by a notification request as provided in § 613.2, then the 15-day period shall not begin until after such time as it has been determined that the record exists.

(b) In the case of persons making requests by apearing at the Foundation the amount of personal identification required will of necessity vary with the sensitivity of the record involved. Except as indicated below reasonable identification such as employment identification cards, drivers licenses, credit cards will normally be accepted as sufficient evidence of identity in the absence of any indications to the contrary. Records in the following systems of records, however, are considered to contain relatively sensitive and/or detailed personal information—

Applicants to Committee on the Challenges of Modern Society Fellowship Program (NATO);
Applicants for Employment;
Confidential Statements of Employment and Financial Interests;
Congressional Contact Files;
Doctorate Records File;
Earnings and Tax Statements;
Employee Grievance and Appeals File;
Employee Payroll Jackets;
Equal Employment Opportunity Case File;
Fellowship and Traineeship Filing System;
Grants to Individuals;
Health Service Medical Records;
Intergovernmental Personnel Act Grant Jackets;
Manpower Management Subsystem;
Medical Examination Records for Service in Antarctica;
Minority Applicants for Employment;
Nominees for and Recipients of the National Medal of Science;
NSF Payroll System;
Official Passports;
Official Personnel Folders;
Presidential Internships in Science and Engineering;
Science Education Participant Information Subsystem;
Separated Employees Service Record (SF7);
Student Science Training Program Participant Information;
Time and Attendance Reports; and
U.S. Antarctic Research Program Personal Information.

Accordingly, with respect to requests for records in these systems the Foundation reserves the right to require sufficient identification to identify positively the individual making the request. This might involve independent verification by the Foundation as by phone calls to determine whether an individual has made a request, personal identification by Foundation employees who know the individual, or such other means as are considered appropriate under the circumstances.

(c) A written request will be honored only if it contains the following certification before a duly commissioned notary public of any state or territory (or similar official if the request is made outside the United States):

I, _____, do hereby certify that I am the individual about whom the record requested in this letter pertains or that I am within the class of persons authorized to act on his behalf in accordance with 5 USC 552a(h).

(Printed Name)

_____
(Signature)

_____
(Date)

In the County of _____
State of _____
On this _____ day of _____, 19__,

_____
(Name of Individual)

who is personally known to me, did appear before me and sign the above certificate.

_____
(Signature)

_____
(Date)

(S) My commission expires_____.

However, where the record requested is contained in any of the systems of records listed in paragraph (b) of this section, the Foundation reserves the right to require additional identification and/or to independently verify to its satisfaction the identity of the requester.

(d) Charges for copies of records will be at the rate of $0.10 per photocopy of each page. Where records are not susceptible to photo-copying, e.g., punch cards, magnetic tapes or oversize materials, the amount charged will be actual cost as determined on a case-by-case basis. Only one copy of each record requested will be supplied. No charge will be made unless the charge as computed above would exceed $3.00 for each request or related series of requests. If a fee in excess of $25.00 would be required, the requester shall be notified and the fee must be tendered before the records will be copied.

§ 613.4 Correction of Records.

(a) Any individual is entitled to request amendments of records pertaining to him pursuant to 5 U.S.C. 552a(d)(2). Such a request shall be made in writing and addressed to the Privacy Act Officer, Assistant Director for Administration, National Science Foundation, Washington, D.C. 20550.

(b) The request should specify the record and systems of records involved, and should specify the exact correction desired and state that the request is made pursuant to the Privacy Act. An edited copy of the record showing the desired correction is desirable. Within 10 working days of the receipt of a properly addressed request (or within 10 working days of the time the Privacy Act Officer becomes aware that a particular communication not addressed as prescribed above is a request for correction of a record under the Privacy Act), the Privacy Act Officer shall acknowledge receipt of the request.

(c) The Privacy Act Officer upon the receipt of such a request shall promptly confer with the Directorate or office within the Foundation responsible for the record. In the event it is felt that correction is not warranted in whole or in part, the matter shall be brought to the attention of the General Counsel. If, after review by the General Counsel and discussion with the requester if deemed helpful, it is determined that correction as requsted is not warranted, a letter shall be sent by the Privacy Act Officer to the requester denying his request and/or explaining what correction might be made if agreeable to the requester. This letter shall set forth the reasons for the refusal to honor the request for correction. It shall also inform him of his right to appeal this decision and include a description of the appeals procedure set forth in paragraph (d), of this section.

(d) An appeal may be taken from an adverse determination under paragraph (c) of this section, to the Deputy Director of the Foundation. Such appeal must be made in writing and should clearly indicate that it is an appeal. The basis for the appeal should be included, and it should be mailed to the same address as listed in paragraph (a) of this section. A hearing at the Foundation may be requested. Such hearing will be informal,

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and shall be before the Deputy Director or his designee. If no hearing is requested, the request for appeal should include the basis for the appeal. Where no hearing is requested the Deputy Director shall render his decision within thirty working days after receipt of the written appeal at the Foundation unless the Director, for good cause shown, extends the 30-day period and the appellant is advised in writing of such extension. If a hearing is requested, then the Foundation will attempt to contact the appellant within five working days and arrange a suitable time for the hearing. In such cases the decision of the Deputy Director shall be made within 30 working days after the hearing unless the time is extended and the appellant is advised in writing of such extension.

(e) The final decision of the Deputy Director in an appeal shall be in writing and, if adverse to the appellant, set forth the reasons for the refusal to amend the record and advise him of his right to appeal the decision under 5 U.S.C. 552a(g)(1)(A). The individual shall also be notified that he has the right to file with the Foundation a concise statement setting forth the reasons for his disagreement with the refusal of the Foundation to amend his record.

§ 613.5 Disclosure of records to agencies or persons other than the individual to whom the record pertains.

Records subject to the Privacy Act that are requested by any person other than the individual to whom they pertain will not be made available except under the following circumstances:

(a) Records required to be made available by the Freedom of Information Act will be released in response to a request formulated in accordance with NSF regulations found at 45 CFR Part 612.

(b) Records not required by the Freedom of Information Act to be released may be released, at the discretion of the Foundation, if the written consent of the individual to whom they pertain has been obtained or if such release would be authorized under 5 USC 552a(b)(1) or (3)-(11).

§ 613.6 Exemptions.

(a) *Fellowships.* Pursuant to 5 USC 552a(k)(5), the Foundation hereby exempts from the application of 5 USC 552a(d) any materials which would disclose the identity of references of fellowship applicants contained in any of the following systems of records: (1) Fellowship and Traineeship Filing System and (2) Applicants to Committee on the Challenges of Modern Society Fellowship Program (NATO).

(b) *Applicants for Employment.* Pursuant to 5 USC 552a(k)(5), the Foundation hereby exempts from the application of 5 USC 552a(d) any materials which would disclose the identity of references of applicants for employment at NSF contained in the system of records entitled "Official Personnel Folders."

H. GUYFORD STEVER,
Director.

[FR Doc.75-25[illegible] Filed 9-25-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1053; Docket No. 20563]

PART 0—COMMISSION ORGANIZATION

Rules to Implement the Privacy Act of 1974

1. A Notice of Proposed Rule Making in this proceeding was released on August 5, 1975 (FCC 75-920, 40 FR 33239, August 7, 1975). The Notice proposed rules to implement the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a. Because no comments on the proposed rules were filed, they are hereby adopted as proposed. The final rules are set out below.

2. Authority for the rules is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a.

3. In view of the foregoing, *It is ordered*, effective September 27, 1975, That the amendments to Part 0 of the Rules set out below are adopted.

Secs. 4, 303, 49 Stat. as amended, 1066, 1082; (47 U.S.C. 154, 303.)

Adopted: September 17, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, a new Subpart E is added, to read as follows:

Subpart E—Privacy Act Regulations

§ 0.551 Purpose and scope; definitions.

(a) The purpose of this subpart is to implement the Privacy Act of 1974, 5 U.S.C. 552(a), and to protect the rights of the individual in the accuracy and privacy of information concerning him which is contained in Commission records. The regulations contained herein cover any group of records under the Commission's control from which information about individuals is retrievable by the name of an individual or by some other personal identifier.

(b) In this subpart:

(1) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(2) "Record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including but not limited to, his education, financial transactions, medical history, and criminal or employment history, and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph;

(3) "System of Records" means a group of records under the control of the Commission from which information is retrievable by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(4) "Routine Use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;

(5) "System Manager" means the Commission official responsible for the storage, maintenance, safekeeping, and disposal of a system of records.

§ 0.552 Notice identifying Commission systems of records.

The Commission annually publishes in the FEDERAL REGISTER a notice listing systems of records currently maintained by the Commission, including for each system of records:

(a) The name and location of the system;

(b) The categories of individuals on whom records are maintained in the system;

(c) The categories of records maintained in the system;

(d) Each routine use of the records contained in the system, including the categories of users and the purposes of such use;

(e) The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(f) The title and business address of the system manager;

(g) The address of the agency office to which inquiries should be addressed and the addresses of locations at which the individual may inquire whether a system contains records pertaining to himself;

(h) The agency procedures whereby an individual can be notified how access can be gained to any record pertaining to that individual contained in a system of records, and the procedure for correcting or contesting its contents; and

(i) The categories of sources of records in the system.

§ 0.553 New uses of information.

Before establishing a new routine use of a system of records, the Commission will publish a notice in the FEDERAL REGISTER of its intention to do so, and will provide at least 30 days for public comment on such use. The notice will contain:

(a) The name of the system of records for which the new routine use is to be established;

(b) The authority for the system;

(c) The categories of records maintained;

(d) The proposed routine use(s); and

(e) The categories of recipients for each proposed routine use.

§ 0.554 Procedures for requests pertaining to individual records in a system of records.

(a) Upon request, the Commission will notify an individual as to whether it maintains information about him or her in a system of records and, subject to the provisions of § 0.555(b), will disclose the substance of such information to that individual. In order to properly request notification or access to record information, reference must be made to the Notice described in § 0.552. A table of contents, which is alphabetized by bureau or office, precedes the system descriptions and allows members of the public to easily identify record systems of interest to them. An individual may inquire into information contained in any or all systems of records described in the Notice. However, each inquiry shall be limited to information from systems located within a single bureau or office and shall be addressed to that bureau or office.

(b) Reasonable identification is required of all individuals making requests pursuant to Paragraph (a) of this section in order to assure that disclosure of any information is made to the proper person.

(1) An individual who chooses to register a request for information in person may verify his or her identity by showing any two of the following: social security card; drivers license; employee identification card; medicare card; birth certificate; bank credit card; or other positive means of identification. Documents incorporating a picture and/or signature of the individual shall be produced if possible. If an individual can provide no suitable document for identification, he will be required to sign a statement asserting his identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5,000.

NOTE: An individual's refusal to disclose his social security number shall not constitute cause in and of itself, for denial of a request.

(2) All requests for record information sent by mail shall be signed by the requestor and shall include his printed name, current address and telephone number (if any). Commission officials receiving such requests will attempt to verify the identity of the requestor by comparing his or her signature to those in the record. If the record contains no signatures and if positive identification cannot be made on the basis of other information submitted, the requestor will be required to sign a statement asserting his identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine of up to $5000.

(3) If positive identification cannot be made on the basis of the information submitted, and if data in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom the record pertains, the Commission reserves the right to deny access to the record pending the production of additional more satisfactory evidence of identity.

NOTE: The Commission will require verification of identity only where it has determined that knowledge of the existence of record information or its substance is not subject to the public disclosure requirements of the Freedom of Information Act, 5 U.S.C. 552, as amended.

(c) All requests for notification of the existence of record information or for access to such information shall be delivered to the business address of the system manager responsible for the system of records in question, except that requests relating to official personnel records shall be addressed to the Chief, Personnel Division. Such addresses can be found in the Notice described in § 0.552.

(d) A written acknowledgement of receipt of a request for notification and/or access will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual making the request. Such an acknowledgement may, if necessary, request any additional information needed to locate a record. A search of all systems of records identified in the individual's request will be made to determine if any records pertaining to the individual are contained therein, and the individual will be notified of the search results as soon as the search has been completed. Normally, a request will be processed and the individual notified of the search results within 30 days (excluding Saturdays, Sundays, and legal holidays) from the date the inquiry is received. However, in some cases, as where records have to be recalled from Federal Record Centers, notification may be delayed. If it is determined that a record pertaining to the individual making the request does exist, the notification will state approximately when the record will be available for personal review. No separate acknowledgement is required if the request can be processed and the individual notified of the search results within the ten-day period.

§ 0.555 Disclosure of record information to individuals.

(a) An individual having been notified that the Commission maintains a record pertaining to him or her in a system of records may request access to such record in one of three ways: by in person inspection at the system location; by transfer of the record to a nearer location; or by mail.

(1) Individuals who wish to review their records at the system location must do so during regular Commission business hours (8:00 a.m.-4:30 p.m., Monday through Friday). For personal and administrative convenience, individuals are urged to arrange to review a record by appointment. Preferences as to specific dates and times can be made by writing or calling the system manager responsible for the system of records in question at least two days in advance of the desired appointment date, and by providing a telephone number where the individual can be reached during the day in case the appointment must be changed. Verification of identity is required as in § 0.554(b)(1) before access will be granted an individual appearing in person. Individuals may be accompanied by a person of his or her own choosing when reviewing a record. However, in such cases, a written statement authorizing discussion of his or her record in the presence of the accompanying person must be furnished. In addition, any disclosure of original Commission records must take place in the presence of a Commission representative having physical custody of the records.

(2) Individuals may request that a record be transferred to a Commission field office or installation in the vicinity of his or her home and that access be granted at that location. The addresses of Commission field offices are listed in § 0.121. A request to transfer records must specify the exact location where the records should be sent and a telephone number to call when the information is available for review at the field location. Paragraph (a)(1) of this section regarding personal appointments, verification of identity accompanying persons, and disclosure of original records applies equally to this paragraph.

(3) Individuals may request that copies of records be sent directly to them. In such cases, the individual must verify his or her identity as in § 0.554(b)(2) and provide an accurate return address. Records shall be sent only to that address.

(b) The disclosure of record information under this section is subject to the following limitations:

(1) Records containing medical information pertaining to an individual are subject to individual access under this section unless, in the judgment of the system manager having custody of the records after consultation with a medical doctor, access to such record information could have an adverse impact on the individual. In such cases, a copy of the record will be delivered to a medical doctor named by the individual.

(2) Classified material, investigative material compiled for law enforcement purposes, investigatory material compiled solely for determining suitability for federal employment or access to classified information, and certain testing or examination material shall be removed from the records to the extent permitted in the Privacy Act of 1974, 5 U.S.C. 552(a). Section 0.561 of this subpart sets forth the systems of records maintained by the Commission which are either totally or partially exempt from disclosure under this subparagraph.

(c) No fee will be imposed if the number of pages of records requested is 25 or less. Requests involving more than 25 pages shall be submitted to the duplicating contractor (see § 0.456(a)).

(d) The provisions of this section in no way give an individual the right to access any information compiled in reasonable anticipation of a civil action or proceeding.

§ 0.556 Request to correct or amend records.

(a) An individual may request the amendment of information contained in his or her record. Except as otherwise provided in this paragraph, the request to amend should be submitted in writing to the system manager responsible for the records. Requests to amend the official personnel records of active FCC employees should be submitted to the Chief,

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Personnel Division, Office of Executive Director, 1919 M Street NW., Washington, D.C. 20554. Requests to amend official personnel records of former FCC employees should be sent to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415. Any request to amend should contain, as a minimum:

(1) The identity verification information required by § 0.554(b)(2) and the information needed to locate the record as required by § 0.554(a).

(2) A brief description of the item or items of information to be amended; and

(3) The reason for the requested change.

(b) A written acknowledgement of the receipt of a request to amend a record will be provided within 10 days (excluding Saturdays, Sundays, and legal public holidays) to the individual requesting the amendment. Such an acknowledgement may, if necessary, request any additional information needed to make a determination. There will be no acknowledgement if the request can be reviewed, processed, and the individual notified of compliance or denial within the 10 day period.

(c) The responsible system manager or, in the case of official personnel records of active FCC employees, the Chief, Personnel Division, shall (normally within 30 days) take one of the following actions regarding a request to amend:

(1) If the system manager agrees that an amendment to the record is warranted, he shall:

(i) So advise the individual in writing;

(ii) Correct the record in compliance with the individual's request; and

(iii) If an accounting of disclosures has been made, advise all previous recipients of the fact that the record has been corrected and of the substance of the correction.

(2) If the system manager, after an initial review, does not agree that all or any portion of the record merits amendment, he shall:

(i) Notify the individual in writing of his refusal to amend and the reasons therefore;

(ii) Advise the individual that he may seek further administrative review of the initial decision by the full Commission pursuant to the procedures set forth in § 0.557. (In cases where the request to amend involves official personnel records, review is available exclusively from the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, Washington, D.C. 20415); and

(iii) Inform the individual of the procedures for requesting Commission review pursuant to § 0.557.

(d) In reviewing a record in response to a request to amend, the system manager shall assess the accuracy, relevance, timeliness, or completeness of the record in light of each data element placed into controversy and the use of the record in making decisions that could possible affect the individual. Moreover, he shall adjudge the merits of any request to delete information based on whether or not the information in controversy is both relevant and necessary to accomplish a statutory purpose required of the Commission by law or executive order of the President.

§ 0.557 Administrative review of an initial decision not to amend a record.

(a) An individual has 30 days from the date of the determination not to amend a record consistent with his or her request to seek further administrative review by the full Commission. Such a request shall be in writing and should be addressed to either the system manager who made the initial adverse decision, or, in the case of official personnel records of active FCC employees, to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, Washington, D.C. 20415. Any request for administrative review must:

(1) Clearly identify the questions presented for review (e.g., whether the record information in question is, in fact, accurate; whether information subject to a request to delete is relevant and necessary to the purpose for which it is maintained);

(2) Specify with particularity why the decision reached by the system manager is erroneous or inequitable; and

(3) Clearly state how the record should be amended or corrected.

(b) The Commission shall conduct an independent review of the record in controversy using the standards of review set out in § 0.556(d). It may seek such additional information as is necessary to make its determination. Final administrative review shall be completed not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date on which the individual requests such review unless the Chairman determines that a fair and equitable review cannot be made within the 30 day period. In such event, the individual will be informed in writing of the reasons for the delay and the approximate date on which the review is expected to be completed.

(c) If upon review of the record in controversy the Commission agrees with the individual that the requested amendment is warranted, the Commission will proceed in accordance with § 0.556(c)(i)–(iii).

(d) If after the review, the Commission also refuses to amend the record as requested, it shall:

(1) Notify the individual in writing of its refusal and the reasons therefore;

(2) Advise the individual of his or her right to file a concise statement of the reasons for disagreeing with the decision of the Commission;

(3) Inform the individual:

(i) That such a statement should be signed and addressed to the system manager having custody of the record in question;

(ii) That the statement will be made available to any one to whom the record is subsequently disclosed together with, at the Commission's discretion, a summary of its reasons for refusing to amend the record; and

(iii) That prior recipients of the record will be provided a copy of the statement of dispute to the extent that an accounting of such disclosures is maintained; and

(4) Advise the individual of his or her right to seek judicial review of the Commission's decision not to amend the record in any district court of the United States.

§ 0.558 Advice and assistance.

Individuals who have questions regarding the procedures contained in this subpart for gaining access to a particular system of records or for contesting the contents of a record, either administratively or judicially, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission, Office of General Counsel, 1919 M Street NW., Washington, D.C. 20554.

Individuals who request clarification of the Notice described in § 0.552 or who have questions concerning the characterization of specific systems of records as set forth therein, should write or call the Privacy Liaison Officer at the following address:

Federal Communications Commission, Records Management Division, Office of Executive Director, 1229 20th Street NW., Washington, D.C. 20554.

§ 0.559 Disclosure of disputed information to persons other than the individual to whom it pertains.

If the Commission determines not to amend a record consistent with an individual's request, and if the individual files a statement of disagreement pursuant to § 0.557(d)(2), the Commission shall clearly annotate the record so that the disputed portion becomes apparent to anyone who may subsequently have access to, use or disclose the record. A copy of the individual's statement of disagreement shall accompany any subsequent disclosure of the record. In addition, the Commission may include a brief summary of its reasons for not amending the record when disclosing the record. Such statements become part of the individual's record for granting access, but are not subject to the amendment procedures of § 0.556.

§ 0.560 Penalty for false representation of identity.

Any individual who knowingly and willfully requests or obtains under false pretenses any record concerning an individual from any system of records maintained by the Commission shall be guilty of a misdemeanor and subject to a fine of not more than $5,000.

§ 0.561 Exemptions.

The following systems of records are totally or partially exempt from Subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552(a), and from §§ 0.554–0.557 of this subpart:

(a) System name: Radio Operator Records—FCC. Parts of this system of records are EXEMPT pursuant to Section (k)(2) of the Act because they contain investigatory material compiled solely for law enforcement purposes.

(b) System name: Violators File (records kept on individuals who have been subjects of FCC field enforcement actions)—FCC. Parts of this system of records are EXEMPT because they are maintained as a protective service for individuals described in Section 3056 of title 18, and because they are necessary for Commission employees to perform their duties, pursuant to Sections (k)(1), (2), and (3) of the Act.

(c) System name: Investigations involving Broadcast Owners, officers, employees—FCC.

(1) Hearing Division case file (includes information furnished by witnesses, complainants, informants)—FCC.

(2) Attorney Misconduct Files—FCC. This system of records is EXEMPT pursuant to Section 3(k)(2) of the Act because it is maintained for law enforcement purposes.

(d) *System name:* Complaints against Broadcast Stations, Licensees, Officers, Employees—FCC.

(1) Communications Interception—§ 605—FCC.

(2) Alleged Violators File (United States District Court Enforcement Actions)—FCC.

(3) Alleged Violators File (Ex Parte Rules)—FCC.

(4) Licensees or Unlicensed Persons Operating Radio Equipment Improperly—FCC.

Part of this system of records are EXEMPT pursuant to Section 3(k)(2) of the Act because they embody investigatory material compiled solely for law enforcement purposes.

(e)(1) *System name:* Personnel Investigations of Members of Advisory Committee (Maritime Communications Subcommittee, National Industry Advisory Committee)—FCC.

(2) *System name:* Personnel Investigations of Employees—FCC.

Parts of these systems of records are exempt because they embody investigatory material pursuant to sections 3(k)(2) and 3(k)(5) of the Act as applicable.

[FR Doc.75-25758 Filed 9-25-75;8:45 am]

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DEPARTMENT OF DEFENSE

Defense Intelligence Agency

[32 CFR Part 292a]

PRIVACY ACT OF 1974

Notice of Proposed Rulemaking; Correction

In FR Doc 75-22203 published in the FEDERAL REGISTER (40 FR 37516) of August 26, 1975, setting forth the Notice of Proposed Rulemaking as prescribed by the Privacy Act of 1974, within the Defense Intelligence Agency, the following Defense Intelligence Agency change is required:

32 CFR Part 292a, § 292a.23, *Specific Exemptions*, paragraph (e) ID—Manual L DIA 0291 is amended to read:

(e) ID—Manual L DIA 0271.

Amendment required due to clerical error.

NOTE: This correction is incorporated in the rulemaking document for 32 CFR 292a appearing elsewhere in this Part II of the issue.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 18, 1975.

[FR Doc.75-25754 Filed 9-25-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 9]

PRIVACY ACT REGULATIONS

Notice of Proposed Exemptions

Notice is hereby given that the Nuclear Regulatory Commission is proposing exemptions as provided under the Privacy Act of 1974 (5 U.S.C. 552a(k)). These proposed exemptions are in addition to those proposed exemptions in § 9.95 of the Commission's proposed regulations implementing the Privacy Act published in the FEDERAL REGISTER on August 12, 1975 (40 FR 33833). Specific exemptions from the requirements of the Privacy Act pertaining to accounting for disclosure of records to an individual named in the record, access of individuals to records containing information pertaining to them, maintenance of information on individuals only relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or Executive Order, notice of agency procedures whereby an individual can be notified at his request if a records system contains a record pertaining to him, and how he can gain access to such record and contest its content, notice of sources of records in records systems and promulgation of rules such as those which follow are proposed for portions of:

(A) Protection Support Files and Associated Records;

(B) Personnel Security Files and Associated Records; and

(C) Information Security Files and Associated Records.

The proposed exemptions for portions of the above systems of records are intended to prevent access to records that contain information specifically authorized under Executive Order (E.O. 11652) to be kept secret in the interest of national defense and foreign policy and, to protect the identity of confidants who provide information under an expressed or implied promise of confidentiality.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, as amended, notice is hereby given that adoption of the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 9, is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by October 28, 1975. Copies of comments received will be available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

1. New § 9.95 (k), (l), and (m) are added to read as follows:

§ 9.95 Specific exemptions.

Pursuant to 5 U.S.C. 552a(k), portions of the following NRC systems of records are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4)(G), (H) and (I) and (f) and are subject to the provisions of § 9.61 of this part.

* * * * *

(k) Protection support files and associated records.

(l) Personnel security files and associated records.

(m) Information security files and associated records.

AUTHORITY: Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552a.

Dated at Washington, D.C., this 23rd day of September, 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-25760 Filed 9-25-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PRIVACY ACT OF 1974

Adoption of Systems of Records Notices

By notice published in the FEDERAL REGISTER on September 5, 1975 (40 FR 41432-41507), the Department of the Interior proposed adoption of 205 notices describing systems of records which it maintains which are subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

Comments were solicited on this first group of notices with a deadline for submission of September 17, 1975. No comments have been received on these notices.

A review of the notices by the Department indicated, however, a need to correct errors or omissions in some of the notices. Additionally, it is necessary to revise some notices to reflect adoption of the Department's Privacy Act regulations which exempt certain systems of records from specified provisions of the Act.

The revisions necessitated by adoption of the Department's regulations are as follows:

The proposed notices for the Investigative Case File System (Interior/FWS—20), and the Law Enforcement Statistical Reporting System (Interior/NPS—19) indicated that these systems were proposed for exemption from specified portions of the Privacy Act under the authority of 5 U.S.C. 552a(j)(2). Since a regulation exempting these systems has now been adopted, the "Systems exempted from certain provisions of the act" paragraph of each notice is revised to read: Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR, Part 2, Subpart C, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10) and (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR, Part 2, Subpart C implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

Similarly, the proposed notices for the Investigative Records System (Interior/Office of the Secretary—6), the Permits System (Interior/FWS—21), the Criminal Case Investigation System (Interior/BLM—18), the Civil Trespass Case Investigations System (Interior/BLM—19), the Employee Conduct Investigations System (Interior/BLM — 20), the Employee Conduct Investigations System (Interior/MESA—4), the Employee Financial Irregularities (Interior/NPS—17) and the Trespass Cases System (Interior/Reclamation—37) indicated that each was proposed for exemption from specified portions of the Act under the authority of 5 U.S.C. 552a(k)(2). The "System exempted from certain portions of the act" paragraph of these notices is revised as follows to reflect the regulation: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

The proposed notice for the Litigation, Appeal and Case Files System (Interior/Office of the Solicitor—1) indicated that the system was proposed for exemption from specified portions of the Act under the authority of 5 U.S.C. 552a(k)(2) to the extent that it consists of investigative material compiled for law enforcement purposes. This system has also now been exempted by a Department regulation and the "System exempted from certain provisions of the act" paragraph is revised to read: Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system (to the extent that it consists of investigatory material compiled for law enforcement purposes) from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) and the portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

Finally, the proposed notices for the Applicant Files System (Interior/Office of the Secretary—29) and National Research Council Grants Program (Interior/GS-9) indicated that these systems were proposed for exemption under the authority of 5 U.S.C. 552a(k)(5). A regulation exempting these systems has been adopted and the "Systems exempted from certain provisions of the act" paragraph of the notices for the systems is revised to read: Under the specific exemption authority of 5 U.S.C. 552a(k)(5), the Department of the Interior has adopted a regulation (43 CFR 2.79(c)) which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) to the extent that the system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

Other modifications in the notices published on September 5, 1975, are as follows:

1. The address cited for the system manager of the Financial Interest Statements and Ethics Counselor Decisions System (Interior/Office of the Secretary—4) was incomplete. The "System Manager" paragraph of this notice is revised to read: Department Ethics Counselor, Office of Audit and Investigation, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

2. The "Authority for maintenance of the system" paragraph of the Safety Management Information System (Interior/Office of the Secretary—8) is revised to read: (1) 5 U.S.C. 7901, (2) 28 U.S.C. 2671-2680, (3) 31 U.S.C. 240-243, (4) Executive Order 11807 (1974), (5) 29 CFR 1960.

3. The system name for the Freedom of Information Files System (Interior/Office of the Secretary—10) is changed to Freedom of Information Appeals Files System to distinguish the system from the Freedom of Information Request Files System (Interior/Office of the Secretary—44). Additionally, the following second location is added to the "System location" paragraph of the notice: Office of Communications, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

4. The "Authority for maintenance of the system" paragraph of the Payroll, Attendance and Leave System (Interior/Office of the Secretary—11) is revised to read: 5 U.S.C. 5101, et seq.; 31 U.S.C. 66a.

5. The "Record source categories" paragraph of the notice for the Position Control System (Interior/Office of the Secretary—13) is revised by addition of the words "and employing offices" at the end thereof.

6. The system name for the Private Relief Claimants System (Interior/Office of the Secretary—17) is changed to Private Relief Claimants, Department System to distinguish the system from the Private Relief Claimants, Bureau System (Interior/Office of the Secretary—45). Additionally, the "Categories of records in the system" paragraph of the notice for the system is revised for purposes of clarification to read: Copies of relief bills and congressional committee reports, Departmental reports on bills, correspondence, comments of bureaus and offices.

7. The Chief, Division of Personnel Services, Office of Secretarial Operations was inadvertently omitted as a system manager for the Employee Experience, Skills, Performance and Career Development Records System (Interior/Office of the Secretary—24). The "System manager(s) and address" paragraph of the notice is accordingly revised to read: The Personnel Officer of each bureau of the Department for records maintained in his bureau. (See Appendix for addresses of bureau headquarters offices.) The Chief, Division of Personnel Services, Office of Secretarial Operations, U.S. Department of the Interior, 18th and C streets, NW., Washington, D.C. 20240 for records maintained by offices in the Office of the Secretary and the other Departmental offices.

To conform the "Contesting record procedures" paragraph to this change, the word "Bureau" is deleted from that paragraph.

The "Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system" paragraph of the notice is revised so that item (1) of the paragraph reads as follows: Storage—records are maintained in file folders or on pre-printed forms in file cabinets or on computer media.

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The "Notification procedure" paragraph of the notice is revised to read: An individual may inquire whether or not the system contains a record pertaining to him by contacting: The personnel officer and/or administrative officer servicing the facility where he is employed. See 43 CFR 2.60.

8. The notice for the Unfair Labor Practice Charges/Complaints System (Interior/Office of the Secretary—25) is revised by deletion of the words "management officials" from the "Record access procedures" paragraph and addition of these same two words at the end of the "Record source categories" paragraph.

9. The final three paragraphs of the notice for the Negotiated Grievance Procedure Files System (Interior/Office of the Secretary—26) were jumbled in printing. These paragraphs are revised to read as follows:

Record access procedures: A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Subject complainant, colleagues and supervisors of complainant and management officials.

10. The system name of the Automated Data Files System (Interior/Office of the Secretary—27) is changed to Personnel Data Files (Automated) System and item (2) of the "System manager(s) and address" paragraph of the notice describing the system is revised to read: (2) Bureau Systems: Bureau Personnel Officers. (See Appendix for addresses of bureau headquarters offices.)

11. The "Categories of records in the system" paragraph of the notice for the Emergency Loan Fund Committee Records System (Interior/Office of the Secretary—28) was erroneously titled "Categories of individuals covered by the system" and the text of the "Categories of individuals covered by the system" paragraph was omitted from the notice. The pertinent portion of the notice is revised to read as follows:

Categories of individuals covered by the system: Employees of the Department of the Interior who have applied for emergency loans.

Categories of records in the system: Contains the name, grade, and organization of person applying for a loan. Contains a statement of need for the loan written by the employee and endorsed by his supervisor. Contains a record of action taken by the Emergency Loan Committee, a schedule of repayments and a history of how repayment was accomplished.

12. The notice for the Applicant Files System (Interior/Office of the Secretary—29) is revised by addition of four locations and four system managers.

The additional locations added to the notice are: (4) Office of Land Use and Water Planning, U.S. Department of the Interior, 801—19th Street, NW., Washington, D.C. 20006. (5) Office of Minerals Policy Development, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (6) Office of Territorial Affairs, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (7) Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

The additional system managers added to the notice are: (4) For the Office of Land Use and Water Planning: Director, Office of Land Use and Water Planning, U.S. Department of the Interior, 801—19th Street, NW., Washington, D.C. 20006. (5) For the Office of Minerals Policy and Development: Director, Office of Minerals Policy Development, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (6) For the Office of Territorial Affairs: Director, Office of Territorial Affairs, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (7) For the Office of Water Research and Technology: Director, Office of Water Research and Technology, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

13. The notice for the Privacy Act Files System (Interior/Office of the Secretary—30) is revised by addition of a third item to the "System location" paragraph and addition of the "System manager(s) and address" paragraph, which was inadvertently omitted from the September 5 printing. Additionally, the notification, access and contest paragraphs of the notice are revised to reflect the addition of the additional item to the "System location" paragraph.

The additional item added to the "System location" paragraph is: (3) Offices of Systems Managers and other officials authorized to receive requests for notification and access and petitions for amendments. (See system notices for addresses.)

The "System manager(s) and address" paragraph, as revised, reads as follows: (1) For records in the Office of the Assistant Secretary—Management: Privacy Act Officer, Office of the Assistant Secretary—Management, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (2) For other records: Bureau Privacy Act Officers. (See Appendix for addresses of bureau headquarters offices.)

The notification, access and contest paragraphs, as revised, read:

Notification procedure: Inquiries regarding the existence of records should be addressed to any office or offices to which the requester has submitted a request for notification or an appeal. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access should be addressed to any office or offices to which the requester has submitted a request for access or an appeal. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

14. The "System manager(s) and address" paragraph was inadvertently omitted from the notice for the Litigation, Appeal and Case Files System (Interior/Office of the Solicitor—1). This paragraph reads: Administrative Officer, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

15. The routine uses, record management policy and practice, system manager and notification procedure paragraphs of the notice for the Claims Files System (Interior/Office of the Solicitor—2) were jumbled in printing. These paragraphs are revised to read as follows:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Adjudication of Tort, Federal Employee, Admiralty and Irrigation claims. (2) Transfer to another Federal agency or a State or local government body having partial or complete jurisdiction over the claim or related claims. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage—maintained in manual form in file folders. (2) Retrievability—indexed by name of claimant. (3) Safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal—claim and investigative material returned to operating bureau or office after completion of processing. Records of decision not authorized for disposal.

System manager(s) and address: Administrative Officer, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Notification procedure: System Manager or, with respect to records maintained in the office for which he is responsible, a Regional or Field Solicitor. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager or, with respect to the office for which he is responsible, a Regional or Field Solicitor. The request must meet the content requirements of 43 CFR 2.63.

16. In the sixth line of the "Categories of records in the system" paragraph of the notice for the Hearings and Appeals Files System (Interior/Office of Hearings and Appeal—1), the word "of" is changed to "by." In the "Authority for maintenance of the system" paragraph, everything appearing after "5 U.S.C. 301" in item (a) is deleted and the following is inserted in item (b) immediately before "56 Stat. 1021": amended, sec. 1, 38 Stat. 586, 42 Stat. 1185 as amended, secs. 1, 2,

The latter portion of this notice was jumbled in printing. To correct this error, everything appearing in the "Routine uses" paragraph of the notice beginning with the words "after completion of OHA functions" is deleted and the remaining paragraphs of the notice are revised as follows:

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage—maintained in manual form in file folders. (2) Retrievability—indexed by name of appellant, claimant, etc., and by OHA docket number. (3) Safeguards—maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal—case materials returned to operating bureau or office after completion of OHA functions. Records of decisions not authorized for disposal.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager or, with respect to records maintained in a field office for which it is responsible, an administrative law judge or chief administrative law judge in charge. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager or, with respect to records maintained in a field office for which he is responsible, an administrative law judge or chief administrative law judge in charge. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Records in the system include information submitted by the appellants, claimants, and other persons involved in the hearings and appeals proceedings, as well as by the Government.

System manager(s) and address: Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

17. For purposes of clarification, the notices for the Water Development Project and/or Effluent Discharge Permit Application Review System (Interior/FWS—7), the Fish Disease Inspection Report System (Interior/FWS—8), the Great Lakes Commercial Fisheries Catch Records System (Interior/FWS—14), the Animal Damage Control Authorization Records System (Interior/FWS—15), the Endangered Species Licensee System (Interior/FWS—19), and the Permits System (Interior/FWS—21) are revised by addition of the following to the "Categories of individuals covered by the system" paragraph of each notice: (Many of the records in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. These records are subject to the Privacy Act only to the extent that they reflect personal information. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

18. For purposes of clarification, the "Categories of records in the system" paragraph of the notice for the Labor Cost Information Records System (Interior/FWS—1) is revised to read: Contains time and cost data by organization, by employee.

19. The notice for the Travel Records System (Interior/FWS—2) is revised by adding a second location to the "System location" paragraph: (2) Input documents supplied by all facilities of U.S. Fish and Wildlife Service. (See Appendix for addresses.)

20. The notice for the Fish Tag Returns System (Interior/FWS—12) is revised by addition of the following to the "Notification procedures" paragraph: See 43 CFR 2.60 for submission requirements. The notice is further revised by addition of the following to the "Record access procedures" paragraph: See 43 CFR 2.63 for submission requirements.

21. The notice for the American Attitudes Toward Animals System (Interior/FWS—15) is revised by deletion of the second sentence from the "Categories of individuals covered by the system" paragraph.

22. The notice for the Waterfowl Hunter Attitude Study (Interior/FWS—16) is revised by deletion of the second routine use listed for the system.

23. The notice for the Payroll System (Interior/FWS—24) is revised by addition of 31 U.S.C. 66a as a second statute providing authority for maintenance of the system.

24. The notice for the Payroll, Attendance and Leave System (Interior/GS—1) is revised by addition of a second location to the "System location" paragraph: (2) Input documents supplied by all facilities of the U.S. Geological Survey. (See Appendix for addresses.)

25. The notice for the Property Loan Agreement Files System (Interior/BIA—1) is revised by addition of the following "Record source categories" paragraph, which had been inadvertently omitted: Employees, supervisors.

26. The notice for the Safety Management Information System (Interior/BIA—2) is revised by addition of the following authorities for maintenance of the system: 28 U.S.C. 2671–2680, 31 U.S.C. 240–243.

27. The heading for the "Contesting records procedures" paragraph of the notice for the Indian Land Records System (Interior/BIA—4) was inadvertently omitted; the text of this paragraph accordingly appeared as the final sentence of the preceding paragraph. The notice is revised to correct this error.

28. The heading for the "Categories of records in the system" paragraph of the notice for the Navajo-Hopi Joint Use Project (Interior/BIA—6) was inadvertently omitted. The notice is revised to correct this omission.

29. The notice for the Trip Reports System (Interior/BIA—15) is revised by addition of 25 U.S.C. 13 to the "Authority for maintenance of the system" paragraph.

30. The notice for the Payroll System (Interior/BIA—17) is revised by addition of 31 U.S.C. 66a to the "Authority for maintenance of the system" paragraph.

31. The "Contesting records procedures" paragraph of the notice for the Alaska Native Claims System (Interior/BLM—5) was inadvertently omitted. This paragraph reads: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

32. The notice for the Identification Cards and Passes System (Interior/BLM—11) is revised by modification of the "Authority for maintenance of the system" paragraph to read: 5 U.S.C. 301, 3101, 43 U.S.C. 12457.

33. The notice for the Safety Management Information System (Interior/BLM—13) is revised by addition of the following authorities for maintenance of the system: 28 U.S.C. 2671–2680, 31 U.S.C. 240–243.

34. The heading for the "System manager(s) and address" paragraph of the notices for the Mineral and Vegetal Material Sales System (Interior/BLM—16) was inadvertently omitted; the text of this paragraph accordingly appeared as the final sentence of the preceding paragraph. The notice is revised to correct this error.

35. The notice for the Payroll System (Interior/BLM—17) is revised by modification of the "Authority for maintenance of the system" paragraph to read: 5 U.S.C. 5101, et seq., 31 U.S.C. 66a.

36. The word "violated" is deleted from item (2) of the "Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system" paragraph of the notice for the Criminal Case Investigation System (Interior/BLM—18).

37. The notice for the Employee Conduct Investigations System (Interior/BLM—20) is revised by modification of the "Authority for maintenance of the system" paragraph to read: 5 U.S.C. 7301, 43 U.S.C. 11, Executive Order 11222.

38. The number for the Financial Management System should have been Interior/BLM—22, rather than Interior/BLM—2. The notice for the system is revised accordingly.

39. The "System location" paragraphs of the notices for the Payroll Records

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System (Interior/MESA—6) are revised by addition of the following second location: (2) Input documents supplied by all facilities of the Mining and Enforcement Safety Administration. (See Appendix for addresses).

40. The "Record source categories" paragraph was omitted from the notice for the Management Information System (Interior/NPS—3). This paragraph reads: Project and Regional Offices. Additionally, for purposes of clarity, the name of this system is changed to Land Acquisition Management Information System.

41. The paragraph heading for the "Routine uses" paragraph of the Travel Records System (Interior/NPS—4) was inadvertently omitted; as a result of this omission, the text of the paragraph appeared as part of the preceding paragraph. The notice is revised to correct these errors.

42. The notice for the National Park Service Historical Library System (Interior/NPS—7) is revised by addition of the words "and recollections of others" to the "Record source categories" paragraph.

43. The "Notification procedure" paragraph of the notice for the "Property and Supplies Accountability System" is modified by revision of the first sentence thereof to read: "Inquiries regarding the existence of records shall be addressed to the System Manager, or, with respect to the records for which they each is responsible, the Chief, Division of Contracting and Property Management at the Regional level.

The "Record access procedures" paragraph of the notice is modified by revision of the first sentence thereof to read as follows: A request for access may be addressed to the System Manager, or, with respect to the records for which each is responsible, the Chief, Division of Contracting and Property Management at the Regional level.

44. The "System manager(s) and address" paragraph was omitted from the notice for the Employee Financial Irregularities System (Interior/NPS—17). That paragraph reads: Chief Finance Officer, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

45. The heading for the "Record source categories" paragraph of the notice for the Congressional Correspondence System (Interior/BOR—1) was inadvertently omitted. The notice is revised to correct this omission.

46. The notice for the financial Management System (Interior/BOR—5) is revised by addition of 31 U.S.C. 66a to the "Authority for maintenance of the system" paragraph.

47. The notice for the Accounts Receivable System (Interior/Reclamation—2) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3, 4(j), 6 (a thru i) and 8 (a thru h).

48. The notice for the Attendance at Meetings System (Interior/Reclamation—3) is revised by addition of the following locations to item (3) of the "System location" paragraph: 3 (a thru l), 4(j), 6 (a thru i) and 8.

49. The notice for the Audiograms System (Interior/Reclamation—4), is revised by addition of the following locations to the "System location" paragraph: 3(a thru l), 4(j) and 6(a thru i). The notice is further revised by modification of item (4) of the "Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system" paragraph to read: (4) Disposal—in accordance with approved retention and disposal schedules.

50. The notice for the Claims System (Interior/Reclamation—5) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(f, j. 1), 4(j) and 6(a thru i).

51. The notice for the Collection Contracts System (Interior/Reclamation—6) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(a, b, g thru j), 5(a thru d), 6(a thru i), 8(a thru h) and 9(b, c, e).

52. The notice for the Concessions System (Interior/Reclamation—7) is revised by modification of item (2) of the "System location" paragraph to substitute 3(a, c, g, j) for 3(a thru f).

53. The notice for the Driver's License System (Interior/Reclamation—8) is revised by substitution of the number "2" for "3" in item (2) of the "System location" paragraph and by addition of the following locations to that paragraph: 4(j), 8.

54. The notice for the Identification Cards System (Interior/Reclamation—10) is revised by addition of the following location to item (2) of the "System location" paragraph: 4(j).

55. The notice for the Individual Record of Issues System (Interior/Reclamation—11) is revised by addition of the following second item to the "System location" paragraph: (2) Reclamation offices number 6 (a thru i) in Appendix. The notice is further revised by addition of the words "and upper Colorado Region" at the end of the "Categories of individuals covered by the system" paragraph.

56. The notice for the Irrigation Management System (Interior/Reclamation—13) is revised by modification of items (1) and (3) of the "Policies and practices" paragraph to read as follows: (1) Storage—on computer media. (3) Safeguards—maintained with safeguards meeting the requirements of 43 CFR 2.51 for computer and manual records.

57. The notice for the Land Exchange System (Interior/Reclamation—14) is revised by addition of the following locations to item (2) the "System location" paragraph: 3(a, c, g, j).

58. The notice for the Land Settlement Entries System (Interior/Reclamation—15) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(j) and 8(g).

59. The notice for the Litigation System (Interior/Reclamation—16) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(a, b, d, e, g, i, j) and 4(j).

60. The notice for the Lands-Leases, Sales, Rentals, and Transfers System (Interior/Reclamation—17) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(l), 4(j) and 8(a, b, c, g).

61. The notice for the Lease of Housing System (Interior/Reclamation—18) is revised by addition of the following locations to the "System location" paragraph: 3(f,1) and 8(a thru h).

62. The notice for the Mineral Location Entries System (Interior/Reclamation—19) is revised by deletion of item (3) from the "System location" paragraph.

63. The notice for the Moveable Property ADP Records System (Interior/Reclamation—20) is revised by addition of the following locations to the "system location" paragraph: 4(j) and 8(a thru h).

64. The notice for the Moveable Property Individual Responsibility System (Interior/Reclamation—21) is revised by modification of the "System location" paragraph to read: General Services Branch, Engineering and Research Center, P.O. Box 25007, Bldg. 67, Denver Federal Center, Denver, Colorado 80225.

65. The notice for the Oil and Gas Applications System (Interior/Reclamation—22) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3 (a through j) and 8 (a through h).

66. The notice for the Payroll, Attendance and Leave Records System (Interior/Reclamation—24) is revised by addition of 31 U.S.C. 66a to the "Authority for maintenance of the system" paragraph.

67. The notice for the Photographic Files System (Interior/Reclamation—26) is modified by addition of the following locations to the "System location" paragraph: 8 (a thru i).

68. The notice for the Real Property and Right-of-Way Acquisition System (Interior/Reclamation—28) is revised by addition of the following location to item (2) of the "System location" paragraph: 4(j).

69. The notice for the Right-of-Way Applications System (Interior/Reclamation—29) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3 (a thru j) and 8 (a thru h).

70. The notice for the Safe Driving Records System (Interior/Reclamation—30) is revised by addition of the following locations to item (2) of the "System location" paragraph: 4(j) and 8 (a thru h).

71. The notice for the Special Use Applications, Licenses, and Permits System (Interior/Reclamation—32) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(b, d, e, h, i) and 4(j).

72. The notice for the Speeches System (Interior/Reclamation—33) is revised by addition of the following locations to item (3) of the "System location" paragraph: 3(a thru l), 6(a thru i) and 9(a thru h).

73. The notice for the Travel Authorizations and Reports System (Interior/Reclamation—35) is revised by addition of the following location to item (2) of the "System location" paragraph: 4(j).

74. The notice for the Trespass Cases System (Interior/Reclamation—37) is revised by addition of the following location to item (2) of the "System location" paragraph: 3(h thru l).

75. The notices for the Water Rights Applications System (Interior/Reclamation—38) and the Water Rights Acquisition System (Interior/Reclamation—39) are revised by addition of the following locations of the "System location" paragraph: 3(a, c, g, h, j) and 4(j).

76. The notice for the Water Sales and Delivery Contracts System (Interior/Reclamation—40) is revised by deletion of location 3(f) from item (2) of the "System location" paragraph and by addition of location 4(j) to that paragraph.

77. The notice for the Permits System (Interior/Reclamation—41) is revised by addition of the following locations to item (2) of the "System location" paragraph: 3(d, g, i, j) and 6(a thru i).

78. The "Categories of individuals covered by the system" paragraph of the notice for the Payroll Files System (Interior/BPA—2) was inadvertently omitted. That paragraph reads: BPA annual and hourly employees. Additionally, item (11) under the "Routine uses" paragraph is revised to read: Transfer to the Department of the Treasury for issuance of checks and distribution of pay according to employee authorizations for savings bond allotments and other authorized purposes.

79. The notice for the Motor Vehicle Operator Identification Records System (Interior/BPA—5) is revised by addition of the word "appropriate" immediately preceding the words "agency or agencies" in item (3) of the "Routine uses" paragraph and by addition of the word "issuing" immediately preceding the word "officer" in item (4) of the "Policies and practices" paragraph.

80. Item (3) of the "Routine uses" paragraph of the notice for the Safety Training Files System (Interior/BPA—2) was not printed in full. This item reads: Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. Additionally, a portion of the address for the System manager was printed as part of the "Notification procedure" paragraph. The notice is revised to correct this error.

81. Item (7) of the "Routine uses" paragraph of the notice for the Plan Services Personal Accountability Property System (Interior/BPA—9) is revised by addition of the words "or potential violation" immediately preceding the words "of a statute."

82. The notice for the Administrative Management and Fiscal Records System (Interior/Southeastern Power—1) is revised by addition of the following to the "System manager(s) and address" paragraph: Samuel Elbert Building, Elberton, Georgia 30635.

Pursuant to the authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the system notices published in the FEDERAL REGISTER for September 5, 1975, are adopted with the revisions set forth above.

The Privacy Act takes effect on September 27, 1975. So that these notices will be in effect when the Act takes effect, good cause for waiving the 30-day waiting period for effectiveness exists and the notices, accordingly, will take effect on September 27, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 20, 1975.

[FR Doc.75-25581 Filed 9-25-75;8:45 am]

PRIVACY ACT OF 1974

System of Records Preface

Pursuant to the authority granted by 5 U.S.C. 301 and 552a and 43 U.S.C. 1460, the Department of the Interior hereby adopts a Preface and a Table of Contents to be included as part of the annual compilation of notices of systems of records subject to section 3 of the Privacy Act which is to be published by the Office of the Federal Register.

The Preface is based on the preamble which appeared with the notices of systems of records which the Department published in the FEDERAL REGISTER on September 5, 1975. (40 FR 41432–41433). The Preface outlines the principles which guided the Department in identifying records subject to the Act, in making decisions concerning the configuration of these records into systems of records, and in preparation of notices describing these systems.

The Table of Contents lists the system of records notices adopted by the Department, by bureau, and office. The Preface and Table of Contents are set forth below.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 20, 1975.

PREFACE

This Preface outlines the principles which guided the Department of the Interior in identifying records subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a, in making decisions concerning the configuration of these records into systems of records, and in preparation of notices describing these systems.

The provisions of section 3 of the Privacy Act apply generally to all "records" which are maintained in a "system of records." The term "record" is defined by the Act to mean "any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph." 5 U.S.C. 552a(a)(4). The term "individual," which is necessarily crucial in interpreting the term "record," is defined to mean "a citizen of the United States or an alien lawfully admitted for permanent residence." 5 U.S.C. 552a(a)(1). The term "system of records" means "a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual, 5 U.S.C. 552a(a)(5).

In synthesizing these three definitions, the Department, relying in part on guidelines for implementation of the Privacy Act published by the Office of Management and Budget in the FEDERAL REGISTER for July 9, 1975 (40 FR 38949–38978), developed several principles which it applied in considering the application of the Act to records in its files.

First, the Department concluded that the Act does not reach records concerning individuals acting in an entrepreneurial or proprietary capacity, as opposed to records containing personal information about individuals. This conclusion is based, in part, on the plain words of the definition of "individual." Natural persons may be citizens; artificial persons cannot. *Orient Ins. Co.* v. *Daggs*, 172 U.S. 557 (1869). Fictional business entities thus cannot be citizens. Information on such an entity, even though the entity may be closely tied with a natural person, is not "information about an individual." The Department's conclusion is reinforced by the legislative history of the Act. As pointed out and discussed in more detail in the OMB guidelines, the Senate Report states that the definition of individual is intended to "distinguish between the rights which are given to the citizen as an individual under this Act and the rights of proprietorships, businesses and corporations which are not intended to be covered by this Act." S. Rept. 1183, 93rd Cong., 2d Sess. 79 (1974).

Based on this conclusion, the Department has not included as systems collections of records appearing to pertain only to businesses (including sole proprietorships, partnerships, and corporations).

The Department recognizes, however, that in some instances records pertaining to very small business may have a dual character. Information concerning the finances of a sole proprietorship may also be personal financial information concerning the proprietor in his individual capacity. Because of this possibility, the Department has included as systems some collections of records which contain primarily entrepreneurial information, but which may contain some small amount of information which is personal in character. It is the Department's understanding that the collections of records covered by these systems notices are "systems" subject to the Act only to the extent that they contain personal information. The entrepreneurial component of the collections is not subject to the Act.

In a number of cases, notices for systems which contain primarily entrepre-

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neurial information contain a statement under the heading "Category of Individual" explaining the basis on which they were included. The absence of this statement from a notice should not, however, be read to infer or imply that entrepreneurial information covered by the notice is viewed by the Department as being subject to the Act.

Second, the Department concluded that collections of records containing personal information about individuals were not "systems" if that information is not retrieved by individual name or identifier. This reading seems to be the only one which can be given to the definition of "system of records."

Despite this conclusion, the Department has been liberal in deciding whether personal information "is" retrieved by individual name or identifier. Included among the Department's systems are several from which information can physically be retrieved by individual name, but for which there is no significant history of use of this capability. It was the Department's conclusion with respect to these systems that the potential for such retrieval ought to be viewed as bringing them within the Act because the information in the systems was information in which individuals may have a privacy interest.

With respect to personal information not retrieved by individual name and thus not subject to the Act, the Department will, consistent with the spirit of the Privacy Act, exercise appropriate caution in the handling and dissemination of records. In particular, invocation of the sixth exemption from the Freedom of Information Act's disclosure requirements will be seriously considered when such information is sought in a Freedom of Information request.

Third, the Department concluded that the Privacy Act does not reach records kept by employees which are not official records. It is the Department's view that personal records maintained by an employee are not under its control and, accordingly not "maintained by an agency" within the meaning of 5 U.S.C. 552a(a)(4). In reaching this conclusion, the Department relied upon the analysis offered at page 28952 of the OMB guidelines.

The Department views this conclusion as excluding only a fairly narrow category of records from coverage by the Act, however. The type of records excluded are mainly personal telephone lists; birthday and similar lists developed by employees on their own time for purposes of exchanging greeting cards or gifts; and similar documents.

Fourth, the Department concluded that the Act does not apply to published works, including library books and standard research and reference authorities. The basis of this conclusion is the doctrine of statutory interpretation that legislation ought not to be interpreted so as to yield an absurd result. Even though a library book may contain personal information and may be retrievable by individual name through a card catalogue, application of the Privacy Act protections to that book would serve no sensible purpose. The publication of a book containing very sensitive personal information concerning a person may give rise to an action for damages, but locking up the Government's copies of the book cannot reasonably be reviewed as ameliorating the invasion of privacy which has occurred or protecting the individual from further invasions of privacy or adverse consequences stemming therefrom.

Fifth, the Department concluded that mailing lists containing solely lists of names and addresses are not "systems of records." The definition of "record," as quoted above, offers as examples of items of information within its scope information concerning "education, financial transactions, medical history, and criminal or employment history." Applying the principle of *ejusdem generis*, the Department is of the view that the words "item, collection or grouping of information" must be read as applying to things of the same general kind or class as those mentioned. The Department does not view an individual's address, without more, as being in the same class as the specifically enumerated items in the definition. Mailing lists integrated with information beyond name and address are, of course, covered in the Department's system notices.

The Department's conclusion on this point does not mean that mailing lists which it maintains are generally available to the public. Subsection (n) of 5 U.S.C. 552a precludes the sale of mailing lists. Further, where mailing lists are requested under the Freedom of Information Act, it will be the policy of the Department to consider carefully the application of exemption (6) and to withhold such lists where, even though disclosure in and of itself may not constitute an invasion of privacy, the requester will use the list in such a way as to invade personal privacy by, for example, conducting a commercial solicitation. *See, Wine Hobby USA, Inc. v. I.R.S.*, 502 F. 2d 133 (3rd Cir. 1974).

Sixth, the Department concluded that, in resolving close questions concerning the application of the Act to records, it should view the Act as applicable if there was a significant possibility that the records might be used to make determinations adverse to an individual. As a result of this decision, the Department included as systems several collections of records which it might not have otherwise included. For example, the Supervisor's Record of Employees System (Interior/Office of the Secretary—16) is defined to include a supervisor's personal notes concerning employee conduct. An argument could have been made for excluding such notes on the ground that they are not "official records," but was not because of the possibility that these records might be used in making adverse determinations about employees.

The Department has not generally prepared notices covering records which are covered in general Government-wide notices issued by other agencies. The principal category of records excluded from the Department's notices by this decision is official personnel records. These records are covered in a series of general notices issued by the Civil Service Commission, which is, in any event, the technical owner of official personnel records in the hands of the Department.

In configuring collections of records subject to the Act into systems for purposes of notice publication, the Department's policy was to aggregate similar records maintained in widely dispersed locations geographically into either bureau- or Department-wide systems. Three factors influenced this decision. First, the Department concluded that such aggregation would promote greater uniformity and central direction in the handling and maintenance of records within the system, hence reducing the possibility of abuses. Second, the Department concluded that keeping the number of system notices which it needed to publish at a minimum would permit individuals to more readily identify general groupings of records which might contain information pertaining to them. Finally, the Department concluded that preparation of separate notices for each component of decentralized systems would involve an unjustifiable expenditure of the taxpayers money. Rather than the approximately 250 notices which the Department has adopted, this approach would have compelled preparation and publication of 5000 or more notices.

In organizing the proposed notices for publication, the Department has grouped the notices by bureau. While the Department views itself, for Privacy Act purposes, as a single agency, it was felt that organization of notices by bureau would facilitate each location of records by individuals seeking to determine if the Department maintains records pertaining to them. This will be particularly so because a large portion of the Department's notices relate to administrative management matters (payroll, property management, travel, and so forth) which would be of particular interest to employees in the various bureaus of the Department.

The notices are organized in the following order:

Office of the Secretary
Office of the Solicitor
Office of Hearings and Appeals (OHA)
Bureau of Indian Affairs (BIA)
Bureau of Land Management (BLM)
Bureau of Mines (Mines)
Mining Enforcement and Safety Administration (MESA)
National Park Service (NPS)
Bureau of Outdoor Recreation (BOR)
Bureau of Reclamation (Reclamation)
Alaska Power Administration
Bonneville Power Administration (BPA)
Southeastern Power Administration
Southwestern Power Administration

It should be noted that under the category of Office of the Secretary, the Department has included not only notices covering records maintained exclusively within offices making up the Office of the Secretary, but several notices describing Department-wide systems of records. It is possible that, in a few cases, a Department-wide notice overlaps with more

specific bureau notices. In these cases, the more specific notice controls on matters such as notification, access and contest procedures.

The format for the notices, including the paragraph headings, is that recommended by the Office of the Federal Register in the FEDERAL REGISTER for June 19, 1975. (40 FR 25988–25990).

Within the notice format, the Department has made one deviation which may not have been required by the Act or the format guidelines developed by the Office of the Federal Register. It has been persuasively argued that the "routine uses" for records subject to the Act can be distinguished from the primary or main use which is made of the records. The basis of this distinction is subsection 552a (a)(7), which defines "routine uses" to mean use of a record "for a purpose which is compatible with the purpose for which it was collected." This definition suggests that use of a record for the purpose for which it was collected is not a routine use and, hence, that only corollary uses are "routine uses." While the Department views this distinction as a correct interpretation of the Act, it has nevertheless not applied the distinction in developing the "Routine Uses" section of its system notices. Rather, in preparing the "Routine Uses" section of notices, the Department has in most cases, included both the principal uses for which records in a system are used as well as corollary uses. Ordinarily, the principal uses are listed first, corollary uses are listed second.

The reason for this decision was to avoid confusion among readers of the Department's notices. The meaning of "routine uses" for purposes of the Act is obviously different from the colloquial meaning of the term and persons not versed in the details of the Privacy Act might well be mislead by listing only corollary uses as "routine uses."

The impact of this decision is that many uses of records not involving their transfer outside of the Department of the Interior are listed as "routine uses." For purposes of applying subsections (b) and (c) of 5 U.S.C. 552a, which relate to conditions of disclosure and accounting for disclosures, the Department will treat internal disclosures to officers or employees having a need for records in the performance of their duties as disclosures permitted by subsection (b)(1), which allows internal disclosures, rather than as disclosure under subsection (b)(3), which allows disclosures for "routine uses."

In developing the "Location" item of system notices, the Department determined that listing all locations of decentralized systems in each notice would lead to undue repetition, since a number of systems share common locations. Accordingly, the "Location" item on some notices lists only the categories of offices maintaining records within the system and not the address of each individual office. The addresses of the facilities of the Department are listed in the Appendix following the notices. Persons interested in particular system may determine the addresses of the facilities at which it is located by cross-referencing the Appendix.

TABLE OF CONTENTS

I. Office of the Secretary. (Notices which apply to some or all bureaus outside of the Office of the Secretary are marked with an asterisk.)
1. Committee Management Files System*.
2. Security Clearance Files System.
3. Secretarial Subject Files System.
4. Financial Interest Statements and Ethics Counselor Decisions*.
5. Audit Files and Workpapers System.
6. Investigative Records System.
7. Parking Assignment Records System.
8. Safety Management Information System*.
9. Safety Career Opportunity Plan for Employees System.
10. Freedom of Information Appeal Files System.
11. Payroll, Attendance and Leave System.
12. Travel System.
13. Position Control System.
14. Accounts Receivable System.
15. Cash Receipts System.
16. Supervisors' Records of Employees System*.
17. Private Relief Claimants, Department System.
18. Youth Conservation Corps Enrollee Records System*.
19. Youth Conservation Corps Enrollee Payroll Records File System.
20. Youth Conservation Corps Enrollee Medical Records System.
21. Youth Conservation Corps Research File Records System.
22. Youth Conservation Corps Recruitment Files System*.
23. Health Unit Medical Records System.
24. Employee Experience, Skills, Performance and Career Development Records System*.
25. Unfair Labor Practice Charges/Complaints System*.
26. Negotiated Grievance Procedure Files System*.
27. Personnel Data Files (Automated) System*.
28. Emergency Loan Fund Committee Loan Records System*.
29. Applicant Files System*.
30. Privacy Act Files System*.
31. Secretarial Correspondence Card File System.
32. Employee Identification Card Files System.
33. Central Employee Locator Index System.
34. Motor Vehicle Operator's Identification Card Applications System.
35. Property Accountability System.
36. Travel Arrangement Records System.
37. Discrimination Complaints System.
38. Biography File System*.
39. Classified Documents System.
40. Aircraft Instructor Qualification File System.
41. Aircraft Crew/Mechanic Information File (Commercial Operators) System.
42. Aircraft Crew/Mechanic Information (Department of Interior) System.
43. Library Circulation Control System*.
44. Freedom of Information Request Files System*.
45. Private Relief Claimants, Bureau System*.
46. Office Operations Records on Employees, Department System*.
47. Office Operations Records on Employees, Bureau System*.
48. Aircraft Services Administrative and Fiscal Records System.
49. Trust Territory Administrative and Fiscal Records System.
50. Government of American Samoa Administrative and Fiscal Records System.
51. Executive Reservist Records System*.
II. Office of the Solicitor.
1. Litigation, Appeal and Case Files System.
2. Claims Files System.
3. Patent Files System.
4. Workload Analysis System.
III. Office of Hearings and Appeals.
1. Hearing and Appeals.
IV–VII. (Reserved).
VIII. U.S. Fish and Wildlife Service.
1. Labor Cost Information Records System.
2. Travel Records System.
3. Security Clearance File System.
4. Tort Claim Records System.
5. National Wildlife Refuge Special Use Permits System.
6. Hunting and Fishing Survey Records System.
7. Water Development Project and/or Effluent Discharge Permit Application Review System.
8. Fish Disease Inspection Report System.
9. Farm Pond Stocking Program System.
10. National Fish Hatchery Special Use Permits System.
11. Real Property Records System.
12. Fish Tag Returns System.
13. North American Breeding Bird Survey System.
14. Great Lakes Commercial Fisheries Catch Records System.
15. American Attitudes Toward Animals System.
16. Waterfowl Hunter Attitude Study System.
17. Diagnostic-Extension Service Records System.
18. Animal Damage Control Authorization Records System.
19. Endangered Species Licensee System.
20. Investigative Case File System.
21. Permits System.
22. U.S. Deputy Game Warden System.
23. Motor Vehicle Permit Log System.
24. Payroll System.
25. Contract and Procurement Records System.
26. Migratory Bird Populations and Harvest System.
27. Correspondence Control System.
IX. U.S. Geological Survey.
1. Payroll, Attendance and Leave Records System.
X. Bureau of Indian Affairs.
1. Property Loan Agreement Files System.
2. Safety Management Information System.
3. Individual Indian Monies System.
4. Indian Land Records System.
5. Indian Land Leases System.
6. Navajo-Hopi Joint Use Project System.
7. Tribal Rolls System.
8. Indian Social Services Case Files System.
9. Traders License Files System.
10. Indian Housing Improvement Program System.
11. Indian Business Development Program (Grants) System.
12. Indian Trust Land Mortgages System.
13. Indian Loan Files System.
14. Travel Accounting System.
15. Trip Reports System.
16. Travel Files System.
17. Payroll System.
18. Law Enforcement Services System.
19. Indian Association Stock Purchase Records System.
20. Correspondence Files System.
21. Correspondence Control System.
22. Indian Student Records System.
23. Employment Assistant Case Files System.
24. Timber Cutting and Fire Trespass Claims Case Files System.

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XI. Bureau of Land Management.
1. Mining Claim Title Clearance System.
2. Range Management System.
3. Mineral Lease Management System.
4. Coal Lease Data System.
5. Alaska Native Claims System.
6. Mineral Surveyor Appointment File System.
7. Land Case File System.
8. Aircraft Passenger Manifest Records System.
9. Property and Supplies Accountability System.
10. Vehicle Use Authorization System.
11. Identification Cards and Passes System.
12. Manpower Management System.
13. Safety Management Information System.
14. Security Clearance Files System.
15. Correspondence Control System.
16. Mineral and Vegetal Material Sales System.
17. Payroll System.
18. Criminal Case Investigation System.
19. Civil Trespass Case Investigations System.
20. Employee Conduct Investigations System.
21. Travel System.
22. Financial Management System.
23. Contract Files System.
24. Payroll System.
25. Outer Continental Shelf Lease Sale System.
XII. Bureau of Mines.
1. Payroll System.
2. Travel Advance File System.
3. Travel Vouchers and Authorizations System.
4. Property Control System.
5. Personnel Identification System.
6. Safety Files System.
7. Security Files System.
8. Library Borrowers' Records System.
9. Distribution Center and Film Borrower Record Cards System.
10. Biographical Reference File System.
XIII. Mining Enforcement and Safety Administration.
1. Coal and Metal and Nonmetal Mine Accident and Injury System.
2. Identification Cards System.
3. Metal and Nonmetal Mine Health and Safety Management Control System.
4. Employee Conduct Investigations System.
5. Payroll Records System.
6. Travel System.
7. Travel Advance File System.
8. Accident and Injury Records System.
9. Security Clearance Records System.
10. Coal Mine Health and Safety Special Investigations System.
11. National Mine Health and Safety Academy Records System.
12. Property Control System.
XIV. National Park Service.
1. Special Use Permits System.
2. Land Acquisition and Relocation Files System.
3. Management Information System.
4. Travel Records System.
5. Retirement Record System.
6. Audiovisual Performance Selection Files System.
7. National Park Service Historical Library System.
8. Property and Supplies Accountability System.
9. Advisory Council on Historic Preservation Membership System.
10. Central Files System.
11. Congressional Correspondence System, Advisory Council on Historic Preservation.
12. U.S. Park Police Personnel Photograph File System.
13. Concessioners System.
14. Concessioner Financial Statement and Audit Report Files System.
15. Concessions Management Files System.
16. Position and Manpower Reporting System.
17. Employee Financial Irregularities System.
18. Collection, Certifying and Disbursing Officers and Imprest Funds Cashiers System.
19. Law Enforcement Statistical Reporting System.
20. Payroll System.
21. Visitor Statistical Survey Forms System.
XV. Bureau of Outdoor Recreation.
1. Congressional Correspondence File System.
2. Payroll System.
3. Management by Objectives System.
4. Motor Vehicle Operations Program System.
5. Financial Management System.
6. Property Hand Receipt File System.
7. Travel and Transportation Automated Accounting System.
XVI. Bureau of Reclamation.
1. Accidents System.
2. Accounts Receivable System.
3. Attendance at Meetings System.
4. Audiograms (Hearing Test Record) System.
5. Claims System.
6. Collection Contracts System.
7. Concessions System.
8. Driver's License System.
9. Foreign Visitors and Observers System.
10. Identification Cards System.
11. Individual Record of Issues System.
12. Inventions and Patents System.
13. Irrigation Management Service System.
14. Land Exchange System.
15. Land Settlement Entries System.
16. Litigation System.
17. Lands-Lease, Sales, Rentals and Transfers System.
18. Lease of Housing System.
19. Mineral Location Entries System.
20. Moveable Property ADP Records System.
21. Moveable Property Individual Responsibility System.
22. Oil and Gas Applications System.
23. Parking System.
24. Payroll, Attendance and Leave Records (PAYPERS) System.
25. Personal Author Reports System.
26. Photographic Files System.
27. Publication Sales System.
28. Real Property and Right-of-Way Acquisition System.
29. Right-of-Way Applications System.
30. Safe Driving Records System.
31. Sale of Power to Individuals System.
32. Special Use Applications, Licenses, and Permits System.
33. Speeches System.
34. Thefts Listing System.
35. Travel Approval Authorizations and Reports System.
36. Travel Voucher Records System.
37. Trespass Cases System.
38. Water Rights Applications System.
39. Water Rights Acquisition System.
40. Water Sales and Delivery Contracts System.
41. Permits System.
42. (Reserved.)
43. Recordable Contracts System.
44. Vendor Payment Records System.
45. Equipment, Supply and Service Contracts System.
46. Employee Trip Reports System.
47. Employees' Compensation Records System.
XVII. Alaska Power Administration.
1. Administrative Management and Fiscal Records System.
XVIII. (Reserved.)
XIX. Bonneville Power Administration.
1. Travel Records System.
2. Payroll Files System.
3. Audiometric Testing Forms System.
4. Automotive Accident Files System.
5. Motor Vehicle Operator Identification Records System.
6. Industrial Accident Files and Employee Claims Files System.
7. Safety Training Files System.
8. Plant Services History Files System.
9. Plant Services Personal Accountability Property System.
10. Land Records System.
11. Accounts Receivable System.
12. Report of Inventions System.
13. Parking Assignment Records System.
14. Security Clearance File System.
XX. Southeastern Power Administration.
1. Administrative Management and Fiscal Records.
XXI. Southwestern Power Administration.
1. Payroll System.
2. Contracts System.
3. Budget Forecast System.
4. Property Management System.
5. Travel Records System.

[FR Doc.75-25582 Filed 9-25-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

PRIVACY ACT OF 1974

Notice of Systems of Records

Correction

In FR Doc. 75-22535 appearing at page 39057 in the issue of August 27, 1975, make the following changes:

1. The preamble, which was inadvertently omitted, should read as set forth below.

2. The systems of records identified as FHLBB-1, Internal Office Personnel Files, FHLBB-9, Candidates for Appointed Directorships of Federal Home Loan Banks, and FHLBB-10, Depositors/Account Holders in Defaulted Associations, were inadvertently printed out of order. Consequently, they are reprinted in full for the convenience of the reader, and should read as set forth below.

Following are the systems of records prescribed by the Privacy Act of 1974. Any omissions due to oversight will be published at a later date.

Public comment is solicited on the routine use portion of the notices, and should be submitted by September 26, 1975.

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

FHLBB—1

System name: INTERNAL OFFICE PERSONNEL FILES

System location: SEE "SYSTEM MANAGER".

Categories of individuals covered by the system: FEDERAL HOME LOAN BANK BOARD EMPLOYEES, CONSULTANTS, AND EMPLOYEES OF THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, AND FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION RECEIVERSHIPS.

Categories of records in the system: THIS SYSTEM CONSISTS OF A VARIETY OF RECORDS RELATING TO PERSONNEL ACTIONS AND DETERMINATIONS REGARDING INDIVIDUALS WHILE EMPLOYED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, THE FEDERAL HOME LOAN BANK BOARD, AS CONSULTANTS TO THE BOARD, OR AS EMPLOYEES OF A FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION RECEIVERSHIP. THE RECORDS MAY CONTAIN INFORMATION ABOUT AN INDIVIDUAL RELATING TO: DATE OF BIRTH; SOCIAL SECURITY NUMBER; VETERANS PREFERENCE; TENURE; PHYSICAL HANDICAP; PAST AND PRESENT SALARIES, GRADES, AND POSITION TITLES; AND MAY INCLUDE LETTERS OF COMMENDATION, REPRIMANDS, CHARGES, AND DECISION ON CHARGES; NOTICES OF REDUCTIONS-IN-FORCE; ACCIDENT REPORTS; UPWARD-MOBILITY INFORMATION; LOCATOR FILES; LOANS WITH SAVINGS AND LOANS; PERSONNEL ACTIONS, INCLUDING BUT NOT LIMID TO APPOINTMENT, PROMOTION, REASSIGNMENT, DEMOTION, WORK DETAIL, TRANSFER, AND SEPARATION; PROBATIONARY PERIOD; TRAINING; MINORITY GROUP INDICATOR; LIFE INSURANCE, HEALTH BENEFITS, AND DESIGNATION OF BENEFICIARY; APPLICATION FOR EMPLOYMENT; LETTERS OF REFERENCE; PERFORMANCE RATINGS (MBO/KOI OR OTHER AS APPLICABLE); DOCUMENTATION OF PERSONNEL ACTIONS OR DECISIONS MADE ABOUT THE INDIVIDUAL; AWARDS; RECORDS OF EQUIPMENT AND MATERIALS ISSUED TO THE INDIVIDUAL; LEAVE AND TIME-AND-ATTENDANCE RECORDS; TRAVEL RECORDS; AND OTHER INFORMATION REGARDING THE INDIVIDUAL.

Authority for maintenance of the system: 5 U.S.C. 1302, 2951, 4118, 4308, 4506, AND EXECUTIVE ORDER 10561, DATED SEPTEMBER 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: INFORMATION IN THESE RECORDS IS USED OR MAY BE USED:

(1) BY BOARD AND RECEIVERSHIP OFFICIALS FOR REVIEW IN CONNECTION WITH TRAINING, APPOINTMENTS, TRANSFERS, PROMOTIONS, REASSIGNMENTS, ADVERSE ACTIONS (INCLUDING DISCIPLINARY ACTIONS), DETERMINATIONS OF QUALIFICATIONS OF AN INDIVIDUAL, DETERMINATIONS OF CONFLICTS OF INTEREST, EQUIPMENT ASSIGNED TO AN INDIVIDUAL, ENTITLED BENEFITS, LEAVE AUTHORIZED AND USED, TRAVEL UNDERTAKEN, AND RE-IMBURSEMENTS;

(2) BY THE CIVIL SERVICE COMMISSION FOR WHEN A CURRENT OR FORMER FEDERAL EMPLOYEE QUESTIONS THE VALIDITY OF A SPECIFIC DOCUMENT IN HIS RECORD;

(3) BY THE COURTS TO RENDER A DECISION WHEN AN AGENCY HAS REFUSED TO RELEASE TO A CURRENT OR FORMER FEDERAL EMPLOYEE A RECORD UNDER THE FREEDOM OF INFORMATION ACT;

(4) TO PROVIDE INFORMATION TO A PROSPECTIVE EMPLOYER OF A CURRENT OR FORMER FEDERAL EMPLOYEE;

(5) TO PROVIDE DATA FOR THE AUTOMATED CENTRAL PERSONNEL DATA FILE (CPDF);

(6) TO PROVIDE DATA TO UPDATE FEDERAL AUTOMATED CAREER SYSTEMS (FACS), THE EXECUTIVE INVENTORY FILE, SECURITY INVESTIGATIONS, THE INDEX ON NEW HIRES, AND MATERIALS CONCERNING ADVERSE ACTIONS AND TERMINATION;

(7) TO PROVIDE INFORMATION TO A FEDERAL AGENCY, IN RESPONSE TO ITS REQUEST, IN CONNECTION WITH HIRING OR RETENTION OF AN EMPLOYEE, LETTING OF A CONTRACT, OR ISSUANCE OF A LICENSE, GRANT, OR OTHER BENEFIT BY THE REQUESTING AGENCY, TO THE EXTENT THAT THE INFORMATION IS RELEVANT AND NECESSARY TO THE REQUESTING AGENCY'S DECISION ON THE MATTER;

(8) IN CONNECTION WITH REQUESTS FOR INFORMATION FROM A FEDERAL, STATE, OR LOCAL AGENCY MAINTAINING CIVIL, CRIMINAL, OR OTHER RELEVANT ENFORCEMENT OR OTHER PERTINENT INFORMATION, SUCH AS LICENSES, IF THE OBTAINING OF SUCH INFORMATION IS NECESSARY TO AN AGENCY DECISION CONCERNING HIRING OR RETENTION OF AN EMPLOYEE, ISSUANCE OF A SECURITY CLEARANCE, LETTING OF A CONTRACT, OR ISSUANCE OF A LICENSE, GRANT, OR OTHER BENEFIT;

(9) TO REFER, WHERE THERE IS INDICATION OF A VIOLATION OR POTENTIAL VIOLATION OF LAW (WHETHER CIVIL, CRIMINAL, OR REGULATORY), TO THE APPROPRIATE FEDERAL, STATE, OR LOCAL AGENCY CHARGED WITH RESPONSIBILITY FOR INVESTIGATING OR PROSECUTING SUCH VIOLATION OR ENFORCING OR IMPLEMENTING STATUTE, OR RULE, REGULATION, OR ORDER ISSUED PURSUANT THERETO;

(10) AS A DATA SOURCE FOR MANAGEMENT INFORMATION FOR PRODUCTION OF SUMMARY DESCRIPTIVE STATISTICS AND ANALYTICAL STUDIES IN SUPPORT OF THE FUNCTION FOR WHICH THE RECORDS ARE COLLECTED AND MAINTAINED, OR FOR RELATED PERSONNEL MANAGEMENT FUNCTIONS OR MANPOWER STUDIES, AND FOR UTILIZATION IN RESPONSE TO GENERAL REQUESTS FOR STATISTICAL INFORMATION (WITHOUT PERSONAL IDENTIFICATION OF INDIVIDUALS) UNDER THE FREEDOM OF INFORMATION ACT OR TO LOCATE SPECIFIC INDIVIDUALS FOR PERSONNEL RESEARCH OR OTHER PERSONNEL MANAGEMENT FUNCTIONS; AND

(11) VERIFICATION OF EMPLOYMENT FOR CREDIT PURPOSES.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: RECORDS ARE MAINTAINED IN FILE FOLDERS OR ON KARDEX CARDS IN LOCKABLE CONTAINERS OR IN SECURED ROOMS.

Retrievability: RECORDS ARE FILED BY NAME OF INDIVIDUAL.

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Safeguards: ACCESS IS LIMITED TO PERSONNEL WHOSE OFFICIAL DUTIES REQUIRE SUCH ACCESS AND WHO HAVE A NEED TO KNOW THE INFORMATION IN A RECORD FOR A PARTICULAR JOB-RELATED PURPOSE.

Retention and disposal: RECORDS ARE GENERALLY RETAINED UNTIL 60 DAYS AFTER TERMINATION OF EMPLOYMENT. SOME RECORDS (SUCH AS LETTERS OF REPRIMAND, MEMORANDA FOR THE RECORD, INFORMATION ON POSSIBLE CONFLICTS OF INTEREST, AND OTHER SUCH RECORDS) ARE RETAINED FOR UP TO TWO YEARS AFTER EMPLOYMENT TERMINATION. TRAVEL, TIME-AND-ATTENDANCE, AND LEAVE RECORDS ARE RETAINED FOR ONE FISCAL YEAR BEYOND THE CURRENT FISCAL YEAR, OR UNTIL AUDITED, WHICHEVER IS LATER. INFORMATION GATHERED IN CONNECTION WITH THE MBO/KOI PERFORMANCE RATING SYSTEM IS RETAINED NO MORE THAN ONE YEAR AFTER AN EMPLOYEE ACCEPTS THE RATING GIVEN. RECORDS OF RECEIVERSHIP FILES ARE RETAINED FOR THREE YEARS AFTER DISSOLUTION OF RECEIVERSHIP. IN THE OES WASHINGTON OFFICE, KARDEX CARDS SUMMARIZING PAST OR PRESENT EMPLOYEES' EMPLOYMENT HISTORIES ARE MAINTAINED PERMANENTLY.

System manager(s) and address: THE BUSINESS ADDRESS OF EACH SYSTEM MANAGER LISTED BELOW, UNLESS OTHERWISE INDICATED, IS:

FEDERAL HOME LOAN BANK BOARD
320 FIRST STREET, N. W.
WASHINGTON, D. C. 20552

PERSONNEL LIAISON OFFICER, MANAGEMENT SYSTEMS DIVISION

PERSONNEL LIAISON OFFICER, ACCOUNTING AND FISCAL OPERATION BRANCH, FINANCIAL MANAGEMENT DIVISION
DIRECTOR, OFFICE OF ECONOMIC RESEARCH
GENERAL COUNSEL, OFFICE OF THE GENERAL COUNSEL
DIRECTOR, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION
DIRECTOR, GENERALIZED SYSTEM RESEARCH AND DESIGN DIVISION
DIRECTOR, OFFICE OF EXAMINATIONS AND SUPERVISION
DIRECTOR, OFFICE OF HOUSING AND URBAN AFFAIRS
DIRECTOR, ADMINISTRATION AND METHODS DIVISION
DIRECTOR, OFFICE OF INDUSTRY DEVELOPMENT
DEPUTY DIRECTOR, OFFICE OF THE FEDERAL HOME LOAN BANKS
PERSONNEL LIAISON OFFICER, INFORMATION SYSTEMS DIVISION
DISTRICT DIRECTOR—EXAMINATIONS
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
ONE UNION STREET—FOURTH FLOOR
BOSTON, MASSACHUSETTS 02108
DISTRICT DIRECTOR—EXAMINATIONS
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
ONE WORLD TRADE CENTER, FLOOR 103
NEW YORK, NEW YORK 10048
DISTRICT DIRECTOR—EXAMINATIONS
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
11 STANWIX STREET, ROOM 300
PITTSBURGH, PENNSYLVANIA 15222
ASSISTANT DISTRICT DIRECTOR—ADMINISTRATION
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
260 PEACHTREE STREET, N.W.
ATLANTA, GEORGIA 30303
ASSISTANT DISTRICT DIRECTOR
SILVER SPRING AREA OFFICE
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
8701 GEORGIA AVENUE, ROOM 400
SILVER SPRING, MARYLAND 20910
ASSISTANT DISTRICT DIRECTOR
CHARLOTTE AREA OFFICE
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
4915 ALBEMARLE ROAD
CHARLOTTE, NORTH CAROLINA 28205
ASSISTANT DISTRICT DIRECTOR
FORT LAUDERDALE AREA OFFICE
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
1525 SOUTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33316
DISTRICT DIRECTOR—EXAMINATIONS
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
2400 DUBOIS TOWER
511 WALNUT STREET
CINCINNATI, OHIO 45202
ASSISTANT DISTRICT DIRECTOR
CINCINNATI AREA OFFICE
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
2400 DUBOIS TOWER
511 WALNUT STREET
CINCINNATI, OHIO 45202
ASSISTANT DISTRICT DIRECTOR
NASHVILLE AREA OFFICE
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
2209 CRESTMOOR ROAD
NASHVILLE, TENNESSEE 37215
ASSISTANT DISTRICT DIRECTOR
CANTON AREA OFFICE
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
229 WELLS AVENUE, N. W.
CANTON, OHIO 44703
ASSISTANT DISTRICT DIRECTOR
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
2950 INDIANA TOWER
ONE INDIANA SQUARE
INDIANAPOLIS, INDIANA 46204
DISTRICT DIRECTOR—EXAMINATIONS
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
111 EAST WACKER DRIVE—UITE 700
CHICAGO, ILLINOIS 60601
DISTRICT DIRECTOR—EXAMINATIONS
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
714 SECOND AVENUE
DES MOINES, IOWA 50309
DISTRICT DIRECTOR—EXAMINATIONS
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
634 HARRISON STREET
TOPEKA, KANSAS 66603
ASSISTANT DISTRICT DIRECTOR
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
ROOM 379, POST OFFICE BUILDING
10TH AND STOUT STREETS
DENVER, COLORADO 80202
DISTRICT DIRECTOR—EXAMINATIONS
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
600 STEWART STREET, SUITE 610
SEATTLE, WASHINGTON 98101
DISTRICT DIRECTOR—EXAMINATIONS
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
600 CALIFORNIA STREET
SAN FRANCISCO, CALIFORNIA 94108
DISTRICT DIRECTOR—EXAMINATIONS
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
1350 TOWER BUILDING
LITTLE ROCK, ARKANSAS 72201
OFFICE SUPERVISOR

DALLAS BRANCH OFFICE
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
1100 COMMERCE STREET, ROOM 3B-29
DALLAS, TEXAS 75202
OFFICE SUPERVISOR
HOUSTON BRANCH OFFICE
OFFICE OF EXAMINATIONS AND SUPERVISION
FEDERAL HOME LOAN BANK BOARD
201 FANNIN STREET, ROOM 321
HOUSTON, TEXAS 77002
ADMINISTRATIVE OFFICER
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION
10001 WEST ROOSEVELT BOULEVARD
WESTCHESTER, ILLINOIS 60153
RECEIVERSHIP AGENT
MIDWESTERN OFFICE RECEIVERSHIPS
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION
10001 WEST ROOSEVELT BOULEVARD
WESTCHESTER, ILLINOIS 60153
MANAGER, SCOTTSDALE OFFICE
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION
6370 NORTH SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85252
RECEIVERSHIP MANAGER
NORTHWEST GUARANTY RECEIVERSHIP
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION
1100 TOWER BUILDING
SEATTLE, WASHINGTON 98101
WESTERN OFFICE MANAGER
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION
900 WILSHIRE BOULEVARD, SUITE 840
LOS ANGELES, CALIFORNIA 90017

Notification procedure: INQUIRIES CONCERNING RECORDS SHALL BE MADE BY NOTIFYING THE APPROPRIATE SYSTEM MANAGER. SUCH NOTIFICATION MUST INCLUDE THE INDIVIDUAL'S NAME, SOCIAL SECURITY NUMBER OR EMPLOYEE IDENTIFICATION NUMBER, DATE OF BIRTH, OFFICE OF EMPLOYMENT (INCLUDING LOCATION), PERIOD OF EMPLOYMENT AND THE NAME OF THE RECORD SYSTEM.

Record access procedures: PERSONS WISHING TO HAVE ACCESS TO THEIR RECORDS OR TO HAVE SUCH RECORDS CHANGED (INCLUDING MODIFICATION, ADDITION, AND DELETION) SHALL NOTIFY THE APPROPRIATE SYSTEM MANAGER. SUCH NOTIFICATION SHALL INCLUDE THE SAME INFORMATION REQUIRED TO BE FURNISHED UNDER 'NOTIFICATION', PLUS A STATEMENT SETTING FORTH THE DESIRED ACCESS OR CHANGES AND THE REASONS FOR SUCH CHANGES.

Contesting record procedures: SEE "ACCESS PROCEDURES".

Record source categories: INFORMATION IN THIS SYSTEM OF RECORDS MAY HAVE BEEN OBTAINED FROM THE INDIVIDUAL, HIS IMMEDIATE SUPERVISOR OR PERSONS AT OTHER SUPERVISORY LEVELS, THE PERSONNEL OFFICE, THE PAYROLL OFFICE, SAVINGS AND LOAN ASSOCIATIONS, U. S. CIVIL SERVICE COMMISSION, OR OTHER SOURCES.

FHLBB—9

System name: CANDIDATES FOR APPOINTED DIRECTORSHIPS OF FEDERAL HOME LOAN BANKS.

System location: FEDERAL HOME LOAN BANK BOARD, 320 FIRST STREET, N.W., WASHINGTON, D. C. 20552.

Categories of individuals covered by the system: CANDIDATES FOR APPOINTED DIRECTORSHIPS OF THE FEDERAL HOME LOAN BANKS.

Categories of records in the system: RESUMES OF POTENTIAL CANDIDATES, REFERRAL LETTERS, AND INTERNAL AGENCY MEMORANDA.

Authority for maintenance of the system: SECTION 7 OF THE FEDERAL HOME LOAN BANK ACT (12 U.S.C. 1427).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: INFORMATION IS USED BY THE DIRECTOR OF THE OFFICE OF FEDERAL HOME LOAN BANKS AND BY BOARD MEMBERS TO DETERMINE QUALIFICATIONS AND AVAILABILITY OF CANDIDATES BEING CONSIDERED AS APPOINTED DIRECTORS OF FEDERAL HOME LOAN BANKS. INFORMATION FROM THIS SYSTEM MAY BE CONVEYED TO THE PRESIDENTS AND STAFFS OF THE REGIONAL FEDERAL HOME LOAN BANKS, AND TO THE EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: RECORDS ARE MAINTAINED IN FILE FOLDERS.

Retrievability: RECORDS ARE FILED BY NAME OF CANDIDATE.

Safeguards: ACCESS IS LIMITED TO PERSONNEL WHOSE OFFICIAL DUTIES REQUIRE SUCH ACCESS AND WHO HAVE A NEED TO KNOW THE INFORMATION FOR A PARTICULAR JOB-RELATED PURPOSE. ACCESS IS GAINED ONLY THROUGH THE ADMINISTRATIVE ASSISTANT (ELECTIONS), OFFICE OF THE FEDERAL HOME LOAN BANKS.

Retention and disposal: RECORDS ARE RETAINED FOR THREE YEARS, UNLESS A CANDIDATE IS APPOINTED. RECORDS OF APPOINTEES ARE TRANSFERRED TO THE DISTRICT BANK BOARD OF DIRECTORS BIOGRAPHY FILE.

System manager(s) and address: ADMINISTRATIVE ASSISTANT (ELECTIONS), OFFICE OF THE FEDERAL HOME LOAN BANKS. SEE "LOCATION" FOR ADDRESS.

Notification procedure: INQUIRIES CONCERNING RECORDS SHALL BE MADE TO THE SYSTEM MANAGER. SUCH NOTIFICATION MUST INCLUDE THE CANDIDATE'S NAME AND BANK DISTRICT.

Record access procedures: PERSONS WISHING TO HAVE ACCESS TO THEIR RECORDS OR TO HAVE SUCH RECORDS CHANGED (INCLUDING MODIFICATION, ADDITION AND DELETION) SHALL NOTIFY THE SYSTEM MANAGER, FURNISHING THE INFORMATION REQUIRED UNDER "NOTIFICATION", PLUS A STATEMENT OF DESIRED ACCESS OR CHANGE AND THE REASONS FOR SUCH CHANGES.

Contesting record procedures: SEE "ACCESS PROCEDURES".

Record source categories: POTENTIAL CANDIDATE; LETTERS OF REFERENCE FOR APPOINTED DIRECTOR: MEMORANDA.

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FHLBB—10

System name: DEPOSITORS/ACCOUNT HOLDERS IN DEFAULTED ASSOCIATIONS

System location: SEE "SYSTEM MANAGER".

Categories of individuals covered by the system: EVERY INDIVIDUAL WITH AN ACCOUNT IN A DEFAULTED ASSOCIATION.

Categories of records in the system: INFORMATION PERTAINING TO THE ACCOUNT OF AN INDIVIDUAL, INCLUDING THE TYPE OF ACCOUNT, ACCOUNT BALANCE, RATE OF RETURN AND INTEREST EARNED, INSURANCE PAYMENT, AND OTHER INFORMATION RELATING TO SAVINGS ACCOUNTS.

Authority for maintenance of the system: 402, 405 OF THE NATIONAL HOUSING ACT.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: INFORMATION CONTAINED IN THIS RECORD SYSTEM MAY BE DISCLOSED:

(1) IN CONNECTION WITH SETTLEMENT OF INSURANCE CLAIMS AGAINST DEFAULTED INSTITUTIONS INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, TO REPRESENTATIVES OF THE CORPORATION (INCLUDING A PRIVATE CONTRACTOR ASSISTING IN INSURANCE SETTLEMENT ACTIVITIES BY PROVIDING NEEDED DATA PROCESSING OR OTHER SERVICES);

(2) FOR CREDIT CHECKS (CONSISTENT WITH THE FAIR CREDIT REPORTING ACT) BY INDIVIDUALS, FIRMS, OR AGENCIES WISHING TO VERIFY AN INDIVIDUAL'S FINANCIAL STANDING;

(3) IN THE EVENT THAT A SYSTEM OF RECORDS MAINTAINED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION TO CARRY OUT ITS FUNCTIONS INDICATES A VIOLATION OR POTENTIAL VIOLATION OF LAW, WHETHER CIVIL, CRIMINAL OR REGULATORY IN NATURE, AND WHETHER ARISING BY GENERAL STATUTE OR PARTICULAR PROGRAM STATUTE, OR BY REGULATION, RULE OR ORDER ISSUED PURSUANT THERETO, THE RELEVANT RECORDS IN THE SYSTEM OF RECORDS MAY BE REFERRED, AS A ROUTINE USE, TO THE APPROPRIATE AGENCY, WHETHER FEDERAL, STATE, LOCAL OR FOREIGN, CHARGED WITH THE RESPONSIBILITY OF INVESTIGATING OR PROSECUTING SUCH VIOLATION OR CHARGED WITH ENFORCING OR IMPLEMENTING THE STATUTE, OR RULE, REGULATION OR ORDER ISSUED PURSUANT THERETO; AND

(4) TO FEDERAL, STATE AND LOCAL AUTHORITIES, IF NECESSARY FOR ASSESSMENT, COMPUTATION, AND COLLECTION OF FEDERAL, STATE, AND LOCAL TAXES IN ACCORDANCE WITH ESTABLISHED PROCEDURES.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: RECORDS ARE MAINTAINED IN LOCKABLE CONTAINERS AND ON MAGNETIC TAPE OR OTHER RETRIEVAL DEVICES FOR USE IN COMPUTER SYSTEMS.

Retrievability: RECORDS ARE FILED BY A COMBINATION OF NAME AND ACCOUNT NUMBER.

Safeguards: ACCESS IS LIMITED TO PERSONNEL WHOSE OFFICIAL DUTIES REQUIRE SUCH ACCESS AND WHO HAVE A NEED TO KNOW THE INFORMATION IN A RECORD FOR A PARTICULAR JOB-RELATED PURPOSE.

Retention and disposal: RECORDS ARE RETAINED FOR TEN YEARS AFTER FINAL PAYMENTS ARE DISTRIBUTED.

System manager(s) and address:

RECEIVERSHIP AGENT
MIDWESTERN OFFICE RECEIVERSHIPS
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION
10001 WEST ROOSEVELT BOULEVARD
WESTCHESTER, ILLINOIS 60153
INSURANCE SETTLEMENT OFFICE
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION
10001 WEST ROOSEVELT BOULEVARD
WESTCHESTER, ILLINOIS 60153
MANAGER, SCOTTSDALE OFFICE
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION
6370 NORTH SCOTTSDALE ROAD
SCOTTSDALE, ARIZONA 85252
RECEIVERSHIP MANAGER
NORTHWEST GUARANTY RECEIVERSHIP
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION
1100 TOWER BUILDING
SEATTLE, WASHINGTON 98101

Notification procedure: INQUIRIES CONCERNING RECORDS SHALL BE MADE TO THE APPLICABLE SYSTEM MANAGER, FURNISHING NAME OF THE INDIVIDUAL, NAME OF INSTITUTION WHERE ACCOUNT WAS HELD, ACCOUNT NUMBER, AND THE NAME OF THE RECORD SYSTEM.

Record access procedures: PERSONS WISHING TO HAVE ACCESS TO THEIR RECORDS OR TO HAVE SUCH RECORDS CHANGED (INCLUDING MODIFICATION. ADDITION. AND DELETION) SHALL NOTIFY THE APPROPRIATE SYSTEM MANAGER. SUCH NOTIFICATION SHALL INCLUDE THE INFORMATION REQUIRED UNDER "NOTIFICATION", PLUS A STATEMENT SETTING FORTH THE DESIRED ACCESS OR CHANGES AND THE REASONS FOR SUCH CHANGES.

Contesting record procedures: SEE "ACCESS PROCEDURES".

Record source categories: DEFAULTED ASSOCIATION RECORDS, THE INDIVIDUAL WHOSE RECORD IS MAINTAINED, AND THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION, ITS AGENTS AND CONTRACTORS.

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Systems of Records; Correction

In FR Doc. 75–22666 published in the FEDERAL REGISTER (40 FR 39137) of August 27, 1975, setting forth the systems of records prescribed by the Privacy Act of 1974 within the General Services Administration (GSA), the following correction to the Appendix GSA/ADTS Address of Location (page 39187) is submitted.

Change Region 9 address to read:

Regional Commissioner, ADTS, 525 Market Street, San Francisco, California 94105, Telephone: 415–556–3272.

Dated: September 24, 1975.

W. E. BURTON,
Temporary Chairman,
GSA Privacy Board.

[FR Doc.75–25864 Filed 9–25–75;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

IMPLEMENTATION OF PRIVACY ACT OF 1974

Notice of Systems of Records and Routine Uses Thereof

Pursuant to the requirements of the Privacy Act of 1974 (5 U.S.C. 552a, Pub. L. 93–579), the National Transportation Safety Board hereby gives notice of the maintenance of the following systems of records:

Claimants under Federal Tort Claims Act (NTSB—1)
Employee Payroll, Leave, and Attendance Records (NTSB—6)
Equal Employment Opportunity Complaint Records (NTSB—7)
Personnel Nonpermanent Records (NTSB—2)
Privacy Act Requests Records (NTSB—8)
Reports of Employee's Financial Interests and Outside Employment (NTSB—5)
Security Records (NTSB—3)
Travel Records of Employees (NTSB—4)

The systems of records and proposed routine uses thereof, identified above as NTSB—1 (Claimants under Federal Tort Claims Act), NTSB—2 (Personnel Nonpermanent Records), NTSB—3 (Security Records), and NTSB—4 (Travel Records of Employees), were published in the FEDERAL REGISTER on Monday, August 11, 1975, at 40 FR 33813 and 33814. Public comment was invited. No comments having been received, the Board now adopts those systems of records without change.

The systems of records and proposed routine uses thereof, identified above as NTSB—5 (Reports of Employee's Financial Interests and Outside Employment) and NTSB—6 (Employee Payroll, Leave, and Attendance Records), were published in the FEDERAL REGISTER on Friday, August 29, 1975, at 40 FR 40137; however, because the notice which appeared in that issue was misprinted, a corrected notice was published on Friday, September 5, 1975, at 40 FR 41197. Public comment was invited, but none was received. The Board now adoopts system of record NTSB—5 without change. The Board also adopts system of record NTSB—6 with an amendment to the "Safeguards" portion only, the amended portion to read as follows:

Safeguards: Only qualified personnel are permitted to process time cards. After the cards have been processed, they are stored in lockable metal cabinets. The tapes are maintained in the computer center; access is permitted only to certain specified FHWA employees or appropriate employees of contractor agencies.

The Board, by notice appearing in the FEDERAL REGISTER of Thursday, September 25, 1975, at 40 FR 44301, has added two additional systems of records, namely, NTSB–7, Equal Employment Opportunity Complaint Records, and NTSB–8, Privacy Act Requests Records. The proposed routine uses of these systems of records are included in that notice. Public comment has been invited in accordance with 5 U.S.C. 552a(e)(11).

Approved by the National Transportation Safety Board at Washington, D.C., this 22nd day of September, 1975.

[SEAL] JOHN H. REED,
Chairman.

[FR Doc.75–25640 Filed 9–25–75;8:45 am]

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ACTION
PRIVACY ACT OF 1974
Notice of Additional Systems of Records

On Wednesday, September 10, 1975, ACTION systems of records were published in 40 F.R. No. 176 at p. 42113. That notice was published in accord with 5 U.S.C. 552a(e)(4) and (11) of the Privacy Act of 1974 (Pub. L. 93-570) therein and herein referred to as the "Act". Notice is hereby given that in accord with the aforesaid Act ACTION proposes to give notice of additional systems of records as set forth below.

Any person interested in this notice may submit written views, comments or other data to ACTION/GC, Room 607, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. Although the systems of records set forth below will be considered adopted as published, any comments received from the public within 30 days from publication will be considered and appropriate amendments will be made. Comments received will be available for public inspection at the above address between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday (except holidays).

The Preliminary Statement published as indicated above in connection with ACTION's original publication of notice of systems of records is incorporated herein and made a part hereof and shall apply to all systems of records set forth below.

This notice is issued in Washington, D.C. on September 23, 1975.

Willard H. Meinecke,
Acting Director, ACTION.

ACTION/IO—13

System name: Overseas Staff Correspondence Files—ACTION/IO

System location: Africa Regional Office as to personnel serving in Africa and Latin America Regional Office as to personnel serving in Latin America, the Caribbean and Central America, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps overseas staff, contractors and consultants.

Categories of records in the system: Correspondence between the Regional Director or the Deputy Director and current overseas staff, consultants or contractors.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9-10-75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

Retrievability: Records are indexed by country of service and alphabetically within such countries.

Safeguards: Records in this system are available to regional office personnel and other officials of ACTION needing such records in the performance of their duties.

Retention and disposal: Records in this system are reviewed annually and destroyed when no longer needed.

System manager(s) and address: Regional Director (Africa or Latin America) ACTION 806 Connecticut Avenue, N.W. Washington, D.C. 20525.

Record source categories: Individuals who are the subjects of the system and staff members of the Regional Offices.

ACTION/IO—14

System name: Regional Volunteer Correspondence Files

System location: Africa Regional Office as to volunteers serving in Africa and Latin America Regional Office as to volunteers serving in Latin America, the Caribbean and Central America, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Present and former Peace Corps volunteers

Categories of records in the system: These records contain copies and original correspondence to and from volunteers regarding project related activities.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9-10-75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order by country of service

Safeguards: Records are available only to officials of ACTION needing such records in performance of their duties.

Retention and disposal: These records are reviewed annually and destroyed when no longer needed.

System manager(s) and address: The country desk officer of each country served by Peace Corps volunteers, Latin America Region and Africa Region, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Record source categories: Peace Corps volunteers and ACTION staff members.

ACTION/IO—15

System name: Regional Peace Corps Personnel Records—ACTION/IO

System location: Africa Region, Latin America Region and North Africa, Near East, Asia and Pacific Region (NANEAP), ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Staff Employees of ACTION serving in Regional Offices or overseas.

Categories of records in the system: These files contain correspondence, copies of resumes, form 171s and other documents regarding personnel matters and actions of current use.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq. and pertinent sections of the Peace Corps Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9/10/75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION staff for the need for such records in the performance of their duties.

Retention and disposal: Any documents which should be placed in the official personnel file are forwarded to the Office of Personnel Management after the employee terminates his employment with ACTION. Thereafter all other records are destroyed after two years following the termination of such employee.

System manager(s) and address: Personnel Analyst, Regional Offices, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Record source categories: The individual employee to whom the record pertains, supervisors and other ACTION personnel.

ACTION/IO—16

System name: Contractors and Consultants Records File—ACTION/IO

System location: Africa, Latin America and NANEAP Regions, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Individuals who have served or could serve as Contractors/Training Consultants for Peace Corps programs overseas.

Categories of records in the system: These files contain correspondence, resumes, and other materials pertaining to current personal services contractors, training consultants, etc., or perspective applicants for such positions.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9-10-75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order. Alternatively records may be indexed by skills categories but alphabetically within such skills categories.

Safeguards: Records are available only to ACTION staff for the need for such records in the performance of their duties.

Retention and disposal: These records are reviewed annually and those which are no longer necessary for current operations are destroyed.

System manager(s) and address: Contract/Training Specialist, Africa, Latin America or NANEAP Region, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Record source categories: The individual contractor or consultant to whom the record pertains, supervisors and other ACTION personnel.

ACTION/OD—1

System name: Office of the Director Personnel Records—ACTION/OD

System location: Office of the Director, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525

Categories of individuals covered by the system: Staff employees of ACTION serving in the Office of the Director.

Categories of records in the system: Resumes, job descriptions and miscellaneous copies of personnel forms.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq. and the Domestic Volunteer Service Act, 42 U.S.C. 4951 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9/10/75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION staff with a need for such records in the performance of their duties.

Retention and disposal: Any documents which should be placed in the official personnel file are forwarded to the Office of Personnel Management upon the employee's termination of employment with ACTION. Thereafter all other records are destroyed within two years following the termination of employee.

System manager(s) and address: Administrative Assistant to the Director, ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Record source categories: The individual to whom the record pertains, supervisors, and other ACTION personnel.

ACTION/OD—2

System name: National Advisory Council File

System location: Office of the Director, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Categories of individuals covered by the system: Present, past and prospective members of the National Volunteer Advisory Council.

Categories of records in the system: Resumes, Form 171s, clearance forms, and miscellaneous related documents.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et. seq. and the Domestic Volunteer Service Act, 42 U.S.C. 4951 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement 40 F.R. 42113, No. 176, 9/10/75.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION staff with a need for such records in the performance of their duties.

Retention and disposal: Any documents which should be placed in the official personnel file are forwarded to the Office of Personnel Management upon the personnel's termination of service with ACTION. Thereafter all other records are destroyed within two years following the termination of personnel's service.

System manager(s) and address: Administrative Assistant to the Director/ACTION 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Record source categories: The individual to whom the record pertains, other ACTION staff personnel, and other governmental authorities concerned with the appointment of a person whose records exist in the system.

[FR Doc.75-25796 Filed 9-25-75;8:45 am]

V 40 I 188 SEP 26 75 XUM

NUCLEAR REGULATORY COMMISSION
PRIVACY ACT OF 1974
Notices of Systems of Records—Proposed Routine Uses

On August 27, 1975, in accordance with Section 3 of the Privacy Act of 1974 (5 U.S.C. 552a(e)(4) and (11)), a notice of system of records maintained by the Nuclear Regulatory Commission was published in the Federal Register (40 FR 38997). A correction notice was published in the Federal Register on September 2, 1975 (40 FR 40492). This notice supplements those notices by listing seven additional systems of records. This notice is subject to all of the provisions and explanations contained in the earlier notices, except as stated below.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed routine uses specified in these notices of systems of records should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by October 28.* Copies of comments received will be available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Dated at Washington, D.C. this 23d day of September 1975.

For the Nuclear Regulatory Commission:

Samuel J. Chilk,
Secretary of the Commission.

NRC—34

System name: Advisory Committee on Reactor Safeguards (ACRS) Correspondence Index and Associated Records—NRC

System location: Advisory Committee on Reactor Safeguards, NRC, 1717 H Street, N.W., Washington, D.C.

Categories of individuals covered by the system: Persons providing information to or requesting information from the ACRS.

Categories of records in the system: These records contain information relating to incoming requests and correspondence from individuals and replies thereto and a listing by authors names of technical information.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Indexing is maintained on computer tapes and disks and individual materials are located in ACRS files.

Retrievability: Indexed by one or more of the following categories: author and addressee's name, subject title using the Key Word Out of Context (KWOC) index and issuing organization or agency.

Safeguards: Access is limited to those persons whose official duties require such access.

Retention and disposal: Records held indefinitely or until no longer needed.

System manager(s) and address:
Technical Information Officer
Advisory Committee on Reactor Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:
Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."—

Contesting record procedures: Same as "Notification procedure."

Record source categories: Records contain information prepared by private individuals or organizations, government agencies and their contractors, companies, and other groups such as the American National Standards Institute (ANSI).

NRC—35

System name: Division of Technical Review Employee Work Schedule File—NRC

System location: National Institutes of Health Computer Facility, c/o Office of Management Information and Program Control, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Categories of individuals covered by the system: Division of Technical Review (DTR) professional employees assigned review tasks.

Categories of records in the system: These records contain DTR employees' work schedules and summary description of work completed.

Authority for maintenance of the system: Section 161p, Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(p).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on computer magnetic tapes and in file folders.

Retrievability: Records are accessed by DTR employee's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Retained indefinitely for development of budget program planning and statistical purposes.

System manager(s) and address:
Director, Division of Technical Review
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:
Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: DTR employees to whom records pertain and their supervisors.

NRC—36

System name: Employee Locator Records Files—NRC

System location: Primary system—Division of Administrative Operations, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

Categories of individuals covered by the system: Persons who are NRC employees, consultants, contractors and other government personnel.

Categories of records in the system: These records contain information relating to name, address (home and business), telephone numbers (home and business), organization, persons to be notified in case of emergency and other related records.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on index cards and in file folders.

Retrievability: Indexed by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Stored indefinitely or until association with NRC is discontinued.

System manager(s) and address:
Director, Division of Administrative Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:
Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individual on whom the record is maintained, general personnel records, and other related records.

NRC—37

System name: Information Security Files and Associated Records—NRC

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission proposes to exempt portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The exemption rule is contained in proposed Section 9.95 of NRC regulations in 10 CFR Part 9.

System location: Primary system—Division of Security, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate system—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

Categories of individuals covered by the system: Persons including present or former NRC employees, NRC contractors, NRC consultants, licensees, other government agency personnel, and other cleared persons.

Categories of records in the system: These records include information regarding:

a. personnel who are authorized access to specified levels, categories and types of information, the approving authority, and related documents.

b. individuals who originate classified documents as well as identifying information about the document.

Authority for maintenance of the system: a. Sections 145 and 161i., Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165 and 2201(i).

b. E.O. 11652, March 8, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be used:

a. To provide information relating to the control of classified information and material to the Interagency Classification Review Committee, Department of Defense, Energy Research and Development Administration and other government agencies; and

b. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained primarily in file folders, magnetic tape, and disk packs.

Retrievability: Indexed and accessible by name, social security account number or by some other representation or a combination thereof.

Safeguards: Maintained in locked buildings, containers, or security areas under guard and/or alarm protection, as appropriate.

Retention and disposal: Records are handled in accordance with NRC Manual directives, including NRC Manual Appendix 0230, 'Record Disposition.'

System manager(s) and address:
Director, Division of Security
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:
Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information is classified pursuant to Executive Order 11652 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Persons including NRC employees, NRC contractors, NRC consultants, NRC licensees, and NRC visitors as well as information furnished by other government agencies or their contractors.

NRC—38

System name: Mailing Lists—NRC

System location: Primary location—Division of Administrative Operations, Office of Administration, NRC, 7920 Norfolk Avenue, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1 (f) and (h).

Categories of individuals covered by the system: Individuals with an interest in receiving information from the NRC.

Categories of records in the system: Mailing lists include primarily the individual's name and address. Some lists also include telephone number, title, occupation, institutional affiliation and in the case of the associates, type of membership.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records are maintained in card files, index cards, address plates, magnetic cards, punch cards, cassettes and magnetic tape.

Retrievability: Filed alphabetically at each location by name of individual.

Safeguards: Access to use of these records are limited to those persons whose official duties require such access.

Retention and disposal: Stored until requestor no longer desires the information.

System manager(s) and address:
Director, Division of Administrative Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:
Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure."

Contesting record procedures: Same as "Notification procedure."

Record source categories: Individuals expressing an interest in NRC activities and employees.

NRC—39

System name: Personnel Security Files and Associated Records—NRC

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission proposes to exempt portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). The exemption rule is contained in proposed Section 9.95 of the NRC regulations in 10 CFR Part 9.

System location: Primary system—Division of Security, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems—duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Part 1(j) and (k) and Part 2.

Categories of individuals covered by the system: Persons including NRC employees and employment applicants, NRC consultants, NRC contractors, licensees, other government agency personnel (e.g., General Services Administration personnel), other persons who have been considered for a personnel clearance, aliens who visit at NRC's facilities and actual or suspected violators of laws administered by NRC.

Categories of records in the system: These records include information relating to personnel, including name, address, date and place of birth, social security account number, citizenship, residence history, employment history, foreign travel, education, personal references, organizational membership and security clearance history. These records also contain copies of investigative reports from other agencies (primarily from the Civil Service Commission or the Federal Bureau of Investigation), summaries of investigative reports, results of Federal agency indices checks, reports of personnel security interviews, clearance actions information (e.g., grants and terminations), violations of laws, reports of security infractions, 'Request for Visit or Access Approval' (Form NRC-277), and other related personnel security processing documents.

Authority for maintenance of the system: a. Sections 145 and 161(i), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165 and 2201(i).

b. E.O. 11652, March 8, 1972.

c. E.O. 10450, April 27, 1953.

d. E.O. 10865, February 20, 1960.

V 40 1188 SEP 2675 XUM

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used by the Division of Security, Personnel Securityoard Members or Personnel Security Review Board Members, Civil Service Commission, Federal Bureau of Investigation, and other Federal agencies:

a. To determine clearance eligibility;
b. To certify clearances;
c. To maintain the NRC personnel security program; and
d. For any of the routine uses specified in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained primarily in file folders, magnetic tape, and disk packs.

Retrievability: Indexed and accessible by name, social security account number, or case file number of a combination thereof.

Safeguards: File folders and computer print-outs are maintained in locked buildings, containers, or security areas under guard and/or alarm protection as appropriate. Computer area access limited to cleared personnel with a need to know.

Retention and disposal: Records are handled in accordance with NRC Manual directives, including NRC Manual Appendix 0230, 'Records Disposition.'

System manager(s) and address:
Director, Division of Security
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:
Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information is classified pursuant to Executive Order 11652 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Persons including NRC employees, NRC contractors, NRC consultants, NRC licensees, and NRC visitors as well as information furnished by other government agencies or their contractors.

NRC—40

System name: Protection Support Files and Associated Records—NRC

Pursuant to 5 U.S.C. 552a(k)(1) and (5), the Commission proposes to exempt portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The exemption rule is contained in proposed Section 9.95 of the NRC regulations in 10 CFR Part 9.

System location: Primary system—Division of Security, Office of Administration, NRC, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems—duplicate systems exist in whole or in part, at the locations listed in Addendum I, Parts 1 and 2.

Categories of individuals covered by the system: Persons including present or former NRC employees, NRC consultants, NRC contractors, licensees, other government agency personnel and actual or suspected violators of laws relating to the NRC's activities.

Categories of records in the system: These records include information regarding: NRC facilities and NRC contractor facilities security programs and associated records; individuals visiting NRC facilities; NRC employees and NRC related identification files maintained for access purposes; actual or suspected violations of laws administered by NRC; including copies of investigative reports from other government agencies; records of individual's firearms qualification scores including the accountability of firearms; and other documents relating to the safeguarding of National Security Information.

Authority for maintenance of the system: a. Sections 145 and 161 i., k., and p., Atomic Energy Act of 1954, as amended, 42 U.S.C. 2165 and 2201(i), (k) and (p).

b. E.O. 11652, March 8, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this system may be used:

a. To provide licensees and contractors with the information necessary to maintain an adequate security program; and
b. For any of the routine uses specified in the Prefatory Statement. HI HJMaintained in file folders and on related forms.

Retrievability: Indexed and accessible by name, facility, badge number, identification card number, chronologically, or a combination thereof.

Safeguards: Maintained in locked buildings, containers, or security areas under guard and/or alarm protection, as appropriate.

Retention and disposal: Records are handled in accordance with NRC Manual directives, including Appendix 0230, 'Record Disposition.'

System manager(s) and address:
Director, Division of Security
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Notification procedure:
Director, Office of Administration
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Record access procedures: Same as "Notification procedure." Some information is classified pursuant to Executive Order 11652 and will not be disclosed. Other information has been received in confidence and will not be disclosed to the extent that disclosure would reveal a confidential source.

Contesting record procedures: Same as "Notification procedure."

Record source categories: Persons including NRC employees, NRC Contractors, NRC consultants, NRC licensees, and NRC visitors as well as information furnished by other government agencies or their contractors.

[FR Doc.75-25762 Filed 9-25-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

PRIVACY ACT OF 1974

Proposed Routine Uses

On August 27, 1975, the U.S. Nuclear Regulatory Commission published in the FEDERAL REGISTER (40 FR 338997) thirty-three systems records. Two additional proposed routine uses are added to the routine uses found in the Nuclear Reactor Operator Licensees Records File (NRC–16). This system of records was renamed Facility Operator Licensees Records File (10 CFR Part 55). These additional routine uses involve the transmittal of test and examination materials to researchers for test validation purposes and to contractors for developing and preparing facility operator license examinations.

Three additional proposed routine uses are added to the routine uses found in the Payroll Accounting Records (NRC–21). These additional routine uses involve the transmittal of payroll data to the Energy Research and Development Administration for preparing computer tapes, providing the Civil Service Commission with retirement and life insurance information, and transmitting information to state agencies for unemployment purposes.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed routine uses should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by October 28, 1975. Copies of comments received will be available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, as amended, notice is hereby given that adoption of the following additional routine uses to the Facility Operator Licensee Records File (NRC–16) and the Payroll Accounting Records (NRC–21) is contemplated.

1. The Routine Use section of the system of records named "Nuclear Reactor Operator Licensees Records File NRC–16" (subsequently renamed "Facility Operator Licensees Records File (10 CFR Part 55)") published on August 27, 1975 (40 FR 39006) is amended by deleting the word "and" after the semicolon at the end of paragraph (a), by changing the period at the end of paragraph (b) to a semicolon, and by adding two new paragraphs (c) and (d) to read as follows:

NRC–16

System name: Facility Operator Licensees Records File (10 CFR Part 55).

• • • • • •

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: • • •

• • • • • •

a. To determine if the individual meets the requirements of 10 CFR Part 55 to take an examination or to be issued an operator's license;

b. For any of the routine uses specified in the Prefatory Statement;

c. To provide researchers with information for statistical evaluations related to selections, training and examination of facility operators; and

d. To provide for examination and testing material and obtain results from contractors.

2. The Routine Use section of the system of records named "Payroll Accounting Records NRC–21" published in the FEDERAL REGISTER on August 27, 1975 (40 FR 39006) is amended by deleting the word "and" after the semicolon at the end of paragraph (i), by changing the period at the end of paragraph (j) to a semicolon, and by adding three new paragraphs (k), (l), and (m) to read as follows:

NRC–21

System name: Payroll Accounting Records—NRC.

• • • • • •

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: • • •

• • • • • •

i. For transmittal to the Office of Management and Budget for review of budget requests;

j. For any of the routine uses specified in the Prefatory Statement;

k. For transmittal of data to the Energy Research and Development Administration for preparing computer material for NRC's transmittal of data to the U.S. Treasury;

l. For withholding of retirement and life insurance to the U.S. Civil Service Commission; and

m. For transmittal of information to state agencies for unemployment purposes.

Dated at Washington, D.C. this 23rd day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commision.

[FR Doc.75–25761 Filed 9–25–75;8:45 am]

V 40 188 SEP 26 75 XUM

V40-188 SEP2675 XUM

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V40 I188
SEP 2675
XUM

189

Vol.40—No.189
9–29–75
PAGES
44537–44806

federal register

MONDAY, SEPTEMBER 29, 1975

highlights

PART I:

CHILD HEALTH DAY
Presidential proclamation 44537

FREE WORLD AND POLISH-FLAG VESSELS
Commerce/MA publishes list of vessels ineligible to carry U.S. Government-financed cargoes from United States to Cuba 44595

NATIONAL CANCER INSTITUTE
HEW/PHS issues regulations concerning grants for educational programs; effective 9–29–75 44545

CONTINUED INSIDE

PART II:

FEDERAL ELECTIONS
FEC proposed disclosure regulations; comments by 10–29–75 44698
FEC interim guidelines for October 10 quarterly report 44708

PART III:

MIGRATORY BIRDS
Interior/FWS issues hunting regulations for 1975–76 season in certain areas; effective 9–29–75 44709

PART IV:

PREDATOR CONTROL
EPA publishes notice regarding applications to register Sodium Cyanide for use in M-44 device 44725

PART V:

DEFERRAL REPORTS
OMB publishes summary of DOT, HEW, and National Commission on Productivity and Work Quality programs .. 44741

PART VI:

PRIVACY ACT OF 1974
The following agencies and departments issue proposals and/or notices implementing the Act:
Committee for Purchase of Products from the Blind and other Severely Handicapped 44758
Foreign Claims Settlement Commission 44757
National Science Foundation; comments by 10–29–75 .. 44758
Panama Canal Company 44761
Pennsylvania Avenue Development Corp. (2 documents) 44754, 44757

V40 189 SEP 29 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/CG—Marine engineering systems and components..... 40163; 9–2–75

EPA—Air pollution; labeling and importation of catalyst-equipped vehicles. 27448; 6–30–75

FM Broadcast stations table of assignments, Idaho..... 36675; 8–22–75

GSA—Employee standards of conduct; disclosure of information about individuals. 39505; 8–28–75

HEW/FDA—Microwave ovens; performance standards for microwave and radio frequency emitting products..... 14750; 4–2–75

USDA—Privacy Act of 1974; implementation provisions..... 39519; 8–28–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

PRIVACY ACT PUBLICATIONS

The following government agencies have submitted Privacy Act documents to the Office of the Federal Register for publication. These documents are available for public inspection at the Federal Register Office, 1100 L St., NW., Rm. 8401. They will be published according to the following schedule. See also this issue of the FEDERAL REGISTER for Privacy Act documents filed on or before Sept. 26.

Agency	*1975 Date of Issue*
Nuclear Regulatory Commission—notices	*
Interior Department—notices	*
Privacy Protection Study Commission—notices	Sept. 30
Consumer Product Safety Commission—notices	Sept. 30
National Archives & Records Service—notices	*
Equal Employment Opportunity Commission—notices, rules	Sept. 30
Community Services Administration—rules, notices	*
Civil Service Commission—rules	Sept. 30
Civil Aeronautics Board—rules	Sept. 30
Defense Supply Agency—proposed rule	Sept. 30
Joint Board for the Enrollment of Actuaries—rules	Sept. 30
Federal Power Commission—notices	Sept. 30

*Not yet scheduled; will be published as soon as possible.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5282. For information on obtaining extra copies, please call 202–523–5240. To obtain advance information from recorded highlights of selected documents to appear in the next issue, dial 202–523–5022.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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RUBBER FROM JAPAN
Treasury withholds appraisement notice on antidumping.. 44587

INCOME TAX
Treasury/IRS issues temporary regulations relating to certain retroactive amendments of employee plans..... 44544

DOCUMENT RETENTION
DOT/FAA permits certain operators to retain flight documents at a place other than headquarters; effective 10–29–75 44541

OVERLOADED AND UNDERINFLATED TIRES
DOT/FHA defers date in certain regulations on vehicles operated in interstate or foreign commerce; effective 10–1–75 44555

RURAL TELEPHONE PROGRAM
USDA/REA revises specification for flexible and semi-rigid polyvinyl choride raw material; comments by 10–29–75 44570

TEMPORARY AND INDEFINITE EMPLOYMENT
CSC permits noncompetitive term appointments under Veterans Readjustment Program; effective 9–29–75..... 44539

ANNUAL REPORT
Federal Prevailing Rate Advisory Committee publishes notice of availability..... 44620

COLOR ADDITIVES
HEW/FDA authorizes use of D&C Green No. 6 in surgical sutures; effective 10–30–75..... 44542

SALES OF SECURITIES
SEC amends volume limitation on sale of unregistered securities 44541

INFORMAL ENTRY
Treasury/Customs authorizes certain merchandise of undeclared value; effective 9–29–75..... 44542

NEW ANIMAL DRUGS
HEW/FDA withdraws approval of application for diethylstilbestrol and chlortetraacycline premix; effective 9–29–75 44600

NEW DRUGS
HEW/FDA withdraws approval of penicillinase injection applications; effective 10–9–75..... 44599

VOCATIONAL SCHOOLS
FTC proposes regulations regarding advertising, disclosure, cooling off and refund requirements; comments by 11–21–75; hearing on 12–1–75..... 44582

AM, FM AND TV STATIONS
FCC proposal amending rules regarding program logs; comments by 10–30–75..... 44577

CABLE TELEVISION
FCC amends program exclusivity protection and divestiture requirement; effective 10–30–75..... 44547

SWIMMING POOL SLIDES
CPSC announces opportunity for oral presentation, 10–10–75 44577

MEETINGS—
Administrative Conference of the United States: Committee on Informal Action, 10–20–75..... 44601
CRC: District of Columbia Advisory Committee, 10–21–75 44601
Illinois State Advisory Committee, 10–22, 10–23 and 10–29–75 44601
Missouri State Advisory Committee, 10–20–75..... 44601
Vermont State Advisory Committee, 10–16–75 44602
CSC: Federal Employees Pay Council, 10–15–75..... 44602
DOD: Defense Science Board (2 documents), 10–23 and 10–24–75; 11–6 and 11–7–75..... 44588
ERDA: Study Group on Field and Laboratory Utilization, 10–15–75 44602
FCC: Radio Technical Commission for Aeronautics (2 documents), 10–17 and 10–30–75..... 44606
HEW/FDA: Advisory Committee, 10–9 and 10–10–75; 10–16 and 10–17–75; 10–22–75; and 10–30 and 10–31–75 44597
Production and Distribution of Short-lived Radionuclides for Medical Use, 10–8–75..... 44599
Interior/BPA: Bonneville Regional Advisory Council, 10–16, 10–17 and 10–20, 10–22–75..... 44590
NPS: Great Sand Dunes National Monument, 11–6–75.. 44592
Justice/LEAA: Private Security Advisory Council, 10–14 and 10–16–75..... 44589
NSF: Advisory Panel for Chemistry, 10–17 and 10–18–75 44634
Advisory Panel for Regulatory Biology, 10–23 and 10–24–75 44635
SBA: Baltimore District Advisory Council, 10–18–75.... 44657
State: Fine Arts Committee, 11–18–75..... 44587

RESCHEDULED MEETING—
HEW/FDA: Panel on Review of Vitamin, Mineral, and Hematinic Drug Products, 10–24 and 10–25–75..... 44600

contents

THE PRESIDENT
Proclamations
Child Health Day..... 44537

EXECUTIVE AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES
Notices
Meetings:
Informal Action Committee... 44601

AGRICULTURE DEPARTMENT
See Federal Crop Insurance Corporation; Forest Service; Rural Electrification Administration; Soil Conservation Service.

BONNEVILLE POWER ADMINISTRATION
Notices
Authority delegations:
Procurement contracting..... 44590
Meeting:
Bonneville Regional Advisory Council 44590

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
International Air Transport Association, correction..... 44601

CIVIL RIGHTS COMMISSION
Notices
Meetings; state advisory committees:
District of Columbia..... 44601
Illinois (2 documents)..... 44601
Missouri 44601
Vermont 44602

CIVIL SERVICE COMMISSION
Rules
Veterans readjustment appointments; selection of term employees 44539

V 40 189 SEP 29 75 XUM

Notices
Meetings:
Federal Employees Pay Council 44602

COMMERCE DEPARTMENT
See Domestic and International Business Administration; Maritime Administration.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED
Notices
Privacy Act of 1974; systems of records 44759

CONSUMER PRODUCT SAFETY COMMISSION
Proposed Rules
Swimming pool slides; oral presentation of data, views or argument 44577

CUSTOMS SERVICE
Rules
Entry of merchandise that can not have a declared value 44542
Vessels in foreign trade:
Special tonnage and light money for El Salvador 44542

DEFENSE DEPARTMENT
Notices
Meetings:
Defense Science Board (2 documents) 44588

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Scientific articles; duty-free entry:
California State University, L.A. 44593
David Lipscomb College 44594
Frederick Cancer Research Center, et al 44595

DRUG ENFORCEMENT ADMINISTRATION
Notices
Applications, etc.: importation and manufacture of controlled substances:
Fher Corporation Ltd 44588
Northridge Drug Store and Dixie Drug Store 44589

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Meeting:
Field and Laboratory Utilization Study Group 44602

ENVIRONMENTAL PROTECTION AGENCY
Notices
Pesticide registration:
Sodium cyanide for predator control 44725

FEDERAL AVIATION ADMINISTRATION
Rules
Supplemental air carriers and commercial operators; retention of required flight documents 44541
Transition area 44540

Proposed Rules
Airworthiness directives:
Beech 45570
Transition areas (3 documents) 44576

FEDERAL COMMUNICATIONS COMMISSION
Rules
Cable television:
Divestiture requirements and prohibited cross-ownership in existence on or before July 1, 1970 44551
Syndicated program exclusivity protection; exemption of certain systems 44547
Proposed Rules
AM, FM and TV stations; program logs 44577
Notices
FM and TV broadcast applications ready and available for processing 44602
Hearings, etc.:
General World Administrative Radio Conference of the International Telecommunications Union 44606
Gross, Jack O 44611
Meetings:
Radio Technical Commission for Aeronautics (2 documents) 44606

FEDERAL CROP INSURANCE CORPORATION
Rules
Counties designated for cotton; grain sorghum; sugarcane and grape crop insurance (4 documents) 44539, 44540

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Puerto Rico 44600

FEDERAL ELECTION COMMISSION
Proposed Rules
Disclosure regulations 44698
Notices
October 10 quarterly report; interim guideline 44708

FEDERAL HIGHWAY ADMINISTRATION
Rules
Motor carrier safety provisions:
Overloaded or underinflated tires; deferral of effective date of certain provisions 44555
Transportation of migrant workers and certain technical amendments (2 documents) 44555, 44557

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
Farrell Lines Inc. et al 44613

FEDERAL POWER COMMISSION
Proposed Rules
Natural gas companies:
Accounts, uniform system; exploration, development and production; extension of time 44582

Notices
Hearings, etc.:
Appalachian Power Co 44620
Arizona Public Service Co 44613
Arkansas Louisiana Gas Co 44614
Columbia Gas Transmission Co 44614
Consumers Power Co 44615
Florida Power Co 44616
Gas Service Co. and Cities Service Co 44616
Lockhart Power Co 44616
Mountain Fuel Supply Co 44616
Natural Gas Pipeline Co. of America (2 documents) 44617
Producer and pipeline respondents, certain; correction 44618
Public Service Co 44614
Puget Sound Power and Light Co 44620
Skelly Oil Co 44618
Southern Natural Gas Co. (2 documents) 44619
Tennessee Gas Pipeline Co. and Southern Natural Gas Co 44619
Texas Eastern Transmission Co 44619
Trunkline Gas Co. and Mobil Oil Corp 44620

FEDERAL PREVAILING RATE ADVISORY COMMITTEE
Notices
Annual report; availability 44620

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
Barnett Banks of Fla. (2 documents) 44620, 44624
Chase County Corp 44629
First State Banking Corp 44629
National City Corp 44629
Northern Michigan Corp 44630
Pan American Bancshares, Inc. 44630
Republic of Texas 44634

FEDERAL TRADE COMMISSION
Proposed Rules
Schools, proprietary vocational and home study; advertising, disclosure, cooling off and refund requirements 44582

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Des Lacs National Wildlife Refuge; N. Dak. 44566
Grays Lake National Wildlife Refuge; Idaho 44568
Lostwood National Wildlife Refuge; N. Dak. 44568
Muscatatuck National Wildlife Refuge; Ind. 44569
Migratory bird hunting:
Open season; bag limits; and possession of certain game birds 44709
Public access, use, and recreation:
Agassiz National Wildlife Refuge; Minn.; correction 44568

FOOD AND DRUG ADMINISTRATION
Rules
Color additives:
D & C Green No. 6 in certain surgical sutures 44542
Human drugs:
Radioactive new biologics; termination of exemption 44543
New Drugs:
Radioactive new drugs and radioactive biologics; correction 44543
Proposed Rules
Administrative practices and procedures; correction 44570
Notices
Animal drugs:
Ultra-Life Super Beef Y-Z "A"; withdrawal of approval 44600
Committees; establishment, renewals, etc.:
Request for nomination of members 44599
Human drugs:
Penicillinase; withdrawal of approval 44599
Meetings:
Advisory Committees 44597
Panel on Review of Vitamin, Mineral and Hematinic Drug Products, rescheduling 44600
Production and distribution of short-lived radionuclides for medical use 44599

FOREIGN CLAIMS SETTLEMENT COMMISSION
Notices
Privacy Act of 1974; systems of records, addition 44757

FOREST SERVICE
Notices
Environmental statements:
Caddo National Grassland Unit Plan 44593
Swift Trail Forest Highway 34 44593

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration; Public Health Service.
Notices
Privacy Act, 1974, Systems of records, correction 44600

HEARINGS AND APPEALS OFFICE
Notices
Applications, etc.:
Rushton Mining Co 44591

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Disaster Assistance Administration.

INDIAN AFFAIRS BUREAU
Rules
Housing improvement program 44543

INTERIOR DEPARTMENT
See also Bonneville Power Administration; Fish and Wildlife Service; Hearings and Appeals Office; Indian Affairs Bureau; Land Management Bureau; National Park Service.
Notices
Financial interest statements:
Hale, Kenneth M. 44592
Heim, Paul R. 44592

INTERNAL REVENUE SERVICE
Rules
Income tax:
Retroactive change to employee plans 44544

INTERNATIONAL TRADE COMMISSION
Notices
Hearings, etc.:
Gloves, certain 44634

INTERSTATE COMMERCE COMMISSION
Rules
Accounting for treasury stock at cost; instructions for transactions with affiliates and charges to be just and reasonable 44558
Notices
Car service exemptions, mandatory 44645
Fourth section applications for relief 44646
Hearing assignments (2 documents) 44646
Motor carriers:
Applications and certain other proceedings 44646
Irregular route property carriers; gateway elimination 44647
Transfer proceedings 44646

JUSTICE DEPARTMENT
See Drug Enforcement Administration; Law Enforcement Assistance Administration.

LABOR DEPARTMENT
Notices
Adjustment assistance:
Barringer Knitting Mills, Inc. 44638
Barry Knitting Mills, Inc 44638
Bergman Knitting Mills, Inc. 44638
Cherry Knitting Mills, Inc. 44638
Clover Knitting Mills, Inc 44639
Consolidated Cigar Corp., West Pittston, Pa. 44643
Crescent Knitting Mills, Inc. 44639
Delco Products 44644
Devon Apparel, Inc. 44639
London Knitting Mills, Inc. 44640
M & M Knitting Mills, Inc. 44640
Mode Knitting Mills, Inc. 44640
Na-Lor Manufacturing Co. 44640
Nice Division of SKF Industries Inc. 44644
Richline Knitting Mills, Inc. 44645
SKF Industries Inc. 44641
Somerset Knitting Mills, Inc. 44641
Soowal Knitting Mills, Inc. 44642
Surrey Knitting Mills, Inc. 44642
Tricnit Industries, Inc. 44642
Wexler Knitting Mills 44643
Wilshire Knitting Mills, Inc. 44643

LAND MANAGEMENT BUREAU
Notices
Environmental statement:
Kaiparowits Power Project 44591
Withdrawal and reservation of lands, proposed, etc.:
Idaho (3 documents) 44590, 44591

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
Notices
Meetings:
Private Security Advisory Council 44589

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests 44635
Deferral reports 44741

MARITIME ADMINISTRATION
Notices
List of free world and Polish flag vessels arriving in Cuba since January 1, 1963 44595

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Notices
Motor vehicles safety standards; temporary exemption petitions:
Lotus Cars, Ltd 44600

NATIONAL PARK SERVICE
Notices
Meetings:
Great Sand Dunes National Monument 44592

NATIONAL SCIENCE FOUNDATION
Notices
Meetings:
Chemistry Advisory Panel 44634
Regulatory Biology Advisory Panel 44635
Privacy Act of 1974; systems of records, additions 44758

PANAMA CANAL COMPANY
Notices
Privacy Act of 1974; system of records 44761

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION
Rules
Privacy Act of 1974 44754
Notices
Privacy Act of 1974; systems of records 44757

PUBLIC HEALTH SERVICE
Rules
Grants:
National Cancer Institute Clinical Cancer Education program 44545

RURAL ELECTRIFICATION ADMINISTRATION
Proposed Rules
Rural telephone program:
Specifications for flexible and semirigid polyvinyl chloride raw material 44570

SECURITIES AND EXCHANGE COMMISSION
Rules
Securities:
Limitation on the amount that may be sold under Rule 144 44541

V 40 189
SEP 29 75
XUM

CONTENTS

Proposed Rules
Securities:
Forms, financial statement disclosure; periodic reports 44584
Notices
Hearings, etc.:
BBI, Inc 44636
Equity Funding Corp. of America 44636
Industries International, Inc 44636
Mississippi Power Co 44636
Royal Properties, Inc 44637
Self-regulatory organizations 44637
Westgate California Corp 44637

SMALL BUSINESS ADMINISTRATION
Notices
Meetings:
Baltimore District Advisory Council 44667

SOIL CONSERVATION SERVICE
Notices
Environmental statements on watershed projects, etc.:
Okmulgee Creek Watershed, Oklahoma 44593

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS OFFICE
Notices
National Canners Association's petition 44635

STATE DEPARTMENT
Notices
Meetings:
Fine Arts Committee 44587

TRANSPORTATION DEPARTMENT
See Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT
See Customs Service; Internal Revenue Service.
Notices
Antidumping:
Butadiene acrylonitrile rubber from Japan 44587
Authority delegation:
Designation of Deputy Secretary to serve on National Commission on electronic fund transfers 44588

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.
A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR
PROCLAMATIONS:
4396 44537

5 CFR
316 44539

7 CFR
401 (3 documents) 44539, 44540
411 44540
PROPOSED RULES:
1701 44570

11 CFR
PROPOSED RULES:
100 44698
101 44698
102 44698
103 44698
104 44698
105 44698
109 44698
110 44698
111 44698

14 CFR
71 44540
121 44541
PROPOSED RULES:
39 44570
71 (3 documents) 44576

16 CFR
PROPOSED RULES:
438 44582
1207 44577

17 CFR
230 44541
PROPOSED RULES:
230 44584
239 44584

18 CFR
PROPOSED RULES:
249 44584
154 44582
201 44582
260 44582

19 CFR
4 44542
143 44542

21 CFR
8 44542
310 44543
PROPOSED RULES:
1 44570
2 44570
5 44570
6 44570
8 44570
10 44570
11 44570
80 44570
90 44570
100 44570
102 44570
121 44570
202 44570
310 44570
312 44570
314 44570
328 44570
330 44570
429 44570
430 44570
431 44570
511 44570
514 44570
601 44570
701 44570

PROPOSED RULES—Continued
1003 44570
1004 44570
1210 44570

25 CFR
261 44543

26 CFR
11 44544

36 CFR
903 44754

42 CFR
52d 44545

47 CFR
76 (2 documents) 44547, 44551
PROPOSED RULES:
73 44577

49 CFR
390 44555
392 44555
393 44555
395 44555
398 44557
1201 44559
1202 44560
1203 44561
1204 44562
1205 44563
1206 44563
1207 44564
1208 44565
1209 44566
1210 44567

50 CFR
20 44709
28 44568
32 (4 documents) 44568, 44569

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR
410 42306

3 CFR
PROCLAMATIONS:
4313 (See EO 11878) 42731
4385 41989
4386 41991
4387 42165
4388 42167
4389 42169
4390 42315
4391 42725
4392 42727
4393 42729
4394 42849
4395 43713
4396 44537
EXECUTIVE ORDERS:
April 18, 1908 (Revoked in part by PLO 5528) 42362
July 2, 1910 (Revoked in part by PLO 5512) 40162
(Revoked in part by PLO 5517) 40814
1959 (Revoked in part by PLO 5515) 40811
6583 (Revoked in part by PLO 5536 42553
7595 (Revoked in part by PLO 5515) 40811
8649 (Revoked in part by PLO 5534) 42552
8780 (Revoked in part by PLO 5534) 42552
10480 (See EO 11879) 43197
11803 (Amended by EO 11878) 42731
11804 (See EO 11878) 42731
11861 (Amended by EO 11877) 40797
11864 (Superseded by EO 11877) 40797
11876 40501
11877 40797
11878 42731
11879 43197
MEMORANDUMS:
Memorandum of August 17, 1975 40139

4 CFR
400 43873
412 43873
PROPOSED RULES:
410 41801

5 CFR
151 42733
213 ..... 41755, 41993, 42427, 42733–42734, 43211, 44111
307 44111
316 44539
338 42734
410 42734
752 42734
772 42734
2411 43880
2413 43880

7 CFR
1 44480
2 ..... 41085, 41993, 44111
25 42171
25A 42171
29 ..... 42527, 44112
180 42851
210 42735
215 42735
220 42735
225 42735
246 42735
250 42735
270 ..... 42736, 43017, 43479
271 43017
354 ..... 41513, 43479
370 ..... 43223, 43223
401 ..... 44539, 44540
411 44540
719 44112
722 44303
725 41513
905 ..... 42317, 42318
908 ..... 40505, 40815, 41855, 42171, 43018, 43480, 44119
910 ..... 41086, 42319, 43224, 44120, 44304
913 44305
915 ..... 41993, 44305
919 41994
926 ..... 43480, 43715
927 42851
931 43480
932 41994
944 42529
945 42530
946 42530
981 ..... 43018, 43715
989 40141
991 44121
993 42530
1046 43716
1421 ..... 41067, 43224, 44121, 44122
1427 44308
1434 41087
1801 42178
1822 ..... 42178, 42736
1832 42320
1842 42179
1843 42179
PROPOSED RULES:
1 ..... 40849, 44157
51 40522
201 40524
250 43738
725 44157
905 44333
906 ..... 42886, 42887
910 40528
915 44334
924 43036
927 42023
931 40170
944 44334
948 40528
966 42887
982 40836
989 40842
1046 ..... 40843, 42023
1250 42888
1421 43919
1430 42364
1464 41530
1701 ..... 44334, 44570

8 CFR
103 ..... 42852, 44481
341 42532

9 CFR
54 ..... 40505, 42739
73 42179
78 41516
91 40506
92 44306
94 44123
97 43717
112 41994
113 ..... 41088, 41994
317 42852
331 43916
381 ..... 42337, 43916
PROPOSED RULES:
113 41139
317 41139
319 41139

10 CFR
2 44124
9 44483
10 44125
20 42557
25 44125
37 42558
50 40816
73 42558
95 44125
204 42338
205 40141
210 40818
211 40821
212 ..... 40142, 40818, 40821, 40824
213 ..... 40143, 44306, 44308
725 43481
RULINGS:
1975–9 40826
1975–10 40826
1975–11 40827
1975–12 40828
1975–13 40831
1975–14 40833
1975–15 40832
1975–16 40834
PROPOSED RULES:
9 44516
71 43517
206 42448
213 42578

11 CFR
Ch. I 40668, 43660
PROPOSED RULES:
100 44698
101 44698
102 44698
103 44698
104 44698
105 44698
106 43517
109 44698
110 44698
111 44698
113 41932

12 CFR
207 43482
211 43199
213 40506
215 ..... 40506, 43199
220 43482
221 43482
226 ..... 43199, 43200
265 43717
339 43482
523 ..... 41755, 41996
541 44126
544 42853

V 40 189 SEP 29 75 XUM

12 CFR—Continued
545 ... 41756, 42853, 44125
563 ... 41997
603 ... 40454
701 ... 41090
703 ... 41997
760 ... 41998
PROPOSED RULES:
9 ... 40859
202 ... 42030
208 ... 40857
226 ... 43516
337 ... 40548, 41530
341 ... 40856
545 ... 43832
561 ... 42371, 43832
563 ... 42371, 42898, 43832
564 ... 42371
569a ... 42371
571 ... 42371

13 CFR
123 ... 42180
313 ... 43483
315 ... 44308

14 CFR
37 ... 42183
39 ... 41090–41092, 41511, 42180, 42339, 42739, 42741, 42854, 43019, 43484, 44310
71 ... 41520, 41998, 42181, 42340–42342, 42740, 42741, 43019, 43020, 43485–43487, 43717, 43718, 43885, 44126, 44127, 44310, 44540
73 ... 41092, 43718
75 ... 43487, 43885, 44310
95 ... 42181, 43885
97 ... 41091, 42342, 43020, 44127
121 ... 42183, 42185, 44541
171 ... 41093, 43719
228 ... 43885
241 ... 42855
298 ... 42855
312 ... 43211
372a ... 42741
373 ... 43719
378 ... 43719
378a ... 41093
385 ... 44128
1212 ... 43668
PROPOSED RULES:
Ch. I ... 42754, 43919
39 ... 41143, 41537, 42023, 43919, 44335, 44570
67 ... 42024
71 ... 42025, 42364–42366, 44576
75 ... 42795, 43036, 43513, 44335
91 ... 44256
217 ... 43920
231 ... 43743
241 ... 43920
385 ... 40816

15 CFR
371 ... 40507
377 ... 40507
903 ... 41998
PROPOSED RULES:
80 ... 42209

16 CFR
4 ... 40780
13 ... 40143–40154, 40504, 41071–41081, 41756–41758, 42202–42203, 42742, 43487, 43719, 44314–44318

16 CFR—Continued
259 ... 42003
1018 ... 43886
1116 ... 42004
1609 ... 43886
PROPOSED RULES:
438 ... 44582
445 ... 42757
453 ... 42212, 42371
454 ... 41144
1014 ... 42025, 43231, 43743
1207 ... 42562, 44577

17 CFR
17 ... 41117
18 ... 41117
146 ... 41056
200 ... 40512, 44068, 44072
201 ... 42186
230 ... 44541
240 ... 40512, 41520, 42343
249 ... 40512, 41521
270 ... 41759, 42862
275 ... 44128
PROPOSED RULES:
210 ... 40550
230 ... 40555, 44584
231 ... 42212
239 ... 42212, 44584
240 ... 40858, 41808, 42212, 42219, 42905, 43743
241 ... 42212
249 ... 40858, 44584
259 ... 42212
270 ... 40555, 41818, 42757

18 CFR
1 ... 42005
2 ... 41760, 42005
3 ... 43488, 43892
3b ... 44288
141 ... 43488
154 ... 43889
157 ... 41769
260 ... 43892
PROPOSED RULES:
35 ... 42029
154 ... 41539, 44582
157 ... 41539
201 ... 41539, 44582
260 ... 41539, 44582
901 ... 44336

19 CFR
4 ... 44542
10 ... 43021, 44319
112 ... 41084
141 ... 44128
143 ... 44542
148 ... 41084
171 ... 43488, 43894
172 ... 43026
PROPOSED RULES:
12 ... 41118
153 ... 43226
175 ... 43226
201 ... 40173
210 ... 40173

20 CFR
200 ... 41084
260 ... 41084
404 ... 42863
405 ... 42006, 43211, 43895, 44320
450 ... 42865

20 CFR—Continued
PROPOSED RULES:
405 ... 40171, 40537, 40850
601 ... 43744

21 CFR
Ch. I ... 40520, 43488
8 ... 44542
29 ... 42866
121 ... 40799, 41085, 42866
123 ... 42343, 43720
310 ... 44543
431 ... 41522
436 ... 41522
449 ... 41523
452 ... 41773
510 ... 42007, 43213, 43488
520 ... 43488
522 ... 42007
540 ... 42007
556 ... 41085
561 ... 41773, 42343
1010 ... 40800
1040 ... 40800
1304 ... 42866
PROPOSED RULES:
1 ... 40682, 44570
2 ... 40682, 44570
5 ... 40682, 44570
8 ... 40682, 44570
10 ... 40682, 44570
11 ... 40682, 44570
80 ... 40682, 44570
90 ... 40682, 44570
100 ... 40682, 44570
102 ... 40682, 44570
121 ... 40529, 40682, 41797, 44570
202 ... 40682, 44570
310 ... 40682, 43513, 44570
312 ... 40682, 44570
314 ... 40682, 44335, 44570
328 ... 40682, 44570
330 ... 40682, 44570
429 ... 40682, 44570
430 ... 40682, 44570
431 ... 40682, 44570
433 ... 40682
511 ... 40682, 44570
514 ... 40682, 44570
601 ... 40682, 44570
640 ... 41799
701 ... 40682, 44570
1000 ... 42749
1003 ... 40682, 44570
1004 ... 40682, 44570
1210 ... 40682, 44570

22 CFR
42 ... 42532
PROPOSED RULES:
6a ... 40456

23 CFR
450 ... 42976, 42979
460 ... 44322
470 ... 42344
633 ... 42867
658 ... 41774, 42186
710 ... 41523
750 ... 42842

24 CFR
25 ... 43026
82 ... 44129
207 ... 43898

24 CFR—Continued
220 ... 43898
227 ... 43898
231 ... 43898
234 ... 43898
280 ... 42061, 42007
300 ... 43027, 44323
570 ... 41509, 42347
860 ... 44323
888 ... 40513
1914 ... 41509, 42009, 42872, 43219, 43720
1915 ... 41510, 42553, 42674, 43220, 43722
1916 ... 42348, 42349, 43027
1917 ... 41108–41115, 42349
1920 ... 41115, 41116, 42557, 42743
1930 ... 44130
1931 ... 44130
PROPOSED RULES:
406 ... 42560
805 ... 43372
865 ... 44159

25 CFR
261 ... 44543
PROPOSED RULES:
33 ... 40982
43h ... 42020
221 ... 43513
233 ... 42884
401 ... 40982
402 ... 40982
403 ... 40982
404 ... 40982
405 ... 40982
406 ... 42560
407 ... 40982

26 CFR
1 ... 42743, 43034, 43735
11 ... 44544
31 ... 42349
PROPOSED RULES:
1 ... 41118
31 ... 43226

28 CFR
0 ... 42745, 44326
2 ... 41328
PROPOSED RULES:
22 ... 44034

29 CFR
56 ... 43170
57 ... 43170
58 ... 43170
570 ... 40800, 44130
1952 ... 40155–40157, 44130–44133
2530 ... 41654
2550 ... 43726
2602 ... 42876, 43512
2603 ... 43213
2604 ... 42533
2605 ... 43509
2606 ... 42877
PROPOSED RULES:
603 ... 40537
608 ... 40537
609 ... 40587
687 ... 40537
697 ... 44159
1910 ... 40170, 40849, 41530, 41797
1915 ... 41530
1916 ... 41530
1917 ... 41530

29 CFR—Continued
1918 ... 41530
1926 ... 40170, 41530
1952 ... 41148, 44187, 44158

30 CFR
77 ... 41775
PROPOSED RULES:
55 ... 44272
56 ... 44272
57 ... 44272
211 ... 41122
216 ... 41122
250 ... 42559, 43036

32 CFR
166 ... 44135
197 ... 42186
292a ... 44489
299a ... 44294
1608 ... 44495
1806 ... 42736
PROPOSED RULES:
292a ... 44516
1481 ... 42907
1814 ... 42444
2102 ... 40792

32A CFR
Ch. VI ... 43489

33 CFR
117 ... 41524, 42189, 43213
155 ... 42189
183 ... 43856
265 ... 42652
266 ... 42654
PROPOSED RULES:
1 ... 42210
117 ... 41537
183 ... 43226
209 ... 43918
305 ... 41636

35 CFR
10 ... 44498
253 ... 42996
PROPOSED RULES:
10 ... 40485

36 CFR
901 ... 41524
1000 ... 40802
PROPOSED RULES:
7 ... 41138, 42364
903 ... 41530, 44754

38 CFR
4 ... 42535
21 ... 42878
36 ... 42190
PROPOSED RULES:
3 ... 41540, 42578

39 CFR
111 ... 42541
3002 ... 43033
PROPOSED RULES:
42 ... 43232, 43930
43 ... 43232, 43930
44 ... 43232, 43930
45 ... 43232, 43930
47 ... 43232, 43930
111 ... 43232

40 CFR
52 ... 40158–40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42542, 42895–42896, 43214–43216
60 ... 42194, 43850
61 ... 42195
162 ... 41788, 42746
180 ... 40161, 42357, 43727
230 ... 41292
435 ... 42543
PROPOSED RULES:
16 ... 40792
35 ... 41644, 43231
52 ... 40172, 40854–40856, 42211, 42368, 42369, 42757, 43231, 43923
60 ... 42028
126 ... 41649
142 ... 40538
162 ... 40538, 44162
172 ... 40545, 44162
180 ... 41538, 42757, 43924
246 ... 42886
430 ... 41298
435 ... 42572

41 CFR
1–1 ... 44136, 44137, 44502
1–2 ... 44138
1–3 ... 44138
1–4 ... 44139, 44504
1–6 ... 44140
1–7 ... 44140, 44504
1–8 ... 44140
1–11 ... 44140
1–12 ... 44140
1–14 ... 44141
1–16 ... 44137, 44141
1–18 ... 44141
1–30 ... 43728, 44141
8–1 ... 43217
8–2 ... 40803
8–3 ... 40803
14–3 ... 40517, 42746
101–26 ... 41093
101–35 ... 42358
101–38 ... 42358
101–43 ... 42361
101–44 ... 42361
105–61 ... 42681
114–42 ... 40517
114–60 ... 42746
PROPOSED RULES:
3–4 ... 42673
14H–70 ... 41025
51–8 ... 42444
60–5 ... 41149

42 CFR
52d ... 44545
110 ... 41095
PROPOSED RULES:
36 ... 42658
67 ... 42890

43 CFR
2 ... 44505
3300 ... 43489
PUBLIC LAND ORDERS:
2249 (Revoked in part by PLO 5515) ... 40811
4089 (Revoked in part by PLO 5515) ... 40811

V 40 189 SEP 29 75 XUM

43 CFR—Continued

4148 (Revoked in part by PLO 5515)---- 40811
4643 (Revoked in part by PLO 5511)---- 40162
4889 (Revoked in part by PLO 5515)---- 40811
5175 (Amended by PLO 5519)---- 40814
5180 (Amended by PLO 5519)---- 40814
5191 (Amended by PLO 5519)---- 40814
5394 (Amended by PLO 5519)---- 40814
5418 (See PLO 5519)---- 40814
5438 (Amended by PLO 5519)---- 40814
5511---- 40162
5512---- 40162
5513---- 40162
5514---- 40811
5515---- 40811
5516---- 40814
5517---- 40814
5518---- 40814
5519---- 40814
5520---- 40815
5521---- 40815
5522---- 41096
5523---- 41095, 43028
5524---- 41095
5525---- 41794, 43489
5526---- 42195
5527---- 42362
5528---- 42362
5529---- 42551
5530---- 42551
5531---- 42553, 43732
5532---- 42551
5533---- 42551
5534---- 42552
5535---- 42551
5536---- 42553
5537---- 43028
5538---- 43217
5539---- 44141

PROPOSED RULES:

4---- 42020
23---- 41122
2110---- 43735
2130---- 43735
2270---- 43735
3040---- 41122
3820---- 43735

45 CFR

30---- 40162
46---- 40163
100---- 41795
101---- 41795
169---- 40518
201---- 44326
212---- 43218
220---- 43182
224---- 43182
233---- 43182
249---- 43901
250---- 42013
613---- 44510
1061---- 44327
1067---- 44327
1208---- 40805
1600---- 42362

PROPOSED RULES:

56---- 41140
160a---- 41670
233---- 41143
249---- 42560
706---- 40783

45 CFR—Continued

PROPOSED RULES—Continued

1115---- 42457
1602---- 42374

46 CFR

Ch. I---- 42195, 42746
32---- 40163
35---- 40163
50---- 40163
52---- 40163
53---- 40163
54---- 40163
56---- 40164
58---- 40168
63---- 40169
146---- 41795
252---- 43490
402---- 41526
530---- 43720

PROPOSED RULES:

32---- 42751
34---- 43739
35---- 42751
76---- 43739
77---- 42751
78---- 42751
95---- 43739
96---- 42751
105---- 43739
167---- 42751
181---- 43739
184---- 42751
185---- 42751
193---- 43739
195---- 42751
196---- 42751
502---- 43925

47 CFR

0---- 44512
1---- 42882, 44327
2---- 40810
73---- 42882, 43028, 43506, 43507
74---- 40810
76---- 44547, 44551
81---- 44142
83---- 44142
91---- 40169

PROPOSED RULES:

2---- 42028, 42577, 42897, 43037, 43924
73---- 40172, 42028, 42369, 42577, 42578, 43028, 43514, 44577
76---- 43925
89---- 42577
91---- 42028, 42577

49 CFR

1---- 43901
25---- 41040
171---- 41527
172---- 41527
173---- 41527, 44327
174---- 41527
175---- 41527
177---- 41527
178---- 41527, 44327
325---- 42432
385---- 40810
390---- 44555
392---- 44555
393---- 44555
395---- 44555
398---- 44557

49 CFR—Continued

Ch. V---- 41798, 42013
552---- 42013
553---- 42015
555---- 42015
571---- 42746, 42897
613---- 42984
1033---- 40518, 40519, 43914, 44148
1134---- 42343
1201---- 44559
1202---- 44560
1203---- 44561
1204---- 44562
1205---- 44563
1206---- 44563
1207---- 44564
1208---- 44565
1209---- 44566
1210---- 44567
1306---- 40518
1320---- 41528
1322---- 41528

PROPOSED RULES:

10---- 43037
102---- 41537
107---- 41537
170---- 41537, 44336
171---- 40171, 40853, 40854, 41537, 44336
172---- 41537, 44336
173---- 41537, 44336
174---- 41537, 44336
175---- 41537, 44336
176---- 41537, 44336
177---- 41537, 44336
178---- 41537, 44336
179---- 41537, 44336
180---- 41537, 44336
181---- 41537, 44336
182---- 41537, 44336
183---- 41537, 44336
184---- 41537, 44336
185---- 41537, 44336
186---- 41537, 44336
187---- 41537, 44336
188---- 41537, 44336
189---- 41537, 44336
195---- 43740
215---- 42895
571---- 40537, 40853, 42756
573---- 43227
583---- 42366, 42895
1007---- 43689
1037---- 42221
1106---- 42578
1106---- 41153, 40854, 42573
1201---- 42899
1307---- 42033, 43038

50 CFR

17---- 44149, 44412
20---- 41096, 42015, 44709
28---- 41105, 42017, 42195, 42748, 44568
32---- 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748, 42883, 43029, 43030, 43032, 43218, 43219, 43732, 43733, 43914–43916, 44151–44155, 44328
33---- 44155
251---- 43508, 43733, 43734
285---- 43916

PROPOSED RULES:

17---- 40521, 44329
216---- 41531, 42210, 43040
501---- 41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18
43197–43477	19
43479–43711	22
43713–43871	23
43873–44109	24
44111–44301	25
44303–44535	26
44537–44806	29

V 40 I 189 SEP 29 75 XUM

presidential documents

Title 3—The President

PROCLAMATION 4396

Child Health Day, 1975

By the President of the United States of America

A Proclamation

In the years since 1928, when Child Health Day was first proclaimed, our concept of health has acquired new dimensions. No longer do we consider health merely the timely treatment and cure of illness. Health now encompasses the prevention of those conditions which can lead to illness.

Scientific technology and medical research have given us many new tools to help in the essential tasks of preventing illness or conditions which can cripple. Thanks to vaccines which have been developed in recent decades, poliomyelitis is no longer the widespread crippler it once was. Children can now be protected against measles and the risk of death or brain damage resulting from this disease. Immunization against rubella not only protects young children, but also protects pregnant women from contracting the disease and risking the mental health of their unborn children.

Future challenge includes prevention of such divergent problems as birth abnormality, the battered child syndrome and the teen-age alcoholic, drug addict or criminal.

In our Bicentennial year as a Nation, we are charting a course for the future that will enable us to complete the American dream. We can be certain that future scientific discoveries will help to control and conquer other conditions which now cripple or otherwise handicap children. For the present, each of us must resolve to apply the knowledge and the means now at hand for the fullest protection of our children's health.

As an expression of its concern, the Congress, by joint resolution (36 U.S.C. 143), has asked the President to designate the first Monday in October as Child Health Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do proclaim Monday, October 6, 1975, as Child Health Day.

I ask American parents on Child Health Day this year to place special emphasis on ensuring protection for their children against all diseases for which safe and effective vaccines are now available.

I call upon all citizens, agencies and organizations interested in child welfare to promote and observe appropriate activities, especially those which emphasize the preventive immunizations so necessary for proper health care.

V 40 I 189 SEP 29 75 XUM

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-26072 Filed 9-25-75;12:44 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 316—TEMPORARY AND INDEFINITE EMPLOYMENT

Noncompetitive Term Appointments

Section 316.302 is amended to permit term appointments to be made noncompetitively to persons eligible for Veterans Readjustment Appointments.

Effective on September 29, 1975, § 316.302(c) is amended as set out below:

§ 316.302 Selection of term employees.

• • • • •

(c) When the Commission has authorized an agency to make term appointments, the agency may give a term appointment without regard to the existence of an appropriate register to:

(1) A person with eligibility for reinstatement;

(2) A veteran or disabled veteran as defined in section 2108 (1) and (2) of title 5, United States Code, who:

(i) Served active duty in the armed forces of the United States during the Vietnam era;

(ii) Completed not more than 14 years of education;

(iii) Is appointed within the period ending 1 year after either his separation from the armed services or his release from hospitalization or treatment immediately following separation from the armed forces, except that in the case of appointments made prior to June 31, 1978, the 1-year period of eligibility is extended by the length of time a veteran is continuously enrolled in a program of education (as defined in 38 U.S.C. 1652) on more than half of the full-time basis (defined in 38 U.S.C. 1788), including customary periods of vacation and permissible absences, plus a minimum of 6 additional months after the veteran ceases to be so enrolled; and

(iv) Is qualified to perform the duties of the position.

An appointment under this subparagraph may be made only to a position at GS-5 or below, or the equivalent in another pay system. A veteran or disabled veteran who is an applicant for a position at GS-3 and below under this subparagraph is considered to be qualified to perform the duties of the position on the basis of his total experience, including his military experience.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-25813 Filed 9-26-75;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1976 crop year.

ALABAMA			
Blount	Hale		
Cherokee	Jackson		
Chilton	Lauderdale		
Colbert	Lawrence		
Conecuh	Limestone		
Covington	Madison		
Cullman	Marshall		
Dallas	Morgan		
De Kalb	Pickens		
Escambia	Shelby		
Etowah	Tuscaloosa		
ARIZONA			
Maricopa	Yuma		
Pinal			
ARKANSAS			
Arkansas	Lee		
Ashley	Lincoln		
Chicot	Lonoke		
Clay	Mississippi		
Craighead	Monroe		
Crittenden	Phillips		
Cross	Poinsett		
Desha	Prairie		
Greene	Randolph		
Jackson	St. Francis		
Jefferson	Woodruff		
Lawrence			
CALIFORNIA			
Fresno	Madera		
Imperial	Merced		
Kern	Riverside		
Kings	Tulare		
GEORGIA			
Ben Hill	Lee		
Brooks	Miller		
Clay	Mitchell		
Colquitt	Randolph		
Cook	Sumter		
Crisp	Terrell		
Decatur	Thomas		
Dooly	Tift		
Early	Turner		
Irwin	Worth		
KENTUCKY			
Fulton			
LOUISIANA			
Acadia	Concordia	Morehouse	Richland
Avoyelles	East Carroll	Natchitoches	St. Landry
Bossier	Evangeline	Pointe Coupee	Tensas
Caddo	Franklin	Rapides	West Carroll
Caldwell	Lafayette	Red River	
Catahoula	Madison		
MISSISSIPPI			
Alcorn	Madison		
Benton	Monroe		
Bolivar	Panola		
Calhoun	Pontotoc		
Carroll	Prentiss		
Chickasaw	Quitman		
Coahoma	Sharkey		
De Soto	Sunflower		
Hinds	Tallahatchie		
Holmes	Tippah		
Humphreys	Tunica		
Issaquena	Union		
Lee	Washington		
Leflore	Yazoo		
MISSOURI			
Butler	Pemiscot		
Dunklin	Scott		
Mississippi	Stoddard		
New Madrid			
NEW MEXICO			
Chaves	Eddy		
Dona Ana	Lea		
NORTH CAROLINA			
Anson	Nash		
Cleveland	Northampton		
Edgecombe	Robeson		
Halifax	Scotland		
Hoke	Union		
Lincoln			
OKLAHOMA			
Beckham	Jackson		
Caddo	Kiowa		
Grady	Tillman		
Harmon	Washita		
SOUTH CAROLINA			
Aiken	Florence		
Allendale	Hampton		
Anderson	Kershaw		
Bamberg	Laurens		
Barnwell	Lee		
Calhoun	Lexington		
Chester	Marion		
Chesterfield	Marlboro		
Clarendon	Orangeburg		
Darlington	Spartanburg		
Dillon	Sumter		
Dorchester	Williamsburg		
Edgefield	York		
TENNESSEE			
Carroll	Lake		
Chester	Lauderdale		
Crockett	Lawrence		
Dyer	Lincoln		
Fayette	McNairy		
Franklin	Madison		
Gibson	Obion		
Giles	Shelby		
Hardeman	Tipton		
Haywood	Weakley		
Henderson			

V 40 189 SEP 29 75 XUM

TEXAS

Austin	Hill	Sedgwick
Bailey	Hockley	Seward
Bell	Hudspeth	Shawnee
Bosque	Hunt	Sheridan
Brazos	Knox	Smith
Briscoe	Lamar	Stafford
Burleson	Lamb	Stanton
Calhoun	Limestone	Stevens
Cameron	Lubbock	Sumner
Castro	Lynn	Wabaunsee
Childress	Matagorda	Wallace
Cochran	McLennan	Washington
Collin	Milam	Wichita
Crosby	Navarro	Wilson
Culberson	Nueces	Woodson
Dawson	Parmer	
Deaf Smith	Pecos	
Denton	Presidio	
Ellis	Reeves	
El Paso	Refugio	
Falls	Robertson	
Fannin	San Patricio	
Floyd	Swisher	
Fort Bend	Terry	
Garza	Travis	
Grayson	Victoria	
Hale	Wharton	
Hall	Wilbarger	
Haskell	Willacy	
Hidalgo	Williamson	

VIRGINIA

Southampton

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-25922 Filed 9-26-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX: COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1976 crop year.

ARIZONA

Maricopa	Yuma
Pinal	

COLORADO

Kit Carson

KANSAS

Allen	Greenwood	Osborne
Anderson	Harvey	Ottawa
Atchison	Haskell	Pawnee
Barton	Jackson	Phillips
Bourbon	Jefferson	Pottawatomie
Brown	Jewell	Pratt
Butler	Johnson	Reno
Chase	Kearny	Republic
Clay	Kingman	Rice
Cloud	Labette	Riley
Coffey	Lincoln	Rooks
Cowley	Linn	Rush
Crawford	Lyon	Russell
Dickinson	Marion	Saline
Doniphan	Marshall	Scott
Douglas	McPherson	
Elk	Meade	
Ellis	Miami	
Ellsworth	Mitchell	
Finney	Montgomery	
Ford	Morris	
Franklin	Morton	
Geary	Nemaha	
Grant	Neosho	
Gray	Osage	

KANSAS—Continued

Osborne	Sedgwick
Ottawa	Seward
Pawnee	Shawnee
Phillips	Sheridan
Pottawatomie	Smith
Pratt	Stafford
Reno	Stanton
Republic	Stevens
Rice	Sumner
Riley	Wabaunsee
Rooks	Wallace
Rush	Washington
Russell	Wichita
Saline	Wilson
Scott	Woodson

MISSOURI

Atchison	Henry
Barton	Jasper
Bates	Vernon

NEBRASKA

Adams	Madison
Boone	Nance
Butler	Nemaha
Cass	Nuckolls
Clay	Otoe
Colfax	Pawnee
Dodge	Platte
Fillmore	Polk
Franklin	Richardson
Gage	Saline
Hall	Saunders
Hamilton	Seward
Jefferson	Thayer
Johnson	Webster
Kearney	York
Lancaster	

NEW MEXICO

Curry	Lea

OKLAHOMA

Caddo	Nowata
Craig	Ottawa
Delaware	Texas
Kay	Washita
Mayes	

SOUTH DAKOTA

Bon Homme	Hutchinson
Charles Mix	Lyman
Davison	Sanborn
Douglas	Tripp
Hanson	

TEXAS

Bailey	Hunt
Bell	Hutchinson
Bosque	Lamb
Briscoe	Lubbock
Calhoun	Matagorda
Cameron	McLennan
Carson	Milam
Castro	Moore
Collin	Navarro
Crosby	Nueces
Dallam	Ochiltree
Deaf Smith	Oldham
Denton	Parmer
Ellis	Randall
Falls	Refugio
Fannin	San Patricio
Floyd	Sherman
Fort Bend	Starr
Grayson	Swisher
Guadalupe	Travis
Hidalgo	Victoria
Hale	Willacy
Hansford	Wharton
Hartley	Williamson
Hill	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Corp Insurance Corporation.

[FR Doc.75-25923 Filed 9-26-75;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX: PARISHES DESIGNATED FOR SUGARCANE CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following parishes have been designated for sugarcane crop insurance for the 1976 crop year.

LOUISIANA

Ascension	St. James
Assumption	St. John the Baptist
Iberia	St. Martin
Iberville	St. Mary
Lafayette	Terrebonne
Lafourche	West Baton Rouge
Pointe Coupee	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-25920 Filed 9-26-75;8:45 am]

PART 411—GRAPE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAPE CROP INSURANCE

Pursuant to authority contained in § 411.1 of the above-identified regulations, the following counties have been designated for grape crop insurance for the 1976 crop year.

NEW YORK

Chautauqua	Seneca
Niagara	Steuben
Ontario	Yates
Schuyler	

PENNSYLVANIA

Erie

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.75-25921 Filed 9-26-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-SO-120]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Greenville, N.C., transition area.

The Greenville transition area is described in § 71.181 (40 FR 441) and contains an extension predicated on the Greenville RBN. The airport sponsor is planning to establish a new navigational aid on the airport and it is FAA policy that on-airport facilities have the same name as the airport. Therefore, it is necessary to change the name of the RBN from Greenville to Alwood. Since this amendment is minor in nature, notice and public precedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Greenville, N.C., transition area is amended as follows:

"• • • Greenville RBN • • •" is deleted and "• • • Alwood RBN • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in East Point, Ga., on September 19, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-25799 Filed 9-26-75;8:45 am]

[Docket No. 14320, Amdt. 121-123]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Retention of Documents

The purpose of these amendments to Part 121 of the Federal Aviation Regulations is to permit supplemental air carriers and commercial operators to retain certain required flight documents for 30 days at a place other than the principal operations base.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rulemaking (Notice 75-8) issued February 21, 1975, and published in the FEDERAL REGISTER on March 3, 1975 (40 FR 8830). The FAA received four public comments all of which favored adoption of the proposed amendments. These amendments and the reasons therefor are the same as those contained in Notice 75-8.

(Secs. 313(a), 601, Federal Aviation Act of 1958, (49 U.S.C. 1354(a) and 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective October 29, 1975, by amending § 121.697(c) and (d), and by adding a new paragraph (e) to that section, to read as follows:

§ 121.697 Disposition of load manifest, flight release, and flight plans: supplemental air carriers and commercial operators.

• • • • • •

(c) Except as provided in paragraph (d) of this section, if a flight originates at a place other than the principal operations base of the air carrier or commercial operator, the pilot in command (or another person not aboard the airplane who is authorized by the carrier or operator) shall, before or immediately after departure of the flight, mail signed copies of the documents listed in paragraph (a) of this section to the principal operations base.

(d) If a flight originates at a place other than the principal operations base of the air carrier or commercial operator and there is at that place a person to manage the flight departure for the air carrier or commercial operator who does not himself depart on the aircraft, signed copies of the documents listed in paragraph (a) of this section may be retained at that place for not more than 30 days before being sent to the principal operations base of the air carrier or commercial operator. However, the documents for a particular flight need not be further retained at that place or be sent to the principal operations base, if the originals or other copies of them have been previously returned to the principal operations base.

(e) The supplemental air carrier or commercial operator shall:

(1) Identify in its operations manual the person having custody of the copies of documents retained in accordance with paragraph (d) of this section; and

(2) Retain at its principal operations base either the original or a copy of the records required by this section for at least six months.

Issued in Washington, D.C., on September 22, 1975.

JAMES E. DOW,
Acting Administrator.

[FR Doc.75-25800 Filed 9-26-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5613]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Limitations on Amount of Securities Which May Be Sold

The Securities and Exchange Commission announced today it had adopted an amendment to paragraph (e)(1) of Rule 144 (17 CFR 230.144) under the Securities Act of 1933 ("1933 Act").

Rule 144 relates to the resale of securities acquired directly or indirectly from an issuer in transactions not involving any public offering and to the sale of securities held by persons in a control relationship with an issuer. The adopted amendments to paragraph (e)(1)(i) deal with the use of figures for trading volume on the National Association of Securities Dealers Automated Quotations System ("NASDAQ") in determining the volume limitations on sales made under the Rule.

The Commission stated in 1972, in its release announcing the adoption of Rule 144 that:

> Should reliable volume figures become publicly available through the automated quotation service of NASD, Inc. (NASDAQ), the Commission will consider amending the rule relating to over-the-counter companies to base the amount of securities which may be sold on such volume, as in the case of securities listed on exchanges.[1]

[1] Securities Act Release No. 5223 (April 12, 1972).

The Commission believes that experience with NASDAQ has shown NASDAQ volume figures to be reliable enough to justify amendments to the Rule to incorporate the NASDAQ volume figures into the volume limitations provisions of the rule.

The amendments to paragraph (e)(1)(i) of Rule 144 adopted today would allow aggregation of volume on both exchanges and NASDAQ for those securities listed on an exchange and quoted on NASDAQ. Thus, a limited number of NASDAQ issuers whose securities are listed on a national securities exchange would be permitted to aggregate NASDAQ volume figures with national securities exchange volume figures in determining the average weekly trading volume figure. This would in all cases represent a relaxation of the volume limitations for those NASDAQ issuers whose securities are listed on a national securities exchange. Accordingly, the Commission feels that publication for comment pursuant to the Administrative Procedure Act is unnecessary.

Section 230.144(e)(1) is amended to read as follows:

§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.

• • • • • •

(e) *Limitation on amount of securities sold.* Except as hereinafter provided, the amount of securities which may be sold in reliance upon this rule shall be determined as follows:

(1) *Sales by affiliates.* If restricted or other securities are sold for the account of an affiliate of the issuer, the amount of securities sold, together with all sales of restricted and other securities of the same class for the account of such person within the preceding six months, shall not exceed the following:

(i) If the securities are admitted to trading on a national securities exchange or are quoted on the automated quotation system of a registered securities association as well as traded on a national securities exchange, the lesser of (A) one percent of the shares or other units of the class outstanding as shown by the most recent report or statement published by the issuer, or (B) the average weekly reported volume of trading in such securities on all securities exchanges and reported through such automated quotation system during the four calendar weeks preceding the filing of notice required by paragraph (h) of this section, or if no such notice is required the receipt of the order to execute the transaction by the broker; or

• • • • • •

The Commission has taken action to adopt the amendments to Rule 144 pursuant to sections 2(11), 4(1), 4(2), and 19(a) of the Securities Act of 1933. The Commission finds that the amendments to Rule 144 relieve a restriction and that publication of the rule pursuant to section 553 of the Administrative Procedure Act is not required. Accordingly, amendments to paragraph (e)(1) of Rule 144 are adopted effective September 29, 1975.

V40I189 SEP2975 XUM

(Secs. 2(11), 4(1), 4(2), 4(4), 19(a), 48 Stat. 74, 77, 85; sec. 206, 48 Stat. 908; secs. 1–4, 68 Stat. 683; sec. 12, 78 Stat. 580; (15 U.S.C. 77b(11), 77d(1), 77d(2), 77d(4), 77s(a)))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 11, 1975.

[FR Doc.75-25869 Filed 9-26-75;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 75-240]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

El Salvador; Exemption From Special Tonnage

The Department of State advised the Department of the Treasury on March 25, 1975, that the Department of State has obtained from the Government of El Salvador satisfactory evidence that no discriminating duties of tonnage or imposts are imposed or levied in ports of El Salvador upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into El Salvador in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 10 (40 FR 12216), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of El Salvador, and the produce, manufactures, or merchandise imported into the United States in such vessels from El Salvador or from any other foreign country. This suspension and discontinuance shall take effect from March 25, 1975, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22 of the Customs regulations (19 CFR 4.22) is amended by the insertion of "El Salvador" in appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 251, as amended, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 3, 121, 128, 141)).

Since there is a statutory requirement for the suspension of discriminating duties when reciprocity has been established, notice and public procedure under 5 U.S.C. 553 is unnecessary. Inasmuch as the suspension grants an exemption from the payment of duties, there is good cause under 5 U.S.C. 553(d)(1) for making the suspension effective on the earliest date possible.

Dated: September 22, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-25787 Filed 9-26-75;8:46 am]

[T.D. 75-241]

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

Informal Entry of Certain Merchandise

Section 498(a)(10) of the Tariff Act of 1930, as amended (19 U.S.C. 1498(a)(10)), authorizes the Secretary of the Treasury to prescribe rules and regulations for the declaration and entry of merchandise when, in the opinion of the Secretary of the Treasury, the value thereof cannot be declared. Section 143.11 of the Customs Regulations (19 CFR 143.11), relating to entry by appraisement, presently is the only procedure prescribed pursuant to section 498(a)(10) for the entry of such merchandise.

It has been determined that with respect to certain merchandise, the value of which cannot be declared because of uniqueness in character or design, the procedure for appraisement pursuant to § 143.11 of the Customs Regulations (19 CFR 143.11) often involves unnecessary expenditures of time and effort. It has therefore been decided to amend § 143.21 of the Customs Regulations (19 CFR 143.21) to provide that the importer or consignee of merchandise which is so unique in character or design that the value thereof cannot be declared and which is not intended for sale or imported pursuant to a purchase or agreement for purchase may apply to the Commissioner of Customs for a ruling that such merchandise is entitled to be entered under informal entry procedures. This amendment will provide an additional element of flexibility in regard to the Customs treatment of merchandise the value of which cannot be determined while ensuring that the collection of the revenue is adequately protected.

Accordingly, § 143.21 of the Customs Regulations (19 CFR 143.21) is amended by adding a new paragraph (i) at the end thereof to read as follows:

§ 143.21 Merchandise eligible for informal entry.

* * * * *

(i) Merchandise which, upon written application to the Commissioner of Customs, is determined to be so unique in character or design that the value thereof cannot be declared and which is not intended for sale or imported in pursuance of a purchase or agreement for purchase.

(R.S. 251, as amended, secs. 498, 624, 46 Stat. 728, as amended, 759 (19 U.S.C. 66, 1498, 1624))

Because this amendment relieves a restriction, notice and public procedure thereon is found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective September 29, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 22, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-25788 Filed 9-26-75;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75C-0242]

PART 8—COLOR ADDITIVES

D&C Green No. 6 in Certain Surgical Sutures

The Commissioner of Food and Drugs is amending the color additive regulations to permit the use of D&C Green No. 6 in polyglycolic acid surgical sutures, effective October 30, 1975.

An order was published in the FEDERAL REGISTER of April 25, 1975 (40 FR 18167), amending § 8.4070 to provide for safe use of D&C Green No. 6 for coloring polyglycolic acid surgical sutures, including sutures for ophthalmic use. The order also amended the existing provision for use of D&C Green No. 6 in polyethylene terephthalate surgical sutures, including sutures for ophthalmic use, to require that such sutures conform in all respects to the requirements of the United States Pharmacopeia (U.S.P.). In addition, the order amended § 9.104 (21 CFR 9.104) to incorporate by reference the identity and specifications prescribed for D&C Green No. 6 by § 8.4070.

Four objections were filed in response to the order. (No person requested a formal evidentiary hearing.) Pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 371(e), the filing of the objections operated to stay the effectiveness of the provisions of the order to which objections were made. The objections received and the Commissioner's final action upon the objections are discussed below.

I. *Use of D&C Green No. 6 in Absorbable Sutures.* Letters were received from three surgeons who objected to the use of D&C Green No. 6 in polyglycolic acid sutures. These letters noted that the color is already permitted in the nonabsorbable polyethylene terephthalate suture and asserted that similar coloring of the absorbable polyglycolic acid suture could lead to confusion of absorbable and nonabsorbable sutures in the operating room.

In response, letters were received from ten surgeons, three operating room supervisors, and the petitioner in support of the new usage. These letters stated that suture identity is properly established by reference to labeling and maintained by good operating room procedures. These letters further stated that suture identity is not properly established by reference to the color of the suture and that it is not unusual for sutures of differing characteristics to have the same color.

After evaluating the various letters, the Commissioner agrees with the latter viewpoint. Color additives are used in sutures to make them visible to the surgeon during surgery. Color additives are not intended to be a means of identifying the various sutures. The Commissioner agrees that good operating room procedure requires reliance on the labeling of the suture, not its color, as the means of proper identification. Accordingly, the Commissioner concludes that paragraph (c)(1)(ii) of § 8.4070, permitting the use of D&C Green No. 6 in polyglycolic acid sutures, shall not be revised.

II. *Compliance with the U.S.P. Criteria.* A manufacturer of polyethylene terephthalate sutures objected to the new provision in § 8.4070(c)(2) that subject sutures must meet the requirements of the U.S.P. The objection asked that this provision be deleted or clarified. The objection stated that, as presently written, the provision might prevent appropriate use of the color in new sutures designed to permit needles to be detached from suture material with less force than the U.S.P. requires.

The U.S.P. requirement was intended to ensure that sutures colored with D&C Green No. 6 would comply with appropriate specifications for surgical sutures. The Commissioner concludes that there are sufficient safeguards, other than the color additive regulations, available: The requirements of the U.S.P., if the sutures are marketed as U.S.P.; requirements of applicable new drug applications (NDA's); and the general requirements of good manufacturing practice. Accordingly the Commissioner concludes that the U.S.P. requirement is unnecessary, and § 8.4070 is amended below to delete the provision.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706(b), (c), and (d), 52 Stat. 1055 as amended, 74 Stat. 399–403 as amended (21 U.S.C. 371(e), 376(b), (c), and (d))) and the transitional provisions accompanying the Color Additive Amendments of 1960 (sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note)), and under authority delegated to the Commissioner (21 CFR 2.120), it is ordered that the amendments of §§ 8.501, 8.4070, and 9.104, as published in the FEDERAL REGISTER of April 25, 1975 (40 FR 18167), shall become effective October 30, 1975 except that § 8.4070 *D&C Green No. 6* is amended by deleting paragraph (c)(2) and marking it "Reserved."

Any person who will be adversely affected by the deletion of paragraph (c)(2) from § 8.4070 may submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections and a request for hearing. Objections and requests for hearing will be accepted during regular business hours, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays, and shall be submitted on or before October 29, 1975. Each objection shall be separately numbered and shall state the grounds for the objection. If a hearing is requested, each numbered objection on which a hearing is requested shall specifically so state and include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. A copy of any report, article, survey or other written document relied upon and a summary of the testimonial evidence to be presented by any witnesses relied upon shall be submitted.

Objections and requests for hearing should be submitted in quintuplicate and should be identified with the Hearing Clerk docket number found in brackets in the heading of this order. Received objections and requests for hearing may be seen in the office of the Hearing Clerk, Rockville, MD, during the above stated hours.

Effective date. This order shall become effective October 30, 1975, except that the deletion of paragraph (c)(2) from § 8.4070 may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 701(e), 706(b), (c), and (d), 52 Stat. 1055 as amended, 74 Stat. 399–403 as amended (21 U.S.C. 371(e), 376(b), (c), and (d)); sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note).)

Dated: September 23, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-25847 Filed 9-26-75;8:45 am]

[Docket No. 75N-0067]

PART 310—NEW DRUGS

PART 361—PRESCRIPTION DRUGS FOR HUMAN USE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED: DRUGS USED IN RESEARCH

Radioactive New Drugs and Radioactive Biologics; Termination of Exemptions; Correction

In FR Doc. 75-19316 appearing at page 31298 in the FEDERAL REGISTER of July 25, 1975, the following corrections should be made:

1. On page 31307, in the center column, lines 28–30 of paragraph No. 51 of the preamble should read "the January 1, 1975 submission date referred to in § 310.503(f)(5) is extended to on or before August 25, 1975 and the January 1, 1975 termination date referred to in § 310.503(f)(4) and (h) is extended to August 26, 1975;".

2. On page 31308, in § 310.503, paragraphs (f)(4) and (h) are corrected to read as follows:

§ 310.503 Requirements regarding certain radioactive drugs.

* * * * *

(f) * * *.

(4) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (f)(1) of this section, in the "chemical form" and intended for the uses stated is terminated on August 26, 1975, except as provided in paragraph (f)(5) of this section.

* * * * * *

(h) The exemption referred to in paragraph (a) of this section, as applied to any drug not referred to in paragraphs (d), (f), and (g) of this section, is terminated on August 26, 1975.

3. On page 31309, in the third column, in § 361.1(c)(3), the last signature of the "Report on Research Use of Radioactive Drug" now reading "Chairman, Radiation Safety Committee" should read "Chairman, Radioactive Drug Research Committee"; and on page 31310, in the first column, the introductory text of paragraph (d) is corrected to read as follows:

§ 361.1 Radioactive drugs for certain research uses.

* * * * *

(d) In making the determinations required in paragraph (b)(1) of this section, a Radioactive Drug Research Committee shall consider the following requirements and assure that each is met:

* * * * * *

Dated: September 18, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-25868 Filed 9-26-75;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 261—HOUSING IMPROVEMENT PROGRAM

Designation

SEPTEMBER 22, 1975.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Part 300 of Subchapter X, Chapter I, Title 25 of the Code of Federal Regulations was published as final regulations beginning on page 19194 of the May 2, 1975, FEDERAL REGISTER (40 FR 19194) and became effective on June 2, 1975. At the time the part was published, it was incorrectly numbered as Part 300. The Office of the Federal Register has assigned Parts 1 through 299 only to Chapter I of Title 25 of the Code of Federal Regulations which can be issued by the Bureau of Indian Affairs. The Parts beginning with 300 on up are assigned to other chapters and other offices. Therefore, Part 300 is hereby redesignated as Part 261. Sections 300.1 through 300.10 are hereby redesignated as §§ 261.1 through 261.10. This redesignation includes the following changes to the Part:

1. In § 261.1 (formerly § 300.1), the phrase "of this Part 300" is hereby revised to read "of this Part 261."

V40I189 SEP2975 XUM

2. In the first sentence of § 261.2 (formerly § 300.3), the phrase "in this Part 300" is hereby revised to read "in this Part 261."

3. In § 261.4(b)(2) (formerly § 300.4(b)(2)), the phrase "as defined in § 300.2(i)" is hereby revised to read "as defined in § 261.2(i)."

4. In the first sentence of § 261.4(d)(2) (formerly § 300.4(d)(2)), the phrase "of this Part 300" is hereby revised to read "of this Part 261."

5. In the first sentence of § 261.4(d)(4) (formerly § 300.4(d)(4)), the phrase "as defined in § 300.2(h)" is hereby revised to read "as defined in § 261.2(h)."

6. In § 261.5(a)(4) (formerly § 300.5(a)(4)), the phrase "the categories in § 300.4" is hereby revised to read "the categories in § 261.4."

7. In § 261.5(b) (formerly § 300.5(b)), the phrase "of § 300.4" is hereby revised to read "of § 261.4."

8. In the first sentence of § 261.7(a) (formerly § 300.7(a)), the phrase "under § 300.5(a)" is hereby revised to read "under § 261.5(a)."

9. In § 261.9 (formerly § 300.9), the phrase "categories (b), (c), and (d) of § 300.4" is hereby revised to read "categories (b), (c), and (d) of § 261.4."

10. In § 261.10 (formerly § 300.10), the phrase "of this Part 300" is hereby revised to read "of this Part 261."

This redesignation is made pursuant to the authority in 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9). No other changes are being made to the text of Part 261 (formerly Part 300).

Since the regulations were incorrectly numbered as Part 300 and are merely being redesignated as Part 261 and no other changes are being made, advance notice and public procedure thereon have been deemed unnecessary. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since the regulations were incorrectly numbered as Part 300 and are merely being redesignated as Part 261 without making any other changes, the 30-day deferred effective date would unnecessarily delay the redesignation. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, the redesignation will become effective September 29, 1975.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-25707 Filed 9-26-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7377]

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Certain Retroactive Amendments of Employee Plans

This document contains temporary income tax regulations (26 CFR Part 11) under section 401(b) of the Internal Revenue Code of 1954 as added by section 1023 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406; 88 Stat. 943), hereinafter referred to as the "Act", in order to provide rules for certain retroactive changes in plans pursuant to section 401(b) of the Code. These temporary regulations are to remain in force and effect until superseded by permanent regulations.

A pension, profit-sharing, stock bonus, or annuity plan is a qualified plan under the Code only if it satisfies certain requirements. Under section 401(b) of the Code, prior to amendment by the Act, a new plan which did not satisfy certain of these requirements for the employer's taxable year in which it was put into effect could nevertheless be treated as if it satisfied those requirements for that year if a remedial plan amendment was made no later than the 15th day of the third month after the close of that taxable year. The amendment was required to be retroactive so that the plan, as amended, satisfied these requirements for the entire taxable year. Under section 401(a), prior to amendment by the Act, these remedial amendments were given retroactive effect only in cases involving the requirements of section 401(a) (3), (4), (5) or (6) of the Code.

As amended by section 1023 of the Act, section 401(b) of the Code applies to amendments involving any of the requirements of section 401(a) of the Code. Further, the relief provided by section 401(b) as amended is available to existing plans as well as new plans. Thus, a remedial amendment may be made under section 401(b) as amended to cure a defect in an earlier plan amendment.

In addition, the period of time in which a remedial retroactive amendment can be adopted under section 401(b) as amended has been extended to the time for filing the employer's return for the taxable year for which the plan or amendment was adopted or put into effect, including extensions of such filing time. This retroactive amendment period can be further extended by the Secretary of the Treasury or his delegate.

The temporary regulations provide for remedial amendments to be adopted with respect to disqualifying provisions. Under the temporary regulations, a "disqualifying provision" is any provision of a plan as adopted, a plan amendment, or the Act which causes a plan to fail to satisfy the requirements of section 401(a), 403(a) or 405(a). The remedial amendment period begins on the effective date of a disqualifying provision, and ends on the filing date (including extensions) for the return for the employer's taxable year in which falls the later of the date on which the provision was adopted or put into effect, or, in the case of an Act provision which causes a plan to be disqualified, the effective date of such provision. For purposes of the temporary regulation, the effective date of a disqualifying provision is (1) the date a plan is put into effect, (2) the earlier of the date a plan amendment is adopted or put into effect, or (3) the effective date of an Act provision which causes the plan to be disqualified.

The temporary regulations provide for further extension of the remedial amendment period under certain circumstances. Generally, the period is extended for up to 150 days beginning with the day after the close of the taxable year preceding the end of the remedial amendment period (without regard to any extensions) if, before the expiration of the remedial amendment period (without regard to any extensions) the employer who maintains the plan or the plan administrator files a request for a determination letter with respect to the initial qualification of the plan or the effect of the disqualifying provision upon the qualified status of the plan. The time during which such an application is pending before the Internal Revenue Service is not charged against the 150-day extension, and the 150-day extension does not expire less than 30 days after the notice of final determination with respect to the plan is issued by the Internal Revenue Service or 30 days after a declaratory judgment by the United States Tax Court under section 7476 of the Code, in a case or controversy involving such determination, becomes final. Further, the 150-day period is not to expire before December 31, 1975. In no case, however, may the 150-day period end after the expiration of the period for assessment of tax with respect to the taxable year immediately preceding the first day of the 150-day period.

Under the regulations, section 401(b) as amended does not apply where the remedial amendment period (determined with regard to extensions) ends prior to September 2, 1974.

Amendments to the regulations. In order to prescribe Income Tax Regulations (26 CFR Part 1) relating to certain retroactive changes in plans pursuant to section 401(b) of the Internal Revenue Code of 1954, as amended by section 1023 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 943), the following temporary regulations are hereby adopted:

§ 11.401(b)-1 Certain retroactive changes in plan.

(a) *General rule.* (1) Under section 401(b), a stock bonus, pension, profit-sharing or annuity plan or bond purchase plan which does not satisfy the requirements of section 401(a) on any day solely as a result of a disqualifying provision (as defined in paragraph (b) of this section) shall be considered to have satisfied such requirements on such day if there is adopted during the remedial amendment period (as determined under paragraphs (c) and (d) of this section) with respect to such disqualifying provision an amendment which causes the plan to satisfy all such requirements of sections 401(a), 403(a) or 405(a) for the whole of the remedial amendment period (including extension thereof).

(2) This section shall not apply to any disqualifying provision if the remedial amendment period (as determined under paragraphs (c) and (d)(1) of this section determined without regard to paragraph (d)(2) of this section) with respect to such disqualifying provision ends prior to September 2, 1974.

(b) *Disqualifying provisions.* For purposes of this section, with respect to a plan described in paragraph (a) of this section the term "disqualifying provision" means any provision of—

(1) A plan as adopted,

(2) A plan amendment, or

(3) The Employee Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 829),

which causes such plan to fail to satisfy the requirements of section 401(a), 403(a), or 405(a).

(c) *Remedial amendment period.* (1) The remedial amendment period with respect to a disqualifying provision begins on the effective date of the disqualifying provision. For purposes of this section, the effective date of a disqualifying provision is—

(i) In the case of a disqualifying provision in a plan as adopted, the date the plan is put into effect,

(ii) In the case of a plan amendment, the date the plan amendment is adopted or put into effect (whichever is earlier), or

(iii) In the case of a statutory provision described in paragraph (b)(3) of this section, the effective date of such provision.

(2) Unless extended as provided by paragraph (d) of this section, the remedial amendment period ends with the time prescribed by law (including extensions) for filing the return of the employer for the employer's taxable year in which falls—

(i) With respect to a disqualifying provision in a plan as adopted, or a plan amendment, the later of the date on which such provision was adopted or put into effect.

(ii) With respect to a statutory provision described in paragraph (b)(3) of this section, the effective date of such provision.

(d) *Extension for determination letters.*—(1) *In general.* If, before the end of the remedial amendment period (determined without regard to this paragraph) with respect to a disqualifying provision, the employer or plan administrator files a request pursuant to § 601.210(c) of this chapter (Statement of Procedural Rules) for a determination letter with respect to the initial qualification of the plan or the effect of such disqualifying provision on the qualified status of the plan (or a trust which is part of a plan) under section 401(a), 403(a), or 405(a), then except as provided in subparagraph (3) of this paragraph, such remedial amendment period may be extended for a period not to exceed 150 days, beginning on the day after the last day of the employers taxable year in which falls the dates described in subdivisions (i) and (ii) of paragraph (c)(2) of this section. The 150-day period does not include any day on which there is pending before the Internal Revenue Service a request for a determination letter described in this subparagraph. For this purpose, such a request is considered to be pending before the Internal Revenue Service from the date it is filed with the Internal Revenue Service to the date on which notice of the final determination with respect to the request is issued by the Internal Revenue Service, the request is withdrawn, or the request is otherwise finally disposed of by the Internal Revenue Service.

(2) *Special Rules.* Except as provided in subparagraph (3) of this paragraph, the period provided by subparagraph (1) of this paragraph shall not end prior to the later of December 31, 1975, or the expiration of 30 days after—

(i) The date on which a notice of final determination with respect to a request described in that subparagraph is issued by the Internal Revenue Service, or, where applicable,

(ii) The date on which a judgement pursuant to section 7476 (relating to declaratory judgments) by the United States Tax Court in a case or controversy involving such determination becomes final.

(3) *Overall limitation.* The period provided by subparagraph (1) of this paragraph shall not expire later than the last day (determined under section 6501) for assessment of any tax imposed by the Internal Revenue Code with respect to the taxable year of the employer immediately preceding the first day of such period.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 401(b), 7805, Internal Revenue Code of 1954 (88 Stat. 943, 68A Stat. 917; (26 U.S.C. 401(b), 7805))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: September 24, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.75-25919 Filed 9-26-75;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 52d—NATIONAL CANCER INSTITUTE CLINICAL CANCER EDUCATION PROGRAM

On March 24, 1975 a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 12999) proposing addition of a new Part 52d to Title 42 of the Code of Federal Regulations governing the award of grants under the Clinical Cancer Education Program. The purpose of the Program is to encourage planning and development of multidisciplinary educational programs aimed at achieving optimal care of cancer patients and to enable students in the health professions to acquire basic knowledge of neoplastic disease and the preventive measures and diagnostic and therapeutic skills necessary to the provision of such care. The Program is authorized by section 407(b)(7) of the Public Health Service Act, as amended (42 U.S.C. 286a (b)(7)).

Interested persons were invited to submit, on or before April 23, 1975, written comments regarding the proposed regulations.

No comments were received. The regulations are therefore being adopted in essentially the same form as proposed. However, § 52d.5 has been changed somewhat to require: (1) Actual satisfaction of program requirements rather than just assurances of compliance therewith, and (2) that the program be carried out in substantial conformity with the approved plan.

This part shall become effective on September 29, 1975.

Dated: August 21, 1975.

R. MOURE,
Acting Assistant Secretary for Health.

Approved: September 23, 1975.

DAVID MATHEWS,
Secretary.

Accordingly, Title 42 of the Code of Federal Regulations is amended by adding a new Part 52d, as follows:

Sec.
52d.1 Applicability.
52d.2 Definitions.
52d.3 Eligibility.
52d.4 Application.
52d.5 Program requirements.
52d.6 Grant awards.
52d.7 Payment.
52d.8 Expenditure of grant funds.
52d.9 Nondiscrimination.
52d.10 Applicability of 45 CFR Part 74.
52d.11 Progress and fiscal records and reports.
52d.12 Grantee accountability.
52d.13 Publications and copyright.
52d.14 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 407(b)(7), 85 Stat. 780 (42 U.S.C. 286a(b)(7)).

§ 52d.1 Applicability.

The regulations in this part apply to grants under the Clinical Cancer Education Program authorized by section 407(b)(7) of the Public Health Service Act, as amended (42 U.S.C. 286a(b)(7)), to encourage planning and development of multidisciplinary educational programs aimed at achieving optimal care of cancer patients and to enable students in the health professions to acquire basic knowledge of neoplastic disease and the preventive measures and diagnostic and therapeutic skills necessary to the provision of such care.

§ 52d.2 Definitions.

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director, NCI," means the Director of the National Cancer Institute and any other officer or employee of said Institute to whom the authority involved has been delegated.

(c) "Nonprofit" as applied to any institution means an institution which is a corporation or an association no part

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of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(d) "Board" means the National Cancer Advisory Board established by section 410B of the Act (42 U.S.C. 286f).

(e) "Affiliated teaching hospital" means a hospital which, although not owned by such school, has a written agreement with a school of medicine, osteopathy, dentistry, or public health eligible for assistance under this part, providing for effective control by the school of the teaching in the hospital.

(f) "Specialized cancer institute" means an institution which has as its primary mission the diagnosis, prevention, or treatment of cancer.

§ 52d.3 Eligibility.

To be eligible for a grant under this part an applicant must be:

(a) A public or private, nonprofit school of medicine, osteopathy, dentistry, or public health, affiliated teaching hospital, or specialized cancer institute; and

(b) Located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 52d.4 Application.

(a) Each institution desiring a grant under this part shall submit an application in such form and manner and on or before such dates as the Director, NCI, may from time to time require.[1] Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of the award, including the regulations of this part.

(b) In accordance with section 1-00-30 of the Department of Health, Education, and Welfare Grants Administration Manual,[2] each private institution which does not already have on file with the National Institutes of Health evidence of nonprofit status, must submit with its application acceptable proof of such status.

(c) In addition to any other pertinent information that the Director, NCI, may require, each application shall set forth in detail:

(1) A program plan defining the objectives of the proposed program and the means by which these objectives would be achieved, including descriptions of:

(i) The general educational level (e.g., pre-doctoral, post-doctoral) of the students to be involved in the program;

(ii) The proposed course of study and its relation to the diagnosis, prevention, control, and treatment of cancer;

(iii) The clinical experiences to be provided to the students;

(iv) Multidisciplinary aspects of the program;

(v) The particular schools or branches within the institution which would have responsibility for individual aspects of the program; and

(vi) The teaching mechanisms to be employed, including specific discussion of those techniques which would be innovative.

(2) The availability of personnel, facilities, and resources needed to carry out the program;

(3) The names, qualifications, and proposed duties of the program director and any staff members who would be responsible for the program, including a description of those duties which would actually to be carried out by the program director and those which would be shared with or assigned to others;

(4) The names and qualifications of proposed members of a cancer education committee which would be established by the applicant to advise it on the planning, organization, operation and evaluation of the program and the specific duties which would be assigned to said committee;

(5) Insofar as necessary, cooperative arrangements with other schools, hospitals, and institutions which would participate in the program;

(6) The proposed program period, a detailed budget including a list of other anticipated sources of support, and a justification for the amount of grant funds requested;

(7) Proposed methods for monitoring and evaluating the program; and

(8) A description of how the education and training effort will be sustained upon expiration of the award.

§ 52d.5 Program requirements.

In order to receive support under this part, an institution must satisfy the following requirements:

(a) The program must be carried out in substantial conformity with the plan set forth in the approved application;

(b) If the program is to be offered at the graduate level, it must be multidisciplinary in scope involving at least two or more clinical or preclinical sciences relating to cancer;

(c) The cancer education committee provided for in the approved application must be formed in accordance with the approved application to carry out such duties as are assigned to it pursuant to said application, must meet at least four times per year, and must be chaired by the program director; and

(d) The program director designated in the approved application must continue to be responsible for the conduct of the program (except for those duties specified in the approved application as being shared with or assigned to others) for the duration of the program period unless replaced by another individual found by the Director, NCI, to be qualified to carry out such responsibilities.

§ 52d.6 Grant awards.

(a) Within the limits of funds available, after consultation with the Board, the Director, NCI, may award grants to applicants with proposed programs which in his judgment best promote the purposes of this part, taking into consideration among other pertinent factors:

(1) The relevance of the proposed program to the objectives of this part;

(2) The extent to which the program would involve innovative teaching techniques;

(3) The availability of adequate staff, facilities, and resources (including where necessary cooperative arrangements with other institutions or hospitals) to carry out the program;

(4) The qualifications and experience of the program director;

(5) The authority of the program director to ensure that the program is planned with multidisciplinary input and that multidisciplinary aspects of the program are carried out;

(6) The extent to which the cancer education committee is broadly representative of the disciplines concerned with cancer care and teaching and is allowed to participate in the planning, organization, operation, and evaluation of the program;

(7) If the program is to be offered at the pre-doctoral level, the extent to which its objectives are designed to aid students:

(i) To acquire a basic understanding of fundamental principles of cancer biology, epidemiology, detection, diagnosis, prevention, treatment and control;

(ii) To interest students in learning more about cancer; and

(iii) To develop an appreciation of the need for a comprehensive multidisciplinary approach to the care of cancer patients;

(8) The administrative and managerial capability of the applicant;

(9) The reasonableness of the proposed budget in relation to the proposed program;

(10) The adequacy of the methods for monitoring and evaluating the program on a continuing basis; and

(11) The degree to which the application adequately provides for the requirements set forth in § 52d.5.

(b) All grant awards shall be in writing and shall specify the program period, the total recommended amount of funds for the entire program period, the approved budget for the initial budget period, and the amount awarded for the initial budget period.

(c) Neither the approval of any application nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion thereof.

[1] Applications and instructions are available from the Division of Cancer Research Resources and Centers, Education Branch, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20014.

[2] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

(d) The amount of any grant award shall be determined by the Director, NCI, on the basis of his estimate of the sum necessary to pay all or part of the allowable costs for the budget period covered by the award.

§ 52d.7 Payment.

The Director, NCI, shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement, for expenses incurred or to be incurred in accordance with its approved application.

§ 52d.8 Expenditure of grant funds.

(a) Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the awards, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74, except that grant funds may not be used for costs incurred in connection with activities which, prior to the grant, were part of the grantee's standard curriculum.

(b) Any unobligated grant funds in the grant account at the close of a budget period may with prior approval by the Director, NCI be carried forward and remain available for obligation during the remainder of the program period, subject to such limitations as the Director, NCI may prescribe. The amount of any subsequent award will take into consideration unobligated grant funds remaining in the grant account. At the end of the program period any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 52d.9 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d *et seq.*) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) Attention is also called to the requirements of Title IX of the Education Amendments of 1972, and in particular to section 901 of such Act (20 U.S.C. 1681) which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Grant funds used for alterations and renovations shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (September 24, 1965) as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 52d.10 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

Subpt.	*45 CFR Pt. 74*
A	General.
B	Cash Depositories.
C	Bonding and Insurance.
D	Retention and Custodial Requirements for Records.
F	Grant-Related Income.
G	Grant Payment Requirements.
K	Grant Closeout, Suspension, and Termination.
L	Matching and Cost Sharing.
M	Cost Principles.
O	Property.
Q	Budget Revisions Procedures.

§ 52d.11 Progress and fiscal records and reports.

Each grant award shall require that the grantee maintain such progress and fiscal records and file with the Director, NCI, such progress and fiscal reports relating to the conduct and results of the approved grant and the use of grant funds as the Director, NCI, may find necessary to carry out the purposes of this part.

§ 52d.12 Grantee accountability.

(a) All payments made by the Director, NCI shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved program the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available to the Director, NCI, satisfactory evidence of expenditures for direct and indirect costs meeting the requirements of this part.

(b) Accounting for royalties. Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(1) State and local governments. Where the grantee is a State or local government as those terms are defined in Subpart A of 45 CFR Part 74, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) Grantees other than State and local governments. Where the grantee is not a State or local government as those terms are defined in subpart A of 45 CFR Part 74, royalties shall be accounted for as follows:

(A) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(B) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual.

§ 52d.13 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government as those terms are defined in subpart A of 45 CFR Part 74, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from an activity supported by a grant under this part.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government as those terms are defined in subpart A of 45 CFR Part 74, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from an activity supported by a grant under this part, subject to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 52d.14 Additional conditions.

The Director, NCI, may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved program, the interests of the public health, or the conservation of grant funds.

[FR Doc.75-25898 Filed 9-26-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20482; FCC 75-1065]

PART 76—CABLE TELEVISION SERVICE

Exemption From Providing Syndicated Program Exclusivity Protection

Report and order—Proceeding terminated. In the matter of amendment of

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Part 76, Subpart F of the Commission's rules and regulations to exempt smaller cable television systems and smaller system conglomerates from the obligation of providing syndicated program exclusivity protection: §§ 76.99 and 76.151 et seq.

INTRODUCTION

1. On May 20, 1975, the Commission released its notice of proposed rulemaking in Docket 20482, FCC 75-541, 53 FCC 2d 391 (1975), initiating a rule making proceeding designed to examine the public interest merit of exempting certain smaller cable television systems from the obligations of the syndicated program exclusivity rules (40 FR 28816).[1] As stated in the notice, this proceeding is not to be construed as a vehicle for the adoption of substantive changes in these exclusivity rules or intended to significantly alter the present exclusivity rights and obligations of broadcasters, copyright holders, and cable television operators taken as a whole. Rather, our purpose here is to consider a specific small system exemption of the type suggested in the notice and set forth in proposed § 76.161 of the rules.

2. Prior to the adoption of the 1972 Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143, the Commission's program exclusivity rules, based on same-day duplication of programming, applied equally to network and syndicated program fare. While no formal "small system" exemption then existed under these regulations, pursuant to the Commission's announced processing procedures,[2] action was deferred on waiver cases involving cable systems serving fewer than 500 subscribers such that these systems, for all practical purposes, enjoyed a de facto exemption from the obligation to provide program exclusivity protection. This is because the rule's effect was stayed until resolution of the waiver petition by the Commission. Two years after our issuance of the Cable Television Report and Order, supra, which, inter alia, established a separate regulatory regimen for the protection of syndicated non-network programming, the Commission released its Report and Order in Docket 18785, FCC 74-299, 46 FCC 2d 94 (1974). This rulemaking proceeding had been initiated in January of 1970,[3] and looked toward formal codification of a program exclusivity exemption for systems serving fewer than 500 subscribers. However, due to the intervening promulgation of syndicated program exclusivity rules markedly different from our traditional program protection regulations, the small system exemption adopted in Docket 18785 was made applicable to only those provisions of the network program nonduplication rules, largely unchanged from their first adoption in 1966.

3. With the First Report and Order in Docket 19995, FCC 75-413, 52 FCC 2d 519 (1975), the Commission modified the small system network nonduplication exemption making it applicable to systems and system conglomerates serving fewer than 1,000 subscribers.[4] The Commission based its rule making decision on the grounds that (1) the burden of providing nonduplication protection fell heaviest on these systems in view of their small size and (2) television broadcast service to the public would not likely experience any significant adverse impact by such an exemption from our nonduplication rules. Our notice in the instant rule making proceeding acknowledged the Commission's exemption action in Docket 19995, and proposed a similar exemption from the syndicated program exclusivity rules. While understanding the inherent differences between the syndicated exclusivity and network nonduplication rules, in terms of their scope of applicability, rationale, and operational features, the Commission indicated that the analysis upon which the network nonduplication exemption was based may also be relevant to the matter of syndicated program protection, at least insofar as the costs of purchasing, operating, and maintaining a program exclusivity switcher are concerned. And though we recognized the need to consider the cumulative impact of exclusivity exemptions, the Commission questioned whether, either individually or in combination with the network nonduplication exemption, the proposed syndicated exclusivity 1,000 subscriber exemption would cause any substantial adverse impact on broadcasters, local broadcast service, or the value of syndicated program material.

SUMMARY OF COMMENTS

4. Over twenty comments and replies were elicited by our notice of proposed rulemaking in Docket 20482, supra. Many parties reference the 1971 "Consensus Agreement"[5] in their comments; cable interests arguing that continued adherence to this document's provisions is not the sine qua non of cable television regulation, thereby opening the way to major revisions of the syndicated exclusivity rules; and broadcasters arguing that the adoption of even a 1,000 subscriber exemption from the syndicated exclusivity rules would constitute a direct repudiation of a still binding agreement. While the submissions by interested parties generally were responsive to the notice, some parties chose to raise issues and present arguments clearly beyond the scope of this proceeding and largely unrelated to the matters set forth for comment. Representative comments of cable television and broadcast interests filing in this proceeding will be described below. The Commission's attention, however, shall be directed to those comments most relevant to the subject rule making.

COMMENTS OF CABLE TELEVISION INTERESTS

5. A number of cable television interests, including Cablecom-General, Inc., Mohave Cable TV, and the Arizona Cable Television Association, express wholehearted support for the Commission's proposed exemption from the syndicated program exclusivity rules. Several of these parties indicate their agreement with the Commission's stated rationale for such a rule amendment and recognize the similarity of determinative factors between the network nonduplication exemption and the subject rule making proposal. They cite the economic burdens placed on a small system required to provide program protection and maintain that no significant adverse effects for priority broadcast stations would emanate from our adoption of the subject syndicated exclusivity exemption.

6. The National Cable Television Association declares that the Commission's 1,000 subscribers system/conglomerate exemption from the network nonduplication rules is irrelevant to the matter of adopting an exemption from the syndicated program exclusivity rules. Additionally, it contends that a syndicated exemption should not be "piggybacked" on the network nonduplication exemption which, according to NCTA, "has no basis."[6] NCTA further maintains that, in comparison to network nonduplication regulations, the syndicate exclusivity rules act to protect different interests in entirely different markets with entirely different effects on cable systems and the subscribing public. It argues that fractionalization of local television station audiences "is not at issue" in this proceeding. Rather, NCTA asserts that syndicated exclusivity was established to protect the copyright holder from dilution of the value of his product and that since the copyright holder is "further removed" from the cable subscriber than the broadcaster, a higher exemption is less likely to adversely hurt him. As such, an exemption for systems serving fewer than 10,000 subscribers is proposed. NCTA alleges that there is no hard data to demonstrate that the expense and inconvenience of providing syndicated program exclusivity is limited to systems with fewer than 1,000 subscribers. And, while failing to give any specific factual basis for its choice of a 10,000 subscriber level, NCTA asserts simply that this is an "appropriate breaking point" and that "all research clearly suggests" that neither broadcasters nor copyright holders will suffer substantial economic harm if such an exemption is adopted.

7. NCTA then engages in a collateral attack on the syndicated program exclusivity rules, asserting first that these regulations constitute an inappropriate Commission attempt to impose copyright restrictions on cable television and that the enactment of copyright law should be left to the Congress. Additionally, NCTA takes the position that, as compared to network nonduplication, syndicated exclusivity poses a "much greater burden" on the cable system and results in a greater programming loss to the public. NCTA would characterize our adoption of the proposed 1,000 subscriber syndicated program exclusivity exemption as a "meaningless" action which would confer no real benefit on the cable industry. Instead, NCTA claims that a much larger exemption is needed if it is to have any real effect on the "inequitable" syndicated exclusivity rules and that, in the formulation of any such exemption, the Commission must seek to eliminate the burdens of these rules on the cable subscriber in every instance possible. It is maintained that, absent a factual showing of substantial economic harm, the Commission must implement the NCTA proposal. Only in this fashion, NCTA argues, will the Commission be able to determine any real need for requiring that even the larger systems provide such syndicated program protection.

8. In its comments, the Community Antenna Television Association observes that the scope of this rule making proceeding leaves little room for a discussion of the merits of the syndicated exclusivity rules. As such, CATA gives its basic support to the proposed 1,000 subscriber exemption, yet requests more substantial relief now and asks that the Commission issue a new or further notice of proposed rulemaking to deregulate entirely the area of syndicated exclusivity for cable television. To constitute its requested immediate relief, CATA suggests an exemption for all independently owned systems serving fewer than 10,000 subscribers and for multiple system operations serving in excess of 50,000 subscribers. Arguing that the syndicated program exclusivity rules unfairly restrict the public's viewing opportunities, CATA asserts that its own proposed rule exemption would ensure that such "unfairness" would affect only a small number of systems and subscribers during the pendency of the Commission's consideration of the entire syndicated exclusivity matter. CATA further assails the syndicated exclusivity rules on the grounds that the protection of program syndicators and suppliers is beyond the jurisdiction of the Commission and that Congress is the appropriate forum for prescribing any such policy. Additionally, CATA observes that no copyright holders have filed in this proceeding, asserts that the syndicated exclusivity provisions of our Rules are rarely invoked by broadcast stations, and maintains that this non-concern appears to support the broad exemption proposals suggested in CATA's comments. As far as independent stations (which carry more syndicated programming than network affiliates) are concerned, CATA argues that cable television serves primarily to benefit these broadcast entities due to the extended range and audience that accrues from cable carriage of their signals.

COMMENTS OF BROADCAST INTERESTS

9. Comments and replies submitted on behalf of broadcast interests generally oppose the adoption of any exemption, based on system size, from our syndicated program exclusivity rules. While certain of these commenting parties concede that such an exemption would likely have little or no impact on broadcast stations in the particular market, they uniformly question the propriety of this rule making action. Noting that the Commission's suggested exemption parallels its recent nonduplication action, American Broadcasting Companies, Inc. and a group of twenty broadcast licensees state that while they possess no information to dissuade the Commission from its proposed course, the Commission should consider the regulatory direction it is pursuing. These parties, as well as several other broadcast parties protest this rule making proceeding as yet a further erosion of the balanced scheme of cable television regulation established under the Cable Television Report and Order, supra, and based on the 1971 Consensus Agreement, supra. It is maintained that the Commission should soon initiate a broad cable television rule making proceeding in response to the National Association of Broadcasters' petition for rulemaking (RM-2357) which asks for overall review rather than continued consideration of individual provisions of our cable television rules. NAB asserts in its comments that the syndicated exclusivity rules, along with the signal carriage, nonduplication, and leapfrogging rules, were designed to operate in conjunction with the Consensus Agreement's copyright provisions. Because copyright legislation has yet to be enacted, states the NAB, the provisions of the Consensus Agreement and the Commission's rules provide only partial fulfillment of the Commission's regulatory goals. It is claimed that action in the instant rule making proceeding would be inappropriate at this time while the ultimate fate of copyright legislation and the Consensus Agreement remain unclear.

10. Several broadcast parties insist that the Commission's analogy between the network program nonduplication and syndicated program exclusivity rules, as well as between small system exemptions from these rules, is not valid. Columbia Empire Broadcast Corporation and Wabash Valley Broadcasting Corporation, among others, point out the differences in the way network and syndicated programs are distributed to broadcasters and the contrasting procedures by which broadcast stations sell advertising time and receive revenues for commercials placed inside and around these programs. But, unlike those cable interests which attacked our analogy and then asked for a much larger exemption, the broadcast commentators argue that the alleged invalidity of this analogy supports their position that there should be no exemption at all. They insist that the very essence of the Commission's distant signal carriage rules creates a particularly compelling need for protection of syndicated program rights. Metromedia, Inc., WGN Continental Broadcasting Company, and the Association of Independent Television Stations, Inc. (INTV) point out that independent broadcast stations rely heavily on syndicated programming and that the Commission's signal carriage rules generally allow the importation of distant independent stations, thereby "assuring" the duplication of syndicated programming. It is stressed that the current signal carriage rules generally result in the importation of more syndicated than network programs and that any reduction of syndicated exclusivity protection would fall disproportionately on independent, largely UHF, television broadcast stations. Any duplication of syndicated programming, it is maintained, reduces the ability of independent stations to compete against network affiliated stations, making an already difficult competitive burden unbearable. Thus, certain parties ask for "full" syndicated programming protection, apparently not only opposing the subject small system exemption, but seeking a complement of protection in excess of that called for under the current syndicated exclusivity rules. Several feel that the protection of the property right of local broadcast stations is a more urgent demand than any consideration of convenience to small cable systems.

11. Certain broadcast parties respond directly to many of the specific statements and arguments submitted by the cable television industry. The Association of Maximum Service Telecasters takes issue with the argument that the syndicated exclusivity rules constitute an unlawful Commission attempt to impose copyright restrictions on cable television and questions how the NCTA can take such a stand now in view of its failure to seek reconsideration or judicial review of the 1972 syndicated exclusivity rules. Rather, MST and Metromedia assert that the syndicated exclusivity rules give rights to both copyright holders and broadcasters and serve (1) to encourage the production and development of syndicated programming, the distribution of which is largely dependent upon sale to a local market area, and (2) to reduce the audience fragmentation which local stations would suffer as a result of distant signal importation. Along with WGN and INTV, these parties emphasize that, contrary to NCTA's position, the issue of audience fragmentation, especially for independent stations, is clearly at issue

[1] See §§ 76.99 and 76.151 et al. of the Commission's rules.

[2] See "Temporary Modification of Processing Priorities in § 74.1108 Waiver Cases," FCC 68-259 (Public Notice).

[3] Notice of proposed rulemaking in Docket No. 18785, FCC 70-49.

[4] Relevant § 76.95(b) of the Commission's rules now provides as follows: "The provisions of §§ 76.92 and 76.94 shall not apply to a cable television system serving fewer than 1,000 subscribers or to a conglomerate of commonly owned and technically integrated systems serving fewer than 1,000 subscribers. Within 60 days following the provision of service to 1,000 subscribers, each such cable system and conglomerate shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast and translator stations carried by the cable system."

[5] See Cable Television Report and Order, supra, paragraphs 61-67 and Appendix D.

[6] This proposition NCTA supports by reference to material concerning the network nonduplication exemption obtained from the Commission in response to a request under the Freedom of Information Act.

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where the syndicated exclusivity rules and exemptions from these rules are concerned. The fact that systems can carry non-protected programs during times when protected programs are deleted does not affect this conclusion, it is maintained, because an independent station typically sells its advertising time based upon the viewing audiences for specific programs. Indeed, it is asserted by some broadcast parties that when the rules' provisions and the text of the Cable Television Report and Order, supra, are read as a whole, it becomes clear that syndicated exclusivity is not intended solely, or even primarily, for the benefit of program suppliers but, rather, emphasizes the need to protect local stations. Broadcasters assail as totally unsupportable the cable industry's position that, in comparison to the network nonduplication rules, the syndicated program exclusivity provisions are less essential to the broadcaster or place greater costs and other burdens on system operators. Any failure of broadcasters to assert their syndicated exclusivity rights, it is contended, is due to the heavy notification and procedural burdens of the rules. These parties argue that as cable continues to grow, more stations will ask for syndicated program protection. While recognizing the differences between network nonduplication and syndicated exclusivity, broadcasters argue that these differences cannot justify the virtual abolition of syndicated exclusivity which would result from the adoption of an exemption of the magnitude proposed by certain spokesmen for the cable industry. In point of fact, some broadcasters consider the Commission's proposed 1,000 subscriber exemption to be in itself too high a figure.

12. Should the Commission adopt a syndicated exclusivity small system exemption, Wabash Valley and Columbia Empire request that the number of cable subscribers served not be used as the basis for determining which systems are or are not to be exempt from providing protection. Rather, they propose that any such exemption be based on the intended size of the system so that larger systems shall not be given a period of noncompliance while they are growing. It is suggested that systems designed to pass over 4,000 homes, and otherwise subject to the syndicated exclusivity rules, should not be exempt from these program protection obligations. Additionally, it is argued that the provisions of proposed § 76.161 of the Commission's rules, specifically the requirement that the operator notify the Commission and broadcast stations sixty days following the system's acquisition of 1,000 or more subscribers, does not insure prompt and uniform compliance. They contend that compliance, in these situations, is based wholly on the cable operator's good will and knowledge of the rules and that only he will know when the minimum level of subscribers is achieved. Use of the "intended size" approach to a syndicated exclusivity exemption, they argue, would eliminate all such uncertainty.

DISCUSSION

13. As its basic inquiry in this proceeding, the Commission sought to determine whether a rule exemption for cable systems and system conglomerates with fewer than 1,000 subscribers would serve a public interest purpose by (1) relieving such smaller cable operations of the economic burdens of providing syndicated program protection while (2) creating a negligible or minimal adverse effect on television broadcast stations and copyright holders otherwise entitled to protection. The scope of this proceeding was intentionally limited to elicit comments from interested parties which specifically focused on the proposed rule amendment appended to our notice. This rule making proceeding was designed to consider a minor rule amendment based on the simple logic of not requiring small business operations to make a captial expenditure and encounter personnel and maintenance costs to achieve compliance with one Commission regulation while such operations to make a capital expenditure obligations of a similar rule. While fully cognizant of the operational differences between the syndicated program and network program protection rules, and the interests which each regulatory scheme was designed to protect and foster, it was the Commission's desire to adopt an amendment which would provide an appropriate level of relief without appreciably affecting the viability and purpose of syndicated exclusivity.

14. What is basically involved here is a question of establishing an appropriate balance. It seems clear that the burden of complying with the syndicated program exclusivity rules must fall disproportionally heavily on smaller cable systems. Smaller systems have less manpower available to comply with exclusivity requests and they have a smaller financial base over which to spread the capital costs of obtaining the switching equipment that must be obtained and to pay for the continuing operation and maintenance of this equipment. In terms of the costs and the burdens involved, there would appear to be a great deal of similarity between the network nonduplication obligations and those under the syndicated exclusivity rules. In the First Report and Order in Docket 19995, we determined that a 1,000 subscriber exemption would relieve these burdens from those systems upon which they fall most heavily. We believe the same conclusion is appropriate here if it can be concluded that this will not have an undue impact on local television broadcast stations and hence broadcast service to the public. It seems clear to us that the magnitude of the impact here would, if anything, be less than that associated with the network nonduplication exemption. Indeed, even the broadcast interests commenting in this proceeding appear generally to concede that the exemption proposed would not result in significant impact.

15. Due to the grandfather and market location features of the syndicated exclusivity rules, far fewer systems are or will be subject to their provisions than that complement of systems subject to the network nonduplication rules. Thus, the figures and impact estimates used in our analysis of a 1,000 subscriber network nonduplication exemption (see paragraphs 67–72 of the First Report and Order in Docket 19995, supra) can be even further reduced when applied to a syndicated exclusivity exemption. While recognizing that independent stations rely almost exclusively on syndicated programming to attract an audience, and that a majority of independent stations broadcast on UHF channels, we continue to believe that the exemption, applicable to cable systems on a conglomerate basis, will have a minimal adverse effect, if indeed any appreciable effect at all, on independent licensees or any other broadcasters. However, as we observed in our recent nonduplication rule making proceeding, there may be situations where, due to a proliferation of small systems in a particular market, there will be a likelihood of substantially adverse economic impact on local television stations and copyright holders. Where such cases exist, broadcasters and copyright holders may file petitions for special relief. The Commission will examine these petitions on a case-by-case basis and shall grant appropriate relief where it can be shown that the subject exemption will have a material adverse effect on the value of syndicated program material or on the ability of local broadcast stations to serve the public interest.

16. Having determined that a 1,000 subscriber exemption would relieve those systems most severly burdened by the rules without significant impact on broadcast service to the public, a number of additional points raised in the comments remain to be considered. Some cable interests have suggested that the rules themselves are unnecessary or otherwise without public interest foundation and that what is needed is not an exemption for smaller systems but an elimination of the rules. Such suggestions are beyond the narrow scope of this proceeding and are not therefore properly before us for consideration at this time. As noted in the first paragraph of the notice commencing this proceeding, we did not intend here to initiate a broad review of the syndicated program exclusivity rules, but rather to only consider an exemption for smaller systems.

17. Cable interests have also suggested that a 10,000 subscriber exemption should be adopted; however, little, if any, foundation for this proposal is contained in the comments either as to why systems under this size are unduly burdened by the rules and larger systems are not, or as to the impact adoption of such a proposal would have on broadcast service to the public. In fact, it would appear that the adoption of such a proposal would be virtually the equivalent of a repeal of the rules leaving it applicable to only a handful of cable systems. These proposals for a 10,000 subscriber exemption while, in themselves inconsistent with the objective in this proceeding of considering

an exemption for smaller systems, do raise the question of whether an exemption level somewhat above 1,000 subscribers could be adopted without adverse impact on television broadcast service to the public. Because of the number of different variables involved, it is difficult to say with complete assurance precisely what impact a larger exemption would have. However, it is clear that the policies that are reflected in these rules are progressively eroded, the higher the exemption provided. Considering all of the circumstances, we believe a 1,000 subscriber exemption establishes an appropriate balance.

18. Broadcast interests, including those not seriously disputing that the proposed exemption will have little impact on them, have suggested that the exemption ought not be adopted because the substantive rules in question were part of the consensus agreement preceding the 1972 Cable Television Report and Order. We cannot agree that the Commission is or could be so restricted in the adoption of rules otherwise found to be in the public interest. In fact, coincident with the adoption of the very rules in question, the Commission noted in paragraph 66 of the Cable Television Report and Order, that it retained full freedom and, indeed, the responsibility to make changes in the rules as developments warranted. The possibility of future changes in the syndicated exclusivity rules was specifically noted. Such flexibility is essential to our cable television regulatory program and we believe that our action today constitutes a reasoned and appropriate refinement in an established regulatory plan. We reorganize that these rules are but part of a complex of rules ordering the relationship between cable television systems and television broadcast stations, but we do not see how the limited exemption proposed in this proceeding so disturbs the regulatory balance that its consideration ought await some more fundamental overall review of the rules.

19. Finally, we note the arguments of Wabash Valley and Columbia Empire concerning the notification and applicability features of the proposed rules. We are not persuaded that the small system definition should relate to homes passed rather than subscriber numbers nor that the provision made for cable systems notifying local broadcasters when they pass the 1,000 subscriber mark will not assure that larger systems do not avoid compliance with the rules. Actual subscriber numbers relate more closely than potential system size to the financial ability of a system to comply with the exclusivity rules and we see no reason why the notification process incorporated in the rules will not provide an appropriate mechanism for local broadcasters to be made aware that they may seek exclusivity as provided for in the rules.

20. Accordingly, for the reasons stated above and set forth in the notice initiating this proceeding, we are adopting the exemption from our syndicated program exclusivity rules as proposed. We believe this action will afford appropriate relief to small systems while preserving the integrity of our syndicated program protection policies.

Authority for the rules adopted in the Appendix attached hereto is contained in Sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, 315, and 317 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That Part 76 of the Commission's rules and regulations, is amended, effective October 30, 1975, as set forth below. *It is further ordered*, That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1088, 1089 (47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 315, 317))

Adopted: September 17, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

A new § 76.161 is added, as follows:

§ 76.161 Exception.

The provisions of §§ 76.99 and 76.151 shall not apply to a cable television system (as described in § 76.5(a)) serving fewer than 1,000 subscribers or to a conglomerate of commonly-owned and technically-integrated cable systems serving fewer than 1,000 subscribers. Within sixty (60) days following the provision of service to 1,000 subscribers each such cable system or system conglomerate shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast stations carried by the cable system.

NOTE: Technical integration, for the purpose of this section, is limited to that accomplished by a local cable or microwave (e.g., a CARS LDS facility) interconnection. Satellite or microwave networking to geographically separated systems of a multiple system owner does not constitute technical integration for the purposes of this section.

[FR Doc.75-25874 Filed 9-26-75;8:45 am]

[Docket No. 20423; FCC 75-1066]

PART 76—CABLE TELEVISION SERVICE

Postponement of Divestiture Requirements

Second report and order—Proceeding terminated. In the matter of amendment of Part 76, Subpart J, of the Commission's rules and regulations relative to cable television systems; and postponement of divestiture requirement of § 76.501 relative to prohibited cross-ownership in existence on or before July 1, 1970.

1. On April 2, 1975, the Commission adopted its notice of proposed rulemaking in this proceeding, FCC 75–405, 52 FCC 2d 161 (1975), which proposed to review two separate aspects of § 76.501 (a) (2) of the Commission's rules which prohibits cross-ownership interests between television broadcast stations and cable television systems within the predicted Grade B contour of the station and requires divestiture of all existing such cross-interests by August 10, 1975.[1] First we proposed to substitute the Grade A contour for the Grade B contour as the standard for application of the rules. Secondly, we proposed to require divestiture (40 FR 27462) of co-owned systems and stations only where the sole broadcast television station placing a city grade contour over the cable community is that of the cross-owned station. Both such changes were proposed in order to reflect, in the cable television rules, policy decisions reached in the Second Report and Order in Docket 18110, FCC 75–104, 50 FCC 2d 1046 (1975).

2. The Second Report and Order in Docket 18110, supra, concluded an extensive six year consideration of various cross-ownership matters involving the radio and television broadcast services. In particular, rules were adopted prohibiting the creation of cross-interests between television broadcast stations and daily newspapers published in communities within their Grade A contours. With respect to existing cross-interests, it was determined that divestiture should be required in only the most egregious situations. Such situations were defined as those in which the only daily newspaper published in a community was owned or controlled, directly or indirectly, by the only commercial television station which placed a signal of city grade strength over the community. Even in these situations an opportunity was provided for affected parties to request waivers of the rule based on the facts of their particular situation.

3. In order to parallel this decision in the cable television rules and after a preliminary consideration of approximately 70 requsets for waiver of the divestiture requirement of § 76.501,[2] we issued the notice in this proceeding to resolve two basic issues: (1) Should the rule apply only to cross-ownerships within a televi-

[1] Commissioner Robinson's statement filed as a part of the original document.

[1] Compliance with the divestiture requirement of the rules has been suspended pending completion of this proceeding. First Report and Order in Docket 20423, FCC 75–715, 53 FCC 2d 1102 (1975). Earlier Commission decisions concerning cable television-broadcast television cross-ownership leading up to the present proceeding may be found in CATV and TV Repeater Services, 26 FCC 403 (1959), Acquisition of Community Antenna Television Systems (Docket 15415), 1 FCC 2d 337 (1965), Notice of Inquiry in Docket 17371, 7 FCC 2d 853 (1967), Notice of Proposed Rule Making in Docket 18397, 15 FCC 2d 417 (1968), Second Report and Order in Docket 18397, 23 FCC 2d 816, modified on reconsideration, 39 FCC 2d 377 (1973).

[2] These petitions were received in response to an invitation to the filing of such requests in our Memorandum Opinion and Order in Docket 18397, FCC 72–80, 39 FCC 2d 377 (1973).

V 40 N 189 SEP 29 75 XUM

sion station's Grade A contour rather than, as in the existing rule, its Grade B contour, (2) should the divestiture requirement of the rule be amended to require divestiture only in those situations where the only commercial television station placing a city grade contour over the cable television system is co-owned with the system. Our first task is to examine the impact and policy implications of shrinking the zone of the rule's application from Grade B to Grade A. In this phase, the comments submitted in response to the notice were of little assistance. Cable operators and broadcasters argued that the zone should be reduced for reasons which basically called into question whether there should be any rules at all. Thus, they argued that at the present time cable systems and television broadcast stations are not competitive forms of media. They point out that few cable systems originate their own programming in contrast to expectations at an earlier time, that little advertising is done on cable and that, as a competitor to broadcast television, there is little to be feared from cable's capturing this market. On the plus side Broadcasters point out that if allowed to invest in their own markets they might construct new cable systems where outsiders have not. They also point out that if the Commission fears abuse by system operators in the way in which signals are selected for carriage or in the quality of competing signals, that any possible abuses can be corrected through the adoption of operational rules.

4. Arguments against shrinking the zone were made by the Department of Justice, the National Citizen's Committee for Broadcasting, and various local groups. They argue that in earlier proceedings by the Commission on this very issue, it was determined that the Grade B contour served the public interest best because it furthered the established policy of favoring diversity of control over mass communications media. They point out that in 1970 the Grade B contour was selected because that is the zone which reflects the normal service area of a television broadcast station[2] and that in 1973 the Commission in a Memorandum Opinion and Order supporting its earlier determination of the Grade B contour as the proper zone stated that it did so because this is the zone that most accurately fosters increased competition in the marketplace of ideas.[3] NCCB, more strongly opposed to changing the zone than the others, concludes that nothing subsequent to the adoption of § 76.501 has changed which would undermine the reasons given for selection of the Grade B contour.

5. In addressing the issue of similarity between this docket and the issues raised in Docket 18110, some parties point out that the media being examined are dissimilar enough not to adopt the same rationale. A primary difference, they point out, is that the cross-owned combination newspaper and broadcast television stations in most communities are established business enterprises, while in most areas cable is a new entry in the communications field. They argue that if we relax the standard for ownership, cable will not truly have an opportunity to develop as a diverse medium and an alternate source of local opinion. The time to act on concentration is at the incipient stages, and by selecting the Grade A contour standard the Commission is opting for a greater degree of concentration of control in the cable industry at precisely the time the Commission is most capable of preventing it with the least industry disruption.

6. While we had proposed in this proceeding to reduce the scope of the cable television-broadcast television cross-ownership rules from Grade B to Grade A contours in order to be consistent with our recent actions in Docket 18110, we are now persuaded that there are additional factors present in the cable television-broadcast television area not found in the newspaper-television and radio-television cross-ownership areas which weigh against the apparent logic of making the two rules precisely parallel. The cable television cross-ownership rules, as has been stated on a number of occasions in the past,[4] are intended to foster two objectives:

Increased competition in the economic marketplace;

Increased competition in the marketplace of ideas.

These were also our objectives in Docket 18110 in which we indicated that our primary concern was with diversity in programming service with a secondary objective—the preservation of competition in advertising.

7. There is, however, an element present in the cable-broadcast cross-ownership Docket 18110 which suggests to us the desirability of maintaining the Grade B standard rather than attempting to parallel the Grade A standard of Docket 18110—namely, the factor of economic competition, beyond competition for advertising revenues, between cable systems and over-the-air television broadcasters. The more successful a cable system is in introducing new types of programming and services the more the audience of local broadcasters is likely to be reduced and, conversely, the poorer the quality of over-the-air broadcast service, the greater the demand for the signal enhancement and increased choice made possible by a cable system. There is thus a potential conflict of interest in having both media commonly owned. This conflict does not cease at a station's Grade A contour. Adding this concern about creating potential new conflicts of this type, to our concern with fostering media diversity and preserving the potential for competition in the sale of advertising as expressed in Docket 18110, convinces us that it is appropriate to retain the existing Grade B standard in the rules.[5]

8. We remain unpersuaded by arguments suggesting cross-ownership rules are no longer needed because the systems are not now engaging in the amount of program origination once predicted, significant advertising revenues have not developed, the origination of programming can no longer be expected as a significant factor in cable operations in view of our elimination of the mandatory program origination rules, or because the creation of quasi-common carrier public and leased access channels over which operators have no content control eliminates the need for concern over domination of channels of communication by cross-owned cable systems and television broadcast stations. So long as cable systems have the potential and the ability to produce originations of their own, thereby increasing the amount and diversity of programming available to their subscribers, we believe § 76.501 performs an important function by assuring that new voices are added to those already present and that competition is unfettered by possible conflicts of interest. We would note, moreover, that these arguments suggest little as to whether, assuming the existence of some cross-ownership rules, they should apply within a station's Grade A or Grade B contour.

9. We turn now to the second question before us: To what extent should divestiture be required? As discussed earlier, the present rule requires divestiture of all existing combinations within the predicted Grade B contour of the co-owned television station. In relation to this, we know of the approximately 70 petitioners that have already filed for waivers and there may be others still not identified. The present proceeding proposes to amend the rules in a fashion that would require divestiture only where the sole broadcast television station placing a city grade contour over the cable community is that of the cross-owned station.

10. The majority of the comments filed by cable/television broadcast station interests, of course, suggest that the revised standard would be advantageous to them. Some further argue that there should be no divestiture at all since cable is not truly a competitor of broadcast television today. On the other hand, the Department of Justice, NCCB, and others argue that this proceeding is merely a vehicle to eliminate the responsibility of the Commission to review the outstanding waiver petitions on an ad hoc basis. As a result of the proposed changes, the 70 petitions for waiver pending would be reduced to a handful. Those opposing the proposed new divestiture standards also restate in detail those reasons set forth for adoption of the present rule and argue that there has been no intervening event since the rule was first adopted that now provides good cause for any change.

11. Having reviewed the comments filed herein as well as reviewed the reasons for the initial adoption of the divestiture requirement and the parallel concerns and resolution of Docket 18110, we are now persuaded that a new divestiture requirement applicable only to the most egregious cases, as was proposed in the notice in this proceeding, should be adopted. Cross-ownership rules are grounded on diversity of viewpoints and economic competition. In Docket 18110, we established a policy in which for future ownership acquisitions, we used one standard, and for divestiture purposes, we used a less restrictive standard. This was done in order to recognize that the goal of diversity itself is not sufficient to cause divestiture in each case where the general future rule would apply. In setting the standard for divestiture of only the most egregious cases, we weighed other public interest consequences such as continuity of operations, local ownership, demand for capital equity and local dislocations. In re-evaluating the divestiture requirement attendant to Section 76.501, we feel it to be in the public interest to accord to those interests, the same inherent fairness by adopting a new standard in this proceeding which reflects the factors considered in Docket 18110.

12. In adopting a different standard for divestiture than for the prospective rule, the Commission is recognizing that the rule does not apply with the same urgency at locations removed from a station's core service area as it does in more distant locations, nor does it apply with the same urgency when there are other competitive video outlets present. As a standard for isolating those most egregious cases in which we would require divestiture, we believe it appropriate to follow the rules adopted in Docket 18110. Here, as in that proceeding, we believe there are certain situations, characterized by cross-ownership between a station and cable television systems within its principal community contour which receive service from no other principal community contour, in which the importance of providing a second video voice attuned to and covering local issues outweighs the private equities and public dislocations brought about by a divestiture requirement. While our concerns with economic competition and media diversity extend throughout a local television station's service area, the harshness of the divestiture remedy appears to us only warranted in those situations where there would otherwise be a virtual monopoly over local video expression.

13. Because some have argued that changed economic conditions and expectations concerning the cable industry mandate a complete elimination of the divestiture requirement or conversely that there have been no significant changes so that no change in the existing requirement should be made, it is important to understand that we have not based our revised divestiture requirement to any significant extent on changes in the industry. While the cable industry has not developed with the speed many had predicted it would or as fast as we might have hoped, we nevertheless continue to believe that it has a significant potential as a source of diverse television programming and that belief is reflected in our retention of the basic cross-ownership rules. Rather our change in the application of the divestiture requirement is based on a general re-evaluation of the equities involved prompted by our decision in Docket 18110.

14. NCCB, the Department of Justice, and others have suggested that it would not be appropriate to follow the Docket 18110 pattern in this proceeding and indeed that the rules adopted in Docket 18110 were not in the public interest in that not enough separation of existing interests was required. As stated in the NCCB comments:

> Comparison of cable-television cross-ownership and divestiture to newspaper-television cross-ownership and divestiture, is, to use an old phrase, like comparing apples and oranges. The forms of anticompetitive practices inherent in each kind of cross-ownership are different. The means of pursuing an unfair advantage from the two kinds of cross-ownership vary. The effect of cross-ownership is different in one form of cross-ownership from that arising in the other. The mitigating factors which come into play in one situation are not the same as those affecting the other. Competition for revenues between newspapers and television stations is completely different from the kind of competition that lies between a cable system and local television stations. Consideration of what "diversity in the marketplace of ideas" means in the context of newspaper-television competition is simply incomparable to what it means when cable is competing with television. Thus, the information gathered and considered in Docket 18110 can be of very little use to the Commission in its consideration of the cable-television cross-ownership rules.

15. There are, of course, significant differences in the relationship of newspapers or radio stations to local television broadcast stations and the relations of cable television systems to such television stations. A principal difference is in the nature of the competition between the different media. In retaining the Grade B contour in the television-cable television rules as the standard for prospective application of the rules, we have specifically recognized some of these differences. It is our belief, however, that, as to the question of divestiture, there are more similarities than differences between the two proceedings. Both involve the question of to what extent existing interests should be disturbed with all the public and private dislocations attendant thereto in order to further policies of fostering media diversity and economic competition. In each instance, we have concluded that divestiture should be required only in the most serious instances of media concentration. The differences NCCB points out do not, in themselves, indicate that the standard proposed is not sufficiently inclusive.

16. Indeed, Lawton Cablevision Inc. has argued, to the contrary, that because of these differences, we should not force divestiture in situations where there is a newspaper providing local competition and an additional community voice and that generally we should follow Docket 18110's resolution of the television-radio cross-ownership divestiture issue rather than the television-newspaper resolution. That is, we should not require any divestiture. We cannot agree with this argument either. This proceeding is concerned with cross-ownership between competing video media and we are not convinced that the presence of non-video media in the community should be determinative of the divestiture requirement or that we should follow the television-radio precedent from Docket 18110. While we are concerned with media diversity generally, including radio, television, cable television, and newspapers, we are specifically concerned here with the elimination, insofar as possible, of undue concentrations of control over television programming. In this context, we cannot conclude that the presence of other non-video media sufficiently offsets the presence of a local video monopoly as to make the divestiture rule unnecessary. Moreover, the economic competition rationale for our cross-ownership rules is particularly applicable to the cable television-broadcast television field, while, at this point in time, it has a much lesser application in the radio-television area.

17. A number of commenting parties have suggested that our objective in proposing this rule change was to avoid the necessity of ruling on the pending waiver requests on an ad hoc basis and that there is something improper in our avoidance of these individual rulings. We do not believe that there is anything inherent in the subject of cross-ownership that compels either the ad hoc approach concerning the 70 petitions or a general rule which is proposed in this proceeding to deal with the specific factual situations. It is a fundamental principle of administrative law that the choice between proceeding with a general rule or by an ad hoc review falls within the wide area of administrative discretion. In S.E.C. v. Chenery Corporation, 322 U.S. 194 (1947), the Supreme Court stated:

> In performing its important functions • • • an administrative agency must be equipped to act either by general rule or by individual order. To insist upon one form of action to the exclusion of the other is to exalt form over necessity • • • And the choice between proceeding by general rule or by individual ad hoc litigation is one that lies primarily in the informed discretion of the administrative agency. *Id.* at 202–203.

[2] See paragraphs 12 and 13 of the Second Report and Order in Docket 18397, FCC 70–673, 23 FCC 2d 816, 820.

[3] See paragraphs 39 and 40 of the Memorandum Opinion and Order in Docket 18397, FCC 73–80, 39 FCC 2d 377, 391.

[4] Memorandum Opinion and Order in Docket 18397, FCC 73–80, 39 FCC 2d 377 (1973).

[5] It may be noted that just as factual and policy differences have caused us here not to follow the Grade A standard adopted in Docket 18110 so too in the past have we used the Grade B standard in broadcast concentration of control and duopoly proceeding where that appeared appropriate. Thus, § 76.636 generally prohibits cross-ownership interests between two television broadcast stations whose Grade B contours overlap. For a discussion of the reason for our adoption of the Grade B contour as a standard for use in connection with these rules see our Report and Order in Docket 14711, FCC 64–445, 45 FCC 1476, paragraph 19 (1964).

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In that case the Court noted that some questions are best put to rest by a fixed regulation and others are so "specialized and varying in nature as to be impossible of capture within the boundaries of a general rule," but that the decision as to which method is appropriate in any particular case must be made by the agency involved. Id.

18. A number of subsidiary points raised in the comments also require mention. Southwestern Improvement and Investment Company has submitted comments urging the Commission to clarify and/or modify the definition of "ownership interest" for purposes of the July 1, 1970, grandfather date. It would have established that the announced intention of a franchising authority to grant a franchise to a particular party is sufficient to create the required ownership interest as of that date, even if the actual franchise was not effective until some time later. In Sequoia Cablevision, FCC 75-946, 52 FCC 2d 356 (1975), reconsideration denied, FCC 75-916,—— FCC 2d——(1975), we ruled on this point, holding that, for purposes of determining whether an ownership interest was in effect on July 1, 1970, we would look to the effective date of the local authorization. We see no public interest reason to reverse that decision or to amend the rules as Southwestern has suggested.

19. Central California Communications Corporation and others seek clarification as to the Commission's position on allowing grandfathered combinations to expand their cable operations to new and nearby communities. Because the rules prohibit the formation of new cross-ownership interests with a station's Grade B contour, it is clear that the expansion of a system into a new community within a cross-owned station's Grade B contour could not take place without a waiver of the rules. In other areas of cable regulation, such as signal carriage and access requirements, we have granted such waivers where we have found them to be in the public interest. We believe it appropriate to follow that policy here as well as allowing such expansion where technical or economic factors mandate that the new areas be served by the existing cross-owned system rather than by the creation of a new independent system or the extension of a non-cross-owned system.

20. KID Broadcasting and The Post Company have questioned whether divestiture would be required under the new proposed divestiture standard if the cable system in question is within the principal city contours of only two commercial television broadcast stations, both of which have an interest in the cable system. Because there remains in such a situation at least two independent video voices (the two broadcast stations), we would not interpret this ownership situation to be subject to the divestiture requirement.

21. South Dakota Cable Inc. has raised the question of whether a satellite station which places the only principal community contour over a commonly owned cable television system would be subject to divestiture and, if so, whether the existence of another principal community signal from a non-cross-owned satellite station would remove such a situation from the divestiture category. We believe that some separate treatment of satellite stations is necessary here, as it was in Docket 18110. Satellite stations are typically passive, broadcasting programing from a parent station, and thus do not program specifically for the needs of their community of license or for their service area. They are, in effect, an extension of the service area of the parent station and should, we believe, be treated as such for purpose of the divestiture requirement of the rules. That is, we will not require a separation of ownership between satellite stations and cable television systems within their principal community contours even if no other principal community contour is placed over the community. Similarly, in those situations where a station is cross-owned with a cable system within its principal community contour, we will not regard the presence of a second principal community contour, from a satellite station, as providing sufficient local service to take the cable community out of the egregious case category where divestiture is required.[1]

22. Finally, with respect to those cross-interests where divestiture is to be required, some time must be provided for the required separation of interests to be accomplished and for the consideration of waiver petitions. In Docket 18110, we provided for divestiture within five years and indicated that, with respect to those situations where divestiture was required, we would consider either temporary or permanent waiver requests. Here, in view of the prior history of this proceeding which placed the affected interests on notice some five years ago that divestiture might be required, we believe an additional two year period should provide adequate time for the required separation of interests to be accomplished and for any possible waiver requests to be considered. In connection with any such waiver proceedings, we indicated in Docket 18110 a number of factors which might lead to the granting of waivers including the absence of buyers for the facilities in question, the economic integration of the two operations in question such that they could not operate separately, and any other reason tending to indicate that the purposes of the rules would not be served by divestiture. We intend to follow the same guidelines set forth in Docket 18110 in considering any waiver petitions received as a result of the decision here adopted. Parties with waiver petitions pending may, on or before September 29, 1975, supplement their petitions. All petitions which are not supplemented to indicate their continued relevance will be dismissed as moot.

Authority for the rule amendment adopted herein is contained in Section 2, 3, 4(e) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *It is ordered*, That effective October 30, 1975, Part 76 of the Commission's rules and regulations is amended as set forth below.

It is further ordered, That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 48 Stat. as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; (47 U.S.C. 152, 153, 301, 303, 307, 308))

[1] Adopted: September 17, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS, *Secretary.*

Section 76.501 of Part 76, Chapter I, Title 47, of the Code of Federal Regulations is amended as follows:

§ 76.501 Cross-ownership.

• • • • •

(b) *Effective date.* (1) The provisions of subparagraphs (1) and (3) of paragraph (a) of this section are not effective until August 10, 1975, as to ownership interests proscribed herein if such interests were in existence on or before July 1, 1970 (*e.g.*, if a franchise were in existence on or before July 1, 1970): *Provided, however*, That the provisions of paragraph (a) of this section are effective on August 10, 1970, as to such interests acquired after July 1, 1970.

(2) The provisions of subparagraph (2) of paragraph (a) of this section are not effective until August 10, 1977, as to ownership interests proscribed herein if such interests were in existence on or before July 1, 1970 (e.g., if a franchise were in existence on or before July 1, 1970), and will be applied to cause divestiture as to ownership interests proscribed herein only where the cable system is, directly or indirectly, owned, operated, controlled by, or has an interest in a non-satellite television broadcast station which places a principal community contour encompassing the entire community and there is no other commercial non-satellite television broadcast station placing a principal community contour encompassing the entire community.

[FR Doc.75-25875 Filed 9-26-75;8:45 am]

[1] If the satellite station has a local studio from which public affairs and news programs originate, however, we are prepared to consider that this demonstrates sufficient diversity to remove the situation from the divestiture category. Compare Second Report and Order in Docket 18110, FCC 74-104, 50 FCC 2d 1046, footnote 35 (1975), and Memorandum Opinion and Order in Docket 18110, FCC 75-627, 53 FCC 2d 589, paragraphs 3 and 4 (1975).

[2] Dissenting statement by Commissioner Robinson filed as a part of the original document.

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Notice No. 75-20]

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

• Purpose. The purpose of this notice is to include a new placard "Combustible (cargo tanks only)" to the regulation requiring certain vehicles to stop at railroad grade crossings; to eliminate references to an obsolete Form MCS-89, "Notice of Driver Declared 'Out of Service'," and reference the new Form MCS-63A which includes "Notice of Driver 'Declared Out of Service'," and to change the addresses for Regions 1, 7, and 9, due to relocation of those offices. •

Technical, non-substantive amendments are being made to the Federal Motor Carrier Safety Regulations. The amendments consist of (1) changing the addresses for the Regional Motor Carrier Safety Offices in Regions 1, 7, and 9, as listed in § 390.40; (2) adding "combustible (cargo tanks only)" to subparagraph (3) of § 392.10(a) which identifies vehicles transporting hazardous materials that are required to stop at railroad grade crossings and revising subparagraphs (4), and (5), thereof, and (3) changing all references to "Form MCS-89" in § 395.13 to read "Form MCS-63A."

The table in § 390.40, Locations for filing accident reports and notifications, is being amended to reflect new locations of Regional Motor Carrier Safety Offices in Regions 1, 7, and 9.

The amendment adding "Combustible (cargo tanks only)" to the list of placarded vehicles in § 392.10(a)(3) which are required to stop at railroad grade crossings, changes this section to conform with Hazardous Materials Docket No. HM-102, (40 FR 22263). This docket established a new combustible liquid classification defined as those liquids having a flash point at or above 100°F (37.8°c.), and below 200°F (93.3°c.) (closed cup test). Section 392.10 presently requires those vehicles transporting liquids with a flash point below 200° stop at railroad grade crossings. Therefore, this is not a new requirement for those commodities falling within the new definition of combustible liquids.

Section 392.10(a) (4) and (5) are being revised to reference current test methods for determining flash points as reflected in the Hazardous Materials Regulations rather than repeating those test methods.

References to "Form MCS-89" are being changed to read "Form MCS-63A," a new form which includes "Notice of Drivers Declared 'Out of Service'."

In consideration of the foregoing, Parts 390, 392, and 395, in Subchapter B of Chapter III in Title 49, CFR, are amended as follows:

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

1. The addresses for Regions 1, 7, and 9, as shown in the table in § 390.40 in Part 390 are amended as follows:

§ 390.40 Locations for filing accident reports and notifications.

• • • • •

Region No.	Territory included	Location of regional office
1	• • •	Leo W. O'Brien, Federal Office Bldg., Room 729, Albany, N.Y. 12207.
7	• • •	6301 Rockhill Rd., P.O. Box 19715, Kansas City, Mo. 64141.
9	• • •	Suite 530, 2 Embarcadero Center, San Francisco, Calif. 94111.

• • • • •

PART 392—DRIVING OF MOTOR VEHICLES

2. Section 392.10(a) is amended by revising paragraphs (3), (4), and (5) as follows:

§ 392.10 Railroad grade crossings; stopping required.

(a) • • •

(3) • • •

(xi) Combustible (cargo tanks only).

(4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in the Hazardous Materials Regulations of the Department of Transportation, Parts 170-189 of this title.

(5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flash point as determined by § 173.115 of this title.

• • • • •

PART 395—HOURS OF SERVICE OF DRIVERS

§ 395.13 [Amended]

3. Section 395.13 of Part 395 is amended by substituting "Form MCS-63A" for "Form MCS-89," wherever it appears.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Effective date. Since these amendments are non-substantive in character and do not impose an additional burden on any person, notice and public procedure thereon are unnecessary, and they are effective on the date of issuance set forth below.

Issued on September 24, 1975.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

[FR Doc.75-25882 Filed 9-26-75;8:45 am]

[Docket No. MC-56, Notice No. 75-19]

PART 393—PROHIBITION AGAINST OPERATING WITH OVERLOADED OR UNDERINFLATED TIRES

Deferral of Effective Date of Certain Provisions

• Purpose. The purpose of this order is to defer certain of the requirements of the amendments contained in the order amending the § 393.75 of the Federal Motor Carrier Safety Regulations pertaining to tires published in the Federal Register on July 11, 1975 (40 FR 29292). •

The Federal Highway Administration (FHWA) is making certain changes to the amendments to § 393.75 of the Federal Motor Carrier Safety Regulations as a result of petitions received for reconsideration.

Petitions for reconsideration have been filed with FHWA by American Trucking Associations, Inc., (ATA), Consolidated Freight Ways (CF), the Firestone Tire and Rubber Company (Firestone), the Goodyear Tire and Rubber Company (Goodyear), Heavy Specialized Carrier Conference (HSCC), Kelly-Springfield Tire Company (Kelly), Michelin Tire Corporation (Michelin), National Automobile Transporters Association (NATA), Rubber Manufacturers Association (RMA), Transport Trailers, and Truck Trailer Manufacturers Association (TTMA). The petitioners state that the regulation does not promote safety and will disrupt normal operations and be costly to implement.

The petitioners feel that the following areas should be reconsidered: (1) Increased loadings for reduced speed operations. (2) Tire pressures higher than those labeled on the tire's sidewalls should be permitted. (3) The tire pressure gauge correction factor for hot tires should be changed. (4) Inadequate time was given for compliance with the regulation and will result in inordinate costs. (5) The rule will cause confusion with users of European tires which are labeled differently from their American counterpart. (6) Consideration should be given to changing the metric tire pressure unit to kilopascals. (7) A 4-year delay in implementation of the rule to allow specialized equipment to be brought into compliance with the regulations. (8) Several of the petitioners want the rule to apply only to the steering axle.

All of the petitions have been studied in detail. We must agree there is some merit to the problem raised by the petitioners. We do not agree that in the interest of safety of operation of commercial motor vehicles over the highway that the rule should be abrogated in its entirety and the petitions granted as requested.

Considering the problems of front axle tires, the entire subject of axle loadings and accident statistics have been reviewed. In the recent Department of Transportation (DOT) report entitled, "1973 Accidents of Motor Carriers of Property," published in July 1975, front-

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tire failures was discussed in detail. Pages 62 and 63 of the subject report indicates that front-tire failures accounted for 1.3 percent of the total number of accidents reported to the FHWA's Bureau of Motor Carrier Safety (BMCS) for 1973. In this case, a total of 395 front-tire failures occurred. Review of the 1974 accident reports submitted to BMCS indicated a total of 364 front-tire failures.

In view of the above, it is apparent that front-tire failures do occur with considerable frequency and there is a need for requirements to ensure that such tires are not overloaded or underinflated.

During Congressional hearings on truck size and weights held in 1974, there was considerable emphasis given to the fact that a front axle should be limited to a gross weight of 10,000 pounds. The FHWA does not believe that such design requirements should be specified in legislation and was basically opposed to such a requirement. The FHWA does believe that front axle loadings should be such that the tires can safely carry the load. In this regard, the FHWA determined that the load on front tires should not exceed that specified by the manufacturers for the appropriate load range of tire.

The amendment issued on July 3 specified that on and after October 1, 1975, all tires on all motor vehicles would have to comply with the requirements of FMVSS No. 119. In order to comply with the requirements of FMVSS No. 119, the tire would have to have marked on its sidewall the maximum load at a corresponding inflation pressure. The petitioners have stated there will not be enough FMVSS No. 119 tires available to completely equip all of the vehicles being operated under the Bureau's safety jurisdiction. Also, the petitioners stated that time would be needed to retrofit all of the vehicles.

The FHWA agrees there does appear to be a problem with the retrofit requirement and the availability of FMVSS No. 119 tires.

Some of the petitioners also stated that many of the Eastern States permitted axle loadings greater than that specified in section 127 of Title 23, United States Code. This is true, and the heavier axle weights have been permitted for many years. However, it does not, in itself, mean that the vehicles are safe to operate, especially with axle loadings on front axles greater than the tires are rated for.

In view of the above, the FHWA believes the load requirements for front axles should not be increased over that for which the tires are rated. The FHWA does believe there should be some relaxation since the data available on 1975 truck tire production seems to indicate there are not enough FMVSS No. 119 tires available to entirely equip the present commercial vehicles operating under its safety jurisdiction. The FHWA has determined that the problem can be solved by allowing the continued use of tires which are not marked to indicate that they meet FMVSS No. 119, provided they do not exceed the load limit for the specific load range, tire and its corresponding inflation pressure. We believe this is necessary to ensure that safety of operation is continued and to avoid additional petitions for change of the regulations to limit the front axle weights to a total of 10,000 pounds.

The subject of maximum inflation pressure has been given considerable study. Review of all the data seems to indicate that in all cases the tire manufacturers and the users do inflate tires above the corresponding pressure for a specific load. The increase in tire pressure is intended to reduce heat buildup and to increase tire life. Review of the data does tend to support the petitioners point of view that there have been no problems or failures resulting from overinflation of tires if the load rating is kept constant. Therefore, the rule will be amended to indicate that tire pressures may be increased above that specified on the tire's sidewall.

It must be pointed out that while the rule is being amended to allow pressures greater than specified on the tire's sidewall, the load and cold inflation pressure imposed on the rim and wheel must not exceed the rim and wheel manufacturer's recommendations even though the tire may be approved for a higher load or inflation. Rims and wheels may be identified (stamped) with a maximum load and maximum cold inflation rating.

The FHWA has considered the request for increased tire loading with reduced speed. The data available does indicate that the tire manufacturer's recommend, or permit, increased tire loadings if vehicles are operated at reduced speeds. The problem here is the enforceability of such a requirement, since the FHWA is not a policing agency and does not have stopping or arresting powers. The FHWA does agree that there is a need for increasing the load rating of tires which are operated at reduced speeds. The rule will be amended to allow increased loadings at reduced speeds but it will specify that the increased loadings will only be applicable in those cases where the vehicle is being operated in compliance with a special permit which specifies the speed limitation. We believe this is the only way the FHWA will be able to enforce such a requirement.

One of the petitioners stated that the rule will cause confusion with users of European tires which are labeled differently from their American counterpart. The Bureau agrees that there are different methods of marking tire load ratings and pressures on tires. A comparison was made of the loading rating specified in the Tire and Rim Association's manual and those of the European Tyre and Rim Technical Organization, the Japanese Industrial Standards and the Scandinavian Tire and Rim Organization. This comparison indicates that there is negligible difference in the load ratings and pressures specified. In view of this fact, the FHWA does not believe there will be any significant confusion with users of European tires and American made tires. As stated in § 393.75(f)(1) the chart showing the tire loads and pressures for the most common size of tires used by interstate motor carriers was reproduced for convenience. Also, the regulation states that if there is a conflict among the manufacturer, standards-organization, or the Table I, the FMVSS No. 119 is to govern. We believe this still should be the case and, therefore, are making no changes in the load limitations in the Table. If problems arise, then the FHWA will take administrative steps to solve them.

One of the petitioner's for reconsideration stated that the metric tire pressure unit of "bars" should be changed to "kilopascals" as used by the International Standards Organization (ISO). Review of the subject does indicate that in some places kilopascals are used as pressure in the metric system. However, it has not been adopted as the official metric units for pressure. Also, the metric units were included in § 393.75, in view of the probability of the United States adopting the metric system in the future. The FHWA used the dual dimensioning concept to bring into focus the problem of metric conversions and to follow the practice of various standards setting organizations in the United States.

The HSCC petitioned for a 4-year delay in implementation of the requirements of § 393.75 to allow carriers time to modify vehicles and manufacturers to redesign vehicles. This request was based on the fact that the amendments prohibited tires from being loaded to a capacity greater than that marked on the sidewall without regard to speed limitations. The FHWA agrees that the rule would create hardships on carriers who transport extra heavy equipment and loads on specialized vehicles when being operated at reduced speeds. We do not believe there is a need for a 4-year delay in implementation of the rules if tires are allowed to be loaded to a greater capacity when being operated under a special permit to specify speeds below the national speed limit of 55-mph. The rule will be amended to show this change.

Several of the petitioners want the requirements of § 393.75 to apply only to the steering axle. The petitioners state that the FHWA does not have justification for making the tire load limitation applicable to any other axle except the steering axle. Review of the data in the accident reports submitted to FHWA does indicate that there are tire failures on axles other than the steering axle. It is true that front-tire failures have occurred more frequently in the 1973 and 1974 truck accident data. The FHWA believes that load limitations should be specified for all axles on all vehicles. Therefore, the petition to have the load requirements apply only to the steering axle is denied.

In arriving at the decision to deny the petition to have the tire load requirements apply only to the front axle, the

FHWA considered the time needed for compliance.

The FHWA does agree that it would not be in the best interest of the Nation's economy to require all tires on all axles, other than front axles, to meet the proposed load limitation requirements by October 1, 1975. We have taken into consideration new truck tire production figures and the first hand knowledge of the tire operating practices of the motor carrier industry. We believe that one year should be sufficient time for motor carriers to use up their present supply of tires and for the tire industry to have enough FMVSS No. 119 tires available to meet the needs of those carriers under the safety jurisdiction of FHWA. Therefore, the effective date for compliance for axles other than front axles has been extended to October 1, 1976.

Several of the petitioners made the statement that the hot tire inflation pressure correction factor specified in Table No. III was misleading and could lead to improper bleeding of tires. The entire subject has been reviewed and it is felt that since the FHWA proposes to allow higher pressures than printed on the tire's sidewalls to be used, that the correction factor specified should be adequate. Many of the petitioners also stated that pressure buildup varies with tire size and load, vehicle speed, ambient temperature and environmental conditions such as rain. Also they stated it would be extremely difficult, if not impossible, to accurately predict the pressure buildup in a tire when it can be influenced by so many variables and that a single figure for estimating cold inflation pressure could not be used for regulating both overinflation and underinflation.

The RMA recommended that FHWA regulate only minimum tire inflation pressure. This organization further stated that tires which are operated underinflated or overloaded for the actual cold service inflation pressure can fail resulting in an unsafe vehicle condition. They also stated that a tire which has been operated long enough to reach equilibrium temperature will have a pressure buildup of at least 15 psi over its cold inflation pressure and that a tire which has been in sustained operation for at least 1 hour should be considered underinflated if its hot inflation pressure is not at least 15 psi higher than the specified cold pressure for the load carried. The RMA also said that for less than 1 hour operation if the tire pressure seems to be marginal, the operator should be encouraged to recheck tire pressure at the next opportunity.

The FHWA believes the correction factors set forth in Table No. II are reasonable and they are retained in the rule.

In consideration of the foregoing, § 393.75 is amended by changing paragraph (f) as set forth below.

1. Paragraph (f) of § 393.75 is revised to read as follows:

§ 393.75 Tires.

• • • • • •

(f) *Tire load rating.*[1] (1) Front wheels: No motor vehicle shall be operated with tires on the front wheels which carry a greater weight than that specified for the tire in any of the publications of the standardizing bodies listed in FMVSS No. 119 (49 CFR 571.119) and marked on the tire's sidewall, except that tires which do not have the load rating marked on them in accordance with FMVSS No. 119 may be continued in use until April 1, 1976: *Provided*, The load on the tire does not exceed that allowed by Standard No. 119 for the same size tire.

(2) Other than front wheels: On and after October 1, 1976, no motor vehicle shall be operated with tires on wheels other than the front wheels which carry a greater weight than that specified for the tire in any of the publications of the standardizing bodies listed in FMVSS No. 119 (49 CFR 571.119) and marked on the tire's sidewall, except for those vehicles being operated at reduced speed under the terms of a special permit issued by one of the several States and specifying reduced speeds.

(3) A chart showing tire loads and pressures for the most common sizes of tires used by interstate motor carriers is reproduced as Table No. I for convenience. In the case of conflict among the manufacturer, a standards organization, or Table No. I in this section, FMVSS No. 119 shall govern.

(4) Tire pressure: No motor vehicle shall be operated on a tire which has a cold inflation pressure less than that specified for the load being carried.

(5) If the inflation pressure of the tire has been increased by heat because of the recent operation of the vehicle, the cold inflation pressure shall be estimated by subtracting the inflation buildup factor shown in Table No. II from the measured inflation pressure.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304); sec. 6, Department of Transportation Act, (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.)

Effective date. This amendment is effective on October 1, 1975, except as provided in the rule.

Issued on September 23, 1975.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

[FR Doc.75-26806 Filed 9-26-75;8:45 am]

[1] The load and cold inflation pressure imposed on the rim and wheel must not exceed the rim and wheel manufacturer's recommendations even though the tire may be approved for a higher load or inflation. Rims and wheels may be identified (stamped) with a maximum load and maximum cold inflation rating.

[Notice No. 75-18]

PART 398—TRANSPORTATION OF MIGRANT WORKERS

Miscellaneous Amendments

● **Purpose. These amendments make technical changes in the regulations governing migrant worker transportation, to reflect the change in safety jurisdiction from the Interstate Commerce Commission to the Department of Transportation.** ●

A number of technical, nonsubstantive amendments are being made to the Federal Motor Carrier Safety Regulation's Part 398—Transportation of Migrant Workers. The amendments consist of (1) changing the term "Motor Carrier Safety Regulations" to read "Federal Motor Carrier Safety Regulations" wherever it appears; (2) changing the terms "Interstate Commerce Commission" and "Administration" wherever they appear; (3) changing § 398.8, Commission inspection of motor vehicles in operation, to reflect current authority vested in persons appointed as special agents of the Federal Highway Administration as detailed in Appendix B—Special Agents, and (4) deleting reference to the District Director of the Bureau of Motor Carriers in § 398.8(d)(2).

The objective of these amendments is to make technical changes in the Regulations governing migrant worker transportation, to reflect the change in safety jurisdiction from the Interstate Commerce Commission to the Department of Transportation. The purpose of adding the word "Federal" before the term "Motor Carrier Safety Regulations" is to avoid confusion between rules issued by Federal agencies and rules issued by the States.

In consideration of the foregoing, Part 398 in Subchapter B of Chapter III in title 49, CFR is amended as follows:

§§ 398.1–398.8 [Amended]

1. By changing "Motor Carrier Safety Regulations" to read "Federal Motor Carrier Safety Regulations" wherever it appears.

2. By changing "Interstate Commerce Commission" and "Commission" to read "Federal Highway Administration" and "Administration" respectively.

3. Section 398.8, paragraphs (a) and (d)(2) are revised to read as follows:

§ 398.8 Administration inspection of motor vehicles in operation.

(a) Administration personnel authorized to perform inspections. All persons designated as Special Agents of the Federal Highway Administration, as detailed in Appendix B of Chapter III of this title, are authorized to enter upon and perform inspections of motor carrier's vehicles in operation.

• • • • • •

(d) • • •

(2) Motor carriers shall complete the "Motor Carrier Certification of Action Taken" on Form MCS 63 in accordance

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with the terms prescribed thereon. Motor carriers shall return Forms MCS 63 to the address indicated upon Form MCS 63 within fifteen (15) days following the date of the vehicle inspection.

* * * * *

Since these amendments are nonsubstantive in character, and do not impose any new burden upon any person, notice and public comment thereon are unnecessary, and they are effective on the date of issuance set forth below.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304); sec. 6, Department of Transportation Act (49 U.S.C. 1655), delegations of authority at 49 CFR 1.48, 301.4).

Issued on September 19, 1975.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.75-25800 Filed 9-26-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[No. 36057]

ACCOUNTING FOR TREASURY STOCK AT COST, INSTRUCTIONS FOR TRANSACTIONS WITH AFFILIATES AND CHARGES TO BE JUST AND REASONABLE

Upon investigation and consideration of views, arguments, and representations of the parties, certain revised accounting regulations governing all carriers subject to our accounting rules (1201–1210), are adopted to be effective January 1, 1975.

REPORT AND ORDERS OF THE COMMISSION

By notice of proposed rulemaking dated November 5, 1974, and published in the FEDERAL REGISTER on December 30, 1974 (39 FR 45048), this Commission announced that it had under consideration revisions to the systems of accounts (49 CFR Parts 1201–1210) prescribed for all modes of transportation under its jurisdiction. These revisions relate to accounting for treasury stock at cost, transactions with affiliates, and charges to be just and reasonable. All interested parties were given the opportunity to submit their views and comments in writing by January 27, 1975.

BACKGROUND

Treasury stock accounting. Under our present accounting regulations, all modes except freight forwarders follow the par value method rather than the cost method of accounting for purchase by a corporation of its own stock. Both methods recognize a contraction in stockholders' equity; however, the actual accounting entries and balance sheet presentation differ.

Briefly, under the cost method, the reacquired stock is recorded at cost and is shown on the balance sheet as a deduction from stockholders' equity. Under the par value method, the treasury stock is recorded at par or stated value and shown as a deduction from capital stock to arrive at net capital stock outstanding. The difference between reacquisition cost and par or stated value is apportioned to the appropriate capital surplus accounts or retained earnings. Under either method the ending balance for stockholders' equity is the same.

While both accounting treatments are in accordance with generally accepted accounting principles, the cost method is more widely used by companies that prepare reports to stockholders and is the method preferred by the accounting profession and other regulatory agencies.

Transactions with affiliated companies. An instruction concerning transactions with affiliated companies would require records of such transactions to be retained in a separate file to include documentation and justification for the basis of the charges. This file would aid this Commission in determining whether the transactions unnecessarily raise operating costs of carriers. Presently, the system of accounts for railroads (Part 1201) and class I and II motor carriers of property (Part 1207) contain this instruction. However, we have modified the language so that it will be uniform throughout all systems, even though the intent of the instruction remains the same.

Charges to be just and reasonable. Charges to the operating expense accounts must be "just and reasonable" in order that the rate structure is not affected by expenses not related to providing transportation service. Consequently, any charges to operating expenses should not exceed the fair market value of goods or services acquired in arms-length transactions. The system of accounts for motor carriers of property is the only system currently prescribing this instruction. Here again, some minor wording modifications have been made in order to maintain uniformity throughout all systems.

REPRESENTATIONS

The public notification of proposed rulemaking in the FEDERAL REGISTER provided that any person desiring to participate could do so by filing, within a prescribed time, written statements of facts, views, or arguments. Comments were received from three respondents, and they are summarized below:

Railroads. The Association of American Railroads (AAR) representing its member roads, asserts that the proposed rule does not accomplish its announced objective of bringing the accounting rules of this Commission for treasury stock into line with generally accepted accounting principles as prounced in Accounting Principles Board Opinion No. 6 and recommends that Opinion 6 be adopted completely by reference in the text of the account.

AAR also suggests that the proposed instruction for transactions with affiliated companies be revised to allow information relating to the basis of charges to be retained in supporting documentation rather than appear on each individual bill.

The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) urges the Commission to modify the proposed regulations in order to specify that all transactions with affiliated companies should be at arms-length and the cost of assets or services purchased from affiliates should not exceed the cost which could be obtained from unrelated parties for comparable assets or services.

Freight Forwarders. The Freight Forwarders Institute suggests an addition of joint loading arrangements in the parenthetical example of the proposed regulation for transactions with affiliated companies, in order to clarify the scope of its application. The Institute believes operations of this nature are "ordinary carrier operations" and should be specifically excluded from the proposed regulation.

DISCUSSION AND CONCLUSIONS

The following discussion is arranged according to subject matters raised by the respondents:

Treasury stock accounting. AAR argues for aligning this Commission's accounting rules for treasury stock with generally accepted accounting principles. We have based our proposed rule on APB Opinion No. 6, which provides two prevailing views of accounting for acquisition of treasury stock: par value method and the cost method.

Therefore, our proposed regulation changes the presently prescribed accounting from one generally accepted method to another. However, the cost method represents the modern approach, being more widely used in today's financial statements. In addition, we believe optional accounting is not justifiable for regulatory purposes. Therefore, while we agree that our proposed rule is not identical to generally accepted accounting principles, (since it does not permit optional accounting) we believe the adoption of the cost method will move our rules closer to them because of the wider acceptance of that method. Also, we believe the benefits of uniformity far outweigh the potential unreliability of optional accounting treatments.[1]

To implement the cost method, all treasury stock presently held shall be reaccounted for under the cost method, provided it has not been constructively retired.

Transactions with affiliated companies. Santa Fe recommends a change regarding the price of assets and services purchased from affiliated companies. Santa Fe suggests that in circumstances where public price lists do not exist the purchase price should be based on cost determined by arms-length bargaining instead of a lower of book value or fair market value. We believe that prices determined under the lower of book value or fair market value are more relevant for ratemaking purposes. To allow carriers to charge operating expenses with the fair market value of assets transferred or services performed without consideration to the cost incurred by affiliated companies could cause an unwarranted increase in carriers' operating expenses which on an aggregate basis could result in unjustified rate increases. The objective of this Commission in requiring a file of transactions with affiliated companies is to determine whether transactions with affiliated companies unnecessarily raise operating costs. Therefore, we do not accept Santa Fe's recommendation.

AAR suggests that the proposed instruction for "Transactions with affiliated companies" be revised to allow information relating to the basis of charges to be retained in supporting documentation as opposed to stating such information on each individual bill. This Commission has no objection with the AAR's alternative. However, in instances where sufficient supporting documentation is not maintained, the basis for such charges must be specifically identified on each bill.

Freight Forwarders Institute requests a change to clarify the scope of its application relating to joint loading arrangements. It is evident that instructions must necessarily be limited in detail; however, we have revised the instruction to call attention to this aspect of freight forwarders' operations.

Some revisions of an editorial or clarifying nature have also been made. Other minor recommended revisions were considered and found unnecessary.

SUMMARY

While the three subject areas differ, we proposed that they be considered in the same proceeding. This facilitates making accounting changes in a more timely manner which we believe is beneficial to all interested parties. We believe the changes discussed in this Report add more definitive guidelines to the uniform system of accounts, and improve financial reporting of carriers by bringing us closer in aligning our accounting rules with generally accepted accounting principles.

We find that Parts 1201 through 1210 of Chapter X of Title 49 of the Code of Federal Regulations should be amended as detailed in the appended statement of changes; and that such rules are reasonable and necessary to the effective enforcement of the provisions of Part I, II, III and IV of the Interstate Commerce Act, as amended; that such rules are otherwise lawful and, to the extent so found in this report, consistent with the public interest and the national transportation policy; and that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environment Policy Act of 1969.

An appropriate order will be entered.

Commissioner Hardin did not participate.

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 24th day of June 1975.

Consideration having been given to the matters and things involved in this proceeding, and the said Commission, on the date hereof, having made and filed a report containing its finding and conclusions, which report is hereby made a part hereof:

It is ordered, That Parts 1201 through 1210 of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as shown below.

It is further ordered, That the prescribed amendments shall be effective January 1, 1975, and reflected in the annual reports to this Commission for the accounting year ending December 1975.

And it is further ordered, That service of this order shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

(49 U.S.C. 12, 20, 304, 913, 1012)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Amend Part 1201 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" add the following immediately after line item "1–21 Submission of Questions":

1–22 Charges to be just and reasonable.

Under "General Balance Sheet Accounts" add the following immediately after line item "798 Retained income; unappropriated":

798.5 Treasury stock.

GENERAL INSTRUCTIONS

The text of instruction 1–10, "Transactions with affiliated companies" is amended to read:

1–10 *Transactions with affiliated companies.* (a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains the information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transaction.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 1–22).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1–3(d)) for the purpose of recording separately transactions with affiliated companies.

After general instruction 1–21 "Submission of Questions", add new instruction 1–22 "Charges to be just and reasonable" to read as follows:

1–22 *Charges to be just and reasonable.* All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's length transaction. Any payments in excess of such just and reasonable charges shall be included in account 551, "Miscellaneous income charges".

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

The instruction 6–4, "Discount premium, and assessment on capital stock" is amended by revising paragraphs (e) through (g). As amended the text reads as follows:

6–4 *Discount, premium, assessment on capital stock.* * * *

(e) When capital stock is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 791, "Capital stock issued". Any excess of reacquisition cost over par value shall be allocated between account 795, "Paid in surplus" and ac-

[1] In "optional accounting", the carrier may utilize the par value method or the cost method at its option.

V 40 I 189 SEP 29 75 XUM

count 616 "Other debits to retained income". Any excess of par value over reacquisition cost shall be credited to account 795, "Paid in surplus."

(f) When capital stock is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 798.5, "Treasury stock".

(g) When treasury stock is resold, account 798.5, "Treasury stock", shall be credited with the cost paid for it. Gains shall be credited to account 795 "Paid in surplus". Losses shall be charged to account 795 "Paid in surplus" to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 616 "Other debits to retained income".

GENERAL BALANCE SHEET ACCOUNTS

The text of account 791 "Capital Stock Issued" paragraph (a) is revised and Note E deleted. As amended the text reads:

§ 791 Capital Stock Issued.

(a) This account shall include the total par value of par value stock, and the total amount paid in or the amount approved by the Commission for stock without par value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and canceled, also shares of stock nominally issued.

• • • • • •

After the text of account 798, "Retained Income; Unappropriated", the following new account number, title and text are added:

§ 798.5 Treasury Stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor canceled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 6-4, paragraphs (e) through (g).

Account 799, "Form of General Balance Sheet Statement", is revised by adding the following new account number and title:

§ 799 Form of General Balance Sheet Statement.

798 • • •
Total retained income.
798.5 Treasury stock.
• • • • • •

PART 1202—UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC RAILWAYS

Amend Part 1202 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Operating Expenses" add the following after line item "01-16 Accounting for income taxes":

01-17 Transactions with affiliated companies.
01-18 Charges to be just and reasonable.

Under "General Balance Sheet Accounts" add the following immediately after line item "425 Premium on capital stock".

426 Treasury stock.

OPERATING EXPENSES, GENERAL INSTRUCTIONS

After the text of instruction 01-16 "Accounting for income taxes", new instructions 01-17 and 01-18 are added to read as follows:

01-17 Transactions with affiliated companies.

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend to file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transactions price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 01-18).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts for the purpose of recording separately transactions with affiliated companies.

§ 01-18 Charges to be just and reasonable.

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of the carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 225, "Miscellaneous debits".

GENERAL BALANCE SHEET

The instruction 05-2 "Discount and premium on capital stock" is amended by revising the last two paragraphs and designating the first three paragraphs as (a), (b) and (c), respectively. As amended the text reads:

§ 05-2 Discount and premium on capital stock.

(a) Ledger accounts • • •
(b) Entries in • • •
(c) In no case • • •
(d) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 423, "Capital stock." Any excess of reacquisition cost over par value shall be allocated between account 448-1 "Paid in surplus" and account 450 "Earned surplus; unappropriated". Any excess of par value over reacquisition cost shall be credited to account 448-1 "Paid in surplus".

(e) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 426, "Treasury stock".

(f) When treasury stock is resold, account 426, "Treasury stock", shall be credited with the cost paid for it. Gains be credited to account 448-1 "Paid in surplus." Losses shall be charged to account 448-1 "Paid in surplus" to the extent that previous net gain from sales or retirements of the same class of stock are included therein; otherwise to account 450 "Earned surplus; unappropriated".

Instruction "05-8 Form of general balance sheet statements" is revised by adding the following line items:

• • • • • •

425 • • •
426 Treasury stock Total
• • • • • •

GENERAL BALANCE SHEET ACCOUNTS

Account 425 "Premium on capital stock" is revised to read:

§ 425 Premium on capital stock.

(a) This account shall include the excess of the actual cash value (at the time of sale of the stock) of the consideration received over the amount recorded in account 423, "Capital stock," for par value stock plus accrued dividends, if any; also subsequent assessments against stockholders for payments required in excess of the par value or other amount recorded in account 423, "Capital stock."

(b) When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be charged hereto.

After the text of account 425 "Premium on capital stock" the following new account number, title and text are added:

§ 426 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at total stock.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 05-2, paragraph (d) through (f).

PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

Amend Part 1203 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" add the following immediately after line item 1-18 "Accounting for income taxes".

1-19 Transactions with affiliated companies.
1-20 Charges to be just and reasonable.

Under "Balance Sheet Account Classifications" add the following immediately after line item "255 Retained income":

256 Treasury stock.

GENERAL INSTRUCTIONS

Instruction "1-2 Accounting scope", paragraph (d), is amended by adding line item "256 Treasury stock" in proper sequence. As amended paragraph (d) reads:

(d) • • •
256 Treasury stock.
• • • • • •

After general instruction 1-18 "Accounting for income taxes" add the new instructions 1-19 "Transactions with affiliated companies" and 1-20 "Charges to be just and reasonable" to read as follows:

§ 1-19 Transactions with affiliated companies.

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 1-20).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1-3(a)) for the purpose of recording separately transactions with affiliated companies.

§ 1-20 Charges to be just and reasonable.

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 731-Miscellaneous expenses.

BALANCE SHEET ACCOUNT CLASSIFICATIONS

The text of account 251 "Preferred stock," paragraphs (a) and (b), is revised to read:

§ 251 Preferred stock.

(a) This account shall include the par value of par value stock, stated value of no-par value stock, and the amount received for no-par value stock without stated value, which have been issued to bona fide purchasers and have not been reacquired and cancelled. When other than cash is received for no-par value stock without stated value, the fair market value of the consideration shall be entered in this account.

(b) This account shall be divided so as to show separately each class of stock issued, subdivided between issued and actually outstanding, nominally issued and nominally outstanding.

• • • • • •

The text of account 252 "Common stock", paragraphs (a) and (b) is revised to read:

§ 252 Common stock.

(a) This account, as subdivided below, shall include the par value of par value stock, stated value of no-par value stock, and the amount received for no-par value stock without stated value, which have been issued to bona fide purchasers and have not been reacquired and cancelled. When other than cash is received for no-par value stock without stated value, the fair market value of the consideration shall be entered in this account.

(b) This account shall be divided so as to show separately each class of stock issued, subdivided between issued and actually outstanding, nominally issued and nominally outstanding.

• • • • • •

The text of account 254 "Capital surplus", paragraph (c), is revised. As amended the paragraph reads:

§ 254 Capital surplus.

• • • • • •

(c) 02—Other capital surplus. (1) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 251—Preferred stock or 252—Common stock. Any excess of reacquisition cost over par value shall be allocated between account 254—Capital surplus, and account 256-08—Other debits to retained income. Any excess of par value over reacquisition cost shall be credited to account 254—Capital surplus.

(2) When an issue of capital stock or any part, thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the re-

V 40 189 SEP 29 75 XUM

acquisition cost shall be charged to account 256—Treasury stock.

(f) When treasury stock is resold, account 256—Treasury Stock, shall be credited with the cost paid for it. Gains shall be credited to account 254—Capital surplus. Losses shall be charged to account 254—Capital surplus to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 256–08—Other debits to retained income.

* * * * *

After the text of account 255 "Retained income", the following new account number, title and text are added:

256 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with balance sheet account classification 254–02, paragraphs (1) through (3).

Account 299 "Form of balance sheet" is amended by adding the following:

299 Form of balance sheet.

255 * * *
256 Treasury stock —— (——)
Total Shareholders' Equity ——
* * * * *

PART 1204—UNIFORM SYSTEM OF ACCOUNTS FOR PIPELINE COMPANIES

Amend Part 1204 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions", add the following after line item 1–12 "Accounting for income taxes".

1–13 Transactions with affiliated companies.
1–14 Charges to be just and reasonable.

Under "Balance Sheet Accounts" add the following immediately after line item 75 "Unappropriated retained income".

76 Treasury stock

GENERAL INSTRUCTIONS

After general instruction 1–12 "Accounting for income taxes", add the new instruction 1–13 "Transactions with affiliated companies" and 1–14 "Charges to be just and reasonable" to read as follows:

1–13 Transactions with affiliated companies. (a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 1–14).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1–2(a)) for the purpose of recording separately transactions with affiliated companies.

1–14 Charges to be just and reasonable. All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 660, Miscellaneous Income Charges.

BALANCE SHEET ACCOUNTS

The text of account 70 "Capital stock" is revised to read:

§ 70 Capital stock.

(a) This account shall include the par value of par value stock, stated value of no-par stock, and the amount received for no-par stock without stated value, which have been issued to bona fide purchasers and have not been reacquired and cancelled, also shares of stock nominally issued. When other than cash is received for no-par value stock, the fair market value of the consideration shall be entered in this account.

(b) This account shall be divided so as to show separately each class of stock issued, subdivided between (1) issued and outstanding, and (2) nominally issued and nominally outstanding.

(c) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to this account. Any excess of reacquisition cost over par value shall be allocated between account 73, Additional Paid-in-Capital and 720, Other Debits to Retained Income. Any excess of par value over reacquisition cost shall be credited to account 73, Additional Paid-in-Capital.

(d) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 76, Treasury Stock.

(e) When treasury stock is resold, account 76, Treasury Stock, shall be credited with the cost paid for it. Gains shall be credited to account 73, Additional Paid-in-Capital. Losses shall be charged to account 73, Additional Paid-in-Capital to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 720, Other Debits to Retained Income.

After the text of account 75 "Unappropriated retained income" the following new account number, title and text are added:

§ 76 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged or unpledged.

(c) This account shall be shown on the Balance Sheet as a deduction in arriving at Stockholders' Equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with balance sheet account 70, paragraphs (c) through (e).

Account 797 "Form of general balance sheet" is revised by adding the following:

§ 797 Form of general balance sheet.

* * * * *
75 * * *
76 Treasury stock.
Total Stockholders' Equity.
* * * * *

PART 1205—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CARLINES

Amend Part 1205 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Income and Balance Sheet Accounts Instructions" add the following immediately after line item 42 "Accounting for income taxes".

43 Transactions with affiliated companies.
44 Charges to be just and reasonable.

Under "General Balance Sheet Accounts Text" add the following immediately after line item 798 "Retained income—Unappropriated".

798.5 Treasury stock.

INCOME AND BALANCE SHEET ACCOUNT INSTRUCTIONS

Instruction 39 "Discount, premium, and assessment on capital stock" is amended by alphabetizing each paragraph and by revising the last three paragraphs. As amended the text reads:

§ 39 Discount, premium, and assessment on capital stock.

(a) Separate ledger * * *
(b) The total of * * *
(c) Discount on * * *
(d) In case the * * *
(e) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 791, "Capital stock issued". Any excess of reacquisition cost over par value shall be allocated between account 795, "Paid-in surplus" and account 616, "Other debits to retained income". Any excess of par value shall be credited to account 795, "Paid-in surplus."

(f) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 798.5, "Treasury stock".

(g) When treasury stock is resold, account 798.5 "Treasury stock", shall be credited with the amount paid for it. Gains shall be credited to account 795, "Paid-in surplus". Losses shall be charged to account 795, "Paid-in surplus" to the extent that previous net gains from sales or retirement of the same class of stock are included therein; otherwise, to account 616, "Other debits to retained income".

After instruction 42 "Accounting for income taxes" add new instruction 43 "Transactions with affiliated companies" and instruction 44 "Charges to be just and reasonable" to read as follows:

§ 43 Transactions with affiliated companies.

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly as nonoperating charges or credits. (See Instruction 44).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 4(b)) for the purpose of recording separately transactions with affiliated companies.

§ 44 Charges to be just and reasonable.

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payment shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 551, "Miscellaneous income charges".

GENERAL BALANCE SHEET ACCOUNTS

The text of account 791 "Capital stock issued" is amended by revising the first paragraph and deleting note E. As amended the text reads:

§ 791 Capital stock issued.

This account shall include the total par value of par value stock, and the total amount paid in for stock without par value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and cancelled, also shares of stock nominally issued.

* * * * *

After the text of account 798 "Retained income—Unappropriated", the following new account number, title and text are added:

798.5 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 39, paragraphs (5) through (7).

Account 799 "Form of general balance sheet statement", is revised by adding the following:

799 Form of general balance sheet statement.

798 * * *
Total retained income——
798.5 Treasury stock (——).
Total shareholders' equity——.
* * * * *

PART 1206—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

Amend Part 1206 as follows:

LIST OF DEFINITIONS, INSTRUCTIONS, AND ACCOUNTS

Under "Instructions" add the following immediately after line item 2–32 "Accounting for income taxes":

2–33 Transactions with affiliated companies.
2–34 Charges to be just and reasonable.

Under "Balance Sheet Accounts" add the following immediately after line 2946 "Other debits to surplus":

2947 Treasury stock.

INSTRUCTIONS

The text of instruction 2–14 "Company securities owned" is amended by revising paragraph (a) to read:

2–14 Company securities owned.

(a) *Capital stock.* (1) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value

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shall be charged to account 2700, Preferred Capital Stock, or account 2710, Common Capital Stock. Any excess of reacquisition cost over par value shall be allocated between account 2900, Unearned Surplus and account 2946, Other Debits to Surplus. Any excess of par value over reacquisition cost shall be credited to account 2900, Unearned Surplus.

(2) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 2947, Treasury Stock.

(3) When treasury stock is resold, account 2947, Treasury Stock, shall be credited with the cost paid for it. Gains shall be credited to account 2900, Unearned Surplus. Losses shall be charged to account 2900, Unearned Surplus to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 2946, Other Debits to Surplus.

* * * * *

After instruction 2-32 "Accounting for income taxes", add the new instructions 2-33 "Transactions with affiliated companies" and 2-34 "Charges to be just and reasonable" to read as follows:

§ 2-33 Transactions with affiliated companies.

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for managemnt services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 2-34).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 2-2(d)) for the purpose of recording separately transactions with affiliated companies.

2-34 Charges to be just and reasonable.

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 7500, Other Deductions.

BALANCE SHEET ACCOUNTS

The text of account 1920, "Reacquired securities" is revised to read:

1920 Reacquired securities.

This account shall include in subdivisions for each class, the face, par, or stated value of bonds, and other forms of securities which have been actually issued or assumed by the carrier, and reacquired and are neither retired nor properly included in sinking or other funds.

* * * * *

After the text of account 2946, "Other debits to surplus", the following new account number, title, and text are added:

2947 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the Balance Sheet as a deduction in arriving at Stockholders' Equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 2-14, paragraph (a).

Account 2999, "Form for balance sheet statement" is amended to read:

2999 Form for balance sheet statement.

* * * * *

Capital Stock:

2700 Preferred capital stock ---------- $--------
Less: Nominally issued ---------- --------

2710 Common capital stock ---------- $--------
Less: Nominally issued ---------- --------

2720 * * *

* * * * *

Total unappropriated surplus-------- --------

2947 Treasury stock-------- (--------)
Total liabilities---- --------

* * * * *

PART 1207—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Amend part 1207 as follows:

LIST OF INSTRUCTIONS

Under "Instructions" amend line item 34 "Transaction with affiliates" to read:

34 Transactions with affiliated companies.

CLASS I AND CLASS II MOTOR CARRIERS INSTRUCTIONS

The text of instruction 4 "Charges to be just and reasonable" is amended to read as follows:

4 Charges to be just and reasonable.

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in Account Series 8400—Other Nonoperating Income (net) (class II), and Account 8420—Other Nonoperating Deductions (class I).

The instruction 16 "Capital Stock" is amended by revising paragraphs (d) and (e). As amended the text reads as follows:

16 Capital Stock.

* * * * *

(d) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 2610—Capital Stock (class II), and account 2611—Capital Stock-Preferred; or 2612—Capital Stock-Common (class I); if cancelled. Any excess of reacquisition cost over par value shall be allocated between account 2641—Other Capital in Excess of Par or Stated Value (classes I and II) and account 2961—Other Debits to Retained Earnings (classes I and II). Any excess of par value over reacquisition cost shall be credited to account 2941—Other Capital in Excess of Par or Stated Value (classes I and II).

(e) (1) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 2661—Treasury Stock (classes I and II).

(2) When treasury stock is resold, account 2661—Treasury Stock (classes I and II), shall be credited with the cost paid for it. Gains shall be credited to account 2641—Other Capital in Excess of Par or Stated Value (classes I and II). Losses shall be charged to account 2641—Other Capital in Excess of Par or Stated Value (classes I and II) to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise to account 2961—Other Debits to Retained Earnings (classes I and II).

The title and text of instruction 34 "Transactions with affiliates" are amended to read as follows:

34 Transactions with affiliated companies.

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or interchange of equipment).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record, as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 4).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 2 (e)) for the purpose of recording separately transactions with affiliated companies.

CLASS I AND CLASS II MOTOR CARRIERS BALANCE SHEET ACCOUNTS EXPLANATIONS

Account 2612—Capital Stock—Common (class I) is amended by revising paragraph (a). As amended the text reads:

2612 Capital Stock—Common (class I).

(a) These accounts, 2611 and 2612, shall include the par value of stock with par value; the stated value of nonpar stock having a stated value; and the cash value of the consideration received, including assessments, or the amount approved by the Commission, for nonpar stocks without stated value, which have been issued to bona fide purchasers and have not been reacquired and canceled; also shares of stock nominally issued (see definition 29). The cash consideration received from the sale of par value stock and of nonpar stock having a stated value in excess of the amount credited to this account, shall be credited to account 2631—Premiums and Assessments on Capital Stock. (See Instruction 16.)

* * * * *

Account 2631—Premiums and Assessments on Capital Stock (classes I and II), is amended by revising paragraph (d). As amended the text reads:

§ 2631 Premiums and Assessments on Capital Stock (classes I and II).

* * * * *

(d) When capital stock is retired and cancelled, the amount in this account with respect to the shares of such stock retired and cancelled shall be charged hereto.

* * * * *

Account 2661—Treasury Stock (classes I and II), is revised to read as follows:

§ 2661 Treasury Stock (classes I and II).

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 16, paragraph (d) through (e)(2).

PART 1208—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

Amend Part 1208 as follows:

GENERAL INSTRUCTIONS

The text of instruction (N) "Transaction with affiliated companies" is completely revised to read:

(N) Transactions with affiliated companies.

(1) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges).

(2) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(3) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(4) The carrier shall record as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction (O)).

(5) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction b(5)) for the purpose of recording separately transactions with affiliated companies.

BALANCE SHEET ACCOUNTS

The text of account 581, "Capital stock issued and outstanding" is revised to read:

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§ 581 Capital stock issued and outstanding.

(a) This account shall include the par value, or for stock without par value the money value of the consideration received, in respect of capital stock or other form of proprietary interest in the carrier which has been issued to purchasers and has not been reacquired and canceled. It shall also include stock issued representing appropriations of surplus for stock dividends.

(b) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or canceled, the par value shall be charged to this account. Any excess of reacquisition cost over par value shall be allocated between account 590, "Additional paid-in capital" and account 599, "Retained earnings—unrestricted". Any excess of par value over reacquisition cost shall be credited to account 590, "Additional paid-in capital."

(c) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or canceled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 591, "Treasury stock".

(d) When treasury stock is resold, account 591, "Treasury stock," shall be credited with the cost paid for it. Gains shall be credited to account 590, "Additional paid-in capital". Losses shall be charged to account 590, "Additional paid-in capital" to the extent that previous net gains from sales or retirements of the same class of stock are included therein, otherwise, to account 599, "Retained earnings-unrestricted."

(e) The credits hereto shall be divided as follows:

(1) Preferred stock. (Stock having a preference or priority in respect to dividend participation.)

(2) Common stock. (Stock entitled to a dividend, if any, after preferred stock.)

(f) A separate record shall be kept for each subclass showing the number of shares authorized by the articles of incorporation and amendments, the number of shares issued, the number of shares canceled, the number of shares outstanding, and their book value.

Account 591 "Treasury stock" is revised by adding the following Note A:

591 Treasury stock.

• • • • • •

(c) • • •

NOTE A: The accounting for reacquisition of capital stock and resale thereof shall be in accordance with the text of account 581, "Capital stock issued and outstanding", paragraphs (b) through (d).

PART 1209—UNIFORM SYSTEM OF ACCOUNTS FOR INLAND AND COASTAL WATERWAYS CARRIERS

Amend Part 1209 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" the following new line items are added:

14 Transactions with affiliated companies.
15 Charges to be just and reasonable.

Under "Balance Sheet Accounts" the following new line item is added:

280–1 Treasury stock.

GENERAL INSTRUCTION

After the text of instruction 13, "Accounting for income taxes", the following new account numbers, titles and texts are added:

14 Transactions with affiliated companies.

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record as the cost of assets or services received from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 15).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1(e)1) for the purpose of recording separately transactions with affiliated companies.

15 Charges to be just and reasonable.

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 527, "Miscellaneous income charges".

BALANCE SHEET INSTRUCTIONS

Balance sheet instruction 24 "Company securities owned", is revised to read as follows:

24 Company securities owned.

Securities actually issued or assumed by the carrier which have been reacquired shall be either retired or if not retired, carried in accounts 280–1, "Treasury stock" or 190, "Reacquired and nominally issued long-term debt", unless it is required by provisions of a mortgage or by decision of a trustee, that funded debt securities be retained alive in sinking or other special funds. Reacquired securities not retired shall be shown at the amount paid for such stock.

Balance sheet instruction 26 "Discount, expense, and premium on capital stock" is amended by revising paragraphs (d) and (e) and adding (f). As amended the text reads:

26 Discount, expense, and premium on capital stock.

• • • • • •

(d) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 240, "Capital stock". Any excess of reacquisition cost over par value shall be allocated between account 250–2 "Paid-in surplus" and account 280 "Retained income—unappropriated". Any excess of par value over reacquisition cost shall be credited to account 250–2 "Paid-in surplus".

(e) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 280–1, "Treasury stock".

(f) When treasury stock is resold, account 280–1, "Treasury stock", shall be credited with the cost paid for it. Gains shall be credited to account 250–2 "Paid-in surplus". Losses shall be charged to account 250–2 "Paid-in surplus" to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 280 "Retained income—unappropriated".

The title, text, and note of account 191, "Reacquired and nominally issued capital stock", is revised to read as follows:

191 Nominally issued capital stock.

This account shall include the par value of capital stock of the carrier nominally issued. If no par stock, it shall be charged at the pro-rata proportion at which it is credited to account 240, "Capital stock". Stock having no par value classifiable as nominally issued shall be recorded by the number of shares.

NOTE: The accounting for the reacquisition and resale of capital stock actually issued or assumed by the company shall be in accordance with instruction 26 (d) through (f).

Account 240, "Capital stock" will be amended by revising paragraph (e). As amended the text reads:

240 Capital stock.

• • • • • •

(e) In case capital stock is reacquired and held in the treasury such stock shall be included in the appropriate accounts in accordance with paragraphs (d) through (f) of instruction 26.

Account 243, "Discounts and expense on capital stock", is amended by revising paragraph (b). As amended the text reads:

243 Discount and expense on capital stock.

• • • • • •

(b) When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be credited hereto.

Account 250–1, "Premiums and assessments on capital stock", is amended by revising paragraph (b). As amended the text reads:

250–1 Premiums and assessments on capital stock.

• • • • • •

(b) When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be charged hereto.

After the text of account 280, "Retained income—Unappropriated", the following new account number, title, and text are added:

280–1 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with instruction 26, paragraph (d) through (f).

Account 299 "Form of balance sheet statement", is revised as follows:

299 Form of balance sheet statement.

• • • • • •

190 • • •

191 Nominally issued capital stock.

• • • • • •

280 • • •

Total retained income.....

280–1 Treasury stock.....(.....)

Total capital and surplus.....

• • • • • •

PART 1210—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

Amend Part 1210 as follows:

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" the following new line items are added:

9 Transactions with affiliated companies.
10 Charges to be just and reasonable.

Under "General Balance Sheet Accounts", the line item 280 "Reacquired capital stock" is revised to read:

280 Treasury stock.

GENERAL INSTRUCTIONS

After the text of instruction 8, "Accounting for income taxes", the following new account numbers, titles and texts are added:

9 Transactions with affiliated companies.

(a) The records and supporting data of all transactions with affiliated companies shall be maintained in a separate file. The types of transactions referred to in this paragraph are for management services or any other type of services rendered, sale or use of facilities or any other type of assets or property. The file shall be maintained so as to enable the carrier, upon a Commission request, to furnish accurate information with supporting documentation about particular transactions within 15 days of the request. We do not intend the file to include data relating to ordinary carrier operations (e.g. lawful tariff charges or joint loading arrangements).

(b) Each bill rendered by an affiliated company shall state specifically the basis used for determining charges, unless the file contains other information to support the specific basis for charges.

(c) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system may constitute a file within the meaning of this instruction.

(d) The carrier shall record as the cost of assets or services rendered from an affiliated supplier, the invoice price (plus any incidental costs related to those transactions) in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions.

Any difference between actual transaction price and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded, accordingly, as nonoperating charges or credits. (See Instruction 10).

(e) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction 1(e)1) for the purpose of recording separately transactions with affiliated companies.

§ 10 Charges to be just and reasonable.

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operating and maintenance expenses, and other carrier expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of carrier business. Payments shall not exceed the fair market value of goods and services acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 414, "Miscellaneous income charges".

GENERAL BALANCE SHEET INSTRUCTIONS

The text of instruction 23 "Company securities owned", is revised to read as follows:

§ 23 Company securities owned.

Securities actually issued or assumed by the company which have been reacquired and not retired, shall be carried in account 280, "Treasury stock" or 190, "Reacquired and nominally issued long-term debt", unless it is reacquired by provisions of a mortgage or by decision of a trustee not subject to control by the company, that such securities be retained alive in sinking or other special funds. Reacquired long-term debt not retired shall be shown at par or face value, and reacquired capital stock not retired shall be shown at the amount paid for such stock.

Instruction 24 "Discount, premium, and expense on capital stock" is amended by revising paragraphs (d), (e) and adding (f). As amended the text reads:

24 Discount, premium, and expense on capital stock.

• • • • • •

(d) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled, the par value shall be charged to account 240, "Capital stock". Any excess of reacquisition cost over par value shall be allocated between account 250–1 "Paid-in surplus" and account 270 "Earned surplus—unappropriated". Any excess of par value over reacquisition cost shall be credited to account 250–1 "Paid-in surplus".

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(e) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is not retired or cancelled, nor properly includible in sinking or other funds, the reacquisition cost shall be charged to account 280, "Treasury stock".

(f) When treasury stock is resold, account 280, "Treasury stock", shall be credited with the cost paid for it. Gains shall be credited to account 250–1, "Paid-in surplus". Losses shall be charged to account 250–1, "Paid-in-surplus" to the extent that previous net gains from sales or retirements of the same class of stock are included therein; otherwise, to account 270 "Earned surplus—unappropriated".

Instruction 29, "Form of general balance sheet statement", is amended as follows:

29 Form of general balance sheet statement.

* * * * * * *

270 * * *
Surplus prior to January 1, 1943:
------ balance

280 Treasury stock
Pledged
Unpledged

* * * * * * *

The text of account 191 "Nominally issued capital stock", is amended to read:

§ 191 Nominally issued capital stock.

This account shall include the par value, or with respect to no par stock, the amounts recorded in account 240, "Capital stock", relating thereto, of nominally issued capital stock.

NOTE: The amount paid for capital stock actually issued or assumed by the company and reacquired by it and held uncancelled shall be included in account 280, "Treasury stock".

The title, and text of "General Balance Sheet Account 280" is revised as follows:

§ 280 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier, then reacquired, and is neither retired nor cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the balance sheet as a deduction in arriving at stockholders' equity.

NOTE A: The accounting for the reacquisition of capital stock and resale thereof shall be in accordance with Instruction 24, paragraphs (d) through (f).

[FR Doc.75-25903 Filed 9-26-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS

Agassiz National Wildlife Refuge, Minnesota; Correction

In FR Doc. 75-23978, appearing on page 42017 of this issue for Wednesday, September 10, 1975, the first paragraph should read as follows:

Public access to a 75 yard wide retrieval zone on Agassiz National Wildlife Refuge, Minnesota, for the purpose of picking up legally shot waterfowl, snipes, and rails from 12 noon to 4 p.m. October 1, 1975, and from one half hour before sunrise to 4 p.m. October 2, 1975, to November 19, 1975, all dates inclusive. This open area comprises 55 acres and is delineated on a map available at the refuge headquarters at Middle River, Minnesota, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Also, the last paragraph should read as follows:

The provisions of this special regulation supplement the regulations which govern access on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through November 19, 1975.

CHARLES A. HUGHLETT,
Acting Regional Director.

[FR Doc.75-25903 Filed 9-26-75;8:45 am]

PART 32—HUNTING

Des Lacs National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective September 29, 1975.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

NORTH DAKOTA

DES LACS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Des Lacs National Wildlife Refuge, North Dakota, is permitted except within a 1,000 acre area surrounding the town of Kenmare which is posted as "Closed". The area open to hunting, comprising 17,740 acres, is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State Regulations covering the hunting of deer, subject to the following conditions.

(1) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

(2) Hunting is permitted from 12 noon to sunset November 14 and from sunrise to sunset November 15 through November 23, 1975

The provisions of this special regulation supplement the regulations which govern hunting on Wildlife Refuge Areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through November 23, 1975

CHARLES S. PECK,
Refuge Manager,
Des Lacs National Wildlife Refuge.

SEPTEMBER 22, 1975.

[FR Doc.75-25906 Filed 9-26-75;8:45 am]

PART 32—HUNTING

Grays Lake National Wildlife Refuge, Idaho

On July 17, 1975, there were published in the FEDERAL REGISTER (40 FR 30115) special regulations for hunting on certain National Wildlife Refuges in Idaho. Since promulgation of these regulations, an emergency situation has developed on Grays Lake National Wildlife Refuge requiring an amendment to the regulations.

Due to weather conditions agricultural crop harvests on private lands near the refuge are behind schedule. To reduce crop damage by sandhill cranes it is necessary to continue the operation of depredation prevention bait stations on the refuge beyond their normal duration. The bait stations are also currently being used by young whooping cranes, an endangered species.

Continued operation of the bait stations will require a delay in the normal opening date of waterfowl hunting on the refuge. Hunting near these stations would interfere with depredations prevention. Federal regulations in 50 CFR § 20.21(i) prohibit hunting over a baited area for 10 days following complete removal of the bait.

It is the policy of the Department of the Interior, whenever practical, to afford the public a 30-day comment period. Due to the short time remaining before the normal opening of the hunting season, a full 30-day period is not possible.

Therefore, FR Doc. 75-18543 (40 FR 30115) is amended by the addition of the following regulation as a second special condition under § 32.12 Grays Lake National Wildlife Refuge. The regulation will be effective September 29, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

IDAHO

GRAYS LAKE NATIONAL WILDLIFE REFUGE

Special condition: The entire public hunting area will be closed to all hunting from October 4, 1975 until October 15, 1975 or until 10 days following the removal of crane depredation bait stations within the area, whichever is sooner.

This closure compliments existing authority to curtail public recreational uses by special regulation as set forth in 50 CFR 28.17(b) and (c).

R. KAHLER MARTINSON,
Regional Director,
Fish and Wildlife Service.

[FR Doc.75-25904 Filed 9-26-75;8:45 am]

PART 32—HUNTING

Lostwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective September 29, 1975.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

NORTH DAKOTA

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lostwood National Wildlife Refuge, North Dakota is permitted only on the area designated as open to hunting during the period November 14 through 23, 1975. This open area, comprising 25,300 acres, is delineated on a map available at the refuge headquarters, Kenmare, North Dakota, and from the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State Regulations and the following special conditions:

1. Vehicle travel is restricted to public highways and the refuge entrance road from State Highway No. 8 to refuge headquarters. All other roads and trails are closed to vehicles.

2. A one square mile area around the refuge headquarters complex will be closed to hunting and marked by "Closed Area" signs.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1976.

CHARLES S. PECK,
Refuge Manager,
Lostwood National Wildlife Refuge.

SEPTEMBER 22, 1975.

[FR Doc.75-25907 Filed 9-26-75;8:45 am]

PART 32—HUNTING

Muscatatuck National Wildlife Refuge, Indiana

The following special regulation is issued and is effective September 29, 1975.

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

INDIANA

MUSCATATUCK NATIONAL WILDLIFE REFUGE

Public hunting of upland game (rabbit and quail only) on the Muscatatuck National Wildlife Refuge, Indiana, is permitted only on all refuge land lying south of the Myers road, designated by signs as open to hunting. This area, comprising 1,320 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of rabbit and quail.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1976.

CHARLES E. SCHEFFE,
Refuge Manager, Muscatatuck National Wildlife Refuge, Seymour, Indiana.

SEPTEMBER 22, 1975.

[FR Doc.75-25905 Filed 9-26-75;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

REA Specification for Flexible and Semirigid Polyvinyl Chloride Raw Material

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 345–56 to announce a change in REA Specification PE–220 for flexible and semirigid polyvinyl chloride raw material. On issuance of REA Bulletin 345–58, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 29, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised page of REA Specification PE–220 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of revised REA Bulletin 345–58 announcing the revision of the specification is as follows:

REA BULLETIN 345–58

REA SPECIFICATION PE–220

I. *Purpose.* To announce issuance of revised page 7 of REA Specification PE–220 for Flexible and Semirigid Polyvinyl Chloride Raw Material.

II. *General.* The present specific gravity requirement for Flexible Polyvinyl Chloride Raw Material in Appendix I of PE–220 has a range of 1.35–1.40. With the low brittleness temperature required this narrow range allowed for specific gravity eliminates many compounds that would otherwise satisfy the specification.

The change involves a widening of the specific gravity range from 1.25 to 1.40 with the note: "Each compound shall have a nominal value within these limits. A test sample may vary from the nominal specific gravity by ±0.020."

The revised requirements are reflected in the enclosed sheet consisting of pages 7 and 8. Pages 7 and 8 of REA Specification PE–220 dated February 1975 should be removed and replaced by the enclosed pages dated September 1975. This change becomes effective immediately upon issuance of this bulletin.

III. *Availability of Specification.* Copies of the revised page to PE–220 will be furnished by REA upon request. Questions concerning the revised page may be referred to the Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202–447–3827.

Dated: September 23, 1975.

C. R. BALLARD,
Assistant Administrator—Telephone.

[FR Doc.75–25924 Filed 9–26–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 2, 5, 6, 8, 10, 11, 80, 90, 100, 102, 121, 202, 310, 312, 314, 328, 330, 429, 430, 431, 433, 511, 514, 601, 701, 1003, 1004, 1210]

[Docket No. 75N–0001]

ADMINISTRATIVE PRACTICES AND PROCEDURES

Notice of Proposed Rulemaking

Correction

In FR Doc. 75–23409 appearing at page 40681 as the Part III of the issue of Wednesday, September 3, 1975, the following changes should be made:

1. In the third column on page 40683, immediately before the last incomplete paragraph, the figure in the parentheses in the last line now reading "(§ 2.54)" should read "(§ 2.5)".

2. In the third column on page 40778, in the second and third lines of the last paragraph, delete, "(insert date 30 days after date of publication in the FEDERAL REGISTER)", and insert in lieu thereof the following: "October 3, 1975,".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75–CE–12–AD].

BEECH 18 SERIES AIRPLANES

Supplemental Proposed Airworthiness Directives

On April 29, 1975, the Federal Aviation Administration published a notice of proposed rulemaking (Docket No. 75–CE–12–AD; 40 FR 18562) relating to Beech 18 series airplane wing structure. Specifically, the notice proposed to amend Part 39 of the Federal Aviation Regulations by issuance of an Airworthiness Directive to establish fatigue or safe life limitations for the basic wing structure configuration of the Beech Model 18 series airplanes.

Numerous comments were received. As a result of these comments and after further analysis a Supplemental Notice is being proposed for reasons hereafter stated.

Of the over 135 separate commentators, 93 percent were opposed to the establishment of the proposed life limits for modified aircraft and many expounded on the virtues of the wing strap modifications.

Many commentators questioned the method of establishing the life limits, pointing to the effects of the landing gear, engine and propeller installations, and of the airplane as primary factors affecting serviceable life. The data available does not provide evidence to single out any one cause as uniquely creating a fatigue problem nor provide any basis for the establishment of criteria based on these factors. It is recognized that the abuse or misuse of the airplane can aggravate the fatigue problem and could be responsible for some of the very low time cracks. There already is a wide variation in the construction, use, and resultant life in the airplane fleet and this is considered in the fatigue formulas. The service history has shown that fatigue cracks (over 100 reported) have started anywhere from 1,000 to 8,000 hours' time in service. However, the probability of fatigue increases rapidly with an increase in flight hours beyond the fatigue life. Those aircraft which are strapped could have a similar situation develop at some higher time in service. A review of the analytical and test data available on the Beech Model 18 airplanes confirms that the calculated, unfactored safe life of the welded tube wing spar on the high gross weight airplanes is from 13,000 to 20,000 hours. This is a function of the gross weight, cruise speed, and average time per flight. This has been confirmed by FAA, NASA, industry and private engineers. Standard practice calls for the assignment of a prescribed scatter factor of eight on analytical data. Therefore, the proposed life limits on unmodified aircraft remain approximately as contained in the original proposal. The original proposal only contained three representative aircraft weights, all other gross weight airplanes having similar life limits.

Ninety-nine per cent of the commentators recommended that all aircraft be modified with wing straps. The FAA agrees that the installation of appropriate wing straps could enhance safety by appreciably reducing the probability of complete wing failure due to fatigue. It is estimated that over 900 of the approximately 1,500 U.S. registered aircraft have wing straps installed. From many of the comments received, it is apparent that the alternative provided by Paragraph C of the Notice was not fully understood. In Paragraph C, the Agency stated that no credit could be given for wing modifications until a full fatigue evaluation of each modification could be accomplished. Responsibility was placed on the STC holders to submit adequate data relating to fatigue before extension of the proposed life limits could be established. The FAA was not prepared at the time the Notice was issued to fix specific life limits or other means of insuring continued airworthiness on airplanes so modified. In response to the commentators' strong recommendations to permit continued operation by requiring installation of straps, the FAA has considered this possibility. Based on the information submitted in response to the Notice and after further analyses, the FAA finds this alternative feasible, provided that straps are installed across the full span of the primary wing lower spar cap with provision for further inspection as hereinafter provided. These straps are to include at least the welded tube structure from left wing station to right wing station, without relying on the outer wing panel attach bolts-welding of the primary structure and/or drilling of the lower spar cap are to be avoided.

In addition to requiring straps, most commentators concurred that continued maintenance inspections should be required. The FAA concurs that adequate and appropriate inspections would contribute to the continued airworthiness of airplanes modified by the installation of appropriate straps. However, no rational engineering analysis or data was provided by these commentators that would aid in the establishment of new life limits or inspection intervals. Analysis of the STC data is necessary to provide a basis for establishment of inspection cycles. Some of the STC holders are working with the FAA and interim inspection criteria has been proposed. Not all modifiers have responded to the need to provide additional fatigue analytical analysis and maintenance instructions to permit continued operation of these aircraft with the STC'd straps installed. From the information received to date, interim inspection cycles, maintenance instructions, and possible life limits for these modifications can be established. Accordingly, this supplemental notice states that periodic inspections are to continue with a proposed major disassembly and inspection of the wings and straps at some prescribed interval. As additional test data is received from STC holders, it is hoped that the inspection times can be expanded. One commentator has proposed and has initiated STC action to install a crack detector system which could simplify the inspection process and supplement the X-ray inspections. The FAA finds this a promising proposal and it is incorporated in this Supplemental Notice. As service experience is gained with this device, additional credit can be given for its use.

With respect to X-ray inspections of the Beech 18 airplane, review of the films heretofore taken in compliance with ADs 72–20–5 and 75–09–18, indicate that discoverable fatigue cracks have gone undetected. This could result in a wing failure. Therefore, this supplemental notice of proposed rulemaking will require that said inspections be performed by persons and at facilities having a letter of authorization for these inspections issued by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. Personnel and facilities to be approved will be required to demonstrate their competency to perform these X-ray inspections on all Beech 18 airplanes to the satisfaction of the designated official before being granted such letter of authorization.

Beech Aircraft Corporation has volunteered to continue post review and evaluation of X-ray films until such time as the necessary personnel can be so approved.

In this connection, Beech Aircraft Corporation has indicated to the FAA that it intends to assist the user by offering a training course in X-ray inspection and evaluation of the Beech Model 18 series airplanes. Those persons intending to obtain a letter of authorization to perform these inspections on Beech 18 series airplanes are encouraged to seek and obtain this specialized training.

Several commentators recommended that existing Airworthiness Directives on these airplanes be combined into a single AD to simplify the inspections and compliance times. The FAA concurs in this recommendation and this proposal is contained in this supplemental notice. Existing ADs 75–09–18, 72–20–05, and 73–18–4 are incorporated in this proposal.

The FAA requests that those persons who submitted comments in response to Notice 75–CE–12–AD review those comments in light of the proposals contained in this Supplemental Notice. Those persons as well as all other interested persons are invited to participate in this rule-making action by submitting such written data, views, or arguments as they may desire.

In order to assure that sufficient information is provided to the airplane owners and that appropriate actions can be initiated as quickly as possible to provide a measure of relief for airplanes modified by straps, the comment period for this notice is limited to 30 days. The FAA believes that in this instance a 30-day comment period is adequate in view of the comments received in response to Notice 75–CE–12–AD.

All comments with respect to this Supplemental Notice received on or before October 31, 1975 and the comments received in response to Notice 75–CE–12–AD, except as dealt with herein, will be considered by the Administrator before taking action on the proposed rule. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE–7, 601 East 12th Street, Kansas City, Missouri 64106. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The proposals contained in this Supplemental Notice supercede the proposals contained in Notice 75–CE–12–AD for a new amendment to FAR 39.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354a, 1421, and 1423) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 39 of the Federal Aviation Regulations as follows:

BEECH. Applies to all Beech 18 series airplanes including all military counterparts thereof and those Beech Model 18 airplanes modified in accordance with Supplemental Type Certificates.

Compliance: Required as indicated.

To prevent possible fatigue failure of the aircraft primary wing structure, accomplish the following:

(A) Except as provided in Paragraphs (B) and (C), on or before the accumulation of the total hours' time in service specified in Column (3) for wing components of the various aircraft weights specified in Column (1), or within 300 hours' time in service after the effective date of this AD, whichever occurs later, comply with Paragraph (B); or, alternately, regardless of time in service, within four months after the effective date of this AD, comply with Paragraph (C).

Certified maximum gross weight pounds (1)	Calculated mean life (hours) (2)	Safe life limit, hours' time in service (3) [1]
6,700	[2] 64,000	8,000
7,850	24,000	3,000
8,750	20,000	2,500
9,700	13,000	1,600
10,200 and up (with wing extension)	14,100	1,700

[1] (3)=(2)/8.
[2] Estimated.

(B) Replace the wing center section and outboard wing panel with a part approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, that has accumulated less time in service than the service life specified in Column (3) in (A) above. Thereafter, continue to replace wing components in accordance with the life limit hours' time in service specified in Column (3) in (A) above.

(C) Install on one of the following approved wing strap modifications which cover the lower main wing spar tube between at least left and right Wing Stations 181: SA8325W with SA8955W, SA2000WE, SA9625EA, SA8145O, SA1192WE with SA2737WE, SA1581SW with SA1582SW, SA3009WE, SA3010WE, SA3021WE. Other approved strap installations must meet the approval of the Chief, Engineering and Manufacturing Branch, FAA, Central Region, and comply with the following criteria:

1. Meet fail safe structural strength equivalent to FAR 23.572.

2. Shows by instrumentation as relieving nominal 1G stress at all critical areas by a factor of 50% or more.

3. Provide fatigue analysis of strap modification itself. Establish a mean life on strap.

4. Provide adequate maintenance instructions on removal, inspection, and reinstallation of straps to permit X-ray and visual inspections of the wing.

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5. Provide inspection access to the outer wing panel Stations 102 and 111 and center section Stations 32, 43–46, 57, 61, 64, 73, 81, 90. (Ref. Figures 1 and 2)

(D) Unless previously accomplished per previous ADs, at the time of first inspection, modify the lower wing skin in accordance with Figure (1) or Figure (2) or in accordance with STC-approved wing strap installation instruction or other FAA-approved equivalent to facilitate the inspections specified in this AD.

(E) Within 1,200 hours' time in service since installation of straps or upon accumulation of 1,200 hours' time in service since the last X-ray inspection of the wings and for which X-rays have been submitted for evaluation, and thereafter at each 1,200-hour interval, accomplish the following:

1. Remove and inspect wing strap assemblies for corrosion, fretting, cracks, and other defects in accordance with the modifier's or other FAA-approved inspection procedures. If defects are found in these components as a result of any such inspection, prior to reinstallation and further flight, replace the defective components with new airworthy parts.

2. Inspect the front spar lower cap of the wing center section and outer wing panel on each side of the airplane by methods specified below, including inspection sites reinforced by Beech Aircraft Corporation Kits 18–4024, 791 or 792:

Wing station	Site (see fig. 3)	Method (see par. F)
90	Tips of welds at clevis tangs, upper and lower surfaces of cap.	Visual, X-ray and either magnetic particle or penetrant.
81, 73, 64 and 57	Tips of welds at gussets, upper surface of cap	Do.
46	Outboard ends of splice in cap, upper and lower surface of cap.	Do.
32	Tips of welds at wing splice plate, fore and aft surfaces of cap.	Do.
45 to 43	Tip of weld around cluster upper surface of cap	Do.
61	Lower surface of spar cap below tab cluster, as seen from wheel well.	Visual and either magnetic particle or penetrant.
102 and 111	Tips of the weld as shown in figs. 5 and 6	X-ray only.

Additionally, inspect the front spar upper cap at Wing Station 90 by X-ray method only. This inspection is primarily for detection of corrosion inside the tube.

3. Temporarily remove clamps and other equipment as necessary to eliminate interference with the above inspections. Removal of spar cap finish is not necessary.

4. Prior to X-raying, temporarily or permanently install steel "hose" clamps squarely around the spar cap so that two clamps will appear in each radiograph. No clamp may be closer than one inch to an inspection site or closer than two inches to another clamp. Clamp screws must be on the underside of the spar cap.

5. Flex the wing during visual and dye penetrant inspections as specified by Paragraph (F) by applying and relieving a 75 to 100 pound upward force at or near the wing tip on the (left or right) side being inspected. This may be done by hand. If outboard wing fuel remains in the tank, additional flexing force equal to the weight of the fuel will be required to compensate for the extra weight.

6. Load the wing on the side being inspected when specified by Paragraph (F) by applying 75 to 100 pound upward force at the junction of wing rib number 10 and the front spar. Place material such as lumber under and along the number 10 rib so as to distribute the force. (If outboard wing fuel remains in the tank, additional upload equal to the weight of the fuel will be required to compensate for the extra weight.)

(F) 1. Accomplish visual inspection before and after cleaning, and while the wing is being flexed. Use a flashlight or other illumination and a low power magnifying device.

2. When the magnetic particle method is chosen, conduct the inspection while the wing is either flexed or loaded. Conduct the inspection before magnetism is induced and again while magnetism across the inspection site is induced by a Magnaflux Corp. Model Y–5 or YM–5 yoke or when any equivalent is used in accordance with the manufacturer's instructions.

3. When the penetrant method is chosen, perform the inspection while the wing is being flexed. Use either dye or flourescent materials in accordance with the penetrant manufacturer's instructions.

4. For each site where X-ray inspection is specified by Paragraph B, accomplish X-ray inspection while the wing is loaded. Figures 4, 5 and 6 are aids to the following instruction. Place fine grain film (such as GAF 300, Dupont NDT–65 or Kodak AA) sandwiched between lead screens of 0.005 inch thickness on the upper surface of the lower spar cap (over inspection sites 32, 43–45, 46, 57, 64, 73, 81, and 90), with identification symbols for at least the site (e.g. LWS 81, RWS 81, etc.), date, and airplane registration number. Proper identification of the inspection site is critical to the evaluation of the X-rays. Also, secure a steel penetrameter of 0.005 inch thickness to the lower surface of the spar cap at a location clear of the inspection site. Position the X-ray source approximately 36 inches from and generally below the film so that the center of the X-ray beam will be perpendicular to the major axis of the elliptical spar cap and perpendicular to the spanwise centerline of the spar cap at each inspection site. Use a flashlight and a protractor level as necessary to see that aiming of the X-ray beam compensates for wing dihedral and nose up attitude. At those areas covered by aluminum skin, a locally fabricated jig may be used to position the X-ray source. Expose film so that density of the radiograph of the spar cap material near the inspection site is 1.5 to 2.8 on the densitometer or National Bureau of Standards density scale. View film to see that the inspection site, the 0.010 inch diameter hole in the penetrameter, and its entire outline are plainly shown. Using a low power magnifying device, examine the inspection site portion of each radiograph for faint indications of cracks in spar cap material transverse to the spanwise centerline.

Use same procedures at Wing Stations upper 90, 102, and 111 except that the lead screen is placed below the desired spar cap and the X-ray source is to be located above the wing. At upper Wing Station 90 the penetrameter should be 0.010 inches thick and at Station 111 it should be 0.007 inches thick. It is also permissible to take an X-ray of Wing Station 43 to 45 from above the wing using the same techniques as at Wing Station 111. Note that two X-ray exposures are required on Stations 43 to 45, 102, and 111 when the X-ray source is above the wing.

(G) On those aircraft which have a STC-approved crack detector system installed, perform the repetitive X-ray and dye penetrant inspection required by Paragraph (E) at each 3,600-hour interval. Perform the visual and other routine wing inspection at each annual progressive or other approved inspection period where wing inspection is required. Perform inspection of the crack detector system as specified in the STC holder's maintenance instructions.

(H) 1. On all aircraft with less than 4,800 hours total time in service upon the accumulation of 6,000 hours' time in service, and,

2. On all aircraft with more than 4,800 hours' time in service upon the accumulation of 1,200 hours' time in service after the installation of straps or 1,200 hours after compliance with AD 75–09–18 (Amendment 39–2190, 39–2241), or upon installation of straps after the effective date of this AD, and thereafter at each 6,000 hours' time in service accomplish the following:

Remove all straps and outer wing panels and perform a thorough wing inspection in accordance with aircraft manufacturer's maintenance instructions.

NOTE.—As data is developed the wing straps may also need to be replaced with new straps at some inspection interval.

(I) During the interim period September 1, 1975, until July 1, 1976, transmit copies of all X-rays taken as result of this AD to Beech Aircraft Corporation, Wichita, Kansas 67201. Post inspection of facility findings will be transmitted to the sender by Beech Aircraft Corporation. After July 1, 1976, all X-ray inspections required by this AD must be performed at facilities and by personnel holding a letter issued by the Chief, Engineering and Manufacturing Branch, Central Region, specifically authorizing the performance of X-ray inspections under this AD.

(J) If a crack is found as a result of inspections required by Paragraph (E) and (F) of this AD, do not repair or return the aircraft to service until authorized in writing by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. In addition, send written notification to the Chief, Engineering and Manufacturing Branch, FAA, Central Region, stating the location and length of any cracks discovered during inspections required by this AD, and the total operating time of the airplane at the time of the discovery. In addition, only those repair procedures authorized by Beech Aircraft Corporation at wing stations specifically approved by them will be permitted. (Reporting approved by the Office of the Management and Budget under OMB No. 04–R0174.)

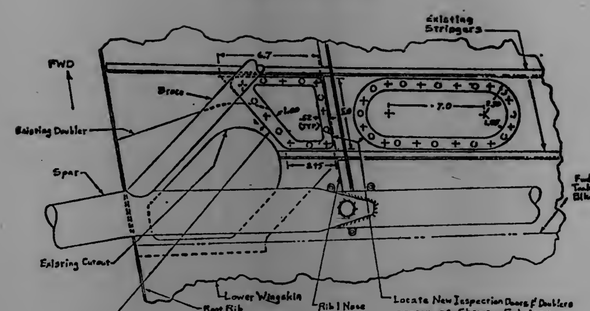
(K) Upon request of the operator, an FAA maintenance inspector may adjust the repetitive inspection intervals specified in this AD to plus or minus 50 hours' time in service to permit compliance at an established inspection period of the operator.

Currently effective Beech Aircraft Corporation's Service Bulletins 64–15, 64–16, 64–17, and 66–10 and MIL–STD–00453A consider this subject but this AD takes precedence in any conflicting detail.

This AD supersedes AD 64–21–01 (Amdt. 810 of Part 507), AD 64–21–03 (Amdt. 812 of Part 507), AD 72–20–05 (Amdt. 39–2222), AD 73–18–04 (Amdt. 39–1708), and after March 31, 1976, AD 75–09–18 (Amdt. 39–2241).

Issued in Kansas City, Mo., on September 19, 1975.

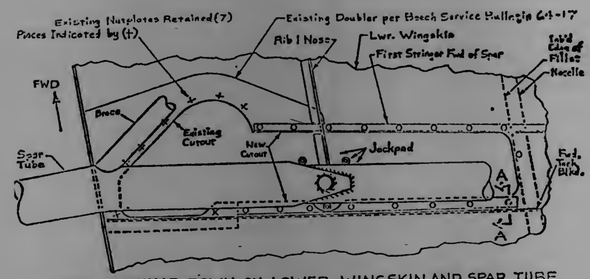
C. R. MELUGIN, Jr.,
Director.



OPERATIONS:
Drill #10 (.193) hole thru new doors, wingskin & doublers as shown by (O) 19 places (approx. 2½" spaces).
Attach (19) nutplates to doublers with countersunk AD3 rivets. (MK1000-3 Nutplates Recommended).
Attach doublers to skin with AD4 rivets shown by (+) 19 places (approx. 2.4" spaces).
Install doors on lower side with #10 screws 19 places.

RH Wing Shown — VIEW LOOKING DOWN ON LOWER WINGSKIN & SPAR
LH Opposite — (Upper Wingskin Omitted for Clarity)

FIGURE 1



VIEW LOOKING DOWN ON LOWER WINGSKIN AND SPAR TUBE
by Bob Grober

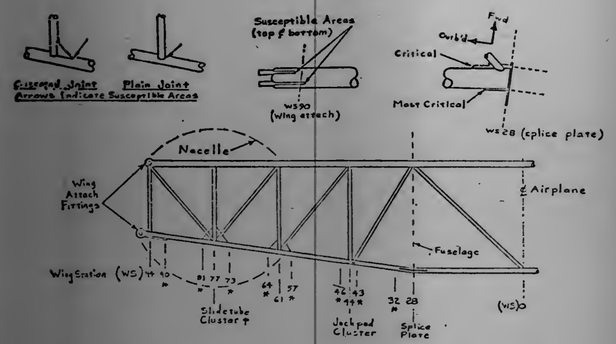
Attach MK1000-3 Nutplates (or equiv) (17 places) as shown by (O). Cut inspection door from .032 2024-T3 Alum. Allow ½" edge margin around all screws (ale). Install door on lower side with #10 screws (25 places) & cut three holes for jackpad access. Inspection door not shown.



FIGURE 2

VIEW A-A VIEW A-A
OPTIONAL MEANS OF ATTACHING INSPECTION PLATE AFT EDGE

V 40 189
SEP 29 75
XUM



Half of Main Spar Center Section Truss

* INDICATES AREAS TO BE INSPECTED PER THIS A.D.
† SEE AD 69-21-1, para (b) and AD 69-21-3, para (b).

FIGURE 3

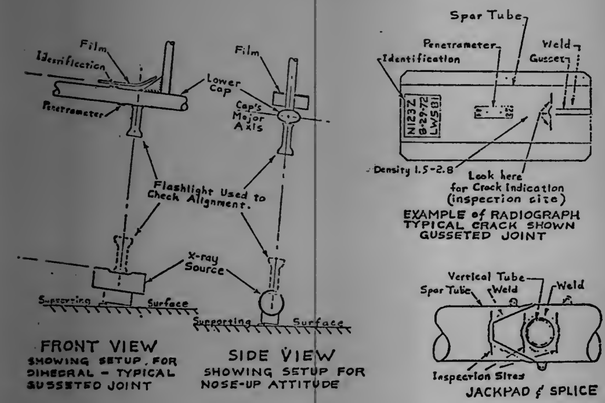
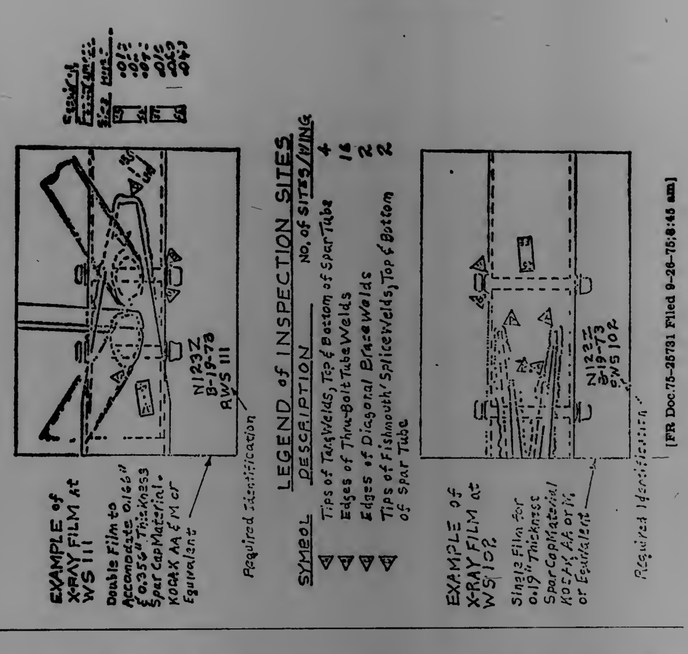


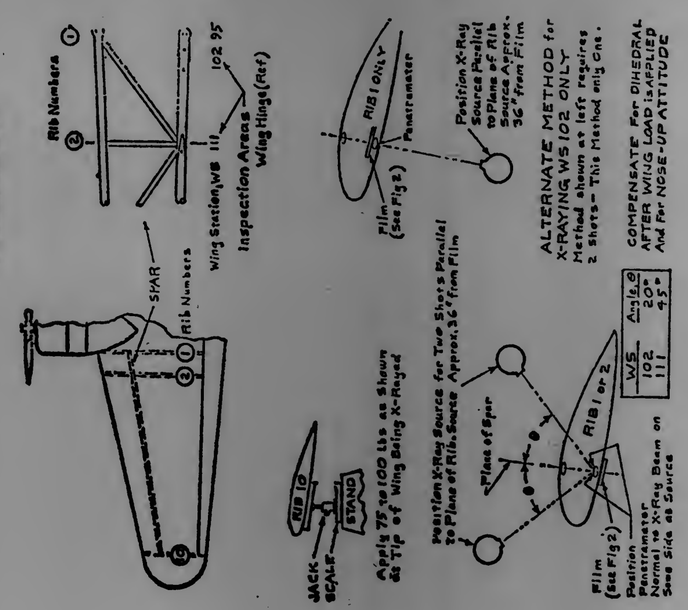
FIGURE 4

FIGURE 6



[FR Doc.75-25731 Filed 9-26-75;8:45 am]

FIGURE 5



V 40 I 189 SEP 29 75 XUM

[14 CFR Part 71]

[Airspace Docket No. 75-CE-13]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Algona, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before October 29, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Algona, Iowa, a new instrument approach procedure is being established utilizing a non-directional radio beacon the City of Algona is installing on the Algona Municipal Airport as a navigational aid. Accordingly, it is necessary to alter the Algona, Iowa, 700-foot floor transition area to adequately protect aircraft executing this amended approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to alter Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is amended to read:

ALGONA, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Algona Municipal Airport (latitude 43°04'30" N., longitude 94°16'15" W.); and within 3.5 miles each side of the 297° bearing from the Algona Municipal Airport, extending from the 7-mile radius area to 11.5 miles northwest of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on September 9, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.75-25803 Filed 9-26-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-CE-10]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Columbus, Nebraska.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before October 29, 1975 will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Columbus, Nebraska, two instrument approach procedures are being amended for the Columbus Municipal Airport. Accordingly, it is necessary to alter the Columbus, Nebraska, control zone and 700-foot floor transition area to adequately protect aircraft executing these amended approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to alter Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (40 FR 353), the following control zone is amended to read:

COLUMBUS, NEBRASKA

Within a 5-mile radius of the Columbus Municipal Airport (latitude 41°26'49" N., longitude 97°20'31" W.); and within 3½ miles west and 4 miles east of the Columbus VOR 324° radial, extending to 10.5 miles northwest of the VOR, and within 3.5 miles each side of the Columbus VOR 152° radial, extending to 10.5 miles southeast of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

In § 71.181 (40 FR 441), the following transition area is amended to read:

COLUMBUS, NEBRASKA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Columbus, Nebraska Airport, and within 3.5 miles each side of the Columbus VOR 152° radial, extending from the 6-mile radius to 11.5 miles southeast of the VOR, and within 3½ miles west and 4 miles east of the Columbus VOR 324° radial, extending from the 6-mile radius to 11½ miles northwest of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on September 9, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.75-25801 Filed 9-26-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-CE-11]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Maquoketa, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before October 29, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The City of Maquoketa, Iowa, is installing a non-directional radio beacon on the Maquoketa Airport and a public use instrument approach procedure is being established based thereon. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new procedure by designating a 700-foot floor transition area at Maquoketa, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (40 FR 441), the following transition area is added:

MAQUOKETA, IOWA

That airspace extending upward from 700' above the surface within a 7-mile radius of the Maquoketa Airport (latitude 42°03'00" N., 90°45'00" W.); and that airspace three miles each side of the 343° bearing from the Maquoketa NDB (latitude 42°03'05" N., longitude 90°44'27" W.); extending from the 7-mile radius area to 8.5 miles northwest of the NDB.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on September 9, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.75-25802 Filed 9-26-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1207]

SWIMMING POOL SLIDES

Oral Presentation of Data, Views or Arguments

In the FEDERAL REGISTER of September 15, 1975 (40 FR 42560) the Consumer Product Safety Commission proposed a consumer product safety standard for swimming pool slides and announced the opportunity for any person interested in making an oral presentation of data, views, or arguments on the proposed standard to do so by notifying the Office of the Secretary. Requests for an opportunity to make an oral presentation have been received from Harold A. Jewett, Esquire, the National Swimming Pool Institute and Coleco Industries. The presentation is scheduled for October 10, 1975 at 10 a.m. in the Sixth Floor Hearing Room, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C.

This presentation is open to all interested members of the public. Depending on available space, attendance may be limited to those persons who have notified the Office of the Secretary by phone (202-634-7700) or in writing (Consumer Product Safety Commission, Washington, D.C. 20207) at least two days before the proceeding. Any other persons interested in making an oral presentation should contact the Office of the Secretary at least two days before the proceeding so that scheduling arrangements can be made.

The oral presentation shall be governed by the procedures set forth below.

1. The proceeding shall be an informal, nonadversary legislative type proceeding at which there will be no formal pleadings or adverse parties.

2. The proceedings shall be conducted impartially, thoroughly, and expeditiously.

3. The oral presentation shall be transcribed. The transcript shall be a part of the rulemaking record in accordance with section 11(a) of the Consumer Product Safety Act (15 U.S.C. 2060).

4. Persons making an oral presentation may submit a written presentation of their views for the record. Interested persons may submit written comment on the views expressed at the oral proceedings until October 15, 1975, the end of the 30 day comment period on the proposed standard.

5. A presiding officer, appointed by the Chairman with the concurrence of the Commission, shall chair the proceedings; shall make appropriate provision for testimony, comments and questions; and shall be responsible for the orderly conduct of the proceedings.

6. The presiding officer shall have all the powers necessary or appropriate to contribute to the equitable and efficient conduct of the oral proceedings including the following:

(1) The right to apportion the time of persons making presentations in an equitable manner in order to complete the presentation within the time period alloted for the proceedings.

(2) The right to terminate or shorten the presentation of any party when, in the view of the presiding officer, such presentation is repetitive or is not relevant to the purpose of the proceedings.

(3) The right to confine the presentations to the issues specified in the notice of oral proceedings or, where no issues are specified, to matters pertinent to the proposed rule.

(4) The right to require a single representative to present the views of two or more persons or groups who have the same or similar interests. The presiding officer shall have the authority to identify groups or persons with the same or similar interests in the proceedings.

Dated: September 26, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-26158 Filed 9-26-75;11:09 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20600; FCC 75-1064]

PROGRAM LOGS FOR AM, FM, AND TV STATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 73 of the Commission's rules and regulations relating to program logs for AM, FM, and TV stations.

1. As a result of its continuing Task Force study concerning re-regulation of broadcasting, the Commission proposes on its own motion to amend certain provisions in Part 73 of its rules and regulations in regard to program logs for AM, FM and TV stations.[1]

2. The study indicates a need to propose amendments of the program logging requirements as they pertain to such subjects as automated programming systems, use and certification of automatic logging and automatically maintained logging data, changes and corrections on program logs, entries concerning sponsor identification and what constitutes a log.

3. The rules now provide, in substance, that each broadcast station shall maintain an "orderly and legible" program log, kept by a station employee (or contract operator) "having actual knowledge of the facts required" concerning the entries made, signed by that person when going on and off duty, with any corrections to be made only as prescribed.

4. The required entries include: beginning and ending time of each program (and separate program unit of a different type or source within such program); type of program; source of program; program presenting a political candidate; commercial matter (showings of duration and that sponsor identification was made as required); public service announcements; and other announcements (station identification, political candidates, local notices of filing broadcast applications, required announcements concerning licensee obligations, and taped, filmed or recorded material).[2]

5. Three facets of program logging set forth in the rules, (a) manually kept logs, (b) automatic maintenance of data from which a station can extract information required in a program log, and (c) automatically kept logs, are discussed below.

MANUALLY KEPT LOGS

6. In a manually kept program log, a competent employee either makes the required entries as the program matter is broadcast or certifies that the entries in a pre-printed schedule are an accurate representation of what was actually broadcast. Despite Commission statements on the subject, the Task Force study indicates that there is a substantial lack of understanding in regard to a prescription on making corrections in manually kept logs. The provision in question is:

Where, in any program log, or pre-printed program log, program schedule which upon completion is used as a program log, a correction is made before the person keeping the log has signed the log upon going off duty, such correction, no matter by whom made, shall be initialed by the person keeping the log prior to his signing of the log when going off duty, as attesting to the fact that the log as corrected is an accurate representation of what was broadcast.

[1] "General requirements relating to logs;" AM, 73.111; FM, 73.281, NCE*-FM, 73.581; TV, 73.669. "Program log;" AM, 73.112, FM, 73.282; NCE*-FM, 73.582; TV, 73.670. (*Noncommercial Educational.)

[2] Entries are for commercial broadcast stations. Paragraphs 26-28, infra, discuss appilcable entries for noncommercial educational operations.

40189
SEP 29 75
XUM

With respect to a "program schedule which upon completion is used as a log," the National Association of Broadcasters questions at what point corrections on program schedules (not logs) must be initialed. Pointing out that many changes are made in early schedules (working copies), NAB asserts that initialing should not be required on corrections made before such schedules are finalized and then used as a basis for the program log.

7. A basic purpose of the requirement for initialing corrections is to provide assurance that what is shown on the log is an accurate statement of what was actually broadcast. We believe, however, that the initialing requirement could be deleted and that adequate assurance would be obtained when the person keeping the log and signing the log when going off duty attests to the fact that the log, with any corrections or additions thereto before he so signed the log, is an accurate representation of what was actually broadcast. Such signing of the log would have essentially the same effect as his initialing each correction. This procedure should eliminate confusion as to what constitutes a "correction" and when it must be initialed. We hasten to add that we would consider any falsification under the proposed certification provision a ground for revocation of license.

8. We would retain the present provisions that, "If correction or additions are made on the log after it has been so signed, explanation must be made on the log or an attachment to it, dated and signed by either the person who kept the log, the station program director or manager, or an officer of the licensee."

9. We believe that the present provisions of §§ 73.111, 73.281, 73.581 and § 73.669 should be amended also. They provide that "No log or preprinted log or schedule which becomes a log, or portion thereof, shall be erased, obliterated, or willfully destroyed within the period of retention provided by the provisions of this part," and that any necessary correction shall be made only pursuant to the rules. References to the "pre-printed log or schedule which becomes a log" are unnecessary and, perhaps misleading. It is the log itself as signed by the person keeping the log that must not be derogated during the required retention period. Accordingly, we would delete the phrase "preprinted log or schedule which becomes a log."

AUTOMATIC PROCESSES

10. The program log rules also state that no provision shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs; and that where such automatic logging is used, the following requirements must be met: Be able to furnish the Commission with all information required to be logged (manually kept or automatically maintained); each tape or other means employed must be accompanied by a certificate that "it accurately reflects what was actually broadcast;" any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated; and the licensee shall extract any required information from the tape for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying tape or other means employed.

11. A decade has passed since implementation of the present program logging rules. In that time, the advancement of technological innovations has given rise to increased use by radio stations of automated programming systems, automatic maintenance of logging data and automatic logging.[3] With automation techniques, a station can be programmed for the entire day from tapes of music, features and announcements called for by a central computer-type device, which "orders" them out at specified times. The advantages claimed for such automation include a sharper sound, better production, greater use of the station's best talent and economies of operation.

AUTOMATIC MAINTENANCE OF LOGGING DATA

12. Automatic maintenance of logging data is accomplished most commonly by either of two methods: (a) A tape recording of the entire day's programming; and (b) an encoded and sequential printout of serial numbers of cartridges from which the programming matter was presented. For example, an encoded printout might read in part "B, 11272OA, 7, 234, 6", indicating that B was a commercial; 11272OA, the time it was run; 7, identification of the salesman; 234, the account number; and 6, the length of the commercial (60 seconds). Thus, while either method contains certain data from which a licensee could construct a program log of what transpired, it is not, in itself, a program log.

AUTOMATIC LOGGING

13. Automatic logging of the entire day's programming is done by a sequential printout in English of each entry required by our rules (as would be done in a manually-kept log). With the proper entries, this, in itself, would be a log.

14. Economies of operation are also claimed for both automatic maintenance of logging data and for automatic logging.

15. It is contended that a deterrent to licensee's capitalizing on these economies is the provision in our rules requiring that "each tape or other means must be accompanied by a certificate that it accurately reflects what was actually broadcast." Thus, it is contended that if the studio operation is unattended or a person in attendance is preoccupied with other responsibilities, it is impossible to certify of one's own personal knowledge that the tape or other means accurately reflects what was actually broadcast; and that, if someone must be on hand to be able to make such a certification, the economies from automation are derogated.

16. In facing the question of whether our programming log rules should be amended to abolish the certification provision and pave the way for unattended studio operation, we must weigh many public interest considerations. The importance of economies in station operation is not to be discounted. Neither can we discount the importance of a station's meeting the needs, desires and interests of those it is licensed to serve. In the case of unattended studio operation, the licensee would be in an untenable position to warn the public of, and advise it on, emergency matters such as tornadoes, cyclones, flooding, fires, riots, school closings, and other information having an immediate effect on their safety and welfare. The licensee may also have difficulty or be unable to carry out its requirements under Subpart G, Part 73 of the Commission's rules in regard to the Emergency Broadcast System. A station's operation during the hours it is licensed to broadcast must be dedicated to the public interest, convenience and necessity.

17. Another basic question to be faced is whether automated programming systems with their automatic logging or automatic maintenance of data devices are sufficiently reliable to obviate the necessity of being monitored for malfunctions such as carriage breakdowns, carousel failures, sticky relays, reel-to-reel music tapes breaking, sequence repeats (music and other), log paper jamming (for encoded and English printouts) and running out of paper or ink for automatic logs, etc. Equipment failures or malfunctions could leave the station with no accurate log or data for logs if the studio operation were unattended. Comments are specifically invited on all facets of equipment for automatic logging and automatic maintenance of program logging data and their use in both attended and unattended studio operation.

18. Questions obtain also as to whether automatic maintenance of logging data is adequate or whether all stations should have a legible log daily, as is the case with stations at which program logs are kept manually or by English printouts. Comments are invited on the question of revising our program logging rules to delete the provisions of § 73.112(c), (1), (2), (3) that have the effect of exempting stations which use automatic maintenance of logging data from the requirements of §§ 73.111(b) and 73.112 (b) for maintaining a legible, daily program log; and whether, if such revision were made, stations using automatic maintenance of program logging data should be required to transcribe the data into a legible log within 24 hours of the last entry for that broadcast day. (Note Appendix, § 73.112 (f), (3), (4).)

19. We further propose that the certification requirement inregard to automatic logging and automatic maintenance of logging data be retained but

[3] Some TV stations have adopted a method for automatic maintenance of logging data in which a complete audio and "slow scan," "still frame" video recording is made.

liberalized. It would be liberalized to the extent that the person on duty at the studio and responsible for the log would certify that he checked the said equipment periodically, that at no time was it malfunctioning and that to the best of his knowledge and belief the automated material was an accurate reflection of what was actually broadcast. In the event that the automatic equipment had not operated properly at any time, the person on duty would be required to make the necessary log entries manually for that time.

20. When the required entries are transcribed from automatically maintained logging data to the program log by a person other than the one who signed on and off duty as responsible for the keeping of the log, the person doing the transcribing must certify on the log that it is an accurate representation of the automatically maintained data.

SPONSOR IDENTIFICATION ENTRY

21. The Communications Act and the Commission rules require that a station shall broadcast an appropriate announcement that certain "(i) * * * matter is sponsored, paid for, or furnished, either in whole or in part, and (ii) by whom or on whose behalf such consideration was supplied." (FCC rules, § 73.1212)[4]

22. Specific entries required in the program log include:

SECTION 73.112(a) (2) (i)

An entry identifying (a) the sponsor(s) of the program, (b) the person(s) who paid for the announcement, or (c) the person(s) who furnished materials or services referred to in Section 73.119(d) [73.1212]. * * *

SECTION 73.112(a) (2) (ii)

An entry showing that the appropriate announcement(s) (sponsorship, furnishing material or services, etc.) have been made as required by section 317 of the Communications Act and § 73.119 [73.1212]. A checkmark (√) will suffice but shall be made in such a way as to indicate the matter to which it relates.

(The above-quoted rule for AM is the same for commercial and noncommercial educational TV and commercial FM. The rule for noncommercial educational FM is different in some respects, para. 26, infra.)

23. Station logging practices at commercial stations indicate considerable confusion or misunderstanding concerning the check-mark option of (iii). A not uncommon practice is to put a check-mark after every entry in the program log, indicating that all entries were broadcast as scheduled.

24. Clarification could be made by eliminating the check-mark option and simplifying the entry requirement of § 73.112(a) (2) (iii) by combining it with § 73.112(a) (2) (i). Accordingly, it would be amended (and re-numbered) to read as follows:

SECTION 73.112(a) (3)

An entry setting forth the identification of (a) the sponsor(s) of the program, (b) the person(s) who paid for the announcement, or (c) the person(s) who furnished materials or services, with the identification to be entered as it was given in the sponsor identification announcement made pursuant to Section 317 of the Communications Act and 73.1212 of this Chapter. * * *

Thus, the required entry in the log identifying the sponsor would include the making of the required over-the-air announcement of sponsorship identification.

25. To facilitate administration of Section 315 of the Act with respect to such matters as lowest unit charge and equal opportunities for candidates, we propose an additional entry in the program log to show, in the case of a paid political program or announcement by or on behalf of a candidate, whether the candidate appeared or was heard thereon to constitute a "use" under Section 315 (§ 73.112(b) (3) (iii)).

NONCOMMERCIAL EDUCATIONAL STATIONS

26. As indicated above (para. 22), the program log rule for each of the broadcast services is the same except for noncommercial educational FM (§ 73.582). That section requires entries "briefly describing each program broadcast, such as 'music,' 'drama,' 'speech,' etc., together with the name or title thereof and the name of any donor announced pursuant to § 73.289 (73.1212), with the time of the beginning and ending of the complete program." Other required entries include the time of each station identification announcement, the use of any taped, filmed or recorded material in accordance with § 73.1208 and, if a speech is made by a political candidate, the name and political affiliation of such speaker.

27. Thus, the present program log rule for noncommercial educational FM rule varies substantially from that for noncommercial educational TV. We see no persuasive reasons for the differences and propose that the program log rules for noncommercial educational FM be brought into conformance with those for noncommercial educational TV and the other broadcast services.

28. In the existing log rules, the entry requirement "For commercial matter" applies to noncommercial educational operations to the extent that materials, services and contributions referred to in Notes 1 through 5 of § 73.503 (NCE–FM) and § 73.621 (NCE–TV) are provided by a donor and announced pursuant to § 73.1212.[5] However, we propose to clarify this entry by adding to the program log rule a new paragraph (2) relating specifically to "Donors to stations licensed or operating as noncommercial educational."[6] The proposed paragraph would read as follows:

(2) For donors to stations licensed or operating as noncommercial educational. (i) An entry identifying any donor announced pursuant to § 73.1212, with the name of the donor to be entered as it was given in the announcement. See Notes 1 through 5 to § 73.503, and 73.621 of this Chapter.

29. The attachment below sets forth the proposed amendments to the rule on "General requirements relating to logs" and the rule on "Program log." Each of the two rules is the same for all services and would be substituted for the present rule in the particular service. The "Program log" rule specifies entries "where applicable." Consideration was given to putting the "Program log" rule in Subpart H of Part 73 (rules which are applicable to all broadcast services). That was rejected because the "Program log" rule should follow the rule on "General requirements relating to logs." However, since the "general requirements" rule includes provisions regarding not only program logs but also operating and maintenance logs (which vary according to AM, FM and TV services) we believe that neither it nor the program log rule should be in Subpart H.

30. Authority for the institution of this proceeding, and adoption of the rules proposed herein, is contained in Sections 4(i), 303(g) and (r) of the Communications Act of 1934, as amended.

31. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before October 30, 1975, and reply comments on or before November 12, 1975. All relevant and timely comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

32. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. However, in an effort to obtain the widest possible response in this proceeding, especially from small-market radio stations, informal comments (without extra copies) will be accepted. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: September 17, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] VINCENT J. MULLINS,
Secretary.

1. It is proposed to amend the rules on "General requirements relating to logs," §§ 73.111 AM, 73.281 FM, 73.581 NCE–FM and 73.669 TV; and on "Program

[4] Formerly: §§ 73.119 AM; 73.289 FM; 73.659 TV. Amended April 17, 1975, Report and Order, Docket No. 19513, effective May 30, 1975.

[5] The "Notes" are specific as to when and to what extent donors are to be identified in over-the-air announcements.

[6] A few stations operate as noncommercial educational facilities though licensed on channels not reserved for education (30 AM's, 16 FM's and 10 TV's).

[7] Commissioners Lee and Hooks absent; Commissioner Wiley, Chairman; and Reid concurring in the result.

V 40 I 189 SEP 29 75 XUM

log." 73.112 AM, 73.282 FM, 73.582 NCE–FM and 73.670 TV, as follows:

NOTE: Except for § 73.582, the above rules are presently the same for each of the services, AM, FM and TV. As amended, the rules would be the same for each service and consistent with that which is set forth below for AM.

§ 73.111 General requirements relating to logs.

(a) The licensee or permittee of each AM station shall maintain program, operating and maintenance logs as set forth in §§ 73.112, 73.113 and 73.114. Each log shall be kept by the station employee or employees (or contract operator) competent to do so, having actual knowledge of the facts required, who in the case of program and operating logs shall sign the appropriate log when starting duty and again when going off duty and setting forth the time of each.

(b) The logs shall be kept in an orderly and legible manner, in suitable form, and in such detail that the data required for the particular class of station concerned is readily available. Key letters or abbreviations may be used if proper meaning or explanation is contained elsewhere in the log. Each sheet shall be numbered and dated. Time entries shall be made in local time and shall be indicated as advanced or non-advanced time.

(c) No log, or preprinted log or schedule which becomes a log, or portion thereof, shall be erased, obliterated, or willfully destroyed within the period of retention provided by the provisions of this part. Any necessary correction shall be made only pursuant to §§ 73.112, 73.113, and 73.114 and only by striking out the erroneous portion, or by making a corrective explanation on the log or attachment to it as provided in those sections.

(d) Entries shall be made in the logs as required by §§ 73.112, 73.113, and 73.114. Additional information such as that needed for administrative or operational purposes may be entered on the logs. Such additional information, so entered, shall not be subject to the restrictions and limitations in the Commission's rules on the making of corrections and changes in logs.

(e) The operating log and the maintenance log may be kept individually on the same sheet in one common log, at the option of the permittee or licensee.

§ 73.112 Program log.

(a) A program log shall be kept in accordance with the provisions of § 73.111, for each broadcast day, which, in this context, means from the station's sign-on to its sign-off, or from midnight to midnight for stations operating 24 hours a day.

(b) The following entries, where applicable, shall be made in the program log:

(1) For each program. (i) An entry identifying the program by name or title.

(ii) An entry of the time each program begins and ends. If programs are broadcast during which separately identifiable program units of a different type or source are presented, and if the licensee wishes to count such units separately, the beginning and ending time for the longer program need be entered only once for the entire program. The program units which the licensee wishes to count separately shall then be entered underneath the entry for a longer program, with the beginning and ending time of each such unit, and with the entry indented or otherwise distinguished so as to make it clear that the program unit refererd to was broadcast within the longer program.

(iii) An entry classifying each program as to type, using the definitions set forth in Note 1 at the end of this section.

(iv) An entry classifying each program as to source, using the definitions set forth in Note 2 at the end of this section. (For network programs, also give name or initials of network, e.g., ABC, CBS, NBC, Mutual.)

(v) An entry for each program presenting a political candidate, showing the name and political affiliation of such candidate. *See (j) of Note 1.*

(2) *For donors to stations licensed or operating as noncommercial educational.* (i) An entry identifying any donor announced pursuant to § 73.1212, with the name of the donor to be entered as it was given in the announcement. See Notes 1 through 5 to §§ 73.503 and 73.621 of this Chapter.

(3) *For commercial matter.* (i) An entry identifying (a) the sponsor(s) of the program, (b) the person(s) who paid for the announcement, or (c) the person(s) who furnished materials or services, with the identification to be entered as it was given in the sponsor identification announcement made pursuant to Sections 317 of the Communications Act and § 73.1212 of this chapter. If the title of a sponsored program includes the name of the sponsor, e.g., XYZ News, a separate entry for the sponsor is not required. See Note 3 at the end of this section for definition of commercial matter.

(ii) An entry or entries showing the total duration of commercial matter in each hourly time segment (beginning on the hour) or the duration of each commercial message (commercial continuity in sponsored programs, or commercial announcements) in each hour. See Note 5 at the end of this section for statement as to computation of commercial time.

(iii) An entry in the case of a paid political program or announcement by or on behalf of a candidate, showing whether the candidate appeared or was heard thereon to constitute a use under Section 315 of the Communications Act.

(4) *For public service announcements.* (i) A entry showing that a public service announcement (PSA) has been broadcast together with the name of the organization or interest on whose behalf it is made. See Note 4 following this section for definition of a public service announcement.

(5) *For other announcements.* (i) An entry of the time that each required station identification announcement is made (call letters and licensed location; § 73.1201).

(ii) An entry for each announcement presenting a political candidate showing the name and political affiliation of such candidate.

(iii) An entry for each announcement made pursuant to the local notice requirements of §§ 1.580 (pre-grant), and 1.594 (designation for hearing) and § 73.1202 (licensee obligations), showing the time it was broadcast.

(iv) An entry showing that broadcast of taped, filmed or recorded material has been made in accordance with the provisions of § 73.1208.

(c) A station broadcasting the programs of a national network which will supply it with all information as to such programs, commercial matter and other announcements for the composite week need not log such data but shall record in its log the time when it joined the network, the name of each network program broadcast, the time it leaves the network, and any non-network matter broadcast required to be logged. The information supplied by the network, for the composite week which the station will use in its renewal application, shall be retained with the program logs and associated with the log pages to which it relates.

(d) *Manually kept log.* (1) Entries on a manually kept log may be made either at the time of or prior to broadcast. The employee responsible for keeping the log shall sign the log when starting duty and when going off duty and enter the time of each. If entries are pre-printed prior to broadcast and any deviation therefrom occurs in what was actually broadcast, an appropriate correction must be made on the log. When the employee keeping the log signs the log upon going off duty, he attests to the fact that the log, with any corrections or additions made before he signed off, is an accurate representation of what was actually broadcast.

(e) *Automatically kept logs.* (1) Entries on an automatically kept program log may be made by automatic logging instruments with sequential English printouts corresponding to manually kept log entries.

(2) An employee on duty at the station's studio operation shall be responsible for the automatic logging process and the keeping of the log. In the event of failure or malfunctioning of the automatic logging process, the person responsible for the log shall make the required entries in the log manually.

(3) The employee responsible shall sign the log, or a separate page to be affixed to the log, when starting duty and when going off duty and enter the time of each. The signature when going off duty constitutes a certification that, as to the automatic printout part of the log, he checked the automatic logging equipment periodically throughout his tour, that at no time did it fail or malfunction, and that to the best of his knowledge and belief the printout was an accurate representation of what was actually broadcast; and that, as to any part of the log which he kept manually, with any corrections or additions made thereon before he signed off, it was an accurate representation of what was actually broadcast.

(f) *Automatic maintenance of logging data.* (1) An employee on duty at the station's studio operation shall be responsible for any automatic maintenance of data and the keeping of the log. In the event of failure or malfunctioning of the said automatic process, the employee responsible for the log shall make the required entries in the log manually at that time.

(2) The employee responsible shall sign, on a separate page to be affixed to the log, when starting duty and when going off duty and enter the time of each. The signature when going off duty constitutes a certification that, as to the automatic maintenance of data equipment, he checked it periodically throughout his tour, that at no time did it fail or malfunction, and that to the best of his knowledge and belief, the data as maintained were an accurate representation of what was actually broadcast; and that, as to any part of the log which he kept manually, with any corrections or additions made thereon before he signed off, it was an accurate representation of what was actually broadcast.

(3) Entries when data for a program log are automatically maintained (e.g. audio taped, audio/video taped, encoded printout, etc.) must be transcribed into a legible log within 24 hours of the last entry for that broadcast day.

(4) When the required entries are transcribed from automatically maintained data to the program log by a person other than the employee described in paragraph (f)(2) of this section, the person who did the transcribing shall certify on the log that it is an accurate representation of the automatically maintained data.

(g) *Corrections.* (1) Program logs shall be changed or corrected only in the manner prescribed in § 73.111(c).

(2) If corrections or additions are made on the log after it has been so signed, explanation must be made on the log or an attachment to it, dated and signed by either the person who kept the log, the station program director or manager, or an officer of the licensee.

The following Notes 1–5 would not be amended here except for minor conforming revisions as indicated; however, the definition of "Public affairs programs (PA," Note 1(d), is the subject of rulemaking in Docket No. 20419, adopted April 1, 1975 (new radio renewal form).

NOTE 1.—*Program type definitions.* The definitions of the first eight types of programs (a) through (h) are intended not to overlap each other and will normally include all the various programs broadcast. Definitions (i) through (k) are subcategories and the programs classified thereunder will also be classified under one of the appropriate first eight types. There may also be further duplication within types (i) through (k); (e.g., a program presenting a candidate for public office, prepared by an educational institution, would be classified as Public Affairs (PA), Political (POL), and Educational Institution (ED)).

(a) Agricultural programs (A) include market reports, farming, or other information specifically addressed, or primarily of interest, to the agricultural population.

(b) Entertainment programs (E) include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

(c) News programs (N) include reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis, and sports news.

(d) Public affairs programs (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(e) Religious programs (R) include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(f) Instructional programs (I) include programs (other than those classified under Agricultural, News, Public Affairs, Religious or Sports) involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(g) Sports programs (S) include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news or information (e.g., fishing opportunities, golfing instructions, etc.)

(h) Other programs (O) include all programs not falling within definitions (a) through (g).

(i) Editorials (EDIT) include programs presented for the purpose of stating opinions of the licensee.

(j) Political programs (POL) include those which present candidates for public office or which give expressions (other than in station editorials) to views on such candidates or on issues subject to public ballot.

(k) Educational Institution programs (ED) include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's or similar organizations. Sports programs shall not be included.

NOTE 2.—*Program source definitions.* (a) A local program (L) is any program originated or produced by the station, or for the production of which the station is substantially responsible, and employing live talent more than 50 percent of the time. Such a program, taped, recorded, or filmed for later broadcast shall be classified by the station as local. A local program fed to a network shall be classified by the originating station as local. All nonnetwork news programs may be classified as local. Programs primarily featuring syndicated or feature films or other nonlocally recorded programs shall be classified as "Recorded" (REC) even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program, a nonnetwork 2-minute news report is given and logged as a news program, the report may be classified as local).

(b) A network program (NET) is any program furnished to the station by a network (national, regional, or special). Delayed broadcasts of programs originated by networks are classified as network.

(c) A recorded program (REC) is any program not defined in (a), (b), (c) above, including without limitation, syndicated programs, taped or transcribed programs, and feature films.

NOTE 3.—*Definition of commercial matter.* (CM) includes commercial continuity (network and nonnetwork) and commercial announcements (network and nonnetwork) as follows: (Distinction between continuity and announcements is made only for definition purposes. There is no need to distinguish between the two types of commercial matters when logging.)

(a) Commercial continuity (CC) is the advertising message of a program sponsor.

(b) A commercial announcement (CA) is any other advertising message for which a charge is made or other consideration is received.

(1) Included are (i) "bonus spots"; (ii) trade-out spots, and (iii) promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of a future program beyond mention of the sponsor's name as an integral part of the title of the program. (E.G., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "Listen tomorrow for the—[name of program]—brought to you by—[sponsor's name]—.")

(2) Other announcements including but not limited to the following are not commercial announcements:

(i) Promotional announcements except as heretofore defined in paragraph (b) of this Note.

(ii) Station identification announcements for which no charge is made.

(iii) Mechanical reproduction announcements. *Taped, filmed or recorded material.*

(iv) Public service announcements.

(v) Announcements made pursuant to § 73.654(d) *73.1212* that materials or services have been furnished as an inducement to broadcast a political program or a program involving the discussion of controversial public issues.

(vi) Announcements made pursuant to the local notice requirements of §§ 1.580 (pre-grant), and 1.594 (designation for hearing) *and § 73.1202 (licensee obligations)* of this chapter.

NOTE 4.—*Definition of a public service announcement.* A public service announcement is an announcement for which no charge is made and which promotes programs, activities, or services of Federal, State or local Governments (*e.g.*, recruiting, sales of bonds, etc.) or the programs, activities or services of nonprofit organizations (e.g., UGF, Red Cross Blood Donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

NOTE 5.—*Computation of commercial time.* Duration of commercial matter shall be as close an approximation to the time consumed as possible. The amount of commercial time scheduled will usually be sufficient. It is not necessary, for example, to correct an entry of a 1-minute commercial to accommodate varying reading speeds even though the actual time consumed might be a few seconds more or less than the scheduled time. However, it is incumbent upon the licensee to ensure that the entry represents as close an approximation of the time actually consumed as possible.

The above Notes are not presently in § 73.582 (NCE–FM) but would be in the rule as amended. Also, the existing § 73.582 differs in part from the rules for other services as shown above with deleted material stricken and added material underscored. Thus, for comparative purposes, the text of existing § 73.582 follows:

VOL 189 SEP 29 75

§ 73.582 Program log.

(a) The following entries shall be made in the program log:

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc. together with the name or title thereof and the name of any donor announced pursuant to § 73.280, with the time of the beginning and ending of the complete program. In addition, an entry reflecting the use of any taped, filmed, or recorded material, in accordance with the provisions of § 73.1208. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(b) No provision of this section shall be construed as prohibiting the recording or other automatic maintenance of data required for program logs. However, where such automatic logging is used, the licensee must comply with the following requirements:

(1) The licensee, whether employing manual or automatic logging or a combination thereof, must be able accurately to furnish the Commission with all information required to be logged;

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast. Any information required to be logged which cannot be incorporated in the automatic process shall be maintained in a separate record which shall be similarly authenticated.

(3) The licensee shall extract any required information from the recording for the days specified by the Commission or its duly authorized representative and submit it in written log form, together with the underlying recording, tape or other means employed.

(c) Program logs shall be changed or corrected only in the manner prescribed in § 73.581(c) and only in accordance with the following:

(1) *Manually kept log.* Where, in any program log, or preprinted program log, or program schedule which upon completion is used as a program log, a correction is made before the person keeping the log has signed the log upon going off duty, such correction, no matter by whom made, shall be initiated by the person keeping the log prior to his signing of the log when going off duty, as attesting to the fact that the log as corrected is an accurate representation of what was broadcast. If corrections or additions are made on the log after it has been so signed, explanation must be made on the log or on an attachment to it, dated and signed by either the person who kept the log, the station program director, or manager, or an officer of the licensee.

[FR Doc.75-25789 Filed 9-26-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 201, 260]

[Docket Nos. RM74-4, R-411]

ACCOUNTING AND RATE TREATMENT; ADVANCE FOR GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

Notice Denying Request for Extension of Time

SEPTEMBER 19, 1975.

On September 16, 1975, Kerr-McGee Corporation requested by telegram an extension of time within which to file comments in response to the order issued July 29, 1975, in the above-designated matter, as amended by notice issued August 14, 1975.

Notice is hereby given that the request for an extension of time in the above matter is denied.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25842 Filed 9-26-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 438]

ADVERTISING, DISCLOSURE, COOLING OFF AND REFUND REQUIREMENTS CONCERNING PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Proposed Trade Regulation Rule

On May 15, 1975, the Commission published in the FEDERAL REGISTER (40 FR 21048) an initial notice of a proposed trade regulation rule concerning advertising, disclosure, cooling off and refund requirements for proprietary vocational and home study schools, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7 et seq., and section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure).

Now, pursuant to the same authority and more specifically to the authority of § 1.12 of the Commission's procedures and rules of practice, the undersigned duly appointed Presiding Officer for this proceeding hereby gives final notice of proposed rulemaking, incorporating by reference the contents of the initial notice described above, including the proposed rule contained therein.

WRITTEN COMMENTS

All interested persons are hereby notified that they may submit written data, views or arguments on any issue of fact, law, policy or discretion which may have some bearing upon the proposed rule. Such comments should be submitted to William D. Dixon, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580 no later than November 21, 1975. To assure prompt consideration, comments should be identified as "Proprietary Vocational and Home Study School Comment" and submitted, when feasible and not burdensome, in five copies.

PUBLIC HEARING DATES AND PLACES

Notice is also given that public hearings on the proposed rule will be held at the locations set forth below commencing on the dates and times specified at each location:

1. Public hearings will be held commencing on December 1, 1975, at 9 a.m. in San Francisco, California:

Room 15018, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

2. Public hearings will be held commencing on December 15, 1975, at 9 a.m. in Los Angeles, California:

Room 13209, Federal Building, 1100 Wilshire Boulevard, Los Angeles, California.

3. Public hearings will be held commencing on January 12, 1976, at 9 a.m. in Chicago, Illinois:

Room 347 A–B, John C. Kluczynski, Federal Building, 230 South Dearborn Street, Chicago, Illinois.

Persons desiring orally to present their views in either San Francisco or Los Angeles should so inform the appropriate Commission representative listed below not later than November 21, 1975,

1. San Francisco, California:

Ms. Seela Lewis, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102.

2. Los Angeles, California.

Mr. Howard Manning, Federal Trade Commission, 13209 Federal Building, 1100 Wilshire Boulevard, Los Angeles, California 90024.

Persons desiring orally to present their views in Chicago should so inform the Commission representative listed below not later than December 30, 1975:

3. Chicago, Illinois:

Mr. Richard J. Toman, Federal Trade Commission, Suite 1437, 55 East Monroe Street, Chicago, Illinois 60603.

INSTRUCTIONS CONCERNING WITNESSES

All prospective witnesses are advised that reasonable limitations upon the length of time allotted to any person may be imposed and that these time periods may vary from witness to witness depending upon all the circumstances, including the needs of each witness, the complexity of the expected testimony, the number of parties represented by each witness and the cumulative nature of expected testimony. Witnesses will be expected to stay within the time allotted for their prepared remarks and the Presiding Officer may allocate additional time for questioning. To the extent that individual views are not thereby suppressed, individual members of interested groups are encouraged to make their views known through group representatives. As a general rule, witnesses are expected to confine their prepared remarks to twenty minutes or less, unless an exception has been made, and to develop their testimony at greater length through their written submissions.

Persons wishing to deliver prepared statements are required to file such statements with the appropriate Commission representative listed above no later than November 21, 1975, for those witnesses appearing in San Francisco and Los Angeles, California and no later than December 30, 1975, for those witnesses appearing in Chicago, Illinois and, when possible, to furnish five copies of any statement in excess of two pages. Persons intending to make statements not prepared in advance should advise the appropriate Commission representative of the general nature of their expected testimony by the same dates depending upon the locations where they intend to appear. The Presiding Officer retains the discretion to require that any oral presentation be submitted in writing in advance of presentation and to deny the right to present oral testimony to any person who fails to file statements or comply with the advance notification requirements of this Notice.

Prospective witnesses who plan to introduce documents or other written evidence as exhibits to their statements must furnish such documents or written evidence, properly identified with the witness's name and sequential number (i.e. Jackson Exhibit 1), by November 21, 1975, for those witnesses appearing in San Francisco and Los Angeles, California and December 30, 1975, for those witnesses appearing in Chicago, Illinois, unless for good cause shown they can demonstrate why this could not have been done at that time.

All prospective witnesses may and, indeed, are encouraged to direct their statements towards any question of fact, law, policy or discretion relevant to the proposed rule, and, in this regard, the usual rules of evidence applicable to litigated proceedings will not apply. However, all prospective witnesses are advised that to the extent their statements may bear upon any of the disputed issues of fact set forth below, or to be later designated, they may be subject to limited cross-examination as to those issues by representatives of other interested parties, as designated by the Presiding Officer, or to cross-examination by the Presiding Officer on behalf of such representatives, or to direct rebuttal submissions. All witnesses will be subject to direct examination by the Presiding Officer and by such interested parties as he may within his discretion permit and subject to his control. Oral presentations will not be under oath unless the Presiding Officer expressly so provides.

DESIGNATED, ISSUES OF FACT

Set forth below are the designated issues of disputed fact which the Presiding Officer has determined are material and necessary to resolve. Pursuant to statute and the Commission's Rules of Practice, testimony with respect to these issues may entitle designated representatives of other interested parties to conduct or have conducted such cross-examination as the Presiding Officer may determine to be appropriate and to be required for a full and true disclosure with respect to any issue so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any issue may be achieved through rebuttal submissions or the presentation of additional oral or written statements.

The Presiding Officer may at any time on his own motion or pursuant to a written petition by interested persons, add to or modify any issues listed. No such petition shall be considered unless good cause is shown why such issue was not proposed during the time specified in the Initial Notice. The only issues which will be considered in response to such petitions are disputed issues of fact which are material and necessary to resolve.

Interested persons who desire to avail themselves of the procedures described above with respect to designated issues must, by October 20, 1975, notify the Presiding Officer in writing of their particular interest with respect to each issue designated, including a general statement of their position with respect to such issues. In the event new issues are added interested persons must promptly notify the Presiding Officer of their particular interest with respect to each such issue in the same manner. Requests to examine, including cross-examine, or to present rebuttal submissions, shall be accompanied by a specific justification therefor.

Before the hearings commence, the Presiding Officer will identify groups of persons with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of examination or rebuttal submissions and, if unable to agree, the Presiding Officer may select a representative of each such group. Any member of a group who is unable to agree upon group representation after a good faith effort so to do and who seeks to present substantial and relevant issues which will not be adequately presented by the group representative may be allowed to conduct or have conducted any examination, including cross-examination or rebuttal submissions, to which he is entitled on issues designated for consideration in accordance with this Notice.

GENERAL ISSUES

1. What is the nature and extent of competition between schools subject to the proposed rule and those schools exempt from its coverage and what would be the impact of the rule upon such competition?

2. For what purposes do students enroll in vocational and home study schools?

3. What are the sales and enrollment techniques employed by particular schools?

4. How are salesmen trained, motivated and controlled by particular schools and what sales techniques are used by door-to-door salesmen?

GENERAL EMPLOYMENT

5. What conclusions do prospective students draw from observing general employment and earnings information in the promotional materials of an individual school?

6. Would a total prohibition of general employment or earnings information deprive prospective students of valuable information concerning career and educational opportunities?

DROP-OUT RATES

7. Assuming students fail to complete various courses at various schools for a variety of reasons, what will the drop-out rate for a particular school or course actually mean to prospective students?

8. Are students who enroll but never actually attend a class normally counted among the drop-outs from any particular school? If not, what would be the effect of counting such "non-starts" on the drop-out rate of any particular school?

9. Would the disclosures required by the proposed rule induce schools to avoid accepting students who might be considered high withdrawal or placement risks?

10. What is the drop-out rate for private vocational and home study schools and what records do schools keep with respect to drop-out rates?

11. What is the drop-out rate for any particular course?

PLACEMENT AND SALARY DATA

12. Can schools, as a practical matter, obtain all of the required data with respect to employment and earnings pertaining to each and every student who has enrolled, withdrawn and/or graduated from each and every course?

13. Would a prospective student considering enrollment at a particular school generally be interested solely in placement and earnings information with respect to the metropolitan area or state in which the advertising which came to his attention was disseminated?

14. Would a prospective student considering enrollment at a particular school be concerned with the placement record of non-graduates as well as graduates or only with the latter?

15. Would a prospective student considering enrollment at a particular school be concerned only with the placement record of graduates available for employment and, if so, how can that factor be determined and disclosed?

16. Are the specific job promises required by the Rule for new schools and courses normally obtained by such schools or can they be obtained and, if so, under what circumstances and with what degree of reliability?

17. What is the placement and salary record for graduates of a particular course and what records do schools keep with respect to placement and salary levels?

TEN DAY AFFIRMATION AND COOLING-OFF PERIOD

18. In what respects have existing consumer protection requirements applicable to educational institutions with regard to cooling-off periods proved to

V 40 I 189 SEP 29 75 S XUM

be inadequate to provide prospective students with the protection needed?

19. Would the affirmation procedure result in substantial numbers of students unintentionally losing the opportunity to take desired courses?

20. How will the mechanics of affirmation affect the enrollment procedures of both correspondence and residence schools?

21. What effects have existing affirmation requirements applicable to veterans taking correspondence courses had on enrollment in such courses?

REFUND PROVISION

22. Is the registration fee provided for in the proposed rule adequate to cover a school's actual acquisition costs?

23. How are actual costs to be determined?

24. What costs of a school are fixed and what costs vary with the number of students actually enrolled?

25. Are drop-out rates predictable so that schools can compute and project actual costs?

26. Under the refund formula of the proposed rule, will the costs of educating students who enroll but withdraw be passed on to students who enroll and complete the course of study? Except as to amounts, how will the resulting situation differ from that which prevails under existing refund policies?

27. Do vocational and home study schools today operate at or near full capacity?

28. Do reasons exist for treating residence schools differently from correspondence schools in regards to refund policies?

29. In what ways, if at all, do refund policies influence the advertising, screening and recruiting practices of vocational and home study schools?

SUMMARY OF CLOSING DATES

Notification of interest	Oct. 20, 1975.
Written comments	Nov. 21, 1975.
San Francisco witnesses	Do.
Los Angeles witnesses	Do.
Chicago witnesses	Dec. 30, 1975.
Public hearings commence	Dec. 1, 1975.

Issued: September 29, 1975.

WILLIAM D. DIXON,
Presiding Officer.

[FR Doc.75-25897 Filed 9-26-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239, 249]

[Release Nos. 33-5613, 34-11645; File No. S7-584]

RESALE OF SECURITIES AND SALE OF SECURITIES

Proposed Forms for Periodic Report Disclosure [1]

The Securities and Exchange Commission announced today it had published for comment proposed amendments to paragraph (e) (1) of Rule 144 (17 CFR 230.144) under the Securities Act of 1933 ("1933 Act"), to the Rule as to Use of Forms S-7 (17 CFR 239.26) (and therefore S-16 (17 CFR 239.27)) and to facing sheets of Forms 10-K (17 CFR 249.310), 12-K (17 CFR 249.312), and 10-Q (17 CFR 249.308a) under the Securities Exchange Act of 1934 ("1934 Act").

Rule 144 relates to the resale of securities acquired directly or indirectly from an issuer in transactions not involving any public offering and to the sale of securities held by persons in a control relationship with an issuer. The proposed amendments to paragraphs (e) (1) (i) and (e) (1) (B) deal with the use of figures for trading volume on the National Association of Securities Dealers Automated Quotations System ("NASDAQ") in determining the volume limitations on sales made under the Rule.

Form S-7 and Form S-16 are registration forms under the 1933 Act which may be used for the distribution of securities of issuers which have filed periodic reports under the 1934 Act for three or more years and which meet certain other qualifications. The proposed amendments to the Rule as to the Use of Form S-7 would relax the qualifications relating to net income, lack of default and dividends.

Forms 10-K, 12-K, and 10-Q are periodic reporting forms under the 1934 Act. The proposed amendments are designed to aid persons seeking to make sales under Rule 144 in determining (a) whether an issuer is in compliance with the periodic reporting requirements under the 1934 Act, and (b) the number of issuer's outstanding securities in each class.

RULE 144(e)

The Commission stated in 1972, in its release announcing the adoption of Rule 144 that:

> Should reliable volume figures become publicly available through the automated quotation service of NASD, Inc. (NASDAQ), the Commission will consider amending the rule relating to over-the-counter companies to base the amount of securities which may be sold on such volume, as in the case of securities listed on exchanges.[2]

The Commission believes that experience with NASDAQ has shown NASDAQ volume figures to be reliable enough to justify amendments to the Rule to incorporate the NASDAQ volume figures into the volume limitations provisions of the Rule.

The amendments to paragraph (e) (1) (i) of Rule 144 adopted today (40 F.R. 44541) would allow aggregation of volume on both exchanges and NASDAQ for those securities listed on an exchange and quoted on NASDAQ. Thus, a limited number of NASDAQ issuers whose securities are listed on a national securities exchange would be permitted to aggregate NASDAQ volume figures with national securities exchange volume figures in determining the average weekly trading volume figure. This would in all cases represent a relaxation of the volume limitations for those NASDAQ issuers whose securities are listed on a national securities exchange.

The Commission is also proposing for comment an amendment to the volume limitation provisions of the Rule which would affect a second type of NASDAQ issuer, an issuer whose securities are not listed on a national securities exchange. Currently, the volume limitation for such issuers is determined with reference to paragraph (e) (1) (ii) of the Rule which limits the sales to "one percent of the shares or other units of the class outstanding * * *" The Commission believes that NASDAQ volume figures should be used as an alternative to the one percent of outstanding provision.

Under the amendment proposed today the volume limitation figure for nonexchange-listed NASDAQ securities would be the lesser of the average weekly trading volume for the previous four calendar weeks on NASDAQ or one percent of the outstanding. For a number of NASDAQ issuers this may represent a reduction in the number of securities which may be sold under the Rule. The Commission is proposing the amendment in the belief that the NASDAQ volume figures will more adequately relate the volume limitation provision of the Rule to the realities of the trading market in securities. This correlation between the volume limitation provision and the actual trading market impact of sales is in line with the Commission's statement in the preliminary note to the Rule that "the impact of the particular transaction or transactions on the trading markets" is a factor "which must be considered in determining what is deemed not to constitute a 'distribution' * * *"

FORMS S-7 AND S-16

The Commission in its release adopting Form S-7 in 1967 stated that it viewed the Form as being "in the nature of an experiment" and stated a willingness to "change the conditions for use (of the Form) should (the Commission's) experience indicate that such action is necessary or desirable in the public interest or for the protection of investors." [3] The Commission made a similar statement in its 1970 release announcing adoption of Form S-16 which incorporates the Rules as to Use of Form S-7 in its own Rules as to Use.[4]

The Wheat Report noted in 1969 that in adopting Form S-7, "The Commission acted on the theory that for the class of companies eligible to use the new form adequate disclosures (of background information) could be assumed to have been made in reports and proxy statements filed over the years pursuant to the '34 Act." [5] The number of years an issuer seeking to use Form S-7 was required to have been a 1934 Act reporting company was originally five years. This requirement was reduced to three years in 1970.[6] The Commission continues to believe that this three year requirement is the minimum number of years necessary before the assumption that adequate disclosures have been made through the 1934 Act reports can reasonably be used to justify a modified 1933 Act registration statement like S-7 and S-16.

The Commission is proposing, however, to amend certain of the standards with respect to net income, default and dividends to permit a larger number of 1934 Act issuers to use the two short forms. Under the proposed amendment of the Rule as to Use of Form S-7, the number of years an issuer would be required to have had net income, after taxes, but before extraordinary items net of taxes, would be reduced from five years to three years. The minimum level of this net income under the proposed amendments would be reduced from $500,000 each year to $250,000. The proposed amendments would also reduce from ten years to three years the number of years that the issuer and its subsidiaries would be required not to have defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long term leases. Finally, the proposed amendments would delete the existing requirement that if the securities to be registered are common stock or securities convertible into common stock, the registrant must have earned any dividends in each of the last five fiscal years.

Since the Rule as to Use of Form S-7 is incorporated into the Rule as to Use of Form S-16 it is not necessary to amend Form S-16. It should be noted that Form S-16 also requires that for a secondary offering the class of securities be either listed on a national stock exchange or quoted on the automated quotation system of a national securities association. Comment is specifically invited on whether this requirement should also be modified.

The Commission believes that the S-7 and S-16 qualification standards relating to net income, default and dividends can be reduced without compromising the protection of investors. Further, the Commission believes that the public interest would be served by increasing the number of issuers whose securities may be distributed by means of the shorter, less expensive, Forms. Finally, the Commission views these proposals as another step in its effort to integrate the systems of disclosure mandated under the 1933 and 1934 Acts.

FORMS 10-K, 12-K AND 10-Q

Persons seeking to make sales under Rule 144 must determine whether an issuer is in compliance with the reporting requirements of the 1934 Act. Such persons must also determine the percentage of the issuer's outstanding securities they are proposing to sell in order to compute the proper volume limitation under the Rule.

In 1974 the Commission amended the facing sheets to Forms 10-K and 10-Q to require that the issuer indicate by a checkmark whether it was in compliance with the reporting requirements of the 1934 Act. The Commission's proposed amendments would add a similar requirement to Form 12-K, the annual report form for issuers which file annual reports with certain other federal government agencies. In addition, the proposed amendments would require that the facing sheets of Forms 10-K, 12-K and 10-Q contain a statement by the issuer indicating the number of outstanding shares of each class of its securities.

IMPLEMENTATION OF PROPOSED AMENDMENTS

The proposed amendments to the Rule for Use of Form S-7 represent a relaxation of the requirements for use of that Form and Form S-16. The Commission and the staff will not object if Form S-7 or S-16 is used to register securities of an issuer that meets the proposed requirements as to use of those forms.

The Commission hereby proposes amendments to Rule 144 for comment pursuant to the 1933 Act, particularly sections 2(11), 4(1), 4(2), 4(4) and 19 (a) thereof, proposes amendments to Forms S-7 and S-16 for comment pursuant to the 1933 Act, particularly sections 6, 7, 10 and 19(a) thereof, and proposes amendments to Forms 10-K, 12-K and 10-Q for comment pursuant to the 1934 Act, particularly sections 13, 15(d) and 23(a) thereof. All interested persons are invited to submit their views and comments on these proposals to amend Rule 144 and Forms S-7, S-16, 10-K, 12-K and 10-Q in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before November 20, 1975. Such communications should refer to File No. S7-584. All such communications will be made available for public inspection.

The text of the proposals follows.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 11, 1975.

1. Section 230.144(e) is proposed to be amended to read as follows:

§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.

* * * * * * *

(e) *Limitation on amount of securities sold.* Except as hereinafter provided, the amount of securities which may be sold in reliance upon this rule shall be determined as follows:

(1) *Sales by affiliates.* If restricted or other securities are sold for the account of an affiliate of the issuer, the amount of securities sold, together with all sales of restricted and other securities of the same class for the account of such person within the preceding six months, shall not exceed the following:

(i) If the securities are admitted to trading on a national securities exchange or are quoted on the automated quotation system of a registered securities association, or both, the lesser of (A) one percent of the shares or other units of the class outstanding as shown by the most recent report or statement published by the issuer, or (B) the average weekly reported volume of trading in such securities on all securities exchanges and reported through such automated quotation system during the four calendar weeks preceding the filing of notice required by paragraph (h), or if no such notice is required the receipt of the order to execute the transaction by the broker; or

(ii) If the securities are not traded on a national securities exchange and are not quoted on the automated quotation system of a registered securities association, one percent of the shares or other units of the class outstanding as shown by the most recent report or statement published by the issuer.

* * * * * * *

2. Section 239.26 is proposed to be amended to read as follows:

§ 239.26 Form S-7, for registration under the Securities Act of 1933 of securities of certain issuers to be offered for cash.

Any registrant which meets the following conditions may use this form for registration under the Securities Act of 1933 of any securities which are offered for cash by or on behalf of the registrant or any other person, in a rights offering or otherwise:

* * * * * * *

(d) The registrant and its subsidiaries have not during the past three years defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness or borrowed money, or in the payment of rentals under long term leases.

(e) The registrant and its consolidated subsidiaries had a net income, after taxes but before extraordinary items net of tax effect, of at least $250,000 for each of the last three fiscal years.

(f) [Deleted]

3. Section 249.312 is proposed to be amended as follows:

§ 249.312 Form 12-K, annual report for issuers which file reports with certain other federal agencies.

Form 12-K would be amended to require the inclusion of the following on the facing sheet of the Form:

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by sections 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file

[1] Forms filed as part of original document.

[2] Securities Act Release No. 5223 (April 12, 1972).

[3] Securities Act Release No. 4886 (November 29, 1967).

[4] Securities Act Release No. 5117 (December 20, 1970).

[5] Disclosure to investors: A Reappraisal of Federal Administrative Policies Under '33 and '34 Acts ("The Wheat Report") 74-75 (1969).

[6] Securities Act Release No. 5100 (November 12, 1970).

VOL 40 NO 189 SEP 29 75 XUM

such reports), and (2) has been subject to such filing requirements for the past 90 days.

4. Forms 10–K, 12–K and 10–Q are proposed to be amended as follows:

Forms 10–K, 12–K, and 10–Q would be amended to require the inclusion of the following on the facing sheets of the Forms:

Indicate the number of shares or other units outstanding of each of the issuer's classes of securities.

§ 249.310 [Amended]

5. Section 249.310 Form 10–K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

§ 249.312 [Amended]

6. Section 249.312 Form 12–K, annual report for issuers which file reports with certain other federal agencies.

§ 249.308a [Amended]

7. Section 249.308a Form 10–Q, for quarterly reports under section 13 or 15(d) of the Securities Exchange Act of 1934.

Copies of the Forms S7, 10–K, 12–K and 10–Q are filed as part of the original document and a description of such forms is contained in Release No. 33–5613 and may be obtained from the Securities Exchange Commission's Public Reference Service, 1100 L Street NW., Washington, D.C. 20005.

(Secs. 2(11), 4(1), 4(2), 4(4), 6, 7, 10, 19(a), 48 stat. 74, 77, 78, 81, 85; secs. 13, 15(d), 23(a), 48 stat. 894, 895, 901; secs. 205, 209, 48 stat. 906, 908; sec. 8, 49 stat. 1379; secs. 1–4, 8, 68 stat. 683, 685; secs. 4, 6, 12, 76 stat. 569, 570–574, 580; sec. 1, 79 stat. 1051; sec. 2, 82 stat. 454; secs. 1, 2, 84 stat. 1497; (15 U.S.C. 77b(11), 77d(1), 77d(2), 77d(4), 77f, 77g, 77j, 77s(a), 78m, 78o(d), 78w(a)))

[FR Doc.75–25857 Filed 9–26–75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM–5/102]

FINE ARTS COMMITTEE

Meeting

The Fine Arts Committee will hold its Fall meeting on Tuesday, November 18, 1975 at 10 a.m. in the John Quincy Adams State Drawing Room in the Diplomatic Reception Rooms, Department of State.

The agenda will include a summary of the work of the Fine Arts Committee since its last meeting, the announcement of all gifts and loans during the calendar year 1975, as well as the Committee's plans for the coming year.

The meeting is open to the public. The public may take part in the discussion as long as time permits and at the discretion of the Chairman. Because of State Department security requirements, anyone wishing to attend the meeting should telephone the Fine Arts Office before Friday, November 14, 1975, Area Code (202) 632–0298 to make arrangements to enter the building.

CLEMENT E. CONGER,
Chairman, Fine Arts Committee.

SEPTEMBER 18, 1975.

[FR Doc.75–25913 Filed 9–26–75;8:45 am]

DEPARTMENT OF THE TREASURY

BUTADIENE ACRYLONITRILE RUBBER FROM JAPAN

Withholding of Antidumping Appraisement Notice

On February 26, 1975, information was received by the U.S. Customs Service from counsel acting on behalf of Uniroyal, Inc. (Petitioner), alleging that butadiene acrylonitrile rubber from Japan was being sold in the United States at less than fair value, thereby causing injury to, or the likelihood of injury to, or the prevention of establishment of an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the Federal Register on March 27, 1975 (40 FR 13532).

Butadiene acrylonitrile rubber is a type of synthetic rubber that is sold in both dry (solid) and latex (liquid) forms in the home market, but, to date, only in solid form for export to the United States. It is usually put in a rubber processing machine with the end product formed by extrusion and heated to its final shape. Some of the articles made from the product are seals, gaskets, belts and other automotive products.

The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States. However, the evidence on record, as set forth in the proceeding notice, was such that substantial doubt existed as to whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Accordingly, the United States International Trade Commission was advised of such doubt pursuant to section 201(c)(2) of the Act (19 U.S.C. 160(c)(2)).

On April 23, 1975, the U.S. International Trade Commission notified the Secretary of the Treasury that, on the basis of its inquiry, it did not determine that there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of butadiene acrylonitrile rubber from Japan. Accordingly, the Customs investigation in this proceeding was carried forward.

Tentative determination of sales at less than fair value. On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of butadiene acrylonitrile rubber from Japan is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such merchandise.

Statement of reasons. The reasons and bases for the above tentative determination are as follows:

a. *Scope of the investigation.* It appears that all imports of the subject merchandise from Japan were manufactured by Nippon Zeon Company, Ltd., Chiyoda-ku, Tokyo, Japan. Therefore, the investigation was limited to this one manufacturer.

b. *Basis of comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between purchase price and the home market price of such merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales appear to be made to non-related Japanese trading companies. Home market price, as defined in § 153.3, Customs Regulations, (19 CFR 153.3), was used since such merchandise appears to be sold in the home market in sufficient quantities to provide a basis of comparison for fair value purposes.

c. *Purchase price.* In accordance with § 153.31(b), Customs Regulations, (19 CFR 153.31(b)) pricing information was obtained concerning imports of butadiene acrylonitrile rubber from Japan during the 6-month period November 1, 1974 through April 30, 1975.

In the import transactions, all of the merchandise was purchased, or agreed to be purchased, prior to the time of exportation by the persons by whom or for whose account it was purchased, within the meaning of section 203 of the Act. The purchase price probably will be calculated on the basis of the f.o.b. vessel, Japanese port, packed price to the United States.

d. *Home market price.* The home market price likely will be calculated on the basis of the delivered, net, packed price to the distributor. Adjustments will probably be made for credit, transportation, and packing costs, as appropriate, in accordance with § 153.8, Customs regulations (19 CFR 153.8). Likely adjustments for credit would relate to discounted promissory notes used for payment in the home market. Likely adjustments for transportation and packing expenses would relate to differences in packing costs between home market sales and export sales, and to transportation costs involved in home market sales.

Adjustments for differences in circumstances of sale in accordance with § 153.8, Customs regulations (19 CFR 153.8), for warehousing costs, salesmen's salaries, and technical assistance in the home market were claimed by counsel for Nippon Zeon. These adjustments likely will not be allowed.

Adjustments to the home market price, in purchase price situations, are allowed only for circumstances of sale which bear a direct relationship to the sales under consideration. Expenses for overhead have been determined not to be directly related to sales. Accordingly, warehousing costs for inventory purposes are included in overhead since these expenses must be borne regardless of whether particular sales are made. No adjustment likely will be allowed for this type of warehousing cost.

Salesmen's salaries, unlike commissions, also are considered overhead expenses, since they too must be paid by the company irrespective of whether sales are made. No adjustment to the home market price, therefore, likely will be granted for salesmen's salaries, in purchase price situations.

V 40 189 SEP 29 75 XUM

Adjustments for technical services rendered by a foreign company in its home market for purchasers of its product may or may not be allowable. Again, the standard for consideration is whether the technical services are an overhead expense. Technical services which relate to to research and development from which a company benefits would be considered overhead expenses, and no adjustments would be allowable.

On the other hand, technical services rendered to customers in the foreign market for advice on items, such as usage or application of the product sold, may be an allowable adjustment. Such adjustments would be granted only to the extent to which the specific direct cost of the services rendered are documented. The documentation submitted in the instant case appears to relate to the salaries, fringe benefits, and bonuses of the technicians employed for rendering technical services. Such costs likely would be overhead costs and not allowable adjustments.

e. Result of fair value comparison. Using the above criteria, preliminary analysis suggests that purchase price probably will be lower than the weighted average home market price of such merchandise. Comparisons were made on a month-by-month basis on all butadiene acrylonitrile rubber from Japan sold to the United States during the period of investigation. Margins were tentatively found, ranging from 3 to 28 percent, on 100 percent of the sales compared. The weighted average margin tentatively appears to be between 10–19 percent.

Withholding of appraisement. Customs officers are being directed to withhold appraisement of butadiene acrylonitrile rubber from Japan in accordance with §153.48, Customs Regulations (19 CFR 153.48).

Presentation of views and arguments. In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before October 9, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before October 29, 1975.

This notice which is published pursuant to § 143.34, Customs Regulations (19 CFR 153.34), shall become effective on September 29, 1975. The withholding of appraisement ordered in this notice shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

SEPTEMBER 23, 1975.

[FR Doc.75-25727;Filed 9-25-75;8:45 am]

Office of the Secretary

[Treasury Dept. Order No. 239]

DEPUTY SECRETARY

Designation To Serve on National Commission on Electronic Fund Transfers

Pursuant to the authority vested in me as Secretary of the Treasury, I hereby designate the Deputy Secretary of the Treasury to serve as my delegate on the National Commission on Electronic Fund Transfers, established pursuant to Pub. L. 93-495 dated October 28, 1974.

Dated: September 22, 1975.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-25819 Filed 9-26-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD

Advisory Committee Meeting

The Defense Science Board will meet in closed session on October 23-24, 1975 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for October 23 and 24, 1975 to discuss interim findings and tentative recommendations resulting from on-going Task Force activities associated with Strategic, Tactical, Intelligence-Command, Control and Communication, and Management issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Defense Science Board meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 24, 1975.

[FR Doc.75-25680 Filed 9-26-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON DEPARTMENT OF DEFENSE SPACE SHUTTLE UTILIZATION

Advisory Committee Meeting

The Defense Science Board Task Force on Department of Defense Space Shuttle Utilization will meet in closed session on 6 and November 7, 1975 at the Space and Missile System Organization, Los Angeles Air Force Station, CA 90009.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will examine the impact of the Space Shuttle on certain classified space programs.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

SEPTEMBER 24, 1975.

[FR Doc.75-25881 Filed 9-26-75;8:45 am]

DEPARTMENT OF JUSTICE

FHER CORP., LTD.

Drug Enforcement Administration

Importation of Controlled Substance Objection and Request for Hearing

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on August 18, 1975, Fher Corporation Ltd., Carretera 132, KM 25.3, P.O. Box 4108, Ponce, Puerto Rico 00731, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of phenmetrazine, a basic class of controlled substance in schedule II.

Pursuant to section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the above person has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substance indicated, and any other such person, and any existing registered bulk manufacturer of phenmetrazine, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than October 31, 1975.

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: September 22, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-25929 Filed 9-26-75;8:45 am]

[Docket No. 75-2]

NORTHRIDGE DRUG STORE AND DIXIE DRUG STORE

Revocation and Denial of Registration

On February 10, 1975, the Administrator, Drug Enforcement Administration (DEA) issued to Dale W. Baker an Order to Show Cause as to why the DEA Registration #AB2791007, previously issued to him, t/a Northridge Drug Store, pursuant to section 303 of the Controlled Substances Act (hereinafter called "Act") 21 U.S.C. 823, should not be revoked, pursuant to section 304 of the Act, 21 U.S.C. 824, for the reason that he was convicted on September 30, 1974, in the Common Pleas Court of Montgomery County, Ohio, of two violations of specified sections of the Ohio Revised Code, both felonies relating to the distribution of controlled substances. Also on February 10, 1975, the Administrator issued to Mr. Baker an Order to Show Cause as to why his application, t/a Dixie Drug Store, executed June 14, 1974, for registration under section 303 of the Act, 21 U.S.C. 823, should not be denied for the reason that such registration would be inconsistent with the public interest, pursuant to section 303 of the Act, 21 U.S.C. 823, by virtue of aforementioned convictions in the Ohio Court and, in addition, because of several specified violations of the Act allegedly committed in the course of Mr. Baker's operation of the Northridge Drug Store.

On March 7, 1975, through counsel, Mr. Baker (hereinafter called "Respondent") requested a hearing on both Orders to Show Cause and on June 3, 1975, a hearing was held in Washington, D.C. before Administrative Law Judge Francis L. Young.

On July 31, 1975, Judge Young certified to the Acting Administrator, pursuant to 21 CFR 1316.65, his recommended findings of fact and conclusions of law, a recommended decision, and the record of the proceedings in these matters. The Acting Administrator, pursuant to 21 CFR 1316.66, hereby publishes his final orders in these proceedings based upon the findings of fact and conclusions of law set forth below.

The Administrative Law Judge found that on September 30, 1974, in the Common Pleas Court of Montgomery County, Ohio, Respondent, Dale W. Baker, was convicted on pleas of "no contest" of two violations of § 3719.07(c) and (g) of the Ohio Revised Code, both felonies relating to controlled substances. Furthermore, that Respondent, Dale W. Baker, stated to a Drug Enforcement Administration Compliance Investigator that he, Respondent, was giving controlled substances to two men because they were blackmailing him. The Administrator adopts these findings of fact.

The Administrative Law Judge concluded, as a matter of law, that Respondent has been convicted of two felonies within the purview of section 304(a)(2) of the Act, 21 U.S.C. 824(a)(2), thus providing grounds for revocation or suspension of Respondent's Northridge Drug Store application. Also, that grounds exist for a determination, pursuant to section 303(b) and (e) of the Act, 21 U.S.C. 823(b) and (e), that issuance of the registration to Respondent, t/a Dixie Drug Store, would be inconsistent with the public interest in view of Respondent's failure to comply with applicable State law, as evidenced by the convictions referred to above, and in view of his susceptibility to blackmail and threats.

The Administrator concludes that Respondent has been convicted of two felonies within the purview of Section 304(a)(2) of the Act, 21 U.S.C. 824(a)(2), which convictions provide a rational basis to revoke Controlled Substances Act registration AB2791007 issued to Dale W. Baker, t/a Northridge Drug Store. Furthermore, the Administrator concludes that where grounds exist for the revocation of a registration, pursuant to 21 U.S.C. 824, he may deny an application for renewal of registration. Therefore, the above-described felony convictions of Dale W. Baker provide a rational basis to deny the application for renewal of Dale W. Baker's t/a Dixie Drug Store, Controlled Substances Act registration AB2795106, pursuant to section 303(f) of the Act, 21 U.S.C. 823(f).

The Administrative Law Judge recommended that the Administrator revoke Respondent's, t/a Northridge Drug Store, DEA registration AB2791007 and deny Respondent's, t/a Dixie Drug Store, application for registration, for reasons of Respondent's two felony convictions and his admitted vulnerability to blackmail. The Administrator accepts these recommendations.

Therefore, under the authority vested in the Attorney General by section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 823, and redelegated to the Administrator of the Drug Enforcement Administration by Section 0.100, as amended Title 28, Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority stated therein and pursuant to the authority delegated to the Acting Administrator by § 0.132(d) of Title 28 of the Code of Federal Regulations, the Acting Administrator hereby orders that the certificate of registration of Dale W. Baker (DEA Registration #AB2791007), t/a Northridge Drug Store, be, and hereby is, revoked and that the application of Dale W. Baker, t/a Dixie Drug Store, for registration as a pharmacy, be and hereby is, denied. These orders shall be effective.

Dated: September 24, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-25930 Filed 9-26-75;8:45 am]

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL Meeting

Notice is hereby given that the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet October 14–16, 1975, in Chicago, Illinois. The meeting is scheduled to convene at 2:00 p.m., Tuesday, October 14, in the conference room of the Marriott Motor Hotel at O'Hare International Airport. The meeting will run all day Wednesday the 15th, and will adjourn by 1:00 p.m., Thursday the 16th.

A major portion of the meeting will be devoted to a review of a revised draft of the Council's report on private security guard services, which contains its recommended Model Private Security Licensing and Regulatory Statute. Also under discussion will be a review of the past year's activities and plans for the coming year. The meeting will be open to the public.

For further information, please contact: Mr. John Marshall, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531. 202/376-3687.

GERALD H. YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-25911 Filed 9-26-75;8:45 am]

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DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

BONNEVILLE REGIONAL ADVISORY COUNCIL

Public Meetings

The Bonneville Regional Advisory Council will hold a series of regional meetings to discuss the energy situation in the Pacific Northwest. The dates and places of the meetings are as follows:

Thursday, October 16----	Portland, OR. (Sheraton Airport)
Friday, October 17------	Walla Walla, WA. (Black Angus)
Monday, October 20-----	Burley, ID. (Ramada Inn)
Tuesday, October 21-----	Spokane, WA. (Sheraton Hotel)
Wednesday, October 22--	Seattle, WA. (SEA/TAC Motor Inn)

Each meeting will begin at 9:45 a.m. and will be open to the public. There is no registration fee, but there will be a charge for the no-host luncheon.

The main purpose of the meeting is to discuss the long-range power outlook, Phase 2 of the regional Hydro-Thermal Power Program, cooperative fishery programs, and environmental litigation.

Dated: September 24, 1975.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.75-26043 Filed 9-26-75;8:45 am]

PROCUREMENT CONTRACTING

Redelegations of Authority

Redelegations of authority published in the FEDERAL REGISTER on July 6, 1968 (33 FR 9784), and last amended on June 24, 1975 (40 FR. 26574), are further amended by revising section 10.12 to read as follows:

§ 10.12 Materials, equipment, and other contracts.

* * * * *

c. The Staff Assistant—Negotiated Contracts may exercise the authority delegated to the Head, Procurement Section, when the amount involved does not exceed $500,000.

d. The Staff Assistant—Contracting may exercise the authority delegated to the Head, Procurement Section, when the amount involved does not exceed $50,000.

(e) The Purchasing Agents each may exercise the authority described in subsections 10.12a (1) and (3) when the amount involved does not exceed the small purchase limitation found in 41 U.S.C. 252(c)(5), and the authority described in subsection 10.12a(2) on construction and clearing contracts.

f. The Head of the Quality Control Unit and his designees may exercise the authority of the Contracting Officers for materials and equipment contracts in administering the technical provisions of the contracts during manufacturing and production. This authority includes the functions of (1) acceptance or rejection of materials or equipment; (2) interpretation of technical specifications; (3) approval of tests; and (4) quality surveillance and review of factory operations.

g. The Head of the Receiving Inspection Group and his designees may exercise the authority of the Contracting Officers for materials and equipment contracts in administering the technical provisions of the contracts at destination. This authority includes the (1) acceptance or rejection of materials or rejection of materials or equipment; (2) approval of test results; and (3) determining corrections necessary to meet contract specifications or requirements.

h. The Head of the Contract Administration Unit and his designees may exercise the authority of the Contracting Officers for materials and equipment contracts in administering all functions of the contracts not redelegated under subsections 10.12d and 10.12e, but may not (1) award, agree to, or execute any contract or modification thereto; (2) in any way obligate the payment of money by the Government; (3) make a final decision on any matter which would be subject to appeal under the disputes clause of the contract; or (4) terminate for any cause the contractor's right to proceed.

(205 DM 5.1; 205 DM 9.3; 205 DM 9.4; 205 DM 10; 28 FR 9884; 205 DM 11.1; 39 43630; 365 DM 1)

RAY FOLEEN,
Deputy Administrator.

SEPTEMBER 17, 1975.

[FR Doc.75-25899 Filed 9-26-75;8:45 am]

Bureau of Land Management

[Serial No. I-9793]

IDAHO

Proposed Withdrawal and Reservation of Lands

SEPTEMBER 22, 1975.

The Bureau of Reclamation has filed an application, Serial Number I-9793 for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for a reservoir site in which water could be stored for summer release to irrigate lands susceptible to irrigation under the potential Bruneau Division of the Southwest Idaho Water Development Project.

On or before October 29, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 W. Fort Street, PO Box 042, Boise, Idaho 83724.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

T. 8 S., R. 10 E.,
Sec. 7, All;
Sec. 8, All;
Sec. 9, NW¼SW¼, S½SW¼;
Sec. 11, SE¼SW¼, S½SE¼;
Sec. 12, S½SW¼, SW¼SE¼;
Sec. 13, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 14, All;
Sec. 15, S½;
Sec. 17, All;
Sec. 18, E½E½, NW¼NE¼;
Sec. 19, E½NE¼, NE¼SE¼;
Secs. 20-25 inclusive;
Sec. 26, NE¼, NE¼NW¼, E½SE¼;
Sec. 27, All;
Sec. 28, All;
Sec. 29, NE¼, NE¼NW¼;
Sec. 34, N½N½;
Sec. 35, NE¼NE¼.
T. 8 S., R. 11 E.,
Sec. 18, lots 2, 3, 4, E½SW¼, W½SE¼;
Sec. 19, lots 1, 2, 3, 4, W½NE¼, E½W½, SE¼;
Sec. 20, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 28, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, E½, NE¼NW¼, W½W½;
Sec. 33, SW¼NE¼, W½, W½SE¼.
T. 9 S., R. 11 E.,
Sec. 4, lots 2, 3, 4, S½NW¼;
Sec. 5, lots 1, 2, SE¼NE¼.

The area described aggregates 14,262.20 acres, more or less, in Owyhee County, Idaho.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75-25902 Filed 9-26-75;8:45 am]

[Serial No. I-9903]

IDAHO

Proposed Withdrawal and Reservation of Lands

SEPTEMBER 22, 1975.

The Department of Agriculture has filed an application, Serial Number I-9903, for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for development of a ponderosa pine seed orchard in cooperation with Federal, State and local agencies. The ultimate objective of the project will be to improve forest trees through development of superior seedling stock for reforestation.

On or before October 29, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 W. Fort Street, PO Box 042, Boise, Idaho 83724.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

FAYETTE NATIONAL FOREST

Calf Pen Ponderosa Pine Seed Orchard

T. 19 N., R. 3 W.,
Sec. 9, S½N½NE¼NE¼, S½NE¼NE¼, E¼SE¼NW¼NE¼, E½NE¼, SW¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼.

The area described aggregates 70 acres in Adams County.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75-25900 Filed 9-26-75;8:45 am]

[Serial No. I-9904]

IDAHO

Proposed Withdrawal and Reservation of Lands

SEPTEMBER 22, 1975.

The Department of Agriculture has filed an application, Serial Number I-9904, for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land be set aside for a research natural area. Under this designation, the area will remain in a virgin or unmodified condition which will typify for research or educational purposes, the Douglas Fir—Aspen and Sagebrush—grass plant communities of the region.

On or before October 29, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

BOISE MERIDIAN

CARIBOU NATIONAL FOREST

West Fork Mink Creek Research Natural Area

T. 8 S., R. 34 E.,
Sec. 1, S½SW¼SW¼, SW¼SE¼SW¼;
Sec. 2, S½S½S½;
Sec. 10, E½NE¼, N½NE¼SE¼;
Sec. 11, N½, N½NE¼SW¼, SE¼NE¼SW¼, N½NW¼SW¼, E½SE¼SW¼, SE¼;
Sec. 12, SW¼NW¼NE¼, W½SW¼NE¼, NW¼, N½NE¼SW¼, SW¼NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼.

The area described aggregates 1,050.00 acres in Bannock County.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.75-25901 Filed 9-26-75;8:45 am]

KAIPAROWITS POWER PROJECT DEVELOPMENT; UTAH

Extension of Public Review Period of Draft Environmental Statement

The Deputy Assistant Secretary of the Interior announced in the FEDERAL REGISTER of July 30, 1975 (40 FR 31965), the availability of the draft environmental statement for the proposed Kaiparowits Power Project. A 60-day period ending September 30, 1975, was made available for public comment on this draft statement. Written responses and comments received during public hearings held during the period of September 15 through 19, 1975, indicate that additional time will be required in order to obtain adequate public input into the environmental statement process. Therefore, an additional review period of 45 days, commencing October 1, 1975, and ending November 14, 1975, is hereby granted.

Dated: September 23, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-25810 Filed 9-26-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-20]

RUSHTON MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Rushton Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Rushton Mine, Philipsburg, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

In support of its petition, Petitioner states:

(1) Petitioner contacted the manufacturer of its coal haulage equipment and purchased from said manufacturer canopies approved by the Mining Enforcement and Safety Administration, which canopies were duly installed and utilized by the working force.

(2) The miners requested by Petitioner to use the equipment provided with said approved canopies refused to continue operating said equipment and alleged that there was a diminution of safety which resulted because of impaired vision and cramped body position.

(3) The miners observed that additional hazards resulted such as severed cables, obstructed vision, and the possibility of injury to fellow workers. These dangers were observed by the Safety Committee of said mine and it was their recommendation that the canopies be removed.

(4) The inherent danger which arose as a result of this modification necessitated the removal of said canopies.

(5) Petitioner then requested the technical expertise of the Mining Enforcement and Safety Administration in order to seek a modification of the standard which would be workable in the Rushton Mine.

(6) A modification was attempted based on the recommendation of the Mining Enforcement and Safety Administration's personnel and when said modification was installed and operated, it again resulted in a

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diminution of safety which led to the eventual discontinuance of use by the operator.

(7) No history of injury resulting from the use of the coal haulage equipment without protective canopies exists in said mine.

(8) The operation of the coal haulage equipment without the canopies will afford the same measure of protection to the miners as would be afforded by compliance with the applicable standard and would, in fact, increase the measure of protection and diminish the possibility of injury by utilization of the protective canopies.

(9) The use of the canopies pursuant to the standard would result in a diminution of safety to the miners and, therefore, modification of said standard is requested.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 29, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 22, 1975.

[FR Doc.75-25908 Filed 9-26-75;8:45 am]

National Park Service

GREAT SAND DUNES NATIONAL MONUMENT

Public Meeting

Notice is hereby given that a public meeting will be held beginning at 7:30 p.m. on November 6, 1975, in the Carson Auditorium, College Center, Adams State College, Alamosa, Colorado, for the purpose of receiving comments and suggestions on a Master Plan for Great Sand Dunes National Monument. The proposals of the Master Plan relate to expanded resources management, coordinated visitor use, expanded interpretation and visitation, immediate development needs and boundary adjustments.

Pursuant to provisions of the National Environmental Policy Act, the Department of the Interior has prepared an environmental assessment for the Master Plan. This assessment considers the social, economic and ecological effect of the Master Plan recommendations for future management activity, visitor use and land acquisition for the park.

A copy of the Master Plan and accompanying Environmental Assessment may be obtained from the Superintendent, Great Sand Dunes National Monument, Post Office Box 60, Alamosa, Colorado 81101; or from the Regional Director, Rocky Mountain Region, 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the above public meeting. They should notify the Superintendent, Great Sand Dunes National Monument, Post Office Box 60, Alamosa, Colorado 81101, of their desire to appear. Those not wishing to appear in person may submit written statements on the plan to the Superintendent for inclusion in the official record, which will be open until December 6, 1975.

Oral or written comments received will be considered in an environmental review prior to preparation by the National Park Service of the area General Management Plan.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Superintendent at the time of presentation of the oral statement. Written statements presented in person at the meeting will be considered for inclusion in the meeting record. However, all materials presented at the meeting shall be subject to determinations that they are appropriate for inclusion in the record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Superintendent will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Superintendent, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Member of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the area is located.
(5) Officials of other Federal Agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: August 15, 1975.

GLEN T. BEAN,
Acting Regional Directors,
Rocky Mountain Region.

[FR Doc.75-25798 Filed 9-26-75;8:45 am]

Office of the Secretary

KENNETH M. HALE

Statement of Financial Interests

JULY 1, 1975.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee.

Kenneth M. Hale

Name of employing Agency.

Department of the Interior
Defense Electric Power Administration

The title of the appointee's position.

Deputy Director, DEPA Area 12

The name of the appointee's private employer or employers.

Colorado UTE Electric Assoc. Inc.

The statement of "financial interests" for the above appointee is enclosed.

STANLEY K. HATHAWAY,
Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on July 1, 1975, as Deputy Director, Area 12, Defense Electric Power Adm., an officer or director: (none).

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Own stock in:

United Bank of Colorado;
First National Bank of Golden;
Rockwell International.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: (none).

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: Legal Research Consultants, Boulder, Colorado.

Dated: 9-17-75.

KENNETH HALE.

[FR Doc.75-25909 Filed 9-26-75;8:45 am]

PAUL R. HEIM

Statement of Financial Interest

AUGUST 14, 1975.

Gentlemen:

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee.

Paul R. Heim

Name of employing agency.

U.S. Department of the Interior, Defense Electric Power Administration

The title of the appointee's position.

Deputy Director, DEPA Area 9

The name of the appointee's private employer or employers:

Mid-Continent Area Power Pool

The statement of "financial interests" for the above appointee is enclosed.

KENT FRIZZELL,
Acting Secretary of the Interior.

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on September 10, 1975, as _____ (title) _____, an officer or director: (organization)

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Northern States Power Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

PAUL R. HEIM.

SEPTEMBER 10, 1975.

[FR Doc.75-25910 Filed 9-26-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CADDO NATIONAL GRASSLAND UNIT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)C of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Caddo National Grassland Unit Plan, National Forests in Texas, Lufkin, TX, USDA–FS–R8–FES (Adm.) 75–8.

The management direction and action proposed and described in this Environmental Statement and Unit Plan is for a 10-year period beginning November 1, 1975. Included in this unit plan are proposed projects for recreation management, vegetative manipulation to benefit wildlife, needed erosion control measures, improved transportation systems, range improvement projects and other action plans.

This unit is part of the Caddo-Lyndon B. Johnson Ranger District which is administered as part of the National Forests in Texas. The unit contains 17,729 acres of federally-owned lands located entirely within Fannin County.

This final environmental statement was transmitted to CEQ September 22, 1975. Copies are available for inspection during regular working hours at the following locations:

U.S. Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, 1720 Peachtree Rd. NW., Rm. 804, Atlanta, Ga. 30309.

A limited number of single copies are available upon request to Forest Supervisor John Courtenay, NFs in Texas, Box 969, Lufkin, TX 75901.

Dated: September 22, 1975.

EDWARD G. ELLENBERG,
Acting Regional Environmental Coordinator.

[FR Doc.75-25893 Filed 9-26-75;8:45 am]

SWIFT TRAIL FOREST HIGHWAY

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Swift Trail Forest Highway 34 in Arizona, USDA–FS–DES(Adm) R3–75–04.

The environmental statement considers probable environmental effects of the proposed project.

The draft environmental statement was transmitted to CEQ on September 17, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 14th and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, N. Mex. 87102.

Coronado National Forest, 301 West Congress, Tucson, Ariz. 87501.

Single copies are available upon request to Forest Supervisor, Coronado National Forest, 301 West Congress, Tucson, Arizona 87501; and the Regional Forester, Southwestern Region, 517 Gold Ave., SW, Albuquerque, New Mexico 87102. Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, State, and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to the Regional Forester, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102. Comments must be received within 60 days from the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

M. J. HASSELL,
Deputy Regional Forester,
Region 3.

SEPTEMBER 17, 1975.

[FR Doc.75-25894 Filed 9-26-75;8:45 am]

Soil Conservation Service

OKMULGEE CREEK WATERSHED, OKLAHOMA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Okmulgee Creek Watershed Project, Okmulgee County, Oklahoma.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by 0.69 miles of channel enlargement work on a natural stream with intermittent flow.

Single copies of the negative declaration are available upon request and the environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074.

No administrative action on implementation of the proposal will be taken on or before October 14, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: September 19, 1975.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-25895 Filed 9-26-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CALIFORNIA STATE UNIV., L.A.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review

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during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket number: 74–00085–01–77040. Applicant: California State University, Los Angeles, 5151 State University Drive, Los Angeles, California 90032. Article: Mass Spectrometer, Model CH–5 and accessories. Manufacturer: Varian MAT-GMBH, West Germany. Intended use of article: The article is intended to be used for the application of negative ion mass spectrometry in the following research projects:

I. Negative Ion Mass Spectrometric Sequencing of Amino Acids in Peptides.

II. Negative Ion Mass Spectral Studies of Carboranes and Boron Hydrides.

III. Gas Phase Non-Benzenoid Aromatic Systems studies.

The article will also be used in various chemistry courses for the teaching of instrumental techniques.

Comments: Comments dated October 2, 1973 have been received from DuPont Instrument Products Division (DuPont). DuPont states *inter alia* that its Type 21–492 mass spectrometer is of equivalent scientific value to the foreign article for the applicant's intended purposes.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 2, 1972).

Reasons: The foreign article is guaranteed to provide negative ion sensitivity such that spectra of 1,5-$C_2B_3H_5$ and 1,2-$C_2B_3H_5$ can be obtained at $\sqrt{7.0}$ and $\sqrt{9.5}$ electron volts (eV) at a source pressure ($\sqrt{1–2\times10^{-4}}$ torr) below that necessary for ion molecule reactions to occur using $B_{10}H_{14}$ as a reference. In addition the article is guaranteed to provide a variable range of electron energy settings between 0 and 30 eV for appearance potential measurements and to reproduce the 0–(m/e 16) resonance capture maxima in N_2O (2.2eV) and CO_2 (4.4 and 8.2 eV) within 0.2 eV at some regulated emission. Although spectra of certain negative ions could be produced with available domestic mass spectrometers (MS), corresponding guarantees were not provided by domestic manufacturers at the time the article was ordered. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 10, 1974 that the specification for the most sensitive negative ion mass spectra at very low voltages is pertinent to the applicant's intended purposes. HEW also advises that, at the time the foreign article was ordered, neither the Model 12–90G MS manufactured by Nuclide Incorporated nor the Model 21–492B MS manufactured by DuPont Instrument Products Division matched the low voltage negative ion sensitivity of the article. HEW has advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used which was being manufactured in the United States at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75–25816 Filed 9–26–75;8:45 am]

DAVID LIPSCOMB COLLEGE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73–00452–01–77030. Applicant: David Lipscomb College, Granny White Pike, Nashville, Tenn. 37203. Article: NMR spectrometer, model JNM–C60HL. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study transition metal chelates and the effects of lanthanide salts on the structure of methanol and ethanol. The article will also be used as a teaching tool in various courses in chemistry.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (May 25, 1970).

Reasons: This application is a resubmission of Docket Numbers 71–00022–01–77030 and 72–00112–01–72030 which were denied without prejudice to resubmission (DWOP) on April 26, 1971 and September 12, 1972, respectively, for informational deficiencies.

The applicant in response to Questions 7 and 8 alleges that the foreign article provides the following pertinent features:

(1) Internal and external lock modes in the same instrument.

(2) A suppression method to eliminate unwanted sidebands when carrying out experiments over a wide sweep range (19 Fluorine-300-ppm) and measuring contact shifts.

(3) A fit and convenient variable temperature probe capable of ±0.5° C over the range of −150 to 200° C with a field stability over this range of ±0.2 Hertz (Hz).

(4) A fast warm-up time of one hour (stability within 0.5 Hz during a five minute sweep).

(5) Versatility provided by variable temperature, variable element probes, and signal enhancing capabilities.

(6) A high signal to noise ratio.

(7) Not overly sophisticated, for use in both in undergraduate and teaching laboratories.

The National Bureau of Standards (NBS) advises in its memorandum dated March 7, 1974, which incorporates by reference its memoranda of September 9, 1970, and August 15, 1972 relative to the two prior submissions of this application, that the Varian XL60–15 nuclear magnetic spectrometer was the most closely comparable domestic instrument available at the time the article was ordered. The applicant provides information to show that Varian did not mention the XL60–15 during the negotiations with the applicant prior to the date the foreign article was ordered and states that he was not aware of the XL60–15's existence. However, neither the statute nor the regulations provides that an applicant's lack of knowledge of a comparable domestic instrument is pertinent to the question of availability of a scientifically equivalent instrument. A possible explanation for Varian's alleged failure to make a timely offer of the XL60–15 may have been the price limitations expressed by the applicant at the outset of negotiations. Applicant's specifications limited its consideration to instruments which could be provided for a specified maximum price, a limitation which excluded the XL60–15. However, cost limitations cannot be considered by this Department in its consideration of scientific equivalency, as stated in subsection 701.2(n) of the regulations. As to the specific allegations of the applicant in reply to Questions 7 and 8, in the order listed above, the following is noted:

(1) The Varian XL60–15 provides both internal and external lock modes. It is possible to switch between internal and external lock on the same instrument.

(2) NBS advises that the XL60–15 with its wide sweep capability [500 ppm] in the locked mode and with its single side band detection capability satisfies feature (2).

(3) The Varian XL60–15 with variable temperature has the capability to perform variable temperature experiments over a range of −150° C to +200° C with a temperature regulation of ±0.5° C. The field ability or drift is ±0.1 Hz/hour over the variable temperature range.

(4) NBS advises the XL60–15 will meet a drift specification of 0.5 Hz in five minutes one hour after turn on.

(5) The XL60–15 has versatility by offering variable temperature, variable element probes, and signal enhancing devices, such as, a time averaging device, general purpose computer and other features.

(6) The XL60–15 provides a signal to noise ratio of 30:1 (5mm sample). The article provides a signal to noise ratio of 25:1.

(7) In its second submission applicant claimed, without supplying specific explanations, that the XL60–15 was far too sophisticated to be used in both undergraduate research and teaching laboratories. In the DWOP of that application the applicant was asked to provide such specifics to show that the use of this domestic instrument would not enable it to accomplish its educational objectives. On resubmission, the applicant did not further define its educational objectives or otherwise provide the specifics requested. NBS reaffirms its past advice that the XL60–15 is capable of accomplishing the educational objectives intended for the article as described by the applicant.

For these reasons, NBS recommends that the XL60–15 is scientifically equivalent to the foreign article for the applicant's intended uses.

We, therefore, find that the Varian XL60–15 Nuclear Magnetic Resonance spectrometer is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75–25817 Filed 9–27–75;8:45 am]

FREDERICK CANCER RESEARCH CENTER, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 20, 1975.

Amended regulations issued under cited Act (40 FR 12253 et seq., 15 CFR Part 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00127–33–46500. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Maryland 21701. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of normal and pathologic cells and tissues which include peripheral blood cells in ascite form, solid tumors and cells grown *in vitro*. Cell surface antigens will be studied to determine the presence of tumor specific as well as cross-reactive antigens and the distribution of these antigens on the tumor cell surface. These studies will then be correlated to the host-tumor interactions observed *in vivo* and *in vitro* using various animal models. Application received by Commissioner of Customs: September 9, 1975.

Docket number: 76–00128–33–90000. Applicant: Baroness Erlanger Hospital, 241 Wiehl Street, Chattanooga, Tenn. 37403. Article: EMI Scanner System with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for computer tomographic studies of brain tissues and associated pathologic changes to establish how reliable this method of investigation is in relationship to other methods of investigation of brain pathology available at the present time. The article will also be used for the following educational purposes:

(1) Residency training program,

(2) Training of students at the University of Tenn. Clinical Educational Center,

(3) Training of house staff of Hospital,

(4) Training of Radiologic Technology students.

Application received by Commissioner of Customs: September 9, 1975.

Docket number: 76–00129–33–46500. Applicant: University of Pennsylvania—School of Medicine, Dept. of Neurology, 3400 Spruce Street, Philadelphia, Pa. 19104. ARTICLE: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the following research which requires ultramicrotomy:

(a) The analysis of nerve fiber damage and regeneration in human neuropathies, especially diabetic neuropathy.

(b) The elucidation of the newly discovered defect in nerve in mice with muscular dystrophy.

(c) The elucidation of the pathogenesis of acrylamide neuropathy in mice.

These investigations are to further elucidate the structure and function of normal and diseased nerve with hopes of devising more successful modes of treatment.

Application received by Commissioner of Customs: September 10, 1975.

Docket number: 76–00130–33–43780. Applicant: Wayne State University—School of Medicine, Dept. of Surgery, 540 Canfield, Detroit, Michigan 48201. Article: Spectrascribe-Real time analyser. Manufacturer: Dept. of Physics Guy's Hospital Medical School, United Kingdom. Intended use of article: The article is intended to be used for studies of the interrelationships between limb viability, operative procedure, and blood flow mechanics in subjects with arterial occlusion disease. In the experiments to be conducted, Pulsatility Index and Pulse Wave Transit Time will be measured in humans before and after exercise and the findings related to operative findings and post operative progress of patients. The article will also be used to demonstrate to students and residents the dynamic response of a subject's systemic circulation to exercise. Application received by Commissioner of Customs: September 10, 1975.

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.75–25818 Filed 9–26–75;8:45 am]

Maritime Administration

[Report 128]

FREE WORLD AND POLISH FLAG VESSELS

List of vessels arriving in Cuba since January 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through July 1, 1975, exclusive of those vessels that called at Cuba on United States Government approved noncommercial voyages and those listed in Section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP	*Gross tonnage*
Total, all flags (203 ships)	1,593,916
Cypriot (81 ships)	706,607
Aegis Banner	9,025
Aegis Eternity	8,814
Aegis Fame	9,241
Aegis Force	8,957
Aegis Hope (Previous trips to Cuba as the Huntsmore—British)	5,678
Aegis Might	8,160
Aegis Storm	21,700
Aegis Thunder	21,704
Aftadelfos	8,136
Aghia Thalassini	8,120
Aghios Georgios	8,377
Akrotiri (previous trips to Cuba as the Anemone)	7,168
Aktis	8,746
Alamar	12,299
Alevandros Skoutaris	8,280
Aliartos	6,020
Alma	9,097
Alpa	9,159
**Andriana I (previous trips to Cuba as the Rewanmore—British)	8,274
Antigoni	3,174
Antonios	8,202
Areti	8,560
Aris (previous trips to Cuba as the Aris II)	9,561
Armar	9,559

FEDERAL REGISTER, VOL. 40, NO. 189—MONDAY, SEPTEMBER 29, 1975

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Flag of Registry, Name of Ship	Gross tonnage
Cypriot	
*Arosa	10,250
Athenian Democracy (tanker)	8,675
*Aurelia	6,021
Baracoa	9,242
Begonia	6,576
Camelia	8,111
Castalia	7,641
Degedo	9,079
*Dora Papalios	9,072
E. D. Papalios	9,431
Efthyia (previous trips to Cuba—Greek)	10,347
Elpida	8,382
Enarxis	9,212
*Felicie	9,030
Fulvia	10,360
George N. Papalios	9,071
Cypriot (79 ships)—Continued	Gross tonnage
Georgios C (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
*Good Navigator	8,805
Hymettus (tanker)	12,037
Iokasti	5,496
**Irene's Pride (ex-Kika, Panama—Previous trips to Cuba as the Santa Lucia—Italian)	9,278
Iris	8,479
Ismini	7,141
*Kefalonia Spirit	8,247
Kiki (previous trips to Cuba as the Gardenia)	9,723
Lefteris	8,640
Magnolia	7,249
Margaret H	8,482
**Miesto (Ex-Tradazuri II—previous trips to Cuba as the Meike—Netherlands)	500
Mimis N. Papalios	9,069
Mimosa	8,782
Miss Papalios	9,241
Mitera Assimaina	7,731
Nea Hellas	9,241
Nike	9,689
Northern Ice	4,100
Panachrantos	6,307
Pantazis Calas	9,618
Petunia	7,843
Protoapostolos	8,130
Protomachos	9,218
Ravens	8,039
Reifens	8,070
Rothens	8,106
Salvia	8,671
Seafarer	8,116
Skipper	8,786
*Skyton	9,997
Takis Alexakos	9,249
*Thecuno	8,677
Theoskepasti	6,618
Torinia	8,077
Turbinia	10,494
*Valle De Picadura	9,973
Venturer	9,070
Violetta	8,510
Zinnia	7,114
Somali (34 ships)	288,258
**Arctic Ocean	8,701
Agate Islands	8,737
Amber	7,337
Amber Islands	8,947
Coral Islands (previous trips to Cuba—British)	8,962
Dawn Grandeur	8,877
Delima	7,870
Eastglory (previous trips to Cuba—British)	8,898
Fulhang	8,664
Fulta	8,661
**Fortune Enterprise (previous trips to Cuba—British)	7,696
**Golden Bridge (previous trips to Cuba—British)	7,897

Flag of Registry, Name of Ship	Gross tonnage
Somali—Con.	
Hemisphere (previous trips to Cuba—British)	8,748
Ivory Islands	9,718
Jade Islands	10,250
**Jollity (previous trips to Cuba—British)	8,626
Mindanao Sea	8,871
Minfung	5,980

NOTE: The MARBLE ISLANDS has been removed from Somali flag registry since it has been transferred to Cuba.

Somali (34 ships)—Continued	Gross tonnage
Mingwei	8,280
Moluoca Sea	8,871
Nebula (previous trips to Cuba—British)	8,773
**New East Sea (previous trips to Cuba—British)	9,384
Onyx Islands	8,486
Opal Islands	9,063
Palm Islands	9,650
Patricia	8,871
**Seasage (previous trips to Cuba—British)	3,794
*Soochow	5,156
Star	9,135
Steed	8,989
*Tai Shan	9,609
Topaz Islands	8,998
Uliang	9,265
**Venice (previous trips to Cuba—British)	8,504

NOTE: Five vessels have been removed from Somali flag registry since they have been transferred to the People's Republic of China. Ex. Atlantic Ocean now, Luchon Ber Sea Ex. Flores Sea now, Nanping Kinross Yungiu-taton

Greek: (13 ships)	120,601
Andromachi (Previous trips to Cuba as the Penelope—Greek)	6,712
*Argolicos Gulf	9,938
*Aristidis	10,348
Demis (Previous trips to Cuba as the Annunciation Day—Cypriot)	7,831
**Despina A II (Ex. Good-luck—Previous trips to Cuba—Cypriot)	6,906
*Eftychia	11,891
*Eptanisos	8,931
*Good Friend	9,954
*Good Helmsman	11,307
*Ioannis A	8,665
**Kavo Grossos (Ex. Trisena—Previous trips to Cuba as the Lambros M. Fatsis and the La Hortensia—British)	9,486
Mareantes	8,497
*Maria Christina	10,135
Polish (12 ships)	85,579
Bytom	5,967
Chopin	9,231
Chorzow	7,239
Energetyk	10,654
Grodziec	3,487
Huta Zgoda	6,860
Hutnik	10,632
Kopalnia Siemianowice	7,262
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,629
Yugoslav (9 ships)	66,905
Agrum	2,449
Bar	8,698
Centinje	8,120
*Kolasin	9,917
Niksic	9,916
Piva	7,441

Flag of Registry, Name of Ship	Gross tonnage
Yugoslav—Con.	
Tara	7,441
Plod	4,707
Ulcinj	8,215
Netherlands (8 ships)	9,590
Antarctic	1,384
Coolhaven	1,500
*Frio Express	1,296
Leo Polaris	1,528
Markab II	790
Megrez (previous trips to Cuba as the Gerda)	1,190
Rochab	787
Tempo	1,118
Panamanian: (8 ships)	67,575
**Associated Grain	8,959
*Elmona	12,230
**Golden Falcon (Previous trips to Cuba as the Kitsa—Cypriot)	9,519
Holstenkamp	4,199
Holsteniand	4,118
*Leage	8,760
*Maritsa III	10,596
*Mersinidi	9,194
French (6 ships)	48,058
Bertrand Delmas	10,080
Circe	2,874
Correze	11,740
Dina	10,407
Emmanuel Delmas	10,078
Nelee	2,874
British (3 ships)	24,307
Cheung Chau	8,566
Mystic	6,856
Sea Moon	9,085
Flag of registry:	*Gross tonnage*
Italian (3 ships)	36,079
Aldermine (tanker)	12,597
Elia (tanker)	11,021
San Nicola (tanker)	12,461
Singapore (3 ships)	18,015
Cilaos	2,404
**Hwa Chu (previous trips to Cuba—British)	9,091
Tong Hoe	6,520
Spanish: (3 ships)	16,786
*Acuario	5,779
*Coromoto	5,228
*Geminis	5,779
Finnish: (2 ships)	4,570
*Degero	2,285
*Eckero	2,285
Lebanese (2 ships)	7,111
Antonis	6,259
**Cedar Freeze (Ex-Drame Oumar—previous trips to Cuba as the Neve—French)	852
Moroccan (2 ships)	4,739
El Mansour Bi Llah	1,525
Marrakech	3,214
Danish (1 ship)	500
Anne Mac (tanker)	500

Flag of Registry, Name of Ship	Gross tonnage
Guatemalan (1 ship)	2,239
**Peten (previous trips to Cuba as the Magister—British)	2,239
Ivory Coast (1 ship)	7,422
*Tabou	7,422
Japanese (1 ship)	9,910
*Kaneoka Maru	9,910
Malaysian (1 ship)	6,791
*Bunga Kenanga	6,791
Pakistani (1 ship)	8,708
**Maulabaksh (previous trips to Cuba as the Pheonician Dawn and the East Breeze—British)	8,708
Philippine (1 ship)	1,232
**Dona Vincenta (Ex. Captaine Kermadec, Ex. Captaine Nemo, Ex. Atlanta. Previous trips to Cuba as the Enee—French)	1,232
Saudi Arabian (1 ship)	2,967
**Blue Ocean (previous trips to Cuba as the Danae—French)	2,967

*Added to Report No. 127 appearing in the FEDERAL REGISTER issue of April 7, 1975.

**Ships appearing on the list which have made no trips to Cuba under their present registry.

SEC. 2. In accordance with approved procedures, the following vessels listed in this section which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance;

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c) and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY

	Number of ships	Gross Tonnage
a. Since last report:		
See Pioneer (Somali)		9,532
b. Previous reports:		
Flag of registry:		
British	49	
Cypriot	13	
Danish	1	
Finnish	4	
French	4	
German (West)	1	
Greek	31	
Israeli	1	
Italian	15	
Japanese	1	
Kuwaiti	1	
Lebanese	9	
Liberian	1	
Moroccan	2	
Norwegian	5	
Singapore	1	
Somali	2	
Spanish	6	
Swedish	1	
Yugoslav	2	
Total	150	

SEC. 3. The following vessels have been removed from this list since they have been broken up, sunk or wrecked.

	Gross Tonnage
a. Since last report:	
Flag of registry:	
Aegis Legend (Greek)	8,814
Aegis Loyal (Cypriot)	11,035
Byron (Cypriot)	8,720
Charalambos (Cypriot)	10,315
Chung Thai (Panama)	7,915
Georgios T. (Cypriot)	9,646

	Number of ships	Broken up, Sunk or Wrecked
Flag of registry—Continued		
Israeli	1	
Italian	15	
Japanese	1	
Kuwaiti	1	
Lebanese	9	
Liberian	1	
Moroccan	2	
Norwegian	5	
Singapore	1	
Somali	2	
Spanish	6	
Swedish	1	
Yugoslav	2	
Total	150	
Flag of registry:		
b. Previous Reports:		
British		38
Cypriot		104
Finnish		6
French		1
Greek		22
Italian		5
Japanese		1
Lebanese		37
Maltese		3
Polish		9
Monaco		1
Moroccan		1
Norwegian		1
Pakistani		1
Panamanian		9
Singapore		1
Somali		4
South African		2
Swedish		1
Yugoslav		7
Total		254

SEC. 4. The ships listed in Section 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through July 31, 1975. (See table below:)

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975 Jan.-May	Total
Cypriot		1	17	27	42	68	115	109	173	86	96	147	52	1,023
British	133	180	126	101	78	62	45	53	18	10	6	6		818
Lebanese	64	91	58	25	16	16	4	1						275
Greek	99	27	23	27	29	7			1	1		3	8	225
Italian	16	20	24	11	11	10	15	13	9					129
Yugoslav	12	11	15	10	14	9	6	7	9	5	9	9	7	123
Somali					2	11	7	4	6	6	23	25	11	95
French	8	9	9	10	10	4	2	5	2	2	1	7		69
Netherlands			4	2						8	17	26	7	64
Finnish	1	4	5	11	12	8	2	1					4	48
Spanish	9	17											4	30
Moroccan	9	13	1							1		1		25
Maltese		2	6	1	4	8	1	2						24
Norwegian	14	10												24
Panamanian												5	7	12
Argentine												7	2	9
Singapore									1			4	3	8
Swedish	3	3												6
Danish	1											1	1	3
Japanese	1					1							1	3
Kuwaiti		2	1											3
Israeli			2											2
German (West)	1													1
Haitian			1											1
Ivory Coast											1			1
Malaysian													1	1
Monaco				1										1
Sub-total	371	394	290	224	218	204	197	285	219	119	152	242	106	3,023
Polish	18	16	12	10	11	7	2	3	4					83
Grand total	389	410	302	234	229	211	199	288	223	119	152	242	106	3,106

NOTE: Trip totals in section 4 exceed ship totals in section 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: September 23, 1975.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.75-25928 Filed 9-26-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I). The following advisory committee meetings are announced:

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Committee name	Date, time, place	Type of meeting and contact person
1. Panel on review of dentifrices and dental care agents.	October 9 and 10, 9 a.m.; conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing October 9, 9 a.m. to 10 a.m. closed committee deliberations 10 a.m. to 4:30 p.m. closed committee deliberations October 10, 9 a.m. to 4:30 p.m.; Michael Kennedy, (HFD–510), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on the issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) dentifrices and dental care agents drug products. This meeting is closed to protect the free exchange of internal views.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on review of oral cavity drug products.	October 16 and 17, 9 a.m.; Conference room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing October 16, 9 a.m. to 10 a.m., closed committee deliberations 10 a.m. to 4:30 p.m.; open public hearing October 17, 9 a.m. to 10 a.m., closed committee deliberations October 17, 10 a.m. to 4:30 p.m.; John T. McElroy, (HFD–510), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion, any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. Continuing review and investigation of the ingredients included in over-the-counter (OTC) oral cavity drug products. This meeting is closed to protect the free exchange of internal views.

Committee name	Date, time, place	Type of meeting and contact person
3. Subcommittee of the ophthalmic drugs advisory committee.	October 22, 9 a.m., Conference room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to adjournment; Mary K. Bruch, (HFD–140), 5600 Fishers Lane, Rockville, Md. 20852, 301–113–1310.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in diseases of the eye.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Development of a postmarketing surveillance system for contact lenses.

Committee name	Date, time, place	Type of meeting and contact person
4. Psychopharmacological Agents Advisory Committee.	October 30–31, 9:30 a.m., Conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing October 30, 9:30 a.m. to 10:30 a.m., open committee discussion 10:30 a.m. to 2:30 p.m., closed committee deliberations 2:30 p.m. to 5:30 p.m.; open committee discussion October 31, 9 a.m. to 11:30 a.m., closed committee deliberations 1:30 p.m. to adjournment; Stephen C. Groft, (HFD–120), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–3800.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of hypnotic drug guidelines; antipsychotic drug guidelines; report on toxicity of tricyclic antidepressants; relationship of labeling to advertising of the benzodiazepines; and discussion of NDA 17–736 (Halazepam), NDA 17–415 (Prazepam), and IND 2567 (Limbitrol).

Closed committee deliberations. Discussion of NDA 17–736 (Halazepam), NDA 17–415 (Prazepam) and IND 2567 (Limbitrol). This portion of the meeting is closed to protect the free exchange of internal views and formulation of recommendations.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting);

review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: September 19, 1975.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.75–25873 Filed 9–26–75;8:45 am]

[Docket No. 75N–0200; DESI 12939]

PENICILLINASE INJECTION

Withdrawal of Approval of New Drug Applications

In a notice of opportunity for hearing (DESI 12939; Docket No. FDC–D–596 (now Docket No. 75N–0200); NDA Nos. 11–224 and 12–939) which was published in the FEDERAL REGISTER of December 13, 1973 (38 FR 34354), the Commissioner of Food and Drugs offered an opportunity for hearing on his proposal to issue an order withdrawing approval of penicillinase injection. The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications. The drug has been used for the treatment of allergic reactions to penicillin G. On January 10, 1974, Riker Laboratories requested a hearing but withdrew the request on July 16, 1975. Therefore, approval of the following new drug applications is now being withdrawn.

NDAs 12–939 and 11–224, Neutrapen containing 800,000 units penicillinase per vial; Riker Laboratories, Inc., Subsidiary 3M Co., 19901 Nordhoff St., Northridge, CA 91324.

No other person filed a written appearance of election as provided by the notice of December 13, 1973. The failure to file such an appearance constitutes an election by such persons not to avail themselves of an opportunity for hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the applications reviewed and are subject to this notice, pursuant to § 310.6 (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD–310), 5600 Fishers Lane, Rockville, MD 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of the new drug applications (NDA's 12–939 and 11–224) and all amendments and supplements applying thereto is withdrawn effective October 9, 1975.

Shipment in interstate commerce of the above listed products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: September 19, 1975.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.75–25870 Filed 9–26–75;8:45 am]

PRODUCTION AND DISTRIBUTION OF SHORT-LIVED RADIONUCLIDES FOR MEDICAL USE

Meeting

The Food and Drug Administration, under the authority of the Public Health Service Act, held a public meeting May 19–20, 1975, to discuss the production of Iodine–123 for application in nuclear medicine. To further define the issues raised at this meeting, a workshop will be held in October. Selected government and public representatives concerned with the production and medical use of short-lived radionuclides have been invited to participate.

The workshop will take place from 9 a.m. to 5 p.m. on October 8, 1975, at the Bureau of Radiological Health, Rm. 416, 12720 Twinbrook Parkway, Rockville, MD. Observers from the public will be limited to the space available. A summary of the meeting will be prepared following the meeting and will be made available upon request.

For additional information, contact Dr. Peter Paras, Division of Radioactive Materials and Nuclear Medicine, Bureau of Radiological Health (HFX–300), Rockville, MD 20852, (301) 443–2814.

Dated: September 19, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.25871 Filed 9–26–75;8:45 am]

PUBLIC ADVISORY COMMITTEES

Request for Nomination of Members

The Commissioner of Food and Drugs requests nominations for voting members to serve on public advisory committees of the Bureau of Drugs, Food and Drug Administration. Vacancies will occur during the next 12 months. The names, functions, types of expertise required, and dates on which vacancies occur each year for those committees soliciting nominations at this time are as follows:

1. Anti-Infective Agents Advisory Committee: Vacancy, June 30.
2. Arthritis Advisory Committee: Vacancy, September 30.
3. Cardiovascular and Renal Advisory Committee: Vacancy, June 30.
4. Dental Drug Products Advisory Committee: Vacancy, June 30.
5. Endocrinology and Metabolism Advisory Committee: Vacancy, June 30.
6. Gastrointestinal Drugs Advisory Committee: Vacancy, January 31.
7. Neurologic Drugs Advisory Committee: Vacancy, January 31.
8. Obstetrics and Gynecology Advisory Committee: Vacancy, June 30.
9. Oncologic Drugs Advisory Committee: Vacancy, June 30.
10. Ophthalmic Drugs Advisory Committee: Vacancy, December 31.
11. Psychopharmacological Agents Advisory Committee: Vacancy, June 30.
12. Pulmonary-Allergy and Clinical Immunology Advisory Committee: Vacancy, June 30.
13. Radiopharmaceuticals Advisory Committee: Vacancy, June 30.
14. Respiratory and Anesthetic Drugs Advisory Committee: Vacancy, June 30.
15. Surgical Drugs Advisory Committee: Vacancy, June 30.

The function of the committees above is to review and evaluate available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in the medical specialty indicated by the title of the committee and to make appropriate recommendations to the Commissioner.

16. Biometric and Epidemiological Methodology Advisory Committee: Vacancy, June 30. The function of this committee is to advise the Commissioner concerning the extramural and intramural research in the area of epidemiological and biometric methodology.

17. Controlled Substances Advisory Committee: Vacancy, January 31. The function of this committee is to advise the Commissioner regarding scientific and medical evaluation of information gathered by the Department of Health, Education, and Welfare and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances classified as stimulants, sedatives, hypnotics, or analgesics, and recommend action to be taken by the Department of Health, Education, and Welfare regarding control of such drugs.

18. FDA/NIDA Drug Abuse Research Advisory Committee: Vacancy, June 30. The function of this committee is to advise the Food and Drug Administration on action to be taken on Notices of Claimed Investigational New Drugs for substances with abuse potential, and to advise the National Institute on Drug Abuse on supplies of substances for clinical studies.

Members shall have adequately diversified experience appropriate to the work of the committee: Such fields as infectious disease, internal medicine, microbiology, pediatrics, rheumatology, statistics, epidemiology, pharmacology, psychiatry, dentistry, neurology, obstetrics and gynecology, surgery, ophthalmology, anesthesiology, nuclear medicine, or other appropriate areas of expertise. The nature of specialized training

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and experience necessary to qualify the nominee as an expert suitable for appointment is subject to review but may include experience in medical practice, in teaching, and/or research relevant to the field of activity of the committee.

Terms of office are 4 years. Since scheduled vacancies occur at various dates throughout the year as given in the list above, no cutoff date is established for receipt of nominations.

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall specify the committee for which the nominee is recommended. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership.

Nominations should be submitted to the Committee Management Branch (HFD-22), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Dated: September 19, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-25871 Filed 9-26-75;8:45 am]

[NADA No. 38-682V]

ULTRA-LIFE LABORATORIES, INC.

Ultra-Life Super Beef Y-Z "A"; Withdrawal of Approval of New Animal Drug Application

The Commissioner of Food and Drugs is withdrawing approval of a new animal drug application for a diethylstilbestrol with chlortetracycline premix, effective September 29, 1975.

Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner (21 CFR 2.120), the following notice is issued:

Ultra-Life Laboratories, Inc., No. 1 Ultra Way Drive at Highland Industrial Court, Highland, IL 62249, is the holder of the approved new animal drug application (NADA) No. 38-682V for a diethylstilbestrol with chlortetracycline premix.

Based on reevaluation of the NADA by the Food and Drug Administration, the firm was requested to submit information concerning experience with the use of the drug. In lieu of submitting the requested information and because the firm has not sold the product for many years, the firm has requested by letter dated May 16, 1975, that approval of the NADA be withdrawn and has waived its opportunity for a hearing. The NADA, which was originally approved October 14, 1968, provides for use of the drug in beef cattle feed.

Therefore, under provisions of § 514.115 Withdrawal of approval of applications (21 CFR 514.115), notice is given that approval of NADA 38-682V and all supplements and amendments thereto for Ultra-Life Super Beef Y-Z "A" is hereby withdrawn, effective September 29, 1975.

Dated: September 18, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-25869 Filed 9-26-75;8:45 am]

Food and Drug Administration

PANEL ON REVIEW OF VITAMIN, MINERAL, AND HEMATINIC DRUG PRODUCTS

Rescheduled Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 22, 1975 (40 FR 43533) public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Panel on Review of Vitamin, Mineral, and Hematinic Drug Products scheduled for October 21-22, 1975, has been rescheduled for October 24-25, 1975, in Conference Rm. A, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD, at 10 a.m.

Dated: September 22, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-25846 Filed 9-26-75;8:45 am]

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Correction

In FR Doc. 75-24982 appearing at page 43700 in the issue of Monday, September 22, 1975, the appendix which appears on page 43711 should be transferred to appear immediately following the preamble on page 43700, preceding the system of records identified as "ADAMHA NIMH 0032.00."

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-483-DR; NFD-299]

PUERTO RICO

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 19, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Commonwealth of Puerto Rico resulting from high winds, heavy rains, and flooding associated with Tropical Storm Eloise beginning about September 13, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the Commonwealth of Puerto Rico.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas R. Casey, HUD Region II, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine that all municipalities within the Commonwealth of Puerto Rico have been adversely affected by this declared major disaster.

Dated: September 19, 1975.

(Catalog of Federal Domestic Assistance No. 14,701, Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-25848 Filed 9-26-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. Ex. 75-26; Notice 1]

LOTUS CARS, LTD.

Petition for Temporary Exemption From Motor Vehicle Safety Standard

Lotus Cars, Ltd., Norwich Nor 92W, England, has applied for a temporary exemption from compliance with Federal Motor Vehicle Safety Standard No. 215, *Exterior Protection*, on the basis of substantial economic hardship.

Lotus manufactured 800 motor vehicles in the 12-month period ending July 31, 1975, 54 per cent of which were exported to the United States. Although it designed its passenger cars to comply with Standard No. 215 it recently determined that the presently produced front bumper system fails by a small margin to meet the requirement, effective September 1, 1975, for pendulum corner impact at levels below 20 inches. The company, at a cost of $129,000, is retooling for a complying bumper system which it intends to incorporate into production not later than September 1, 1976. Its net profit for fiscal 1974 was approximately $40,000. Denial of the exemption would cost it the American market for a year (an estimated loss of $3,094,000).

The company argues that an exemption is in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act of 1966 because of "the wide margin" by which it exceeds many Federal requirements. Appendix F to its petition cites specific examples (Standards Nos. 204, 214, 216).

Interested persons are invited to submit comments on the petition of Lotus Cars Ltd., described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed, and will be considered to the extent possible. Action upon the petition will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: October 29, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 501.8).

Issued on: September 23, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-25849 Filed 9-26-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON INFORMAL ACTION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 10:00 a.m., October 20 in the offices of the Administrative Conference, 2120 L Street, NW.

The Committee will meet to consider (1) Prof. Maroney's study of discretion in prosecuting civil antitrust cases, and (2) ideas for an overall research strategy.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact June Katz, 202-254-7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

SEPTEMBER 22, 1975.

[FR Doc.75-25892 Filed 9-26-75;8:45 am]

CIVIL AERONAUTICS BOARD

IATA LIVE ANIMALS REGULATIONS

[Docket No. 25280; Agreement C.A.B. 23757 (CR-7) and 24475 (R-2 and R-3); Order 75-9-27]

Order To Show Cause

Correction

In FR Doc. 75-24602, appearing at page 42771, in the issue for Tuesday, September 16, 1975, the following changes should be made:

1. In the third column of page 42771, in footnote, 4, the last word in the 9th line which now reads "consent", should read "content".

2. On page 42773, in the middle of column 1, the paragraph beginning with "Accordingly", the first word in the 4th line which now reads "or", should read "for".

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee will convene at 12 noon on October 21, 1975, in the Fifth Floor Conference Room, U.S. Commission on Civil Rights, 1121 Vermont Avenue, NW., Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to plan for Housing Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-25859 Filed 9-26-75;8:45 am]

ILLINOIS STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 7 p.m. and end at 4 p.m. on October 22-23, 1975, at the Security Federal Savings and Loan, 510 E. Monroe, Springfield, Illinois 62701.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 S. Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is for the Housing and Community Development Subcommittee to meet with local officials and representatives of community groups to discuss the application submitted by Springfield under the Housing and Community Development Act.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-25860 Filed 9-26-75;8:45 am]

ILLINOIS STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 1 p.m. and end at 4 p.m. on October 29, 1975, at 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 32nd floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to receive and discuss the report of the Subcommittee on Housing and Community Development. Subcommittee will report on interviews in Springfield October 22-23, 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-25861 Filed 9-26-75;8:45 am]

MISSOURI STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Missouri State Advisory Committee (SAC) to this Commission will convene at 1 p.m. and end at 5 p.m. on October 20, 1975, at the Holiday Inn, 2211 Market Street, River Queen Room, St. Louis, Missouri 63103.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to discuss new program planning and revenue sharing project review.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

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Dated at Washington, D.C., September 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-25863 Filed 9-26-75;8:45 am]

VERMONT STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11 p.m. on October 16, 1975, at the Tavern Motor Inn.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York 10007.

The purpose of this meeting is to discuss and make plans to execute projects for coming year.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 24, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-25862 Filed 9-26-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

SEPTEMBER 24, 1975.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10 a.m. on Wednesday, October 15, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-25861 Filed 9-26-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

STUDY GROUP ON FIELD AND LABORATORY UTILIZATION

Meeting

SEPTEMBER 23, 1975.

In accordance with the purposes of Pub. L. 92-463, the Study Group on Field and Laboratory Utilization will hold a meeting from 9:00 a.m. to 12 noon on Wednesday, October 15, 1975, in Room A-410, U.S. Energy Research and Development Administration, Germantown, Maryland. This meeting will be open to the public. The purpose of this meeting will be to have the Study Group present a status report to Dr. Michael I. Yarymovych, Assistant Administrator for Laboratory and Field Coordination, on its tentative observations and conclusions concerning the management and organizational steps that could contribute to the optimum use of ERDA's field and laboratory resources in accomplishing the energy missions. Guests will be invited who have an interest in this subject and can be expected to provide constructive ideas and to interact with the Study Group.

At the end of the public session, the Study Group may hold a closed session, not open to the public, from 2:00 p.m. to approximately 4:00 p.m., to consider matters relating to the Study of Field and Laboratory Utilization. This session would involve an exchange of opinions and discussion of preliminary views and recommendations of Study Group members and internal deliberations for the purpose of formulating recommendations to the Administrator of ERDA.

The Chairman of the Study Group is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incomplete open session until later in the day, Wednesday, October 15, 1975.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than October 30, 1975, to Ms. Antionette Joseph, Office of the Assistant Administrator for Laboratory and Field Coordination, Energy Research and Development Administration, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a), above, may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Study Group. To the extent that the time available for the meeting permits, the Study Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Study Group, between the hour of 1:00 p.m. and 2:00 p.m. on October 15, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Study Group who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 13, 1975, to the Office of the Assistant Administrator for Laboratory and Field Coordination, (telephone 202-376-4048) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Study Group and its consultants.

(f) Seating for the public will be available on a first-come first-served basis.

(g) A copy of the minutes of the meeting will be available for inspection following their acceptance by the Study Group in accordance with the Federal Advisory Committee Act, at the Energy Research and Development Administration Public Document Room, 1717H Street, NW., Washington, D.C. 20545. Copies of the minutes may be reproduced in the Public Document Room upon payment of all charges required by law.

William L. Davis has withdrawn from membership on the Study Group and has been replaced by Milton Harris.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.75-25883 Filed 9-26-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

FM BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.573(d) of the Commission's rules, that on November 12, 1975, the FM broadcast applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on November 11, 1975, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on November 11, 1975. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix below by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.573(d) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending FM broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: September 18, 1975.

Released: September 25, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

BPH-7975	New, Auburn, Maine Andy Valley B/Cting System, Inc. Req: 100.1 MHz; Channel No. 261A ERP: 3 kW; HAAT: 300 ft.
BPH-8037	New, Auburn, Maine Lewiston-Auburn B/Cting Corp. Req: 1000.1 MHz: Channel No. 261A ERP: 3 kW; HAAT: 300 ft.
BPH-8233	WYLD-FM, New Orleans, La. Advance Communications, Inc. Has: 98.5 MHz; Channel No. 253C ERP: 54 kW; HAAT: 290 ft. (LIC) Req: 98.5 MHz; Channel No. 253C ERP: 100 kW; HAAT: 899 ft.
BPH-8352	New, Hollister, Calif. Milo Communications Corp. Req: 93.5 MHz; Channel No. 228A ERP: 3 kW; HAAT: -339 ft.
BPH-8745	New, Hope, Ariz. Newport Broadcasting Co. Req: 104.9 MHz; Channel No. 285A ERP: 3 kW; HAAT: 300 ft.
BPH-8800	New, Brownsville, Tex. El Rio B/Cting, a Limited Partnership Req: 99.5 MHz; Channel No. 258C ERP: 100 kW; HAAT: 420 ft.
BPH-8822	New, Key West, Fla. Freeman and Freeman Req: 107.1 MHz: Channel No. 296A ERP: 2 kW; HAAT: 96 ft.
BPH-8823	New, Laramie, Wyo. KBMT, Inc. Req: 95.1 MHz; Channel No. 236C ERP: 100 kW; HAAT: 1,133 ft.
BPH-8883	New, Brownsville, Tex. Bagdad Broadcasting Corp. Req: 99.5 MHz; Channel No. 258C ERP: 96.6 kW; HAAT: 327 ft.
BPH-8917	New, Rochester, N.H. J. Sherwood, Inc. Req: 96.7 MHz; Channel No. 244A ERP: 3 kW; HAAT: 161 ft.
BPH-8924	New, Gainesville, Fla. Gainesville Media, Inc. Req: 100.9 MHz; Channel No. 265A ERP: 3 kW; HAAT: 300 ft.
BPH-8988	New, Gulfport, Miss. Gulf Broadcasting Co. Req: 96.7 MHz; Channel No. 244A ERP: 3 kW; HAAT: 260 ft.
BPH-9017	New, Sault Ste Marie, Mich. The Miami County B/Ctrs Co., Inc. Req: 101.3 MHz; Channel No. 267C ERP: 100 kW; HAAT: 220 ft.
BPH-9035	New, Terrel Hills, Tex. Reding Broadcasting Co. Req: 106.3 MHz; Channel No. 292A ERP: 2.88 kW; HAAT: 300 ft.
BPH-9045	New, Popular Bluff, Mo. Cervantes Broadcasting Corp. Req: 95.5 MHz; Channel No. 238C ERP: 100 kW; HAAT: 453 ft.
BPH-9091	KLIR, Denver, Colo. KLIR, Inc. Has: 100.3 MHz; Channel No. 262C ERP: 100 kW; HAAT: 330 ft. (LIC) Req: 100.3 MHz; Channel No. 262C ERP: 96 kW; HAAT: 890 ft.
BPH-9148	New, Amherst, Mass. New, Arcadia, Fla. Arcadia-Punta Gorda B/Cting Co., Inc. Req: 98.3 MHz; Channel No. 252A ERP: 3 kW; HAAT: 195 ft.
BPH-9176	Hampshire County B/Cting Co., Inc. Req: 100.9 MHz; Channel No. 265A ERP: .37 kW; HAAT: 743 ft.
BPH-9188	New, Tucson, Ariz. Rex Broadcasting Corp. Req: 92.1 MHz; Channel No. 221A ERP: 3 kW; HAAT: 300 ft.
BPH-9209	New, Amarillo, Tex. Jimmy Swaggart Evangelistic Association Req: 98.7 MHz; Channel No. 254C ERP: 100 kW; HAAT: 800 ft.
BPH-9259	New, Poplar Bluff, Mo. River Valley Broadcasting Co., Inc. Req: 95.5 MHz; Channel No. 238C ERP: 100 kW; HAAT: 423 ft.
BPH-9300	New, Lubbock, Tex. William Henry Britt Req: 102.5 MHz; Channel No. 273C ERP: 29.1 kW; HAAT: 436 ft.
BPH-9303	KFMN, Abilene, Tex. David L. Boyll Has: 99.3 MHz; Channel No. 257A ERP: 3 kW; HAAT: 145 ft. (LIC) Req: 107.9 MHz; Channel No. 300C ERP: 100 kW; HAAT: 284 ft.
BPH-9334	New, Sulphur, La. Christian Communication Center Req: 100.9 MHz; Channel No. 265A ERP: 3 kW; HAAT: 300 ft.
BPH-9359	New, Roswell, N. Mex. Troy Raymond Moran Req: 97.1 MHz; Channel No. 246C ERP: 25.7 kW; HAAT: 124 ft.
BPH-9363	KWIN, Lodi, Calif. KCVR Radio Has: 97.7 MHz; Channel No. 249A ERP: 3 kW; HAAT: 185 ft. (LIC) Req: 97.7 MHz; Channel No. 249A ERP: 3 kW; HAAT: 300 ft.
BPH-9386	New, Stockton, Calif. Carson Communications Req: 100.1 MHz; Channel No. 261A ERP: 3 kW; HAAT: 214 ft.
BPH-9430	New, Orem, Utah Morris J. Jones Req: 107.1 MHz; Channel No. 296A ERP: 3 kW; HAAT: -603 ft.
BPH-9444	New, Sauk Centre, Minn. Dairyland B/Ctrs, Inc. Req: 94.3 MHz; Channel No. 232A ERP: 3 kW; HAAT: 300 ft.
BPH-9457	New, Richland, Wash. Kale, Inc. Req: 106.3 MHz; Channel No. 292A ERP: 3 kW; HAAT: 107 ft.
BPH-9477	New, Kinston, N.C. Smiles of Lenoir, Inc. Req: 97.7 MHz; Channel No. 249A ERP: 3 kW; HAAT: 300 ft.
BPH-9478	New, Palestine, Tex. Trinity B/Cting Co. of Palestine, Tex. Req: 98.3 MHz; Channel No. 252A ERP: 3 kW; HAAT: 300 ft.
BPH-9487	New, Marshfield, Mass. Marshfield Broadcasting Co., Inc. Req: 95.9 MHz; Channel No. 240A ERP: 3.0 kW; HAAT: 300 ft.
BPH-9486	New, Clarinda, Iowa Red Oak/Clarinda Radio, Inc. Req: 106.3 MHz; Channel No. 292A ERP: 3 kW; HAAT: 300 ft.
BPH-9489	New, Goshen, Ind. Kosciusko Broadcasting Corp. Req. 97.7 MHz; Channel No. 249A ERP: 3 kW; HAAT: 148 ft.
BPH-9490	New, Sullivan, Ind. WKQV, Inc. Req: 95.3 MHz; Channel No. 237A ERP: 3 kW; HAAT: 300 ft.
BPH-9491	New, Mansfield, La. Heart of Dixie Broadcasting Corp. Req. 92.7 MHz; Channel No. 224A ERP: 3 kW; HAAT: 300 ft.
BPH-9492	New, Hollidaysburg, Pa. Cove B/cting Co., Inc. Req: 104.9 MHz; Channel No. 285A ERP: .122 kW; HAAT: 1220 ft. (Allocated to Altoona, Pa.)
BPH-9493	WTLC, Indianapolis, Ind. Community Media Corp. Has: 105.7 MHz; Channel No. 289B ERP: 50 kW; HAAT: 135 ft. (LIC) Req: 105.7 MHz; Channel No. 289B ERP: 50 kW; HAAT: 445 ft.

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BPH-9495 New, Alexandria, La.
Cenla B/cting Co., Inc.
Req: 93.1 MHz; Channel No. 226C
ERP: 100 kW; HAAT: 790 ft.

BPH-9496 New, Providence, Ky.
Tidewater Broadcasting Co., Inc.
Req: 97.7 MHz; Channel No. 249A
ERP: 3 kW; HAAT: 300 ft.

BPH-9498 KAFF-FM, Flagstaff, Ariz.
KAFF Broadcasting Co.
Has: 92.9 MHz; Channel No. 225C
ERP: 30 kW; HAAT: —200 ft. (LIC)
Req: 92.9 MHz; Channel No. 225C
ERP: 48.6 kW; HAAT: 1,514 ft.

BPH-9499 WTUN, Selma, Ala.
Talon Broadcasting Co.
Has: 100.1 MHz; Channel No. 261A
ERP: 3 kW; HAAT: 125 ft. (LIC)
Req: 100.1 MHz; Channel No. 261A
ERP: 2.51 kW; HAAT: 324 ft.

BPH-9500 New, Honea Path, S.C.
Radio, Inc.
Req: 103.1 MHz; Channel No. 276A
ERP: 3 kW; HAAT: 300 ft.

BPH-9501 New, North Pole, Alaska
Evangelistic Missionary Fellowship
Req: 100.3 MHz; Channel No. 262C
ERP: 25 kW; HAAT: 1,570 ft. (Allocated to Fairbanks, Alaska)

BPH-9502 New, Warren, Ark.
Weldon Sledge and Violet Sledge
Req: 105.5 MHz; Channel No. 288A
ERP: 3 kW; HAAT: 265 ft.

BPH-9503 New, Fallbrook, Calif.
Mal L. Burdick, Jr.
Req: 107.1 MHz; Channel No. 296A
ERP: 3 kW; HAAT: 300 ft.

BPH-9511 WLOL-FM, Minneapolis, Minn.
BFI Broadcasting Corp.
Has: 99.5 MHz; Channel No. 258C
ERP: 72 kW; HAAT: 380 ft. (LIC)
Req: 99.5 MHz; Channel No. 258C
ERP: 100 kW; HAAT: 809 ft.

BPH-9513 New, Midland, Tex.
Midland Broadcasting Co.
Req: 103.3 MHz; Channel No. 277C
ERP: 100 kW; HAAT: 923 ft.

BPH-9514 New, Stamford, Tex.
ABCO Broadcasting Co.
Req: 92.1 MHz; Channel No. 221A
ERP: 3 kW; HAAT: 175 ft.

BPH-9515 New, Mt. Hope, W. Va.
Stuart W. Epperson
Req: 106.9 MHz; Channel No. 295B
ERP: 50 kW; HAAT: 500 ft. (Allocated to Oak Hill, W. Va.)

BPH-9516 New, Puquay-Varina, N.C.
Wake County B/cting Co., Inc.
Req: 103.9 MHz; Channel No. 280A
ERP: 2.1 kW; HAAT: 350 ft.

BPH-9523 New, Floresville, Tex.
Alfonso Bazan Gonzalez
Req: 94.3 MHz; Channel No. 232A
ERP: 3 kW; HAAT: 99 ft.

BPH-9529 New, Brawley, Calif.
Campesions Unidos, Inc.
Req: 96.1 MHz; Channel No. 241B
ERP: 50 kW; HAAT: 145 ft.

BPH-9530 New, Fairbanks, Alaska
Northwest Horizons, Inc.
Req: 101.1 MHz; Channel No. 266C
ERP: 25 kW; HAAT: —41 ft.

BPH-9534 New, Appomattox, Va.
WTTX Radio, Inc.
Req: 107.1 MHz; Channel No. 296A
ERP: 3 kW; HAAT: 300 ft.

BPH-9535 New, Mauston, Wis.
George S. Blum
Req: 92.1 MHz; Channel No. 221A
ERP: 1.4 kW; HAAT: 390 ft.

BPH-9537 KPLX, Fort Worth, Tex.
Radio Metroplex, Inc.
Has: 99.5 MHz; Channel No. 258C
ERP: 100 kW; HAAT: 600 ft. (LIC)
Req: 99.5 MHz; Channel No. 258C
ERP: 100 kW; HAAT: 1678 ft.

BPH-9538 KPIK-FM, Colorado Springs, Colo.
Western Broadcasting Co.
Has: 93.9 MHz; Channel No. 230C
ERP: 30 kW; HAAT: 340 ft. (LIC)
Req: 93.9 MHz; Channel No. 230C
ERP: 83 kW; HAAT: 2110 ft.

BPH-9539 KFMS, Las Vegas, Nev.
Gilday Broadcasting Co.
Has: 101.9 MHz; Channel No. 270C
ERP: 20 kW; HAAT: 41 ft. (LIC)
Req: 101.9 MHz; Channel No. 270C
ERP: 100 kW; HAAT: —62 ft.

BPH-9540 WQSM, Fayetteville, N.C.
Cape Fear Broadcasting Co.
Has: 98.1 MHz; Channel No. 251C
ERP: 50 kW; HAAT: 280 ft. (LIC)
Req: 98.1 MHz; Channel No. 251C
ERP: 99.4 kW; HAAT 483 ft.

BPH-9541 WNDS-FM, High Point, N.C.
Doss B/cting of North Carolina, Inc.
Has: 100.3 MHz; Channel No. 262C
ERP: 2.7 kW; HAAT: 195 ft. (LIC)
Req: 100.3 MHz; Channel No. 262C
ERP: 100 kW; HAAT: 371 ft.

BPH-9550 New, Rock Springs, Wyo.
Media West, Inc.
Req: 96.5 MHz; Channel No. 243C
ERP: 98.8 kW; HAAT: 1620 ft.

BMPH-14047 KSTU, Centerville, Utah.
Lewis I. Pingree, Executor of Estate of Howard W. Pingree, Deceased
Has: 105.5 MHz; Channel No. 288A
ERP: 3 kW; HAAT: —920 ft. (CP)
Req: 105.5 MHz; Channel No. 288A.
ERP: 3 kW; HAAT: 386 ft.

BMPH-14540 WWLM, Canton, Miss.
Lies Communications, Inc.
Has: 101.7 MHz; Channel No. 269A
ERP: 2.65 kW; HAAT: 30 ft. (CP)
Req: 101.7 MHz; Channel No. 269A
ERP: 3 kW; HAAT: 300 ft.

BMPH-14598 WSLY, York, Ala.
Grantell Broadcasting Co.
Has: 99.3 MHz; Channel No. 257A
ERP: 3 kW; HAAT: 120 ft. (CP)
Req: 99.3 MHz; Channel No. 257A
ERP: 3 kW; HAAT: 300 ft.

BPED-973 KRRC, Portland, Oreg.
The Reed Institute
Has: 89.3 MHz; Channel No. 207D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 89.1 MHz; Channel No. 206C
ERP: 3.52 kW; HAAT: 788 ft.

BPED-1460 New, Orlando, Fla.
Florida Central East Coast Educational Television, Inc.
Req: 90.7 MHz; Channel No. 214C
ERP: 100 kW; HAAT: 1114 ft.

BPED-1558 New, Birmingham, Ala.
Birmingham Public Radio, Inc.
Req: 91.9 MHz; Channel No. 220A
ERP: .263 kW; HAAT: 850 ft.

BPED-1705 New, Madison, Tenn.
Madison Academy
Req: 88.5 MHz; Channel No. 203A
ERP: 1 kW; HAAT: 45 ft.

BPED-1731 New, Presque Isle, Maine
University of Maine
Req: 91.1 MHz; Channel No. 216C
ERP: 100 kW; HAAT: 1080 ft.

BPED-1742 WUPI, Presque Isle, Maine
University of Maine
Has: 91.1 MHz; Channel No. 216D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 90.3 MHz; Channel No. 212D
TPO: .01 kW; HAAT: ft.

BPED-1807 New, Boston, Mass.
The University of Massachusetts
Req: 91.9 MHz; Channel No. 220D
TPO: .01 kW; HAAT: ft.

BPED-1830 WMXM, Lake Forest, Ill.
Lake Forest College
Has: 88.9 MHz; Channel No. 205D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 88.9 MHz; Channel No. 205B
ERP: .3 kW; HAAT: 109.2 ft.

BPED-1864 KUWR, Laramie, Wyo.
University of Wyoming
Has: 91.5 MHz; Channel No. 218D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 91.9 MHz; Channel No. 220C
ERP: 50 kW; HAAT: 1150 ft.

BPED-1915 WDHS, Gaston, Ind.
Community School Corp.
Has: 91.1 MHz; Channel No. 216D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 90.9 MHz; Channel No. 215D
TPO: .01 kW; HAAT: ft.

BPED-1934 New, Milton, Fla.
Board of Regents of Florida, Acting for and on Behalf of the University of Florida
Req: 88.1 MHz; Channel No. 201C
ERP: 100 kW; HAAT: 283 ft.

BPED-1964 WVUR-FM, Valparaiso, Ind.
Valparaiso University Ass'n, Inc.
Has: 89.5 MHz; Channel No. 208D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 90.9 MHz; Channel No. 215D
TPO: .01 kW; HAAT: ft.

BPED-1972 New, Pittsfield, Mass.
Pittsfield, Mass. Public Schools
Req: 90.9 MHz; Channel No. 215D
TPO: .01 kW; HAAT: ft.

BPED-1988 WMHS, Morrison, Ill.
Morrison Community Unit District No. 6
Has: 91.5 MHz; Channel No. 218D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 90.7 MHz; Channel No. 214D
TPO: .01 kW; HAAT: ft.

BPED-2009 WGMC, Greece, N.Y.
Greece Central School District
Has: 90.1 MHz; Channel No. 211D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 90.1 MHz; Channel No. 211A
ERP: 1.26 kW; HAAT: 361 ft.

BPED-2010 WNAS, New Albany, Ind.
New Albany-Floyd County Consolidated School Corp.
Has: 88.1 MHz; Channel No. 201A
ERP: .8 kW; HAAT: —32 ft. (LIC)
Req: 88.1 MHz; Channel No. 201A
ERP: 2.84 kW; HAAT: 3 ft.

BPED-2011 New, Cape Girardeau, Mo.
Board of Regents, Southeast Missouri State University
Req: 90.9 MHz; Channel No. 215D
TPO: .01 kW; HAAT: ft.

BPED-2012 New, Highland Heights, Ky.
Board of Regents, Northern Kentucky State College
Req: 89.7 MHz; Channel No. 209A
ERP: 2.06 kW; HAAT: 265 ft.

BPED-2013 New, Lyndonville, Vt.
Board of Trustees, Vermont State College
Req: 91.7 MHz; Channel No. 219D
TPO: .01 kW; HAAT: ft.

BPED-2014 New, Holyoke, Mass.
Holyoke Community College
Req: 89.5 MHz; Channel No. 208D
TPO: .01 kW; HAAT: ft.

BPED-2017 WIAN, Indianapolis, Ind.
The Board of School Commissioners of the County
Has: 90.1 MHz; Channel No. 211B
ERP: 10 kW; HATT: 36 ft. (LIC)
Req: 90.1 MHz; Channel No. 211B
ERP: 10 kW; HAAT: 557.5 ft.

BPED-2019 New, Barrington, Ill.
Community Unit School District No. 220
Req: 88.5 MHz; Channel No. 203D
TPO: .01 kW; HAAT: ft.

BPED-2023 New, York, Pa.
York College of Pennsylvania
Req: 88.1 MHz; Channel No. 201D
TPO: .01 kW; HAAT: ft.

BPED-2026 WTUL, New Orleans, La.
The Administrators of the Tulane Educational Fund
Has: 91.5 MHz; Channel No. 218D
TPO: .01 kW; HAAT: ft. (LIC)
Req: 91.5 MHz; Channel No. 218A
ERP: 1.5 kW; HAAT: 157.5 ft.

BPED-2027 New, Ketchikan, Alaska.
Rainbird Community B/Cting Corp.
Req: 105.9 MHz; Channel No. 290D
TPO: .01 kW; HAAT: ft.

BPED-2028 New, Flandreau, S. Dak.
Flandreau Indian School Board
Req: 89.1 MHz; Channel No. 206D
TPO: .01 kW; HAAT: ft.

BPED-2035 New, Williamsport, Md.
Cedar Ridge Children's Home and School
Req: 90.5 MHz; Channel No. 213B
ERP: 6.72 kW; HAAT: 37 ft.

BPED-2036 New, Troy, Ala.
Troy State University
Req: 90.1 MHz; Channel No. 211C
ERP: 50 kW; HAAT: 284 ft.

BPED-2037 New, Boise, Idaho
Boise State University
Req: 90.1 MHz; Channel No. 211D
TPO: .01 kW; HAAT: ft.

BPED-2040 New, Glens Falls, N.Y.
Board of Trustees of Adirondack Commission
Req: 91.9 MHz; Channel No. 220D
TPO: .01 kW; HAAT: ft.

BPED-2041 New, Pleasant Grove, Utah
Alpine School District
Req: 88.1 MHz; Channel No. 201D
TPO: .01 kW; HAAT: ft.

BPED-2045 WPRK, Winter Park, Fla.
Rollins College
Has: 91.5 MHz; Channel No. 218A
ERP: .33 kW; HAAT: 90 ft. (LIC)
Req: 91.5 MHz; Channel No. 218A
ERP: 1.32 kW; HAAT: 90.25 ft.

BPED-2047 New, Salem, Mass.
Salem State College
Req: 91.7 MHz; Channel No. 219D
TPO: .01 kW; HAAT: ft.

BPED-2050 New, Rochester, Minn.
Rochester Community College
Req: 89.9 MHz; Channel No. 210D
TPO: .01 kW; HAAT: ft.

BPED-2052 New, Wet Barnstable, Mass.
Cape Cod Community College
Req: 91.1 MHz; Channel No. 216D
TPO: .01 kW; HAAT: ft.

BPED-2053 New, Turlock, Calif.
Turlock Joint Union High School District
Req: 90.9 MHz; Channel No. 215D
TPO: .01 kW; HAAT: ft.

BPED-2054 New, Salem, W. Va.
Salem College
Req: 91.1 MHz; Channel No. 216D
TPO: .01 kW; HAAT: ft.

BPED-2055 New, Billings, Mont.
Billings Career Education Center
Req: 88.9 MHz; Channel No. 205D
TPO: .01 kW; HAAT: ft.

BPED-2057 New, Loreto, Pa.
St. Francis College of Loretto, Pa.
Req: 90.1 MHz; Channel No. 211D
TPO: .01 kW; HAAT: ft.

BPED-2058 New, Williamsport, Pa.
Lycoming College
Req: 91.7 MHz; Channel No. 219D
TPO: .01 kW; HAAT: ft.

BPED-2059 New, Gettysburg, Pa.
Gettysburg College
Req: 90.3 MHz; Channel No. 212D
TPO: .01 kW; HAAT: ft.

BPED-2063 KCOU, Columbia, Mo.
Independent Residence Halls Association
Has: 88.3 MHz; Channel No. 202D
TPO: .01 kW; HAAT: ft. (Lic)
Req: 88.1 MHz; Channel No. 201A
ERP: .427 kW; HAAT: 110.9 ft.

BPED-2064 KBFL, Buffalo, Mo.
School District No. 1
Has: 90.3 MHz; Channel No. 212A
ERP: .78 kW; HAAT: 245 ft. (Lic)
Req: 90.3 MHz; Channel No. 212C
ERP: 3.9 kW; HAAT: 245 ft.

BPED-2065 New, Greensboro, N.C.
North Carolina Agricultural and Technical State
Req: 90.5 MHz; Channel No. 213D
TPO: .01 kW; HAAT: ft.

BPED-2066 New, Derby, Conn.
Stand, Inc.
Req: 90.5 MHz; Channel No. 213D
TPO: .01 kW; HAAT: ft.

BPED-2067 WYEP-FM, Pittsburgh, Pa.
Pittsburgh Community B/Cting Corp.
Has: 91.5 MHz; Channel No. 218A.
ERP: .84 kw; Haat: 520 ft. (LIC)
Req: 91.3 MHz; Channel No. 217B
ERP: 21.0 kw; Haat: 520 ft.

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BPED-2068 WIUP-FM, Indiana, Pa
Indiana University of Pennsylvania.
Has: 91.3 MHz; Channel No. 217A
ERP: 1.6 kw; Haat: 88 ft. (LIC)
Req: 90.1 MHz; Channel No. 211A
ERP: 1.8 kw; HAAT: 88 ft.

BPED-2069 New, Kinston, N.C.
Lenoir Community College
Req: 90.5 MHz; Channel No. 213C
ERP: 3 kw; HAAT: 100 ft.

BPED-2075 New, Newark, Del.
The University of Delaware
Req: 91.3 MHz; Channel No. 217D
TPO: .01 kw; HAAT: ft.

BPED-2080 New, St. Thomas, V.I.
Virgin Islands Council Inc., of the Boy Scouts
Req: 88.9 MHz; Channel No. 205D
TPO: .01 kw; HAAT: ft.

BMPED-1206 KUAC, Fairbanks, Alaska
University of Alaska
Has: 104.7 MHz; Channel No. 284C
ERP: 10.5 kw; HAAT: -100 ft. (LIC)
(College, Alaska)
Has: 104.7 MHz; Channel No. 284C
ERP: 10.5 kw; HAAT: 440 ft. (CP)
(College, Alaska)
Req: 104.7 MHz; Channel No. 284C
ERP: 10.5 kw; HAAT: -100 ft. (Fairbanks, Alaska)

BMPED-1284 WGVO, Greenville, Ohio
Greenville Board of Education
Has: 88.3 MHz; Channel No. 202A
ERP: .155 kW; HAAT: 105 ft. (CP)
Req. 91.7 MHz; Channel No. 219A
ERP: .078 kW; HAAT: 96 ft.

[FR Doc.75-25778 Filed 9-26-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 126, Airborne OMEGA Receivers. It is to be held on October 30, 1975 in Conference Room 7A and B, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C., commencing at 9:30 a.m.

AGENDA

1. Chairman's Opening Comments—I. Lublin
2. Introduction of members and guests
3. Approval of Minutes of Fourth Meeting of SC-126 held on July 31, 1975.
4. Special announcements
5. Report of Informal Groups:
   5.1 Low Performance
   5.2 High Performance
   5.3 FAA Certification
6. New Business
7. Date and place of next meeting.

Meetings of Special Committee 126 are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, NW., Washington, D.C. 20006, or telephone Area Code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-25878 Filed 9-26-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

The meetings of the RTCA Executive Committee are open to the public, subject to limitations of space available, and any member of the public may present oral statements at the meeting, subject to time available, or may submit written statements to the RTCA Secretariat. Persons planning to attend or who desire additional information concerning this meeting are requested to contact the RTCA Secretariat, Suite 655, 1717 H Street, N.W., Washington, D. C. 20006, or telephone Area Code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-25879 Filed 9-26-75;8:45 am]

[Docket No. 20271; FCC 75-990]

GENERAL WORLD ADMINISTRATIVE RADIO CONFERENCE

Preparation To Consider Revision of International Radio Regulations

Second notice of inquiry.

In the matter of an inquiry relative to preparation for a General World Administrative Radio Conference of the International Telecommunication Union to consider revision of the International Radio Regulations.

1. On January 3, 1975, the Commission adopted a Notice of Inquiry in the above entitled matter (FCC 75-6, No. 29504). It was released on January 10, 1975 and appeared in the Federal Register on January 20, 1975 (40 FR 3245). The period for comments and reply comments has passed.

2. The purpose of the Notice of Inquiry was "* * * to solicit comments or recommendations concerning changes or revisions to the international Radio Regulations. * * *" The Commission stated that "* * * Recommendations for inclusion of a particular subject or revision of certain regulations should be accompanied by adequate justification and/or supportive rationale."

3. Comments were timely filed on behalf of Aeronautical Radio, Inc., the Air Transport Association, the Aerospace and Flight Test Radio Coordinating Council, the American Broadcasting Companies, Inc., the American Petroleum Institute, the American Radio Relay League, Inc., the American Telephone and Telegraph Company, the Association of American Railroads, the Associated Public-Safety Communications Officers, Inc., the Association for Broadcast Engineering Standards, Inc., Mr. Kenneth M. Bourne, CBS, Inc., Comsat, Comsat General Corporation, Decca Survey Systems, Inc., Far East Broadcasting Company, Inc., General Electric, the Land Mobile Communications Council, the Association of Maximum Service Telecasters, Inc., Mobile Marine Radio, Inc., Motorola, the National Academy of Sciences, the National Association of Broadcasters, the Radio Amateur Satellite Corporation (AMSAT), RCA, Collins Radio/Rockwell International Corporation, and the Utilities Telecommunications Council.[1] Reply comments were received from AT&T, Offshore Navigation, Inc., the National Association of Broadcasters, the National Black Media Coalition, and the Association of Maximum Service Telecasters, Inc.

4. Those comments and reply comments were typically of a general and preliminary nature. While a summary of those responses is not given herein, each response will continue to receive attention as this preparatory work advances.

[1] Comments were filed late by: Teledyne Hastings-Raydist and the National Business Aircraft Association.

ALIGNMENT OF TABLE

5. Although the matter was not specifically addressed in the Notice, the question of the international allocation of the band 470 to 512 megahertz and of 115 megahertz between 806 and 902 and between 928 and 947 megahertz was treated in comments and reply comments. The Commission has adjusted the domestic allocation such that the lower 42 megahertz are shared between the broadcasting and land mobile services while the upper 115 megahertz are allocated exclusively to land mobile. Owing to the international protection accruing to services operating in accordance with Article 5 of the international Radio Regulations taken together with the reasons supporting the Commission's domestic reallocation referenced above, it would benefit the public interest to accord the international allocations, to the extent practicable, with domestic allocations. The Commission believes that, in the absence of a cogent countervailing showing, this philosophy should prevail in our preparatory work.

6. In that connection, and as noted in the reply comments received, the Commission has generally proposed sharing between presently internationally allocated space services involving man-made emissions above 40 GHz and kindred terrestrial services. Further, the Commission has proposed terrestrial allocations for certain bands at this order of the spectrum which are either not allocated internationally or are allocated internationally to the Inter-Satellite Service which provides links between artificial earth satellites. This subject is clearly intrinsically allied with the 1979 preparatory effort.

7. In the comments of AMSAT and the reply comments received from the Communications Satellite Corporation in connection with that proceeding was a proposal that the above 40 GHz question be considered in the course of preparation for the 1979 conference. Docket No. 19973 was initiated for the purpose of amending the domestic table of frequency allocations to include allocations to terrestrial services above 40 GHz for national planning purposes.

8. While above 40 GHz is not being used extensively now, the 1979 WARC will significantly affect the occupancy of these bands over several decades. We are adopting domestic allocations above 40 GHz in Doc. 19973, and believe that these domestic allocations should be the basis for 1979 WARC preparation. However, we will review international allocations above 40 GHz in this proceeding, and comments on this subject are invited.

9. As can be seen from the fact that the Commission did advance proposals in Docket 19973, we are of the view that the level of knowledge necessary to effect workable allocations in this regard is advancing. Recommendation No. 3 of the extraordinary Administrative Radio Conference, Geneva, 1963, called upon administrations and the International Radio Consultative Committee (CCIR) to study the sharing criteria involved. The Special Joint Meeting of the CCIR, Geneva, 1971, produced results which were taken into consideration by the World Administrative Radio Conference for Space Telecommunications held later that year in Geneva. Recommendation Spa2-15 drawn up by that conference did recommend as a priority matter that the CCIR study or, as appropriate, continue to study related matters. Those studies have progressed. That they and any other germane investigation are not concluded cannot infer that allied decisions are premature. In view of the time constraints imposed by, and magnitude of, the 1979 conference, we must proceed, recognizing that, as has been the case in earlier preparatory work, proposals initially advanced by the Commission are not always among the proposals subsequently forwarded by the Commission to the Department of State.

10. For the reasons cited in Docket 19973 and paragraph 5 supra, the Commission suggests it may be in the public interest to accord the international Table of Frequency Allocations, in this instance above 40 GHz, with the domestic table insofar as it may be altered in that Docket. Accordingly, we invite comments now regarding the alignment of the international table with the domestic table. Further, should it appear that full alignment of the above 40 GHz terrestrial allocations is not an appropriate objective, specific relevant comments would be helpful. The specifics, as proposed in Docket 19973, appear herewith as an Attachment.

SMALL EARTH TERMINALS

11. Comments concerning the use of small diameter earth station antennas in the Fixed-Satellite Service were submitted by AT&T and RCA in response to the First Notice of Inquiry in this proceeding. While small earth terminals can potentially provide communications services which can not be economically or conveniently provided at the present time by terrestrial communications facilities, uncontrolled access of small earth terminals could have significant adverse impacts on the utilization of the limited spectrum and orbit resource of the geostationary satellite orbit. The Commission is dealing with the access of small earth terminals to domestic satellite systems in the 4 and 6 GHz frequency bands in the context of its earth station application processing procedures and plans future rulemaking proceedings to amend Part 25 of the Rules and Regulations concerning satellite communications. It appears, however, that the long term communications requirements which necessitate the use of small earth terminals and the most effective means of satisfying such requirements should be a major point to be treated in our preparation for the 1979 WARC. Moreover, the use of small earth terminals by mobile services (e.g., 1535-1660 MHz) and possibly offshore platforms is likely to increase.

12. Accordingly, comments and supporting technical materials are requested on the following points with respect to the use of small earth terminals in any or all of the space radiocommunications services in the near (1975-1985) and long (1985-2000) term time frames:

(a) Identification of the communication services and operational characteristics which entail use of small diameter earth station antennas;

(b) Estimates of the volume (in terms of voice channels and/or bit rate, and required rf bandwidth) of the communications services to be provided by means of small earth terminals, and the estimated number of small earth terminals to be used in the provision of such services, including the geographic distribution of the small terminals;

(c) Identification of the typical baseline technical characteristics of the satellite networks serving small earth terminals, including;

(i) Earth station antenna size, main beam gains, co- and cross-polarized antennas patterns, and G/T ratio,

(ii) Satellite antenna gain and EIRP contours, and G/T ratio,

(iii) Transmission parameters, such as type of modulation, transponder frequency plan, noise budget, per channel and total rf bandwidth, satellite and earth station EIRP per channel,

(iv) Analyses of the tradeoffs between total satellite capacity and the choice of earth station and transmission link parameters, and

(v) Analyses of satellite, earth station and overall system costs in terms of the system design parameters;

(d) Identification of the preferred frequency bands to be utilized to serve small earth terminals, taking into account factors such as:

(i) Propagation characteristics,

(ii) Nature of service, such as voice, data (e.g., it may be desirable to restrict offshore platforms to Fixed-Satellite bands),

(iii) Forecasted state-of-the-art in satellite and earth station technology,

(iv) Adjacent satellite orbital separation requirements, and

(v) Frequency sharing with other terrestrial and space radiocommunications services in the band.

13. The small earth terminal question is also part of more general issues concerning the efficient utilization of the geostationary satellite orbit by all types of satellite systems serving both large and small earth terminals. For this reason, it will be useful to include in our preparations for the 1979 WARC consideration of possible proposals of reasonable minimum technical standards which promote efficient utilization of the orbit and spectrum resource of the geostationary satellite communications services. Possible areas which might be considered include limitations on earth station EIRP density, polarization discrimination, minimum G/T ratios, satellite antenna coverage patterns, and earth

V40I189 SEP2975 XUM

station antenna performance standards.[2] Comments on these or other matters relating to the efficient utilization of the geostationary satellite orbit in all space radiocommunications services are requested.

SPECTRUM BETWEEN 100 AND 1215 *MHz*

14. With respect to the 100–1215 MHz band the Commission has received a letter from the Office of Telecommunications Policy advising that an analysis has been completed of Government projected needs between 100 and 1215 MHz to the 1985 time frame, and that access to a substantial amount of additional spectrum in that range will be required.[3]

15. Since 1985 follows the anticipated entry into force date of the 1979 WARC, and since the documentation and rejustification of non-Government needs are inherently a part of the Commission's preparatory mission even in those instances where we may seek to preserve the status quo, this issue must be advanced at this time. While the issue will be addressed in more detail at a later date, and while public comments are welcome in this matter, the matter is being raised at this time to indicate a need to document civil requirements for use of the spectrum.

16. Comments bearing on the 1979 Conference and matters ancillary thereto are hereby sought from each and every United States party to the matter, groups of parties, groups of individuals or whatever other combination of interested United States parties or individuals may exist. Comments will be received on or before November 14, 1975. Replies thereto may be submitted on or before November 28, 1975. Each timely, relevant comment and reply comment together with any pertinent information which the Commission may have available will be considered.

17. Although § 1.419 of the Commission's Rules requires that an original and fourteen copies of all statements, briefs or comments be filed in response to this notice, the Commission's Conference Preparatory Organization necessitates the filing of an original and nineteen copies.

18. All responses received will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

19. This notice is issued pursuant to the authority set forth in section 4(i) of the Communications Act of 1934, as amended, 47 USC 154(i).

Adopted: September 5, 1975.

Released: September 19, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

United States		Federal Communications Commission				
Band (GHz)	Allocation	Band (GHz)	Service	Class of Station	Frequency (GHz)	Nature of Services
5	6	7	8	9	10	11
***	***	***	***	***	***	***
40.0-41.0	G, NG	40.0-41.0	FIXED. FIXED-SATELLITE. MOBILE.	Space.		
41.0-43.0	G, NG	41.0-43.0	FIXED. BROADCASTING-SATELLITE. MOBILE.	Space.		
43.0-48.0	G, NG	43.0-48.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME-MOBILE. MARITIME-MOBILE SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
48.0-50.0	G, NG	48.0-50.0	RADIOLOCATION. Amateur.			

[2] For example, a limitation might be proposed on the EIRP density radiated by an earth station in the 6 GHz band towards the geostationary arc of $36-25 \log_{10} \theta$ dBw/4 kHz for off-axis angles θ between 2.5° and 48° from the main beam of the earth station antenna; or a minimum G/T ratio of 20 dB/°K might be proposed for earth stations receiving in the 4 GHz band. Consideration would also have to be given to how such limits should vary with frequency.

[3] On May 14, 1975, the Commission adopted a Notice of Inquiry in Docket 20485 dealing with the reevaluation and revision of the UHF TV "taboo" table (§ 73.698, Table IV). While not of immediate concern, decisions reached with respect to taboos could affect consideration of the request.

5	6	7	8	9	10	11
71.0-76.0	G, NG	71.0-76.0	RADIOLOCATION. Amateur.			
76.0-84.0	G, NG	76.0-84.0	FIXED. MOBILE.			
84.0-86.0	G, NG	84.0-86.0	FIXED. BROADCASTING-SATELLITE. MOBILE.			
86.0-92.0	G, NG 4123 US74	86.0-92.0	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			
92.0-93.0	G, NG	92.0-93.0	FIXED. MOBILE.			
93.0-95.0	G, NG	93.0-95.0	FIXED. FIXED-SATELLITE. MOBILE.	Earth.		
95.0-101.0	G, NG	95.0-101.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
101.0-102.0	G, NG 4123	101.0-102.0	SPACE RESEARCH (Passive).			
102.0-103.0	G, NG	102.0-103.0	FIXED. MOBILE.			
103.0-104.0	G, NG	103.0-104.0	FIXED. FIXED-SATELLITE. MOBILE.	Earth.		
104.0-105.0	G, NG	104.0-105.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
105.0-116.0	G, NG	105.0-116.0	SPACE RESEARCH (Passive).			
116.0-126.0	G, NG	116.0-126.0	FIXED. MOBILE. RADIO ASTRONOMY.			
126.0-134.0	G, NG	126.0-134.0	FIXED. FIXED-SATELLITE. MOBILE. RADIO ASTRONOMY.	Earth.		
134.0-142.0	G, NG	134.0-142.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
142.0-144.0	G, NG	142.0-144.0	AMATEUR. AMATEUR-SATELLITE.			
144.0-149.0	G, NG	144.0-149.0	FIXED. MOBILE. RADIO ASTRONOMY.			
149.0-150.0	G, NG	149.0-150.0	FIXED. FIXED-SATELLITE. MOBILE. RADIO ASTRONOMY.	Earth.		
150.0-151.0	G, NG	150.0-151.0	FIXED. MOBILE. RADIO ASTRONOMY.			
151.0-152.0	G, NG	151.0-152.0	FIXED. FIXED-SATELLITE. MOBILE. RADIO ASTRONOMY.	Earth.		
152.0-154.0	G, NG	152.0-154.0	FIXED. MOBILE. RADIO ASTRONOMY.			
154.0-156.9	G, NG	154.0-156.9	FIXED. MOBILE.			
156.9-158.7	G, NG	156.9-158.7	FIXED. MOBILE.			
158.7-160.6	G, NG	158.7-160.6	FIXED. MOBILE. RADIO ASTRONOMY.			
160.6-161.625	G, NG	160.6-161.625	FIXED. MOBILE. RADIO ASTRONOMY.			
161.625-161.775	G, NG	161.625-161.775	FIXED. MOBILE. MOBILE-SATELLITE. RADIO ASTRONOMY.	Space.		
161.775-162.0	G, NG	161.775-162.0	FIXED. MOBILE. RADIO ASTRONOMY.			
162.0-164.0	G, NG	162.0-164.0	FIXED. MOBILE.			
164.0-167.0	G, NG	164.0-167.0	FIXED. MOBILE. SPACE RESEARCH (Passive).			
167.0-168.0	G, NG	167.0-168.0	FIXED. MOBILE. SPACE RESEARCH (Passive).			
168.0-170.0	G, NG	168.0-170.0	FIXED. MOBILE.			
170.0-171.0	G, NG	170.0-171.0	FIXED. MOBILE.			
171.0-171.6	G, NG	171.0-171.6	FIXED. MOBILE.			
171.6-172.2	G, NG	171.6-172.2	FIXED. MOBILE.			
172.2-172.8	G, NG	172.2-172.8	FIXED. MOBILE.			
172.8-173.4	G, NG	172.8-173.4	FIXED. MOBILE.			
173.4-174.0	G, NG	173.4-174.0	FIXED. MOBILE.			
174.0-216.0	G, NG	174.0-216.0	BROADCASTING. FIXED. MOBILE.			
216.0-217.0	G, NG	216.0-217.0	FIXED. MOBILE. RADIOLOCATION.			
217.0-220.0	G, NG	217.0-220.0	AMATEUR. FIXED. MOBILE. RADIOLOCATION.			
220.0-225.0	G, NG	220.0-225.0	AMATEUR. FIXED. MOBILE.			
225.0-235.0	G, NG	225.0-235.0	FIXED. MOBILE.			
235.0-238.0	G, NG	235.0-238.0	FIXED. MOBILE. SPACE RESEARCH (Passive).			
238.0-240.0	G, NG	238.0-240.0	EARTH EXPLORATION-SATELLITE. FIXED. MOBILE. SPACE RESEARCH (Passive).			
240.0-241.0	G, NG	240.0-241.0	EARTH EXPLORATION-SATELLITE. FIXED. MOBILE. SPACE RESEARCH (Passive).			
241.0-248.0	G, NG	241.0-248.0	AMATEUR. FIXED. MOBILE. SPACE RESEARCH (Passive).			
248.0-250.0	G, NG	248.0-250.0	AMATEUR. AMATEUR-SATELLITE. FIXED. MOBILE. SPACE RESEARCH (Passive).			
250.0-252.0	G, NG	250.0-252.0	FIXED. MOBILE. SPACE RESEARCH (Passive).			
252.0-265.0	G, NG	252.0-265.0	FIXED. MOBILE.			
265.0-267.0	G, NG	265.0-267.0	FIXED. MOBILE. RADIO ASTRONOMY.			
267.0-268.0	G, NG	267.0-268.0	FIXED. MOBILE.			
268.0-270.0	G, NG	268.0-270.0	FIXED. MOBILE. RADIOLOCATION.			
270.0-272.0	G, NG	270.0-272.0	AMATEUR. FIXED. MOBILE. RADIOLOCATION.			
272.0-273.0	G, NG	272.0-273.0	AMATEUR. AMATEUR-SATELLITE. FIXED. MOBILE. RADIOLOCATION.			
273.0-275.0	G, NG	273.0-275.0	FIXED. MOBILE. RADIOLOCATION.			
275.0-285.0	G, NG	275.0-285.0	FIXED. MOBILE.			
285.0-287.0	G, NG	285.0-287.0	FIXED. MOBILE. RADIO ASTRONOMY.			
287.0-290.0	G, NG	287.0-290.0	FIXED. MOBILE.			
290.0-295.0	G, NG	290.0-295.0	FIXED. MOBILE. RADIOLOCATION.			
295.0-296.0	G, NG	295.0-296.0	AMATEUR. FIXED. MOBILE. RADIOLOCATION.			
296.0-297.0	G, NG	296.0-297.0	AMATEUR. AMATEUR-SATELLITE. FIXED. MOBILE. RADIOLOCATION.			
297.0-300.0	G, NG	297.0-300.0	FIXED. MOBILE. RADIOLOCATION.			

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5	6	7	8	9	10	11
130.0-151.0	G, NG	130.0-151.0	AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
151.0-152.0	G, NG	151.0-152.0	FIXED. MOBILE.			
152.0-165.0	G, NG	152.0-165.0	FIXED. FIXED-SATELLITE. MOBILE.	Space.		
165.0-170.0	G, NG	165.0-170.0	FIXED. MOBILE.			
170.0-175.0	G, NG	170.0-175.0	RADIOLOCATION. Amateur.			
175.0-182.0	G, NG	175.0-182.0	FIXED. MOBILE (except Aeronautical Mobile).			
182.0-185.0	G, NG 412J	182.0-185.0	FIXED. INTER-SATELLITE. MOBILE (except Aeronautical Mobile).			
185.0-189.0	G, NG	185.0-189.0	SPACE RESEARCH (Passive).			
189.0-190.0	G, NG	189.0-190.0	FIXED. INTER SATELLITE. MOBILE (except Aeronautical Mobile).			
190.-200.0	G, NG	190.0-200.0	FIXED. MOBILE (except Aeronautical Mobile).			
200.0-220.0	G, NG	200.0-220.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE SATELLITE. MARITIME MOBILE. MARITIME-MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
220.0-230.0	G, NG	220.0-230.0	FIXED. FIXED-SATELLITE. MOBILE.			
230.0-240.0	G, NG 412J US74	230.0-240.0	RADIO ASTRONOMY. SPACE RESEARCH (Passive).			
240.0-250.0	G,NG	240.0-250.0	RADIOLOCATION. Amateur.			
250.0-265.0	G, NG	250.0-265.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION.			
265.0-275.0	G, NG	265.0-275.0	AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
275.0-300.0	G, NG	275.0-300.0	FIXED. MOBILE.			
Above 300.0	G, NG	Above 300.0	Amateur.			

[FCC 75-1026; Docket No. 20589; File No.] BAPCT-457]

JACK O. GROSS AND UNIVERSITY TELEVISION, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re Application of Jack O. Gross t/a Gross Broadcasting Company (Assignor) and University Television, Inc. (Assignee) For Assignment of construction permit for Station KJOG-TV, San Diego, California.

1. The Commission has before it for consideration: (a) The above-captioned application for Commission consent to the assignment of the Station KJOG-TV contruction permit;[1] (b) a petition to deny the application, filed August 29, 1973, by Broadmoor Broadcasting Corporation, licensee of Station KSON, and parent company of the licensee of Station KSON-FM, both San Diego; and (c) various responsive and related pleadings.[2]

2. Petitioner submits that the instant application "should either be denied summarily or, in the alternative, designated for hearing" on issues concerning (a) the assignee's financial qualifications, and (b) its character qualifications, based on allegations "that the University totally failed to abide by the requirements of § 1.65" of the Commission's Rules.

3. Prior to an examination of Broadmoor's petition and the merits of its allegations, we believe a brief recitation of the extraordinary history of the protracted proceedings leading to today's Order is warranted. Several decisions, made at earlier stages of this matter, cited infra, contain more detailed expositions of the unique record of this case.

4. The Commission on February 5, 1965, designated for hearing the mutually exclusive applications of Jack O. Gross t/a Gross Broadcasting Company (Gross), filed May 4, 1964, and of Cali-

[1] University Television, Inc. is a newly formed corporate subsidiary of United States International University (USIU), which wes the assignee herein until by amendment dated August 4, 1975, University Television, Inc. was substituted. Inasmuch as all the pleadings herein refer to USIU as the proposed assignee, such nomenclature will be retained in this Order.

[2] The following pleadings, and letters in the nature of pleadings, have been filed in this matter: (a) letter from counsel to Broadmoor questioning assignee's financial qualifications, July 13, 1973; (b) responsive letter from counsel to USIU, July 20, 1973; (c) further letter from counsel to Broadmoor, August 7, 1973; (d) responsive letter from counsel to USIU, August 9, 1973; (e) petition to deny application by Broadmoor, August 29, 1973; (f) opposition to petition by USIU, March 19, 1974; (g) reply to opposition by Broadmoor, May 2, 1974; (h) supplement to petition by Broadmoor, August 16, 1974; (i) further supplement to petition by Broadmoor, September 12, 1974; (j) further supplement to petition by Broadmoor, October 18, 1974; (k) opposition by USIU, December 19, 1974; (l) further supplement to petition by Broadmoor, February 25, 1975.

[FR Doc.75-25877 Filed 9-26-75;8:45 am]

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fornia Western University of San Diego, now United States International University (USIU), filed July 26, 1964, to construct a new television station to operate on Channel 51 in San Diego. FCC 65–84, Docket Nos. 15824, 15825. On June 23, 1965, the Review Board consented to the parties' joint request seeking grant of the Gross application and dismissal of the USIU application, based on an agreement allowing USIU an option, exercisable within nine months of the grant of Program Test Authority, to purchase a fifty percent interest in the permittee. FCC 65R–237, 5 RR2d 805.

5. Nearly two years later, during the pendency of an application for an extension of time within which to construct the station, Gross and USIU signed a "letter of intent" looking toward the transfer of full rights in KJOG–TV to USIU. This letter, dated April 1, 1967, was not reported to the Commission, an act of omission which later gave rise to § 1.65 questions, as is discussed below.

6. Thereafter, on November 1, 1967, Gross and Don McKinnon, operator of Station KSON, San Diego, executed an agreement to assign the KJOG–TV construction permit to a corporation which would be formed by Broadmoor Broadcasting Corporation (Broadmoor), a McKinnon family-owned corporation.

7. On November 3, 1967, Gross filed his third application for additional time within which to construct KJOG–TV, which the Commission by Order, FCC 68–1099, 15 FCC 2d 76, released November 12, 1968, designated for hearing to determine facts concerning Section 1.65 and trafficking issues, and whether failure to construct had been due to causes not under the control of Gross.

8. During the course of several prehearing conferences in this matter, now designated as Docket No. 18377, Gross brought suit in California seeking declaratory judgment concerning the validity of the April , 1967, letter of intent. Pursuant to a judgment of specific performance in favor of USIU by the California Superior Court, County of San Diego, Civil No. 309864, handed down July 22, 1969, Gross and Broadmoor on October 6, 1969 requested dismissal of the assignment application they had filed on January 2, 1968.

9. On October 6, 1969, the instant application was filed with the Commission.[1] It was accepted for filing on October 10, 1969.

10. In an Initial Decision on March 2, 1970, the Hearing Examiner found Gross to have violated Section 1.65 of the Rules, and found that the failure to construct "was caused by matters entirely under the control of Jack O. Gross." The Examiner reached no conclusions on the trafficking issue. He granted the third extension of the construction permit "solely to enable the Commission to process" the assignment application. Docket No. 18377, FCC 70D–8, 26 FCC2d 318.

11. The Review Board on October 30, 1970, reversed the Examiner, finding there to be no basis for an extension of the construction permit concluding that the failure to construct had been Gross' fault. FCC 70R–367, 26 FCC2d 306.

12. On a Petition for Reconsideration filed by USIU, the Review Board reversed itself on March 4, 1971, and extended the construction permit solely for purposes of the assignment, following Gross' concession to forgo reimbursement for actual expenses incurred in connection with the KJOG–TV permit. FCC 71R–73, 27 FCC2d 957.

13. On August 25, 1971, the Commission remanded the case to the Review Board with instructions that it resolve the Section 1.65 and trafficking issues. FCC 71–841, 31 FCC2d 226. The Commission on January 7, 1972, denied reconsideration of its remand order. 32 FCC 2d 855.

14. On remand, the Review Board on May 3, 1972, absolved Gross of trafficking, but found that he had violated § 1.65. The Board concluded "that Gross does not possess the requisite qualifications to be a broadcast licensee * * * (W)e must conclude consistent with the Commission's mandate, that he has nothing to assign * * *" The application for an extension of time for the construction permit was denied. FCC 72R–126, 34 FCC2d 780.

15. The Commission on November 14, 1972, denied a Petition for Review of Review Board Supplemental Decision filed by Gross and USIU. FCC 72–1000, 38 FCC2d 56.

16. On December 8, 1972, USIU and Gross filed a section 402(b) appeal in the United States Court of Appeals for the D.C. Circuit from the Commission's Order affirming without opinion the Supplemental Decision of the Review Board. On May 10, 1973, the Court, on Commission motion, remanded the case for further consideration, USIU, et al. v. FCC, Docket No. 72–2179.

17. Acting on a Petition for Extraordinary Relief filed by USIU and a Brief *Amici Curiae* submitted by Representative Bob Wilson and Lionel Van Deerlin, the Commission on July 6, 1973, reversed its previous affirmation of the Supplemental Decision. The Commission stated, "We concur in the findings of the Board that Gross violated Section 1.65 of the rules. We do not believe, however, that the violations were of such a serious nature as to require Gross's absolute disqualification. While we do not condone the violations, there are no facts in the record which would indicate the existence of fraud, concealment or other serious misconduct which would warrant absolute disqualification for extension of the construction permit "for the sole purpose of allowing the Commission to consider the pending application for assignment of the permit to United States International University." FCC 73–684, 27 RR2d 1543.

18. The foregoing has been the history of Station KJOG–TV and the instant application prior to the filing on August 29, 1973, of a petition to deny the application by Broadmoor.[4]

19. The Commission's rules, at § 1.580 (i), provide: "Any party in interest may file with the Commission a petition to deny any such application (whether as originally filed or amended) no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or amendment thereto * * *" The Commission's language in its July 6, 1973 decision, *supra*, speaks of "the pending application," which indicates our determination that the instant application was not new on that date, but had been pending since its acceptance date, October 10, 1969. We must determine, based on the record, that Broadmoor's petition to deny is more than three years and nine months late, and is thus untimely.[5]

We agree with the statement made by USIU in its opposition that, "A potential petitioner never knows what proceedings the Commission may hold in the future; nonetheless, it must file within the statutory period. Otherwise, the time for filing petitions to deny would be extended indefinitely, pending the final outcome of every Commission action on any application."[6] However, as is our custom in handling defective petitions, we have examined the merits of Broadmoor's allegations as an informal complaint pursuant to § 1.587 of the Rules.

20. Broadmoor first raises a § 1.65 issue against the proposed assignee. "Perhaps the most distressing aspect of the University's application is its failure to be completely candid with the Commission concerning its financial difficulties, and, particularly, its failure to keep its application current and up to date."[7] In essence petitioner claims that USIU failed to report changes in its financial position to the Commission. In this regard, we note that the application contains amendments filed by USIU on December 13, 1971, July 2, 1973, March 19, 1974, July 11, 1974, and August 4, 1975, to update its financial showing. In view of this record, and after examination of the material contained in each amendment, we do not find "that the University totally failed to abide by the requirements of § 1.65," as petitioner alleges, so as to require the designation of an issue on this matter.

21. With regard to petitioner's second contention that the assignee is not financially qualified, we find that we are unable to determine from the material before us whether the assignee possesses the requisite funds to operate Station KJOG–TV in the public interest. The assignee estimates that it will require $908,890 to construct KJOG–TV and operate it for one year. However, the assignee has made no showing that the various figures which together comprise this total have any basis in fact. Further, we note that the applicant has revised its figures downward over the years. As an example, the application as originally filed (October 6, 1969) estimated first year operational costs at $300,000. By amendment of August 4, 1975, the first year operational costs had dropped to $144,000. The cost of program origination equipment has similarly dropped during the same period from $400,100 to $211,531. Other costs have also diminished through this period of general inflation. Further, the assignee has indicated its intention to file an application to modify the permit to allow a change in tower location. We have been given no basis for the costs to be incurred in connection with such a modification. Thus, we are unable to determine the assignee's first year expenses. We have been supplied, by petitioner, with numerous newspaper clippings indicating that USIU is in dire financial straights. The University has sold off one piece of its campus after another in an attempt to remove tax liens, pay teachers' salaries, and meet accounts payable. Reports "that USIU is on the verge of bankruptcy" have also appeared in the San Diego press. Instructors have refused to meet their classes due to the University's failure to pay salaries on time, according to other press accounts, which also state that some payroll checks have been dishonored. The Western Association of Schools and Colleges has threatened USIU with loss of accreditation. At least one major creditor has instituted foreclosure proceedings against 200 acres of the USIU campus. While none of this information can be regarded as factual, it does raise questions concerning the University's fiscal viability and its ability to operate KJOG–TV. Balance sheets submitted by the University do not show its ability to meet its obligations under our Ultravision standard, 1 FCC 2d 544 (1965).

22. By amendment dated and filed August 4, 1975, USIU informed the Commission that it had created a new corporate subsidiary, University Television, Inc., "to which the University has assigned all of its interests" in the instant application. The balance sheet of University Television, Inc. shows no current assets whatsoever. We are informed that, "University Television is currently negotiating a loan with a financially qualified private lender * * *" This statement appears to indicate, on its face, that the assignee is not financially qualified at this time. Thus, we can only conclude that the University's financial picture is too obscure for us to make a determination of its ability to meet its Ultravision obligations without a hearing into this matter.

23. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned assignment application is designated for hearing at a time and a place to be specified in a subsequent Order, upon the following issues:

(1) To determine the funds required to acquire and operate Station KJOG–TV, as such requirements are set forth in Ultravision Broadcasting Co. et al., 1 FCC 2d 544 (1965).

(2) To determine, in light of the information adduced in Issue (1), whether sufficient funds are available to the assignee to meet these expenses.

(3) To determine whether United States International University is experiencing financial instability of a sufficient magnitude to effect adversely the ability of its wholly owned subsidiary, University Television, Inc., to operate Station KJOG–TV in the public interest.

(4) To determine whether, in light of all the evidence adduced pursuant to the foregoing Issues, grant of the above-captioned application for assignment of construction permit would serve the public interest, convenience and necessity.

24. *It is further ordered*, That, the aforenoted petition to deny, filed August 29, 1973, by Broadmoor Broadcasting Corporation, when treated as a petition is dismissed, and when treated as an informal complaint is granted to the extent indicated herein.

25. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant herein, in person or by attorney, shall, within five (5) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

26. *It is further ordered*, That, University Television, Inc. shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 9, 1975.

Released: September 24, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–25876 Filed 9–26–75;8:46 am]

[1] The assignee's portion was originally filed on October 31, 1967. Concurrent with the October 6, 1969 filing, counsel requested dismissal of the application seeking assignment of the KJOG–TV permit to Broadmoor.

[4] We should note that aside from the petition, opposition, and reply, the numerous pleadings in this matter (see fn. 2) were filed without leave to do so. See § 1.45(c) of the Rules.

[5] We find that even were the instant application renewed on July 6, 1973, as Broadmoor claims, the 30-day filing deadline had passed by the submission date of the petition. Petitioner's argument that the Commission was required to relist the application on a formal public notice "so that interested parties would have an opportunity to file an appropriate Petition to Deny," is without merit, at least as to this petitioner, as the record shows it to have been fully aware of the Commission's action, and thus not a party lacking notice.

[6] Opposition, paragraph 9.

[7] Petition to deny, page 18. Broadmoor's language appears to be an admission that the instant application has been pending for several years, and was not a new application as of the date of the last Commission action in this matter.

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC. ET AL.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 21, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elmer C. Maddy, Esquire, Kirlin, Campbell & Keating, One Twenty Broadway, New York, New York 10005.

Agreement No. 10181, a cooperative working arrangement among Farrell Lines Incorporated, Lykes Bros. Steamship Co., Inc., Moore-McCormack Lines, Inc., and South African Marine Corp., (N.Y.) provides for the interchange of the parties cargo containers, trailers, and related equipment in the trade between points on the United States Gulf and East Coast and South and East Africa in accordance with the terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: September 24, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–25940 Filed 9–26–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76–64]

ARIZONA PUBLIC SERVICE CO.
Filing of Certificate of Concurrence

SEPTEMBER 19, 1975.

Take notice that on September 11, 1975, Tucson Gas & Electric Company filed a certificate of concurrence to Ari-

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zona Public Service Company's filing of August 8, 1975 of an August 1, 1975 Service Schedule H to the Power Coordination Agreement between Arizona Public Service Company and the Applicant. Notice of Arizona Public Service Company's filing was issued on August 20, 1975.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C. 20426 on or before October 6, 1975, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25829 Filed 9-26-75;8:45 am]

[Docket No. RP76-10]

ARKANSAS LOUISIANA GAS CO.

Tariff Changes

SEPTEMBER 19, 1975.

Take notice that Arkansas Louisiana Gas Company (Arkla) on September 15, 1975 tendered for filing proposed changes in its FPC Gas Tariff Original Volume No. 3. The proposed changes affect one rate schedule, Arkla's FPC Gas Rate Schedule No. X-26, under which gas is sold to only one customer, namely, Cities Service Gas Company, at a point of delivery near Jane, Missouri, and would increase revenues from jurisdictional sales and service by $5.7 million based on the 12-month period ending June 30, 1975, as adjusted. According to Arkla the rate increase is needed in order to meet increased costs of operations, and is the first increase that has been proposed for this sale based on general system costs. It is also proposed to include purchased gas adjustment provisions in the rate schedule. The company states that copies of the filing were served upon Cities Service Gas Company.

The company requests that the revised tariff sheets become effective on November 1, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25828 Filed 9-26-75;8:45 am]

[Docket No. RI75-112]

CERTAIN PRODUCER AND PIPELINE RESPONDENTS

Order Requiring Report; Correction

SEPTEMBER 10, 1975.

In the order requiring report, issued September 8, 1975, and published in the FEDERAL REGISTER on September 16, 1975 40 FR Page 42780, APPENDIX B, page 42781, change item B. 5. to read: 5. The ratio of original recoverable gas reserves to Minimum Daily Quantities as provided for in each gas purchase contract, if a ratio is utilized to determine Minimum Daily Quantities. If a ratio is not utilized, state the basis upon which Minimum Daily Quantities are determined.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25839 Filed 9-26-75;8:45 am]

[Docket No. CP76-77]

COLUMBIA GAS TRANSMISSION CORP.

Application

SEPTEMBER 19, 1975.

Take notice that of September 8, 1975, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP76-77 an application pursuant to sections 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon in place and by sale various facilities and isolated systems and authorizing the construction and operation of replacement facilities for portions of its system that have deteriorated, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes in the instant application eighteen individual pipeline replacement projects, primarily designed to continue service to Applicant's wholesale customers at the present level. These projects are said to be for replacing pipeline constructed, for the most part, in the early 1900's, which has become difficult to maintain. The estimated cost of the proposed construction is approximately $2,575,000. Applicant proposes the construction, abandonment, and operation of the following facilities:

1. Approximately 0.9 mile of 6-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Montgomery County, Kentucky;
2. Approximately 4.5 miles of 4-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Miami County, Ohio;
3. Approximately 4.2 miles of 4-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Knox County, Ohio;
4. Approximately 1.0 mile of 3-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Lorain County, Ohio;
5. Approximately 0.3 mile of 6-inch transmission pipeline replacing, in two separate sections, a like amount of 6-inch pipeline located in Medina County, Ohio;
6. Approximately 0.6 mile of 2-inch and 2.9 miles of 3-inch transmission pipeline replacing, in three separate sections, a like amount of 4-inch and 8-inch pipeline located in Wayne County, Ohio;
7. Approximately 3.3 miles of 8-inch transmission pipeline replacing, in two separate sections, a like amount of 10-inch and 12-inch pipeline located in Holmes County, Ohio;
8. Approximately 1.1 miles of 6-inch and 0.6 mile of 10-inch transmission pipeline replacing, in four separate sections, a like amount of 20-inch pipeline located in Cabell and Putnam Counties, West Virginia;
9. Approximately 1.3 miles of 6-inch transmission pipeline, replacing in three separate sections, a like amount of 8-inch pipeline located in Guernsey County, Ohio;
10. Approximately 0.7 mile of 8-inch transmission pipeline replacing, in two separate sections, a like amount of 12-inch pipeline located in Guernsey County, Ohio;
11. Approximately 0.7 mile of 4-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Jefferson County, Ohio;
12. Approximately 0.9 mile of 3-inch transmission pipeline replacing a like amount of 6-inch pipeline located in Columbiana County, Ohio;
13. Approximately 1.6 miles of 10-inch transmission pipeline replacing a like amount of 8-inch pipeline located in Lawrence County, Pennsylvania;
14. Approximately 0.4 mile of 8-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Barbour County, West Virginia;
15. Approximately 0.4 mile of 4-inch transmission pipeline replacing a like amount of 12-inch pipeline located in Mineral County, West Virginia;
16. Approximately 1.6 miles of 12-inch transmission pipeline; the abandonment of two parallel 12-inch transmission pipelines, each approximately 1.5 miles in length; and five multiple 8 and 10-inch river crossing lines, each approximately 0.1 mile in length; all located in Lincoln County, West Virginia;
17. Approximately 1.8 miles of 4-inch transmission pipeline and appurtenant regulating facilities and the abandonment of approximately 6.8 miles of 6-inch transmission pipeline and appurtenant regulating facilities, located in Franklin County, Pennsylvania; and
18. Approximately 5.0 miles of 16-inch transmission pipeline located in Brooke County, West Virginia; the abandonment of approximately 4.1 miles of 10-inch transmission pipeline located in Beaver and Washington Counties, Pennsylvania, and Hancock County, West Virginia; the abandonment of approximately 14.4 miles of 8-inch and 20-inch transmission pipeline located in Brooke County, West Virginia, and Washington County, Pennsylvania; the abandonment of approximately 4.8 miles of 8-inch and 10-inch transmission pipeline located in Brooke County, West Virginia, and Washington County, Pennsylvania; and the abandonment of approximately 1.3 miles of 10-inch transmission pipeline located in Brooke County, West Virginia.

It is stated that the abandonments in these proposed projects would not result in the termination of service to any of Applicant's customers.

Applicant also proposes to abandon without replacement various sections of pipeline and alleges that it can maintain service to its present customers without such facilities. Further, Applicant alleges that such abandonments would not result in any termination of service. The facilities proposed to be abandoned without replacement are as follows:

1. Approximately 6.5 miles of 8-inch transmission pipeline, in three separate sections, located in McKean County, Pennsylvania and Cattaraugus County, New York; and
2. Approximately 100.6 miles of multiple 6-inch and 1.3 miles of single 12-inch continuous transmission pipeline located in Cattaraugus, Allegheny and Steuben Counties, New York.

Applicant proposes to abandon by sale to Consolidated Gas Supply Corporation (Consolidated) an isolated, off-system, production system and related points of delivery to Columbia Gas of West Virginia (CWV), and to abandon approximately 0.7 mile of 5-inch pipeline in Lewis County, West Virginia. The application states that by an agreement dated August 4, 1975, Applicant has agreed to sell to Consolidated this isolated system, which can only be utilized to supply the market requirements of 1 small rural distribution plant, which serves 27 consumers and 21 mainline consumers, all customers of CWV. It is stated that Consolidated has agreed to assume the obligation of serving the consumers presently served from this system. The production system that Applicant proposes to abandon by sale to Consolidated consists of the following:

(a) Four producing gas wells including casing, tubing and related appurtenant equipment;
(b) Three oil and gas leaseholds;
(c) Approximately 7.8 miles of field pipelines varying in size from 2 inches to 10 inches in diameter;
(d) One regulator station including, appurtenant equipment; and
(e) Nineteen mainline tap facilities.

Applicant is stated to have been informed that Consolidated and CWV will file a joint application with the Public Service Commission of West Virginia for approval for Consolidated to acquire CWV's distribution plant and to serve the aforementioned customers of CWV. Concurrently with the above proposed sale of facilities, Applicant proposes to abandon approximately 0.7 mile of 5-inch pipeline, located in Lewis County, West Virginia. The pipeline is said to be a southern extension of the production system proposed for sale to Consolidated.

Applicant proposes to abandon by sale to Weipenn Gas Company, Inc. (Weipenn), an isolated off-system production system and related points of delivery to CWV, located in Lewis County, West Virginia.

Weipenn will purchase, for the consideration of approximately $2,200, Columbia's isolated, off-system, production system located in Lewis County, West Virginia. This agreement further provides that Weipenn will purchase the distribution plant owned and operated by (CWV), an affiliate of Columbia, located in the aforementioned county. Applicant states that the volumes of natural gas that are produced and transported in this isolated system can only be utilized to supply the market requirements of 1 small rural distribution plant, which serves 9 consumers and 12 mainline consumers, all customers of CWV. The production system that Applicant proposes to abandon by sale to Weipenn consists of the following:

(a) Five producing gas wells including casing, tubing, and related appurtenant equipment;
(b) One gas purchase agreement;
(c) Three oil and gas leaseholds;
(d) Approximately 8.3 miles of field pipelines varying in size from 1 inch to 10 inches in diameter;
(e) One regulator station and one measuring station including appurtenant equipment;
(f) Eight mainline tap facilities.

Applicant states that it has been informed that Weipenn and CWV will file a joint application with the Public Service Commission of West Virginia for approval for Weipenn to acquire CWV's distribution plant and to serve the aforementioned customers of CWV.

Applicant proposes to abandon by sale to Columbia Gas of Ohio, Inc. (CGO), transmission pipelines and certain related measuring and regulating facilities, located in Lawrence and Scioto Counties, Ohio, and to abandon approximately 0.5 mile of 3-inch and 0.2 mile of 6-inch and 12-inch transmission pipeline in Scioto County, Ohio. The facilities that Applicant proposes to sell to CGO, are (a) approximately 0.9 mile of 12-inch, 0.2 mile of 10-inch and 12-inch and 0.1 mile of 3-inch transmission pipelines, and (b) two measuring facilities and one regulating facility, all located in Scioto County, Ohio. Concurrently with the proposed sale of facilities, Applicant would abandon approximately 0.5 mile of 3-inch and 0.2 mile of 6-inch and 12-inch transmission pipelines, located in Scioto County, Ohio, which would no longer be useful in Applicant's operations.

The aforestated replacement projects are said to be proposed to maintain the existing authorized levels of service for Applicant's wholesale customers. The abandonments are proposed to retire or dispose of facilities which are no longer used or useful in Applicant's system. There would be no termination of service to customers under the proposed arrangements, Applicant states.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25830 Filed 9-26-75;8:45 am]

[Docket No. E-8133]

CONSUMERS POWER CO.

Supplemental Application

SEPTEMBER 19, 1975.

Take notice that on September 4, 1975, Consumers Power Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale from time to time on or before December 31, 1976, of promissory notes to commercial banks purchasing such notes as a financial institution or as a fiduciary, promissory notes to non-banking institutions and commercial paper up to but not exceeding $300,000,000 in aggregate principal amount. On December 2, 1974, in Docket No. E-8133, the Commission authorized Applicant to issue and sell from time to time prior to December 31, 1975 promissory notes to evidence bank borrowings and commercial paper up to but not exceeding $300,000,000 in aggregate principal amount.

Applicant is incorporated under the laws of the State of Michigan, with its principal place of business in Jackson, Michigan, and is engaged in the electric and natural gas utility business in the State of Michigan.

Applicant proposes to use the proceeds from the issuance of the securities to provide a portion of the funds necessary for the construction, completion, extension and improvement of facilities, the cost of which is expected to total approximately $248,000,000 in 1975.

The bank notes and other notes will mature not later than nine months from the date of issue. The interest rate on the short-term notes payable to com-

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mercial banks is expected to be not more than the prime rate but will be dependent upon the terms of the notes and the money market conditions at the time of issuance and may change during the period of the notes to conform with changes in interest rates. The interest rates on short-term notes payable to nonbanking institutions will be dependent on the terms of the notes and the money market conditions at the time of issuance. The commercial paper will mature not later than 270 days from date of issue and will carry an interest rate which will be dependant upon the terms of the notes and the money market conditions at the time of issuance.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25831 Filed 9-26-75;8:45 am]

[Docket No. ER76-123]

FLORIDA POWER CORP.

Tariff Change

SEPTEMBER 18, 1975.

Take notice that Florida Power Corporation on September 12, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff, First Revised Volume No. 1, as well as revised sheets to its contracts with the City of Wauchula and the Reedy Creek Utilities Co., Inc. The proposed changes would increase revenues from the affected jurisdictional sales and service by $9.8 million, or 15.8 percent, based on the 12 month period ending December 31, 1975. The filing also provides a new fuel clause and substitutes a late payment charge for the current tariff provision permitting discontinuation of service in the event a customer does not pay its bill.

Florida Power Corporation states its existing rates are not compensatory and that it has filed the proposed increases so that its rates will compensate it for the costs incurred in rendering service. The new fuel clause is filed to conform to the requirements of the Commission's Order No. 517 of November 13, 1974. The proposed late payment charge is intended as reasonable compensation and as a more realistic remedy in the event of late payment.

The Company requested that its proposed rates become effective on October 12, 1975.

Copies of the filing were served upon the affected jurisdictional customers and the Florida Public Service Commission. Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25826 Filed 9-26-75;8:45 am]

[Docket No. CP76-82]

GAS SERVICE CO. AND CITIES SERVICE GAS CO.

Application

SEPTEMBER 19, 1975.

Take notice that on September 8, 1975, The Gas Service Company (Applicant), 2460 Pershing Road, Kansas City, Missouri 64108, filed in Docket No. CP76-82 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company to establish physical connection of its interstate natural gas pipeline facilities with facilities proposed to be constructed by Applicant and to sell and deliver to Applicant for resale and distribution natural gas required to serve inhabitants of two mobile home parks and environs located in Jasper County, Missouri, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the Public Service Commission of the State of Missouri has granted Applicant a certificate of public convenience and necessity to provide natural gas service in an area which includes two mobile home parks, Sherwood Forest Mobile Home Park and Suburban Wheels Estates Mobile Home Park, in Jasper County. The present population of the parks is stated to be approximately 200 people and as of the third year of service they are anticipated to contain 131 mobile residences, two fixed residences and one office.

The number of customers that Applicant anticipates serving by the third year is 77; and the estimated peak day and annual requirements for the third year are estimated at 70.0 Mcf and 13,772 Mcf at 14.73 psia of gas, respectively. It is stated that there are no industrial establishments anticipated for the proposed service.

Applicant estimates that the cost of the facilities necessary for Applicant to commence the distribution and sale of gas in the mobile home parks would be approximately $23,595, which cost would be financed from operating income and/or short term borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, or 1.10) and the regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25840 Filed 9-26-75;8:45 am]

[Docket No. E-9469]

LOCKHART POWER CO.

Extension of Time

SEPTEMBER 16, 1975.

On September 8, 1975, Lockhart Power Company filed a request for an extension of time within which to comply with ordering Paragraph (A)(1) of order issued September 8, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the time within which Lockhart Power Company must comply with ordering Paragraph (A)(1) of order issued September 8, 1975, is extended to and including November 14, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25824 Filed 9-26-75;8:45 am]

[Docket No. CP76-79]

MOUNTAIN FUEL SUPPLY CO.

Application

SEPTEMBER 19, 1975.

Take Notice that on September 8, 1975, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP76-79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Northwest Pipeline Corporation (Northwest), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas purchase, transportation and exchange

agreement dated April 11, 1975, between it and Northwest, gas controlled by Northwest would be delivered to Applicant near the Clay Basin field, Dagett County, Utah. The volumes would be delivered to Applicant's existing system in the area. Applicant would redeliver gas to Northwest at an existing point of intersection of the systems of Applicant and Northwest west of Green River, Wyoming. The estimated volume of the deliveries by Northwest to Applicant is stated to be 800 Mcf of gas per day, and Applicant would have the option to purchase up to 25 percent of the volumes so delivered. If the gas is purchased, it would be on the same terms and conditions as those under which Northwest purchases the gas, plus a cost of service charge by Northwest which initially would be 8.0 cents per Mcf. To effectuate the proposed delivery Applicant would have to install a tap on its 6-inch lateral in the Clay Basin field at an estimated cost of approximately $2,700.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25832 Filed 9-26-75;8:45 am]

[Docket No. CP74-162]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition To Amend

SEPTEMBER 19, 1975.

Take notice that on September 8, 1975, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP74-162 a petition to amend the order of the Commission of April 2, 1975, issued in said docket pursuant to section 7(c) of the Natural Gas Act to provide for additional points for the exchange of natural gas between Petitioner and El Paso Natural Gas Company (El Paso), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner alleges that on June 6, 1975, the gas exchange agreement between it and El Paso, under which service is authorized in the instant docket, was amended to provide for additional exchange points in Washita County, Oklahoma, on Petitioner's existing 26-inch pipeline for the delivery of El Paso's gas, in Eddy County, New Mexico, on El Paso's 26-inch pipeline for the delivery of Petitioner's gas and in Lea County, New Mexico, at the Belco Petroleum Corporation-Bass Federal Nos. 1 and 2 wells for the delivery of Petitioner's gas. The Washita County exchange point would require the construction by Petitioner of a 6-inch tap; the Eddy County exchange point would require the construction by Applicant of lateral and measuring facilities; and the Lea County exchange point would require no additional facilities since El Paso is receiving gas from the same wells. The estimated cost of the proposed facilities is approximately $48,600, which cost would be borne from cash on hand.

The stated purpose of the proposed arrangements is to allow Petitioner and El Paso to receive into their systems gas which the other party has available for purchase without duplicating facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25833 Filed 9-26-75;8:45 am]

[Docket No. CP76-80]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Application

SEPTEMBER 19, 1975.

Take notice that on September 10, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-80 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1976, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for sale or exchange with Applicant.

The total costs of all facilities for which authorization is sought herein would not exceed $10,000,000, with no single onshore project to exceed a cost of $1,500,000, and with no single offshore project to exceed a cost of $2,500,000. Applicant states that the proposed facilities would be financed from funds on hand.

Any person desiring to be heard or to make any protests with reference to said application should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commissions rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25834 Filed 9-26-75;8:45 am]

[Docket No. ER76-119]

PUBLIC SERVICE COMPANY OF INDIANA

New Delivery Point

SEPTEMBER 18, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana, Inc., tendered for filing its agreement dated December 1, 1974, with Miami-Cass County Rural Electric Membership Corporation which supplements the contract dated December 1, 1973, between the above two parties by the addition of reference to a new delivery point designated as the Bunker Hill-69 delivery point.

This new delivery point is presently not in service and the service commencement date is still to be determined.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25827 Filed 9-26-75; 8:45 am]

[Docket No. RI76-27]

SKELLY OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 17, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.-102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI76-27	Skelly Oil Co	70	15	El Paso Natural Gas Co. (New Mexico) (Permian).	$1,111 [3] $18.75	10-1-75	(4)	[1] 24.0	[2] 25.0		

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Subject to British thermal unit adjustment from a base of 1,000.
[2] Subject to quality adjustments pursuant to opinion No. 662.
[3] The proposed rate increase is accepted as of Oct. 1, 1975, insofar as it does not exceed the opinion No. 662 ceiling and is suspended until Mar. 1, 1976, insofar as it exceeds the opinion No. 662 ceiling rate.
[4] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.

The proposed rate increase of Skelly Oil Company is accepted insofar as it does not exceed the applicable area ceiling established in Opinion No. 662 and is suspended for five months insofar as it exceeds the applicable area ceiling established in Opinion No. 662.

[FR Doc.75-25843 Filed 9-26-75;8:45 am]

[Docket Nos. RP72-91; RP73-64]

SOUTHERN NATURAL GAS CO.

Order Granting Motion To Remove Refund Obligation and Amending Prior Order

SEPTEMBER 19, 1975.

On August 18, 1975, Southern Natural Gas Company (Southern) filed a motion in the captioned docket that the Commission modify its order of June 28, 1974 in this docket to remove a certain portion of the refund obligation established by the June 28, 1974 order. Specifically, Southern requests that the refund obligation created by our order as it relates to rates for small producer and emergency purchases be removed.

In support of its motion, Southern states that its filing of May 16, 1974, the subject of our June 28 order, includes no emergency or small producer purchases in excess of the new national rate established by Opinion No. 699-H. Accordingly, Southern requests that the refund condition imposed as it relates to small producer and emergency purchases by the June 28, 1974 order be removed. We believe this request is reasonable and shall grant Southern's motion.

The Commission finds. Good cause exists to grant Southern's motion to remove the refund obligation imposed by our order of June 28, 1974 as such obligation relates to small producer and emergency purchases.

The Commission orders. (A) Our order of June 28, 1974 in the instant docket is hereby amended by removing the refund obligation imposed by Ordering Paragraph (E) of such order and Southern's motion of August 18, 1975 is hereby granted.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25836 Filed 9-26-75;8:45 am]

[Docket No. CP76-76]

SOUTHERN NATURAL GAS CO.

Application

SEPTEMBER 19, 1975.

Take notice that on September 8, 1975, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP76-76 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Florida Gas Transmission Company (Florida) from offshore to onshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant and Florida are said to have entered into a transportation agreement, dated August 26, 1975, under the terms of which Applicant is to transport approximately 37,500 Mcf of gas per day for Florida from a point of receipt in West Delta Block 133, offshore Louisiana, for redelivery to Florida at an existing interconnection between the facilities of Applicant and Florida near Franklintown Washington Parish, Louisiana. The stated purpose of the proposed transportation service is to enable Florida to receive into its system gas which it will purchase from Shell Oil Company and from Florida Exploration Company produced from Grand Isle Block 76, offshore Louisiana. The gas would be delivered at West Delta Block 133 by Shell, together with gas purchased by Applicant from Shell by Applicant.

The cost to Florida of the proposed transportation service is indicated in the application to be,

(1) A demand charge of $1.00 per Mcf of gas at 14.73 psia of daily transport quantity (37,500 Mcf),

(2) A commodity charge of 14.7 cents per Mcf of gas received by Applicant less gas used for compression and lost and unaccounted for,

(3) An overrun charge of 18.0 cents per Mcf of gas delivered by Florida in excess of the daily transport quantity.

To effectuate the proposed service and to receive its own purchased gas, Applicant states that it would have to modify its existing facilities at West Delta Block 133 at an estimated cost of approximately $64,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25835 Filed 9-26-75;8:45 am]

[Docket No. RI75-112]

TENNESSEE GAS PIPELINE CO. AND SOUTHERN NATURAL GAS CO.

Certain Producer and Pipeline Respondents; Extension of Time

SEPTEMBER 18, 1975.

On September 10 and 15, 1975, Tennessee Gas Pipeline Company (Tennessee) and Southern Natural Gas Company filed motions to extend the time in which to file the report required by order issued September 8, 1975, in the above-designated matter. On September 15, 1975, Columbia Gas Transmission Corporation filed a response in support of Tennessee's motion of September 10, 1975.

Notice is hereby given that the time to file the report required by order issued September 8, 1975, is extended for all parties from September 19, 1975, to and including October 3, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25825 Filed 9-26-75;8:45 am]

[Docket Nos. RP70-29 etc.]

TEXAS EASTERN TRANSMISSION CO.

Report of Refunds

SEPTEMBER 19, 1975.

Take notice that on August 25, 1975 Texas Eastern Transmission Corporation (TETCO) tendered for filing a report of refunds made pursuant to Article II of the Stipulation and Agreement in the above referenced dockets. The report contains a summary of all refunds, a sample refund computation, and copies of releases from all but thirty-four of TETCO's customers. Copies of the releases of the above-mentioned thirty-four customers will be filed when TETCO receives them.

Any person desiring to be heard or to protest said report should file a protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.10 of the Commission's rules of practice and procedure (18 CFR, 1.10). All such protests should be filed on or before October 6, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25837 Filed 9-26-75;8:45 am]

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[Docket Nos. CP75-273; CI75-538]

TRUNKLINE GAS CO. AND MOBIL OIL CORP.

Order Granting Temporary Certificate of Public Convenience and Necessity, Consolidating Proceedings for Hearing and Decision, and Granting Interventions; Correction

AUGUST 19, 1975.

In the order granting temporary certificates of public convenience and necessity, consolidating proceedings for hearing and decision and granting interventions, issued August 15, 1975, and published in the FEDERAL REGISTER on August 26, 1975, 40 FR Page 37266, please make the following corrections:

Page 37268, Seventh Paragraph, Line 16: Strike the word "materially".

Page 37268, Paragraph (A), Second Column, Line 2: Strike the word "at".

Page 37268, Paragraph (A): Strike lines 28 and 29 and insert the following "in the manner set forth in Section 2.65(b) of our Rules. Trunkline Gas".

Page 37268, Last Paragraph, Line 1: Insert at beginning of line, "For purposes of Trunkline's submittal,".

KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-25848 Filed 9-26-75; 8:45 am]

[Docket No. ER76-126]

APPALACHIAN POWER CO.

Filing of Supplement to Rate Schedule

SEPTEMBER 24, 1975.

Take notice that Appalachian Power Company ("Appalachian") on September 9, 1975, filed with the Commission a letter dated September 9, 1975, addressed to the Mayor of the City of Danville, Virginia (Danville) in which Appalachian notified Danville of its intention to serve Danville on and after September 16, 1975, on a day-to-day basis. Appalachian advised Danville that the rates, terms and conditions of such day-to-day service would be as set forth in Appalachian's FPC Rate Schedule No. 26 as theretofore amended and as further amended by two (2) Supplements attached to the September 9, 1975, letter. The first of those Supplements incorporates Appalachian's "Rate Schedule WS" presently the subject of proceedings in Docket E-7775; the second would replace the fuel adjustment clause of Rate Schedule WS by a filing identical with that made in Docket No. ER76-24.

Appalachian has requested an effective date of September 16, 1975, or, alternatively, at the latest, 30 days after the date of the filing made.

Appalachian states that Danville would have paid increased charges of approximately $262,800, or 6.28 percent, had the rates and charges proposed been in effect during calendar year 1974. Appalachian also states that it has served the materials tendered both on Danville and on the State Corporation Commission of the Commonwealth of Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 1, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25988 Filed 9-26-75;8:45 am]

[Docket No. ER76-127]

PUGET SOUND POWER AND LIGHT CO.

Supplement to Contract

SEPTEMBER 24, 1975.

Take notice that on September 8, 1975, Puget Sound Power & Light Company (Puget) tendered for filing a supplement to its existing "Firm Wholesale Service for Purpose of Resale" rate schedule, which is the subject of Docket Nos. E-8850, E-8993, and E-8994. The supplemental documents are entitled:

1. First Revised Sheet No. -a; and
2. Wholesale for Resale Power Contract with the Port of Brownsville.

Puget states that the filing only reflects the addition of the Port of Brownsville as a new customer under this rate schedule, and that all the other terms and conditions of the rate schedule, including the rates and charges, remain the same.

Puget requests an effective date of August 17, 1975, which is when service under this agreement commenced.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25989 Filed 9-26-75;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

ANNUAL REPORT

Availability

Pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and Circular A-63, revised, of the Office of Management and Budget, notice is hereby given of the availability of the 1974 Annual Report of the Federal Prevailing Rate Advisory Committee.

The Report summarizes the activities and recommendations of the Committee in dealing with Federal prevailing rate pay systems for craft, trade, and labor employees paid from either appropriated or nonappropriated funds during calendar year 1974.

Single copies of the Report will be furnished, without charge or multiple copies can be furnished at a fair and equitable fee, upon written request addressed to the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

The Report may be otherwise examined and/or copied at the above office and address, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday, legal holidays excluded.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

SEPTEMBER 23, 1975.

[FR Doc.75-25815 Filed 9-26-75;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA AND CHASE MANHATTAN CORP. OF N.Y.

Modified Order Granting Application To Engage in Certain Insurance Agency Activities

In an Order dated July 14, 1975, the Board of Governors of the Federal Reserve System approved the applications by Barnett Banks of Florida, Inc., Jacksonville, Florida ("Barnett") and The Chase Manhattan Corporation, New York, New York ("Chase"), to engage *de novo* in certain insurance agency activities through subsidiaries of both of the respective holding companies operating primarily in varous parts of the State of Florida.

The Board's Order discussed the proposed insurance agency activities as they related to the mortgage banking activities of the subsidiaries of the respective bank holding companies, and as viewed within the limitations of the newly enacted Florida statute which prohibits insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policy of insurance, with certain exceptions provided (Section 626.988, Florida Statutes). However, the Board's Order did not explicitly discuss the sale of credit life insurance and credit disability insurance directly related to extensions of credit by Barnett's subsidiary banks.

In a letter dated July 24, 1975, Barnett noted that the recently enacted Florida statute, cited above, defines "insurance agency activities" as "the procurement of applications, solicitation, negotiation, selling, effectuating or servicing of any policy or contract of insurance other than credit life insurance and credit disability insurance." Thus, credit life and credit disability insurance are not within the scope of the prohibitions of the recently enacted Florida statute.

The National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"), in separate letters, submitted responses to Barnett's July 24 letter. Neither NAIA nor FAIA raised objections to the comments expressed in Barnett's July 24 letter. However, both NAIA and FAIA requested further modification of the Order with respect to the interpretation of the recently enacted Florida Statute and the insurance agency activities which may be conducted thereunder by a bank holding company.

The Board has reviewed the July 14 Order in light of the above-mentioned supplemental submissions, and has decided that it would be desirable to modify the Order to more specifically clarify the scope of the permissible insurance agency activities in terms of the Florida statute. Accordingly, the Board's Order of July 14, 1975, approving the applications of Barnett Banks of Florida, Inc., Jacksonville, Florida, and The Chase Manhattan Corporation, New York, New York, to engage *de novo* in certain insurance agency activities, is hereby modified to read as follows:[1]

Barnett Banks of Florida, Inc., Jacksonville, Florida ("Barnett"), and The Chase Manhattan Corporation, New York, New York ("Chase"), both bank holding companies within the meaning of the Bank Holding Company Act, have applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's Regulation Y, to engage *de novo* in certain insurance agency activities through subsidiaries of both of the respective holding companies operating primarily in various parts of the State of Florida.

Notices of the two subject applications were published in the communities to be served by both of the respective bank holding companies in accordance with § 225.4(b)(1) of the Board's Regulation Y. Formal objections to the applications were made by the National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"). By Order of March 6, 1973, the Board directed that public hearings be held on the subject applications before a designated Administrative Law Judge (38 FR 6441). In addition to the intervenors named above, a number of additional parties sought and were granted permission to participate in the proceedings. Testimony and other evidence in support of, and in opposition to, the applications were received in evidentiary hearings held between June 11, 1973, and June 21, 1973. The hearings and related proceedings have been conducted in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263).

In a Recommended Decision of November 8, 1973, the Administrative Law Judge concluded that the evidence supported approval of the applications and recommended that the Board permit both Applicants to engage in certain insurance agency activities in those counties in which Applicants and their affiliates do not control more than 15 per cent of the bank deposits and/or mortgage banking business. An exception to this recommendation of approval was noted for various types of surety bonding. The recommendation was subject to the requirement that appropriate statements be furnished for execution by borrowers to the effect that the customer understands that the placement of such insurance is not offered as a condition to the grant of a loan, nor as an inducement therefor, and, in addition, that similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents, or in lieu thereof, existing insurance owned by the borrower may be assigned to the bank.

The Board, having considered the entire record and the exceptions taken to the Recommended Decision by the various parties and having determined that the Administrative Law Judge's findings of fact, conclusions, and order, as modified and supplemented herein, should be adopted as the findings, conclusions, and order of the Board, now makes its findings as to the facts, its conclusions drawn therefrom, and its Order.

Barnett controls 36 banks and ranks as the third largest bank holding company in Florida with aggregate deposits approximating $1.2 billion, representing 6.3 per cent of the total deposits in commercial banks in the State.[2] Barnett proposes to sell the following types of insurance through a newly formed subsidiary known as Barnett Banks Insurance Agency, Inc.:

(a) Insurance for Applicant and its banking subsidiaries including physical damage, loss and liability insurance on property owned by Applicant or its banking subsidiaries, group insurance for the protection of employees of Applicant and its banking subsidiaries and fidelity insurance on employees of Applicant and its banking subsidiaries.

(b) Insurance on the life or health of a borrower from one of Applicant's subsidiary banks in order to ensure repayment of an extension of credit.

(c) Insurance to protect collateral in which Applicant's subsidiary banks have a security interest as a result of an extension of credit by the banks.

(d) Liability insurance on real property mortgaged to Applicant's subsidiary banks and liability insurance on motor vehicles in which Applicant's subsidiary banks have a security interest as a result of an extension of credit, when such insurance is sold in conjunction with insurance protecting the collateral.

(e) Homeowner's insurance with respect to a residence mortgaged to one of Applicant's subsidiary banks.

(f) Insurance against loss of securities or other valuables held by Applicant's subsidiary banks for safekeeping or in a safe deposit box.

(g) Life insurance equal to the difference between the maturity value of a deposit plan for periodic deposits in one of Applicant's subsidiary banks over a specified term and the balance in the account at the time of the depositor's death.

(h) Insurance that is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within this category does not constitute a significant portion of the aggregate insurance premium income of Applicant.

The Chase Manhattan Corporation controls four banks (all in New York State) with aggregate domestic deposits of approximately $16.9 billion, representing about 15.5 percent of total commercial bank deposits in the State.[3] Through a nonbanking subsidiary, Housing Investment Corporation of Florida ("HIC"), it operates three offices in Florida engaged in the origination of loans on multifamily and commercial properties. HIC commenced operations in September, 1972, and in its first nine months made loans in the aggregate volume of $170 million. Chase proposes to sell, through HIC, credit-related property and liability insurance, surety bonding, credit life, credit accident and health insurance, mortgage redemption insurance and homeowner's comprehensive policies.

The principal issues before the Board which arise from the subject applications are: (1) Whether the insurance agency activities proposed are so closely related to banking or managing or controlling banks as to be a proper incident thereto; (2) whether performance of the proposed activities can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, which outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. The Board has previously determined by Regulation (12 CFR 225.4(a)(9)) ("Insurance Regulation") that the following activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto.[4]

[1] Applicants may engage in insurance agency activities in Florida only to the extent that such authority is specifically granted in this Order, approval granted in the July 14 Order notwithstanding.

[2] Deposit data as of December 31, 1972.

[3] Deposit data as of December 31, 1972.

[4] The Board's Insurance Regulation was adopted after notice of proposed rule-making and following receipt of comments on the substance of the proposed regulation. The insurance activities authorized by the regulation are those that are organizationally and physically integrated into the operations of the bank holding company. The Board's decisions in this area prior to the 1970 Amendments to the Act are generally to the same effect (see, for example, Otto Bremer Company, 1959 F.R. Bulletin 892; First Bank Stock Corporation, 1959 F.R. Bulletin 917; and United Virginia Bancshares, Inc., 1970 F.R. Bulletin 599).

Members of both houses of Congress referred to the Board's prior decisions during the legislative debate to the 1970 Amendments. A member of the Conference Committee, Senator Bennett, stated: "The Federal Reserve Board under the existing language of section 4(c)(8) for the past 14 years has approved insurance activities for bank holding companies and there was no intent on the part of the Conference Committee to overrule these past decisions." Congressional Record S20645, December 18, 1970.

VOL 189 SEP 29 75 XUM

(9) Acting as insurance agent or broker in offices at which the holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to the following types of insurance:

(i) Any insurance for the holding company and its subsidiaries;

(ii) Any insurance that (a) is directly related to an extension of credit by a bank or a bank-related firm of the kind described in this regulation, or (b) is directly related to the provision of other financial services by a bank or such a bank-related firm, or (c) is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within this subdivision (ii) (c) does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to this subdivision (ii);

(iii) Any insurance sold in a community that (a) has a population not exceeding 5,000 or (b) the holding company demonstrates has inadequate insurance agency facilities.

Upon reviewing the legislative history of the 1970 Amendments to the Bank Holding Company Act, the Law Judge concluded that "Congress clearly had the insurance agency business in mind as an enterprise closely related to banking." He therefore found that "the business of selling general insurance" was an activity so closely related to banking or managing or controlling banks as to be a proper incident thereto. None of the Applicants, however, sought permission to operate a general insurance agency as such. Instead, the Applicants listed in their respective applications the specific insurance coverages that their subsidiaries contemplated selling, and for which prior Board approval was sought. Adoption of the Law Judge's recommended finding that "selling general insurance" is an activity closely related to banking would thus confer a broader authority than that requested in any of the subject applications and would not be an appropriate finding from the record of this proceeding.

Subsequent to the Law Judge's decision in this case, legislation was passed by the Florida legislature prohibiting insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policy of insurance (Section 626.988, Florida Statutes). However, the new Florida statute provides narrow exceptions which authorize certain nonbank subsidiaries or affiliates of bank holding companies to engage to a limited extent in certain insurance activities. Section 3 of the statute provides:

> Notwithstanding any other provisions of this section, an insurance agent or solicitor licensed by the department of insurance under the provisions of chapter 626, Florida Statutes, who is affiliated with, under contract with, retained by or owned or controlled directly or indirectly to any degree by a bank holding company subsidiary or affiliate, which is not a bank, licensed and operating primarily under Chapter 494, Florida Statutes, may engage in insurance agency activities, if permitted by the Board of Governors of the Federal Reserve System, but only to the extent that such activities are directly related to the extension of credit, specifically real estate mortgage loans, made or brokered by licensees under chapter 494, Florida Statutes, and only to the extent necessary to protect the real property which is subject to the mortgage loan, against loss or damage. With respect only to residential property consisting of not more than four individual dwelling units, such agent or solicitor may offer a policy affording insurance on the primary residence, appurtenant structures, personal property and personal liability, but excluding any insurance customarily written under an inland marine form. In addition, such agent may offer decreasing term life insurance on the life of the borrower not to exceed the amount and term of the mortgage.

Thus, it appears that under the recently enacted Florida statute, Applicants may engage to a limited extent in certain insurance agency activities. Accordingly, the Board believes that it may approve the proposals herein to the extent permitted by Florida law.

No serious contest was made in this proceeding concerning the sale of credit life or credit accident and health (disability) insurance, nor are these coverages encompassed within the prohibitions of the recently enacted Florida statute. The Board has previously determined by Order[5] that the sale of these forms of insurance was so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. The previous findings of the Board concerning such coverages are reaffirmed herein since such insurance assures repayment of an extension of credit by the holding company system in the event of death or disability of the borrower. Under these conditions, the Board finds that the sale of such insurance is directly related to an extension of credit. However, where life insurance on the borrower exceeds the outstanding balance of the credit extension as occurs in the sale of level term life insurance in connection with installment loans, no direct relationship exists. Accordingly, the Board finds that the sale of level term credit life insurance on other than single payment loans is not so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. Thus, Barnett may sell decreasing term credit life insurance and credit accident and health (disability) insurance which is related to extensions of credit by its subsidiary banks, and Chase may sell such insurance through HIC when the insurance is related to extensions of credit by HIC, pursuant to the provisions of § 225.4(a)(9) of the Board's Insurance Regulation and to the extent that such activity is consistent with and permitted by applicable Florida statutes.[6]

Likewise, no serious contest was made in this proceeding concerning the sale of mortgage redemption insurance. The Board has previously determined by Order[7] that the sale of this insurance is so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. The previous finding of the Board concerning this coverage is reaffirmed herein since such insurance is often purchased to assure repayment of an extension of credit by the holding company system in the event of the death of the borrower. As noted supra, Florida's recently enacted statute expressly permits the sale of decreasing term life insurance on the life of a borrower where such insurance is sold in connection with an extension of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, and where the insurance does not exceed the amount and term of the real estate mortgage loan. Thus, Chase may engage in this activity, through HIC, to the extent permitted by Florida law.[8]

Both of the Applicants request permission to sell various forms of insurance that protect the collateral in which a subsidiary has a security interest as a result of an extension of credit. Insofar as these requests pertain to physical damage insurance on real estate mortgaged as security for a loan originated by Chase's mortgage banking subsidiary, HIC, they would appear to meet the requirements contained in the exemption to the recently enacted Florida statute, cited above. The Board has previously found that the sale of such coverage is directly related to an extension of credit within the meaning of § 225.4(a)(9)(ii)(a) of the Insurance Regulation. The extension of credit on a secured loan is founded upon the value of the collateral securing the loan. Thus, insurance is essential from the lender's standpoint to assure that the value of the collateral will not

[5] See the Board's Order of January 28, 1974, granting approval to Worcester Bancorp, Inc., Worcester, Massachusetts, to engage *de novo* in the sale of credit life, credit accident and health, and mortgage redemption insurance (1974 FR *Bulletin* 393).

[6] In view of the recently enacted Florida insurance legislation (Section 626.988, Florida Statutes), the Board is without authority to approve any of Barnett's proposed insurance agency activities, other than the sale of credit life and credit disability insurance.

[7] See note 5, *supra*.

[8] The Board need make no finding that HIC is a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, or how HIC will comply with State insurance laws with respect to licensing of agents and soliciting of insurance sales. These are general questions of State law regulating insurance agency and mortgage banking activities which are not related to whether performance per se by a bank holding company directly or indirectly of a particular activity would be violative of State law. These, therefore, are not the type of State law issues which the Board must consider pursuant to the Supreme Court decision in Whitney National Bank in Jefferson Parish v. Bank of New Orleans and Trust Co., 379 U.S. 411 (1965). It is presumed that Chase will comply with all relevant State licensing and insurance laws, but it is not the role of the Board to define the diverse requirements of such laws or to enforce compliance with them. If HIC is not a properly licensed Chapter 494 subsidiary the exemption in section 3 of the recently enacted Florida insurance statute clearly does not apply, and HIC will need to be properly licensed and operating primarily under Chapter 494 in order to engage in the limited insurance agency activities approved herein.

be impaired by physical damage. The financial nature of the insurance transaction forms an integral function for the borrower as well since the presence or lack of insurance protecting loan collateral is an essential element of the credit evaluation. The evidence in this record confirms that the sale of physical damage insurance on real estate is directly related to a real estate mortgage loan. Thus, Chase may engage in this activity.

Applicants also seek prior Board approval to sell liability insurance on real property when a subsidiary has taken a security interest in such property as the result of its extension of credit. The purchase of liability insurance by individual borrowers in conjunction with or as part of an insurance package with insurance that protects real property which secures an extension of credit appears, from the evidence of record, to be the least costly and most convenient means of obtaining such coverage. Moreover, a "packaged" insurance policy combining liability insurance with insurance relating to physical damage on real property purchased from loan proceeds fulfills a legitimate need of the lender and borrower alike at the time a loan is made. The Board concludes from all the evidence of record that the sale of liability insurance on real property supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers in conjunction with, or as part of, an insurance package with insurance protecting real property, and is a permissible activity within § 225.4(a)(9)(ii)(a) of the Insurance Regulation. However, under the recently enacted Florida statute cited above, Applicants would be prohibited from selling this type of insurance except in connection with extensions of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, where the real property securing the extension of credit consists of residential property of not more than four individual dwelling units. Thus, Chase may engage in this activity through HIC, subject to these conditions.

Both of the Applicants have applied for permission to sell homeowner's insurance. This insurance is to be sold in a package form consisting primarily of physical damage and liability insurance on a residence along with several other types of coverages. The evidence of record indicates the difficulty of separately obtaining the several types of coverages contained in a homeowner's policy at a price comparable to that for the package. The Board, therefore, concludes that the sale of homeowner's insurance supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers as a means of protecting the collateral in which the bank or bank-related firm has a security interest and is a permissible activity within § 225.4(a)(9) of the Insurance Regulation. Accordingly, to the extent permitted by Florida law, Chase may engage in the sale of homeowner's insurance in connection with extensions of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, where the extensions of credit involve residential property consisting of not more than four individual dwelling units.

In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the 1970 Amendments to the Act require the Board to "consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Each of these factors has been separately considered by the Board in its determination herein.

The public benefits that may reasonably be expected to result from the sale of the coverages discussed, supra, appear to be positive in terms of greater convenience to the consumer-borrower. The ability of a borrower to complete an entire credit-related insurance transaction at one location (so-called "one-stop shopping") is likely to result in a considerable savings in time as well as to eliminate the duplication of certain information requirements. Permitting Applicants to engage in the specified insurance agency activities is also likely to result in the added convenience of combining the loan installments and insurance premiums in a single payment.

Approval of the subject applications is also likely to result in some increased competition among insurance agents in Florida. While it does not appear that Applicants can introduce more than a minimum of price competition in those insurance agency markets that they enter, each appears capable of injecting strong competition in such markets on the basis of service. The added convenience of completing a credit-insurance transaction at one location, discussed supra, is but one of the competitive means whereby Applicants may improve an insurance agent's service to the public. In addition, certain technical efficiencies in the data processing area give both Applicants the capability of competing effectively with independent agents and the assurance of efficient service to the public. Based on these and other facts of record, it is the Board's judgment that approval of the subject applications will produce public benefits through increased competition among insurance agents in local Florida markets.

Approval of the subject applications is also likely to result in some gains in efficiency. The policies sold must, by Board Regulation, be directly related to an extension of credit or the provision of other financial services offered by the Applicants; and, furthermore, under the recently enacted Florida statute, the property and liability policies also must be directly related to real estate mortgage loans extended by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes. Thus, some savings can be anticipated through the reduction or even elimination of advertising and solicitation expenses as the agent's only customers will be those who choose the "one-stop" convenience of purchasing insurance at the same time the loan is obtained. Since insurance agency activities will be conducted from existing facilities of the holding company, the expense of office overhead will be minimal. Efficiencies may also result in the case of Barnett from the increased use of the holding company's computer facilities in handling insurance sales and billing operations. It is the Board's judgment that such efficiencies will result in positive public benefits in terms of the service the Applicants may offer their borrower-insureds.

One of the possible adverse effects which the Congress directed the Board to consider in determining whether a particular activity is a proper incident to banking or managing or controlling banks is the danger of an undue concentration of resources. As noted in the Conference Report accompanying H.R. 6778, this particular danger "is enhanced when concentrations of power are centered about money, credit and other financial areas, the common denominators of the economy." Since Applicants are proposing to enter this activity *de novo*, the Board concludes that the danger of an undue concentration of resources such as the Congress feared might arise from bank holding company entry into a particular nonbanking activity is not present in these applications.

Another possible adverse effect which the Congress directed the Board to consider in any 4(c)(8) application concerned the danger of decreased or unfair competition. Intervenors vigorously contested these applications on the ground that permitting Applicants to sell insurance would lead to coerced or "voluntary" tying[9] of insurance to extensions of credit by Applicants' subsidiaries. It appears that the Law Judge was concerned with such a possibility and accordingly recommended that Applicants not be permitted to sell insurance in markets where their banking subsidiaries hold more than 15 per cent of the total deposits in commercial banks. It is clear that coerced tying is forbidden by § 106 of the Bank Holding Company Act and under certain conditions by provisions of the antitrust laws. Moreover, the evidence of record in this proceeding contains no specific instances of a tying arrangement resulting from either coerced or "voluntary" tying. Finally, the record indicates that the market power required for the successful practice of tying does not appear to be present. The share of commercial bank deposits that Barnett's banking subsidiaries hold in local Florida

[9] Voluntary tying results not from any coercion placed on the borrower by the lender but, rather, from the borrower's presumed desire to enhance the probability of obtaining a loan.

V 40 N 189 SEP 29 75 XUM

markets does not establish undue market power in those markets. It appears from the record in this proceeding that there are numerous banking alternatives in Florida's banking markets. In addition to commercial banks, borrowers have access to mortgage loans from savings and loan associations and mortgage bankers. Considering these alternative nonbank sources of mortgage credit, together with the numerous commercial banking alternatives available to borrowers, it appears that the dangers of tying are not substantial and should not bar Applicants' sale of insurance in local Florida markets.

The Law Judge recommended in his decision that "appropriate statements be included in all insurance application forms furnished by affiliates of bank holding companies in bold type above the applicant's signature to the effect that the customer understands that the placement of such insurance is not offered as a condition to the grant of the loan nor as an inducement therefor * * *." The Board notes that similar statements are likely to be included in all Truth in Lending disclosures made pursuant to the Board's Regulation Z with respect to credit life, accident and health or loss of income insurance and it finds that the evidence in this record is not sufficient to otherwise require such language.

The Law Judge also recommended as a condition of approval that language be added to insurance application forms indicating that "similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents or in lieu thereof existing insurance owned by the borrower may be assigned to the bank" (page 64). The Board has not required this specific condition before and the evidence in this record is insufficient to demonstrate that there are possible adverse effects to be prevented by such a statement.

Finally, in passing on an application under section 4(c)(8), the Board is required to consider whether conflicts of interests or unsound banking practices might arise from Applicants' entry into the insurance agency business. We find no evidence in the record to support a conclusion that lending affiliates of an applicant would risk making an undesirable loan for the purpose of selling the customer any other form of insurance. Regulatory supervision of loans made by banking affiliates of the Applicants appear to provide a reasonable safeguard against this possibility. Accordingly, the Board finds that the adverse effects that might arise from possible conflicts of interests are not present in these applications. In addition, a review of the entire record indicates that no other unsound banking practices would result from Applicants' entry into the sale of the specified insurance coverages. Therefore, it is the Board's judgment that consummation of the proposed transactions would not result in conflicts of interests or unsound banking practices.

It has been suggested by NAIA that, in light of the new legislative prohibitions of the Florida statute limiting Applicants' entry into insurance agency activities, the public benefits claimed from subject entry should be reexamined. The Board recognizes that some diminution of the public benefits dicussed supra may likely result from a more limited form of entry into insurance agency activities. However, on balance, it is the Board's view that sufficient public benefits would exist following Applicants' entry into those insurance agency activities now permitted by Florida law as to outweigh any possible adverse effects resulting from such entry.

The Board notes that NAIA has objected to the exclusion by the Law Judge of certain testimony of Mr. Harrison Houghton, witness for NAIA. The Board, after examining the record, concludes that the Law Judge correctly exercised his discretion in refusing to admit this testimony since it was cumulative to other testimony in the record and, moreover, irrelevant to many of the issues involved in these applications. NAIA filed a motion to exclude Board personnel who were involved in this hearing from "participating in the making of the Board's decision on these applications." Since such personnel of the Board did not participate in the decisional process, the issue raised by the motion is moot.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of these proposals can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the Board's July 14, 1975 Order is hereby modified as provided herein, and the applications to sell the limited coverages enumerated above and expressly permitted under the Florida statute are hereby approved only to the extent specified in this Order. This determination supersedes the Board's Order of July 14, 1975, and is conditioned upon Applicants' conduct of these activities in accordance with all applicable Florida insurance laws. This determination is further subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof. The transactions herein approved shall be executed not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Banks of Atlanta or New York pursuant to delegated authority.

By the order of the Board of Governors,[10] effective September 22, 1975.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.75-25889 Filed 9-26-75;8:45 am]

BARNETT BANKS OF FLORIDA AND CHASE MANHATTAN CORP. OF N.Y.

Modified Order Granting Application To Engage in Certain Insurance Agency Activities

In an Order dated July 14, 1975, the Board of Governors of the Federal Reserve System approved the application by Barnett Banks of Florida, Inc., Jacksonville, Florida ("Barnett"), to engage *de novo* in certain insurance agency activities through a newly formed subsidiary to be known as Barnett Winston Insurance Agency, Inc.

The Board's Order discussed the proposed insurance agency activities as they related to the mortgage banking activities of Barnett's mortgage banking subsidiary, Barnett Winston Company, and as viewed within the limitations of the newly enacted Florida statute which prohibits insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policy of insurance, with certain exceptions provided (Section 626.988, Florida Statutes).[1] However, the Board's Order did not discuss the sale of credit accident and health (disability) insurance by the offices of Barnett Winston Company which are located in Florida.

In a letter dated July 24, 1975, Barnett noted that the recently enacted Florida statute, cited above, defines "insurance agency activities" as "the procurement of applications, solicitation, negotiation, selling, effectuating or servicing of any policy or contract of insurance other than credit life insurance and credit disability insurance." Thus, credit life and credit disability insurance are not within the scope of the prohibitions of the recently enacted Florida statute.

The National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"), in separate letters, submitted responses to Barnett's July 24 letter. Neither NAIA or FAIA raised objections to the comments expressed in Barnett's July 24 letter. However, both NAIA and FAIA requested further modifications of

[10] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns.

[1] Barnett Winston Company operates six offices in Florida and one office in Harris County, Texas. The Board's July 14, 1975, Order distinguished the proposed insurance agency activities to be conducted in Florida from those to be conducted in Texas. The instant Order modifies the July 14 Order only insofar as it concerns the proposed activities in Florida, and reaffirms the activities approved for the office in Texas.

the Order with respect to the interpretation of the recently enacted Florida Statute and the insurance agency activities which may be conducted thereunder by a bank holding company.

The Board has reviewed the July 14 Order in light of the above-mentioned supplemental submissions, and has decided that it would be desirable to modify the Order to more specifically clarify the scope of the permissible insurance agency activities in terms of the Florida statute. Accordingly, the Board's Order of July 14, 1975, approving the application of Barnett Banks of Florida, Inc., Jacksonville, Florida, to engage *de novo* in certain insurance agency activities through Barnett Winston Insurance Agency, Inc., is hereby modified to read as follows:[2]

Barnett Banks of Florida, Inc., Jacksonville, Florida ("Barnett"), a bank holding company within the meaning of the Bank Holding Company Act, has applied through its nonbanking subsidiary, Barnett Winston Company ("Barnett Winston"), for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's Regulation Y, to engage *de novo* in certain insurance agency activities through a newly formed subsidiary to be known as Barnett Winston Insurance Agency, Inc.

Notice of the application was published in the communities to be served in accordance with § 225.4(b)(1) of the Board's Regulation Y. Formal objections to the application were made by the National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"). By Order of March 6, 1973, the Board directed that public hearings be held on the subject application before a designated Administrative Law Judge (38 FR 6441). In addition to the intervenors named above, a number of additional parties sought, and were granted permission, to participate in the proceeding. Testimony and other evidence in support of, and in opposition to, the application was received in evidentiary hearings held between June 11, 1973, and June 21, 1973. The hearing and related proceedings have been conducted in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR Part 263).

In a Recommended Decision of November 8, 1973, the Administrative Law Judge concluded that the evidence supported approval of the application and recommended that the Board permit Applicant to engage in certain insurance agency activities in those counties in which Applicant and its affiliates do not control more than 15 per cent of the bank deposits and/or mortgage banking business. An exception to the recommendation of approval was noted for various types of surety bonding. The recommendation was subject to the requirement that appropriate statements be furnished for execution by borrowers to the effect that the customer understands that the placement of such insurance is not offered as a condition to the grant of a loan, nor as an inducement therefor, and, in addition, that similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents, or in lieu thereof, existing insurance owned by the borrower may be assigned to the bank.

The Board, having considered the entire record and the exceptions taken to the Recommended Decision by the various parties and having determined that the Administrative Law Judge's findings of fact, conclusions, and order, as modified and supplemented herein, should be adopted as the findings, conclusions, and Order of the Board, now makes its findings as to the facts, its conclusions drawn therefrom, and its Order.

Barnett Winston Company is engaged in the activity of mortgage banking through six offices in Florida and one in Harris County, Texas. As of year-end 1972 it held a mortgage servicing portfolio of approximately $155 million. Barnett Winston Company proposes to sell the following types of insurance in connection with the real estate financing activities of its subsidiaries through a newly-formed subsidiary to be known as Barnett Winston Insurance Agency, Inc.:

(a) Property damage and liability insurance on real estate mortgaged as security for a loan originated and/or serviced by a bank-related subsidiary of Applicant.

(b) Mortgage guaranty insurance assuring repayment in the event of default of all or a portion of a mortgage loan originated and/or serviced by a bank-related subsidiary of Applicant.

(c) Insurance on the life or health of a borrower indebted on a loan originated and/or serviced by a bank-related subsidiary of Applicant.

(d) Homeowner's insurance with respect to a residence mortgaged as security for a loan originated and/or serviced by a bank-related subsidiary of Applicant.

(e) Insurance that is otherwise sold as a matter of convenience to the purchaser so long as the premium income from such sales does not constitute a significant portion of the aggregate insurance premium of Applicant.

The principal issues before the Board which arise from the subject application are: (1) Whether the insurance agency activities proposed are so closely related to banking or managing or controlling banks as to be a proper incident thereto; (2) whether performance of the proposed activities can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, which outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. The Board has previously determined by Regulation (12 CFR 225.4(a)(9)) ("Insurance Regulation") that the following activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto: [3]

(9) acting as insurance agent or broker at offices at which the holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to the following types of insurance:

(i) Any insurance for the holding company and its subsidiaries;

(ii) Any insurance that (a) is directly related to an extension of credit by a bank or a bank-related firm of the kind described in this regulation, or (b) is directly related to the provision of other financial services by a bank or such a bank-related firm, or (c) is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within this subdivision (ii)(c) does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to this subdivision (ii);

(iii) Any insurance sold in a community that (a) has a population not exceeding 5,000 or (b) the holding company demonstrates has inadequate insurance agency facilities.

Upon reviewing the legislative history of the 1970 Amendments to the Bank Holding Company Act, the Law Judge concluded that "Congress clearly had the insurance agency business in mind as an enterprise closely related to banking." He therefore found that "the business of selling general insurance" was an activity so closely related to banking or managing or controlling banks as to be a proper incident thereto. However, Applicant did not seek permission to operate a general insurance agency as such but listed in its application the specific insurance coverages that it contemplated selling through its newly-formed subsidiary, Barnett Winston Insurance Agency, Inc. Adoption of the Law Judge's recommended finding that "selling general insurance" is an activity closely related to banking would

[2] Applicant may engage in insurance agency activities only to the extent that such authority is specifically granted in this Order, approval granted in the July 14 Order notwithstanding.

[3] The Board's Insurance Regulation was adopted after notice of proposed rule-making and following receipt of comments on the substance of the proposed regulation. The insurance activities authorized by the regulation are those that are organizationally and physically integrated into the operations of the bank holding company. The Board's decisions in this area prior to the 1970 Amendments to the Act are generally to the same effect (see, for example, Otto Bremer Company, 1959 F.R. *Bulletin* 892, First Bank Stock Corporation, 1959 F.R. *Bulletin* 917; and United Virginia Bancshares, Inc., 1970 F.R. *Bulletin* 599).

Members of both Houses of Congress referred to the Board's prior decisions during the legislative debate to the 1970 Amendments. A member of the Conference Committee, Senator Bennett, stated: "The Federal Reserve Board under the existing language of § 4(c)(8) for the past 14 years has approved insurance activities for bank holding companies and there was no intent on the part of the Conference Committee to overrule these past decisions." Congressional Record S-20645, December 18, 1970.

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thus confer a broader authority than that requested in the subject application and would not be an appropriate finding from the record of this proceeding.

Subsequent to the Law Judge's decision in this case, a bill was passed by the Florida legislature prohibiting insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policy of insurance (Section 626.988, Florida Statutes). However, the new Florida statute provides narrow exceptions which authorize certain nonbank subsidiaries or affiliates of bank holding companies to engage to a limited extent in certain insurance agency activities.

Section 3 of the statute provides:

Nothwithstanding any other provision of this section, an insurance agent or solicitor licensed by the department of insurance under the provisions of chapter 626, Florida Statutes, who is affiliated with, under contract with, retained by or owned or controlled directly or indirectly to any degree by a bank holding company, subsidiary or affiliate, which is not a bank, licensed and operating primarily under chapter 494, Florida Statutes, may engage in insurance agency activities, if permitted by the Board of Governors of the Federal Reserve System, but only to the extent that such activities are directly related to the extension of credit, specifically real estate mortgage loans, made or brokered by licensees under Chapter 494, Florida Statutes, and only to the extent necessary to protect the real property which is subject to the mortgage loan, against loss or damage. With respect only to residential property consisting of not more than four individual dwelling units, such agent or solicitor may offer a policy affording insurance on the primary residence, appurtenant structures, personal property and personal liability, but excluding any insurance customarily written under an inland marine form. In addition, such agent may offer decreasing term life insurance on the life of the borrower not to exceed the amount and term of the mortgage.

Thus, it appears that under the recently enacted Florida statute, Applicant may engage to a limited extent in certain insurance agency activities. Accordingly, the Board believes that it may approve the proposal herein to the extent permitted by Florida law.

Applicant requests permission for Barnett Winston Insurance Agency, Inc. to sell physical damage insurance on real estate mortgaged as security for a loan originated and/or serviced by Barnett Winston, a mortgage banking subsidiary of Applicant located in Florida.[4] So long as this request pertains to physical damage insurance on real estate serving as collateral for a loan *originated* by a subsidiary of Applicant which is licensed and operating primarily under Chapter 494, Florida Statutes, it would appear to meet the requirements contained in the exemption to the recently enacted Florida statute cited above. The Board has previously found that the sale of such coverage is directly related to an extension of credit within the meaning of § 225.4(a)(9)(ii)(a) of Regulation Y. The extension of credit on a secured loan is founded upon the value of the collateral securing the loan. Thus, insurance is essential from the lender's standpoint to assure that the value of the collateral will not be impaired by physical damage. The financial nature of the insurance transaction forms an integral function for the borrower as well since the presence or lack of insurance protecting loan collateral is an essential element of the credit evaluation. The evidence in this record confirms that the sale of physical damage insurance on real estate is directly related to a real estate mortgage loan. Accordingly, Applicant may engage in this activity subject to the limitations imposed by Florida law.

Applicant further seeks to sell physical damage insurance on real estate mortgaged as security for a loan originated and/or serviced by Barnett Winston in Harris County, Texas. The servicing of loans and other extensions of credit has been found by the Board to be a permissible activity under § 225.4(a)(3) of Regulation Y, and thus, a provision of a financial service by a bank or bank-related firm of the type contemplated in the Board's Interpretation permitting the sale of insurance in connection with such services (12 CFR 225.128(d)(4)). Accordingly, the Board concludes that the sale of physical damage insurance on real estate serving as collateral for a loan originated and/or serviced by Barnett Winston in Harris County, Texas, is a permissible activity within the meaning of § 225.4(a)(9)(ii) (a) and/or (b) of the Insurance Regulation.

Applicant seeks prior Board approval to sell liability insurance on real property when a subsidiary has taken a security interest in such property as the result of its extension of credit. The purchase of liability insurance by individual borrowers in conjunction with or as part of an insurance package with insurance that protects real property which secures an extension of credit appears, from the evidence of record, to be the least costly and most convenient means of obtaining such coverage. Moreover, a "packaged" insurance policy combining liability insurance with insurance relating to physical damage on real property purchased from loan proceeds fulfills a legitimate need of the lender and borrower alike at the time a loan is made. The Board concludes from all the evidence of record that the sale of liability insurance on real property supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers in conjunction with, or as part of, an insurance package with insurance protecting real property, and is a permissible activity within § 225.4(a)(9) of the Insurance Regulation. However, under the recently enacted Florida statute cited above, Applicant would be prohibited from selling this type of insurance in Florida, except in connection with extensions of credit originated by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, and except for those instances where the real property securing an extension of credit consists of residential property of not more than four individual dwelling units. To the extent that Applicant complies with these conditions, it may engage in this activity. Insofar as Applicant's request pertains to prior Board approval to sell liability insurance on real estate serving as collateral for a loan originated and/or serviced by Barnett Winston in Harris County, Texas, the Board concludes from all the evidence of record that Applicant may engage in this activity in Harris County so long as the liability insurance is sold to borrowers in conjunction with, or as part of, an insurance package with insurance protecting the real property.

Applicant has requested the Board's prior approval to sell mortgage guaranty insurance as agent or broker. This particular insurance protects the lender against loss of a specified percentage of a loan in the event of foreclosure and sale of the collateral. To a large extent, it insures the lender against credit risk. However, none of the major mortgage insurance underwriters uses agents at the present time, and all have been qualified as insurers by the Federal Home Loan Mortgage Corporation. The Board further notes that § 150 of that Corporation's Eligibility Requirements for qualified insurers prohibits these insurers from paying a fee, commission, or other compensation to any mortgage lender or to any corporation in which the lender, its officers or directors, or its employees have a financial interest. Thus, it appears that qualified underwriters of mortgage guaranty insurance would be prohibited from paying a commission or fee to Applicant in the sale of such insurance. Moreover, were Applicant to sell mortgage guaranty insurance for an unqualified insurer, its mortgages could not be resold to the Federal Home Loan Mortgage Corporation, a significant buyer of mortgages in the secondary market. Under these circumstances, the Board does not view the sale of mortgage guaranty insurance by a bank holding company to be in the public interest. Accordingly, the application to engage in the sale as agent or broker of this specific coverage should be, and hereby is, denied.[5]

Applicant has also requested the Board's prior approval to sell insurance on the life or health of a borrower who is indebted on a loan originated and/or serviced by a bank-related subsidiary of Applicant. The Board has previously determined by Order[6] that the sale of credit life, credit accident and health, and mortgage redemption insurance is so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. As noted supra, Florida's recently enacted statute expressly permits the sale of decreasing term life insurance on the life of a borrower where such insurance is sold in connection with an extension of credit originated by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, and where the insurance does not exceed the amount and term of the real estate mortgage loan. The sale of such insurance assures repayment of an extension of credit by the holding company system in the event of death or disability of the borrower. The Board finds that the sale of such insurance is directly related to an extension of credit and that Applicant may engage in this activity in Florida, provided that these conditions are complied with.

The previously noted restrictions under Florida law on the sale of mortgage redemption insurance do not Limit Applicant's ability to perform this activity in the State of Texas, nor do these restrictions apply to, or limit, Applicant's ability to sell credit life and credit accident and health insurance in Florida or Texas. The sale of decreasing term life insurance in connection with the servicing of loans by a bank or bank-related firm is a coverage previously determined by the Board as one directly related to an extension of credit or the providing of financial services (see 12 CFR 225.128 (d)). However, where life insurance on the borrower exceeds the extent of the outstanding balance of the credit extension as occurs in the sale of level term life insurance in connection with installment loans, no direct relationship exists. Accordingly, the Board finds that the sale of level term life insurance is not so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. Thus, Applicant may sell such credit accident and health insurance and decreasing term life insurance under the provisions of § 225.4(a)(9) of the Board's Insurance Regulation through all of Barnett Winston's offices, so long as such insurance is sold in accordance with applicable State laws.

Applicant has also applied for permission to sell homeowner's insurance under a package form of insurance consisting primarily of physical damage and liability insurance on a residence combined with several other types of coverages. The evidence of record indicates the difficulty of separately obtaining the several types of coverages contained in a homeowner's policy at a price comparable to that for the package. The Board, therefore, concludes that the sale of homeowner's insurance supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers as a means of protecting the collateral in which the bank or bank-related firm has a security interest and is a permissible activity within § 225.4(a)(9) of the Insurance Regulation. Accordingly, Applicant's sale of homeowner's insurance protecting collateral securing a mortgage loan originated and/or serviced by its mortgage loan office in Harris County, Texas is a permissible activity within § 225.4(a)(9) of the Insurance Regulation. In addition, to the extent such policy excludes any insurance customarily written under an inland marine form, Applicant may engage in this activity in Florida in connection with extensions of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, where the extensions of credit involve real estate mortgage loans on residential property consisting of not more than four individual dwelling units.

Applicant also requests permission to sell insurance that is otherwise sold as a matter of convenience to the purchaser so long as the premium income from sales within this category does not constitute a significant portion of the aggregate insurance premium income from insurance sold in connection with loans or other financial services. The sale of such insurance has been expressly permitted by the Board under § 225.4(a)(9)(ii)(c) of the Insurance Regulation. The Board does not regard this provision as being designed to permit entry into the general insurance agency business but only permits the limited sale of such insurance as a matter of convenience to the purchaser. The Board has previously determined that income attributable to "convenience' sales is "less than 5 per as constituting a "significant portion" if the premium income attributable to "convenience" sales is "less than 5 percent of the aggregate insurance premium income of the holding company system from insurance sold pursuant to § 225.4(a)(9)(ii)" (see 12 CFR 225.128(e) and (3)).[7] The Board hereby reaffirms its view that this limitation is a necessary and proper means of ensuring the continued existence of the close relationship originally found between banking and certain insurance agency activities deemed permissible under the Insurance Regulation. Accordingly, Applicant may sell "convenience" insurance through Barnett Winston's one office in Harris County, Texas.[8]

In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the 1970 Amendments to the Act require the Board to "consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Each of these factors has been separately considered by the Board in its determination herein.

The public benefits that may reasonably be expected to result from the sale of the coverages discussed, supra, appear to be positive in terms of greater convenience to the consumer-borrower. The ability of a borrower to complete an entire credit-related insurance transaction at one location (so-called "one-stop shopping") is likely to result in a considerable savings in time as well as eliminate the duplication of certain information requirements. Permitting Applicant to engage in the specified insurance agency activities is also likely to result in the added convenience of combining the loan installments and insurance premiums in a single payment.

Approval of the subject application is also likely to result in some increased competition among insurance agents in Florida. While it does not appear that Applicant can introduce more than a minimum of price competition in those insurance agency markets that it enters, it appears capable of injecting strong competition in such markets on the basis of service. The added convenience of completing a credit-insurance transac-

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[4] Protestants contend that the proper interpretation of the Florida Statute requires that the insurance be sold by the Chapter 494 subsidiary, itself, and not by a subsidiary or affiliate of the Chapter 494 subsidiary. This proposed interpretation is far from clear on the face of the statute. In fact, a literal reading of the statute would appear to support an interpretation opposite to that proffered by Protestants. Furthermore, the Board does not believe that there is any substantive distinction between the Chapter 494 subsidiary itself selling the insurance, or a subsidiary or affiliate of the Chapter 494 subsidiary engaging only in the sale of insurance on behalf of, and in connection with, extensions of credit by the Chapter 494 subsidiary.

[5] Although the Board initially approved on July 3, 1974, the application of The Alabama Financial Group, Inc., now Southern Bancorporation ("Southern"), to engage in certain insurance agency activities including acting as agent in the sale of mortgage guaranty insurance, that Order was modified on October 29, 1974, by rescinding Board approval for Southern to act as agent in the sale of mortgage guaranty insurance. In all other respects, the Board reaffirmed its July 3, 1974 Order.

[6] See the Board's Order of January 28, 1974, granting approval to Worcester Bancorp, Inc., Worcester, Massachusetts, to engage *de novo* in the sale of credit life, credit accident and health, and mortgage redemption insurance (1974 F.R. *Bulletin* 393).

[7] The Board's view in this respect would not be affected by a proposed revision to clarify the definition of insurance sold as a matter of convenience to borrowers under Regulation Y which would, in effect limit the amount of convenience insurance sold by each insurance-selling subsidiary office to less than 5 per cent of that office's total insurance premium income (see F.R. 28536 and 39 F.R. 34682). The Board's decision in the instant Order is based solely on the Insurance Regulation as presently drafted; no determination has been made by the Board on the proposed revision, nor is any implied herein.

[8] In view of the recently passed Florida insurance legislation (Section 626.988, Florida Statutes), the Board is unable to approve any insurance agency activities for which Barnett (through Barnett Winston) applied other than those already specifically discussed herein.

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tion at one location is but one of the competitive means whereby Applicant may improve an insurance agent's service to the public. In addition, certain technical efficiencies in the data processing area give Applicant the capability of competing effectively with independent agents and the assurance of efficient service to the public. Based on these and other facts of record, it is the Board's judgment that approval of the subject application will produce public benefits through increased competition among insurance agents in both the local Florida and Texas markets.

Approval of the subject application is also likely to result in some gains in efficiency. The policies sold must, by Board Regulation, be directly related to an extension of credit or the provision of other financial services offered by the Applicant; and furthermore, under the recently enacted Florida statute, the property and liability policies sold in Florida also must be directly related to real estate mortgage loans made by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes. Thus, some savings can be anticipated through the reduction or even elimination of advertising and solicitation expenses as the agents' only customers will be those who choose the "one-stop" convenience of purchasing insurance at the same time the loan is obtained. Since the insurance agency activities will be conducted from existing facilities of the holding company, the expense of office overhead will be minimal. Efficiencies may also result from increased use of the holding company's computer facilities in handling insurance sales and billing operations. It is the Board's judgment that such efficiencies will result in positive public benefits in terms of the service Applicant may offer its borrower-insureds.

One of the possible adverse effects which the Congress directed the Board to consider in determining whether a particular activity is a proper incident to banking or managing or controlling banks is the danger of an undue concentration of resources. As noted in the Conference Report accompanying H.R. 6778, this particular danger "is enhanced when concentrations of power are centered about money, credit and other financial areas, the common denominators of the economy." Since Applicant is proposing to enter this activity *de novo*, the Board concludes that the danger of an undue concentration of resources such as the Congress feared might arise from bank holding company entry into a particular nonbanking activity is not present in this application.

Another possible adverse effect which the Congress directed the Board to consider in any § 4(c)(8) application concerned the danger of decreased or unfair competition. Intervenors vigorously contested this application on the ground that permitting Applicant to sell insurance would lead to coerced or "voluntary" tying[9] of insurance to extensions of credit by Applicant's subsidiaries. It appears that the Law Judge was concerned with such a possibility and accordingly recommended that Applicant not be permitted to sell insurance in markets where its banking subsidiaries hold more than 15 per cent of the total deposits in commercial banks. It is clear that coerced tying is forbidden by § 106 of the Bank Holding Company Act and under certain conditions by provisions of the antitrust laws. Moreover, the evidence of record in this proceeding contains no specific instances of a tying arrangement resulting from either coerced or "voluntary" tying. Finally, the record indicates that the market power required for the successful practice of tying does not appear to be present. The share of commercial bank deposits that Applicant's banking subsidiaries hold in local Florida markets does not establish undue market power in those markets. It appears from the record in this proceeding that there are numerous banking alternatives in Florida's banking markets. In addition to commercial banks, borrowers have access to mortgage loans from savings and loan associations and mortgage bankers. Considering these alternative nonbank sources of mortgage credit, together with the numerous commercial banking alternatives available to borrowers, it appears that the dangers of tying are not substantial and should not bar Applicant's sale of insurance in local Florida markets.

The Law Judge recommended in his decision that "appropriate statements be included in all insurance application forms furnished by affiliates of bank holding companies in bold type above the applicant's signature to the effect that the customer understands that the placement of such insurance is not offered as a condition to the grant of the loan nor as an inducement therefor * * *." The Board notes that similar statements are likely to be included in all Truth in Lending disclosures made pursuant to the Board's Regulation Z with respect to credit life, accident and health or loss of income insurance, and it finds that the evidence in this record is not sufficient to otherwise require such language.

The Law Judge also recommended as a condition of approval that language be added to insurance application forms indicating that "similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents or in lieu thereof existing insurance owned by the borrower may be assigned to the bank" (page 64). The Board has not required this specific condition before and the evidence in this record is insufficient to demonstrate that there are possible adverse effects to be prevented by such a statement.

Finally, in passing on an application under section 4(c)(8), the Board is required to consider whether conflicts of interest or unsound banking practices might arise from Applicant's entry into the insurance agency business. We find no evidence in the record to support a conclusion that lending affiliates of an applicant would risk making an undesirable loan for the purpose of selling the customer any other form of insurance. Regulatory supervision of loans made by banking affiliates of Applicant appears to provide a reasonable safeguard against this possibility. Accordingly, the Board finds that the adverse effects that might arise from possible conflicts of interests are not present in this application. In addition, a review of the entire record indicates that no other unsound banking practices would result from Applicant's entry into the sale of the specified insurance coverages. Therefore, it is the Board's judgment that consummation of the proposed transaction would not result in conflicts of interests or unsound banking practices.

It has been suggested by NAIA that, in light of the new legislative prohibitions of the Florida statute limiting Applicant's entry into insurance agency activities, the public benefits claimed from subject entry should be reexamined. The Board recognizes that some dimunition of the public benefits discussed supra may likely result from a more limited form of entry into insurance agency activities. However, on balance, it is the Board's view that sufficient public benefits would exist following Applicant's entry into those insurance agency activities now permitted by Florida law as to outweigh any possible adverse effects resulting from such entry.

The Board notes that NAIA has objected to the exclusion by the Law Judge of certain testimony of Mr. Harrison Houghton, witness for NAIA. The Board, after examining the record, concludes that the Law Judge correctly exercised his discretion in refusing to admit this testimony since it was cumulative to other testimony in the record and, moreover, irrelevant to many of the issues involved in this application. NAIA filed a motion to exclude Board personnel who were involved in this hearing from "participating in the making of the Board's decision on these applications." Since such personnel of the Board did not participate in the decisional process, the issue raised by the motion is moot.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the Board's July 14, 1975 Order is hereby modified as provided herein, and the application to sell the limited coverages enumerated above and expressly permitted under the Florida statute is hereby approved only to the extent specified in this Order. In addition, the coverages specified above that are proposed to be sold in Texas, are hereby approved. This determination supersedes the Board's Order of July 14, 1975, and is conditioned upon Applicant's conduct of these activities in accordance with all applicable Florida and Texas insurance laws. This determination is further subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof. The transaction herein approved shall be consummated not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to authority hereby delegated.

By order of the Board of Governors,[10] effective September 22, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25890 Filed 9-26-75;8:45 am]

[9] Voluntary tying results not from any coercion placed on the borrower by the lender but, rather, from the borrower's presumed desire to enhance the probability of obtaining a loan.

[10] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns.

CHASE COUNTY CORP.

Order Approving Formation of Bank Holding Company

Chase County Corporation, Imperial, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 99 per cent of the voting shares of the Chase County Bank & Trust Company, Imperial, Nebraska ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through acquisition of Bank (deposits of $7.2 million).[1] Bank is the second largest of four banks operating in the relevant banking market (approximated by Chase County, Nebraska) and controls approximately 30 per cent of the total deposits in commercial banks in the market. Upon acquisition of Bank, Applicant would control the 196th largest banking organization in Nebraska, holding less than two-tenths of one per cent of the total commercial bank deposits in the State. Since the subject proposal represents merely a restructuring of existing ownership interests of Bank, and Applicant has no present subsidiaries, consummation of the proposal herein would not eliminate existing or potential competition nor have an adverse effect on other area banks.

Principals of Applicant are also principals in a one-bank holding company which has a banking subsidiary in Sutherland, Nebraska, approximately 77 miles northeast of Imperial. In addition, principals of Applicant are affiliated with three other banks in Nebraska. Since these banks are located in banking markets separate from Bank, it appears that no existing competition would be eliminated, nor potential competition foreclosed, as a result of the consummation of this proposal. Accordingly, the Board regards competitive considerations as being consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those same factors in Bank, are considered generally satisfactory and consistent with approval of the application, particularly in view of Applicant's commitment to inject $100,000 in additional equity capital into Bank. Bank's projected income should provide sufficient revenue to service the debt incurred by Applicant incident to this transaction without impairing the financial condition of either Applicant or Bank. Therefore, considerations relating to banking factors are consistent with approval of the application. Although consummation of the proposal would have no immediate effect on the banking services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application to acquire Bank should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By Order of the Board of Governors.[2] Effective, September 19, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25884 Filed 9-26-75;8:45 am]

[1] All banking data are as of December 31, 1974.

[2] By Order of August 6, 1975, the Board approved the application of First Security Corporation, Sutherland, Nebraska, to become a bank holding company through the acquisition of First Security Bank, Sutherland, Nebraska.

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell, and Jackson. Absent and not voting: Chairman Burns.

FIRST STATE BANKING CORP.

Acquisition of Bank

First State Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of North Miami First State Bank, North Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 23, 1975.

Board of Governors of the Federal Reserve System, September 22, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25885 Filed 9-26-75;8:45 am]

NATIONAL CITY CORP.

Order Approving Acquisition of Bank

National City Corporation, Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of The First National Bank of Ashland, Ashland, Ohio.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Ohio, controls two banks with aggregate deposits of approximately $1.8 billion, representing approximately 6.0 per cent of the total commercial bank deposits in Ohio.[1] Acquisition of Bank would increase Applicant's share of State deposits only slightly and would not alter Applicant's ranking among the other banking organizations in Ohio.

Bank holds deposits of approximately $36.9 million, representing approximately 45 per cent of total deposits in the Ashland banking market, and thereby ranks as the largest bank operating in that market.[2] Bank operates a total of four offices. The closest office of either of Applicant's subsidiary banks to an office of Bank is located 46 miles away. On the

[1] All deposit data are as of December 31, 1974, and reflect holding company formations and acquisitions approved by the Board through July 31, 1975.

[2] The Ashland banking market is approximated by Ashland County, Ohio, excepting therefrom the Townships of Green and Hanover.

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basis of the record, it appears that no meaningful competition presently exists between any of Applicant's banking subsidiaries and Bank, nor does it appear likely that any significant competition would develop between them in the future in view of the distances involved and Ohio's restrictive branching laws. Furthermore, it appears unlikely that Applicant would enter the market *de novo* in view of the fact that the market's population per banking office ratio is below that of the State. Therefore, the Board concludes that consummation of the proposal would not have a significantly adverse effect on existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are satisfactory. Accordingly, the banking factors are consistent with approval of the application. Although Applicant does not propose to make significant changes in the services offered by Bank, considerations relating to the convenience and needs of the community to be served are also regarded as being consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 19, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25886 Filed 9-26-75;8:45 am]

NORTHERN MICHIGAN CORP.

Acquisition of Bank

Northern Michigan Corporation, Escanaba, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Northern Michigan Bank of Kingsford, Kingsford, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 16, 1975.

Board of Governors of the Federal Reserve System, September 23, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25887 Filed 9-26-75;8:45 am]

PAN AMERICAN BANCSHARES, INC., MIAMI, FLA.

Modified Order Granting Application to Engage in Certain Insurance Agency Activities

In an Order dated July 14, 1975, the Board of Governors of the Federal Reserve System approved the application by Pan American Bancshares, Inc., Miami, Florida ("Pan American"), to acquire Atico Insurance Agency, Miami, Florida ("Atico Agency"), through a wholly-owned subsidiary, Atico Financial Corporation, Miami, Florida, and thereby to engage in certain insurance agency activities at various locations in Florida where Pan American or its banking and nonbanking subsidiaries are otherwise engaged in business.

The Board's Order discussed the proposed insurance agency activities as they related to the mortgage banking activities of Atico Mortgage Corporation, a subsidiary of Pan American, and as viewed within the limitations of the newly enacted Florida statute which prohibits insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policy of insurance, with certain exceptions provided (Section 626.988, Florida Statutes). However, the Board's Order did not discuss the sale of credit life insurance and credit disability insurance directly related to extensions of credit by Pan American's subsidiary banks.

In a letter dated July 24, 1975 from Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company which was the subject of two Board Orders dated July 14, 1975, which similarly dealt with insurance agency activities in Florida, it was noted that the recently enacted Florida statute, cited above, defines "insurance agency activities" as "the procurement of applications, solicitation, negotiation, selling, effectuating or servicing of any policy or contract of insurance other than credit life insurance and credit disability insurance." Thus, credit life and credit disability insurance are not within the scope of the prohibitions of the recently enacted Florida statute.

The National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"), in separate letters, submitted responses to Barnett's July 24 letter. Neither NAIA nor FAIA raised objections to Barnett's July 24 letter. However, both NAIA and FAIA requested further modification of the Orders with respect to the insurance agency activities which may be conducted pursuant to the recently enacted Florida statute.

The Board has reviewed the July 14 Order in light of the above-mentioned supplemental submissions, and has decided that it would be desirable to modify the Order to more specifically clarify the scope of the permissible insurance agency activities. Accordingly, the Board's Order of July 14, 1975, approving the application of Pan American Bancshares, Inc., Miami, Florida, to acquire Atico Insurance Agency, Miami, Florida, and thereby to engage in certain insurance agency activities, is hereby modified to read as follows:[1]

Pan American Bancshares, Inc., Miami, Florida ("Pan American"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire Atico Insurance Agency, Maimi, Florida ("Atico Agency"), through a wholly-owned subsidiary, Atico Financial Corporation, Miami, Florida ("Atico"), and thereby to engage in certain insurance agency activities at various locations in Florida where Pan American or its banking and nonbanking subsidiaries are otherwise engaged in business.

Notice of the application was published in the communities to be served in accordance with § 225.4(b)(2) of the Board's Regulation Y. Formal objections to the application were made by the National Association of Insurance Agents, Inc. ("NAIA") and the Florida Association of Insurance Agents, Inc. ("FAIA"). By order of March 6, 1973, the Board directed that public hearings be held on the subject application before a designated Administrative Law Judge (38 FR 6441). In addition to the intervenors named above, a number of additional parties sought and were granted permission to participate in the proceeding. Testimony and other evidence in support of, and in opposition to, the application was received in evidentiary hearings held between June 11, 1973, and June 21, 1973. The hearings and related proceedings have been conducted in accordance with the Board's rules of practice for Formal Hearings (12 CFR Part 263).

In a Recommended Decision of November 8, 1973, the Administrative Law Judge concluded that the evidence supported approval of the application and recommended that the Board permit Applicant to engage in certain insurance agency activities in those counties in which Applicant and its affiliates do not control more than 15 per cent of the bank deposits and/or mortgage banking business. An exception to the recommendation of approval was noted for various types of surety bonding. The recommendation was subject to the requirement that appropriate statements be furnished for execution by borrowers to the effect that the customer understands that the placement of such insurance is not offered as

[1] Applicant may engage in insurance agency activities only to the extent that such authority is specifically granted in this Order, approval granted in the July 14 Order notwithstanding.

[2] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell, and Jackson. Absent and not voting: Chairman Burns.

a condition to the grant of a loan, nor as an inducement therefor, and, in addition, that similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents, or in lieu thereof, existing insurance owned by the borrower may be assigned to the bank.

The Board having considered the entire record, including the transcript, exhibits, rulings, all briefs and memoranda filed in connection with the hearing and the Recommended Decision, findings of fact, and conclusions of law filed by the Administrative Law Judge, together with the exceptions taken thereto, and having determined that the subject application should be approved to the extent permitted by State law, all findings of the Administrative Law Judge inconsistent with the findings and determination herein are hereby vacated. The Board now makes the following findings of fact and conclusions of law.

Pan American Bancshares, Inc., ranks as the twelfth largest bank holding company in Florida where it has nine subsidiary banks with aggregate deposits of approximately $436.9 million, representing about 2.2 per cent of total commercial bank deposits in the State.[2] Through a nonbanking subsidiary, Atico Mortgage Corporation, it engages in the activity of mortgage banking. In 1972, Atico serviced a mortgage loan portfolio of approximately $425 million. Pan American seeks approval for Atico Agency to sell the following types of insurance related to the banking and nonbanking activities of Pan American: (a) Homeowner's; (b) dwelling policies; (c) multiperil policies; (d) physical hazard; (e) builder's risk; (f) automobile, watercraft, and aircraft liability and physical damage; (g) credit life, accident, and health coverage; (h) mortgage life insurance; (i) accidental death and dismemberment; (j) reducing or level term life insurance; (k) various types of general insurance with respect to properties owned or leased by Pan American and subsidiaries and fidelity insurance for its employees; (l) miscellaneous insurance including lost instrument bonds and surety bonds; (m) convenience insurance within the confines of Regulation Y. Such insurance will be sold in Miami, Miami Beach, Hialeah, Coral Gables, Fort Lauderdale, Oakland Park, Lauderhill, Orlando, Tampa, Sarasota, DeBary, Ormon Beach, Melbourne, Largo, and West Palm Beach areas in which Pan American subsidiaries have offices.[3]

[2] Deposit data as of December 31, 1972.

[3] By Order dated May 14, 1975, the Board approved the application of Pan American Bancshares, Inc., to merge with General Financial Systems, Inc., Riviera Beach, Florida, under the title and charter of Pan American, pursuant to section 3(a)(5) of the Bank Holding Company Act. The instant proposal to engage in certain insurance agency activities is limited to those locations which were in the record at the time of the evidentiary hearings and were considered by the Administrative Law Judge, and does not include any of the locations acquired through the merger with General Financial Systems, Inc.

The principal issues before the Board which arise from the subject application are: (1) Whether the insurance agency activities proposed are so closely related to banking or managing or controlling banks as to be a proper incident thereto; (2) whether performance of the proposed activities can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, which outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. The Board has previously determined by Regulation (12 CFR 225.4(a)(9)) ("Insurance Regulation") that the following activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto:[4]

(9) Acting as insurance agent or broker at offices at which the holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to the following types of insurance:

(i) Any insurance for the holding company and its subsidiaries;

(ii) Any insurance that (a) is directly related to an extension of credit by a bank or a bank-related firm of the kind described in this regulation, or (b) is directly related to the provision of other financial services by a bank or such a bank-related firm, or (c) is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within this subdivision (ii)(c) does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to this subdivision (ii);

(iii) Any insurance sold in a community that (a) has a population not exceeding 5,000 or (b) the holding company demonstrates has inadequate insurance agency facilities.

Upon reviewing the legislative history of the 1970 Amendments to the Bank Holding Company Act, the Law Judge concluded that "Congress clearly had the insurance agency business in mind as an enterprise closely related to banking." He, therefore, found that "the business of selling general insurance" was an activity so closely related to banking or managing or controlling banks as to be a proper incident thereto. However, subsequent to the Law Judge's decision in this case, a bill was passed by the Florida legislature prohibiting insurance agents and solicitors associated with certain types of financial institutions from soliciting, negotiating, selling, effectuating, or servicing any policies of insurance (Section 626.988, Florida Statutes). An exception to this prohibition is authorized under Florida law for those agencies which were under the same ownership and control of a financial institution and which were in existence and engaged in insurance agency activities as of April 2, 1974. Although Agency itself was engaged in a broad range of insurance activities on April 2, 1974, Applicant divested itself of all ownership of Agency in August, 1973, in order to facilitate the processing of an application then pending before the Board to acquire Atico Financial Corporation. It appears that the subsequent passage of the Florida statute cited above during a period when ownership of Agency was vested in a third party under agreement to repurchase caused Applicant to lose any grandfather privileges it might have under the Florida statute. The new Florida statute also provides narrow exceptions which authorize certain nonbank subsidiaries or affiliates of bank holding companies to engage to a limited extent in certain insurance agency activities.

Section 3 of the statute provides:

Notwithstanding any other provision of this section, an insurance agent or solicitor licensed by the department of insurance under the provisions of Chapter 626, Florida Statutes, who is affiliated with, under contract with, retained by or owned or controlled directly or indirectly to any degree by a bank holding company subsidiary or affiliate, which is not a bank, licensed and operating primarily under Chapter 494, Florida Statutes, may engage in insurance agency activities, if permitted by the Board of Governors of the Federal Reserve System, but only to the extent that such activities are directly related to the extension of credit, specifically real estate mortgage loans, made or brokered by licensees under Chapter 494, Florida Statutes, and only to the extent necessary to protect the real property which is subject to the mortgage loan, against loss or damage. With respect only to residential property consisting of not more than four individual dwelling units, such agent or solicitor may offer a policy affording insurance on the primary residence, appurtenant structures, personal property and personal liability, but excluding any insurance customarily written under an inland marine form. In addition, such agent may offer decreasing term life insurance on the life of the borrower not to exceed the amount and term of the mortgage.

Accordingly, it is the Board's view that Applicant is not entitled to grandfather privileges under the Florida statute and may, therefore, only engage in the sale of insurance to the limited extent permitted by Florida law.

No serious contest was made in this proceeding concerning the sale of credit life or credit accident and health (disability) insurance, nor are these coverages encompassed within the prohibitions of the recently enacted Florida statute. The

[4] The Board's Insurance Regulation was adopted after notice of proposed rule-making and following receipt of comments on the substance of the proposed regulation. The insurance activities authorized by the regulation are those that are organizationally and physically integrated into the operations of the bank holding company. The Board's decisions in this area prior to the 1970 Amendments to the Act are generally to the same effect (see, for example, Otto Bremer Company, 1959 F.R. *Bulletin* 692; First Bank Stock Corporation, 1959 F.R. *Bulletin* 917; and United Virginia Bancshares, Inc., 1970 F.R. *Bulletin* 599).

Members of both houses of Congress referred to the Board's prior decisions during the legislative debate to the 1970 Amendments. A member of the Conference Committee, Senator Bennett, stated: "The Federal Reserve Board under the existing language of § 4(c)(8) for the past 14 years has approved insurance activities for bank holding companies and there was no intent on the part of the Conference Committee to overrule these past decisions." Congressional Record S20645, December 18, 1970.

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Board has previously determined by Order[5] that the sale of these forms of insurance was so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. The previous findings of the Board concerning such coverages are reaffirmed herein since such insurance assures repayment of an extension of credit by the holding company system in the event of death or disability of the borrower. Under these conditions, the Board finds that the sale of such insurance is directly related to an extension of credit. However, where life insurance on the borrower exceeds the extent of the outstanding balance of the credit extension as occurs in the sale of level term life insurance in connection with installment loans, no direct relationship exists. Accordingly, the Board finds that the sale of level term credit life insurance on other than single payment loans is not so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. Thus, Pan American may sell decreasing term credit life insurance and credit accident and health (disability) insurance which is related to extensions of credit by its bank and nonbank subsidiaries, pursuant to the provisions of § 225.4(a)(9) of the Board's Insurance Regulation and to the extent that such activity is consistent with and permitted by applicable Florida statutes.

Likewise, no serious contest was made in this proceeding concerning the sale of mortgage redemption insurance. The Board has previously determined by Order[6] that the sale of this insurance is so closely related to banking as to be a proper incident thereto within the meaning of § 225.4(a)(9) of the Insurance Regulation. The previous finding of the Board concerning this coverage is reaffirmed herein since such insurance is often purchased to assure repayment of an extension of credit by the holding company system in the event of the death of the borrower. As noted supra, Florida's recently enacted statute expressly permits the sale of decreasing term life insurance on the life of a borrower where such insurance is sold in connection with an extension of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, and where the insurance does not exceed the amount and term of the real estate mortgage loan. Thus, Applicant may engage in this activity subject to the conditions specified by Florida law.[7]

Applicant requests permission to sell various forms of insurance that protect the collateral in which a subsidiary has a security interest as a result of an extension of credit. Insofar as this request pertains to physical damage insurance on real estate mortgaged as security for a loan originated by a subsidiary of Applicant which is licensed and operating primarily under Chapter 494, Florida Statutes, it would appear to meet the requirements contained in the exemption to the recently enacted Florida statute cited above. The Board has previously found that the sale of such coverage is directly related to an extension of credit within the meaning of § 225.4(a)(9)(ii)(a) of the Insurance Regulation. The extension of credit on a secured loan is founded upon the value of the collateral securing the loan. Thus, insurance is essential from the lender's standpoint to assure that the value of the collateral will not be impaired by physical damage. The financial nature of the insurance transaction forms an integral function for the borrower as well since the presence or lack of insurance protecting loan collateral is an essential element of the credit evaluation. The evidence in this record confirms that the sale of physical damage insurance on real estate is directly related to a real estate mortgage loan. Accordingly, Applicant may engage in this activity subject to the limitations imposed by Florida law.

Applicant seeks prior Board approval to sell liability insurance on real property when a subsidiary has taken a security interest in such property as the result of its extension of credit. The purchase of liability insurance by individual borrowers in conjunction with or as part of an insurance package with insurance that protects real property which secures an extension of credit appears, from the evidence of record, to be the least costly and most convenient means of obtaining such coverage. Moreover, a "packaged" insurance policy combining liability insurance with insurance relating to physical damage on real property purchased from loan proceeds fulfills a legitimate need of the lender and borrower alike at the time a loan is made. The Board concludes from all the evidence of record that the sale of liability insurance on real property supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers in conjunction with, or as part of, an insurance package with insurance protecting real property and is, therefore, a permissible activity within § 225.4(a)(9)(ii)(a) of the Insurance Regulation. However, under the recently enacted Florida statute cited above, Applicant would be prohibited from selling this type of insurance except in connection with extensions of credit originated by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, and except for those instances where the real property securing an extension of credit consists of residential property of not more than four individual dwelling units. To the extent that Applicant complies with these conditions, it may engage in this activity.

Applicant has applied for permission to sell homeowner's insurance. This insurance is to be sold in a package form consisting primarily of physical damage and liability insurance on a residence along with several other types of coverages. The evidence of record indicates the difficulty of separately obtaining the several types of coverages contained in a homeowner's policy at a price comparable to that for the package. The Board concludes that the sale of homeowner's insurance supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers as a means of protecting the collateral in which the bank or bank-related firm has a security interest. Accordingly, this is a permissible activity within § 225.4(a)(9) of the Insurance Regulation. Pursuant to the recently enacted Florida statute, Applicant may engage in this activity in connection with extensions of credit by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes, so long as the policies sold exclude any insurance customarily written under an inland marine form and are sold only in connection with real estate mortgage loans which involve residential property consisting of not more than four individual dwelling units.[8]

In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the 1970 Amendments to the Act require the Board to "consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Each of these factors has been separately considered by the Board in its determination herein.

The public benefits that may reasonably be expected to result from the sale of the coverages discussed, supra, appear to be positive in terms of greater convenience to the consumer-borrower. The ability of a borrower to complete an entire credit-related insurance transaction at one location (so-called "one-stop shopping") is likely to result in a considerable savings in time as well as eliminate the duplication of certain information requirements. Permitting Applicant to engage in the specified insurance agency activities is also likely to result in the added convenience of combining the loan installments and insurance premiums in a single payment.

Approval of the subject application is also likely to result in some increased competition among insurance agents in Florida. While it does not appear that Applicant can introduce more than a minimum of price competition in those insurance agency markets that it enters, it appears capable of injecting strong competition in such markets on the basis of service. The added convenience of completing a credit-insurance transaction at one location, discussed supra, is but one of the competitive means whereby Applicant may improve an insurance agent's service to the public. In addition, certain technical efficiencies in the data processing area give Applicant the capability of competing effectively with independent agents and the assurance of efficient service to the public. Based on these and other facts of record, it is the Board's judgment that approval of the subject application will produce public benefits through increased competition among insurance agents in local Florida markets.

Approval of the subject application is also likely to result in some gains in efficiency. The policies sold must, by Board Regulation, be directly related to an extension of credit or the provision of other financial services offered by Applicant; and, furthermore, under the recently enacted Florida statute, the property and liability policies also must be directly related to real estate mortgage loans made by a subsidiary licensed and operating primarily under Chapter 494, Florida Statutes. Thus, some savings can be anticipated through the reduction or even elimination of advertising and solicitation expenses as the agent's customers will only be those who choose the "one-stop" convenience of purchasing insurance at the same time the loan is obtained. Since the insurance agency activities will be conducted from existing facilities of the holding company, the office overhead will be minimal. Efficiencies may also result from use of the holding company's computer facilities in handling sales and billing operations. It is the Board's judgment that such efficiencies will result in positive public benefits in terms of the service Applicant may offer its borrower-insureds.

One of the possible adverse effects which the Congress directed the Board to consider in determining whether a particular activity is a proper incident to banking or managing or controlling banks is the danger of an undue concentration of resources. As noted in the Conference Report accompanying H.R. 6778, this particular danger "is enhanced when concentrations of power are centered about money, credit and other financial areas, the common denominators of the economy." Since Applicant's proposal involves entering this activity by means of a very limited acquisition, the Board concludes that the danger of an undue concentration of resources such as the Congress feared might arise from bank holding company entry into a particular nonbanking activity is not present in this application.

Another possible adverse effect which the Congress directed the Board to consider in any section 4(c)(8) application concerned the danger of decreased or unfair competition. Intervenors vigorously contested this application on the ground that permitting Applicant to sell insurance would lead to coerced or "voluntary" tying[9] of insurance to extensions of credit by Applicant's subsidiaries. It appears that the Law Judge was concerned with such a possibility and accordingly recommended that Applicant not be permitted to sell insurance in markets where its banking subsidiaries hold more than 15 per cent of the total deposits in commercial banks. It is clear that coerced tying is forbidden by section 106 of the Bank Holding Company Act and under certain conditions by provisions of the antitrust laws. Moreover, the evidence of record in this proceeding contains no specific instances of a tying arrangement resulting from either coerced or "voluntary" tying. Finally, the record indicates that the market power required for the successful practice of tying does not appear to be present. The share of commercial bank deposits that Applicant's banking subsidiaries hold in local Florida markets does not establish undue market power in those markets. It appears from the record in this proceeding that there are numerous banking alternatives in Florida's banking markets. In addition to commercial banks, borrowers have access to mortgage loans from savings and loan associations and mortgage bankers. Considering these alternative nonbank sources of mortgage credit, together with the numerous commercial banking alternatives available to borrowers, it appears that the dangers of tying are not substantial and should not bar Applicant's sale of insurance in local Florida markets.

The Law Judge recommended in his decision that "appropriate statements be included in all insurance application forms furnished by affiliates of bank holding companies in bold type above the applicant's signature to the effect that the customer understands that the placement of such insurance is not offered as a condition to the grant of the loan nor as an inducement therefor * * *." The Board notes that similar statements are likely to be included in all Truth in Lending disclosures made pursuant to the Board's Regulation Z with respect to credit life, accident and health or loss of income insurance, and it finds that the evidence in this record is not sufficient to otherwise require such language.

The Law Judge also recommended as a condition of approval that language be added to insurance application forms indicating that "similar insurance not necessarily naming the lending institution as beneficiary may be obtained from independent agents or in lieu thereof existing insurance owned by the borrower may be assigned to the bank" (page 64). The Board has not required this specific condition before and the evidence in this record is insufficient to demonstrate that there are possible adverse effects to be prevented by such a statement.

Finally, in passing on an application under section 4(c)(8), the Board is required to consider whether conflicts of interest or unsound banking practices might arise from Applicant's entry into the insurance agency business. We find no evidence in the record to support a conclusion that lending affiliates of an applicant would risk making an undesirable loan for the purpose of selling the customer any other form of insurance. Regulatory supervision of loans made by banking affiliates of Applicant appears to provide a reasonable safeguard against this possibility. Accordingly, the Board finds that the adverse effects that might arise from possible conflicts of interest are not present in this application. In addition, a review of the entire record indicates that no other unsound banking practices would result from Applicant's entry into the sale of the specified insurance coverages. Therefore, it is the Board's judgment that consummation of the proposed transaction would not result in conflicts of interests or unsound banking practices.

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[5] See the Board's Order of January 28, 1974, granting approval to Worcester Bancorp, Inc., Worcester, Massachusetts, to engage *de novo* in the sale of credit life, credit accident and health, and mortgage redemption insurance (1974 F.R. *Bulletin* 393).

[6] *Id.*

[7] Protestants contend that the proper interpretation of the Florida Statute requires that the insurance be sold by the Chapter 494 subsidiary itself, and not by a subsidiary or affiliate of the Chapter 494 subsidiary. This proposed interpretation is far from clear on the face of the statute. In fact, a literal reading of the statute would appear to support an interpretation opposite to that proffered by Protestants. Furthermore, the Board does not believe that there is any substantive distinction between the Chapter 494 subsidiary itself selling the insurance, or a subsidiary or affiliate of the Chapter 494 subsidiary engaging only in the sale of insurance on behalf of, and in connection with, extensions of credit by the Chapter 494 subsidiary.

Moreover, the Board need make no finding as to whether Atico Mortgage Corporation or Atico Financial Corporation is licensed and operating primarily under Chapter 494, or how Atico Insurance Agency will comply with State insurance laws with respect to the licensing of agents and soliciting of insurance sales as Protestants suggest. These are general questions of State law regulating insurance agency activities per se and mortgage banking activities which are not related to whether performance by a bank holding company directly or indirectly of a particular activity would be violative of State law. Consequently, these are not the type of State law issues which the Board must consider pursuant to the Supreme Court decision in *Whitney National Bank in Jefferson Parish v. Bank of New Orleans and Trust Co.*, 379 U.S. 411 (1965). It is presumed that Pan American will comply with all relevant State licensing and insurance laws, but it is not the role of the Board to define the diverse requirements of such laws or to enforce compliance with them. If Atico is not a properly licensed Chapter 494 subsidiary (or the affiliate or subsidiary thereof) the exemption in section 3 of the recently enacted Florida insurance statute clearly does not apply, and Atico will not be able to engage in the limited insurance agency activities approved herein.

[8] In view of the recently enacted Florida insurance legislation (Section 626.988, Florida Statutes), the Board is unable to approve any insurance agency activities for which Pan American applied other than those already specifically discussed herein.

[9] Voluntary tying results not from any coercion placed on the borrower by the lender but, rather, from the borrower's presumed desire to enhance the probability of obtaining a loan.

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It has been suggested by NAIA that, in light of the new legislative prohibitions of the Florida statute limiting Applicant's entry into insurance agency activities, the public benefits claimed from subject entry should be reexamined. The Board recognizes that some dimunition of the public benefits discussed supra may likely result from a more limited form of entry into insurance agency activities. However, on balance, it is the Board's view that sufficient public benefits would exist following Applicant's entry into those insurance agency activities now permitted by Florida law as to outweigh any possible adverse effects resulting from such entry.

The Board notes that NAIA has objected to the exclusion by the Law Judge of certain testimony of Mr. Harrison Houghton, witness for NAIA. The Board, after examining the record, concludes that the Law Judge correctly exercised his discretion in refusing to admit this testimony since it was cumulative to other testimony in the record and, moreover, irrelevant to many of the issues involved in this application. NAIA filed a motion to exclude Board personnel who were involved in this hearing from "participating in the making of the Board's decision on these applications." Since such personnel of the Board did not participate in the decisional process, the issue raised by the motion is moot.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to result in benefits to the public that outweigh possible adverse effects. Accordingly, the Board's July 14, 1975 Order is hereby modified as provided herein, and the application to sell limited coverage enumerated above and expressly permitted under the Florida statute is hereby approved only to the extent specified in this Order. This determination supersedes the Board's Order of July 14, 1975, and is conditioned upon Applicant's conduct of these activities in accordance with all applicable Florida insurance laws. This determination is further subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof. The transaction herein approved shall be executed not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[10] effective September 22, 1975.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-25924 Filed 9-26-75;8:45 am]

[10] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, Coldwell and Jackson. Absent and not voting: Chairman Burns.

REPUBLIC OF TEXAS CORP.

Proposed Acquisition of Republic Commerce Co.

Republic of Texas Corporation, Dallas, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Republic Commerce Company, Dallas, Texas. Notice of the application was published on August 26, 1975 in the Dallas Times Herald, a newspaper circulated in Dallas, Texas.

Applicant states that the proposed subsidiary would engage in the activities of issuing travelers' checks and money orders. Such activities have not been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies. Applicant has expressed the opinion, however, that such activities are so closely related to banking as to be a proper incident thereto.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to product benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 23, 1975.

Board of Governors of the Federal Reserve System, September 22, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25888 Filed 9-26-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-9]

CERTAIN GLOVES

Investigation and Hearing

Investigation instituted. Following receipt of a petition on September 8, 1975, filed by the Work Gloves Manufacturers Association, Libertyville, Illinois, the United States International Trade Commission on September 23, 1975, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether gloves of vegetable fibers, of horsehide or cowhide (except calfskin) leather, and of rubber or plastics, all the foregoing provided for in items 704.40, 704.45, 705.35, 705.84, and 705.86 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearing ordered. A public hearing in connection with this investigation will be held in Washington, D.C. at 10:00 a.m., e.s.t., on Tuesday, December 16, 1975, in the Hearing Room, U.S. International Trade Commission Building, 701 E Street NW. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his offices in Washington not later than noon, Thursday, December 11, 1975.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

Issued: September 24, 1975.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-25925 Filed 9-26-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR CHEMISTRY

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Chemistry.
Date: October 17 and 18, 1975.
Time: 9:00 a.m. each day.
Place: Rm. 338, National Science Foundation, 1800 G St. NW., Washington, D.C.
Type of meeting: Open.
Contact Person: Dr. Jack B. Kinsinger, Head, Chemistry Section, National Science Foundation, Rm. 340, Washington, D.C. 20550, telephone 202/632-4262. Anyone who plans to attend the meeting should notify Dr. Kinsinger by close of business on October 15.
Summary Minutes: May be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, Rm. 248, Washington, D.C. 20550.
Purpose of Advisory Panel: To provide advice and recommendations concerning the state-of-the-art and the role of the Foundation in Chemistry.
Agenda: Topics will include:

OCTOBER 17

9:00—Remarks Concerning the New Division of Chemistry—Division Director
10:00—NSF Reorganization and Its Effect on the Previous Directorate, MPS Division, and the Chemistry Section—Deputy Assistant Director for Planning and Evaluation
11:00—Present Status of the National Resource for Computation in Chemistry—Program Director for Structural Chemistry
12:00—Adjourn for Lunch
1:30—Congressional Hearings on Peer Review and NSF's Future Use of Peer Review and the Advisory Panel—Assistant Director for Mathematical and Physical Sciences, and Engineering
2:30—Guidelines and Policies for the Division of Chemistry—Division Director
4:30—Adjourn

OCTOBER 18

9:00—Continuation of Discussion of Guidelines and Policies for the Division of Chemistry.
10:00—US-USSR Program in Chemical Catalysis—Chairman, Division of Chemistry and Chemical Engineering, California Institute of Technology.
11:00—NSF FY 76 Budget—Division Director for Chemistry.
12:00—Adjourn for Lunch.
1:30—University of Utah Report "A Study to Improve the Management of Costly Instrumental Centers"—Deputy Division Director for Chemistry.
4:00—Adjourn.

GAIL A. MCHENRY,
Acting Committee Management Officer.

SEPTEMBER 24, 1975.

[FR Doc.75-25915 Filed 9-26-75;8:45 am]

ADVISORY PANEL FOR REGULATORY BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

1. Name: Advisory Panel for Regulatory Biology.
2. Date: October 23 and 24, 1975.
3. Time: 9:00 a.m. each day.
4. Place: Rm. 321, National Science Foundation, 1800 G Street, NW., Washington, D.C.
5. Type of meeting: Closed.
6. Contact person: Dr. Roger A. Hoffman, Program Director for Regulatory Biology, National Science Foundation, Rm. 333, Washington, D.C. 20550, telephone 202/632-4298.
7. Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in Regulatory Biology.
8. Agenda: To review and evaluate individual research proposals.
9. Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.
10. Authority to close meeting: These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation, dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

SEPTEMBER 24, 1975.

[FR Doc.75-25916 Filed 9-26-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 23, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

EXTENSIONS

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service: Migratory Bird Salvage Report, Form 3-276, annual, holders of current Federal bird marking and salvage permits, M. Traynham, 395-4529.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration: Parachute Loft Certification Procedures (Manual), Form ____, occasional, all FAA certificated parachute lofts, M. Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-26066 Filed 9-26-75;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 301-4]

NATIONAL CANCERS ASSOCIATION

Complaint

On September 22, the Chairman of the section 301 Committee received from the National Canners Association a petition alleging unfair trade practices with regard to new import restrictions established by the European Community on Council Regulations 1927/75, 1928/75, 1931/75, 2023/75, 2055/75, and 2104/75. In those Regulations the Council has established a system of "minimum import prices" on tomato concentrates, a system of import licensing for certain designated canned fruits and vegetables, and provision for total suspension of imports of canned and other processed fruits, vegetables, and juices provided for in Article 1 of EC Regulation 865/68. Relief is requested under section 301 of the Trade Act of 1974 (Pub. L. 93-618; 88 Stat. 1978). The text of the petition is as follows:

NATIONAL CANNERS ASSOCIATION,
1133 Twentieth St. NW.,
Washington, D.C. 20036.

Subject: Complaint and Request for a Public Hearing pursuant to Section 301 of the Trade Act of 1974.

CHAIRMAN,
Section 301 Committee,
Office of the Special Representative for Trade Negotiations,
1800 G St., NW. Room 725,
Washington, D.C. 20506.

DEAR SIR: The National Canners Association is supported voluntarily by approximately 475 firms which are engaged in the production and sale of canned foods. Products of the industry include canned fruits, vegetables, juices, fish and shellfish, meats, poultry, soups, baby foods, and many formulated food products and food specialities. Members of the NCA produce some 85 to 90 percent of the canned foods packed in this country.

On behalf of the U.S. canning industry the National Canners Association files this complaint and requests a public hearing, pursuant to section 301 of the Trade Act of 1974, with regard to new import restrictions established by the European Community in Council Regulations 1927/75, 1928/75, 1931/75, 2055/75, and 2104/75. In those Regulations the Council has established a system of "minimum import prices" on tomato concentrates, a system of import licensing for certain designated canned fruits and vegetables, and provision for total suspension of imports of canned and other processed fruits, vegetables, and juices provided for in Article 1 of EC Regulation 865/68.

The "minimum import price" system is applicable to EC imports of tomato concentrates effective September 1.

Import licenses are required for EC imports of tomato concentrates, canned tomatoes, and tomato juice, effective September 1; for imports of canned peaches, canned pears, canned green beans, canned wax beans, canned peas, canned mushrooms, and canned and frozen raspberries, effective October 1; and for imports of dried prunes, effective January 1, 1978.

The new EC Regulations incorporate by reference, and bring within their scope, all canned and other processed fruit and vegetable products which are listed in Article 1 of EC Regulation 865/68. For all processed fruit and vegetable and juice products, whether subject to the import licensing or not, the EC Commission may establish minimum import prices or may suspend imports, without any showing of injury or threat of injury and without advance notice. All canned fruits, vegetables, and juices are subject to such EC restrictive action, whether subject to import certificates or not, and also including canned apricots, canned cherries, canned fruit cocktail, canned pineapple, canned orange juice, canned grapefruit juice, blended citrus juices, and canned asparagus.

Following is a summary of United States exports during 1974 of some canned foods to which the new EC import restrictions are applicable:

U.S. exports of certain canned fruits, vegetables, and juices, 1974, in thousands of dollars

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	To the European Community	To the world
Subject to minimum import prices: [1]		
Tomato concentrates	124	16,678
Subject to import licenses: [2]		
Tomato concentrates	124	16,678
Canned tomatoes	18	4,555
Tomato juice	23	3,166
Canned peaches	5,084	22,332
Canned pears	627	2,271
Canned green beans and wax beans	54	1,574
Canned peas	40	1,180

[1] European Community regulations 1927/75, 1928/75, 1931/75, 2023/75, 2055/75, and 2104/75.

[2] European Community regulations 1927/75, 1928/75, and 2104/75.

Also subject to suspension of imports: [3]		
All of the above	176	756
Canned apricots	3,033	5,294
Canned cherries	6,443	21,937
Canned fruit cocktail	5,761	9,339
Canned pineapple	4,545	15,722
Canned orange juice and concentrates hot-pack	218	1,158
Canned grapefruit juice concentrates hot-pack	589	1,965
Canned asparagus		

[3] European Community regulations 1927/75, 1928/75, 1931/75, 2023/75, 2055/75, and 2104/75.

[4] European Community regulations 1927/75, 1928/75, and 2104/75.

[5] European Community regulations 1927/75 and 1928/75.

The United States exports all of the products covered by the EC Regulations, except canned mushrooms and processed raspberries, to the EC and other world markets. The new EC import restrictions will curtail U.S. exports of canned fruits, vegetables, and juices to the EC member states and will lead to trade diversion adversely affecting U.S. exports to other world markets and possibly affecting the U.S. domestic market as well.

The EC Regulations are incompatible with GATT Article XIX in that they provide for restrictive action without any showing of injury or threat of injury and without advance notice. The EC import restrictions are incompatible with GATT Article XI which states that no import restrictions other than duties, taxes or other charges should be instituted or maintained; nor are the import restrictions within the permissible exceptions to GATT Article XI. The EC Regulations are incompatible with GATT Article II in that they provide treatment which is less favorable than that provided for in the EC schedules of tariff concessions. The EC common customs tariff rates on prepared or preserved tomatoes, canned asparagus, canned peaches, canned pears, canned fruit mixtures, canned pineapple, canned cherries, canned apricots, canned grapefruit, orange juices, grapefruit juices, other citrus juices, canned pineapple juice, and canned tomato juice are bound—to the United States. The EC import restrictions are thus unjustifiable or unreasonable import restrictions within the meaning of section 301(a) of the Trade Act of 1974.

We know of no avenue of relief from the EC import restrictions other than to request that all appropriate and feasible steps be taken to obtain their elimination. Toward that objective, and to enable the Office of the Special Representative to obtain the best available information concerning the new EC import restrictions, a public hearing is necessary and therefore requested.

Sincerely,

LEONARD K. LOBRED,
Director, Office of International Trade.

HEARINGS

I. The hearing requested by the complainant will be held on Monday, November 17, 1975, and if necessary will continue on November 18 at the Office of the Special Representative for Trade Negotiations, 1800 G St., NW., Washington, D.C., Room 730.

II. Requests to present oral testimony and accompanying briefs must be received on or before November 10, 1975. Interested persons are advised to refer to the regulations promulgated by the Office of the Special Representative for Trade Negotiations covering procedures to be followed in all section 301 proceedings (40 FR 39497—August 28, 1975).

1. *Submission of briefs and requests to present oral testimony.* Requests for oral testimony and submission of written briefs should conform to the procedures set forth in 15 CFR 200.6 and 2006.7 (40 FR 39497—August 28, 1975).

2. *Rebuttal briefs.* In order to assure parties the opportunity to contest information provided by other interested parties, rebuttal briefs may be filed by any party within 15 days after the close of the hearings. The requirement that written briefs be submitted in 20 copies is waived with regard to rebuttal briefs.

3. *Attendance of the hearings.* The hearings will be open to the public. Heavy or disruptive equipment such as television equipment, will not be admitted to the hearings without the permission of the Chairman.

MORTON POMERANZ,
Chairman, Section 301 Committee, Office of the Special Representative for Trade Negotiations.

[FR Doc.75-25914 Filed 9-26-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

SEPTEMBER 19, 1975.

The common stock of BBI, Inc., being traded on the American, and the Philadelphia-Baltimore Washington Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from September 21, 1975 through September 30, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25841 Filed 9-26-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

SEPTEMBER 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 24, 1975 through October 3, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25850 Filed 9-26-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

SEPTEMBER 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 24, 1975 through October 3, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25851 Filed 9-26-75;8:45 am]

[70-5738]

MISSISSIPPI POWER CO.

Proposed Amendment of Articles of Incorporation Increasing Authorized Preferred Stock and Issuance and Sale of Preferred Stock at Competitive Bidding

Notice is hereby given that Mississippi Power Company ("Mississippi"), 2992 West Beach, Gulfport, Mississippi, 39501, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(c) of the Act and rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to issue and sell 150,000 shares of preferred stock, par value $100 per share, at competitive bidding for the best price obtainable, but in no event for a price less than $100 per share nor more than $102.75 per share. In connection therewith, Mississippi proposes to amend its Articles of Incorporation by increasing the number of shares of authorized preferred stock by 150,000 shares. Mississippi is currently authorized to issue 394,139 shares of preferred stock. It is stated that the proceeds from the sale of the new preferred stock, together with other available funds, will be used to finance Mississippi's 1975 construction program (estimated at $70,003,000), to pay notes payable incurred for such purpose, and for other lawful purposes.

The new preferred stock will be created, and its terms established, by resolution of the board of directors of Mississippi. The terms will include a prohibition against redeeming said stock prior to November 1, 1980, if such redemption is for the purpose or in anticipation of refunding the stock with funds obtained at a lower cost of money. Mississippi also intends to make provision for a cumulative sinking fund for the benefit of the new preferred stock which would retire not more than 5 percent annually of the number of shares initially issued, commencing five years after the sale, with the noncumulative option on any sinking fund date, commencing five years or later after the sale, of redeeming an additional like number of shares.

The fees and expenses incurred or to be incurred in connection with the foregoing proposals will be supplied by amendment. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 17, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25852 Filed 9-26-75;8:45 am]

[Release No. 34-11668; File No. SR-PBWSE 75-2]

SELF-REGULATORY ORGANIZATIONS

Options Trading in Underlying Securities

In the matter of proposed rule change by PBW Stock Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 11, 1975, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change:

Pursuant to Rule 19b-4A, the PBW Stock Exchange, Inc. (PBW) Proposes to increase the number of underlying securities from ten (10) to fifteen (15).

Exchange's Statement of Basis and Purpose—The basis and purpose of the foregoing proposed rule change is as follows:

On May 15, 1975, the SEC declared effective the PBW plan regulating transactions in options on the PBW. The addition of options trading in five (5) underlying securities does not materially alter the original plan as approved by the SEC or significantly increase its operational or regulatory requirements. Therefore, PBW concluded that its proposal does not hinder in any way its capacity to carry out the purposes of the Act and to comply and to enforce compliance by PBW members and persons associated with PBW members. The proposed expansion is being carried out for competitive reasons and to fulfill the business requirements of firms which have committed capital and expended money in the specialist and retail areas.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within fifteen (15) days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 23, 1975.

[FR Doc.75-25856 Filed 9-26-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

SEPTEMBER 19, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 20, 1975 through September 29, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25853 Filed 9-26-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

SEPTEMBER 23, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 24, 1975 through October 3, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25854 Filed 9-26-75;8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-165]

BARRINGER KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Barringer Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-165). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies and junior misses sweaters and sportswear produced by Barringer Knitting Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25941 Filed 9-26-75;8:45 am]

[TA-W-167]

BARRY KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Barry Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-167). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and ladies' sweaters produced by Barry Knitting Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25942 Filed 9-26-75;8:45 am]

[TA-W-166]

BERGMAN KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Bergman Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-166). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's, women's, and boy's sweaters and sweater shirts produced by Bergman Knitting Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25943 Filed 9-26-75;8:45 am]

[TA-W-172]

CHERRY KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Cherry Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-172). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The Purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by Cherry Knitting

Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisionso f Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25944 Filed 9-26-75;8:45 am]

[TA-W-168]

CLOVER KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Clover Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-168). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by Clover Knitting Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25945 Filed 9-26-75;8:45 am]

[TA-W-169]

CRESCENT KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Crescent Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-169). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by Crescent Knitting Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25946 Filed 9-26-75;8:45 am]

[TA-W-170]

DEVON APPAREL, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Devon Apparel, Inc., Philadelphia, Pennsylvania (TA-W-170). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies sportswear produced by Devon Apparel, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number of proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25946 Filed 9-26-75;8:45 am]

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3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25947 Filed 9-26-75;8:45 am]

[TA-W-171]

LONDON KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 22 (a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of London Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-171). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by London Knitting Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25948 Filed 9-26-75;8:45 am]

[TA-W-164]

M & M KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of M & M Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-164). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies swimsuits produced by M & M Knitting Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25949 Filed 9-26-75;8:45 am]

[TA-W-160]

MODE KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Good Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Mode Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-160). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and women's knit shirts produced by Mode Knitting Mills, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25950 Filed 9-26-75;8:45 am]

[TA-W-161]

NA-LOR MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Na-Lor Manufacturing Company, Philadelphia, Pennsylvania (TA-W-161). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative

increases of imports of articles like or directly competitive with knit sweaters and sweater shirts for men produced by Na-Lor Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25951 Filed 9-26-75;8:45 am]

[TA-W-89]

SKF INDUSTRIES INC., PHILADELPHIA, PENNSYLVANIA

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-89: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 22, 1975 in response to a worker petition received on July 18, 1975 which was filed by Local 7343 of the United Steel Workers of America on behalf of workers formerly producing ball and spherical bearings at the Hanover, Pennsylvania plant of SKF Industries, Inc. of Philadelphia, Pennsylvania.

The notice of investigation was published in the Federal Register (40 FR 31843) on July 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of SKF Industries, Inc., its customers, the International Trade Commission, the Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Average annual employment of production workers at the Hanover plant increased 26 percent from 1972 to 1974.

Employment increased 18 percent in the first half of 1975 compared to the same period in 1974.

Sales or production, or both, have decreased absolutely. Sales, in units, at the Hanover plant nearly doubled from 1973 to 1974. Sales, in units, declined 65 percent in the first half of 1975 compared to the first half of 1974.

Production, in units, at the Hanover plant increased 34 percent from 1973 to 1974. Production, in units, increased 8 percent in the first half of 1975 compared to the first half of 1974.

Increased imports contributed importantly. Imports of ball bearings increased from 132.3 million units valued at $77.1 million in 1972 to 160.3 million units valued at $117.4 million in 1974, an increase of 21 percent in quantity and 52 percent in value.

Imports of ball bearings increased from about 101.1 million units in 1970 to about 160 million units in 1974. The import/production ratio increased from 42.8 percent in 1970 to 50.0 percent in 1974. The import/consumption ratio of ball bearings remained fairly stable around 36.0 percent from 1970 to 1974. Imports of spherical bearings, increased in value from $3.4 million in the first five months of 1974 to $5.4 million in the same period in 1975.

The Hanover plant of SKF Industries Inc. produces ball and spherical bearings for automotive, farm implements and material handling applications. Several customers who reduced purchases from Hanover in late 1974 and 1975 did so only as a result of decreased demand due to the general economic slowdown. Neither company officials nor the customers feel that imports are competitive with the bearings produced at Hanover, Pennsylvania, and most of the customers expect to increase purchases from Hanover in the near future.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ball and spherical bearings produced by SKF Industries Inc. at Hanover, Pennsylvania did not contribute importantly to the total or partial separation of workers of that firm.

Signed at Washington, D.C. this 19th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation.

[FR Doc.75-25962 Filed 9-26-75;8:45 am]

[TA-W-162]

SOMERSET KNITTING MILLS, INC., PHILADELPHIA, PENNSYLVANIA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U. on behalf of the workers and former workers of Somerset Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-162). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor,

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3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25953 Filed 9-26-75;8:45 am]

[TA-W-156]

SOOWAL KNITTING MILLS, INC., PHILADELPHIA, PENNSYLVANIA

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 9, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U., on behalf of the workers and former workers of Soowal Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-156). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by Soowall Knitting Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25954 Filed 9-26-75;8:45 am]

[TA-W-158]

SURREY KNITTING MILLS, INC.; PHILADELPHIA, PENNSYLVANIA

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U. on behalf of the workers and former workers of Surrey Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-158). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by Surrey Knitting Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25955 Filed 9-26-75;8:45 am]

[TA-W-94]

TRICNIT INDUSTRIES, INC.; FRANKLIN, NEW HAMPSHIRE AND NEW IPSWICH, NEW HAMPSHIRE

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-94; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 23, 1975, in response to a worker petition received on July 21, 1975, which was filed by workers formerly producing knit tops and body wear for women and children at the Franklin, New Hampshire and New Ipswich, New Hampshire plants of Tricnit Industries, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 32392) on August 1, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Tricnit Industries, Incorporated, its customers, industry analysts, the Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers employed at the Franklin and New Ipswich plants declined 26 percent in the first quarter of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Sales of Tricnit Industries, Incorporated declined 44 percent in the first four (four-week) periods of 1975 compared to the first four periods of 1974. Production declined 79 percent in the first quarter of 1975 compared to the first quarter of 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at the Franklin, New Hampshire and New Ipswich, New Hampshire plants of Tricnit Industries, Inc. have increased significantly in recent years.

Imports of knitted shirts for women and children increased from 7,507 thousand dozens in 1972 to 9,871 thousand dozens in 1974, an increase of 32 percent. The ratios of imports to domestic production and consumption increased from 49 percent and 33 percent, respectively in 1972 to 59 percent and 37 percent in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to production of women's and children's knitwear was caused by the increase of competitive imports. The company was forced to close because it could not compete at a profitable level with imports which were being offered to customers at lower prices.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and children's knit tops and bodywear produced at the Franklin and New Ipswich plants of Tricnit Industries contributed importantly to the total or partial separation of the workers of those plants. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for worker adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with this provision of the Act I make the following certification.

All hourly, piecework, and salaried workers employed at the Franklin, New Hampshire and New Ipswich, New Hampshire plants of Tricnit Industries, Incorporated who became totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation.

[FR Doc.75-25959 Filed 9-26-75;8:45 am]

[TA-W-159]

WEXLER KNITTING MILLS; PHILADELPHIA, PENNSYLVANIA

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U. on behalf of the workers and former workers of Wexler Knitting Mills, Philadelphia, Pennsylvania (TA-W-159). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by Wexler Knitting Mills or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 75-25956 Filed 9-26-75;8:45 am]

[TA-W-163]

WILSHIRE KNITTING MILLS, INC.; PHILADELPHIA, PENNSYLVANIA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U. on behalf of the workers and former workers of Wilshire Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-163). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's knit sweaters produced by Wilshire Knitting Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25957 Filed 9-26-75;8:45 am]

Office of the Secretary

[TA-W-93]

CONSOLIDATED CIGAR CORP.; WEST PITTSTON, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-93: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 23, 1975 in response to a worker petition received on July 21, 1975 which was filed on behalf of workers formerly producing cigars at the West Pittston, Pennsylvania plant of Consolidated Cigar Corporation, a wholly-owned subsidiary of Gulf and Western Industries, Inc., New York, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 32389) on August 1, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Consolidated Cigar, its customers, industry analysts, the Department of Commerce, the U.S. International Trade Commission, the Department of Agriculture, the Treasury Department and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

V 40 189 SEP 29 75

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Employment of production workers at West Pittston declined 29.0 percent from fiscal 1974 to fiscal 1975. Employment ceased at West Pittston in June 1975 and all employees are currently laid off.

Sales or production, or both, have decreased absolutely. Production of cigars at the West Pittston plant declined 6.3 percent from fiscal 1973 to fiscal 1974 and declined 31.9 percent from fiscal 1974 to fiscal 1975. Production at West Pittston ceased in June 1975.

Increased imports contributed importantly. Imports of cigars like or directly competitive with those produced at West Pittston have comprised less than one percent of domestic consumption in each year since 1970.

Evidence developed during the investigation indicates that imports by Consolidated Cigar Corporation have amounted to less than five percent of total company sales in recent years and have been confined to expensive handmade cigars that do not compete with cigars formerly produced at West Pittston.

Domestic consumption of cigars declined significantly from 1973 to 1974. Customers of Consolidated Cigar indicated that declining sales of cigars were the result of current economic conditions and changing consumer tastes.

Faced with increasing underutilization of production facilities at all of its cigar plants, Consolidated Cigar decided to close the West Pittston plant and transfer that plant's operations to the remaining three Consolidated plants in Pennsylvania and Puerto Rico.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with cigars produced at the West Pittston, Pennsylvania plant of the Consolidated Cigar Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 19th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation.

[FR Doc.75-25960 Filed 9-26-75;8:45 am]

[TA-W-95]

DELCO PRODUCTS DIVISION OF GENERAL MOTORS CORP., ROCHESTER, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-95: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 23, 1975 in response to a worker petition received on July 22, 1975 which was filed by Local 509 of the International Union of Electrical Radio and Machine Workers on behalf of workers formerly producing automotive accessory fractional horsepower motors at the Rochester Operation of the Delco Products Division of General Motors Corporation.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 32390) on August 1, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Delco Products, its customers, the International Trade Commission, the Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articals produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Average enmployment declined 23 percent from the fourth quarter of 1974 to the first quarter of 1975.

Sales or production, or both, have decreased absolutely. Sales at the Rochester Operation declined 35 percent from 1973 to 1974. Sales increased 3.2 percent in the first half of 1975 compared to the first half of 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at the Rochester Operation increased from 13,036 thousand dollars in 1973 to 14,403 thousand dollars in 1974. Imports decreased 23 percent in the first quarter of 1975 compared to the first quarter of 1974. The ratios of imports to domestic shipments increased from 4.85 percent in 1973 to 6.43 percent in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of auto accessory fractional horsepower motors at the Rochester Operation of Delco Product was not caused by the increase of competitive imports. The Rochester Operation, with 99 percent of its sales going to other divisions of General Motors, exists as a captive supplier of those divisions. These divisions honor Delco Products as the sole supplier of their needs of auto accessory fractional horsepower motors and have not switched to other domestic or foreign producers. Reductions in purchases of these motors was related to the impact of the economic conditions in the U.S. on sales of domestically manufactured automobiles.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with auto accessory fractional horsepower motors produced at the Rochester Operation of the Delco Products Division did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 22nd day of September 1975.

JAMES F. TAYOR,
Director, Planning and Evaluation.

[FR Doc.75-25961 Filed 9-26-75;8:45 am]

[TA-W-90]

NICE DIVISION OF SKF INDUSTRIES INC.; PHILADELPHIA, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-90; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 22, 1975 in response to a worker petition received on July 18, 1975 which was filed by the United Steelworkers Union, Local 6326 on behalf of workers formerly producing ball bearings at the Hunting Park plant and Kulpsville plant of the Nice Division of SKF Industries, Inc. of Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 31843) on July 29, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Nice Division of SKF Industries, Inc., its customers, industry analysts, the U.S. International Trade Commission, the Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. The average number of production workers declined 29 percent in the first half of 1975 compared to the like period in 1974. Average weekly hours declined five percent in the first half of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely. Sales of the Nice Division of SKF Industries, Inc. of Philadelphia declined 35 percent in the first half of 1975 compared to the first half of 1974. Production declined 39 percent in the first half of 1975 compared to the first half of 1974.

Increased imports contributed importantly. Imports of articles like or directly competitive with those produced at the Nice Division of SKF Industries, Inc. of Philadelphia have increased significantly in recent years.

Imports of ball bearings increased from 132.3 million units valued at $77.1 million in 1972 to 160.3 million units valued at $117.4 million in 1974, an increase of 21 percent in quantity and 52 percent in value.

Imports of ball bearings increased from about 101.1 million units in 1970 to about 160 million units in 1974. The import/production ratio increased from 42.8 percent in 1970 to 50.0 percent in 1974. The import/consumption of ball bearings remained fairly stable around 36.0 percent from 1970 to 1974. Customers of the Nice Division indicated that they had either switched to imports or reduced their orders from the Nice Division while maintaining or increasing their import purchases.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in operations at the Nice Division was caused by the increase of competitive imports. The company reduced its operations because it could not compete at a profitable level with imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ball bearings produced at the Nice Division of the SKF Industries, Inc. of Philadelphia contributed importantly to the total or partial separation of the workers of that Division. In accordance with the provisions of the Act, I make the following certification:

All hourly and salaried workers employed at the Nice Division of SKF Industries, Inc. of Philadelphia, who became totally or partially separated from employment on or after November 11, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation.

[FR Doc.75-25958 Filed 9-26-75;8:45 am]

[TA-W-157]

RICHLINE KNITTING MILLS, INC., PHILADELPHIA, PENNSYLVANIA

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 19, 1975 the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Knit Goods Union, Local 190, I.L.G.W.U. on behalf of the workers and former workers of Richline Knitting Mills, Inc., Philadelphia, Pennsylvania (TA-W-157). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's sweaters produced by Richline Knitting Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below on or before October 9, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 19th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25952 Filed 9-26-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241, Rule 19, 4th Rev., Exemption No. 90]

AKRON, CANTON & YOUNGSTOWN RAILROAD CO. ET AL

Exemption Under Provision of Mandatory Car Service Rules

It appearing that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered that pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

The Akron, Canton & Youngstown Railroad Company, Reporting Marks: ACY.
Atlanta & Saint Andrews Bay Railway Company, Reporting Marks: ASAB.
The Baltimore and Ohio Railroad Company, Reporting Marks: BO.
The Chesapeake and Ohio Railway Company, Reporting Marks: CO-PM.
Chicago & Eastern Illinois Railroad Company, Reporting Marks: C&EI-CEI.
Elgin, Joliet and Eastern Railway Company, Reporting Marks: EJE.
Missouri-Illinois Railroad Company, Reporting Marks: MI.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY-MKT.
Missouri Pacific Railroad Company, Reporting Marks: MP.
Norfolk and Western Railway Company, Reporting Marks: N&W-NKP-WAB.
The Pittsburgh and Lake Erie Railroad Company, Reporting Marks: P&LE.

V401789 SEP2975 XUM

Raritan River Rail Road Company, Reporting Marks: RR.
Sacramento Northern Railway, Reporting Marks: SN.
SOO Line Railroad Company, Reporting Marks: SOO.
The Texas and Pacific Railway Company, Reporting Marks: T&P.
Tidewater Southern Railway Company, Reporting Marks: TS.
WCTU Railway Company, Reporting Marks: WCTR.
Western Maryland Railway Company, Reporting Marks: WM.
Effective: September 24, 1975.
Expires: November 15, 1975.

Issued at Washington, D.C., September 17, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-25937 Filed 9-26-75;8:45 am]

Notice 867]

ASSIGNMENT OF HEARINGS

SEPTEMBER 24, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111401 Sub 448, Groendyke Transport, Inc., now being assigned October 22, 1975 (1 day) at New Orleans, Louisiana; in En Banc Courtroom, U.S. Court of Appeals Building, 600 Camp Street.
MC 135895 Sub 7, Don Ray Boyd and Jackie Rogers, A Partnership, d/b/a B & R Drayage Company now being assigned October 23, 1975 (2 days) at New Orleans, Louisiana; in En Banc Courtroom, U.S. Court of Appeals Building, 600 Camp Street.
MC 107012 Sub 220, North American Van Lines, Inc., now being assigned October 24, 1975 (1 day) at Atlanta, Georgia; in Room 305, 1252 West Peachtree Street, NW.
MC 139853 Sub 2, Marten Transport, Ltd., now being assigned November 13, 1975 (1 day), at St. Paul, Minnesota, in Room 584, Federal Building & U.S. Courthouse, 316 North Robert St.
MC 133689 Sub 63, Overland Express, Inc., now being assigned November 14, 1975 (1 day), at St. Paul, Minnesota, in Room 584, Federal Building & U.S. Courthouse, 316 North Robert St.
AB 26 Sub 2, Georgia Northern Railway Company Abandonment Between Pavo and Barwick, in Thomas and Brooks Counties, Georgia, now assigned October 15, 1975 at Thomasville, Georgia, will be held in the Municipal Courtroom, Municipal Building, corner of Jackson & Crawford streets.
MC 119789 Sub 252, Caravan Refrigerated Cargo, Inc., now assigned October 20, 1975 at Atlanta, Georgia, will be held in Room 305, 1252 W. Peachtree Street, NW.
MC 116922 Sub 12, Carter Trucking Co., Inc., now assigned October 21, 1975 at Atlanta, Georgia, will be held in Room 305, 1252 West Peachtree Street, NW.
MC 95876 Sub 172, Anderson Trucking Service, Inc., now assigned October 23, 1975 at Atlanta, Georgia, will be held in Room 305, 1252 West Peachtree Street, NW.
MC 124170 Sub 49, Frostways, Inc., now assigned October 22, 1975 at New Orleans, Louisiana; hearing canceled, application dismissed.
MC 117815 Sub 238, Pulley Freight Lines, Inc., now assigned September 30, 1975 at Chicago, Illinois; is canceled and transferred to Modified Procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25934 Filed 9-26-75;8:45 am]

[Notice 868]

ASSIGNMENT OF HEARINGS

SEPTEMBER 24, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 106920 Sub 61, *Leonard Bros. Trucking Co., Inc.*, now being assigned December 5, 1975 (1 day) at Chicago, Illinois; in a hearing room to be designated later, should read *Riggs Food Express, Inc.*

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25933 Filed 9-26-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 24, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before October 14, 1975.

FSA No. 43050—*Joint Water-Rail Container Rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 87), for itself and interested rail carriers. Rates on general commodities, from rail carrier's terminal at Lake Charles, Louisiana, and Port Arthur, Texas, to ports in Japan, Korea, Hong Kong, and Taiwan.

Grounds for relief—Water competition.

Tariffs—Sea-Land Service, Inc., Tariffs ICC Nos. 92 and 93. Rates are published to become effective on October 20, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25935 Filed 9-26-75;8:45 am]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

SEPTEMBER 23, 1975.

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 18th day of September 1975.

It appearing, that a petition has been filed by Spencer Trucking Corporation (MC-129086 Sub 2 and various Subs) and Hampshire Trucking Corporation (MC-125487 and Sub 2), under common control for waiver of paragraphs (a) (3) and (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057), concerning equipment leased between petitioners;

It further appearing, that petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, that the U.S. Department of Transportation recommends that the petition be granted based on an examination of petitioner's records;

It is ordered, That waiver of paragraphs (a) (3) and (c) of § 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25936 Filed 9-26-75;8:45 am]

[Notice 87]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 29, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 20, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75998. By order entered September 23, 1975, the Motor Carrier Board approved the transfer to Columbia Motor Express, Inc., Columbia, Tenn., of Certificate of Registration No. MC 98267 (Sub-No. 3), issued July 22, 1964, to Roland Minor (J. Frank Walker and Lucille A. Monor, Co-Executors), a partnership, going business as Columbia Motor Express, Columbia, Tenn., evidence a right to engage in transportation, in interstate or foreign commerce, of property, from, to, and between points in Tennessee. Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215, attorney for applicants.

No. MC-FC-76043. By order of September 23, 1975, the Motor Carrier Board approved the transfer to L. H. James Wholesale Jobbers, Inc., Douglas, Ariz., of the Certificate of Registration in No. MC 97484 (Sub-No. 1) issued August 28, 1968, to Reay-Marshall Transfer and Storage, Inc., Douglas, Ariz., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of intrastate authority in certificate No. 2978 issued by the Arizona Corporation Commission. L. H. James, P.O. Box 831, Douglas, Ariz. 85607, representative for applicants.

No. MC-FC-76095. By order entered September 23, 1975, the Motor Carrier Board approved the transfer to Zephyr Line, Inc., West Springfield, Mass., of that portion of the operating rights set forth in Certificate No. MC 6082, issued October 15, 1963, to Richard's Movers and Furniture, Inc., doing business as Richard the Mover, Lawrence, Mass., authorizing the transportation of general commodities, with the usual exceptions, over specified routes, between Boston, Mass., and Haverhill, Mass., serving intermediate and certain specified offroute points. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25932 Filed 9-26-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY ELIMINATION OF GATEWAY LETTER-NOTICES

SEPTEMBER 24, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 9, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 113855 (Sub-E156), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Commodities, the transportation of which, because of their size or weight, require the use of special equipment (except boats and iron and steel articles), and related machinery parts and related contractors' materials and supplies, when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, and (2) self-propelled articles, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities transported on trailers). (A) (1) Between points in Nebraska on and north of Nebraska Highway 92 and on and west of U.S. Highway 281, on the one hand, and, on the other, points in Kentucky on and east of Interstate Highway 75. (2) between points in Nebraska on, north, and west of a line beginning at the Nebraska-Iowa State line and extending along Nebraska Highway 51 to junction U.S. Highway 81, to junction U.S. Highway 283 to the Nebraska-Kansas State line, on the one hand, and, on the other, points in Kentucky west of Interstate Highway 75 and east of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 65 to junction Kentucky Highway 90, to junction Kentucky Highway 63 to the Kentucky-Tennessee State line. (3) between points in Nebraska, on the one hand, and, on the other, points in West Virginia. (South Dakota and Elgin, Ill.) *

(B) (1) Between points in Nebraska, on the one hand, and, on the other, points in New York on and east of a line beginning at Lake Ontario and extending along New York Highway 57, to junction Interstate Highway 81 to the New York-Pennsylvania State line, points in Maryland (except Garrett, Allegany, and Washington counties), points in Virginia on and east of U.S. Highway 1, points in North Carolina in and east of Hertford, Bertie, Martin, Beaufort, and Pamlico counties, and the District of Columbia. (2) Between points in Nebraska on and west of U.S. Highway 183, on the one hand, and, on the other, points in New York west of a line beginning at Lake Ontario and extending along New York Highway 57 to junction Interstate Highway 81 to the New York-Pennsylvania State line, and on and east of U.S. Highway 15. South Dakota and points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, to junction U.S. Highway 15, to junction unnumbered highway (formerly U.S. Highway 15) to junction U.S. Highway 15, to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pennsylvania and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pennsylvania).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113855 (Sub-E162), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *heavy machinery and other contractors' road construction materials, supplies and equipment* which because of size or weight require the use of special equipment; and (2) *self-propelled farm implements and road construction equipment*, each weighing 15,000 pounds or more and *related machinery, tools, parts and supplies* moving in connection therewith, (restricted to commodities transported on trailers), restricted in (1) and (2) above to the transportation of shipments in foreign commerce, (A) from points in Montana and Wyoming to the ports of entry at International Falls and Pigeon River, Minn. (points in South Dakota on and east of South Dakota Highway 73 (except Madison and points within 25 miles thereof) * (B) from points in Nebraska to the port of entry at International Falls, Minn. (South Dakota (except Madison and points within 25 miles thereof)) * The purpose of this filing is to eliminate the gateway indicated by asterisks above.

No. MC 115841 (Sub-No. E36), filed May 22, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala., 35201. Applicant's representative: Roger M. Shaner (same as above).

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Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen foods* (except frozen fruits, vegetables and berries), from Lynchburg, Va., to points in (1) California (Birmingham, Ala.)*, (2) points in Iowa and points in Kansas and Nebraska on and east of U.S. Highway 81 (Nashville, Tenn.)*; (B) *frozen fruits, vegetables and berries*, when moving in mixed loads with frozen foods, from Lynchburg, Va., to points in California, (Birmingham, Ala.)*, restricted in (A) and (B) above against the interlining with connecting carriers to afford a through service from origin points in Virgina other than Lynchburg. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-E90), filed May 22, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *canned bottled and preserved foodstuffs*, unfrozen, in vehicles equipped with mechanical refrigeration (except in bulk, or in tank vehicles), from the plantsite and warehouses of Paramount Foods, Division Hirsch Bros. Co., Inc., at Louisville, Ky., to (A) points in Louisiana and California. (Birmingham, Ala.)* (B) Blytheville and Little Rock, Ark., and Little Rock Air Force Base, at or near Jacksonville, Ark. (Nashville, Tenn.)*

No. MC 115841 (Sub-No. E91), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 5, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) Edible meats, edible meat products, edible meat by-products, edible dairy products, and edible articles distributed by meat packinghouses, unfrozen, as defined by the Commission, and *frozen foods* (except liquid commodities, in bulk), in vehicles equipped with mechanical refrigeration, from points in Knox County, Tenn., to points in California, Oregon, and Washington (Chattanooga, Tenn., and Birmingham, Ala.)*; (B) *Meats, meat products, meat by-products, dairy products*, and *articles* distributed by meat packinghouses, unfrozen as defined by the Commission, and *frozen foods* (except liquid commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in Knox County, Tenn., to points in Alabama, Louisiana, points in Mississippi on, south, and west of U.S. Highway 78, points in Georgia on, south, and west of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 85 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean (but including Atlanta, Macon, and Savannah, and Gwinnett, Henry, DeKalb, Cobb, Fulton, and Newton Counties), and points in Arkansas on and west of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 61 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to the Arkansas-Missouri State line (Chattanooga, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the commodity description.

No. MC 115841 (Sub-No. E146), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 14, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from the plant site of Town Square Foods, Inc., at Lake City, Pa.; (a) to points in Arkansas on and south of a line beginning at the Arkansas-Mississippi State line and extending along U.S. Highway 65 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line, and points in California on and south of U.S. Highway 10 (including Los Angeles County) (Birmingham, Ala.)*; and (b) to points in Florida (Atlanta, Ga.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the origin points.

No. MC 115841 (Sub-No. E158), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, frozen edible meat by-products, and frozen edible dairy products*, as defined by the Commission (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite of Swift and Company, at Rochelle, Ill., to points in Alabama on, south and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 78 to junction Alabama Highway 21, to junction U.S. Alternate Highway 231, to junction U.S. Highway 231, to junction Alabama Highway 22, to junction Interstate Highway 65, to junction U.S. Highway 331, to junction U.S. Highway 29, to junction Alabama Highway 55, to the Alabama-Florida State line (except Montgomery, Ala.), Atlanta, Ga., and points in South Carolina (except Chesterfield and Marlboro Counties). The purpose of this filing is to eliminate the gateways of Decatur, Ala., and Atlanta, Ga.

No. MC 115841 (Sub-No. E223), (Correction), filed May 22, 1975, published in the FEDERAL REGISTER August 20, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meats products, frozen edible meat by-products, frozen edible dairy products*, and *frozen edible articles* distributed by meat packinghouses, as defined by the Commission (except in bulk), in vehicles equipped with mechanical refrigeration from points in the New York, N.Y., commercial zone, as defined by the Commission within which local operations may be conducted under the exemption provided in the Act (exempt zone); (a) to points in Alabama on, south, and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 278 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Gulf of Mexico (except Montgomery) (Springfield, N.J., Chattanooga, Tenn., and Atlanta, Ga)*; (b) to Atlanta, Ga. (Springfield, N.J., and Chattanooga, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is for clarification.

No. MC 115841 (Sub-No. E233), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Arkansas, Iowa, Missouri, Oklahoma, Texas, points in Mississippi on and north of U.S. Highway 72, and those points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., and points in Tennessee west of the Tennessee River.

No. MC 115841 (Sub-E219), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION INCORP., P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, frozen edible meat by-products, frozen edible dairy products*, and *frozen edible articles* distributed by meat packinghouses, as defined by the Commission (except in bulk), in vehicles equipped with mechanical refrigeration from points in the New York, N.Y., commercial zone, as defined by the Commission within which local operations may be conducted under the exemption provided in the Act (exempt zone); (a) to points in Alabama on, south, and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 278 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Gulf of Mexico (except Montgomery) (Springfield, N.J., Chattanooga, Tenn., and Atlanta, Ga)*; (b) to Atlanta, Ga. (Springfield, N.J., and Chattanooga, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the origin points.

No. MC 115904 (Sub-No. E1), filed April 6, 1975. Applicant: GROVER TRUCKING CO., A Corporation, 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and composition board* from points in Oregon (except La Grande, Ilgin, Baker, Pilot Rock, John Day, and Burns, Oreg.) to points in Utah. The purpose of this filing is to eliminate the gateway of Twin Falls County, Idaho.

No. MC 115904 (Sub-No. E2), filed April 6, 1975. Applicant: GROVER TRUCKING CO., A Corporation, 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products* from points in Oregon (except La Grande, Elgin, Baker, Pilot Rock, John Day, and Burns, Oreg.) to points in Colorado. The purpose of this filing is to eliminate the gateway of Twin Falls, Idaho.

No. MC 115904 (Sub-No. E3), filed April 6, 1975. Applicant: GROVER TRUCKING CO., A Corporation, 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and wood chips*, from points in Montana on and west of U.S. Highway 91 to points in Colorado. The purpose of this filing is to eliminate the gateways of points in Idaho and Wyoming.

No. MC 115904 (Sub-No. E4), filed April 6, 1975. Applicant: GROVER TRUCKING CO., A Corporation, 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products and composition board*, from points in that part of Montana on and west of Interstate Highway 15 to points in that part of Wyoming south and west of a line beginning at the Idaho-Wyoming State line extending along Wyoming Highway 22 to Jackson, thence along unnumbered highway to Moran, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 115904 (Sub-No. E5), filed April 6, 1975. Applicant: GROVER TRUCKING CO., A Corporation, 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and composition board* between points in Oregon (except La Grande, Elgin, Baker, Pilot Rock, John Day, and Burns, Oreg.), on the one hand, and, on the other, points in that part of Montana on, south and east of a line beginning at the Idaho-Montana State line extending along U.S. Highway 93 to junction Montana Highway 38, thence along Montana Highway 38 to junction Alternate U.S. Highway 10, thence along Alternate U.S. Highway 10 to the Montana-North Dakota State line. The purpose of this filing is to eliminate the gateway of points in Lemki County, Idaho.

No. MC 116325 (Sub-No. E12), filed June 2, 1974. Applicant: BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden poles, posts, piling, blocking, skids, squares, carting, lumber* and *lumber products, wooden pallets, pallet bins, boxes*, and *pallet materials*, restricted against the transportation of commodities which by reason of size or weight require special equipment, from points in Jo Daviess, Stephenson, Carroll, Whiteside, Henry, Rock Island, and Mercer Counties, Ill., to points in Ballard, McCracken, Carlisle, Graves, Fulton, and Hickman Counties, Ky. The purpose of this filing is to eliminate the gateways of Bollinger and Wayne Counties, Mo.

No. MC 116325 (Sub-No. E15), filed June 2, 1974. Applicant: BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood crating, pallets, pallet bins, boxes, pallet materials, poles, posts, skids, squares*, and *lumber* (except handle blanks, barrel staves, sawdust or furniture stock), restricted against the transportation of commodities which by reason of size or weight require special equipment, from points in Missouri on and east of U.S. Highway 67 to points in Minnesota. The purpose of this filing is to eliminate the gateways of Cape Girardeau and Perry Counties, Mo., and that part of Madison County, Mo., on and east of U.S. Highway 67.

No. MC 116325 (Sub-No. E23), filed June 3, 1974. Applicant: BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crating, pallet bins, boxes, poles, posts, skids, squares*, and *wooden pallets* (except handle blanks, barrel staves, sawdust or furniture stock), restricted against the transportation of commodities which by reason of size or weight require special equipment, from points in Missouri on and east of U.S. Highway 67 and in and south of Wayne, Bollinger, Cape Girardeau, and Perry Counties, Mo., to points in Iowa, Minnesota, and that part of Illinois on and north of Illinois Highway 15. The purpose of this filing is to eliminate the gateways of Cape Girardeau and Perry Counties, Mo., and that part of Madison County, Mo., on and east of U.S. Highway 67.

No. MC 116325 (Sub-No. E26), filed May 31, 1974. Applicant: BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden crating, pallets, pallet bins, boxes, pallet materials, poles, posts, skids, squares*, and *lumber* (except handle blanks, barrel staves, sawdust or furniture stock), restricted against the transportation of commodities which by reason of size or weight require special equipment, from points in Missouri on and east of U.S. Highway 67 (except Morehouse, Mo.), to points in Michigan. The purpose of this filing is to eliminate the gateways of Cape Girardeau and Perry Counties, Mo., and that part of Madison County, Mo., on and east of U.S. Highway 67.

No. MC 117344 (Sub-No. E70) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER March 19, 1975. Applicant: THE MAXWELL COMPANY, 10380 Evandale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in that part of Indiana on, south and east of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 44 to junction Indiana Highway 3,

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thence along Indiana Highway 3 to the Indiana-Kentucky State line, to points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio. The purpose of this correction is to reflect the destination points.

No. MC 117555 (Sub-E1), filed June 4, 1974. Applicant: MOTOR SERVICE CO. INC., P.O. Box 448, Cashocton, Ohio 43812. Applicant's representative: John R. Hafner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial movements, in truck-away service: (a) from Alma, Michigan to points in Oklahoma, Texas, Mississippi, Alabama and points in Tennessee west of Interstate Highway 65. (b) from Alma, Mich., to points in West Virginia, points in Indiana south of Interstate Highway 70, Kentucky, and points in Illinois south of Interstate Highway 70. (c) from Owosso, Mich., to Oklahoma, Alabama, Texas, Mississippi, and points in Tennessee west of Interstate Highway 65. (d) from Owosso, Mich., to points in West Virginia, Kentucky, Indiana south of Interstate Highway 70, and points in Illinois south of Interstate Highway 70. (e) from Flint, Mich., to points in Oklahoma, Texas, Mississippi, Alabama, and points in Tennessee west of Interstate Highway 65. (f) from Flint, Mich., to points in Kentucky, points in Indiana and Illinois south of Interstate Highway 70 and points in West Virginia south of U.S. Highway 50. (g) from Wahjamega, Mich., to points in Oklahoma, Mississippi, Alabama, Texas, and points in Tennessee west of Interstate Highway 65. (h) from Wahjamega, Mich., to points in Kentucky, points in Illinois and Indiana south of Interstate Highway 70 and points in West Virginia south of U.S. Highway 50.

(i) from Cassopolis, Michigan to points in West Virginia, Pennsylvania and points in Kentucky east of Interstate Highway 75. (j) from Mason, Ohio to points in Oklahoma, Texas, Mississippi and those points in Tennessee that are west of U.S. Highway 79 from Memphis, Tennessee to Paris, Tennessee and west of U.S. Highway 641 from Paris, Tennessee to the Kentucky-Tennessee State line. (k) from the Facilities of Magnolia Homes, Mfg. at Ohio City, Ohio to points in Oklahoma, Texas, Mississippi, Alabama, and those points in Tennessee west of Interstate Highway 65. (2) *Mobile Homes*, in secondary movements, in trucking service, (a) from points in Florida, Louisiana, Alabama, Georgia, North Carolina, West Virginia, Pennsylvania, New Jersey, points in Kentucky on and east of Interstate Highway 75 and Tennessee on and east of Interstate Highway 65 to points in Michigan. (b) from points in Pennsylvania and New Jersey to points in that part of Indiana on and north of a line beginning at the Ohio-Indiana State line on U.S. Highway 36 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateways of The facilities of Magnolia Homes Mfg. at Ohio City, Ohio and Henderson, Kentucky in (1) (a) above; The Facilities of Magnolia Homes Mfg. at Ohio City, Ohio in (1) (b) above; The Facilities of Magnolia Homes Mfg. Co. at Ohio City, Ohio and Henderson, Kentucky in (1) (c) above; The Faicilities of Magnolia Homes Mfg. Co. at Ohio City, Ohio in (1) (d) above; The Facilities of Magnolia Homes Mfg. Co., at Ohio City, Ohio in (1) (e) above; The Facilities of Magnolia Homes Mfg. Co., at Ohio City, Ohio in (1) (f) above; The Facilities of Magnolia Homes Mfg. Co., at Ohio City, Ohio and Henderson, Kentucky in (1) (g) above; The Facilities of Magnolia Homes Manufacturing Co., at Ohio City, Ohio in (1) (h) above; The Facilities of Magnolia Homes Mfg. at Ohio City, Ohio in (1) (i) above; Henderson, Kentucky in (1) (j) above; Henderson, Kentucky in (1) (k) above; and Toledo, Ohio and points in Ohio within 60 miles thereof in (2) above.

No. MC 119641 (Sub-No. E13), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* (except truck tractors), and *component parts* for agricultural tractors, from Baltimore, Md., to points in Arkansas, points in that portion of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 60 to junction U.S. Highway 641, thence along U.S. Highway 641 to junction Kentucky Highway 94, thence along Kentucky Highway 94 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Kentucky-Tennessee State line, points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 61 to Greenville, Miss., points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 45W to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub-No. E14), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building slabs, loose or individually packaged*, from Jamesburg, N.J., to points in Arkansas north of a line beginning at the Mississippi-Arkansas State line and extending along U.S. Highway 82 to junction U.S. Highway 165, thence along U.S. Highway 165 to the Arkansas-Louisiana State line, points in Iowa, Kansas, points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 165 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Louisiana Highway 27, thence along Louisiana Highway 27 to the Gulf of Mexico, points in the Upper Peninsula of Michigan on and west of U.S. Highway 41, points in Minnesota, points in Mississippi on and west of a line beginning at the Tennessee-Mississippi State line and extending along U.S. Highway 61 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line, points in Missouri, Nebraska, North Dakota, South Dakota, points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Tennessee-Mississippi State line, and points in Wisconsin. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC 119641 (Sub-No. E31), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building slabs, loose or individually packaged*, from Pittston, Pa., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC 119641 (Sub-No. E33), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building slabs, loose or individually packaged*, from Lisbon Falls, Me., to points in Arkansas, Kansas, Louisiana, Mississippi, Nebraska, North Dakota, South Dakota, and points in Tennessee on and west of U.S. Highway 231 from the Kentucky-Tennessee State line, to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC 119641 (Sub-No. E34), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts* from New Orleans, La., to points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 70 to the Indiana-Ohio State line, points in Iowa on and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 71 to junction Iowa Highway 2, thence along Iowa Highway 2 to the

Iowa-Nebraska State line, points in Michigan, points in Minnesota on and south of U.S. Highway 2, points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to the Nebraska-Wyoming State line, points in Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 70 to the Ohio-West Virginia State line, and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub-No. E37), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, (other than hand), knocked down, from Detroit and Port Huron, Mich., to points in Arkansas, points in that portion of Iowa on and south of Iowa Highway 2, points in Kansas, Mississippi, Missouri, points in that portion of Nebraska on and south of Nebraska Highway 2, and points in that portion of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 641 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub-E43), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., Route 1, Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated brick siding* from Joliet, Illinois, to points in Wisconsin, on and north of U.S. Highway 8. The purpose of this filing is to eliminate the gateway of Lowell, Indiana.

No. MC 119641 (Sub-No. E46), filed June 3, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels or those which because of size or weight require use of special equipment), and *used parts* therefor when transported in the same vehicle at the same time, from New Orleans, La., to points in Illinois on and west of a line beginning at the Wisconsin-Illinois State line and extending along Illinois Highway 26 to junction U.S. Highway 20, thence along to Illinois Highway 78, thence along to U.S. Highway 36, thence along to U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line, points in Iowa, the Upper Peninsula of Michigan, Minnesota, points in Missouri on and west of a line beginning at the Illinois-Missouri State line, and extending along U.S. Highway 54 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Arkansas State line, points in Wisconsin on and west of a line beginning at Lake Michigan and extending along U.S. Highway 151 to junction Wisconsin Highway 69, thence along Wisconsin Highway 69 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC 119641 (Sub-No. E47), filed June 3, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used tractors* (not including tractors with vehicle beds, bed frames, or fifth wheels or those which because of size or weight require the use of special equipment), and *used parts* therefor when transported in the same vehicle or at the same time and which are to be installed on the tractors being transported, from New Orleans, La., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 119614 (Sub-No. E48), filed June 3, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used agricultural machinery, used farm tractors, and used parts* therefor, when transported in the same vehicle with such used agricultural machinery, and used farm tractors, and which because of their size or weight do not require the use of special equipment or special handling, restricted to the transportation of shipments having an immediately prior movement by water and to traffic destined to the plant sites, warehouses and dealer facilities of Deere & Company, from New Orleans, La., to points in Indiana, Iowa, Michigan, Ohio, Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 119641 (Sub-No. E49), filed June 3, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used farm and used industrial tractors* (except truck tractors) and used component parts for farm and industrial tractors, when transported in the vehicle with used farm and industrial tractors, and which because of their size or weight do not require the use of special equipment or special handling, restricted to the transportation of shipments of the above named commodities having a prior movement by water, from Baltimore, Md., to points in Arkansas, Kentucky, and points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75 to junction Tennessee Highway 63, thence along Tennessee Highway 63 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 56, thence along Tennessee Highway 56 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Gallipolis, Ohio.

No. MC 119777 (Sub-No. E88) (Correction), filed April 23, 1974, published in the FEDERAL REGISTER July 10, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L," Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (26) between points in Montana, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; (51) (a) (B) points in Arizona on, north, and west of a line beginning at the Arizona-Utah State line extending along U.S. Highway 91 to junction Interstate Highway 15, thence along Interstate Highway 15 to the Arizona-Nevada State line; (51) (w) between points in Alabama on and west of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 231 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 5 • • • (53) (f) (ii) • • • on the one hand, and, on the other, points in Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 52 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction Iowa Highway 51, thence along Iowa Highway 51 to junction U.S. Highway 52, thence along U.S. Highway 52 • • •.

(57) (a) Between points in the District of Columbia, on the one hand, and, on the other, points in Indiana on and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 30 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 14, thence along Indiana Highway 14 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 45, thence along Indiana Highway 45 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Indiana Highway 245, thence along Indiana Highway 245 to junction Indiana Highway 70, thence along Indiana Highway 70 to junction Indiana Highway 66,

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thence along Indiana Highway 66 to Cannelton; (57) (b) * * * (57) (c) * * * (58) (a) * * * (58) (b) * * * (58) (c) * * * (58) (d) * * * (58) (e) * * * (59) (a) * * * (59) (b) * * * (60) (a) (i) * * * (60) (a) (ii) between points in Idaho on and south of a line beginning at the Oregon-Idaho State line extending along Idaho Highway 52 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Interstate Highway 80N, thence along Interstate Highway 80N * * * (60) (b) (i) between points in Idaho, on the one hand, and, on the other, points in Louisiana on, north, and east of a line * * * (61) (b) (i) between points in Illinois on and west of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 30 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Interstate Highway 74, thence along Interstate Highway 74 * * *.

(61) (d) (ii) * * * on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Colorado-Kansas State line extending along U.S. Highway 36 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Kansas Highway 150, thence south on Kansas Highway 150 * * * (61) (h) (i) between points in Illinois on and south of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 67 to junction Illinois Highway 140, thence along Illinois Highway 140 to junction Illinois Highway 240, thence along Illinois Highway 240 to junction Illinois Highway 4 * * * (61) (n) (ii) * * * (61) (o) (i) * * * (61) (o) (ii) * * * (61) (p) (i) * * * (61) (p) (ii) * * * (61) (q) (i) * * * (61) (q) (ii) * * * (61) (q) (iii) * * * (61) (r) (i) * * * (61) (r) (ii) * * * (61) (s) (i) * * * (61) (r) (i) * * * (61) (s) (i) * * * (61) (s) (ii) * * * (61) (s) (iii) * * *.

(61) (x) (ii) Between points in Illinois on, south, and east of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 114 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 66 * * * (61) (z) (ii) between points in Illinois on, east, and north of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Illinois Highway 92, thence along Illinois Highway 92 to junction U.S. Highway 150 * * * (61) (cc) (i) between points in Illinois on and north of a line beginning at Palestine extending along Illinois Highway 33 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 161 * * * (63) (n) (ii) between Davenport, Iowa, on the one hand, and, on the other, points in Washington on and west of a line beginning at the Oregon-Washington State line extending along Interstate Highway 5 to junction Washington Highway 16, thence along Washington Highway 16 to junction Washington Highway 3, thence along Washington Highway 3 to junction Washington Highway 104, thence along Washington Highway 104 to junction U.S. Highway 101, thence along U.S. Highway 101 to junction Washington Highway 113, thence along Washington Highway 113 to Port Townsend, Wash.

(66) (g) * * * and points of Delta and Vidalia, La., on the one hand, and, on the other * * * (73) (g) between points in Missouri on and east of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 67 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Missouri Highway 47, thence along Missouri Highway 47 to junction Missouri Highway 79, thence along Missouri Highway 79 to the Louisiana-Missouri State line, on the one hand, and, on the other, * * * (86) (b) (ii) between points in Texas on and east of a line beginning at the Louisiana-Texas State line extending along Texas Highway 21 to junction Texas Highway 87, thence along Texas Highway 87 to junction Texas Highway 63, * * * (90) (a) between * * * on the one hand, and, on the other, points in Wyoming on, south, and west of a line beginning at the Colorado-Wyoming State line extending along U.S. Highway 85 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateway of Paris, Ill. The purpose of this partial correction is to clear up discrepancies existing in previous publication and to put in order some of the paragraphs. The remainder of the letter-notice remains as previously published.

No. MC 119777 (Sub-No. E91), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such guard-rail and component parts* as are embraced within building and excavating contractors' and mining materials and equipment, road building equipment and material, and such commodities which require special handling because of their size and weight (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipelines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum); (1) from points in Indiana, to points in Florida, Louisiana, New Mexico, and Texas; (2) from points in Kentucky to points in Minnesota; (3) from points in Ohio (except Columbus), to points in Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and Texas; (4) from points in Pennsylvania to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; (5) from points in Tennessee to points in Minnesota and Wisconsin; (6) from points in West Virginia to points in Colorado, Kansas, New Mexico, Oklahoma, Texas, and Arkansas.

(7) From points in Indiana on, north, and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Indiana-Ohio State line to points in Alabama; (8) from points in Indiana on and east and south of a line beginning at the Indiana-Michigan State line extending along Indiana Highway 19 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to Indianapolis, Ind., thence along Indiana Highway 67 to a terminus at Vincennes, Ind., to points in Arkansas; (9) from points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to the Ohio-Indiana State line to points in Colorado; (10) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Connecticut; (11) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line to points in Delaware; (12) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in the District of Columbia; (13) from points in Indiana on and west of a line

beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 19, thence along Indiana Highway 19 to the Indiana-Michigan State line to points in Georgia.

(14) From points in Indiana on and east of a line beginning at Michigan City, Ind., thence along U.S. Highway 20 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction Indiana Highway 64, thence along Indiana Highway 64 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 460, thence along U.S. Highway 460 to a terminus at Evansville, Ind., to points in Illinois and west of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line; (15) from points in Indiana on and south of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 56, thence along Indiana Highway 56 to a terminus at Madison, Ind., to points in Iowa on, north, and west of a line beginning at the Iowa-Nebraska State line extending along Interstate Highway 80 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line; (16) from points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 56, thence along Indiana Highway 56 to a terminus at Madison, Ind., to points in Kansas.

(17) From points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Indiana-Ohio State line to points in Kentucky on, north, and west of a line beginning at Owensboro, Ky., thence along the Audubon Parkway to junction Pennyrile Parkway, thence along Pennyrile Parkway to junction U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to the Kentucky-Tennessee State line; (18) from points in Indiana on and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line to points in Maine; (19) from points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in Maryland on and east of U.S. Highway 220; (20) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to the terminus at Vincennes, Ind., to points in Massachusetts; (21) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line to points in the Lower Peninsula of Michigan on and east of a line beginning at Alpena, Mich., thence along U.S. Highway 23 to a terminus at Mackinaw City, Mich., and points in the Upper Peninsula of Michigan on and north of a line beginning at Iron Mountain, Mich., thence along U.S. Highway 2 to a terminus at Escanaba, Mich.; (22) from Jeffersonville, Ind., and points in Indiana on and south of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 150 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Minnesota.

(23) From points in Indiana on, west, and north of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 231 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Ohio State line to points in Mississippi; (24) from Vincennes, Ind., and points in Indiana on and east of U.S. Highway 41 to points in Missouri on, south, and east of a line beginning at the Missouri-Arkansas State line extending along Missouri Highway 17 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 61, thence along U.S. Highway 61 to a terminus at Cape Girardeau, Mo.; (25) from points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 56, thence along Indiana Highway 56 to a terminus at Madison, Ind., to points in Nebraska; (26) from points in Indiana on and west of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 40 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line to points in New Hampshire; (27) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to the Indiana-Illinois State line to points in New York; (28) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Kentucky State line to points in North Carolina; (29) from Evansville, Ind., to points in Ohio; (30) from points in Indiana on, east, and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 19, thence along Indiana Highway 19 to the Indiana-Michigan State line to points in Oklahoma.

(31) From points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to its terminus at Vincennes, Ind., to points in Pennsylvania on and east of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 40 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 20, thence along U.S. Highway 20 to a terminus at Erie, Pa.; (32) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line to points in Rhode Island; (33) from points in Indiana on and west of a line beginning at Michigan City, Ind., thence along U.S. Highway 12 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line to points in South Carolina; (34) from points in Indiana on and north of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Indiana-Ohio State line to points in Tennessee on, west, and south of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line.

(35) From points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-

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Kentucky State line to points in Vermont; (36) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to its terminus at Vincennes, Ind., to points in Virginia on and east of a line beginning at the North Carolina-Virginia State line extending along U.S. Highway 220 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Virginia Highway 311, thence along Virginia Highway 311 to the West Virginia-Virginia State line; (37) from points in Indiana on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to the terminus at Vincennes, Ind., to points in West Virginia on and east of a line beginning at Williamson, W. Va., thence along U.S. Highway 119 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line; (38) from Vincennes and Evansville, Ind., to points in Wisconsin on, north, and west of a line beginning at LaCrosse, Wis., thence along U.S. Highway 53 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Wisconsin-Michigan State line; (39) from Louisville and Owensboro, Ky., to points in Alabama on and south of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 84 to the Alabama-Georgia State line.

(40) From points in Kentucky on, north, and west of a line beginning at Owensboro, Ky., thence along Kentucky Highway 54 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Indiana State line to points in Arkansas; (41) from points in Kentucky bounded on the north by Illinois and Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 68, thence along U.S. Highway 68 to a terminus at Paducah, Ky., to points in Colorado; (42) from points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 231 to junction U.S. Highway 31W, thence along U.S. Highway 31W to the Kentucky-Tennessee State line to points in Connecticut; (43) from points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 231 to junction U.S. Highway 31W, thence along U.S. Highway 31W to the Kentucky-Tennessee State line to points in Delaware; (44) from points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 231 to junction U.S. Highway 31W, thence along U.S. Highway 31W to the Kentucky-Tennessee State line to points in the District of Columbia; (45) from points in Kentucky on, north, and west of a line beginning at Wickliffe, Ky., thence along U.S. Highway 62 to junction Kentucky Highway 91, thence along Kentucky Highway 91 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Indiana State line to points in Florida on and south of a line beginning at St. Petersburg, Fla., thence along U.S. Highway 92 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Highway 532, thence along Florida Highway 532 to junction Florida Highway 419, thence along Florida Highway 419 to junction Florida Highway 520, thence along Florida Highway 520 to a terminus at Cocoa, Fla.

(46) From points in Kentucky on and north of a line beginning at the Kentucky-Missouri State line extending along U.S. Highway 60 to a terminus at Owensboro, Ky., to points in Georgia on and east of a line beginning at Augusta, Ga., thence along Georgia Highway 56 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line; (47) from points in Kentucky bounded on the north by a line beginning at Henderson, Ky., thence along U.S. Highway 60 to junction U.S. Highway 231, thence along U.S. Highway 62, thence along U.S. Highway 62 to Elizabethtown, Ky., and bounded on the east by a line beginning at Elizabethtown, Ky., thence along U.S. Highway 31W to the Kentucky-Tennessee State line, and bounded on the south by the Kentucky-Tennessee State line, and bounded on the west by a line beginning at the Kentucky-Tennessee State line along U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to a terminus at Henderson, Ky., to points in Illinois west of a line beginning at Waukegan, Ill., thence along Illinois Highway 120 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Missouri State line; (48) from points in Kentucky bounded on the north by Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Alternate Highway 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line to points in Iowa.

(49) From points in Kentucky bounded on the north by Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Alternate Highway 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line to points in Kansas; (50) from points in Kentucky on and north of a line beginning at the Kentucky-Missouri State line extending along U.S. Highway 60 to a terminus at Paducah, Ky., to Owensboro, Ky., and points in Kentucky on and east of a line beginning at Louisville, Ky., thence along U.S. Highway 150 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line; (51) from points in Kentucky on and north of a line beginning at Owensboro, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 31W, thence along U.S. Highway 31W to a terminus at Louisville, Ky., to points in Louisiana; (52) from points in Kentucky on and west of a line beginning at Cloverport, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line to points in Maine; (53) from points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along U.S. Highway 431 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line to points in Maryland;

(54) From points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31W to junction U.S. Highway 231, thence along U.S. Highway 231 to a terminus at Owensboro, Ky., to points in Massachusetts.

(55) From points in Kentucky on and west of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 231 to junction U.S. Highway 31W, thence along U.S. Highway 31W to the Kentucky-Tennessee State line to points in Michigan; (56) from points in Kentucky on and north of a line beginning at Owensboro, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 31E, thence along U.S. Highway 31E to a terminus at Louisville, Ky., to points in Mississippi on and west of a line beginning at the Arkansas-Mississippi State line extending along U.S. Highway 49 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 49, thence along U.S. Highway 49 to its terminus at Gulfport, Miss.; (57) from points in Kentucky bounded on the north by Indiana, and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction, Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line to points in Missouri on and north of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 66 to the Missouri-Illinois State line; (58) from points in Kentucky bounded on the north by Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 62, thence along U.S. Highway 62 to a terminus at Paducah, Ky., to points in Nebraska.

(59) From points in Kentucky on and west of a line beginning at Cloverport, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line to points in New Hampshire; (60) from points in Kentucky bounded on the north by Illinois and Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and bounded on the south by Tennessee and bounded on the west by a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 68, thence along U.S. Highway 68 to a terminus at Paducah, Ky., to points in New Mexico; (61) from points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31W to junction U.S. Highway 231, thence along U.S. Highway 231 to a terminus at Owensboro, Ky., to points in New York; (62) from points in Kentucky on and north of a line beginning at Wickliffe, Ky., thence along U.S. Highway 60 to a terminus at Owensboro, Ky., to points in North Carolina on and east of U.S. Highway 25; (63) from points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along Kentucky Highway 139 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Kentucky Highway 85, thence along Kentucky Highway 85 to junction Kentucky Highway 81, thence along Kentucky Highway 81 to its terminus at Owensboro, Ky., to points in Ohio on and northeast of a line beginning at the Ohio-Indiana State line extending along U.S. Highway 36 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line.

(64) From points in Kentucky bounded on the north by Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to Scottsville, Ky., and bounded on the west by a line beginning at Scottsville, Ky., thence along U.S. Highway 231 to the Kentucky-Indiana State line to points in Oklahoma; (65) from points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along the Audubon Parkway to junction Pennyrile Parkway, thence along Pennyrile Parkway to junction U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to the Kentucky-Tennessee State line to points in Pennsylvania; (66) from points in Kentucky on and west of a line beginning at Cloverport, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to Elizabethtown, Ky., thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line to points in Rhode Island; (67) from points in Kentucky on, north, and west of a line beginning at Owensboro, Ky., thence along U.S. Highway 60 to the Kentucky-Illinois State line to points in South Carolina on, south, and east of a line beginning at the South Carolina-North Carolina State line extending along U.S. Highway 221 to junction South Carolina Highway 9, thence along South Carolina Highway 9 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-Georgia State line; (68) from points in Kentucky on and north of a line beginning at Louisville, Ky., thence along U.S. Highway 60 to Owensboro, Ky., to Grand Junction, Tenn., and points west of a line beginning at the Missouri-Tennessee State line extending along Tennessee Highway 20 to Jackson, Tenn., thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line.

(69) From points in Kentucky bounded on the north by Indiana and bounded on the east by a line beginning at Louisville, Ky., thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to Glasgow, Ky., and bounded on the west by a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 41 to Henderson, Ky., thence along U.S. Highway 60 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 68, thence along U.S. Highway 68 to Glasgow, Ky., to points in Texas; (70) from points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line extending along Interstate Highway 65 to junction U.S. Highway 31W, thence along U.S. Highway 31W to junction Kentucky Highway 1638, thence along Kentucky Highway 1638 to the Kentucky-Indiana State line to points in Vermont; (71) from points in Kentucky on, west, and north of a line beginning at Owensboro, Ky., thence along Audubon Parkway to junction Pennyrile Parkway, thence along Pennyrile Parkway to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line to points in Virginia on and east of a line beginning at the Virginia-West Virginia State line extending along Virginia Highway 311 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line; (72) from points in Kentucky on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 41, thence along U.S. High-

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way 41 to junction Kentucky Highway 85, thence along Kentucky Highway 85 to junction Kentucky Highway 81, thence along Kentucky Highway 81 to a terminus at Owensboro, Ky., to points in West Virginia on and north of a line beginning at Williamson, W. Va., thence along U.S. Highway 52 to a terminus at Bluefield, W. Va.

(73) From points in Kentucky bounded on the north by Illinois and Indiana and bounded on the south by Tennessee and bounded on the east by a line beginning at Bradenburg, Ky., thence along Kentucky Highway 79 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line and bounded on the west by a line beginning at the Illinois-Kentucky State line extending along U.S. Highway 45 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line to points in Wisconsin; (74) from points in Ohio on and north of a line beginning at the Kentucky-Ohio State line at Portsmouth, Ohio, thence along U.S. Highway 52 to junction Ohio Highway 119, thence along Ohio Highway 119 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 160, thence along Ohio Highway 160 to Gallipolis, Ohio, (except Columbus), to points in Alabama on, south, and west of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to Mobile, Ala.; (75) from Findlay, Ohio, and points in Ohio on, north, and west of a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Ohio-Indiana State line to points in Florida; (76) from Toledo and Findlay, Ohio, and points in Ohio on and west of a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Indiana-Ohio State line to points in Georgia on and south of a line beginning at Columbus, Ga., thence along U.S. Highway 280 to McRae, Ga., thence along U.S. Highway 341 to its terminus at Brunswick, Ga.

(77) From points in Ohio (except Columbus), to points in Illinois on and south of a line beginning at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Illinois-Indiana State line; (78) from Aberdeen and Chesapeake, Ohio, to points in Iowa on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 65 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line; (79) from points in Ohio (except Columbus), to points in Kansas on and south of U.S. Highway 40; (80) from points in Ohio on and north of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 50 to the Ohio-West Virginia State line (except Columbus), to points in Kentucky on, west, and north of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Indiana State line; (81) from Chesapeake, Ohio, to Fort Wilkins, Hancock, and Ironwood, Mich.; (82) from Aberdeen and Chesapeake, Ohio, to points in Minnesota on and west of U.S. Highway 71; (83) from points in Ohio on and north of a line beginning at the Ohio-West Virginia State line extending along U.S. Highway 50 to a terminus at Cincinnati, Ohio (except Columbus), to points in Mississippi; (84) from Cambridge, Ohio, and points in Ohio on, south, and east of a line beginning at Cleveland, Ohio, thence along Interstate Highway 77 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Ohio Highway 278, thence along Ohio Highway 278 to junction U.S. Highway 50, thence along U.S. Highway 50 to a terminus at Cincinnati, Ohio, to points in Missouri on and south of Interstate Highway 70.

(85) From points in Ohio on and south of a line beginning at Cincinnati, Ohio, thence along U.S. Highway 52 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 7, thence along Ohio Highway 7 to a terminus at Belpre, Ohio, to points in Nebraska; (86) from points in Ohio on and north of a line beginning at the Ohio-Indiana State line extending along Ohio Highway 571 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line (except Columbus), to points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Alternate Highway 41, to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line; (87) from Chesapeake, Ohio, to points in Wisconsin on, north, and west of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 8 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 51, thence along U.S. Highway 51 to a terminus at Hurley, Wis.; (88) from points in Pennsylvania on, north, and west of a line beginning at the New York-Pennsylvania State line extending along U.S. Highway 15 to Williamsport, Pa., thence along U.S. Highway 220 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Pennsylvania-West Virginia State line to points in Alabama on and west of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 231 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 31, thence along U.S. Highway 31 to Montgomery, Ala., thence along U.S. Highway 331 to the Alabama-Florida State line; (89) from Erie, Pa. to points in Florida on, west, and south of a line beginning at the Georgia-Florida State line extending along U.S. Highway 27 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction U.S. Highway 41, thence along U.S. Highway 41 to its terminus at the Atlantic Ocean.

(90) From points in Pennsylvania on, north, and west of a line beginning at the Ohio-Pennsylvania State line extending along Interstate Highway 90 to junction U.S. Highway 6N, thence along U.S. Highway 6N to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line to points in Georgia on and west of a line beginning at Columbus, Ga., thence along U.S. Highway 27 to the Florida-Georgia State line; (91) from points in Pennsylvania to points in Illinois on and south of a line beginning at Alton, Ill., thence along Illinois Highway 140 to junction Illinois Highway 159, thence along Illinois Highway 159 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 15, thence along Illinois Highway 15 to a terminus at Mount Carmel, Ill.; (92) from points in Pennsylvania on, south, and east of a line beginning at the Pennsylvania-New York State line extending along U.S. Highway 209 to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to the Pennsylvania-Delaware State line to points in Iowa on and south of a line beginning at Ft. Madison, Iowa, thence along U.S. Highway 61 to junction Iowa Highway 2, thence along Iowa Highway 2 to the Iowa-Nebraska State line; (93) from points in Pennsylvania to points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 231 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Western Kentucky Parkway, thence along Western Kentucky Parkway to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line.

(94) From Morrisville and Philadelphia, Pa., to points in Minnesota on, south, and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 59 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to the Minnesota-South Dakota State line; (95) from points in Pennsylvania to points in Missouri on and south of Interstate Highway 70; (96) from points in Pennsylvania to points in Nebraska on, south, and west of a line beginning at the Wyoming-Nebraska State line extending along U.S. Highway 30 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to the Nebraska-Kansas State line; (97) from points in Pennsylvania on, north, and east of a line beginning at the Ohio-Pennsylvania State line extending along Interstate Highway 80 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Pennsylvania-New Jersey State line to points in Tennessee, on and west of a line beginning at the Kentucky-Tennessee State line extending along Interstate Highway 65 to the Tennessee-Alabama State line; (98) from Cumberland Gap, Bristol, and Mountain City, Tenn., to Blytheville, Ark., and points in Arkansas on, north, west, and south of a line beginning at the Arkansas-Louisiana State line extending along U.S. Highway 167 to junction U.S. Highway 82, thence along U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 26, thence along Arkansas Highway 26 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line; (99) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Tennessee Highway 127, thence along Tennessee Highway 127 to the Tennessee-Alabama State line to points to Colorado.

(100) From points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 231 to the Tennessee-Alabama State line to points in Connecticut; (101) from points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line extending along Tennessee Highway 18 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line to points in Delaware; (102) from points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to junction Tennessee Highway 125, thence along Tennessee Highway 125 to the Mississippi-Tennessee State line to points in the District of Columbia; (103) from points in Tennessee on and north of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 79 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to its terminus at or near Heloise, Tenn., to points in Florida on and east of a line beginning at West Palm Beach, Fla., thence along U.S. Highway 1 to a terminus at Homestead, Fla.; (104) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line to points in Illinois on, west, and north of a line beginning at Chester, Ill., thence along Illinois Highway 150 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line.

(105) From points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 20, thence along Tennessee Highway 20 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line to points in Iowa on and north of a line beginning at Sioux City, Iowa, thence along U.S. Highway 20 to a terminus at Dubuque, Iowa; (106) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to Nashville, Tenn., thence along Interstate Highway 24 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in Kansas; (107) from points in Tennessee on, north, and east of a line beginning at Cumberland Gap, Tenn., thence along U.S. Highway 25E to junction U.S. Highway 11E, thence along U.S. Highway 11E to junction Tennessee Highway 70, thence along Tennessee Highway 70 to the North Carolina-Tennessee State line to points in Kentucky on and north of a line beginning at Wickliffe, Ky., thence along U.S. Highway 60 to a terminus at Paducah, Ky.; (108) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 70, thence along U.S. Highway 70 to the junction of U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to junction Tennessee Highway 125, thence along Tennessee Highway 125 to the Mississippi-Tennessee State line to Ashland, and South Williamson, Ky., and points in Kentucky on, north, and west of a line beginning at Louisville, Ky., thence along U.S. Highway 460 to junction U.S. Highway 68, thence along U.S. Highway 68 to a terminus at Maysville, Ky.; (109) from Chanute, Cumberland Gap, and Bristol, Tenn., to Ida, La.

(110) From points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 42 to junction Interstate Highway 40, thence along Tennessee Highway 40 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line to points in Maine; (111) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in Maryland; (112) from points in Tennessee on and west of U.S. Highway 231 to points in Massachusetts; (113) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Alabama State line to points in Michigan; (114) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to Nashville, Tenn., thence along Interstate Highway 24 to the Tennessee-Georgia State line to Springfield, Mo., and points in Missouri on and north of U.S. Highway 66; (115) from points in Tennessee on, north, and east of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 31 to junction U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 641; thence along U.S. Highway 641 to the Tennessee-Kentucky State line to points in Nebraska; (116) from points in Tennessee on and west of U.S. Highway 231 to points in New Hampshire; (117) from points in

V401789 SEP 29 75 XUM

Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line to points in New Mexico; (118) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line to points in New York;

(119) from points in Tennessee on, north, and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Tennessee-Mississippi State line to Moyock, Elizabeth City, Point Harbor, Cherry Point, and Roe, N.C.; (120) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line to points in Ohio; (121) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to Nashville, Tenn., thence along U.S. Highway 41 to the Tennessee-Georgia State line to points in Oklahoma on, north, and west of a line beginning at the Oklahoma-Texas State line extending along Interstate Highway 40 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line; (122) from points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line to points in Pennsylvania; (123) from points in Tennessee to Conway, S.C.; (125) from points in Tennessee on, north, and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Tennessee Highway 96, thence along Tennessee Highway 96 to junction U.S. Highway 70S, thence along U.S. Highway 70S to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to the North Carolina-Tennessee State line to points in Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 62 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Texas Highway 70, thence along Texas Highway 70 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Texas Highway 44, thence along Texas Highway 44 to its terminus at Corpus Christi, Tex.

(126) From points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 231 to the Tennessee-Alabama State line to points in Vermont; (127) from points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line extending along Tennessee Highway 18 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 45W, thence along U.S. Highway 45W to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line to points in Virginia on, north, and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 250 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line; (128) from points in Tennessee on and west of U.S. Highway 51 to points in West Virginia; (129) from points in West Virginia on and north of Interstate Highway 70 to points in Alabama on, south, and west of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 43 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line; (130) from Brooke, Ohio, and Hancock Counties, W. Va., to Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, and Jackson Counties, Fla.; (131) from points in West Virginia to points in Illinois on, south, and west of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Illinois-Indiana State line.

(132) from points in West Virginia on and south of a line beginning at Williamson, W. Va., thence along U.S. Highway 119 to junction West Virginia Highway 10 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line to points in Iowa; (133) from points in West Virginia on and northeast of a line beginning at the West Virginia-Ohio State line extending along Interstate Highway 77 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line to points in Kentucky on and west of a line beginning at Owensboro, Ky., thence along the Audubon Parkway to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Kentucky-Tennessee State line; (134) from points in West Virginia on and north of a line beginning at the West Virginia-Kentucky State line extending along U.S. Highway 119 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line to points in Louisiana; (135) from points in West Virginia on, south, and west of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 119 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Virginia-West Virginia State line to points in the Upper Peninsula of Michigan on and west of a line beginning at L'Anse, Mich., thence along U.S. Highway 41 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Michigan-Wisconsin State line, and points in the Upper Peninsula of Michigan on and south of a line beginning at Escanaba, Mich., thence along U.S. Highway 2 to the Michigan-Wisconsin State line.

(136) from points in West Virginia on and south of a line beginning at the West Virginia-Kentucky State line extending along U.S. Highway 60 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line to points in Minnesota on, north, and west of a line beginning at the Minnesota-Wisconsin State line extending along Minnesota Highway 95 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Minnesota-Iowa State line; (137) from points in West Virginia on and north of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 60 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 28, thence along West Virginia Highway 28 to the junction of West Virginia Highway 55, thence along West Virginia Highway 55 to the West Vrginia-Virginia State line to points in Mississippi; (138) from points in West Virginia on and south of a line beginning at Huntington, W. Va., thence along U.S. Highway 60 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line to points in Missouri; (139) from points in West Virginia on and south of Interstate Highway

70 to points in Nebraska on, south, and west of a line beginning at Omaha, Nebr., thence along Nebraska Highway 92 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line; (140) from points in West Virginia on and north of U.S. Highway 60 to points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Mississippi-Tennessee State line; and

(141) from points in West Virginia on and south of a line beginning at Williamson, W. Va., thence along U.S. Highway 52 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction West Virginia Highway 63, thence along West Virginia Highway 63 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line to points in Wisconsin on, north, and west of a line beginning at the Wisconsin-Minnesota State line extending along Wisconsin Highway 25 to junction Wisconsin Highway 35, thence along Wisconsin Highway 35 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 51, thence along U.S. Highway 51 to a terminus at Hurley, Wis. The purpose of this filing is to eliminate the gateways of that part of Kentucky on and west of a line beginning at Louisville, Ky., and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line, and Evansville, Ind.

No. MC 119777 (Sub-E232), filed January 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, skids, bases, boxes, crates, crating, wooden trends, wooden cartons, nails, treated poles, treated crossarms, and treated crossties:* (1) *risers, wooden sills, moldings, cardboard* from points in California, Connecticut, Delaware, District of Columbia, Idaho, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York (except Jamaica, Long Island), North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, and Wyoming to points in Alabama. (2) (a) from points in Arizona, on, north and west of a line beginning at the Arizona-New Mexico State line, thence west on U.S. Highway 160 to the junction of State Highway 63, thence south on State Highway 63 to junction State Highway 264, thence west on State Highway 264 to junction State Highway 77, thence south on State Highway 77 to junction U.S. Highway 66, thence west on U.S. Highway 66 to junction U.S. Highway 89, thence south on U.S. Highway 89 to junction State Highway 71, thence south on State Highway 71 to junction U.S. Highway 60, thence south on U.S. Highway 60 to junction U.S. Highway 95, thence south on U.S. Highway 95 to the Arizona-New Mexico State line to points in Alabama.

(2) (b) from points in North Carolina, on and north of a line commencing at the Tennessee-North Carolina State line, thence south on U.S. Highway 19E to junction State Highway 194, thence east on State Highway 194 to junction U.S. Highway 421, thence east on U.S. Highway 421 to junction State Highway 268, thence east on State Highway 268 to junction State Highway 66, thence north on State Highway 66 to junction state Highway 89, thence east on State Highway 89 to junction State Highway 704, thence east on State Highway 704 to junction U.S. Highway 158, thence east on U.S. Highway 158 to Point Harbor, North Carolina at the Atlantic Ocean to points in Alabama, on, north and west of a line beginning at the Georgia-Alabama State line, thence south on Interstate Highway 59 to the junction of U.S. Highway 231, thence south on U.S. Highway 231 to junction State Highway 25, thence south on State Highway 25 to junction U.S. Highway 31, thence south on U.S. Highway 31 to the junction of State Highway 191, thence south on State Highway 191 to junction State Highway 22, thence south on State Highway 22 to the junction of State Highway 41, thence south on State Highway 41 to junction State Highway 21, thence south on State Highway 21 to the Alabama-Florida State line. (2) (c) from points in Tennessee, north and east of a line beginning at the Virginia-Tennessee State line, thence south on U.S. Highway 23 to junction U.S. Highway 321, thence south on U.S. Highway 321 to the Tennessee-North Carolina State line to points in Alabama. (2) (d) from points in Virginia, on, north and west of a line beginning at the mouth of the Rappahannack River near Harmony Village, thence south on State Highway 3 to junction State Highway 33, thence south on State Highway 33 to junction of Interstate Highway 64, thence west on Interstate Highway 64 to the junction of U.S. Highway 360, thence west on U.S. Highway 360 to junction U.S. Highway 460, thence west on U.S. Highway 460 to junction U.S. Highway 221, thence south on U.S. Highway 221 to the junction of U.S. Highway 52, thence south on U.S. Highway 52 to the Virginia-North Carolina State line to points in Alabama. The purpose of this filing is to eliminate the gateway of Kentucky.

No. MC 119777 (Sub-E239), filed January 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, restricted against the transportation of commodities which because of size or weight require the use of special equipment, from St. Louis, Missouri, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Sparta, Illinois.

No. MC 119777 (Sub-No. E240), filed January 29, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Treated lumber*, (1) from points in Bradley, Ashley, Drew, Pulaski, Cleveland, Dallas, Quachita, Calhoun, and Union Counties, Ark., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. (2) from Little Rock, Ark., to Readland and Helena, Ark. (3) from points in Dallas, Cleveland, Union, Calhoun, and Quachita Counties, Ark., to Helena, Ark., and points in Mississippi County, Ark., on and east of a line beginning at Osceola extending along U.S. Highway 61 to the Arkansas-Missouri State line.

(4) From points in Pulaski County, Arkansas on, south and east of a line commencing at the Pulaski-Lonoke County line on U.S. Hwy 70, thence west on U.S. Hwy 70 to the jct. of U.S. Hwy 65, thence south on U.S. Hwy 65 to the Pulaski-Saline County line; and points in Union, Ouachita, Calhoun, Dallas, and Cleveland Counties, Arkansas on and east of a line commencing at the Dallas-Grant County line on U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 79, thence southwest on U.S. Hwy 79 to the jct. of AR St. Hwy 7, thence south on AR St. Hwy 7 to the Arkansas-Louisiana state line to points in Colorado on and west of a line commencing at the Colorado-Wyoming state line on CO St. Hwy 789, thence south on CO St. Hwy 789 to the jct. of U.S. Hwy 550, thence south on U.S. Hwy 550 to the Colorado-New Mexico state line.

(5) From points in Calhoun, Cleveland, Dallas, Ouchita, and Union Counties, Arkansas to points in Illinois.

(6) From Little Rock, Arkansas to points in Illinois on, north and east of a line commencing at Quincy, Illinois, thence east on IL St. Hwy 104 to the jct. of IL St. Hwy 29, thence southeast on IL St. Hwy 29 to the jct. of U.S. Hwy 51, thence south on U.S. Hwy 51 to the Illinois-Kentucky state line.

(7) From points in Cleveland, Dallas, Calhoun, Ouachita and Union Counties,

V40189 SEP2975 XUM

Arkansas on and south of U.S. Hwy 79 to points in Iowa on, north and east of a line commencing at the Nebraska-Iowa state line on U.S. Hwy 20, thence east on U.S. Hwy 20 to the jct. of U.S. Hwy 69, thence south on U.S. Hwy 69 to the jct. of IA St. Hwy 3, thence south on IA St. Hwy 5 to the Iowa-Missouri state line.

(8) From Little Rock, Arkansas to points in Iowa on and east of U.S. Hwy 218.

(9) From points in Union County, Arkansas on and south of AR St. Hwy 15 to points in Kansas on, north and west of a line commencing at the Nebraska-Kansas state line on U.S. Hwy 183, thence south on U.S. Hwy 183 to the U.S. Hwy 36, thence west on U.S. Hwy 36 to the Kansas-Colorado state line.

(10) From points in Pulaski County, Arkansas to points in Louisiana on, east and south of a line commencing at the Louisiana-Arkansas state line on U.S. Hwy 65, thence south of U.S. Hwy 65 to the jct. of U.S. Hwy 84, thence west on U.S. Hwy 84 to the jct. of LA St. Hwy 28, thence southwest at LA St. Hwy 28 to the jct. of U.S. Hwy 165, thence southwest on U.S. Hwy 165 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the Louisiana-Texas state line.

(11) From points in Dallas, Cleveland, Ouachita, Calhoun, and Union Counties, Arkansas to points in Louisiana on and east of a line commencing at Vidalia, Louisiana, thence west on LA St. Hwy 131 to the jct. of LA St. Hwy 15 thence south on LA St. Hwy 15 to the jct. of LA St. Hwy 1, thence west on LA St. Hwy 1 to the jct. of LA St. Hwy 105, thence south on LA St. Hwy 105 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of LA St. Hwy 92, thence south and west on LA St. Hwy 92 to a terminus at Pecan Island, Louisiana.

(12) From points in Pulaski County, Arkansas on, south and east of U.S. Hwy 70; and points in Dallas, Cleveland, Ouachita, Calhoun and Union Counties, Arkansas to points in Minnesota on, north and east of U.S. Hwy 52.

(13) From Little Rock, Arkansas to Cape Girardeau, Missouri; and points in Missouri on and east of a line commencing at Canton, Missouri, thence northwest on MO St. Hwy 81 to the Missouri-Iowa state line.

(14) From points in Dallas, Cleveland, Ouachita, Calhoun and Union Counties, Arkansas to points in Missouri on and east of a line commencing at New Madrid, Missouri, thence north on U.S. Hwy 61 to the Missouri-Iowa state line.

(15) From Little Rock, Arkansas to points in Nebraska on and west of a line commencing at the Nebraska-South Dakota state line on U.S. Hwy 385, thence south on U.S. Hwy 385 to the jct. of NE St. Hwy 19, thence south on NE St. Hwy 19 to the Nebraska-Colorado state line.

(16) From points in Calhoun, Cleveland, Dallas, and Union Counties, Arkansas on and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 167, thence north on U.S. Hwy 167 to the jct. of U.S. Hwy 79, thence north on U.S. Hwy 79 to the Cleveland-Jefferson County line to points in Nebraska on and west of a line commencing at the Nebraska-Kansas state line on U.S. Hwy 83, thence north on U.S. Hwy 83 to the jct. of U.S. Hwy 6, thence east on U.S. Hwy 6 to the jct. of U.S. Hwy 283 thence north on U.S. Hwy 283 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of U.S. Hwy 183, thence north on U.S. Hwy 183 to the Nebraska-South Dakota state line.

(17) From points in Pulaski County, Arkansas on, and east of U.S. Hwy 65; and points in Union, Dallas, Cleveland, Calhoun Counties, Arkansas on and east of U.S. Hwy 167 to points in New Mexico on and west of a line commencing at the Texas-New Mexico state line on U.S. Hwy 85, thence north on U.S. Hwy 85 to the jct. of U.S. Hwy 60, thence west on U.S. Hwy 60 to the jct. of NM St. Hwy 32, thence north on NM St. Hwy 32 to the jct. of U.S. Hwy 666, thence north on U.S. Hwy 666 to the jct. of U.S. Hwy 550, thence east on U.S. Hwy 550 to the New Mexico-Colorado state line.

(18) From points in Pulaski County, Arkansas on, south and east of U.S. Hwy 67; and points in Dallas, Cleveland, Ouachita, Calhoun, and Union Counties, Arkansas to points in North Dakota.

(19) From points in Cleveland County, Arkansas on and east of AR St. Hwy 15; and points in Union County on and east of a line commencing at the Union County-Bradley County line on AR St. Hwy 275, thence south on AR St. Hwy 275 to the jct. of AR St. Hwy 15, thence south on AR St. Hwy 15 to the jct. of AR St. Hwy 275, thence south on AR St. Hwy 275 to the Arkansas-Louisiana state line to points in Oklahoma on and west of U.S. Hwy 385.

(20) From Little Rock, Arkansas; and points in Calhoun, Cleveland, Dallas, Ouachita, and Union Counties, Arkansas to points in South Dakota on, north and west of a line commencing at the South Dakota-North Dakota state line on U.S. Hwy 81 thence south on U.S. Hwy 81 to the jct. of SD St. Hwy 23, thence west on SD St. Hwy 23 to the jct. of SD St. Hwy 10, thence west on SD St. Hwy 10 to the jct. of U.S. Hwy 281, thence south on U.S. Hwy 281 to the jct. of U.S. Hwy 12, thence west on U.S. Hwy 12 to the jct. of U.S. Hwy 83, thence south on U.S. Hwy 83 to the jct. of U.S. Hwy 212, thence west on U.S. Hwy 212 to the jct. of SD St. Hwy 73, thence south on SD St. Hwy 73 to the jct. of U.S. Hwy 14, thence west on U.S. Hwy 14 to the South Dakota-Wyoming state line.

(21) From points in Pulaski County, Arkansas on and east of U.S. Hwy 65 to El Paso, Del Rio, and Presidio, Texas; and points in Texas on, south and east of a line commencing at the Louisiana-Texas state line on I–10, thence west on I–10 to Houston, Texas, thence south on I–45 to the jct. of TX St. Hwy 35, thence southwest on TX St. Hwy 35 to the jct. of U.S. Hwy 181, thence southwest on U.S. Hwy 181 to the terminus at Corpus Christi, Texas.

(22) From points in Dallas, Cleveland, Calhoun, and Union Counties, Arkansas on and east of a line commencing at the Arkansas-Louisiana state line on AR St. Hwy 275, thence north on AR St. Hwy 275 to the jct. of U.S. Hwy 82, thence west on U.S. Hwy 82 to El Dorado, Arkansas, thence north on U.S. Hwy 167 to the jct. of U.S. Hwy 79, thence northeast on U.S. Hwy 79 to the Cleveland-Jefferson County line to El Paso, Texas; and points in Texas on, south and west of a line commencing at Laredo, Texas, thence southeast on U.S. Hwy 83 to its terminus at Brownsville, Texas.

(B) *Treated Lumber.*

(1) From points in Louisiana to points in Wisconsin.

(1a) From points in Louisiana on, west and north of a line commencing at the Louisiana-Texas state line on LA St. Hwy 6, thence east on LA St. Hwy 6 to the jct. of U.S. Hwy 171, thence north on U.S. Hwy 171 to Shreveport, Louisiana, thence northeast on U.S. Hwy 79 to the jct. of LA St. Hwy 2, thence east on LA St. Hwy 2 to the jct. of U.S. Hwy 165, thence north on U.S. Hwy 165 to the jct. of LA St. Hwy 139, thence north on LA St. Hwy 139 to the Louisiana-Arkansas state line to points in Alabama on, east and north of a line commencing at the Alabama-Mississippi state line on U.S. Hwy 82, thence east on U.S. Hwy 82 to the jct. of U.S. Hwy 11, thence northeast on U.S. Hwy 11 to the jct. of U.S. Hwy 78, thence east on U.S. Hwy 78 to the jct. of U.S. Hwy 431, thence south on U.S. Hwy 431 to the Alabama-Georgia state line.

(2) From points in Louisiana on and west of a line commencing at the Louisiana-Arkansas state line at LA St. Hwy 139, thence south on LA St. Hwy 139 to the jct. of U.S. Hwy 165, thence south on U.S. Hwy 165 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to a terminus at Abbeville, Louisiana to Blytheville, Arkansas.

(3) From points in Louisiana on and east of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on I–10 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to a terminus at Houma, Louisiana to points in Colorado on, north and west of a line commencing at the New Mexico-Colorado state line on U.S. Hwy 550, thence north on U.S. Hwy 550 to the jct. of U.S. Hwy 160, thence east on U.S. Hwy 160 to the jct. of CO St. Hwy 17, thence north on CO St. Hwy 17 to the jct. of U.S. Hwy 285, thence north on U.S. Hwy 285 to the jct. of U.S. Hwy 50, thence east on U.S. Hwy 50 to the Colorado-Kansas state line.

(4) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on I–10 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to the jct. of LA St. Hwy 56, thence south on LA St. Hwy 56 to its terminus at or near the Gulf of Mexico to points in Connecticut.

(5) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of LA St. Hwy 10, thence south on LA St. Hwy 10 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to its terminus at Abbeville, Louisiana to points in Delaware.

(6) From points in Louisiana on and west of a line commencing at this Mississippi-Louisiana state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on U.S. Hwy 190 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of LA St. Hwy 69, thence south on LA St. Hwy 69 to the jct. of LA St. Hwy 70, thence south on LA St. Hwy 70 to Morgan City, Louisiana, thence south on the lower Atchafalaya River to the Gulf of Mexico to points in the District of Columbia.

(7) From points in Louisiana on, north and west of a line commencing at the Louisiana-Texas state line on LA St. Hwy 6, thence northeast on LA St. Hwy 6 to the jct. of U.S. Hwy 171, thence north on U.S. Hwy 171 to the jct. of LA St. Hwy 175, thence north on LA St. Hwy 175 to the jct. of U.S. Hwy 84, thence east on U.S. Hwy 84 to the jct. of U.S. Hwy 71, thence north on U.S. Hwy 71 to the jct. of LA St. Hwy 7, thence north on LA St. Hwy 7 to the jct. of LA St. Hwy 4, thence east on LA St. Hwy 4 to the jct. of LA St. Hwy 9, thence north on LA St. Hwy 9 to the jct. of U.S. Hwy 80, thence east on U.S. Hwy 80 to the jct. of U.S. Hwy 165, thence northeast on U.S. Hwy 165 to the Arkansas-Louisiana state line to points in Florida on and east of a line commencing at the Florida-Georgia state line on U.S. Hwy 441, thence south on U.S. Hwy 441 to the jct. of U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of FL St. Hwy 26, thence west on FL St. Hwy 26 to the jct. of U.S. Hwy 129, thence south on U.S. Hwy 129 to the jct. of U.S. Hwy 98, thence south on U.S. Hwy 98 to Chiefland, Florida, thence southwest on FL St. Hwy 345 to the jct. of FL St. Hwy 24, thence southwest on FL St. Hwy 24 to the terminus at Cedar Key, Florida.

(8) From points in Louisiana on and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 84, thence west on U.S. Hwy 84 to the jct. of LA St. Hwy 6, thence southwest on LA St. Hwy 6 to the jct. of LA St. Hwy 117, thence south on LA St. Hwy 117 to the jct. of LA St. Hwy 8, thence southwest on LA St. Hwy 8 to the Louisiana-Texas state line to points in Georgia on, north and east of a line commencing at the Tennessee-Georgia state line on U.S. Hwy 41, thence south on U.S. Hwy 41 to the jct. of U.S. Hwy 23, thence southeast on U.S. Hwy 23 to the jct. of I–75, thence southeast on I–75 to the jct. of U.S. Hwy 80, thence southeast on U.S. Hwy 80 to its terminus at Savannah Beach, Georgia.

(9) From points in Louisiana on, south and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 65, thence south and east on U.S. Hwy 65 to the Louisiana-Mississippi state line to points in Illinois on and north of a line commencing at the Illinois-Indiana state line on U.S. Hwy 6, thence east on U.S. Hwy 6 to the Illinois-Iowa state line.

(10) From points in Louisiana on and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 165, thence southwest on U.S. Hwy 165 to Monroe, Louisiana, thence southeast on LA St. Hwy 15 to the jct. of U.S. Hwy 84, thence east on U.S. Hwy 84 to the Louisiana-Mississippi state line; and points in Louisiana on, west and north of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of LA St. Hwy 82, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence south on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in Indiana.

(11) From points in Louisiana on, south and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 79, thence south on U.S. Hwy 79 to the jct. of LA St. Hwy 7, thence south on LA St. Hwy 7 to the jct. of LA St. Hwy 4, thence east on LA St. Hwy 4 to the jct. of LA St. Hwy 9, thence south on LA St. Hwy 9 to the jct. of U.S. Hwy 71, thence south on U.S. Hwy 71 to the jct. of LA St. Hwy 6, thence west on LA St. Hwy 6 to the Louisiana-Texas state line to points in Iowa on, north and east of a line commencing at Sioux City, Iowa thence east on U.S. Hwy 20 to the jct. of U.S. Hwy 69, thence south on U.S. Hwy 69 to the jct. of U.S. Hwy 30, thence east on U.S. Hwy 30 to the jct. of U.S. Hwy 218, thence south on U.S. Hwy 218 to the jct. of I–80, thence east on I–80 to the jct. of U.S. Hwy 61, thence south on U.S. Hwy 61 to a terminus at Davenport, Iowa.

(12) From points in Louisiana on and east of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to Houma, Louisiana, thence south on LA St. Hwy 315 to its terminus near the Gulf of Mexico to points in Kansas on and north of a line commencing at the Kansas-Colorado state line on KS St. Hwy 96, thence east on KS St. Hwy 96 to the jct. of KS St. Hwy 27, thence north on KS St. Hwy 27 to the jct. of U.S. Hwy 40, thence east on U.S. Hwy 40 to the jct. of U.S. Hwy 83, thence north on U.S. Hwy 83 to the jct. of U.S. Hwy 24, thence east on U.S. Hwy 24 to the jct. of U.S. Hwy 183, thence north on U.S. Hwy 183 to the jct. of U.S. Hwy 36, thence east on U.S. Hwy 36 to the jct. of U.S. Hwy 77, thence south on U.S. Hwy 77 to the jct. of U.S. Hwy 24, thence southeast on U.S. Hwy 24 to the jct. of U.S. Hwy 75, thence south on U.S. Hwy 75 to Topeka, Kansas, thence east on U.S. Hwy 40 to the Kansas-Missouri state line.

(13) From points in Louisiana on and west of a line commencing at the Louisiana-Arkansas state line on LA St. Hwy 139, thence south on LA St. Hwy 139 to the jct. of U.S. Hwy 165, thence south on U.S. Hwy 165 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the jct. of LA St. Hwy 27, thence south on LA St. Hwy 27 to a terminus at Creole, Louisiana to points in Kentucky.

(14) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on LA St. Hwy 10, thence west on LA St. Hwy 10 to Bogalusa, Louisiana, thence south on LA St. Hwy 21 to the jct. of LA St. Hwy 36, thence west on LA St. Hwy 36 to the jct. of U.S. Hwy 190, thence south on U.S. Hwy 190 to the jct. of Lake Pontchartrain Causeway, thence south on Lake Pontchartrain Causeway to the jct. of I–10, thence east on I–10 to the jct. of U.S. Hwy 90, thence south on U.S. Hwy 90 to the jct. of LA St. Hwy 23, thence southeast on LA St. Hwy 23 to its terminus at Venice, Louisiana to points in Maine.

(15) From points in Louisiana on and west of U.S. Hwy 65; and points in Louisiana on, west and north of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence southeast on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of LA St. Hwy 82, thence south on LA St. Hwy 82 to a terminus at Pecan Island, Louisiana to points in Maryland.

(16) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on I–10 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to the jct. of LA St. Hwy 56 to its terminus at or near the Gulf of Mexico to points in Massachusetts.

(17) From points in Louisiana on, south, and west of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy 61, thence south and east on U.S. Hwy 61 to New Orleans, Louisiana, thence east on LA St. Hwy 39 to the jct. of LA St. Hwy 46, thence east on LA St. Hwy 46 to its terminus at Shell Beach, Louisiana to points in Michigan.

(18) From points in Louisiana on, south, and east of a line commencing at the Arkansas-Louisiana state line on LA St. Hwy 9, thence southwest on LA St. Hwy 9 to the jct. of U.S. Hwy 79, thence southwest on U.S. Hwy 79 to the Louisiana-Texas state line to points in Minnesota.

(19) From points Louisiana on, south, and west of a line commencing at the Louisiana-Texas state line on LA St.

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Hwy 6, thence northeast on LA St. Hwy 6 to the jct. of U.S. Hwy 171, thence south on U.S. Hwy 171 to the jct. of LA St. Hwy 10, thence east on LA St. Hwy 10 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 90, thence southeast on U.S. Hwy 90 to Houma, Louisiana, thence south on LA St. Hwy 57 to its terminus near the Gulf of Mexico to points in Missouri on, north, and east of a line commencing at St. Louis, Missouri, thence west on U.S. Hwy 40 to the jct. of MO St. Hwy 5, thence north on MO St. Hwy 5 to the jct. of U.S. Hwy 36, thence west on U.S. Hwy 36 to the jct. of U.S. Hwy 65, thence north on U.S. Hwy 65 to the Iowa-Missouri state line.

(20) From points in Louisiana on and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 165, thence southwest on U.S. Hwy 165 to Monroe, Louisiana, thence southeast on LA St. Hwy 15 to the jct. of LA St. Hwy 1, thence west on LA St. Hwy 1 to the jct. of LA St. Hwy 105, thence south on LA St. Hwy 105 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to Abbeville, Louisiana, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence south on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in Nebraska.

(21) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence southeast on U.S. Hwy 61 to the jct. of U.S. Hwy 90, thence southwest on U.S. Hwy 90 to a terminus at Houma, Louisiana to points in New Hampshire.

(22) From points in Louisiana on, north, and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to Abbeville, Louisiana, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence south on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in New Jersey.

(23) From points in Louisiana on and east of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 165, thence southwest on U.S. Hwy 165 to Monroe, Louisiana, thence southeast LA St. Hwy 15 to the jct. of U.S. Hwy 65, thence east on U.S. Hwy 65 to the Louisiana-Mississippi state line; and, points in Louisiana on and east of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on I-10 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to Houma, Louisiana, thence south on LA St. Hwy 56 to its terminus near Terrebonne Bay, Louisiana to points in New Mexico on, north, and west of a line commencing at the Colorado-New Mexico state line on NM St. Hwy 17, thence south and east on NM St. Hwy 17 to Farmington, New Mexico, thence west on U.S. Hwy 550 to the jct. of U.S. Hwy 666, thence south and west on U.S. Hwy 666 to the Arizona-New Mexico state line.

(24) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to Houma, Louisiana, thence south on LA St. Hwy 56 to its terminus near the Gulf of Mexico to points in New York.

(25) From points in Louisiana on and west of a line commencing at the Louisiana-Arkansas state line on U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of LA St. Hwy 2, thence west on LA St. Hwy 2 to the jct. of U.S. Hwy 165, thence south on U.S. Hwy 165 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy. 167 to the jct. of LA St. Hwy 13, thence south on LA St. Hwy 13 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the jct. of LA St. Hwy 14, thence southeast on LA St. Hwy 14 to the jct. of LA St. Hwy 27, thence south on LA St. Hwy 27 to a terminus at Creole, Louisiana to points in North Carolina.

(26) From points in Louisiana on, south, and east of U.S. Hwy 79 to points in North Dakota.

(27) From points in Louisiana on and west of a line commencing at the Louisiana-Arkansas state line on U.S. Hwy 165, thence south on U.S. Hwy 165 to the jct. of LA St. Hwy 15, thence southeast on LA St. Hwy 15 to the jct. of U.S. Hwy 84, thence east on U.S. Hwy 84 to the Louisiana-Mississippi state line, and points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to the jct. of LA St. Hwy 10, thence south on LA St. Hwy 10 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to Abbeville, Louisiana, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence south on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in Ohio.

(28) From points in Louisiana on and east of a line commencing at the Louisiana-Mississippi state line on LA St. Hwy 21, thence south on LA St. Hwy 21 to the jct. of LA St. Hwy 41, thence south on LA St. Hwy 41 to the jct. of U.S. Hwy 11, thence southwest on U.S. Hwy 11 to the jct. of U.S. Hwy 90, thence southwest on U.S. Hwy 90 to the jct. of U.S. Hwy 90 B.R., thence south on U.S. Hwy 90 B.R. to the jct. of LA St. Hwy 23, thence southeast on LA St. Hwy 23 to its terminus at Venice, Louisiana to points in Oklahoma on and northwest of U.S. Hwy 54.

(29) From points in Louisiana on, north, and west of a line commencing at the Mississippi-Louisiana state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on U.S. Hwy 190 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to Abbeville, Louisiana, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence south on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in Pennsylvania.

(30) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 61, thence south on U.S. Hwy 61 to Baton Rouge, Louisiana, thence west on I-10 to the jct. of LA St. Hwy 1, thence southeast on LA St. Hwy 1 to the jct. of LA St. Hwy 20, thence south on LA St. Hwy 20 to the jct. of LA St. Hwy 24, thence south on LA St. Hwy 24 to the jct. of LA St. Hwy 56, thence south on LA St. Hwy 56 to its terminus at or near the Gulf of Mexico to points in Rhode Island.

(31) From points in Louisiana on, west, and north of a line commencing at the Louisiana-Arkansas state line on U.S. Hwy 165, thence southwest on U.S. Hwy 165 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of LA St. Hwy 12, thence west on LA St. Hwy 12 to the jct. of LA St. Hwy 27, thence south on LA St. Hwy 27 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the Louisiana-Texas state line to points in South Carolina on, north, and east of a line commencing at the South Carolina-Georgia state line on U.S. Hwy 78, thence east on U.S. Hwy 78 to the jct. of U.S. Hwy 21, thence south on U.S. Hwy 21 to its terminus on Hunting Island, South Carolina.

(32) From points in Louisiana on, south, and east of a line commencing at the Louisiana-Arkansas state line on U.S. Hwy 167, thence south on U.S. Hwy 167 to the jct. of U.S. Hwy 84, thence southwest on U.S. Hwy 84 to the jct. of LA St. Hwy 6, thence southwest on LA St. Hwy 6 to the Louisiana-Texas state line to points in South Dakota.

(33) From points in Louisiana on and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 71, thence south on U.S. Hwy 71 to Shreveport, Louisiana, thence south on U.S. Hwy 71 to the jct. of LA St. Hwy 27, thence south on LA St. Hwy 27 to a terminus at Cameron, Louisiana to points in Tennessee.

(34) From Millikin, Louisiana to points in Texas on and west of a line commencing at Presidio, Texas, thence north on U.S. Hwy 67 to the jct. of TX St. Hwy 17, thence north on TX St. Hwy 17 to Pecos, Texas, thence north on U.S. Hwy 285 to the Texas-New Mexico state line.

(35) From points in Louisiana on and west of a line commencing at the Louisiana-Mississippi state line on U.S. Hwy 51, thence south on U.S. Hwy 51 to the jct. of U.S. Hwy 190, thence west on U.S. Hwy 190 to the jct. of LA St. Hwy 1, thence south on LA St. Hwy 1 to its terminus (three (3) miles northeast of Grand Isle, Louisiana) to points in Vermont.

(36) From points in Louisiana on, north, and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 65, thence south on U.S. Hwy 65 to the jct. of LA St. Hwy 2, thence west on LA St. Hwy 2 to the jct. of U.S. Hwy 165, thence west and south on U.S. Hwy 165 to the jct. of U.S. Hwy 90, thence west on U.S. Hwy 90 to the jct. of LA St. Hwy 14, thence south and east on LA St. Hwy 14 to the jct. of LA St. Hwy 27, thence south and west on LA St. Hwy 27 to a terminus at Cameron, Louisiana to points in Virginia.

(37) From points in Louisiana on and west of a line commencing at the Arkansas-Louisiana state line on U.S. Hwy 65, thence south on U.S. Hwy 65 to Vidalia, Louisiana, thence southwest on LA St. Hwy 131 to the jct. of LA St. Hwy 15, thence south on LA St. Hwy 15 to the jct. of LA St. Hwy 1, thence northwest on LA St. Hwy 1 to the jct. of LA St. Hwy 115, thence south on LA St. Hwy 115 to the jct. of U.S. Hwy 71, thence southeast on U.S. Hwy 71 to the jct. of LA St. Hwy 10, thence southwest on LA St. Hwy 10 to the jct. of U.S. Hwy 167, thence south on U.S. Hwy 167 to Abbeville, Louisiana, thence south on LA St. Hwy 82 to the jct. of LA St. Hwy 333, thence southeast on LA St. Hwy 333 to its terminus at Intracoastal, Louisiana to points in West Virginia. The purpose of this filing is to eliminate the gateways of (A) Mississippi and (B) Mississippi and Bradley Co., Ark.

No. MC 119864 (Sub-E2), filed May 25, 1974. Applicant: CRAIG TRANSPORTATION CO., 2669 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *glass containers and closures for glass containers and paper packing cartons therefor*, from Gurnee, Ill., to points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 29, to junction U.S. Highway 33, to junction Ohio Highway 385, to junction Ohio Highway 235, to junction Ohio Highway 67, to junction U.S. Highway 20N, to junction U.S. Highway 30, to junction U.S. Highway 42, to junction Ohio Highway 303, to junction Ohio Highway 5, to the Ohio-Pennsylvania State line. (Winchester, Indiana) * (B) *Glassware, glass bottles and jars, caps and covers for glass containers, and paper cartons*, from Gurnee, Ill., to points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 725 to junction Ohio Highway 4, to junction U.S. Highway 40 to the Ohio-West Virginia State line. (The American Can Company at or near Terre Haute, Ind.) * The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 121060 (Sub-No. E50) (Correction), filed April 24, published in the FEDERAL REGISTER July 18, 1975. Applicant: ARROW TRUCK LINES, INC., 1220 W. 3rd St., Birmingham, Ala. 35201. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Ceiling systems, paint, plastic light diffusers, adhesives, furring, fasteners, lighting systems, moldings, steel shapes, steel rods, steel channels, steel ceiling beams, applicators, and roofing caps, and materials and supplies used in the installation of any commodity named above (except in bulk), from points in Alabama (except points in Washington, Mobile, Baldwin, Escambia, Covington, Coffee, Geneva, Dale, Henry, and Houston Counties, and points in Alabama east of a line beginning at the Alabama-Georgia State line, thence along Alabama Highway 26 to junction U.S. Highway 82, thence along Highway 82 to junction Alabama Highway 35, thence along Alabama Highway 35 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 93, thence along Alabama Highway 93 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Coffee County, and points in Alabama west of a line beginning at the Alabama-Tennessee State line, thence along Alabama Highway 65 to junction U.S. Highway 72, thence along U.S. Highway 72 to junction Alabama Highway 63, thence along Alabama Highway 63 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Alabama Highway 75, thence along Alabama Highway 75 to junction Alabama Highway 53, thence along Alabama Highway 53 to junction Alabama Highway 145, thence along Alabama Highway 145 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 331, thence along U.S. Highway 331 to junction with Covington County, Ala.), to points in Kentucky. The purpose of this filing is to eliminate the gateway of the facilities of Litecraft-Luminous Ceilings, Division of the Celotex Corp., at or near Scottsboro, Ala. The purpose of this correction is to correct the complete territorial description.

No. MC 123061 (Sub-No. E1), filed May 13, 1974. Applicant: LEATHAM BROS., INC., 46 Orange St., Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber products*, from points in Oregon, points in Washington (except points in Spokane, Lincoln, Douglas, Ferry, Stevens, Pend Oreille, and Okanogan Counties), and points in California in and north of Monterey, San Benito, Fresno, and Inyo Counties, to points in Colorado and points in Wyoming on and south of U.S. Highway 26. The purpose of this filing is to eliminate the gateway of points in Cache County, Utah.

No. MC 124211 (Sub-E70), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries and Grocery Store Supplies* (except commodities in bulk), between Waukesha, Wisc., on the one hand, and, on the other, those points in Nebraska on, south, and west of a line beginning at the Iowa-Nebraska State line, and extending along U.S. Highway 30 to junction U.S. Highway 81, thence along U.S. Highway 81 to Norfolk, Nebr., thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-South Dakota State line; (2) *Macaroni, noodles, grain products, food products* (except frozen foods, potato products, and meat and packinghouse products, except commodities in bulk) and *Pancake and cake flour, spaghetti and vermicelli* (except commodities in bulk), between Waukesha, Wisc., on the one hand, and, on the other, points in Idaho, those in Montana on, west, and south of a line beginning at the Montana-Wyoming State line, and extending along U.S. Highway 87 to Great Falls, thence along U.S. Highway 91 to the United States-Canada International Boundary line, and those in Texas on and west of U.S. Highway 75.

(3) *Food-products*, grain products, and flour (except commodities in bulk, and frozen foods), between Waukesha, Wisc., on the one hand, and, on the other, those points in Oklahoma and Texas on and west of U.S. Highway 75; (4) *food products* (except frozen foods, dairy products, potato products, and commodities in bulk), between Waukesha, Wisc., on the one hand, and, on the other, those points in Kansas on and west of U.S. Highway 75; (5) *foodstuffs* (except frozen foodstuffs, meat, meat products, meat-by-products, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in DESCRIPTIONS IN MOTOR CARRIER CERTIFICATES, 61 M.C.C. 209 and 766, and commodities in bulk), between Waukesha, Wisc., on the one hand, and, on the other, points in Arizona, California, Nevada, New Mexico, and Utah; restricted against the transportation of fresh foods from points in California; (6) *foodstuffs* (except candy and confectionery, except meats and packinghouse products, dairy products, frozen foods, and potato products, and except commodities in bulk), from Waukesha, Wisc., to points in Oregon, Washington, and those in Wyoming on, west, and south of a line beginning at the Nebraska-Wyoming State line and extending along U.S. Highway 26 to Casper thence along U.S. Highway 87 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateways of Milford and Waverly, Nebraska.

No. MC 124211 (Sub-No. E86) (Correction), filed August 9, 1974, published in the FEDERAL REGISTER July 30, 1975. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Author-

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ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Junk, scrap, and waste materials* (except scrap meats, scrap paper, and waste paper, and waste materials in bulk), between those points in California on and south of U.S. Highway 60, on the one hand, and, on the other, those points in the United States in and east of Minnesota, Iowa, and Illinois, and in and north of Iowa, Illinois, Indiana, Ohio, Pennsylvania, and New Jersey (except those in Illinois and Indiana south of U.S. Highway 40), between those points in Kentucky, Missouri, Tennessee, Virginia, and West Virginia, on and south of U.S. Highway 60, on the one hand, and, on the other, points in Idaho, Montana, North Dakota, Oregon, South Dakota, Washington, and Wyoming (points in Nebraska within the Council Bluffs, Iowa, Commercial Zone)*; and (3) *scrap meats, scrap paper, and waste paper* (except waste paper in bulk), between those points in California on and south of U.S. Highway 60, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont, and between those points in Kentucky, Missouri, Tennessee, Virginia, and West Virginia, on and south of U.S. Highway 60, on the one hand, and, on the other, those points in Nebraska on and North of U.S. Highway 30 (points in Nebraska within the Council Bluffs, Iowa Commercial Zone)*. The purpose of this filing is to eliminate the gateways as indicated by asterisks above. The purpose of this correction is to include the commodity descriptions of paragraph (2) and (3) above. The remainder of the letter-notice will remain as previously published.

No. MC 124802 (Sub-No. E6), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay refractory products*, from points in Ohio (except those in and south of Washington, Athens, Vinton, Jackson, and Scioto Counties), to points in Delaware on and north of Delaware Highway 8. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC 124802 (Sub-No. E11), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay refractory products*, from points in Cuyahoga, Lake, Ashtabula, Geauga, Trumbull, Summit, Portage, Mahoning, Columbiana, and Stark Counties, Ohio, to points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 501 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 701, thence along U.S. Highway 701 to the North Carolina-South Carolina State line, restricted against the transportation of commodities in bulk. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC 124802 (Sub-No. E38), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay refractory products*, from points in West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Virginia State line to points in Connecticut. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC 124802 (Sub-No. E41), filed May 21, 1974. Applicant: ACE MOTOR FREIGHT, INC., P.O. Box 127, Summerville, Pa. 15864. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay refractory products*, from points in Hancock, Brook, Ohio, Marshall, Wetzel, Tyler, Pleasant, Wood, Richie, Wirt, Jackson, Mason, Putnam, Cabell, Wayne, Lincoln, Kanawha, and Calhoun Counties, W. Va., to points in Delaware on and north of Interstate Highway 95 and Interstate Highway 295. The purpose of this filing is to eliminate the gateway of Summerville, Pa.

No. MC 124813 (Sub-No. E1), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in Illinois on and south of U.S. Highway 136, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Interstate Highway 35 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, including points on the named highways. Restricted against service for points in Minnesota to points in Illinois in the East St. Louis, Ill., commercial zone. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E2), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Interstate Highway 80 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Nebraska (except points south of U.S. Highway 30 and east of U.S. Highway 77, with service authorized at all points on the designated highways). The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E4), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in Illinois on and north of U.S. Highway 30, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E5), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in that part of Illinois on and north of a line beginning at Chicago, Ill., extending along Interstate Highway 90 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Illinois-Iowa State line, on the one hand, and, on the other, points in that part of Missouri on and west of U.S. Highway 71 and on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E6), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in Illinois on and south of U.S. Highway 136, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Interstate Highway 35 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, including points on the named highways. Restricted against service for points in Minnesota to points in Illinois in the East St. Louis, Ill., commercial zone. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E7), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa

50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in Illinois, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 71 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction with the North Dakota-Minnesota State line. Restricted against services from Minnesota to points in Illinois in the East St. Louis commercial zone. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E8), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in that part of Illinois on and south of U.S. Highway 50 and on and west of Illinois Highway 37 (except points in the East St. Louis commercial zone), on the one hand, and, on the other, points in Minnesota (except points east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to Red Wing, at the Minnesota-Wisconsin State line). The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E9), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Illinois, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E10), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Illinois, to points in North Dakota. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and the plantsite of Farmland Industries, Inc., at Mankato, Minn.

No. MC 124813 (Sub-No. E11), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, between points in Illinois, on the one hand, and, on the other, points in South Dakota (except points in South Dakota to points in the East St. Louis, Ill., commercial zone). The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E12), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO.; Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in South Dakota, to points in Kentucky. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E13), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in South Dakota, to points in Ohio. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E14), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in South Dakota, to points in Indiana. The purpose of this filing is to eliminate the gateways of Fort Dodge, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E15), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) between points in South Dakota (except points south of U.S. Highway 14 and east of a line beginning at junction U.S. Highway 14 and South Dakota Highway 37 extending along South Dakota Highway 37 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line), on the one hand, and, on the other, points in Missouri north of U.S. Highway 36; (2) between points in South Dakota on and south of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 14 to junction South Dakota Highway 37, and on and east of a line beginning at junction U.S. Highway 14 and South Dakota Highway 37 extending along South Dakota Highway 37 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-Nebraska State line, on the one hand, and, on the other, points in Missouri on and north of U.S. Highway 36 and on and east of Missouri Highway 13. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E16), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk (1) from points in Nebraska, to points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line; and (2) from points in Nebraska on and north of a line beginning at the Nebraska-Iowa State line extending along Nebraska Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Nebraska Highway 23, thence along Nebraska Highway 23 to the Nebraska-Colorado State line, to points in Indiana. The purpose of this filing is to eliminate the gateways of Fort Dodge, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E17), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 92 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Nebraska Highway 23, thence along Nebraska to the Nebraska-Colorado State line, to points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line extending along Kentucky Highway 69 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Kentucky Highway 369, thence along Kentucky Highway 369 to junction

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Kentucky Highway 70, thence along Kentucky Highway 70 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E18), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) from points in Nebraska (except points south of U.S. Highway 34 and east of U.S. Highway 77) to points in the Lower Peninsula of Michigan (except points on and west of Interstate Highway 69 and on and south of Interstate Highway 94 to junction Michigan Highway 89 to Lake Michigan, (2) from points in Nebraska on and east of U.S. Highway 81 on and north of Nebraska Highway 91 to points in the Lower Peninsula of Michigan on and west of Interstate Highway 69 and on and south of Interstate Highway 94 to junction Michigan Highway 89 to Lake Michigan. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E19), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Nebraska (except points south of U.S. Highway 136 and east of U.S. Highway 77) to points in Ohio. The purpose of this filing is to eliminate the gateway of Fort Dodge and Muscatine, Iowa.

No. MC 124813 (Sub-No. E20), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) between points in Missouri on and north of U.S. Highway 36, on the one hand, and, on the other, points in Wisconsin on and north of U.S. Highway 8 and on and west of U.S. Highway 63; (2) between points in Missouri on and west of U.S. Highway 65 and on and north of U.S. Highway 36, on the one hand, and, on the other, points in Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 16 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 153, thence along Wisconsin Highway 153 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line; and (3) between points in Missouri on and west of U.S. Highway 169 and on and north of U.S. Highway 36, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E21), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Missouri on and north of U.S. Highway 36 and on and east of U.S. Highway 65, to points in Wyoming (except points south and east of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 20 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E22), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) between points in Minnesota (except that part east of a line beginning at the Mississippi River extending along U.S. Highway 61 to junction Minnesota Highway 50, thence along Minnesota Highway 50 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line), on the one hand, and, on the other, points in Missouri on and north of U.S. Highway 36; and (2) between points in Minnesota east of a line beginning at the Mississippi River extending along U.S. Highway 61 to junction Minnesota Highway 50, thence along Minnesota Highway 50 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in Missouri on and north of U.S. Highway 36 and on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E23), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) between points in Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction unnumbered highway, thence along unnumbered highway to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in Nebraska; (2) between points in Minnesota (except that part of Minnesota west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Minnesota-North Dakota State line), on the one hand, and, on the other, points in Nebraska on and south of Interstate Highway 80 and on and east of U.S. Highway 77. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E24), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Minnesota on and west of a line beginning at the United States-Canada International Boundary line extending along Minnesota Highway 72 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 113, thence along Minnesota Highway 113 to junction Minnesota Highway 32, thence along Minnesota Highway 32 to junction Minnesota Highway 34, thence along Minnesota Highway 34 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State line, to points in Indiana. The purpose of this filing is to eliminate the gateways of Fort Dodge, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E25), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 69 to junction Minnesota Highway 13, thence along Minnesota Highway 13 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 28, thence along Minnesota Highway 28 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line, to points in Ohio; (2) from points in Ramsey, Washington, Hennepin, Wright, Anoka, Sherburne, and Benton Counties, Minn., and from Minneapolis, Minn., to Cincinnati, Ohio, points in Clermont and Brown Counties, Ohio, located south of Ohio Highway 32, and points in Adams, Scioto, Pike, Jackson, Lawrence, Gallia, and Meigs Counties, Ohio. The purpose of this filing is to eliminate the gateways of Fort Dodge, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E26), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 95, thence along Minnesota Highway 95 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Fort Dodge and Muscatine, Iowa.

No. MC 124813 (Sub-No. E27), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in that part of Minnesota on and west of U.S. Highway 59 and on and south of U.S. Highway 14, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E28), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in that part of Minnesota on and east of US Highway 169 and on and south of Minnesota Highway 95, to points in Wyoming on and south of US Highway 26. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E29), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along US Highway 16 to junction Wisconsin Highway 21, thence along US Highway 41 to junction US Highway 10, thence along US Highway 10 to Lake Michigan, to points in Wyoming on and south of a line beginning at the South Dakota-Wyoming State line extending along US Highway 16 to junction US Highways 14 and 20, thence along US Highways 14 and 20 to the Wyoming-Idaho State line. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E30), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Minnesota on and east of a line beginning at the Minnesota-Iowa State line extending along US Highway 71 to junction Interstate Highway 94, thence along US Highway 59 to the United States-Canada International Boundary line, to points in Colorado (except from points in Kittson, Marshall, Roseau, Pennington, Polk, and Mahnomen Counties, Minn., to points in Moffat, Routt, Rio Blanco, Jackson, Grand, Garfield, Larimer and Eagle Counties, Colo.). The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Fremont, Nebr.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25931 Filed 9-26-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

BALTIMORE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Baltimore District Advisory Council will hold a public meeting beginning at noon, Friday, October 17, 1975, and ending at 4 p.m. Saturday, October 18, 1975, at the Sheraton Hotel, Ocean City, Maryland, to discuss such business as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Gerard Lang, 7800 York Road, Towson, Maryland (301) 962-2150.

Dated: September 22, 1975.

ANTHONY S. STASIO, *Chief Counsel for Advocacy, Small Business Administration.*

[FR Doc.75-25912 Filed 9-26-75;8:45 am]

V 40 189 SEP 29 75 XUM

federal register

MONDAY, SEPTEMBER 29, 1975



PART II:

FEDERAL ELECTION COMMISSION

Federal Campaign Funds

Disclosure Regulations

V40 I189 SEP 29 75 XUM

FEDERAL ELECTION COMMISSION

[11 CFR Parts 100, 102, 103, 104, 105, 109, 110, 111]

[Notice 1975-51]

FEDERAL CAMPAIGN FUNDS

Disclosure Regulations

The Federal Election Commission today publishes a set of proposed regulations covering the disclosure provisions in Title 2, U.S.C. These regulations are intended to be comprehensive in this area, and generally cover 2 U.S.C. 431 through 437b.

Comment period. Interested persons are invited to submit written comments on these proposed regulations to the Rulemaking Section, Office of General Counsel, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463. Comments should be received on or before October 29, 1975. The Commission emphasizes that comments from all affected parties are strongly desired. These regulations will implement an unusually complex statute and, as such, deserve the most careful public scrutiny and criticism.

Hearings. The Commission will soon announce public hearings on the proposed regulations.

Effective date. These regulations shall become effective on a date specified in a future notice published in the FEDERAL REGISTER, which effective date shall not be less than 30 calendar days after the date of this notice of proposed rulemaking, nor before approved by the United States Congress.

SUBCHAPTER A—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

PART 100—SCOPE AND DEFINITIONS

Subpart A—Scope

Sec.
100.1 Scope.

Subpart B—Meaning of Terms Used in This Subchapter

100.2 Candidate.
100.3 Commission.
100.4 Contribution.
100.5 Earmark, earmarked, or earmarking.
100.6 Election.
100.7 Expenditure.
100.8 Federal office.
100.9 File, filed or filing.
100.10 Identification.
100.11 Occupation.
100.12 Principal place of business.
100.13 Person.
100.14 Political committee.
100.15 Political committee.
100.16 National committee.
100.17 State.
100.18 State committee, subordinate committee.

AUTHORITY: Sec. 308, 86 Stat. 17, and sec. 311, 316, as redesignated and amended, 88 Stat. 1279, 1282, (2 U.S.C., 437d, 438). Interpret or apply section 301, 86 Stat. 11, as amended, 88 Stat. 1272, (2 U.S.C. 431).

Subpart A—Scope

§ 100.1 Scope.

This subchapter is issued by the Federal Election Commission under title III of the Federal Election Campaign Act of 1971 (Pub. L. 92-225), as amended in 1974 (Pub. L. 93-443), and is applicable to campaigns for nomination or election to the offices of President and Vice President of the United States; and Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States. Although primarily implementing title III of the cited Act, these regulations should be read together with sections 591, 608, 610, 611, 613, 614, 615, 616, and 617 of the Federal Election Campaign Act Amendments of 1974 (Pub. L. 93-443), and all advisory opinions and policy statements interpreting those sections as issued by the Commission from time to time and published in the FEDERAL REGISTER. Separate regulations implementing chapters 95 and 96 of Title 26, United States Code will be issued by the Commission as Chapter II of this Title 11, CFR.

Subpart B—Meaning of Terms Used in This Subchapter

§ 100.2 Candidate.

An individual is deemed to be a candidate for Federal office whenever any of the following events occur, whichever comes first:

(a) The individual has taken the action necessary, under relevant state law (1) to qualify for ballot position in a primary, runoff, special or general election, or (2) to be considered for nomination by a state, district, or precinct caucus or convention of a political party; or

(b) the individual has personally, or through an authorized agent, received contributions or made expenditures as defined in this part. For purposes of this paragraph, an individual is deemed to have authorized an agent if, having knowledge, or reason to know, that any other person is receiving contributions or making expenditures on behalf of such individual, such individual fails to disavow or repudiate by letter filed with the Commission the acts of the agent within 10 days after he or she acquires notice thereof.

§ 100.3 Commission.

"Commission" means the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, telephone (202) 382-5162.

§ 100.4 Contribution.

(a) "Contribution" means—

(1) A gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President.

(i) For purposes of paragraph (a) of this section

(A) The term loan includes a guarantee, endorsement and any other form of security where the risk of non-payment rests with the surety, guarantor or endorser as well as with a political committee, candidate or other primary obligor.

(B) The term "money" includes currency of the United States or any foreign nation, checks, money orders or any other negotiable instrument payable on demand.

(C) The term "anything of value" includes, but is not limited to, the provision of goods, facilities, equipment, supplies, personnel, advertising, or other services without charge or at a charge which is below the usual charge for such items. The amount of the contribution of a thing of value shall be the difference between the fair market value at the time of the contribution of the goods or services contributed and the amount charged the contributee.

(ii) Absent evidence to the contrary, the proceeds of a gift, subscription, loan, advance or deposit in paragraph (a)(1) of this section if such proceeds inure directly or indirectly to the benefit of a candidate or group of candidates for Federal office. Such proceeds shall be considered to inure to the benefit of such candidates if any part is or may be used directly or indirectly for the purpose of furthering the selection, designation, nomination, or election of any individual to any Federal office. Such proceeds may inure to the benefit of a candidate, whether or not the expense was paid or the obligation incurred before the commencement of political activities with respect to the selection, designation, nomination or election of the candidate or after such selection, designation, nomination, or election.

(2) A written contract, promise, or agreement such as a signed pledge card, whether or not legally enforceable, to make a contribution for the purpose stated in paragraph (a)(1)(ii) of this section.

(3) A transfer of funds to a political committee or candidate from another political committee or other political organization whether or not such organization is a political committee. A transfer of funds shall be deemed to have occurred whenever the treasurer or other designated agent of the transferee committee or the candidate obtains discretionary authority to use the funds which are the subject of the transfer.

(4) The payment for any purpose, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge. No compensation shall be deemed to have been paid:

(i) When an employee who is paid on an hourly or salaried basis and who is expected to be present at his employment for a specific number of hours each week, if the employee is released to perform services for a candidate pursuant to an understanding with the employer that the released time shall be made up within reasonable time thereafter.

(ii) When an individual who is salaried and is ordinarily expected to perform duties for the employer for a particular number of hours per week engages in political activity during what would otherwise be his or her regular work week, so long as the average or expected number of compensable hours per week is completed by such individual.

(iii) To an employee who is compensated on a commission or piecework basis, i.e., is paid only for work actually performed, and whose time is considered the employee's own to use as he or she sees fit and who engages in political activity during what would otherwise be normal working hours.

(iv) where the time used by the employee to engage in political activity is bona fide, although compensable, vacation time.

(b) The term "contribution" does not include:

(1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, whether or not the services performed are those ordinarily performed in that individual's trade, business, or profession.

(2) The use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for campaign related activities to the extent that the cumulative value of such activities by any individual on behalf of any candidate do not exceed $500 with respect to any election. For purposes of this paragraph a contribution by a married person shall not be attributed to a spouse.

(i) Where an individual allows use of his or her home for candidate-related activity, the duration of which is less than 24 hours, such as a coffee klatsch or cocktail party, the rental value of the residence need not be computed for purposes of the $500 exemption.

(ii) Where an individual allows repeated use of his or her residence for numerous events on behalf of a candidate or lends the use of his or her residence as a campaign headquarters or like facility, then the fair rental value must be computed for purposes of the above $500 exemption.

(3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the usual charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor and such vendor is not an organization proscribed by 18 U.S.C. 610 or 611 to the extent that the cumulative value of the difference between the usual charge and the cost of such food and beverage to the vendor does not exceed $500.

(4) Any unreimbursed payments for travel or living expenses made by an individual who on his own behalf volunteers his personal services to a candidate to the extent that the cumulative value of such payments does not exceed $500.

(5) The payment by a state or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card, sample ballot, palm card, snipe, or other printed listing, of three or more candidates for any public office for which an election is held in the state in which such committee is organized, except that this clause shall not apply in the case of costs incurred by such committee with respect to a display of such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.

For purposes of this paragraph (b)(5) "other similar types of general public political advertising" includes general outdoor advertising facilities such as billboards or sky writing, but does not include yard signs, bumper stickers, car tops, or the reading of a printed list over private telephone facilities.

(6) The cost of any bona fide news story, commentary or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation.

(7) The interest or other proceeds from the investment, in an interest-bearing account, note, bill, stock, bond or other similar device, of funds transferred out of a checking account in a campaign dispository, provided that the interest or other proceeds are paid in the ordinary course of business.

§ 100.5 Earmark, earmarked or earmarking.

"Earmark," "earmarked," and "earmarking" mean any and all designations, instructions or encumbrances (including but not limited to those which are direct or indirect, express or implied, oral or writen) which cause or result in all or any portion of a contribution or expenditure being made to or expended for the benefit of a clearly identified candidate or political committee.

§ 100.6 Election.

"Election" means generally the process or contest by which individuals, whether opposed or unopposed, are chosen for nomination for election, or election, to Federal office. Specific types of elections, defined below, are included in this definition.

(a) General election is an election which is held in even numbered years on the Tuesday next after the first Monday in November, or an election which is held to fill a vacancy in a Federal office and which, in either case, is intended to result in the final selection of a single individual to the office at stake.

(b) Primary election is an election which is held prior to a general election, as a direct result of which candidates are nominated, in accordance with applicable state law, for election to Federal office in a subsequent election or which is held for the expression of a preference for the nomination of persons for the election to the office of President of the United States and/or which is held to select delegates to a national nominating convention. With respect to individuals seeking Federal office without nomination by a party, the primary election is deemed to occur on the day prescribed by applicable state law as the last day to qualify for a position on the general election ballot.

(c) Runoff election is any election held after a general or primary election prescribed by applicable state law as the means for deciding which candidate(s) should be certified as a nominee for the Federal office sought or as officeholder-elect.

(d) A caucus or convention of a political party, held to select a nominee is an election; a caucus or a convention of a political party held prior to a primary election and related to the nominating process is not a separate election but is part of the primary election.

§ 100.7 Expenditure.

(a) "Expenditure" means:

(1) A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President.

(i) For purposes of paragraph (a)(1) of this section

(A) The term "payment" includes

(1) The repayment of a principal of any outstanding obligation the proceeds of which constituted a contribution under these regulations, and

(2) The payment of any interest during the period that the obligation is outstanding.

(3) A guarantee or endorsement by a candidate or any political committee of a loan made for one of the purposes set out in paragraph (a) of this section.

(B) The term "money" includes, currency of the United States or any foreign nation, checks, money orders or any other negotiable instrument payable on demand.

(C) The term "anything of value" includes, but is not limited to, the provision of goods, facilities, equipment, supplies, personnel, advertising, or other services without charge or at a charge which is below the usual charge for such items. The amount of the expenditure of a thing of value shall be the difference between the fair market value at the time of the expenditure of the goods or services expended and the amount charged the expendee.

(ii) Absent evidence to the contrary, the proceeds of a gift, subscription, loan, advance or deposit shall be presumed to be made for one of the purposes set out in paragraph (a)(1) of this section if such proceeds inure directly or indirectly to the benefit of a candidate or group of candidates for Federal office. Such proceeds shall be considered to inure to the benefit of such candidacies if any part is or may be used directly or indirectly for the purpose of furthering the

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selection, designation, nomination, or election of any person to any Federal office. Such proceeds may inure to the benefit of a candidate whether or not the expense was paid or the obligation incurred before the commencement of political activities with respect to the selection, designation, nomination or election of the candidate or after such selection, designation, nomination, or election.

(2) A written contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure for the purpose stated in paragraph (a)(1)(ii) of this section, except that with respect to contracts for services, supplies, or other materials not in excess of $500, payment for which must be made within 60 days, no expenditure shall be deemed to have occurred until payment is made or the time for payment has expired, whichever is earlier.

(3) A transfer of funds from a political committee or candidate to another political committee or other political organization whether or not such organization is a political committee. A transfer of funds shall be deemed to have occurred whenever the treasurer or other designated agent of the transferee committee or organization obtains discretionary authority to use the funds which are the subject of the transfer

(b) The term "expenditure" does not include:

(1) (i) The cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation, but does include the cost to the advertiser of an advertisement distributed through such facilities which is for the purpose stated in paragraph (a)(1)(ii) of this section, or

(ii) The cost of stories or comments written by or about Federal officeholders which appear in state and local party publications such as newsletters at substantially regular intervals and which are designed to inform party members about the activities of the officeholder; but

(iii) Except as provided in paragraph (b)(1)(ii) of this section, this subparagraph shall not apply to any facility which is owned, controlled by, in control of, or in common control with, any political committee or candidate. (Except that bona fide news stories published or broadcasted by a facility owned or controlled by a candidate shall not be deemed to be expenditures.)

(2) Non-partisan activity, designed to encourage individuals to register to vote, or to vote, which does not favor any particular political party or candidate.

(3) (i) Any communication by any membership organization or corporation to its employees, members or stockholders which is not distributed to the general public, so long as

(A) Such communication

(*1*) Does no more than describe the activities of any candidate or Federal officeholder, and

(2) Does not endorse, or solicit support (financial or otherwise) for such candidate or Federal officeholder,

(B) Such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any person to Federal office.

(ii) For purposes of this paragraph, members means, in the case of a political party or club, dues paying members in good standing and not all enrolled members of the party generally.

Political parties or clubs pose special problems. Advisory Opinion 1975–2 addressed this problem in the context of a state party newsletter. The restrictions are drawn to be consistent with that Opinion. Obviously, the national committee newsletter would not qualify since such a committee is formed primarily for the purpose of influencing Federal elections.

(4) The use of real or personal property and the cost of invitations, food, and beverages, provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities to the extent that the cumulative value of such activities by such individual on behalf of any candidate do not exceed $500 with respect to any election. For purposes of this subparagraph an exempted expenditure by a married person shall not be attributed to a spouse.

(5) Any unreimbursed payment for travel and living expenses made by an individual who, on his or her own behalf, volunteers his or her personal services to a candidate if the cumulative amount for such individual incurred with the respect to such candidate does not exceed $500 with respect to any election.

(6) Any communication by any person which is not made for the purpose of influencing the nomination for election, or election, of any person to federal office.

(7) The payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card, sample ballot, palm card, snipe, or other printed listing, of three or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising. For purposes of this subparagraph (7) "other similar types of general public political advertising" includes general outdoor advertising facilities such as billboards or skywriting, but does not include yard signs, bumper stickers, cartops, or the reading of a printed list over private telephone facilities.

(8) Any payment made or obligation incurred by a corporation or a labor organization which, under the provisions of the last paragraph of 18 U.S.C. 610, would not constitute an expenditure by such corporation or labor organization.

(9) Transfer of funds out of a checking account in a campaign depository for the purpose of the investment of such funds in an interest-bearing account, note, bill, stock, bond or other similar device: *Provided*, That the principal and interest or other proceeds are deposited into the same checking account.

§ 100.9 File, filed or filing.

"File," "filed," and "filing" mean with respect to reports and statements required to be filed with the Commission under this chapter: (a) Delivery to the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, by the close of business of the prescribed filing date, or (b) deposit as registered or certified mail in an established U.S. Post Office and postmarked no later than midnight of the day of the filing date, except that pre-election reports so mailed must be postmarked not later than midnight of the twelfth day before the date of such election. Reports and statements sent by first class mail must be received by the Commission by the close of business of the prescribed filing date to be timely filed.

§ 100.10 Identification.

"Identification" means (a) in the case of an individual, his or her full first name, middle initial, or the designation NMI of the individual does not have a middle initial, last name, and full address of his or her principal place of residence, including postal zip code and (b) in the case of any other person, the full name and mailing address of such person.

§ 100.11 Occupation.

"Occupation" means job title or description of work performed.

§ 100.12 Principal place of business.

"Principal place of business" means the full name under which the enterprise conducts business, the mailing address of the enterprise, and the city in which the person is employed or conducts business.

§ 100.13 Person.

"Person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons.

§ 100.14 Political committee.

"Political committee" means any committee, club, association or other group of two or more persons organized or functioning for the purpose, wholly or in part, of making expenditures, or receiving contributions, of more than $1,000 in value within a calendar year.

(a) The following are four categories of political committees:

(1) *Principal Campaign Committee.* "Principal Campaign Committee" means the political committee designated by a candidate as his or her principal campaign committee pursuant to 2 U.S.C. 432(f)(1).

(2) *Single Candidate Committee.* "Single Candidate Committee" means a political committee other than a principal campaign committee which makes or receives contributions or makes expenditures on behalf of only one candidate.

(3) *Multicandidate Committee.* "Multicandidate Committee" means a political committee which makes or receives contributions or makes expenditures on behalf of two or more candidates.

(4) *Party Committee.* "Party Committee" means a political committee which represents a political party and is part of the official party structure at the national, state, or local level.

(b) A political committee is either an authorized committee or an unauthorized committee:

(1) *Authorized Committee.* An "authorized committee" is a political committee which is actually or constructively authorized by a candidate to solicit or receive contributions or make expenditures on behalf of the candidate.

(2) *Unauthorized Committee.* An "unauthorized committee" is a political committee which has not been authorized in writing by a candidate to solicit or receive contributions or make expenditures on behalf of the candidate.

(c) *Affiliated Committee.* An "affiliated committee" includes:

(1) All authorized committees of the same candidate.

(2) Multicandidate committees which

(i) Have made or received or anticipate making or receiving transfers of funds to or from other multicandidate committees during the current calendar year, or

(ii) Are controlled by the same individual or group of individuals.

(3) Party committees of the same political party which have made or received or anticipate making or receiving transfers of funds to or from other party committees of the same political parties during the current calendar year.

(d) The term "political committee" does not include a group of individuals who act in concert for the purpose of making a single expenditure in a single transaction so long as the funds expended are the personal funds of the individuals concerned, the transaction does not involve any ongoing solicitation effort, the members do not continue to act in concert for the purpose of influencing a Federal election subsequent to the completion of the transaction, and the expenditure is not authorized by any candidate.

§ 100.15 Political Party.

"Political party" means an association, committee, or organization which nominates or selects a candidate for election to any Federal office, whose name appears on an election ballot as the candidate of such association, committee or organization.

§ 100.16 National committee.

"National committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level.

§ 100.17 State.

"State" means each state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

§ 100.18 State committee, subordinate committee.

(a) "State committee" means the organization which, by virtue of the bylaws of a political party is responsible for the day-to-day operation of such political party at the state level.

(b) "Subordinate committee of a state committee" is any organization which, by virtue of the bylaws of the state committee or the bylaws of a political party is responsible for the day-to-day operation of such political party at the level of city, county, neighborhood, ward, district, precinct or any other subdivision of a state, any other organization under the control or direction of the state committee.

PART 101—CANDIDATE STATUS AND DESIGNATIONS

Sec.

101.1 Duration of candidate status.
101.2 Candidate designations.
101.3 Waiver of candidate reporting.

AUTHORITY: Sec. 306, 86 Stat. 17, as amended, (2 U.S.C. 438), interpret and apply section ____, 86 Stat. 14, as amended, 2 U.S.C. ____.

§ 101.1 Duration of candidate status.

Once an individual becomes a candidate under § 100.2 of this subchapter, such status continues until all debts and obligations arising in connection with an election with respect to which the individual's status as a candidate arose are extinguished.

§ 101.2 Candidate designations.

(a) Within 10 days of attaining candidate status an individual is required to:

(1) File a Statement of a Candidate for Nomination or Election to Federal office on FEC Form ____, on which such candidate shall—

(i) Designate a principal campaign committee in accordance with § 103.5 of this subchapter, and

(ii) Designate at least one national or state bank as a campaign depository under § 104.1 of this subchapter, and

(2) File a Statement of Authorization of Political Committees other than a Principal Campaign Committee on FEC Form ____, on which such candidate shall designate which committees, if any other than his or her principal campaign committee will be authorized to accept contributions or make expenditures on behalf of such candidates.

(3) Commence filing personal reports of receipts and expenditures in accordance with Part 105 of this subchapter, unless a waiver of personal reporting is applied for and granted by the Commission under § 101.4.

(b) A candidate shall designate a separate campaign account for each election.

§ 101.3 Waiver of candidate reporting.

(a) Upon application on FEC Form ____, a candidate may be relieved of the duty personally to file reports of receipts and expenditures if the candidate certifies that he or she will comply with all the following conditions:

(1) Within 5 days after personally receiving any contribution the candidate will surrender possession of the entire contribution to the treasurer of his or her principal campaign committee without expending any of the proceeds thereof. No such contributions shall be commingled with the candidate's personal funds or accounts, and contributions in excess of $100 conveyed by check, money order or other written instrument shall be consigned directly to the political committee and shall not be cashed or redeemed by the candidate.

(2) Such candidate will not make any personal expenditure for his or her campaign, except that this paragraph does not preclude a candidate from conveying personal funds to such candidate's designated principal campaign committee so long as the amount of funds so conveyed does not exceed the limit prescribed by 18 U.S.C. 608(a).

(b) After the candidate has submitted a duly certified statement on FEC Form ____ that he or she will conform to the conditions specified in § 101.4(a) of this subchapter, the Commission, after such investigation as it deems necessary, may grant a formal waiver relieving the candidate from the obligation to comply personally with the reporting requirements in 2 U.S.C. 434.

(c) The waiver continues in effect only to the extent that the candidate complies with the conditions under which it was applied for and granted.

PART 102—REGISTRATION OF POLITICAL COMMITTEES

Sec.

102.1 Registration of political committees.
102.2 Forms and filing.
102.3 Change or correction in information.
102.4 Discontinuance of registration.
102.5 Identification number.
102.6 State committees; establishment of segregated funds.

AUTHORITY: Sec. 306, 86 Stat. 17, as amended, (2 U.S.C. 438(a)(10) (Supp. 1975)), interpret and apply sec. 302, 86 Stat. 14, as amended, (2 U.S.C. 432 (Supp. 1975)).

§ 102.1 Registration of political committees.

(a) Each political committee shall file a Statement of Organization with the Federal Election Commission within 10 days after the effective date of this subchapter, within 10 days after the date of its organization, or within 10 days after the date on which the committee has information which causes it to anticipate receiving such contributions or making such expenditures exceeding $1,000 whichever is later.

(b) Each authorized single candidate committee shall file the Statement of Organization required by paragraph (a) of this section, and any amendment

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thereto, or termination thereof required by § 102.3 or § 102.4, with the affiliated principal campaign committee and concurrently shall file a copy of such Statement, amendment, or termination with the Commission.

§ 102.2 Forms and filing.

(a) The Statement of Organization shall be filed on Federal Election Commission form ____, which may be obtained from the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, telephone (202) 382-5162. The statement shall include the following:

(1) The name and address of the committee;

(2) The names, addresses, and relationships of affiliated or connected organizations (see paragraph (b) of this section);

(3) The area, scope or jurisdiction of the committee;

(4) The name, address, and committee position of the custodian of books and accounts.

(5) The name, address, and committee position of other principal officers, including officers and members of the finance committee, if any.

(6) The name, address, office sought, and party affiliation of (i) each candidate(s) for Federal office whom the committee is supporting and (ii) each candidate whom the committee is supporting for nomination or election to any other Federal office or to any public office whatever; and, additionally, if the committee is supporting the entire ticket of any party, the name of the party;

(7) A statement whether the committee's existence will continue beyond the calendar year;

(8) The disposition of residual funds which will be made in the event of dissolution;

(9) A listing of all banks, safety deposit boxes, or other repositories used;

(10) A statement listing any reports regarding candidates for Federal office filed under state or local law by the committee with state or local officers, and the names, addresses, and positions of such officers; and,

(11) Such other information as shall be required by the Commission from time to time.

(b)(1) Affiliated organization means an affiliated committee as defined in § 100.14(e) of this subchapter. Only a principal campaign committee is required to report the names and addresses of all authorized committees.

(2) Connected organization includes any organization which is not a political committee but which organized or financially supported the registrant.

§ 102.3 Change or correction in information.

(a) Any change or correction in the information previously filed in the Statement of Organization shall be reported to the Commission within 10 days following the date of the change or correction by filing an amended Statement of Organization.

(b) In the case of a multicandidate committee, any change or correction resulting under paragraph (a) of this section from a change in the information required by § 102.2(a)(6) may be met by attaching an amended Statement of Organization to such committee's quarterly report required by Part 105 of this subchapter.

§ 102.4 Discontinuance of registration.

(a) Any political committee not having outstanding debts or obligations owed to or by it which, after having filed one or more Statements of Organization with the Commission, seeks to disband or determines that it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000, shall so notify the Commission.

(b) Such notice of termination shall be noted on FEC Form ____ which shall be filed with the Commission or the principal campaign committee, where appropriate, and shall include a statement as to the disposition of residual funds if the committee is disbanding.

§ 102.5 Identification number.

Upon receipt of a Statement of Organization under this part, the Commission shall assign an identification number to the statement, acknowledge receipt thereof, and notify the political committee of the number assigned. This identification number shall be entered by the political committee on all subsequent reports or statements filed with the Commission under the Act, as well as on all communications concerning such reports or statements.

§ 102.6 Registration of state committees; establishment of Federal campaign committees.

Each state committee, and each subordinate committee of a state committee, which intends to solicit or receive contributions for or on behalf of, or make expenditures, or make transfers, in excess of $1,000, to or on behalf of any candidate for Federal office, or any political committee which has solicited or received contributions for or on behalf of, or made expenditures or transfers to or on behalf of, any candidate for Federal office, shall either:

(a) Register as a political committee and report all receipts and expenditures, Federal or non-Federal, pursuant to these regulations, or

(b) Establish a separate Federal campaign committee. The Federal campaign committee shall designate a segregated Federal campaign account in either a state or national bank, which account may not receive contributions other than contributions earmarked for such account and any contribution or expenditure from which must be made exclusively to or for a candidate or candidates for Federal office. Such segregated Federal account may not receive transfers from an account established by a state committee or subordinate committee of a state committee, except another Federal campaign committee. Such committee shall file a Statement of Organization with the Commission and shall file reports and statements of contributions received and expenditures made, pursuant to Part 105 of this subchapter, for each account containing funds to be used in connection with any Federal election.

PART 103—ORGANIZATION OF POLITICAL COMMITTEES

Sec.
103.1 Organization.
103.2 Receipt of contribution.
103.3 Accounting for contributions and expenditures.
103.4 Photocopies of checks.
103.5 Petty cash fund.
103.6 Designation of principal campaign committee.
103.7 Unauthorized activity; notice.
103.8 Authorization of political committee.
103.9 Records, retention.
103.10 Segregated funds.

AUTHORITY: Sec. 308(a)(13), 86 Stat. 17, (2 U.S.C. 438), interpret or apply sec. 302, 86 Stat. 12, (2 U.S.C. 432, as amended).

§ 103.1 Organization.

(a) Every political committee shall have a chairman and a treasurer, who shall not be the same individual.

(b) No contribution or expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of either the chairman or the treasurer thereof.

(c) No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their authorized agents.

§ 103.2 Receipt of contribution.

Every person who receives a contribution in excess of $10 on behalf of a political committee or candidate shall, on demand of the treasurer or candidate, and in any event within 5 days after receipt, render to the treasurer or candidate an account thereof, which shall include—

(a) The amount of the contribution by an individual, and the date received and,

(b) The identification of the contributor and, in the case of a contribution by an individual in excess of $100, the occupation and principal place of business or employment, if any,

§ 103.3 Account of contributions and expenditures.

It shall be the duty of the treasurer of a political committee to—

(a) Keep an account of all contributions made to or for such committee, and, keep a record of—

(1) The identification of every person making a contribution in excess of $10; and

(2) The occupation and principal place of business of individuals whose contributions aggregate in excess of $100 in a calendar year; and

(3) The date received; and

(4) The amount of the contribution.

(b) Keep an account of all expenditures made by or on behalf of such committee, and

(1) The identification of every person to whom any expenditure is made,

(2) The date of the expenditure,

(3) The amount of the expenditure,

(4) The name of each candidate on whose behalf such expenditure was made, and

(5) The office sought by the candidate.

(c) Obtain and keep a receipted bill from the person to whom the expenditure is made for every expenditure made by or on behalf of a political committee—

(1) In excess of $100;

(2) In a lesser amount if the aggregate amount of expenditures during a calendar year to the same person exceeds $100;

(3) The receipted bill must contain

(i) The full name and address of the person to whom the expenditure is made,

(ii) The amount of the expenditure,

(iii) The purpose of the expenditure, and

(iv) The date the expenditure was made.

(4) In lieu of a receipted bill, the treasurer may keep

(i) The canceled check(s) showing payment(s) of the bill, and

(ii) The bill, invoice or other contemporaneous memorandum of the transaction containing the same information as required in paragraph (c)(3) of this section.

(d) The treasurer of each political committee and each candidate shall keep full and complete records of proceeds from the sale of tickets and mass collections at each dinner, luncheon, rally, and other fundraising events, and such records shall include the date, location, and nature of each event. He or she shall also keep full and complete records of the proceeds from the sale of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, jewelry, watches, trinkets, and similar materials, and such records shall reflect the cost of the items to the committee, the sale price, and the total volume sold of each general category of item. Such records shall be preserved in accordance with § 110.2 of this subchapter.

§ 103.4 Photocopies of checks.

Each committee or candidate which receives or anticipates receiving contributions in excess of $25,000 during a calendar year shall maintain a photocopy of all contributor checks, money orders, or similar instrument which are for an amount in excess of $100. Such checks will be kept in a manner which will allow each check to be associated with the appropriate bank deposit slip.

§ 103.5 Petty cash fund.

A political committee may maintain a petty cash fund out of which it may make expenditures not in excess of $100 to any person in connection with a single purchase or transaction. If such a petty cash fund is maintained, it shall be the duty of the treasurer of such political committee to keep and maintain a written journal of all disbursements from such fund, but such treasurer need not preserve receipts or invoices in connection with such transactions.

§ 103.6 Designation of principal campaign committee.

(a) When an individual becomes a candidate for Federal office (other than for election to the office of Vice President of the United States), he or she shall designate a political committee as his or her principal campaign committee.

(b) No political committee may be designated as the principal campaign committee of more than one candidate.

(c) No political committee which supports more than one candidate may be designated as a principal campaign committee, except that, after nomination, a candidate for the office of President of the United States may designate the national committee of such political party as his or her principal campaign committee.

§ 103.7 Authorization of political committee.

Any political committee authorized by a candidate to receive contributions or make expenditures must be authorized in writing by such candidate. Such authorization must include a designation of campaign depositories to be used by such political committee in accordance with § 101.3(a)(1)(ii).

§ 103.8 Unauthorized activity; notice.

Any unauthorized political committee shall—

(a) Publish a notice as set out in paragraph (b) of this section, stating that the committee is not authorized by a candidate and that the candidate is not responsible in any way for the activities of the committee.

(b) Such notice shall be included on all literature, advertisements (including radio and television announcements and advertisements), stationery and similar material published or otherwise distributed by the committee or on its behalf in connection with its campaign activity.

§ 103.9 Records; retention.

The treasurer of every political committee shall preserve all receipts, bills, accounts and all other records required to be kept in accordance with the requirements of § 110.2 of this subchapter.

§ 103.10 Segregated funds.

All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

PART 104—CAMPAIGN DEPOSITORIES

Sec.
104.1 Notification of the Commission.
104.2 Depositories.
104.3 Deposits and expenditures.
104.4 Presidential and Vice-Presidential candidate campaign depositories.

AUTHORITY: Sec. 308, 86 Stat. 17 (2 U.S.C. 438), interpret or apply sec. 302, 86 Stat. 12 (2 U.S.C. 437), as amended.

§ 104.1 Notification of the Commission.

(a) Each unauthorized single candidate committee, each multicandidate committee (whether authorized or unauthorized), and each party committee shall designate a state or national bank as its campaign depository on its Statement of Organization.

(b) Any other political committee shall inform the Federal Election Commission, or its appropriate principal campaign committee, of the bank(s) designated by its authorizing candidate pursuant to § 1^1.3 of this subchapter as its campaign depository(ies), by listing them in its Statement of Organization.

(c) Each registered political committee which changes its designated campaign depository(ies), shall amend its Statement of Organization pursuant to § 102.3(a) of this subchapter, listing the currently designated campaign depositories.

§ 104.2 Depositories.

Only national or state banks chartered by the United States or a state may be designated as campaign depositories. One or more depositories may be established in one or more states. One or more accounts may be established at a depository.

§ 104.3 Deposits and expenditures.

All contributions received by a candidate, his or her authorized political committee(s) and any other political committee(s) shall be deposited in the appropriate campaign depository by the candidate, or by the treasurer of such committee or his or her designee within 3 business days of the candidate's or treasurer's receipt thereof. An expenditure may be made by any committee only by check drawn on an account in a designated campaign depository, except expenditures to one person for $100 or less in connection with a single transaction or purchase. Expenditures for $100 or less may be made from a petty cash fund, maintained pursuant to § 103.4 of this subchapter.

§ 104.4 Presidential and Vice-Presidential candidate campaign depositories.

A presidential candidate's principal campaign committee, and any political committee authorized by such candidate to receive contributions or to make expenditures on his or her behalf in a state will utilize the bank(s) designated pursuant to § 101.3 of this subchapter as the candidate's campaign depository(ies) for that state. The campaign depository(ies) designated by a political party's candidate for President will be the campaign depository(ies) of that political party's candidate for the office of Vice-President.

PART 105—REPORTS BY POLITICAL COMMITTEES AND CANDIDATES TO THE FEDERAL ELECTION COMMISSION

Sec.
105.1 General.
105.2 Form and content of reports.
105.3 Disclosure of receipt and consumption of in kind contributions.
105.4 Filing dates and periods covered.

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Sec.
105.5 Uniform reporting of contributions.
105.6 Uniform reporting of expenditures.
105.7 Preservation of records.
105.8 Allocation of expenditures among candidates.
105.9 Disclosure of earmarked contributions and expenditures.
105.10 Continuous reporting of debts and obligations.

AUTHORITY: Sec. 308(a)(13), 86 Stat. 17, as amended, (2 U.S.C. 438), interpret or apply sec. 304, 86 Stat. 14, as amended, (2 U.S.C. 434).

§ 105.1 General.

(a) Every political committee registered with the Commission or with a principal campaign committee under Part 102 of this subchapter, and unless granted a waiver pursuant to § 101.4 of this subchapter, every candidate for federal office (other than a candidate of or election to the office of Vice President), shall file reports of contributions and expenditures pursuant to this part.

(b) Each political committee which is required to file reports under this part shall continue to file reports until the committee has no outstanding debts or obligations owed to or by it, and has filed a Notice of Termination pursuant to § 102.4 of this subchapter.

(c) Each candidate required to file reports under this part shall continue to file such reports until all debts and obligations relating to such candidacy owed to or by such candidate are extinguished.

(d) Paragraphs (b) or (c) of this section notwithstanding, no political committee or candidate is required by any section of this subchapter to file any report in any quarter during which the political committee or candidate did not receive contributions or make expenditures in excess of $1,000, but nothing in this paragraph shall be construed to relieve such committee or candidate of the obligation to file the pre-election, post-election and annual reports required by § 105.4(b). Any candidate or committee exempted from filing a quarterly report shall so notify the Commission on FEC Form ____ for the first quarter in which the exemption applies.

§ 105.2 Form and content of reports.

(a) Each report filed by a political committee or candidate under this part shall be on Federal Election Commission Form ____. Such forms may be obtained from the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

(b) Each report filed under this part shall disclose:

(1) The amount of cash on hand at the beginning of the calendar year and at the beginning of the reporting period, including, but not limited to, money, balances on deposit in banks and savings and loan institutions, checks, negotiable money orders, and other paper commonly accepted by a bank in a deposit of cash, and cash funds in other repositories;

(2) The identification, occupation, and principal place of business, if any, of each person who has made one or more contributions to or for such committee or candidate during the reporting period in an amount or value in excess of $100, or in an amount of less than $100 if the person's contributions within a calendar year aggregate in excess of $100, together with the amount and date of such contributions;

(3) The total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (b)(2) of this section; candidates and committees, which, in addition to the required totals, itemize contributions not in excess of $100, though not required to, shall itemize by attaching a separate schedule of such itemized contributions. Such itemized contributions shall not be commingled with the required itemized list of contributions in excess of $100.

(4) The identification of each political committee from which the reporting committee or the candidate received, or to which the committee made, any transfer of funds in any amount during the reporting period, together with the amounts and dates of all transfers and complete disclosure, pursuant to § 105.9, of each transfer of earmarked funds.

(5) Each loan to or from any political committee and each election-related loan to a candidate during the reporting period in an amount or value in excess of $100, or in an amount of less than $100 if such loans to or from any person within a calendar year aggregate in excess of $100, together with the identification, occupation, and the principal places of business, if any, of the lenders, endorsers, and guarantors, if any, and the date and amount of such loans;

(6) The total amount of proceeds from—

(i) The sale of tickets to each dinner, luncheon, rally, and other fundraising event;

(ii) Mass collections made at such events; and

(iii) Sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, jewelry, watches, trinkets and similar materials, so long as the items are sold by or through the candidate or an authorized committee.

(7) Each rebate, refund, or other receipt in excess of $100 received during the reporting period and not otherwise listed under paragraphs (b)(2) through (6) of this section together with the identification, date and amount received, occupation and principal place of business of each such person from whom such receipts have been received during the reporting period;

(8) The total sum of all receipts by or for such committee or candidate during the reporting period and the calendar year together with total receipts less transfers between affiliated political committees (as defined in § 100.12(f) of this subchapter) which support the same candidate and which do not support more than one candidate;

(9) The identification of each person to whom expenditures have been made by or on behalf of such committee or candidate within the reporting period in an aggregate amount or value in excess of $100, or in an amount of less than $100 if the aggregate exceeds $100 within a calendar year together with the amount, date and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditures were made;

(10) The total sum of expenditures made by or on behalf of such committee or candidate during the reporting period and the calendar year together with total expenditures less transfers between affiliated political committees (as defined in § 100.14(c) of this subchapter) which support the same candidate and do not support more than one candidate;

(11) The amount and nature of outstanding debts and obligations owed by or to the committee including any contracts, agreements, or promises to make contributions or expenditures. (Section 105.10 sets forth the special reporting requirements applicable to debts and obligations.);

(12) Such other information as shall be required by the Commission from time to time.

(c)(1) Except as noted in paragraph (c)(2) of this section, each principal campaign committee shall consolidate its reports with those of all committees required to file reports with such principal campaign committee, the authorizing candidate, the applicable information provided by authorized multicandidate committees, and any contributions earmarked for the principal campaign committee's authorizing candidate received by unauthorized multicandidate committees. Such consolidation will be completed on FEC Form DC 4(a) and be submitted with the reports of the principal campaign committee, and the reports or applicable portions of reports of all other committees shown on the consolidation.

(2) For pre-election reports, the principal campaign committee may, if necessary, file the consolidated report without including the reports of committees required to file with such principal campaign committee.

(i) Committees required to file with a candidate's principal campaign committee shall file a copy of their report with the Commission by the 10th day preceding the election, in addition to filing with the principal campaign committee.

(ii) The principal campaign committee shall file with the Commission a consolidated report no later than 5 days before the election, such report to include reports from committees required to file with it.

§ 105.3 Disclosure of receipt and consumption of in-kind contributions.

Each contribution in-kind shall be valued at fair market value at the time of the contribution and reported on the appropriate schedule of receipts, identified as to its nature and listed as a "contribution in-kind." The total amount of goods and services contributed in-kind shall be deemed to have been consumed in the reporting period. Each such contribution shall be declared as an expenditure at the same fair market value and reported on the appropriate expenditure schedule, identified as to its nature and listed as a "contribution in-kind."

(a) The fair market value of any good shall be the retail price of that good in the market from which it ordinarily would have been purchased at the time of its contribution.

(b) The fair market value of any services shall be the prevailing hourly, or piece work, rate charged for such services prevailing at the time such services were rendered.

(c) Contributions of stock, bonds, art objects, and other similar items shall be reported as follows:

(1) The committee or candidate shall report the item's fair market value on the date received, which shall be the contribution for purposes of the limits in 18 U.S.C. 608.

(2) When the item is sold, the committee or candidate shall also report the cash proceeds.

§ 105.4 Filing dates and periods covered.

Except as provided otherwise in this section, each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office shall file the reports of receipts and expenditures required under the part.

(a) *Pre-election and post-election reports.* In any calendar year in which an individual is a candidate for Federal office and an election for such office is held in such year, in such election,

(1) On or before the 10th day before the date on which such election is held.

(2) Such report shall be complete as of the 15th day before the date of such election.

(ii) Any such report filed by registered or certified mail must be postmarked not later than the close of the 12th day before the date of such election.

(2) On or before the 30th day after the date of the election. This report must be complete as of the 20th day after the date of such election.

(b) *Annual report.* In any calendar year by January 31 of the following calendar year, such report shall be complete as of the close of the calendar year with respect to which the report was filed.

(c) *Quarterly report.* On April 10, July 10, and October 10 following the close of the immediately preceding calendar quarter in which the candidate or political committee received contributions in excess of $1,000 or made expenditures in excess of $1,000.

(1) Such reports shall be complete as of the close of such calendar quarter.

(2) When the last day for filing any quarterly report required by paragraph (c) of this section occurs within 10 days prior to an election, or within 30 days after an election such quarterly report need not be filed so long as the pre-election and post-election reports required by § 105.4(a)(1) are timely filed.

(d) If any contribution of $1,000 or more is received subsequent to the 15th day, but more than 48 hours before 12:01 a.m. of the day on which an election is to be conducted, such information shall be reported directly to the Commission within 48 hours of receipt thereof. For purposes of this paragraph, report means—

(1) A letter signed by the treasurer or his designee hand delivered to the Commission within 48 hours of the receipt of the contribution, or

(2) A telegram to the Commission followed by a letter signed by the treasurer or his designee, sent registered or certified mail and postmarked within 48 hours of the receipt of the contribution.

For purposes of this paragraph (d) of this section only, "election" shall mean an election for which the ballot bears the name of the candidate, or delegates committed to such candidate, who received (or one of whose authorized committees received) the contribution.

(e) Except for the pre- and post-election reports required to be filed under paragraph (a) of this section prior to a general election, the annual report required to be filed by paragraph (b) of this section, and the reports required to be filed prior to a general election under paragraph (d) of this section, in any calendar year in which a general election is held, (not including a special election to fill a vacancy) each candidate, principal campaign committee and any other political committee which operates in more than one state shall file the reports required by this Part 105 by the 10th day of the month in each month except January, November, and December of such calendar year. Such reports shall be complete as of the last day of the month immediately preceding the month in which such report is filed. For candidates, monthly reporting requirement shall continue until a candidate files with the Commission a statement that his or her name will not appear on any ballot in a primary or the general election. Any candidate filing such a statement shall thereafter file reports pursuant to paragraphs (b) and (c) of this section.

§ 105.5 Uniform reporting of contributions.

(a) Each contributor of an amount in excess of $100 shall be disclosed by identification, occupation, and principal place of business, if any. If a contributor's name or address is known to have changed since an earlier contribution reported during the calendar year, the exact name or address previously used shall be noted with each subsequent entry.

(b) In each case when a contribution received from a person in a reporting period is added to previously unitemized contributions from the same contributor and the aggregate exceeds $100 within the calendar year, the identification, occupation, and principal place of business, if any, of that contributor shall then be listed on the prescribed reporting forms.

(c) In determining the aggregate of a person's contributions during the calendar year all such contributions from the same donor shall be listed under the same name.

(d) Absent evidence to the contrary, any contribution made by check, money order, or other written instrument shall be reported as a contribution by the last person signing the instrument prior to delivery to the candidate or committee.

§ 105.6 Uniform reporting of expenditures.

(a) Each expenditure by or on behalf of a candidate or committee in excess of $100 shall be disclosed and shall include the identification of the recipient.

(b) In each case when an expenditure made to a recipient in a reporting period is added to previously unitemized expenditures to the same expendee and the aggregate excess $100 within the calendar year, the identification of that recipient shall be listed on the prescribed reporting forms.

§ 105.7 Allocation of expenditures among candidates.

A political committee making an expenditure for or on behalf of more than one candidate for Federal or non-Federal office shall allocate the expenditures among such candidates on a reasonable basis pursuant to Part 107 of this subchapter, and report the allocation for each Federal candidate to the Commission. The treasurer shall retain all documents supporting the allocation in accordance with § 110.2 of this subchapter.

§ 105.8 Disclosure of earmarked contributions and expenditures.

(a) Each candidate, political committee, and other person required to file reports under the Act who receives an earmarked contribution or makes an earmarked expenditure (including any transfer of funds) that is subject to the reporting requirements of the Act and this subchapter, shall report the full name and mailing address, occupation and principal place of business, if any, of the donor or any other person who originally earmarked the contribution or expenditure; the name and address of each political committee or candidate for whom the contribution or expenditure is earmarked; and the amount of such contribution or expenditure earmarked for each such candidate or political committee and the aggregate amount earmarked for each during the calendar year.

(b) The reporting required by this section shall be in addition to all other reporting of such contribution or expenditure required by the Act and this subchapter shall be performed by all candidates, political committees and other persons receiving, expending, or transferring earmarked funds.

§ 105.9 Continuous reporting of debts and obligations.

(a) Debts and obligations which remain outstanding after the election shall

V 40 189 SEP 29 75 XUM

be continuously reported until extinguished. See § 105.1(d). Such debts and obligations shall be reported on separate schedules together with a statement as to the circumstances and conditions under which each such debt and obligation is either incurred or extinguished.

(b) Except for a loan of money in the ordinary course of business, no debt, obligation, contract, agreement, or other promise to make an expenditure in connection with a single transaction of a value of $500 or less, payment for which must be made within 60 days, need be reported under this part until payment is made or until such time for payment has expired, whichever is earlier.

PART 109—REPORTS ON CONVENTION FINANCING

Sec.
109.1 Reports; committees shall report.
109.2 Reports; political parties.
109.3 Financial statements; time and content of filing.
109.4 Committees receiving Federal funds.
109.5 Convention expenses; definitions.

AUTHORITY: Sec. 308(a)(13), 86 Stat. 17, (2 U.S.C. 438), interpret or apply section 307, 86 Stat. 16 (2 U.S.C. 437), as amended.

§ 109.1 Reports; committees shall report.

Each committee or other organization which

(a) (1) Represents a state, or a political subdivision thereof, or

(2) Represents any group of persons in dealing with officials of a national political party with respect to matters involving a convention held in such state or political subdivision to nominate a candidate for the office of President or Vice President,

(b) And receives or expends any funds in connection with such convention, shall file statements as set out in § 109.3.

§ 109.2 Reports; political parties.

Each committee or other organization, including a national committee, which

(a) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President, and

(b) receives or expends any funds in connection with such convention, shall file statements as set out in § 109.3.

§ 109.3 Financial statements; time and content of filing.

(a) Each committee or organization required to file a financial statement as set out in §§ 109.1 and 109.2 above, shall, within 60 days following the last day the convention is officially in session, but not later than 20 days prior to the date of the general election, file with the Commission financial statements on FEC Form ----.

(b) If the committee receives or expends any funds after the filing of the report required by § 109.3 above, it shall file quarterly reports at the end of each calendar quarter in which it receives or expends any funds. The quarterly report shall be filed within 10 days of the close of the calendar quarter, complete as of the close of the calendar quarter.

(c) Each committee required to file under § 109.1 or § 109.2 above shall file a final report with the Commission within 10 days of the date upon which it disbands or otherwise ceases activity.

§ 109.4 Committees receiving federal funds.

Any committee which receives, directly or indirectly, all or part of the payment for Presidential nominating conventions under 26 U.S.C. 9008, shall, in addition to the report required to be filed under § 109.3 above, file quarterly reports—

(a) The first quarterly report shall be filed at the end of the calendar quarter in which the committee receives its first payment under 26 U.S.C. 9008. A report shall be filed for each subsequent quarter in which the committee receives or expends any funds, except that a report need not be filed at the end of the quarter in which the committee files the report required by § 109.3.

(b) The reports shall contain the same information as required to be filed under § 109.3, and shall be filed within 10 days after the close of the calendar quarter, complete as of the close of the calendar quarter.

§ 109.5 Convention expenses; definition.

For the purposes of this part, expenses "in connection with a convention", as used in §§ 109.1(b) and 109.2(b), means:

(a) Any expense for preparing, maintaining and dismantling the physical site of the convention, including but not limited to, rental of the hall, platforms and seating, decorations, telephones, security, and convention hall utilities;

(b) That portion attributed to convention activities of salaries and expenses of personnel whose responsibilities are planning, managing or conducting the convention, including staff members of convention committees and similar personnel;

(c) The expense of conducting meetings of convention policy committees, such as rules, credentials and platform, including but not limited to, costs of renting meeting space and printing materials, but not including travel and other personal expenses of committee members;

(d) The expenses incurred by the site selection, arrangements or other similar committee in securing a convention city and facility;

(e) The expense of establishing and managing a transportation system in a convention city for the use of delegates and other persons attending or otherwise connected with the convention;

(f) The expenses of entertainment activities, including but not limited to, dinners, concerts and receptions, which are part of official convention activity, but not including entertainment activities sponsored by, or on behalf of, candidates for nomination to President or Vice President, or state delegations;

(g) The expenses of printing official convention programs, agendae, tickets and other official publications and printing.

PART 110—FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

Sec.
110.1 Verification.
110.2 Preservation of records.
110.3 Effect of acknowledgement and filing by the Commission.
110.4 Personal responsibility of person signing statement.

AUTHORITY: Sec. 308, 82 Stat. 17 (2 U.S.C. 438), interpret or apply section 306, 86 Stat. 17 (2 U.S.C. ——,) as amended.

§ 110.1 Verification.

Each report or statement required to be filed with the Commission or with a principal campaign committee under this subchapter by a treasurer of a political committee, a candidate, or by any other person, shall be signed by the person filing such report or statement.

§ 110.2 Preservation of records.

(a) Every person filing a report or statement with the Commission or with a principal campaign committee under this subchapter shall preserve a copy thereof for a period of three years from the date of termination of the Committee, but in no event for a period of more than seven years from the last day of the calendar year in which the election was held for which the reports and statements were prepared.

(b) Every candidate, political committee, or other person required to file any report or statement with the Commission or with a principal campaign committee under this subchapter shall maintain records with respect to the matters required to be reported, including vouchers, worksheets, receipts, bills and accounts, which will provide in sufficient detail the necessary information and data from which the filed reports and statements may be verified, explained or clarified, and checked for accuracy and completeness, and shall keep such records available for audit, inspection, or examination by the Commission or its authorized representatives, for a period of not less than 3 years from the date of termination of the committee, but in no event for a period of more than seven years from the last day of the calendar year in which the election was held for which the records and statements were prepared.

§ 110.3 Effect of acknowledgment and filing by the Commission.

Any acknowledgment by the Commission of the receipt of any statement of organization or any report or statement filed under this subchapter is intended solely to inform the person filing the same of the receipt thereof by the Commission, and neither such acknowledgment nor the acceptance and filing of any such report or statement by the Commission shall constitute express or implied approval thereof, or in any manner indicate that the contents of any such report or statement fulfills the filing or other requirements of the Act or of the regulations thereunder.

§ 110.4 Personal responsibility of person signing statement.

(a) Each treasurer of a political committee, each candidate, and any other person required to file any report or statement with the Commission under these regulations and under this subchapter shall be personally responsible for the timely and complete filing of such report or statement and for the accuracy of any information or statement contained therein.

(b) Any willfully false or fraudulent statements or representations in such a report or statement will subject the person making the same to the criminal penalties provided under 18 U.S.C. 1001.

PART 111—FILING COPIES OF STATEMENTS WITH STATE OFFICERS

Sec.
111.1 Filing requirements.
111.2 Filing copy of statement of organization.
111.3 Filing copy of reports of expenditures and contributions.
111.4 Time and manner of filing copy.
111.5 Duty of state officers; delegation of responsibility.

AUTHORITY: Sec. 308(a)(13), 86 Stat. 17, (2 U.S.C. 438) Interpret or apply sec. 309, 86 Stat. 18, (2 U.S.C. 439).

§ 111.1 Filing requirements.

A copy of each statement required to be filed with the Commission under this subchapter shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent state officer) of the appropriate state. For purposes of this part, the term "appropriate state" means the state or other jurisdiction designated in § 111.2 or § 111.3.

§ 111.2 Filing copy of statement of organization.

A copy of each statement of organization required to be filed with the Commission under Part 102 of this subchapter shall be filed with the State officer of the state or other jurisdiction where the committee has its principal office.

§ 111.3 Filing copy of reports by Presidential and Vice Presidential candidates.

A copy of each report required to be filed with the Commission under Part 105 of this subchapter shall be filed with the state officer of each state or other jurisdiction in which an expenditure is made by a candidate for the office of President or Vice President, or on such a candidate's behalf, such report to contain at least all transactions pertaining to that state.

§ 111.4 Filing copy of reports by other Federal candidates.

A copy of each report required to be filed with the Commission under Part 105 of this subchapter shall be filed with the state officer of each state or other jurisdiction in which a candidate other than for President or Vice President for Federal office seeks election.

§ 111.5 Time and manner of filing copy.

A copy required to be filed with a state officer under this part shall be filed at the same time as the original report is filed with the Commission. Each such copy of a report or statement shall be a complete, true, and legible copy of the original report or statement filed with the Commission.

§ 111.6 Duty of state officers; delegation of responsibility.

(a) It is the duty of the Secretary of State, or the equivalent state officer,

(1) To receive and maintain in an orderly manner all reports and statements required to be filed with him;

(2) To preserve such reports and statements for a period of 10 years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives need be preserved for only 5 years from the date of receipt;

(3) To make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person, such per copy expense to be reasonable.

(b) The Secretary of State, or the equivalent state officer, may delegate the authority for receiving and maintaining the reports and statements, if such delegation is not prohibited by state law.

(1) If such delegation occurs, the delegating official shall notify the Commission within 10 days of the date of the delegation;

(2) Notwithstanding any delegation of authority, the Secretary of State or the equivalent state officer, will be held responsible by the Commission for the proper receipt and maintenance of the reports and statements.

Dated: September 19, 1975.

NEIL STAEBLER,
Vice Chairman for the Federal Election Commission.

[FR Doc.75-25723 Filed 9-26-75;8:45 am]

V 40 189 SEP 29 75 XUM

FEDERAL ELECTION COMMISSION

[Notice 1975-58]

OCTOBER 10 QUARTERLY REPORT

Interim Guideline

(a) Candidates or political committees which have received contributions in excess of $1,000, or have made expenditures in excess of $1,000, are required to file an October 10 Quarterly Report of Receipts and Expenditures as prescribed by the Federal Election Campaign Act, as amended. (2 U.S.C. 434(a)(1)(C).) The Commission advises that reporting parties observe the following guidelines:

(1) Candidates for the U.S. House of Representatives and political committees solely supporting such candidates should file with the Clerk of the House of Representatives, 1036 Longworth House Office Building, Washington, D.C. 20515.

(2) Candidates for the U.S. Senate and political committees solely supporting such candidates should file with the Secretary of the Senate, 119 D St. NE., Washington, D.C. 20510.

(3) Candidates for the Office of U.S. President and committees solely supporting such candidates should file with the Federal Election Commission, 1325 K St., Washington, D.C. 20463.

(4) Political committees supporting more than one candidate (multi-candidate committees) which have heretofore reported to two or more supervisory officers or which, if new, would have had to file with more than one supervisory officer (as, for example, a committee supporting candidates for both the Senate and the Presidency), should file their October 10, 1975 report with the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463. Multi-candidate committees supporting only candidates for the House of Representatives should file their October 10, 1975 report with the Clerk of the House of Representatives. Multi-candidate committees supporting only candidates for the Senate should file their October 10, 1975 report with the Secretary of the Senate. Multi-candidate committees which have heretofore filed only with the General Accounting Office or which, if new, would have filed only with the General Accounting Office, should file the October 10, 1975 report with the Federal Election Commission at the above address.

(a) No multi-candidate committee described in the foregoing paragraph need file with the principal campaign committees of the candidates supported, except that:

(1) Such multi-candidate committee which receives contributions earmarked by the contributor for any individual candidate or an authorized committee thereof shall report such contribution to that candidate's principal campaign committee and the Commission, and

(2) Any such multi-candidate committee which is authorized to make expenditures in behalf of a candidate should report any such expenditures to that candidate's principal campaign committee and the Commission. If no principal campaign committee has been designated, contributions and expenditures to be reported under this paragraph should be reported to the Commission in a form which clearly identifies the candidate to whom they relate.

(b) Multi-candidate committees which have not heretofore filed with any supervisory officer should additionally file a registration statement under 2 U.S.C. Section 433. Such committees which support only candidates for the House of Representatives should register with the Clerk thereof. Such committees which support only candidates for the Senate should register with the Secretary thereof. All other such committees should register with the Commission.

(5) Persons subject to 2 U.S.C. 434(e) ("Contributions or expenditures by persons other than political committee or candidates") should file the October 10, 1975 report with the Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463.

(6) A report filed by registered or certified mail postmarked on or before October 10, 1975, shall be deemed a timely filing.

(7) Interim reporting forms published by the Commission should be used to file the prescribed report, except that forms issued by the previous Supervisory Officers may be used if the appropriate changes are made on the face of the forms.

Dated: September 25, 1975.

THOMAS B. CURTIS,
Chairman,
Federal Election Commission.

[FR Doc.75-26127 Filed 9-26-75;8:45 am]

federal register

MONDAY, SEPTEMBER 29, 1975



PART III:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits and Possession

V 40 189 SEP 29 75 XUM

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

The process relating to the establishment of migratory bird hunting regulations in the United States involves a series of regulatory documents published in the FEDERAL REGISTER in accordance with the Administrative Procedure Act. The publication of these documents is divided into three phases, as follows:

1. Proposed rulemaking—proposals to amend Subpart K, Part 20, Subchapter B, Chapter I, Title 50, Code of Federal Regulations, including proposed migratory game bird hunting regulations and/or regulations frameworks which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may make season selections.

2. Final rulemaking—final migratory game bird hunting regulations and/or final regulations frameworks which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may make season selections.

Generally, in phases 1 and 2, no reference is made in the documents to specifically numbered sections of Part 20, Title 50, Code of Federal Regulations.

3. Final rulemaking—Amendments to the various specific sections of Subpart K, Part 20, Subchapter B, Chapter I, Title 50, Code of Federal Regulations, based on the final migratory game bird hunting regulations and the final regulations frameworks and on season selections made and communicated by the States to the Service.

Accordingly, on May 8, 1975, there was published in the FEDERAL REGISTER (40 FR 20090) a notice of proposed rule making to amend Part 20 of Title 50, Code of Federal Regulations. These amendments would specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common (Wilson's) snipe, coots, cranes, swans and waterfowl; coots, cranes, common (Wilson's) snipe and waterfowl in Alaska; and certain sea ducks in coastal waters of certain eastern States. Included in that proposed rule making were *Proposed 1975–76 Migratory Game Bird Hunting Regulations (Part)* which consisted of general frameworks and guidelines which ordinarily do not depend on the results of spring and summer surveys. A 30-day public comment period was allowed, ending June 7, 1975, and was extended to June 25, 1975, through publication in the June 9, 1975, FEDERAL REGISTER (40 FR 24527).

On June 24, 1975, the Annual Regulations Conference for Migratory Shore and Upland Game Birds, an advisory committee, convened in Washington, D.C., in accordance with notice published in the FEDERAL REGISTER on June 6, 1975 (40 FR 24368), to review the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discuss proposed hunting regulations for the 1975–76 hunting season. The meeting was open to the public and statements in writing were solicited. Time was provided for oral statements from the public during the course of the meeting.

On July 2, 1975, there were published in the FEDERAL REGISTER (40 FR 27943) *Proposed Regulations Frameworks for the 1975–76 Hunting Seasons on Certain Migratory Game Birds* and proposed amendments to paragraph (d) of § 20.105, Subpart K, Title 50 Code of Federal Regulations, pertaining to seasons, limits and shooting hours for Canada geese in the Horicon Zone of Wisconsin. The proposed frameworks contained more specific information than the May 8, 1975, proposal (40 FR 20090) and set forth outside season dates within which hunting seasons could be selected, season length, shooting hours, and bag and possession limits, and areas to be hunted. A 15-day public comment period was allowed, ending July 17, 1975.

On August 5, 1975, the annual meeting of the Director's Waterfowl Advisory Committee convened in Washington, D.C., in accordance with the notice published in the FEDERAL REGISTER on July 10, 1975 (40 FR 29096) to review the staff recommendations of the Fish and Wildlife Service for 1975–76 waterfowl regulations, and present to the Director their recommendations for 1975–76 waterfowl season frameworks. The meeting was open to the public and statements in writing were solicited. Time was provided for oral statements from the public during the course of the meeting.

On August 6, 1975, there were published in the FEDERAL REGISTER (40 FR 33016) *Final 1975–76 Migratory Game Bird Hunting Regulations (Part)*, *Final Regulations Frameworks for 1975–76 Hunting Seasons on Certain Migratory Game Birds*, and final rulemaking on amendments to § 20.105 concerning seasons, limits and shooting hours for Canada geese in the Horicon Zone of Wisconsin. The final frameworks prescribed season lengths, bag limits, shooting hours, and outside dates within which States could make season selections for mourning and white-winged doves, band-tailed pigeons, rails, woodcock, snipe, gallinules, teal (September only), sea ducks (Atlantic Flyway only), and all species in Alaska. Final rulemaking on all other waterfowl items or portions thereof listed in the May 8, 1975, proposal (40 FR 20090) was deferred pending receipt and review by Service and State officials of spring and summer survey data. Differences between the May 8, 1975, proposal (40 FR 20090) and July 2, 1975, proposed frameworks (40 FR 27943) and the final rulemaking were described and explained in this document (40 FR 33016; August 6, 1975).

On August 15, 1975, there were published in the FEDERAL REGISTER (40 FR 34361) *Proposed Regulations Frameworks for 1975–76 Hunting Seasons on Waterfowl, Coots, and Gallinules; Cranes in Parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and for Common Snipe in the Pacific Flyway*, with a 10-day public comment period allowed, ending August 25, 1975. Waterfowl items from the May 8, 1975, proposal (40 FR 20090) for which final rulemaking was deferred were repeated, and in some cases enlarged, in the August 15, 1975, proposal (40 FR 34361). Proposed regulations frameworks for lesser sandhill cranes were also repeated, and on August 21, 1975, there were published in the FEDERAL REGISTER (40 FR 36572) proposed amendments to the lesser sandhill crane frameworks to add bag and possession limits for the States of North Dakota and South Dakota, to add the proposed Federal permit requirement for hunting sandhill cranes, and to amend Section 20.106 of Part 20, Title 50 Code of Federal Regulations by adding paragroph (g). A 10-day public comment period was allowed, ending August 31, 1975, for the sandhill crane portion of the proposed frameworks.

On August 19, 1975, and based upon the August 6, 1975, final rulemaking (40 FR 33016), there was published in the FEDERAL REGISTER (40 FR 36121) final rulemaking amending certain sections of Subpart K, Part 20, Subchapter B, Chapter I, Title 50 Code of Federal Regulations, specifying season dates, bag and possession limits, and shooting hours for mourning and white-winged doves, band-tailed pigeons, rails, woodcock, snipe, gallinules, teal (September only), sea ducks (Atlantic Flyway only), and all species in Alaska. Although the August 6, 1975, final regulations and final frameworks (40 FR 33016) prescribed season lengths, bag limits, shooting hours, and outside dates within which States could make season selections, it still remained for the States to make their selections and to communicate those selections to the Service so that the Service, in turn, could publish these selections as final rulemaking, amending the related sections of Part 20, Title 50 Code of Federal Regulations, containing tables, by Flyways and States, for the species in question.

On September 5, 1975, there were published in the FEDERAL REGISTER (40 FR 41096) *Final Regulations Frameworks for 1975–76 Hunting Seasons on Waterfowl, Coots, and Gallinules; Cranes in Parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming; and for Common Snipe in the Pacific Flyway*, prescribing season lengths, bag limits, shooting hours, and outside dates within which States could make season selections. In the portion of this document dealing with lesser sandhill cranes, it was noted that

proposed additions to the lesser sandhill crane section regarding daily bag and possession limits in North and South Dakota, plus the proposed requirement for a Federal permit for hunting sandhill cranes, had been published in the FEDERAL REGISTER dated August 21, 1975 (40 FR 35472). Differences between the May 8, 1975, proposal (40 FR 20090) and August 15, 1975, proposed frameworks (40 FR 34361) and the final rulemaking were described and explained in this document (40 FR 41096; September 5, 1975).

On September 10, 1975, there were published in the FEDERAL REGISTER (40 FR 42015) *Final Regulations Frameworks for 1975–76 Hunting Seasons on Lesser Sandhill (little brown) Cranes in Parts of North Dakota, South Dakota, New Mexico, Texas, Colorado, Oklahoma, Montana, and Wyoming*, and final rulemaking amending Section 20.106, Subpart K, Part 20, Subchapter B, Chapter I to Title 50 Code of Federal Regulations, by adding paragraph (g). In these final frameworks were incorporated the bag and possession limits for North Dakota and South Dakota and the Federal permit requirement for hunting lesser sandhill cranes in those States allowing crane hunting. Differences between the May 8, 1975, proposal (40 FR 20090), August 15, 1975, proposed frameworks (40 FR 34361) and August 21, 1975, proposed amendment (40 FR 36572) and final rulemaking were described and explained in this document (40 FR 42015; September 10, 1975).

In this connection, the *Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)* was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 29241).

Environmental assessments have been prepared on:

Proposed Open Season on Atlantic Brant
Proposed Open Season on Greater Snow Geese
Environmental Impact Assessment of Extension of Length of Duck Hunting Season in Western Louisiana.

Having reviewed these assessments, the Director has concluded that environmental impact statements are not necessary and has signed negative declarations setting forth that conclusion.

The taking of the designated species of migratory birds is prohibited unless specifically authorized. These amendments will permit taking of the designated species within specified periods of time beginning as early as October 1, as has been the case in past years, and benefit the public by relieving existing restrictions.

The Fish and Wildlife Service is of the view that, although the rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints, every attempt should be made to give the public the greatest possible opportunity to comment on the regulations; thus, when the August 15, 1975 (40 FR 34361) and August 21, 1975 (40 FR 36572) proposed rulemakings were published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the printing and distribution of Federal and State regulatory announcements would be delayed to the extent that hunters would not have these regulatory announcements in time for the beginning of the hunting seasons. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will, therefore take effect immediately upon publication.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given by the Fish and Wildlife Service to all other relevant matters presented, certain sections of Subpart K, Part 20, Subchapter B, Chapter I, Title 50, Code of Federal Regulations, are amended as indicated below.

AUTHORITY: Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711).

Effective date: September 29, 1975.

HARVEY K. NELSON,
Acting Director,
Fish and Wildlife Service.

SEPTEMBER 12, 1975.

Section 20.104 is revised to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe (Wilson's).

(a) Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows.

(b) The season dates, bag limits, and shooting hours published in this section in the FEDERAL REGISTER of August 19, 1975 (40 FR 36121) have been expanded to include season dates for previously deferred seasons and to include snipe season dates for the Pacific Flyway.

	Rails (Sora and Virginia)	Rails (King and Clapper)	Woodcock	Common Snipe (Wilson's)
Daily bag limit	[1] 25	See footnote 2	5	8
Possession limit	[1] 25	See footnote 2	10	16
Shooting hours: One-half hour before sunrise until sunset daily on all species.				
CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.				
Seasons in the Atlantic Flyway:				
Connecticut	Sept. 1–Nov. 8	Sept. 1–Nov. 8	Oct. 18–Dec. 13	Oct. 18–Dec. 13.
Delaware	Sept. 1–Nov. 8	Sept. 1–Nov. 8	{Oct. 18–Nov. 5 / Nov. 17–Jan. 1}	{Oct. 18–Nov. 5 / Nov. 17–Jan. 1}
Florida	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Dec. 20–Feb. 22	Nov. 8–Feb. 22.
Georgia	Sept. 6–Nov. 14	Sept. 6–Nov. 14	Nov. 20–Jan. 23	Nov. 20–Jan. 23.
Maine:				
Management units 1 and 2	Sept. 1–Nov. 8	Closed	Sept. 24–Nov. 15	Sept. 24–Nov. 15.
Management units 3 to 8	Sept. 1–Nov. 8	Closed	Oct. 1–Nov. 15	Oct. 1–Nov. 15.
Maryland	Sept. 1–Nov. 8	Sept. 1–Nov. 8	Oct. 4–Dec. 6	{Oct. 4–Nov. 28 / Dec. 8–Dec. 16}
Massachusetts	Sept. 1–Nov. 9	Closed	Oct. 10–Nov. 20	Sept. 1–Nov. 4.
New Hampshire	Closed	Closed	Sept. 27–Nov. 20	Sept. 27–Nov. 20.
New Jersey [4]	Sept. 1–Nov. 8	Sept. 1–Nov. 8	{Oct. 11–Dec. 6 / Dec. 20–Dec. 27}	{Oct. 8 [5]–Nov. 5. / Nov. 28 [5]–Jan. 3.}
New York: [6]				
Northern zone	Sept. 1–Nov. 4	Closed	Sept. 20–Nov. 28	Sept. 1–Nov. 4.
Southern zone	Sept. 1–Nov. 4	Closed	Oct. 1–Nov. 28	Sept. 1–Nov. 4.
Long Island area	Closed	Closed	Oct. 1–Nov. 28	Closed.
North Carolina	Sept. 1–Nov. 8	Sept. 1–Nov. 8	Nov. 22–Jan. 24	Nov. 22–Jan. 24.
Pennsylvania	Sept. 1–Nov. 8	Closed	Oct. 11–Nov. 29	Oct. 11–Nov. 29.
Rhode Island	Sept. 22–Nov. 30	Sept. 22–Nov. 30	{Oct. 18–Dec. 5 / Dec. 15–Dec. 30}	{Oct. 18–Dec. 5. / Dec. 15–Dec. 30. / Dec. 19–Jan. 24. / Feb. 7–Feb. 28.}
South Carolina	Sept. 2–Nov. 10	Sept. 2–Nov. 10	Nov. 27–Jan. 30	Sept. 27–Nov. 30.
Vermont	Sept. 27–Dec. 5	Closed	Sept. 27–Nov. 30	Nov. 11–Jan. 14.
Virginia	Sept. 13–Nov. 21	Sept. 13–Nov. 21	Oct. 31–Jan. 3	Oct. 11–Dec. 13.
West Virginia	Oct. 11–Dec. 19	Closed	Oct. 11–Dec. 13	
Seasons in the Mississippi Flyway:				
Alabama	Nov. 12–Jan. 20	Nov. 12–Jan. 20	Nov. 28–Jan. 31	Dec. 26–Feb. 28.
Arkansas	Sept. 1–Nov. 9	Closed	Dec. 1–Feb. 3	Dec. 1–Feb. 3.
Illinois	Sept. 1–Nov. 9	Closed	Oct. 15–Dec. 15	Oct. 15–Dec. 15.
Indiana	Sept. 6–Nov. 14	Closed	Sept. 20–Nov. 28	Sept. 20–Nov. 28.
Iowa	Sept. 6–Nov. 9	Closed	Sept. 13–Nov. 16	Sept. 20–Nov. 23.
Kentucky	Nov. 12–Jan. 20	Closed	{Oct. 10–Dec. 5 / Dec. 15–Dec. 20}	{Oct. 10–Dec. 5. / Dec. 15–Dec. 20.}
Louisiana	Nov. 1–Jan. 9	Nov. 1–Jan. 9	Dec. 6–Feb. 8	Dec. 6–Feb. 8.
Michigan: [5]				
Zone 1	Sept. 15–Nov. 14	Closed	Sept. 15–Nov. 13	Sept. 15–Nov. 14.
Zone 2	Oct. 8 [5]–Nov. 14	Closed	Sept. 15–Nov. 14	Oct. 8 [5]–Nov. 14.
Zone 3	Oct. 8 [5]–Nov. 14	Closed	Oct. 20–Nov. 14	Oct. 8 [5]–Nov. 14.
Minnesota	Sept. 1–Nov. 6	Closed	Sept. 1–Nov. 4	Sept. 1–Nov. 4.
Mississippi	Nov. 1–Jan. 9	Nov. 1–Jan. 9	Dec. 13–Feb. 15	Dec. 13–Feb. 15.
Missouri	Sept. 1–Nov. 9	Closed	Oct. 1–Dec. 4	Oct. 1–Dec. 4.
Ohio	Sept. 1–Nov. 8	Closed	Sept. 13–Nov. 15	Sept. 13–Nov. 15.
Tennessee	Dec. 2 [5]–Jan. 20	Closed	Sept. 27–Nov. 30	Dec. 25–Feb. 27.
Wisconsin	Oct. 1 [5]–Nov. 19	Closed	Sept. 13–Nov. 16	Oct. 1 [5]–Dec. 4.

Footnotes at end of article.

V 40 I 189 SEP 29 75 NUM

	Rails (Sora and Virginia)	Rails (King and Clapper)	Woodcock	Common Snipe (Wilson's)
Seasons in the Central Flyway:				
Colorado [8]	Sept. 1–Nov. 9	Closed	Closed	Sept. 1–Nov. 4.
Kansas	Sept. 13–Nov. 21	Closed	Oct. 11–Dec. 14	Sept. 13–Nov. 16.
Montana [4]	Closed	Closed	Closed	Closed.
Nebraska	Sept. 1–Nov. 9	Closed	Closed	Sept. 15–Nov. 18.
New Mexico [8]	Closed	Closed	Closed	Oct. 28–Dec. 31.
North Dakota	Closed	Closed	Closed	Sept. 20–Nov. 23.
Oklahoma	Sept. 1–Nov. 9	Closed	Nov. 20–Jan. 23	Oct. 25–Dec. 28.
South Dakota	Closed	Closed	Closed	Sept. 1–Oct. 31.
Texas	Sept. 1–Nov. 9	Sept. 1–Nov. 9	Nov. 15–Jan. 18	Nov. 15–Jan. 18.
Wyoming [8]	Oct. 4–Dec. 12	Closed	Closed	{Oct. 4–Nov. 2. {Nov. 20–Dec. 24.
Seasons in the Pacific Flyway:				
Arizona	Closed	Closed	Closed	Nov. 15–Jan. 18.
California: [3]				
Tule Lake	Closed	Closed	Closed	Oct. 11–Jan. 11.
Colorado River area.	Closed	Closed	Closed	{Oct. 4–Oct. 31. {Nov. 15–Jan. 18.
Remainder of State.	Closed	Closed	Closed	Oct. 18–Jan. 18.
Colorado [7]	Closed	Closed	Closed	{Oct. 4–Oct. 17. {Nov. 1–Jan. 18.
Idaho: [3]				
Columbia Basin	Closed	Closed	Closed	Oct. 4–Jan. 11.
Remainder of State.	Closed	Closed	Closed	Oct. 1–Jan. 4.
Montana [7]	Closed	Closed	Closed	Oct. 4–Jan. 4.
Nevada:				
Clark and Lincoln Counties.	Closed	Closed	Closed	Nov. 15–Jan. 18.
Remainder of State.	Closed	Closed	Closed	Oct. 4–Jan. 4.
New Mexico [7]	Closed	Closed	Closed	Oct. 4–Jan. 4.
Oregon: [3]				
Columbia Basin	Closed	Closed	Closed	Oct. 11–Jan. 18.
Remainder of State.	Closed	Closed	Closed	Oct. 11–Jan. 11.
Utah	Closed	Closed	Closed	Oct. 4–Jan. 4.
Washington: [3]				
Columbia Basin	Closed	Closed	Closed	Oct. 11–Jan. 18.
Remainder of State.	Closed	Closed	Closed	Oct. 11–Jan. 11.
Wyoming [7]	Closed	Closed	Closed	Oct. 4–Jan. 4.

[1] The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.
[2] In addition to the limits on sora and Virginia rails, in the States of Connecticut, Delawsre, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 king and clapper rails, singly or in the aggregate of these two species, and in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 king and clapper rails, singly or in the aggregate of these two species.
[3] For description of areas or management units within a State, see the State's regulations.
[4] In New Jersey the season for woodcock is closed on November 7 and reopens on November 8 at 9 a.m., and the season for king rails is closed.
[5] In the State of New York, shooting hours for woodcock are sunrise until sunset daily.
[6] Seasons apply to Central Flyway portion of State only.
[7] Seasons apply to Pacific Flyway portion of State only.

*Note.—Season opens at noon local time.

Section 20.105 is amended as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks.* (1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 1, 1975, and January 20, 1976, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bay which are separated by at least one mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, North Carolina, and Virginia: *Provided, That* any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set in addition to the limits prescribed for such seasons a daily bag limit of 7 and possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Connecticut	Sept. 27–Jan. 10.
Delaware	Sept. 20–Dec. 10. Dec. 17–Jan. 10.
Georgia	Nov. 19*–Jan. 20.
Maine	Oct. 4–Jan. 18.
Maryland	Oct. 3–Jan. 17.
Massachusetts	Sept. 20–Jan. 4.
New Hampshire	Sept. 20–Jan. 4.
New Jersey	Sept. 19–Jan. 3.
New York	Sept. 24–Jan. 8.
North Carolina	Oct. 4–Jan. 17.
Rhode Island	Oct. 1–Jan. 15.
South Carolina	Oct. 6–Jan. 20.
Virginia	Oct. 1–Jan. 14.

*Note.—Season opens at noon local time.

(4) Notwithstanding the provisions of this Part 20, the shooting of *crippled* waterfowl from a motorboat under power will be permitted in the States of Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, North Carolina, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

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(c) *Gallinules.*

Daily bag limit 15
Possession limit 30
Shooting hours: One-half hour before sunrise to sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in the Atlantic Flyway:

Connecticut	Sept. 1–Nov. 8.
Delaware	Sept. 1–Nov. 8.
Florida [1]	Sept. 1–Nov. 9.
Georgia	Nov. 19*–Jan. 20.
Maine	Sept. 1–Nov. 8.
Maryland	Sept. 1–Nov. 8.
Massachusetts	Sept. 1–Nov. 9.
New Hampshire	Closed.
New Jersey	Sept. 1–Nov. 8.
New York:	
Northern & Southern Zones	Sept. 1–Nov. 4.
Long Island Area	Closed.
North Carolina	Sept. 1–Nov. 8.
Pennsylvania	Sept. 1–Nov. 8.
Rhode Island	Sept. 22–Nov. 30.
South Carolina	Sept. 2–Nov. 10.
Vermont	Sept. 27–Dec. 5.
Virginia	Nov. 26*–Jan. 14.
West Virginia	Oct. 11–Dec. 19.

Seasons in the Mississippi Flyway:

Alabama	Nov. 12–Jan. 20.
Arkansas	Nov. 7–Jan. 15.
Illinois	Closed.
Indiana	Sept. 6–Nov. 14.
Iowa	Closed.
Kentucky	Nov. 12–Jan. 20.
Louisiana	Sept. 20–Nov. 28.
Michigan	Oct. 8*–Nov. 26.
Minnesota	Oct. 1*–Nov. 19.
Mississippi	Nov. 1–Jan. 9.
Missouri	Sept. 1–Nov. 9.
Ohio	Sept. 1–Nov. 8.
Tennessee	Dec. 3–Jan. 26.
Wisconsin	Oct. 1*–Nov. 19.

Seasons in the Central Flyway:

Colorado [2]	Closed.
Kansas	Closed.
Montana [2]	Closed.
Nebraska	Closed.
New Mexico [2]	Oct. 28–Jan. 5.
North Dakota	Closed.
Oklahoma	Sept. 1–Nov. 9.
South Dakota	Closed.
Texas	Sept. 1–Nov. 9.
Wyoming [2]	Closed.

Seasons in the Pacific Flyway:

Arizona	{Oct. 4–Oct. 31. {Nov. 15–Jan. 18.
California:	
Tule Lake Area	Oct. 11–Jan. 11.
Colorado River Area	{Oct. 4–Oct. 31. {Nov. 15–Jan. 18.
Remainder of State	Oct. 18–Jan. 18.
Colorado [2]	{Oct. 4–Oct. 17. {Nov. 1–Jan. 18.
Idaho:	
Columbia Basin	Oct. 4–Jan. 11.
Remainder of State	Oct. 4–Jan. 4.
Montana [2]	Oct. 4–Jan. 4.
Nevada:	
Clark and Lincoln Counties.	{Oct. 4–Oct. 31. {Nov. 15–Jan. 18.
Remainder of State	Oct. 4–Jan. 4.
New Mexico [2]	Oct. 4–Jan. 4.
Oregon:	
Columbia Basin	Oct. 11–Jan. 18.
Remainder of State	Oct. 11–Jan. 11.
Utah	Oct. 4–Jan. 4.
Washington:	
Columbia Basin	Oct. 11–Jan. 18.
Remainder of State	Oct. 11–Jan. 11.
Wyoming [2]	Closed.

[1] The gallinule season in Florida applies to the Florida gallinule only. No open season on purple gallinules in Florida.
[2] Seasons apply to Central Flyway portion of State only.
[3] Seasons apply to Pacific Flyway portion of State only.
*Note.—Season opens at noon local time.

(d) *Canada geese in the Horicon Zone.*

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(e) *Atlantic, Mississippi, and Central Flyways.*

Atlantic Flyway

Shooting hours: One-half hour before sunrise to sunset daily.

Flywaywide Restrictions

In all States in the Atlantic Flyway:

Wood ducks—no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession; in Pennsylvania, the possession limit is 2 wood ducks.

Canvasbacks and redheads—the season is closed on canvasbacks and redheads except in the designated area in Florida.

Hooded mergansers—In States selecting conventional regulations, no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Connecticut:			
Coastal Area only:			
Ducks	Oct. 15*–Nov. 1; Dec. 10*–Jan. 10	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Statewide:			
Ducks	Oct. 18–Nov. 1; Dec. 10*–Jan. 10	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 15*–Nov. 1; Nov. 20–Jan. 10	2	6
Snow (including blue)	Oct. 15*–Nov. 1; Dec. 10–Dec. 20	2	4
Brant	Dec. 12–Jan. 10	4	8
Delaware:			
Ducks	Nov. 5*–Nov. 29; Dec. 17*–Jan. 10	3	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 5*–Dec. 13; Dec. 17*–Jan. 16	3	6
Snow (including blue)	Nov. 14–Dec. 13	2	4
Brant	Nov. 14–Dec. 13	4	8
Florida:			
Ducks (except canvasback/redhead)	Nov. 28*–Dec. 10; Dec. 17*–Jan. 20	Point system	
Canvasback/redhead [1]	Nov. 28*–Dec. 10; Dec. 17*–Jan. 20	Point system	
Coots		15	30
Geese	Closed	—	—
Georgia:			
Ducks	Nov. 10*–Dec. 3; Dec. 17*–Jan. 20	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Closed	—	—
Snow (including blue)	Dec. 22–Jan. 20	2	4
Brant	Dec. 22–Jan. 20	4	8
Maine:			
Ducks	Oct. 8*–Nov. 1; Nov. 10*–Dec. 13	4	8
Including no more than: Black ducks	Oct. 11–Nov. 1; Nov. 10*–Dec. 13	2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 8*–Dec. 16	3	6
Snow (including blue)	Oct. 8*–Nov. 1	2	4
Brant	Nov. 10–Dec. 9	4	8
Maryland:			
Ducks	Nov. 5*–Nov. 15; Dec. 10*–Jan. 17	Point system	
Coots		15	30
Geese:			
Canada	Oct. 31–Nov. 28; Dec. 8–Jan. 17	3	6
Snow (including blue)	Dec. 19–Jan. 17	2	4
Brant	Dec. 19–Jan. 17	4	8
Massachusetts:			
Ducks	Oct. 15*–Nov. 1; Nov. 26*–Dec. 27	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 15*–Nov. 22; Dec. 11–Jan. 10	3	6
Snow (including blue)	Closed	—	—
Brant	Nov. 10–Nov. 22; Dec. 11–Dec. 27	4	8
New Hampshire:			
Ducks	Oct. 1*–Oct. 25; Nov. 19*–Dec. 13	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 1*–Oct. 25; Nov. 19*–Jan. 2	3	6
Snow (including blue)	Nov. 19*–Dec. 18	2	4
Brant	Nov. 19*–Dec. 18	4	8
New Jersey:			
Ducks	Oct. 8*–Oct. 18; Nov. 26*–Jan. 3	Point system	
Coots		15	30
Geese:			
Canada	Oct. 8*–Nov. 7; Nov. 26*–Jan. 3	3	6
Snow (including blue) (in Atlantic, Cape May, and Cumberland Counties only).	Nov. 10–Dec. 9	2	4
Brant	Nov. 10–Dec. 9	4	8
New York:			
Long Island area:			
Ducks	Nov. 19*–Jan. 7	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 19*–Jan. 20	3	6
Snow (including blue)	Nov. 19*–Dec. 18	2	4
Brant	Nov. 19*–Dec. 18	4	8

Footnotes at end of article.

V 40 I 189 SEP 29 75 XUM

	Season dates	Limits: Bag	Limits: Possession
Lake Champlain area:			
Ducks	Oct. 8*-Nov. 28	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 8*-Dec. 16	3	6
Snow (including blue)	Nov. 1-Nov. 30	2	4
Brant	Nov. 10-Dec. 9	4	8
Upstate New York:			
Ducks	Oct. 8*-Nov. 26	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 8*-Dec. 16	3	6
Snow (including blue)	Nov. 10-Dec. 9	2	4
Brant	Nov. 10-Dec. 9	4	8
North Carolina:			
Ducks	Oct. 1*-Oct. 4; Nov. 26*-Jan. 10	Point system	
Coots		15	30
Geese:			
Canada	Nov. 26*-Jan. 14	1	2
Snow (including blue)	Dec. 16-Jan. 14	2	4
Brant	Dec. 16-Jan. 14	4	8
Pennsylvania:			
Ducks	Oct. 15*-Nov. 22; Dec. 3*-Dec. 13	4	8
Including no more than:			
Black ducks		2	4
Wood ducks		2	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada:			
In Crawford County	Oct. 15*-Dec. 6; Jan. 1-Jan. 17	1	2
In remainder of the State		3	6
Snow (including blue)	Oct. 15*-Nov. 13	2	4
Brant	Nov. 10-Dec. 6	4	8
Rhode Island:			
Ducks	Oct. 22*-Oct. 25; Nov. 26*-Jan. 10	Point system	
Coots		15	30
Geese:			
Canada	Nov. 12-Jan. 20	2	6
Snow (including blue)	Nov. 12-Dec. 11	2	4
Brant	Nov. 12-Dec. 11	4	8
South Carolina:			
Ducks	Nov. 19*-Nov. 29; Dec. 10*-Jan. 17	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Nov. 19*-Nov. 29; Dec. 10*-Jan. 17	1	2
Snow (including blue)	Dec. 19-Jan. 17	2	4
Brant	Dec. 19-Jan. 17	4	8
Vermont:			
Ducks	Oct. 8*-Nov. 26	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 8*-Dec. 16	3	6
Snow (including blue)	Nov. 1-Nov. 30	2	4
Brant	Nov. 10-Dec. 9	4	8
Virginia:			
Ducks	Nov. 26*-Jan. 14	Point system	
Coots		15	30
Geese:			
Canada:			
Back Bay area	Nov. 26*-Jan. 14	1	2
Remainder of State	Nov. 12-Jan. 20	3	6
Snow (including blue)	Dec. 16-Jan. 14	2	4
Brant	Nov. 12-Dec. 11	4	8
West Virginia:			
Ducks	Oct. 1*-Oct. 16; Dec. 17*-Jan. 17	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 1*-Dec. 9	3	6
Snow (including blue)	Dec. 17*-Jan. 15	2	4
Brant	Closed	—	—

[1] The season is closed on canvasback and redhead ducks in Florida except in the areas described as follows: seaward of the mainland shoreline including offshore islands from the northern boundary of Everglades National Park in Collier County north and west to an including Escambia County, but excluding all inland bays and mouths of rivers landward of a line between the most seaward points of the mouth of such bays and rivers; specifically excluded, but not inclusive of all exclusions, are Escambia Bay, Choctawhatchee Bay, West Bay and St. Andrews Bay at Panama City, East Bay at Apalachicola, and Ochlockonee Bay the waters of which are north of U.S. Highway 98; Tampa Bay landward of U.S. Highway 19 and Charlotte Harbor landward of U.S. Highway 41.

*NOTE.—Season opens at noon local time.

Mississippi Flyway

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

Flywaywide Restrictions

In all States in the Mississippi Flyway selecting conventional regulations:

Mallards and black ducks—no more than 2 mallards or 2 black ducks or 1 of each daily nor more than 4 mallards or 4 black ducks or 4 in the aggregate in possession.

Wood ducks—no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession, except in the Pymatuning Area of Ohio, the possession limit is 2 wood ducks.

Fulvous tree ducks—no more than 2 fulvous tree ducks may be taken daily nor more than 4 fulvous tree ducks may be in possession.

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession.

Mergansers—all mergansers are to be included within the daily bag and possession limits.

Under the conventional regulations and point system:

Canvasbacks and redheads—except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession under conventional regulations. Under the point system canvasbacks and redheads count 100 points each except in closed areas.

The areas closed to canvasback and redhead hunting are:

Mississippi River—entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.

Alabama—Baldwin and Mobile Counties.

Louisiana—Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.

Michigan—Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.

Minnesota—Sibley and Nicollet Counties, and the area encompassed by a line drawn as follows: beginning at the North Dakota border on U.S. Highway 2, thence east on U.S. Highway 2 to Bemidji, thence south on U.S. Highway 71 to U.S. Highway 12 at Willmar, thence west on U.S. Highway 12 to the South Dakota border, thence north on the South Dakota and North Dakota border to the point of beginning.

Ohio—Land and water areas comprising Erie, Ottawa and Sandusky Counties.

Tennessee—Kentucky Lake lying north of Interstate Highway 40.

Wisconsin—In the Mississippi River Zone, all that part of Wisconsin west of the CB&Q railroad in Grant, Crawford, Vernon, La-Crosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, Dodge and Winnebago Counties and the land and water areas extending 100 yards from the shorelines of Lake Poygan in Waushara County, Lake Winnebago in Calumet and Fond du Lac Counties, and Rush Lake, Fond du Lac County.

White-fronted geese—no more than 2 white-fronted geese may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Alabama:			
Ducks	Dec. 8*-Jan. 20	Point system	
Coots		15	30
Geese:			
In Russell and Barbour Counties	Closed season	—	—
In remainder of State	Nov. 13-Jan. 20	5	5
Including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Arkansas:			
Ducks	Nov. 19*-Dec. 9; Dec. 17*-Jan. 14	Point system	
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese	Dec. 16-Jan. 14	1	2
White-fronted geese	Nov. 6-Jan. 14	2	2
Snow (including blue) geese	Nov. 6-Jan. 14	5	5
Illinois:			
Ducks	Oct. 22*-Dec. 10	Point system	
Coots		15	30
Geese: [1]		5	5
In Alexander, Jackson, Union and Williamson Counties: [2]	Nov. 24-Jan. 20		
In remainder of the State	Oct. 22*-Dec. 30		
For the entire State:			
Including no more than:			
Canada geese		2	4
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Indiana:			
Ducks	Oct. 29*-Dec. 2; Dec. 17*-Dec. 31	4	8
Including no more than:			
Mallards		2	4
Black ducks		2	4
Mallards and black ducks combined		2	4
Coots		15	30
Geese	Oct. 25-Dec. 2; Dec. 19-Jan. 18	5	5
Including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Iowa:			
Ducks	Oct. 4-Oct. 11; Oct. 25-Nov. 30	Point system	
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese	Oct. 1-Nov. 14	2	2
White-fronted geese	Oct. 1-Dec. 9	2	2
Snow (including blue) geese	Oct. 1-Dec. 9	5	5
Kentucky:			
Ducks	Nov. 26*-Nov. 26; Dec. 10*-Jan. 20	Point system	
Coots		15	30
Geese [1]	Nov. 12-Jan. 20	5	5
In Ballard, Hickman, Fulton, and Carlisle Counties:			
Including no more than:			
Canada geese		2	4
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
In remainder of State:			
Including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Louisiana:			
Ducks:			
West Zone [1]	Nov. 1-Nov. 30; Dec. 10*-Jan. 3	Point system	
Remainder of State	Nov. 19*-Dec. 3; Dec. 17*-Jan. 20		
Coots		15	30
Canada geese	Closed season	—	—
Geese (except Canada geese):			
In areas east of Mississippi River (31°-33°N. lat.)	Same as Mississippi		
In remainder of State	Nov. 22-Nov. 30; Dec. 10-Feb. 8	5	5
Including no more than:			
White-fronted geese		2	2
Snow (including blue) geese		5	5
Michigan:			
Ducks	Oct. 8*-Nov. 26	Point system	
Coots		15	30
Geese:		5	5
Zone 1 [4]	Oct. 1-Nov. 30		
Zones 2 and 3 [4]	Oct. 8*-Nov. 30		
Including no more than:			
Canada geese		1	1
White-fronted geese		2	2
Canada and white-fronted combined		2	3
Snow (including blue) geese		5	5
Minnesota:			
Ducks	Oct. 1*-Nov. 19	4	8
Including no more than:			
Mallards		2	4
Black ducks		2	4
Mallards and black ducks combined		2	4
Coots		15	30

Footnotes at end of article.

V 40 I 189 SEP 29 75 XUM

	Season dates	Limits: Bag	Limits: Possession
Geese:			
In Lac Qui Parle Quota Zone (Canada, snow (including blue) and white-fronted geese).[3] [6]	Oct. 1–Nov. 14	5	5
In Southeastern Zone (Canada, snow (including blue) and white-fronted geese).[4]	Oct. 1*–Dec. 9		
In remainder of State (Canada, snow (including blue) and white-fronted geese).	Oct. 1*–Nov. 11		
In all areas, including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Mississippi:			
Ducks	Dec. 3*–Jan. 20	Point system	
Coots		15	30
Geese:			
In areas west of Mississippi River (31° 33'N. Lat.)	Same as Louisiana		
In remainder of State	Oct. 4–Nov. 3; Dec. 13–Jan. 20	5	5
Including no more than:			
Canada geese:			
In Issaquena, Sharkey, Washington, Lowndes, Noxubee, Oktibbeha and Winston Counties.	Closed season	—	—
In Lafayette, Marshall, and Panola Counties		1	2
In remainder of State		2	2
White-fronted geese		2	2
Canada and white-fronted combined:			
In Lafayette, Marshall, and Panola Counties		3	4
In remainder of State		4	4
Snow (including blue) geese		5	5
Missouri:			
Ducks	Oct. 25*–Dec. 17	Point system	
Coots		15	30
Geese [5]		5	5
Including no more than:			
Canada geese:			
Lower Mississippi area, east of Interstate Highway 55 and south of Crystal City.	Dec. 7–Jan. 20	2	4
In Swan Lake Area [7] [8]	Oct. 25*–Dec. 12	1	2
In remainder of State	Oct. 25*–Dec. 12	2	2
White-fronted geese	Oct. 25* Jan. 6	2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese	Oct. 25* Jan. 6	5	5
Ohio:			
In Pymatuning area: [4]			
Ducks	Oct. 15* Nov. 22; Dec. 3* Dec. 13	4	8
Including no more than:			
Black ducks		2	4
Wood ducks		2	2
Mergansers		5	10
Coots		15	30
Geese:			
Canada	Oct. 15*–Dec. 6; Jan. 1–Jan. 17	1	2
Snow (including blue) geese	Oct. 15*–Nov. 13	2	4
In remainder of State:			
Ducks	Oct. 22*–Dec. 3; Dec. 31*–Jan. 6	Point system	
Coots		15	30
Geese	Oct. 22*–Dec. 23; Dec. 31*–Jan. 6	5	5
Including no more than:			
Canada		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5
Tennessee:			
Ducks	Dec. 3*–Jan. 20	Point system	
Coots		15	30
Geese	Nov. 12–Jan. 20	5	5
Including no more than:			
Canada geese:			
In Canada goose restoration area [7]	Closed season	—	—
In Shelby, Lake, Tipton, Lauderdale, Dyer, and Obion Counties.		2	2
In remainder of State		1	2
White-fronted geese		2	2
Canada and white-fronted combined:			
In Shelby, Lake, Tipton, Lauderdale, Dyer, and Obion Counties.		4	4
In remainder of State except Counties closed to Canada goose hunting.		3	4
Snow (including blue) geese		5	5

Footnotes at end of article.

	Season dates	Limits: Bag	Limits: Possession
Wisconsin:			
Ducks	Oct. 1*–Nov. 19	Point system	
Coots		15	30
Geese:			
In Horicon Zone [4]	Oct. 9–Oct. 26	1	1
In remainder of State:	Oct. 1*–Dec. 9	5	5
Including no more than:			
Canada geese [2]		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Snow (including blue) geese		5	5

[1] Notwithstanding the provisions of § 20.39, geese taken in the States of Illinois, Kentucky, and Missouri may not be transported or delivered for transportation by common carrier, the Postal Service, or by any person except as the personal baggage of the hunter who took the birds.

[2] In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 26,000 birds in each State. In the Swan Lake area of Missouri, the kill of Canada geese will be limited to 25,000 birds. In the Lac Qui Parle area of Minnesota, the kill of Canada geese will be limited to 4,000 birds. When it is determined by the Director, U.S. Fish and Wildlife Service, that the quota of Canada geese allotted to the State of Illinois, the Swan Lake area of Missouri, or the Lac Qui Parle area of Minnesota will have been killed, the season for taking Canada geese in the respective areas will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and day of closing.

[3] Shooting hours for geese are sunrise until 3 p.m. local time.

[4] For description of zones or management units within a State, see State regulations.

[5] In Louisiana the West Zone is that portion of Louisiana west of a line beginning at the Arkansas-Louisiana border on Louisiana Highway 3; thence south along Louisiana Highway 3 to Shreveport; thence east along Interstate 20 to Minden; thence south along Louisiana Highway 7 to Ringgold; thence east along Louisiana Highway 4 to Jonesboro; thence south along U.S. Highway 167 to Lafayette; thence southeast along U.S. Highway 90 to Houma; thence south along the Houma Navigation Channel to the Gulf of Mexico through Cat Island Pass.

[6] In Minnesota the Lac Qui Parle Quota Zone is that area encompassed by a line drawn as follows: beginning at Montevideo thence west on U.S. Highway 212 to U.S. Highway 75, thence north on U.S. Highway 75 to State Highway 7 at Odessa, thence north on County State Aid Highway 21, Big Stone County, to U.S. Highway 12, thence east on U.S. Highway 12 to County State Aid Highway 17, Swift County, thence south on C.S.A.H. 17 and C.S.A.H. 9, Chippewa County, to State Highway 40, thence east on State Highway 40 to State Highway 29, thence south on State Highway 29 to point of beginning at Montevideo.

[7] In Tennessee, the Canada Goose Restoration Area consists of the following Counties, or portions thereof: Anderson, Bedford, Blount, Cheatham, Coffee, Cumberland, Davidson, Dickson, Fayette, Franklin, Henderson, Jackson, Knox, Lincoln, Loudon, Maury, Moore, Putnam, Rutherford, Smith, Sumner, Trousdale, Williamson, and Wilson-Ronne (north of Highway 70 and east of Highways 95 and 55); and Shelby (east of Highway 51).

*Note.—Season opens at noon local time.

Central Flyway

Including Central Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Shooting hours: One-half hour before sunrise to sunset daily except as otherwise restricted.

Flywaywide Restrictions

Mexican Ducks—The season is closed throughout the Flyway.

Canvasbacks and redheads—The areas closed to canvasback and redhead hunting are:

North Dakota—all that portion east of State Highway 3, including all portions of 27 counties.

South Dakota—the Counties of Brookings, Codington, Day, Kingsbury, Roberts, Marshall, and Hamlin.

Texas—the Counties of Brazoria, Chambers, Galveston, Harris, Jefferson and Orange.

Mergansers—all mergansers are to be included within the daily bag and possession limits under conventional and point system regulations.

Ross' geese—no more than 1 Ross' goose may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Colorado:			
Ducks	Oct. 4–Oct. 14; Nov. 8–Jan. 18	Point system	
Coots		15	30
Geese	Nov. 8–Jan. 18	2	4
Kansas:			
Ducks:		Point system	
In High Plains area	Oct. 18–Dec. 7; Dec. 20–Jan. 18		
In remainder of State	Oct. 18–Dec. 7; Dec. 20–Dec. 28		
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese	Oct. 18–Dec. 21	1	2
White-fronted geese	Oct. 18–Dec. 21	1	2
Canada and white-fronted combined		2	3
Snow (including blue) geese	Oct. 18–Dec. 28	5	5
Montana			
Ducks	Oct. 4–Dec. 2; Dec. 13–Jan. 4	Point system	
Coots		15	30
Geese	Oct. 4–Jan. 4	2	4
Nebraska:			
Ducks		Point system	
In High Plains area	Oct. 11–Jan. 1		
In remainder of State	Oct. 4–Oct. 12; Oct. 25–Dec. 14		
Geese		5	5
North Central area: [1]			
Canada and white-fronted geese	Closed	—	—
Snow (including blue) geese	Oct. 4–Oct. 24; Nov. 1–Dec. 21	5	5
Central area: [1]			
Canada and white-fronted geese	Oct. 4–Oct. 24; Nov. 1–Dec. 7		
Canada geese		1	2
White-fronted geese		1	2
Canada and white-fronted combined		2	2
Snow (including blue) geese	Oct. 4–Oct. 24; Nov. 1–Dec. 21	5	5

Footnotes at end of article.

V 40 189 SEP 29 75 XUM

	Season dates	Limits: Bag	Limits: Possession
Remainder of State	Oct. 4–Oct. 24; Nov. 1–Dec. 21		
Canada geese		1	2
White-fronted geese		1	2
Canada and white-fronted combined		2	2
Snow (including blue) geese		5	5
New Mexico:			
Ducks (except Mexican duck)	Oct. 28–Jan. 18	Point system	
Mexican ducks	Closed season	—	—
Coots		15	30
Geese:			
In Bernalillo, Sandoval, Sierra, Valencia, and Socorro [2] Counties.	Dec. 27–Jan. 11	1	2
In remainder of State	Oct. 28–Jan. 18	2	4
North Dakota:			
Ducks	Oct. 4–Nov. 30; Dec. 6–7	6	12
Including no more than:			
Mallards, including no more than 1 hen in the daily bag and 2 in possession.		3	6
Wood ducks		2	4
Canvasback or redhead		1	1
Hooded merganser		1	2
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese	Oct. 4–Nov. 16	1	2
White-fronted geese	Oct. 4–Dec. 14	2	2
Canada and white-fronted combined		2	2
Snow (including blue) geese	Oct. 4–Dec. 14	5	5
Oklahoma:			
Ducks		Point system	
In High Plains area	Oct. 11–Jan. 1		
In remainder of State	Oct. 25–Nov. 15; Nov. 27–Jan. 3		
Coots		15	30
Geese		5	5
In Alfalfa, Bryan, Johnson, and Marshall Counties	Nov. 15–Jan. 6		
In remainder of State	Oct. 11–Oct. 26; Nov. 15–Jan. 9		
Including no more than:			
Canada geese		2	2
White-fronted geese		1	2
Canada and white-fronted combined		2	2
Snow (including blue) geese		5	5
South Dakota:			
Ducks		Point system	
In High Plains area	Oct. 4–Dec. 2; Dec. 13–Jan. 4		
In remainder of State	Oct. 4–Dec. 2		
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese	Oct. 4–Nov. 20	1	2
White-fronted geese	Oct. 4–Nov. 30	1	2
Canada and white-fronted combined		2	2
Snow (including blue) geese	Oct. 4–Dec. 14	5	5
Texas:			
Ducks (except Mexican, fulvous tree and black-bellied tree duck)		Point system	
In High Plains area	Oct. 25–Jan. 13		
In remainder of State	Nov. 1–Nov. 30; Dec. 20–Jan. 18		
Mexican, fulvous tree and black-bellied tree ducks	Closed season	—	—
Geese:			
East of Highway 81	Nov. 1–Dec. 12; Dec. 20–Jan. 18	5	5
Including no more than:			
Canada and white-fronted combined		1	2
Snow (including blue) geese		5	5
West of Highway 81	Oct. 18–Jan. 18	2	4
Wyoming:			
Ducks	Oct. 4–Nov. 2; Nov. 20–Jan. 11	Point system	
Coots		15	30
Geese	Oct. 11–Jan. 11	2	4

[1] That portion of Nebraska encompassed by a line from the South Dakota border south on Nebraska Highway 27 to Ellsworth, east on Nebraska Highway 2 to Dunning, northeast on Nebraska Highway 91 to Burwell, north on Nebraska Highway 11 to Atkinson, west on U.S. Highway 20 to Valentine, and north on U.S. Highway 83 to the South Dakota border.

[2] That portion of Nebraska encompassed by a line from Hyannis south on State Highway 61 to its junction with State Highway 92, west on State Highway 92 to its junction with U.S. Highway 26, east on U.S. Highway 26 to its junction with U.S. Highway 30, east on U.S. Highway 30 to its junction with U.S. Highway 183, north on U.S. Highway 183 to its junction with State Highway 91, west on State Highway 91 to its junction with State Highway 2 and west on State Highway 2 to its junction with State Highway 61 at Hyannis.

[3] See State regulations for special restrictions on Bosque del Apache National Wildlife Refuge.

(f) *Pacific Flyway* including Pacific Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Shooting hours: One-half hour before sunrise to sunset daily.

Flywaywide Restrictions

In all States in the Pacific Flyway:

Mexican ducks—The season is closed on Mexican ducks throughout the Flyway.

Aleutian Canada geese—The season is closed on Aleutian Canada geese throughout the Flyway.

Canvasbacks/Redheads—No more than 2 canvasbacks or 2 redheads or 1 of each may be taken daily nor more than 4 singly or in the aggregate may be in possession. A further restriction applies to canvasback in a designated area of California.

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 may be in possession.

Dark geese—no more than 3 dark (Canada and white-fronted) geese may be taken daily nor more than 6 may be in possession.

Snow geese—no more than 3 snow geese may be taken daily nor more than 6 may be in possession.

Ross' geese—no more than 1 Ross' goose may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers, coots, and gallinules are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Arizona:			
Ducks (except Mexican)	Oct. 4–Oct. 31; Nov. 15–Jan. 18	7	14
Mexican ducks	Closed season	—	—
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese	Oct. 4–Oct. 17; Nov. 15–Jan. 4	5	5
Including no more than:			
Canada geese		2	2
White-fronted geese		2	2
Canada and white-fronted geese combined		2	2
Snow geese		3	3
California:			
Tule Lake:			
Ducks	Oct. 11–Jan. 11	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese	Oct. 11–Jan. 11	6	6
Including no more than:			
Canada geese and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		3	5
Tehachapi area (except District 22):			
Ducks	Oct. 18–Jan. 18	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese		6	6
Including no more than:			
Canada geese	Nov. 1–Jan. 4	2	2
White-fronted geese	Oct. 18–Jan. 18	3	6
Canada and white-fronted geese combined		3	6
Snow geese	Oct. 18–Jan. 18	3	6
District 22 except Colorado River area:			
Ducks	Oct. 18–Jan. 18	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese		6	6
Canada geese	Oct. 18–Dec. 21	1	1
White-fronted geese	Oct. 18–Jan. 18	3	6
Canada and white-fronted geese combined		3	6
Snow geese	Oct. 18–Jan. 18	3	6
Colorado River area:			
Ducks	Oct. 4–Oct. 31; Nov. 15–Jan. 18	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese	Oct. 4–Oct. 17; Nov. 15–Jan. 4	5	5
Including no more than:			
Canada geese		2	2
White-fronted geese		2	2
Canada and white-fronted geese combined		2	2
Snow geese		3	3
Remainder of State:			
Ducks [1]	Oct. 18–Jan. 18	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese		6	6
Including no more than:			
Canada geese:			
Counties of Del Norte, Humboldt, and Mendocino.	Closed season	—	—
Sacramento Valley area [2]	Dec. 15–Jan. 18	3	6
San Joaquin Valley area [3]	Oct. 18–Dec. 15	3	6
Remaining areas	Oct. 18–Jan. 18	3	6
White-fronted geese	Oct. 18–Jan. 18	3	6
Canada and white-fronted geese combined		3	6
Snow geese	Oct. 18–Jan. 18	3	6
Statewide: Brant	Jan. 17–Feb. 22	4	8
Colorado:			
Ducks	Oct. 4–Oct. 17; Nov. 1–Jan. 18	7	14
Mergansers		5	10
Coots and/or gallinules (single or in the aggregate)		25	25
Geese	Oct. 11–Dec. 14	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
Idaho:			
Ducks:			
Columbia Basin	Oct. 4–Jan. 11	7	14
Remainder of State	Oct. 4–Jan. 4	7	14
Mergansers:			
Columbia Basin	Oct. 4–Jan. 11	5	10
Remainder of State	Oct. 4–Jan. 4	5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Columbia Basin	Oct. 4–Jan. 11		
Remainder of State	Oct. 4–Jan. 4		
Geese:			
Including no more than:			
Canada geese		2	
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
East of Highway 93	Oct. 11–Dec. 14		
West of Highway 93 (except 10 north counties)	Oct. 11–Dec. 28		
10 north counties	Oct. 4–Jan. 4		

V 40 189 SEP 29 75 XUM

	Season dates	Limits	
		Bag	Possession
Montana:			
Ducks	Oct. 4–Jan. 4	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese:			
East of Continental Divide	Oct. 4–Dec. 7	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
West of Continental Divide			
Including no more than:			
Canada geese	Oct. 4–Dec. 28	2	2
White-fronted geese	Oct. 4–Jan. 4	3	6
Canada and white-fronted geese combined		3	6
Snow geese	Oct. 4–Jan. 4	3	6
Nevada:			
Clark and Lincoln Counties:			
Ducks	Oct. 4–Oct. 31; Nov. 15–Jan. 18	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese	Nov. 15–Jan. 4	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
Remainder of State:			
Ducks	Oct. 4–Jan. 4	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese	Oct. 18–Jan. 18	6	6
Including no more than:			
Canada geese and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		3	6
New Mexico:			
Ducks	Oct. 4–Jan. 4	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese:			
South of U.S. Highway 60	Oct. 4–Dec. 7	2	2
North of U.S. Highway 60	Closed	—	—
Oregon:			
Baker and Malheur Counties:			
Ducks	Oct. 11–Jan. 18	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese	Oct. 11–Dec. 28	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
Morrow, Umatilla, Gilliam, Sherman, Wasco, Union, and Wallowa Counties:			
Ducks	Oct. 11–Jan. 18	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in aggregate)		25	25
Geese	Oct. 11–Jan. 18	6	6
Including no more than:			
Canada and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		3	6
Remainder of State:			
Ducks	Oct. 11–Jan. 1	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese	Oct. 11–Jan. 11	6	6
Including no more than:			
Canada and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		3	6
Statewide: Brant	Nov. 22–Feb. 22	4	8
Utah:			
Ducks	Oct. 4–Jan. 4	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese:			
Washington County	Nov. 8–Jan. 4	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6
Remainder of State	Oct. 11–Dec. 14		
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6

	Season dates	Limits	
		Bag	Possession
Washington:			
East 10-county area:			
Ducks	Oct. 11–Jan. 18	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese	Oct. 11–Jan. 18	3	6
Including no more than:			
Canada and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		3	6
Remainder east of Cascade Mountains:			
Ducks	Oct. 11–Jan. 18	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese	Oct. 11–Jan. 11	3	6
Including no more than:			
Canada and white-fronted geese (singly or in the aggregate).		3	6
Snow geese		3	6
West of Cascade Mountains:			
Ducks	Oct. 11–Jan. 11	7	14
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese:			
Island, Skagit, San Juan, and Whatcom Counties	Oct. 11–Dec. 7	2	4
Remainder West of Cascade Mountains	Oct. 11–Jan. 11	3	6
Including no more than:			
Canada and white-fronted geese (singly or in the aggregate)		3	6
Snow geese		3	6
Statewide: Brant	Nov. 22–Feb. 22	4	8
Wyoming:			
Ducks	Oct. 4–Jan. 4	7	14
Mergansers		5	10
Coots		25	25
Geese	Oct. 4–Nov. 17; Nov. 29–Dec. 28	6	6
Including no more than:			
Canada geese		2	2
White-fronted geese		3	6
Canada and white-fronted geese combined		3	6
Snow geese		3	6

[1] In California the limit on canvasbacks is 1 canvasback daily and 1 in possession in the following area: San Francisco Bay-Suisun Area—beginning at Golden Gate Bridge, north on U.S. Highway 101 to State Highway 37; then east on State Highway 37 to U.S. Highway 80; then north on U.S. Highway 80 to State Highway 12 at Fairfield; then east on State Highway 12 to Rio Vista at State Highway 84 (160); then south on State Highway 84 (160) to State Highway 4; then west on State Highway 4 to U.S. Highway 80; then south on U.S. Highway 80 to State Highway 17; then south on State Highway 17 to U.S. Highway 101 at San Jose; then north on U.S. Highway 101 to point of beginning.

[2] In California the Sacramento Valley Area is encompassed as follows: beginning at the town of Willows in Glenn County, proceeding south on Interstate Highway 5 to the junction of State Highway 20 near the town of Williams in Colusa County; thence easterly on State Highway 20 to the junction of State Highway 45 in the town of Colusa; thence northerly on State Highway 45 to its junction with State Highway 162; thence continuing northerly on State Highways 45–162 to the town of Glenn, thence westerly on State Highway 162 to the point of beginning.

[3] In California the San Joaquin Valley Area is encompassed as follows: beginning at the city of Modesto in Stanislaus County, proceeding west on State Highway 132 to the junction of Interstate 5; thence southerly on Interstate 5 to the junction of State Highway 152 in Merced County; thence easterly on State Highway 152 to the junction of State Highway 59; thence northerly on State Highway 59 to the junction of State Highway 99 at the city of Merced; thence northerly and westerly to the point of beginning.

(g) *Point system—Ducks, mergansers, and coots.* The States selecting the point system bag limits on designated species on a Statewide basis in place of the conventional bag limits are listed in the table under § 20.105(e).

(1) The point values for the species and sexes taken are as follows:

Atlantic Flyway

100 points	70 points	10 points	25 points
Florida only:	Hen mallard	Blue-winged teal	All other sexes and species of ducks, including drake mallards (except canvasbacks and redheads).
Fulvous tree duck	Black duck	Green-winged teal	
Canvasback/redhead in designated areas.	Mottled duck	Shoveler	
	Wood duck	Pintail	
	Hooded merganser	Gadwall	
		Scaup	
		Sea ducks	
		Mergansers (exc. hooded)	

Mississippi Flyway

100 points	90 points	10 points	35 points
Canvasback and redhead, except where closed.	Hen mallard	Pintail	All other species of ducks, including drake mallards and mergansers, (exc. hooded).
	Wood duck	Blue-winged teal	
	Black duck [1]	Green-winged teal	
	Hooded merganser	Cinnamon Teal	
		Shoveler	
		Gadwall	
		Scaup	

[1] The point value for the black duck in Wisconsin is 100 points.

V 40 I 189 SEP 29 75 XUM

Central Flyway

100 points	70 points	10 points	20 points
High plains area: Canvasback/redhead, except where closed.	Hen mallard Wood duck Hooded merganser	Blue-winged teal Green-winged teal Cinnamon teal Pintail Gadwall Shoveler Scaup Mergansers (exc. hooded)	All other species of ducks including drake mallards. (Season is closed on Mexican ducks.)
100 points	**70 points**	**10 points**	**25 points**
Remainder of the Central Flyway: Canvasback/redhead, except where closed.	Hen mallard Wood duck Hooded merganser	Blue-winged teal Green-winged teal Cinnamon teal Pintail Gadwall Shoveler Scaup Mergansers (exc. hooded)	All other species of ducks, including drake mallards. (Season is closed on Mexican ducks.)

Pacific Flyway: There is no point system in the Pacific Flyway.

Coots have no point value but conventional bag limits of 15 daily and 30 in possession apply.

Mergansers are included in the duck bag under the point system.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting hours are one-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

(h) *Scaup only season.* A special open hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit	5
Possession limit	10
Shooting hours: One-half hour before sunrise to sunset daily.	

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway:

Connecticut	Jan. 16–Jan. 31.
Florida	Jan. 21–Jan. 31.
Maryland	Nov. 22–Dec. 7.
Massachusetts	Dec. 29–Jan. 13.
New Hampshire	Dec. 14–Dec. 29.
New Jersey	Jan. 9–Jan. 24.
New York:	
Long Island only	Jan. 10–Jan. 25.
Upstate Zone	Dec. 20–Jan. 4.
Rhode Island	Jan. 11–Jan. 26.
Virginia	Jan. 15–Jan. 30.

Seasons in the Mississippi Flyway:

Louisiana	Jan. 21–Jan. 31.
Michigan	Nov. 27–Dec. 12.
Ohio	Dec. 5–Dec. 20.
Wisconsin	Nov. 20–Dec. 5.

(i) *Extra teal during regular season.* An open hunting season for teal ducks (blue-winged only) is prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit	2
Possession limit	4
Shooting hours: One-half hour before sunrise until sunset.	

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway:

Connecticut	Oct. 15*–Oct. 23.
Delaware	Nov. 5*–Nov. 13.
Georgia	Nov. 19*–Nov. 27.
Maine	Oct. 8*–Oct. 16.
Massachusetts	Oct. 15*–Oct. 23.
New Hampshire	Oct. 1*–Oct. 9.
New York:	
Upstate	Oct. 8*–Oct. 16.
Lake Champlain	Oct. 8*–Oct. 16.
Long Island	Closed.
South Carolina	Nov. 19*–Nov. 27.
Vermont	Oct. 8*–Oct. 16.
West Virginia	Oct. 2–Oct. 10.

Seasons in the Mississippi Flyway:

None.

Seasons in the Central Flyway:

North Dakota	Oct. 4–Oct. 12.

Seasons in the Pacific Flyway:

None.

*NOTE.—Season opens at noon local time.

(j) *Extra scaup during regular season.* The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. This extra limit is in addition to the regular duck bag limits and unless otherwise specified, it may be taken during the entire regular duck season.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway:

Delaware	Nov. 5*–Nov. 29; Dec. 17*–Jan. 10.
Georgia	Nov. 19*–Dec. 3; Dec. 17*–Jan. 20.
Maine	Oct. 8*–Nov. 1; Nov. 19*–Dec. 13.
Pennsylvania	Oct. 15*–Nov. 22; Dec. 3*–Dec. 13.
South Carolina	Nov. 19*–Nov. 29; Dec. 10*–Jan. 17.
West Virginia	Oct. 1*–Oct. 18; Dec. 17*–Jan. 17.

Seasons in the Mississippi Flyway:

Indiana	Oct. 29*–Dec. 2; Dec. 17*–Dec. 31.

*NOTE.—Season opens at noon local time.

(k) *Special scaup and goldeneye season.* A special open hunting season for scaup and goldeneye is prescribed according to the following table in the Lake Champlain areas which are described, delineated, and designated in the hunting regulations of the respective States.

The daily bag limit is 3 scaup or 3 goldeneyes or 3 in the aggregate.

The possession limit is 6 scaup or 6 goldeneyes or 6 in the aggregate.

Shooting hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Lake Champlain Area Only:

New York	Nov. 27–Dec. 12.
Vermont	Nov. 27–Dec. 12.

Section 20.106 is revised as follows:

§ 20.106 Seasons, limits, and shooting hours for little brown cranes.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking little brown cranes with a daily bag limit of three and a possession limit of six, and with shooting hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In the Central Flyway portion of Colorado, except in San Luis Valley and North Park, season dates are October 4 through November 8, 1975.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of the State of Texas lying west of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Howard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del

Rio, season dates are October 25, 1975, through January 25, 1976.

(c) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas lying east of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and lying west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates are November 29, 1975, through January 25, 1976.

(d) In the North Dakota counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh, and in part of South Dakota described as follows: from the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border, the season dates are November 8 through December 7, 1975.

(e) In Phillips County, Montana, the season dates are October 4 through November 9, 1975.

(f) In Platte and Goshen Counties, Wyoming, the season dates are October 11 through November 9, 1975.

(g) Every hunter participating in the lesser sandhill (little brown) crane hunting season must obtain and carry in his possession while hunting lesser sandhill cranes a Federal lesser sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to an authorized law enforcement official upon request.

Section 20.107 is revised as follows.

§ 20.107 Seasons, limits, and shooting hours for whistling swans.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in the States of Montana, Nevada, and Utah, subject to the following conditions:

(a) The season must run concurrently with the season for ducks.

(b) In Montana, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Teton. The season dates are October 4, 1975, through January 4, 1976.

(c) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Churchill. The season dates are October 4, 1975, through January 4, 1976.

(d) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan. The season dates are October 4, 1975, through January 4, 1976.

(e) Permit forms and correspondingly numbered metal locking seals furnished by the Service must be issued by the appropriate Department of Game and Fish on an equitable basis without charge. Each person must have been issued, and carry on his person while hunting, a properly validated 1975–76 whistling swan permit. When a whistling swan has been killed by a hunter and reduced to possession, the hunter must immediately attach and lock the metal seal and the proper portion of his numbered permit around the right wing of the swan close to its body.

[FR Doc.75-24772 Filed 9-26-75;8:45 am]

V 40 189 SEP 29 75 XUM

federal register

MONDAY, SEPTEMBER 29, 1975



PART IV:

ENVIRONMENTAL PROTECTION AGENCY

SODIUM CYANIDE

Applications To Register for Use in M-44 Device To Control Predators

V40 189 SEP 29 75 XUM

ENVIRONMENTAL PROTECTION AGENCY

[FIFRA Docket No. 382; FRL 436-3]

SODIUM CYANIDE

Applications to Register for Use in the M-44 Device to Control Predators

On July 15, 1975, notice was published in the FEDERAL REGISTER (40 FR 29755) of public hearings to be held in Washington, D.C. on August 12–15, 1975, with respect to an application filed by the United States Department of the Interior, Fish and Wildlife Service, to register sodium cyanide M-44 capsules for use as a predacide. Registrations of sodium cyanide for predator control had been canceled and suspended on March 9, 1972, by Decision and Order of the Administrator (37 FR 5718). The hearings were called pursuant to the provisions of Subpart D, Part 164, 40 CFR, upon a finding that, based on the USDI application and supporting data, there appeared to be substantial new evidence which may materially affect the 1972 cancellation and suspension Order and, hence, reconsideration of the 1972 Order was warranted. On August 29, 1975, the Administrative Law Judge issued his Initial Decision, and on September 16, 1975, I issued by Decision and Order. The five documents are published herewith.

Dated: September 23, 1975.

RUSSELL E. TRAIN,
Administrator.

DECISION OF THE ADMINISTRATOR

Before the Administrator, U.S. Environmental Protection Agency, Washington, D.C., (FRL 436-3), in the matter of: applications to register sodium cyanide for use in the M-44 device to control predators, FIFRA Docket No. 382.

This proceeding concerns an application filed on July 7, 1975, by the Fish and Wildlife Service of the U.S. Department of the Interior (hereafter "FWS") to register sodium cyanide for use in a spring-loaded ejector device known as the "M-44" to control certain wild canid predators, pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (hereafter "FIFRA") (86 Stat. 979, 7 U.S.C. 136a).

Pursuant to EPA regulations (40 CFR 164.-130–133), the FWS application to register sodium cyanide as a predacide has been treated as a petition for reconsideration of an order issued by the Administrator of EPA on March 9, 1972 (37 FR 5718, March 18, 1972), canceling and suspending the registration of certain products containing sodium cyanide, sodium fluoroacetate (1080), and strychnine. The 1972 EPA Order cancelled and suspended all uses of sodium cyanide.[1]

On January 10, 1974, EPA issued notice that it would consider applications for the use of the M-44 device and sodium cyanide for coyote control (39 FR 2295, January 18, 1974). Shortly thereafter, EPA regulations were amended, adding a new section (§ 162.-19, effective February 1, 1974) providing for the filing of experimental use permit applications for a sodium cyanide spring-loaded ejector unit for predator control. The purpose of the amended provision was to develop

As a matter of chronology, it should be noted that on July 18, 1975, President Ford amended Executive Order 11643 (banning the use of chemical toxicants on Federal lands, issued February 8, 1972) by the issuance of Executive Order 11870, which provides for a one-year experimental use of sodium cyanide in all federal programs and emergency uses under certain conditions.

On July 30, 1975, a prehearing conference was held concerning the adoption of special rules for this proceeding. A second prehearing conference was held on August 7, 1975, resulting in the adoption of supplemental rules for this proceeding.

Pursuant to the July 11, 1975 order initiating this proceeding, seven (7) additional M-44 registration applications were filed and, by order of the Deputy Administrator dated August 8, 1975 (40 FR 34455, August 15, 1975), the following applications were joined in this proceeding:

Montana Department of Livestock, Wyoming Department of Agriculture, Colorado Department of Agriculture, Oregon Department of Agriculture, Nevada State Department of Agriculture, Texas Department of Agriculture, M-44 Safety Predator Control Company.

In addition, pursuant to the July 11 order, a number of party interventions have been entered in support of the applications[2] and in opposition to the applications.[4] *Amicus curiae* briefs have been filed by other groups and individuals.[5]

On August 6, 1975, EDF et al. filed with Administrative Law Judge Denniston a motion to reconsider the hearing dates (scheduled to commence on August 12). A similar objection to the expedited hearing schedule was made by the Humane Society on August 5. On August 7, Judge Denniston advised the parties that he did not have jurisdiction to rule on the motions and that they should be transmitted to the Administrator. These motions were not brought to the Administrator's attention until August 19, after the conclusion of the hearings, when it had become impossible to reconsider the expedited hearing schedule. By notice dated August 22, 1975, the Administrator acknowledged the untimely receipt of the motions (apparently not due to any error or omission on the part of the petitioners) and noted that any objections concerning his inability to rule on the motions prior to the hearings might be raised at a later stage in the proceeding.

The hearings went forward on August 12–15, 1975, with appearances entered by FWS, the States of Wyoming, Montana, and Oregon, EDF et al., the Humane Society, the National Wool Growers et al., and EPA counsel for Respondent, Assistant Administrator for Water and Hazardous Materials (the latter as a neutral party, hereafter referred to as "Respondent EPA"). Proposed findings and briefs were submitted by FWS, the States of Wyoming, Montana, and Oregon, EDF et al., American Farm Bureau Federation, and Respondent EPA.

Administrative Law Judge Denniston issued an initial decision in this proceeding on August 29, 1975. Exceptions thereto were filed on September 5, 1975, by FWS, the States of Wyoming and Montana, EDF et al., the National Wool Growers et al., and Respondent EPA.

The initial decision concludes that the March 9, 1972 EPA Order cancelling and suspending all uses of sodium cyanide "should be modified to permit the registration of the M-44 device by the applicants herein subject to the conditions set forth in the Appendix hereto." Appendix A to the initial decision sets forth twenty-six (26) "restrictions" on the use of the M-44 device. In reaching this decision, the Administrative Law Judge enumerates some thirty-seven (37) Findings of Fact relating to his statement of the five issues present in this preceeding. The Administrative Law Judge also addresses some nine procedural and legal issues raised by EDF et al. and others in opposition to registration. I have reviewed the procedural aspects of this proceeding as well as the merits related to possible registration of sodium cyanide for use in the M-44 device, and will address the procedural and legal objections first.

PROCEDURAL AND LEGAL OBJECTIONS

A. PREJUDICE TO THOSE OPPOSING REGISTRATION DUE TO EXPEDITED HEARING, SPECIAL PROCEDURES, AND EVIDENTIARY RULINGS

EDF et al. have asserted a denial of due process of law resulting from "the unexplained and unnecessary expedition and compression of the hearing" and "the procedures and evidentiary rulings felt necessary by the Administrative Law Judge to adhere to the unreasonable timetable set by the Administrator." Their principal objection relates to the expedited nature of the hearing, which made necessary (directly or indirectly) the special rules adopted for the hearing and, to

[1] The 1972 EPA Order and accompanying Findings of Fact are appended hereto as Appendix A and incorporated herein by reference.

[2] Experimental use permits were issued to the following: Texas Department of Agriculture (Feb. 8, 1974); Montana Department of Livestock (April 4, 1974); California Department of Food and Agriculture (April 24, 1974); U.S. Department of the Interior (May 28, 1974); South Dakota Department of Game, Fish, and Parks (July 1, 1974); Idaho State Department of Agriculture (April 19, 1974); Nebraska State Department of Agriculture (Oct. 1, 1974); Kansas State University (Feb. 1, 1975); Texas A&M University (Feb. 24, 1974).

[4] Parties in support of the applications include the States of Wyoming and Montana, as well as the National Wool Growers' Association; the American National Cattlemen's Association; the National Turkey Federation; and the Navajo Nation (the latter four groups hereafter collectively referred to, for purposes of convenience, as "National Wool Growers et al.").

[5] Parties in opposition to the applications include the following: Environmental Defense Fund; Defenders of Wildlife; Friends of the Earth; National Audubon Society; Natural Resources Defense Council; National Wildlife Federation; Sierra Club; Oregon Environmental Council; Animal Protection Institute; Wildlife Management Institute (the foregoing groups hereafter collectively referred to, for purposes of convenience, as "EDF et al."); and the Humane Society of the United States.

[6] American Farm Bureau Federation; Texas Department of Agriculture; California Department of Food and Agriculture; Montana Wool Growers Association; Montana Stockgrowers' Association; Congressman W. R. Poage; and Texas and Southwestern Cattle Raisers Association.

some extent, the rulings of the Administrative Law Judge. In support of these assertions of prejudice, EDF et al. set forth several examples, including (1) the late admission of certain parties opposed to EDF et al. (i.e. the States of Oregon, Wyoming, Nevada, and Colorado, and the M-44 Safety Predator Control Company); (2) the failure to define adequately the issues and the scope of the hearing, resulting in the admission of irrelevant material; (3) interference with direct examination, by denial of sufficient time to prepare; (4) interference with effective cross-examination, by denial of sufficient opportunity to review opposing documents and by other means; (5) adherence to an impossibly short briefing schedule; (6) infirmities in the evidence admitted on the record; and (7) the unexplained departure from time requirements usually associated with FIFRA cancellation and suspension hearings.

I have examined each of these assertions of prejudice to the opponents of registration and have concluded that the expedited hearing in this proceeding was justified and was conducted without prejudice to any of the parties.

The justification for a expedited hearing in this matter is found both in the law and regulations applicable to registration under FIFRA and the facts relating to this particular proceeding. The July 11, 1975 notice of hearing on the FWS application included an initial determination, pursuant to the requirements of 40 CFR Part 164, Subpart D, that: "there exists substantial new evidence which may materially affect the prior Order with respect to use of sodium cyanide in the M-44 device and accordingly reconsideration of the 1972 EPA Order is warranted."

Once having made this initial determination, the Administrator is then required by the Subpart D regulations to convene a hearing to determine whether such "substantial new evidence" does in fact exist and whether such evidence requires modification of the 1972 EPA Order.

The expedited nature of the hearing is fully justified by the seriousness of the situation confronting those who have asserted severe economic losses in livestock population due to wild canine predators. It is a matter of public record that the seriousness of this situation has been brought increasingly to the attention of the President, the Department of the Interior, and the Congress, as well as this Agency, state agencies, and the public generally, over the past several months. While it would be inappropriate to give weight in this proceeding to representations made to other individuals or bodies, or to consider actions others have taken or may take to redress particular grievances expressed outside the record of this proceeding, it is clear that prompt action on the July 7 FWS application and the other applications is in the public interest.

I am aware that prompt action, however meritorious, cannot be justified at the expense of due process of law. In assessing the contentions of EDF et al., however, I find no basis for concluding that the rules and procedures employed in this proceeding are lacking in fundamental fairness as applied to any of the parties. The special rules of procedure governing this proceeding were adopted on July 31, 1975, following the first prehearing conference on July 30. Supplemental rules of procedure were adopted following the August 7 second prehearing conference. At least 5 days in advance of the hearing, all the parties were fully apprised of what the governing rules would be. It is unquestionable that the special rules of procedure reflect the exigencies of the hearing schedule set out in the July 11 notice. It is another matter, however, to conclude that such procedures are lacking in fairness, simply because they "compress" the time available for preparation. Moreover, the record of the hearing reveals that the opponents of registration were provided ample opportunity to cross-examine, rebut, and contradict the testimony offered by the proponents for registration at the hearing.

I find no basis on the record to sustain any of the objections made by EDF et al. relating to prejudice or unfairness in the procedures governing the hearing, the rulings of the Administrative Law Judge on evidentiary matters, or the expedited nature of the hearing itself. To the extent not otherwise addressed herein, the determinations made in the initial decision relating to these objections are affirmed.

B. PREJUDICIAL REFUSAL TO ALLOW SUBPOENA OF EPA OFFICIAL

EDF et al. contend that the Administrative Law Judge improperly refused to permit EDF to subpoena an EPA official who purportedly told certain other persons, prior to the hearing, that EPA "had already decided to register the M-44 due to political pressure and that the hearings were merely window dressing."

I agree with the conclusion of the Administrative Law Judge that any such gratuitous statements by EPA officials have no relevance in this proceeding. The Administrative Law Judge, as the initial trier-of-fact, and the Administrator, as the final decision-maker, are the only two persons in this Agency competent to announce when and how any decision is made in this proceeding.

C. FAILURE TO FILE AN ENVIRONMENTAL IMPACT STATEMENT

EDF et al. have asserted that section 102 of the National Environmental Policy Act ("NEPA") requires the filing of an Environmental Impact Statement ("EIS") prior to the rendering of a final decision in this proceeding. They contend that EPA regulations pertaining to the preparation of voluntary EIS's (39 FR 37419, October 21, 1974) specifically provide for the preparation of EIS's in connection with adjudicatory hearings under sections 6(b) (1) and (2) of FIFRA, whenever it is determined that such action will significantly affect the quality of the human environment (even though expedited suspension hearings under section 6(c) are excluded from these requirements). EDF et al. also cite a recent decision of the Federal District Court for Wyoming requiring the filing of an EIS prior to the cancellation or suspension of predator control poisons and reason that the same result should apply in any proceeding involving the possible reregistration of a predator control poison.

I do not interpret NEPA or EPA's regulations as requiring the preparation of an EIS in connection with this proceeding. The voluntary EIS policy and regulations of EPA clearly contemplate the exercise of judgment and discretion by the Agency in determining the need for an EIS in a particular matter. I have concluded that the action embodied in this decision does not represent a major action which significantly affects the quality of the human environment. Moreover, I believe there is a reasonable basis to conclude that the data and information assembled as a result of the experimental use permits, together with the information and data developed in this proceeding, might well constitute the functional equivalent of an EIS if NEPA or EPA regulations were interpreted to require an EIS in this matter.

D. VIOLATION OF EXECUTIVE ORDER 11870

EDF et al. contend that the subject applications for use of sodium cyanide in the M-44 device are contrary to the letter and spirit of Executive Order 11870, issued by the President on July 18, 1975. Executive Order 11870 provides for the experimental use, for a period of one year, of sodium cyanide to control coyote and other predatory mammal or bird damage to livestock on Federal lands or in Federal programs (section 3(c)) and for the emergency use of a chemical toxicant for the purpose of killing predatory mammals or birds on Federal lands under certain conditions (section 3(b)). The three separate criteria for authorizing an emergency use of a chemical toxicant are that such use is essential to: (1) protect human health or safety; (2) preserve wildlife species threatened or likely to become threatened with extinction; or (3) prevent substantial irretrievable damage to nationally significant natural sources.

The Administrative Law Judge concluded that this proceeding falls within the "emergency use" provision of Executive Order 11870 and found that the required consultation among the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of EPA had been met in this proceeding.

Executive Order 11870, in effect, recognizes the legitimacy of the experimental use permit program commenced by EPA on February 1, 1974, and provides for the extension of that program, if necessary, on Federal lands. The legality of an experimental use permit to the State of Texas had been challenged and upheld by a Federal District Court.[6]

In contradistinction of the conclusion of the Administrative Law Judge, I do find it necessary in this proceeding to finally resolve the issue of whether or not this proceeding conforms with the letter of Executive Order 11870. I am convinced that this proceeding does not violate the spirit of the Executive Order. Certainly, any final determination of this Agency to authorize the use of sodium cyanide for predator control must conform to the terms of an applicable Presidential Executive Order, at least insofar as use is authorized on Federal lands. It should be noted that any registered use of sodium cyanide on non-Federal lands would not be affected by the Executive Order. The outcome of this proceeding, however, is not to reach a final determination on registration of sodium cyanide for use in the M-44, but rather a determination of whether the 1972 EPA Order should be modified to permit the registration of sodium cyanide in accordance with FIFRA. To the extent the 1972 Order is modified as a result of this proceeding, I will recommend to the President that Executive Order 11870 also be modified accordingly.

E. IMPERMISSIBLE SHORTCUTTING OF SECTION 3 OF FIFRA

EDF et al. contend that this proceeding is governed by the requirements of section 3 of FIFRA, which provides that the Administrator shall find, prior to registration, that the pesticide in question "will perform its intended function without unreasonable adverse effects on the environment; and • • • when used in accordance with widespread commonly recognized practice will not generally cause unreasonably adverse effects on the environment." They assert, further, that EPA's implementing regulations (40 FR 28242, July 3, 1975, effective August 4, 1975) set forth criteria for determining "unreasonable adverse effects" which, in their judgment, would prohibit the registration of sodium cyanide for use in the M-44.

The Administrative Law Judge noted, in response to this objection, that this proceeding is subject to section 18 of FIFRA, as well

[6] The Humane Society of the United States v. EPA, et al., (Civil Action No. 74-367, March 28, 1975).

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as section 3, and is governed by Subpart D of the rules of procedure (40 CFR 164.130) and the statement of issues in the July 11 notice.

The July 11 notice states:

"If the final determination of the Administrator results in a modification of the prior Order to permit the use requested by the applicant, then the application will be processed in accordance with the applicable regulations governing the registration of pesticides, subject, however, to the terms of the modified Order. If the prior Order is not modified, then the application will be denied."

The applicable regulations governing the registration of pesticides are the section 3 regulations which became effective on August 4, 1975. It is apparent that the requirements of section 3 were contemplated at the time the July 11 notice was issued, notwithstanding the applicability of section 18 and the delineation of issues for this proceeding contained in the July 11 notice.

The outcome of this proceeding should be and is a determination of whether the facts presented "require modification of the 1972 Order to permit the registration of sodium cyanide for use in the M-44 to control predators in accordance with FIFRA," rather than the ultimate question of whether the particular applications meet all the requirements for registration under FIFRA. Obviously, a modification of the 1972 Order permitting registration, as a result of this proceeding, determines many of the ultimate facts relating to registration as well.

CONSIDERATION OF THE ISSUES AND MERITS FOR RECOMMENDATION

A. THE ISSUES

The issues to be adjudicated in this proceeding are set forth in the July 11, 1975, notice of hearing (and restated in the initial decision of the Administrative Law Judge), as follows:

"[(a)] • • • whether the following constitute substantial new evidence:

1. Four of the seven specific findings concerning sodium cyanide in the 1972 Order were directly related to the issue of human safety. Based on the data gathered in accordance with the applicant's experimental use permit, sodium cyanide when used in the M-44 has been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 Order and which was known to cause injuries to humans.

2. Based on data derived from studies conducted subsequent to the 1972 Order and submitted by the applicant, use of sodium cyanide in the M-44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

3. In view of the data submitted by the applicant with respect to significantly reduced hazards to humans and the greater selectivity of sodium cyanide when used in the M-44, it is likely that proposed restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicant.

[(b)] • • • If such facts are determined to exist and to constitute new evidence, • • • whether such facts require modification of the 1972 Order to permit the registration of sodium cyanide for use in the M-44 to control predators in accordance with FIFRA."

Also stated as an "issue" by the Administrative Law Judge, but more appropriately identified as a "directive" of the July 11 notice, is the following:

"The determination of these issues shall be made taking into account the human and environmental risks found by the Administrator in the 1972 Order and the cumulative effective of all past and present uses, including the requested uses, and uses which may reasonably be anticipated as a result of a modification of the 1972 Order."

As noted previously, the July 11 notice included an initial determination that "the applicant has presented substantial new evidence with respect to sodium cyanide which may materially affect the 1972 Order." The July 11 notice also included the following initial determinations:

"• • • such evidence was not available to the Administrator at the time of the determination to cancel and suspend the registrations of sodium cyanide, and • • • such evidence could not, through the exercise of due diligence, have been discovered prior to the issuance of the 1972 Order."

The following review and discussion of the record of this proceeding, therefore, is to determine whether the facts stated in the July 11 notice as initial determinations do exist (i.e. are found in or are supported by the record); whether the facts stated in the July 11 notice constitute substantial new evidence; and whether such facts, if they do exist and constitute substantial new evidence, require modification of the 1972 Order. Finally, if the facts require modification of the 1972 Order, what should the terms of the modification be?

B. WHETHER THE FACTS STATED IN THE JULY 11 NOTICE DO EXIST

1. *Human safety.* The findings of fact in support of the 1972 Order with respect to sodium cyanide include four (4) findings relating to human safety:

"3. Persons overcome by hydrogen cyanide gas either die very rapidly from respiratory failure or recover completely within a relatively short time.

4. Ingestion of inhalation of a very low dose (as little as 200 micrograms per liter of air) may rapidly result in death.

5. There is no true effective antidote.

6. Recent data show four incidents involving cyanide compounds in fiscal year 1970 in three of which human beings were injured by the discharge of cyanide guns placed in fields. Only quick thinking on the part of all three victims in seeking immediate medical aid preventing any loss of life."

The July 11 notice includes the following statements regarding representations made by FWS in its application and data to be submitted at the hearing concerning human safety:

"2. Regarding hazards to humans and domestic animals:

a. Sodium cyanide is extremely toxic to a number of animals, including man. Low doses of sodium cyanide are acutely and rapidly toxic.

b. Prolonged exposure to hazardous concentrations of cyanide may result in chronic toxicity in man.

c. Cyanide is not a cumulative toxicant and probably would not be secondarily toxic.

d. Antidotal therapy for cyanide poisoning is available."

One of the primary reasons for the 1972 Order banning the use of sodium cyanide for predator control was the relatively high risk of injury to man. The "Human Coyote Getter," which is the devise addressed in the 1972 Order, employs an explosive charge to propel sodium cyanide into the mouths of canids upon activation. This device has been held responsible for some fourteen (14) documented human injuries during a period of 550,000 "getter-years" of use since 1959 by FWS. Human injuries and the human injury potential associated with the coyote-getter device led almost directly to the development of safer alternative devices. The M-44, which employs a spring-loaded ejection mechanism, is one alternative developed to reduce the human injury potential associated with an explosive charge.

FWS testimony indicates that there have been no human injuries associated with the M-44 in some 43,018 use-years by FWS. EDF et al.'s witness, Mr. Randall, testified that he was not aware of any human injuries resulting from the M-44, although he had observed accidential discharges of the device while being set.

The record supports a finding that the human injury risks associated with the mechanical operation of the M-44 are substantially less than with devices employing an explosive charge.

Risk of injury to humans also exists in the form of cyanide toxemia, which is present with both the coyote-getter and the M-44. The only apparent means to reduce this risk are through appropriate restrictions on and procedures for handling, location, and placement of the devices to minimize human exposure. These restrictions and procedures are discussed in detail later in this decision. It should suffice to state here that there is no evidence in the record which would indicate that, with appropriate restrictions and procedures for handling, location, placement, and warning signs, the risk of human injury from cyanide toxemia should preclude the judicious and proper use of the M-44 device.

One of the critical facts to consider in guarding against risk of any human injury, however infrequent, is the availability of an effective antidote to cyanide poisoning. Although the 1972 Order found that "no true effective antidote" exists, evidence in the record of this proceeding demonstrates that there is an effective antidote. FWS concedes that at least some of this evidence is not "new" since the 1972 Order, but correctly states that it cannot and should not be ignored simply because it is not new. The antidote consists of the inhalation of amyl nitrite (by breaking amyl nitrite pearls), followed by intravenous injections of sodium nitrite and sodium thiosulfate, all of which are contained in an antidote kit premixed in the correct proportions for administration to the patient. Appropriate restrictions, procedures, and instructions for the use of the antidote kit afford maximum assurance that in the event of cyanide poisoning the risk of human injury will be substantially reduced. These restrictions and procedures also are discussed later in this decision.

In reaching the foregoing conclusions concerning the risks of injury to humans, I do not want to leave the impression that all doubts and concerns have been removed. I am concerned about the accidental exposure to potential injury of operating personnel, even though these people will be trained and procedures are established to greatly reduce the risk. I am even more concerned about the possibility of involuntary exposure, where the public generally (and especially children) may happen upon a device and unknowingly or irresponsibly be attracted to it, even though precautions also are established to minimize this risk. I also have some question, based on the record of this proceeding, about the self-administration of antidote therapy in cases where assistance is not available. In spite of these doubts and reservations, however, I do not believe that they alone should preclude the use of sodium cyanide under properly controlled conditions.

2. *Selectivity of the M-44 device.* The findings of fact in support of the 1972 Order with respect to sodium cyanide include one (1) finding indirectly relating to selectivity:

"7. There is evidence that dogs have been subjected to poisoning by cyanide (used as outlined above [shells containing sodium cyanide placed in a baited explosive device]) which is highly toxic to all wildlife and domestic animals."

The July 11 notice includes the following statements regarding representations made by FWS in its application and data to be submitted at the hearing concerning selectivity:

"3. d. M-44's are highly selective for the target species and present a minimal hazard to non-target wildlife, except certain rare and endangered species.

e. Use of M-44's within the range of the San Joaquin Kit fox, red wolf, northern Rocky Mountain wolf, and eastern timber wolf constitutes a definite hazard and they therefore will not be used within the range of these species."

The other important reason (beyond human safety) for the 1972 Order banning the use of sodium cyanide for predator control was the hazard it presented to non-target species. While there is no evidence in the record showing specific incidences or statistics relating to non-target species taken with sodium cyanide devices prior to the 1972 Order, the record is clear on the point that species other than coyotes, red foxes, gray foxes, and feral dogs (target species for purposes of these applications) are vulnerable to the M-44 device. The issue raised by the July 11 notice, however, is not whether the M-44 is absolutely species-specific, but whether it is more selective than the explosive device (coyote-getter) and some other chemical and non-chemical predator control methods.

FWS submitted data for the purpose of showing that the M-44 device is more selective for coyotes than the coyote-getter (92.24 percent *v.* 76.93 percent), but on examination it was conceded that variations in population density, time and placement of control devices, and other conditons rendered the data inconclusive for comparative purposes. FWS submitted data obtained under its experimental use permit (issued May 28, 1974), indicating that during the first five months of use (June 1–October 31, 1974) target species (coyotes, foxes, and feral dogs) constituted 95 percent of the total take. During the following seven months (November 1, 1974–May 31, 1975), target species constituted 88 percent of the total take. Other testimony regarding FWS and Texas A&M University studies indicated that the M-44 is more selective than steel traps and equally as selective as shooting.

FWS provided testimony on the impact a reduction in the numbers of coyotes would have on other animal populations, which indicated there was some evidence that populations of smaller carnivores (skunks, raccoons, bobcats, badgers) probably would increase, but there was no evidence to suggest that the population of herbivores (rats, rabbits, mice) would increase. FWS also provided testimony that an FWS M-44 control program would not significantly affect the distribution or densities of coyotes in the western United States.

There is some evidence that selectivity decreases with the population of coyotes and with overuse of the M-44 device. These problems can be overcome to some extent by carefully controlled placement of the devices only in areas known to be frequented by target species and by prohibiting or restricting placement in areas frequented by non-target species, domestic animals, and threatened or endangered species. Restrictions and procedures applicable to placement of the M-44 devices are discussed later in this decision.

Based on the foregoing, there is sufficient evidence to conclude that the M-44 device is equally as selective or more selective than the explosive device and more selective than some other non-chemical predator control methods. I am compelled to state, however, that in view of the lack of conclusive comparative data, considerable emphasis must be placed on extreme care in the placement of M-44 devices and frequent, detailed monitoring of the various animal species in the areas where M-44 devices are placed.

3. *Restrictions.* The FWS application contains a number of proposed restrictions or conditions pertaining to the use of sodium cyanide in the M-44 device. Much of the testimony at the hearing and a good portion of the proposed findings and briefs, the initial decision, and the exceptions of the various parties, relates to restrictions to be applied if it is determined that the 1972 Order should be modified to permit registration of sodium cyanide for use in the M-44 device. The immediate issue, however, is whether the statement in the July 11 notice, that "it is likely that proposed restrictions on use, in addition to other restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicant" is supported by the record of this proceeding.

I find no basis on the record to review any of the restrictions contained in Appendix A to the initial decision of the Administrative Law Judge which have not been challenged or excepted to by the various parties to this proceeding. With respect to these restrictions, designated numbers 1, 3, 13, 17, 19, 20, 21, 23, and 26 in Appendix A of the initial decision, the record supports a determination that these restrictions, as set forth in the Order appended to this decision, can be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicants. The following discussion pertains to other restrictions set forth in Appendix A of the initial decision which have been challenged or which have been proposed as additional restrictions by various parties.

a. *Restriction #2.* FWS and the National Wool Growers et al. object to Restriction #2 of the initial decision, which states:

"The M-44 device shall be used only to take wild canids suspected of preying upon livestock and poultry."

FWS points out that it is required by law (7 U.S.C. 426) to control animals injurious to agriculture, wild game animals, etc., and to protect stock and other animals "through the suppression of rabies and tularemia in predatory or other wild animals," and, therefore, contends that sodium cyanide and the M-44 should be available for use to control wild canids preying upon wild game animals, agricultural crops, or carrying a communicable disease such as rabies, as well as those preying upon livestock and poultry. The National Wool Growers et al. suggest the same change.

The record of this proceeding deals almost entirely with predation related to livestock. I do not believe a reasonable basis exists to expand the permissible use to include protection of wild game animals or agricultural crops. Certainly, the M-44 device can and should be employed where necessary to control animals which are vectors of communicable diseases such as rabies.

b. *Restriction #4.* EDF et al. object to Restriction #4 of the initial decision, which states:

"The M-44 device shall only be used in instances where actual livestock losses due to predation by wild canids are occurring. M-44 devices may also be used prior to recurrence of seasonal depredation, but only when a chronic problem exists in a specific area. In each case, full documentation of livestock depredation, including evidence that such losses were caused by wild canids, will be required before application of the M-44 is undertaken."

EDF et al. object to the foregoing restriction to the extent that it would permit the prophylactic use of sodium cyanide and the M-44 to suppress target species populations. They assert that a mere reduction in coyote numbers does not necessarily mean a reduction in predation, and that prophylactic use would lead to excessive distribution, increasing the risk of accidents and other undesirable side effects.

This objection addresses one of the central problems associated with the use of any economic poison. As a matter of principle, I do not believe any poison should be used in the absence of a well-documented current need, particularly where some risk of injury to persons and other non-target animals exists. I see no justification for the use of the M-44 device solely as an insurance policy against whatever predator risks may occur in the future. At the same time, I recognize that "chronic" predator problems do exist in some areas, and that reasonable, anticipatory measures may be the most effective means to prevent a recurrence of seasonal depredation in these areas. In these cases, it is essential that the Federal and State agencies supervising the M-44 program exercise extreme care in reviewing the documentation of previous livestock depredation in the area.

In areas where "chronic" predator problems exist, it is reasonable to assume that documentation of losses caused by wild canids should be more complete (and easier to obtain) than in areas where predator problems are sporadic.

c. *Restriction #5.* FWS, the National Wool Growers et al., Wyoming, and EDF et al. object to Restriction #5, which states:

"The M-44 device shall not be used in: (1) National or State parks; (2) National or State Monuments; (3) Federally designed Wilderness areas; (4) Wildlife refuge areas; (5) Prairie dog towns; (6) Areas where exposure to the public and family pets is probable."

FWS objects to a restriction against the use of the M-44 device in wildlife refuge areas and prairie dog towns. As noted in the discussion relating to Restriction #2, FWS has a statutory responsibility to protect wild game animals from predators. FWS has sole jurisdiction over wildlife refuge areas and asserts that it can best determine whether or not to use the device in a particular refuge area. FWS also points out that the M-44 would not be used in any refuge area where threatened or endangered species might be adversely affected, as required in Restriction #6. FWS maintains that prairie dogs are not vulnerable to the M-44 device and are not a threatened or endangered species. Where an endangered species, such as the Black-footed ferret, does live in a prairie dog town, the M-44 would not be employed.

The National Wool Growers et al. object to a restriction against the use of the M-44 device in Federally designated wilderness areas, as well as wildlife refuge areas and prairie dog towns. They point out that wilderness areas often are used for livestock grazing. They also note that Restriction #6 and item (6) of Restriction #5 (above) adequately protect threatened or endangered species, the public and family pets.

The State of Wyoming objects to a restriction against the use of the M-44 device in prairie dog towns and National Parks and wilderness areas in Wyoming

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where licensed grazing of livestock is permitted by the federal government (specifically, Teton National Park and certain wilderness areas). Wyoming also notes that prairie dogs are not attracted to the M–44 and that only one species of prairie dog (the Utah prairie dog) is on the list of endangered species.

Wyoming contends that the record does not support a finding that the endangered Black-footed ferret inhabits prairie dog towns. Wyoming asserts that Restriction #6 adequately protects the Utah prairie dog and the Black-footed ferret.

EDF et al. recommend that a restriction against the use of the M–44 device be extended to national forests and recreation areas. They assert that although some national forest lands may be used for grazing, they are predominantly and increasingly important multiple public use lands where sheep and coyotes are seldom found. EDF et al. also recommend that use of the M–44 in any forest area be prohibited, due to the likelihood of accidental take of bears.

I am unable to find sufficient justification in the record for eliminating any of the areas of prohibited use of the M–44 as set forth in Restriction #5 (above). Moreover, I concur with the recommendation of EDF et al. to the extent that recreational areas within national forests and on other Federal lands should be included among the areas where use of the M–44 device is absolutely prohibited.

d. *Restriction # 6.* The States of Wyoming and Oregon[7] object to Restriction #6 of the initial decision, which states:

"The M–44 shall not be used in areas where threatened or endangered species might be adversely affected. Each applicator shall adsued a map which clearly indicates such areas."

Wyoming objects to this restriction to the extent that it prohibits the use of the M–44 in areas where threatened or endangered plants (also protected by The Endangered Species Act of 1973, 16 U.S.C.A. 1531–33, 1541) exist, asserting that such a restriction is unneeded and meaningless.

I believe the record supports limiting this restriction to threatened or endangered "animal" species.

e. *Restriction #7.* FWS and the National Wool Growers et al. object to Restriction #7 of the initial decision, which states:

"The M–44 device shall not be placed within 200 feet of any lake, stream, or other body of water."

FWS and the National Wool Growers et al. recommend that this restriction be modified to permit the use of the M–44 device near certain bodies of water (such as natural depressions in the land that fill with water after a rainfall) rather than prohibit all such placements. They assert that such placements might be desirable for setting M–44's at draw stations (livestock carcasses).

It is my understanding that this restriction is necessary to prevent exposure to persons and non-target species who might frequent bodies of water more often than other less "attractive" locations. As such, I believe the restriction contemplates more or less "permanent" bodies of water, as opposed to areas which catch and hold rainfall only for short periods of time. Intermittent streams or lakes and ponds containing water only during certain times of the year for purposes of this restriction would be considered "permanent" bodies of water. Other natural depressions holding rainfall only for short periods of time would not be considered "bodies of water."

f. *Restriction #8.* The National Wool Growers et al. and Oregon object to Restriction #8 of the initial decision, which states:

"The M–44 device shall not be placed in areas where food crops are planted."

The National Wool Growers et al. and Oregon contend that the placement of M–44's adjacent to croplands and crop-aftermath areas (harvested fields) is vitally important to effective predator control. Oregon notes that timbered areas inhabitated by coyotes are interspersed with cropland in many areas of western Oregon. They also point out that livestock often graze in areas adjacent to crops (both those for human consumption and for other uses) and in sugar beet and corn fields that have been harvested. They contend that placement in and near these areas would result in little, if any, risk to humans, since sodium cyanide dissipates rapidly in soil. Trained operators, they believe, could avoid any placement that might result in contamination of human food supplies.

In the foregoing discussion of Restriction # 2, I concluded there was no basis in the record for extending the use of the M–44 to protect "agricultural crops," since that would encompass a rather large, undefined area of use. The purpose of this Restriction # 8 is not to protect crops, but to protect people who work in the fields and, in some cases, those people who eat food products from the fields. This restriction does not prohibit placement in areas adjacent to the fields, which are less likely to result in human exposure to injury. I find no basis for modifying this restriction.

g. *Restriction # 9.* FWS, the National Wool Growers et al., and EDF et al. object to Restriction # 9, which states:

"M–44 devices shall not be placed within 50 feet of public rights of way."

FWS and the National Wool Growers et al. propose that this restriction be modified to include a definition of "public rights of way" as meaning "county, state, or federally maintained roads for use by the public, during seasons of evident public use."

EDF et al. recommend that the M–44 devices "be placed totally out of the sight of roads," where hunters and curious or unsuspecting people making use of recreational areas would be less likely to encounter them. They also posted in public places for the benefit of suggest that M–44 deployment maps be recreationalists who wish to avoid the devices.

I do not find any justification for excluding public roads or paths of any kind from this restriction. Devices visible from such roads and pathways may unduly attract people and animals. For whatever inconvenience it may be to trappers (field personnel of FWS and state agencies) to set the devices at more remote locations, the extra measure of safety to persons and domestic animals using public roads and pathways is fully justified. In some instances, a safe distance may be more than 50 feet, to be out of sight from a public road or pathway.

h. *Restriction #10.* EDF et al. object to Restriction #10 of the initial decision, which states:

"The maximum density of M–44's placed in any 100 acre pastureland area shall not exceed 10; and the density in any one square mile of open range shall not exceed 12.

Without asserting an alternative maximum density number, EDF et al. suggest that the maximum density numbers in this restriction are too high. They point out that the higher the density the more likely are accidents and the taking of non-target species. It is apparent also that the higher the density the greater the task of inspecting and servicing the devices.

FWS and the State of Montana have proposed even higher densities than those contained in the above restriction (up to 30 devices per square mile in the case of FWS).

I find no basis on the record to lower or raise the 100 acre and one square mile maximum density numbers set forth in this restriction.

i. *Restriction #11.* FWS and the National Wool Growers et al. object to Restriction #11 of the initial decision, which states:

"The M–44 device may be placed in the vicinity of draw stations (livestock carcasses): *Provided*, That no M–44 device shall be placed within 30 feet of a carcass; no more than 4 M–44 devices shall be placed per draw station; and no more than 3 draw stations shall be operated per square mile."

FWS and the National Wool Growers et al. see no need for restrictions on the number of M–44 devices per draw station and the number of draw stations per square mile.

I see no need to permit the use of a "mine field" strategy for predator control, and therefore believe a reasonable limitation on the number of devices and draw stations is appropriate.

j. *Restriction # 12.* FWS, Oregon, and the National Wool Growers et al. object to Restriction #12 of the initial decision, which states:

"M–44 devices shall be inspected at least once a week to check for interference or unusual conditions and shall be serviced as required."

FWS, Oregon, and the National Wool Growers et al. propose that this restriction be modified to exempt weekly inspection and servicing when "weather or other adverse conditions" make the area inaccessible.

Obviously, there may be occasions when severe weather conditions inhibit or preclude travel to remote areas. The only other adverse conditions that come to mind are when all the trained personnel are ill or all the vehicles are out of service. I believe such eventualities might justify missing an occasional weekly inspection, but I do not believe they need to be specifically set forth in the above restriction as exemptions. Nor do I think it would be appropriate to include a rather open-ended exemption for any "other adverse conditions," which would be subject to abuse.

k. *Restriction #14.* FWS, the National Wool Growers et al., Montana, Oregon, and EDF et al. object to Restriction #14 of the initial decision, which states:

"An M–44 device shall be removed from an area if, after 30 days, there is no sign that a target predator has visited the site."

FWS and Montana suggest that the decision on whether or not to remove an M–44 device be left to the judgment of the applicator who, on the basis of experience, can best determine whether a change of location, change of scent, removal of the device, or no change is appropriate.

FWS, the National Wool Growers et al. and Montana, propose that removal of the M–44 device be required within 30 days after "cessation of losses," rather than 30 days after there is no sign of predator visitation at the site. They point out that signs of predator visitation (usually tracks) are difficult or impossible to discern in rocky or frozen areas, and that tracks can be washed away by rain or covered with snow.

It should be noted that Respondent EPA has indicated that they have no objection to modification of this restriction in accordance with Montana's request. They point out that the weekly inspection requirement, together with the suggested modification, would accomplish the objective of removing devices which are no longer needed.

The purpose of this restriction is to insure a continuing assessment of the need for specific M–44 devices and thereby insure the removal of any and all devices where the need cannot be demonstrated. The record amply demonstrates that the "need" for the devices is to prevent losses of livestock due to predators, and not simply to reduce or eliminate the presence of predators. If there are signs of predator visitation and livestock losses in the area due to predators are demonstrated, obviously the devices should not be removed. If there are no signs of predator visitation, yet livestock losses in the area due to predators are demonstrated, then it seems equally obvious that the devices should not be removed. If there are no signs of predator visitation and no livestock losses due to predators are demonstrated, clearly the devices should be removed. If there are signs of predator visitation but no livestock losses in the area due to predators are demonstrated, the devices should be removed. Thus, it seems to me, the test for whether or not to remove the devices should be the cessation of losses due to target predators in the area, and not the mere indication of predator visitation.

l. *Restriction #16.* FWS, Oregon, and the National Wool Growers *et al.* object to Restriction #16 of the initial decision, which states:

"In all areas where the use of the M–44 device is anticipated, local hospitals, doctors, and clinics shall be notified of the intended use, and informed of the antidotal and first-aid measures required for treatment of cyanide poisoning."

FWS and the National Wool Growers et al. contend that it should be sufficient to notify the poison control center (in those areas where there is one) or the local medical society, rather than all the individual hospitals, doctors, and clinics. Hospitals, doctors, and clinics would have access to information through these sources.

I find no basis to disagree with the contention, at least with respect to those areas where a poison control center or a local medical society exists and can perform the function of notifying hospitals, doctors, and clinics of the needed information. Every effort must be made to insure that a bulletin or notice is issued or made available to local hospitals, doctors, and clinics, whether by a poison control center, local medical society, or under other auspices. In areas where a poison control center, local medical society, or other appropriate body does not exist or cannot perform this function, the registrant must assume and carry out that responsibility.

m. *Restriction #18.* EDF et al. object to Restriction #18 of the initial decision, which states:

"Registrations for sodium cyanide M–44 capsules may be granted to persons other than State and Federal agencies: *Provided*, That such persons shall be authorized to sell said capsules only to State and Federal registrants. Only State and Federal registrants shall be permited to sell, give, or otherwise distribute capsules to individual applicators. Such State or Federal registrants of sodium cyanide M–44 capsules shall be responsible for insuring that the restrictions set forth herein are observed by individual applicators to whom such registrants sell or distribute such capsules and/or M–44 devices. State and Federal registrants shall train applicators, and such training shall include, but need not be limited to: (1) Training in safe handling and placement of the device; (2) Training in the proper use of the antidote kit; (3) Instructions regarding proper placement of the device; and (4) Instructions in recordkeeping."

EDF et al. propose that this restriction be changed to prohibit the use of sodium cyanide M–44 capsules by private applicators. They contend that the record contains substantial evidence that private applicators cannot adequately perform the necessary functions involved in carrying out an M–44 predator control program as well as trained professionals, even with the training contemplated in the above restriction. They suggest that the States of Wyoming and Montana have conceded the difficulties involved in licensing and controlling private use, and note that Oregon proposes to use only licensed state employees. Of all the objections EDF et al. have asserted regarding the various restrictions set forth in the initial decision, they say "it is most important that this one be remedied."

I do not agree. I recognize that an M–44 program without effective and strict supervision and control over private applicators might be hazardous both in terms of human safety and ecological considerations. It is hard to imagine that this could happen, however, with all the restrictions on use and other requirements being imposed. The best way to be sure that it will not happen (within the bounds of strict regulation, at least) is to minimize opportunities for misuse or abuse.

The need for predator control must be based on a scientific assessment and understanding of predator-prey relationships, and cannot be assumed by the mere presence of an adverse economic risk. This assessment and understanding can best be performed and accomplished through the strict supervision and control of expert State and Federal agencies. Yet, I realize that restricting the M–44 program exclusively to State and Federal employees would impose substantial burdens on these government agencies, and might reduce the overall effectiveness of the program. Some potential registrants may choose to operate an M–44 program solely with government employees to maintain the desired degree of control. Others may find such an approach unworkable. In the latter cases, I believe the requirements for training private applicators and supervision by State and Federal registrants will substantially reduce opportunities for misuse and abuse.

EDF et al. have urged that the proper resolution of this proceeding should be to extend the M–44 device experimental use program. Executive Order 11870, issued on July 18, 1975, contemplates and authorizes extended experimental use programs for sodium cyanide. While this Decision goes beyond an experimental program by modifying the 1972 EPA Order to permit the registration of sodium cyanide for use in the M–44 device, by maintaining governmental control it incorporates many of the desirable features of an experimental program.

n. *Restriction #22.* FWS, the National Wool Growers et al., Montana, Oregon, and EDF et al. object to Restriction #22 of the initial decision, which states:

"Each authorized M–44 applicator shall carry an antidote kit on his person when placing and/or inspecting M–44 devices. The kit shall contain instructions on their use. The kit may also contain sodium nitrite and sodium thiosulfate."

FWS and the National Wool Growers et al. propose that the number of amyl nitrite pearls required to be carried in the antidote kit be reduced to five (5). They also suggest that each applicator be required to have additional pearls of amyl nitrite available in his vehicle.

Montana proposes that the number of amyl nitrite pearls required to be carried in the antidote kit be reduced to six (6).

With respect to both of the foregoing proposals, the contention put forward is that any more than five or six pearls of amyl nitrite would be too bulky to fit into a pocket or otherwise be carried conveniently. They also point out that the record shows that no more than five (5) pearls should be inhaled following any exposure to sodium cyanide.

It should be noted that Respondent EPA has indicated that they have no objection to reducing the number of amyl nitrite pearls to not less than six (6).

EDF et al. object to the omission of a mandatory requirement that sodium nitrite and sodium thiosulphate be included in the antidote kit. They refer to evidence in the record indicating that these two substances are integral parts of the antidote kit.

In view of the foregoing, I can find no basis for requiring that more than six (6) pearls of amyl nitrite be included in the antidote kit. I also agree with FWS and the National Wool Growers et al. that additional pearls should be available in the applicator's vehicle.

My understanding of the record conforms with that of EDF et al. on the need to include, as well, sodium nitrite and sodium thiosulphate in the antidote kit.

o. *Restriction #24.* EDF et al. object to Restriction # 24 of the initial decision, which states:

"Supervisors shall periodically check the records, signs, and devices of each applicator to verify that all applicable restrictions, laws, and regulations are being strictly followed."

EDF et al. propose that mandatory supervision of applicators be carried out at least once a year. They point out testimony of Montana which indicates that because of personnel shortages they were not able to supervise users of M–44's even once a year.

While some supervision should be carried out on a continuing basis, I agree that at least annually a detailed and thorough check of all records, signs, and devices of each applicator should be required.

p. *Restriction #25.* EDF et al. propose an addition to Restriction #25 of the initial decision, which states:

"In areas where more than one governmental agency is authorized to place M–44 devices, the agencies shall exchange placement information and other relevant facts to insure that the maximum number of M–44's allowed is not exceeded."

The proposed addition is that if private use of M–44 devices is permitted, coordination with other private and public users should be required. Since individual applicators are required to report the location of all devices to the supervising government agency, this information should be available to all such agencies.

With respect to the foregoing restrictions which have been challenged or excepted to by the parties to this proceeding, the record supports a determination that these restrictions, as modified and set forth in the Order appended to this decision, can be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicants.

4. *Other considerations.* To the extent they are not specifically dealt with herein and are not inconsistent with the findings and conclusions of this Decision, the "Findings of Fact" set forth in the initial decision of the Administrative Law Judge are incorporated herein by reference as a part of the findings in support of this Decision.[8]

The July 11, 1975, notice of hearing requires that:

"The determination of these issues shall be made taking into account the human and

[7] Through inadvertence or oversight, the State of Oregon did not receive a copy of the initial decision until September 10, 1975. The State, therefore, did not have an adequate opportunity to review the initial decision and file timely exceptions thereto. I have permitted Oregon to note their exceptions, however, which are contained in a telex message received on September 12 from the Oregon Department of Agriculture. Oregon's objections, accordingly, are noted herein.

[8] The Initial Decision is appended hereto as Appendix B.

V 40 1189 SEP 29 75 XUM

environmental risks found by the Administrator in the 1972 Order and the cumulative effect of all past and present uses, including the requested use, and uses which may reasonably be anticipated as a result of a modification of the 1972 Order."

The 1972 Order was based in large measure on the report of an advisory committee established by the Secretary of the Interior to review the status of registrations for cyanide (among other toxicants) for use in predator control (the "Cain Report"). The Cain Report pointed out the extreme toxicity of cyanide, its non-selectivity, and the potential impact on the environment which "is increased by secondary hazard, an accumulation in the animals and combined characteristics of chemical stability and solubility in water." The Cain Report also noted, however, that if toxicants were consistently applied under field conditions with meticulous care, it is possible undesirable side-effects might be avoided.

The 1972 EPA action suspending cyanide stressed, in particular, the effects of indiscriminate, unsupervised baiting of the coyote-getter device, citing the threat of the bait itself to non-target species and the threat of predator carcasses to other prairie animal life through secondary poisoning.

The 1972 EPA action, again citing the Cain Report, also stressed the absence of "any meaningful data of benefits derived from the use of these highly dangerous poisons which pose a marked potential threat to the environment." The "degree of toxicity" and the "pattern of use" were considered sufficient to warrant suspension, particularly in the absence of countervailing benefits, the availability of alternative methods of controlling predators, and the little, if any, effect removal from the market would have on human health or the supply of a staple foodstuff.

The human risks associated with the M-44 device have been discussed previously, and it has been determined that they are substantially less with the M-44 device than with the coyote-getter. The environmental of ecological risks also have been discussed in relation to non-target animal species. It should suffice to add here that the risk to the environment posed by the M-44 also appears to be substantially less than with the coyote-getter, particularly in view of the many restrictions on use being imposed. Indiscriminate and unsupervised baiting will not be permitted. These and other restrictions will be enforced and sanctions against abuse will be applied.

To the extent that the July 11 notice contemplated a review of the "accumulative" effects of cyanide, there is evidence in the record to support a finding that sodium cyanide in the M-44 device will not cause secondary poisoning of non-target animal species feeding on the carcasses of predators taken with the M-44 device.

Thus, although the "degree of toxicity" of cyanide remains as found in the 1972 Order, to the extent the Order was based on "pattern of use" and secondary poisoning effects, it is determined that substantial new evidence indicates that both of these findings do not exist in the case of the M-44 device.

The cumulative effect of all past and present uses of cyanide, including the requested use and uses which may reasonably be anticipated as a result of a modification of the 1972 Order is speculative both in terms of risks and benefits. The record does not support a clear finding on this point. However, in view of the restrictions being imposed on use, it can be stated that the potential adverse effects will be substantially less than those which might have been found if the pattern of use during pre-1972 years had continued or were to be resumed. Moreover, I believe that advancements in our knowledge of the relevant ecosystems already documented since 1972, together with knowledge to be gained hereafter, will show that any potential adverse cumulative effects of the use of sodium cyanide will not be harmful to the environment. The requirements herein relating to careful monitoring and record-keeping are designed to supply much of the information necessary to assess continuously the need for sodium cyanide to control predators.

C. WHETHER THE FACTS STATED IN THE JULY 11 NOTICE CONSTITUTE "SUBSTANTIAL NEW EVIDENCE"?

As noted previously, this proceeding is being conducted pursuant to Subpart D of the EPA rules of procedure (40 CFR Part 164), which requires that the Administrator determine whether there is "substantial new evidence" which may materially affect the 1972 EPA Order. The findings set forth in section B above, based on the record of this proceeding, indicate that the facts set forth in the July 11 notice do exist. The question to be answered here is whether these facts constitute substantial evidence and new evidence which may materially affect the 1972 Order.

1. *New Evidence.* EDF *et al.* object strenuously to the implication which they perceive in the initial decision of the Administrative Law Judge that "since the M-44 had not been registered with the Agency in 1972, that all evidence concerning it was new." This implied interpretation of the law and facts was argued specifically by FWS in its August 21, 1975, post-hearing brief, wherein it is stated that "all evidence pertaining to the M-44 should be considered 'new' since it was not relevant to the 1972 proceeding, and therefore was not available to the Administrator, and could not have been brought to the attention of the Administrator within the context of 40 CFR 164.131(a) had the Service requested a hearing and participated in the 1972 deregistration proceeding." FWS states, as a Proposed Finding of Fact submitted with its August 21 brief, that "All the literature (exclusive of that related to antidote) presented by the Service as exhibits in this proceeding was published subsequent to the March 9, 1972 Order."

It is abundantly clear from the record of this proceeding that considerable information and data generated by FWS and the various state agencies and universities since the 1972 Order now exists as a result of the M-44 experimental use permit program which began in February 1974.

While it is true that much information about the M-44 device existed at the time of the 1972 Order, it is inescapable that the primary thrust of the 1972 Order concerned the explosive coyote-getter. It is clear from the Findings of Fact supporting the 1972 Order that human injury risks associated with the explosive device were of paramount importance at that time. FWS has argued that it did not contest the 1972 Order because of the pre-existing Executive Order and because the M-44 device was not registered or in issue at that time. I believe it is fallacious to argue, as EDF et al. do, that because some information concerning the M-44 existed in 1971 and 1972 it cannot now be considered "new" information in light of the current proceeding. It is "new" in the context of this proceeding, and it is more than adequately supplemented by post-1972 information and data which is "new" by any standard.

The record supports a finding that the facts determined in the preceding section B of this decision constitute new evidence which materially affects the 1972 Order.

2. *Substantial evidence.* EDF et al. assert that the evidence about the M-44 presented at the hearing "was not substantial."

As a general matter, one would always like to have more information and data before taking any action affecting man and the environment, and it is particularly so when potential risks of injury or death to persons or animals are involved. I do not consider these risks lightly and would not take this action unless I believed these risks were minimal. Practically every method of predator control I am aware of involves some risk. Hunting and trapping accidents involving people (EDF et al.'s witness, Mr. Randall, apparently was involved in an airplane accident on a coyote hunt) and the taking of non-target animals are documented with respect to many other methods. Certainly, some methods, such as better "shepherding" of the flocks, are relatively non-hazardous. But these relatively non-hazardous methods are not totally satisfactory by themselves.

I am persuaded by the testimony adduced at the hearing and contained in the record of this proceeding (as determined in section B above) that substantial evidence relating to human safety, selectivity, and necessary restrictions pertaining to the use of sodium cyanide in the M-44 device exists and materially effects the 1972 Order.

D. WHETHER THE SUBSTANTIAL NEW EVIDENCE REQUIRES MODIFICATION OF THE 1972 EPA ORDER?

Subpart D of the Rules of Procedure requires that, upon a finding of substantial new evidence, the Administrator must determine whether such evidence requires reversal or modification of the prior Order.

I am persuaded by the evidence presented in this proceeding that the 1972 Order cancelling and suspending all uses of sodium cyanide should be modified to permit the registration of sodium cyanide capsules for use in the M-44 device for the purpose of controlling certain wild canid predators.

The appended Order of the Administrator, dated September 16, 1975, supersedes and modifies the EPA Order dated March 9, 1972 and sets forth the requirements and restrictions which shall apply, as of the effective date thereof, to the registration of sodium cyanide capsules for use in the M-44 device pursuant to applications for registration filed in accordance with the requirements of section 3 of FIFRA.

Dated: September 16, 1975.

RUSSELL E. TRAIN.

ORDER

Before the Administration, U.S. Environmental Protection Agency, Washington, D.C., In the matter of: applications to register sodium cyanide for use in the M-44 device to control predators, FIFRA Docket No. 382.

In accordance with the foregoing Decision of the Administrator, dated September 16, 1975, the Order of the Administrator dated March 9, 1972, cancelling and suspending the use of sodium cyanide for predator control is superseded and modified as set forth herein.

FINDINGS

The Order of March 9, 1972, as supported by certain Findings of Fact relating to "Cyanide" appended thereto (37 F.R. 5718, March 18, 1972), is superseded and modified in the following particulars:

1. Finding of Fact #1 is superseded as not being reflective of the current status of registration of products containing sodium cyanide for predator control.

2. Finding of Fact #5 is superseded as not being a correct statement of the current availability of a true effective antidote.

3. Findings of Fact #2, 3, 4, 6, and 7 are not affected or changed as a result of this proceeding.

4. Substantial new evidence exists to establish the following findings:

a. Four of the seven specific findings concerning sodium cyanide in the 1972 Order were directly related to the issue of human safety. Based on the data gathered in accordance with the applicants' experimental data use permits, sodium cyanide capsules when used in the M-44 have been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 Order and which was known to cause injuries to humans.

b. Based on data derived from studies conducted subsequent to the 1972 Order and submitted by the applicants, use of sodium cyanide capsules in the M-44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

c. In view of the data submitted by the applicants with respect to significantly reduced hazards to humans and the greater selectivity of sodium cyanide capsules when used in the M-44, it is likely that proposed restrictions on use, in addition to other restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicants.

5. The existence of the substantial new evidence set forth hereinbefore requires that the Order of March 9, 1972, be modified to permit the registration of sodium cyanide capsules for use in the M-44 device to control predators in accordance with Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 979, 7 U.S.C. 136a) ("FIFRA").

6. The findings set forth herein and in the Decision of the Administrator dated September 16, 1975, have been made taking into account the human and environmental risks found by the Administrator in the 1972 Order and the cumulative effect of all past and present uses, including the requested use, and uses which may reasonably be anticipated as a result of a modification of the 1972 Order.

CONCLUSION

Accordingly, insofar as the Order of March 9, 1972 relates to cancellation and suspension of sodium cyanide for use against mammalian predators, it is hereby revoked and superseded by this Order. The applications subject to this proceeding and any other applications for registration of sodium cyanide filed hereafter shall be processed forthwith in accordance with applicable law and regulations, subject to the restrictions set forth hereinafter.

RESTRICTIONS

A. *General.* 1. Use of the M-44 device shall conform to all applicable Federal, State, and local laws and regulations. (Initial Decision #1).[1]

2. Registrants and applicators shall be subject to such other regulations and restrictions as may be prescribed from time to time by the U.S. Environmental Protection Agency. (Initial Decision #26).

B. *Users.* 3. Registrations for sodium cyanide capsules to be used in the M-44 device may be granted to persons other than State and Federal agencies; provided, that such persons shall be authorized to sell sodium cyanide capsules only to State and Federal registrants. Only State and Federal registrants shall be permitted to sell, give, or distribute sodium cyanide capsules to individual applicators. State and Federal registrants may authorize or license private applicators to use the M-44 device pursuant to an approved plan for the certification of private applicators in accordance with Section 4 of FIFRA if such private applicators have completed the training program set forth herein. However, prior to the approval of such plans, State and Federal registrants may authorize or license private applicators to use the M-44 device, under State or Federal supervision and control, after the completion of the training program as set forth herein. Federal and State registrants shall train all individual applicators, and such training shall include, but need not be limited to: (1) Training in safe handling of the capsules and placement of the device; (2) Training in the proper use of the antidote kit; (3) Instructions regarding proper placement of the device; and (4) Instructions in recordkeeping. Federal and State registrants shall be responsible for insuring that the restrictions set forth herein are observed by all individual applicators to whom such registrants sell, give, or distribute sodium cyanide capsules and/or M-44 devices. (Initial Decision #18).

4. M-44 devices and sodium cyanide capsules shall not be sold or transferred to, or entrusted to the care of, any person not authorized or licensed by, or under the supervision or control of a Federal or State registrant. (Initial Decision # 20).

C. *Permissible uses.* 5. The M-44 device shall be used only to take wild canids suspected of preying upon livestock and poultry. (Initial Decision # 2).

6. The M-44 device shall not be used solely to take animals for the value of their fur. (Initial Decision # 3).

7. The M-44 device shall only be used in instances where actual livestock losses due to predation by wild canids are occurring or, based on documented prior experience indicating a recurring or seasonal predator problem in a specific area, where actual livestock losses due to wild canid predators can reasonably be expected to occur. In each case, full documentation of livestock depredation, including evidence that such losses were caused by wild canids, will be required before application of the M-44 is undertaken. (Initial Decision # 4).

D. *Prohibited uses.* 8. The M-44 device shall not be used in: (1) National or State Parks; (2) National or State Monuments; (3) Federally designated Wilderness areas; (4) Wildlife refuge areas; (5) Areas within national forests or other Federal lands specifically set aside for recreational use; (6) prairie dog towns; and (7) Areas where exposure to the public and family pets is probable. (Initial Decision # 5).

9. The M-44 device shall not be used in areas where threatened or endangered animal species might be adversely affected. Each applicator shall be issued a map which clearly indicates such areas. (Initial Decision #6).

E. *Placement of devices.* 10. One person other than the individual applicator shall have knowledge of the exact placement location of all M-44 devices in the field. (Initial Decision #23).

11. In areas where more than one governmental agency is authorized to place M-44 devices, the agencies shall exchange placement information and other relevant facts to insure that the maximum number of M-44 devices allowed is not exceeded. (Initial Decision #25).

12. The M-44 device shall not be placed within two hundred (200) feet of any lake, stream, or other body of water: *Provided*, That natural depression areas which catch and hold rainfall only for short periods of time shall not be considered "bodies of water" for purposes of this restriction. (Initial Decision #7).

13. The M-44 device shall not be placed in areas where food crops are planted. (Initial Decision #8).

14. The M-44 device shall be placed at least fifty (50) feet distance or at such greater distance from any public road or pathway as may be necessary to remove it from the sight of persons and domestic animals using any such public road or pathway. (Initial Decision #9).

15. The maximum density of M-44 devices in any 100 acre pastureland shall not exceed ten (10) and the maximum density in any one square mile of open range shall not exceed twelve (12). (Initial Decision #10).

16. The M-44 device may be placed in the vicinity of draw stations (livestock carcasses): *Provided*, That no M-44 device shall be placed within thirty (30) feet of a carcass; no more than four (4) M-44 devices shall be placed at any single draw station; and no more than three (3) draw stations shall be operated in any one square mile of area. (Initial Decision #11).

F. *Supervision, inspection, and removal of devices.* 17. Supervisors of applicators shall check the records, warning signs, and M-44 devices of each applicator at least once a year to verify that all applicable laws, regulations, and restrictions are being strictly followed. (Initial Decision #24).

18. Each M-44 device shall be inspected by the applicator at least once a week to check for interference or unusual conditions and shall be serviced as required. (Initial Decision #12).

19. Damaged or non-functional M-44 devices shall be removed from the field. (Initial Decision #15).

20. An M-44 device shall be removed from an area if, after thirty (30) days, there is an area if, after thirty (30) days, there is a cessation of losses due to target predators in the area. (Initial Decision #14).

G. *Safety precautions.* 21. All persons authorized to possess and use sodium cyanide capsules and M-44 devices shall store such capsules and devices under lock and key. (Initial Decision #21).

22. Used sodium cyanide capsules shall be disposed of by deep burial or at a proper landfill site. (Initial Decision #13).

23. Bilingual warning signs in English and Spanish shall be used in all areas containing M-44 devices. All such signs shall be removed when M-44 devices are removed.

a. Main entrances or commonly used access points to areas in which M-44 devices are set shall be posted with warning signs to alert the public to the toxic nature of the cyanide and to the danger to pets. Signs shall be inspected weekly to insure their continued presence and insure that they are conspicuous and legible.

b. An elevated sign shall be placed within six (6) feet of each individual M-44 device warning persons not to handle the device. (Initial Decision #17).

H. *Antidote protection.* 24. Each authorized or licensed applicator shall carry an antidote kit on his person when placing and/or inspecting M-44 devices. The kit shall contain at least six (6) pearls of amyl nitrite and the correct premixed proportions of sodium nitrite and sodium thiosulfate for intravenous injections, together with instructions on the use of each. (Initial Decision #22).

25. In all areas where the use of the M-44 device is anticipated, the poison control center (if there is one in the area) or the local medical society shall be notified of the intended use, and informed of the antidotal and first-aid measures required for treatment of cyanide poisoning: *Provided*, That if there is neither a poison control center nor a local medical society able to perform the function of notifying local hospitals, doctors, and clin-

[1] For purposes of convenience of comparison between this Order and the initial decision of the Administrative Law Judge dated August 29, 1975, corresponding restrictions set forth in the initial decision are cross-referenced herein.

V 40 I 189 SEP 29 75 XUM

ics of the aforementioned, it shall be the responsibility of the registrant to perform such function. (Initial Decision #16).

I. *Records.* 26. Each authorized or licensed M–44 applicator shall keep records dealing with the placement of the device and the results of each placement. Such records shall include, but need not be limited to:

a. The number of devices placed.
b. The location of each device placed.
c. The date of each placement, as well as the date of each inspection.
d. The number and location of devices which have been discharged and the apparent reason for each discharge.
e. The species of animal taken.
f. All accidents or injuries to humans or domestic animals. (Initial Decision #19).

Dated: September 16, 1975.

RUSSELL E. TRAIN,
Administrator.

APPENDIX A

ENVIRONMENTAL PROTECTION AGENCY,
PESTICIDES OFFICE,
Washington, D.C. 20250, March 9, 1972.

[FR Notice 72–2]

Pesticides Regulation Division

NOTICE TO MANUFACTURERS, FORMULATORS, DISTRIBUTORS AND REGISTRANTS OF ECONOMIC POISONS

Attention: Persons Responsible for Federal Registration of Economic Poisons

Suspension of Registration for Certain Products Containing Sodium Fluoroacetate (1080), Strychnine and Sodium Cyanide

I. Last spring, this Agency made a public commitment to review the status of registrations for strychnine, cyanide, and sodium fluoroacetate (1080), for use in prairie and rangeland areas for the purpose of predator and rodent control. This commitment grew out of grave concern surfaced by the reported deaths of some 2[illegible] eagles killed by the misuse of thallium sulfate.[1]

This same concern caused the Secretary of the Interior to initiate a thorough review of the government's federal predator control program. An advisory committee was appointed under the chairmanship of Dr. Stanley Cain, Director, Institute for Environmental Quality and Professor of Botany and Conservation at the University of Michigan. The report of that advisory committee was released earlier this month.

Aside from this Agency's review and the Cain findings, a detailed petition has been submitted to this Agency by several distinguished conservation groups urging that the registrations of these compounds be cancelled and suspended immediately. That petition invoked the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 135, section 2z(2)(c) which requires that an economic poison contain "directions for use which are necessary and if complied with, adequate to prevent injury to living man and other vertebrate animals * * *," and section 4c which allows the Administrator to initiate cancellation proceedings by ordering immediate suspension "when he finds that such action is necessary to prevent an imminent hazard to the public."[2]

Based on this Agency's review of the registration of sodium cyanide, strychnine, and 1080 in light of available evidence, I am persuaded that their registrations for predator uses should be suspended and cancelled.

II. The Cain group has dealt at length with the effects of the use of strychnine, cyanide, and 1080 for predator control. The report points out the extreme toxicity of these compounds, their non-selectivity, and their potential impact on the environment which "is increased by secondary hazard, accumulation, in the animal, and combined characteristics of chemical stability and solubility in water." This report reconfirms the findings of the Leopold Report (see [1], *supra*) that the predator control program took a heavy environmental toll.

Cyanide, strychnine, and 1080 are among the most toxic chemicals known to man. They act quickly, spreading through an entire animal crippling the central nervous system. These poisons are toxic not only to their targets but other animals and wildlife. All of these poisons have a similar pattern of use as unattended baits and are spread over vast areas of open prairie.

In the case of strychnine use against badgers, coyotes, and foxes, a tablet containing the poison is placed inside a one-inch ball or cube of bait material such as meat, lard or tallow. These baits are left along animal trails or near non-game carcasses. While instructions caution the user to cover the baits over with chips or brush to avoid ingestion by non-target animals, the Cain Report has suggested the inadequacy of such directions.[3]

The pattern for cyanide use differs little in pertinent respects. An explosive gun, a "coyote-getter," charged with cyanide is baited and driven into the ground. The gun is left unattended along the trail or range and is triggered when an animal pulls at the bait. In the case of 1080, carcasses of dead animals are laced with the substance and strewn to attract the predator.

Indiscriminate baiting over wide unpoliced areas poses two obvious and recognized threats to non-target animals that share the ranges as a natural habitat. The unsupervised bait is itself a potential killer of non-target range species. The threat, however, is compounded by the extremely high toxicity of these poisons, which can transform the predator carcass into a potential lethal killer of prairie animal life.

While the effects of prairie baiting are, for the most part, not documented, the Cain group has suggested the present evidence may well understate the true damage. It is appropriate to take administrative notice of the fact that isolated accidents involving wildlife are not apt to be reported. Isolated, even if routine and numerous, instances of secondary animal poisoning would not have the visibility of a wildlife "kill," nor is there apt to be an observer present as in the case of human mishap. The administrative process need not be blind to these realities. This Agency's Pesticides Registration Division has, moreover, reports of cases of alleged secondary and accidental poisoning, and recently range-use of 1080 has been suspected of killing birds, including some of our rare species.

Measured against these obvious threats to wildlife are only ill-defined and speculative benefits. The Cain Committee has noted the absence of any meaningful information on the efficacy of poison baiting, especially in relation to the economic loss caused by predators to the sheep industry. At least one state, Nevada, has estimated that the cost of predator control was ten times the value of livestock and poultry lost to predators.

This absence of any meaningful data of benefits derived from the use of these highly dangerous poisons which pose a marked potential threat to the environment renders these registrations suspect. It is now settled that the burden of proof rests on the poison. The report, moreover, specifically cites the greater selectivity of ground shooting, denning, and trapping, and the Department of the Interior is embarking on a study to determine other methods of control. Here, where it is known that alternative methods of control exist, the registrations must be seriously questioned.

III. In deciding whether or not these considerations justify suspension, it must be recognized that the concept of suspension is one that must evolve, and existing verbal tests are not readily translated into a decisive cue for action. The Federal Insecticide, Fungicide and Rodenticide Act, and the judicial and administrative constructions of it to date set forth only word formulas that establish a general attitude on suspension questions. Each situation must be scrutinized not only for what is involved, but also for what is not involved.

Turning to the verbal tests by which we must measure the use of these poisons, FIFRA provides that the Administrator of EPA "may, when he finds that such action is necessary to prevent an imminent hazard to the public, by order, suspend the registration of an economic poison immediately." "Public" is not to be viewed restrictively, and includes fish and wildlife, as has recently and forcefully been noted in an opinion of a federal court. See "EDF v. Ruckelshaus," 439 F.2d 584, at 597. Nor does "imminent" mean that we are on the "brink" and that the harm will occur tomorrow or has been documented.[4]

[1] This concern predates last summer. In 1963 the Secretary of Interior appointed an Advisory Board on Wildlife and Game Management chaired by Dr. Leopold of the University of California.

[2] Sponsors of the petition were: The Natural Resources Defense Council, Defenders of Wildlife, Friends of the Earth, The Humane Society of the United States, National Audubon Society, Inc., New York Zoological Society, the Sierra Club, and the National Parks and Conservation Association.

[3] According to the Cain Committee, if toxicants were consistently applied under field conditions with meticulous care, it is possible undesirable side-effects might be avoided. Draft at 131. However, the Committee concludes, "It appears that the necessary high standards are not likely to be attained." (Draft at 115) The Committee found no reliably precise data is available showing the degree of predator control achieved or the possible loss that might ensue without any program.

[4] "An 'imminent hazard' may be declared at any point in a chain of events which may ultimately result in harm to the public. It is not necessary that the final anticipated injury actually have occurred prior to the determination that an 'imminent hazard' exists." Reasons Underlying the Registration Decisions Concerning Products Containing DDT, 2,4,5-T, Aldrin and Dieldrin, at 6.

It is sufficient that reasonable men can conclude that action taken today will with reasonable certainty lead to a loss in the future and that loss will be irremediable and uncorrectable by subsequent action, and that the apparent benefits from using a chemical, pending the complete statutory review process, are outweighed by the possible harm of use during the period.[5] Or, as the matter was put in the Agency's DDT policy statement of March 18, 1971, the type, extent, probability and duration of such injury will be measured in light of the positive benefits accruing from use of the economic poison, for example, in human or animal disease control or food production.

Bearing these principles in mind, I am persuaded that a definite hazard exists. While the mere toxicity of poisons does not, under FIFRA, render them a hazard, their degree of toxicity and pattern of use may well do so. The unattended and unsupervised use of poisons over large areas of land, by definition, poses a hazard to non-target species. The fact that label instructions contain directions for placing the baits at times and in areas least likely to be populated by non-target species and for policing them, affords slight, if any comfort. This Agency has on prior occasions taken into account a "commonly recognized practice" of use (see In Re Hari Kari Lindane, I.F. & R. (Docket #6), and has noted that the likelihood of directions being followed may affect their adequacy (see In Re King Paint, 2 ERC 1819 (1970)); In Re Stearns, 2 ERC 1364 (1970).

The hazards from the pattern of use for these chemicals is not remote or off in the distant future. The prairies and ranges are populated by numerous animals, some of which are becoming rare. At jeopardy are potentially endangered species. Each death to that population is an irremediable loss and renders such species closer to extinction.

No apparent circumstances exist to counterbalance this distinct hazard and suggest that the possibility of irremediable loss is outweighed by the harm that might occur from their nonavailability during a period of suspension. The situation might well be different were the removal of these poisons from the market likely to affect human health or the supply of a staple foodstuff; or were there no apparent alternatives available, the balance might be differently struck. This, however, is not true.

I am hereby affixing findings of fact and an order suspending and cancelling these chemicals for use in predator control.

WILLIAM D. RUCKELSHAUS,
Administrator.

March 9, 1972.

FINDINGS OF FACT

CYANIDE

1. Two products in the form of shells containing sodium cyanide are currently registered for explosive devices designed to kill coyotes that may prey on sheep. The device is simply a cyanide charge placed in a baited cylinder and driven into the ground. When the animal pulls at the bait the charge explodes into its mouth. Only one of the shell products is registered for use by the general public. The Division of Wildlife Services of the Department of the Interior has probably been the largest user of such devices.

2. Sodium cyanide is a water soluble white solid which reacts with acids to form hydrogen cyanide gas. This chemical is among the most toxic and rapidly acting of all known poisons.

3. Persons overcome by gas either die very rapidly from respiratory failure or recover completely within a relatively short time.

4. Ingestion or inhalation of a very low dose (as little as 300 micrograms per litre of air) may rapidly result in death.

5. There is no true effective antidote.

6. Recent data show four incidents involving cyanide compounds in fiscal year 1970 in three of which human beings were injured by the discharge of cyanide guns placed in fields. Only quick thinking on the part of all three victims in seeking immediate medical aid prevented any loss of life.

7. There is evidence that dogs have been subjected to poisoning by cyanide (used as outlined above) which is highly toxic to all wildlife and domestic animals.

STRYCHNINE

8. Currently at least six products containing strychnine in tablet and technical powder form are registered for use in baits against coyotes and wolves.

9. The technical powder form is for reformulation and repackaging, and is for use only by professional pest control operators and government agencies.

10. The tablets are available on the open market.

11. Strychnine is an extremely bitter-tasting white crystal.

12. It is a complex, naturally occurring, organic compound which would probably bind to soil readily and decompose over a period of time, although information of the persistence of strychnine and its effect on the environment is somewhat limited.

13. Strychnine is highly toxic to humans and animals, with 30 mg. considered as a threat to the life of an adult man. Death has, however, been reported with as little as 5 to 10 mgs., and animal life may be acutely poisoned by ingestion of small amounts.

14. Strychnine acts by interfering with normal neural processes, causing exaggerated muscle contraction and violent convulsion. Death in a rather gruesome form due to respiratory failure soon follows unless the seizures are controlled.

15. There is no true effective antidote.

1080 (SODIUM FLUOROACETATE)

16. Four products containing 1080 are currently registered for use as mammalian predacides.

17. Use is restricted to areas west of the 100th meridian, and then only by Division of Wildlife Services personnel, or under their direct supervision.

18. 1080 is a white powder, soluble in water, very stable, and thus very persistent in ground water.

19. 1080 is highly toxic to all species. The dangerous dose for man is 0.5–2 mg/kg. The chemical acts rapidly upon the central nervous and cardiovascular systems with cardiac effects. Effect is usually too quick to permit treatment, and antidotes are relatively valueless.

20. According to one authority, prior to 1963 there were 13 proven fatal cases, five suspected deaths, and six non-fatal cases of 1080 poisoning in man, although it is not clear to what extent predator control materials were implicated.

21. There is evidence that a certain number of non-target animals are being adversely affected by 1080 products, particularly, in the case of carrion eating birds and mammals, by secondary poisoning. It is not clear, however, how various animal populations are being affected, although 1080 is thought to have contributed to the death of at least one California condor, an endangered species.

BENEFITS

22. There is no reliable data as to the amount of predator control achieved by the use of these poisons.

23. There is no reliable data as to the loss of sheep that might occur without a predator control program using these poisons, or of the real effect of such losses on the general economic health of the sheep industry. Certain data that are presently available indicate predator losses may in fact be of such a low magnitude as to be a minor part of total losses. The Cain Report suggests that among other reasons for the decline of the sheep industry may be competition from synthetic fibers and from lot-fed livestock.

24. For the maintenance of predator control programs, especially in the sheep industry, effective non-chemical alternatives exist, including denning, shooting and trapping, methods that have long been available and effective, though more costly than poisons.

25. The Federal Government has committed itself to a research program for methods of controlling predators other than poisons.

CONCLUSION

The predator use of the foregoing chemicals presents an imminent hazard such as to warrant their suspension pursuant to 4(c) of the Federal Insecticide, Fungicide and Rodenticide Act.

ORDER

In accordance with the attached opinion and findings, it is hereby ordered that the registration for all products containing sodium fluoroacetate (1080), sodium cyanide or strychnine for use against mammalian predators be cancelled and suspended immediately.

Registrations for those products bearing directions as listed above are hereby suspended and the products may not be legally shipped in interstate commerce until labeled to block out instructions for predator use.

WILLIAM D. RUCKELSHAUS,
Administrator.

MARCH 9, 1972.

APPENDIX B

ENVIRONMENTAL PROTECTION AGENCY, BEFORE THE ADMINISTRATOR

INITIAL DECISION [1] OF FREDERICK W. DENNISTON, ADMINISTRATIVE LAW JUDGE

In the matter of: Applications to register sodium cyanide for use in the M–44 device to control predators, FIFRA Docket No. 382.

This proceeding was initiated by the Administrator's order dated July 11, 1975, published in the FEDERAL REGISTER of July 15, 1975 (40 FR 29755). The proceeding is based on an application filed July 7, 1975 by the Fish and Wildlife Service of the U.S. Department of Interior, which seeks to register sodium cyanide M–44 capsules pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) (86 Stat. 979, 7 U.S.C. 136a). Pursuant to the provisions of Subpart D of the EPA regulations (40 CFR 164.130–133), the application under section 3 has been treated as a petition for reconsideration of an order issued March 9, 1972 (37 FR 5718).

[5] The cancellation proceeding involving the possibility of both a scientific advisory committee and public hearing consumes at least one year. In actual fact, these proceedings have generally taken considerably more than a year.

[1] Exceptions may be filed by the parties pursuant to 40 CFR 164.101 but must be received on or before September 5, 1975.

NOTE: This is a correction of the date of September 4, 1975, announced on the record (Tr. 4–64), the fact that September 1 (Labor Day) is a holiday not having been considered.

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The notice provided for an expedited hearing, which was specified to begin on August 12, 1975 and to last 4 days unless, pursuant to a recommendation of the presiding officer, it was further extended for an additional three days. The parties were allowed 4 days from the close of the hearing to file proposed findings and briefs. The presiding officer was allowed 6 days thereafter for the issuance of his initial decision, to which the parties could file exceptions 4 days thereafter.[1]

Finally, it was provided that the Administrator's final order would be issued 21 days following the hearing, or 7 days after the filing of the exceptions. Saturdays, Sundays, and holidays were to be excluded from the foregoing count.

A prehearing conference was held on July 30, 1975 as a result of which special rules for the conduct of the proceedings were discussed, and were included in a Report of First Prehearing Conference issued July 31, 1975 (40 FR 32069). A second prehearing conference was held on August 7, 1975, at which some supplemental rules were adopted (Report of Second Prehearing Conference, August 11, 1975).

As permitted by the initiating order, certain interests filed applications which parallel that of the Fish and Wildlife Service, and by a second order dated August 8, 1975, the following applications were, in effect, incorporated into this proceeding (40 FR 34455, August 15, 1975):

Montana Department of Livestock
Wyoming Department of Agriculture
Colorado Department of Agriculture
Oregon Department of Agriculture
Nevada State Department of Agriculture
Texas Department of Agriculture
M–44 Safety Predator Control Company, Midland, Texas

Also, as allowed by the order, the following interventions occurred:

Interventions in support of application.
Wyoming
Montana
Navajo Nation
National Turkey Federation
American National Cattlemen's Association
National Wool Growers' Association

Intervention in opposition to application.
Environmental Defense Fund
Defenders of Wildlife
Friends of the Earth
National Audubon Society
Natural Resources Defense Council
National Wildlife Federation
Sierra Club
Oregon Environmental Council[2]
Animal Protection Institute
Wildlife Management Institute
Humane Society of the United States

Amicus Curiae. As further provided by the initiating order, persons desiring to file briefs without becoming parties were permitted to do so and such *amicus* briefs were filed by the following:
American Farm Bureau Federation
Texas Department of Agriculture
California Department of Food and Agriculture
Montana Wool Growers' Association
Montana Stockgrowers' Association
Congressman W. R. Poage
Texas and Southwestern Cattle Raisers Association

[1] In the original notice, the exceptions were inadvertently referred to as "a reply brief."

[2] The precise status of the Council is not clear as notwithstanding intervention in opposition has been entered, the Council, by letter dated June 19, 1975, to the Assistant Director of the State Department of Agriculture, has indicated approval.

HISTORY OF PROCEEDING

On March 9, 1972, the Administrator issued a notice of suspension of the registration of certain products containing sodium fluoroacetate (1080), strychnine, and sodium cyanide. That document was published in the FEDERAL REGISTER of March 18, 1972 (37 F.R. 5718). The document referred to a report prepared under the aegis of the Secretary of Interior by a committee of which Dr. Stanley Cain, Director, Institute for Environmental Quality and Professor of Botany and Conservation at the University of Michigan, was chairman. The text of that order and the accompanying findings of fact are incorporated herein by reference. The order cancelled and suspended all uses of sodium cyanide and the other chemicals mentioned.

On January 10, 1974, EPA issued a notice that it would consider applications for the use of a so-called M–44 device and sodium cyanide for coyote control (39 F.R. 2295, January 18, 1974). This was followed by an amendment to the EPA regulations dated January 29, 1974 and effective February 1, 1974 by which a new § 162.19 was added to the Rules which provided for the filing of experimental use applications for the use of sodium cyanide in a spring-loaded ejector unit as a predator control.

Finally, on July 11, 1975, the Administrator issued the instant notice of hearing which commenced this proceeding. In that notice, it was recited that, pursuant to the foregoing regulations, experimental use permits had been issued as follows:
Texas Department of Agriculture
Montana Department of Agriculture
California Department of Food and Agriculture
Department of the Interior
South Dakota Department of Game, Fish, and Parks
Idaho State Department of Agriculture
Nebraska State Department of Agriculture
Kansas State University
Texas A & M

ISSUES

The issues for determination in this proceeding are whether the following three items constitute new evidence:

1. Four of the seven specific findings concerning sodium cyanide in the 1972 Order were directly related to the issue of human safety. Based on the data gathered in accordance with the applicant's experimental use permit, sodium cyanide when used in the M–44 has been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 Order and which was known to cause injuries to humans.

2. Based on data derived from studies conducted subsequent to the 1972 Order and submitted by the applicant, use of sodium cyanide in the M–44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

3. In view of the data submitted by the applicant with respect to significantly reduced hazards to humans and the greater selectivity of sodium cyanide when used in the M–44, it is likely that proposed restrictions that might be developed, could be adopted and followed as a matter of practice by trained personnel subject to the supervision or control of the applicant.

These are followed by the following, which have been numbered for convenience:

4. Finally, if the above facts are determined to exist and to constitute substantial new evidence, the hearing must also determine whether such facts require modification of the 1972 Order to permit the registration of sodium cyanide for use in the M–44 to control predators in accordance with FIFRA.

5. The determination of these issues shall be made taking into account the human and environmental risks found by the Administrator in the 1972 Order and the cumulative effect of all past and present uses, including the requested use, and uses which may reasonably be anticipated as a result of a modification of the 1972 Order.

Hearings were held on August 12, 13, 14, and 15, 1975, and it was not necessary to seek the three-day extension which was conditionally provided. While arrangements were made to extend the workday for an additional hour on August 13, 14, and 15, the additional time was not required, and the hearing concluded prior to 11:00 o'clock on August 15, 1975. The following appearances of counsel were entered:
David Fisher—Fish and Wildlife Service, U.S. Department of Interior.
Glenn Davis and John H. Midlen, Jr.—States of Wyoming and Montana.
George S. Andrews—Special Counsel, State of Wyoming.
Arthur Lee Quinn and Jeffrey Petrash—National Wool Growers' Association, American National Cattlemen's Association, National Turkey Federation, Navajo Nation.
Harold Burke, Assistant Attorney General—State of Oregon.
Richard E. Gutting, Jr.—Environmental Defense Fund, Defenders of Wildlife, Friends of the Earth, National Audubon Society, Natural Resources Defense Council, National Wildlife Federation, Oregon Environmental Council, Sierra Club, Animal Protection Institute, Wildlife Management Institute.
Murdaugh Stuart Madden and Roger A. Kindler—Humane Society of the United States.
Ronald McCallum and Colburn T. Cherney—U.S. Environmental Protection Agency.

Proposed Findings of Fact and Conclusions, and Briefs in support, have been filed by Fish and Wildlife Service, Department of Interior, the States of Montana, Wyoming and Oregon, American Farm Bureau Federation, Environmental Defense Fund and the associated environmentalist groups, and Respondent (Assistant Administrator, U.S. Environmental Protection Agency).

FINDINGS OF FACT

1. The M–44 is a mechanical device used to eject sodium cyanide into the mouth of canids when they activate it. It was developed in response to a need to replace the explosive shell of the Coyote Getter. Although serious injuries (14 documented human injuries for 550,000 getter-years of Service use since 1959) were infrequent with the latter, the potential for serious accidents was sufficient to warrant development of an alternative device. The manner of placement, use of scents that are offensive to humans, and elimination of the explosive charge made the M–44 relatively safe for humans.

2. The M–44 is composed of four parts: (1) The case—a sealed, impermeable plastic capsule containing one gram of formulated toxicant (0.88 gram of NaCN); (2) the case holder—a short, hollow tube wrapped with absorbent material to retain olfactory attractant and into which the case is inserted; (3) the ejector—a spring loaded plunger and triggering mechanism which is seated in and fastened to the tube and to which the case holder is fastened; (4) the tube—a hollow metal tube which is driven into the ground to support and anchor the mechanism.

3. Placement in the field is as follows: The tube is driven into the ground; the ejector is cocked, seated into the tube and the trigger mechanism engaged; the case is placed in the case holder which is then fastened to the ejector mechanism previously placed; and last, the absorbent material on the case holder is saturated with an olfactory attractant. Canids drawn to the attractant grasp the case holder by their teeth and pull up, thus triggering the device, which then ejects the sodium cyanide into the animal's mouth.

4. The M–44 device will be used in accordance with formal policies and regulations established by the U.S. Fish and Wildlife Service. This use will conform to all applicable Federal, State, and local laws and regulations.

5. The U.S. Fish and Wildlife Service does not have authority over most lands on which the M–44 device will be used. To assure consideration, input, and approval from all responsible parties, M–44 use in programs on public lands will be controlled by cooperative agreement with appropriate jurisdictional agencies. Use of the device in programs on private lands would be controlled by written and signed cooperative agreement with the landowner or leasee.

6. Each individual M–44 use will besubject to careful analysis at the field level to assure that application is necessary, safe, and effective. Full documentation of livestock depredations, including evidence that such losses were caused by wild canids, or laboratory-confirmed verification that wild canids are, in fact, vectors of a communicable disease such as rabies, will be required before application in undertaken.

7. M–44 devices will be used only in areas specified under programs approved by U.S. Fish and Wildlife Service Regional Directors. They will not be used in: (1) National Parks or Monuments; (2) areas where threatened or endangered species might be adversely affected; or (3) areas where excessive exposure to public and family pets is probable.

8. M–44–s or capsules will not be given to, or entrusted to the care of, any person not under the supervision of the Service or other cooperating Government agencies. Care will also be taken to prevent theft or loss and the possibility of subsequent use of the capsules by nonauthorized persons.

9. M–44's will be used in locations and at times that will minimize encounters by humans, pets, and nontarget species. Special concern will be given to hunting and other seasonal use areas.

10. On private, lands, M–44's will be used in areas where fencing, topography, seasons, climatic conditions, or other factors normally limit human access, while on public lands, M–44's will be used during those times of the year when use of the particular public land by the general public is at a minimum, or on areas not generally frequented by the public. Specific locations and time periods of M–44 use will be established by the appropriate Bureau representative, based upon land-use information provided by the land administrator and with his concurrence.

11. Warning signs in English and Spanish will be used to provide warning of all areas containing M–44's. Individual unit sites also will be clearly identified to protect persons who might happen upon them.

12. All Service-supervised employees will be instructed in the safe use of M–44's before being entrusted with them, including caution to be exercised to prevent personal injury from accidental discharge of the device.

13. Cyanide antidote kits will be carried by all employees using M–44's.

14. Special precautions will be in effect for the storage and disposal of capsules.

15. M–44 devices will be maintained on a routine basis (at least weekly) in order to replace discharged capsules and damaged warning signs, and to check them for human interference or abnormal conditions. They will be removed when unsafe conditions develop (i.e., new human activity in the area), when livestock depredation losses are stopped, or when evidence of the target species can no longer be found in the area.

16. All accidents involving human and domestic animals as well as reports of animals taken by the device, will be reported immediately in accordance with established procedures.

17. During the experimental permit period from June 1, 1974 to October 31, 1974 the livestock losses were 3.4 percent before M–44 use was initiated and 0.6 percent during and after their use, or a 2.8 percent reduction in losses (M–44 Efficacy report 1974). This shows the trend but is not an exact loss ratio or solely attributable to M–44's for several reasons: 1, in many cases other damage reduction methods were used simultaneously with M–44's; 2, funding does not allow for absolute search for kills; 3, time periods for collecting the "before" and "after" data are not equal.

18. Data taken from the same field reports, but limited to 2 months after initiation of M–44 use on each area, and including 13 months from June 1, 1974 to July 31, 1975 showed a reduction in sheep and goat losses of 2.9 percent from 3.3 percent before M–44 use to 0.4 percent after use began. The same data shows a reduction of cattle losses (mostly calves) of 3.0 percent from 3.3 percent before M–44 use to 0.3 percent after. Again this shows a trend, but not exact losses or exact loss ratios.

19. An important comparison should be pointed out, that these reductions of whatever size they are, were made where mechanical methods had been unsuccessful thus requiring the use of chemical methods.

20. The relative ratio by which M–44's take coyotes and fox as compared to nontarget species is indicated by data from the USFWS 1974 report which shows a target species take of 95 percent and nontarget species 5 percent. Data from the USFWS 1975 report indicates a take of 88 percent target species and 12 percent nontarget species.

21. The leader of the Predator Ecology and Behavior Project of the Fish and Wildlife Service, with credentials both academic and in research in the field of wild animal populations in general and predators in particular, testified as to the overall results of the FWS use of the M–44 device. In his opinion, the M–44 device is an effective device for achieving temporary reductions in canid populations; the device is selective for canids because of the nature of the attractant and manner of exposure; the risk to populations of nontarget species is minimal; and it is significantly safer for operating personnel than the Human Coyote Getter. The risks associated with the Human Coyote Getter, as used in the Federal program, were largely related to mechanical injuries caused by the top wad and sealant which effectively became a projectile. Those risks have been essentially eliminated in the M–44. The potential risk of cyanide toxemia to operating personnel is present with either device, but evidence from the operational programs suggests that risk is extremely low.

22. Data compiled by the Fish and Wildlife Service indicate that the M–44 device is more selective for wild canids than are steel traps. A study covering the period 1970–1972, during which the M–44 and the Humane Coyote Getter were both used during part of the period, indicates that of the animals taken, 89 percent represented coyotes and foxes, and other species such as bear, bobcat, skunk, badger, raccoon, oppossum and porcupine, represented very small percentages of the total. On the other hand, a study made in Mexico, Colorado, and Wyoming of carnivores taken on steel trap lines, indicated that coyotes and red foxes comprised only 27.6 percent of the total taken. Thus while some nontarget animals are taken by the M–44's, they represent a very small proportion and substantially less than the steel traps.

23. A research scientist from the Texas A&M University, testified with respect to certain studies of predator-prey relationships. From these studies, he drew the conclusion that the M–44 is a selective device for capturing coyotes.

24. While in the 1972 Order the Administrator found that "There is no true effective antidote" with respect to the use of cyanide there considered, the record does not disclose on what that statement or finding was based. The evidence adduced herein indicates antidotes do exist and one of the requirements of the Fish and Wildlife Service will be that every person engaged in placing the devices must carry an antidote kit. There is question as to whether the antidote treatment could be self-administered by a person who might be suffering from the initial effects of poisoning by making an intravenous injection; however, antidotes do exist and the previous finding in 1972 is incorrect.

25. The States of Montana and Oregon offered copies of the rules governing the use of chemical toxicants for predator control in their states and similar rules for the State of Wyoming were submitted.

26. Currently a critical situation exists in the State of Montana due to serious losses to livestock producers caused by predatory animals, primarily coyotes. Present methods of trapping, denning, shooting and aerial hunting are being employed but livestock depredation continues to be a serious problem. Various alternate methods of control are being utilized.

27. On April 4, 1974, the Montana Department of Livestock was granted permission to use the M–44 device for experimental use purposes only. The expiration date on that permit is October 15, 1975. From July 1, 1974 to February 20, 1975, a total of 278 people from 22 counties and an Indian reservation were trained by the Montana Department of Livestock and licensed as government pesticide M–44 applicators. The training consists of techniques for the selection of placement sites, recordkeeping and reporting safety precautions, and various aspects of the use of the M–44 device. Special emphasis was given to environmental and human safety precautions to be observed when using the device and predacide.

28. During these training sessions, all participants were issued an ampul nitrite antidote kit and instructed in its proper use. All applicators were required to submit monthly reports on capsule usage, species taken, and the number of M–44 units in the field.

29. Between July 1, 1974 and June 30, 1975, a total of 608 coyotes, 148 foxes, and 23 skunks, 6 raccoons, 4 dogs, and 1 badger were taken by the licensed applicators in Montana. Coyotes and foxes are the target species for this program and account for 96 percent of the species taken. The Department of Livestock computes the cost of the program per coyote or fox taken as $19.32. This compares to the average cost to take a coyote or fox by the state helicopter, fixed-wing aircraft or state trapper using mechanical methods of $45.00, $25.00 and $200.00, respectively. Thus proving the M–44 to be economically feasible.

30. Montana considers the M–44 device using sodium cyanide to be a selective, efficient, humane, economically and environ-

V 40 189 SEP 29 75 XUM

mentally-safe predatory control tool, and urges its registration.

31. The State of Oregon has adopted a comprehensive system of regulations to implement its application for registration. Those regulations become effective October 15, 1975. Under its program only registered or licensed governmental applicators will be authorized to utilize the toxicant and device, and then only for coyote control.

32. EDF and the opposing group of environmentalists offered the testimony of a field representative for Defenders of Wildlife, Richard L. Randall. Mr. Randall has had lifelong experience in varying capacities with livestock and wildlife in the Western areas. He was formerly employed by the Fish and Wildlife Service, or its predecessor, until 1973 when he retired from government service because of injuries suffered in two aerial accidents which occurred while he was hunting coyotes in Wyoming.

33. He has had personal experience in both the Humane Coyote Getter and the M–44. In his experience, use of any predator control was not effective in significantly reducing losses due to predation. Randall believes that the M–44 presents a potential danger to children and others who may be attracted to the devices by the warning signs posted. He indicates that there is much vandalism of the devices by persons damaging them with rocks or running over them with vehicles and that many who disapprove of their use deliberately set them off and therefore they present a hazard to that group of people. Randall perceives no objection to the registration of the M–44 device provided adequate restrictions on its use are promulgated. While he did not specify the particular conditions he deemed appropriate, one of his principal criticisms was in opposition to placing the devices on or near roads. He does not believe that the M–44 is anymore effective or selective than its predecessor the Humane Coyote Getter.

34. The foregoing facts constitute substantial new evidence which was not available to the Administrator when he issued his March 1972 order, and could not have been presented or discovered by parties to that matter in view of the lack of a proceeding.

35. Based on the data gathered in accordance with the applicants experimental use permit, sodium cyanide when used in the M–44 has been shown to be significantly less hazardous to man than sodium cyanide when used in the explosive device for which it was registered at the time of the 1972 order and which was known to cause injuries to humans.

36. The use of sodium cyanide in the M–44 device is more selective than use of the chemical in the explosive device and more selective than some other chemical and non-chemical predator control methods.

37. It is also apparent that with appropriate restrictions as hereinafter discussed, the use of the M–44 should be approved and that the 1972 order should be modified accordingly.

CONCLUSIONS

The evidence is clear that the conditions of use of the M–44 as embodied in actual practice under the experimental use permits avoid most if not all of the dangers mentioned in the 1972 order. The testimony of the only witness in opposition tends to confirm this fact rather than controvert it. While apparently disagreeing that the M–44 is more selective than the former Humane Coyote Getter, that witness' statement was a general observation unsupported by data, and actual data of record establishes the contrary.

While the evidence presented might be considered lacking in the niceties of politico-economic analysis, when consideration is given to the subject matter, i.e. wild animal predators, and the vast undeveloped areas in which these devices are utilized, the data presented indicate that the benefits of the proposed use greatly outweigh the risks which are shown to be minimal. A precise dollar evaluation of benefits versus risks, however, is not possible.

OPPOSITION CONTENTIONS

EDF contends it has been denied due process of law and a fair and proper hearing, and in support offers five contentions of procedural errors.

1. *Intervention by Oregon.* EDF points out that the initiating notice of July 11, 1975: *Provided*, That motions to intervene were to be filed no later than August 6, 1975. It also provided for states to file M–44 applications and allowed for their filing by July 31, 1975, to be reviewed and then made subject to a determination by the Administrator as to whether they qualified under Subpart D of the rules. That determination was not made until the August 8, 1975 Notice, or after the date for filing interventions as such. As Oregon became an applicant on that date, it was appropriate that it become a party and offer evidence in support of its application. It should be noted that such evidence dealt with the manner in which the program would be administered within Oregon, but did include a letter of the Oregon Environmental Council expressing approval of these applications.

2. *Application dates.* EDF contends the August 8, 1975 Notice "ruled that applications received after this date (July 31, 1975) would be considered." No such language is contained in the Notice, which lists the applications received "on or before July 31, 1975." It therefore cannot be determined what the basis of this objection may be.

3. *Irrelevant material.* Throughout the hearing, EDF objected to any evidence beyond the issues 1 and 2 above, dealing with human hazards and selectivity, and thus asserts that irrelevant material was received. In taking this position, EDF ignores issues 4 and 5 in the initiating order as summarized above and cites no testimony which is irrevelant to those issues.

4. *Special rules.* EDF points out that the Special Rules issued by the Presiding Officer provided for submission of all testimony on applications in writing and the distribution to parties on August 7, 1975, but that it did not receive the Oregon and Montana exhibits until after that date. As noted above, the Order incorporating those applications was not issued until August 8, 1975, and being proper parties provision for their testimony was required. In any event, EDF received the testimony in advance of the witness taking the stand and had opportunity for prior review; there is no indication that EDF was in any way prejudiced by this procedure.

5. *Underlying data.* EDF correctly points out that the Special Rule (Report of First Prehearing Conference) provided that data must be made available by the proponents of exhibits or expert testimony, but alleges testimony was allowed where such was unavailable to EDF, citing two references to the transcript. Those references indicate that EDF did in fact have the underlying studies when questioning the witness, and afford no support for its contention. Further, the record indicates that where a witness had failed to supply the complete article from which he had quoted excerpts, the proposed testimony was stricken (Tr. 2–22). Moreover, with respect to the special rules which were discussed at the Prehearing Conference of July 30, 1975, various counsel, including EDF, urged that provision be made for special situations, and the Administrative Law Judge indicated that such would be entertained. (Tr. 1–28).

6. *Subpoena of EPA official.* A witness in the course of his testimony stated that an EPA official had told him the present applications would be granted. Later, EDF requested and was denied a subpoena requiring that official to testify and be cross-examined, on the grounds of relevancy. The decision-making process, in this instance, involves the Administrative Law Judge in the first instance and the Administrator, or his delegee, in the second. The views of staff members outside of this record are irrelevant unless it would appear to be related to the development of "secret law" as to which there is no indication here. Compare *"Sterling Drug Inc. v. F.T.C.,"* 450 2d 698 (1971).

Applicability of section 102 of the National Environmental Policy Act. On brief, EDF also contends that section 102(2)(c) of the National Environmental Policy Act (NEPA) (83 Stat. 852; 42 U.S.C. 4332(2)(c)) requires that an environmental impact statement (EIS) is a prerequisite to the FWS application, and that its absence prevents any modification of the 1972 Order. In support, it offers a quotation from Aberdeen and Rockfish Railroad et al. v. S.C.R.A.P. (— U.S. — No. 73–1866, June 24, 1975). The quotation is *dictum* in a case in which such a statement was held not to be required, and affords little guidance here. The issuance of the initiating notice herein, by the Administrator in the absence of an EIS, necessarily represented a determination by him that none was required. With regard to EPA itself, none is required and this proceeding does not fall within those as to which the Administrator has announced a voluntary program of preparing the EIS. See Statement of Policy and Procedures, 39 FR 16186 and 37119.

Effect of E.O. 11870. EDF contends the present FWS proposal is prohibited by Executive Order No. 11870 (July 18, 1975) (40 FR 30611) which amended Executive Order No. 11643 of February 8, 1972, by citing section 3(c) thereof which deals with programs limited to one year. But this proceeding would be governed by section 3(b), and no doubt represents the consultation with EPA which is required.

Section 3 of FIFRA. Finally, EDF contends the applications do not meet the requirements of section 3 of FIFRA by asserting that the proposed use would have "unreasonable adverse effects on the environment." No attempt is made to justify the assertion, but reference is made to 40 CFR 162.11 of the recently issued Registration rules, effective August 4, 1975. But this proceeding is subject to section 18 of FIFRA, as well as section 3, and is governed by Subpart D of the rules (40 CFR 164.130) and the statement of issues herein.

RESTRICTIONS

The Respondent in this proceeding (Assistant Administrator of EPA), on brief, urges the modification of the 1972 Order to permit the registration of sodium cyanide for use in the M–44 device to control canid predators subject to the 26 numbered conditions or restrictions set forth in the Appendix hereto.

These restrictions are based on the statements of intended use by the applicant witnesses herein or may reasonably be inferred from their testimony and appear to be appropriate in the light of the record. They also appear to meet the suggested restrictions offered by EDF in the alternative that their challenge of the proceeding is not accepted, and accordingly, the approval granted herein will be made subject to those restrictions.[4]

[4] It is noted that by letter of August 27, 1975, counsel for the State of Montana takes exception to proposed restrictions No. 2, 14 and 22. No provision was made for such a filing, which is essentially a reply brief, and time does not permit provision therefor, and they have not been considered. They may, of course, be renewed on exceptions.

ULTIMATE FINDINGS AND CONCLUSIONS

In view of the foregoing, the 1972 Order should be modified to permit the registration of the M–44 device by the applicants herein subject to the conditions set forth in the Appendix hereto.

FREDERICK W. DENNISTON,
Administrative Law Judge.

AUGUST 29, 1975.

APPENDIX A—RESTRICTIONS

1. Use of the M–44 device shall conform to all applicable Federal, State, and local laws and regulations.

2. The M–44 device shall be used only to take wild canids suspected of preying upon livestock and poultry.

3. The M–44 device shall not be used solely to take animals for the value of their fur.

4. The M–44 device shall only be used in instances where actual livestock losses due to predation by wild canids are occurring. M–44 devices may also be used prior to recurrence of seasonal depredation, but only when a chronic problem exists in a specific area. In each case, full documentation of livestocks depredation, including evidence that such losses were caused by wild canids, will be required before application of the M–44 is undertaken.

5. The M–44 device shall not be used in: (1) National or State Parks; (2) National or State Monuments; (3) Federally designated Wilderness areas; (4) Wildlife refuge areas; (5) Prairie dog towns; (6) Areas where exposure to the public and family pets is probable.

6. The M–44 shall not be used in areas where threatened or endangered species might be adversely affected. Each applicator shall be issued a map which clearly indicates such areas.

7. The M–44 device shall not be placed within 200 feet of any lake, stream, or other body of water.

8. The M–44 device shall not be placed in areas where food crops are planted.

9. M–44 devices shall not be placed within 50 feet of public rights of way.

10. The maximum density of M–44's placed in any 100 acre pastureland area shall not exceed 10; and the density in any one square mile of open range shall not exceed 12.

11. The M–44 device may be placed in the vicinity of draw stations (livestock carcasses), provided, that no M–44 device shall be placed within 30 feet of a carcass; no more than 4 M–44 devices shall be placed per draw station; and no more than 3 draw stations shall be operated per square mile.

12. M–44 devices shall be inspected at least once a week to check for interference or unusual conditions and shall be serviced as required.

13. Used sodium cyanide capsules shall be disposed of by deep burial or at a proper landfill site.

14. An M–44 device shall be removed from an area if, after 30 days, there is no sign that a target predator has visited the site.

15. Damaged or non-functional M–44 devices shall be removed from the field.

16. In all areas where the use of the M–44 device is anticipated, local hospitals, doctors, and clinics shall be notified of the intended use, and informed of the antidotal and first-aid measures required for treatment of cyanide poisoning.

17. Bilingual warning signs in English and Spanish shall be used in all areas containing M–44 devices. All such signs shall be removed when M–44 devices are removed.

a. Main entrances or commonly used access points to areas in which M–44 devices are set shall be posted with warning signs to alert the public to the toxic nature of the cyanide and to the danger to pets. Signs shall be inspected weekly to insure their continued presence and insure that they are conspicuous and legible.

b. An elevated sign shall be placed within 6 feet of each individual M–44 device warning persons not to handle the device.

18. Registrations for sodium cyanide M–44 capsules may be granted to persons other than State and Federal agencies; provided, that such persons shall be authorized to sell said capsules only to State and Federal registrants. Only State and Federal registrants shall be permitted to sell, give, or otherwise distribute capsules to individual applicators. Such State or Federal registrants of sodium cyanide M–44 capsules shall be responsible for insuring that the restrictions set forth herein are observed by individual applicators to whom such registrants sell or distribute such capsules and/or M–44 devices. State and Federal registrants shall train applicators, and such training shall include, but need not be limited to: (1) Training in safe handling and placement of the device; (2) Training in the proper use of the antidote kit; (3) Instructions regarding proper placement of the device; and (4) Instructions in recordkeeping.

19. Each authorized M–44 applicator shall keep records dealing with the placement of the device and the results of each placement. Said records shall include, but need not be limited to:

1. The number of devices placed.
2. The location of each device placed.
3. The date of each placement, as well as the date of each inspection.
4. The number and location of devices which have been discharged and the apparent reason for each discharge.
5. The species of animal taken.
6. All accidents or injuries to humans or domestic animals.

20. M–44 devices and capsules shall not be sold or transferred to, or entrusted to the care of, any person not licensed by, or under the supervision of a State or Federal registrant.

21. All persons authorized to possess and use M–44 capsules and devices shall store said devices under lock and key.

22. Each authorized M–44 applicator shall carry an antidote kit on his person when placing and/or inspecting M–44 devices. The kit shall contain 12 pearls of amyl nitrite and instructions on their use. The kit may also contain sodium nitrite and sodium thiosulfate.

23. One person other than the individual applicator must have knowledge of the exact placement location of all M–44 devices in the field.

24. Supervisors shall periodically check the records, signs, and devices of each applicator to verify that all applicable restrictions, laws, and regulations are being strictly followed.

25. In areas where more than one governmental agency is authorized to place M–44 devices, the agencies shall exchange placement information and other relevant facts to insure that the maximum number of M–44's allowed is not exceeded.

26. Registrants and applicators shall also be subject to such other restrictions as may be prescribed from time to time by the U.S. Environmental Protection Agency.

[FR Doc.75–25804 Filed 9–26–75;8:45 am]

V 401789 SEP 29 75 XUM

federal register

MONDAY, SEPTEMBER 29, 1975



PART V:

OFFICE OF MANAGEMENT AND BUDGET

DEFERRAL REPORTS

Health, Education, and Welfare Department, National Commission on Productivity and Work Quality, and Transportation Department

V 40 189
SEP 29 75
XUM

OFFICE OF MANAGEMENT AND BUDGET

DEFERRAL REPORTS

Programs of Health, Education, and Welfare, Department of Transportation, and National Commission on Productivity and Work Quality

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals totalling $106.4 million in budget authority. The three reports involve programs of the Departments of Transportation and Health, Education, and Welfare and the National Commission on Productivity and Work Quality.

The details of each deferral are contained in the attached reports.

GERALD R. FORD.

THE WHITE HOUSE,
SEPTEMBER 24, 1975.

SUMMARY OF PROPOSED DEFERRALS

(In thousands of dollars)

Deferral #	Item	Budget Authority
	Health, Education, and Welfare:	
	Social Security Administration:	
D76-54	Limitation on Construction....	14,910
	Transportation:	
	Federal Highway Administration:	
D76-55	National Scenic and Recreational Highway.....	90,000
	Other Independent Agencies:	
D76-56	National Commission on Productivity and Work Quality.....	1,500
	Total, deferrals.....	106,410

V 40 189 SEP 29 75 XUM

SUMMARY OF SPECIAL MESSAGES FOR FY 1976

(Amounts in thousands of dollars)

	Rescissions	Deferrals
Fourth special message:		
New items.....	--	106,410
Changes to amounts previously transmitted.....	--	--
Effect of fourth special message.....	--	106,410
Previous special messages.....	213,888	3,341,736
Total amount proposed in special messages to date....	213,888 (in 8 rescission proposals)	3,448,146 (in 56 deferrals)

D76-54
Deferral No:

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L.) $
Bureau Social Security Administration	Other budgetary resources 35,168,028
Appropriation title & symbol	Total budgetary resources 35,168,028
Limitation on Construction 75 X 8705	Amount to be deferred: Part of year $
	Entire year 14,909,621
OMB identification code: 09-60-8006-0-7-601	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

Funds provided under the Limitation on Construction of the Social Security Administration (SSA) remain available until expended in recognition of the long lead time between the provision of funds and their use in carrying out authorized construction projects. A total of $14,909,621 is proposed for deferral through June 30, 1976, or, if appropriate legislation is enacted, through September 30, 1976. The amount being deferred consists of two parts each of which is discussed below.

Unused balances of funds provided for construction of program centers

In 1972, $18.2 million, to remain available until expended, was provided in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1972, for direct construction of program centers in Philadelphia, Chicago, and San Francisco. Subsequent to the provision of these funds, it was determined that these centers would be built under the purchase contract method. This reduced the immediate funding requirements to $6.1 million, thus making $12.1 million available to meet other SSA construction requirements. In 1974, the Congress authorized $4.1 million to be reprogrammed for district office construction. Of these reprogrammed funds, $2.0 million was released for obligation in 1975, and $2.0 million is reserved for future obligation. This year the Congress authorized reprogramming for another $5.8 million of these unused program center funds

V 40 189 SEP 29 75 XUM

for district office construction and $1.1 million to meet unexpected needs in headquarters' construction. Of these reprogrammed funds, the $1.1 million for headquarters' construction was released for obligation in 1975, and the $5.8 million for district office construction is reserved for future obligation. The balance of unused program center funds (about $1.1 million) is proposed for deferral through 1976 or, if appropriate, through the Transition Quarter, remaining available to meet requirements in future years.

Unused balances of funds provided for district office construction

The second part of the deferral consists of a total of $5,995 thousand which is also being proposed for future obligation (see page 4). This includes $3,613 thousand remaining from the 1967 district office construction program, and $2,382 thousand appropriated in 1975. The fact that these funds have not yet been obligated reflects a change in circumstances which requires a reevaluation of the district office construction program which had been approved in 1967. Subsequent to the provision of funds for this program, it was determined that efficiency of operations and better service to the public necessitated the development of a system of branch offices. The effect of this decision was to delay much of the district office construction that had been authorized in the 1967 program since the branch offices are generally located in leased space, rather than in facilities constructed specifically for SSA use. Thus, they are not financed from this appropriation, and reprogramming of the unneeded district office funds for this purpose was not feasible. SSA is evaluating whether or not those funds are needed. A further complication in determining the appropriate use of the district office funds was introduced by the enactment of the Supplemental Security Income program, which has a significant impact on the requirements for district office space. As a result of these factors, plans have not yet been developed for the use of the remaining balances of these funds and their release is being deferred pending the development of such plans.

Estimated Effects

The funds intended to be apportioned for obligation in 1976 and the transition quarter will permit SSA to carry out its authorized construction program in an orderly manner. No currently planned construction would be delayed by this deferral. Because of the time required to plan, authorize, and carry out construction activity, release of the funds at this time would be unlikely to affect the level of outlays in 1976 or the transition quarter and would have minimal impact on 1977 outlays. This deferral has no effect on the level of outlays forecast in the February budget.

Outlay Effect (estimated in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976	$21.0
2. Outlay savings, if any, included in the budget outlay estimate	-0-

Current Outlay Estimates for 1976

3. Without deferral	$21.0
4. With deferral	21.0
5. Current outlay savings	-0-
Outlay Savings for the Transition Quarter	-0-
Outlay Savings for 1977	-0-

V 40 189 SEP 29 75 XUM

4

PLANNED DISPOSITION OF UNAPPORTIONED
SOCIAL SECURITY CONSTRUCTION FUNDS (75X8705)
($ in thousands)

Construction Program	Total Amount	Planned for Obligation In 1976	Planned for Obligation In Future Years
Headquarters Funds:	--	--	--
Program Center Funds:			
Balance available for other construction (as of 03/31/75)	8,914	--	--
Reprogrammed in 1974 for district office construction		--	2,033
Reprogrammed in 1975 for district office construction		--	5,796
Proposed to remain available for future requirements		--	1,085
District Office Funds:			
Balances available (as of (03/31/75)			
1967 construction program	3,613	--	3,613
1975 construction program	2,382	--	2,382
Total Deferrals	14,909	--	14,909

Deferral No: D76-55

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. _____) $ -0-
Bureau Federal Highway Administration	Other budgetary resources (P.L. 93-87) 90,000,000
Appropriation title & symbol: National Scenic and Recreational Highway 69X0544 and Trust Fund Share of Other Highway Programs	Total budgetary resources 90,000,000
	Amount to be deferred: Part of year $ 90,000,000
	Entire year _____
OMB identification code: 21-25-0544-0-1-404	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other _____
Type of account or fund: ☐ Annual; ☒ Multiple-year 6/30/76-$20 million, 6/30/77-$35 million, 6/30/78-$35 million (expiration date); ☐ No-year	Type of budget authority: ☐ Appropriation; ☒ Contract authority; ☐ Other _____

Justification

This program was authorized by the Federal-Aid Highway Act of 1973 in the amount of $90 million for the purpose of constructing or reconstructing the Great River Road in the 10 States bordering the Mississippi River. This authorization is comprised of $30 million from General Funds and $60 million from the Highway Trust Fund.

The entire amount was deferred in FY 1975 because the legislation required the development of a formula for apportionment of funds to the States before funds could be made available. Such information could not be developed so as to launch the program in FY 1975.

The entire amount was proposed for rescission on July 1, 1975. In considering the proposal, the House Appropriations Committee reported (H. Report 94-496):

> "Under Title X of the Congressional Budget and Impoundment Control Act, the $90,000,000 contained in R76-1 will have to be made available for obligation on September 22, 1975, unless Congress approves the rescission. .....the Committee is not recommending approval of the proposed rescission. The Committee, however, feels that more information is needed with respect to the National Scenic and Recreational Highway. The Committee, therefore, expects the Department of Transportation

V 40 189 SEP 29 75 XUM

and the ten States involved to develop specific plans and present further testimony on the scope and cost of the project.

Because of the need to review this additional information, the Committee would be receptive to the consideration of a proposal to temporarily defer the funding for this project. Such a proposal would enable the Committee to receive additional testimony prior to making a further recommendation on the release of $90,000,000."

This deferral is proposed in accordance with this statement.

Estimated Effects

The deferral of this program will allow additional time for further testimony and analysis and a final resolution by Congress.

Outlay Effect (estimate in millions of dollars)

Comparison with President's 1976 Budget:

1. Budget outlay estimate for 1976.....	$ -0-
2. Outlay savings, if any, included in the budget outlay estimate.....	16.2
Current Outlay Estimates for 1976:	
3. Without deferral.....	16.2
4. With deferral.....	-0-
5. Current outlay savings.....	16.2
Outlay Savings for the Transition Quarter.....	12.5
Outlay Savings for 1977.....	50.0

Deferral No: D76-56

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency National Commission on Productivity & Work Quality Bureau	New budget authority (P.L. 94-91) $ 2,000,000 Other budgetary resources -0- Total budgetary resources 2,000,000
Appropriation title & symbol Salaries and Expenses, National Commission on Productivity and Work Quality 1161459	Amount to be deferred: Part of year $ 1,500,000 Entire year
OMB identification code: 33-12-1459-0-1-403 Grant program ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

The National Commission on Productivity was established by the President on July 10, 1970, following a period of low productivity growth, increases in unit labor costs, and rising prices. The Commission was given statutory authority late in 1971 through an amendment to the Economic Stabilization Act. That authority was extended twice. Early in 1974, the Commission functioned as an Office of Productivity under the Cost of Living Council. P.L. 93-311 changed the name of the Commission to the National Commission on Productivity and Work Quality and authorized its operations through June 30, 1975. The Commission was extended by special legislation (P.L. 94-42) for a 90-day period, to expire September 30, 1975. Both Houses of Congress have authorization legislation pending (S.2195 and H.R. 8836) to establish a National Center for Productivity and Quality of Working Life, which would be a successor agency to the Commission.

The Commission is engaged in the following activities: it encourages and assists the organization and work of labor-management committees on a plant, community, regional and industry basis; it conducts such research as is directly necessary; it publicizes and disseminates ideas related to its objectives; it advises the President and the Congress with respect to government policy affecting productivity and the quality of work; it coordinates and promotes government research and technical assistance efforts regarding productivity; and it provides technical

V 40 189 SEP 29 75 KUM

Deferral of Budget Authority
Page 2
National Commission on Productivity & Work Quality

Justification (Continued):

and consulting assistance. The Commission's four major areas of concentration have been: 1) quality of work of the American worker; 2) international competitive position of the USA; 3) efficiency of government; and 4) the cost of goods and services generally basic to the needs of Americans.

P.L. 94-91, approved August 9, 1975, appropriated $2,000,000 for the full FY 1976 for the Commission. On August 22, $500,000 for the first quarter was apportioned to meet the requirements of the Commission.

Deferral for the three remaining quarters of FY 1976, in the amount of $1,500,000, is necessary pending action by Congress on authorization legislation in the month of September, 1975. As soon as the legislation is enacted, the deferred funds will be released.

Estimated Effect:

Assuming approval of the authorization legislation by Congress, the personnel and the work program of the Commission will not be affected by this deferral.

If Congress does not act favorably upon authorization legislation, the Commission will expire.

Outlay Effect: (Estimated in millions of dollars)

Comparison with President's 1976 Budget:	
1. Budget outlay estimate for 1976.....	2.4
2. Outlay savings, if any, included in the budget outlay estimate.....	-0-
Current Outlay Estimates for 1976:	
3. Without deferral.....	2.0
4. With deferral.....	2.0
5. Current outlay savings.....	-0-
Outlay savings for the Transition Quarter.....	-0-
Outlay savings for 1977.....	-0-

[FR Doc.75-26085 Filed 9-26-75;8:45 am]

federal register

MONDAY, SEPTEMBER 29, 1975



PART VI:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

V 40 189 SEP 29 75 XUM

Title 36—Parks, Forests, and Public Property

CHAPTER IX—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PART 903—PRIVACY ACT REGULATIONS

Revision

On August 28, 1975, a document was published in the FEDERAL REGISTER (40 FR 39871; subsequently corrected by 40 FR 41530) proposing regulations to implement the Privacy Act of 1974 (Pub. L. 93–579, 88 Stat. 1896), by promulgating a new Part 903, Privacy Act Regulations, to be added to Title 36 of the Code of Federal Regulations.

The Privacy Act is intended to promote governmental respect for and protection of the privacy of individuals. To that end, Part 903, as proposed by the Corporation, would promulgate regulations to protect the privacy of individuals identified in records maintained by the Corporation. The proposal establishes procedures by which individuals can: (1) Ascertain whether there is a record pertaining to him in any system of records named by him; (2) gain access to that record; (3) request corrections or amendment of that record; (4) dispute the Corporation's refusal to make a correction; and (5) govern within the bounds of 5 U.S.C. 552a (b) Corporation disclosure of those records to any person or agency.

In the initial publication of the proposed rules, the Corporation provided for a comment period extending through September 30, 1975. Due to the exigencies of the Privacy Act of 1974 which require effective agency implementation as of September 27, 1975, the Corporation must finalize its procedures as of that date. No public comments on the proposal have been received to date. The Corporation, while adopting its proposed regulations as of September 27, 1975, will continue to accept comments through September 30, 1975. Substantive comments will receive thorough review by the Corporation and, where appropriate, be incorporated into its regulations by subsequent amendment. The proposal will have been subject to public inspection for thirty days under this modified adoption process.

The Corporation in its own review of the proposal is suggesting one substantive change which is made in addition to an organizational change. The substantive change appears in § 903.1(d) and clarifies when an appeal of an initial adverse determination can be made. This reflects more accurately the intent of 5 U.S.C. 552a(d) as it appears in section 3 of the Privacy Act.

Accordingly, 36 CFR Part 903 is revised as set forth below.

Effective date: The regulation becomes effective September 27, 1975.

Adopted by the Pennsylvania Avenue Development Corporation at its office in Washington, D.C., on the 27th day of September 1975.

PETER T. MESZOLY,
General Counsel.

Sec.

903.1 Purpose and scope.
903.2 Definitions.
903.3 Procedures for notification of records pertaining to individuals.
903.4 Requests for access to records.
903.5 Requests for amendment of record.
903.6 Review of requests for amendment of record.
903.7 Appeal of initial adverse determination of request for amendment of record.
903.8 Disclosure of records to persons or agencies.
903.9 Fees.
903.10 Penalties.
903.11 [Reserved]

AUTHORITY: Privacy Act of 1974 (Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 522a)); Pennsylvania Avenue Development Corporation Act of 1972, as amended (Pub. L. 92–578, 86 Stat. 1266; Pub. L. 93–427, 88 Stat. 1170; (40 U.S.C. 871 et seq.)).

§ 903.1 Purpose and scope.

The purpose of this part is to enable the Pennsylvania Avenue Development Corporation to implement the Privacy Act of 1974, and in particular the provisions of 5 U.S.C. 552a, as added by the Act. The Act was designed to insure that personal information about individuals collected by Federal agencies be limited to that which is legally authorized and necessary, and that the information is maintained in a manner which precludes unwarranted intrusions upon individual privacy. The regulations in this part establish and make public procedures whereby an individual can (a) request notification of whether or not the Corporation maintains or has disclosed a record pertaining to him or her, (b) request access to such a record or an accounting of its disclosure, (c) request that the record be amended, and (d) appeal any initial adverse determination of a request to amend a record.

§ 903.2 Definitions.

As used in this part:

(a) "Agency" means agency as defined in 5 U.S.C. 552(e).

(b) "Corporation" means the Pennsylvania Avenue Development Corporation.

(c) "Day" or "days" shall exclude Saturdays, Sundays and legal holidays.

(d) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence.

(e) "Maintain" includes maintain, collect, use, or disseminate.

(f) "Record" means any items, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his or her education, financial transactions, medical history, and criminal or employment history and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

(g) The term "system of records" means a group of records under the control of an agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(h) The term "statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual except as provided by Section 8 of Title 13, United States Code.

(i) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 903.3 Procedures for notification of records pertaining to individuals.

(a) An individual, upon a request made in person or in writing, will be informed if any Corporation system of records named by the individual contains a record pertaining to him or her. The request must include a reasonable identification of the system of records, as described by notice published in the FEDERAL REGISTER. The request should be addressed to the Administrative Officer, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

(b) Requests made in person may be presented at the above address between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday (except legal holidays). The Administrative Officer of the Corporation wil require adequate personal identification before processing the request. If a request is made in writing, it must be under the signature of the requesting individual and be accompanied by a signed notarized statement to verify his or her identity.

(c) Within 10 days of receipt of a request made under this section the Administrative Officer will acknowledge receipt of the request and inform the individual if any system of records identified in the request contains a record pertaining to him or her.

§ 903.4 Requests for access to records.

(a) Except as otherwise provided by law or regulation, an individual upon request made in person or delivered in writing may gain access to his or her record or to any information pertaining to him or her which is contained in a system of records maintained by the Corporation, and to review the record and have a copy made of all or any portion thereof in a form comprehensible to him or her. An individual seeking access to a Corporation record may be accompanied by a person of his or her choosing. However, the Corporation will require a written statement from the individual authorizing discussion of his or her record in the accompanying person's presence.

(b) A request under paragraph (a) of this section shall be directed to the Administrative Officer at the place, times and in the manner prescribed in § 903.3 (a) and (b). The request should specify at what date and time the individual would like to gain access to his or her record. The Administrative Officer of the Corporation will require adequate personal identification before processing a request.

(c) Within 10 days of receipt of a request made under this section the Administrative Officer will acknowledge receipt of the request and notify the individual whether or not access will be granted, and if it is, whether or not the date and time requested for access is acceptable to the Corporation. If the date and time is not acceptable, the Administrative Officer will suggest an alternate opportunity for access to the record. Access shall be provided within 30 days of receipt of the request unless the Corporation, for good cause shown, is unable to provide prompt access, in which case the individual will be informed in writing within the 30 days as to the cause for delay and when it is anticipated that access will be granted. At the time access is granted, the individual must sign a statement indicating that he or she has reviewed the record specified.

(d) Fees, if any, to be charged to an individual for making copies of his or her record will be as provided in § 903.9.

§ 903.5 Requests for amendment of record.

An individual may request amendment of a Corporation record pertaining to him or to her, if the individual believes that the record contains information which is not accurate, relevant, timely, or complete. The request shall be in writing, whether presented in person or by mail, shall state with specificity the record sought to be amended, and shall propose wording of the correction or amendment sought. The request shall be directed to the Administrative Officer at the place, times and in the manner specified in § 903.3 (a) and (b). Not later than 10 days after the date of receipt of a request the Administrative Officer will acknowledge it in writing. The acknowledgement will clearly describe the request, and if a determination has not already been made, will advise the individual when he or she may expect to be advised of action taken on the request. For requests presented in person, written acknowledgement will be provided at the time when the request is presented. No separate acknowledgement of receipt will be issued if the request can be reviewed and the individual advised of the results of the review within the 10 day period.

§ 903.6 Review of request for amendment of record.

(a) Upon receipt of a request for amendment of a record under § 903.5, the Administrative Officer will promptly review the record, and: either (1) Amend any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or (2) inform the individual of refusal to amend the record in accordance with the request. In reviewing a record pursuant to a request to amend it, the Corporation will assess the accuracy, relevance, timeliness and completeness of the record in terms of the criteria established in 5 U.S.C. 522a(e)(5). In reviewing a record in response to a request to amend it by deleting information, the Corporation will ascertain whether or not the information is relevant and necessary to accomplish a purpose of the Corporation required to be accomplished by statute or by executive order of the President, as prescribed by 5 U.S.C. 522a(e)(1).

(b) The Corporation shall take the action specified in paragraph (a) of this section within 30 days of receipt of a request for amendment of a record, unless unusual circumstances preclude completion of the action within that time. If the expected completion date for the action, as indicated in the acknowledgement provided pursuant to § 903.5 cannot be met, the individual shall be advised of the delay and of a revised date when action is expected to be completed. If necessary for an accurate review of the record, the Corporation will seek, and the individual will supply, additional information in support of his or her request for amending the record.

(c) If the Corporation agrees with all or any portion of an individual's request to amend a record, the Corporation will so advise the individual in writing, and amend the record to the extent agreed to by the Corporation. Where an accounting of disclosures has been kept, the Corporation will advise all previous recipients of the record of the fact that the amendment was made and the substance of the amendment.

(d) If the Corporation disagrees with all or any portion of an individual's request to amend a record, the Corporation shall:

(1) Advise the individual of its adverse determination and the reasons therefor, including the criteria used by the Corporation in conducting the review;

(2) Inform the individual that he or she may request a review of the adverse determination by the Executive Director of the Corporation, or by an officer of the Corporation designated by the Executive Director; and,

(3) Advise the individual of the procedures for requesting such a review, including the name and address of the official to whom the request should be directed.

(e) If the Corporation is apprised by another agency of any corrections or other amendments made to a record contained in the Corporation's system of records, the Corporation will promptly amend its record and advise in writing all previous recipients of the record of the fact that the amendment was made and the substance of the amendment.

§ 903.7 Appeal of initial adverse determination of request for amendment of record.

(a) Not more than 15 days after receipt by an individual of notice of an adverse determination by the Administrative Officer concerning a request to amend a record, the individual may appeal the determination by seeking a review by the Executive Director of the Corporation, or by an officer of the Corporation designated by him. The appeal shall be in writing, mailed or delivered to Executive Director, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004. The appeal shall identify the record in the same manner as it was identified in the original request, shall indicate the dates of the original request and of the adverse determination, and shall indicate the expressed basis for that determination. In addition, the appeal shall state briefly the reasons why the adverse determination should be reversed.

(b) Not later than 30 days after receipt of an appeal, the Executive Director, or an officer of the Corporation designated by him, will complete a review of the appeal and the initial determination, and either:

(1) Determine that the appeal should be granted, take the appropriate action with respect to the record in question, and notify the individual accordingly; or,

(2) Determine that the appeal should be denied.

(c) The reviewing official may, at his or her option, request from the individual such additional information as is deemed necessary to properly conduct the review. If additional time is required, the Executive Director may for good cause shown extend the period for action beyond the 30 days specified above. The individual will then be informed in writing of the delay and the reasons therefor, and of the approximate date on which action is expected to be completed.

(d) If the reviewing official denies the appeal, he or she shall advise the individual in writing:

(1) Of the decision and the reasons for reaching it;

(2) That the denial of the appeal is a final agency action entitling the individual to seek judicial review in the appropriate district court of the United States, as provided in 5 U.S.C. 552a(g); and,

(3) That the individual may file with the Corporation a concise statement setting forth the reasons for his or her disagreement with the refusal of the Corporation to amend the record in question.

(e) Any individual having received notice of a denial of an appeal to amend a record may file a statement of disagreement with the Executive Director not later than 30 days from receipt of the notice. Such statements shall ordinarily not exceed one page in length, and the Corporation reserves the right to reject statements of excessive length. Upon receipt of a proper and timely statement of disagreement, the Corporation will clearly annotate the record in question to indicate the portion of the record which is in dispute. Thereafter, in any disclosure containing information about which an individual has filed a statement of disagreement, the Corporation will provide a copy of the statement together with the record to which it pertains. If the Corporation deems it appropriate it may also include in any such disclosure its own concise statement of the reasons for not making the amendments requested.

§ 903.8 Disclosure of records to persons or agencies.

(a) The Corporation will not disclose any record which is contained in a sys-

V 40 189 SEP 29 75 XUM

tem of records, by any means of communication to any person or to another agency except:

(1) Pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains;

(2) To those officers and employees of the Corporation who have a need for the record in the performance of their duties;

(3) When required under 5 U.S.C. 522 (The Freedom of Information Act); or

(4) Pursuant to the conditions of disclosure contained in 5 U.S.C. 552a(b)(3) through 5 U.S.C. 522a(b)(11).

(b) The Administrative Officer of the Corporation shall keep an accounting of each disclosure made pursuant to paragraph (a)(4) of this section, in accordance with 5 U.S.C. 552a(c). Except for disclosures made pursuant to 5 U.S.C. 552a(b)(7), the Administrative Officer shall make the accounting kept under this paragraph available to an individual to whom the record pertains, upon his or her request. An individual requesting an accounting of disclosures should do so at the place, times and in the manner specified in §§ 903.3 (a) and (b).

§ 903.9 Fees.

No fees shall be charged for locating and providing the first copy of a record or any portion thereof to individuals to whom the record pertains. The fee schedule for additional copies is the same as that appearing in Part 902 of this chapter, implementing the Freedom of Information Act.

§ 903.10 Penalties.

The provision of 5 U.S.C. 552a(i), as added by Section 3 of the Privacy Act, make it a misdemeanor subject to a maximum fine of $5,000, to knowingly and willfully request or obtain any record concerning an individual from an agency under false pretenses. Similar penalties attach for violations by agency officers and employees of the Privacy Act or regulations established thereunder.

§ 903.11 [Reserved]

[FR Doc.75-25865 Filed 9-26-75;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PRIVACY ACT OF 1974

Notice of Systems of Records

Notice is hereby given that the Pennsylvania Avenue Development Corporation, in accordance with 5 U.S.C. 552a (e)(4) and (1), section 3 of the Privacy Act of 1974 (Pub. L. 93-579), adopts as of September 27, 1975 the notice of systems of records as set forth in 40 FR 39674-39676, August 28, 1975. To date, no comments have been received concerning its proposed systems of records. Due to the exigencies of the Privacy Act of 1974, the Corporation adopts those systems of records as published, although the comment period as provided in the initial notice has not terminated. The Corporation will continue to accept and review any comments received after September 27, 1975, and will consider those comments for any future amendments to its systems of records. As of September 27, 1975, notice of the proposed systems of records will have been made to the public for thirty days.

Effective date: This notice of systems of records becomes effective on September 27, 1975 in accordance with the requirements of the Privacy Act of 1974, 5 U.S.C. 552a.

PETER T. MESZOLY,
General Counsel.

[FR Doc.75-25866 Filed 9-26-75;8:45 am]

FOREIGN CLAIMS SETTLEMENT COMMISSION

PRIVACY ACT OF 1974

Addition to Statement Concerning Notice of Systems of Records

The following paragraph should be added to the statement which precedes the notice of systems of records maintained by FCSC, as published in Section 3, Part II, Vol. 40, No. 167, FEDERAL REGISTER, Wednesday, August 27, 1975.

The following routine use applies to and is incorporated by reference into each system of records maintained by FCSC:

"The information contained in this system of records will be disclosed to the Office of Management and Budget, in connection with the review of private relief legislation as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that circular."

Signed this 12th day of September, 1975.

[SEAL] WAYLAND D. MCCLELLAN,
General Counsel.

[FR Doc.75-25917 Filed 9-26-75;8:45 am]

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NATIONAL SCIENCE FOUNDATION

SYSTEMS OF RECORDS UNDER THE PRIVACY ACT

Pursuant to the requirements of Section 3 of the Privacy Act of 1974, 5 USC 552a(e)(4) notice is hereby given of the existence and character of an additional system of records maintained by the National Science Foundation and of the routine uses thereof. Interested persons are invited to submit written data, views or arguments to the Director, National Science Foundation, ATTN: General Counsel, publication of this Washington, D.C., not later than October 29, 1975.

NSF—37

System name: United States Antarctic Research Program Field participants.

System location: NSF Office of Polar Programs, 1800 G Street, NW, Washington, D.C. 20550, and Holmes and Narver, Inc., 400 E. Orangethorpe, Anaheim, California 92801.

Categories of individuals covered by the system: NSF employees, grantees (U.S. and foreign nationals), grantees' assistants, and contractor employees.

Categories of records in the system: Curriculum vitae, medical information, emergency information (next of kin, etc.), correspondence, messages, and memoranda dealing with an individual's deployment to Antarctica or Antarctic Ocean areas under auspices of the United States Antarctic Research Program.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For official use during possible litigation resulting from death, injuries, wage disputes, etc., occuring during or resulting from an individual's deployment to Antarctica.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in cardboard boxes.

Retrievability: Records are filed alphabetically by last name of individual. Alphabetical files are grouped in periods of one year or longer as determined by time of deployment to Antarctica.

Safeguards: Buildings have security guards during non-business hours. Records are in locked rooms after business hours. Access is limited to persons whose official duties require their use.

Retention and disposal: Records are held at NSF or at Holmes and Narver approximately two years after completion of individual's deployment to Antarctica. Records are deposited with the Federal Records Center generally every two years. Records are destroyed 10 years after individual's last deployment to Antarctica.

System manager(s) and address: Head, Office of Polar Programs, for reorder at NSF. All others: Administrative Manager, Antarctic Field Service, Holmes and Narver, Inc., 400 E. Orangethorpe, Anaheim, California 92801.

Notification procedure: The NSF Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR Part 613. Supply individual's full name and years of deployment to Antarctica.

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: The individual, NSF officials, Holmes and Narver officials, medical doctor, field personnel in United States Antarctic Research Program.

Date: September 22, 1975.

H. Guyford Stever,
Director.

[FR Doc.75-25756 Filed 9-23-75;3:22 p.m.]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

NOTICE OF SYSTEM OF RECORDS

Pursuant to the Privacy Act of 1974 (Public Law 93-379 31 December 1974) as reflected in 5 U.S.C. 552a(e)(4), the notice of system of records maintained by the Committee for Purchase from the Blind and Other Severely Handicapped was published on August 13, 1975.

No comments and views regarding these system of records were filed with the Committee. Therefore, the final notice of system of records maintained by the Committee for Purchase from the Blind and Other Severely Handicapped is published as set forth below with minor editorial corrections.

By the Committee.

C. W. FLETCHER
Executive Director

Index

CBH—1 General Personnel File
CBH—2 General Financial Records
CBH—3 Payroll Records

CBH—1

System name: General Personnel File for Committee for Purchase from the Blind and Other Severely Handicapped—CBH—1.

System location: 2009 14th Street North, Suite 610, Arlington, Virginia 22201

Categories of individuals covered by the system: Committee members and employees (past and present).

Categories of records in the system: General personnel information, including, among other data, photographs, applications, position description, request for notification of personnel action, training records, security clearances, titles, service computation date, date of birth, grade, salary, employment history, home address, age, marital status, social security number, home telephone number, resume, letter of recommendation, and short biographical sketches. System contains copies of Civil Service Commission personnel forms including, among others: data for nonsensitive or noncritical-sensitive position, and payroll change slip. Information is used by authorized Committee employees in the performance of their duties.

Authority for maintenance of the system: 5 U.S.C., generally, and Public Law 92-28.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper

Retrievability: Manual and by name.

Safeguards: Files locked in office; records are available to authorized persons only.

Retention and disposal: In accordance with General Records Schedule FPMR 101-11.4.

System manager(s) and address: Executive Director 2009 14th Street North, Suite 610, Arlington, Virginia 22201

Notification procedure: Contact individual listed above.

Record access procedures: Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR 51-8.

Record source categories: Official personnel records and the individual.

CBH—2

System name: General Financial Records for Committe for Purchase from the Blind and Other Severely Handicapped—CBH—2.

System location: General Services Administration, Central Office, copies held by the Committee. (GSA holds records for Committee under contract.)

Categories of individuals covered by the system: Committee employees.

Categories of records in the system: SF 1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Committee who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally and Public Law 92-28.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Executive Director, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

Notification procedure: Contact system manager listed above.

Record access procedures: Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits, the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR 51-8.

Record source categories: The subject individual; the Committee.

CBH—3

System name: Payroll records for Committee for Purchase from the Blind and Other Severely Handicapped—CBH—3.

System location: General Services Administration, Region 3 Office; copies held by the Committee (GSA holds records for Committee under contract).

Categories of individuals covered by the system: Past and present Committee employees.

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards, payment vouchers, comprehensive listing of employees, health benefits records, requests for deductions, tax forms, W2 forms, overtime requests, leave data, retirement records. Records are used by Committee and GSA employees to maintain adequate payroll information for Committee employees and otherwise by Committee and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building, released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

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System manager(s) and address: Executive Director, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

Notification procedure: Contact system manager listed above.

Record access procedures: Requests from individuals should be addressed to the Executive Director of the Committee staff. Requests may also be made in person. For written requests, the individual should provide full name, address, telephone number, and the dates of the activity. For personal visits the individual should be able to provide some acceptable identification such as driver's license or employee identification card. Only general inquiries may be made by telephone.

Contesting record procedures: Rules for access to records and for contesting the contents and appealing initial determinations have been promulgated in 41 CFR 51-8.

Record source categories: The subject individual; the Committee.

APPENDIX (CBH)

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute of particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator of other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purpose of audit.

[FR Doc.75-25757 Filed 9-23-75;3:22 p.m.]

PANAMA CANAL COMPANY

PRIVACY ACT OF 1974

Notice of Systems of Records

In accordance with section 3 of the Privacy Act of 1974 (5 U.S.C. 552a(e)(4) and (11)), notice is hereby given of the existence and character of systems of records which are maintained by the Panama Canal Company and the Canal Zone Government and which contain information about individuals that is retrievable by name or other identifying particular.

On August 28, 1975 notice appeard in the Federal Register of proposed rules implementing the Privacy Act. Those rules were published in the Federal Register on September 2, 1975 (40 FR 40485-89). They contained a list of general routine uses which may be made of information pertaining to individuals which is maintained in the systems of records under the control of the Panama Canal Company or the Canal Zone Government. For the convenience of the reader, that list (which will constitute Appendix A to 35 CFR Part 10) is reproduced in the following statement which is prefatory to the descriptions of the various systems of records. Additional routine uses applicable to particular systems may be set forth in the individual descriptions.

Interested persons may submit written data, views or arguments concerning intended uses of information in any system of records of the Panama Canal Company or the Canal Zone Government to the Agency Records Officer (Chief, Administrative Services Division), Panama Canal Company, Box M, Balboa Heights, Canal Zone.

Dated: September 22, 1975.

H. R. Parfitt,
Governor of the Canal Zone, President, Panama Canal Company.

(SEAL)

PREFATORY STATEMENT OF GENERAL ROUTINE USES

Information pertaining to individuals which is maintained in any system of records under the control of the Panama Canal Company or Canal Zone Government is subject to disclosure, as a routine use of such information, to any of the following persons or agencies under the circumstances described:

1. Information indicating a violation or potential violation of law (whether civil, criminal, or regulatory in nature, and whether involving a statute or regulation or a rule or order issued pursuant thereto) may be referred to the Federal, State, local, foreign, or international agency charged with investigating or prosecuting such violations or charged with implementing or enforcing the particular statute, or regulation, rule, or order, which is pertinent thereto.

2. Information which has a bearing on matters which may be in dispute may be disclosed in the course of presenting evidence or argument to a court or administrative tribunal, a judicial official, or counsel for a party in connection with litigation or administrative proceedings in which the agency, or its officers or employees, are or may become involved.

3. Information may be provided to persons or agencies from whom information is solicited, to the extent necessary to elicit facts which may be relevant to a financial audit or an agency decision to hire or retain an employee, issue a security clearance, award a contract, grant a license, or otherwise provide a benefit or incur an obligation.

4. Information may be disclosed to a Federal agency, in response to its request in a particular case or in a category of cases, in connection with that agency's (a) decision in a personnel matter; (b) financial audits and accounting; (c) issuance of a security clearance; (d) investigation of an individual employed or formerly employed by the Panama Canal Company or Canal Zone Government; or (e) decision to award a contract, grant a license, or otherwise provide a benefit or incur an obligation.

5. Information may be supplied in response to an inquiry from a Member of Congress on behalf of an individual or, at any stage of the legislative coordination and clearance process, to the Office of Management and Budget in connection with the review of private relief legislation.

6. Information which has a bearing on the qualifications of professional personnel (such as architects, attorneys, engineers, medical practitioners, pilots, and teachers) who have been employed by the agency or have had professional dealings with the agency may be provided to the appropriate authorities such as professional licensing and certifying boards and grievance committees.

TITLE LISTING OF PANAMA CANAL COMPANY-CANAL ZONE GOVERNMENT NOTICES OF SYSTEMS OF RECORDS

Accounts Payable Disbursement Records, PC-CZG/FVAC-8
Accounts Receivable Records, PCC-CZG/FVAC-2
Admeasurer Examination File, PCC-CZG/MRPA-1
Advance Authorizations to Enter the Canal Zone, PCC-CZG/ADRM-2
Appeals, Grievances, Complaints, and Assistance Records, PCC-CZG/CZPB-2
Applications for Importation, PCC-CZG/CACU-8
Arrest Record File, PCC-CZG/CAPL-13
Automatic Data Processing and Retrieval Systems, PCC-CZG/FVDP-1
Biographical Data, PCC-CZG/GVPR-1
Biographical Data Cards, PCC-CZG/ISO-5
Biographical Data Files, PCC-CZG/ISO-6
Canal Zone Awards and Service Contracts Control Records, PCC-CZG/FVAC-7
Canal Zone Board of Registration for Architects and Professional Engineers Directory, PCC-CZG/BRAE-2
Canal Zone Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1
Canal Zone Immigration Station Admission Records, PCC-CZG/CACU-11
Canal Zone Library Registration Record, PCC-CZG/CALM-1
Canal Zone Vehicle Registration Listings, PCC-CZG/CAPL-17
Cardex File—Contraband Violations, PCC-CZG/CACU-6
Cardex File—Smuggling; Narcotics; Violators or Suspects and Fugitives, PCC-CZG/CACU-4
Cardex File—Vehicle Exporters, PCC-CZG/CACU-5
Card Index System, PCC-CZG/ISO-3
Case Investigations, PCC-CZG/CAPS-2
Cash Audit Files, PCC-CZG/FVGA-1
Cash Collection Agents and Subagents, PCC-CZG/FVAC-6
Cash Register Receipt Shortages, PCC-CZG/FVGA-2
Civil and Amateur Radio Operator and Station License Files, PCC-CZG/CALS-4
Civil Defense and Natural Disaster Records, PCC-CZG/EPCD-1
Claims Files, PCC-CZG/FVAK-1
Complaints Against Policemen File, PCC-CZG/CAPL-15
Confidential Sources and Contacts, PCC-CZG/ISO-2
Contractor Employee Payroll Records, PCC-CZG/ECCN-2
Convict Files, PCC-CZG/CAPL-4
Customs Fugitive Records, PCC-CZG/CACU-3
Delegation of Authority for Procurement, PCC-CZG/FVAC-5
Detective Confidential Files, PCC-CZG/CAPL-3
Disability Relief, Retirement and Group Supplementary Life Insurance Records, PCC-CZG/PR-1
Driver's License Investigatory File, PCC-CZG/CALS-7
Driver's License Revocation Lists, PCC-CZG/CAPL-20
Embezzlements, Burglaries, and Cash Shortages, PCC-CZG/FVAC-1
Employee Application for Outside Employment, PCC-CZG/ADGS-2
Employee Benefits Records, PCC-CZG/PR-2
Employee/Dependent Photo-Identification Card Applications, PCC-CZG/CALS-1
Employees' and Dependents' Travel Orders PCC-CZG/ADTR-1
Equal Employment Opportunity Counseling and Investigation Files, PCC-CZG/GVEO-2
Ethyl Alcohol Certificates of Purchase, PCC-CZG/SC-5
Expert and Consultant Records, PCC-CZG/SC-3
Fingerprint File, PCC-CZG/CAPL-7
Fishing Pass Application File, PCC-CZG/CALS-3
Freedom of Information Act Requests for Records, PCC-CZG/ADRM-4
General Files of the Canal Agencies, PCC-CZG/ADRM-1
Grievances and Appeals Records, PCC-CZG/PR-4
Health, Medical, Dental, and Veterinary Records Systems, PCC-CZG/HL-1
Hire-A-Kid Program File, PCC-CZG/GVYA-1
Housing Complaints File, PCC-CAG/SC-2
Housing Files, PCC-CZG/SC-1
Hunting Permit Application File, PCC-CZG/CALS-2
Immigration and Naturalization Service Lookout Book, PCC-CZG/CACU-2
Immigration Detention Orders, PCC-CZG/CACU-12
Incentive Awards Program Files, PCC-CZG/FVXI-1
Index of Contractor Employees, PCC-CZG/ISO-4

V 40 189 SEP 29 75 XUM

Industrial Accident Prevention Supervisor/Unit Awards File, PCC-CZG/SF-1
Informant Name File, PCC-CZG/CAPL-9
Injury Compensation Payroll Records, PCC-CZG/FVAP-3
Inmate Trust Fund File, PCC-CZG/CAPL-14
Internal Revenue Service Notice of Levy Files, PCC-CZG/FVTR-2
Land License Record, PCC-CZG/CALS-5
Law Enforcement Case Report Files, PCC-CZG/CAPL-1
Mail Covers, PCC-CZG/CAPS-1
Marine Accident Reference Cards, PCC-CZG/MRTO-1
Marine License Files, PCC-CZG/MRBLI-1
Marriage License Records, PCC-CZG/CALS-9
Master Name File, PCC-CZG/CAPL-10
Medical Administration System-Exempt, PCC-CZG/HL-2
Medical Administration System-Nonexempt, PCC-CZG/HL-3
Merit System Recruiting, Examining, and Placement Records, PCC-CZG/CZPB-1
Minority Group Designator GD) Records, PCC-CZG/PR-ll
Motor Vehicle and Motorboat Registration and Operator's License Files, PCC-CZG/CALS-8
News Media Representatives, PCC-CZG/IO-2
News Morgue Records, PCC-CZG/IO-1
Office of the Secretary Operating Unit Personnel Files, PCC-CZG/WO-2
Official Permits to Have or Carry Firearms, PCC-CZG/CALS-11
Operating Unit Employment Inquiry Files, PCC-CZG/OPR-2
Operating Unit Personnel Records, PCC-CZG/OPR-1
Panama Canal Company Board of Directors, PCC-CZG/WO-1
Panama Canal Company Board of Directors Biographical and Correspondence Files, PCC-CZG/EPS-1
Payroll Deductions, PCC-CZG/FVAP/AC-4
Payroll Master File for Panama Canal Company and Canal Zone Government Employees, PCC-CZG/FVAP-1
Payroll System for Vessel Employees, PCC-CZG/FVAP-2
Pending Detective Investigation Records, PCC-CZG/CAPL-8
Personal Data Records, PCC-CZG/PR-3
Personnel Investigation Records, PCC-CZG/CZPB-3
Personnel Security Files, PCC-CZG/ISO-1
Philatelic Program, PCC-CZG/CAPS-5
Plumbing and Welding License Files, PCC-CZG/ECCN-1
Police Headquarters Confidential File, PCC-CZG/CAPL-2
Police Photo Files, PCC-CZG/CAPL-6
Poor Risk/Delinquent Citation/Warrant File, PCC-CZG/CAPL-19
Post Office Box Holder Records, PCC-CZG/CAPS-4
Postal Claims and Inquiries, PCC-CZG/CAPS-6
Presentence and Pre-Parole Investigation Reports, PCC-CZG/CAPR-2
Prisoner Property Record, PCC-CZG/CAPL-18
Prisoner Record Cards, PCC-CZG/CAPL-5
Privacy Act Requests Records, PCC-CZG/ADRM-3
Probation and Parole Unit Child Custody Reports, PCC-CZG/CAPR-1
Probation and Parole Unit Statistical File, PCC-CZG/CAPR-3
Prohibitory Orders Against Sending Pandering Advertisement in the Mails, PCC-CZG/CAPS-3
Protocol Unit Operational Files, PCC-CZG/GVPR-2
Purchase Authority Cards, PCC-CZG/ADGS-1
Quarterly Report of Employee Union Dues Deductions, PCC-CZG/GVLR-1
Recruiting and Placement Records, PCC-CZG/PR-5
Refugee Records, PCC-CZG/SC-4
Runners, Peddlers, and Solicitors Application and License Files, PCC-CZG/CALS-10
20/30/40 Year Safety Key Awards Files, PCC-CZG/SF-2
Seamen's Locator List, PCC-CZG/CACU-7
State Department Visa Lookout Book, PCC-CZG/CACU-1
Statements of Employment and Financial Interest, PCC-CZG/GE-2
Student Record System, PCC-CZG/CASC-1
Suspension of Check Cashing Privileges Files, PCC-CZG/FVTR-3
Telephone Exchange Directory, PCC-CZG/ECLE-1
Termination of Employment Actions Records, PCC-CZG/FVTR-1
Traffic Accident Reports, PCC-CZG/CAPL-16
Training and Employee Development Records, PCC-CZG/PR-6
Trust Fund Records, PCC-CZG/FVAC-3
U.S. Army Element, Canal Zone Government Military Administration System, PCC-CZG/MIL-1
U.S. Civil Service Commission systems applicable to the Canal agencies: General Personnel Records; Retirement, Life Insurance, and Health Benefits Records Systems (See PCC-CZG/PR-8)
U.S. Government Vehicle Operator's Identification and Material Handling Card Application Files, PCC-CZG/CALS-6
U.S. Immigration and Naturalization Service, U.S. Citizenship Certificate Application and Appointment Records, PCC-CZG/CACU-10
Unnegotiated Checks over One Year Old, PCC-CZG/FVAC-9
Vehicle Registration for RP-Series License Plates, PCC-CZG/CACU-9
Vessel Employee Records, PCC-CZG/TTWT-1
Visa Records, PCC-CZG/GE-1 (STATE-39)
Vital Installation Access File, PCC-CZG/CACP-1
Youth Unit Drug Abuse File, PCC-CZG/CAPL-11
Youth Unit Name Index File, PCC-CZG/CAPL-12

PCC-CZG/ADGS-1

System name: Purchase Authority Cards, PCC-CZG/ADGS-1

System location: Administrative Services Division, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Employees of private companies, organizations, and certain other government agencies, and other individuals that qualify for purchase authority.

Categories of records in the system: Name, employment status, residence, mailing address, purchase-authority status, marital status, citizenship, age, names and ages of dependents, and history of identification cards issued.

Authority for maintenance of the system: Article III, 1936 General Treaty of Friendship and Cooperation, 53 Stat. 1807; Articles XI and XII, 1955 Treaty of Mutual Understanding and Cooperation, 6 U.S.T. 2273.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms, 8 by 10 1/2 inches.

Retrievability: Alphabetically by name.

Safeguards: Lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Minimum of 5 years after individual ceases to qualify for purchase authority. Shredded.

System manager(s) and address: Chief, General Services Branch, Administrative Services Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notifications Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From individual.

PCC-CZG/ADGS-2

System name: Employee Application for Outside Employment, PCC-CZG/ADGS-2

System location: Administrative Services Division, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Employees or former employees who have applied for permission to engage in outside employment.

Categories of records in the system: Name of employee, name of outside employer, location of outside employment, number of hours employed weekly, nature of work performed, beginning and ending dates of outside employment, and conditions placed on employee concerning outside employment permission. Also may include letters from the Government of Panama stating there is no objection to the proposed employment.

Authority for maintenance of the system: 35 CFR 255.735-32; E.O. 11222 of May 8, 1965.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Released to Internal Revenue Service upon request to inform them which employees engage in outside employment. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form 8 by 10 1/2 inches.

Retrievability: Filed by expiration date. Separate index maintained by name.

Safeguards: Lockable file cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Minimum of 5 years after expiration of permit. Disposed of by shredding.

System manager(s) and address: Chief, General Services Branch, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From individual to whom application pertains.

PCC-CZG/ADRM-1

System name: General Files of the Canal Agencies, PCC-CZG/ADRM-1

System location: Records Management Branch, Panama Canal Company, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Individuals who are the subject of correspondence or who correspond with the Office of the Governor/President and staff offices on a variety of subjects related to the operation, maintenance, and protection of the Panama Canal and the Government of the Canal Zone.

Categories of records in the system: Files retrievable by reference to individuals include records on subjects such as eligibility to engage in private business, purchase goods and services, use Canal facilities, and reside or remain in Canal Zone; licenses and permits in connection with utilization of land, water, resources and facilities; Congressional inquiries about or on behalf of individuals; detention and deportation of persons; biographical data on former Governors of the Canal Zone; certificates of good conduct; contracts with individuals, reports of Court dispositions of cases; Coroner reports; and inquiries and answers on Canal operations, laws and regulations pertaining to the Canal and the Canal Zone, and policies related thereto, generally.

Authority for maintenance of the system: 44 U.S.C. 3101 and 3102.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders or on backers and card indexes.

Retrievability: Filed by subject subdivided alphabetically by name, or filed alphabetically by name only.

Safeguards: Stored in metal file cabinets in file room locked when not in use in a building with around-the-clock guard. Access and use are restricted to authorized personnel.

Retention and disposal: Certificates of good conduct, 6 months; eligibility files, 3 years after last entry; general inquiries and answers, 3 years. Others transferred to Agency Records Center after 8 years and retained permanently. General files prior to 1914 are stored in National Archives.

System manager(s) and address: Chief, Records Management Branch, Panama Canal Comoany, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals, Canal officials, and information from records.

PCC-CZG/ADRM-2

System name: Advance Authorizations to Enter the Canal Zone, PCC-CZG/ADRM-2

System location: Records Management Branch, Panama Canal Company, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Individuals issued advance authorization to enter the Canal Zone.

Categories of records in the system: Advance authorizations to enter the Canal Zone and related papers, such as extensions of stay and changes in Canal zone Zone immigration status.

Authority for maintenance of the system: 2 C.Z.C. 841, 76A Stat. 32; E.O. 11305; 35 CFR 59.22-3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records on backers.

Retrievability: Filed alphabetically by name of entrant.

Safeguards: Stored in metal file cabinets in file room locked when not in use in a building with around-the-clock guard. Access and use are restricted to authorized personnel.

Retention and disposal: 3 years after last entry.

System manager(s) and address: Chief, Records Management Branch, Panama Canal Company, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Sponsors of entrant.

PCC-CZG/ADRM-3

System name: Privacy Act Requests Records, PCC-CZG/ADRM-3

System location: Records Management Branch, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Individuals who have requested personal information from records systems of the Panama Canal Company/Canal Zone Government under provisions of the Privacy Act.

Categories of records in the system: Records maintained to process requests made under the Privacy Act of 1974, and to provide information for compiling an annual report (beginning April 30, 1976) for The Office of Management and Budget as required by the act. Files contain correspondence, documents, and file material references related to the receipt, processing and final disposition of requests received under the Privacy Act of 1974. File material under request is normally retained by the system manager of the system from which the information is requested.

Authority for maintenance of the system: 5 U.S.C. 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records maintained in file cabinets in building with around-the-clock guard. Access and use are restricted to authorized personnel.

Retention and disposal: Retention period not yet established.

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System manager(s) and address: Chief, Records Management Branch, Administrative Services Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager . Rules published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to the Systems Manager designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: The individual on whom the record is maintained and from officials making determinations under the act.

PCC-CZG/ADRM-4

System name: Freedom of Information Act Requests for Records, PCC-CZG/ADRM-4

System location: Records Management Branch, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Individuals who have requested copies of Panama Canal Company/Canal Zone Government records under provisions of the Freedom of Information Act.

Categories of records in the system: Records maintained to process requests for information from records under the Freedom of Information Act, and to provide annual reports to Congress as required by the act. Files will normally contain correspondence, documents and file material references related to the receipt, processing and final disposition of requests received under the Freedom of Information Act.

Authority for maintenance of the system: 5 U.S.C. 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed chronologically by date received. Retrievable alphabetically by name from cross index.

Safeguards: Records maintained in metal file cabinet in building with around-the-clock guard. Access and use are restricted to authorized personnel.

Retention and disposal: Retention period not yet established.

System manager(s) and address: Chief, Records Management Branch, Administrative Services Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From individual requesting information; and from officials making determinations under the act.

PCC-CZG/ADTR-1

System name: Employees' and Dependents' Travel Orders, PCC-CZG/ADTR-1

System location: Transportation Branch, Building 639, Balboa, Canal Zone

Categories of individuals covered by the system: Employees and designated dependents of Panama Canal Company/Canal Zone Government and other agencies whose travel arrangements are performed by the Transportation Branch of the Panama Canal Company.

Categories of records in the system: Records contain traveler's names, relationship to employee, identification number, occupation, dates and places of birth, origin and destination of travel as well as other pertinent travel information required to complete United States Transportation requests and United States Government Bills of Lading.

Authority for maintenance of the system: 5 U.S.C. 5701-42 and 5924, and such other authorities as are cited in 5721-1 and 1-2, PCPM.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: U.S. Government agencies, commercial carriers, U.S. and foreign customs, Immigration and diplomatic personnel, and others with a need to know; and for use in adjudicating claims relating to employee travel. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and index cards.

Retrievability: Indexed by employee's name and travel order numbers.

Safeguards: Records maintained in file cabinets. Office is locked and protected by security alarms after office hours - access and use of records restricted to authorized personnel.

Retention and disposal: Retained 3 years. Transferred to Agency Records Center for disposition under applicable disposition schedules.

System manager(s) and address: Chief, Transportation Branch, Panama Canal Company, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom the record is maintained, employing unit, and by the Personnel Bureau, Panama Canal Company as necessary.

PCC-CZG/BRAE-1

System name: Canal Zone Board of Registration for Architects and Professional Engineers Reference Files, PCC-CZG/BRAE-1

System location: Canal Zone Board of Registration for Architects and Professional Engineers, Building 29-X, Balboa Industrial Area, Balboa, Canal Zone

Categories of individuals covered by the system: Active and inactive individuals certified as Engineers-In-Training (EIT) or registered as Professional Engineer (PE) or Architect (RA) in the Canal Zone.

Categories of records in the system: Complete application detailing personal history, educational record and references and record of professional practice; reference letters from individuals, verification letters from schools, State Boards, National Council of Engineering Examiners (NCEE)/National Council of Architectural Registration Boards (NCARB), etc.

Authority for maintenance of the system: 35 CFR 69(A) and 2 C.Z.C. 1171-75.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to National Council of Engineering Examiners (NCEE), National Council of Architectural Registration Boards (NCARB) and all State Board jurisdictions in connection with Publication of Roster, 35 CFR 69.141. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder 8 1/2 by 11 inches.

Retrievability: Alphabetically by status of certification and registration.

Safeguards: Active records maintained in locked file cabinet; inactive records maintained in office file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Active files maintained indefinitely. Inactive files maintained indefinitely or three years after death. Files disposed of by shredding.

System manager(s) and address: Chairman, Canal Zone Board of Registration for Architects and Professional Engineers, Box 223, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual applicant, personal references, NCEE, NCARB, State Boards.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources, or is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/BRAE-2

System name: Canal Zone Board of Registration for Architects and Professional Engineers Directory, PCC-CZG/BRAE-2

System location: Canal Zone Board of Registration for Architects and Professional Engineers, Building 29-X, Balboa Industrial Area, Balboa, Canal Zone

Categories of individuals covered by the system: All certified Engineers-in-Training (EIT) and registered Professional Engineers (PE) and Architects (RA).

Categories of records in the system: Numerical listing of Engineers-in-Training, Professional Engineers and Architects by number, name and methods of registration.

Authority for maintenance of the system: 35 CFR 69 and 2 C.Z.C. 1171-75 76A Stat. 40-41.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For routine use by the Board and for preparation of the annual report (35 CFR 69.232); and the Roster (35 CFR 69.141); Board members, Executive Secretary to the Board, and each architect and professional engineer and architect-in-training and engineer-in-training and other persons upon request as set forth in 35 CFR 69.144. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8 1/211 inch papers in file folders.

Retrievability: Numerically by certification/registration number; cross referenced by name.

Safeguards: File cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Indefinite. Retained by Board for reference purposes.

System manager(s) and address: Chairman, Canal Zone Board of Registration for Architects and Professional Engineers, Box 223, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR, Part 10.

Record source categories: From applicant and other sources.

PCC-CZG/CACP-1

System name: Vital Installation Access File, C-CZG/CACP-1

System location: Canal Protection Division, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Private contractors, steamship agency personnel, employees of the Panama Canal Company and other persons who frequently require entrance to vital Panama Canal Company/ Canal Zone Government installations.

Categories of records in the system: Individual's name, place of birth, date of birth, citizenship, residence, position or title, employer; firms business license number, address, telephone number, merchandise or contract services. Subsystems contain photomat cards containing name, employer, and card control number; apprehension, detention and incident records; persons holding Panama Canal Company/Canal Zone Government Runners licenses; and other information pertaining to granting, limiting, or denying access to various Canal Zone installations where access is controlled.

Authority for maintenance of the system: 50 U.S.C. 191, E.O. 10226 of March 27, 1961, 6 C.Z.C. 1602 (76A Stat. 472), CZAR 87.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms 58 inches and 8 by 10 1/2 inches.

Retrievability: Manual; Indexed by bearer's name.

Safeguards: Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained until card expires. Destroyed by shredder at expiration.

System manager(s) and address: Chief, Canal Protection Division, Civil Affairs Bureau, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/CACU-1

System name: State Department Visa Lookout Book, PCC-CZG/CACU-1

System location: Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and in Building 200, Gristobal, Canal Zone.

Categories of individuals covered by the system: Aliens subject to investigation or denial of entry into the United States.

Categories of records in the system: Name, number, place and date of birth, citizenship or nationality, and coded offenses.

Authority for maintenance of the system: 8 U.S.C. Chapter 12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Book form.

Retrievability: Name and number.

Safeguards: Stored in combination safe when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Until revised by State Department. Destroyed by burning.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-2

System name: Immigration and Naturalization Service Lookout Book, PCC-CZG/CACU-2

System location: Investigations Unit, Canal Zone Customs, Building 101, Balboa, Canal Zone

Categories of individuals covered by the system: Individuals suspected of, involved in, or convicted of various offenses such as drug abuse, smuggling, etc.

Categories of records in the system: Name, place and date of birth, nationality, crime or offense in code.

Authority for maintenance of the system: 35 CFR Part 59.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Book form.

Retrievability: Name and number.

Safeguards: Combination safe. Access and use are restricted to authorized personnel.

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Retention and disposal: Until revised by Immigration and Naturalization Service. Destroyed by burning.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-3

System name: Customs Fugitive Records, PCC-CZG/CACU-3

System location: Investigations Unit, Canal Zone Customs, Building 101, Balboa, Canal Zone

Categories of individuals covered by the system: Fugitives.

Categories of records in the system: Name, number, coded data.

Authority for maintenance of the system: 35 CFR Part 59.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Book form.

Retrievability: Name and number.

Safeguards: File safe—combination lock. Access and use are restricted to authorized personnel.

Retention and disposal: Until revised by U.S. Customs Service. Destroyed by burning.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-4

System name: Cardex File—Smuggling; Narcotics; Violators or Suspects and Fugitives, PCC-CZG/CACU-4

System location: Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

Categories of individuals covered by the system: Persons reported to be, or suspected of being involved in violation of existing laws and statutes pertaining to smuggling, narcotics possession, use or trafficking; also persons reported to be fugitives from justice.

Categories of records in the system: Name, identifying number, residence, age, nationality, violation information, confidential sources and other information pertaining to the violation or individual as may be included in the system in the process of investigation.

Authority for maintenance of the system: 2 C.Z.C. 761-784, 76A Stat. 30-31; P.L. 91-513.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards; logbooks; case reports; investigator's offense and incident reports; supplementary data and reports which are accessible through the cardex file system maintained by Canal Zone Customs.

Retrievability: Accessible by name, case number and other information carried on cardex forms. Backup data accessed by cardex retrieval system, otherwise filed by violation, investigator, reporting agency, etc.

Safeguards: Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Upon termination of usefulness. Destroyed by burning.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-5

System name: Cardex File—Vehicle Exporters, PCC-CZG/CACU-5

System location: Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

Categories of individuals covered by the system: Exporters of vehicles from Canal Zone ports.

Categories of records in the system: Name; personal identification data; identity of shipment; vessel name; bill of lading number.

Authority for maintenance of the system: 2 C.Z.C. 33.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form, 3 by 5 inches or 5 by 7 inches.

Retrievability: Name and number.

Safeguards: Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Upon termination of usefulness documents are burned.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-6

System name: Cardex File—Contraband Violations, PCC-CZG/CACU-6

System location: Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

Categories of individuals covered by the system: Persons reported to be, or suspected of involvement in activities which are violations of Canal Zone regulations governing the importation, purchase, use, transfer of goods or services obtained through Canal Zone facilities; including but not limited to unauthorized entry into Canal Zone retail facilities posted against trespassing, transfer of duty free goods and services into the Republic of Panama without proper Canal Zone Customs clearances.

Categories of records in the system: Name, number, address, place of employment, case numbers, charge or violation, administrative or court action taken, and name of investigator. Other information as may be uncovered by investigating officers, including the name, dates and places of violations, names of accessories etc.

Authority for maintenance of the system: 2 C.Z.C. 31, 33, 76A Stat. 7; 6 C.Z.C. 1602; 2 C.Z.C. 761-784, 76A Stat. 30-31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure as required to U.S. military component investigators, U.S. District Court officials, and Panamanian Customs officials having an interest in such information in connection with law enforcement or regulatory procedures. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards, logbooks (chronological), case reports and supporting documentation maintained by Canal Zone Customs which are accessible by the cardex system.

Retrievability: Accessible by name, case number and other information on cardex forms. Backup data, including case reports accessed by cardex designators, otherwise filed by investigator's name.

Safeguards: Card file drawers. Access and use are restricted to authorized personnel.

Retention and disposal: Burned at the end of its useful service life.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-7

System name: Seamen's Locator List, PCC-CZG/CACU-7

System location: Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

Categories of individuals covered by the system: U.S. licensed seamen and officers on merchant vessels.

Categories of records in the system: Name and number of individual in alphabetical order and reference code for the action requested.

Authority for maintenance of the system: 46 U.S.C. 643 and 689.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to U.S. Coast Guard in connection with notification of location of seamen and U.S. Port of Arrival, if known. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Book form.

Retrievability: Name and number.

Safeguards: Kept in safe. Access and use are restricted to authorized personnel.

Retention and disposal: Indefinite, or until updated. Destroyed by burning when book has outlived its usefulness.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CACU-8

System name: Applications for Importation, PCC-CZG/CACU-8

System location: Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

Categories of individuals covered by the system: Persons who apply for authorization to import goods into the Canal Zone.

Categories of records in the system: Name, identity number, citizenship, residence, place of employment, signature, and commodity description.

Authority for maintenance of the system: 35 CFR Parts 53 and 57.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form - 8 by 10 1/2 inches.

Retrievability: By name and number.

Safeguards: Standard file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: One year. Subsequently stored in Agency Records Center for disposition under applicable disposition schedules.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual applicant.

PCC-CZG/CACU-9

System name: Vehicle Registration for RP-Series License Plates, PCC-CZG/CACU-9

System location: Canal Zone Customs Offices in Building 101, Balboa, Canal Zone, and Building 200, Cristobal, Canal Zone

Categories of individuals covered by the system: U.S. Government employees, military personnel and dependents resident in Panama but entitled to Canal Zone duty free entry of vehicles.

Categories of records in the system: Name, number, citizenship, personal description, address, and vehicle description.

Authority for maintenance of the system: 35 CFR Part 57.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards - 3 by 5 inches.

Retrievability: Name and number.

Safeguards: File cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: One year. Subsequently forwarded to Agency Records Storage for appropriate disposition. Normally destroyed after two years.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From individual applicant.

PCC-CZG/CACU-10

System name: U.S. Immigration and Naturalization Service, U.S. Citizenship Certificate Application and Appointment Records, PCC-CZG/CACU-10

System location: Office of the Chief, Customs Division, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Persons born outside the United States who are requesting United States citizenship certificates issued by the Immigration and Naturalization Service pursuant to one or more of the statutes referred to in the authority portion of this notice.

Categories of records in the system: The application forms with supporting documentation such as birth, death, and marriage certificates, affidavits and other related papers are forwarded directly to the U.S. Immigration and Naturalization Service for processing. An index card containing the applicant's name, address, the date the application was received locally, and the certificate number is retained locally for appointment scheduling purposes.

Authority for maintenance of the system: 8 U.S.C. 1101 note, 1443-4, 1451-4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine use includes the transmittal of the application and accompanying documents to the U.S. Immigration and Naturalization Service for processing. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8 by 10 1/2 inch application form and paper certificates and documents; 3 by 5 inch file cards.

Retrievability: Name and address.

Safeguards: Stored in unlocked file drawers in office locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed by paper shredder at end of useful life.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual to whom record pertains.

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PCC-CZG/CACU-11

System name: Canal Zone Immigration Station Admission Records, PCC-CZG/CACU-11

System location: Canal Zone Customs Immigration Station, Building 6531, Corozal, Canal Zone

Categories of individuals covered by the system: Seamen and others admitted to the Immigration Station pending return to country of origin or transfer to another vessel.

Categories of records in the system: Name, ship, Agent, and dates of entry and departure from Canal Zone.

Authority for maintenance of the system: 2 C.Z.C. 841, 76A Stat. 32, 2 C.Z.C. 31, 33, 76A Stat. 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Commercial carriers, steamship agents, consular and diplomatic officials of individual's country, and U.S. Government offices with need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 by 7 inch file index card.

Retrievability: By name.

Safeguards: Filing cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Five years. Special cases may be retained longer for billing or investigation purposes. Records torn or shredded upon retirement.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From the person to whom the record pertains.

PCC-CZG/CACU-12

System name: Immigration Detention Orders, PCC-CZG/CACU-12

System location: Canal Zone Customs Offices in Building 101, Balboa, Canal Zone and in Building 200, Cristobal, Canal Zone

Categories of individuals covered by the system: Stowaways, deserters, crewmembers and passengers in violation of Canal Zone Immigration Regulations.

Categories of records in the system: Name, number, date and place of birth, nationality, and facts relating to issuance or enforcement of the detention order.

Authority for maintenance of the system: 2 C.Z.C. 841-3, 76A Stat. 32.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routinely sent to local law enforcement officials as necessary to direct the apprehension, detention and repatriation of such persons. Information may also be disclosed to commercial carriers when such persons were passengers or crewmen/employees of a shipping company, airline etc. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet folder.

Retrievability: Filed by name.

Safeguards: File cabinet (lockable). Access and use are restricted to authorized personnel.

Retention and disposal: Maintained for two years then burned.

System manager(s) and address: Chief, Customs Division, Box 2018, Balboa, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From ship's documents and/or individual.

PCC-CZG/CALM-1

System name: Canal Zone Library Registration Record, PCC-CZG/CALM-1

System location: Canal Zone Library, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Applicants for Canal Zone Library check-out privileges.

Categories of records in the system: Applicant's name, identification number or Serial number, mailing address, citizenship, dependents, agency.

Authority for maintenance of the system: 2 C.Z.C. 31-33, 76A Stat. 7; and Congressional appropriations acts providing for the operation of the Canal Zone Library system.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms, 3 by 5 inch cards.

Retrievability: Indexed by name and Library reader's number.

Safeguards: Records are maintained in locked file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained for one year after library privilege has been cancelled. Destroyed by fire.

System manager(s) and address: Budget-Clerk, Canal Zone Library-Museum, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From individual on whom record is maintained.

PCC-CZG/CALS-1

System name: Employee/Dependent Photo-Identification Card Applications, PCC-CZG/CALS-1

System location: License Section, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: All permanent Panama Canal Company/Canal Zone Government employees and the members of their immediate family who have applied for Panama Canal Company/Canal Zone Government Photo-Identification/Purchase Authority cards. Application forms also maintained on employees of U.S. District Court in the Canal Zone and their dependents who have been issued Panama Canal Company/Canal Zone Government Photo-Identification cards. A Photo-Identification Photomat card file is maintained as a subsystem.

Categories of records in the system: Employee's name, identifying number, residence, birthdate, citizenship, employing unit. Names, birthdates and citizenship of members of immediate family over 12 years old residing with employee. Subsystem containing photomat cards containing names, identification number, employing unit, birthdate, citizenship and card control number.

Authority for maintenance of the system: Article III, 1936 General Treaty of Friendship and Cooperation, 53 Stat. 1807; Articles XI and XII, 1955 Treaty of Mutual Understanding and Cooperation, 6 U.S.T. 2273 and policies and regulations established pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms and standard photomat cards.

Retrievability: Indexed by name and employee identification number. Recovered manually.

Safeguards: Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained until five years after employee terminates. Terminated employee records subsequently forwarded to Panama Canal Company Agency Records Center for storage and disposition. Photomat cards destroyed upon termination.

System manager(s) and address: Chief, License Section, Civil Affairs Bureau, Canal Zone Government, Box L, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom the record is maintained.

PCC-CZG/CALS-2

System name: Hunting Permit Application File, PCC-CZG/CALS-2

System location: License Section, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: All applicants and holders of permits to engage in hunting in the Canal Zone.

Categories of records in the system: Name, date of birth, place of employment, rank, photograph, signature.

Authority for maintenance of the system: 2 C.Z.C. 1471, 76A Stat. 49; 6 C.Z.C. 2573, 76A Stat. 495.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8 1/2 by 10 inch printed form and 3 by 7 inch card.

Retrievability: Recovered manually.

Safeguards: Records maintained in lockable file. Access and use are restricted to authorized personnel.

Retention and disposal: Retained three years after expiration and thereafter forwarded to the Panama Canal Company Agency Records Center for disposition.

System manager(s) and address: Chief, License Section, Civil Affairs Bureau, Canal Zone Government, Box L, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom record is maintained.

PCC-CZG/CALS-3

System name: Fishing Pass Application File, PCC-CZG/CALS-3

System location: License Section, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: All persons applying for, or holding valid Canal Zone fishing passes.

Categories of records in the system: Name, rank, street and postal address, date of birth, citizenship, occupation, identification number, place of employment and signature.

Authority for maintenance of the system: 2 C.Z.C. 1491, 76A Stat. 50.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8 1/2 by 10 inch printed form and 3 by 7 inch card.

Retrievability: Filed by pass number and name, recovered manually.

Safeguards: Records maintained in lockable file. Access and use are restricted to authorized personnel.

Retention and disposal: Forwarded to Panama Canal Company Agency Records Center three years after expiration of license.

System manager(s) and address: Chief, License Section, Box L, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom record is maintained.

PCC-CZG/CALS-4

System name: Civil and Amateur Radio Operator and Station License Files, PCC-CZG/CALS-4

System location: License Section, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: All persons applying for, or issued Canal Zone Amateur, Citizen's Band and Maritime Mobile Radio Operator and/or Station Licenses.

Categories of records in the system: Name of licensee or applicant, street and postal address, date of birth, citizenship, operator's qualification test scores and statements, phone number, station location, call sign, organization or affiliation. Also includes similar information on other persons who may be regularly operating radios licensed to other individuals, such as student or guest operators.

Authority for maintenance of the system: 2 C.Z.C. 31-33, 76A Stat. 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosed upon request to the Federal Communications Commission, local U.S. military frequency control coordinators, Government, State and local radio licensing authorities. Information may also be disclosed to licensing agencies of foreign governments where the applicant is claiming reciprocal licensing privileges in order to obtain a Canal Zone or foreign radio operator's license. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms, questionnaires and cards.

Retrievability: Filed by name, call sign or license number.

Safeguards: Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Call sign logbook retained as a permanent record. Other materials retained for five years after expiration of the license.

System manager(s) and address: Chief, License Section, Box L, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom the record is maintained and the Federal Communications Commission.

PCC-CZG/CALS-5

System name: Land License Record, PCC-CZG/CALS-5

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System location: License Section, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: All persons who have been issued revocable licenses to occupy or use tracts of land in the Canal Zone for residential, commercial, agricultural, recreational or boat repair purposes.

Categories of records in the system: Records showing the status of land licenses issued containing information such as the following:

Name of licensee, street and postal address, date of birth, citizenship, identification number, type of employment, photographs, signature, dependent information, police records, and letters of complaint (if any). Also contains signed copies of licenses, boundary information, area maps, rental rates, census reports, and types of structures on the site and conditions of licensing and date of revocation, if any.

Authority for maintenance of the system: 2 C.Z.C. 333-4, 76A Stat. 25-26.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be released to such agencies as the Bureau of Census, Civil Service Commission and the Internal Revenue Service. Information may also be disclosed to local U.S. military officials when such licenses are located adjacent to or within areas used by or under the control of the military. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 10 by 12 inch file folders, and cardex files.

Retrievability: Filed by name, recovered manually.

Safeguards: Records maintained in lockable file. Access and use are restricted to authorized personnel.

Retention and disposal: Retained as a permanent record.

System manager(s) and address: Chief, License Section, Box L, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom record is maintained.

PCC-CZG/CALS-6

System name: U.S. Government Vehicle Operator's Identification and Material Handling Card Application Files, PCC-CZG/CALS-6

System location: License Section, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: All persons issued United States Government Vehicle Operator's Licenses by the Canal Zone Government. Subsystems include a Material Handling Card File and a computer run of persons currently holding valid U.S. Government Vehicle Operator Licenses.

Categories of records in the system: Name, identification number, position, date of birth, place of birth, citizenship, color of hair, color of eyes, height, weight, employment information, qualification statements. Also may contain letters of revocation, suspension, or cancellation, and/or medical evaluation material.

Authority for maintenance of the system: Panama Canal Company Personnel Manual, Chapter 930.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form 8 1/2 by 10 inches.

Retrievability: Filed by name, recovered manually.

Safeguards: Records maintained in lockable file. Access and use are restricted to authorized personnel.

Retention and disposal: Retained for one year after expiration and then forwarded to the Panama Canal Company Agency Records Center. Disposed of by Agency Records Center ten years after receipt.

System manager(s) and address: Chief, License Section, Box L, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom record is maintained, supervisors.

PCC-CZG/CALS-7

System name: Driver's License Investigatory File, PCC-CZG/CALS-7

System location: License Section, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: All persons who have had their Canal Zone license or privilege to operate motor vehicles in the Canal Zone revoked, suspended, cancelled, or have a medical problem related to driving.

Categories of records in the system: Name, street and postal address, date of birth, citizenship, identification number, color of hair, color of eyes, height, weight, type and place of employment, grade or rank, qualification statements, photographs, and legal documents pertaining to arrests, court actions, hearings and/or related investigations.

Authority for maintenance of the system: 2 C.Z.C. 1001, 76A Stat. 37.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be released to the U.S. Department of Transportation, State licensing agencies, courts and others having a need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8 1/2 by 10 inch file folders.

Retrievability: Filed by name.

Safeguards: Records maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Retain record until operator dies or license is restored. Restored license material retained for the life of the license record. Non-renewed license records transferred to Agency Records Center, retained for ten years and then destroyed.

System manager(s) and address: Chief, License Section, Box L, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom record is maintained.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/CALS-8

System name: Motor Vehicle and Motorboat Registration and Operator's License Files, PCC-CZG/CALS-8

System location: License Section, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Persons registering motor vehicles, including motorcycles, motorboats, pleasure craft, trailers, etc. with the License Section, Ancon, Canal Zone. Also includes persons who are applying for, or have been issued licenses or permits to operate motor vehicles, pleasure craft, launches, boats, etc. in the Canal Zone, or in Canal Zone waters.

Categories of records in the system: Owner/operator information normally includes the following:

Name, address, date of birth, citizenship; employment data, distinguishing physical characteristics, height, weight, hair color. Members of U.S. Armed Forces on active duty are also required to provide a "Certificate of Eligibility" when taking advantage of special registration rates provided by law for such classes of persons. A subsystem consists of a computer printout showing name, vehicle description, license plate numbers, engine number, etc.

Authority for maintenance of the system: 2 C.Z.C. 1001, 76A Stat. 37; 2 C.Z.C. 1331 and 1358-9, 76A Stat. 46-48.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Vehicle and boat operator and registration information may be routinely provided to officials of other agencies in the Canal Zone who have a need for this information. This includes but is not limited to hospitals and dispensaries treating traffic accident victims; military police units investigating violations of highway and vehicle regulations; and to local air and sea rescue coordinators and local yacht clubs when a boat, launch or pleasure craft has reported overdue. Information may also be released to customs officials of the Republic of Panama at the request of the individual to whom the record pertains or at the request of the American Embassy, Panama. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed application forms, and photomat cards. Computer printouts.

Retrievability: Filed by registration number, license plate number, and/or operator/owner's name and identifying number.

Safeguards: Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Retained for three years after expiration of current license, then transferred to Panama Canal Company Agency Records Center. Disposed of at end of ten year retention period.

System manager(s) and address: Chief, License Section, Box L, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom record is maintained, and/or military command if the applicant is an Active member of U.S. Armed Forces.

PCC-CZG/CALS-9

System name: Marriage License Records, PCC-CZG/CALS-9

System location: License Section, Civil Affairs Building, Ancon, Canal Zone.

Categories of individuals covered by the system: All persons applying for and celebrating marriages in the Canal Zone.

Categories of records in the system: The name, address, date of birth, citizenship of each party to the marriage, the date and location of the marriage ceremony, the name of the marrying official, witness, etc. May also include information at a later date showing marriage termination or annulment.

Authority for maintenance of the system: 8 C.Z.C. 4, 76A Stat. 762.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: May be released to courts, diplomatic or consular officials, military and civilian personnel officials on a need to know basis. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms and binders.

Retrievability: Filed by date and recovered manually.

Safeguards: Records maintained in lockable file cabinets. Access and use restricted to authorized personnel.

Retention and disposal: Maintained as a permanent record.

System manager(s) and address: Chief, License Section, Box "L", Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom record is maintained.

PCC-CZG/CALS-10

System name: Runners, Peddlers, and Solicitors-Application and License Files, PCC-CZG/CALS-10

System location: License Section, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Persons applying for, or issued licenses to act as runners, peddlers, and solicitors (Definitions of these terms set forth in 35 CFR 63.1).

Categories of records in the system: Name, street and postal address, date of birth, parent's names, citizenship, Sanitation certificate (if required), and facts of employment or affiliation with commercial concerns being represented. Also contains information as to color of hair, color of eyes, weight, height, cedula number, etc., needed for identification purposes when applying for licenses authorizing access to certain vital installations in the Canal Zone.

Authority for maintenance of the system: 2 C.Z.C. 1441, 76A Stat. 49.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Local U.S. military authorities, courts, and others responsible for the prevention of crime or the apprehension of criminals. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms 8 by 11 inches.

Retrievability: Filed by license number, retreived manually.

Safeguards: Records maintained in lockable file. Access and use are restricted to authorized personnel.

Retention and disposal: Disposed of three years after expiration of license, excluding records retained for police or security reasons.

System manager(s) and address: Chief, License Section, Box L, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom record is maintained, police, employer.

PCC-CZG/CALS-11

System name: Official Permits to Have or Carry Firearms, PCC-CZG/CALS-11

System location: License Section, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Persons who apply for, or are issued official permits to have or carry firearms in the Canal Zone.

Categories of records in the system: Name, date of birth, citizenship, identification number, place of employment, weapon serial

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number and description, and other information as may be required by the licensing officials.

Authority for maintenance of the system: 2 C.Z.C. 1471, 76A Stat. 49; 6 C.Z.C. 2572-3, 76A Stat. 495.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be disclosed or referred routinely to Law enforcement agencies, courts, military agencies of the U.S. Government. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms, correspondence, 3 by 7 inch cards.

Retrievability: Filed by name of permit holder.

Safeguards: Records maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Records routinely disposed of three years after expiration of permit. Certain records may be retained longer for police purposes, or to record the circumstances leading to a revocation or cancellation of a permit.

System manager(s) and address: Chief, License Section, Box L, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom record is maintained, police officials, and at times the applicant's employer if certification is required that the permit may be essential for personal safety, etc.

PCC-CZG/CAPL-1

System name: Law Enforcement Case Report Files, PCC-CZG/CAPL-1

System location: Balboa Police Station, Balboa, Canal Zone; Agency Records Center, Building 42-D, Diablo, Canal Zone; Cristobal Police Station, Administration Building, Cristobal, Canal Zone

Categories of individuals covered by the system: Persons who are or have been subjects of police investigations, including persons who have, or are alleged to have committed crimes, persons witnessing or reporting criminal activities, missing persons, and persons filing official complaints about the conduct of other persons when such conduct is not a violation of law.

Categories of records in the system: Subject's and/or suspect's name, witness' or witnesses' names, complainant's name, identification or cedula number, residence, birth date, age, citizenship, occupation, employer, date and time of incident, name of the investigating/arresting officer, investigative facts concerning the case. Subsystem containing subject's name, identification number, residence, birth date, age, citizenship, photograph number, fingerprint classification, date and time of incident, location of case report, and notations of arrests and outstanding warrants.

Authority for maintenance of the system: 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Released to law enforcement agencies, court officials and local military commands as necessary to assist in the apprehension and identification of criminals, and to conduct investigations related thereto. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms 8 1/2 by 11 inches.

Retrievability: Indexed by subject code or number of report. Case reports filed by date, accessed by logbook index.

Safeguards: Active files maintained in locked file cabinets in police station while not in use. Access and use are restricted to authorized personnel. Inactive files are maintained in Agency Records Center, a building locked when not in use. Access and use are restricted to authorized personnel. Case Report Files in Agency Records Center normally released only to designated Canal Zone Police officials.

Retention and disposal: Retained by police for four years. Subsequently held for seven years at Agency Records Center and then destroyed by fire.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-2

System name: Police Headquarters Confidential File, PCC-CZG/CAPL-2

System location: Police Headquarters, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Persons who are or have been subjects of police investigations, including persons who have or are alleged to have been involved in incidents of police interest, and persons witnessing or reporting activities of interest to the police.

Categories of records in the system: Subject's name, identifying number, residence, birth date, age, sex, citizenship, occupation, employer, date and time of incident, date and time of investigation, facts of investigation, informants notations, the nature and disposition of the incident, and witnesses statements.

Authority for maintenance of the system: 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to law enforcement units of the local military commands, U. S. Courts etc., consistent with identifying and apprehending criminal offenders. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms 8 by 10 1/2 inches.

Retrievability: By persons name or name of organization.

Safeguards: Maintained in locked file cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Retained indefinitely for reference purposes. Destroyed pursuant to Agency procedures.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-3

System name: Detective Confidential Files, PCC-CZG/CAPL-3

System location: Balboa Police Station, Balboa, Canal Zone and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

Categories of individuals covered by the system: Persons who are or have been subjects of police investigations; persons who have made official complaints to the police, who have been reported to the police on official complaints, persons involved in pending criminal investigations, and persons involved in incidents of police interest.

Categories of records in the system: Subject's name, identifying number, residence, birth date, age, sex, citizenship, occupation, employer, date and time of incident, date and time of investigation, facts of investigation, confidential source information, the nature and disposition of the incident, and witnesses statements.

Authority for maintenance of the system: 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to law enforcement units of the local military commands, U.S. Courts, etc., consistent with identifying and apprehending criminal offenders. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed and typed forms.

Retrievability: Filed by name of subject.

Safeguards: Maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Retained indefinitely for reference purposes. Destroyed pursuant to Agency procedures.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-4

System name: Convict Files, PCC-CZG/CAPL-4

System location: Balboa Police Station, Balboa, Canal Zone, Cristobal Police Station, Administration Building, Cristobal, Canal Zone, and the Canal Zone Penitentiary, Gamboa, Canal Zone

Categories of individuals covered by the system: All persons who have been sentenced and have served any length of time in the Canal Zone Penitentiary.

Categories of records in the system: Convict's number, name, fingerprint classification, entrance and discharge dates, charge against convict, residence, citizenship, names of family, and related personal information. Also has history record of stay in penitentiary, disciplinary comments, brief case history of arrest and conviction, other pertinent information concerning case involved.

Authority for maintenance of the system: 6 C.Z.C. 6501-7, 76A Stat. 555-6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to provide historical data and reference information, regarding release, parole, probation, pardon, and other pertinent data on former and present inmates of the Canal Zone Penitentiary; to police, courts, and investigatory agencies with a legitimate interest in such information. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms and typed pages.

Retrievability: Filed by convict number.

Safeguards: Maintained in file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: The original of the record is forwarded to the Current Records Section, Records Management Branch upon sentencing. Duplicates are maintained at the Balboa and Cristobal Police Stations and the Canal Zone Penitentiary. The original record and duplicates are maintained indefinitely.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-5

System name: Prisoner Record Cards, PCC-CZG/CAPL-5

System location: Balboa Police Station, Balboa, Canal Zone, Cristobal Police Station, Cristobal, Canal Zone, and the Civil Affairs Building Security Vault, Ancon, Canal Zone.

Categories of individuals covered by the system: All persons who have been arrested by the Canal Zone Police.

Categories of records in the system: Subject's name, identifying number, residence, birth date, age, citizenship, occupation, employer, date and time of arrest, arresting officer, sex, convict number, alias, arrest charge, name of complainant, final disposition received, and brief account of activities while individual was incarcerated.

Authority for maintenance of the system: 6 C.Z.C. 6501-7, 76A Stat. 555-6; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Released to law enforcement agencies, courts, and investigatory agencies. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms, 8 by 10 inches and micro-film cassettes.

Retrievability: Filed by name of prisoner, and date of arrest.

Safeguards: Records maintained at main desk until discharge, then stored in locked file cabinets, and in locked micro-film cabinets. Copies of micro-film are stored in security vault. Access and use are restricted to authorized personnel.

Retention and disposal: Retained indefinitely, no disposition schedule in effect.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-6

System name: Police Photo Files, PCC-CZG/CAPL-6

System location: Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Cristobal, Canal Zone

Categories of individuals covered by the system: All persons who have been arrested, booked, and photographed by the Canal Zone Police.

Categories of records in the system: Subject's photo number, height, date of arrest, and the district in which the arrest occurred.

Authority for maintenance of the system: 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosed to civilian and military investigative and law enforcement departments of the U.S. Government, courts, and other parties, including eye-witnesses to crimes as required to assist in identification of known or alleged criminal offenders.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 by 5 inch photographs.

Retrievability: By photo number, and by police blotter showing name etc.

Safeguards: Maintained in ID Office. Access and use are restricted to authorized personnel, including witnesses to criminal activities.

Retention and disposal: Indefinitely. No disposition schedule established.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-7

System name: Fingerprint File, PCC-CZG/CAPL-7

System location: Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

Categories of individuals covered by the system: All persons having been fingerprinted by, or whose prints have been provided to the Canal Zone Police in the process of authorized law enforcement activities in the Canal Zone.

Categories of records in the system: Subject's name, occupation, age, fingerprint classification, offense or reason for printing, actual prints.

Authority for maintenance of the system: 6 C.Z.C. 3701-44, 76A Stat. 503-5; 2 C.Z.C. 31, 76A Stat. 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosed upon request to other law enforcement agencies and to courts consistent with the identification and/or apprehension of criminal offenders. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Printed forms 4 by 6 inches.

Retrievability: By fingerprint classification.

Safeguards: Maintained in file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Retained indefinitely for police and law enforcement purposes.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-8

System name: Pending Detective Investigation Records, PCC-CZG/CAPL-8

System location: Balboa Police Station, Balboa, Canal Zone, Cristobal Police Station, Administration Building, Cristobal, Canal Zone, and Police Headquarters, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Offenders, alleged offenders, witnesses, victims, investigating officers, and informants who are subjects of, or involved in cases pending investigation by the Detective Unit, Canal Zone Police.

Categories of records in the system: Names of offenders, alleged offenders, witnesses, victims, investigating officers, facts of investigations, statements of witnesses, type of crime or offense being committed, date and time of case actions, locations of offense, warrants, individual data; such as age, sex, residence, telephone number, citizenship, occupation, employer, etc. and informant information.

Authority for maintenance of the system: 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosed in the process of investigations to interested law enforcement agencies, investigatory agencies, courts, and federal and state justice agencies. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms, memorandums, and typed pages.

Retrievability: By case name or by name of person under investigation.

Safeguards: Maintained in locked file cabinets and safe. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained for the duration of the investigation. No fixed disposition schedule.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-9

System name: Informant Name File, PCC-CZG/CAPL-9

System location: Balboa Police Station, Balboa, Canal Zone

Categories of individuals covered by the system: All persons acting as informants for the Canal Zone Police.

Categories of records in the system: The name of police officer the informant reports to, the informant's name and number.

Authority for maintenance of the system: 2 C.Z.C. 31, 76A Stat. 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 by 5 inch cards.

Retrievability: By informant's number.

Safeguards: Maintained in a locked safe. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed by fire once informant is no longer used.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-10

System name: Master Name File, PCC-CZG/CAPL-10

System location: Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

Categories of individuals covered by the system: Persons who have been arrested; reported offenses to the police; been involved in an incident coming to the attention of the Canal Zone Police; been reported missing; and, persons who have outstanding warrants.

Categories of records in the system: Name, identifying number, residence, birth date, citizenship, occupation, employer, photograph number, fingerprint classification, convict number, alias, sex, type of warrant, violations of law committed, date and time of the arrest/incident, investigating/arresting officer, notations about the arrest/incident.

Authority for maintenance of the system: 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Released to investigatory agencies and law enforcement agencies as required to assist in the apprehension and/or identification of known or alleged criminals, to prevent crime, locate witnesses etc. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 by 5 inch cards.

Retrievability: Filed by name of person.

Safeguards: Maintained in file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained indefinitely on persons who have been arrested and prosecuted for a felony. All others destroyed by fire ten years after reported incident.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-11

System name: Youth Unit Drug Abuse File, PCC-CZG/CAPL-11

System location: Youth Unit, Balboa Police Station, Balboa, Canal Zone, Youth Unit, Cristobal Police Station, Administration Building, Cristobal, Canal Zone, and Office of the Chief, Police Headquarters, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: All juveniles who have appeared before the Canal Zone Drug Abuse Board.

Categories of records in the system: Juvenile's name, birth date, residence, sex, citizenship, school, parent's name, parent's residence, parent's occupation and employer, facts of all investigations involving the juvenile, date and time of the incident, investigating officer, youth officer, witnesses, and comments by the Drug Abuse Board.

Authority for maintenance of the system: 2 C.Z.C. 31, 76A Stat. 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Released to investigatory agencies, law enforcement agencies, courts, and the Canal Zone Drug Abuse Board on a need to know basis. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed case reports, memos, and letters.

Retrievability: Filed by name of juvenile.

Safeguards: Maintained in locked file cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Until juvenile becomes 21 years old, or leaves the Canal Zone, then destroyed by fire.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-12

System name: Youth Unit Name Index File, PCC-CZG/CAPL-12

System location: Balboa Police Station, Balboa, Canal Zone and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

Categories of individuals covered by the system: Juveniles who have been the subjects of Canal Zone Police Division juvenile reports, arrest reports, missing person reports, etc.

Categories of records in the system: Name, birth date, residence, sex, telephone number, facts of the case or investigation, date and time of the report, date and time of the incident, date and time of the interview, parent's name, parent's identifying numbers, parent's residence, investigating officer and youth officer.

Authority for maintenance of the system: 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701-44, 76A Stat. 503-5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To reference reports pertaining to a juvenile, to investigatory agencies, law enforcement agencies, courts, and others with a need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards 4 by 6 inches.

Retrievability: Filed by juvenile's name.

Safeguards: Maintained in locked file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed by fire once juvenile becomes 21 years of age or leaves the Canal Zone.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13 and 10.14.

PCC-CZG/CAPL-13

System name: Arrest Record File, PCC-CZG/CAPL-13

System location: Balboa Police Station, Balboa, Canal Zone

Categories of individuals covered by the system: All individuals who have been arrested, fingerprinted, photographed for violations of law. Also includes those persons required to appear in Magistrates Court for traffic violations.

Categories of records in the system: Name, alias, age, birth date, marital status, color, sex, felony or misdemeanor, charge, type of arrest, convict number, photograph number, nationality, residence, occupation, employer, drivers license number, identifying numbers, complainant, location of arrest, court dates and dispositions.

Authority for maintenance of the system: 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 1691-1716, 3701-44, 76A Stat. 474-6, 503-5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide statistical data, to identify criminal offenders, and to index such information for use by law enforcement agencies, courts, consular and diplomatic officials and others with a valid need to know.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed cards 4 by 6 inches and micro-film cassettes.

Retrievability: Indexed by name.

Safeguards: Maintained in locked Kard-Veyer (rotary file) and locked micro-film file cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained indefinitely, no disposition schedule established.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Compiled from individual arrest reports, from person arrested, and from identifying case report serial numbers.

PCC-CZG/CAPL-14

System name: Inmate Trust Fund File, PCC-CZG/CAPL-14

System location: Canal Zone Penitentiary, Gamboa, Canal Zone

Categories of individuals covered by the system: All persons actively serving sentences in the Canal Zone Penitentiary who are enrolled in the Inmate Trust Fund program.

Categories of records in the system: Inmate's name, convict number, date of debit or credit to his account and the account balance.

Authority for maintenance of the system: 6 C.Z.C. 6501-7, 76A Stat. 555-6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosed as required to courts, probation, parole and pardon board officials, federal penal institutions. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms 8 by 10 1/2 inches.

Retrievability: By convict number.

Safeguards: Maintained in file cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained until discharge of inmate, filed with convict record and transferred with record to Agency Records Center for storage.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From inmate and Trust Fund Officer.

PCC-CZG/CAPL-15

System name: Complaints Against Policemen File, PCC-CZG/CAPL-15

System location: Balboa Police Station, Balboa, Canal Zone, Cristobal Police Station, Administration Building, Cristobal, Canal Zone, and Police Headquarters, Civil Affairs Buildinq, Ancon, Canal Zone

Categories of individuals covered by the system: All police personnel about whom written complaints have been submitted from citizens.

Categories of records in the system: Subject's name, badge number, date and time of the complaint, facts of the complaint as stated by the complainant, officer's statements as to his actions, decision on complaint, actions taken by person investigating the complaint, results of the complaint.

Authority for maintenance of the system: 2 C.Z.C. 31, 76A Stat. 7; 6 C.Z.C. 3701, 76A Stat. 503.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original letter of complaint.

Retrievability: By name of subject-police officer.

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Safeguards: Maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained indefinitely. No disposition schedule established.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Request should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From person making complaint; from employee; witnesses; investigating officer(s).

PCC-CZG/CAPL-16

System name: Traffic Accident Reports, PCC-CZG/CAPL-16

System location: Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

Categories of individuals covered by the system: Persons involved in traffic accidents occurring in the Canal Zone.

Categories of records in the system: Driver's name, identifying number, license number, residence, birth date, age, citizenship, occupation, employer, sex, address of employer, description of vehicle or vehicles involved, violations committed, notations of court proceedings and dispositions, investigating officer's name, and facts and observations of the investigation. Subsystem containing driver's name, identifying number or date of birth, and traffic accident number.

Authority for maintenance of the system: 2 C.Z.C. 1001-3, 76A Stat. 37.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routinely released to court officials, insurance companies, and law enforcement agencies with a need to know. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form 8 1/2 by 11 inches and index cards.

Retrievability: Filed by accident number and date, cross indexed by name of driver

Safeguards: Maintained in file cabinets at Police Stations. Maintained in secured building Agency Records Center. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed by burning five years after final disposition of case.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Compiled from information provided by the vehicle operator, witnesses, and by the investigating officer.

PCC-CZG/CAPL-17

System name: Canal Zone Vehicle Registration Listings, PCC-CZG/CAPL-17

System location: Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

Categories of individuals covered by the system: All persons and agencies who have registered vehicles in the Canal Zone.

Categories of records in the system: Person's name, residence, postal box, make of vehicle, model or body type, motor or body identification number, year of vehicle and registration.

Authority for maintenance of the system: 2 C.Z.C. 1001-3, 76A Stat. 37.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer listings.

Retrievability: By name of owner and by registration plate number.

Safeguards: Access and use are restricted to authorized personnel.

Retention and disposal: Held until revised.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From the individual's license plate application.

PCC-CZG/CAPL-18

System name: Prisoner Property Record, PCC-CZG/CAPL-18

System location: Balboa Police Station, Balboa Canal Zone, and Cristobal Police Station, Administration Building, Cristobal Canal Zone.

Categories of individuals covered by the system: Persons whose personal property is held or seized by the police at the time of arrest or incarceration.

Categories of records in the system: Consists of the receipt number, prisoner's name, money, and other property seized or held; the name of the receiving officer, and the receipt for return of the property.

Authority for maintenance of the system: 6 C.Z.C. 4901-7, 76A Stat. 544-5

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms

Retrievability: Filed and retrieved by receipt number.

Safeguards: Kept at main police desk, and then later in locked storeroom. Access and use restricted to authorized personnel.

Retention and disposal: Held 3 years after property is returned. Destroyed.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From prisoner, and officer completing the form.

PCC-CZG/CAPL-19

System name: Poor Risk/Delinquent Citation/Warrant File, PCC-CZG/CAPL-19

System location: Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

Categories of individuals covered by the system: All persons who have failed to honor their written promises to appear and pay in court for traffic citations received; and/or are being sought on outstanding warrants.

Categories of records in the system: Subject's name, date of birth, identifying number, driver's license number; the name of the officer who issued original citation; and the type of warrant and citation number.

Authority for maintenance of the system: 2 C.Z.C. 31, 1001-03, 76A Stat. 7, 37.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Released to investigatory agencies, courts, and law enforcement agencies as required. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed cards 4 by 6 inches.

Retrievability: Filed by name.

Safeguards: Maintained in rotary file in dispatcher's office.

Retention and disposal: Destroyed after two years.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Compiled from traffic citations, arrest records, and warrants.

PCC-CZG/CAPL-20

System name: Driver's License Revocation Lists, PCC-CZG/CAPL-20

System location: Balboa Police Station, Balboa, Canal Zone, and Cristobal Police Station, Administration Building, Cristobal, Canal Zone

Categories of individuals covered by the system: All persons who have had their driving privileges revoked in the Canal Zone.

Categories of records in the system: Name, identifying number, residence, date of revocation, photograph and police number, and copy of order revoking driving privileges issued by the License Section.

Authority for maintenance of the system: 2 C.Z.C. 31, 1001-3, 76A Stat. 7, 37.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form 8 by 10 inches.

Retrievability: Filed by date received, cross-referenced by name of driver.

Safeguards: Maintained at Police Dispatcher's desk. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed once revocation is suspended.

System manager(s) and address: Chief, Police Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Police reports, license files.

PCC-CZG/CAPR-1

System name: Probation and Parole Unit Child Custody Reports, PCC-CZG/CAPR-1

System location: Probation Office, U.S. District Court, Ancon, Canal Zone

Categories of individuals covered by the system: Parent or custodian of minor child when custody of the child is contested.

Categories of records in the system: All background information available to the Probation Officer that would be helpful in determining appropriate custody of the child.

Authority for maintenance of the system: Judicial request under 7 C.Z.C. 2807 or 8 C.Z.C. 338, 76A Stat. 647, 689.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to officials of U.S. District Court for the District of the Canal Zone. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports 8 by 10 1/2 inches.

Retrievability: Alphabetized.

Safeguards: Records maintained in metal file cabinets with access by Probation Office personnel only.

Retention and disposal: Maintained indefinitely.

System manager(s) and address: Probation and Parole Officer, Box 2020, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/CAPR-2

System name: Presentence and Pre-Parole Investigation Reports, PCC-CZG/CAPR-2

System location: Probation Office, U.S. District Court, Ancon, Canal Zone

Categories of individuals covered by the system: All persons convicted of crimes and referred to the Probation Office for investigation.

Categories of records in the system: All background information available to the Probation Officer, including full indentity of the person and his family, police history, employment history, financial status, military history, and details of the offense in which the person was involved.

Authority for maintenance of the system: 18 U.S.C. 3651-53, 3655; 6 C.Z.C. 4491-92, 6621-25 (76A Stat. 533, 558).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to officials of U.S. District Court for the District of the Canal Zone and Administrative Office of the U.S. Courts. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Typed reports and printed forms 8 by 10 1/2 inches.

Retrievability: Indexed by name and kept in alphabetized individual jackets.

Safeguards: Records maintained in metal file cabinets with access by Probation Office personnel only.

Retention and disposal: Maintained indefinitely.

System manager(s) and address: Probation and Parole Officer, Box 2020, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/CAPR-3

System name: Probation and Parole Unit Statistical File, PCC-CZG/CAPR-3

System location: Probation Office, U.S. District Court, Ancon, Canal Zone

Categories of individuals covered by the system: All persons convicted of crimes and referred to the Probation Office for investigation.

Categories of records in the system: Name, age, residence, category of crime and Court disposition.

Authority for maintenance of the system: Federal Probation Manual.

V 40 189 S SEP 29 75 XUM

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to officials fo the U.S. District Court for the District of the Canal Zone and Administrative Office of the U.S. Courts. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form 5 by 8 inches.

Retrievability: Indexed by name.

Safeguards: Records maintained in metal file cabinets with access by Probation Office personnel only.

Retention and disposal: Maintained indefinitely.

System manager(s) and address: Probation and Parole Officer, Box 2020, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/CAPS-1

System name: Mail Covers, PCC-CZG/CAPS-1

System location: Director of Posts, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Individuals on whom a mail cover has been duly authorized to obtain information in the interest of (1) protecting the national security, (2) locating a fugitive, or (3) obtaining evidence of commission or attempted commission of a crime.

Categories of records in the system: Name and addresses of individuals appearing on the outside cover of mail matter under review. May also include interoffice memorandums and correspondence with other agencies.

Authority for maintenance of the system: 2 C.Z.C. 1131, 76A Stat. 38.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information kept in individually assigned folders.

Retrievability: Filed by date of request and subject's name.

Safeguards: Maintained in lockable metal cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Retained for the period of eight years. Destroyed with obsolete records.

System manager(s) and address: Director of Posts, Box M, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/CAPS-2

System name: Case Investigations, PCC-CZG/CAPS-2

System location: Director of Posts, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Persons involved in, witnesses to, or suspected of activities related to offenses involving narcotics, obscene literature, fraud, prohibited mail matter, rifling of mails, tampering of mail boxes, theft of mail, threatening letters, theft of money orders, theft of postal keys, vandalism of mail boxes, wrong payment of money orders.

Categories of records in the system: Names, addresses, dates and facts of case.

Authority for maintenance of the system: 2 C.Z.C. 1131-32, 76A Stat. 38-39; 6 C.Z.C. 2001, 76A Stat. 481.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders.

Retrievability: Filed by Case number, name of individual and/or offense or irregularity.

Safeguards: Maintained in lockable metal cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Indefinite.

System manager(s) and address: Director of Posts, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individuals, employees, witnesses, law enforcement agencies, courts, postal patrons, U.S. and Foreign Postal Administrations.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/CAPS-3

System name: Prohibitory Orders Against Sending Pandering Advertisement in the Mails, PCC-CZG/CAPS-3

System location: Director of Posts, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Any individual who elects to have his name and address and those of his children placed on a list of persons who do not wish to receive sexually oriented advertisements through the mail.

Categories of records in the system: The record contains: (1) the name and address of individual or parent of minor addressees under the age of 19 years receiving pandering advertisements; and, (2) the sender's name and address and a copy of the Prohibitory Order requiring that the mailer, and his (its) agents or assignees, be directed to refrain from making further mailings of pandering advertisements offering for sale erotically arousing or sexually provocative matter.

Authority for maintenance of the system: 39 U.S.C. 3010.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Originals forwarded to the U.S. Postal Service. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual forms.

Retrievability: Filed alphabetically by name of recipient.

Safeguards: Maintained in metal lockable desk. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed by burning after five years.

System manager(s) and address: Director of Posts, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual submitting request.

PCC-CZG/CAPS-4

System name: Post Office Boxholder Records, PCC-CZG/CAPS-4

System location: At Canal Zone Post Offices where the individual's mail is delivered.

Categories of individuals covered by the system: Persons who have applied for postal delivery service at Canal Zone Post Offices, including persons obtaining boxholder and general delivery service. Persons submitting change of address requests, Post Office box cancellations, etc.

Categories of records in the system: The boxholder or recipient's name, military or employee identification number, residence, Post Office box number, rental payment record, and the names of persons other than the boxholder who are authorized to receive mail at the assigned box or station.

Authority for maintenance of the system: 2 C.Z.C. 1131-1143, 76A Stat. 38, 40.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual cards.

Retrievability: Originals filed numerically by Box number, and cross-referenced by name, duplicates filed alphabetically in the unit master directory.

Safeguards: Maintained in metal file drawers. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed two years after box is closed.

System manager(s) and address: Director of Posts, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual boxholder.

PCC-CZG/CAPS-5

System name: Philatelic Program, PCC-CZG/CAPS-5

System location: Director of Posts, Civil Affairs Building, Ancon, Canal Zone

Categories of individuals covered by the system: Stamp collectors and others making inquiries of a philatelic nature.

Categories of records in the system: The record normally contains correspondence showing the names and addresses of persons ordering stamps, first day covers, etc., through the philatelic program. Records of, the date and amount of payment, items shipped, and related information is also contained in the system.

Authority for maintenance of the system: 2 C.Z.C. 1131-1143, 76A Stat. 38, 40.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Maintained in metal lockable cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed two years after file becomes inactive.

System manager(s) and address: Director of Posts, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: The individual to whom the record pertains.

PCC-CZG/CAPS-6

System name: Postal Claims and Inquiries, PCC-CZG/CAPS-6

System location: Director of Posts, Civil Affairs Building, Ancon, Canal Zone, and all Canal Zone post offices and branches as required.

Categories of individuals covered by the system: Persons requesting tracing of undelivered mail or parcels, or presenting claims for loss or damage of registered mail or insured parcel post.

Categories of records in the system: The record contains the information necessary to properly examine, prepare, process and adjudicate claims for loss or damage of registered mail or insured parcel post or tracing of ordinary articles, including: names and addresses of senders and addressees, date of mailing, description of articles value, the registration, insured, or certified number or description of an unnumbered ordinary article, purpose of claim, post office disposition and/or any other pertinent information relating to the claim or inquiry.

Authority for maintenance of the system: 2 C.Z.C. 1131-32, 76A Stat. 38-39.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to Foreign Postal Administrations or law enforcement agencies when applicable. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual file folders.

Retrievability: Filed alphabetically by name of addressee.

Safeguards: Maintained in metal lockable cabinets or desk drawers. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed two years after disposition of claims.

System manager(s) and address: Director of Posts, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: The sender, addressee, and, as applicable, the Postal Service or Administration officials of the country of origin or destination.

PCC-CZG/CASC-1

System name: Student Record System, PCC-CZG/CASC-1

System location: Office of Superintendent of Schools, Box M, Ancon, Canal Zone U.S. Elementary Schools:

Ancon, Box M, Balboa Heights, C.Z.
Balboa, Box F, Balboa, C.Z.
Diablo, Box M, Balboa Heights, C.Z.
Diablo Hts., Box M, Balboa Heights, C.Z.
Los Rios, Box M, Balboa Heights, C.Z.
Howard, Box 3034, Howard AFB, C.Z.
Ft. Kobbe, Box 3030, Howard AFB, C.Z.
Ft. Clayton, Box 906, Ft. Clayton, C.Z.
Curundu, Box M, Balboa Heights, C.Z.
Gamboa, Box W, Gamboa, C.Z.
Ft. Davis, Box P, Ft. Davis, C.Z.
Margarita, Box 5008, Margarita, C.Z.
Ft. Gulick, Box 9X, Ft. Gulick, C.Z.
Coco Solo, Box 5032, Coco Solo, C.Z. U.S. Secondary Schools:
Balboa High, Box C, Balboa, C.Z.
Cristobal Jr-Sr High, Box 5034, Coco Solo, C.Z.
Curundu Jr High, Box M, Balboa Heights, C.Z. Latin American Schools:
Paraiso, Box 2018, Paraiso, C.Z.
Paraiso Jr-Sr High, Box 2011, Paraiso, C.Z.
Rainbow City, Box 2026, Rainbow City, C.Z.
Rainbow City Jr-Sr, Box 2026, Rainbow City, C.Z.
Canal Zone College, Box 3009, Balboa, C.Z.

Categories of individuals covered by the system: Students in the Canal Zone schools system.

V 40 189 SEP 29 75 XUM

Categories of records in the system:

a. Enrollment Records: Documents relating to the admission, registration and departure of all students attending Canal Zone Schools. Included are: Registration/Sponsorship Cards, Registration and Class Lists, Kindergarten Information Cards, Authorization for Tuition Student Enrollment, Tuition Payment Records and Loan File, Withdrawal Records, and similar or related documents.

b. Daily Attendance Register Records: Documents reflecting the daily attendance of pupils at schools. Included are Absent and Tardy Reports, Student Pass Slips, Detention Lists, Suspension Lists, and correspondence dealing with attendance.

c. Student Evaluation Records: Documents reflecting grades, personality traits and promotion or failure. Included are: Report Cards, Unsatisfactory Work Reports, Weekly Progress Reports, Academic Suspension Lists and similar or related documents.

d. Cumulative Records: Documents pertaining to individual school students. Included in each folder are: Standardized Test Scores, Health Records, Accident Reports, Special Test Results, Student Grades and Credits earned, Attendance Records, Individual Reading Records, Activity Record Card, Rank in Class, honors, correspondence, anecdotal records related to pupil progress and characteristics, Educational Evaluation Reports, transcripts of academic work at other educational institutions, and similar or related documents.

e. Guidance Records: Documents pertaining to individual school students. Included are test scores, personality ratings, grades, conference reports, teacher comments and observations, anecdotal records, parental interviews, educational evaluations, psychological reports and similar or related documents.

f. Rosters: Documents listing students who participate in or are members of any school related curricular or extra curricular activities. This would include athletic activities, scholarship programs, the Junior ROTC, driver and motorcycle training, Safe Haven, dormitory residents, student assistants, graduates, student association members, applicants to the U.S. Service Academy, and similar or related documents.

Authority for maintenance of the system: 2 C.Z.C. 31 and 33; Congressional appropriations acts providing for the operation of the Canal Zone schools.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be disclosed to the following individuals or organizations outside the Canal agencies for the specific purposes indicated:

1. Other schools to which a transcript of a student's record is sent and with which correspondence is exchanged in connection with the student's transfer or entry into the other school.

2. Prospective employers when record of a student's academic history is requested in connection with the student's application for employment.

3. Organizations offering scholarships to students and committees appointed by the Governor to screen and make recommendations to him for appointments to the U.S. Service and Merchant Marine Academies.

4. President's Council for Physical Fitness to compile comparative data on state of physical fitness of students and to evaluate students and schools for achievements.

5. Community athletic leagues, youth programs, and other organizations sponsoring activities and events for students to the extent that the information is public information or required by the organization, in agreement with the Schools Division, to assure that the student meets school standards for participation. In addition to the preceding specific routine uses, see general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, individual forms, cards, computer printouts, and microfilm.

Retrievability: Student records are filed alphabetically by school, by school year and alphabetically by name of student. The teacher class register file is filed by alphabetically by school, by school year, and alphabetically by name of teacher.

Safeguards: Stored in metal file equipment in buildings or offices locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Student cumulative files are retained permanently at the Agency Records Center, Balboa, Canal Zone. All other student files are maintained at their respective school for 1-5 years and then destroyed.

System manager(s) and address: Superintendent of Schools, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager, principals of individual schools, dean of the college, or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to the principal or dean of the school or the Superintendent of Schools. Written requests should contain the following information: current name and if different, the name used while a student, date of birth, names of schools attended and dates of attendance.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Students, parents or guardians or responsible persons, counselors, teachers, other school staff, medical personnel, and information from other schools attended by students.

PCC-CZG/CZPB-1

System name: Merit System Recruiting, Examining, and Placement Records, PCC-CZG/CZPB-1

System location: Canal Zone Civilian Personnel Policy Coordinating Board and Central Employment Office, Building 363, Ancon, Canal Zone, and personnel and other offices of Federal agencies in the Canal Zone authorized to make appointments to positions and to act for the Board by delegated authority.

Categories of individuals covered by the system: Individuals seeking eligibility for positions with Federal agencies in the Canal Zone and current and former employees of Federal agencies in the Canal Zone.

Categories of records in the system: Records compiled for determining an individual's suitability, qualifications, and ratings to establish status for eligibility for employment; for referring and placing individuals for employment, transfer, promotion, reassignment, and reappointment; and for providing statistical information for conducting personnel research and management studies. They contain information concerning education and training; employment history and earnings; appraisal of past performance by current and previous employers, educators, and personal references; convictions for offenses against the law; responses to test items and questionnaires; results of tests; rating sheets; appraisals of potential; honors, awards, or fellowships; military service and veterans preference; birthdate and birthplace; citizenship; identification numbers; legal residence; home addresses and telephone numbers; general suitability and medical fitness for Federal employment; applicant's conditions and preferences for employment; special qualifications; registers and certificates of eligibles; actions taken; and related correspondence.

Authority for maintenance of the system: 2 C.Z.C. 141-56, 76A Stat. 16-20; E.O. 10794 and 11171.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Apoendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, individual forms and cards, and computer printouts.

Retrievability: Filed or retrievable alphabetically by name of individual and by date of birth.

Safeguards: Sensitive information is stored in locked metal file equipment and other records are stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Applications and supporting documents:

a. Transferred to employing agency when applicant is selected for permanent appointment.

b. Transferred to designated U.S. Civil Service Commission area office on transfer of eligibility.

c. Eligible applicants: Destroyed three years after closing of a register.

d. Canceled or ineligible applicants: Destroyed two years after determination on cancellation or ineligibility is made, or at expiration of register, whichever is sooner.

e. Vouchers and correspondence are filed with applications. Index Cards:

a. Permanent Examination Records Cards are transferred to Agency Records Center ten years after initiated; destroyed five years later.

b. Pending Record Cards are destroyed upon completion of processing and rating of applications.

Certificates of eligibles referred to agencies are retained in Central Employment Office for two years, then transferred to Agency Records Center and destroyed after three additional years. Registers of eligibles are retained in Central Employment Office for two years, then transferred to Agency Records Center and destroyed after three additional years. Routine Examining Program Test Answer Sheets:

a. Eligibles answer sheets are destroyed after three years.

b. Ineligibles answer sheets are destroyed after six months.

Other records, permanent.

System manager(s) and address: Executive Officer, Canal Zone Civilian Personnel Policy Coordinating Board, Drawer 2008, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager, his delegate, the Manager, Central Employment Office, Balboa Heights, Canal Zone, or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Individual should provide name, date of birth, approximate date of record, and title of examination or announcement with which concerned. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to one of the addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals, employers, schools, references, neighbors, associates, credit bureaus, law enforcement agencies, probation officials, prison officials, personnel managers, medical officers and records, government agencies, and others.

Systems exempted from certain provisions of the act: All information in this system which would reveal the identity of confidential sources or is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/CZPB-2

System name: Appeals, Grievances, Complaints, and Assistance Records, PCC-CZG/CZPB-2

System location: Canal Zone Civilian Personnel Policy Coordinating Board and Central Employment Office, Building 363, Ancon, Canal Zone, and personnel and other offices of Federal agencies in the Canal Zone authorized to make appointments to positions and act for the Board by delegated authority.

Categories of individuals covered by the system: Applicants for Federal employment and current and former Federal employees in the Canal Zone who have appealed a qualification or rating or who have registered complaints or made requests for assistance on any phase of the operations of the Board and the Central Employment Office.

Categories of records in the system: Records relating to a decision, process, determination or reply made by the Board on an appeal, grievance, complaint, or request for assistance affecting an individual's consideration for employment through the Canal Zone Merit System, and used also to provide statistical information for conducting personnel research and management studies. The records consist of the initial appeal or complaint; letters or notices from and to the individual; records of hearings when conducted; documentation supporting a decision or determination; affidavits or statements; testimonies of witnesses; investigative reports; instructions to an agency about action to be taken to comply with decisions; related correspondence, opinions, and recommendations; and results of rating panels.

Authority for maintenance of the system: 2 C.Z.C. 141-56, 76A Stat. 16-20; E.O. 10794 and 11171.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and binders, and index cards.

Retrievability: Filed or retrievable alphabetically by name of individual and by date of birth.

Safeguards: Stored in locked metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Permanent.

System manager(s) and address: Executive Officer, Canal Zone Civilian Personnel Policy Coordinating Board, Drawer 2008, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Individual should provide name, date of birth, and approximate date and kind of action taken. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals; agency and Board officials; affidavits of employees; testimonies of witnesses; documents in file related to the appeal, grievance, complaint, or request for assistance; and correspondence from organizations or persons with pertinent knowledge.

Systems exempted from certain provisions of the act: All information in this system which would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/CZPB-3

System name: Personnel Investigation Records, PCC-CZG/CZPB-3

System location: Canal Zone Civilian Personnel Policy Coordinating Board and Central Employment Office, Building 363, Ancon, Canal Zone, and personnel and other offices of Federal agencies in the Canal Zone authorized to make appointments to positions and to act for the Board by delegated authority.

Categories of individuals covered by the system: Current and former applicants for employment in the Federal service and current and former Federal employees in the Canal Zone.

Categories of records in the system: Investigative records compiled to evaluate applications for employment and to provide statistical information for conducting personnel research and management studies. They contain information regarding an individual's physical and mental health, character, conduct, and behavior in the community where the individual has lived; arrests and convictions for any violations against the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the overall qualifications of an individual for a specific position; reports from law enforcement or corrective/parole agencies, former employers, educational institutions, and medical officers and institutions; veterans' preference claims for veterans' wives, widows, widowers, and mothers; lists of persons barred from military installations and pier areas; lists of persons deported from the Canal Zone; lists of police checks; police records; and penitentiary predischarge reports, parole officers' postdischarge statements, and wardens' postdischarge statements.

Authority for maintenance of the system: 2 C.Z.C. 141-56, 76A Stat. 16-20; E.O. 10794 and 11171.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and individual forms and cards.

Retrievability: Filed or retrievable alphabetically by name of individual and by date of birth.

Safeguards: Stored in locked file equipment in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Lists of persons barred from military installations and piers and those deported from the Canal Zone are destroyed when the bar or restriction is lifted. Penitentiary predischarge reports, parole officer and warden statements are transferred to:

1. The application file when a decision is made to permit the individual to compete for Federal employment.

V 40 I 189 SEP 29 75 XUM

2. To the Suitability Investigations Index Card (Personal Data Card) when a decision is made to suspend the individual from competition for Federal employment.

Canal Zone or United States police records and check lists are destroyed when the data is transferred to the Suitability Investigations Index Card (Personal Data Card) subsequent to receipt. Police records received from the Republic of Panama which are owned by the individual are returned to the owner after transfer of the data to the Suitability Investigations Index Card (Personal Data Card). Statements from the individual and from other sources are transferred to the application file when the individual is cleared for Federal employment. Suitability Investigations Index Cards (Personal Data Cards) and other records are destroyed upon death, retirement or at age 70 of the individual.

System manager(s) and address: Executive Officer, Canal Zone Civilian Personnel Policy Coordinating Board, Drawer 2008, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager, his delegate, the Manager, Central Employment Office, Balboa Heights, Canal Zone, or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Individual should provide name, date of birth, and the approximate date and kind of action taken. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to one of the addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals, employers, schools, references, neighbors, associates, credit bureaus, law enforcement agencies, probation officials, prison officials, personnel managers, medical officers and records, government agencies, and others.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/ECCN-1

System name: Plumbing and Welding License Files, PCC-CZG/ECCN-1

System location: Construction Division, Building 29-X, Balboa, Canal Zone

Categories of individuals covered by the system: All persons who have plumbing or welding licenses on file with the Construction Division.

Categories of records in the system: License numbers, name of licensee, date license issued, test results, category of license, name of certification board or examiner.

Authority for maintenance of the system: 2 C.Z.C. 31, 33, 76A Stat. 7, 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: License information routinely released to contractors, employers, and license examining and review boards. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Filed by type and number of license.

Safeguards: Records maintained in file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: No retention and disposal schedule established. Actively maintained as long as licensee is known to be actively engaged in employment. Retained permanently for record purposes.

System manager(s) and address: Chief, Construction Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Examining officials and licensee.

PCC-CZG/ECCN-2

System name: Contractor Employee Payroll Records, PCC-CZG/ECCN-2

System location: Construction Division, Building 29-X, Balboa, Canal Zone

Categories of individuals covered by the system: Employees of contractors working on Canal Zone contracts when such employees are working in the Canal Zone and being paid hourly wages.

Categories of records in the system: The contract number, contractor, employee's name, cedula number, hourly rate of pay, hours worked, total hours worked, total amount paid and other information as required to assure contractor's compliance with the Hours and Safety Standards Act and the Fair Labor Standards Act.

Authority for maintenance of the system: 40 U.S.C. 327 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: US Department of Labor, US Court of Claims, US Army Corps of Engineers Board of Contract Appeals, insurance companies (sureties), GOP Department of Labor, US Embassy and others as required to assure contractor's compliance with above Acts regarding minimum wage, and maximum daily and weekly hours of work. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Individual pay data and hours of work retrieved chronologically by date.

Safeguards: Records maintained in file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Retained by contracting officer for one year after final payment of contract, then transferred to Agency Records Center. Destroyed three years later unless claim pending.

System manager(s) and address: Chief, Construction Division, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Provided by the contractor.

PCC-CZG/ECLE-1

System name: Telephone Exchange Directory, PCC-CZG/ECLE-1

System location: Electrical Division, Building 66-A, Balboa, Canal Zone

Categories of individuals covered by the system: Panama Canal Company telephone service subscribers, including persons or organizations requesting residential, office, and/or pay phone installations, directory listings, repair services, etc.

Categories of records in the system: Name, employee identification and/or customer number, of all persons and organizations having listed and unlisted telephone numbers. Dates of installation, work order numbers, types of equipment and numbers of installation, location, etc. are also included.

Authority for maintenance of the system: 2 C.Z.C. 31, 33, 76A Stat. 7, 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from this system is used to compile listings used to produce the Panama Canal Company Telephone Directory, answer requests for telephone directory assistance etc. Telephone numbers which are requested to be kept unlisted, while a part of the system, are maintained under lock and key. Such numbers are only divulged to the party to whom they pertain, and only upon positive face-to-face identification. For other routine uses see general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained on printed cards.

Retrievability: Filed by name and telephone district.

Safeguards: Cards maintained in lockable revolving files.

Retention and disposal: Maintained for five years after individual cancels or terminates service, then destroyed.

System manager(s) and address: Chief, Electrical Division, Box 2010, Balboa, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From employee on whom record is maintained.

PCC-CZG/EPCD-1

System name: Civil Defense and Natural Disaster Records, PCC-CZG/EPCD-1

System location: Various locations in the Canal Zone as may be designated by the Agency Records Officer, Personnel Director, or other appropriate officials.

Categories of individuals covered by the system: Those persons to whom, and by whom, emergency services would be rendered in times of emergency or natural disaster.

Categories of records in the system: As may be required, the names, addresses, ages, employment, citizenship, next of kin and other information needed to identify persons who may provide, or require, temporary housing assistance, medical care, etc., in times of emergency or natural disaster.

Authority for maintenance of the system: 2 C.Z.C. 31-33, 76A Stat. 7, 8; 50 App. U.S.C. 2251 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure is authorized to the Department of Health, Education, and Welfare, military commands, and the U.S. Customs and Immigration Service. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms in file folders.

Retrievability: By name.

Safeguards: Stored in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Retained until revised or no longer required.

System manager(s) and address: Chief, Planning Division, Executive Planning Staff, or his designee, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: The individual, employer and, Housing and Personnel Bureau records as required.

PCC-CZG/EPS-1

System name: Panama Canal Company Board of Directors Biographical and Correspondence Files, PCC-CZG/EPS-1

System location: Executive Planning Staff, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Past and present members of the Panama Canal Company Board of Directors.

Categories of records in the system: Names and addresses, newspaper clippings, personal resumes, biographies and official correspondence between Company/Government officials and board members. May also include other information as may be provided by Executive Planning Staff in the process of routine responses to inquiries by Board of Directors.

Authority for maintenance of the system: 2 C.Z.C. 63, 76A Stat. 10.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Memorandums, letters, newspaper clippings etc. Maintained in standard folders.

Retrievability: Filed by name of board member.

Safeguards: Lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Permanent.

System manager(s) and address: Director, Executive Planning Staff, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Information obtained from the individual, public media and protocol sources.

PCC-CZG/FVAC-1

System name: Embezzlements, Burglaries, and Cash Shortages, PCC-CZG/FVAC-1

System location: Agents Accounts Branch, Building 365, Ancon, Canal Zone

Categories of individuals covered by the system: Panama Canal Company and Canal Zone Government employees under investigation for embezzlements, burglaries, and cash shortages.

Categories of records in the system: Records collected and maintained in connection with investigations of embezzlements, burglaries, and cash shortages, such as, police reports, audit reports, statements by individuals involved and their employers, decisions made about liability and responsibility, statements of actions taken to recover, and court decisions.

Authority for maintenance of the system: 2 C.Z.C. 31-33, 76A Stat. 7, 8; 2 C.Z.C. 65, 66, 76A Stat. 11; 6 C.Z.C. 502-6, 1341-58, 1381-93, 76A Stat. 428-29, 458-63; 5 U.S.C. 5511-12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure is authorized to the General Accounting Office for decision on responsibility for losses sustained and method of recovery or forgiveness and to the Civil Service Commission for recovery from retirement annuities or contributions. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Permanent.

System manager(s) and address: Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Employers, agents, investigators, witnesses, and the courts.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential

V 40 I 189 SEP 29 75 XUM

sources is exempt from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/FVAC-2

System name: Accounts Receivable Records, PCC-CZG/FVAC-2

System location: Agents Accounts Branch, Building 365, Ancon, Canal Zone. Panama Canal Company, 4400 Dauphine Street, New Orleans, Louisiana

Categories of individuals covered by the system: Individuals billed by the Panama Canal Company and Canal Zone Government for services and purchases.

Categories of records in the system: Records maintained to support and effect customer billings, collections, and credit standing, including customer listings and data files, charge account applications, transaction detail and analysis and statistical accumulations, active and inactive credit accounts, schedules of advance payments and security deposits, and accounts written off.

Authority for maintenance of the system: 2 C.Z.C. 31-33, 65, 66, and 411, 76A Stat. 7, 8, 11, and 27; 3 C.Z.C., Chapter 11, 76A Stat. 67-69; Section 6.5 of Article VI, Panama Canal Company Bylaws; 5 U.S.C. 301; 5 U.S.C. 5511-14; 31 U.S.C. 951-3; 42 U.S.C. 2651-3; and 44 U.S.C. 310.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure is authorized to General Accounting Office for audit and collection assistance; Department of Justice for collection assistance; Internal Revenue Service for determination of tax liabilities; Veterans Administration for its administration of laws pertaining to veterans; and other U.S. Government organizations, private employers, labor unions, lending and credit institutions, foreign consulates and embassies, foreign governments, insurance carriers, attorneys, courts, and executors of estates for collection assistance, credit information, offset of accounts receivable against amounts due customers, and possible litigation. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printouts, index cards, and paper records in folders.

Retrievability: Filed or retrievable alphabetically by name.

Safeguards: Filed in locked and unlocked metal file cabinets, shelf files, tub files, desks, and table tops in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed five years after account closed, except accounts written off are destroyed after fifteen years and customers listings are destroyed when superseded by new listings.

System manager(s) and address: Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Billing offices, collection agents, subject individuals, officials authorized to forgive debts and to authorize adjustments of existing charges, and offices to or from whom inquiries are made.

PCC-CZG/FVAC-3

System name: Trust Fund Records, PCC-CZG/FVAC-3

System location: Agents Accounts Branch, Building 365, Ancon, Canal Zone

Categories of individuals covered by the system: Prisoners in Canal Zone Penitentiary; patients of Palo Seco Hospital; patients of Canal Zone Mental Health Hospital; and estates escheated to the Canal Zone Government by court order.

Categories of records in the system: Records maintained on funds held, including earnings for persons held in detention or institutionalized and incapable of handling their own affairs. The records show the beneficiary's name, amounts received and earned, dates received and earned, account and receipt.

Authority for maintenance of the system: 2 C.Z.C. 31-33, 76A Stat. 7, 8; 5 C.Z.C., Chapter 57, 76A Stat. 353-60; 6 C.Z.C. Chapter 35, 76A Stat. 355-6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure of information is authorized to administrators of the subject funds, including the Public Administrator, for use in the performance of their duties. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed or retrievable alphabetically by name.

Safeguards: Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed five years after termination of fund.

System manager(s) and address: Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Fund administrators and agent cashiers.

PCC-CZG/FVAC-4 (See PCC-CZG/FVAP/AC-4)

PCC-CZG/FVAC-5

System name: Delegation of Authority for Procurement, PCC-CZG/FVAC-5

System location: Agents Accounts Branch, Building 365, Ancon, Canal Zone

Categories of individuals covered by the system: Panama Canal Company and Canal Zone Government personnel authorized to procure and/or approve payments, and personnel of the District Court and other government agencies that approve payments that are made by the Panama Canal Company.

Categories of records in the system: Records maintained to show individuals and positions authorized to procure goods or services and approve disbursements. Records contain such information as name; organization; title; type of authority; dollar limitations; payment authorization and limitations; letters of additions, deletions and revisions; and sample signatures.

Authority for maintenance of the system: 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure is authorized to officials of the District Court and other government agencies for which the Panama Canal Company makes disbursements. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards and papers in file folders.

Retrievability: Filed or retrievable alphabetically by name.

Safeguards: Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed two years after authority expires.

System manager(s) and address: Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Officials of the Canal agencies and subject individuals.

PCC-CZG/FVAC-6

System name: Cash Collection Agents and Subagents, PCC-CZG/FVAC-6

System location: Agents Accounts Branch, Building 365, Ancon, Canal Zone

Categories of individuals covered by the system: Employees responsible for handling cash.

Categories of records in the system: Records maintained to identify personnel responsible for cash, their location, the authorized amount of their cash banks, and limitations as to the use of the banks.

Authority for maintenance of the system: 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure is authorized to insurance companies for bonding purposes. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Filed by agent cashier number and retrievable by name.

Safeguards: Stored in locked desks in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed one year after superseded.

System manager(s) and address: Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Administrative Officers of operating divisions, Personnel Bureau records, and the Treasurer.

PCC-CZG/FVAC-7

System name: Canal Zone Awards and Service Contracts Control Records, PCC-CZG/FVAC-7

System location: Agents Accounts Branch, Building 365, Ancon, Canal Zone

Categories of individuals covered by the system: Individuals and organizations that have personal service contracts and sale agreements with the Panama Canal Company and Canal Zone Government.

Categories of records in the system: Control records on Canal Zone Awards and service contracts showing transaction history, payment history, history of orders placed against awards, modifications to initial agreement, amount contracted for, and undelivered orders placed against awards.

Authority for maintenance of the system: 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure is authorized to contractors in reviewing the status of their accounts, the General Accounting Office and the Office of Management and Budget in the performance of their functions, and the District Court and other Government agencies for which the Panama Canal Company makes disbursements. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards.

Retrievability: Filed alphabetically by name and cross-referenced to contract and award numbers.

Safeguards: Stored in locked desk in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed five years after expiration of award or contract.

System manager(s) and address: Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Contracting officers, budget officers, disbursement records, and contractors.

PCC-CZG/FVAC-8

System name: Accounts Payable Disbursement Records, PCC-CZG/FVAC-8

System location: Agents Accounts Branch, Building 365, Ancon, Canal Zone. New Orleans Office, Panama Canal Company, 4400 Dauphine Street, New Orleans, Louisiana

Categories of individuals covered by the system: Persons to whom payments have been made by the Canal agencies.

Categories of records in the system: Records maintained to show payments from accounts of Canal agencies including such documentation as purchase orders, vendors invoices, payment authorizations and approvals, check follow copies, and accounting classifications.

Authority for maintenance of the system: 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure is authorized to freight carriers and rate making institutions in connection with the determination of rates, other Federal agencies gathering statistical information, contracting officers, banks with which the Canal agencies maintain checking accounts, and the District Court and other Government organizations for which the Panama Canal Company disburses funds. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in folders and individual forms.

Retrievability: Filed alphabetically by name.

Safeguards: Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed after twelve years.

System manager(s) and address: Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Procurement Officer, contracting officer, officials authorized to incur liabilities and approve payments disbursed by the Panama Canal Company, and subject individuals.

PCC-CZG/FVAC-9

System name: Unnegotiated Checks Over One Year Old, PCC-CZG/FVAC-9

System location: Agents Accounts Branch, Building 365, Ancon, Canal Zone

Categories of individuals covered by the system: Persons issued Panama Canal Company checks for which there is no record of their having been cashed for over one year.

Categories of records in the system: Records maintained on unnegotiated checks over one year old used to investigate claims for funds, determine if funds are available which can be offset against accounts receivable, and investigate alleged liabilities. Records contain information such as payee name, identification number, check number, check date, name of bank drawn on, amount of check; and related correspondence.

Authority for maintenance of the system: 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure is authorized

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to individuals and organizations affected by the non-negotiation of the check. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards and papers in file folders.

Retrievability: Filed alphabetically by name of payee.

Safeguards: Filed in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed five years after liability is paid off or otherwise settled.

System manager(s) and address: Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Disbursements system, payees, and other persons concerned.

PCC-CZG/FVAK-1

System name: Claims Files, PCC-CZG/FVAK-1

System location: Claims Branch, Building 38, Balboa, Canal Zone

Categories of individuals covered by the system: Persons making or filing claims against the Panama Canal Company or the Canal Zone Government; and/or persons and companies who are subjects of claims by the Panama Canal Company and/or the Canal Zone Government.

Categories of records in the system: This system of records contains information or documents needed to audit and settle claims for pay and allowances, uncollectible debts, amounts due estates of deceased employees, travel expense reimbursement, personal injury or death (including injury occurring in the performance of duty), and personal property loss and/or damage. The records consist of documentation of the circumstances giving rise to the claim and basis of the claim; claimant's or individual's name, names and relationship of immediate family, address, identification number, occupation, date of birth; when, where and how the loss of or damage to property occurred; when and how individual was injured, nature and extent of injury, medical treatment, diagnosis and prognosis; payroll information, travel orders and other travel information, investigative, police, fire, autopsy, accident and medical reports, and various other materials placed into the record to perfect the claim and relating to the actions, decisions, or determinations made by the Agency on claims.

Authority for maintenance of the system: 2 C.Z.C. 65, 66, 271, 291-297, 76A Stat. 11, 22, 23-25; 5 U.S.C. 301; 5 U.S.C. 5581 et seq.; 5 U.S.C. 5701 et seq.; 5 U.S.C. 8101 et seq.; 31 U.S.C. 240-243; 31 U.S.C. 951-953; 46 U.S.C. 1300 et seq.-Bill of Lading Contract of Carriage; 4 CFR 91-93; 28 CFR Part 14.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information or a record from this system may be furnished to and information acquired from federal, state, local or foreign agencies, the claimant and other parties of interest in connection with the audit and settlement of claims and demands by or against the Panama Canal Company/Canal Zone Government, such as the following:

1. Physicians and medical facilities for the purpose of medical treatment, examination, opinions and evaluations of claimants.
2. Insurance companies in connection with claims for or against their insured under subrogation rights or in connection with the bonding of employees of the Panama Canal Company/Canal Zone Government.
3. Lawyers representing claimants or the agency.
4. Labor unions representing claimants.
5. Steamship agencies and/or their legal representatives for furnishing services or adjusting cargo and other claims from the Panama Canal Company/Canal Zone Government or other claimants.
6. Contractors who furnish services to the Panama Canal Company/Canal Zone Government such as the packing, crating, and transportation of household goods and personal effects of employees under recruitment and repatriation.
7. Consultants who furnish services to the Panama Canal Company/Canal Zone Government, i.e., doctors, engineers, management firms, etc.
8. Transportation companies such as airlines, steamship companies, railroads, buses, and car rental agencies who furnish services to the Panama Canal Company/Canal Zone Government.
9. National Safety Council for safety purposes.
10. Department of Labor for advice on a particular case and appeals to the Employees' Compensation Appeals Board.
11. Social Security Administration for verification of earnings record of beneficiaries under the Federal Employees' Compensation Act.
12. Civil Service Commission for furnishing record of compensation payments to beneficiaries under the Federal Employees' Compensation Act.
13. U.S. Public Health Service Hospitals and Veterans Administration Hospitals for treatment, examination, medical opinions and evaluations of claimants.
14. Department of Justice for the defense or prosecution of cases on behalf of the agency.
15. General Accounting Office for audit of claims.
16. Comptroller General of the United States for legal opinions or information on a particular matter.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records maintained in file folders.

Retrievability: Filed alphabetically by name of claimant, etc.

Safeguards: Records maintained in lockable file cabinets in office locked other than during office hours. Access and use of records limited to authorized personnel only.

Retention and disposal: Records maintained a minimum of one year after disposition of claim. Transferred to Agency Records Center for retention and disposition in accordance with established Agency Records Retention Schedule No. 3, as revised.

System manager(s) and address: Chief, Claims Branch, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Claimants, officials of Panama Canal Company or Canal Zone Government, other government officials, physicians, medical facilites, private individuals and companies.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the Agency's regulations. See 35 CFR 10.14.

PCC-CZG/FVAP-1

System name: Payroll Master File for Panama Canal Company and Canal Zone Government Employees, PCC-CZG/FVAP-1

System location: Payroll Branch, Panama Canal Company, Ancon, Canal Zone

Categories of individuals covered by the system: Present and former employees of the Panama Canal Company and Canal Zone Government.

Categories of records in the system: Master payroll system maintained to accumulate and compile pay and personnel related data, calculate pay, and account for payments, including such information as name, employee identification number, rate number, date hired, where hired, roll and gang, position number, occupation, pay level, base rate, frozen or saved rate, tropical differential code, annual premium compensation, security classification, step due date, labor distribution accounts, work week, retirement code, tenure, rehired annuitant, partime hours, social security code and number, FEHBA plan, FEGLI income tax data, Fair Labor Standards Act code, medical identification card, residence code, citizenship code, sex, marital status, veterans preference, physical examination, suspended leave, employee address, birth date, Federal service

date, Canal service date, travel leave, check distribution code, employee statust and Combined Federal Campaign pledges.

Authority for maintenance of the system: 2 C.Z.C. 31-33, 65, 66, 101 and 121, 76A Stat. 7, 8, 11, 14, and 15; 5 U.S.C., Chapter 55.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In connection with their authorized functions, disclosure is authorized to the United States Civil Service Commission; Internal Revenue Service; Federal Social Security Agency; General Accounting Office; U.S. military agencies; State unemployment comoensation offices; City, County, and State tax offices; employee credit unions; banks; labor unions; insurance carriers; and Combined Federal Campaign. See also general routine use oaragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, computer printout, and microfilm of printout.

Retrievability: Retrievable by name of employee.

Safeguards: Stored in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed sixty years after first day of employment of employee, provided employee has been separated from service for five years.

System manager(s) and address: Chief, Payroll Branch, Box 2032, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject employee, Personnel Action SF 50, employing unit, time reports, and computer generated and manual calculations from varied input data.

PCC-CZG/FVAP-2

System name: Payroll System for Vessel Employees, PCC-CZG/FVAP-2

System location: Payroll Branch, Panama Canal Company, Ancon, Canal Zone

Categories of individuals covered by the system: Former and present vessel employees on Panama Canal Company steamships.

Categories of records in the system: Records maintained to accumulate pay-related data, calculate pay, and account for payments to crew members of Company steamships, including such information as name, Social Security number, article number, rate, and position title.

Authority for maintenance of the system: 2 C.Z.C. 65, 66 and 121, 76A Stat. 11 and 15; 5 U.S.C. 5342(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In connection with their authorized functions, disclosure is authorized to the U.S. Civil Service Commission; Internal Revenue Service; Federal Social Security Administration; municipal, county and state tax offices in the United States, employee credit unions, financial institutions, labor unions, insurance carriers, state unemployment compensation offices. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Journals and cards.

Retrievability: Filed by Social Security number and retrievable by name.

Safeguards: Stored in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed sixty years after first day of employment of vessel employee by Panama Canal Company.

System manager(s) and address: Chief, Payroll Branch, Box 2032, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individual and ship's purser.

PCC-CZG/FVAP-3

System name: Injury Compensation Payroll Records, PCC-CZG/FVAP-3

System location: Payroll Branch, Panama Canal Company, Ancon, Canal Zone

Categories of individuals covered by the system: Beneficiaries under the Federal Employees Compensation Act.

Categories of records in the system: Records maintained to account for payments of awards and as the basis for a variety of reports on payments of injury compensation, containing information on beneficiaries, such as name, identification number, address, amount of payment, amount of insurance premiums, and miscellaneous hospital bills.

Authority for maintenance of the system: 5 U.S.C. 301 and 810 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Submission of reports to U.S. Civil Service Commission and insurance carriers for use in their functions related to the Federal Employees Compensation Act. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Journals and cards.

Retrievability: Filed by identification number and retrievable by name.

Safeguards: Stored in shelf or tub files in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Permanent.

System manager(s) and address: Chief, Payroll Branch, Box 2032, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Branch, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Panama Canal Company Personnel Bureau and Claims Branch.

PCC-CZG/FVAP/AC-4

System name: Payroll Deductions, PCC-CZG/FVAP/AC-4

System location: Payroll Branch, Building 365, Ancon, Canal Zone

Categories of individuals covered by the system: Active and retired employees of the Panama Canal Company and the Canal Zone Government.

Categories of records in the system: Records maintained by the Payroll Branch as part of the Payroll Master File for Panama Canal Company and Canal Zone Government employees and used also by Agents Accounts Branch as part of the Accounts Receivable Records System for accounts collectible by payroll deduction. Records contain individual's gross pay, net pay, and payroll deduction detail and support data.

Authority for maintenance of the system: 2 C.Z.C. 65, 66, 76A Stat. 11; Section 6.5 of Article VI, Panama Canal Company Bylaws; 5 U.S.C. 5511, 5525.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure is authorized to insurance carriers in connection with payments of health insurance benefits. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards, ledgers, and papers in file folders.

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Retrievability: Filed or retrievable alphabetically by name.

Safeguards: Stored in metal file cabinets and ledger buckets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed after four years.

System manager(s) and address: For Payroll Master File use: Chief, Payroll Branch, Accounting Division, Box 2032, Balboa Heights, Canal Zone. For accounts receivable use: Chief, Agents Accounts Branch, Accounting Division, Box K, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addresses designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Billing units and subject individuals.

PCC-CZG/FVDP-1

System name: Automatic Data Processing and Retrieval Systems, PCC-CZG/FVDP-1

System location: Data Processing Division, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: All persons on whom information is stored in one or more of the Data Processing Division's magnetic tape or key-punch card data processing systems. See Category of Records below for specific information concerning processing and retrieval programs containing information retrieved by name or account identifier number.

Categories of records in the system: Information is contained in the following programs in the following manner:

1. Accounts Receivable Program: Information concerning individual charge accounts, e.g. name, address, account number and balance, roll and gang, history of debit and credit transactions, etc., is maintained on all employees of the Panama Canal Company/Canal Zone Government; employees and active duty personnel of U.S. military commands; employees of other U.S. Government agencies, including U.S. Embassy and State Department personnel located in the Republic of Panama; Civil Service annuitants; and all other persons having charges or unpaid balances payable to the Panama Canal Company and/or Canal Zone Government. Information in this program is compiled from data supplied by units providing chargeable services and includes such charges as commissary and storehouse sales, hospital services, and other services provided by the Panama Canal Company/Canal Zone Government to private and commercial firms.

2. Hospital Census Program: Persons who are inpatients at Canal Zone medical facilities at the time the report is compiled. Includes the patient's name and/or name of sponsoring employee or agency; the patient's sex, marital status, religion, citizenship, residence, dates of admission, treatments and discharge and patient codes. Patient codes identify persons who are Panama Canal Company/Canal Zone Government employees or their dependents; employees of other U.S. Government agencies and their dependents; transients and seamen, who are unsponsored or sponsored by private individuals and shipping agents; charity cases; etc. and are used to determine method of billing, i.e. payroll deduction, insurance carrier, direct billing of patient or sponsor, or billing to reimbursable accounts maintained by other U.S. Government agencies. The information is also used to compile inpatient rosters and to prepare staff-related reports and analysis showing staff workload, professional requirements, day-to-day percentages of hospital room occupancy, diagnostic evaluations etc. Information from this program may be transferred to accounts receivables files of other units for collection of outstanding charges.

3. Hospital Inpatient Billing and Statistical Program: Information, including name of patient, name of employee/sponsor or sponsoring agency, employing unit, address, telephone number, citizenship, insurance carrier, etc. of persons who are obtaining inpatient service at Canal Zone Government medical facilities. This information is collected to provide a basis for compiling hospital billings, for treatment, medications and other services rendered; for instituting payroll deductions; admission, treatment and discharge information; and for staff-related statistical and professional reports, evaluations of treatments rendered, staff assignment forecasts, budgeting and other patient and staffing analysis and forecast reports, including current and anticipated hospital patient census reports.

4. Hospital Outpatient Billing Program: Information, including name of person receiving treatment during the period for which the report is compiled; the name of employee/sponsor or his sponsoring agency, employing unit, address, citizenship, telephone number, insurance carrier, etc. of persons obtaining outpatient services at Canal Zone Government medical facilities. This information is collected to provide a basis for compiling hospital billing related to treatment, medication and/or other services rendered; for instituting billings to insurance carriers; for payroll deductions; for statistical records of admission, treatment and discharge. Also used to compile staff-related statistical and professional reports, evaluations, assignment forecasts, budgeting and other patient and staffing analysis/forecast reports.

5. Payroll Program: Information, including name, employee identification number, roll and gang, rate of pay, deductions and other payroll-or employment-related information necessary to compute gross and net pay, retirement credit, leave balances, overtime, etc. for all persons carried on the Panama Canal Company/Canal Zone Government employee payroll during the period such pay is being computed. Terminating and/or terminated employees are carried in the system for the remainder of the calendar year in which they terminate.

6. Transit Operations Systems Programs: The Transit Operations System includes programs for reporting maritime traffic and pilot work form and workload statistics. The reports compiled for this system may be compiled by pilot name, by group and by workload. An example of a report compiled by name is the following: Report series number 40-260 includes the pilot's name, identification number, mailing address, home telephone number, residence, education level, professional licensing data, officer and maritime experience, including Merchant Marine, Naval and other maritime-related service. Also included is such Panama Canal Company employment information as employee status, pilot's home district, qualification and group numbers, seniority number and date, current and permanent nonwork days, pilot-in-training data including dates licenses issued, federal service date, and termination dates and reasons. Other examples, details of which are available on request from the Data Processing Division, include the following: Pilot Daily Report, series number 40-240, showing daily detail of transits, ship numbers, hours worked, leave scheduled, etc; and the Pilot Daily Summary, report series number 40-245, summarizing a pilot's assignments to date as to completed and partial transits etc.; Pilot Weekly Summary, report series number 40-230, summarizing information contained in the Pilot Daily Summary. Reports other than those reported above include such reports as Pilot's Master File listings and Pilot record abstracts. Further information as to the content, access and notification is available for request from the Chief, Data Processing Division.

7. Schools Division Employee Records Program: This program incorporating key employment-related data found in the Panama Canal Company/Canal Zone Government's Operating Unit Personnel Records System "PCC-CZG/OPR-1" is published separately in the Panama Canal Company/Canal Zone Government Notices of Systems of Records. Printout material includes such information as the employee's name, identification number, hourly rate of pay, type and grade of employment, telephone numbers, date of employment, leave schedules etc. See OPR-1 for further information as to the type of information which may be included in, or compiled from this data processing system.

8. Student Scholastic Records Program: Information pertaining to scholastic record of students registered in Canal Zone public schools and the Canal Zone College. Information includes the student's name and address, parent/sponsor's name and address, employee or sponsor status, class rosters, grade and class schedules; billing information (sponsored, non-sponsored, or reimbursable rates for sponsoring agency); transportation and residential codes, contract information, scheduling information and student grades, attendance, student testing, analysis and evaluations.

9. Vehicle and Boat Registration Program Printout: This program includes such information as the name, identification number, age, address, employing unit, and post office box number of all persons, including Panama Canal Company/Canal Zone Government, U.S. military, and others who register motor vehicles, motorcycles, trailers, motor boats; and related craft with the Canal Zone Government's Civil Affairs Bureau License Section. Information on the vehicle or craft includes the vehicle or craft's engine number, its manufacturer, model and color, license plate or registration number, and date of inspection. May also include the name of

previous owners when ownership is transferred during the calendar year for which the record is compiled or updated.

Authority for maintenance of the system: 2 C.Z.C. 31-33, 65, 66, 76A Stat. 7, 8, 11; Section 6.5 of Article VI, Panama Canal Company Bylaws; 5 U.S.C. 301; 40 U.S.C. 759; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Accounts Receivable Program: Information in the program is prepared for the Agents Accounts Branch which is responsible for distribution outside the agency. See system notice PCC-CZG/FVAC-2 for information concerning disclosure outside the agency. Hospital Census Program, Hospital Inpatient and Statistical Program, and the Hospital Outpatient Program: Information in these programs may be disclosed in the same manner as information contained in the Health Bureau's notice of systems records PCC-CZG/HL-1 through HL-3. Payroll Program: Disclosures may be made in the same manner as proposed for the master payroll system reported by the Comptroller, and listed in the notices of systems of records as PCC-CZG/FVAP-1. Transit Operations System Program: Information in this program may be disclosed consistent with the disclosures provided for in the general routine use paragraphs in the prefatory statement or in 35 CFR Part 10, Appendix A. Schools Division Employee Records Program: Information in this program may be disclosed in the same manner set forth in the Panama Canal Company/Canal Zone Government's notice of systems of records entitled Operating Unit Personnel Records, PCC-CZG/OPR-1. Student Scholastic Records Program: Information in this program may be considered to be an adjunct to the School's Division's system PCC-CZG/CASC-1 and may be disclosed consistent with disclosure stated therein. Vehicle and Boat Registration Program: Information contained in this system is used by the Canal Zone Customs Division, Canal Zone Police Division, License Section and the Panama Canal Company Admeasurer's Office, Marine Bureau. Disclosure may be made consistent with such Canal Zone Customs, Police, License Section and admeasurement uses as may be referred to in systems ending with MR, CACU, CAPL, and CALS designations which routinely require reference to, or disclosure of license and registration information. Other than specified above, any information contained in the system (i.e. PCC-CZG/FVDA-1) may be released consistent with the general routine use paragraphs set forth in the prefatory statement or in 35 CFR Part 10, Appendix A.

Storage: Magnetic tape and/or punched cards.

Retrievability: As applicable information is retrieved in the above programs in the following manner: by the customer/account number; the patient or employee number; by the employee's identification number and pay rate code; the pilot's identification number; the Schools Division employee's position number; the student number; and by the vehicle registration number.

Safeguards: Cards and/or discs filed in locked rooms when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Agents Accounts records are maintained one year after closing of account. Payroll records are maintained six weeks after the end of the calendar year in which the employee terminates. Hospital related records may be retained as follows: hospital census reports-no retention period established, retained for useful life and billing completed, destroyed when updated; Hospital Inpatient and Statistical reports-normally held for a period of one month, or until updated, Hospital Outpatient Billing Report-reports retained until two months after processing by billing personnel. Schools Division Employee records reports are disposed of as updated, basic information retained until six months after employee terminates. Student Scholastic Records reports are retained until student discontinues attending Canal Zone public schools, or the Canal Zone College. Transit Operations Systems reports are retained until updated, obsolete copies destroyed. Basic information retained until notified to delete the pilot's name from the file due to retirement, etc. Vehicle and Boat Registration reports-normally replaced on a routine basis. Old listings destroyed. In cases where the report has been susperseded, or discontinued, tapes are erased and cards are destroyed. Tapes are reused by inputing new data.

System manager(s) and address: Assistant Financial Vice President (MIS), Office of the Financial Vice President, Box M, Balboa Heights, Canal Zone.

Notification procedure: Individuals seeking to determine if any program referred to herein contains a record pertaining to themselves may contact the following officials: Accounts Receivable Program: Chief, Agents Accounts Branch, Box K, Balboa Heights, Canal Zone. Hospital Census, Inpatient and Statistical, and Outpatient Reports: Assistant Director, Administration, Health Bureau, Box M, Balboa Heights, Canal Zone. Payroll Program: Chief, Payroll Branch, Box M, Balboa Heights, Canal Zone. Schools Division Employee Records Reports and Student Scholastic Record Reports: Superintendent of Schools, Box M, Balboa Heights, Canal Zone. Transit Operations Systems Reports: Chief, Canal Transit Operations Division, Box 3661, Balboa, Canal Zone. Vehicle and Boat Registration Reports: Chief, License Section, Box L, Balboa Heights, Canal Zone. Information pertaining to any of the above may be requested from the Agency Records Office, Box M, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to the appropriate addresses designated in the Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10 and addresses in Notification Procedures, preceding.

Record source categories: Sources of information vary from program to program. While the majority of information in the programs referred to in this system is supplied by the customer, employer, student, patient or pilot as applicable, further information as to the source(s) of information is available upon request from the official listed in the access provision of this notice, or from the Agency Records Officer.

PCC-CZG/FVGA-1

System name: Cash Audit Files, PCC-CZG/FVGA-1

System location: General Audit Division, Building 6530, Corozal, Canal Zone

Categories of individuals covered by the system: Panama Canal Company and Canal Zone Government collecting agents whose accounts are audited by the General Audit Division.

Categories of records in the system: Records of cash audits to evaluate internal controls over cash and determine whether the custodian is carrying out his responsibilities with respect to Government property and to identify weaknesses in cash controls and to make necessary changes in those controls. In case of cash shortages, records are used to determine amount recoverable from agent. Records contain information such as the identifying agent number, employee's name, employing unit, and employee's accountability at the time the audit was performed. In instances where cash shortages are found, the records will also contain information on the recovery of these amounts from the agents.

Authority for maintenance of the system: 2 C.Z.C. 65, 66, 76A Stat. 11.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Payee records in file folders.

Retrievability: Filed by fiscal year and agent number audited. Retrievable by name.

Safeguards: Stored in locked file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed by burning after ten years.

System manager(s) and address: General Auditor, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals, auditors, and employees of Agents Accounts Branch.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exemot from certain subsections of 5 U.S.C. 552a and from the procedures of access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/FVGA-2

System name: Cash Register Receipt Shortages, PCC-CZG/FVGA-2

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System location: General Audit Division, Building 6530, Corozal, Canal Zone

Categories of individuals covered by the system: Employees who experience cash register shortages.

Categories of records in the system: Records maintained to determine potential weaknesses in cash controls and may be referred to in routine cash audits or as the basis for a cash audit. Records contain information such as employee's name, cash register number, retail unit, date and amount of cash shortage.

Authority for maintenance of the system: 2 C.Z.C. 65, 66, 76A Stat. 11.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms in file folders.

Retrievability: Filed by retail area in chronological sequence. Retrievable by employee name.

Safeguards: Stored in locked file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed by shredding after two years.

System manager(s) and address: General Auditor, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Retail unit managers.

PCC-CZG/FVTR-1

System name: Termination of Employment Actions Records, PCC-CZG/FVTR-1

System location: Treasury Branch, Building 287, Ancon, Canal Zone

Categories of individuals covered by the system: All employees of the Panama Canal Company/Canal Zone Government terminating their employment with this agency.

Categories of records in the system: Employees name, identification number, position and grade, post office address, house number and town, office and home telephone number, date of termination, future mailing address, nature of termination, reason for termination, disposition of final pay, date of travel, transportation request, members of family with whom traveling, final destination, destination of household effects, signature of employee, employee's position number, roll and gang, whether recruited from states and whether replacement is required.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 8 by 10 1/2 printed form 194-T.

Retrievability: Indexed by name and identification number.

Safeguards: Records maintained in locked file. Access and use are restricted to authorized personnel.

Retention and disposal: Five years after retirement of employee. Destroyed by fire.

System manager(s) and address: Treasurer, Panama Canal Company, Drawer F, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From employee and employing Unit, Division, or Bureau.

PCC-CZG/FVTR-2

System name: Internal Revenue Service Notice of Levy Files, PCC-CZG/FVTR-2

System location: Treasury Branch, Building 287, Ancon, Canal Zone

Categories of individuals covered by the system: Employees of the Panama Canal Company/Canal Zone Government whose salaries are being levied by the U.S. Internal Revenue Service.

Categories of records in the system: Employees name, address and social security number, amount of Federal Income Tax owed to Internal Revenue Service, tax period ended, date and amount of assesment, unpaid balance of assesment and statutory additions.

Authority for maintenance of the system: Chapter 64, Internal Revenue Code of 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To disclose to the Internal Revenue Service that the employee has been notified of his or her indebtedness, and to collect amounts owed and forward same to Internal Revenue Service to satisfy levy. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form, 8 by 10 1/2 inches.

Retrievability: Indexed by name.

Safeguards: Records maintained in locked file. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained until employee terminates and then destroyed by fire.

System manager(s) and address: Treasurer, Panama Canal Company, Drawer F, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Internal Revenue Service, Panama Canal Company payroll records and the individual on whom record is maintained.

PCC-CZG/FVTR-3

System name: Suspension of Check Cashing Privileges Files, PCC-CZG/FVTR-3

System location: Treasury Branch, Building 287, Ancon, Canal Zone

Categories of individuals covered by the system: Persons who have cashed unnegotiable checks, and persons who request cancellation or suspension of their own check-cashing privilege.

Categories of records in the system: Records maintained to assist in attempts to recover losses from bad checks and to aid in the determination of whether a person's checks are acceptable or whether credit may be extended to a person. Records may show the individual's name, social security number (optional) and identification number (if any), employer, telephone number, dates the checks were returned, dates of checks, number of checks returned, and monetary value of each check.

Authority for maintenance of the system: 2 C.Z.C. 65, 66, 76A Stat. 11; 4 C.Z.C. 2253, 76A Stat. 180.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Computer listings disclosed to U.S. Government check-cashing facilities in the Canal Zone, including Army, Navy, and Air Force Exchanges. Information may be disclosed to commercial banks, credit agencies, labor unions, and employers consistent with collection practices. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards and listings.

Retrievability: Indexed by name.

Safeguards: Stored in locked file in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Lists are destroyed when superseded by new lists. Cards are destroyed when no longer required for control purposes.

System manager(s) and address: Treasurer, Panama Canal Company, Drawer F, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Banks or clearing houses to which checks are sent for negotiation and the subject individual.

PCC-CZG/FVXI-1

System name: Incentive Awards Program Files, PCC-CZG/FVXI-1

System location: Incentive Awards Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: All employees of Panama Canal Company/Canal Zone Government who have filed suggestions or received honorary awards under the Incentive Awards Program since 1954.

Categories of records in the system: Employee's name, identifying number, grade, occupation, employing unit, suggestion number, rejection or approval date, amount awarded, card control number. This information is accumulated to provide a basis for granting award recognition to employees or private citizens in accordance with the provisions of the Company/ Government's Incentive Awards plan; to maintain record of employees' contributions to the Suggestion Program and to determine and verify employees' eligibility for subsequent awards.

Authority for maintenance of the system: 5 U.S.C. 4501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from this system of records may be used to: (a) prepare reports for the U.S. Civil Service Commission; (b) promote the awards program through the local news media; and (c) respond to inquiries from labor unions, award recipients, employee and professional organizations. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 3 by 5 inch cards.

Retrievability: Filed or indexed by name.

Safeguards: Records maintained in metal card files and lockable metal filing cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Held three years after employee's termination and then destroyed by fire.

System manager(s) and address: Incentive Awards Secretary, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From suggestion forms prepared by employees to whom the record pertains and from honorary award recommendations submitted by authorized management officials.

PCC-CZG/GE-1 (STATE-39)

System name: Visa records, PCC-CZG/GE-1 (STATE-39)

System location: Visa Office, Office of the Executive Secretary, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Individuals who have applied for visas; aliens who may be ineligible to receive visas.

Categories of records in the system: Visa applications accompanied by documents such as birth certificates, marriage certificates, spouses' birth certificates, affidavits of support, police records, and medical examinations; letters from interested parties; and communications between the Visa Office and the Visa Office, Department of State, consulates, other U.S. Government agencies, international organizations, and foreign missions regarding the eligibility, issuance, revalidation, and extension of visas.

Authority for maintenance of the system: 8 U.S.C. 1101-1503; see in particular 8 U.S.C. 1101 (a) (9).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from these records may be released to the Visa Office, Department of State, other U.S. consular offices, and the Immigration and Naturalization Service to coordinate the issuance of visas; to other government agencies that have statutory or other lawful authority to maintain such information; and to interested parties inquiring as to the status of a particular case. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, cards, and individual forms.

Retrievability: Filed alphabetically by name of applicant.

Safeguards: Filed in a locked file cabinet in a building with around-the-clock guard. Access and use are restricted to authorized personnel.

Retention and disposal: Retention of these records varies from one year to an indefinite period of time, depending upon the specific type of record involved. They are retired or destroyed in accordance with published schedules of the Department of State.

System manager(s) and address: Deputy Executive Secretary of the Canal Zone, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager, the Visa Examiner in the Office of the Executive Secretary, or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to one of the addressees in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: The individuals; members of Congress; the public interested in the visa applicant's case; Department of State and other U.S. Government agencies; U.S. Consular offices; foreign missions; international organizations; and local sources.

Systems exempted from certain provisions of the act: Certain records contained within this system of records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) by the Department of State. See 22 CFR 6a.6(i), and (j)(1)-(3).

PCC-CZG/GE-2

System name: Statements of Employment and Financial Interest, PCC-CZG/GE-2

System location: Office of the Executive Secretary, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Employees designated in 35 CFR 255.735-72 of the Panama Canal Company and the Canal Zone Government, and special Government employees as provided in 35 CFR 255.735-80.

Categories of records in the system: Reports by designated employees of their outside employment and financial interests, as required by law, and regulations.

Authority for maintenance of the system: 18 U.S.C. 201, E.O. 11222, E.O. 11590(35 CFR 255.735-71/80).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine whether the designated employees have unacceptable conflicts of interest with relation to their U.S. Government employment. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

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Storage: Papers in sealed envelopes.

Retrievability: Manually by name of individual.

Safeguards: File cabinet with combination lock. Access and use restricted to authorized personnel.

Retention and disposal: 3 years and disposed of by burning or shredding.

System manager(s) and address: Executive Secretary of the Canal Zone, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From employee on whom record is maintained, and from investigations.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is kept in systems PCC-CZG/CAPL-1, 2 or 3 or ISO-2 and is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/GVEO-2

System name: Equal Employment Opportunity Counseling and Investigation Files, PCC-CZG/GVEO-2

System location: Equal Employment Opportunity Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Employees and applicants for employment who comolain of discrimination based on race, color, sex, age, religion or national origin.

Categories of records in the system:

A. Pre-complaint record, consisting of informal complaint, final report from the Equal Employment Opportunity Counselor, and related documents.

B. Formal investigation, consisting of formal complaint, acceptance of formal complaint, sworn statements from complainant, witnesses, and alleged discriminatory officer, Environmental Survey for comparison purposes (without names), and summary made by Investigator.

Authority for maintenance of the system: 42 U.S.C. 2000e-16; 5 U.S.C. 554; E.O. 11478 of August 8, 1969; E.O. 11590 of April 23, 1971.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosed to employees of the U.S. Civil Service Commission in connection with their oversight responsibilities under the law. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of complainant.

Safeguards: Stored in locked file cabinets in building with around-the-clock guard.

Retention and disposal: Retained in office for 2 years after final disposition of case and transferred to Agency Records Center for destruction 7 years after final disposition of case.

System manager(s) and address: Director of Equal Employment Opportunity, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager. See Chapter 713 of Panama Canal Personnel Manual (PCPM 713).

Record access procedures: Requests should be addressed to the Systems Manager. Investigatory records are not released until investigation has been completed. Hearing records are not released until final decision has been made.

Contesting record procedures: See Panama Canal Personnel Manual 713.

Record source categories: Complainant; individuals involved in complaint; other witnesses; investigator; examiner; and officials making determinations in the case.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/GVLR-1

System name: Quarterly Report of Employee Union Dues Deductions, PCC-CZG/GVLR-1

System location: Labor-Management Relations Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Current Panama Canal Company/Canal Zone Government employees who pay union dues through payroll deductions.

Categories of records in the system: Name of employee, identification number and dues deduction amounts. Payroll information cross-referenced with payroll dues deduction requests received from unions and individual employees.

Authority for maintenance of the system: 5 U.S.C. 5525.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer printout provided upon request by the Data Processing Division, Panama Canal Company.

Retrievability: Reported by employee identification number and name.

Safeguards: Maintained in locked cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed every three months upon receipt of updated quarterly listings.

System manager(s) and address: Special Assistant to Governor/President for Labor-Management Relations, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: The employee's payroll dues deduction request.

PCC-CZG/GVPR-1

System name: Biographical Data, PCC-CZG/GVPR-1

System location: Protocol Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Governor, Lt. Governor, Governor's staff, and members of their families; Board of Directors; local military and Diplomatic Corps officials; visiting officials including Congressional and high ranking military personnel; Secretary of the Army and members of his staff; local Panama Canal Company/Canal Zone Government employees; local businessmen and officials; Civic Council officers.

Categories of records in the system: Information on individuals including names, identification numbers, dates of birth, number of children and their names, education, honors bestowed, telephone numbers, addresses, job titles, marital status, citizenship, employing unit, photographs.

Authority for maintenance of the system: 2 C.Z.C. 33 and 66.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: General biographical data may be provided to interested members of Congress, diplomatic corps, public media, etc., consistent with official protocol functions. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Standard 8 by 10 1/2 inch paper.

Retrievability: Filed and indexed by name.

Safeguards: Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained indefinitely. Forwarded to Agency Records Center for disposition according to established procedures and where applicable to libraries or the National Archives.

System manager(s) and address: Aide to Governor/Civic Council Staff Officer, Protocol Office, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom the record is maintained.

PCC-CZG/GVPR-2

System name: Protocol Unit Operational Files, PCC-CZG/GVPR-2

System location: Protocol Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Civic Council officers; Panama Canal Company/Canal Zone Government employees and officials; local officials; officers of local organizations, official visitors to the Canal Zone.

Categories of records in the system: Telephone numbers; addresses; photographs; stenographic transcriptions of Civic Council meetings, recordings, speeches, etc.

Authority for maintenance of the system: 2 C.Z.C. 33 and 66.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To establish appointment schedules, contact protocol counterparts in other agencies. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Standard 8 by 10 1/2 inch paper, index cards.

Retrievability: Indexed by name.

Safeguards: Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained indefinitely. Forwarded to Agency Records Center for disposition according to established procedures, and where applicable to libraries and the National Archives.

System manager(s) and address: Aide to Governor/Civic Council Staff Officer, Protocol Office, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom the record is maintained.

PCC-CZG/GVYA-1

System name: Hire-A-Kid Program File, PCC-CZG/GVYA-1

System location: Office of the Youth Advisor to the Governor, Balboa Train Station, Balboa Heights, Canal Zone

Categories of individuals covered by the system: This office serves as a clearing house for the Hire-A-Kid program. Canal Zone young people submit application cards here which are used for referral when householders call requesting youths for babysitting and other household jobs.

Categories of records in the system: Young person's name, residence, birth date, school, grade level, citizenship, phone number (home) and parent's office phone number. Penciled records are made on the back of the cards of the job referrals made and of the recommendations made by householders on job performance. Brief observations based on personal interviews of applicants are also noted on the cards.

Authority for maintenance of the system: 2 C.Z.C. 31-33.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Upon request to members of the public. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed form, 8 by 5 inches.

Retrievability: Listed by townsites.

Safeguards: Records maintained in lockable file cabinets.

Retention and disposal: One school year. Destroyed by shredding.

System manager(s) and address: Office of the Youth Advisor to the Governor, Box M, Balboa Heights, Canal Zone

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom record is maintained.

PCC-CZG/HL-1

System name: Health, Medical, Dental, and Veterinary Records Systems, PCC-CZG/HL-1

System location:

Health Bureau, Box M, Balboa Hts., C.Z.
Gorgas Hospital, Box O, Balboa Hts., C.Z.
Coco Solo Hospital,Box 5009, Cristobal, C.Z.
CZ Mental Health Ctr., Box 2013, Balboa Hts., C.Z.
Palo Seco Hospital, Box 2012, Balboa, C.Z.
Div Veterinary Med., Box M, Balboa Hts., C.Z.
Div of Sanitation, Box M, Balboa Hts., C.Z.
Div of Public Health. Box M, Balboa Hts., C.Z.

Categories of individuals covered by the system: Employees of the Canal agencies; individuals in the service of and sponsored by a U.S. Government agency (U.S. Armed Forces, State Department, Veterans Administration, U.S. Public Health Service, Federal Aviation Administration; Federal Highway Administration; Smithsonian Institute); retired U.S. Government employees; district dentists and their employees; concessionaires of the Canal organization; Canal Zone land licensees; Canal Zone religious, social, charitable, and educational workers; U.S. Government contractors and their employees; Canal Zone commercial company employees; and the dependents of individuals in the preceding categories who reside with the individuals. Persons other than dependents who are U.S. Government authorized Canal Zone visitors or residents; merchant seamen in transit and unsponsored individuals from ocean-going vessels; prisoners at the Canal Zone Penitentiary; charity cases sponsored by the Canal Zone United Way and teaching cases; nonresident private pay patients; and noneligible, nonsponsored individuals receiving emergency treatment.

Categories of records in the system: Qualification physical examinations: Pre-employment, and periodic medical examinations to determine fitness for duty consistent with job qualifications and requirements. Inpatient hospital medical charts: All medical information and records relating to an individual's hospitalization. Outpatient medical charts: Documentation of medical treatment received by an individual on an outpatient basis from hospitals, clinics, first aid stations, and other health facilities. Also may contain abstracts of inpatient hospitalizations. Public health records: Information on individuals in community health programs for control of communicable diseases, industrial health, school health, quarantine, sanitation, and environmental quality control. Mental health records: All medical information and records which pertain to an individual's outpatient and/or inpatient treatment for psychiatric services, drug and alcohol rehabilitation, and other social service or psychological support. Dental care records: Information relating to an individual's history of dental care as documented in separate and distinct dental care records. Animal care and hospitalization records: Information which pertains to the quaran-

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tine, care and treatment of animals. Mortuary service records: Information regarding mortuary services furnished.

Authority for maintenance of the system: 2 C.Z.C. 911 and 912, 76A Stat. 36; 5 C.Z.C. 1631-56, 76A Stat. 353-360; 6 C.Z.C. 1101, 2, and 9, 76A Stat. 448 and 450; 6 C.Z.C. 4784, 76A Stat. 540; 21 U.S.C. 1171-5 and 1180; 42 U.S.C. 257 and 4561; and P.L. 93-282.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information that does not relate to alcohol or drug abuse may be released from these records to the extent needed, as follows:

1. To other Federal agencies and offices that are responsible by statute or other competent authority for Federal programs to which the records are pertinent, such as the components of the U.S. Armed Forces, the Social Security Administration, the Veterans Administration, the Civil Service Commission, retired military pay centers.

2. To the Communicable Disease Center, Atlanta, Georgia, and private contractors providing benefits under the auspices of the Canal or other Federal agencies.

3. To the police or other competent authority when the director of the hospital or other Health Bureau unit determines that prompt release of such information is essential for the apprehension of a criminal, protection of the patient, or protection of the public. Examples would be cases involving suspected child abuse, death from unnatural causes, or communicable disease.

Information may be released from these records to the extent needed, as follows:

1. To officials of other Federal agencies when requested in writing for purposes of determination of cause of death, compilation of vital statistics, management or financial audits or program evaluation, and approved scientific research in which patient identity will not be disclosed.

2. To respond to general requests for statistical information, under the Freedom of Information Act while maintaining individual anonymity.

3. To provide documentation to sponsoring agencies or other foreign governments as regards their patients consistent with the need-to-know rules of confidentiality, and procedural security in the release of information.

4. To provide basis for administrative and professional decisions regarding the coordination with U.S., foreign, and international health agencies in disease prevention and control, including information related to zoonotic and agricultural disease; inspection, surveillance, and control of food products; and international quarantine measures.

5. To medical personnel to the extent necessary to meet a bona fide emergency.

6. To a court of competent jurisdiction if authorized by an appropriate order granted after application showing good cause therefor.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, individual forms, and cards.

Retrievability: Records or cross-reference index cards providing access to records are filed alphabetically by name.

Safeguards: Stored in metal file cabinets or shelf files in either file rooms locked when not in use, buildings locked when not in use, or buildings with around-the-clock guards. Access and use are restricted to authorized personnel.

Retention and disposal: Physical examination records except for those held for transfer into official personnel folder destroyed after 6 years; hospital inpatient medical charts destroyed 25 years after patient's discharge from hospital; outpatient medical charts destroyed 6 years after year of last entry in file; medical x-rays and radiographic reports filed separately from medical charts destroyed after 8 years except for selected items held indefinitely for teaching or claims purposes; veterans' case files destroyed 6 years after date of last papers in folders; venereal disease charts filed separately from medical charts destroyed 6 years after last entry; mental health patient charts destroyed 25 years after patient's discharge; animal patient records destroyed 6 years after last entry; patient index cards are permanent; program files are permanent; and duplicate records are destroyed after 3 years.

System manager(s) and address: Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained as appropriate from the following officials:

1. Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone
2. Assistant Director/Administration, Gorgas Hospital, Box O, Balboa Heights, Canal Zone
3. Administrative Officer, Canal Zone Mental Health Center, Box 2013, Balboa Heights, Canal Zone
4. Administrative Officer, Palo Seco Hospital, Box 2012, Balboa, Canal Zone
5. Chief, Division of Veterinary Medicine, Box M, Balboa Heights, Canal Zone
6. Chief, Division of Sanitation, Box M, Balboa Heights, Canal Zone
7. Chief, Division of Public Health, Box M, Balboa Heights, Canal Zone

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to the Systems Manager. Procedures for disclosure of information from the medical records of the individual requesting access are set forth in 35 CFR 10.6.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: The individual to whom the medical record pertains; attending physicians and allied health personnel involved in the patient's treatment; medical records and information received from outside sources; and information from sponsoring agencies.

PCC-CZG/HL-2

System name: Medical Administration System-Exemot, PCC-CZG/HL-2

System location:

Health Bureau, Box M, Balboa Hts., C.Z.
Gorgas Hospital. Box O, Balboa Hts., C.Z.
Coco Solo Hospital, Box 5009, Cristobal, C.Z.
CZ Mental Health Ctr. Box 2013, Balboa Hts., C.Z.
Palo Seco Hospital, Box 2012, Balboa, C.Z.
Div Veterinary Med., Box M, Balboa Hts., C.Z.
Div of Sanitation, Box M, Balboa Hts., C.Z.
Div of Public Health, Box M, Balboa Hts., C.Z.

Categories of individuals covered by the system: Employees of the Canal agencies; individuals in the service of and sponsored by a U.S. Government agency (U.S. Armed Forces, State Department, Veterans Administration, U.S. Public Health Service, Federal Aviation Administration; Federal Highway Administration; Smithsonian Institute, etc.); retired U.S. Government employees; district dentists and their employees; concessionaires of the Canal organization; Canal Zone land licensees; Canal Zone religious, social, charitable, and educational workers; U.S. Government contractors and their employees; Canal Zone commercial company employees; and the dependents of individuals in the preceding categories who reside with the individuals. Persons other than dependents who are U.S. Government authorized Canal Zone visitors or residents; merchant seamen in transit and unsponsored individuals from ocean-going vessels; prisoners at the Canal Zone Penitentiary; charity cases sponsored by the Canal Zone United Way and teaching cases; nonresident private pay patients; noneligible, nonsponsored individuals receiving emergency treatment; and children placed for adoption or in foster homes.

Categories of records in the system: Medico-legal: Documentation and correspondence which relates to medical records and is obtained in the processing of blood alcohol and urine drug screening procedures, rape cases, injury and claim cases, deaths and other unusual incidences. Investigation records: Detailed audits, special and routine investigations and inquiries regarding Health Bureau activities. Child abuse program: Files relating to the administrative and professional management of suspected and actual cases of child abuse. Social Serivices files: Files containing personal information resulting from case studies and social work counseling. Adoption program: Background information on social services management of pre-adoption home studies, child placement, counseling and follow-up actions. Foster home program: Personal data

and background studies on persons interested in participation in the Foster Home Program. Complaints: Background information and investigative correspondence promulgated by complaints regarding medical care rendered. Utilization and peer review files: Sensitive information regarding the quality of care provided to patients, reasons for length of stay of patients, and other monitoring requirements as specified by accrediting agencies.

Authority for maintenance of the system: 2 C.Z.C. 31-33, 911 and 912, 76A Stat. 7, 76A Stat. 36; 5 C.Z.C. 1631-56, 76A Stat. 353-360; 6 C.Z.C. 541 and 4784, 76A Stat. 429 and 540; 8 C.Z.C. 381-7, 76A Stat. 690-1; 21 U.S.C. 1171-5 and 1180; 42 U.S.C. 257 and 4561; and P.L. 91-513, and 93-282.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be released from these records to the extent needed, as follows:

1. To the Joint Commission for Accreditation of Hospitals for hospital accreditation.

2. To officials of other Governments and private organizations in the Canal Zone to coordinate the medical treatment of victims of child abuse and the provision of professional assistance for those involved in such cases.

3. To members of the community and other Government organizations who are serving on committees or are assigned to adoption, foster home, and other social service programs.

See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed or cross-referenced alphabetically by name.

Safeguards: Stored in locked file cabinets in buildings locked when not in use or buildings with around-the-clock guards. Access and use are restricted to authorized personnel.

Retention and disposal: Permanent.

System manager(s) and address: Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained as appropriate from the following officials:

1. Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone
2. Assistant Director/Administration, Gorgas Hospital, Box O, Balboa Heights, Canal Zone
3. Administrative Officer, Canal Zone Mental Health Center, Box 2013, Balboa Heights, Canal Zone
4. Administrative Officer, Palo Seco Hospital, Box 2012, Balboa, Canal Zone
5. Chief, Division of Veterinary Medicine, Box M, Balboa Heights, Canal Zone
6. Chief, Division of Sanitation, Box M, Balboa Heights, Canal Zone Canal
7. Chief, Division of Public Health, Box M, Balboa Heights, Canal Zone

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to the Systems Manager. Procedures for disclosure of information from the Medical records of the individual requesting access are set forth in 35 CFR 10.6.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: The individual to whom the medical record pertains; attending physicians and allied health personnel involved in the patient's treatment; medical records and information received from outside sources; administrative, professional, and investigatory personnel and records; testimonies and statements of individuals concerned with case; court, police, and personnel records; and information from sponsoring agencies.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/HL-3

System name: Medical Administration System-Nonexempt, PCC-CZG/HL-3

System location:

Health Bureau, Box M, Balboa Hts., C.Z.
Gorgas Hospital, Box O, Balboa Hts., C.Z.
Coco Solo Hospital, Box 5009, Cristobal, C.Z.
CZ Mental Health Ctr., Box 2013, Balboa Hts., C.Z.
Palo Seco Hospital, Box 2012, Balboa, C.Z.
Div Veterinary Med., Box M, Balboa Hts., C.Z.
Div of Sanitation, Box M, Balboa Hts., C.Z.
Div of Public Health, Box M, Balboa Hts., C.Z.

Categories of individuals covered by the system: Employees of the Canal agencies; individuals in the service of and sponsored by a U.S. Government agency (U.S. Armed Forces, State Department, Veterans Administration, U.S. Public Health Service, Federal Aviation Administration; Federal Highway Administration; Smithsonian Institute, etc.); retired U.S. Government employees; district dentists and their employees; concessionaires of the Canal organization; Canal Zone land licensees; Canal Zone religious, social, charitable, and educational workers; U.S. Government contractors and their employees; Canal Zone commercial company employees; and the dependents of individuals in the preceding categories who reside with the individuals. Persons other than dependents who are U.S. Government authorized Canal Zone visitors or residents; merchant seamen in transit and unsponsored individuals from ocean-going vessels; orisoners at the Canal Zone Penitentiary; charity cases sponsored by the Canal Zone United Way and teaching cases; nonresident private pay patients; and noneligible, nonsponsored individuals receiving emergency treatment.

Categories of records in the system: Vital statistics records: Birth and death records, and correspondence related thereto. Individual registration, licensure, and certification records: Information maintained in connection with the monitoring of medical specialty training programs and certification of accreditation, including information on state and Canal Zone medical licenses held by individuals. Curriculum vitaes: Comprehensive information on qualifications and background of key Health Bureau employees and visiting consultants. Drug and controlled substances records: Administrative files maintained in accordance with regulations relating to the control of narcotics. Program accreditation and certification records: Correspondence and reports relating to the management and control of activities by the professional and administrative staff, including identification of deficiencies. Medical treatment indices: Records maintained by patient, disease code, physician, patient age, patient length of stay, discharge, diagnoses, and operative procedures to meet requirements of the Joint Commission for Accreditation of Hospitals. Hospital billing and bill reduction and cancellation records: Billings to insurance companies and through Agents Accounts and Payroll Branches and information obtained to make determinations regarding the ability of individuals to pay for medical treatment. Housing exceptions records: Medical backup information used in evaluating formal written requests from employees for assignment for medical reasons to government housing for which they are otherwise ineligible. Fiscal accounting records: Information regarding medical treatment rendered and tariff charges, including patient invoices. Blood bank and donor records: Information specifying donors' blood types, addresses, telephone numbers, and blood donations. Locator records: Information on location, status, and assignments of patients and employees. Hospital population records: Listings of patients. Veterans Administration data: Information pertinent to the hospitalization and treatment of Veterans Administration beneficiaries. Medical evaluation boards: Information on the composition and administration of medical evaluation boards. Aeromedical evacuation records: Information obtained for making determinations on the necessity of evacuating patients by air. Incident reports on such evacuations. Radiation exposure records: Data on individuals exposed to radiation. Community health and environmental reports. Medical Correspondence records.

Authority for maintenance of the system: 2 C.Z.C. 31-33, 911 and 912, 76A Stat. 7, 76A Stat. 36; 5 C.Z.C. 1631-56, 76A Stat. 353-360; 6 C.Z.C. 1101, 2, and 9, 76A Stat. 448 and 450; 6 C.Z.C. 4784, 76A Stat. 540; 21 U.S.C. 1171-5 and 1180; 42 U.S.C. 257 and 4561; and P.L. 91-513, and 93-282.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be released from these records to the extent needed, as follows:

1. To the Joint Commission for Accreditation of Hospitals for hospital accreditation.
2. To search and rescue units of the United States Armed Forces in connection with requests for aeromedical evacuation.
3. To United States, foreign and international health officials and agencies in connection with the reporting of human and animal contagious communicable diseases.
4. To insurance companies and foreign governments in connection with billings for patient treatment.
5. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, cards, individual forms; and computer printouts.

Retrievability: Records or cross-reference index cards providing access to records are filed alphabetically by name.

Safeguards: Stored in file equipment in rooms or buildings locked when not in use or buildings with around-the-clock guards. Access and use are restricted to authorized personnel.

Retention and disposal: Accounting and billing records are destroyed after four years; blood donor cards, when donor no longer available or able to give blood; location records, when superseded; Veterans Administration beneficiaries, six years after date of last paper in folder; aeromedical evacuation records, three years; all other records permanent.

System manager(s) and address: Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained as appropriate from the following officials:

1. Assistant Health Director/Administration, Health Bureau, Box M, Balboa Heights, Canal Zone
2. Assistant Director/Administration, Gorgas Hospital, Box O, Balboa Heights, Canal Zone
3. Administrative Officer, Canal Zone Mental Health Center, Box 2013, Balboa Heights, Canal Zone
4. Administrative Officer, Palo Seco Hospital, Box 2012, Balboa, Canal Zone
5. Chief, Division of Veterinary Medicine, Box M, Balboa Heights, Canal Zone
6. Chief, Division of Sanitation, Box M, Balboa Heights, Canal Zone
7. Chief, Division of Public Health, Box M, Balboa Heights, Canal Zone

Individuals requesting information should provide full name, date of birth, social security number (optional), agency affiliation at time of medical treatment, inclusive dates when medical treatment was rendered, or other specific information applicable to the inquiry that might assist in identification. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to the Systems Manager. Procedures for disclosure of information from the medical records of the individual requesting access are set forth in 35 CFR 10.6.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual to whom the record pertains, medical and other administrative records, physicians and allied health personnel, other offices of the Canal agencies, schools and colleges, certifying and accrediting officials, the United States Armed Forces and the Veterans Administration, and other hospitals, physicians, boards, and committees.

PCC-CZG/IO-1

System name: News Morgue Records, PCC-CZG/IO-1

System location: Panama Canal Information Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Newsworthy and potentially newsworthy individuals.

Categories of records in the system: Records maintained as a ready reference from which to obtain background information for news stories and articles about individuals for publication in house organs and news media. Records include biographical sketches, press releases, media clippings, interview notes, and photographs.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 1108 and 3101; and 2 C.Z.C. 65(a) (5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to news media and other publishers for publication is authorized. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards, individual forms, and paper records in file folders.

Retrievability: Filed alphabetically by name of individual.

Safeguards: Stored in file cabinets in building with around-the-clock guards. Access and use are restricted to authorized personnel.

Retention and disposal: Permanent.

System manager(s) and address: Administrative Officer, Panama Canal Information Office, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals, individuals interviewed about subject individuals, and information published about subject individuals.

PCC-CZG/IO-2

System name: News Media Representatives, PCC-CZG/IO-2

System location: Panama Canal Information Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: News media representatives who come in contact with Panama Canal Information Office.

Categories of records in the system: Records maintained on news media representatives who cover events related to the Panama Canal and the Canal Zone, including their requests for press cards and record of issuance, their local and home addresses, and their news affiliations.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure is authorized to Information Officers and Public Relations Officers of other Government agencies in the area who work with the Panama Canal Information Office in briefing newsmen in the area. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Bound record book.

Retrievability: Filed alphabetically by name.

Safeguards: Stored in metal file cabinet in building under around-the-clock guard.

Retention and disposal: Destroyed when superseded by new information or upon death or retirement of representative.

System manager(s) and address: Administrative Officer, Panama Canal Information Office, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals.

PCC-CZG/ISO-1

System name: Personnel Security Files, PCC-CZG/ISO-1

System location: Internal Security Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Current and former employees of the Panama Canal Company and the Canal Zone Government.

Categories of records in the system: Personal history statements, security clearance, results of background investigations, and documents containing information obtained under a pledge of confidentiality.

Authority for maintenance of the system: E.O. 10450; E.O. 10865; Part 60.11, Sub-Chapter B of Chapter 1, Title 35 CFR.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms, 8 by 10 1/2 inches, microfilm.

Retrievability: Indexed by name.

Safeguards: Maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: No established retention schedule. When the individual dies in service, file is destroyed; when the individual is separated with possibility of reemployment with PCC or another Government agency, Civil Service documents are returned to CSC, remainder of documents are microfilmed; when the individual retires, file is microfilmed.

System manager(s) and address: Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/ISO-2

System name: Confidential Sources and Contacts, PCC-CZG/ISO-2

System location: Internal Security Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Individuals who furnish information to the Internal Security Office.

Categories of records in the system: Name of individual, code number, place of employment, telephone number, type of information on which he is capable of reporting. Reporting performance, i.e., timeliness, accuracy and completeness of information reported.

Authority for maintenance of the system: E.O. 10450; E.O. 10226; Part 129.121, Sub Chapter B of Chapter 1, Title 35 CFR.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to intelligence units or agencies of the United States Government including the State Department and Department of Defense in connection with listing of confidential sources and contacts. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Printed forms, 8 by 10 inches.

Retrievability: Name and code.

Safeguards: Maintained in a three-number combination safe. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained indefinitely. When destroyed, destruction is made in accordance with existing regulations concerning the destruction of classified information/material.

System manager(s) and address: Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/ISO-3

System name: Card Index System, PCC-CZG/ISO-3

System location: Internal Security Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: U.S. and non-U.S. citizens who reside on the Isthmus or in the United States.

Categories of records in the system: Name of individual and identifying number, birthdate, citizenship, employment, residence, biographical data on immediate family and close friends, political affiliations, and any other pertinent information concerning individual. This system cross-references other internal records systems concerning individual.

Authority for maintenance of the system: E.O. 10450; E.O. 10226; Part 60, Sub-Chapter B of Chapter 1, Title 35 CFR.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards, 4 by 6 inches.

Retrievability: Indexed alphabetically by name.

Safeguards: Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained indefinitely. When destroyed, destruction is made in accordance with existing regulations concerning the destruction of classified information/material.

System manager(s) and address: Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/ISO-4

System name: Index of Contractor Employees, PCC-CZG/ISO-4

System location: Internal Security Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: U.S. and non-U.S. citizens employed by contractors who are working in vital installations of the Canal Zone Government/Panama Canal Company.

Categories of records in the system: Name of individual, identifying number, employing company, date and place of birth, and date of clearance for employement in Canal Zone Government/Panama Canal Company vital installations.

Authority for maintenance of the system: Chief of Internal Security; E.O. 10226.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure to law enforcement and Base Security Units of the Department of Defense in connection with maintaining internal security. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards, 3 by 5 inches.

Retrievability: Indexed alphabetically by name.

Safeguards: Records maintained in lockable desk drawer. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained indefinitely. When destroyed, destruction is made in accordance with existing regulations concerning the destruction of classified information/material.

System manager(s) and address: Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/ISO-5

System name: Biographical Data Cards, PCC-CZG/ISO-5

System location: Internal Security Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Prominent personalities residing on the Isthmus.

Categories of records in the system: Biographical data and general information concerning the individual obtained from unclassified sources, or from classified sources under a pledge of confidentiality.

Authority for maintenance of the system: Chief of Internal Security.

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Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards, 4 by 6 inches.

Retrievability: Indexed alphabetically by name.

Safeguards: Records maintained in a lockable file. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed when individual dies. Destroyed in accordance with existing regulations concerning the destruction of classified information/material.

System manager(s) and address: Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/ISO-6

System name: Biographical Data Files, PCC-CZG/ISO-6

System location: Internal Security Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Various persons residing on the Isthmus or in the United States.

Categories of records in the system: General information pertaining to individuals obtained from unclassified and classified sources under a pledge of confidentiality.

Authority for maintenance of the system: Chief of Internal Security; E.O. 10226.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, 8 by 10 1/2 inches.

Retrievability: Indexed alphabetically by name.

Safeguards: Records maintained in a vault. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed when individual dies. Destroyed in accordance with existing regulations concerning the destruction of classified information/material.

System manager(s) and address: Chief of Internal Security, Box 37, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.13.

PCC-CZG/MIL-1

System name: U.S. Army Element, Canal Zone Government Military Administration System, PCC-CZG/MIL-1

System location: Assistant to the Health Director/Executive Officer, US Army Element, Canal Zone Government, Box M, Balboa Heights, Canal Zone

Categories of individuals covered by the system: U.S. Army military personnel assigned to the U.S. Army Element, Canal Zone Government which includes the Governor, Lieutenant Governor, Army Medical Department personnel (Health Bureau) and Corps of Engineer officers (P&C Bureau).

Categories of records in the system: Standard Installation/Division Personnel System (SIDPERS): Includes a variety of SIDPERS records, personnel action files, and subsystems which provide comprehensive and detailed personnel accounting, name, age, social security number, date of birth, previous assignments, awards, schooling, leave data, specialty designator codes; also includes the requirement for a unit personnel file on each member.

Table of Distribution and Allowances (TDA): Listing of authorized positions in the U.S. Army Element by title, MOS, and grade and assigned incumbents by name, MOS, and grade.

COMCENTER Messages: Daily TWX traffic of a medical nature received by the SOUTHCOM Communications Center which may identify individuals or consist of personalized information about individuals.

Graduate Level Training Requirements - Army Educational Requirements Board (AERB): Educational data on all Engineer Corps officers assigned to the U.S. Army Element to include name, rank, specialty, training level, and position.

Military Physicians Variable Incentive Pay (VIP): Information on payment of incentive pay to military physicians to include physicians name, years of service, rank, monthly pay and authorized VIP payment.

Training files: Information regarding mandatory training and continuing educational training.

Orders (General, Special, Letter, Invitational, and Student Travel): Information includes identifying data of the military member, civilian, or dependent named in the order.

Hazardous duty pay file: Authorization by competent order for designated military members to receive hazardous duty pay.

Officer Efficiency Report (OER) and Enlisted Efficiency Report (EER) Working files: Information relative to job performance of individuals.

Attached Military Personnel: Information on all USAR and NG personnel attached to U.S. Army Element for temporary training purposes to include identifying information and correspondence regarding individual's military experience.

Military Awards: Narrative justification of job accomplishments during assignment and concurrence/ recommendation of supervisors in chain of command.

Authority for maintenance of the system: 5 U.S.C. 301; 10 U.S.C. 3201-4021; and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be released for the following purposes to the organizations and individuals indicated:

1. To provide input to Department of the Army (DA) and local military support units, including suspense and feeder information relative to status, change of position, pay, etc. of individuals.

2. To provide current listing of personnel by TDA position for reporting to personnel action officer at Department of the Army and local levels; copies provided each officer assigned.

3. To enable actions to be initiated regarding medical treatment requests for individuals; used to obtain update on current medical policies and requirements issued by DA, The Office of the Surgeon General, Washington, D.C., and the Health Services Command, Fort Sam Houston, Texas; routed to key staff personnel and appropriate action officers.

4. To provide verifications/justifications to DA of graduate level training requirements for engineer positions assigned to U.S. Army Element for consideration and validation by the AERB.

5. To monitor and report VIP program participation to DA and to suspense requirements for contract renewal with physicians for VIP and service obligation.

6. To process OER/EER's as required by Army regulation; includes establishing a rating scheme and monitoring system suspense and distribution to individual military members and appropriate DA agencies.

7. To compile evaluation and performance reports and submit same to the individual's reserve headquarters in accordance with Army regulations.

8. To justify military awards and provide backups to the approving authority (DA or Commander); used to provide supervisors in chain of command information on which to base concurrence and recommendations. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, cards, individual forms, and lists.

Retrievability: Filed or cross-referenced for retrieval alphabetically by name.

Safeguards: Stored in locked, metal, file cabinets in building with around-the-clock guard. Access and use are restricted to authorized personnel.

Retention and disposal: See DA PAM 310-1 December 30, 1971.

System manager(s) and address: Assistant to Health Director/Executive Officer, US Army Element-Canal Zone Government, Health Bureau, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to the Systems Manager.

Contesting record procedures: See rules published in 35 CFR Part 10 and 32 CFR Part 505.

Record source categories: The individual to whom the record pertains and military sources.

PCC-CZG/MRBLI-1

System name: Marine License Files, PCC-CZG/MRBLI-1

System location: Board of Local Inspectors, Terminal Building, Balboa, Canal Zone

Categories of individuals covered by the system: All permanent employees of the Panama Canal Company in positions for which a Panama Canal marine license is required. Subsystem includes individual applications and examination papers filed in license file, Records Section, Records Management Branch, Administration Building.

Categories of records in the system: Employee's name, identification number, employing unit, work area, size and type of license, competence of applicant, examination grades, promotions, salaries, license serial number.

Authority for maintenance of the system: 2 C.Z.C. 31, 33, 297, 1331, 1351 et seq., 76A Stat. 7, 25, 46-8; E.O. 11305.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Book shelf for license stubs, file cabinet for file folders with correspondence and card file for license cards.

Retrievability: Indexed by name; by license serial number.

Safeguards: File folders in lockable file cabinet. Cards and license stubs available for unit personnel screening. Access and use are restricted to authorized personnel.

Retention and disposal: Indefinite. Not to be destroyed.

System manager(s) and address: Chairman, Board of Local Inspectors, Box 5012, Balboa, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From individual; Proctors for examinations; Port Captains, examination graders; Board of Local Inspectors.

Systems exempted from certain provisions of the act: All information in this system which is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/MRPA-1

System name: Admeasurer Examination File, PCC-CZG/MRPA-1

System location: Admeasurement Office, Terminal Building, Cristobal, Canal Zone

Categories of individuals covered by the system: All Boarding Inspectors, Admeasurer assistants, and Admeasurers.

Categories of records in the system: Examinations, answer sheets, scoring sheets, evaluation sheets.

Authority for maintenance of the system: 2 C.Z.C. 411(1), 76A Stat. 27; Presidential Proclamation 2248, August 28, 1937, continued in force by virtue of Sec. 19 of Act, October 18, 1962, 76A Stat. 1, 700.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manila folders.

Retrievability: By name.

Safeguards: Maintained in lockable file cabinet. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed upon employee termination.

System manager(s) and address: Director of Admeasurement, Box 2418, Cristobal, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system which is testing or examination material is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/MRTO-1

System name: Marine Accident Reference Cards, PCC-CZG/MRTO-1

System location: Pilot Administrative Unit, Transit Operations Division, Port Captain Building, Balboa, Canal Zone

Categories of individuals covered by the system: Panama Canal Company Pilots employed by the Transit Operations Division.

Categories of records in the system: Employee's name, identification number, date of birth, dates of promotion, and ship accident data; including the ship's name, description, date of occurrence and fault or no fault of employee involved. When a ship incident does not require a Board of Local Inspector's investigation, an administrative report noting the date, ship's name and description is included.

Authority for maintenance of the system: 2 C.Z.C. 1331, 76A Stat. 46; E.O. 11305.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper cards and sheets.

Retrievability: Filed alphabetically by last name.

Safeguards: Kept in lockable file cabinet or desk. Access and use are restricted to authorized personnel.

Retention and disposal: No retention schedule established. Retained indefinitely.

System manager(s) and address: Administrative Officer, Transit Operations Division, Box 3661, Balboa, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Chairman, Board of Local Inspectors, Port Captains (Balboa and Cristobal).

PCC-CZG/OPR-1

System name: Operating Unit Personnel Records, PCC-CZG/OPR-1

System location: May be maintained in Section, Branch, Division, Independent Unit, Staff Office, Bureau or other employing unit to which employee is assigned.

Categories of individuals covered by the system: Former and present employees with category of full-time permanent, part-time permanent, full-time temporary, part-time temporary, and intermittent.

Categories of records in the system: Records maintained by operating officials and used in administering employees and organizational segments under their technical and administrative control. They include office copies of documents kept in the official personnel folder and documents pertaining to the administration of individual employees which are not appropriate for inclusion in the official personnel folder. The records may contain information such as: Employee's name, Panama Canal Company/Canal Zone Government identification number; mail address; home address and telephone number; social security number (optional); birth date; marital status; position number and title; position descriptions; employment history; educational qualifications; professional qualifications; performance review and evaluation, including date and rating; training and management development records, including types of courses taken and completion dates; special assignments; counseling interview record; award data; commendations; oral ad-

V 40 I 189 S EP 29 75 XUM

monishments; disciplinary, adverse, and other personnel actions; grievances; leave and travel records, including official business travel vouchers; accident or injury records; attendance and absenteeism records; relief assignment records; job equipment checkout listings; U.S. Government vehicle and equipment operators license records; work, overtime and shift schedules; timekeeping records; tuition refund agreements; key and equipment inventory control listings; potential retirement date listings; native and foreign languages; blood donor information; copies of W-4, employee withholding statements; names, addresses and telephone numbers of next of kin for notification in emergency situations; participation in civic, welfare, recreational and union activities; eligibility for tropical differential.

Authority for maintenance of the system: 2 C.Z.C. 101, 121, 142-3, 76A Stat. 14-16; 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To have as ready reference for use in compiling training reports required by the Civil Service Commission; referrals to promotion boards; in responding to inquiries from professional and medical societies, bar associations, prospective employers, employment agencies, etc., concerning personal characteristics and qualifications, employment background, job performance and advancement potential, etc. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files maintained in file folders stored in desk drawers or filing cabinets.

Retrievability: Employee name or identification number.

Safeguards: Maintained in lockable file cabinets or supervisor's desk. Access and use are restricted to authorized personnel.

Retention and disposal: Records reviewed at end of calendar year and documents which have been superseded or are no longer applicable are to be destroyed by burning or shredding.

System manager(s) and address: Head of Section, Branch, Division, Independent Unit, Staff Office, Bureau or other employing unit where employee works.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual to whom information applies; personnel actions; performance review or personnel evaluation reports; letters of commendation or reprimand; travel orders; college transcripts; training records; and other related papers.

PCC-CZG/OPR-2

System name: Operating Unit Employment Inquiry Files, PCC-CZG/OPR-2

System location: May be maintained in Section, Branch, Division, Independent Unit, Staff Office, Bureau or other unit receiving informal inquiries or requests for employment.

Categories of individuals covered by the system: Members of the public and employees of other units or agencies who anticipate, or are in the process of applying for jobs with the Panama Canal Company/Canal Zone Government unit maintaining the record.

Categories of records in the system: Records maintained by operating officials to whom applicants have applied directly for employment. The records may contain copies of SF-171, application for Federal employment, showing applicant's name, address, telephone number, social security number, employment experience, school transcripts, educational, professional or skilled craft history and background, native or foreign languages, other skills, awards or special accommodations, references, statements from previous employers, examiners, etc. May also contain record of interviews, if any, name of interviewer, and evaluation of applicant.

Authority for maintenance of the system: P.L. 93-112; Panama Canal Company Bylaws, Sec. 6.8; 2 C.Z.C. 101, 121, 141-49, and 155, 76A Stat. 14-19; E.O. 10794, December 10, 1958.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders stored in desk drawers or file cabinets.

Retrievability: Filed alphabetically by name of applicant.

Safeguards: Maintained in lockable file cabinet or operating unit official's desk. Access and use are restricted to authorized personnel.

Retention and disposal: Records may be sent to Canal Zone Civilian Personnel Policy Coordinating Board for determination of applicant's eligibility and consideration for employment under the Canal Zone Merit System; to the Panama Canal Company Personnel Bureau directly for consideration if vacancy is excluded from Canal Zone Merit System; returned to applicant; or destroyed twelve months after initial inquiry.

System manager(s) and address: Official in Section, Branch, Division, Independent Unit, Staff Office or Bureau maintaining such records.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: From individual to whom information applies.

Systems exempted from certain provisions of the act: All information in this system which would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations as part of systems PCC-CZG/CZPB-1 or, if position is exempt from Canal Zone Merit System, PCC-CZG/PR-5.

PCC-CZG/PR-1

System name: Disability Relief, Retirement and Group Supplementary Life Insurance Records, PCC-CZG/PR-1

System location: Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

Categories of individuals covered by the system: Disability Relief annuitants and surviving widows; Civil Service Retirement annuitants; employees who died while in service; survivors of deceased employees and annuitants; and employees and annuitants enrolled in the Supplementary Life Insurance Program sponsored by the Canal Zone Group Insurance Board.

Categories of records in the system: Information used in the administration of the Cash Relief Act of July 8, 1937, as amended, and in the application of related policies on medical treatment and care, annuitants' group life insurance, and the eligibility of widows of deceased annuitants for annuities.

Reference files from which information or statistical data may be furnished quickly on employees who retired under the Civil Service Retirement Act, employees who died while in service, and survivors who submitted applications or claims for death benefits and unpaid compensation.

Identification of employees and annuitants enrolled in the Group Supplementary Life Insurance Program and their beneficiaries.

Authority for maintenance of the system: 5 U.S.C., Chapters 83 and 87; 2 C.Z.C. 181, 76A Stat. 20; E.O. 7837 of March 12, 1938

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, cards, and individual forms.

Retrievability: Filed alphabetically by name or filed by indentification number.

Safeguards: Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Index cards on persons designated to act as the agents of Disability Relief annuitants are destroyed when annuitant dies. Other records: Permanent.

System manager(s) and address: Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals, official personnel files, and medical and welfare personnel.

PCC-CZG/PR-2

System name: Employee Benefits Records, PCC-CZG/PR-2

System location: Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

Categories of individuals covered by the system: Current and former employees and their dependents or other members of their household.

Categories of records in the system: Determinations of employees' eligibility for, or entitlement to, the tropical differential, home leave and repatriation travel, Company housing, and other employee benefits.

Determination of an individual's status as dependent or member of household of employee to establish his or her eligibility for Canal Zone residence, medical treatment, education, purchase authority, and transportation benefits.

Authority for maintenance of the system: 2 C.Z.C. 66, 101, 121, 142, 149, and 155, 76A Stat. 11, and 14-19; E.O. 10794 of December 10, 1958; Panama Canal Company Bylaws, Sec. 6.8; 5 U.S.C. 5701-42 and 5924.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of employee.

Safeguards: Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Retained for three years and then destroyed.

System manager(s) and address: Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of the addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject employees and officials of the Canal agencies.

PCC-CZG/PR-3

System name: Personal data records, PCC-CZG/PR-3

System location: Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

PCC-CZG/PR-3

System name: Personal data records, PCC-CZG/PR-3

PCC-CZG/PR-3

System name: Personal data records, PCC-CZG/PR-3

System location: Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

Categories of individuals covered by the system: Employees, dependents of employees, and former employees.

Categories of records in the system: Personal data maintained for reference and statistical purposes, such as employment history of U.S. citizen employees of Canal agencies and Canal Zone Civilian Personnel Policy Coordinating Board; identification of U.S. citizens who would be evacuated from residence in the event of civil disturbance or natural disaster; identification of employees who are earning a special or retained rate of pay which must be adjusted manually; documentation of employees' leave-without-pay to determine periods for within-grade step advancement, conversion to career status, or completion of probationary period; documentation of eligibility for medical services at Canal Zone hospitals; identification of reemployed Civil Service annuitants; identification of employees who are retired members of the U.S. Armed Forces; authorizations for disposition of pay; and indexes of employees for counseling on retirement, debts, support payments, and disciplinary actions.

Authority for maintenance of the system: 2 C.Z.C. 33, 101, 121, and 141-56, 76A Stat. 7 and 14-20; Panama Canal Company Bylaws, Sec. 6.8; E.O. 10794 of December 10, 1958; 5 U.S.C. 5525; and P.L. 93-647.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders; cards; lists; and individual forms.

Retrievability: Filed alphabetically by name of employee or former employee or filed by identification number.

Safeguards: Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Employment history cards are retained permanently. Legal dependent and leave-without-pay records are transferred to official personnel folder upon employee's separation from service. Other records are destroyed when they are no longer pertinent to the employee's current status.

System manager(s) and address: Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of the addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject employees and officials of the Canal agencies.

PCC-CZG/PR-4

System name: Grievances and Appeals Records, PCC-CZG/PR-4

System location: Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

Categories of individuals covered by the system: Current and former employees of the Canal Zone Government/Panama Canal Company who have filed a grievance, appealed a disciplinary action to the agency or an adverse action to the agency or the Civil Service Commission, or submitted a position classification appeal to the agency or the Canal Zone Board of Appeals.

Categories of records in the system: Case files and indexes on employee grievances and appeals containing the formal grievance or appeal; background, supporting, and investigatory information; record of hearing, when conducted; decision or determination; and related documents.

Authority for maintenance of the system: 2 C.Z.C. 142, 149, 151-53, and 155, 76A Stat. 16, 18, and 19, E.O. 10794 of December 10, 1958; Panama Canal Company Bylaws, Sec. 6.8; 5 U.S.C. 5591-93.

V 40 189 SEP 29 75 XUM

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders; index cards.

Retrievability: Filed alphabetically by name of employee or by an identification number.

Safeguards: Stored in metal file cabinets and desks in rooms locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Adverse and position classification action cases are destroyed seven years after final decision; disciplinary action (penalties of 30 days off without pay or less) and grievance cases are destroyed two years after final decision; and index cards showing status of action on current cases are destroyed when cases are completed. Exception: Some case files of a precedential nature are retained beyond retention period for study and reference.

System manager(s) and address: Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the record. They may, however, contact the Systems Manager regarding the existence of such records pertaining to them. Individuals should provide to the Systems Manager their name, date of birth, identification number, and the approximate date and kind of action taken by the agency when making inquiries about records.

Record access procedures: Requests should be addressed to the Systems Manager.

Contesting record procedures: The contest, amendment, or correction of an appeal or grievance record is permitted during the prosecution of the appeal or grievance by the individual to whom the record pertains. For contest after case has been closed, see rules published in 35 CFR Part 10.

Record source categories: Individual to whom the record pertains; officials of the Canal agencies, Civil Service Commission, and Board of Appeals; witnesses; official documents related to the appeal or grievance; hearing examiners; and others involved in the grievance or appeal procedure.

PCC-CZG/PR-5

System name: Recruiting and Placement Records, PCC-CZG/PR-5

System location: Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

Categories of individuals covered by the system: Persons who have applied for employment or are employed with the Panama Canal Company and the Canal Zone Government.

Categories of records in the system: Applications for employment and records related thereto; overseas recruitment processing records; special placement and program records, such as records on the excluded appointments of mentally retarded applicants, the appointment and counseling of handicapped persons, the student assistant program, and the worker-trainee program; and ready-reference records on qualifications of applicants and status of applications for transfer.

Authority for maintenance of the system: P.L. 93-112; Panama Canal Company Bylaws, Sec. 6.8; 2 C.Z.C. 101, 121, 141-49, and 155, 76A Stat. 14-19; E.O. 10794, December 10, 1958.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, index cards, lists, and individual forms.

Retrievability: Filed alphabetically by name of subject individual or by an identification number.

Safeguards: Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Applications for employment and records related thereto are transferred to recruitment folder if applicant is selected for employment from overseas. When applicant is employed, documentation is transferred to Official Personnel Folder. Applications are destroyed if applicant fails to update within 12 months from date of initial application, or they are returned to applicant if requested during the 12-month period. U.S. recruitment data cards are retained indefinitely for statistical purposes. Miscellaneous correspondence and listings pertaining to employees under recruitment are destroyed after two years. Vouchers from references listed by applicant are destroyed after one year. Individual special placement and program records are destroyed when employee terminates or individual's participation in program ends.

System manager(s) and address: Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of the addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals, medical personnel, police officials, officials of the Canal agencies, schools attended by applicant, and individuals listed as references by applicant.

Systems exempted from certain provisions of the act: All information in this system which would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/PR-6

System name: Training and Employee Development Records, PCC-CZG/PR-6

System location: Personnel Bureau, Panama Canal Company, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Current and former employees of the Canal and other Federal agencies on the Isthmus who have participated in training or development programs sponsored or conducted by the Canal agencies.

Categories of records in the system: Records on training and development of employees under a variety of programs such as apprentice program; the tuition refund program; and various executive, managerial, supervisory, administrative, Spanish and English language, technical, and professional training and development programs.

Authority for maintenance of the system: 5 U.S.C. 4101-18; E.O. 11348 of April 20, 1967; E.O. 10794 of December 10, 1958; 2 C.Z.C. 101, 121, 142, 149, 154 and 155, 76A Stat. 14-16, 18, and 19; Bylaws of the Panama Canal Company, Sec. 6.8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, cards, and individual forms.

Retrievability: Filed alphabetically by name.

Safeguards: Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Apprentice enrollment and grade records are retained permanently. Other records are retained for three years after termination of the session of the program in which the trainee was enrolled, except summary records for management development program are maintained until employee terminates or is dropped from the program.

System manager(s) and address: Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Request should be addressed to either of the addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individual, official personnel records, instructors, agency officials, program officials, and Veterans Administration.

PCC-CZG/PR-8

System name: Systems of records noticed by the U.S. Civil Service Commission and applicable to the Panama Canal Company and the Canal Zone Government, as follows:

(1) General Personnel Records (Official Personnel Folder and records related thereto).*

(2) Retirement, Life Insurance, and Health Benefits Records Systems.

*As an exception to standard practice on retention of out-of-service Official Personnel Folders, the Canal agencies are authorized to retain the Official Personnel Folders of their former non-U.S. citizen employees rather than send them to the National Personnel Records Center in St. Louis, Missouri (35 CFR 253-292). Some of these former employees now may be U.S. citizens or resident aliens of the United States who are granted access to the records under provisions of the Privacy Act. Questions from such individuals regarding notification procedures, access, and contest in connection with these records should be addressed to the Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone, who is the Systems Manager, or to the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

PCC-CZG/PR-11

System name: Minority Group Designator (MGD) Records, PCC-CZG/PR-11

System location: Personnel Bureau, Panama Canal Company, Ancon, Canal Zone

Categories of individuals covered by the system: U.S. citizen employees of the Canal agencies.

Categories of records in the system: Lists of accessions of U.S. citizen employees containing a minority group designator code submitted to Civil Service Commission, error lists from Civil Service Commission, and transcript form and/or SF 50 (or equivalent) submitted to Civil Service Commission to correct errors.

Authority for maintenance of the system: 5 U.S.C. 7154; E.O. 11478 of August 8, 1969; 2 C.Z.C. 101, 121, 76A Stat. 14, 15; Bylaws of the Panama Canal Company, Sec. 6.8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forms, sheets of paper, and computer runs.

Retrievability: Lists of accessions filed by employee identification number; computer runs and SF 50, filed alphabetically by name; and monthly report to Civil Service Commission and update transcript form filed by Social Security Number.

Safeguards: Stored in a locked steel desk in a building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Monthly report to Civil Service Commission and error listing for that month are destroyed six months after error listing is received. Correction to monthly error listing destroyed after error list for following month is received and corrected.

System manager(s) and address: Personnel Director, Panama Canal Company, Balboa Heights, Canal Zone.

Systems exempted from certain provisions of the act: All information in this system is maintained and used solely for statistical reports and is not used in making any nonstatistical determinations about identifiable individuals. It is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/SC-1

System name: Housing Files, PCC-CZG/SC-1

System location: Housing Offices, Community Services Division, Balboa Heights and Cristobal, Canal Zone

Categories of individuals covered by the system: Persons residing in Panama Canal Company quarters and in housing maintained by religious, commercial and charitable organizations in the Canal Zone.

Categories of records in the system: Assignment and occupancy of Panama Canal Company quarters, including information on assignee's name, eligibility, service date, identification number, address, family size, and citizenship; name of spouse and dependents; dates of occupancy; rental and other related information; persons allowed to reside or visit with assignees; investigations of misconduct in quarters; and reports of violations of quarters regulations.

Authority for maintenance of the system: 2 C.Z.C. 66(a)(4).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed or retrievable alphabetically by name.

Safeguards: Stored in locked metal file cabinets in buildings locked when not in use or with around-the-clock guard. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed by burning or shredding five years after occupant is no longer eligible for residence in the Canal Zone.

System manager(s) and address: Chief, Community Services Division, Drawer S, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals, official personnel files, entry permits, dependency determinations, housing personnel, maintenance personnel, neighbors, and officials of other organizations maintaining housing in the Canal Zone.

PCC-CZG/SC-2

System name: Housing Complaints File, PCC-CZG/SC-2

System location: Supply and Community Service Director's Office, Administration Building, Balboa Heights, Canal Zone and Community Services Division, Balboa Heights, and Cristobal, Canal Zone

Categories of individuals covered by the system: Occupants of Panama Canal Company quarters whose cases have been referred to the Quarters Retention Committee.

Categories of records in the system: Complaints, investigations, testimonies, hearings, and decisions bearing on an occupant's eligibility to retain Panama Canal Company quarters.

Authority for maintenance of the system: 2 C.Z.C. 30-33 and 66(a)(4).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed or retrievable alphabetically by name.

Safeguards: Stored in locked metal file cabinets in buildings locked when not in use or with around-the-clock guard. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed by burning or shredding five years after occupant is no longer eligible for residence in the Canal Zone.

System manager(s) and address: Administrative Services Officer, Supply and Community Service Bureau, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

V 40 189 SEP 29 75 XUM

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals; complainants; investigatory personnel, including police and customs officials; officials of the Canal agencies; witnesses; Quarters Retention Committee; and court officials and records.

Systems exempted from certain provisions of the act: All information in this system which is investigatory material compiled for law enforcement purposes or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.14.

PCC-CZG/SC-3

System name: Expert and Consultant Records, PCC-CZG/SC-3

System location: Supply and Community Service Director's Office, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Experts and consultants procured by contract to furnish services to the Canal agencies.

Categories of records in the system: Curriculum vitae of individuals, copies of contracts and charges, and related papers.

Authority for maintenance of the system: 5 U.S.C. 3109 and Congressional appropriations acts covering the Canal Zone Government and the Panama Canal Company.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed or retrievable alphabetically by name.

Safeguards: Filed in locked metal file cabinets in building with around-the-clock guard. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed by shredding or burning six years after final payment.

System manager(s) and address: Administrative Services Officer, Supply and Community Service Bureau, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individual, references provided by individual and peers; and the component of the Canal agencies requesting expert or consultant services.

PCC-CZG/SC-4

System name: Refugee Records, PCC-CZG/SC-4

System location: Community Services Division, Building 635, Balboa Heights, Canal Zone

Categories of individuals covered by the system: Persons granted temporary refuge in the Canal Zone because of civil disturbance or natural disaster or because they are seeking political asylum.

Categories of records in the system: Personal information about refugees and their families; documentation establishing refugee status, conduct agreements, housing arrangements, information on entry and departure, and related papers.

Authority for maintenance of the system: 2 C.Z.C. 841, 76A Stat. 32; E.O. 11305; 22 U.S.C. 2601-5; E.O. 11077.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be released from these records on a need-to-know basis to officials of the U.S. and foreign governments in connection with the rehabilitation or relocation of refugees. See also general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of refugee.

Safeguards: Stored in locked metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Permanent.

System manager(s) and address: Assistant Chief, Community Services Division, Drawer S, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals and members of their families; personnel of the Community Services Division, and officials of the Canal agencies, other U.S. Government agencies and foreign governments concerned with the rehabilitation or relocation of refugees.

PCC-CZG/SC-5

System name: Ethyl Alcohol Certificates of Purchase, PCC-CZG/SC-5

System location: Division of Storehouses, Building 28, Balboa, Canal Zone

Categories of individuals covered by the system: All individuals who purchase ethyl alcohol from the Division of Storehouses.

Categories of records in the system: Records controlling purchases of ethyl alcohol by individuals. Information includes individual's identification number, name, date of purchase, quantity purchased, and certification of appropriate use.

Authority for maintenance of the system: 2 C.Z.C. 731-2, 76A Stat. 29.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by identification number of employee.

Safeguards: Filed in locked metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Destroyed by burning or shredding two months after purchase.

System manager(s) and address: Chief, Division of Storehouses, Drawer BB, Balboa, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individuals and sales clerks.

PCC-CZG/SF-1

System name: Industrial Accident Prevention Supervisor/Unit Awards File, PCC-CZG/SF-1

System location: Office of the Safety Director, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: All Company/Government supervisors classified in high hazard positions who have completed a year of supervision without a disabling injury incurred to himself or his unit.

Categories of records in the system: Supervisor's name, Division, Bureau, identification number and Unit Supervised, year supervised.

Authority for maintenance of the system: 2 C.Z.C. 31, 33, and 66, 76A Stat. 7, 11; 29 U.S.C. 668; 5 U.S.C. 8101 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 by 8 inch cards.

Retrievability: Filed by Bureau-Division, indexed by name.

Safeguards: Records maintained in filing drawers. Access and use are restricted to authorized personnel.

Retention and disposal: Maintained while employee is in a hazardous-supervisory capacity.

System manager(s) and address: Office of the Safety Director, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Supervisor/Unit records.

PCC-CZG/SF-2

System name: 20/30/40 Year Safety Key Awards Files, PCC-CZG/SF-2

System location: Office of the Safety Director, Administration Building, Balboa Heights, Canal Zone

Categories of individuals covered by the system: All Company/Government employees classified in a high hazard position who have completed their 20-30-40 years of service with no disabling injury. Records are also maintained of employees in low hazard positions.

Categories of records in the system: Employee's name, identification number, roll and gang, functional code, occupational service code, service date and number of years of employment. Subsystem stamp containing date of last disabling injury (if any) and employees position hazard code.

Authority for maintenance of the system: 2 C.Z.C. 31, 33, and 66, 76A Stat. 7, 11; 29 U.S.C. 668; 5 U.S.C. 8101 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer strip size 12 1/2 by 3 1/2 inches.

Retrievability: Filed by name.

Safeguards: Records maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

Retention and disposal: Held until termination, destroyed by shredding.

System manager(s) and address: Office of the Safety Director, Box M, Balboa Heights, Canal Zone.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Employees on whom record is maintained.

PCC-CZG/TTWT-1

System name: Vessel Employee Records, PCC-CZG/TTWT-1

System location: Water Transportation Division, Building 1-5-A, 4400 Dauphine Street, New Orleans, Louisiana 70146

Categories of individuals covered by the system: Crew members of the S.S. Cristobal.

Categories of records in the system: Personal data on crew members of S.S. Cristobal, including information on qualifications, positions occupied, "Z" number, next of kin, and adverse and disciplinary action record.

Authority for maintenance of the system: 2 C.Z.C. 66(a)(3); 5 U.S.C. 5342(b); and 46 U.S.C., Chapter 18.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cards and paper records in file folders.

Retrievability: Filed or retrievable alphabetically by name.

Safeguards: Stored in locked metal file cabinets in building with around-the-clock guard. Access and use are restricted to authorized personnel.

Retention and disposal: Permanent.

System manager(s) and address: General Agent, Water Transportation Division, Panama Canal Company, 4400 Dauphine Street, New Orleans, Louisiana 70146.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individual, supervisors, union officials, and U.S. Coast Guard.

PCC-CZG/WO-1

System name: Panama Canal Company Board of Directors, PCC-CZG/WO-1

System location: 312 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C.

Categories of individuals covered by the system: Members and former members of the Company's Board of Directors.

Categories of records in the system: General biographical information.

Authority for maintenance of the system: 2 C.Z.C. 63, 76A Stat. 10.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Stored in locked metal file cabinets in office locked when not in use. Access and use are restricted to authorized personnel.

Retention and disposal: Permanent.

System manager(s) and address: Assistant to the Secretary, Panama Canal Company, 312 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20004.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Individual on whom maintained.

PCC-CZG/WO-2

System name: Office of the Secretary Operating Unit Personnel Files, PCC-CZG/WO-2

System location: 312 Pennsylvania Building, 425 13th Street, N.W. Washington, D.C.

Categories of individuals covered by the system: All employees of Panama Canal Company, Washington Office.

V 40 189 SEP 29 75 TM

Categories of records in the system: Name, address, birth date, marital status, employment history, dates of employment with Panama Canal Company, copies of standard personnel action forms.

Authority for maintenance of the system: 2 C.Z.C. Sec. 121, 76A Stat. 15.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Name.

Safeguards: Lockable file cabinets; office locked when not occupied. Access and use are restricted to authorized personnel.

Retention and disposal: Duration of employment and until routine clearing of files. To Records Center.

System manager(s) and address: Assistant to the Secretary, Panama Canal Company, 312 Pennsylvania Building, 425 13th Street, N.W. Washington, D.C. 20004.

Notification procedure: Information may be obtained from the Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights, Canal Zone. Rules are published in 35 CFR Part 10.

Record access procedures: Requests should be addressed to either of addressees designated in Notification Procedures, preceding.

Contesting record procedures: See rules published in 35 CFR Part 10.

Record source categories: Subject individual on whom maintained with notes by interviewer at pre-employment stage.

V 40 189 SEP 29 75 XUM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 31—Money and Finance Treasury ---------- $4.90

Title 32—National Defense (Parts 1400–1599) ---------- 3.65

Title 37—Patents, Trademarks, and Copyrights ---------- 2.10

Title 41—Public Contracts and Property Management (Chapters 3–6) ---------- 6.05

[A Cumulative checklist of CFR issuances for 1975 appears in the first issue of the Federal Register each month under Title 1]

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United States Government Printing Office,
Washington, D.C. 20402**

V 40 I 189

SEP 29 75

XUM

190

Vol. 40—No. 190
9-30-75
PAGES
44807-45156

federal register

TUESDAY, SEPTEMBER 30, 1975

highlights

PART I:

UNCLASSIFIED ACTIVITIES IN FOREIGN ATOMIC ENERGY PROGRAMS
ERDA establishes reporting requirements and procedures for authorization applications; effective 9-30-75 44826

EDUCATIONAL BROADCASTING
HEW/OE announces closing date for receipt of applications for facilities 44858

CONTINUED INSIDE

PART II:

CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY
ICC establishes Uniform System of Accounts; effective 1-1-76 44957

PART III:

FEDERAL REGIONAL STRUCTURES
Office of the Federal Register issues directory and maps .. 45005

PART IV:

PRIVACY ACT
The following agencies issue rules, proposals and/or notices:
Agriculture Department 45103
Civil Aeronautics Board (4 documents) 45103-45106, 45107
Civil Service Commission 45094
Consumer Product Safety Commission 45124
Defense Supply Agency 45113
Equal Employment Opportunity Commission (2 documents) 45108, 45111
Federal Power Commission 45118
Housing and Urban Development Department 45119
Joint Board for the Enrollment of Actuaries 45113
Private Protection Study Commission 45122
Tennessee Valley Authority 45123

PART V:

PENSION AND WELFARE PLANS
Treasury/IRS and Labor issues annual returns/reports forms 45133

V 40 190 SEP 30 75 XUM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DoT/Comptroller of the Currency—Securities Exchange Act disclosure rules; revision 33038; 7–17–75

HMRB—Classification of corrosive hazards 32615; 9–10–74

Materials Transportation Bureau—General information and regulations; matter incorporated by reference .. 37214; 8–26–75

SEC/Consolidated financial statements; securities accounting 33032; 8–6–75

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

PRIVACY ACT PUBLICATIONS

The following government agencies have submitted Privacy Act documents to the Office of the Federal Register for publication. These documents are available for public inspection at the Federal Register Office, 1100 L St., NW., Rm. 8401. They will be published according to the following schedule. See also this issue of the FEDERAL REGISTER for Privacy Act documents filed on or before Sept. 26.

Agency	*1975 Date of Issue*
Nuclear Regulatory Commission—notices	Oct. 1
Interior Department—notices (2 documents)	Oct. 1
Community Services Administration—rules, notices	*
National Archives & Records Service	Oct. 1
Health, Education, and Welfare Department—notices	Oct. 1
Commission of Fine Arts—proposed rules	Oct. 2
Commission of Fine Arts—notices	Oct. 1
Tennessee Valley Authority—rules, notices	Oct. 1
Commodity Futures Trading Commission—notices	Oct. 1
Energy Research & Development Administration—rules	*
Energy Research & Development Administration—notices	Oct. 2
State Department—rules, notices	*
General Services Administration—notices	Oct. 2
U.S. Railway Association—rules, notices	*
Housing & Urban Development—notices	Oct. 2
Agency for International Development—rules, notices	Oct. 2
Commerce Department—notices	Oct. 2
Central Intelligence Agency—rules, notices	Oct. 3
Advisory Commission on Intergovernmental Relations—proposed rules, notices	Oct. 2
Treasury Department—rules	*
Treasury Department—notices	Oct. 2
Federal Energy Administration—rules, adoption of notices	Oct. 3
Defense Department/Navy—proposed rules, notices	*
Defense Department—notices	

*Not yet scheduled; will be published as soon as possible.

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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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COMMUNITY DEVELOPMENT CORPORATIONS
Community Services Administration provides guidelines for size, residency and representation requirements, and selection procedures for governing bodies; effective 10–30–75 44818

SPECIAL HEALTH CAREERS
HEW/PHS adopts regulations on opportunity grants; effective 9–30–75 44814

PATENTS
Commerce/Patent Office amends regulations on late payment of issue fees; effective 11–1–75 44813

ELECTRONIC PRODUCTS
HEW/FDA proposes exemptions from performance standards for U.S. Government use; comments by 12–1–75 44846

PRESCRIPTION DRUGS
FTC holds public hearing on proposed regulations 44844

MOTOR VEHICLE SAFETY STANDARDS
DOT/NHTSA proposes procedures for compliance enforcement and defects investigation; comments by 11–14–75 44842

CONTACT LENSES
HEW/FDA proposes policy for marketing; comments by 12–1–75 44844

SPECIAL DIETARY FOODS
HEW/FDA announces reopening of hearing 44857

PEACH CROPS
USDA/FCIC publishes insurance regulations for 1976 and succeeding years 44823

SUGAR BEETS
USDA/FCIC revises insurance endorsement for all states except California 44822

MAN-MADE FIBERS
CITA places restraint on certain products from Thailand .. 44863

COLOR ADDITIVES
HEW/FDA updates regulations for certification; effective 9–30–75 44812

MEETINGS—
FCC: Radio Technical Commission for Marine Services, 10–14 and 10–15–75 44876
NASA: life Sciences Committee, 10–23 and 10–24–75 44894
State: Government Advisory Committee on International Book and Library Programs, 10–30–75 44855
Advisory Committee on the Law of the Sea, 10–21 and 10–22–75 44855
Advisory Committee on International Intellectual Property, 10–24–75 44855
USDA/FS: Coronado National Forest Grazing Advisory Board Committee, 10–31–75 44856
Spearfish District Grazing Advisory Board, 10–24–75 44856
DoD/AF: USAF Scientific Advisory Board, 10–15 and 10–16–75 44855

POSTPONED MEETING—
NASA: Ad Hoc Advisory Subcommittee for Evaluation of Proposals for Participation in the Scientific Investigations on the Mariner Jupiter/Uranus 1979 Mission 44894

RESCHEDULED MEETING—
NRC: Advisory Committee on Reactor Safeguards, 10–24–75 44898

contents

AGRICULTURE DEPARTMENT
See also Animal and Plant Health Inspection Service; Federal Crop Insurance Corporation; Forest Service; Rural Electrification Administration.
Rules
Privacy Act 45103
Notices
Toiyabe National Forest Grazing Advisory Board—Mono Division; establishment 44856

AIR FORCE DEPARTMENT
Notices
Meetings:
USAF Scientific Advisory Board .. 44855

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Overtime services; commuted traveltime allowances; correction 44822

CENSUS BUREAU
Notices
Voting Rights Act of 1975; determinations under Title III; correction 44857

CIVIL AERONAUTICS BOARD
Rules
Privacy Act (2 documents) 45103
Notices
Privacy Act; systems of records; notice of adoption and correction (2 documents) 45107
Hearings, etc.:
Cleveland-Toronto route 44860
Hughes Airwest 44860
Iran Air 44860
United Air Lines, Inc 44861

CIVIL RIGHTS COMMISSION
Notices
Meetings:
Maryland State Advisory Committee; cancellation 44862

CIVIL SERVICE COMMISSION
Rules
Privacy Act 45094

COMMERCE DEPARTMENT
See Census Bureau; Maritime Administration; Patent and Trademark Office; Social and Economic Statistics Administration.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS
Notices
Man-made textiles:
Korea 44862
Thailand 44863

COMMODITY FUTURES TRADING COMMISSION
Notices
Aggregation of accounts, controlled or discretionary; request for comment 44864

COMMUNITY SERVICES ADMINISTRATION
Rules
Economic development programs; composition and selection of CDC Boards of Directors 44818

CONSUMER PRODUCT SAFETY COMMISSION
Notices
Privacy Act; systems of records .. 45124

DEFENSE DEPARTMENT
See Air Force Department; Defense Supply Agency.

V 40 190 SEP 3075 XUM

CONTENTS

DEFENSE SUPPLY AGENCY
Proposed Rules
Privacy Act ... 45111

DRUG ENFORCEMENT ADMINISTRATION
Notices
Marihuana scheduling; correction 44856

EDUCATION OFFICE
Notices
Educational Broadcasting Facilities Program; notice of closing date ... 44858
National Advisory Council on Education Professions Development; availability of report ... 44858

EMPLOYEE BENEFITS SECURITY OFFICE
Notices
Pension and welfare plans; annual information returns/reports ... 44907

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Rules
Foreign atomic energy programs; unclassified activities ... 44826
Restricted data on lithium isotope separation; correction ... 44826
Notices
Task Force on Demonstration Projects as a Commercialization Incentive; determination to establish ... 44866

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Air implementation plans:
Massachusetts ... 44847
Wisconsin ... 44848
Notices
Pesticides, specific exemptions and experimental use permits:
Interior Department; sodium cyanide for coyote control ... 44865
Minnesota Department of Natural Resources ... 44866
Monsanto Co ... 44866

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Rules
Privacy Act ... 45108
Notices
Information reports; extension of filing deadline (5 documents) ... 44865
Privacy Act; systems of records ... 45111

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Boeing ... 44807
Control zones and transition areas (9 documents) ... 44807–44809
VOR Federal airways ... 44808
Proposed Rules
Airport development actions affecting the environment; processing ... 44842
Airworthiness directives:
Boeing ... 44841
Control zone and transition areas (3 documents) ... 44841, 44842
Noise abatement standards; proposals submitted by EPA to FAA; correction ... 44842

FEDERAL COMMUNICATIONS COMMISSION
Proposed Rules
Multiple ownership of standard, FM, television broadcast stations and cross-ownership of cable television systems ... 44849
Notices
Meetings:
Special Committee No. 66 Receiver Standards for the Mobile Service Maritime ... 44876
Hearings, etc.:
Gilbert Broadcasting Co. et al ... 44867
Southwest Pennsylvania Cable TV, Inc ... 44872
WWLE, Inc. et al ... 44873

FEDERAL CROP INSURANCE CORPORATION
Rules
Crop insurance:
Peaches; 1976 and after ... 44823
Sugar beets; All states except Calif ... 44822

FEDERAL ENERGY ADMINISTRATION
Notices
Underground gas storage report; availability of forms ... 44876

FEDERAL MARITIME COMMISSION
Notices
Freight forwarder licenses:
Robert A. Warren Co., et al ... 44876

FEDERAL POWER COMMISSION
Proposed Rules
Gas exploration, development, and production; accounting and rate treatment of advances ... 44850
Notices
National Gas Survey, certain committees; order designating members (18 documents) ... 44891, 44893
Privacy Act; systems of records, notice of existence ... 45118
Hearings, etc.:
American Electric Power Service Corp ... 44878
Arizona Public Service Co ... 44877
Arkla Exploration Co ... 44878
Baca Gas Gathering System, Inc ... 44879
Biglane Operating Co ... 44879
Cambridge Electric Light Co ... 44879
Central Vermont Public Service ... 44880
Chattanooga Gas Co ... 44880
Cities Service Gas Co. and Natural Gas Pipeline Company of America ... 44880
Colorado Interstate Gas Co ... 44881
Columbus and Southern Ohio Electric Co ... 44881
Delta Drilling Co ... 44881
Eastern Shore Natural Gas Co ... 44882
Excelsior Oil Corp ... 44882
Getty Oil Co., et al ... 44882
Lone Star Producing Co ... 44884
Iowa Public Service Co ... 44884
Maine Public Service Co ... 44885
Michigan Wisconsin Pipe Line Co. (2 documents) ... 44885
Mountain Fuel Supply Co. and Phillips Petroleum Co ... 44886
Natural Gas Pipeline Company of America ... 44887
New England Power Co ... 44888
Northern States Power Co ... 44888
Pacific Gas and Electric Co ... 44889
Public Service Company of Indiana (4 documents) ... 44889
Sagebrush Sts Joint Venture, et al ... 44878
Superior Water, Light and Power Co ... 44889
Transcontinental Gas Pipe Line Corp ... 44890
Trunkline Gas Co ... 44890
United Gas Pipe Line Co. and Transcontinental Gas Pipe Line Corp ... 44890
Virginia Electric and Power Co ... 44890

FEDERAL REGISTER OFFICE
Notices
Federal regional structure directory; Fderal agency maps and tables ... 45005

FEDERAL RESERVE SYSTEM
Rules
Securities credit transactions; OTC margin stock list ... 44829

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Kaiser Steel Corp ... 44810
Litton Industries, Inc ... 44811
Standard Oil Co.; correction ... 44811
Proposed Rules
Prescription drugs; hearing ... 44850

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Arrowwood National Wildlife Refuge, N. Dak ... 44822
Hunting:
Arrowwood National Wildlife Refuge, N. Dak. (3 documents) ... 44821
Erie National Wildlife Refuge, Pa ... 44822
Long Lake National Wildlife Refuge, N. Dak ... 44822
Slade National Wildlife Refuge, N. Dak ... 44822

FOOD AND DRUG ADMINISTRATION
Rules
Color additives and certification; updating and corrections ... 44812
Proposed Rules
Contact lenses; regulatory marketing policy ... 44844
Electronic products; exemption from performance standard ... 44846
Notices
Food for special dietary uses; reopening of hearing ... 44857

FOREST SERVICE
Notices
Environmental statements:
Lyndon B. Johnson National Grassland Unit Plan ... 44856

CONTENTS

Meetings:
Coronado National Forest Grazing Advisory Board Committee ... 44856
Spearfish District Grazing Advisory Board ... 44856

GENERAL SERVICES ADMINISTRATION
Notices
Authority delegations:
Secretary of Defense (2 documents) ... 44893, 44894

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration; Public Health Service; Social Security Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Notices
Privacy Act; systems of records; correction ... 45119

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau; Mining Enforcement and Safety Administration; National Park Service.
Rules
Recreation fees; hunting blind rental ... 44817

INTERNAL REVENUE SERVICE
Notices
Pension and welfare plans; annual information returns/reports ... 44907

INTERSTATE COMMERCE COMMISSION
Rules
Motor carriers:
Uniform systems of accounts for class I and II ... 44957
Proposed Rules
Boxcars; charges incentive per diem; gondolas ... 44851
National Environmental Policy Act of 1969; revised guidelines for implementation ... 44854
Notices
Abandonment of services:
Allegheny and Western Railway Co., et al ... 44908
Car service exemptions, mandatory ... 44909
Hearing assignments ... 44908
Motor carriers:
Irregular route property carriers; gateway elimination ... 44828
Temporary authority applications (2 documents) ... 44909
Transfer proceedings ... 44909

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES
Proposed Rules
Privacy Act ... 45111

JUSTICE DEPARTMENT
See Drug Enforcement Administration.

LABOR DEPARTMENT
See also Employee Benefits Security Office.
Notices
Adjustment assistance:
Armor Elevator Co ... 44907
Dunbar Pattern Co ... 44907

LAND MANAGEMENT BUREAU
Rules
Public land orders:
Arizona ... 44817
Florida ... 44817
Oregon ... 44817

MANAGEMENT AND BUDGET OFFICE
Notices
Clearance of reports; list of requests ... 44898

MARITIME ADMINISTRATION
Notices
Approval of certain charters; amended policy review ... 44857

MATERIAL TRANSPORTATION BUREAU
Rules
Anhydrous ammonia in cargo tanks; shipment requirements ... 44820
Hazardous Materials on motor vehicles; extension of effective date ... 44821
Proposed Rules
Vehicle repairs in closed buildings ...

MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Rules
Safety standards, mandatory; surface coal mines and surface work areas of underground coal mines; refuse piles and impounding structures; corrections ... 44813

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Notices
Meetings:
Ad Hoc Advisory Subcommittee for Evaluation Proposals for Participation in the Scientific Investigations on Mariner Jupiter/Uranus 1979 Mission; postponed ... 44894
NASA Life Sciences Committee ... 44894

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Proposed Rules
Compliance enforcement and defects investigation ... 44842
Notices
Motor vehicles safety standards; temporary exemption petitions:
Automobili Lamborghini ... 44859
Rite-Way Incorporated of Indiana ... 44859
TVR Engineering Ltd ... 44859

NATIONAL PARK SERVICE
Notices
Grand Canyon National Park; intention to issue a concession permit ... 44856

NUCLEAR REGULATORY COMMISSION
Notices
Meetings:
Advisory Committee on Reactor Safeguards Subcommittee on the Architect-Engineer Balance of Plant ... 44894
Regulatory guides; issuance and availability (2 documents) ... 44896, 44897
Applications, etc.:
Arizona Public Service Co., et al ... 44895
Cleveland Electric Illuminating Co., et al ... 44895
Consolidated Edison Company of New York, Inc ... 44895
Detroit Edison Company, Inc., and Public Service Company of Indiana ... 44895
Gulf States Utilities Co ... 44898
Metropolitan Edison Co., et al ... 44895
Omaha Public Power District, et al ... 44896
Toledo Edison Co ... 44897

PATENT AND TRADEMARK OFFICE
Rules
Issue fee; late payment ... 44813

POSTAL RATE COMMISSION
Notices
Appointment of presiding officer and an officer of the Commission, establishment of procedures and date for prehearing conference ... 44899

PRIVACY PROTECTION STUDY COMMISSION
Notices
Privacy Act; systems of records ... 45122

PUBLIC HEALTH SERVICE
Rules
Special health career opportunity grants ... 44814

RURAL ELECTRIFICATION ADMINISTRATION
Notices
Loan guarantees proposed:
Arizona Electric Power Cooperative, Inc ... 44857

SECURITIES AND EXCHANGE COMMISSION
Notices
Chicago Board Options Exchange, Inc.; proposed rule changes (2 documents) ... 44903, 44905
Midwest Stock Exchange, Inc.; proposed rule changes ... 44902
New York Stock Exchange, Inc.; proposed rule changes ... 44906
Hearings, etc.:
Connecticut Mutual Life Insurance Co. and CML Accumulation Annuity Account E ... 44905

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION
Rules
Deletion of chapter ... 44809

V 40 190 SEP 3075 XUM

CONTENTS

SOCIAL SECURITY ADMINISTRATION

Rules

Grants for health care rate regulation; correction 44812

STATE DEPARTMENT

Notices

Final Act of the Conference on Security and Cooperation in Europe; availability 44855

Meetings:
Advisory Committee on International Intellectual Property 44855
Advisory Committee on the Law of the Sea 44855
Government Advisory Committee on International Book and Library Programs 44855

TENNESSEE VALLEY AUTHORITY

Notices

Privacy Act of 1974; systems of records; correction 45123

TRANSPORTATION DEPARTMENT

See also Federal Aviation Administration; National Highway Safety Administration.

Proposed Rules

Eastern-central standard time zone boundary; relocation of Iron County, Mich 44844

TREASURY DEPARTMENT

See Internal Revenue Service.

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR
293 45094
297 45094

7 CFR
1 45103
354 44822
401 44822
403 44823

10 CFR
125 44826
810 44826

12 CFR
207 44829
220 44829
221 44829
224 44829

14 CFR
39 44807
71 (10 documents) 44807–44809
310a 45103
385 45106

PROPOSED RULES:
39 44841
71 (4 documents) 44841–44842
91 44842
152 44842

15 CFR
1160 44809

16 CFR
13 (3 documents) 44810, 44811

PROPOSED RULES:
447 44850

18 CFR

PROPOSED RULES:
154 44850
201 44850
260 44850

20 CFR
450 44812

PROPOSED RULES:
903 45111

21 CFR
8 44812
9 44813

PROPOSED RULES:
310 44844
1010 44846

29 CFR
1611 45108

30 CFR
77 44813

32 CFR

PROPOSED RULES:
1286 45113

37 CFR
1 44813

40 CFR

PROPOSED RULES:
52 (2 documents) 44847–44848

42 CFR
57 44814

43 CFR
18 44817

PUBLIC LAND ORDERS:
5540 44817
5541 44817
5542 44817

45 CFR
1076 44818

47 CFR

PROPOSED RULES:
73 44849
76 44849

49 CFR
173 44820
177 (2 documents) 44820
1207 44958

PROPOSED RULES:
71 44844
177 44842
554 44842
1036 44851
1100 44854

50 CFR
32 (6 documents) 44821, 44822
33 44822

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during September.

1 CFR
410 42306

3 CFR

PROCLAMATIONS:
4313 (See EO 11878) 42731
4385 41989
4386 41991
4387 42165
4388 42167
4389 42169
4390 42315
4391 42725
4392 42727
4393 42729
4394 42849
4395 43713
4396 44537

EXECUTIVE ORDERS:
April 18, 1908 (Revoked in part by PLO 5528) 42362
July 2, 1910 (Revoked in part by PLO 5512) 40162
(Revoked in part by PLO 5517) 40814
1959 (Revoked in part by PLO 5515) 40811
6583 (Revoked in part by PLO 5536) 42553
7595 (Revoked in part by PLO 5515) 40811
8649 (Revoked in part by PLO 5534) 42552
8780 (Revoked in part by PLO 5534) 42552
10480 (See EO 11879) 43197
11803 (Amended by EO 11878) 42731
11804 (See EO 11878) 42731
11861 (Amended by EO 11877) 40797
11864 (Superseded by EO 11877) 40797
11876 40501
11877 40797
11878 42731
11879 43197

MEMORANDUMS:
Memorandum of August 17, 1975 40139

4 CFR
400 43873
412 43873

PROPOSED RULES:
410 41801

5 CFR
151 42733
213 ..... 41755, 41993, 42427, 42733–42734, 43211, 44111
293 45094
297 45094
307 44111
316 44539
338 42734
410 42734
752 42734
772 42734
2411 43880
2413 43880

7 CFR
1 ..... 44480, 45103
2 ..... 41085, 41993, 44111

7 CFR—Continued
25 42171
25A 42171
29 ..... 42527, 44112
180 42851
210 42735
215 42735
220 42735
225 42735
246 42735
250 42735
270 ..... 42736, 43017, 43479
271 43017
354 ..... 41513, 43479, 44822
370 ..... 43223, 43223
401 ..... 44539, 44540, 44822
403 44823
411 44540
719 44112
722 44303
725 41513
905 ..... 42317, 42318
908 ..... 40505, 40815, 41855, 42171, 43018, 43480, 44119
910 ..... 41086, 42319, 43224, 44120, 44304
913 44305
915 ..... 41993, 44305
919 41994
926 ..... 43480, 43715
927 42851
931 43480
932 41994
944 42529
945 42530
946 42530
981 ..... 43018, 43715
989 40141
991 44121
993 42530
1046 43716
1421 ..... 41067, 43224, 44121, 44122
1427 44306
1434 41087
1801 42178
1822 ..... 42178, 42736
1832 42320
1842 42179
1843 42179

PROPOSED RULES:
1 ..... 40849, 44157
51 40522
201 40524
250 43738
725 44157
905 44333
906 ..... 42886, 42887
910 40528
915 44334
924 43036
927 42023
931 40170
944 44334
948 40528
966 42887
982 40836
989 40842
1046 ..... 40843, 42023
1250 42888
1421 43919
1430 42364
1464 41530
1701 ..... 44334, 44570

8 CFR
103 ..... 42852, 44481
341 42532

9 CFR
54 ..... 40505, 42739
73 42179
78 41516
91 40506
92 44306
94 44123
97 43717
112 41994
113 ..... 41088, 41994
317 42852
331 43916
381 ..... 42337, 43916

PROPOSED RULES:
113 41139
317 41139
319 41139

10 CFR
2 44124
9 44483
10 44125
20 42557
25 44125
37 42558
50 40816
73 42558
95 44125
125 44826
204 42338
205 40141
210 40818
211 40821
212 ..... 40142, 40818, 40821, 40824
213 ..... 40143, 44306, 44308
725 43481
810 44826

RULINGS:
1975–9 40826
1975–10 40826
1975–11 40827
1975–12 40828
1975–13 40831
1975–14 40833
1975–15 40832
1975–16 40834

PROPOSED RULES:
9 44516
71 43517
206 42448
213 42578

11 CFR
Ch. I 40668, 43660

PROPOSED RULES:
100 44698
101 44698
102 44698
103 44698
104 44698
105 44698
106 43517
109 44698
110 44698
111 44698
113 41932

V 40 190 SEP 3075 XUM

12 CFR
207 ... 43482, 44829
211 ... 43199
213 ... 40506
215 ... 40506, 43199
220 ... 43482, 44829
221 ... 43482, 44829
224 ... 44829
226 ... 43199, 43200
265 ... 43717
339 ... 43482
523 ... 41755, 41996
541 ... 44125
544 ... 42853
545 ... 41756, 42853, 44125
563 ... 41997
603 ... 40454
701 ... 41090
703 ... 41997
760 ... 41998
PROPOSED RULES:
9 ... 40859
202 ... 42030
208 ... 40857
226 ... 43516
337 ... 40548, 41530
341 ... 40856
545 ... 43832
561 ... 42371, 43832
563 ... 42371, 42898, 43832
564 ... 42371
569a ... 42371
571 ... 42371

13 CFR
123 ... 42180
313 ... 43483
315 ... 44308

14 CFR
37 ... 42183
39 ... 41090–41092, 41519, 42180, 42339, 42739, 42741, 42853, 43019, 43484, 44310, 44807
71 ... 41520, 41998, 42180, 42340–42342, 42740, 42741, 43019, 43020, 43485–43487, 43717, 43718, 43885, 44126, 44127, 44310, 44540, 44807–44809
73 ... 41092, 43718
75 ... 43487, 43885, 44310
95 ... 42181, 43885
97 ... 41093, 42342, 43020, 44127
121 ... 42183, 42185, 44541
171 ... 41093, 43719
228 ... 43885
241 ... 42855
298 ... 42855
310a ... 45103
312 ... 43211
372a ... 42741
373 ... 43719
378 ... 43719
378a ... 41093
385 ... 44128, 45106
1212 ... 43668
PROPOSED RULES:
Ch. I ... 42754, 43919
39 ... 41143, 41537, 42033, 43919, 44335, 44570, 44841
67 ... 42024
71 ... 42025, 42364–42366, 44576, 44841–44842
91 ... 44256, 44842

14 CFR—Continued
PROPOSED RULES—Continued
152 ... 44842
217 ... 43920
231 ... 43743
241 ... 43920
385 ... 40816

15 CFR
371 ... 40507
377 ... 40507
903 ... 41998
1160 ... 44809
PROPOSED RULES:
80 ... 42209

16 CFR
4 ... 40780
13 ... 40143–40154, 40508, 41071–41081, 41756–41758, 42201–42203, 42742, 43487, 43719, 44311–44318, 44810, 44811
259 ... 42003
1018 ... 43886
1116 ... 42004
1609 ... 43886
PROPOSED RULES:
438 ... 44582
445 ... 42757
447 ... 44850
453 ... 42212, 42371
454 ... 41144
1014 ... 42025, 43231, 43743
1207 ... 42562, 44577

17 CFR
17 ... 41117
18 ... 41117
146 ... 41056
200 ... 40512, 44068, 44072
201 ... 42186
230 ... 44541
240 ... 40512, 41520, 42343
249 ... 40512, 41521
270 ... 41759, 42862
275 ... 44128
PROPOSED RULES:
210 ... 40550
230 ... 40555, 44584
231 ... 42212
239 ... 42212, 44584
240 ... 40858, 41808, 42212, 42219, 42905, 43743
241 ... 42212
249 ... 40858, 44584
259 ... 42212
270 ... 40555, 41818, 42757

18 CFR
1 ... 42005
2 ... 41760, 42005
3 ... 43488, 43892
3b ... 44288
141 ... 43488
154 ... 43889
157 ... 41769
260 ... 43892
PROPOSED RULES:
35 ... 42029
154 ... 41539, 44852, 44850
157 ... 41539
201 ... 41539, 44852, 44850
260 ... 41539, 44582, 44850
901 ... 44336

19 CFR
4 ... 44542
10 ... 43021, 44319
112 ... 41084
141 ... 44128
143 ... 44542
148 ... 41084
171 ... 43488, 43894
172 ... 43026
PROPOSED RULES:
12 ... 41118
153 ... 43226
175 ... 43226
201 ... 40173
210 ... 40173

20 CFR
200 ... 41084
260 ... 41084
404 ... 42863
405 ... 42006, 43211, 43895, 44320
450 ... 42865
PROPOSED RULES:
405 ... 40171, 40537, 40850
601 ... 43744
903 ... 45111

21 CFR
Ch. I ... 40520, 43488
8 ... 44542, 44812
9 ... 44813
29 ... 42866
121 ... 40799, 41085, 42866
123 ... 42343, 43720
310 ... 44543
431 ... 41522
436 ... 41522
449 ... 41523
452 ... 41773
510 ... 42007, 43213, 43488
520 ... 43488
522 ... 42007
540 ... 42007
556 ... 41085
561 ... 41773, 42343
1010 ... 40800
1040 ... 40800
1304 ... 42866
PROPOSED RULES:
1 ... 40682, 44570
2 ... 40682, 44570
5 ... 40682, 44570
8 ... 40682, 44570
10 ... 40682, 44570
11 ... 40682, 44570
80 ... 40682, 44570
90 ... 40682, 44570
100 ... 40682, 44570
102 ... 40682, 44570
121 ... 40529, 40682, 41797, 44570
202 ... 40682, 44570
310 ... 40682, 43513, 44570, 44844
312 ... 40682, 44570
314 ... 40682, 44335, 44570
328 ... 40682, 44570
330 ... 40682, 44570
429 ... 40682, 44570
430 ... 40682, 44570
431 ... 40682, 44570
433 ... 40682
511 ... 40682, 44570
514 ... 40682, 44570
601 ... 40682, 44570

21 CFR—Continued
PROPOSED RULES—Continued
640 ... 41709
701 ... 40682, 44570
1000 ... 42749
1003 ... 40682, 44570
1004 ... 40682, 44570
1010 ... 44846
1210 ... 40682, 44570

22 CFR
42 ... 42532
PROPOSED RULES:
6a ... 40456

23 CFR
450 ... 42976, 42979
460 ... 44322
470 ... 42344
633 ... 42867
658 ... 41774, 42186
710 ... 41523
750 ... 42842

24 CFR
25 ... 43026
82 ... 44129
207 ... 43898
220 ... 43898
227 ... 43898
231 ... 43898
234 ... 43898
280 ... 42061, 42007
300 ... 43027, 44323
570 ... 41509, 42347
860 ... 44323
888 ... 40513
1914 ... 41509, 42009, 42872, 43219, 43720
1915 ... 41510, 42553, 42874, 43220, 43722
1916 ... 42348, 42349, 43027
1917 ... 41108–41115, 42349
1920 ... 41115, 41116, 42557, 42743
1930 ... 44130
1931 ... 44130
PROPOSED RULES:
406 ... 42560
805 ... 43372
865 ... 44159

25 CFR
261 ... 44543
PROPOSED RULES:
33 ... 40982
43h ... 42020
221 ... 43513
233 ... 42884
401 ... 40982
402 ... 40982
403 ... 40982
404 ... 40982
405 ... 40982
406 ... 42560
407 ... 40982

26 CFR
1 ... 42743, 43034, 43735
11 ... 44544
31 ... 42349
PROPOSED RULES:
1 ... 41118
31 ... 43226

28 CFR
0 ... 42745, 44326
2 ... 41328

28 CFR—Continued
PROPOSED RULES:
22 ... 44034

29 CFR
56 ... 43170
57 ... 43170
58 ... 43170
570 ... 40800, 44130
1611 ... 45108
1952 ... 40155–40157, 44130–44133
2530 ... 41654
2550 ... 43726
2602 ... 42876, 43512
2603 ... 43213
2604 ... 42533
2605 ... 43509
2606 ... 42877
PROPOSED RULES:
603 ... 40537
608 ... 40537
609 ... 40537
687 ... 40537
697 ... 44159
1910 ... 40170, 40849, 41530, 41797
1915 ... 41530
1916 ... 41530
1917 ... 41530
1918 ... 41530
1926 ... 40170, 41530
1952 ... 41148, 44157, 44158

30 CFR
77 ... 41775, 44813
PROPOSED RULES:
55 ... 44272
56 ... 44272
57 ... 44272
211 ... 41122
216 ... 41122
250 ... 42559, 43036

32 CFR
166 ... 44135
197 ... 42186
292a ... 44489
299a ... 44294
1608 ... 44495
1808 ... 42736
PROPOSED RULES:
292a ... 44516
1286 ... 45113
1481 ... 42997
1814 ... 42444
2102 ... 40792

32A CFR
Ch. VI ... 43489

33 CFR
117 ... 41524, 42189, 43213
155 ... 42189
183 ... 43856
265 ... 42852
266 ... 42654
PROPOSED RULES:
1 ... 42210
117 ... 41537
183 ... 43226
209 ... 43918
305 ... 41636

35 CFR
10 ... 44498
253 ... 42996

35 CFR—Continued
PROPOSED RULES:
10 ... 40485

36 CFR
901 ... 41524
1000 ... 40802
PROPOSED RULES:
7 ... 41138, 42364
903 ... 41530, 44754

37 CFR
1 ... 44813

38 CFR
4 ... 42535
21 ... 42878
36 ... 42190
PROPOSED RULES:
3 ... 41540, 42578

39 CFR
111 ... 42541
3002 ... 43033
PROPOSED RULES:
42 ... 43232, 43930
43 ... 43232, 43930
44 ... 43232, 43930
45 ... 43232, 43930
47 ... 43232, 43930
111 ... 43232

40 CFR
52 ... 40158–40160, 41778, 41779, 41787, 41942, 42011, 42012, 42190, 42191, 42351–42357, 42542, 42895–42896, 43214–43216
60 ... 42194, 43850
61 ... 42195
162 ... 41788, 42746
180 ... 40161, 42357, 43727
230 ... 41292
435 ... 42543
PROPOSED RULES:
16 ... 40792
35 ... 41644, 43231
52 ... 40172, 40854–40856, 42211, 42368, 42389, 42757, 43231, 43923, 44847–44848
60 ... 42028
126 ... 41649
142 ... 40538
162 ... 40538, 44162
172 ... 40545, 44162
180 ... 41538, 42757, 43924
246 ... 42986
430 ... 41298
435 ... 42572

41 CFR
1–1 ... 44136, 44137, 44502
1–2 ... 44138
1–3 ... 44138
1–4 ... 44139, 44504
1–6 ... 44140
1–7 ... 44140, 44504
1–8 ... 44140
1–11 ... 44140
1–12 ... 44140
1–14 ... 44141
1–16 ... 44137, 44141
1–18 ... 44141
1–30 ... 43728, 44141
8–1 ... 43217
8–2 ... 40803

V 40 190
SEP 30 75
XUM

41 CFR—Continued
8–3 40803
14–3 ..... 40517, 42746
101–26 41093
101–35 42358
101–38 42358
101–43 42361
101–44 42361
105–61 42881
114–42 40517
114–60 42746
PROPOSED RULES:
3–4 42673
14H–70 41025
51–8 42444
60–5 41149

42 CFR
52d 44545
57 44814
110 41095
PROPOSED RULES:
36 42658
67 42890

43 CFR
2 44505
3300 43489
PUBLIC LAND ORDERS:
2249 (Revoked in part by PLO 5515) 40811
4089 (Revoked in part by PLO 5515) 40811
4148 (Revoked in part by PLO 5515) 40811
4643 (Revoked in part by PLO 5511) 40162
4889 (Revoked in part by PLO 5515) 40811
5175 (Amended by PLO 5519) 40814
5180 (Amended by PLO 5519) 40814
5191 (Amended by PLO 5519) 40814
5394 (Amended by PLO 5519) 40814
5418 (See PLO 5519) 40814
5438 (Amended by PLO 5519) 40814
5511 40162
5512 40162
5513 40162
5514 40811
5515 40811
5516 40814
5517 40814
5518 40814
5519 40814
5520 40815
5521 40815
5522 41096
5523 ..... 41095, 43028
5524 41095
5525 ..... 41794, 43489
5526 42195
5527 42362
5528 42362
5529 42551
5530 42551
5531 ..... 42553, 43732
5532 42551
5533 42551
5534 42552
5535 42551
5536 42553
5537 43028
5538 43217
5539 44141
5540 44817
5541 44817
5542 44817

43 CFR—Continued
PROPOSED RULES:
4 42020
23 41122
2110 43735
2130 43735
2270 43735
3040 41122
3820 43735

45 CFR
30 40162
46 40163
100 41795
101 41795
169 40518
201 44326
212 43218
220 43182
224 43182
233 43182
249 43901
250 42013
613 44510
1061 44327
1067 44327
1076 44818
1208 40805
1600 42362
PROPOSED RULES:
56 41140
160a 41670
233 41143
249 42560
706 40783
1115 42457
1602 42374

46 CFR
Ch. I 42195, 42746
32 40163
35 40163
50 40163
52 40163
53 40163
54 40163
56 40164
58 40168
63 40169
146 41795
252 43490
402 41526
530 43720
PROPOSED RULES:
32 42751
34 43739
35 42751
76 43739
77 42751
78 42751
95 43739
96 42751
105 43739
167 42751
181 43739
184 42751
185 42751
193 43739
195 42751
196 42751
502 43925

47 CFR
0 44512
1 ..... 42882, 44327
2 40810
73 ..... 42882, 43028, 43506, 43507, 44849

47 CFR—Continued
74 40810
76 ..... 44547, 44551, 44849
81 44142
83 44142
91 40169
PROPOSED RULES:
2 ..... 42028, 42577, 42897, 43037, 43924
73 ..... 40172, 42028, 42369, 42577, 42578, 43028, 43514, 44577
76 43925
89 42577
91 ..... 42028, 42577
177 .....

49 CFR
1 43901
25 41040
171 41527
172 41527
173 ..... 41527, 44327, 44820
174 41527
175 41527
177 ..... 41527, 44820
178 ..... 41527, 44327
325 42432
385 40810
390 44555
392 44555
393 44555
395 44555
398 44557
Ch. V 41796, 42013
552 42013
553 42015
555 42015
571 ..... 42746, 42897
613 42984
1033 ..... 40518, 40519, 43914, 44148
1134 42343
1201 44559
1202 44560
1203 44561
1204 44562
1205 44563
1206 44563
1207 ..... 44564, 44958
1208 44565
1209 44566
1210 44567
1306 40518
1320 41528
1322 41528
PROPOSED RULES:
10 43037
71 44844
102 41537
107 41537
170 ..... 41537, 44336
171 ..... 40171, 40853, 40854, 41537, 44336
172 ..... 41537, 44336
173 ..... 41537, 44336
174 ..... 41537, 44336
175 ..... 41537, 44336
176 ..... 41537, 44336
177 ..... 41537, 44336, 44842
178 ..... 41537, 44336
179 ..... 41537, 44336
180 ..... 41537, 44336
181 ..... 41537, 44336
182 ..... 41537, 44336
183 ..... 41537, 44336
184 ..... 41537, 44336
185 ..... 41537, 44336
186 ..... 41537, 44336
187 ..... 41537, 44336
188 ..... 41537, 44336

49 CFR—Continued
PROPOSED RULES—Continued
189 ..... 41537, 44336
195 43740
215 42895
554 44842
571 ..... 40537, 40853, 42756
573 43227
583 ..... 42366, 42895
1007 43689
1036 44851
1037 42221
1100 44854
1106 42578
1106 ..... 41153, 40854, 42573
1201 42899
1307 ..... 42033, 43038

50 CFR
17 ..... 44149, 44412
20 ..... 41096, 42015, 44709
28 ..... 41105, 42017, 42195, 42748, 44568
32 ..... 40519, 40520, 40811, 41105–41108, 42017, 42018, 42196–42201, 42747, 42748, 42883, 43029, 43030, 43032, 43218, 43219, 43732, 43733, 43914–43916, 44151–44155, 44328, 44821, 44822
33 ..... 44155, 44822
251 ..... 43508, 43733, 43734
285 43916
PROPOSED RULES:
17 ..... 40521, 44329
216 ..... 41531, 42210, 43040
501 41066

FEDERAL REGISTER PAGES AND DATES—SEPTEMBER

Pages	Date
40139–40500	2
40501–40795	3
40797–41070	4
41071–41507	5
41509–41754	8
41755–41988	9
41989–42163	10
42165–42314	11
42315–42525	12
42527–42723	15
42725–42847	16
42849–43016	17
43017–43196	18
43197–43477	19
43479–43711	22
43713–43871	23
43873–44109	24
44111–44301	25
44303–44535	26
44537–44806	29
44807–45156	30

V 40 190 SEP 30 75 XUM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–NW–20–AD; Amendment 39–2375]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 727 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of all blind rivets with bolts and nutplates or an approved equivalent on the outboard aileron tab mast fittings on Boeing Model 727 series airplanes was published in 40 FR 29301.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The Air Transport Association (ATA) submitted two comments in response to the proposed AD. In its first comment, the ATA expressed its confidence that a reasonable inspection program will detect loose fasteners prior to the development of the hazardous condition. In support of this comment, ATA mentioned the results of the one-time inspection required by AD 75–08–10 (40 FR 15866) and the Boeing 727 operators' past experience. The FAA agrees that most airline inspection programs are adequate to detect loose fasteners; however, the number of reports of loose rivets submitted in response to the requirements of AD 75–08–10 indicate that the replacement of the blind rivets with more positive fasteners, such as bolts and nutplates, is desirable. In its second comment, the ATA stated that it does not object to a mandatory 2500 hour repetitive inspection of the blind rivets provided replacement of rivets with bolts is an optional terminating action. This, of course, is not the FAA's intent by the proposed AD as mentioned above, which consisted of replacement of all blind rivets by July 1, 1977, with an interim inspection within 2500 hours from the effective date of the AD. It is established that the rivets will in time become loose, which in turn may lead to the failure of all tab mast fitting attachments. Replacement is, therefore, the only acceptable terminating action. Accordingly, the FAA does not concur with this ATA comment.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to all Boeing Model 727 series airplanes, certificated in all categories. Compliance required as indicated.

To prevent wing vibration from loose blind rivets in the outboard aileron tab mast fittings, accomplish the following:

A. Within the next 2500 flight hours or 325 days from the effective date of this AD, whichever occurs first, inspect the attaching blind rivets of the outboard aileron tab mast fittings for looseness. Repair, as necessary, in accordance with Boeing Alert Service Bulletin 727–57–137, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. As terminating action to this AD, prior to July 1, 1977, unless already accomplished, replace all blind rivets with bolts and nutplates in accordance with Boeing Alert Service Bulletin 727–57–137, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective November 5, 1975.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)))

The incorporation by reference provisions in the document were approved by the Director of the FEDERAL REGISTER on June 19, 1967.

Issued in Seattle, Washington, September 22, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.75–25978 Filed 9–29–75;8:45 am]

[Airspace Docket No. 75–WE–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Tucson, Arizona (Davis-Monthan AFB) control zone.

The control zone is described in part by reference to the Davis-Monthan AFB ILS outer marker. The United States Air Force plans to decommission the outer marker on December 4, 1975. This will require an editorial change in the description of the control zone by substituting a distance from the Davis-Monthan TACAN in lieu of the reference to the outer marker.

Since the amendment is editorial in nature, involves no change in airspace boundaries, and imposes no additional burden on any person, notice and public procedure thereon is unnecessary.

In consideration of the foregoing in § 71.171 (40 FR 354) the description of the Tucson, Arizona (Davis-Monthan AFB) control zone is amended in part as follows: Delete all after ". . . extending from the 5-mile radius zone . . ." and substitute ". . . to the Davis-Monthan TACAN 139° radial 6.5 miles southeast of the TACAN."

Effective date. This amendment shall be effective 0901 G.m.t. December 4, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on September 22, 1975.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.75–25974 Filed 9–29–75;8:45 am]

[Airspace Docket No. 75–SW–51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone at Shreveport, La. (Barksdale AFB).

On August 1, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 32346) stating the Federal Aviation Administration proposed to alter the control zone at Shreveport, La. (Barksdale AFB).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Shreveport, La. (Barksdale AFB), control zone is amended to read:

SHREVEPORT, LA. (BARKSDALE AFB)

That airspace within a 5-mile radius of Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.); within 2 miles each side of the Elm Grove VOR 330° radial extending from the 5-mile radius zone to 0.5 of a mile

V 40 190 SEP 30 75 XUM

NW of the VOR; within 2 miles each side of the Barksdale TACAN 148° radial extending from the 5-mile radius zone to 7.5 miles SE of the TACAN; excluding the portion within the Shreveport, La. (Shreveport Regional Airport), control zone and excluding the portion within the Shreveport, La. (Downtown Airport), control zone.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on September 18, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-25980 Filed 9-29-75;8:45 am]

[Airspace Docket No. 75-GL-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 31958 of the FEDERAL REGISTER dated July 30, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and translation area at Mt. Vernon, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., December 4, 1975.

(sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on September 10, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.171 (40 FR 354), the following control zone is amended to read:

MT. VERNON, ILLINOIS

Within a 5 mile radius of Mount Vernon-Outland Airport (latitude 38°19'23" N., longitude 88°51'33" W.); within 4.5 miles each side of the Mount Vernon VOR 044° radial, extending from the 5 mile radius zone to 10.5 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (40 FR 441), the following transition area is amended to read:

MT. VERNON, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 7 mile radius of Mount Vernon-Outland Airport (latitude 38°19'23" N., longitude 88°51'33" W.); within 5 miles each side of the Mount Vernon VOR 044° radial, extending from the 7 miles radius area to 11.5 miles northeast of the VOR.

[FR Doc.75-25978 Filed 9-29-75;8:45 am]

[Airspace Docket No. 75-SW-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the College Station, Tex., transition area.

On August 1, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 32344) stating the Federal Aviation Administration proposed to alter the transition area at College Station, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the College Station, Tex., transition area is amended as follows:

COLLEGE STATION, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Easterwood Field (latitude 30°35'19" N., longitude 96°21'54" W.); within 2 miles each side of the College Station VORTAC 107° radial extending from the 5-mile-radius area to 18 miles east of the VORTAC; within 3.5 miles each side of the College Station northwest localizer course extending from the 5-mile-radius area to 13 miles northwest of the localizer site (latitude 30°35'59" N., longitude 96°21'48.3" W.); within 1.5 miles each side of the southeast localizer course extending from the 5-mile-radius area to 7 miles southeast of the localizer site; within a 5-mile radius of Coulter Field (latitude 30°43'00" N., longitude 96°19'45" W.); within 2 miles each side of the College Station VORTAC 025° radial extending from the 5-mile-radius area of Coulter Field to 15 miles northeast of the College Station VORTAC. (Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on September 16, 1975.

Acting Director, Southwest Region.
A. H. THURBURN,

[FR Doc.75-25982 Filed 9-29-75;8:45 am]

[Airspace Docket No. 75-SW-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Houston, Tex., transition area.

On August 1, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 32344) stating the Federal Aviation Administration proposed to alter the transition area at Houston, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Houston, Tex., transition area is amended to read:

HOUSTON, TEX.

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 30°35'00" N., longitude 95°28'00" W.; thence to latitude 29°45'00" N., longitude 94°44'00" W.; thence to the intersection of the arc of a 5-mile-radius circle centered on Scholes Field, Galveston, Tex. (latitude 29°15'55" N., longitude 94°41'35" W.), and latitude 29°16'00" N. at a point east of Scholes Field; thence clockwise along the arc of the 5-mile-radius circle to latitude 29°16'00" N. at a point west of Scholes Field; thence to latitude 29°30'00" N., longitude 95°54'00" W.; to latitude 30°26'00" N., longitude 95°42'00" W. to point of beginning and including within 3.5 miles each side of the 335°T (327°M) bearing from the Lakeside Airport NDB (latitude 29°50'52" N., longitude 95°41'19" W.) extending from the NDB to 11.5 miles northwest.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on September 15, 1975.

ALBERT H. THURBURN,
Director, Southwest Region.

[FR Doc.75-25984 Filed 9-29-75;8:45 am]

[Airspace Docket No. 75-GL-46]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airways

On September 12, 1975, F.R. Doc. 75-24251 was published in the FEDERAL REGISTER (40 FR 42342) amending Part 71 of the Federal Aviation Regulations effective 0901 G.m.t., December 4, 1975, by realigning V-285 airway north of Goshen, Ind. F.R. Doc. 75-24251 realigns the airway as proposed in the Notice of Proposed Rule Making on July 14, 1975, (40 FR 29554) from Goshen, Ind., to Kalamazoo, Mich. The Goshen, Ind., VOR TAC radial to describe the airway from Goshen was incorrectly specified as the Goshen 037° radial, when it should have been the Goshen 038° radial. Action to make this correction is taken herein. Since this amendment is minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, F.R. Doc. 75-24251 is amended, effective 0901 G.m.t., December 3, 1975, as hereinafter set forth.

In item 2. "037°" is deleted and "038°" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 23, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-25973 Filed 9-29-75;8:45 am]

[Airspace Docket No. 75-GL-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 32839 of the FEDERAL REGISTER dated August 5, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Litchfield, Minnesota.

Interested persons were given thirty days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t. October 23, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on September 10, 1975.

R. O. ZEIGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

LITCHFIELD, MINNESOTA

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Litchfield Municipal Airport (latitude 45°06'18" N., longitude 94°30'56" W.); and within 3½ miles each side of the Darwin VORTAC 139° radial, extending from the 6-miles radius to 11½ miles southeast of the VORTAC.

[FR Doc.75-25977 Filed 9-29-75;8:45 am]

[Airspace Docket No. 75-GL-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 31958 of the FEDERAL REGISTER dated July 30, 1975, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Hallock, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 4, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on September 10, 1975.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

HALLOCK, MINNESOTA

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 5 miles southwest of the Pembina VORTAC 135° radial extending from 6 miles southeast of the VORTAC to 23.5 miles southeast of the VORTAC and that airspace extending upward from 1200 feet above the surface 4.5 miles northeast and 7 miles southwest of the 315° radial and the 135° radial of Pembina VORTAC extending from 6 miles southeast of the VORTAC to 12.5 miles northwest of the VORTAC excluding that airspace north of latitude 49°00'00" N.; within 9.5 miles northeast and 4.5 miles southwest of the Pembina VORTAC 135° radial extending from 17.5 miles southeast of the VORTAC to 36 miles southeast of the VORTAC; and that airspace within a 29.5 mile radius of the Pembina VORTAC extending counterclockwise from the 183° radial to 4.5 miles southwest of and parallel to the 135° radial.

[FR Doc.75-25976 Filed 9-29-75;8:45 am]

[Airspace Docket No. 75-SW-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Mansfield, La.

On August 1, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 32345) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Mansfield, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.M.T., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

MANSFIELD, LA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of DeSoto Parish Airport (latitude 32°04'20" N., longitude 93°45'47" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportion Act (49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on September 18, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-25979 Filed 9-29-75;8:45 am]

[Airspace Docket No. 75-SW-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Springhill, La.

On August 1, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 32345) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Springhill, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

SPRINGHILL, LA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Springhill Municipal Airport, Springhill, La. (latitude 32°58'50" N., longitude 93°24'35" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Fort Worth, Tex., on September 18, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-25981 Filed 9-29-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER XI—SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 1160—PUBLIC INFORMATION

Deletion

In accordance with Administrative Procedure 5 U.S.C. 553, notice and hearing on this amendment and postponement of the effective date thereof are unnecessary because this amendment is the result of an organizational change.

On May 8, 1975 a notice was published in the FEDERAL REGISTER (40 FR 20070) establishing Chapter XI entitled "Social and Economic Statistics Administration" in Title 15 of the Code of Federal Regulations. On August 4, 1975, the Secretary of Commerce, through Department of Commerce Organization Orders 35-1A and 35-2A, abolished the Social and Economic Statistics Administration. Therefore, 15 CFR Chapter XI is deleted from the Code of Federal Regulations.

Dated: September 23, 1975.

JAMES L. PATE,
Assistant Secretary for Economic Affairs.

[FR Doc.75-26084 Filed 9-29-75;8:45 am]

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8878]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

Kaiser Steel Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets; § 13.6 Arrangements, connections, dealings, etc. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–35 Employment of independent agencies.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

In the Matter of Kaiser Steel Corporation, a corporation.

Consent order requiring an Oakland, Calif., steel company, among other things to transfer the business of MSL Tube, acquired from MSL Industries, Inc., to a wholly-owned subsidiary, Kaiser Steel Tubing, Inc., whose records must be audited annually by an independent public accountant.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

For purposes of this Order, the following definitions shall apply:

"ERWMSST," or Electric Resistance Welded Mechanical and Structural Steel Tubing, means tubing formed from flat-rolled steel into solid-wall tubing in an electric resistance welded tube mill and used for mechanical or structural applications. It can be made from hot-rolled, cold-rolled or galvanized sheet steel and may be in a round, square, rectangular or a special shape form. ERWMSST does not include pipe or tubing which is used for the conduction of fluids and/or gases ("pipe" or "pressure tubing").

"Respondent" means Kaiser Steel Corporation and any of its domestic subsidiaries and their respective successors and assigns.

"The Business of MSL Tube" means the tubing business acquired by Respondent from MSL Industries, Inc. and all additions subsequently made thereto, including the physical plant located in Vernon, California and presently owned by Respondent and operated by the Kaiser Steel Tubing Division of Respondent; the nine tube mills presently at such physical plant; and all related inventories, accounts receivable and current liabilities of the Kaiser Steel Tubing Division.

"California ERWMSST Producer(s)" means (1) the manufacturers of ERWMSST listed in Appendix A and (2) any other individual or corporation not affiliated with any of the manufacturers listed in Appendix A which, subsequent to the date of this Order, commences to manufacture and sell ERWMSST within the State of California.

"Secondary Sheet Steel" means sheet steel which does not meet the producer's quality standards for prime sheet steel and which is for this reason sold at prices lower than the producer's prices for prime sheet steel.

"Affiliated person" means a person who is at the time of any action taken pursuant to Paragraph III of this Order an officer, director, employee or agent of Respondent or who owns or controls, directly or indirectly, more than one percent of the outstanding shares of the capital stock of Respondent.

I

It is ordered, That A. Respondent shall, within six months after the date this Order becomes final, transfer, assign and convey The Business of MSL Tube to a wholly-owned subsidiary, hereinafter called Kaiser Steel Tubing, Inc. ("KST"). KST shall maintain, in accordance with good accounting practice, separate and complete corporate records and accounts, which shall be audited annually by an independent public accountant. KST shall preserve such records for a period of at least five years.

B. Respondent shall not sell any type of sheet steel, including Secondary Sheet Steel, to KST at a price (including extra charges and discounts) lower than Respondent's then current list price unless, to Respondent's reasonable belief, other California ERWMSST producers can substantially satisfy their requirements for such type of sheet steel by purchases at such lower price.

C. With regard to all other commercial transactions between Respondent and KST, Respondent shall establish procedures to insure that such transactions are no more favorable to KST than would be the case if they were entered into between Respondent and independent parties on reasonable commercial terms. Respondent shall not enter into any such commercial transaction with KST except on terms which accord with these procedures. Respondent shall report annually to the Commission all such commercial transactions with KST in the preceding year involving more than $25,000. In addition, such transactions shall be reviewed by the independent accountants described in Paragraph I(A) above, and Respondent shall submit to the Commission the reports containing the opinion of said accountants as to whether such transactions complied with the procedures established pursuant to this Paragraph.

II

It is further ordered, That A. Respondent shall in each calendar year make available for sale to each California ERWMSST Producer, at a price not exceeding Respondent's then current published list price (including applicable extra charges and discounts), subject to credit terms appropriate under the circumstances, and on conditions of sale not less favorable than those offered to KST, a quantity of sheet steel for use in the manufacture of ERWMSST equal to the average of such Producer's annual purchases of sheet steel from Respondent for use in the manufacture of ERWMSST for the three years during the period 1969 through 1973, inclusive, in which such company purchased the greatest quantities of sheet steel from Respondent (its "base years"). In making such allocations, Respondent shall use its best efforts to make available to each such ERWMSST Producer, hot-rolled, cold-rolled and galvanized sheet steel in the same ratio as those types of steel were purchased by such Producer from Respondent during its base years. Respondent shall make available for sale to any California ERWMSST Producer (1) whose average annual purchases of sheet steel from Respondent for use in the manufacture of ERWMSST during its "base years" were less than 1,000 tons, or (2) who commenced the manufacture and sale of ERWMSST in the State of California subsequent to the date of this Order, a minimum annual allocation of 1,000 tons of hot-rolled sheet steel for use in the manufacture of ERWMSST.

B. In any calendar year Respondent shall increase the quantities of sheet steel made available to California ERWMSST Producers pursuant to Paragraph II(A) by the same percentage by which its sales of sheet steel to KST for use in the manufacture of ERWMSST in the most recent calendar year exceeded its 1974 sales of sheet steel to KST for that purpose.

C. Respondent shall in each year, to the extent Secondary Sheet Steel is available, include in the quantity of sheet steel made available for sale to each California ERWMSST Producer pursuant to this Paragraph, at such Producer's option, Secondary Sheet Steel for use in the manufacture of ERWMSST in the same proportion that Respondent's sales of Secondary Sheet Steel to KST for use in the manufacture of ERWMSST in the then current calendar year bear to its total sales of sheet steel to KST for that purpose during such calendar year.

D. Respondent shall not be obligated to deliver sheet steel offered for sale to California ERWMSST Producers pursuant to the provisions of this Paragraph during any period when its ability to produce or deliver sheet steel is substantially impaired by reason of labor difficulties, war, civil commotion, act of God, governmental action, failure of equipment, sources of supply or transportation, or other occurrence beyond Respondent's control; and the quantity of sheet steel which Respondent shall be obligated to make available for sale to California ERWMSST Producers in any year in which such an occurrence takes place shall be reduced in proportion to the total reduction in Respondent's production of sheet steel, caused by such occurrence, below its projected production for that year.

III

It is further ordered, That within one year from the date this Order becomes final, Respondent shall, or shall cause KST to, with respect to each of three tube mills and associated equipment (including jib crane; pay-off reel; coil end joining table; looping system; forming mill; welder; tube cooling section; sizing mill; cut-off device; drive system and console table) suitable for the manufacture of ERWMSST in commonly used sizes from approximately ½ inch to approximately 1½ inch diameter, presently included among The Business of MSL Tube, either (1) sell such mill or mills and associated equipment to persons who are not Affiliated Persons; or (2) impound such mill or mills and associated equipment, provided that any mill or mills and associated equipment so impounded shall not again be used by Respondent or KST for the production of ERWMSST within the State of California without prior consent of the Commission.

IV

It is further ordered, That if Respondent or KST elects to sell any tube mill pursuant to alternative one of Paragraph III of this Order, nothing in this Order shall be deemed to prohibit Respondent from retaining, accepting, and enforcing in good faith any security interest therein, not to exceed five years in duration, for the sole purpose of securing to Respondent or KST full payment of the price, with interest, at which such tube mill is sold; *provided, however*, that should Respondent or KST, by exercise of such security interest regain direct or indirect control of any such tube mill, it shall be redivested or impounded in accordance with Paragraph III of this Order, within one year from the date of reacquisition.

V

It is further ordered, That KST shall not sell or offer to sell ERWMSST and steel mill products together at a single price. Nothing in this Paragraph shall prevent KST from offering carload or truckload discounts which are computed on the sale of quantities of both tubing and such other products, based on cost savings attributable to the sale of those products together.

VI

It is further ordered, That Respondent shall, within 60 days from the date this Order becomes final, submit to the Commission a detailed written report of its actions, plans, and progress in complying with the provisions of this Order and in fulfilling its objectives. Every 60 days thereafter, until Respondent has taken one of the alternative actions required by Paragraph III of this Order, Respondent shall submit a subsequent report on its progress in complying with Paragraph III. Respondent shall submit annually, within 90 days after the end of its fiscal year, a detailed written report of its actions in complying with the remaining provisions of this Order.

VII

It is further ordered, That, pending sale or impoundment of the tube mills which are the subject of Paragraph III of this Order, Respondent shall not make any changes in, other than in the ordinary course of business, or permit any deterioration of, any of such tube mills which may impair such mill's capacity for the manufacture of ERWMSST.

VIII

It is further ordered, That, for a period of ten years from the date this Order becomes final, Respondent shall not, without the prior approval of the Federal Trade Commission, acquire, or acquire and hold, directly or indirectly, the whole or any part of the assets, stock, share capital, or other actual or potential equity interest or right of participation in the earnings of any domestic concern, corporate or non-corporate, engaged in the manufacture of ERWMSST in the States of Arizona, California, Idaho, Nevada, Oregon, Utah and Washington.

IX

It is further ordered, That Respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other proposed change in the corporation which may affect compliance obligations arising out of this Order.

X

It is further ordered, That the provisions of this Order shall remain in effect for a period of ten years from the date this Order becomes final.

APPENDIX A

CALIFORNIA ERWMSST PRODUCERS

Bernard Epps & Co., 3165 E. Slauson Avenue, Los Angeles, California 90058.
California Steel and Tube, Inc., 16049 Stephens Street, City of Industry, California 91744.
Cal-Metal Corporation, 1351 West Sepulveda Blvd., Torrance, California.
Harris Tube Division of Automation Industries, Inc., 3720 South San Pedro Street, Los Angeles, California 90003.
Pacific Tube Company, 5710 Smithway Street, Los Angeles, California 90040.
Torrance Tube Division of Cyprus Mines Corporation, 1739 213th Street, Torrance, California.
Western Tube & Conduit Corporation, 2730 East 37th Street, Los Angeles, California 90058.

The Decision and Order was issued by the Commission, Aug. 27, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-26091 Filed 9-29-75;8:45 am]

[Docket 8778]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Litton Industries, Inc.

Codification under Part 13 appears at 38 FR 8150.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18)

In the matter of Litton Industries, Inc.

Order modifying a substitute order dated March 4, 1975, 85 F.T.C. —, 40 FR 18989, by striking the compliance paragraph requiring the filing of reports every sixty (60) days and substituting a new compliance paragraph requiring the filing of compliance reports on an annual basis after finality of the order.

The order modifying order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

Respondent, by letter dated July 25, 1975, which will be treated as a petition to reopen this proceeding, has requested that the requirement that it file compliance reports at 60-day intervals, contained in the order to cease and desist issued March 4, 1975, be modified so as to require only annual reports. The Bureau of Competition has filed an answer wherein it advises that it does not oppose respondent's request.

The Commission has duly considered respondent's request and has determined that it should be granted.

It is ordered That the proceeding be, and it hereby is, reopened.

It is further ordered That the order to cease and desist be, and it hereby is, modified by striking the compliance paragraph and substituting therefor the following:

It is further ordered That respondent shall, within 60 days after the date of service of this order, and on the anniversary of the date of finality of the order, thereafter, until respondent shall have fully complied with the provisions of this order, submit, in writing, to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent intends to comply, is complying, or has complied with this order.

The order modifying order to cease and desist was issued by the Commission September 3, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-26090 Filed 9-29-75;8:45 am]

[Docket C-2684]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

The Standard Oil Co.

Correction

In FR Doc. 75-25165 appearing on page 43487 of the issue for Monday, September 22, 1975, the following correction is made:

Paragraph 2., line three should read: "graphs II and III, or any".

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-26089 Filed 9-29-75;8:45 am]

[1] Copies of the Order Modifying Order To Cease and Desist filed with the original documents.

[1] Copies of the Complaint, Decision and Order filed with the original document.

V 40 190 SEP 3075 XUM

Title 20—Employee's Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 4]

PART 450—RESEARCH GRANTS AND CONTRACTS

Retirement Test Monthly Exempt Amount and Contribution and Benefit Base for Years After 1974

Correction

In FR Doc. 75-24651, appearing at page 42865, in the issue for Wednesday, September 17, 1975, on page 42866, in the first column, the section heading now reading "§ 405.103" should be changed to read "§ 450.103".

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 75N-0033]

COLOR ADDITIVES AND CERTIFICATION

Updating and Corrections

The Commissioner of Food and Drugs is issuing regulations to remove certain internal inconsistencies and certain obsolete provisions from the color additive regulations (21 CFR Parts 8 and 9). This regulation is effective December 1, 1975.

Under the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act, all color additives used in foods, drugs, and cosmetics must first be listed for such use by the Food and Drug Administration (Pub. L. 86-618, Title I, 74 Stat. 397-404 (21 U.S.C. 376)). However, to permit continued use of colors that were already commercially established when the amendments were enacted, pending determinations regarding the listing of such colors, the transitional provisions of the Color Additive Amendments provide for provisional listing of such commercially established colors (Pub. L. 86-618, Title II, 74 Stat. 404-407 (21 U.S.C. 376 note)).

Since 1960, numerous colors have been listed or provisionally listed by the Food and Drug Administration for various uses, and other colors have been removed from use. Also, some colors are now listed for certain uses and provisionally listed for other uses.

In reviewing the color additive regulations, it has come to the Commissioner's attention that, in the course of promulgating and revising numerous color additive regulations over the past 15 years, certain internal inconsistencies have inadvertently resulted and certain obsolete material has inadvertently been retained. The amendments below correct these errors.

The corrections fall into the following categories:

1. *Nomenclature and specifications.* When a color additive is listed for any use, current scientific nomenclature and specifications for the color are employed. This has occasionally led to situations where a new regulation listing a color for certain uses employs more modern nomenclature and specifications for the color than an older provisional listing regulation applicable to other uses of the color. Where such inconsistency exists, the regulations have been amended to incorporate uniformly the modern nomenclature and specifications employed in the more recent regulation. Such changes are made in the provisional regulations for FD&C Blue No. 2, D&C Green No. 5, FD&C Yellow No. 5, FD&C Red No. 3, and FD&C Blue No. 1. Also, the table entry in § 8.501(a) for FD&C Red No. 3 is set out in the amendment below to restore the footnote reference inserted by publication in the FEDERAL REGISTER of July 12, 1969 (34 FR 11542) and omitted inadvertently in the 1973, 1974, and 1975 CFR editions.

2. *Deletions of obsolete regulations.* The provisional listings for FD&C Blue No. 2 and D&C Green No. 8 have been restricted to limit the provisional listings clearly to the uses for which petitions have been filed.

The amendments to the regulations also delete from 21 CFR Part 9 provisional specifications for D&C Green No. 7, D&C Red No. 14, D&C Red No. 29, and D&C Red No. 39, all of which are no longer provisionally listed in 21 CFR 8.501. Section 8.510(d) (21 CFR 8.510 (d)) is likewise amended to eliminate cross-references to obsolete specifications, which are being deleted from the regulations by these amendments.

3. *Miscellaneous.* In addition to corrections noted above, certain other changes are made for internal consistency within the regulations, e.g., the third sentence in the introductory paragraph of § 8.501 (21 CFR 8.501) is revised to show that specifications for a provisionally listed color may appear in Part 8 as well as Part 9; the provisional listings in § 8.501(b) for D&C Red No. 36 and D&C Orange No. 5 are revised to cross-reference § 8.503 (21 CFR 8.503), which specifically applies to these colors and should be cross-referenced for the information of persons reading the provisional listings; and § 8.510 is amended to be consistent with the regulation published in the FEDERAL REGISTER of March 15, 1973 (38 FR 7006) restoring D&C Brown No. 1 and Ext. D&C Violet No. 2 to the provisional lists for coloring use in externally applied cosmetics and to delete the obsolete parenthetical reference to § 9.90 (21 CFR 9.90) in paragraph (h)(1) of the section.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), Pub. L. 75-717, 52 Stat. 1055 (21 U.S.C. 371 (a))) and the transitional provisions of the Color Additive Amendments of 1960 (sec. 201 et seq., Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 8 and 9 of Chapter I of Title 21 of the Code of Federal Regulations are amended as follows:

PART 8—COLOR ADDITIVES

1. Part 8 is amended as follows:

a. In § 8.501, the introductory text and the following entries in the tables in paragraphs (a) and (b) are revised to read as follows:

§ 8.501 Provisional lists of color additives.

The Commissioner of Food and Drugs finds that the following lists of color additives are provisionally listed under section 203(b) of the Color Additive Amendments of 1960 (sec. 203(b), 74 Stat. 405 (21 U.S.C. 376 note)). Except for color additives for which petitions have been filed, progress reports are required by January 1, 1968, and at 6-month intervals thereafter. Specifications for color additives listed in paragraphs (a), (b), and (c) of this section appear in the respective designated sections. The listing of color additives in this section is not to be construed as a listing for surgical suture use unless color additive petitions have been submitted for such use or the Commissioner has been notified of studies underway to establish the safety of the color additive for such use. The color additives listed in paragraphs (a), (b), and (c) may not be used in products which are intended to be used in the area of the eye.

(a) • • •

	Closing date		Restrictions
	Food use	Drug and cosmetic use	
• • •	• • •	• • •	• • •
F.D. & C. Red No. 3 (Sec. 8.242 of this chapter).	Dec. 31, 1975, or until a new closing date is established.[1]	Dec. 31, 1975, or until a new closing date is established.	
• • •	• • •	• • •	• • •
F.D. & C. Blue No. 2 (Sec. 8.4022 of this chapter):	do	do	Food and ingested drugs.
• • •	• • •	• • •	• • •

[1] Lakes only.

(b) • • •

	Closing date	Restrictions
D. & C. Green No. 5 (Sec. 8.4069 of this chapter).	Dec. 31, 1975, or until a new closing date is established.	
• • •	• • •	• • •
D. & C. Green No. 8 (Sec. 9.106 of this chapter)	do	External use only.
• • •	• • •	• • •
D. & C. Red No. 36 (Sec. 9.181 of this chapter).	do	Sec. 8.503.
• • •	• • •	• • •
D. & C. Orange No. 5 (Sec. 9.202 of this chapter).	do	Sec. 8.503.
• • •	• • •	• • •

b. In § 8.510, by deleting from paragraph (d) all parenthetical references for the listed items; by deleting from paragraph (e) the items "D&C Brown No. 1 (§ 9.230 of this chapter)" and "Ext. D&C Violet No. 2 (§ 9.411 of this chapter)"; by deleting from paragraph (h) (1) the obsolete parenthetical reference "(§ 9.90 of this chapter)"; and by adding paragraph (i) to read as follows:

§ 8.510 Cancellation of certificates.

• • • • • •

(i) Certificates issued prior to July 1, 1968, for D&C Brown No. 1 (§ 9.230 of this chapter) and Ext. D&C Violet No. 2 (§ 9.411 of this chapter) and all mixtures containing these colors are cancelled and have no effect. This cancellation does not apply to certificates issued after March 15, 1973, for D&C Brown No. 1 and Ext. D&C Violet No. 2, which are provisionally listed in § 8.501 (b) and (c) respectively for coloring externally applied cosmetics.

PART 9—COLOR ADDITIVES

2. Part 9 is amended as follows:

a. By revising § 9.40 to read as follows:

§ 9.40 FD&C Yellow No. 5.

The color additive FD&C Yellow No. 5 shall conform in identity and specifications to the requirements of § 8.275(a) (1) and (b) of this chapter.

b. By revising § 9.62 to read as follows:

§ 9.62 FD&C Red No. 3.

The color additive FD&C Red No. 3 shall conform in identity and specifications to the requirements of § 8.242(a) (1) and (b) of this chapter.

c. By revising § 9.80 to read as follows:

§ 9.80 FD&C Blue No. 1.

The color additive FD&C Blue No. 1 shall conform in identity and specifications to the requirements of § 8.206(a) (1) and (b) of this chapter.

d. By revising § 9.81 to read as follows:

§ 9.81 FD&C Blue No. 2.

The color additive FD&C Blue No. 2 shall conform in identity and specifications to the requirements of § 8.4022(a) and (b) of this chapter.

e. By revising § 9.103 to read as follows:

§ 9.103 D&C Green No. 5.

The color additive D&C Green No. 5 shall conform in identity and specifications to the requirements of § 8.4069(a) and (b) of this chapter.

§ 9.105 [Revoked]

f. By revoking § 9.105 *D&C Green No. 7.*

§ 9.159 [Revoked]

g. By revoking § 9.159 *D&C Red No. 14.*

§ 9.174 [Revoked]

h. By revoking § 9.174 *D&C Red No. 29.*

§ 9.184 [Revoked]

i. By revoking § 9.184 *D&C Red No. 39.*

Effective date. This order shall become effective December 1, 1975. The Commissioner invites comment from any interested person(s) designating other inconsistencies or obsolete provisions in the color additive regulations which should be corrected. The Commissioner will stay any provision of this order for which comment is received by October 30, 1975, showing that substantive rights have been impaired, e.g., the Commissioner has not intended by this order to delete from the regulations any provisionally listed use of a color supported by a color additive petition, and the Commissioner would reinstate any use deleted by this order for which it could be shown that a supporting petition was in fact on file with the Food and Drug Administration.

(Sec. 701(a), Pub. L. 75-717, 52 Stat. 1055; sec. 201 et seq., Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 371(a), 376 note).)

Dated: September 18, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-25867 Filed 9-29-75;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Refuse Piles and Impounding Structures

Correction

In FR Doc. 75-23862 appearing on page 41775, in the issue for Tuesday, September 9, 1975, the seventh line of the third full paragraph in the third column on page 41775, now reading "been made which are described below", should read "been made which are described below and."

Title 37—Patents, Trademarks, and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

PART 1—RULES OF PRACTICE IN PATENT CASES

Late Payment of Issue Fee

On March 25, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 13221) regarding the proposal by the Patent and Trademark Office to amend Title 37 of the Code of Federal Regulations by amending § 1.316 and by revising § 1.317 dealing with the late payment of issue fees. Interested persons were given until June 4, 1975 to submit written comments and suggestions. Full and careful consideration was given to all written comments received. Upon review of these comments it was recognized that § 1.155 dealing with the issue and term of design patents should also be amended.

The amendment to § 1.155 is to add a new paragraph (b) worded exactly the same as that proposed, and now being promulgated, for paragraph (b) of § 1.316. Since the wording of revised paragraph (b) of § 1.155 is exactly the same as that proposed for paragraph (b) of § 1.316, and the concept involved is exactly the same, further notice and public procedure relative to § 1.155 are found to be unnecessary under 5 U.S.C. 553(a) (3)(B) and (d)(3).

In consideration of the comments received and pursuant to the authority contained in Section 6 of the Act of July 19, 1952 as amended (85 Stat. 364; 35 U.S.C. 6), Part I of Title 37, Code of Federal Regulations is hereby amended as set forth below.

1. Section 1.155 is revised to read as follows:

§ 1.155 Issue and term of design patents.

(a) If, on examination, it shall appear that the applicant is entitled to a design patent under the law, a notice of allowance will be sent to him, his attorney, or his agent, calling for the payment of an issue fee in an appropriate amount dependent on the duration of the term desired by the applicant. If this issue fee is not paid within 3 months of the date of the notice of allowance, the application shall be regarded as abandoned.

(b) The Commissioner may accept the late payment of the fee specified in the notice of allowance later than three months after the mailing of the notice as though no abandonment had ever occurred if upon petition the delay in payment is shown to have been unavoidable. The petition to accept the delayed payment must be accompanied by the issue fee or portion thereof specified in the notice of allowance, unless it has been previously submitted, the fee for delayed payment, and a showing in the form of an oath or declaration as to the causes of the delay.

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2. In section 1.316, paragraph (b) is revised to read as follows:

§ 1.316 Application abandoned for failure to pay issue fee.

. . . . .

(b) The Commissioner may accept the late payment of the fee specified in the notice of allowance later than three months after the mailing of the notice as though no abandonment had ever occurred if upon petition the delay in payment is shown to have been unavoidable. The petition to accept the delayed payment must be accompanied by the issue fee or portion thereof specified in the notice of allowance, unless it has been previously submitted, the fee for delayed payment, and a showing in the form of an oath or declaration as to the causes of the delay.

3. Section 1.317 is revised to read as follows:

§ 1.317 Lapsed patents; delayed payment of balance of issue fee.

(a) Any remaining balance of the issue fee is to be paid within three months from the date of notice thereof and, if not paid, the patent will lapse at the termination of the three month period.

(b) The Commissioner may accept the late payment of the balance of the issue fee after the three month period as though no lapse had ever occurred if upon petition the delay in payment is shown to have been unavoidable. The petition to accept the delayed payment must be accompanied by the remaining balance of the issue fee specified in the notice, unless it has been previously submitted, the fee for delayed payment, and a showing in the form of an oath or declaration as to the causes of the delay.

Effective date. This revision shall become effective November 1, 1975.

LUTHELLE F. PARKER,
Acting Commissioner of Patents and Trademarks.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-25986 Filed 9-29-75;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES, TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Special Health Career Opportunity Grants

In the FEDERAL REGISTER of March 13, 1975 (40 FR 11730), the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposed to amend Part 57 by adding a new Subpart S to implement section 774(b) of the Public Health Service Act. That section authorizes the Secretary to award grants to public or nonprofit private health or educational entities to assist in meeting the costs of special health career opportunity projects, as set forth in the authorizing legislation.

Interested persons were afforded the opportunity to participate in the rulemaking through submission of comments on or before April 14, 1975. The following is a summary of the comments received and the response to such comments:

(1) Section 57.1802(h) (1) of the proposed regulations (§ 57.1802(l) (1) of the final regulations) includes as eligible for support projects to increase the enrollment of specified types of students in "*schools of* medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, veterinary medicine, *public health or other health training*". (Emphasis supplied.) One comment suggested that the regulations define the terms "public health" and "other health training" as so used. Section 724 of the Public Health Service Act defines the term "school of public health" for purposes of this program as a school which provides training leading to a graduate degree in public health. Accordingly, and in response to this comment, a new § 57.1802(f) has been added to the regulation, which includes such definition of "school of public health". In the interest of clarity that section also includes the statutorily mandated definitions of the other listed health professions schools. The final regulations, however, do not contain a definition of "other health training". Since training for supportive personnel is an expanding field in which new types of health personnel are continually being developed, it is felt that a regulatory definition of "other health training" would be too restrictive at the present time.

(2) One comment suggested that because of the shortage of health personnel in many rural areas, the proposed regulations be revised to require that "persons receiving financial assistance" under section 774(b) serve in rural areas or repay such assistance. There is no authority in the statute for imposing a service or repayment obligation upon persons who participate in supported projects, and therefore the suggested addition has not been made.

(3) One comment recommended that the proposed regulations be revised to provide direct financial assistance to individuals for training as health personnel in shortage areas. Grants under section 774(b) may only be made, however, to public or nonprofit private health or educational entities which will undertake the projects there listed, and therefore the suggested revision cannot be made.

(4) One comment recommended that schools of public administration be among the educational resources utilized as health training institutions under § 57.1802(l) (1) of the regulations (§ 57.1802(h) (1) of the proposed regulations). For the reasons stated above (see comment 1), a definition of "other health training" has not been included in the regulations. While schools of public administration, as educational entities, are eligible for grants under this subpart, they must propose projects which are designed to carry out the purposes specified in the authorizing legislation. Grants made pursuant to section 774(b) are not intended for the support of the health training program itself, but are only to assist in meeting the costs of projects designed to identify and increase admission and enrollment of certain individuals in schools providing health training.

(5) One comment questioned the wisdom of evaluating proposed projects on, among other factors, ". . . the potential of the project to continue on a self-sustaining basis", as provided in § 57.1805 (a) (4) of the proposed regulations since the individuals participating in projects supported under section 774(b) may be financially or otherwise disadvantaged. That provision of the regulations, however, is concerned with the potential of the applicant, i.e., the health or educational entity, rather than the potential of individuals, to continue the project after the period of grant support. The proposed provision has been revised in order to clarify this point, and it now appears as § 57.1805(a) (5) of the regulations.

In addition to the changes described above, § 57.1804 of the proposed regulations, "Application", has been revised to provide further information concerning the contents of an approvable application for a special health career opportunity grant. Section 57.1808 of the proposed regulations, "Nondiscrimination", has also been revised to include a provision calling attention to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, relating to nondiscrimination of the handicapped.

Accordingly, a new Subpart S is added to 42 CFR Part 57 and is adopted as set out below.

Effective date: These regulations are effective September 30, 1975.

Dated: August 26, 1975.

R. MOURE,
Assistant Secretary for Health.

Approved: September 25, 1975.

DAVID MATHEWS,
Secretary.

Subpart S—Special Health Career Opportunity Grants

Sec.
57.1801 Applicability.
57.1802 Definitions.
57.1803 Eligibility.
57.1804 Application.
57.1805 Evaluation and grant awards.
57.1806 Grant payments.
57.1807 Expenditure of grant funds.
57.1808 Nondiscrimination.
57.1809 Grantee accountability.
57.1810 Publications and copyright.
57.1811 Applicability of 45 CFR Part 74.
57.1812 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 774(b) 85 Stat. 446 (42 U.S.C. 295f-4(b)).

§ 57.1801 Applicability.

The regulations of this subpart are applicable to the award of special health career opportunity grants to public or nonprofit private health or educational entities under section 774(b) of the Public Health Service Act (42 U.S.C. 295f-4(b)).

§ 57.1802 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Council" means the National Advisory Council on Health Professions Education (established by section 725 of the Act).

(d) "Health or educational entity" means an organization, agency, or combination thereof, which has the provision of health or educational programs as one of its major functions.

(e) "Nonprofit" as applied to any private entity means that no part of the net earnings of such entity inures or may lawfully inure to the benefit of any private shareholder or individual.

(f) "School of medicine", "school of dentistry", "school of otseopathy", "school of pharmacy", "school of optometry", "school of podiatry", "school of public health" mean a school which provides training leading, respectively, to a degree of doctor of medicine, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of osteopathy, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of optometry or an equivalent degree, a degree of doctor of podiatry or an equivalent degree, a degree of doctor of veterinary medicine or an equivalent degree, and a graduate degree in public health, and including advanced training related to such training provided by any such school.

(g) "Project period" means the total time for which support for a project has been approved, as specified in the grant award document.

(h) "Budget period" means the interval of time into which the approved activity is divided for budgetary purposes, as specified in the grant award document.

(i) "Special health career opportunity grant" means a grant under this subpart to assist in meeting the costs of projects to:

(1) establish or operate projects designed to identify, and increase admissions to and enrollment in schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, veterinary medicine, public health, or other health training of, individuals whose background and interests make it reasonable to assume that they will engage in the practice of their health profession in rural or other areas having a severe shortage of personnel in such health professions; or

(2) (i) identify individuals with a potential for education or training in the health professions (including veterans of the Armed Forces of the United States with training or experience in the health field) who due to socioeconomic factors are financially or otherwise disadvantaged, and encourage and assist them (A) to enroll in a school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, public health, or other health training; or (B) if they are not qualified to enroll in such a school, to undertake such postsecondary education or training as may be required to qualify them to enroll in such a school; or

(ii) publicize existing sources of financial aid available to persons enrolled in any such school or who are undertaking training necessary to qualify them to enroll in any such school; or

(iii) establish such programs as the Secretary determines will enhance and facilitate the enrollment, pursuit, and completion of study by individuals referred to in subsection (2) (i) in schools referred to in subsection (2) (i) (A).

(ii) publicize existing sources of financial aid available to persons enrolled in any such school or who are undertaking training necessary to qualify them to enroll in any such school; or

(iii) establish such programs as the Secretary determines will enhance and facilitate the enrollment, pursuit, and completion of study by individuals referred to in subsection (2) (i) in schools referred to in subsection (2) (i) (A).

§ 57.1803 Eligibility.

To be eligible for a grant under section 774(b) of the Act the applicant shall:

(a) Be a public or nonprofit private health or educational entity.

(b) Be located in any one of the several states of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 57.1804 Application.

(a) Each eligible health or educational entity desiring a special health career opportunity grant shall submit an application in such form and at such time as the Secretary may prescribe.[1]

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(c) The application shall contain a full and adequate description of the proposed project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

(d) To be considered for approval under this subpart, an application must, at a minimum, meet each of the following requirements:

(1) Propose a project to carry out one or more of the purposes specified in section 774(b) of the Act.

(2) Set forth specific, measurable objectives for the project that are consistent with the purposes of section 774(b) of the Act.

(3) Describe the content of the proposed project in light of the objectives set forth in paragraph (d) (2) of this section.

(4) Describe a methodology for assessing the proposed project and the degree to which the defined objectives are met.

(5) In the case of projects designed to promote the purpose specified in section 774(b) (1) of the Act, describe a methodology for identifying those individuals whose background and interests make it reasonable to assume that they will engage in the practice of their health profession in rural or other areas having a severe shortage of personnel in such health professions.

(6) In the case of projects designed to promote the purpose specified in section 774(b) (1) of the Act, describe the manner in which the proposed project will increase admissions to and enrollment in schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, veterinary medicine, public health, or other health training of individuals referred to in paragraph (d) (5) of this section.

(7) In the case of projects designed to promote one or more of the purposes specified in section 774(b) (2) of the Act, describe a methodology for identifying those individuals with a potential for education or training in the health professions (including veterans of the Armed Forces of the United States with training or experience in the health field) who due to socioeconomic factors are financially or otherwise disadvantaged.

(8) In the case of projects designed to promote one or more of the purposes specified in section 774(b) (2) of the Act, describe the manner in which the proposed project will encourage and assist individuals referred to in paragraph (d) (7) of this section (i) to enroll in a school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, public health, or other health training; or (ii) if they are not qualified to enroll in such a school, to undertake such postsecondary education or training as may be required to qualify them to enroll in such a school.

(9) Estimate the number of individuals referred to in paragraph (d) (5) or paragraph (d) (7) of this section, as appropriate, to be aided by the proposed project.

(10) Provide evidence satisfactory to the Secretary that the applicant will have available adequate staff, facility and equipment resources for the conduct of the proposed project.

§ 57.1805 Evaluation and grant awards.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose projects will in his judgment best promote the purposes of section 774(b) of the Act, taking into consideration:

(1) The potential effectiveness of the proposed project in carrying out such purposes;

[1] Applications and instructions may be obtained from the Regional Health Administrator of the Regional Office of the Department of Health, Education, and Welfare for the region in which the applicant is located.

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(2) The number and types of individuals who can be expected to benefit from the project;

(3) The administrative and managerial ability of the applicant to carry out the project successfully;

(4) The soundness of the fiscal plan for assuring effective utilization of grant funds; and

(5) The potential of the project, after the period of grant support, to continue to meet the purposes of section 774(b) through other financial resources.

(b) The amount of any award under this subpart will be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of the direct costs of the project plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) All grant awards shall be in writing, and shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee.

(d) Neither the approval of any project nor the award of any grant shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application at such times and in such form as the Secretary may dictate.

§ 57.1806 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of a project, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 57.1807 Expenditure of grant funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with section 774(b) of the Act, the regulations of this subpart, the terms and conditions of the award and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligation during subsequent budget periods of the project period. The amount of a subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget period of the project period, any unobligated grant funds remaining in the grant account must be refunded to the Federal Government.

§ 57.1808 Nondiscrimination.

(a) Attention is called to the requirements of section 799A of the Act and 45 CFR Part 83 which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VII of the Act to, or for the benefit of, any entity unless he receives satisfactory assurances that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.), and in particular to section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(d) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965) as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.1809 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart: *Provided*, That when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total or selected elements of the reimbursable direct costs incurred.

(b) *Accounting for royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant shall be accounted for as follows:

(1) *State and local governments.* Where the grantee is a State or local government as those terms are defined in 45 CFR 74.3, royalties shall be accounted for as provided in 45 CFR 74.44.

(2) *Grantees other than State and local governments.* Where the grantee is not a State or local government as so defined, royalties shall be accounted for as follows:

(i) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(ii) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials, and any royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1–420, Department of Health, Education, and Welfare Grants Administration Manual.[1]

(c) *Grant closeout.*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of (i) any amount not accounted for pursuant to paragraphs (a) and (b) of this section; and (ii) any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successor or assigns by set-off or other action as provided by law.

§ 57.1810 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government as those terms are defined in 45 CFR 74.3, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this subpart.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government, as so defined, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this subpart, subject to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate and dispose of such materials, and to authorize others to do so.

§ 57.1811 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to all other grantee organizations under this subpart:

SUBPART

A General.
B Cash Depositories.
C Bonding and Insurance.
D Retention and Custodial Requirements for Records.
F Grant-Related Income.
K Grant Payment Requirements.
L Budget Revision Procedures.
M Grant Closeout, Suspension, and Termination.
O Property.
Q Cost Principles.

§ 57.1812 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the public health, or the conservation of grant funds.

[FR Doc.75-26108 Filed 9-29-75;8:45 am]

[1] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5540; Arizona 029895]

ARIZONA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The departmental orders of July 2, 1902, September 30, 1904, and March 14, 1929, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 23 W.,
sec. 32, E½NE¼NE¼, SW¼NE¼NE¼, N½SE¼NW¼NE¼, NW¼NW¼NE¼, N½SW¼NW¼NE¼, N½SW¼NE¼, NW¼SE¼NE¼, E½NW¼, SW¼, S½NW¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼, SE¼SE¼.

The areas described aggregate 410 acres in Yuma County.

2. Of the lands described above the following will not be subject to use or disposition under the public land laws as consummation of this revocation will vest title in the State of Arizona by virtue of the Act of June 20, 1910 (36 Stat. 572):

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 23 W.,
Sec. 32, E½NW¼, SW¼, S½NW¼SE¼, N½SW¼SE¼.

The areas described aggregate 280 acres.

The remaining lands have been conveyed out of Federal ownership and are not subject to use or disposition under the public land laws.

Dated: September 23, 1975.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.75-26095 Filed 9-29-75;8:45 am]

[Public Land Order 5541; ES-15449]

FLORIDA

Modification of National Forests Boundaries

By virtue of the authority vested in the President by section 24 of the Act of March 3, 1891, as amended, 16 U.S.C. 471 (1970), and the Act of June 4, 1897, 16 U.S.C. 473, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), the following described national forests boundaries are modified as recommended by the Secretary of Agriculture:

TALLAHASSEE MERIDIAN

APALACHICOLA NATIONAL FOREST

Lands to be added

T. 1 S., R. 3 W.,
sec. 18, that part lying north of Florida Highway 20.
T. 3 S., R. 1 W.,
sec. 19, that part of Forest Service Tract W–92 lying east of Florida Highway 10.
T. 4 S., R. 9 W.,
sec. 12, that part of the W½ lying east of the J. W. Reynolds line.

Lands to be eliminated

T. 1 S., R. 1 W.,
sec. 15, N½;
sec. 16, N½.

OCALA NATIONAL FOREST

Lands to be added

T. 17 S., R. 26 E.,
sec. 28, that part of the NE¼NE¼ lying south of Florida Highway 42;
sec. 35, that part of the W½NW¼NE¼ lying south of Florida Highway 42.
T. 17 S., R. 27 E.,
sec. 28, NE¼SE¼.
T. 17 S., R. 29 E.,
sec. 38, that part described in Official Records Book 416, page 860, Lake County.

Lands to be eliminated

T. 17 S., R. 27 E.,
sec. 19, NW¼NE¼NE¼, W½NE¼NE¼NE¼;
sec. 30, E½E½SE¼NE¼;
sec. 33, N½SE¼, SW¼SE¼, NE¼SW¼, NE¼NE¼, NE¼NW¼.
T. 17 S., R. 29 E.,
sec. 25, lot 9.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1975.

[FR Doc.75-26096 Filed 9-29-75;8:45 am]

[Public Land Order 5542; Oregon 012693]

OREGON

Amendment of Public Land Order No. 5490

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 5490 of February 12, 1975, which appeared in the February 20, 1975, issue of the FEDERAL REGISTER at page 7450, is hereby amended to add to the "exceptions" contained in paragraph 1 of the subject public land order the following: Exchanges under the Wild and Scenic Rivers Act, Public Law 90–542 (82 Stat. 906), and the National Trails System Act, Public Law 90–543 (82 Stat. 919).

SEPTEMBER 23, 1975.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.75-26097 Filed 9-29-75;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 18—RECREATION FEES

Recreation Use Fees for Rental of Hunting Blinds

On August 15, 1975, there was published in the FEDERAL REGISTER (40 FR 34368) a notice of proposed amendment to 43 CFR 18.9, which sets forth a schedule of recreation use fees to be collected by outdoor recreation administering bureaus of the Department of the Interior, to authorize those bureaus to select a fee for the rental of hunting blinds up to $10 per blind per day or a fraction thereof. The public was afforded a 30-day comment period.

No comments were received. Therefore, § 18.9(c) of Title 43 of the Code of Federal Regulations is amended as follows:

§ 18.9 Establishment of recreation use fees.

. . . . . .

(c) Schedule of Recreation Use Fees: . .

Rental of hunting blinds	Up to $10 per blind per day or fraction thereof.

. . . . . .

The Department of the Interior has determined that the beginning of the migratory waterfowl hunting seasons on October 1, 1975, constitutes "good cause" under 5 U.S.C. § 553(d)(3) (1970) to

V 40 190 SEP 3075 XUM

warrant the expeditious adoption of this amendment in order to permit the orderly and efficient administration of hunting activities on those national wildlife refuges where migratory waterfowl hunting is permitted. Accordingly, the effective date of this amendment is September 30, 1975.

DOUGLAS P. WHEELER,
Deputy Assistant Secretary for Fish and Wildlife and Parks.

SEPTEMBER 29, 1975.

[FR Doc.75-26299 Filed 9-29-75;10:19 am]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

PART 1076—ECONOMIC DEVELOPMENT PROGRAMS

Composition and Selection of CDC Boards of Directors

The purpose of this subpart is to provide guidelines for the size, residency and representation requirements, and selection procedures for the governing bodies (boards of directors) of community development corporations (CDCs). These guidelines, except as noted, are fairly flexible, permitting CDCs considerable leeway to structure their boards of directors in accordance with local needs and conditions. This subpart therefore provides an overall operating policy for CDCs to follow in establishing their boards, together with certain minimum requirements which all CDCs must meet.

All CDCs were given an opportunity to review this policy statement and to submit comments, many of which have been incorporated into this final version printed herein. However, CSA welcomes additional comments which should be received at CSA by (30 days after publication). Please address all comments to: Mr. Louis Ramirez, Associate Director, Office of Economic Development, Community Services Administration, 1200–19th Street, NW., Washington, D.C. 20506.

Sec.
1076.10–1 Applicability.
1076.10–2 Policy.
1076.10–3 Composition of CDC Boards.
1076.10–4 Selection of CDC Board Members.
1076.10–5 Compliance Procedures and Waivers.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.).

Effective date. The provisions of this subpart are effective October 30, 1975.

BERT A. GALLEGOS,
Director.

§ 1076.10–1 Applicability.

This subpart applies to all community development corporations (CDCs) financially assisted by CSA under Sections 712 and 747 of the Community Services Act of 1974, subject to the provisions of § 1076.10–5.

§ 1076.10–2 Policy.

(a) It is the clear intent of Title VII that CDCs be self-help organizations controlled by and responsible to low-income residents. It is also the intent of Title VII that CDCs mobilize other community resources and carry out their self-help efforts in partnership with the business and financial community. The governing policy for CDC boards is therefore that they be composed primarily of low-income residents or their representatives, chosen through a direct or indirect election process to assure their legitimacy as spokesman for the target area residents, with additional representation from local businesses and financial institutions to strengthen the board's technical skills and involvement with the larger community.

(b) § 1076.10–3 provides the specific requirements for the composition of CDC boards. § 1076.10–3 outlines the representation requirements for the two basic categories of board members. § 1076.10–4 provides the specific requirements for selecting board members, including a discussion of the two different methods—direct and indirect—for electing representatives of target area residents.

§ 1076.10–3 Composition of CDC Boards.

(a) *Size of Board.* CDCs are free to determine the size of their boards of directors. In doing so, CDCs must strike a balance between various, sometimes conflicting, considerations. On the one hand, they must be of a sufficient size as to provide adequate representation to both the target area residents and the business community (see paragraph (c) below), to permit the formation of working committees without requiring the same individuals to serve on more than one or two, and to insure that even a minimum quorum is still large enough to represent the community and legitimately reach basic policy and program decisions. On the other hand, the board must be small enough to permit business to be conducted in an efficient and expeditious way. It has been the experience of OED that the ideal size for a CDC board is between 15 and 30 members. Generally, anything larger tends to become unwieldly, while anything smaller overtaxes the capacity of individual members and limits the board's representativeness. Where a CDC chooses to have a board larger than 30 or smaller than 15 members, it shall explain its choice to OED.

(b) *Residency Requirements.* (1) Members of CDC boards of directors should be residents of the special impact area, except in those instances where it is necessary to choose non-residents to insure effective representation of the business and financial community. In almost all rural CDCs (with the possible exception of Indian reservations) where the special impact area is a sizable land mass including middle class and affluent residential areas as well as high levels of low-income population, there will seldom be a need to have non-residents on the board even to represent the business sector. In urban CDCs, where the special impact area is usually a low-income neighborhood of a large city, effective spokesmen for the business and financial community may not reside within the special impact area, even if their businesses or financial institutions are located there. In most urban CDCs it will be necessary to reach out to the larger community to find adequate representation of the business sector.

(2) Nevertheless, as provided in paragraph (c) below, representatives of the special impact area residents must always constitute a controlling interest on the CDC board. Accordingly, even in a CDC where every representative of the business and financial community is a non-resident, a clear majority of the board members will be residents of the area served.

(c) *Representation Requirements.* There are two categories of members on CDC boards of directors: representatives of the low-income community to be served and representatives of the business, financial, and general community.

(1) *Low-Income Community.*

(i) In order to comply with the policy requirements that CDCs be responsive to the low-income residents of the special impact area, representatives of the low-income community must have a controlling interest on any CDC board of directors. This means that at a minimum representatives of the low-income community shall hold more than half of the seats on the board of directors. OED experience has indicated that an even larger proportion, generally around two-thirds, is preferable, since a bare majority is often not enough, given the relative inexperience of some community representatives, for representatives of the low-income community to maintain effective control.

(ii) Often, the total size of the board will determine the proportion of community representatives. The smaller the board, the greater the likelihood that community representatives will constitute less than the preferable two-thirds, so that a sufficient number of business sector representatives may be included on the board. On the other hand, on a larger board of, for example, 25 members, there is no reason why community representatives could not constitute at least two-thirds of the board and still allow sufficient seats for effective representation of the business sector.

(iii) Representatives of the low-income community need not themselves be low-income, provided they have been selected in a democratic fashion in accordance with § 1076.10–4. If appropriate selection procedures have been followed, however, it would normally be anticipated that many of the representatives of the low-income community will themselves be low-income. If only a small proportion of the community representatives are themselves low-income the CDC must demonstrate why this is not an indication of inadequate representation of the community to be served.

(2) *Business and Financial Community.*

(i) The purpose of this category of board membership is twofold: to bring to the board individuals with specialized skills and experience which are crucial if the board is to be able to effectively make policy on business and community development programs; and to provide effective bridges between the CDC and other private financial and leadership resources in the larger community. While such representatives must be willing to make a personal commitment to the CDC program and its basic objectives, their selection to the board may not be based primarily on their prior interest and involvement in the problems of the low-income community, but rather on their technical expertise and institutional contacts.

(ii) This category of board members normally includes businesspeople, accountants, officials of banks and other financial institutions, management representatives of local industrial firms, attorneys, and others exhibiting a positive interest in the Special Impact Program and the concept of community controlled economic development. This category might also include individuals who are not technically businesspeople but who hold leadership positions of prominence in the community, including public elected officials or their representatives, and directors or senior officials of public agencies or of related private non-profit agencies (e.g. local housing agencies, community action agencies, employment services, foundations, etc.).

(iii) To the extent the duly selected representatives of the low-income community may possess some of these skills, the effectiveness of the entire board will be improved. However, it is highly unlikely the community representatives will themselves bring to the board the total range and depth of business and leadership expertise needed to carry out an effective CDC program. Representatives of the business and financial community must be selected specifically because of their specialized skills.

§ 1076.10–4 Selection of CDC Board Members.

Because of the different purposes of the two categories of board membership, the selection process for each must necessarily be different.

(a) *Low-Income Community.*

(1) Two methods of selecting representatives of the low-income community are generally used by CDCs and are acceptable to OED: direct election by the members (if the CDC is a non-profit corporation) or stockholders (if the CDC is a for-profit corporation) of the CDC; or indirect election by constituent community organizations within the special impact area which themselves use an acceptable democratic selection process. Often a mix of the two methods is used, with some, or most, community representatives chosen by direct election, and others by indirect election. While both methods are acceptable to OED, the direct election method is preferable. Even where it is demonstrated that the indirect election method is justified, it is preferred that a mix of the two methods be used so that at least some representatives are elected directly.

(2) The selection method used will depend primarily on whether or not the CDC has a broad membership base. Where the CDC has a large membership the direct election method is normally used. Where the CDC does not have a large membership the indirect method is often the only alternative. A broad well-informed, and active membership base is an important ingredient in building an effective and responsive CDC. Such a membership base—provided it is truly representative of the low-income residents and not only of one segment or faction—is concrete evidence of the CDC's legitimacy and support in the community to be served. A broad-based membership also helps to define who the program's beneficiaries are. Moreover, it is a way to insure that the CDC does not become an expression of a small group of self-appointed spokesmen, however well intentioned they might be.

(3) On the other hand, there may be circumstances where it would not be feasible to establish a broad-based membership, particularly in a large and diverse community where it would be hard to determine basic eligibility for membership. In such cases, where there are other well-established organizations which are clearly legitimate and effective spokesmen for the low-income residents, and which themselves have broad-based memberships, it may be preferable to have such organizations in turn select representatives to the CDC board. The burden is on the CDC, however, to demonstrate to OED why a direct membership base is not practical or advantageous and why the indirect election method would more effectively meet the community representation objectives of the Special Impact Program.

(4) Where the direct election method is used, the representatives of the low-income community may be elected by the CDC membership at an annual meeting or at a series of area meetings of members, preceded by some acceptably democratic nomination procedure. The actual procedure should be one that is adapted to the specific CDC. It should be spelled out in the CDC's by-laws. All representatives of the low-income community may be elected at large. However, many CDCs, particularly rural CDCs serving multi-county target areas, prefer to divide their community representative board seats on an area basis (for example, in a six-county program, to apportion two seats to each county), with the members from each area electing their own representatives. In some instances, a combination of these methods is used with some representatives elected on an area basis and some on an at-large basis (or some by indirect election).

(5) Where the indirect election method is used, the CDC must first identify the organizations which will elect representatives to the board, justifying to OED why those organizations are representative of all or portions of the community and why the number of seats allocated to each organization is appropriate. The CDC must then establish procedures to insure that the constituent organizations elect their representatives to the CDC board through democratic means.

(b) *Business and Financial Community.* (1) Normally, the most effective selection procedure is for the community representatives on the CDC board, once themselves elected, to meet and select the remaining members of the board. This provides for a process whereby the representatives of the business sector will not be self-appointed individuals unwelcomed by the community representatives, but properly motivated representatives who come to the board at the invitation of the target area residents to be served.

(2) In choosing representatives of the business and financial community, the other members of the board should seek the advice and counsel of CDC staff, community leaders, and the organizations or institutions to be represented. In doing so, it is essential that no one be unilaterally selected to represent an organization or institution without the blessing of that organization or institution and its willingness to commit the individual's time and services. It is also essential that the community representatives put aside personal preferences and seek to find individuals with the desired skills and institutional contacts, rather than simply choose individuals who share the same backgrounds and experiences of the community representatives themselves.

(3) CDCs should avoid identifying by name in their by-laws the specific community institutions from which they may select representatives for their boards, since often over time community interests may change and different institutions may become preferable sources of board representatives. Where CDC by-laws already specify such institutions by name such by-laws should be periodically reviewed for change to allow for the substitution or addition of other institutions whose participation may be more relevant to the CDC's goals.

§ 1076.10–5 Compliance Procedures and Waivers.

(a) All CDCs funded by OED for the first time in Fiscal Year 1975 or in succeeding fiscal years must be in compliance with this Instruction as of the effective date of their initial OED grant, unless the conditions of their initial grant provide for a planned phase-in period for compliance during the initial grant period. All such CDCs, however, must be in complete compliance within a year of the effective date of their initial OED grant. In no case shall any such CDC be granted a waiver of any provisions of this subpart.

(b) All CDCs funded by OED for the first time in Fiscal Year 1974 or in prior fiscal years must be in compliance with this subpart within one year of the effective date of this subpart, unless granted a waiver of certain provisions of this subpart. Waivers will normally not be granted by OED, and only upon a finding that (1) despite the noncompliance with particular provisions of this subpart the CDC's board composition and selection procedures have been demonstrated in actual practice to have substantially satisfied the intent to Title VII, and (2) the disruption and dislocation that would be caused by changing long-established

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CDC procedures would outweigh the advantages to be gained by such changes. In no event will OED consider requests for waivers submitted (1) after one year from the effective date of this subpart, or (2) from CDCs now in compliance with this subpart who wish to change their board composition and selection procedures in such a way as to not comply with this subpart.

[FR Doc.75-26061 Filed 9-29-75;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-113; Amdt. Nos. 173-91, 177-33]

PART 173—SHIPPERS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

MC 330 and MC 331 Cargo Tanks Stress Corrosion Cracking

The purpose of these revisions to the amendments made under Docket No. HM-113; Amendments 173-91 and 177-33 is to: (1) authorize the reshipment of anhydrous ammonia without requiring a water content analysis; (2) revise the testing requirements for cargo tanks without manholes, and (3) modify certain portions of the regulations for editorial and clarification purposes.

On June 11, 1975, the Hazardous Materials Regulations Board published regulations in Docket No. HM-113; Amendment Nos. 173-91, 177-83, 178-37 (40 FR 24902) intended to prevent or reduce stress corrosion cracking in MC 330 and MC 331 cargo tanks. Since the publication of the amendments, a number of petitions have been received pertaining to the amendments. These revisions are addressed to those petitions and to other changes of the regulations dealing with stress corrosion cracking.

The provisions of § 173.33(e)(10) require that MC 330 and MC 331 cargo tanks, constructed of quenched and tempered steel or constructed of other than quenched and tempered steel but without post-weld heat treatment, must be internally inspected by the wet fluorescent magnetic particle method. Subsequent to the publication of this requirement which appeared in Docket HM-113, it was determined that there are cargo tanks without manholes which would be required to be internally inspected. It was not the intent of the rule making to require cargo tanks without manholes to be modified to include manholes for these tests. Therefore, § 173.33(e)(10) is revised to indicate that the testing requirements do not apply to cargo tanks without manholes.

The purpose of the Note following § 173.33(e)(10) was to assure that persons who had voluntarily inspected a cargo tank by the wet fluorescent magnetic particle method during the development of the rule making docket would not have to retest that tank sooner than the 5-year period prescribed in the final amendment. Because of the time that transpired between the publication of the Notice of Proposed Rule Making and the issuance of the Amendment, the need for the Note no longer exists.

In paragraphs (a)(1) and (a)(2) of § 177.817, there are references to § 173.315(a)(1) Note 14. These paragraphs are being revised to show reference to § 173.427(a)(3). The reason for this change is that the carrier may or may not accept the shipment based on the information supplied on the shipping papers since he cannot determine whether the requirements prescribed under the note have been satisfied.

Also, several petitions for reconsideration have been received seeking a change to § 173.315(a)(1) Note 14, which requires that a shipper analyze anhydrous ammonia for water content prior to each shipment. Petitioners contend that: (1) Once water is added to the ammonia it becomes part of the composition of that ammonia and permanently remains so; (2) repetitive testing during storage or at the time of shipment from storage is unnecessary because the nature of the product has not changed; (3) certification by the manufacturer at the time of shipment to storage should permit the storage point to properly certify that the same ammonia contains 0.2 percent water at the time of reshipment; (4) each test for water content exposes personnel to certain safety hazards, and if the ammonia has been previously tested and certified this retesting causes a totally unnecessary exposure; and (5) many field storage facilities are not properly equipped nor do they have the trained personnel to perform the required test.

The Bureau has concluded that the petitions have merit and agrees that ammonia can be reshipped without additional tests for water content provided certain requirements have been met. These requirements are as follows: (1) The ammonia must have been certified as containing the prescribed amount of water; and (2) the person reshipping the ammonia must not reduce the amount of water in the ammonia by any means. The testing requirements governing the minimum water content of anhydrous ammonia are applicable to shipments from a storage facility at point of manufacture.

The Bureau has also concluded that Note 14 to the table in § 173.315(a)(1) has become unreasonably lengthy. Therefore, a portion of Note 14 dealing with the preparation of anhydrous ammonia for shipment has been transferred to a newly created paragraph (L) in § 173.315. Appropriate editorial changes have been made to the table in paragraph (a)(1).

In accordance with the foregoing, Amendments 173-91 and 177-33 in Docket HM-113 are amended as follows:

1. In § 173.33 paragraph (e)(10), the Note following the paragraph is deleted; a sentence is added at the close of the paragraph to read as follows:

§ 173.33 Cargo tank use authorization.

* * * * * *

(e) * * *

(10) . . . This paragraph does not apply to cargo tanks that do not have manholes.

NOTE: [Deleted]

* * * * * *

2. In § 173.315 paragraph (a)(1), the Table is amended by changing the first entry in column 1 to read, "Anhydrous ammonia (see Note 14 and paragraph (l) of this section)"; Note 14 is revised; paragraph (l) is added to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *

(1) * * *

* * * * * *

NOTE 14: Specifications MC 330 and MC 331 cargo tanks constructed of other than quenched and tempered steel ("NOT") are authorized for all grades of anhydrous ammonia. Specifications MC 330 and MC 331 cargo tanks constructed of quenched and tempered steel ("QT") (see marking requirements of § 177.823(b)(5) of this subchapter) are authorized for anhydrous ammonia having a minimum water content of 0.2 per cent by weight. Any tank being placed in anhydrous ammonia service or a tank which has been in other service or has been opened for inspection, test, or repair, must be cleaned of the previous product and must be purged of air before loading. See §§ 173.427(a)(3) and 177.817(a)(1) of this subchapter for special shipping paper requirements.

* * * * * *

(l) Anhydrous ammonia must not be offered for transportation or transported in specification MC 330 and MC 331 cargo tanks constructed of quenched and tempered ("QT") steel except as provided in this paragraph.

(1) The ammonia must have a minimum water content of 0.2 per cent by weight. Any addition of water must be made using steam condensate, de-ionized, or distilled water.

(2) Except as otherwise provided in this paragraph, each person offering for transportation or transporting anhydrous ammonia shall perform a periodic analysis for prescribed water content in the ammonia. The analysis must be performed—

(i) From a sample of the ammonia in storage taken at least once every 7 days, or each time ammonia is added to the storage tanks, whichever is less frequent; or

(ii) At the time the cargo tanks are loaded, then a sample of the ammonia taken from at least one loaded cargo tank out of each 10 loads, or from one cargo tank every 24 hours, whichever is less frequent; or

(iii) At the same frequency as described in subparagraph (ii) of this paragraph, from a sample taken from the loading line to the cargo tank.

(3) If water is added at the time of loading—

(i) The sample for analysis must be taken from a point in the loading line between the water injection equipment and the cargo tank; and

(ii) Positive provisions must be made to assure water injection equipment is operating.

(4) If water injection equipment becomes inoperative, suitable corrective maintenance must be performed after which a sample from the first loaded cargo tank must be analyzed for prescribed water content.

(5) The analysis method for water content must be as prescribed in CGA Pamphlet G-2.2, titled "Tentative Standard Method for Determining Minimum of 0.2 per cent water in Anhydrous Ammonia," 1975 edition.

(6) Records indicating the results of the analysis taken, as required by this paragraph, must be retained for 2 years and must be open to inspection by representative of the Department.

(7) Each person receiving anhydrous ammonia containing 0.2 per cent water by weight may offer for transportation or transport that ammonia without performing the prescribed analysis for water content provided—

(i) The ammonia received was certified as containing 0.2 per cent water as prescribed in §§ 173.427(a)(3) and 177.817(a)(1) of this subchapter; and

(ii) The amount of water in the ammonia has not been reduced by any means.

§ 177.817 [Amended]

In § 177.817 paragraphs (a)(1) and (a)(2) are amended by changing the reference "173.315(a)(1) Note 14 of this subchapter" to read "§ 173.427 of this subchapter."

Effective: These revisions to the Amendments are effective October 1, 1975. However, compliance with the regulations as amended herein is authorized immediately.

(Transportation of Explosives Act (18 U.S.C. 831-835); section 6 of the Department of Transportation Act (49 U.S.C. 1655))

Issued in Washington, D.C. on September 26, 1975.

HERBERT H. KAISER, Jr.,
Acting Director,
Materials Transportation Bureau.

[FR Doc.75-26245 Filed 9-29-75;8:45 am]

[Docket No. HM-110; Amdt. No. 177-31]

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS, BY PUBLIC HIGHWAY

Handling of Hazardous Materials on Motor Vehicles

Consistent with the reasons set forth in FR Doc. 75-26244 in the proposed rules of this issue of the FEDERAL REGISTER, the effective date of the amendment to 49 CFR 177.854(g), as published on December 2, 1974 (39 FR 41743), and as extended on March 18, 1975 (40 FR 12269), is changed from October 1, 1975, to July 1, 1976.

(18 U.S.C. 831-835; 49 U.S.C. 1655; 49 CFR 1.53.)

Issued in Washington, D.C., on September 26, 1975.

HERBERT H. KAISER, Jr.,
Acting Director,
Materials Transportation Bureau.

[FR Doc.75-26243 Filed 9-29-75;8:45 am]

Title 50—Wildlife

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Arrowwood National Wildlife Refuge, North Dakota

The following regulation is issued and is effective September 30, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and Hungarian partridge on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and Hungarian partridge subject to the following conditions:

(1) Hunting is permitted from sunrise to sunset on November 23, 1975 through December 14, 1975.

(2) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 14, 1975.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 16, 1975.

[FR Doc.75-26098 Filed 9-29-75;8:45 am]

PART 32—HUNTING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulations are issued and are effective September 30, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 14,814 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations, covering the hunting of deer subject to the following conditions.

(1) Hunting is permitted from 12 Noon to sunset November 14, 1975 and from sunrise to sunset November 15, 1975 through November 23, 1975.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 23, 1975.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 16, 1975.

[FR Doc.75-26099 Filed 9-29-75;8:45 am]

PART 32—HUNTING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulations are issued and are effective September 30, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of red fox on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 14,814 acres is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of red fox subject to the following conditions.

(1) Hunting is permitted from sunrise to sunset November 24, 1975, through January 31, 1976.

(2) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State Officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32,

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and are effective through February 15, 1976.

JAMES W. MATTHEWS,
Refuge Manager Arrowwood National Wildlife Refuge Pingree, North Dakota 58476.

SEPTEMBER 16, 1975.

[FR Doc.75-26100 Filed 9-29-75;8:45 am]

PART 32—HUNTING

Long Lake National Wildlife Refuge, North Dakota

The following special regulations are issued and are effective September 30, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 19,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations, covering the hunting of deer subject to the following conditions.

(1) Hunting is permitted from 12 Noon to sunset November 14, 1975 and from sunrise to sunset November 15, 1975 through November 23, 1975.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 23, 1975.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 16 1975.

[FR Doc.75-26101 Filed 9-29-75;8:45 am]

PART 32—HUNTING

Slade National Wildlife Refuge, North Dakota

The following special regulations are issued and are effective September 30, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Slade National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 2,840 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations, covering the hunting of deer subject to the following conditions.

(1) Hunting is permitted from 12 Noon to sunset November 14, 1975 and from sunrise to sunset November 15, 1975 through November 23, 1975.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 23, 1975.

JAMES W. MATTHEWS,
Refuge Manager Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 16, 1975.

[FR Doc.75-26102 Filed 9-29-75;8:45 am]

PART 32—HUNTING

Erie National Wildlife Refuge; Pennsylvania

The following special regulation is issued and is effective during the period October 11, 1975 through February 29, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of hares, rabbits, woodchucks, raccoons, squirrels, grouse, quail, pheasants, skunks, opossums, and foxes is permitted on portions of the Erie National Wildlife Refuge, Pennsylvania. Copies of a map delineating the open hunting areas are available at refuge headquarters, Guys Mills, Pennsylvania, or from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations governing hunting of small game, furbearers, and foxes, subject to the following special condition:

(1) That portion of the refuge situated between Pennsylvania Routes 27 and 173 is closed to hunting with firearms from September 30, 1975 through November 25, 1975.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 29, 1976.

HOWARD N. LARSEN,
Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 22, 1975.

[FR Doc.75-26103 Filed 9-29-75;8:45 am]

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective September 30, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from December 1, 1975 through March 21, 1976.

(2) The use of boats, without motors. is permitted.

The provisions of these special regulations supplement the regulations which govern fishing on Wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 21, 1976.

JAMES W. MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Pingree, North Dakota 58476.

SEPTEMBER 16, 1975.

[FR Doc.75-26104 Filed 9-29-75;8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Correction

In FR Doc. 75-25121 appearing at page 43479 in the FEDERAL REGISTER of Monday, September 22, 1975, the table omitted an entry to delete Ponce, Puerto Rico served from San Juan from the metropolitan area at 5 hours.

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 70]

PART 401—FEDERAL CROP INSURANCE

Sugar Beets—Applicable In All States Except California

On page 22270 of the FEDERAL REGISTER of May 22, 1975 (40 FR 22270), was published a notice of proposed rule making to amend in its entirety § 401.140 of the Federal Crop Insurance Regulations for 1969 and Succeeding Crop Years, as amended (7 CFR 401.101 et seq.). Interested persons were given 30 days after publication of the notice in which to submit written data, views, or arguments with respect to the proposed amendment.

While no response was received from the general public, as a result of some comments received from field representatives of the Federal Crop Insurance Corporation it has been determined to make three changes in the amendment which are outlined below.

The proposed amendment, as issued in the notice, effective beginning with the 1976 Crop Year was adopted with the following additions and revisions:

1. A basis and purpose paragraph is added preceding the amendment.

2. An authority clause is added immediately following the amendment.

Basis and Purpose. The amendment herein is issued pursuant to and in accordance with the Federal Crop Insurance Act, as amended.

In prior years, coverages under the Sugar Beet Crop Insurance Program have been established in terms of percentages of the normal yield (cwt of commercially recoverable sugar) established in accordance with regulations issued by the United States Department of Agriculture pursuant to the Sugar Act of 1948, as amended. For purposes of determining losses, production has also been determined in cwt of commercially recoverable sugar as provided in such regulations. Since the Sugar Act is no longer in effect, it has been necessary to revise the Sugar Beet Crop Insurance Program to provide a new basis for coverages and for determining losses. Basically, that is the purpose of this amendment. The three changes made in the amendment since the publication of the notice above mentioned are of a relatively minor character. One provides for 60 days after the time of loss for filing claims for indemnities. Another would delete the last proviso of section 4(d) relating to appraisals, and otherwise revise the subsection so as to treat appraised production in substantially the same way as harvested production in determining production to count. The third change deletes section 6 relating to the annual premium. It is the intention of the Corporation to make this change in the Standard Policy, for all crops covered thereby, at a later date.

§ 401.140 of the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years, as amended, (7 CFR 401.101 et seq.) is hereby amended in its entirety as follows:

§ 401.140 The sugar beet endorsement applicable in all States except California.

1. *Insured crop.* The crop insured shall be sugar beets grown under a contract with a processor for processing as sugar. Item 1 of the second sentence of subsection 2(c) of the policy shall not be applicable to sugar beets.

Insurance shall not attach or be considered to have attached to any acreage (1) excluded from the processor contract for, or during, the crop year, and (2) unless otherwise provided on the county actuarial table, planted to sugar beets the preceding crop year in Michigan, Minnesota, and Ohio, or the two preceding years in other states.

2. *Production guarantees.* The applicable production guarantees in tons per acre shall be those shown on the county actuarial table (hereinafter called "actuarial table") and are progressive as follows:

(1) *First Stage*—From planting until July 1 or upon determination by the Corporation that the acreage was damaged prior to July 1 to the extent that growers in the area usually would not further care for the crop.

(2) *Second Stage*—From July 1 until 15 percent of the per acre production guarantee for the third stage has been harvested.

(3) *Third Stage*—After 15 percent of the per acre production guarantee for this stage has been harvested.

The stage of production applicable in any case shall not be determined to be the same for an entire insurance unit unless the entire unit meets the requirements for the same stage. When the entire unit does not meet the requirements for the same stage, the stages of production shall be determined for the various portions of the unit.

3. *Insurance period.* Insurance on any insured acreage shall attach at the time the sugar beets are planted and shall cease upon harvesting, but in no event shall insurance remain in effect later than the applicable date set forth below of the calendar year in which the sugar beets are normally harvested.

Michigan, Minnesota, Montana, and North Dakota	Nov. 10
Ohio	Nov. 25
All other States	Nov. 15

4. *Claim for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") must be submitted to the Corporation, on a form prescribed by the Corporation, no later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It is the responsibility of the insured to provide complete information of all production from the unit, to establish that the loss claimed was caused during the insurance period by one or more of the hazards insured against, and to furnish such other information about the loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of sugar beets on the unit by the applicable production guarantee per acre; which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in (3) by the insured interest: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage, the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation, and subject to provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That for unharvested acreage or acreage not qualifying for the third stage production guarantee only the amount of appraised and harvested production in excess of the difference between the third stage production guarantee and the production guarantee applicable to such acreage shall be counted except that for acreage abandoned, put to another use without prior written consent of the Corporation, or damaged solely by an uninsured cause, not less than the applicable production guarantee shall be counted.

(d) Any harvested production of sugar beets shall be adjusted by the factor (rounded to three decimal places) obtained by dividing the average percentage of sugar in the sugar beets, as determined from individual tests made at the time of delivery to the processor, by the percentage of sugar shown on the actuarial table: *Provided, however*, That if individual tests of sugar content are not made by the processor at the time of delivery of the sugar beets, the factor to be used shall be 1.000: *Provided, further*, That at the time of normal harvest, for sugar beets which are not acceptable under the contract with a processor due to an insurable cause of loss occurring within the insurance period, the Corporation will determine the production to count by dividing the value of the beets, as determined by the Corporation, by the value of undamaged beets containing the percentage of sugar shown on the actuarial table and multiplying the result obtained by the tons of beets.

5. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date is the December 31 and the termination date for indebtedness the April 15 immediately preceding the beginning of the crop year.

6. *Meaning of terms.* (a) "Harvest" means the lifting and topping of the sugar beets for the purpose of delivery to a processor.

(Secs. 506, 516, 51 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on September 18, 1975.

[SEAL] PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved on September 25, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-26124 Filed 9-29-75;8:45 am]

PART 403—PEACH CROP INSURANCE

Regulations for the 1976 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Peach Crop Insurance Regulations for the 1965 and Succeeding Crop Years, as amended, which shall remain in full force and effect for the 1975 crop year, are hereby amended for the 1976 and Succeeding Crop Years to read as set forth below. The provisions of this subpart shall apply, until amended or superseded to all continuous peach crop insurance contracts as they relate to the 1976 and succeeding crop years.

Secs.
403.40 Availability of Peach Crop Insurance.
403.41 Premium rates and amounts of insurance.

V40I190 SEP3075 XUM

Sec.
403.42 Application for insurance.
403.43 Public notice of indemnities paid.
403.44 Creditors.
403.45 The application and the policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended, 7 U.S.C. 1506, 1516.

§ 403.40 Availability of peach crop insurance.

Peach crop insurance shall be offered for the 1976 and succeeding crop years under the provisions of § 403.40 through § 403.45 in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for peach crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 403.41 Premium rates and amounts of insurance.

The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

§ 403.42 Application for insurance.

Application for insurance may be submitted as provided in § 403.45 at the office for the county of the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive prior to the closing date for the filing of applications. Such closing date shall be January 10 of the first crop year for which insurance is to be in effect.

§ 403.43 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 403.44 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 403.45.

§ 403.45 The application and the policy.

The provisions of the Application and Policy for Peach Crop Insurance for the 1976 and Succeeding Crop Years are as follows:

APPLICATION AND POLICY
Form FCI–812–Peach
76–8

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

APPLICATION AND POLICY FOR PEACH CROP INSURANCE

(For 19-- and Succeeding Crop Years)

(Name of Insured)

(Address of Insured) (Zip Code)

(Contract Number)

(County (State)

(Identification Number)

1. The undersigned applicant (herein called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest in peach crops (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The insured applies for the amount of insurance shown below which shall be an amount shown on the county actuarial table on file in the Corporation's office for the county. The amounts of insurance available each crop year and prescribed premium rates each crop year are shown on the county actuarial table from year to year. In counties where alternative amounts of insurance per acre are made available for election by the insured, the insured may change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per acre by notifying the office for the county in writing before the date insurance attaches for the crop year for which the change is to become effective. Unless the contract of insurance is cancelled or terminated pursuant to the terms hereof, the amount of insurance per acre in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose not to exceed the maximum dollar amount per acre shown on the county actuarial table for such crop year, except that when alternative amounts of insurance are not offered, the amount of insurance per acre for a crop year shall be the amount prescribed by the Corporation.

(Dollar Amount of Insurance Elected)	(A)	(P)
0---------- Per Acre ----------		

This application when executed by an individual shall not cover his interest in a crop produced by a partnership or other entity.

The applicant is a ----------
(Type of Entity)

All natural persons in whose behalf this application is made are over 18 years of age ----------
(Yes or No)

2. *Causes of loss insured against.* The insurance provided is against unavoidable loss resulting from frost, freeze, hurricane, tornado, hail, a number of hours of chilling temperatures insufficient to effectively break the dormant period, or windstorm when accompanied by hail provided that the percent of loss due to hail on any acreage is five percent or more of the peaches on the trees on the date when such damage occurs, subject however, to any exceptions, exclusions, limitations, or additions with respect to such causes of loss as are set forth on the county actuarial table. The Corporation shall not pay any loss hereunder as a result of split pits and misshapen fruit regardless of the cauce thereof.

3. *Insured crop.* Only peaches grown on insurable acreage in any crop year as shown on the county actuarial table (a) in which the insured had an interest on the date insurance attaches, (b) which are grown on acreage on which the trees have reached the fourth growing season, and (c) which are grown on acreage having a minimum expected production on the date insurance attaches of 100 bushels per acre are insured.

4. *Responsibility of insured to report acreage and interest.* The insured at the time of filing this application shall also file on a form prescribed by the Corporation a report of all the acreage of the insured crop in the county in which he has an interest and shown his interest therein. Such report shall include a designation of all the acreage of peaches which is uninsurable under the provisions of the preceding section. This report shall be revised for any crop year before insurance attaches if the acreage and interest therein has changed and the latest reports filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the insured acreage and the insured's interest therein. The acreage and interest insured shall be the acreage and interest reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, and amendments thereto, if any, and the county actuarial tables for each crop year on file in the Corporation's office for the county shall constitute the contract for peach insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year insurance attaches on January 11, and as to any insured acreage ceases upon harvest, or September 15, whichever occurs first.

7. *Annual premium.* (a) The annual premium for each unit shall be earned and payable on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance for the insured acreage by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches.

(b) The insured's annual premium shall be adjusted in accordance with the county actuarial table. Adjustments for insurance experience as shown on the county actuarial table shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

(Code No.) (Witness to Signature)

---------- ----------, 19---
(Signature of Applicant) (Date)

9. Recommended for acceptance by:

---------- ----------, 19---
(Corp. Representative) (Date)

10.

ADDRESS OF OFFICE FOR COUNTY	LOCATION OF HEADQUARTERS
PHONE:	PHONE:

11. *Life of contract.* This contract is noncancelable the first crop year and shall continue in effect for each succeeding crop year until either the insured, or the Corporation, cancels the contract by giving written notice to the other by November 30 immediately preceding the crop year for which the cancellation is to become effective. The contract shall, however, terminate for nonpayment of premium if such premium is not paid by January 10 following the crop year in which the premium was earned. Insurance shall terminate if no premium is earned under this application and policy for three consecutive crop years.

12. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any insurance unit (hereinafter called "unit") hereunder that the insured report each damage to the insured crop from a cause of loss insured against to the office for the county immediately after such damage giving the date, cause, and estimated extent of such damage. If not so reported within seven days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section.

(b) Notice of the time of intended harvesting shall be given to the office for the county at least seven days before the beginning of harvest if a loss is to be claimed, and a final adjustment has not been made by that time. *Provided, however,* That if damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately.

13. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after harvesting of the insured crop is completed on the unit but not later than 60 days after the calendar date for the end of the insurance period shown in section 6. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) Losses shall be determined separately for each unit and for the period in which the loss occurred, as hereinafter provided, except that any damage occurring in the second period which the Corporation cannot accurately separate from damage occurring in the first period shall be treated as having occurred in the first period. The amount of loss with respect to any unit for either period shall be determined by (1) multiplying the insured acreage of peaches on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the applicable percent of loss determined in accordance with subsection (c) of this section, and (3) multiplying the result by the insured interest.

(c) Reported damages from insured causes shall be indemnified on the basis of appraisals of production made by the Corporation and the percent of damage from insured causes occurring within either period shall be determined by relating the production lost due to insured causes to the production which the Corporation determines would have been produced had no damage from insured or uninsured causes occurred (herein called the "expected production").

The Corporation reserves the right to delay final appraisal of the extent of any damage, occurring in either period, and the settlement of any claim until the extent of damage can reasonably be determined.

Determination of the expected production for each period for any acreage shall be made by the Corporation on the applicable of such information as past production, cultural practices, age, size, condition and general capabilities of the trees, peaches on the trees, peaches harvested, and by comparing production with similar trees on which no damage has occurred. In addition, in determining the expected production for the second period any peaches harvested or lost due to ufinsured causes in the first period shall also be taken into account.

All insured damage occurring within a period will be related to the expected production established for that period by the Corporation except that the minimum expected production used to determine the percent of damage for either period will never be less than 100 bushels per acre for the unit.

Any damage due to insured causes and any appraisals made by the Corporation shall be disregarded and no indemnity shall be payable whenever a normal crop of peaches, as determined by the Corporation, on the basis of age, size, condition, productive capabilities, and the cultural practices followed, remain on the trees.

The maximum amount payable under this contract shall be 80 percent of the amount of insurance for a unit. Subject to this limitation, the percent of loss payable for each period and the periods involved are as follows:

First Period: This period shall be from the date insurance attaches through the later of March 31, or the date of the last frost or freeze damage occurring on the unit, as determined by the Corporation. The percent of loss payable as a result of damage occurring during this period shall be that in excess of 50 percent as determined in accordance with the provisions hereof. Any loss due to a number of hours of chilling temperatures insufficient to effectively break the dormant period shall be deemed to have occurred in this period.

Second Period: This period shall commence on April 1, or the day following the date of the last frost or freeze damage occurring on the unit thereafter, as determined by the Corporation, and shall continue to the end of the insurance period. The percent of loss payable as a result of damage occurring during this period shall be that in excess of 20 percent as determined in accordance with the provisions hereof: *Provided, however,* That for the unit this deductible shall be reduced by 1 percentage point for each 1 percent of damage in excess of 40 percent determined by the Corporation to have occurred in the first period.

(d) It shall be a condition precedent to payment of any claim that the insured furnish records of production harvested and any information required by the Corporation regarding the manner and extent of damage or loss.

14. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

15. *Contract changes.* After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Notice thereof shall be mailed to the insured or made available at the office for the county by the November 15 immediately preceding the beginning of the crop year for which such amendment is to become effective. Acceptance of the changes will be conclusive in the absence of notice from the insured to cancel the contract as provided in paragraph 11, above.

16. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

17. *Insured interest.* For the purpose of determining the amount of indemnity the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

18. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for any earned premium(s) if at any time the insured has concealed or misrepresented any material fact or committed any fraudulent act against the Corporation and such voidance shall be effective as of the beginning of the crop year which relates to the insured crop with respect to which any such act or omission occurred.

19. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

20. *Cause of loss not insured against.* The contract shall not cover any loss due to neglect or malfeasance of the insured, any member of his household, his tenants, or employees, or failure to follow recognized good peach farming practices, or to any cause other than a cause insured against.

21. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of death or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person or persons the Corporation determines to be beneficially entitled thereto.

22. *Meaning of terms.* For purposes of insurance on peaches the terms:

(a) "County actuarial table" means the forms and related material approved by the Corporation which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information with respect to peach crop insurance for the crop year in the county.

(b) "Office for the county" means the Corporation's office for the county shown in this

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application and policy or such office as may be designated by the Corporation from time to time.

(c) "County" means the area shown on the county actuarial table which may include units located in a local producing area bordering on the county.

(d) "Crop year" means the calendar year in which insurance attaches.

(e) "Production harvested" means marketable peaches picked from the trees or from the ground.

(f) "Insurance unit" means all insurable acreage of peaches in the county in which (1) the insured has 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, or (2) the same two or more persons have 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, excluding any other acreage of peaches in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. The Corporation may by agreement in writing with the insured before insurance attaches in any crop year combine units for the purpose of providing premium benefits resulting from the acreage of the varieties of peaches on the unit.

NOTE.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

It is desirable that these changes become effective with the 1976 crop year. Notices of changes must be given peach insureds by November 15, 1975. Inasmuch as there is considerable administrative detail involved in notification to each current policyholder, and, upon approval, additional and lengthy underwriting work is to be performed on a new actuarial structure prior to such notification to all peach policyholders, all of which must be accomplished prior to November 15, 1975, the date upon which such changes must be on file in the office for the county of the Corporation, it would therefore be impossible to follow both the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective with the 1976 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 F.R. 13804), prior to its adoption. Accordingly, said regulations were adopted by the Board of Directors on September 18, 1975.

[SEAL] PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved on September 25, 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-26067 Filed 9-29-75;8:45 am]

Title 10—Energy

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 125—PERMITS FOR ACCESS TO RESTRICTED DATA

Restricted Data on Lithium Isotope Separation

Correction

In FR Doc. 75-25209 appearing on page 43481 of the issue for Monday, September 22, 1975, the added subcategory now designated "(d)" should be designated "(e)".

PART 810—UNCLASSIFIED ACTIVITIES IN FOREIGN ATOMIC ENERGY PROGRAMS

A new Part 810 is added to 10 CFR to read as follows:

Sec.
810.1 Purpose.
810.2 Scope.
810.3 Definitions.
810.4 Communications.
810.5 Interpretations.
810.6 Authorization requirement.
810.7 Generally authorized activities.
810.8 Grant and revocation of specific authorization.
810.9 Contents of application.
810.10 Reports.
810.11 Additional information.
810.12 Violations.
810.13 Effective date.

AUTHORITY: Secs. 57, 161, 68 Stat. 932, 948, as amended; 42 U.S.C. 2077, 2201; sec. 104, Pub. L. 93-438 (October 11, 1974), sec. 223, 68 Stat. 958, as amended; 42 U.S.C. 2273, §§ 810.10 and 810.11 issued under sec. 161o., 68 Stat. 950, as amended; 42 U.S.C. 2201(o).

§ 810.1 Purpose.

The regulations in this part incorporate a general authorization made by the Administrator under section 57.b.(2) of the Atomic Energy Act of 1954, as amended (78 Stat. 605); establish reporting requirements applicable to persons who engage in certain unclassified activities in foreign atomic energy programs; and establish procedures governing applications for specific authorizations to engage directly or indirectly in the production of special nuclear material outside the United States.

§ 810.2 Scope.

The regulations in this part apply to all persons within or under the jurisdiction of the United States.

§ 810.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto.

(b) "Agreement for cooperation" means an agreement for cooperation with any nation or regional defense organization pursuant to section 123 of the Act.

(c) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separate and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, or weapon prototype or a weapon test device.

(d) "Administration" means the United States Energy Research and Development Administration.

(e) "Administrator" means the Administrator of the United States Energy Research and Development Administration.

(f) "Defense information" means any information in any category determined by any Government agency authorized to classify information, as being information respecting relating to, or affecting the national defense.

(g) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(h) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Administration, any State or any political subdivision of, or any political entity within a State; and (2) any legal successor, representative, agent or agency of the foregoing.

(i) "Research and development" means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative facilities and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of motors, devices, equipment, materials, and processes.

(j) "Restricted Data" means all data concerning (1) design, manufacturing or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include any data declassified or removed from the Restricted Data category pursuant to section 142 of the Act.

(k) "Source material" means source material as defined in the regulations contained in 10 CFR, Part 40.

(l) "Special nuclear material" means special nuclear material as defined in the regulations contained in 10 CFR, Part 70.

(m) "United States", when used in a geographical sense, includes all territories and possessions of the United States, the Canal Zone and Puerto Rico.

§ 810.4 Communications.

All communications concerning the regulations in this part should be addressed to the Administrator, Energy Research and Development Administration, Washington, D.C. 20545, Attention: Division of International Security Affairs. Communications and reports may be delivered in person at the Administration's main offices in Washington, D.C. or Germantown, Maryland.

§ 810.5 Interpretations.

Except as specifically authorized by the Administrator in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Administration other than a written interpretation by the General Counsel will be recognized to be binding upon the Administration.

§ 810.6 Authorization requirement.

Section 57b.(2) of the Act, as implemented by the Energy Reorganization Act of 1974, provides that it shall be unlawful for any person to engage directly or indirectly in the production of any special nuclear material outside of the United States except (a) under an agreement for cooperation made pursuant to section 123 of the Act, or (b) upon authorization by the Administrator after a determination that such activity will not be inimical to the interest of the United States.

§ 810.7 Generally authorized activities.

(a) Pursuant to section 57b.(2) of the Act, the Administrator has determined that any activity which constitutes directly or indirectly engaging in the production of any special nuclear material outside of the United States will not be inimical to the interest of the United States and is authorized by the Administrator, provided that it:

(1) Does not constitute directly or indirectly engaging in any such activity in any of the following countries or areas:

Albania;
Bulgaria;
China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning province);
Viet-Nam;
Cuba;
Czechoslovakia;
East Germany (Soviet zone of Germany and the Soviet Sector of Berlin);
Estonia;
Hungary;
Latvia;
Lithuania;
North Korea;
Outer Mongolia;
Poland;
Rumania;
Union of Soviet Socialist Republics; and

(2) Does not constitute directly or indirectly engaging in any of the following activities outside of the United States:

(i) Designing or assisting in the design of facilities for the chemical processing of irradiated special nuclear material, facilities for the production of heavy water, facilities for the separation of isotopes of uranium, or equipment or components especially designed for any of the foregoing; or

(ii) Constructing, fabricating, or operating such facilities; or

(iii) Constructing, fabricating, or furnishing equipment or components especially designed for use in such facilities; or

(iv) Training foreign personnel in the design, construction, fabrication, or operation of such facilities or equipment or components especially designed therefore; or

(v) Furnishing information not available to the public in published form [1] for use in the design, construction, fabrication or operation of such facilities or equipment or components especially designed therefore; and

(3) Does not involve the communication of Restricted Data or other classified defense information; and

(4) Is not in violation of other provisions of law.

(b) Pursuant to section 57.b.(2) of the Act, the Administrator has determined that any activity not generally authorized pursuant to paragraph (a) of this section, which constitutes directly or indirectly engaging in the production of any special nuclear material outside of the United States, will not be inimical to the interest of the United States, and is authorized by the Administrator, provided that it:

(1) Does not involve the communication of Restricted Data or other classified defense information; and

(2) Is not in violation of other provisions of law; and either.

(3) Is limited to participation in (i) meetings of or conferences sponsored by educational institutions, laboratories, scientific or technical organizations; (ii) international conferences held under the auspices of a nation or group of nations; or (iii) exchange programs approved by the Department of State; or

(4) Is limited to the furnishing of information which is available to the public in published form [1] or which will be made available to the public in published form within 60 days after the furnishing thereof.

§ 810.8 Grant and revocation of specific authorization.

(a) Any person who proposes to engage directly or indirectly in the production of special nuclear material outside of the United States may apply, unless such proposed activity is authorized pursuant to an agreement for cooperation or is authorized by § 810.7, for a specific authorization to the Energy Research and Development Administration, Washington, D.C. 20545, attention: Division of International Security Affairs.

(b) The Administrator will approve an application for a specific authorization to engage directly or indirectly in the production of special nuclear material outside of the United States by conducting any of the activities enumerated in § 810.7(a) if, after taking into account following factors, he determines that such activity will not be inimical to the interest of the United States:

(1) Whether the United States has an agreement for cooperation with the country in which the proposed activity will be conducted;

(2) Whether the country in which the proposed activity will be conducted is a party to the treaty on the Nonproliferation of Nuclear Weapons (NPT) and, pursuant thereto, has entered into an agreement with the International Atomic Energy Agency (IAEA) for the application of safeguards to its peaceful nuclear activities;

(3) Whether the country in which the proposed activity will be conducted, if not a party to the NPT, will accept IAEA safeguards with respect to the project;

(4) The relative significance of the proposed activity and availability of comparable assistance from other sources; and

(5) Any other fact which may bear upon the political, economic, or security interests of the United States.

(c) An authorization pursuant to this § 810.8 may be revoked, suspended, or modified, in whole or in part:

(1) For any material false statement in the application for an authorization or in any additional information submitted pursuant to § 810.11, or

(2) If the Administrator finds that the conduct of any or all of the authorized activities would be inimical to the interest of the United States.

§ 810.9 Contents of application.

(a) Each application shall contain the following information:

(1) The full name, address and citizenship of the applicant. If the applicant is a corporation or other entity, it shall indicate the State where it was incorporated or organized, the location of the principal office, and shall furnish information known to the applicant concerning the control or ownership, if any, exercised over the applicant by any alien, foreign corporation or foreign Government. Each application shall contain complete and accurate disclosure with respect to the real party or parties in interest.

(2) A complete statement of the activity for which Administration authorization is requested, including designation of the country or countries involved and a detailed description of the specific project to which such activity relates.

(b) If the application contains restricted data or other defense information, it shall be prepared in such manner that all restricted data and other defense information are separated from the unclassified information.

(c) Information contained in applications, statements or reports otherwise filed by the applicant with the Administration may be incorporated by reference, provided that each such reference is clear and specific.

§ 810.10 Reports.

(a) Except as provided in paragraph (c) of this section, each person who engages in an activity specified in paragraph (b) of this section shall within 30 days from the commencement of such activity submit a report to the Energy Research and Development Administration, Washington, D.C. 20545, Attention: Division of International Security Affairs. Each such report shall contain the following information:

[1] For purposes of this section, "information which is available to the public in published form" shall include, but not be limited to any information contained in an application filed in accordance with the regulations of the U.S. Patent Office and eligible for foreign filing under 35 U.S.C. 184. In addition, information which is available from the Administration pursuant to 5 U.S.C. 552 shall, for purposes of this section, be deemed to be information available to the public in published form.

[1] Ibid.

V 40 190 SEP 3075 XUM

(1) The name, address and citizenship of the person submitting the report;

(2) The name, address and citizenship of the person or persons for whom such activities are performed;

(3) A description of the activity, including its location.

(b) Activities to be reported:

(1) The design, construction, or operation, outside the United States, of:

(i) A nuclear reactor; or

(ii) A facility for the separation of isotopes of plutonium; or

(iii) A facility for the chemical, physical or metallurgical processing or fabrication or alloying of special nuclear material; or

(iv) A facility for the production of zirconium (hafnium-free or low-hafnium), reactor-grade graphite, or beryllium; or

(2) The design or fabrication outside the United States, of any component part especially designed or fabricated for a nuclear reactor or other facility specified in subparagraph (1) of this paragraph; or

(3) The furnishing of designs, drawings, or other technical data for use outside the United States in the construction or operation of a facility specified in subparagraph (1) of this paragraph or in the fabrication of a component part specified in subparagraph (2) of this paragraph; or

(4) The separation, outside of the United States, of isotopes of uranium or plutonium, or

(5) The production, outside of the United States, of heavy water, zirconium (hafnium-free or low-hafnium), reactor-grade graphite, or beryllium; or

(6) The chemical, physical or metallurgical processing or fabricating or alloying, outside the United States, of special nuclear material.

(c) The reporting requirements of this section shall not apply to:

(1) Any activity consisting only of (i) the communication of information generally available to the public in published form; or (ii) financial assistance; or (iii) the transmittal of information relating only to conceptual design or performance characteristics of nuclear reactors or facilities; or (iv) the comparative evaluation of types of reactors or facilities; or (v) any combination of the foregoing.

(2) Any person to the extent that such person engages in activity authorized by § 810.7 as the employee of a person required to submit a report pursuant to paragraph (a) of this section.

(3) Any activity specifically authorized by the Administrator.

§ 810.11 Additional information.

The Administration may at any time require any person who engages in activity specified in § 810.10 to submit additional information with respect to such activity.

§ 810.12 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who wilfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

§ 810.13 Effective date.

The regulations in this part are effective September 30, 1975.

NOTE.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated at Washington, D.C., this 23rd day of September, 1975.

For the Energy Research and Development Administration.

EDWARD B. GILLS,
Acting Assistant Administrator for National Security.

[FR Doc.75-26044 Filed 9-29-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Regs. G, T, U and X]

PART 207—SECURITIES CREDIT MY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

PART 220—CREDIT BY BROKERS AND DEALERS

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

PART 224—RULES GOVERNING BORROWERS WHO OBTAIN SECURITIES CREDIT

OTC Margin Stock List

Pursuant to the authority of section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) and in accordance with § 207.2(f)(2) of Regulation G, "Securities Credit by Persons other than Banks, Brokers or Dealers," § 220.2(e)(2) of Regulation T, "Credit by Brokers and Dealers," and § 221.3(d)(2) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks," and in accordance with the criteria specified in § 207.5 of Regulation G, § 220.8(h) and (i) of Regulation T, and § 221.4(d) and (e) of Regulation U, there is set forth below the list of stocks traded over-the-counter, current as of September 29, 1975, that the Board of Governors has found meet the criteria specified above and thus have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant subjecting such stocks to the requirements of Regulations G, T, U and X, 12 C.F.R. 224, which makes Regulations G, T and U applicable to borrowers of securities credit.

It is unlawful for any person to cause any representation to be made that inclusion of a security on this List indicates that the Board or the Securities and Exchange Commission has in any way approved such security or transaction therein. Also, any reference to the Board in connection with this List or any securities thereon in an advertisement or similar communication is unlawful.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this List because following such requirements is unnecessary due to the objective character of the criteria for inclusion on the List, specified in 12 C.F.R. 207.5 (d) and (e), 220.8 (h) and (i), and 221.4 (d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with issuance of this List because to do so would allow some persons to reap unfair profits and would not aid other persons affected thereby.

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Office of Saver and Consumer Affairs pursuant to delegated authority (12 C.F.R. 265.2(h)(1)), effective September 29, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

V 40 190 SEP 30 75 XUM

LIST OF OTC MARGIN STOCKS

as of September 29, 1975

This List of OTC Margin Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to margin requirements as of September 29, 1975, pursuant to Sections 207.2(f) of Federal Reserve Regulation G, "Securities Credit by Persons other than Banks, Brokers or Dealers," 220.2(e) of Regulation T, "Credit by Brokers and Dealers," and 221.3(d) of Regulation U, "Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks."

The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. Stocks will be added to the List, or deleted, in the interim between publications as deemed appropriate by the Board. This List supersedes the previous List of OTC Margin Stocks published as of July 29, 1974, including changes thereto.

CAUTION: It is unlawful for any person to cause any representation to be made that inclusion of a security on this List indicates that the Board or the Securities and Exchange Commission has in any way approved such security or transactions therein. Also, any references to the Board in connection with this List or any securities thereon in an advertisement or similar communication is unlawful.

Any inquiry relating to this List or to Regulations G, T, U or X should be addressed to the nearest Federal Reserve Bank.

(Prepared for Purposes of Regulations G, T, U and X)

BOARD OF GOVERNORS
OF THE FEDERAL RESERVE SYSTEM
WASHINGTON

ASG INDUSTRIES, INC.
$1.00 par common

AVM CORPORATION
$1.00 par common

ACADEMY INSURANCE GROUP
$.10 par common

ACMAT CORPORATION
No par common

ACUSHNET COMPANY
$1.00 par common

ADDISON-WESLEY PUBLISHING COMPANY, INC.
Class B, no par common

ADVANCE ROSS CORPORATION
$.10 par common

ADVANCED MEMORY SYSTEMS, INC.
$.10 par common

ADVANCED MICRO DEVICES, INC.
$.01 par common

AFFILIATED BANKSHARES OF COLORADO, INC.
$5.00 par common

AG-MET, INC.
$.50 par common

ALABAMA-TENNESSEE NATURAL GAS COMPANY
$1.00 par common

ALEXANDER & ALEXANDER SERVICES INC.
$1.00 par common

ALEXANDER & BALDWIN, INC.
No par common

ALICO, INC.
$1.00 par common

ALLEGHENY BEVERAGE CORPORATION
$1.00 par common

ALLERGAN PHARMACEUTICALS
No par common

ALLIED BANCSHARES, INC.
$1.00 par common

ALLIED TELEPHONE COMPANY
$2.00 par common

ALLYN AND BACON, INC.
$.50 par common

AMAREX, INC.
$1.00 par common

AMERICAN APPRAISAL ASSOCIATES, INC.
$1.00 par common

AMERICAN BANK AND TRUST COMPANY OF PENNSYLVANIA
$5.00 par common-capital

AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA
$1.00 par common

AMERICAN BANKERS LIFE ASSURANCE COMPANY OF FLORIDA
$1.00 par common

AMERICAN BEEF PACKERS, INC.
$1.00 par common

AMERICAN COMMONWEALTH FINANCIAL CORPORATION
$1.00 par common

AMERICAN ELECTRONIC LABORATORIES, INC.
Class A, $1.00 par common

AMERICAN EXPRESS COMPANY
$.60 par common

AMERICAN FIDELITY LIFE INSURANCE COMPANY
$1.00 par common

AMERICAN FINANCIAL CORPORATION
No par common

AMERICAN FLETCHER CORPORATION
$5.00 par common

AMERICAN FURNITURE COMPANY, INC.
$1.00 par common

AMERICAN GREETINGS CORPORATION
Class A, $1.00 par common

AMERICAN HERITAGE LIFE INVESTMENT CORPORATION
$1.00 par common

AMERICAN INCOME LIFE INSURANCE COMPANY
$1.00 par common

AMERICAN INTERNATIONAL GROUP, INC.
$2.50 par common

AMERICAN MICROSYSTEMS, INC.
$1.00 par common

AMERICAN NATIONAL FINANCIAL CORPORATION
$1.00 par common

AMERICAN NUCLEAR CORPORATION
$.04 par common

AMERICAN QUASAR PETROLEUM COMPANY
No par common

AMERICAN RE-INSURANCE COMPANY
$1.50 par capital

AMERICAN RESERVE CORPORATION
$2.00 par common

AMERICAN SAVINGS & LOAN ASSOCIATION
$.33-1/3 par permanent reserve guarantee stock

AMERICAN SECURITY AND TRUST COMPANY
$3.33-1/3 par capital

AMERICAN TELECOMMUNICATIONS CORPORATION
$.10 par common

AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION
$.75 par common

AMERICAN WELDING & MANUFACTURING COMPANY, THE
No par common

AMTERRE DEVELOPMENT INC.
$.01 par common

ANADITE, INC.
No par common

ANALOG DEVICES, INC.
$.16-2/3 par common

ANHEUSER-BUSCH, INC.
$1.00 par common

ANTA CORPORATION
$1.00 par common

APPLEBAUMS' FOOD MARKETS, INC.
$1.00 par common

APPLIED DIGITAL DATA SYSTEMS INC.
$.01 par common

ARDEN-MAYFAIR, INC.
$1.00 par common

ARIZONA BANK, THE
$2.50 par common

ARKANSAS WESTERN GAS COMPANY
$2.50 par common

ARLEN PROPERTY INVESTORS
$1.00 par shares of beneficial interest

ARVIDA CORPORATION
$1.00 par common

ASSOCIATED COCA-COLA BOTTLING COMPANY, INC.
$.50 par common

ASSOCIATED MADISON COMPANIES, INC.
$.40 par common

ASSOCIATED TRUCK LINES, INC.
Class A, $3.00 par common

ATLANTA GAS LIGHT COMPANY
$5.00 par common

ATLANTIC BANCORPORATION
$1.00 par common

ATLANTIC STEEL COMPANY
$5.00 par common

ATWOOD OCEANICS, INC.
$1.00 par common

AUTOMATED MEDICAL LABORATORIES, INC.
$.01 par common

BBDO INTERNATIONAL, INC.
$.10 par common

BMA CORPORATION
$2.00 par common

BAIRD-ATOMIC, INC.
$1.00 par common

BAIRD & WARNER MORTGAGE AND REALTY INVESTORS
No par shares of beneficial interest

BANCO CREDITO Y AHORRO PONCENO
$5.00 par common

BANCO DE PONCE
$5.00 par common

BANCO POPULAR DE PUERTO RICO
$10.00 par common

BANCOHIO CORPORATION
$6.66-2/3 par common

BANCOKLAHOMA CORPORATION
$4.00 par common

BANCSHARES OF NEW JERSEY
$5.00 par common

BANGOR HYDRO-ELECTRIC COMPANY
$5.00 par common

V 40 190 SEP 3075 XUM

BANK BUILDING & EQUIPMENT CORPORATION OF AMERICA
$1.33-1/3 par common

BANK OF THE COMMONWEALTH
$.05 par common

BANK OF TOKYO OF CALIFORNIA, THE
$5.00 par common

BANKAMERICA CORPORATION
$3.125 par common

BANKAMERICA REALTY INVESTORS
$1.00 par shares of beneficial interest

BANKERS SECURITY LIFE INSURANCE SOCIETY
$2.00 par common

BANKERS TRUST OF SOUTH CAROLINA
$10.00 par common

BANKS OF IOWA, INC.
No par common, $2.50 par stated value

BANTA, GEORGE COMPANY, INC.
$.10 par common

BARBER-GREENE COMPANY
$5.00 par common

BARDEN CORPORATION, THE
$1.00 par common

BARNES-HIND PHARMACEUTICALS, INC.
No par common

BARNETT BANKS OF FLORIDA, INC.
$2.00 par common

BARNETT WINSTON INVESTMENT TRUST
$.10 par shares of beneficial interest

BASSETT FURNITURE INDUSTRIES, INC.
$5.00 par common

BAYLESS, A. J. MARKETS, INC.
$1.00 par common

BAYSTATE CORPORATION
$7.50 par common

BEELINE FASHIONS, INC.
No par common

BEKINS COMPANY, THE
No par common

BENEFICIAL STANDARD CORPORATION
Class A, $1.00 par common
Class B, $1.00 par common

BENTLEY LABORATORIES, INC.
$.10 par common

BETZ LABORATORIES, INC.
$.10 par common

BI-LO, INC.
$.33-1/3 par common

BIBB COMPANY, THE
No par common

BIO-MEDICAL SCIENCES, INC.
$.10 par common

BIRD & SON, INC.
No par common

BLACK HILLS POWER AND LIGHT COMPANY
$1.00 par common

BLOCK DRUG COMPANY, INC.
Class A, $.10 par common

BLUE CHIP STAMPS
$1.00 par common

BOATMEN'S BANCSHARES, INC.
$10.00 par common

BOB EVANS FARMS, INC.
No par common

BOHEMIA INC.
No par common

BONANZA INTERNATIONAL, INC.
No par common

BOOTH NEWSPAPERS, INC.
$.50 par common

BOOZ, ALLEN & HAMILTON INC.
$.25 par common

BRADEN INDUSTRIES, INC.
$1.00 par common

BRENCO, INC.
$1.00 par common

BROADVIEW FINANCIAL CORPORATION
No par common

BROWNING
$1.00 par common

BUCKBEE-MEARS COMPANY
$.10 par common

BUCKEYE INTERNATIONAL, INC.
No par common

BURNUP & SIMS INC.
$.10 par common

BUTLER MANUFACTURING COMPANY
No par common

CBT CORPORATION
$10.00 par common

CFS CONTINENTAL, INC.
$1.00 par common

CP FINANCIAL CORPORATION
$1.00 par common

CALBIOCHEM
$1.00 par common

CALIFORNIA WATER SERVICE COMPANY
$12.50 par common

CALIFORNIA-WESTERN STATES LIFE INSURANCE COMPANY
$2.50 par common

CAMPBELL TAGGART, INC.
$1.00 par common

CANNON MILLS COMPANY
$5.00 par common

CARBOLINE COMPANY
$1.00 par common

CAYMAN CORPORATION
$.10 par common

CEDAR POINT, INC.
$1.00 par common

CENCOR, INC.
$1.00 par common

CENTRAL BANCORPORATION, INC., THE
$5.00 par common

CENTRAL BANCSHARES OF THE SOUTH, INC.
$.00 par common

CENTRAL BANKING SYSTEM, INC.
$.50 par capital

CENTRAL CAROLINA BANK AND TRUST COMPANY
$5.00 par common

CENTRAL JERSEY BANK AND TRUST COMPANY, THE
$.50 par capital

CENTRAL MORTGAGE & REALTY TRUST
$1.00 par shares of beneficial interest

CENTRAL NATIONAL CORPORATION (Virginia)
$5.00 par common

CENTRAL VERMONT PUBLIC SERVICE CORPORATION
$6.00 par common

CENTRAN CORPORATION
$8.00 par common

CENTURY TELEPHONE ENTERPRISES, INC.
$1.00 par common

CHAMPION PARTS REBUILDERS, INC.
$.10 par common

CHARTER BANKSHARES CORPORATION
$3.00 par common

CHATHAM MANUFACTURING COMPANY
$1.00 par common

CHEMICAL LEAMAN TANK LINES, INC.
$2.50 par common

CHICAGO BRIDGE & IRON COMPANY
$5.00 par common

CHRISTIANA SECURITIES COMPANY
$1.25 par common

CHUBB CORPORATION, THE
$1.00 par common

CHURCH'S FRIED CHICKEN, INC.
$.12 par common

CINCINNATI FINANCIAL CORPORATION
$2.00 par common

CITIZENS AND SOUTHERN CORPORATION, THE (South Carolina)
$2.50 par common

CITIZENS AND SOUTHERN NATIONAL BANK OF GEORGIA
$2.50 par common

CITIZENS UTILITIES COMPANY
Series A, $1.00 par common
Series B, $1.00 par common

CITY NATIONAL CORPORATION
$5.00 par common

CLARK, J. L. MANUFACTURING COMPANY
$1.00 par common

CLEVEPAK CORPORATION
$1.00 par common

CLEVETRUST CORPORATION
$10.00 par common

CLEVETRUST REALTY INVESTORS
$1.00 par shares of beneficial interest

CLOW CORPORATION
$6.25 par common

COASTAL STATES CORPORATION
$1.00 par common

COCA-COLA BOTTLING COMPANY CONSOLIDATED
$1.00 par common

COCA-COLA BOTTLING COMPANY OF LOS ANGELES
No par common

COCA-COLA BOTTLING COMPANY OF MIAMI, INC., THE
$.10 par common

COHERENT RADIATION
$.50 par common

COLLEGE/UNIVERSITY CORPORATION
No par common

COLONIAL LIFE & ACCIDENT INSURANCE COMPANY
Class B, non-voting,
$1.00 par common

COLUMBIA CORPORATION
$1.00 par common

COMBANKS CORPORATION
$1.00 par common

COMBINED INSURANCE COMPANY OF AMERICA
$1.00 par common

COMMERCE BANCSHARES, INC.
$5.00 par common

COMMERCIAL TRUST COMPANY OF NEW JERSEY
$5.00 par capital

COMMONWEALTH TELEPHONE COMPANY
$6.66-2/3 par common

COMMUNICATIONS PROPERTIES, INC.
$1.00 par common

COMPUTER AUTOMATION, INC.
$.10 par common

COMPUTER MACHINERY CORPORATION
$.10 par common

COMPUTER USAGE COMPANY
$.25 par common

COMPUTERVISION CORPORATION, THE
$.05 par common

COMTEN, INC.
$.05 par common

CONNECTICUT FINANCIAL SERVICES CORPORATION
$5.00 par common

CONNECTICUT GENERAL INSURANCE CORPORATION
$2.50 par common

CONNECTICUT NATIONAL BANK
$5.00 par common

CONSOLIDATED PAPERS, INC.
$12.50 par common

CONSUMERS WATER COMPANY
$1.00 par common

CONTEXT INDUSTRIES, INC.
$.10 par common

CONTINENTAL BANK (Pennsylvania)
$5.00 par common

CONTINENTAL WESTERN INDUSTRIES, INC.
$5.00 par common

CONWED CORPORATION
$5.00 par common

CORDIS CORPORATION
$1.00 par common

CORNELIUS COMPANY, THE
$.20 par common

COUSINS PROPERTIES INC.
$1.00 par common

CRADDOCK-TERRY SHOE CORPORATION
$1.00 par common

CROSS COMPANY, THE
$5.00 par common

CRUM & FORSTER
$1.25 par common

CULLUM COMPANIES, INC.
$1.00 par common

CURTIS NOLL CORPORATION
No par common

DANIEL INTERNATIONAL CORPORATION
$2.00 par common

DART DRUG CORPORATION
Class A, $1.00 par common

DATA 100 CORPORATION
$.50 par common

DATAPOINT CORPORATION
$.25 par common

DAYTON MALLEABLE INC.
No par common

DECISION DATA COMPUTER CORPORATION
$.10 par common

DECORATOR INDUSTRIES, INC.
No par common

DEKALB AGRESEARCH, INC.
Class B, no par common

DELHI INTERNATIONAL OIL CORPORATION
$.10 par common

DELUXE CHECK PRINTERS, INC.
$1.00 par common

DEPOSIT GUARANTY CORPORATION
No par common

DETREX CHEMICAL INDUSTRIES, INC.
$2.00 par common

DETROITBANK CORPORATION
$10.00 par common

DIAGNOSTIC DATA, INC.
$1.00 par common

DIAMOND CRYSTAL SALT COMPANY
$2.50 par common

DIAMOND SHAMROCK CORPORATION
Series E, $1.16 par convertible preferred

DIAMONDHEAD CORPORATION
$1.00 par common

DIVERSIFIED EARTH SCIENCES, INC.
$.80 par common

DIXON, JOSEPH CRUCIBLE COMPANY, THE
$10.00 par common

DOCUTEL CORPORATION
$.10 par common

DOLLAR GENERAL CORPORATION
$.50 par common

DOMINION BANKSHARES CORPORATION
$5.00 par common

DOMINION MORTGAGE & REALTY TRUST
$.10 par shares of beneficial interest

DONALDSON COMPANY, INC.
$5.00 par common

DORCHESTER GAS CORPORATION
$.10 par common

DOW JONES & COMPANY, INC.
$1.00 par common

DOWNE COMMUNICATIONS, INC.
$1.00 par common

DOYLE DANE BERNBACH INC.
$.50 par common

DUCKWALL STORES, INC.
$2.50 par common

DUNKIN' DONUTS INC.
$1.00 par common

DURHAM LIFE INSURANCE COMPANY
$5.00 par common

DURIRON COMPANY, INC., THE
$1.25 par common

ERC CORPORATION
$2.50 par common

EARTH SCIENCES, INC.
$.01 par common

EASTMET CORPORATION
$1.00 par common

ECONOMICS LABORATORY, INC.
$1.00 par common

EDUCATIONAL DEVELOPMENT CORPORATION
$.20 par common

EL PASO ELECTRIC COMPANY
No par common

ELBA SYSTEMS CORPORATION
No par common

ELECTRO-NUCLEONICS, INC.
$.02-1/2 par common

ELIZABETHTOWN WATER COMPANY
No par common

ELLIS BANKING CORPORATION
$1.00 par common

EMERSONS, LTD.
$.01 par common

V 40 190 SEP 3075 XUM

EMPIRE GENERAL CORPORATION
$1.00 par common

ENERGY CONVERSION DEVICES, INC.
$.01 par common

ENVIRODYNE, INC.
$.10 par common

EQUITABLE BANCORPORATION
$5.00 par common

EQUITABLE LIFE INSURANCE COMPANY OF IOWA
$1.00 par common

EQUITABLE SAVINGS & LOAN ASSOCIATION
$2.00 par reserve fund capital stock

EQUITY OIL COMPANY
$1.00 par common

ERIE TECHNOLOGICAL PRODUCTS,
$2.50 par common

ETHAN ALLEN, INC.
Class A, $1.00 par [illegible]

EXCHANGE BANCORPORATION, INC.
$2.50 par common

EXCHANGE OIL & GAS CORPORATION
$1.00 par common

FAIR LANES, INC.
$1.00 par common

FARINON ELECTRIC
No par common

FARMER BROTHERS COMPANY
$1.00 par common

FARMERS GROUP, INC.
$1.00 par common

FARMERS NEW WORLD LIFE INSURANCE COMPANY
$1.00 par common

FEDERATED INCOME PRIVATE PLACEMENT FUND
$1.00 par capital

FIDELCOR, INC.
$1.00 par common

FIDELITY AMERICAN [illegible] INC.
$5.00 par common

FIDELITY CORPORATION
$1.00 par common

FIDELITY UNION LIFE INSURANCE COMPANY
$1.00 par common

FIFTH THIRD BANCORP
$6.66-2/3 par common

FINGERHUT CORPORATION
$1.00 par common

FIRST & MERCHANTS CORPORATION
$7.50 par common

FIRST ALABAMA BANCSHARES, INC.
$2.50 par common

FIRST AMERICAN FINANCIAL CORPORATION, THE
$1.00 par common

FIRST BANC GROUP OF OHIO, INC.
No par common, $5.00 stated value

FIRST BANCGROUP-ALABAMA, INC.
$4.00 par common

FIRST BANCSHARES OF FLORIDA, INC.
$1.00 par common

FIRST BANK SYSTEM, INC.
$2.50 par capital

FIRST BOSTON CORPORATION, THE
$1.66-2/3 par capital

FIRST CAPITAL CORPORATION
$5.00 par common

FIRST CITY BANCORPORATION OF TEXAS, INC.
$6.50 par common

FIRST COLONY LIFE INSURANCE COMPANY
$1.00 par common

FIRST COMMERCE CORPORATION
$5.00 par common

FIRST COMMERCIAL BANKS INC.
$5.00 par common

FIRST CONTINENTAL REAL ESTATE INVESTMENT TRUST
$1.00 par shares of beneficial interest

FIRST EMPIRE STATE CORPORATION
$5.00 par common

FIRST EXECUTIVE CORPORATION
$2.00 par common

FIRST FINANCIAL CORPORATION (Florida)
$1.00 par common

FIRST GREATWEST CORPORATION
$4.00 par common

FIRST HAWAIIAN, INC.
$5.00 par common

FIRST JERSEY NATIONAL CORPORATION
$5.00 par capital

FIRST MARYLAND BANCORP
$5.00 par common

FIRST NATIONAL CHARTER CORPORATION
$12.50 par common

FIRST NATIONAL CINCINNATI CORPORATION
$5.00 par common

FIRST NATIONAL HOLDING CORPORATION
$5.00 par common

FIRST OKLAHOMA BANCORPORATION, INC.
$5.00 par common

FIRST SECURITY CORPORATION
$1.25 par common

FIRST TENNESSEE NATIONAL CORPORATION
$2.50 par common

FIRST TEXAS FINANCIAL CORPORATION
$1.00 par common

FIRST UNION CORPORATION
$3.33-1/3 par common

FIRST UNION, INC.
$10.00 par common

FIRST UNITED BANCORPORATION, INC.
$10.00 par common

FIRST WESTERN FINANCIAL CORPORATION
$1.00 par common

FLAGSHIP BANKS INC.
$1.00 par common

FLEXSTEEL INDUSTRIES, INC.
$1.00 par common

FLICKINGER, S. M. COMPANY, INC.
$2.50 par common

FLORIDA COMMERCIAL BANKS, INC.
$1.00 par common

FLORIDA CYPRESS GARDENS, INC.
$.25 par common

FLORIDA MINING & MATERIALS CORPORATION
$1.00 par common

FLORIDA NATIONAL BANKS OF FLORIDA, INC.
$12.50 par common

FOODWAYS NATIONAL, INC.
$.25 par common

FOREST OIL CORPORATION
$1.00 par common

FOUNDERS FINANCIAL CORPORATION
$1.00 par common

FRANKLIN ELECTRIC COMPANY, INC.
$.50 par common

FRANKLIN LIFE INSURANCE COMPANY, THE
$2.00 par common

FRASER MORTGAGE INVESTMENTS
No par shares of beneficial interest

FREDERICK & HERRUD, INC.
$.10 par common

FRIENDLY ICE CREAM CORPORATION
$1.00 par common

FULLER, H. B. COMPANY
$1.00 par common

FURR'S CAFETERIAS, INC.
No par common

GATES LEARJET CORPORATION
$1.00 par common

GATEWAY TRANSPORTATION COMPANY, INC.
$.62-1/2 par common

GELCO-FELD CORPORATION
$.50 par common

GELMAN INSTRUMENT COMPANY
$.10 par common

GENERAL AUTOMATION, INC.
$.10 par common

GENERAL AUTOMOTIVE PARTS CORPORATION
No par common

GENERAL BINDING CORPORATION
$.25 par common

GENERAL ENERGY CORPORATION
$1.00 par common

GENERAL FINANCIAL SYSTEMS, INC.
$1.00 par common

GENERAL HEALTH SERVICES, INC.
$1.00 par common

GENERAL REINSURANCE CORPORATION
$2.00 par common

GENERAL SHALE PRODUCTS CORPORATION
No par common

GEORGE WASHINGTON CORPORATION
$1.00 par common

GILBERT ASSOCIATES, INC.
Class A, non-voting,
$1.00 par common

GILFORD INSTRUMENT LABORATORIES, INC.
No par common

GIRARD COMPANY, THE
$1.00 par common

GLOBE LIFE AND ACCIDENT INSURANCE COMPANY
$1.00 par common

GOVERNMENT EMPLOYEES INSURANCE COMPANY
$4.00 par common
Warrants (expire 08/01/78)

GOVERNMENT EMPLOYEES LIFE INSURANCE COMPANY
$1.50 par common

GRAHAM MAGNETICS INC.
$.10 par common

GRAPHIC CONTROLS CORPORATION
$1.00 par common

GRAPHIC SCANNING CORPORATION
$.01 par common

GRAY TOOL COMPANY
$1.00 par common

GREAT SOUTHERN CORPORATION
$2.00 par common

GREATER JERSEY BANCORP
$5.50 par common

GREEN MOUNTAIN POWER CORPORATION
$3.33-1/3 par common

GREY ADVERTISING INC.
$1.00 par common

HNC MORTGAGE & REALTY INVESTORS
No par shares of beneficial interest

HACH CHEMICAL COMPANY
$1.00 par common

HAMILTON BANCSHARES, INC.
No par common

HAMILTON BROTHERS PETROLEUM CORPORATION
$1.00 par common

HAMILTON INTERNATIONAL CORPORATION
$1.00 par common

HAMILTON INVESTMENT TRUST
$1.00 par shares of beneficial interest

HANOVER INSURANCE COMPANY, THE
$2.00 par capital

HARPER & ROW, PUBLISHERS, INC.
$.10 par common

HARRIS BANKCORP, INC.
$18.00 par common

HARTFORD NATIONAL CORPORATION
$6.25 par common

HAVATAMPA CORPORATION
$7.50 par common

HAWAII BANCORPORATION, INC.
$2.00 par common

HAWAII CORPORATION, THE
No par common

HAWKEYE BANCORPORATION
$3.00 par common

HAWTHORNE FINANCIAL CORPORATION
$1.00 par capital

HEATH TECNA CORPORATION
No par common

HENREDON FURNITURE INDUSTRIES, INC.
$2.00 par common

HERITAGE BANCORPORATION
No par common, $2.50 stated value

HEXCEL CORPORATION
$1.00 par common

HICKORY FURNITURE COMPANY
$.10 par common

HON INDUSTRIES INC.
$1.00 par common

HOOK DRUGS, INC.
No par common

HOOVER COMPANY, THE
$2.50 par common

HORIZON BANCORP
$4.00 par common

HUDSON UNITED BANK
$8.00 par capital

HUGHES SUPPLY, INC.
$1.00 par common

HUNTINGTON BANCSHARES, INC.
$10.00 par common

HYATT CORPORATION
$.50 par common

HYATT INTERNATIONAL CORPORATION
Class A, $.10 par common

HYDRAULIC COMPANY, THE
$10.00 par common

HYSTER COMPANY
$.50 par common

IMS INTERNATIONAL, INC.
$.01 par common

INDEPENDENCE MORTGAGE TRUST
$1.00 par common

INDEPENDENCE SQUARE INCOME SECURITIES FUND, INC.
$.10 par common

INDEPENDENT LIFE & ACCIDENT INSURANCE COMPANY, THE
Non-voting, $1.00 par common

INDIANA GROUP, INC.
$1.25 par common

INDIANA MORTGAGE & REALTY INVESTORS
$1.00 par shares of beneficial interest

INDIANA NATIONAL CORPORATION
No par common

INDIANAPOLIS WATER COMPANY
$7.50 par common

INDUSTRIAL NUCLEONICS CORPORATION
$1.00 par common

INDUSTRIAL VALLEY BANK AND TRUST COMPANY
$5.00 par common

INFOREX, INC.
$.25 par common

INFORMATION INTERNATIONAL, INC.
$.25 par common

INTEL CORPORATION
No par common

INTERFINANCIAL INC.
$1.00 par common

INTERMOUNTAIN GAS COMPANY
$1.00 par common

INTERNATIONAL BANK (Washington, D. C.)
$1.00 par common
Class A, $1.00 par common

INTERNATIONAL LIFE HOLDING CORPORATION
$.50 par common

INTERSIL, INC.
$.01 par common

INTERSTATE CORPORATION, THE
$1.00 par common

INTEXT, INC.
No par common

IOWA SOUTHERN UTILITIES COMPANY
$10.00 par common

IVAC CORPORATION
$.10 par common

IVEY, J. B. & COMPANY
$2.50 par common

JAMESBURY CORPORATION
$1.00 par common

JEFFERSON NATIONAL LIFE INSURANCE COMPANY
$1.00 par capital

JOSLYN MANUFACTURING AND SUPPLY COMPANY
$1.25 par common

KMS INDUSTRIES, INC.
$.01 par common

KAISER STEEL CORPORATION
$.66-2/3 par common

KALVAR CORPORATION
$.02 par capital

KAMAN CORPORATION
Class A, $1.00 par common

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KAMPGROUNDS OF AMERICA, INC.
$.12-1/2 par common

KAPOK TREE INNS CORPORATION
$.10 par common

KEARNEY & TRECKER CORPORATION
$2.00 par common

KEARNEY-NATIONAL INC.
$.50 par common

KELLY SERVICES, INC.
$1.00 par common

KEMPER CORPORATION
$5.00 par common

KENTUCKY CENTRAL LIFE INSURANCE COMPANY
Class A, non-voting,
$1.00 par common

KEYES FIBRE COMPANY
$1.00 par common

KEYSTONE CUSTODIAN FUNDS, INC.
Class A, non-voting,
no par common

KEYSTONE INTERNATIONAL, INC.
$1.00 par common

KEYSTONE OTC FUND, INC.
$1.00 par common

KNAPE & VOGT MANUFACTURING COMPANY
$2.00 par common

KNUDSEN CORPORATION
$1.00 par common

KOSS CORPORATION
$.01 par common

KUHLMAN CORPORATION
$1.00 par common

KULICKE AND SOFFA INDUSTRIES, INC.
No par common

KUSTOM ELECTRONICS, INC.
$.10 par common

LMF CORPORATION
$.40 par common

LANCASTER COLONY CORPORATION
$4.00 par common

LANCE, INC.
$1.25 par common

LAND RESOURCES CORPORATION
$.10 par common

LANDMARK BANKING CORPORATION OF FLORIDA
$1.00 par common

LANE COMPANY, INC.
$5.00 par common

LAWSON PRODUCTS, INC.
No par common $1.00 stated value

LAWTER CHEMICALS, INC.
$1.00 par common

LA-Z-BOY CHAIR COMPANY
$1.00 par common

LEADVILLE CORPORATION
$1.00 par common

LEE WAY MOTOR FREIGHT, INC.
$1.00 par common

LEGGETT & PLATT, INC.
$1.00 par common

LIBERTY HOMES, INC.
$1.00 par common

LIBERTY NATIONAL LIFE INSURANCE COMPANY
$2.00 par common-capital

LIFE INSURANCE COMPANY OF GEORGIA
$2.50 par capital

LIFE INVESTORS INC.
$1.00 par common

LIMITED STORES INC., THE
No par common

LIN BROADCASTING CORPORATION
$2.00 par common

LINCOLN FIRST BANKS INC.
$10.00 par common
$4.50 par cumulative preferred

LINCOLN MORTGAGE INVESTORS
No par shares of beneficial interest

LINCOLN TELEPHONE AND TELEGRAPH COMPANY, THE
$6.25 par common

LION COUNTRY SAFARI, INC.
$.01 par common

LITCO CORPORATION OF NEW YORK
$5.00 par common

LOBLAW INC.
$1.00 par common

LOCTITE CORPORATION
No par common

LONE STAR BREWING COMPANY
$1.00 par common

LOUISIANA LAND OFFSHORE EXPLORATION COMPANY, INC.
Class B, $1.00 par common

LOWE'S COMPANIES, INC.
$.50 par common

MCI COMMUNICATIONS CORPORATION
$.10 par common

MSI DATA CORPORATION
$1.00 par common

MACDERMID INC.
No par common

MADISON GAS AND ELECTRIC COMPANY
$8.00 par common

MAGMA POWER COMPANY
$.10 par common

MAJOR REALTY CORPORATION
$.01 par common

MALLINCKRODT, INC.
$1.00 par common

MANCHESTER LIFE & CASUALTY MANAGEMENT CORPORATION
$1.00 par common

MANHATTAN LIFE INSURANCE COMPANY, THE
$2.00 par guarantee capital stock

MANITOWOC COMPANY, INC., THE
$2.50 par common

MANUFACTURERS BANK (Los Angeles)
$3.75 par capital

MANUFACTURERS NATIONAL CORPORATION
$10.00 par common

MARCUS CORPORATION, THE
$1.00 par common

MARK TWAIN BANCSHARES, INC.
$5.00 par common

MARTHA WHITE FOODS, INC.
$1.00 par common

MARY KAY COSMETICS, INC.
$.10 par common

MARYLAND NATIONAL CORPORATION
$2.50 par common

MAUI LAND & PINEAPPLE COMPANY, INC.
No par common

MAY PETROLEUM INC.
$.05 par common

McCORMICK & COMPANY, INC.
Non-voting, no par common

McDOWELL ENTERPRISES, INC.
No par common

McQUAY-PERFEX INC.
$1.00 par common

MEASUREX CORPORATION
No par common

MEDCOM, INC.
$.10 par common

MEDICENTERS OF AMERICA, INC.
$1.00 par common

MEDTRONIC, INC.
$.10 par common

MELLON NATIONAL CORPORATION
$1.00 par common

MERCANTILE BANCORPORATION INC.
(Missouri)
$5.00 par common

MERCANTILE BANKSHARES CORPORATION
(Maryland)
$2.00 par common

MERCHANTS NATIONAL CORPORATION
$10.00 par common

MERCURY SAVINGS AND LOAN ASSOCIATION
$1.00 par guarantee stock

MERVYN'S
$1.00 par common

MEYER, FRED INC.
Class A, no par common

MICHIGAN NATIONAL CORPORATION
$10.00 par common

MICRODATA CORPORATION
No par common

MICROWAVE SEMICONDUCTOR CORPORATION
$.50 par common

MIDLANTIC BANKS INC.
$10.00 par common

MIDWESTERN DISTRIBUTION, INC.
No par common

MIDWESTERN FIDELITY CORPORATION
$1.66-2/3 par common

MIDWESTERN UNITED LIFE INSURANCE COMPANY
$1.00 par common

MILLIPORE CORPORATION
$.16-2/3 par common

MINNESOTA FABRICS, INC.
$.05 par common

MRS. SMITH'S PIE COMPANY
$1.00 par common

MODERN MERCHANDISING, INC.
$.01 par common

MOGUL CORPORATION, THE
No par common

MONARCH CAPITAL CORPORATION
$1.00 par common

MONFORT OF COLORADO, INC.
$1.00 par common

MONUMENTAL CORPORATION
$3.50 par common

MOORE PRODUCTS COMPANY
$1.00 par common

MOORE, SAMUEL AND COMPANY
No par common

MORTGAGE INVESTORS OF WASHINGTON
$1.00 par shares of beneficial interest

MOSTEK CORPORATION
$.10 par common

MOTOR CLUB OF AMERICA
$.50 par common

MUTUAL SAVINGS LIFE INSURANCE COMPANY
$1.00 par common

MYERS INDUSTRIES, INC.
No par common

NCNB CORPORATION
$2.50 par common

NN CORPORATION
$5.00 par common

NRG INC.
$.10 par common

NATIONAL CENTRAL FINANCIAL CORPORATION
$5.00 par common

NATIONAL CITY CORPORATION
$4.00 par common

NATIONAL DATA CORPORATION
$.12-1/2 par common

NATIONAL LIBERTY CORPORATION
$1.00 par common

NATIONAL LIFE OF FLORIDA CORPORATION
$1.00 par common

NATIONAL MEDICAL CARE, INC.
$.20 par common

NATIONAL OLD LINE INSURANCE COMPANY
Class BB, non-voting,
$1.00 par common

NATIONAL STATE BANK, THE
(Elizabeth, New Jersey)
$5.00 par common

NATIONAL UTILITIES & INDUSTRIES CORPORATION
$10.00 par common

NATIONAL WESTERN LIFE INSURANCE COMPANY
Class A, $1.00 par common

NATIONWIDE CORPORATION
Class A, $2.50 par common

NATIONWIDE REAL ESTATE INVESTORS
No par shares of beneficial interest

NEVADA SAVINGS AND LOAN ASSOCIATION
$1.00 par permanent capital stock

NEW ENGLAND MERCHANTS COMPANY, INC.
$5.00 par common

NEW JERSEY NATIONAL CORPORATION
$5.00 par common

NEW JERSEY NATURAL GAS COMPANY
$5.00 par common

NEWELL COMPANIES, INC.
$1.00 par common

NIELSEN, A. C. COMPANY
Class A, non-voting,
$1.00 par common
Class B, non-voting,
$1.00 par common

NOLAND COMPANY
$20.00 par common

NORDSTROM, INC.
No par common

NORIN CORPORATION
$1.00 par common

NORTH CAROLINA NATURAL GAS CORPORATION
$2.50 par common

NORTHEAST BANCORP, INC.
$5.00 par common

NORTHERN CALIFORNIA SAVINGS AND LOAN ASSOCIATION
No par common

NORTHERN STATES BANCORPORATION, INC.
$5.00 par common

NORTHRUP, KING & COMPANY
$.50 par common

NORTHWEST NATURAL GAS COMPANY
$3.90-1/8 par common

NORTHWESTERN FINANCIAL CORPORATION
$1.00 par common

NORTHWESTERN NATIONAL LIFE INSURANCE COMPANY
$1.25 par common

NORTHWESTERN PUBLIC SERVICE COMPANY
$7.00 par common

NORTRUST CORPORATION
$10.00 par common

NOXELL CORPORATION
Class B, non-voting,
$1.00 par common

OCEAN DRILLING & EXPLORATION COMPANY
$.50 par common

OFFSHORE LOGISTICS, INC.
No par common

OHIO CASUALTY CORPORATION
$.50 par common

OHIO FERRO-ALLOYS CORPORATION
$1.00 par common

OIL SHALE CORPORATION, THE
$.15 par common

OLD REPUBLIC INTERNATIONAL CORPORATION
$1.00 par common

OLYMPIA BREWING COMPANY
$10.00 par common

OMNI SPECTRA, INC.
$1.00 par common

OPTICAL COATING LABORATORY, INC.
No par common

ORBANCO, INC.
No par common

ORMONT DRUG & CHEMICAL COMPANY, INC.
$.10 par common

OTTER TAIL POWER COMPANY
$5.00 par common

OVERSEAS NATIONAL AIRWAYS, INC.
$1.00 par common

PVO INTERNATIONAL INC.
$5.00 par capital

PABST BREWING COMPANY
No par common

PACCAR INC.
$12.00 par common

PACIFIC GAMBLE ROBINSON COMPANY
$5.00 par common

PACIFIC LUMBER COMPANY, THE
$3.33-1/3 par common

PACIFIC STANDARD LIFE COMPANY
$1.00 par common

PAN AMERICAN BANCSHARES, INC.
$1.00 par common

PARK-OHIO INDUSTRIES, INC.
$1.00 par common

PARKER DRILLING COMPANY
$1.00 par common

PAULEY PETROLEUM INC.
$1.00 par common

PAY LESS DRUG STORES
No par common

PAY 'N PAK STORES, INC.
$.10 par common

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PAY 'N SAVE CORPORATION
No par common

PAYLESS CASHWAYS, INC.
$.50 par common

PEACHTREE DOORS, INC.
$1.00 par common

PEAVEY COMPANY
$2.50 par common

PEERLESS INSURANCE COMPANY
$2.50 par common

PENN CORPORATION
$1.00 par common

PENNSYLVANIA ENTERPRISES, INC.
No par common, $1.00 stated value

PENNSYLVANIA LIFE COMPANY,
$.50 par common

PENNZOIL LOUISIANA AND TEXAS OFFSHORE, INC.
Class B, $1.00 par common

PENNZOIL OFFSHORE GAS OPERATORS, INC.
Class B, $1.00 par common

PENTAIR INDUSTRIES, INC.
$.16-2/3 par common

PETERSON, HOWELL & HEATHER, INC,
No par common

PETROLITE CORPORATION
No par common

PETTIBONE CORPORATION
$10.00 par common

PHILADELPHIA LIFE INSURANCE COMPANY
$1.00 par common

PHILADELPHIA NATIONAL CORPORATION
$1.00 par common

PIEDMONT AVIATION, INC,
$1.00 par common

PINKERTON'S, INC.
Class B, non-voting,
No par common

PIONEER HI-BRED INTERNATIONAL, INC.
$1.00 par common

PIONEER WESTERN CORPORATION
$1.00 par common

PITTSBURGH NATIONAL CORPORATION
$5.00 par common

POPKIL BROTHERS, INC.
$.40 par common

POST CORPORATION
$1.00 par common

POTT INDUSTRIES INC.
$1.00 par common

PRECIOUS METALS HOLDINGS, INC.
$1.00 par common

PREFERRED RISK LIFE INSURANCE COMPANY
$1.00 par common

PRESTO PRODUCTS, INC.
$.10 par common

PRESTON TRUCKING COMPANY, INC.
$1.00 par common

PROGRESSIVE CORPORATION, THE (Ohio)
$1.00 par common

PROGROUP, INC.
$.50 par common

PROPERTY TRUST OF AMERICA
$1.00 par shares of beneficial interest

PROVIDENT LIFE AND ACCIDENT INSURANCE COMPANY
$3.00 par common

PROVIDENT LIFE INSURANCE COMPANY
$2.50 par common

PROVIDENT NATIONAL CORPORATION
$1.00 par common

PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INC.
$1.00 par common

PULASKI FURNITURE CORPORATION
$5.00 par common

QUALITY INNS INTERNATIONAL, INC.
$1.00 par common

RPM, INC.
No par common, $.50 stated value

RAINBOW RESOURCES, INC.
$.10 par common

RAINIER BANCORPORATION
$2.50 par common

RAINIER COMPANIES, INC., THE
$1.00 par common

RAYCHEM CORPORATION
No par common

RAYMOND CORPORATION, THE
$1.50 par common

REALTY & MORTGAGE INVESTORS OF THE PACIFIC
No par shares of beneficial interest

RECOGNITION EQUIPMENT INC.
$.25 par common

REDACTRON CORPORATION
$.10 par common

REDKEN LABORATORIES, INC.
$.50 par common

REGENCY ELECTRONICS, INC.
No par common

REID-PROVIDENT LABORATORIES, INC.
$1.00 par common

RELIANCE UNIVERSAL INC.
$1.25 par common

REPUBLIC NATIONAL LIFE INSURANCE COMPANY
$1.00 par common

REPUBLIC OF TEXAS CORPORATION
$5.00 par common

RESERVE OIL & MINERALS CORPORATION
$1.00 par common

REYNOLDS AND REYNOLDS COMPANY, THE
$1.25 par common

RICH'S, INC.
No par common

RIGGS NATIONAL BANK OF WASHINGTON, D. C., THE
$5.00 par common

RING AROUND PRODUCTS, INC.
$.20 par common

RIVAL MANUFACTURING COMPANY
$1.00 par common

ROADWAY EXPRESS, INC.
No par common

ROCKET RESEARCH CORPORATION
No par common

ROUSE COMPANY, THE
$.01 par common

RUCKER PHARMACAL COMPANY, INC.
No par common, $1.00 stated value

RUSSELL STOVER CANDIES, INC.
$1.00 par common

SAFECO CORPORATION
$5.00 par common

ST. PAUL COMPANIES, INC., THE
$1.50 par common

SANTA ANITA CONSOLIDATED, INC.
No par common

SCHERER, R. P. CORPORATION
$.33-1/3 par common

SCHULMAN, A., INC.
$1.00 par common

SCOPE INC.
$1.00 par common

SCOTTISH INNS OF AMERICA, INC.
$.10 par common

SCOTT'S LIQUID GOLD, INC.
$.10 par common

SEA WORLD, INC.
$.50 par common

SEAFIRST CORPORATION
$5.00 par common

SEALED AIR CORPORATION
$.01 par capital

SECURITY LIFE AND ACCIDENT COMPANY
Series A, $2.00 par common

SECURITY NEW YORK STATE CORPORATION
$5.00 par common

SECURITY PACIFIC CORPORATION
$10.00 par common

SEEBURG INDUSTRIES, INC.
Class A, $.50 par common

SEISCOM DELTA INC.
$.10 par common

SENECA FOODS CORPORATION
$1.00 par common

SERVICE MERCHANDISE COMPANY, INC.
$1.00 par common

SERVICEMASTER INDUSTRIES INC.
$1.00 par common

SEVEN-UP COMPANY, THE
$1.00 par common

SHAKLEE CORPORATION
No par common

SHAWMUT CORPORATION
$5.00 par common

SHELDAHL, INC.
$.50 par common

SHIPPERS DISPATCH, INC.
Class A, $1.00 par common

SHONEY'S BIG BOY ENTERPRISES, INC.
$1.00 par common

SHOP RITE FOODS, INC.
$3.33-1/3 par common

SHOREWOOD CORPORATION, THE
$1.00 par common

SIGMOR CORPORATION
Class A, $1.00 par common

SILVER KING MINES, INC.
$1.00 par common

SIMPSON INDUSTRIES, INC.
$1.00 par common

SKYLINE OIL COMPANY
$1.00 par capital

SMITHFIELD FOODS, INC.
$1.00 par common

SNAP-ON TOOLS CORPORATION
$1.00 par common

SOCIETY CORPORATION
$1.00 par common

SOLID STATE SCIENTIFIC INC.
$.40 par common

SONOMA VINEYARDS, INC.
$.25 par common

SOURCE CAPITAL, INC.
$1.00 par common
$2.40 par cumulative preferred

SOUTH CAROLINA INSURANCE COMPANY
$1.00 par common

SOUTH CAROLINA NATIONAL CORPORATION
$5.00 par common

SOUTHEAST NATIONAL BANK OF PENNSYLVANIA
$8.00 par common

SOUTHERN AIRWAYS, INC.
$2.00 par common

SOUTHERN BANCORPORATION OF ALABAMA
$5.00 par common

SOUTHERN CALIFORNIA FIRST NATIONAL CORPORATION
$5.00 par common

SOUTHERN CALIFORNIA WATER COMPANY
$5.00 par common

SOUTHERN CONNECTICUT GAS COMPANY, THE
$13.33-1/3 par common

SOUTHERN INDUSTRIES CORPORATION
No par common

SOUTHLAND EQUITY CORPORATION
$.16-2/3 par common

SOUTHLAND FINANCIAL CORPORATION
$1.00 par common

SOUTHLAND PAPER MILLS, INC.
No par common

SOUTHWEST BANCSHARES, INC.
$5.00 par common

SOUTHWEST GAS CORPORATION
$1.00 par common

SOUTHWESTERN LIFE CORPORATION
$2.50 par common

SOVEREIGN CORPORATION
$1.00 par common

SPECTRA-PHYSICS, INC.
$.20 par capital

SPEIDEL NEWSPAPERS INC.
$1.00 par common

STA-RITE INDUSTRIES, INC.
$2.00 par common

STANADYNE, INC.
$5.00 par common

STANDARD LIFE INSURANCE COMPANY OF INDIANA
$1.50 par common

STANDARD REGISTER COMPANY, THE
$.50 par common

STANLEY HOME PRODUCTS, INC.
Non-voting, $1.00 par common

STATE STREET BOSTON FINANCIAL CORPORATION
$10.00 par common

STATESMAN GROUP, INC., THE
$1.00 par common

STEAK AND ALE RESTAURANTS OF AMERICA, INC.
$.05 par common

STEAK N SHAKE, INC.
$.50 par common

STECHER-TRAUNG-SCHMIDT CORPORATION
$5.00 par common

STRATFORD OF TEXAS, INC.
$.10 par common

STRAWBRIDGE & CLOTHIER
$5.00 par common

SUBARU OF AMERICA, INC.
$.01 par common

SUBURBAN BANCORPORATION
$5.00 par common

SUGARDALE FOODS, INC.
No par common

SULLAIR CORPORATION
No par common

SUMMIT PROPERTIES
No par shares of beneficial interest

SUN BANKS OF FLORIDA, INC.
$2.50 par common

SUPERIOR ELECTRIC COMPANY, THE
$1.00 par common

SUPREME EQUIPMENT & SYSTEMS CORPORATION
$.66-2/3 par common

SYCOR, INC.
$.50 par common

SYNERCON CORPORATION
$1.00 par common

T.I.M.E.-DC, INC.
$2.00 par common
$10.00 par convertible preferred

TACO BELL
$.10 par common

TALLY CORPORATION
$.16-2/3 par common

TAMPAX INC.
$.25 par common

TAYLOR WINE COMPANY, INC., THE
$2.00 par common

TECHNICARE CORPORATION
$.50 par common

TECUMSEH PRODUCTS COMPANY
$1.00 par common

TELE-COMMUNICATIONS, INC.
$1.00 par common

TELECREDIT, INC.
$.01 par common

TELEPHONE UTILITIES, INC.
$1.00 par common

TENNECO OFFSHORE COMPANY, INC.
$1.00 par common

TENNESSEE NATURAL GAS LINES, INC.
$1.00 par common

TENNESSEE VALLEY BANCORP, INC.
$6.66-2/3 par common

TEXAS AMERICAN BANCSHARES, INC.
$5.00 par common

THERMAL POWER COMPANY
No par common

THERMO ELECTRON CORPORATION
$1.00 par common

THIRD NATIONAL CORPORATION
$10.00 par common

TIFFANY & COMPANY
$1.00 par common

TIME HOLDINGS, INC.
$2.00 par common

TIPPERARY CORPORATION
$.50 par common

TOM BROWN, INC.
$.10 par common

TORO COMPANY, THE
$1.00 par common

TOWLE MANUFACTURING COMPANY
No par common

TRANSCONTINENTAL OIL CORPORATION
$.10 par common

TRANSOCEAN OIL, INC.
$1.00 par common

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TRANSPORT LIFE INSURANCE COMPANY
$1.00 par common

TREMCO INC.
$1.00 par common

TRIANGLE CORPORATION, THE
$.50 par common

TRICO PRODUCTS CORPORATION
No par common

TRITON OIL & GAS CORPORATION
$1.00 par common

TWIN DISC, INC.
No par common

TYMSHARE, INC.
No par common

TYSON FOODS, INC.
$1.00 par common

UB FINANCIAL CORPORATION
$5.00 par common

UNICAPITAL CORPORATION
$1.00 par common

UNICOA CORPORATION
$2.50 par common

UNION ELECTRIC STEEL CORPORATION
$1.25 par common

UNION PLANTERS CORPORATION
$5.00 par common

UNION SPECIAL CORPORATION
$1.00 par common

UNITED BANK CORPORATION OF NEW YORK
$5.00 par common

UNITED BANKS OF COLORADO, INC.
$5.00 par common

UNITED CABLE TELEVISION CORPORATION
$1.00 par common

UNITED SERVICES LIFE INSURANCE COMPANY
$1.00 par common

U. S. BANCORP
$5.00 par common

UNITED STATES BANKNOTE CORPORATION
$1.00 par common

UNITED STATES SUGAR CORPORATION
$1.00 par common

U S. TRUCK LINES INC. OF DELAWARE
$1.00 par common

UNITED STATES TRUST COMPANY OF NEW YORK
$5.00 par capital

UNITED TENNESSEE BANCSHARES CORPORATION
$2.00 par common

UNITED VIRGINIA BANKSHARES INC.
$10.00 par common

UNIVERSAL FOODS CORPORATION
$1.00 par common

UNIVERSAL INSTRUMENTS CORPORATION
$1.25 par common

UPPER PENINSULA POWER COMPANY
$9.00 par common

UTILITIES & INDUSTRIES CORPORATION
$.10 par common

VAIL ASSOCIATES, INC.
No par common

VALLEY NATIONAL BANK OF ARIZONA, THE
$2.50 par common

VALMONT INDUSTRIES, INC.
$1.00 par common

VAN DYK RESEARCH CORPORATION
$.10 par common

VAN SCHAACK & COMPANY
$1.00 par common

VARIABLE ANNUITY LIFE INSURANCE COMPANY, THE
$1.00 par common

VELO-BIND, INC.
$1.00 par common

VICO CORPORATION
$1.00 par common

VICTORIA STATION INC.
No par common

VIRGINIA NATIONAL BANKSHARES, INC.
$5.00 par common

VIRGINIA REAL ESTATE INVESTMENT TRUST
No par shares of beneficial interest

VOLUME SHOE CORPORATION
$.50 par common

WALDBAUM, INC.
$1.00 par common

WARNER ELECTRIC BRAKE & CLUTCH COMPANY
$1.00 par common

WASHINGTON NATURAL GAS COMPANY
$5.00 par common

WEATHERFORD INTERNATIONAL INC.
$.10 par common

WEBB RESOURCES, INC.
$.10 par common

WEEDEN HOLDING CORPORATION
No par common

WEIGHT WATCHERS INTERNATIONAL, INC.
$.25 par common

WELLINGTON MANAGEMENT COMPANY
Class A, $.10 par common.

WESTERN CASUALTY AND SURETY COMPANY, THE
$1.25 par capital

WESTERN GEAR CORPORATION
$1.00 par common

WESTMORELAND COAL COMPANY
$5.00 par common

WETTERAU INC.
$1.00 par common

WHITE SHIELD CORPORATION
$.05 par common

WIEN AIR ALASKA, INC.
$1.00 par common

WILLAMETTE INDUSTRIES, INC.
$.50 par common

WINCORP
No par common

WINTER, JACK, INC.
$1.00 par common

WINTER PARK TELEPHONE COMPANY, THE
$1.25 par common

WISCONSIN POWER AND LIGHT COMPANY
$5.00 par common

WISCONSIN REAL ESTATE INVESTMENT TRUST
$1.00 par shares of beneficial interest

WOLVERINE-PENTRONIX, INC.
$1.00 par common

WOODWARD & LOTHROP INC.
$10.00 par common

WORCESTER BANCORP, INC.
$1.00 par common

WORLD SERVICE LIFE INSURANCE COMPANY
$1.00 par common

WORTHINGTON INDUSTRIES, INC.
No par common

WRIGHT, WILLIAM E. COMPANY
$.50 par common

YELLOW FREIGHT SYSTEM, INC.
$1.00 par common

YOUNKER BROTHERS, INC.
No par common

ZIONS UTAH BANCORPORATION
No par common

[FR Doc.75-26253 Filed 9-26-75;4:30 pm]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket Nos. 75-NW-15-AD, 75-NW-25-AD]

AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspections and repair, as necessary, of the lower fuselage body skin at BBL 0 doubler locations between Body Stations 360 and 740 for corrosion and/or cracks on Boeing Model 727 series airplanes was published in 40 F.R. 22554.

Upon review of the comments received regarding the notice, and upon further consideration of the problem, the FAA has determined that the proposed action is not entirely appropriate or adequate. Therefore, pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), the proposed airworthiness directive published in the FEDERAL REGISTER in 40 F.R. 22554 is hereby withdrawn.

Further examination of lower body skin corrosion problems revealed that frequent external visual inspections for bulging skin, pulling rivets, etc., are more reliable for detection of corrosion in its early stages than the proposed long-term internal visual inspections or the use of low-cycle eddy current inspections. Furthermore, subsequent to issuance of NPRM 75-NW-15-AD, the FAA became aware of an instance of severe cracking at Stringer 27 above BBL 0. This area is outside of that covered by the proposed AD. An investigation revealed that there had been two other occurrences at Stringer 27 that were of equally severe proportions. As a result of this review, FAA now believes that the mandatory action should consist of external visual inspections conducted more frequently and should be expanded to also include the lower body skin between Stringers 27L and 27R under the body fairing from the forward end of the fairing to Body Station 740. The proposed AD would require that the inspections be made at intervals not to exceed 90 days except for the body skin under the body fairing, for which removal would be required every other inspection only. Thus, the area to be inspected is larger and the inspection intervals are more frequent, although the inspections are less complex.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communication should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: The Regional Counsel, Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before November 3, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 727 series airplanes, listed in Boeing Service Bulletin 727-53-128, or later FAA approved revisions, certificated in all categories. Compliance required as indicated.

To detect corrosion and/or cracking in the lower body skin between Body Stations 360 and 740, accomplish the following:

A. Within the next 90 days after the effective date of this AD, and thereafter at intervals not to exceed 90 days, inspect the lower body skin per paragraph B:

1. Along BBL 0 from Body Stations 360 to 740.

2. Between Stringers 27L and 27R from the forward end of the body fairing to Body Station 740.

The reinspection interval for A2 may be at times not to exceed 180 days. This inspection will require removal of several access panels, the most forward body fairing segment, and the ram air splitter vane. Remove such items in accordance with the procedures specified in the Boeing 727 Maintenance Manual or equivalent.

B. Conduct an external visual inspection of the lower body skin for cracks, bulges, loose or pulling rivets, missing or white powdered rivet heads, and other evidence of corrosion or cracking. If corrosion and/or cracking is found, repair per paragraph C.

C. Repair in accordance with Boeing Service Bulletin 727-53-128, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

D. Areas repaired in accordance with paragraph C, the Boeing 727 Structural Repair Manual, or Boeing Service Bulletin 727-53-73, or later FAA approved revisions, need not comply with the inspection requirements of this AD. Areas in which corrosion/cracking is not found must be reinspected per paragraph B at the intervals specified in paragraph A, until terminating action per paragraph E is accomplished.

E. Installation of either the complete repair doubler or skin panel replacement in accordance with Boeing Service Bulletin 727-53-128, or an installation approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action for this AD.

F. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase for that operator.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Seattle, Washington, September 22, 1975.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.75-25972 Filed 9-29-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-63]

DESIGNATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Orange, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before October 30, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (40 FR 441), the following transition area is added:

ORANGE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Orange County Airport (latitude 30°04'10" N., longitude 93°48'05" W.) and within 3 miles each side of the 042° bearing from the proposed NDB (latitude 30°04'35" N., longitude 93°47'55" W.) extending from the 5-mile radius area to 2.5 miles northeast.

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB RWY 21 (Original) instrument approach procedure.

This notice will also serve to notify airspace users of the change of airport category from VFR to IFR.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, TX., on September 15, 1975.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.75-25983 Filed 9-29-75; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-59]

TRANSITION AREA

Proposed Alteration

Correction

In the issue of Friday, September 12, 1975, the first column of FR Doc. 75-24262, carrying the above headings, appears on page 42364. The balance of the document appears in the first column of page 42366.

[14 CFR Part 71]

[Airspace Docket No. 75-GL-58]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

Correction

In the issue of Friday, September 12, 1975, the first column of FR Doc. 75-24261, carrying the above headings, appears on page 42366. The balance of the document appears in the first column of page 42365.

[14 CFR Part 91]

[Docket No. 13226; Notice No. 75-35]

NOISE ABATEMENT

Regulations Submitted by EPA to FAA

Correction

In FR Doc. 75-25811, appearing at page 44256, in the issue for Thursday, September 25, 1975 make the following changes:

On page 44270 in the third column:

1. A paragraph was inadvertently omitted and should be inserted immediately above the last paragraph to read as follows:

"The FAA has not received from EPA an inflationary impact assessment or environmental impact assessment for the proposals set forth in this notice."

2. The signature should be changed to read "J. A. Ferrarese, *Acting Director, Flight Standards Service.*"

[14 CFR Part 152]

[Docket No. 14932; Notice No. 75-32A]

PROCESSING AIRPORT DEVELOPMENT ACTIONS AFFECTING THE ENVIRONMENT

Extension of Comment Period

The Federal Aviation Administration proposed in Notice 75-32, published on August 20, 1975 (40 F.R. 36516), to amend Part 152 of the Federal Aviation Regulations to revise references to applicable procedures for processing airport development actions affecting the environment. The notice stated that consideration would be given to all comments received on or before October 3, 1975.

The National Association of State Aviation Officials (NASAO), the American Association of Airport Executives (AAAE), and the Airport Operators Council International (AOCI) have requested an extension of the time for comments on this proposed regulatory action. NASAO and AAAE are both holding meetings during the latter part of September, 1975, at which time Notice 75-32 is to be discussed, and the requested extension of time would permit them to prepare comments after discussion at their respective meetings. AOCI has requested an extension of time in order to allow individual airport operators a better opportunity for detailed study of the proposal and its ramifications.

In consideration of the foregoing, I find that the petitioners have a substantive interest in the proposed rule, that good cause exists for extending the comment period on Notice 75-32, and that such an extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 75-32 will be received is extended to November 3, 1975.

Issued in Washington, D.C., on September 25, 1965.

WILLIAM V. VITALE,
Director,
Airports Service.

[FR Doc.75-26214 Filed 9-29-75;8:45 am]

Materials Transportation Bureau

[49 CFR Part 177]

[Docket No. HM-110; Reference Notice 75-5]

REPAIRS TO VEHICLES IN CLOSED BUILDINGS

Withdrawal of Notice of Proposed Rulemaking

This notice withdraws that part of the notice of proposed rulemaking, 75-5 (40 FR 21485), which proposed a revision to the regulation pertaining to repair and maintenance, in closed buildings, of vehicles containing flammable liquid or gas.

Of the comments received in response to this proposal, most objected for several reasons. Upon review of the proposal, in the light of these objections, the Materials Transportation Bureau found a need for additional research and consideration.

Withdrawal of this proposal also shows the need to delay the effective date of a recent amendment, which addresses the same matter. (Amendment No. 177-31 (39 FR 41741).) It would otherwise become effective on October 1, 1975. A notice to postpone the effective date appears elsewhere in this publication.[1]

The Bureau expects to issue another notice of proposed rulemaking after further consideration. The views of interested parties, which are currently on file, will be reconsidered in the development of the new proposal.

In consideration of the foregoing, that part of the proposal (§ 177.854(g)) published in the FEDERAL REGISTER (49 FR 21485) on May 16, 1975, and circulated as part of Notice 75-5 is hereby withdrawn.

(Transportation of Explosives Act (18 U.S.C. 831-835); sec. 6, Department of Transportation Act (49 U.S.C. 1655); 49 CFR 1.53, Part 102, Appendix A, paragraph (a).

Issued in Washington, D.C., on September 26, 1975.

ALAN I. ROBERTS,
Director, Office of
Hazardous Materials Operations.

[FR Doc.75-26244 Filed 9-29-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 554]

[Docket 75-26; Notice No. 1]

COMPLIANCE ENFORCEMENT AND DEFECTS INVESTIGATION

Notice of Proposed Rulemaking

This notice proposes codifying existing agency practice with respect to compliance enforcement and defects investigation procedures by adding a Part 554 to Title 49 of the Code of Federal Regulations. The proposed Part combines and

[1] See FR Doc. 75-26243 in the Rules and Regulations section of this issue.

condenses previously published policy directives (39 F.R. 1373, January 8, 1974; 38 F.R. 31460, November 14, 1973) and incorporates changes required by the Motor Vehicle and Schoolbus Safety Amendments of 1974, P.L. 93-492, 88 Stat. 1470. The purpose of codification is more fairly and effectively to implement the National Traffic and Motor Vehicle Safety Act, as amended, 15 U.S.C. 1381 *et seq.*, by better informing interested persons of the agency's procedures.

The agency's organization and general enforcement scheme remains unchanged. Separate Standards Enforcement and Defects Investigation offices develop priorities, solicit information, and conduct investigations. Both issue monthly reports on pending investigations. Preliminary determinations are communicated to the public through FEDERAL REGISTER notices of public meetings and through press releases when appropriate. Final determinations of the Administrator are based on the investigatory file and information communicated at any public meeting.

The principal proposed change makes more similar the operations of the Office of Standards Enforcement and the Office of Defects Investigation. The present proposal calls for the presentation of data, views, and arguments (either at a hearing or in written form) about 30 days after an initial determination of any noncompliance or safety-related defect, at which time a manufacturer could attempt to establish that there is no defect or failure to comply or that the alleged defect does not affect motor vehicle safety. A new Part 556 (49 CFR Part 556), as proposed, would allow manufacturers to petition for exemption from defect and noncompliance notification and remedy requirements on grounds that the defect or noncompliance is inconsequential as it relates to motor vehicle safety. The NHTSA would consider the merits of such a petition either at the hearing or as separate written arguments of the manufacturer in refutation of the agency's initial determination.

In consideration of the foregoing, it is proposed that a new Part 554 be added to Title 49 of the Code of Federal Regulations, to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 14, 1975.

Proposed effective date: Date of publication of final rule in the FEDERAL REGISTER.

(Secs. 103, 108, 109, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1398, 1401, 1403, 1407); Secs. 102-104, 106, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1410a, 1411-1418); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on: September 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

New Part 554 as proposed would read as follows:

PART 554—STANDARDS ENFORCEMENT AND DEFECTS INVESTIGATION

Sec.

554.1 Scope.
554.2 Purpose.
554.3 Application.
554.4 Office of standards enforcement.
554.5 Office of defects investigation.
554.6 Opening an investigation.
554.7 Investigation priorities.
554.8 Monthly reports.
554.9 Availability of files.
554.10 Preliminary determinations and public meetings.
554.11 Final determinations.

AUTHORITY: Secs. 103, 108, 109, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1398, 1401, 1403, 1407); Secs. 102-104, 196, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1410a, 1411-1418); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

§ 554.1 Scope.

This part establishes procedures for enforcing Federal motor vehicle safety standards, investigating possible safety-related defects, and making non-compliance and defect determinations.

§ 554.2 Purpose.

The purpose of this part is to inform interested persons of the procedures followed by the National Highway Traffic Safety Administration in order more fairly and effectively to implement National Traffic and Motor Vehicle Safety Act (the Act).

§ 554.3 Application.

This part applies to actions, investigations, and defect and non-compliance determinations of the National Highway Traffic Safety Administration under sections 109, 112, 124, 152, 156, 157, and 158 of the Act (15 U.S.C. 1398, 1401, 1411, 1412, 1416, 1417, 1418).

§ 554.4 Office of standards enforcement.

The Office of Standards Enforcement, Motor Vehicle Programs, investigates compliance with Federal motor vehicle safety standards, and to this end may—

(a) Verify that manufacturers certify compliance with all applicable safety standards;

(b) Collect field reports from all sources;

(c) Inspect manufacturers' certification test data and other supporting evidence, including dealer communications;

(d) Inspect vehicles and equipment already in use or new vehicles and equipment at any stage of the manufacturing, distribution and sales chain; and

(e) Conduct selective compliance tests.

§ 554.5 Office of Defects Investigation.

The Office of Defects Investigation, Motor Vehicle Programs, conducts investigations to implement the provisions of the Act concerning the identification and correction of safety-related defects in motor vehicles and motor vehicle equipment. It elicits from every available source and evaluates on a continuing basis any information suggesting the existence of a safety-related defect.

§ 554.6 Opening an investigation.

(a) A compliance or defect investigation is opened either on the motion of the Administrator or his delegate or on the granting of a petition of an interested party under Part 552 of this chapter.

(b) A manufacturer is notified immediately by telephone of any compliance test failure in order to enable the manufacturer to begin his own investigation.

§ 554.7 Investigation priorities.

(a) Compliance investigation priorities are reviewed annually and are set according to the following criteria:

(1) Prior compliance test data;

(2) Accident data;

(3) Engineering analysis of vehicle and equipment designs;

(4) Consumer complaints; and

(5) Market share.

(b) Defects inputs are reviewed periodically by an appropriate panel of engineers in consultation with the Office of Chief Counsel to determine whether a formal investigation should be opened by the Office of Defects Investigation.

§ 554.8 Monthly reports.

(a) *Compliance.* A monthly compliance report is issued which lists investigations opened, closed, and pending during that month, identifies compliance test reports accepted, and indicates how individual reports may be obtained.

(b) *Defects.* A monthly defects report is issued which lists investigations opened, closed, pending, and suspended during that month. An investigation may be designated "suspended" where the information available is insufficient to warrant further investigation. Suspended cases are automatically closed 60 days after appearing in a monthly report unless new information is received which justifies a different disposition.

§ 554.9 Availability of files.

All files of closed or suspended investigations are, except for exempt mate-

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rial, available for public inspection in the NHTSA Technical Reference Library. Communications between the agency and a manufacturer with respect to ongoing investigations are also available. Reproduction of entire files or of individual documents can be arranged.

§ 554.10 Preliminary determinations and public meetings.

(a) A preliminary determination of failure to comply with safety standards or of a safety-related defect is made by the Administrator or his delegate based on the completed investigative file compiled by the appropriate office.

(b) The determination is communicated to the manufacturer in a letter which makes available all information on which the decision is based. The letter advises the manufacturer of his right to present data, views and arguments to establish that there is no defect or failure to comply or that the alleged defect does not affect motor vehicle safety. The letter also specifies the time and place of a public meeting for the presentation of arguments or sets a date by which written comments must be submitted. Submission of all information, whether at a public hearing or in written form, is normally scheduled about 30 days after the preliminary determination.

(c) Public notice of a preliminary determination is made in a FEDERAL REGISTER notice that—

(1) Identifies the motor vehicle or item of equipment and its manufacturer;

(2) Summarizes the information upon which the determination is based;

(3) Gives the location of all information available for public examination; and

(4) States the time and place of a public meeting or the deadline for written submissions in which the manufacturer and interested persons may present data, views, and arguments respecting the determination.

(d) A transcript of the public meeting is kept and exhibits may be offered. There is no cross-examination of witnesses.

(e) If the Administrator makes a determination that a failure to comply or a safety-related defect does not exist he may, at his discretion in a particular case, within 60 days of the determination, invite interested persons to submit their views on the NHTSA investigation in another public meeting. Notice and procedures for such a meeting are as specified in paragraphs (c) and (d) of this section.

§ 554.11 Final determinations.

(a) The Administrator bases his final determination on the completed investigatory file and the data, views, and arguments submitted at the public meeting.

(b) If the Administrator determines that a failure to comply or a safety-related defect exists, he orders the manufacturer to furnish the notification specified in the Act and to remedy the defect or failure to comply.

(c) If the Administrator determines that a failure to comply or a safety-related defect does not exist, he so notifies the manufacturer and all other persons who participated in the public meeting.

(d) A statement of the Administrator's final determination and the reasons for it appears in each completed public file.

[FR Doc.75-26120 Filed 9-29-75;8:45 am]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 21; Notice No. 75-8]

EASTERN-CENTRAL STANDARD TIME ZONE BOUNDARY IN THE STATE OF MICHIGAN

Proposed Relocation

The Board of County Commissioners of Iron County, Michigan, has petitioned the Department of Transportation to amend § 71.5 of title 49 of the Code of Federal Regulations to redefine the boundary between the eastern and central time zones so as to include Iron County in the eastern time zone.

At present, four counties in the Upper Peninsula of Michigan—Iron, Gogebic, Dickenson and Menominee—are within the central time zone. The remainder of the State of Michigan is within the eastern time zone. The four counties were relocated from the eastern to the central zone by order of the Secretary of Transportation issued April 10, 1973, and effective 2:00 a.m., April 29, 1973 (38 FR 9228, April 12, 1973).

The Board of Commissioners, which had supported the relocation of the central time zone in 1973, now believes commerce and the convenience of citizens have been disrupted by the relocation. The Board believes the convenience of commerce and of its citizens would best be served by relocating the time zone limits to include Iron County within the eastern time zone.

Under the Time Act originally enacted in 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 *et seq.*) the Secretary of Transportation is authorized to modify the limits of time zones having regard to "the convenience of commerce and the existing junction points and division points of carriers engaged in interstate or foreign commerce."

In consideration of the foregoing, the Department proposes to amend paragraph (a) of § 71.5 of title 49 of the Code of Federal Regulations to relocate the boundary between the eastern and central time zones so as to include Iron County in the eastern time zone.

Before taking final action to adopt, deny, or modify the proposed boundary requested by the petitioner, the Secretary of Transportation will consider the timely comments of all interested persons. Comments should identify the regulatory docket or notice number (see above) and be submitted to the Docket Clerk, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. Comments received on or before October 20, 1975, will be considered before final action is taken on the petition. All docketed comments will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Assistant General Counsel for Regulation, Room 10424, Department of Transportation Headquarters (Nassif) Building, 400 Seventh Street, S.W., Washington, D.C., between 9:00 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays.

This proceeding does not concern adherence to or exemption from advanced time. The Uniform Time Act of 1966 requires observance of advanced time from 2:00 a.m. on the last Sunday in April to 2:00 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement by law applicable to the entire State. A State that has parts in more than one time zone may exempt the entire area within one time zone without exempting the entire State. Thus, any part of the State of Michigan placed in the central time zone must, under existing law in the State of Michigan, observe central advanced time from 2:00 a.m. on the last Sunday in April to 2:00 a.m. on the last Sunday in October of each year. All such parts may, however, be exempted collectively from such observance by act of the Michigan legislature.

The Department intends that any change in the existing boundary which results from the adoption of this proposal shall take effect at 2:00 a.m., Sunday, October 26, 1975, the beginning of the changeover date to standard (nonadvanced) time.

This proposal is issued under authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–67); section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)); and § 1.59(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a)).

Issued in Washington, D.C., on September 25, 1975.

JOHN HART ELY,
General Counsel.

[FR Doc.75-26121 Filed 9-29-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N-0254]

CONDITIONS FOR MARKETING HUMAN PRESCRIPTION DRUGS AND DEVICES

Regulatory Policy and Proposed Rulemaking for Marketing Contact Lenses

The Commissioner of Food and Drugs is proposing to adopt a regulation setting forth the Food and Drug Administration's longstanding regulatory policy for marketing contact lenses and explaining the criteria the Agency will use to determine whether contact lenses are to be regarded as drugs or devices. Interested persons have until December 1, 1975 to submit written comments regarding the proposal.

Background—Contact lenses consisting entirely of polymethylmethacrylate (PMMA) have been marketed in the United States since the early 1950's and have been and continue to be regarded by the Agency as devices within the meaning of section 201(h) of the Federal Food, Drug, and Cosmetic Act. Such products do not require administrative approval for marketing.

Since the introduction of hydrophilic soft contact lenses in the 1960's, the agency has regarded all contact lenses other than those consisting of PMMA as new drugs requiring premarketing clearance. This decision to regulate such contact lenses under the new drug provisions of the Federal Food, Drug, and Cosmetic Act was based on a recognition that new plastic materials that had not been shown to be safe and effective were being introduced for use in the manufacture of contact lenses. The introduction of these new materials led to new lens design and use, new manufacturing methods, and new methods for lens care. The Food and Drug Administration is concerned that the use of these contact lenses may result in serious eye damage if the new material of which they are composed is unsafe for use in the eye, if the user cannot feasibly care for the lenses, or if the highly complex procedures for the manufacture of these lenses are not carefully controlled to assure a product of uniform quality.

To be safe for use, contact lenses must be compatible with the ocular tissue and nonbiodegradable, i.e., incapable of introducing potentially toxic substances into the surrounding tissue through leaching or migration. To determine the safety of contact lenses, studies must be conducted to define the biocompatibility of the lenses with ocular tissue and to determine their biodegradability. Such studies must supply data adequate to establish the safety of the lenses and should include, among others, ocular irritation studies, tissue reactivity studies, primary ocular irritation studies using extractables obtained from the lenses, and studies to determine the possible effects that might be produced by the lenses following inadvertent use with common ophtalmic preparations, including those available on the prescription of a licensed practitioner. In evaluating such studies, the frequency and duration of contact lens wear require that consideration be given to the long term tolerance of ocular tissues to the lenses. In addition, tests must be conducted to determine the danger of potentially toxic substances leaching or migrating from the lenses into the surrounding ocular tissue. To assess this danger it is necessary to determine the quantitative amounts of the toxic substances that may be detrimental.

Several characteristics of contact lenses require a system for daily care by the lens wearer that is effective and practical. Although plastic contact lenses are highly polished on both sides, they are still slightly porous. If such lenses are stored while dry, the chemical constituents of tears can produce an undesirable residue of material on the surface of the lens which can disturb its optical transparency. Additionally, pathogenic organisms and toxic substances may be transferred to the lens. In certain cases, a buildup of proteinaceous deposits has been observed on contact lenses. Consequently, methods must be developed for daily cleaning and asepticizing of lenses to prevent damage of the eye from infection and to maintain the effectiveness of the lenses. Where disinfecting solutions are required, studies must be conducted to determine if the constituents of the solution will be absorbed and concentrated in the lenses and subsequently eluted into the wearer's eyes in order to prevent the severe eye damage which may occur under these circumstances.

To be safe for use, contact lenses must also be capable of being manufactured under conditions which will assure a product of uniform quality. Complex chemistry is involved in the synthesis of new plastics used in contact lenses, and apparently minor alterations of the component in the plastic may affect the absorption of the plastic or the therapeutic usefulness or stability of the product. In assessing the adequacy of the procedures for manufacturing contact lenses, consideration must be given to purity of raw materials and methods of production to assure that toxic substances are not present in the raw materials or produced in the manufacturing process.

The Agency's policy of regarding contact lenses other than those consisting entirely of PMMA as new drugs is consistent with the decision of the Supreme Court in *United States* v. *An Article of Drug . . . Bacto-Unidisk*, 394 U.S. 784 (1969), and of the United States Court of Appeals for the Second Circuit in *AMP Inc.* v. *Gardner*, 389 F. 2d 825 (C.A. 2), *cert. denied sub nom. AMP, Inc.* v. *Cohen*, 393 U.S. 825 (1968). These decisions recognized that products falling within the act's broad definition of "drug" may properly be regulated as new drugs to accomplish the act's basic purpose of protecting the public health. As Chief Justice Warren stated in *United States* v. *Bacto-Unidisk*, *supra* at 793, 798-99, in his opinion for the Court:

> [I]t is clear from § 201 that the word "drug" is a term of art for the purposes of the Act, encompassing far more than the strict medical definition of that word • • •. The historical expansion of the definition of drug, and the creation of a parallel concept of devices, clearly show • • • that Congress fully intended that the Act's coverage be as broad as its literal language indicates—and equally clearly, broader than any strict medical definition might otherwise allow • • •. [L]egislative history, read in light of the statute's remedial purpose, directs us to read the classification "drug" broadly, and, to confine the device exception [to a relatively narrow interpretation] • • •.

At the time of these court decisions, contact lenses consisting entirely of PMMA had become widely used since their introduction. Experience in using these lenses had raised no substantial questions as to their safety and effectiveness. Therefore, the Food and Drug Administration continues to regard these lenses as devices.

The policy of the Food and Drug Administration of regarding all contact lenses other than those consisting entirely of PMMA as new drugs has been publicized and is generally known to contact lens manufacturers. (See, e.g., Halberg, G. Peter, M.D., "Regulatory Aspects of Contact Lenses," *Transactions of the American Academy of Ophthalmology and Otolaryngology* 78:419, May–June 1974, a speech presented at the Seventy-eighth Annual Meeting of the American Academy of Ophthalmology and Otolaryngology, Dallas, Texas, September 16–20, 1973. A copy is on display with the Hearing Clerk). Further evidence of industry awareness of this policy is the fact that several new drug or investigational new drug applications for contact lenses made of polymers other than PMMA have been submitted to the Agency.

Regulatory Policy—The Agency has in the past regarded, and will continue to regard, contact lenses consisting entirely of PMMA as devices within the meaning of section 201(h) of the act. Manufacturers of these contact lenses are responsible for assuring that such devices are not adulterated or misbranded.

The Agency has undertaken a study to determine the extent to which adjuvants such as cross-linking agents, resin bases, catalysts, colorants, and antioxidants are used in the manufacture of contact lenses consisting of PMMA to determine the effects of such adjuvants on the essential physicochemical characteristics of PMMA and thus to determine which of these contact lenses may be regarded as devices and which should be regarded as new drugs. The public will be advised of the findings of this study when it is completed, or if new information raising questions about the safety and effectiveness of any such contact lenses is developed.

The Agency has in the past regarded, and will continue to regard, as new drugs contact lenses consisting of polymers other than PMMA, e.g., cellulose acetate butyrate (CAB), polycarbonate, silicone, and hydroxyethylmethacrylate (HEMA). Appropriate regulatory action will be initiated against any such contact lenses introduced into interstate commerce that are not the subject of an approved full new drug application (NDA) or "Notice of Claimed Investigational Exemption for a New Drug" (IND).

Although the Agency's enforcement policy regarding contact lenses has previously been publicized, this policy is not set forth in Title 21 of the Code of Federal Regulations. Accordingly, the Commissioner of Food and Drugs has concluded that, formally to advise the public, this regulatory policy should be promulgated as a regulation and codified in Title 21, C.F.R. Such a regulation is proposed below. Upon promulgation, this

V 40 190 SEP 3075 XUM

regulation will codify the Agency's current regulatory policy regarding contact lenses as set forth in this notice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701 (a), 52 Stat. 1052–1053 as amended, 1055 (21 U.S.C. 355, 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 310 be amended by adding a new section to read as follows:

§ 310.512 Conditions for marketing contact lenses for human use.

(a) The Food and Drug Administration regards as devices, within the meaning of section 201(h) of the act, contact lenses consisting entirely of polymethylmethacrylate (PMMA). Manufacturers of these contact lenses are responsible for assuring that such devices are not adulterated or misbranded.

(b) The Food and Drug Administration has undertaken a study to determine the extent to which adjuvants such as cross-linking agents, resin bases, catalysts, colorants, and antioxidants are used in the manufacture of contact lenses consisting of PMMA to determine the effects of such adjuvants on the essential physicochemical characteristics of PMMA and thus to determine which of these contact lenses may be regarded as devices and which shall be regarded as drugs. The public will be advised of these findings when this study is completed or if new information raising questions about the safety and effectiveness of any such contact lenses is developed.

(c) The Food and Drug Administration regards as new drugs contact lenses consisting of polymers other than PMMA, e.g., cellulose acetate butyrate (CAB), polycarbonate, silicone, and hydroxyethylmethacrylate (HEMA). Any such lenses shipped in interstate commerce that are not the subject of an approved full new drug application (NDA) or "Notice of Claimed Investigational Exemption for a New Drug" (IND) shall be subject to regulatory action to enforce section 505 of the act.

Interested persons may, on or before December 1, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 24, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-26063 Filed 9-29-75;8:45 am]

[21 CFR Part 1010]

[Docket No. 70N–0259]

PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS

Exemptions from Performance Standards for Products Intended for United States Government Use

The Commissioner of Food and Drugs proposes to amend Part 1010 of the Code of Federal Regulations (21 CFR Part 1010) to provide for exemptions from standards for electronic products intended for use by departments or agencies of the United States. The proposed amendment would add new § 1010.5. The granting of such exemptions is authorized by section 358(a)(5) of the Radiation Control for Health and Safety Act of 1968. Comments on this proposal must be submitted on or before December 1, 1975.

Pursuant to the act, electronic products intended for use by United States departments or agencies may be granted exemption from applicable performance standards of 21 CFR Subchapter J. provided the department or agency has prescribed procurement specifications governing the emissions of electronic product radiation and provided further that the product is of a type used solely or predominantly by departments or agencies of the United States. The manufacturer, which may or may not be the government agency, shall apply for the exemption. The purchasing specifications would have to be included in the application and would have to contain adequate provisions for radiation safety.

Proposed § 1010.5 would provide that:

1. Manufacturers would be required to submit:

a. The product's procurement specifications that relate to radiation emission. This would allow the Food and Drug Administration (FDA) to determine if there are adequate criteria governing the emission of electronic product radiation.

b. Evidence that the specific products for which exemption is sought are intended for use by departments or agencies of the United States Government and are of a type used solely or predominantly by such departments or agencies. Exemptions granted under this section would only be for products to be acquired and used by U.S. departments or agencies.

c. A description of the product and its intended use, to allow the FDA to become familiar with the product and any potential radiation hazards associated with it.

d. A description of the possible incompatability of the applicable standard in 21 CFR Subchapter J with the product's intended use. In general, exemptions from standards can be more readily justified if adherence to the standard would conflict with the intended use of the product.

e. A description of the exact manner in which it is proposed to deviate from the requirements of the standard. This is necessary to determine whether exemption from an applicable standard is appropriate.

f. A description of the advantages to be derived from deviations from requirements of the applicable standard. Deviation from requirements of a standard would be allowed only if there is a clear need or advantage in so doing.

g. An explanation of alternate means of radiation protection that are to be provided. If adherence to specific radiation protection criteria of an applicable standard is not appropriate, alternate means of radiation protection would be considered in evaluating the application.

h. The length of time the manufacturer desires to have the exemption in effect, and, if appropriate, the number of units to be manufactured under the exemption. All exemptions granted would have a termination date and, if appropriate, a specified number of units. Since electronic product technology is rapidly changing, it is not considered compatible with good radiation protection practice to allow open ended exemptions.

i. Additional information necessary to evaluate and act on the exemption request. Such additional information would be requested by the Director, Bureau of Radiological Health, Food and Drug Administration.

2. The proposed provisions would permit the Director, Bureau of Radiological Health, to amend or renew exemptions. This will avoid the necessity for submission and processing of completely new applications, where unwarranted.

3. The Director, Bureau of Radiological Health, would have authority to withdraw an exemption at any time when necessary to protect the public health, or when justified by the provisions of the act or 21 CFR Subchapter J. An exemption might be withdrawn if, for example, a standard is amended to make the exemption unnecessary. Withdrawal of an exemption could also be based upon additional information not anticipated or not available at the time the exemption is granted.

4. Applications for exemptions would be submitted to the office of the Hearing Clerk, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. Applicants would be informed in writing by the Director, Bureau of Radiological Health of action on a requested exemption.

5. All applications for exemptions and amendments and extensions thereof, and all correspondence relating to such applications, would be available for public disclosure in the office of the Hearing Clerk, except for confidential or proprietary information submitted in accordance with 21 CFR Part 4.

Where applicable, State radiation control authorities will be notified of applications for exemptions, as well as actions taken.

No environmental impact statement or environmental impact analysis report is required pursuant to 21 CFR 6.1(b) because this amendment will not significantly affect the quality of the human environment.

Therefore, under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f, 263j)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 1010 by adding a new § 1010.5 to read as follows:

§ 1010.5 Exemptions for products intended for United States Government use.

(a) *Criteria for exemptions.* Upon application by a manufacturer (including assembler), the Director, Bureau of Radiological Health, Food and Drug Administration, may grant an exemption from any performance standard under Subchapter J of this chapter for an electronic product subject to such standard when he determines that such electronic product is intended for use by departments or agencies of the United States: *Provided,* That such department or agency has prescribed procurement specifications governing emissions of electronic product radiation: *Provided further,* That such product is of a type used solely or predominantly by departments or agencies of the United States.

(b) *Applications for exemptions.* Applications for exemptions or for amendments or extensions thereof shall be submitted in quintuplicate to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

(1) The application for exemptions shall include the following information:

(i) The product's procurement specifications that govern emissions of electronic product radiation.

(ii) Evidence that such product is intended for use by a department or agency of the United States and is of a type used solely or predominantly by departments or agencies of the United States.

(iii) A description of the product and its intended use.

(iv) An explanation of how compliance with the applicable standard would restrict or be inappropriate for this intended use.

(v) A description of the manner in which it is proposed to deviate from the requirements of the applicable standard.

(vi) An explanation of the advantages to be derived from such deviation.

(vii) An explanation of how alternate means of radiation protection will be provided.

(viii) The period of time it is desired that the exemption be in effect, and, if appropriate, the number of units the applicant wishes to manufacture.

(ix) The name, address, and telephone number of the manufacturer or his agent.

(x) The name, address, and telephone number of the United States department or agency purchasing the product.

(xi) Such other information required by regulation or by the Director, Bureau of Radiological Health, to evaluate and act on the application.

(2) The application for amendment or extension of an exemption shall include the following information:

(i) The exemption number and expiration date.

(ii) The amendment or extension requested and basis for the amendment or extension.

(iii) A description of the effect of the amendment or extension on protection from radiation produced by the product.

(iv) An explanation of how alternate means of radiation protection will be provided.

(c) *Ruling on applications.* (1) The Director, Bureau of Radiological Health, may approve or deny, in whole or in part, a requested exemption or any amendment or extension thereof, and he shall inform the applicant in writing of his action on a requested exemption or amendment or extension. Each exemption will be assigned an identifying number.

(2) The Director, Bureau of Radiological Health, shall amend or withdraw an exemption whenever he determines that such action is necessary to protect the public health or otherwise is justified by provisions of the act or this subchapter. Such action shall become effective when the applicant receives written notice of the action, except that it shall become effective immediately when the Director determines that it is necessary to prevent an imminent health hazard.

(3) All applications for exemptions and for amendments and extensions thereof and all correspondence relating to such applications shall be available for public disclosure in the office of the Hearing Clerk, except for confidential or proprietary information submitted in accordance with Part 4 of this chapter.

Interested persons may, on or before December 1, 1975, submit with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal. Comments shall be submitted in quintuplicate and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. It is proposed to make this amendment effective 10 days after publication of the final order. Received comments may be seen in the above office, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Dated: September 23, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-26064 Filed 9-29-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 437–2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts: Proposed Change in the Sulfur Content of Fuel Burned in the Metropolitan Boston Air Quality Control Region

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with exceptions the Massachusetts Implementation Plan for the attainment of national ambient air quality standards.

On July 11, 1975 the Massachusetts Secretary of Environmental Affairs informally submitted a proposed revision pursuant to recently adopted Chapter 494, Commonwealth of Massachusetts' "An Act Relative to Periodic Review of Ambient Air Quality Standards" to be included in the implementation plan. The Secretary completed formal submittal of the revision on September 16, 1975. This revision would make less stringent the regulations governing sulfur content of fuels burned in the Boston core area by allowing electric generating facilities having an energy input capacity of two and one half billion (2.5 billion) or greater BTU per hour to burn fossil fuel with a sulfur content not to exceed 0.55 pounds per million BTU heat release potential (approximately equivalent to 1% sulfur content fuel oil). Also, those facilities located in the Metropolitan Boston Air Quality Control Region but not in the Boston core having an energy input capacity of one hundred million (100,000,000) or greater BTU per hour may burn fossil fuel with sulfur content not in excess of 1.21 pounds per million BTU heat release potential (approximate equivalent to 2.2 percent sulfur content fuel oil). These changes would be effective from July 1, 1975 to July 1, 1977. The proposed revision requires that each source be reviewed by the Department of Environmental Quality Engineering in order to insure that ambient air quality standards will not be exceeded. The proposed revision also requires that the use of such fuel must be approved in writing by the Department.

In certain cases the establishment of a network of continuous ambient air sulfur dioxide monitors will be required in the vicinity of a facility or combination of facilities eligible to burn fuel of the revised higher sulfur content. As a minimum, additional monitors will be required whenever the annual usage of the higher sulfur fuel would exceed ten (10) million oil-equivalent gallons in any one city or town. Exceedence of ambient air quality standards for sulfur dioxide recorded by such monitoring systems would be grounds for requiring an immediate and permanent return to the

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use of lower sulfur fuel for the sources involved.

Copies of the Massachusetts submission are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, J.F.K. Federal Building, Room 2113, Boston, Massachusetts 02203; Department of Environmental Quality Engineering, Bureau of Air Quality Control, Room 320, 600 Washington Street, Boston, Massachusetts 02111; and the Freedom of Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

The Regional Administrator hereby issues this notice setting forth the Massachusetts revision as proposed rulemaking and advises the public that interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the address below. Relevant comments received by October 31, 1975, will be considered and acknowledged. Comments received will be available for public inspection during normal working hours at the Region I office. All comments should be addressed to: Regional Administrator, Region I, Environmental Protection Agency, Room 2303, J.F.K. Federal Building, Boston, Massachusetts 02203.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(h) and 110(a)(3) of the Clean Air Act and EPA regulations in 40 C.F.R. Part 51. The Agency will incorporate in the rules adopted a concise general statement of their basis and purpose. This revision is being proposed pursuant to sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c–(5)(a) and 1857g).

Dated: September 23, 1975.

JOHN A. S. MCGLENNON,
Regional Administrator.

[FR Doc.75–25[illegible] Filed 9–29–75;8:45 am]

[40 CFR Part 52]

[FRL 437–1]

WISCONSIN AIR IMPLEMENTATION PLAN

Proposed Disapproval of New Source Review Provisions

On May 31, 1972 the Administrator of the Environmental Protection Agency approved, with certain exceptions, the Wisconsin Air Implementation Plan (37 FR 10842).

A subsequent review of the approval notice surfaced a deficiency in the review procedures for permitting construction or modification of sources. Section 144.39(1) of the Wisconsin Statutes (Ch. 33, Laws of 1967) permits construction of new sources or modifications if the State Agency fails to issue a prohibition order regardless of whether or not such construction/modification would interfere with attainment/maintenance of national air quality standards. NR 154.05(1) reiterates the language of the statute in the State Agency regulations.

Section 110(a)(2)(D) & (a)(4) of the Clean Air Act [42 U.S.C. 1857c–5 (a)(2)(D) & (a)(4)] and 40 CFR 51.11(a)(4) & 51.18 of the EPA regulations require States to have legal authority and enforceable procedures to prevent construction or modification of a source which may (a) violate portions of the applicable control strategy or (b) interfere with attainment/maintenance of a national standard.

In addition, 40 CFR 51.18(h) requires States to have procedures providing for public comment including a 30-day comment period.

The "default permit" contained in the Wisconsin Statute and regulations impedes the ability of the State to meet the above-described requirements. Accordingly, to the extent that issuance of "default permits" would interfere with the authority of the State of Wisconsin to prohibit construction which will cause violation of air quality standards or portions of the applicable plan, the Wisconsin plan should be disapproved. EPA is today proposing substitute regulations applicable to sources receiving "default permits." In addition, the Wisconsin plan should be disapproved for failure to meet public comment requirements, and a substitute regulation applicable to all new or modified source permits is proposed.

In the event that the State acts to correct these deficiencies by submitting a revision to the plan, the proposed plan disapproval and substitute regulations will be withdrawn.

Interested persons may participate in this rule-making procedure by submitting all remarks in writing to the Regional Administrator, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Comments must be received no later than October 30, 1975, to be eligible for consideration. All comments will be available for public inspection at the above location during normal business hours. The agency will carefully weigh all comments submitted.

(42 U.S.C. 1857c–5)

Dated: September 22, 1975.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart YY—Wisconsin

1. Section 52.2574 is amended by adding paragraph (b) as follows:

§ 52.2574 Legal authority.

* * * * *

(b) The requirements of § 51.11(a)(4) of this Chapter are not met since Section 144.39(1) of the Wisconsin Statutes may preclude prevention of new source construction or modification in certain situations.

2. Section 52.2579 is amended by adding paragraphs (c), (d), and (e) as follows:

§ 52.2579 Review of new sources and modifications.

* * * * *

(c) The requirements of § 51.18 (a) (b) and (h) of this Chapter are not met because the State does not have procedures to prevent new source construction or modification in certain circumstances, and the State has failed to submit procedures providing for public comment on all new source-construction or modification permits.

(d) Regulation for review of new or modified sources which have received a "permit by default." (1) This requirement is applicable to any stationary source in the State of Wisconsin, the construction or modification of which is commenced after the effective date of this regulation and which has not been issued a permit to construct or a stop work order under Wisconsin NR 154.05(1).

(2) No owner or operator shall commence construction or modification of any stationary source subject to this regulation after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, the nature and amount of emissions, plans, description, specifications and drawings showing the design of the source, and the manner in which it will be operated and controlled. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (d)(3) of this section.

(v) Any additional information, plans, specification, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national ambient air quality standard.

(4) Within 30 days after receipt of an application submitted pursuant to this requirement, the Administrator shall:

(i) Make preliminary determination on whether construction/modification of the source should be approved, conditionally approved, or disapproved.

(ii) Make available in at least one location in the region in which the proposed construction/modification is to take place, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of all other materials, if any, considered by the Administrator in making his determination.

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the region in which the proposed construction/modification is to take place, of the opportunity for written comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the construction/modification.

(iv) Send a copy of the notice required pursuant to this sub-paragraph to all State and local air pollution control agencies having jurisdiction in the region where the construction/modification is to take place.

(v) Consider public comments submitted in writing within 30 days after the date such information is made available in making his final decision on the application. All public comments shall be made available for public inspection in at least one location in the region in which the construction/modification is to take place.

(5) The Administrator shall take final action on an application within 30 days after the close of a 30-day public comment period and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(6) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(7) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if, during the construction, work is suspended for one year.

(8) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of the source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(9) Within 60 days after achieving the maximum production rate at which the source will be operated, but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observant present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with all State and Federal regulations which are part of the applicable plan.

(10) Approval to construct shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 0.5 gr H_2S per 100 std. ft^3 (5.7 g/100 $stdm^3$); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(11) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

(e) Regulation providing for public comment. (1) Prior to approval or disapproval of the construction or modification of a stationary source, the Secretary of the Wisconsin Department of Natural Resources shall:

(i) Make a preliminary determination whether the construction/modification of the stationary source shall be approved, approved with conditions, or disproved.

(ii) Make available in at least one location in the region in which the proposed construction/modification would take place, a copy of all materials submitted by the owner or operator, a copy of the Secretary's preliminary determination, and a copy or summary of other materials, if any, considered by the Secretary in making his preliminary determination, and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the region in which the proposed construction/modification would take place, of the opportunity for public comment on the information submitted by the owner or operator and the Secretary's preliminary determination on the approvability of the construction/modification.

(2) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office; and to all other States and local air pollution control agencies having jurisdiction in the region where the construction/modification will take place.

(3) Public comments submitted in writing within 10 days of the date such information is made available shall be considered by the Secretary in making his final decision on the application.

[FR Doc.75–25967 Filed 9–29–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 73, 76]

[Docket No. 20520 RM–2169; RM–2198; RM–2193; RM–2234; RM–2197; RM–2343]

MULTIPLE OWNERSHIP OF STANDARD, FM, TELEVISION BROADCAST STATIONS AND CROSS-OWNERSHIP OF CABLE TELEVISION SYSTEMS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of §§ 73.35, 73.240, 73.636, and 76.501 of the Commission's Rules relating to Multiple Ownership of Standard, FM, Television Broadcast Stations and Cross-Ownership of Cable Television Systems (stock held by insurance companies, mutual funds, and other institutional investors).

1. On June 11, 1975, (40 FR 34614) the Commission issued its Notice of Proposed Rule Making in this matter and invited comments from interested parties. The original deadline for comments was August 11, 1975, and for reply comments the date was August 26, 1975. In response to a request from the American Life Insurance Association (ALI), the Commission, by order of August 4, 1975, extended these dates to September 26 and October 13, 1975, respectively.

2. ALI, by request of September 15, 1975, asks that the time for filing initial comments be extended briefly until October 3, and for reply comments until October 20, 1975. ALI bases its request on the fact that the meetings held by its members raised certain questions concerning the proposal which require further coordination and circulation by mail of the material among those companies.

3. We are of the opinion that this brief extension of time is in the public interest. Accordingly, it is ordered, That the dates for filing comments and reply comments are extended to and including October 3, 1975 and October 20, 1975, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1)

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and 303(r) of the Communications Act of 1934, as amended, and § 0.281 and 1.46 of the Commission's Rules.

Adopted: September 17, 1975.

Released: September 19, 1975

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-26077 Filed 9-29-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 201, 260]

[Docket Nos. R-411 and RM74-4]

ACCOUNTING AND RATE TREATMENT OF ADVANCES INCLUDED IN ACCOUNT NO. 166, ADVANCES FOR GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

Notice Postponing Oral Argument

SEPTEMBER 22, 1975.

By notice issued September 16, 1975, an oral argument was scheduled for September 24, 1975. Several requests for postponement of the argument have been filed.

Upon consideration, notice is hereby given that the oral argument is postponed to October 23, 1975, at 9:00 a.m. (EDT). All parties made respondents hereto, as well as interested state commissions and any other interested parties, may participate. Those similarly situated and making similar contentions are urged to present their arguments through the same counsel. All persons desiring to make oral argument shall so inform the Secretary on or before 3:00 p.m. on Tuesday, October 14, 1975, and shall state the time they request.

In addition, any party wishing to file any written statements or supplementary exhibits relating to the oral argument shall file such statements or exhibits no later than 3:00 p.m. on Tuesday, October 14, 1975, and shall serve such documents on all parties to this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25991 Filed 9-29-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 447]

DISCLOSURE REGULATIONS CONCERNING RETAIL PRICES FOR PRESCRIPTION DRUGS

Trade Regulation Rule; Final Notice

On June 4, 1975, the Commission published in the FEDERAL REGISTER (40 F.R. 24031) an Initial Notice of a Proposed Trade Regulation Rule entitled "Disclosure Regulations Concerning Retail Prices For Prescription Drugs", pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part 1, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure).

Now, pursuant to the same authority and more specifically to the authority of Section 1.12 of the Commission's Procedures and Rules of Practice, the undersigned duly appointed Presiding Officer for this proceeding hereby gives Final Notice of proposed rulemaking, incorporating by reference the contents of the Initial Notice described above, including the two proposed rules contained therein, which rules are hereinafter referred to as the "proposed rule".

WRITTEN COMMENTS

All interested persons are hereby notified that they may continue to submit written data, views or arguments on any issue of fact, law, policy or discretion which may have some bearing upon the proposed rule. Such comments should be submitted to Henry B. Cabell, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, no later than November 21, 1975. To assure prompt consideration comments should be identified as "Prescription Drug Price Comment" and submitted, when feasible and not burdensome, in five copies. Comments previously submitted in response to the Initial Notice have been placed in the public record and need not be resubmitted.

PUBLIC HEARINGS: DATES AND PLACES

Notice is also given that public hearings on the proposed rule will be held at the locations set forth below, commencing on the dates and times specified at each location:

1. Public hearings will be held commencing on December 1, 1975, at 10:00 a.m. in Chicago, Illinois:

Room 347 A and B, John C. Kluczynski, Federal Building, 230 South Dearborn Street, Chicago, Illinois.

2. Public hearings will be held commencing on December 15, 1975, at 10:00 a.m. in San Francisco, California:

Room 12138, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

3. Public hearings will be held commencing on January 12, 1976, at 10:00 a.m. in Washington, D.C.:

Room 332, Federal Trade Commission Building, 6th and Pennsylvania Avenue NW., Washington, D.C.

Persons desiring to present their views orally in Chicago should so inform the Commission's representative listed below not later than November 21, 1975:

1. Chicago, Illinois

Jerome S. Lamet, (312) 353-4423, Federal Trade Commission, Suite 1437, 55 East Monroe Street, Chicago, Illinois 60603.

Persons desiring to present their views orally in San Francisco should so inform the appropriate Commission representative listed below not later than November 21, 1975:

2. San Francisco, California

John M. Porter, (415) 556-1270, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102.

Persons desiring to present their views orally in Washington, D.C., should so inform the Commission representative listed below not later than December 19, 1975:

3. Washington, D.C.

Bruce M. Chadwick, (202) 963-6423, Federal Trade Commission Building, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580.

INSTRUCTIONS FOR WITNESSES

All prospective witnesses are advised that reasonable limitations upon the length of time allotted to any person may be imposed and that these time periods may vary from witness to witness, depending upon all the circumstances, including the needs of each witness, the complexity of the expected testimony, the number of parties represented by each witness and the cumulative nature of expected testimony. Witnesses will be expected to stay within the time allotted for their remarks, and the Presiding Officer may allocate additional time for questioning. To the extent that individual views are not thereby suppressed, individual members of interested groups are encouraged to make their views known through group representatives. As a general rule, witnesses are expected to confine their remarks to twenty minutes or less, unless an exception has been made, and to develop their testimony at greater length through their written submissions. A witness is not entitled to testify at more than one hearing site.

Persons wishing to deliver prepared statements are required to file such statements with the designated Commission representative listed above no later than November 21, 1975, for those witnesses appearing in Chicago, Illinois, and in San Francisco, California, and no later than December 19, 1975, for those witnesses appearing in Washington, D.C., and, when possible, to furnish five copies of any statement in excess of two pages.

Persons not intending to deliver prepared statements are required to file with the designated Commission representative listed above by the same dates, depending upon the location at which they intend to appear, a written summary of the general nature of their testimony (i.e. a brief statement of each important point, observation, conclusion or opinion they anticipate making).

The Presiding Officer retains the discretion to deny the right to present oral testimony to any person who fails to file a prepared statement or written summary of expected oral testimony, or who otherwise fails to comply with the advance notification requirements of this Notice.

A prospective witness who plans to introduce documents or other written evidence as exhibits must furnish such exhibits, properly identified with the witness's name and sequential number (e.g. Jackson Exhibit-1) to the designated Commission representative listed above by the same dates, depending upon the location at which the witness intends to appear unless for good cause shown the witness can demonstrate why this could not have been done at that time.

All prospective witnesses may and, indeed, are encouraged to direct their remarks toward any question of fact, law, policy or discretion relevant to the proposed rule and, in this regard, the usual rules of evidence applicable to litigated proceedings will not apply. However, all prospective witnesses are advised that, to the extent their remarks may bear upon any disputed issues of fact which may be later designated, they may be subject to limited cross examination as to those issues by representatives of other interested parties, as designated by the Presiding Officer, or to cross examination by the Presiding Officer on behalf of such representatives, or to direct rebuttal submissions. All witnesses will be subject to direct examination by the Presiding Officer and by such interested parties as he may within his discretion permit and subject to his control. Oral presentations will not be under oath unless the Presiding Officer so directs.

DESIGNATED ISSUES OF FACT

Based on the material contained in the public record of these proceedings, including comments received subsequent to publication of the initial notice on June 4, 1975, the Presiding Officer has determined that there are no disputed issues of fact which meet the criteria of § 1.13(d)(1)(i) of the Commission's Procedures and Rules of Practice for consideration in accordance with § 1.13(d)(5) and (6) of those procedures and rules. Accordingly, no such issues are designated in this Notice.

The Presiding Officer may at any time, on his own motion or pursuant to a written petition by interested persons, designate issues of disputed fact which meet the criteria of § 1.13(d)(1)(i) of the Commission's Procedures and Rules of Practice. No such petition shall be considered unless good cause is shown why such issue was not proposed during the time specified in the Initial Notice and subsequent extension of that time. The only issues which will be considered in response to such petitions are disputed issues of fact which are material and necessary to resolve.

In the event issues of disputed fact are subsequently designated, testimony with respect to such issues may entitle designated representatives of other interested parties to conduct or have conducted such cross examination as the Presiding Officer may determine to be appropriate and to be required for a full and true disclosure with respect to any issue so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any such issue may be achieved through rebuttal submissions or the presentation of additional oral or written statements. Interested parties must promptly notify the Presiding Officer in writing of their particular interest with respect to each such issue, including a general statement of their position with respect to such issues. Requests to examine, including to cross examine or to present rebuttal submissions, shall be accompanied by a specific justification therefor.

In the event such issues of disputed fact are designated, the Presiding Officer will promptly identify groups of persons with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of examination or rebuttal submissions and, if they are unable to agree, the Presiding Officer may select a representative of each such group. Any member of a group who is unable to agree upon group representation after a good faith effort to do so and who seeks to present substantial and relevant issues which will not be adequately presented by the group representative may be allowed to conduct or have conducted any examination, including cross examination or rebuttal submissions, to which he is entitled on issues designated for consideration in accordance with this Notice.

SUMMARY OF CLOSING DATES

All written comments, November 21, 1975. Witnesses' prepared statements, summaries of anticipated testimony and exhibits: Chicago witnesses, November 21, 1975; San Francisco witnesses, November 21, 1975; Washington, D.C., witnesses, December 19, 1975.

Public hearings commence: December 1, 1975; Chicago portion commences, December 1, 1975; San Francisco portion commences December 15, 1975; Washington, D.C., portion commences January 12, 1976.

Issued: September 30, 1975.

HENRY B. CABELL,
Presiding Officer.

[FR Doc.75-26060 Filed 9-29-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[EX PARTE NO. 252 (Sub-No. 2)]

[49 CFR Part 1036]

INCENTIVE PER DIEM CHARGES ON BOXCARS

Incentive Per Diem Charges; Gondolas

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 4th day of September, 1975.

By petitions filed on February 11, 1975, and February 18, 1975, the Chessie System Lines[1] and the Norfolk and Western Railway Company have requested the Commission pursuant to Rule 44 of the General Rules of Practice, 49 CFR 1100.44, to institute a rulemaking proceeding under section 1(14)(a) of the Interstate Commerce Act, 49, U.S.C. 1(14)(a), to issue rules and regulations establishing incentive per diem charges on plain gondola rail freight cars.[2] The Chessie System Lines suggest that incentive per diem charges prescribed for plain boxcars, 49 CFR 1036.2, be collected from gondola car users.

From its inception, this proceeding was designed to be an on-going forum for consideration of appropriate incentives to cure the short supply of specific types of railroad freight cars. The program adopted for plain boxcars has been expanded and improved and a commitment to extend the program to other types of cars found to be in short supply has been made on the public record.[3] Therefore, it is appropriate that careful consideration be given to carrier proposals to extend incentive per diem rules and charges to an additional component of the railroad freight car fleet. Such consideration is especially appropriate when substantial users of the gondola fleet have come forward to support the carrier petitions.[4]

Addition of an incentive element to the compensation paid to the freight car owner is reserved by statute to defined circumstances. Incentive charges may not be levied indiscriminately and funds generated by lawful charges must be dedicated to meet the needs of commerce for specific car types. Our present rules were adopted to conform to these principles. The rules have been tempered by experience and offer a rational starting point to embark on this investigation.

A decision to add gondola cars to the incentive per diem program must be based on an adequate factual record. The national level of ownership of gondola cars must be considered and the need for an incentive element of compensation must be evaluated. The record should be developed to describe current utilization and distribution practices in order to examine the impact of these practices on gondola car supply. Statistics representing gondola car availability should be rationally correlated with present and future transportation requirements under efficient operations to determine whether the statistics represent a mandate for action.[5] Attached as Appendix A is a compilation of weekly reports of gondola car surplus and shortage statistics as reported to the Association of American Railroads for the past 18 months.[6] These figures may be used as a guide to poten-

[1] The Chesapeake and Ohio Railway Company, The Baltimore and Ohio Railroad Company, and Western Maryland Railway Company.

[2] The Norfolk and Western Railway Company seeks the establishment of incentive per diem rules and charges on both plain and equipped gondolas.

[3] Incentive Per Diem Charges—1968, 337 I.C.C. 217, 223 (1970).

[4] Parties supporting the institution of this proceeding include; Armco Steel Corporation, The David J. Joseph Company and numerous scrap iron and steel processors, The Institute of Scrap Iron and Steel, Inc., The National Industrial Traffic League and General Motors Corporation.

[5] See *Incentive Per Diem Charges—1968*, 349 I.C.C. 303, 311 where we stated "However, we are amenable to an expansion of the incentive per diem program to cars other than general service boxcars if: (1) a record is made showing the car to be in short supply, (2) a record is made showing a reluctance to expeditiously release the car by the terminating or delivering railroad, (3) a record is made demonstrating that additional incentive to purchase the car is needed, and (4) a record is made showing such an extension of the incentive per diem program to be of general benefit."

[6] Unserviceable cars are omitted from the reported figures but should be accounted for on the record.

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tial needs but should not be unduly relied upon. Considerable explanatory materials should be presented to translate these numbers into a meaningful car supply analysis.

The rules proposed today for the gondola freight car are appropriate modifications of the boxcar rules. 49 CFR 1036 is proposed to be amended by adding the words "and gondola cars" to the title and inserting those words following the word "boxcars" in § 1036.2 and § 1036.3. The mechanical designations for plain and/or equipped gondola cars are proposed to be added to those listed at § 1036.1. It is proposed that the use of funds earmarked in accordance with § 1036.3 to build, rebuild, lease or purchase gondola cars be governed by the matching funds approach adopted in *Incentive Per Diem Charges—1968 (XF Cars)*, 350 I.C.C. 11.[7] A program for use of funds unspent 18 months after the end of the calendar year in which the funds are collected has not been determined.[8] Suggestions for use of unspent funds should be included in statements responding to this notice and order. Statements regarding the advisability of year-round application of the proposed rules and charges should also be submitted.

It does not appear that the proposed addition of gondola cars to the incentive per diem program constitutes a major Federal action requiring preparation of an environmental impact statement under the procedures of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq. However, comments regarding environmental issues, if any should be included in statements filed with the Commission in responding to this notice and order.

Upon consideration of the above-described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under authority of Part I of the Interstate Commerce Act, 49 U.S.C. 1 et seq., and sections 553 and 559 of the Administrative Procedure Act, 5 U.S.C. 553 and 559 to determine whether plain and/or equipped gondola cars should be added to the incentive per diem program by adoption of the amendments to 49 CFR 1036 proposed herein or other regulations justified by the record.

It is further ordered, That all common carriers by railroad be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Commission's Bureau of Enforcement be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearing be scheduled unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting written statements of verified facts, views and arguments.

It is further ordered, That any person interested in this proceeding shall notify this Commission, by filing with the Interstate Commerce Commission, Office of Proceedings, Room 5342, Washington, D.C. 20423, on or before October 6, 1975, a statement of his interest. Inasmuch as the Commission desires whenever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) to serve pleadings by parties only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of pleadings to be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time this list is served dates will be fixed for the filing of initial and reply statements.

And it is further ordered, That a copy of this notice and order be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given to the general public by delivering a copy to the Director, Office of the Federal Register, for publication therein.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[7] Net credit balances resulting from incentive per diem settlements would be matched by an equal amount of the carrier's own funds.

[8] The possibility of implementing a pool of free-running gondola cars fashioned after Railbox as a depository for unspent funds should be considered. Therefore, both Trailer Train Company and the American Rail Box Car Company are invited to submit their views on this question.

APPENDIX A.—Gondola car Surpluses and shortages[1]

Date	Surplus			Shortage		
	<61 ft	>61 ft	Equipped	<61 ft	>61 ft	Equipped
1974: Jan. 5	40	0	4	3,343	342	729
Jan. 12	40	10	3	3,531	297	744
Jan. 19	0	0	5	4,283	409	1,161
Jan. 26	0	0	9	4,208	441	1,444
Feb. 2	0	0	12	4,582	460	1,253
Feb. 9	0	0	6	4,943	477	1,265
Feb. 16	0	0	2	5,296	498	1,376
Feb. 23	0	0	3	5,345	422	1,253
Mar. 2	0	0	7	5,607	518	1,294
Mar. 9	0	0	7	5,656	540	899
Mar. 16	0	0	3	5,676	668	675
Mar. 23	0	0	5	5,604	615	713
Mar. 30	0	0	3	5,692	578	721
Apr. 6	0	0	2	5,658	603	586
Apr. 13	29	16	5	5,364	555	723
Apr. 20	0	9	6	5,223	520	706
Apr. 27	0	8	6	5,155	508	418
May 4	0	0	16	5,243	517	380
May 11	28	13	7	5,084	507	267
May 18	0	9	9	4,673	470	339
May 25	0	0	3	4,682	431	402
June 1	0	0	8	4,095	360	565
June 8	0	0	7	4,150	363	495
June 15	0	0	8	4,106	353	490
June 22	0	21	11	3,997	346	372
June 29	0	16	7	3,660	429	340
July 6	115	17	4	3,350	385	293
July 13	165	27	7	3,133	348	250
July 20	92	15	6	2,831	307	240
July 27	74	37	0	2,930	368	232
Aug. 3	10	4	8	2,942	362	342
Aug. 10	0	17	8	3,569	362	459
Aug. 17	0	31	18	3,080	286	376
Aug. 24	42	26	14	2,930	314	374
Aug. 31	0	6	4	3,036	347	386
Sept. 7	25	2	3	2,946	295	384
Sept. 14	0	27	17	3,220	312	370
Sept. 21	0	7	13	3,241	272	301
Sept. 28	0	12	44	3,390	301	289
Oct. 5	6	12	36	3,487	321	233
Oct. 12	0	18	40	3,394	297	179
Oct. 19	154	45	42	3,283	300	96
Oct. 26	170	53	25	3,390	320	149
Nov. 2	0	41	33	3,474	331	193
Nov. 9	40	21	21	3,622	369	157
Nov. 16	0	4	17	3,677	300	179
Nov. 23	29	44	2	3,060	302	119
Nov. 30	6	4	4	2,535	251	156
Dec. 7	12	58	40	2,257	216	87
Dec. 14	43	54	63	1,882	157	93
Dec. 21	97	75	187	1,384	138	22
Dec. 28	365	83	125	623	105	27
1975: Jan. 4	227	105	148	645	96	13
Jan. 11	615	62	221	675	37	134
Jan. 18	612	33	96	746	66	146
Jan. 25	530	54	95	861	74	40
Feb. 1	588	71	45	1,101	85	70
Feb. 8	611	121	88	928	73	26
Feb. 15	728	127	96	927	58	35
Feb. 22	661	52	59	1,164	135	51
Mar. 1	597	77	17	1,300	150	69
Mar. 8	519	99	177	1,314	142	40
Mar. 15	505	69	149	1,200	116	27
Mar. 22	611	54	169	1,100	116	80
Mar. 29	626	62	200	1,032	156	27
Apr. 5	580	70	145	844	142	32
Apr. 12	711	203	391	666	85	10
Apr. 19	671	64	219	496	28	9
Apr. 26	595	33	253	446	14	8
May 3	641	33	233	386	8	6
May 10	727	100	354	268	15	22
May 17	780	145	786	228	19	6
May 24	796	290	825	197	43	13
May 31	680	303	665	150	9	11
June 7	989	418	812	142	7	7
June 14	1,135	423	669	130	11	14
June 21	1,155	630	706	105	16	84
June 28	1,910	769	789	68	4	59
July 5	3,479	1,026	1,140	41	4	2

[1] Surpluses are average daily unfilled orders. Shortages are average daily car supply in excess of orders. Plain gondolas of under and over 61 ft and all equipped gondolas are represented.

[FR Doc.75-25938 Filed 9-29-75;8:45 am]

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[49 CFR Part 1100]

[Ex Parte No. 55 (Sub-No. 4)]

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Revised Guidelines for Implementation

Upon consideration of the record in the above-entitled proceeding; and

It appearing, That the FEDERAL REGISTER Notice of the institution of this rulemaking proceeding at 40 Fed. Reg. 37233 (August 26, 1975) omitted the preliminary statement which invited comment thereon in light of the recent Supreme Court decision in *Aberdeen & Rockfish Railroad Co.* v. *Students Challenging Regulatory Agency Procedures (SCRAP)*, — US — (1975); the said omission necessitates an extension of time in which representations on the proposed rulemaking shall be filed; and good cause appearing therefor:

It is ordered, That the time in which representations on the proposed rulemaking shall be filed be, and it is hereby, extended to October 10, 1975.

It is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 24th day of September, 1975.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[Ex Parte No. 55 (Sub-No. 4)]

REVISED GUIDELINES FOR THE IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

The Interstate Commerce Commission hereby gives notice that by order served August 15, 1975, a rulemaking proceeding was instituted for the purpose of proposing revised guidelines for implementation of the National Environmental Policy Act of 1969. Through an inadvertency, the FEDERAL REGISTER Notice of the proposed rulemaking at 40 Fed. Reg. 37233 (August 26, 1975), omitted the preliminary statement to the bound copy of the rulemaking which invited public comment in light of the recent Supreme Court opinion rendered in *Aberdeen & Rockfish Railroad Co.* v. *Students Challenging Regulatory Agency Procedures* (SCRAP), — U.S — (Nos. 73–1966 and 73–1971, June 24, 1975), 7 ERC 2009 (SCRAP II).

The proposed rules should accordingly be examined in light of *SCRAP II* and the public is invited to comment not only on the proposed rules but on the following additional questions raised by SCRAP II:

1. In light of SCRAP II, should the Commission revise its environmental regulations currently in force and codified at 49 C.F.R. § 1100.250. (Appendix A following Notice of Proposed Rulemaking)?

2. If so, how should the regulations be modified to recognize the impact of SCRAP II as to the timing of draft impact statements in adjudicatory proceedings?

3. Is the filing of a draft environmental impact statement a prerequisite to the preparation of the "detailed (final) impact statement" required by NEPA?

4. Is an applicant-prepared environmental impact report an appropriate vehicle for consulting with and obtaining comments from other Federal agencies?

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-26138 Filed 9-29-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-5/104]

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session October 24, 1975, at the Department of State in Conference Room 1105 from 10:00 a.m. to 1:00 p.m. The purpose of this open meeting will be to discuss three topics:

(a) A report on the meeting of the Subcommittees of the Berne Executive Committee and the Intergovernmental Copyright Committee of the Universal Copyright Convention on Reprographic Reproduction that was held in Washington, D.C. June 16–21, 1975 at the Department of State.

(b) Desirability of adopting one or more additional protocols to the Agreement on the Importation of Educational, Scientific and Cultural Materials (Florence Agreement). This will involve considerations such as a protocol to extend the privileges under Annex A of the Florence Agreement to sound recordings and other audio-visual materials, microforms, and a broadening of the coverage with respect to books and related materials. Sound recordings, which are now protected under the United States Copyright Law, are increasingly important instruments for the widespread dissemination of educational information and cultural materials, *e.g.* music.

(c) Discussion of a UNESCO project concerning a draft multilateral convention on the subject of taxation of copyright royalties. In November 1975 UNESCO will convene an International Committee of Experts to consider the possibility of an international agreement to avoid the double-taxation of copyright royalties.

The public attending may, as time permits and subject to the instruction of the Chairman, participate in the discussions or may submit written views to the Chairman prior to or at the meeting for later consideration by the Committee.

Members of the general public who plan to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to October 24, 1975, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Steven R. Pruett, Office of Business Practices, Department of State; the telephone number is area code 202, 632–0307. All non-government attendees at the meeting should use the C Street entrance to the building.

WALTER B. LOCKWOOD, *Deputy Director, Office of Business Practices.*

SEPTEMBER 23, 1975.

[FR Doc.75-26106 Filed 9-29-75;8:45 am]

[Public Notice CM-5/106]

ADVISORY COMMITTEE ON THE LAW OF THE SEA

Notice of Continuation of Closed Meeting

The Ad Hoc Hard Minerals Group meeting of the Advisory Committee on the Law of the Sea was unable to complete its agenda in its closed meeting on September 24, 1975 and it has been determined to continue this meeting on October 21 and 22, 1975, at 10:00 a.m. at the U.S. Department of State, Washington, D.C., in Room 7516. This meeting was published in the FEDERAL REGISTER on August 20, 1975 (40 FR 36392).

During these closed sessions, documents classified under the provisions of Executive Order 11652 will be discussed.

The purpose of the closed Ad Hoc Meeting is to continue discussion of issues in Committee I of the Third United Nations Conference on the Law of the Sea, specifically the establishment of a deep seabeds mining regime.

In the opinion of the concerned offices in the Department of State, closure of the continued session of the meeting remains warranted under the provisions of 5 USC 552(b)(1).

OTHO E. ESKIN, *Staff Director, NSC Interagency Task Force on the Law of the Sea.*

SEPTEMBER 25, 1975.

[FR Doc.75-26122 Filed 9-29-75;8:45 am]

[Public Notice 469]

CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

Availability of Final Act

On August 1, 1975, the President, together with 34 other high representatives and heads of government, signed the Final Act of the Conference on Security and Cooperation in Europe at Helsinki, Finland. This document deals with principles of interstate relations, certain matters relating to security, cooperation in economic, scientific, technical and environmental matters, questions relating to security and cooperation in the Mediterranean, cooperation in humanitarian and other fields, and action to follow-up on the Conference.

Copies of the Final Act of the Conference on Security and Cooperation in Europe are available through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at $1.10.

H. ALLEN HOLMES, *Director, Office of NATO and Atlantic Political-Military Affairs.*

SEPTEMBER 19, 1975.

[FR Doc.75-26105 Filed 9-29-75;8:45 am]

[Public Notice CM-5/105]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Meeting

The Government Advisory Committee on International Book and Library Programs is announcing the second meeting of its Task Force to review Draft Protocols for the Agreement on the Importation of Educational, Scientific and Cultural Material (Florence Agreement). The meeting is open to the public and will be held in Room 6320 in the Department of State, 2201 C Street, N.W., Washington, D.C. from 10:00 a.m. to 4:00 p.m. on October 30, 1975.

The Draft Protocols to the Florence Agreement were proposed by UNESCO, and the Task Force will develop a set of options for the U.S. Delegation to the March 1976 UNESCO Intergovernmental Conference on the Florence Agreement.

Members of the public may submit written comments to the Chairman prior to October 26, 1975. The Chairman will, as time permits, entertain all comments made by the public attending the meeting.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone: (202) 632–2841.

CAROL M. OWENS, *Executive Secretary.*

SEPTEMBER 23, 1975.

[FR Doc.75-26107 Filed 9-29-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

SEPTEMBER 19, 1975.

The USAF Scientific Advisory Board ESD Advisory Group will hold meetings on October 15, 1975, from 8:45 a.m. to 4:00 p.m. and on October 16, 1975, from 8:45 a.m. to 12:00 p.m. at the HQ Elec-

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tronic Systems Division, Command Management Center, Bldg. 1606, Hanscom AFB, MA.

The meeting will consist of classified briefings and discussions on Electronic Systems Division programs involving data link interoperability and Air Force command and control systems computer software/hardware standardization.

The meetings will concern matters listed in Title 5 U.S.C. 552(b)(1) (4) and (5), and therefore will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-2616 Filed 9-29-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MARIHUANA

Scheduling

Correction

In FR Doc. 75-25677 appearing at page 44164 of the issue for Thursday, September 25, 1975, in Section VI, insert the following omitted text as the fifth line of the paragraph numbered 5, 1st column, page 44168: "entirely detached from the tops and seeds".

DEPARTMENT OF THE INTERIOR

National Park Service

GRAND CANYON NATIONAL PARK

Intention to Issue a Concession Permit

Pursuant to the provision of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Grand Canyon National Park, proposes to issue a concession permit to Norman C. Johnson, dba Village Sports Den authorizing him to provide concession facilities and services for the public at Grand Canyon National Park for a period of one year from January 1, 1975, through December 31, 1975.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the Office of the Superintendent, Grand Canyon National Park.

The foregoing concessioner has performed his obligations under the expired permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before October 30, 1975.

Interested parties should contact the Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed permit.

MERLE E. STITT,
Superintendent.

JUNE 23, 1975.

[FR Doc.75-25985 Filed 9-29-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

LYNDON B. JOHNSON NATIONAL GRASSLAND UNIT PLAN

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Lyndon B. Johnson National Grassland Unit Plan, National Forests in Texas, Lufkin, TX, USDA-FS-R8-FES (Adm.) 75-7.

The management direction and action proposed and described in this Environmental Statement and Unit Plan is for a 10-year period beginning November 1, 1975. Included in this unit plan are proposed projects for recreation management, vegetative manipulation to benefit wildlife, needed erosion control measures, improved transportation systems, range improvement projects and other action plans.

This unit is part of the Caddo-Lyndon B. Johnson Ranger District which is administered as part of the National Forests in Texas. The unit contains 20,332 acres of federally-owned lands located in Wise and Montague counties in the north-central part of Texas.

This final environmental statement was transmitted to CEQ September 22, 1975. Copies are available for inspection during regular working hours at the following locations:

U.S. Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave., SW, Washington, DC 20250.

USDA, Forest Service, 1720 Peachtree Rd., NW, Rm. 804, Atlanta, GA 30309.

USDA, Forest Service, Caddo-Lyndon B. Johnson Ranger District, Box 507, Decatur, TX 76234.

A limited number of single copies are available upon request to Forest Supervisor John Courtenay, NFs in Texas, Box 969, Lufkin, TX 75901.

EDWARD G. ELLENBERG,
Acting Regional
Environmental Coordinator.

SEPTEMBER 22, 1975.

[FR Doc.75-26055 Filed 9-29-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CORONADO NATIONAL FOREST GRAZING ADVISORY BOARD COMMITTEE

Meeting

The Coronado National Forest Grazing Advisory Board Committee will meet at 10:00 a.m. on October 31, 1975, at the Forest Supervisor's Office, Coronado National Forest, Federal Building, 301 West Congress, Tucson, Arizona.

The purpose of this meeting is to elect officers and discuss new ten-year grazing permits.

The meeting will be open to the public. Persons who wish to attend should notify Coronado National Forest, 792-6625. Written statements may be filed with the committee before or after the meeting.

K. R. WEISSENBORN,
Forest Supervisor.

September 23, 1975.

[FR Doc.75-26067 Filed 9-29-75;8:45 am]

SPEARFISH DISTRICT GRAZING ADVISORY BOARD

Meeting

The Spearfish District Grazing Advisory Board will meet at 7:00 p.m., October 24, 1975, at the Forest Service Office, 321 S. Canyon, Spearfish, South Dakota. The purpose of this meeting is to provide National Forest range users the means for a collective expression of their views and recommendations concerning the management and administration of Black Hills National Forest grazing land and adoption of bylaws to govern the Board's proceedings. Included will be discussion on the 2200 Section of the Forest Service Manual governing the range resource development and administration.

The meeting will be open to the public. Persons who wish to attend should notify Oliver Swanson, Spearfish, South Dakota 57783, 642-2225. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation: Public members may speak up at any time.

JAMES C. OVERBAY,
Forest Supervisor.

September 22, 1975.

[FR Doc.75-26068 Filed 9-29-75;8:45 am]

Office of the Secretary

TOIYABE NATIONAL FOREST GRAZING ADVISORY BAARD—MONO DIVISION

Intent To Establish Grazing Advisory Board

The Department of Agriculture proposes to establish the Toiyabe National Forest Grazing Advisory Board—Mono Division for the period ending January 5, 1977, under Forest Service regulation 36 CFR 231.10.

This is to be a local advisory board of the Forest Service to provide National Forest range users a means for the collective expression of their views and recommendations concerning the management and administration of the Toiyabe National Forest grazing lands and to develop local interest and responsibility in better range management.

The Assistant Secretary for Conservation, Research and Education determined that establishment of this board is necessary and in the public interest in connection with duties imposed on the Department by law.

Comments of interested persons concerning establishment of this board may be submitted to the Forest Supervisor, Toiyabe National Forest, 111 N. Virginia Street, Reno, Nevada 89501, on or before October 15, 1975.

All written submissions made pursuant to this notice will be available for public inspection in the Forest Supervisor's office during regular business hours (7 CFR 1.27(b)).

JOSEPH R. WRIGHT, Jr.
Assistant Secretary for
Administration.

SEPTEMBER 24, 1975.

[FR Doc.75-26068 Filed 9-29-75;8:45 am]

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 STAT. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $8,360,000 to Arizona Electric Power Cooperative, Inc., of Benson, Arizona. These loan funds will be used for the financing of miscellaneous generation plant improvements, miscellaneous transmission system improvements, and for the completion of previously approved generation and transmission facilities.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Dexter Smith, Manager, Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602.

In order to be considered, proposals must be submitted on or before October 30, 1975 to Mr. Smith. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Arizona Electric and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 24th day of September, 1975.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.75-26125 Filed 9-29-75;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

VOTING RIGHTS ACT AMENDMENT OF 1975

Determinations Under Title III

Corrections

In FR Doc. 75-23861 appearing on page 41827 in the issue for Tuesday, September 9, 1975 the line in the second column on page 41827 now reading "Texas (statewide)", should read "Texas (statewide) ------ Spanish".

Maritime Administration

APPROVAL OF CERTAIN CHARTERS

Amended Notice of Policy Review

In FR Doc. 75-17828 appearing in the Federal Register on July 9, 1975 (40 F.R. 28832) notice was given that the Maritime Administration is reviewing with the intention to revise as appropriate its practices and policies regarding approvals of time charters or like forms of charters of vessels eligible for coastwise operations to persons, corporations, partnerships or associations, which are not themselves otherwise qualified to operate a vessel in the coastwise trade.

Upon request and for good cause shown, said notice is hereby amended to extend the time for filing comments from October 2, 1975 to November 3, 1975.

(Sec. 204(b) Merchant Marine Act of 1936, as amended (46 USC 1114); Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 842) as amended by Pub. L. 91-469 (84 Stat. 1036); Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).)

Dated: September 24, 1975.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-26131 Filed 9-29-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0107]

FOOD FOR SPECIAL DIETARY USES

Notice of Reopening of Hearing

The Commissioner of Food and Drugs announces the reopening of the hearing on food for special dietary uses on November 10, 1975, at 9 a.m., in Rm. 4A-35, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner established new regulations, published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20708, 20730), to govern the labeling of foods for special dietary uses in §§ 125.1, 125.2 and 125.3 (21 CFR 125.1, 125.2 and 125.3) and to govern the composition of dietary supplements of vitamins and minerals in § 80.1 (21 CFR 80.1). Subsequently, fifteen petitions for review of these regulations were filed in various United States courts of appeals; all were eventually consolidated in the United States Court of Appeals for the Second Circuit. After extensive briefing and argument, that Court rendered judgment on August 15, 1974. *National Nutritional Foods Association* v. *Food and Drug Administration*, 504 F.2d 761 (2nd Cir. 1974), *cert. denied*, 95 S. Ct. 1326 (1975). While the Court stated that it was "broadly sustaining the regulations", it nevertheless remanded the regulations to the Food and Drug Administration for certain specified action, including the partial reopening of the administrative hearing upon which the regulations were based. A copy of this judgment is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

In the FEDERAL REGISTER of May 28, 1975 (40 FR 23244), the Commissioner issued, inter alia, a preliminary notice of reopening of hearing which stated, in part:

The Court's decision remanded the regulations to the Agency "with instructions to reopen the record for the limited purpose of permitting reasonable cross-examination of Dr. [William H.] Sebrell (or, if he is not available, some other qualified member of the [Food and Nutrition] Board) [of the National Academy of Sciences] by Dr. [Miles] Robinson or counsel of some other similarly interested participant". [504 F.2d 799.]

Dr. Sebrell is no longer a member of the Food and Nutrition Board. Tentative arrangements have been made to call instead Dr. Alfred E. Harper, who was Dr. Sebrell's successor as the Chairman of the Committee on Dietary Allowances of the Food and and Nutrition Board; serving in that capacity at the time of development and publication of the most recent (eighth) edition (1974) of the National Academy of Sciences-National Research Council's "Recommended Dietary Allowances." Dr. Harper is Professor of Nutrition Sciences and Biochemistry and Chairman of the Department of Nutritional Sciences, University of Wisconsin. Dr. Harper will not tender any direct testimony on behalf of the Government except to identify and provide for the record a copy of the eighth edition (1974) of the "Recommended Dietary Allowances" developed by the Food and Nutrition Board of the National Academy of Sciences-National Research Council. (The seventh edition (1968) of this publication was one of the fundamental sources relied upon in the development of Parts 80 and 125. The eighth edition was published after appellate review of these regulations had begun. Since the eighth edition was cited and quoted in briefs before the Court of Appeals and the Court itself referred to the eighth edition in its decision [504 F.2d 791, 798, 799 (Fint. 67)], it seems clear that a copy of the publication in its entirety should be included in the record prior to the commencement of the examination of Dr. Harper.) Instead, pursuant to the Court's direction, [Dr. Harper] will be available as Dr. Sebrell's successor to respond to inquiry by

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those opposed to the regulations, concerning (1) the methodology employed in development of the recommended dietary allowances by the Board and the scientific foundation upon which these allowances are based, (2) the scientific appropriateness of the Food and Drug Administration's use of the Board's recommended dietary allowances, and (3) possible biases or conflicts of interest on the part of the Board, as well as other relevant subjects.

Therefore, in accordance with the foregoing discussion, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(f)(2), 52 Stat. 1056 (21 U.S.C. 371(f)(2))) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,*

1. That the public hearing on food for special dietary uses be reopened in accordance with the instructions of the United States court of Appeals for the Second Circuit with respect to the final order published in the FEDERAL REGISTER of August 2, 1973, which established new regulations governing the labeling of foods for special dietary uses in §§ 125.1, 125.2 and 125.3 (21 CFR 125.1, 125.2, and 125.3), and governing the composition of dietary supplements of vitamins and minerals in § 80.1 (21 CFR 80.1).

2. That Dr. Alfred E. Harper, chairman of the Committee on Dietary Allowances of the Food and Nutrition Board of the National Academy of Sciences-National Research Council during development and publication of the most recent (eighth) edition (1974) of the "Recommended Dietary Allowances" developed by said Board, will be available at such hearing for reasonable examination.

3. That pursuant to the direction of the Second Circuit, Dr. Harper will respond to inquiry by those opposed to the regulations, concerning:

(a) The methodology employed in development of the recommended dietary allowances by the Board and the scientific foundation upon which these allowances are based,

(b) The scientific appropriateness of Food and Drug Administration use of the Board's recommended dietary allowances, and

(c) Possible biases or conflicts of interest on the part of the Board, as well as any other subjects deemed by the Administrative Law Judge to be relevant to the examination mandated by the Court of Appeals.

While the Court has required only that Dr. Robinson or counsel of some other similarly interested participant be allowed to engage in examination of Dr. Harper, the Commissioner intends that reasonable examination may be conducted by as many participants reflecting as many points of view as is reasonably possible.

The hearing shall take place in the Hearing Room, Food and Drug Administration, Rm. 4A-35, 5600 Fishers Lane, Rockville, MD 20852. The presiding officer is expected to be Administrative Law Judge Daniel J. Davidson. The hearing shall commence on November 10, 1975, at 9 a.m. Written notices of appearance must be filed with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, not later than October 30, 1975.

In order to make appropriate procedural decisions to assure a fair, orderly, and expeditious hearing in advance of the appearance of the witness, a prehearing conference will be held in the Hearing Room on October 3, 1975, at 10 a.m. All persons who wish to participate in the examination of Dr. Harper shall appear, in person or by counsel, at that time. If requests to engage in examination are numerous and the participants cannot agree among themselves on apportionment of time or subject matter sufficient to accommodate all participants within a reasonable period of time, participants with genuinely common interests will be grouped in order to allow a qualified representative(s) of each group to examine Dr. Harper for a reasonable period of time.

Upon the conclusion of the reopend hearing, the Administrative Law Judge shall prepare and submit to the Commissioner a report setting forth his recommended Findings of Fact and Conclusions of Law. The report of the Administrative Law Judge shall simultaneously be made available to the participants in the hearing, who will be afforded a reasonable period of time, not to exceed 30 days, to file exceptions with the Commissioner. The Commissioner will review the record of the examination of Dr. Harper, the report of the Administrative Law Judge, and any timely filed exceptions to such report prior to promulgating final regulations.

Dated: September 24, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.75-26065 Filed 9-29-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Notice of Public Availability of Report on the Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II 1972) and OMB Circular A-63 of March 27, 1974, the National Advisory Council on Education Professions Development which held a closed meeting on April 19, 1974 has prepared a report on the activities of this meeting. Copies of this report have been filed and are available for public inspection at the following three locations:

Library of Congress, Microform Reading Room, Room MB-140B, Main Building, 10 First Street, S.E., Washington, D.C.
Department of Health, Education, and Welfare, United States Office of Education, Office of the Chief, Committee Management Staff, 400 Maryland Avenue, S.W., Room 4156, Washington, D.C.
National Advisory Council on Education Professions Development, 1111 20th Street, N.W., Suite 306, Washington, D.C.

Signed at Washington, D.C. on September 24, 1975.

DAVID C. NICHOLS,
Acting Executive Director.

[FR Doc.75-26092 Filed 9-29-75;8:45 am]

Office of Education

EDUCATIONAL BROADCASTING FACILITIES PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to authority contained in Part IV of Title III of the Communications Act of 1934, as amended (47 U.S.C. 390–399), and Sec. 414(a) of the General Education Provisions Act (20 U.S.C. 1226a), (1) new applications and (2) statements or amendments required by 45 CFR § 153.5(a)(2) to be submitted to reactivate any pending application accepted for filing in a previous year are being accepted from eligible applicants for Fiscal Year 1976 funding consideration for educational broadcasting facilities grants.

Applications and statements or amendments required to reactivate a previously accepted application must be received by the U.S. Office of Education Applications Control Center on or before December 12, 1975.

References to "applications" hereinafter contained in this notice shall refer both to new applications and to statements or amendments required to reactivate a previously accepted application.

A. *Applications sent by mail.*

An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.413. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than December 5, 1975 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered application.*

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.*

Information and application forms may be obtained from the Educational Broadcasting Facilities Program, Bureau of School Systems, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

D. *Applicable regulations.*

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a) and 45 CFR Part 153 published in the FEDERAL REGISTER on March 10, 1975, Vol. 40, at 11240.

(47 U.S.C. 390–399)

Dated: September 25, 1975.

T. H. BELL,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.413, Educational Broadcasting Facilities (Public Broadcasting)).

[FR Doc.75-26228 Filed 9-29-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-25; Notice 1]

AUTOMOBILI LANBORGHINI

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Automobili Ferruccio Lamborghini S.P.A. of Italy has applied for a 3-year exemption of its Countach model from Motor Vehicle Safety Standard No. 215, *Exterior Protection*. The basis of the petition is that compliance would cause it substantial economic hardship.

Lamborghini's annual production is approximately 350 passenger cars. It manufactured 60 Countachs from June 1974 to June 1975, and anticipates that 20 vehicles per year will be produced under the exemption for the United States market. Although the car has only entered production relatively recently, its design and engineering date from late 1968 and early 1969 before the proposal and adoption of Standard No. 215, which was initially effective September 1, 1972. The company has spent approximately $268,000 conforming the vehicle with all other Federal motor vehicle safety standards, and it has submitted a detailed estimate of 40 changes plus costs necessary to effect compliance with Standard No. 215. Conformance would require $435,960, which is approximately 90 percent of the company's cumulative net profits in the years 1971–73. Lamborghini has spent $17,855 on tooling for bumper equipment to be added to Countachs to be sold in the United States that will afford partial compliance with Standard No. 215. The company intends to conform at the end of the 3-year period. Because of the decline in luxury auto sales in Europe, failure to enter the American market with the Countach will cause it further hardship.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of Automobili Lamborghini. Comments should refer to the Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: October 30, 1975.

(Sec. 3, Pub. L. 92-548, 88 Stat. 1159 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on September 24, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-26119 Filed 9-29-75;8:45 am]

[Docket No. EX. 75-7; Notice 3]

RITE-WAY INC. OF INDIANA

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

Rite-Way Inc. of Indiana, of Fort Wayne, Indiana, has applied for an extension of its temporary exemption from Motor Vehicle Safety Standard No. 121, *Air Brake Systems* (49 CFR 571.121), on the basis that compliance would cause it substantial economic hardship. Notice of its previous petition was published on February 13, 1975 (40 FR 6703). The Administrator granted Rite-Way an exemption on March 24, 1975 (40 FR 13023), to expire September 1, 1975.

Rite-Way manufactured 70 motor vehicles (ready-mix trucks) in 1974. It requests an exemption from Standard No. 121 until March 1, 1978. The company is a wholly owned subsidiary of Moran Tank Company, which acquired it in 1972, when Rite-Way was operating under the Federal Bankruptcy Act. Shortages of parts and the state of the economy forced Rite-Way to file for reorganization under Chapter XI of the Act in November 1974. Efforts to interest suppliers in providing prototype components to a small-volume producer have resulted in delays to programs intended to implement Standard No. 121. The company's financial state caused it to close its truck manufacturing facility in Natchez, Mississippi, leaving it with an inventory of parts worth almost $85,000 that have been obsoleted by the advent of Standard No. 121. The exemption period would allow it to exhaust the inventory and phase in the new standard on an orderly basis. The company had a net income of $125,000 in the fiscal year ending July 31, 1974. Between then and November 25, 1974, the company has a net loss of $250,000. The company intends to conform by the end of the exemption period.

In granting the original exemption for a period shorter than that requested, the Administrator found persuasive the comment by Oshkosh Truck Corporation that it was "capable of supplying Rite-Way with steering driving axles on completed chassis to satisfy their production requirements." Rite-Way has examined this possibility and finds that its unique front discharge mixer is not adaptable to the Oshkosh chassis which is designed for a conventional rear discharge mixer, except at a cost the company terms "prohibitive." Rite-Way anticipates that its supplier will provide it with a prototype conforming axle in October 1975. It estimates that its engineering and test program will require 4 months to complete after receipt of the conforming axle. The company emphasizes the financial constraints placed upon it because of its operation under Chapter XI.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Rite-Way described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. Notice of action upon the petition will be published in the FEDERAL REGISTER.

Comment closing date: October 30, 1975.

(Sec. 3, Pub. L. 92-546, 86 Stat. 1159, (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 24, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-26118 Filed 9-29-75;8:45 am]

[Docket No. EX75-28; Notice 1]

TVR ENGINEERING LTD.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

TVR Engineering Ltd. Blackpool, England, has petitioned for a 3-year exemption from Federal Motor Vehicle Safety Standard No. 215, *Exterior Protection*, on the basis that compliance would cause it substantial economic hardship.

TVR manufactured 450 passenger cars from January 1, 1974, to August 31, 1975. Approximately 80 percent of its 1974 production was shipped to North America (338 cars to the United States, 12 to Canada). On January 3, 1975, its factory

V 40 190 SEP 30 75 JM

was almost completely destroyed by a fire. Petitioner was in the process of designing and testing procedures related to Standard No. 215 at that time, but "all of the stock, including the developmental work in progress, was destroyed." As a result, TVR "was unable to produce and market a production model for the year 1975, and to complete its research, development, testing" and work related to compliance with Standard No. 215. Unless the exemption is granted, "Petitioner will be deprived of its 1976 sales year." The effect of this "will be the financial ruin and collapse of Petitioner's business."

Its net income in 1974 was approximately $8,000 (3819 Pounds). While the company has asked for a 3-year exemption, it states that it will attempt to comply before that time, but it cannot possibly do so before 1977.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of TVR Engineering Ltd. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C., 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment closing date: October 30, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 24, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-26117 Filed 9-29-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28319]

CLEVELAND-TORONTO ROUTE PROCEEDING

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 10, 1975, at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Dee C. Blythe.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before October 23, 1975, and the other parties on or before November 3, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., September 24, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-26111 Filed 9-29-75;8:45 am]

[Dockets Nos. 27907, 27908]

HUGHES AIRWEST

Notice of Prehearing Conference

In the matter of suspension and deletion of service at Cedar City, Utah, and Page, Arizona.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 12, 1975, at 10:00 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before October 27, 1975, and the other parties on or before November 5, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., September 24, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-26112 Filed 9-29-75;8:45 am]

[Order 75-9-83; Docket No. 28345]

IRAN AIR

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of September, 1975.

Iran Air (Iran National Airlines Company) is the holder of a foreign air carrier permit issued pursuant to Order 74-5-28, which authorizes it to perform foreign air transportation of persons, property and mail between Iran and certain points in the United States.[1] This permit, issued pursuant to the Air Transport Agreement between the Government of Iran and the Government of the United States, enables Air Iran to operate scheduled services to the United States with whatever number of frequencies and combination of authorized points it desires.

In addition, Iran Air's permit authorizes the carrier to engage in charter trips in foreign air transportation subject to Part 212 of the Board's Economic Regulations. Under this authority Iran Air may perform an unlimited number of on-route charters without any requirements for advance approval. The carrier may also perform off-route charters upon prior approval of the Board with as little as five days' advance notice required. There are no fees for such approval, and no "right of first refusal" can be exercised by any U.S. carrier.

The right to operate charter transportation is generally not included in the various bilateral agreements to which the United States is a party. Nevertheless it has been a long-standing policy of the Board to unilaterally grant charter authority to foreign air carriers providing scheduled services. Such rights are therefore dependent strictly upon comity and reciprocity.[2] As we have often said previously, the Board firmly believes that the development of international air transportation is best served by a liberal grant of charter rights between countries. However, when other foreign governments exercise their powers in a manner which sharply restricts the charter operations of United States carriers, we will act promptly and firmly to respond to such abuses. Indeed, we are required by law to do so. Section 2 of the International Air Transportation Fair Competitive Practices Act of 1974[3] expressly requires that several agencies, including the Board, keep under review "all forms of discrimination or unfair competitive practices to which United States air carrier are subject in providing foreign air transportation services and each *shall take all appropriate actions within its jurisdiction to eliminate such forms of discrimination or unfair competitive practices found to exist.*" [emphasis added]

It has recently come to our attention that the Government of Iran has given its national airline, Iran Air, a right of first refusal over certain charters from the United States to Iran. In turn, Iran Air has been requiring nondesignated U.S. carriers[4] to obtain a "No Objection Certificate" before a charter flight will be allowed to operate. For cargo flights, the fee for such a certificate is either 10 percent of the general cargo rate or 15 percent of the charter price, whichever is higher. For passenger flights, the fee is either 10 percent of the normal economy-class fare or 15 percent of the charter price, whichever is higher. We understand that this policy holds even in cases where neither Iran Air nor the authorized certificated U.S. air carrier is able to perform the flight.

We have concluded that this "no-objection fee" represents precisely the type of discrimination and unfair competitive practices which the Congress has mandated that we attempt to eliminate. On two previous occasions the staff, under delegated authority, has refused to grant exemptions to U.S. charter carriers to provide charter flights to Iran where it appeared that a "no-objection fee" would be paid.[5] We recognize that sanctions against U.S. carriers do not represent a viable long-term solution to the problem. There is absolutely no reason why United States carriers should continue to be penalized for Iran Air's discriminatory practices.

We believe that the policy of Iran Air is so completely out of line with the general principles of comity and reciprocity on which the Board relied in granting that carrier its charter authority, that a strong and prompt response is necessary. Under sec. 212.4(b) of the Board's Economic Regulations, the Board may at any time, with or without hearing, notify a foreign air carrier that it cannot perform on-route charter trips in the absence of prior Board approval. This sanction is fully appropriate when U.S. carriers have been blatantly victimized by unfair practices, such as in the present case.

Accordingly, the Board finds it in the public interest that Iran Air shall not perform on-route charter trips in the absence of prior Board authorization until such time as the carrier is able to affirmatively prove to the satisfaction of the Board that its present policy of imposing special fees upon U.S. carriers engaged in charter operations in Iran is no longer in effect.[6] Pending termination of the service fee requirement, the Board will not be disposed to grant either on-route or off-route charter flights if so requested. However, as soon as Iran Air is able to supply its assurances that its present policy has been permanently discontinued, we will act expeditiously to terminate this order and again resume our liberal attitude toward charter operations conducted by Iran Air.

Accordingly, it is ordered that:

1. Iran National Airlines Corporation (Iran Air) be and hereby is notified that, effective thirty (30) days after the date of this order, it shall not perform any on-route charter trip unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board. In the event that an application for a Statement of Authorization has been timely filed at least 30 days in advance of a proposed flight, notice of the Board's failure to approve either the whole or part of such application will be submitted to the President of the United States at least 10 days prior to the date of the proposed flight. Any such failure to approve a timely filed on-route charter trip application shall be subject to stay or disapproval by the President within 10 days after the date of the Board's notification; and

2. Copies of this order shall be served upon Iran Air and the Ambassador of Iran in Washington, D.C.

This order will be published in the FEDERAL REGISTER, and will be transmitted to the President.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-26114 Filed 9-29-75;8:45 am]

[Order 75-9-84; Dockets 28232 etc.]

UNITED AIR LINES, INC.

Proposed Round-Trip Excursion Fare; Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of September, 1975.

By tariff revisions[1] marked to become effective October 1, 1975, United Air Lines, Inc., (United) proposes a round-trip excursion fare for travel beginning February 1, 1976, which will afford discounts from regular coach fares of 20 percent during the period June 1 through September 15, 1976 and 30 percent during the remaining eight and one-half months of the year. The fare will be applicable in all 48-state markets except to/from Florida[2]; be subject to a 7-day minimum-stay requirement (30-day maximum); and will require that tickets be purchased at least 14 days prior to departure. The fare is marked to expire January 31, 1977.

This proposal differs from previous promotional-fare plans in that United proposes to limit capacity available for passengers traveling at the fare to a maximum of 35 percent of the seats on each flight. A lesser number of discount seats may be assigned based on full-fare traffic demand. The 35 percent maximum discount-seat availability is to be based on the standard seats by aircraft type used by the Board in computing rate-making return on investment.[3] The carrier would allocate capacity by flight by programming reservation computers to reflect the desired inventory of discount-fare seats.

Based on extensive studies and passenger surveys of existing and past discount-fare plans, United believes that a greater degree of capacity control is desirable to insure, to the maximum extent possible, that only otherwise empty seats are sold to discount-fare passengers, and that with such controls space will remain available for full-fare passengers. United argues that a major weakness of promotional fares to date has been the freedom which discount-fare passengers have to book flights that are also in great demand by full-fare passengers. Compounding this problem is the fact that significant existing capacity is underutilized because carriers are limited in their ability to shift discount-fare travel to underutilized flights at, for example, less popular departure times.[4] United believes that with its proposal carriers can, in effect, fine-tune individual flight capacity to accommodate discount-fare traffic more effectively.

Based on generation studies conducted on Bicentennial excursion-fare traffic, as well as additional surveys, United estimates that 30 percent of the traffic at its proposed fare will be generated. The carrier estimates net added revenues of $32.4 million and additional expense of $15.5 million, resulting in a net annual contribution to profit of approximately $17 million. Included in the cost estimate is $300,000 of one-time costs (agent training, initial computer programming etc.) and $125,000 in recurring annual costs, primarily for computer file maintenance.

Complaints against the proposal have been filed by American Airlines, Inc. (American), Braniff Airways, Inc. (Braniff), Delta Air Lines, Inc. (Delta), North Central Airlines, Inc. (North Central), Northwest Airlines, Inc. (Northwest), and Trans World Airlines, Inc. (TWA). The complainants allege, *inter alia*, that United's maximum discount-seat limitation is too high to be meaningful or effective and that in a competitive environment it is highly unlikely that carriers will blackout or reduce available discount-fare seats below the maximum without the certain knowledge that a competitor's flight during the same time period is also unavailable for excursion-fare passengers. It is further alleged that application of the proposed excursion fare will be uneconomic in short-haul markets because of lack of generation and the high risk of diversion—factors which the Board itself cited in suspending earlier proposals to extend discount fares into markets under 750 miles.[5]

Upon consideration of the tariff filing, the justification, complaints, and an-

[1] (1) The terminal point New York, New York, (2) the terminal point Detroit, Michigan, and (3) the coterminal points Detroit, Michigan and Los Angeles, California, via intermediate points.

[2] In the matter of On-Route Charter Authority of Foreign Air Carrier Permits, Order 70-7-58, July 13, 1970; Foreign Carrier Off-Route Charter Investigation, 27 CAB 196, 197 (1958); 30 C.A.B. 1547-48 (1960); Japan Air Lines Foreign Air Carrier Permit, Order E-24295, October 14, 1966.

[3] PL 93-623, 88 Stat. 2102.

[4] Pan American World Airways is the only U.S. carrier specifically certificated to perform service to Iran.

[5] Order 75-8-19, August 6, 1975; Order 75-8-37, August 8, 1975.

[6] Included among those types of practices to which we object are both the no-objection fee and so-called "sub-charter" requirements.

[1] Revisions to Airline Tariff Publishers Company, Agent, Tariff C.A.B. Nos. 229 and 142.

[2] United has filed a different excursion-fare proposal for its Florida markets.

[3] The maximum number of discount-fare seats by aircraft type will be set out in the rules tariff.

[4] The carrier also contends that weekend and holiday blackouts typically imposed on discount fares often overly protect space for regular-fare passengers and not infrequently particular flights consistently operate at low load factors during periods in which discount-fare travel is prohibited.

[5] The Port Authority of New York and New Jersey has filed an answer in support of United's proposal, and Western Air Lines, Inc. has filed an answer in support of the complaints.

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swers thereto, and all other relevant matters, the Board finds that the complaints do not set forth sufficient facts to warrant investigation of the proposal, and consequently the requests for suspension will be denied—and the complaints dismissed.

The fact that there is variation in traffic demand from market to market, whether seasonal, time-of-day, directional, or caused by other factors, seems to us to call for a discount-fare approach more responsive to these elements than are the other plans in existence today. Moreover, there is little question that with the unstable current and prospective fuel cost situation, the carriers must make more efficient use of existing aircraft capacity, and, in our view, the discount-fare capacity allocation concept involved here would aid in achievement of this objective.

The central concept involved here is the flight-by-flight allocation of discount-fare capacity (subject to a 35 percent seat maximum) determined by individual carriers based on past experience on each flight and their judgment of how best to spread discount-fare passengers over existing flights. The argument is made by complainants that the 35 percent maximum standard is not sufficiently restrictive, and that it will be a brave carrier that will blackout any flight, or even reduce the available discount-fare seats below the maximum without the certain knowledge that his competitor's flight at the same period is also unavailable for excursion-fare passengers. Implied in this argument is the rationale that share-of-market motivations will override all other considerations. If this is true, it is unlikely that any manageable discount-fare scheme could be devised which will limit the carriage of discount-fare passengers to those times and/or to those seats where such traffic is of the greatest economic value. We do not accept the premise that the carriers will act irrationally and are convinced that an experiment with a fare that can slot passengers to fill otherwise empty seats is desirable and if sensibly applied can go a long way toward maximizing revenues on existing flights.

It is also our opinion that the 7-day minimum-stay and 14-day advance-purchase provisions, when combined with the ability to limit discount-fare capacity by flight, should minimize the risk of full-fare diversion in short-haul markets, if the carriers apply the capacity-control concept prudently in the manner intended. The Board has been reluctant to permit carriers to apply individual round-trip excursion fares in short-haul markets because of the uncertainty of the generative potential of such fares in short-haul markets. However, we believe that the instant proposal is sufficiently controllable to permit a test of its generative potential in short-haul markets where, for the most part, discount fares have not been available for travel for several years, and a significant number of seats go unused today.

Finally, although certainly not a dispositive point, we welcome United's proposal to contribute to fare simplification by canceling a number of existing promotional fares in favor of the capacity-controlled excursion fare.

All carriers offering the fare permitted herein are directed to maintain a record of the seats made available by flight for this discount fare. Carriers will report and specifically isolate traffic and revenue data applicable to this fare in their discount-fare submissions pursuant to Phase 5 (*DPFI*). In addition, a carrier publishing this fare will provide traffic and capacity data, by equipment type, for its top two city-pairs (based on local O & D passengers) for each of five mileage blocks in the form set forth in Appendix A[1] for the second full week in each month beginning in February 1976 and ending with January 1977. This latter report will accompany the aforementioned recurrent discount-fare report.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that:

1. The complaints in Dockets 28232, 28243, 28246, 28248, 28249, and 28258 be and hereby are dismissed; and

2. Copies of this order be served upon American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and The Port Authority of New York and New Jersey.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-26113 Filed 9-29-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

MARYLAND STATE ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the Maryland State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for September 29-30, 1975 has been changed. The meeting will be September 29, 1975 at the same place and time, but the meeting for the 30th of September has been cancelled.

Dated at Washington, D.C., September 26, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-26254 Filed 9-26-75;4:52 pm]

[1] Appendix A and concurring statement of member Timm filed as part of the original. West, member, concurs in the views expressed by member Timm.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entrance or Withdrawal From Warehouse for Consumption

SEPTEMBER 25, 1975.

On June 26, 1975, the United States Government, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, concluded a comprehensive Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement with the Government of the Republic of Korea concerning exports of cotton, wool and man-made fiber textiles over a three-year period beginning on October 1, 1974 and extending through September 30, 1977. Among the provisions of the agreement are those establishing an aggregate limit for cotton textiles and cotton textile products in Categories 1-64, wool texile products in Categories 101-132, and man-made fiber textile products in Categories 200-243. Within the aggregate limit, the following group limits have been established: Group I (Categories 1-38, shoe uppers in Category 63, 64, 200-213, and 241-243); Group II (Categories 39-62, Category 63, except shoe uppers, and 214-240); and Group III (Categories 101-132). Within the aggregate and applicable group limits, specific limits have been established for Categories 9/10, 18/19 and part of 26 (printcloth), 22/23, 26 (duck), 45/46/47, 48, 49, 50/51, 52, 120, 219, 221, 222, part of 224 (men's and boys' suits), 228, 234, 235, 237, and 238. All other categories are subject to consultation limits within the aggregate and applicable group limits.

The agreement contains provisions for consultations to be held between the Governments of the United States and the Republic of Korea to establish levels for those categories not having specific export limitations for the agreement year beginning on October 1, 1975. Inasmuch as those consultations have not yet taken place, the levels set forth below for Categories 39, 104, 121, 208, 210, 218, 224 (other than men's and boys' suits), and 229 are the same as those which applied in the previous agreement year. These levels will be adjusted, as needed, following completion of consultations between the two governments.

Accordingly, there is published below a letter of September 25, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that for the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption in Categories 9/10, 18/19/26 (printcloth), 22/23, 26 (duck), 39, 45/46/47, 48, 49, 50/51, 52, 104, 120, 121, 208, 210, 218, 219, 221, 222, 224, 228, 229, 234, 235, 237, and 238 be limited to the designated levels. This letter and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to, prohibit, effective on October 1, 1975 and for the twelve-month period extending through September 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9/10, 18/19 and part of 26, 22/23, part of 26, 39, 45/46/47, 48, 49, 50/51, and 52; wool textile products in Categories 104, 120, and 121; and man-made fiber textile products in Categories 208, 210, 218, 219, 221, 222, 224, 228, 229, 234, 235, 237, and 238 in excess of the following levels of restraint:

Category		12-mo. level of restraint
9/10	square yards	6,166,767
18/19/26 (printcloth) [1]	do	4,904,568
22/23	do	3,376,436
26 (duck fabric) [2]	do	20,555,879
39	dozen pairs	265,555
45/46/47	square yards equivalent	3,079,030
48	dozen	21,033
49	do	47,812
50/51 (of which not more than 95,723 dozen shall be in category 50 and not more than 129,563 shall be in category 51)	do	180,625
52	do	66,258
104	square yards	1,536,169
120	numbers	320,448
121	do	192,000
208 (of which not more than 8,000,000 square yards shall be in T.S.U.S.A. Nos. 338.3035 and 338.3036)	square yards	13,000,000
210	do	1,170,000
218	dozen	828,736
219	do	3,887,654
221	do	2,667,707
222	do	960,281
Pt. 224 (only T.S.U.S.A. Nos. 380.-0420 and 380.8143)	do	496,000
Pt. 224 (only T.S.U.S.A. Nos. 380.-0402 and 380.8103)	do	43,956
Pt. 224 [3]	pounds	3,867,785
228	dozen	825,777
229	do	704,875

Category		12-mo. level of restraint
234	do	3,662,292
235	do	1,355,085
237	numbers	155,555
238	dozen	204,228

[1] In category 26 the T.S.U.S.A. numbers for printcloth are:

320....34 326....34
321....34 327....34
322....34 328....34

[2] In category 26 the T.S.U.S.A. numbers for duck fabric are:

320....01 through 04, 06, 08
321....01 through 04, 06, 08
322....01 through 04, 06, 08
326....01 through 04, 06, 08
327....01 through 04, 06, 08
328....01 through 04, 06, 08

[3] All T.S.U.S.A. numbers in category 224 except T.S.U.S.A. Nos. 380.0420, 380.8143, 380.0402, and 380.8103.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in all of the foregoing categories, except Category 229, produced in the Republic of Korea and exported to the United States prior to October 1, 1975, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1974 through September 30, 1975. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Entries of man-made fiber textile products in Category 229 prior to October 1, 1975 shall not be subject to this directive.

Man-made fiber textile products in Category 229 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint within Group I may be exceeded by 10 percent; within Group II, by 7 percent; and within Group III, by 5 percent; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-26076 Filed 9-29-75;8:45 am]

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 26, 1975.

On July 31, 1975, the United States Government requested the Government of Thailand to enter into consultations under Article 3 of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, concerning exports to the United States of man-made fiber textile products in Categories 219 (shirts, including blouses) and 229 (woven coats), produced or manufactured in Thailand. Public notice of this request was published in the FEDERAL REGISTER on August 12, 1975 (40 F.R. 33853), and public comment and/or submission of additional information was invited by September 10, 1975.

Since no solution has been mutually agreed upon, the United States Government, in furtherance of the objectives of, and under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, including Article 3, is establishing restraints at the following levels for the period beginning on July 31, 1975 and extending through July 30, 1976:

Category		12-month level of restraint
219	dozen	869,901
229	do	180,369

These levels of restraint do not apply to man-made fiber textile products in Categories 219 and 229, produced or manufactured in Thailand and exported to the United States prior to July 31, 1975.

There is published below a letter of September 26, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that, effective on September 30, 1975, the amounts of man-made fiber textile products in Categories 219 and 229, produced or manufactured in Thailand, which may be entered or withdrawn from warehouse for consumption in the United States

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during the twelve-month period beginning on July 31, 1975, be limited to the designated levels.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 26, 1975.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on September 30, 1975 and for the twelve-month period beginning on July 31, 1975 and extending through July 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption, of man-made fiber textile products in Categories 219 and 229, produced or manufactured in Thailand, in excess of the following levels of restraint:

Category	12-month level of restraint
219 ---------- dozen	869,901
229 ---------- do	180,369

Entries of man-made fiber textile products in Categories 219 and 229, produced or manufactured in Thailand, which have been exported to the United States prior to July 31, 1975, shall not be subject to this directive.

Man-made fiber textile products in Categories 219 and 229 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of these categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 F.R. 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of man-made fiber textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.75-26144 Filed 9-29-75;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

AGGREGATION OF ACCOUNTS—CONTROLLED OR DISCRETIONARY

Request for Comment

The Commodity Futures Trading Commission ("Commission") has received petitions and inquiries from futures commission merchants and others requesting that the Commission establish guidelines and interpretations (reversing prior interpretations) concerning aggregation of certain accounts for purposes of reporting requirements and speculative trading and position limits under the Commodity Exchange Act. Due to the general importance of these issues, the Commission has determined to seek comment from interested persons. Comments will be reviewed by the Commission in its consideration of what action, if any, is necessary or appropriate.

Background.—One of the primary objectives of the Commodity Exchange Act, 7 U.S.C. § 1 *et seq.*, ("Act"), as amended by the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93-463, (Oct. 23, 1974) ("CFTC Act"), is to maintain highly competitive futures markets by limiting the impact of large trading or positions. The Commission is authorized by section 4a(1) of the Act to establish speculative trading and position limits.[1] That section further provides that, in determining whether:

> . . . any person has exceeded such limits, the positions held and trading done by any persons directly or indirectly controlled by such person shall be included with the positions held and trading done by such person; and further, such limits upon positions and trading shall apply to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single person.[2]

Prior to the adoption of the CFTC Act, this section had been the subject of interpretative statements issued by the Administrator of the Commodity Exchange Authority ("CEA"). One interpretative statement, Administrative Determination 229 (Oct. 14, 1971) ("A.D. 229"), concerned "customer trading programs" of futures commission merchants and stated that these programs have the following elements:

> They normally require the customer to sign an agreement not obtained from other customers and to make a minimum deposit in excess of that required of other customers. Those in the program are given specific advice or recommendations not made available to other customers of the firm. Although participants are not required to follow specific recommendations, the programs are designed to provide best results when such recommendations are followed.

A.D. 229 concluded with respect to customer trading programs that:

> All trades and positions in all customers' accounts included in a trading program must be combined for reporting and speculative limit purposes. Any officer, partner or employee of a futures commission merchant who operates a customer trading program is acting on behalf of the futures commission merchant.

Subsequent to the issuance of A.D. 229, futures commission merchants were informed by the Administrator that section 4a(1) of the Act also requires aggregation of discretionary accounts for reporting and speculative limit purposes. Objection has been made to the determinations of the Administrator.

The Commission seeks comment on all types of programs which are presently operated by futures commission merchants, their employees, commodity trading advisors, commodity pool operators or others. These programs may include individual customer accounts over which futures commission merchants or their employees have discretion in any manner; commodity pools or funds; accounts managed by commodity trading advisors; and any other program, or series of transactions, in which any person may be deemed to be acting in concert with another person or exercising control over trading or positions of another person (*e.g.*, interlocking directorates or joint officers of firms conducting transactions in commodity futures or common partners, common management or common advisors for firms conducting commodity futures transactions).

The Commission seeks comment in the following general areas.

1. Should the Commission establish any guidelines for aggregation under section 4a(1) of the Act? If so, what factors should be considered in establishing such guidelines? What should be the content of those guidelines? The Commission is particularly interested in information on the degree of control being exercised over trading or positions of any person, how and by whom that control is being exercised (whether by means of a trading program or otherwise), and under what circumstances.

2. Is aggregation appropriate for all forms of discretionary customer accounts including those of futures commission merchants and of employees thereof, and of others, such as accounts over which commodity trading advisors, commodity pool operators or others are in a position to exercise control or discretion? If not, what safeguards should be required to assure compliance with the requirements of section 4a(1)? Is a prima facie violation of section 4a(1) established in instances where the speculative limits have been surpassed and where data and other circumstances indicate that a common trading plan is being followed or that trades have been made in concert? Should there be a presumption that a futures commission merchant, commodity trading advisor or other person controls all accounts in which discretion to trade is vested in such a person? How could such a presumption be rebutted? Is a "Chinese wall" concept (providing for separation of functions within a particular firm) such as that used in the securities industry, adaptable to the commodity futures industry for purposes of determining control? If the concept is adaptable, the Commission requests comment upon the factors that should be considered in determining if there is separation of control in fact (*e.g.*, location of a firm's offices and representatives, procedural guidelines of a firm for trading and management of accounts, utilization of common computer and trading facilities, utilization of common research and the degree of independence granted to individual account managers).

* * * * * *

The foregoing questions are not intended, in any way, to restrict or limit comment to the issues presented herein. The Commission seeks comment in any area which interested persons believe would be appropriate.

In connection with this request for comment, the Commission will independently investigate the operations of futures commission merchants to determine the nature of control being exercised over accounts maintained by these firms. These investigations will be for the purpose of gathering information to assist the Commission in its deliberations on this issue. However, if information obtained in these investigations reveals violations of the Act, those violations will be prosecuted.

* * * * * *

All interested persons may comment on these issues by submitting comments in written form to the Commodity Futures Trading Commission, 1120 Connecticut Avenue, N.W. Washington, D.C. 20036, Attn: CCU. The Commission is especially interested in comments from futures commission merchants, exchanges, traders, dealers, customers, and other interested persons. Comments must be received on or before November 30, 1975. Copies of all comments received will be available for inspection at the Commission's office in Washington, D.C. In addition, interested persons may request the opportunity to express their views at an oral hearing. Should the Commission conclude that an oral presentation will be of value, it will, by subsequent notice, set the time and place of that hearing.

Issued in Washington, D.C., on September 24, 1975.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-26075 Filed 9-29-75;8:45 am]

[1] Trading and position limits for certain commodities have been established. *See* 17 C.F.R. § 150 (1975).

[2] In this connection section 4i of the Act and the regulations thereunder require the aggregation of certain accounts for reporting purposes. *See* 17 C.F.R. §§ 17-18 (1975).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Equal Employment Opportunity Commission

APPRENTICESHIP INFORMATION REPORT EEO-2

Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1975 Apprenticeship Information Report EEO-2 required by 29 CFR 1602.15 is extended from September 30, 1975 to April 30, 1976. The period during which statistics for report EEO-2 must be obtained remains unchanged.

Signed at Washington, D.C. this 25th day of September 1975.

LOWELL W. PERRY,
Chairman, Equal Employment Opportunity Commission.

[FR Doc.75-26207 Filed 9-29-75;8:45 am]

ELEMENTARY-SECONDARY STAFF INFORMATION EEO-5

Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1975 Elementary-Secondary Staff Information EEO-5 report required by 29 CFR 1602.41 is extended from November 30, 1975 to January 31, 1976. The payroll reporting period for the EEO-5 report remains unchanged.

Signed at Washington, D.C. this 25th day of September 1975.

LOWELL W. PERRY,
Chairman, Equal Employment Opportunity Commission.

[FR Doc.75-26210 Filed 9-29-75;8:45 am]

HIGHER EDUCATION STAFF INFORMATION EEO-6

Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1975 Higher Education Staff Information EEO-6 report required by 29 CFR 1602.50 is extended from November 30, 1975 to February 28, 1976. The payroll reporting period for the EEO-6 report remains unchanged.

Signed at Washington, D.C. this 25th day of September 1975.

LOWELL W. PERRY,
Chairman, Equal Employment Opportunity Commission.

[FR Doc.75-26211 Filed 9-29-75;8:45 am]

STATE AND LOCAL GOVERNMENT LOCAL UNION REPORT EEO—3

Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1975 Local Union Report EEO-3 required by 29 CFR 1602.22 is extended from November 30, 1975 to April 30, 1976. The period during which statistics for report EEO-3 must be obtained remains unchanged.

Signed at Washington, D.C. this 25th day of September 1975.

LOWELL W. PERRY,
Chairman, Equal Employment Opportunity Commission.

[FR Doc.75-26208 Filed 9-29-75;8:45 am]

STATE AND LOCAL GOVERNMENT INFORMATION EEO-4

Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing the 1975 State and Local Government Information (EEO-4) report required by 29 CFR 1602.32 is extended from September 30, 1975 to December 31, 1975. The payroll reporting period for the EEO-4 report remains unchanged.

Signed at Washington, D.C. this 25th day of September 1975.

LOWELL W. PERRY,
Chairman, Equal Employment Opportunity Commission.

[FR Doc.75-26209 Filed 9-29-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50022A (FRL 436-4)]

INTERIOR DEPARTMENT

Issuance of Experimental Use Permit to Use Sodium Cyanide for Coyote Control

On July 28, 1975, notice was given (40 FR 31656) that the U.S. Department of the Interior (USDI) had applied to the Environmental Protection Agency (EPA) for an experimental use permit to use sodium cyanide for coyote control. Specifically, this application requested permission to use a sodium cyanide solution in toxic collars to be placed on tethered lambs in an effort to evaluate the effectiveness of the collars in controlling depredation by coyotes that are preying on sheep. The notice in the FEDERAL REGISTER also solicited comments from interested parties.

Two comments were received in response to this solicitation of views; both were from national nonprofit organizations. One of the commenters objected to the issuance of this permit due to the fact that sheep and coyotes would be killed in what the commenters considered an inhumane and, in some States, illegal, fashion. The other commenter discussed factors such as safety features of the plan (labeling, decontaminating and disposing of the collars, alerting the public of the program via the media, etc.) and suggested that data be obtained on permeability of sodium cyanide and polyvinylchloride collar material. Both commenters' observations were taken into consideration during the time the decision was being made as to whether the permit should be issued. Some of the suggestions regarding safety features were incorporated as part of the permit program. These comments are available for inspection in the office of the Federal

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Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, EPA, Room E–401, 401 M St., S.W., Washington, D.C. 20460.

After due deliberation of the application, comments, and other relevant information, and pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the U.S. Department of the Interior, Washington, D.C. 20460. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 6704–EUP–6) allows the use of 1,500 liters of a 33% sodium cyanide solution in up to 3,000 collars to be placed on tethered lambs. The program is authorized only in the States of Arizona, California, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Texas, Utah, and Wyoming. The experimental use permit is effective from September 2, 1975, to September 2, 1976. The program is to be carried out under the direct supervision of the Fish and Wildlife Service, USDI. Test sites will be limited to those areas where coyote predation has been confirmed; no more than five collars per damage complaint will be used. Damage assessments will be made before and during tests with the entire area ranged by the flock searched daily.

Restrictions have been placed on use of the device in the geographical ranges of rare or endangered species, in accordance with the Rare and Endangered Species Act. The device has also been restricted from use in National Parks, Monuments, and places where excessive exposure to the public and family pets is probable. These restrictions will protect the users, minimize the devices' impact on the environment and allow the development of required data.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 23, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75–25968 Filed 9–29–75;8:45 am]

[OPP–50036 (FRL 436–5)]

MONSANTO CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Monsanto Company, St. Louis, Missouri 63166. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 524–EUP–21) allows the use of 25,800 pounds of the herbicide glyphosate on corn, cotton, soybeans, and wheat against various annual and perennial grasses and broadleaf weeds. A total of 8,400 acres is involved; the program is authorized in the 48 contiguous States and Hawaii, except Nevada and Rhode Island. The experimental use permit is effective from September 16, 1975, to September 16, 1976. Temporary tolerances have been established for residues of the active ingredient in or on corn, soybeans, and wheat. All cotton treated under the permit will be destroyed or used for research purposes only.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated September 23, 1975.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.75–25969 Filed 9–29–75;8:45 am]

[OPP–50037 (FRL 436–6)]

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the Minnesota Department of Natural Resources, St. Paul, Minnesota 55155. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 37622–EUP–1) allows the use of 1105 gallons of a piscicide with rotenone, piperonyl butoxide, other cube extractives, and methylated naphthalene as the active ingredients, in Carls Lake, Scott County, Minnesota. A total of 150 acres is involved, specifically 110 acres of lake and 40 acres of marsh; the program is authorized only in Minnesota. The permit is being issued under the condition that treated fish will not be used for food or feed. The experimental use permit is effective from September 10, 1975, to September 10, 1976.

Interested parties wishing to review the experimental use permit are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated September 24, 1975.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.75–25970 Filed 9–29–75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

TASK FORCE ON DEMONSTRATION PROJECTS AS A COMMERCIALIZATION INCENTIVE

Determination To Establish

Pursuant to the Federal Advisory Committee Act (P.L. 92–463), I hereby certify that the establishment of a Task Force on Demonstration Projects as a Commercialization Incentive as hereinafter identified, is in the public interest in connection with the performance of duties imposed upon the Energy Research and Development Administration by the Energy Reorganization Act of 1974 and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to Section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A–63 (Revised).

1. *Name of Task Force.* Task Force on Demonstration Projects as a Commercialization Incentive.

2. *Purpose.* To advise the Energy Research and Development Administration on methods of structuring technical demonstrations of new or improved energy systems so that these demonstrations may be responsive to nontechnical as well as technical issues which are vital in the ultimate decision to proceed with commercial exploitation.

3. *Effective Date of Establishment and Duration.* The Task Force is established, effective 15 days after publication of this notice and after filing of the charter with the standing committees of Congress having legislative jurisdiction of the Energy Research and Development Administration. The Task Force's termination date shall be June 30, 1976.

4. *Membership.* The membership of the Task Force shall be fairly balanced in terms of the points of view represented and the Task Force's function. Membership will include representatives from principal interest groups involved in commercialization decisions in the field of energy: the developer, the investor, and the regulator. There will be no discrimination on the basis of race, color, national origin, religion, or sex.

5. *Task Force Operation.* The Task Force will operate in accordance with provisions of the Federal Advisory Committee Act (P.L. 92–463), ERDA policy and procedures, OMB Circular No. A–63 (Revised), and other directives and instructions issued in implementation of the Act.

ROBERT C. SEAMANS, Jr.
Administrator.

[FR Doc.75–26183 Filed 9–29–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75R–354; Doc. No. 20407; File No. BP–19047]

GILBERT BROADCASTING CORP., ET AL.

Memorandum Opinion and Order (40 FR 18495)

In re applications of Gilbert Broadcasting Corporation, Newark, New Jersey, Docket No. 20407, File No. BP–19047; Community Group for North Jersey Radio, Inc., Newark, New Jersey, Docket No. 20408, File No. BP–19079; Sound Radio, Inc., Newark, New Jersey, Docket No. 20409, File No. BP–19080; Fidelity Voices, Inc., Newark, New Jersey, Docket No. 20410, File No. BP–19081; Venture III Corporation, Newark, New Jersey, Docket No. 20412, File No. BP–19086; For construction permits.

By the Review Board: Board Member Kessler dissenting, in part, with respect to the inclusion of a Section 1.65 issue directed against Fidelity Voices because the Commission's Ownership files would reveal these broadcast holdings.

1. Before the Review Board is a petition to enlarge issues filed May 13, 1975, by Gilbert Broadcasting Corporation (Gilbert) seeking the addition of various issues against Community Group for North Jersey Radio, Inc. (Community Group), Sound Radio, Inc. (Sound), Fidelity Voices, Inc., (Fidelity Voices) and Venture III Corporation (Venture III).[1][2]

2. *Misrepresentation Issue.* According to Gilbert, Community Group, in a letter filed with the Commission under the date of July 14, 1971, stated that its principals would include twenty-three named persons, six of them employees of Station WNJR. However, petitioner contends, three of these six WNJR employees had no agreement with Community Group concerning their participation in its application and did not authorize the use of their name in this connection,[3] and a fourth, Edward L. Strawther, was at that time associated with another applicant in this proceeding. Thus, Gilbert asserts, Community Group made false representations to the Commission regarding the identity of its principals, thereby necessitating the addition of a misrepresentation issue against it. Community Group does not dispute the accuracy of Gilbert's factual allegations, but argues instead that the representations were made in good faith with no intent to deceive or mislead the Commission.[4]

3. The Review Board will not add the requested issue. While petitioner has established that Community Group made inaccurate claims to the Commission concerning the identity of its principals, it has not, in our opinion, raised a substantial question as to whether these claims were made in bad faith. Community Group's application, filed two months after the letter cited by Gilbert, contains a complete and accurate listing of its participants, a fact which we find inconsistent with petitioner's contention that Community Group attempted to conceal the identity of these persons. Further, as Community Group itself points out, any effort on its part to gain a comparative advantage by falsely claiming an association with the six WNJR employees would be automatically doomed to failure, since at least four of the six were then and still are participants in one of the other applicants in this proceeding. Under these circumstances, we can see no basis for concluding that Community Group acted improperly in an effort to deceive the Commission and we will accordingly not add a misrepresentation issue against it.

4. *Section 1.514 Issue.* In support of its requested Section 1.514 issue, Gilbert cites various alleged "omissions and deficiencies" in Community Group's representations regarding the distribution and ownership of its capital stock, including a failure to specify the beneficial owners of some of the stock in question, a failure to indicate the persons for whom certain shares of stock were reserved, and a failure to include signed stock subscription agreements and employment agreements with the application. Moreover, petitioner alleges, the original Community Group application did not provide all of the required information concerning that applicant's principals, in that the date and place of birth was not reported for some principals and complete employment information, including prior broadcast experience, was not reported for others.[5] While some of these deficiencies are of little consequence, Gilbert concedes, others involve matters of potential decisional significance, and taken together, it continues, the deficiencies are sufficient to justify the addition of an issue.

5. The Board, however, must reject this contention. As both Community Group and the Broadcast Bureau point out, Community Group's original application provided a complete and accurate account of the ownership and distribution of its capital stock, and, while the application may have contained some minor errors or omissions in this regard, these defects were clearly of a *de minimis* nature. With respect to the other matters cited by Gilbert, we again agree with Community Group and the Bureau that the unreported information is of minor significance, that no intent to conceal has been shown, and that the requested issue is therefore unwarranted. See *Western Television Co.*, 50 FCC 2d 453, 32 RR 2d 350 (1974).

6. *Section 1.65 Issue.* Gilbert alleges that Community Group has failed to report the following information to the Commission in violation of Section 1.65 of the Commission's Rules: (1) changes in the positions held by John W. Alexander (president, a director and 11.5% stockholder of Community Group) in WNJR Charities, Inc.;[6] (2) a civil action (later dismissed) against Alan B. Clark (vice-president, a director and 7.5% stockholder of the applicant) and James N. Clark (a director and 2% stockholder); (3) all of the positions held by James R. Cowan (a director and 11.5% stockholder) including his appointment as Assistant Secretary of Defense for Health and Environment and his membership on the board of directors of a Newark drug rehabilitation center; (4) the discharge of Harry Haslett (until recently vice-president, a director, and 0.2% stockholder) from Station WNJR;

[1] A sixth application for regular authority to operate the facilities of WNJR, Newark, New Jersey, that of W.M.E.D. Associates, Inc., was dismissed by Order of the Presiding Judge, FCC 75M–1211, released July 10, 1975. Consequently, Gilbert's request for various issues against this applicant is now moot.

[2] Also before the Board are the following related pleadings: (a) supplement and errata to petition to enlarge, filed May 27, 1975, by Gilbert; (b) opposition, filed June 25, 1975, by Sound; (c) opposition, filed June 30, 1975, by Community Group; (d) opposition, filed June 30, 1975, by Venture III; (e) opposition, filed July 1, 1975, and supplement thereto filed July 17, 1975, by Fidelity Voices; (f) joint opposition, filed June 30, 1975, by Community Group and Venture III; (g) partial opposition and comments, filed July 1, 1975, by the Broadcast Bureau; (h) second supplement to petition to enlarge, filed July 3, 1975, by Gilbert; (i) opposition to supplement, filed July 9, 1975, by Sound; (j) opposition to supplement, filed July 24, 1975, by Venture III; (k) partial opposition to supplement, filed July 25, 1975, by the Broadcast Bureau; (l) reply, filed August 7, 1975, by Gilbert; (m) motion to strike, filed August 14, 1975, by Community Group and Venture III; (n) opposition to motion to strike, filed August 20, 1975, by Gilbert; and (o) opposition to motion to strike, filed August 25, 1975, by the Broadcast Bureau.

[3] An affidavit from each of the three persons in question is included in Gilbert's petition.

[4] Community Group's contention that it believed Strawther would join in its application and bring three other WNJR employees with him is supported only by Strawther's unverified statement to this effect. Since this statement does not comply with the requirements of Section 1.220(c) of the Commission's Rules, it must be rejected.

[5] Gilbert's attempt to raise new allegations of fact not responsive to matters contained in the oppositions with respect to this and other of its requested issues in its reply pleading will be rejected and the allegations themselves disregarded. See Sections 1.45 and 1.294 of the Rules. See also *Industrial Business Corporation*, 40 FCC 2d 89, 26 RR 2d 1447 (1973).

[6] WNJR Charities, Inc. is the managing partner of WNJR Radio Company, the partnership which is currently operating Station WNJR on an interim basis.

V 40 N 190 SEP 30 1975 XUM

(5) the termination of Rhett Evers' (assistant vice-president, a director, and 0.1% stockholder) employment at a radio station; (6) the confirmation of the nomination of Harry Hazelwood, Jr. (a director and 10% stockholder) as a Judge of the Superior Court of Essex County, New Jersey;[1] the failure of Benjamin F. Jones (a director and 5% stockholder) to be re-elected Commissioner of Parks and Public Property of Orange, New Jersey; (8) changes in the address and/or employment of two directors, one holding a 0.5% interest in the applicant and one a 1.1% interest; (9) two judgments against Charles R. Young (a director and 10.2% stockholder); and (10) a judgment against Constance Washington (a director and 0.5% stockholder) and a change in her employment.[2] Citing *Brindlee Broadcasting Corp.*, 46 FCC 2d 721, 30 RR 2d 207 (1974), and *Southern Broadcasting Co.*, 38 FCC 2d 461, 25 RR 2d 1138 (1972), for the proposition that failure to report changes in business interests and employment constitutes grounds for adding a section 1.65 issue; *1400 Corp.*, 14 FCC 2d 281, 13 RR 2d 1178 (1968), and *Berwick Broadcasting Corp.*, 12 FCC 2d 175, 12 RR 2d 771 (1968), for the proposition that failure to report outstanding unsatisfied judgments likewise justifies addition of an issue; *Voice of Reason, Inc.*, 27 FCC 2d 686, 25 RR 2d 645 (1970), and *Fred Kaysbier*, 34 FCC 2d 788, 20 RR 2d 844 (1970), for the proposition that failure to report civil actions which might have an adverse impact on the applicant's financial qualifications warrants addition of a Section 1.65 issue; and *Cosmopolitan Enterprises, Inc.*, 49 FCC 2d 934, 31 RR 2d 1651 (1974), and *Minshall Broadcasting Co., Inc.*, 10 FCC 2d 947, 11 RR 2d 754 (1967), for the proposition that numerous failures to report may indicate a pattern of carelessness and irresponsibility, Gilbert requests the addition of a Section 1.65 issue against Community Group.[3]

7. Both Community Group and the Bureau oppose Gilbert's request. None of the alleged omissions regarding the business interests of Community Group's principals involves a matter of possible decisional significance, they contend, and likewise, they continue, none of the unreported civil actions and judgments could have an adverse impact on the applicant's financial qualifications, as all of the principals involved purchased their stock prior to the litigation in question.[4] Hence, they assert, the instant situation can be distinguished from the cases cited by Gilbert, all of which concerned failures to report important matters of clear decisional significance. Finally, both Community Group and the Bureau dispute Gilbert's characterization of Community Group's conduct as representing a pattern of carelessness and irresponsibility, since in their view, the omissions are neither sufficiently numerous nor important to warrant such a description. The Board agrees with this assessment. While Community Group has by its own admission failed to report all changes in its principals' activities, most of the unreported changes appear to be of very minor importance, none involves a potential matter of decisional significance, and no motive to conceal is apparent. Furthermore, we do not believe they indicate a serious pattern of irresponsibility on Community Group's part. Accordingly, we can find no basis for adding the requested Section 1.65 issue and will deny Gilbert's request.

8. *Section 1.526 Issue.* According to the uncontroverted affidavit of William A. Franklin, a Gilbert principal, on May 6, 1975, Community Group's public file did not contain a January 1973 amendment to its application, which amendment provided the following information: (1) the election of a new officer and the removal of a director, (2) a new table listing the business and employment interests of its principals, (3) a new balance sheet, and (4) material completing its community survey showing. Both Community Group and the Bureau would dismiss this admitted violation of Section 1.526 as being too unimportant to require an issue, and the Board agrees with their position. Thus we note that none of the material which was omitted from the public file has been shown to be of any importance and no motive for these omissions other than simple inadvertence has been suggested or demonstrated. Under these circumstances, we do not believe that further inquiry into this matter would be fruitful and we will therefore not add the requested issue. See *Media, Inc.*, 22 FCC 2d 875, 18 RR 2d 1175 (1970).

9. *Irresponsibility of John W. Alexander and Frank L. Hubert.* Gilbert contends that John W. Alexander and Frank L. Hubert, Venture III's controlling stockholder, acted irresponsibly in their positions as trustees of WNJR Charities, Inc., and requests an issue to determine the effects thereof on the qualifications of their respective applicants. Specifically, Gilbert asserts that Alexander and Hubert as members of the board of directors of WNJR Charities, Inc. failed to dismiss WNJR's general manager in spite of his admitted violations of his employment contract; voted to demote or dismiss the four WNJR employees (all of them principals of Gilbert) who brought these violations to the board's attention; refused to permit one of the above employees to present her views to the board; called a special meeting of the board without notifying Gilbert's representative, in violation of the by-laws of the partnership;[11] and held an election of officers in which Gilbert's representative was removed as president and chairman of the board, again in violation of the partnership agreement. According to petitioner, all of these actions were "taken out of pure vindictiveness, recrimination and other [base] motives" in an effort to improve the positions of Community Group and Venture III at the expense of Gilbert and, thus, "put in question the responsibility of the persons who [so] acted." In support of its various allegations, Gilbert offers two affidavits from Seymour M. Chase, its counsel and designee on the board of WNJR Charities, Inc.

10. Community Group, Venture III and the Bureau all oppose Gilbert's request. In the Bureau's opinion, matters involving alleged violations of fiduciary duties should be pleaded initially before a local forum, citing *Northeast Oklahoma Broadcasting, Inc.*, 40 FCC 2d 543, 27 FR 2d 144 (1973); in any event, the Bureau maintains, none of the alleged actions appear to constitute abuses of discretion by either Alexander or Hubert. Community Group and Venture III, for their part, contend that the decision to retain the general manager was purely a matter of business judgment, that the decisions to demote or dismiss the four employees cited by Gilbert were based solely on the quality of their work and the needs of the station, that the refusal to permit one employee to appear before the board was consistent with past practice, and that the special board meeting and the election both conformed to the terms of the partnership agreement. Gilbert, in reply, disputes the second of these contentions, however. The decisions to dismiss and demote the four employees were made with the improper intention of damaging the Gilbert application, it asserts, as evidenced by the fact that two of the four were given no reason for the actions taken against them and a third was told by WNJR's general manager that the time had come when he (the general manager) had to punish those who had harmed him.[12] Moreover, Gilbert argues, New Jersey case law supports its allegation that Alexander and Hubert breached their fiduciary duties as trustees of WNJR Charities, Inc., by failing to discharge the general manager, and for this reason, it concludes, its request for a character issue should be granted.[13]

11. The Review Board will not add the requested issue. Gilbert's allegations that Alexander and Hubert violated their fiduciary duties and breached the WNJR Charities, Inc. partnership agreement raise questions concerning the proper interpretation of local law and we have consistently declined to intervene in such matters where they have not first been presented to or acted upon by the appropriate local forum. See *Northeast Oklahoma Broadcasting, Inc., supra.* In addition, petitioner would have the Commission review what appears to be primarily a matter of directorial judgment. As for Gilbert's other contention—that Alexander and Hubert "punished" four WNJR employees because they criticized the station's general manager—it is our view that this charge is based on speculation rather than on specific factual allegations and for this reason must be dismissed. Thus, we note that Gilbert's primary support for this aspect of its request is the affidavits of three of the four employees in question, each one setting forth that affiant's opinion of the reasons why he or she was demoted or fired. In light of the subjective nature of this material, we cannot accept it as a basis for further inquiry into this matter and we will therefore deny petitioner's request.

FIDELITY VOICES, INC.

12. *Sections 1.514 and 1.65 Issues: Dismissed Applications.* By Memorandum Opinion and Order, *Sound Radio, Inc.*, 45 FCC 2d 804, 29 RR 2d 950 (1974), the Commission approved an agreement providing for the merger of Fidelity Voices, Inc., Community Action Radio Enterprises (CARE), The Brown Broadcasting Corporation (Brown) and Greater Newark Broadcasters, Inc. (Broadcasters) into one application, that of Fidelity Voices, and the dismissal of the other three applications. From each of the four applications a majority of the principals, both in number and in ownership interest, joined the merged application, Gilbert asserts, and for this reason it contends, any questions which might have been raised with respect to the four original applications may now be raised with respect to the merged application. According to petitioner, the CARE, Brown, and Broadcasters applications were not complete when filed and were not consistently updated as required by Sections 1.514 and 1.65 of the Commission's Rules. Because, Gilbert maintains, each principal in the merged application who was also a principal in one of the above three applications was responsible for the completeness and accuracy of that application from the time it was filed until the time it was dismissed, and because, it continues, any failures in this regard offer some indication of the care and responsibility which these persons can be expected to display as licensees, an inquiry into the completeness and accuracy of the CARE, Brown and Broadcasters applications is relevant to the instant proceeding and should be authorized by the Board.

13. Gilbert concedes that its argument is a "novel" one, an assessment with which both Fidelity Voices and the Bureau agree. The latter two parties disagree with Gilbert in all other respects, however, since in their view any Sections 1.514 and 1.65 issues which might have been added against CARE, Brown, or Broadcasters became moot at the time these applications were dismissed. The Board agrees with Fidelity Voices and the Bureau and will accordingly deny Gilbert's request. The CARE, Brown and Broadcasters applications are no longer before the Commission and, for this reason, we believe, their completeness and accuracy have no relevance to the instant proceeding. Had Gilbert demonstrated intentional misrepresentations or other serious misconduct on the part of particular persons once associated with the dismissed applicants and now associated with Fidelity Voices, we would, of course, consider an appropriate character issue against the latter applicant. But petitioner has alleged only that persons now associated with Fidelity Voices may have violated Sections 1.514 and 1.65 in their capacity as principals of prior applicants for broadcast licenses, and, in our view, such allegations, even if true, are too remote from the instant proceeding to warrant further inquiry.

14. *Section 1.514 Issue: Original Application.* Gilbert contends that the original Fidelity Voices application failed to disclose the birth date of one principal and the dates of employment of several others and did not include a balance sheet as required by the application form. While petitioner's observations are accurate the omissions themselves are for the most part trivial in nature and do not, in our view, justify addition of a Rule 1.514 issue. See *Western Television Co., supra.*

15. *Section 1.65 Issue: Amended Application.* According to Gilbert, the following information was not reported to the Commission by Fidelity Voices in violation of Section 1.65 of the Commission's Rules:[14] (1) that James Brown (a 22.5% stock subscriber of Fidelity Voices) is the controlling principal of J. B. Broadcasting, Ltd., licensee of standard broadcast Station WJBE, Knoxville, Tennessee; of J. B. Broadcasting of Baltimore, Ltd., licensee of standard broadcast Station WEBB, Baltimore, Maryland; and of J. B. Broadcasting of Augusta, Ltd., licensee of standard broadcast Station WRDW, Augusta, Georgia; (2) that Al Garner (a 2.5% stock subscriber) is a vice-president and 10% stockholder of J. B. Broadcasting of Baltimore, Ltd.; (3) that Charles A. Stanziale, Jr. (secretary-treasurer, a director and 3.12% stock subscriber) resigned as a Judge of Newark's Municipal Court, discontinued another position with the city, and serves as a director of a New Hampshire corporation; (4) that Everett T. Felder (president, a director and 6.125% stock subscriber) owns a small interest (10 of 2,000 proposed shares) in an investment company and has assumed new responsibilities at Station WNJU-TV, Newark; (5) that three principals have changed their addresses; (6) that Edward A. Schober (a 0.6% stock subscriber) has held various unreported positions, including some in broadcasting; (7) that one principal has died; and (8) that the applicant held elections in which its existing officers and directors were re-elected.

16. The Board will add a Section 1.65 issue against Fidelity Voices. Though some of Gilbert's allegations can be dismissed as trivial and unimportant, its undisputed claim that the applicant did not disclose all of the broadcast holdings of James Brown and Al Garner involves a matter of potential decisional significance in this proceeding and, thus, cannot be so excused. See *Brindlee Broadcasting Corp., supra; Minshall Broadcasting Co., Inc., supra.* We will, however, specify the issue on a comparative basis only, since petitioner has offered no evidence suggesting intentional misconduct on Fidelity Voices' part and no motive to conceal or mislead is apparent from the pleadings.[15]

17. *Misrepresentation Issue.* Turning to Fidelity Voices' community survey, Gilbert alleges that the handwriting on the survey questionnaires titled "Community Leaders Survey" which were purportedly completed by Fidelity Voices' then-principal, Angel Rodriguez, differs so radically from the handwriting on the questionnaires titled "Community Survey" which were also purportedly completed by Rodriguez, and from Rodriguez's signature on a stock subscription agreement submitted with the original Fidelity Voices application, that an inquiry into possible misrepresentation on the applicant's part is necessary. The Board must reject this allegation. As the Bureau correctly notes, the *Primer*[16] does not require an interviewer to personally fill out or sign his interview forms and Fidelity

[1] Hazelwood's nomination for this position was reported by amendment dated January 30, 1973.

[2] The above listing does not include those allegations which are supported only by petitioner's "information and belief." Gilbert justifies these requests by claiming that the matters raised are "peculiarly within the knowledge of persons who are principals in the applications involved." The Board cannot accept this argument, however, since to do so would render the requirements of Section 1.229(c) totally meaningless. Accordingly, all such requests have been rejected.

[3] Gilbert has also requested Section 1.65 issues against Fidelity Voices, Sound and Venture III and, in each instance, has cited the above cases in support of its request. For purposes of convenience, the Board will not repeat these citations, or the Bureau's response thereto in considering the other requests.

[4] Community Group's claim that Charles E. Young was unaware of the judgments against him until the filing of the instant petition is not supported by an appropriate affidavit from Young and must therefore be rejected. See Section 1.229(c) of the Commission's Rules.

[11] WNJR Charities, Inc. is composed of representatives from Gilbert Community Group and Venture III.

[12] These contentions are supported by the affidavits of the three employees concerned.

[13] The motion to strike Gilbert's reply with respect to this issue will be denied. While Community Group and Venture III are correct in their contention that the affidavits submitted with the reply were executed before the original petition to enlarge was filed, these affidavits are responsive to matters raised in the opposition an dthus cannot be considered new material. Likewise, Gilbert's citation of New Jersey case law is responsive to points made in the opposition pleadings.

[14] Gilbert views the Fidelity Voices application, as amended to reflect its merger with CARE, Brown, and Broadcasters, as constituting an essentially new application and for this reason requests both 1.514 and 1.65 issues with respect to the amended application. Our reading of the Commission's Order approving the merger convinces us that a new application was not created at that time, however, and we will thus treat Gilbert's request as one seeking a Section 1.65 issue only.

[15] The unverified statement of former counsel to Fidelity Voices that he inadvertently omitted James Brown's broadcast interests from the amended application does not comply with the requirements of Section 1.229 (c) and will be rejected.

[16] *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971).

FEDERAL REGISTER, VOL. 40, NO. 190—TUESDAY, SEPTEMBER 30, 1975

V 40 I 190 SEP 3075 XUM

Voices has not claimed that Rodriguez did so here. The important consideration is whether Rodriguez, in fact, conducted the interviews of those persons on whose questionnaires his name appears, and since Gilbert has offered no specific allegations of fact indicating that he did not, its request must be denied.[17]

18. *Section 1.526 Issue.* Gilbert alleges, and Fidelity Voices does not dispute, that in March and May of 1975, Fidelity Voices' public file was not located at the address specified in its application and did not contain several items including an amendment concerning its community survey and an amendment showing its merger with CARA, Brown and Broadcasters. While this failure on Fidelity Voices' part to maintain a complete public file at the appropriate location does constitute a violation of Section 1.526, the Board considers this violation too insignificant to justify the addition of an issue. In this respect, we note that the correct location of the public file was easily ascertainable at the address specified in the application, that the omitted information does not appear to be of major importance, and that no motive to conceal is apparent. See *Media, Inc., supra.*[18]

19. *Past Rule Violations Issue.* Stations controlled by James Brown have been subject to findings of rule violations by the Commission, Gilbert argues, making an inquiry into Fidelity Voices' qualifications necessary in this proceeding.[19] Specifically, petitioner maintains: (a) that by Memorandum Opinion and Order (FCC 73–643), released June 19, 1973, the Commission imposed on J. B. Broadcasting of Augusta, Ltd., a forfeiture of $300 for violation of Sections 73.111 and 73.112 regarding program logs; (b) that on March 25, 1975, the Commission notified J. B. Broadcasting of Augusta, Ltd., of a forfeiture liability of $1,000 for broadcasting lottery information in violation of Title 13, Section 1304, of the United States Code; and (c) that by Memorandum Opinion and Order (FCC 74–1123), released October 25, 1974, the Commission imposed upon J. B. Broadcasting of Baltimore, Ltd., a forfeiture of $10,000 for violations of various technical rules.

20. Both the Bureau and Fidelity Voices oppose Gilbert's request, the former on the grounds that past broadcast experience may be explored under the standard comparative issue and the latter on the grounds that the Commission's forfeiture determinations are still under dispute and may be tested in court. The Board is of the view that addition of an issue inquiring into the violations alleged in the forfeiture Orders is neither warranted nor necessary. The alleged violations in question have not been shown to represent a pattern of willful or intentional misconduct; nor has it been demonstrated that the licensees failed to correct the violations after the forfeitures were levied against them. Thus, petitioner has not, in our opinion, established that the alleged violations could affect Fidelity Voices' basic qualifications. However, we agree with the Broadcast Bureau that despite the pendency of appeals, evidence of the conduct underlying the forfeiture Orders can be considered under the past broadcast record or experience criteria of the standard comparative issue in the discretion of the presiding officer. *Cf. RKO General, Inc. (WOR–TV)*, 47 FCC 2d 824, 30 RR 2d 955 (1974).

SOUND RADIO, INC.

21. *Misrepresentation Issue.* By letter of April 4, 1974, counsel for Sound submitted to the Commission a letter written by Edward Dawkins, Jr., an employee of Station WNJR and a principal of Sound. In this letter, Dawkins claimed that he was threatened with dismissal from his position at WNJR by principals of Gilbert who were attempting to eliminate all representatives of competing groups from the station's staff and control the station themselves. According to Gilbert, these representations were "blatant and willful falsehoods" which Dawkins knew or had reason to know were untrue at the time he made them. In view of the gravity of this matter, petitioner asserts, a misrepresentation issue against Sound is justified.

22. Sound, in opposition, maintains that Dawkins' letter was motivated by a sincere belief that his allegations were correct and offers, as evidence of Dawkins' sincerity, a copy of a memorandum from Charles R. Green—a Gilbert principal and the operations manager of WNJR—to Dawkins, accusing Dawkins of being "thick-headed" and "incompetent" and ending with the sentence, "[t]he day is fast approaching when you, among others, will have to prove that you have the ability to hold your job." In addition, Sound contends, at the time the Dawkins letter was written, one Community Group principal and one Venture III principal had recently been dismissed from the WNJR staff and the four Gilbert principals associated with the station had all received promotions. Given these circumstances, Dawkins' concern about his own employment status and about the future plans of the four Gilbert principals was not unreasonable, Sound asserts. The Bureau also opposes Gilbert's request, since it, too, believes that Dawkins' fears were apparently not unfounded.

23. The Board will deny Gilbert's request. Though petitioner has contended that Dawkins knew or should have known that his allegations were untrue, the Green memorandum, the dismissal of the Community Group and Venture III representatives, and the promotion of the four Gilbert principals all tend to support a contrary conclusion, *i.e.*, that Dawkins' concerns were sincere and not unreasonable. Given this fact, we cannot conclude that Gilbert has substantiated its charges of misrepresentation and we will accordingly not authorize a further inquiry into this matter.

24. *Character Issue.* Citing *TV 9, Inc. v. FCC*, 495 F. 2d 929, 161 U.S. App. D.C. 349, 28 RR 2d 1115 (1973), Gilbert requests an inquiry into the failure of W. Scott Gorman, a director and 8.33% stockholder of Sound, to file federal income tax returns for the years 1961–1972, and the effect thereof on Sound's qualifications to be a Commission licensee.[20] Sound, in opposition, does not deny that Gorman may have violated Federal law. It does, however, dispute petitioner's contention that this conduct justifies the addition of a character issue against it. According to Sound, in *TV 9, Inc., supra*, the indicted principal had served as general counsel to the applicant and had advised it on editorial and programming matters during the years in which the applicant actually operated a broadcast station. Gorman's participation in its activities has been limited to attendance at directors and stockholders meetings, Sound maintains, and for this reason, it asserts, the factual situation in *TV 9, Inc.* is easily distinguishable from the instant situation.[21]

25. The Board agrees with this assessment and will therefore deny petitioner's request. While violations of law on the part of a principal to an application may sometimes justify a character issue against that applicant, we do not believe that such is the case here. It is undisputed (1) that Gorman's alleged misconduct was unknown to Sound's other principals at the time its application was filed; (2) that Sound took steps to remove Gorman as a principal as soon as the alleged misconduct was revealed; (3) that Gorman's participation in the Sound application has been very limited in nature; (4) that Gorman's alleged misconduct did not involve broadcasting or any application before the Commission; (5) that the alleged misconduct, so far as the allegations indicate misconduct, was a misdemeanor; and (6) that no criminal action has been instituted against Gorman by appropriate authorities. Given these considerations, we do not think this situation presents the issue presented in *TV 9, Inc.* and we fail to perceive how

[17] Our examination of the original questionnaire forms leads us to agree with the Bureau's suggestion that Rodriguez may have had his interviewees fill in the forms themselves and then added his own signature.

[18] Gilbert's request for a Section 1.526 issue based on alleged violations of this section by Station WEEB will be denied. As the Bureau correctly notes, WEEB's license is not presently before the Commission and its compliance with Section 1.526 is a matter too remote from the instant proceeding to be relevant here.

[19] Gilbert cites *WGOE, Inc.*, 43 FCC 2d 815, 28 RR 2d 759 (1973); *Louis Vander Plate*, 26 FCC 2d 874, 20 RR 2d 798 (1970); and *DuPage County Broadcasting, Inc.*, 21 FCC 2d 395, 18 RR 2d 321 (1970), in support of its request.

[20] Petitioner also alleges that Gorman misappropriated funds while serving as the shop steward for a local union. This allegation is not supported by the affidavit of a person with personal knowledge of the incident in question, however, and will therefore be rejected. See Section 1.229(c).

[21] Sound further notes that Gorman has resigned from its application, but acknowledges that this fact does not moot Gilbert's request.

FEDERAL REGISTER, VOL. 40, NO. 190—TUESDAY, SEPTEMBER 30, 1975

Gorman's activities could have a substantial impact on Sound's qualifications. Accordingly, we will deny Gilbert's request. See *Chapman Radio and Television Co.*, 47 FCC 2d 775, 30 RR 2d 1089 (1974).[22]

26. *Section 1.526 Issue.* In support of its request for a Section 1.526 issue against Sound, Gilbert submits the affidavit of one Larrie W. Stalks who states that he was unable to find the offices of Sound or persons he understood to be its principals at the address specified in its application. Sound, in opposition, concedes that its public file was not available at the specified location for a period of two years but urges that it be excused for this failure to comply with Section 1.526 because it acted inadvertently and has now corrected its mistake. While the Board cannot dismiss a missing public file as a minor or unimportant matter, we do believe that the factors cited by Sound mandate that we add a Section 1.526 issue against it on a comparative basis only. See *Robert Cowan Wagner*, 38 FCC 2d 1187, 26 RR 2d 429 (1973).

27. *Section 1.65 Issue.* Gilbert alleges that Sound has violated Section 1.65 of the Commission's Rules by failing to report the following information concerning its principals: (1) one business interest of Dionne Warwis Elliott (vice-president, a director and 8.33% stock subscriber in Sound); (2) the marriage and change in residence of Geraldine E. Warrick (president and 8.33% stock subscriber) and her husband's position as producer and host of a radio program; (3) the broadcast experience of Harold R. Sims (vice-president and a director) during his high school years; (4) a change in the employment of Benjamin Hickman Wright, Sr. (vice-president, a director, and 8.33% stock subscriber); (5) all of the business and broadcast interests of Jerome H. Berenzweig (vice-president, assistant secretary, a director and 8.33% stock subscriber); (6) all of the business interests of Stanley R. Sommer (treasurer, a director and 8.33% stock subscriber) and the precise nature of his commitment to the proposed station; (7) the position of Dr. Oscar Sistrunk, Jr. (a director and 8.33% stock subscriber) as a director and stockholder of a New Jersey bank; and (8) all of the business activities of Daniel E. Robinson (vice-president, a director, and 8.33% stock subscriber).

Both Sound and the Bureau oppose Gilbert's request. The precise nature of Stanley R. Sommer's commitment to the proposed station was reported to the Commission, they contend,[23] and all of the other matters raised by petitioner are of little importance and no decisional significance. The Board agrees with this contention and will accordingly not add a Section 1.65 issue against Sound.

28. *Suburban Issue.* According to Gilbert Sound's survey of members of the general public was conducted by the Golden Age Project, a Newark senior citizen group which has not been shown to qualify as a professional survey organization under the requirements of the Commission's *Primer, supra*. Further, petitioner urges, the methodology used to select the persons included in this survey has not been specified in the application, making it impossible to determine whether the sample was in fact a random one. Given these defects in Sound's *Suburban* showing, Gilbert concludes, an issue inquiring into its efforts to ascertain the needs and problems of its proposed service area is necessary.

29. The Board will grant Gilbert's request. In response to petitioner's original allegations, Sound has offered only the affidavit of Ms. Sidni Jacobs, its secretary, who states that it is her "recollection" that the Golden Age Project has done survey work in the past and that although she doesn't recall "the exact specifics", it is also her "recollection" that the interviewers selected the persons to be interviewed from the Newark telephone directory.[24] As petitioner rightly points out in its reply, these vague and inconclusive statements do not constitute a persuasive showing that the Golden Age Project is a professional research service as required by the *Primer, supra*, Q. & A. 11(b), or that the persons included in the general public survey were selected in a manner designed to produce a random sample of the population as required by the *Primer, supra*, Q. & A. 13(b).[25] Accordingly, we agree with Gilbert's contention that a further inquiry into this matter is warranted and will add a limited issue for this purpose.

VENTURE III CORPORATION

30. *Sections 1.514 and 1.65 Issues.* On the basis of over fourteen alleged violations of Section 1.514 and over thirty alleged violations of Section 1.65, Gilbert requests the addition of Sections 1.514 and 1.65 issues against Venture III. While some of the alleged violations involve information of minimal importance, others involve matters which could assume decisional significance in the instant proceeding and, for this reason, the Board will grant Gilbert's request. Thus, we note that Venture III has apparently failed to report five unsatisfied judgments against Edward L. Strawther, its president and 0.8% stockholder, which judgments might well raise questions concerning Strawther's character and reliability, if not his ability to meet his financial obligations to the applicant;[26] it has also apparently failed to report three suits totaling $486,000 against it or its parent company, Hubert Enterprises, Inc., as well as four suits totaling over $14,000 against Frank L. Hubert, all of which legal actions could affect its ability to finance its proposal, see *Voice of Reason, supra*, and *Fred Kaysbier, supra*;[27] and it has further apparently failed to advise the Commission of changes in its officers and directors, see *Pacifica Foundation*, 41 FCC 2d 71, 27 RR 2d 1031 (1973). Under these circumstances, further inquiry into Venture III's compliance with Sections 1.514 and 1.65 is clearly necessary.

31. *Suburban Issue.* In its application, Venture III states that its survey of the general public was conducted by Albert Black, doing business as Garden State Consultants, "a market research organization in the Newark, New Jersey area", and consisted of interviews with 254 persons conducted "either at the homes of the individuals or at such gathering places as churches, supermarkets, or like public gatherings." Gilbert maintains that the above information is not sufficient to establish Garden States Consultants as a professional survey organization within the meaning of the *Primer, supra*, or to establish Venture III's survey as the true random sample required by the *Primer, supra*, and, on these grounds, requests a *Suburban* issue against Venture III.

32. The Board will deny the first part of Gilbert's request, but grant the second. Venture III, in its application, identifies Garden State Consultants as a professional survey organization and, in the absence of specific allegations to the contrary, we can see no basis for further inquiry into Garden State's professional

[22] We would note in this connection that petitioner has offered no evidence indicating that Gorman's conduct involved willful or deliberate violations of law or that it otherwise had any relationship to Sound's ability to operate a broadcast station in the public interest. Hence, even if we held Sound responsible for Gorman's activities, we could not add a character issue against the applicant because of them. See *Report on Uniform Policy as to Violation by Applicants of Laws of the United States*, 42 FCC 2d 390, 1 RR Part 3 91:495 (1951).

[23] On December 3, 1973, Sound reported to the Commission that Stanley R. Sommer would devote 20 hours weekly to the proposed station during its first year of operation. In a later amendment filed August 16, 1974, Sound changed its description of Sommer's duties to read "full time". While conceding that the latter amendment was "perhaps . . . inartfully worded", Sound maintains that it was not intended to change the "first year" portion of Sommer's commitment. The Board also considers the wording of the second amendment "inartful", but can find no basis therein for concluding that Sound either failed to report relevant information or attempted to misrepresent Sommer's intentions.

[24] Attached to Ms. Jacobs' affidavit is a letter from the administrative assistant of the Golden Age Project describing the group's work. This letter has not been notarized, however, and thus cannot be considered in our disposition of this request.

[25] We would note, in this regard, that Sound's *Suburban* showing does not provide any information as to the race, sex, age, or geographical distribution of the persons contacted for its survey of the general public. Consequently, we cannot determine whether or not these persons reflect the general population of the Newark area and cannot fault Gilbert for failing to make such a showing in its petition. Compare *Ken Stephens*, 53 FCC 383, — RR 2d — (1975).

[26] Venture III claims that Strawther satisfied some of these judgments prior to the filing of its application; it has not, however, provided an affidavit to this effect from Strawther as required by Section 1.229(c).

[27] In its designation Order the Commission specified a financial issue against Venture III.

V 40 N 190 S EP 30 75 XUM

qualifications.[34] Venture III's description of its survey techniques, in contrast, leaves many questions unanswered. While the applicant claims to have contacted persons at their homes or at public places, it has neither represented that these places were selected to achieve a random sample of its proposed service area nor demonstrated that such a sample was, in fact, obtained. Compare *Ken Stephens, supra.* In our view, this deficiency requires further exploration under an appropriate issue.

33. *Status of Hubert Enterprises Issue.* Petitioner alleges that Hubert Enterprises, Inc., the 60% stockholder of Venture III, has not filed its New Jersey Corporation Business Tax Returns for the years 1971–1973, is currently on a delinquent register for this reason, and could be liable to injunction proceedings by the State Attorney General restraining it from transacting any business if it continues to be delinquent in this regard. It is petitioner's contention that the above facts warrant the addition of a specific issue addressed to Hubert Enterprises' tax problems. The Board, however, can see no merit in this position. Hubert Enterprises' tax status is undoubtedly relevant to the question of Venture III's financial qualifications, but the financial issue already specified in this proceeding is broad enough to encompass this matter without resort to an additional issue. Likewise, Venture III's failure to notify the Commission of Hubert Enterprises' dealings with the State Department of the Treasury might justify a Section 1.514 or 1.65 issue against the applicant, had such an issue not already been added herein. Gilbert appears to question Hubert Enterprises' ability to conduct business in light of the possibility of an injunction proceeding against it, but this possibility is, in our view, largely a matter of speculation and surmise. And, Gilbert's allegation that Hubert Enterprises' failure to file State tax returns requires the specification of a character issue against Venture III must also be rejected, we believe, in light of petitioner's failure to demonstrate that the conduct in question might affect Venture III's ability to operate a broadcast station in the public interest. *Cf. Report on Uniform Policy as to Violation by Applicants of Laws of the United States, supra.* In summary, we find no basis for an additional issue premised on the failure of Hubert Enterprises to file certain State tax returns and will therefore deny petitioner's request.

34. *Character Issue.* In support of its requested character issue, Gilbert charges that Frank L. Hubert, in his capacity as an officer and director of WNJR Charities, Inc., obtained personal enrichment from WNJR without the knowledge and permission of the remaining officers and directors, thereby violating his fiduciary responsibilities at a trustee of the station and breaching the contract establishing the interim operation. Petitioner's allegations raise questions concerning the proper interpretation of fiduciary responsibilities and contract provisions, and, as we have noted elsewhere in this Memorandum Opinion and Order, such questions should ordinarily be addressed in the first instance to the appropriate local forum rather than to the Commission. See paragraph 11, *supra.* No reasons for adopting a different approach here have been put forward by Gilbert, and we will accordingly deny its request.

35. *Section 1.526 Issue.* In an affidavit accompanying Gilbert's petition, Charles R. Green, an officer, director and stockholder of Gilbert, states that on March 4, 1975, he asked to see Venture III's public file at the office where it was located but was told at first that the file was being transferred elsewhere. Approximately four minutes later the file was produced for his inspection. Green continues, and upon subsequent examination he found the file to be incomplete in several respects. Of particular importance in this regard, Gilbert maintains, is that the file did not contain the map showing a modified nighttime contour contained in a September 18, 1972 amendment to the Venture III application.

36. Both Venture III and the Bureau oppose Gilbert's request. Green was permitted to examine the public file minutes after he asked permission to do so, they assert, and all of the information which he found to be missing from the file was of very minimal importance. Specifically, they contend, a map similar to the one contained in the September 18, 1972 amendment was included in a December 12, 1972 amendment to the Venture III application, and for this reason, they argue, the omission of the former map did not render the public file incomplete or inaccurate in any significant respect. The Board agrees that a Section 1.526 issue against Venture III is not warranted. While the applicant has admittedly violated this section of the Commission's Rules, none of the material which it omitted from its public file has been shown to be of any importance and no motivation for these omissions other than simple inadvertence has been suggested or demonstrated. Under these circumstances, we do not believe that further inquiry into this matter would be fruitful and we will therefore not add the requested issue. See *Media, Inc., supra.*

37. ACCORDINGLY, IT IS ORDERED, That the motion to strike, filed August 14, 1975, by Community Group for North Jersey Radio, Inc. and Venture III Corporation, IS DENIED; and

38. IT IS FURTHER ORDERED, That the petition to enlarge issues, filed May 13, 1975, by Gilbert Broadcasting Corporation, IS GRANTED to the extent indicated herein, and IS DENIED in all other respects; and

39. IT IS FURTHER ORDERED, That the issues in this proceeding ARE ENLARGED to include the following issues:

1. To determine whether Sound Radio, Inc., has failed to comply with the provisions of Section 1.526 of the Commission's Rules, and, if so, to determine the effect thereof on the applicant's comparative qualifications to be a Commission licensee.

2. To determine whether Fidelity Voices, Inc., failed to comply with the provisions of Section 1.65 of the Commission's Rules, and, if so, to determine the effect thereof on the applicant's comparative qualifications to be a Commission licensee.

3. To determine whether Sound Radio, Inc.'s survey of the general public was conducted by a professional research service, whether this survey included consultations with a random sample of members of the general public, and whether, in light thereof, it has complied with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants.*

4. To determine whether Venture III Corporation failed to comply with the provisions of Sections 1.514 and 1.65 of the Commission's Rules and, if so, to determine the effect thereof on the applicant's basic and/or comparative qualifications to be a Commission licensee.

5. To determine whether Venture III Corporation's survey of the general public included consultations with a random sample of members of the general public, and whether, in light thereof, it has complied with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants.*

40. IT IS FURTHER ORDERED, That the burden of proof under that issue troduction of evidence and proof under Issue (3), above, SHALL BE on Sound Radio, Inc.; that the burden of proceeding under Issue (4), above, SHALL BE on Gilbert Broadcasting Corporation and the burden of proof under that issue SHALL BE on Venture III Corporation; and that the burdens of proceeding and proof under Issue (5), above, SHALL BE on Venture III Corporation.

Adopted: September 18, 1975.

Released: September 26, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-26078 Filed 9-29-75;8:45 am]

[FCC 75-1050; Docket No. 19464; File No. SR-87113]

SOUTHWEST PENNSYLVANIA CABLE TV, INC.

Cease and Desist Order; Memorandum Opinion and Order

DESIGNATING HEARING ON STATED ISSUES [37 FR 6517]

By the Commission: Commissioner Hooks absent.

1. The above-captioned proceeding was initiated as a result of Southwest Pennsylvania Cable TV, Inc.'s (Southwest) California, Pennsylvania alleged failure to provide network program exclusivity to Station WIIC–TV (Pittsburgh, Pennsylvania), upon that station's request, as required by Section 76.91 (formerly Section 74.1103) of our cable television rules. Southwest had requested a waiver of this rule, which we denied. 19 FCC 2d 989 (1969). Southwest's alleged failure to provide network program exclusivity to WIIC resulted in the issuance of the show cause order. FCC 72–230, release March 24, 1972.

2. In its opposition to the show cause proceeding, Southwest claimed for the first time that WIIC's failure to demand non-duplication network program protection from all cable television systems within the appropriate signal contours was sufficient to deny the cease and desist order. We found this contention irrelevant to the question of whether Southwest violated our cable television rules (Order to Show Cause, *supra,* at para. 3), and thus no evidence on this matter was taken. After hearing, a cease and desist order was issued against Southwest. 43 FCC 2d 723 (I.D. 1972), *aff'd,* 43 FCC 2d 717 (Rev. Bd. 1973). We denied review (FCC 74–541, released June 5, 1974), and Southwest appealed.

3. The United States Court of Appeals for the District of Columbia set aside the Commission's cease and desist order and remanded the case for further proceeding consistent with its decision. *Southwest Pennsylvania Cable TV, Inc.* v. *FCC,* No. 74–1633, decided June 23, 1975. The court agreed that our denial of Southwest's petition for waiver was proper and that we properly refused to relitigate the issues presented in Southwest's waiver petition. However, the Court remanded the proceeding with directions to consider whether WIIC–TV was selectively requesting non-duplication protection and to afford Southwest an opportunity to proffer evidence on the possibility of economic injury resulting from such selective enforcement. A hearing will be held to adduce evidence on this matter.

4. Accordingly, IT IS ORDERED, That a hearing is designated, at a time and place to be specified in a subsequent order, on the following issues:

(1) To determine whether WIIC–TV has requested network program exclusivity protection, pursuant to Section 76.91 of the Commission's Rules, on a selective basis from the cable television systems on which WIIC–TV is entitled to such protection, and if so, whether Southwest Pennsylvania Cable TV, Inc. would be competitively disadvantaged and suffer significant economic harm thereby.

(2) To determine whether, in light of the evidence adduced on the above issue, a cease and desist order would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-26079 Filed 9-29-75;8:45 am]

[FCC 75-1029; Docket Nos. 20591, 20592; File Nos. BR-4792, BL-13657]

WWLE, INC. AND MECHANICVILLE BROADCASTING CO.

Memorandum Opinion and Order

In re applications of WWLE, Inc. for renewal of license of Station WWLE, Cornwall-on-Hudson, New York, Ralph Nardella, Sr., Ralph Nardella, Jr., John J. Farina and Alvin J. Wise d/bas Mechanicville Broadcasting Co. for new license for Station WMVI, Mechanicville, New York.

By the Commission: 1. The Commission presently has before it for consideration (i) the above-captioned license renewal application for Station WWLE, Cornwall-on-Hudson, New York, filed on March 1, 1972 by WWLE, Incorporated (hereinafter WWLE); (ii) an informal objection against the application, filed on May 26, 1972 by Mr. John J. Farina; (iii) a letter responding to Farina's allegations filed by WWLE on September 5, 1972; and (iv) a supplement to the letter of September 5, 1972, filed on June 30, 1975 by Paul N. Lofaro. We also shall consider here, for reasons discussed at Paragraph 24, *infra,* an application filed July 13, 1972 for license to cover a construction permit for Station WMVI, Mechanicville, N.Y., issued to Mechanicville Broadcasting Company, a partnership in which complainant Farina presently holds a 30 per cent interest.

BACKGROUND

2. An application (Form 314), for the assignment of the licensee of Station WWLE, Cornwall-on-Hudson, New York, from Mrs. Adeline R. Edmonds tr/as Radio Cornwall, to WWLE, Incorporated (BAL-7187) was filed with the Commission on December 2, 1970. The form reflected that the assignee corporation's outstanding 75 shares of stock were held equally by Messrs. Angelo R. Martinelli, Paul N. Lofaro and John J. Farina, each owning 33⅓ percent of the corporation. The assignee's portions of the application were signed by Mr. Farina as vice president and it contained a statement that all exhibits were prepared under his direction.

3. The assignment application was granted on March 15, 1971, and on May 28, 1971, the Commission received an Ownership Report (Form 323) from WWLE reflecting consummation of the assignment. This form was also signed by Mr. Farina, and it too stated that Martinelli, Lofaro, and Farina each owned 25 shares of WWLE's 75 outstanding shares of corporate stock. In addition, the document stated that each of the three principals had paid $333.34 in cash for his respective 25 shares of stock, the date of acquisition being November 21, 1970.

4. In February of 1972, Martinelli and Lofaro wrote a letter to the Commission, "in order to correct certain inaccuracies" which had just come to their attention with respect to the ownership of Station WWLE. They alleged that the two previously mentioned forms submitted by Farina were not correct. They continued by saying they alone had each subscribed for 25 shares of WWLE's stock, and under the subscription agreement, each of the two principals was to pay $3,000 and each was obligated to loan the corporation considerable sums of money to pay for the operation of the station. No stock was issued until April 26, 1971, when 25 shares were taken by each of the two men, each paying $3,000 for his respective shares. It was also averred that Farina was never a shareholder even though the terms of his contract of employment, which was executed on the closing date, April 26, 1971, did include an option to acquire shares in the future, provided certain conditions were achieved. Martinelli and Lofaro claim Farina never paid any monies for stock or loaned WWLE any capital. Thus no stock was ever issued to him. The letter was closed with the statement that, due to prior misrepresentations and continued dissatisfaction, Farina was fired on July 9, 1971. They enclosed a copy of the employment stock option agreement, which indicated that Farina would become an officer and director during the term of his employment as manager. The copy contained signatures of all three.

5. On March 2, 1972, copies of Martinelli's and Lofaro's letter, the combination agreement between the two principals of WWLE and Farina's employment contract, along with a letter from the Commission requesting comment were sent to Farina. In his reply Farina claimed that he had been victimized by Martinelli and Lofaro, who allegedly had induced him to work long hours at low pay in return for an ownership interest in WWLE, and thus challenged their story on many important points and raised several additional questions.

STOCK OWNERSHIP

6. In his informal complaint Mr. Farina initially raises the issue of misrepresentation of the true ownership of WWLE. He states that he had been affiliated with the station as an employee since its creation, and when Messrs. Martinelli and Lofaro decided to purchase it they requested that he remain, offering him a small salary and one-third ownership of WWLE as consideration. Farina says the seemingly generous offer was due to his familiarity with FCC's rules and regulations, and because of his extensive knowledge of Station WWLE, which was completely and candidly revealed to Martinelli and Lofaro before they decided to purchase it. Farina denies that he knowingly signed the employment contract containing the stock option. Although Farina admits that he never received any stock certificates, he says that he had no reason to doubt the

[34] In contrast, the Sound application identifies the Golden Age Project as "a senior citizen group." See paragraphs 28–29, *infra.*

VOL 40 NO 190 SEP 30 75 XUM

representations of Martinelli and Lofaro, who always held out Farina as one of WWLE's three principals. He says they told him that the stock certificates were being kept at the office of their local attorney along with other corporate records. He states that all three reviewed the contents of a final copy of the assignment application at Martinelli's office prior to filing it with the Commission. An article in the December 21, 1970 issue of *Broadcasting Magazine* described the sale to all three. Farina recalls Martinelli's and Lofaro's showing the article to WWLE staff members as well as others outside the station. Finally, Farina states that he received an oral offer from Martinelli's and Lofaro's lawyer on their behalf to buy out his interest as late as February 1972.

7. In response, Martinelli and Lofaro allege that it is Farina who has made misrepresentations, not they. They explain that before they met John Farina they had absolutely no experience in the broadcast industry. On their first encounter Farina advised them that it was his professional opinion that the purchase of station WWLE offered a "golden opportunity" to make a tremendous amount of money, explaining that they could purchase the radio station for a nominal cost because it was in financial trouble and, though the station was presently in the red, with proper management it could be turned into very profitable venture. Relying on Farina's representations, say Martinelli and Lofaro, they decided to purchase the station. Subsequently between acceptance of the offer of sale and the consummation of the purchase, Martinelli and Lofaro discovered that Farina had made some serious misrepresentations concerning the station's assets and liabilities, as well as an alleged minimum price which was supposedly set by the Commission.

8. They continue by relating that their trust in Farina was badly shaken and that they thereafter conducted an assessment of their situation regarding the purchase of Station WWLE, concluding that they were in too deeply to feasibly terminate the venture and that although Farina had made significant and damaging misrepresentations, they were, nevertheless, dependent upon him. Therefore, they decided against severing their relationship with Farina and, acting on the advice of their attorney, they offered him a stock option, conditioned on a profitable performance of the station. Finally, however, due to his prior misrepresentations and their continued dissatisfaction with the operation and performance of the station, he was discharged on July 9, 1971, before he had an opportunity to exercise the stock option. Martinelli and Lofaro claim that it was not until February 1, 1972, when they discovered that Farina had misrepresented to the Commission that he held one-third of the stock in WWLE. They dispute Farina's contention that he was held out as a stockholder or partner of WWLE. Martinelli and Lofaro stress that everyone familiar with the station, including the entire staff, was always aware that Martinelli and Lofaro were equal and exclusive stockholders of the corporation. Martinelli and Lofaro repeat that Farina did in fact sign the employment contract containing the stock option agreement. Moreover, Martinelli and Lofaro emphasize that they delegated to Farina the responsibility of filing the instrument with the Commission, which he obviously failed to do.

9. The record on the question of who actually owns or owned WWLE is a morass of conflicting statements which cannot be reconciled without a hearing. In addition to the question of misrepresentation of ownership of WWLE, Inc. in BAL–7187 and in the ownership report subsequently filed with the Commission, there is a quetsion of unauthorized transfer of control of WWLE when Farina was expelled from the corporation without its having obtained prior Commission consent on a Form 316 transfer application.[1] This failure of WWLE, Inc. to file the Farina employment and stock option contract within 30 days of its execution, in violation of Section 1.613 of our rules, also has a bearing on these questions and possibly on WWLE, Inc.'s qualifications, if misrepresentation or fraudulent concealment of true ownership was involved.

Control Prior to Assignment

10. The contract of sale from Radio Cornwall (Paragraph 2, *supra*) called for the assignee, WWLE, Inc., to lend the assignor operating capital to ensure that the station would remain on the air until the transaction could be consummated, presumably following Commission consent. While this in itself is not an unacceptable procedure if the assignor remains unquestionably in control, Farina alleges that before BAL–7187 was granted Lofaro took over an office at the station, and began working closely with the station manager and bookkeeper. Farina states: "All during the negotiating period and interum (sic) period between applying for the license and its final transfer, Lofaro was in complete charge, even acting with power-of-attorney at WWLE."

11. In their letter of September 5, 1972, Martinelli and Lofaro state that during the period between the signing of the contract, on October 2, 1970, and the consummation of the assignment, on April 28, 1971, Lofaro visited the station only one day a week and would spend an hour or two in discussion with Farina. They did not, however, comment on the statement that Lofaro acted with power-of-attorney at WWLE.

12. In light of the contradictions between the two versions, particularly the hanging question of the power-of-attorney, an issue will be added as to whether there was an unauthorized transfer of control of WWLE prior to grant of BAL–7187.

[1] This possible unauthorized transfer may be viewed separately from the pre-assignment events discussed immediately below.

Financing

13. Farina's second allegation is that false representations concerning the financing of the station were made to the Commission. He states that Martinelli was not the sole financial backer, either during the interim between the time the transfer application was filed and the actual transfer of the broadcast license or after the transfer of the license—although such was represented to Farina, to the prior owner of the station, and to the Commission. Farina asserts that Lofaro may have been, at least, a part-financer during the period between the time of the transfer application was filed and the actual transfer of the license, without the Commission's being informed.

14. In response Martinelli and Lofaro argue that the Commission was not informed because Farina told them that the Commission required specific financial information of only one partner. Farina allegedly chose Martinelli because he was the owner of several business enterprises, whereas Lofaro was merely emmanager.

15. Section 309(d) of the Communications Act of 1934, as amended, requires that a challenger of a license renewal application must set forth specific allegations of fact sufficient to show a grant of the challenged application would be prima facie inconsistent with the public interest, convenience and necessity. Farina's allegations relating to Lofaro's financial interest in Station WWLE, even by the most charitable reading, fail substantially short of the specificity required by Section 309(d) of the Act. Accordingly, it is concluded that Farina has failed to raise a substantial and material question of fact in this regard.

Performance

16. Farina claims that while he was the manager of Station WWLE the radio transmission was of such high quality that it actually surpassed minimum FM standards. But now the station has a "muddy" sound which reflects less competent maintenance than was available during his tenure. Much of the problem, according to Farina, is due to the fact that the present engineering personnel are not of the same education and training as was formerly the case. He adds that the ex-chief engineer "was the most fully educated of any station in the area."

17. It is further alleged that the station's news coverage is a mere shadow of its former comprehensiveness. Farina thinks the decline in news coverage is due to unwise personnel cuts initiated by Martinelli and Lofaro. Among persons allegedly fired were the news editors and outside reporters (stringers), one of the announcers and the "secretary-typist-copywriter". Farina claims, as a result of the reduction in manpower, that the station only has one full-time newsman and the remaining announcers are forced to assume additional responsibilities and hours of work. The "Dow Jones News Wire", a service that was almost completely sold out to advertisers, was dropped, says Farina. He relates his surprise over this development, since business news was so popular.

18. Finally, Farina declares that WWLE's renewal application is virtually an exact copy of the license assignment application filed more than two years before. Therefore, he concludes, it can be assumed that the renewal application is designed to mislead the Commission with erroneous information regarding programming and staffing policies.

19. Martinelli and Lofaro counter by saying that while Station WWLE was under the inept management of Farina it was spiralling toward bankruptcy, and it was only after he was fired that they managed to pull it out of its financial nose dive and get it operating in the black. While Farina was in charge, he allegedly hired people recklessly, many of them cronies, without considering their qualifications or the needs of the station. Examples are said to be his hiring a copy-writer who had no experience in the field and who could not even type, and his employing an announcer who could not operate his own control board, which in turn required the addition to the payroll of an extra engineer to operate the control board during this announcer's show.

20. The two men contend that Farina's charges are completely without merit, and that the station's policies, programming and format have hardly changed, unless for the better. The Station reportedly is still affiliated with the American Broadcasting Company's Radio Information Network as well as United Press International, and it maintains its own news department for local and regional news. Martinelli and Lofaro agree, however, that the Dow Jones Business News Service was discontinued, but the decision was made by Dow Jones, which indicated that it was not profitable. With the exception of the termination of Farina and his cronies in the news department, the entire staff—including the engineering department—has been kept intact. Therefore, in light of the foregoing, Martinelli and Lofaro declare that it is Farina who wishes to mislead the Commission, not they.

21. An investigation of station and Commission records discloses no evidence of a failure to comply with the Commission's standards of performance and operation since Farina was discharged. Nor has petitioner alleged with the specificity required to raise a substantial question of WWLE's performance during the July, 1971–June, 1972 period between Farina's discharge and license expiration.

Additional Allegations

22. Farina also makes the following general and conclusory assertions: (1) there is no evidence that WWLE, as stated in its renewal application, is attempting to develop its coverage of college and professional sports; (2) WWLE, without giving prior notice to the Commission, has been promoting *Stock Market Magazine*, a publication owned solely by Martinelli; (3) Martinelli violated the Commission's rules by using the station's facilities to promote his candidacy for Mayor of Yonkers, New York, without allowing his opponent access to WWLE's airways.

23. The Commission finds that no further administrative action is warranted on these allegations, due to the pervasive lack of specificity with which they are drawn. It is well established that the allegation of ultimate and conclusory facts, or mere general assertions, is not sufficient to require exploration in a hearing.

The Mechanicville Application

24. As noted in Paragraph 1, *supra*, complainant Farina holds a substantial interest in Mechanicville Broadcasting Company, permittee and would-be licensee of Station WMVI. A construction permit for the facility was granted by the Commission on April 2, 1969, construction was duly completed, and the station currently is operating under program test authority, pending final Commission action on the WMVI license application under consideration here. On January 21, 1972, Mechanicville filed an application for assignment of the WMVI construction permit to a newly formed partnership, also named Mechanicville Broadcasting Co., comprised of Farina and Alvin Wise, who like Farina is one of the partners comprising the permittee partnership. Under the new partnership arrangement Wise would retain his interest of 10 percent and Farina would acquire the 60 percent interest presently held by the Nardellas, thereby increasing his interest in Station WMVI from 30 percent to 90 percent. While the assignment application remains incomplete, and is not yet ready for Commission action, we find that administrative efficiency will be served by examining the effect, if any, of Farina's participation in the ownership and operation of Station WMVI. Based on the foregoing discussion of the WWLE application, we conclude that substantial and material questions concerning the character of John J. Farina have been raised which may bear on his qualifications and those of Mechanicville Broadcasting Company, to become a Commission licensee. Accordingly, an appropriate issue will be designate.[2]

Ultimate Conclusions

25. In the judgment of the Commission, substantial and material questions of fact have been raised with respect not only to misrepresentation (para. 6) but also to possible violations of Section 310(b) of the Act, involving transfers of control, and Sections 1.514(a) and 1.615 of the rules, concerning content of applications and reporting of ownership information (para. 2 and 3). The pleadings also raise serious questions concerning the alleged acquisition of Farina's stock by Martinelli and Lofaro through the employment of fraud and deceit, casting doubt on their character qualifications. The Commission is, therefore, unable to make the statutory finding that a grant of the renewal application for Station WWLE is consistent with the public interest, convenience and necessity, and is of the opinion that the foregoing matters should be explored in an evidentiary hearing.

26. Accordingly, IT IS ORDERED, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the captioned applications ARE DESIGNATED FOR HEARING in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following conditions:

1. To determine the facts and circumstances surrounding the submission of the WWLE assignment application (BAL–7187) on December 2, 1970, and the ownership report of WWLE, Incorporated, filed May 28, 1971, and whether complete and accurate information with respect to the ownership of WWLE, Inc. was set forth as required by Sections 1.514(a) and 1.615 of the Commission's Rules.

2. To determine whether the license for Station WWLE was transferred, assigned or disposed of, by transfer of control of WWLE, Inc., prior to the grant of BAL–7187 without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of Section 310(b) of the Communications Act of 1934, as amended.

3. To determine the facts and circumstances surrounding the execution and late filing—in violation of Section 1.613 of the Rules—of the alleged Farina employment and stock option contract.

4. To determine whether, in light of the evidence adduced under the foregoing issues, Messrs. Angelo R. Martinelli and Paul N. Lofaro, misrepresented to or concealed facts from the Commission in connection with the ownership or operation of WWLE, Inc. and Station WWLE respectively.

5. To determine the facts and circumstances surrounding the alleged "firing" of Mr. John J. Farina by Messrs. Martinelli and Lofaro, and whether this ouster constituted an unauthorized transfer of control in violation of Section 310(b) of the Communications Act of 1934, as amended.

6. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the subject license renewal application for Station WWLE would serve the public interest, convenience, and necessity.

7. To determine whether, in light of the evidence adduced under the foregoing issues, Mr. Farina misrepresented to or concealed facts from the Commission in connection with the ownership or operation of WWLE, Inc. and Station WWLE respectively.

8. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, a grant of the subject li-

[2] Mr. Farina also filed, on February 28, 1975, a competing application for Station WJJZ, Mount Holly, N.J. If and when a comparative hearing is ordered on the Mount Holly facility, we will take into consideration the status or outcome of the proceeding ordered here.

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cense application for Station WMVI would serve the public interest, convenience, and necessity.

27. IT IS FURTHER ORDERED, That the informal objection to the above-captioned license renewal application filed by Mr. John J. Farina, is GRANTED to the extent indicated above, and IS DENIED in all other respects.

28. IT IS FURTHER ORDERED, That, in accordance with Section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence upon issues (1) through (5) shall be on the complainant, Mr. John J. Farina, the Broadcast Bureau may then introduce such evidence as it may possess; and the burden of proof shall be on the applicant, WWLE, Inc., with respect to issues (1) through (6).

29. IT IS FURTHER ORDERED, That, in accordance with Section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence upon issue (7) shall be on Messrs. Angelo R. Martinelli and Paul N. Lofaro; the Broadcast Bureau may then introduce such evidence as it may possess; and the burden of proof shall be on Mr. John J. Farina with respect to issues (7) and (8).

30. IT IS FURTHER ORDERED, That, to avail themselves of the opportunity to be heard, applicant and complainant, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in the Order.

31. IT IS FURTHER ORDERED, That WWLE, Inc., shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended and Section 1.594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by Section 1.594(g).

32. IT IS FURTHER ORDERED, That Mechanicville Broadcasting Co., shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by Section 1.594(g).

By direction of the Commission.

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-26080 Filed 9-29-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service"
Notice of 34th Meeting
Tuesday, October 14, 1975, Wednesday, October 15, 1975, 9:30 a.m. (All-day meetings)
Conference Room A-205, 1229-20th Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteur.
3. Acceptance of SC-66 Summary Record.
4. Reports on Work Assignments.
5. Continue preparation of SSB receiver standard.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66, ITT Mackay Marine, 441 US Highway #1, Elizabeth, N.J. 07202, Phone: (201) 527-0300.

Executive Committee Meeting, Thursday, October 16, 1975.

The next Executive Committee meeting will be on Thursday, October 16, 1975, at 1:45 p.m. in Conference Room 847, 1919 "M" Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Administrative Action Items.
4. Acceptance of the Minutes of Executive Committee Meetings.
5. Progress Reports on Currently Active Committees.
6. Status Reports on other Committees.
7. Summary Reports and Announcements.
8. New business.
9. Establishment of next meeting date.

To comply with the advance notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-26081 Filed 9-29-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

UNDERGROUND GAS STORAGE REPORT

Notice of Availability of Reporting Forms

Notice is hereby given that the Federal Energy Administration on September 15, 1975, mailed form FEA G-318-M-0 to approximately 45 companies not subject to FPC jurisdiction that operate underground natural gas storage fields in the U.S. This is part of a joint data collection effort with the Federal Power Commission. The FPC will collect similar information from companies under its jurisdiction.

This report collects information on storage capacity, storage levels, injections and withdrawals, and ownership of underground natural gas storage fields.

If you are an operator of an underground gas storage field that is not subject to FPC jurisdiction and have not received form FEA G-318-M-0, please contact the Federal Energy Administration, Code 2899, Washington, D.C. 20461 or telephone (202) 254-8146 to obtain copies. Response is mandatory under Public Law 93-275.

Dated: September 24, 1975.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

[FR Doc.75-25990 Filed 9-29-75;8:45 am]

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Robert A. Warren Co., Robert A. Warren d/b/a, 920 Second Avenue, Suite 210, Seattle, Washington 98114.
Interlands Traffic Consultants, John H. Castillo d/b/a 3911 N.W. 64th Avenue, Virginia Gardens, Florida 33166.
A.T.I. Transport International, Peter H. Nachbur d/b/a, 17 Battery Place, New York, New York 10004.
Merit Brokerage Co., Inc., One West Hellman Avenue, Alhambra, California 91803; Officers: Dick Numamoto, President; Donald H. Sorensen, Vice President; Esther Numamoto, Secretary/Treasurer.
Robert D. Bobinger, Route 8, Box 552, Dedeaux Road, Gulfport, Mississippi 39501.
Wysong & Associates & Paramount Packaging, Donald E. Wysong d/b/a, 7016 Marcelle Street, Paramount, California 90723.
Michael C. Williams, 69 Pinero Street, Apt. 2, Rio Piedras, Puerto Rico 00918.
Reliable International, Inc., 550 Division Street, Elizabeth, New Jersey 07201; Officers: Pat J. Toscano, President; Vito J. Toscano, Secretary/Treasurer; William E. Payne, Vice President/Gen. Mgr.
Gal Air Freight Inc., P.O. Box 481007, Miami, Florida 33148; Officers: George A. Leal, President; Ibrahim Leal, Secretary; Jose O. Mederos, Treasurer.
International Express Company, Paul Gene Falk d/b/a, 580 Washington Street, San Francisco, California 94111.
Manuel L. Alonso, 40-47 Junction Boulevard, Corona, New York 11368.
Stack Port Services, Robert S. Stack d/b/a, 1025 98th Avenue, Oakland, California 94603.
I.M.S., Inc., 4416 Wheeler Avenue, Alexandria, Virginia 22304; Officers: John W. Friga, Vice President/Gen. Mgr.; Peter E. Kirn, President; Siegfried J. Zarwel, Exec. Vice President.
Orlando A. Puig, 8106 Pella, Houston, Texas 77036.

By the Federal Maritime Commission.

Dated: September 24, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-26110 Filed 9-29-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-8621, E-9280, E-9081 *et al.*[1]]

ARIZONA PUBLIC SERVICE CO., ET AL.

Order Approving Stipulation and Offer of Settlement Subject to Conditions

SEPTEMBER 16, 1975.

By order issued July 15, 1974, the Commission instituted an investigation pursuant to Section 206 of the Federal Power Act into the justness and reasonableness of Arizona Public Service Company (APS) Rate Schedule FPC Nos. 3, 6, 18, 26, 32, 38, 50, 52, 57, 58, and 59, including the automatic adjustment provisions contained therein. By orders issued September 26, 1974, in Docket Nos. E-8621, *et al.*, March 21, 1975, in Docket Nos. E-9280, *et al.*, and April 18, 1975, in Docket No. E-9081, the Commission accepted for filing proposed monthly billing adjustments, subject to refund pending the final disposition of this consolidated proceeding. (See Appendix A hereto)

Interventions and protests in these dockets were filed by Arizona Electric Power Cooperative, Inc. (Arizona Coop), Tucson Gas and Electric Company (Tucson), and Citizens Utilities Company (Citizens).

The automatic adjustment provisions in the rate schedules provide for adjustment in tax expenses to reflect changes in applicable rates, and adjustments in Operation and Maintenance charges based on wage and price indices. APS has periodically filed new changes in monthly billing to reflect implementation of the various clauses, with waiver of notice requested on the grounds that the magnitude of the various changes could not be determined prior to the end of the billing period. It was sought to revise the various agreements containing automatic adjustments in order to reduce the number of filings required and in particular to eliminate adjustments tied to indices.

Pursuant to the above orders and the Secretary's Notice dated December 4, 1974, a hearing was held on February 3, 1975. At that hearing the testimony of three APS witnesses and 47 exhibits, and the testimony of one Staff witness, were received in evidence. The hearing was recessed and held in abeyance, at the request of the parties (including Commission Staff) to discuss settlement of the proceeding. As a result of that, and subsequent conferences, APS, intevenor Arizona Electric Power Cooperative (AEPCO), and Staff of the Commission reached an agreement which was submitted to the Presiding Administrative Law Judge on June 27, 1975. On that date the Presiding Administrative Law Judge certified to the Commission the proposed settlement agreed to by the 3 parties in the proceeding.

Public Notice of the filing of the proposed Stipulation and Offer of Settlement was issued on July 7, 1975, with all comments or protests due on or before July 24, 1975. No comments were received.

The Agreement provides in essence that adjustments for increases in price of materials and supplies and labor rates (i.e. those based on national and state indices) shall be frozen at the level established as of December 31, 1974. Adjustments subsequent to that date shall be submitted as a rate change filing in accordance with Section 35.13 of Commission's Regulations and such rate changes shall be limited to actual changes in costs of materials and supplies and labor rates of APS. The Agreement also provides for APS to flow through all of the additional investment tax credit resulting from the Tax Reduction Act of 1975.

Our review of the settlement indicates that, for purpose of clarification, we should condition our acceptance of the settlement to provide that, notwithstanding any provisions contained therein, no change in rates, other than changes pursuant to Commission approved fuel cost adjustment clauses or Commission approved research and development cost adjustment clauses, shall be made by APS without compliance with Sections 35.1 and 35.13 of the Regulations and Section 205 of the Federal Power Act. Subject to this condition, we find that the proposed settlement represents a reasonable and appropriate resolution of the issues raised in this proceeding, and that the public interest would be served by our acceptance and approval of this proposed settlement as hereinafter ordered and conditioned.

The Commission finds: The proposed settlement filed in this proceeding on June 27, 1975, as a settlement of the issues involved herein is reasonable, proper and in the public interest in carrying out the provisions of the Federal Power Act and should be approved, subject to the condition that notwithstanding any provision contained in the proposed settlement, no change in rates, other than changes in rates made pursuant to Commission approved fuel cost adjustment clauses and Commission approved research and development cost adjustment clauses, shall be made by APS without compliance with Sections 35.1 and 35.13 of the Regulations and Section 205 of the Federal Power Act.

The Commission orders: (A) The proposed Stipulation and Offer of Settlement filed in this proceeding on June 27, 1975, as a settlement of the issues involved herein is hereby approved and adopted, subject to the conditions set forth in Ordering Paragraphs (B) and (C) below.

(B) Notwithstanding any provisions of the settlement agreement, APS shall effectuate no change in rates, other than changes in rates made pursuant to Commission approved fuel cost adjustment clauses and research and development cost adjustment clauses, without compliance with Sections 35.1 and 35.13 of the Regulations and Section 205 of the Federal Power Act; *Provided, however,* that Arizona shall flow through all of the investment tax credit resulting from the Tax Reduction Act of 1975, as provided in the settlement agreement.

(C) Within 30 days of the date of issuance of this order, APS shall file Rate Schedule supplements which conform to the settlement agreement and the terms and conditions of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Appendix A

Docket No.	Customer	Rate schedule FPC No.
E-7904	Salt River project	3
E-7905	Tucson Gas & Electric Co.	32
E-7907	Citizens Utilities Co.	59
E-8004	Salt River project	3
E-8019	Citizens Utilities Co.	59
E-8023	Tucson Gas & Electric Co.	32
E-9220	Citizens Utilities Co.	59
E-8621	Tucson Gas & Electric Co.	32
E-8621 *et al.*	Arizona Power Authority	76
	Citizens Utilities Co.	59
	Navajo Tribal Utility Authority.	6
	Papago Tribal Utility Authority.	32
	Salt River project	3
	Southern California Edison Co.	36
	Utah Power & Light Co.	26
E-8688	Arizona Electric Power Cooperative.	57

[1] The docketed proceedings and rate schedules are listed on Appendix A hereto.

V40I190 SEP3075 XUM

Docket No.	Customer	Rate Schedule FPC No.
E-8669.....	Arizona Electric Power Cooperative.	57
E-8767.....	Wellton-Mohawk Irrigation and Drainage District.	58
E-8779.....	Arizona Power Authority.....	59
E-9081.....	Arizona Electric Power Cooperative.	62
E-9280.....	Tucson Gas & Electric Co.....	32
E-9281.....	Citizens Utilities Co.....	50
E-9282.....	Salt River Project.....	3
E-9283.....	Citizens Utilities Co.....	50

[FR Doc.75-25845 Filed 9-29-75;8:45 am]

[Docket No. CS76-109, et al.]

SAGEBRUSH STS JOINT VENTURE, ET AL.

Notice of Applications for "Small Producer" Certificates [1]

SEPTEMBER 19, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS76-109..	Aug. 25, 1975	Sagebrush Sts Joint Venture, B & T Box 264, Corpus Christi, Tex. 78477.
CS76-110.....	do.....	Ramona Frates Seeligson, 1604 NBC Bldg., San Antonio, Tex. 78205.
CS76-111.....	do.....	Seeligson Oil Co.
CS76-112.....	do.....	Charles Wetegrove, P.O. Box 1147, Raymondville, Tex. 78580.
CS76-113.....	do.....	Clarence Wetegrove, P.O. Box 1243, Raymondville, Tex. 78580.
CS76-114..	Aug. 28, 1975	Ellison Miles, Individually, P.O. Box 35649, Dallas, Tex. 75235.
CS76-115..	Aug. 29, 1975	Dawson Exploration, Inc., 1006 First City East Bldg., Houston, Tex. 77002.
CS76-116.....	do.....	Charles W. Kemp, Uplift Production Co., M. G. Crosland, 113 East 3d St., Shamrock, Tex. 79079.
CS76-117..	Sept. 2, 1975	Helen McLoraine, 10 Longmeadow Rd., Winnetka, Ill. 60093.
CS76-118.....	do.....	Reynolds Drilling Co., Inc., 904 Beck Bldg., Shreveport, La. 71101.
CS76-119..	Sept. 4, 1975	Nancy Ann Johnson Baird, 5019 North Central Expressway, Dallas, Tex. 75205.
CS76-120.....	do.....	Amelia Mae Johnson, 5019 North Central Expressway, Dallas, Tex. 75205.
CS76-121.....	do.....	O'Neill Duncan—Michigan-Wisconsin Gas Program 1975, Room 1606, First National Center West, Oklahoma City, Okla. 73102.
CS76-122.....	do.....	Westbury Drilling Partnership 1974, 595 Madison Ave., New York, N.Y. 10022.
CS76-123..	Sept. 8, 1975	Paramore Oil Co., P.O. Box 1182, Duncan, Okla. 73533.
CS76-124.....	do.....	Lawrence Faes, Crosby, Pa. 16724.
CS76-125.....	do.....	Carl A. Houy, 402 Patterson Bldg., Denver, Colo. 80202.
CS76-126.....	do.....	James W. Rockhold, P.O. Box 608, Great Bend, Kans. 67530.
CS76-127.....	do.....	Art Schmidt, 8 Chatham Court, Midland, Tex. 79701.
CS76-128..	Aug. 11, 1975	Robert R. Baney, Box 544, Sterling, Colo. 80751.
CS76-129..	Sept. 10, 1975	Biglane Operating Co., P.O. Box 966, Natchez, Miss. 39120.
CS76-130..	Sept. 11, 1975	Wheeler M. Sears, Suite 1120, 1 Energy Square, 4925 Greenville, Dallas, Tex. 75206.
CS76-131..	Sept. 12, 1975	Lane Oil Co., P.O. Box 766, Kilgore, Tex. 75662.
CS76-132.....	do.....	George B. Broome, P.O. Box 2148, Santa Fe, N. Mex. 87501.
CS76-133..	Sept. 15, 1975	A. Edward Fitkin, Suite 208, Hightower Bldg., Oklahoma City, Okla. 73102.
CS76-134.....	do.....	Arthur M. Guida, Box G, Akron, Colo. 80202.
CS76-135.....	do.....	The Royal Gorge Co. of Texas, 2300 First National Bank Bldg., Dallas, Tex. 75202.
CS76-136.....	do.....	Sotexco, Inc., 256 Denver Club Bldg., Denver, Colo. 80202.
CS76-137.....	do.....	John B. Vreeland, doing business as Blair-Vreeland, P.O. Box 2603, Corpus Christi, Tex. 78403.
CS76-138.....	do.....	Fitkin Petroleum Corp., 208 Hightower Bldg., Oklahoma City, Okla. 73102.

[FR Doc.75-25844 Filed 9-29-75;8:45 am]

[Docket No. E-9408]

AMERICAN ELECTRIC POWER SERVICE CORP.

Further Extension of Procedural Dates

SEPTEMBER 22, 1975.

On September 11, 1975, Kaiser Aluminum and Chemical Corporation and Ormet Corporation filed a motion to extend the procedural dates fixed by order issued May 30, 1975, as most recently modified by notice issued July 30, 1975, in the above-designated matter. On September 15, 1975, a notice shortening the answering period to the above motion was issued.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, November 21, 1975.
Service of Staff Testimony, December 5, 1975.
Service of American Electric Power Rebuttal, December 19, 1975.
Hearing, January 6, 1976 (10:00 a.m. EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26007 Filed 9-29-75;8:45 am]

[Docket No. CI75-706]

ARKLA EXPLORATION CO.

Amendment to Application

SEPTEMBER 23, 1975.

Take notice that on September 18, 1975, Arkla Exploration Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CI75-706 an amendment to its application filed in said docket for a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act, by which amendment Applicant requests authorization to sell natural gas from acreage in addition to that from which Applicant proposes in its initial application to make sales, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By the instant amendment Applicant requests authorization to sell gas from its own interests and the interests of Stephens Production Company to Arkansas Louisiana Gas Company pursuant to a contract dated March 25, 1975, on file as Applicant's FPC Gas Rate Schedule No. 49, as amended by an agreement dated July 9, 1975, adding production from the HCM-Oblander No. 1, sec. 7, T. 18 N., R. 11 W., Blaine County, Oklahoma, and as amended by an agreement dated September 5, 1975, adding production from sec. 8, T. 18 N., R. 11 W., Blaine County, Oklahoma. The contract of March 25, 1975, provides for a rate of 51.0 cents per Mcf at 14.65 psia, but by letter filed June 2, 1975, Applicant agrees to accept a certificate conditioned in accordance with Section 2.56a of the Commission's General Policy and Interpretations (18 CFR 2.56a).

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26038 Filed 9-29-75;8:45 am]

[Docket No. RP76-11]

BACA GAS GATHERING SYSTEM, INC.

Rate Increase

SEPTEMBER 23, 1975.

Take notice that Baca Gas Gathering System, Inc. (Baca), on September 12, 1975, tendered for filing the First Revised Sheet No. 3A, Volume 3. Baca states that the proposed changes, to be effective October 14, 1975, would increase its revenues from jurisdictional sales by approximately $262,000.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene, or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 7, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestant a party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this publication are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25994 Filed 9-29-75;8:45 am]

[Docket No. CI75-672]

BIGLANE OPERATING CO.

Extension of Time and Postponement of Hearing

SEPTEMBER 23, 1975.

On September 17, 1975, Biglane Operating Company filed a motion for an extension of the procedural dates fixed by order issued September 2, 1975, in the above-designated matter. The motion states that staff counsel has no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Testimony, September 30, 1975.
Hearing, October 16, 1975 (10:00 a.m. EDT).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25995 Filed 9-29-75;8:45 am]

[Docket Nos. E-8445 and E-8949]

CAMBRIDGE ELECTRIC LIGHT CO.

Order Approving Settlement Agreement

SEPTEMBER 22, 1975.

On July 24, 1975, the Presiding Administrative Law Judge certified to the Commission for approval a proposed settlement agreement between Cambridge Electric Light Company (Cambridge) and the Municipal Light Board of the Town of Belmont, Massachusetts, (Belmont). If approved, the settlement would resolve all issues at these consolidated proceedings and would result in a reduction of approximately $76,500 in revenues below those rates currently being collected.

These proceedings originated on October 12, 1973, when Cambridge tendered, at Docket E-8445, a proposed change of rates for wholesale service to Belmont which would increase the revenues from that customer by approximately $250,000, based on test year 1972. By Commission order issued December 13, 1973, the proposed increase was suspended for the maximum statutory period of five months to become effective on May 14, 1974.

On August 1, 1974, at Docket No. E-8949, Cambridge submitted a second rate increase application, proposing further increased charges to Belmont of $487,140, based on test year 1973. By order issued August 30, 1974, we suspended Cambridge's second proposed increase for one day, until September 2, 1974, consolidated those proceedings with those at Docket No. E-8445, and established hearing procedures.

After evidence had been served, the parties reached the present accord. The principal provisions of the proposed settlement may be summarized as follows:

Article I provides for no change in the rate schedule at Docket No. E-8445 on the ground that the rate at that docket failed to recover Cambridge's revenue requirements, based upon a 1973 test year.

Article II provides for a settlement cost of service of $2,092,549 which represents a negotiated dollar agreement arrived at solely for the purpose of settlement. The settlement cost of service (See Appendix A) is based upon an agreed-upon overall rate of return of 9.02 percent which provides a return on equity of 10.40 percent (See Appendix B).

Article III provides for revision of Cambridge's Fuel Cost Adjustment provision at Docket No. E-8949 to reflect losses associated with wholesale sales only, and to conform with the Commission's disposition in Opinion No. 720, to be effective February 12, 1975. The parties also agreed that for the purpose of Commission Order No. 517, the filing to be made by Cambridge in implementation of the Agreement is to be treated as a supplement to Cambridge's rate filing of August 1, 1974 in Docket No. E-8949.

Article IV provides for refunds from September 2, 1974 with interest at the rate of 7 percent per annum. Refunds due under the Fuel adjustment provision would be computed from February 12, 1975.

Article V provides for a moratorium on wholesale rate increases to Belmont so as to prevent any increase from taking effect prior to April 1, 1976. The parties further agree within this article that should we require the filing of a fuel clause complying with Order No. 517 to be effective as of January 1, 1976, which results in a reduction in the energy charge, including the base energy rate and fuel adjustment charge, they will not object to Cambridge's request that the base energy charge per Kwh be increased as of January 1, 1976 to compensate for the reduction per Kwh in the fuel adjustment charge.

Article VI provides that the provisions of the agreement shall not become effective unless and until unconditional Commission approval becomes final and nonreviewable.

Article VII contains a general reservation disclaiming reliance on any principle underlying or supposed to underlie the settlement as negotiated.

Public notice of the proposed settlement was issued on August 1, 1975 with petitions or protests to be filed on or before August 27, 1975. On August 18, 1975, the Commission Staff filed comments supporting the proposed settlement agreement stating that the agreement reflects a cost of service and revenues below the levels justified by Staffs' cost of service studies.

The Commission Staff states that Article V recognizes that Cambridge is to have a certain revenue level, part of which is generated by its fuel adjustment clauses and that a change in such adjustment is not to cause a change in settlement revenues.

Staff explains further that in formulating the agreement regarding the effective date of Cambridge's fuel clause conforming to Order No. 517, or modifications of rate schedules to offset revenue changes which would occur if we were to order such clause to take effect on January 1, 1976, the parties have not undertaken to limit the Commission's discretion. This is consistent with our reading of the proposed settlement. Upon Cambridge's filing of its revised fuel adjustment clause pursuant to Commission Order No. 517, we shall exercise our discretion in determining whether such clause shall be placed into effect as of January 1, or April 1, 1976. In exercising such discretion we shall consider the intent of the parties as set forth within the subject agreement.

Based upon our review of the proposed settlement agreement, the record relating thereto, and the comments of the Commission Staff, we find that the settlement agreement represents a reason-

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able resolution of the issues in these proceedings in the public interest, and that accordingly, it should be approved and adopted.

The Commission finds. The settlement of these proceedings on the basis of the settlement agreement certified herein by the Presiding Judge on July 24, 1975, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act, and such agreement should be approved.

The Commission orders. (A) The settlement agreement certified by the Presiding Judge on July 24, 1975, is incorporated by reference and made a part hereof, and is approved and adopted.

(B) Within 30 days Cambridge shall file revised sheets and rate schedules to conform with the proposed settlement agreement as herein approved.

(C) Within 30 days Cambridge shall make refunds to Belmont of the respective differences between the rates presently in effect and the settlement rates, with interest at the rate of 7 per cent per annum.

(D) Within 45 days Cambridge shall file with this Commission a statement of refunds pursuant to Section 1.35 of the Commission's Regulations under the Federal Power Act.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by this Commission, and it is without prejudice to any claims or contentions which may be made by the Commission, its Staff, the Company, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against the Company or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

CAMBRIDGE ELECTRIC LIGHT COMPANY, DOCKET NOS. E-8445 AND E-8949

Settlement cost of service, test year 1973:	
Rate base	$1,666,833
Rate of return	9.02%
Cost of service:	
Operating expenses	1,858,799
Income taxes	83,402
Return @ 9.02%	150,348
Settlement revenue requirement	$2,092,549

APPENDIX B.—*Cambridge Electric Light Company Docket Nos. E-8445 and E-8949—Capitalization and rate of return (as of June 30, 1974)*

	Capitalization		Component return (percent)	Weighted component return (percent)	Overall rate of return (percent)
	Amount (thousands)	Ratios (percent)			
Long-term debt	$19,107	48.89	7.56	3.70	
Common equity	19,981	51.11	10.40	5.32	
Total	39,088	100.00			9.02

[FR Doc.75-26008 Filed 9-29-75;8:45 am]

[Docket No. E-9040]

CENTRAL VERMONT PUBLIC SERVICE

Further Extension of Procedural Dates

SEPTEMBER 23, 1975.

On September 1, 1975, Vermont Electric Cooperative, filed a motion to extend the procedural dates fixed by order issued December 5, 1974, as most recently modified by notice issued June 23, 1975, in the above-designated proceeding. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, October 6, 1975.
Service of Company Rebuttal, October 20, 1975.
Hearing, October 28, 1975 (10:00 a.m. EST).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26002 Filed 9-29-75;8:45 am]

[Docket No. CP73-329 PGA 76-1]

CHATTANOOGA GAS CO.

Proposed PGA Rate Adjustment

SEPTEMBER 22, 1975.

Take notice that on September 12, 1975, Chattanooga Gas Company (Chattanooga), tendered for filing proposed changes to Original Volume No. 1 of its FPC Gas Tariff to be effective on October 16, 1975, consisting of the following revised tariff sheets:

Fourteenth Revised Sheet No. 6, and alternatively, Alternate Fourteenth Revised Sheet No. 6.

Chattanooga states that the sole purpose of these Revised Tariff Sheets is to adjust Chattanooga's LNG rates pursuant to the PGA provision in Section 5 of the General Terms and Conditions of its FPC Tariff to reflect increased purchased gas costs resulting from a general rate increase by one of its suppliers, Southern Natural Gas Company, (Southern) in Docket No. RP75-84.

Chattanooga requests that its Fourteenth Revised Sheet No. 6 be made effective on October 16, 1975, the proposed effective date of the underlying increase by Southern which utilizes the method of rate design set out in Opinion No. 671 (United Gas Pipeline Company, 50 FPC 1348 (1973)).

Chattanooga further states that it is relying on its alternate rate increase reflected on Alternate Fourteenth Revised Sheet No. 6 to be effective on October 16, 1975, in the event Fourteenth Revised Sheet No. 6 is not accepted to be effective on October 16, 1975.

Chattanooga states that copies of the filing have been mailed to all of its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26009 Filed 9-29-75;8:45 am]

[Docket No. CP64-89]

CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition To Amend

SEPTEMBER 22, 1975.

Take notice that on September 11, 1975, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP64-89 a petition to amend further the order of the Commission of January 2, 1964 (31 FPC 3), as amended, issued in said docket pursuant to Section 7(c) of the Natural Gas Act to authorize the exchange of natural gas at an additional exchange point in Grady County, Oklahoma, with Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that pursuant to an amendment dated April 22, 1975, to the gas exchange agreement between itself and Natural, they agree to an additional point of exchange in Grady County, Oklahoma. Under the agreement, Natural would deliver to Petitioner gas purchased from the Anthony No. 1 Well in Grady County, and Petitioner would redeliver exchange volumes attributable to

such deliveries at previously authorized exchange points. It is stated that the volumes to be delivered under the amendment would not increase the maximum quantity of gas authorized to be exchanged between Petitioner and Natural. The proposed exchange is said to require the construction of a side tap, which Petitioner states it does not believe requires certification, if however certification is required, Petitioner requests such certification.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26010 Filed 9-29-75;8:45 am]

[Docket Nos. RP72-122, RP73-93, and AR64-1, *et al.*]

COLORADO INTERSTATE GAS CO.

Order Accepting Proposed Disposition of Refunds

SEPTEMBER 23, 1975.

On July 30, 1975, Colorado Interstate Gas Company (CIG) filed a report of its intended disposition of refunds accruing under the Hugoton-Anadarko area rate proceeding. Notice of CIG's plan was issued August 13, 1975, with protests or petitions to intervene due on or before August 27, 1975. No protests or petitions to intervene were filed.

CIG states that it intends to flow the applicable refunds through by following the procedures set forth in Section 23 of its FPC Gas Tariff, Second Revised Volume No. 1. That section provides that the jurisdictional amount of CIG's supplier refunds shall be applied to its unrecovered purchased gas cost account.

CIG also requests that its filing of July 30, 1975 replace filings it had made earlier, on December 20, 1974 and January 20, 1975, in respect of refunds from Phillips Petroleum Company and Panhandle Producing Company.

The jurisdictional portion of the refunds provided by the instant filing amount to $4,101,390.46. We believe that CIG's proposed disposition of such refunds is in the public interest and accordingly accept CIG's plan.

The Commission finds. Good cause exists to accept CIG's plan for disposition of refunds.

The Commission orders: (A) CIG's plan for disposition of refunds is hereby accepted.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25996 Filed 9-29-75;8:45 am]

[Docket Nos. E-8650, etc.]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Order Granting in Part and Denying in Part Motions

SEPTEMBER, 23, 1975.

On August 15, 1975, the City of Westerville, Ohio (Westerville) filed a motion styled Motion of Westerville To Require Furnishing of Papers, Et. Al. requesting the following relief:

1. To require Columbus and Southern Ohio Electric Company (C&SOE) to furnish a complete copy of the filing to Westerville.

2. To defer action in this proceeding until Westerville has had a chance to examine the matters furnished it by C&SOE.

Westerville also advises that it will inform the Commission as to whether or not the proposed increased rates should be set for hearing or consolidated with other rate increase proceedings before the Commission in other dockets. On August 25, 1975, Westerville filed a motion seeking consolidation of C&SOE's rate increase filings in the captioned dockets[1] and for rescheduling of the hearing currently set for October 21, 1975 in Docket No. E-8650. We shall deny the relief sought by Westerville.

We shall grant Westerville's motion that we order C&SOE to provide a copy of the filing in Docket No. E-9343 to Westerville. Westerville was permitted to intervene in that proceeding by order issued July 15, 1975. We note, however, that Westerville does not state that it requested such information directly from C&SOE and that its request was denied. As to any requests in the future, Westerville will be required to show that it has pursued discovery of the Company before invoking the authority of this Commission to require that C&SOE furnish data to Westerville.

By letter order issued May 29, 1975, the rates for service to the City of Columbus were accepted for filing and the proceedings in Docket No. E-9343 were terminated. Accordingly, there is no further action to be taken in that proceeding and Westerville's motion to defer action must be denied. We believe that Westerville can fully protect its rights in the cases involving rates for service to it.

We also do not believe that consolidation of the proceedings concerning the rates for service to Westerville is in the public interest. The proceedings in Docket No. E-8650 have been previously delayed by an interlocutory appeal of a procedural question to the Commission. The testimony and exhibits of all parties have been filed and the matter is proceeding towards hearing on October 21, 1975. However, in Docket No. E-9407, testimony and exhibits have not been filed by either our Staff or Intervenors. C&SOE has also not filed its rebuttal. Therefore, consolidation would only serve to delay resolution of the proceeding in Docket No. E-8650. Accordingly, we shall deny Westerville's motion to consolidate.

Westerville has not shown any cause for delay of the hearing in Docket No. E-8650. That motion should properly be addressed to the Presiding Administrative Law Judge since the matter is now before him. However, there is an implied predicate to the motion for rescheduling of the hearing, that the motion for consolidation be granted. Since we deny the motion to consolidate, we also deny the motion to reschedule the hearing in Docket No. E-8650.

The Commission finds.—Except as hereinafter ordered, good cause has not been shown to grant the relief sought by Westerville's motions of August 15, 1975 and August 25, 1975.

The Commission orders.—(A) C&SOE shall provide Westerville with a copy of its filing in Docket No. E-9343 within 15 days of the issuance of this order.

(B) Westerville's motions of August 15, 1975 and August 25, 1975 are otherwise hereby denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26039 Filed 9-29-75;8:45 am]

[Docket No. CI71-563]

DELTA DRILLING CO.

Notice of Withdrawal

SEPTEMBER 23, 1975.

On September 21, 1975, Delta Drilling Company filed a request to withdraw its application for partial abandonment filed on October 5, 1971, in the above-designated proceeding.

Notice is hereby given that, pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective October 2, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25997 Filed 9-29-75;8:45 am]

[1] Docket Nos. E-8650 and E-9407 relate to C&SOE's rates for wholesale sales to the Cities of Westerville and Jackson and the Village of Glouster, Ohio. The notice of rate change in E-8650 was filed March 4, 1974. The hearing is scheduled for October 21, 1975. The Notice of rate change in E-9407 was filed April 29, 1975. It is scheduled for hearing January 20, 1976. All the prepared testimony and exhibits in Docket No. E-8650 have been filed. Only C&SOE's direct case has been filed in E-9407. Docket No. E-9343 relates to C&SOE's rates for service to the City of Columbus, Ohio.

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[Docket No. RP76-9]

EASTERN SHORE NATURAL GAS CO.

Proposed Excess and Emergency Gas Service Rate

SEPTEMBER 23, 1975.

Take notice that on September 11, 1975, Eastern Shore Natural Gas Company tendered for filing three revised tariff sheets:

Thirteenth Revised Sheet No. 3A
Eighteenth Revised Sheet No. 18A
Second Revised Sheet No. 18B

These provide for an excess and emergency gas service rate to be effective October 1, 1975, to those buyers desiring to purchase natural gas from Eastern Shore and to whom Eastern Shore sells or for whom it transports such gas under this rate when an emergency is existent or anticipated on a particular buyer's system. The proposed new rate is .20, derived by rate of excess gas service plus the cost of gas purchased to provide the service. Deliveries thereunder will be on an interruptible basis, subject to such curtailment, interruption or discontinuance at any time as Eastern Shore deems necessary and desirable.

Eastern Shore also requests a waiver of the notice requirements of Section 154.22 of the Regulations and of Section 20.2 of the General Terms and Conditions of its Tariff to permit the tariff sheets to become effective as of October 1, 1975.

Eastern Shore states that it has mailed a copy of this filing to interested purchasers and State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26040 Filed 9-29-75;8:45 am]

[Docket No. RI74-261]

EXCELSIOR OIL CORP.

Extension of Procedural Dates

SEPTEMBER 23, 1975.

On September 19, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 5, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal ..... October 21, 1975
Hearing (10:00 a.m. e.s.t.) ..... October 28, 1975

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25998 Filed 9-29-75;8:45 am]

[Docket No. CI75-319, et al., Docket Nos. CI75-746, and CI75-747, Docket No. CI75-748, Docket No. CI76-74.]

GETTY OIL COMPANY, ET AL.

Order Granting Temporary Certificate of Public Convenience and Necessity

SEPTEMBER 22, 1975.

Texaco Inc. filed an application for a certificate of public convenience and necessity in Docket No. CI76-74 on August 4, 1975, to initiate the sale of gas from East Cameron Block 281, offshore Louisiana, Federal Domain, to Tennessee Gas Pipeline Company. Texaco owns a 50 percent interest in Block 281 Field and requests a certificate at the national rate, pursuant to Opinion No. 699-H. Texaco has filed as part of its application its contract dated July 14, 1975, which provides for a term of five years and limits the dedication of gas produced from horizons found between the surface and the base of the D-3 sand in the Block 281 Field. In the Commission's order issued July 24, 1975, to Tenneco Oil Company, Docket Nos. CI75-746, a temporary certificate was issued for the other 50 percent of the undivided interest in East Cameron Block 281, and Tenneco Oil Company was directed to present evidence of reserves and deliverability in the consolidated proceeding, *Getty Oil Company, et al.*, Docket No. CI75-319, *et al.* As the instant application of Texaco involves its undivided 50 percent interest in the same field, we shall consolidate Texaco's application with the other related applications for hearing and decision. The status of Texaco's gas interest was noted by the Commission in its issuance of a certificate to the pipeline companies by order issued July 18, 1975, in *Texas Eastern Transmission Corporation, et al.*, Docket Nos. CP63-177, *et al.* (page 4), wherein, among other things, the Commission authorized the construction of Project 281 facilities. The Commission by order paragraph (M) of the order issued July 24, 1975, in the related dockets *Marathon Oil Company, et al.*, Docket Nos. CI75-641, *et al.*, directed Texaco to file a written statement within 10 days advising the Commission of its intention with regard to its 50 percent interest in said Federal Domain Block 281 Field.

In its application Texaco states that all commercially producible natural gas reserves from the surface to the limit of each well bore in Block 281 Field are committed to the contract with Tennessee and that Texaco has not reserved any gas for its own use and that there are no known natural gas reserves below the depth limitation contained in the contract. The Commission's order issuing certificates to the pipelines for construction of related transportation facilities is conditioned upon the producers receiving and accepting temporary or permanent certificates for the related sales. Therefore, in order to permit the construction of facilities to proceed, the Commission will grant a temporary certificate to Texaco, as it has to Tenneco Oil Company, and consolidate Texaco's application with that of the other producers.

On August 25, 1975, Tenneco Oil Company (TOC) and Tenneco Exploration, Ltd. (TEL) filed an application for rehearing[1] and request for severance. The pleading was filed in *Marathon Oil Company, et al.*, Docket Nos. CI75-641, *et al.*

The Commission issued an order granting a temporary certificate of public convenience and necessity to TOC and TEL to allow those producers to initiate sales of gas to Tennessee from East Cameron 281 and Eugene Island 342-3 offshore Louisiana, Federal Domain. In addition to granting the temporary certificates, the Commission set the applications of TOC and TEL for hearing on the issues of limitations of gas sales contracts. The contracts of TOC and TEL limits dedication of reserves to the base of defined producing formations, limited dedications to 75 percent of the reserves in those dedicated depths for a limited term of 10 years.

The issues of limitations in the contracts of TOC and TEL therefore are identical to the issues in *Getty Oil Company, et al.*, Docket No. CI75-319, *et al.*, order issued June 3, 1975. On July 24, 1975, the Commission denied rehearing of the CACG Group in Docket Nos. CI75-319, *et al.* In order for the offshore pipeline construction to proceed, the Commission issued a conditioned certificate to Tennessee and the other pipelines involved by order issued July 18, 1975, in *Texas Eastern Transmission Corporation, et al.*, Docket No. CP63-177, *et al.* The Commission has been advised that TOC and TEL filed on August 21, 1975, their acceptance of the temporary certificates issued to them on July 24, 1975.

TOC and TEL argue that:

> Tenneco Oil and Tenneco Exploration believes the law to be clear that the Commission has no statutory authority to compel a producer to seek a certificate to sell gas or to dedicate gas reserves [citations omitted]. More specifically, these cases make clear that the Commission has no direct authority under the Act to order a gas producer to produce gas from dedicated reserves. *Skelly Oil Co.* v. *FPC*, 375 F. 2d 6 (10th Cir. 1967).

On July 24, 1975, in *Getty Oil Company, et al.*, Docket No. CI75-319, *et al.*, the Commission denied rehearing of these identical arguments of TEL and TOC which were set forth by the CAGC group and were rejected by the Commission. For those reasons the Commission will deny the TOC and TEL's petition for reconsideration. The *Skelley* case cited by petitioners here in any event contains no such ruling. Furthermore, the Supreme Court in the *Permian Basin Area Rate Cases*, 390 U.S. 747 overturned the Tenth Circuit decision when it affirmed the Commission's decision in *Permian I*, 34 FPC 159 (1965). The Commission's statutory authority to condition producer certificates is summarized in the ruling of the Supreme Court in *Sunray Mid-Continent Oil Co.* v. *FPC*, 364 U.S. 137, 155-56, (1960):

> Petitioner now urges an application of that decision [*United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332] that could make private contracts the only stabilizing factor under the Act. Not only does this reading have nothing to do with the integrity of private contracts which *Mobile* underwrote, but it makes a severe incursion into the sources of that stability of natural gas prices and supply to which that decision gave confirmation. Our consideration of this, as well as the rest of petitioner's arguments, leads us to reiterate our holding the clear implication of what we recently said in CATCO: An initial application of an independent producer to make movements of natural gas in interstate commerce leads to a certificate of public convenience and necessity under which the Commission controls the basis on which gas may be initially dedicated to interstate use.

Upon completion of the hearing and receipt of evidence on natural gas supply, the Commission will make the final determination of "the basis on which gas may be initially dedicated to interstate use."

In the alternative, TOC and TEL request severance of their applications because Tenneco Oil Company has proposed in Docket No. CI75-466 that reserves from Eugene Blocks 342 and 343 and East Cameron Block 281 be used to correct the imbalance of deliveries by TOC to Tennessee Gas Pipeline Company. The issue in Docket No. CI75-466, order to show cause issued February 7, 1975, and order clarifying order to show cause issued March 24, 1975, required "Tenneco and Tennessee [Gas Pipeline Company] to show cause why Tenneco should not immediately pay back to Tennessee an imbalance of 12,552,488 Mcf" which Tennessee had delivered without FPC authorization to Creole Gas Pipeline for the account of Tenneco to be used by TOC refinery and Air Products. The order of February 7, 1975, contains no reference by TOC to Eugene Island Blocks 342-343 and East Cameron Block 281.

On July 31, 1975, an initial decision was issued in Docket No. CI75-466 and briefs have been filed on exceptions. The ALJ there noted that TOC referred to East Cameron Block 281 (p. 13 of initial decision) as part of an "unsatisfactory" proposal filed with his office on July 21 (p. 12 of initial decision). The ALJ noted that (p. 13, footnote 2) "in any event, it is difficult to determine from the confused, confusing and reluctant testimony of Tenneco's witness precisely what, and to what extent, reserves could be made available for repayment. (See e.g., Tr. 255-301)."

Gas sales contract limitations are not an issue in Docket No. CI75-466. TOC and TEL's motion herein for severance is not, therefore, well taken and will be denied.

Petitions to intervene have been filed by the following parties:

Shell Oil Company, Marathon Oil Company, Cabot Corporation, Tennessee Gas Pipeline Company, Associated Gas Distributors, Air Products and Chemicals Inc.

The Comission finds.—(1) Texaco Inc. is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) Participation by petitioners to intervene may be in the public interest in the proceedings in which they have filed petitions.

The Commission orders.—(A) Based upon the allegations presented in the requests for temporary certificates and upon the need for additional natural gas supplies, the Commission finds that an emergency exists and a temporary certificate is hereby issued to Applicant in Docket No. CI76-74 pursuant to Section 7 of the Natural Gas Act authorizing the sale by Applicant of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, subject to Opinion No. 699, as amended, and any further orders issued thereunder, conditioned to the lesser of the contract rates or the national base rate of 51.0 cents per Mcf (14.73 psia), subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, plus a 0.5 cent per Mcf gathering allowance.

(B) Applicant's acceptance or rejection of the temporary certificate shall be filed within 30 days of the date hereof. If accepted, the temporary certificates shall be effective upon the date of receipt of the acceptance by the Secretary. Service under the temporary certificate shall commence within 30 days from the date of completion of the facilities by the purchaser or transporter. Such service may not be discontinued without permission of the Commission issued pursuant to the provisions of Section 7(b) of the Natural Gas Act whether the contract term has expired or not. The issuance of temporary certificates and the acceptance of the rate schedule are without prejudice to such final disposition of the application for certificate as the record may require.

(C) The proceeding in Docket Nos. CI76-74 is hereby consolidated for hearing and decision with the proceedings in *Getty Oil Co., et al.*, Docket No. CI75-319, *et al.*

(D) Section 154.93(b-1) of the Commission's Regulations is waived to permit the inclusion in the rate schedule of Applicant granted temporary certificate in paragraph (A) above of the contract provision for rate increases to higher area rate found to be proper by hearing, rulemaking, or a Commission approved settlement, and reimbursement by buyer of any excess royalty payment shall not be construed as meaning that any rate increase based on such pricing provision will be accepted for filing without suspension.

(E) The rate schedule related to the authorization granted herein is accepted for filing to become effective on the date of initial delivery. Applicant shall advise the Commission of said date within 10 days thereof.

The rate schedule has been designated as follows:

Description	*Designation*
Contract 7/14/1975	Texaco Inc., Gas Rate Schedule No. 521

(F) Acceptance of the rate schedule of Applicant in Docket No. CI76-74 does not constitute Commission approval of the contractual reservations or limitations involved pending resolution of the matter on the merits after hearing and decision.

(G) Appropriate authorization from the Commission is required by any pipeline to transport any gas which the producers may be permitted to reserve.

(H) Petitioners to intervene are permitted to intervene in the proceedings in which they have filed petitions to intervene subject to the rules and regulations of the Commission; *Provided, however*, that participation by such interveners shall be limited to matters, affecting asserted rights and interest as specifically set forth in the petitions to intervene; and, *Provided, further*, that the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved, because of any order of the Commission entered in these proceedings.

(I) Applicant Texaco shall present as part of its prepared evidence, supporting data to show the volumes of natural gas to be produced and sold during the term of its contract from contractually specified formations in each Block; the estimated gross and net total recoverable natural gas reserves in each formation in each Block; the estimated gross and net recoverable natural gas reserves commercially producible from the surface to the limit of the well bore in each Block, and deliverability schedules relating to each of the three reserves estimates called for above. Texaco may adopt, if desired, the presentation of evidence on this matter by TOC relating to Block 281 Field.

(J) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1), a public hearing shall be held commencing November 18, 1975, at 10:00 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the matters in Docket No. CI76-74.

(K) On or before October 27, 1975, Applicant, Texaco, and all persons in

[1] The orders issuing temporary certificates and consolidating the applications for hearing are not final orders of the Commission; therefore, the applications for rehearing will be treated as petitions for reconsideration.

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support of the applicant shall each file their prepared testimony and exhibits comprising their case-in-chief upon all parties to this proceeding, the Office of Administrative Law Judges, Commission Staff and all parties to the consolidated proceeding in Docket Nos. CI75–319, *et al.*

(L) The joint petition for rehearing and severance of Tenneco Oil Company and Tenneco Exploration filed August 25, 1975, is denied.

By the Commission.

Commissioner Smith, in *concurring* with the issuance of this order, does not endorse the Commission's conclusions on the extent of its authority to require unconditional sales contracts by the producers, for the reasons set out in his dissenting statements to *Getty Oil Company, et al.*, Docket No. CI75–319, *et al.*, issued June 3, 1975, and *Marathon Oil Company, et al.*, Docket No. CI75–641, *et al.*, issued July 24, 1975.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–26011 Filed 9–29–75;8:45 am]

[Docket No. CI76–148]

LONE STAR PRODUCING CO.

Notice of Application

SEPTEMBER 23, 1975.

Take notice that on September 11, 1975, Lone Star Producing Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CI76–148 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and deliver of natural gas in interstate commerce from its interest in three wells in Hansford County, Texas, to Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to sell to Natural gas from the following sources:

(1) 20.51 percent of 8/8 of the estimated quantity proven, developed and economically recoverable natural gas owned by and established through the exploration activities of Applicant on the date of first delivery of gas by Applicant to Natural attributable to the Lackey Unit #1, Well #1 and underlying the lands and leases described in the contract but limited to the subsurface interval from 7,000 feet and 7,074 feet at no other interval, and excluding, without limitation, royalty interests, overriding royalty interests, production payments, and similar interest not owned exclusively by Applicant.

(2) 20.51 percent of 8/8 of the estimated quantity of proven, developed and economically recoverable natural gas owned by and established through the exploration activities of Applicant on the date of first delivery of gas by Applicant to Pipeline attributable to the Lackey Unit #2, Well #1 and underlying the lands and leases described in the contract but limited to the subsurface interval from 6,988 feet to 7,008 feet and at no other interval, excluding, without limitation, royalty interest, overriding royalty interests, production payments, and similar interests not owned exclusively by Applicant.

(3) 20.51 percent of 8/8 of the estimated quantity of proven, developed and economically recoverable natural gas owned by and established through the exploration activities of Applicant on the date of first delivery of gas by Applicant to Pipeline attributable to the Lackey Unit #3, Well #1–U and underlying the lands and leases described in the contract but limited to the subsurface interval from 6,838 feet to 3,848 feet and at no other interval excluding, without limitation, royalty interests, overriding royalty interests, production payments, and similar interests not owned exclusively by Applicant.

(4) 20.51 percent of 8/8 of the estimated quantity of proven, developed and economically recoverable natural gas owned by and established through the exploration activities of Applicant on the date of first delivery of gas by Applicant to Pipeline attributable to the Lackey Unit #3, Well #1–L and underlying the lands and leases of the contract, but limited to the subsurface interval from 7,004 feet to 7,014 feet and at no other intervals, excluding, without limitation, royalty interests, overriding royalty interests, production payments and similar interests not owned exclusively by Applicant.

Applicant proposes to sell gas at an initial rate of 54.84 cents per Mcf at 14.65 psia, including 4.11 cents per Mcf tax reimbursement and subject to upward and downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–26041 Filed 9–29–75;8:45 am]

[Docket No. ES76–N10]

IOWA PUBLIC SERVICE CO.

Notice of Application

SEPTEMBER 24, 1975.

Take notice that on August 29, 1975, Iowa Public Service Company (Applicant), filed an application pursuant to Section 204 of the Federal Power Act seeking authorization to issue up to 25,000 additional shares of its presently authorized common stock, par value $5 per share. The stock will be issued in 1975 and early 1976 pursuant to Applicant's Employee and Stockholder Dividend Reinvestment and Stock Purchase Plan.

Applicant is incorporated under the laws of the State of Iowa, with its principal business at Sioux City, Iowa and is engaged in the generation, transmission, distribution and sale of electrical energy in the states of Iowa, Nebraska and South Dakota.

The new stock will be offered to all registered holders of the company's shares of common and/or preferred stock and to most full time employees of the company pursuant to a voluntary plan whereby participants may elect to invest their regular cash dividends and/or optional cash payments in the company's common stock. The purchase price of the new stock will be the average of the high and low sales prices on the New York Stock Exchange on the investment date (or the next preceding day on which the New York Stock Exchange is open, if it is closed on the investment date). No shares will be sold under the Plan at less than the par value of such shares.

The net proceeds from the sale of the New Stock will be used to reduce short-term loans incurred and to be incurred prior to the sales of the New Stock to secure funds for construction purposes and to meet expenditures for the construction program.

Any person desiring to be heard or to make any protest with reference to such application should, on or before October 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons desiring to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–26042 Filed 9–29–75;8:45 am]

[Docket No. E–8264]

MAINE PUBLIC SERVICE CO.

Notice of Further Extension of Procedural Dates

SEPTEMBER 23, 1975.

On September 16, 1975, Maine Public Service Company filed a motion to extend the procedural dates fixed by order issued May 5, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal	November 21, 1975 (10:00 a.m. EST)
Hearing	December 9, 1975

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–25999 Filed 9–29–75;8:45 am]

[Docket No. CP74–213]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

SEPTEMBER 22, 1975.

Take notice that on September 10, 1975, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74–213 a petition to amend the order of the Commission of September 6, 1974, issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act to authorize the installation and operation of a 12,050 horsepower compressor at Great Lakes Gas Transmission Company's (Great Lakes) Crystal Falls Compressor Station No. 8 in lieu of a 7,500 horsepower compressor, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by the order of the Commission of September 6, 1974 (52 FPC —), it is authorized to install a 7,500 horsepower compressor unit at Great Lakes' compressor station No. 8 near Crystal Falls, Michigan. Petitioner states that it received a bid from a manufacturer for a compressor unit predicated on a full rating of 12,050 horsepower but having a capability of being downrated to 7,500 horsepower. The cost of the 12,050 horsepower unit is said to be approximately $200,000 more than the cost of the 7,500 horsepower unit. The additional 7,500 horsepower compressor is said to be required to accommodate the transportation of additional volumes of gas to be exchanged by Petitioner and Great Lakes. Petitioner states that the 12,050 horsepower unit would further afford protection against lower than normal delivery pressure to Petitioner from Great Lakes. The petition states that the compressor would be operated at its full ratings only when there is inadequate line pressure, since the operation at 7,500 horsepower is more favorable under normal winter operating conditions than when fully loaded.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–26012 Filed 9–29–75;8:45 am]

[Docket Nos. RP73–14, RP73–102, PGA 75–3 and AP75–3]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Cancelling Hearing

SEPTEMBER 22, 1975.

On March 13, 1975 Michigan Wisconsin Pipe Line Company (Company) tendered for filing a revision to tariff[1] to reflect, *inter alia*, approximately $2 million in advance payments[2] made in the lower 48 states. By order issued April 30, 1975 the Commission ordered a hearing to determine whether those advances conformed to Commission standards.

On August 20, 1975 the Company filed a motion to cancel the hearings ordered on the advance payments issue. In support of its motion, the Company states that it has presented prepared testimony of Mr. Jack J. Jamison which supported the inclusion of the advance payments in the Company's rate base. Further, by letter dated August 5, 1975, Staff Counsel informed the Chief Presiding Administrative Law Judge that Staff did not intend to file evidence at the hearing because

[B]ased on comprehensive analysis of the advances under investigation the Staff has found that any adjustments Staff would make to [the Company's] rate increase application at this docket would be so minor as to have virtually no effect upon the company's rates and charges.

The other parties to the proceeding have indicated no opposition to the payments.[3]

The Commission may not rely solely on the conclusory statement of its Staff in approving a rate increase. However, there is evidence in the record which supports the propriety of the advance payments and the Commission shall rely on that evidence.

This order shall be without prejudice to the rights of any party to challenge any amount advanced by Michigan Wisconsin but not expended by the producer in rate filings made pursuant to Article IV of the Stipulation and Agreement approved by order issued February 19, 1974 in Docket No. RP73–102 or in any future rate increase filed pursuant to Section 4 of the Natural Gas Act.

The Commission finds:

Good cause exists to cancel the hearing on the issue of the propriety of the advance payments listed in Appendix A and approve that portion of the Company's rate increase which reflects those advance payments.

The Commission orders:

(A) The hearing on the propriety of the advance payments listed in Appendix A is hereby cancelled.

(B) That portion of the rate increase filed by the Company on March 13, 1975 which is based upon the inclusion in rate base of the advance payments listed in Appendix A is hereby approved.

(C) This order is without prejudice to the rights of any party to challenge any amounts advanced by Michigan Wisconsin but not expended by the producer in rate filings made pursuant to Article IV of the Stipulation and Agreement approved by order issued February 19, 197e in Docket No. RP73–102 or in any future rate increase filed pursuant to Section 4 of the Natural Gas Act.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Michigan Wisconsin Pipe Line Co.*

Producer	Agreement date	Estimated balance, May 1, 1975
May Petroleum, Inc.	Nov. 1, 1974	$282,860
An-Son Corp.	Nov. 22, 1974	40,963
Howard L. Kennedy	Dec. 6, 1974	116,667
John F. Mitchell	do	58,333
Wm. B. Collister	do	350,000
Helmerich & Payne, Inc.	Dec. 20, 1974	231,370
Occidental Petroleum Corp.	Dec. 21, 1974	297,500

[FR Doc.75–25992 Filed 9–29–75;8:45 am]

[1] Ninth Revised Sheet No. 27F to FPC Gas Tariff, Second Revised Volume No. 1.

[2] See Appendix A.

[3] Other parties include Exxon Corporation, Wisconsin Gas Company, Madison Gas & Electric Company.

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[Docket Nos. CP75–131, CP76–94]

MOUNTAIN FUEL SUPPLY CO. AND PHILLIPS PETROLEUM CO.

Order Granting Certificate, Establishing Show Cause Procedural Dates and Fixing Date for Formal Hearing

SEPTEMBER 22, 1975.

On October 30, 1974, Mountain Fuel Supply Company (Mountain Fuel) filed in Docket No. CP75–131 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of certain facilities in Uinta County, Wyoming, and the transportation of natural gas by means thereof; the sale of gas to Phillips Petroleum Company (Phillips) for use in its pressure maintenance project in its Bridger Lake (Oil) Field, Summit County, Utah, such gas to be sold by Phillips back to Mountain Fuel at a later date; and the continuation of Mountain Fuel's storage arrangement in the Bridger Lake Field with Phillips. Such application was filed in response to a Commission order of July 22, 1974, in Docket No. CP73–213 directing Mountain Fuel to show cause why it should not seek certificate authority as to its facilities connected with the Bridger Lake Field storage project and why its previous actions with regard to Bridger Lake were not in violation of the Natural Gas Act.

Mountain Fuel requests authorization for the operation of approximately 24.2 miles of 10 inch transmission line with appurtenant facilities in Uinta County, Wyoming, from its main transmission line southward to the Wyoming-Utah border near the Bridger Lake Field in Summit County, Utah. This pipeline was placed into operation on December 10, 1969, without Commission authorization and has been used to sell on an interruptible basis up to 15,000 Mcf of gas daily to Phillips for use in its Bridger Lake pressure maintenance project pursuant to a gas sales contract dated July 31, 1969, as amended. Phillips is required to pay Mountain Fuel a charge of 41 cents per Mcf (15.025 psia) for the gas so sold. Under the terms of this contract, Phillips agreed upon completion or termination of its gas injection program, to sell back to Mountain Fuel the natural gas previously injected. Pursuant to this contract the following volumes have been sold to Phillips: [1]

	Mcf
1971	3,193,719
1972	1,654,206
1973	2,099,173
1974 (Actual & Estimated)	2,513,303

The subject pipeline has also been used to effectuate a storage agreement with Phillips whereby Mountain Fuel delivers gas volumes in excess of its committed sales volumes to Phillips at its Bridger Lake compressor facilities for injection into the field and later withdrawal at Phillips Fork "A" No. 5 well, except that during certain periods casinghead gas produced from other wells may be delivered to Mountain Fuel and accounted for as though delivered from said well. For all gas withdrawn Mountain Fuel is required to pay Phillips a charge of 10.0 cents per Mcf. Withdrawals beyond 10,000 Mcf per day are not permitted and if the required pressure for injection exceeds 5,500 psig, Phillips is not required to accept gas. Besides the said pipeline, a metering station, dehydrator and heater, and 425 feet of 4-inch lateral line located in the Bridger Lake field were constructed in order to effectuate the storage arrangement.[2]

Mountain Fuel proposes to use this storage service in order to add supply flexibility to its system in meeting peak day requirements. Gas accumulated in Mountain Fuel's storage account may also be used to satisfy Phillip's nominations under the July 31, 1969, interruptible sales contract.

Cost of the subject pipeline was $667,707 of which Phillips reimbursed Mountain Fuel for $445,118. Originally Phillips was to pay for the entire cost but it was relieved of this by a March 6, 1974, amendment of the July 31, 1969, contract wherein the rate for the subject sale of gas was increased from an initial rate of 19.0 cents per Mcf at 15.025 psia, with .5 cent per Mcf escalations every two years thereafter, to 40.0 cents per Mcf with 1.0 cent per Mcf annual escalations. The cost of the lateral line, measurement station and dehydrator and heater within the Bridger Lake Field was $42,198.

The subject pipeline was constructed on an existing right of way previously acquired by Phillips for an oil pipeline. The pipeline traverses 5.3 miles of the Wasatch National Forest and its construction therein was in accordance with the requirements of the U.S. Forest Service. The Commission finds approval of the subject proposal would not be a major federal action significantly affecting the environment.

Pursuant to our order of July 22, 1974, in Docket No. CP73–213, heretofore mentioned, Mountain Fuel was ordered to show cause why its actions in constructing and operating various facilities in relation to the Bridger Lake storage field were not in violation of Section 7 of the Natural Gas Act. By our order of August 20, 1975, in Docket No. CP73–213, although we found that Mountain Fuel's facilities involved with Bridger Lake were jurisdictional, we transferred the violation issue therein to this docket. Since the issuance of our July 22, 1974, order, with the filing of the subject application, new information has come forward which warrants the expansion of this violation issue involving Mountain Fuel and the initiation of a similar show cause proceeding against Phillips for its actions.

Specifically, we direct Mountain Fuel to show cause why it should not be found in violation of Sections 7 and 4 of the Natural Gas Act for:

(1) Constructing and operating the 24.2 mile 10-inch transmission pipeline and appurtenant facilities, and selling gas to Phillips for resale, without Commission authorization [Section 7(c)].
(2) Constructing and operating facilities related to the Bridger Lake storage service without Commission authorization [Section 7(c)].

(3) Implementing its part of the Bridger Lake storage agreement without Commission authorization [Section 7(c)].
(4) Selling gas for resale to Phillips without a filed tariff and changing the rate to Phillips without proper filings (Section 4).

As regards Phillips Petroleum Company, since it appears that Phillips is providing storage service to Mountain Fuel and charging a specific rate for such service, herein we require Phillips to show cause in the assigned Docket No. CP76–94 why:

(a) It should not file a certificate application pursuant to Section 7(c) for the continued operation of facilities in the Bridger Lake field and to provide storage service for Mountain Fuel;
(b) It should not file a tariff pursuant to Section 4 of the Natural Gas Act to cover such storage service; and
(c) It should not be found in violation of the Act for (i) operating storage facilities in the Bridger Lake field without Commission authorization [Section 7(c)], (ii) implementing its part of the storage arrangement with Mountin Fuel without Commission authorization [Section 7(c)], and (iii) providing the storage service without a filed FPC tariff (Section 4).

We direct both Mountain Fuel and Phillips to show cause why punitive action should not be taken against them with respect to any violations which might be found in this proceeding.

Finally, we remind Mountain Fuel that by our order of August 20, 1975, we have ordered it to show cause in this docket why punitive action pursuant to Section 21 of the Natural Gas Act should not be taken with reference to the violation found in Docket No. CP73–213 for constructing and operating its Chalk Creek storage project since 1960 without Commission authorization.

Because of the seriousness of the show cause matters herein, we believe it is appropriate that an evidentiary record be developed so as to aid our decision making. All parties are hereby warned that failure to address themselves to show cause issues raised herein could result in an adverse decision to them. Mere general denials of the subject order unsupported by specific facts upon which Mountain Fuel and Phillips rely will not be considered as complying with this order.[3]

After due notice by publication in the FEDERAL REGISTER no petitions to intervene, protests or notices of intervention have been filed in Docket No. CP75–131.

[1] Mountain Fuel projects for 1975 sales of 1,250,000 Mcf at 14.73 psia.
[2] These facilities are used solely for withdrawal purposes.

The Commission finds:

(1) Mountain Fuel Supply Company is a "natural gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The facilities hereinbefore described as more fully described in Docket No. CP75–131, are to be used in the transportation, storage and sale of natural gas in interstate commerce for resale subject to the jurisdiction of the Commission, and the continued operation of such facilities and the proposed transportation of natural gas by Applicant are subject to the requirements of subsections (c) and (e) of Section 7 of the Natural Gas Act.

(3) Applicant is able and willing presently to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sale of gas by Mountain Fuel together with the operation of facilities and the transportation of gas for both storage and sale purposes are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) It may be that Mountain Fuel and Phillips are in violation of Section 7 and 4 of the Natural Gas Act as hereinbefore described.

(6) There exist common questions of law and fact which warrant the consolidation of Docket Nos. CP75–131 and CP 76–94 for hearing and disposition.

(7) It is necessary and appropriate that the issues discussed herein should be set for formal hearing.

The Commission orders:

(A) Mountain Fuel shall show cause, if any there be, why it should not be held in violation of Sections 7 and 4 of the Natural Gas Act for its actions involving the Bridger Lake sale and storage project with Phillips as hereinbefore described and why any punitive action should not be taken with respect to its action involving Bridger Lake and for its actions with regard to the violation found in Docket No. CP73–213.

(B) Phillips Petroleum Company shall show cause in Docket No. CP76–94, if any there be, why it should not make Section 7 and 4 filings for its storage operations and facilities in the Bridger Lake field, why it should not be found in violations why it should not be found in violation of the Natural Gas Act for its Bridger Lake storage operations and why punitive action should not be taken for any violations found, as hereinbefore described.

(C) Pursuant to the provisions of the Natural Gas Act, Docket Nos. CP75–131 and CP76–94 are consolidated for disposition and a formal hearing shall be convened in Docket Nos. CP75–131 and CP76–94, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on November 12, 1975, at 10 a.m. (EDT). The Presiding Administrative Law Judge for the purpose—See Delegation of Authority 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) The direct case of Mountain Fuel and Phillips Petroleum Company as to all issues raised herein shall be filed and served on all parties of record including the Commission Staff on or before October 22, 1975.

(E) A certificate of public convenience and necessity is issued authorizing Mountain Fuel to retain in place and to continue to operate the facilities described in Docket No. CP75–131 to make the subject sale of gas to Phillips for resale as hereinbefore described.

(F) The facilities and sale authorized in paragraph (E) above are conditioned upon Mountain Fuel complying with all applicable Commission rules and regulations particularly Section 157.20 (a), (e), and (f) and Part 154 of the Commission's regulations.

(G) A ate of public convenience na

(G) A certificate of public convenience and necessity is issued to Mountain Fuel in Docket No. CP75–131 to retain in place and to operate the facilities necessary for and to implement the storage service by Phillips in the Bridger Lake field, as hereinbefore described, conditioned upon Phillips making appropriate filings to implement its part of the storage arrangement within 60 days from the date any such filings are found to be required by the Natural Gas Act, and also upon Commission approval thereof.

(H) Any person desiring to be heard in the expanded consolidated proceeding should on or before October 14, 1975, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–25993 Filed 9–29–75;8:45 am]

[1] 18 CFR 1.9(c).

[Docket No. CP76–81]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

SEPTEMBER 19, 1975.

Take notice that on September 10, 1975, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76–81 an application pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon, for a twelve-month period commencing October 1, 1975, and the operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000, nor would the cost of any single project exceed $500,000. Applicant states further that these costs would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 9, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–26006 Filed 9–29–75;8:45 am]

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[Docket No. E-8954]

NEW ENGLAND POWER CO.

Notice of Postponement of Hearing Date

SEPTEMBER 23, 1975.

On September 17, 1975, Staff Counsel filed a motion to postpone the hearing date set by order issued February 3, 1975, as most recently modified by notice issued August 6, 1975, in the above-designated matter.

Notice is hereby given that the hearing date in the above matter is postponed from September 30, 1975, to October 2, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26000 Filed 9-29-75;8:45 am]

[Docket Nos. CP76-83 and CP76-84]

NORTHERN STATES POWER CO.

Notice of Applications

SEPTEMBER 22, 1975.

Take notice that on September 11, 1975, Northern States Power Company (Wisconsin) (Applicant), 100 North Barstow Street, Eau Claire, Wisconsin 54701, filed in Docket No. CP76-83 pursuant to Section 7(c) of the Natural Gas Act an application for approval of the construction of the liquefied natural gas (LNG) peak shaving plant in Eau Claire County, Wisconsin, and for a certificate of public convenience and necessity authorizing the continued operation of such LNG facilities, in the alternative to Applicant's answer to the Commission's order to show cause[1] in which answer Applicant asserts that such approval and authorization are unnecessary. Take further notice that, concurrently, Applicant filed an application in Docket No. CP76-84 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of LNG to Wisconsin Gas Company (Wisconsin Gas). Applicant's proposals are more fully set forth in its applications which are on file with the Commission and are open to public inspection.

Applicant states that it completed construction of the Eau Claire LNG facilities in 1969 under the authorization of the Public Service Commission of Wisconsin (PSCW). Applicant alleges that at the time authorization for the LNG facilities was sought no interstate sales of LNG were contemplated. By order issued July 12, 1972, in Docket No. CP72-201 the Commission authorized the transportation and sale of LNG in interstate commerce by Applicant to its parent corporation Northern States Power Company (Minnesota). Subsequently, by order issued June 23, 1975, the Commission directed Applicant to show cause why its construction and operation of the subject LNG facilities without Commission authorization are not in violation of the Natural Gas Act.

In response thereto Applicant has filed, concurrently herewith, its answer to the order to show cause. In its answer Applicant asserts that since the Eau Claire facilities were constructed under the authorization of and are fully regulated by PSCW, Commission jurisdiction over such facilities would overlap and interfere with PSCW's supervision. Should the Commission reject this approach, Applicant, in the alternative, seeks Commission approval of the Eau Claire facility, the construction of which has already been certificated by PSCW. Applicant claims that the fact that construction of the subject facilities has already been completed makes a request for construction authorization a pointless exercise.

In Docket No. CP76-83 Applicant requests approval of the construction of the LNG peak-shaving facilities and authority to continue to operate such facilities for the sale of LNG in interstate commerce as authorized by the Commission. Applicant states that the plant has been designed to liquefy natural gas at a rate of 1,940 Mcf per day for storage in a holding tank having a net capacity of 270,000 Mcf of equivalent natural gas (78,000 bbl.). The vaporization and send-out design rate will be 24,000 Mcf of vaporous gas per day. Applicant states that such facilities are required to meet the wintertime peak requirements of the high priority (i.e., residential and small volume commercial/industrial) consumers served by its system.

The cost of the LNG facilities is stated to have been $2,420,314, which sum was paid out of the general corporate funds of Applicant.

By its application in Docket No. CP76-84 Applicant requests authorization to implement the terms of a sale and exchange agreement, dated July 16, 1973, and its addendum, with Wisconsin Gas. The agreement provides for Applicant to deliver certain quantities of LNG to Wisconsin Gas at Applicant's Eau Claire plant, which LNG would then be transported by Wisconsin Gas in cryogenic trucks. In exchange, Wisconsin Gas would arrange to have delivered to Applicant twice the equivalent volume of LNG delivered to Wisconsin Gas by Applicant. To meet its make-up gas obligation Wisconsin Gas would limit its receipt of its gas entitlement from Michigan Wisconsin Pipe Line Company (Mich Wis). In turn, Mich Wis would limit its receipt of its gas entitlement from Midwestern Gas Transmission Company (Midwestern); and Midwestern would deliver the make-up gas to Applicant at an existing delivery point in Cass County, North Dakota. Applicant states that the LNG obtained by Wisconsin Gas would be used to serve high priority markets in those communities in western Wisconsin where Wisconsin Gas is served by Northern Natural Gas Company.

Applicant states that the schedule of quantities of LNG which would be delivered by it to Wisconsin Gas is as follows:

Year	Commence	Terminate	Annual LNG requirements in 1,000 ft³ equivalent of vaporous gas	Probable site of LNG vaporizing plant(s)	Maximum daily [payback obligation. (1,000 ft³)
1973-74	Dec. 1, 1973	Mar. 31, 1974	10,000	Black River Falls	2,000
1974-75	Sept. 1, 1974	Mar. 31, 1975	25,000	Rice Lake	2,000
1975-76	Sept. 1, 1975	Mar. 31, 1976	40,000	Richland Center	3,000
1976-77	Sept. 1, 1976	Mar. 31, 1977	60,000	None additional	4,000
1977-78	Sept. 1, 1977	Mar. 31, 1978	75,000	do	5,000
1978-79	Sept. 1, 1978	Mar. 31, 1979	75,000	do	5,000
1979-80	Sept. 1, 1979	Mar. 31, 1980	75,000	do	5,000
1980-81	Sept. 1, 1980	Mar. 31, 1981	75,000	do	5,000
1981-82	Sept. 1, 1981	Mar. 31, 1982	75,000	do	5,000
1982-83	Sept. 1, 1982	Mar. 31, 1983	75,000	do	5,000

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to either proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26013 Filed 9-29-75;8:45 am]

[1] Order Issued June 23, 1975, in *Wisconsin Gas Co., et al.* Docket No. CP75-156, *et al.*

[Docket No. E-7777 (Phase II)]

PACIFIC GAS AND ELECTRIC CO.

Further Extension of Procedural Dates

SEPTEMBER 23, 1975.

On September 8, 1975, Pacific Gas and Electric Company and City of Santa Clara, California filed motions to extend the procedural dates fixed by order issued March 14, 1974, as most recently modified by notice issued July 14, 1975, in the above-designated proceeding. The motions state that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, January 5, 1976.
Service of Staff Testimony, February 5, 1976.
Service of Company Rebuttal, March 8, 1976.
Hearing, March 29, 1976, (10:00 a.m. EST).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26003 Filed 9-29-75;8:45 am]

[Docket No. ER76-112]

PUBLIC SERVICE COMPANY OF INDIANA

Notice of New Delivery Point

SEPTEMBER 2, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana tendered for filing an agreement dated July 9, 1975, with the City of Logansport, Indiana for the supply of the total electrical requirements of an industrial customer to be served by the City of Logansport at a delivery point not included in the Interconnection Agreement between the above two parties designated as Rate Schedule FPC No. 223.

Service to the City of Logansport commenced on May 20, 1975, based on the tariff filed with the Commission on January 8, 1974, in Docket No. E-8587 which went into effect on October 15, 1974, subject to refund based on the final order of the Commission in such Docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26014 Filed 9-29-75;8:45 am]

[Docket No. ER76-114]

PUBLIC SERVICE COMPANY OF INDIANA

Notice of New Delivery Point

SEPTEMBER 22, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana, Inc., tendered for filing its agreement dated December 1, 1974, with Warren County Rural Electric Membership Corporation, which supplements the contract between the above two parties dated December 1, 1973, by the addition of reference to a new delivery point designated as the Gessie-69 delivery point and by the deletion of reference to the existing Covington delivery point.

This new delivery point is presently not in service and the service commencement date is still to be determined.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26015 Filed 9-29-75;8:45 am]

[Docket No. ER76-115]

PUBLIC SERVICE COMPANY OF INDIANA

Notice of New Delivery Points

SEPTEMBER 22, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana, Inc., tendered for filing its agreement dated June 1, 1974, with Clark County Rural Electric Membership Corporation, which supplements the contract between the above two parties dated December 1, 1973, by the addition of reference to two new delivery points designated as the Borden delivery point and the New Washington delivery point.

Neither of these delivery points is presently in service and the service commencement dates are still to be determined.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26016 Filed 9-29-75;8:45 am]

[Docket No. ER76-117]

PUBLIC SERVICE COMPANY OF INDIANA

Notice of New Delivery Point

SEPTEMBER 22, 1975.

Take notice that on September 11, 1975, Public Service Company of Indiana, Inc., tendered for filing its agreement dated March 1, 1975, with Parke County Rural Electric Membership Corporation, which supplements the contract between the above two parties dated December 1, 1973, by the addition of reference to a new delivery point designated as the Lake Holiday-138 delivery point.

This new delivery point is presently not in service and the service commencement date is still to be determined.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-26017 Filed 9-29-75;8:45 am]

[Docket No. ER76-20]

SUPERIOR WATER, LIGHT AND POWER COMPANY

Order Denying Motion for Reconsideration

SEPTEMBER 23, 1975.

On August 25, 1975, Superior Water, Light and Power Company (Superior or Company) filed an application for rehearing of Commission Order dated August 21, 1975, in the above-entitled proceeding.[1]

The August 21, 1975, Order provided, *inter alia*, for acceptance of Superior's proposed rate increase and suspension for five months with the use thereof deferred until January 22, 1976, subject to refund, pending the outcome of the consolidated hearing of this case with Docket Nos. E-9499 and E-9502 involving its

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parent company Minnesota Power and Light Company (MP&L).

Superior in its application for rehearing states that its filing was consolidated in the Order of August 21, 1975, with Docket Nos. E-9489 and E-9502 involving MP&L because "the major portion of the proposed rate increase of Superior in the instant submittal is intended to track the recent rate increase filing of its parent Company MP&L in Docket No. E-9502," and Superior's rate increase filing, therefore, "will involve matters similar" to those currently pending in MP&L's June, 1975 rate application.

Superior points to the fact that on July 18, 1975, the Commission suspended the effectiveness of MP&L's rate increase as it applies to Superior for a period of 30 days until August 18, 1975; while on August 21, 1975, the Commission suspended the effectiveness of Superior's increase for the full statutory period of 5 months until January 22, 1976. Superior states that because its need is based largely on the cost of purchased power from MP&L, its rate increase should be given an effective date more in line with the effective date given to MP&L's rate filing, and to do otherwise will place the Company in a serious financial condition. Superior also argues for a shortened suspension period based upon its allegation that it is in serious financial trouble at this time, citing, among other things, that its rate-of-return on common equity declined from a 1973 level of 7.5% to 3.1% causing Superior to postpone a planned issue of first mortgage bonds totaling $3,500,000.

We do not find Superior's arguments in support of a shortened suspension period to be persuasive. We have reviewed all of the pertinent cost and revenue data contained in Superior's rate filing as well as the arguments contained in Superior's August 25, 1975, pleading and have, upon reconsideration, found the five month suspension ordered in our August 21, 1975, order to be appropriate. Accordingly, we shall deny Superior's August 25, 1975, motion for reconsideration of our August 21, 1975, order in this proceeding.

The Commission finds:

Superior's motion for reconsideration should be denied.

The Commission orders:

(A) Superior's August 25, 1975, motion for reconsideration of the Commission's August 21, 1975, order is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26004 Filed 9-29-75;8:45 am]

[1] We shall treat Superior's pleading as a motion for reconsideration because applications for rehearing of suspension orders do not lie insofar as they relate, *inter alia*, to the length of the suspension ordered. *Municipal Light Boards of Reading and Wakefield, Mass.* v. *F.P.C.*, 450 F.2d 1341 (D.C. Cir. 1971), *cert. den.*, 405 U.S. 989 (1972).

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Modification of Service Date

SEPTEMBER 22, 1975.

On September 2, 1975, Staff Counsel filed a motion to defer his date of service on the issue of advance payments, set by order issued April 30, 1975, as most recently modified by notice issued August 8, 1975, retaining the present date of service on all other issues in the above-designated matter.

Notice is hereby given that the date of service for Staff Counsel in the above proceeding, on the advance payments issue only, is deferred until December 2, 1975. All other Staff testimony will be served on October 1, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26018 Filed 9-29-75;8:45 am]

[Docket No. CP76-78]

TRUNKLINE GAS CO.

Notice of Application

SEPTEMBER 22, 1975.

Take notice that on September 8, 1975, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-78 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Transcontinental Gas Pipe Line Company (Transco) and Consolidated Gas Supply Corporation (Consolidated) from offshore to onshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests in the instant application that it be authorized to transport up to 14,900 Mcf of gas per day from an existing interconnection between its pipeline and a gathering pipeline of Transco and Consolidated on a platform of Placid Oil Company in South Timbalier Block 179, offshore Louisiana, to a point of delivery to Transco for Transco's account and for the account of Consolidated downstream of Mobil Oil Corporation's Cow Island Processing Plant, Vermilion Parish, Louisiana. The gas transported would be transported through Shell Oil Corporation's existing Calumet Processing Plant along with the other volumes of Applicant's gas. Thermally equivalent volumes of gas would be delivered to or for the account of Transco and Consolidated less processing fuel and shrinkage and compressor fuel.

The cost of the proposed service is stated to consist of a monthly demand charge of $3.31 per Mcf for the 11,200 Mcf demand level of Transco and the 3,700 Mcf contract demand level of Consolidated. Such rate is said to be subject to increase or decrease by an amount equal to 10.88 cents per Mcf that Applicant transports in excess of the contract demand requirement or fails or is unable to take on any day.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26019 Filed 9-29-75;8:45 am]

[Docket No. CP67-286]

UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Withdrawal

SEPTEMBER 23, 1975.

On September 17, 1975, United Gas Pipe Line Company and Transcontinental Gas Pipe Line Corporation filed a withdrawal of their joint petition filed June 20, 1974, in the above-designated proceeding.

Notice is hereby given that, pursuant to Section 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above petition shall become effective October 17, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26001 Filed 9-29-75;8:45 am]

[Docket No. E-9147 (Phase II)]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Further Extension of Procedural Dates

SEPTEMBER 23, 1975.

On September 8, 1975, Electricities of North Carolina filed a motion to extend the procedural dates fixed by order issued January 22, 1975, as most recently modified by notice issued July 9, 1975, in the above-designated proceeding. The motion states that the Staff Counsel, the Cooperative Intervenors and Virginia Electric and Power Company have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, November 10, 1975.
Service of Staff Testimony, December 1, 1975.
Service of Company Direct Testimony, December 22, 1975.
Service of Intervenor Rebuttal, January 6, 1976.
Hearing, January 20, 1976 (10:00 a.m. EST).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26005 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE-CONSERVATION WITHIN THE GAS INDUSTRY

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry of the National Gas Survey.

1. Membership. New members to the Conservation-Technical Advisory Task Force-Conservation Within the Gas Industry as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Clarence B. Folsom, North Dakota Geological Survey, Grand Forks, North Dakota.
Gerald Mardis, Florida Gas Transmission Co., Winter Park, Florida.
V. P. Knight, Texaco, Inc., Houston, Texas.
Henry B. Martch, El Paso Natural Gas Co., El Paso, Texas.
John D. Peterson, Minnesota Energy Agency, St. Paul, Minnesota.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26025 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975 established the Conservation-Technical Advisory Committee of the National Gas Survey.

1. Membership. New members to the Conservation-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Weston Fisher, Missouri Energy Director, Jefferson City, Missouri.
Robert J. Listin, Owens-Corning Fiberglass Corp., Toledo, Ohio.
F. C. Sweat, Shell Oil Company, Houston, Texas.
Al A. Fry, Environmental Protection Agency, Washington, D.C.
Samuel Stewart, Minnesota Energy Agency, St. Paul, Minn.
Virgil W. Meythaler, Texas Gas Transmission Corp., Owensboro, Kentucky.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26033 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE-EFFICIENCY IN USE OF GAS

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas of the National Gas Survey.

1. Membership. New members to the Conservation-Technical Advisory Task Force-Efficiency in Use of Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

John A. Griffey, Arkansas State Energy Office, Little Rock, Arkansas.
Francis J. Riordan, New Hampshire Public Utilities Commission, Concord, New Hampshire.
Robert Sloan, Philadelphia Gas Works, Philadelphia, Pennsylvania.
Charles F. Stewart, Columbia University, New York, New York.
Samuel Stewart, Minnesota Energy Agency, St. Paul, Minnesota.
James Woodruff, Michigan Public Service Commission, Lansing, Michigan.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26029 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY CONSERVATION-TECHNICAL ADVISORY TASK FORCE-NET ENERGY COST OF COMPETITIVE ENERGY SYSTEMS

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975 established the Conservation-Technical Advisory Task Force-Net Energy Cost of Competitive Systems of the National Gas Survey.

1. *Membership.* New members to the Conservation-Technical Advisory Task Force-Net Energy Cost of Competitive Energy Systems as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

James J. Matour, Philadelphia Gas Works, Philadelphia, Pa.
George A. Cochran, Mississippi Fuel & Energy Management Commission, Jackson, Mississippi.
John D. Peterson, Minnesota Energy Agency, St. Paul, Minnesota.
W. R. Canty, Shell Oil Company, Houston, Texas.
David W. Holmes, California Public Utilities Commission, San Francisco, California.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26022 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey and initial membership for the Executive Advisory Committee.

1. *Membership.* New members to the Executive Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

T. Lewis, Austin, Chairman of the Board, Texas Utilities Company, Dallas, Texas.
J. F. Bookout, Executive Vice President for Exploration & Development, Shell Oil Company, Houston, Texas.
Richard H. Bowerman, Chairman of the Board and Chief Executive Officer, The Southern Connecticut Gas Company, Bridgeport, Connecticut.
Charles F. Luce, Chairman of the Board and President, Consolidated Edison Company of New York, Inc., New York, New York.
Marshall McDonald, President, Florida Power & Light Company, Miami, Florida.
John P. Millhone, Director, Minnesota Energy Agency, St. Paul, Minnesota.
Joseph C. Swidler, Leva, Hawes, Symington, Martin, & Oppenheimer, Washington, D.C.
Nat B. Knight, Jr., Commissioner, Louisiana Public Service Commission, Baton Rouge, Louisiana.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26032 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY FINANCE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Finance-Technical Advisory Committee of the National Gas Survey.

1. *Membership.* New members of the Finance-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

R. Gamble Baldwin, First Boston Corporation, New York, N.Y.
Robert H. Blanchard, First National Bank of Chicago, Chicago, Ill.
Helmut F. Wendel, Federal Reserve Board, Washington, D.C.

By the Commission.

[SEAL] — KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26021 Filed 9-29-75;8:45 am]

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NATIONAL GAS SURVEY RESEARCH AND DEVELOPMENT-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Research and Development-Technical Advisory Committee of the National Gas Survey.

1. *Membership.* New members of the Research and Development Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Jack Snell, National Bureau of Standards, Washington, D.C.
Joseph A. Coleman, National Bureau of Standards, Washington, D.C.
Jeremiah Hughitt, Washington Gas Light Company, Washington, D.C.
Jack Huebler, Institute of Gas Technology, Chicago, Illinois.
Lawrence E. Harris, Panhandle Eastern Pipe Line Co., Kansas City, Missouri.
Philip L. Randolph, El Paso Natural Gas Co., El Paso, Texas.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26033 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, announced a new program for the National Gas Survey Supply-Technical Advisory Committee and initial membership for this Committee.

1. *Membership.* New members to the Supply-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

G. C. Bankston, Shell Oil Company, Houston, Texas.
John H. Lichtblau, Petroleum Industry Research Foundation, New York, New York.
Jeff Montgomery, Kirby Industries Inc., Houston, Texas.
E. F. Osborn, Carnegie Institute of Washington, Washington, D.C.
Lyle S. St. Amant, Wildlife & Fisheries Commission, State of Louisiana, New Orleans, Louisiana.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26036 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REGULATORY ASPECTS OF SUBSTITUTE GAS

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas of the National Gas Survey.

1. *Membership.* New members to the Supply-Technical Advisory Task Force-Regulatory Aspects of Substitute Gas as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Robert B. Catell, Brooklyn Union Gas Company, Brooklyn, New York.
G. Scott Cuming, El Paso Natural Gas Company, Houston, Texas.
Richard Hellman, University of Rhode Island, Kingston, Rhode Island.
John W. Howard, Standard Oil Company (Indiana), Chicago, Illinois.
William E. Hynan, National Coal Association, Washington, D.C.
Kirk W. Weinert, Texaco, Inc., Houston, Texas.
Harry Welsh, Panhandle Eastern Pipe Line Company, Houston, Texas.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26036 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHESIZED GASEOUS HYDROCARBON FUELS

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels of the National Gas Survey.

1. *Membership.* New members to the Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels as selected by the Chairman of the Commission with the approval of the Commission are as follows:

Bernard J. Bortz, Ford, Bacon & Davies, Inc., New York, New York.
George Fumich, Jr., Energy Research & Development Administration, Washington, D.C.
Christopher Knudsen, Energy Research & Development Administration, Washington, D.C.
B. H. Park, Texaco, Inc., Houston, Texas.
John F. Schomaker, Panhandle Eastern Pipe Line Company, Houston, Texas.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26024 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-DOMESTIC NATURAL GAS POTENTIAL RESOURCE BASE

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base of the National Gas Survey.

1. *Membership.* New members of the Supply-Technical Advisory Task Force-Domestic Natural Gas Potential Resource Base as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Charles M. Allen, Phillips Petroleum Company, Bartlesville, Oklahoma.
Robert A. Hefner, III, Independent Operator, Oklahoma City, Oklahoma.
A. C. Johns, Texaco, Inc., New Orleans, Louisiana.
William Kanes, University of South Carolina, Columbia, South Carolina.
John Lemish, Iowa State University, Ames, Iowa.
R. K. Mann, Shell Oil Company, Houston, Texas.
William E. Mantek, Consumers Power Company, Jackson, Michigan.
Michael R. Waller, Amoco Production Company, Tulsa, Oklahoma.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26028 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-FOREIGN GAS SUPPLY

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Foreign Gas Supply of the National Gas Survey.

1. *Membership.* New members to the Supply-Technical Advisory Task Force-Foreign Gas Supply as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Charles Davis, Oregon Public Utilities Commission, Salem, Oregon.
Barry Hunsaker, El Paso Natural Gas Company, Houston, Texas.
Abdel-Kader M. Kotb, West Virginia University, Morgantown, West Virginia.
Keith C. McKinney, Southern California Gas Company, Los Angeles, California.
John G. McMillian, Jr., Northwest Pipeline Corporation, Salt Lake City, Utah.
Clayton Norris, Export-Import Bank of the United States, Washington, D.C.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26035 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NONCONVENTIONAL NATURAL GAS RESOURCES

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources of the National Gas Survey.

1. *Membership.* New members to the Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

P. A. Dennie, Shell Oil Company, Houston, Texas.
Gerald Ham, Energy Research & Development Administration, Washington, D.C.
Claude R. Hocott, University of Texas, Austin, Texas.
William LaLonde, III, Elizabethtown Gas Company, Elizabeth, New Jersey.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26027 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-PROSPECTIVE EXPLORATION AND DEVELOPMENT AND ADDITIONS TO RESERVES

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Supply-Technical Advisory Task Force-Prospective Exploration and Development and Additions to Reserves of the National Gas Survey.

1. *Membership.* New members to the Supply-Technical Advisory Task Force-Prospective Exploration and Development and Additions to Reserves as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

James N. Parrish, U.S. Geological Survey, Reston, Virginia.
Ralph P. Roe, Amoco Production Company, Tulsa, Oklahoma.
Carl Sherman, Pennsylvania State University, University Park, Pennsylvania.
D. W. Snyder, Mississippi Public Service Commission, Jackson, Mississippi.
Hank True, Black Hills Oil Marketers, Inc., Casper, Wyoming.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26029 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY COMMITTEE

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Committee of the National Gas Survey.

1. *Membership.* New members to the Transmission, Distribution & Storage-Technical Advisory Committee as selected by the Chairman of the Commission with the approval of the Commission are as follows:

Harry Connelly, Philadelphia Gas Works, Philadelphia, Pennsylvania.
Taylor G. Holland, Mississippi Valley Gas Company, Jackson, Mississippi.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26037 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON TRANSMISSION, DISTRIBUTION AND STORAGE OF GAS

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Transmission, Distribution and Storage of Gas of the National Gas Survey.

1. *Membership.* New members to the Transmission, Distribution and Storage-Technical Advisory Task Force-Impact of Gas Shortage on Transmission, Distribution, and Storage of Gas as selected by the Chairman of the Commission with the approval of the Commission are as follows:

J. C. Boehm, Transcontinental Gas Pipe Line Corp., Houston, Texas.
George Doulames, Lowell Gas Company, Lowell, Massachusetts.
Edward F. Hubbard, Philadelphia Gas Works, Philadelphia, Pennsylvania.
B. J. Matthews, El Paso Natural Gas Company, El Paso, Texas.
Ray J. Nery, North Carolina Utilities Commission, Raleigh, North Carolina.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26034 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-IMPACT OF GAS SHORTAGE ON CONSUMERS

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers of the National Gas Survey.

1. Membership. New members to the Transmission, Distribution & Storage-Technical Advisory Task Force-Impact of Gas Shortage on Consumers as selected by the Chairman of the Commission with the approval of the Commission are as follows:

Thomas Gillett, Department of Commerce, Washington, D.C.
William H. Stinsman, Philadelphia Gas Works, Philadelphia, Pennsylvania.
Ernesto Venegas, Minnesota Energy Agency, St. Paul, Minnesota.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26030 Filed 9-29-75;8:45 am]

NATIONAL GAS SURVEY TRANSMISSION, DISTRIBUTION & STORAGE-TECHNICAL ADVISORY TASK FORCE-RATE DESIGN

Order Designating Members

SEPTEMBER 24, 1975.

The Federal Power Commission by Order issued September 15, 1975, established the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design of the National Gas Survey.

1. *Membership.* New members to the Transmission, Distribution & Storage-Technical Advisory Task Force-Rate Design as selected by the Chairman of the Commission with approval of the Commission, are as follows:

Robert Ashburn, Long Island Lighting Company, Mineola, New York.
Frank J. Hartmann, The Southern Connecticut Gas Company, Bridgeport, Connecticut.
Jonel C. Hill, Southern California Gas Company, Los Angeles, California.
James I. Poole, Jr., Natural Gas Pipeline Company of America, Chicago, Illinois.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-26031 Filed 9-29-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR; Temporary Reg. F-355]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Service Commission of Montana (Docket No. 6279, 6327, 6336) involving the application of Montana Power Company for general increases in its electrical rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON, *Administrator of General Services.*

SEPTEMBER 19, 1975.

[FR Doc.75-26098 Filed 9-29-75;8:45 am]

V 40 I 190 SEP 3075 XUM

[FPMR; Temporary Regulation F-356]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the North Carolina Utilities Commission involving said Commission's investigation into utility pricing, conservation, and related matters (Docket No. E-100, Sub 21).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

SEPTEMBER 19, 1975.

[FR Doc.75-26094 Filed 9-29-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-73]

NASA LIFE SCIENCES COMMITTEE

Meeting

The NASA Life Sciences Committee will meet on October 23-24, 1975, at the NASA Ames Research Center, Moffett Field, California 94035. The meeting will be held in Room B-39, Life Sciences Building Number 239 of the Ames Research Center, Moffett Field, California 94035. Members of the public will be admitted on a first come first served basis, up to the seating capacity of the room, which is about 80 persons.

The NASA Life Sciences Committee serves in an advisory capacity only. In this capacity it is concerned with man in relation to space travel and habitation, with exobiology, with other life forms, and including: physiology, behavior, clinical aerospace medicine, microbiology, radiobiology, biochemistry, nutrition and food technology, biology of gravity and rhythms, and biotechnology. The current Chairman is Dr. G. Donald Whedon. There are 18 members.

The following list sets forth the approved agenda and schedule for the October 23-24, 1975 meeting of the Life Sciences Committee. For further information, please contact Dr. Walton L. Jones: Area Code 202, 755-2342.

OCTOBER 23, 1975

Time	*Topic*
0900-0930	Administrative. (Purpose: Subjects being discussed will include topics such as final approval of previous committee minutes; report on results of Space Program Advisory Council meeting and activities.)
0930-0945	Skylab Follow-up Mineral Balance Bed Rest Study, status and discussion. (Purpose: To discuss status of plans for a Skylab follow-up mineral balance bed rest study to validate bed rest as an analogue to spaceflight.)
0945-1000	Review of Applications Committee Activities. (Purpose To inform the LSC of the Applications Committee meeting attended by the LSC liaison member.)
1000-1100	Review of Marine Mammal Tracking, Project BESMEX. (Purpose: To brief the committee on the nature and status of this joint animal tracking study of the Bering Sea area.)
1100-1130	Review of summer study on Molecular Biology. (Purpose: To brief the committee on the results of the summer study, Recombinant D&A Molecular Program and to discuss its relation to the potential mission of a Mars Return Sample.)
1300-1530	Viking Status Report; Planetary Biology and Planetary Quarantine Program Review. (Purpose: To give the committee an in depth briefing of the content of the program as well as plans and status of Mars Return Sample Studies, and to solicit comments and advice of the LSC members.)
1530-1630	Tour of Ames Exobiology Facilities.—
1630-1700	Discussion (Purpose: To formulate position on issues discussed during the day.)

OCTOBER 24, 1975

0800-0830	Status of U.S. Experiments to be flown on the 1975 Soviet Biological Satellite. (Purpose: To brief the committee on the status of this program.)
0830-0930	Review of the Sixth meeting of the U.S./U.S.S.R. Working Group on Space Biology and Medicine. (Purpose: To brief the committee on the discussions held at the sixth meeting of this working group and to solicit comments and advice of the LSC members.)
0930-1000	Life Sciences Announcement of Opportunity Returns. (Purpose: To inform the LSC of the analysis to date of the returns to the Life Sciences Planning Announcement and to solicit comment and advice of the LSC members on future courses of action.)
1000-1100	Human Factors in Aviation Safety. (Purpose: To brief the LSC on status and content of the Ames Aviation Safety Research program.)
1100-1200	Technology Utilization program at Ames and Stanford University. (Purpose: To brief the LSC on the status and content of the Biomedical Applications Team Activities and the Biomedical Applications Engineering Projects and to solicit comments and advice of the members.)
1200-1230	Discussion (Purpose: To formulate position on issues discussed during meeting.)

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

SEPTEMBER 23, 1975.

[FR Doc.75-26061 Filed 9-29-75;8:45 am]

[75-74]

NASA AD HOC ADVISORY SUBCOMMITTEE FOR EVALUATION OF PROPOSALS FOR PARTICIPATION IN THE SCIENTIFIC INVESTIGATIONS ON THE MARINER JUPITER/URANUS 1979 MISSION

Postponement of Meeting

A meeting of the Ad Hoc Advisory Subcommittee to Review Proposals for Participation in the Flight Investigations for the Mariner Jupiter/Uranus (MJU79) Mission which was originally scheduled for October 1, 2, and 3, 1975 and which was announced in the FEDERAL REGISTER Vol. 40 No. 179 on September 15, 1975 has been postponed until after January 1, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

SEPTEMBER 29, 1975.

[FR Doc.75-26368 Filed 9-29-75;12:28 pm]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON THE ARCHITECT-ENGINEER BALANCE OF PLANT

Rescheduling of Meeting

The meeting of the Advisory Committee on Reactor Safeguards Subcommittee on the Architect-Engineer Balance of Plant, originally scheduled for October 8, 1975, notice of which was published at 40 FEDERAL REGISTER 43779, September 23, 1975, has been rescheduled as follows:

(a) The meeting will be held October 24, 1975 at the same location.

(b) Written statements may be mailed with a postmark no later than October 17, 1975.

(c) Information as to whether the meeting has been cancelled or rescheduled can be obtained by a prepaid telephone call on October 23, 1975.

(d) A copy of the transcript of the open portion of the meeting will be available on or after October 31, 1975.

(e) A copy of the minutes of the meeting will be made available, on request, after January 26, 1976.

All other matters pertaining to the meeting remain unchanged. The open portion of the meeting will commence at 9 a.m., October 24, 1975.

Dated: September 24, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-26051 Filed 9-29-75;8:45 am]

[Docket Nos. STN 50-528; STN 50-529; STN 50-530]

ARIZONA PUBLIC SERVICE CO. ET AL. (PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2, AND 3)

Notice of Reconstitution of Board

Daniel M. Head, Esq., was Chairman, and Dr. Marvin M. Mann was a Member of the Atomic Safety and Licensing Board established to consider the above application. Because of other Board commitments, both Mr. Head and Dr. Mann are unable to continue their service on this Board.

Accordingly, Hugh K. Clark, Esq., whose address is P.O. Box 127A, Kennedyville, Maryland 21645, is appointed Chairman of this Board and Dr. Kenneth A. McCollom, whose address is Associate Dean, College of Engineering, Oklahoma State University, Stillwater, Oklahoma 74074, is appointed a member of this board. Reconstitution of the Board in this manner is in accordance with section 2.721(b) of the Rules of Practice.

Dated at Bethesda, Maryland this 23rd day of September 1975.

JAMES R. YORE,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.75-26047 Filed 9-29-75;8:45 am]

[Docket Nos. 50-440 & 50-441]

CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL. (PERRY NUCLEAR POWER PLANT, UNITS 1 & 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Richard S. Salzman, Chairman.
Michael C. Farrar, Member.
Dr. W. Reed Johnson, Member.

Dated: September 23, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-26049 Filed 9-29-75;8:45 am]

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Denial of Request for Variance

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has denied a request by Consolidated Edison Company of New York, Inc. (the licensee) for authorization to resume power operation of the Indian Point Nuclear Generating Station Unit 1 (the facility), located in Westchester County, New York.

The facility has been in a shutdown condition since October 31, 1974, which was the expiration date of a variance previously granted to the licensee from the requirements of the Commission Interim Acceptance Criteria for Emergency Core Cooling Systems for Light-Water Power Reactors (36 FR 12247; June 29, 1971). The unexpended energy in the facility's fuel would permit operation for an additional period of approximately four months; however, absent relief from certain rules and orders of the Commission, the facility cannot be operated. Further operation would require another variance from the requirements of the Interim Acceptance Criteria and an exemption from the containment testing requirements of 10 CFR Part 50, Appendix J. In addition, such operation would require extensions of time for compliance with two Commission orders, requiring, respectively, upgrading of the reactor protection system and an analysis of certain seismic and geologic considerations.

For the reasons set forth in a concurrently issued Safety Evaluation with Respect to Further Operation of Indian Point Unit No. 1, the Commission has concluded that the requested variance, exemption and extensions of time should be denied.

On February 4, 1975, the Commission published in the FEDERAL REGISTER (40 F.R. 5196) notice of receipt and consideration of the licensee's request for a variance from the Interim Acceptance Criteria. The notice indicated that the requested variance might also involve an exemption from Appendix J to 10 CFR Part 50. The notice also invited the submission of views and comments by any interested persons on the licensee's request.

Comments were received from Mr. Alfred S. Forsyth of Chappaqua, New York, in which he objected to any action that would dispense with the containment testing requirements of 10 CFR Part 50. No other comments were received within the time period specified in the Notice. However, submissions in the nature of comments on the proposed action were filed after the close of the comment period by the Yonkers Chamber of Commerce of Yonkers, New York, the Federal Energy Administration and the New York Public Service Commission. Each of these organizations stressed the savings of oil and/or the corresponding reduction in energy costs that would result from continued operation of the facility. None of these organizations addressed the health and safety considerations relevant to such operation. In addition, the licensee submitted, after the close of the comment period, letters dated May 28, 1975, June 16, 1975, and July 3, 1975 which urged favorable consideration of the pending request for authorization to operate the facility. The licensee addressed savings of oil and energy costs in addition to addressing health and safety considerations of further operation of the Indian Point Nuclear Generating Station, Unit 1.

For further details with respect to this action, see (1) the licensee's request for variance dated January 15, 1975, as supplemented May 28, 1975, June 16, 1975, and July 3, 1975, (2) comments on the licensee's request from Mr. Alfred S. Forsyth dated February 6, 1975, the Yonkers Chamber of Commerce of Yonkers, New York dated April 29, 1975, the Federal Energy Administration dated June 27, 1975, and the State of New York.

Public Service Commission dated July 11, 1975, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23rd day of September, 1975.

For the Nuclear Regulatory Commission,

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Reactor Licensing.

[FR Doc.75-26050 Filed 9-29-75;8:45 am]

[Docket Nos. 50-458 & 50-459]

GULF STATES UTILITIES CO. (RIVER BEND STATION, UNITS 1 & 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

John B. Farmakides, Chairman.
Dr. John H. Buck, Member.
Michael C. Farrar, Member.

Dated: September 24, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-26052 Filed 9-29-75;8:45 am]

V 40 N 190 SEP 30 1975 XUM

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-50 issued to Metropolitan Edison Company, Jersey Central Power & Light Company and Pennsylvania Electric Company (the licensees) for operation of the Three Mile Island Nuclear Station, Unit 1, a pressurized water reactor, located in Dauphin County, Pennsylvania, and currently authorized for operation at power levels up to 2535 Mwt.

The amendment would revise provisions in the Technical Specifications in accordance with the licensee's application for license amendment dated August 8, 1975. The amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Part 50, § 50.46. The amendment would modify various limits previously established in accordance with the Commission's Interim Acceptance Criteria, and would, with respect to Three Mile Island Unit 1, terminate the restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Part 50, § 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 29, 1975 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, 910 17th Street, N.W., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the application for amendment dated August 8, 1975, and (2) the Commission's Order for Modification of License and the documents referred to in the Order dated December 27, 1974 published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1766), which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland this 22nd day of September, 1975.

For the Nuclear Regulatory Commission,

ROBERT W. REID,
Chief, Operating Reactors Branch #4, Division of Reactor Licensing.

[FR Doc.75-26046 Filed 9-29-75;8:45 am]

[DOCKET NO. 50-548]

OMAHA PUBLIC POWER DISTRICT; NEBRASKA PUBLIC POWER DISTRICT; FORT CALHOUN STATION, UNIT 2

Notice of Receipt of Application for Construction Permit and Operating License

The Omaha Public Power District and Nebraska Public Power District, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed a portion of an application for licenses to construct and operate the proposed Fort Calhoun Station, Unit 2. This portion, consisting of the Preliminary Safety Analysis Report and general and financial information, was accepted for docketing on September 11, 1975 and assigned Docket No. 50-548. The Notice of Receipt of Partial Application for Construction Permit and Facility License was published in the FEDERAL REGISTER under Docket No. P-556-A on January 23, 1975, (40 FR 4498). This partial application contains the information requested by the Attorney General for the purpose of an anti-trust review of the application.

The application is for authorization to construct and operate a pressurized water nuclear reactor designated as the Fort Calhoun Station, Unit 2, on a site owned by Omaha Public Power District located on the southwest bank of the Missouri River approximately 19 miles north-northwest of the center of Omaha, Nebraska, near the village of Fort Calhoun in Washington County, Nebraska. The reactor is designed for an initial output of 3425 megawatts thermal, with an equivalent net electrical output of approximately 1150 megawatts.

A separate notice will be published on the availability of the environmental report and a Notice of Hearing will be published at a later date, setting forth the radiological and environmental issues to be considered during the review. A date for submitting Petitions for Leave to Intervene will also be set forth in the Notice of Hearing.

Dated at Bethesda, Maryland this 23rd day of September, 1975.

For the Nuclear Regulatory Commission,

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-26045 Filed 9-29-75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 10.1, Revision 2, "Compilation of Reporting Requirements for Persons Subject to NRC Regulations," presents a compilation of all reporting requirements applicable to the various types of NRC licensees and other persons subject to NRC regulations. The guide identifies the proper NRC addressee or addressees for each report and designates the number of copies required. Revision 2 includes a change in terminology to make the guide consistent with Section 208 of the Energy Reorganization Act of 1974 and other minor corrections.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 23rd day of September 1975.

For the Nuclear Regulatory Commission,

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-26054 Filed 9-29-75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.16, Revision 4, "Reporting of Operating Information—Appendix A Technical Specifications," describes a reporting program acceptable to the NRC staff for meeting the reporting requirements of Appendix A technical specifications. Revision 4 is issued primarily to make terminology consistent with Section 208 of the Energy Reorganization Act of 1974.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.16, Revision 4, will, however, be particularly useful in evaluating the need for an early revision if received by November 26, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

- Prevention of Fracture of Structural Discontinuities in Reactor Pressure Vessel.
- Protection Against Postulated Events and Accidents Outside of Containment.
- Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
- Maintenance of Water Purity in PWR Secondary Systems.
- Criteria for Heatup and Cooldown Procedures.
- Effects of Residual Elements on Predicted Radiation Damage.
- Surveillance Testing and Inservice Inspection of Thermal Barrier and Steam Generator Materials in High-Temperature Gas-Cooled Reactors.
- Surveillance and Postirradiation Examination of Fuel Rods in Lead Assemblies.
- Design Load Combinations for Component Supports.
- Interim Guide on Tornado Missiles.
- Criteria for Plugging Steam Generator Tubes.
- Structural Design Criteria for Fuel Assemblies in Light-Water-Cooled Reactors.
- Overhead Crane Handling Systems for Nuclear Power Plants.
- Recommended Procedure for Resintering Test to Monitor Densification Stability of Production Fuel.
- Qualifications for Cement Grouting for Prestressing Tendons in Containment Structure.
- Posttensioned Prestressing Systems for Concrete Reactor Vessels and Containment.
- Inservice Monitoring of Core and Core Support Structure Motion Via Neutron-Flux Measurement.
- Loose Parts Monitoring Program for the Primary System.
- Tornado Design Classification.
- Overpressure Protection of Low-Pressure Systems Connected to Reactor Coolant Pressure Boundary.
- Protective Coatings for Light-Water Reactor Containment Facilities.
- Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
- Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.
- Fire Protection Criteria for Nuclear Power Plants.
- Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
- Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services for Nuclear Power Plants.
- Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.
- Quality Assurance Requirements for Lifting Equipment.
- Maintenance and Testing of Batteries.
- Qualification Test of Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
- Seismic Qualification of Class I Electric Equipment.
- Fuel Oil Systems for Standby Diesel Generators.
- Quality Assurance Requirements for the Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Plants.
- Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
- Containment Isolation Provisions.
- Instrument Spans and Setpoints.
- Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.
- Periodic Testing of Diesel Generators.
- Qualification of Inspection, Examination, and Testing Personnel for Nuclear Facilities.
- Quality Assurance Program Requirements for Nuclear Power Plant Fuels.
- Testing of Nuclear Air Cleaning Systems.
- Preoperational and Initial Startup Testing of Feedwater Systems for BWRs.
- Design Criteria for Overload Protection of Motor-Operated Valves.
- Identification of Materials, Parts, and Components for Nuclear Power Plants.
- Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
- Protection of Nuclear Power Plants Against Industrial Sabotage.
- Emergency Planning for Nuclear Power Plants
- Control Room Manning.
- Flood Protection for Nuclear Power Plants.
- Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
- Spill Analysis—Dispersion and Dilution in Surface and Ground Water.
- Design Objectives for LWR Spent Fuel Facilities.
- Design Objectives for LWR Fuel Handling Systems.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 22nd day of September 1975.

For the Nuclear Regulatory Commission,

ROBERT B. MINOGUE,
Director Office of Standards Development.

[FR Doc.75-26048 Filed 9-29-75;8:45 am]

[Docket Nos. 50-500 and 50-501]

THE TOLEDO EDISON CO.

Notice of Availability of Final Environmental Statement for the Davis-Besse Nuclear Power Station, Units 2 and 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed construction of Davis-Besse Nuclear Power Station, Units 2 and 3, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Ida Rupps Public Library, 310 Madison Street, Port Clinton, Ohio 43452. The Final Environmental Statement is also being made available at the Office of the Governor, State Clearing-

V 40 190 SEP 30 75 XUM

house, 62 East Broad Street, 2nd Floor, Columbus, Ohio 43215 and the Toledo Metropolitan Area Council of Governments, 420 Madison Avenue, Toledo, Ohio 43604.

The notice of availability of the Draft Environmental Statement for the Davis-Besse Nuclear Power Station, Units 2 and 3 and requests for comments from interested persons was published in the FEDERAL REGISTER on February 21, 1975 (40 FR 7703). The comments received from Federal, State, local and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG–75/083) may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161. (Paper Copy: $7.25; microfiche: $2.25)

Dated at Rockville, Maryland, this 25th day of September 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Reactor Licensing.

[FR Doc.75-26053 Filed 9-29-75;8:45 am]

[Docket No. PRM–50–15]

DETROIT EDISON COMPANY, INC., AND PUBLIC SERVICE COMPANY OF INDIANA

Filing of Petition for Rule Making

Notice is hereby given that LeBoeuf, Lamb, Leiby, and MacRae, 1757 N Street, NW., Washington, D.C., by letter dated September 15, 1975, has filed with the Nuclear Regulatory Commission a petition for rule making on behalf of The Detroit Edison Company, Inc., and Public Service Company of Indiana.

The petitioners request the Commission to issue an amendment of 10 CFR Part 50 that would clarify the extent of the Commission's regulatory authority over the construction and routing of transmission lines and related equipment associated with nuclear power reactors and would clarify the extent to which the environmental impact of such lines and equipment must be considered in the Commission's assessment of the environmental impact of the licensing of a particular nuclear facility pursuant to the National Environmental Policy Act of 1969.

The petitioners contend that the Commission's regulatory authority over transmission lines and related equipment is limited to offsite portions of such lines and equipment associated with a nuclear power facility, in accordance with the limitations placed on the Commission's jurisdiction by the Atomic Energy Act of 1954, as amended.

The petitioners further contend that while the NEPA mandates consideration of alternatives to transmission lines to be constructed from a proposed nuclear installation facility to an interconnecting point on an existing or planned high voltage transmission system, NEPA does not authorize the Commission to regulate the routing of those lines either directly or by license condition.

The proposed rule set out in the petition would add a new paragraph (f) to 10 CFR 50.10 to read as follows:

(f) The provisions of paragraphs (c) and (d) of this section shall not be deemed to prohibit any offsite construction activities including, but not limited to, construction of transmission lines. Further paragraph (e) of this section shall not be deemed to authorize the Director of Nuclear Reactor Regulation to either authorize or prohibit any such offsite construction activities.

The petitioners also request that the Commission issue an order directing its staff to revise Regulatory Guide 4.2 (Rev. 1), "Preparation of Environmental Reports for Nuclear Power Stations," January 1975, to conform with their proposed rule.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before December 1, 1975.

Dated at Washington, D.C., this 25th day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-26175 Filed 9-29-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 25, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

ACTION

University Year for Action, project evaluation instrument, single-time, UYA sponsor agency directors, Caywood, D. P., 395–3443.

U.S. CIVIL SERVICE COMMISSION

Pub. L. 93–273 may increase your survivor annuity, BRI 49–389A, on occasion, Civil Service annuitants, Caywood, D. P., 395–3443.

Pub. L. 93–273, increase certain children's annuities, BRI 49–389B, on occasion, CS. annuitants eligible under Pub. L. 93–273, Caywood, D. P., 395–3443.

Pub. L. 93–273, may increase your annuity, BRI 49–389, on occasion, annuitants eligible under Pub. L. 93–273, Caywood, D. P., 395–3443.

ACTION

Vista Supervisor Survey, Vista sponsor survey, single-time, project sponsors and supervisors, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration:
Summary of work orders (inspection by licensed engineer or borrower's staff engineer), REA–771A, on occasion, REA telephone borrowers, Harry B. Sheftel.
Summary of construction completed by line extension contract (inspection by licensed engineer or borrower's staff engineer), REA 778A, on occasion, REA telephone borrowers, Harry B. Sheftel.

Statistical Reporting Service, seed production survey (Alaska), annually, seed growers, Lowry, R. L., 395–3772.

Extension Service, Wisconsin Forest Products Price Survey Forms, semiannually selected forest industries in Wisconsin, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

National Bureau of Standards, building code survey on preservation of historic structures, NBS–1043, single-time, building officials, historic preservation officers, Sunderhauf, M. B., 395–6140.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, safe school study-student questionnaire followup, NIE 135, single-time, secondary school students, Joan Turek.
Office of Education:
Learning to be a better parent, OE–438, single-time, parents of preschool children, Joan Turek.
Directory questionnaire, OE 9045–2, single-time, all colleges and universities, Joan Turek.
Instructions for preapplication for Federal assistance—Women's Educational Equity Act program, OE 436, annually, private nonprofit organizations, Lowry, R. L., 395–3772.
Instructions for application for Federal assistance—Women's Educational Equity Act program, annually, individuals, nonprofit organizations, leas, Lowry, R. L., 395–3772.

Social Security Administration, affidavit for foreign student SN, SSA–4200, on occasion, school officials, Caywood, D. P., 395–3443.

Office of Education, application for grant for equipment and materials to improve undergraduate instruction, Title VI–A HEA, OE 3600, annually, institutions of post-secondary education, Lowry, R. L., 395–3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
CSA visits to HUD-insured nursing homes, single-time, selected nursing home staff and residents, community and veterans' affairs division, Sunderhauf, M. B. 395–3532.
Utilization of three HHW Funded Programs by local housing authorities, HUD 51E2, semiannually, local housing authorities, community and veterans' affairs division, Sunderhauf, M. B., 395–3532.

DEPARTMENT OF THE INTERIOR

Bureau of Outdoor Recreation, willingness to pay user fees for recreation—citizen survey, BOR–S–209, single-time, households in each of the four census regions, Lowry, R. L., 395–3772.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, crops yield inquiry (New York, North Carolina), annually, farmers, Lowry, R. L., 395–3772.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration:
Summary of work orders (inspection by REA field engineer), REA 771, on occasion, Harry B. Sheftel.
Summary of construction completed by line extension contract (inspection by REA field engineers), REA 778, on occasion, REA telephone borrowers, Harry B. Sheftel.

Food and Nutrition Service, regulations—Donation of food commodities for use in United States (Part 250), on occasion, State distributing agency, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Bureau of Census:
Electric lamps (bulbs only), MQ–36B, quarterly, manufacturing establishments, Peterson, M. O., 395–5631.
Pumps and compressors—annual report, MA–35P, annually, manufacturing establishments, Peterson, M. O., 395–5631.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, enrollment data report—education in librarianship, OE 3095, 3096, 3097, annually, institutions of higher education, Lowry, R. L., 395–3772.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Medical report (diabetes mellitus) in connection with application for Federal employment, CSC 3684, on occasion, diabetics who have applied for Federal service, Marsha Traynham, 395–4529.

FEDERAL RESERVE SYSTEM

Interest rates charged on selected types of loans made during the calendar week ended, FR 835A, FR 835B, weekly, commercial banks, Marsha Traynham, 395–4529.
Quarterly supplement to the monthly survey on interest rates charged on selected types of loans, FR 835C, quarterly commercial banks, Marsha Traynham, 395–4529.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, application for payment (National Wool Act), CCC1155, on occasion, wool producers, Marsha Traynham, 395–4529.

Food and Nutrition Service:
Regulation—financial assistance for distribution of federally donated commodities, on occasion, State agency and/or county or political subdivision, Marsha Traynham, 395–4529.
Report of program operations and costs, and status of funds, WIC program, FNS 187, monthly, State agencies, Lowry, R. L., 395–3772.

Economic Research Service, letter of inquiry concerning farm real estate tax trends in current year, annually, selected tax experts in each State, Hufett, D. T., 395–4730.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis:
Transactions with foreign subsidiary or affiliated corporation, BE–577, quarterly, U.S. multinational corporations, Marsha Traynham, 395–4529.
Transactions of U.S. businesses with foreign holders of 25 percent of reporters voting securities, BE–606, quarterly, U.S. subsidiaries of foreign multinationals, Marsha Traynham, 395–4529.
Transactions of U.S. branches or subsidiaries of foreign insurance companies with foreign parent or home office, BE 606–1, annually, U.S. subsidiaries of foreign multinationals, Marsha Traynham, 395–4529.
Transactions of U.S. branches or agencies of foreign banking firms with home offices, BE–606B, quarterly, U.S. branches of foreign multinationals, Marsha Traynham, 395–4529.
Transactions of U.S. branches or other unincorporated U.S. business with foreign home office, BE 606, quarterly, U.S. branches of foreign multinationals, Marsha Traynham, 395–4529.
Transactions with foreign subsidiaries and branches of U.S. motion picture companies, BE–35, quarterly, U.S. multinational companies, Marsha Traynham, 395–4529.
Domestic trading leased relating to crude oil produced by foreign affiliates, BE–578 (P), quarterly, U.S. multinational corporations, Marsha Traynham, 395–4529.
Transactions of foreign subsidiaries or branches of U.S. insurance companies, BE–5781, annually, U.S. multinational corporations, Marsha Traynham, 395–4529.
Operations of foreign branches of U.S. banking firms, BE 578B, quarterly, U.S. multinational corporations, Marsha Traynham, 395–4529.
Operations of foreign branches or other unincorporated foreign business of U.S. reporters, BE 578, quarterly, U.S. multinational corporations, Marsha Traynham, 395–4529.
Transactions with associated foreign enterprises transactions of primary foreign organization with secondary foreign organization, BE–577A, annually, U.S. multinational corporations, Marsha Traynham, 395–4529.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, application for federal assistance; instruction for parts B and/or C, Title IV, Pub. L. 92–318, OE 267, on occasion, Indian tribes, organizations, educational agencies and Indian Leas, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-26213 Filed 9-29-75;8:45 am]

POSTAL RATE COMMISSION

[Docket No. R76–1; Order No. 83]

POSTAL RATE AND FEE CHANGES, 1975

Order Designating a Presiding Officer and an Officer of the Commission, Establishing Date of Prehearing Conference and Establishing Proceedings

SEPTEMBER 26, 1975.

On September 19, 1975, the Postal Rate Commission (hereinafter Commission) issued a Notice[1] stating that the United States Postal Service (hereinafter Postal Service or Service) had filed a Request (September 18, 1975) for a recommended decision on changes in rates and fees for postal services.

I. APPOINTMENT OF PRESIDING OFFICER

In furtherance of the Commission's expeditious consideration of the Request and pursuant to section 30(b) of the Commission's rules of practice [39 C.F.R. § 30(b)], the Commission will conduct the prehearing conferences and hearings en banc. Clyde S. DePont, Chairman, will be presiding officer in such proceedings [39 C.F.R. §§ 3001.5(e); 3001.23]. An initial prehearing conference will be held on October 22, 1975, and, if necessary, October 23, 1975. The conference will commence each day at 10:00 a.m. at the Postal Rate Commission's hearing room, suite 500, 2000 L Street, N.W., Washington, D.C. 20268, and shall be on the record and a transcript made except where the presiding officer determines otherwise.

II. APPOINTMENT OF THE OFFICER OF THE COMMISSION

The Officer of the Commission (OOC) designated to represent the general public[2] in this proceeding will be Norman D. Schwartz, Assistant General Counsel (Litigation). During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor any such personnel will participate in nor advise as to any Commission decision in the case.[3] The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice [39 C.F.R. § 3001.10 (c)].

III. PROCEDURES FOR EXPEDITION

Section 3624 of the Postal Reorganization Act (39 U.S.C. § 3624), as well as section 24 of the Commission's rules of practice (39) C.F.R. § 3001.24), provides that the Commission is to conduct its proceedings and issue a recommended decision with the utmost practicable expedition consistent with fairness to the

[1] The Notice was published in the FEDERAL REGISTER on September 24, 1975 (40 Fed. Reg. 44043).
[2] *See* 39 U.S.C. § 3624(a).
[3] *See* 39 C.F.R. § 3001.8.

V 40 190 SEP 3075 XUM

parties. In order to do so, we are issuing the present detailed order so that all those who contemplate participating in this case (even though not yet admitted) will have ample time to prepare for the prehearing conference.

In this regard, the Commission directs the attention of the parties, and of petitioners for leave to intervene or be heard as limited participators, to section 24(d) of the Commission's rules of practice which sets forth the matters which the presiding officer and the participants shall consider and resolve at the prehearing conference. All participants are required and expected to appear at the prehearing conference fully prepared to discuss in detail and resolve these matters. Additionally, participants will have an opportunity to comment on the attached list of suggested procedural guidelines and proposed special rules of practice and should be authorized to make commitments with respect thereto. *See* Attachment A. Before the close of the prehearing conference, participants will also have the opportunity to make opening statements, if they so desire.

In the past, our rules regarding discovery have been leniently enforced on occasion. For example, time limitations have been waived and extended (particularly for completion of discovery) in so many instances that considerable delay of the proceedings has resulted. Because we are determined to accelerate the conduct of this case, as the statute requires, and because the recent trial and decision of our previous rate case have given us a body of useful experience which we anticipate will guide us in this proceeding, we plan to adhere as strictly as possible to the procedural requirements and filing deadlines set out in our rules of practice. The parties should therefore—from the outset of this proceeding—make certain that they have provided adequate resources for the prompt preparation of and response to all discovery requests.

In furtherance of this objective, we have tentatively decided on a procedure to be followed in case answers to discovery requests are not forthcoming within the prescribed time. If a motion to compel responses is not answered by a demonstration of cogent and convincing reasons for delay, the presiding officer will prescribe a time at which the witness to whom the discovery requests were addressed will be produced for oral examination on the subject matter of such requests. This examination will be conducted in parallel with the main hearings, before special presiding officers[4] to be designated by the Commission for that purpose. The special presiding officer will record any objections made, together with his proposed disposition thereof, and transmit both to the Chairman acting in his capacity as presiding officer of the main hearing. A transcript will be made of any such examination, and the responding witness may be represented by counsel. We expect that such ancillary proceedings will accelerate the obtaining of responses (which would otherwise have to be pursued by written pleadings and motions), while not requiring the main proceedings to be halted.

While we are not at this time specifying any procedures for the taking of depositions in parallel with the principal hearing, the parties and the presiding officer will consider their use when appropriate to hasten responses to discovery requests and where attendance of a special presiding officer may not be required.

All participants should give careful consideration to expediting this proceeding and in connection therewith review the proposed schedule of procedural stages. *See* Attachment B. This schedule will be discussed at the prehearing conference for the purpose of fixing target dates for completion of each stage. For the information of the participants wishing to propose estimated completion dates for each stage, it is noted by the Commission that evidentiary hearings in Docket No. R74–1 were held on 46 days. Given this experience—and that of Docket R71–1 which had approximately 64 hearing days—we are of the view that the total time needed to develop the requisite evidentiary record herein should not exceed a period of 6 months. Accordingly, we tentatively plan to close the record in these proceedings by March 30, 1976.

The requirements of the Act demand expedited proceedings, coupled with procedural fairness. We must respond accordingly. We would also alert the parties that our intention to expedite this proceeding applies with equal force to the briefing stage following the close of the record. Parties should therefore be prepared to propose a briefing schedule consonant with this policy. *See* Attachment B.

In determining that a six-month hearing schedule is prima facie sufficient, and that a relatively short briefing schedule will likely be appropriate, we are also guided by the fact that postal rate proceedings are no longer in the prototype stage. Thus, we anticipate eliminating from consideration certain subjects which were before us in earlier rate proceedings.

While we are not prepared at this time to make specific exclusions, we are of the view, for example, that little if any discussion of *general* cost theory will be required in this docket. The guidelines laid down in Docket No. R74–1 will be generally adhered to. We do not contemplate either assembling a record or issuing a decision on broad general aspects of cost theory.

Similar comments apply to the use of demand analysis to distribute nonattributable costs, in accordance with the general principles laid down in Docket No. R74–1. We regard those principles as largely settled, and will entertain proposed refinements and corrections as part of the present record, but not overall critiques or defenses of the general theory adopted in that proceeding.

However, we would emphasize that it is not our intention at this time to rule on any proposed evidentiary presentation. That would be premature action on our part. Nonetheless, it is our view that parties should carefully associate testimony concerning economic theory and demand analysis with specific applications thereto—including rate design. Thus, discussion of theory in these areas may still be appropriate if it relates to specific matters such as the proper attribution of a given cost segment, or a challenge to an allegedly erroneous application of the general volume variability theory.

IV. Prehearing Conference Statements

In preparation for the initial prehearing conference, each participant should serve a document captioned "Prehearing Conference Statement" on or before October 20, 1975, containing the following:

1. A suggested list which states with particularity the issues the party believes should be addressed in this case. (Asterisks, denoting those issues on which the party intends to present evidence, should precede the stated issue.)

2. A statement of the participant's tentative position on each of the proposed issues.

3. A brief statement describing for each issue the evidence, if any, the participant proposes to introduce.

4. A legal memorandum, where appropriate, in support of the issues proposed, the positions taken, the evidence to be presented and other legal matters which should be considered.

5. Any other matter the participant believes should be pursued at the prehearing conference.

Prior to the initial prehearing conference, all participants are encouraged informally and promptly to inform the Postal Service of desired preliminary clarification in the Service's presentation which each participant believes necessary in order to expedite this proceeding.

V. Discovery

The Commission directs the attention of all participants to the provisions of sections 25, 26 and 27 of the rules of practice (39 C.F.R. §§ 3001.25, 3001.26, 3001.27) establishing the availability of, and the rules for, discovery procedures. The discovery process is one aspect of rate proceedings which we particularly wish to expedite. Interrogatories must be answered promptly so that the expedited hearing program we are adopting here can function effectively.

In an effort to reduce or obviate certain peripheral discovery by the parties, the Commission will entertain proper oral motions requesting an opportunity to engage in a limited amount of "preliminary cross examination" of Postal Service witnesses during prehearing conferences. In this regard, the Service is requested to have its witnesses present and be able to provide for the record the requested clarifications or any other relevant information which might be requested at the prehearing conference.[5] A similar "preliminary cross examination" session for clarification of the presentation's of the participants will be held following the filing of other participants' cases.

As stated, it is our desire that this type of clarifying questioning will help reduce the length of the formal discovery period by disposing of purely informational requests on the record during prehearing conferences. Preliminary cross examination, however, should be requested only where a party is of the view (and can persuasively demonstrate) that the expected responses are an essential part of the hearing record. Normally, participants should use informal off-the-record conference techniques to the maximum extent possible. In this connection, we would request the Postal Service to file periodically, *e.g.*, every two weeks, (1) a listing of information given to parties in response to informal requests and (2) a copy of the information to be lodged in the dockets section of the Postal Rate Commission. This procedure will avoid duplicative requests from participants for identical information. It will be optional for other participants to follow this procedure because, unlike the Service, they are not usually the source of "data base" information.

The Commission orders: (A) The Commission will sit en banc, with Clyde S. DuPont, Chairman, as presiding officer, in the above-captioned proceeding.

(B) A prehearing conference, regarding which a Notice of Proceeding was published in the Federal Register on September 24, 1975 (40 Fed. Reg. 44043), will be held on October 22, 1975, and October 23, 1975, at 10:00 a.m. each day in the Postal Rate Commission hearing room, suite 500, 2000 L Street, N.W., Washington, D.C. 20268. The Conference will be held for the purposes specified in section 24 of the Commission's rules of practice (39 C.F.R. § 3001.24) and in this order, and to afford all participants in the proceeding an opportunity to be heard with respect to the procedures to be followed in expeditiously determining the issues to be resolved in Docket No. R76–1. The conference proceedings shall be recorded by an official reporter except where otherwise directed by the presiding officer.

(C) Norman D. Schwartz, Assistant General Counsel (Litigation) is hereby designated as the Officer of the Commission to represent the general public in this proceeding. Service of documents on the Commission shall not constitute service on the OOC who shall separately be served three copies of all documents.

By the Commission.

[SEAL] JAMES R. LINDSAY,
Secretary.

[4] Analogous procedures are found in the judiciary where Special Masters sometimes are appointed by a court for the hearing of particular matters. *See* F.R.C.P. Rule 53.

[5] Such requests might, for example, be for workpapers, sources of numbers used, explanations or demonstrations of mathematical processes employed, etc. We contemplate that any extensive responses would be provided in writing, but any inquiry which can be answered immediately by a witness should be so disposed of.

Attachment A

Part I: Proposed Special Rules of Practice[6]

Grouping. Participants with common interests or positions in this proceeding should group themselves to make a joint presentation including oral representation, briefing, and presentation of evidence. Such grouping will be without derogation to the right of any party to present a separate point of view where his position differs from that of the group in which he is participating.

Discovery. The discovery procedures set forth in the Commission's order herein are not exclusive. The parties will be expected also to engage in informal discovery wherever possible to clarify exhibits and testimony. The results of such efforts may be introduced into the record by stipulation, supplementary testimony, or exhibit, by presenting selected written interrogatories and answers for adoption by a witness at the hearing or other appropriate means.

Case-in-Chief. The case-in-chief of all participants shall be in writing and shall include the participant's direct case and its rebuttal, if any, to the United States Postal Service's case-in-chief. It should be accompanied by legal memoranda, where appropriate.

Exhibits. Exhibits should be self-explanatory. They should contain appropriate footnotes or narrative explaining the source of each item of information used and the methods employed in statistical compilations. The principal title of each exhibit should state what it contains and may also contain a statement of the purpose for which the exhibit is offered; however, such a statement will not be considered part of the evidentiary record. Where one part of a multi-page exhibit is based on another part, as on another exhibit, appropriate cross references should be made. Relevant exposition should be included in the exhibit or given in the accompanying testimony.

Official Notice. Parties requesting official notice should refer to the page and paragraph of such material and should furnish copies of the referenced item for the record and for other parties.

Special Service and Dates. Interrogatories and answers thereto should be served on the Commission, the Officer of the Commission (three copies), on the complementary party, and on any other party so requesting.

Follow-up interrogatories should be served within five days of receipt of the answer to the prior interrogatory unless a good reason is stated.

Written cross-examination will be utilized whenever possible, to introduce factual or statistical evidence. Written cross-examination should be served three days before the announced appearance of a witness on the Commission, on the Officer of the Commission (three copies), on the witness' counsel, and on any participant to requesting.

Oral cross-examination will be permitted for testing assumptions, conclusions, or other opinion evidence. However, requests for permission to conduct oral cross-examination must be made in advance, accompanied by (1) specific references to the subject matter to be examined, and (2) page references to the relevant direct testimony. Requests by participants for oral-cross examination should be served three days before the announced appearance of a witness on the Commission, on the Officer of the Commission (three copies), on counsel for the witness, and on any participant so requesting.

General. Argument will not be received in evidence. It is the province of the lawyer, not the witness. It should be presented in brief or memoranda.

New affirmative matter (not in reply to another party's direct case) should not be included in rebuttal testimony or exhibits.

Cross-examine will be limited to testimony which is adverse to the participant wishing to cross-examine.

Legal memoranda, where appropriate, will be welcome at any stage of the proceeding.

Part II: Suggested Procedural Guidelines

1. All parties will be expected to reference their exhibits and the testimony of their witnesses to one another and where inconsistencies between testimony or numerical figures appear, such inconsistencies are to be explained.

2. Parties will be required to sponsor as exhibits workpapers which were relied on for the purpose of proposing rates or for challenging the proposed rates of another party or the Postal Service.

3. Any participant who proposes a rate or set of rates will be expected to calculate all appropriations implied by such proposals. The participant will also be expected to show through workpapers or testimony how such appropriations were calculated. (See *e.g.*, The Commission's Recommended Decision in Docket No. R74–1, Appendix L.)

4. The Postal Service and all other participants will be expected to demonstrate in a specific, cogent manner the relationship of proposed rates to the ratemaking criteria of the Postal Reorganization Act. Generalized statements that a particular rate meets the ratemaking criteria of the Act will be considered non-responsive.

5. The Postal Service and all participants will be expected to fully document all phases of their presentation and to provide all studies relied on in the presentation of each case-in-chief or rebuttal of other participants' presentations. Where studies or documents are primarily relied on as the basis of a proposed rate or rates, the participant relying on such material will be expected to sponsor the material as an exhibit.

6. Documents and studies which are prohibitively expensive to reproduce for use by each participant, or which are

[6] In the main, these special rules of practice have been utilized effectively in past administrative proceedings before the Commission and we propose their continued use.

V 40 190 SEP 30 75 XUM

prohibitively voluminous, shall be filed in the docket section of the Postal Rate Commission and shall be sponsored as an exhibit by the participant. The filed documents should receive both (1) a hearing Exhibit number and (2) a "PRC lib. ref." number.

7. Volume data presented by the Service and all participants shall be provided by class and subclass.

8. The Postal Service shall provide detail as to the specific nature and the dollar amount of the various items in each cost segment on both a "before" and "after rate" basis.

9. Hearings on the Postal Service's proposed rate changes will be commenced immediately following that part of the discovery process relating to the Service's proposed changes.

ATTACHMENT B

SCHEDULE OF PROCEDURAL STAGES*

Month-day-year	
9-18-75	Rate request filed.
9-26-75	Order designating a presiding officer and an Officer of the Commission, establishing date of prehearing conference and establishing proceedings.
10-3-75	Petitions to intervene or be heard as a limited participator to be filed.
10-9-75	Answers to petitions to intervene or be heard as a limited participator to be filed.
10-14-75	Order disposing of petitions to intervene or be heard as a limited participator.
10-20-75	Participants to file statement of issues, evidence to be presented and any appropriate legal memoranda.
10-22-75	Initial prehearing conferences to be held for the purposes set forth in this order and section 24(d) of the rules of practice [39 C.F.R. § 3001.24(d)].
----------	Completion of initial discovery phase related to the submittal of interrogatories (and other discovery) for information needed to cross-examine Postal Service's witnesses. (Answers due ---------).
----------	Completion of discovery procedures directed to the Postal Service (and other participants, as necessary) for information needed by intervenors for their direct and rebuttal evidentiary presentations. Answers due ---------).
12-22-75	Filing of the case-in-chief of.
----------	Beginning of hearings, *i.e.*, cross-examination, on the Postal Service's case-in-chief. each participant (including that of OOC).
----------	Conferences for the purpose of clarification of each participant's case.
----------	Completion of initial discovery phase for submittal of interrogatories (and other discovery) related to the preparation of (1) cross examination of participants' cases and (2) discovery process directed to the participants for information needed by Postal Service and others for rebuttal. (Answers due ---------).
----------	Completion of evidentiary hearings as to the Service's case-in-chief.
----------	Beginning of evidentiary hearings as to the case-in-chief of each participant.
----------	Completion of the evidentiary hearings as to the case-in-chief of each participant.
----------	Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross examination).
----------	Beginning of evidentiary hearing on rebuttal evidence.
3-30-76	Close of the evidentiary record.
----------	Initial briefs filed.
----------	Reply briefs filed.

*The blanks for the dates are to be filled in during the Commission Prehearing Conference on October 22, 1975.

[FR Doc.75-26166 Filed 9-29-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11669; File Nos. SR-MSTC-75-1; SR-MCC-75-1]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Schedule of Charges for Services

In the matter of the Midwest Stock Exchange, Inc., with respect to the Schedule of Charges for Services Rendered by Midwest Securities Trust Company and Midwest Clearing Corporation; Proposed Rule Change by Midwest Securities Trust Company and Midwest Clearing Corporation.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 2, 1975, the Midwest Stock Exchange, Inc. filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change Section 1 of Rule 13 of the Midwest Securities Trust Company Rules and Section 1 of Rule 19 of the Midwest Clearing Corporation Rules provide that the respective Board of Directors shall adopt, and may from time-to-time amend, a non-discriminatory schedule of charges for services rendered. Pursuant to these provisions, the Executive Committee of the Board of Governors has adopted the following charges:

Proposed MST system schedule of charges

Service charges	MCC	MSTC
Regular participant account	$40.00	$100.00.
Distribution (out-of-town participants)	$25.00	$25.00.
Minimum account-billing for all services (exclusive of re-billed costs)	$250.00	
Trade recording:		
CNS, trade-for-trade or *PDP* system:		
Round lot	$0.50/trd	
Mixed lot	$0.50/trd	
Odd lot	$0.10/trd	
Other exchange (interface) incoming	No charge	
Other exchange (interface) outgoing	$0.50/trd	
Other exchange CSE, DSE and OCC service charge	$0.10/trd	
Total charge (specialist accounts only):		
1—1,000 trades	$0.83/trd	
1,001—2,000 trades	$0.74/trd	
2,001—4,000 trades	$0.65/trd	
4,001—8,000 trades	$0.56/trd	
8,001—over trades	$0.47/trd	
Settlement services:		
Special security movement (SSM):		
Delivery (item charge plus 4 cents per 1,000 in value, with a maximum charge of $3.50 on value.).	$1.00 (A, C)	
Receipt	$1.00	
OTC envelope delivery	$1.00 (A, C)	
Receipt	$0.50	
CNS interactivity delivery, long		$0.50.
Interactivity, short		$0.50.
Trade for trade items:		
Delivery	$1.00	(C).
Receipt	$0.50	(C).
Note:		
(A) Deposits 11:00 a.m. to 11:30 a.m	$5.00	
(B) Deposits 11:30 to 5:30 for next day credit	$0.25	
(C) Reclamation/correction	$5.00	
(D) Shipping charge at cost		

Proposed MST system schedule of charges—Continued

Service charges	MCC	MSTC
Trade for trade PDP items:		
Delivery	$1.00	(C).
Receipt	$0.50	(C).
Member to member stock loan:		
Delivery (loan or return of loan)	$1.00	
Receipt	$0.50	
Dividend settlement service:		
Claimant	$0.50	
Recipient	$0.25	
Participant Delivery Service (PDP):		
Trade input	$0.50	
Acknowledgement (plus normal trade recording and settlement charges).	$0.50	
Depository services:		
Certificate deposits to clearing free (001):		
(Including deliveries against MCC short value positions)		$0.50 (A, B, C).
To loan free (002)		$0.50 (A, B, C).
To depository free (003)		$0.50 (A, B, C).
Safekeeping:		
Each issue with free or pledge position		$0.45 per issue per month.
Depository delivery instruction (D.D.I.):		
Inter-participant delivery		$0.55 (C).
Inter-participant receipt		$0.55 (C).
Intra-participant delivery		$0.55 (C).
Withdrawal street request		$1.75 (C).
Withdrawal demand request		$2.00.
Standing instructions (D.D.I. Physical Withdrawal):		
Primary account		$200.00 per month.
Secondary account (used in conjunction with a primary account) (Plus normal withdrawal or D.D.I. charges).		$50.00 per month.
Depository input satellites:		
Normal deposit charge (plus appropriate Discharges)		(D).
Note:		
(A) Deposits, 11:00 a.m. to 11:30 a.m	$5.00	
(B) Deposits, 11:30 to 5:30 for next day credit	$0.25	
(C) Reclamation/correction	$5.00	
(D) Shipping charge at cost		
Dividends:		
Automatic entry	$0.25	
Position and/or trade for trade "fail" pos	$0.25	
Automatic entry for record date free pos		$0.25.
Transfer:		
Transfer withdrawal request		$0.95 per item (C).
Accommodation transfer		$2.50 per item (C).
Legal Accommodation transfer		$7.00 per item (C).
Automatic stock loan charge (optional service charge)		
Loan value position (charged on daily average value)	$0.0009 per D.A.V.	
Collateral Loan Program:		
Service charge (local, out-of-town account)	$25.00 per month	
Service charge (specialist, trading account)	$50.00 per month	
Loan charge (all accounts) collateral loan:		
Pledge	$1.50 per item	
Release	$1.50 per item	
Special services:		
Correspondent delivery and collection service:		
(CDCS)	$5.00 per item	(C, D).
Correspondent receipt and payment service (CRPS):		
New York	$10.00 per item	(C, D).
Chicago	$5.00 per item	(C).
Underwriting service:		
New York	$15.00	(C, D).
Chicago	$15.00	(C, D).
Member to member loans:		
Request	$5.00	(C, D).
Mandatory	$10.00	(C, D).
Special settlement options:		
D.D.I. allocation (D.D.I. Hook)		$25.00 per month.
D.D.I. allocation (D.D.I. Hook, "Z" accounts)		$50.00 per month.
Automatic segregation allocation (buy transactions only)		$25.00 per month.
All forms will be re-billed to firms as ordered at cost plus shipping charges.		
Note:		
(A) Deposits, 11:00 a.m. to 11:30 a.m	$5.00	
(B) Deposits, 11:30 to 5:30 for next day credit	$0.25	
(C) Reclamation/correction	$5.00	
(D) Shipping charge at cost		

Statement of basis and purpose. The basis and purpose of the foregoing proposed rule change is as follows:

Purpose of proposed rule change. The change in prices is not designed as a price increase, except in the Automatic Stock Loan and forms areas, but a restructuring designed to facilitate efficient clearing and depository interfaces. The secondary objective of these changes is to relate the charges directly to the costs of providing the individual services.

Basis under the act for proposed rule change. The proposed rule change is intended to comply with Section 17(b)(3)(D) of the Securities Exchange Act of 1934 in order to "provide for the equitable allocation of reasonable dues, fees and other charges among its participants."

Comments received from members, participants, or others on proposed rule change. No comments have been received from participants or members.

Burden on competition. No burden has been placed on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Midwest Stock Exchange, Inc. All submissions should refer to the file numbers referenced in the caption above and should be submitted on or before October 21, 1975.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 23, 1975.

[FR Doc.75-25855 Filed 9-29-75;8:45 am]

[Release No. 34-11675; File No. SR-CBOE-1975-3]

CHICAGO BOARD OPTICNS EXCHANGE, INC.

Proposed Rule Change by Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 19, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed amendment to Section 6.1 of the Chicago Board Options Exchange, Incorporated ("CBOE") Constitution would increase the number of Directors on the CBOE Board of Directors from fifteen to twenty-one and would require that the composition be as follows: the Chairman, Vice Chairman, and the President, 3 public directors, at least 6 individual members who primarily conduct their business on the floor of the CBOE, control their own memberships and are in business for themselves; at least 6 individuals that are executive officers of member organizations (of which officers at least 3 shall be members) who individually are not primarily engaged in business on the floor of the CBOE and of which at least 3 must have as their principal place of business a location which is more than 80 miles from Chicago; and 3 individual members who may function in any recognized category either individually

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or on behalf of a member organization.

The proposed amendment to Section 6.3 of the Constitution ensures that if an executive officer of a member organization ceases to be employed by the member organization, he will resign his position on the Board.

The proposed amendment to Section 5.3 of the Constitution extends the present methodology of counting ballots to accommodate the new requirements proposed in the amendments to Section 6.1. These provisions ensure that the minimum number of people in the various categories reflected in the proposed revisions to Section 6.1 will be represented on the Board even if such persons do not receive a plurality of votes.

The proposed amendment to Section 4.5 of the Constitution reduces the required number of signatures which a candidate petitioning to run for the Board of Directors or the Nominating Committee needs to obtain from the number found by determining 10% of the total membership to that of no less than 100 members. In addition, instead of requiring that all petitions be submitted no later than 20 business days prior to the annual election, the proposed amendment extends the last date for submission of a petition to November 15.

The proposed amendment to Section 4.3 of the Constitution specifically places an obligation on the members of the Nominating Committee to choose candidates for the Board of Directors and for the Nominating Committee that not only meet the requirements contained in Section 6.1, but also that reflect the various interests represented among the membership of the CBOE.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed changes to the CBOE Constitution is to 1) increase the number of individuals able to participate on the Board and widen the representation of the various interests engaged in business on the CBOE on the Board of Directors; 2) revise the provisions concerning resignation, disqualification and removal of directors to reflect the proposed changes in Board composition; 3) revise the balloting procedures to ensure that the representation required by virtue of the foregoing change in Board composition is effected; 4) facilitate the process through which a member can petition to become a candidate for the Board of Directors or the Nominating Committee by reducing the number of signatures required and by lengthening the time within which petitions can be filed; and 5) place a specific obligation on the Nominating Committee to choose candidates for the Board of Directors and for the Nominating Committee which reflect the various membership interests.

In accordance with Section 6(b)(3) of the Securities Exchange Act of 1934, as amended, the CBOE proposes amending Section 6.1 of its Constitution so that a greater representative portion of its members may participate as members of the Board of Directors. In addition to the above statutory directive, the unprecedented growth in the CBOE membership mandates that the CBOE not only expand the number of members on its Board from 15 to 21, but that also a minimum number of people reflecting various CBOE membership categories be required to be elected. Consequently in order to achieve a fair representative cross section from its membership on the Board, the proposed Constitutional changes provide for at least six individual members that are primarily engaged in floor activities who own or control their own membership, at least six executive officers of member organizations (of which officers at least three shall be members) who individually are not primarily engaged in floor activities and of which at least three shall have a principal place of business more than 80 miles from Chicago, and three members who may function in any recognized member capacity. In addition to the above, the CBOE Constitution will continue to require that the Board include a Chairman and a Vice Chairman, the President of the CBOE, as well as three public directors.

The CBOE believes that members of its prior Board of Directors have reflected a fair representation of its members. However, since the Constitutional provisions specifying the number and composition of the Board were created prior to the CBOE's inception, the size and complexion of today's membership suggest that the within proposed changes be implemented in order to preserve the fairness of member representation which the Board has previously enjoyed.

This concept of ensuring balanced representation among the members of the CBOE on the Board of Directors extends to the changes proposed in the Resignation, Disqualification and Removal, Counting of Ballots, Nomination by petition and Nominating Procedure, i.e. Section 6.3, 5.3, 4.5 and 4.3 of the Constitution, respectively. The proposed revisions in the Resignation, Disqualification and Removal section of the Constitution ensure that if a director ceases to be an executive officer of a member organization, such director will resign. In this way, another executive officer of a member organization may be elected as a director and preserve the balance of the Board.

The proposed revisions in the Counting of Ballots section of the Constitution preserve the representational mandates contained in the above described proposed revisions to Section 6.1. This is accomplished by providing that a minimum number of persons from specific categories be elected each year, notwithstanding that such persons do not receive a plurality of the votes cast.

The liberalization of the provisions of the section of the Constitution concerning Nomination by Petition further facilitates a member's ability to become a candidate, and, if he receives the required number of votes, a member of the Board. By providing that a petition candidate secure fewer signatures for a valid petition and have a longer period of time within which to obtain such signatures, the proposed Constitutional revisions reduce the constraints placed upon those who would circulate a petition.

The proposed revisions to the section of the Constitution regarding the Nominating Procedure results in obligating the members of such Committee to choose candidates for the Board and that Committee in accordance with the provisions of Section 6.1 and in a manner that reflects the various interests represented on the Exchange. Consequently, any non-adherence to such obligations would invite petition candidates who could, under the proposed revisions to Section 4.5 of the Constitution, more easily than ever before find their way onto the ballot for the election of directors. Through this petition process a check-and-balance would be introduced into the provisions of the Nominating Procedures section, since petition candidates most often come forth when members believe that persons other than those slated by the Nominating Committee would provide greater balance to the various interests represented on the Board.

The above Constitutional revisions have been proposed as a result of CBOE's belief that fair representation of its members in the selection of its directors and the administration of its affairs is necessary to maintain and continue the viability of the CBOE and maximize the CBOE's responsiveness to the needs of the investing public and the membership community as a whole. Consequently, the CBOE believes the above proposed revisions are consistent with the protection of investors and the public interest and in accordance with the provisions of the Securities Exchange Act of 1934, as amended.

Comments from the CBOE membership will be manifested in the form of the vote taken at the Special Meeting called for October 6, 1975 to determine whether the above proposed Constitutional revisions should be implemented.

It is the position of the CBOE that the proposed Constitutional revisions will not impose any burden on competition.

On or before November 4, 1975, or within such longer period (i) as the Commission may designate until December 29, 1975, if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 30, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 24, 1975.

[FR Doc.75-26058 Filed 9-30-75;8:45 am]

[Release No. 34-11674; File No. SR-CBOE-1975-2]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Rule Change by Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 10, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change reflects the adoption of the following new policy pertaining to the selection of underlying securities for options transactions on CBOE:

Interpretations and Policies. [new] 5.3.01 At the time it selects an underlying security for options transactions, the Securities Committee shall determine from information publicly available at the Securities and Exchange Commission that the following conditions with respect to the issuer of the underlying security are met:

1. The issuer and its consolidated subsidiaries had a net income, after taxes but before extraordinary items net of tax effect, of at least $250,000 for each of the last three fiscal years.

2. The issuer and its subsidiaries have not during the past three years defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long-term leases.

3. The issuer has been subject to and has complied in all respects, including timeliness, with the requirements of Sections 13 and 14 of the Securities Exchange Act of 1934 for a period of at least the last three fiscal years.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of policy statement 5.3.01 is to provide additional standards to be applied by CBOE's Securities Committee in connection with its approval of underlying securities for options transactions. The selection of underlying securities is presently governed by standards set forth in an agreement between CBOE, the American Stock Exchange, PBW Stock Exchange, and The Options Clearing Corporation. These standards, which are not affected by policy statement 5.3.01 and will remain in effect, relate to the number of outstanding shares or other units, the number of holders, and the trading volume of underlying securities. In addition, prior to the effectiveness of policy statement 5.3.01, CBOE had agreed that it would not select an underlying security for options trading if at the time of such selection The Options Clearing Corporation had been advised by the SEC that the issuance of listed options in respect of such underlying security would require the Clearing Corporation to make special disclosures in the registration statement filed by the Clearing Corporation under the Securities Act of 1933 or in any prospectus forming a part thereof concerning the organization, business or financial condition of the issuer of such underlying security. Based on the then existing position of the SEC Division of Corporation Finance, such agreement had the practical effect of requiring that the issuers of underlying securities would, subject to certain exceptions, generally meet the requirements for the registration of securities on Form S-7 under the Securities Act of 1933. Since then, the SEC has proposed modifying the requirements for the use of Form S-7 in certain respects (Securities Act of 1933 Release No. 5013). Policy statement 5.3.01 reflects certain of the proposed modifications as to the use of Form S-7, and also reflects the inclusion of these standards as a stated policy of CBOE. The effect of the change will be to make eligible certain securities the issuers of which did not meet the earlier S-7 requirements, while at the same time to continue to provide standards for the selection of underlying securities.

CBOE believes that it is in the public interest and consistent with the protection of investors to provide objective standards for the selection of underlying securities, and policy statement 5.3.01 is designed to provide such standards relating to the issuers of underlying securities.

Comments were neither solicited nor received concerning policy statement 5.3.01.

CBOE believes that no burden on competition will be occasioned by policy statement 5.3.01. At present all exchanges which trade options have identical selection standards. Policy statement 5.3.01 relates to CBOE's selection of underlying securities, and any other exchange is free to adopt these or different standards, subject to the procedures of the Securities Exchange Act of 1934.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 30, 1975.

For the Commission by the Division of Market Regulation, pursuant to the delegated authority.

SEPTEMBER 24, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-26059 Filed 9-30-75;8:45 am]

[Rel. No. 8952 (812-3857)]

CONNECTICUT MUTUAL LIFE INSURANCE CO. AND CML ACCUMULATION ANNUITY ACCOUNT E

Notice of Application

SEPTEMBER 24, 1975.

NOTICE IS HEREBY GIVEN that Connecticut Mutual Life Insurance Company ("Company"), a Connecticut mutual life insurance company, and CML Accumulation Annuity Account E ("Account"), 140 Garden Street, Hartford, Connecticut 06115, a separate account of the company registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company (collectively referred to as "Applicants") have filed an application on September 3, 1975, pursuant to Section 6(c) of the Act for an order of exemption from Sections 14(a), 17(f), and 27(c)(2) of the Act and Rule 17f-2 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Account was established by the Company as the facility through which the Company will segregate and invest assets attributable to certain individual accumulation annuity contracts issued in connection with (1) plans meeting the requirements of Sections 403(b) or 408 of the Internal Revenue Code of 1954, as amended ("Code") (2) plans established by persons entitled to the benefits of the Self-Employed Individuals Tax Retirement Act of 1962, as amended, commonly known as H.R. 10, and (3) other plans qualified under Section 401(a) or 403(a) of the Code. It will also be used to segregate and invest assets attributable to a group variable annuity contract to be issued to the Agent's Retirement Plan of the Company.

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Section 14(a). Section 14(a) prohibits an investment company from making a public offering of its securities unless it either has a net worth of at least $100,000, has made a previous public offering of its securities at which time it had a net worth of at least $100,000, or has made firm agreements with no more than 25 responsible persons to purchase sufficient securities to bring its net worth to at least $100,000 prior to the time other members of the public purchase securities. Rule 14a–2 provides an exemption from the provisions of Section 14(a) for a registered separate account offering tax-benefited variable annuity contracts which may be purchased in connection with a plan which meets the requirements for qualification under Section 401 of the Code, the requirements for deductions under Section 404(a)(2) of the Code, or are contracts which meet the requirements of Section 403(b) of the Code. Under the Rule, a sponsoring insurance company is precluded from knowingly placing non-tax-benefited money in such account at any time in the future. The Rule is available to such account only if, at the commencement of the offering, the establishing insurance company possesses a combined capital and surplus if a stock company, or unassigned surplus if a mutual company, of $1,000,000.

Although the Account will include assets attributable to annuity contracts issued in connection with plans meeting the requirements of Section 408 of the Code, Applicants believe that the operations of the Account fall within the spirit and purpose of Rule 14a–2 and that the Company meets the requirements of that Rule. The Company had an unassigned surplus of $141,668,000 as of December 31, 1974. To avoid any question as to the applicability of Rule 14a–2 to Applicants, however, Applicants request an exemption from the provisions of Section 14(a) to the extent necessary to permit the accumulation annuity contracts, including those offered in conjunction with plans adopted pursuant to Section 408 of the Code, to be offered prior to the time the Account has obtained a net worth of $100,000. Applicants request the exemption on the grounds that the tax treatment afforded assets arising from tax-benefited separate accounts varies from payments made under other variable annuity contracts. A privately contributed $100,000 in such account, therefore, requires separate accounting, and the Account would be subject to the same administrative and other difficulties which led to the adoption of Rule 14a–2.

Section 17(f)(3) and Rule 17f–2. Section 17(f)(3) provides that a registered management investment company may maintain its securities and similar investments in its own custody, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f–2 requires, with certain exceptions, that all securities and similar investments must be deposited in the safekeeping of a bank or other company whose functions and physical facilities are supervised by federal or state authorities and that access to the securities be limited to certain specified persons.

Applicants state that the vault maintained by the Company is similar to the vaults maintained by most banks and the Company keeps therein securities and similar investments of a value of approximately one billion dollars. Furthermore, the Company's procedures and activities in this respect are closely supervised by the Connecticut Commissioner of Insurance. Accordingly, Applicants request an exemption from Section 17(f) and Rule 17f–2 to the extent necessary to permit the Company to maintain custody in its vault of the securities and other similar investments held in the Account, and to permit not more than twenty duly authorized officers or responsible employees of the Company, as well as representatives of the Connecticut Commissioner of Insurance, members of the National Association of Insurance Commissioner's duly designated zonal auditing committee and selected responsible members of the Company's internal audit team to have access to such securities and similar investments of the Account on the grounds that adequate protection will be afforded to accumulation annuity contract owners.

Section 27(c)(2). Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the net proceeds of all payments (except amounts deducted for sales load) are deposited with a bank having the qualifications prescribed by Section 26(a)(1) and are held by a bank as trustee or custodian under an agreement containing, in substance, the provisions of Section 26(a)(2) and (3). Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants request an exemption from Section 27(c)(2) to permit the proceeds of all payments under the accumulation annuity contracts to be held by the company on the grounds that its status as a regulated insurance company, and its obligations as an insurance company to its accumulation annuity contract owners, substantially provide the protection contemplated by the requirements of Section 27(c)(2). Applicants have consented to the requested exemption being made subject to the following conditions: (1) that the charges to accumulation annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of the Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act and Rules promulgated thereunder if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 20, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such a request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavdit or in the case of an attorney at law by certificate) shall be filed contemporaneous with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following such date unless the Commission orders a hearing on request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–26056 Filed 9–29–75;8:45 am]

[Release No. 34–11676; File No. SR–NYSE–75–2]

NEW YORK STOCK EXCHANGE, INC.

Proposed Rule Change by Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975) notice is hereby given that on September 19, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

It is proposed that the first sentence of Section 2.1 of Article II of the By-Laws of The Depository Trust Company (DTC), a wholly-owned subsidiary of New York Stock Exchange, Inc., be amended as follows:

The entire Board shall consist of [fourteen] *fifteen* directors until changed as hereinafter provided.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

3. *Purpose of Proposed Rule Change.* The purpose of the proposed rule change is to increase the number of directors of DTC to fifteen, the maximum number of directors presently permitted to DTC.

4. *Basis under the Act for Proposed Rule Change.* Not Applicable.

5. *Comments Received from Members, Participants or Others on Proposed Rule Change.* Comments on the proposed rule change were not solicited.

6. *Burden on Competition.* None.

On or before November 4, 1975, or within such longer period (i) as the Commission may designate until December 29, 1975 if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 21, 1975.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 24, 1975.

[FR Doc.75–26057 Filed 9–29–75;8:45 am]

DEPARTMENT OF LABOR

Office of Employee Benefits Security

PENSION AND WELFARE PLANS

Annual Information Returns/Reports

CROSS REFERENCE: For a document on this subject, see FR Doc. 75–25927, under the notices section of this issue; under the Treasury Department/Internal Revenue Service, as Part V of this issue.

Office of the Secretary

[TA–W–60]

ARMOR ELEVATOR CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–60: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 24, 1975 in response to a worker petition received on June 20, 1975 by the International Association of Machinists and Aerospace Workers on behalf of workers formerly producing elevator component parts at the Woodside, New York plant of the Armor Elevator Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 28142) on July 3, 1975. No public hearing was requested and none was held. An amended petition was filed on July 25, 1975.

The information upon which the determination was made was obtained principally from officials of the Armor Elevator Company, its customers, the International Trade Commission, the Department of Commerce, the National Elevator Industries Incorporated and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

Employment at the Woodside plant declined 17 percent in the first seven months of 1975 compared with the first seven months of 1974.

Sales or Production, or Both, Have Decreased Absolutely

Sales for the Armor Elevator Company declined 84 percent in the first half of 1975 compared to the first half of 1974.

Increased Imports Contributed Importantly

Imports of articles like or directly competitive with those produced at the Woodside plant of Armor Elevator decreased in value from $5,971,000 in 1973 to $3,799,000 in 1974. Imports remained at constant value levels in the first quarter of 1975 compared to the first quarter of 1974. The ratios and imports to domestic consumption and production decreased from 1.1 percent and 1.1 percent, respectively in 1973 to .8 percent and .7 percent in 1974.

The evidence developed by the Department's investigation indicates that the separation of workers engaged in production of the Armor Elevator Company was not caused by the transfer of production to Canada nor by increased imports of products like or directly competitive with those produced at the Woodside plant. The separation of workers resulted from decreased orders for elevators and escalators due to the sharp decline in commercial construction.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with elevator component parts produced at the Woodside, New York plant of the Armor Elevator Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 23rd day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75–26115 Filed 9–29–75;8:45 am]

[TA–W–85]

DUNBAR PATTERN CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–85; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 15, 1975 in response to a worker

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petition received on July 14, 1975 which was filed by the Boot and Shoe Workers Union (AFL–CIO) on behalf of workers formerly producing shoe patterns at the St. Louis, Missouri plant of Dunbar Pattern Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30765) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dunbar Pattern Company, its major customers, industry analysts, the U.S. International Trade Commission, the U.S. Department of Commerce, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant Total or Partial Separations

Employment levels at the St. Louis plant declined steadily from January 1975 to July 1975, when the plant closed. Average monthly employment declined 80 percent during that period.

Sales or Production, or Both, Have Decreased Absolutely

Sales of shoe patterns produced at the St. Louis plant declined steadily since 1972. Sales declined 52 percent from 1972 to 1974 and declined 36 percent in the first seven months of 1975 compared to the same period of 1974.

Increased Imports Contributed Importantly

Articles like or directly competitive with shoe patterns made at the St. Louis plant are not imported into the United States.

The evidence developed in the Department's investigation indicates that the three largest customers of the St. Louis plant, which accounted for about two thirds of plant sales, began to produce most or all of their shoe patterns internally after purchasing computerized grading machines for that purpose. As a result, these customers sharply reduced purchases from the St. Louis plant. The sharp reduction in purchases by the plant's major customers combined with the company's inability to find new customers, prompted the decision to terminate production at the St. Louis plant.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shoe patterns produced by the St. Louis, Missouri plant of Dunbar Pattern Company did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 12th day of September 1975.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.75–26116 Filed 9–29–75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[AB 19 (Sub-No. 15)]

ALLEGHENY & WESTERN RAILWAY CO.

Abandonment

In the matter of Allegheny & Western Railway Company, Buffalo, Rochester and Pittsburgh Railway Company and the Baltimore & Ohio Railroad Company, abandonment portion Rural Valley Branch between Echo and Margaret, in Armstrong County, Pennsylvania.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Armstrong County, Pa., on or before October 10, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 11th day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 19 (Sub-No. 15)]

ALLEGHENY & WESTERN RAILWAY COMPANY, BUFFALO, ROCHESTER AND PITTSBURG RAILWAY COMPANY AND THE BALTIMORE & OHIO RAILROAD COMPANY ABANDONMENT PORTION RURAL VALLEY BRANCH BETWEEN ECHO AND MARGARET, IN ARMSTRONG COUNTY, PENNSYLVANIA

The Interstate Commerce Commission hereby gives notice that by order dated September 11, 1975, it has been determined that the proposed abandonment by the Allegheny & Western Railway Company, Buffalo, Rochester and Pittsburg Railway Company and the Baltimore & Ohio Railroad Company of a portion of the Rural Valley Branch between Echo and Margaret, in Armstrong County, Pennsylvania, if approved by the Commission does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because it would not be inconsistent with local land use plans, the volume of traffic over the line has been low, and the diversion of rail traffic to local roadways would not be significantly detrimental to environmental quality in the subject area. Any plans for the future extraction of fossil fuel reserves which would utilize the line proposed for abandonment are not at this time considered to be definitive.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–2066.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 24, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75–26139 Filed 9–29–75;8:45 am]

[Notice No. 869]

ASSIGNMENT OF HEARINGS

SEPTEMBER 25, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 123407 Sub 217, Sawyer Transport, Inc., now assigned November 17, 1975, at Denver, Colo., is canceled and application dismissed.

MC 117883 Sub 200, Subler Transfer, Co., now assigned November 17, 1975, at Columbus, Ohio, is canceled and application dismissed.

MC 51146 (Sub-No. 434), Schneider Transport, Inc., application dismissed.

MC 140611, Harkema Express Lines Ltd., now being assigned November 17, 1975 (8 days) at Buffalo, New York; in a hearing room to be later designated.

MC 140946 Sub 1, Tyson Express, Inc., now being assigned November 4, 1975 (1 day) at Kansas City, Missouri; in Room 609, 911 Walnut Street.

MC 114818 Sub 17, Motor Cargo, now being assigned November 4, 1975 (14 days) at Salt Lake City, Utah; in a hearing room to be designated later.

MC 133655 Sub 84, Trans-National Truck, Inc., now being assigned November 17, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135082 Sub 17, Bursch Trucking, Inc., d/b/a Roadrunner Trucking, Inc., now being assigned November 17, 1975 (2 days) at Denver, Colorado; in Room 269 (Auditorium) P.O. Building 19th & Stout Streets.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–26135 Filed 9–29–75;8:45 am]

[Ex Parte 241; Rule 19, 8th Rev. Exemption 99]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Exemption Under Mandatory Car Service Rules

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA," "GB," "GD," "GH," "GS," and "GW," which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, Reporting Marks: CNJ.
Florida East Coast Railway Company, Reporting Marks: FEC.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
Illinois Terminal Railroad Company, Reporting Marks: ITC.
Louisiana & Arkansas Railway Company, Reporting Marks: LA.
Maine Central Railroad Company, Reporting Marks: MEC.
Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY-MKT-MKTT.
Penn Central Transportation Company, (Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees), Reporting Marks: PC-PRR-NYC.
Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.
Union Pacific Railroad Company, Reporting Marks: UP.

Effective September 24, 1975.

Expires November 30, 1975.

Issued at Washington, D.C., September 17, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75–26137 Filed 9–29–75;8:45 am]

[Notice No. 88]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 30, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 20, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75959. By order of September 24, 1975, the Motor Carrier Board approved the transfer to William G. Lankford II, Pocomoke City, Maryland, of Certificate Nos. MC 127003 (Sub-No. 1) and MC 127003 (Sub-No. 3), issued December 13, 1965 and March 6, 1973, respectively, to John W. Lankford, Pocomoke City, Maryland, authorizing the transportation of feed, feed supplements and grain products, from Seaford, Del., to the plant site of J. Miles Lankford, Inc., at or near Pocomoke City, Md., and malt beverages, from Williamsburg, Va., to Berlin and Salisbury, Md. Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005 ATTORNEY FOR APPLICANTS.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–26133 Filed 9–29–75;8:45 am]

[Notice No. 107]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 23, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no singificant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107403 (Sub-No. 949TA), filed September 3, 1975. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate clay*, in bulk, in tank vehicles, from: Little Rock, Ark. to: Bastrop, La., for 180 days. Supporting shipper(s): Stauffer Chemical Company, Westport, Conn. 06880. Send protests to:

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Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa.

No. MC 109397 (Sub-No. 320TA), filed September 10, 1975. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, Suite 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular expanded or foamed plastic carpet cushion, in rolls*: From the plantsite of Burton-Dixie Corporation, Blacksburg, S.C., to points in and East of Minnesota, Iowa, Missouri, Arkansas and Louisiana, for 180 days. Supporting shipper(s): Sponge-Cushion, Inc., 988 Armstrong Street, Morris, Ill. 60450. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOP, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110325 (Sub-No. 66TA) (Correction), filed June 6, 1975, previously published in the FEDERAL REGISTER issues of June 19, 1975, July 2 and 29, 1975, and September 2, 1975 under the assigned docket number and No. MC 141159TA, and republished this issue. Applicant: TRANSCON LINES, a Corporation, 101 Continental Blvd., El Segundo, Calif. 90245. Applicant's representative: Jerome Biniasz, P.O. Box 92220, Los Angeles, Calif. 90009. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Grand Rapids, Mich. and Muskegon, Mich. including points within its Commercial Zone, serving the intermediate point of Grand Haven, Mich.: (1) From Grand Rapids over Interstate Highway 96 to Muskegon, and return over the same route; (2) From Grand Rapids over Michigan Highway 45 to junction Michigan Highway 11, thence over Michigan Highway 11 to junction Interstate Highway 96, thence over Interstate Highway 96 to Muskegon (also over Interstate Highway 96 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon), and return over the same route; (3) From Grand Rapids over Michigan Highway 45 to junction U.S. Highway 31, thence over U.S. Highway 31 to Muskegon, and return over the same route, for 180 days. Restriction: The operations sought herein are restricted to shipments transported by the carrier to and from points on its authorized routes in the United States west of the states of Minnesota, Iowa, Missouri, Arkansas and Louisiana. Joinder: Applicant states that this request for authority will be joined with its existing authority at Grand Rapids, Mich. Supporting shippers: There are 27 statements attached to the applications which may be examined at the Interstate Commerce Commission, Washington, D.C., or the ICC Field Office named below. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 110420 (Sub-No. 743TA), filed September 12, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonium sulphate*, in bulk, in hopper-type vehicles, from Burns Harbor, Ind., to Cudahy, Wis., for 180 days. Supporting shipper(s): Cudahy Tanning Co., Cudahy, Wis. 53110 (John Conway, Vice President). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 110420 (Sub-No. 744TA), filed September 12, 1975. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink and varnish*, in bulk, in tank vehicles, from the plantsite of Flint Ink Corp. at New Albany, Ind., to Mattoon and Chicago, Ill., Louisville, Ky., Corinth, Miss., New York, N.Y., Cincinnati and Cleveland, Ohio, Gallatin and Memphis, Tenn., and Dallas, Tex., for 180 days. Supporting shipper(s): Flint Ink Corporation, 25111 Glendale Avenue, Detroit, Mich. 48239 (H. M. Rossano, Traffic Manager). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 110525 (Sub-No. 1130TA), filed September 15, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid citric acid*, in bulk, in tank vehicles, from Elkhart, Ind., to Cincinnati, Ohio, for 180 days. Supporting shipper(s): Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 110525 (Sub-No. 1131TA), filed September 15, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and washing compounds*, in bulk, in tank vehicles, from Garland, Tex., to Kentwood, La., and Conway, Ark., for 180 days. Supporting shipper(s): Economic Laboratory, Inc., 2305 Sherwin Road, Garland, Tex. 75041. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 110525 (Sub-No. 1132TA), filed September 15, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19050. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonium sulphate*, in bulk, in hopper-type vehicles, from Burns Harbor, Ind., to Cudahy, Wis., for 180 days. Supporting shipper(s): Cudahy Tanning Co., Cudahy, Wis. 53110 (John Conway, Vice President). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 110525 (Sub-No. 1133TA), filed September 15, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19050. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic amines*, in bulk, in tank vehicles, from Reserve, La., to McIntosh, Ala., for 180 days. Supporting shipper(s): Southeastern Chemical Corporation, P.O. Drawer Y, Reserve, La. 70084. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111231 (Sub-No. 196TA), filed September 12, 1975. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, mineral wool, mineral wool products and materials, insulated air ducts, roofing materials, insulating products and materials, including products necessary in the installation thereof*, (1) between Pauline, Kans., and Kansas City, Kans.; (2) from Pauline, Kans., to all points and places in Nebraska, Arkansas, Texas, Mississippi, Louisiana, Tennessee and Oklahoma; for 180 days. Supporting shipper(s): Owens-Corning Fiberglas Company, Fiberglas Tower, Toledo, Ohio 43659. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 112822 (Sub-No. 386TA), filed September 11, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little St., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles and materials* used in the manufacturing of gift packages (except commodities in bulk), from Long Beach, Los Anegles, San Francisco, Calif., and Seattle, Wash., to the facilities of Figi's, Inc., at or near Marshfield, Wis., for 180 days. Supporting shipper(s): Figi's, Inc., James E. Coleman, Traffic Manager, 2525 Roddis Ave., Marshfield, Wis. 54449. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 115730 (Sub-No. 5TA), filed September 11, 1975. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site of Nucor Steel Division of Nucor Corporation, located at or near Norfolk, Nebr., to points in Kansas, Minnesota, Illinois, Wisconsin, Michigan, Missouri, Iowa, and Indiana, for 180 days. Supporting shipper(s): Nucor Steel Division, Nucor Corporation, P.O. Box 309, Norfolk, Nebr. 68701. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 119726 (Sub-No. 62TA), filed September 9, 1975. Applicant: N.A.B. TRUCKING CO., INC., 3220 Bluff Road, Indianapolis, Ind. 46217. Applicant's representative: H. Frederick Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated cartons*, K. D. from the facilities of the Weyerhaeuser Company at or near Omaha, Nebr., to Logansport, Ind., for 180 days. Supporting shipper(s): Weyerhaeuser Company, 100 South Wacker Drive, Chicago, Ill. 60606. Send protests to: Frances Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 119789 (Sub-No. 266TA), filed September 12, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., 1612 E. Irving Blvd., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformers and parts*, from Arcadia, Fla., to Louisiana and Texas, for 180 days. Supporting shipper(s): Central Maloney Transformer Division, Colt Industries, Inc., P.O. Box 6608, Pine Bluff, Ark. 71601. Send protests to: Transportation Assistant Opal M. Jones, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 128746 (Sub-No. 24TA), filed September 15, 1975. Applicant: D'AGATA NATIONAL TRUCKING CO., INC., 3224-44 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related advertising materials*, from Latrobe, Pa., to Laconia, Berlin, Keene and Manchester, N. Hamp., for 180 days. Supporting shipper(s): Latrobe Brewing Company, P.O. Box 350, 119 Jefferson Street, Latrobe, Pa. 15650. Lake City Beverage, Inc., 360 Court Street, P.O. Box 487, Laconia, N.H. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 138469 (Sub-No. 19TA), filed September 11, 1975. Applicant: DONCO CARRIERS, INC., 641 North Meridian, Oklahoma City, Okla. 73107. Applicant's representative: William L. Peterson, Jr., 401 N. Hudson, Suite 200, P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bedroom furniture*, including, but not limited to, bed frames, boards, mattresses, chairs, dressers and nightstands, from Guthrie, Okla., to points in Arizona, California, Nevada, Oregon, Utah and Washington. Carrier does not intend to tack with present authority, nor interline with another carrier, for 180 days. Supporting shipper(s): Oklahoma Furniture Manufacturing Co., L. M. Poer, General Manager, P.O. Box 700, Guthrie, Okla. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240—Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 138844 (Sub-No. 7TA), filed September 12, 1975. Applicant: GAS INCORPORATED, 87 Industrial Ave., East, Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, P.O. Box 4327, Jersey City, N.J. 07304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodity: Liquified Natural Gas*, in bulk, in vacuum insulated cryogenic tank trailers, From: Baltimore, Md. To: Providence, R.I., for 180 days. Supporting shipper(s): U.G.I. Corporation, 225 Morgantown Rd., Reading, Mass. 19611. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 140580 (Sub-No. 2TA), filed February 25, 1975, published in the FR issue of May 6, 1975, and republished as amended this issue. Applicant: EARL HAINES, INC., P.O. Box 841, Winchester, Va. Applicant's representative: Ball R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, Ga. 30339. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, from Winchester and Timberville, Va., and Martinsburg, W. Va., to points in Alabama, Georgia, Florida, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; (2) *Canned and preserved foodstuffs*, from points in Lincoln County, N.C., to points in Alabama, Georgia, Florida, Kentucky, North Carolina, South Carolina, Tennessee, Virginia and West Virginia and (3) *Materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodities named in (1) and (2) above, from points in Alabama, Georgia, Florida, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia to points in Lincoln County, N.C., for 180 days. Supporting shipper: National Fruit Products Co., Inc., P.O. Box 609, Winchester, Va. 22601. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 317, 12th & Constitution Ave. NW., Washington, D.C. 20423.

No. MC 140849 (Sub-No. 3TA), filed September 10, 1975. Applicant: ROBERTS TRUCKING CO., INC., U.S. Highway 271 South, P.O. Box G, Poteau, Okla. 74953, Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabrics, piece goods and materials and supplies* used in the manufacture of clothing (except commodities in bulk, in tank vehicles), from North Carolina, South Carolina, and Georgia, to Pauls Valley, Idabel, and Frederick, Okla., under a continuing contract or contracts with Kellwood Company, for 180 days. Supporting shipper(s): Kellwood Company, Box 656, Pauls Valley, Okla. 73075. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

APPLICATION OF PASSENGERS

No. MC 138146 (Sub-No. 2TA), filed September 11, 1975. Applicant: OLYMPIC TRAILS BUS COMPANY, INC., 50 So. 20th St., Irvington, N.J. 07111. Applicant's representative: John T. Hildemann, P.O. Box 4327, Jersey City, N.J. 07304, and John R. Sims, 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, consisting of 49 or 51 passenger buses equipped with air conditioning and lavatory facilities, From: Newark, N.J. to Waterbury, Conn., Washington, D.C., Boston, Mass., the International Boundaries between the U.S. and Canada at or near Champlain, N.Y. (to Montreal), and Niagara Falls (to Toronto), New York, N.Y., Greenville, N.C., Atlanta, Ga., Cleveland & Columbus, Ohio, Philadelphia, and Lancaster County, Pa., Lake City, S.C., and Richmond, Va., for 180 days. Supporting shipper(s): There are approximately eight (8) statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor R. E. Johnston, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-26136 Filed 9-29-75;8:45 am]

[Notice No. 106]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 24, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the

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provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3268 (Sub-No. 50TA), filed September 15, 1975. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Cleveland, Ohio, to Greensboro and Fayetteville, N.C., for 180 days. Supporting shipper: Carolina By-Products Co., Inc., David S. Evans, Vice President, P.O. Box 20687, Greensboro, N.C. 27420. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 10, 502 Federal Bldg., 400 N. 8th St., Richmond, Va. 23240.

No. MC 30844 (Sub-No. 552TA), filed September 15, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical and surgical supplies* requiring protective service in vehicles equipped with mechanical refrigeration, from Sumter, S.C., to New York City and Commercial Zone; Atlanta, Ga.; Chicago, Ill.; Dallas, Tex., and Los Angeles, Calif.; and Parsippany, N.J., for 180 days. Supporting shipper: Becton, Dickinson and Company, Rutherford, N.J. 07070. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 63417 (Sub-No. 77TA), filed September 18, 1975. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Jacksonville, Fla., and its Commercial Zone, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Oklahoma, and West Virginia, for 180 days. Supporting shipper: American Modular Furniture Corporation, 15500 Phillips Highway, Rt. 8, Box 72, Jacksonville, Fla. 32224. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Ave. SW., Roanoke, Va. 24011.

No. MC 96925 (Sub-No. 5TA), filed September 15, 1975. Applicant: JACKSONVILLE TRANSFER AND STORAGE, INC., 127 Willowbranch Ave., Jacksonville, Fla. 32205. Applicant's representative: Gregory A. Presnell, 17th Floor, CNA Bldg., P.O. Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring the use of special equipment), between Ocala and Tampa, Fla., serving no intermediate points, from Ocala over State Road 200 to Junction of Interstate Highway 75, thence over Interstate 75 to Tampa and return, serving all points in Pinellas County as off-route points, and points within the commercial zone of Tampa. Applicant intends to join at Ocala with existing authority, for 180 days. Supporting shippers: There are approximately 16 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 107010 (Sub-No. 58TA), filed September 17, 1975. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, Nebr. 68305. Applicant's representative: John T. Clark (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Falls City, Nebr., to points in Iowa, Missouri, and Kansas, for 180 days. Supporting shipper: J. J. Stefanec, Manager of Transportation Legislation, Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Max Johnston, District Supervisor, 285 Federal Bldg., & U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 107295 (Sub-No. 775TA), filed September 16, 1975. Applicant: PREFAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, frames, and door and door frame parts and hardware*, from Richmond, Ind., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Delaware, Maryland, Virginia, the District of Columbia, Pennsylvania, West Virginia, Ohio, Michigan, and Illinois, for 180 days. Supporting shipper: R. E. Imperial, V.P. & General Mgr., Johnson Metal Products, 633 South H St., Richmond, Ind. 47374. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 108676 (Sub-No. 84TA), filed September 15, 1975. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Ave. NE., Knoxville, Tenn. 37917. Applicant's representative: A. A. Metler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Damaged, used, or returned shipments of signs, and sign parts*, from points in the United States (except Alaska and Hawaii), to Knoxville, Tenn., for 180 days. Supporting shipper: A & E Plasti-Line, Emory Road, P.O. Box 5068, Knoxville, Tenn. 37918. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 110563 (Sub-No. 160TA), filed September 9, 1975. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Booker, Tex., to points in Illinois, Indiana, Ohio, Michigan, Kentucky, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and Washington, D.C., for 180 days. Supporting shipper: Masters Dressed Beef, Box 290, Booker, Tex. 79005. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 111729 (Sub-No. 573TA), filed September 16, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood, and blood components, derivatives, and supplies*, from Wilkes Barre, Pa., to East Orange, Elizabeth, Summit, Trenton, and points in Passaic County, N.J.; Buffalo and Port Jervis, N.Y.; and Cleveland, Ohio, for 180 days. Supporting shipper: N.E. Pennsylvania Red Cross Blood Center, 156 S. Franklin St., Wilkes Barre, Pa. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 574TA), filed September 16, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Television film and video tape*, (a) between Atlanta, Ga., on the one hand, and, on the other, Chattanooga, Knoxville, Memphis, and Nashville, Tenn.; (b) between New York, N.Y., on the one hand, and, on the other, points in New York; parts (a) and (b) are restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 180 days. Supporting shipper: Jet Air Freight, 248-06 Rockaway Blvd., Jamaica, N.Y. 11422. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113828 (Sub-No. 230TA), filed September 15, 1975. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Bldg. West, 1819 H St. NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peanut oil*, in bulk, from Suffolk, Va., to Fort Smith, Ark., for 180 days. Supporting shipper: Standard Brands Incorporated, 625 Madison Ave., New York, N.Y. 10022. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Ave. NW., Room 317, Washington, D.C. 20423.

No. MC 113855 (Sub-No. 327TA), filed September 15, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: James M. Sanden, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Plywood paneling*, from Cucamonga, Calif., to points in Minnesota, for 180 days. Supporting shipper: Abitibi Corporation, Building Products Division, 3250 W. Big Beaver Road, Troy, Mich. 48084. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 113908 (Sub-No. 351TA), filed September 16, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry sand and foundry sand additive*, in bulk, from Granite City, Ill., to Albertville, Ala., and Chattanooga, Tenn.; (2) from Belle Fourche, S. Dak., to Maumee, Cleveland, Columbus, and Cincinnati, Ohio; Chattanooga, Tenn.; Louisville, Ky.; and Buffalo, N.Y., for 180 days. Supporting shipper: American Colloid Company, P.O. Box 228, Skokie, Ill. 60076. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 352TA), filed September 16, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale St., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrate*, in bulk, from North East, Pa., to Atlanta, Ga., for 180 days. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113981 (Sub-No. 12TA), filed September 9, 1975. Applicant: VEGAS TRUCKING & MOVING, INC., 2853 Cedar St., Las Vegas, Nev. 89104. Applicant's representative: V. J. Hunt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, petroleum products, in bulk and commodities requiring special equipment), over regular routes, serving the mine operated by Tenneco Oil Co., at or near Ryan, Calif., and the mill operated by Tenneco Oil Co., in Nye County, Nev., and the mine and mill operated by Industrial Mineral Ventures, Inc., in Nye County, Nev., as off-route points in connection with applicant's regular route service in Certificate No. MC 113981, issued November 24, 1972, between Las Vegas, Nev., and Bakersfield, Calif., with the right to interline at the commercial zone of Las Vegas, Nev.; and (2) *mining and milling equipment and supplies and non-metallic ore concentrates*, in bags and containers (except in bulk), over irregular routes, between points in Nye County, Nev., and points in California. Applicant intends to interline with other carriers at Las Vegas, Nev., for 150 days. Supporting shippers: Tenneco Oil (A Tenneco Company) Tennaco Bldg., P.O. Box 2511, Houston, Tex. 77001. Industrial Mineral Ventures, Inc., 5920 McIntyre St., Golden, Colo. 80401. Send protests to: Robert G. Harrison, District Supervisor, 203 Federal Bldg., 705 N. Plaza Street, Carson City, Nev. 89701.

No. MC-117068 (Sub-No. 52TA), filed September 15, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418 North Highway 63, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silos, loading and unloading devices, waste storage tanks, livestock feeding systems and parts and accessories*, from Sand Springs, Okla., to points in Minnesota, Kansas, Nebraska, Montana, North Dakota, South Dakota, Wisconsin, Missouri, Illinois, Michigan, Indiana, Ohio, Kentucky, New York, and Pennsylvania, restricted to traffic moving on self-unloading equipment; (2) *Unloading devices*, from Mishawaka and Silver Lake, Ind., to Sand Springs, Okla.; (3) *Silo filler pipe*, from Lafayette, Ind., and Long Lake, Minn., to Sand Springs, Okla.; and (4) *Fiberglass roof sections*, from Tripoli, Iowa and Lake Mills, Wis., to Sand Springs, Okla., for 180 days. Supporting shipper: American Farm Systems, Div., of Southwest Porcelain, Inc., P.O. Box 8, Sand Springs, Okla. 74063. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118142 (Sub-No. 99TA), filed September 12, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, and electric batteries spent, and materials and supplies* used in the manufacturing or distribution of electric storage batteries, and advertising materials, (1) from Indianapolis and Frankfort, Ind.; Owensboro, Ky.; Raytown, Mo.; and Dallas and Tyler, Tex.; to Salina, Kans.; (2) from Salina, Kans., to points in Arizona, Colorado, Indiana, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, for 180 days. Supporting shipper: General Battery Corporation, 259 Spring Valley Road, Reading, Pa. 19604. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 118142 (Sub-No. 100TA), filed September 3, 1975. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry dog food* (except in bulk), from the plant

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and warehouse of Sunshine Feed Mills, Inc., Red Bay, Ala., and Tupelo, Miss., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Louisiana, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and West Virginia, for 180 days. Supporting shipper: Sunshine Feed Mills, Incorporated, Red Bay, Ala. 35582. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 126305 (Sub-No. 72TA), filed September 16, 1975. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and wood particleboard*, from Pine Hill (Wilcox County), Ala., to points in Minnesota, Iowa, Missouri, Arkansas and Louisiana, and points in all states east thereof; (2) *Lumber*, from Opelika (Lee County), Ala., to points in Minnesota, Iowa, Missouri, Arkansas and Louisiana and points in all states east thereof, for 180 days. Supporting shipper: Mac Millan Bloedel, Inc., 12th Floor, Brown Marx Bldg., Birmingham, Ala. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 126555 (Sub-No. 36TA), filed September 16, 1975. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, S. Dak. 57701. Applicant's representative: Barry C. Burnette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates*, (1) from points in Butte, Fall River, Lawrence, Meade, and Pennington Counties, S. Dak., to points in Wyoming, and Nebraska and (2) between points in Colorado, for 180 days. Supporting shipper: Dakota Block Company, Box 2920, Rapid City, S. Dak. 57701. Pete Lien & Sons, Inc., P.O. Box 449, Rapid City, S. Dak. 57701. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 133106 (Sub-No. 52TA), filed September 15, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: James C. McCarty (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is manufactured and distributed by Warner-Lambert *and related advertising material* moving in vehicles equipped with mechanical refrigeration, from the plantsites and storage facilities utilized by Warner-Lambert at or near S. Brunswick, N.J., and Philadelphia, Pa., to the storage facilities utilized by the Warner-Lambert Co., at Milwaukie, Oreg.; Anaheim, Calif.; Grand Prairie, Tex.; Rockford and Elk Grove Village, Ill., under a continuing contract or contracts with Warner-Lambert Company, for 180 days. Supporting shipper: Warner-Lambert Company, 201 Tabor Road, Morris Plains, N.J. 07950. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kan. 67202.

No. MC 134535 (Sub-No. 5TA), filed September 16, 1975. Applicant: CASALE CONTRACT CARRIERS, INC., 130 Meadow Road, P.O. Box 1393, Edison, N.J. 08817. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as are dealt in by a retail sporting goods house, and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except in bulk, in tank vehicle), between Carteret, N.J., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia, under a continuing contract or contracts with Herman's World of Sporting Goods, for 180 days. Supporting shipper: Herman's World of Sporting Goods, Div., of W. R. Grace & Co., 2 Germack Drive, Carteret, N.J. 07008. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 134535 (Sub-No. 6TA), filed 58-000, fol. 1385, 31-10, Sept. 29

No. MC 134535 (Sub-No. 6 TA), filed September 16, 1975. Applicant: CASALE CONTRACT CARRIERS, INC., 130 Meadow Road, P.O. Box 1393, Edison, N.J. 08817. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet and cushioning*, from Trenton, N.J., Fairless Hills and Philadelphia, Pa., to points in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia and the District of Columbia, under a continuing contract or contracts with General Felt Industries, Inc., for 180 days. Supporting shipper: General Felt Industries, Inc., Park 80 Plaza West-One, Saddle Brook, N.J. 07662. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136590 (Sub-No. 2TA), filed September 17, 1975. Applicant: MOUNTAINEER TRUCK LINE, INC., P.O. Box D960, Darien, Ga. 31305. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shoes;* (2) *Materials and supplies* used in the manufacture of shoes, (1) from Newport, N.H., to points in the United States (except Alaska and Hawaii); (2) from points in the United States (except Alaska and Hawaii), to Newport, N.H., under a continuing contract or contracts with Altama Delta Corporation, for 180 days. Supporting shipper: Altama Delta Corporation, U.S. Highway 17, Darien, Ga. 31305. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 136668 (Sub-No. 1TA), filed September 16, 1975. Applicant: ROGERS VINEGAR COMPANY, INC., West Olive at Frisco Tracks, Rogers, Ark. 72756. Applicant's representative: James B. Blair, 111 Holcomb St., Springdale, Ark. 72764. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ethyl alcohol*, in bulk, from the plantsite and warehouses of Union Carbide Corporation at Texas City, Tex., to the plantsite and warehouses of Standard Brands, Inc., at Nixa, Mo., for 180 days. Supporting shipper: Standard Brands, Inc., Standard Brands Bldg., 625 Madison Ave., New York, N.Y. 10022. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 139475 (Sub-No. 1TA), filed September 8, 1975. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and facilities of MBPXL Corp., at or near Friona and Plainview, Tex., to Chicago, Ill. and points in the Commercial zone of Chicago, Ill., for 180 days. Supporting shipper: MBPXL Corp., Box 910, Plainview, Tex. 79872. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 139882 (Sub-No. 2TA), filed September 12, 1975. Applicant: GLEN M. BARNEY, doing business as GLEN BARNEY & SONS, 198 North Third East, Salina, Utah 84654. Applicant's representative: D. Michael Jorgensen, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Sevier, Emery and Carbon Counties, Utah, to the Navajo Power Plant at or near Page, Ariz., for 180 days. Supporting shipper: Wacon Chemicals Company, P.O. Box 1287, Cheyenne, Wyo. 82001. Send protests to: Lyle D. Gelfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 139885 (Sub-No. 2TA), filed September 12, 1975. Applicant: ART J. ROBINSON, doing business as ART ROBINSON & SONS, 95 North 2nd East, Salina, Utah 84654. Applicant's representative: D. Michael Jorgensen, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Sevier, Emery and Carbon Counties, Utah, to the Navajo Power Plant at or near Page, Ariz., for 180 days. Supporting shipper: Wacon Chemicals Company, P.O. Box 1287, Cheyenne, Wyo. 82001. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 141323 (Sub-No. 1TA), filed September 15, 1975. Applicant: TRAILER MARINE TRANSPORT CORPORATION, 1045 Bond Ave., Jacksonville, Fla. 32203. Applicant's representative: Leo C. Franey, 702 World Center Bldg., 918 16th St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, commodities in bulk, and commodities which because of size or weight require the use of special equipment), between points in the Jacksonville, Fla., commercial zone, including Jacksonville, restricted to the transportation of traffic having a prior or subsequent movement by water. Applicant intends to interline at Jacksonville, Fla., for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 141322TA, filed September 12, 1975. Applicant: MONTGOMERY X-RAY TRANSPORTATION, INC., 13310 Dove Street, Silver Spring, Md. 20904. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *X-Ray scanning machines and parts, materials and supplies therefor*, when moving with the X-Ray Scanning Machines, and materials and supplies necessary for the manufacture and installation of the X-Ray Scanning Machines on return, in specially designed X-Ray Scanning Machine vehicles, from the plantsite and storage facilities of Pfizer Medical Systems, Inc., in Montgomery County, Md., to points in the United States (except Alaska and Hawaii). Restriction: Restricted against the transportation of commodities in bulk, under a continuing contract with Pfizer Medical Systems, Inc., for 180 days. Supporting shipper: Pfizer Medical Systems, Inc., P.O. Box 4212, Silver Spring, Md. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., NW., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 141330TA, filed September 16, 1975. Applicant: MALCOLM POWELL, doing business as POWELL TRUCKING, Route 1, Lumber City, Ga. 31549. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber;* (2) *Materials and supplies* used by a lumber manufacture, (1) from Lumber City, Ga., to points in Alabama, Florida, Georgia, Delaware, Kentucky, Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia; (2) from points in the states named above to Lumber City, Ga., under a continuing contract or contracts with Allied Timber Company, Inc., for 180 days. Supporting shipper: Allied Timber Company, Inc., 9619 Eastport Road, Jacksonville, Fla. 32218. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-26134 Filed 9-29-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 25, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 10, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 124813 (Sub-No. E31), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Wisconsin to points in Colorado. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E32), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Colorado on and north of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 36 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, to points in Kentucky on and east of U.S. Highway 41, including all points on the designated highways. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E33), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction Illinois Highway 119, thence along Illinois Highway 119 to the Illinois-Indiana State line, to points in Colorado on and west of Interstate Highway 25, and from points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in Colorado. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E34), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from points in South Dakota to points in Michigan on and south of a line beginning at Muskegon extending along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Mich-

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igan Highway 20, thence along Michigan Highway 20 to Midland, thence along U.S. Highway 10 to Bay City, thence along Michigan Highway 247 to Lake Huron. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E35), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, (1) between points in Dawes and Sioux Counties, Nebr., on and north of U.S. Highway 20, on the one hand, and, on the other, points in Missouri on and north of U.S. Highway 36; (2) between points in Nebraska on and north of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 30 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to the Nebraska-Iowa State line, on the one hand, and, on the other, Hannibal, Mo. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E36), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except liquids, in bulk, in tank vehicles), from points in Kansas to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E37), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, from points in Kansas on and west of U.S. Highway 183 and on and north of U.S. Highway 24, to points in Ohio. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E38), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, from points in Kansas on and west of U.S. Highway 183 and on and north of U.S. Highway 36, to points in Kentucky on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E39), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, from points in Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Kansas-Oklahoma State line, to points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 92 to junction Illinois Highway 192, thence along Illinois Highway 192 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 91, thence along Illinois Highway 91 to junction Illinois Highway 93, thence along Illinois Highway 93 to junction Illinois Highway 93, thence junction Illinois Highway 29, thence Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 114, thence along Illinois Highway 114 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E40), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, from points in Kansas on and west of U.S. Highway 183 and on and north of U.S. Highway 24, to points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 26 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 109, thence along Indiana Highway 109 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E41), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids, in bulk, in tank vehicles), (1) between points in Kansas, on the one hand, and, on the other, points in Minnesota (except that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 264 to junction Minnesota Highway 62, thence along Minnesota Highway 62 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to the Minnesota-North Dakota State line; (2) between points in Kansas on and south of a line beginning at the Missouri-Kansas State line extending along Interstate Highway 70 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 264 to junction Minnesota Highway 62, thence along Minnesota Highway 62 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E42), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except liquids, in bulk, in tank vehicles), (1) between points in Wyoming east of the Continental Divide and on and west of a line beginning at the Colorado-Wyoming State line extending along Interstate Highway 25 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Continental Divide, to points in Wisconsin; (2) from points in Wyoming east of the Continental Divide and on and south of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 16 to junction U.S. Highways 14 and 20, thence along U.S. Highway 20 to the Wyoming-Idaho State line, to points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 16 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction U.S. Highway 41 thence along U.S. Highway 41 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E43), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients*, from points in Wyoming east of the Continental Divide, to points in Ohio and the Lower Peninsula of Michigan (except points in Emmet, Cheboygan and Presque Isle Counties, Mich.). The purpose of this filing is to eliminate the gateways of Eagle Grove, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E44), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients* (except liquids, in bulk, in tank vehicles), from points in Wyoming east of the Continental Divide and on and north of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Continental Divide, to points in Missouri on and east of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E45), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients*, from points in Wyoming east of the Continental Divide, to points in Ohio and the Lower Peninsula of Michigan (except points in Emmet, Cheboygan and Presque Isle Counties, Mich.). The purpose of this filing is to eliminate the gateways of Eagle Grove, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E46), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients*, from points in Wyoming east of the Continental Divide, to points in Kentucky. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E47), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except liquids, in bulk, in tank vehicles), from points in Wyoming east of the Continental Divide and on and north of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Continental Divide, to points in Missouri on and east of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E48), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients*, from points in Wyoming east of the Continental Divide, to points in Kentucky. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E49), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except liquids, in bulk, in tank vehicles), (1) from points in Colorado on and east of Interstate Highway 25, to points in Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 59 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line; (2) from points in Colorado to points in Minnesota on and east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 59, thence along U.S. Highway 59 to the United States-Canada International Boundary line (except points in Kittson, Marshall, Roseau, Pennington, Polk, and Mahnomen Counties, Minn., from points in Moffat, Routt, Rio Blanco, Jackson, Grand, Garfield, Larimer, and Eagle Counties, Colo.). The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E50), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except liquids, in bulk, in tank vehicles), from points in Colorado, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E51), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, (1) from points in Colorado on and north of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Utah State line, to points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 9 to junction U.S. Highway 24, thence along U.S. Highway 24, to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line; (2) from points in Colorado, to points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line; (3) from points in Colorado on and west of Interstate Highway 25, to points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction Illinois Highway 119, thence along Illinois Highway 119 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E52), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients*, from points in Colorado on and north of a line beginning at the Kansas-Colorado State line extending along Interstate Highway 70 to junction U.S. Highway 24, to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction Indiana Highway 46, thence along Indiana Highway 46 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E53), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

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ing: *Dry animal and poultry feed and feed ingredients*, from points in Colorado on and north of a line beginning at the Utah-Colorado State line extending along U.S. Highway 40 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 138, thence along U.S. Highway 138 to junction Colorado Highway 113, thence along Colorado Highway 113 to the Colorado-Nebraska State line, to points in Kentucky. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E54), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, from points in Colorado, to points in Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, and Pekin, Ill.

No. MC 124813 (Sub-No. E55), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids, in bulk, in tank vehicles), from points in Illinois, to points in Montana and North Dakota. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E56), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, between points in Illinois, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E57), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, between points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Interstate Highway 80 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, on the one hand, and, on the other, points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line extending along Nebraska Highway 51 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Colorado-Nebraska State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E58), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, between points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 52 to junction Illinois Highway 64, thence along Illinois Highway 64 to junction Illinois Highway 26, thence along Illinois Highway 26 to junction Illinois Highway 72, thence along Illinois Highway 72 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 64, thence along Illinois Highway 64 to Lake Michigan, on the one hand, and, on the other, points in Missouri on and west of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 169 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E59), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, between points in Illinois on and south of U.S. Highway 136, on the one hand, and, on the other, points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Interstate Highway 35 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, including points on the named highways. Restricted against service from points in Minnesota to points in Illinois within the East St. Louis, Ill., commercial zone. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E60), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, between points in Illinois, on the one hand, and, on the other, points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 71 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line. Restricted against service from Minnesota to points in Illinois within the East St. Louis commercial zone. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E61), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, between points in Illinois on and south of U.S. Highway 50 and on and west of Illinois Highway 37 (except points in the East St. Louis commercial zone), on the one hand, and, on the other, points in Minnesota (except points in Minnesota east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Minnesota-Wisconsin State line at Red Wing, Minn.). The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E62), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, in bags and in bulk, from points in Nebraska to points in Indiana. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC 124813 (Sub-No. E63), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk and in bags (other than liquids, in bulk, in tank vehicles), from points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 92 to junction U.S. Highway

183, thence along U.S. Highway 183 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Montpelier, Iowa.

No. MC 124813 (Sub-No. E64), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk and in bags (other than liquids, in bulk, in tank vehicles), from points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Nebraska Highway 23, thence along Nebraska Highway 23 to the Nebraska-Colorado State line, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Montpelier, Iowa.

No. MC 124813 (Sub-No. E65), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk and in bags (other than liquids, in bulk, in tank vehicles), from points in Nebraska to points in Ohio, Michigan, and points in that part of Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Montpelier, Iowa.

No. MC 124813 (Sub-No. E66), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids, in bulk, in tank vehicles), (1) between points in Nebraska on and south of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 30 to junction U.S. Highway 73, thence along U.S. Highway 73 to junction Nebraska Highway 32, thence along Nebraska Highway 32 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to the Nebraska-South Dakota State line, on the one hand, and, on the other, points in Minnesota on and east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 169 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line; (2) between points in Nebraska on and east of U.S. Highway 83, on the one hand, and, on the other, points in Minnesota on and east of a line beginning at the Minnesota-Iowa State line extending along Interstate Highway 35 to Minneapolis, thence along Minnesota Highway 65 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E67), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids, in bulk, in tank vehicles), between points in Nebraska, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the Gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E68), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids in bulk, in tank vehicles), between points in Nebraska in Dawes and Sioux Counties which are on and north of U.S. Highway 20 and on and west of Nebraska Highway 385, on the one hand, and, on the other, points in Missouri on and east of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E69), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, (1) between points in South Dakota on and north of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 18 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 281, thence along U.S. Highway 281 to the South Dakota-North Dakota State line, on the one hand, and, on the other, points in Missouri; (2) between points in South Dakota, on the one hand, and, on the other, points in Missouri on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 69 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E70), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, (1) between points in Missouri (except points west of Interstate Highway 35), on the one hand, and, on the other, points in Minnesota (except points east of a line beginning at the Mississippi River extending along U.S. Highway 61 to junction Minnesota Highway 50, thence along Minnesota Highway 50 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line; (2) between points in Missouri on and west of U.S. Highway 63, on the one hand, and, on the other, points in Minnesota on and east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 71 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 59, thence along U.S. Highway 59 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E71), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, (1) between points in Missouri on and west of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 69 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 131, thence along Missouri Highway 131 to junction Missouri Highway 2, thence along Missouri Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Wisconsin; (2) between points in Missouri, on the one hand, and, on the other, points in Wisconsin on and north of U.S.

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Highway 8 and on and west of U.S. Highway 63. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E72), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids in bulk, in tank vehicles), from points in Missouri to points in North Dakota and Montana. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E73), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids, in bulk, in tank vehicles) (1) from points in Missouri on and east of U.S. Highway 65 to points in Wyoming east of the Continental Divide and on and north of a line beginning at the Nebraska-Wyoming State line extending along U.S. Highway 20 to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Wyoming-Montana State line; (2) from points in Missouri on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri Highway 19, thence along Missouri Highway 19 to the Missouri-Arkansas State line, to points in Wyoming east of the Continental Divide. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E74), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, (1) from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Interstate Highway 35 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Minnesota Highway 13, thence along Minnesota Highway 13 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 83, thence along Minnesota Highway 83 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 238, thence along Minnesota Highway 238 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line; (2) from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 36 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E75), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, in bulk and in bags, (1) from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Interstate Highway 35 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction Minnesota Highway 50, thence along Minnesota Highway 50 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi River at Hastings, to points in Arkansas (except from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to the United States-Canada International Boundary line, to points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line extending along Arkansas Highway 5 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 9, thence along Arkansas Highway 9 to junction Arkansas Highway 5, thence along Arkansas Highway 5 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to Junction Interstate Highway 30, thence along Interstate Highway 30 to the Arkansas-Texas State line);

(2) From points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction Minnesota Highway 50, thence along Minnesota Highway 50 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi River, to points in Mississippi; (3) from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 58, thence along Minnesota Highway 58 to the Mississippi River at Red Wing, Minn., to points in Tennessee; (4) from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Mississippi River at Lakeland, Minn., to points in Kentucky; (5) from points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Mississippi River at Lakeland, Minn., to points in that part of Pennsylvania on and west of U.S. Highway 219;

(6) From points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 65 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to junction Minnesota Highway 83, thence along Minnesota Highway 83 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 59, thence along along U.S. Highway 59 to junction Minnesota Highway 7, thence along Minnesota Highway 7 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Minnesota-South Dakota State line, to points in the Lower Peninsula of Michigan on and south of a line beginning at Lake Michigan extending along U.S. Highway 31 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Huron at Tawas City. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, the storage facility of the Chemical Division, Smith Douglas, of Borden, Inc., at Rock Island, Ill., and the plant site of the Occidental Chemical Company at or near Montpelier, Iowa.

No. MC 124813 (Sub-No. E76), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids, in bulk, in tank vehicles), from points in Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to points in that part of Wyoming east of the Continental Divide and on and south of U.S. Highway 20 and on and west of Interstate Highway 25. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E77), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids in bulk, in tank vehicles), (1) from points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 59 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line, to points in Colorado on and east of Interstate Highway 25; (2) from points in that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 59, thence along U.S. Highway 59 to the United States-Canada International Boundary line, to points in Colorado (except from points in Kittson, Marshall, Roseau, Pennington, Polk, and Mahnomen Counties, Minn., to points in Moffat, Routt, Rio Blanco, Jackson, Grand, Garfield, Larimer and Eagle Counties, Colo.). The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E78), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids in bulk, in tank vehicles), (1) from points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 9 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, to points in Colorado on and north of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 24 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Utah State line; (2) from points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in Colorado; (3) from points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 136 to junction Illinois Highway 119, thence along Illinois Highway 119 to the Illinois-Indiana State line, to points in Colorado on and west of Interstate Highway 25. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E79), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids, in bulk, in tank vehicles), (1) from points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 59 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line, to points in Colorado on and east of Interstate Highway 25; (2) from points in that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 59, thence along U.S. Highway 59 to the United States-Canada International Boundary line, to points in Colorado (except from points in Kittson, Marshall, Roseau, Pennington, Polk, and Mahnomen Counties, Minn., to points in Moffat, Routt, Rio Blanco, Jackson, Grand, Garfield, Larimer and Eagle Counties, Colo.). The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E80), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids, in bulk, in tank vehicles), (1) from points in Wisconsin, to points in Wyoming east of the Continental Divide and on and west of a line beginning at the Colorado-Wyoming State line extending along Interstate Highway 25 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Continental Divide; (2) from points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 16 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Michigan, to points in Wyoming on and south of a line beginning at the South Dakota-Wyoming State line extending along U.S. Highway 16 to junction U.S. Highways 14 and 20, thence along U.S. Highway 20 to the Wyoming-Idaho State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E81), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids, in bulk, in tank vehicles), from points in Wisconsin to points in Kansas. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E82), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids, in bulk, in tank vehicles), from points in Illinois to points in Wyoming. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa and Fremont, Nebr.

No. MC 124813 (Sub-No. E83), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, (1) from points in Nebraska (except those points south of Nebraska Highway 2 and east of U.S. Highway 77), to points in Illinois on and north of a line beginning at U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway. 133, thence along Illinois Highway 133 to junction U.S. Highway 150, thence along U.S. Highway 150 to the Illinois-Indiana State line; (2) from points in Nebraska on and north of U.S. Highway 30 to points in Illinois on and south of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E84), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ani-*

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mal and poultry feed ingredients (except liquids in bulk, in tank vehicles), from points in Illinois on and north of a line beginning at the Iowa-Illinois State line extending along Illinois Highway 92 to junction Illinois Highway 192, thence along Illinois Highway 192 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction Illinois Highway 91, thence along Illinois Highway 91 to junction Illinois Highway 93, thence along Illinois Highway 93 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 114, thence along Illinois Highway 114 to the Illinois-Indiana State line, to points in Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 183 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E85), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except liquids, in bulk, in tank vehicles), (1) from points in Kansas to points in Minnesota (except that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 264 to junction Minnesota Highway 62, thence along Minnesota Highway 62 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to the Minnesota-North Dakota State line; (2) from points in Kansas on and south of a line beginning at the Missouri-Kansas State line extending along Interstate Highway 70 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line, to points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 264 to junction Minnesota Highway 62, thence along Minnesota Highway 62 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E86), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, (1) between points in South Dakota on and south of a line beginning at the Minnesota-South Dakota State line extending along South Dakota Highway 34 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to the South Dakota-Wyoming State line, on the one hand, and, on the other, points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 18 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan at Sheboygan, Wis.; (2) between points in South Dakota on and west of a line beginning at the Nebraska-South Dakota State line extending along South Dakota Highway 47 to junction U.S. Highway 16, and on and south of a line beginning at the junction of South Dakota Highway 47 and U.S. Highway 16 extending along U.S. Highway 16 to the South Dakota-Wyoming State line, on the one hand, and, on the other, points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 63 to junction Wisconsin Highway 72, thence along Wisconsin Highway 72 to junction Wisconsin Highway 25, thence along Wisconsin Highway 25 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 178, thence along Wisconsin Highway 178 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 139, thence along Wisconsin Highway 139 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E87), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients*, from points in Kansas on and west of U.S. Highway 77 to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Eagle Grove, and Muscatine, Iowa.

No. MC 124813 (Sub-No. E88), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, in bulk and in bags, from points in South Dakota to points in Mississippi, Tennessee, Kentucky, Indiana, Ohio and that part of Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of the storage facility of the Chemical Division, Smith Douglas, of Borden, Inc., at Rock Island, Ill., and the plant site of Occidental Chemical Company at or near Montpelier, Iowa.

No. MC 124813 (Sub-No. E89), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids, in bulk, in tank vehicles), (1) from points in that part of Iowa on and south of a line beginning at the Missouri River extending along U.S. Highway 6 to Des Moines, thence along Iowa Highway 163 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Mississippi River, to points in South Dakota; (2) from that part of Iowa on and east of U.S. Highway 69 and on and south of U.S. Highway 30, to points in South Dakota on and west of U.S. Highway 281; (2) from that part of Iowa on and south of a line beginning at the Nebraska-Iowa State line extending along U.S. Highway 30 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Illinois State line, to points in South Dakota on and west of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 183 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-North Dakota State line; (4) from points in Iowa, to points in Wyoming (except from points in that part of Iowa north of U.S. Highway 20 and west of U.S. Highway 65, to points in Crook, Weston, Campbell, Johnson, Sheridan, Big Horn, and Washakie Counties, Wyoming); (5) from points in Iowa to points in Colorado (except points in Cheyenne, Kiowa, Bent, Baca, and Prowers Counties); (6) from points in Iowa on and north of U.S. Highway 6 to points in Cheyenne, Kiowa, Bent, Prowers and Baca Counties, Colo. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 124813 (Sub-No. E90), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from Muscatine, Iowa, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 124813 (Sub-No. E91), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from Muscatine, Iowa, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 124813 (Sub-No. E92), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, in bags and in bulk, from West Bend, Iowa, to points in Kentucky, Ohio, and the Lower Peninsula of Michigan (except points in Emmet, Cheboygan and Presque Isle Counties). The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 124813 (Sub-No. E93), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, from the plant site of Occidental Chemical Company at or near Montpelier, Iowa, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 124813 (Sub-No. E94), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except liquids, in bulk and in tank vehicles), from Cedar Rapids, Iowa, to points in Wyoming and Colorado. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 124813 (Sub-No. E95), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and dry feed ingredients*, from Cedar Rapids, Iowa, to points in North Dakota. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 124813 (Sub-No. E96), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except liquids in bulk, in tank vehicles), from the plantsite of Farmland Industries at Cedar Rapids, Iowa, to points in Indiana. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E97), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and dry feed ingredients*, from Eagle Grove, Iowa, to points in the Lower Peninsula of Michigan, Kentucky, Indiana, and Ohio. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 124813 (Sub-No. E98), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except liquids, in bulk, in tank vehicles), from Eagle Grove, Iowa, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 124813 (Sub-No. E99), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Fort Dodge, Iowa, to points in Indiana and Kentucky, Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 124813 (Sub-No. E100), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial animal and poultry feed*, from Fort Dodge, Iowa, to points in Indiana, Kentucky, Ohio, and the Lower Peninsula of Michigan (except corn products to points in Kentucky). The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E101), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, in bags and in bulk, from Davenport, Iowa, to points in Montana. The purpose of this filing is to eliminate the gateways of Rock Island, Ill., and Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E102), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, in bags and in bulk, and in mixed loads of bags and bulk, from Davenport, Iowa, to points in Kentucky, Michigan, and Ohio. The purpose of this filing is to eliminate the gateway of the plantsite of Chemical Division, Smith-Douglass of Bordon, Inc., at Rock Island, Ill.

No. MC 124813 (Sub-No. E103), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, in bags and in bulk, from Davenport, Iowa, to points in Arkansas, Mississippi, Tennessee, and that part of Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of the plant site and warehouse facility of Nitrim, Inc., at or near Cordova, Ill., and the plantsite of the Occidental Chemical Company at or near Montpelier, Iowa.

No. MC 124813 (Sub-No. E104), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, from Davenport, Iowa, to points in Iowa. The purpose of this filing is to eliminate the gateway of the storage facility of the Chemical Division, Smith-Douglass, of Bordon, Inc., at or near Rock Island, Ill.

No. MC 124813 (Sub-No. E105), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients*, from St. Paul and Savage, Minn., to points in the Lower Peninsula of Michigan on and south of a line beginning at Lake Michigan extending along Michigan Highway 46 to junction Michigan Highway 57, thence along Michigan Highway 57 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 57, thence along Michigan Highway 57 to junction Michigan Highway 15, thence along Michigan Highway 15 to junction Michigan Highway 90, thence along Michigan Highway 90 to

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junction Michigan Highway 53, thence along Michigan Highway 53 to junction Michigan Highway 90, thence along Michigan Highway 90 to Lake Huron, and to points in Ohio. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E106), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, from St. Paul and Savage, Minn., to points in Wyoming on and south of U.S. Highway 26, and to points in Colorado. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 124813 (Sub-No. E107), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from St. Paul and Savage, Minn., to points in Ohio and Kentucky. The purpose of this filing is to eliminate the gateway of the storage facility of the Chemical Division, Smith-Douglass, of Borden, Inc., at Rock Island, Ill.

No. MC 124813 (Sub-No. E108), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, in bags, in bulk, and in mixed loads of bags and bulk, from St. Paul and Savage, Minn., to points in Indiana. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC 124813 (Sub-No. E109), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except liquids in bulk, in tank vehicles), from the plant site of Farmland Industries at Mankato, Minn., to points in Wyoming on and south of U.S. Highway 26, and to points in Colorado. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E110), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, from the plantsite of Farmland Industries at Mankato, Minn., to points in Ohio and the Lower Peninsula of Michigan (except points in Emmet, Charlevoix, Cheboygan, and Presque Isle Counties). The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E111), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except liquids in bulk, in tank vehicles), from the plantsite of Farmland Industries at Mankato, Minn., to points in Indiana. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E112), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and feed ingredients* (except liquids in bulk, in tank vehicles), from the plantsite of Farmland Industries of Mankato, Minn., to points in Nebraska on and south of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 51 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Wyoming State line. (2) *Dry feed ingredients*, from the plantsite of Farmland Industries at Mankato, Minn., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa, in (1) above and points in Iowa in (2) above.

No. MC 124813 (Sub-No. E113), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk and in bags (except liquids in bulk, in tank vehicles), from the plantsite of Farmland Industries of Mankato, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of the plantsite of Farmland Industries at Cedar Rapids, Iowa.

No. MC 124813 (Sub-No. E114), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, from Pekin, Ill., to points in Colorado and Wyoming. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 124813 (Sub-No. E115), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except liquids in bulk, in tank vehicles), from Muncie, Kans., to points in Minnesota on and east of U.S. Highway 63. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 124813 (Sub-No. E116), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* (except liquids in bulk, in tank vehicles), from Muncie, Kans., to points in Wyoming, South Dakota, and points in that part of Colorado on and north of a line beginning at the Nebraska-Colorado State line extending along U.S. Highway 6 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 124813 (Sub-No. E117), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, in bulk and in bags, from Chicago, Ill., to points in that part of Arkansas on and west of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 67 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Montpeller, Iowa.

No. MC 124813 (Sub-No. E118), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry commercial animal and poultry feed*, from Quincy, Ill., to points in Wisconsin on and north of U.S. Highway 8 and on and west of U.S. Highway 63, and (2) *Dry animal and poultry feed and feed ingredients*, from Quincy, Ill., to points in Wisconsin on and north of U.S. Highway 8 and on and west of U.S. Highway 63. The purpose of this filing is to eliminate the gateways of Fort Dodge, Iowa, in (1) above and Eagle Grove, Iowa, in (2) above.

No. MC 124813 (Sub-No. E119), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients* (except liquids in bulk, in tank vehicles), from the plantsite of Moorman Manufacturing Company at Quincy, Ill., to points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 30 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E120), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed*, from the plantsite of Moorman Manufacturing Company at Quincy, Ill., to points in that part of Iowa on and west of U.S. Highway 65 and on and north of U.S. Highway 18, and on and east of Iowa Highway 4. The purpose of this filing is to eliminate the gateway of Mankato, Minn.

No. MC 124813 (Sub-No. E121), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients* (except liquids in bulk, in tank vehicles), from the plantsite of Moorman Manufacturing Company at Alpha, Ill., to points in Kansas on and west of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 183 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E122), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry commercial animal and poultry feed*, from Quincy, Ill., to points in Wisconsin on and north of U.S. Highway 8 and on and west of U.S. Highway 63, and (2) *Dry animal and poultry feed and feed ingredients*, from Quincy, Ill., to points in Wisconsin on and north of U.S. Highway 8 and on and west of U.S. Highway 63. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, in (1) above and Fort Dodge, Iowa, in (2) above.

No. MC 124813 (Sub-No. E123), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and feed ingredients*, from Quincy, Ill., to points in Colorado on and west of Interstate Highway 25 and on and north of U.S. Highway 6, and points in Wyoming east of the Continental Divide and on and west of Interstate Highway 25. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, or Fort Dodge, Iowa, and Fremont, Nebr.

No. MC 124813 (Sub-No. E124), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Terre Haute, Ind., to points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 218 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Minnesota Highway 56, thence along Minnesota Highway 56 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E125), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except liquids in bulk, in tank vehicles), from Terre Haute, Ind., to points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E126), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Terre Haute, Ind., to points in Montana, North Dakota, South Dakota, points in Wyoming east of the Continental Divide, and points in Colorado (except that part south of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 24 to junction Colorado Highway 71, and east of a line beginning at the junction of U.S. Highway 24 and Colorado Highway 71 extending along Colorado Highway 71 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateway of Eagle Grove, Iowa.

No. MC 124813 (Sub-No. E127), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from points in South Dakota on and west of U.S. Highway 85, to points in Dubuque, Linn, Jones, Jackson, Johnson, Cedar, Clinton, Washington, Muscatine, Scott, Jefferson, Henry, Louisa, Van Buren, Lee and Des Moines Counties, Iowa. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa, and the storage facility of the Chemical Division, Smith-Douglass, of Borden, Inc., at Rock Island, Ill.

No. MC 124813 (Sub-No. E128), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and phosphate feed supplements*, which are animal and poultry feed or feed ingredients (except liquids, in bulk, in tank vehicles), from Alden, Iowa, to points in Colorado and Wyoming. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 124813 (Sub-No. E129), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried molasses*, which is a feed ingredient, from Rudd, Iowa, to points in Mississippi, Tennessee, that part of Arkansas on and east of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 63 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, and that part of Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of the plantsite and warehouse facility of Nitrin, Inc., at or near Cordova, Ill., and

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the plantsite of the Occidental Chemical Company at or near Montpelier, Iowa.

No. MC 124813 (Sub-No. E130), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried molasses*, which is a dry feed or dry feed ingredient, from Rudd, Iowa, to points in Kentucky, Ohio and the Lower Peninsula of Michigan (except that part of the Lower Peninsula of Michigan north of a line beginning at Traverse City extending along Michigan Highway 72 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 32, thence along Michigan Highway 32 to Lake Huron). The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 124813 (Sub-No. E131), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried molasses*, which is an animal or poultry feed or feed ingredient, in bags, in bulk and in mixed loads of bags and bulk, from Rudd, Iowa, to points in Indiana. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E132), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bran, middlings and linseed meal*, which is a feed or feed ingredient (except liquids in bulk, in tank vehicles), from Minneapolis, Minn., to points in Indiana. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E133), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bran, middlings and linseed meal*, when a feed ingredient, in bulk and in bags, from Minneapolis, Minn., to points in Arkansas (except points in that part of Arkansas west of U.S. Highway 65 and north of U.S. Highway 64), and points in Mississippi, Tennessee, and that part of Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company, at or near Montpelier, Iowa.

No. MC 124813 (Sub-No. E134), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate, sodium tripoly phosphate, monosodium phosphate and disodium phosphate*, which are animal or poultry feed or feed ingredients (except liquids in bulk, in tank vehicles), from Chicago Heights, Ill., to points in Wisconsin on and north of U.S. Highway 8 and on and west of U.S. Highway 35. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E135), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate, sodium tripoly phosphate, monosodium phosphate and disodium phosphate*, which are feed ingredients, in bulk and in bags, from Chicago Heights, Ill., to points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 31, thence along Arkansas Highway 31 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Arkansas Highway 15, thence along Arkansas Highway 15 to junction Arkansas Highway 275, thence along Arkansas Highway 275 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of the plantsite of Occidental Chemical Company, at or near Montpelier, Iowa.

No. MC 124813 (Sub-No. E136), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal*, which is a feed or feed ingredient (except liquids, in bulk, in tank vehicles), from Portageville, Mo., to points in Wisconsin on and west of a line beginning at the Illinois-Wisconsin State line extending along Wisconsin Highway 78 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 57, thence along Wisconsin Highway 57 to Lake Michigan, at Green Bay. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 124813 (Sub-No. E137), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal*, when a feed or feed ingredient (except in liquids, in bulk, in tank vehicles), from Portageville, Mo., to points in Minnesota and South Dakota. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 124813 (Sub-No. E138), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal*, (except liquid, in bulk, in tank vehicles), from Portageville, Mo., to points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 34 to junction Nebraska Highway 66, thence along Nebraska Highway 66 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 124813 (Sub-No. E139), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated alfalfa feed ingredients* (other than liquid, in bulk, in tank vehicles), from Gayville, S. Dak., to points in Iowa (except that part west of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 59 to junction Iowa Highway 10, thence along Iowa Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, and north of a line beginning at the junction of U.S. Highway 59 and U.S. Highway 20 extending along U.S. Highway 20 to the Iowa-Nebraska State line). The purpose of this filing is to eliminate the gateway of South Sioux City, Nebr.

No. MC 124813 (Sub-No. E140), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in hopper-type self-unloading equipment, in bulk and in bags when moving in combination with bulk movements, from Joplin and Saint Joseph, Mo., and Lawrence, Kans., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Humboldt, Iowa.

No. MC 124813 (Sub-No. E141), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in hopper-type self-unloading equipment, in bulk and in bags when moving in combination with bulk movements, from Joplin and Saint Joseph, Mo., and Lawrence, Kans., to points in South Dakota and to points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along Nebraska Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 124813 (Sub-No. E142), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bags and in bulk (except in tank vehicles), from Streator, Ill., to points in North Dakota, South Dakota, points in Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 30 to the Nebraska-Wyoming State line, and to points in Minnesota on and west of a line beginning at the Iowa-Minnesota State line extending along Minnesota Highway 22 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Humboldt, Iowa.

No. MC 124813 (Sub-No. E143), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags and in bulk (except in tank vehicles), from Streator, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 124813 (Sub-No. E144), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean meal*, when an animal or poultry feed ingredient, from the plantsite of Cargill, Incorporated, at Cedar Rapids, Iowa, to points in Indiana. The purpose of this filing is to eliminate the gateway of Davenport, Iowa.

No. MC 124813 (Sub-No. E145), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean meal*, when a feed or feed ingredient, from the plantsite of Cargill, Incorporated, at Cedar Rapids, Iowa, to points in Ohio and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E146), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean meal*, when a feed or feed ingredient, from the plantsite of Cargill, Incorporated, at Washington, Iowa, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 124813 (Sub-No. E147), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean meal*, when an animal or poultry feed or feed ingredient, from the plantsite of Cargill, Incorporated, at Washington, Iowa, to points in Indiana, Ohio, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E148), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed*, from Lincoln, Nebr., to points in Indiana, Kentucky, Ohio, and points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Pekin, Ill.

No. MC 124813 (Sub-No. E149), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial feed*, in bags and in bulk, from Lincoln, Nebr., to points in Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of West Bend, Iowa.

No. MC 124813 (Sub-No. E150), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial feed*, in bags and in bulk, from Lincoln, Nebr., to points in Illinois (except points west of a line beginning at the Mississippi River extending along Illinois Highway 9 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 4, thence along Illinois Highway 4 to junction Illinois Highway 151, thence along Illinois Highway 151 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction Illinois Highway 146, thence along Illinois Highway 146 to the Mississippi River). The purpose of this filing is to eliminate the gateway of Muscatine, Iowa.

No. MC 124813 (Sub-No. E151), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, from points in South Dakota to points in Michigan on and south of a line beginning at Lake Michigan extending along U.S. Highway 31 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Huron. The purpose of this filing is to eliminate the gateway of Ft. Dodge, Iowa, and the storage facility of the Chemical Division, Smith-Douglass, of Borden, Inc., at Rock Island, Ill.

No. MC 124813 (Sub-No. E152), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial feed*, in bags and in bulk, (1) between points in South Dakota on and south of a line beginning at the South Dakota-Minnesota State line extending along South Dakota Highway 34 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line, on the one hand, and, on the other, points in that part of Wisconsin on and south of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 151 to Lake Michigan; (2) between points in South Dakota-Wyoming State line, on beginning at the Nebraska-South Dakota State line extending along South Dakota Highway 47 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line, on the one hand, and, on the other, points in Wisconsin on and south and east of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 25 to junction Wisconsin Highway 85, thence along Wisconsin Highway 85 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Wisconsin High-

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way 178, thence along Wisconsin Highway 178 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 70, thence along Wisconsin Highway 70 to junction Wisconsin Highway 139, thence along Wisconsin Highway 139 to the Wisconsin-Michigan State line; (3) between points in South Dakota (except points in South Dakota north of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 281 to junction U.S. Highway 212, thence along U.S. Highway 212 to the North Dakota-South Dakota State line), on the one hand, and, on the other, points in Wisconsin on and south of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 151 to junction U.S. Highway 18, thence along U.S. Highway 18 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 124813 (Sub-No. E153), filed June 1, 1974. Applicant: UMTHUM TRUCKING CO., Eagle Grove, Iowa. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, from points in Kansas on and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction Kansas Highway 61, thence along Kansas Highway 61 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Eagle Grove, Iowa, and the storage facility of the Chemical Division, Smith-Douglass, of Borden, Inc., at Rock Island, Ill.

No. MC 125433 (Sub-No. E1), filed June 4, 1974. Applicant: F-B TRUCK LINE COMPANY, 1819 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: David J. Lister (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery, construction materials* (except in bulk), and *equipment*, between points in Placer, El Dorado, Sacramento, Yolo, Napa, Solano, Sonoma, Marin, San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, San Joaquin, Amador, Calaveras, Stanislaus, and Merced Counties, Calif., and that part of Fresno County, Calif., on and west of Interstate Highway 5, on the one hand, and, on the other, Umatilla, Wallowa, Union, and Baker Counties, Oreg., and that part of Malheur County, Oreg., on and north of U.S. Highway 26, points in Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Grant, Adams, Whitman, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin Counties, Wash. The purpose of this filing is to eliminate the gateway of Parma, Idaho.

No. MC 125433 (Sub-No. E4), filed June 4, 1974. Applicant: F-B TRUCK LINE COMPANY, 1819 W. 2100 S., Salt Lake City, Utah 84119. Applicant's representative: David J. Lister (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except in bulk), from Okanogan, Ferry, Stevens, Pend Oreille, Chelan, Douglas, Spokane, Lincoln, Grant, Kittitas, Adams, Whitman, Yakima, Benton, Franklin, Garfield, Columbia, Walla Walla, Asotin, and Klickitat Counties, Wash., to Colorado, Utah, and points in Lincoln, Sublette, Uinta, Sweetwater, Carbon, Albany, Platte, Goshen, and Laramie Counties, Wyo. The purpose of this filing is to eliminate the gateway of Ontario or Pendleton, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-26132 Filed 9-29-75;8:45 am]

federal register

TUESDAY, SEPTEMBER 30, 1975

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

PART II:

INTERSTATE COMMERCE COMMISSION

UNIFORM SYSTEM OF ACCOUNTS

■

Class I and Class II
Common and Contract
Motor Carriers of Property

V 40 190
SEP 30 75
XUM

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[No. 32155 (Sub No. 2)[1]]

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Uniform System of Accounts, Supplemental Report and Order of the Commission

SEPTEMBER 9, 1975.

Certain revised accounting regulations governing Class I and Class II Common and Contract Motor Carriers of Property are adopted to be effective January 1, 1976.

On March 21, 1973 the Commission, in response to a petition from the American Trucking Associations, Inc., (ATA), in this proceeding, No. 32155 (Sub-No. 2), adopted a revised system of accounts for Class I and Class II Common and Contract Motor Carriers of Property (49 CFR 1207). Later October 12, 1973, the Commission, in Docket No. 32155 (Sub-No. 3), modified the accounting regulations approved in the Sub-No. 2 proceedings by adding a separate classification of revenue and expense accounts for household goods carriers. The revisions became effective January 1, 1974. Subsequently, on October 11, 1974, the Commission in Docket No. 32155 (Sub-No. 2) made additional changes to the accounting regulations in Part 1207 in order to clarify certain of the regulations and to correct inconsistencies and other miscellaneous discrepancies.

The purpose of the changes set forth in the appendix to this Report are to reflect additional clarifying and corrective amendments to the accounting regulations in Part 1207. None of the changes made in this report are considered to be burdensome or controversial and therefore public proceedings under Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, are considered unnecessary. The following types of nonsubstantive changes are made:

1. The conversion tables relating accounts in the present system with those accounts of similar content under the system in effect prior to January 1, 1974, are updated to reflect the amendments adopted by the Commission on October 11, 1974.

2. Activities one through four are opened for accounts 4750, 4820, 4840, 5310, 5350, 5370, and 5510 to allow more precise distribution of expenses to related activities.

3. The definition of "Platform" activity and accounts 4290, 4590, and 5360 (Instruction 27 and 28A carriers) are expanded to specify platform related equipment and distribution of expenses associated with this equipment.

4. Activity 6, Packing and Crating, is opened for accounts 8130, 8310, 8610, 8660, and 8710 (Instruction 28B carriers) to provide for direct charges of those expenses to the activity.

5. Other minor changes of a clarifying or corrective nature are made.

FINDINGS

We find that Part 1207 of Chapter X of Title 49 of the Code of Federal Regulations, effective January 1, 1976, should be amended to reflect the modifications as set forth in the appendix to this report; that such rule changes are reasonable and necessary to the effective enforcement of the provisions of Part II of the Interstate Commerce Act, as amended; that such rules, as modified, are otherwise lawful and consistent with the public interest and the National Transportation Policy; and that this is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

An appropriate order will be entered.

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of September 1975.

Consideration having been given to the matters and things involved in these proceedings, and the Commission, on this date, having made and filed a report containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That, effective January 1, 1976, the accounting regulations prescribed in Part 1207 of Chapter X, Subchapter C of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as shown in the appendix to the above mentioned report.

It is further ordered, That service of this order shall be made on all affected motor carriers of property; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

AUTHORITY: 49 Stat. 546, as amended, 563, as amended, and 564, as amended; 49 U.S.C. 304, 320, and 322.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[1] This also encompasses No. 32155 (Sub-No. 3), Classification of Revenue and Expense Accounts for Class I and Class II Common and Contract Motor Carriers of Property for Household Goods Operations (49 CFR 1207).

Part 1207 is amended as follows:

1. Definition 2, Section A, item (4), "Platform", is amended by adding item (c). As amended the definition read:

DEFINITIONS

* * * * * *

(4) "Platform" * * *

(c) Costs of operating, repairing, and maintaining equipment used at terminal platforms such as drag lines, fork lifts, hand trucks, and mechanical loading devices.

* * * * * *

2. Instruction 27, "Distribution of expenses to activities: general commodity carriers," is amended by reversing the order of preference for distribution of building- and structure-related expenses in paragraphs (d)(2)(i) and (ii), and by adding a sentence to paragraph (d)(3). As amended, the instruction reads:

CLASS I AND CLASS II MOTOR CARRIERS INSTRUCTION

27 Distribution of expenses to activities: general commodity carriers.

* * * * * *

(d) * * *

(2) * * *

(i) Carriers may assign a proportion of the expense of a building or structure to an activity based upon the square footage used by that particular activity.

(ii) Carriers may assign the full expense of a particular building or structure to a particular activity based upon the primary purpose of the building or structure and the activity for which it is used.

(iii) * * *

(iv) * * *

(3) * * * Building- and structure-related expenses applicable to terminal property and relay stations for accounts 4750, 4840, 5310, 5350, 5370, and 5510 shall be allocated to activities 1 through 4, as appropriate (see text of these accounts). See also paragraph (d)(2) of this instruction.

* * * * * *

CLASS I AND CLASS II MOTOR CARRIERS, CHART OF ACCOUNTS, MATRIX OF OPERATING EXPENSES FOR INSTRUCTION 27 AND 28A CARRIERS

3. The following account numbers are added to the matrix of operating expenses:

1. Account number 4235 is inserted in column (5) opposite control account 4230.

2. Account number 4335 is inserted in column (5) opposite control account 4330.

3. Account number 4753 is inserted in column (3) and account number 4754 is inserted in column (4) opposite control account 4750.

4. Account number 4824 is inserted in column (4) opposite control account 4820.

5. Account numbers 4841, 4842, 4843, and 4844 are inserted in columns (1), (2), (3), and (4), respectively, opposite control account 4840.

[1] This also encompasses No. 32155 (Sub-No. 3), Classification of Revenue and Expense Accounts for Class I and Class II Common and Contract Motor Carriers of Property for Household Goods Operations (49 CFR 1207).

6. Account numbers 5311, 5312, 5513, and 5314 are inserted in columns (1), (2), (3), and (4), respectively, opposite control account 5310.

7. Account numbers 5351, 5352, 5353, and 5354 are inserted in columns (1), (2), (3), and (4), respectively, opposite control account 5350.

8. Account numbers 5371, 5372, 5373, and 5374 are inserted in columns (1), (2), (3), and (4), respectively, opposite control account 5370.

9. Account numbers 5512, 5513, and 5514 are inserted in columns (2), (3), and (4), respectively, opposite control account 5510.

The following account numbers are deleted: 4244, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4401, 4402, 4403, 4404, 4405, 4406, 4407, 4408, 4409, 5334, 5501, 5502, 5503, 5504, 5505, 5506, 5507, 5508, and 5509.

CLASS I AND CLASS II MOTOR CARRIERS

OPERATING EXPENSE ACCOUNT EXPLANATIONS

Instruction 27 and 28A Carriers

4. The text of account 4230 Salaries and Wages-Cargo Handlers, is amended and note A added to read as follows:

4230 Salaries and Wages-Cargo Handlers.

* * * * * *

Items (see Instruction 6)

Working foreman

The total of these amounts may be included in this control account. Its components shall be distributed to the following accounts in accordance with instruction 27 or 28A:

4234 Salaries and Wages-Cargo Handlers-Platform.

4235 Salaries and Wages-Cargo Handlers-Terminal (See note A below).

NOTE A. Account 4235 is to be used by instruction 28A carriers only.

5. The text of account 4240 Salaries and Wages-Vehicle Repair and Service, is amended by deleting line item 4244 Salaries and Wages-Vehicle Repair and Service Platform (see note C below).

6. The text of account 4290-Salaries and Wages-Other Labor is amended by adding note A to read as follows:

4290 Salaries and Wages-Other Labor.

* * * * * *

NOTE A. Salaries and wages of employees engaged in repairing and maintaining platform equipment (drag lines, fork lifts, etc.) shall be charged to account 4294 Salaries and Wages, Other Labor-Platform.

7. The text of account 4300 Miscellaneous Paid Time Off, is amended by deleting the paragraph beginning "Miscellaneous paid time off, etc." and the list of accounts 4301 through 4309, inclusive.

8. The text of account 4330 Miscellaneous Paid Time Off-Cargo Handlers is amended and note A added to read as follows:

4330 Miscellaneous Paid Time Off-Cargo Handlers.

This account group includes the total miscellaneous paid time off expenses for cargo handlers whose salaries and wages are included in account 4230. The amount in control account 4330 is distributed to the following accounts in accordance with instructions 27, 28A, and 29. For an illustrative item list, see account 4300 Miscellaneous Paid Time Off:

4334 Miscellaneous Paid Time Off-Cargo Handlers-Platform.

4335 Miscellaneous Paid Time Off-Cargo Handlers-Terminal (See note A below).

NOTE A. Account 4335 is to be used by instruction 28A carriers only.

9. The text of account 4400 Other Fringes is revised to read as follows:

4400 Other Fringes.

This account shall be used as a control account for all accounts in the 4400 series.

NOTE A: * * *

10. The explanation of account 4590-Other Operating Supplies and Expenses is amended by adding note D as follows:

4590 Other Operating Supplies and Expenses.

* * * * * *

NOTE D. The cost of materials and supplies relating to equipment used at terminal platforms such as drag lines, fork lifts, etc. shall be charged to account 4594-Other Operating Supplies and Expenses-Platform.

11. The text of account 4750 is amended by adding account 4753 and 4754, and by revising note A to read as follows:

4750 Real Estate and Personal Property Taxes.

* * * * * *

4753 Real Estate and Personal Property Taxes—Billing and Collecting.

4754 Real Estate and Personal Property Taxes—Platform.

* * * * * *

NOTE A. Real Estate taxes applicable to terminal property shall be allocated to accounts 4751, 4752, 4753, and 4754 in accordance with instruction 27(d)(2). Property taxes applicable to relay stations shall be charged to accounts 4751 or 4752, as appropriate. Instruction 28A carriers shall assign real estate taxes applicable to terminal property to account 4755.

12. The text of account 4820 is amended by adding account 4824 and by deleting note A and the reference to note A in the third paragraph. As revised the text of account 4820 reads as follows:

4820 Cargo Loss and Damage Insurance.

* * * * * *

4824 Cargo Loss and Damage Insurance—Platform.

* * * * * *

NOTE A. Reserved.

13. The text of account 4840 is amended by adding accounts 4841, 4842, 4843, and 4844, and note A to read as follows:

4840 Insurance on Building and Structures.

* * * * * *

4841 Insurance on Buildings and Structures—Line Haul.

4842 Insurance on Buildings and Structures—Pickup and Delivery.

4843 Insurance on Buildings and Structures—Billing and Collecting.

4844 Insurance on Buildings and Structures—Platform.

* * * * * *

NOTE A. Commercial insurance on terminal property shall be allocated to accounts 4841, 4842, 4843, and 4844 in accordance with instruction 27(d)(2). Commercial insurance on relay stations shall be charged to accounts 4841 or 4842, as appropriate. Instruction 28A carriers shall assign commercial insurance on terminal property to account 4845.

5313, and 5314, and note A to read as follows:

5310 Depreciation Expense-Buildings and Structures.

* * * * * *

14. The text of account 5310 is amended by adding accounts 5311, 5312,

* * * * * *

5311 Depreciation Expense-Buildings and Structures-Line Haul.

5312 Depreciation Expense-Buildings and Structures-Pickup and Delivery.

5313 Depreciation Expense-Buildings and Structures-Billing and Collecting.

5314 Depreciation Expense-Buildings and Structures-Platform.

5315 * * *

* * * * * *

NOTE A. Depreciation applicable to terminal property shall be allocated to accounts 5311, 5312, and 5314 in accordance with instruction 27(d)(2). Depreciation on relay stations shall be charged to accounts 5311 or 5312, as appropriate. Instruction 28A carriers shall assign depreciation on terminal property to account 5315.

15. The text of account 5330 Depreciation Expense-Service Cars and Equipment, is amended by deleting line item 5334 Depreciation Expense-Service Cars and Equipment-Platform.

16. The text of account 5350 Depreciation Expense-Furniture and Office Equipment, is amended by adding account 5351, 5352, 5353, and 5354, and by adding note A to read as follows:

5350 Depreciation Expense-Furniture and Office Equipment.

* * * * * *

5351 Depreciation Expense-Furniture and Office Equipment-Line Haul.

5352 Depreciation Expense-Furniture and Office Equipment-Pickup and Delivery.

5353 Depreciation Expense-Furniture and Office Equipment-Billing and Collecting.

5354 Depreciation Expense-Furniture and Office Equipment-Platform.

5355 * * *

* * * * * *

NOTE A. Depreciation of furniture and office equipment used in relay stations and in terminals shall be allocated to accounts 5351, 5352, 5353, and 5354, as appropriate. Instruction 28A carriers shall include depreciation of furniture and office equipment used in terminals in account 5355.

17. The text of account 5360 Depreciation Expense-Miscellaneous Equipment is amended by adding note B as follows:

V 40 190 SEP 3075 XUM

5360 Depreciation Expense-Miscellaneous Equipment.

• • • • •

NOTE B. Depreciation of equipment used at terminal platforms such as drag lines, fork lifts, etc., shall be charged to account 5364 Depreciation Expense, Miscellaneous Equipment-Platform.

18. The text of account 5370 is amended by adding accounts 5371, 5372, 5373, and 5374, and note A to read as follows:

5370 Amortization Expense-Improvements to Leasehold Property.

• • • • •

5371 Amortization Expense-Improvements to Leasehold Property-Line Haul.
5372 Amortization Expense-Improvements to Leasehold Property-Pickup and Delivery.
5373 Amortization Expense-Improvements to Leasehold Property-Billing and Collecting.
5374 Amortization Expense-Improvements to Leasehold Property-Line Haul.
5375 • • •

• • • • •

NOTE A. The amortization of improvements to leased terminals shall be allocated to accounts 5371, 5372, 5373, and 5374 in accordance with instruction 27(d)(2). Amortization of improvements to leased relay stations shall be charged to accounts 5371 or 5372, as appropriate. Instruction 28A carriers shall include the amortization of improvements to leased terminals to account 5375.

19. The text of account 5500 Building and Office Equipment Rents, is amended by deleting the last two sentences and the list of accounts 5501 through 5509. As amended the text reads:

5500 Building and Office Equipment Rents.

This account may be used as a control account for all accounts in the 5500 series.

20. The text of account 5510 Building Operating Rents, is amended (1) by deleting the reference to note A at the end of the second paragraph which reads "(for class II carriers, see note A below)"; (2) by adding accounts 5512, 5513, and 5514; and (3) by revising note A. As amended the text reads:

5510 Building Operating Rents.

• • • • •

5512 Building Operating Rents-Pickup and Delivery.
5513 Building Operating Rents-Billing and Collecting.
5514 Building Operating Rents-Platform.

• • • • •

NOTE A. Rental payments for use of terminal property shall be allocated to accounts 5511, 5512, 5513, and 5514 in accordance with instruction 27(d)(2). Rental payments for use of relay stations shall be charged to accounts 5511 or 5512, as appropriate. Instruction 28A carriers shall charge rental payments for terminal property to account 5515.

21. The text of account 5520 Office Equipment Rents, is amended by deleting the reference to note A at the end of the second paragraph which reads "(for class II carriers, see Note A below)"; and by deleting note A and designating it as "Reserved."

CLASSIFICATION OF REVENUES AND EXPENSES FOR CLASS I AND CLASS II CARRIERS OF HOUSEHOLD GOODS (INSTRUCTION 28B CARRIERS)

22. The following account numbers are added to the *matrix* of Revenues and Expenses for Instruction 28B Carriers:

1. Account number 8136 is inserted in column (6) opposite control account 8130.
2. Account number C8316 is inserted in column (6) opposite control account 8310.
3. Account number 8616 is inserted in column (6) opposite control account 8610.
4. Account number 8666 is inserted in column (6) opposite control account 8660.
5. Account number *8704 is inserted in column (4) opposite control account 8700.
6. Account number 8716 is inserted in column (6) opposite control account 8710.

The following account numbers are deleted from the matrix of Revenues and Expenses for Instruction 28B Carriers: 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, and 5009.

CLASS I AND CLASS II CARRIERS OF HOUSEHOLD GOODS

ACCOUNT EXPLANATIONS—OPERATING EXPENSES

23. The text of account 5000—Fringe Benefits is amended to read as follows:

5000 Fringe Benefits.

This account shall be used as a control account for all accounts in the 5000 series.

24. The text of account 8130—Depreciation-Service Cars and Equipment is amended by adding account 8136 to read as follows:

8130 Depreciation-Service Cars and Equipment.

• • • • •

8136—Depreciation-Service Cars and Equipment-Packing and Crating.

• • • • •

25. The text of account 8310—Rent on Building Property is amended by adding account 8316 to read as follows:

8310 Rent on Building Property.

• • • • •

8316 Rent on Building Property-Packing and Crating.

• • • • •

26. The text of account 8610—Cargo Loss and Damage Insurance-Premiums Paid is amended by adding account 8616 as follows:

8610 Cargo Loss and Damage Insurance-Premium Paid.

• • • • •

8616 Cargo Loss and Damage Insurance-Premiums Paid-Packing and Crating.

• • • • •

27. The text of account 8660—Insurance on Buildings and Structures is amended by adding account 8666 as follows:

8660 Insurance on Building and Structures.

• • • • • •

8666 Insurance on Building and Structures-Packing and Crating.

• • • • • •

28. The text of account 8700 is amended by adding account 8704. As revised the text of account 8700 reads as follows:

8700 Provision for Claims-Self-Insured Portion.

• • • • •

8704 Provision for Claims-Self-Insured Portion-Indirect Operating-Carrier Only.

• • • • •

29. The text of account 8710 Provision for Claims-Self-Insured Portion-Cargo Loss and Damage is amended by adding account 8716 as follows:

8710 Provision for Claims-Self-Insured Portion-Cargo Loss and Damage.

• • • • •

8716 Provision for Claims-Self-Insured Portion-Cargo Loss and Damage-Packing and Crating.

• • • • •

30. Tables I–B through IV are amended to read as follows:

TABLE I–B CLASS I MOTOR CARRIERS REVENUE AND EXPENSE ACCOUNT NUMBERS CONVERSION TABLE

From the system of accounts effective prior to Jan. 1, 1974, to the system of accounts effective Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
OPERATING REVENUES			
Freight Revenue; Intercity Common Carrier	3100	3100	Freight Revenue—Intercity Common Carrier
Freight Revenue; Intercity Contract Carrier	3110	3200	Freight Revenue—Intercity Contract Carrier.
Freight Revenue; Local Cartage	3120	3300	Freight Revenue—Local Cartage.
Intercity Transportation For Other Class I And Class II Motor Carriers.	3130	3400	Intercity Transportation For Other Motor Carriers.
Other Operating Revenues	3900	3500	Other Operating Revenue.
OPERATING EXPENSES			
EQUIPMENT MAINTENANCE			
Supervision	4110	4116	Salaries—Officers—Maintenance.
		4126	Salaries—Department Managers—Maintenance.
		4136	Salaries—Supervisory Personnel—Maintenance.
		4216	Salaries and Wages—Clerical and Administrative—Maintenance.
		4316	Miscellaneous Paid Time Off—Clerical and Administrative—Maintenance.
Office and Other Expenses	4120	4246	Salaries and Wages—Vehicle Repair and Service—Maintenance
Other Maintenance Expenses	4180	4296	Salaries and Wages—Other Labor—Maintenance.
		4346	Miscellaneous Paid Time Off—Vehicle Repair and Service—Maintenance.
		4396	Miscellaneous Paid Time Off—Other Labor—Maintenance.
		4516	Fuel for Motor Vehicles—Maintenance.
		4526	Oil, Lubricants and Coolants for Motor Vehicles—Maintenance.
		4536	Vehicle Parts—Maintenance.
		4546	Vehicle Maintenance by Outside Vendors—Maintenance.
		4556	Tires and Tubes—Maintenance.
		4596	Other Operating Supplies—Maintenance.
		4616	Office Supplies—Maintenance.
		4666	Officers and Supervisory Personnel—Expenses—Maintenance.
		4676	Other Employees' Expenses—Maintenance.
		4696	Miscellaneous Expenses—Maintenance.
		4716	Gasoline, Diesel Fuel and Oil Taxes (Federal)—Maintenance.
		4766	Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Maintenance.
		4776	Vehicle License and Registration Fees—Ownership (State and Other) Maintenance.
		4786	Vehicle License and Registration Fees—Usage (State and Other) Maintenance.
		5126	Utilities Expenses—Maintenance.
		5526	Office Equipment Rents—Maintenance.
Repairs and Servicing; Revenue Equipment—Line Haul.	4131	4241	Salaries and Wages—Vehicle Repair and Service—Line Haul.
		4341	Miscellaneous Paid Time Off—Vehicle Repair and Service—Line Haul.
		4521	Oil and Lubricants and Coolants for Motor Vehicles—Line Haul.[1]
		4531	Vehicle Parts—Line Haul.
		4541	Vehicle Maintenance by Outside Vendors—Line Haul.
Repairs and Servicing; Revenue Equipment—Pickup and Delivery.	4135	4242	Salaries and Wages—Vehicle Repairs and Service.
		4342	Miscellaneous Paid Time Off—Vehicle Repair and Service Pickup and Delivery.
		4522	Oil, Lubricants and Coolants for Motor Vehicles—Pickup and Delivery.[1]

See footnotes at end of table.

V 40 190 SEP 3075 XUM

TABLE I–B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974— Account title	No.	System of accounts effective Jan. 1, 1974 No.	Account title
OPERATING EXPENSES—Continued			
EQUIPMENT MAINTENANCE—continued			
Employees Welfare Expenses	4145	4446	Group Insurance—Maintenance.
		4456	Pension and Retirement Plans—Maintenance.
		4466	Health, Welfare, and Pensions—Maintenance.
		4496	Other Fringes—Maintenance.
Tires and Tubes; Revenue Equipment—Line Haul.	4161	4551	Tires and Tubes—Line Haul.
Tires and Tubes; Revenue Equipment—Pickup and Delivery.	4165	4552	Tires and Tubes—Pickup and Delivery.
Operating Rents	4185	5516	Building Operating Rents—Maintenance.
Joint Garage Expense; Debit	4191	5916	Joint Facility Expense—Debit—Maintenance.
Joint Garage Expense; Credit	4196	5926	Joint Facility Expense—Credit—Maintenance.
TRANSPORTATION			
Supervision	4210	4111	Salaries—Officers—Line Haul.
		4112	Salaries—Officers—Pickup and Delivery.
		4121	Salaries—Department Managers—Line Haul.
		4122	Salaries—Terminal and Department Managers—Pickup and Delivery.
		4131	Salaries—Supervisory Personnel—Line Haul.
		4132	Salaries—Supervisory Personnel—Pickup and Delivery.
		4211	Salaries and Wages—Clerical and Administrative—Line Haul.
		4212	Salaries and Wages—Clerical and Administrative—Pickup and Delivery.
		4311	Miscellaneous Paid Time Off—Clerical and Administrative—Line Haul.
		4312	Miscellaneous Paid Time Off—Clerical and Administrative—Pickup and Delivery.
Office and Other Expenses	4220	4291	Salaries and Wages—Other Labor—Line Haul.
Other Transportation Expenses	4280	4292	Salaries and Wages—Other Labor—Pickup and Delivery.
		4391	Miscellaneous Paid Time Off—Other Labor—Line Haul.
		4392	Miscellaneous Paid Time Off—Other Labor—Pickup and Delivery.
		4591	Other Operating Supplies—Line Haul.
		4592	Other Operating Supplies—Pickup and Delivery.
		4611	Office Supplies—Line Haul.
		4612	Office Supplies—Pickup and Delivery.
		4661	Officers and Supervisory Personnel Expenses—Line Haul.
		4662	Officers and Supervisory Personnel Expenses—Pickup and Delivery.
		4671	Other Employees' Expenses—Line Haul.
		4672	Other Employees' Expenses—Pickup and Delivery.
		4691	Miscellaneous Expenses—Line Haul.
		4692	Miscellaneous Expenses—Pickup and Delivery.
		5121	Utilities Expenses—Line Haul.
		5122	Utilities Expenses—Pickup and Delivery.
		5521	Office Equipment Rents—Line Haul.
		5522	Office Equipment Rents—Pickup and Delivery.
Drivers and Helpers—Line Haul	4231	4221	Salaries and Wages—Drivers and Helpers—Line Haul.
		4251	Salaries and Wages—Owner-Operator Drivers—Line Haul.
		4321	Miscellaneous Paid Time Off—Drivers and Helpers—Line Haul.
		4351	Miscellaneous Paid Time Off—Owner-Operator Drivers—Line Haul.

See footnotes at end of table.

TABLE I–B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974 Account title	No.	System of accounts effective Jan. 1, 1974 No.	Account title
OPERATING EXPENSES—Continued			
TRANSPORTATION—continued			
Drivers and Helpers—Pickup and Delivery	4235	4222	Salaries and Wages—Drivers and Helpers—Pickup and Delivery.
		4252	Salaries and Wages—Owner-Operator Drivers—Pickup and Delivery.
		4322	Miscellaneous Paid Time Off—Drivers and Helpers—Pickup and Delivery
		4352	Miscellaneous Paid Time Off—Owner-Operator Drivers—Pickup and Delivery.
Employees' Welfare Expenses	4245	4441	Group Insurance—Line Haul.
		4442	Group Insurance—Pickup and Delivery.
		4451	Pension and Retirement Plans—Line Haul.
		4452	Pension and Retirement Plans—Pickup and Delivery.
		4461	Health, Welfare, and Pensions—Line Haul.
		4462	Health, Welfare, and Pensions—Pickup and Delivery.
		4491	Other Fringes—Line Haul.
		4492	Other Fringes—Pickup and Delivery.
Fuel for Revenue Equipment—Line Haul	4251	4511	Fuel for Motor Vehicles—Line Haul.
Fuel for Revenue Equipment—Pickup and Delivery.	4255	4512	Fuel for Motor Vehicles—Pickup and Delivery.
Oil for Revenue Equipment—Line Haul	4261	4521	Oil, Lubricants and Coolants for Motor Vehicles—Line Haul.[3]
Oil for Revenue Equipment—Pickup and Delivery.	4265	4522	Oil, Lubricants and Coolants for Motor Vehicles—Pickup and Delivery.[3]
Equipment Rents; Intercity; With Drivers	4271	5411	Vehicle Rents With Driver—Line Haul.
Equipment Rents; Intercity; Without Drivers	4272	5421	Vehicle Rents With Driver—Vehicle Portion Only—Line Haul.
		5431	Vehicle Rents Without Driver—Line Haul.
Other Purchased Transportation; Intercity	4273	5441	Other Purchased Transportation—Motor Carriers—Line Haul.
		5451	Other Purchased Transportation—Railroads—Line Haul.
		5461	Other Purchased Transportation—Water Carriers—Line Haul.
		5471	Other Purchased Transportation—Air Lines and Other—Line Haul.
Equipment Rents; Pickup and Delivery; With Drivers.	4275	5412	Vehicle Rents With Driver—Pickup and Delivery.
Equipment Rents; Pickup and Delivery; Without Drivers.	4276	5422	Vehicle Rents With Driver—Vehicle Portion Only—Pickup and Delivery.
		5432	Vehicle Rents Without Driver—Pickup and Delivery.
Other Purchased Pickup and Delivery	4277	5442	Other Purchased Transportation—Motor Carriers—Pickup and Delivery.
		5472	Other Purchased Transportation—Airlines and Other—Pickup and Delivery.
		5482	Allowances to Shippers—Pickup and Delivery.
Equipment Rents; Credit	4279	5491	Equipment Rents—Credit—Line Haul.
		5492	Equipment Rents—Credit—Pickup and Delivery.
Operating Rents	4285	5511	Building Operating Rents—Line Haul.
		5512	Building Operating Rents—Pickup and Delivery.
TERMINAL			
Supervisory Salaries	4311	4113	Salaries—Officers—Billing and Collecting.
		4114	Salaries—Officers—Platform.
		4115	Salaries—Officers—Terminal.
		4123	Salaries—Terminal and Department Managers—Billing and Collecting.
		4124	Salaries—Terminal and Department Managers—Platform.
		4125	Salaries—Terminal Managers.
		4133	Salaries—Supervisory Personnel—Billing and Collecting.
		4134	Salaries—Supervisory Personnel—Platform.
		4135	Salaries—Supervisory and Administrative Personnel—Terminal
Salaries and Fees; Billing and Collecting	4312	4213	Salaries and Wages—Clerical and Administrative—Billing and Collecting.
		4313	Miscellaneous Paid Time Off—Clerical and Administrative—Billing and Collecting.
		4653	Outside Fees—Billing and Collecting.

See footnotes at end of table.

V 40 190 SEP 3075 XUM

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
OPERATING EXPENSES—Continued			
TERMINAL—continued			
Other Office Employees	4313	4214	Salaries and Wages—Clerical and Administrative—Platform.
		4215	Salaries and Wages—Clerical and Administrative—Terminal.
		4314	Miscellaneous Paid Time Off—Clerical and Administrative—Platform.
		4315	Miscellaneous Paid Time Off—Clerical and Administrative—Terminal.
Office and Other Expenses	4320	4244	Salaries and Wages—Vehicle Repair and Service—Platform.
Other Terminal Expenses	4380	4245	Salaries and Wages—Vehicle Repair and Service—Terminal.
		4515	Fuel for Motor Vehicles—Terminal.
		4525	Oil, Lubricants and Coolants for Motor Vehicles—Terminal.
		4535	Vehicle Parts—Terminal.
		4545	Vehicle Maintenance by Outside Vendors—Terminal.
		4555	Tires and Tubes—Terminal.
		4594	Other Operating Supplies—Platform.
		4595	Other Operating Supplies—Terminal.
		4613	Office Supplies—Billing and Collecting.
		4614	Office Supplies—Platform.
		4615	Office Supplies—Terminal.
		4663	Officers and Supervisory Personnel Expenses—Billing and Collecting.
		4664	Officers and Supervisory Personnel Expenses—Platform.
		4665	Officers and Supervisory Personnel Expenses—Terminal.
		4673	Other Employees' Expenses—Billing and Collecting.
		4674	Other Employees' Expenses—Platform.
		4675	Other Employees' Expenses—Terminal.
		4693	Miscellaneous Expenses—Billing and Collecting.
		4694	Miscellaneous Expenses—Platform.
		4695	Miscellaneous Expenses—Terminal.
		4715	Gasoline, Diesel Fuels and Oil Taxes (Federal)—Terminal.
		4765	Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Terminal.
		4775	Vehicle License and Registration Fees—Ownership (State and Other)—Terminal.
		4785	Vehicle License and Registration Fees—Usage (State and Other)—Terminal.
		5123	Utilities Expenses—Billing and Collecting.
		5124	Utilities Expenses—Platform.
		5125	Utilities Expenses—Terminal.
		5523	Office Equipment Rents—Billing and Collecting.
		5524	Office Equipment Rents—Platform.
		5525	Office Equipment Rents—Terminal.
Salaries and Wages, Platform Employees	4340	4234	Salaries and Wages—Cargo Handlers—Platform.
		4334	Miscellaneous Paid Time Off—Cargo Handlers—Platform.
Employees' Welfare Expenses	4345	4143	Group Insurance—Billings and Collecting.
		4144	Group Insurance—Platform.
		4145	Group Insurance—Terminal.
		4153	Pension and Retirement Plans—Billings and Collecting.
		4154	Pension and Retirement Plans—Platform.
		4155	Pension and Retirement Plans—Terminal.
		4163	Health, Welfare and Pensions—Billings and Collecting.
		4164	Health, Welfare and Pensions-Platform.
		4165	Health, Welfare and Pensions-Terminal.
		4193	Other Fringes-Billings and Collecting.
		4194	Other Fringes-Platform.
		4195	Other Fringes-Terminal.
Other Terminal Employees	4350	4233	Salaries and Wages—Other Labor—Billing and Collecting.
		4234	Salaries and Wages—Other Labor—Platform.
		4235	Salaries and Wages—Other Labor—Terminal.
		4333	Miscellaneous Paid Time Off—Billing and Collecting.
		4334	Miscellaneous Paid Time Off—Platform.
		4335	Miscellaneous Paid Time Off—Terminal.

See footnotes at end of table.

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
OPERATING EXPENSES—Continued			
TERMINAL—continued			
Commission Agents	4360	4642	Commission Agent Fees—Pickup and Delivery.
		4643	Commission Agent Fees—Billing and Collecting.
		4644	Commission Agent Fees—Platform.
		4645	Commission Agent Fees—Terminal.
		4647	Commission Agent Fees—Traffic and Sales.
		4654	Outside Fees—Platform.
Operating Rents	4385	5513	Building Operating Rents—Billing and Collecting.
		5514	Building Operating Rents-Platform.
		5515	Building Operating Rents—Terminal.
Joint Terminal Facilities: Debit	4391	5915	Joint Facility Expense—Debit—Terminal.
Joint Terminal Facilities: Credit	4396	5925	Joint Facility Expense—Credit—Terminal.
TRAFFIC			
Supervision	4410	4117	Salaries—Officers—Traffic and Sales.
		4127	Salaries—Department and Division Managers—Traffic and Sales.
		4137	Salaries—Supervisory and Administrative Personnel—Traffic and Sales.
		4217	Salaries and Wages—Clerical and Administrative—Traffic and Sales.
		4207	Salaries and Wages—Other Labor—Traffic and Sales.
		4317	Miscellaneous Paid Time Off—Clerical and Administrative—Traffic and Sales.
		4307	Miscellaneous Paid Time Off—Other Labor—Traffic and Sales.
		4657	Outside Fees—Traffic and Sales.
Office and Other Expenses	4420	4247	Salaries and Wages—Vehicle Repair and Service—Traffic and Sales.
Other Traffic Expenses	4480	4537	Vehicle Parts—Traffic and Sales.
		4547	Vehicle Maintenance by Outside Vendors—Traffic and Sales.
		4557	Tires and Tubes—Traffic and Sales.
		4617	Office Supplies—Traffic and Sales.
		4667	Officers and Supervisory Personnel Expenses—Traffic and Sales.
		4677	Other Employees' Expenses—Traffic and Sales.
		4697	Miscellaneous Expenses—Traffic and Sales.
		4777	Vehicle License and Registration Fees—Ownership (State and Other)—Traffic and Sales.
		4787	Vehicle License and Registration Fees—Usage (State and Other)—Traffic and Sales.
		5127	Utilities Expenses—Traffic and Sales.
		5527	Office Equipment Rents—Traffic and Sales.
Tariffs and Schedules	4430	4627	Tariffs and Schedules—Traffic and Sales.
Employees' Welfare Expenses	4445	4447	Group Insurance—Traffic and Sales.
		4457	Pension and Retirement Plans—Traffic and Sales.
		4467	Health, Welfare, and Pensions—Traffic and Sales.
		4497	Other Fringes—Traffic and Sales.
Advertising	4450	4637	Advertising—Traffic and Sales.
Operating Rents	4485	5519	Building Operating Rents—General and Administrative.
INSURANCE AND SAFETY			
Supervision	4510	4118	Salaries—Officers—Insurance and Safety.
		4128	Salaries—Department and Division Managers—Insurance and Safety.
		4138	Salaries—Supervisory and Administrative Personnel—Insurance and Safety.
		4218	Salaries and Wages—Clerical and Administrative—Insurance and Safety.
		4298	Salaries and Wages—Other Labor—Insurance and Safety.

See footnotes at end of table.

V 40 190 SEP 3075 XUM

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
OPERATING EXPENSES—Continued			
INSURANCE AND SAFETY—continued			
		4318	Miscellaneous Paid Time Off—Clerical and Administrative—Insurance and Safety.
		4398	Miscellaneous Paid Time Off—Other Labor—Insurance and Safety.
Office and Other Expenses	4520	4248	Salaries and Wages—Vehicle Repair and Service—Insurance and Safety.
Other Insurance and Safety Department Expenses.	4580	4538	Vehicle Parts—Insurance and Safety.
		4548	Vehicle Maintenance by Outside Vendors—Insurance and Safety.
		4558	Tires and Tubes—Insurance and Safety.
		4618	Office Supplies—Insurance and Safety.
		4668	Officers and Supervisory Personnel Expenses—Insurance and Safety.
		4678	Other Employees' Expenses—Insurance and Safety.
		4698	Miscellaneous Expenses—Insurance and Safety.
		4778	Vehicle License and Registration Fees—Ownership (State and Other)—Insurance and Safety.
		4788	Vehicle License and Registration Fees—Usage (State and Other)—Insurance and Safety.
		5128	Utilities Expenses—Insurance and Safety.
		5528	Office Equipment Rents—Insurance and Safety.
Public Liability and Property Damage	4530	4311	Public Liability and Property Damage Insurance—Line Haul.
		4312	Public Liability and Property Damage Insurance—Pickup and Delivery.
		4318	Public Liability and Property Damage Insurance and Safety.
Workmen's Compensation	4540	4431	Workmen's Compensation—Line Haul.
		4432	Workmen's Compensation—Pickup and Delivery.
		4433	Workmen's Compensation—Billing and Collecting.
		4434	Workmen's Compensation—Platform.
		4435	Workmen's Compensation—Terminal.
		4436	Workmen's Compensation—Maintenance.
		4437	Workmen's Compensation—Traffic and Sales.
		4438	Workmen's Compensation—Insurance and Safety.
		4439	Workmen's Compensation—General and Administrative.
Employees' Welfare Expenses	4545	4448	Group Insurance—Insurance and Safety.
		4458	Pension and Retirement Plans—Insurance and Safety.
		4468	Health, Welfare, and Pensions—Insurance and Safety.
		4498	Other Fringes—Insurance and Safety.
Cargo Loss and Damage	4550	4821	Cargo Loss and Damage Insurance—Line Haul.
		4822	Cargo Loss and Damage Insurance—Pickup and Delivery.
		4823	Cargo Loss and Damage Insurance—Billing and Collecting.
		4824	Cargo Loss and Damage Insurance—Plantform.
		4825	Cargo Loss and Damage Insurance—Terminal.
Fire, Theft, and Collision	4560	4831	Fire, Theft and Collision Insurance—Line Haul.
Other Insurance Expense	4570	4832	Fire, Theft and Collision Insurance—Pickup and Delivery.
		4838	Fire, Theft and Collision Insurance—Insurance and Safety.
		4841	Insurance on Buildings and Structures—Line Haul.
		4842	Insurance on Buildings and Structures—Pickup and Delivery.
		4843	Insurance Buildings and Structures—Billing and Collecting.
		4844	Insurance on Buildings and Structures—Platform.
		4845	Insurance on Buildings and Structures—Terminal.
		4846	Insurance on Buildings and Structures—Maintenance.
		4849	Insurance on Buildings and Structures—General and Administrative.
		4898	Other Insurance—Insurance and Safety.
Operating Rents	4585	5519	Building Operating Rents—General and Administrative.
ADMINISTRATIVE AND GENERAL			
Salaries; General Officers	4611	4119	Salaries—Officers—General and Administrative.
		4129	Salaries—Department and Division Managers—General and Administrative.
Salaries; Revenue Accounting	4612	4213	Salaries and Wages—Clerical and Administrative—Billing and Collecting.
		4313	Miscellaneous Paid Time Off—Clerical and Administrative—Billing and Collecting.
		4653	Outside Fees—Billing and Collecting.

See footnotes at end of table.

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
OPERATING EXPENSES—Continued			
ADMINISTRATIVE AND GENERAL—continued			
Salaries; Other General Office Employees	4613	4139	Salaries—Supervisory and Administrative Personnel—General and Administrative.
		4219	Salaries and Wages—Clerical and Administrative—General and Administrative.
		4299	Salaries and Wages—Other Labor—General and Administrative.
		4319	Miscellaneous Paid Time Off—Clerical and Administrative—General and Administrative.
		4399	Miscellaneous Paid Time Off Other Labor—General and Administrative.
		4699	Other General Supplies and Expenses—General and Administrative.
Purchasing and Store Expenses	4675	4249	Salaries and Wages—Vehicle Repair and Service—General and Administrative.
Other General Expenses	4680	4530	Vehicle Parts—General and Administrative.
		4540	Vehicle Maintenance by Outside Vendors—General and Administrative.
		4559	Tires and Tubes—General and Administrative.
		4669	Officers' and Supervisory Personnel Expenses—General and Administrative.
		4679	Other Employees' Expenses—General and Administrative.
		4779	Vehicle License and Registration Fees—Ownership (State and Other)—General and Administrative.
		4789	Vehicle License and Registration Fees—Usage (State and Other)—General and Administrative.
Expenses of General Officers	4621		
Expenses of General Office Employees	4622		
Other General Office Expenses	4623	4619	Office Supplies—General and Administrative.
		5129	Utilities Expenses—General and Administrative.
		5529	Office Equipment and Rents—General and Administrative.
Law Expenses	4630	5939	Professional Services—Debit—General and Administrative.
Outside Auditing Expenses	4635	5949	Professional Services—Credit—General and Administrative.
Management and Supervision Fees	4650		
Regulatory Expenses	4670		
Communication Service	4640	5111	Communication Expenses—Line Haul.
		5112	Communication Expenses—Pickup and Delivery.
		5113	Communication Expenses—Billing and Collecting.
		5114	Communication Expenses—Platform.
		5115	Communication Expenses—Terminal.
		5116	Communication Expenses—Maintenance.
		5117	Communication Expenses—Traffic and Sales.
		5118	Communication Expenses—Insurance and Safety.
		5119	Communication Expenses—General and Administrative.
Employees' Welfare Expenses	4645	4449	Group Insurance—General and Administrative
		4459	Pension and Retirement Plans—General and Administrative.
		4469	Health, Welfare, and Pension—General and Administrative.
		4499	Other Fringes—General and Administrative
Uncollectible Revenues	4660	5989	Uncollectible Revenues.
Operating Rents	4685	5519	Building Operating Rents—General and Administrative.
Joint Operating Expense; Debit	4691	5919	Joint Facility Expense—Debit—General and Administrative.
Joint Operating Expense; Credit	4696	5929	Joint Facility Expense—Credit—General and Administrative.

See footnotes at end of table.

V 40 190 SEP 3075 XUM

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974.		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
OPERATING EXPENSES—Continued			
DEPRECIATION EXPENSE			
Depreciation of Structures	5010	5311	Depreciation Expense—Line Haul.
		5312	Depreciation Expense—Pickup and Delivery.
		5313	Depreciation Expense—Billing and Collecting.
		5314	Depreciation Expense—Platform.
		5315	Depreciation Expense—Buildings and Structures—Terminal.
		5316	Depreciation Expense—Buildings and Structures—Maintenance.
		5319	Depreciation Expense—Building and Structures—General and Administrative.
Depreciation of Revenue Equipment—Line Haul.	5021	5321	Depreciation Expense—Revenue Equipment—Line Haul.
Depreciation of Revenue Equipment—Pickup and Delivery.	5025	5322	Depreciation Expense—Revenue Equipment—Pickup and Delivery.
Depreciation of Service Cars and Equipment	5030	5334	Depreciation Expense—Service Cars and Equipment—Platform.
		5335	Depreciation Expense—Service Cars and Equipment—Terminal.
		5336	Depreciation Expense—Service Cars and Equipment—Maintenance.
		5337	Depreciation Expense—Service Cars and Equipment—Traffic and Sales.
		5338	Depreciation Expense—Service Cars and Equipment—Insurance and Safety.
		5339	Depreciation Expense—Service Cars and Equipment—General and Administrative.
Depreciation of Shop and Garage Equipment	5040	5346	Depreciation Expense—Shop and Garage Equipment—Maintenance.
Depreciation of Furniture and Office Equipment	5050	5355	Depreciation Expense—Furniture and Office Equipment—Terminal.
		5356	Depreciation Expense—Furniture and Office Equipment—Maintenance.
		5359	Depreciation Expense—Furniture and Office Equipment—General and Administrative.
Depreciation of Miscellaneous Equipment	5060	5361	Depreciation Expense—Miscellaneous Equipment—Line Haul.
		5362	Depreciation Expense—Miscellaneous Equipment—Pickup and Delivery.
		5363	Depreciation Expense—Miscellaneous Equipment—Billing and Collecting.
		5364	Depreciation Expense—Miscellaneous Equipment—Platform.
		5365	Depreciation Expense—Miscellaneous Equipment—Terminal.
		5366	Depreciation Expense—Miscellaneous Equipment—Maintenance.
		5367	Depreciation Expense—Miscellaneous Equipment—Traffic and Sales.
		5368	Depreciation Expense—Miscellaneous Equipment—Insurance and Safety.
		5369	Depreciation Expense—Miscellaneous Equipment—General and Administrative.
Depreciation of Improvements to Leasehold Property	5070	5371	Amortization Expense—Improvements to Leasehold Property—Line Haul.
		5372	Amortization Expense—Improvements to Leasehold Property—Pickup and Delivery.
		5373	Amortization Expense—Improvements to Leasehold Property—Billing and Collecting.
		5374	Amortization Expense—Improvements to Leasehold Property—Platform.
		5375	Amortization Expense—Improvements to Leasehold Property—Terminal.
		5376	Amortization Expense—Improvements to Leasehold Property—Maintenance.
		5379	Amortization Expense—Improvements to Leasehold Property—General and Administrative.
Depreciation of Undistributed Property	5080	5389	Depreciation Expense—Undistributed Property—General and Administrative.
Depreciation Adjustment	5100	5719	Gains on Disposition of Operating Assets—General and Administrative.[4]
		5729	Losses on Disposition of Operating Assets—General and Administrative.[4]

See footnotes at end of table.

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
OPERATING EXPENSES—Continued			
AMORTIZATION EXPENSE			
Amortization of Carrier Operating Property	5150	5399	Amortization Expense (Other)—General and Administrative.[4]
		5719	Gains on Disposition of Operating Assets—General and Administrative.[4]
		5729	Losses on Disposition of Operating Assets—General Administrative.[4]
Gasoline, Other Fuel and Oil Taxes—Line Haul Equipment.	5211	4711	Gasoline, Diesel Fuel and Oil Taxes (Federal)—Line Haul.
		4761	Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Line Haul.
Gasoline, Other Fuel and Oil Taxes—Pickup and Delivery Equipment.	5215	4712	Gasoline, Diesel Fuel and Oil Taxes (Federal)—Pickup and Delivery.
		4762	Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Pickup and Delivery.
Vehicle License and Registration Fees—Line Haul Equipment.	5221	4731	Vehicle License and Registration Fees—Usage (Federal)—Line Haul.
		4771	Vehicle License and Registration Fees—Ownership (State and Other)—Line Haul.
		4781	Vehicle License and Registration Fees—Usage (State and Other)—Line Haul.
Vehicle License and Registration Fees—Pickup and Delivery Equipment.	5225	4732	Vehicle License and Registration Fees—Usage (Federal)—Pickup and Delivery.
		4772	Vehicle License and Registration Fees—Ownership (State and Other)—Pickup and Delivery.
		4782	Vehicle License and Registration Fees—Usage (State and other)—Pickup and Delivery.
Real Estate and Personal Property Taxes	5230	4751	Real Estate and Personal Property Taxes—Line Haul.
		4752	Real Estate and Personal Property Taxes—Pickup and Delivery.
		4753	Real Estate and Personal Property Taxes—Billing and Collecting.
		4754	Real Estate and Personal Property Taxes—Platform.
		4755	Real Estate and Personal Property Taxes—Terminal.
		4756	Real Estate and Personal Property Taxes—Maintenance.
		4757	Real Estate and Personal Property Taxes—Traffic and Sales.
		4758	Real Estate and Personal Property Taxes—Insurance and Safety.
		4759	Real Estate and Personal Property Taxes—General and Administrative.
Social Security Taxes	5240	4411	Federal Payroll Taxes—Line Haul.
		4412	Federal Payroll Taxes—Pickup and Delivery.
		4413	Federal Payroll Taxes—Billing and Collecting.
		4414	Federal Payroll Taxes—Platform.
		4415	Federal Payroll Taxes—Terminal.
		4416	Federal Payroll Taxes—Maintenance.
		4417	Federal Payroll Taxes—Traffic and Sales.
		4418	Federal Payroll Taxes—Insurance and Safety.
		4419	Federal Payroll Taxes—General and Administrative.
		4421	State Payroll Taxes—Line Haul.
		4422	State Payroll Taxes—Pickup and Delivery.
		4423	State Payroll Taxes—Billing and Collecting.
		4424	State Payroll Taxes—Platform.
		4425	State Payroll Taxes—Terminal.
		4426	State Payroll Taxes—Maintenance.
		4427	State Payroll Taxes—Traffic and Sales.
		4428	State Payroll Taxes—Insurance and Safety.
		4429	State Payroll Taxes—General and Administrative.
Other Taxes	5250	4749	Other Taxes (Federal)—General and Administrative.
		4799	Other Taxes (State and Other)—General and Administrative.
Lease of Distinct Operating Unit; Debit	5400	8310	Lease of Distinct Operating Unit—Debit.
Lease of Distinct Operating Unit; Credit	5500	8320	Lease of Distinct Operating Unit—Credit.
OTHER ORDINARY INCOME			
Income From Noncarrier Operations; Net	6100	8100	Income From Noncarrier Operations (Net).
		8110	Income From Noncarrier Operations.
		8120	Expenses of Noncarrier Operations.
Interest Income	6300	8210	Interest Income.
Dividend Income	6400	8220	Dividend Income.
Other Nonoperating Income	6500	8410	Other Nonoperating Income.

See footnotes at end of table.

V 40 190 SEP 30 75 XUM

TABLE I-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
OPERATING EXPENSES—Continued			
DEDUCTIONS FROM ORDINARY INCOME			
Interest	7100	8610	Interest Expense—Equipment Obligations—General and Administrative.
		8620	Interest Expense—Advances—General and Administrative.
		8630	Interest Expense—Bonds—General and Administrative.
		8640	Interest Expense—Other Long-Term Obligations—General and Administrative.
		8650	Interest Expense—Current Obligations—General and Administrative.
		8650	Interest Expense—Matured Obligations—General and Administrative.
Amortization of Debt Discount and Expense	7300	8670	Amortization of Debt Discount and Expense.
Amortization of Premiums on Debt; Credit	7400	8680	Amortization of Premium on Debt—Credit.
Other Deductions	7500	8420	Other Nonoperating Deductions.
		8421	Bad Debts.
		8422	Amortization (Franchises, Permits and Other).
		8423	Life Insurance Premiums (Nontax Deductible).
		8429	Other.
		8510	Nonoperating Gains on Disposition of Other Assets.
		8520	Nonoperating Losses on Disposition of Other Assets.
		8530	Gains on Disposition of Land and Structures.
		8540	Losses on Disposition of Land and Structures
INCOME TAXES			
Federal Income Taxes	8810	8710	Federal Income Taxes.
State Income Taxes	8820	8720	State Income Taxes.
Other Income Taxes	8830	8730	Other Income Taxes.
EXTRAORDINARY AND PRIOR PERIOD ITEMS			
Extraordinary Items (Net)	8910	8810	Extraordinary Items (Net).
Prior Period Items (Net)	8930	8820	Prior Period Items (Net).
Income Taxes on Extraordinary and Prior Period Items.	8960	8850	Income Taxes on Extraordinary and Prior Period Items.

[4] Applies to amounts for grease, lubricants, and coolants in this account.
[5] Reserved
[6] Applies to amounts for oil in this account.
[7] Applies to carrier operating property only.
[8] Applies to fixed term intangible property only (see also account 7500).
Reserved

TABLE II-A—CLASS II MOTOR CARRIERS BALANCE SHEET ACCOUNT NUMBERS CONVERSION TABLE

From the system of accounts effective prior to Jan. 1, 1974, to the system of accounts effective Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
ASSETS			
CURRENT ASSETS			
Cash and Working Funds	100	1010	Cash and Working Funds.
Special Deposits	104	1020	Special Deposits.
Notes Receivable	108	1110	Notes Receivable.
Receivables from Affiliated Companies	110	1120	Receivables from Affiliated Companies.
Accounts Receivable—Other	112	1131	Accounts Receivable; Customers and Interline.
		1133	Accounts Receivable; Officers, Stockholders and Employees.
		1135	Accounts Receivable; Other.
Prepayments	117	1140	Prepayments.
Materials and Supplies	118	1151	Materials and Supplies.
Other Current Assets	119	1030	Temporary Cash Investments.
		1160	Other Current Assets.
PROPERTY AND INVESTMENTS			
Land and Structures	121	1210	Land and Structures.
Revenue Equipment	122	1221	Revenue Equipment.
Service Cars and Equipment	123	1223	Service Cars and Equipment.
Other Carrier Property	124	1230	Other Carrier Property.
Noncarrier Property	140	1261	Property Used in Other Than Carrier Operations.
Organization, Franchises and Permits	150	1310	Organization, Franchises and Permits.
Other Intangible Property	155	1341	Other Intangible Property.
Investments and Advances—Affiliated Companies.	160	1410	Investments and Advances—Affiliated Companies.
Other Investments, Advances and Special Funds.	165	1430	Other Investments and Advances.
		1451	Special Funds.
DEFERRED AND MISCELLANEOUS DEBITS			
Deferred and Miscellaneous Debits	185	1510	Deferred and Miscellaneous Debits.
		1551	Clearing Account.
		2632	Discount on Capital Stock.
		2633	Commission and Expense on Capital Stock.
Reacquired and Nominally Issued Securities	186	2341	Reacquired Long-term Obligations.
		2621	Nominally Issued Securities.
		2661	Treasury Stock.
LIABILITIES			
CURRENT LIABILITIES			
Notes Payable and Matured Obligations	200	2010	Notes Payable and Matured Obligations.
Payables to Affiliated Companies	203	2020	Payables to Affiliated Companies.
Accounts Payable	205	2081	Accounts Payable; Officers, Stockholders and Employees.
		2082	Accounts Payable; Interline.
		2083	Accounts Payable; Employee Withholding.
		2084	Accounts Payable; Other.
Salaries and Wages Payable	207	2041	Salaries and Wages Payable.
C.O.D.'s Unremitted	209	2061	C.O.D.'s Unremitted.
Taxes Accrued	212	2111	Gasoline, Other Fuel and Oil Taxes; Accrued.
		2112	Vehicle Licenses and Registration Fees; Accrued.
		2113	Real Estate and Personal Property Taxes; Accrued.
		2114	Social Security Taxes; Accrued.
		2115	Other Taxes; Accrued.
		2121	Accrued Federal Income Taxes.
		2122	Accrued State Income Taxes.
		2123	Accrued Other Income Taxes.
Other Current and Accrued Liabilities	218		

V 40 190 SEP 3075 XUM

TABLE II-A—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
LONG-TERM DEBT DUE WITHIN 1 YEAR			
Equipment Obligations and Other Debt	219	2130	Other Current and Accrued Liabilities.
EQUIPMENT AND OTHER LONG-TERM OBLIGATIONS			
Advances Payable—Affiliated Companies	220	2310	Advances Payable—Affiliated Companies.
		2320	Other Advances Payable.
Equipment and Other Long-term Obligations	230	2331	Equipment Obligations.
		2332	Bonds, and Debentures.
		2333	Capitalized Lease Obligations.
		2334	Other Long-term Obligations.
DEFERRED CREDITS AND RESERVES			
Deferred Credits	240	2410	Deferred Credits.
Reserve for Depreciation—Structures	251	1214	Accumulated Depreciation—Structures.
Reserve for Depreciation—Revenue Equipment	252	1222	Accumulated Depreciation—Revenue Equipment.
Reserve for Depreciation—Service Cars and Equipment.	253	1224	Accumulated Depreciation—Service Cars and Equipment.
Reserve for Depreciation—Other Carrier Property.	254	1232	Accumulated Depreciation and Amortization—Other Carrier Property.
Reserve for Amortization—Carrier Property	260	1312	Accumulated Amortization—Organization, Franchises and Permits.
		1342	Accumulated Amortization—Other Intangible Property.
Reserve for Depreciation and Amortization—Noncarrier Property.	261	1262	Accumulated Depreciation and Amortization—Property Used in Other Than Carrier Operations.
Other Reserves	269	1138	Allowance for Uncollectible Accounts.
		1428	Adjustments—Investments and Advances, Affiliated Companies.
		1448	Adjustments—Other Investments and Advances.
		2511	Estimated Liabilities.
CAPITAL AND SURPLUS			
Capital Stock	270	2610	Capital Stock.
Sole Proprietorship Capital	280	2711	Sole Proprietorship Capital.
		2721	Drawings.
		2731	Profit and Loss.
Partnership—Capital	281	2811	Partnership Capital.
		2821	Drawings.
		2831	Profit and Loss.
Premiums and Assessments on Capital Stock	290	2631	Premiums and Assessments on Capital Stock.
Other Capital Surplus	291	2641	Other Capital in Excess of Par or Stated Value.
Earned Surplus—Appropriated	292	2651	Retained Earnings—Appropriated.
Earned Surplus—Unappropriated	298	2652	Retained Earnings—Unappropriated.
EARNED SURPLUS ACCOUNTS TO BE CLOSED TO ACCOUNT 298—EARNED SURPLUS—UNAPPROPRIATED AT THE END OF EACH YEAR		RETAINED EARNINGS ACCOUNTS TO BE CLOSED TO ACCOUNT 2652—RETAINED EARNINGS—UNAPPROPRIATED AT THE END OF EACH YEAR	
Credit Balance Transferred From Income	2932	2911	Credit Balance Transferred From Income.
Other Credits to Earned Surplus	2938	2921	Other Credits to Retained Earnings.
Debit Balance Transferred From Income	2942	2931	Debit Balance Transferred From Income.
Dividend Appropriations	2944	2941	Dividend Appropriations.
Other Appropriations of Earned Surplus	2946	2951	Other Appropriations of Retained Earnings.
Other Debits to Earned Surplus	2948	2961	Other Debits to Retained Earnings.

TABLE II-B—CLASS II MOTOR CARRIERS REVENUE AND EXPENSE ACCOUNT NUMBERS CONVERSION TABLE

From the system of accounts effective prior to Jan. 1, 1974, to the system of accounts effective Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
OPERATING REVENUES			
Freight Revenue—Intercity Common Carrier	310	3100	Freight Revenue—Intercity Common Carrier.
Freight Revenue—Intercity Contract Carrier	311	3200	Freight Revenue—Intercity Contract Carrier.
Freight Revenue—Local Cartage	312	3300	Freight Revenue—Local Cartage.
Intercity Transportation For Other Class II and Class I Motor Carriers.	313	3400	Intercity Transportation For Other Motor Carriers.
Other Operating Revenue	390	3900	Other Operating Revenue.
OPERATION AND MAINTENANCE			
EXPENSES			
Supervision, Office and Other Expenses	411	4116	Salaries—Officers—Maintenance.
Other Maintenance Expenses	418	4216	Salaries and Wages—Clerical and Administrative—Maintenance.
		4246	Salaries and Wages—Vehicle Repair and Service—Maintenance.
		4296	Salaries and Wages—Other Labor—Maintenance.
		4496	Other Fringes—Maintenance.
		4516	Fuel for Motor Vehicles—Maintenance.
		4536	Vehicle Parts—Maintenance.
		4556	Tires and Tubes—Maintenance.
		4596	Other Operating Supplies—Maintenance.
		4616	Office Supplies—Maintenance.
		4696	Miscellaneous Expenses—Maintenance.
		4716	Gasoline, Diesel Fuel and Oil Taxes (Federal)—Maintenance.
		4766	Gasoline, Diesel Fuel and Oil Taxes (State and other)—Maintenance.
		4776	Vehicle License and Registration Fees—Ownership (State and other)—Maintenance.
		5126	Utilities Expenses—Maintenance.
		5506	Building and Office Equipment Rents—Maintenance.
		5916	Joint Facility Expense—Debit—Maintenance.[1]
Joint Garage Expense—Net	419		
TRANSPORTATION			
Supervision, Office and Other Expenses	421	4111	Salaries—Officers—Line Haul.
		4112	Salaries—Officers—Pickup and Delivery.
		4211	Salaries and Wages—Clerical and Administrative—Line Haul.
Other Transportation Expenses	428	4212	Salaries and Wages—Clerical and Administrative—Pickup and Delivery.
		4291	Salaries and Wages—Other Labor—Line Haul.
		4292	Salaries Wages—Other Labor—Pickup and Delivery.
		4491	Other Fringes—Line Haul.
		4492	Other Fringes—Pickup and Delivery.
		4591	Other Operating Supplies—Line Haul.
		4592	Other Operating Supplies—Pickup and Delivery.
		4611	Office Supplies—Line Haul.
		4612	Office Supplies—Pickup and Delivery.
		4691	Miscellaneous Expenses—Line Haul.
		4692	Miscellaneous Expenses—Pickup and Delivery

See footnotes at end of table.

V 40 190 SEP 30 75 XUM

TABLE II–B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
TRANSPORTATION—continued			
		5121	Utilities Expenses—Line Haul.
		5122	Utilities Expenses—Pickup and Delivery.
		5501	Building and Office Equipment Rents—Line Haul.
		5502	Building and Office Equipment Rents—Pickup and Delivery.
		5509	Building and Office Equipment Rents—General and Administrative.[6]
		5511	Building Operating Rents—Line Haul.
		5512	Building Operating Rents—Pickup and Delivery.
Repairs and Service—Revenue Equipment—Line Haul.	413.1	4241	Salaries and Wages—Vehicle Repair and Service—Line Haul.
		4511	Fuel for Motor Vehicles—Line Haul.[4]
		4531	Vehicle Parts—Line Haul.
Repairs and Service—Revenue Equipment—Pickup and Delivery.	413.5	4242	Salaries and Wages—Vehicle Repair and Service—Pickup and Delivery.
		4512	Fuel for Motor Vehicles—Pickup and Delivery.[5]
		4532	Vehicle Parts—Pickup and Delivery.
Tires and Tubes—Revenue Equipment—Line Haul.	416.1	4551	Tires and Tubes—Line Haul.
Tires and Tubes—Revenue Equipment—Pickup and Delivery	416.5	4552	Tires and Tubes—Pickup and Delivery.
Drivers and Helpers—Line Haul	423.1	4221	Salaries and Wages—Drivers and Helpers—Line Haul.
		4251	Salaries and Wages—Owner Operator Drivers—Line Haul.
Drivers and Helpers—Pickup and Delivery	423.5	4222	Salaries and Wages—Drivers and Helpers—Pickup and Delivery.
		4252	Salaries and Wages—Owner Operator Drivers—Pickup and Delivery.
Fuel and Oil—Revenue Equipment—Line Haul.	425.1	4511	Fuel for Motor Vehicles—Line Haul.
Fuel and Oil—Revenue Equipment—Pickup and Delivery.	425.5	4512	Fuel for Motor Vehicles—Pickup and Delivery.
PURCHASED TRANSPORTATION			
Equipment Rents—Intercity—With Drivers	427.1	5411	Vehicle Rents With Driver—Line Haul.
Equipment Rents—Intercity—Without Drivers	427.2	5421	Vehicle Rents With Driver—Vehicle Portion Only—Line Haul.
		5431	Vehicle Rents Without Driver—Line Haul.
Other Purchased Transportation—Intercity	427.3	5441	Other Purchased Transportation—Motor Carriers—Line Haul.
		5451	Other Purchased Transportation—Railroads—Line Haul.
		5461	Other Purchased Transportation—Water Carriers—Line Haul.
		5471	Other Purchased Transportation—Air Lines and Other—Line Haul.
Equipment Rents—Pickup and Delivery—With Drivers.	427.5	5412	Vehicle Rents With Driver—Pickup and Delivery.
Equipment Rents—Pickup and Delivery—Without Drivers.	427.6	5422	Vehicle Rents With Driver—Vehicle Portion Only—Pickup and Delivery.
		5432	Vehicle Rents Without Driver—Pickup and Delivery.
Other Purchased Pickup and Delivery	427.7	5442	Other Purchased Transportation—Motor Carriers—Pickup and Delivery.
		5472	Other Purchased Transportation—Air Lines and Other—Pickup and Delivery.
		5482	Allowances to Shippers—Pickup and Delivery.
Equipment Rents—Credit	427.9	5491	Equipment Rents—Credit—Line Haul.
		5492	Equipment Rents—Credit—Pickup and Delivery.

See footnotes at end of table.

TABLE II–B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
TERMINAL			
Supervisory Salaries	431.1	4113	Salaries—Officers—Billing and Collecting.
		4114	Salaries—Officers—Platform.
		4115	Salaries—Officers—Terminal.
Salaries and Fees—Billing and Collecting	431.2	4213	Salaries and Wages—Clerical and Administrative—Billing and Collecting.
Salaries—Revenue Accounting	461.2	4643	Commission Agent Fees—Billing and Collecting.
Other Office Employees—Terminal	431.3	4214	Salaries and Wages—Clerical and Administrative—Platform.
		4215	Salaries and Wages—Clerical and Administrative—Terminal.
Office and Other Expenses—Terminal	432	4244	Salaries and Wages—Vehicle Repair and Service—Platform.
		4245	Salaries and Wages—Vehicle Repair and Service—Terminal.
Other Terminal Expenses	438	4493	Other Fringes—Billing and Collecting.
		4494	Other Fringes—Platform.
		4495	Other Fringes—Terminal.
		4515	Fuel for Motor Vehicles—Terminal.
		4535	Vehicle Parts—Terminal.
		4555	Tires and Tubes—Terminal.
		4594	Other Operating Supplies—Platform.
		4595	Other Operating Supplies—Terminal.
		4612	Office Supplies—Billing and Collecting.
		4614	Office Supplies—Platform.
		4615	Office Supplies—Terminal.
		4693	Miscellaneous Expenses—Billing and Collecting.
		4694	Miscellaneous Expenses—Platform.
		4695	Miscellaneous Expenses—Terminal.
		4715	Gasoline, Diesel, Fuel and Oil Taxes (Federal)—Terminal.
		4765	Gasoline, Diesel Fuel and Oil Taxes—(State and Other)—Terminal.
		4775	Vehicle License and Registration Fees—Ownership (State and Other)—Terminal.
		5123	Utilities Expenses—Billing and Collecting.
		5124	Utilities Expenses—Platform.
		5125	Utilities Expenses—Terminal.
		5503	Building and Office Equipment Rents—Billing and Collecting.
		5504	Building and Office Equipment Rents—Platform.
		5505	Building and Office Equipment Rents-Terminal
		5513	Building Operating Rents—Billing and Collecting.
		5514	Building Operating Rents—Platform.
Salaries and Wages—Platform Employees	434	4234	Salaries and Wages—Cargo Handlers—Platform.
		4644	Commission Agent Fees—Platform.
Other Terminal Employees	435	4293	Salaries and Wages—Other Labor—Billing and Collecting.
		4294	Salaries and Wages—Other Labor—Platofrm.
		4295	Salaries and Wages—Other Labor—Terminal.
Commission Agents	436	4642	Commission Agent Fees—Pickup and Delivery.
		4643	Commission Agent Fees—Billing and Collecting.
		4644	Commission Agent Fees—Platofrm.
		4645	Commission Agent Fees—Terminal.
		4647	Commission Agent Fees—Traffic and Sales.
Joint Terminal Facilities—Net	439	5915	Joint Facility Expense—Debit—Terminal.[3]

See footnotes at end of table.

V 40 190 SEP 30 75 XUM

Chapter X—Interstate Commerce Commission Part 1207

TABLE II–B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
TRAFFIC			
Supervision, Office and Other Expenses	411	4117	Salaries—Officers—Traffic and Sales.
		4217	Salaries and Wages—Clerical and Administrative—Traffic and Sales.
Other Traffic Expenses	448	4247	Salaries and Wages—Vehicle Repair and Service—Traffic and Sales.
		4297	Salaries and Wages—Other Labor—Traffic and Sales.
		4307	Miscellaneous Paid Time Off—Traffic and Sales.
		4407	Other Fringes—Traffic and Sales.
		4537	Vehicle Part—Traffic and Sales.
		4557	Tires and Tubes—Traffic and Sales.
		4617	Office Supplies—Traffic and Sales.
Tariffs and Schedules	443	4627	Tariffs and Schedules—Traffic and Sales.
		4647	Commission Agent Fees—Traffic and Sales.
		4697	Miscellaneous Expenses—Traffic and Sales.
		4777	Vehicle License and Registration Fees—Ownership (State and Other)—Traffic and Sales.
		5127	Utilities Expense—Traffic and Sales.
		5507	Building and Office Equipment Rents—Traffic and Sales.[13]
		5509	Building and Office Equipment Rents—General and Administrative.[4]
INSURANCE AND SAFETY			
Supervision, Office and Other Expenses	451	4118	Salaries—Officers—Insurance and Safety.
		4218	Salaries and Wages—Clerical and Administrative—Insurance and Safety.
Other Insurance and Safety Department Expenses	458	4248	Salaries and Wages—Vehicle Repair and Service—Insurance and Safety.
		4298	Salaries and Wages—Other Labor—Insurance and Safety.
		4408	Other Fringes—Insurance and Safety.
		4538	Vehicle Parts—Insurance and Safety.
		4558	Tires and Tubes—Insurance and Safety.
		4618	Office Supplies—Insurance and Safety.
		4698	Miscellaneous Expense—Insurance and Safety.
		4778	Vehicle License and Registration Fees—Ownership (State and Other)—Insurance and Safety.
		5128	Utilities Expenses—Insurance and Safety.
		5508	Building and Office Equipment Rents—Insurance and Safety.
		5509	Building and Office Equipment Rents—General and Administrative.[13]
Public Liability and Property Damage	453	4811	Public Liability and Property Damage Insurance—Line Haul.
		4812	Public Liability and Property Damage Insurance—Pickup and Delivery.
		4818	Public Liability and Property Damage Insurance—Insurance and Safety.
Workmen's Compensation	454	4131	Workmen's Compensation—Line Haul.
		4132	Workmen's Compensation—Pickup and Delivery.
		4133	Workmen's Compensation—Billing and Collecting.
		4134	Workmen's Compensation—Platform.
		4135	Workmen's Compensation—Terminal.
		4136	Workmen's Compensation—Maintenance.
		4137	Workmen's Compensation—Traffic and Sales.
		4138	Workmen's Compensation—Insurance and Safety.
		4139	Workmen's Compensation—General and Administrative.
Cargo Loss and Damage	455	4821	Cargo Loss and Damage Insurance—Line Haul.
		4822	Cargo Loss and Damage Insurance—Pickup and Delivery.
		4823	Cargo Loss and Damage Insurance—Billing and Collecting.
		4824	Cargo Loss and Damage Insurance—Platform.
		4825	Cargo Loss and Damage Insurance—Terminal.
Fire, Theft, and Collision	456	4831	Fire, Theft and Collision Insurance—Line Haul.
Other Insurance Expense	457	4832	Fire, Theft and Collision Insurance—Pickup and Delivery.
		4838	Fire, Theft and Collision Insurance—Insurance and Safety.

See footnotes at end of table.

TABLE II–B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
INSURANCE AND SAFETY—continued			
		4841	Insurance on Buildings and Structures—Line Haul.
		4842	Insurance on Buildings and Structures—Pickup and Delivery.
		4843	Insurance on Buildings and Structures—Billing and Collecting.
		4844	Insurance on Building and Structures—Platform.
		4845	Insurance on Buildings and Structures—Terminal.
		4846	Insurance on Buildings and Structures—Maintenance.
		4849	Insurance on Buildings and Structures—General and Administrative.
		4898	Other Insurance—Insurance and Safety.
ADMINISTRATIVE AND GENERAL			
Salaries—General Officers	461.1	4119	Salaries—Officers—General and Administrative.
Salaries, Other General Office Employees	461.3	4119	Salaries—Officers—General and Administrative.
		4219	Salaries and Wages—Clerical and Administrative—General and Administrative.
		4299	Salaries and Wages—Other Labor—General and Administrative.
		4499	Other Fringes—General and Administrative.
		5509	Building and Office equipment rents—General and Administrative.[13]
		5939	Professional Services—Debit—General and Administrative.[5]
Law and Outside Auditing Expenses	463	4249	Salaries and Wages—Vehicle Repair and Service—General and Administrative.
		4539	Vehicle Parts—General and Administrative.
		4559	Tires and Tubes—General and Administrative.
		4619	Office Supplies—General and Administrative.
		4699	Miscellaneous Expenses—General and Administrative.
		4779	Vehicle License and Registration Fees—Ownership—(State and Other)—General and Administrative.
		5129	Utilities Expenses—General and Administrative.
		5509	Building and Office Equipment Rents—General and Administrative.[14]
Regulatory Expenses	467		
Other General Expenses	468		
Other General Office Expenses	462		
Communication Service	464	5121	Utilities Expenses—Line Haul.
		5122	Utilities Expenses—Pickup and Delivery.
		5123	Utilities Expenses—Billing and Collecting.
		5124	Utilities Expenses—Platform.
		5125	Utilities Expenses—Terminal.
		5126	Utilities Expenses—Maintenance.
		5127	Utilities Expenses—Traffic and Sales.
		5128	Utilities Expenses—Insurance and Safety.
		5129	Utilities Expenses—General and Administrative.
Uncollectible Revenues	466	5969	Uncollectible Revenue—General and Administrative.
Joint Operating Expense—Net	469	5919	Joint Facility Expense—Debit—General and Administrative.[5]
DEPRECIATION EXPENSE			
Depreciation of Structures	501	5311	Depreciation Expense—Buildings and Structures—Line Haul.
		5312	Depreciation Expense—Buildings and Structures—Pickup and Delivery.
		5313	Depreciation Expense—Buildings and Structures—Billing and Collecting.
		5314	Depreciation Expense—Buildings and Structures—Platform.
		5315	Depreciation Expense—Buildings and Structures—Terminal.
		5316	Depreciation Expense—Buildings and Structures—Maintenance.
		5319	Depreciation Expense—Buildings and Structures—General and Administrative.
Depreciation of Revenue Equipment—Line Haul.	502.2	5321	Depreciation Expense—Revenue Equipment—Line Haul.

See footnotes at end of table.

V40 I190 SEP3075 XUM

TABLE II-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
DEPRECIATION EXPENSE—continued			
Depreciation of Revenue Equipment—Pickup and Delivery.	502.5	5322	Depreciation Expense—Revenue Equipment—Pickup and Delivery.
Depreciation of Service Cars and Equipment	503	5334	Depreciation Expense—Service Cars and Equipment—Platform.
		5335	Depreciation Expense—Service Cars and Equipment—Terminal.
		5336	Depreciation Expense—Service Cars and Equipment—Maintenance.
		5337	Depreciation Expense—Service Cars and Equipment—Traffic and Sales.
		5338	Depreciation Expense—Service Cars and Equipment—Insurance and Safety.
		5339	Depreciation Expense—Service Cars and Equipment—General and Administrative.
Depreciation of Shop and Garage Equipment	504	5346	Depreciation Expense—Shop and Garage Equipment—Maintenance.
Depreciation of Furniture and Office Equipment.	505	5355	Depreciation Expense—Furniture and Office Equipment—Terminal.
		5356	Depreciation Expense—Furniture and Office Equipment—Maintenance.
		5359	Depreciation Expense—Furniture and Office Equipment—General and Administrative.
Depreciation of Miscellaneous Equipment	506	5361	Depreciation Expense—Miscellaneous Equipment—Line Haul.
		5362	Depreciation Expense—Miscellaneous Equipment—Pickup and Delivery.
		5363	Depreciation Expense—Miscellaneous Equipment—Billing and Collecting.
		5364	Depreciation Expense—Miscellaneous Equipment—Platform.
		5365	Depreciation Expense—Miscellaneous Equipment—Terminal.
		5366	Depreciation Expense—Miscellaneous Equipment—Maintenance.
		5367	Depreciation Expense—Miscellaneous Equipment—Traffic and Sales.
		5368	Depreciation Expense—Miscellaneous Equipment—Insurance and Safety.
		5369	Depreciation Expense—Miscellaneous Equipment—General and Administrative.
Depreciation of Other Carrier Property	507	5371	Amortization Expense—Improvements to Leasehold Property—Line Haul.
		5372	Amortization Expense—Improvements to Leasehold Property—Pickup and Delivery.
		5373	Amortization Expense—Improvements to Leasehold Property—Billing and Collecting.
		5374	Amortization Expense—Improvements to Leasehold Property—Platform.
		5375	Amortization Expense—Improvements to Leasehold Property—Terminal.
		5376	Amortization Expense—Improvements to Leasehold Property—Maintenance.
		5379	Amortization Expense—Improvements to Leasehold Property—General and Administrative.
Depreciation Adjustment	510	5719	Gains on Disposition of Operating Assets—General and Administrative.[7]
		5729	Losses on Disposition of Operating Assets—General and Administrative.[7]
Amortization of Carrier Property	515	5399	Amortization Expense (Other)—General and Administrative.
		5719	Gains on Disposition of Operating Assets—General and Administrative.[17]
		5729	Losses on Disposition of Operating Assets—General and Administrative.[17]
OPERATING TAXES AND LICENSES			
Gasoline, Other Fuel and Oil Taxes—Line Haul	521.1	4711	Gasoline, Diesel Fuel and Oil Taxes (Federal)—Line Haul.
		4761	Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Line Haul.
Gasoline, Other Fuel and Oil Taxes—Pickup and Delivery.	521.5	4712	Gasoline, Diesel Fuel and Oil Taxes (Federal)—Pickup and Delivery.
		4762	Gasoline, Diesel Fuel and Oil Taxes (State and Other)—Pickup and Delivery.

See footnotes at end of table.

TABLE II-B—Continued

From the system of accounts eff. prior to Jan. 1, 1974, to the system of accounts eff. Jan. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
OPERATING TAXES AND LICENSES—continued			
Vehicle License and Registration Fees—Line Haul.	522.1	4731	Vehicle License and Registration Fees—Usage (Federal)—Line Haul.
		4771	Vehicle License and Registration Fees—Ownership (State and Other)—Line Haul.
Vehicle License and Registration Fees—Pickup and Delivery.	522.5	4732	Vehicle License and Registration Fees—Usage (Federal)—Pickup and Delivery.
		4772	Vehicle License and Registration Fees—Ownership (State and Other)—Pickup and Delivery.
Real Estate and Personal Property Taxes	523	4751	Real Estate and Personal Property Taxes—Line Haul.
		4752	Real Estate and Personal Property Taxes—Pickup and Delivery.
		4753	Real Estate and Personal Property Taxes—Billing and Collecting.
		4754	Real Estate and Personal Property Taxes—Platform.
		4755	Real Estate and Personal Property Taxes—Terminal.
		4756	Real Estate and Personal Property Taxes—Maintenance.
		4757	Real Estate and Personal Property Taxes—Traffic and Sales.
		4758	Real Estate and Personal Property Taxes—Insurance and Safety.
		4759	Real Estate and Personal Property Taxes—General and Administrative.
Social Security Taxes	524	4411	Federal Payroll Taxes—Line Haul.
		4412	Federal Payroll Taxes—Pickup and Delivery.
		4413	Federal Payroll Taxes—Billing and Collecting.
		4414	Federal Payroll Taxes—Platform.
		4415	Federal Payroll Taxes—Terminal.
		4416	Federal Payroll Taxes—Maintenance.
		4417	Federal Payroll Taxes—Traffic and Sales.
		4418	Federal Payroll Taxes—Insurance and Safety.
		4419	Federal Payroll Taxes—General and Administrative.
		4421	State Payroll Taxes—Line Haul.
		4422	State Payroll Taxes—Pickup and Delivery.
		4423	State Payroll Taxes—Billing and Collecting.
		4424	State Payroll Taxes—Platofrm.
		4425	State Payroll Taxes—Terminal.
		4426	State Payroll Taxes—Maintenance.
		4427	State Payroll Taxes—Traffic and Sales.
		4428	State Payroll Taxes—Insurance and Safety.
		4429	State Payroll Taxes—General and Administrative.
Other Taxes	525	4749	Other Taxes (Federal)—General and Administrative.
		4799	Other Taxes (State and Other)—General and Administrative.
Lease of Distinct Operating Unit—Debit	540	8310	Lease of Distinct Operating Unit—Debit.
Lease of Distinct Operating Unit—Credit	550	8320	Lease of Distinct Operating Unit—Credit.
Income From Noncarrier Operations—Net	610	8100	Income From Noncarrier Operations—Net.
Interest, Dividends and Other Nonoperating Income.	650	8200	Interest and Dividend Income (Control).
		8300	Lease of Distinct Operating Units (Control).
		8400	Other Nonoperating Income (Net).
MISCELLANEOUS DEDUCTIONS FROM INCOME			
Interest	710	8610	Interest Expense—Equipment Obligations.
		8620	Interest Expense—Advances.
		8630	Interest Expense—Bonds.
		8640	Interest Expense—Other Long-term Obligations.
		8650	Interest Expense—Current Obligations.
		8660	Interest Expense—Matured Obligations.
Other Income Deductions	750	8500	Gain or Loss on Disposition of Other Assets (Net).
		8670	Amortization of Debt Discount and Expense.
		8690	Amortization of Premium on Debt-Credit.
Income Taxes on Ordinary Income	860	8700	Income Taxes on Ordinary Income.
EXTRAORDINARY AND PRIOR PERIOD ITEMS			
Extraordinary and Prior Period Items (Net)	890	8800	Extraordinary Items.

[1] Reserved.
[3] Applies only to the portion relating to vehicle-repair and service labor, miscellaneous paid time off charged to the line-haul activity.
[3] Applies to amounts for grease and lubricants in this account.
[4] Reserved.
[5] Applies only to the portion relating to clerical and administrative, miscellaneous paid time off charged to the line-haul or pickup and delivery activity.
[6] Applies to the portion relating to building operating rents formerly charged to transportation.
[7] Applies to the portion relating to drivers, helpers, and owner-operator, miscellaneous paid time off charged to the line-haul or pickup and delivery activity.
[8] See matrix of operating expenses for combination of accounts for class II carriers.
[9] Applies to the portion relating to clerical and administrative, miscellaneous paid time off charged to the billing and collecting, platform or terminal activity.
[10] Reserved.
[11] Reserved.
[12] Applies to the portion relating to building operating rents formerly charged to traffic.
[13] Applies to the portion relating to building operating rents formerly charged to insurance and safety.
[14] Reserved.
[15] Applies to the portion relating to building operating rents formerly charged to administrative and general.
[16] Applies to portion of this account relating to office equipment rents.
[17] Applies to carrier operating property only.
[18] Applies to fixed-term intangible property only (see also account 750 in system effective prior to Jan. 1, 74).19

V40I190 SEP3075 XUM

CLASS I AND CLASS II HOUSEHOLD GOODS CARRIER CONVERSION TABLES

These conversion tables relate the household goods carrier operating accounts under the present system effective January 1, 1974, with accounts of similar content under the previous system. For instructions on using the tables, see the text which immediately precedes Table I–A, Class I Motor Carriers.

In referring to the conversion tables be sure to note any symbols following the account title. For example, account 5005 includes a pound sign (£) at the end of the account title. An explanation of the pound (£) sign and other symbols is provided in the "Guide to Symbols" which precedes each household goods carrier conversion table.

TABLE III.—*Class I household goods carriers—revenue and expense account number conversion table*

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1. 1974	
Account title	No.	No.	Account title
Operating revenues			
Freight revenue; intercity common carrier.	3100	3111	Moving revenue—intercity common carrier, own rights, company driver—interstate moving.
		3112	Moving revenue—intercity common carrier, own rights, company driver—intrastate moving.
		3121	Moving revenue—intercity common carrier, own rights, owner operator—interstate moving.
		3122	Moving revenue—intercity common carrier, own rights, owner operator—intrastate moving.
		3131	Moving revenue—intercity common carrier, own rights, agent—interstate moving.
		3132	Moving revenue—intercity common carrier, own rights, agent—intrastate moving.
		3141	Moving revenue—intercity common carrier, own rights—overseas import and export—company driver—interstate moving.
		3142	Moving revenue—intercity common carrier, own rights—overseas import and export—company driver—intrastate moving.
		3151	Moving revenue—intercity common carrier, own rights—overseas import and export—owner operator—interstate moving.
		3152	Moving revenue—intercity common carrier, own rights—overseas import and export—owner operator—intrastate moving.
		3161	Moving revenue—intercity common carrier, own rights—overseas import and export—agent—interstate moving.
		3162	Moving revenue—intercity common carrier, own rights—overseas import and export—agent—intrastate moving.
		3611	Additional transportation charge—interstate moving.
		3612	Additional transportation charge—intrastate moving.
		3621	Extra stops, pickup, delivery interstate moving.
		3622	Extra stops, pickup, delivery intrastate moving.
		3631	Empty mileage—interstate moving.
		3632	Empty mileage—intrastate moving.
		3641	Miscellaneous supplementary transportation services—interstate moving.[2]
		3642	Miscellaneous supplementary transportation services—intrastate moving.[2]
Freight revenue; intercity contract carrier.	3110	3201	Moving revenue—intercity contract carrier, own rights interstate moving.
		3202	Moving revenue—intercity contract carrier, own rights intrastate moving.
		3211	Moving revenue—intercity contract carrier—own rights—overseas import and export—interstate moving.
		3212	Moving revenue—intercity contract carrier—own rights—overseas import and export—intrastate moving.
Freight revenue; local cartage	3120	3303	Moving revenue—LOCAL MOVING
		3313	Moving revenue—local—overseas import and export.
		3641	Miscellaneous supplementary transportation service—interstate moving.[2]
		3642	Miscellaneous supplementary transportation service—intrastate moving.[2]
Intercity transportation for other Class I and Class II motor carriers.	3130	3411	Moving revenue—intercity transportation for other motor carriers, company driver—interstate moving.
		3412	Moving revenue—intercity transportation for other motor carriers, company driver—intrastate moving.
		3421	Moving revenue—intercity transportation for other motor carriers, owner operator—interstate moving.
		3422	Moving revenue—intercity transportation for other motor carriers, owner operator—intrastate moving.
		3431	Moving revenue—intercity transportation for other motor carriers—overseas import and export—company driver—interstate moving.
		3432	Moving revenue—intercity transportation for other motor carriers—overseas import and export—company driver—intrastate moving.
		3441	Moving revenue—intercity transportation for other motor carriers—overseas import and export—owner operator—interstate moving.
		3442	Moving revenue—intercity transportation for other motor carriers—overseas import and export—owner operator intrastate moving.
Other operating revenues	3900	3516	Packing only—interstate—packing and crating.[1]
		3526	Unpacking only—interstate—packing and crating.[1]
		3536	Packing and unpacking—intrastate—packing and crating.[1]
		3538	Additional charges—overseas shipments—overseas import and export.

See footnotes at end of table.

TABLE III—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Operating revenues—Continued			
Other operating revenues	3900	3641	Miscellaneous supplementary transportation service—interstate moving.[2]
		3642	Miscellaneous supplementary transportation service—intrastate moving.[2]
		3811	Booking commissions—interstate moving.
		3812	Booking commissions—intrastate moving.
		3821	Origin commissions—interstate moving.
		3822	Origin commissions—intrastate moving.
		3904	Other operating revenue—indirect operating—carrier only.
Operating expenses, equipment maintenance			
Supervision	4110	4114	Salaries—supervisory and administrative personnel—indirect operating—carrier only.[1] [3]
		4124	Salaries—Clerical—indirect operating—carrier only.[12]
		4174	Salaries—Officers—indirect operating—carrier only.[12]
		4194	Salaries—department and division managers—indirect operating—carrier only.[12]
		5054	Vacation pay—indirect operating—carrier only.[12] [4]
		5064	Holiday pay—indirect operating—carrier only.[12] [4]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[12] [4]
Office and other expenses	4120	4614	Repair Wages-Transportation Equipment only—indirect operating—carrier only.[13]
Other maintenance expenses	4180	4904	Other wages—indirect operating—carrier only.[13]
		5054	Vacation pay—indirect operating—carrier only.[13] [4]
		5064	Holiday pay—indirect operating—carrier only.[13] [4]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[13] [4]
		6114	Gasoline and diesel fuel—indirect operating—carrier only.[13]
		6124	Motor oils and lubricants—indirect operating—carrier only.[13]
		6204	Tires and tubes—indirect operating—carrier only.[13]
		6304	Other vehicle supplies—indirect operating—carrier only.[1]
		6404	Vehicle repair parts—indirect operating—carrier only.[1]
		6514	Repair materials—building—indirect operating—carrier only.[13]
		6524	Repair materials—equipment—indirect operating—carrier only.[13]
		6534	Repair materials—furniture and fixtures—indirect operating—carrier only.[13]
		6614	Printed forms and office supplies—indirect operating—carrier only.[13]
		6904	Miscellaneous supplies—indirect operating—carrier only.[13]
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only.[13]
		7214	Outside services—building repairs—indirect operating—carrier only.[13]
		7224	Outside services—equipment repairs—indirect operating—carrier only.[13]
		7234	Outside services—furniture and fixture repairs—indirect operating—carrier only.[13]
		7314	Other outside services—janitorial services—indirect operating—carrier only.[13]
		7324	Other outside services—watch and alarm services—indirect operating—carrier only.[13]
		7404	Utilities—indirect operating carrier only.[13]
		7504	Communication services—indirect operating—carrier only.[1]
		7704	Travel expenses—company drivers and other operating employees—indirect operating—carrier only.[13]
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating carrier only.[13]
		7914	Subscriptions, books, and periodicals—indirect operating—carrier only.[13]
		7945	Postage—general & administrative—carrier only.[13]
		7994	Miscellaneous corporate expense—indirect operating—carrier only.[13]
		8234	Rent on office equipment—indirect operating—carrier only.[13]
		8424	Vehicle licenses and registration fees—state and local indirect operating—carrier only.[13]
		8444	Gas, diesel fuel, and oil taxes state and local—indirect operating—carrier only.[13]
		8454	Gas, diesel fuel, and oil taxes—federal—indirect operating—carrier only.[13]

See footnotes at end of table.

V 40 190 SEP 30 75 XUM

TABLE III—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
***Operating expenses, equipment maintenance*—Continued**			
Operating revenues—Continued			
Repairs and servicing; revenue equipment—line haul.	4131	4611	Repair wages—transportation equipment only—interstate moving.[14]
		4612	Repair wages—transportation equipment only—intrastate moving.[14]
		4613	Repair wages—transportation equipment only—local moving.[14]
		5054	Vacation pay—indirect operation—carrier only.[4 11]
		5064	Holiday pay—indirect operating—carrier only.[4 11]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[4 11]
		6121	Motor oils and lubricants—interstate moving.[14 6]
		6122	Motor oils and lubricants—intrastate moving.[14 6]
		6123	Motor oils and lubricants—local moving.[14 6]
		6301	Other vehicle supplies—interstate moving.[14]
		6302	Other vehicle supplies—intrastate moving.[14]
		6303	Other vehicle supplies—local moving.[14]
		6401	Vehicle repair parts—interstate moving.[14]
		6402	Vehicle repair parts—intrastate moving.[14]
		6403	Vehicle repair parts—local moving.[14]
		7101	Outside services—vehicle repairs and maintenance—interstate moving.[14]
		7102	Outside services—vehicle repairs and maintenance—intrastate moving.[14]
		7103	Outside services—vehicle repairs and maintenance—local moving.[14]
Repairs and servicing; revenue equipment—pickup and delivery.	4135	4611	Repair wages—transportation equipment only—interstate moving.[12]
		4612	Repair wages—transportation equipment only—intrastate moving.[12]
		4613	Repair wages—transportation equipment only—local moving.[12]
		5054	Vacation pay—indirect operating—carrier only.[4 12]
		5064	Holiday pay—indirect operating—carrier only.[4 12]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[4 12]
		6121	Motor oils and lubricants—interstate moving.[6 12]
		6122	Motor oils and lubricants—intrastate moving.[6 12]
		6123	Motor oils and lubricants—local moving.[6 12]
		6301	Other vehicle supplies—interstate moving.[12]
		6302	Other vehicle supplies—intrastate moving.[12]
		6303	Other vehicle supplies—local moving.[12]
		6401	Vehicle repair parts—interstate moving.[12]
		6402	Vehicle repair parts—intrastate moving.[12]
		6403	Vehicle repair parts—local moving.[12]
		7101	Outside services—vehicle repairs and maintenance—interstate moving.[12]
		7102	Outside services—vehicle repair and maintenance—intrastate moving.[12]
		7103	Outside services—vehicle repairs and maintenance—local moving.[12]
Employees welfare expenses	4145	5014	Contributions to union welfare funds—indirect operating—carrier only.[4 12 13]
See footnotes at end of table.		5024	Employees' group insurance—indirect operating—carrier only.[4 12 13]
		5044	Pension and retirement plans—indirect operating—carrier only.[4 12 13]
		5094	Other employee benefits—indirect operating—carrier only.[4 12 13]
Tires and tubes; revenue equipment—line haul.	4161	6201	Tires and tubes—interstate moving.[14]
		6202	Tires and tubes—intrastate moving.[14]
		6203	Tires and tubes—local moving.[14]
Tires and tubes; revenue equipment—pickup and delivery.	4165	6201	Tires and tubes—interstate moving.[12]
		6202	Tires and tubes—intrastate moving.[12]
		6203	Tires and tubes—local moving.[12]
Operating rents	4185	8314	Rent on building property—indirect operating—carrier only.[12]
		8334	Rent on miscellaneous equipment—indirect operating—carrier only.[12]
Joint garage expense; debit	4191	------	Intentionally left blank.
Joint garage expense; credit	4196	------	Do.
Transportation			
Supervision	4210	4111	Salaries—supervisory and administrative personnel—interstate moving.
		4112	Salaries—supervisory and administrative personnel—intrastate moving.
		4113	Salaries—supervisory and administrative personnel—local moving.
		4121	Salaries—clerical—interstate moving.
		4122	Salaries—clerical—intrastate moving.
		4123	Salaries—clerical—local moving.
		4171	Salaries—officers—interstate moving.
		4172	Salaries—officers—intrastate moving.

See footnotes at end of table.

TABLE III—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
***Operating expenses, equipment maintenance*—Continued**			
Transportation—Continued			
Supervision	4210	4173	Salaries—officers—local moving.
		4191	Salaries—department and division managers—interstate moving.
		4192	Salaries—department and division managers—intrastate moving.
		4193	Salaries—department and division managers—local moving.
		5051	Vacation pay—interstate moving.[4]
		5052	Vacation pay—intrastate moving.[4]
		5053	Vacation pay—local moving.[4]
		5061	Holiday pay—interstate moving.[4]
		5062	Holiday pay—intrastate moving.[4]
		5063	Holiday pay—local moving.[4]
		5071	Miscellaneous paid time off—interstate moving.[4]
		5072	Miscellaneous paid time off—intrastate moving.[4]
		5073	Miscellaneous paid time off—local moving.[4]
Office and other expenses	4220	4901	Other wages—interstate moving.
Other transportation expenses	4280	4902	Other wages—intrastate moving.
		4903	Other wages—local moving.
		5051	Vacation pay—interstate moving.[4]
		5052	Vacation pay—intrastate moving.[4]
		5053	Vacation pay—local moving.[4]
		5061	Holiday pay—interstate moving.[4]
		5062	Holiday pay—intrastate moving.[4]
		5063	Holiday pay—local moving.[4]
		5071	Miscellaneous paid time off—interstate moving.[4]
		5072	Miscellaneous paid time off—intrastate moving.[4]
		5073	Miscellaneous paid time off—local moving.[4]
		6514	Repair material—building—indirect operating—carrier only.[14]
		6534	Repair materials—furniture and fixtures—indirect operating—carrier only.[14]
		6611	Printed forms and office supplies—interstate moving.
		6612	Printed forms and office supplies—intrastate moving.
		6613	Printed forms and office supplies—local moving.
		6801	Miscellaneous supplies—interstate moving.
		6802	Miscellaneous supplies—intrastate moving.
		6803	Miscellaneous supplies—local moving.
		7214	Outside services—building repairs—indirect operating—carrier only.[14]
		7224	Outside services—equipment repairs—indirect operating—carrier only.[14]
		7234	Outside services—furniture and fixture repairs—indirect operating—carrier only.[14]
		7814	Other outside services—janitorial services—indirect operating—carrier only.[14]
		7824	Other outside services—watch and alarm services—indirect operating—carrier only.[14]
		7404	Utilities—indirect operating—carrier only.[14]
		7661	Purchased labor—temporary help—interstate moving.
		7662	Purchased labor—temporary help—intrastate moving.
		7663	Purchased labor—temporary help—local moving.
		7701	Travel expenses—company drivers and other operating employees—interstate moving.
		7702	Travel expenses—company drivers and other operating employees—intrastate moving.
		7703	Travel expenses—company drivers and other operating employees—local moving.
		7801	Travel and entertainment—sales, office and management personnel—interstate moving.
		7802	Travel and entertainment—sales, office, and management personnel—intrastate moving.
		7803	Travel and entertainment—sales, office and management personnel—local moving.
		7914	Subscriptions, books, and periodicals—indirect operating—carrier only.[14]
		7924	Membership and dues—indirect operating—carrier only.[14]
		7994	Miscellaneous corporate expenses—indirect operating carrier only.[14]
		8324	Rent on office equipment—indirect operating—carrier only.[14]
		8431	Vehicle licenses and registration fees—interstate moving.
		8432	Vehicle licenses and registration fees—intrastate moving.
		8433	Vehicle licenses and registration fees—local moving.
Drivers and helpers—line haul	4231	4211	Operating wages—transportation only—intercity drivers—interstate moving.
		4212	Operating wages—transportation only—intercity drivers—intrastate moving.
		4221	Operating wages—transportation only—intercity helpers—interstate moving.
		4222	Operating wages—transportation only—intercity helpers—intrastate moving.
		4901	Other wages—interstate moving.[17]
		4902	Other wages—intrastate moving.[17]
		5051	Vacation pay—interstate moving.
		5052	Vacation pay—intrastate moving.[4]
		5061	Holiday pay—interstate moving.[4]
		5062	Holiday pay—intrastate moving.[4]
		5071	Miscellaneous paid time off—interstate moving.[4]
		5072	Miscellaneous paid time off—intrastate moving.[4]

See footnotes at end of table.

V 40 190 SEP 3075 XUM

TABLE III—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
***Operating expenses, equipment maintenance*—Continued**			
Transportation—Continued			
Drivers and helpers—pickup and delivery.	4235	4233	Operating wages—transportation only—driver—helper—local moving only—local moving.
		4243	Operating wages—transportation only—drayage labor—oversea containers—local moving.
		4903	Other wages—local moving.[11]
		5053	Vacation pay—local moving.[4]
		5063	Holiday pay—local moving.[4]
		5073	Miscellaneous paid time off—local moving.[4]
Employees' welfare expenses	4245	5011	Contributions to union welfare funds—interstate moving.[16]
		5012	Contributions to union welfare funds—intrastate moving.[16 c]
		5013	Contributions to union welfare funds—local moving.[16 c]
		5021	Employees' group insurance—interstate moving.[16]
		5022	Employees' group insurance—intrastate moving.[16 c]
		5023	Employees' group insurance—local moving.[16 c]
		5041	Pension and retirement plans—interstate moving.[16]
		5042	Pension and retirement plans—intrastate moving.[16 c]
		5043	Pension and retirement plans—local moving.[16 c]
		5091	Other employee benefits—Interstate moving.[16]
		5092	Other employee benefits—intrastate moving.[16 c]
		5093	Other employee benefits—local moving.[16 c]
Fuel for revenue equipment—line haul	4261	6111	Gasoline and diesel fuel—interstate moving.
		6112	Gasoline and diesel fuel—intrastate moving.
Fuel for revenue equipment—pickup and delivery.	4265	6113	Gasoline and diesel fuel—local moving.
Oil for revenue equipment—line haul	4261	6121	Motor oils and lubricants—interstate moving.[7]
		6122	Motor oils and lubricants—intrastate moving.[7]
Oil for revenue equipment—pickup and delivery.	4265	6123	Motor oils and lubricants—local moving.[7]
Equipment rents; intercity; with drivers.	4271	6021	Purchased transportation—overseas import and export—tractor rents with driver—from agents—interstate moving.
		6022	Purchased transportation—overseas import and export—tractor rents with driver—from agents—intrastate moving.
		6031	Purchased transportation—overseas import and export—tractor rents with driver—from owner operators—interstate moving.
		6032	Purchased transportation—overseas import and export—tractor rents with driver—from owner operators—intrastate moving.
		6041	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from agents—interstate moving.
		6041	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from agents—intrastate moving.
		6042	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from agents—intrastate moving.
		6051	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from owner operators—interstate moving.
		6052	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from owner operators—intrastate moving.
		7621	Purchased transportation—tractor rents with driver—from agent—interstate moving.
		7622	Purchased transportation—tractor rents with driver—from agent—intrastate moving.
		7641	Purchased transportation—tractor-trailer rents with driver—from agent—interstate moving.
		7642	Purchased transportation—tractor-trailer rents with driver—from agent—intrastate moving.
		7631	Purchased transportation—tractor rents with driver from owner operators—interstate moving.
		7632	Purchased transportation—tractor rents with driver from owner operators—intrastate moving.
		7651	Purchased transportation—tractor-trailer rents with driver—from owner operator—interstate moving.
		7652	Purchased transportation—tractor-trailer rents with driver—from owner operators—intrastate moving.
Equipment rents; intercity; without driver.	4272	7611	Purchased transportation—equipment rents—without driver—interstate moving.
		7612	Purchased transportation—equipment rents—without driver—intrastate moving.
Other purchased transportation; intercity.	4273	6981	Purchased transportation—overseas import and export—other transportation modes—interstate moving.
		6982	Purchased transportation—overseas import and export—other transportation modes—intrastate moving.
		7681	Purchased transportation—other transportation modes—interstate moving.
		7682	Purchased transportation—other transportation modes—intrastate moving.
Equipment rents; pickup and delivery; with drivers.	4275	6923	Purchased transportation—overseas import and export—tractor rents with driver—from agents—local moving.
		6933	Purchased transportation—overseas import and export—tractor rents with driver—from owner operators—local moving.
		6943	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from agents—local moving.
		6953	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from owner operators—local moving.
		7633	Purchased transportation—tractor rents with driver from owner operators—local moving.
		7653	Purchased transportation—tractor-trailer rents with driver—from owner operator—local moving.
Equipment rents; pickup and delivery; without drivers.	4276	7613	Purchased transportation—equipment rents—without drivers—local moving.

See footnotes at end of table.

TABLE III—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
***Operating expenses, equipment maintenance*—Continued**			
Transportation—Continued			
Other purchased pickup and delivery	4277		Intentionally omitted.
Equipment rents; credit	4279	7601	Purchased transportation—equipment rents—credit—interstate moving.
		7602	Purchased transportation—equipment rents—credit—intrastate moving.
Operating rents	4285	8315	Rent on building property—general and administrative—carrier only.
Supervisory salaries	4311	4114	Salaries—supervisory and administrative personnel—indirect operating—carrier only.[1]
		4174	Salaries—officers—indirect operating—carrier only.[13]
		4194	Salaries—department and division managers—indirect operating—carrier only.[13]
Salaries & fees; billing and collecting	4312	4125	Salaries—clerical—general and administrative—carrier only.[13]
		5055	Vacation pay—general and administrative—carrier only.[4 13]
		5065	Holiday pay—general and administrative—carrier only.[4 13]
		5075	Miscellaneous paid time off—general and administrative—carrier only.[4 13]
Other office employees	4313	4124	Salaries—clerical—indirect operating—carrier only.[13]
		5054	Vacation pay—indirect operating—carrier only.[4 13]
		5064	Holiday pay—indirect operating—carrier only.[4 13]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[4 13]
Office and other expenses	4320	4614	Repair wages—transportation equipment only—indirect operating—carrier only.[13]
Other terminal expenses	4380	6114	Gasoline and diesel fuel—indirect operating—carrier only.[13]
		6124	Motor oils and lubricants—indirect operating—carrier only.[13]
		6204	Tires and tubes—indirect operating—carrier only.[13]
		6304	Other vehicle supplies—indirect operating—carrier only.[13]
		6404	Vehicle repair parts—indirect operating—carrier only.[13]
		6514	Repair materials—building—indirect operating—carrier only.[1]
		6534	Repair materials—furniture and fixtures—indirect operating—carrier only.[13]
		6614	Printed forms and office supplies—indirect operating carrier only.[13]
		6615	Printed orms and office supplies—general and administrative—carrier only.[13]
		6834	Miscellaneous supplies—indirect operating—carrier only.[13]
		8444	Gas, diesel fuel, and oil taxes—State and local—indirect operating—carrier only.[13]
		8454	Gas, diesel fuel and oil taxes—Federal—indirect operating—carrier only.[13]
Salaries & wages; platform employees	4340	4114	Salaries—supervisory and administrative personnel—indirect operating—carrier only.[13]
		4904	Other wages—indirect operating—carrier only.[13]
		5054	Vacation pay—indirect operating—carrier only.[4 13]
		5064	Holiday pay—indirect operating—carrier only.[4 13]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[4 13]
Employees' welfare expenses	4345	5014	Contributions to union welfare funds—indirect operating carrier only.[4 13]
		5015	Contributions to union welfare funds—general and administrative—carrier only.[5 13]
		5024	Employees' group insurance—indirect operating—carrier only.[4 13]
		5025	Employees' group insurance—general and administrative carrier only.[5 13]
		5044	Pension and retirement plans—indirect operating—carrier only.[4 13]
		5045	Pension and retirement plans—general and administrative carrier only.[4 13]
		5094	Other employee benefits—indirect operating—carrier only.[4 13]
		5095	Other employee benefits—general and administrative—carrier only.[5 13]
Other terminal employees	4350	4904	Other wages—indirect operating—carrier only.[13]
		5054	Vacation pay—general and administrative—carrier only.[5 13]
		5064	Holiday pay—general and administrative—carrier only.[5 13]
		5074	Miscellaneous paid time off—general and administrative carrier only.[5 13]
Commission agents	4360	4704	Commission agent fees—indirect operating—carrier only.
Operating rents	4385	8314	Rent on building property—indirect operating—carrier only.[13]
Joint terminal facilities; debit	4391, 4396		Intentionally omitted.
Traffic			
Supervision	4410	4114	Salaries—supervisory and administrative personnel—indirect operating—carrier only.[13]
		4124	Salaries—clerical—indirect operating—carrier only.[13]
		4144	Salaries—sales salaries—employees—indirect operating carrier only.
		4174	Salaries—officers—indirect operating—carrier only.[13]
		4194	Salaries—department and division managers—indirect operating—carrier only.[13]
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only.[13]
		7214	Outside services—building repairs—indirect operating—carrier only.[13]
		7224	Outside services—equipment repairs—indirect operating—carrier only[13]
		7284	Outside services—furniture and fixture repairs—indirect operating—carrier only.[13]
		7314	Other outside services—janitorial services—indirect operating—carrier only.[13]
		7324	Other outside services—janitorial services—indirect operating—carrier only.[13]

See footnotes at end of table.

SEP 30 1975
XUM

TABLE III—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
***Operating expenses, equipment maintenance*—Continued**			
Traffic—Continued			
Supervision	4410	7404	Utilities—indirect operating—carrier only.[35]
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating carrier only.[35]
		7914	Subscriptions, books, and periodicals—indirect operating—carrier only.[35]
		7924	Memberships and dues—indirect operating—carrier only.[35]
		7945	Postage—general and administrative—carrier only.[35]
		7994	Miscellaneous corporate expenses—indirect operating carrier only.[35]
		8324	Rent on office equipment—indirect operating—carrier only.[35]
		8325	Rent on office equipment—general and administrative—carrier only.[35]
		8424	Vehicle licenses and registration fees—state and local indirect operating—carrier only.[35]
		8431	Vehicle licenses, and registration fees—Federal—indirect operating—carrier only.[35]
		4704	Commission agent fees—indirect operating—carrier only.[35]
		4904	Other wages—indirect operating—carrier only.[35]
		5054	Vacation pay—indirect operating—carrier only.[35 4]
		5064	Holiday pay—indirect operating—carrier only.[35 4]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[35 4]
Office and other expenses	4420	4614	Repair wages—transportation equipment only—indirect operating—carrier only.[35]
Other traffic expenses	4490		
		6114	Gasoline and diesel fuel—indirect operating—carrier only.[35]
		6124	Motor oils and lubricants—indirect operating—carrier only.[35]
		6204	Tires and tubes—indirect operating—carrier only.[35]
		6304	Other vehicle supplies—indirect operating—carrier only.[35]
		6404	Vehicle repair parts—indirect operating—carrier only.[35]
		6614	Printed forms and office supplies—indirect operating—carrier only.[35]
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only.[35]
		7404	Utilities—indirect operating—carrier only.[35]
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only.[35]
		7914	Subscriptions, books, and periodicals.[35]
		7924	Memberships and dues—indirect operating—carrier only.[35]
		7934	Conventions and meetings—indirect operating—carrier only.[35]
		7945	Postage—general & administrative—carrier only.[35]
		7994	Miscellaneous corporate expenses—indirect operating—carrier only.[35]
		8334	Rent on office equipment—indirect operating—carrier only.[35]
		8424	Vehicle licenses and registration fees—state and local—indirect operating—carrier only.[35]
Tariffs and schedules	4430	6621	Tariffs and schedules—interstate moving.
		6622	Tariffs and schedules—intrastate moving.
		6623	Tariffs and schedules—local moving.
Employees' welfare xpenses	4445	5014	Contributions to union welfare funds—indirect operating carrier only.[35 6]
		5024	Employees' group insurance—indirect operating—carrier only.[35 6]
		5044	Pension and retirement plans—indirect operating—carrier only.[35 6]
		5094	Other employee benefits—indirect operating—carrier only.[35 6]
Advertising	4450	7344	Advertising—agency—indirect operating—carrier only.
		7354	Advertising—media—indirect operating—carrier only.
		7364	Advertising—all other—indirect operating—carrier only.
Operating rents	4485	8314	Rent on building property—indirect operating—carrier only.[35]
Insurance and safety			
Supervision	4510	4114	Salaries—supervisory and administrative personnel—indirect operating—carrier only.[35]
		4124	Salaries—clerical—indirect operating—carrier only.[35]
		4174	Salaries—officers—indirect operating—carrier only.[35]
		4194	Salaries—department and division managers—indirect operating—carrier only.[35]
		5054	Vacation pay—indirect operating—carrier only.[35 4]
		5064	Holiday pay—indirect operating—carrier only.[35 4]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[35 4]
		7334	Other outside services—professional services—indirect operating—carrier only.[35]
Office and other expenses	4520	4614	Repair wages—transportation equipment only—indirect operating—carrier only.[35]

See footnotes at end of table.

TABLE III—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
***Operating expenses, equipment maintenance*—Continued**			
Insurance and safety—Continued			
Other insurance and safety department expenses.	4580	6114	Gasoline and diesel fuel—indirect operating—carrier only.[35]
		6124	Motor oils and lubricants—indirect operating—carrier only.[35]
		6204	Tires and tubes—indirect operating—carrier only.[35]
		6304	Other vehicle supplies—indirect operating—carrier only.[35]
		6404	Vehicle repair parts—indirect operating—carrier only.[35]
		6614	Printed forms and office supplies—indirect operating—carrier only.[35]
		7104	Outside services—vehicles repairs and maintenance—indirect operating—carrier only.[35]
		7404	Utilities—indirect operating—carrier only.[35]
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only.[35]
		7914	Subscriptions, books, and periodicals—indirect operating—carrier only.[35]
		7924	Memberships and dues—indirect operating—carrier only.[35]
		7945	Postage—general & administrative—carrier only.[35]
		7994	Miscellaneous corporate expenses—indirect operating—carrier only.[35]
		8324	Rent on office equipment—indirect operating—carrier only.[35]
		8424	Vehicle licenses and registration Fees—State and local—indirect operating—carrier only.[35]
Public liability and property damage	4530	8621	Public liability and property damage—premiums paid—interstate moving.
		8622	Public liability and property damage—premiums paid—intrastate moving.
		8623	Public liability and property damage—premiums—paid local moving.
		8624	Public liability and property damage—premiums paid indirect operating—carrier only.
		8631	Public liability and property damage—collections from haulers (credit)—interstate moving.
		8632	Public liability and property damage—collections from haulers (credit)—intrastate moving.
		8633	Public liability and property damage—collections from haulers (credit)—local moving.
		8721	Provision for claims—self-insured portion—public liability and property damage—interstate moving.
		8722	Provision for claims—self-insured portion—public liability and property damage—intrastate moving.
		8723	Provision for claims—self-insured portion—public liability and property damage—local moving.
		8724	Provision for claims—self-insured portion—public liability and property damage—indirect operating—carrier only.
Workmen's compensation	4540	5031	Workmen's compensation—interstate moving.
		5032	Workmen's compensation—intrastate moving.
		5033	Workmen's compensation—local moving.
		5034	Workmen's compensation—indirect operating—carrier only.
		5035	Workmen's compensation—general and administrative—carrier only.
Employees' welfare expenses	4545	5014	Contributions to union welfare funds—indirect operating carrier only.[35 6]
		5024	Employees' group insurance—indirect operating—carrier only.[35 6]
		5044	Pension and retirement plans—indirect operating—carrier only.[35 6]
		5094	Other employee benefits—indirect operating—carrier only.[35 6]
Cargo loss and damage	4550	8611	Cargo loss and damage insurance premiums paid—interstate moving.
		8612	Cargo loss and damage insurance—premiums paid—intrastate moving.
		8613	Cargo loss and damage insurance—premiums paid local moving.
		8711	Provision for claims—self-insured portion—cargo loss and damage—interstate moving.
		8712	Provision for claims—self-insured portion—cargo loss and damage—intrastate moving.
		8713	Provision for claims—self-insured portion—cargo loss and damage.
Fire, theft and collision	4560	8641	Fire, theft, and collision nsurance—premiums paid—interstate moving.

See footnotes at end of table.

V 40 190 SEP 30 75 XUM

TABLE III—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
***Operating expenses, equipment maintenance*—Continued**			
Insurance and safety—Continued			
Other insurance expense	4570	8642	Fire, theft, and collision insurance—premiums paid—intrastate moving.
		8643	Fire, theft, and collision insurance—premiums paid—local moving.
		8651	Fire, theft, collision—collections from haulers (credit)—interstate moving.
		8652	Fire, theft, and collision—collections from haulers (credit)—intrastate moving.
		8653	Fire, theft, and collision—collections from haulers (credit)—local moving.
		8665	Insurance on buildings and structures—general and administrative—carrier only.
		8695	Other insurance expenses—general and administrative—
		8741	Provisions for claims—self-insured portion—fire, theft, and collision—interstate moving.
		8742	Provision for claims—self-insured portion—fire, theft, and collision—intrastate moving.
		8743	Provision for claims—self-insured portion—fire, theft, and collision—local moving.
Operating rents	4585	8314	Rent on building property—indirect operating—carrier only [2]
Administrative and general			
Salaries; general officers	4611	4175	Salaries—officers—general and administrative—carrier only.
		4195	Salaries—department and division managers—general and administrative—carrier only.
Salaries; revenue accounting	4612	4125	Salaries—clerical—general and administrative—carrier only.
		5055	Vacation pay-general and administrative-carrier only.[4]
		5065	Holiday pay-general and administrative-carrier only.[4]
		5075	Miscellaneous paid time off-general and administrative-carrier only.[4]
Salaries; other general office employees	4613	4115	Salaries—supervisory and administrative personnel—general and administrative—carrier only.
Purchasing and store expenses	4675		
Other general expenses	4680	4125	Salaries—clerical—general and administrative—carrier only.
		4905	Other wages—general and administrative—carrier only.
		5055	Vacation pay-general and administrative-carrier only.[4]
		5065	Holiday pay-general and administrative-carrier only.[4]
		5075	Miscellaneous paid time off-general and administrative—carrier only.[4]
		6515	Repair materials—building—general and administrative—carrier only.
		7995	Miscellaneous corporate expenses.
Expenses of general officers	4621	4615	Repair wages—transportation equipment only—general and administrative—carrier only.
Expenses of general office employees	4622	6405	Vehicle repair parts—general and administrative—carrier only.
		7105	Outside services—vehicle repairs and maintenance—general and administrative—carrier only.
		7605	Travel and entertainment—sales, office, and management personnel—general and administrative—carrier only.
		7925	Membership and dues—general and administrative—carrier only.
		8425	Vehicle licenses and registration fees—State and local—general and administrative—carrier only.
Other general office expenses	4623	6525	Repair materials—equipment—general and administrative—carrier only.
		6535	Repair materials—furniture and fixtures—general and administrative—carrier only.
		6615	Printed forms and office supplies—general and administrative—carrier only.
		6905	Miscellaneous supplies—general and administrative—carrier only.
		7215	Outside services—building repairs—general and administrative—carrier only.
		7225	Outside services—equipment repairs—general and administrative—carrier only.
		7235	Outside services—furniture and fixtures repairs—general and administrative—carrier only.

See footnotes at end of table.

TABLE III—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
***Operating expenses, equipment maintenance*—Continued**			
Administrative and general—Continued			
Other general office expenses	4623	7315	Other outside services—janitorial services—general and administrative—carrier only.
		7325	Other outside services—watch and alarm services—general and administrative—carrier only.
		7405	Utilities—general and administrative—carrier only.
		7915	Subscriptions, books, and periodical—general and administrative—carrier only.
		7945	Postage—general and administrative—carrier only.
		8325	Rent on office equipment—general and administrative—carrier only.
Law expenses	4630	7335	Other outside services—professional services—general and administrative—carrier only.
Outside auditing expenses	4635		
Management and supervision fees	4650		
Regulatory expenses	4670		
Communication service	4640	7504	Communication services—indirect operating—carrier only.
		7505	Communication services—general and administrative—carrier only.
Employee's welfare expenses	4645	5015	Contributions to union welfare funds—general and administrative—carrier only.[4]
		5025	Employees' group insurance—general and administrative—carrier only.[4]
		5045	Pension and retirement plans—general and administrative—carrier only.[4]
		5095	Other employee benefits—general and administrative—carrier only.[4]
Uncollectible revenues	4660	8805	Uncollectible revenues—general and administrative—carrier only.
Operating rents	4685	8314	Rent on building property—indirect operating—carrier only.
		8315	Rent on building property—general and administrative—carrier only.
Joint operating expenses; debit	4691		Intentionally omitted.
Joint operating expenses; credit	4696		Do.
Depreciation expense			
Depreciation of structures	5010	8145	Depreciation—building and structures—general and administrative—carrier only.
Depreciation of revenue equipment—line haul.	5021	8111	Depreciation—revenue equipment—interstate moving.
		8112	Depreciation—revenue equipment—intrastate moving.
Depreciation of revenue equipment—pickup and delivery.	5025	8113	Depreciation—revenue equipment—local moving.
Depreciation of service cars and equipment.	5030	8134	Depreciation—service cars and equipment—indirect operating—carrier only.
		8135	Depreciation—service cars and equipment—indirect operating—carrier only.
Depreciation of shop and garage equipment.	5040	8124	Depreciation—shop and garage equipment—indirect operating carrier only.
Depreciation of furniture and office equipment.	5050	8154	Depreciation—furniture and office equipment—indirect operating—carrier only.
		8155	Depreciation—furniture and office equipment—general and administrative—carrier only.
Depreciation of miscellaneous equipment.	5060	8191	Depreciation—miscellaneous equipment—interstate moving
		8192	Depreciation—miscellaneous equipment—intrastate moving.
		8193	Depreciation—miscellaneous equipment—local moving.
		8194	Depreciation—miscellaneous equipment—indirect operating carrier only.
		8195	Depreciation—miscellaneous equipment—general and administrative—carrier only.
Depreciation of improvements to leasehold property.	5070	8215	Amortization of leasehold improvements—general and administrative—carrier only.
Depreciation of undistributed property.	5080	8175	Depreciation—undistributed property—general and administrative—carrier only.
Depreciation adjustment	5100	8915	Gains on disposition of operating assets—general and administrative—carrier only.[9]
		8925	Losses on disposition of operating assets—general and administrative—carrier only.[9]
Amortization expense			
Amortization of carrier operating property.	5150	8225	Amortization expense (other) general and administrative—carrier only.
		8915	Gains on disposition of operating assets—general and administrative—carrier only.[10]
		8925	Losses on disposition of operating assets—general and administrative—carrier only.[10]

See footnotes at end of table.

V 40 190
SEP 3075
XUM

TABLE III—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Operating Taxes and licenses			
Gasoline, other fuel and oil taxes—line haul equipment.	8211	8441	Gas, diesel fuel, and oil taxes—State and local—interstate moving.
		8442	Gas, diesel fuel and oil taxes—State and local—intrastate moving.
		8451	Gas, diesel fuel, and oil taxes—Federal—interstate moving.
		8452	Gas, diesel fuel and oil taxes—Federal—intrastate moving.
Gasoline, other fuel and oil taxes—pickup and delivery equipment.	8215	8443	Gas, diesel fuel and oil taxes—State and local—local moving.
		8453	Gas, diesel fuel, and oil taxes—Federal—local moving.
Vehicle license and registration fees—line haul equipment.	8221	8421	Vehicle licenses and registration fees—State and local interstate moving.
		8422	Vehicle licenses and registration fees—State and local intrastate moving.
		8431	Vehicle licenses and registration fees—Federal—interstate moving.
		8432	Vehicle licenses and registration fees—Federal—intrastate moving.
Vehicle license and registration fees—pickup and delivery equipment.	8225	8423	Vehicle licenses and registration fees—State and local—local moving.
		8433	Vehicle licenses and registration fees—Federal—local moving.
Real estate and personal property taxes	8230	8411	Real estate and personal property taxes—interstate moving.
		8412	Real estate and personal property taxes—intrastate moving.
		8413	Real estate and personal property taxes—local moving.
		8414	Real estate and personal property taxes—indirect operating—carrier only.
		8415	Real estate and personal property taxes—general and administrative—carrier only.
Social security taxes	8240	5111	FICA taxes—interstate moving.
		5121	FICA taxes—intrastate moving.
		5113	FICA taxes—local moving.
		5114	FICA taxes—indirect operating—carrier only.
		5115	FICA taxes—general and administrative—carrier only.[11]
		5121	Federal unemployment taxes—interstate moving.
		5122	Federal unemployment taxes—intrastate moving.
		5123	Federal unemployment taxes—local moving.
		5124	Federal unemployment taxes—indirect operating carrier only.
		5125	Federal unemployment taxes—general and administrative—carrier only.[11]
		5131	State unemployment taxes—interstate moving.
		5132	State unemployment taxes—intrastate moving.
		5133	State unemployment taxes—local moving.
		5134	State unemployment taxes—indirect operating—carrier only.
		5135	State unemployment taxes—general and administrative—carrier only.[11]
Other taxes	8250	8484	Gas, diesel fuel, and oil taxes—State and local—indirect operating—carrier only.
		8485	Gas, diesel fuel, and oil taxes—State and local—general and administrative—carrier only.
		8494	Other taxes—State and local—indirect operating—carrier only.
		8495	Other taxes—State and local—general and administrative—carrier only.
Lease of distinct operating unit; debit	5400	------	Intentionally omitted.
Lease of distinct operating unit; credit	5500	------	Do.
Other ordinary income			
Income from noncarrier operations; net	5100	3516	Packing only—interstate—packing and crating.[3]
		3526	Unpacking only—interstate—packing and crating.[3]
		3536	Packing and unpacking—intrastate—packing and crating.[3]
		3578	Thru-container packing and loading—overseas import and export.
		3596	Other packing and crating service revenue—packing and crating.
		3598	Other packing and crating service revenue—packing and crating.
		3717	Storage household goods—SIT interstate—warehousing.
		3727	Warehouse handling, in/out—SIT interstate—warehousing.
		3737	Storage household goods—SIT intrastate—warehousing.
		3747	Warehouse handling in/out—SIT intrastate—warehousing.
		3757	Storage—other than carrier shipments—warehousing.
		3767	Warehouse handling in/out—other than carrier shipments—warehousing.
		3936	Packing commissions—packing and crating.
		3909	Other operating revenue (classes I and II)—indirect operating—noncarrier.
			Because of the extensive list, the noncarrier operating expense accounts which become effective Jan. 1, 1974, are shown in appendix A to this conversion table.
		9100	Income from noncarrier operations (net).
		9110	Income from noncarrier operations.
		9120	Expenses of noncarrier operations.
Interest income	6300	9210	Interest income.
Dividend income	6400	9220	Dividend income.
Other nonoperating income	6500	9410	Other nonoperating income.

See footnotes at end of table.

TABLE III—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
***Operating Taxes and licenses*—Continued**			
Deductions from ordinary income			
Interest	7100	9610	Interest expense—equipment obligations—general and administrative.
		9620	Interest expense—advances—general and administrative.
		9630	Interest expense—bonds—general and administrative.
		9640	Interest expense—other long-term obligations—general and administrative.
		9650	Interest expense—current obligations—general and administrative.
		9660	Interest expense-matured obligations—general and administrative.
Amortization of debt discount and expense.	7300	9670	Amortization of debt discount and expense.
Amortization of premiums on debt—credit.	7400	9680	Amortization of premium on debt—credit.
Other deductions	7500	9420	Other nonoperating deductions.
		9421	Bad debts.
		9422	Amortization (franchises, permits, and other).
		9423	Life insurance premiums (nontax deductible).
		9429	Other.
		9510	Nonoperating gains on dispostion of other assets.
		9520	Nonoperating losses on disposition of other assets.
		9530	Gains on disposition of land and structures.
		9540	Losses on disposition of land and structures.
Income taxes			
Federal income taxes	8810	9710	Federal income taxes.
State income taxes	8820	9720	State income taxes.
Other income taxes	8830	9730	Other income taxes.
Extraordinary and prior period items			
Extraordinary items (net)	9910	9810	Extraordinary items (net).
Prior period items (net)	8880	9820	Prior period items (net).
Income taxes on extraordinary and prior period items.	8850	9850	Income taxes on extraordinary and prior period items.

TABLE III.—GUIDE TO SYMBOLS—CLASS I

[1] Applies only when service is performed by carrier personnel.
[2] Applies ony when service is performed by noncarrier personnel.
[3] See detail account description. Applies only to certain amounts which were redistributed from accounts 3100 3120, and 3900, of prior ICC regulatory System of Accounts.
[4] Applies to amounts in this account which were redistributed from accounts 5055, 5065, and 5075.
[5] Applies to amounts for grease, lubricants, and coolants in this account.
[6] Applies to amounts in this account which were redistributed from accounts 5015, 5025, 5045, and 5095.
[7] Applies to amounts for oil in this account.
[8] [Reserved]
[9] Applies to carrier operating property only.
[10] Applies to fixed term intangible property only (see also account 9120).
[11] Applies to amounts in this account prior to redistribution to the 5100 account series.
[12] Applies only to portion relating to equipment maintenance hourly supervisors and clerks.
[13] Applies only to portion relating to services, supplies, structures, or equipment maintenance employees necessary for servicing equipment and vehicles in the equipment maintenance department.
[14] Applies only to portion relating to services, supplies, or employees servicing line haul equipment.
[15] Applies only to portion relating to services, supplies, or employees servicing pickup and delivery equipment.
[16] Applies only to expenses of the transportation department relating to employees, services, supplies, or structures.
[17] Applies only to nonproductive wages of drivers and helpers.
[18] Applies only to portion of expenses relating to platform and/or terminal employees, services, supplies structures.
[19] Applies only to portion of expenses relating to the terminal billing and collection function.
[20] Applies only to the portion of expenses relating to the traffic and sales function, such as employee wages, services, supplies, or structures.
[21] Applies only to the portion of expenses relating to the insurance and safety function, such as employee wages, services, supplies, or structures.
[22] Account is to be used only to record expenses from "motor carrier operation's other than household goods operations."

V 40 190 SEP 3075 XUM

TABLE III.—*Class I Household Goods Carriers*

APPENDIX A.—CONVERSION OF NONCARRIER OPERATING EXPENSES[1]

	Natural classification	Activities noncarrier: Packing and crating	Warehousing	Overseas import and export	Indirect operating
		6	7	8	9
411	Supervisory and administrative personnel	4116	4117	4118	4119
412	Clerical	4126	4127	4128	4129
414	Sales salaries—employees				4149
417	Officers	4176	4177	4178	4179
419	Department and division managers	4196	4197	4198	4199
431	Packer wages—interstate moves	4316			
432	Packer wages—intrastate moves	4326			
433	Packer wages—overseas shipments			4338	
441	Warehouse labor—household		4417		
442	Warehouse handling—SIT interstate		4427		
443	Warehouse handling—SIT intrastate		4437		
462	Other repair wages	4626	4627	4628	4629
470	Commission agent fees				4709
490	Other wages	4906	4907	4908	4909
500	Fringe benefits	5006	5007	5008	5009
501	Contributions to Union Welfare Funds	5016	5017	5018	5019
502	Employees' group insurance	5026	5027	5028	5029
503	Workmen's compensation	5036	5037	5038	5039
504	Pension and retirement plans	5046	5047	5048	5049
505	Vacation pay	5056	5057	5058	5059
506	Holiday pay	5066	5067	5068	5069
507	Miscellaneous paid time off	5076	5077	5078	5079
509	Other employee benefits	5096	5097	5098	5099
510	Payroll taxes	5106	5107	5108	5109
511	FICA taxes	5116	5117	5118	5119
512	Federal unemployment taxes	5126	5127	5128	5129
513	State unemployment taxes	5136	5137	5138	5139
611	Gasoline and diesel fuel	6116	6117		6119
612	Motor oils and lubricants	6126	6127		6129
620	Tires and tubes	6206	6207		6209
630	Other vehicle supplies	6306	6307		6309
640	Vehicle repair parts	6406	6407		6409
651	Repair materials—building	6516	6517	6518	6519
652	Repair materials—equipment	6526	6527	6528	6529
653	Repair materials—furniture and fixtures	6536	6537	6538	6539
661	Printed forms and office supplies	6616	6617	6618	6619
662	Tariffs and schedules	6626	6627	6628	
670	Packing and crating materials and supplies	6706	6707	6708	
690	Miscellaneous supplies	6906	6907	6908	6909
710	Outside services—vehicle repairs (other than vehicles)	7106	7107		7109
721	Outside services—building repairs	7216	7217	7218	7219
722	Outside services—equipment repairs	7226	7227	7228	7229
723	Outside services—furniture and fixture repairs	7236	7237	7238	7239
731	Janitorial services	7316	7317	7318	7319
732	Watch and alarm services	7326	7327	7328	7329
733	Professional services				7339
734	Advertising—agency				7349
735	Advertising—media				7359
736	Advertising—all other				7369
740	Utilities		7407	7408	7409
750	Communications services			7508	7509
766	Purchased labor—Temporary help	7666			
770	Travel expenses—company drivers and other operating employees	7706	7707	7708	7709
780	Travel and entertainment—sales, office, and management personnel	7806	7807	7808	7809
791	Subscriptions, books, and periodicals				7919
792	Memberships and dues				7929
793	Conventions and meetings				7939
794	Postage				7949
799	Miscellaneous corporate expenses				7999
811	Depreciation—revenue equipment	8116			8119
812	Depreciation—shop and garage equipment	8126	8127	8128	8129
813	Depreciation—service cars and equipment	8136	8137	8138	8139
814	Depreciation—buildings and structures	8146	8147	8148	8149

See footnotes at end of table.

TABLE III.—*Class I Household Goods Carriers*—Continued

APPENDIX A.—CONVERSION OF NONCARRIER OPERATING EXPENSES[1]—Continued

	Natural classification	Activities noncarrier: Packing and crating	Warehousing	Overseas import and export	Indirect operating
		6	7	8	9
815	Depreciation—furniture and office equipment	8156	8157	8158	8159
817	Depreciation—undistributed property				8179
819	Depreciation—miscellaneous equipment	8196	8197	8198	8199
821	Amortization of leasehold improvements		8217	8218	8219
822	Amortization expense—other				8229
831	Rent on building property	8316	8317	8318	8319
832	Rent on office equipment				8329
833	Rent on miscellaneous equipment	8336	8337	8338	8339
841	Real estate and personal property taxes		8417	8418	8419
842	Vehicle licenses and registration fees—State and local	8246			8429
844	Gas, diesel fuel, and oil taxes—State and local	8446			
845	Gas, diesel fuel, and oil taxes—Federal	8456			
848	Other taxes—Federal				8489
849	Other taxes—State and local				8499
861	Cargo loss and damage insurance—premiums paid	8616	8617	8618	8619
862	Public liability and property damage—premiums paid	8626			8629
864	Fire, theft, and collision insurance—premiums paid	8646			8649
866	Insurance on buildings and structures	8663	8667		8669
869	Other insurance expense		8697		9699
871	Claims for loss and damage	8716	8717	8718	8719
872	Claims for loss and damage—public liability and property	8726			8729
874	Claims for loss and damage—fire, theft, and collision	8746	8747		8749
880	Uncollectible revenue				8809
891	Gains on disposition of operating assets				8919
892	Losses on disposition of operating assets				8929

[1] These expenses were previously recorded in one account, 6100. However, because the present accounts, effective Jan. 1, 1974, are so numerous they are listed here rather than within the conversion table. See account 6100 in the conversion table for the other details involved in converting the noncarrier operating expense accounts.

TABLE IV.—*Class II household goods carriers—revenue and expense account number conversion table.*

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Operating revenues			
Freight revenue; intercity common carrier.	310	3111	Moving revenue—intercity common carrier, own rights, company driver—interstate moving.
		3112	Moving revenue—intercity common carrier, own rights, company driver—intrastate moving.
		3121	Moving revenue—intercity common carrier, own rights, owner operator—interstate moving.
		3122	Moving revenue—intercity common carrier, own rights, owner operator—intrastate moving.
		3131	Moving revenue—intercity common carrier, own rights, agent—interstate moving.
		3132	Moving revenue—intercity common carrier, own rights, agent—intrastate moving.
		3141	Moving revenue—intercity common carrier—own rights—overseas import and export—company driver—interstate moving.
		3142	Moving revenue—intercity common carrier—own rights—overseas import and export—company driver—intrastate moving.
		3151	Moving revenue—intercity common carrier—own rights—overseas import and export—owner operator—interstate moving.
		3152	Moving revenue—intercity common carrier—own rights—overseas import and export—owner operator—intrastate moving.
		3161	Moving revenue—intercity common carrier—own rights—overseas import and export—agent—interstate moving.
		3162	Moving revenue—intercity common carrier—own rights—overseas import and export—agent—intrastate moving.
		3601	Supplementary transportation service—interstate moving.[2]
		3602	Supplementary transportation service—intrastate moving.[2]

See footnotes at end of table.

V 40 190
SEP 3075
XUM

TABLE IV—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Operating revenues—Continued			
Freight revenue; intercity contract carrier.	311	3201	Moving revenue—intercity contract carrier, own rights, interstate moving.
		3202	Moving revenue—intercity contract carrier, own rights, intrastate moving.
		3211	Moving revenue—intercity contract carrier, own rights, overseas import and export, interstate moving.
		3212	Moving revenue—intercity contract carrier, own rights, overseas import and export, intrastate moving.
Freight revenue; local cartage	312	3303	Moving revenue—local, local moving
		3313	Moving revenue—local, overseas import and export
		3601	Supplementary transportation service—interstate moving.[3]
		3602	Supplementary transportation service—intrastate moving.[3]
Intercity transportation for other Class II and Class I motor carriers.	313	3411	Moving revenue—intercity transportation for other motor carriers, company driver—interstate moving.
		3412	Moving revenue—intercity transportation for other motor carriers, company driver—intrastate moving.
		3421	Motor revenue—intercity transportation for other motor carriers, owner operator—interstate moving.
		3422	Moving revenue—intercity transportation for other motor carriers, owner operator—intrastate moving.
		3431	Moving revenue—intercity transportation for other motor carriers, overseas import and export, company driver—interstate moving.
		3432	Moving revenue—intercity transportation for other motor carriers, overseas import and export, company driver—intrastate moving.
		3441	Moving revenue—intercity transportation for other motor carriers, overseas import and export, owner operators—interstate moving.
		3442	Moving revenue—intercity transportation for other motor carriers, overseas import and export, owner operators—intrastate moving.
Other operating revenues	390	3516	Packing only—interstate—packing and crating.[1]
		3526	Unpacking only—interstate—packing and crating.[1]
		3536	Packing and unpacking—intrastate—packing and crating.[1]
		3588	Additional charges—overseas shipments—overseas import and export.
		3601	Supplementary transportation service—interstate moving.[3]
		3602	Supplementary transportation service—intrastate moving.[3]
		3811	Booking commissions—interstate moving.
		3812	Booking commissions—intrastate moving.
		3821	Origin commissions—interstate moving.
		3822	Origin commissions—intrastate moving.
		3904	Other operating revenue—indirect operating—carrier only.
Operation and maintenance expense			
Supervision, office and other expenses	411	4104	Salaries—indirect operating—carrier only.[11]
Other maintenance expenses	418	4614	Repair wages—transportation equipment only—indirect operating—carrier only.[12]
		4904	Other wages—indirect operating—carrier only.[12]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[4 12]
		6114	Gasoline and diesel fuel—indirect operating—carrier only.[12]
		6204	Tires and tubes—indirect operating—carrier only.[12]
		6304	Other vehicle supplies—indirect operating—carrier only.[12]
		6404	Vehicle repair parts—indirect operating—carrier only.[12]
		6504	Repair materials (other than vehicle)—indirect operating—carrier only.[12]
		6604	Printing and office supplies—indirect operating—carrier only.[12]
		6804	Miscellaneous supplies—indirect operating—carrier only.[12]
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only.[12]
		7204	Outside services—repairs (other than vehicles)—indirect operating—carrier only.[12]
		7314	Other outside services—janitorial services—indirect operating—carrier only.[12]
		7404	Utilities—indirect operating—carrier only.[12]
		7504	Communication services—indirect operating—carrier only.[12]
		7704	Travel expenses—company drivers and other operating employees—indirect operating—carrier only.[12]
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only.[12]
		7904	General expenses—indirect operating—carrier only.[12]
		7905	General expenses—general and administrative—carrier only.[12 13]
		8304	Rent—other than revenue equipment—indirect operating—carrier only.[12]
		8424	Vehicle licenses and registration fees—State and local—indirect operating—carrier only.[12]
		8444	Gas, diesel fuel, and oil taxes—State and local—indirect operating—carrier only.[12]
		8454	Gas, diesel fuel, and oil taxes—Federal—indirect operating—carrier only.[12]

See footnotes at end of table.

TABLE IV—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974 TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN 1, 1974—continued

System of accounts effective prior to Jan. 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Operation and maintenance exp.—Con.			
Repairs and service—revenue equipment—line haul.	413.1	4611	Repair wages—transportation equipment only—interstate moving.[15]
		4612	Repair wages—transportation equipment only—intrastate moving.[15a]
		4613	Repair wages—transportation equipment only—local moving.[15]
		5074	Miscellaneous paid time off—direct operating—carrier only.[12 4]
		6111	Gasoline and diesel fuel—interstate moving.[12 4]
		6112	Gasoline and diesel fuel—intrastate moving.[12 4]
		6113	Gasoline and diesel fuel—local moving.[12 4]
		6301	Other vehicle supplies—interstate moving.[12]
		6302	Other vehicle supplies—intrastate moving.[12]
		6303	Other vehicle supplies—local moving.[12]
		6401	Vehicle repair parts—interstate moving.[12]
		6402	Vehicle repair parts—intrastate moving.[12]
		6403	Vehicle repair parts—local moving.[12]
		7101	Outside services—vehicle repairs and maintenance—interstate moving.[12]
		7102	Outside services—vehicle repairs and maintenance—intrastate moving.[12]
		7103	Outside services—vehicle repairs and maintenance—local moving.[12]
Repairs and service—revenue equipment—pickup and delivery.	413.5	4611	Repair wages—transportation equipment only—interstate moving.[14]
		4612	Repair wages—transportation equipment only—intrastate moving.[14]
		4613	Repair wages—transportation equipment only—local moving.[14]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[14 4]
		6111	Gasoline and diesel fuel—interstate moving.[14]
		6112	Gasoline and diesel fuel—intrastate moving.[14]
		6113	Gasoline and diesel fuel—local moving.[14 4]
		6301	Other vehicle supplies—interstate moving.[14]
		6302	Other vehicle supplies—intrastate moving.[12]
		6303	Other vehicle supplies—local moving.[14]
		6401	Vehicle repair parts—interstate moving.[14]
		6402	Vehicle repair parts—intrastate moving.[14]
		6403	Vehicle repair parts—local moving.[14]
		7101	Outside services—vehicle repairs and maintenance—interstate moving.[14]
		7102	Outside services—vehicle repairs and maintenance—intrastate moving.[14]
		7103	Outside services—vehicle repairs and maintenance—local moving.[14]
Tires and tubes; revenue equipment—line haul.	416.1	6201	Tires and tubes—interstate moving.[12]
		6202	Tires and tubes—intrastate moving.[12]
		6203	Tires and tubes—local moving.[12]
Tires and tubes; revenue equipment—pickup and delivery.	416.5	6201	Tires and tubes—interstate moving.[14]
		6202	Tires and tubes—intrastate moving.[14]
		6203	Tires and tubes—local moving.[14]
Joint garage expense—net	4191	.....	Intentionally omitted.
Transportation			
Supervision, office and other expenses	421	4101	Salaries—interstate moving.
		4102	Salaries—intrastate moving.
Other transportation expenses	428	4103	Salaries—local moving.
		4901	Other wages—interstate moving.
		4902	Other wages—intrastate moving.
		4903	Other wages—local moving.
		5071	Miscellaneous paid time off—interstate moving.[4]
		5072	Miscellaneous paid time off—intrastate moving.[4]
		5073	Miscellaneous paid time off—local moving.[4]
		6504	Repair materials (other than vehicle) ndirect operating—carrier only.[12]
		6601	Printing and office supplies—interstate moving.[12]
		6602	Printing and office supplies—intrastate moving.[12]
		6603	Printing and office supplies—local moving.[12]
		6801	Miscellaneous supplies—interstate moving.
		6802	Miscellaneous supplies—intrastate moving.

See footnotes at end of table.

V 40 I 190 SEP 3075 XUM

TABLE IV—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Transportation—Continued			
Other transportation expenses	428	6803	Miscellaneous supplies—local moving.
		7204	Outside services—repairs (other than vehicle) indirect operating—carrier only.[15]
		7314	Other outside services—janitorial services—indirect operating—carrier only.[16]
		7404	Utilities—indirect operating—carrier only.[14]
		7661	Purchased labor—temporary help—interstate moving.
		7662	Purchased labor—temporary help—intrastate moving.
		7663	Purchased labor—temporary help—local moving.
		7701	Travel expenses—company drivers and other operating employees—interstate moving.
		7702	Travel expenses—company drivers and other operating employees—intrastate moving.
		7703	Travel expenses—company drivers and other operating employees—local moving.
		7801	Travel and entertainment—sales, office, and management personnel—interstate moving.
		7802	Travel and entertainment—sales, office, and management personnel—intrastate moving.
		7803	Travel and entertainment—sales, office and management personnel—local moving.
		7904	General expenses—indirect operating—carrier only.[16]
		8304	Rent—other than revenue equipment—indirect operating carrier only.[14]
Drivers and helpers—line haul	423.1	4211	Operating wages—transportation only—intercity drivers—interstate moving.
		4212	Operating wages—transportation only—intercity drivers—intrastate moving.
		4221	Operating wages—transportation only—intercity helpers—interstate moving.
		4222	Operating wages—transportation only—intercity helpers—intrastate moving.
		4901	Other wages—interstate moving.[16]
		4902	Other wages—intrastate moving.[16]
		5071	Miscellaneous paid time off—interstate moving.[4]
		5072	Miscellaneous paid time off—intrastate moving.[4]
Drivers and helpers—pickup and delivery.	423.5	4233	Operating wages—transportation only—driver—helper—local moving only—local moving.
		4243	Operating wages—transportation only—drayage labor—overseas containers—local moving.
		4903	Other wages—local moving.[16]
		5073	Miscellaneous paid time off—local moving.
Fuel and oil—revenue equipment—line haul.	428.1	6111	Gasoline and diesel fuel—interstate moving.[7]
		6112	Gasoline and diesel fuel—intrastate moving.[7]
Fuel and oil—revenue equipment—pickup and delivery.	428.5	6113	Gasoline and diesel fuel—local moving.[4]
Equipment rents; intercity; with drivers.	427.1	6921	Purchased transportation—overseas import and export—tractor rents with driver—from agents—interstate moving.
		6922	Purchased transportation—overseas import and export—tractor rents with driver—from agents—intrastate moving.
		6931	Purchased transportation—overseas import and export—tractor rents with driver—from owner operators—interstate moving.
		6932	Purchased transportation—overseas import and export—tractor rents with driver—from owner operators—intrastate moving.
		6941	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from agents—interstate moving.
		6942	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from agents—intrastate moving.
		6951	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from owner operators.
		6952	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from owner operators.
		7621	Purchased transportation—tractor rents with driver—from agent—interstate moving.
		7622	Purchased transportation—tractor rents with driver—from agent—intrastate moving.
		7641	Purchased transportation—tractor-trailer rents with driver—from agent—interstate moving.
		7642	Purchased transportation—tractor-trailer rents with driver—from agent—intrastate moving.
		7631	Purchased transportation—tractor rents with driver from owner operators—interstate moving.
		7632	Purchased transportation—tractor rents with driver from owner operators—intrastate moving.
		7651	Purchased transportation—tractor-trailer rents with driver—from owner operator—interstate moving.
		7652	Purchased transportation—tractor-trailer rents with driver—from owner operator—intrastate moving.

See footnotes at end of table.

TABLE IV—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Transportation—Continued			
Equipment rents; intercity; without driver.	427.2	7611	Purchased transportation—equipment rents—without driver—interstate moving
		7612	Purchased transportation—equipment rents—without driver—intrastate moving
Other purchased transportation; intercity	427.3	6981	Purchased transportation—overseas import and export—other transportation modes—interstate moving.
		6982	Purchased transportation—overseas import and export—other transportation modes—intrastate moving.
		7681	Purchased transportation—other transportation modes—interstate moving.
		7682	Purchased transportation—other transportation modes—intrastate moving.
Equipment rents; pickup and delivery; with driver.	427.5	6923	Purchased transportation—overseas import and export—tractor rents with driver—from agents—local moving.
		6933	Purchased transportation—overseas import and export—tractor rents with driver—from owner operators—local moving.
		6943	Purchased transportation—overseas import and export—tractor—trailer rents with driver—from agents—local moving.
		6953	Purchased transportation—overseas import and export—tractor-trailer rents with driver—from owner-operators—local moving.
		7633	Purchased transportation—tractor rents with driver from owner operators—local moving.
		7653	Purchased transportation—tractor-trailer rents with driver—from owner operator—local moving.
Equipment rents; pickup and delivery; without drivers.	427.6	7613	Purchased transportation—equipment rents—without drivers—local moving
Other purchased pickup and delivery	427.7	------	Intentionally omitted.
Equipment rents; credit	427.9	7091	Purchased transportation—equipment rents—credit—interstate moving.
		7092	Purchased transportation—equipment rents—credit—intrastate moving.
Terminal			
Supervisory salaries	431.1	4104	Salaries—general and administrative—carrier only.[17]
Salaries & fees; billing and collecting	431.2	4105	Salaries—general and administrative—carrier only.[18]
Salaries; revenue accounting	461.2	5075	Miscellaneous paid time off—general and administrative—carrier only.[18]
Other office employees—terminal	431.3	4104	Salaries—indirect operating—carrier only.[18]
		5074	Miscellaneous paid time-off—indirect operating—carrier only. 621
Office and other expenses	432	4614	Repair wages—transportation equipment only—indirect operating—carrier only.[17]
Other terminal expenses	438	5024	Employees' group insurance—indirect operating—carrier only. 417
		5025	Employees' group insurance—general and administrative—carrier only.[4 18]
		5044	Pension and retirement plans—indirect operating—carrier only.[4 17]
		5045	Pension and retirement plans—general and administrative—carrier only.[4 18]
		5074	Miscellaneous paid time off—indirect operating—carrier only. [4 17]
		5075	Miscellaneous paid time off—general and administrative—carrier only.[4 18]
		5094	Other employee benefits—indirect operating—carrier only.[4 17]
		5095	Other employee benefits—general and administrative—carrier only.[4 18]
		6114	Gasoline and diesel fuel—indirect operating—carrier only.[19]
		6204	Tires and tubes—indirect operating—carrier only.[17]
		6304	Other vehicle supplies—indirect operating—carrier only.[17]
		6404	Vehicle repair parts—indirec. operating—carrier only.[17]
		6504	Repair materials (other than vehicle)—indirect operating—carrier only.[17]
		6604	Printing and office supplies—indirect operating—carrier only.[17]
		6605	Printing and office supplies—general and administrative—carrier only.[18]
		6804	Miscellaneous supplies—indirect operating—carrier only.[17]
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only.[17]
		7204	Outside services—repairs (other than vehicles)—indirect operating—carrier only.[17]
		7314	Other outside services—janitorial services—indirect operating—carrier only.[17]
		7404	Utilities—indirect operating—carrier only.[17]
		7504	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only.[17]

See footnotes at end of table.

V 40 I 190 SEP 30 75 XUM

TABLE IV—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
Terminal—Continued			
Other terminal expenses	438	7904	General expenses—indirect operating—carrier only.[17]
		7905	General expenses—general and administrative—carrier only.[18 39]
		8304	Rent—other than revenue equipment—indirect operating—carrier only.[17]
		8305	Rent—other than revenue equipment—general and administrative—carrier only.[18]
		8424	Vehicle licenses and registration fees—State and local—indirect operating—carrier only.[17]
		8444	Gas, diesel fuel, and oil taxes—State and local—indirect operating—carrier only.[17]
		8451	Gas, diesel fuel, and oil taxes—Federal—indirect operating—carrier only.[17]
Salaries and wages; platform employees	434	4104	Salaries—indirect operating—carrier only.[16]
		4904	Other wages—indirect operating—carrier only.[17]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[3 17]
Other terminal employees	435	4904	Other wages—indirect operating—carrier only.[17]
		5074	Miscellaneous paid time off—general and administrative—carrier only.[3 17]
Commission agents	436	4704	Commission agent fees—indirect operating—carrier only.
Joint terminal facilities—net	439	------	Intentionally omitted.
		Traffic	
Supervision, office, and other expenses	441	4104	Salaries—indirect operating—carrier only.[19]
Other traffic expenses	448	4614	Repair wages—transportation equipment only—indirect operating—carrier only.[19]
		4704	Commission agent fees—indirect operating—carrier only.[21]
		4904	Other wages—indirect operating—carrier only.[19]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[4 19]
		6114	Gasoline and diesel fuel—indirect operating—carrier only.[33]
		6204	Tires and tubes—indirect operating—carrier only.[19]
		6304	Other vehicle supplies—indirect operating—carrier only.[19]
		6404	Vehicle repair parts—indirect operating—carrier only.[19]
		6604	Printing and office supplies—indirect operating—carrier only.[19]
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only.[19]
		7364	Advertising—all other—indirect operating—carrier only.
		7404	Utilities—indirect operating—carrier only.[19]
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only.[19]
		7904	General expenses—indirect operating—carrier only.[19]
		7905	General expenses—general and administrative—carrier only.[19 39]
		8304	Rent—other than revenue equipment—indirect operating—carrier only.[19]
		8424	Vehicle licenses and registration fees—State and local—indirect operating—carrier only.[19]
Tariffs and schedules	443	6601	Printing and office supplies—interstate moving.[39]
		6602	Printing and office supplies—intrastate moving.[39]
		6603	Printing and office supplies—local moving.[39]
Insurance and safety			
Supervision, office and other expenses	451	4104	Salaries—indirect operating—carrier only.[39]
Other insurance and safety department expenses.	458	4614	Repair wages—transportation equipment only—indirect operating—carrier only.[39]
		5074	Miscellaneous paid time off—indirect operating—carrier only.[4 39]
		6114	Gasoline and diesel fuel—indirect operating—carrier only.[39]
		6204	Tires and tubes—indirect operating—carrier only.[39]
		6304	Other vehicle supplies—indirect operating—carrier only.[39]
		6404	Vehicle repair parts—indirect operating—carrier only.[39]
		6604	Printing and office supplies—indirect operating—carrier only.[39]
		7104	Outside services—vehicle repairs and maintenance—indirect operating—carrier only.[39]
		7334	Other outside services—professional services—indirect operating—carrier only.[39]
		7404	Utilities—indirect operating—carrier only.[39]
		7804	Travel and entertainment—sales, office, and management personnel—indirect operating—carrier only.[39]

See footnotes at end of table.

TABLE IV—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
		Traffic—Continued	
Insurance and safety—Continued			
Other insurance and safety department expenses.	458	7904	General expenses—indirect operating—carrier only.[39]
		7905	General expenses—general and administrative—carrier only.[39 39]
		8304	Rent—other than revenue—indirect operating—carrier only.[39]
		8424	Vehicle licenses and registration fees—State and local—indirect operating—carrier only.[39]
Public liability and property damage	453	8621	Public liability and property damage—premiums paid—interstate moving.
		8622	Public liability and property damage—premiums paid—intrastate moving.
		8623	Public liability and property damage—premiums paid—local moving.
		8624	Public liability and property damage—premiums paid—indirect operating—carrier only.
		8701	Provision for claims—self-insured portion—interstate moving.[37]
		8702	Provisions for claims—self-insured portion—intrastate moving.[37]
		8703	Provisions for claims—self-insured portion—local moving.[37]
Workmen's compensation	454	5031	Workmen's Compensation- Interstate moving.
		5032	Workmen's compensation—intrastate moving.
		5033	Workmen's compensation—local moving.
		5034	Workmen's compensation—indirect operating—carrier only
		5035	Workmen's compensation—general and administrative—carrier only.
Cargo loss and damage	455	8611	Cargo loss and damage insurance premiums paid—interstate moving.
		8612	Cargo loss and damage insurance premiums paid—intrastate moving.
		8613	Cargo loss and damage insurance premiums paid—local moving.
		8701	Provision for claims—self-insured portion—interstate moving.[39]
		8702	Provision for claims—self-insured portion—intrastate moving.[39]
		8703	Provision for claims—self-insured portion—local moving.[39]
Fire, theft, and collision	456	8641	Fire, theft, and collision insurance—premiums paid—interstate moving.
Other insurance expense	457	8642	Fire, theft, and collision insurance—premiums paid—intrastate moving.
		8643	Fire, theft, and collision insurance—premiums paid—local moving.
		8665	Insurance on buildings and structures—general and administrative—carrier only.
		8695	Other insurance expenses—general and administrative—carrier only.
		8701	Provisions for claims—self-insured portion—interstate moving.[39]
		8702	Provision for claims—self-insured portion—intrastate moving.[39]
		8703	Provision for claims—self-insured portion—local moving.[39]
Administrative and general			
Salaries; general officers	461.1	4105	Salaries—general and administrative—carrier only.[39]
Salaries; other general office employees	461.3	4105	Salaries—general and administrative—carrier only.[21]
Law and outside auditing expenses	463	4905	Other wages—general and administrative—carrier only.
Regulatory expenses	467	5025	Employees group insurance—general and administrative—carrier only.[4]
		5045	Pension and retirement plans—general and administrative—carrier only.[4]
		5075	Miscellaneous paid time off—general and administrative—carrier only.[4]
		5095	Other employee benefits—general and administrative—carrier only.[4]
Other general expenses	468	6505	Repair materials (other than vehicle)—general and administrative—carrier only.[39]
		7335	Other outside services—professional services—general and administrative—carrier only.
		7905	General expenses—general and administrative—carrier only.[39]
		8304	Rent—other than revenue equipment—indirect operating—carrier only.[39]
		8305	Rent—other than revenue equipment—general and administrative—carrier only.[39]

See footnotes at end of table.

V 40 I 190 S EP 30 75 XUM

TABLE IV—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
			Traffic—Continued
Administrative and general—Continued			
Other general office expenses	462	4615	Repair wages—transportation equipment only—general and administrative—carrier only.
		6405	Vehicle repair parts—general and administrative—carrier only.
		6505	Repair materials (other than vehicle)—general and administrative—carrier only.[24]
		6605	Printing and office supplies—general and administrative—carrier only.
		6805	Miscellaneous supplies—general and administrative—carrier only.
		7105	Outside services—vehicle repairs and maintenance—general and administrative—carrier only.
		7205	Outside services—repair (other than vehicles)—general and administrative—carrier only.
		7315	Other outside services—janitorial services—general and administrative—carrier only.
		7405	Utilities—general and administrative—carrier only.
		7505	Travel and entertainment—sales, office, and management personnel—general and administrative—carrier only.
		7605	General expenses—general and administrative—carrier only.[24]
		8305	Rent—other than revenue equipment—general and administrative—carrier only.[2]
		8425	Vehicle licenses and registration fees—State and local—general and administrative—carrier only.
Communication service	464	7504	Communication services—indirect operating—carrier only.
		7505	Communication services—general and administrative—carrier only.
Uncollectible revenues	466	8505	Uncollectible revenues—general and administrative—carrier only.
Joint operating expenses; net	469	------	Intentionally omitted.
Depreciation expense			
Depreciation of structure	501	8145	Depreciation—building and structures—general and administrative—carrier only.
Depreciation of revenue equipment—line haul.	502.1	8111	Depreciation—revenue equipment—interstate moving.
		8112	Depreciation—revenue equipment—intrastate moving.
Depreciation of revenue equipment—pickup and delivery.	502.5	8113	Depreciation—revenue equipment—local moving.
Depreciation of service cars and equipment.	503	8134	Depreciation—service cars and equipment—indirect operating—carrier only.
		8135	Depreciation—service cars and equipment—general and administrative—carrier only.
Depreciation of shop and garage equipment.	504	8124	Depreciation—shop and garage equipment—indirec. operating—carrier only.
Depreciation of furniture and office equipment.	505	8154	Depreciation—furniture and office equipment—indirect operating—carrier only.
		8155	Depreciation—furniture and office equipment—general and administrative—carrier only.
Depreciation of miscellaneous equipment.	506	8191	Depreciation—miscellaneous equipment—interstate moving.
		8192	Depreciation—miscellaneous equipment—intrastate moving.
		8193	Depreciation—miscellaneous equipment—local moving.
		8194	Depreciation—miscellaneous equipment—indirect operating—carrier only.
		8195	Depreciation—miscellaneous equipment—general and administrative—carrier only.
Depreciation of other carrier property	507	8175	Depreciation—undistributed property—general and administrative—carrier only.
		8215	Amortization of leasehold improvements—general and administrative—carrier only.
Depreciation adjustment	510	8915	Gains on disposition of operating assets—general and administrative—carrier only.[3]
		8925	Losses on disposition of operating assets—general and administrative—carrier only.[3]
Amortization expenses			
Amortization of carrier property	515	8225	Amortization expenses (other) general and administrative—carrier only.
		8915	Gains on disposition of operating assets—general and administrative—carrier only.[3]
		8925	Losses on disposition of operating assets—general and administrative—carrier only.[3]

See footnotes at end of table.

Part 1207 Title 49—Transportation

TABLE IV—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
			Traffic—Continued
Operating taxes and licenses			
Gasoline, other fuel and oil taxes—line haul.	521.1	8441	Gas, diesel fuel, and oil taxes—State and local—interstate moving.
		8442	Gas, diesel fuel, and oil taxes—State and local—intrastate moving.
		8451	Gas, diesel fuel, and oil taxes—Federal—interstate moving.
		8452	Gas, diesel fuel, and oil taxes—Federal—intrastate moving.
Gasoline, other fuel and oil taxes—pick-up and delivery.	521.5	8443	Gas, diesel fuel, and oil taxes—State and local—local moving.
		8453	Gas, diesel fuel and oil taxes—Federal—local moving.
Vehicle license and registration fees—line haul.	522.1	8421	Vehicle licenses and registration fees—State and local—interstate moving.
		8422	Vehicle licenses and registration fees—State and local—intrastate moving.
		8431	Vehicle licenses and registration fees—Federal—interstate moving.
		8432	Vehicle licenses and registration fees—Federal—intrastate moving.
Vehicle license and registration fees—pickup and delivery.	522.5	8423	Vehicle licenses and registration fees—State and local—local moving.
		8433	Vehicle licenses and registration fees—Federal—local moving.
Real estate and personal property taxes	523	8411	Real estate and personal property taxes—interstate moving.
		8412	Real estate and personal property taxes—intrastate moving.
		8413	Real estate and personal property taxes—local moving.
		8414	Real estate and personal property taxes—indirect operating—carrier only.
		8415	Real estate and personal property taxes—general and administrative—carrier only.
Social security taxes	524	5101	Payroll taxes—interstate moving.
		5102	Payroll taxes—intrastate moving.
		5103	Payroll taxes—local moving.
		5104	Payroll taxes—indirect operating—carrier only.
		5105	Payroll taxes—general and administrative—carrier only.
Other taxes	525	8484	Gas, diesel fuel, and oil taxes—State and local—indirect operating—carrier only.
		8485	Gas, diesel fuel, and oil taxes—State and local—general and administrative—carrier only.
		8494	Other taxes—State and local—indirect operating—carrier only.
		8495	Other taxes—State and local—general and administrative—carrier only.
Lease of distinct operating unit; debit	540	------	Intentionally omitted.
Lease of distinct operating unit; credit	550	------	Dn.
Other ordinary income			
Income from non-carrier operations; net	610	3516	Packing only—interstate—packing and crating.[3]
		3528	Unpacking only—interstate—packing and crating.[3]
		3539	Packing and unpacking—intrastate—packing and crating.[3]
		3579	Thru-container packing and loading—overseas import and export.
		3596	Other packing and crating service revenue—packing and crating.
		3608	Other packing and crating service revenue—oversea import and export.
		3717	Storage household goods—SIT interstate—warehousing.
		3727	Warehouse handling, in/out—SIT interstate—warehousing.
		3737	Storage household goods—SIT intrastate—warehousing.
		3747	Warehouse handling, in/out—SIT intrastate—warehousing.
		3767	Storage—other than carrier shipments—warehousing.
		3767	Warehouse handling, in/out—other than carrier shipments—warehousing.
		3936	Packing commissions—packing and crating.
		3909	Other operating revenue (class I and II)—indirect operating—noncarrier.
			Because of the extensive list, the noncarrier operating expense accounts which become effective Jan. 1, 1974, are shown in appendix A to this conversion table.
		9100	Income from noncarrier operations—net.
Interest, dividends and other nonoperating income.	650	9200	Interest and dividend income (control).
		9300	Lease of distinct operating units (control).
		9400	Other nonoperating income (net).

See footnotes at end of table.

V 40 190 SEP 30 75 XUM

TABLE IV—Continued

FROM THE SYSTEM OF ACCOUNTS EFFECTIVE PRIOR TO JAN. 1, 1974, TO THE SYSTEM OF ACCOUNTS EFFECTIVE JAN. 1, 1974—continued

System of accounts effective prior to Jan. 1, 1974		System of accounts effective Jan. 1, 1974	
Account title	No.	No.	Account title
			Traffic—Continued
Miscellaneous deductions from income			
Interest	710	9610	Interest expense—equipment obligations.
		9620	Interest expense—advances.
		9630	Interest expense—bonds.
		9640	Interest expense—other long-term obligations.
		9650	Interest expense—current obligations.
		9660	Interest expense—matured obligations.
Other income deductions	760	9500	Gain or loss on disposition of other assets (net).
		9670	Amortization of debt discount and expense.
		9680	Amortization of premium on debt—credit.
Income taxes on ordinary income	880	9700	Income taxes on ordinary income.
Extraordinary and prior period items			
Extraordinary and prior period items (net).	890	9800	Extraordinary items.

TABLE IV.—GUIDE TO SYMBOLS—CLASS II

[1] Applies only when service is performed by carrier personnel.
[2] Applies only when service is performed by noncarrier personnel.
[3] See detail account description. Applies only to certain amounts which were redistributed from accounts 3100, 3120, and 3900, of prior ICC regulatory System of Accounts.
[4] Applies to amounts in this account which were redistributed from accounts 5025, 5045, 5075, and 5095.
[5] Applies to amounts for grease, lubricants and coolants in this account.
[6] Applies to amounts in this account which were redistributed from account 5075.
[7] Does not apply to amounts for grease, lubricants, and coolants.
[8] Applies to carrier operating property only.
[9] Applies to fixed term intangible property only (see also account 9100).
[10] Applies to amounts in this account prior to redistribution to the 5100 account series.
[11] Applies only to portion relating to equipment maintenance hourly supervisors and clerks.
[12] Applies only to portion relating to services, supplies, structures, or equipment maintenance employees necessary for servicing equipment and vehicles in the equipment maintenance department.
[13] Applies only to portion relating to services, supplies, or employees servicing line haul equipment.
[14] Applies only to portion relating to services, supplies, or employees servicing pickup and delivery equipment.
[15] Applies only to expenses of the transportation department relating to employees, services, supplies, or structures.
[16] Applies only to nonproductive wages of drivers and helpers.
[17] Applies only to portion of expenses relating to platform and/or terminal employees, services, supplies, or structures.
[18] Applies only to portion of clerical and administrative expenses relating to the terminal billing and collection function.
[19] Applies only to the portion of expenses relating to the traffic and sales function, such as employee wages, services, supplies, or structures.
[20] Applies only to the portion of expenses relating to the insurance and safety function, such as employee wages, services, supplies, or structures.
[21] Account is to be used only to record expenses from "motor carrier operations other than household goods operations."
[22] Applies only to printed forms and office supplies.
[23] Applies only to office equipment.
[24] Applies only to clerical and/or administrative employees for the terminal or platform functions.
[25] Applies only to tariffs and schedules.
[26] Applies only to postage.
[27] Applies only to public liability and property damage.
[28] Applies only to cargo loss and damage.
[29] Applies only to fire, theft, and collision.
[30] Applies only to officers, department, and division managers.
[31] Applies only to clerical, supervisory, and administrative personnel.
[32] Applies only to building property.
[33] Applies only to miscellaneous corporate expenses.
[34] Excludes miscellaneous corporate expenses.
[35] Excludes building property.

TABLE IV. *Class II household goods carriers*

APPENDIX A.—CONVERSION OF NONCARRIER OPERATING EXPENSES[1]

Natural classification		Activities noncarriers			
		Packing and crating	Warehousing	Overseas import and export	Indirect operating
		6	7	8	9
410	Salaries	4106	4107	4108	4109
431	Packer wages—interstate moves	4316			
432	Packer wages—intrastate moves	4326			
433	Packer wages—overseas shipments			4338	
441	Warehou labor—household		4417		
442	Warehouse handling—SIT interstate		4427		
443	Warehousse handling—SIT intrastate		4437		
462	Other repair wages	4626	4627	4628	4629
470	Commission agent fees				4709
490	Other wages	4906	4907	4908	4909
500	Fringe benefits	5006	5007	5008	5009
502	Employees' group insurance	5026	5027	5028	5029
503	Workmen's compensation	5036	5037	5038	5039
504	Pension and retirement plans	5046	5047	5048	5049
507	Miscellaneous paid time off	5076	5077	5078	5079
509	Other employee benefits	5096	5097	5098	5099
510	Payroll taxes	5106	5107	5108	5109
611	Gasoline and diesel fuel	6116	6117		6119
620	Tires and tubes	6206	6207		6209
630	Other vehicle supplies	6306	6307		6309
640	Vehicle repair parts	6406	6407		6409
650	Repair materials (other than vehicle)	6506	6507	6508	6509
660	Printing and office supplies	6606	6607	6608	6609
670	Packing and crating materials and supplies	6706	6707	6708	
680	Miscellaneous supplies	6806	6807	6808	6809
710	Outside services—vehicle repairs (other than vehicles)	7106	7107		7109
720	Outside services—repairs (other than vehicles)	7206	7207	7208	7209
731	Janitorial services	7316	7317	7318	7319
733	Professional services				7339
736	Advertising—all other				7369
740	Utilities		7407	7408	7409
750	Communications services			508	7509
766	Purchased labor temporary help	7666			
770	Travel expenses—company drivers and other operating employees	7706	7707	7708	7709
780	Travel and entertainment—sales, office, and management personnel	7806	7807	7808	7809
790	General expenses				7909
811	Depreciation—revenue equipment	8116			
812	Depreciation—shop and garage equipment				8129
813	Depreciation—service cars and equipment	8136	8137	8138	8139
814	Depreciation—buildings and structures	8146	8147	8148	8149
815	Depreciation—furniture and office equipment	8156	8157	8158	8159
817	Depreciation—undistributed property				8179
819	Depreciation—miscellaneous equipment	8196	8197	8198	8199
821	Amortization of leasehold improvements		8217	8218	8219
822	Amortization expense—other				8229
830	Rent—other than revenue equipment	8306	8307	8308	8309
831	Rent on building and property	8316			
841	Real estate and personal property taxes		8417	418	8419
842	Vehicle licenses and registration fees—State and local	8426			8429
844	Gas, diesel fuel, and oil taxes—State and local	8446			
845	Gas, diesel fuel, and oil taxes—Federal	8456			
848	Other taxes—Federal				8489
849	Other taxes—State and local				8499
861	Cargo loss and damage insurance—premiums paid	8616	8617	8618	8619
862	Public liability and property damage—premiums paid	8626			8629
864	Fire, theft, and collision insurance—premiums paid	8646			8649
866	Insurance on buildings and structures	8666	8667		8669
869	Other insurance expense		8697		8699
870	Provision for claims—self-insured portion	8706	8707	8708	8709
871	Claims for loss and damage	8716			
880	Uncollectible revenue				8809
891	Gains on disposition of operating assets				8919
892	Losses on disposition of operating assets				1929

[1] These expenses were previously recorded in 1 account, 610. However, because the present accounts, effective Jan. 1, 1974, are so numerous they are listed here rather than within the conversion table. See account 610 in the conversion table for the other details involved in converting the noncarrier operating expense accounts.

[FR Doc.75-25963 Filed 9-29-75;8:45 am]

V 40 190 SEP 30 75 XUM

V40-190 SEP3075 XUM

federal register



PART III:

DIRECTORY OF FEDERAL REGIONAL STRUCTURE

Federal Agency
Regional Maps and Tables

V 40 — 190
SEP 3075
XUM

DIRECTORY OF FEDERAL REGIONAL STRUCTURE

This directory of Federal agency regional structure is designed to give practical information about regional offices of Federal departments and agencies.

The Standard Federal Regional Boundaries System was established in 1969 to streamline Federal field office operations and encourage Federal-State-local interchange. Boundaries were drawn and regional office locations designated for 10 regions, and agencies urged to adopt the uniform system. A map of the Standard Federal Regions, and tables of the agencies conforming to this system can be found on pages 45008 to 450016.

The regional maps of agencies not conforming to the uniform regional system begin on page 450017. Each map is accompanied by a table showing addresses, telephone numbers, and key officials for all regions.

The information contained in this directory was compiled with agency assistance, as of July 1, 1975.

FRED J. EMERY,
Director, Office of
the Federal Register.

Table of Contents

Standard Federal Regions—map and tables of agency structures 45008
Additional agency regional maps and tables
Department of Agriculture 45017
Department of Commerce 45036
Department of Health, Education, and Welfare 45041
Department of the Interior 45042
Department of Justice 45054
Department of Labor 45058
Department of Transportation 45062
Department of the Treasury 45065
ACTION 45069
Commodity Futures Trading Commission 45070
Consumer Product Safety Commission 45071
Energy Research and Development Administration 45072
Equal Employment Opportunity Commission 45073
Farm Credit Administration 45074
Federal Deposit Insurance Corporation 45075
Federal Home Loan Bank Board 45076
Federal Maritime Commission 45077
Federal Mediation and Conciliation Service 45078
Federal Power Commission 45079
Federal Reserve Districts 45080
Federal Trade Commission 45081
Interstate Commerce Commission 45082
National Credit Union Administration 45083
National Labor Relations Board 45084
National Transportation Safety Board 45085
Nuclear Regulatory Commission 45086
Railroad Retirement Board 45087
Renegotiation Board 45088
Securities and Exchange Commission 45089
Veterans Administration 45090

V 40 190 SEP 30 75 XUM

STANDARD FEDERAL REGIONS



Department of Health, Education, and Welfare
Social Security Administration
Bureau of Health Insurance

Region	Representative	Address	Telephone
I	John D. Kennedy	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–6804
II	Joseph Godfrey	26 Federal Plaza, New York, N.Y. 10007	212–264–2503
III	(Vacancy)	P.O. Box 8788, Philadelphia, Pa. 19101	215–596–6826
IV	Douglass M. Richard	50 7th St. NE., Atlanta, Ga. 30323	404–526–3195
V	Robert C. Green	300 South Wacker Dr., Chicago, Ill. 60606	312–353–5585
VI	Martha A. McSteen	1114 Commerce St., Dallas, Tex. 75202	214–749–3921
VII	Warren H. Robinson	601 East 12th St., Kansas City, Mo. 64106	816–374–3539
VIII	Wilburn W. Smith	19th and Stout Sts., Denver, Colo. 80202	303–837–2641
IX	Mercia L. Kahn	100 Van Ness Ave., San Francisco, Calif. 94102	415–556–6561
X	Joseph E. Anderson	1321 2d Ave., Seattle, Wash. 98101	206–442–0438

Department of Health, Education, and Welfare
Social Security Administration
Bureau of Hearings and Appeals

Region	Regional Chief Administrative Law Judge	Address	Telephone
I	Harold H. Fischer	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–5275
II	Edward V. Alfieri, Acting	26 Federal Plaza, New York, N.Y. 10007	212–264–4036 1282
III	Sol R. Gitman	3535 Market St., Philadelphia, Pa. 19101	215–596–6975
IV	Frank B. Borowiec	50 7th St. NE., Atlanta, Ga. 30323	404–526–5487 3886
V	Allen E. Gramza	300 South Wacker Dr., Chicago, Ill. 60606	312–353–4113
VI	Ernest C. Winfrey	212 North Saint Paul St., Dallas, Tex. 75201	214–749–7315
VII	Myron D. Mills	911 Walnut St., Kansas City, Mo. 64106	816–374–5246
VIII	Everett J. Hammarstrom	1961 Stout St., Denver, Colo. 80202	303–837–2453
IX	Robin Sheldon Heyer	100 McAllister St., San Francisco, Calif. 94102	415–556–0644
X	Edward K. Adelsheim	1321 2d Ave., Seattle, Wash. 98101	206–442–1322

Department of Health, Education, and Welfare
Regional Offices

Region	Director	Address	Telephone
I	Robert E. Fulton	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–6831
II	Bernice L. Bernstein	26 Federal Plaza, New York, N.Y. 10007	212–264–4600
III	Gorham Black, Jr.	3535 Market St., Philadelphia, Pa. 19101	215–597–6492
IV	Frank J. Groschelle III	50 7th St. NE., Atlanta, Ga. 30323	404–526–5817
V	Richard Friedman	300 South Wacker Dr., Chicago, Ill. 60606	312–353–5160
VI	Stuart H. Clarke	1114 Commerce St., Dallas, Tex. 75202	214–749–3396
VII	Max Milo Mills	601 East 12th St., Kansas City, Mo. 64106	816–374–3436
VIII	Rulon Garfield	1961 Stout St., Denver, Colo. 80202	303–837–3373
IX	Joe Maldonado	50 Fulton St., San Francisco, Calif. 94102	415–556–6746
X	Bernard E. Kelly	1321 2d Ave., Seattle, Wash. 98101	206–442–0420

Department of Health, Education, and Welfare
Social Security Administration
Regional Commissioners

Region	Commissioner	Address	Telephone
I	Vincent G. Gavin, Acting	John F. Kennedy Bldg., Boston, Mass. 02203	617–223–6810
II	Joseph J. Kelly	26 Federal Plaza, New York, N.Y. 10007	212–264–2500
III	Rose Lepore, Acting	P.O. Box 8788, Philadelphia, Pa. 19101	215–597–6941
IV	Gordon Sherman, Acting	50 7th St. NE., Atlanta, Ga. 30323	404–526–5961
V	Paul E. Webb	300 South Wacker Dr., Chicago, Ill. 60606	312–353–4247
VI	John Dickenson, Acting	1114 Commerce St., Dallas, Tex. 75202	214–749–3837
VII	Patricia Livers	601 East 12th St., Kansas City, Mo. 64106	816–374–5691
VIII	Sandy Crank	1961 Stout St., Denver, Colo. 80202	303–837–3489
IX	John McConnachie	50 Fulton St., San Francisco, Calif. 94102	415–556–4910
X	Donald C. Sutcliffe	1321 2d Ave., Seattle, Wash. 98101	206–442–0417

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Department of Housing and Urban Development

Region	Administrator	Address	Telephone
I	Harold G. Thompson, Acting	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–4066
II	S. William Green	26 Federal Plaza, New York, N.Y. 10007	212–264–8068
III	Vincent A. Harino, Acting	6th and Walnut Sts., Philadelphia, Pa. 19106	215–597–2560
IV	E. Lamar Seals	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5585
V	Don Horrow, Acting	300 South Wacker Dr., Chicago, Ill. 60606	312–353–5680
VI	Richard L. Morgan	1100 Commerce St., Dallas, Tex. 75202	214–749–7401
VII	Elmer E. Smith	911 Walnut St., Kansas City, Mo. 64106	816–374–2661
VIII	Robert C. Rosenheim	1961 Stout St., Denver, Colo. 80202	303–837–4881
IX	Robert H. Baida	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–4752
X	James L. Young	1321 2d Ave., Seattle, Wash. 98101	206–442–5415

Department of Justice
Community Relations Service

Region	Director	Address	Telephone
I	Martin A. Walsh	150 Causeway St., Boston, Mass. 02114	617–223–5170
II	Edward O'Connell	26 Federal Plaza, New York, N.Y. 10007	212–264–0700
III	Edmund Haywood	2d and Chestnut Sts., Philadelphia, Pa. 19107	215–597–2344
IV	Ozell Sutton	75 Piedmont Ave. NE., Atlanta, Ga. 30303	404–526–6883
V	Richard Salem	55 East Monroe St., Chicago, Ill. 60603	312–353–4391
VI	Maurillo Ortiz	1100 Commerce St., Dallas, Tex. 75202	214–749–1525
VII	John Perez	911 Walnut St., Kansas City, Mo 64106	816–374–2022
VIII	Leo Cardenas	1531 Stout St., Denver, Colo. 80202	303–837–2973
IX	Julian Klugman	100 Mission St., San Francisco, Calif. 94105	415–556–2485
X	Robert Lamb	Federal Office Bldg., 915 2d Ave., Seattle, Wash. 98104	206–442–4465

Department of Justice
Law Enforcement Assistance Administration

Region	Administrator	Address	Telephone
I	George Campbell	147 Milk St., Boston, Mass. 02109	617–223–4671
II	Jules Tesler, Acting	26 Federal Plaza, New York, N.Y. 10007	212–264–4132
III	Cornelius Cooper	325 Chestnut St., Philadelphia, Pa. 19106	215–597–9440 9442
IV	Charles Rinkevich	730 Peachtree St. NE., Atlanta, Ga. 30308	404–526–5868
V	V. Allen Adams	3166 Des Plaines Ave., Des Plaines, Ill. 60018	312–353–1203
VI	Robert Grimes	500 South Ervay St., Dallas, Tex. 75201	214–749–7211
VII	Marvin Rudd	436 State Ave., Kansas City, Kans. 66101	816–374–4501
VIII	Joseph Mulvey	Federal Bldg., Denver, Colo. 80202	303–837–4784
IX	M. Thomas Clark	1860 El Camino Real, Burlingame, Calif. 94010	415–876–9104
X	Bernard Winckoski	130 Andover Bldg., Seattle, Wash. 98188	206–442–1170

Department of Labor
Employment Standards Administration

Region	Assistant Regional Director	Address	Telephone
I	Walker P. Parker	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–4305
II	Frank B. Mercurio	1515 Broadway, New York, N.Y. 10036	212–971–5451
III	Charles M. Angell	3535 Market St., Philadelphia, Pa. 19104	215–597–1185
IV	James E. Patching, Jr	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5801
V	Gerald J. Mitchell	230 S. Dearborn St., Chicago, Ill. 60604	312–353–7280
VI	Phillip F. Arrien	1100 Commerce St., Dallas, Tex. 75202	214–749–2037
VII	Doyle I. Loveridge	911 Walnut St., Kansas City, Mo. 64106	816–374–5381
VIII	Higinio Costales, Jr	1961 Stout St., Denver, Colo. 80202	303–837–4613
IX	Virginia Allee	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–1318
X	Vernon P. Nilsen	909 1st Ave., Seattle, Wash. 98174	206–442–1536

Department of Labor
Employment Standards Administration
Office of Federal Contract Compliance Programs

Region	Associate Assistant Regional Director	Address	Telephone
I	E. William Richardson	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–4232
II	George M. Hopkins	1515 Broadway, New York, N.Y. 10036	212–971–5563
III	Bennett O. Stalvey, Jr	3535 Market St., Philadelphia, Pa. 19104	215–597–1213
IV	Jodie G. Eggers	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–4211
V	James T. Wardlaw	230 South Dearborn St., Chicago, Ill. 60604	312–353–8887
VI	Roberto Ornelas	1100 Commerce St., Dallas, Tex. 75202	214–749–1134
VII	Bennie L. Daugherty, Jr	911 Walnut St., Kansas City, Mo. 64106	816–374–5384
VIII	Jay F. Sauls	1961 Stout St., Denver, Colo. 80202	303–837–4978
IX	Dola F. Miller, Jr	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–3597
X	James F. Warren	909 1st Ave., Seattle, Wash. 98174	206–442–4508

Department of Labor
Employment Standards Administration
Women's Bureau

Region	Associate Assistant Regional Director	Address	Telephone
I	Vivian Buckles	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–4036
II	Mary E. Tobin	1515 Broadway, New York, N.Y. 10036	212–971–5452
III	(Vacancy)	3535 Market St., Philadelphia, Pa. 19104	215–597–1183
IV	Gay Cobb	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5461
V	(Vacancy)	230 South Dearborn St., Chicago, Ill. 60604	312–353–6985
VI	Rhobia C. Taylor	1100 Commerce St., Dallas, Tex. 75202	214–749–2568
VII	Barbara E. Wald	911 Walnut St., Kansas City, Mo. 64106	816–374–5383
VIII	Lionila L. Saenz	1961 Stout St., Denver, Colo. 80202	303–837–4138
IX	Madeline H. Mixer	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–2377
X	Lazelle S. Johnson	909 1st Ave., Seattle, Wash. 98174	206–442–1534

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Department of Labor
Employment Standards Administration
Wage and Hour Division

Region	Associate Assistant Regional Director	Address	Telephone
I	George J. Regan	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–5565
II	Leo Friedman	1515 Broadway, New York, N.Y. 10036	212–971–5453
	Luz Vilarino, Director	1200 Ponce DeLeon Ave., Santurce, P.R. 00907	809–723–8165
III	Joseph P. Cassidy	3535 Market St., Philadelphia, Pa. 19104	215–597–1191
	John A. Craven, Jr	3535 Market St., Philadelphia, Pa. 19104	215–597–1193
IV	Hugh B. Campbell	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5801
	Sterling B. Williams	1931 9th Ave. South, Birmingham, Ala. 35205	205–325–3301
V	Donald H. Haack and Henry T. White, Jr	230 S. Dearborn St., Chicago, Ill. 60604	312–353–7250 8845
VI	Robert B. Snyder	1100 Commerce St., Dallas, Tex. 75202	214–749–2303
VII	Sydney R. Sample	911 Walnut St., Kansas City, Mo. 64106	816–374–5386
VIII	C. Lamar Johnson	15412 Federal Office Bldg., Denver, Colo. 80202	303–837–4613
IX	John M. Silver	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–3592
X	Loren E. Gilbert	909 1st Ave., Seattle, Wash. 98174	206–442–1916

Department of Labor
Manpower Administration

Region	Assistant Regional Director	Address	Telephone
I	Luis F. Sepulveda, Acting	John F. Kennedy Federal Bldg., Boston, Mass 02203	617–223–6439
II	Lawrence W. Rogers, Acting	1515 Broadway, New York, N.Y. 10036	212–971–5445
III	J. Terrell Whitsitt	P.O. Box 8796, Philadelphia, Pa. 19101	215–596–6336
IV	William U. Norwood, Jr	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5411
V	Richard C. Gilliland	230 South Dearborn St., Chicago, Ill. 60604	312–353–4123
VI	William S. Harris	555 Griffin Square Bldg., Dallas, Tex. 75202	214–749–2841
VII	Richard G. Miskimins	911 Walnut St., Kansas City, Mo. 64106	816–374–3796
VIII	Robert J. Brown	1961 Stout St., Denver, Colo. 80202	303–837–4477
IX	William J. Haltigan	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–7414
X	Jess C. Ramaker	909 1st Ave., Seattle, Wash. 98174	206–442–7700

Department of Labor
Occupational Safety and Health Administration

Region	Assistant Regional Director	Address	Telephone
Boston, Mass. 02110	Vernon Strahm	18 Oliver St	617–223–6712 6713
New York, N.Y. 10036	Alfred Barden	1515 Broadway	212–971–5941 5942
Philadelphia, Pa. 19104	David H. Rhone	3535 Market St	215–597–1201
Atlanta, Ga. 30309	Donald E. Mackenzie	1375 Peachtree St. NE	404–526–3573 3574
			404–526–2281 2282
Chicago, Ill. 60606	Edward E. Estkowski	230 Dearborn St	312–353–4716 4717
Dallas, Tex. 75201	Robert Tice	555 Griffin Square Bldg	214–749–2477 78/79
			214–749–2567
Kansas City, Mo. 64106	Joseph A. Reidinger	911 Walnut St	816–374–5861
Denver, Colo. 80202	Curtis Foster	1961 Stout St	303–837–3883
San Francisco, Calif. 94102	Gabriel Gillotti	450 Golden Gate Ave	415–556–0586 4427
Seattle, Wash. 98174	James W. Lake	909 1st Ave	206–442–5930

Department of Labor
Regional Directors

Region	Director	Address	Telephone
I	Gerald P. Reidy	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617–223–5430
II	Stephen D. Blum	1515 Broadway, New York, N.Y. 10036	212–971–7051
III	J. B. Archer	3535 Market St., Philadelphia, Pa. 19104	215–596–1116
IV	Robert Burns	1371 Peachtree St. NE., Atlanta, Ga. 30309	404–526–5366
V	Alexander P. White	230 S. Dearborn St., Chicago, Ill. 60604	312–353–4122
VI	Paul W. Story	555 Griffin Square Bldg., Dallas, Tex. 75202	214–749–3842
VII	Richard C. McAvinew	911 Walnut St., Kansas City, Mo. 64106	816–374–5941
VIII	Samuel Martinez	1961 Stout St., Denver, Colo. 80202	303–837–3791
IX	George W. Smith	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–8754
X	James T. Hughes	909 1st Ave., Seattle, Wash. 98174	206–442–1545

Department of Transportation
Regional Representatives of the Secretary

Region	Representative	Address	Telephone
I	David W. Hays	55 Broadway, Cambridge, Mass. 02142	617–494–2709
II	Bayard S. Forster	26 Federal Plaza, New York, N.Y. 10007	212–264–2672
III	Leonard W. Johnson	434 Walnut St., Philadelphia, Pa. 19105	215–597–9430
IV	Samuel F. Austin, Acting	1720 Peachtree Rd. NW., Atlanta, Ga. 30309	404–526–3738
V	Norman Erbe	300 South Wacker Dr., Chicago, Ill. 60606	312–353–4000
VI	Ed Foreman	1100 Commerce St., Dallas, Tex. 75202	214–749–1851
VII	Russell R. Waesche	601 East 12th St, Kansas City, Mo. 64106	816–374–5801
VIII	Robert L. Kessler	1050 17th St., Denver, Colo. 80202	303–837–3242
IX	Lawrence H. Dunn	450 Golden Gate Ave., Box 36133, San Francisco, Calif. 94102	415–556–5961
X	Donald W. Samuelson	915 2d Ave., Seattle, Wash. 98174	206–442–0590

Department of Transportation
National Highway Traffic Safety Administration

Region	Administrator	Address	Telephone
I	James P. Williamson	55 Broadway, Cambridge, Mass. 02142	617–494–2680
II	Dean Van Gorden	200 Mamaroneck Ave., White Plains, N.Y. 10601	914–761–4250 Ext. 312
III	Vincent D. Walsh	6701 Elkridge Landing Rd., Linthicum, Md. 21090	301–796–5117
IV	L. E. Thompson	1720 Peachtree Rd. NW., Atlanta, Ga. 30309	404–526–5537
V	Gordon Lindquist	1010 Dixie Hwy., Chicago Heights, Ill. 60411	312–756–1950
VI	F. Robert Anderson	819 Taylor St., Fort Worth, Tex. 76102	817–334–2021
VII	E. L. McBride	P.O. Box 19515, Kansas City, Mo. 64141	816–753–7300
VIII	R. C. O'Connell	330 South Garrison St., Lakewood, Colo. 80226	303–234–3253
IX	Bradford Crittenden	450 Golden Gate Ave., Box 36112, San Francisco, Calif. 94102	415–556–6415
X	William L. Hall	915 2d Ave., Seattle, Wash. 98104	206–442–5934

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Department of Transportation

Urban Mass Transportation Administration

Region	Representative	Address	Telephone
I	Peter N. Stowell	c/o Transportation System Center, 55 Broadway, Cambridge, Mass. 02142	617-494-2055
II	John K. Taylor	26 Federal Plaza, New York, N.Y. 10007	212-264-3162
III	Franz K. Gimmler	434 Walnut St., Philadelphia, Pa. 19106	215-597-4197
IV	Douglas C. Campion	1720 Peachtree Rd. NW., Atlanta, Ga. 30309	404-526-3948
V	Thomas N. Harvey	300 South Wacker Dr., Chicago, Ill. 60606	312-353-6005
VI	Glen E. Ford	1100 Commerce St., Dallas, Tex. 75202	214-749-7322
VII	Lee O. Waddleton	601 East 12th St., Kansas City, Mo. 64106	816-374-5845
VIII	Theodore Weigle	1050 17th St., Denver, Colo. 80202	303-837-3242
IX	Dee Jacobs	450 Golden Gate Ave., Box 36125, San Francisco, Calif. 94102	415-556-2884
X	Franklin W. Fort	909 1st Ave., Seattle, Wash. 98104	206-442-4210

ACTION

Region	Director	Address	Telephone
I	C. Edward Graydon, Acting	John W. McCormick Federal Bldg., Boston, Mass. 02109	617-223-4297
II	Dominic R. Massaro	26 Federal Plaza, New York, N.Y. 10007	212-264-2900
III	Jack Facenda, Acting	320 Walnut St., Philadelphia, Pa. 19106	215-597-0732
IV	Paul R. Jones	730 Peachtree Street NE., Atlanta, Ga. 30308	404-526-3337
V	Myron B. Kuropas	1 North Wacker Dr., Chicago, Ill. 60606	312-353-5107
VI	Jose P. Garcia	212 North St. Paul St., Dallas, Tex. 75201	214-749-1361
VII	John Campbell	4th and State Sts., Kansas City, Kans. 66101	816-374-4486
VIII	Ted Bryant	1050 17th St., Denver, Colo. 80202	303-837-2671
IX	Donald Brown	100 McAllister St., San Francisco, Calif. 94102	415-556-1736
X	Kenneth W. Hultgren	1602 2d Ave., Seattle, Wash. 98101	206-442-1558

Civil Service Commission

Region	Director	Address	Telephone
I	Charles A. Maher	John W. McCormack Post Office and Courthouse, Boston, Mass. 02109	617-223-2538
II	Virginia M. Armstrong	26 Federal Plaza, New York, N.Y. 10007	212-264-0440
III	Robert E. Sperry	600 Arch St., Philadelphia, Pa. 19106	215-597-4543
IV	David Caldwell	1340 Spring St. NW., Atlanta, Ga. 30309	404-526-2436
V	Keith A. Roelofs	230 S. Dearborn St., Chicago, Ill. 60604	312-353-2901
VI	William H. Rima, Jr	1100 Commerce St., Dallas, Tex. 75202	214-749-3352
VII	Robert J. Dunn	1520 Market St., St. Louis, Mo. 63103	314-622-4262
VIII	George F. Dwyer	Denver Federal Center, Denver, Colo. 80225	303-233-2023
IX	Asa T. Briley	450 Golden Gate Ave., San Francisco, Calif. 94102	415-556-0581
X	Thomas G. McCarthy	915 2d Ave., Seattle, Wash. 98174	206-442-7536

Community Services Administration

Region	Director	Address	Telephone
I	Ivan Ashley	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617-223-4080
II	Angel F. Rivera	26 Federal Plaza, New York, N.Y. 10007	212-264-1900
III	W. Astor Kirk	3535 Market St., Philadelphia, Pa. 19104	215-596-6001
IV	William "Sonny" Walker	730 Peachtree St. NE., Atlanta, Ga. 30308	404-526-3172
V	Glennwood A. Johnson, Acting	300 South Wacker Dr., Chicago, Ill. 60606	312-353-5562
VI	Ben T. Haney, Acting	200 Main St., Dallas, Tex. 75202	214-749-1301
VII	Wayne Thomas, Acting	911 Walnut St., Kansas City, Mo. 64106	816-374-3781
VIII	Shannon Doss, Acting	1961 Stout St., Denver, Colo. 80202	303-837-4767
IX	Eugene Gonzales	100 McAllister St., San Francisco, Calif. 94102	415-556-5400
X	John C. Finley	1321 2d Ave., Seattle, Wash. 98101	206-442-4910

Environmental Protection Agency

Region	Administrator	Address	Telephone
I	John A. S. McGlennon	John F. Kennedy Federal Bldg., Boston, Mass. 02203	617-223-7210
II	Gerald M. Hansler	26 Federal Plaza, New York, N.Y. 10007	212-264-2525
III	Daniel J. Snyder III	6th and Walnut Sts., Philadelphia, Pa. 19106	215-597-9801
IV	Jack E. Ravan	1421 Peachtree St. NE., Atlanta, Ga. 30309	404-526-5727
V	Francis T. Mayo	230 South Dearborn St., Chicago, Ill. 60604	312-353-5250
VI	John C. White	1600 Patterson St., Dallas, Tex. 75201	214-749-1962
VII	Jerome H. Svore	1735 Baltimore Ave., Kansas City, Mo. 64108	816-374-5493
VIII	John A. Green	1860 Lincoln St., Denver, Colo. 80203	303-837-3895
IX	Paul DePalco, Jr	100 California St., San Francisco, Calif. 94111	415-556-2320
X	Clifford V. Smith	1200 6th Ave., Seattle, Wash. 98101	206-442-1220

Equal Employment Opportunity Commission

Region	Director	Address	Telephone
I [1] and II	Edward Mercado	26 Federal Plaza, New York, N.Y. 10007	212-264-3640
III	A. Keith McDonald	127 N. 4th St., Philadelphia, Pa. 19106	215-597-7784
IV	Donald L. Hollowell	75 Piedmont Ave. NE., Atlanta, Ga. 30303	404-526-6991
V	Elmer W. McLain	600 S. Michigan Ave., Chicago, Ill. 60605	312-353-1488
VI	Lorenzo Ramirez	1109 Commerce St., Dallas, Tex. 75202	214-749-1841
VII	Charles E. Clark	601 East 12th St., Kansas City, Mo. 64106	816-374-2781
VIII, [1] IX, and X [1]	Frank A. Quinn	300 Montgomery St., San Francisco, Calif. 94104	415-556-1775

[1] Regional office not open.

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Federal Energy Administration

Region	Regional Administrator	Address	Telephone
I	Robert Mitchell	150 Causeway St., Boston, Mass. 02114	617–223–3701
II	Alfred Kleinfeld	26 Federal Plaza, New York, N.Y. 10007	212–264–1021
III	J. A. LaSala	1421 Cherry St., Philadelphia, Pa. 19102	215–597–3890
IV[1]	Frederic Johnson	1655 Peachtree St. NE., Atlanta, Ga. 30309	404–526–4884
V	N. Allen Andersen	175 West Jackson Blvd., Chicago, Ill. 60604	312–353–0540
VI	Delbert Fowler	2626 West Mockingbird Lane, Dallas, Tex. 75235	214–749–7345
VII	James Newman	112 East 12th St., Kansas City, Mo. 64142	816–374–2061
VIII	Dudley Faver	1075 South Yukon St., Lakewood, Colo. 80226	303–234–2420
IX[2]	William Arntz	111 Pine St., San Francisco, Calif. 94111	415–556–7216
X	Jack Robertson	915 2d Ave., Seattle, Wash. 98174	206–442–7280

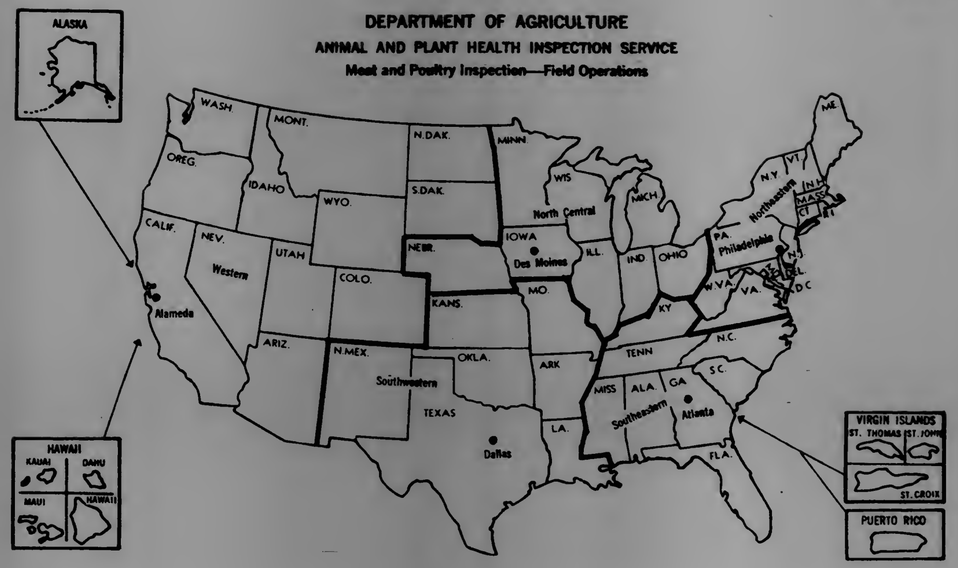
[1] Region IV includes the Panama Canal Zone.
[2] Region IX includes American Samoa, Guam, and the Trust Territories of the Pacific Islands.

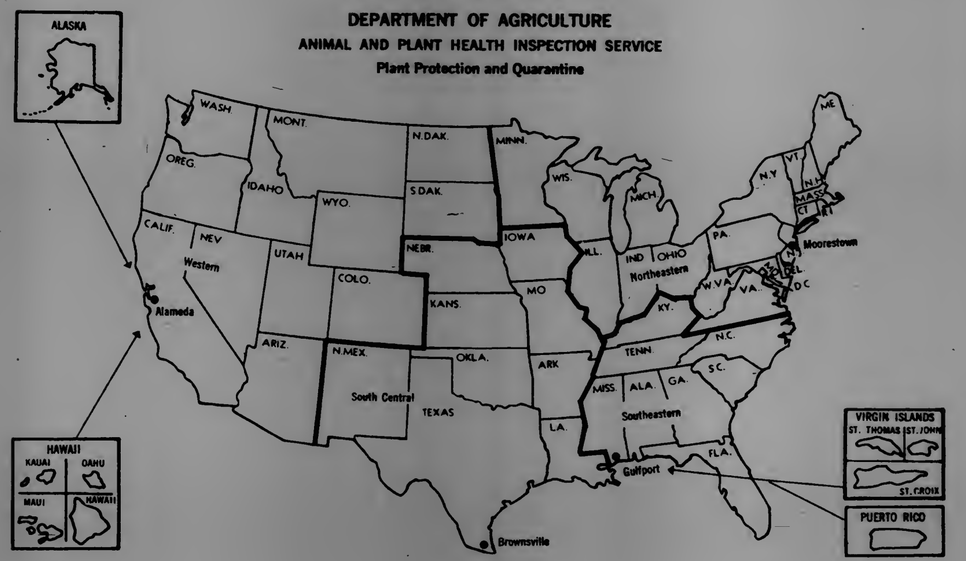
General Services Administration

Region	Administrator	Address	Telephone
I	Albert A. Gammal, Jr	John W. McCormack Post Office and Courthouse, Boston, Mass. 02109	617–223–2601
II	Gerald J. Turetsky	26 Federal Plaza, New York, N.Y. 10007	212–264–2600
III	John F. Galuardi	7th and D Sts. SW., Washington, D.C. 20407	202–963–6145
IV	Lewis D. Strom	1776 Peachtree St. NW., Atlanta, Ga. 30309	404–526–5600
V	Frank Resnik	230 South Dearborn St., Chicago, Ill. 60604	312–353–5395
VI	H. D. Harvell	1500 East Bannister Rd., Kansas City, Mo. 64131	816–926–7203
VII	Conrad M. Newsom, Acting	819 Taylor St., Fort Worth, Tex. 76102	817–334–2321
VIII	Michael J. Norton	Denver Federal Center, Denver, Colo. 80225	303–234–4171
IX	Thomas E. Hannon	525 Market St., San Francisco, Calif. 94105	415–556–3221
X	David L. Head	GSA Center, Auburn, Wash. 98002	206–833–5201

Small Business Administration

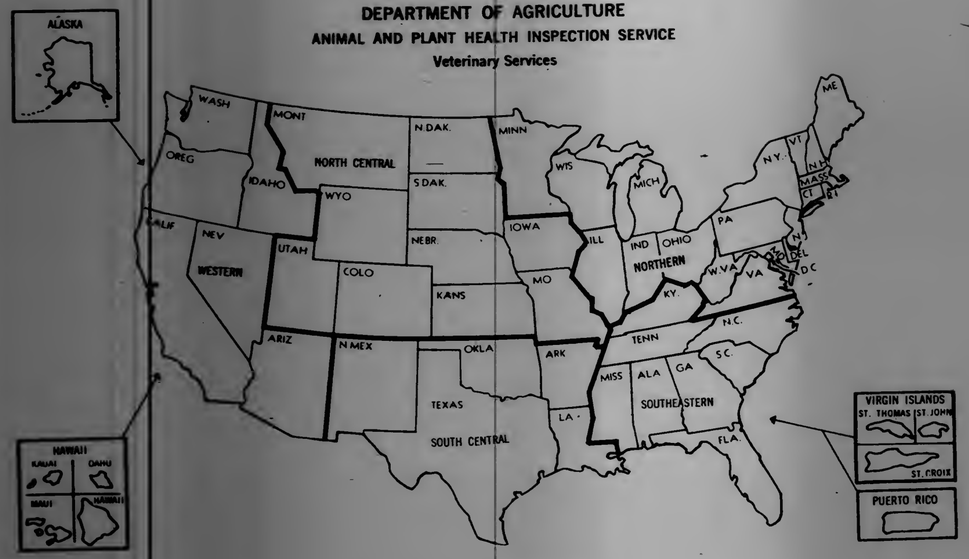
Region	Director	Address	Telephone
I	Talbot DeG. Bulkley	150 Causeway St., Boston, Mass. 02114	617–223–2100
II	Windle B. Priem	26 Federal Plaza, New York, N.Y. 10007	212–460–0100
III	A. M. Peterson	1 Bala Cynwyd Plaza, Bala Cynwyd, Pa. 19004	215–597–3311
IV	Wiley S. Messick	1401 Peachtree St. NE., Atlanta, Ga. 30309	404–526–0111
V	Harold L. Aronson, Jr	219 South Dearborn St., Chicago, Ill. 60604	312–353–4400
VI	Frederick S. Neumann	1720 Regal Row, Dallas, Tex. 75235	214–749–1011
VII	Deryl K. Schuster	911 Walnut St., Kansas City, Mo. 64106	816–374–7000
VIII	(Vacancy)	721 19th St., Denver, Colo. 80202	303–837–0111
IX	Gilbert Montano	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–9000
X	Daniel B. Ward	710 2d Ave., Seattle, Wash. 98104	206–442–0111





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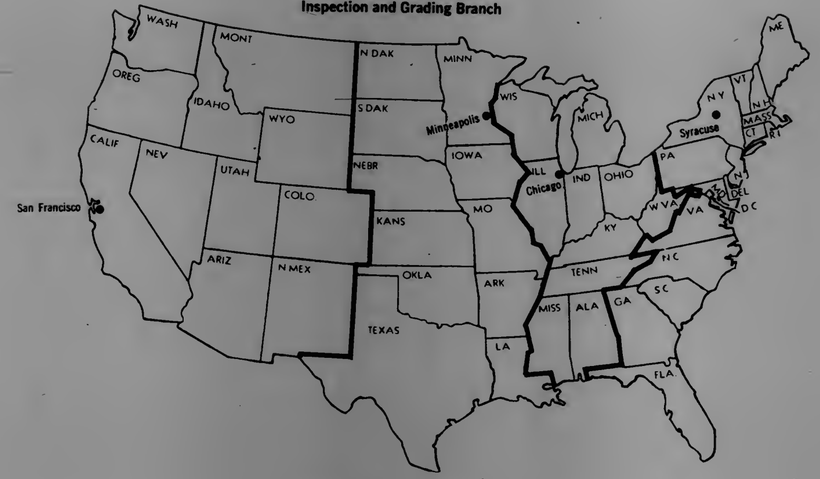
DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Veterinary Services



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Cotton Division



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Dairy Division
Inspection and Grading Branch

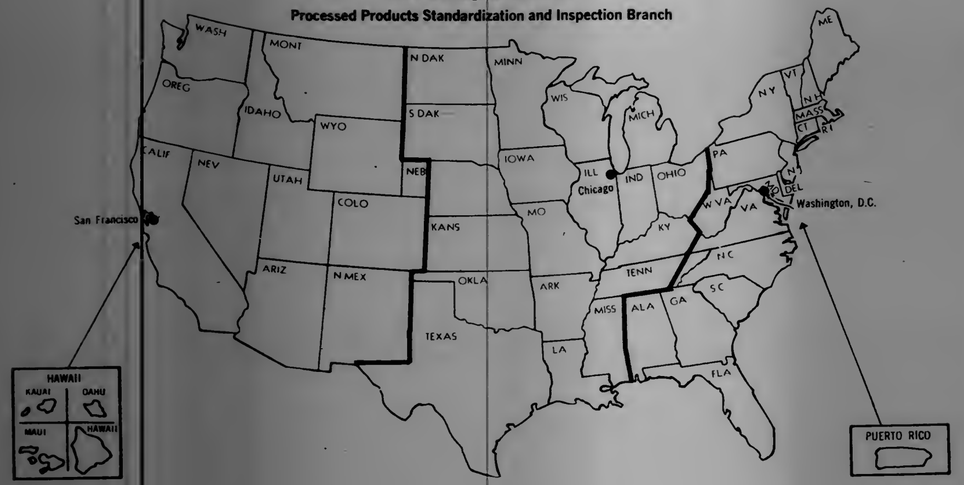


DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Fruit and Vegetable Division
Fresh Products Standardization and Inspection Branch

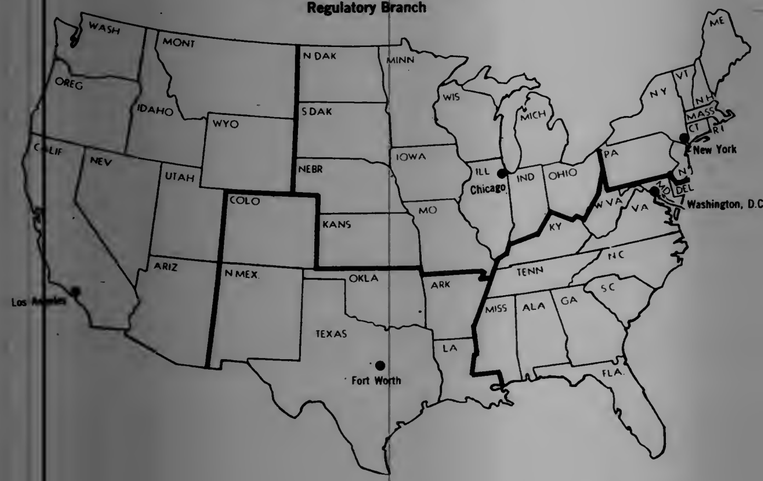


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DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Fruit and Vegetable Division
Processed Products Standardization and Inspection Branch



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Fruit and Vegetable Division
Regulatory Branch



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Grain Division
Seed Branch Laboratories



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Information Division

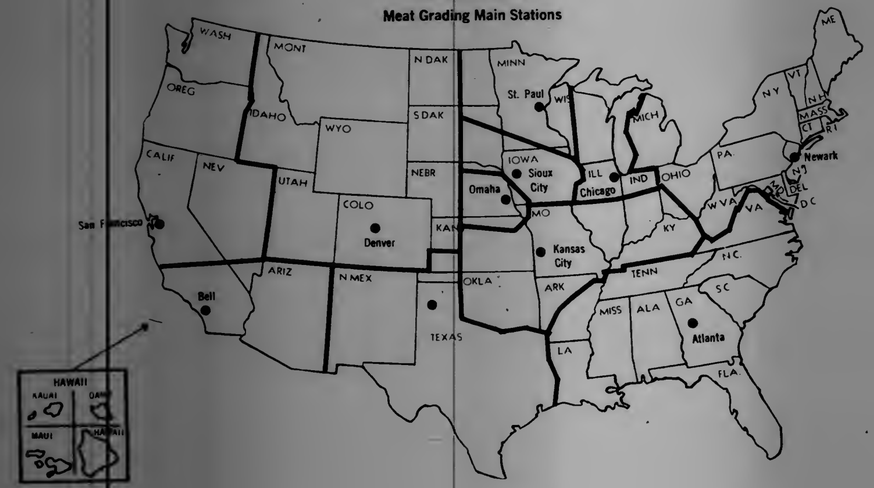


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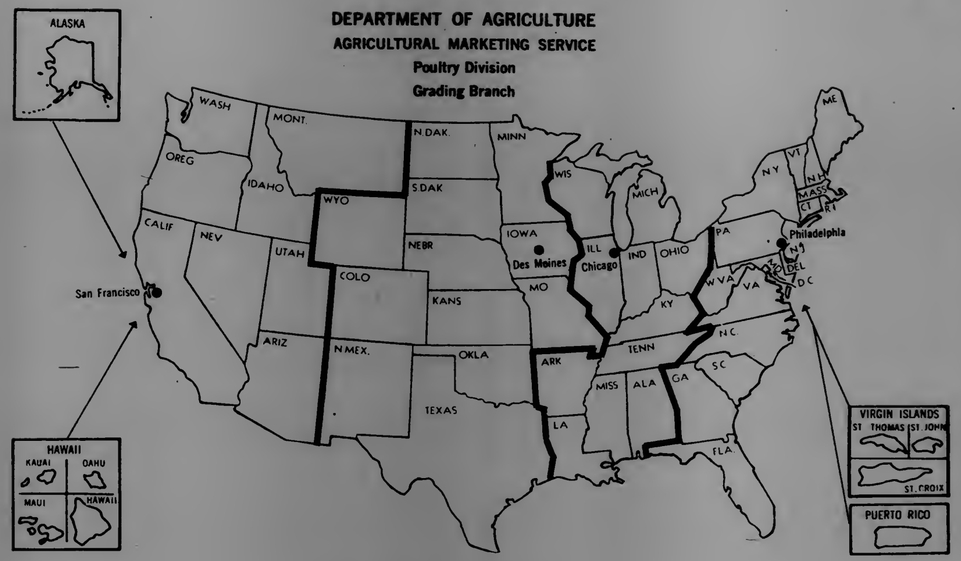
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Livestock Division
Market News Areas



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Livestock Division
Meat Grading Main Stations



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Poultry Division
Grading Branch



DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Tobacco Division



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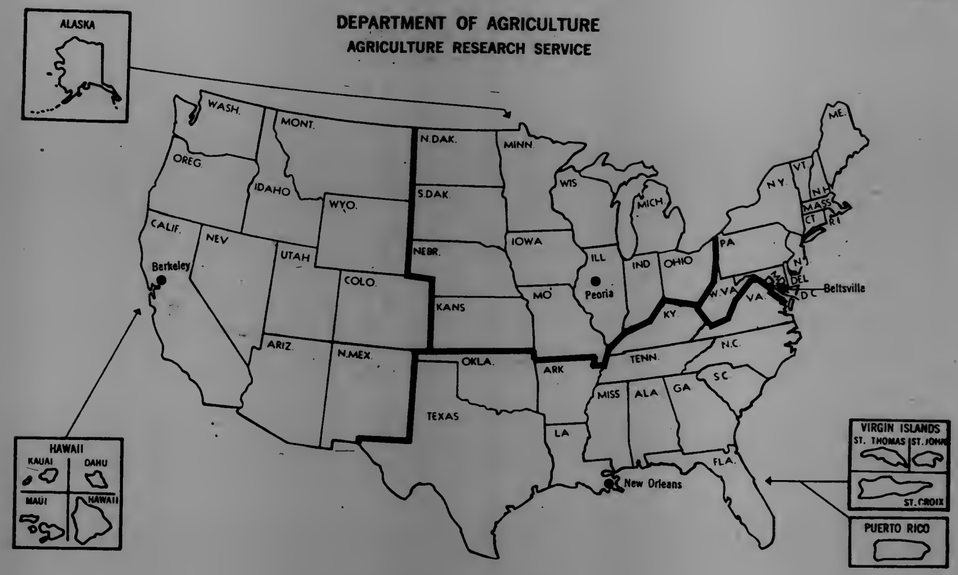
DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
Transportation and Warehouse Division



DEPARTMENT OF AGRICULTURE
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE



DEPARTMENT OF AGRICULTURE
AGRICULTURE RESEARCH SERVICE



DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION



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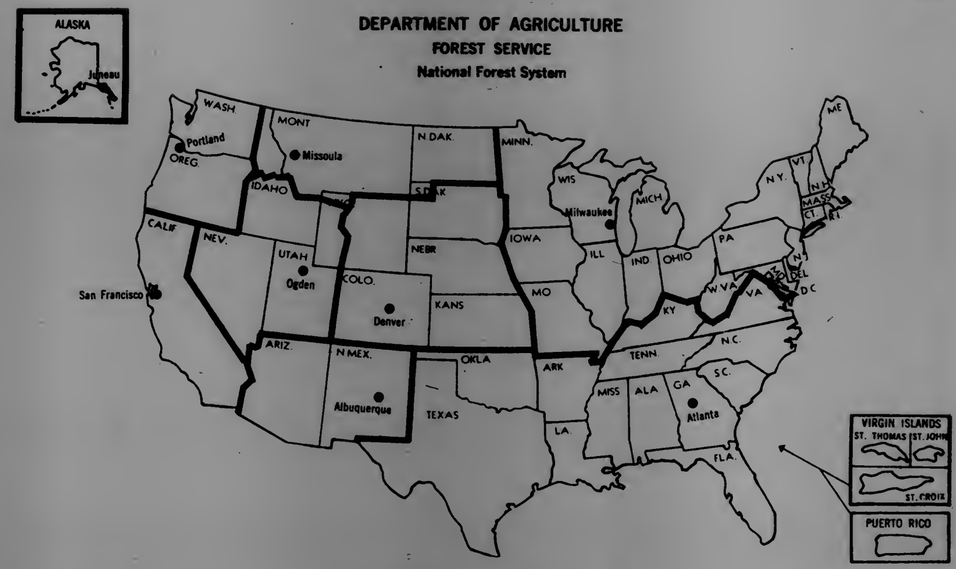
DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE



DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Forest and Range Experiment Stations



DEPARTMENT OF AGRICULTURE
FOREST SERVICE
National Forest System

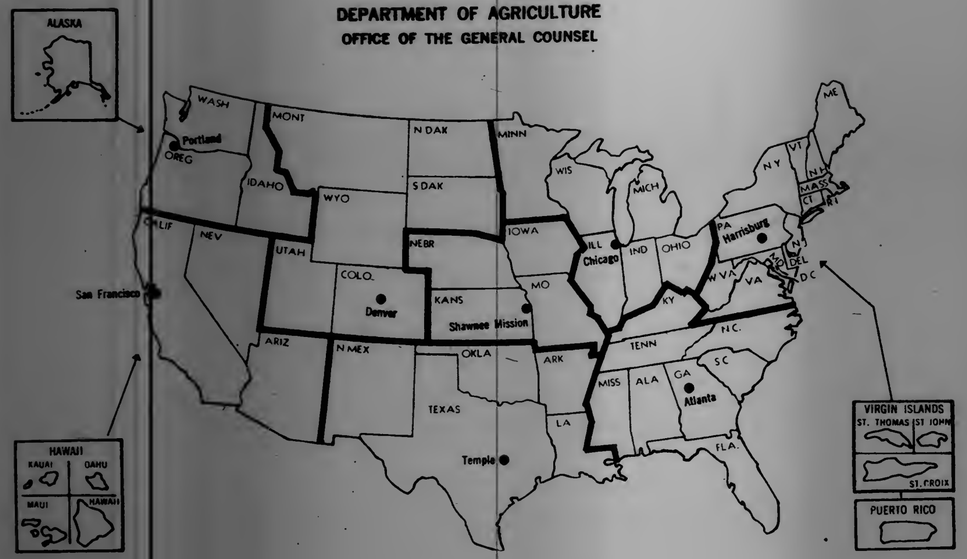


DEPARTMENT OF AGRICULTURE
FOREST SERVICE
State and Private Forestry

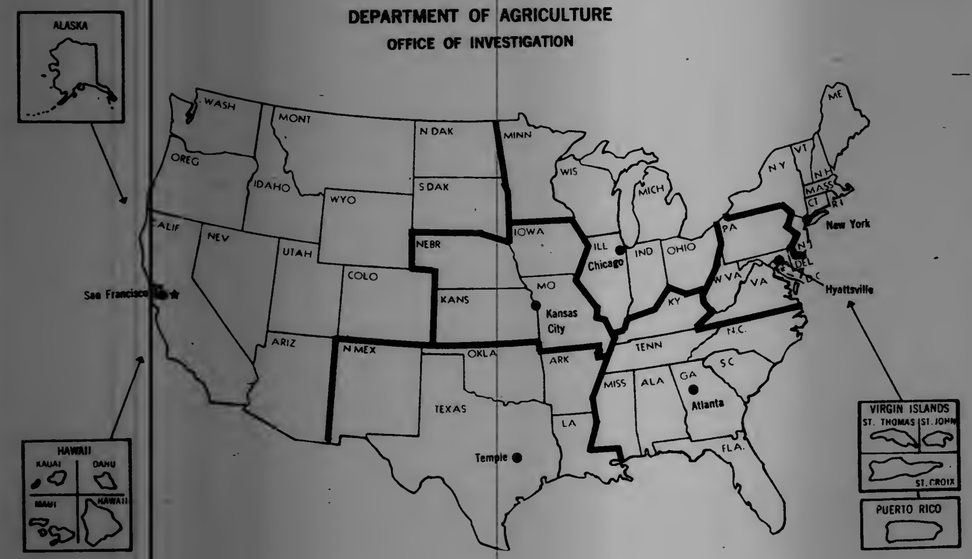


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DEPARTMENT OF AGRICULTURE
OFFICE OF THE GENERAL COUNSEL



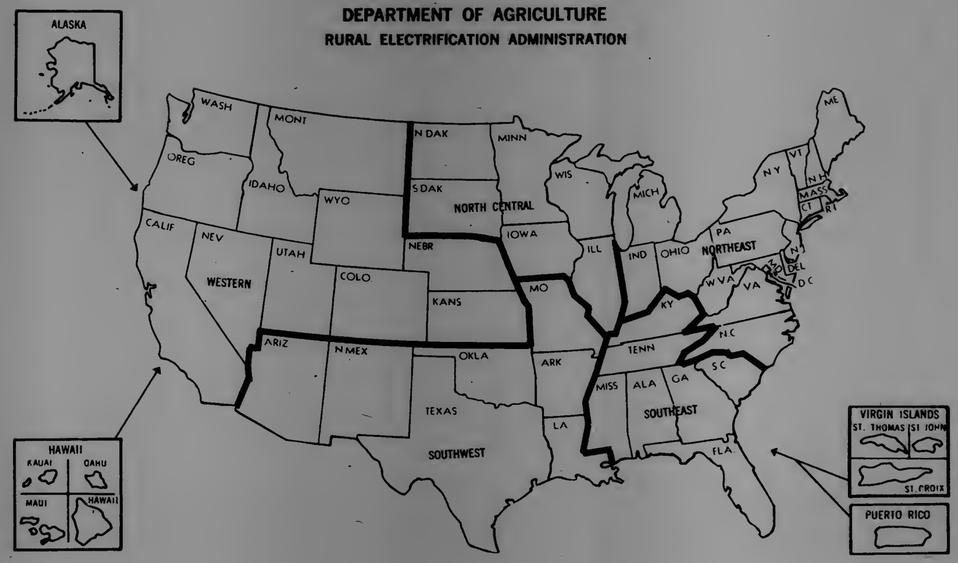
DEPARTMENT OF AGRICULTURE
OFFICE OF INVESTIGATION



DEPARTMENT OF AGRICULTURE
PACKERS AND STOCKYARDS ADMINISTRATION



DEPARTMENT OF AGRICULTURE
RURAL ELECTRIFICATION ADMINISTRATION

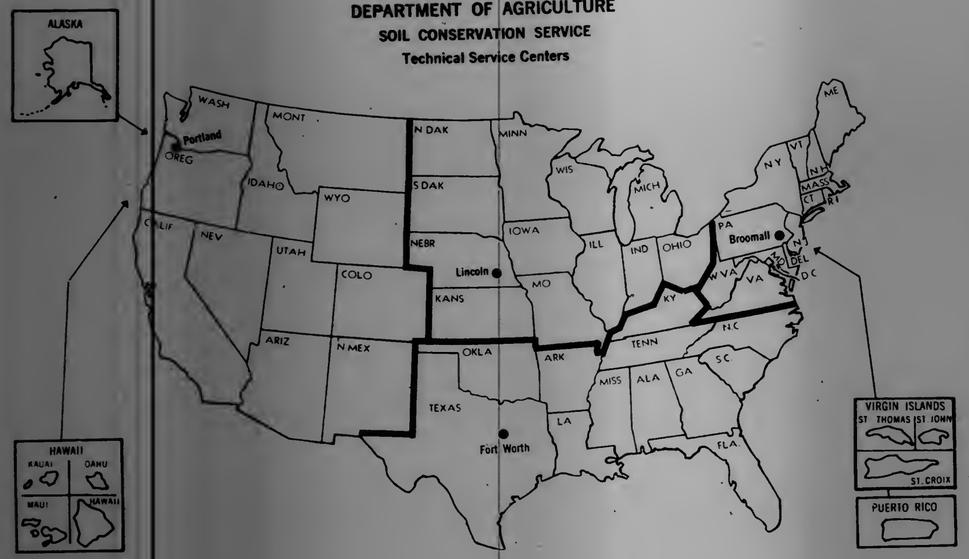


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DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Technical Service Centers



Department of Agriculture
Animal and Plant Health Inspection Service
Meat and Poultry Inspection Field Operations

Region	Director	Address	Telephone
Des Moines, Iowa 50309	Dr. L. H. Burkert	East 1st and Walnut Sts	515–284–4042
Atlanta, Ga. 30309	Dr. G. E. Harner	1718 Peachtree St. NW	404–526–3911
Alameda, Calif. 94501	Dr. L. J. Rafoth	620 Central Ave	415–273–7402
Philadelphia, Pa. 19102	Dr. M. J. Hatter	1421 Cherry St	215–597–4219
Dallas, Tex. 75201	Dr. W. H. Irvin	1100 Commerce St	214–749–3747

Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine

Region	Director	Address	Telephone
Moorestown, N.J. 08057	J. T. Koski	P.O. Box 93	609–963–2267 2268
Gulfport, Miss. 39501	H. L. Ford	P.O. Box 989	601–863–6103
Alameda, Calif. 94501	A. L. Adams	620 Central Ave	415–273–7241
Brownsville, Tex. 78520	J. L. Ward	2100 Boca Chica Blvd	512–546–2236 2237

Department of Agriculture
Animal and Plant Health Inspection Service
Veterinary Services

(Located at 6525 Belcrest Rd., Hyattsville, Md. 20782)

Region	Director	Address	Telephone
South Central	Dr. J. H. Wommack	Room 842A, Federal Bldg	301–436–8325
Northern	Dr. H. C. King	Room 845, Federal Bldg	301–436–8644
Southeastern	Dr. M. J. Tillery	Room 842A, Federal Bldg	301–436–8391
North Central	Dr. J. C. Jefferies	Room 838, Federal Bldg	301–436–8333
Western	Dr. G. E. Blake	Room 843, Federal Bldg	301–436–8700

Department of Agriculture
Agricultural Marketing Service
Cotton Division

Region	Director	Address	Telephone
Memphis, Tenn. 38122	David H. Stancil	4841 Summer Ave	901–682–1601
El Paso, Tex. 79925	Donald W. Bratton	1515 Airway Blvd	915–543–7676

Department of Agriculture
Agricultural Marketing Service
Dairy Division
Inspection and Grading Branch

Region	Area Supervisor	Address	Telephone
San Francisco, Calif. 94111	Roy F. Hedtke	630 Sansome St	415–556–5585
Chicago, Ill. 60607	Kenneth R. Olson	610 South Canal St	312–353–6682
Minneapolis, Minn. 55401	Harold K. Linden	Federal Bldg	612–725–2248
Syracuse, N.Y. 13210	LeRoy C. Iverson	700 East Water St	315–473–3596

Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Fresh Products Standardization and Inspection Branch

Region	Director	Address	Telephone
Chicago, Ill. 60607	Lewis P. VonWald	610 South Canal St	312–353–6225
San Francisco, Calif. 94111	Minton C. Erickson	630 Sansome St	415–556–3945
Washington, D.C. 20250	Edward W. Ross, Jr	14th and Independence Ave. SW	202–447–4560

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Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Processed Products Standardization and Inspection Branch

Region	Director	Address	Telephone
Chicago, Ill. 60607	Elton Hughes	610 Canal St.	312–353–6217
Washington, D.C. 20250	Hobart N. Palen	14th and Independence Ave. SW.	202–447–7913
San Francisco, Calif. 94105	J. J. Vollman	390 Main St.	415–556–4800

Department of Agriculture
Agricultural Marketing Service
Fruit and Vegetable Division
Regulatory Branch

Region	Officer in Charge	Address	Telephone
Chicago, Ill. 60607	Jack C. Morris	610 Canal St.	312–353–6220
Fort Worth, Tex. 76102	Joseph E. Ward	Federal Bldg.	817–334–2624
Los Angeles, Calif. 90013	Thomas R. Walp	417 South Hill St.	213–688–3195
New York, N.Y. 10007	Harry G. Apostoleris	Federal Bldg.	212–264–1118
Washington, D.C. 20250	Michael D. Price	14th and Independence Ave. SW.	202–447–4180

Department of Agriculture
Agricultural Marketing Service
Grain Division
Seed Branch Laboratories

Laboratory	Officer in Charge	Address	Telephone
Montgomery, Ala. 36104	(Vacancy)	474 South Court St.	205–265–5611
Sacramento, Calif. 95808	Vera L. Colbry	Federal Bldg., P.O. Box 1641	916–449–3134
Minneapolis, Minn. 55401	Glen D. Koskinen	Federal Office Bldg.	612–725–2255
North Brunswick, N.J. 08902	Ralph H. Hofmann	985 Patton St.	201–846–4500 Ext. 288

Department of Agriculture
Agricultural Marketing Service
Information Division

Region	Chief	Address	Telephone
Chicago, Ill. 60605	Herbert C. Jackson	536 South Clark St.	312–353–3631
Dallas, Tex. 75202	Harold C. Bryson	1100 Commerce St.	214–749–3331
New York, N.Y. 10007	Bryan D. Killikelly	26 Federal Plaza	212–264–1145
Atlanta, Ga. 30309	Connie G. Crunkleton	1718 Peachtree St. NW.	404–526–5154
San Francisco, Calif. 94111	Bernard B. Darling	630 Sansome St.	415–556–6464

Department of Agriculture
Agricultural Marketing Service
Livestock Division
Market News Areas

Area	Officer in Charge	Address	Telephone
Washington, D.C. 20250	Bruce B. Harding	14th and Independence Ave. SW.	202–447–6231
Omaha, Nebr. 68107	Robert E. Jorgensen	Livestock Exchange Bldg.	402–221–4636

Department of Agriculture
Agricultural Marketing Service
Livestock Division
Meat Grading Main Stations

Station	Supervisor	Address	Telephone
Bell, Calif. 90201	Charles T. Murphy	4747 Eastern Ave.	213–688–5634
San Francisco, Calif. 94111	Martin A. Swingley	630 Sansome St.	415–556–5815
Denver, Colo. 80216	Marvin K. Eilts	Livestock Exchange Bldg.	303–837–4088 3366
Atlanta, Ga. 30309	Roy D. McDonald	1718 Peachtree St. NW.	404–526–5158
Chicago, Ill. 60605	John Coplin	4101 South Halsted St.	312–353–5751 5286
Sioux City, Iowa 51107	Edward F. Novak	Livestock Exchange Bldg.	712–252–0259
South St. Paul, Minn. 55075	H. Michael Windham	236 North Concord St.	612–725–7161
Kansas City, Mo. 64102	Richard W. Theobald	Livestock Exchange Bldg.	816–374–5331
Omaha, Nebr. 68107	Andrew Rot	Livestock Exchange Bldg.	402–221–4635
Newark, N.J. 07102	George Kablesh	Federal Office Bldg.	201–645–3950
Amarillo, Tex. 79105	Doyle B. Oliver	Livestock Exchange Bldg.	806–376–2262

Department of Agriculture
Agricultural Marketing Service
Poultry Division
Grading Branch

Region	Director	Address	Telephone
Philadelphia, Pa. 19106	James B. York	2d and Chestnut Sts.	215–597–4554
Chicago, Ill. 60607	Dale H. Shearer	610 South Canal St.	312–353–6226
Des Moines, Iowa 50309	Frank J. Santo	210 Walnut St.	515–284–4581
San Francisco, Calif. 94111	Jack H. Brownlow	630 Sansome St.	415–556–6488

Department of Agriculture
Agricultural Marketing Service
Tobacco Division

Region	Supervisor	Address	Telephone
Raleigh, N.C. 27611	James W. Hill	1306 Annapolis Dr.	919–755–4584
Lexington, Ky. 40504	Paul Donovan	333 Waller Ave.	606–252–2312 Ext. 2613

Department of Agriculture
Agricultural Marketing Service
Transportation and Warehouse Division

Region	Officer in Charge	Address	Telephone
Atlanta, Ga. 30309	Dudley T. Kirchner	1718 Peachtree St. NW.	404–526–5924
Indianapolis, Ind. 46224	Harry J. Wishmire	5610 Crawfordsville Rd.	317–269–6396
Minneapolis, Minn. 55415	John H. Comford	400 South 4th St.	612–725–2825
Omaha, Nebr. 68102	Arthur L. Queck	206 South 19th St.	402–221–4685 4660
Portland, Oreg. 97204	J. Gordon Shields	1220 Southwest 3d Ave.	503–221–2188
Memphis, Tenn. 38103	George Harrison	167 North Main St.	901–534–3838
Temple, Tex. 76501	Daniel M. Chapman	16–20 Main St.	817–773–1281

Department of Agriculture
Agricultural Stabilization and Conservation Service
(Located at Department of Agriculture, South Bldg., 14th and Independence Ave. SW., Washington, D.C. 20250)

Region	Director	Address	Telephone
Eastern	Edward D. Hews	Room 3714	202–447–4746
East Central	Merrill Marxman	Room 3717	202–447–3593
West Central	Howard Waters	Room 3709	202–447–3953
Western	Everett G. Rank	Room 3727	202–447–6941

Department of Agriculture
Agricultural Research Service

Region	Deputy Administrator	Address	Telephone
Beltsville, Md. 20705	Dr. Steven C. King	Agricultural Research Center, W.	301–344–3418
Peoria, Ill. 61614	Earl R. Glover	2000 West Pioneer Pkwy.	309–673–9577
New Orleans, La. 70153	Dr. Arthur W. Cooper	P.O. Box 53326	504–589–6753
Berkeley, Calif. 94705	Dr. H. Rex Thomas	2850 Telegraph Ave.	415–486–3565

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Department of Agriculture
Federal Crop Insurance Corporation

Region	Contract Service Center Director	Address	Telephone
Des Moines, Iowa 50309	Kenneth J. Burns	210 Walnut St	515-284-4113
St. Paul, Minn. 55101	Lloyd B. Scheide	316 Robert St	612-725-7041
Indianapolis, Ind. 46224	Albert Dalton, Jr.	5610 Crawfordsville Rd	317-269-6527
Bismarck, N. Dak. 58501	Harold G. Schonberger	220 East Rosser Ave	701-255-4214
Lewistown, Mont. 59457	John E. Reeves	613 Northeast Main St	406-538-5348
Lincoln, Nebr. 68508	Forrest H. Boerner	Federal	402-471-5531
Spokane, Wash. 99201	Leroy F. Knox	West 920 Riverside Ave	509-456-3763
Columbia, S.C. 29210	W. Otto Johnson	901 Sumter St	803-765-5743
Jackson, Miss. 39201	James S. Smith	200 South Lamar St	601-969-4328
Nashville, Tenn. 37203	J. Bruce Joyner	U.S. Courthouse	615-749-5591
Raleigh, N.C. 27601	W. G. Lane	310 New Bern Ave	919-755-4470
College Station, Tex. 77840	Ben A. Jordan, Jr.	USDA	713-846-1391
Fresno, Calif. 93721	Donald H. Beeler	1130 O St	209-487-5079
Manhattan, Kans. 66502	Ralph C. Weed	2601 Anderson Ave	913-539-2379

Department of Agriculture
Food and Nutrition Service

Region	Administrator	Address	Telephone
Princeton, N.J. 08550	Wallace F. Warren	729 Alexander Rd	609-452-1200
Chicago, Ill. 60605	Dennis M. Doyle	536 South Clark St	312-353-6664
Atlanta, Ga. 30309	Russell H. James	1100 Spring St. NW	404-526-5131
Dallas, Tex. 75202	Martin D. Garber	1100 Commerce St	214-749-2877
San Francisco, Calif. 94108 (including Guam, American Samoa, and the Trust Territories of the Pacific)	Neill W. Freeman	550 Kearny St	415-556-4950

Department of Agriculture
Forest Service
Forest and Range Experiment Stations

Station	Director	Address	Telephone
Upper Darby, Pa. 19082	F. Bryan Clark	6816 Market St	215-596-1615
Asheville, N.C. 28802	Junior B. Hilmon	Post Office Bldg	704-254-0758
St. Paul, Minn. 55101	John H. Ohman	Folwell Ave	612-645-0249
New Orleans, La. 70113	John C. Barber	701 Loyola Ave	504-589-6787
Fort Collins, Colo. 80521	David E. Herrick	240 West Prospect St	303-482-6270
Ogden, Utah 84401	Roger R. Bay	507 25th St	801-399-6361
Portland, Oreg. 97208	Robert F. Tarrant, Acting	809 Northeast 6th Ave	503-234-3361
Berkeley, Calif. 94701	Robert W. Harris	1960 Addison St	415-486-3291

Department of Agriculture
Forest Service
National Forest System

Region	Regional Forester	Address	Telephone
Missoula, Mont. 59801	Steve Yurich	Federal Bldg	406-549-3379
Lakewood, Colo. 80225	William J. Lucas	1117 West 6th Ave	303-234-3711
Albuquerque, N. Mex. 87102	William D. Hurst	517 Gold Ave. SW	505-766-2401
Ogden, Utah 84401	Vernon O. Hamre	324 25th St	801-399-6201
Milwaukee, Wis. 53203	Jay H. Cravens	633 West Wisconsin Ave	414-224-3600
Atlanta, Ga. 30309	F. Leroy Bond	1720 Peachtree Rd. NW	404-526-5177
Portland, Oreg. 97208	Theodore A. Schlapfer	319 Southwest Pine St	503-221-3625
San Francisco, Calif. 94111	Douglas R. Leisz	630 Sansome St	415-556-4310
Juneau, Alaska 99801	C. A. Yates	Federal Office Bldg	907-586-7263

Department of Agriculture
Forest Service
State and Private Forestry

Region	Deputy Regional Forester	Address	Telephone
Missoula, Mont. 59801	LeRoy Jones	Federal Bldg	406-549-3651
Lakewood, Colo. 80225	Sidney H. Hanks	Federal Center	303-234-4321
Albuquerque, N. Mex. 87101	Thomas G. Schmeckpeper	517 Gold Ave. SW	505-766-2296
Ogden, Utah 84401	(Vacancy)	324 25th St	801-399-6141
San Francisco, Calif. 94111	John A. Vance	630 Sansome St	415-556-4310
Portland, Oreg. 97208	Frank J. Kopecky	319 Southwest Pine St	503-221-3669
Upper Darby, Pa. 19082	Robert D. Raisch, Area Director	6816 Market St	215-596-1660
Atlanta, Ga. 30309	Sidney Weitzman, Area Director	1720 Peachtree Rd. NW	404-526-5964
Juneau, Alaska 99801	Robert C. Janes	Federal Office Bldg	907-586-7484

Department of Agriculture
Office of the General Counsel

Region	Regional Attorney	Address	Telephone
Atlanta, Ga. 30309	Fred W. Harris, Jr.	1371 Peachtree St. NE	404-526-5161
Chicago, Ill. 60606	Winifred Molony, Acting	230 South Dearborn St	312-353-5640
Denver, Colo. 80211	Jack E. Hanthorn	617 17th St	303-837-4031
Harrisburg, Pa. 17108	D. Charles Valsing	228 Walnut St	717-782-3713
Portland, Oreg. 97204	Arno Reifenberg	1220 Southwest 3d Ave	503-221-3115
San Francisco, Calif. 94111	Wilbur W. Jennings	630 Sansome St	415-556-4532
Shawnee Mission, Kans. 66208	Robert Hoffman	2400 West 75th St	816-926-6475
Temple, Tex 76501	Alfred F. Herbelin	3914 South General Bruce Dr	817-773-1204

Department of Agriculture
Office of Investigation

Region	Regional Director	Address	Telephone
New York, N.Y. 10007	Michael J. Lonergan	26 Federal Plaza	212-264-8400
Hyattsville, Md. 20782	Thomas J. Burke	422 Federal Center Bldg	301-436-8850
Atlanta, Ga. 30309	Ronald C. Reese	1447 Peachtree St. NE	404-526-5377
Chicago, Ill. 60606	Charles A. Kelly	1 North Wacker Dr	312-353-1358
Temple, Tex. 76501	William D. Parker	3912 South General Bruce Dr	817-773-1351
Kansas City, Mo. 64141	Tom L. Lambert	P.O. Box 205	816-926-6611
San Francisco, Calif. 94111	Max E. Shaffer	555 Battery St	415-556-4245

Department of Agriculture
Packers and Stockyards Administration

Region	Area Supervisor	Address	Telephone
Arlington, Va. 22209	Thomas C. Harris	1621 North Kent St	703-235-8662
Atlanta, Ga. 30309	Griffin E. Bonham	1720 Peachtree St. NW	404-526-5845
Denver, Colo. 80216	Melvin E. Holmquist	208 Livestock Exchange Bldg	303-837-3312
Fort Worth, Tex. 76102	Marion L. Marshall	819 Taylor St	817-334-3286
Indianapolis, Ind. 46227	Samuel P. Tuggle, Jr.	537 Turtle Creek, South Dr	317-269-6424
Kansas City, Mo. 64102	Vern A. Swader	828 Livestock Exchange Bldg	816-374-2368
Lawndale, Calif. 90260	Calvin W. Watkins	15000 Aviation Blvd	213-536-6687
Memphis, Tenn. 38103	Kenneth F. Grizzell	167 North Main St	901-534-3414
North Brunswick, N.J. 08902	C. S. Smebakken	525 Milltown Rd	201-846-4261 4262/4263
Omaha, Nebr. 68107	Quentin H. Bierman	435 Livestock Exchange Bldg	402-221-3391
Portland, Oreg. 97223	J. Merlin Hoskin	9370 Southwest Greenburg Rd	503-221-2687
South St. Paul, Minn. 55075	Leo J. Waller	208 Post Office Bldg	612-725-7815
Springfield, Ill. 62706	C. DeWayne Crawford	Emmerson Building Annex, State Fairgrounds	217-525-4353

Department of Agriculture
Rural Electrification Administration
(Located at Department of Agriculture, South Bldg., 14th and Independence Ave. SW., Washington, D.C. 20250)

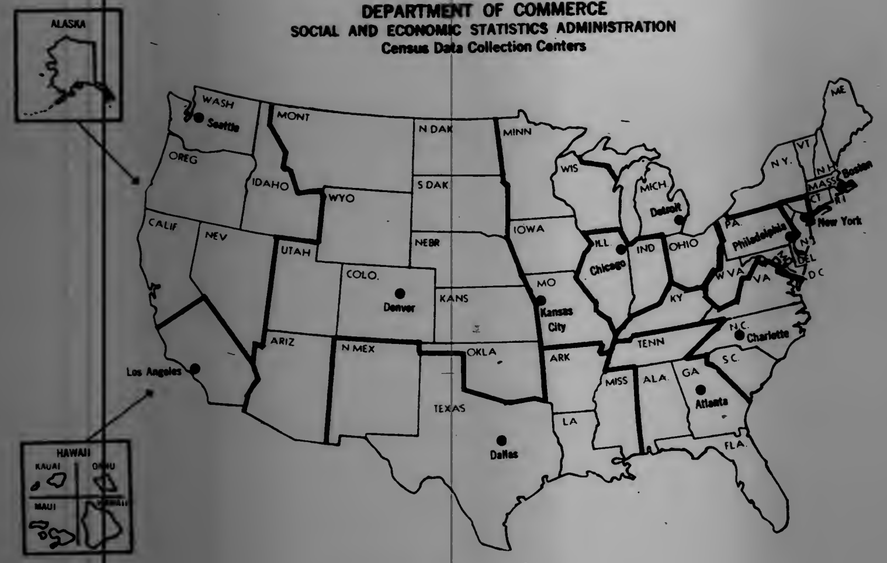
Service	Assistant Administrator	Address	Telephone
Electric Areas	Richard F. Richter	Room 4056	202-447-6237
Telephone Areas	Raymond Ballard	Room 4048	202-447-4305

Department of Agriculture
Soil Conservation Service
Technical Service Centers

Region	Director	Address	Telephone
Lincoln, Nebr. 68508	Keith F. Myers	134 South 12th St	402-475-3371
Portland, Oreg. 97209	Kenneth L. Williams	511 Northwest Broadway	503-221-2824
Broomall, Pa. 19008	Albert C. Addison	1974 Sproul Rd	215-353-1480
Fort Worth, Tex. 76110	William L. Vaught	Federal Center	817-334-5456

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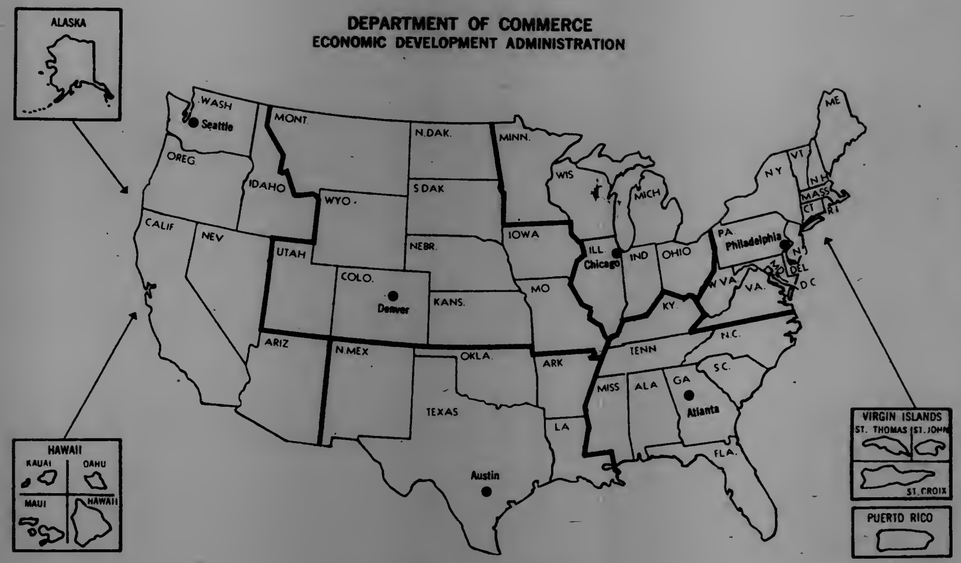
DEPARTMENT OF COMMERCE
SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION
Census Data Collection Centers



DEPARTMENT OF COMMERCE
DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Office of Field Operations



DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION

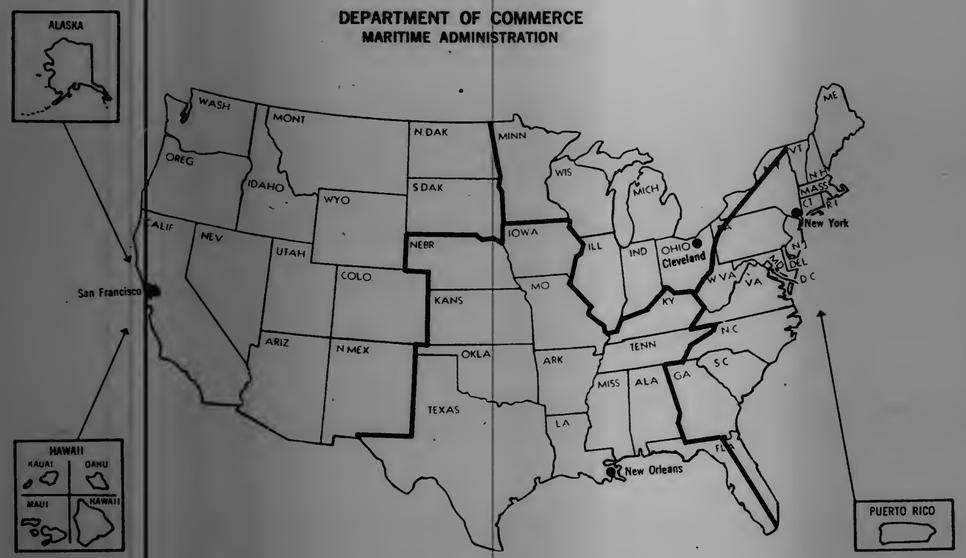


DEPARTMENT OF COMMERCE
OFFICE OF MINORITY BUSINESS ENTERPRISE

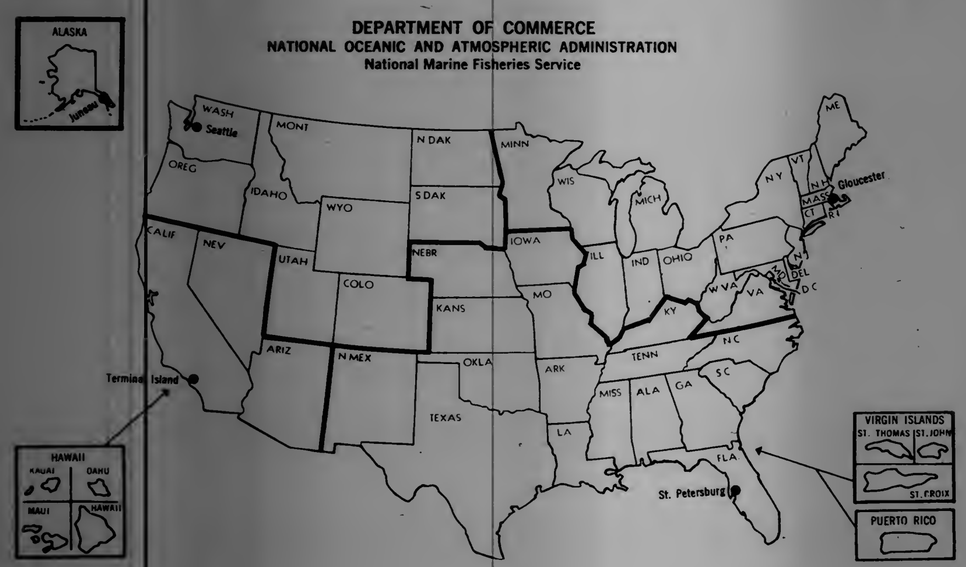


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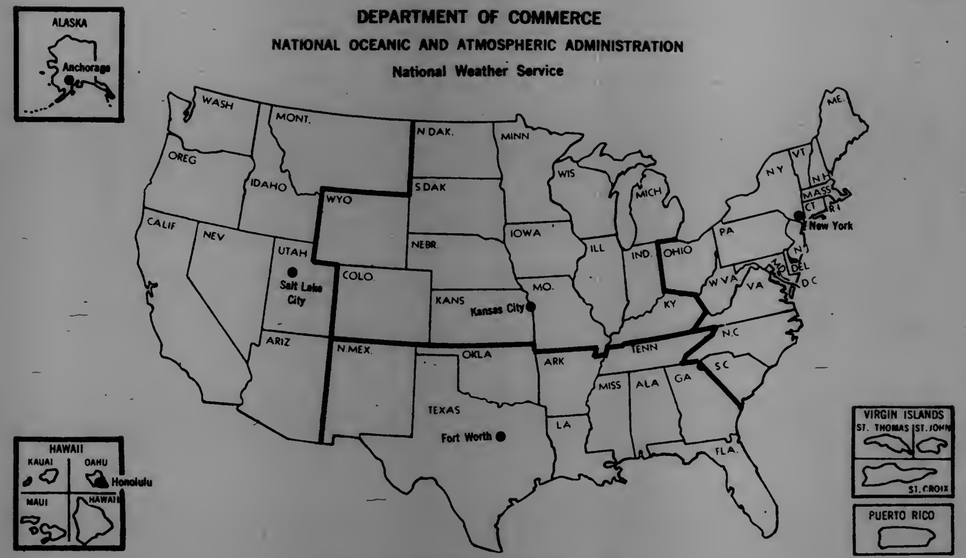
DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION



DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
National Marine Fisheries Service



DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
National Weather Service



Department of Commerce
Social and Economic Statistics Administration
Census Data Collection Centers

Region	Director	Address	Telephone
Boston, Mass. 02116	Arthur G. Dukakis	441 Stuart St	617-223-2327
New York, N.Y. 10007	John C. Cullinane	26 Federal Plaza	212-264-3860
Philadelphia, Pa. 19106	Porter S. Rickley	600 Arch St	215-597-4920
Detroit, Mich. 48226	Robert G. McWilliam	234 State St	313-226-7742
Chicago, Ill. 60605	Forrest P. Cawley, Jr	536 South Clark St	312-353-6251
Kansas City, Kans. 66101	Rex L. Pullen	4th and State Sts	816-374-4601
Seattle, Wash. 98109	John E. Tharaldson	1700 Westlake Ave	206-442-7800
Charlotte, N.C. 28202	Joseph R. Norwood	222 South Church St	704-372-7471
Atlanta, Ga. 30309	Thomas W. McWhirter	1401 Peachtree St. NE	404-526-5318
Dallas, Tex. 75202	Percy R. Millard	1100 Commerce St	214-749-2814
Denver, Colo. 80225	Walter A. Freeman, Jr	11011 West 6th Ave	303-234-3924
Los Angeles, Calif. 90024	C. Michael Long	11000 Wilshire Blvd	213-824-7291

Department of Commerce
Domestic and International Business Administration
Office of Field Operations

Regional Office	Director	Address	Telephone
Atlanta, Ga. 30309	David S. Williamson	1401 Peachtree St. NE	404-526-6000
Chicago, Ill. 60603	Gerald M. Marks	55 East Monroe St	312-353-6957
Dallas, Tex. 75202	H. Phillip Hubbard, Acting	1100 Commerce St	214-749-1515
New York, N.Y. 10007	Arthur C. Rutzen	26 Federal Plaza	212-264-0634
Philadelphia, Pa. 19107	Patrick P. McCabe	600 Arch St	215-597-2850
San Francisco, Calif. 94102	Philip M. Creighton, Acting	450 Golden Gate Ave	415-556-5868

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Department of Commerce
Economic Development Administration

Regional Office	Director	Address	Telephone
Philadelphia, Pa. 19106	John E. Corrigan	600 Arch St.	215–597–4603
Chicago, Ill. 60601	James E. Peterson	32 West Randolph St.	312–353–7706
Denver, Colo. 80202	Craig M. Smith	909 17th St.	303–837–4714
Atlanta, Ga. 30309	Charles E. Oxley	1401 Peachtree St. NE.	404–526–6401
Austin, Tex. 78701	Joseph B. Swanner	221 West 6th St.	512–397–5461
Seattle, Wash. 98109	C. Mark Smith	1700 Westlake Ave.	206–442–0596

Department of Commerce
Office of Minority Business Enterprise

Region	Director	Address	Telephone
Atlanta, Ga. 30309	Charles McMillan	1371 Peachtree St. NE.	404–526–5091
Chicago, Ill. 60603	John L. Smith	55 East Monroe	312–353–8375
Dallas, Tex. 75202	Henry Zuniga	1412 Main St.	214–749–7581
New York, N.Y. 10007	Newton Downing	26 Federal Plaza	212–264–3262
San Francisco, Calif. 94102	Ramon Romero	450 Golden Gate Ave.	415–556–7234
Washington, D.C. 20230	Allan Stephenson	1730 K St. NW.	202–634–7897

Department of Commerce
Maritime Administration

Regional Office	Director	Address	Telephone
New York, N.Y. 10007	Capt. Thomas A. King	26 Federal Plaza	212–264–1300
New Orleans, La. 70152	F. X. McNerney	701 Loyola Ave.	504–527–6556
San Francisco, Calif. 94102	Thomas J. Patterson, Jr.	450 Golden Gate Ave.	415–556–3816
U.S. Merchant Marine Academy	Adm. Arthur B. Engel	Kings Point, L.I., N.Y. 11024	516–482–8200
Cleveland, Ohio[1]	George Ryan		

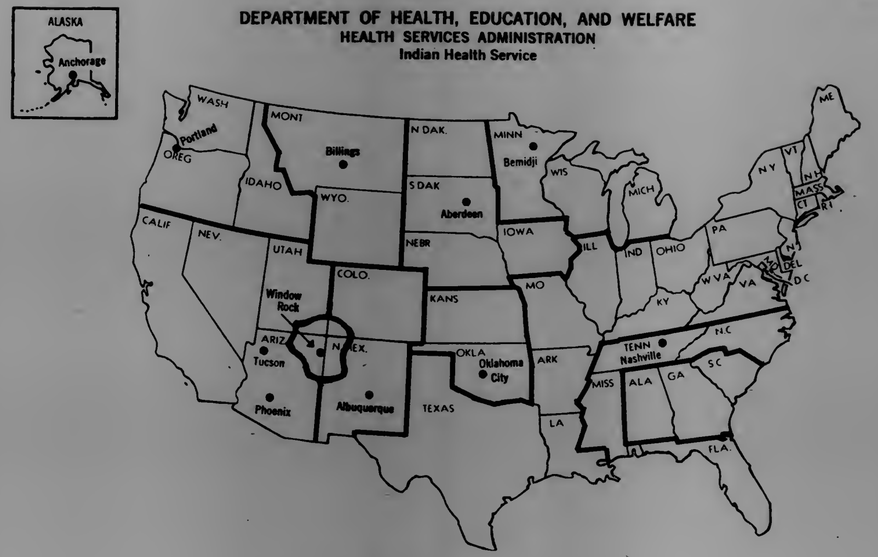
[1] The Cleveland Regional Office was established on July 1, 1975. However, as this publication goes to press, the Cleveland office is not yet operational.

Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

Region	Director	Address	Telephone
Juneau, Alaska 99802	Harry L. Rietze	P.O. Box 1668	907–586–7221
Seattle, Wash. 98109	Donald R. Johnson	1700 Westlake Ave. North	206–442–7575
St. Petersburg, Fla. 33702	William Stevenson	9450 Gandy Blvd.	813–893–3141
Gloucester, Mass. 01930	Russell T. Norris	14 Elm St.	617–281–0640
Terminal Island, Calif. 90731	Gerald V. Howard	300 South Ferry St.	213–548–2575

Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service

Region	Director	Address	Telephone
New York, N.Y. 11530	Salvio G. Simplicio	585 Stewart Ave.	212–248–2101
Fort Worth, Tex. 76102	Lawrence Mahar	819 Taylor St.	817–334–2668
Kansas City, Mo. 64106	Charles G. Knudsen	601 East 12th St.	816–374–5464
Salt Lake City, Utah 84111	Hazen H. Bedke	125 South State St.	801–524–5112
Anchorage, Alaska 99501	Stuart G. Bigler	632 6th Ave.	907–265–4701
Honolulu, Hawaii 96813	Charles Woffinden	1149 Bethel St.	808–546–5680

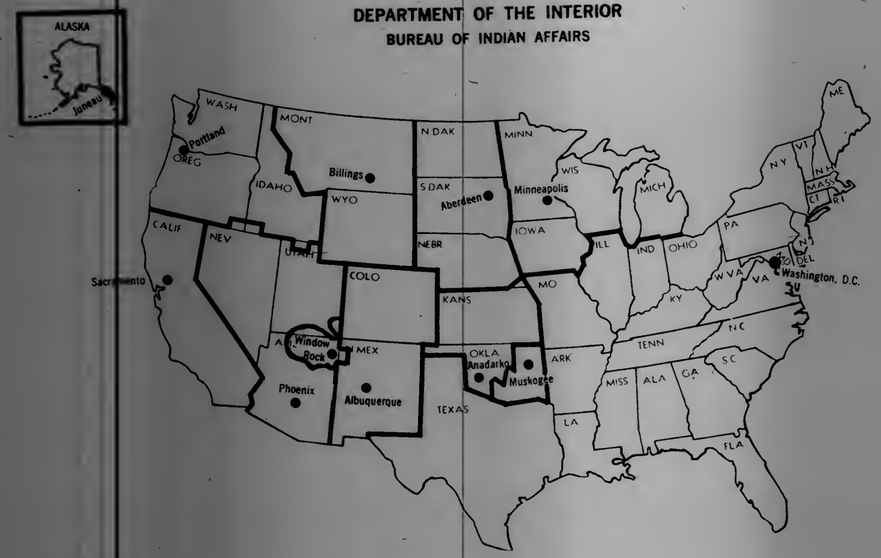


Department of Health, Education, and Welfare
Health Services Administration
Indian Health Service

Area Office	Director	Address	Telephone
Anchorage, Alaska 99510	John F. Lee, M.D.	P.O. Box 7–741	907–279–6661
Aberdeen, S. Dak. 57401	Robert Drew	115 4th Ave. SE.	605–225–7581
Albuquerque, N. Mex. 87101	Kazumi Kasuga, M.D.	500 Gold Ave. SW.	505–766–2151
Billings, Mont. 59103	James Smith	2727 Central Ave.	406–245–6403
Oklahoma City, Okla. 73102	John Davis	Old Post Office and Court House Bldg.	405–231–4796
Phoenix, Ariz. 85104	Charles McCammon, M.D.	801 East Indian School	602–261–3143
Portland, Oreg. 97205	Charles S. Stitt, Jr.	921 Southwest Washington St.	503–221–2020
Window Rock, Ariz. 86515	Marlene Haffner, M.D.	P.O. Box G	602–871–5811
Bemidji, Minn. 56301 (Program Office)	John Buckanaza	P.O. Box 768	218–751–1210
Tucson, Ariz. 11340 (Program Area)	Erwin Robew, M.D.	P.O. Box 11340	602–294–3273
Nashville, Tenn. 37217 (USET Program Office)	James C. Meredith	1101 Kermit Dr.	615–749–5804

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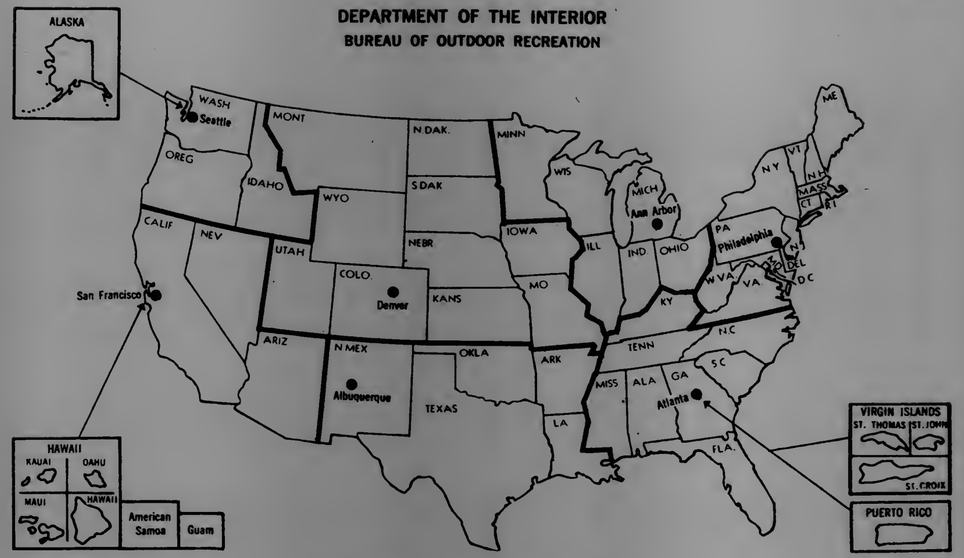
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS



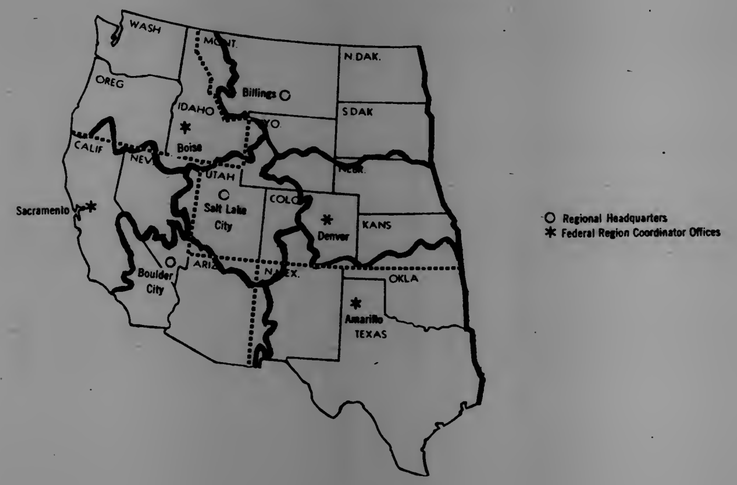
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT



DEPARTMENT OF THE INTERIOR
BUREAU OF OUTDOOR RECREATION

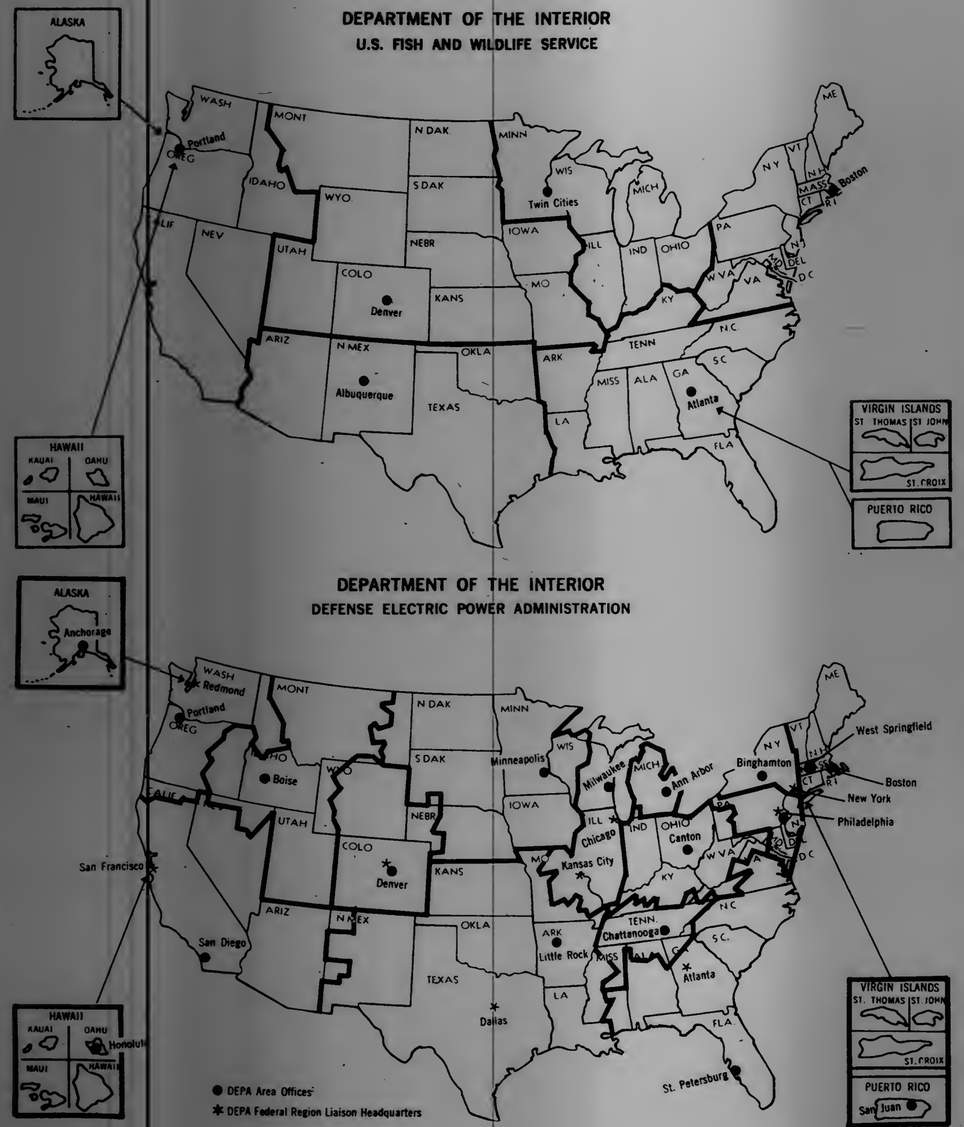


DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION



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XUM

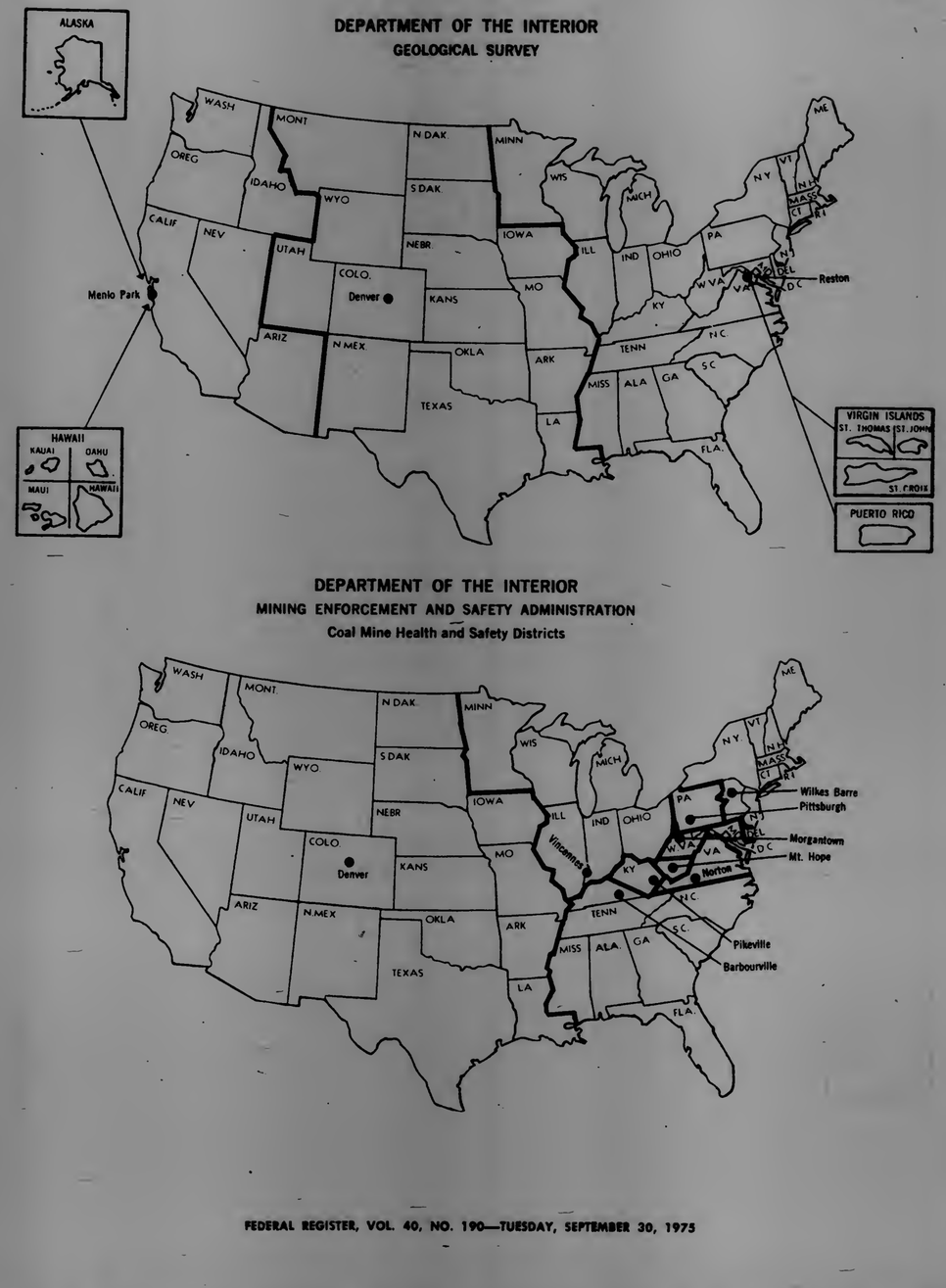
DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE



DEPARTMENT OF THE INTERIOR
DEFENSE ELECTRIC POWER ADMINISTRATION

● DEPA Area Offices
✱ DEPA Federal Region Liaison Headquarters

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



DEPARTMENT OF THE INTERIOR
MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Coal Mine Health and Safety Districts

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DEPARTMENT OF THE INTERIOR

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

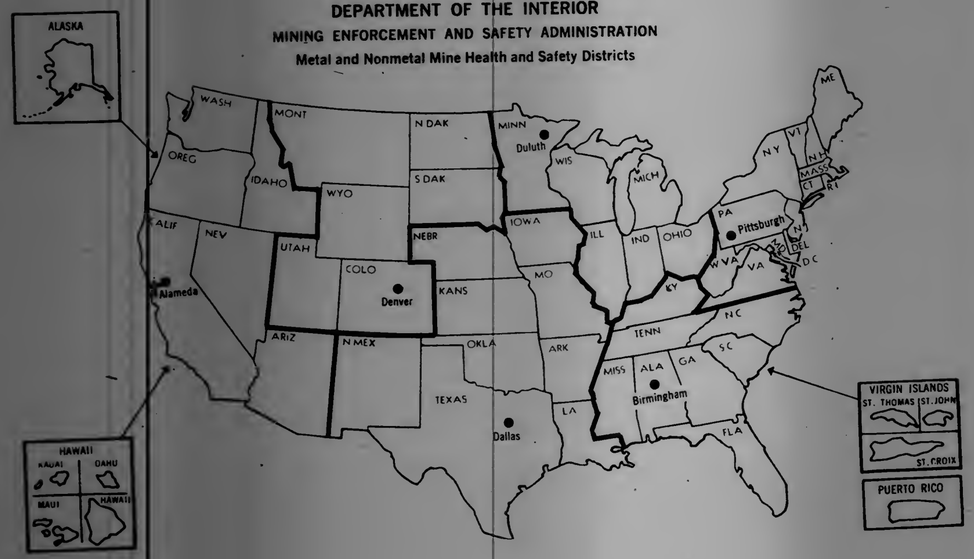
Health and Safety Training Centers



DEPARTMENT OF THE INTERIOR

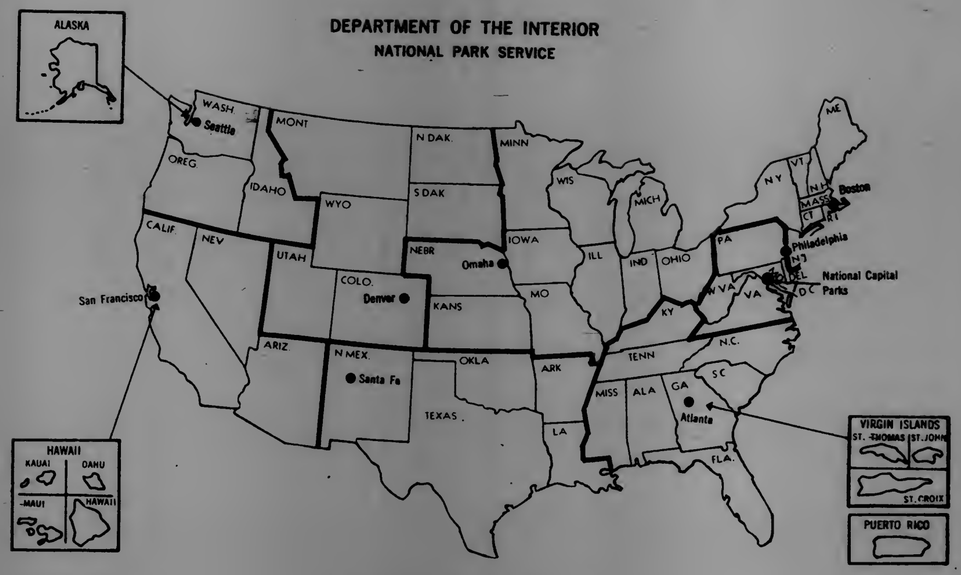
MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Metal and Nonmetal Mine Health and Safety Districts



DEPARTMENT OF THE INTERIOR

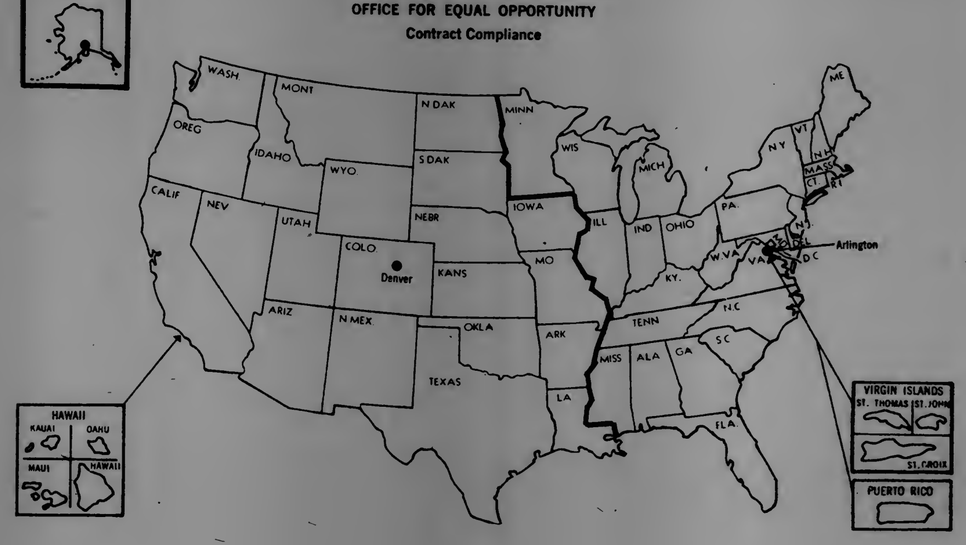
NATIONAL PARK SERVICE



DEPARTMENT OF THE INTERIOR

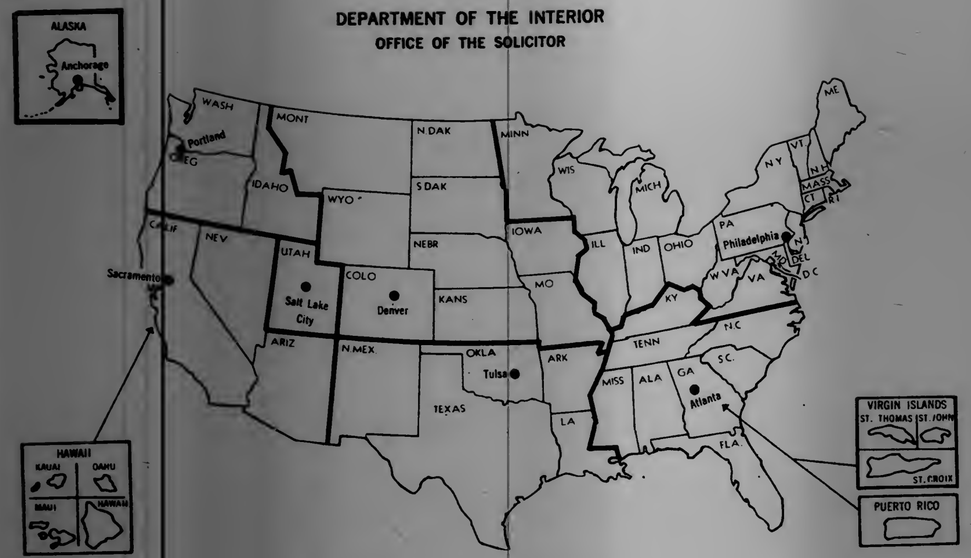
OFFICE FOR EQUAL OPPORTUNITY

Contract Compliance

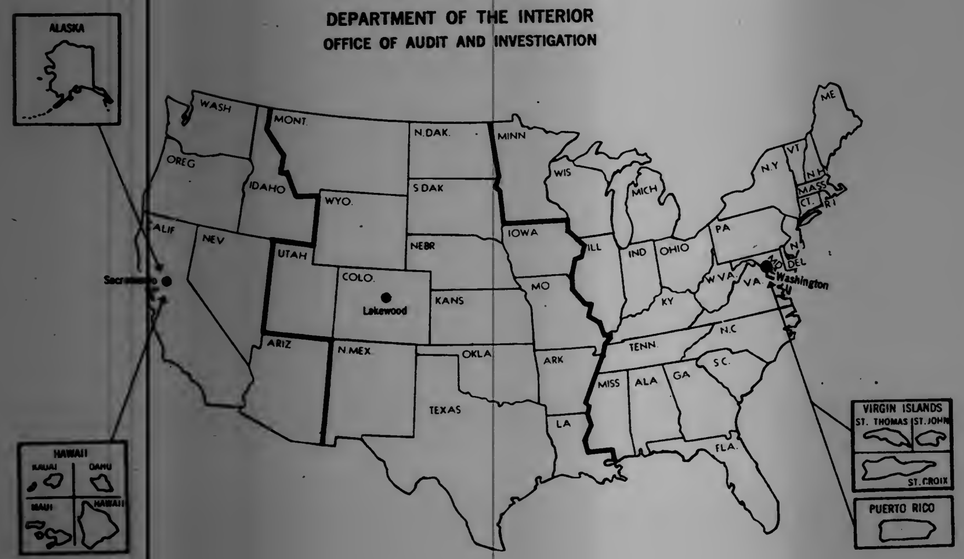


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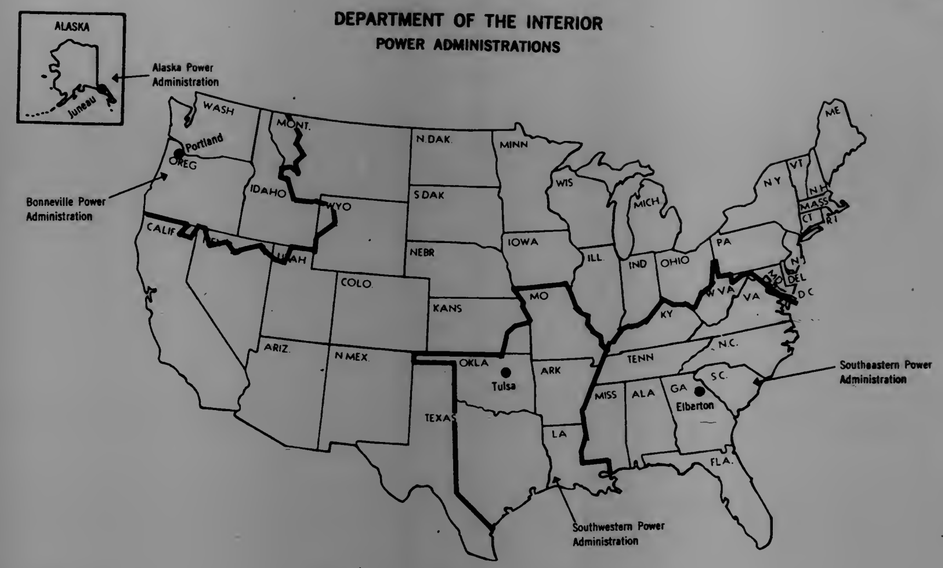
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR



DEPARTMENT OF THE INTERIOR
OFFICE OF AUDIT AND INVESTIGATION



DEPARTMENT OF THE INTERIOR
POWER ADMINISTRATIONS



DEPARTMENT OF THE INTERIOR
SECRETARY'S FIELD OFFICES



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Department of the Interior
Bureau of Indian Affairs

Area Office	Director	Address	Telephone
Aberdeen, S. Dak. 57401	Harley Zephier	Federal Bldg	605–225–7343
Albuquerque, N. Mex. 87108	Frank E. Pence, Acting	5301 Central Ave	505–766–3173
Anadarko, Okla. 73005	Charles W. James	Federal Bldg	405–247–6231
Billings, Mont. 59101	James F. Canan	316 North 26th St	406–245–6315
Juneau, Alaska 99802	Clarence Antioquia	Box 3–8000	907–586–7177
Minneapolis, Minn. 55402	Bernard Granum, Acting	831 2d Ave. South	612–725–2904
Muskogee, Okla. 74401	Thomas J. Ellison	Federal Bldg	918–683–3431
Window Rock, Ariz. 86515	Anthony P. Lincoln	Navajo Area Office	602–871–4368
Phoenix, Ariz. 85011	John T. Artichoker	124 West Thomas Rd	602–261–4101
Portland, Oreg. 97208	Francis E. Briscoe	P.O. Box 3785	503–234–3361
Sacramento, Calif. 95825	William E. Finale	Federal Bldg	916–484–4682
Washington, D.C. 20245	Harry Rainbolt	1951 Constitution Ave. NW	202–343–5582

Department of the Interior
Bureau of Land Management
Regional Representatives

Region	Representative	Address	Telephone
Silver Spring, Md. 20910	Lowell J. Udy	7981 Eastern Ave	301–427–7500
Santa Fe, N. Mex. 87501	Art Zimmerman	U.S. Post Office and Federal Bldg	505–988–6217
Denver, Colo. 80225	(Vacancy)	Denver Federal Center	303–234–2329
Sacramento, Calif. 95825	Edward L. Hastey	Federal Office Bldg	916–484–4676
Portland, Oreg. 97208	(Vacancy)	729 Northeast Oregon St	503–234–3361 ext. 4001

State Offices

City/State	State Director	Address	Telephone
Anchorage, Alaska 99501	Curtis V. McVee	555 Cordova St	907–277–1561
Phoenix, Ariz. 85025	Robert O. Buffington	Federal Bldg	602–261–3873
Sacramento, Calif. 95825	Edward L. Hastey	Federal Office Bldg	916–484–4678
Denver, Colo. 80202	Dale Andrus	1600 Broadway	303–837–4325
Boise, Idaho 83724	William L. Mathews	Federal Bldg	208–342–2401
Billings, Mont. 59101	Edwin Zaidlicz	Federal Bldg. and U.S. Courthouse	406–245–6711
Reno, Nev. 89502	E. I. Rowland	Federal Bldg	702–784–5451
Santa Fe, N. Mex. 87501	Art Zimmerman	U.S. Post Office and Federal Bldg	505–988–6217
Portland, Oreg. 97208	(Vacancy)	729 Northeast Oregon St	503–234–3361 ext. 4001
Salt Lake City, Utah 84111	Paul L. Howard	Federal Bldg	801–524–5311
Cheyenne, Wyo. 82001	Daniel P. Baker	Joseph C. O'Mahoney Federal Center	307–778–2220

Outer Continental Shelf Offices

City/State	Manager	Address	Telephone
Anchorage, Alaska 99501	Edward J. Hoffmann	121 West Fireweed Lane	907–279–4578
Los Angeles, Calif. 90012	William E. Grant	300 North Los Angeles St	213–688–7234
New Orleans, La. 70113	John L. Rankin	1001 Howard Ave	504–589–6541
New York, N.Y. 10007	Frank M. Basile	90 Church St	212–264–7254

Department of the Interior
Bureau of Outdoor Recreation

Region	Director	Address	Telephone
Philadelphia, Pa. 19106	Maurice D. Arnold	600 Arch St	215–597–7990
Atlanta, Ga. 30303	Robert M. Baker	148 Cain St	404–526–4405
Ann Arbor, Mich. 48104	John D. Cherry	3853 Research Park Dr	313–769–3211
Denver, Colo. 80225	Derrell P. Thompson	Denver Federal Center	303–234–2634
Albuquerque, N. Mex. 87110	Rolland B. Handley	5000 Marble Ave. NE	505–766–3515
Seattle, Wash. 98174	Maurice H. Lundy	915 2d Ave	206–442–4706
San Francisco, Calif. 94102	Frank E. Sylvester	450 Golden Gate Ave	415–556–0182

Department of the Interior
Bureau of Reclamation

Region	Director	Address	Telephone
Boise, Idaho 83724	Rodney J. Vissia	550 West Fort St	208–342–2101
Sacramento, Calif. 95825	Billy E. Martin	2800 Cottage Way	916–484–4571
Boulder City, Nev. 89005	(Vacancy)	P.O. Box 427	702–293–8411
Salt Lake City, Utah 84111	David L. Crandall	125 South State St	801–524–5592
Amarillo, Tex. 79105	James A. Bradley	317 East 3d St	806–376–2401
Billings, Mont. 59103	Robert L. McPhail	316 North 26th St	406–245–6214
Denver, Colo. 80225	J. D. Hall	Denver Federal Center	303–234–4441

Department of the Interior
U.S. Fish and Wildlife Service

Region	Director	Address	Telephone
Portland, Oreg. 97208	R. Kahler Martinson	1500 Northeast Irving St	503–234–4050
Albuquerque, N. Mex. 87103	Wilford O. Nelson	500 Gold Ave. SW	505–766–2321
Twin Cities, Minn. 55111	Jack E. Hemphill	Federal Bldg	612–725–3500
Atlanta, Ga. 30329	Kenneth E. Black	17 Executive Park Dr. NE	404–526–4671
Boston, Mass. 02109	Howard N. Larsen	U.S. Post Office and Courthouse	617–223–2961
Denver, Colo. 80215	Charles M. Loveless	10597 West 6th Ave	303–234–2209

Department of the Interior
Defense Electric Power Administration

Area	Director	Address	Telephone
West Springfield, Mass. 01089	Harry H. Mochon, Jr	174 Brush Hill Ave	413–785–5871
Schenectady, N.Y. 12303	John R. Vogel, Jr	3890 Carman Rd	518–381–2234
Philadelphia, Pa. 19101	Charles W. Watson	2301 Market St	215–841–4260
Birmingham, Ala. 35202	B. M. Guthrie	600 North 18th St	205–323–5341
Ann Arbor, Mich. 48108	Keith E. Spencer	P.O. Box 1564	313–663–4247
Canton, Ohio 44701	Owen Lents	P.O. Box 102	216–456–2488
Chattanooga, Tenn. 37401	T. Graham Wells, Jr	830 Power Bldg	615–755–2883
Milwaukee, Wis. 53203	N. A. Ricci	231 West Michigan Ave	414–273–1234
Minneapolis, Minn. 55401	E. C. Glass	414 Nicollet Mall	612–330–6129
Little Rock, Ark. 72202	Bill C. Hulsey	Plaza West Building	501–664–0145
Salt Lake City, Utah 84110	James Hooper	P.O. Box 899	801–350–3535
Denver, Colo. 80201	Julian R. Hayden	P.O. Box 840	303–571–6594
Portland, Oreg. 97204	E. F. Timme	920 Southwest 6th Ave	503–226–7411
San Diego, Calif. 92112	William A. Davis	P.O. Box 1831	714–278–7227
San Juan, P.R. 00905	Julio A. Negroni	P.O. Box 4267	809–723–0528
Honolulu, Hawaii 96803	John Rolfing	P.O. Box 2750	808–548–3500
Anchorage, Alaska 99501	Leroy J. Schultz	P.O. Box 3518	907–272–4441

Area (Region)	Regional Power Liaison Representative	Address	Telephone
Boston, Mass. 02199	Frederick W. Hoey	800 Boylston St	617–424–2231
New York, N.Y. 10003	John F. English	4 Irving Pl	212–460–2071
Washington, D.C. 20006	Martin Quigley	1900 Pennsylvania Ave. NW	202–872–2000
Atlanta, Ga. 30302	Robert W. Winfree	P.O. Box 4545	404–521–3400
Jackson, Miss. 49201	John H. Kline	1945 West Parnall Rd	517–788–0265
Chicago, Ill. 60690	Robert E. Kerger	P.O. Box 767	312–294–2783
Kansas City, Mo. 64133	Earl D. Dryer	10700 East Fifty Highway	816–353–5002
Denver, Colo. 80225	Abner W. Watts	Denver Federal Center	303–234–3745
Redmond, Wash. 98052	Fred M. Trefinger	13635 Northeast 80 Street	206–454–6363
San Francisco, Calif. 94105	J. Scott Kay	77 Beale St	415–781–4211

Department of the Interior
Geological Survey

Region	Assistant Director	Address	Telephone
Reston, Va. 22092	Wm. B. Overstreet, Acting	12201 Sunrise Valley Dr	703–860–7414
Denver, Colo. 80225	Thad G. McLaughlin	Denver Federal Center	303–234–4630
Menlo Park, Calif. 94025	Joel M. Johanson	345 Middlefield Rd	415–323–2711

Department of the Interior
Mining Enforcement and Safety Administration
Coal Mine Health and Safety Districts

District	Manager	Address	Telephone
Wilkes-Barre, Pa. 18701	John B. Shutack	19 North Main St	717–825–6321
Pittsburgh, Pa. 15213	Donald W. Huntley	4800 Forbes Ave	412–621–4363
Morgantown, W. Va. 26505	Jack E. Tisdale	P.O. Box 880	304–296–3277
Mount Hope, W. Va. 25880	J. Krese	P.O. Box 112	304–877–6405
Norton, Va. 24273	W. Roy Compton	P.O. Box 560	703–679–0230
Pikeville, Ky. 41501	James D. Micheal	P.O. Box 262, Main St. Station	606–437–9616
Barbourville, Ky. 40906	Jerry Spicer	P.O. Box 572	606–546–5123
Vincennes, Ind. 47591	Maurice Childers	501 Busseron St	812–423–6334
Denver, Colo. 80215	John Barton	1457 Ammons St	303–234–2293

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Department of the Interior
Mining Enforcement and Safety Administration
Health and Safety Training Centers

Center	Chief	Address	Telephone
Pittsburgh, Pa. 15220	James Bennett	4 Parkway Center	412–621–4600
Beckley, W. Va. 25801	C. B. Humphrey	2231 South Kanawha St	304–252–7347
Norton, Va. 24273	Arthur Sinicrope	Post Office Bldg	703–679–4430
Birmingham, Ala. 35209	Joe Nelson	228 West Valley Ave	205–325–3873
Rosemont, Ill. 60018	Clement Dovidas	10600 Higgins Rd	312–298–7240
Dallas, Tex. 75221	Thomas Kessler	P.O. Box 1020	214–749–1306
Denver, Colo. 80215	John S. Kelly	603 Miller Ct	303–234–2800
Boulder City, Nev. 89005	Quentin L. Wilcox	500 Date St	702–293–8441
Albany, Oreg. 97321	John English	1450 West Queen St	503–926–5218

Department of the Interior
Mining Enforcement and Safety Administration
Metal and Nonmetal Mine Health and Safety Districts

District	Manager	Address	Telephone
Pittsburgh, Pa. 15213	Michael P. Trainor	4800 Forbes Ave	412–621–4288
Birmingham, Ala. 35209	Roy L. Bernard	228 West Valley Ave	205–254–1510
Duluth, Minn. 55802	Joseph B. Stepan	228 Federal Bldg	218–727–6691
Dallas, Tex. 75202	Harry L. Schell	1100 Commerce St	214–749–1241
Denver, Colo. 80215	William C. Gardner	603 Miller Ct	303–234–3421
Alameda, Calif. 94501	Thomas C. Lukins	620 Central Ave	415–273–7457

Department of the Interior
National Park Service

Regional Office	Director	Address	Telephone
North Atlantic	Jerry D. Wagers	150 Causeway St., Boston, Mass. 02114	617–223–3768
Mid-Atlantic	Chester L. Brooks	143 South 3d St., Philadelphia, Pa. 19106	215–597–7013
Southeast	David D. Thompson, Jr	3401 Whipple Ave., Atlantic, Ga. 30344	404–526–7594
Midwest	Merrill D. Beal	1709 Jackson St., Omaha, Nebr. 68102	402–221–3431
Rocky Mountain	Lynn H. Thompson	P.O. Box 25287, Denver, Colo. 80225	303–234–2500
Southwest	Joseph C. Rumburg, Jr	P.O. Box 728, Santa Fe, N. Mex. 87501	505–988–3388
Western	Howard H. Chapman	450 Golden Gate Ave., San Francisco, Calif. 94102	415–556–4196
Pacific Northwest	John A. Rutter	523 4th and Pike Bldg., Seattle, Wash. 98101	206–442–5565
National Capital Parks	Manus J. Fish, Jr	1100 Ohio Dr. SW., Washington, D.C. 20242	202–426–6612

Department of the Interior
Office for Equal Opportunity
Contract Compliance

Region	Manager	Address	Telephone
Arlington, Va. 22203	Alfred R. Gordon	4040 North Fairfax Dr	703–557–2175
Denver, Colo. 80225	Gerald C. Williams	Denver Federal Center	303–234–2154
Anchorage, Alaska 99501	Patricia Mayo	204 East 5th Ave	907–277–0552

Department of the Interior
Office of the Solicitor

Region	Solicitor	Address	Telephone
Anchorage, Alaska 99501	Robert E. Price	1016 West 6th Ave	Dial 206–442–0150 FTS to Seattle, ask for Anchorage and give the operator the following number—265–5301
Denver, Colo. 80225	John R. Little, Acting	Denver Federal Center	303–234–3175
Atlanta, Ga. 30303	Raymond C. Coulter	148 Cain St. NE	404–526–4447
Philadelphia, Pa. 19106	William W. Redmond	143 South 3d St	215–597–2149
Portland, Oreg. 97208	Robert E. Ratcliffe	P.O. Box 3621	503–234–4201
Sacramento, Calif. 95825	Charles R. Renda	2800 Cottage Way	916–484–4331
Salt Lake City, Utah 84111	Thomas O. Parker	125 South State St	801–524–5677
Tulsa, Okla. 74101	Raymond F. Sanford	P.O. Box 3156	918–581–7501

Department of the Interior
Office of Audit and Investigation

Region	Director	Address	Telephone
Washington, D.C. 20240	Frank V. Passuth	801 19th St. NW	202–382–6921
Lakewood, Colo. 80215	William A. Butron	1841 Wadsworth	303–234–2131
Sacramento, Calif. 95825	Gerald W. Hicks	2800 Cottage Way	916–484–4874

Department of the Interior
Power Administrations

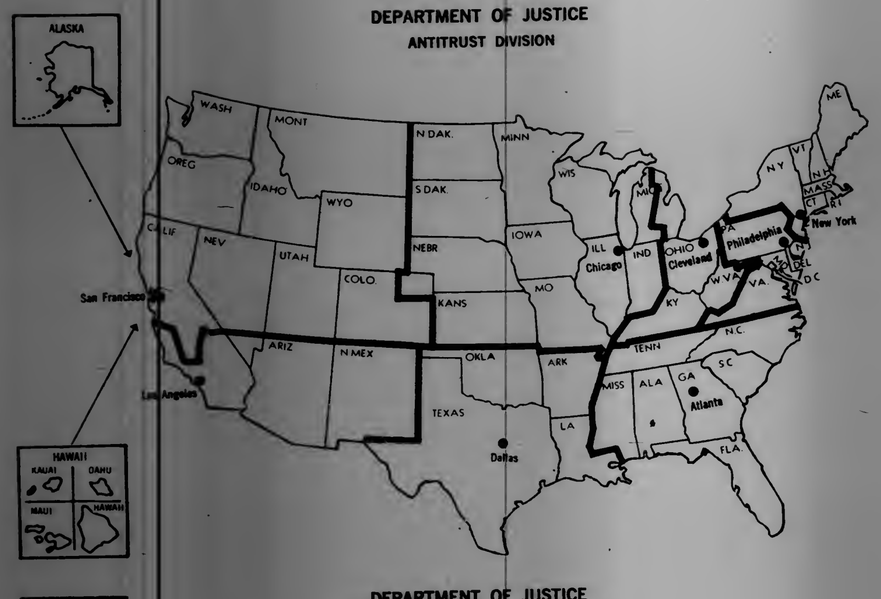
Power Administration	Administrator	Address	Telephone
Alaska—Juneau, Alaska 99802	James V. House	P.O. Box 50	907–586–7405
Southeastern—Elberton, Ga. 30635	Jan Fortune	Samuel Elbert Bldg	404–283–3261
Southwestern—Tulsa, Okla. 74101	Peter C. King	P.O. Drawer 1619	918–581–7474
Bonneville—Portland, Oreg. 97208	Donald Paul Hodel	P.O. Box 3621	503–234–3361

Department of the Interior
Secretary's Field Offices

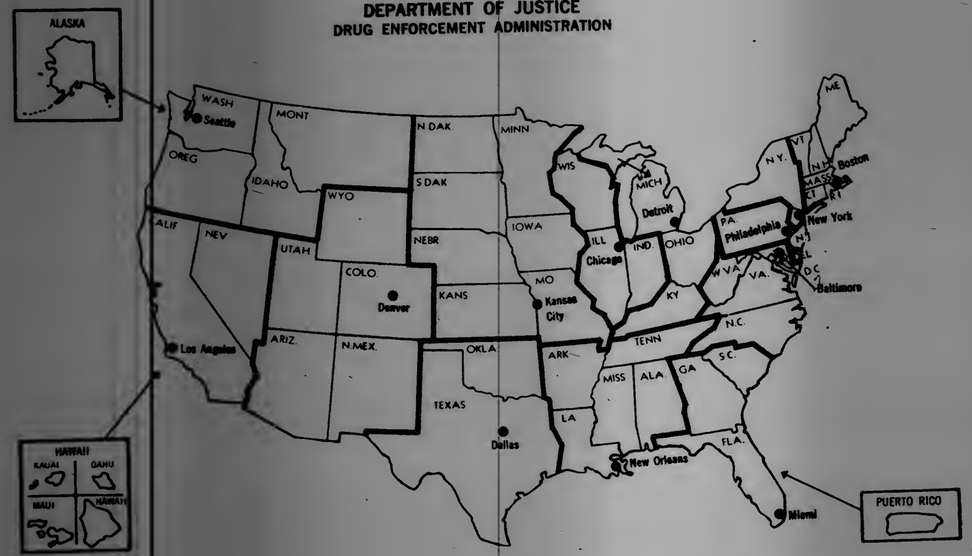
Region	Staff (ST) or Special (SP) Assistant	Address	Telephone
Boston, Mass. 02203	Roger Sumner Babb (SP)	John F. Kennedy Federal Bldg	617–223–5104
Atlanta, Ga. 30303	June Whelan (SP)	148 Cain St. NE	404–526–4524
Chicago, Ill. 60605	Madonna McGrath (ST)	230 South Dearborn St	312–353–8015
Denver, Colo. 80225	William Rogers (SP)	Denver Federal Center	303–234–3120
Kansas City, Mo. 64106	Tyson Whiteside (ST)	Federal Office Bldg	816–374–5924
Albuquerque, N. Mex. 87101	Willard C. Lewis (SP)	Federal Bldg	505–766–2838
San Francisco, Calif. 94102	Webster Otis (SP)	450 Golden Gate Ave	415–556–8200
Portland, Oreg. 97208	Roy Sampsel (SP)	1002 Northeast Holladay St	503–234–5141 5292
Dallas, Tex. 75202	Mary Dee Beall (ST)	1100 Commerce St	214–749–3708
Anchorage, Alaska 99510	Bruce E. Schultheis (SP)	P.O. Box 120	907–265–5278
Seattle, Wash. 97101	Lorin P. Nielsen (ST)	Arcade Plaza Bldg	206–442–1382
Los Angeles, Calif. 90012	Peter L. Tweedt (ST)	312 N. Spring St	213–688–7200

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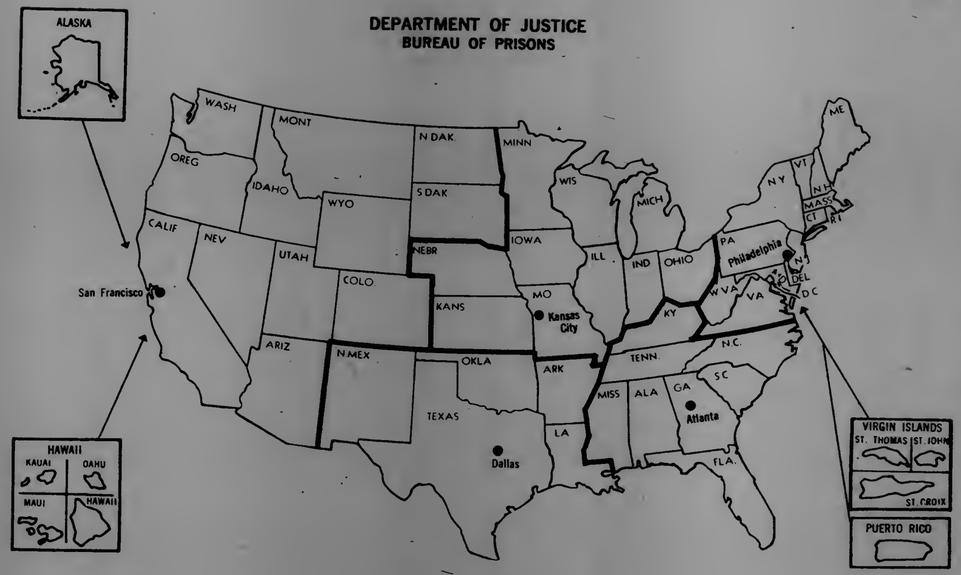
DEPARTMENT OF JUSTICE
ANTITRUST DIVISION



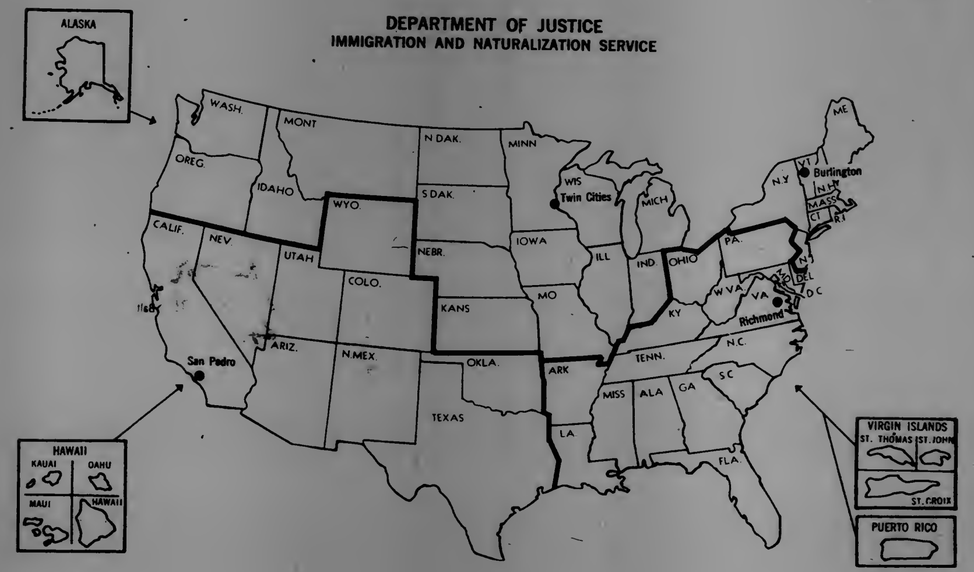
DEPARTMENT OF JUSTICE
DRUG ENFORCEMENT ADMINISTRATION



DEPARTMENT OF JUSTICE
BUREAU OF PRISONS

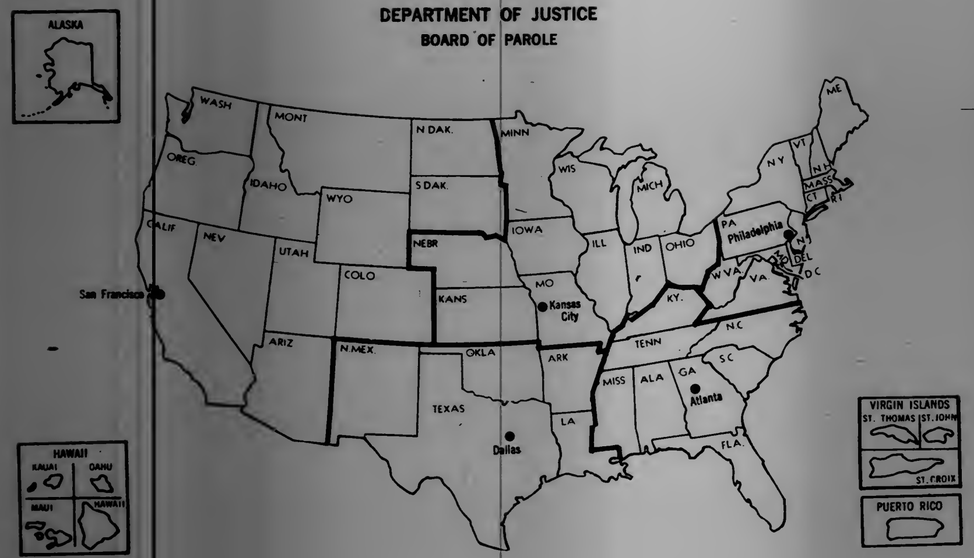


DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE



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DEPARTMENT OF JUSTICE
BOARD OF PAROLE



DEPARTMENT OF JUSTICE
UNITED STATES MARSHALS SERVICE



Department of Justice
Antitrust Division

Region	Chief	Address	Telephone
Atlanta, Ga. 30309	Donald A. Kinkaid	1776 Peachtree St. NW	404-526-3828
Chicago, Ill. 60604	John E. Sarbaugh	219 South Dearborn St.	312-353-7538
Cleveland, Ohio 44199	John E. Weedon	995 Celebrezze Federal Bldg.	216-522-4070
Dallas, Tex. 75202	Barry F. McNeil	1100 Commerce St.	214-749-7050
Los Angeles, Calif. 90012	(Vacancy)	312 North Spring St.	213-688-2500
New York, N.Y. 10007	Bernard Wehrmann	26 Federal Plaza	212-264-0390
Philadelphia, Pa. 19106	John J. Hughes	2d and Chestnut Sts.	215-597-7405
San Francisco, Calif. 94102	Anthony E. Desmond	450 Golden Gate Ave.	415-556-6300

Department of Justice
Drug Enforcement Administration

Region	Administrator	Address	Telephone
Boston, Mass. 02203	Edward R. Cass	John F. Kennedy Federal Bldg.	617-223-2170
New York, N.Y. 10019	John W. Fallon	555 West 57th St.	212-971-5151
Philadelphia, Pa. 19106	Arthur Lewis	600 Arch St.	215-597-9530
Baltimore, Md. 21201	Irv Swank	31 Hopkins Pl.	301-962-4800
Miami, Fla. 33132	John Lund	5255 Northwest 87th Ave.	305-350-4441
Detroit, Mich. 48226	Theodore Vernier	231 West Lafayette	313-226-7290
Chicago, Ill. 60604	Vernon D. Meyer	219 South Dearborn St.	312-353-1419
New Orleans, La. 70013	James Bland	1001 Howard Ave.	504-527-6841
Kansas City, Mo. 64106	Frank Monastero	811 Grand Ave.	816-374-2631
Dallas, Tex. 75202	Jack Salter	1100 Commerce St.	214-749-3631
Denver, Colo. 80201	John R. Enright	U.S. Customs House	303-837-3951
Seattle, Wash. 98119	Frederick Rody, Jr.	221 1st Ave. West	206-442-5443
Los Angeles, Calif. 90017	John Vandiver	1340 West 6th St.	213-688-4825

Department of Justice
Bureau of Prisons

Region	Director	Address	Telephone
Northeast	E. O. Toft	Industrial Hwy., Philadelphia, Pa. 19113	215-596-1841
Southeast	Mason F. Holley	3500 Greenbriar Pkwy. SW., Atlanta, Ga. 30331	404-526-7851
North Central	James D. Henderson	8800 Northwest 112th St., Kansas City, Mo. 64153	816-243-5680
South Central	Charles J. Hughes	3883 Turtle Creek Blvd., Dallas, Tex. 75219	214-749-1112
Western	Paul T. Walker	330 Primrose Rd., Burlingame, Calif. 94010	415-347-0721

Department of Justice
Immigration and Naturalization Service

Region	Commissioner	Address	Telephone
Burlington, Vt. 05411	(Vacancy)	Federal Bldg.	802-862-6201
Twin Cities, Minn. 55101	Harold E. Hulsing	Federal Bldg., Fort Snelling	612-725-4450
Richmond, Va. 23240	Robert E. Schoenenberger	400 North 8th St.	804-782-2687
San Pedro, Calif. 90731	Edward F. O'Connor	Terminal Island	213-548-2371

Department of Justice
Board of Parole

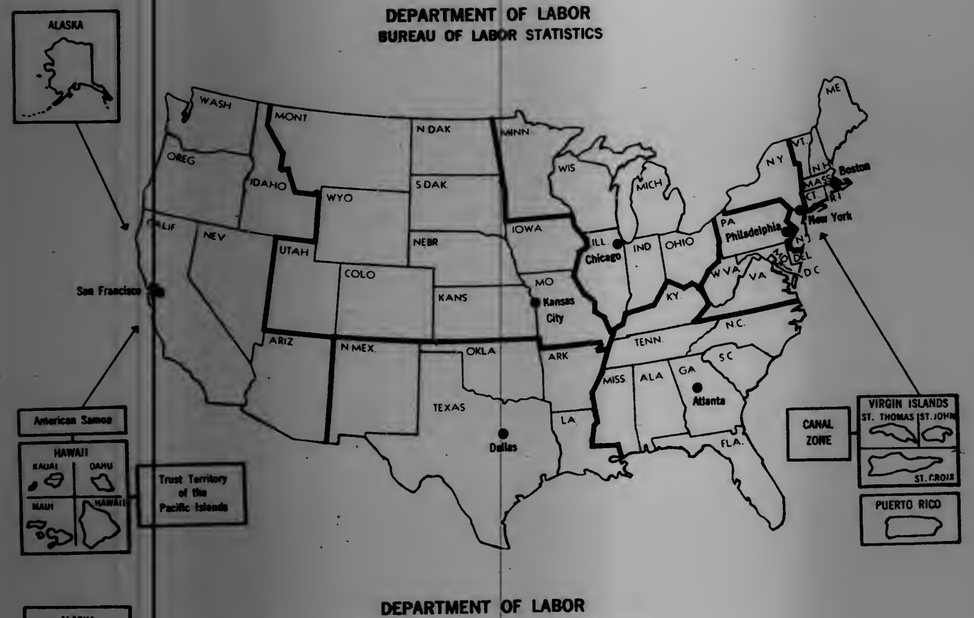
Region	Director	Address	Telephone
Northeast	Curtis C. Crawford	Scott Plaza, Industrial Highway, Philadelphia, Pa. 19113	215-596-1868
South Central	William E. Amos	3883 Turtle Creek Blvd., Dallas, Tex. 75219	214-749-7841
Western	Paula A. Tennant	330 Primrose Rd., Burlingame, Calif. 94010	415-347-4737
Southeast	Thomas R. Holsclaw	3500 Greenbriar Pkwy., Atlanta, Ga. 30331	404-526-7415
North Central	Lawrence N. Carpenter	8800 Northwest 112th St., Kansas City, Mo. 64153	816-243-5690

Department of Justice
United States Marshals Service
Regional Directors
(Located in Service Headquarters: 521 12th St. NW., Washington, D.C. 20530)

Region	Director	Telephone
Northeastern	John W. Cameron	202-739-4476
Southeastern	William E. Hall, Acting	202-739-2175
North Central	Reis R. Kash	202-739-3965
South Central	Frank C. Sidella, Acting	202-739-2172
Western	Donald D. Hill	202-739-2127

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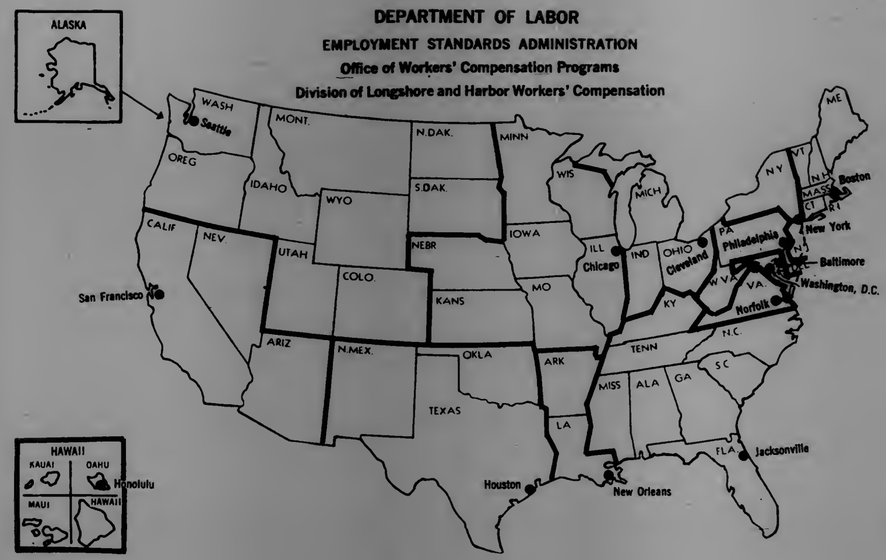
DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS



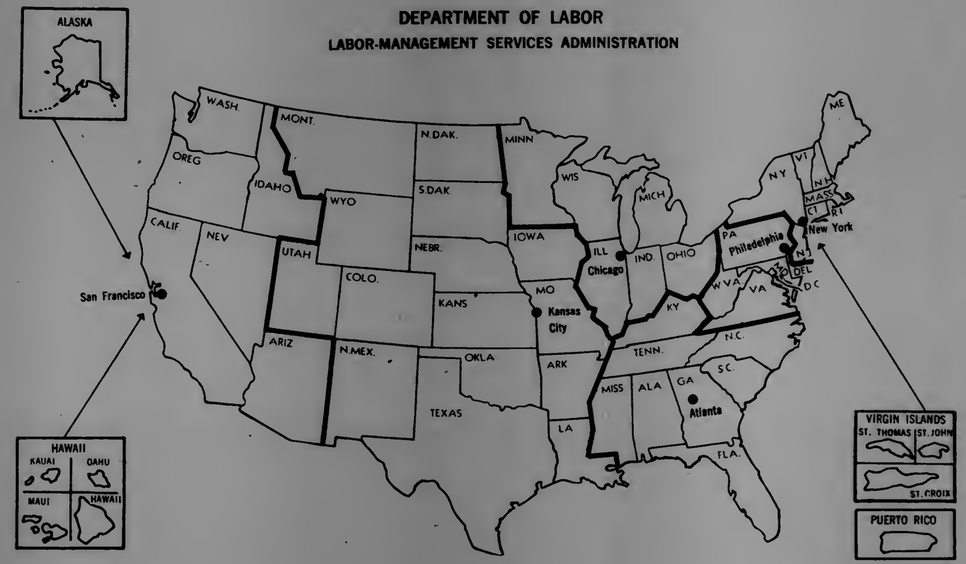
DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Office of Workers' Compensation Programs
Division of Federal Employees' Compensation



DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
Office of Workers' Compensation Programs
Division of Longshore and Harbor Workers' Compensation

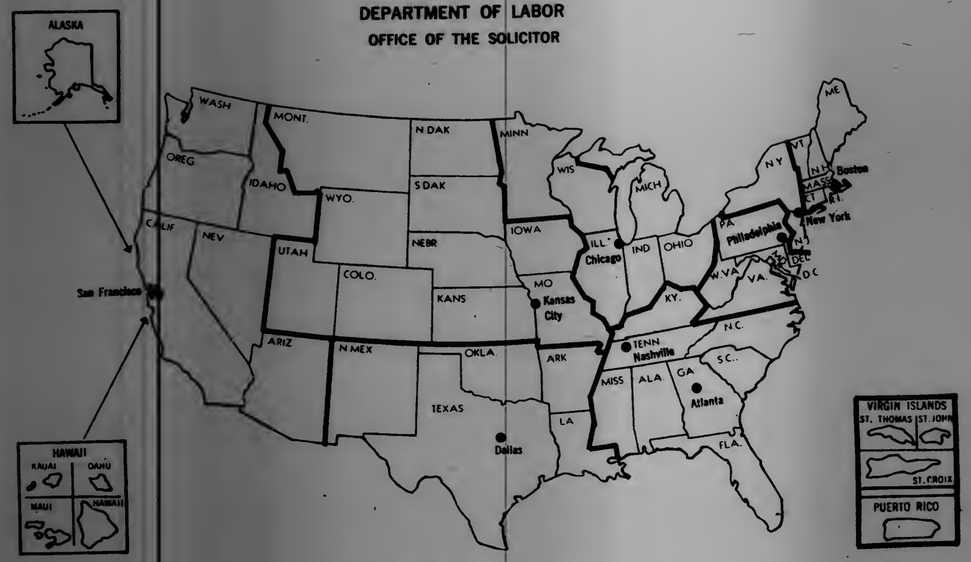


DEPARTMENT OF LABOR
LABOR-MANAGEMENT SERVICES ADMINISTRATION



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DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR



Department of Labor
Bureau of Labor Statistics

Region	Assistant Regional Director	Address	Telephone
Boston, Mass. 02203	Wendell D. Macdonald	Federal Office Bldg	617–223–6727
New York, N.Y. 10036	Herbert Bienstock	1515 Broadway	212–971–5401
Philadelphia, Pa. 19107	(Vacancy)	3535 Market St	215–596–1151
Atlanta, Ga. 30309	Brunswick A. Bagdon	1371 Peachtree St. NE	404–526–5416
Chicago, Ill. 60604	William E. Rice	230 South Dearborn St	312–353–7226
Dallas, Tex. 75202	Jack F. Strickland	555 Griffin Square Bldg	214–749–3641
Kansas City, Mo. 64106	Elliott A. Browar	911 Walnut St	816–374–2378
San Francisco, Calif. 94102	D. Bruce Hanchett	450 Golden Gate Ave	415–556–3178

Department of Labor
Employment Standards Administration
Office of Workers' Compensation Programs
Division of Federal Employees Compensation

District	Deputy Commissioner	Address	Telephone
Boston, Mass. 02109	Clarence L. Heyde	147 Milk St	617–223–6755
New York, N.Y. 10036	John D. McLellan, Jr	1515 Broadway	212–971–5501
Philadelphia, Pa. 19104	Donald C. Frederick	3535 Market St	215–597–1180
Jacksonville, Fla. 32202	William M. O'Keeffe	400 West Bay St	904–791–3428
New Orleans, La. 70130	Robert J. Shea	Federal Office Bldg. South	504–589–2611 Ext. 6135
Cleveland, Ohio 44199	John P. Traynor	1240 East 9th St	216–522–3803
Chicago, Ill. 60604	Andrew Lang	230 South Dearborn St	312–353–5650
Kansas City, Mo. 64106	Carol Hyer	1910 Federal Office Bldg	816–374–2723
Denver, Colo. 80202	Pablo Villalobos	1531 Stout St	303–837–2611
San Francisco, Calif. 94102	(Vacancy)	450 Golden Gate Ave	415–556–6183
Seattle, Wash. 98174	Wm. L. Massey	909 1st Ave	206–442–5521
Honolulu, Hawaii 96815	Edward F. Ducey, Jr	1833 Kalakaua Ave	415–556–0220 ask for 955–0266
Washington, D.C. 20211	Francis Hammond	666 11th St. NW	202–382–3831

Department of Labor
Employment Standards Administration
Office of Workers' Compensation Programs
Division of Longshore and Harbor Workers' Compensation

District	Deputy Commissioner	Address	Telephone
Boston, Mass. 02109	Clarence L. Heyde	147 Milk St	617–223–6755
New York, N.Y. 10036	John D. McLellan, Jr	1515 Broadway	212–971–5501
Philadelphia, Pa. 19104	Donald C. Frederick	3535 Market St	215–597–1180
Baltimore, Md. 21201	Donald C. Frederick	Federal Bldg	301–962–3677
Norfolk, Va. 23502	Donald C. Frederick	3661 Virginia Beach Blvd. East	703–441–6651
Jacksonville, Fla. 32202	William M. O'Keeffe	400 West Bay St	904–791–3428
New Orleans, La. 70130	Robert J. Shea	Federal Office Bldg. S	504–589–2611 Ext. 6135
Houston, Tex. 77004	Lee H. Hollis	2320 LaBranch St	713–226–5801
Cleveland, Ohio 44199	John P. Traynor	1240 East 9th St	216–522–3803
Chicago, Ill. 60604	Andrew L. Lang	230 South Dearborn St	312–353–5650
San Francisco, Calif. 94102	(Vacancy)	450 Golden Gate Ave	415–556–6183
Seattle, Wash. 98174	Wm. L. Massey	909 1st Ave	206–442–5521
Honolulu, Hawaii 96815	Edward F. Ducey, Jr	1833 Kalakaua Ave	415–556–0220 ask for 955–0266
Washington, D.C. 20211	Jack Garrell	1717 K St. NW	202–254–3472

Department of Labor
Labor-Management Services Administration

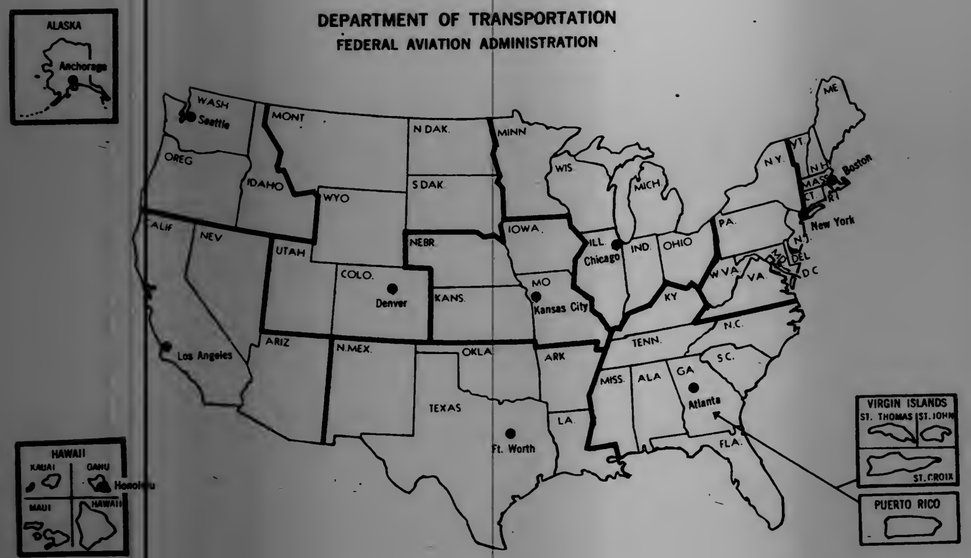
Region	Assistant Regional Director	Address	Telephone
Atlanta, Ga. 30309	Lem R. Bridges	1371 Peachtree St. NE	404–526–5237
Chicago, Ill. 60604	Rocco DeMarco	230 South Dearborn St	312–353–1920
Kansas City, Mo. 64106	Cullen P. Keough	911 Walnut St	816–374–5131
New York, N.Y. 10036	Benjamin B. Naumoff	1515 Broadway	212–971–7031
Philadelphia, Pa. 19104	Kenneth R. Evans	3535 Market St	215–597–1134
San Francisco, Calif. 94102	Gordon M. Byrholdt	450 Golden Gate Ave	415–556–5915

Department of Labor
Office of the Solicitor

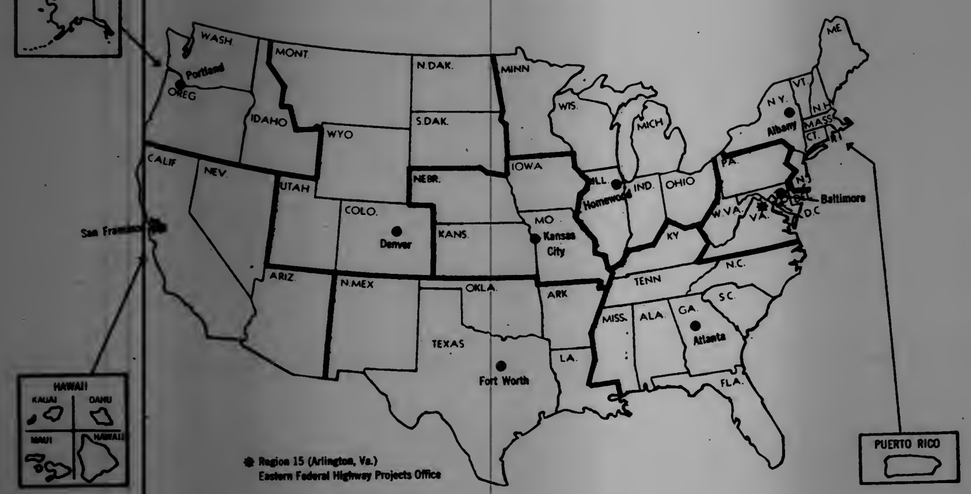
Region	Regional Solicitor	Address	Telephone
Boston, Mass. 02203	Albert H. Ross	John F. Kennedy Federal Bldg	617–223–6701
New York, N.Y. 10036	Francis V. LaRuffa	1515 Broadway	212–971–7546
Philadelphia, Pa. 19104	Louis Weiner	3535 Market St	215–597–1126
Atlanta, Ga. 30309	Beverley R. Worrell	1371 Peachtree St. NE	404–526–5811
Chicago, Ill. 60604	Herman Grant	230 South Dearborn St	312–353–7256
Kansas City, Mo. 64106	Tedrick A. Housh	911 Walnut St	816–374–2281
Dallas, Tex. 75202	George T. Avery	1100 Commerce St	214–749–3482
San Francisco, Calif. 94102	Altero D'Agostini	450 Golden Gate Ave	415–556–4042
Nashville, Tenn. 37203	Marvin Tincher, Regional Attorney	801 Broad St	615–749–5761
Santurce, P.R. 00908	Morton J. Marks, Regional Attorney	P.O. Box 9092	106–8–0–723–4708

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DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION



DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



* Region 15 (Arlington, Va.)
Eastern Federal Highway Projects Office

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION



DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD



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NOTICES

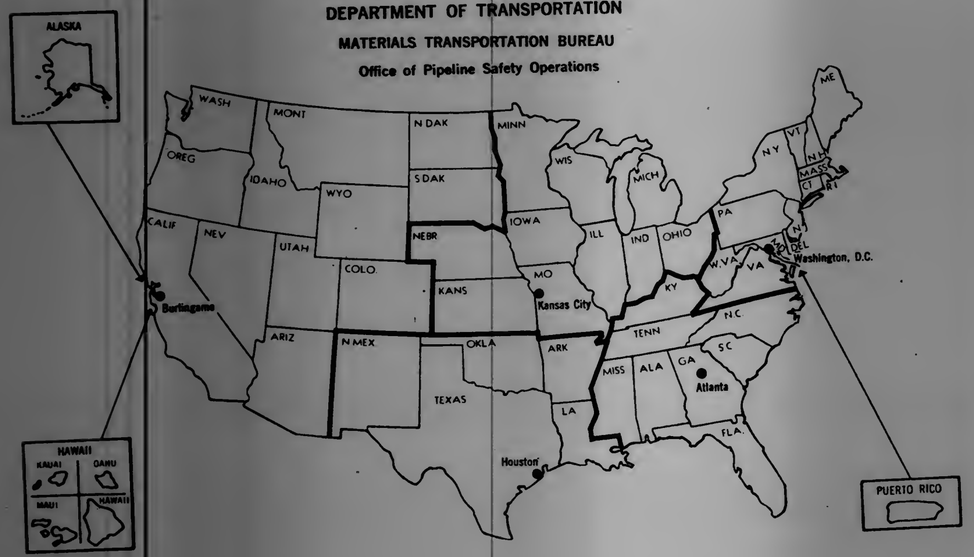
Department of Transportation
Federal Aviation Administration

Region	Director	Address	Telephone
Jamaica, N.Y. 11430	Duane Freer	JFK International Airport	212–995–3333
Kansas City, Mo. 64106	C. R. Melugin, Jr	601 East 12th St	816–374–5626
Des Plaines, Ill. 60018	John M. Cyrocki	2300 East Devon Ave	312–694–4500
Burlington, Mass. 01803	Quentin S. Taylor	12 New England Executive Park	617–273–7244
Seattle, Wash. 98108	Christian B. Walk	FAA Bldg., King County International Airport	206–767–2780
Denver, Colo. 80207	Mervyn Martin	P.O. Box 7213, Park Hill Station	303–297–3646
Atlanta, Ga. 30344	Phillip M. Swatek	P.O. Box 20636	404–526–7240
Fort Worth, Tex. 76101	Henry L. Newman	P.O. Box 1689	817–624–4911
Los Angeles, Calif. 90009	Robert H. Stanton	P.O. Box 92007, Worldway Postal Center	213–536–6207
Anchorage, Alaska 99501	Lyle K. Brown	632 6th Ave	907–272–5561
Honolulu, Hawaii 96813	Joseph B. Nestor, Acting	P.O. Box 4009	808–955–0401

Department of Transportation
Federal Highway Administration

Region	Administrator	Address	Telephone (FTS)
Albany, N.Y. 12207	R. E. Kirby	Clinton Ave. and N. Pearl St	518–472–6476
Baltimore, Md. 21201	W. H. White	31 Hopkins Plaza	301–962–2361
Atlanta, Ga. 30309	James D. Lacy	1720 Peachtree Rd. NW	404–526–5078
Homewood, Ill. 60430	Donald E. Trull	18209 Dixie Hwy	312–799–6300
Fort Worth, Tex. 76102	James W. White	819 Taylor St	817–334–3232
Kansas City, Mo. 64131	John B. Kemp	6301 Rockhill Rd	816–926–7563
Denver, Colo. 80225	Daniel Watt	Federal Center	303–234–4051
San Francisco, Calif. 94102	Frank E. Hawley	450 Golden Gate Ave	415–556–3951
Portland, Oreg. 97024	Louis E. Lybecker	222 Southwest Morrison St	503–221–2065
Arlington, Va. 22201	Thomas O. Edick	1000 North Glebe Rd	703–557–9070

DEPARTMENT OF TRANSPORTATION
MATERIALS TRANSPORTATION BUREAU
Office of Pipeline Safety Operations



Department of Transportation
Federal Railroad Administration

Region	Regional Director	Address	Telephone
Boston, Mass. 02114	C. R. Meyrick	150 Causeway St	617–223–2775
Philadelphia, Pa. 19106	R. A. Johnson	434 Walnut St	215–597–0750
Atlanta, Ga. 30337	H. R. Bird, Acting	1568 Willingham Dr	404–526–7801
Chicago, Ill. 60605	G. R. McConnell	536 South Clark St	312–353–6203
Fort Worth, Tex. 76102	D. R. Holmes	Federal Bldg	817–334–3601
Portland, Oreg. 97204	E. H. Anderson	319 Southwest Pine St	503–221–3011
San Francisco, Calif. 94102	A. L. Hynes	450 Golden Gate Ave	415–556–6632
Kansas City, Mo. 64106	W. F. Callicotte	Federal Office Bldg	816–374–2497

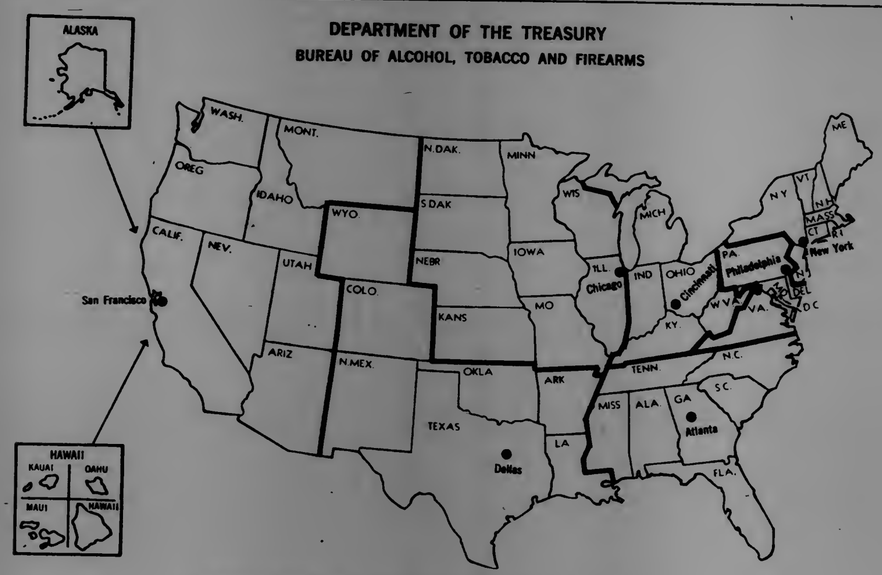
Department of Transportation
U.S. Coast Guard

Area	Commander	Address	Telephone
Atlantic	Vice Adm. W. F. Rea III	Governor's Island, New York, N.Y. 10004	212–264–8743
Pacific	Vice Adm. J. J. McClelland	630 Sansome St., San Francisco, Calif. 94126	415–556–5326

Department of Transportation
Materials Transportation Bureau
Office of Pipeline Safety Operations

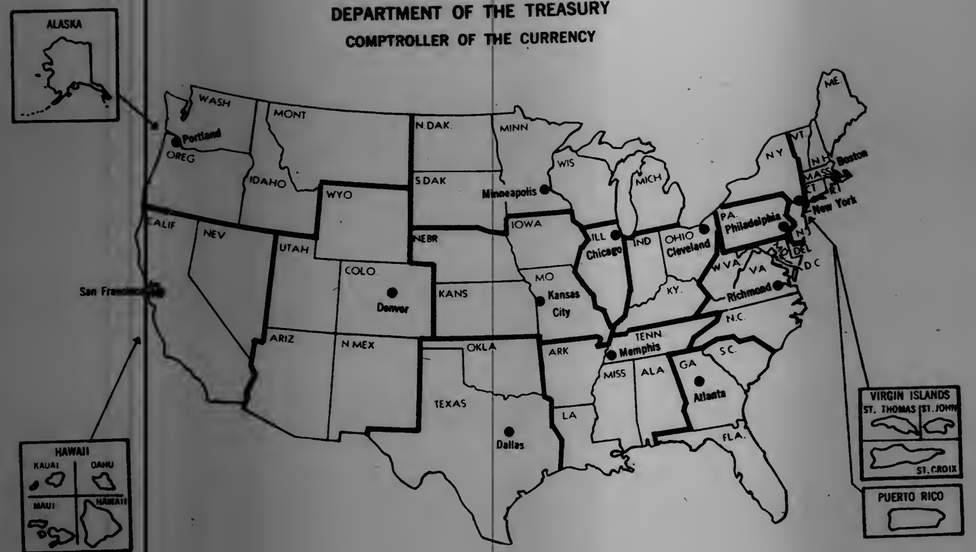
Region	Director	Address	Telephone
Eastern	Lance F. Heverly	400 7th St. SW., Washington, D.C. 20590	202–426–0135
Southern	James C. Thomas	730 Peachtree St. NE., Atlanta, Ga. 30308	404–526–2797
Central	Marshall W. Taylor, II	911 Walnut St., Kansas City, Mo. 64106	816–374–2654
Southwest	Robert Aubry	6634 Hornwood Dr., Houston, Tex. 77036	713–226–5476
Western	Jack Overly	831 Mitten Rd., Burlingame, Calif. 94010	415–876–9085

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS



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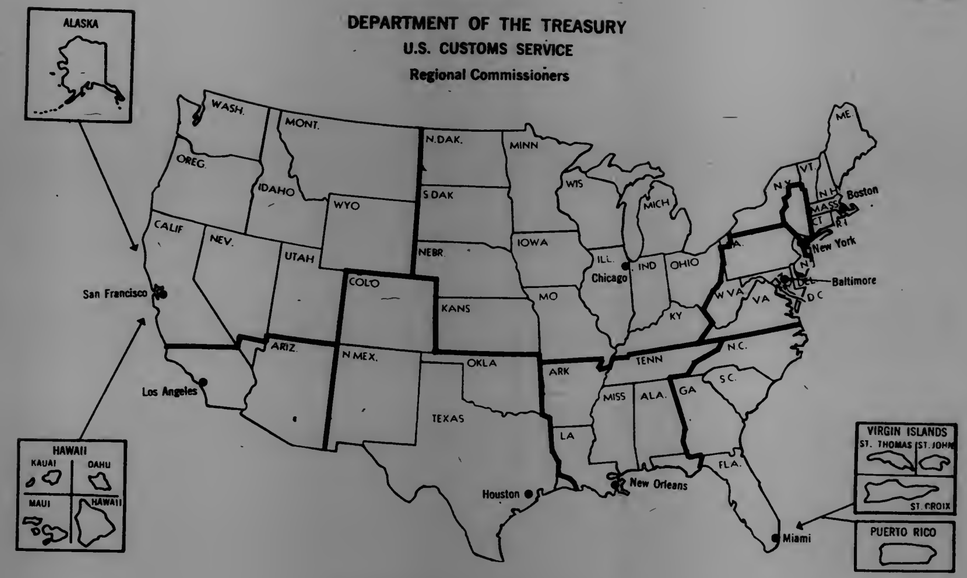
DEPARTMENT OF THE TREASURY
COMPTROLLER OF THE CURRENCY



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Regional Commissioners



DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
Regional Commissioners



DEPARTMENT OF THE TREASURY
U.S. SAVINGS BONDS DIVISION



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Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms

Region	Director	Address	Telephone
Cincinnati, Ohio 45202	Fred H. Murrell	6519 Federal Office Bldg	513-684-3331
Philadelphia, Pa. 19102	Marvin Shaw	2 Penn Center Plaza	215-597-2214
Chicago, Ill. 60601	Hugo C. Rocchietti	230 S. Dearborn St	312-353-3776
New York, N.Y. 10008	(Vacancy)	6 World Trade Center	212-264-2328
Atlanta, Ga. 30301	William N. Griffin	3835 Northeast Expressway	404-455-2631
Dallas, Tex. 75202	Billy L. Gaunt	1200 Main St	214-749-2853
San Francisco, Calif. 94102	John G. Krogman	525 Market St	415-556-6084

Department of the Treasury
Comptroller of the Currency

Region	Administrator	Address	Telephone (FTS)
Boston, Mass. 02108	Charles H. Paterson	3 Center Plaza	617-223-2274
New York, N.Y. 10005	Charles M. Van Horn	33 Liberty St	212-264-4380
Philadelphia, Pa. 19102	R. Coleman Egertson	3 Parkway	215-597-7105
Cleveland, Ohio 44114	Larry T. Gerzema	1 Erieview Plaza	216-522-4870
Richmond, Va. 23277	Clifton A. Poole, Jr.	F and M Center	804-782-2406
Atlanta, Ga. 30303	Donald L. Tarleton	2 Peachtree St. NW	404-526-5625
Chicago, Ill. 60604	Billy C. Wood	164 West Jackson Blvd	312-353-4676
Memphis, Tenn. 38103	John W. Shaffer, Jr.	165 Madison Ave	4678
Minneapolis, Minn. 55402	Donald B. Smith	822 Marquette Ave	901-534-3376
Kansas City, Mo. 64105	John R. Burt	911 Main St	612-725-2922
Dallas, Tex. 75202	Michael Doman	1401 Elm St	816-374-3476
Denver, Colo. 80202	John R. Thomas	1405 Curtis St	214-749-7291
Portland, Oreg. 97205	M. B. Adams	707 Southwest Washington St	303-837-4883
San Francisco, Calif. 94104	John G. Hensel	555 California St	503-221-3091
			415-556-6819

Department of the Treasury
Internal Revenue Service
Regional Commissioners

Region	Commissioner	Address	Telephone
Cincinnati, Ohio 45202	Leon C. Green	550 Main St	513-684-3613
Philadelphia, Pa. 19102	William D. Waters	2 Penn Center Plaza	215-597-2040
Chicago, Ill. 60606	Edwin P. Trainor	1 North Wacker Dr	312-353-3700
New York, N.Y. 10007	Elliott H. Gray	90 Church St	212-264-7061
Atlanta, Ga. 30303	Andrew J. O'Donnell, Jr.	275 Peachtree St. NE	404-526-6048
Dallas, Tex. 75251	Walter T. Coppinger	7839 Churchill Way	214-655-5855
San Francisco, Calif. 94105	Thomas A. Cardoza	525 Market St	415-556-4021

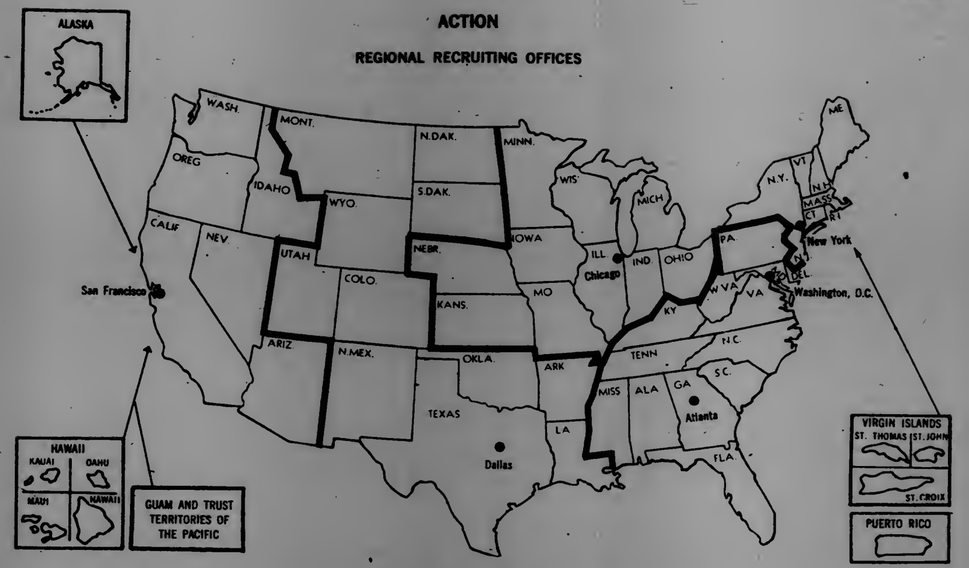
Department of the Treasury
U.S. Customs Service
Regional Commissioners

Region	Commissioner	Address	Telephone
Boston, Mass. 02203	William J. Griffin	John F. Kennedy Federal Bldg	617-223-7506
New York, N.Y. 10048	Fred R. Boyett	6 World Trade Center	212-466-4444
Baltimore, Md. 21202	Paul Lawrence	40 South Gay St	301-962-3288
Miami, Fla. 33166	Albert F. Bazemore	7370 Northwest 36th St	305-350-5952
New Orleans, La. 70113	Charles Fisher	701 Loyola Ave	504-527-6324
Houston, Tex. 77002	Cleburne M. Maier	500 Dallas Ave	713-226-4893
Los Angeles, Calif. 90012	Albert G. Bergesen	300 North Los Angeles St	213-688-5900
San Francisco, Calif. 94102	Frank W. Hammar, Acting	450 Golden Gate Ave	415-556-3500
Chicago, Ill. 60603	Jack T. Lacy	55 East Monroe St	312-353-4731

Department of the Treasury
U.S. Savings Bonds Division

Region	Director	Address	Telephone (FTS)
New York, N.Y. 10007	Nathan L. Fial	26 Federal Plaza	212-264-1155
Washington, D.C. 20008	Willard C. Ridley	4201 Connecticut Ave. NW	202-964-5704
New Orleans, La. 70113	Raphael H. Morvant	701 Loyola Ave	504-589-6105
Chicago, Ill. 60606	Clarence S. Sochowski	230 S. Dearborn St	312-353-6753
Oklahoma City, Okla. 73102	Dave O. Vandivier	Post Office Bldg	405-231-4101
St. Louis, Mo. 63101	Oscar P. Drake, Jr.	1015 Locust St	314-425-5851
Los Angeles, Calif. 90024	J. Quent Williams	1333 Westwood Blvd	213-824-7791

ACTION
REGIONAL RECRUITING OFFICES



ACTION
Regional Recruiting Offices

Region	Director	Address	Telephone
New York, N.Y. 10007	James St. Clair	26 Federal Plaza	212-264-1780
Washington, D.C. 20525	Walter McDonough	806 Connecticut Ave. NW	202-254-8786
Chicago, Ill. 60606	James Klatt	1 North Wacker Dr	312-353-4990
Dallas, Tex. 75201	Richard Garbell	212 North St. Paul St	214-749-3755
San Francisco, Calif. 94102	William McCleary	100 McAllister St	415-556-1724

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COMMODITY FUTURES TRADING COMMISSION



Commodity Futures Trading Commission

Region	Administrator	Address	Telephone
Eastern	T. Reed McMinn, Acting	61 Broadway, New York, N.Y. 10006	212–264–1028
Central	Donald Tendick, Acting	141 West Jackson Blvd., Chicago, Ill. 60604	312–353–5994
Western	Richard L. Kirchhoff, Acting	4800 Main St., Kansas, City, Mo. 64112	816–374–2994

CONSUMER PRODUCT SAFETY COMMISSION
AREA OFFICES



Consumer Product Safety Commission
Area Offices

Region	Director	Address	Telephone
Atlanta, Ga. 30309	Leslie Y. Pounds	1330 West Peachtree St. NW	404–526–2231
Boston, Mass. 02110	Jerome J. Donovan	100 Summer St	617–223–5576
New York, N.Y. 10048	Alexander Labonski	6 World Trade Center	212–264–1134
Chicago, Ill. 60604	Samuel M. Hart	230 South Dearborn St	312–353–8260
Cleveland, Ohio 44135	Roland W. Atley	21046 Brookpark Rd	216–522–3886
Dallas, Tex. 75201	Edward M. Yturri	500 South Ervay	214–749–3871
Denver, Colo. 80202	Vic Petralia	817–17th St	303–837–2904
Kansas City, Mo. 64106	Alfred E. Lucas	1125 Grand Ave	816–374–2034
Los Angeles, Calif. 90010	Joan F. Green	3660 Wilshire Blvd	213–688–7272
Minneapolis, Minn. 55111	John F. Rabusch	Federal Bldg., Fort Snelling	612–725–3424
New Orleans, La. 70130	Louis Lightner	2 Canal St	504–589–2102
Philadelphia, Pa. 19106	Lacy B. Ward	400 Market St	215–597–9105
San Francisco, Calif. 94111	James P. DiGrazia	100 Pine St	415–556–1816
Seattle, Wash. 98174	Joan L. Bergy	915 2d Ave	206–442–5276

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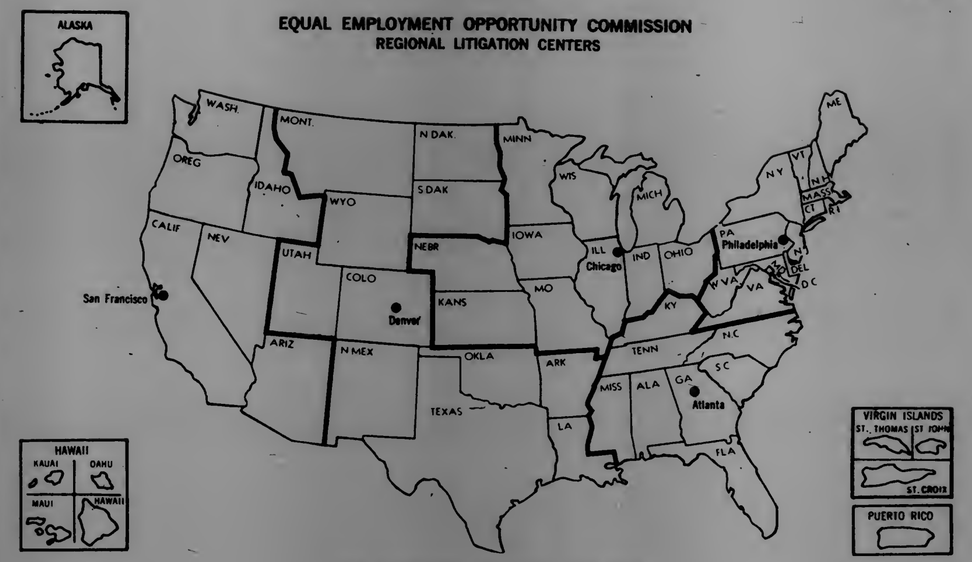
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
ASSIGNED FACILITIES CONTRACT COMPLIANCE OFFICES



Energy Research and Development Administration
Assigned Facilities Contract Compliance Offices

Region	Director	Address	Telephone
Albuquerque, N. Mex. 87115	Guy W. McCarty	P.O. Box 5400	505–264–6980
Chicago, Ill. 60430	Ben L. West	9800 South Cass Ave	312–739–2091
New York, N.Y. 10014	Craig K. Zane	376 Hudson St	212–620–3657
Oak Ridge, Tenn. 37830	Roy Hull	P.O. Box E	615–483–4291
Philadelphia, Pa. 19108	Juanita Smith	600 Arch St	215–597–0485

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
REGIONAL LITIGATION CENTERS



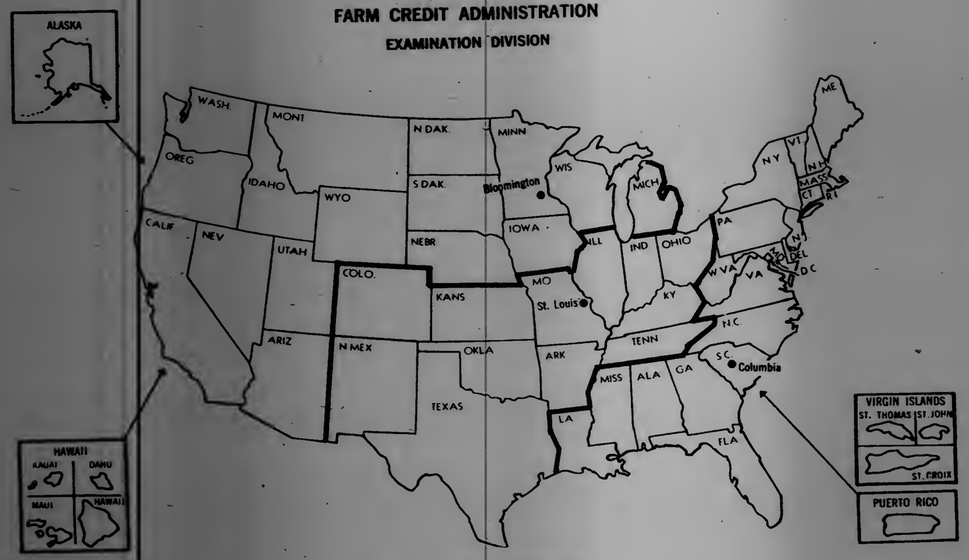
Equal Employment Opportunity Commission
Regional Litigation Centers

Region	Regional Attorney	Address	Telephone
Philadelphia, Pa. 19106	Delores Wilson	127 North 4th St	215–597–0881
Atlanta, Ga. 30309	Earl Harper, Acting	1389 Peachtree St. NE	404–526–2171
Chicago, Ill. 60605	Ronald James	536 South Clark St	312–353–8550
Denver, Colo. 80202	George Darden, Acting	7531 Stout St	303–837–2771
San Francisco, Calif. 94102	Francisco Cancino, Acting	1390 Market St	415–556–0833

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FARM CREDIT ADMINISTRATION

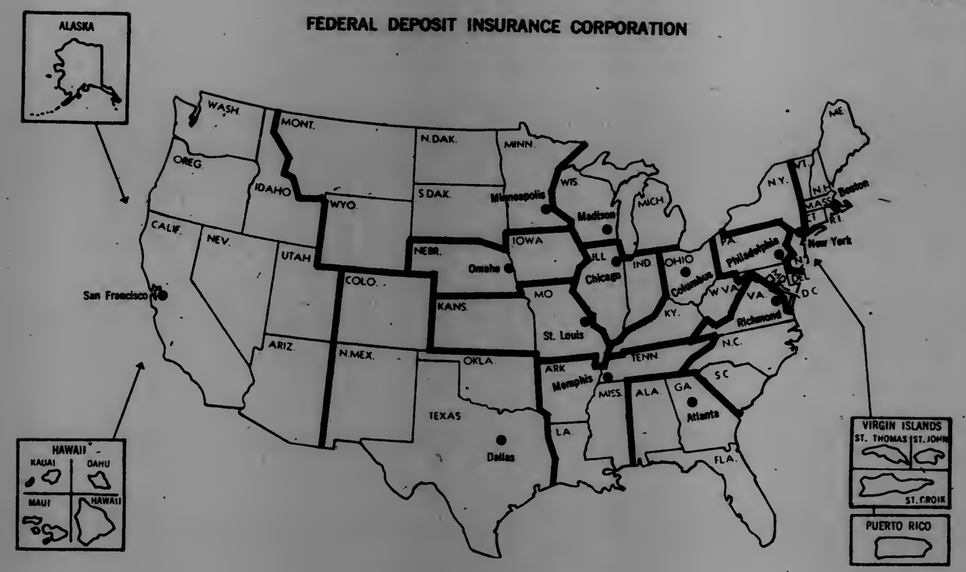
EXAMINATION DIVISION



Farm Credit Administration
Examination Division

Region	Manager	Address	Telephone
Columbia, S.C. 29205	A. C. Nielsen	2530 Devine St	803–765–5603
St. Louis, Mo. 63141	John Cantergiani	11710 Administration Dr	314–268–7101
Bloomington, Minn. 55420	John W. Means	2850 Metro Dr	612–725–3685

FEDERAL DEPOSIT INSURANCE CORPORATION

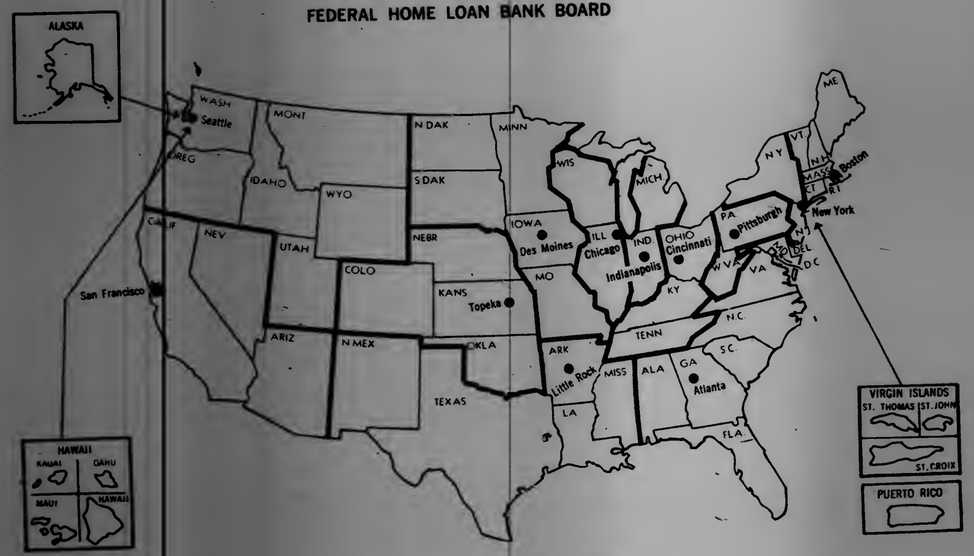


Federal Deposit Insurance Corporation

Region	Director	Address	Telephone
Atlanta, Ga. 30303	Lewis C. Beasley	2 Peachtree St. NW	404–526–6631
Boston, Mass. 02108	Mark J. Laverick	2 Center Plaza	617–223–6420
Chicago, Ill. 60606	James A. Davis	233 South Wacker Dr	312–353–0700
Columbus, Ohio 43215	John R. Curtis	37 West Broad St	614–469–7301
Dallas, Tex. 75201	Quinton Thompson	300 North Ervay St	214–749–7691
Madison, Wis. 53703	Bernard J. McKeon	1 South Pinckney St	608–252–5226
Memphis, Tenn. 38103	Roy E. Jackson	165 Madison Ave	901–534–3872
Minneapolis, Minn. 55402	Roger B. West	730 2d Ave., South	612–725–2046
New York, N.Y. 10022	Claude C. Phillippe	345 Park Ave	212–826–4762
Omaha, Nebr. 68102	Burton L. Blasingame	1700 Farnam St	402–345–9700
Philadelphia, Pa. 19103	Frank T. Locki	5 Penn Center Plaza	215–597–2295
Richmond, Va. 23219	John Stathos	908 East Main St	804–643–8716
St. Louis, Mo. 63101	Robert V. Shumway	720 Olive St	314–425–5715
San Francisco, Calif. 94104	Charles E. Doster	44 Montgomery St	415–556–2736

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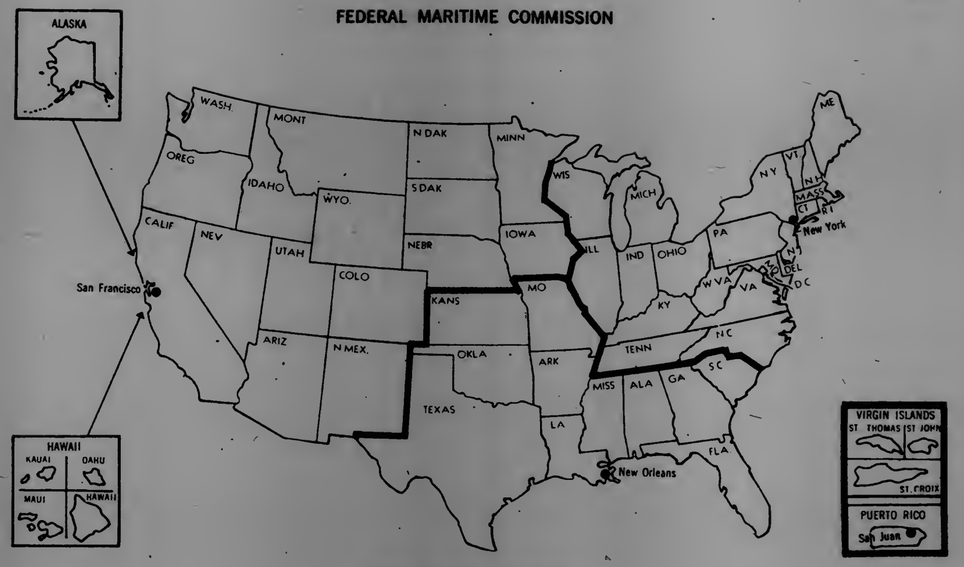
FEDERAL HOME LOAN BANK BOARD



Federal Home Loan Bank Board

District	District Director	Address	Telephone
Boston, Mass. 02108	Allan C. Taylor	1 Union St	617–223–3206
New York, N.Y. 10048	Richard W. Hamilton	1 World Trade Center	212–264–1447
Pittsburgh, Pa. 15222	William C. Shone	11 Stanwix St	412–644–2666
Atlanta, Ga. 30303	Howard L. Caffrey	260 Peachtree St. NW	404–526–4521
Cincinnati, Ohio 45202	Donald E. Ison	2400 DuBois Tower	513–684–2855
Indianapolis, Ind. 46204	Ervin Berlinger	2950 Indiana Tower, Indiana Square	317–269–6559
Chicago, Ill. 60601	Victor S. Meller	111 East Wacker Dr	312–353–8045
Des Moines, Iowa 50309	Robert E. Trotter	714 2d Ave	515–284–4310
Little Rock, Ark. 72201	H. H. Chastain	1350 Tower Bldg	501–378–5374
Topeka, Kans. 66601	Raymond J. Gatti	634 Harrison St	913–234–8263
San Francisco, Calif. 94108	Joseph W. George	600 California St	415–556–1910
Seattle, Wash. 98101	Richard J. Wick	600 Stewart St	206–442–7584

FEDERAL MARITIME COMMISSION

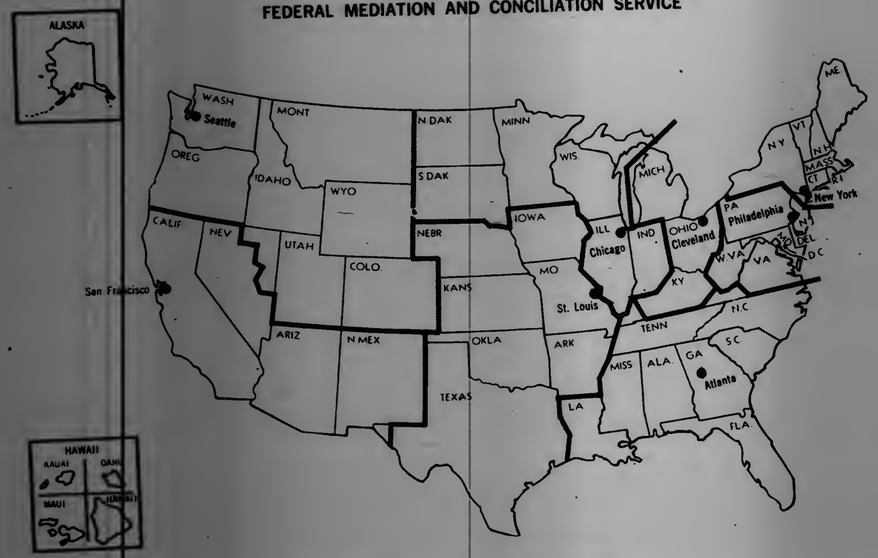


Federal Maritime Commission

District	Director	Address	Telephone
New York, N.Y. 10048	(Vacancy)	6 World Trade Center	212–264–1425
San Juan, P.R. 00904	Rambel A. Cuprill-Oppenheimer, Area Director	P.O. Box 3168	809–723–2095
New Orleans, La. 70190	Harry T. Statham	610 South St	504–527–6662
San Francisco, Calif. 94105	Robert E. Sunkel	525 Market St	415–556–5272

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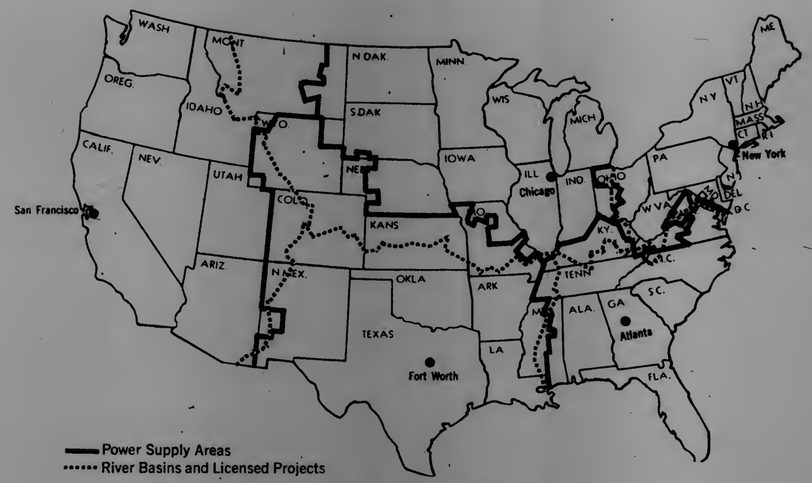
FEDERAL MEDIATION AND CONCILIATION SERVICE



Federal Mediation and Conciliation Service

Region	Director	Address	Telephone
New York, N.Y. 10007	Paul Yager	26 Federal Plaza	212–264–1000
Philadelphia, Pa. 19106	Robert W. Donnahoo	4th and Chestnut Sts	215–597–7676
Atlanta, Ga. 30309	Tally R. Livingston	1422 West Peachtree St. NW	404–526–2473
Cleveland, Ohio 44114	(Vacancy)	815 Superior Ave. NE	216–522–4800
Chicago, Ill. 60604	Richard D. Williams	219 South Dearborn St	312–353–7350
St. Louis, Mo. 63105	Paul E. Bowers	120 South Central	314–425–3291
San Francisco, Calif. 94102	Lowell M. McGinnis	450 Golden Gate Ave	415–556–4670
Seattle, Wash. 98174	James L. MacPherson	915 2d Ave	206–442–4555

FEDERAL POWER COMMISSION

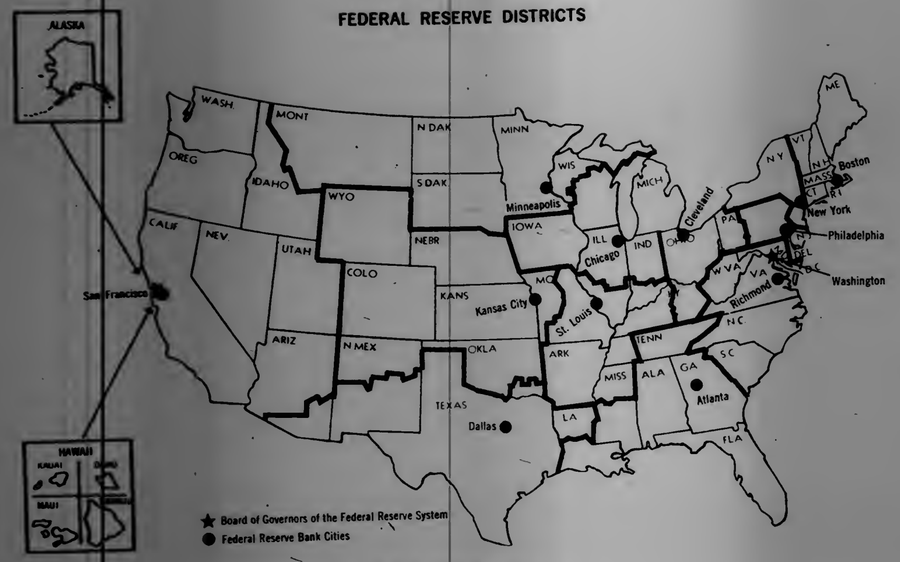


Federal Power Commission

Region	Engineer	Address	Telephone
Atlanta, Ga. 30308	Clarence L. Fishburne	730 Peachtree St	404–526–5134
Chicago, Ill. 60604	Lenard B. Young	230 South Dearborn St	312–353–6171
Fort Worth, Tex. 76102	Donald L. Martin	819 Taylor St	817–334–2631
New York, N.Y. 10007	Angelo M. Monaco	26 Federal Plaza	212–264–3687
San Francisco, Calif. 94111	M. Frank Thomas	555 Battery St	415–556–3581

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FEDERAL RESERVE DISTRICTS



Federal Reserve Districts

Region	President	Address	Telephone
Boston, Mass. 02106	Frank E. Morris	30 Pearl St	617–426–7100
New York, N.Y. 10045	Alfred Hayes	33 Liberty St	212–791–5000
Philadelphia, Pa. 19101	David P. Eastburn	925 Chestnut St	215–574–6000
Cleveland, Ohio 44101	Willis J. Winn	1455 East 6th St	216–241–2800
Richmond, Va. 23261	Robert P. Black	100 North 9th St	804–648–7271
Atlanta, Ga. 30303	Monroe Kimbrel	104 Marietta St. NW	404–522–4061
Chicago, Ill. 60690	Robert P. Mayo	230 South LaSalle St	312–427–2320
St. Louis, Mo. 63166	Darryl R. Francis	411 Locust St	314–421–1700
Minneapolis, Minn. 55480	Bruce K. MacLaury	250 Marquette Ave	612–340–2345
Kansas City, Mo. 64198	George H. Clay	925 Grand Ave	816–881–2000
Dallas, Tex. 75222	Ernest T. Baughman	400 South Akard St	214–651–6111
San Francisco, Calif. 94120	John J. Balles	400 Sansome St	415–397–1000

FEDERAL TRADE COMMISSION



Federal Trade Commission

Region	Director	Address	Telephone
Atlanta, Ga. 30308	S. Edward Combs	730 Peachtree St. NE	404–526–5836
Boston, Mass. 02114	William M. Gibson	150 Causeway St	617–223–6621
Chicago, Ill. 60603	Stephanie W. Kanwit	55 East Monroe St	312–353–4423
Cleveland, Ohio 44199	Paul R. Peterson	Federal Office Bldg	216–522–4207
Dallas, Tex. 75201	Carl L. Swanson, Jr	500 South Ervay St	214–749–3056
Kansas City, Mo. 64106	Newman T. Guthrie	Federal Office Bldg	816–374–5256
Los Angeles, Calif. 90024	Carol G. Emerling	Federal Bldg	213–824–7575
New Orleans, La. 70130	(Vacancy)	333 St. Charles St	504–589–2091
New York, N.Y. 10007	Richard A. Givens	Federal Bldg	212–264–1200
San Francisco, Calif. 94102	William A. Arbitman	450 Golden Gate Ave	415–556–1270
Seattle, Wash. 98174	William C. Erxleben	915 2d Ave	206–442–4655
Washington, D.C. 20037	Michael J. Vitale	2120 L St. NW	202–254–7700

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INTERSTATE COMMERCE COMMISSION



Interstate Commerce Commission

Region	Manager	Address	Telephone
Boston, Mass. 02114	Robert L. Abare	150 Causeway St	617–223–2372
Philadelphia, Pa. 19106	Fred E. Cochran	600 Arch St	215–597–4449
Atlanta, Ga. 30309	James B. Weber	1252 West Peachtree St. NW	404–526–5371
Chicago, Ill. 60604	Alfred E. Rathert	Everett McKinley Dirksen Bldg	312–353–6124
Fort Worth, Tex. 76102	Harold M. Gregory	Fritz Garland Lanham Federal Bldg	817–334–2794
San Francisco, Calif. 94102	J. Warren McFarland	Federal Bldg	415–556–5515

RAILROAD RETIREMENT BOARD



Railroad Retirement Board

Region	Director	Address	Telephone
Atlanta, Ga. 30308	Edmund J. Setaro	730 Peachtree St. NE	404–526–3006
New York, N.Y. 10007	William R. Spence	26 Federal Plaza	212–264–8495
Cleveland, Ohio 44199	Gene O. Wilson	Anthony J. Celebrezze Federal Bldg	216–522–4043
Kansas City, Mo. 64106	John F. Marnell	Federal Bldg	816–374–3278
San Francisco, Calif. 94102	Robert L. Livingston	450 Golden Ave	415–556–2584

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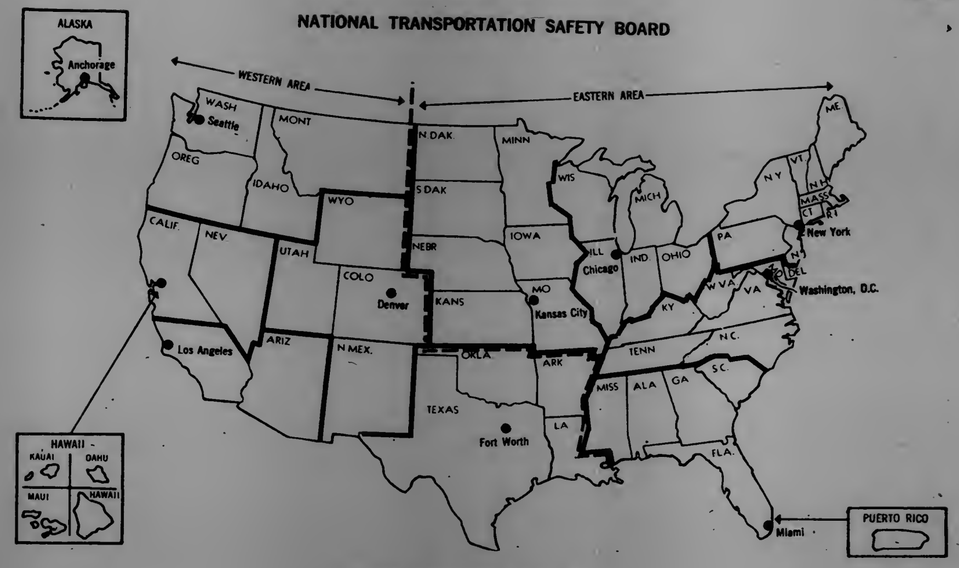
NATIONAL LABOR RELATIONS BOARD



National Labor Relations Board

Region	Director	Address	Telephone
1—Boston, Mass. 02114	Robert S. Fuchs	15 New Chardon St	617–223–3300
2—New York, N.Y. 10007	Sidney Danielson	26 Federal Plaza	212–264–0300
3—Buffalo, N.Y. 14202	Thomas W. Seeler	111 West Huron St	716–842–3100
4—Philadelphia, Pa. 19106	Peter W. Hirsch	600 Arch St	215–597–7601
5—Baltimore, Md. 21201	William C. Humphrey	Federal Bldg	301–962–2822
6—Pittsburgh, Pa. 15222	Henry Shore	1000 Liberty Ave	412–644–2977
7—Detroit, Mich. 48226	Bernard Gottfried	1249 Washington Blvd	313–226–3200
8—Cleveland, Ohio 44199	Bernard Levine	1240 East 9th St	216–522–3715
9—Cincinnati, Ohio 45202	Emil C. Farkas	550 Main St	513–684–3686
10—Atlanta, Ga. 30308	Walter C. Phillips	730 Peachtree St. NE	404–526–5760
11—Winston-Salem, N.C. 27101	Reed Johnston	301 North Main St	919–723–9211 Ext. 300
12—Tampa, Fla. 33602	Harold A. Boire	500 Zack St	813–228–7711 Ext. 227
13—Chicago, Ill. 60604	(Vacancy)	219 South Dearborn St	312–353–7572
14—St. Louis, Mo. 63101	Joseph H. Solien	210 North 12th Blvd	314–622–4167
15—New Orleans, La. 70113	Charles M. Paschal, Jr	1001 Howard Ave	504–589–6361
16—Fort Worth, Tex. 76102	W. Edwin Youngblood	819 Taylor St	817–334–2921
17—Kansas City, Kans. 66101	Thomas C. Hendrix	4th at State	816–374–4518
18—Minneapolis, Minn. 55401	Robert J. Wilson	110 South 4th St	612–725–2611
19—Seattle, Wash. 98101	Charles M. Henderson	1511 3d Ave	206–442–4532
20—San Francisco, Calif. 94103	(Vacancy)	450 Golden Gate Ave	415–556–3197
21—Los Angeles, Calif. 90014	Wilford W. Johansen	849 South Broadway	213–688–5200
22—Newark, N.J. 07102	Arthur Eisenberg	970 Broad St	201–645–2100
23—Houston, Tex. 77002	Louis V. Baldovin, Jr	500 Dallas Ave	713–226–4812
24—Hato Rey, P.R. 00917	Raymond J. Compton	255 Ponce de Leon Ave	809–622–0247
25—Indianapolis, Ind. 46204	William T. Little	150 West Market St	317–633–8921
26—Memphis, Tenn. 38103	Raymond A. Jacobson	167 North Main St	901–534–3161
27—Denver, Colo. 80202	Francis Sperandeo	721 19th St	303–837–3555
28—Phoenix, Ariz. 85014	Milo Price	6107 North 7th St	602–261–3717
29—Brooklyn, N.Y. 11241	Samuel M. Kaynard	16 Court St	212–596–3535
30—Milwaukee, Wis. 53203	George F. Squillacote	744 North 4th St	414–224–3861
31—Los Angeles, Calif. 90024	Abraham Siegel	11000 Wilshire Blvd	213–824–7351

NATIONAL TRANSPORTATION SAFETY BOARD

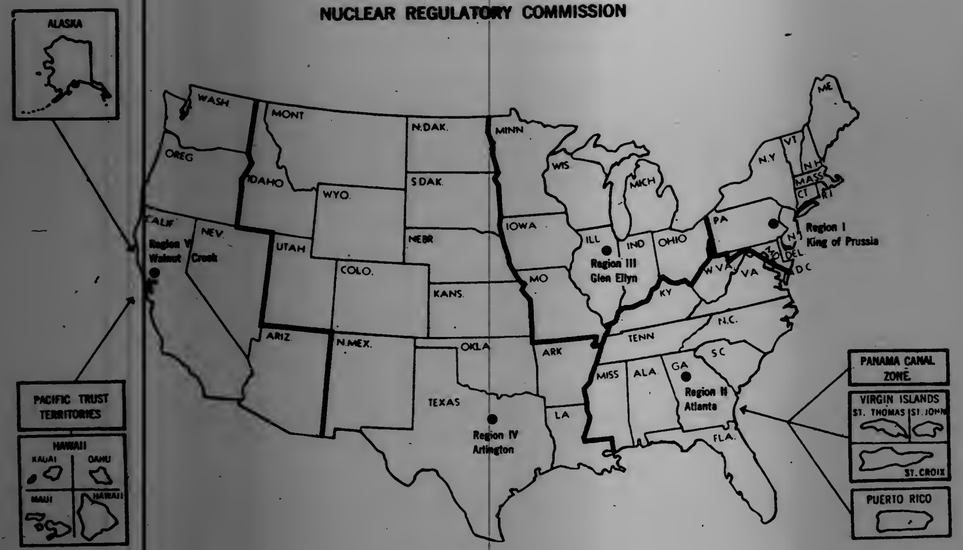


National Transportation Safety Board

Region	Chief	Address	Telephone
EASTERN			
Jamaica, N.Y. 11430	George A. Van Epps, Acting (Eastern Area Supervisor)	Federal Bldg., JFK International Airport	212–995–3716
Washington, D.C. 20041	Richard G. Rodriguez	P.O. Box 17226, Gateway Bldg. No. 1, Dulles International Airport	703–471–1200
Miami, Fla. 33148	Arthur E. Newmann	P.O. Box 481245, Miami International Airport	305–885–2444
Des Plaines, Ill. 60018	George J. Green	2300 East Devon Ave	312–827–8858
Kansas City, Mo. 64106	Bruce G. Hoch	601 East 12th St	816–374–3576
WESTERN			
Los Angeles, Calif. 90045	Alan L. Crawford (Western Area Supervisor)	8939 South Sepulveda Blvd	213–776–0117
Anchorage, Alaska 99501	Franklin E. Malone	632 6th Ave	907–277–0593
Fort Worth, Tex. 76102	George R. Clark	819 Taylor St	817–334–2616
Oakland, Calif. 95621	Ivan R. Stracener	7700 Edgewater Dr	415–568–1290
Aurora, Colo. 80010	George R. Baker	10255 East 25th Ave	303–637–4492
Seattle, Wash. 98108	Willard P. Peterson	9010 East Marginal Way	206–783–2810

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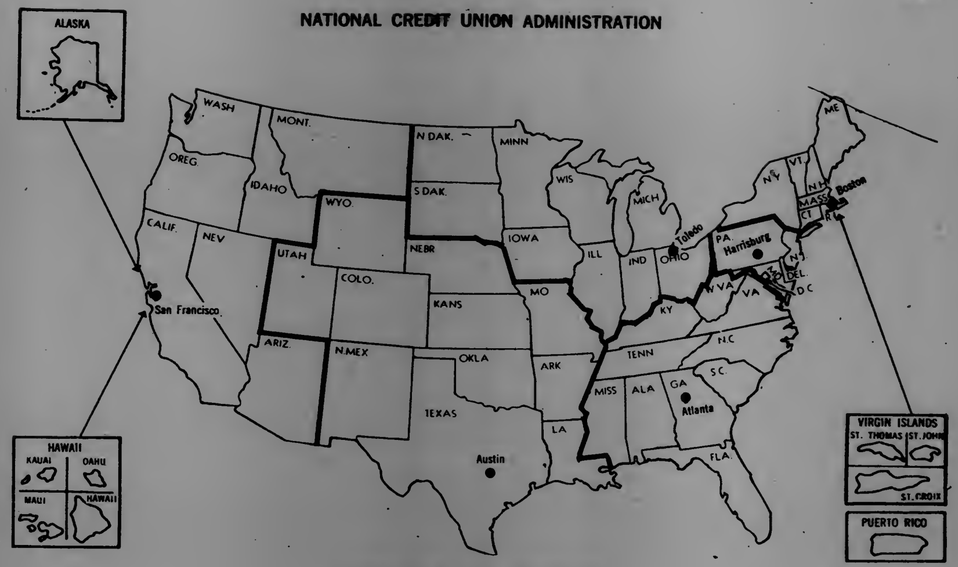
NUCLEAR REGULATORY COMMISSION



Nuclear Regulatory Commission

Region	Director	Address	Telephone
King of Prussia, Pa. 19406	James P. O'Reilly	631 Park Ave	215–337–1150
Atlanta, Ga. 30303	Norman C. Moseley	230 Peachtree St. NW	404–526–4503
Glen Ellyn, Ill. 60137	James G. Keppler	799 Roosevelt Rd	312–858–4040 (FTS) 312–858–2660 (Commercial)
Arlington, Tex. 76012	E. Morris Howard	611 Ryan Plaza Dr	817–334–2841
Walnut Creek, Calif. 94596	Robert H. Engelken	1990 North California Blvd	415–486–3141

NATIONAL CREDIT UNION ADMINISTRATION

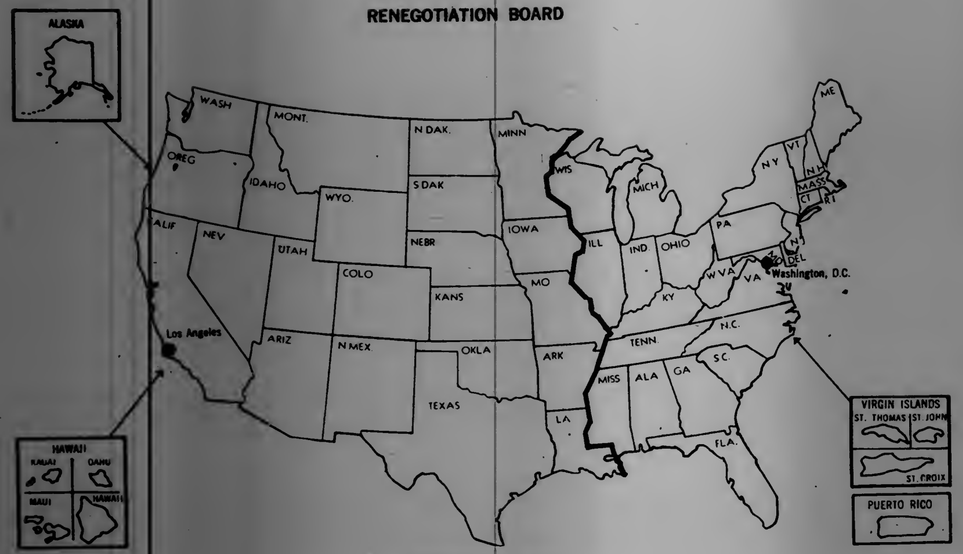


National Credit Union Administration

Region	Director	Address	Telephone
Boston, Mass. 02171	William Covington	1776 Heritage Dr	617–223–6807
Harrisburg, Pa. 17108	Earl Bradley	228 Walnut St	717–782–4595
Atlanta, Ga. 30308	Robert E. Boon	800 Peachtree St. NE	404–526–3127
Toledo, Ohio 43604	Louis P. Acuna	234 North Summit St	419–259–7511
Austin, Tex. 78701	Paul Trylko	205 West 9th St	512–397–5131
San Francisco, Calif. 94102	Ed Bernhoft	760 Market St	415–556–6277

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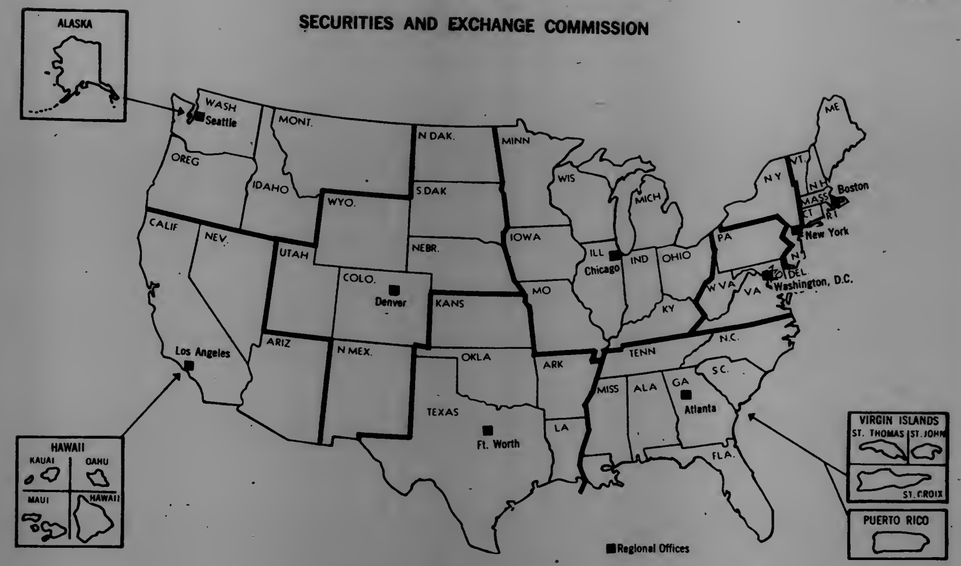
RENEGOTIATION BOARD



Renegotiation Board

Region	Board Chairman	Address	Telephone
Washington, D.C. 20447	Ralph A. Johnson	2000 M St. NW	202–254–7442
Los Angeles, Calif. 90012	Stanley D. Broselow	300 North Los Angeles St.	213–688–3106

SECURITIES AND EXCHANGE COMMISSION

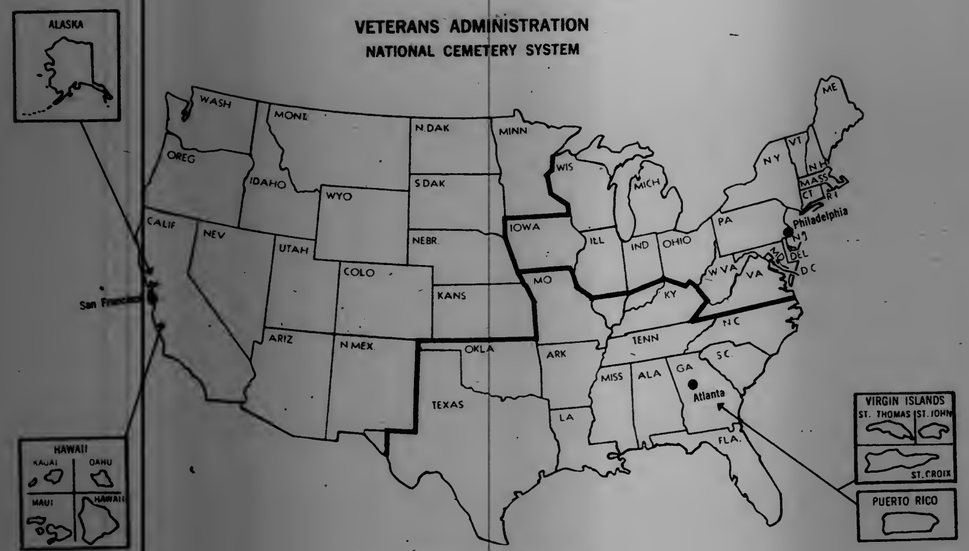


Securities and Exchange Commission

Region	Administrator	Address	Telephone
Atlanta, Ga. 30309	Jule B. Greene	1371 Peachtree St. NE	404–526–5844
Boston, Mass. 02114	Floyd H. Gilbert	150 Causeway St.	617–223–2721
Chicago, Ill. 60604	William D. Goldsberry	219 South Dearborn St.	312–353–7390
Denver, Colo. 80202	Robert H. Davenport	1515 Arapahoe St.	303–837–2071
Fort Worth, Tex. 76102	Richard M. Hewitt	10th and Lamar Sts.	817–344–3393
Los Angeles, Calif. 90012	Gerald E. Boltz	312 North Spring St.	213–688–5871
New York, N.Y. 10007	William D. Moran	26 Federal Plaza	212–264–1636
Seattle, Wash. 98101	Jack H. Bookey	1411 4th Ave. Bldg.	206–442–7990
Arlington, Va. 22203	William R. Schief	4015 Wilson Blvd.	703–557–8201

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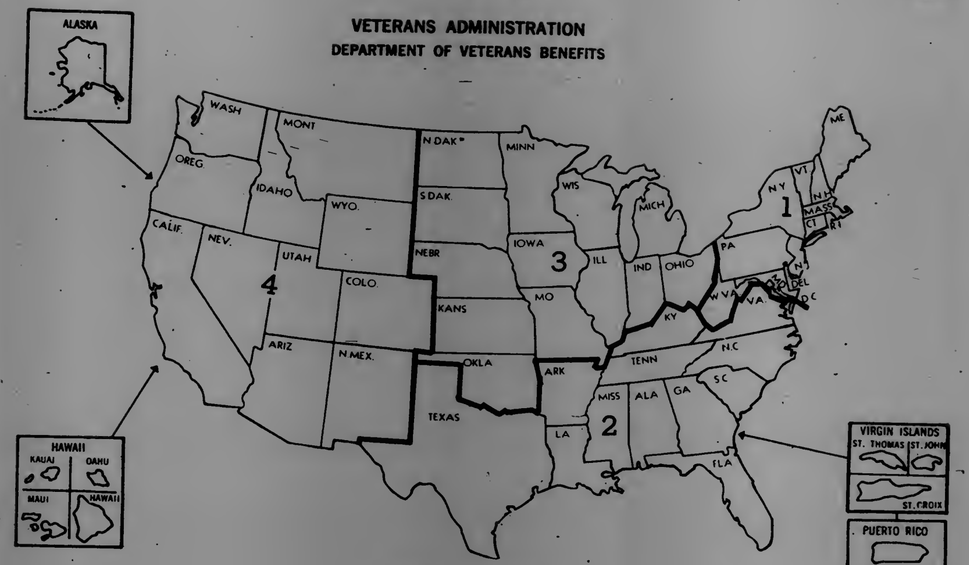
VETERANS ADMINISTRATION
NATIONAL CEMETERY SYSTEM



Veterans Administration
National Cemetery System
National Cemetery Supervising Offices

Region	Chief	Address	Telephone
Atlanta, Ga. 30308	David N. Sisson	730 Peachtree St. NE	404–526–2121
Philadelphia, Pa. 19106	Nicholas G. Hamaty	600 Arch St	215–597–8112
San Francisco, Calif. 94105	Thomas M. Barford	211 Main St	415–556–1903

VETERANS ADMINISTRATION
DEPARTMENT OF VETERANS BENEFITS



Veterans Administration
Department of Veterans Benefits
Area Field Directors
(Located in Central Office: 810 Vermont Ave. NW., Washington, D.C. 20420)

Region	Director	Address	Telephone
1	A. J. Bochicchio	Room 314 (201A)	202–389–2651
2	M. L. Howells	Room 314 (201B)	202–389–2738
3	John W. Hagan, Jr.	Room 324 (201C)	202–389–2636
4	T. C. Brown	Room 324 (201D)	202–389–2627

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federal register

TUESDAY, SEPTEMBER 30, 1975

PART IV:

PRIVACY ACT OF 1974

VARIOUS AGENCIES

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 293—PERSONNEL RECORDS AND FILES

PART 297—PROTECTION OF PRIVACY IN PERSONNEL RECORDS

The Civil Service Commission published in the FEDERAL REGISTER on May 27, 1975 (40 FR 22842) a notice of proposed rulemaking to amend 5 CFR Part 293 by adding a subpart A and by establishing a new Part 297 to implement provisions of the Privacy Act of 1974 (Pub. L. 93-579). The proposed amendment would add a new subpart A to Part 293 to establish basic policies for the establishment and maintenance of personnel systems of records, including safeguarding personal information about individuals contained in manual and automated record systems. The proposed amendment would also establish a new Part 297, subpart A, to establish procedures for protection of personal information contained in personnel records, including specific requirements regarding the collection of personal information about individuals, access to and correction and amendment of personnel records, and the disclosure of personal information about individuals from personnel records. Interested persons were given 30 days in which to submit comments and suggestions regarding the proposed amendments. All comments submitted were given due consideration.

As a result of comments received, subpart A, Part 293, and subpart A, Part 297, are revised in their entirety and are hereby adopted as set forth below.

Effective date. These rules are effective September 27, 1975.

1. In 5 CFR, Part 293, Subpart A is added as follows:

Subpart A—Basic Policies on Maintenance of Personnel Records and Files

Sec.
293.101 Purpose.
293.102 Responsibility.
293.103 Publication of annual notices.
293.104 New uses of information.
293.105 Content of systems of personnel records.
293.106 Reports concerning changes to systems of personnel records.
293.107 Use of Social Security Account Number in personnel systems of records.
293.108 Collection of personal information from individual concerned.
293.109 Restriction on maintenance of certain records.
293.110 Rules of conduct.
293.111 Safeguarding personal information about individuals contained in manual personnel record systems.
293.112 Safeguarding data about individuals contained in automated record systems.
293.113 Accounting of the disclosures of personnel records.
293.114 Annual report.

AUTHORITY: 5 U.S.C. 552a; 3 CFR 1954–1958 Comp., p. 205.

Subpart A—Basic Policies on Maintenance of Personnel Records and Files

§ 293.101 Purpose.

(a) The purpose of this subpart is to set forth the basic policies for governing the establishment, maintenance, and use of personnel records and files for which the Civil Service Commission is responsible in accordance with 5 U.S.C. 552a. This subpart applies to any department and independent establishment in the executive branch of the Federal Government, including a Government corporation or Government controlled corporation, except the Central Intelligence Agency and the Federal Bureau of Investigation.

(b) In this subpart:

(1) "Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to education, financial transactions, medical history, and criminal or employment history, when such information contains a name, or an identifying number, symbol, or other identifying particular assigned to an individual, such as a finger or voice print or photograph;

(2) "System of records" means a group of any records under the control of any agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to an individual;

(3) "Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;

(4) "Personnel record" means any personal information maintained in a system of records as defined in paragraph (b)(2) of this section that is needed at all echelons of management for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals; and

(5) "Commission" means Civil Service Commission.

§ 293.102 Responsibility.

(a) Each Government agency is responsible for collecting and maintaining records associated with its personnel management program. The Commission is responsible for leadership in those areas of personnel policy and operations that must be uniform Government-wide.

(b) Specifically, the Commission is responsible for managing major Government-wide systems of personnel records as required by statute or Executive Order. For each system of personnel records the Commission:

(1) Prescribes the contents, format, or methods of keeping the records; and

(2) Requires agencies or Commission offices to maintain and retrieve the records by individual name or identifying number.

(c) In accordance with paragraphs (b)(1) and (2) of this section, the Commission is responsible for the following specific Government-wide systems of personnel records:

(1) Appeals, Grievances, and Complaints Records;

(2) Confidential Employment and Financial Interest Statements,

(3) General Personnel Records;

(4) Personnel Investigations Records; and

(5) Recruiting, Examining, and Placement Records.

(d) In addition, the Commission is responsible for systems of records on individuals that it maintains and uses entirely within the Commission. These systems of records are as follows:

(1) Defense Mobilization Emergency Cadre Records.

(2) Civil Service Retirement Records.

(3) Executive Assignment and Inventory Records.

(4) Federal Executive Development Program Records.

(5) Litigation and Political Activity (Hatch Act) Records.

(6) Motor Vehicle Operator and Accident Report Records.

(7) Pay, Leave, and Travel Records.

(8) Personnel Research Test Validation Records.

(e) Each agency is responsible for maintaining and controlling systems of personnel records, in addition to those specified in paragraph (c) of this section, that it keeps, prescribes, or controls, including:

(1) Personnel records maintained by agencies that are supplemental or related to the Government-wide systems of personnel records for which the Commission is responsible, but are not specifically required by the Commission.

(2) Personnel records maintained by agencies that are retrieved by individual name or identifying number as an agency convenience when the Commission does not require agencies to keep the records in that manner.

§ 293.103 Publication of annual notices.

(a) A notice of the existence of personnel records meeting the definition of a system of records as defined in this part shall be published annually in the format prescribed by the General Services Administration in the FEDERAL REGISTER, and shall include:

(1) The name and location of the system;

(2) The categories of individuals on whom records are maintained in the system;

(3) The categories of records maintained in the system;

(4) Each routine use of the records contained in the system, including the categories of users and the purposes of such use;

(5) The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The title and business address of the agency official who is responsible for the system of records;

(7) The agency procedures whereby an individual can request and receive notice as to whether the system of personnel records contains a record pertaining to him;

(8) The agency procedures whereby an individual can learn how access can be gained to any record pertaining to that

individual in a particular system of personnel records, and the procedure for correcting or contesting its content; and

(9) The categories of sources of records in the system.

(b) All systems of personnel records that are maintained by an agency are subject to the requirement to publish an annual descriptive notice. The Commission is responsible for publishing notices describing the systems of records for which it is responsible as outlined in § 293.102. Agencies are responsible for publishing notices describing any systems of personnel records that they maintain other than those outlined in § 293.102(c).

§ 293.104 New uses of information.

(a) Whenever there is a change in the routine use of a system of personnel records published previously in accordance with § 293.103, but at least 30 days prior to the publication of the next annual notice, the responsible agency or the Commission shall publish in the FEDERAL REGISTER, in accordance with 5 U.S.C. 553, a notice of intention to establish a new routine use for the system of records. The notice shall contain the following information:

(1) The name of the system of personnel records for which the new routine use is to be established;

(2) The authority for the system of personnel records;

(3) The purpose for which the record is to be maintained;

(4) The proposed new routine use or uses;

(5) The purpose of new routine use or uses; and

(6) The categories of recipients for each use.

Agencies shall publish routine uses in advance for all systems of personnel records for which they are responsible. The Commission will publish such notices for systems of records for which it is responsible. Agency requests for additional routine uses for systems of personnel records for which the Commission is responsible must be sent to:

Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street N.W., Washington, D.C. 20415.

§ 293.105 Content of systems of personnel records.

Agencies shall maintain in systems of personnel records only information about an individual that is relevant and necessary to accomplish the personnel administration purposes of the agency required by statute or Executive Order. Agencies shall identify the specific provision in law which authorizes them to maintain or propose to maintain information in a system of personnel records. Authority to maintain a system of personnel records does not give the agency the authority to maintain any information merely because that information may be useful, but instead permits the maintenance of information which is relevant and necessary. Agencies should test each item in a system to ensure that it is both relevant and necessary. The Commission shall identify in Chapter 297 of the Federal Personnel Manual those statutes, Executive Orders, or other authorities which authorize agencies to maintain personal information in systems of personnel records that are required by the Commission. All other items of information recorded in systems of personnel records shall be similarly identified in an internal publication by the agency.

§ 293.106 Reports concerning changes to systems of personnel records.

(a) Agencies shall provide to Congress, the Office of Management and Budget, and for the period of its existence, the Privacy Protection Study Commission, advance notice of any proposal to establish or alter any system of personnel records. This report will be submitted in accordance with guidelines provided in the Office of Management and Budget/Circular No. A–108.

§ 293.107 Use of the Social Security Account Number in personnel systems of records.

(a) Agencies shall not deny any individual any right, benefit, or privilege provided by law or the Commission because of an individual's refusal to provide his or her Social Security Account Number.

(b) The provisions of paragraph (a) of this section shall not apply with respect to the disclosure of a Social Security Account Number to any agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute, Executive Order, or regulation adopted prior to such date to verify the identity of an individual.

(c) Agencies will assure that a written explanation is distributed to each individual when an individual is requested to disclose his or her Social Security Account Number on a personnel form or document. The written explanation shall include:

(1) The use or uses that will be made of the Social Security Account Number;

(2) The statute or authority under which the Social Security Account Number is solicited; and

(3) Whether the disclosure of the Social Security Account Number is mandatory or voluntary.

§ 293.108 Collection of personal information from individual concerned.

Any information used in whole or in part in making a determination about an individual's rights, benefits, or privileges under Federal personnel programs should, to the extent practicable, be collected directly from the subject individual. Agencies should use information collected from the individual, such as that provided by the individual in the application for employment, unless: (a) The nature of the information is such that it can only be obtained from a third party; (b) the cost of collecting the information directly from the individual is unreasonable when compared with the cost of collecting it from a third party; (c) there is no risk that information collected from third parties, if inaccurate, could result in an adverse determination to the individual concerned; (d) the information supplied by an individual must be verified by a third party; or (e) provisions are made to verify with the subject individual information collected from a third party.

§ 293.109 Restriction on maintenance of certain records.

Personnel records describing how individuals exercise rights guaranteed by the First Amendment are prohibited unless specifically authorized by statute, or by the individual concerned, or unless pertinent to and within the scope of an authorized law enforcement activity. The exercise of these rights includes, but is not limited to, religious and political beliefs, freedom of speech and the press, and freedom of assembly and to petition.

§ 293.110 Rules of conduct.

It is the responsibility of the head of each agency to assure that persons involved in the design, development, operation, or maintenance of any system of personnel erocrds are informed of all requirements to protect the privacy of the individuals who are subjects of the records. Employees should be informed of all the implications of their actions in this area, including especially:

(a) That crimfnal penalties are provided under 5 U.S.C. section 552a for knowingly and willfully disclosing a record about an individual without the written consent or the written request of that individual, or unless disclosure is for one of the reasons listed under section 297.109 of this chapter; and

(b) That the agency may be subject to civil suit due to failure to comply with the provisions of §§ 297.105, 297.108, 297.111, and 297.112 of this chapter.

§ 293.111 Safeguarding personal information about individuals contained in manual personnel record systems.

In order to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to the security or integrity of such records, each agency shall:

(a) Establish administrative, technical, and physical controls to protect personal information about individuals contained in manual personnel records from unauthorized access or disclosure. Each agency shall designate an official assigned to a location where personnel records are stored who shall be responsible for providing protection and accountability for such records at all times and insuring that personnel records are secured in appropriate containers whenever they are not in use or under direct control of authorized persons. Personnel records may be used, held, or stored only where facilities or conditions are adequate to prevent unauthorized access. Whenever personnel records are not under the personal control of an authorized person, they must be stored in lockable metal filing cabinets or in a secured room. Alternative storage facilities may be employed, provided they furnish an

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equivalent or greater degree of physical security than the cited methods.

(b) Access to and use of personnel records shall be permitted only to persons whose official duties require such access or, pursuant to § 297.109 of this chapter, to a person to whom the personnel record pertains or to his or her designated personal representative. To the extent feasible, access to areas where personnel records are stored will be limited to only those persons whose official duties require work in such areas. Proper control of personnel records shall be maintained at all times, including an accounting of their removal from the storage area.

(c) Each agency shall assure that all persons whose official duties require access to and use of personnel records are adequately trained to protect the security and privacy of personnel records.

(d) The disposal and destruction of personnel records shall be in accordance with General Records Schedule 1 promulgated by the General Services Administration or, alternatively, with any agency records control schedules approved by the National Archives and Records Service of the General Services Administration.

§ 293.112 Safeguarding data about individuals contained in automated record systems.

(a) Each agency shall establish administrative, technical, physical, and security safeguards to prevent unauthorized disclosure, modification, or destruction of identifiable personal data in automated systems of records. These safeguards shall apply to all automated systems that contain personal data traceable to individuals, including all reports and outputs from those systems which contain identifiable personal data. The safeguards must be sufficient to (1) prevent careless, accidental, or unintentional disclosure, modification, or destruction of identifiable personal data; (2) minimize the risk that skilled technicians or knowledgeable persons could improperly obtain access to, modify, or destroy identifiable personal data; and (3) to prevent casual entry by unskilled persons who have no official reason for access to such data. Each agency shall designate an official assigned to a location where automated identifiable personal data are processed, stored, or maintained, who shall be responsible for the protection and accountability of all personal data in automated systems, including input and output documents, punched cards and magnetic tapes, disks, or records.

(b) Identifiable personal data may be processed, stored, or maintained by automated data systems only where facilities or conditions are adequate to prevent unauthorized access to identifiable personal data in any form. Whenever identifiable personal data, including input and output documents, punched cards, and magnetic tapes or disks are not under the personal control of an authorized person, such data must be stored in adequate locked containers or in a secured room. These are minimum requirements; however, more stringent physical security controls may be employed.

(c) Access to and use of identifiable personal data associated with automated data systems shall be limited to those persons whose official duties require such access. At all times and in whatever form the data might appear, effective control shall be exercised over identifiable personal data associated with automated systems.

(d) Each agency shall provide adequate training to all persons whose official duties require access to, processing, or maintenance of identifiable personal data in automated systems in order to achieve the security and privacy of personal data.

(e) The disposal of identifiable personal data is to be accomplished in such a manner as to make the data unobtainable to unauthorized personnel. Unneeded personal data stored on reusable media such as magnetic tapes must be erased prior to release of the media for other uses.

§ 293.113 Accounting of the disclosures of personnel records.

(a) Unless made pursuant to paragraphs (a) or (b) of § 297.109 of this chapter, all disclosures of records covered by this section shall be accounted for by keeping a written record of the following information: (1) Description of the record disclosed; (2) the date, nature, and purpose of each disclosure of a record to any person or to another agency; and (3) the name and address of the person to whom the disclosure is made. No accounting is necessary for information disclosed pursuant to Part 294 of this chapter.

(b) The accounting of disclosures may be recorded in any system an agency determines is sufficient for this purpose. However, the agency must be able to construct from its system a listing of all disclosures. The accounting should provide a cross-reference to the justification or basis upon which the release was made, including any written documentation required when records are released for statistical or law enforcement purposes. The agency must retain the accounting for five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(c) For purposes of this part, the system of accounting of disclosures is not a system of records under the definition in § 293.101(b) and no accounting need be maintained for disclosure of the accounting of disclosures.

§ 293.114 Annual report.

By April 30th of each year, agencies will submit to the Office of Management and Budget, with a copy to the Commission, a report covering activities under the Privacy Act of 1974 as they relate to personnel records. Agencies shall follow the instructions issued by the Office of Management and Budget for submitting the report.

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2. A new 5 CFR Part 297 is added as follows:

Subpart A—Records Maintained on Individuals

Sec.
297.101 Purpose.
297.102 Definitions.
297.103 Responsibility.
297.104 Uses of information.
297.105 Standards of accuracy.
297.106 Procedures for requesting information pertaining to individual records in a system of records.
297.107 Requirements for identification of individuals making requests for access.
297.108 Access to personnel records by individuals.
297.109 Written consent for disclosure.
297.110 Notification of disclosure under compulsory legal process.
297.111 Request for correction or amendment of record.
297.112 Review of request for correction or amendment of record.
297.113 Review of initial adverse determination on correction or amendment.
297.114 Disclosure of record to person other than the individual to whom it pertains.
297.115 Fees.
297.116 Publication of rules and procedures.
297.117 Specific exemptions.

AUTHORITY: (5 U.S.C. 552a); sec. 4, E.O. 10561; 3 CFR 1954–1958 Comp., p. 205.

Subpart A—Records Maintained on Individuals

§ 297.101 Purpose.

The purpose of this part is to set forth the basic policies of the Commission on protection of individual privacy in regard to personnel records and files maintained within the Federal Government. This part applies to any department and independent establishment in the executive branch of the Federal Government, including a Government corporation or Government controlled corporation, except the Central Intelligence Agency and the Federal Bureau of Investigation.

§ 297.102 Definitions.

(a) All terms used in this subpart which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this subpart:

(1) The term "Act" means the "Privacy Act of 1974," Pub. L. 93–579.

(2) The term "Commission" means the Civil Service Commission.

(3) The term "inquiry" means either a request for general information regarding the Act and this subpart or a request by an individual that the Commission or an agency determine whether it has any record in a system of personnel records which pertains to that individual.

(4) The term "request for access" means a request by an individual or other authorized person to see a record which is in a particular system of records which pertains to that individual.

(5) The term "request for correction or amendment" means the request by an individual that the Commission or an agency change (either by correction, amendment, addition, or deletion) a particular record in a system of records which pertains to that individual.

(6) The term "review" means the request by an individual that an initial denial of a request be reviewed and reversed.

§ 297.103 Responsibility.

(a) Each agency is responsible for protection of individual privacy in its personnel management processes and in the systems of personnel records for which it is responsible under § 293.102 of this chapter.

(b) The Commission is responsible for protection of individual privacy in its internal personnel management processes and in the systems of personnel records for which it is responsible under § 293.102 of this chapter.

(c) With respect to the Government-wide systems of personnel records for which the Commission is responsible as defined in paragraph (c), § 293.102 of this chapter, the Commission will perform directly some of the functions required by 5 U.S.C. 552a and will rely on agencies to perform other functions under Commission policy guidelines and subject to Commission review and evaluation. The division of tasks between the Commission and agencies with respect to these Government-wide personnel records systems is set forth in Chapters 293 and 297 of the Federal Personnel Manual.

§ 297.104 Uses of information.

Agencies shall ensure that individuals from whom information is collected about themselves are informed of the reasons for requesting the information, how it may be used, and what the consequences are, if any, of not providing the information. As a minimum, the individual should be given the following information in language which is explicit and easily understood and not so lengthy as to deter an individual from reading it:

(a) Cite the specific provisions of the statute or Executive Order, including a brief title or subject, which authorizes the agency to collect the personal information it is requesting. Inform the individual whether or not a response is mandatory or voluntary and the possible consequences of failing to respond.

(b) Cite the general purposes for which the information will be used by the agency which maintains it.

(c) Cite the special routine uses for which the information will be employed. This may be a summary of the information published in the public notice under § 293.103 of this chapter.

(d) Cite the effects on the individual, if any, of not providing any or all of the information requested.

§ 297.105 Standards of accuracy.

(a) To minimize the risk that an agency will make an unwarranted adverse personnel determination about an individual or disseminate inaccurate information about an individual, all personnel records which are used in making any such determination shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.

(b) The following criteria will be used by the Commission and agencies in establishing standards of accuracy of information maintained on individuals:

(1) The factual accuracy of the information;

(2) The sufficiency of the information to make a fair and equitable determination about an individual;

(3) The relevance and necessity of the information in terms of the purpose for which it was collected;

(4) The timeliness and currency of the information in light of the purpose for which it was collected;

(5) The completeness of the information in terms of the purpose for which it was collected; and

(6) The degree of possibility that the information could unfairly result in a determination adverse to an individual.

(c) Agencies must provide, at the individual's request, an opportunity for an individual to review automated and manual personnel records that are maintained concerning the individual and that have the potential of being used in making a determination about the individual or being disclosed under routine uses outside the agency. Agencies must announce this opportunity by a notice to all employees at least annually.

§ 297.106 Procedures for requesting information pertaining to individual records in a system of records.

(a) Any individual may submit an inquiry to the Commission or to an agency. The inquiry should be made either in person or by mail addressed to the official identified in the notification procedures paragraph of the systems of records notice published in the FEDERAL REGISTER. An individual who believes the Commission or an agency maintains a record pertaining to him or her, but does not know which system of records might contain such a record, can obtain assistance from a Commission office in the area where he or she resides or from an agency personnel office. A list of area offices is included in an appendix to the notice of systems of records published in the FEDERAL REGISTER.

(b) The processing of inquiries submitted by mail will be facilitated if the words "PRIVACY ACT INQUIRY" appear in capital letters on the face of the envelope, and on the letter of inquiry.

(c) The Commission has an official form for making inquiries and requests. Copies may be obtained by contacting any of the Commission's offices listed in the appendix to the notice of systems of records or from agency personnel offices.

(d) (1) The Commission or the agency will accept an inquiry whether presented in person or by mail. If the inquiry is for general information regarding the Act and this part, the requestor is not required to submit any specific information in support of the request. If the inquiry is a request that the Commission or an agency determine whether it has, in a given system of records, a record which pertains to the individual, the following information should be submitted.

(i) Name and address of the individual making the request;

(ii) Name and address of the individual to whom the record pertains, if the requesting individual is either the parent of a minor or the legal guardian if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction or an authorized representative of an individual as indicated in § 297.108(f) of this part;

(iii) A certified or authenticated copy of documents establishing parentage or guardianship or a notarized statement authorizing a person to request access to such records;

(iv) Name of the system of records, as published in the FEDERAL REGISTER;

(v) Such additional information as the individual knows will or believes might assist the Commission or the agency in responding to the inquiry and in verifying the individual's identity (for example, date of birth, place of birth, place of work, names of parents where applicable, dates of employment, Social Security Number, position title, etc.);

(vi) Date of inquiry; and

(vii) Individual's signature.

The Commission or agency reserves the right to require compliance with the identification procedures appearing in § 297.107 of this subpart where circumstances warrant.

(2) In compliance with 5 U.S.C. 552a (e) (3), each individual supplying the information in accordance with paragraph (d) (1) of this section hereby is informed that:

(i) 5 U.S.C. 552a authorizes solicitation of the information; disclosure is voluntary, and no penalty is attached for failure to provide the information;

(ii) The principal purpose for which the information is intended to be used is processing the inquiry under the Act;

(iii) The routine uses which may be made of the information are routine uses appearing in the notice of systems of records published in the FEDERAL REGISTER; and

(iv) The effects of not providing all or any part of the information may be to render impossible or to delay the Commission's or the agency's processing of and action on the request under the Act.

(3) If, having been made aware of the contents of paragraph (d) (2) of this section, an individual submits the information listed in paragraph (d) (1) of this section, he or she will be deemed to have made the submission on a purely voluntary and consensual basis.

(e) Any inquiry which is not addressed as specified in paragraph (a) of this section or which is not marked as specified in paragraphs (b) and (d) of this section will be so addressed and marked by the Commission or agency personnel and forwarded immediately to the responsible System Manager indicated in the notice of systems of records. An inquiry which is not properly addressed by the individual will not be deemed to have been "received" for purposes of measuring time periods for response until the inquiry has been forwarded to the System Manager. In each instance when an inquiry so forwarded is received, the appropriate System Manager shall notify the individual

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that his or her inquiry was improperly addressed and the date when the inquiry was received at the proper address.

(f) The responsible System Manager will act promptly upon each inquiry received. The Commission or the agency will make every effort to respond within 10 days (excluding Saturdays, Sundays, and holidays) of the date of receipt. If a response cannot be made within 10 days, the System Manager shall send an acknowledgement during that period providing information on the status of the inquiry and asking for such further information as may be necessary to process the inquiry.

(g) An individual shall not be required to state a reason for or otherwise justify a proper inquiry under this part.

§ 297.107 Requirements for identification of individuals making requests for access.

(a) The requirements for identification of individuals seeking access to records are as follows:

(1) *In person.* Each individual making a request in person shall be required to present satisfactory proof of identity. The means of proof, in order of preference or priority, are:

(i) A document bearing the individual's photograph (for example, driver's license, passport, or military or civilian identification card);

(ii) A document bearing the individual's signature, (for example, medicare card, unemployment insurance book, employer identification card, national credit card and professional, craft, or union membership card); and

(iii) A document bearing neither the photograph nor the signature of the individual. Use of such a document may require the individual to provide further proof of identity. In the event the individual can provide no suitable documentation of identity, the Commission or the agency will require a signed statement asserting the individual's identity and stipulating that the individual understands the penalty provision of 5 U.S.C. 552a(i)(3). In order to avoid any unwarranted disclosure of an individual's records, the Commission or an agency reserves the right to determine the adequacy of proof of identity offered by any individual.

(2) *Not in person.* If the individual making a request does not appear in person before a Commission or an agency official or employee authorized to determine identity, the Commission or the agency may accept any available document or evidence that makes it clear that the requestor and the subject of the record are one and the same. The Commission or the agency reserves the right to require that a certificate of a notary public or equivalent official empowered to administer oaths must accompany the request. The Commission or the agency may also require a signed statement asserting the individual's identity and stipulating that the individual understands the penalty provision of 5 U.S.C. 552a (i)(3).

(3) *Parents of minors and legal guardians.* An individual acting as the parent of a minor or the legal guardian of the individual to whom the record pertains shall establish his or her personal identity in the same manner prescribed in either paragraph (a) (1) or (2) of this section. In addition, such other individual shall establish his or her identity in the representative capacity of parent, guardian, or authorized representative. In the case of a parent of a minor, for proof of identity, the Commission or the agency may require a certified or authenticated copy of the minor's birth certificate. For proof of identity in the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the Commission or the agency may require a certified or authenticated copy of the court's order. A parent or legal guardian may be accompanied during personal access to a record by another individual, provided the provisions of § 297.108 are satisfied.

(b) When the provisions of this part are alleged to have the effect of impeding an individual in exercising his or her right to access, the Commission or agency will consider, from an individual making a request, alternative suggestions regarding proof of identity and access to records.

§ 297.108 Access to personnel records by individuals.

(a) The following procedures apply for access to personnel records by individuals:

(1) Current Federal employees should contact the System Manager indicated in the notice of systems of records in person or by mail.

(2) Former Federal employees should contact in person or by mail one of the Commission's offices, nearest to where he or she resides, indicated in the appendix to the notice of systems of records. That office will request the personnel records from the National Personnel Records Center and comply with paragraphs (b) through (h) of this section.

(3) Other individuals should contact the System Manager indicated in the notice of systems of records.

(b) Grant of access—(1) *Notification.* An individual shall be granted access to a record pertaining to him or her upon request, except where provisions of paragraph (g)(1) of this section apply. The System Manager or his designee shall notify the individual of such determination and provide the following information:

(i) The method of access, as set forth in paragraph (b)(2) of this section;

(ii) The place at which the record may be inspected;

(iii) The earliest date on which the record may be inspected and the period of time the records will remain available for inspection. In no event shall the earliest date be later than 30 days from the date of notification;

(iv) The estimated date by which a copy of the record could be mailed and the estimate of fees when appropriate and pursuant to § 297.115. In no event shall the estimated date by later than 30 days from the date of notification;

(v) The fact that the individual, if he or she wishes, may be accompanied by another individual during personal access, subject to procedures set forth in paragraph (b) of this section; and

(vi) Any additional requirements needed to grant access to a specific record.

(2) *Methods of access.* The following methods of access to records by an individual may be available depending on the circumstances of a given situation:

(i) Inspection in person may be made in the office specified by the System Manager granting access, during the hours specified.

(ii) Transfer of records to a Commission office or other Federal facility more convenient to the individual may be arranged, but only if the System Manager determines that a suitable facility is available, that the individual's access can be properly supervised at the facility, and that transmittal of the records to that facility will not unduly interfere with operations of the Commission or involve unreasonable costs, in terms of both money and manpower; and

(iii) Copies may be mailed at the request of the individual, subject to payment of fees, when appropriate, and pursuant to § 297.115.

(c) Special procedures shall apply to disclosure of the following records:

(1) Medical information about an applicant or employee may be disclosed by the Commission or other Government agency to the applicant or employee, or a representative designated in writing, except that medical information concerning a mental or other condition of such a nature that a prudent physician would hesitate to inform a person suffering from it of its exact nature and probable outcome may be disclosed only to a licensed physician designated in writing for that purpose by the individual to whom the information pertains or his or her designated representative.

(2) Investigative records and reports shall be disclosed to the individual to whom they pertain upon his or her request to the extent permitted by the Privacy Act of 1974, except that disclosure will not be made of such material that would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Medical information contained in investigative records and reports will be disclosed to the individual to whom it pertains unless, in the judgment of the agency, access to such information could have an adverse effect upon such individual. In such a case, the information will be made available to a licensed physician named by the requesting individual.

(3) Medical information in retirement and insurance records may be released to the individual to whom it pertains, or to such representative as he designates in writing, except that medical information which indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform an individual suffering from such a condition about its exact nature and probable outcome, shall not be released to the individual to whom the records pertain or to any individual designated by him, other than a physician designated by the individual or his guardian in writing to receive a full report of the medical evidence in his or her file, including copies of background reports of reported behavioral irregularities or manifestations of unsatisfactory service which are ordinarily obtained in connection with an application for disability retirement, and furnished as background factual evidence to Government medical institutions, psychiatrists, or other physicians who conduct the official retirement medical examination.

(4) Examination and related material shall be disclosed only under circumstances that maintain the integrity of the competitive testing program. The test papers of a competitor may be disclosed to the competitor only during the examination except that answer sheets may be reviewed by a competitor in the office where the examination was given in the presence of a Commission employee upon request. A copy of the answer sheet will not be made available to a competitor.

(5) The Commission will disclose to the parties concerned the information contained in an appeal file established under Part 772 of this chapter, subject to the provisions for access to medical and investigative information in paragraphs (c) (1) and (2) of this section. For the purpose of this subsection, "the parties concerned" means the applicant for Government employment, Government employee, or former Government employee involved in the proceeding, his representative designated in writing, and the representatives of the agency and the Commission.

(6) The agency having custody of a discrimination complaint file established under Part 713 of this chapter, or a grievance file established under Part 771 of this chapter will disclose to the parties concerned the information contained in the file, subject to the provisions for access to medical and investigative information in paragraphs (c) (1) and (2) of this section. For purposes of this subsection, "the parties concerned" has the same meaning indicated in paragraph (c)(5) of this section.

(d) The Commission or the agency shall supply such other information and assistance at the time of access as to make the record intelligible to the individual.

(e) The Commission or the agency reserves the right to limit access to copies and abstracts of original records, rather than the original records. This election would be appropriate, for example, when the record is in an automated data medium such as tape or disk, when the record contains information on other individuals, and when deletion of information is permissible under exemptions (for example, 5 U.S.C. 552a(k)(2)). In no event shall original records of the Commission be made available to the individual except under the immediate supervision of the System Manager or his or her designee. Title 18 U.S.C., section 2701(a) makes it a crime to conceal, mutilate, obliterate, or destroy any record filed in a public office, or attempt to do any of the foregoing.

(f) Any individual who requests access to a record pertaining to that individual may be accompanied by another individual of his or her choice. "Accompanied" includes discussion of the record in the presence of the other individual. The individual to whom the record pertains shall authorize the presence of the other individual in writing and shall include the name of the other individual, a specific description of the record to which access is sought, the date and the signature of the individual to whom the record pertains. The other individual shall sign the authorization in the presence of the System Manager or his designee. An individual shall not be required to state a reason or otherwise justify his or her decision to be accompanied by another individual during personal access to a record.

(g) Initial denial of access. (1) *Grounds.* Access by an individual will be denied only upon a determination by the System Manager or his designee that:

(i) The record is subject to an exemption under § 297.117;

(ii) The record is information compiled in reasonable anticipation of a civil action or proceeding;

(iii) The provisions of paragraph (c) (1) of this section pertaining to medical records are not acceptable to the individual; or

(iv) The individual refuses to provide information necessary to process the request for access.

(2) *Notification.* The System Manager or his designee shall give notice of denial of access to records to the individual in writing and shall include the following information:

(i) The System Manager's or his designee's name and title or position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to appropriate sections of the Act and this subpart; and

(iv) The individual's opportunities, if any, for further administrative consideration, including the title and address of the official responsible for such reviews.

(3) *Administrative review.* When an initial denial of a request is issued by the System Manager or his designee, the individual's opportunities for further consideration shall be as follows:

(i) As to denial under paragraph (g)(1)(i) of this section; the sole procedure for challenging the validity of the rule is a petition for the issuance, amendment, or repeal of a rule under 5 U.S.C. 553(e). Such petition shall be filed with the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415. Within the Commission, no such denial is administratively final until such a petition has been filed by the individual and disposed of on the merits by the Commission.

(ii) As to denial made by an agency under paragraph (g)(1)(ii), (iii), or (iv) of this section, the individual may file for review with the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, if the information is maintained in a record under the Government-wide systems of personnel records as indicated by § 293.102(c) of this chapter. As to a denial made by an official of the Commission under paragraph (g)(1)(ii), (iii), or (iv) of this section, the individual may file for review with the Assistant Executive Director for Freedom of Information and Privacy, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, if the information is maintained in a record under the Government-wide systems of personnel records, as indicated by § 293.102(c) of this chapter, or in a system of records that is maintained and used primarily within the Commission, as indicated by § 293.102(d) of this chapter. The procedures appearing in § 297.113 shall be followed by both the individual and the Commission to the extent practicable.

(h) If a request is partially granted or partially denied, the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, or the Assistant Executive Director for Freedom of Information and Privacy, U.S. Civil Service Commission, as appropriate, shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

§ 297.109 Written consent for disclosure.

Generally, an agency may not disclose any personnel record to any person or to another agency without the express written consent of the individual to whom the record pertains. Written consent is not required if the disclosure is:

(a) To officers or employees of the agency that maintains the record who have a need for the information in the official performance of their duties;

(b) Required under the provisions of the Freedom of Information Act (5 U.S.C. 552);

(c) For a routine use as published in the annual notice in the FEDERAL REGISTER;

(d) To the Bureau of the Census for purposes of carrying out activities pursuant to the provisions of Title 13;

(e) To a recipient who has provided the agency with advance adequate assurance that the record will be used solely as a statistical research or reporting record and the record is to be transferred in a form that is not individually identifiable. The advance assurance must

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be in writing and should include as a minimum:

(1) A statement of the purpose for requesting the records; and

(2) Certification that the records will be used only for statistical purposes.

These written statements should be maintained as agency records under § 293.113 of this chapter. In addition to stripping personally identifying information from records released for statistical purposes (other than those related to disclosures under paragraph (e)), agencies shall ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records.

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for the evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(g) To another agency or unit of local, State, or Federal Government for a civil or law enforcement activity on receipt of a written request from the head of an agency or unit describing the law enforcement purpose for which the record is required and specifying which record is required. A record may be disclosed to a law enforcement agency at the initiative of the agency which maintains the record when criminal conduct is suspected, provided that such disclosure has been established as a routine use under § 293.103 of this chapter, and when the instance of misconduct is directly related to the purpose for which the record is maintained;

(h) To a person showing compelling circumstances affecting the health and safety of an individual (not necessarily the individual to whom the record pertains). Upon such disclosure, a notification of such disclosure must be sent to the last known address of the individual to whom the record pertains;

(i) To either House of Congress or to committee or subcommittee (joint or of either House) to the extent that the subject matter falls within their jurisdiction;

(j) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(k) Pursuant to the order of a court of competent jurisdiction.

§ 297.110 Notification of disclosure under compulsory legal process.

If a record is disclosed under a compulsory legal process under § 297.109 (g) or (k) and the issuance of the order or subpena is made public by the court which issued it, the agency or the National Personnel Records Center will make a reasonable effort to notify the individual to whom the record pertains. A notice should be sent to the individual's last known address according to the agency's files.

§ 297.111 Request for correction or amendment of record.

(a) Any individual may submit a request for correction of or amendment to a record that pertains to him or her to the Commission or an agency. The request should be made either in person or by mail to the System Manager or his designee indicated in the notice of systems of records.

(b) The processing of requests submitted by mail will be facilitated if the words "PRIVACY ACT REQUEST" appear in capital letters on the face of the envelope, and the letter of inquiry.

(c) Any request which is not addressed as specified in paragraph (a) of this section or which is not marked as specified in paragraph (b) of this section will be so addressed and marked by Commission or agency personnel and forwarded immediately to the responsible System Manager. A request not properly addressed by the individual will not be deemed to have been "received" for purposes of measuring time periods for response until the responsible System Manager receives it. In each instance when a request so forwarded is received, the System Manager or his designee shall notify the individual that his or her request was improperly addressed and the date when the request was received at the proper address.

(d) Since the request for correction or amendment normally will follow a request for access under § 297.108, the individual's identity will be established by his or her signature on the request.

(e) A request for correction or amendment should include the following:

(1) The specific identification of the record sought to be corrected or amended (for example, description, title, date, paragraph, sentence, line, and words);

(2) The specific wording to be deleted, if any;

(3) The specific wording to be inserted or added, if any, and the exact place at which it is to be inserted or added; and

(4) A statement of the basis for the requested correction or amendment, with all available supporting documents and materials which substantiate the statement.

(f) The provisions of § 297.106(d) (2) and (3) apply to the information obtained under paragraph (e) of this section.

§ 297.112 Review of request for correction or amendment of record.

(a) (1) Not later than 10 days (excluding Saturdays, Sundays, and holidays) after receipt of a request to correct or amend a record, the System Manager or his designee shall send an acknowledgement providing an estimate of time within which action will be taken on the request. If a response cannot be made within 10 days due to unusual circumstances, the System Manager shall send an acknowledgement during that period providing information on the status of the request and asking for such further information as may be necessary to process the request. Unusual circumstances shall include circumstances where a search for and collection of requested records from storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, or instances where information on other individuals must be separated or deleted from the particular record. No acknowledgement will be sent if the request can be reviewed, processed, and the individual notified of the results of review (either compliance or denial) within the 10 days. Requests filed in writing will be acknowledged in writing at the time submitted.

(2) Promptly after acknowledging receipt of a request, or after receiving such information as might have been requested, or after arriving at a decision in 10 days, the System Manager or his designee shall either:

(i) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record or a statement as to the means whereby the correction or amendment was effected in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in an electronic data bank); or

(ii) Inform the individual in writing that his or her request is denied and provide the following information:

(A) The System Manager's or his designee's name and title or position;

(B) The date of the denial;

(C) The reasons for denial, including citation of the appropriate sections of the Act and this part; and

(D) The procedures for review of the denial as set forth in § 297.113, including the name and address of the Director, Bureau of Manpower Information Systems, or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate. The term "promptly" in this paragraph means within 30 days (excluding Saturdays, Sundays, and holidays). If the System Manager or his designee cannot make the determination in 30 days, the individual will be advised in writing of the reasons therefor and of the estimated date by which the determination will be made.

(b) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the System Manager or his designee shall notify all persons and agencies to which the corrected or amended portion of the record had been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record, and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment. This requirement does not apply to disclosures made pursuant to paragraphs (a) or (b) of § 297.109.

(c) The following criteria are examples of those that will be considered by the System Manager or his designee in reviewing a request for correction or amendment:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in terms of the purpose for which it was collected;

(4) The timeliness and currency of the information in light of the purpose for which it was collected;

(5) The completeness of the information in terms of the purpose for which it was collected;

(6) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(7) The character of the record sought to be corrected or amended; and

(8) The propriety and feasibility of complying with specific means of correction or amendment requested by the individual.

(d) The Commission or the agency will not make an effort to gather evidence for the individual, but does reserve the right to verify the evidence which the individual submits.

(e) Correction or amendment of a record requested by an individual will be denied upon a determination by the System Manager that:

(1) The information submitted by the individual is not accurate or relevant;

(2) The correction or amendment would violate an enacted statute or regulation; or

(3) The individual refuses to provide information which is necessary to process the request to correct or amend the record.

(f) If a request is partially granted and partially denied, the System Manager shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(g) When an agency detects erroneous data in an individual's personnel records or a third party source provides corrected information, it shall correct the record and provide all recipients of such record with the corrected information to the extent that it is relevant to the recipient's uses and deemed feasible to do so.

§ 297.113 Review of initial adverse determination on correction or amendment.

(a) When a request for correction or amendment has been denied initially under § 297.112, the individual may submit a written appeal within 30 days after the date of the initial denial.

(b) A request for review of a denial made by an agency shall be addressed to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, if the information is maintained in a record under the Government-wide systems of personnel records as indicated by § 293.102(c) of this chapter. A request for review of a denial made by an official of the Commission shall be addressed to the Assistant Executive Director for Freedom of Information and Privacy, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, if the information is maintained in a record under the Government-wide systems of personnel records as indicated by § 293.102(c) of this chapter, or in a systems of records that is maintained and used primarily within the Commission as indicated by § 293.102(d) of this chapter. The processing of requests will be facilitated if the words "PRIVACY APPEAL" appear in capital letters on both the envelope and the top of the appeal papers. The request not addressed and marked as provided herein will be so marked by Commission or agency personnel when it is so identified, and will be forwarded immediately to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, or the Assistant Executive Director for Freedom of Information and Privacy, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, as appropriate. A request that is not properly addressed by the individual will not be deemed to have been "received" for purposes of measuring the time periods in this section until the Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy has received it. In each instance when a request so forwarded is received, the Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate, shall notify the individual that his or her request was improperly addressed and the date when the request was received at the proper address.

(c) The individual's request papers shall include the following: a copy of the original request for correction or amendment; a copy of the initial denial; and a statement of the reasons why the initial denial is believed to be in error. The request shall be signed by the individual. The record that the individual requests be corrected or amended will be supplied by the System Manager who issued the initial denial. While the foregoing normally will comprise the entire record on request, the System Manager may seek additional information necessary to assure that the final determination is fair and equitable and, in such instances, the additional information will be disclosed to the individual to the greatest extent possible and an opportunity provided for comment thereon.

(d) The Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate, shall act upon the request and issue a final determination in writing not later than 30 days (excluding Saturdays, Sundays, and holidays) from the date on which the appeal is received; provided that the Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate, may extend the 30 days upon deciding that a fair and equitable review cannot be made within that period, but only if the individual is advised in writing of the reason for the extension and the estimated date by which a final determination will be issued (estimated date should not be later than the 60th day excluding Saturdays, Sundays, and holidays after receipt of appeal unless unusual circumstances, as described in § 297.112(a)(1) are met).

(e) If a request is determined in favor of the individual, the final determination shall include the specific corrections or amendments to be made. A copy thereof shall be transmitted promptly both to the individual and to the System Manager who issued the initial denial. Upon receipt of such final determination, the System Manager promptly shall take the actions set forth in § 297.112(b).

(f) If the request is denied, the final determination shall be transmitted promptly to the individual and state the reasons for the denial. The notice of final determination also shall inform the individual of the following information:

(1) The right of the individual to file a concise statement of reasons for disagreeing with the final determination. Such a statement shall be filed with the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, or with the Assistant Executive Director for Freedom of Information and Privacy, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, as appropriate. It should identify the date of the final determination and be signed by the individual. The Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate, shall acknowledge receipt of such statement and inform the individual of the date it was received;

(2) The fact that any such disagreement statement filed by the individual will be noted in the disputed record and that a copy of the statement will be provided to persons and agencies to which the record is disclosed subsequent to the date of receipt of such statement;

(3) The fact that the Commission will append to any such disagreement statement filed by the individual, a copy of the final determination or summary thereof which also will be provided to persons and agencies to which the disagreement statement is disclosed; and

(4) The right of the individual to judicial review of the final determination under 5 U.S.C. 552a(g)(1)(A), as limited by 5 U.S.C. 552a(g)(5).

(g) In making the final determination, the Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate, shall use the criteria set forth in § 297.112(c) of this subpart and shall deny an appeal only the grounds set forth in § 297.112(e).

(h) If an appeal is partially granted and partially denied, the Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as

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appropriate, shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(i) Although a copy of the final determination or a summary thereof will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

(j) The provisions of § 297.106(d) (2) and (3) apply to the information obtained under paragraphs (c) and (g)(1) of this section.

§ 297.114 Disclosure of record to person other than the individual to whom it pertains.

(a) The Commission or the agency may disclose a record pertaining to an individual to a person other than the individual only in the following instances:

(1) Upon written request by the individual, including authorization under § 297.108(f);

(2) With the prior written consent of the individual;

(3) To a parent or legal guardian under 5 U.S.C. 552a(h);

(4) When required by the Act and not covered explicitly by the provisions of 5 U.S.C. 552a(b);

(5) When permitted under 5 U.S.C. 552a(b) (1) through (11); and

(6) To a survivor of a deceased employee, or annuitant, or someone acting in his or her behalf.

(b) The situations referred to in paragraph (a)(4) of this section include the following:

(1) 5 U.S.C. 552a(c)(4) requires dissemination of a corrected or amended record or notation of a disagreement statement by the Commission in certain circumstances;

(2) 5 U.S.C. 552a(g) authorizes civil action by an individual and requires disclosure by the Commission to the court; and

(3) Section 5(e)(2) of the Act authorizes release of any records or information by the Commission to the Privacy Protection Study Commission upon request of the Chairman of that Commission.

(c) The System Manager or his designee shall make an accounting of each disclosure by him of any record contained in a system of records in accordance with 5 U.S.C. 552a(c) (1) and (2). Except for a disclosure made under 5 U.S.C. 552a(b)(7), the System Manager or his designee shall make such accounting available to the individual, on request submitted in accordance with § 297.107. The System Manager or his designee shall make reasonable efforts to notify any individual when any record in a system of records is disclosed to any person under compulsory legal process, promptly upon being informed that such process has become a matter of public record as required by § 297.110.

§ 297.115 Fees.

(a) The general policy of the Commission is to provide a copy or a portion of a record free of charge to an individual upon request. However, in cases where the records are voluminous the Commission or an agency may, at its discretion, charge a fee when the cost would be in excess of five dollars ($5).

(b) The schedule of fees for copies is prescribed in § 284.107(c) of this chapter. The fees charged must be in accordance with the provisions of paragraphs (a), (b), and (d) of this section.

(c) No fees shall be charged or collected for the following: search for and retrieval of the records; review of the records; making a copy of a record when it is a necessary part of the process of making the record available for review; copying at the initiative of the Commission or an agency without a request from the individual; and transportation of records.

(d) It is the policy of the Commission to provide an individual with one copy of each record or portion thereof corrected or amended pursuant to his or her request without charge as evidence of the correction or amendment.

§ 297.116 Publication of rules and procedures.

(a) The Commission sets forth in this part the rules and procedures for disclosure of personnel records for which it has responsibility.

(b) Agencies shall publish similar rules and procedures consistent with those of the Commission for disclosure of personnel records for which they have responsibility.

§ 297.117 Specific exemptions.

(a) Some systems of records under the Act that are maintained by the Commission contain material subject to exemptions appearing at 5 U.S.C. 552a(k) (1), (2), (5), and (6) relating to national defense and foreign policy materials, civil law enforcement in connection with the administration of the merit system, information obtained from a source who furnished such information under a properly granted promise that the identity of the source would be held in confidence, and to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the Federal service. The systems of records published in the Federal Register by the Commission which are within these exemptions are: CSC—8, CSC/GOVT—4, and CSC/GOVT—5. The Commission hereby asserts a claim to specific exemptions of such systems of records. The materials would be exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (g), (h), and (i) and (f).

(b) The specific exemptions determined to be necessary and proper with respect to systems of records maintained by the Commission or an agency for the Commission, including the reasons and parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justifications for the exemptions, are as follows:

(1) *Personnel Investigations Records.* All information about an individual in the records that meets the criteria stated in 5 U.S.C. 552a(k) (1), (2), (5), and (6) are exempt from the requirements of 5 U.S.C. 552a (c)(3) and (d) relating to access and contest and making an accounting of disclosure to the individual named in the record for the following reasons:

(i) In that personnel investigations from time to time obtain information relevant to the matter under investigation which is properly classified by another agency and which pertains to national defense and foreign policy, application of exemptions (k)(1) will be required to prevent the individual from gaining access to such information under subsection (d) of the Act;

(ii) In that personnel investigations involve civil law enforcement in connection with the administration of the merit system, the effectiveness of which would be impaired should the individual obtain access to the investigative record of the matter, the application of exemption (k)(2) may be required to prevent the individual from gaining access under subsection (d) of the Act. Also, as the access by the individual to an accounting of disclosures of the record of such an investigation may impair a law enforcement function, the application of the exemptions to subsection (c)(3) of the title will be required;

(iii) In that a personnel investigation can involve information obtained from a source who furnished such information under a properly granted promise that the identity of the source would be held in confidence the application of exemption (k)(5) will be required to honor such a promise should the individual request access to the record under subsection (d); and

(iv) In that personnel investigations in connection with the administration of the examining function of the merit system may involve the collection of test material, the application of exemption (k)(6) will be required to prevent the exposure of such material which would compromise the examining process.

(2) *Personnel Research Test Validation Records and Recruiting, Examining, and Placement Records.* All material and information about an individual that meet the criteria stated in 5 U.S.C. 552a (k)(6) are exempt from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (g), (h), and (i); and (f) relating to access and contest, making an accounting of disclosure to the individual named in the record, maintenance of information in records, publication of specific material annually in the FEDERAL REGISTER, and provisions regarding agency rules in that portions of this system relate to testing or examination materials that are used solely to determine individual qualifications for appointment or promotion in the Federal service the disclosure of which would compromise the objectivity or fairness of the testing or examination process. The specific materials that are exempted are as follows:

(i) Answer keys;
(ii) Test booklets;
(iii) Test item files;

(iv) Rating sheets;
(v) Rating schedules, including crediting plans;
(vi) Transmutation tables; and
(vii) Ratings given for the purpose of validating examinations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.75-26128 Filed 9-26-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

Adoption of Privacy Act Regulation

On September 4, 1975, a document was published in the FEDERAL REGISTER (40 FR 40849) proposing to amend Subpart G of 7 CFR Part 1 by issuing § 1.123 (Specific Exemptions) of the Department of Agriculture's (USDA) regulations implementing the Privacy Act of 1974 (5 U.S.C. 552a). Interested parties were given the opportunity to submit, not later than September 19, 1975, written comments on these proposed regulations.

No comments have been received, and the proposed regulation is hereby adopted as set forth below.

This regulation is being made effective less than 30 days after publication for good cause pursuant to 5 U.S.C. 553(d)(3). If this regulation were not effective until after September 27, 1975 (the effective date of the Privacy Act), there would be a period of time in which USDA would be unable to invoke the exemptions to protect records involved in various criminal, civil, and administrative enforcement proceedings.

Effective date: September 27, 1975.

Done at Washington, D.C., this 26 day of September, 1975.

EARL L. BUTZ,
Secretary.

Subpart G of 7 CFR Part 1 is amended by issuing § 1.123 to read as follows:

§ 1.123 Specific Exemptions.

Pursuant to 5 U.S.C. 552a(k), the systems of records (or portions thereof) maintained by agencies of USDA identified below are exempted from the provisions of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). The reasons for exempting each system are set out in the notice for that system published in the FEDERAL REGISTER.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EEO Complaints and Discrimination Investigation Reports, USDA/ASCS-14.
Investigation and Audit Reports, USDA/ASCS-20.
Producer Appeals, USDA/ASCS-23.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industrial Compliance Records System, USDA/APHIS-1.
Plant Protection and Quarantine Programs—Regulatory Violations, USDA/APHIS-2.
Veterinary Services Programs—Records of Accredited Veterinarians, USDA/APHIS-3.
Veterinary Services Programs—Animal Quarantine Regulatory Actions, USDA/APHIS-4.
Veterinary Services Programs—Animal Welfare and Horse Protection Regulatory Actions, USDA/APHIS-5.

FARMERS HOME ADMINISTRATION

Credit Report File, USDA/FmHA-3.

FOOD AND NUTRITION SERVICE

Civil Rights Complaints and Investigations, USDA/FNS-1.
Claims Against Food Stamp Recipients, USDA/FNS-3.
Investigations of Fraud, Theft, or Other Unlawful Activities of Individuals Involving Food Stamps, USDA/FNS-5.

OFFICE OF THE GENERAL COUNSEL

ANIMAL AND PLANT HEALTH INSPECTION DIVISION

Cases by the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the voluntary inspection and certification provisions of the Agricultural Marketing Act of 1946, USDA/OGC-8.
Cases by the Department under the Horse Protection Act of 1970, USDA/OGC-9.
Cases by the Department under the Humane Methods of Livestock Slaughter law (i.e., the Act of August 27, 1958), USDA/OGC-10.
Cases by the Department under the Laboratory Animal Welfare Act, USDA/OGC-11.
Cases by the Department under the 28 Hour Law, as amended, USDA/OGC-12.
Cases by the Department under the various Animal Quarantine and related laws, USDA/OGC-13.
Cases by the Department under the various Plant Protection and Quarantine and related laws, USDA/OGC-14.

COMMUNITY DEVELOPMENT DIVISION

Community Development Division Litigation, USDA/OGC-15.
Farmers Home Administration (FmHA) General Case Files, USDA/OGC-16.

FOOD AND NUTRITION DIVISION

Claims by and against USDA Under the Food Assistance Legislation, USDA/OGC-17.
Perishable Agricultural Commodities, USDA/OGC-18.

FOREIGN AGRICULTURE AND COMMODITY STABILIZATION DIVISION

Agricultural Stabilization and Conservation Service (ASCS), Foreign Agricultural Service (FAS), and Commodity Credit Corporation Cases, USDA/OGC-19.
Federal Crop Insurance Corporation (FCIC) Cases, USDA/OGC-20.

MARKETING DIVISION

Administrative proceedings brought by the Department pursuant to the Plant Variety Protection Act, the Federal Seed Act, or the Agricultural Marketing Act of 1946, USDA/OGC-22.
Cases brought by the Government pursuant to the Cotton Futures provisions of the Internal Revenue Code of 1954, USDA/OGC-26.
Court cases brought by the Government pursuant to either the Agricultural Marketing Act of 1946 or the Tobacco Inspection Act, USDA/OGC-28.
Court cases brought by the Government pursuant to either the Agricultural Marketing Agreement Act of 1937, as amended, or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act, USDA-OGC-29.
Court cases brought by the Government pursuant to either the Cotton Research and Promotion Act, Potato Research and Promotion Act or the Egg Research and Consumer Information Act, USDA/OGC-30.
Court cases brought by the Government pursuant to either the Cotton Statistics and Estimates Act of 1927 or the United States Cotton Standards Act, USDA/OGC-31.
Court cases brought by the Government pursuant to either the Export Apple and Pear Act or the Export Grape and Plum Act, USDA/OGC-32.
Court cases brought by the Government pursuant to either the Naval Stores Act, the Honeybee Act, the Virus-Serum-Toxin Act or the Tobacco Seed and Plant Exportation Act, USDA/OGC-33.
Court cases brought by the Government pursuant to either the Peanut Statistics Act or the Tobacco Statistics Act, USDA/OGC-34.
Court cases brought by the Government pursuant to either the Plant Variety Protection Act or the Egg Products Inspection Act, USDA/OGC-35.
Court cases brought by the Government pursuant to either the Produce Agency Act, or the Process of Renovated Butter Provisions of the Internal Revenue Code of 1954, USDA/OGC-36.
Court cases brought by the Government pursuant to either the United States Grain Standards Act or the Federal Seed Act, USDA/OGC-37.
Court cases brought by the Government pursuant to the Agricultural Fair Practices Act, USDA/OGC-38.

PACKERS AND STOCKYARDS DIVISION

Packers and Stockyards Act, Administrative Cases, USDA/OGC-67.
Packers and Stockyards Act, Civil and Criminal Cases, USDA/OGC-68.

RESEARCH AND OPERATIONS DIVISION

Personnel Irregularities, USDA/OGC-73.

OFFICE OF INVESTIGATION

Intelligence Records, USDA/OI-2.
Investigative Files and Subject/Title Index, USDA/OI-3.

OFFICE OF THE SECRETARY

Non-Career Applicant File, USDA/SEC-1.

[FR Doc.26169 Filed 9-26-75;12:10 pm]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation PR-148, Enactment of Part 310a]

Title 14—Aeronautics and Space

PART 310a—ACCESS TO SYSTEMS OF RECORDS—REGULATIONS AND EXEMPTIONS IMPLEMENTING THE PRIVACY ACT OF 1974

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 25, 1975.

By PDR-39/ODR-11,[1] the Board issued a Notice of Proposed Rulemaking to enact a New Part 310a and to amend Part 385, so as to implement the Privacy Act of 1974 by advising of access

[1] Docket 28083, dated July 15, 1975, 40 FR 30283 (July 18, 1975).

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and procedures relating to systems of records which the Board maintains containing information about individuals, and which are covered by notices issued by the Board[2] or, in the case of systems of personnel records, which are covered by government-wide notices issued by the Civil Service Commission.

Having received no comment upon the proposed rule, we have decided to adopt the rule, as proposed, but with a modification of footnote 3 so as to more accurately summarize various reports maintained by the Board in its regulatory capacity.

Since this is a procedural rule, imposing no burden on any person and is required by the Privacy Act of 1974 to be in effect by September 27, 1975, the within rule may become effective on less than 30 days' notice.

Accordingly, the Board hereby enacts a new Part 310a of its Procedural Regulations (14 CFR Part 310a), effective September 27, 1975, as hereinafter set forth:

Sec.
310a.1 Purpose and scope.
310a.2 Definitions.
310a.3 Procedures for requests pertaining to individual records in a record system.
310a.4 Times, places, and requirements for identification of individuals making requests.
310a.5 Disclosure of requested information to individuals.
310a.6 (Reserved)
310a.7 Request for correction or amendment to record.
310a.8 Agency review of request for correction or amendment to record.
310a.9 Appeal of initial adverse agency determination on correction or amendment or other request.
310a.10 Disclosure of record to person other than the individual to whom it pertains.
310a.11 Fees.
310a.12 Penalties.
310a.13 (Reserved)
310a.14 Specific exemptions.

AUTHORITY: Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324, and sections 552a (e)(4) and (f) of the Privacy Act of 1974, 88 Stat. 1899, 5 U.S.C. 552a(e)(4) and (f).

§ 310a.1 Purpose and scope.

(a) This regulation is published pursuant to the Privacy Act of 1974, Pub. L. 93-579 sections 552a (f) and (k), 5 U.S.C. 552a (f) and (k) (hereinafter the "Privacy Act"). It (1) establishes or advises of procedures whereby an individual can (i) request notification of whether the Board maintains or has disclosed a record pertaining to him in any nonexempt system of records, (ii) request a copy or other access to such a record or to an accounting of its disclosure, (iii) request that the record be amended and (iv) appeal any initial adverse determination of any such request; and (2) specifies those systems of records which the Board has determined to exempt from the procedures established by this regulation and from certain provisions of the Privacy Act.

(b) The procedures specified by this Part 310a apply only to a request by an individual. Except as otherwise provided, they govern only records containing personal information maintained in (1) systems of records of which notice has been published by the Board in the FEDERAL REGISTER pursuant to Section 552a(e)(4) of the Privacy Act of 1974 and which have not been exempted from the provisions of this regulation, and (2) those records contained in such systems of records which are not contained in government-wide systems of personnel records of which notice has been published in the Federal Register by the Civil Service Commission.[1] Requests for notification, access and amendment of personnel records maintained by the Board which are contained in systems of records of which notice has been given by the Civil Service Commission are governed by the Commission's notices, Part 297 of the Commission's regulations (5 CFR 297), and internal Board directives established pursuant to the Commission's regulations, and information concerning these procedures may be obtained from the Director, Office of Personnel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.[2] Access to records maintained by the Board which are not subject to the requirements of the Privacy Act is governed by Part 310 of this chapter (14 CFR 310).[3]

[1] Notwithstanding these limitations, any individual who believes himself to be entitled to notice or access to Board records or action concerning them which is not provided by this regulation may obtain a determination as to such entitlement by a request conforming to the requirements of this part.

[2] Most, if not all, of the records in the Board system "Employee payroll and leave and attendance records and files—CAB" appear to be included in the government-wide systems of personnel records for which the Civil Service Commission has given notice. In view of this overlap, this regulation provides that the Civil Service requirements and procedures for notification and access to records maintained in the government-wide systems of personnel records shall apply to records within the system "Employee payroll and leave and attendance records and files—CAB" and establishes other requirements and procedures relating to this system of records, including ones relating to requests for correction or amendment of records in the system, which accord with those applicable to records maintained in government-wide systems.

[3] The Board requires reports from air carriers and other persons which contain information concerning individuals but which are not maintained in "systems of records" within the meaning of the Privacy Act since such records are neither maintained in nor is access gained to them by the name of an individual or by some identifying particular or number assigned to an individual. Rather, their maintenance and access is by name of the air carrier or other business entity to which the information relates. They include the following public records: reports filed pursuant to 14 CFR 241 and 244 of the names and addresses of persons holding more than 5% of the issued and outstanding capital stock or capital of certificated air carriers and air freight forwarders, respectively; reports filed pursuant to 14 CFR 241 of compensation and expenses of persons and firms (other than directors, officers and employees) receiving $20,000 or more per year from certificated air carriers and of directors, officers, supervisors or key personnel of the carriers affiliated with these persons or firms; reports filed pursuant to 14 CFR 241 of security interests of all officers and directors of certificated air carriers and compensation paid principal officers and directors of these carriers; reports filed pursuant to 14 CFR 245 and 246 of ownership of stock by officers, directors and affiliates of air carriers; and reports filed pursuant to 14 CFR 374a with respect to extensions of credit by air carriers for transportation provided to political candidates or persons acting on behalf of candidates.

[2] The proposed notices were subsequently published in 40 FR 33181, August 6, 1975, and 40 FR 40783, September 3, 1975.

§ 310a.2 Definitions.

As used in this part:

"Individual" means a natural person who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"Record" means any item of personal information relating to an individual as opposed to information concerning a business entity or activity.

"System of Records" means a grouping of records maintained by the Board of which notice has been published by the Board in the FEDERAL REGISTER pursuant to Section 552a(e)(4) of the Privacy Act of 1974.

§ 310a.3 Procedures for requests pertaining to individual records in a record system.

(a) For records in a system of records of which notice has been given by the Board other than the system entitled "Employee payroll and leave and attendance records and files—CAB," an individual wanting to (1) obtain notification of whether the Board maintains a record pertaining to him in such a system, (2) obtain notification of whether and to whom the Board has disclosed a record for which an accounting of disclosure is required to be kept and made available to him, (3) obtain a copy of a record pertaining to him or the accounting of its disclosure, (4) review a record pertaining to him or the accounting of its disclosure with or without a person of his own choosing to accompany him, shall mail or deliver a request therefor to the Office of the Secretary, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Such request shall be in writing, shall contain the printed or typewritten name of the individual to whom the records pertains, and if filed by the parents of any minor or the legal guardian of any incompetent person, the printed or typewritten name of the parent or legal guardian and a statement of the relationship between such person and the individual to whom the record pertains, and the signature of the individual making the request and the address to which a reply should be sent. Each request shall state the nature of the information or action desired, and shall identify to the extent feasible the record and system of records which are the subject of the request.

(b) For records in the system of records entitled "Employee payroll and leave and attendance records and files—CAB," an individual wanting to (1) obtain notification of whether the Board maintains a record pertaining to him in this system of records, (2) obtain notification of whether and to whom the Board has disclosed a record for which an accounting of disclosure is required to be kept and made available to him, (3) obtain a copy of a record pertaining to him or the accounting of its disclosure, (4) review a record pertaining to him or the accounting of its disclosure with or without a person of his own choosing to accompany him, shall make a request therefor to the Director, Office of Personnel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Such request may be made orally or in writing, shall state the nature of the information or action desired, and shall identify the record which is the subject of the request. If the request is in writing, it shall contain the printed or typewritten name of the individual to whom the record pertains, and, if filed by the parent of any minor or the legal guardian of any incompetent person, the printed or typewritten name of the parent or legal guardian and a statement of the relationship between such person and the individual to whom the record pertains, and the signature of the individual making the request and the address to which a reply should be sent. The Director, Office of Personnel, shall determine such requests and take action concerning them in accordance with the requirements and procedures specified by Part 297 of the regulations of the Civil Service Commission (5 CFR 297) and Board directives thereunder for the determination and action upon requests pertaining to records maintained by the Board which are contained in government-wide systems of personnel records of which the Civil Service Commission has given notice, and shall advise the individual whether an appeal of any adverse determination by him may be appealed within the Board as specified in § 310a.9.[4]

[4] Requirements for requests or actions concerning personnel records of which notice has been given by the Civil Service Commission and which have been made applicable by this regulation to "Employee payroll and leave and attendance records and files—CAB" are specified in applicable Civil Service Regulations and Board directives and information concerning them may be obtained from the Director, Office of Personnel.

§ 310a.4 Times, places, and requirements for identification of individuals making requests.

Verification of identity of persons making written requests to the Secretary ordinarily will not be required. The signature upon such requests shall be deemed to be a certification by the person signing that he is the individual to whom the record pertains or the parent of a minor or the duly appointed legal guardian of the individual to whom the record pertains. The Secretary may, however, require additional verification of identity as specified by him in any instance in which he deems it advisable.

§ 310a.5 Disclosure of requested information to individuals.

(a) Responses to requests pursuant to § 310a.3(a) will be made by the Secretary with reasonable dispatch. An acknowledgement of the request will normally be sent within 10 days (excluding Saturdays, Sundays and legal public holidays) of its receipt and will indicate when the requested notification or disclosure will be sent, when and where the records will be available for personal inspection, and if a copy of a record has been requested, the number of pages the Board will copy to comply with the individual's request and that the copy will be mailed to the individual or held at the Board for the individual upon receipt of a check or money order payable to the Board for the sum due for copying these documents.

(b) The Secretary shall notify the individual in writing with respect to any adverse determination of a request pursuant to § 310a.3(a), shall specify the reasons therefor, and shall advise of the procedure for appealing such adverse determination to the Managing Director as specified in § 310a.9.

§ 310a.6 [Reserved]

§ 310a.7 Request for correction or amendment to record.

(a) An individual may request amendment of a record pertaining to him in a system of records subject to this Part by mailing or delivering to Director, Office of Personnel, a written request concerning "Employee payroll and leave and attendance records and files—CAB" and to the Secretary a written request concerning all other systems of records maintained by the Board. Such written request shall conform to the requirements of § 310a.3 and shall also state the nature of the information in the record the individual believes to be unnecessary, inaccurate, irrelevant, untimely, or incomplete and the amendment desired, and shall state concisely the reasons therefor.

§ 310a.8 Agency review of request for correction or amendment to record.

(a) Not later than 10 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of a request to amend the record, the Secretary or the Director, Office of Personnel, shall acknowledge in writing such receipt and, if a determination has not been made, inform the individual when he may expect to be advised of action taken on the request.

(b) If the Secretary or the Director, Office of Personnel, determines not to grant all or any portion of the request to amend a record, he shall notify the individual in writing and shall specify the reasons therefor, and shall advise of the procedure for appealing such adverse determination to the Managing Director, as specified in § 310a.9, or to the appropriate Civil Service Commission official.

§ 310a.9 Appeal of initial adverse agency determination on correction, or amendment or other request.

(a) Not more than 10 days (excluding Saturdays, Sundays and legal public holidays) after receipt by an individual (1) of an adverse determination by the Secretary concerning any request made under this Part, or (2) of an adverse determination by the Director, Office of Personnel, which is subject to appeal within the Board, the individual may appeal to the Managing Director who has been delegated authority by the Chairman to make determinations on such appeals. The appeal shall be by letter, mailed or delivered to the Office of the Managing Director, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. The letter shall identify the records involved in the same manner as they were identified to the Secretary or the Director, Office of Personnel, shall indicate the dates of the request and adverse determination, and shall indicate the expressed basis for that determination. In addition, the letter of appeal shall state briefly and succinctly the reasons why the adverse determination should be reversed.

(b) The Managing Director shall either determine the appeal or, at his discretion, pass the matter to the Board for its determination. Such determination shall be made not later than 30 days (excluding Saturdays, Sundays and legal public holidays) from the date the individual's letter of appeal is received, unless the Chairman, for good cause shown, extends such 30-day period. If the 30-day period is so extended, the individual shall be notified of the reasons for the extension and the date on which a final determination may be expected.

(c) If the Managing Director or the Board determines that the adverse determination should be reversed, appropriate action shall be taken and the individual shall be notified in writing of that action. If the Managing Director or the Board determines that the adverse determination will not be reversed, the individual shall be notified in writing of that determination, the reasons therefor, and of his right to seek judicial review of the decision pursuant to section 552a(g) of the Privacy Act, 5 U.S.C. 552a(g). If the adverse determination sustained by the Managing Director or the Board denies a request to amend a record, the individual shall also be advised of his right to file a concise statement of his reasons for disagreeing with the refusal to amend which may contain information which the individual believes should be substituted. Such statements shall ordinarily not exceed one page and the Board reserves the right to reject statements of excessive length. Such statements shall be filed with the Secretary within 30 days (excluding Saturdays, Sundays and legal public holidays) of notification of the refusal to amend a record.

(d) A decision by either the Managing Director or the Board pursuant to paragraph (c) of this section is final and will not be subject to petition for reconsideration. It is subject to judicial review in the

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district court of the United States in which the complainant resides, or has his principal place of business, or in which the Board records are situated, or in the District of Columbia.

§ 310a.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Except as provided by section 552a (b) of the Privacy Act, 5 U.S.C. 552a(b), the written request or prior written consent of the individual to whom a record pertains, or of his parent if a minor, or legal guardian if incompetent, shall be required before such record is disclosed.

(b) If the individual elects to inspect a record in person and desires to be accompanied by another person, the individual shall present to the Secretary or Director, Office of Personnel, a signed statement by him authorizing his record to be disclosed in the presence of the accompanying named person.

§ 310a.11 Fees.

No fees will be charged for the first copy of a record contained in the system of records entitled "Employee payroll and leave and attendance records and files—CAB." The appropriate fees for additional copies of records contained in such system, and for copies or records contained in other systems of records of which notice has been given by the Board, are set forth in Part 389 of this chapter.

§ 310a.12 Penalties.

Title 18 U.S.C. 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States. Section 552a(i)(3) of the Privacy Act, 5 U.S.C. 552a(i)(3) makes it a misdemeanor, subject to a maximum fine of $5,000, to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Section 552a(i) (1) and (2) of the Privacy Act, 5 U.S.C. 552a(i) (1) and (2) provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder.

§ 310a.13 [Reserved]

§ 310a.14 Specific exemptions.

Pursuant to subsection (k) of the Privacy Act (5 U.S.C. 552a(k)), the following system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) of section 552a of that Act, and from the provisions of this Part:

(a) Investigatory material compiled for law enforcement purposes—CAB.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-26142 Filed 9-26-75;8:45 am]

[Reg. OR-100, Amdt. 48]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATIONS; NONHEARING MATTERS

Delegations of Authority To Act Under the Privacy Act of 1974

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 25, 1975.

For the reasons set forth in PR-148, effective contemporaneously herewith, the CAB hereby amends Part 385 of its Organization Regulations (14 CFR Part 385), effective September 27, 1975, as follows:

1. Amend the Table of Contents by adding, under Subpart B, a description of §§ 385.24 and 385.25, the table as amended to read as follows:

* * * * * *

385.24 Delegation to the Secretary.
385.25 Delegation to the Director, Office of Personnel.

* * * * * *

2. Amend § 385.12 by adding a new paragraph (e), to read as follows:

§ 385.12 Delegation to the Managing Director.

* * * * * *

(e) Receive and determine appeals from adverse determinations by the Secretary or the Director, Office of Personnel, of requests under the Privacy Act of 1974, Pub. L. 93-579, section 552a, 5 U.S.C. 552a, and Part 310a of the Board's Procedural Regulations.

3. Add a new § 385.24 to read as follows:

§ 385.24 Delegation to the Secretary.

The Board hereby delegates to the Secretary the authority to receive and determine pursuant to the Privacy Act of 1974, Pub. L. 93-579, section 552a, 5 U.S.C. 552a and Part 310a of the Board's Procedural Regulations, requests for notification, accounting of disclosure, inspection and amendment of records contained in a system of records of which the Board has published notice other than the system of records entitled "Employee payroll and leave and attendance records and files—CAB."

4. Add a new § 385.25 to read as follows:

§ 385.25 Delegation to the Director, Office of Personnel.

The Board hereby delegates to the Director, Office of Personnel, the authority to:

(a) Receive and determine pursuant to the Privacy Act of 1974, Pub. L. 93-579, section 552a, 5 U.S.C. 552a, and Part 310a of the Board's Procedural Regulations, requests for notification, accounting of disclosure, inspection and amendment of records contained in the system of records entitled "Employee payroll and leave and attendance records and files—CAB."

(b) Receive and determine pursuant to the Privacy Act of 1974, Pub. L. 93-579, section 552a, 5 U.S.C. 552a and Part 297 of the Civil Service Commission Regulations, 5 CFR Part 297, requests for notification, accounting of disclosure, inspection and amendment of records contained in government-wide systems of personnel records maintained by the Board of which the Civil Service Commission has given notice.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-26141 Filed 9-29-75;8:45 am]

CIVIL AERONAUTICS BOARD

PRIVACY ACT OF 1974

Notices of Systems of Records

The Civil Aeronautics Board has previously published its proposed "Notices of Systems of Records" for purposes of implementing the Privacy Act of 1974, and invited public comment thereon. (40 FR 33181, August 6, 1975). No comments having been received, we have decided to adopt the notices as proposed.

Accordingly, the Civil Aeronautics Board hereby adopts, effective September 27, 1975, Notices of Systems of Records CAB-1 through CAB-10 as set forth at 40 FR 33181.

By the Civil Aeronautics Board:

Dated: September 25, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-26143 Filed 9-26-75;8:45 am]

PRIVACY ACT OF 1974

Notice of Systems of Records

Correction

In FR Doc. 75-23126, appearing at page 40782 in the issue of Wednesday, September 3, 1975, in the first column on page 40782, the paragraph which reads "Storage: Maintained in individual file folders. Indexed by name of Member of Congress.", should read "Storage: Maintained in individual file folders." In addition, immediately after the aforementioned paragraph, the following new paragraph should be added: "Retrievability: Indexed by name of Member of Congress.".

V 40 190 SEP 30 75 XUM

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1611—PRIVACY ACT REGULATIONS

Notice is given that the Equal Employment Opportunity Commission hereby amends 29 CFR by establishing Part 1611 which implements the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, with regard to systems of records maintained by the Commission.

These regulations set forth the procedures whereby individuals can request information about access to, or amendment of records pertaining to them which are contained in a system of records maintained by the Commission. They also set forth the procedures the Commission is to follow in processing these requests.

Notice of the Commission's intent to promulgate these regulations was published in the August 27, 1975, issue of the FEDERAL REGISTER, 40 FR 39377. The period for comment having expired, these regulations are hereby effective September 30, 1975.

These regulations are promulgated under the authority of the Privacy Act of 1974, Pub. L. 93–579, 88 Stat. 1896, 5 U.S.C. 552a, and Section 713(a), 42 U.S.C. 2000e–12(a).

Signed this 23rd day of September, 1975.

LOWELL W. PERRY,
Chairman.

In consideration of the foregoing, 29 CFR is hereby amended by adding Part 1611 to read as follows:

PART 1611—PRIVACY ACT REGULATIONS

Sec.

1611.1 Purpose and scope.
1611.2 Definitions.
1611.3 Procedures for requests pertaining to individual records in a record system.
1611.4 Times, places, and requirements for identification of individuals making requests.
1611.5 Disclosure of requested information to individuals.
1611.6 Special procedures; medical records.
1611.7 Request for correction or amendment to record.
1611.8 Agency review of request for correction or amendment of record.
1611.9 Appeal of initial adverse agency determination on correction or amendment.
1611.10 Disclosure of record to person other than the individual to whom it pertains.
1611.11 Fees.
1611.12 Penalties.
1611.13 General Exemptions [Reserved].
1611.14 Specific Exemptions.

AUTHORITY: 5 U.S.C. 552a.

§ 1611.1 Purpose and scope.

This Part contains the regulations of the Equal Employment Opportunity Commission (Commission) implementing the Privacy Act of 1974, 5 U.S.C. 552a. It sets forth the basic responsibilities of the Commission with regard to the Commission's compliance with the requirements of the Privacy Act (the Act) and offers guidance to members of the public who wish to exercise any of the rights established by the Act with regard to records maintained by the Commission.

§ 1611.2 Definitions.

For purposes of this Part, the terms "individual," "maintain," "record," and "system of records" shall have the meanings set forth in 5 U.S.C. 552a.

§ 1611.3 Procedures for requests pertaining to individual records in a record system.

(a) Any person who wishes to be notified if a system of records maintained by the Commission contains any record pertaining to him or her, or to request access to such records, shall submit a written request in accordance with the instructions set forth in the system notice published in the FEDERAL REGISTER by the Commission for that system of records.[1] This request shall include:

(1) The name of the individual making the request;

(2) The name of the system of records (as set forth in the system notice to which the request relates);

(3) Any other information specified in the system notice; and

(4) When the request is one for access, a statement as to whether the requester desires to make a personal inspection of the records, or be supplied with copies by mail.

(b) Requests pertaining to personnel records contained in government-wide systems of personnel records of which notice has been published by the Civil Service Commission in the FEDERAL REGISTER,[2] shall conform to the requirements of paragraph (a) of this section, and shall be directed to the following officials:

(1) For present or former Commission employees of GS–11 and lesser grade or non-General Schedule employees of equivalent grade, whose normal duty station is or was a District or Regional Office of the Commission, requests shall be directed to the Regional Director having jurisdiction over the duty station. The locations of the Regional Offices are set forth in 29 CFR 1610.21(b).

(2) For all other present or former Commission employees, requests shall be directed to the Director, Office of Personnel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506.

(c) Any person whose request for access under paragraph (a) of this section is denied, may appeal that denial in accordance with § 1611.5(c).

§ 1611.4 Times, places, and requirements for identification of individuals making requests.

(a) If a person submitting a request for access under § 1611.3 has asked that the Commission authorize a personal inspection of records pertaining to that person, and the appropriate Commission official has granted that request, the requester shall present himself or herself at the time and place specified in the Commission's response or arrange another, mutually convenient time with the appropriate Commission official.

(b) Prior to inspection of the records, the requester shall present sufficient personal identification (e.g., driver's license, employee identification card social security card, credit cards). If the requester is unable to provide such identification, the requester shall complete and sign in the presence of a Commission official a signed statement asserting his or her identity and stipulating that he or she understands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is a misdemeanor punishable by fine up to $5,000.

(c) Any person who has requested access under § 1611.3 to records through personal inspection, and who wishes to be accompanied by another person or persons during this inspection, shall submit a written statement authorizing disclosure of the record in their presence.

(d) A request filed by the parent of any minor or the legal guardian of any incompetent person should state the relationship of the requester to the individual to whom the record pertains, the present sufficient identification and, if not evident from information already available to the Commission, present appropriate proof of the relationship or guardianship.

(e) A person making a request pursuant to a power of attorney must possess a specific power of attorney to make that request.

§ 1611.5 Disclosure of requested information to individuals.

(a) Upon receipt of request for notification as to whether the Commission maintains a record about an individual and/or request for access to such record:

(1) The appropriate Commission official shall acknowledge such request in writing within 10 working days of receipt of the request. Wherever practicable, the acknowledgement should contain the notification and/or determination required in paragraph (a)(2) of this section.

(2) The appropriate Commission official shall provide, within 30 working days of receipt of the request, written notification to the requester as to the existence of the records and/or a determination as to whether or not access will be granted. In some cases, such as where records have to be recalled from the Federal Records Center, notification and/or a determination of access may be delayed. In the event of such a delay, the Commission official shall inform the requester of this fact, the reasons for the delay, and an estimate of the date on which notification and/or a determination will be forthcoming.

(3) If access to a record is granted, the determination shall indicate when and where the record will be available for personal inspection. If a copy of the record has been requested, the Commission official shall mail that copy or retain it at the Commission to present to the individual, upon receipt of a check or money order in an amount computed pursuant to § 1611.11.

(4) When access to a record is to be granted, the appropriate Commission official will normally provide access within 30 working days of receipt of the request unless, for good cause shown, he or she is unable to do so, in which case the requester shall be informed within 30 working days of receipt of the request as to those reasons and when it is anticipated that access will be granted.

(5) The Commission shall not deny any request under § 1611.3 concerning the existence of records about the requester in any system of records it maintains, or any request for access to such records, unless that system is exempted from the requirements of 5 U.S.C. 552a in §§ 1611.13 or 1611.14.

(6) If the Commission receives a request pursuant to § 1611.3 for access to records in a system of records it maintains which is so exempt, the appropriate Commission official shall determine if the exemption is to be asserted.

(b) Upon request, the appropriate Commission official shall make available an accounting of disclosures pursuant to 5 U.S.C. 552a(c)(3).

(c) If access to a record is denied pursuant to paragraphs (a)(2) or (b) of this section, the determination shall specify the reasons therefor, and shall advise the individual that he or she may appeal that denial in writing to the Chairman, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506. When taking such an appeal, the requester should clearly label the envelope "Personal Information Access Appeal."

(d) In the event that upon an appeal under paragraph (c) of this section, access to a record is denied by the Chairman, the Chairman shall advise the individual of his or her right to bring a civil action in federal district court to seek review of the denial, in accordance with 5 U.S.C. 552a(g).

(e) Nothing in 5 U.S.C. 552a or this Part allows an individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

§ 1611.6 Special procedures: Medical records.

In the event the Commission receives a request pursuant to § 1611.3 for access to medical records (including psychological records) whose disclosure the appropriate Commission official determines could be harmful to the individual to whom they relate, he or she may refuse to disclose the records directly to the requester but shall transmit them to a physician designated by that individual.

§ 1611.7 Request for correction or amendment to record.

(a) Any person who wishes to request correction or amendment of any record pertaining to him or her which is contained in a system of records maintained by the Commission, shall submit that request in writing in accordance with the instructions set forth in the system notice for that system of records. If the request is submitted by mail, the envelope should be clearly labeled "Personal Information Amendment." The request shall include:

(1) The name of the individual making the request;

(2) The name of the system of records (as set forth in the system notice to which the request relates);

(3) A description of the nature (e.g., modification, addition or deletion) and substance of the correction or amendment requested; and

(4) Any other information specified in the system notice.

(b) Any person submitting a request pursuant to paragraph (a) of this section shall include sufficient information in support of that request to allow the Commission to apply the standards set forth in 5 U.S.C. 552a(e).

(c) All requests to amend pertaining to personnel records continued in government-wide systems of personnel records of which notice has been published by the Civil Service Commission in the FEDERAL REGISTER shall conform to the requirements of paragraphs (a) and (b) of this section and shall be directed to the appropriate officials as indicated in § 1611.3(b).

(d) Any person whose request under paragraph (a) of this section is denied may appeal that denial in accordance with § 1611.9(a).

§ 1611.8 Agency review of request for correction or amendment of record.

(a) When the Commission receives a request for amendment or correction under § 1611.7(a), the appropriate Commission official shall acknowledge that request in writing within 10 working days of receipt. She or she shall promptly either:

(1) Determine to grant all or any portion of a request for correction or amendment; and:

(i) Advise the individual of that determination;

(ii) Make the requested correction or amendment; and

(iii) Inform any person or agency outside the Commission to whom the record has been disclosed, and where an accounting of that disclosure is maintained in accordance with 5 U.S.C. 552a(c), of the occurrence and substance of the correction or amendments, or;

(2) Inform the requester of the refusal to amend the record in accordance with the request; the reason for the refusal; and the procedures whereby the requester can appeal the refusal to the Chairman of the Commission.

(b) If the Commission official informs the requester of the determination within the 10-day deadline, a separate acknowledgement is not required.

(c) In conducting the review of a request for correction or amendment, the Commission official shall be guided by the requirements of 5 U.S.C. 552a(e).

(d) In the event that the Commission receives a notice of correction or amendment to information in a record contained in a system of records which it maintains, it shall comply with paragraph (a)(1) of this section in the same manner as if the Commission itself had made the original correction or amendment.

§ 1611.9 Appeal of initial adverse agency determination on correction or amendment.

(a) If the appropriate Commission official determines not to grant all or any portion of a request for correction or amendment, the requester may appeal this determination in writing to the Chairman, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506. When taking such an appeal, the requester should clearly label the envelope "Personal Information Amendment Appeal."

(b) The Chairman shall make a final determination with regard to an appeal submitted under paragraph (a) of this section not later than 30 working days from the date on which the individual requests a review, unless, for good cause shown, the Chairman extends this 30-day period and so notifies the requester together with an estimate of the date on which a final determination will be made. The authority to extend this period may not be delegated. Such extension should be utilized only in exceptional circumstances and should not normally exceed 30 days.

(c) In conducting the review of an appeal submitted under paragraph (a) of this section, the Chairman shall be guided by the requirements of 5 U.S.C. 552a(e).

(d) If the Chairman determines to grant all or any portion of a request on an appeal submitted under paragraph (a) of this section, he or she shall so inform the requester, and the appropriate Commission official shall comply with the procedures set forth in § 1611.8(a)(1).

(e) If the Chairman determines in accordance with paragraphs (b) and (c) of this section not to grant all or any portion of a request on an appeal submitted under paragraph (a) of this section, he or she shall inform the requester:

(1) Of this determination and the reasons therefor;

(2) Of the requester's right to file a concise statement of reasons for disagreement with the refusal of the Commission;

(3) That such statements of disagreement will be made available to anyone

[1] These notices of systems of records are initially being published along with these regulations. These notices will also be available in an annual compilation published by the FEDERAL REGISTER.

[2] These notices of systems of records are initially being published along with the Civil Service Commission regulations. These notices will also be available in an annual compilation published by the FEDERAL REGISTER.

V 40 190 SEP 3075 XUM

to whom the record is subsequently disclosed, together with (if the Commission deems it appropriate) a brief statement summarizing the Commission's reasons for refusing to amend the record;

(4) That prior recipients of the disputed record will be provided with a copy of the statement of disagreement together with (if the Commission deems it appropriate) a brief statement of the Commission's reasons for refusing to amend the record, to the extent that an accounting of disclosures is maintained under 5 U.S.C. 552a(c); and

(5) Of the requester's right to file a civil action in federal district court to seek a review of the Chairman's determination, in accordance with 5 U.S.C. 552a(g).

(f) The Commission shall ensure that any statements of disagreement submitted by a requester are handled in accordance with paragraphs (e) (3) and (4) of this section.

§ 1611.10 Disclosure of record to person other than the individual to whom it pertains.

The Commission shall not disclose any record which is contained in a system of records it maintains, by any means of communication to any person or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains, unless the disclosure is authorized by one or more provisions of 5 U.S.C. 552a(b).

§ 1611.11 Fees.

(a) No fee shall be charged for searches necessary to locate records. No charge shall be made if the total fees authorized are less than $1.00. Fees shall be charged for services rendered under this Part as follows:

(1) Copies made by photocopy device or otherwise (per page), $.05.

(2) Attestation of each record as a true copy, $.75.

(3) Certification of each record as a true copy under the seal of the Commission, $1.00.

(b) All required fees shall be paid in full prior to issuance of requested copies of records. Fees are payable to "Treasury of the United States."

§ 1611.12 Penalties.

The criminal penalties which have been established for violations of the Privacy Act of 1964 are set forth in 5 U.S.C. 552a(i). Penalties are applicable to any officer or employee of the Commission; to contractors and employees of such contractors who enter into contracts with the Commission on or after September 27, 1975, and who are considered to be employees of the Commission within the meaning of 5 U.S.C. 552a(m); and to any person who knowingly and willfully requests or obtains any record concerning an individual from the Commission under false pretenses.

§ 1611.13 General Exemptions. [Reserved]

§ 1611.14 Specific Exemptions.

Pursuant to subsection (k)(2) of the Act, 5 U.S.C. § 552a(k)(2), the following system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Act, and from the provisions of this Part.

(a) Charge of Discrimination Case Files.[2]

[FR Doc.75-26126 Filed 9-25-75;4:15 pm]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

IMPLEMENTATION OF PRIVACY ACT OF 1974

Systems of Records and Notice of Routine Uses Thereof

The systems of records of the Equal Employment Opportunity Commission, listed below, are hereby noticed in accordance with the requirements of 5 U.S.C. 552a(e)(b) (Privacy Act of 1974, Pub. L. 93-579 Stat. 1896):

1. Affirmative Action Plan Employee Data
2. Attorney Referral List
3. Charge of Discrimination Case Files
4. Commissioners' Biographical File
5. Correspondence and Congressional Inquiries
6. Employee Alcoholism and Drug Abuse Records
7. Employee Pay and Leave Records
8. Employee Travel Records
9. Labor-Management Negotiated Agreements
10. Voluntary Programs Skills Bank
11. Correspondence File
12. Officials' Biographical File
13. Employee Productivity Listing

Pursuant to 5 U.S.C. 552a(e)(11), the routine uses of each of these named sustems of records were set out for public comment in the August 27, 1975, issue of the Federal Register, 40 F.R. 39219. As a result of comments received, there have been several minor amendments to the notices, as well as the following major charges:

1. The addition of three new systems of records:
   (a) a new EEO-11, Correspondence File;
   (b) EEO-12, Officials' Biographical File; and
   (c) EEO-13, Employee Productivity listing:
2. The addition of two routine uses for EEOC-3, Charge of Discrimination Case Files. The newly added uses are (a) disclosing information in the case files to certain persons in contemplation of or in connection with Title VII litigation, and (b) cooperating with Title VII litigants and prospective Title VII litigants by allowing, when requested, access to information in other case files involving the same respondent, provided that the information in other case files is relevant or material to the private litigant's case.

The period for comment having expired, this notice is hereby effective upon publication in the Federal Register.

Signed this 23rd day of September, 1975.

Lowell W. Perry
Chairman.

EEOC—11

System name: Correspondence File—EEOC

System location: Seattle District Office and Chicago District Office (See Appendix).

Categories of individuals covered by the system: Charging parties, applicants for employment and members of the general public.

Categories of records in the system: Includes name of inquiring individuals and information submitted by them; date inquiry received; date response sent out; issue raised in the inquiry; to whom inquiry assigned.

Authority for maintenance of the system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used (a) as a control of incoming correspondence, a record file as to the nature and status of the correspondence, a reference of assignment for outgoing response, a reference to previous correspondence on the same subject; and (b) to avoid duplication of responses and to assure a reply to all those who have sent inquiries to this office.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on paper in file folders.

Retrievability: This system is indexed numerically by date of inquiry and alphabetically by name of inquirer for each yearly quarter.

Safeguards: The files are stored in locked file cabinets. Access to the files is limited to office employees.

Retention and disposal: Retained for one (1) year after completion of necessary action, then destroyed manually.

System manager(s) and address: Director, Seattle District Office, Equal Employment Opportunity Commission, Times Square Building, 4th Floor, 414 Olive Way, Seattle, Washington 98101.

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual , (2) mailing address to which reply should be mailed, (3) date(s) of correspondence.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Correspondence from charging parties, applicants for employment and the general public.

EEOC—12

System name: Officials' Biographical File — EEOC

System location: Office of Public Affairs, Equal Employment Opportunity Commission, Columbia Plaza, 2401 E Street, N. W., Washington, D.C.

Categories of individuals covered by the system: Current and past EEOC officials.

Categories of records in the system: Includes name, date and place of birth, education and employment histories, job duties, past experiences.

Authority for maintenance of the system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the staff of the Office of Public Affairs to answer public inquiries regarding EEOC officials.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on paper in file folders.

Retrievability: This system is indexed alphabetically by last name of official.

Safeguards: The files are stored in a standard file cabinet which is available to office employees.

Retention and disposal: Maintained indefinitely.

System manager(s) and address: Director, Office of Public Affairs, Equal Employment Opportunity Commission, 2401 E Street, N. W., Washington, D.C. 20506.

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual, (2) mailing address to which reply should be mailed.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The official to whom the information pertains.

EEOC—13

System name: Employee Productivity Listing — EEOC

System location: Dallas Regional Office (See Appendix).

Categories of individuals covered by the system: Current Equal Opportunity Specialists, EEOC employees.

Categories of records in the system: Includes name of employee, tabulation of units of work completed, job title and/or grade, month and year.

Authority for maintenance of the system: 44 U.S.C. 396(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for purposes of assignment making and employee evaluation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on paper in file folders.

Retrievability: This system is indexed alphabetically by last name of employee or numerically by employee code.

Safeguards: The files are stored in standard file cabinets or desk drawers. Access is limited to supervisory personnel, Director and Deputy Director.

Retention and disposal: Retained through an evaluation year, unless an adverse action, EEOC complaint or award nomination has been submitted in which case the records are kept until the action is completed. They are then manually destroyed.

V 40 190 SEP 3075 XUM

System manager(s) and address: Regional Director, Dallas Regional Office (See Appendix).

Notification procedure: Inquiries concerning this system of records should be addressed to the system manager. It is necessary to furnish the following information in order to identify the individual whose records are requested: (1) full name of the individual, (2) social security number, and (3) mailing address to which reply should be mailed.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Work units are submitted by employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The purpose of this system of records is to provide for the federal prohibition agianst employment discrimination in the private and public sector based on race, color, religion, sex or national origin. The records are the official file to be utilized by authorized EEOC personnel, including investigators, conciliators, attorneys, research assistants and analysts, Commissioners, Compliance personnel and Regional and District Directors, in making an official determination regarding the validity of the charge of discrimination and as supportive material for any cases which are subsequently conciliated, or litigated by the EEOC or the Department of Justice. Other uses include the following: (1) to conduct compliance reviews with local, state and federal agencies, such as the Office of Federal Contract Compliance, Department of Justice, Department of Labor, Office of Revenue Sharing of the Treasury Department, Law Enforcement Assistance Administration, and other federal agencies as may be appropriate or necessary to carrying out the Commission's functions under the Title (See 42 U.S.C. 2000e-4(g)(1), 8(b) and (d); (2) sharing information contained in these records with state and local agenices administering state or local fair employment practices laws (See 42 U.S.C. 2000e-4(g)(1), 8(b) and (d); (3) sharing information in case files with the following person(s) in contemplation of or in connection with Title VII litigation:

(a) Charging Parties and their attorneys;

(b) Aggrieved persons in case files involving Commissioner Charges and their attorneys provided that such persons have been notified of their status as aggrieved persons pursuant to section 1601.25(c) of the Commission's Procedural Regulations;

(c) Persons or organizations filing on behalf of an aggrieved person, provided that the aggrieved person has given written authorization to the person who filed on his or her behalf to act as the aggrieved person's agent for this purpose and their attorneys;

(d) Employees of Commission-funded groups such as the Mexican-American Legal Defense and Education Fund and Lawyer's Committee for Civil Rights Under Law for the purpose of reviewing information in case files to determine the appropriateness of referral to private attorneys as a service to charging parties, provided that the Commission-funded group is reviewing the information at the request of the charging party;

(e) Respondents and their attorneys, provided that the charging party or aggrieved person has filed suit under Title VII; and (4) cooperating with private Title VII litigants and prospective Title VII litigants by allowing, when requested, access to information in other case files involving the same respondent, provided that the information in the other case files is relevant or material to the private litigant's case.

[FR Doc.75-26109 Filed 9-25-75;8:45 am]

DEPARTMENT OF DEFENSE

Defense Supply Agency

PRIVACY ACT EXEMPTIONS

Notice of Proposed Rulemaking

The Director of the Defense Supply Agency proposes to designate the following system of records maintained by the Defense Supply Agency for exemptions under the specified provisions of the Privacy Act of 1974 (Public Law 93-579).

Any person interested in the exemptions proposed herein may participate in this proposed rulemaking by submitting written data, views or arguments on the proposed exemptions to the Director, Defense Supply Agency, Cameron Station, Alexandria, Va. 22314, on or before October 30, 1975.

All systems of records maintained by the Defense Supply Agency shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 11652, and which is required by the Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions herein may contain isolated items of information which have been properly classified.

WALLACE H. ROBINSON, JR.,
Lieutenant General, USMC,
Director.

EXEMPTED RECORD SYSTEMS

(General Exemptions)

ID: S150.20 DSAH-T.

Sys Name: Security Violation Files.

Exemption: This system of records is exempted from the following provisions of the title 5, United States Code, section 552a: (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

Authority: 5 U.S.C. 552a(j)(2).

Reasons: Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation.

The exemption of the individual's right of access to his records and the reasons therefor necessitate the exemption of this system of records from the requirements of the other cited provisions.

EXEMPTED RECORD SYSTEMS

(Specific Exemptions)

ID: S153.01 DSAH-T.

Sys name: Personnel Security Files.

Exemption: This system of records is exempt from the following provisions of title 5, United States Code, section 552a: subsection (d).

Authority: 5 U.S.C. 552a(k)(1), (2), and (5).

Reasons: Material contained in this record system which is properly and currently classified under the provisions of Executive Order 11652 must be strictly controlled, the disclosure of which would have an adverse effect on the National defense. Also, investigatory material is exempt to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the effective date of the Act, under an implied promise that the identity of the source would be held in confidence. This exemption will protect the identities of certain sources who would be otherwise unwilling to provide information to the Government.

EXEMPTED RECORD SYSTEMS

(General Exemptions)

ID: S160.50 DSAH-T.

Sys name: Criminal Incidents/Investigations File.

Exemption: This system of records is exempted from the following provisions of the title 5, United States Code, section 552a: (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

Authority: 5 U.S.C. 552a(j)(2).

Reasons: Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources and methods used by this component and could result in the invasion of the privacy of individuals only incidentally related to an investigation.

The exemption of the individual's right of access to his records and the reasons therefor necessitate the exemption of this system of records from the requirements of the other cited provisions.

[FR Doc.75-25987 Filed 9-25-75; 10:13 am]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

[20 CFR Part 903]

ACCESS TO RECORDS

The Joint Board for the Enrollment of Actuaries (Joint Board) proposes to adopt regulations to implement the Privacy Act of 1974 (5 U.S.C. 552a) and to publish such regulations as a new Part 903 to Chapter VIII, Title 20 CFR.

In general, the proposed regulations prescribe the means by which any individual may learn whether records pertaining to such individual are being maintained by the Joint Board and limitations on access to such records by anyone, including the individual to whom they pertain. They provide for annual publication in the FEDERAL REGISTER of notices concerning the existence of, and nature of information contained in, systems of records maintained by the Joint Board and the intended uses of such information in such systems. They provide procedures by which an individual may obtain access to records maintained by the Joint Board, which pertain to such individual, procedures by which such individual may request amendment of such records and procedures for the resolution of disputes when a request for amendment is denied. A schedule of fees for the copying of records pertaining to individuals is also included.

The proposed regulations also designate persons who are responsible for making determinations concerning notification, access and requests for amendment of records.

On Wednesday, August 27, 1975, the Joint Board published in the FEDERAL REGISTER (40 FR 39387) a proposed rule exempting five systems of records from the provisions of 4 U.S.C. 552a. The proposed sections, §§ 903.1–903.3, have been incorporated into this proposed rule as § 903.8(a)–(c). The text is unchanged.

Interested parties may submit comments by September, 1975, addressed to Office of the Executive Director, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220. All comments received by October 30, 1975 will be considered prior to issuance of these regulations in final form on or before October 30, 1975.

Any such comments will be available for public inspection upon request therefor.

DONALD S. GRUBBS, JR.,
Chairman, Joint Board for the Enrollment of Actuaries.

It is therefore proposed that a new Part 903 be added to Chapter VIII of Title 20 of the Code of Federal Regulations to read as follows:

PART 903—ACCESS TO RECORDS

Subpart A—Records Pertaining to Individuals

Sec.

903.1 Purpose and scope of regulations.
903.2 Definitions.
903.3 Procedures for notification with respect to records regarding individuals.
903.4 Procedures for access to records regarding individuals.
903.5 Procedures for amendment of records regarding individuals-format, agency review and appeal from initial adverse agency determination.
903.6 Fees.
903.7 Guardianship.
903.8 Exemptions.

AUTHORITY: The provisions of this Subpart A of Part 903 issued under 5 U.S.C. 552a.

§ 903.1 Purpose and scope of regulations.

The regulations in this subpart are issued to implement the provisions of the Privacy Act of 1974 (5 U.S.C. 552a). The regulations relate to all records maintained by the Joint Board for the Enrollment of Actuaries (Joint Board) which are identifiable by individual name or identifier and all systems of such records which are retrievable by name or other identifier. They do not relate to personnel records of Government employees, which are under the jurisdiction of the Civil Service Commission, and, thus, sub-

V 40 190
SEP 3075
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ject to regulations issued by such Commission. The regulations set forth the procedures by which individuals may request notification of whether the Joint Board maintains or has disclosed a record pertaining to them or may seek access to such records maintained in any non-exempt system of records, request amendment of such records, and appeal any initial adverse determination with respect to any such request.

§ 903.2 Definitions.

(a) The term "agency" includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency (see 5 U.S.C. 552(e));

(b) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, use, collect or disseminate;

(d) The term "record" means any item, collection, or grouping of information about an individual that is maintained by the Joint Board, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual such as a finger or voice print or a photograph;

(e) The term "system of records" means a group of any records under the control of the Joint Board from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual;

(f) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 903.3 Procedures for notification with respect to records regarding individuals.

(a) *Procedures for notification.* The systems of records maintained by the Joint Board are listed annually as required by the Privacy Act of 1974. Any individual, who wishes to know whether a system of records contains a record regarding him, may write to the Executive Director, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220. Requests may also be delivered personally to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street, NW., Suite 1537, Washington, D.C. between the hours of 9 a.m. and 5 p.m. on workdays. Any such inquiry will be acknowledged in writing within 10 days (excluding Saturdays, Sundays and legal public holidays) of receipt of the request.

(b) *Requests.* A request for notification of whether a record exists shall:

(1) Be made in writing and signed by the person making the request, who must be the individual about whom the record is maintained, or his duly authorized representative (see § 903.7);

(2) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a, or the regulations contained in this Part;

(3) Furnish the name of the system of records with respect to which notification is sought, as specified in the systems notices published in the FEDERAL REGISTER, Volume 40, No. 167;

(4) Mark "Privacy Act Request" on the request and on the envelope in which the request is contained;

(5) Be addressed as specified in paragraph (a) of this section, unless personally delivered; and

(6) Meet the requirements set forth in paragraph (c) of this section.

(c) *Verification of identity.* Notification of the existence of records in certain systems maintained by the Joint Board will not be made unless the individual requester's identity is verified. Where applicable, requirements for verification of identity are specified in the notices of systems published in the FEDERAL REGISTER, Volume 40, No. 167.

(d) *Date of receipt of request.* A request for notification with respect to records shall be considered to have been received on the date on which the requirements of paragraphs (a), (b) and (c) of this section have been satisfied. Requests for notification shall be stamped with the date of receipt by the Office of the Executive Director.

(e) *Exemptions.* The procedures prescribed under paragraphs (a), (b) and (c) of this section shall not apply to: (1) Systems of records exempted pursuant to 5 U.S.C. 552a(k); (2) information compiled in reasonable anticipation of a civil action or proceeding (see 5 U.S.C. 552a(d)(5)); or (3) information regarding an individual which is contained in, and inseparable from, another individual's record.

(f) *Notification of determination.*—(1) *In general.* The Executive Director shall, except as otherwise provided in this paragraph, notify an individual requester as to whether or not a system of records contains a record regarding such individual. Such notification shall be made within 30 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of the request, as determined in accordance with paragraph (d) of this section. If it is not possible to respond within 30 days, the Executive Director will inform the requester, stating the reasons for the delay (e.g., volume of records involved, need to consult other agencies, or the difficulty of the legal issues involved) and when a response will be dispatched.

(2) *Denial of request.* When it is determined that a request for notification with respect to records will be denied (whether in whole or in part or subject to conditions or exceptions), the person making the request shall be so notified by mail in accordance with paragraph (f)(1) of this section. The letter of notification shall set forth the name and title or position of the responsible official.

(3) *Records exempt in whole or in part.* (i) When an individual requests notification with respect to records concerning himself which have been compiled in reasonable anticipation of a civil action or proceeding either in a court or before an administrative tribunal, the Executive Director will neither confirm nor deny the existence of the record but shall advise the individual only that no record with respect to the existence of which he is entitled to be notified pursuant to the Privacy Act of 1974 has been identified.

(ii) Requests for records which have been exempted from the requirement of notification pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (f)(3)(i) of this section.

§ 903.4 Procedures for access to records regarding individuals.

(a) *Access.* The Executive Director of the Joint Board shall, upon request by any individual to gain access to a record regarding him which is contained in a system of records maintained by the Joint Board, permit that individual and, upon his/her request, a person he/she chooses to accompany him/her, to review the record and have a copy made of all or any portion thereof in a form comprehensible to the individual, except that the Executive Director may require the individual to furnish a written statement authorizing discussion of that individual's record in the accompanying person's presence. Such request may be addressed to the Executive Director, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220. Requests may also be delivered personally to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street, N.W., Suite 1537, Washington, D.C., between the hours of 9 a.m. and 5 p.m. on workdays. Any such inquiry will be acknowledged in writing within 10 days (excluding Saturdays, Sundays and legal public holidays) of receipt of the request (see paragraph (e) of this section).

(b) *Requests.* A request for access to records shall:

(1) Be signed in writing by the person making the request, who must be the individual about whom the record is maintained, or his duly authorized representative (see § 903.7);

(2) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a, or the regulations contained in this Part;

(3) Furnish the name of the system of records to which access is sought, as specified in the systems notices published in the FEDERAL REGISTER, Volume 40, No. 167;

(4) Mark "Privacy Act Request" on the request and on the envelope in which the request is contained;

(5) Be addressed as specified in paragraph (a) of this section, unless personally delivered;

(6) State whether the requester wishes to inspect the records or desires to have a copy made and furnished without inspecting them;

(7) State, if the requester desires to have a copy made, the requester's agreement to pay the fees for duplication as ultimately determined in accordance with § 903.6; and

(8) Meet the requirements set forth in paragraph (c) of this section.

(c) *Verification of identity.* Access to records contained in certain systems maintained by the Joint Board will not be granted unless the individual requester's identity is verified. Where applicable, requirements for verification of identity are specified in the notices of systems published in the FEDERAL REGISTER, Volume 40, No. 167.

(d) *Exemptions.* The procedures specified in paragraphs (a), (b) and (c) of this section shall not apply to: (1) Systems of records exempted pursuant to 5 U.S.C. 552a(k); (2) information compiled in reasonable anticipation of a civil action or proceeding (see 5 U.S.C. 552a(d)(5)); or (3) information regarding an individual which is contained in, and inseparable from, another individual's record.

(e) *Date of receipt of request.* A request for access to records shall be considered to have been received on the date on which the requirements of paragraphs (a), (b) and (c) of this section have been satisfied. Requests for access, and any separate agreement to pay, shall be stamped with the date of receipt by the Office of the Executive Director. The latest of such stamped dates will be deemed to be the date of receipt of the request.

(f) *Notification of determination.*—(1) *In general.* Notification of determinations as to whether to grant access to records requested will be made by the Executive Director of the Joint Board. The notification of the determination shall be made within 30 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of the request, as determined in accordance with paragraph (g) of this section. If it is not possible to respond within 30 days, the Executive Director will inform the requester, stating the reason(s) for the delay (e.g., volume of records requested, need to consult other agencies, or the difficulty of the legal issues involved) and when a response will be dispatched (See 5 U.S.C. 552a(d) and (f)).

(2) *Granting of access.* When it has been determined that the request for access will be granted—(i) and a copy requested; such copy in a form comprehensible to him shall be furnished promptly, together with a statement of the applicable fees for duplication as set forth elsewhere in these regulations (See § 903.6); and (ii) and the right to inspect has been requested, the requester shall be promptly notified in writing of the determination, and when and where the requested records may be inspected. An individual seeking to inspect records concerning himself may be accompanied by another individual of his own choosing. The individual seeking access shall be required to sign the required form indicating that the Joint Board is authorized to discuss the contents of the subject record in the accompanying person's presence. If, after making the inspection, the individual making the request desires a copy of all or a portion of the requested records, such copy in a form comprehensible to him shall be furnished upon payment of the applicable fees for duplication as prescribed by § 903.6. Fees shall not be charged where they would amount, in the aggregate, to less than $3.00. (See 5 U.S.C. 552a(d) and (f)).

(3) *Denial of request.* When it is determined that the request for access to records will be denied (whether in whole or in part or subject to conditions or exceptions), the person making the request shall be so notified by mail in accordance with paragraph (f)(1) of this section. The letter of notification shall contain a statement of the reasons for not granting the request as made, set forth the name and title or position of the responsible official and advise the individual making the request of the right to file suit in accordance with 5 U.S.C. 552a(g)(1)(B).

(4) *Records exempt in whole or in part.* (i) When an individual requests records concerning himself which have been compiled in reasonable anticipation of a civil action or proceeding either in a court or before an administrative tribunal, the Executive Director will neither confirm nor deny the existence of the record but shall advise the individual only that no record available to him pursuant to the Privacy Act of 1974 has been identified.

(ii) Requests for records which have been exempted from disclosure pursuant to 5 U.S.C. 552a(k)(2) shall be responded to in the manner provided in paragraph (f)(4)(i) of this section unless a review of the information indicates that the information has been used or is being used to deny the individual any right, privilege or benefit for which he is eligible or to which he would otherwise be entitled under federal law. In that event, the individual shall be advised of the existence of the information but such information as would identify a confidential source shall be extracted or summarized in a manner which protects the source to the maximum degree possible and the summary extract shall be provided to the requesting individual.

§ 903.5 Procedures for amendment of records regarding individuals-format, agency review and appeal from initial adverse agency determination.

(a) *In general.* Subject to the application of exemptions promulgated by the Joint Board, in accordance with 5 U.S.C. 552a(k), the Executive Director shall, in conformance with 5 U.S.C. 552a(d)(2), permit an individual to request amendment of a record pertaining to him. Any such request shall be addressed to the Executive Director, Joint Board for the Enrollment of Actuaries, U.S. Department of the Treasury, Washington, D.C. 20220 or delivered personally to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street, N.W., Suite 1537, Washington, D.C. Any request for amendment of records or any appeal from the initial denial of a request which does not fully comply with the requirements of this section will not be deemed subject to the time constraints of paragraph (e) of this section, unless and until amended so as to comply. However, the Executive Director shall forthwith advise the requester in what respect the request or appeal is deficient so that it may be resubmitted or amended. (See 5 U.S.C. 552a (d) and (f)).

(b) *Form of request to amend records.* In order to be subject to the provisions of this section, a request to amend records shall:

(1) Be made in writing and signed by the person making the request, who must be the individual about whom the record is maintained, or his duly authorized representative (See § 903.7);

(2) State that it is made pursuant to the Privacy Act, 5 U.S.C. 552a or these regulations;

(3) Mark "Privacy Act Amendment Request" on the request and on the envelope; and

(4) Reasonably describe the records which the individual desires to have amended, including, to the best of the requester's knowledge, dates of letters requesting access to such records previously and dates of letters in which notification concerning access was made, if any, and the individual's documentation justifying the correction. (See 5 U.S.C. 552a (d) and (f)).

(c) *Date of receipt of request.* A request for amendment of records pertaining to an individual shall be deemed to have been received for purposes of this subpart when the requirements of paragraphs (a) and (b) of this section have been satisfied. The Office of the Executive Director shall stamp the date of receipt of the request thereon. (See 5 U.S.C. 552a (d) and (f)).

(d) *Review of requests to amend records.* The Executive Director shall:

(1) Not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and

(2) Promptly, either—(i) make any correction of any portion of a record which the individual believes and the Executive Director agrees is not accurate, relevant, timely, or complete; or (ii) inform the individual of the refusal to amend the record in accordance with his request, the reason for the refusal, and that he may request that the Joint Board review such refusal. (See 5 U.S.C. 552a (d) and (f)).

(e) *Administrative appeal.*—(1) *In general.* The Joint Board shall permit individuals to request a review of initial decisions made under paragraph (d) of this section when an individual disagrees with a refusal to amend his record. (See 5 U.S.C. 552a(d), and (g)(1)).

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(2) *Form of request for administrative review of refusal to amend record.* At any time within 35 days after the date of the notification of the initial decision described in paragraph (d)(2)(ii) of this section, the requester may submit a request for review of such refusal to the official specified in the notification of the initial decision. The appeal shall:

(i) Be made in writing stating any arguments in support thereof and be signed by the person to whom the record pertains, or his duly authorized representative (See § 903.7);

(ii) Within 35 days of the date of the initial decision: (A) be addressed and mailed to the Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220; or (B) be personally delivered to the Executive Director, Joint Board for the Enrollment of Actuaries, 2401 E Street, N.W., Suite 1537, Washington, D.C. on workdays between the hours of 9 a.m. and 5 p.m.;

(iii) Have clearly marked on the appeal and on the envelope, "Privacy Act Amendment Appeal";

(iv) Reasonably describe the records requested to be amended; and

(v) Specify the date of the initial request to amend records, and the date of the letter giving notification that the request was denied. (See 5 U.S.C. 552a (d) and (f)).

(3) *Date of Receipt.* Appeals shall be promptly stamped with the date of their receipt by the Office of the Executive Director and such stamped date will be deemed to be the date of receipt for all purposes of this section. The receipt of the appeal shall be acknowledged within 10 days from the date of receipt (unless the determination on appeal is dispatched in 10 days, in which case, no acknowledgment is required) by the Joint Board and the requester is advised of the date of receipt established by the foregoing and when a response is due in accordance with this paragraph. (See 5 U.S.C. 552a (d) and (f)).

(4) *Review of administrative appeals from denial of requests to amend records.* The Joint Board shall complete the review and notify the requester of the final agency decision within 30 days (exclusive of Saturdays, Sundays and legal public holidays) after the date of receipt of such appeal, unless it extends the time for good cause shown. If such final agency decision is to refuse to amend the record, in whole or in part, the requester shall also be advised of his right: (i) to file a concise "Statement of Disagreement" setting forth the reasons for his disagreement with the decision which shall be filed within 35 days of the date of the notification of the final agency decision and (ii) to seek judicial review of the final agency decision under 5 U.S.C. 552a(g)(1)(A). (See 5 U.S.C. 552a (d), (f) and (g)(1)).

(5) *Notation on record and distribution of statements of disagreement.* The Executive Director is responsible, in any disclosure containing information about which an individual has filed a "Statement of Disagreement", occurring after the filing of the statement under (4) above for clearly noting any portion of the record which is disputed and providing copies of the statement and, if deemed appropriate, a concise statement of the Joint Board's reasons for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed. (See 5 U.S.C. 552a(d)(4)).

(f) *Records not subject to correction.* The following records are not subject to correction or amendment by individuals:

(i) Transcripts or written statements made under oath;

(ii) Transcripts of Grand Jury proceedings, judicial or quasi-judicial proceedings which form the official record of those proceedings;

(iii) Pre-sentence reports comprising the property of the courts but maintained in agency files;

(iv) Records pertaining to the determination, the collection and the payment of federal taxes; and

(v) Records duly exempted from correction by notice published in the FEDERAL REGISTER.

§ 903.6 Fees.

Charges for copies of records made pursuant to Part 903 of this chapter will be at the rate of $0.10 per copy. For records not susceptible to photocopying, e.g., over-size materials, photographs, etc., the amount charged will be the actual cost of copying. Only one copy of each record requested will be provided. No charge will be made unless the charge as computed above would exceed $3 for each request or related series of requests. If a fee in excess of $25 is required, the requester will be notified that the fee must be tendered before the records will be copied.

§ 903.7 Guardianship.

The guardian of a person judicially determined to be incompetent shall, in addition to establishing the identity of the person he represents, establish his own guardianship by furnishing a copy of a court order establishing the guardianship and may thereafter act on behalf of such individual. (See 5 U.S.C. 552a(h)).

§ 903.8 Exemptions.

(a) *Names of systems:* (1) JBEA—Enrollment Files.

(2) JBEA—Application Files.

(3) JBEA—General Information.

(4) JBEA—Charge Case Inventory Files.

(5) JBEA—Suspension and Termination Files.

(b) *Provisions from which exempted:* These systems contain records described in 5 U.S.C. 552a(k), the Privacy Act of 1974. Exemption will be claimed for such records only where appropriate from the following provisions: subsections (c)(3), (d)(1), (2), (3) and (4), (e)(1), (e)(4)(G), (H) and (I), and (f)(1), (2), (3), (4) and (5) of 5 U.S.C. 552a.

(c) *Reasons for claimed exemptions:* (1) The Privacy Act of 1974 creates several methods by which individuals may learn of and obtain records containing information on such individuals and consisting of investigatory material compiled for law enforcement purposes. These methods are as follows: subsection (c)(3) allows individuals to discover if other agencies are investigating such individuals; subsections (d)(1), (e)(4)(H) and (f)(2), (3) and (5) establish the ability of individuals to gain access to investigatory material compiled on such individuals; subsections (d)(2), (3) and (4), (e)(4)(H) and (f)(4) presuppose access and enable individuals to contest the contents of investigatory material compiled on these individuals; and subsections (e)(4)(G) and (f)(1) allow individuals to determine whether or not they are under investigation. Because these subsections are variations upon the individual's ability to ascertain whether his civil or criminal misconduct has been discovered, these subsections have been grouped together for purposes of this notice.

(2) (i) The Joint Board believes that imposition of the requirements of subsection (c)(3), which requires that accountings of disclosures be made available to individuals, would impair the ability of the Joint Board and other investigative entities to conduct investigations of alleged or suspected violations of the regulations governing the performance of actuarial services with respect to plans to which the Employee Retirement Income Security Act (ERISA) applies, and of civil or criminal laws. Making the accountings of disclosures available to individuals enables such individuals to identify entities investigating them and thereby to determine the nature of the violations of which they are suspected. With such knowledge, individuals would be able to alter their illegal activities, destroy or alter evidence of such activities and seriously impair the successful completion of investigations. For these reasons, the Joint Board seeks exemption from the requirements of subsection (c)(3).

(ii) With respect to subsections (d)(1), (e)(4)(H), and (f)(2), (3) and (5), the Joint Board believes that access to investigatory material would prevent the successful completion of investigations. Individuals who gain access to investigatory material involving them discover the nature and extent of the violations of regulations, and of civil and criminal laws, of which they are suspected. By gaining access, such individuals also learn the facts developed during investigations. Knowledge of these matters enables these individuals to destroy or alter evidence which would otherwise have been used against them. In addition, knowledge of the facts and suspected violations gives individuals, who are committing ongoing violations, or who are about to commit violations of regulations, or of civil or criminal laws, the opportunity to temporarily postpone the commission of the violations or to effectively disguise the commission of these violations. Material compiled on investigated individuals reveals investigative techniques and procedures, disclosure of which enables such individuals to structure their illegal activities so as to escape detection. Further, such material may contain, or by its very nature reveal, the identity of confidential sources. When the identities of confidential sources are revealed, they may be subjected to various forms of reprisal. If confidential sources of information are subjected to actual reprisals or fear thereof, they may become reluctant to provide information necessary to identify or prove the guilt of persons who violate regulations, or civil or criminal laws. Further, the protections afforded by the above-referenced subsections are unnecessary because the Joint Board may not deny enrollment or suspend or terminate the enrollment of an individual to perform actuarial services until it has provided such individual with due process safeguards. For the reasons stated in this subparagraph, the Joint Board seeks exemptions from the requirements of subsections (d)(1), (e)(4)(H), and (f)(2), (3) and (5).

(iii) With respect to subsections (d)(2), (3) and (4), (e)(4)(H), and (f)(4), the Joint Board believes that the imposition of these requirements, which presuppose access and provide for amending records, would impair the ability to conduct investigations and would be unnecessary for the same reasons stated in the preceding subparagraph (2)(B). Those reasons herein are incorporated by reference. Therefore, the Joint Board seeks exemption from the requirements of subsections (d)(2), (3) and (4), (e)(4)(H), and (f)(4).

(iv) With respect to subsections (e)(4)(G) and (f)(1), the Joint Board believes that informing individuals that they are the subjects of a particular system or systems of records would impair the ability of the Joint Board and its agents to successfully complete investigations of suspected or alleged violators of the regulations governing the performance of actuarial services with respect to plans to which ERISA applies. Individuals who learn that they are suspected of violating said regulations are given the opportunity to destroy or alter evidence needed to prove the alleged violations. Such individuals may also be able to impair investigations by temporarily suspending or restructuring the activities which place them in violation of said regulations. Further, as noted in preceding subparagraph (2)(B) and incorporated by reference herein, the procedural requirements imposed on the Joint Board by ERISA make the protections afforded by subsections (e)(4)(G) and (f)(1) unnecessary. For these reasons, the Joint Board seeks exemptions from the requirements of subsections (e)(4)(G) and (f)(1).

(v) Subsection (e)(1) of the Privacy Act of 1974 requires that the Joint Board maintain in its records only information that is relevant and necessary to accomplish a purpose of the Office required to be accomplished by statute or by executive order of the President. The Joint Board believes that imposition of said requirement would seriously impair its ability, and the abilities of its agents and other investigative entities to effectively investigate suspected or alleged violations of regulations and of civil or criminal laws. The Joint Board does not initiate inquiries into individuals' conduct unless it receives information evidencing violation by such individuals of the regulations governing performance of actuarial services with respect to plans to which ERISA applies. Sources of such information may be unfamiliar with the Joint Board's interpretations of said regulations and, therefore, may not always provide only relevant and necessary information. Therefore, it may often be impossible to determine whether or not information is relevant and necessary. For these reasons, the Joint Board seeks exemptions from the requirement of subsection (e)(1).

(vi) Subsection (e)(4)(I) of the Privacy Act of 1974 requires the publication of the categories of sources of records in each system of records. The Joint Board believes that imposition of said requirement would seriously impair its ability to obtain information from such sources for the following reasons. Revealing such categories of sources could disclose investigative techniques and procedures and could cause sources to decline to provide information because of fear of reprisal, or fear of breaches of promises of confidentiality. For these reasons, the Joint Board seeks exemptions from the requirement of subsection (e)(4)(I).

[FR Doc.75-26123 Filed 9-26-75;8:45 am]

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FEDERAL POWER COMMISSION

PRIVACY ACT OF 1974

Notice of Existence and Character of Sytems of Records

Pursuant to Section 309 of the Federal Power Act, as amended (49 Stat. 858–859; 16 U.S.C. 825h), Section 16 of the Natural Gas Act, as amended (52 Stat. 830; 15 U.S.C. 717o), and the Privacy Act of 1974, Pub. L. No. 93–579 (88 Stat. 1896), the Federal Power Commission hereby gives notice of its adoption of the Notice of the Existence and Character of Systems of Records as published at 40 Fed. Reg. 39353 (Aug. 27, 1975) and 40 Fed. Reg. 41984 (Sept. 9, 1975), subject to certain editorial changes which will be published at a later date.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–26159 Filed 9–26–75:11:12 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PRIVACY ACT OF 1974

Notice of Systems of Records

Correction

In FR Doc. 75-22609 appearing at page 39738 in the issue of Thursday, August 28, 1975, the following appendix should be added immediately following the last system, identified as HUD/ILSRO—2. This appendix also appeared as part of HUD's rulemaking document (40 FR 39729, issue of August 28, 1975).

APPENDIX-A—OFFICIALS TO RECEIVE INQUIRIES, REQUESTS FOR ACCESS AND REQUESTS FOR CORRECTION OR AMENDMENT

Headquarters

Privacy Officer
451 Seventh Street, S.W.,
Washington, D. C. 20410

Region I

Regional Administrator
Room 800, John F. Kennedy Federal Building
Boston, Mass. 02203

Area Offices

Director
999 Asylum Avenue
Hartford, Conn. 06105
Director
Bulfinch Building
15 New Chardon Street
Boston, Mass. 02114
Director
Davison Building
1230 Elm Street
Manchester, NH 03101

Insuring Offices

Director
Federal Building and Post Office
202 Harlow Street
Post Office Box 1357
Bangor, ME 04401
Director
330 Post Office Annex
Providence, RI 02903
Director
Federal Building
Elmwood Avenue
Post Office Box 989
Burlington, VT 05401

Region II

Regional Administrator
26 Federal Plaza, Room 3541
New York, NY 10007

Area Offices

Director
The Parkade Building
519 Federal Street
Camden, NJ 08103
Director
Gateway One Bldg.
Raymond Plaza
Newark, NJ 07102
Director
Grant Building
560 Main Street
Buffalo, NY 14202
Director
666 Fifth Avenue
New York, NY 10019

Commonwealth Area Office

Administrator
255 Ponce de Leon Ave.
Hato Rey, Puerto Rico
Mailing Address:
G Post Office Box 3869
San Juan, Puerto Rico 00936

Insuring Office

Director
Westgate North
30 Russell Road
Albany, NY 12206

Region III

Regional Administrator
Curtis Building
6th and Walnut Streets
Philadelphia, PA 19106

Area Offices

Director
Universal North Building
1875 Connecticut Avenue, N. W.
Washington, D. C. 20009
Director
Two Hopkins Plaza
Mercantile Bank and Trust Bldg.
Baltimore, MD 21202
Director
Curtis Bldg.
625 Walnut St.
Phila., Penna. 19106
Director
Two Allegheny Ctr.
Pittsburg, Penna. 15212
Director
701 East Franklin Street
Richmond, Virginia 23219

Insuring Offices

Director
Farmers Bank Bldg., 14th Floor
919 Market St.
Wilmington, Dela. 19801
Director
New Federal Bldg.
500 Quarrier St.
Post Office Box 2948
Charleston, West Virginia 25330

Special Recovery Office

Director
Lackawanna County Bldg.
Spruce and Adams Ave.
Scranton, Penna. 18503

Region IV

Regional Administrator
Room 211, Pershing Point Plaza
1371 Peachtree Street, N. E.
Atlanta, GA 30309

Area Offices

Director
15 South 20th Street
Birmingham, ALA 35233
Director
Peninsular Plaza
661 Riverside Avenue
Jacksonville, FLA 32204
Director
Peachtree Center Bldg.
230 Peachtree Street, N. W.
Atlanta, GA 30303
Director
Children's Hospital Foundation Building
601 South Floyd Street
Post Office Box 1044
Louisville, KY 40201
Director
101-C Third Floor Jackson Mall
Woodrow Wilson Avenue, West
Jackson, Mississippi 39213
Director
2309 West Cone Blvd.
Northwest Plaza
Greensboro, NC 27408

V 40 I 190 SEP 30 75 XUM

Director
1801 Main Street
Jefferson Square
Columbia, SC 29202
Director
One Northshore Bldg.
1111 Northshore Drive
Knoxville, Tenn. 37919

Insuring Offices

Director
3001 Ponce de Leon Blvd.
Coral Gables, FLA 33134
Director
4224-28 Henderson Blvd.
Post Office Box 18165
Tampa, FLA 33679
Director
28th Floor, 100 North Main Street
Memphis, Tenn. 38103
Director
U. S. Courthouse, Federal Bldg. Annex
801 Broadway
Nashville, Tenn. 37203

Service Office

Director
Porterfield Bldg.
3191 Maguire Blvd.
Post Office Box 20250
Orlando, FLA 32803

Region V

Regional Administrator
300 South Wacker Drive
Chicago, ILL 60606

Area Offices

Director
17 North Dearborn Street
Chicago, ILL 60602
Director
Willowbrook Five Bldg.
4720 Kinsway Drive
Indianapolis, IND 46205
Director
5th Floor, 1st National Bldg.
600 Woodward Avenue
Detroit, MI 48226
Director
Griggs-Midway Bldg.
1821 University Ave.
St. Paul, MINN 55104
Director
60 East Main St.
Columbus, OH 43215
Director
744 North Fourth Street
Milwaukee, WIS 53203

Insuring Offices

Director
Lincoln Tower Plaza
524 South Second St., Room 600
Springfield, ILL 62704
Director
Northbrook Bldg., No. II
2922 Fuller Ave., N. E.
Grand Rapids, MI 49505
Director
Federal Office Bldg.
550 Main St., Rm. 7009
Cincinnati, OH 45202
Director
777 Rockwell
Cleveland, OH 44114

Region VI

Regional Administrator
Room 14C2, Earle Cabell Federal Bldg.
U. S. Courthouse
1100 Commerce St
Dallas, TEX 75202

Area Offices

Director
Room 1490, One Union National Plaza
Little Rock, ARK 72201
Director
Plaza Tower
1001 Howard Avenue
New Orleans, LA 70113
Director
301 North Hudson Street
Oklahoma City, OK 73102
Director
2001 Bryan Tower, 4th Floor
Dallas, TEX 75201
Director
Kallison Bldg.
410 South Main Avenue
Post Office Box 9163
San Antonio, TEX 78285

Insuring Offices

Director
New Federal Bldg.
500 Fannin, 6th Floor
Shreveport, LA 71120
Director
625 Truman Street, N. E.
Albuquerque, NM 87110
Director
1708 Utica Square
Tulsa, OK 74152
Director
819 Taylor Street
Room 13A01 Federal Bldg.
Fort Worth, TEX 76102
Director
Two Greenway Plaza East, Suite 200
Houston, TEX 77046
Director
Courthouse and Federal Office Bldg.
1205 Texas Avenue
Post Office Box 1647
Lubbock, TEX 79408

Service Office

Director
Mills Building
303 North Oregon
El Paso, TEX 79901

Region VII

Regional Administrator
Federal Office Bldg., Rm. 300
911 Walnut Street
Kansas City, MO 64106

Area Offices

Director
Two Gateway Center
4th and State Streets
Kansas City, Kansas 77101
Director
210 North 12th Street
St. Louis, MO 63101
Director
Univac Bldg.
7100 West Center Rd.
Omaha, NEB 68106

Insuring Offices

Director
210 Walnut Street
Rm. 259, Federal Bldg.
Des Moines, Iowa 50309
Director
700 Kansas Avenue
Topeka, Kansas 66603

Region VIII

Regional Administrator
Federal Bldg.
1961 Stout Street
Denver, Colorado 80202

Insuring Offices

Director
4th Floor, Title Bldg.
909-17th Street
Denver, Colorado 80202
Director
616 Helena Avenue
Helena, Montana 59601
Director
Federal Bldg.
653 Second Avenue, North
Post Office Box 2483
Fargo, ND 58102
Director
119 Federal Bldg., U. S. Courthouse
400 S. Phillips Ave.
Sioux Falls, SD 57102
Director
125 South State St.
Post Office Box 11009
Salt Lake City, Utah 84111
Director
Federal Office Bldg.
100 East B Street
Post Office Box 580
Casper, Wyoming 82601

Region IX

Regional Administrator
450 Golden Gate Avenue
Post Office Box 36003
San Francisco, CA 94102

Area Offices

Director
2500 Wilshire Blvd.
Los Angeles, CA 90057
Director
One Embarcadero Center
Suite 1600
San Francisco, CA 94111

Insuring Offices

Director
244 West Osborn Rd.
Post Office Box 13468
Phoenix, Arizona 85002
Director
801 Eye Street
Post Office Box 1978
Sacramento, CA 95809
Director
110 West C Street
Post Office Box 2648
San Diego, CA 92112
Director
34 Civic Center Plaza
Room 614
Santa Ana, CA 92701
Director
1000 Bishop Street, 10th Floor
Post Office Box 3377
Honolulu, Hawaii 96813
Director
1050 Bible Way
Post Office Box 4700
Reno, NEV 89505

Region X

Regional Administrator
Arcade Plaza Bldg.
1321 Second Ave.
Seattle, WA 98101

Area Offices

Director
520 Southwest Sixth Ave.
Portland, Oregon 97204
Director
Arcade Plaza Bldg.
1321 Second Ave.
Seattle, Washington 98101

Insuring Offices

Director
334 West Fifth Ave.
Anchorage, Alaska 99501
Director
331 Idaho St.
Post Office Box 32
Boise, Idaho 83707
Director
West 920 Riverside Ave.
Spokane, WA 99201

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Region I

Director
Room 2003-E, John F. Kennedy Federal Building
Boston, Mass. 02203

Region II

Director
26 Federal Plaza
New York, NY 10007

Region III

Director
Curtis Bldg., 7th Floor
6th and Walnut Streets
Phila., PA 19106

Region IV

Director
1375 Peachtree St., N. E., Suite 750
Atlanta, GA 30309

Region V

Director
300 South Wacker Dr., Room 520
Chicago, ILL 60606

Region VI

Director
Federal Bldg., Room 13C28
1100 Commerce Street
Dallas, TX 75202

Region VII

Director
Federal Office Bldg., Room 407
911 Walnut Street
Kansas City, MO 64106

Region VIII

Director
Lincoln Tower Bldg., Room 1140
1860 Lincoln
Denver, Colorado 80203

Region IX

Director
120 Montgomery Street
San Francisco, CA 94104

Region X

Director
Arcade Bldg., Room M-16
1319 Second Ave.
Seattle, WA 98101

These are permanent offices. For location of the nearest temporary field office, contact the appropriate Regional FDAA office.

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PRIVACY PROTECTION STUDY COMMISSION

PRIVACY ACT OF 1974

Proposed Notices of Record Systems

The following Notices of Record Systems were drafted as prescribed by section e(4) of the Privacy Act of 1974, and the routine uses thereof are hereby offered for public comment. These Record Sytems are the only ones in the Commission's inventory. Interested parties have until October 31, 1975, to submit comments which should be addressed to the Executive Director, Privacy Protection Study Commission.

Signed the 24th day of September, 1975.

Carole Parsons
Executive Director

PPSC—1

System name: Commission Member and Staff Personnel Records—PPSC—1

System location: 2120 L Street, N.W., Suite 424, Washington, D.C. 20506

Categories of individuals covered by the system: Commission members, individuals employed by PPSC, and applicants for employment.

Categories of records in the system: Contains copies of biographic background information, personnel records, payroll information, time and attendance records, consultants' employment files and files of applicants for employment.

Authority for maintenance of the system: Privacy Act of 1974, P.L. 93-579, Section 5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of PPSC members and personnel, their employment records and records of applicants for employment. Used by Commission members, the Executive Director, the General Counsel, the Administrative Officer, and the Public Information Officer. Files on current employees and commissioners may contain biographic background information, the disclosure of which would not constitute a clearly unwarranted invasion of personal privacy and may therefore be made available to the press and the public.

A record from a system of records maintained by the PPSC may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

In the event that a system of records maintained by PPSC to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored in file folders.

Retrievability: Information is retrieved by name.

Safeguards: Information other than biographic background information and attendance reports is stored in locked file drawers.

Retention and disposal: Information is retained during PPSC's existence and then stored with the National Archives.

System manager(s) and address: Administrative Officer, Privacy Protection Study Commission, Suite 424, 2120 L Street, N. W., Washington, D. C. 20506

Notification procedure: Address inquiries to the Public Information Officer.

Record access procedures: Address inquiries to the Public Information Officer.

Record source categories: Individual to whom the record pertains, from previous employers and from generally available research material.

PPSC—2

System name: Letters of contact with the Commission—PPSC—2.

System location: Privacy Protection Study Commission, 2120 L Street, N. W., Suite 424, Washington, D. C. 20506.

Categories of individuals covered by the system: Individuals who as individuals have directed correspondence to the Commission.

Categories of records in the system: Contains letters received by the Commission expressing interest in the work of the Commission, and bringing matters relating to the Commission's work to its attention.

Authority for maintenance of the system: Privacy Act of 1974, PL93-579, Section 5.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the members, and staff of the Commission in order to identify issues subject to its study and be aware of comment on the Commission's work.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored in file folders.

Retrievability: Information is retrieved by name.

Safeguards: Information is contained in locked file drawer.

Retention and disposal: Information is retained during PPSC's existence and then stored with the National Archives.

System manager(s) and address: Public Information Officer, 2120 L Street, N. W., Suite 424, Washington, D. C. 20506

Notification procedure: Address inquiries to the Public Information Officer.

Record access procedures: Address inquiries to the Public Information Officer.

Contesting record procedures: Address inquiries to the Public Information Officer.

Record source categories: Individual to whom the record pertains.

[FR Doc.75-25918 Filed 9-26-75;8:45 am]

TENNESSEE VALLEY AUTHORITY

PRIVACY ACT OF 1974

Notice of Systems of Records

Correction

In FR Doc. 75-22258 appearing at page 38685 in the issue of Wednesday, August 27, 1975, the system of records following TVA—26, identified as VA—27, was inadvertently misprinted. It should read as set forth below.

TVA—27

System name: Test Demonstration Farm Records—TVA

System location: Division of Agricultural Development, Tennessee Valley Authority, Test and Demonstration Branch, Muscle Shoals, Alabama 35660.

Categories of individuals covered by the system: Farmers located outside the Tennessee Valley participating in:

Rapid adjustment demonstration farm program.
Unit test-demonstration farm program.
Fertilizer technology farm program.
Enterprise farm program.

Categories of records in the system: Agricultural, income, investment, labor, and food data.

Authority for maintenance of the system: Tennessee Valley Authority Act of 1933, 16 U.S.C. 831-831dd

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To request information from a government agency or private individual where such information may be relecvant to providing additional assistance under this program.

To disclose to state extension services and the U.S. Department of Agriculture for use in program evaluation and in assistance to program participants.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in files, magnetic tapes, cards, and printouts.

Retrievability: Records are indexed by an assigned number.

Safeguards: Access to and use of these records are limited to persons whose official duties require such access. Files are kept in secured facilities and locked when unattended.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director of Agricultural Development, Tennessee Valley Authority, Muscle Shoals, Alabama 35660.

Notification procedure: Individuals seeking access to information about them in this system of records should contact the system manager named above.

Contesting record procedures: Individuals desiring to contest or amend information about them maintined in this system should direct their request to the system manager named above.

Record source categories: Information in this system is solicited from the individual to whom the record pertains by state extension services and universities.

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CONSUMER PRODUCT SAFETY COMMISSION

PRIVACY ACT OF 1974

Notices of Systems of Records

Notice is hereby given that the Consumer Product Safety Commission, in accordance with 5 U.S.C. 552a(e) (4) and (11), section 3 of the Privacy Act of 1974, (P.L. 93-579) proposes to adopt the following notices of systems of records which it maintains which contain information about individuals. Interested persons are requested to submit written comments regarding these notices on or before October 30, 1975. Comments should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, 10th Floor, 1750 K Street, N.W., Washington, D.C. during business hours (8:30 a.m. to 5 p.m.) Monday through Firday.

This notice does not include those systems of records existing within the Commission for which other Federal agencies have assumed responsibility for publishing a Government-wide notice. The primary example is the publication of systems of records pertaining to Federal employee personnel records by the United States Civil Service Commission. Any notice of a system of records inadvertently omitted from this notice will be published as an amendment at a later date.

Dated: September 24, 1975.

Sadye E. Dunn,
Secretary,

Consumer Product Safety Commission.

Table of Contents

Accident Report (In-Depth)—CPSC
Advisory Committee Applications—CPCS
Claims—CPCS
Consumer Volunteer Roster—CPCS
Employee Biographies—CPCS
Employee Career Development—CPCS
Employee Discrimination Complaint and Investigation File—CPCS
Employee Executive Development Program Records—CPCS
Employee Financial Interest Statements—CPCS
Employee Merit Promotion Program Files—CPCS
Employee Motor Vehicle Operators and Accident Report Records—CPCS
Employee Outside Activity Notices—CPCS
Employee Payroll, Leave and Travel Records—CPCS
Employee Personal Data File—CPCS
Employee Relations Files—CPCS
Employee Upward Mobility Counseling Files—CPCS
Employee Upward Mobility Program Training Files—CPCS
Job Applicant File—CPCS
Labor-Management Relations File—CPCS

CPSC—1

System name: Accident Reports (In-Depth)—CPSC

System location: Consumer Product Safety Commission, Bureau of Epidemiology, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Vicitms of Consumer product-related injuries on which specific epidemiologic data is needed in order to analyze and correct product hazards.

Categories of records in the system: This record contains demographic data on an injured person, location of accident, data on injury, product and manufacturer identification, and a narrative description of the accident.

Authority for maintenance of the system: Consumer Product Safety Act, section 5(15 USC 2054)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used as a compilation of statistical information on product-related injuries to support CPSC staff work in analysing the incidence and severity of product related injuries and to respond to Congressional inquiries and requests for information from private individuals and private and public organizations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic data bank disk. The original hard copy of the investigation report is maintained by the National Injury Information Clearinghouse, Bureau of Epidemiology in file folders.

Retrievability: Records are retrievable by either (1) Product Code and injury data or (2) Hospital Identification Code and Patient Record Number.

Safeguards: Confidentiality of the name of the accident victim and attending physician are guaranteed by the Consumer Product Safety Act, section 25(c), (15 USC 2074(c)) and, therefore, names do not appear in the record and are not used for retrieval.

Retention and disposal: Records are maintained for a period of 10 years subject to change in Commission policy. Disposal is by normal methods.

System manager(s) and address:

Director, Bureau of Epidemiology
Room 332
5401 Westbard Avenue
Washington, D.C. 20207

Systems exempted from certain provisions of the act: This system of records is subject to the specific exemption provided for in 5 USC 552a(k)(4) and is therefore exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) of section 552a. The data is required to be maintained by 15 USC 2054 and is used solely as statistical records.

CPSC—2

System name: Advory Committee applications—CPSC

System location: Consumer Product Safety Commission, Office of the Secretary 1750 K Street, N.W. Suite 1025, Washington, D.C. 20207

Categories of individuals covered by the system: Individuals seeking or nominated for positions on the various Advisory Committees.

Categories of records in the system: This record contains an individual's name, address, personal history and qualifications.

Authority for maintenance of the system: 15 USC 2077, 2079(a) and 2079(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The applications are used to select candidates for filling vacancies on advisory committees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically be name of committee and then by name of applicant.

Safeguards: Records are maintained in file cabinets in a secured area.

Retention and disposal: Records are retained until new applications are solicited, i.e., every 12 months.

System manager(s) and address: Secretary, Consumer Product Safety Commission, 1750 K Street, N.W., Suite 1025, Washington, D.C. 20207

Notification procedure:

Consumer Product Safety Commission
Office of the Secretary
1750 K Street, N.W. Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification HRInformation is provided by individuals seeking a position on an advisory committee or by a person nominating another for such a position.

CPSC—3

System name: Claims—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Division of Personnel Management, 5401 Westbard Avenue, Room 942, Washington, D.C. 20207

Categories of individuals covered by the system: CPSC employees sustaining property damage incident to service; CPSC employees involved in situation where personal injury or property damage

results from wrongful or negligent act of employee acting within scope of employment; claimants sustaining injury or property damage due to CPSC employee actions.

Categories of records in the system: This record contains material in the form of accident reports, itemized bills and correspondence with outside activities such as insurors and claimants.

Authority for maintenance of the system: 31 USC 240; 28 USC 2671.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) For litigation in a Federal court when necessary. (b) To provide a chronological and reference file for preparation of reports (c) To provide necessary data to adjudicate or settle the claim.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically by name of individual claimant.

Safeguards: Records are maintained in combination lock metal file cabinet in a secured area. Access to such area is limited to those persons whose official duties require such access.

Retention and disposal: Records are retained up to six years after case is closed. Disposal is by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
5401 Westbard Avenue
Washington, D.C. 20207

Notification procedure: Present and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Consumer Product Safety Commission
Office of the Secretary
1750 K Street, N.W. Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information is provided by (1) the individual to whom the record pertains (2) the agency and/or Commission official (3) affidavits or statements from employee (4) testimony of witnesses (5) official document relating to claim (6) correspondence from organization or persons involved.

CPSC-4

System name: Consumer Volunteer Roster-CPSC

System location: Consumer Product Safety Commission, Office of the Secretary, 1750 K Street, N.W. Suite 1025, Washington, D.C. 20207

Categories of individuals covered by the system: Consumers who wish to volunteer their services in the development of safety standards as members of development committees.

Categories of records in the system: This record contains consumer's name, address, and qualification for serving in the Standards development process.

Authority for maintenance of the system: Section 7, Consumer Product Safety Act (15 USC 2056)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is made available to organizations developing safety standards for consumer products in order to obtain consumer participation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on hard copy.

Retrievability: Records are indexed by state and name of consumer.

Safeguards: Records are maintained in secure file cabinets.

Retention and disposal: Records are retained until new set of volunteer's names are solicited by the Commission, e.g.; each 12 months.

System manager(s) and address:

Secretary, Consumer Product Safety Commission
1750 K Street, N.W.
Washington, D.C. 20207

Notification procedure:

Consumer Product Safety Commission
Office of the Secretary
1750 K Street, N.W. Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information is provided by individuals on whom the record is maintained.

CPSC—5

System name: Employee Biographies—CPSC

System location:

Consumer Product Safety Commission
Office of Public Affairs
1750 K Street, N.W. Suite 600
Washington, D.C. 20207

Categories of individuals covered by the system: CPSC employees who have submitted biographical information

Categories of records in the system: This record contains a brief statement of information relating to educational and professional background and present position and responsibilities within the Commission

Authority for maintenance of the system: Consumer Product Safety Act (15 USC 2051-81)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is furnished to the public media in connection with employee activities and employee participation in conferences, meetings and other functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically by name of employee.

Safeguards: Records are maintained in locked file cabinets in secured areas.

Retention and disposal: Records are maintained until employee terminates employment at agency. Disposal is by normal methods.

System manager(s) and address:

Director, Public Affairs
1750 K Street, N.W., Suite 600
Washington, D.C. 20207

Notification procedure: Employees and former employees:

Consumer Product Safety Commission
Director, Office of Resource Utilization
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Consumer Product Safety Commission
Office of the Secretary
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by the employee to whom it pertains.

CPSC—6

System name: Employee Career Development—CPSC

System location: Division of Personnel Management, Consumer Product Safety Commission, 5401, Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: CPSC employees who have expressed interest in and made application for extramural training courses, and courses designed exclusively for internal use.

Categories of records in the system: These records contain applications for training in government and non-governmnet facilities; approvals; disapprovals; cancellations and deferrals of course offering evaluations of course offerings; records on payment of training bills; statistical reports on training activities; counseling notations pertaining to employees interested in courses.

Authority for maintenance of the system: Executive Order 11348; 5 USC 4103, 4108, 4109, 4110, 4113, 4118.

V 40 190 SEP 3075 XUM

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used: (a) To obtain enrollment into training course or seminar. (b) To provide statistical reports to Congress, agencies and the public on characteristics of the Federal work force. (c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (d) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee. (e) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (f) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act to locate specific individuals for personnel research or other personnel management functions. (g) To provide data for the automated Central Personnel Data File (CPDF). (h) By the Civil Service Commission for purpose of making a decision when a Federal Employee or former Federal Employee is questioning the validity of a specific document in an individual file. (i) To any agency of the Federal Government having oversight or review authority with regard to Civil Service Commission activities. (j) To provide data to update the Federal Automated Career Systems (FACS). (k) To provide data to the Executive Inventory Files.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by combination of names or subject matter.

Safeguards: Records are located in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Records are maintained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records comes from the individual to whom it applies or is derived from information he/she supplied, except information provided by agency officials.

CPSC—7

System name: Employee Discrimination Complaint and Investigation File-CPSC

System location: Consumer Product Safety Commission Office of Equal Employment Opportunity and Minority Enterprise (OEEOME) 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Commission employees and others who have filed complaints of discrimination based on race, color, religion, sex, national origin or age.

Categories of records in the system: This record contains information pertaining to the complaintant, the person against whom the complaint is filed and others having a relationship to the complaint.

Authority for maintenance of the system: FPM Part 713

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used for: (l) review by the assigned EEO Investigator (2) review by the Director, OEEOME (3) review by FWP, the coordinator for EEO complaints (4) referral to Office of General Counsel for legal analysis and action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in hard copy.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file cabinets in secured areas

Retention and disposal: Records are retained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director, OEEOME
5401 Westbard Avenue
Washington, D.C. 20207

Notification procedure: Present and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this file is furnished by supervisors, co-workers and others who are involved in the complaint or have information pertaining thereto.

CPSC—8

System name: Employee Executive Development Program Records—CPSC

System location: Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Commission employees in grade GS-13 and above.

Categories of records in the system: These records contain information relating to the education training; employment history and earnings; appraisals of 1st and 2nd line supervisors; honors, awards or fellowships; military service; birthplace, birthdate, social security number; home address; of applicants for the various executive development programs which are offered on a an open Commission competitive basis. Also, records contain panel evaluations and selection rating information on successful and unsuccessful nominees; correspondence to training facilities and employees pertaining to the various executive developmental programs; statistical compilation reports submitted to OMB and CSC covering reporting requirements on CPSC employees.

Authority for maintenance of the system: Executive Order 11348, 5 USC 4103, 4104, 4108, 4109, 4110, 4113, 4118.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(a) To facilitate career development of employees

(b) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(c) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee.

(d) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rules, regulation, or order issued pursuant thereto.

(e) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(f) To provide data for the automated Central Personnel Data file (CPDF).

(g) By the Civil Service Commission for purpose of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual file.

(h) To any agency of the Federal Government having oversight or review authority with regard to Civil Service Commission activities.

(i) To provide data to update the Federal Automated Career Systems (FACS).

(j) To provide data to the Executive Inventory Files.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by combination of names or subject matter.

Safeguards: Records are located in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Records are maintained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and Former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records is provided by the individual to whom it applies or is derived from information he/she supplied, except information provided by agency officials.

CPSC—9

System name: Employee Financial Interest Statements—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Division of Personnel Management, 5401 Westbard Avenue, Room 956, Washington, D.C. 20207

Categories of individuals covered by the system: Current CPSC employees whose duties and responsibilities require the incumbent to exercise judgment in making Government decisions or in taking Government action in regard to (l) contracting or procurement, (2) administering or monitoring grants, (3) standards development, (4) rule- making, (5) compliance activities or (6) other activities where the decision or action has an economic impact on the interest of any non-Federal enterprise.

Categories of records in the system: These records contain a list of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions; (a) with which a CPSC employees, their spouse, minor child(ren) or other member of their immediate household who is of blood relation has a continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which the employee, their spouse, minor child(ren) or other member of their immediate household who is of blood relation has any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

These records also contain a list of the employees creditors, other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses and a list of the employees' interest in real property or rights in lands, other than property which be occupies as a personal residence.

Authority for maintenance of the system: Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below:

(l) To assist the Chairman or designee in determining if an employee (a) has direct or indirect financial interests that conflict substantially, with his or her responsibilities and duties as a Federal employee or (b) engages in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained through his or her employment.

(2) To refer, where these is an indication of a violation a potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, state, or local charged with the responsibility of investigating or implementing the statute or rule, regulation or order issued pursuant thereof.

(3) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individual on whom they are maintained.

Safeguards: Records are located in a combination lock GSA approved Security Container. Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are maintained for five years following employees separation from the CPSC. Disposal by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D. C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: The information contained in these records is provided by the individual to whom the record pertains or is provided by other persons authorized by the individual to whom the record pertains to provide such information.

CPSC—10

System name: Employee Merit Promotion Program—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Division of Personnel Management, 5401 Westbard Avenue, Room 942, Washington, D.C. 20207

Categories of individuals covered by the system: Applicants, current and former employees.

Categories of records in the system: This system of records contains information or documents relating to promotions subject to

V 40 190 SEP 3075 XUM

the merit promotion plan. The records consist of employment applications and performance appraisals, rating sheets and material placed into the records to support the rating.

Authority for maintenance of the system: FPM Chapter 335

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

(1) To respond to requests from employees regarding the status of the merit promotion case.

(2) To provide information to the Office of Equal Employment Opportunity when an individual files a discrimination complaint.

(3) To respond to a court subpoena and/or refer to a district court in connection with a civil suit.

(4) To adjudicate an appeal, complaint, or grievance.

(5) To effectuate promotion of employees concerned.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained and by Merit Promotion case numbers.

Safeguards: Records are located in a metal file cabinet and access is limited to those persons whose official duties required such access.

Retention and disposal: The records are maintained up to two years after a selection has been made.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W.
Washington, D.C. 20207

Record access procedures: Same as notification.

Record source categories: Information in this record is provided by:

(1) Individual to whom the record pertains,
(2) Agency and/or Commission officials,
(3) Affidavits or statements from employee,
(4) Official documents relating to appeal, grievance, or complaint
(5) Correspondence from specific organization or persons.

CPSC—11

System name: Employee Motor Vehicle Operators and Accident Report Records—CPSC

System location: Consumer Product Safety Commission Office of Resource Utilization, General Services Branch 5401, Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Employees of the Commission who (1) hold Government motor vehicle operator's permit and who regularly operate vehicles (2) are involved in automobile accidents.

Categories of records in the system: This record contains data on employees issued a Government motor vehicle operator's permit and reports, correspondence and fiscal documents concerning employees involved in automobile accidents.

Authority for maintenance of the system: Consumer Product Safety Act (15 USC 2051-2081) and 28 USC Chap. 171.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below:

(1) To identify those CPSC employees authorized to operate Government owned or government-leased vehicles.

(2) For litigation in a Federal court when necessary.

(3) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local charged with the sponsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(4) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit.

(5) To provide information or disclose to a Federal Agency, in response to its request, in connection with the hiring or retention of an employee, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed by card number.

Safeguards: Records are maintained in a secured area.

Retention and disposal: Records on driver's permits are retained for one year after employee is terminated. Records on automobile accidents are retained for two years after accident. Disposal is by normal procedures.

System manager(s) and address:

Chief, General Services Branch
5401 Westbard Avenue, Room 629
Washington, D.C. 20207

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: The information in this record is furnished by the employee. Information on accidents is furnished by the employee and witnesses to the accident.

CPSC—12

System name: Employee Outside Activity Notice—CPSC

System location: Consumer Product Safety Commission, Office of the Executive Director, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Commission employees carrying on outside activities such as consultative services, practice of law, teaching, etc.

Categories of records in the system: This system of records contains information concerning the employee's position, nature of outside activity, relation of official duties to activity, and method of compensation for outside activity.

Authority for maintenance of the system: Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used by the Executive Director in making a determination as to whether an employee's outside activity constitutes a real or apparent conflict of interest.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on hard copy.

Retrievability: Records are indexed by employee name.

Safeguards: Records are maintained in locked file cabinets in a secured area.

Retention and disposal: Records are maintained until employee terminates with agency. Disposal is by normal procedures

System manager(s) and address: Executive Director, 5401 Westbard Avenue, Washington, D.C. 20207

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:

Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: The information in this record is furnished by the employee to whom it pertains.

CPSC—13

System name: Employee Payroll, Leave and Travel Records—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Finance Division, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: All employees of CPSC and non-government personnel acting on official CPSC business in connection with their pay, leave, and travel.

Categories of records in the system: These records contain personal information, such as Social Security number, name, wages paid, deductions, etc., and normal accounting information such as Social Security number, name, amount paid, budget allocation codes, etc.

Authority for maintenance of the system: Budget and Accounting Procedures Act of 1950 (31 USC 1151)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used by the Finance Branch for verification of payroll data, for reconciliation of associated General Ledger Accounts, and for general support of accounting records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, punch card and in hard copy.

Retrievability: Records are indexed by name and social security number.

Safeguards: Records are maintained in a secured area in locked file cabinets, with access limited to employees of Finance Division with bona fide need for the records.

Retention and disposal: Records are maintained for two full years after the end of fiscal year and then, with approval of GAO, forwarded to a Federal Records Center or destroyed by normal procedures.

System manager(s) and address:

Director, Finance Division
Office of Resource Utilization
5401 Westbard Avenue
Washington, D.C. 20207

Notification procedure:

Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in these records is furnished by the employee to whom the records pertains or compiled by the relevant agency or organizations from existing records.

CPSC—14

System name: Employee Personal Data File-CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Division of Personnel Management, 5401 Westbard Avenue, Room 942, Bethesda, Maryland.

Categories of individuals covered by the system: Current CPSC employees and those employed by CPSC during the past 2 years.

Categories of records in the system: This record contains payroll and personnel information including employee number, organization code, type of appointment, tenure(tour duty), social security number, date of birth, veterans preference, education, security clearance, sex, home phone number, present salary(annual), grade, step (in grade), series, subseries, entry on duty, service computation date, benefits presently deducted from paycheck, date last promotion, date of last periodic step increase, FLSA, Building (or area office) room number, employment phone number, employee name.

Authority for maintenance of the system: FPM, Chapter 292

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is sed or a record may be used:

(1) By agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual.

(2) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(3) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(4) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(5) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant or other benefit.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and punched cards.

Retrievability: Records are indexed by any combination of name, birth date, social security number, or identification number.

Safeguards: Records are located in locable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: The Personal Data Files are retained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Record access procedures: Employees and former employees:

Director, Office of Resource Utilization
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207 Include name, date of birth and social security number with request

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records comes either from the individuals to whom it applies or is derived from his/her official personnel folder.

CPSC—15

System name: Employee Relations Files—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Division of Personnel Management, 5401 Westbard Avenue, Room 942, Washington, D.C. 20207.

Categories of individuals covered by the system: Current and former employees of the Consumer Product Safety Commission.

Categories of records in the system: This system of records contains information or documents relating to: (1) disciplinary actions, complaints, grievances, potential adverse actions, and proposals, decisions, or determinations made by management relative to the foregoing; retirement records.

The records consist of the notices to the individuals, records of resolutions of complaints, materials placed into the record to support the decision or determination, affidavits or statements.

V 40 190 SEP 3075 XUM

Authority for maintenance of the system: USC 1302, 3301, 4308, 5115, 5338, 7151, 7301, 7701, 8347, Executive Orders 9830, 10987, 11222, 11478, 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used: (1) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance. (2) To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act. (3) To respond to a court subpoena and/or refer to a district court in connection with a civil suit. (4) To adjudicate or resolve an appeal, complaint, or grievance. (5) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions. (6) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. (7) To request information from a federal, state or local agency maintaining Civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit. (8) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision of that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties required such access.

Retention and disposal: The records are maintained up to two years after an employee has left the Consumer Product Safety Commission. Disposal is by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification. HRInformation in these records is furnished by: (1) Individual to whom the record pertains (2) Agency and/ or Commission officials (3) Affidavits or statements from employee (4) Testimonies of witnesses (5) Official documents relating to appeal, grievance, or complaints (6) Correspondence from specific organization or persons.

CPSC—16

System name: Employee Upward Mobility Counseling Files—CPSC

System location: Office of Equal Employment Opportunity and Minority Enterprise, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: All persons participating in the Upward Mobility Program.

Categories of records in the system: This record contains information regarding the counseling of employees to assist them in enhancing their career in the Federal system; contains personal data on employees seeking advancement.

Authority for maintenance of the system: FPM Chapter 713

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records in review by the Upward Mobility Counselor and Director, OEEOME, in counseling and placing employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked files in a secured area.

Retention and disposal: Records are retained until employee reaches goal. Disposal is by normal procedures.

System manager(s) and address: EEO Specialist, Office of Equal Employment Opportunity 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C.
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by the employee to whom it pertains.

CPSC—17

System name: Upward Mobility Program Training Records—CPSC

System location: Division of Personnel Management, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: CPSC employees in a position with little or no promotion potential.

Categories of records in the system: Records contain data on CPSC employees including approved career development plans; applications for training in government and non-government facilities; approvals; disapprovals; cancellations and deferrals of course offerings; evaluations of course offerings; records on payment of training bills; statistical reports on training activities. Also, evaluations on each employee regarding his/her academic record and positions applied for in open competition based on merit promotion procedures.

Authority for maintenance of the system: FPM Chapter 713

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(a) To facilitate training and career development of CPSC employees.

(b) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(d) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee.

(e) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(f) As a data source for management information for production of summary descriptive statistics and analytical studies in support

of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(g) To provide data for the automated Central Personnel Data File (CPDF).

(h) By the Civil Service Commission for purpose of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual file.

(i) To any agency of the Federal Government having oversight or review authority with regard to Civil Service Commission activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by combination of names or subject matter.

Safeguards: Records are located in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Employees and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records is furnished by the individual to whom it pertains or is developed from information the individual supplied.

CPSC—18

System name: Job Applicant Files—CPSC

System location: These records are maintained in the offices and bureaus as indicated in the Appendix I.

Categories of individuals covered by the system: Applicants for employment who have forwarded resumes or Standard Form 171's to the Commission.

Categories of records in the system: These records contain personal data and job history in the form of a resume or Standard Form 171.

Categories of records in the system: GPM Chapters 333-713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these files is reviewed as vacancies occur for the purpose of placement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically by name of applicant within general job categories.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained up to two years and disposal is by normal procedures.

System manager(s) and address: Director of Office or bureau maintains the record.

Notification procedure: Present and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Other:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by the person to whom it pertains.

CPSC—19

System name: Labor Management Relations Files—CPSC

System location: Consumer Product Safety Commission, Office of Resource Utilization, Division of Personnel Management, 5401 Westbard Avenue, Room 942, Washington, D.C. 20207.

Categories of individuals covered by the system: CPSC employees involved in union activity, whether in the capacity of an officer or a rank and file employee utilizing the grievance machinery.

Categories of records in the system: These records contain data relating to (1) employees involved in the maintenance of the labor-management program or (2) employees presenting grievances under the collective bargaining agreement.

Authority for maintenance of the system: Executive Order 11491.

Routine uses of records maintained in the system, including categories of users and the purpoes of such uses: Material in these records are used primarily for reference except in the case of grievances, where information may be essential to prepare for a hearing.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties required such access.

Retention and disposal: The records are maintained up to two years after an employee has left the Consumer Product Safety Commission.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Present and former employees:

Director, Office of Resource Utilization
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Other:
Office of the Secretary
Consumer Product Safety Commission
1750 K Street, N.W., Suite 1025
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by:

(1) Individual to whom the record pertains
(2) Agency and/or Commission official
(3) Affidavits or statements from employee
(4) Testimonies of witnesses
(5) Official document relating to grievance
(6) Correspondence from specific organization or persons

APPENDIX I

The following units of the Consumer Pduct Safety Commission maintain job applicant files as indicated by the Notice of System of Records designated CPSC—18.

Office of Equal Employment Opportunity and Minority Enterprise
5401 Westbard Avenue
Washington, D.C. 20207
Office of Resource Utilization
Division of Personnel Management
5401 Westbard Avenue
Washington, D.C. 20207
Office of the General Counsel
1750 K Street, N.W.
Washington, D.C. 20207

V 40 190 SEP 3075 XUM

Office of the Medical Director
5401 Westbard Avenue
Washington, D.C. 20207
Office of Product Defect Identification
5401 Westbard Avenue
Washington, D.C. 20207
Office of Program Planning and Evaluation
5401 Westbard Avenue
Washington, D.C. 20207
Office of Standards Coordination and Appraisal
5401 Westbard Avenue
Washington, D.C. 20207
Bureau of Biomedical Sciences
5401 Westbard Avenue
Washington, D.C. 20207
Bureau of Economic Analysis
5401 Westbard Avenue
Washington, D.C. 20207
Bureau of Information and Education
5401 Westbard Avenue
Washington, D.C. 20207
Area Offices:
Atlanta Area Office
1330 West Peachtree Street, N.W.
Atlanta, Georgia 30309
Boston ArOffice
100 Sr Street, 16th Fl.Rm. 1607
Boston, Mass. 0210
Chicago Area Office
230 S.Dearborn Street, Room 2945
Chicago, Illinois 60604
Cleveland Area Office
Cleveland, Ohio 44135
Dallas Area Office
Room 410C, 500 South Ervay
Dallas, Texas 75201
Denver Area Office
Suite 938, Guarranty Bank Bldg.
817 17th Street
Denver, Colorado 90202
Kansas City Area Office
Suite 1500, Traders NationalBank Bldg.
1125 Grand Avenue
Kansas City, Missouri 64206
Minneapolis Area Office
Room 650 Fedel Bldg.
Fort Snelling
Twin Cities, Minnesota 55111
New Orleans Area Office
Suite 414, International Trade Mart
2 Canal Street
New Orleans, Louisiana 70130
New York Area Office
6 World TradeCenter
Vesey Street, 6th Floor
New York, N.Y.10048
Philadelphia Area OF Office
10th Floor, 400 Market Street
Philadelphia, Pa. 19106
San Francisco Area Office
Suite 500, 100 Pine Street
San Francisco, Calif. 94111

[FR Doc.75-25296 Filed 9-26-75;8:45 am]

federal register

TUESDAY, SEPTEMBER 30, 1975

PART V:

DEPARTMENT OF THE TREASURY

Internal Revenue Service

PENSION AND WELFARE PLANS

Annual Information Returns/Reports

V 40 190 SEP 30 75 XUM

DEPARTMENT OF THE TREASURY

Internal Revenue Service

PENSION AND WELFARE PLANS

Annual Information Returns/Reports

The Internal Revenue Service and the Department of Labor have developed proposed annual information returns/reports to be filed by an employer or plan administrator of a pension or welfare benefit plan as required by section 104 of the Employee Retirement Income Security Act of 1974 and section 6058(a) of the Internal Revenue Code of 1954. The forms will be used for common reporting to both agencies.

In the early stages of development of the draft annual return/report forms, simplified forms were proposed for both (1) Keogh pension plans with fewer than 100 participants and (2) all other pension and welfare plans with fewer than 100 participants. A separate form has been developed for Keogh plans with fewer than 100 participants, containing items which relate uniquely to Keogh pension plans. This form (5500–K) is considerably shorter than the form for all other plans. In developing the reporting forms for all other pension and welfare plans, the Department and the Service were able to reduce the information required to the extent that the questions now contained in proposed Form 5500 (to be used by all welfare plans and by all pension plans except Keogh plans filing Form 5500–K) are equally applicable to both large and small pension plans. Therefore, no separate form is proposed for non-Keogh plans and welfare plans with fewer than 100 participants. However, based upon the differing nature of welfare plans, such plans will not be required to answer certain questions on Form 5500. In addition, an opinion of an independent qualified public accountant will not be required for either pension or welfare plans with fewer than 100 participants.

The proposed forms, reproduced in this issue of the FEDERAL REGISTER, are as follows:

Form 5500, Annual Return/Report of Employee Benefit Plans (to be filed for all plans, other than Keogh plans filing Form 5500–K).

Form 5500–K, Annual Return/Report of Employee Pension Benefit Plan(s) (to be filed for plans with fewer than 100 participants, at least one of whom is an owner-employee).

Schedule A (Form 5500), Insurance Information (to be filed for each defined benefit, defined contribution, and welfare benefit plan which is wholly or partly insured).

Schedule B (Form 5500), Actuarial Information (to be filed for all pension benefit plans subject to the minimum funding standards of section 412 of the Internal Revenue Code or Part 3 of Title I of the Employee Retirement Income Security Act).

Because of the extensive changes made to pension and welfare plan reporting requirements by the Employee Retirement Income Security Act of 1974, both the Internal Revenue Service and the Department of Labor are interested in receiving written comments and suggestions for improving the proposed forms and instructions prior to final publication. The public, practitioner groups, and other interested parties or organizations are invited to submit comments.

Copies of this issue of the FEDERAL REGISTER, containing the proposed forms, may be obtained by writing or calling, Distribution Manager, A:FM:P, Room 1237, Internal Revenue Building, 1111 Constitution Avenue N.W., Washington, D.C. 20224, Telephone (202) 964-3132, or Public Information Office, Room N5641, New Department of Labor Building, 200 Constitution Avenue N.W., Washington, D.C. 20216, Telephone (202) 523-7408.

Interested parties should note that the comments period closes on October 30, 1975.

Three copies of any comments or recommendations should be sent to the Chairman, Tax Forms Coordinating Committee, Room 1515, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

ALVIN D. LURIE,
Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service.

JAMES D. HUTCHINSON,
Administrator for Pension and Welfare Benefit Programs, Department of Labor.

Form **5500** (Nov. 1975)

Department of the Treasury
Internal Revenue Service

Department of Labor
Labor-Management Services Administration

Annual Return/Report of Employee Benefit Plan

Under section 104 of the Employee Retirement Income Security Act of 1974 and section 6058(a) of the Internal Revenue Code of 1954, referred to as the Code.

This Form is Open to Public Inspection

This Return/Report is for plan year beginning , 19 and ending , 19

► File one form for each plan.
► Pension and welfare benefit plans file this form with the Department of Labor (DOL).
► Pension benefit plans file this form with the Internal Revenue Service (IRS).
► Pension benefit plans complete all items. Welfare benefit plans complete only items 1 through 18.
► Plans with fewer than 100 participants and with at least one owner-employee do not file this form—use Form 5500–K.
► Please complete every applicable item on this form. If an item does not apply, enter "NA".

1 (a) Name, address and ZIP code of sponsor/employer if single employer plan

1 (b) Employer identification number

1 (c) Telephone number ( )

1 (d) Employer taxable year ends

2 (a) Name, address and ZIP code of plan administrator if other than sponsor/employer

1 (e) Business code number ☐ New

2 (b) Administrator's employer identification no.

2 (c) Telephone number ( )

3 Name, address and identification number of the sponsor/employer and/or plan administrator as they appeared on the prior report if not the same as in 1 or 2 above.

4 Check appropriate box to indicate the type of plan entity:
(a) ☐ Single-employer plan
(b) ☐ Plan of controlled group of corporations or common control employers
(c) ☐ Multiemployer plan
(d) ☐ Multiple-employer plan

5 (a) Name of plan

5 (b) Plan number

6 (a) Type of plan—check applicable boxes:
(i) Defined benefit plan:
(A) ☐ Fixed benefit (B) ☐ Unit benefit (C) ☐ Flat benefit (D) ☐ Other (specify) ►
(ii) Defined contribution plan—
(A) ☐ Profit-sharing (B) ☐ Stock bonus (C) ☐ Target benefit (D) ☐ Other money purchase
(E) ☐ Other (specify) ►
(iii) ☐ Other plan described in section 414(k) of the Code
(iv) ☐ Annuity under section 403(b) of the Code
(v) ☐ Custodial account under section 403(b)(7) of the Code
(vi) ☐ Trust treated as an individual retirement account
(vii) ☐ Employee stock ownership plan under section 301(d) of the Tax Reduction Act of 1975
(viii) ☐ Welfare benefit

(b) Other plan features—check if applicable:
(i) ☐ Thrift-savings (ii) ☐ H.R. 10 (Keogh)
(iii) ☐ Employee stock ownership as part of a plan qualified under section 401(a) of the Code (check only if you checked a box in (a)(ii) above)

7 Number of active and retired participants and beneficiaries as of the end of the plan year (welfare plans complete only (a), (c) and (d)).

(a) Retired participants entitled to future coverage or benefits	
(b) Participants separated from employment with deferred vested benefit	
(c) Active participants (employed or carried as active)	
(d) Subtotal, sum of (a), (b) and (c)	
(e) Beneficiaries receiving pension benefits	
(f) Total, (d) plus (e)	

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.

Date Signature of employer/sponsor

Date Signature of plan administrator

V 40 190 SEP 3075 XUM

Form 5500 (11–75) Page 2

	Yes	No
8 Plan amendment information (welfare plans complete only (a), (b)(i) and (c)):		
(a) Was the plan amended in this plan year?		
(b) If "Yes," (i) Has an amended plan description (Form EBS–1) been filed with DOL?		
(ii) Will amendment result in a reduction of current or future benefits?		
(iii) Have you received a favorable determination letter with respect to such amendment?		
(iv) If (iii) is "No," has a determination letter been requested?		
(c) Enter date the most recent amendment was adopted or occurred ►		
(d) Have the accrued benefits of any participant under the plan been reduced?		
If "Yes," was notice of the amendment filed with DOL?		
9 (a) Was this plan terminated during the year?		
(b) If "Yes," were all trust assets distributed to participants or beneficiaries or transferred to another plan?		
(c) Was a resolution to terminate this plan adopted during the plan year?		
(d) Was a resolution to terminate this plan adopted in a prior plan year?		
(e) If (c) or (d) is "Yes," enter date of proposed termination ►		
(f) If plan was terminated or if a proposal to terminate the plan was adopted in this plan year, attach completed Form xxxx or, if available, a copy of the determination letter you received concerning such termination. ☐ Form xxxx OR ☐ Determination letter attached. (see specific instructions)		
(g) If (a), (c) or (d) is "Yes," have participants and beneficiaries been notified of the termination or the proposed termination?		
(h) Has the total number of participants for the current year decreased by more than 20% from the number for the previous year? Note: Welfare plans should not complete (f) or (h).		
10 In this year was this plan merged or consolidated with another plan or were assets or liabilities transferred to another plan?		

If "Yes," (a) enter the name of the other plan(s) — Employer identification number

	Yes	No
(b) Has actuarial statement been filed pursuant to section 6058(b) of the Code? (Complete only for pension benefit plans)		

11 Type of Funding entity:
(a) ☐ Trust (benefits provided in whole or in part from trust funds)
(b) ☐ Trust or arrangement providing benefits exclusively through insurance and/or annuity contracts
(c) ☐ Custodial account described in section 401(f) of the Code and not included in (b) above
(d) ☐ Other (specify) ►

12 Furnish name and address of each fiduciary:

Name — Address

13 Has there been any change since the last report in the appointment of any trustee, qualified public accountant, insurance carrier, enrolled actuary, administrator, investment manager or custodian? ☐ Yes ☐ No
If "Yes," explain.

14 Furnish the following information for each fiduciary and for each person (see specific instructions) who rendered services to the plan and received directly or indirectly compensation from the plan in the current plan year:

a. Name and address	b. Official plan position	c. Relationship to employer, employee organization or other party-in-interest	d. Gross salary or allowances paid by plan	e. Fees and commissions paid by plan	f. Nature of service provided to plan

Form 5500 (11–75) Page 3

15 Statement of assets and liabilities: (List all assets (except (i)) and liabilities at current value) see instructions

Note: *Do not include funds held by insurance companies or the value of insurance contracts or annuity contracts, except for unallocated group annuity contracts.*

Assets	Beginning of Year	Acquisitions	Dispositions	End of Year
(a) Cash:				
(i) On hand				
(ii) In bank				
(A) Interest bearing				
(B) Noninterest bearing				
(iii) Total cash				
(b) Receivables:				
(i) Employer contributions				
(ii) Employee contributions				
(iii) Employer notes for delinquent contributions				
(iv) Other				
(v) Total receivables sum of (i) thru (iv)				
(c) General investments other than party-in-interest investments: *				
(i) U.S. Government securities				
(ii) State and municipal securities				
(iii) Corporate debt securities				
(iv) Corporate stocks				
(v) Regulated investment company stock				
(vi) Real estate				
(vii) Mortgages				
(viii) Value of interest in pooled fund				
(ix) Other investments				
(x) Total general investments				
(d) Party-in-interest investments:				
(i) Stocks and bonds of employer				
(ii) Loans to employer and other party-in-interest persons				
(iii) Real estate leased				
(iv) Other party-in-interest investments				
(v) Total party-in-interest investments				
(e) Buildings and other depreciable property				
(f) Value of unallocated group annuity contracts:				
(i) Interest in separate accounts				
(ii) Other				
(iii) Total				
(g) Other assets				
(h) Total assets, sum of (a) through (g)				
(i) Cost basis of all assets				
Liabilities and Reserves				
(j) Payables: (due at end of year)				
(i) Plan claims				
(ii) Other payables				
(iii) Total payables				
(k) Acquisition indebtedness				
(l) Other liabilities				
(m) Total liabilities				
(n) Reserve available for plan benefits, (h) less (m)				
(o) Total liabilities and reserve				

*For definition of party-in-interest, see page 6 of instructions.

V40I190 SEP3075 XUM

Form 5500 (11–75) Page 4

16 Statement of income and expenditures:

Income

(a) Contributions made in cash by:
- (i) Employer(s) (including contributions on behalf of self-employed individuals)
- (ii) Employees
- (iii) Others

(b) Noncash contribution (specify by whom made) ►
(c) Total contributions, sum of (a) and (b)
(d) Earnings from investments, such as interest, dividends, rents and royalties
(e) Gain or loss on sale of assets
(f) Proceeds from surrendered insurance contracts
(g) Other income (specify) ►
(h) Total income, sum of (c) through (g)

Expenditures

(i) Benefit distributions from trust funds or separately maintained fund to participants or their beneficiaries
(j) Payments to insurance carrier or similar organization for provision of benefits (including prepaid medical plans)
(k) Payments to other organizations or individuals providing welfare benefits
(l) Interest expenses (paid by plan)
(m) Administrative expenses for plan:
- (i) Salaries and allowances
- (ii) Insurance premiums
- (iii) Fees and commissions
- (iv) Other (specify) ►
- (v) Total administrative expenses, sum of (i) through (iv)

(n) Total expenditures, sum of (i) through (m)

17 The following questions relate to the plan year:	Yes	No
(a) Did plan hold any investments (general or party-in-interest) at the end of the year?		
(b) Did any transaction involving plan assets involve a person known to be a party-in-interest?		
(c) Were any loans or fixed income obligations of the plan in default as of the close of the plan year or classified during the year as uncollectable?		
(d) Were any leases to which the plan was a party in default or classified during the year as uncollectable?		
(e) Did any transaction or series of transactions involving plan assets involve an amount in excess of 3% of the current value of the plan assets?		
(f) If (a), (b), (c), (d) or (e) is checked "Yes," attach a detailed explanation in the format set forth in the specific instructions.		

18 Bonding:	Yes	No
(a) Was the plan insured by a fidelity bond against losses through fraud or dishonesty?		
(b) If "Yes," enter the maximum amount recoverable for loss caused by any plan official ► $		
(c) Enter the name of the surety company ►		
(d) Does the plan, or a party-in-interest with respect to the plan, have any control or significant financial interest, direct or indirect, in the surety company or its agents or brokers?		
(e) If the plan is not insured by a fidelity bond, explain why not ►		
(f) In the current plan year, was any loss to the plan caused by the fraud or dishonesty of any plan official or employee of the plan or of other person handling funds of the plan? If "Yes," see specific instructions.		

Welfare plans do not complete any item beyond this point.

Form 5500 (11–75) Page 5

19 (a) Coverage of plan at end of the plan year. Complete only if plan has a 5%-shareholder participant and plan does not meet 70–80% test of section 401(a)(3)(A) or 410(b)(1)(A) of the Code, whichever applies:	Rank-and-file employees	Prohibited group
(i) Total number of employees		
(ii) Statutory exclusions		
(iii) Difference, (i) less (ii)		
(iv) Employees covered under plan		
(b) If plan provides benefits based on compensation other than total compensation, complete the following, but only if plan has a 5%-shareholder participant:		
(i) Total compensation		
(ii) Compensation under the plan		
(iii) Percent of plan compensation, (ii) divided by (i)		

20 Complete only for employee stock ownership plans under section 301(d) of the Tax Reduction Act of 1975 and for plans or arrangements under Code sections 403(b) (annuities), 403(b)(7) (custodial accounts) or 408(c) trusts treated as individual retirement accounts

(a) Total number of participants ►	
(b) Total amount of contributions ►	$
(c) Assets at the end of the year (not applicable to section 403(b) annuities) ►	$

	Yes	No
21 Is this plan a master or prototype plan? If "Yes," enter IRS serial number ►		
22 (a) Is it intended that this plan qualify under section 401(a) or 405 of the Code?		
(b) Have you requested or received a determination letter from IRS for this plan?		
23 (a) If subject to section 410 of the Code, does the plan meet the percentage test of section 410(b)(1)(A) of the Code?		
(b) If not subject to section 410 of the Code, does the plan meet the percentage test of section 401(a)(3)(A) of the Code in effect on September 1, 1974?		

24 This plan is integrated with: ☐ Social Security ☐ Railroad retirement ☐ Other ☐ None

If more space is needed for any item, attach additional sheets of the same size.

☆ U.S. GOVERNMENT PRINTING OFFICE : 1975—O-574-397

V40I190 SEP3075 XUM

Department of the Treasury
Internal Revenue Service

Department of Labor
Labor-Management Services Administration

Instructions for Form 5500 (November 1975)

Annual Return/Report of Employee Benefit Plan

(Code references are to the Internal Revenue Code of 1954. ERISA refers to the Employee Retirement Income Security Act of 1974.)

Who Must File

Each plan administrator or employer who maintains an employee pension benefit plan (defined benefit or defined contribution plan), including plans to which contributions have been discontinued (sometimes referred to as "frozen" plans or "wasting trusts"), covered by Part I, Title I or Title II of ERISA must file an annual return/report with both the Department of Labor (DOL) and the Internal Revenue Service (IRS).

Each administrator of a welfare benefit plan covered by Part I, Title I of ERISA must file an annual report with DOL only.

Exception: *A welfare benefit plan having fewer than 100 participants at all times during the plan year is not required to file an annual return (report) if: (1) benefits are paid as needed solely from the general assets of the employer or employee organization maintaining the plan, (2) benefits are provided exclusively through insurance contracts or policies issued by an insurance company or similar organization which is qualified to do business in any state, the premiums for which are paid directly by the employer or employee organization from its general assets, or partly from its general assets and partly from contributions by its employees or members (which are forwarded by the employer or employee organization within 3 months of receipt), or (3) both.*

Plans excluded from coverage under Title I of ERISA include governmental plans, certain church plans, plans maintained solely for the purpose of complying with workmen's compensation, unemployment compensation, or disability insurance laws, plans maintained outside the U.S. primarily for the benefit of persons substantially all of whom are nonresident aliens, and unfunded excess benefit plans.

All governmental and church plans must file an annual return/report with IRS only; certain church plans must also file an annual return/report with DOL.

Employers who maintain annuities under section 403(b) of the Code and or trusts under section 408(c) of the Code must file an annual report with DOL only.

Single Employer.—An individual annual report is to be filed for each employee benefit plan maintained by an employer or employee organization for its employees, members or officers. This means that an employer who has adopted, for example, two separately covered pension plans and three separately covered welfare plans would need to file five reports.

Master and Prototype Plans.—A separate report is to be filed for each employer who maintains a master, prototype, trade or association plan.

Multiemployer.—A separate report is to be filed for each multiemployer plan as defined in sections 414(f) of the Code and 3(37) of ERISA. Contributing employers are not to file individually, either with DOL or IRS, with respect to such plans.

Controlled Group of Corporations and Common Control Trades or Businesses (Section 414(b) and (c) of the Code).—One return/report is to be filed for each benefit plan. An individual employer is not required to file with DOL or IRS any report or return with respect to such plan.

Multiple-Employer Plan.—If more than one employer adopts the same plan and such employers are not members of the same controlled group, not under common control and the plan is not a multiemployer plan, one return/report must be filed for each employer.

See General Instructions for Information concerning penalties for failure to file an annual registration or annual return/report.

General Information

Section 6058 of the Code and section 104 of ERISA provide that each plan administrator/employer (sole proprietor, partnership, corporation, association, trust, exempt organization or other employer) who maintains an employee benefit plan subject to Title I or II of ERISA must file, annually, information concerning each such plan with IRS and DOL.

In order to reduce duplication of reporting and the burden of compliance with ERISA by plan administrators and employers, the IRS and DOL have, pursuant to section 3004 of ERISA, designed a joint annual return/report form.

DOL Form D–2, which was filed to report information on plans under the Welfare and Pension Plans Disclosure Act, is obsolete for plan years beginning on and after January 1, 1975.

IRS Forms 4848, 4848A, 4849 and Schedule A (Form 4848), which were filed to report on funded plans of deferred compensation, are obsolete for taxable years ending on and after December 31, 1975 and for plan years ending in such taxable year. With respect to industry- or area-wide union negotiated plans, the above forms are obsolete for plan years ending on and after December 31, 1975.

The new DOL–IRS forms are Form 5500, Annual Return/Report of Employee Benefit Plan, and Form 5500–K, Annual Return/Report of Employee Pension Benefit Plan(s) (with fewer than 100 participants, and with at least one owner-employee).

In addition, Form 5501, Annual Return for Funded Plans of Deferred Compensation, must be filed with IRS only.

General Instructions

A. What to File.—Form 5500, Annual Return/Report of Employee Benefit Plan, must be filed annually to report for all plans except plans which have both (i) fewer than 100 participants, at all times during the plan year, and (ii) at least one owner-employee participant. This form must be filed with both IRS and DOL.

Form 5500–K, Annual Return/Report of Employee Pension Benefit Plans(s), must be filed, in lieu of Form 5500, annually for owner-employee (Keogh) plans that have fewer than 100 participants at all times during the plan year and at least one owner-employee participant. This form must be filed with both IRS and DOL.

Exception: *A Keogh plan in which no common-law employee participates should file with IRS only.*

Schedule A (Form 5500), Insurance Information, should be attached to Forms 5500 and 5500–K in every case where any benefits under the plan are provided by an insurance company, insurance service or other similar organization.

Schedule B (Form 5500), Actuarial Information, should be attached to Form 5500 or 5500–K for most defined benefit plans. See instructions for Schedule B.

Form 5504, Statement in Support of Deduction for Payments to Defined Benefit and Defined Contribution Plans, should be attached to Form 5500. Form 5504 should be attached only to forms filed with IRS.

Form 5505, Statement in Support of Deduction for Payments made on Behalf of Self-Employed Individuals to Defined Benefit and Defined Contribution Plans, should be attached to Form 5500. Form 5505 should be attached only to forms filed with IRS.

Accountant's statement.—An independent qualified public accountant shall offer an opinion as to whether the financial information in items 15 and 16 has been presented fairly in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year. Such opinion should be based on an examination conducted in accordance with generally accepted auditing standards, and shall involve such tests of the books and records of the plan as are considered necessary by the independent qualified public accountant. The accountant shall also offer his opinion as to whether the schedules for item 17 of Form 5500 present fairly, and in all material respects, the information contained therein when considered in conjunction with the financial statements taken as a whole.

The accountant's opinion is required only for plans with 100 or more participants and shall be made a part of the annual report.

Accountant's footnotes should accompany the financial statements, where appropriate, concerning significant changes in the plan and the impact of the changes on benefits; a description of material lease commitments and contingent liabilities; a description of agreements and transactions with persons known to be parties-in-interest; a general description of priorities upon termination of the plan; and any other matters necessary to fully and fairly present the financial statements of the plan.

Form 5501, Annual Return for Funded Plans of Deferred Compensation, must be filed on a taxable year basis by every employer who maintains more than one plan of deferred compensation. Attached thereto should be copies of all Forms 5500 for plans whose plan years ended with or within such taxable year.

Employers who file a return/report on Form 5500–K only are not required to file Form 5501 with respect to such plan.

An employer who contributes only to a multiemployer plan is not required to file Form 5501.

Code section 403(b) annuity need only complete items 1 through 6, 9, 10 and 20.

Code section 408(c) trust need only complete items 1 through 6, 9, 10 and 20.

B. When to File.—Forms 5500 and 5500–K must be filed with DOL for plan years beginning on or after January 1, 1975.

Forms 5500 and 5500–K must be filed with IRS for plan years ending in 1975 and later only if the employer's taxable year in which falls the end of such plan year ends on or after December 31, 1975. If the employer's taxable year ends prior to December 31, 1975, all plan information should be filed with IRS on Forms 4848 and 4849 and Schedule A (Form 4848) or Form 4848A.

When to File with DOL.—File all required forms and schedules for each plan as follows:

For a single-employer plan whose plan year ends with the employer's taxable year or within 4 months before the end of such taxable year, file on or before the 15th day of the 5th month following the close of the employer's taxable year.

For example, if an employer's taxable year ends December 31st and the plan year ends August 31st, the plan return/report must be filed on or before May 15th.

For all other plan years, file on or before 135 days following the close of the plan year.

When to File with IRS.—File all required forms and schedules on or before the 15th day of the 5th month following the close of:

(1) The employer's taxable year, in case of a single-employer plan or

(2) The plan year, in the case of a plan with more than one employer.

C. Where to File.—All DOL forms and schedules should be mailed to:

OEBS Annual Report
U.S. Department of Labor
Washington, D.C. 20216

All IRS forms and schedules should be filed with the Internal Revenue Service Center indicated below, with the following exception: a foreign corporation should file with Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155.

If the principal place of business or office of an organization is located in	Use this address
New Jersey, New York City and counties of Nassau, Rockland, Suffolk, and Westchester	Internal Revenue Service Center 1040 Waverly Avenue Holtsville, N.Y. 11799
New York (all other counties), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Internal Revenue Service Center 310 Lowell Street Andover, Mass. 01812
Alabama, Florida, Georgia, Mississippi, South Carolina	Internal Revenue Service Center 4800 Buford Highway Chamblee, Ga. 30006
Michigan, Ohio	Internal Revenue Service Center Cincinnati, Ohio 45298
Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, Texas	Internal Revenue Service Center 3651 S. Interregional Highway Austin, Texas 78740
Alaska, Arizona, Colorado, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming	Internal Revenue Service Center 1160 West 1200 South Street Ogden, Utah 84201
Illinois, Iowa, Missouri, Wisconsin	Internal Revenue Service Center 2306 E. Bannister Road Kansas City, Mo. 64170
California, Hawaii	Internal Revenue Service Center 5045 East Butler Avenue Fresno, Calif. 93888
Indiana, Kentucky, North Carolina, Tennessee, Virginia, West Virginia	Internal Revenue Service Center 3131 Democrat Road Memphis, Tenn. 38110
Delaware, District of Columbia, Maryland, Pennsylvania	Internal Revenue Service Center 11601 Roosevelt Blvd. Philadelphia, Pa. 19155

Caution: *ERISA imposes penalties for failure to furnish complete information and failure to file statements and returns (reports).*

A penalty of $1 (not to exceed $5,000) for each participant for whom a registration statement (required of certain plans) is not filed. See section 6652(e)(1) of the Code. Effective for plan years beginning after December 31, 1975.

A penalty of $1 (not to exceed $1,000) for each day for failure to file a notification of change of status of a plan. See section 6652(e)(2) of the Code. Effective for plan years beginning after December 31, 1975.

A penalty of $10 (not to exceed $5,000) for each day for failure to file annual returns in connection with certain plans of deferred compensation, certain trusts and annuities and bond purchase plans. See section 6652(f) of the Code. Effective for plan years beginning after September 2, 1974.

Caution: *The following penalties which are imposed by ERISA will be administered by DOL:*

Any individual who willfully violates any provision of Part 1 of Title I of ERISA shall upon conviction be fined not more than $5,000 or imprisoned not more than one year, or both. See section 501 of ERISA.

A penalty up to $10,000 or 5 years imprisonment, or both, is provided for any person who makes any false statement or representation of fact knowing it to be false, or knowingly conceals, covers up, or fails to disclose any fact required by ERISA. See section 111 of ERISA.

Summary of Filing Requirements of Employers and Plan Administrators

Type of plan	What to file	Where to file	When to file
Plan of a sole proprietor or partnership with no common-law employee(s)	Form 5500–K	IRS only	4½ months following the close of the taxable year of the sole proprietor or partnership
Plan with at least one owner-employee and at least one common-law employee but fewer than 100 participants	Form 5500–K	DOL and IRS	DOL—File all required forms and schedules for each plan as follows:
All plans other than plans with at least one owner-employee and fewer than 100 participants	Form 5500	DOL and IRS	For plan years that end with the employer's taxable year or within 4 months before the end of such year, file on or before the 15th day of the 5th month following the close of the employer's taxable year.
Annuity under Code section 403(b)	Form 5500	DOL only	For all other plan years, file on or before 135 days following the close of the plan year.
Trust under Code section 408(c)	Form 5500	DOL only	IRS—File Form 5501 (with Forms 5500 attached) and Form 5500–K (do not attach to Form 5501) on or before the 15th day of the 5th month following the close of:
Custodial account under Code section 403(b)(7)	Form 5500	DOL and IRS	(1) The employer's taxable year in case of a single-employer plan or
Employee stock ownership plan	Form 5500	DOL and IRS	(2) The plan year in case of a plan with more than one employer.
Plan that includes insurance contract(s)	Schedule A (Form 5500)	DOL and IRS	
Plan that requires actuarial information	Schedule B (Form 5500)	DOL and IRS	
Deduction for payments made on behalf of common-law employees	Form 5504	IRS only	
Deduction for payments made on behalf of self-employed individuals	Form 5505	IRS only	
Summary of plans of an employer	Form 5501	IRS only	
Welfare benefit plan	Form 5500	DOL only	

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Specific Instructions For Form 5500

The following instructions are set out for specific line items, if there is need to further explain the line item.

1(a). Enter the name and address of the plan sponsor. In all cases where the plan covers only the employees of one employer, enter the name of the employer.

The term "plan sponsor" means—

(i) the employer in the case of an employee benefit plan established or maintained by a single employer,

(ii) the employee organization in the case of a plan established or maintained by an employee organization or,

(iii) in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

1(b). Enter the employer identification number (EIN) assigned to the plan sponsor/employer.

Employers and plan administrators who do not have an EIN should apply for one on Form SS–4, available from any IRS or Social Security Administration office. Send Form SS–4 to the same Internal Revenue Service Center to which this form is sent.

1(c). Enter business telephone number.

1(d). For single-employer plans, enter the day the employer's taxable year ends. For example, if the taxable year is a calendar year, enter December 31. For plans with more than one employer, enter "NA."

1(e). From the list of business codes in the instructions, enter the one that best describes the nature of the employer's business. If more than one employer is involved, enter the business code for the predominant business activity.

2(a). If the document constituting the plan appoints or designates a plan administrator, enter the name and address.

The term "administrator" means—

(i) the person or a group of persons specifically so designated by the terms of the instrument under which the plan is operated,

(ii) if an administrator is not so designated, the plan sponsor/employer or,

(iii) in the case of a plan for which an administrator is not designated and plan sponsor cannot be identified, such other person as prescribed by regulations of the Secretary of Labor.

2(b). A plan administrator as defined in 2(a) above must have an EIN for reporting purposes. Enter the plan administrator's EIN here. If the plan administrator has no EIN, see 1(b) above.

3. Make an entry only if during the year there was a change in the name, EIN or address of the plan sponsor, or in the name, EIN or address of the plan administrator. If there has been no change in any item above, enter "NA."

4. Check only one box. A single-employer plan is a plan which is maintained by one employer or one employee organization. See section 414(b), (c) and (f) of the Code or 3(37) of ERISA for definitions of entities other than a single-employer plan.

5(a). Enter the formal name of the plan or sufficient information to identify the plan.

5(b). Enter the three digit number the employer or plan administrator assigned to the plan. All welfare plan numbers will start at 501. All other plans start at 001.

6(a). Check only one box to indicate the type of plan. If the plan provides more than one type of benefit, such as fixed and unit, check "Other" and specify.

Welfare plans check (viii) only.

7. The term "participant" means any employee or former employee of an employer, or any member or former member of an employee organization, who is or may become eligible to receive a benefit of any type from an employee benefit plan which covers employees of such employer or members of such organization, or whose beneficiaries may be eligible to receive any such benefit.

The term "beneficiary" means a person designated by a participant, or by the terms of an employee benefit plan, who is or may become entitled to a benefit thereunder.

For welfare plans, dependents are considered to be neither participants nor beneficiaries.

8(b). Section 104(a)(1)(D) of ERISA requires that the administrator file with DOL any material modifications in the terms of the plan and any other change in the information contained in the plan description. Form EBS–1 must be used to report these changes.

8(c). Enter date of most recent amendment regardless of when made.

8(d). No amendment which reduces the accrued benefits of any participant shall take effect unless notice of such amendment has been filed with the Secretary of Labor. See section 302(c)(8) of ERISA.

9. If a resolution to terminate the plan has been adopted or if the plan has been terminated, enter the effective date of termination or proposed termination. Also indicate whether Form xxxx or a copy of the determination letter the District Director issued concerning the termination is attached. If no determination has been made, you must attach completed Form xxxx. If the determination letter was issued after the close of the plan year, you may attach it instead of Form xxxx.

10. If this plan was involved in a merger or consolidation, it is necessary to show what other plan or plans were involved.

11(a). Check if benefits are provided solely by trust funds or partly by trust funds and partly by insurance contracts.

13. If there has been any change in the appointment of any trustee, qualified public accountant, insurance carrier, enrolled actuary, administrator, investment manager, or custodian attach statement, on a sheet of paper the same size as this form, disclosing the name of the individual who was changed and the reason for such change.

14. Set out the required information for each fiduciary and/or persons such as consultant, broker, trustee, accountant, insurance carrier, actuary, administrator, investment manager, or custodian who rendered services to the plan.

If the payment was made to an organization or association, enter the name of such organization or association.

Do not include (1) persons who performed solely ministerial duties or received only minimal compensation, (2) persons whose sole compensation in relation to the plan consists of insurance fees and commissions listed in Schedule A.

15. All plans involving a trust or separately maintained fund including plans partially or fully funded by contracts with insurance companies, insurance service or other similar organizations must complete the financial information set out in items 15 and 16. The term "current value" means fair market value where available and otherwise the fair value as determined in good faith by a trustee or a named fiduciary pursuant to the terms of the plan and in accordance with regulations of the Secretary of Labor, assuming an orderly liquidation at the time of such determination.

If "current value" is not readily available for the beginning of the plan year of this report, use book value and so indicate by footnote to financial statement.

In columns headed "Acquisition" and "Disposition" show the gross value of all purchases and sales. If the same asset were purchased and sold in the plan year, show both transactions in their respective columns. Beginning assets plus or minus acquisitions and dispositions will not necessarily equal the ending balance.

15(e). Show value of building and other depreciable property used in the operation of the plan. Buildings and other property held for investment should be shown in (c) or (d) above.

15(f)(i). Enter the amount shown on line 7 of Schedule A. If two or more Schedules A are attached, enter the sum of the lines 7 for all Schedules A.

15(f)(ii). Enter the amount shown on line 6(e) of Schedule A. If two or more Schedules A are attached, enter the sum of the lines 6(e) for all Schedules A.

15(j)(i). Enter total amount of claims which have been processed and approved for payment directly from the trust but have not been paid.

16(b). Show current value of securities or other property contributed to the plan.

16(f). Show the amount the trust received for surrendered insurance contracts.

16(i). If distributions include securities or other property, show the current value in this figure.

16(k). Include here such items as amount paid for legal services, day care services, training and apprenticeship services.

17(a). If "Yes," set out each investment in the following or similar format using the same size paper as this form:
Assets held for investment purposes, as of the end of the plan year.
Note: *In column a., place an asterisk (*) on the line of each identified person who is a party-in-interest to the plan.*

a.	b. Identity of issuer, borrower, lessor or similar party	c. Description of investment including maturity date, rate of interest, collateral, par or maturity value	d. Cost	e. Current value

17(b). If "Yes," set out each transaction with the information set forth below in the following or similar format using the same size paper as this form:

a. Identity of party involved	b. Relationship to plan, employer or other party-in-interest	c. Description of transactions including maturity date, rate of interest, collateral, par or maturity value	d. Purchase price	e. Selling price	f. Lease rental	g. Expenses incurred in connection with transaction	h. Cost of asset	i. Current value of asset	j. Net gain or (loss) on each transaction

17(c). If "Yes," set out each loan in the following or similar format using the same size paper as this form:
Note: *In column a., place an asterisk (*) on the line of each identified person who is a party-in-interest to the plan.*

a.	b. Identity of party involved	c. Original amount of loan	Amount received during reporting year		f. Unpaid balance	g. Detailed description of loan including dates of making and maturity, interest rate, the type and value of collateral and other material forms	Amount overdue	
			d. Principal	e. Interest			h. Principal	j. Interest

Explain what steps have been taken to collect overdue amounts.

17(d). If "Yes," give the following information in the format below or similar format using the same size paper as this form:
Note: *In column a., place an asterisk (*) on the line of each identified person who is a party-in-interest to the plan.*

a.	b. Identity of lessor/lessee	c. Relationship to plan, employer, employee organization or other party-in-interest	d. Terms and description (type of property, location and date it was purchased, terms regarding rent, taxes, insurance, repairs, expenses, renewal options, date property was leased)	e. Original cost	f. Value at time of lease	g. Gross rental receipts during the plan year	h. Expenses paid during the plan year	i. Net receipts	j. Amount in arrears

Attach a statement explaining what steps have been taken to collect amount due or otherwise remedy the default.

17(e). If "Yes," show each reportable transaction in the following or similar format using the same size paper as this form:
Note: *In the case of a purchase or sale of a security on the market, do not identify the person from whom purchased or to whom sold.*

a. Identity of party involved	b. Description of asset (include interest rate and maturity in case of a loan)	c. Purchase price	d. Selling price	e. Lease rental	f. Expense incurred with transaction	g. Cost of asset	h. Current value of asset	i. Net gain or (loss)

Note: *The 3% figure is based on the current value of the plan assets at the beginning of the plan period.*

18(f). If "Yes," list on a sheet of paper the same size as this form, the amounts of such losses, the amount recovered for each loss from the bonding company, and the amount recovered from the individual causing the loss. The individual causing the loss need not be identified in your answer. (If the amounts do not equal the total loss sustained, explain.)

Example

Amount of Losses	Amount recovered from bonding company	Amount recovered from individual causing the loss
$5,000.00	$3,000.00	$2,000.00

19. The term "prohibited group" means the employees of the employer who are officers, shareholders or highly compensated.

The term "rank-and-file employees" means the employees of the employer who are not in the prohibited group.

23. If you checked "No" for (a) or (b), you should review the plan to see that coverage does not result in discrimination in favor of employees who are officers, shareholders or highly compensated.

V40I190 SEP3075 XUM

Codes for Principal Business Activity and Principal Product or Service

These industry titles and definitions are based, in general, on the Enterprise Standard Industrial Classification system developed by the Office of Management and Budget, Executive Office of the President, to classify enterprises by type of activity in which they are engaged. The system follows closely the Standard Industrial Classification used to classify establishments.

AGRICULTURE, FORESTRY, AND FISHING

Code

Farms:
0120 Field crop.
0150 Fruit, tree nut, and vegetable.
0180 Horticultural specialty.
0230 Livestock.
0270 Animal specialty.

Agricultural services and forestry:
0740 Veterinary services.
0750 Animal services, except veterinary.
0780 Landscape and horticultural services.
0790 Other agricultural services.
0800 Forestry.

Fishing, hunting, and trapping:
0930 Commercial fishing, hatcheries and preserves.
0970 Hunting, trapping, and game propagation.

MINING

Metal mining:
1010 Iron ores.
1070 Copper, lead and zinc, gold and silver ores.
1098 Other metal mining.
1150 Coal mining.

Oil and gas extraction:
1330 Crude petroleum, natural gas, and natural gas liquids.
1380 Oil and gas field services.

Nonmetallic minerals (except fuels) mining:
1430 Dimension, crushed and broken stone; sand and gravel.
1498 Other nonmetallic minerals, except fuels.

CONSTRUCTION

General building contractors and operative builders:
1510 General building contractors.
1531 Operative builders.

Heavy construction contractors:
1611 Highway and street construction.
1620 Heavy construction, except highway.

Special trade contractors:
1711 Plumbing, heating, and air conditioning.
1721 Painting, paper hanging, and decorating.
1731 Electrical work.
1740 Masonry, stonework, and plastering.
1750 Carpentering and flooring.
1761 Roofing and sheet metal work.
1771 Concrete work.
1781 Water well drilling.
1790 Miscellaneous special trade contractors.

MANUFACTURING

Food and kindred products:
2010 Meat products.
2020 Dairy products.
2030 Preserved fruits and vegetables.
2040 Grain mill products.
2050 Bakery products.
2060 Sugar and confectionery products.
2081 Malt liquors and malt.
2088 Alcoholic beverages, except malt liquors and malt.
2089 Bottled soft drinks, and flavorings.
2096 Other food and kindred products.
2100 Tobacco manufacturers.

Textile mill products:
2228 Weaving mills and textile finishing.
2250 Knitting mills.
2293 Other textile mill products.

Apparel and other textile products:
2315 Men's and boys' clothing.
2345 Women's and children's clothing.
2388 Hats, caps, millinery, fur goods, and other apparel and accessories.
2390 Misc. fabricated textile products.

Lumber and wood products, except furniture:
2415 Logging camps and logging contractors, sawmills and planing mills.
2430 Millwork, plywood, and related products.
2498 Other wood products, including wood buildings and mobile homes.
2500 Furniture and fixtures.

Code

Paper and allied products:
2625 Pulp, paper, and board mills.
2699 Other paper products.

Printing, publishing, and allied industries:
2710 Newspapers.
2720 Periodicals.
2735 Books, greeting cards, and misc. publishing.
2799 Commercial and other printing, and printing trade services.

Chemical and allied products:
2815 Industrial chemicals, plastics materials and synthetics.
2830 Drugs.
2840 Soap, cleaners, and toilet goods.
2850 Paints and allied products.
2898 Agricultural and other chemical products.

Petroleum refining and related industries (including those integrated with extraction):
2910 Petroleum refining (including those integrated with extraction).
2998 Other petroleum and coal products.

Rubber and misc. plastics products:
3050 Rubber products; plastics footwear, hose and belting.
3070 Misc. plastics products.

Leather and leather products:
3140 Footwear, except rubber.
3198 Other leather and leather products.

Stone, clay, glass, and concrete products:
3225 Glass products.
3240 Cement, hydraulic.
3270 Concrete, gypsum, and plaster products.
3298 Other nonmetallic mineral products.

Primary metal industries:
3370 Ferrous metal industries; misc. primary metal products.
3380 Nonferrous metal industries.

Fabricated metal products, except machinery and transportation equipment:
3410 Metal cans and shipping containers.
3428 Cutlery, hand tools, and hardware; screw machine products, tools, and hardware; screw machine products, bolts, and similar products.
3430 Plumbing and heating, except electric and warm air.
3440 Fabricated structural metal products.
3460 Metal forgings and stampings.
3470 Coating, engraving, and allied services.
3480 Ordnance and accessories, except vehicles and guided missiles.
3490 Misc. fabricated metal products.

Machinery, except electrical:
3520 Farm machinery.
3530 Construction, mining, and materials handling machinery and equipment.
3540 Metalworking machinery.
3550 Special industry machinery, except metalworking machinery.
3560 General industrial machinery.
3570 Office, computing, and accounting machines.
3598 Engines and turbines, service industry machinery, and other machinery, except electrical.

Electrical and electronic machinery, equipment, and supplies:
3630 Household appliances.
3665 Radio, television, and communication equipment.
3670 Electronic components and accessories.
3698 Other electric equipment.

Transportation equipment:
3710 Motor vehicles and equipment.
3725 Aircraft, guided missiles and parts.
3730 Ship and boat building and repairing.
3798 Other transportation equipment.

Measuring and controlling instruments; photographic and medical goods, watches and clocks:
3815 Scientific, instruments and measuring devices; watches and clocks.
3845 Optical, medical, and ophthalmic goods.
3860 Photographic equipment and supplies.
3998 Other manufacturing products.

TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, AND SANITARY SERVICES

Code

Transportation:
4000 Railroad transportation.

Local and interurban passenger transit:
4121 Taxicabs.
4189 Other passenger transportation.

Trucking and warehousing:
4210 Trucking, local and long distance.
4289 Public warehousing and trucking terminals.

Other transportation including transportation services:
4400 Water transportation.
4500 Transportation by air.
4600 Pipe lines, except natural gas.
4722 Passenger transportation arrangement.
4723 Freight transportation arrangement.
4799 Other transportation services.

Communication:
4825 Telephone, telegraph, and other communication services.
4830 Radio and television broadcasting.

Electric, gas, and sanitary services:
4910 Electric services.
4920 Gas production and distribution.
4930 Combination utility services.
4990 Water supply and other sanitary services.

WHOLESALE TRADE

Durable
5010 Motor vehicles and automotive equipment.
5030 Lumber and construction materials.
5050 Metals and minerals, except petroleum and scrap.
5060 Electrical goods.
5070 Hardware, plumbing and heating equipment.
5083 Farm machinery and equipment.
5089 Other machinery, equipment, and supplies.
5098 Other durable goods.

Nondurable
5110 Paper and paper products.
5129 Drugs, chemicals, and allied products.
5130 Apparel, piece goods, and notions.
5140 Groceries and related products, except meats and meat products.
5147 Meats and meat products.
5150 Farm-product raw materials.
5170 Petroleum and petroleum products.
5180 Alcoholic beverages.
5190 Misc. nondurable goods.

RETAIL TRADE

Building materials, hardware, garden supply, and mobile home dealers:
5220 Building materials dealers.
5251 Hardware stores.
5261 Retail nurseries and garden stores.
5271 Mobile home dealers.

General merchandise:
5331 Variety stores.
5398 Other general merchandise stores.

Food stores:
5411 Grocery stores.
5420 Meat and fish markets and freezer provisioners.
5431 Fruit stores and vegetable markets.
5441 Candy, nut, and confectionery stores.
5460 Retail bakeries.
5480 Other food stores.

Automotive dealers and service stations:
5511 New and used car dealers.
5521 Used car dealers.
5531 Auto and home supply stores.
5541 Gasoline service stations.
5580 Boat aircraft and other automotive dealers.

Apparel and accessory stores:
5611 Men's and boys' clothing and furnishings.
5621 Women's ready-to-wear stores.
5631 Women's accessory and specialty stores.
5651 Family clothing stores.
5661 Shoe stores.
5681 Furriers and fur shops.
5698 Other apparel and accessory stores.

Furniture, home furnishings, and equipment stores:
5712 Furniture stores.
5718 Home furnishings, except appliances.
5722 Household appliance stores.
5730 Radio, television, and music stores.

Eating and drinking places:
5812 Eating places.
5813 Drinking places.

Miscellaneous retail stores:
5912 Drug stores and proprietary stores.
5921 Liquor stores.
5931 Used merchandise stores.
5941 Sporting goods stores and bicycle shops.
5942 Book stores.

Code
5943 Stationery stores.
5944 Jewelry stores.
5945 Hobby, toy, and game shops.
5946 Camera and photographic supply stores.
5947 Gift, novelty, and souvenir shops.
5948 Luggage and leather goods stores.
5949 Sewing, needlework, and piece goods stores.
5961 Mail order houses.
5962 Merchandising machine operators.
5963 Direct selling organizations.
5992 Florists.
5993 Cigar stores and stands.
5996 Other miscellaneous retail stores.

FINANCE, INSURANCE, AND REAL ESTATE

Banking:
6030 Mutual savings banks.
6050 Bank holding companies.
6090 Banks, except mutual savings banks and bank holding companies.

Credit agencies other than banks:
6120 Savings and loan associations.
6140 Personal credit institutions.
6150 Business credit institutions.
6199 Other credit agencies.

Security, commodity brokers, dealers, exchanges, and services:
6212 Security underwriting syndicates.
6218 Security brokers and dealers, except underwriting syndicates.
6299 Commodity contracts brokers and dealers; security and commodity exchanges; and allied services.

Insurance:
6355 Life insurance.
6356 Mutual insurance, except life or marine and certain fire or flood insurance companies.
6359 Other insurance companies.
6411 Insurance agents, brokers, and services.

Real Estate:
6511 Real estate operators (except developers) and lessors of buildings.
6516 Lessors of mining, oil, and similar property.

Code
6518 Lessors of railroad property and other real property.
6531 Real estate agents, brokers and managers.
6541 Title abstract offices.
6552 Subdividers and developers, except cemeteries.
6553 Cemetary subdividers and developers.
6599 Other real estate.
6611 Combined real estate, insurance, loans and law offices.

Holding and other investment companies:
6742 Regulated investment companies.
6743 Real estate investment trusts.
6744 Small business investment companies.
6749 Holding and other investment companies, except bank holding companies.

SERVICES

Hotels and other lodging places:
7012 Hotels.
7013 Motels, motor hotels, and tourist courts.
7032 Sporting and recreational camps.
7033 Trailer parks and camp sites.
7089 Other lodging places.

Personal services:
7215 Coin-operated laundries and dry cleaning.
7219 Other laundry, cleaning and garment services.
7221 Photographic studios, portrait.
7231 Beauty shops.
7241 Barber shops.
7251 Shoe repair and hat cleaning shops.
7261 Funeral services and crematories.
7299 Miscellaneous personal services.

Business services:
7310 Advertising.
7340 Services to buildings.
7370 Computer and data processing services.
7392 Management, consulting, and public relation services.
7394 Equipment rental and leasing.
7398 Other business services.

Automotive repair and services:
7510 Automotive rentals and leasing, without drivers.

Code
7520 Automobile parking.
7531 Automobile top and body repair shops.
7538 General automobile repair shops.
7539 Other automobile repair shops.
7540 Automobile services, except repair.

Miscellaneous repair services:
7622 Radio and TV repair shops.
7628 Electrical repair shops, except radio and TV.
7641 Reupholstery and furniture repair.
7680 Other miscellaneous repair shops.

Motion pictures:
7812 Motion picture production, distribution, and services.
7830 Motion picture theaters.

Amusement and recreation services.
7920 Producers, orchestras, and entertainers.
7932 Billiard and pool establishments.
7933 Bowling alleys.
7980 Other amusement and recreation services.

Medical and health services:
8011 Offices of physicians.
8021 Offices of dentists.
8031 Offices of osteopathic physicians.
8041 Offices of chiropractors.
8042 Offices of optometrists.
8048 Registered and practical nurses.
8050 Nursing and personal care facilities.
8060 Hospitals.
8071 Medical laboratories.
8072 Dental laboratories.
8098 Other medical and health services.

Other services:
8111 Legal services.
8200 Educational services.
8911 Engineering and architectural services.
8932 Certified public accountants.
8933 Other accounting, auditing, and bookkeeping services.
8999 Other services, not elsewhere classified.

TAX-EXEMPT ORGANIZATIONS

9001 Church.
9319 Other tax-exempt organization.
9904 Governmental instrumentality or agency.

The term "party in interest" means, as to an employee benefit plan—

(A) any fiduciary (including, but not limited to, any administrator, officer, trustee, or custodian), counsel, or employee of such employee benefit plan;

(B) a person providing services to such plan;

(C) an employer any of whose employees are covered by such plan;

(D) an employee organization any of whose members are covered by such plan;

(E) an owner, direct or indirect, of 50 percent or more of—

(i) the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of a corporation,

(ii) the capital interest or the profits interest of a partnership, or

(iii) the beneficial interest of a trust or unincorporated enterprise,

which is an employer or an employee organization described in subparagraph (C) or (D);

(F) a relative of any individual described in subparagraph (A), (B), (C), or (E);

(G) a corporation, partnership, or trust or estate of which (or in which) 50 percent or more of—

(i) the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation,

(ii) the capital interest or profits interest of such partnership, or

(iii) the beneficial interest of such trust or estate,

is owned directly or indirectly, or held by persons described in subparagraph (A), (B), (C), (D), or (E);

(H) an employee, officer, director (or an individual having powers or responsibilities similar to those of officers or directors), or a 10 percent or more shareholder directly or indirectly, of a person described in subparagraph (B), (C), (D), (E), or (G), or of the employee benefit plan; or

(I) a 10 percent or more (directly or indirectly in capital or profits) partner or joint venturer of a person described in subparagraph (B), (C), (D), (E), or (G).

The Secretary, after consultation and coordination with the Secretary of the Treasury, may by regulation prescribe a percentage lower than 50 percent for subparagraphs (E) and (G) and lower than 10 percent for subparagraph (H) or (I). The Secretary may prescribe regulations for determining the ownership (direct or indirect) of profits and beneficial interests, and the manner in which indirect stockholdings are taken into account.

For purposes of this form, party-in-interest is deemed to include a disqualified person.

☆ U.S. GOVERNMENT PRINTING OFFICE : 1975—O-574-711

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Form **5500-K** (Nov. 1975)

Department of the Treasury
Internal Revenue Service

Department of Labor
Labor-Management Services Administration

Annual Return/Report of Employee Pension Benefit Plan(s)

With fewer than 100 participants and at least one owner-employee
Under sections 104 of the Employee Retirement Income Security Act of 1974 and section 6058(a) of the Internal Revenue Code of 1954

This Form is Open to Public Inspection

This report is for plan year beginning , 19 , and ending , 19

Check the appropriate box(es) to identify your filing requirements:

(a) ☐ A plan with no common-law employee(s)—Complete only page one and file only with the Internal Revenue Service (IRS)

(b) ☐ A plan with common-law employee(s)—Complete pages one and two and file with both the Department of Labor (DOL) and IRS

(c) ☐ Employer with more than one plan—Complete page one and a separate page two for each plan

Note: *Partnerships with Keogh plans that do not have an owner-employee participant must file Form 5500*

1(a) Name, address and ZIP code of sponsor/employer if single employer plan

1(b) Employer identification number

1(c) Telephone number ( )

1(d) Employer taxable year ends

1(e) Business code number ☐ New

2(a) Name, address and ZIP code of plan administrator if other than sponsor/employer

2(b) Administrator's employer identification no.

2(c) Telephone number ( )

3(a) Did you file Form 4848A for the prior year? ☐ Yes ☐ No

(b) Enter the name, address and identification number of the sponsor/employer and/or plan administrator as they appeared on the prior report if not the same as in 1 or 2 above ►

4 Was any plan covered by this report terminated during the year? ☐ Yes ☐ No
If "Yes," complete and attach a copy of Form xxxx for each such plan

5 Enter total number of plans ►....., number of plans with common-law employees ►..... and complete below: (funds held by insurance companies and the value of insurance contracts and annuities are not to be shown in columns (g) or (j)).

Plan Number	Name of Plan/Fund (a)	Funding* arrangement (b)	Type of** plan (c)	Effective date (d)	If master or prototype, enter IRS opinion letter serial No. (e)	Number of participants, include self-employed (f)

Con't. Plan Number	Net assets (current value) at beginning of plan year (g)	Contributions for the plan year (h)	Distributions for the plan year (i)	Net assets (current value) at end of the plan year (j)

* Use the following symbols to designate the funding arrangement: T—trust, C—custodial account, I—insured plan, B—bond purchase plan
** Use the following symbols to designate the type of plan: DB—defined benefit, MP—money purchase, PS—profit-sharing

6 If the IRS issued a letter of approval to the trustee to act as such, enter the approval number ►

7 (a) Was the plan amended in this plan year? ☐ Yes ☐ No

(b) If "Yes," has an amended plan description (Form EBS-1) been filed with DOL? ☐ Yes ☐ No

(c) Enter date the most recent amendment was adopted or occurred ►

If additional space is required for any item, attach additional sheets using the same size paper as this form.

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Date Signature of employer/sponsor

Date Signature of plan administrator

Form 5500-K (11-75) Page 2

Name of plan | Plan number

Employer identification number ► | Plan administrator identification number ►

	Yes	No
8 The following questions relate to transactions for the current plan year and to assets that were part of the fund during such year:		
(a) Were any assets held as investments (such as stocks, bonds, mutual funds and pooled funds—do not include such assets as savings accounts and certificates of deposit) as of the end of the plan year?		
(b) Did any transaction involve a person known to be a party-in-interest?*		
(c) Were any loans or fixed income obligations in default as of the close of the plan year or classified during the year as uncollectable?		
(d) Were any leases in default or classified during the year as uncollectable?		
(e) Did any transaction involve an amount in excess of 3% of the current value of the assets of the plan?		
(f) If (a), (b), (c), (d) or (e) is checked "Yes," attach a detailed explanation in the format set forth in the specific instructions.		
9 Bondings:		
(a) Was the plan insured by a fidelity bond against losses through fraud or dishonesty?		
(b) If "Yes," enter the maximum amount recoverable for loss caused by any plan official ►		
(c) Enter the name of the surety company ►		
(d) Does the plan, or a party-in-interest with respect to the plan, have any control or significant financial interest, direct or indirect, in the surety company or its agents or brokers?		
(e) If the plan is not insured by a fidelity bond, explain why not ►		
(f) In the current plan year, was any loss to the plan caused by the fraud or dishonesty of any plan official or employee of the plan or of any other person handling funds of the plan? If "Yes," see specific instructions.		
10 Has there been any change since the last return/report in the appointment of any trustee, qualified public accountant, insurance carrier, enrolled actuary, administrator, investment manager or custodian? If "Yes," see specific instructions.		

11 Furnish the following information for each fiduciary and for each person (see specific instructions) who rendered services to the plan and received directly or indirectly compensation from the plan in the current plan year:

Name and address (a)	Official plan position (b)	Relationship to employer, employee organization or other party-in-interest (c)	Gross salary or allowances paid by plan (d)	Fees and commissions paid by plan (e)	Nature of service provided to plan (f)

Department of the Treasury
Internal Revenue Service

Department of Labor
Labor-Management Services Administration

Instructions for Form 5500-K
(November 1975)
Annual Return/Report of Employee Pension Benefit Plan(s)
With fewer than 100 participants and with at least one owner-employee

(Code references are to the Internal Revenue Code of 1954, ERISA refers to the Employee Retirement Income Security Act of 1974.)

Who Must File

Every sole proprietor, partnership, administrator or plan administrator who administers or maintains a Keogh plan, including plans to which contributions have been discontinued (sometimes referred to as "frozen" plans), with fewer than 100 participants and with at least one owner-employee, must file.

See General Instructions for information concerning penalties for failure to file an annual registration or annual return (report).

General Information

Section 6058 of the Code and section 104 of ERISA provide that each plan administrator/employer (sole proprietor, partnership, corporation, association, trust, exempt organization or other employer) who maintains an employee benefit plan subject to Title I or II of ERISA must file annually information concerning each such plan with the Internal Revenue Service (IRS) and with the Department of Labor (DOL).

In order to reduce duplication of reporting and the burden of compliance with ERISA by plan administrators and employers, the IRS and DOL have, pursuant to section 3004 of ERISA, designed a joint annual return/report form.

DOL Form D–7, which was filed to report information on plans under the Welfare and Pension Plans Disclosure Act, is obsolete for plan years beginning on and after January 1, 1975.

IRS Forms 4848, 4848A, 4849 and Schedule A (Form 4848), which were filed to report on funded plans of deferred compensation, are obsolete for taxable years ending on and after December 31, 1975 and for plan years ending in such taxable year. With respect to industry- or area-wide union negotiated plans, the above forms are obsolete for plan years ending on and after December 31, 1975.

The new DOL–IRS forms are Form 5500, Annual Return/Report of Employee Benefit Plan and Form 5500–K, Annual Return/Report of Employee Pension Benefit Plan(s) With fewer than 100 participants and with at least one owner-employee.

General Instructions

A. What to File.—Form 5500–K must be filed annually whether or not a contribution was made during the plan year. A sole proprietor or partnership with more than one owner-employee plan (with fewer than 100 participants per plan) must report all such plans on one Form 5500–K and a separate page two for each plan. If you file a Form 5500–K, you are not required to file Form 5501, Annual Return for Funded Plans of Deferred Compensation, with respect to such plan.

Keogh plans of sole proprietors and partnerships who have no common-law employees should be reported on Form 5500–K, completing only page one. In such cases, file with IRS only.

Schedule A (Form 5500), Insurance Information, must be attached to Form 5500–K in every case where benefits under the plan are provided by an insurance company, insurance service or other similar organization.

Exception: *A sole proprietor or partnership with no employee is not required to file Schedule A.*

Schedule B (Form 5500), Actuarial Information, must be attached to Form 5500–K for most defined benefit plans. See instructions for Schedule B.

Exception: *A sole proprietor or partnership with no employee is not required to file Schedule B or an actuary's statement.*

Form 5504, Statement in Support of Deduction for Payments to Defined Benefit and Defined Contribution Plans, should be attached to Form 5500–K. Form 5504 should be attached only to forms filed with IRS.

Form 5505, Statement in Support of Deduction for Payments Made on Behalf of Self-Employed Individuals to Defined Benefit and Defined Contribution Plans, should be attached to Form 5500–K. Form 5505 should be attached only to forms filed with IRS.

Keogh plans with no owner-employee may not be reported on Form 5500–K—such plans must be reported on Form 5500.

Keogh plans with 100 or more participants, whether or not there is an owner-employee in the plan, must file Form 5500.

B. When to File.—Form 5500–K must be filed with DOL for plan years beginning on or after January 1, 1975.

Exception: A sole proprietor who has no employee should file with IRS only.

Form 5500–K must be filed with IRS for plan years ending in 1975 and later only if the employer's taxable year in which falls the end of such plan year ends on or after December 31, 1975. If the employer's taxable year ends prior to December 31, 1975, all plan information should be filed with IRS on Form 4848A.

When to File with DOL.—File Form 5500–K and schedules, if any, for each plan as follows:

For a single-employer whose plan year ends with the employer's taxable year or within 4 months before the end of such taxable year, file on or before the 15th day of the 5th month following the close of the employer's taxable year.

For example, if an employer's taxable year ends December 31st and the plan year ends August 31st, the plan report must be filed on or before May 15th.

For all other plan years, file on or before 135 days following the close of the plan year.

When to File with IRS.—File Form 5500–K on or before the 15th day of the 5th month following the close of:

(1) The employer's taxable year, in case of a single-employer plan or
(2) The plan year, in the case of a plan with more than one employer.

C. Where to File.—All DOL forms and schedules should be mailed to:

OEBS Annual Report
U.S. Department of Labor
Washington, D.C. 20216

All IRS forms and schedules should be filed with the Internal Revenue Service Center where you file your Form 1040 or 1065.

Caution: *ERISA imposes penalties for failure to furnish complete information and failure to file statements and returns (reports).*

A penalty of $1 (not to exceed $5,000) for each participant for whom a registration statement (required of certain plans) is not filed. See section 6652(e)(1) of the Code. Effective for plan years beginning after December 31, 1975.

A penalty of $1 (not to exceed $1,000) for each day for failure to file a notification of change of status of a plan. See section 6652(e)(2) of the Code. Effective for plan years beginning after December 31, 1975.

A penalty of $10 (not to exceed $5,000) for each day for failure to file annual returns in connection with certain plans of deferred compensation, certain trusts and annuities and bond purchase plans. See section 6652(f) of the Code. Effective for plan years beginning after September 2, 1974.

Caution: *The following penalties which are imposed by ERISA will be administered by DOL:*

Any Individual who willfully violates any provision of Part 1 of Title I of ERISA shall upon conviction be fined not more than $5,000 or imprisoned not more than one year, or both. See section 501 of ERISA.

A penalty up to $10,000 or 5 years imprisonment, or both, is provided for any person who makes any false statement or representation of fact knowing it to be false, or knowingly conceals, covers up, or fails to disclose any fact required by ERISA. See section 111 of ERISA.

Specific Instructions for Form 5500–K

The following instructions are set out for specific line items, wherein there is need to further explain the line item.

1(a). Enter the name and address of the plan sponsor. In each case where the plan has but one employer, enter the name of the employer.

The term "plan sponsor" means—

(i) the employer in the case of an employee benefit plan established or maintained by a single employer;

(ii) the employee organization in the case of a plan established or maintained by an employee organization; or

(iii) in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

1(b). Enter the employer identification number (EIN) assigned to the plan sponsor/employer.

Employers and plan administrators who do not have an EIN should apply for one on Form SS–4, available from any IRS or Social Security Administration office. Send Form SS–4 to the same Internal Revenue Service Center to which this form is sent.

1(c). Enter business telephone number.

1(d). For one employer plan, enter the day the employer's taxable year ends. For example, if the year is for a calendar year, enter December 31. For plans with more then one employer, enter "NA."

1(e). From the list of business codes in the instructions, enter the one that best describes the nature of the employer's business. If more than one employer is involved, enter the business code for the predominant business activity.

2(a). If the document constituting the plan appoints or designates a plan administrator, enter the name and address.

The term "administrator" means—

(i) the person specifically so designated by the terms of the instrument under which the plan is operated;

(ii) if an administrator is not so designated, the plan sponsor/employer; or

(iii) in the case of a plan for which an administrator is not designated and plan sponsor cannot be identified, such other person as prescribed by regulations.

2(b). A plan administrator as defined in 2(a) above must have an EIN for reporting purposes. Enter the plan administrator's EIN here. If the plan administrator has no EIN, see 1(b) above.

3. Make an entry only if during the plan year there was a change in the name, EIN or address of the plan sponsor, or in the name, EIN or address of the plan administrator. If there has been no change in any item above, enter "NA."

5. Enter the three digit serial number you the sponsor/employer assigned to each of your plans. Start your numbering sequence with 001. List the name of each plan in column (a) and list the information asked for in columns (b) thru (j) for each plan.

7(b). Section 104(a)(1)(D) of ERISA requires that the administrator file with DOL any material modification in the terms of the plan and any other change in the information contained in the plan description. Form EBS–1 must be used to report these changes.

7(c). Enter date of most recent amendment regardless when made.

8(a). If "Yes," set out each investment in the following or similar format using the same size paper as this form:
Assets held for investment purposes, as of the end of the plan year.

Note: *In column a., place an esterisk (*) on the line of each identified person who is a party-in-interest to the plan.*

a.	b. Identity of issuer, borrower, lessor or similar party	c. Description of investment including maturity date, rate of interest, collateral, par or maturity value	d. Cost	e. Current value

8(b). If "Yes," set out each transaction with the information set forth below in the following or similar format using the same size paper as this form:

a. Identity of party involved	b. Relationship to plan employer or other party-in-interest	c. Description of transactions including maturity date, rate of interest, collateral, par or maturity value	d. Purchase price	e. Selling price	f. Lease rental	g. Expenses incurred in connection with transaction	h. Cost of asset	i. Current value of asset	j. Net gain or (loss) on each transaction

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8(c). If "Yes," set out each loan in the following or similar format using the same size paper as this form:

Note: In column a., place an asterisk (*) on the line of each identified person who is a party-in-interest to the plan.

a.	b. Identity of party involved	c. Original amount of loan	Amount received during reporting year		f. Unpaid balance	g. Detailed description of loan including dates of making and maturity, interest rate, the type and value of collateral and other material terms	Amount overdue	
			d. Principal	e. Interest			h. Principal	i. Interest

Explain what steps have been taken to collect overdue amounts.

8(d). If "Yes," give the following information in the format below or similar format using the same size paper as this form:

Note: In column a., place an asterisk (*) on the line of each identified person who is a party-in-interest to the plan.

a.	b. Identity of lessor/lessee	c. Relationship to plan, employer, employee organization or other party-in-interest	d. Terms and description (type of property, location and date it was purchased, terms regarding rent, taxes, insurance, repairs, expenses, renewal options, date property was leased)	e. Original cost	f. Value at time of lease	g. Gross rental receipts during the plan year	h. Expenses paid during the plan year	i. Net receipts	j. Amount in arrears

Attach a statement explaining what steps have been taken to collect amount due or otherwise remedy the default.

8(e). If "Yes," show each reportable transaction in the following or similar format using the same size paper as this form:

Note: In the case of a purchase or sale of a security on the market, do not identify the person from whom purchased or to whom sold.

a. Identity of party involved	b. Description of asset (include interest rate and maturity in case of a loan)	c. Purchase price	d. Selling price	e. Lease rental	f. Expense incurred with transaction	g. Cost of asset	h. Current value of asset	i. Net gain or (loss)

Note: The 3% figure is based on the current value of the plan assets at the beginning of the plan period.

9(f). If "Yes," list on a sheet of paper the same size as this form, the amounts of such losses, amount recovered for each loss from the bonding company, and the amount recovered from the individual causing the loss. The individual causing the loss need not be identified in your answer. (If the amounts do not equal the total loss sustained, explain.)

Example

Amount of Loss	Amount recovered from bonding company	Amount recovered from individual causing the loss
$5,000.00	$3,000.00	$2,000.00

10. If there has been any change in the appointment of any trustee, qualified public accountant, insurance carrier, enrolled actuary, administrator, investment manager, or custodian, attach statement, on a sheet of paper the same size as this form, disclosing the name of the individual who was changed and the reason for such change.

11. Set out the required information for each fiduciary and/or persons such as consultant, broker, trustee, accountant, insurance carrier, actuary, administrator, investment manager, or custodian who rendered services to the plan. If the payment was made to an organization or association, enter the name of such organization or association.

Do not include (1) persons who performed solely ministerial duties or received only minimal compensation, (2) persons whose sole compensation in relation to the plan consists of insurance fees and commissions listed in Schedule A.

Codes for Principal Business Activity and Principal Product or Service

These industry titles and definitions are based, in general, on the Enterprise Standard Industrial Classification system developed by the Office of Management and Budget, Executive Office of the President, to classify enterprises by type of activity in which they are engaged. The system follows closely the Standard Industrial Classification used to classify establishments.

AGRICULTURE, FORESTRY, AND FISHING

Code

Farms:
0120 Field crop.
0150 Fruit, tree nut, and vegetable.
0180 Horticultural specialty.
0230 Livestock.
0270 Animal specialty.

Agricultural services and forestry:
0740 Veterinary services.
0750 Animal services, except veterinary.
0780 Landscape and horticultural services.
0790 Other agricultural services.
0800 Forestry.

Fishing, hunting, and trapping:
0930 Commercial fishing, hatcheries and preserves.
0970 Hunting, trapping, and game propagation.

MINING

Metal mining:
1010 Iron ores.
1070 Copper, lead and zinc, gold and silver ores.
1098 Other metal mining.
1150 Coal mining.

Oil and gas extraction:
1330 Crude petroleum, natural gas, and natural gas liquids.
1380 Oil and gas field services.

Nonmetallic minerals (except fuels) mining:
1430 Dimension, crushed and broken stone; sand and gravel.
1498 Other nonmetallic minerals, except fuels.

CONSTRUCTION

General building contractors and operative buildings:
1510 General building contractors.
1531 Operative builders.

Heavy construction contractors:
1611 Highway and street construction.
1620 Heavy construction, except highway.

Special trade contractors:
1711 Plumbing, heating, and air conditioning.
1721 Painting, paper hanging, and decorating.
1731 Electrical work.
1740 Masonry, stonework, and plastering.
1750 Carpentering and flooring.
1761 Roofing and sheet metal work.
1771 Concrete work.
1781 Water well drilling.
1790 Miscellaneous special trade contractors.

MANUFACTURING

Food and kindred products:
2010 Meat products.
2020 Dairy products.
2030 Preserved fruits and vegetables.
2040 Grain mill products.
2050 Bakery products.
2060 Sugar and confectionery products.
2081 Malt liquors and malt.
2088 Alcoholic beverages, except malt liquors and malt.
2089 Bottled soft drinks, and flavorings.
2096 Other food and kindred products.
2100 Tobacco manufacturers.

Textile mill products:
2228 Weaving mills and textile finishing.
2250 Knitting mills.
2293 Other textile mill products.

Apparel and other textile products:
2315 Men's and boys' clothing.
2345 Women's and children's clothing.
2388 Hats, caps, millinery, fur goods, and other apparel and accessories.
2390 Misc. fabricated textile products.

Lumber and wood products, except furniture:
2415 Logging camps and logging contractors, sawmills and planing mills.
2430 Millwork, plywood, and related products.
2498 Other wood products, including wood buildings and mobile homes.
2500 Furniture and fixtures.

Paper and allied products:
2625 Pulp, paper, and board mills.
2699 Other paper products.

Code

Printing, publishing, and allied industries:
2710 Newspapers.
2720 Periodicals.
2735 Books, greeting cards, and misc. publishing.
2799 Commercial and other printing, and printing trade services.

Chemicals and allied products:
2815 Industrial chemicals, plastics materials and synthetics.
2830 Drugs.
2840 Soap, cleaners, and toilet goods.
2850 Paints and allied products.
2898 Agricultural and other chemical products.

Petroleum refining and related industries (including those integrated with extraction):
2910 Petroleum refining (including those integrated with extraction).
2998 Other petroleum and coal products.

Rubber and misc. plastics products:
3050 Rubber products; plastics footwear, hose and belting.
3070 Misc. plastics products.

Leather and leather products:
3140 Footwear, except rubber.
3198 Other leather and leather products.

Stone, clay, glass, and concrete products:
3225 Glass products.
3240 Cement, hydraulic.
3270 Concrete, gypsum, and plaster products.
3298 Other nonmetallic mineral products.

Primary metal industries:
3370 Ferrous metal industries; misc. primary metal products.
3380 Nonferrous metal industries.

Fabricated metal products, except machinery and transportation equipment:
3410 Metal cans and shipping containers.
3428 Cutlery, hand tools, and hardware; screw machine products, bolts, and similar products.
3430 Plumbing and heating, except electric and warm air.
3440 Fabricated structural metal products.
3460 Metal forgings and stampings.
3470 Coating, engraving, and allied services.
3480 Ordnance and accessories, except vehicles and guided missiles.
3490 Misc. fabricated metal products.

Machinery, except electrical:
3520 Farm machinery.
3530 Construction, mining, and materials handling machinery and equipment.
3540 Metalworking machinery.
3550 Special industry machinery, except metalworking machinery.
3560 General industrial machinery.
3570 Office, computing, and accounting machines.
3598 Engines and turbines, service industry machinery, and other machinery, except electrical.

Electrical and electronic machinery, equipment, and supplies:
3630 Household appliances.
3665 Radio, television, and communication equipment.
3670 Electronic components and accessories.
3698 Other electric equipment.

Transportation equipment:
3710 Motor vehicles and equipment.
3725 Aircraft, guided missiles and parts.
3730 Ship and boat building and repairing.
3798 Other transportation equipment.

Measuring and controlling instruments; photographic and medical goods, watches and clocks:
3815 Scientific instruments and measuring devices; watches and clocks.
3845 Optical, medical, and ophthalmic goods.
3860 Photographic equipment and supplies.
3998 Other manufacturing products.

TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, AND SANITARY SERVICES

Transportation:
4000 Railroad transportation.

Code

Local and interurban passenger transit:
4121 Taxicabs.
4189 Other passenger transportation.

Trucking and warehousing:
4210 Trucking, local and long distance.
4289 Public warehousing and trucking terminals.

Other transportation including transportation services:
4400 Water transportation.
4500 Transportation by air.
4600 Pipe lines, except natural gas.
4722 Passenger transportation arrangement.
4723 Freight transportation arrangement.
4799 Other transportation services.

Communication:
4825 Telephone, telegraph, and other communication services.
4830 Radio and television broadcasting.

Electric, gas, and sanitary services:
4910 Electric services.
4920 Gas production and distribution.
4930 Combination utility services.
4990 Water supply and other sanitary services.

WHOLESALE TRADE

Durable
5010 Motor vehicles and automotive equipment.
5030 Lumber and construction materials.
5050 Metals and minerals, except petroleum and scrap.
5060 Electrical goods.
5070 Hardware, plumbing and heating equipment.
5083 Farm machinery and equipment.
5089 Other machinery, equipment, and supplies.
5098 Other durable goods.

Nondurable
5110 Paper and paper products.
5129 Drugs, chemicals, and allied products.
5130 Apparel, piece goods, and notions.
5140 Groceries and related products, except meats and meat products.
5147 Meats and meat products.
5150 Farm-product raw materials.
5170 Petroleum and petroleum products.
5180 Alcoholic beverages.
5190 Misc. nondurable goods.

RETAIL TRADE

Building materials, hardware, garden supply, and mobile home dealers:
5220 Building materials dealers.
5251 Hardware stores.
5261 Retail nurseries and garden stores.
5271 Mobile home dealers.

General merchandise:
5331 Variety stores.
5398 Other general merchandise stores.

Food stores:
5411 Grocery stores.
5420 Meat and fish markets and freezer provisioners.
5431 Fruit stores and vegetable markets.
5441 Candy, nut, and confectionery stores.
5460 Retail bakeries.
5480 Other food stores.

Automotive dealers and service stations:
5511 New and used car dealers.
5521 Used car dealers.
5531 Auto and home supply stores.
5541 Gasoline service stations.
5580 Boat, aircraft and other automotive dealers.

Apparel and accessory stores:
5611 Men's and boys' clothing and furnishings.
5621 Women's ready-to-wear stores.
5631 Women's accessory and specialty stores.
5651 Family clothing stores.
5661 Shoe stores.
5681 Furriers and fur shops.
5698 Other apparel and accessory stores.

Furniture, home furnishings, and equipment stores:
5712 Furniture stores.
5718 Home furnishings, except appliances.
5722 Household appliance stores.
5730 Radio, television, and music stores.

Eating and drinking places:
5812 Eating places.
5813 Drinking places.

Miscellaneous retail stores:
5912 Drug stores and proprietary stores.
5921 Liquor stores.
5931 Used merchandise stores.
5941 Sporting goods stores and bicycle shops.
5942 Book stores.
5943 Stationery stores.
5944 Jewelry stores.
5945 Hobby, toy, and game shops.
5946 Camera and photographic supply stores.
5947 Gift, novelty, and souvenir shops.
5948 Luggage and leather goods stores.

V 40 190 SEP 3075 XUM

Code
5949 Sewing, needlework, and piece goods stores.
5961 Mail order houses.
5962 Merchandising machine operators.
5963 Direct selling organizations.
5980 Fuel and ice dealers.
5992 Florists.
5993 Cigar stores and stands.
5996 Other miscellaneous retail stores.

FINANCE, INSURANCE, AND REAL ESTATE

Banking:
6030 Mutual savings banks.
6050 Bank holding companies.
6090 Banks, except mutual savings banks and bank holding companies.

Credit agencies other than banks:
6120 Savings and loan associations.
6140 Personal credit institutions.
6150 Business credit institutions.
6199 Other credit agencies.

Security, commodity brokers, dealers, exchanges, and services:
6212 Security underwriting syndicates.
6218 Security brokers and dealers, except underwriting syndicates.
6299 Commodity contracts brokers and dealers; security and commodity exchanges; and allied services.

Insurance:
6355 Life insurance.
6356 Mutual insurance, except life or marine and certain fire or flood insurance companies.
6359 Other insurance companies.
6411 Insurance agents, brokers, and services.

Real Estate:
6511 Real estate operators (except developers) and lessors of buildings.
6516 Lessors of mining, oil, and similar property.
6518 Lessors of railroad property and other real property.
6531 Real estate agents, brokers and managers.
6541 Title abstract offices.
6552 Subdividers and developers, except cemeteries.
6553 Cemetery subdividers and developers.
6599 Other real estate.
6611 Combined real estate, insurance, loans and law offices.

Holding and other investment companies:
6742 Regulated investment companies.
6743 Real estate investment trusts.
6744 Small business investment companies.
6749 Holding and other investment companies, except bank holding companies.

SERVICES

Hotels and other lodging places:
7012 Hotels.
7013 Motels, motor hotels, and tourist courts.
7032 Sporting and recreational camps.
7033 Trailer parks and camp sites.
7089 Other lodging places.

Personal services:
7215 Coin-operated laundries and dry cleaning.
7219 Other laundry, cleaning, and garment services.
7221 Photographic studios, portrait.
7231 Beauty shops.
7241 Barber shops.
7251 Shoe repair and hat cleaning shops.
7261 Funeral services and crematories.
7299 Miscellaneous personal services.

Business services:
7310 Advertising.
7340 Services to buildings.
7370 Computer and data processing services.
7392 Management, consulting, and public relations services.
7394 Equipment rental and leasing.
7398 Other business services.

Automotive repair and services:
7510 Automotive rentals and leasing, without drivers.
7520 Automobile parking.
7531 Automobile top and body repair shops.
7538 General automobile repair shops.
7539 Other automotive repair shops.
7540 Automotive services, except repair.

Miscellaneous repair services:
7622 Radio and TV repair shops.
7628 Electrical repair shops, except radio and TV.
7641 Reupholstery and furniture repair.
7680 Other miscellaneous repair shops.

Motion pictures:
7812 Motion picture production, distribution, and services.
7830 Motion picture theaters.

Amusement and recreation services:
7920 Producers, orchestras, and entertainers.
7932 Billiard and pool establishments.
7933 Bowling alleys.
7980 Other amusement and recreation services.

Medical and health services:
8011 Offices of physicians.
8021 Offices of dentists.
8031 Offices of osteopathic physicians.
8041 Offices of chiropractors.
8042 Offices of optometrists.
8048 Registered and practical nurses.
8050 Nursing and personal care facilities.
8060 Hospitals.
8071 Medical laboratories.
8072 Dental laboratories.
8098 Other medical and health services.

Other services:
8111 Legal services.
8200 Educational services.
8911 Engineering and architectural services.
8932 Certified public accountants.
8933 Other accounting, auditing, and bookkeeping services.
8999 Other services, not elsewhere classified.

TAX-EXEMPT ORGANIZATIONS

9001 Church.
9319 Other tax-exempt organization.
9904 Governmental instrumentality or agency.

The term "party in interest" means, as to an employee benefit plan---

(A) any fiduciary (including, but not limited to, any administrator, officer, trustee, or custodian), counsel, or employee of such employee benefit plan;

(B) a person providing services to such plan;

(C) an employer any of whose employees are covered by such plan;

(D) an employee organization any of whose members are covered by such plan;

(E) an owner, direct or indirect, of 50 percent or more of---

(i) the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of a corporation,

(ii) the capital interest or the profits interest of a partnership, or

(iii) the beneficial interest of a trust or unincorporated enterprise,

which is an employer or an employee organization described in subparagraph (C) or (D);

(F) a relative of any individual described in subparagraph (A), (B), (C), or (E):

(G) a corporation, partnership, or trust or estate of which (or in which) 50 percent or more of---

(i) the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation,

(ii) the capital interest or profits interest of such partnership, or

(iii) the beneficial interest of such trust or estate,

is owned directly or indirectly, or held by persons described in subparagraph (A), (B), (C), (D), or (E);

(H) an employee, officer, director (or an individual having powers or responsibilities similar to those of officers or directors), or a 10 percent or more shareholder directly or indirectly, of a person described in subparagraph (B), (C), (D), (E), or (G), or of the employee benefit plan; or

(I) a 10 percent or more (directly or indirectly in capital or profits) partner or joint venturer of a person described in subparagraph (B), (C), (D), (E), or (G).

The Secretary, after consultation and coordination with the Secretary of the Treasury, may by regulation prescribe a percentage lower than 50 percent for subparagraphs (E) and (G) and lower than 10 percent for subparagraph (H) or (I). The Secretary may prescribe regulations for determining the ownership (direct or indirect) of profits and beneficial interests, and the manner in which indirect stockholdings are taken into account.

For purposes of this form, party-in-interest is deemed to include a disqualified person.

U.S. GOVERNMENT PRINTING OFFICE : 1975—O-575-485

SCHEDULE A (Form 5500) (Nov. 1975)
Department of the Treasury
Internal Revenue Service
Department of Labor
Labor-Management Services Administration

Insurance Information

Attach to Forms 5500 and 5500–K for all plans providing benefits funded in whole or in part by insurance contracts.

This Form is Open to Public Inspection

Name of sponsor/employer or plan administrator as shown on Form 5500 or 5500–K | Employer identification number

Name of plan | Plan number

▶ **Part I must be completed for all plans required to file this schedule.**
▶ **Part II must be completed for all insured pension plans.**
▶ **Part III must be completed for all insured welfare plans.**

Part I Summary of all insurance contracts included in Parts II and III.
List each group contract separately and show the benefits provided under each contract.

1 Check appropriate box: (a) ☐ Welfare plan (b) ☐ Pension plan (c) ☐ Combination pension and welfare plan

2 Complete if some or all of the benefits under the plan are purchased from and provided by an insurance company, insurance service, or other similar organization to which premiums, subscription charges or annuity considerations are paid:

(a) Name of carrier, service or other organization and contract identification (or number) (List under each policy the individual benefits provided by that contract)	Approximate number of persons covered for each benefit				(f) Period covered
	Active		Retired		
	(b) Employees	(c) Dependents	(d) Employees	(e) Dependents	From: To:

3 Insurance fees and commissions paid to general agents, other agents, brokers or other persons:

(a) Contract Identification	(b) Name and address of each recipient of fees or commissions	(c) Amount of commissions paid	(d) Amount of fees paid	(e) Purpose for which paid

Part II Insured pension plans. Provide information for each group plan on a separate Part II. Where individual contracts are provided, the entire group of such individual contracts may be treated as a unit for purposes of this report.

4 (a) Name of carrier or service or other organization | (b) Contract identification | (c) Contract period From: To:

5 Contracts with allocated funds, for example, individual policies or group deferred annuity contracts:
(a) State the basis of premium rates ▶
(b) Total premiums paid to carrier . . . . . $
(c) Did the carrier, service or other organization, named in 4(a) above, incur any specific costs in connection with the acquisition or retention of the contract or policy? . . . . . ☐ Yes ☐ No
If "Yes," (i) Enter total commissions paid on premiums . . . . . $
(ii) Enter any additional specific cost (similar in nature to (i)) incurred in connection with the acquisition or retention of the contract or policy . . . . . $

6 Contracts with unallocated funds, for example, deposit administration or immediate participation contract. Do not include portions of these contracts maintained in separate accounts:

(a) Balance at end of previous policy year		$
(b) Additions:		
(i) Contributions deposited during year	$	
(ii) Dividends and credits		
(iii) Interest credited during year		
(iv) Transferred from separate account		
(v) Other (specify)		
(vi) Total additions		
(c) Total of balance and additions, (a) plus (b)(vi)		$
(d) Deductions:		
(i) Disbursed from fund to purchase annuities during year	$	
(ii) Administration charge made by carrier		
(iii) Transferred to separate account		
(iv) Other (specify)		
(v) Total deductions		
(e) Balance at end of current policy year, (c) less (d)(v)		$
7 Separate accounts: Current value of plan's interest in separate accounts at year end		$

16—[illegible]-1

V 40 190 SEP 3075 XUM

Schedule A (Form 5500) (11-75) Page 2

Part III Insured welfare plans. Show separately, information for each group contract with respect to each group. If more than one contract covers the same group of employees of the same employer(s) or members of the same employee organization(s), the information may be combined for reporting purposes if such contracts are experienced-rated as a unit.

8 (a) Name of carrier	(b) Contract identification	(c) Period covered From:	To:

9 Experience rated contracts:

(a) Premiums:
- (i) Amount received
- (ii) Increase (decrease) in amount due but unpaid
- (iii) Increase (decrease) in unearned premium reserve
- (iv) Premiums earned, (i) plus (ii), plus or minus (iii)

(b) Benefit charges:
- (i) Claims charged (claims paid ► $.....)
- (ii) Increase (decrease) in claim reserves
- (iii) Claims incurred, (i) plus or minus (ii)

(c) Remainder of premium:
- (i) Retention charges (on an accrual basis)—
  - (A) Commissions
  - (B) Administrative service or other fees
  - (C) Other specific acquisition costs
  - (D) Other expenses
  - (E) Taxes
  - (F) Charges for risks or contingencies
  - (G) Other retention charges
  - (H) Total retention
- (ii) Dividends or retroactive rate refunds. (Such amounts were ☐ paid in cash or ☐ credited.)

(d) Status of policyholder reserves at end of year:
- (i) Amount held to provide beenfits after retirement
- (ii) Claim reserves
- (iii) Other reserves

(e) Dividends or retroactive rate refunds arising from experience in the immediately preceding policy reporting year (do not include amount entered in (c)(ii))

10 Non experience rated contracts:

(a) State the basis of premium rate or subscription charges ►.....

(b) Total premiums or subscription charges paid to carrier — $

(c) Did the carrier, service or other organization, named in 8 above, incur any specific costs in connection with the acquisition or retention of the contract or policy? ☐ Yes ☐ No

If "Yes," (i) Enter total commissions paid on premiums — $

(ii) Enter any additional specific cost (similar in nature to (i)) incurred in connection with the acquisition or retention of the contract or policy — $

General Instructions

This schedule must be filed with Form 5500 or 5500–K for every defined benefit, defined contribution and welfare benefit plan where insurance contracts are a part of the plan.

Specific Instructions

(References are to the line items on the form.)

If individual policies are being reported, identify the name of any trustee, or insurance carrier and the benefits provided thereunder.

Under each policy number, list the benefits provided by that particular contract. The benefits specified for which information must be detailed are: medical, dental, surgical, hospital, disability income (sickness and accident, etc.), accidental death and dismemberment, death, unemployment, and retirement (for age, service or disability and including supplemental death benefits).

2(b) through (e).—Include any individual who is or may become eligible to receive benefits of any type from an employee welfare or pension benefit plan, or whose beneficiaries or dependents may be eligible to receive any such benefit. Opposite each line of coverage, record separately the number of persons (active employees as well as dependents thereof and retired employees as well as dependents thereof) who have been covered by such benefit.

Since the plan coverage may fluctuate during the year, the number of persons entered should be that which the administrator determines will most reasonably reflect the number covered by the plan during the reporting year.

2(f).—Enter the beginning and ending dates of the policy year for each contract listed under column (a).

3.—Fees include administrative fees, service fees and payments (other than commissions reported in column (c) for services, expenses or other reasons which are paid to a policyholder, agent, broker or other individual or firm.

5(a).—The premium rate information called for here may be furnished by attachment of appropriate schedules of current premium rates or by a statement as to the basis of the premium rates.

6.—Show deposit fund amounts rather than experience credit records when both are maintained.

9(b)(i).—Enter the total amount of claims charged to the contract. In parenthesis, enter the amount of claims paid which, because of pooling of experience, will usually be different.

☆ U.S. GOVERNMENT PRINTING OFFICE : 1975—O-574-366

SCHEDULE B (Form 5500) (Nov. 1975)
Department of the Treasury
Internal Revenue Service
Department of Labor
Labor-Management Services Administration

Actuarial Information

Under sections 104 and 1033 of the Employee Retirement Income Security Act of 1974, referred to as ERISA. Code references are to the Internal Revenue Code of 1954.
► Attach to Forms 5500 and 5500–K if applicable.

This Form is Open to Public Inspection

Name of sponsor/employer or plan administrator | Employer identification number

Name of plan | Plan number

1 Actuarial method and operational information:

(a) For plan year ending ►

(b) Enter most recent actuarial valuation date ►

(c) Enter date and amount of contributions received this year for prior years and not previously reported:
Date ►, Amount ►

(d) Contribution required for current plan year under minimum funding standards
Indicate whether requirement determined under: ☐ Regular OR ☐ Alternative method.

(e) Accumulated funding deficiency at end of plan year. (Amount of contribution certified by the actuary as necessary to reduce the funding deficiency to zero)

(f) Normal cost for plan year

(g) (i) Accrued liabilities
(ii) Value of assets as determined for funding standard account
(iii) Unfunded accrued liability

(h) Current market value of the assets accumulated in the plan as of ►

(i) Attach a statement of actuarial assumptions and methods used to determine the following: (The statement is to include a summary of the principal eligibility and benefit provisions upon which the valuation was based, an identification of benefits not included in the calculation, and other facts, such as, any change in actuarial assumptions or cost methods and justifications for any such change.) Include also such other information, if any, needed to fully and fairly disclose the actuarial position of the plan.
(i) Normal costs and liabilities shown on (f) and (g)(i)
(ii) Value of assets shown on (g)(ii)

(j) Number of persons covered:
(i) Active participants
(ii) Terminated participants with vested benefits
(iii) Retired participants and beneficiaries of deceased participants

(k) Actuarial gains or (losses) for year ►, or period ending ►, Total ►

2 Contributions made to the plan by employer(s) and employees:

Month paid	Amount paid	
	Employer	Employee
Totals		

V 40 190 SEP 3075 XUM

Schedule B (Form 5500) (11–75) Page 2

3 Funding standard account statement for plan year ending ►.....

Charges to funding standard account:	
(a) Prior year funding deficiency, if any	$
(b) Normal cost for plan year	
(c) Amortization charges (to amortize ► $.....)	
(d) Interest	
(e) Total charges, sum of (a) through (d)	
Credits to funding standard account:	
(f) Prior year credit balance, if any	$
(g) Employer contribution	
(h) Amortization credits (to amortize ► $.....)	
(i) Interest	
(j) Other (specify) ►.....	
(k) Total credits, sum of (f) through (j)	
Balance:	
(l) Credit balance, excess, if any, of (k) over (e)	$
(m) Funding deficiency, excess, if any, of (e) over (k)	

4 Alternative minimum funding standard account (omit if not used):

(a) Was the entry age normal cost method used to determine entries in item 3 above? ☐ Yes ☐ No

(b) Prior year funding deficiency, if any	$
(c) Normal cost	
(d) Excess, if any, of value of accrued benefits over market value of assets	
(e) Interest on (b), (c) and (d)	
(f) Employer contributions	
(g) Interest on (f)	
(h) Funding deficiency, excess, if any, of (b) through (e) less the sum of (f) and (g)	

5 Statement by enrolled actuary (see instructions before signing):

To the best of my knowledge, the information supplied in this schedule and on the accompanying statement, if any, is complete and accurate, and in my opinion the assumptions used (a) in the aggregate are reasonably related to the experience of the plan and to reasonable expectations, and (b) represent my best estimate of anticipated experience under the plan.

Signature of actuary — Date

Print or type name of actuary — Enrollment number

Address — Telephone no. (including area code)

Instructions

Who Must File.—The employer or plan administrator of a plan of deferred compensation that is subject to the Minimum Funding Standards (see section 412 of the Code and Part 3 of Title I of ERISA) must file this schedule as an attachment to the annual return/report filed for the plan.

Specific Instructions

(References are to line items on the form.)

1(b) The valuation for a plan year may be as of any date in the year, including the first and last. Valuations must be performed within the period specified by section 103(d) of ERISA and section 6059(a) of the Code.

1(f) If no valuation was made for the current year, enter the normal cost calculated in the most recent actuarial valuation, or the estimated cost for the current year based on such valuation. If an estimate is used, indicate in item 1(i) the method of calculating the estimated amount.

1(g) Amounts in 1(g) should all be of the same date which should be the date of the end of the plan year or date as of which the most recent actuarial valuation was made. If amounts are not as of the date of most recent actuarial valuation, indicate in item 1(i) the method of determining the amount shown. Liabilities fully funded by annuity and insurance contracts other than any contract funds not allocated to individuals may be omitted from both items 1(g)(i) and 1(g)(ii). Plans using the aggregate cost method should omit 1(g)(i) and (iii). Plans using the frozen initial liability method should enter "NA" on 1(g)(i).

1(h) This should be as of the same date as 1(g) or, if not, the method of adjustment between the two dates should be indicated in 1(i).

1(i) A one page summary of plan provisions will ordinarily be adequate. Actuarial methods should be described in accordance with section 3(31) of ERISA as accrued benefit cost (or unit credit), entry age normal cost, individual level premium, aggregate cost, attained age normal cost or frozen initial liability, where those terms are applicable.

2. Show all employer and employee contributions for the plan year made by an employer not later than 2½ months (or such later date allowed under section 412(c)(10) of the Code and section 302(c)(10) of ERISA) after the end of the plan year. If there are more than 12 payments, aggregate by month.

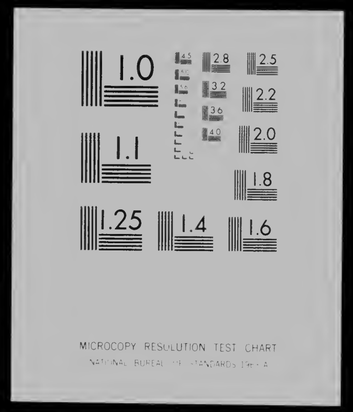
5 In lieu of signing the statement shown in 5, an enrolled actuary may attach a signed statement containing the name, address, enrollment number, telephone number and the actuary's opinion that the assumptions used in preparing Schedule B are in the aggregate reasonably related to the experience of the plan and to reasonable expectations, and represent his or her best estimate of anticipated experience under the plan. In addition, the actuary may offer any other comments related to the information contained in Schedule B.

☆ U.S. GOVERNMENT PRINTING OFFICE : 1975—O-574-808

[FR Doc.75-25927 Filed 9-29-75;8:45 am]

V 40 190 SEP 3075 XUM

RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 / 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.

THE END